

**CITY COUNCIL MEETING  
CITY OF FRIDLEY  
JULY 9, 2018**

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The City Council meeting for the City of Fridley was called to order by Mayor Lund at 7:00 p.m.

**ROLL CALL:**

**MEMBERS PRESENT:** Mayor Lund  
Councilmember Barnette  
Councilmember Saefke  
Councilmember Varichak  
Councilmember Bolkcom

**OTHERS PRESENT:** Wally Wysopal, City Manager  
Scott Hickok, Community Development Director  
James Kosluchar, Public Works Director  
Dan Tienter, Finance Director  
Deb Skogen, City Clerk  
Brian Weierke, Director of Public Safety

**PRESENTATION:**

GreenStep Step 2 Award.

**APPROVAL OF PROPOSED CONSENT AGENDA:**

**APPROVAL OF MINUTES:**

1. City Council Meeting of June 25, 2018.

**APPROVED.**

**NEW BUSINESS:**

2. Motion to Appoint Mayor Scott Lund and Finance Director Dan Tienter to the Board of Trustees of the Fridley Volunteer Firefighter's Relief Association through December 31, 2018.

**APPROVED APPOINTMENTS.**

3. Claims (181352 - 181481).

**APPROVED.**

**ADOPTION OF PROPOSED CONSENT AGENDA:**

**MOTION** by Councilmember Barnette to adopt the proposed consent agenda as presented. Seconded by Councilmember Varichak.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**

**OPEN FORUM, VISITORS:**

**Jim Kosluchar**, Public Works Director, stated staff recommends Council approve the plan to eliminate the southbound traffic on Lucia Lane by the apartments to mitigate traffic from the Islamic University on Lucia Lane. Staff recommends this because routing traffic south on Lucia Lane does not allow stacking to occur. There have been unwarranted and unsafe maneuvers taken by people to get out of that area. Police have been watching this area but cannot maintain a presence in this area. Two speed bumps were approved along Lucia Lane and traffic will still enter Lucia Lane, but the roadway would be cut off completely and reroute traffic. Council approved this traffic change. Staff will not put in any physical elements for a few weeks and monitor the situation to see how severe the impact is to the adjacent streets. A survey notice was sent out to neighbors and 7-8 responses were received via that poll.

**Brian Weierke**, Director of Public Safety, added that this is something they have been working on for over two years with the neighborhood and Islamic University. Not all traffic is coming from the University and some people are cutting through this area to get to Highway 65. Officers patrol this area every Friday but it is a problem and they are working on other traffic-calming solutions.

**Mayor Lund** said that it did not help this situation when the crossover was removed at 68<sup>th</sup> Avenue. Channel Road will see an increase in traffic, but it is unknown what impact this will have. This will push people to go north and to turn north on 68<sup>th</sup> Avenue. There has been talk that Islamic University may build a new school in Blaine, but it is speculation at this point.

**Julie Clayson**, 6625 Channel Road, asked if the plan was to move traffic up Channel Road.

**Mayor Lund** said it would move traffic to 68<sup>th</sup> or transfer east to Channel Road.

**Ms. Clayson** said it sounded like they were not fixing anything but moving the problem somewhere else.

**Bob Wells**, 6648 Channel Road, asked how traffic would be routed before the University.

**Mr. Kosluchar** replied traffic would be blocked past a certain point.

**Mr. Wells** asked if the sign would remain that says no left turn between 11 and 3 on Fridays.

**Mr. Kosluchar** replied the sign would be removed, and the traffic would be monitored.

**Mr. Wells** said that if the sign was removed the traffic would pile up on Channel Road.

**Mayor Lund** said they would not know the impact until after the trial basis.

**Councilmember Bolkom** said if the sign were taken down staff would know where the traffic goes.

**Mr. Kosluchar** replied correct, the Police Department cannot continue to enforce and issue tickets.

**Chief Weierke** said they will try a few different things. Funneling all the traffic down one road will be a problem and cause more backups. This trial basis will allow them to try different things. They will also do traffic counts to see where traffic goes. There is not enough room on Mississippi Street. The traffic needs to be spread out to other streets.

**Councilmember Bolkom** said there may be more than one solution.

**Mr. Wells** said the traffic will be worse once the sign is taken down.

**Mayor Lund** stated that the sign needs to be taken down to see how much traffic is increased on Channel Road which allows more stacking room on Mississippi. This will increase the traffic on Channel Road.

