

REGULAR COUNCIL MEETING – AGENDA #68

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.

INVOCATION

Invocation by Pastor Rick Ensrud, Brooklyn Park, Evangelical Free Church

1. **CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**
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**
 - 3.1 Truth-In-Taxation Hearing
 - 3.1 2003 BUDGET GRAPHS AND SCHEDULES (HARD COPY)

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 NOVEMBER 18, 2002, WORK SESSION
 - 4.1 NOVEMBER 25, 2002 REGULAR MEETING
 - 4.2 Authorize Mayor and City Manager to Extend the Contract with Hennepin County to Access Public Information on Their Computer
 - 4.2 LETTER/CONTRACT FROM HENNEPIN COUNTY (HARD COPY)
 - 4.2 EXHIBIT A TO CONTRACT NO. A021024 (HARD COPY)
 - 4.3 REMOVED FROM AGENDA
 - 4.4 Approve right-of-way payments for Project ST-977, West River Road.
 - 4.4 EASEMENT LOCATION MAP (89th Ave. to 93rd Ave.)
 - 4.4 EASEMENT LOCATION MAP (93rd Ave. to 97th Ave.)
 - 4.5 REMOVED FROM AGENDA
 - 4.6 Approve change order No. 1 and final cost for City Hall roof repair – Phase I for Interstate Roofing and Waterproofing, Inc.
 - 4.6 RESOLUTION
 - 4.6 INTERSTATE ROOFING AND WATERPROOFING, INC. CHANGE ORDER NO. 2 (Hard Copy)
 - 4.7 Approve change order No. 4 and final cost for City Hall exterior repairs for Advanced Masonry Restoration, Inc.
 - 4.7 RESOLUTION
 - 4.7 ADVANCED MASONRY RESTORATION, INC. CHANGE ORDER NO. 4 (Hard Copy)
 - 4.8 Authorize Mayor and City Manager to Execute Access and Traffic Control Signal Easement for Project M-1377, Brooklyn Boulevard/Northland Drive Traffic Signal Installation.
 - 4.8 RESOLUTION
 - 4.8 EASEMENT LOCATION MAP
 - 4.8 ACCESS AND TRAFFIC CONTROL SIGNAL EASEMENT (HARD COPY)

- 4.9 Approve change order No. 2 for City Hall remodeling phase II for Parkos Construction Company.
 - 4.9 RESOLUTION
 - 4.9 PARKOS CONSTRUCTION COMPANY CHANGE ORDER NO. 2 (Hard Copy)
- 4.10 “Oxbow Creek 3rd Addition” - Final Plat #02-118 to subdivide 143.74 acres into 41 single-family lots and 9 outlots east of Douglas Drive and south of Champlin Park High School.
 - 4.10 LOCATION MAP
 - 4.10 FINAL PLAT RESOLUTION
 - 4.10 PRELIMINARY PLAT RESOLUTION (#2002-233 (HARD COPY))
 - 4.10 FINAL PLAT DRAWINGS (HARD COPY)
- 4.11 “Noble Trail” – for revised Final Plat #02-114 to subdivide 19.8 acres into one single-family lot and one outlot at the southwest corner of Noble Parkway and 105th Avenue North.
 - 4.11 LOCATION MAP
 - 4.11 FINAL PLAT RESOLUTION
 - 4.11 PRELIMINARY PLAT RESOLUTION (#2002-168 (HARD COPY))
 - 4.11 FINAL PLAT DRAWINGS (HARD COPY)
- 4.12 “Noble Trail 2nd Addition” – for revised Final Plat #02-114 to subdivide 19.8 acres into 31 single-family lots at the southwest corner of Noble Parkway and 105th Avenue North.
 - 4.12 LOCATION MAP
 - 4.12 FINAL PLAT RESOLUTION
 - 4.12 PRELIMINARY PLAT RESOLUTION (#2002-168 (HARD COPY))
 - 4.12 FINAL PLAT DRAWINGS (HARD COPY)
- 4.13 “Lone Oak Estates” – Final Plat #02-132 for the subdivision of 6.78 acres into 15 single-family lots at 4500 101st Avenue North.
 - 4.13 LOCATION MAP
 - 4.13 FINAL PLAT RESOLUTION
 - 4.13 PRELIMINARY PLAT RESOLUTION (#2002-270 (HARD COPY))
 - 4.13 COVENANTS (HARD COPY)
 - 4.13 FINAL PLAT DRAWINGS (HARD COPY)
- 4.14 “Hawthorne Bend”– Final Plat #02-146 for subdivision of 29.64 acres into 69 single-family lots at the Southwest Quadrant of 105th and Noble Avenues.
 - 4.14 LOCATION MAP
 - 4.14 FINAL PLAT RESOLUTION
 - 4.14 PRELIMINARY PLAT RESOLUTION (#2002-297 (HARD COPY))
 - 4.14 ASSOCIATION & COVENANT DOCUMENTS (HARD COPY)
 - 4.14 FINAL PLAT DRAWINGS (HARD COPY)
- 4.15 Approve Change Order No. 2 for Improvement 2002-02, Projects ST-1364 and SS-1365, Sunkist Park Area.
 - 4.15 RESOLUTION
 - 4.15 VICINITY MAP
 - 4.15 LOCATION MAP
 - 4.15 CHANGE ORDER NO. 2 (HARD COPY)

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**

- 5.1 Vacation hearing for street right-of-way and utility easements in Sec. 4, Twp. 119, Rge. 21 (1071 Noble Ave.)
 - 5.1 RESOLUTION
 - 5.1 VICINITY MAP
 - 5.1 LOCATION MAP

Land Use Actions

- 5.2 SECOND READING of an ordinance to adopt a moratorium in Village Zoning District and directing that a planning study be conducted.
 - 5.2 ORDINANCE
 - 5.2 MAP

Standing Executive Policies

Other Business

5.3 Amend Fee Resolution #2000-202, to Change Fees and Charges for Recreation and Parks Users

5.3 RESOLUTION

5.4 FIRST READING of an Ordinance Amending Chapter 117 of the City Code Relating to Apartment Licenses and Resolution amending Resolutions #2000-202 and 2002-207 adjusting schedule of fees for apartments.

5.4 ORDINANCE

5.4 RESOLUTION

5.5 Discussion of City Manager Welcome Meeting

5.5 INVITATION (HARD COPY)

5.6 Discussion of 2003 Budget Priorities

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.:	3.1	Meeting Date:	12-9-02
Agenda Section:	PUBLIC PRESENTATIONS	Originating Dept.:	Finance and Administrative Services
Resolution:	N/A	Prepared By:	Diane Deblon
Ordinance	N/A		
No. of Attachments:	1	Presented By:	Gregory L. Andrews
Item:	Truth-in-Taxation Hearing		

City Manager's Proposed Action: N/A

Overview:

The Council adopted a proposed budget and tax levy at your meeting on September 9, 2002. This public hearing is part of the State Statutes and is required by law. The meeting was advertised in the Sun Post on December 5, 2002.

The Finance Director will present information and graphs prior to affording the public an opportunity to address the Council on the 2003 budget and property tax levy. No action by the Council may be taken regarding the budget or tax levy at this public hearing. The Council will need to take action on the 2003 budget at the December 16 meeting.

Primary issues/alternatives to consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3.1 2003 Budget Graphs And Schedules (HARD COPY)

City of Brooklyn Park Request for Council Action

Agenda Item No:	4.1	Meeting Date	12/09/02
Agenda Section:	Consent	Originating Department:	City Clerk
Resolution	N/A	Prepared By:	Joan Schmidt, City Clerk
Ordinance	N/A		
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 NOVEMBER 18, 2002, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____ TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL REGULAR MEETING HELD NOVEMBER 25, 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 NOVEMBER 18, 2002, WORK SESSION
- 4.1 NOVEMBER 25, 2002 REGULAR MEETING

CITY OF BROOKLYN PARK
CITY COUNCIL WORK SESSION

Monday, November 18, 2002
7:33 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Grace Arbogast

PRESENT: Mayor Grace Arbogast, Council Members Sharon Feess, Lisa Eder (arrived at 7:35 p.m.) Scott Draeger, Rand Haglund, Jeanette Meyer and Tony Pistilli, Acting City Manager Greg Andrews, Community Development Director Peter Waldock, Operations and Maintenance Director Jon Thiel, Planning Director Howard Blin, City Attorney Jim Thomson and Recording Secretary Rochelle Russo.

ABSENT: None

GENERAL INFORMATION FYI

B-1 Interviews for Citizen Long-range Improvement Committee, the Human Relations Commission and the Parks and Recreation Advisory Commission

Mayor Arbogast stated that the Citizen Long-range Improvement Committee has two openings, one in the East District due to the resignation of Barton Riberich. She noted that the vacancy is for the balance of a term to expire on April 1, 2004. She added that the other opening is in the Central District, due to the resignation of Stephen Steiner. She stated that the vacancy is for the balance of a term to expire on April 1, 2004.

Arbogast stated that one application has been received from the East District from Robert F. Williams.

Mr. Robert Williams appeared before the Council and stated that he has been a resident for over 20 years. He currently lives in the Pine Brook Village and noted that he developed the website working within the areas of compliance to covenants. He stated that he is a builder type of person who likes to plan and do things he feels are a good combination to have for this position. He added that he is interested in drawing persons to Brooklyn Park and the restaurant area. He stated that he is recently retired therefore has plenty of time to give. He asked what the relationship between CLIC and the City Council is. Mr. Steve Lampi clarified the relationship between the CLIC and City Council. Mr. Lampi stated that the goals of the committee are based on what Council would like to see as well as goals that the Committee sets.

Council Member Eder arrived at 7:35 p.m.

Arbogast stated that the City Council would be making their decision Monday, November 25, 2002 and that position becomes immediately available. She thanked Mr. Williams for taking the time to be here.

Arbogast stated that no one has applied for the Central District at this time.

Arbogast stated that the Human Relations Commission has one opening At-Large due to the resignation of Warren Roseborough. She stated that the vacancy is for the balance of a term to expire on April 1, 2004.

Arbogast stated that three applications have been received from Dana Castonguay-Hull (Central District), Lynell Tanner (East District) and Matthew G. Zarzar (West District).

Ms. Dana Castonguay-Hull appeared before the City Council and stated that she has lived in Brooklyn Park for two and a half years, she has been married for ten years and is the mother of three. She reviewed her work history in the area of human relations and stated that she has worked with a very diverse work force. She noted that her company holds picnics and outings as a way to try and understand culture differences.

Arbogast asked if she has the time available to volunteer. Ms. Castonguay-Hull replied yes, that she has a very flexible work schedule and presented a letter of recommendation to the Council Members from her Vice President.

Arbogast asked would she be interested in serving on another Committee if she were not chosen for this one. Ms. Castonguay-Hull answered that she wouldn't be interested at this time as she feels her area of knowledge would better serve the Human Relations Commission.

Arbogast thanked Ms. Castonguay-Hull for taking the time to be here.

Ms. Lynell Tanner appeared before the Council and stated that she has lived in Brooklyn Park since April 2001. She reviewed her education and work background, noting that she has a very diverse background. She stated that she has a fairly flexible schedule as her office is in her home and could be available during the daytime hours as well.

Arbogast asked would she be interested in serving on another Committee if she were not chosen for this one. Ms. Tanner stated that she wouldn't be interested at this time.

Arbogast stated that the Parks and Recreation Advisory Commission has two openings, one in the West District due to the resignation of Mark Bevins and that the vacancy is for the balance of a term to expire on April 1, 2004. She noted that the other opening is At-Large and is due to the resignation of Juyn Illgen. She stated that the vacancy is for the balance of a term to expire on April 1, 2005.

Arbogast stated that four applications have been received from Joseph Green (East), Harold J. Jebens (East), Diane Therrien (Central) and Michael J. Welch (Central).

Mr. Harold J. Jebens appeared before the Council and stated his work and education background is as an Engineer. He noted that he has resided in Brooklyn Park for four years and that he retired last fall and has the time to volunteer. He briefly noted past volunteer work with the Three River Parks District as well as serving on the Budget Task Force.

Arbogast asked would he be interested in serving on another Committee if he were not chosen for this one. Mr. Jebens replied that he would consider another commission.

Ms. Diane Therrien appeared before the Council and stated that she is a teacher who is very involved with the kids and volunteering for activities. She noted that she has two children that are very active in the area and feels that she being on this Committee would be a good match.

Arbogast asked if she has the time available and if she were not chosen for this Committee would she be interested in another. Ms. Therrien replied that she has the time available and feels as though she is already

involved being she is at many park functions and answered yes, she would be interested in another Committee if not chosen for this one.

Arbogast commented that it is a very hard decision voting for volunteers when the City receives such wonderful volunteers offering their time. She explained to all of the applicants that their names remain on file if they are not chosen and would be considered for future vacancies. She thanked them all for being present.

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

C-1 Update on Come Home to the Park

Ms. Sunny Fuller provided an update on Come Home to the Park. She reviewed the 2003 goals of Come Home to the Park noting that they are committee to helping get Brooklyn Park the recognition it deserves as a great place to work, live and play. She reviewed the areas, in which they communicate with the community and mentioned areas that are currently being worked on some being the website, forwarding of e-mails, voice mail, Park Pages and the coordination of getting articles published.

Ms. Fuller noted that the goal is to make this transition as smooth as possible without downtime. She added that they need the support of the Council and may need their support at events, as well as being a visible part of the efforts of Come Home to the Park. She stated that they are researching fund-raisers and grants as well as working with private individuals to raise funds, however would at this time need the financial support of the City in order to get started in January 2003.

Council Member Eder stated that she thinks the goals are tremendous and is very impressed. She added that she hopes that Come Home to the Park is able to accomplish the goals and thanked them for all that each of them have given to the community.

Arbogast asked Ms. Fuller to expand on the Come Home to the Park Rally. Ms. Fuller explained that the Rally is a great opportunity for businesses to come and get their name out in the community. She stated that they would have a table with any information that they wished to provide. She added that Come Home to the Park has done a small mailer sent to many small business owners in hopes that they attend the Rally.

Council Member Pistilli noted his concern regarding the legality in the City donating money to Come Home to the Park. He stated that he feels that there is a way to accomplish this but that it needs to be done from a cautious perspective with the inclusion of the City Attorney.

Eder suggested a discussion at a Worksession laying out what the goals are and how to assess them.

Discussion on reviewing areas within this topic at the December 9, 2002 Worksession including the City Attorney and Human Resource Department.

Council Member Meyer stated that she thinks Come Home to the Park is an excellent organization and asked that they be patient and flexible as she feels the City wants them to continue what they have been doing, just that it needs to be reviewed legally.

Council Member Haglund thanked the Come Home to the Park board members and all of the volunteers noting that without their support the City would have never gotten the Brooklyn Park Crime Prevention.

Arbogast explained that these dollars are in the budget and if this area isn't taken care of by the end of the year that the budget still can be amended in January if necessary.

C-2 Review 2003-2007 CIP and CEP 4th Draft

Jon Thiel summarized the Staff Report.

Pistilli asked for clarification on Page 12 stating that the cabling of the Police is being shown coming out of two different funds. Mr. Thiel stated that the money is from the Public Safety Bond.

Pistilli also asked about the PC's coming from the General Fund and the IT fund. Mr. Thiel explained that items are funded by the fund that initially funds the item.

Pistilli asked if the Police Radios would be bought in increments. Mr. Thiel answered yes that they would all be in hand within a three-year period.

Pistilli asked if the City would be accumulating more debt because of the cuts to some of the improvement processes. Mr. Thiel replied that Staff made choices that had to be made and that they feel the City would not be at risk for providing services or that delaying a few areas is not a risk to the Capital Equipment.

Pistilli noted that he feels the City should be planning for the future currently. Mr. Andrews replied that this would be incorporated in the 2003 budget and that Staff would be updating the 50-year plan, which would include the Public Safety Bond.

Arbogast asked if the utility fees have been placed in the report yet. Mr. Thiel answered that the fees have not been included yet with the intent being at the beginning of the year.

Pistilli referred to an inquiry by a resident that he received regarding a turn lane being put in off of 85th and Edinbrook Terrace. He stated his intention would be to add this issue to the 2003 budget and asked if this may be something that could be absorbed in a capital improvement plan. Doran Cote stated Staff has had discussion regarding this area with the County and was told that the area is not a high priority and that the County would not fund a turn lane.

Council Member Feess asked how much a turn lane would cost. Mr. Cote stated it would cost between \$50,000 to 60,000 dollars. He stated that it is a fully developed neighborhood at this time and that the traffic volumes possibly wouldn't change therefore Staff doesn't anticipate the County ever funding a turn lane.

Pistilli stated that the resident wants the turn lane there because of the traffic speed and safety of turning there.

Feess noted she would not be adverse to looking at the City putting in a turn lane, however stated that she wouldn't want this to set precedence.

Pistilli stated that the traffic study calculated twenty-three turns which doesn't merit the needs for a turn lane but feels that there may be a difference in perspective need. He suggested that the Council is aware of this and that he feels the area may warrant a lane.

Eder noted she is not opposed to looking at the lane but agreed with Feess stating it may set a dangerous precedence and that many residents may then call for a change in the CEP in their area.

Arbogast stated that these are County roads and asked if the City be paying for something that the County should pay for.

Meyer suggested bringing this topic to the retreat for discussion.

Eder stated she is not opposed to making safer roads if the needs are reasonable, noting that these improvements are very costly. She added if the City is going to look at this area then other areas need to be reviewed as well, specifically a sidewalk for West Broadway.

Mr. Cote explained that there is a project in process for 2004-2005 for West Broadway, a sidewalk on one side and trail on the other.

It was the consensus of the Council that Staff would provide more information on this area as other areas for the review and consideration by the City.

C-3 REMOVED FROM THE AGENDA PRIOR TO THE MEETING.

C-4 2003 Budget Update

Mr. Andrews provided information giving an update on where Staff is currently at and what still needs to be done prior to the Truth-in-Taxation public hearing and adoption of the 2003 budget in December. He noted December 2, 2002 Worksession stating that Staff would be providing charts and graphs on market value in preparation for the Truth-in-Taxation. Mr. Andrews then reviewed highlights of the Budget.

Pistilli referred to the passing of public safety bond and asked where the original initiated money goes now. Mr. Andrews replied that the money goes back into the fund.

Pistilli noted the total budget itself and asked if the budget would in essence be less and not include the money that was budgeted for but not spent. Mr. Andrews replied that this is correct, that the money does not carry over and Council would have to amend if needed.

