



CITY COUNCIL MEETING

October 11, 2021

7:00 PM

Fridley Civic Campus, 7071 University Avenue N.E.

MINUTES

CALL TO ORDER

Mayor Lund called the City Council Meeting of October 11, 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
Dan Tienter, Finance Director
Jim Kosluchar, Public Works Director
Dan Cahill, Neighborhood Preservation Specialist

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/PRESENTATIONS

1. Proclamation for Dan Tienter Appreciation Day – Friday, October 22, 2021.

APPROVAL OF PROPOSED CONSENT AGENDA

Motion made by Councilmember Bolkcom to approve the Consent Agenda with the removal of Item No. 4. Seconded by Councilmember Tillberry.

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

APPROVAL OF MINUTES

2. Approve the Minutes from the City Council Meeting of September 27, 2021

NEW BUSINESS

3. Resolution No. 2021-90, Approving Change Order No. 1 (Final) for Craig Park Improvements Project No. 21-601.

4. Resolution No. 2021–91, Certifying Delinquent Utility Services and Other Unpaid Charges for 2021.

This item was removed from the Consent Agenda and placed on the Agenda.

5. Resolution No. 2021-94, Adopting the Assessment for 2021 Utility Lateral Repair Project.
6. Resolution No. 2021-95, Adopting a Public Meetings Minutes Policy and Style Guide for the City of Fridley.
7. Resolution No. 2021-96, Confirming the Organizational Structure of the City of Fridley.
8. Resolution No. 2021-97, Directing Public Safety Department to Enter Into Agreement and Authorizing Execution of Minnesota Department of Public Safety, Office of Traffic Safety, Federal Grant Program Agreement for DWI Officer.

CLAIMS

9. Resolution No. 2021-98, Approving Claims for the Period Ending October 6, 2021.

ADOPTION OF REGULAR AGENDA

Motion made by Councilmember Eggert to adopt the Agenda with the addition of Item 4. Seconded by Councilmember Ostwald.

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

4. Resolution No. 2021–91, Certifying Delinquent Utility Services and Other Unpaid Charges for 2021.

Motion made 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 7:17 P.M.

Dan Tienter, Finance Director, stated that Minnesota Statutes § 444, and various sections of the City Code, authorize the City Council (Council) to certify delinquent utility services and unpaid charges. Generally, the City certifies unpaid charges for utility services, pond treatments and false alarms. Upon certification,

these charges become a lien against the property and payable in the same manner as property taxes. The City also charges a penalty for certification, depending upon the type of unpaid charge. Prior to certification, the City notifies the "past due" account holders of their status. Staff will often work with account holders to address any outstanding issues.

The City certifies a delinquent account and not just disconnects or "shuts off" the service to eliminate concerns during cold weather (i.e., cold weather rule), eliminate the need to investigate the occupancy of the residence or unit, avoid issues with laws that limit disconnection (e.g., military personnel), protect the interest of the City upon the sale or forfeiture of a property, eliminate confusion in joint ownership situations, prevent the City from carrying large delinquent balances, prevent the need to use collection agencies or similar services, and prevent damage to older infrastructure.

The City mailed notices to 1,107 account holders. As of October 4, 2021, 820 accounts remain outstanding, or about 26% less than the initial notice, which account for about \$507,162 of unpaid charges. At present, about 51% of the current certification list were also certified last year. Staff anticipate the overall delinquency rate for the utility funds totals approximately 6.0% of all accounts by the certification date. These delinquent accounts total about \$361,000, or 3.1% of all revenue budgeted for the public utilities in 2021. In order to further reduce delinquency rates, staff plan to consider a variety of strategies, including, implementing an automated reminder system and exploring options to make it easier to pay.

Staff recommend the City Council adopt the Resolution No. 2021-91, certifying certain delinquent utility services and other unpaid charges for collection with the 2022 property taxes. Upon approval, the City Clerk will transmit a certified copy of the resolution to the County Auditor by November 30. Property owners/account holders may pay their delinquent balances until November 15, 2021 to avoid certification.

Motion made 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.

Motion made by Councilmember Eggert to adopt Resolution No. 2021-91 certifying delinquent utility services and other unpaid charges for 2021. Seconded by Councilmember Ostwald.

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

10. Public Hearing and Adoption of Resolution No. 2021-92, Adopting the Proposed Assessment for the 2021 Nuisance Abatements.

Motion made 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 7:27 P.M.

