

REGULAR COUNCIL MEETING – AGENDA #38

If due to a disability, you need auxiliary aids or services during a City Council Meeting, please provide the City with 72 hours notice by calling 493-8180 or TDD 493-8392 or FAX 493-8391.

Our Mission: An Attractive, Diverse, Healthy, Safe and Prosperous Community at a reasonable tax burden.

OPEN FORUM 7:15 – 7:30 p.m.: Provides an opportunity for the public to address the Council on items, which are not on the agenda. Open Forum will be limited to 15 minutes, it is not televised and it may not be used to make personal attacks, to air personality grievances, to make political endorsements, or for political campaign purposes. Council Members will not enter into a dialogue with citizens. Questions from the Council will be for clarification only. Open Forum will not be used as a time for problem solving or reacting to the comments made but, rather, for hearing the citizen for informational purposes only.

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE/INVOCATION

2. ORGANIZATIONAL BUSINESS (Business of an organizational nature requiring Council action.)

- 2.1 Approval of Agenda (Items specifically identified may be removed from Consent or added elsewhere on the agenda by request of any Council member.)

3. PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

Agenda Sections 4. (Consent) consists of items delegated to city management or a commission but require Council action by State, law, City Charter or City Code. These items must conform to a Council approved policy, plan, capital improvement project, ordinance, or contract. In addition, meeting minutes shall be included.

4. CONSENT (All items listed under Consent, unless removed from Consent in Agenda Item 2.1, shall be approved by one Council motion.)

- 4.1** Approval of Minutes
4.1 JUNE 17, 2002 WORK SESSION
4.1 JUNE 24, 2002 REGULAR MEETING
- 4.2** Rental Housing Fee
4.2 RESOLUTION
- 4.3** Approve right-of-way payments for Project ST-977, West River Road.
4.3 EASEMENT LOCATION MAP (Brookdale Dr. to 81st Ave)
- 4.4** Approve Contract with Xcel Energy for street lights for Improvement 2002-02, Sunkist Park Area
4.4 LOCATION MAP
 4.4 AGREEMENT WITH XCEL ENERGY (WILL BE HAND CARRIED TO THE MEETING)
- 4.5** Accept petition; order feasibility study; accept feasibility study; order improvement and preparation of plans and specifications; approve change order #1 for sanitary sewer to serve 9596 Regent Avenue North.
4.5 RESOLUTION ACCEPTING PETITION AND ORDER FEASIBILITY STUDY
4.5 RESOLUTION ACCEPTING FEASIBILITY STUDY AND ORDERING IMPROVEMENT
4.5 RESOLUTION APPROVING CHANGE ORDER NO. 1
4.5 VICINITY MAP
4.5 LOCATION MAP
 4.5 PETITION (HARD COPY)
 4.5 FEASIBILITY STUDY (HARD COPY)
 4.5 CHANGE ORDER NO. 1 (HARD COPY)
- 4.6** Approve Supplemental Agreement No. 1 for Improvement 2002-03, West River Road from Brookdale Drive to 97th Avenue.
4.6 RESOLUTION
4.6 VICINITY MAP
4.6 LOCATION MAP
 4.6 SUPPLEMENTAL AGREEMENT NO. 1 (HARD COPY)
- 4.7** **Trail's Edge Estates** Final Plat #02-105 for TSM Development to subdivide 54.35 acres into 107 single-family lots east of France Avenue and north of the North Hennepin Regional Trail.
4.7 LOCATION MAP

- 4.7 FINAL PLAT RESOLUTION
- 4.7 PRELIMINARY PLAT RESOLUTION #2002-113 (HARD COPY)
- 4.7 MEMO FROM CITY ASSESSOR (HARD COPY)
- 4.7 PRELIMINARY PLAT DRAWINGS (HARD COPY)
- 4.7 FINAL PLAT DRAWINGS (HARD COPY)
- 4.8 **Noble Trail** Final Plat #02-114 to subdivide 19.8 acres into 32 single-family lots at the southwest corner of Noble Parkway and 105th Avenue North.
 - 4.8 LOCATION MAP
 - 4.8 FINAL PLAT RESOLUTION
 - 4.8 PRELIMINARY PLAT RESOLUTION #2002-113 (HARD COPY)
 - 4.8 ASSOCIATION AND COVENANT DOCUMENTS (HARD COPY)
 - 4.8 FINAL PLAT DRAWINGS (HARD COPY)
- 4.9 REMOVED FROM AGENDA
- 4.10 To set a public hearing on July 22, 2002, to consider the issuance of an Off-Sale Intoxicating Liquor license for SuperValu, Inc., dba Cub Foods, 7555 W. Broadway N.
 - 4.10 PUBLIC HEARING NOTICE
- 4.11 To set a public hearing on July 22, 2002, to consider the issuance of an Off-Sale Intoxicating Liquor license for Heytens Enterprises, Inc., dba Up North Liquor, 9570 Noble Parkway N.
 - 4.11 PUBLIC HEARING NOTICE
- 4.12 Accept petition and order hearing for vacation of drainage and utility easement in Pinebrook Village 2nd Addition (Daylily Avenue and Evergreen Avenue).
 - 4.12 RESOLUTION
 - 4.12 VICINITY MAP
 - 4.12 LOCATION MAP
 - 4.12 PETITION (HARD COPY)
- 4.13 Approve a Temporary 3.2 Percent Malt Liquor license for the Church of St. Gerard, 9600 Regent Avenue North , for their Cornfest on August 16, 17, and 18, 2002.
- 4.14 Approve a 3.2 Percent Malt Liquor license and a Tobacco Sales license for Noble Parkway Mobil Inc., dba Noble Parkway Mobil, 9500 Noble Parkway North.
- 4.15 Approve Use of Law Enforcement Personnel Agreement between the Metropolitan Airports Commission and the City of Brooklyn Park Police Department
 - 4.15 USE OF LAW ENFORCEMENT PERSONNEL AGREEMENT
 - 4.15 RESOLUTION

The following items relate to the City Council's long-range policy-making responsibilities and are handled individually for appropriate debate and deliberation. (Those persons wishing to speak to any of the items listed in this section should fill out a speaker's form and give it to the City Clerk. Staff will present each item, following in which audience input is invited. Discussion will then be closed to the public and directed to the Council table for action.)

5. Public Hearings

- 5.0 Approve an On-Sale Intoxicating Liquor license for Maximino Cendejas, dba General Pancho Villa, 7978 Brooklyn Boulevard North
- 5.1 Hearing for vacation of street, utility and public road easement in "BBPG Addition," Brooklyn Boulevard and County Road 81.
 - 5.1 RESOLUTION
 - 5.1 VICINITY MAP
 - 5.1 LOCATION MAP
- 5.2 Continued Public Hearing for Project ST-1353, street reconstruction on Zane Avenue from 65th Avenue to 69th Avenue.
 - 5.2 RESOLUTION
 - 5.2 VICINITY MAP
 - 5.2 LOCATION MAP

Land Use Actions

- 5.3 **Roy Risch (at Home Depot)** Conditional Use Permit #02-125 for a seasonal food concession trailer located at 6701 Boone Avenue North.
 - 5.3 LOCATION MAP
 - 5.3 RESOLUTION
 - 5.3 PLANNING COMMISSION MINUTES
 - 5.3 LETTER FROM APPLICANT (HARD COPY)
 - 5.3 LETTER FROM HOME DEPOT (HARD COPY)
 - 5.3 DRAWINGS (HARD COPY)

- 5.4** **Evergreen Trail by Insignia Development.** Preliminary Plat #02-127 for subdivision of 24.39 acres north of 101st Avenue between Regent and Zane Avenues.
- 5.4** LOCATION MAP
 - 5.4** RESOLUTION
 - 5.4** PLANNING COMMISSION MINUTES
 - 5.4 ASSOCIATION & COVENANT DOCUMENTS (HARD COPY)
 - 5.4 DRAWINGS (HARD COPY)
- 5.5 REMOVED FROM AGENDA

Standing Executive Policies

None.

Other Business

- 5.6** Second Reading of an Ordinance amending Charter Section 8.04, Board of Review
- 5.6** ORDINANCE
- 5.7** Resolution Seeking Hennepin County Support for Funding of Local Social Service Providers
- 5.7** RESOLUTION **5.7** HUMAN SERVICES PROGRAM SUMMARY

6. REPORTS FROM COUNCIL MEMBERS

7. ANNOUNCEMENTS AND ADJOURNMENT

Since we do not have time to discuss every point presented, it may seem that decisions are preconceived. However, background information is provided for the City Council on each agenda item in advance from City staff and appointed commissions; and decisions are based on this information and past experiences. In addition, some items may also have been discussed preliminarily at Work Session meetings, which are held on alternate Monday nights to Council meetings, as per demand. If you are aware of information that has not be discussed, please raise your hand to be recognized. Please speak from the podium. Comments that are pertinent are appreciated. Items requiring excessive time may be continued to another meeting.

City of Brooklyn Park Request for Council Action

Agenda Item No:	4.1	Meeting Date	7/8/02
Agenda Section:	Consent	Originating Department:	City Clerk
Resolution	N/A		
Ordinance	N/A	Prepared By:	Joan Schmidt, City Clerk
No. of Attachments	2	Presented By:	Joan Schmidt, City Clerk
Item:	Approval of Minutes		

City Manager's Proposed Action:

MOTION _____, SECOND _____ TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION HELD JUNE 17, 2002, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____ TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL REGULAR MEETING HELD JUNE 24, 2002, AS PRESENTED BY THE CITY CLERK.

Overview: N/A

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.1 JUNE 17, 2002 WORK SESSION
- 4.1 JUNE 24, 2002 REGULAR MEETING

CITY OF BROOKLYN PARK
CITY COUNCIL WORK SESSION

Monday, June 17, 2002
7:30 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Grace Arbogast

PRESENT: Mayor Grace Arbogast, Council Members Sharon Feess, Rand Haglund, Tony Pistilli, Lisa Eder, Scott Draeger, Jeanette Meyer, Planning Director Howard Blin, City Engineer Doran Cote, City Staff John Thiel, Communications Coordinator Roberta Colotti, Chief of Police Wade Setter, Fire Chief Steve Schmidt and Recording Secretary Rochelle Russo.

ABSENT: None

GENERAL INFORMATION FYI

After Council discussion it was agreed to move Agenda Item C-7 to C-3.

B-1 Interviews for Human Relations Commission and the Northwest Hennepin Human Services Council

Mayor Arbogast stated that one application has been received from the West District: Warren J. Roseborough.

Mr. Roseborough appeared before the Council and stated that he has been a Brooklyn Park resident for two years. He noted his volunteer work with the schools, he stated that he would offer objectivity to concerns of the City, and that he does have the time to serve on the Commission.

Arbogast noted that the Northwest Hennepin Human Services Council has one opening due to the term expiration of Bette Rosse, stating that the vacancy is for the balance of a term to expire on April 1, 2004. She noted that one application has been received from the West District: Carter Hendricks.

Mr. Hendricks appeared before the Council and thanked them for the opportunity to come before them. Mr. Hendricks stated that he has been a Brooklyn Park resident for two months. He believes in being involved with the community and would like to be involved in helping build organization and would bring leadership along with passion to the position.

Council Member Meyer applauded both of these west district applicants and appreciates their volunteering for these positions.

DISCUSSION/ACTION ITEMS (Long-Range policy documents – one year or more – from which activities flow)

C-1 July 2002 City Council Question of the Month

Communications Coordinator Roberta Colotti summarized the Staff Report.

Council Member Feess feels it is a good question however, noted changing the wording to “within the City”.

Council Member Eder agreed noting that the wording could be changed to “is place of employment located within Brooklyn Park.

Ms. Colotti stated that Staff would make this change and present it to the Council next week.

C-2 Council Participation in National Night Out Event

Colotti summarized the Staff Report.

Feess stated that she feels this is a good idea and has participated in the past. She noted she would like to participate and that the City should include the City items with logos.

Meyer explained that she would prefer to have a Staff member operate the camera this year.

Arbogast agrees with the participation however stated she doesn't feel there is the need for a follow-up meeting on August 12.

Pistilli mentioned handing out postcards to get quick answers to questions. He also feels that all attending Council Members wear name badges.

Eder agrees and suggested including one or two questions on the postcard.

Arbogast stated that she would rather not pass out the postcards stating that the input would be from minority amount of persons.

Haglund agrees with Pistilli noting that he makes a point to meet as many people as possible and that handing out bags for the police department gives him the opportunity to talk to residents.

Meyer noted having National Night out material in the police handout bag.

Eder stated that she would like to hand out the blue cards as the input on them would be from those residents who believe it is important to participate in the City such as National Night Out.

City Engineer Cote asked how the Council would like the cards to be given out.

After discussion the Council agreed that the blue cards used in the past could be passed out in the police bag handouts.

C-3 Charter School SAGE Academy (Secondary Charter School)

Planning Director Blin summarized the Staff Report.

Ms. Kelly Sweigert, SAGE Academy Board Member, addressed the Council and introduced the members of the board.

Ken Streeter, site property owner, noted his interest in the school after being approached by the board members. He explained that not having a playground area shouldn't be an issue, as there is a gym. He stated that the school would be paying property taxes, as they would be renters. Mr. Streeter noted that 78% of the students are residents of Brooklyn Park. He stated that he feels this school would be very beneficial to the City.

Feess asked which site is Mr. Streeter's. Mr. Streeter replied that his site is located on Winnetka Circle. He mentioned that there is no grass area but there is a large parking lot.

Ms. Diane Scholten, Co-Director and Chair of Sage School board, stated that out of frustration with large schools she and three others decided to continue the Odyssey Charter School onto upper school aged students. She noted that they got approved for the school and received funding. She stated that this site provides a gym and a large science laboratory. She explained that they are coming to ask Council for approval as they strongly believe in Sage as do the parents who wanted to attend to attest to how important SAGE is. She noted that there is the maximum occupancy of 70 students, which is a staff to student ratio of one to seven.

Ms. Marilyn Thompson stated that she has been in education for twenty six years and that her Heart and soul is with the Charter school. She noted that the school is based on individuality and that in a Charter school she knows every student and every parent. She stated that she believes in the training leaders of the future and asked that the Council gives the opportunity to go forward.

She explained that the schools program has been noted for its excellency and that she humbly asks the Council to consider the Streeter property. She noted this property is located on a cul-de-sac, that it has a gym, and there really isn't a need for a playground.

Meyer asked if the Streeter property is the preferred site. Ms. Marilyn Thompson stated yes the Streeter property is the preferred site.

Arbogast asked why this is the preferred site. Ms. Scholten explained that the site is on a cul-de-sac removed from high traffic with a large circular driveway for busing. She noted there is a large parking lot and that the site is wired for the Internet and that Channel 12 is across the street which provides the opportunity for student mentoring.

Eder asked how many square feet the building is and what would the amount of space be that the school would be leasing. Mr. Streeter stated that the school would be leasing approximately 11,000 square feet out of the 21,000 square feet and that currently the other spaces are not leased out.

Eder asked if he anticipates any problems leasing out the rest of the building. Mr. Streeter replied that he doesn't feel it would be a problem being the school would be there first.

Eder asked how long the site has been vacant. Mr. Streeter answered nine months, that formerly Veritronics occupied the space for five years.

Eder asked if a conditional use permit would be all that is necessary. Blin replied that Staff would first move forward with a code amendment, then a conditional use permit. He stated that these could be completed by August.

Eder stated she is in favor of the school, and not only for their academic excellence. She noted that this is virtually a private school for free and would like to see the school get a site. She stated that she thinks it is a wonderful program and would be an asset to the community.

Pistilli noted his concern with allowing younger children to attend school in a commercial area and that he would like to restrict Charter Schools to secondary age students.

Meyer asked if the City could somehow restrict future commercial properties from allowing a Charter school, that she would rather not see little schools opening up all around.

Eder asked if the City could limit and deny any future Charter schools. Blin replied that the City would not be able to deny future Charter schools, but noted that he doesn't see many Charter schools opening.

Haglund stated that he agrees with restricting the schools to secondary age students.

Arbogast noted that she knows how hard the Council worked on setting up current restrictions and only looks favorable at the site on Winnetka. She doesn't believe schools belong in an Industrial area and stated that she has gotten complaints from residents about the students smoking off the campus from the Charter Area Learning Center High School. She stated that the City worked hard to get the code in place which considered safety issues and believes that all children should be able to go outside in a playground area.

Mr. Streeter explained that Area Learning Center is right in the middle of a large industrial park. He stated that his site has light traffic and is not a heavy manufacturing area. He noted that there is a lot of green space on the vacant adjoining lot and that he is working with the owners to see if an agreement could be worked out for the kids to use the space.

Arbogast stated that she is very aware of the Winnetka area and that there is high truck traffic.

Mr. Streeter noted that down on Winnetka Circle the amount of traffic is minimal. Ms. Sue Wehner added that these are high school kids and that they are not going to run out into a street.

Ms. Scholten stated that they don't have smokers on campus and that the staff doesn't smoke either. She noted that the program is built on mutual respect and that she could almost guarantee

the Council that smoking would not be an issue. She stated that she would love to have some of the students come and speak to Council. Ms. Scholten explained that the kids need a site for their school and they want it to be one of excellence. She also mentioned that she stood on the corner for an hour to watch the traffic and said that there was none.

Arbogast explained that her opinion has nothing to do with Charter schools but with schools in an industrial area and that by changing the code it would open the spectrum up for other schools to come forward in an industrial area.

Draeger stated that he likes the concept of the Charter school and agrees that Winnetka Circle would be ideal spot. He advised that the green space next to the building try and be secured as the students do have to have the opportunity to go outside. He stated that he is not in favor of putting this in the code and that the Council should decide on each school separately if more were to come forward.

Ms. Scholten stated that she is a liaison with Maple Grove facility and has an agreement for the students to use the pool and the hockey arena twice a week.

Meyer asked why the school board is coming to Brooklyn Park if they have an agreement with Maple Grove and that many Board Members are residents of Maple Grove. Ms Scholten clarified that the Board Members reside in multiple areas and stated that they asked Brooklyn Park for a liaison but was told there was not space. She explained that Brooklyn Park was the preferred location being 78% of the students reside here and are coming from the elementary Charter school Odyssey, which is also located in Brooklyn Park.

Arbogast asked if any students would be driving. Ms. Scholten replied that last year they had two students who drove and that this year, maximum she could think of would be seven. She noted that there is ample parking for staff, parents and students. Mr. Streeter added, though he didn't feel it would be necessary, that parking is allowed on both sides of the street as well.

Arbogast asked if the neighbors have been notified. Blin stated no that the code amendment doesn't require a notification, however after obtaining the conditional use permit a notification would be required.

Pistilli noted that there was consensus and that this issued should be moved forward. Eder agreed.

Blin stated that Staff would present the code amendment July 10, 2002 to the Planning Commission and would address the greenspace, and bring it back to the Council July 21, 2002.

C-4 Town and Country Sketch Plan Review of Proposed Townhouse Projects

Blin summarized the Staff Report.

Mr. Palmiter, Town and Country Homes, noted that it is located at Noble Parkway and 97th. He stated that it is different from the Rottlund site with buildings that are back to back units in similar size. He noted that the amount of units went from fifty-four units to fifty with larger garages. He described the location as very similar with the exception of the south building having changed in orientation. He noted one setback change to the center building in which it was moved closer to Noble at fifty-five feet from the original seventy feet. He explained that the garages meet and exceed the required size.

Meyer asked about the previous berm being at the height of five-feet and if this would be the same. Mr. Palmiter explained that the same landscaping would be present as before. Haglund asked what the size of the driveways would be. Mr. Palmiter believed they would be twenty-eight feet on a private street with public utilities. Blin noted that the Fire Department has the actual code for the driveway length which Staff could provide.

Haglund asked about the guest parking and included amenities. Mr. Palmiter replied that the guest parking would be the same as presented previously as well as all the amenities such as the gazebo.

Meyer asked for clarification on the driveways. Mr. Palmiter stated that each unit has an individual driveway which would be able to park two cars on as well as two cars in the garage. He noted that additional guest parking is also available.

Pistilli asked to view exterior elevations. Mr. Palmiter presented elevations showing back to back units. He noted that the units are 1,450 square feet with the end units being 1,529 square feet. Pistilli asked Mr. Palmiter to present color renditions with more architecture features at the preliminary. Mr. Palmiter stated that he would have those elevations available for the preliminary meeting.

Eder asked what the market value on these units would be. Mr. Palmiter stated that he believes they would be between \$150,000 and \$185,000.

Eder asked Mr. Palmiter if he had these units elsewhere in the area that she could go and look at Mr. Palmiter replied that she could go to the Maple Grove web site and view the Star Centennial units.

Eder asked about the materials of the development. Mr. Palmiter stated there would be brick, siding, cedar like materials and shutters.

Draeger stated that he reserves the right to comment until after seeing some color renditions. He noted that he likes the individual driveways and likes the look of the project.

Meyer asked if he is anticipating having sprinklers in the units. Mr. Palmiter answered yes, that this is part of the conditions.

Council agreed that there was consensus to move forward and present the Preliminary Plat application.

C-5A Public Safety Police Department Staffing Report

Chief Setter summarized the Brooklyn Park Police Department Staffing Report.

Council Member Feess asked how the reassignment affected moral. Chief Setter stated that unfortunately it doesn't effect moral positively.

Haglund stated that this was an excellent presentation with great detail. He noted the service reductions of the past and suggested his interest in the retention of officers at their retirement ages. He explained finding a progressive pay program that would be an incentive to keep them on the force for an additional five years. He gave the example of an in-house IRA contribution and getting a fund created to make it attractive for the officer to stay after the retirement, or to possibly stay for fifteen months longer until a new officer comes on patrol. Chief Setter agreed noting that that would be the type of incentive that the force is looking for.

Pistilli stated that he thinks this is one of the core functions of the City and that the Chief has shown through his presentation the deficit of officers in Brooklyn Park. He stated that he would approve the hiring of three new officers currently, three at the beginning of 2003 and three at the end of 2003. He advised the Council to use this data as a current baseline, reduce the current vacancy rate and to re-budget money to expedite the training for public safety.

Meyer agreed noting that it has been distressing to see the staffing problems and to hear of moral dropping because of reassigning. She also agreed with the addition of two to three officers this year and suggested being very generous next year as far as the budget goes. She stated that a lot of money needs to be re-prioritized for public safety.

Arbogast agreed with the need to go forward and stated that the Chief is to utilize what funds are available for this year to hire the necessary officers.

Draeger agreed with the need to find money for the budget and referred to the Cops unit being back in place knowing the tremendous effect they have on apartment security.

Eder also agreed and asked how the funding of additional officers would work. Chief Setter explained that it is a four-month training process and that most that can be trained at a time is six. He stated for an October starting date they would need the recruitment to start now. He noted that the process works well when it is staggered by a six to seven month period in order to get the training and background information completed.

Eder asked what the minimum number of officers should the Council approve. Chief Setter stated the Council should approve nine new officers for 2003 and then two to three officers each year after that.

Eder asked if hiring three officers this year could be workable. Chief Setter stated yes. Eder noted that it would be \$630,000 for nine new officers.

Meyer stated that she would like to see proposal of dollar amounts and a timeline. She asked where the City would find these dollars stating that she is not comfortable, being the City doesn't have an unlimited budget. She explained that she is very supportive but concerned about where the money would come from.

Draeger understands this concern however, feels this is very important and that the City needs to find the money.

Staff noted this issue would be presented July 1, with discussion on funding to follow.

Arbogast recessed the meeting for five minutes.

Meeting reconvened at 10:17p.m.

C-5B Public Safety - Fire Department Day Duty Crew Program

Chief Steve Schmidt summarized the Staff Report.

Arbogast asked how many full-time regular people the Fire Department has. Chief Schmidt answered that there are five full-time employees.

Pistilli asked about the additional four-person crew costing \$8000, with the Duty Crew costing \$145,000 annually. Chief Schmidt stated this total is not in administrative costs and that the average monthly four-person Duty Crew cost would be \$11,000.

Pistilli stated that he feels this is a core function that can't be ignored and that it should not be allowed to have no responses happen in Brooklyn Park.

Chief Schmidt noted that he is proposing to implement the Duty Crew program August 1, 2002. He stated that he believes he can use his current budget however noted there could be the possibility of exceeding the payroll budget.

Pistilli asked for an estimate on the contingency budget. Chief Schmidt estimated \$50,000 for the night-side and weekend-side depending on how many people are called and depending on the number of variances.