**Mr. Wells** said that there is a daycare and apartment building on Channel Road.

**Richard Lekang**, 6517 Pierce Street, said the traffic is a bad situation and the problem causing the traffic is that the traffic light is too short going off of Mississippi to Highway 65. Having a longer traffic light may help the stacking problem.

**Mayor Lund** said staff could talk to MnDOT about traffic light changes. They have jurisdiction to change the traffic lights, and their first priority is moving traffic.

**Mr. Kosluchar** said that MnDOT may be able to adjustment the traffic light but that still won't be enough to solve the issue.

**Mayor Lund** asked staff to see if MnDOT would change the traffic light between noon and 3 p.m. on Fridays.

**Carolyn Perron**, 6610 Channel Road, asked what acceptable numbers would be for the traffic counts.

**Mayor Lund** replied there are traffic rating classifications.

**Mr. Kosluchar** said the intersection at Lucia Lane and Mississippi Street is failing during this release period. Some traffic from the University is already using Channel Road and it will be important to see how the intersection works at Channel Road and Mississippi.

**Ms. Perron** asked if speed bumps would be installed on Channel Road.

**Mr. Kosluchar** replied the road would be monitored during the trial period for speed and traffic to they will decide if speed bumps are needed.

**Ms. Perron** said that Channel Road is straighter than Lucia Lane, so something may need to be done to slow down traffic on that street.

**Mayor Lund** recognizes that no one wants more traffic on their street, but the City needs to do something to spread the traffic around. Speed bumps may be part of the solution. Staff will try different solutions to make things better.

**Ms. Clayson** noted that there is a home on the corner of Channel Road and Mississippi with an overgrown hedge that makes it difficult to see what is coming around the corner.

**Mr. Lekang** asked how long the trial would be.

**Mr. Kosluchar** replied six weeks and then staff will review the data and present to Council.

**Councilmember Bolkcom** asked if staff could give an update to Council half way through the study.

**Mr. Kosluchar** replied yes. Staff would like to capture the in school and out of school traffic patterns during the study.

**Mr. Wells** asked what the University is doing, because they are part of the problem.

**Mayor Lund** replied that Chief Weierke has been talking with the University.

**Chief Weierke** said that he has met with the Islamic University multiple times. They are easy to work with and supportive of the neighborhood. They have offered to pay for the police to enforce traffic and parking between 11 a.m. and 3 p.m. on Fridays. They are also researching to add another school location to take some traffic from Fridley. It will take a few years to get another facility up and running but they are working on it.

#### **ADOPTION OF AGENDA:**

**MOTION** by Councilmember Bolkcom to adopt the agenda as presented. Seconded by Councilmember Saefke.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**

**PUBLIC HEARING:**

- 4. Consider the Revocation of Special Use Permit, SP #07-01 for Sam's Auto Parts, to Allow an Auto Recycling Center (Junk Yard) in M-1, Light Industrial Zoning District, Generally Located at 1230 – 73<sup>rd</sup> Avenue N.E., 1240 – 73 ½ Avenue N.E., and 7340 Central Avenue N.E. (Ward 2) (Continued June 11, 2018).**

**MOTION** by Councilmember Varichak to re-open the public hearing. Seconded by Councilmember Barnette.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED AND THE PUBLIC HEARING OPENED.**

**Scott Hickok**, Community Development Director, said he has good news to report. The interior lot paving is now complete and the gate screening and entrance from 73<sup>rd</sup> Avenue is also complete. There are some slats installed and more are on order. The City asked for engineering on the pond liner installation. The property owner's contractor has been working with staff and the liner installation can be completed in a day. Staff wants to make sure the engineering is reviewed by staff and acceptable for the long-term. Staff recommends continuing the public hearing again until the July 23 Council meeting.

**Councilmember Varichak** asked if July 23 is a good date to bring this back or if they needed a longer period of time.

**Mr. Hickok** was reluctant to guarantee anything. The contractor is anxious and ready to install the liner which could be done in one day. Once staff reviews the information, they should be able to install it.