Dan Tienter, Finance Director, stated that Minnesota Statute § 429 authorizes municipalities to finance certain public improvements, including nuisance abatements, with special assessments against the benefiting property. Chapter No. 128 of the Fridley City Code (City Code) also authorizes the City of Fridley (City) to recoup any costs associated with the abatement. Chapter No. 110 of the City Code defines public nuisances subject to abatement, including conditions that unreasonably annoy, injure or endanger the safety, health and comfort of the public, among other more specific issues.

Consistent with the process outlined in the regulations, the City completed or will complete the following:

- September 13, declared the costs to be assessed, ordered the proposed assessment roll and scheduled the public hearing.
- September 14, mailed assessment notices to the impacted property owners
- September 17, published the notice of a public hearing
- October 11, hold a public hearing and consider approval of the proposed assessment roll

As of the public notice, the proposed assessment included 54 properties with assessments totaling approximately \$81,536. Following the notices, the proposed assessment roll now includes 51 properties with assessments totaling about \$80,108. The City assessed the following properties in previous years:

- 2018, 26 properties with assessments totaling about \$19,047
- 2019, 63 properties with assessments totaling about \$74,700
- 2020, 64 properties with assessment totaling about \$179,700

Pursuant to City policy, the property owners may repay the assessment over a one-year period at an interest rate of 5.25%. Property owners may pay their assessment, interest free, for 30 days after the adoption of the assessment roll or until November 15. Per Chapter 7 of the Fridley City Code, any person may pay all or at least half of the assessment, provided the partial payment exceeds \$100. Any remaining balance, with the interest as accrued from the date of City Council adoption, will be certified to the County for collection with property taxes.

As part of the assessment process, those subject to the assessment may appeal it by filing a written objection with the City Clerk prior to the public/assessment hearing and the presiding officer of the public/assessment hearing on the date of the hearing. Following a properly filed objection, a property owner may appeal an assessment by serving notice upon the Mayor or City Clerk within 30 days after adoption. Within 10 days of that notice, a property owner must also file their appeal with the district court. To date, the City Clerk's Office has received one written objection and no public comments.

Based on the process to date, staff recommend the City Council open the public hearing to accept comments regarding the proposed assessments for the 2021 nuisance abatements and upon closure of the public hearing, adopt Resolution No. 2021-92, approving the proposed assessment for the 2021 nuisance abatements. Upon approval, the City Clerk will transmit a certified copy of the resolution to the County Auditor by November 30.

Angela Holmes, 5801 2 ½ Street NE, said she received a bill from Fridley for \$1,250.03 and she did not receive the first two letters. She said she no longer lives at the property--her son lives there. It is not

uncommon for her not to get her mail on 2 ½ street. She did not know the City was coming to pick up the items in her yard and thought the items were stolen.

Mayor Lund said typically the items are not of value, so it would be odd if someone took the items.

Dan Cahill said that the items collected included a jug full of oil, brush piles, a wheelbarrow without a wheel, two lawn mowers, bags of trash, a doghouse that was collapsed, paint and broken cabinets.

Ms. Holmes said they had to replace the lawn mower because it was taken. They also took a 100' extension cord.

Mr. Cahill said that the lawn mower is being held and can be returned when the bill is paid.

Mayor Lund said the homeowner claims they did not get the letter but got the bill. We do not know the facts and do not have to send these letters certified. The property is looking pretty unkept with weeds growing, brush piles and other items. Usually, these reports come about because someone complained about the property. The City sends a letter to give the property owner a minimum of 20 days to clean it up. If the property is not cleaned up in those 20 days, the items are abated. Homeowners have responsibilities to keep their property cleaned up and items stored in a shed or garage--not the yard.

Ms. Holmes said she did not think they should have taken the paint, extension cord or working lawn mowers.

Mr. Cahill said the five-gallon bucket of paint was sitting outside and should have been in the shed or garage. The date on the paint was from 2016 and was unusable.

Mayor Lund said he realizes that homeowners are not happy when they get the bill, but taxpayers are paying to clean up the yard and that is not fair. The City is asking for reimbursement to pay back what it cost to clean up the yard.

Ms. Holmes said that they need to make sure that the homeowners get the letters.

Mayor Lund said that the letter did not come back, and we are following the law.

Nathan Westbrook, 5821 Hackman Avenue, said he is appealing the charges per the abatement from May 5, 2021. They took trash and items that were tarped and strapped to a trailer he was going to take to the dump. They unloaded stuff and put it on their trailer and charged him. The trailer was on his driveway. Mr. Cahill said that the first violation was on March 8 and they followed up on March 29 and the items were still there. The abatement took place on May 5. There was a delay due to the civil unrest in Minneapolis and Brooklyn Center and he wanted to have an officer present for this abatement.