Meyer asked for a timeline of where staffing is coming from and where the City would find the money.

Eder asked how much money the department has for the paid on call fund. Chief Schmidt stated that he was under budget however didn't have an exact amount to present. He noted that it would be a variable cost dependent upon how many people show up for a shift, if the calls go

longer, additional training costs and uniforms.

Arbogast asked about the recruitment methods that have been done. Chief Schmidt stated that the department has held ten recruiting drives, two door to door campaigns, including flyers in new resident packets, numerous television appearances, advertising on the city web, posters in retail establishments, job descriptions sent out to technical colleges and postings on reader board signs.

Arbogast asked if there had been any door to door recruiting in 2000-2001. Chief Schmidt replied that there had not been any door-to-door contacts those years.

Arbogast noted the availability of mutual aid. Chief Schmidt stated that he is aware of the aid and that the department uses it often.

Arbogast asked about moral of the department. Chief Schmidt stated that it is very good. He noted that change is difficult and that this is the largest department change in 40 years. He stated that he did get consensus of the vast majority of firefighters to try this Duty Crew.

Arbogast stated that if this does go forward that the feeling among firefighters is that this is the first step to a full time fire force. She noted that she would like to know who the board members were and would like to forward this to a Worksession to hear and discuss the concerns of the individual fire fighters.

Haglund stated that the Duty Crew program looks like a starting point to problems that the City is addressing. He agrees that a start to the solution is by proposing some changes.

Haglund asked how many times in last two months that the department required mutual aid. Chief Schmidt replied approximately five or six times. He explained that it wasn't necessarily for lack of fire fighters but also for the uses of specialized equipment. He stated it is also used for additional manpower to recycle fighters through a large fire.

Chief Schmidt stated that his department is in the same position as a non full-time fire station.

Chief Schmidt reviewed the Day Calls response by stations. Council discussed the review of Day Calls list.

Haglund stated that he would be opposed to continuing this to a future Worksession.

Feess stated that she feels some advantages to the Duty Crew program. She asked if this program is new all around or if it is in place anywhere currently. Chief Schmidt stated that Roseville has the program in place and has stated that it has been a crew savor. He noted that time is managed better and that they have used it as a recruiting tool. Chief Schmidt stated that a few departments are having difficulty; however, those departments having difficulty also run ambulances.

Feess stated that she would be in support of moving forward with this issue and noted that she hasn't received any calls oppose it. She stated that she does think it is important that a consensus were received and also that it is important to the Chief to be able to determine some issues like this and present them to the Council. She noted that she is not sure that she would want to hear from other firefighters.

Meyer noted her concern with the issue of moral and this change. Chief Schmidt stated that he doesn't feel this is a moral issue. He explained that some of those that are opposed are night persons and that it is their choice to

sign up or not. He stated that he posted all of the minutes on the web site, feedback was gotten and that this wasn't written up on short notice.

Meyer stated that she would like to see this go forward to help alleviate the public safety issue.

Eder asked if this is approved, why are some opposed, she asked the Chief what they would say. Chief Schmidt stated that he believes they would say "that the Chief is trying to turn the station into a full time fire department".

Eder stated that the current call amount would remain, however, the Duty Crew would handle the smaller type calls. Chief Schmidt noted that some concern of the firefighters would be the limitation of calls that they would now be called on.

Eder stated that she would like the department to stay within the budget, however, she doesn't think that there is anything else the City can do. She would like more information by reports and an ongoing report of the expenditures. Chief Schmidt agreed stating that they would meet every month to monitor the program.

Eder complimented Chief Schmidt for all of his work and dedication.

Eder would approve going forward with this. She stated that she would like a monthly Staff update.

Draeger stated that it is a change, which some time is difficult. He thinks this is a good idea, and that it should be tried. He noted that he doesn't see it as the first step to going full-time as the City can't afford that. He asked if everyone would have the opportunity to be on the Duty Crew. Chief Schmidt replied yes, that there would be a sign up sheet.

Draeger noted the Chief's job is to protect the City and its best interest. He doesn't need to hear from the crew as he feels this would be undermining the Chief's authority. He noted that he is in favor of the Duty Crew and giving it a try for the remainder of the year.

Arbogast asked who was on the committee. Chief Schmidt reviewed the committee members.

Arbogast asked if paid on call Duty Crew members would give less opportunity for firefighters paid for calls. She asked if there is criteria needed to have a certain amount of calls that goes on their record. She asked how this would effect the firefighters when 80% of the calls are taken away. Chief Schmidt replied that it would only affect those that were not participating in the Duty Crew. He explained that the program is taking away the option to pick and choose what call they want to go on, however those calls would be made up plus additional calls by participating on the Duty Crew. Chief Schmidt also stated that this program allows shift splitting and gives more options to the firefighters than what they currently have available. He also noted that neither Plymouth nor Roseville lost any firefighters after the Duty Crew program was initiated.

Arbogast asked if it was a concern that they would not meet their quota and that they would not make enough money. Chief Schmidt explained that in most instances money is not an issue being the average firefighter's salary is \$4,000 a year. He stated most firefighters do the job for the pension.

Arbogast stated that she is not comfortable with this presently. She explained that she is not saying that she is opposed or in favor. She also noted that she would encourage any firefighters to call her and address their

concerns. She stated that she knows the dedication of firefighters, and would like to hear from any of them for or against this issue.

Pistilli encouraged them to write the Mayor so she could share the information with the Council, noting that he would be interested to hear any concerns as well.

C-5C Proposal for additional Code Enforcement Specialist Position

Community Development Director Peter Waldock summarized the Staff Report.

Eder stated she fully supports this.

Meyer asked this being an entry-level position, what are the minimum requirements. Mr. Waldock replied that they are not looking at any degree specifically being required, however education and experience is required on buildings and code specifications.

Meyer stated that she feels \$55,000 seems high for a non-degree entry level position. Mr. Waldock noted that the salary is within the terms of what other Cities are paying for this position. He explained that the salary is around \$40,000 totaling \$55,000 with benefits.

Kay McAloney noted that this is the salary rate for the entry level of this position. She explained that this position is not entry level into the City, but entry level for this salary range.

Eder noted the variation within the City and doesn't oppose the salary amount. She stated that she thinks this would affect the quality of life and free up other areas in the City.

Eder left the meeting at 11:45 p.m.

Pistilli asked how many people would Staff need to add to allow dramatic results to code enforcement. Mr. Waldock answered that it would be dependent on the matter of service level demanded by the City and City Council. He stated that this would allow Staff to catch up from reactionary programs and that a temporary two-year time period should be allowed before getting reevaluated.

Council stated that they were in agreement.

C-6 Review 2003-07 CIP and CEP

Jon Thiel summarized the Staff Report.

Meyer noted the memo on Capital Improvement Program. She noted the question about operating a PC for less than three years then it would be more efficient to lease. Mr. Thiel stated that Staff would be looking at what the need is for three to five years, and that changes would be included in final draft on PC units.

Meyer stated that she is seeing three to four PC's replaced and is wondering where all the computers are going. Staff noted that all of the City's computers are currently being used. The City has 256 computers with 300 users. Staff stated that some computers are used less or there are different types of use and these types would also be incorporated in the changes of the new draft.

Meyer explained that she would like to see how many PC's and printers the City is buying and how much each are. Staff explained the replacing rate of PC's and that they are in the process of reevaluating the printers and again would have a better description in next years draft.

Meyer addressed the cost of palm pilots stating that the City is paying \$200 to \$300 a piece. She stated that she purchased hers at Target, on close out, for \$30.

Mr. Thiel stated that the total expenditure last year was 80 million dollars and has dropped to 60 million this year. He noted that prices peaked and are now coming down that they should start seeing some good pricing which would make this a good time to buy.

Mr. Thiel noted projects within the public safety units, and possibly considering a public safety bond, he stated that this is not an absolute but has been discussed. He noted that the Heritage funds are used for streets, parks and roofs.

Pistilli noted Staff and vehicle increases in the police department. Mr. Thiel reviewed the patrol car requirements for personnel noting that it could be modified and adjusted with the personnel count.

Pistilli asked if it would be cost effective to add onto the fire department rather than constructing a new building. Mr. Thiel replied that it would be more efficient to add to the current structure as the experts say it is solid building with 50 years of life left. He added that it would be approximately 4 million dollars to add onto it.

Meyer noted the memo from Mr. Bassett regarding project PR005 on parking lots and the total cost of \$250,000 stating that total reconstruction of the parking lot needs to be done along with being curbed and guttered.

Meyer asked if the parking lot were to get flooded and gutters were put in, would they improve the quality of the lot and hold up to flooding better. Mr. Thiel believes so, but he stated he would not overemphasize the flooding as it could have been due to poor construction.

D. OTHER

Haglund reminded the viewers of the Tator Days Parade, Thursday at 7pm. He stated that all should bring their families for fun and to watch the Floats. He noted that Tator Days starts Friday, June 21.

Arbogast added that Tator Day Buttons are available to be purchased.

E. ADJOURNMENT – 12:13 a.m.

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, June 24, 2002
7:33 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER - Mayor Arbogast

PRESENT: Mayor Grace Arbogast; Council Members Tony Pistilli, Scott Draeger, and Rand Haglund; Acting City Manager Greg Andrews; City Attorney Jim Thomson; Planning & Development Director Peter Waldock; Planning Director Howard Blin; City Engineer Doran Cote; and Deputy Clerk Devin Montero.

ABSENT: Council Members Sharon Feess (excused), Lisa Eder (excused) and Jeanette Meyer (excused).

Mayor Arbogast opened the meeting with the Pledge of Allegiance.

2.1 MOTION PISTILLI, SECOND ARBOGAST TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH REMOVAL OF ITEMS 4.15 AND 5.10; ITEM 5.3, THE PUBLIC HEARING WILL BE CONDUCTED AND CONTINUED TO JULY 8, 2002. MOTION PASSED UNANIMOUSLY.

3.2 MOTION ARBOGAST, SECOND PISTILLI TO WAIVE THE READING AND ADOPT RESOLUTION #2002-185 ACKNOWLEDGING A DONATION OF \$50,000 BY THE BROOKLYN PARK YOUTH HOCKEY ASSOCIATION TO THE CITY OF BROOKLYN PARK. MOTION PASSED UNANIMOUSLY.

3.3 MOTION ARBOGAST, SECOND HAGLUND TO WAIVE THE READING AND ADOPT RESOLUTION #2002-186 ACKNOWLEDGING THE DONATION BY TARGET CORPORATION OF \$315,000 FOR PARK REDEVELOPMENT OF OAK GROVE PARK. MOTION PASSED UNANIMOUSLY.

3.4 MOTION ARBOGAST, SECOND DRAEGER TO WAIVE THE READING AND ADOPT RESOLUTION #2002-187 ACKNOWLEDGING DONATIONS TO THE CITY OF BROOKLYN PARK RECREATION AND PARKS DEPARTMENT FOR RECREATION PROGRAMS. MOTION PASSED UNANIMOUSLY.

3.5 MOTION ARBOGAST, SECOND PISTILLI TO WAIVE THE READING AND ADOPT RESOLUTION #2002-188 TO RECOGNIZE THE BROOKLYN PARK ATHLETIC ASSOCIATION GIRLS SOFTBALL PROGRAM FOR THEIR CONTRIBUTION OF ATHLETIC FENCING TO THE CITY. MOTION PASSED UNANIMOUSLY.

3.6 MOTION ARBOGAST, SECOND HAGLUND TO WAIVE THE READING AND ADOPT RESOLUTION #2002-189 ACKNOWLEDGING CONTRIBUTIONS TO THE CITY OF BROOKLYN PARK. MOTION PASSED UNANIMOUSLY.

5.11 MOTION ARBOGAST, SECOND DRAEGER TO APPOINT WARREN ROSENBOROUGH TO THE HUMAN RELATIONS COMMISSION FROM THE WEST DISTRICT FOR A BALANCE OF A TERM TO EXPIRE APRIL 1, 2004. MOTION PASSED UNANIMOUSLY.

5.11 MOTION ARBOGAST, SECOND DRAEGER TO APPOINT CARTER HENDRICKS TO THE NORTHWEST HENNEPIN HUMAN SERVICES COUNCIL FROM THE WEST DISTRICT FOR A BALANCE OF A TERM TO EXPIRE APRIL 1, 2004. MOTION PASSED UNANIMOUSLY.

3.1 Senator Betzold gave a Legislative end of session update regarding issues of importance to Brooklyn Park.

Also present: Representatives Bill Haas and John Jordan.

4.0 MOTION PISTILLI, SECOND DRAEGER TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS: (Item 4.15 was removed from the agenda).

4.1 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION HELD JUNE 3, 2002, AS PRESENTED BY THE CITY CLERK.

4.1 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL REGULAR MEETING HELD JUNE 10, 2002, AS PRESENTED BY THE CITY CLERK.

4.1 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL SPECIAL MEETING HELD JUNE 17, 2002, AS PRESENTED BY THE CITY CLERK.

4.2 TO APPROVE A MOTOR FUEL, GAS & OIL SERVICE STATION LICENSE FOR NOBLE PARKWAY MOBIL INC., DBA NOBLE PARKWAY MOBIL, 9500 NOBLE PARKWAY NORTH, CONDITIONAL THAT LICENSE MAY BE SUSPENDED OR REVOKED IF PROPERTY IS NOT IN COMPLIANCE UPON COMPLETION.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2002-190 AUTHORIZING ACCEPTANCE OF LOCAL LAW ENFORCEMENT BLOCK GRANT.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2002-191 AUTHORIZING STAFF TO ENTER INTO AN AGREEMENT WITH GREAT RIVER GREENING TO CONSTRUCT A MASTER PLAN FOR RIVER PARK.

4.5 TO ADOPT THE DESIGNATED ADDITION OF THIS PROJECT TO EXHIBIT A OF OFFICIAL INTENT RESOLUTION ADOPTED DECEMBER 27, 1993.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2002-192 ACCEPTING BIDS AND AWARDED CONTRACT TO COLLINS ELECTRICAL SYSTEMS, INC., IN THE AMOUNT OF \$175,550.00, FOR IMPROVEMENT 2002-07, PROJECTS M-1209 AND M-1377, TRAFFIC SIGNALS AT CSAH 130/BOONE AVENUE AND CSAH 130/NORTHLAND DRIVE.

4.6 TO WAIVE THE READING AND ADOPT RESOLUTION #2002-193 APPROVING REIMBURSEMENT AGREEMENT FOR INSTALLATION OF A TEMPORARY TRAFFIC CONTROL SIGNAL SYSTEM AT BROOKLYN BOULEVARD/NORTHLAND DRIVE/RELOCATED TECHNICAL COLLEGE ACCESS, CITY PROJECT M-1377.

4.7 TO SET A PUBLIC HEARING ON JULY 8, 2002 TO CONSIDER THE ISSUANCE OF AN ON-SALE INTOXICATING LIQUOR LICENSE FOR MAXIMINO CENDEJAS, DBA GENERAL PANCHO VILLA, 7978 BROOKLYN BLVD. N.

4.8 TO WAIVE THE READING AND ADOPT RESOLUTION #2002-194 APPROVING CHANGE ORDER NO. 1 TO IMPROVEMENT 2002-05, ZANE AVENUE CORRIDOR UTILITIES NORTH OF 101ST AVENUE TO THE CONTRACT OF S. R. WEIDEMA, INC.

4.9 REMOVED FROM AGENDA PRIOR TO MEETING.

4.10 TO WAIVE THE READING AND ADOPT RESOLUTION #2002-195 APPROVING CONSENT AGREEMENT TO ALLOW ENCROACHMENT INTO SANITARY SEWER EASEMENT ON 101ST AVENUE, IMPROVEMENT 2001-05, UTILITIES AND STREET IMPROVEMENTS ON 101ST AVENUE FROM CSAH 14 TO NOBLE AVENUE.

4.11 REMOVED FROM AGENDA PRIOR TO MEETING.

4.12 TO APPROVE PAYMENT TO CYNDIE AND TERRY DAVIS AND MINNESOTA HOUSING FINANCE AGENCY (MHFA), FOR THE ACQUISITION OF A TEMPORARY EASEMENT, PID#24-119-21 13 0002, PROJECT ST-977, EASEMENT #14.

4.12 TO APPROVE PAYMENT TO SHAO-WEN MAO & YIN-LING MAO, FOR THE ACQUISITION OF A TEMPORARY EASEMENT, PID#13-119-21 34 0040, PROJECT ST-977, EASEMENT #34.

4.12 TO APPROVE PAYMENT TO DIANE D. SANDGREN, FOR THE ACQUISITION OF A TEMPORARY EASEMENT, PID#13-119-21 32 0003, PROJECT ST-977, EASEMENT #53.

4.12 TO APPROVE PAYMENT TO ANOKA HENNEPIN SCHOOL DISTRICT #11, FOR THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENTS, PID#12-119-21 33 0003, PROJECT ST-977, EASEMENT #81.

4.12 TO APPROVE PAYMENT TO ANOKA HENNEPIN SCHOOL DISTRICT #11, FOR THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENTS, PID#12-119-21 33 0002, PROJECT ST-977, EASEMENT #82.

4.12 TO APPROVE PAYMENT TO ANOKA HENNEPIN SCHOOL DISTRICT #11, FOR THE ACQUISITION OF A TEMPORARY EASEMENT, PID#12-119-21 33 0001, PROJECT ST-977, EASEMENT #83.

4.13 TO RECEIVE AND PLACE ON FILE THE PETITION FOR STREET, UTILITY AND PUBLIC ROAD EASEMENTS IN BBPG ADDITION.

4.13 TO WAIVE THE READING AND ADOPT RESOLUTION #2002-196 ORDERING HEARING FOR VACATION OF STREET, UTILITY AND PUBLIC ROAD EASEMENTS IN BBPG ADDITION.

4.14 TO WAIVE THE READING AND ADOPT RESOLUTION #2002-197 APPROVING FINAL PLAT #01-167 OF "OXBOW CREEK", TO SUBDIVIDE 31.71 ACRES INTO 54 SINGLE-FAMILY LOTS AND FIVE OUTLOTS NORTH OF 101ST AVENUE AND EAST OF ZANE AVENUE NORTH.

4.16 TO WAIVE THE READING AND ADOPT RESOLUTION #2002-198 APPROVING FINAL PLAT #01-181 OF "PINES OF OXBOW", TO SUBDIVIDE 7.26 ACRES INTO 14 SINGLE-FAMILY LOTS AT THE NORTHEAST CORNER OF 101ST AND ZANE AVENUE NORTH.

4.17 TO WAIVE THE READING AND ADOPT RESOLUTION #2002-199 APPROVING VARIANCE TO ZONING CODE #02-128, FOR A VARIANCE ALLOWING A TWO-FOOT SIDE YARD SETBACK FOR ELISABETH BECKER AT 8461 SUMTER AVENUE NORTH.

4.18 TO WAIVE THE READING AND ADOPT RESOLUTION #2002-200 APPROVING VARIANCE TO ZONING CODE FOR A VARIANCE ALLOWING A TWENTY-SIX FOOT FRONT YARD SETBACK FOR THE NORTHWEST PORTION FOR AN EXISTING LIVING ADDITION, AN EIGHT-FOOT FRONT SETBACK FOR THE NORTHWEST PORTION FOR A DECK, AND AN EIGHTEEN- FOOT FRONT YARD SETBACK FOR THE SOUTHWEST PORTION FOR A DECK, FOR SUSAN NORVICK AT 9940 REGENT AVENUE NORTH.

MOTION PASSED UNANIMOUSLY.

5.1 Mayor Arbogast opened the hearing to the public to consider vacation of utility and drainage easement in Saint Gerards Manor 3rd Addition (Oakwood Court and Regent Ave). No one appeared.

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

5.1 MOTION HAGLUND, SECOND DRAEGER TO WAIVE THE READING AND ADOPT RESOLUTION #2002-201 VACATING UTILITY AND DRAINAGE EASEMENT IN LOT 6, BLOCK 4, SAINT GERARDS MANOR 3RD ADDITION. MOTION PASSED UNANIMOUSLY.

5.2 Mayor Arbogast opened the hearing to the public to consider vacating street and utility easement in Willowstone Addition (95th Avenue and Oliver Avenue) No one appeared.

5.2 Mayor Arbogast closed the hearing to the public and returned this item to the Council table for consideration.

5.2 MOTION PISTILLI, SECOND DRAEGER TO WAIVE THE READING AND ADOPT RESOLUTION #2002-202 VACATING STREET AND UTILITY EASEMENT IN WILLOWSTONE. MOTION PASSED UNANIMOUSLY.

5.3 Mayor Arbogast opened the hearing to the public to consider Project ST-1353, street reconstruction on Zane Avenue from 65th Avenue to 69th Avenue. Mr. Gerald Paulson, 6001 69th Avenue North, addressed the Council (Opposes assessments).

5.3 MOTION ARBOGAST, SECOND PISTILLI TO CONTINUE PUBLIC HEARING ORDERING IMPROVEMENT FOR STREET RECONSTRUCTION ON ZANE AVENUE FROM 65TH AVENUE TO 69TH AVENUE (CSAH 130), PROJECT ST-1353 TO JULY 8, 2002. MOTION PASSED UNANIMOUSLY.

5.4 MOTION DRAEGER, SECOND PISTILLI TO WAIVE THE READING AND ADOPT A RESOLUTION RECOMMENDING APPROVAL OF PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR SAGE COMPANIES FOR ALTERATIONS TO A BUILDING LOCATED IN THE VILLAGE REDEVELOPMENT DISTRICT.

5.4 MOTION DRAEGER TO AMEND MOTION TO READ "TO WAIVE THE READING AND ADOPT RESOLUTION #2002-203 RECOMMENDING PRELIMINARY APPROVAL OF DEVELOPMENT PLAN FOR SAGE COMPANIES". SECONDER AGREED.

5.4 VOTE ON AMENDED MAIN MOTION WAS UNANIMOUS.

Mayor Arbogast called for a recess at 9:11 p.m.

Mayor Arbogast reconvened the meeting at 9:20 p.m.

5.5 MOTION HAGLUND, SECOND DRAEGER, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-204 APPROVING DEVELOPMENT PLAN AMENDMENT #02-126, SITE PLAN, AND PRELIMINARY PLAT #02-126 FOR CPU OPTIONS, INC. LOCATED NORTH OF 93RD AVENUE AND WEST OF WINNETKA. MOTION PASSED UNANIMOUSLY.

5.6 MOTION DRAEGER, SECOND ARBOGAST TO WAIVE THE READING AND ADOPT RESOLUTION #2002-205 ADOPTING CONDITIONAL USE PERMIT AMENDMENT #02-123 AMENDING CONDITIONAL USE PERMIT #1985-3325 FOR A BUILDING EXPANSION AT BUERKLE ACURA LOCATED AT 7925 BROOKLYN BLVD. FOR SESSING ARCHITECTS, INC. MOTION PASSED UNANIMOUSLY.

5.7 MOTION DRAEGER, SECOND HAGLUND TO WAIVE THE READING AND ADOPT A RESOLUTION APPROVING CONDITIONAL USE PERMIT FOR ROY RISCH AT HOME DEPOT, LOCATED AT 6701 BOONE AVENUE NORTH, FOR OPERATION OF A SEASONAL FOOD CONCESSION TRAILER.

5.7 MOTION DRAEGER, SECOND PISTILLI TO CONTINUE APPROVING CONDITIONAL USE PERMIT FOR ROY RISCH AT HOME DEPOT, LOCATED AT 6701 BOONE AVENUE NORTH, FOR OPERATION OF A SEASONAL FOOD CONCESSION TRAILER TO JULY 8, 2002. MOTION PASSED UNANIMOUSLY.

At 10:09 p.m. Mayor Arbogast suspended discussion of item 5.8 due to Council Member Draeger leaving the room and not having a quorum.

Mayor Arbogast reconvened the meeting at 10:11 p.m.

5.8 MOTION DRAEGER, SECOND PISTILLI TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2002-977 APPROVING AMENDMENTS TO CITY CODE SECTION 152 (ZONING CHAPTER). MOTION PASSED UNANIMOUSLY.