Pistilli referred to the memo from the League of Minnesota asking that if the amount were un-alloted would it diminish. Mr. Andrews stated it would diminish however he noted that the Governor is the only one that could un-allot funds. He stated in his experience of over twenty-five years that he has never seen a un-allotment.

Pistilli asked if the City should be preparing for levy limits. Mr. Andrews replied that the only way to balance the budget would be by an increase in revenue, permit revenues and cuts in service.

Meyer referred to the Budget Task Force recommendation of a 2% inflation increase stating that many families' incomes are going backwards and that the City shouldn't assume that everyone is getting an automatic 3% increase. She stated that the City shouldn't be doing the budgeting by looking at the fund balance as a way to get a Band-Aid on the economic downturn.

Feess stated that it is her understanding that 3% is the real world of the public sector this year. She noted that it is important that the Brooklyn Park City maintain a position in the employment area that would continue to attract personnel in the upper area. She stated that if the City were not to maintain the competitiveness then it would lose these persons to another City. She referred to the newly hired Brooklyn Park Manager and the salary that had to be paid.

Arbogast referred to the Fire Department daily log activity, noting that she is not satisfied with what she is seeing. She stated that she doesn't feel there is the justification of paying twelve persons all day long to sit around. She also referred to the Duty Crew program and questioned the meeting of their 40% and then not having to show up to any other calls. She encouraged the

Council Members to take a good look at the information that has been provided. She also stated that she would like to see the number of minutes it took for the Duty Crew to respond to calls be included in the report specifically the time of call and length of call. Arbogast added that she doesn't think that all of the evaluation of the Duty Crew is in and would like that information provided for review and to be certain that it is a benefit to the City.

Pistilli asked what the preference of the Council would be, to discuss certain items in public (televised) or private. Eder stated that the Work Sessions are currently public and feels that they shouldn't be changed for one meeting. She stated that this could be something to be considered changing in the future however, to have the Work Sessions not televised, but opened to the public to attend.

Eder stated that if the Fire Department logs are correct then she thinks it clearly warrants a discussion. She suggested adding the item to a Work Session as well as discussing other options that may work for the City.

Arbogast referred to Page 76 in the detailed budget and the upgrading of a position in the Fire Department to a full-time position asking if this was correct. Mr. Andrews replied that he doesn't believe the position was approved and that he would verify this.

Council discussed items to be discussed at the Work Session.

It was the consensus of the Council that the Duty Crew discussion and discussion on the average inflation increase would be held December 2, 2002, to be televised, and that the Council and Staff would sit at a roundtable.

C-5 Discussion of Land Use Options in the Village Redevelopment Area

Planning Director Blin reviewed the 3 sites in the Village Redevelopment Area. He explained the intended land uses for the Harmon Glass being used as a Scratch and Dent Repair Shop, the old Pan African/ Keys Restaurant site, being used as a Laundromat and the old Denny's Restaurant site, being completely torn down and redeveloped.

Blin stated that all of these would be conditional use permits. He noted options the City has if they'd like to consider imposing rigid guidelines. He explained these options of being; process the original Conditional Use Permits, City acquisition of these sites, issue an interim use ordinance, which applies a time period for the usage, or a moratorium being placed on the sites.

Discussion by Council Members and City Attorney on each site with each option and what option would be most appropriate.

After the discussion it was the consensus of the Council Members that a moratorium be applied for a six-month period in order for the City and Staff to define areas that Council feels would be most appropriate within the redevelopment.

Council Member Feess left at 11:14 p.m.

Arbogast directed Staff to come back to the next Regular Council Meeting with a motion on adopting a moratorium, and that Council would decide what areas and where to apply the moratorium.

OTHER

Eder asked about letters of appreciation being sent to persons included in the selection of the City Manager. It was noted that Staff has sent letters out to persons in the Chamber for all of their effort given in the City Manager selection.

D. ADJOURNMENT – 11:27 p.m.

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, November 25, 2002
7:30 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

Pastor Todd Wallace, Brooklyn Park Lutheran Church, led the invocation before the meeting.

CALL TO ORDER - Mayor Arbogast

PRESENT: Mayor Grace Arbogast; Council Members Sharon Feess, Tony Pistilli, Lisa Eder, and Jeanette Meyer; Acting City Manager Greg Andrews; City Attorney Jim Thomson; Planning & Development Director Peter Waldock; Planning Director Howard Blin; City Engineer Doran Cote; and City Clerk Joan Schmidt.

ABSENT: Council Members Scott Draeger and Rand Haglund (both excused.)

Mayor Arbogast opened the meeting with the Pledge of Allegiance.

2.1 MOTION FEES, SECOND PISTILLI TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH ITEMS 4.2, 4.6 AND 4.8 PULLED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION AND MOVE ITEM 5.6 UP TO 5.0. MOTION PASSED UNANIMOUSLY.

3.1 MOTION ARBOGAST, SECOND MEYER TO WAIVE THE READING AND ADOPT RESOLUTION #2002-352 RECOGNIZING HUMAN RESOURCES DIRECTOR KAY MCALONEY FOR EXTRAORDINARY SERVICE. MOTION PASSED UNANIMOUSLY.

4.0 MOTION FEES, SECOND EDER TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS (With exception of items 4.2, 4.6 and 4.8):

4.1 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL REGULAR MEETING HELD OCTOBER 28, 2002, AS PRESENTED BY THE CITY CLERK.

4.1 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL SPECIAL MEETING HELD NOVEMBER 9, 2002, AS PRESENTED BY THE CITY CLERK.

4.1 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL CONTINUED SPECIAL MEETING HELD NOVEMBER 12, 2002, AS PRESENTED BY THE CITY CLERK.

4.1 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL SPECIAL CANVASSING BOARD MEETING HELD NOVEMBER 12, 2002, AS PRESENTED BY THE CITY CLERK.

4.1 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL REGULAR MEETING HELD NOVEMBER 12, 2002, AS PRESENTED BY THE CITY CLERK.

4.3 TO APPROVE PAYMENT TO DANIEL J. KLUKKEN, FOR THE ACQUISITION OF A TEMPORARY EASEMENT, PID #13-119-21 22 0026, PROJECT ST-977, EASEMENT #74.

4.3 TO APPROVE PAYMENT TO EUGENE AND LAURA PRANGER, FOR THE ACQUISITION OF A TEMPORARY EASEMENT, PID #13-119-21 22 0015,

PROJECT ST-977.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2002-353 ACCEPTING THE PETITION AND FEASIBILITY REPORT AND ORDERING PUBLIC HEARING FOR STREET AND STORM SEWER IMPROVEMENTS IN AN AREA BOUNDED ON THE EAST BY THE BURLINGTON NORTHERN SANTA FE RAILROAD, ON THE NORTH BY THE NORTH LINE OF THE BENDER ADDITION, ON THE WEST BY WEST BROADWAY AND ON THE SOUTH BY AND INCLUDING CARTISIAN AVENUE, (CARTISIAN AREA), PROJECTS ST-1396 AND SS-1397.

4.5 REMOVED FROM AGENDA PRIOR TO MEETING.

4.7 TO WAIVE THE READING AND ADOPT RESOLUTION #2002-354 APPROVING A TIME EXTENSION FOR VICTORY AT HOME, INC. FOR THE DEVELOPMENT PLAN, SITE PLAN REVIEW, AND COMPREHENSIVE PLAN AMENDMENT 01-157 OF "HOMESTEAD OF BROOKLYN PARK," A SENIOR LIVING CENTER AT THE NORTHEAST CORNER OF HAMPSHIRE AND 85TH AVENUES.

4.9 REMOVED FROM AGENDA PRIOR TO MEETING.

4.10 TO REDUCE LETTER OF CREDIT FOR "ROXBURGH CROSSING" PROJECT #01-159 TO \$9,000 FOR SATISFACTORY COMPLETING 95% OF THE PROJECT LOCATED AT 85TH AVENUE AND HIGHWAY 152 FOR GRAND TETON DEVELOPMENT, LLC

4.10 TO RELEASE LETTER OF CREDIT FOR "XYLON COMMERCE CENTER BUILDING (QUINTRONIC ADDITION), PROJECT #01-173 LOCATED AT 8224 89TH AVENUE FOR LANDCOR CONSTRUCTION, INC. (*Note: Cash bond is still being held for this project.*)

4.10 TO REPLACE CASH BOND #02-201 WITH LETTER OF CREDIT FOR "MANNSTEDT BUILDING PROJECT" LOCATED AT 7030 WINNETKA AVENUE FOR DON MANNSTEDT.

MOTION PASSED UNANIMOUSLY.

4.2 MOTION EDER, SECOND ARBOGAST TO CONTINUE THIS ITEM UNTIL THE NEXT REGULAR COUNCIL MEETING AND DIRECT STAFF TO COME BACK WITH APPROPRIATE LANGUAGE FOR MONITORING. MOTION PASSED UNANIMOUSLY. (Licensee needs to prove and provide that proof in an appropriate amount of time. Language needs to be in the ordinance.)

4.6 MOTION MEYER, SECOND EDER TO APPROVE A TOBACCO SALES LICENSE FOR MOHAMED SAID-ZARO AND SUFYAN SAMAHA, DBA ZANE WIRELESS PHONE & TOBACCO DISCOUNT AT 6317 ZANE AVENUE NORTH. LICENSE MAY BE SUSPENDED OR REVOKED SHOULD APPLICANT NOT BE IN COMPLIANCE WITH ALL CITY CODES AND ORDINANCES. MOTION PASSED UNANIMOUSLY.

4.8 MOTION PISTILLI, SECOND MEYER TO WAIVE THE READING AND ADOPT RESOLUTION #2002-355 APPROVING A TIME EXTENSION FOR EDINBROOK CHURCH FOR SITE PLAN REVIEW 01-150 FOR EXPANSION OF A RELIGIOUS INSTITUTION LOCATED AT 4300 EDINBROOK PARKWAY. CONDITION OF EXTENSION IS THAT A MINIMUM OF THREE SPRUCE TREES BE

ADDED ALONG THE INTERSECTION OF EDINBROOK PARKWAY OPPOSITE HILLSWORTH TRAILS ENTRANCE. (Intent is to screen the first row of houses.) MOTION PASSED UNANIMOUSLY.

5.0 MOTION ARBOGAST, SECOND FEES TO APPOINT ROBERT F. WILLIAMS TO THE CITIZEN LONG-RANGE IMPROVEMENT COMMITTEE FROM THE EAST DISTRICT FOR A BALANCE OF A TERM TO EXPIRE APRIL 1, 2004. MOTION PASSED UNANIMOUSLY.

5.0 MOTION ARBOGAST, SECOND FEES TO APPOINT DANA CASTONGUAY-HULL TO THE HUMAN RELATIONS COMMISSION FROM THE AT LARGE DISTRICT FOR A BALANCE OF A TERM TO EXPIRE APRIL 1, 2004. MOTION PASSED UNANIMOUSLY.

5.0 MOTION ARBOGAST, SECOND FEES TO APPOINT DIANE THERRIEN TO THE PARKS AND RECREATION ADVISORY COMMISSION FROM THE AT-LARGE DISTRICT FOR A BALANCE OF A TERM TO EXPIRE ON APRIL 1, 2005. MOTION PASSED UNANIMOUSLY.

5.0 MOTION ARBOGAST, SECOND FEES TO APPOINT HAROLD J. JEBENS TO THE PARKS AND RECREATION ADVISORY COMMISSION FROM THE AT-LARGE DISTRICT FOR A BALANCE OF A TERM TO EXPIRE APRIL 1, 2004. MOTION PASSED UNANIMOUSLY.

5.1 Mayor Arbogast opened the hearing to the public to consider extension of street and utilities on Winnetka Avenue, Projects ST-1385. No one addressed the council.

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

5.1 MOTION PISTILLI, SECOND FEES TO WAIVE THE READING AND ADOPT RESOLUTION #2002-356 ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR EXTENSION OF STREET IMPROVEMENTS ON WINNETKA AVENUE, PROJECT ST-1385. MOTION PASSED UNANIMOUSLY.

5.2 Mayor Arbogast opened the hearing to the public to consider ordinance creating City Code Chapter 108, Storm Sewer Utility and approving City Code Appendix fee resolution table creation of storm sewer utility rates and changes. The following addressed the council:

- 1) James Dietel, 8016 Scott Ave (opposed)
- 2) Lyle Clemensen, 100 N. 74th Way (opposed)
- 3) Merna Kingsley, 8532 Telford Crossing (opposed)
- 4) Herbert Reighey, 10620 West River Road (opposed)
- 5) Jerry Rohling, 104 75th Ave N (opposed)
- 6) Jim Snyder, 2108 76th Court (opposed)
- 7) Nick Tiedeken, 9506 West River Road (opposed)

Letter received from Kenneth M. Jensen, 10609 Meadow Lane (opposed).

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

5.2 MOTION MEYER, SECOND FEES TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2002-981 CREATING CITY CODE CHAPTER 108: STORM SEWER UTILITY. MOTION PASSED UNANIMOUSLY.

5.2 MOTION MEYER, SECOND PISTILLI TO WAIVE THE READING AND ADOPT SUMMARY ORDINANCE #2002-982 SUMMARIZING ORDINANCE #2002-981 WHICH CREATES CITY CODE CHAPTER 108: FURTHER, THE COUNCIL APPROVES THE TEXT OF THE SUMMARY AND HAS DETERMINED THAT IT CLEARLY INFORMS THE PUBLIC OF THE INTENT AND EFFECT OF THE ORDINANCE. MOTION PASSED UNANIMOUSLY.

5.2 MOTION MEYER, SECOND FEES TO WAIVE THE READING AND ADOPT RESOLUTION #2002-357 TO APPROVE CITY CODE APPENDIX FEE RESOLUTION TABLE CREATION OF STORM SEWER UTILITY RATES AND CHARGES. MOTION PASSED UNANIMOUSLY.

5.3 Mayor Arbogast opened the hearing to the public to consider an ordinance creating City Code Chapter 109, Street/Signal Lighting System and approving City Code Appendix fee resolution table creation of street/signal lighting system rates and charges. The following addressed the council:

- 1) Don Kinney, 6556 Zealand Ave N. (would like a street light)
- 2) Jim Snyder, 2108 76th Court (opposed)
- 3) Nick Tiedeken, 9406 West River Road (opposed)
- 4) Lyle Clemensen, 100 N. 74th Way (opposed)
- 5) Jerry Rohling, 104 75th Ave N. (be charged if not using storm sewer?)

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

5.3 MOTION FEES, SECOND ARBOGAST TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2002-983 CREATING CITY CODE CHAPTER 109: STREET/SIGNAL LIGHTING SYSTEM. ROLL CALL VOTE: YES: EDER, ARBOGAST, FEES, MEYER; NO: PISTILLI; ABSENT: DRAEGER AND HAGLUND. MOTION PASSED.

5.3 MOTION FEES, SECOND MEYER TO WAIVE THE READING AND ADOPT SUMMARY ORDINANCE #2002-984 SUMMARIZING ORDINANCE #2002-983 WHICH CREATES CITY CODE CHAPTER 109. FURTHER, THE COUNCIL APPROVES THE TEXT OF THE SUMMARY AND HAS DETERMINED THAT IT CLEARLY INFORMS THE PUBLIC OF THE INTENT AND EFFECT OF THE ORDINANCE. MOTION PASSED UNANIMOUSLY.

5.3 MOTION FEES, SECOND MEYER TO WAIVE THE READING AND ADOPT RESOLUTION #2002-358 TO APPROVE CITY CODE APPENDIX FEE RESOLUTION TABLE CREATING STREET/SIGNAL LIGHTING SYSTEM RATES AND CHARGES.

5.3 MOTION MEYER, SECOND PISTILLI TO MAKE AN AMENDMENT TO THE RESOLUTION BY ADDING AS NUMBER FOUR, "TO HAVE A MINIMUM CHARGE FOR COMMERCIAL/INDUSTRIAL LOTS AT SINGLE FAMILY RESIDENTIAL RATES". MOTION PASSED UNANIMOUSLY.

5.3 MAIN MOTION PASSED UNANIMOUSLY.

5.3 MOTION EDER, SECOND PISTILLI TO GIVE DIRECTION TO THE ACTING CITY MANAGER TO GIVE COUNCIL RECOMMENDATIONS ON HOW TO REDUCE A HALF MILLION DOLLARS FROM THE BUDGET BY LOOKING AT ALL NON CRITICAL AREAS, I.E., EMPLOYEES ATTRITION, TRAVEL, CONFERENCES, MEMBERSHIPS, PROMOTIONS, ANYTHING NOT CRITICAL AND TO

USE CDBG FUNDING FOR THINGS OUT OF THE GENERAL FUND AND TO LOOK AT THE BUDGET TASK FORCE'S RECOMMENDATIONS. MOTION PASSED UNANIMOUSLY. Mayor Arbogast suggested that the Council look at the cost of the Duty Crew.

5.4 Mayor Arbogast opened the hearing to the public to consider an ordinance amending City Code Section 151 (Subdivision Ordinance) to add language regarding erosion and sediment control. Nick Tiedeken, 9406 West River Road, addressed the council.

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

5.4 MOTION PISTILLI, SECOND MEYER TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2002-985 AMENDING CITY CODE SECTION 151(SUBDIVISION ORDINANCE) TO ADD LANGUAGE REGARDING EROSION AND SEDIMENT CONTROL.

5.4 MOTION PISTILLI, SECOND MEYER TO AMEND THE MOTION TO ADD THE WORD "APPLICABLE" BEFORE BEST MANAGEMENT PRACTICES IN NUMBER EIGHT OF THE ORDINANCE AND TO ADD NUMBER TEN THAT STATES: PROJECTS INITIATED OR DIRECTED BY THE CITY OF BROOKLYN PARK SHALL NOT BE EXEMPT FROM THESE RULES. MOTION PASSED UNANIMOUSLY.

5.4 VOTE ON MAIN MOTION WAS UNANIMOUS.

5.5 MOTION FEES, SECOND MEYER TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE ADOPTING A MORATORIUM FOR A PORTION OF THE VILLAGE ZONING DISTRICT AND DIRECTING THAT A PLANNING STUDY BE CONDUCTED.

5.5 MOTION EDER, SECOND PISTILLI TO AMEND THE MOTION TO INCLUDE THE ENTIRE REDEVELOPMENT AREA AND EXTEND TO INCLUDE 72ND AND EAST AND WEST SIDES OF BROOKLYN BOULEVARD, 73RD AND ZANE, 72ND AND BROOKLYN BOULEVARD, 78TH AND ZANE (NORTH OF DAIRY QUEEN), AND WELCOME AVENUE TO THE STRIP MALL AND TO EXCLUDE THE VILLAGE NORTH AND OLD MARQUETTE BANK SITE. MOTION PASSED UNANIMOUSLY.

