

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, April 28, 2008
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER - Mayor Lampi

PRESENT: Mayor Steve Lampi; Council Members Rich Gates, Terry Gearin, Jeff Lunde, Mark Mata, Jeanette Meyer, and Mike Trepanier; City Manager Jamie Verbrugge; City Attorney Jim Thomson; Community Development Director Robert Schreier; and City Clerk Devin Montero.

ABSENT: None.

Mayor Lampi opened the meeting with the Pledge of Allegiance.

3A MOTION MEYER, SECOND TREPANIER TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK. MOTION PASSED UNANIMOUSLY.

3B1 Mayor Lampi and Council interviewed applicants for the Budget Advisory Commission and Northwest Hennepin Human Services Council.

3B2 Andrew Reinhardt, Chair, Parks and Recreation Advisory Commission gave the 2007 Annual Report.

3B3 John Granger, Human Rights Commission member, gave the 2007 Annual Report.

3B4 Mayor Lampi proclaimed April 29, 2008 as "Arbor Day" in Brooklyn Park.

4.0 MOTION MEYER, SECOND TREPANIER, TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEM:

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2008-53 TO AUTHORIZE THE PURCHASE OF RADIO FREQUENCY AUTOMATIC METER READING DATA COLLECTOR FROM NORTHERN WATER WORKS SUPPLY.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2008-54 APPOINTING JAMES D. VERBRUGGE AS THE RESPONSIBLE AUTHORITY FOR PURPOSES OF THE MINNESOTA GOVERNMENT DATA PRACTICES ACT.

MOTION PASSED UNANIMOUSLY.

6.1 Planning Director Cindy Sherman briefed Council on the Conditional Use Permit request for Noble Parkway Mobil.

Discussions were held on: Exterior propane tank exchange being painted brown or tan; safety bollards in front of the exchange; bollards required by fire code or zoning ordinance; if other existing propane exchange sites needed safety bollards; and how compared to other cities.

6.1 MOTION MATA, SECOND GATES, TO WAIVE THE READING AND ADOPT RESOLUTION #2008-55 APPROVING CONDITIONAL USE PERMIT (#08-102) TO ALLOW PROPANE TANK EXCHANGE AT 9500 NOBLE PARKWAY NORTH AND HAVE BOLLARDS INSTALLED ONLY IF REQUIRED BY THE INTERNATIONAL MAINTENANCE FIRE CODE.

City Attorney Thomson stated the addition made sense but wanted to clarify it further by adding “and have bollards installed only if required by the international maintenance fire code as adopted by the city”. He stated the city had already adopted the International Maintenance Fire Code and whatever was adopted was what the Fire Chief would look at to determine whether they were required or not. Council Members Mata and Gates accepted the friendly amendment to the motion.

Other discussions: Providing information if bollards were required and what other cities were doing; and if the city code relating to propane was different than what the State had adopted.

6.1 THE MOTION TO WAIVE THE READING AND ADOPT RESOLUTION #2008-55 APPROVING CONDITIONAL USE PERMIT (#08-102) TO ALLOW PROPANE TANK EXCHANGE AT 9500 NOBLE PARKWAY NORTH AND HAVE BOLLARDS INSTALLED ONLY IF REQUIRED BY THE INTERNATIONAL MAINTENANCE FIRE CODE AS ADOPTED BY THE CITY PASSED UNANIMOUSLY.

6.2 Planning Director Cindy Sherman briefed Council on the Conditional Use Permit request for The Learning Experience daycare center.

Discussions were held on: If the daycare center conformed to the design book for the development area; material used for fencing; stone accents to the building; intended use for area were restaurants; daycare would be in the center of the retail area; first kind of daycare in the State; proposed size of the building; and needing more restaurants in the city.

6.2 MOTION GEARIN, SECOND GATES, TO WAIVE THE READING AND ADOPT RESOLUTION #2008-56 APPROVING CONDITIONAL USE PERMIT #08-106 FOR CONSTRUCTION OF A DAY CARE FACILITY AT 9700 SCHREIBER TERRACE. MOTION PASSED. (5 TO 2) MATA, LUNDE VOTED NO.

6.3 Planning Director Cindy Sherman briefed Council on the variance/site plan review for Stein Industries.

Discussions were held on: Notched portion of building area and making it distinctive; road going around building; amount of additional employees with expansion; landscape plan; additional semi-trailers; and what the company did.

6.3 MOTION GEARIN, SECOND GATES, TO WAIVE THE READING AND ADOPT RESOLUTION #2008-57 APPROVING VARIANCE #08-104 TO PERMIT REDUCED

BUILDING AND PARKING SETBACKS AT 7153 NORTHLAND DRIVE. MOTION PASSED (6 TO 1) MATA VOTED NO.