5.9 MOTION PISTILLI, SECOND DRAEGER TO WAIVE THE READING AND ADOPT RESOLUTION #2002-206 AUTHORIZING THE PURCHASE OF COMPUTER HARDWARE FOR A NEW FIREWALL FROM COMPAQ THROUGH COLLIER COMPUTING AND THE PURCHASE OF FIREWALL SOFTWARE FROM ENTEGY CONSULTING THROUGH COLLIER COMPUTING TO ENHANCE EMPLOYEE PRODUCTIVITY. MOTION PASSED UNANIMOUSLY.

ADJOURNMENT - With consensus of the Council, Mayor Arbogast adjourned the meeting at 10:18 p.m.

GRACE ARBOGAST, MAYOR

DEVIN MONTERO, DEPUTY CLERK

City of Brooklyn Park Request for Council Action

Agenda Item No.:	4.2	Meeting Date:	July 8, 2002
Agenda Section:	Consent	Originating Dept.:	Community Development
Resolution:	Yes	Prepared By:	Scott Clark Deputy Community Development Director
Ordinance	N/A		
No. of Attachments:	1	Presented By:	Scott Clark Deputy Community Development Director
Item:	Rental Housing Fee		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-___ AMENDING FEE RESOLUTION #2002-202 ADOPTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS SERVICES, LICENSES AND PERMITS.

The effect of this motion will be to amend rental housing license fees in accordance with the provisions of the newly adopted "Rental Housing Ordinance".

Overview:

On June 20, 2002, the City Council approved on second reading a new "Rental Housing Ordinance". The ordinance calls for different tiers of licensing requirements based on police calls. The new proposed fees were benchmarked by the City Council based on the current fee of \$11.00 per unit. The new fees call for an increase for apartment communities that have high police calls to reflect the need for additional City services.

What are the fees?

The new fee structure is:

Level I	(0.49 or less calls per unit)	50% of existing	\$ 5.50 per unit
Level II	(0.50 to 0.63 calls per unit)	125% of existing	\$13.75 per unit
Level III	(0.64 calls or more per unit)	300% of existing	\$33.00 per unit

The fee structure also provides a Level III surcharge of \$8.25 per unit (for failure to comply with a mitigation plan) and a reinstatement fee of \$41.25.

Attachments:

4.2 RESOLUTION

Recommendation:

Staff recommends approval of the fees as written.

RESOLUTION #2002- ____

RESOLUTION AMENDING
 FEE RESOLUTION #2000-202
 A RESOLUTION ADOPTING A SCHEDULE OF FEES AND CHARGES
 FOR VARIOUS SERVICES, LICENSES AND PERMITS
 FOR THE CITY OF BROOKLYN PARK, MINNESOTA

The City Council of the City of Brooklyn Park, Minnesota, resolves to change the current Rental Establishment fees as listed in the table below:

		Rental Establishments	
Code Section	Type of License	Conditions and Terms	Amount
117.45	Rental Establishment Fees	Two Year License (General Housing Unit)	
		Single family detached	\$150
		Double (one side)	\$150
		Double (two side)	\$150 per side
		Condominium	\$150
		Townhome	\$150
		Apartments (1 – 3 units)	\$150
		Annual License	
		Small apartments (4 – 15 units)	\$165
		Level III/Provisional License	
		Apartments (16 or more units)	\$33 per unit
		Level II License	
		Apartments (16 or more units)	\$13.75 per unit
117.52 (C) (4)(a)		Level I License	
		Apartments (16 or more units)	\$5.50 per unit
117.52 (D) (3)		Reinspection fee	\$47
117.52 (E)		Reinstatement fee	\$41.25 per unit
		Surcharge for Level III Licensees	\$8.25 per unit

City of Brooklyn Park Request for Council Action

Agenda Item No.:	4.3	Meeting Date:	07-08-2002
Agenda Section:	Consent	Originating Dept.:	Engineering
Resolution:	N/A	Prepared By:	Gary Defries
Ordinance	N/A		
No. of Attachments:	1	Presented By:	Doran Cote
Item:	Approve right-of-way payments for West River Road, Project ST-977		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE PAYMENT TO JOHN L. HASTAD, FOR THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENTS, PID #24-119-21 42 0003, PROJECT ST-977, EASEMENT #13.

Overview:

Project ST-977 is located on West River Road from Brookdale Drive to 97th Avenue. This project consists of the proposed reconstruction of West River Road as a 28 foot wide urban-type street with concrete curb and gutter, storm sewer, street lighting, landscaping, bituminous path and minor utility repairs.

As directed by the City Council, WSB & Associates, Inc., was hired by the City to prepare plans and specifications for Project ST-977. WSB & Associates, Inc.'s proposed design is in accordance with the recommendations of the West River Road Task Force and Council directives.

As a result of the design of West River Road and the use of Federal funds for the trail portion of the project, it is necessary that easements over approximately 100 properties be formally acquired in accordance with Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The vast majority of these easements are only temporary and primarily include driveway areas and a portion of the front yard of the properties that need to be regraded in order to provide adequate drainage to the street. The acquisition of the easements will be performed by the City's Engineering Department. The appraisal firm of Lyle H. Nagell & Company, Inc. was hired to appraise and determine the value of the easements.

Since the initial preparation of the appraisal reports by Lyle H. Nagell & Company, Inc., they have updated the appraisal reports to reflect extension of time for the temporary easements. This was necessary since West River Road is not anticipated to be constructed until 2002 and 2003. As a result, it is necessary to acquire additional temporary easements from approximately 40 property owners who have previously signed easement documents. Those property owners where we have not acquired easements, which is approximately 50 property owners, the appraiser has updated the appraisal reports as well. City staff has completed resubmitting offers to all (90) of the property owners.

To date, those property owners responding to the revised offers are identified in the Detailed Background section, which follows.

Detailed Background:

The following property owner has signed a payment agreement and/or the easement document agreeing to the offered amount:

Easement #13 – John L. Hastad, 8054 West River Road, Brooklyn Park, MN 55444, \$764.00 (\$156.00 permanent and \$608.00 temporary easement).

The easement amount as represented is the amount Lyle H. Nagell & Company, Inc. has determined as their opinion value of the easement. It is recommended that the City Council approve payment to the above listed property owner.

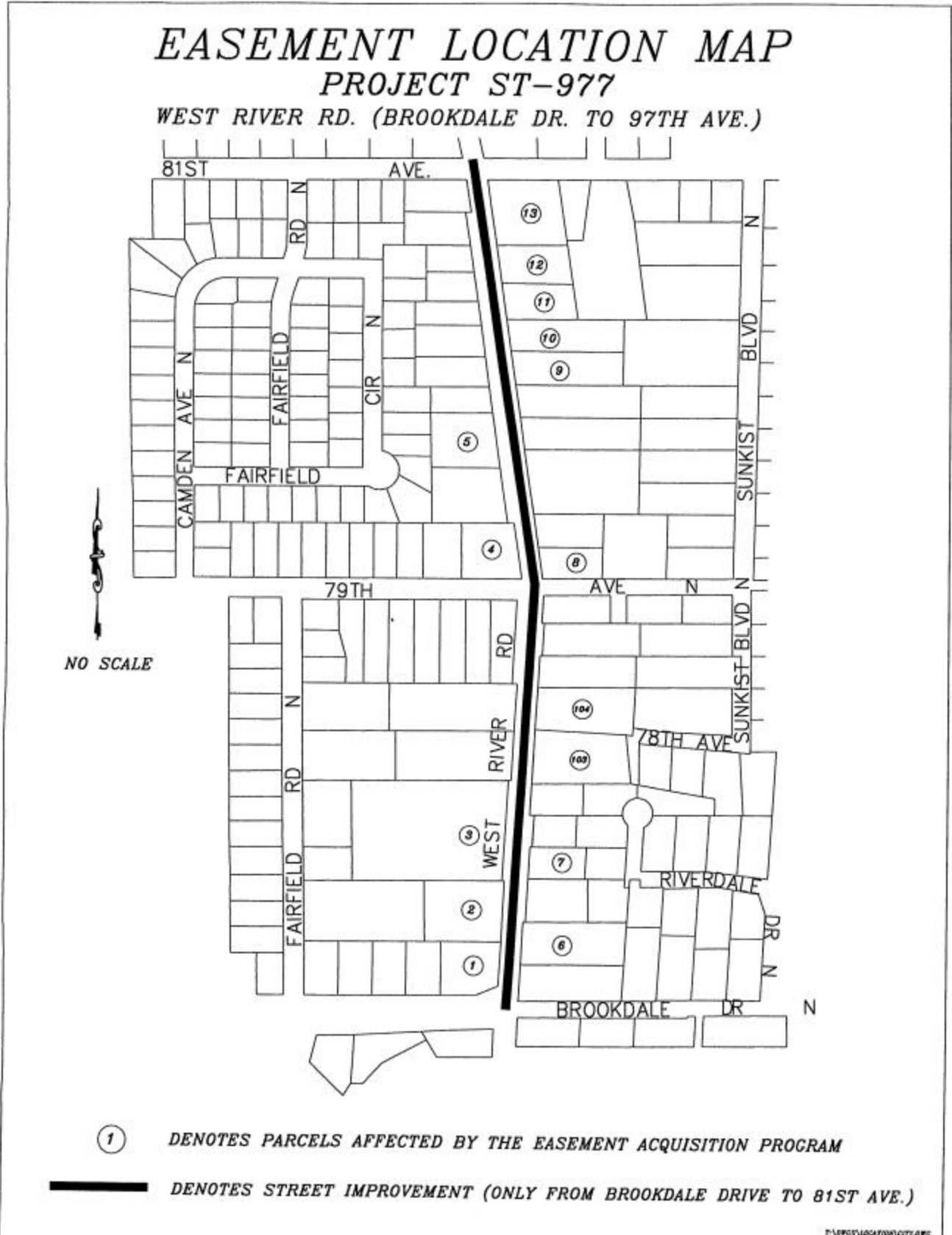
Primary issues/alternatives to consider: N/A

Budgetary/Fiscal Issues:

The costs for the easements are eligible for Municipal State Aid and Trunk Highway Turnback reimbursement.

Attachments:

4.3 EASEMENT LOCATION MAP (BROOKDALE DR. TO 81ST AVE.)



City of Brooklyn Park
Request for Council Action

Agenda Item No.:	4.4	Meeting Date:	07-08-2002
Agenda Section:	Consent	Originating Dept.:	Engineering
Resolution:	X	Prepared By:	Gary Defries
Ordinance	N/A		
No. of Attachments:	3	Presented By:	Doran Cote
Item:	Approve Contract with Xcel Energy for street lights for Improvement 2002-02, Sunkist Park Area		

City Manager’s Proposed Action:

MOTION _____, SECOND _____, TO AUTHORIZE THE MAYOR AND ACTING CITY MANAGER TO EXECUTE THE CONTRACT BETWEEN XCEL ENERGY AND THE CITY OF BROOKLYN PARK FOR STREET LIGHT INSTALLATION FOR PROJECTS ST-1364 AND SS-1365, IMPROVEMENT 2002-02.

Overview:

Improvement 2002-02, Projects ST-1364 and SS-1365 provides for the reconstruction of streets and storm sewer in an area between and inclusive of 81st Avenue to 83rd Avenue from Humboldt Avenue to West River Road. The reconstruction of the streets within this area commenced in the first part of May, 2002.

Included with the reconstruction of the streets, storm sewer and reconstruction of miscellaneous utilities is the installation of street lights. The City of Brooklyn Park has contracted with Xcel Energy to provide street lights on past reconstruction projects. Xcel Energy is proposing to provide street lights in the Improvement 2002-02 reconstruction area. Their contract provides them to install fiberglass poles with electrical wiring and underground conduits. These street lights will be owned and maintained by Xcel Energy. Forty-five lights are proposed to be installed at a cost of \$90,500.00. The cost per light is approximately \$2,000.00.

It is recommended that the City Council authorize the Mayor and Acting City Manager to execute the agreement with Xcel Energy providing for the installation for of 45 street lights at a total cost of \$90,500.00. Xcel Energy will be forwarding the agreement to the City before the City Council meeting. The agreement was not available for inclusion in the report instead it will be hand carried to the Council meeting.

Primary issues/alternatives to consider: N/A

Budgetary/Fiscal Issues:

The Feasibility Report for Projects ST-1364 and SS-1365 includes funds for the street lighting program. The costs for the street lights are proposed to be assessed to all benefiting property owners.

Attachments:

4.4 LOCATION MAP

4.4 AGREEMENT WITH XCEL ENERGY (WILL BE HAND CARRIED TO THE MEETING)

City of Brooklyn Park Request for Council Action

Agenda Item No.:	4.5	Meeting Date:	07/08/2002
Agenda Section:	Consent	Originating Dept.:	Engineering
Resolution:	X	Prepared By:	Theresa Kornwolf
Ordinance	N/A		
No. of Attachments:	8	Presented By:	Doran Cote
Item:	Accept petition; order feasibility study; accept feasibility study; order improvement and preparation of plans and specifications; approve change order #1 for sanitary sewer to serve 9596 Regent Avenue North		

City Manager's Proposed Action:

1. MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-____ DETERMINING THE VALIDITY AND SUFFICIENCY OF PETITION AND ORDER PREPARATION OF FEASIBILITY REPORT FOR PROJECT S-1387.
2. MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-____ RECEIVING REPORT AND ORDERING THE IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR PROJECT S-1387.
3. MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-____ MODIFYING AN EXISTING CONTRACT AND ADDING THERETO FOR IMPROVEMENT 2002-04 CHANGE ORDER #1 IN THE AMOUNT OF \$42,828.92 FOR A TOTAL CONTRACT OF \$814,915.03.

Overview:

Sprint Corporation submitted a petition for the extension of sanitary sewer to serve their property at 9596 Regent Avenue. Watermain has already been provided to their property and storm sewer will be provided under City Improvement 2002-04, street and utilities improvements on Regent Avenue from T.H. 610 to 101st Avenue North.

Project S-1387 consists of an 8" sanitary sewer line with service extended to serve 9596 Regent Avenue North and the properties on the west side of Regent Avenue. The proposed alignment connects to an existing sanitary sewer line on 97th Avenue and will continue down the center of Regent Avenue extending to the south side of the driveway at 9596 Regent Avenue with access provided to both sides of Regent Avenue.

Project S-1387 will serve 9596 Regent Avenue North and properties on the west side of Regent. Sprint Corporation representatives have indicated that they would like to hook-up to City sewer and water as soon as possible. If this project is ordered, the sanitary sewer will be installed by Fall, 2002.

Improvement 2002-04 provides for the reconstruction of Regent Avenue including storm sewer and watermain installation from T.H. 610 to 101st Avenue. When bid, this improvement did not contemplate the need for extending sanitary sewer south of 97th Avenue. The existing septic system at the Sprint Corporation facility failed soon after Improvement 2002-04 was bid. Staff has determined that it would be prudent to modify the contract for 2002-04 to include the extension of sanitary sewer to the Sprint facility.

Primary issues/alternatives to consider: N/A

Budgetary/Fiscal Issues:

50% of the costs for Project S-1387 are proposed to be assessed against PID#09-119-21 41 0006, Sprint Corporation. The remaining costs may be assessed to the properties westerly of Regent Avenue in the future.

Attachments:

- 4.5 RESOLUTION ACCEPTING PETITION AND ORDER FEASIBILITY STUDY
- 4.5 RESOLUTION ACCEPTING FEASIBILITY STUDY AND ORDERING IMPROVEMENT
- 4.5 RESOLUTION APPROVING CHANGE ORDER NO. 1
- 4.5 VICINITY MAP
- 4.5 LOCATION MAP
- 4.5 PETITION (HARD COPY)
- 4.5 FEASIBILITY STUDY (HARD COPY)
- 4.5 CHANGE ORDER NO. 1 (HARD COPY)

RESOLUTION #2002-

RESOLUTION DETERMINING THE VALIDITY AND SUFFICIENCY OF
PETITION AND ORDER PREPARATION OF FEASIBILITY REPORT
FOR PROJECT S-1387

WHEREAS, a petition to construct sanitary sewer in order to provide service to 9596 Regent Avenue.

As a local improvement under Chapter 429 of Minnesota Statutes has been received, and

WHEREAS, said petition by 100% of all property owners is in accordance with requirements of M.S.A. 429.031 Sub. 3

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK:

1. The petition attached to this resolution has been presented to the City Council and it has been determined that the petition has been signed by 100% of the properties proposed to be assessed for the improvement.
2. This resolution is adopted in accordance with provisions of M.S.A. 429.035.
3. The petition is hereby referred to the City Engineer who is instructed to report to the Council with all convenient speed in a preliminary way as to whether the improvement is feasible and whether it is best made as proposed or in connection with some other improvement, and the estimated cost thereof.
4. A copy of this resolution shall be published in the official newspaper in accordance with M.S.A. 429.036.

RESOLUTION #2002-

RESOLUTION RECEIVING REPORT AND ORDERING THE IMPROVEMENT
AND PREPARATION OF PLANS AND SPECIFICATIONS
FOR PROJECT S-1387

WHEREAS, a petition has been received signed by the owner of the land to be specially assessed for the following described improvement:

Project S-1387 - Sanitary sewer serving PID#09-119-21 41 0006, 9596 Regent Avenue.

WHEREAS, the owners of said properties abutting thereon and subject to assessments have petitioned the Council to assess the cost against their property, and

WHEREAS, under Minnesota Statutes Chapter 429.031 the Council has the power to order the improvement without a public hearing, and

WHEREAS, the Council has reviewed said petition and the feasibility report with the City Engineer.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK:

1. Such improvement as set out above and for the lot above as indicated are hereby ordered as proposed in the feasibility report.
2. The City Engineer is hereby directed to prepare plans and specifications for making of such improvements.
3. The cost of said improvements shall be assessed directly and entirely upon the signers of the petition.

RESOLUTION #2002-

RESOLUTION MODIFYING AN EXISTING CONTRACT AND ADDING THERETO FOR
IMPROVEMENT 2002-04 CHANGE ORDER #1

WHEREAS, the City of Brooklyn Park has an existing contract with S. R. Weidema, Inc., dated May 28, 2002, said contract being let pursuant to statute and after advertising for bids, and

WHEREAS, said contract was awarded on a unit price basis, and

WHEREAS, in the proper performance of the contract unforeseen conditions were encountered requiring construction units exceeding that normally required and bid, and

WHEREAS, it is now the desire of the Council to include additional units for which no items in the contract is provided to complete the following improvements:

CHANGE ORDER NO. 1

Public Improvement Project S-1387 - \$42,828.92

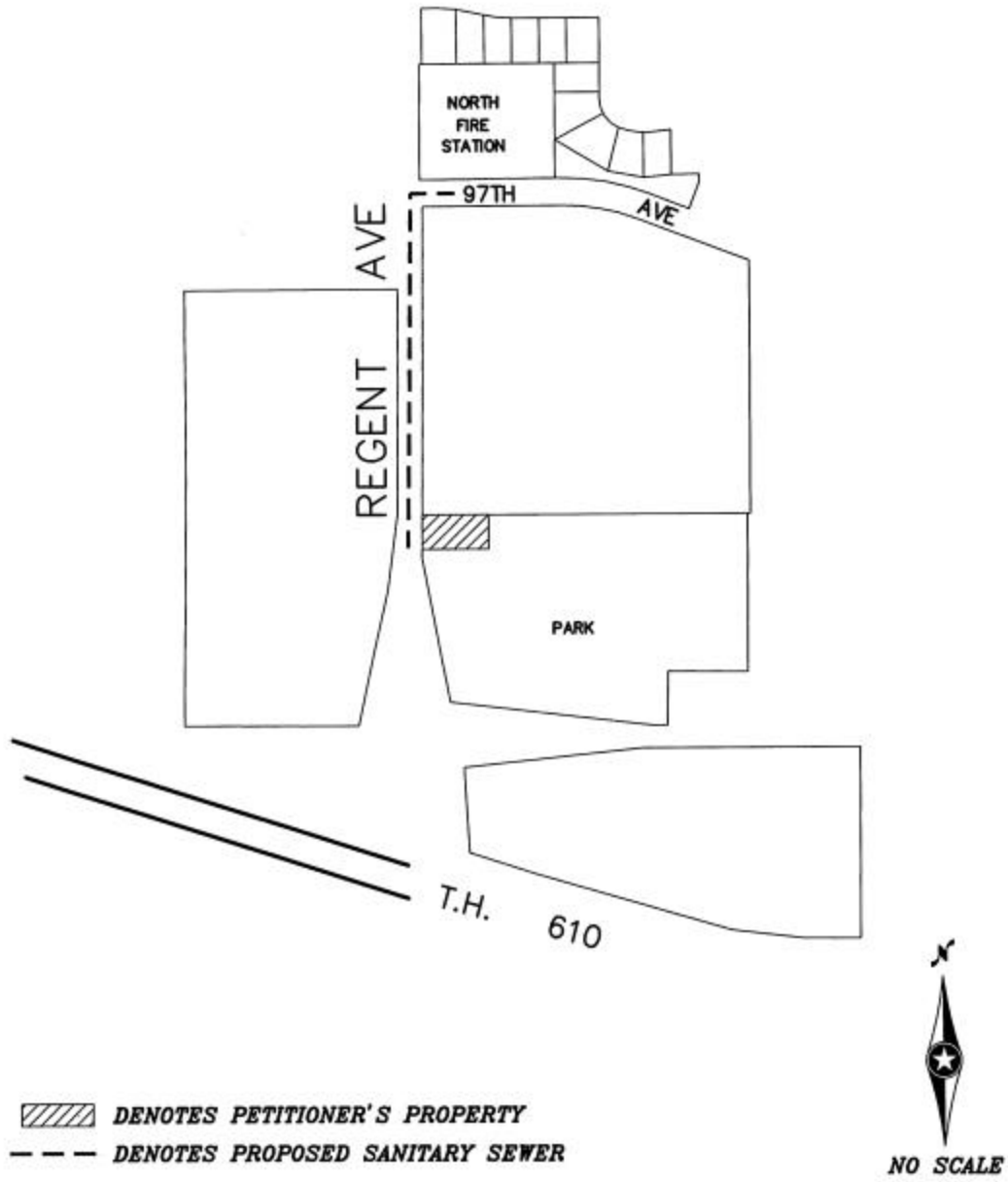
WHEREAS, the additional units do not exceed 25% of the original contract price, and

WHEREAS, the Contractor, S. R. Weidema, Inc. has agreed to add such additional units in accordance with the mutually agreed upon compensation in accordance with the General Conditions Section of the Contract specifications Paragraph GC 4.3, 4.4 and 7.3 and all in accordance with Chapter 429.041 Subd. 7 of the Minnesota Laws.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK:

1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with S. R. Weidema, Inc. for additional units of work, at a cost of \$42,828.92, in the name of the City of Brooklyn Park for the aforesaid improvements, according to the plans and specifications on file in the Office of the City Clerk.
2. The Contractor shall file an increased bond to cover \$814,915.03, the full contractual amount and the Contractor's written agreement to add to the existing contract, shall be placed on file with the Clerk and made a part of the original contract, all in accordance with Chapter 429.041, Subd. 7, of Minnesota Laws.

PETITION LOCATION MAP S-1387



City of Brooklyn Park Request for Council Action

Agenda Item No.:	4.6	Meeting Date:	07/08/2002
Agenda Section:	Consent	Originating Dept.:	Engineering
Resolution:	X	Prepared By:	Doran Cote
Ordinance	N/A		
No. of Attachments:	4	Presented By:	Doran Cote
Item:	Approve Supplemental Agreement No. 1 for Improvement 2002-03, West River Road from Brookdale Drive to 97th Avenue.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-___ APPROVING SUPPLEMENTAL AGREEMENT NO. 1 TO IMPROVEMENT 2002-03 AND ADDING THERETO FOR STREET RECONSTRUCTION ON WEST RIVER ROAD FROM BROOKDALE DRIVE TO 97TH AVENUE TO THE CONTRACT OF PAULDA AND SONS, INC.

Overview:

Improvement 2002-03 provides for street reconstruction on West River Road from Brookdale Drive to 97th Avenue. Since Improvement 2002-03 was bid, the Contractor encountered soil materials that had a petroleum smell when excavated. The contract was suspended and the City's geotechnical consultant was brought in to test the soils and determine if there were any potential contaminants in the oil. The subsequent analysis determined that the soils were compromised by inert petroleum based materials. The remedial action recommended was to remove the soils from the construction site and stockpile them for reuse in the roadway base.