5.5 MOTION EDER, SECOND MEYER TO AMEND THE MOTION TO ADD TO THE ORDINANCE SECTIONS 2.03 AND 3.03, "AND SHALL NOT APPLY TO ANY CONDITIONAL USE PERMIT SUBMITTED TO THE CITY ON OR BEFORE NOVEMBER 25, 2002". MOTION PASSED UNANIMOUSLY.

5.5 VOTE ON MAIN MOTION WAS UNANIMOUS.

5.7 MOTION PISTILLI, SECOND FEES TO AUTHORIZE AND DIRECT THE MAYOR AND CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE AUDITING FIRM OF DELOITTE & TOUCHE FOR THE AUDIT OF CALENDAR YEAR 2002. MOTION PASSED UNANIMOUSLY.

5.8 MOTION FEES, SECOND MEYER TO WAIVE THE READING AND ADOPT RESOLUTION #2002-359 AWARDED THE SALE OF \$ 6,000,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2002A FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT. MOTION PASSED UNANIMOUSLY.

5.8 MOTION FEES, SECOND MEYER TO WAIVE THE READING AND ADOPT RESOLUTION #2002-360 AWARDED THE SALE OF \$1,670,000 GENERAL OBLIGATION FIRE REFUNDING BONDS, SERIES 2002B; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT. MOTION PASSED UNANIMOUSLY.

5.8 MOTION FEES, SECOND MEYER TO WAIVE THE READING AND ADOPT RESOLUTION #2002-361 AWARDED THE SALE OF \$9,815,000 GENERAL OBLIGATION PUBLIC SAFETY BONDS, SERIES 2003A FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT. MOTION PASSED UNANIMOUSLY.

5.9 The Council was asked to review and discuss the concept plan and provide comments to Town and Country Homes – Park Square. Some of the comments that Council had made were: need to have parking on both sides of street; need amenities such as a gazebo; Park and Recreation Commission need to comment on idea of parkland; Council felt it was necessary to have the garage size and storage space size as addressed by our ordinance; new owners would need to understand that there are private streets in this area; some felt that the area was too dense; some felt that the land given for park use is not usable land; recommended to use pillars and use of stone; may be necessary to move closer to West Broadway. It was the consensus of the Council that the garage sizes and storage sizes in living places were very important and need to be retained as addressed in the ordinance. It was felt to have upgrades for aesthetic appeal of the building and this company should work with staff.

5.10 MOTION PISTILLI, SECOND FEES TO WAIVE THE READING AND ADOPT RESOLUTION #2002-362 ADOPTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS SERVICES, LICENSES AND PERMITS FOR THE CITY OF BROOKLYN PARK, MINNESOTA. MOTION PASSED UNANIMOUSLY.

At 11:35 p.m. the Mayor recessed the meeting to Executive Session to discuss Labor Contract Strategies.

At 12:34 a.m. the Mayor reconvened the meeting from Executive Session. It was announced that in the Executive Session the Council had discussed Labor Contract Strategies in a Closed Executive Session.

ADJOURNMENT - With consensus of the Council, Mayor Arbogast adjourned the meeting at 12:35 a.m.

GRACE ARBOGAST, MAYOR

JOAN SCHMIDT, CITY CLERK

City of Brooklyn Park Request for Council Action

Agenda Item No.:	4.2	Meeting Date:	12-9-02
Agenda Section:	Consent	Originating Dept.:	Finance and Administrative Services
Resolution:	N/A	Prepared By:	LuAnn Stroupe
Ordinance	N/A		
No. of Attachments:	2	Presented By:	LuAnn Stroupe
Item:	Authorize Mayor and City Manager to Extend the Contract with Hennepin County to Access Public Information on Their Computer		

City Manager's Proposed Action:

MOTION _____ SECOND _____ TO AUTHORIZE THE MAYOR AND CITY MANAGER TO EXTEND THE CONTRACT WITH HENNEPIN COUNTY TO ACCESS PUBLIC INFORMATION ON THEIR COMPUTER.

Overview:

The City of Brooklyn Park has been able to access Hennepin County's databases for many years. The Police Department uses this to access computer-aided dispatch records and court records. The Assessing and Engineering divisions use this feature to access the property data records. The County's policy has been to provide a contract with a one-year term and three one-year extensions thereafter. However, this new contract will not require the annual renewal agreement letter as in the past. This new contract for this service will be effective January 1, 2003.

Primary issues/alternatives to consider:

- Have we signed a contract for this before?

We currently have a contract with the County to access their computer system.

- What information can the City view?

The City can access property records, dispatch records, imaging system, and court records.

- What other options are available?

This information is only available via Hennepin County.

-- What is the cost for this service?

The cost of this service is dependant on usage by the City staff. The City spent approximately \$12,500.00 for this service in the last twelve months. The charges have increased slightly from 2002 to 2003. As some of the charges are based on transactions, we cannot provide an exact number for 2003. However, we expect the costs to not exceed \$13,000.00 for 2003.

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.2 LETTER/CONTRACT FROM HENNEPIN COUNTY (HARD COPY)
- 4.2 EXHIBIT A TO CONTRACT NO. A021024 (HARD COPY)

City of Brooklyn Park Request for Council Action

Agenda Item No.:	4.4	Meeting Date:	12-9-2002
Agenda Section:	Consent	Originating Dept.:	Engineering
Resolution:	N/A	Prepared By:	Gary Defries
Ordinance	N/A		
No. of Attachments:	2	Presented By:	Doran Cote
Item:	Approve right-of-way payments for Project ST-977, West River Road		

City Manager's Proposed Actions:

1. MOTION _____, SECOND _____, TO APPROVE PAYMENT TO DONALD J. ZIEBART, FOR THE ACQUISITION OF A TEMPORARY EASEMENT, PID #13-119-21 23 0009, PROJECT ST-977, EASEMENT #67.
2. MOTION _____, SECOND _____, TO APPROVE PAYMENT TO DOUGLAS AND JOYCE MCMAINS, FOR THE ACQUISITION OF A TEMPORARY EASEMENT, PID #13-119-21 22 0013, PROJECT ST-977, EASEMENT #69.
3. MOTION _____, SECOND _____, TO APPROVE PAYMENT TO RICHARD AND CONSTANCE SEVERSON, FOR THE ACQUISITION OF A TEMPORARY EASEMENT, PID #13-119-21 22 0025, PROJECT ST-977, EASEMENT #75.
4. MOTION _____, SECOND _____, TO AUTHORIZE THE MAYOR AND ACTING CITY MANAGER TO EXECUTE A RELEASE OF EASEMENT DOCUMENT, PROJECT ST-977, EASEMENT NUMBERS 81, 82 AND 83.

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.

Detailed Background:

The following property owners have signed a payment agreement and/or the easement document agreeing to the offered amount or negotiated amount:

Easement #67 – Donald J. Ziebart, 9106 West River Road, Brooklyn Park, MN 55444, \$2,300.00 (temporary easement).

Easement #69 – Douglas and Joyce McMains, 9212 West River Road, Brooklyn Park, MN 55444, \$3,202.00 (temporary easement).

Easement #75 – Richard and Constance Severson, 9217 West River Road, Brooklyn Park, MN 55444, \$1,018.00 (temporary easement).

It is recommended that the City Council approve payments to the above listed property owners.

The negotiations for the acquisition of the easements over parcel numbers 81, 82 and 83, Anoka Hennepin Independent School District property, were completed last July. The easements acquired were more than what the easement descriptions provided for in the Findings of Fact Conclusions of Law and Order. The easements that were ultimately acquired and described in the easement documents were filed with Hennepin County on July 22, 2002. Since the easement areas were more than what was initially provided for in the Findings of Fact Conclusions of Law and Order document, it is necessary that the easements as described in the Findings of Fact Conclusions of Law and Order be released. Therefore, the City Attorney has prepared a Release of Easement Document, which requires the signatures of the Mayor and Acting City Manager. Motion number 4 on the preceding page provides for the City Council to approve a motion authorizing the Mayor and Acting City Manager to execute the Release of Easement Document affecting parcel numbers 81, 82 and 83.

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:

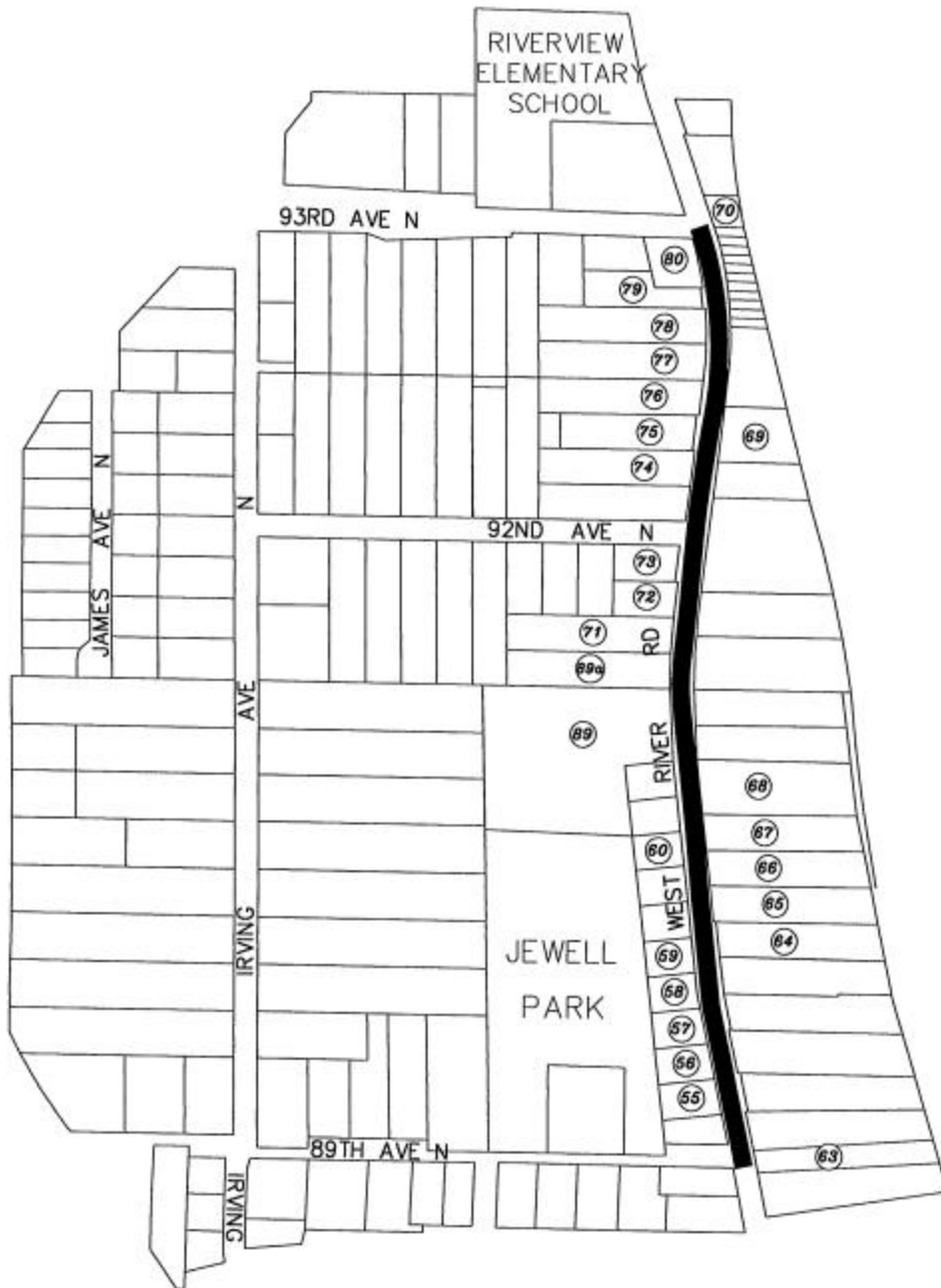
4.4 EASEMENT LOCATION MAP (89th AVE. TO 93rd AVE.)

4.4 EASEMENT LOCATION MAP (93rd AVE. TO 97th AVE.)

EASEMENT LOCATION MAP

PROJECT ST-977

WEST RIVER RD. (BROOKDALE DR. TO 97TH AVE.)



NO SCALE

①

DENOTES PARCELS AFFECTED BY THE EASEMENT ACQUISITION PROGRAM

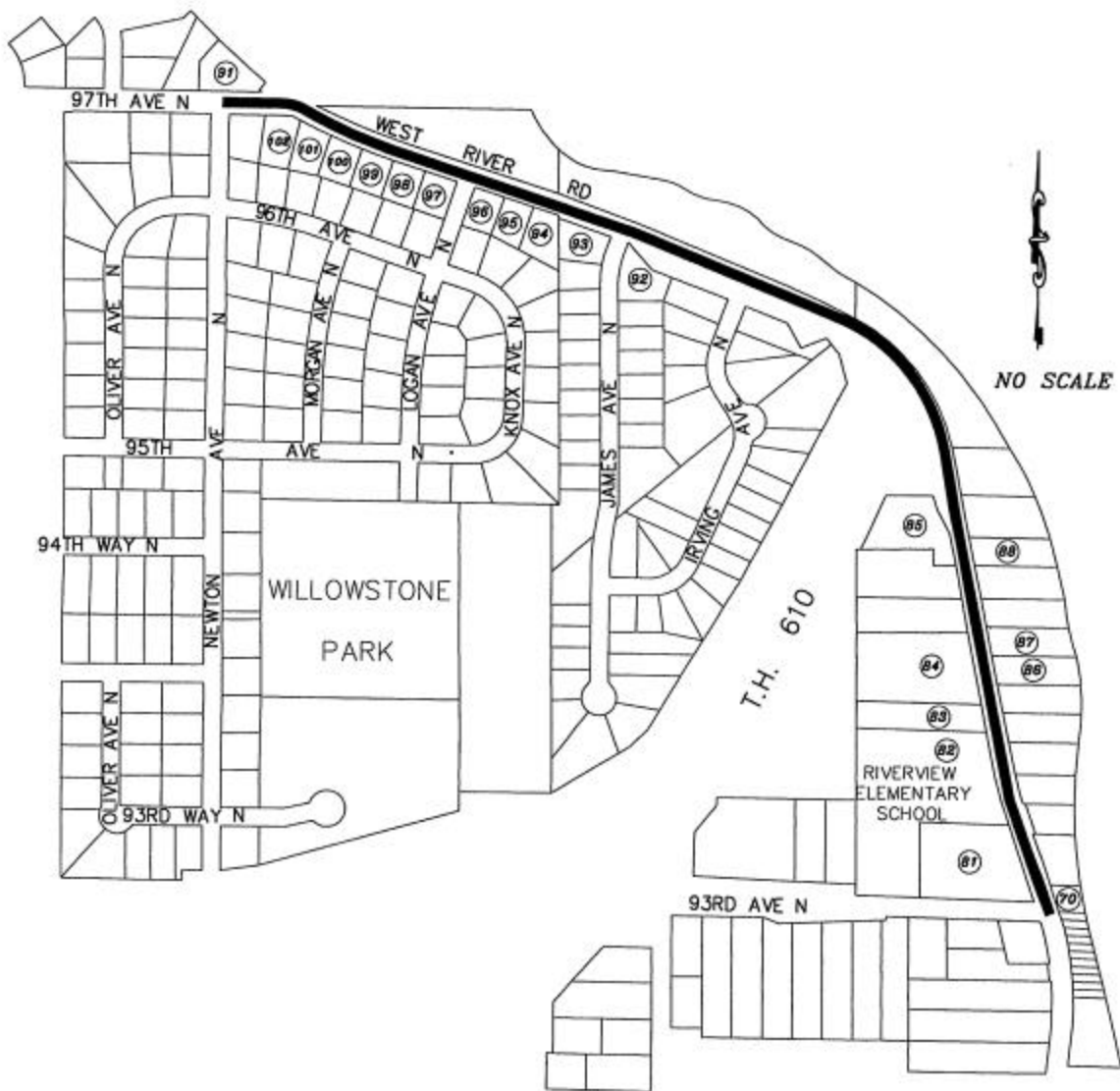


DENOTES STREET IMPROVEMENT (ONLY FROM 89TH AVE. TO 93RD AVE.)

EASEMENT LOCATION MAP

PROJECT ST-977

WEST RIVER RD. (BROOKDALE DR. TO 97TH AVE.)



① DENOTES PARCELS AFFECTED BY THE EASEMENT ACQUISITION PROGRAM

————— DENOTES STREET IMPROVEMENT (ONLY FROM 93RD AVE. TO 97TH AVE.)

City of Brooklyn Park Request for Council Action

Agenda Item No.:	4.6	Meeting Date:	12-09-02
Agenda Section:	Consent	Originating Dept.:	Operations & Maintenance
Resolution:	X	Prepared By:	Jon Thiel Steve Lawrence
Ordinance	N/A		
No. of Attachments:	2	Presented By:	Jon Thiel
Item:	Approve change order No. 1 and final cost for City Hall roof repair – phase I for Interstate Roofing and Waterproofing, Inc.		

City Manager’s Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-_____ TO APPROVE CHANGE ORDER NO. 1 FOR CITY HALL CITY HALL ROOF REPAIR – PHASE I FOR INTERSTATE ROOFING AND WATERPROOFING, INC.

Overview:

This request is for approval of a change order and final costs for construction of City Hall roof repairs – phase I. The change order added costs are related to required modifications and adjustments to complete this project. A detailed summary of the necessary changes and related costs is part of the change order. The changes relate to improvement in materials for longevity and modifications to tie into the existing shingles. The eight test cuts to inspect the remainder of the roof were not included on the original bid.

The required additions, modifications and adjustments were not included in the original bid and therefore the addition of the work requires an additional cost over the original bid.

Primary issues/alternatives to consider:

— Should the change order be approved as recommended?

The change order is necessary to properly complete this project and is recommended by the engineer, Inspec, Inc.

-- The Council has the following alternatives:

1. Approve the change order as recommended.
2. Not approve the change order and direct staff to renegotiate.
3. Do nothing.

Budgetary/Fiscal Issues:

The total Interstate Roofing and Waterproofing, Inc., authorized construction contract cost to date with this change order will be \$122,380.00. The project is included in the 2002 Municipal Buildings and Additions Fund expenditures budget.

