

Brooklyn Park Charter Commission Minutes

Special Meeting

Wednesday, May 28, 2009

7:00 p.m. Brooklyn Township Conference Room

1. Call to Order/Roll Call

Chair Dwight Cox called the meeting to order at 7:00 p.m. Members present were: Arlene Breckenridge; Dwight Cox; Dennis Gunther; Marjorie Lindberg; and Lona Schreiber

Absent: Anthony Mills, Christopher Bohler, Olajide Williams (excused) and Council Liaison Steve Lampi (excused)

Also in attendance: Staff Liaison Devin Montero; Jim Thomson, Kennedy and Graven; and Jim Hilgendorf, Engineering and Building Inspections

2. Additions/Approval of Agenda of May 20, 2009

Staff Liaison Montero stated he would like to add amendment Option #2 to Section 14.19 provided by the City Attorney as part of the discussion of agenda item 3.1.

Motion Arlene Breckenridge and seconded by Marjorie Lindberg to approve the agenda as revised. Motion carried unanimously.

3. Old Business

3.1 Discussion of Amendments to Section 14.19. Discussions were held with City Attorney Jim Thomson, Kennedy and Graven, Jim Hilgendorf, Engineering and Building Inspections on the amendments to Section 14.19.

Commissioner Cox stated he was reluctant for any changes because his concern was the city would be using the provision for each and every thing and the amendment had to be narrow enough that the city would accomplish what needed to be done. He stated he didn't want to give complete authority for everything.

Commissioner Schreiber stated the Commission was willing to address specifically what's going on now in the housing market but there were minor infractions going on all the time in the city and didn't want to give carte blanche and didn't want to put a rubber stamp on the collections. She didn't want the city to go into a long process with attorneys fees because of a homeowner not following the law or the ordinances and didn't want to be that heavy handed. She stated the Commission recognized the problem and the proposed amendment could be specific to the problem and made clear that administrative costs and legal costs would be applied in those situations.

Commissioner Breckenridge stated there were a lot of violations because there were so many vacant homes and people without funds but also didn't like to make a rule so broad that it could be misused in the future.

Commissioner Lindberg stated if the issues and problems were homes, rental homes or real hard structures that it should be noted in the Charter. She stated the word "any violation" was just a wide open door and a blank check and if it could be specified and narrowed down to the real problem area that would go to the higher court system.

City Attorney Thomson gave a brief overview of when the provision was originally enacted and adopted by the Charter Commission on unpaid administrative penalties.

He stated the city today could only assess for administrative costs if the violation related to property and couldn't assess for littering, barking dog or dog at large; or any of the items in the city code with the list of fines and citations.

He stated in the rental licensing program, the old method of enforcing the rental license wasn't working but did issue administrative citations and existed long before going to the housing court but the administrative citation itself wasn't working in getting compliance. He stated staff started to take owners to housing court to enforce the rental licensing provision and some were routine and some were complex than the administrative citation process and some owners didn't show up and the judgment was issued right away and other owners had gone to trial and got expensive. He stated if the owner didn't pay the \$2,000 fine, it could be assessed, and the city was also faced with the court costs, filing fees; process serving fees; and attorney's fees and got expensive.

He stated staff asked, if those fees could be assessed and he reviewed the Charter and said it could, but did not want any challenges to it and recommended to staff adding a provision that made it clear that property related violations, for which staff could already assess for the penalty, could also assess the staff costs, administrative costs, associated with collecting that penalty.

Staff Liaison Montero recommended each paragraph to Section 14.19 be voted on so the Commissioners were clear on the paragraph amended as suggested by the Commissioners and City Attorney.

City Attorney Jim Thomson stated the amendments to Subsection (A) were for grammatical corrections only.

Motion Arlene Breckenridge and seconded by Lona Schreiber to approve the amendment to Subsection (A). Motion carried unanimously.

City Attorney Jim Thomson read Subsection (B) to the Commissioners with the additions or deletions suggested by the Commissioners:

"The City Council may provide by ordinance that unpaid administrative penalties be collected as a special assessment against real property if the

administrative penalty relates to the maintenance of the property or to an activity, proposed use, or delivery of City service associated with the property. The ordinance must provide that the City should first attempt to obtain voluntary payment of the penalty. The ordinance must also provide that notice and an opportunity to be heard will be given to the property owner listed on the official tax records before the penalty is assessed.”

Motion Arlene Breckenridge and seconded by Marjorie Lindberg to approve the amendment to Subsection (B). Motion carried unanimously.

City Attorney Jim Thomson read the new Subsection (C) to the Commissioners with the additions or deletions suggested by the Commissioners:

“With respect to unpaid administrative penalties specially assessed against real property pursuant to Paragraph (B) of this Section, the special assessment may include the administrative and legal costs incurred by the City in connection with collecting those unpaid administrative penalties.”

Motion Arlene Breckenridge and seconded by Dennis Gunther to approve the addition of Subsection (C) as amended. Motion carried unanimously.

Staff Liaison Montero stated he would prepare a request for council action to set the public hearing for the approved amendments for the June 1, 2009 City Council meeting.

The Charter Commission voted unanimously to recommend the amendments to Chapter 3 and 14 to the City Council for approval.

4. Adjournment

Motion Arlene Breckenridge and seconded by Marjorie Lindberg to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:13 p.m.

Respectfully submitted,

Devin Montero, Staff Liaison