Supplemental Agreement No. 1 provides for the removal, hauling, stockpiling and reusing the soils on the roadway and any costs associated thereto (fencing, silt fence, etc.) The Contractor has indicated they will not proceed with the work covered under Supplemental Agreement No. 1 until approved by the City Council. Paulda and Sons, Inc., will be forwarding the Supplemental Agreement to the City before the City Council meeting. The Supplemental Agreement was not available for inclusion in this report, instead it will be hand carried to the City Council meeting.

Primary issues/alternatives to consider: N/A

Budgetary/Fiscal Issues:

The reconstruction of West River Road was programmed for 2002 construction in the 2002-2006 Capital Improvement Program (CIP). The costs associated with Supplemental Agreement No. 1 are eligible for Trunk Highway Turnback Funds.

Attachments:

- 4.6 RESOLUTION
- 4.6 VICINITY MAP
- 4.6 LOCATION MAP

RESOLUTION #2002-

RESOLUTION APPROVING SUPPLEMENTAL AGREEMENT NO. 1 TO IMPROVEMENT
2002-03 AND ADDING THERETO FOR STREET RECONSTRUCTION ON
WEST RIVER ROAD FROM BROOKDALE DRIVE TO 97TH AVENUE
TO THE CONTRACT OF PAULDA AND SONS, INC.

WHEREAS, the City of Brooklyn Park has an existing contract with Paulda and Sons, Inc., dated May 2, 2002, said contract being let pursuant to statute and after advertising for bids, and

WHEREAS, said contract was awarded on a unit price basis, and

WHEREAS, in the proper performance of the contract unforeseen conditions were encountered requiring construction units exceeding that normally required and bid, and

WHEREAS, it is the desire of the Council to include additional units at the same unit price and units for which no item in the contract is provided to complete the following improvements:

Supplemental Agreement No. 1, soil removal, hauling, stock piling and reuse

WHEREAS, the additional units do not exceed 25% of the original contract price, and

WHEREAS, the Contractor, Paulda and Sons, Inc., has agreed to add such additional units at the same unit price and in accordance with the mutually agreed upon compensation in accordance with the General Conditions Section of the Contract Specifications Paragraph GC 4.3, 4.4 and 7.3 and all in accordance with Chapter 429.041, Subd. 7 of the Minnesota Laws.

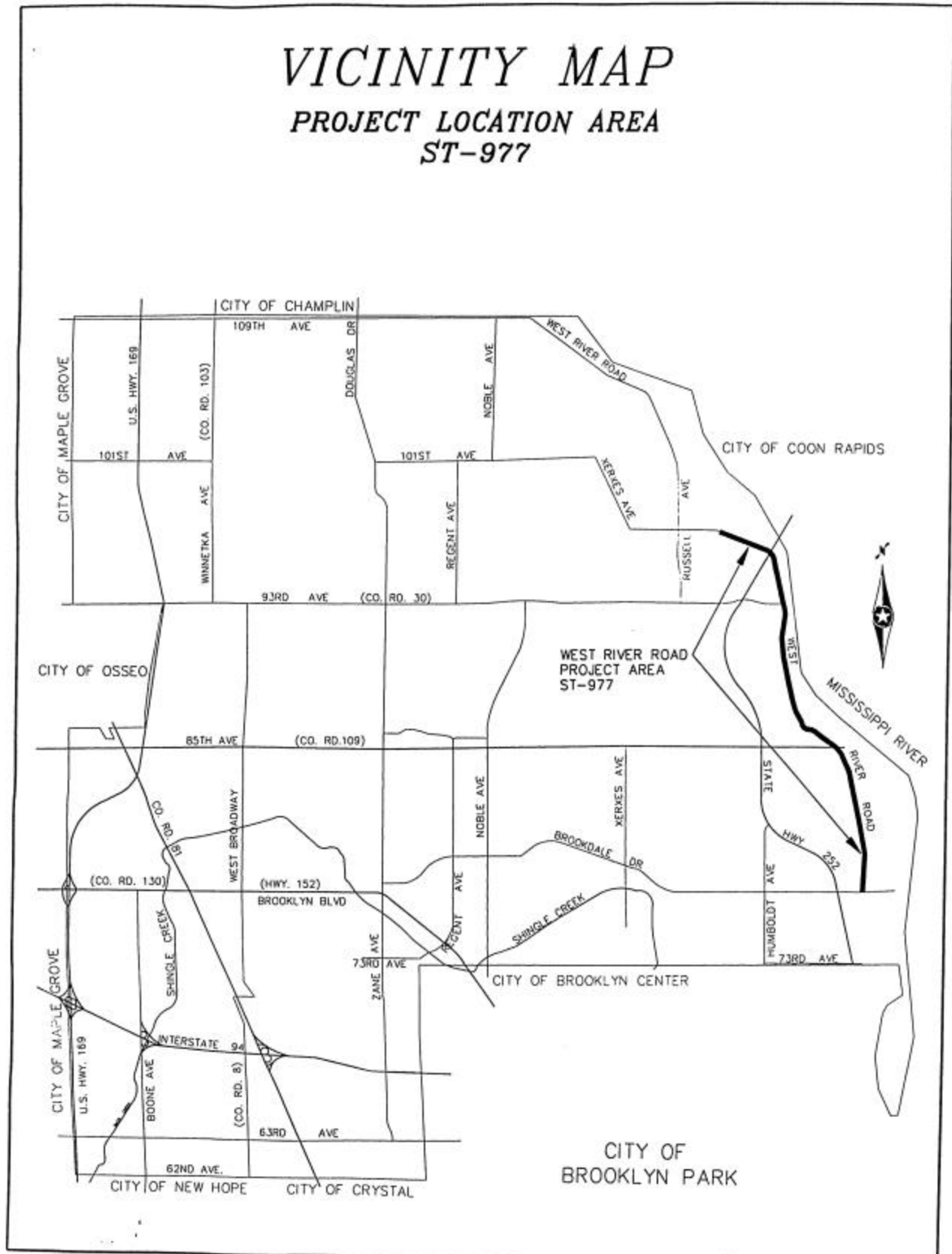
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK:

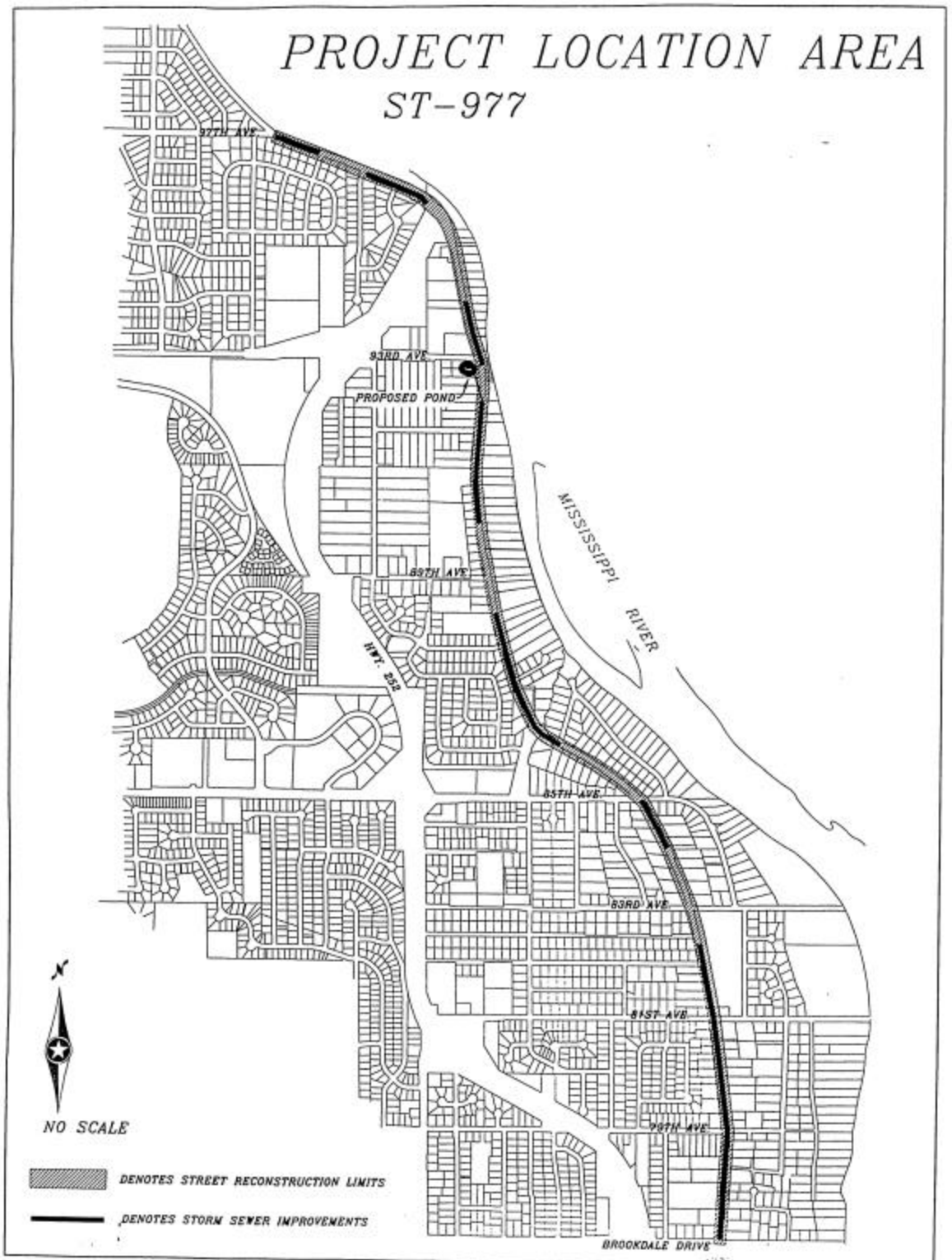
1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with Paulda and Sons, Inc., for additional units of work, at a cost of _____ in the name of the City of Brooklyn Park for the aforesaid improvements, according to the plans and specifications on file in the Office of the City Clerk.
2. The Contractor shall file an increased bond to cover \$ _____ the full contractual amount and the Contractor's written agreement to add to the existing contract, shall be placed on file with the Clerk and made a part of the original contract, all in accordance with Chapter 429.041, Subd. 7, of Minnesota Laws.

VICINITY MAP

PROJECT LOCATION AREA

ST-977





City of Brooklyn Park Request for Council Action

Agenda Item No.:	4.7	Meeting Date:	07-08-2002
Agenda Section:	Administrative Consent	Originating Dept.:	Planning
Resolution:	X	Prepared By:	Todd A. Larson
Ordinance	N/A		
No. of Attachments:	5	Presented By:	Howard Blin
Item:	“Trail’s Edge Estates” Final Plat #02-105 for TSM Development to subdivide 54.35 acres into 107 single-family lots east of France Avenue and north of the North Hennepin Regional Trail.		

Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-_____ APPROVING FINAL PLAT #02-105 OF “TRAIL’S EDGE ESTATES”, TO SUBDIVIDE 54.35 ACRES INTO 107 SINGLE-FAMILY LOTS AND FIVE OUTLOTS EAST OF FRANCE AVENUE AND NORTH OF THE NORTH HENNEPIN REGIONAL TRAIL.

Overview:

The applicant is requesting final plat approval to subdivide 54.35 acres of land into a 107-lot single-family development. This site is in the City’s next growth area, zoned Single Family Residential (R2B). Several new streets and a cul-de-sac would be dedicated for public use.

Outlots A and B would be dedicated for parkland in order to widen the Trail Corridor. Outlots C and D would be land that would be available for the exception parcel because that property owner’s garage is built across the property line into Outlot D. At the request of the City Council, Outlot E would be reserved for future subdivision as right-of-way for the extension of Meadow Lane is acquired. Outlot F would be vacated right-of-way from existing France Avenue given to the exception parcel. Outlot G would be for future single-family lots as soon as other access is available.

The proposed final plat conforms to the approved preliminary plat. The preliminary plat and was reviewed and approved by the City Council on April 8, 2002.

Meadow Lane

The City is currently in the process of acquiring the necessary right-of-way for Meadow Lane between this development and Sunset Road to the north. Costs of the construction of Meadow Lane will be borne by the developer.

Changes since the June 24, 2002 City Council meeting

Since the last regular City Council meeting, a lot line between Lots 5 and 6 of Block 3 has been adjusted to accommodate better an existing landowner’s home. Additionally, another landowner along the north side of the site has been removed from the plat. Both of these changes are reflected in the proposed final plat.

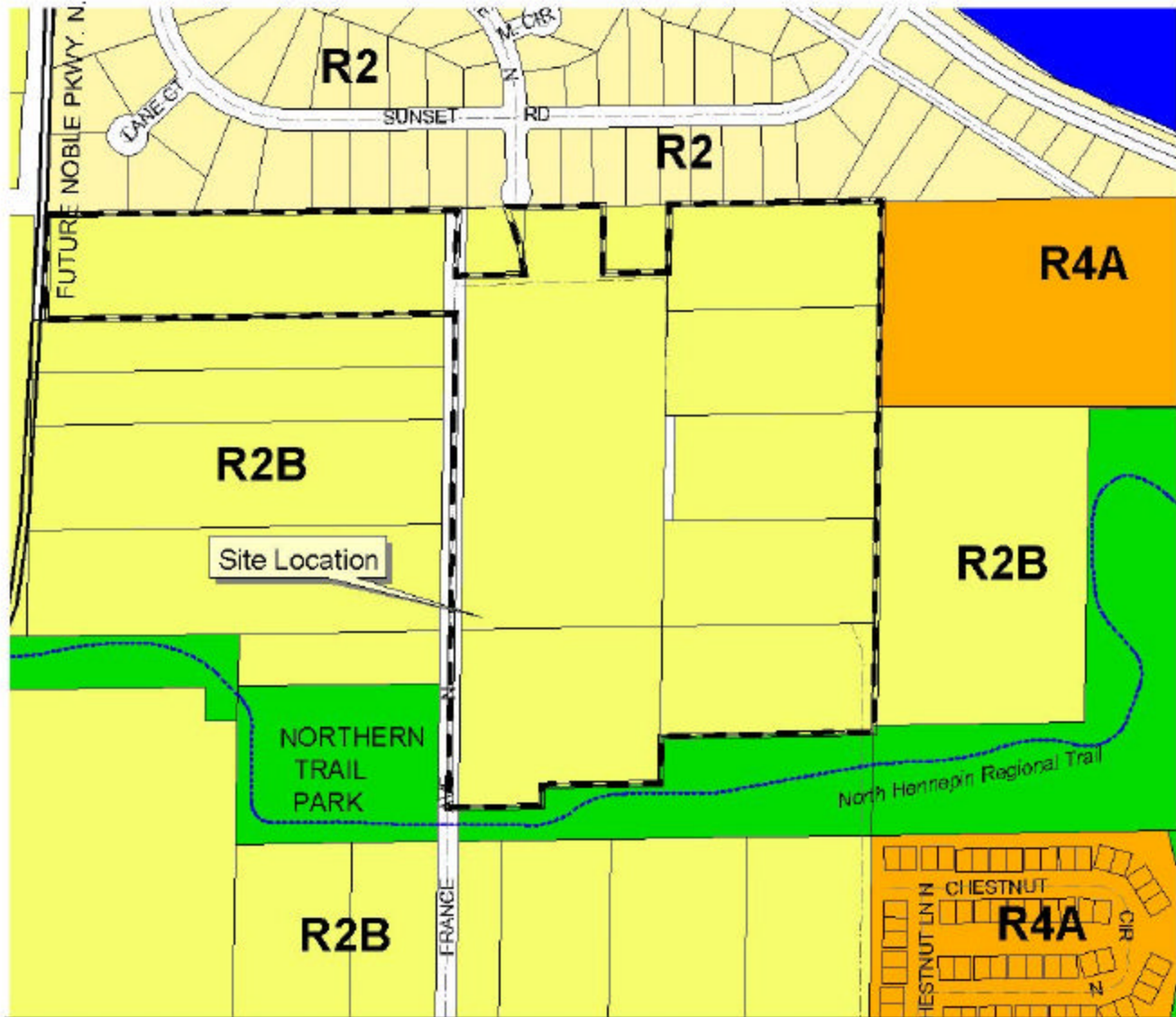
Attachments:

- 4.7 LOCATION MAP
- 4.7 FINAL PLAT RESOLUTION
- 4.7 PRELIMINARY PLAT RESOLUTION #2002-113 (HARD COPY)
- 4.7 MEMO FROM CITY ASSESSOR (HARD COPY)
- 4.7 FINAL PLAT DRAWINGS (HARD COPY)



LOCATION MAP

Final Plat #02-105
 "Trail's Edge Estates"
 TSM Development



	B1	Limited Business
	B2	Retail Business
	B3	General Business
	B4	Vehicle Sales and Showroom District
	BP	Business Park
	I	Industrial
	PCDD	Planned Community Development District
	PUD	Planned Unit Development
	TC	Town Center
	CD	Conservancy District
	PI	Public Institution

	R1	Single Family / Agricultural
	R2	Single Family Residential (100 foot lots)
	R2B	Single Family Residential (85 foot lots)
	R3	Single Family Residential (80 foot lots)
	R3A	Single Family Residential (75 foot lots)
	R4	Single and Two Family Residential
	R4A	Residential Townhomes
	R5	Multiple Family Residential
	R6	Multiple Family Residential
	R7	Multiple Family Residential



Map Date: June 27, 2002

RESOLUTION #2002-___

APPROVING FINAL PLAT #02-105 OF
“TRAIL’S EDGE ESTATES,”
TO SUBDIVIDE 54.35 ACRES INTO 107 SINGLE-FAMILY LOTS AND FIVE OUTLOTS
EAST OF FRANCE AVENUE AND NORTH OF THE NORTH HENNEPIN REGIONAL TRAIL

Planning Commission File #02-105

WHEREAS, the final plat of “Trail’s Edge Estates” has been submitted in the manner required for platting of land under the Brooklyn Park Ordinance Code, Section 151.006, and under Chapter 462 of the Minnesota Statutes and all proceedings have been duly had thereunder, and

WHEREAS, said plat is in all respects consistent with the City plan and the regulations and requirements of the laws of the State of Minnesota and ordinances of the City of Brooklyn Park.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK:

1. Plat approval request #02-105, “Trail’s Edge Estates,” is approved upon compliance with the following requirements:
 - a. Per final plat “Exhibit A.”
 - b. Title review by the City Attorney.
 - c. Per requirements set forth in Resolutions #2002-113 (Preliminary Plat) or as subsequently amended by motion, approving the preliminary plat of “Trail’s Edge Estates,” which is part of this resolution by reference and is on file and can be examined in the City Clerk's office.
 - d. Submission of a letter from the land surveyor or engineer indicating the square footage contained in each lot on the plat, per Section 151.043, Subdivision J, of the City Code.
 - e. Payment of park dedication, based on 107 lots at the rate in effect at the time of filing the plat. Credit will be given for Outlots A and B and the cost of paving the trail from the south line of Outlot B to the existing trail.
 - f. Deeds must be given to the City for Outlots A and B within thirty days of filing the plat with the County.
 - g. Costs associated with land acquisition and construction for Meadow Lane will be the responsibility of the developer.
2. That the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed thirty day period has

elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505:03, Subdivision 2.

3. That the City Clerk is hereby directed to supply a certified copy of this resolution to the above named owners and subdividers after completion of requirements for their use as required by M.S.A. 462.358.
4. That the Mayor and City Manager are hereby authorized to execute the certificate of approval on behalf of the City Council upon compliance with the foregoing provisions.
5. This final plat shall be filed and recorded within sixty days of the date of the signing of the hardshells by the Mayor and City Manager in accordance with Section 151.006, Subdivision J, of the City Code and shall be recorded within 180 days of the adoption date of this resolution.

BE IT FURTHER RESOLVED that such execution of the certificate upon said plat by the Mayor and City Manager shall be conclusive showing of proper compliance therewith by the subdivider and City officials and shall entitle such plat to be placed on record forthwith without further formality, all in compliance with M.S.A. 462 and the Ordinance of the City.

City of Brooklyn Park Request for Council Action

Agenda Item No.:	4.8	Meeting Date:	07-08-2002
Agenda Section:	Administrative Consent	Originating Dept.:	Planning
Resolution:	X	Prepared By:	Todd A. Larson
Ordinance	N/A		
No. of Attachments:	5	Presented By:	Howard Blin
Item:	“Noble Trail” for Preliminary Plat #02-114 to subdivide 19.8 acres into 31 single-family lots at the southwest corner of Noble Parkway and 105 th Avenue North.		

Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-____ APPROVING FINAL PLAT #02-114 OF “NOBLE TRAIL,” TO SUBDIVIDE 19.8 ACRES INTO 31 SINGLE-FAMILY LOTS AT THE SOUTHWEST CORNER OF NOBLE PARKWAY AND FUTURE 105TH AVENUE NORTH.

Overview:

This proposed plat is the fifth plat to be considered in the new growth area and it is the first plat that would be accessed by newly built roadways. “Meuleners Addition” would feature a large natural wetland and the nearby North Hennepin Trail Corridor as amenities. The subdivision would be located west of Noble Parkway, currently under construction, and future 105th Avenue North. All thirty-one lots conform to the R2B Single-Family zoning requirements.

The proposed final plat conforms to the approved preliminary plat. The preliminary plat and was reviewed and approved by the City Council on May 28, 2002.

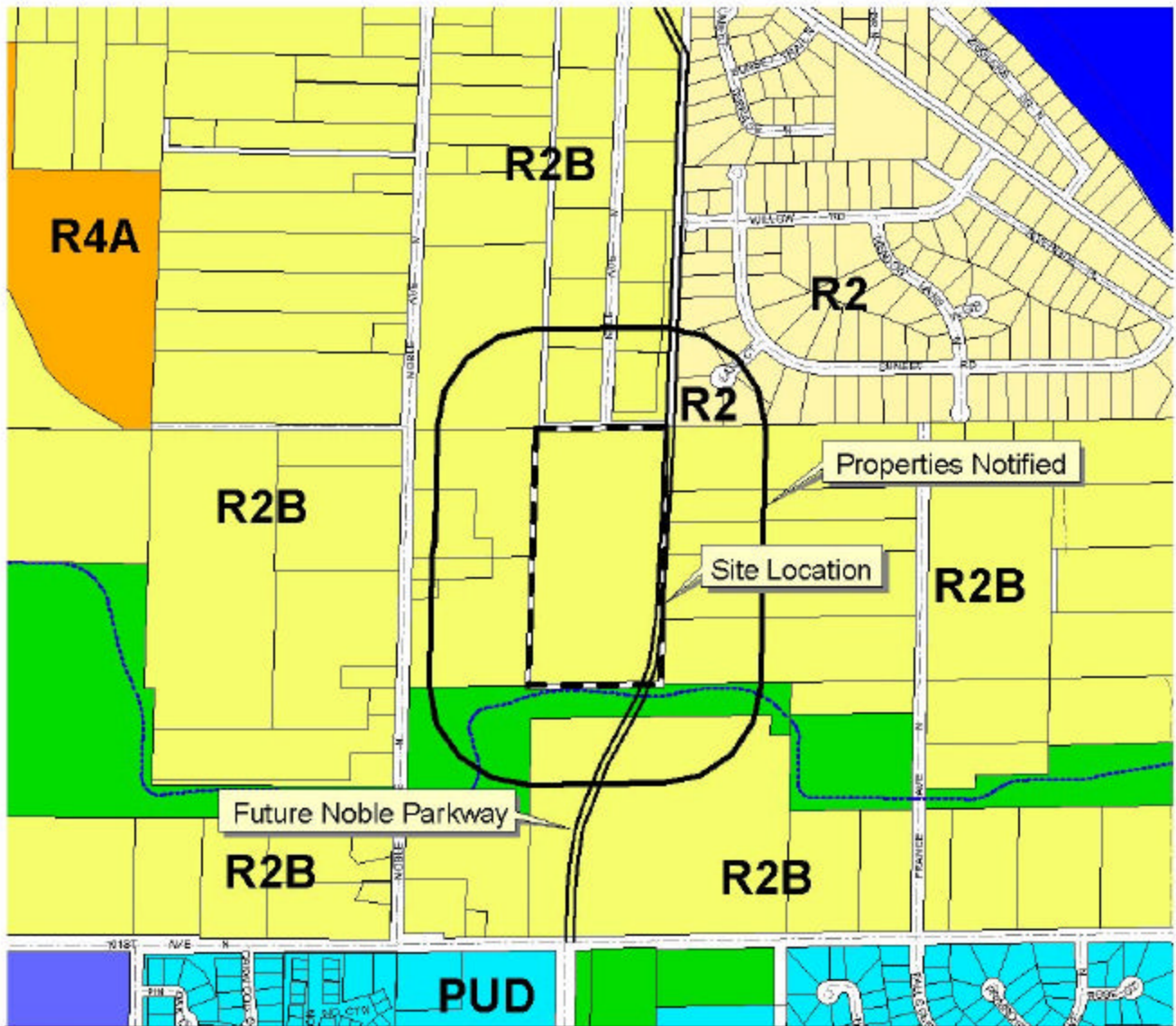
Attachments:

- 4.8 LOCATION MAP
- 4.8 FINAL PLAT RESOLUTION
- 4.8 PRELIMINARY PLAT RESOLUTION #2002-168 (HARD COPY)
- 4.8 ASSOCIATION & COVENANT DOCUMENTS (HARD COPY)
- 4.8 FINAL PLAT DRAWINGS (HARD COPY)



LOCATION MAP

Planning Case #02-114
 Preliminary Plat
 Meuleners Addition
 10517 Kyle Ave. N.