Attachments:

- 4.6 RESOLUTION
- 4.6 INTERSTATE ROOFING AND WATERPROOFING, INC. CHANGE ORDER NO. 1 (Hard Copy)

RESOLUTION #2002-

APPROVE CHANGE ORDER NUMBER ONE
FOR CITY HALL ROOF REPAIR – PHASE I
FOR INTERSTATE ROOFING AND WATERPROOFING, INC.

WHEREAS, inspection of the City Hall roof in 2001 revealed the need for repair due to the use of phenolic insulation on the sloped portions of the City Hall original construction roof; and

WHEREAS, a class action lawsuit insurance offer was accepted by the City Council on 12-6-01 and no further legal action will be pursued; and

WHEREAS, additional testing is needed to further investigate the roof condition and possible need for additional repairs; and

WHEREAS, the City Hall roof repair – phase I (east 42 feet of the sloped roof) was proposed and approved in the 2002 – 2006 CIP and the 2002 Municipal Buildings and Additions expenditure fund; and

WHEREAS, Inspec, Inc., was previously approved on April 22, 2002 by agreement for engineering services for this project; and

WHEREAS, the recommended preliminary budget amount for this project is \$175,000.00 (including engineering services, roof repair, additional test openings, and miscellaneous costs) and can be accommodated in the 2002 Municipal Building and Additions Fund budget; and

WHEREAS, on August 12, 2002, the bid for city Hall roof repair – phase I was awarded to Interstate Roofing and Waterproofing, Inc., in the amount of \$115,852.00; and

WHEREAS, changer order number one (+ \$6,528.00) for Interstate Roofing and Waterproofing, Inc., is required to properly complete the construction of the roof repair and inspect the remainder of the roof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK to approve change order number one for City Hall roof repair – phase I to Interstate Roofing and Waterproofing, Inc., in the amount of \$6,528.00.

City of Brooklyn Park Request for Council Action

Agenda Item No.:	4.7	Meeting Date:	12-09-02
Agenda Section:	Consent	Originating Dept.:	Operations & Maintenance
Resolution:	X	Prepared By:	Jon Thiel Steve Lawrence
Ordinance	N/A		
No. of Attachments:	2	Presented By:	Jon Thiel
Item:	Approve change order No. 4 and final cost for City Hall exterior repairs for Advanced Masonry Restoration, Inc.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-_____ TO APPROVE CHANGE ORDER NO. 4 AND FINAL COST FOR CITY HALL EXTERIOR REPAIRS FOR ADVANCED MASONRY RESTORATION, INC.

Overview:

This request is for approval of a change order and final costs for construction of City Hall exterior repairs. The change order added costs are related to required modifications and adjustments to complete this project. A detailed summary of the necessary changes and related costs is part of the change order. The changes relate to the four diamond-shaped windows and additional work that became evident as the areas around windows were exposed for the replacements that revealed inconsistent existing conditions from window to window.

The required additions, modifications and adjustments were not included in the original bid or previous change orders, and therefore the addition of the work requires an additional cost over the original bid.

Primary issues/alternatives to consider:

— Should the change order be approved as recommended?

The change order is necessary to properly complete this project and is recommended by the architect, Thorbeck Architects and the engineer, Inspec, Inc.

-- The Council has the following alternatives:

1. Approve the change order as recommended.
2. Not approve the change order and direct staff to renegotiate.
3. Do nothing.

Budgetary/Fiscal Issues:

The total Advanced Masonry Restoration, Inc., authorized construction contract cost to date with this change order will be \$757,112.30. The project is included in the amended Municipal Buildings and Additions Fund expenditures budget to be financed by an operating transfer from the Heritage Infrastructure Fund and the arbitration award received from Donlar Construction and the Alliance Architects.

Attachments:

4.7 RESOLUTION

4.7 ADVANCED MASONRY RESTORATION, INC. CHANGE ORDER NO. 4 (Hard Copy)

RESOLUTION #2002-

APPROVE CHANGE ORDER NUMBER FOUR
FOR CITY HALL EXTERIOR REPAIRS
FOR ADVANCED MASONRY RESTORATION, INC.

WHEREAS, the City Hall Exterior Repairs were part of the amended 2001-05 5-year CIP; and

WHEREAS, this project is necessary to ensure the integrity of the City Hall, prevent further IAQ problems and enable the building to reach the expected life of up to 100 years; and

WHEREAS, the Municipal Buildings and Additions Budget was amended to add this project to be funded by an operating transfer from the Heritage Infrastructure Fund and the arbitration award received from Donlar Construction and the Alliance Architects; and

WHEREAS, on April 23, 2001, the bid for City Hall exterior repairs was awarded to advanced Masonry Restoration, Inc., in the amount of \$529,550.00; and

WHEREAS, change order number one (+\$112,659.30) for Advanced Masonry Restoration, Inc., was approved on July 23, 2001; and

WHEREAS, change order number two (+ \$65,916.00) for Advanced Masonry Restoration, Inc., was approved on November 26, 2001; and

WHEREAS, change order number three (+\$39,189.00) for Advanced Masonry Restoration, Inc., was approved on May 28, 2002; and

WHEREAS, change order number four (+ \$9,798.00) for Advanced Masonry Restoration, Inc., is required to properly complete the construction of the repairs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK to approve change order number four for City Hall exterior repairs to Advanced Masonry Restoration, Inc., in the amount of \$9,798.00.

City of Brooklyn Park Request for Council Action

Agenda Item No.:	4.8	Meeting Date:	12/09/02
Agenda Section:	Consent	Originating Dept.:	Engineering
Resolution:	N/A	Prepared By:	Jeff Holstein
Ordinance	N/A		
No. of Attachments:	3	Presented By:	Doran Cote
Item:	Authorize Mayor and City Manager to Execute Access and Traffic Control Signal Easement for Project M-1377. Brooklyn Boulevard/Northland Drive Traffic Signal Installation		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-_____ AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE ACCESS AND TRAFFIC CONTROL SIGNAL EASEMENT, PID#19-119-21 34 0001, PROJECT M-1377.

Overview:

The Hennepin Technical College, located in the northeastern quadrant of the T.H. 169/Brooklyn Boulevard (CSAH 130) junction, recently relocated their main access off of Brooklyn Boulevard to align directly opposite Northland Drive to the south. The City of Brooklyn Park, in conjunction with the Technical College and Hennepin County, installed a temporary traffic signal at this location coincident to the driveway relocation construction project.

The operations, maintenance and power costs for the new traffic signal will be provided by the City and the County (on behalf of the City). Routine maintenance and operations work will require the periodic presence of City and County personnel, and possibly vehicles, on the north side of the intersection within Technical College property.

The City Attorney and the State Attorney General's Office have prepared an Access and Traffic Control Signal Easement to allow for signal maintenance and operations personnel on the Technical College property. This easement is being dedicated by the State of Minnesota, on behalf of the Hennepin Technical College, at no cost to the City or County.

The City Attorney and staff have reviewed the easement document and recommend that the City Council authorize the Mayor and Acting City Manager to execute the easement to allow for necessary signal operations and maintenance.

Primary issues/alternatives to consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.8 RFCA Page 2

4.8 RESOLUTION

4.8 EASEMENT LOCATION MAP

4.8 ACCESS AND TRAFFIC CONTROL SIGNAL EASEMENT (HARD COPY)

RESOLUTION #2002-

RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE
ACCESS AND TRAFFIC CONTROL SIGNAL EASEMENT, PID#19-119-21 34 0001,
PROJECT M-1377

WHEREAS, the Hennepin Technical College, Hennepin County and the City of Brooklyn Park consider it mutually desirable to provide adequate operations and maintenance at the recently installed temporary traffic control signal system at the intersection of County State Aid Highway (CSAH) 130 (Brooklyn Boulevard) with Northland Drive within the City limits, and

WHEREAS, the State of Minnesota (on behalf of the Technical College) has expressed its willingness to dedicate a signal easement to allow for the operations and maintenance of said signal system, and

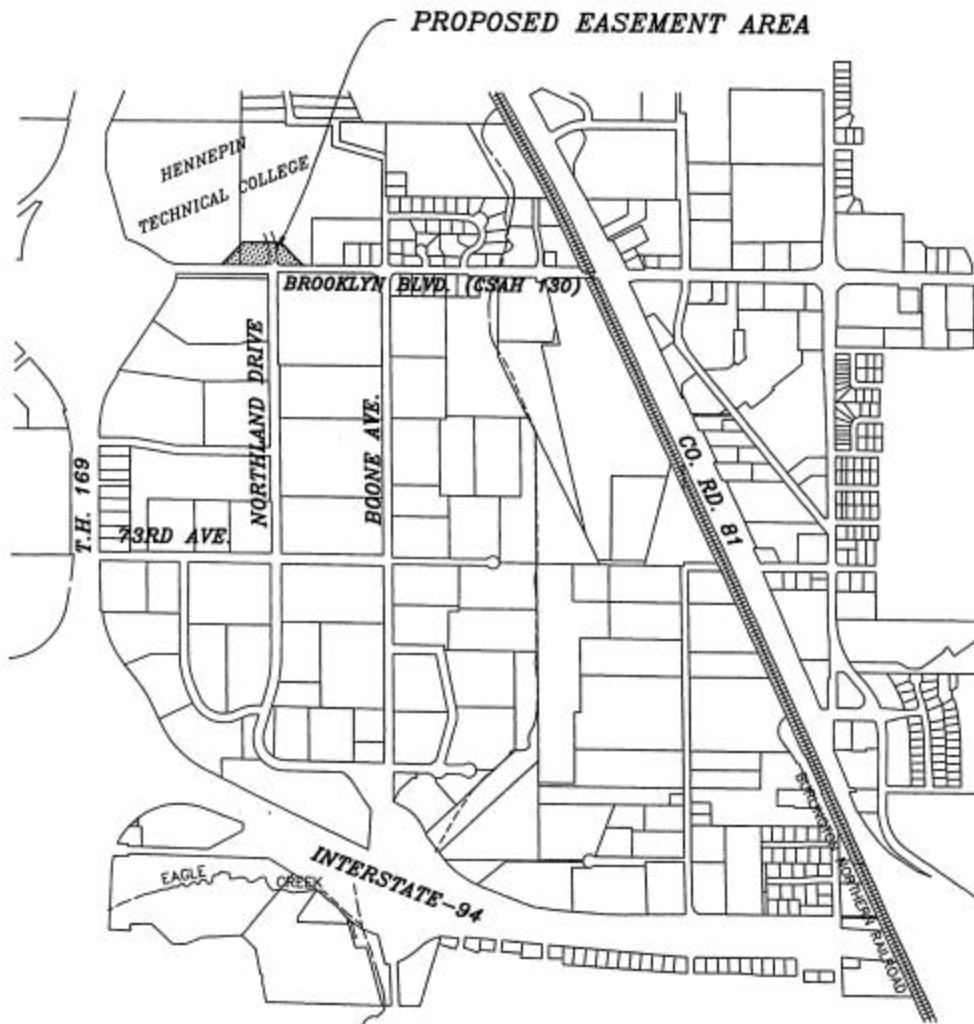
WHEREAS, the City Attorney and the State Attorney General's Office have prepared a Access and Traffic Control signal Easement regarding the operations and maintenance of the traffic control signal system at the said intersection.

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

1. The City of Brooklyn Park authorizes the Mayor and City Manager to execute the Access and Traffic Control Signal Easement.
2. The City Clerk is directed to forward one CERTIFIED COPY OF THIS RESOLUTION TO Ms. Diane Paulson, Vice-President of Administrative Services, Hennepin Technical College - North Campus, 9000 Brooklyn Boulevard, Brooklyn Park, Mn. 55445.

EASEMENT LOCATION MAP

PROJECT M-1377 TRAFFIC SIGNAL SYSTEM INSTALLATION
AT BROOKLYN BOULEVARD/NORTHLAND DRIVE



PROPOSED EASEMENT AREA

City of Brooklyn Park Request for Council Action

Agenda Item No.:	4.9	Meeting Date:	12-09-02
Agenda Section:	Consent	Originating Dept.:	Operations & Maintenance
Resolution:	X	Prepared By:	Jon Thiel Steve Lawrence
Ordinance	N/A		
No. of Attachments:	2	Presented By:	Jon Thiel
Item:	Approve change order No. 2 for City Hall remodeling phase II for Parkos Construction Company.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-_____ TO APPROVE CHANGE ORDER NO. 2 FOR CITY HALL REMODELING PHASE II FOR PARKOS CONSTRUCTION COMPANY.

Overview:

This request is for approval of a change order for construction of City Hall remodeling phase II improvements. The change order added costs are related to required modifications and adjustments to complete this project. A detailed summary of the necessary changes and related costs is part of the change order. The changes relate to additions and deletions that became evident as the work progressed.

The required additions, modifications and adjustments were not included in the original bid and therefore the addition of the work requires an additional cost over the original bid.

Primary issues/alternatives to consider:

-- Should the change order be approved as recommended?

The change order is necessary to properly complete this project and is recommended by the architect, Thorbeck Architects.

-- The Council has the following alternatives:

1. Approve the change order as recommended.
2. Not approve the change order and direct staff to renegotiate.
3. Do nothing.

Budgetary/Fiscal Issues:

The total Parkos Construction Company authorized construction contract cost to date with this change order will be \$457,690.00 and can be accommodated in the 2002 Municipal Buildings and Additions Fund budget.

The project is budgeted for a total cost of \$600,000.00, which includes architect/engineer services, furnishings for the new conference room, communications cabling and a contingency for any necessary changes.

Attachments:

4.9 RESOLUTION

4.9 PARKOS CONSTRUCTION COMPANY CHANGE ORDER NO. 2 (HARD COPY)

RESOLUTION #2002-

APPROVE CHANGE ORDER NUMBER TWO
FOR CITY HALL REMODELING PHASE II
FOR PARKOS CONSTRUCTION COMPANY

WHEREAS, the City Hall remodeling phase II is part of the City Hall master plan and the current 5-year CIP; and

WHEREAS, Thorbeck Architects was previously approved on January 28, 2002 by supplemental letter agreement for architectural and other special design services for this project; and

WHEREAS, the recommended preliminary budget amount for this project is \$600,000.00 (including consultants, contingencies, new conference room furnishings, communications cabling and other miscellaneous costs) and can be accommodated in the 2002 Municipal Buildings and Additions Fund budget; and

WHEREAS, on May 13, 2002, the bid for the City Hall remodeling phase II construction was awarded to Parkos Construction Company, in the amount of \$446,400.00; and

WHEREAS, change order number one (+ \$2,994.00) for Parkos Construction Company, was approved on October 13, 2002; and

WHEREAS, change order number two (+ \$8,296.00) for Parkos Construction Company is required to properly complete the construction of the remodeling.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK to approve change order number two for City Hall remodeling phase II to Parkos Construction Company, in the amount of \$8,296.00.

City of Brooklyn Park Request for Council Action

Agenda Item No.:	4.10	Meeting Date:	12-09-2002
Agenda Section:	Consent	Originating Dept.:	Planning
Resolution:	X	Prepared By:	Todd A. Larson
Ordinance	N/A		
No. of Attachments:	4	Presented By:	Howard Blin
Item:	“Oxbow Creek 3rd Addition” for Final Plat #02-118 to subdivide 143.74 acres into 41 single-family lots and 9 outlots east of Douglas Drive and south of Champlin Park High School.		

Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-_____ APPROVING FINAL PLAT #02-118 OF “OXBOW CREEK 3RD ADDITION,” TO SUBDIVIDE 143.74 ACRES INTO 41 SINGLE-FAMILY LOTS AND 9 OUTLOTS EAST OF DOUGLAS DRIVE AND SOUTH OF CHAMPLIN PARK HIGH SCHOOL.

Overview:

The final plat for “Oxbow Creek 3rd Addition” is a 41-lot portion of Oxbow Creek II. The original proposal included 211 single-family lots and 96 townhome lots. This plat is the first phase in the development of Oxbow Creek north of the North Hennepin Regional Trail. The Council will review final plats for additional phases in the upcoming months as well as a site plan for the townhome area.

Outlots A and B are to be used for neighborhood association common land. Outlots C and E are to be dedicated to the City, satisfying most of the entire development’s park requirements. This park dedication conforms to the Northern Area Master Plan and the preliminary plat approval for this development. Additionally, right of way is being dedicated for the upcoming expansion of Zane Avenue/Douglas Drive and the construction of future 105th/107th Parkway.

The proposed final plat conforms to the approved preliminary plat. The preliminary plat was reviewed and approved by the City Council on July 22, 2002.