Mayor Lund recalled that projects have been going on at this address for a long time. He recognizes that the property owner has been working on cleaning it up, but it looks like there are still outstanding issues on this property.

Mr. Westbrook said that they took supplies he was going to use so he had to buy new items for his project.

Mr. Cahill said Mr. Westbrook was present at the time of abatement and they allowed Mr. Westbrook to pick what he wanted to keep but he needed to be timely. Obvious items were removed--like trash, a sink, metal, deteriorated wood, and auto parts.

Mayor Lund said they rely on staff to be reasonable. This needed to come to a resolution and projects cannot continue to go on.

Mr. Westbrook said he is appealing the abatement.

Councilmember Bolkcom asked how long the items were sitting on the trailer.

Mr. Cahill said this was a follow-up from a complaint. The first letter went out on March 9, 2021, and the abatement happened on May 5, 2021.

Councilmember Bolkcom said that the items were stored improperly and needed to be cleared. There was plenty of time allowed to remove the items from public view that were stored outside.

Mr. Abumayyaleh, 1060 64th Avenue #1, said the letter went to the wrong address and they did not get the notice to remove the items.

Mayor Lund said that the letters are sent out to the address that is listed on the Anoka County property tax statement.

Mr. Cahill said that addresses are updated each month to match what is on file with Anoka County. The letter was sent on May 12, 2021, and the due date was June 1, 2021. The abatement took place on June 7, 2021. The complaint came from a tenant in the building.

Motion made 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 8:31 P.M.

Motion made by Councilmember to adopt Resolution No. 2021-92, Adopting the Proposed Assessment for the 2021 Nuisance Abatements. Seconded by Councilmember Ostwald.

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

11. Public Hearing and Adoption of Resolution No. 2021-93, Adopting the Assessment for Street Rehabilitation Project No. ST-2021-02

Motion made by Councilmember Eggert to open the public hearing. Seconded by Councilmember Ostwald.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING OPENED AT 8:34 P.M.

Dan Tienter, Finance Director, stated that Minnesota Statutes § 429.021 and City Charter § 8.03 authorize Council to finance certain public improvements through special assessments and that are generally considered a form of tax levied by a local government against benefiting properties. Consistent with City Code, Chapter No. 7 and other policies, the City typically levies special assessments as part of most street rehabilitation projects. Minnesota Statutes § 429 outlines a specific process for a local government to levy a special assessment. Consistent with this process, Council completed the following steps:

- Ordered a preliminary report
- Conducted a project workshop/open house (not required)
- Accepted a preliminary report, called for public hearing
- Conducted the public hearing
- Accepted the feasibility study, ordered improvements and called for bids
- Received bids and awarded a contract
- Declared the costs to be assessed, order the proposed assessment roll and scheduled a public hearing
- Conducted the public/assessment hearing (this evening)

With substantial completion of the project, the City may now proceed with the final portions of the assessment process by conducting the public/assessment hearing and adopting the proposed assessment as final. During the assessment hearing, Council may receive public comments on the proposed assessment and may approve the assessment roll after its closure. As part of the assessment process, those subject to the assessment may appeal it by filing a written objection with the City Clerk prior to the public/assessment hearing and the presiding officer of the public/assessment Hearing on the date of the hearing. Following a properly filed objection, a property owner may appeal an assessment by serving notice upon the Mayor or City Clerk within 30 days after adoption. Within 10 days of that notice, a property owner must also file their appeal with the district court.

To date, the City Clerk's Office has received no objections or appeals and two public comments regarding the proposed assessment. The special assessments under consideration pertain to the rehabilitation of streets identified in the Pavement Management Plan. ST-2021-21 includes the reconstruction of nine different street sections including curb and gutter and associated utilities. Only the street construction portion of the project is subject to special assessments

Pursuant to City policy, the assessment totals approximately \$418,100 levied against 226 properties within the project area. Project costs totaled about \$976,900. The assessments for this project are consistent with the Roadway Major Maintenance Financing Policy. Of the 226 properties, the assessments are proposed as follows:

- Per City policy, property owners may repay the assessment over a 10-year period at an interest rate of 5.25%.
- Property owners may pay their assessment, interest free, for 30 days after the adoption of the assessment roll.
- Per Chapter No. 7 of the Fridley City Code, any person may pay all or at least half of the assessment, provided the partial payment exceeds \$100.
- Any remaining balance, with the interest as accrued from the date of City Council adoption, will be certified to the County for collection with property taxes.
- The remaining balance may be paid in total by November 15 annually.
- Deferment opportunity:
 - Per City policy (Resolution No. 2020-46), a retired or disabled property owner may defer their special assessment under certain circumstances.
 - The property owner must:
 - Own the property as a qualified residential homestead.
 - Be at least 65 years of age or older; or be disabled/retired and payment would be considered a hardship.
 - Make application within 30 days of approval of the assessment roll by Council.
 - Meet certain income standards.