6.4 Planning Director Cindy Sherman briefed Council on the conditional use permit request for Watson's of Minneapolis Northwest.

Council Member Meyer stated she would not vote for the permit because she opposed exterior storage if doing business and should be done within the building and didn't want it to turn into a garage sale look.

Discussions were held on: Design for outdoor storage should have bushes and shrubs covering outside storage; in prominent location and visible; is a display area and want people to see it; need to be kept clean; adding a fence; location of display area; AND ability to revoke conditional use permit if it becomes a problem.

6.4 MOTION LUNDE, SECOND MATA, TO WAIVE THE READING AND ADOPT RESOLUTION #2008-58 APPROVING CONDITIONAL USE PERMIT #07-105 FOR WATSON'S PERMANENT OUTDOOR POOL AND PLAY GYM DISPLAY AREA LOCATED AT 7007 LAKELAND AVENUE NORTH. MOTION PASSED. ROLL CALL VOTE: YES: LUNDE, LAMPI, MATA, TREPANIER; NO: GEARIN, MEYER, GATES.

6.5 Planning Director Cindy Sherman briefed Council on the extended plat approval for Ebenezer Community Church.

Discussions were held on: Materials used for the building; adding another tax exempt property; building should look like a church; providing designs and elevations; breaking up the elevation line of building; what the shed on the property was being used for; and bringing the designs and elevation back to the Council on May 5, 2008.

6.5 MOTION MATA, SECOND LUNDE TO TABLE FOR ONE WEEK TO THE MAY 5, 2008 COUNCIL MEETING. MOTION PASSED. (6 TO 1) GATES VOTED NO.

6.6 Planning Director Cindy Sherman briefed Council on the Comprehensive Plan distribution to adjacent communities, Hennepin County, School Districts, and the Metropolitan Council.

Council Member Mata stated that on Page 9, under the "Analysis" paragraph of the staff report that he would like the last two sentences taken out. He stated that the first sentence wasn't needed because directly on the other side of T.H. 610 were single family houses and to continue around the corner taking T.H. 610 west were houses on both sides of the freeway to Noble Parkway. He recommended replacing it with, "which creates a unique commercial opportunity to buffer the residential neighborhood". He stated the last sentence was just an opinion. He stated someone could come in and purchase the land and build houses that overlooked the freeway and by leaving those two sentences that it could mean single family houses were an option.

Discussions were held on: Removing the last two sentences completely would not affect the intent of the paragraph; and Metropolitan Council reviewing the plan and land designations. It was the consensus of the Council to remove the last two sentences from under the "Analysis" paragraph of the Comprehensive Plan.

6.6 MOTION GEARIN, SECOND TREPANIER, TO DIRECT STAFF TO DISTRIBUTE THE COMPREHENSIVE PLAN TO ADJACENT COMMUNITIES, HENNEPIN COUNTY, SCHOOL DISTRICTS AND THE METROPOLITAN COUNCIL FOR REVIEW AND COMMENT. MOTION PASSED UNANIMOUSLY.

8.1 Keith Jullie, Code Enforcement and Public Health Manager, briefed Council on the 2007-2008 annual report and work plan for Code Enforcement and Public Health Division.

REPORTS AND ANNOUNCEMENTS FROM COUNCIL MEMBERS

Mayor Lampi stated that he had something to read prior to adjourning the meeting:

"Over a week ago, I made an inexplicable and inexcusable decision to drive after having relaxed a few drinks. I was at home with my wife when we noticed our dog had gotten out of the house. Katherine went one direction and I went the other. I had a minor accident and subsequently charged with driving under the influence of alcohol. I want to publicly apologize to Katherine and to my family, as well as the rest of my family and want to thank you for your understanding and support. I sincerely want to apologize to my colleagues on the City Council and to the entire city staff and also need to apologize to the citizens of Brooklyn Park for any disappointment or embarrassment that may result from my actions. And want you to know my individual responsibility and will be taking the necessary steps to prevent this from happening again. They say when something bad happens that some good can come out of it and I believe this to be true. While I'm embarrassed by my decision to drive and humiliated by the outcome, I am grateful that no one was hurt and I'm also grateful for what I have learned. And I know I'll come out of this a better person, a better husband and father and a better leader for the city. Thank you."

ADJOURNMENT - With consensus of the Council, Mayor Lampi adjourned the meeting at 9:37 p.m.

STEVE LAMPI, MAYOR

DEVIN MONTERO, CITY CLERK