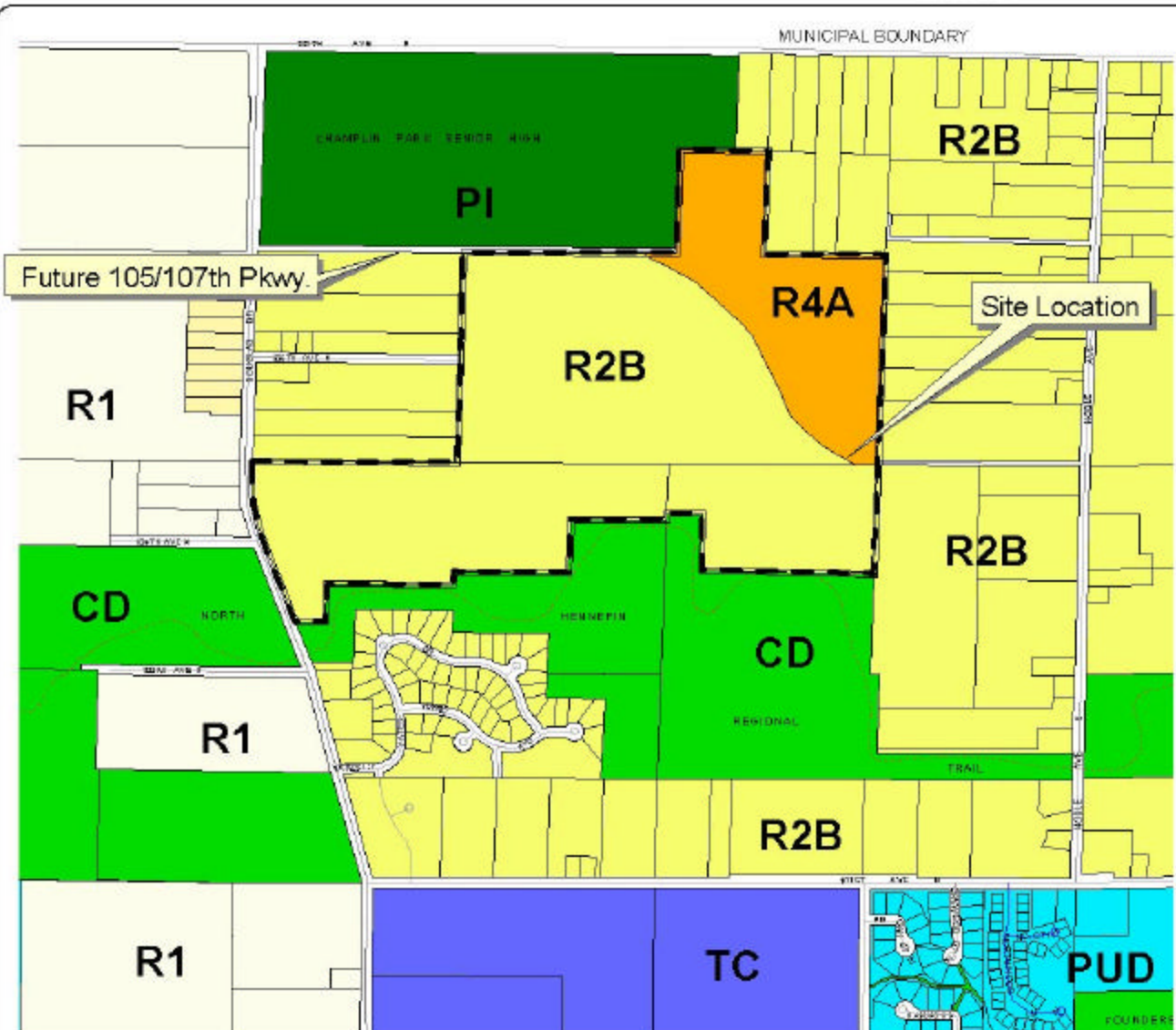
Attachments:

- 4.10 LOCATION MAP
- 4.10 FINAL PLAT RESOLUTION
- 4.10 PRELIMINARY PLAT RESOLUTION #2002-233 (HARD COPY)
- 4.10 FINAL PLAT DRAWINGS (HARD COPY)



LOCATION MAP

Plat #02-118
 "Oxbow Creek"
 Hidden Oaks, LLC



<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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 R8 Multiple Family Residential R7 Multiple Family Residential
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Map Date: December 1, 2002

RESOLUTION #2002-___

APPROVING REVISED FINAL PLAT #02-118 OF
“OXBOW CREEK 3RD ADDITION”
TO SUBDIVIDE 143.74 ACRES INTO 41 SINGLE-FAMILY LOTS AND 9 OUTLOTS
EAST OF DOUGLAS DRIVE AND SOUTH OF CHAMPLIN PARK HIGH SCHOOL

Planning Commission File #02-118

WHEREAS, the final plat of “Oxbow Creek 3rd Addition” 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 #02-118, “Oxbow Creek 3rd Addition,” is approved upon compliance with the following requirements:
 - a. Title review by the City Attorney and all conditions therein.
 - b. Per requirements set forth in Resolutions #2002-233 (Preliminary Plat) or as subsequently amended by motion, approving the preliminary plat of “Oxbow Creek 3rd Addition,” which is part of this resolution by reference and is on file and can be examined in the City Clerk's office.
 - c. 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.
 - d. Submission of a 1:200 scale mylar and an electronic copy of the plat.
 - e. Submission of deeds for Outlots C and E for Park Dedication. Additional cash dedication is required, however, it will be deferred until a subsequent phase of the development.
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.:	4.11	Meeting Date:	12-09-2002
Agenda Section:	Consent	Originating Dept.:	Planning
Resolution:	X	Prepared By:	Todd A. Larson
Ordinance	N/A		
No. of Attachments:	4	Presented By:	Howard Blin
Item:	<p>“Noble Trail” for revised Final Plat #02-114 to subdivide 19.8 acres into one single-family lot and one outlot at the southwest corner of Noble Parkway and 105th Avenue North.</p>		

Proposed Action:

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

Overview:

This proposed final plat includes one single-family lot and one large outlot. The applicant wishes to divide the existing home from the rest of the property in order to facilitate a land sale. Subdivision of Outlot A will occur under a separate motion. Additionally, the City is in need of right-of-way in order to provide trunk utilities to this site. The development cannot occur until the utilities are available sometime in 2003. The sale of the land needs to occur before the end of the year due to conditions of the developer’s lender.

The preliminary plat for this development was reviewed and approved by the City Council on May 28, 2002. The City Council approved a final plat for the entire development on July 8, 2002. The outlot conforms to the intent of the originally approved final plat. “Noble Trail Second Addition,” the next item on the Council’s agenda, is approving the final plat subdivision of Outlot A.

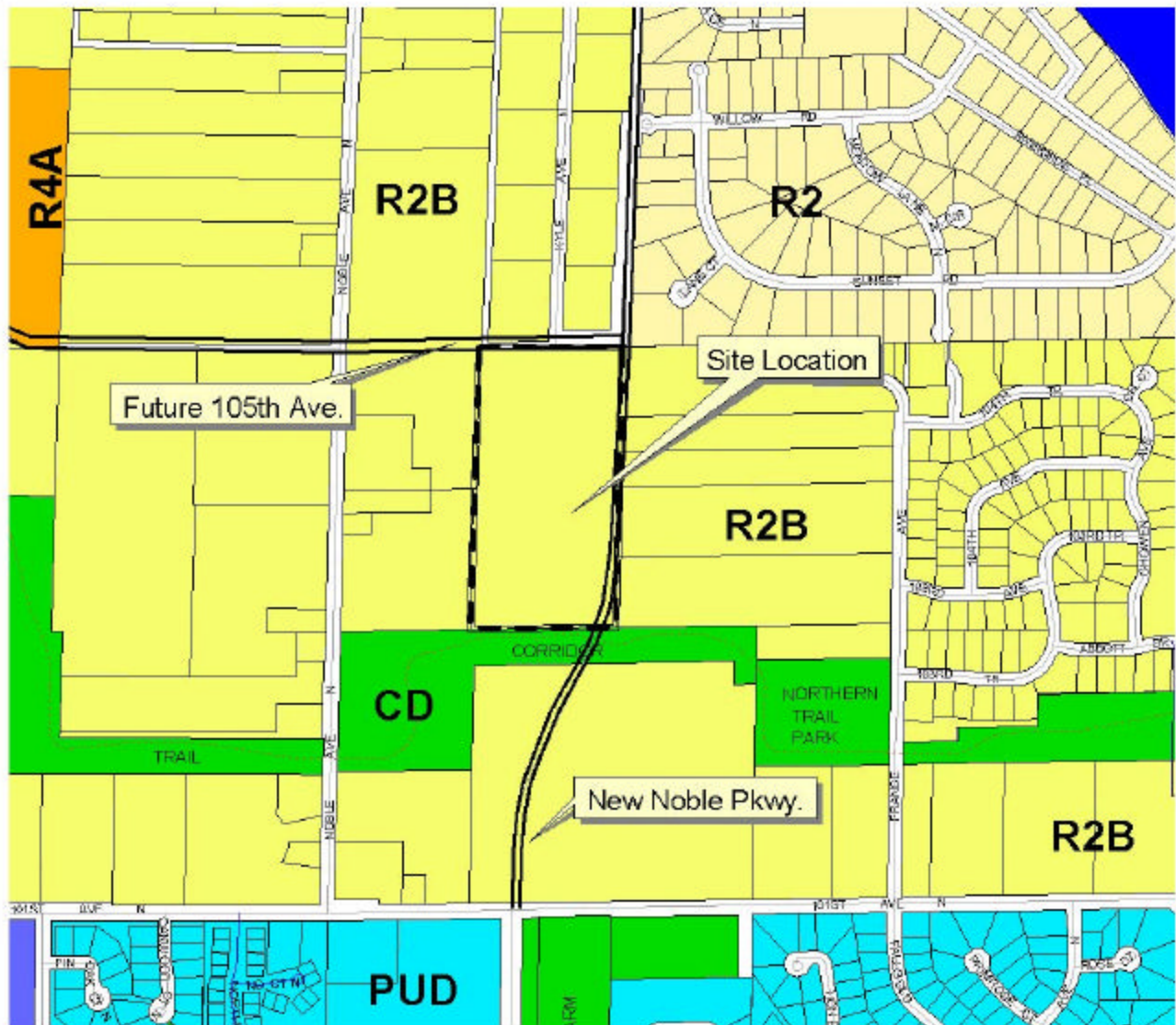
Attachments:

- 4.11 LOCATION MAP
- 4.11 FINAL PLAT RESOLUTION
- 4.11 PRELIMINARY PLAT RESOLUTION #2002-168 (HARD COPY)
- 4.11 FINAL PLAT DRAWINGS (HARD COPY)



LOCATION MAP

Revised Final Plat #02-114
"Noble Trail"



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
R8	Multiple Family Residential
R7	Multiple Family Residential



Map Date: November 26, 2002

RESOLUTION #2002-___

APPROVING REVISED FINAL PLAT #02-114 OF
“NOBLE TRAIL”

TO SUBDIVIDE 19.8 ACRES INTO ONE SINGLE-FAMILY LOT AND ONE OUTLOT
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:
 - a. Title review by the City Attorney and all conditions therein.
 - b. Per requirements set forth in Resolutions #2002-168 (“Meuleners Addition” Preliminary Plat) or as subsequently amended by motion, approving the preliminary plat of “Meuleners Addition,” which is part of this resolution by reference and is on file and can be examined in the City Clerk's office.
 - c. 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.
 - d. Submission of a 1:200 scale mylar and an electronic copy of the plat.
 - e. Payment of park dedication is waived until Outlot A is subdivided. No payment is required on the lot containing 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.:	4.12	Meeting Date:	12-09-2002
Agenda Section:	Consent	Originating Dept.:	Planning
Resolution:	X	Prepared By:	Todd A. Larson
Ordinance	N/A		
No. of Attachments:	4	Presented By:	Howard Blin
Item:	<p>“<u>Noble Trail 2nd Addition</u>” for revised Final Plat #02-114 to subdivide 19.8 acres into thirty single-family lots at the southwest corner of Noble Parkway and 105th Avenue North.</p>		

Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-_____ APPROVING REVISED FINAL PLAT #02-114 OF “NOBLE TRAIL 2ND ADDITION,” TO SUBDIVIDE 19.8 ACRES INTO THIRTY SINGLE-FAMILY LOTS AT THE SOUTHWEST CORNER OF NOBLE PARKWAY AND FUTURE 105TH AVENUE NORTH.

Overview:

This proposed final plat is the platting of Outlot A from “Noble Trail.” At the previous review of “Noble Trail” in July, the City Council asked for a trail connection in the southern portion of the site. An easement has been provided between Lots 19 and 20 of Block 2 for a trail.

The proposed final plat conforms to the approved preliminary plat. The preliminary plat was reviewed and approved by the City Council on May 28, 2002. The City Council approved a final plat for the entire development on July 8, 2002.

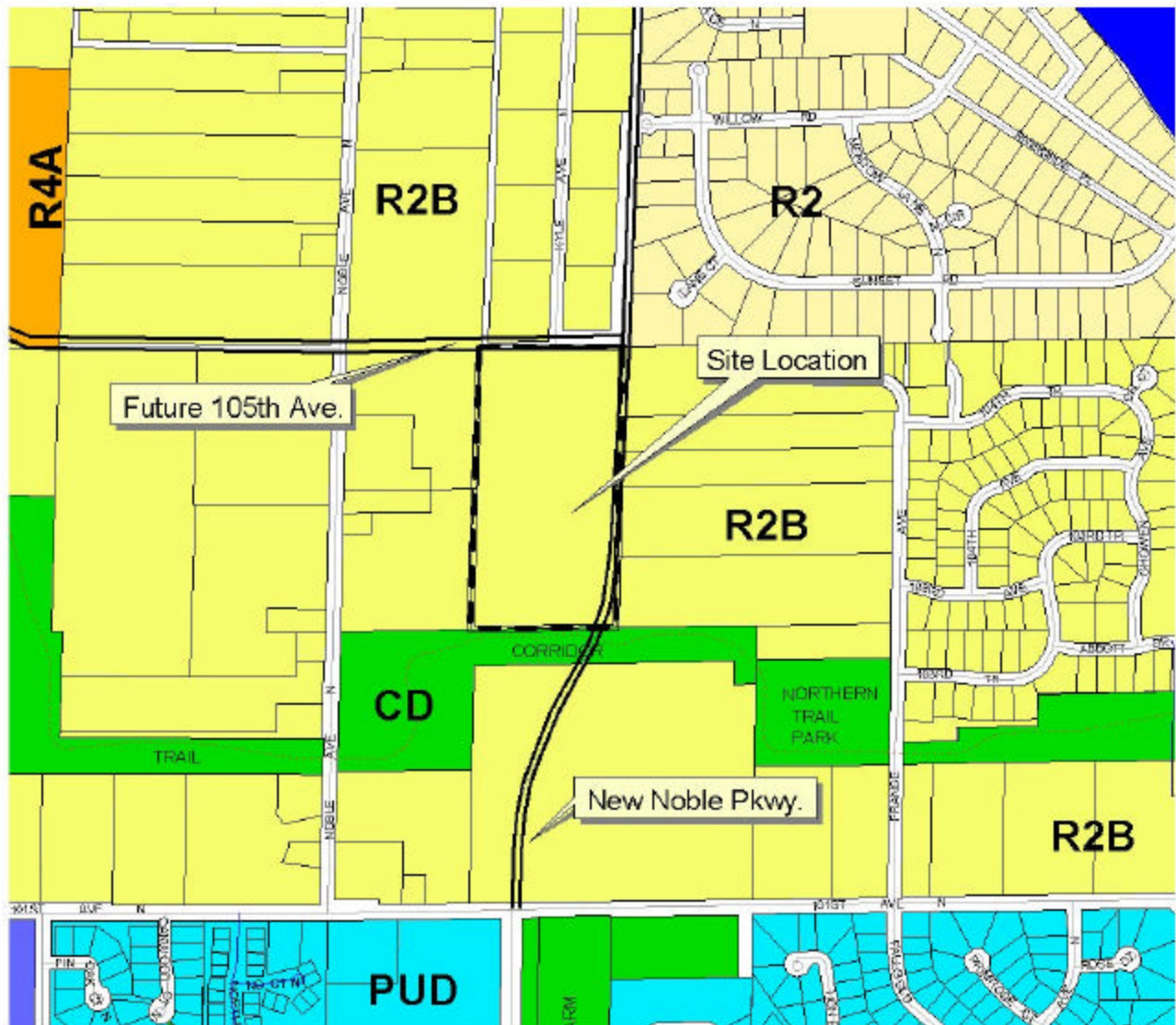
Attachments:

- 4.12 LOCATION MAP
- 4.12 FINAL PLAT RESOLUTION
- 4.12 PRELIMINARY PLAT RESOLUTION #2002-168 (HARD COPY)
- 4.12 FINAL PLAT DRAWINGS (HARD COPY)



LOCATION MAP

Revised Final Plat #02-114
"Noble Trail"



	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
	R8	Multiple Family Residential
	R7	Multiple Family Residential



Map Date: November 26, 2002

RESOLUTION #2002-____

APPROVING REVISED FINAL PLAT #02-114 OF
“NOBLE TRAIL 2ND ADDITION”
TO SUBDIVIDE 19.8 ACRES INTO THIRTY 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 2nd Addition” (formerly known as “Meuleners Addition”), is approved upon compliance with the following requirements:
 - a. Title review by the City Attorney and all conditions therein.
 - b. Per requirements set forth in Resolutions #2002-168 (“Meuleners Addition” Preliminary Plat) or as subsequently amended by motion, approving the preliminary plat of “Meuleners Addition,” which is part of this resolution by reference and is on file and can be examined in the City Clerk's office.
 - c. 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.
 - d. Submission of a 1:200 scale mylar and an electronic copy of the plat.
 - e. Park dedication payment based on 30 lots in the rate in effect at the time of filing the plat.
6. 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.
7. 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.
8. 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.

9. 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.:	4.13	Meeting Date:	12-09-2002
Agenda Section:	Consent	Originating Dept.:	Planning
Resolution:	X	Prepared By:	Todd A. Larson
Ordinance	N/A		
No. of Attachments:	5	Presented By:	Howard Blin
Item:	“<u>Lone Oak Estates</u>” Final Plat #02-132 for subdivision of 6.78 acres into 15 single-family lots at 4500 101 st Avenue North.		

Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-_____ APPROVING FINAL PLAT #02-132 OF “LONE OAK ESTATES,” TO SUBDIVIDE 6.78 ACRES INTO 15 SINGLE-FAMILY LOTS ON PROPERTY LOCATED EAST OF NOBLE AVENUE AND NORTH 101ST AVENUE NORTH.

Overview:

Final plat approval is being requested for “Lone Oak Estates,” a 15-lot single-family development located east of Noble Avenue between 101st Avenue and the North Hennepin Regional Trail. Park dedication requirements will be satisfied through a cash payment.

The proposed final plat conforms to the approved preliminary plat. The preliminary plat was reviewed and approved by the City Council on August 26, 2002.