Based on the process to date, staff recommend Council open the public/assessment hearing to accept public comment regarding the assessment, as proposed. Following the public/assessment hearing, staff also recommend Council adopt Resolution No. 2021-93, to adopt the assessment for Street Rehabilitation Project No.-2021-02. Upon approval, the City Clerk will transmit a certified copy of the resolution to the County Auditor by November 30.

Councilmember Ostwald asked why this was scheduled earlier than what was originally planned.

Jim Kosluchar, Public Works Director, said this was designated as a priority project. All streets were built in the early 90s and were well into their lifecycles. A petition was also received from the neighborhood to do something about the streets.

Councilmember Eggert asked if there were any difficulties with the project.

Mr. Kosluchar replied in a few areas near 8020 Rice Creek Terrace the roller pulled up part of the asphalt and a little settlement on the Brook View mill and overlay had some pavement weaves. The contractor will fix these areas next spring. Staff have been in contact with property owners in these areas.

Hasan Ajanic, 1050 67th Avenue NE, said he does not think they did a good job and that he should not have to pay \$1,850 for street maintenance that should be paid with the taxes they pay to the City.

Mayor Lund said the contractors did the job we expected. Property owners are charged less than half of the project. Other cities where taxes are higher, reserve more funds for street reconstruction and do not charge for street projects. Property tax does not include rehabilitation of streets and Fridley will assess homeowners who benefit from a new street. Maintenance includes filling potholes. This project was reconstruction of the street. If you would like to appeal your assessment, staff can apprise you of the next steps.

Mr. Kosluchar said that this mill and overlay and reclamation will last a long time and is considered part of a major maintenance.

Judy Zerby, 1400 64th Avenue NE, said that the project overall looks wonderful but has a complaint about the people who did the project. The first group, Michels, did not inform them of what was going to be done. They did not receive any communication. When she tried to approach them, they were very rude. There were children in the street, and they were driving their equipment too fast down the road. They also replaced her gas meter and she asked if they would replace flowers that were planted in the area that they destroyed. She said she has not received any information regarding her request. This is just some information to keep in mind for future projects. Things could have been done in a different way.

Mayor Lund said when there are problems with the contractors, people should contact the City.

Mr. Kosluchar added that Michels is the contractor for CenterPoint to replace older gas lines and surfaces, so they do not disturb the pavement. He is sorry they had a bad experience and contractors must meet the City's requirements. Generally, Michels is good on notification, and he has not received complaints from past projects. He will work with CenterPoint to make sure they notify residents and address the other concerns.

Councilmember Bolkcom asked how updates were sent out on the project.

Mr. Kosluchar replied that two letters were sent out in the spring to explain how to sign up for email updates and if they needed a hard copy, they should have notified staff. Hand delivery of notices are time consuming to deliver but they want to keep people updated.

Mike Zerby added that he did not understand why they would start on their street and not come back to continue to work on it and leave it torn up for two weeks. In the end they are pleased with the street and happy to have a new street. He appreciates what the Council does for the City.

Deb Santillo, 612 Rice Creek Terrace, said she had no complaints about the project, but asked how they came up with who gets new sewer lines and who do not.

Mr. Kosluchar replied they look at locations where there have been historic water main breaks which means we have some poor pipes or aggressive soils causing the breaks. The City covers areas just outside of the street, but the remainder of the sewer is the property owners' responsibility. The City will televise sanitary mains to see if anything needs immediate attention. Later if repair is needed, pipes can be lined without ripping up the road. We would like to replace all utilities when we do these projects, but it is very expensive.

Motion made by Councilmember Eggert to close the public hearing, Seconded by Councilmember Ostwald.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING CLOSED AT 9:24 P.M.

Motion made by Councilmember Ostwald to adopt Resolution No. 2021-93, Adopting the Assessment for Street Rehabilitation Project No. ST-2021-02. Seconded by Councilmember Eggert.

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

INFORMAL STATUS REPORTS

Pumpkin Night in the Park is on October 30. Food, music, and entertainment. Buy tickets in advance on the website or at the Springbrook Nature Center.

ADJOURN

Motion made 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 9:33 P.M.

Respectfully Submitted,

Krista Peterson
Recording Secretary

Scott J. Lund
Mayor