	B1	Limited Business
	B2	Retail Business
	B3	General Business
	B4	Vehicle Sales and Showroom District
	BP	Business Park
	I	Industrial
	PCDD	Planned Community Development District
	PUD	Planned Unit Development
	TC	Town Center
	CD	Conservancy District
	PI	Public Institution

	R1	Single Family / Agricultural
	R2	Single Family Residential (100 foot lots)
	R2B	Single Family Residential (85 foot lots)
	R3	Single Family Residential (80 foot lots)
	R3A	Single Family Residential (75 foot lots)
	R4	Single and Two Family Residential
	R4A	Residential Townhomes
	R5	Multiple Family Residential
	R6	Multiple Family Residential
	R7	Multiple Family Residential



Map Date: April 11, 2002

RESOLUTION #2002-___

APPROVING FINAL PLAT #02-114 OF
“NOBLE TRAIL”
TO SUBDIVIDE 19.8 ACRES INTO 32 SINGLE-FAMILY LOTS
AT THE SOUTHWEST CORNER OF NOBLE PARKWAY AND FUTURE 105TH AVENUE NORTH.

Planning Commission File #02-114

WHEREAS, the final plat of “Noble Trail” has been submitted in the manner required for platting of land under the Brooklyn Park Ordinance Code, Section 151.006, and under Chapter 462 of the Minnesota Statutes and all proceedings have been duly had thereunder, and

WHEREAS, said plat is in all respects consistent with the City plan and the regulations and requirements of the laws of the State of Minnesota and ordinances of the City of Brooklyn Park.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK:

1. Plat approval request #02-114, “Noble Trail” (formerly known as “Meuleners Addition”), is approved upon compliance with the following requirements:
 - h. Per final plat “Exhibit A.”
 - i. Title review by the City Attorney.
 - j. Per requirements set forth in Resolutions #2002-168 (“Meuleners Addition” Preliminary Plat) or as subsequently amended by motion, approving the preliminary plat of “Noble Trail,” which is part of this resolution by reference and is on file and can be examined in the City Clerk's office.
 - k. Submission of a letter from the land surveyor or engineer indicating the square footage contained in each lot on the plat, per Section 151.043, Subdivision J, of the City Code.
 - l. Payment of park dedication, based on 30 lots at the rate in effect at the time of filing the plat. No payment is required on the existing home.
2. That the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed thirty day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505:03, Subdivision 2.
3. That the City Clerk is hereby directed to supply a certified copy of this resolution to the above named owners and subdividers after completion of requirements for their use as required by M.S.A. 462.358.
4. That the Mayor and Acting City Manager are hereby authorized to execute the certificate of approval on behalf of the City Council upon compliance with the foregoing provisions.

5. This final plat shall be filed and recorded within sixty days of the date of the signing of the hardshells by the Mayor and City Manager in accordance with Section 151.006, Subdivision J, of the City Code and shall be recorded within 180 days of the adoption date of this resolution.

BE IT FURTHER RESOLVED that such execution of the certificate upon said plat by the Mayor and City Manager shall be conclusive showing of proper compliance therewith by the subdivider and City officials and shall entitle such plat to be placed on record forthwith without further formality, all in compliance with M.S.A. 462 and the Ordinance of the City.

City of Brooklyn Park
Request for Council Action

Agenda Item No:	4.10	Meeting Date	July 8, 2002
Agenda Section:	Consent	Originating Department:	Finance & Administrative Services
Resolution	N/A	Prepared By:	Linda Norrbohm
Ordinance	N/A		
No. of Attachments	1	Presented By:	Nancy Abrahamson
Item:	To set a public hearing on July 22, 2002, to consider the issuance of an Off-Sale Intoxicating Liquor license for Supervalu, Inc., dba Cub Foods, 7555 W. Broadway N.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO SET A PUBLIC HEARING ON JULY 22, 2002, TO CONSIDER THE ISSUANCE OF AN OFF-SALE INTOXICATING LIQUOR LICENSE FOR SUPERVALU, INC., DBA CUB FOODS, 7555 W. BROADWAY N.

Overview:

This establishment currently holds Food, Tobacco Sales and Non-Intoxicating Malt Liquor licenses. A public hearing must be held prior to City Council and State approval of the license requested.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.10 Public Hearing Notice

**NOTICE
CITY OF BROOKLYN PARK
5200 85TH AVENUE NORTH**

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Brooklyn Park City Council will hold a public hearing in the City Hall Council Chambers, 5200 – 85th Avenue North, on Monday, July 22, 2002, to consider the issuance of an Off-Sale Intoxicating Liquor license to Supervalu, Inc., dba Cub Foods, 7555 W. Broadway N.

All persons desiring to be heard are invited to attend. Written comments will be received by the Licensing Division prior to the hearing.

Joan Schmidt
City Clerk

To be published in the Brooklyn Park Sun Post on July 10, 2002.

City of Brooklyn Park
Request for Council Action

Agenda Item No:	4.11	Meeting Date	July 8, 2002
Agenda Section:	Consent	Originating Department:	Finance & Administrative Services
Resolution	N/A	Prepared By:	Linda Norrbohm
Ordinance	N/A		
No. of Attachments	1	Presented By:	Nancy Abrahamson
Item:	To set a public hearing on July 22, 2002, to consider the issuance of an Off-Sale Intoxicating Liquor license for Heytens Enterprises, Inc., dba Up North Liquor, 9570 Noble Parkway N.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO SET A PUBLIC HEARING ON JULY 22, 2002, TO CONSIDER THE ISSUANCE OF AN OFF-SALE INTOXICATING LIQUOR LICENSE FOR HEYTENS ENTERPRISES, INC, DBA UP NORTH LIQUOR, 9570 NOBLE PARKWAY N.

Overview:

This is a new application for this location. A public hearing must be held prior to City Council and State approval of the license requested.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.11 Public Hearing Notice

NOTICE

**CITY OF BROOKLYN PARK
5200 85TH AVENUE NORTH**

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Brooklyn Park City Council will hold a public hearing in the City Hall Council Chambers, 5200 – 85th Avenue North, on Monday, July 22, 2002, to consider the issuance of an off-Sale Intoxicating Liquor license to Heytens Enterprises, Inc., dba Up North Liquor, 9570 Noble Parkway N.

All person desiring to be heard are invited to attend. Written comments will be received by the Licensing Divison prior to the hearing.

Joan Schmidt
City Clerk

To be published in the Brooklyn Park Sun Post on July 10, 2002.

City of Brooklyn Park
Request for Council Action

Agenda Item No.:	4.12	Meeting Date:	07-08-2002
Agenda Section:	Consent	Originating Dept.:	Engineering
Resolution:	X	Prepared By:	Gary Defries
Ordinance	N/A		
No. of Attachments:	4	Presented By:	Doran Cote
Item:	Accept petition and order hearing for vacation of drainage and utility easement in Pinebrook Village 2 nd Addition (Daylily Avenue and Evergreen Avenue)		

City Manager's Proposed Actions:

1. MOTION _____, SECOND _____, TO RECEIVE AND PLACE ON FILE THE PETITION FOR DRAINAGE AND UTILITY EASEMENT IN PINEBROOK VILLAGE 2ND ADDITION.
2. MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-_____, ORDERING HEARING FOR VACATION OF DRAINAGE AND UTILITY EASEMENT IN PINEBROOK VILLAGE 2ND ADDITION.

Overview:

Mr. Scott Burns, 3616 Daylily Avenue, is requesting the vacation of a portion of a drainage and utility easement over his property identified as Lot 7, Block 2, Pinebrook 2nd Addition. This addition is located southerly of 97th Avenue and easterly of Noble Parkway.

Mr. Burns is proposing to construct a deck on the rear of his house. The proposed location of the deck extends into a drainage and utility easement. The drainage and utility easement encompasses a major portion of his property, which includes a pond at the westerly edge of his property and a berm along 97th Avenue. The large drainage and utility easement is for the purpose of ponding and drainage from the neighboring properties including the berm area.

The attached vacation petition initiates the process to vacate the drainage and utility easement. The second motion above establishes a vacation hearing to be held on July 22, 2002, for Council's review and consideration to vacate the easement as requested. Prior to the vacation hearing, we will be securing input from the utility companies regarding their interest, if any, in the proposed easement vacation.

Primary issues/alternatives to consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.12 RESOLUTION
- 4.12 VICINITY MAP
- 4.12 LOCATION MAP
- 4.12 PETITION (HARD COPY)

RESOLUTION #2002-

RESOLUTION ORDERING HEARING FOR VACATION OF
DRAINAGE AND UTILITY EASEMENT IN
PINEBROOK VILLAGE 2ND ADDITION

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK that a public hearing be held on the 22nd day of July, 2002 at 7:30 P.M. in the Administrative Offices at 5200 85th Avenue North, to consider the vacation of the following drainage and utility easement:

Parcel Description:

Lot 7, Block 2, Pinebrook Village 2nd Addition

Drainage and Utility Easement Description:

Commencing at the Northeast corner of Lot 7, Block 2, Pinebrook Village 2nd Addition; thence on an assumed bearing of South 10 degrees, 31 minutes, 47 seconds East along the Easterly line of said lot a distance of 60.00 feet to the actual point of beginning of the easement to be described; thence South 67 degrees, 3 minutes, 58 seconds West a distance of 115.00 feet; thence North 17 degrees, 56 minutes, 02 seconds West a distance of 75.00 feet; thence North 89 degrees, 24 minutes, 11 seconds East to the Easterly line of said lot; thence Southerly along the Easterly line of said lot to the point of commencement and there terminating, except the Easterly 5 feet thereof.

BE IT FURTHER RESOLVED, that the City Clerk be directed to file the proper legal notice of such hearing in the manner required by law.



EASEMENT VACATION LOCATION MAP

 DENOTES PROPOSED UTILITY AND DRAINAGE EASEMENT VACATION AREA



NO SCALE



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City of Brooklyn Park
Request for Council Action

Agenda Item No:	4.13	Meeting Date	July 8, 2002
Agenda Section:	Consent	Originating Department:	Finance & Administrative Services
Resolution	N/A	Prepared By:	Linda Norrbohm
Ordinance	N/A		
No. of Attachments	N/A	Presented By:	Nancy Abrahamson
Item:	Approve a Temporary 3.2 Percent Malt Liquor license for the Church of St. Gerard, 9600 Regent Avenue North, for their Cornfest on August 16, 17, and 18, 2002.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE A TEMPORARY 3.2 PERCENT MALT LIQUOR LICENSE FOR THE CHURCH OF ST. GERARD, 9600 REGENT AVENUE NORTH, FOR THEIR CORNFEST ON AUGUST 16, 17, AND 18, 2002.

Overview:

The Police Department has approved the issuance of this license. Community Development has recommended approval. Their reports are on file in the Licensing Division and are available for review upon request.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park
Request for Council Action

Agenda Item No:	4.14	Meeting Date	July 8, 2002
Agenda Section:	Consent	Originating Department:	Finance & Administrative Services
Resolution	N/A	Prepared By:	Linda Norrbohm
Ordinance	N/A		
No. of Attachments	N/A	Presented By:	Nancy Abrahamson
Item:	Approve a 3.2 Percent Malt Liquor license and a Tobacco Sales license for Noble Parkway Mobil Inc., dba Noble Parkway Mobil, 9500 Noble Parkway North.		

City Manager’s Proposed Action:

MOTION _____, SECOND _____, TO APPROVE A 3.2 PERCENT MALT LIQUOR LICENSE AND A TOBACCO SALES LICENSE FOR NOBLE PARKWAY MOBIL INC., DBA NOBLE PARKWAY MOBIL, 9500 NOBLE PARKWAY NORTH. CONDITIONAL THAT LICENSES MAY BE SUSPENDED OR REVOKED IF PROPERTY IS NOT IN COMPLIANCE UPON COMPLETION.

Overview:

This property currently holds a Motor Fuel, Gas & Oil Service Station license.

The Police Department has completed their investigation and finds “no reason” to not approve these licenses. The Community Development Division has recommended approval of these licenses. Their reports are on file in the Licensing Division and are available for review upon request. The Fire Department will be inspecting this property as soon as construction has been completed. For this reason, we are recommending conditional approval.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park
Request for Council Action

Agenda Item No:	4.15	Meeting Date	7-8-02
Agenda Section:	Consent Agenda	Originating Department:	Police Department
Resolution	X	Prepared By:	Chief Wade Setter
Ordinance	N/A		
No. of Attachments	2	Presented By:	Chief Wade Setter
Item:	Approve Use of Law Enforcement Personnel Agreement between the Metropolitan Airports Commission and the City of Brooklyn Park Police Department		

City Manager’s Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-___ APPROVING THE USE OF LAW ENFORCEMENT PERSONNEL AGREEMENT BETWEEN THE METROPOLITAN AIRPORTS COMMISSION AND THE CITY OF BROOKLYN PARK POLICE DEPARTMENT.

Overview:

As a result of September 11, 2001, the Federal Government has imposed additional security requirements at the Minneapolis St. Paul international airport. Until the Federal Government is able to assume responsibility for the security requirements and deploy federal law enforcement officers at passenger checkpoints, the Airport Police Department is responsible for staffing the checkpoints. The Airport Police Department estimates as many as 700 shifts per month are required to meet the federal guidelines. Since the Airport Police Department does not have adequate resources to staff these checkpoints for the next 12-18 months, they have requested mutual aid assistance from local law enforcement agencies.

The primary duties of the officers working the security checkpoints are:

- ?? Provide an armed deterrence to criminal activity.
- ?? Respond to situations where an individual is interfering with the activities of the screening checkpoint.
- ?? Provide for the overall security of the screening checkpoint and passengers.

The officers will not conduct or participate in any screening or searching of passengers or luggage unless incident to a lawful arrest. The officers will not profile passengers, luggage, or baggage.

We have had 39 Brooklyn Park officers who have expressed interest in working this detail. All officers have been advised that they may only work the detail on their days off and may not take leave time off to work the detail. Police Department vehicles will not be used for this detail or required training. Officers will drive their own vehicles to the airport. Once we have all of our officers trained, we will be able to post a sign up sheet and

have the officers choose their shifts. Prior to being able to work the detail all officers must attend a two to three hour training session at the airport. Officers agreeing to work this detail will attend training on their own time.

The City will be reimbursed by the TSA through MAC for all overtime worked. The overtime rate will be the same that we currently charge for other contract overtime which is currently \$46.00 per hour. Police Department staff will recommend a budget adjustment for the cost of this program by October 1st. The cost of this program will be paid by the Federal Transportation Security Administration (TSA) and revenues will offset expenditures. We should have a better idea as to the duration of this request as time goes on. Preliminary estimates are that the permanent TSA security staff will be in place within 12 to 18 months.

The Minneapolis – St. Paul International Airport serves a very large region and has a tremendous impact on personal and professional lives. This includes the lives of our employees and the residents of Brooklyn Park. The mutual aid request made by the Airport Police Department is rather unusual in its scope and duration. However, in view of September 11th as well as other attacks against the United States, we live in unusual times. The Airport Police Department simply cannot manage this enormous task alone. As one of the largest police agencies in the State of Minnesota, I believe we should make every effort to assist the Airport Police Department. The financial impact upon the City of Brooklyn Park is minimal since workers compensation premiums are already built into our contractual overtime rate and no police vehicles will be used.

The City has been in contact with the League of Minnesota Cities with reference to liability for our officers working at the airport. The Metropolitan Airports Commission has purchased a liability indemnification rider for their insurance policy. The League has also drafted an agreement between MAC and any agency providing security services under this request.

Options

1. Authorize the City Manager to sign the Use of Law Enforcement Personnel Agreement between MAC and the City of Brooklyn Park. Staff will forward a 2002 Budget Amendment no later than October 1, 2002 to address any pass-through costs associated with this agreement.
2. To direct staff to not participate in this program.

Staff recommends Option 1.

Attachments:

- 4.15 USE OF LAW ENFORCEMENT PERSONNEL AGREEMENT
- 4.15 RESOLUTION

**USE OF LAW ENFORCEMENT PERSONNEL
AGREEMENT**

This Use of Law Enforcement Personnel Agreement (“Agreement”) is made by and between the Metropolitan Airports Commission (“MAC”), 6040 28th Avenue South, Minneapolis, Minnesota 55450 and The City of Brooklyn Park Police Department (“BPPD”).

WHEREAS, MAC needs assistance in providing licensed law enforcement officers (LEOs) at the passenger screening checkpoints;

and

WHEREAS, BPPD has indicated that it can provide LEOs to assist MAC.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

**ARTICLE I
SERVICES**

BPPD agrees to provide uniformed LEOs to MAC for airport security duties. The duties are primarily located at or around the passenger security screening checkpoints within the terminal buildings. The scheduling of the LEOs and the number of LEOs assigned to MAC for airport security duties shall be determined by mutual agreement of the parties.

**ARTICLE II
FEES AND CHARGES**

MAC shall pay BPPD for the services rendered as agreed upon in Attachment A. MAC shall not be responsible for any additional costs beyond the hourly amount indicated in Attachment A. If a change in fees on Attachment A is required, BPPD shall provide at least thirty (30) days written notice to MAC.

**ARTICLE III
CANCELLATION**

This Agreement may be cancelled by either party without cause upon ten (10) days written notice. The right to cancel is in addition to all other rights and remedies available to MAC under this Agreement or otherwise by law.

**ARTICLE IV
LIABILITY**

- 1) For the purposes of the Minnesota Municipal Tort Liability Act (Minn. Stat. 466), the employees and officers of the BPPD are deemed to be employees (as defined in Minn. Stat. 466.01, subdivision 6) of MAC with respect to airport security services pursuant to this Agreement.
- 2) Nothing in this Agreement shall be construed to waive any rights, privileges, immunities, or tort damage limitations available to either MAC or BPPD under Federal or State law.

- 3) MAC agrees to defend and indemnify BPPD against any and all claims brought or actions filed against BPPD or BPPD's officers, employees, or volunteers, including but not limited to those for injury to any third person or persons, death of any third person or persons, damage to the property of any third person or persons, or violations of the civil rights of any third person or persons, arising from the performance and provisions of airport security services pursuant to this Agreement.
- 4) MAC agrees to maintain in effect during the duration of this Agreement and at its expense general liability insurance providing limits of at least \$25,000,000 bodily injury, personal injury and property damage combined each occurrence/offense. The insurance policy will include BPPD as an additional insured with respect to the services provided in this Agreement. MAC will provide BPPD with a certificate of insurance naming BPPD as an additional insured and providing at least a ten (10) day notice of cancellation or any significant material change in coverage.

ARTICLE V
WORKERS' COMPENSATION

Each party shall be responsible for injuries or death of its own personnel. BPPD will maintain workers' compensation insurance or self-insurance coverage, covering its own personnel while they are performing airport security activities pursuant to this agreement. Each party or its officers, employees, or volunteers waives the right to sue the other party or its officers, employees, or volunteers, for any workers' compensation benefits paid to its own employees or volunteers or their dependent, even if the injuries are caused wholly or partially by the negligence of the other party of its officers, employees, or volunteers.

ARTICLE VI
DAMAGE TO EQUIPMENT

Each party shall be responsible for damage to or loss of its own equipment. Each party and their representatives waives all rights to sue the other party for any damages to or loss of its equipment, even if the damage or loss were caused wholly or partially by the negligence of any other party or its officers, employees, or volunteers.

ARTICLE VII
EMERGENCIES

MAC recognizes that BPPD may have to recall its personnel for emergency purposes. BPPD will attempt to notify MAC at the earliest possible time that BPPD's LEOs are unavailable for services under this Agreement.

ARTICLE VIII
LEOs EMPLOYMENT STATUS

LEOs provided by BPPD remain employees of BPPD. It is agreed that nothing contained in this Agreement is intended or shall be construed in any manner as creating or establishing an employment relationship between the MAC and BPPD's employees. For this Agreement, BPPD's LEOs are expected to follow the policies and procedures of BPPD. BPPD agrees to be responsible for taking any appropriate action for performance related matter against its employees. MAC reserves the right to deny any of BPPD's LEO from providing services under this Agreement.

ARTICLE IX

SUPERVISION

MAC agrees to provide limited supervision to the LEOs. MAC will designate one LEO as the supervisor per shift. The supervisor's duties will involve coordination of the daily schedule and periodic monitoring of the LEO's activities. The supervisor will notify appropriate MAC staff regarding any performance issues. MAC will pass along the information to BPPD for BPPD's follow-up.

ARTICLE X NOTICE

All notices required by law or this Agreement must be in writing and delivered in person or sent by mail to the following parties (or to any other address or person that one party provides to the other party in writing as the official notification):

MAC: Jo Edblom
Lieutenant, Airport Police Department
4300 Glumack Drive, Suite 370
St. Paul, MN 55111
Telephone: (612) 726-5115

AGENCY: Steve Pearson
Lieutenant, Brooklyn Park Police Department
5400 85th Ave. N.
Brooklyn Park, MN. 55443

ARTICLE XI AUDIT

BPPD shall keep at their principal office, in a system acceptable to MAC, accurate books, accounts, records and documents relevant to the work conducted under this Agreement, and shall keep such information for a period of six calendar years. MAC and the legislative auditor shall have the right at all reasonable times during the business hours of BPPD to inspect the books, accounts, records, documents and accounting procedures and practices relative to the work conducted under this Agreement.

ARTICLE XII MINNESOTA GOVERNMENT DATA PRACTICES ACT

This Agreement and all data created by this Agreement are subject to the Minnesota Government Data Practices Act, regardless of who possesses the information.

ARTICLE XIII ENTIRE AGREEMENT

The parties agree that this document and Attachment A are the Entire Agreement between the parties. No promises, representations or oral agreements have been made between the parties that are not part of this Agreement; and no claim or liability shall arise from any representations or promises not expressly stated in this Agreement except as expressly stated in this Agreement.

ARTICLE XIV
MODIFICATION

This Agreement may be modified only by a written agreement signed by both parties.

The parties agree, intend to be bound and execute this Agreement on the day and year as indicated.

Date: _____ METROPOLITAN AIRPORTS COMMISSION

By: _____

Title: _____

Date: _____ BROOKLYN PARK POLICE DEPARTMENT

By: _____

Title: _____

RESOLUTION #2002-____

RESOLUTION APPROVING USE OF LAW ENFORCEMENT PERSONNEL AGREEMENT
BETWEEN THE METROPOLITAN AIRPORTS COMMISSION (“MAC”), AND
THE CITY OF BROOKLYN PARK POLICE DEPARTMENT (“BPPD”)

WHEREAS, MAC needs assistance in providing licensed law enforcement officers (LEOs) at the passenger screening checkpoints;

and

WHEREAS, BPPD has indicated that it can provide LEOs to assist MAC;

and

WHEREAS, in consideration of the mutual covenants contained herein, the parties agree.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK:

The Mayor and Manager are hereby authorized and directed to enter into a Use Of Law Enforcement Personnel Agreement between The Metropolitan Airports Commission (“MAC”), and The City Of Brooklyn Park Police Department (“BPPD”).

City of Brooklyn Park Request for Council Action

Agenda Item No:	5.0	Meeting Date	July 8, 2002
Agenda Section:	Public Hearing	Originating Department:	Finance & Administrative Services
Resolution	N/A	Prepared By:	Linda Norrbohm
Ordinance	N/A		
No. of Attachments	N/A	Presented By:	Nancy Abrahamson
Item:	Approve an On-Sale Intoxicating Liquor license for Maximino Cendejas, dba General Pancho Villa, 7978 Brooklyn Boulevard North.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE AN ON-SALE INTOXICATING LIQUOR LICENSE FOR MAXIMINO CENDEJAS, DBA GENERAL PANCHO VILLA, 7978 BROOKLYN BOULEVARD NORTH.