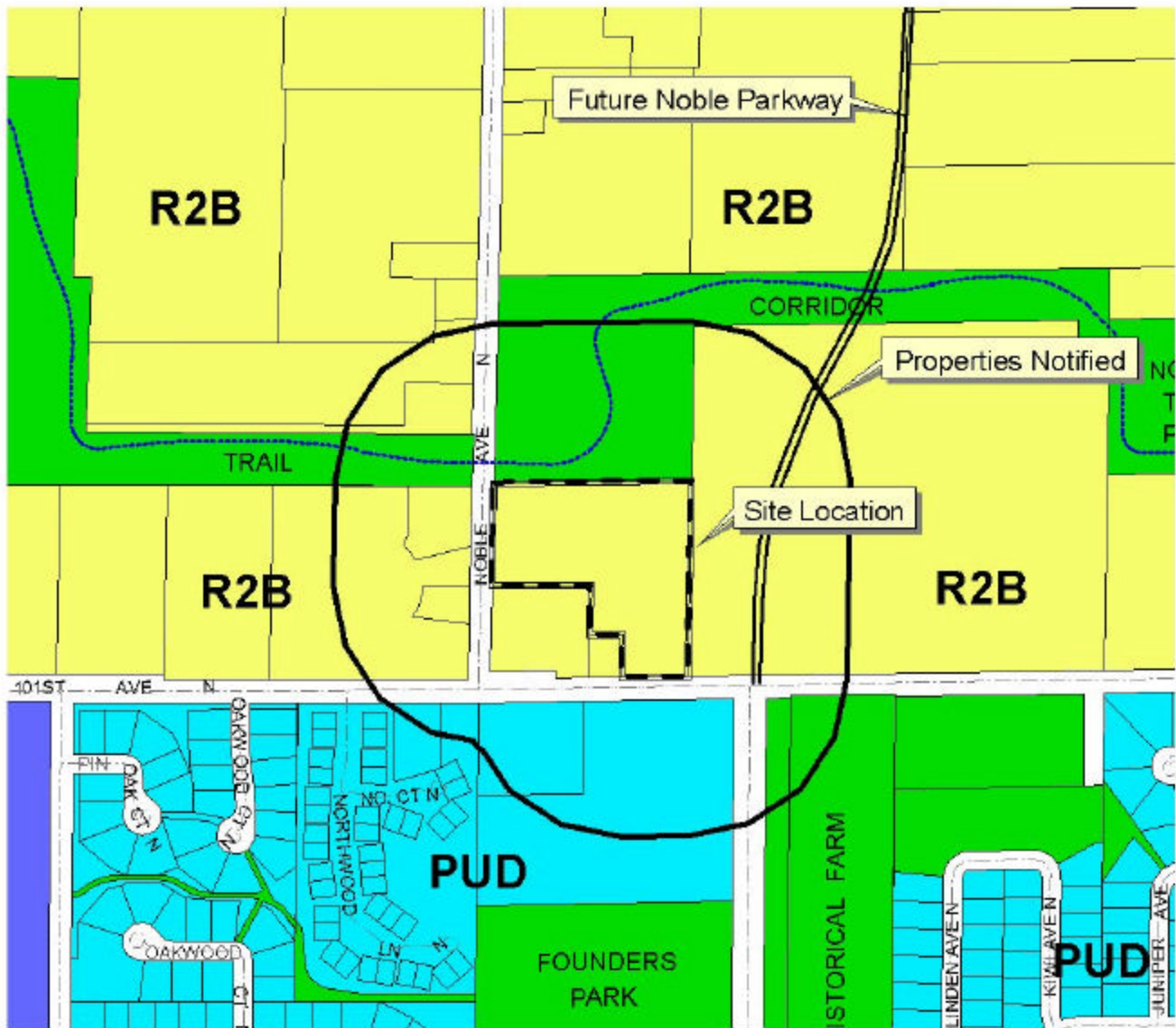
Attachments:

- 4.13 LOCATION MAP
- 4.13 FINAL PLAT RESOLUTION
- 4.13 PRELIMINARY PLAT RESOLUTION #2002-270 (HARD COPY)
- 4.13 COVENANTS (HARD COPY)
- 4.13 FINAL PLAT DRAWINGS (HARD COPY)



LOCATION MAP

Preliminary Plat #02-132
 Hank's Addition
 4500 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: July 22, 2002

RESOLUTION #2002-____

APPROVING FINAL PLAT #02-132 OF
“LONE OAK ESTATES,”
TO SUBDIVIDE 6.78 ACRES INTO 15 SINGLE-FAMILY LOTS
ON PROPERTY LOCATED EAST OF NOBLE AVENUE AND NORTH 101ST AVENUE NORTH.

Planning Commission File #02-132

WHEREAS, the final plat of “Lone Oak 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 #02-132, “Lone Oak Estates,” is approved upon compliance with the following requirements:
 - a. Title review by the City Attorney and all conditions therein.
 - b. “Lone Oak Court North” shall be called “Noble Court North” and must be corrected on the hardshell.
 - c. Per requirements set forth in Resolutions #2002-270 (Preliminary Plat) or as subsequently amended by motion, approving the preliminary plat of “Lone Oak 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. Submission of a 1:200 scale mylar and an electronic copy of the plat.
 - f. Payment of park dedication is required, based on 15 lots in the rate in effect at the time of filing the final plat.
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.:	4.14	Meeting Date:	12-09-2002
Agenda Section:	Consent	Originating Dept.:	Planning
Resolution:	X	Prepared By:	Todd A. Larson
Ordinance	N/A		
No. of Attachments:	5	Presented By:	Howard Blin
Item:	“<u>Hawthorne Bend</u>” by Omega Development, LLC. Final Plat #02-146 for subdivision of 29.64 acres into 69 lots west of Noble Avenue and north of the North Hennepin Regional Trail.		

Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-____ APPROVING FINAL PLAT #02-146 OF “HAWTHORNE BEND,” TO SUBDIVIDE 29.64 ACRES INTO 69 SINGLE-FAMILY LOTS AND ONE OUTLOT ON PROPERTY LOCATED WEST OF NOBLE AVENUE AND NORTH OF THE NORTH HENNEPIN REGIONAL TRAIL.

Overview:

Final plat approval is being requested for “Hawthorne Bend,” a 69-lot single-family development located north and east of the North Hennepin Regional Trail Corridor and west of Noble Avenue. Outlot A is for a trail connection to the Regional Trail. Outlots B, C, and D are for future subdivision when the neighboring property develops. As approved as part of the preliminary plat, a 28-foot wide strip of land lying adjacent to the Trail Corridor and dedicated as parkland from a requirement of a 2000 waiver of platting will satisfy part of the park dedication requirements of the development. The remaining requirement will be met through a cash payment.

The proposed final plat conforms to the approved preliminary plat. The preliminary plat was reviewed and approved by the City Council on September 23, 2002.

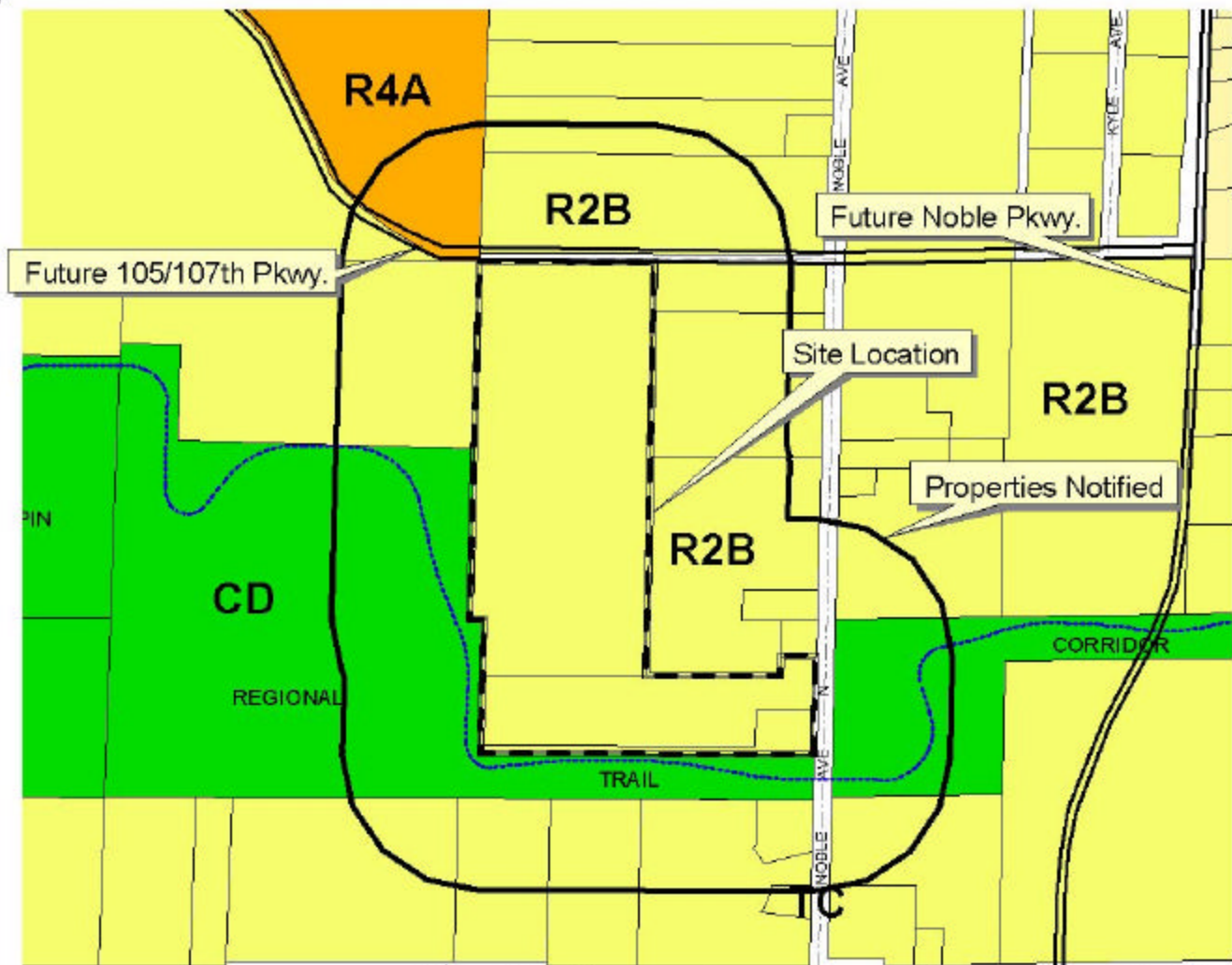
Attachments:

- 4.14 LOCATION MAP
- 4.14 FINAL PLAT RESOLUTION
- 4.14 PRELIMINARY PLAT RESOLUTION #2002-297 (HARD COPY)
- 4.14 COVENANTS AND ASSOCIATION DOCUMENT (HARD COPY)
- 4.14 FINAL PLAT DRAWINGS (HARD COPY)



LOCATION MAP

Plat #02-146
 "Hawthorne Bend"
 Omega Development



<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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
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Map Date: August 19, 2002

RESOLUTION #2002-____

APPROVING FINAL PLAT #02-146 OF
“HAWTHORNE BEND,”
TO SUBDIVIDE 29.64 ACRES INTO 69 SINGLE-FAMILY LOTS AND ONE OUTLOT
ON PROPERTY LOCATED WEST OF NOBLE AVENUE
AND NORTH OF THE NORTH HENNEPIN REGIONAL TRAIL

Planning Commission File #02-146

WHEREAS, the final plat of “Hawthorne Bend” 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 #02-146, “Hawthorne Bend,” is approved upon compliance with the following requirements:
 - a. Title review by the City Attorney and all conditions therein.
 - b. Per requirements set forth in Resolutions #2002-297 (Preliminary Plat) or as subsequently amended by motion, approving the preliminary plat of “Hawthorne Bend,” which is part of this resolution by reference and is on file and can be examined in the City Clerk's office.
 - c. 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.
 - d. Submission of a 1:200 scale mylar and an electronic copy of the plat.
 - e. Submission of deeds for Outlot A and property designated PARK for Park Dedication. Additional cash dedication is required, based on 69 lots in the rate in effect at the time of filing the final plat. Credit will be given for Outlot A and property designated PARK. Park dedication for Outlots B, C, and D will be satisfied at the time they are subdivided.
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.:	4.15	Meeting Date:	12-9-2002
Agenda Section:	Consent	Originating Dept.:	Engineering
Resolution:	X	Prepared By:	Gary Defries
Ordinance	N/A		
No. of Attachments:	4	Presented By:	Doran Cote
Item:	Approve Change Order No. 2 for Improvement 2002-02, Projects ST-1364 and SS-1365, Sunkist Park Area		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-_____, MODIFYING AN EXISTING CONTRACT AND ADDING THERETO FOR IMPROVEMENT 2002-02 CHANGE ORDER NO. 2 IN THE AMOUNT OF \$20,214.51 FOR A TOTAL CONTRACT AMOUNT OF \$2,176,941.10.

Overview:

Improvement 2002-02, Projects ST-1364 and SS-1365 consists of the reconstruction of streets and storm sewer improvements and related appurtenances within an area from Highway 252 to West River Road between and inclusive of 81st Avenue to 83rd Avenue. This area is referred to as Sunkist Park Area.

During the course of construction it was necessary to modify the storm sewer grades, adjust boulevard grades and make minor repairs of the existing utility systems as follows:

Project ST-1364 included repairing the existing gate valve at Emerson Avenue and 83rd Avenue by replacing the bolts, relocating a hydrant on 83rd Avenue, relocating the temporary mailboxes to Dupont Avenue north of 83rd Avenue and furnishing and installing two 1" water services for the residences at 1400 and 1408 83rd Avenue. Also under this project, a wood retaining wall at 83rd Avenue and Fairfield Road was repaired and a new retaining wall was installed at the northwest corner of 83rd Avenue and Fairfield Road due to the high embankment. The wall installation included furnishing and installing modular concrete blocks, which allowed the City to maintain all work within the boulevard area and to protect the existing Xcel Energy power pole.

Project SS-1365 included costs for modifying the openings on three manhole structures and also for connecting a new pipe to an existing storm sewer pipe. All work occurred on Pearson Parkway and 83rd Avenue.

The total cost for Change Order No. 2 is \$20,214.51 with a breakdown of \$2,143.98 for Project SS-1365 and \$18,070.53 for Project ST-1364.

Staff recommends to the City Council to approve Change Order No. 2 in the amount of \$20,214.51.

Primary issues/alternatives to consider: N/A

Budgetary/Fiscal Issues:

The assessment hearing for Project ST-1364 was held in October, 2002. The costs as outlined under Change Order No. 2 as it affects Project ST-1364 will be paid for from the Public Utilities Fund for the utility repair and payment of the retaining walls was included in the costs in determining the street assessment rate. The street rate was determined based on the assessment policy of assessing 70% of the street costs and the remaining 30% will be paid for from City funds. The costs for the storm sewer work under Project SS-1365 will be paid for from the Sanitary Sewer Reserve Fund.

Attachments:

- 4.15 RESOLUTION
- 4.15 VICINITY MAP
- 4.15 LOCATION MAP
- 4.15 CHANGE ORDER NO.2 (HARD COPY)

RESOLUTION #2002-

RESOLUTION MODIFYING AN EXISTING CONTRACT AND
ADDING THERETO FOR IMPROVEMENT PROJECT #2002-02
CHANGE ORDER NO. 2

WHEREAS, the City of Brooklyn Park has an existing contract with S. R. Weidema, Inc., dated April 22, 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 at the same unit price and units for which no item in the contract is provided to complete the following improvements:

CHANGE ORDER NO. 2

Public Improvement Project ST-1364	\$18,070.53	
Public Improvement Project SS-1365	<u>\$ 2,143.98</u>	
	Total	\$20,214.51

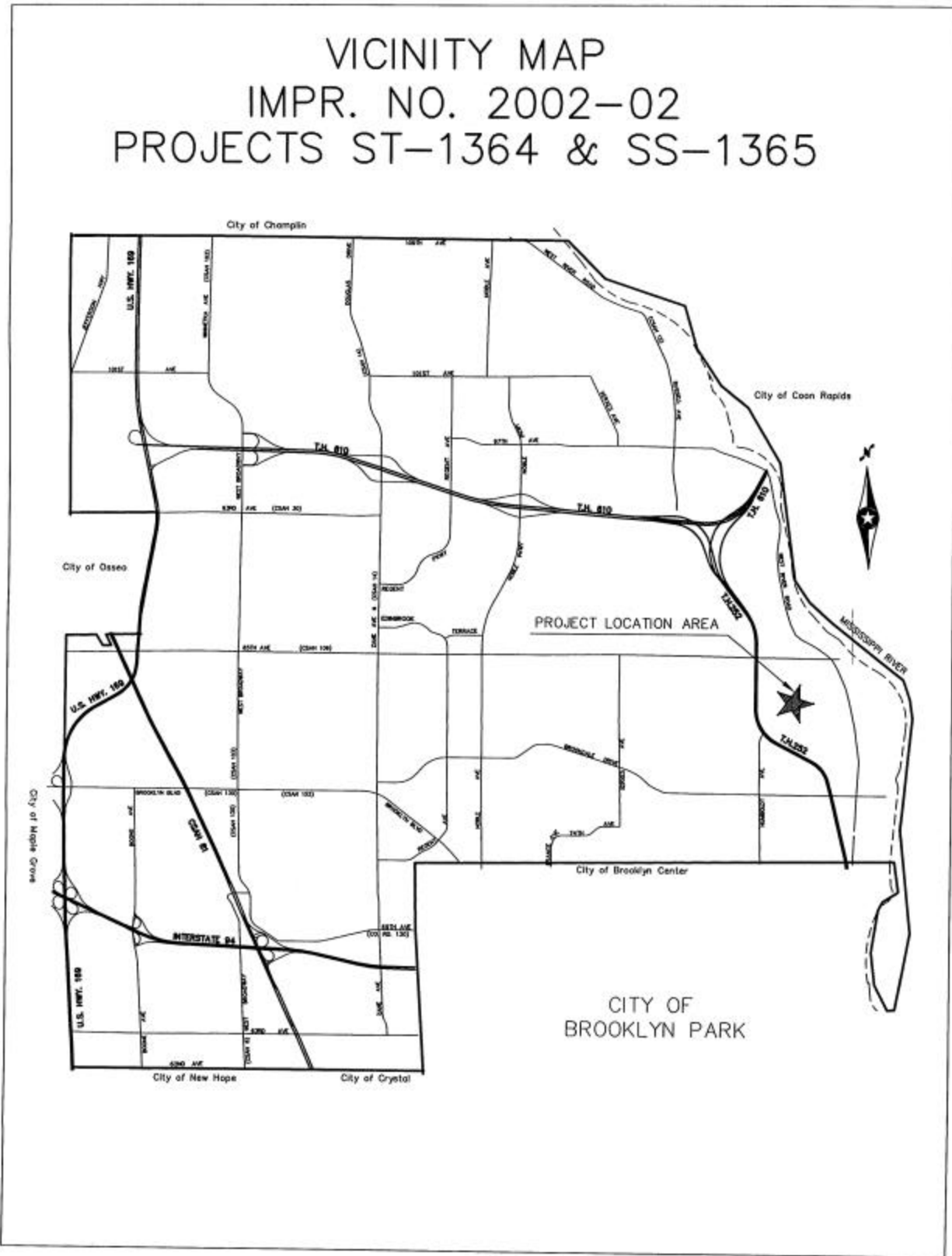
WHEREAS, the additional units do not exceed 25% of the original contract price, and

WHEREAS, the contractor, S. R. Weidema, Inc., has agreed to add such additional units 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 Paragraphs 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 \$20,214.51, 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 \$2,176,941.10 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 IMPR. NO. 2002-02 PROJECTS ST-1364 & SS-1365



PROJECT LOCATION MAP ST-1364 & SS-1365



█ DENOTES STREET & STORM SEWER PROJECT/IMPROVEMENT AREAS



NOT TO SCALE

City of Brooklyn Park Request for Council Action

Agenda Item No.:	5.1	Meeting Date:	12-09-02
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:	Vacation hearing for street right-of-way and utility easement in Section 4, Township 119, Range 21 (10717 Noble Avenue)		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-_____, VACATING STREET RIGHT-OF-WAY AND UTILITY EASEMENT IN SECTION 4, TOWNSHIP 119, RANGE 21 (10717 NOBLE AVENUE).

