



CITY COUNCIL MEETING

August 9, 2021

7:00 PM

Fridley Civic Campus, 7071 University Avenue N.E.

MINUTES

CALL TO ORDER

Mayor Lund called the City Council Meeting of August 9, 2021, to order at 7:00 p.m.

PRESENT

Mayor Scott Lund
Councilmember Dave Ostwald
Councilmember Tom Tillberry
Councilmember Stephen Eggert
Councilmember Ann Bolkcom
Walter Wysopal, City Manager
Scott Hickok, Community Development Director
Dan Tienter, Finance Director
Jim Kosluchar, Public Works Director

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/PRESENTATIONS

1. Presentation of the 2021 City of the Year Award from the Minnesota Real Estate Journal
2. Presentation of the 2021 Northern Lights Bronze Award for the City's 2020 Annual Report

APPROVAL OF PROPOSED CONSENT AGENDA

Councilmember Bolkcom asked if the rain garden agreement is for 10 years, and what would happen if the homeowner sold their house.

Jim Kosluchar, Public Works Director, said it would be an agreement with the homeowner and Rice Creek Watershed District. Upon sale of the home, it would come up on the title work for the property.

Motion made by Councilmember Eggert to approve the Consent Agenda. Seconded by Councilmember Ostwald.

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

APPROVAL OF MINUTES

3. Approve the Minutes from the City Council Meeting of July 29, 2021.

NEW BUSINESS

4. Resolution No. 2021-64, Approving Rice Creek Watershed District Water Quality Grant Agreement for Rain Garden Construction.

CLAIMS

5. Resolution No. 2021-66, Approving Claims for the Period Ending August 4, 2021.

ADOPTION OF REGULAR AGENDA

Motion made by Councilmember Bolkcom to adopt the Regular Agenda. Seconded by Councilmember Tillberry.

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

OPEN FORUM, VISITORS: Consideration of Items not on Agenda – 15 minutes.

No one from the audience spoke.

REGULAR AGENDA ITEMS

PUBLIC HEARING

6. Ordinance No. 1395, Public Hearing and First Reading to Consider Chapter 34, Reasonable Accommodations.

Motion by Councilmember Bolkcom to open the public hearing. Seconded by Councilmember Tillberry.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING OPENED AT 7:13 P.M.

Scott Hickok, Community Development Director, stated that although the City has always allowed accommodation for very specific, qualified requests, a recent case shoe the light on the fact that we really do need to add this chapter to the City Code. Pursuant to the Federal Fair Housing Amendments Act of 1988, it would provide reasonable accommodation in the application of zoning and other regulations for persons with disabilities seeking fair and equal access to housing. Reasonable accommodation means providing an individual with a disability or developers of housing for an individual with a disability flexibility in the application of land use, zoning and other regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to fair housing opportunities. The purpose of this ordinance is to establish a process for making and acting upon requests for reasonable accommodation.

An Accommodation Specialist would be appointed by the City Manager. Any person can request a reasonable accommodation form from the Accommodation Specialist, complete it and return it to the Accommodation Specialist. The Accommodation Specialist shall issue a written decision in which the request is either approved or denied. Any decision reached by the Accommodation Specialist shall be subject to appeal to the City Council within 30 days of the date of the decision. The City Manager or designee shall process the appeal with the City Council within 30-days. Following a hearing on such appeal, the City Council shall issue its finding, in writing, within 30 days.

Councilmember Bolkcom asked if someone has a special accommodation, and the property is sold if the accommodation would go with the property.

Mr. Hickok said this was also a concern of the Planning Commission. The accommodation is only meant for the condition applied for and does not go with the sale of the property. If the person granted the accommodation moves out, the accommodation goes away.

Councilmember Bolkcom asked if the property owner changes and the person still lives there, the accommodation stays.

Mr. Hickok replied that the accommodation is not owner-based but individual-based on who needs the accommodation.

Councilmember Tillberry asked about the evaluation the City does and if there would be a different specialist every time there is a request.

Mr. Hickok replied that for consistency we would look to have a specialist internally. The specialist will rely on expertise of others during the evaluation process.

Councilmember Tillberry agreed that consistency is important and not to leave the decision up to interpretation.

Mayor Lund noted that what makes this hard is the reasonableness as we all have a different definition of reasonable.

Mr. Hickok noted that it is important the person assigned this task understands the elements of the Federal Fair Housing Act and what does or does not qualify for an accommodation. This is a serious task and will likely have some sort of initiation as the ordinance is adopted.

Councilmember Bolkcom added that there are federal guidelines and standards to follow.

Mr. Hickok said that everyone looks at the word reasonable in a different context and there may be unreasonable requests that come through that may not meet the criteria to be reasonable.

Councilmember Eggert said we have had to make some accommodations and people do have needs. Not a lot of cities have put together this framework and this will help guide us through this delicate area.

Wally Wysopal, City Manager, noted that the appeals will come to the City Council.

Motion by Councilmember Bolkcom to close the public hearing. Seconded by Councilmember Tillberry.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING CLOSED AT 7:29 P.M.

Motion by Councilmember Bolkcom to approve the first reading of Ordinance No. 1395. Seconded by Councilmember Tillberry.

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

NEW BUSINESS

7. Resolution No. 2021-65, Repealing Resolution No. 2021-15 Regarding TIF District No. 19.

Dan Tienter, Finance Director, stated the Housing and Redevelopment Authority (HRA) provided a \$1,500,000 pay-as-you-go Tax Increment Revenue Note to support certain costs, including demolition of existing structures, removal of a railroad spur, remediation of soil conditions and construction of stormwater ponds. Due to this assistance, the property increased in assessed value from about \$2.3 million to approximately \$11 million. Recently the City Council, upon the recommendation of staff, decertified the District. Upon further review, the City determined that the District has eligible TIF obligations in the form of TIF Note payments. Due to these obligations, the District should not be decertified until the HRA satisfies the TIF Note. The City Council may end the decertification process by repealing its previous action and notifying Anoka County.

Mr. Tienter said given the process to date and the outstanding obligations of the TIF District No. 19, staff recommend the City Council adopt Resolution No. 2021-65, which will repeal Resolution No. 2021-15, which decertified TIF District 19 and allow the HRA to continue collection of tax increment to support the outstanding TIF Note. Upon adoption, the City Clerk shall transmit a certified copy of the Resolution No. 2021-65, along with an explanatory letter, to Anoka County.

Councilmember Bolkcom asked how soon this would be filed.

Mr. Tienter replied that Anoka County has already been notified. If passed tonight, the resolution will be prepared tomorrow, and a certified copy will be transmitted.

Motion by Councilmember Eggert to adopt Resolution No. 2021-65, Repealing Resolution No. 2021-15 Regarding TIF District No. 19. Seconded by Councilmember Bolkcom.

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

INFORMAL STATUS REPORTS

Councilmember Bolkcom said that Night to Unite was great and a lot of City staff were out. People were appreciative of the Police and Fire Departments.

Mayor Lund said people at the Night to Unite parties talked about the parks improvement and master plan. Many read it or commented on the plan.

ADJOURN

Motion by Councilmember Ostwald to adjourn. Seconded by Councilmember Eggert.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY, AND THE MEETING ADJOURNED AT 7:38 P.M.

Respectfully Submitted,

Krista Peterson
Recording Secretary

Scott J. Lund
Mayor