Overview:

The Police Department has completed their investigation and finds "no reason" to deny the request for a Liquor license at General Pancho Villa. The Finance Department has completed their investigations of the above applicant and found no reason to deny this license. These reports are on file in the Licensing Division and is available for review upon request. The Fire Department approves the issuance of this license. Community Development has recommended approval and have contacted the owner regarding a dumpster on the property. They are working with the owner to get this problem resolved by 7/8/02.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park
Request for Council Action

Agenda Item No.:	5.1	Meeting Date:	07-08-2002
Agenda Section:	Public Hearing	Originating Dept.:	Engineering
Resolution:	X	Prepared By:	Gary Defries
Ordinance	N/A		
No. of Attachments:	3	Presented By:	Doran Cote
Item:	Hearing for vacation of street, utility and public road easement in "BBPG Addition," Brooklyn Boulevard and County Road 81		

City Manager’s Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-_____, VACATING STREET, UTILITY AND PUBLIC ROAD EASEMENTS IN BBPG ADDITION.

Overview:

The Luther Company Limited Partnership submitted a vacation petition to the City Council on June 24, 2002, requesting the vacation of street, utility and public road easements over four parcels located at the northeast corner of County Road 81 and Brooklyn Boulevard. The Luther Company Limited Partnership is proposing to plat these four parcels and also three additional parcels creating BBPG Addition.

The street, utility and public road easements are located adjacent to County Road 81 and Brooklyn Boulevard. The easements were used previously for a service road and also for access for two of the seven parcels. These existing easements conflict with the proposed plat of BBPG Addition. The plat will create one large parcel for a proposed car dealership.

Staff sent letters to Reliant Energy Minnegasco, Xcel Energy, Sprint and AT&T Broadband requesting information on their utilities within the proposed easement vacation area. Reliant Energy Minnegasco and AT&T Broadband responded. AT&T Broadband indicated they do not have any objection to the proposed easement vacation. Reliant Energy Minnegasco indicated they have a gas main system within the right-of-way of Brooklyn Boulevard, thus they request we retain the utility rights for their gas main system. The remaining two agencies, Xcel Energy and Sprint, have not responded thus we will secure their input prior to the vacation hearing.

The City has a sanitary sewer line located within the 33 foot public road easement adjacent to County Road 81. It is stipulated in the resolution that a utility easement will be retained for the sanitary sewer system. In addition, we will be retaining a street and utility easement for sidewalk located at the intersection of County Road 81 and Brooklyn Boulevard.

Although we have not received a response from Xcel Energy and Sprint, we feel that with the retaining of the utility rights over the public road easement we have protected their interest. However, we will confirm this

with these two agencies prior to the vacation hearing. Easement rights for Reliant Energy's gas main system on Brooklyn Boulevard are retained in the vacation resolution.

Primary issues/alternatives to consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 5.1 RESOLUTION
- 5.1 VICINITY MAP
- 5.1 LOCATION MAP

RESOLUTION #2002-

RESOLUTION VACATING STREET,
UTILITY AND PUBLIC ROAD EASEMENTS
IN BBPG ADDITION

WHEREAS, Section 14.07 of the City Charter provides that the City Council may by resolution vacate any street, alley, public grounds, or public way, or any part thereof, when it appears in the interest of the public to do so, and

WHEREAS, the City of Brooklyn Park has street, utility and public road easements over the following described lands:

Parcel #1:

That part of the Southeast Quarter of the Southeast Quarter of Section 19, Township 119, Range 21, described as follows:

Beginning at a point 322.0 feet west and 33.0 feet north of the Southeast corner of Section 19, Township 119, Range 21; thence at a deflection angle to the right of 62 degrees 26 minutes from a line 33 feet north and parallel with the south line of Section 19, Township 119, Range 21, a distance of 145.38 feet; thence east parallel with the South line of said Section 19 a distance of 187.48 feet; thence south at right angles a distance of 128.79 feet to a line 33 feet north and parallel with the south line of said Section 19, thence west along last described parallel line to the point of beginning.

Easement Descriptions:

A permanent easement for street and utility purposes lying south of the following described line:

Beginning at a point in the east line of the above described parcel, a distance of 55 feet north of the south line of Section 19; thence in a northwesterly direction to a point on the west line of the above described parcel a distance of 62 feet north of the south line of Section 19 and there terminating.

And, a permanent easement for street and utility purposes lying north of the above described permanent easement and west of the following described line:

Beginning at the southwest corner of the above described parcel; thence in a northerly direction to a point on the north line of said parcel a distance of 50 feet east of the northwest corner thereof and there terminating.

Parcel #2:

That part of the Southeast Quarter of the Southeast Quarter of Section 19, Township 119, Range 21, West, 5th Principal Meridian described as follows:

Commencing at a point 322.00 feet west and 33 feet north of the Southeast corner of Section 19, Township 119, Range 21; thence at a deflection angle to the right of 62 degrees 26 minutes a distance of 228.17 feet to the actual point of beginning of the land to be described; thence 90 degrees to the right a distance of 143.20 feet; thence 90 degrees 00 minutes left a distance of 148.97; thence 90 degrees 00

minutes left to the Northeasterly right of way line of U.S. Highway Numbers 52 and 218; thence southeasterly along said right of way line a distance of 148.90 feet; thence northeasterly 174.58 feet, more or less, to the point of beginning.

Parcel #3:

That part of the Southeast Quarter of the Southeast Quarter of Section 19, Township 119, Range 21, described as follows:

Beginning at a point 322 feet west and 33 feet north of the Southeast corner of said Section 19, thence deflecting to the right 62 degrees 26 minutes from a line 33 feet north and parallel with the south line of said Section 19 a distance of 145.38 feet to the actual point of beginning of the land to be described; thence continuing northwesterly on last described line 82.79 feet; thence southwestwardly at right angles to the northeasterly right of way line of United States Highway 52 and 218; thence southeasterly along said right of way line 83.12 feet; thence northeasterly to point of beginning.

Parcel #4:

That part of the Southeast Quarter of the Southeast Quarter of Section 19, Township 119, Range 21, described as follows:

Beginning at a point 322.0 feet west and 33.0 feet north of the Southeast corner of Section 19, Township 119, Range 21; thence northwesterly at a deflection angle of 62 degrees 26 minutes from a line Thirty-three feet north and parallel with the south line of Section 19, Township 119, Range 21, a distance of 145.38 feet; thence southwestwardly at right angles a distance of 176.31 feet to the northeasterly right of way line of U.S. Highways 52 and 218; thence southeasterly along said right of way line to a point Thirty-three feet north of the south line of Section 19, Township 119, Range 21; thence easterly, parallel with said south line to the point of beginning.

Easement Description (Applies to Parcel Numbers 2, 3, and 4):

An easement of thirty-three (33) feet for public road purposes only, the westerly line of said easement being described as follows:

Commencing at a point 522 feet west and 33 feet north of the Southwest corner of Section 19, Township 119, Range 21, (being the intersection of State Highways 52 and 152); thence northerly along State Highway No. 52 a distance of 285.39 feet.

WHEREAS, a public hearing was held on July 8, 2002 as required by law, and

WHEREAS, it has been determined that good area planning requires that these easements be vacated and that it would be in the public interest to do so,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK:

1. That the street and utility easements as described in this resolution for Parcel #1 be vacated, except that portion as described in paragraph 2, which follows.
2. It is not in the public's interest to vacate the street and utility easement over Parcel #1, described

as follows:

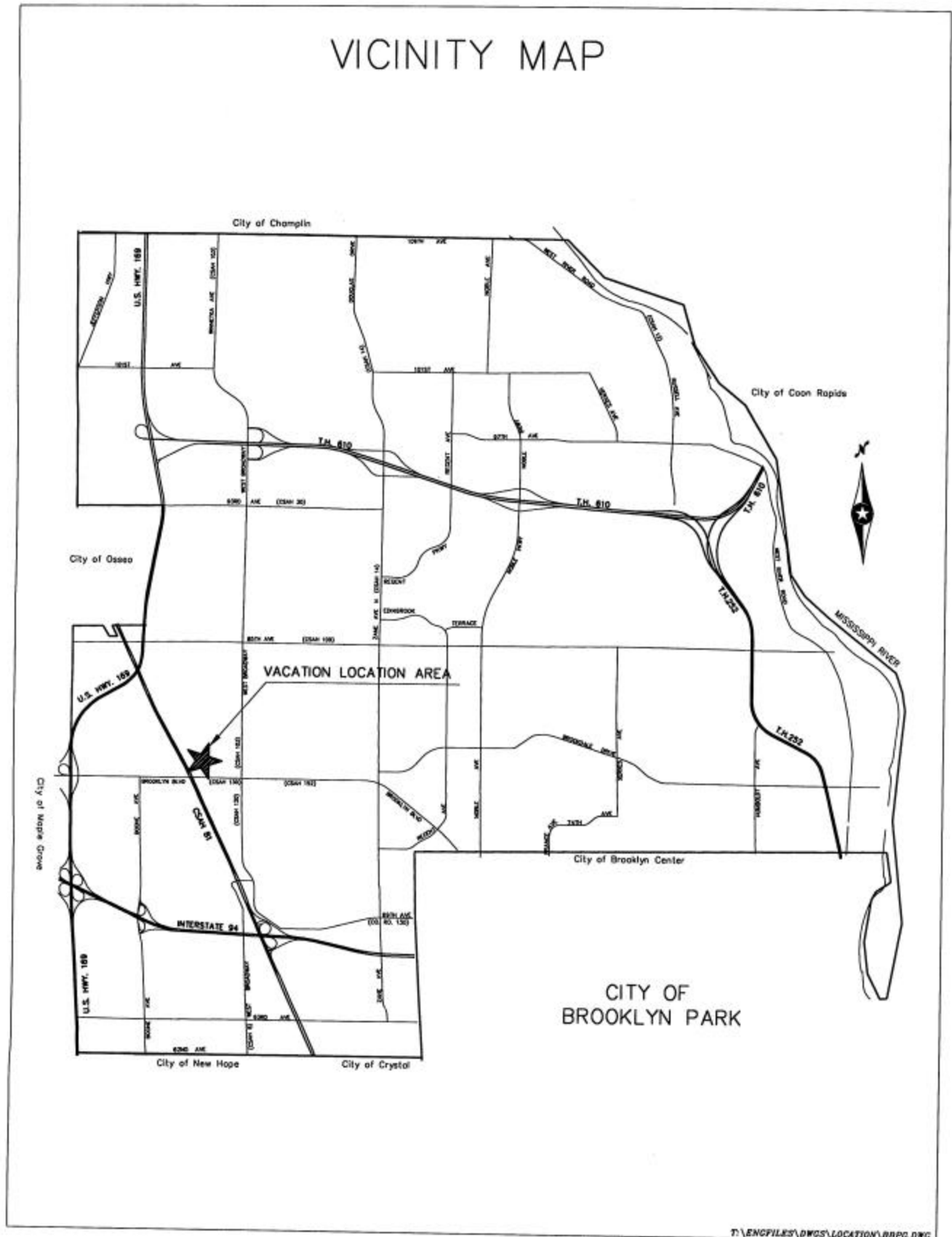
A permanent easement for street and utility purposes lying south of the following described line: Beginning at a point in the east line of Parcel #1 a distance of 55 feet north of the south line of Section 19, Township 119, Range 21; thence in a northwesterly direction to a point on the west line on the above described parcel a distance of 62 feet north of the south line of said Section 19 and there terminating.

3. That the public road easement affecting Parcels #2, 3 and 4 be vacated except those portions as described in paragraphs 4, 5 and 6, which follows:
4. It is not in the public's interest to vacate the utility portion of the southwesterly 30 feet of the public road easement and it shall be retained by the City.
5. It is not in the public's interest to vacate the southeasterly 32.44 feet of the public road easement and it shall be retained by the City.
6. It is not in the public's interest to vacate the public road easement, described as:

Commencing at a point 522 feet west and 33 feet north of the southwest corner of Section 19, Township 119, Range 21; thence northerly along the northeasterly line of State Highway #52 a distance of 32.44 feet to the actual point of beginning of the easement to be described; thence easterly parallel to the south line of the southeast $\frac{1}{4}$ of Section 19, Township 119, Range 21 a distance of 30.00 feet; thence northwesterly a distance of 50.00 feet to a point on the northeasterly line of State Highway #52; thence southeasterly along the northeasterly line of State Highway #52 to the point of commencement and there terminating.


7. A certified copy of this resolution shall be prepared by the City Clerk and shall be a notice of completion of the proceedings and shall be recorded in accordance with the provisions of Section 14.07 of Brooklyn Park City Charter.

VICINITY MAP



EASEMENT VACATION LOCATION MAP



 DENOTES PROPOSED STREET, UTILITY
& ROAD EASEMENT VACATION AREAS



NO SCALE

City of Brooklyn Park Request for Council Action

Agenda Item No.:	5.2	Meeting Date:	07/08/2002
Agenda Section:	Public Hearings	Originating Dept.:	Engineering
Resolution:	X	Prepared By:	Doran Cote
Ordinance	N/A		
No. of Attachments:	3	Presented By:	Doran Cote
Item:	Continued Public Hearing for Project ST-1353, street reconstruction on Zane Avenue from 65th Avenue to 69th Avenue.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-____ ORDERING IMPROVEMENT FOR STREET RECONSTRUCTION ON ZANE AVENUE FROM 65TH AVENUE TO 69TH AVENUE (CSAH 130), PROJECT ST-1353.

Overview:

Project ST-1353 provides for the complete reconstruction of Zane Avenue between 65th Avenue and 69th Avenue including replacement of the bridge over I-694. The project also includes sidewalks on both sides of the roadway.

A public hearing was held for Project ST-1353 on Monday, June 24, 2002. Since there were not enough City Council members present to order the improvements, the public hearing was continued to this evening. Staff recommends that the City Council order the street reconstruction improvements.

Primary issues/alternatives to consider: N/A

Budgetary/Fiscal Issues:

This improvement is programmed for 2002 construction in the 2002-2006 Capital Improvement Program (CIP). \$1,300,000.00 will be provided by MnDOT for the bridge construction via a Cooperative Agreement that the City Council will be asked to approve at a future date. The approach costs will be funded by special assessments and Municipal State Aid (MSA) funds.

Attachments:

- 5.2 RESOLUTION
- 5.2 VICINITY MAP
- 5.2 LOCATION MAP

RESOLUTION #2002-

RESOLUTION ORDERING IMPROVEMENT FOR STREET RECONSTRUCTION
ON ZANE AVENUE FROM 65TH AVENUE TO 69TH AVENUE (CSAH 130),
PROJECT ST-1353

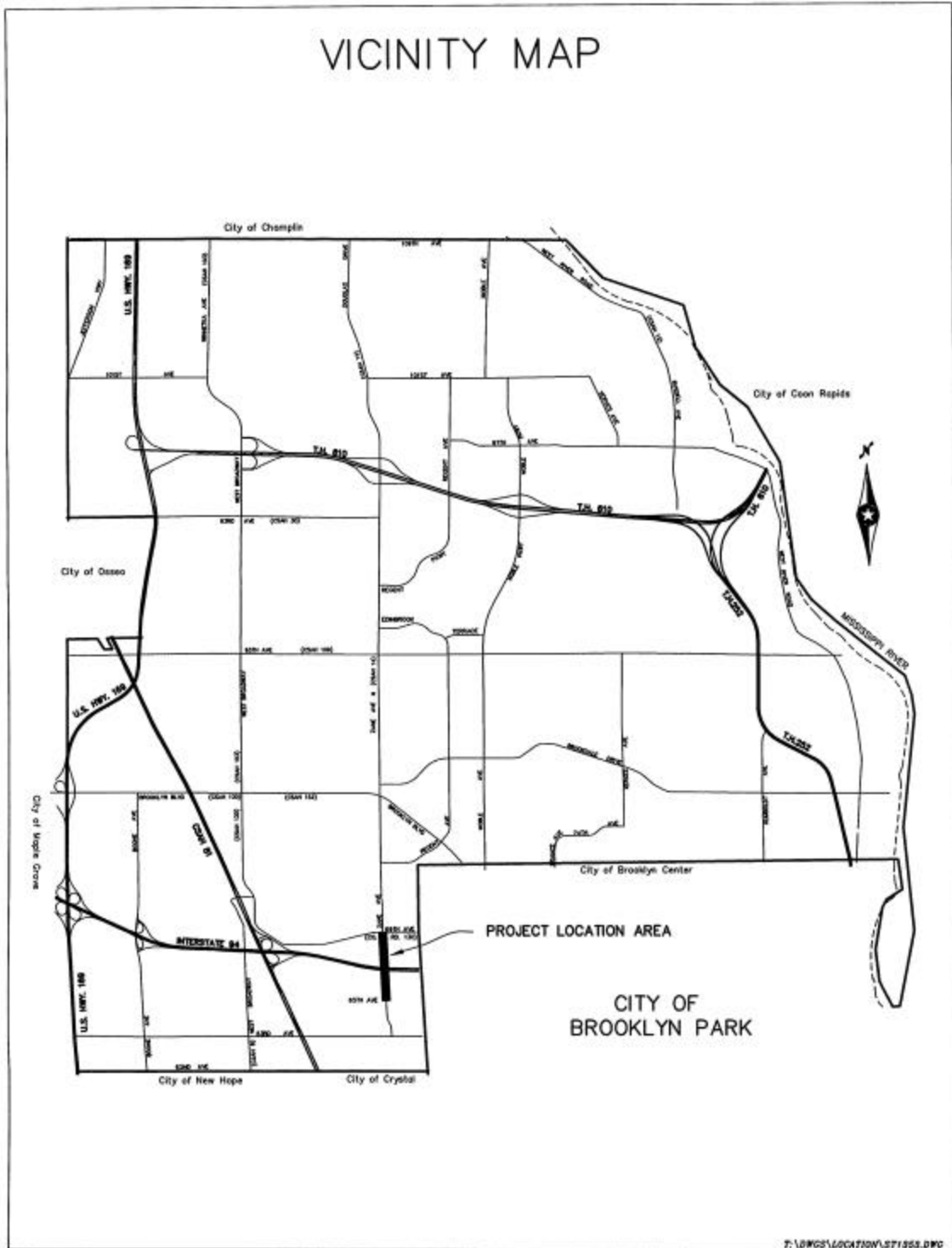
WHEREAS, a resolution of the City Council adopted the 28th day of May, 2002, fixed the 24th day of June, 2002 as the date for a public hearing, and continued to July 8, 2002 for the following proposed improvements;

Project ST-1353 - reconstruction of Zane Avenue from 65th Avenue to 69th Avenue (CSAH 130), including bridge replacement.

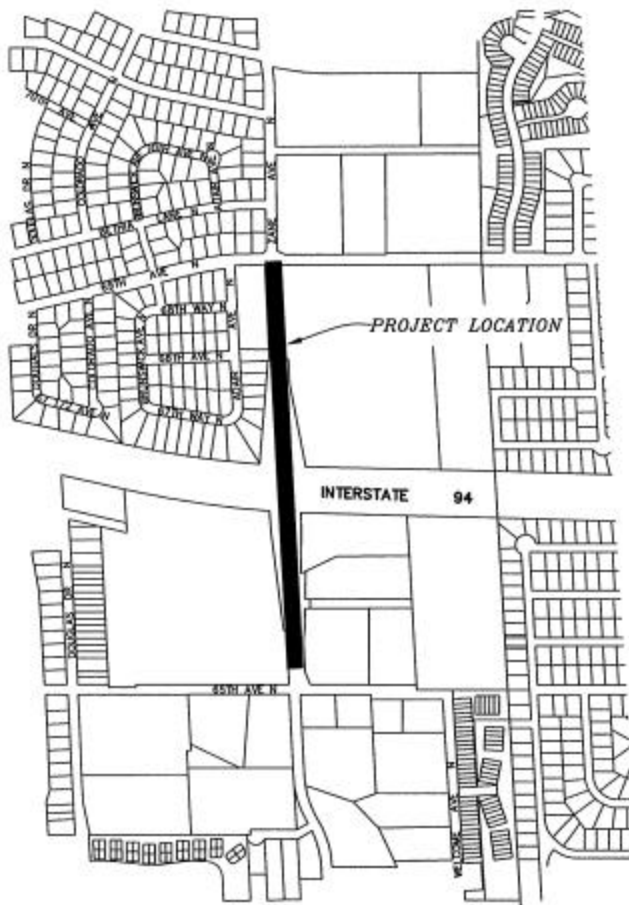
WHEREAS, all property owners whose property is liable to be assessed for the making of these improvements were given ten days' mailed notice and two week's published notice of the Council hearing and the hearing was held and all persons desiring to be heard were given an opportunity to be heard on the 24th day of June, 2002 and the 8th day of July, 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK:

1. Such improvements as set out in Council Resolution of July 8, 2002, and as above indicated are hereby ordered.
2. It is hereby determined that these capital improvements are not related to the City's Comprehensive Plan as recommended by the Planning Commission and need not be referred to the Planning Commission.



*PROJECT LOCATION AREA
ST-1353*



— *DENOTES PROJECT LOCATION*

City of Brooklyn Park Request for Council Action

Agenda No.:	5.3	Meeting Date:	07-08-2002
Agenda Section:	Land Use Action Item	Originating Dept.:	Planning Division
Resolution:	X	Prepared By:	Todd A. Larson
Ordinance	NA		
No. of Attachments:	6	Presented By:	Howard Blin
Item:	Roy Risch (at Home Depot) 6701 Boone Avenue North, Conditional Use Permit #02-125 for seasonal food concession trailer.		

Proposed Action:

MOTION _____ SECOND _____ TO WAIVE THE READING AND ADOPT RESOLUTION #2002-___ APPROVING CONDITIONAL USE PERMIT FOR ROY RISCH AT HOME DEPOT, LOCATED AT 6701 BOONE AVENUE NORTH, FOR OPERATION OF A SEASONAL FOOD CONCESSION TRAILER.

The City Council continued this item at its June 24, 2002 meeting.

Overview:

The applicant is requesting permission to operate an 8-foot by 16-foot portable food vending trailer outside of the Home Depot store. The applicant proposes to operate between April 1st and October 31st, weather permitting. The City Council may restrict the length of time as it sees necessary. The concession trailer would be located on the sidewalk between two of the entrances. This location should not pose a safety threat to pedestrians. No seating areas are proposed.

Currently, the applicant could receive a Temporary Special Event administrative permit and operate for ten days each year. The applicant is requesting to operate longer than the ten days allowed by City Code:

§152.345 (B) Temporary events. Permits may be required for any event with temporary structures or tents, preparation and service of food or beverages for sale, or traffic or parking congestion beyond that expected without the event. The events include outdoor religious events, tent sales, employment fairs, and other similar outdoor uses and events as determined by the City Manager. Construction activities related to the construction, demolition, or rehabilitation of a dwelling, building, or structure are not regulated by this section.

- (1) *Events must be limited to ten consecutive days per calendar year and all equipment, structures, signs, or other evidence of the use must be removed from the property one day after termination of the event.*
- (2) *Disturbed turfed areas must be restored to their pre-event condition within three weeks.*
- (3) *Sanitary facilities must be provided as required by the City Manager.*
- (4) *Any impairment to traffic flow must be documented and mitigated to the satisfaction of the City Manager.*

Home Depot recently was granted approval of a Conditional Use Permit for a seasonal greenhouse. The store is making progress on the required improvements, with only planting additional trees on the berm left to complete. It is recommended that all the required improvements be completed before this request is granted.

The Planning Commission requested a survey of other cities:

City	Process	Duration
Andover	Special Use Permit (Council Action)	Determined by Council
Blaine	Administrative Permit	Four 2-week periods in one year*
Burnsville	Administrative Permit	Two 10-day periods in one calendar year*
Hastings	Administrative Permit	90 days
Lakeville	Administrative Permit	No restriction, permit good for one calendar year
Maple Grove	Administrative Permit	Two 10-day periods in one year*
Plymouth	Administrative Permit	Two 60-day periods in one calendar year*

* May be consecutive periods.