Overview:

Mr. Phillips Van Vo, 10717 Noble Avenue, submitted a vacation petition to the City Council on November 12, 2002, requesting the vacation of a street right-of-way and utility easement over his property located westerly of Noble Avenue and southerly of 109th Avenue. (Reference attached location map for exact location.)

Mr. Van Vo is in the process of selling his property to a developer. The easement Mr. Van Vo is requesting to be vacated will no longer be needed when his property and the surrounding properties are platted. This street and utility easement was acquired approximately 20 years ago with the intent that a street be located along the south side of his property, which would be the approximated 107th Avenue alignment. With the pending development of subject property and surrounding properties, the existing easement will conflict with the proposed platting scheme.

Staff sent letters to CenterPoint Energy Minnegasco, Xcel Energy, Sprint and AT&T Broadband requesting their input on the proposed vacation of the street right-of-way and utility easement. Representatives from each of these utility companies responded indicating they do not have any facilities within the proposed easement vacation area that would serve the neighboring properties. However, Xcel Energy and Sprint indicated they do have facilities serving the resident at 10717 Noble Avenue, but that with any future developments these facilities will no longer be necessary in their present location. All utility companies further indicated that they do not object to the vacation proposal based on the pending development. Accordingly, the City does not have any utilities within the subject easement area.

It is recommended the City Council vacate the easement as proposed, subject to a condition provided in the vacation resolution. This condition states that the recording of this resolution shall not occur until such time as Mr. Van Vo's property and the surrounding properties are platted so that new streets alignments are provided. By holding the resolution in abeyance, the City does not relinquish their rights to the easement and there is no interruption in the public's interest of the easement as well. Following City Council's approval of the plat, this

vacation resolution will then be recorded simultaneously with, but prior to recording of the plat, which will include subject property and subject properties.

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 RIGHT-OF-WAY AND UTILITY EASEMENT
IN SECTION 4, TOWNSHIP 119, RANGE 21 (10717 NOBLE AVENUE)

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 a street right-of-way and utility easement over the following described land:

Parcel Description:

The North 5 acres of that part of the East ½ of the Northeast ¼ of Section 4, Township 119, Range 21, lying South of the North 1,012.5 feet thereof except the West 260.71 feet thereof as measured along the North and South lines thereof.

Easement Description:

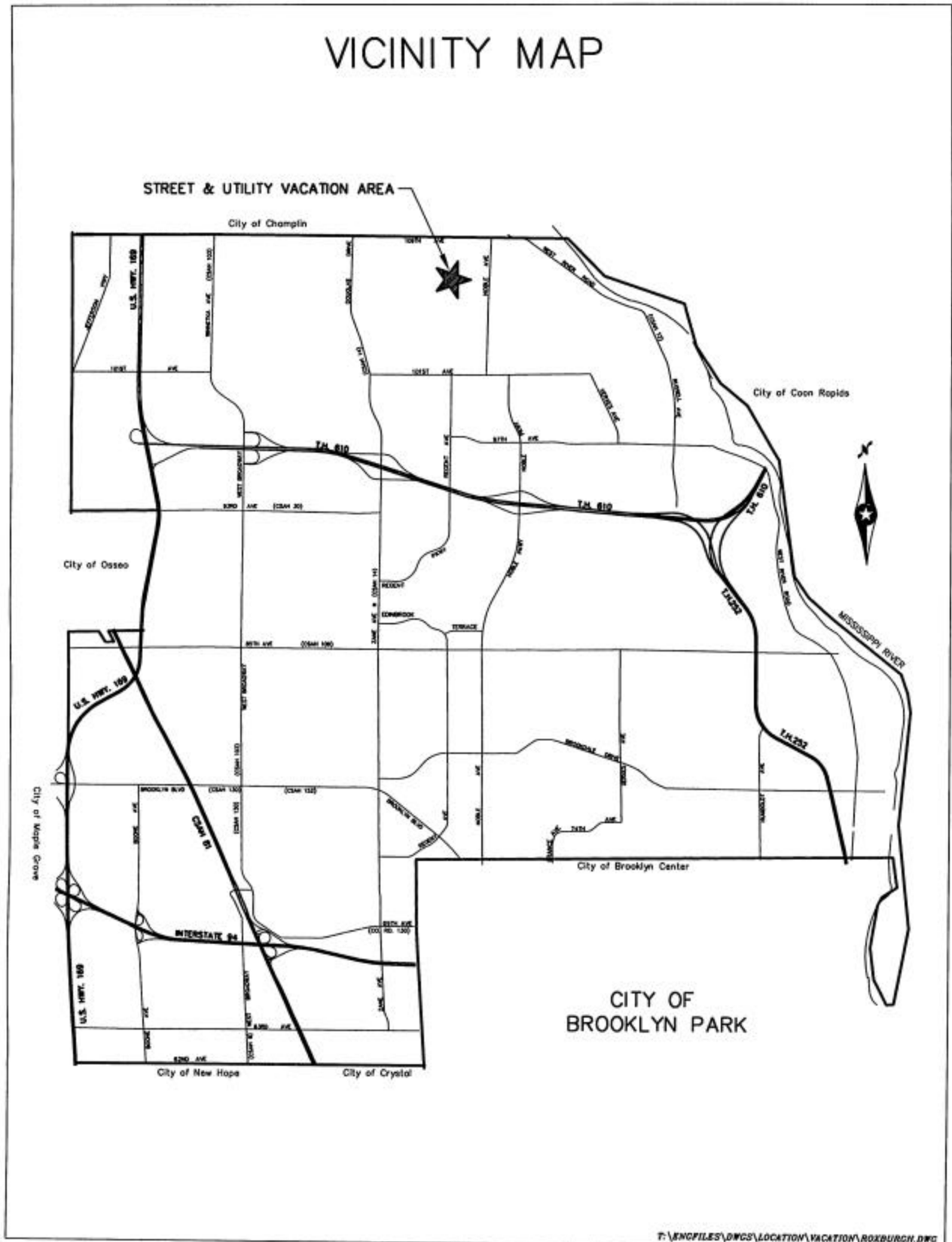
A perpetual easement for street right-of-way and utility purposes over and across the South 30 feet of the above described parcel, except the East 35 feet thereof.

WHEREAS, a public hearing was held on December 9, 2002 as required by law, and

WHEREAS, it has been determined that good area planning requires that this easement 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:

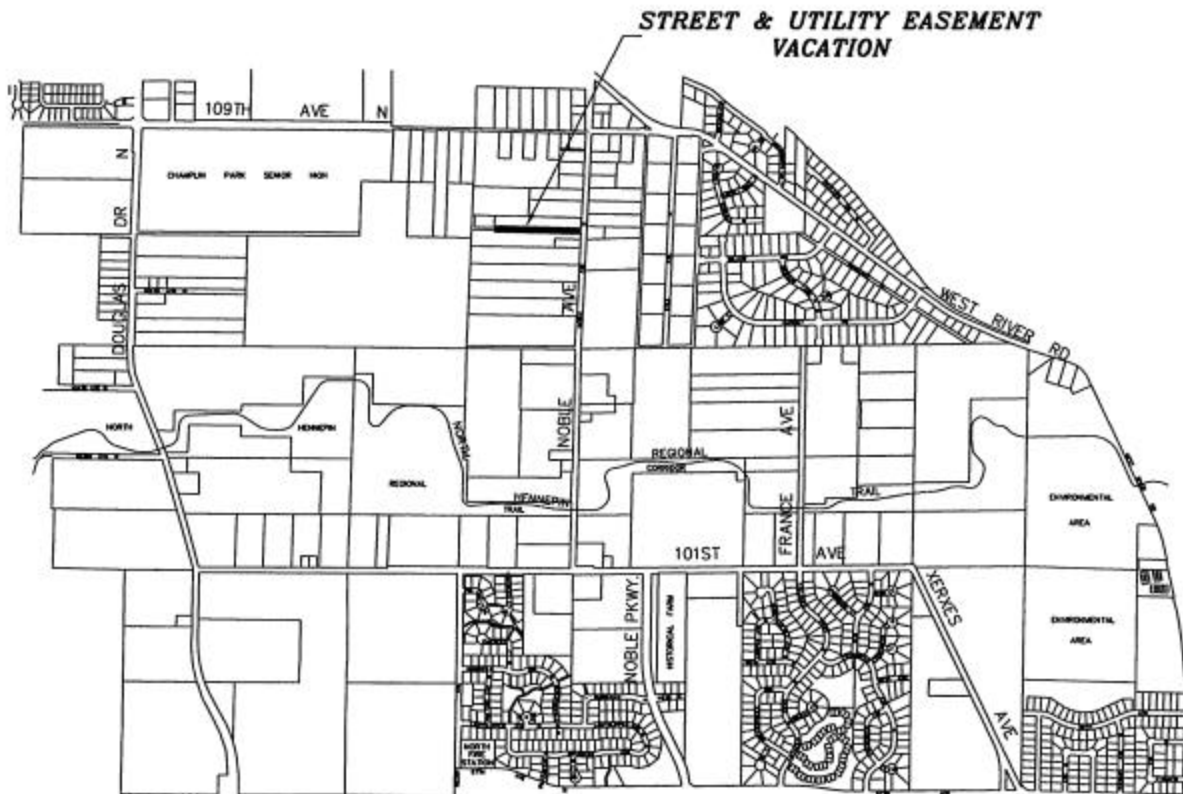
1. That the above street right-of-way and utility easement be vacated.
2. This vacation resolution shall be held until such time as the property as described in this resolution is developed and platted in conjunction with the surrounding properties. Recording of this vacation resolution shall be accomplished prior to the recording of the plat, which will include the property as described in this resolution and the surrounding properties, so there is no interruption of the public's interest in maintaining this easement.
3. 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.



LOCATION MAP

for

VACATION OF STREET & UTILITY EASEMENT



———— DENOTES STREET & UTILITY EASEMENT VACATION AREA



NO SCALE

City of Brooklyn Park Request for Council Action

Agenda No.:	5.2	Meeting Date:	12-9-02
Agenda Section:	Land Use Actions	Originating Dept.:	Planning Division
Resolution:	N/A	Prepared By:	Cindy Sherman
Ordinance	X		
No. of Attachments:	1	Presented By:	Howard Blin
Item:	City of Brooklyn Park – #02-156 SECOND READING of an ordinance to adopt a moratorium for a portion of the Village Zoning District and directing that a planning study be conducted.		

Recommendation:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2002-_____ ADOPTING A MORATORIUM FOR A PORTION OF THE VILLAGE ZONING DISTRICT AND DIRECTING THAT A PLANNING STUDY BE CONDUCTED.

Overview:

At the November 18, 2002 Workshop, the City Council directed staff to develop a moratorium ordinance for a portion of the Village-Creek Redevelopment District in order to allow a planning study of the area. The ordinance has been drafted along with a map of the areas to be included in the moratorium as directed by the Council.

The first draft of the ordinance did not include any exclusions from the moratorium and referenced the map for everything to be included. However, at the first reading of the ordinance the Council discussed excluding a property for which a CUP application had been submitted and the applicant requested that he be allowed to proceed. The Council discussion and direction was to exclude the property from the moratorium. Similarly, an application for variance is also in process for a trash enclosure at the Golden Key Plaza Shopping Center. This variance from setback requirements has been submitted in order to allow construction of a trash enclosure to bring the site into conformance with the screening ordinance. It is recommended that the Council include a provision to exclude the property as it relates to the variance application.

One final request for exclusion relates to the Town Gardens Townhouse project by Dan Hunt. Mr. Hunt has met with staff and is scheduled for the December 16 Council meeting to discuss amendments to the plan that he believes necessary to assist in marketing the neighborhood. Staff believes it is in the city's interest to exempt the Town Gardens project since there is already an approved plan and changes may be necessary subject to Council approval. As drafted, the moratorium excludes the three properties outlined and it is for a six-month period. The changes proposed since the first reading are bolded in the ordinance. The ordinance may be extended, if necessary, or it may be rescinded prior to the end of the first six-month period.

Attachment:

5.2 ORDINANCE

5.2 MAP

Recommendation

Staff recommends approval of the ordinance as drafted.

ORDINANCE NO. _____

AN INTERIM ORDINANCE ESTABLISHING A SIX-MONTH MORATORIUM
ON THE DEVELOPMENT OF CERTAIN PROPERTY IN THE VILLAGE
ZONING DISTRICT AND DIRECTING THAT A PLANNING STUDY BE CON-
DUCTED

THE CITY OF BROOKLYN PARK ORDAINS:

Section 1. Background.

1.01. Section 152.480 of the City's Zoning Ordinance establishes a zoning district known as the Village Zoning District. The purpose of the Village Zoning District is to implement the goals and objectives of the Village Redevelopment Plan. Properties proposed for redevelopment in the Village Zoning District must conform to the requirements and review procedures established in the Planned Development Overlay District.

1.02. Since the establishment of the Village Zoning District, the City has required developments and new uses in the District to meet certain design elements pertaining to building façades, roof designs, and exterior building design.

1.03. A development application is currently pending before the City pertaining to the use of a parcel of land in the Village Zoning District and other property owners in the District have made inquiries with staff as to potential uses of other parcels in the District. As a result, questions have been raised with respect to the use and design standards in the Village Zoning District and the Village Redevelopment Plan.

1.04. The City Council has determined that before any new uses are approved in certain areas of the Village Zoning District, a study is necessary to clarify the uses and design standards that should apply in those areas.

1.05. Minnesota Statutes, Section 462.355, Subd. 4 allows the City to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.

Section 2. Findings

2.01. The City Council finds that it is necessary to conduct a study to clarify the use and design standards that should apply to development in certain portions of the Village Zoning District. The purpose of the study will include, but is not limited to, determining the appropriate use and design standards that should apply to such property and the appropriate changes, if any, that should be made to the City's official land use controls, including but not limited to the City's Zoning Ordinance.

2.02. The City Council finds that there is a need to adopt an interim moratorium ordinance for a portion ("Moratorium Area") of the Village Zoning District while the study referenced in Section 2.01 of this ordinance is being conducted.

2.03. The City Council finds that this interim ordinance should apply to all pending land use applications in the Moratorium Area **unless exempted in Section 4**, the boundaries of which are depicted in the map attached as Exhibit 1 to this Ordinance.

Section 3. Planning and Zoning Study; Moratorium

3.01. A study is authorized to be conducted by the City staff and the Planning Commission in accordance with Section 2.

3.02. Pending completion of the study and adoption of any amendments to the City's official controls, a moratorium is established on the issuance of any development approvals, including but not limited to preliminary plats, re-zonings, variances, conditional use permits, site plans, or building permits pertaining to uses or developments in the Moratorium Area.

3.03. During the period of the moratorium, applications for any permits or approvals related to property in the Moratorium Area shall not be accepted by the City nor shall the Planning Commission or City Council consider or grant approval of any such application. The moratorium applies to applications that are pending with the City as of the date of the adoption of this Ordinance **unless exempted in Section 4.**

3.04. The moratorium established by this ordinance shall not apply to any new development that has obtained preliminary plat approval by the City Council before the adoption of this Ordinance.

Section 4. Exemptions. The following shall be exempt from the moratorium: applications for CUP or variance submitted on or before November 25, 2002 and plan amendments submitted for the approved Town Gardens plan formally known as the Village at Shingle Creek.

Section 5. Enforcement. The City may enforce this ordinance by mandamus, injunction or other appropriate civil remedy in any court of competent jurisdiction.

Section 6. Term. Unless earlier repealed by the City Council, this ordinance shall remain in effect for a period of six months after its adoption.

Mayor

Attest:

City Clerk

Approved as to Form by City Attorney _____

Passed on First Reading _____

Passed on Second Reading _____

Published in Official Newspaper _____

City of Brooklyn Park Request for Council Action

Agenda Item No.:	5.3	Meeting Date:	December 9, 2002
Agenda Section:	Other Business	Originating Dept.:	Recreation & Parks
Resolution:	X	Prepared By:	Linda St. John, Director
Ordinance	N/A		
No. of Attachments:	1	Presented By:	Linda St. John, Director
Item:	Amend Fee Resolution #2000-202, to adopt a schedule of fees and charges for various Recreation and Parks services.		

City Manager's Proposed Action:

MOTION _____ SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002-_____, AMENDING FEE RESOLUTION NO. 2000-202 ADOPTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS SERVICES, LICENSES AND PERMITS FOR THE CITY OF BROOKLYN PARK, MINNESOTA.

Overview:

Each year, the Recreation and Parks Department generates revenue through various fees and charges for use of facilities. Fees are established at the beginning of the year in accordance with the annual General Fund and Enterprise Fund budgets and remain constant throughout the fiscal year.

The Recreation and Parks Department's mission is to "meet the diverse recreational needs of residents by providing quality recreation facilities and programs". Toward that end, the Department is responsible for the provision of facilities by coordinating the scheduling of the following:

- outdoor park facilities: picnic pavilions and athletic fields
- meeting room and event space at the Community Activity Center, Park Activity Buildings and Zanewood Recreation Center
- gymnasium space for local youth athletic groups with area school districts

Additionally, the second major component of the mission states that the Recreation and Parks Department is responsible for providing quality recreation programs. Individual program fees are not included in this schedule in that they are established when a program is developed throughout the year. Program fees reflect the varying expenses of the programs and are dependent on a number of factors; i.e. the number of classes, facility and supply costs, instructor to participant ratio and other related charges.

The attached schedule of proposed fees for 2003 represents the amount users will pay for the use of Brooklyn Park recreation facilities. The proposed fee schedule reflects a higher rate for non-residents.

Primary issues/alternatives to consider:

N/A

Budgetary/Fiscal Issues:

Fees and charges for facility users provide revenue to the General Fund and to the Recreation Enterprise Fund.