**Councilmember Varichak** said she has driven by and seen the progress and commends the owners on what has been done.

**Mr. Hoosline**, Sam's Auto, said the timing depends on the approval of the liner and the weather. He has been in contact with the contractor and everything is ready once the engineering is approved.

**Mayor Lund** said that right now they do not have the specifications.

**Mr. Hoosline** understands the manufacturer has specific guidelines.

**Mr. Kosluchar** noted that there are specific requirements they have to meet and they are trying to get that information.

**Mayor Lund** thanked Mr. Hoosline for his cooperation.

**David Groeneweg**, 1223 – 73<sup>rd</sup> Avenue N.E., said he was at the meeting a month ago to listen and appreciates the work the Council and City is doing. This affects the value of his property and he was concerned when the work was not completed.

**MOTION** by Councilmember Varichak to continue the public hearing to July 23, 2018. Seconded by Councilmember Bolkom.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED AND THE PUBLIC HEARING CONTINUED TO JULY 23, 2018.**

**NEW BUSINESS:**

**5. Receive Public Input on the City of Fridley Police Department's Body-Worn Cameras Program.**

**Ryan George**, Captain, Fridley Police Department, stated that body-worn cameras (BWC) would be worn on officers' shirt/vest to capture video, audio and GPS coordinates. The cameras will not replace the squad car video. Advantages of the BWC include providing valuable evidence for criminal cases, increased level of transparency for our agency, increased officer safety/situational awareness, office accountability and protection for officers/department against false claims. The sources of input for the BWC program include:

- MN State Statutes 625.8476 Portable Recording Systems Adoption, 13.01 MN Government Data Practices Act and 13.825 Portable Recording Systems
- League of MN Cities
- Mayor and City Council
- Other Police Departments
- Fridley/Columbia Heights Kiwanis
- MN Board of Peace Standards and Training
- Citizen Advisory Group
- Cops and Clergy
- Fridley Public Schools
- Collective Bargaining Units (FPD Officers and Sergeants)
- Block Captain Meeting
- Neighborhood Meetings

**Captain George** said the cameras will be activated by officers for all calls for service, traffic stops or pedestrian stops enforcement and investigative stops, any search, seizure, arrest, use of force and any other adversarial contact. Data will be retained for a minimum of 90 days (longer for certain events or use of force). Data is generally considered private to protect individuals and no video can be accessed or released without authorization.

**Captain George** reviewed the vendor bids and Visual Labs presented the lowest bid with an annual cost of \$28,851. Using the Smart device allows for better data analysis and consolidation of equipment. The BWC field testing started on May 4, 2018, and three officers are using BWCs full-time. Other officers used BWCs for special details. The camera has a very easy

setup and implementation and no obvious issues were noted. After one month of field testing, all users reported being satisfied with the system and reported that the camera activation was easy. All officers who tested the BWCs recommended using Visual Labs.

**Captain George** stated the Fridley Police Department (FPD) will continue using Visual Labs for the remainder of 2018 at no cost. There are 42 device licenses and no limit on users which is a significant savings over other vendors. Verizon has supplied 42 Android smart phones and bill credits and lower voice/data rates provided significant savings. FPD staff have until January 2, 2019, to receive training, explore BWC mounting options, get comfortable using the system and finalize the BWC policy.

**Mayor Lund** asked if the officers would have two phones.

**Captain George** replied the phone would continue to record even if the officer was having a conversation while still recording. If the Officer was recording, chances are they would not take a phone call.

**Steve Eggert**, 1090 Hathaway Lane, said he thought this was important to our community to keep the community and officers safe.

**Councilmember Bolkcom** asked who people should call if they have questions.

**Captain George** replied that if anyone has questions, they could call him at (763) 572-3637.

**Councilmember Bolkcom** said this was presented at the block captain meeting and the question was asked how people would know if the officers are recording. People should assume that the camera is recording all the time.

**Officer George** replied yes. People should always assume it is recording because it is a call for service. There are certain rules they need to follow under Chapter 13 about releasing the data.

**Wally Wysopal**, City Manager, thanked the Police Department for the research they have done and the individuals from the community who were involved to develop an appropriate and fair policy.