Recommendation

The Planning Commission chose to forward this item to the City Council without a recommendation. If the Conditional Use Permit is granted, it is recommended that the following conditions be attached:

1. The stand may not be open when the store is closed.
2. Home Depot must complete its improvements from Resolution #2002-50 for the seasonal greenhouse before the stand may occupy the premises.

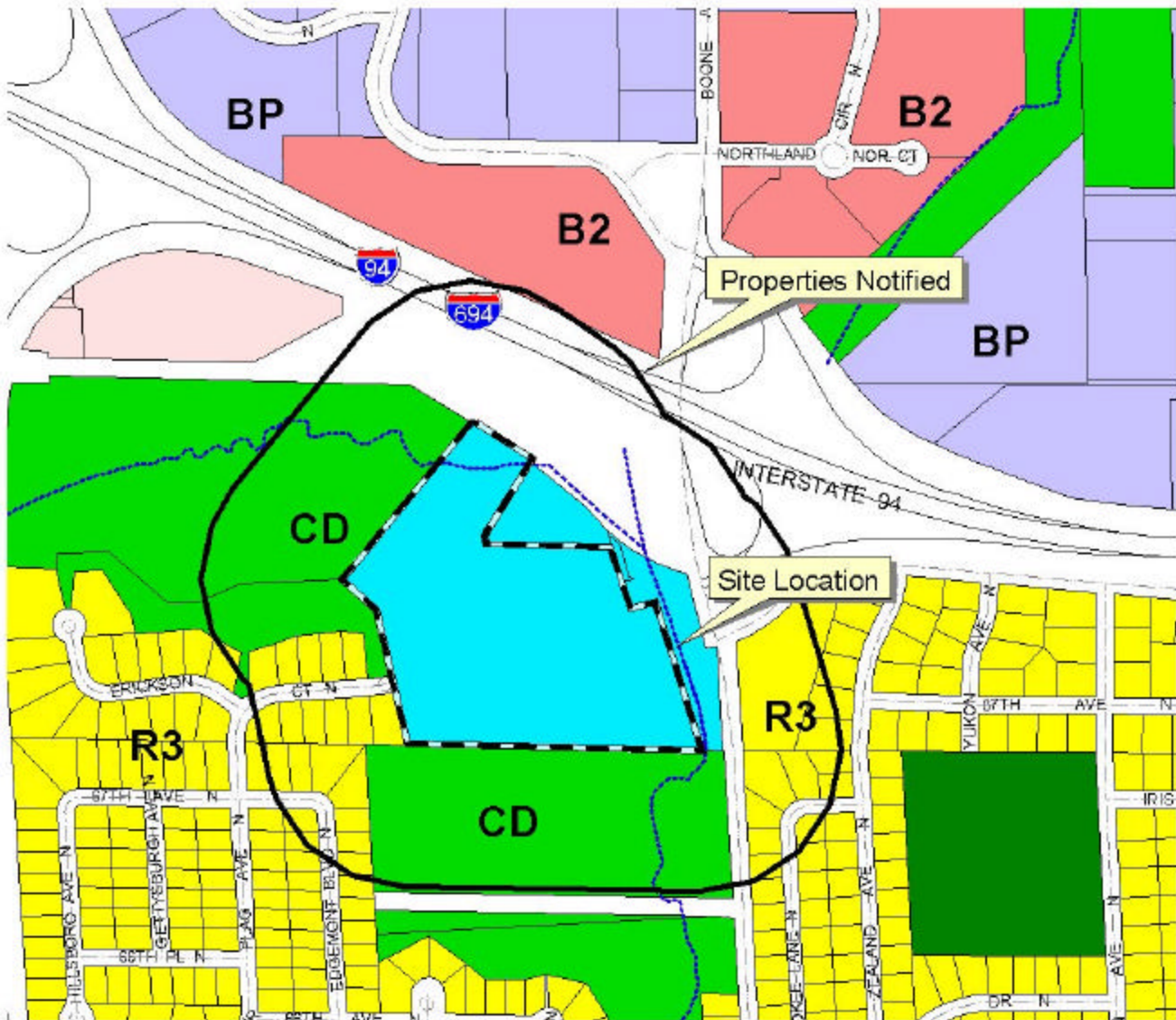
Attachments:

- 5.3 LOCATION MAP
- 5.3 RESOLUTION
- 5.3 PLANNING COMMISSION MINUTES
- 5.3 LETTER FROM APPLICANT (HARD COPY)
- 5.3 LETTER FROM HOME DEPOT (HOME DEPOT)
- 5.3 DRAWINGS (HARD COPY)



LOCATION MAP

Conditional Use Permit #02-125
 Roy Risch
 6701 Boone Ave. N.



	B1 Limited Business		R1 Single Family / Agricultural
	B2 Retail Business		R2 Single Family Residential (100 foot lots)
	B3 General Business		R2B Single Family Residential (85 foot lots)
	B4 Vehicle Sales and Showroom District		R3 Single Family Residential (80 foot lots)
	BP Business Park		R3A Single Family Residential (75 foot lots)
	I Industrial		R4 Single and Two Family Residential
	PCDD Planned Community Development District		R4A Residential Townhomes
	PUD Planned Unit Development		R5 Multiple Family Residential
	TC Town Center		R6 Multiple Family Residential
	CD Conservancy District		R7 Multiple Family Residential
	PI Public Institution		



Map Date: May 14, 2002

RESOLUTION #2002-____

RESOLUTION APPROVING CONDITIONAL USE PERMIT
FOR ROY RISCH
AT HOME DEPOT, LOCATED AT 6701 BOONE AVENUE NORTH,
FOR OPERATION OF A SEASONAL FOOD CONCESSION TRAILER

Planning Commission File #02-125

WHEREAS, Roy Risch has petitioned for a conditional use permit for a seasonal food vending trailer, per sections of the City Code on property legally described as:

Lot 1, Block 1, Park Place Outlot Addition, Hennepin County, Minnesota

WHEREAS, are conditional uses within several zoning districts and the Planned Unit Development,

WHEREAS, the granting of this Conditional Use Permit will not be detrimental to the public welfare nor injurious to the other property in the neighborhood, and

WHEREAS, the granting of this Conditional Use Permit will not have an adverse effect upon traffic and traffic safety or pedestrians and pedestrian safety, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that:

1. A conditional use permit be granted for a seasonal food concession trailer per site plan labeled "Exhibit A," subject to the following conditions:
 - a. The applicant must obtain all proper food licenses.
 - b. The hours of operation must not exceed that of the Home Depot store.
 - c. The concession trailer must not operate or occupy the premises between November 1 and March 31.
2. This conditional use permit amends conditional use permit #95-151 and #2002-50. Conditions set forth in conditional use permit #95-151 and #2002-50 shall still be in effect and must be in compliance before this permit is valid.

The petitioner shall be required to record a copy of this resolution and exhibits with the Hennepin County Recorder and/or Registrar of Titles and to pay all fees for said recording and shall file proof of said recording with the City. No permits or licenses shall be issued until the recording is made and is made within one year from the date of this approval.

MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
REGULAR MEETING

June 12, 2002

Unapproved Minutes

The meeting was called to order at 7:00 p.m.

Those present were: Chair Gorg, Commissioners Anderson, Agnes, Pehler, Olson, Schmitz, Schulte, Planning Director Blin, Planner Larson, and Planning Intern Cook.

Others present were: Council Member Haglund

Those absent were: Commissioners Fuller, Vosberg

6. PUBLIC HEARING

F. “ROY RISCH,” Conditional Use Permit #02-125 for seasonal food concession trailer, (at Home Depot) 6701 Boone Avenue North. Applicant: Roy Risch Location: 6701 Boone Avenue North.

Planner Larson summarized the Staff Report.

The hearing was opened for public comment.

Mr. Risch thanked Mr. Larson for all of his work and help. He stated that he has been in contact with the owner of Home Depot, Rob Fields, and that Mr. Fields understands what needs to be done in the parking lot before Mr. Risch can operate there. Mr. Risch noted that the Mr. Fields is also anxious to have the concession stand there seeing it as a benefit to the customers and employees.

Mr. Rohe, 7717 65th Avenue North, stated that Home Depot has gone through greenhouses and produce stands taking up parking spaces, now they are proposing to have a food concession stand. He addressed his concern with cleaning up and who would be responsible. He concluded by stating that he is opposed to having these concession carts in the City.

There being no further public comment and no one else appeared in favor or opposition and the hearing was closed and comments confined to the Planning Commission members.

Olson asked Mr. Risch if he has done this before and why he feels it should be located at Home Depot. Mr. Risch replied that this is his first stand and thought Home Depot would be a good location reason being there is a lack of food places in this area for employees and customers.

Olson noted his concern with traffic and safety stating there is quite a bit of fast vehicles traveling and that he is struggling with the safety concerns.

Schulte asked why Home Depot is not the applicant. Blin stated that effectively Home Depot is a Co-Applicant with Mr. Risch. Mr. Risch added that he approached Home Depot and initiated the process therefore he is the applicant.

Schulte stated that with this being the case, would Mr. Risch only use this conditional use permit or could it be applied to someone else if Mr. Risch were to stop operating there. Blin stated that someone else could use the permit if they started operating prior to the one-year after Mr. Risch would have stopped operating.

Schulte noted his concerns with litter and stated that he doesn't see this as a fit for Brooklyn Park. He asked what type of protection could the City place on these types of temporary concession stands.

Gorg advised Staff to talk to the City Council and see if this is something that they would consider approving.

Blin suggested continuing this issue to the next Planning Meeting.

Council Member Haglund addressed the Commission and informed them that the Plymouth Home Depot has this type of concession stand operation. He stated that as being a contractor himself, he feels these stands are very convenient to customers, employees, and contractors who stop in for materials giving the ability to get lunch at the same time. He noted that he stopped at the concession stand in Plymouth and thinks that they are great. He asked the operator of the Plymouth stand about the clean up and the operator stated that the rules are under the agreement with Home Depot, which must be attained to remain in operation.

Agnes noted that it should be Home Depot who would be held liable on the clean up issue and that perhaps a one-year permit could be issued. He stated that he likes this idea and for vitality the City should have temporary outside activities in Brooklyn Park, as long as there are controls in place. He advised that a Covenant be in place to make sure that Home Depot is responsible.

Larson explained that if Mr. Risch's trailer were finished he could open up on a two-week test period without the Council's approval, which would've given the rare opportunity to take advantage and try out the business.

Pehler noted the size of the trailer and space in front of Home Depot and asked if this would fit. He also asked about this being a transient merchant or a special event. Larson stated that a special event is limited to ten days, so this would be a transient merchant sale.

Pehler asked Staff to be certain of the category and to inform the Council of what are this falls in.

Schulte advised Staff to talk to Plymouth City and find out what they did on this issue. Gorg agreed.

Schulte suggested reviewing the past issue of corn sweeping to see if there are any similar items that were discussed and how they were dealt with.

Agnes stated that he would like to be certain that this would not be delaying Mr. Risch's investment. Larson stated that it would be delayed by two-weeks in order to talk to Council and bring it back to the Commission.

Mr. Risch informed that Commission that in addition to Plymouth, there are also concession stands at the Coon Rapids and Prairie Home Depots. He noted that these are a few other areas that could be contacted.

Schulte asked when Mr. Risch's trailer would be completed. Mr. Risch stated that the trailer is supposed to be completed next week.

Blin stated that if this item is continued, July 10, 2002 is when it would be presented to the Commission again. Agnes informed the Commission that he doesn't feel this is appropriate.

Larson noted that Home Depot informed Staff that they would have their parking lot work completed by June 21, 2002, if the Commission decides to approve this.

Schulte asked when this was proposed to the City. Larson stated that it was submitted at the end of April. Schulte noted his concern of not rushing this issue being there are legitimate items to deal with, stating that he feels there are a lot of unknowns.

After discussion the Commission decided to forward this issue without recommendation instead of continuing.

MOTION AGNES, SECOND OLSON, TO FORWARD WITHOUT RECOMMENDATION OF THE CONDITIONAL USE PERMIT FOR ROY RISCH AT HOME DEPOT, LOCATED AT 6701 BOONE AVENUE NORTH, FOR OPERATION OF A SEASONAL FOOD CONCESSION TRAILER, SUBJECT TO THE CONDITIONS IN THE DRAFT RESOLUTION. *MOTION PASSED (6 – 1) (Pehler opposed).*

Pehler stated the reason he is opposed is that he doesn't feel the Commission should forward items to the City Council without having a recommendation.

City of Brooklyn Park Request for Council Action

Agenda No.:	5.4	Meeting Date:	07-08-2002
Agenda Section:	Land Use Action Item	Originating Dept.:	Planning Division
Resolution:	X	Prepared By:	Todd A. Larson
Ordinance	NA		
No. of Attachments:	5	Presented By:	Carol Vosberg
Item:	“<u>Evergreen Trail</u>” by Insignia Development. Preliminary Plat #02-127 for subdivision of 24.39 acres north of 101 ST Avenue between Regent and Zane Avenues.		

Planning Commission Recommendation:

MOTION _____ SECOND _____ TO WAIVE THE READING AND ADOPT RESOLUTION #2002-____ APPROVING PRELIMINARY PLAT #02-127 OF “EVERGREEN TRAIL” FOR SUBDIVISION OF 24.39 ACRES INTO 54 SINGLE-FAMILY LOTS LOCATED NORTH OF 101ST AVENUE BETWEEN REGENT AND ZANE AVENUES.

At its June 26, 2002 meeting, the Planning Commission unanimously recommended approval.

Overview:

“Evergreen Trail” is a proposal for 54 single-family homes in the northern growth area. This development would feature its proximity to the North Hennepin Regional Trail, Town Center area, as well as the preservation of many large evergreens. The current zoning is R2B, Single-Family Residential, and the proposal conforms to all dimensional requirements.

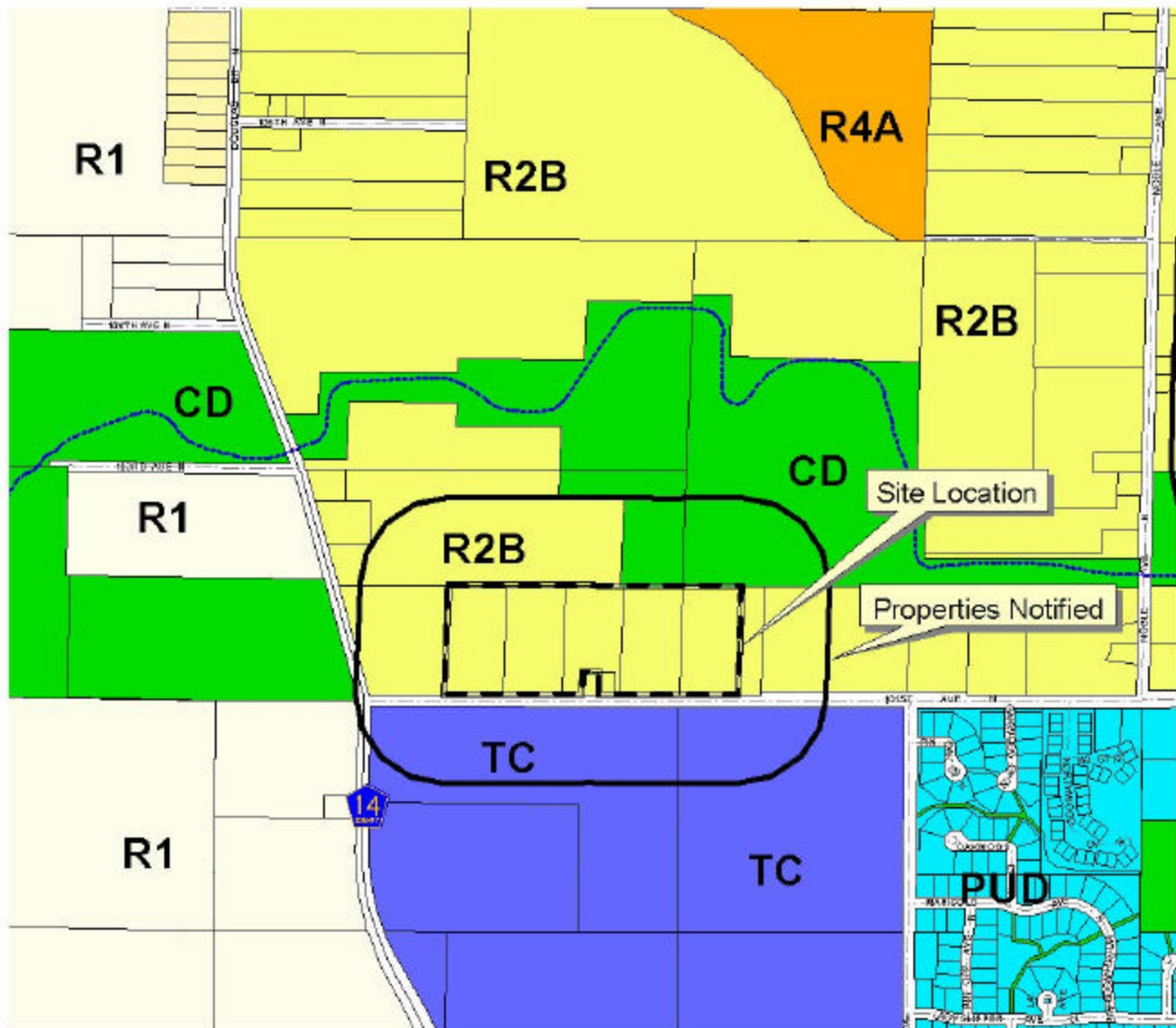
Attachments:

- 5.4 LOCATION MAP
- 5.4 RESOLUTION
- 5.4 PLANNING COMMISSION MINUTES
- 5.4 ASSOCIATION & COVENANT DOCUMENTS (HARD COPY)
- 5.4 DRAWINGS (HARD COPY)



LOCATION MAP

Preliminary Plat #02-127
 "Evergreen Trail"
 101st Ave. N.



	B1 Limited Business		R1 Single Family / Agricultural
	B2 Retail Business		R2 Single Family Residential (100 foot lots)
	B3 General Business		R2B Single Family Residential (85 foot lots)
	B4 Vehicle Sales and Showroom District		R3 Single Family Residential (80 foot lots)
	BP Business Park		R3A Single Family Residential (75 foot lots)
	I Industrial		R4 Single and Two Family Residential
	PCDD Planned Community Development District		R4A Residential Townhomes
	PUD Planned Unit Development		R5 Multiple Family Residential
	TC Town Center		R6 Multiple Family Residential
	CD Conservancy District		R7 Multiple Family Residential
	PI Public Institution		



Map Date: May 22, 2002

Planning & Zoning Information

Current Zoning	R2B, Single Family Residential	
	Minimum lot area	11,475 ft ²
	Minimum lot width	85 feet at the front setback 60 feet at the front property line
Surrounding Zoning	West	R2B, Single-Family Residential <i>“Pines of Oxbow”</i>
	East	R2B, Single-Family Residential
	North	CD, Conservancy District <i>North Hennepin Regional Trail</i> R2B, Single-Family Residential <i>Oxbow Creek</i>
	South	TC, Town Center
		<u>Conforms to Zoning</u>
Site Area	24.39 acres	Yes
Number of lots	54	Yes
Average Density	2.21 units per acre	Yes
Largest Lot Area	36,090 ft ² (Lot 1, Block 5)	Yes
Average Lot Area	14,640 ft ²	Yes
Smallest Lot Area	11,475 ft ²	Yes
Conforms to		
	Comprehensive Land Use Plan – yes	
	Zoning Code – yes	
	Subdivision Code – yes	
	Variance needed – none	

Roadways

Two north-south roadways, Welcome Avenue and Xenia Avenue, would be the entrances to the development off of 101st Avenue. Xenia Avenue would also connect to the “Oxbow Creek” development to the north. Both of these roadways are aligned with the proposed roadways for “Oxbow Commons” in the Town Center. An east-west street, 102nd Avenue, would internally connect Welcome and Xenia Avenues.

Three minor cul-de-sacs are located throughout the development. A connection is provided to the property to the east for future development. All of the cul-de-sacs are within the maximum 600-foot length.

Lots

Fifty-four single-family lots are proposed for this development. All lots meet the dimensional requirements of the R2B district. Lots adjacent to 101st Avenue would have the required extra 25 feet in width or depth required for Class I collector streets to provide additional screening.

One lot, Lot 1, Block 5, would be retained by a current landowner and would be large enough to be subdivided again in the future.

Homes

Five homes are currently on the site. After development, two of the homes would remain. The developer is working with the homeowners of these homes for remodeling them in order to better conform to the new development. These homes would also be connected to City sewer and water service.

Homes built in the northern growth area must adopt covenants meeting certain design standards from City policy. The developer has prepared these covenants, which are attached. They include minimums for minimum brick, stone, or stucco on the front façade, minimum finished square footage, and garages that are side-loaded or located behind the front of the house. The developer is proposing an Arts and Crafts style home design.

Landscaping & Screening

All new homes must have five trees, ten shrubs, black soils, and sod in the yards. Credit is given for existing trees.

Extensive landscaping is required throughout the site in the form of screening 101st Avenue, median islands, cul-de-sac islands, entrance features, and trail screening.

101st Avenue is considered a Class I collector. These types of roadways require an additional 25 feet to the lot depth or width to lots adjacent to the roadway. Within this area, a three-foot berm, four trees, and five shrubs are required for each lot to screen the roadway from the homes. These trees do not count towards the general per lot landscaping requirements. The applicant is proposing a six-foot berm along much of 101st Avenue. This berm must be sloped gently to allow for maintenance of the power line. Trees that are planted on this berm must be of a type that will not interfere with the overhead wires. The two existing homes that would retain lots would use existing landscaping as screening, rather than berming.

At both entrances to the development, a landscaped median island and entrance plantings are proposed. The developer is proposing an extensive entrance feature at both entrances off of 101st Avenue. Stone columns and a wrought iron fence placed diagonally would serve as the backdrop for several perennials and shrubs. Behind the fence, several large evergreens would be transplanted. The stone columns would display the name of the development.

Four cul-de-sac islands are proposed. These islands are required to be landscaped. The developer is proposing to use transplanted evergreen trees from the site as well as new shrubs and perennials. The ground would be covered with wood mulch. The developer is proposing a planting scheme that does not require irrigation.

A trail connection is being provided (Outlot A). This connection should be screened from adjacent homes to provide privacy for the homeowners. The applicant is proposing to relocate existing evergreens along the trail connection. It is recommended that shrubs should fill in areas between the evergreens in order to provide separation between the Trail connection and back yards.

In all of these landscaped areas, evergreens are proposed to be predominant due to the name of the development, "Evergreen Trail."

Storm Water Ponds

Storm water pre-treatment ponds are required on a development of this size. The applicant is proposing expanding the neighboring pond that is shared between the "Oxbow Creek" and "Pines of Oxbow" developments. Their developers are lining this pond, so the expanded portions of the ponds must also be lined. A uniform shoreline treatment will be required and must be coordinated with the other two developments. Homeowners' association and covenant documents must address landscaping and maintenance of the ponding areas.

Sidewalks & Trails

Sidewalks are being proposed along the east sides of both Welcome and Xenia Avenues. The sidewalk along Welcome Avenue would provide a link between the Town Center area to the North Hennepin Regional Trail. The sidewalk along Xenia Avenue would provide a link between the “Oxbow Creek” development to the north, “Evergreen Trail,” and the Town Center area to the south.

101st Avenue is being reconstructed currently. A sidewalk is being built along the south side of the road. There was not enough right-of-way along the north side of the road to construct a trail. With the platting of this development and “Pines of Oxbow” to the west, additional right-of-way is being provided, however other right-of-way is needed from other neighboring properties for a trail to be constructed. It is recommended that money be paid for the future trail construction.

Homeowners’ Association & Neighborhood Covenants

A homeowners’ association will be required for this development due to the large amount of common landscaped plantings. The City Attorney must review and approve all association documents. Covenants regarding architectural controls are required of all developments in the northern growth area. These covenants must incorporate items listed in Resolution #2001-283 such as garage placement, façade materials, and home value.

The applicant has provided the proposed association and covenant documents for review by the Planning Commission. Minor changes are necessary to reflect the conditions set forth in this review.

Parkland Dedication

The required parkland dedication shall be satisfied through a combination of a land and cash donation. The donation would be for fifty-four lots with credit given for Outlot A as a land donation for a trail connection.