Attachments:

RESOLUTION

RESOLUTION # 2002- _____

A RESOLUTION AMENDING FEE RESOLUTION NO. 2000-202
 ADOPTING A SCHEDULE OF FEES AND CHARGES
 FOR VARIOUS SERVICES, LICENSES AND PERMITS
 FOR THE CITY OF BROOKLYN PARK, MINNESOTA

WHEREAS, fees and charges are assessed for the use of recreation and park facilities and programs in Brooklyn Park; and

WHEREAS, in 2000, the Brooklyn Park City Council approved resolution # 2000-202 adopting a schedule of fees and charges for various services for the City of Brooklyn Park; and

WHEREAS, the following fees and charges are proposed to be adopted for the calendar year 2003 for recreation and park services:

Recreation and Parks Fees	<i>Current 2002</i>	<i>Proposed 2003</i>
Picnic Pavilions: 150 person capacity 60 person capacity 40 person capacity	\$ 45 resident \$ 75 non-resident \$ 25 resident \$ 55 non-resident \$ 15 resident \$ 45 non-resident	\$ 48 resident \$ 80 non-resident \$ 27 resident \$ 59 non-resident \$ 16 resident \$ 48 non-resident
Park Activity Buildings: 70 person capacity 20 person capacity 10 person capacity	\$ 70 resident \$ 80 non-resident \$ 25 resident \$ 35 non-resident \$ 10 resident \$ 20 non-resident	\$ 75 resident \$ 85 non-resident \$ 27 resident \$ 38 non-resident \$ 12 resident \$ 22 non-resident
Zane Sports Park: Soccer field events (entire complex reserved) Zane Sports Park: Softball field events (entire complex reserved)	\$ 275/day - local youth athletic association \$ 325/day - other groups \$ 275/day - local youth athletic association \$ 325/day - other groups	\$ 275/day - local youth athletic association \$ 400/day - other groups \$ 275/day - local youth athletic association \$ 325/day - other groups
Athletic fields : per field rate	\$ 50/day - local youth athletic association \$ 75/day - other groups	\$ 50/day - local youth athletic association \$ 80/day - other groups
Neighborhood park : per field rate	N / A	\$ 15/ day resident \$ 25/ day non-resident
Field reservation (churches) fee	\$ 5 / scheduled field	\$ 5 / scheduled field

CAC Event & Meeting space: Community Room (<i>Monday – Thursday</i>) 250 person capacity	\$ 0 resident (civic & non-profit) \$170 non-resident (civic & non-profit) \$170 resident (private & business) \$170 non-resident (private & business)	\$ 0 resident (civic & no n-profit) \$ 200 non-resident (civic & non-profit) \$ 200 resident (private & business) \$ 250 non-resident (private & business)
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Cont.	<i>Current 2002</i>	<i>Proposed 2003</i>
CAC Event & Meeting space: Community Room (<i>Fri.-10 am-12:30 am</i>) 250 person capacity	\$ 0 resident (civic / non-profit) \$ 275 non-resident (civic / non-profit) \$ 480 resident (private & business) \$ 586 non-resident (private & business)	\$ 0 resident (civic / non-profit) \$ 500 non-resident (civic / non-profit) \$ 500 resident (private & business) \$ 600 non-resident (private & business)
CAC Event & Meeting space: Community Room (<i>Sat.-10 am-12:30 am</i>) 250 person capacity	\$ 0 resident (civic / non-profit) \$ 275 non-resident (civic / non-profit) \$ 586 resident (private & business) \$ 693 non-resident (private & business)	\$ 0 resident (civic / non-profit) \$ 600 non-resident (civic / non-profit) \$ 600 resident (private & business) \$ 700 non-resident (private & business)
CAC Event & Meeting space: Community Room (<i>Sun.-10 am-12:30 am</i>) 250 person capacity	\$ 0 resident (civic / non-profit) \$ 275 non-resident (civic / non-profit) \$ 480 resident (private & business) \$ 586 non-resident (private & business)	\$ 0 resident (civic / non-profit) \$ 300 non-resident (civic / non-profit) \$ 500 resident (private & business) \$ 600 non-resident (private & business)
CAC Event & Meeting space: Senior Center (3 rooms) (<i>Monday-Thursday</i>) 375 person capacity	\$ 0 resident (civic / non-profit) \$ 490 non-resident (civic / non-profit) \$ 490 resident (private & business) \$ 538 non-resident (private & business)	\$ 0 resident (civic / non-profit) \$ 400 non-resident (civic / non-profit) \$ 500 resident (private & business) \$ 550 non-resident (private & business)
CAC Event & Meeting space : Senior Center (3 rooms) (<i>Friday, 10 am-12:30 am</i>) 375 person capacity	\$ 0 resident (civic / non-profit) \$ 586 non-resident (civic / non-profit) \$ 586 resident (private & business) \$ 692 non-resident (private & business)	\$ 0 resident (civic / non-profit) \$ 600 non-resident (civic / non-profit) \$ 600 resident (private & business) \$ 700 non-resident (private & business)
CAC Event & Meeting space : Senior Center (3 rooms) (<i>Saturday, 10 am-12:30 am</i>) 375 person capacity	\$ 0 resident (civic / non-profit) \$ 692 non-resident (civic / non-profit) \$ 692 resident (private & business) \$ 799 non-resident (private & business)	\$ 0 resident (civic / non-profit) \$ 700 non-resident (civic / non-profit) \$ 700 resident (private & business) \$ 820 non-resident (private & business)
CAC Event & Meeting space : Senior Center (3 rooms) (<i>Sunday, 10 am-12:30 am</i>)	\$ 0 resident (civic / non-profit) \$ 586 non-resident (civic / non-profit) \$ 586 resident (private & business)	\$ 0 resident (civic / non-profit) \$ 600 non-resident (civic / non-profit) \$ 600 resident (private & business)

375 person capacity	\$ 692 non-resident (private & business)	\$ 700 non-resident (private & business)
CAC Event & Meeting space: Senior Center (2 rooms) 250 person capacity	\$ 0 resident (civic / non-profit) \$ 80 non-resident (civic / non-profit) \$ 80 resident (private & business) \$ 90 non-resident (private & business)	\$ 0 resident (civic / non-profit) \$ 120 non-resident (civic / non-profit) \$ 120 resident (private & business) \$ 160 non-resident (private & business)
CAC Event & Meeting space: Senior Center (1 room) 250 person capacity	\$ 0 resident (civic / non-profit) \$ 32 nonresident (civic / non-profit) \$ 32 resident (private & business) \$ 43 non-resident (private & business)	\$ 0 resident (civic / non-profit) \$ 45 non-resident (civic / non-profit) \$ 45 resident (private & business) \$ 65 non-resident (private & business)
CAC Meeting space: Conference Room 12 person capacity	\$ 0 resident (civic / non-profit) \$ 16/hr non-resident (civic / non-profit) \$ 16/hr resident (private & business) \$ 22/hr non-resident (private & business)	\$ 0 resident (civic / non-profit) \$ 20/hr non-resident (civic / non-profit) \$ 20/hr resident (private & business) \$ 30/hr non-resident (private & business)

Cont.	<i>Current 2002</i>	<i>Proposed 2003</i>
CAC Meeting space : Arena 1 Meeting Room 26 person capacity	\$ 0 resident (civic / non-profit) \$ 20/hr non-resident (civic / non-profit) \$ 20/hr resident (private & business) \$ 22/hr non-resident (private & business)	\$ 0 resident (civic / non-profit) \$ 20/hr non-resident (civic / non-profit) \$ 20/hr resident (private & business) \$ 30/hr non-resident (private & business)
Zanewood Meeting & Event space: Recreation Center - large classroom 50 person capacity	N/A	\$ 15/hour - resident (civic / non-profit, private & business) \$ 20/hour - non-resident (civic / non-profit, & private) \$ 25/hour - non-resident (business)
Zanewood Meeting & Event space: Recreation Center - small classroom 35 person capacity	N/A	\$ 10/hour - resident (civic / non-profit, private & business) \$ 15/hour - non-resident (civic / non-profit, & private) \$ 20/hour - non-resident (business)
Zanewood Meeting & Event space: Recreation Center - multi-purpose room (Monday – Thursday) 180 person capacity	N/A	\$ 35/hour - resident (civic / non-profit & private) \$ 40/hour- resident (business) \$ 45/hour - non-resident (civic / non-profit, & private) \$ 50/hour - non-resident (business)
Zanewood Meeting & Event space: Recreation Center - multi-purpose room (Friday) 180 person capacity	N/A	\$ 175 resident (civic / non-profit) \$ 200 non-resident (civic / non-profit) & resident (private) \$ 275 resident (business) & non-resident (private) \$ 325 non-resident (business)
Zanewood Meeting & Event space: Recreation Center - multi-purpose room (Saturday) 180 person capacity	N/A	\$ 250 resident (civic / non-profit) \$ 300 non-resident (civic / non-profit) & resident (private) \$ 375 resident (business) & non-resident (private)

		\$ 425 non-resident (business)
Zanewood Meeting & Event space: Recreation Center - multi-purpose room (Sunday) 180 person capacity	N/A	\$ 150 resident (private) \$ 165 resident (civic / non-profit) \$ 175 non-resident (civic / non-profit) & resident (business) \$ 200 non-resident (private) \$ 225 non-resident (business)
Ice Arenas : hourly ice time rate	\$ 155 per hour <i>*prime time fee</i>	\$ 160 per hour; effective Sept.1, 2003 <i>*prime time fee</i>
Gazebo	\$ 133 per event	\$ 215 per event
Facility use fee BPAA ; per person	\$ 5 / person (resident) \$ 8 / person (non-resident)	\$ 5 / person (resident) \$ 8 / person (non-resident)
Facility use fee adult teams : per person	\$ 10 / person (resident) \$ 15/ person (non-resident)	\$ 10 / person (resident) \$ 15/ person (non-resident)

Cont.	<i>Current 2002</i>	<i>Proposed 2003</i>
Admission fees: Eidem Homestead	\$ 6 adults \$ 4 children (12 & under) \$ 3 private tours per person fee, plus supplies \$ 8 per person – birthday parties	\$ 6 adults \$ 5 children (12 & under) \$ 4 private tours per person fee, plus supplies \$ 9 per person - birthday parties
Admission fees: Open skate	\$ 4 adults \$ 3 children & seniors \$ 10 family \$ 3 skate rental	\$ 4 adults \$ 3 children & seniors \$ 10 family \$ 3 skate rental
Admission fees: Open Hockey – adults	\$ 6 per person	\$ 6 per person
Admission fees: Open basketball	\$ 5 per person – adults \$ 3 per person – youth	\$ 5 per person-adults \$ 3 per person youth
Non-resident recreation program fee	\$ 10 / program, added to class fee	\$ 10 / program, added to class fee

FACILITY USER DEFINITIONS

- Resident:** Any person who **maintains a residential address** in the City of Brooklyn Park. An address to a Brooklyn Park post office box number only is not applicable to obtain resident stature.
- Non-Resident:** Any person who maintains a residential address outside the Brooklyn Park city limits.
- Civic Group:** Includes civic organization, charitable groups and character building organization devoted to the betterment of the community by offering community oriented social, educational, recreational and/or cultural enrichment opportunities.
- Non-Profit Group:** Includes any group/organization that legally qualifies for a not-for-profit status and files as such with the Internal Revenue Service. Proof of status may be required upon processing a reservation. Includes churches, political

**EDINBURGH USA
RATE STRUCTURE
2002 - 2003**

		2002		2003 Proposed	
		M-TH	F-SUN	M-TH	F-SUN
Note: "Triangle" land acquisition surcharge is included in these rates and shown in parentheses.	Resident patron	\$32	\$35 (5)	\$33 (4)	\$36 (5)
	Resident non-patron	(3)	37 (5)	36 (4)	38 (5)
	Non-resident	35 (3)	46 (4)	45 (4)	47 (4)
	Jr / Sr patron	44 (3)	32 (5)	30 (5)	33 (5)
	Jr / Sr resident	29 (3)	35 (4)	33 (4)	36 (4)
	Jr / Sr non-resident	32 (3)	38 (5)	37 (5)	39 (5)
	9-hole	36 (3)	25 (3)	25 (3)	25 (3)
	9-hole-league	25 (3)	N/A	21 (3)	N/A
	Twilight	21 (3)	29 (4)	28 (4)	28 (4)
	Twilight-patron	29 (4)	25 (3)	24 (3)	24 (3)
	18-hole power cart	25 (3)	30(2)	32 (2)	32 (2)
	9-hole power cart	30 (2)	16 (2)	18 (2)	18 (2)
	Pull cart	16 (2)	4	5	5
	Patron cards	4	80	80	80
	Patron cards/before April	80	75	75	75
	Non-resident patron card	75	N/A	200 (20)	200 (20)
Range tokens	N/A	3	3	3	
		3			

**EXECUTIVE NINE GOLF COURSE
RATE STRUCTURE
2002 - 2003**

ROUNDS	2002		2003	
	1 st RD	2 nd RD	1 st RD	2 nd RD
Adults	\$10	\$8.50	\$10.50	\$9
Sr./Jr.	9	7.50	9.50	8
Gas Cars	14	14	14	14
Clubs	5	5	5	5
Pull Cart	2.50	2.50	3	2.50

SEASON PASSES	2002 Resident	2002 Non-Resident	2003 Resident	2003 Non-Resident
Family	\$480	\$500	\$495	\$515
Couples	430	445	445	460
Sr. Couples	400	415	415	430
One Individual	385	400	400	415
One Sr./Jr.	370	380	385	395

BOOKS/PASSES	2002	2003
10 Adults	\$90	\$95
10 Seniors	80	85

NOW, therefore, be it resolved by the City Council of Brooklyn Park, Minnesota to amend resolution # 2000-202 and adopt the above schedule of fees and charges for 2003 recreation and parks services.

City of Brooklyn Park
Request for Council Action

Agenda Item No:	5.4	Meeting Date	12-09-02
Agenda Section:	Other Business	Originating Department:	Community Development
Resolution	X	Prepared By:	Jennifer Verbrugge Community Development
Ordinance	FIRST		
No. of Attachments	2	Presented By:	Scott M. Clark Community Development
Item:	First Reading Of An Ordinance Amending Chapter 117 Of The City Code Relating To Apartment Licenses And Resolution Amending Resolutions #2000-202 And 2002-207 Adjusting Schedule Of Fees For Apartments.		

City Manager’s Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON FIRST READING AN ordinance Amending chapter 117 of the city code relating to apartment licenses.

AND

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2002- ___ AMENDING RESOLUTIONS #2000-202 and #2002-207 TO ADJUST THE SCHEDULE OF FEES FOR APARTMENTS FROM AN ANNUAL TO A SIX-MONTH TIME PERIOD.

Overview:

1. During the discussions leading to the adoption of the rental housing ordinance Council indicated the desire for a six-month review period. The current ordinance states this by inference; however, staff is requesting a technical modification that clearly states a licensing period beginning on July 1 and January 1. In addition, the definition for a Small Apartment was excluded from General Housing Unit and defined as having an annual license.
2. Apartment license fees are now listed to reflect the six-month review schedule. License fees will be collected every six months rather than annually to allow for any adjustments, per discussion with finance and licensing.

Primary Issues/Alternatives to Consider:

None

Attachments:

- 5.4 ORDINANCE (AMENDING THE SIX-MONTH REVIEW PERIOD AND DEFINITION OF A SMALL APARTMENT)
- 5.4 RESOLUTION (ADJUSTING THE ANNUAL COLLECTION OF APARTMENT LICENSE FEES TO SIX MONTHS)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 117 OF THE CITY CODE
RELATING TO APARTMENT LICENSES

The City of Brooklyn Park Does Ordain:

Chapter 117 of the City Code is amended to read:

§ 117.42 DEFINITIONS.

GENERAL HOUSING UNIT. A dwelling other than an apartment, including but not limited to a townhouse, condominium, double bungalow, residential zero lot line (split double), single family or tri-plex and small apartment.

§ 117.44 LICENSE PERIOD.

Apartment licenses, ~~including licenses for small apartments,~~ are valid from July through the last day of June, but will be reviewed every six months after issuance to determine if the licensing level, as defined in § 117.463, requires modification. The reporting period for such modification will be the 12-month period ending sixty (60) days before the end of each six-month review period. Provisional licenses are valid for six months, commencing either July 1 or January 1. General housing unit licenses and licenses for small apartments are valid from October 1 through the last day of September of the second year.

Mayor

Attest:

City Clerk

Approved as to Form by City Attorney _____
Passed on First Reading _____
Passed on Second Reading _____
Published in Official Newspaper _____

RESOLUTION #2002-___

RESOLUTION AMENDING FEE RESOLUTIONS #2000-202 and #2002-207
 ADOPTING A SCHEDULE OF FEES AND CHARGES
 FOR VARIOUS SERVICES, LICENSES AND PERMITS

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

<i>Rental Establishments</i>			
Code Section	Type of License	Conditions and Terms	Amount
117.45	Rental Establishment (General Housing Unit)	Two Year License	
		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
	Apartment	Biannual License	
		Level III/Provisional License	\$16.50 per unit \$33 per unit
		Level II License	\$6.88 per unit \$13.75 per unit
		Level I License	\$2.75 per unit \$5.50 per unit
117.52 (C) (4)(a)		Reinspection fee	\$47
117.52 (D) (3)		Reinstatement fee	\$41.25 per unit
117.52 (E)		Surcharge for Level III Licensees	\$8.25 per unit

City of Brooklyn Park
Request for Council Action

Agenda Item No.:	5.5	Meeting Date:	12-9-02
Agenda Section:	Other Business	Originating Dept.:	Finance and Administrative Services
Resolution:	N/A	Prepared By:	Kay McAloney, Human Resources Director
Ordinance	N/A		
No. of Attachments:	1	Presented By:	Kay McAloney, Human Resources Director
Item:	Discussion of City Manager Welcome Meeting		

Overview:

Our new City Manager Douglas Reeder starts employment with the City of Brooklyn Park on Monday, January 6, 2003. A meeting has been scheduled at the Community Activity Center on December 17, 2002 from 11:30 to 1:30 for employees and members of the community a unique opportunity to meet Mr. Reeder before he begins employment with the City of Brooklyn Park. We will be providing a sandwich buffet for all attendees.

Invitations have been sent to all city staff, current City Council members, Council-Elect members, all Commission members, President of North Hennepin Community College and Hennepin Technical College, Dave Looby from the Chamber of Commerce, Principals and Superintendents from all schools in Brooklyn Park, and our legislatures. We are asking that people RSVP so that we can plan for the buffet lunch.

Budgetary/Fiscal Issues:

Funding will come from the Human Resources Department budget with a cost of approximately \$2,000. The \$2,000 was originally designated for an employee picnic and has not been spent at this time. This purchase falls under category 2a of the Public Purpose Expenditures – Standing Executive Policy 12, which states “...special one-time events when provided at modest level with prior City Manager approval...”

Attachments:

5.5 INVITATION (HARD COPY)