#### **6. First Reading of an Ordinance Amending Fridley City Charter, Chapter 8, Public Improvements and Special Assessments.**

**Deb Skogen**, City Clerk, stated that MN Statutes allow for an amendment by ordinance upon recommendation of the Charter Commission. The amendments to the Charter meet that statute. The amendment proposes to clarify the language in the Charter. The text was published in the Fridley *SunFocus* on June 8, and the public hearing was held on June 25.

**Ms. Skogen** reviewed the changes:

- 8.01 Comprehensive Plan Amendments must be made in accordance to state law. While the City already follows state law, the amendment clarifies that we follow state law.
- 8.02 and 8.03 Changes the word “power” to “authority”.
- 8.04 The new language clarifies how and improvement project is initiated.
  - 1. A petition signed by a majority of the owners bordering the proposed improvement; or
  - 2. By the city council initiating a local improvement and ordering a feasibility report.
- 8.05 Public Works How Performed
  - 1. Grammar and old terminology were corrected and updated regarding the awarding of the contract.
  - 2. Removed the words “the employees and material person” and added in accordance with MN State Law.

**Ms. Skogen** said staff recommends a motion waiving the reading and holding the first reading of this ordinance.

**Wally Wysopal**, City Manager, wanted to point out that the Charter does go into detail with regards to the number of days of publication. In Section 8.01, it talks about 14 days and that does not work well with the 60-day requirement by State Statute. It is recommended to Council to hold the first reading but send the ordinance back to the Charter, who meets in September, to propose to change the days from 14 days to 10 days which would be more consistent and work better with the 60-day requirement. The Charter Commission is open to this change and staff will bring this back to Council after the Charter meeting. Usually the Charter does not have that level of detail with dates. The other proposed changes remain as they are written.

**MOTION** by Councilmember Bolkcom to waive the reading of the ordinance and adopt the ordinance on first reading. Seconded by Councilmember Saefke.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**

**MOTION** by Councilmember Bolkcom to send the ordinance amending Fridley City Charter, Chapter 8, Public Improvements and Special Assessments back to the Charter Commission before the second reading so they can amend Section 8.01, The City Plan, third sentence, and change the number of days a notice has to be published from 14 days to 10 days. Seconded by Councilmember Saefke.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**



**7. Resolution Authorizing Application to the Transportation Advisory Board (TAB) for 2018 Regional Solicitation Grant Funds to Support Construction of a Multi-Use Trail Along 7<sup>th</sup> Street and 57<sup>th</sup> Avenue (Ward 1).**

**Jim Kosluchar**, Public Works Director, said the City developed and initiated an Active Transportation Plan (ATP) about five years ago. The plan includes providing for a backbone system of trails and walks throughout the City of Fridley. This plan was further refined by SRTS Planning completed in 2016-2017. Staff conducted a successful street fair on June 16, 2017, at which differing roadway concepts for 7<sup>th</sup> Street were presented to the public. There was wide support for a trail on the east side of 7<sup>th</sup> Street, separated from the street. There were also several comments requesting a trail connection on 57<sup>th</sup> Avenue NE to University Avenue.

**Mr. Kosluchar** stated staff provided this concept to area residents in a Polco survey, which we continue to receive comments on. There is a split in survey support for this project, with only limited respondents. The Regional Solicitation is a mechanism where metro area cities and counties apply for competitive federal funding for transportation elements. This project is recommended for funding, and would be eligible for up to 80% of construction (\$710,000) to be funded. The remaining funding would be provided by the City's Street Reserve.

**Mr. Kosluchar** said staff recommends the City Council move to approve the attached resolution authorizing our application for funding. If approved, staff will make the application, and include the project as part of its Capital Investment Program as a 2022 project.

**MOTION** by Councilmember Saefke to adopt Resolution No. 2018-33. Seconded by Councilmember Barnette.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**

**8. Resolution Accepting a Letter of Understanding in Lieu of a Development Agreement for Development of the Property Generally Located at 5601 East River Road N.E., Fridley (Ward 3).**

**Scott Hickok**, Community Development Director, stated that John Allen, owner of the property located at 5601 East River Road, requested and received a rezoning of his property from C-3, General Shopping to M-2, Heavy Industrial. Approval of this rezoning occurred on March 26, 2018. With that approval of the rezoning, staff originally recommended a development agreement be required. The Planning Commission and the City Council agreed and a stipulation was attached stating "A development agreement between the petitioner and the City outlining the Developer's public/private site improvements will be prepared by the City and shall be signed by the petitioner prior to issuance of a building permit for the first building. The Development Agreement shall include but is not limited to the following: streets, utilities, landscape and the disposition of eastern private driveway when 57<sup>th</sup> Avenue is extended, ponding is needed for the 57<sup>th</sup> Avenue extension, multi-model access from the subject property, and park dedication fees."