Utilities

Storm sewer, sanitary sewer, and water are being provided through the reconstruction of 101st Avenue this summer. Under no circumstances will building permits be issued until all utilities are available to this site.

Overhead power lines run along the south and north edge of the property. Homes near the lines must be set back a distance equal to the height of the poles from the line.

Public Safety

The Police and Fire Departments have reviewed the plans and have provided no additional comments.

Recommendation

It is recommended that Preliminary Plat #02-127 for “Evergreen Trail” be approved with the following conditions:

1. A Homeowners’ Association be established for maintenance of the landscaped entranceways, islands, and berms;
2. A uniform pond shoreline treatment be coordinated with surrounding developers;
3. \$23,492.62 be paid for future trail construction along the north side of 101st Avenue.

RESOLUTION #2002- ____

RESOLUTION APPROVING PRELIMINARY PLAT #02-127 OF
“EVERGREEN TRAIL”
FOR SUBDIVISION OF 24.39 ACRES INTO 54 SINGLE-FAMILY LOTS
LOCATED NORTH OF 101ST AVENUE BETWEEN REGENT AND ZANE AVENUES

Planning Commission File #02-127

WHEREAS, the plat of “Evergreen Trail” has been submitted in the manner required for platting of land under the Brooklyn Park Codes and under Chapter 462 of the Minnesota Statutes and all proceedings have been duly had thereunder, and

WHEREAS, said plat is in all respects consistent with the City plan and the regulations and requirements of the laws of the State of Minnesota and codes of the City of Brooklyn Park, Section 151,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK, PRELIMINARY PLAT REQUEST #02-127 “EVERGREEN TRAIL” SHALL BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1.00 DRAWINGS

1.01 Per plat on file in the City Clerk’s office dated 06-01-2002 is approved for 54 single-family lots and one outlot upon compliance with the following requirements:

2.00 BONDS, ESCROWS AND DIRECT PAYMENTS

2.01 Furnishing subdivider’s performance bond or an irrevocable letter of credit in the amount of **\$905,000.00** (for off-site improvements); furnishing an irrevocable letter of credit or performance bond in the amount of **\$15,400.00** (for on-site improvements) for landscaping of the entranceways and cul-de-sac islands; and a cash bond (CASH) in the amount of **\$48,400.00** to assure that the developer will construct or install the following:

- a. Installation of grading, gravel, and base for streets.
- b. Paving of streets.
- c. Installation of concrete curb and gutter.
- d. Construction of hard surface driveways.
- e. Construction of street lights.
- f. Construction of mailboxes.
- g. Installation of water system.
- h. Installation of sanitary sewer system.
- i. Installation of storm sewer system.
- j. Installation of street and traffic control signs/signals.

- k. Landscaping of the trail buffer strip, entrance features, berming, or screening landscaping requirements of the subdivision or zoning codes. Installation of trees must be completed within 30 days of occupancy of the first new residence, unless the house is occupied between October 1 and April 1, then landscaping must be completed by June 15.
- l. Shaping and sodding of drainage ways in accordance with the drainage development plan approved by the City Engineer.
- m. Adjustment and repair of new and existing utilities.

These requirements are all in conformance with City approved plans and specifications at the sole expense of the subdivider in conformance with Chapter 151 of the City Code; or if in lieu of the developer making said improvements, the City proceeds to install any or all of said improvements, under the provisions of Chapter 429 of the Minnesota Statutes, the City Council may reduce said performance bond by the amounts provided, upon the ordering, for those public improvements so undertaken. The bond or Letter of Credit must have the same expiration date as the Developer's Contract.

- 2.02 A Subdivider's Escrow in the amount of **\$41,900.00** posted with the City's Finance Director to cover engineering, legal and administrative costs incurred by the City. If this account becomes deficient it shall be the developer's responsibility to deposit additional funds. This must be done before final bonding obligations are complete.
- 2.03 Payment of a park dedication fee for 52 lots based on the rate in effect at the time of final plat approval. Credit will be given for Outlot A. No fees are required for the lots containing the two existing homes. In the event Lot 1, Block 5 is subdivided in the future, park dedication will be required at that time.
- 2.04 Payment of \$23,492.62 for future construction of a trail along the north edge of 101st Avenue.

3.00 REQUIRED DOCUMENTS

- 3.01 Approval of Title by the City Attorney.
- 3.02 Review and approval of covenant and association documents by the City Attorney prior to Final Plat approval. Covenant documents must contain the design items set forth in Resolution #2001-283 and the following items:
 - a. All ponding areas are considered private and will be maintained by the property owners.
 - b. All ponding areas are required to have a uniform shore treatment to be called out in the neighborhood covenant documents.
- 3.03 Signing of the Subdivision Contract establishing performance, and if applicable, requiring that the date of completion of utilities and streets be set at a date not later than the first anticipated date of issuance of the first Certificate of Occupancy. If such certificate is anticipated to be issued during the winter months, construction must be completed by November 30th. In no event shall the term of contract exceed one year. A construction schedule approved by the City Engineer must be provided prior to recording of the plat.
- 3.04 All utility construction, drainage, grading and development plans must be approved by the City Engineer prior to receiving a building permit.

- 3.05 A comprehensive search shall be performed to identify any existing wells on the property. A licensed well driller shall properly abandon any unused wells in the plat. Such abandonment shall be reviewed and approved by the Minnesota Department of Health.
- 3.06 A final plat showing the correct square footage for each lot area must be submitted prior to recording of the final plat.
- 3.07 A deed for Outlot A that will be dedicated to the City for parkland purposes.

4.00 GENERAL CONDITIONS

- 4.01 It shall be the developer's responsibility to keep active and up to date the developer's contract and financial surety (Letter of Credit, bonds, etc.). These documents must remain active until the developer has been released from any further obligation by City Council motion received in writing from the Engineering Department.
- 4.02 Before final bonding obligations are released, a certificate signed by a registered engineer must be provided. This certificate will state that all final lot and building grades are in conformance to drainage development plan(s) approved by the City Engineer.
- 4.03 All conditions of the City Attorney's office shall also apply. A Title Review must be conducted by the City Attorney's office using documents provided by the developer before final plat.
- 4.04 Final covenants documents shall be subject to review and approval by the City Attorney.
- 4.05 No burying of construction debris shall be permitted on the site.
- 4.06 Adequate dumpsters must be on site during construction of streets, utilities, and homes. When full, they must be emptied immediately or replaced with an empty dumpster.
- 4.07 Metal roll-off dumpster containers for construction debris shall be present at each building site within the front yard setback prior to framing inspections being conducted. Dumpsters shall be monitored for overflow and emptied or completely covered with a secured tarp or cover at the end of each work day.
- 4.08 Adequate portable toilets must be on-site at all times during construction of utilities, roadways, and homes. At no time shall any home under constructions be more than 250 feet away from any portable toilet. Toilets must be regularly emptied.
- 4.09 During construction, streets must be passable, at all times, free of debris, materials, soils, snow, and other obstructions.
- 4.10 Orange snow fence must be installed around all areas indicated on the plans as "trees to be saved."
- 4.11 A sign stating the entrance to a tree preservation zone must be placed at the entrance to the development.
- 4.12 Landscaped cul-de-sac islands shall be required to be installed. Landscape plans for the cul-de-sac islands shall be approved by City staff. Regular irrigation is required until the plants have been established.

- 4.13 Plantings on power line easements may need to be a species/types that will mature at a height that will not interfere with the overhead power lines or interfere with their maintenance (Xcel Energy will determine appropriate types).
- 4.14 Trees shown on the landscaping plans as “Save Trees” shall be saved.
- 4.15 Model homes must have sod installed before they may be shown to the public.
- 4.16 Installation of sod, trees, and shrubs must be completed within 30 days of the day the certificate of occupancy was granted to the residence, unless the house is occupied between October 1 and April 1, then landscaping must be completed by June 15.
- 4.17 Plantings on Outlot A shall be installed by the developer. Additional shrubs shall be planted between the evergreens. Sod is required between the curb and the property line; sod shall be planted over the remainder of the outlot.
- 4.18 Street lighting will be required to conform to the City standards for roadway lighting. A decorative acorn-style fixture will be required. The City shall choose the style of fixture.
- 4.19 All ponding areas are considered private and will be maintained by the property owners.
- 4.20 All ponding areas are required to have a uniform shore treatment to be called out in the neighborhood covenant documents.
- 4.21 All ponding areas must be lined with a minimum three-inch layer of organic soils suitable for supporting plant life in the event of low water levels.
- 4.22 The grading/development plan and preliminary plat must be reviewed and approved by the West Mississippi Watershed Management Commission and City Engineer prior to any grading of the site. Also the cash bond and cash escrow payments indicated above must be on deposit with the City prior to issuance of the grading permit.
- 4.23 No building permits will be issued until such time as adequate public utilities, including street lights, and streets have been installed and determined to be available to use. The City will require that the utilities, lighting, and street system have been designed, bid, constructed and considered operational prior to issuance of any building permits in the development. Also, the City must have all the necessary right-of-way and/or easements needed for the property to be serviced.
- 4.24 Homes on corner lots shall be required to have side-loaded garages with driveways accessing the side streets.
- 4.25 Monument signs must obtain a sign permit.
- 4.26 If the petitioner needs additional time to satisfy the requirements listed in this Preliminary Plat in order to get it released for recording, then a one year time extension must be requested. Time extension requests are subject to the conditions found in Subdivision Code (Section 151). The failure on the part of the petitioner to submit a final plat per Section 151 within one year from the date of this approval shall deem the preliminary approval to be null and void.

**MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
REGULAR MEETING**

June 26, 2002

Unapproved Minutes

The meeting was called to order at 7:03 p.m.

Those present were: Commissioners Anderson, Agnes, Pehler, Olson, Schmitz, Schulte, Vosberg, Planning Director Blin, Planner Larson, and Planning Intern Cook.

Others present were: Council Member Haglund

Those absent were: Chair Gorg and Commissioner Fuller

- C. **“Evergreen Trail,” Preliminary Plat #02-127 for subdivision of 24.39 acres north of 101st Avenue between Regent and Zane Avenues. Applicant: Insignia Development, LLC Location: 5564, 5600, 5616, 5724, 5816 - 101st Avenue N**

Larson summarized the Staff Report.

The hearing was opened for public comment.

Mr. Rob Plagemann, Insignia representative, introduced the team members. Mr. Jeff Schoenwetter noted recent successful developments in other areas including Plymouth, St. Michael and Edina. He explained that this is a thoughtfully designed neighborhood to create blending in with Brooklyn Park, incorporating the needs of the City. He agreed with the Staff Report, and noted the stone monument entrance signs. He also stated that as many trees as possible would be preserved. He added that there would be a pond on the site and that the trail would connect with the three river parks. He stated that the development is single-family residents, which compliment the existing neighborhood integrity. He explained that the homes would cater to the move up, young family buyer. He presented views of the two-story homes, which include a lot of stone and natural materials. He noted the setting back of one of the garages, the covered porches and the variety of style of homes that would be starting at 2000 square feet going up to 3000 square feet. He stated that the homes would be priced from \$300, 000.

Mr. Elmer Rosenving appeared before the Commission and stated that he was one of the families that are staying in their home. He noted that he was surprise to read that his home would be remodeled to conform to the homes in the development, and that he didn't feel like he should have to be included in the association or pay any dues. Larson explained that Mr. Sebold stated that he was working with the homeowners on putting up new siding and windows to blend in and that part of the purchasing of the property, homes would hook up to the sewer, and would have improvements made to the existing homes. He noted that this would not be at Mr. Rosenving's expense.

Blin stated that Mr. Rosenving could stay on his current well but would be hooking up to the sewer.

Olson explained to Mr. Rosenving that his issues would be clarified.

Mr. Rosenving also noted the monument on his lot stating that he wasn't aware how large it would be which is 30 feet to north and 30 feet to the west noting that this is a significant amount of his lot. Olson stated that these issues would be addressed. Mr. Schoenwetter added that they are committed to resolving these issues.

Lee Anderson, 5608 101st Avenue North, appeared before the Commission and stated that he is worried about the construction taking place being he has an asthmatic five year old. He explained that his son has been aloud to roam through the back of the property and is now concerned about heavy equipment being placed back in that area. Mrs. Bonnie Anderson stated that she was also surprised at the remodeling and stated that they haven't had any communication. Larson noted that the Anderson house would not be remodeled being the development is happening around their home.

Ms. Anderson asked that property lines be staked as soon as possible.

There being no additional public comment and no one else appeared in favor or opposition and the hearing was closed and comments confined to the Planning Commission members.

Pehler asked about the exception property and if silk fencing would be placed around it. Larson replied that it is standard practice. Pehler noted that the fence would help with the boundary issue.

Agnes asked if anything could be done about the asthmatic concerns. Blin answered that he is not aware of anything and would discuss it with Mr. and Mrs. Anderson. Agnes stated to at least supply the Anderson's with a work schedule.

Anderson stated that he likes the project, that it is very high quality and upscale, but noted that he is disturbed to hear that the neighbors haven't been talked to as much as they should have been. He stated that he knows that would be addressed and that it is a good project.

Pehler noted trail access and asked if there are plans for an east-west connection to the sidewalk.

Dwayne Sikich stated that the main goal was to go to the north. He noted that the County has been contacted about continuing the trail on and willingness to partner to connect the trail, which he noted he hasn't heard back from the County.

Pehler stated that he knows more sidewalks are provided than mandatory but stated that he'd like the option. He also noted that communication with the existing residents is vital within the next day or two. He stated that he likes the side-lowered garage, the front porch and the two-story crafty style.

Schmitz noted that he likes the design and mentioned the ponding. Mr. Sikich explained that the pond had to be recreated and showed another possible area a pond could be placed.

Schmitz stated that the traffic could be a problem in Outlot A and the trail line if it is not screened. Mr. Sikich (?) noted that there is a dense eight-foot scrub there and that being it is a small area that it is worth the investment.

Schmitz explained that he likes the project and time invested to it however, stated talking with the residents before the issue goes to City Council.

Schulte stated that he was curious about the association and asked how it would work. Blin replied that the residents might have to be included in the association. Mr. Schoenwetter stated that he thought this issue could be between the developer and the existing homeowner stating that if the existing homeowner doesn't want to be included in the association that they would honor that decision.

Schulte asked if the second property must meet setback requirements. Larson replied that the setback is not applied and is not certain if it is nonconforming or conforming.

Schulte stated that he likes the development as well.

Mr. Anderson noted the property to the west of him and stated that if that house were to remain he feels that would help with the asthmatic issue. Mr. Sikich stated that there would be no construction done on that lot.

Agnes welcomed Insignia to developing in Brooklyn Park

Olson stated that he is excited about this great development and noted the relief from the front forward garage.

MOTION SCHULTE, SECOND PEHLER, TO RECOMMEND APPROVAL OF PRELIMINARY PLAT #02-127 OF "EVERGREEN TRAIL" FOR SUBDIVISION OF 24.39 ACRES INTO 54 SINGLE-FAMILY LOTS LOCATED NORTH OF 101ST AVENUE BETWEEN REGENT AND ZANE AVENUES, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION INCLUDING:

1) Communication with the existing homeowners.

MOTION PASSED UNANIMOUSLY.

City of Brooklyn Park
Request for Council Action

Agenda Item No:	5.6	Meeting Date	July 8, 2002
Agenda Section:	Public Hearing	Originating Department:	Administration/City Clerk
Resolution	N/A	Prepared By:	Joan Schmidt, City Clerk
Ordinance	SECOND READING		
No. of Attachments	1	Presented By:	Joan Schmidt, City Clerk
Item:	Second Reading of an Ordinance amending Charter Section 8.04, Board of Review		

City Manager’s Proposed Action:

MOTION _____, SECOND _____ TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2002- _____ AMENDING CHARTER SECTION 8.04 – BOARD OF REVIEW.

Overview:

At their May 8, 2002, Charter Commission meeting the Commission voted to recommend to the Council for adoption the attached ordinance. This ordinance brings the Charter into conformance with state law.

The City Council approved the first reading on June 10, 2002.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

5.6 ORDINANCE

ORDINANCE #2002-

AN ORDINANCE AMENDING SECTION 8.04 OF THE CITY CHARTER
RELATING TO THE BOARD OF REVIEW

Underline means words added

~~Strikeout means words deleted~~

The City of Brooklyn Park does ordain:

Section 8.04 of the City Charter is hereby amended to read as follows:

SECTION 8.04 BOARD OF ~~REVIEW~~ APPEAL AND EQUALIZATION (Effective 5/18/76; Amend. Effect. 5/3/99)

The Council shall constitute a Board of ~~Review~~ Appeal and Equalization to equalize assessment of property for taxation purposes according to law.

The Board of ~~Review~~ Appeal and Equalization must hold at least one (1) public meeting annually between April 1 and May 31. This meeting to be for the purpose of explanation of taxation and assessment procedure and policy to the general public.

Notice of this meeting shall be given in at least two (2) publications of the official paper, the first of which must be two (2) weeks prior to the meeting. The meeting shall be so conducted as to give interested citizens a reasonable opportunity to be heard.

The Council shall evaluate this information when it sits as a Board of ~~Review~~ Appeal and Equalization.

GRACE ARBOGAST, MAYOR

ATTEST:

JOAN SCHMIDT, CITY CLERK

Approved and recommended by the Charter Commission – May 8, 2002

Approved to as form by City Attorney

Adopted on First Reading June 10, 2002

Adopted on Second Reading

Published in the Official Newspaper

City of Brooklyn Park Request for Council Action

Agenda Item No:	5.7	Meeting Date	July 8, 2002
Agenda Section:	Other Business	Originating Department:	Community Development
Resolution	X	Prepared By:	Peter J. Waldock, Director of Community Development
Ordinance	N/A		
No. of Attachments	2	Presented By:	Peter J. Waldock, Director of Community Development
Item:	Resolution Seeking Hennepin County Support for Funding of Local Human Service Programs		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-_____ SEEKING HENNEPIN COUNTY SUPPORT FOR FUNDING LOCAL HUMAN SERVICE PROGRAMS

Overview:

During the preparation and approval process for this year's Budget (FY 2002) the City Council expressed the desire to have Hennepin County provide a greater level of funding for Human Service Programs offered by non-profit agencies serving residents of the community. It was the expressed desire that the County provide the funding for these local programs rather than use the City's general fund resources on duplicative services or services outside of the City's core mission. The City Council indicated that social services are not part of the City's core mission. It is the City's view that human service programs are an important part of the County's core mission and therefore funding is more appropriately a County responsibility. However, City residents have relied on services provided by non-profit agencies that the City has funded to meet a broad range of human service needs. With the challenging financial conditions facing the City due to recent legislative changes, and a national economic recession that have reduced State-funding levels, the City may no longer be able to financially support programs outside of its core mission.

A resolution has been prepared to articulate this issue and seek funding for these programs from Hennepin County. A list of the social service programs and agencies that have sought City funding to fill the gap of services to our residents is attached including a brief description of the program. The City believes that the programs are valuable to city residents but that Hennepin County is the appropriate local government to fund them.

If the City Council chooses to adopt this resolution, it is recommended that the Mayor and/or interested City Council members present it to the Hennepin County Board of Commissioners at one of their regular meetings in August. The resolution (if adopted) will be forwarded to Hennepin County with a cover letter outlining programs and funding levels needed to support these programs.

Attachments:

- 5.7 RESOLUTION
- 5.7 HUMAN SERVICES PROGRAMS SUMMARY

RESOLUTION #2002-

RESOLUTION SEEKING HENNEPIN COUNTY SUPPORT FOR FUNDING LOCAL HUMAN SERVICES PROGRAMS

WHEREAS, The City of Brooklyn Park is in Hennepin County and its residents have a need for human services programs; and

WHEREAS, Human services are an important part of the core mission of Hennepin County; and

WHEREAS, The City has found that there is a gap in human service programs provided by Hennepin County which address the needs of city residents; and

WHEREAS, This human services gap has been addressed by local agencies supported by City funding; and

WHEREAS, Due to a reduction of State funding levels and a national recession the City is facing financial challenges in addressing its core service mission, therefore it can no longer fund programs outside of the City's core mission; and

WHEREAS, Funding for human service programs addressing the needs of city residents is appropriately the responsibility of Hennepin County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK that Hennepin County is requested to fund the human services programs provided by non-profit agencies serving the City of Brooklyn Park at the levels as needed to meet the program needs.

The foregoing resolution was introduced by Council Member _____ and duly seconded by Council Member _____.

The following voted in favor of the resolution

The following voted against:

The following was absent:

Where upon the resolution was adopted.

ADOPTED: _____, 2002

GRACE ARBOGAST, MAYOR

City of Brooklyn Park
Human Services Program Funding

	<u>2001</u> <u>Budget</u>	<u>2002</u> <u>Budget</u>
■ Domestic Violence Intervention/Victim Support (HomeFree)	\$89,500	\$89,500

This program consists of community advocates who work to end violence in the lives of women and children. Primary services provided include: temporary shelters, legal advocacy, support groups, children’s program, community education, 24-hour phone line and information on options and resources.

■ Northwest Hennepin Human Services Council (NWHHSC)	\$27,265	\$27,265
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NWHHSC is responsible for the overall research, planning and coordination of human services for the Northwest Hennepin area, representing 14 suburban communities. The Council supports the efforts of local human services agencies, conducts needs assessments and service delivery evaluations.

■ North Hennepin Mediation Program, Inc. (NHMP)	\$ 3,900	\$ 3,900
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NHMP provides the community with an alternative method of resolving disputes through the use of mediation. The program brings people together to resolve disputes in a constructive and positive manner. It is governed by community residents and operates with financial support from public and private sources.

■ CO-OP Northwest	\$14,963	\$14,963
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CO-OP (Communities Organizing Opportunities for People) Northwest is an undertaking among five cities (Robbinsdale, Crystal, New Hope, Brooklyn Center and Brooklyn Park) and is an integral part of the programs and operations of the Northwest Hennepin Human Services Council. Their support has included: job bank services, housing, diversity, Northwest Community Law Enforcement Project, Apartment Plus and other public relations and lobbying efforts.

■ Family and Children’s Services	\$15,561	\$11,329
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Family and Children’s Services is a program designed to serve young people from Brooklyn Park who are 10-18 years old and facing a serious crisis that may lead to juvenile court involvement. In addition, the Youth Diversion Project also provides various educational forums for troubled youth and their families. During 2000, 110 families received services.

■ Senior Transportation	\$19,280	\$21,228
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Senior Transportation is an ongoing program providing door-to-door transportation service to the elderly and disabled residents living in the Northwest area of Hennepin County since 1985. Six communities jointly sponsor this program. During 2000 it provided 3,504 rides to 191 Brooklyn Park residents.

■ Our Kids/Our Little Ones	\$22,000	\$ 0
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Our Kids/Our Little Ones is a recreation program designed to bring recreational and social activities to low-income children (in grades K-6 and pre-schoolers, 3-5). In 2000, 85 percent of the participants qualified to participate for no cost and over 1,000 participated in the program.

■ **Our Teens and Youth Connections** \$ 8,000 \$ 0

Our Teens is a recreational and leadership development program conducted during the summer months and is directed at youths 12-17. Focus is on leadership skills, personal development, adult connections, community service and career planning, in addition to other focuses. The Youth Connections program enrolls youth ages 8-12 in community-based recreational programs.

■ Youth Scholarship Fee Assistance Program \$ 0 \$30,000

This program will provide funding to subsidize fee assistance to children whose families may not be able to afford the full cost of participating in public recreation programs offered by the City's Recreation Department. It will be open to all children who reside in Brooklyn Park. At the time of registration, a parent can request fee assistance through a class fee reduction or waiver.

This program will allow any child living in Brooklyn Park equal access to subsidized funding for participation in any recreation program throughout the year.

The projected number of households served by this program is 500 – 600, depending on the amount of fee assistance granted.

■ **TreeHouse** \$ 7,500 \$ 7,500

TreeHouse works with ages 11-18 and assists in developing skills necessary to become a responsible adult. In addition, TreeHouse works with parents to develop skills associated with education, mediation and support.

■ **Imani Services** \$ 7,500 \$ 0

This program is designed to provide a focus on education to give children the basic tools of becoming a productive citizen at an early age. The objectives of the program will be to reduce truancy, violence, gang affiliation and assist in adolescent parenting.

■ **CEAP – HandyWorks Program** \$ 0 \$7,500

Provides chore services at little, or no cost, to seniors and disabled persons. Chore services include lawn mowing, snow removal, housekeeping, household maintenance and raking.