**Mr. Hickok** said upon further review, staff determined that where typically a Development Agreement would be required, the conditions of the development drive that requirement for the agreement. Once inside the Allen Development, the utilities, streets, driveways, ponds, etc. are private. The park dedication fees are paid at the time of permits, the pond maintenance is managed through a pond maintenance agreement between Allen and the City, and the land for the public road is scheduled to be gifted to the City once the final plat and Torrens Property directives are completed. A development agreement therefore would not be required. Items can be memorialized, where necessary, through a Letter of Understanding, rather than a Development Agreement. By approving the attached resolution, Council recognizes and accepts that this letter will be sufficient in memorializing certain details to be completed between the City and the Property Owner/Developer, John Allen. The developer asked to put language together stating the developer would not be responsible for the cost of the traffic light at East River Road. Staff is okay with changing it and finalizing the draft to include that language.

**Councilmember Barnette** asked if staff was talking about a bridge with the extension of 57<sup>th</sup> Avenue.

**Mayor Lund** replied yes.

**Councilmember Barnette** thought it would be a wonderful thing to have another east/west route for emergency vehicles. He asked where the funding would come from for this project.

**Mr. Hickok** replied that is a connection we are missing now, and staff wants to find out a way to make that happen.

**Councilmember Bolkcom** noted that there is a resolution in the packet and a draft plus the addition of the traffic light language. She asked if the final version would come back to Council.

**Mr. Hickok** replied that in the interest of time, he was hoping Council would trust staff to make that modification and include the final letter in the next packet. The language is simple and straight forward stating that the signal light is not the responsibility of the developer. The language has to satisfy the concerns that the bank may have and rest well with Council. Staff will be able to make the language clear and understandable. The signal qualifies to be paid with MSAS funding. The developer hopes to close with his bank before the next Council meeting.

**Councilmember Bolkcom** noted that the draft dated July 3 wasn't signed. She asked if Mr. Allen had received it yet.

**Mr. Hickok** replied that he has seen it but not signed it. The letter is marked draft because it had not been finalized until Council approves it.

**Councilmember Bolkcom** asked what it would say.

**Mr. Hickok** replied that a paragraph would be added saying "The signal light at the intersection at 58<sup>th</sup> and East River Road would be paid with County MSAS funding and other funding available and is not an anticipated cost of the developer."

**MOTION** by Councilmember Bolkcom to adopt Resolution No. 2018-34, with the additional wording about the signal light at 58<sup>th</sup> and East River Road. Seconded by Councilmember Saefke.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**

**9. Informal Status Reports.**

**Wally Wysopal**, City Manager, introduced the new Finance Director, Dan Tienter. Dan comes from Dakota County financial services and has spent a few years as City Administrator.

**Councilmember Bolkcom** asked for an update on East River Road from 44<sup>th</sup> to Northern Stacks.

**Jim Kosluchar**, Public Works Director, said Minneapolis Water Works is replacing the tracks across East River Road and road closure will be happening over the next week. Updates will be posted on the City's construction page. North of that area the road will be resurfaced starting at Stonybrook this weekend. When driving on East River Road, pay attention to the construction signs as there will be a lot going on.

**Councilmember Bolkcom** asked if there was an update on the bike path.

**Mr. Kosluchar** said there was no update.

**Councilmember Bolkcom** said that tickets can be purchased for the Historic Home and Garden Tour which will be held on Sunday, July 22. They are still looking for volunteers. Go to the City of Fridley Facebook link for more information.

**Scott Hickok**, Community Development Director, stated that the next recycling event is July 14 at Green Lights Recycling in Blaine. Information is posted on the website.

**ADJOURN:**

**MOTION** by Councilmember Barnette to adjourn. Seconded by Councilmember Varichak.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE MEETING ADJOURNED AT 8:29PM**

Respectfully submitted,

Krista Peterson  
Recording Secretary

Scott J. Lund  
Mayor