

**CITY COUNCIL MEETING
CITY OF FRIDLEY
MARCH 14, 2016**

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
Darcy Erickson, City Attorney

APPROVAL OF PROPOSED CONSENT AGENDA:

APPROVAL OF MINUTES:

City Council Meeting of February 22, 2016.

APPROVED.

NEW BUSINESS:

1. Resolution Approving State of Minnesota Joint Powers Agreement with the City of Fridley on Behalf of its City Prosecuting Attorney and Police Department

Councilmember Bolkcom said it is her understanding that the prosecuting attorney has access and theirs is not up for renewal.

Darcy Erickson, City Attorney, replied there is a separate agreement when the agreement is up for renewal and they are authorized to approve it.

Councilmember Bolkcom asked if the agreement would come back to Council if there were significant changes.

Attorney Erickson replied if anything is different than this agreement it would be suggested that it comes back to Council.

Captain Mike Monsrud, Fridley Police Department, verified that it will come back to Council but Council will not have to adopt another resolution with it.

ADOPTED RESOLUTION NO. 2016-12.

2. Resolution Approving a Joint Powers Agreement with Columbia Heights for the Work on the South Half of 45th Avenue as a Part of ST2016-01 Street Improvement Project.

Councilmember Bolkcom noted that Fridley will be making the payments and asked if they will pay us back for their portion.

Wally Wysopal, City Manager, replied yes, this allows us to form the Joint Powers Agreement.

Councilmember Bolkcom asked if staff had any concerns that Fridley is paying out the money.

Mr. Wysopal replied the City of Columbia Heights would pay Fridley back because this is our project.

Councilmember Bolkcom asked if this project was dependent on them having a public hearing and an assessment.

Mayor Lund replied the assessment has been done.

Councilmember Bolkcom asked if there would still be a public hearing on the assessments.

Mayor Lund asked what the concern was.

Councilmember Bolkcom replied that she had no idea how much money was involved. She would like to know the cost of the project.

Mr. Wysopal said he would bring this item back as an updated item at the next meeting.

ADOPTED RESOLUTION NO. 2016-13.

3. Resolution Approving License Agreement to Use County Right-of-Way for Fridley Fire Station No. 2.

Councilmember Bolkcom asked if this was a budgeted item and what the cost was. She also asked if this would go out for bid.

Mr. Wysopal replied this is a small project to expand the parking lot area and put in a retaining wall. Before they begin, they need to have an agreement by the County allowing us to do that. This is part of the operations budget. The price can be brought back to Council. This project is using a different technology to hold turf in place because this area will not be used all that often and it allows water to permeate through. The question is if engineering staff have enough time to

do the project. An update can be provided later. Today they are looking for approval to start moving on this project.

Councilmember Varichak asked how staff heard about this new process of turf and if anyone has looked at some sites that have it installed.

Mr. Wysopal said he was not sure if the engineering staff saw a completed project, but they became aware of it because other projects have used it. Situations for this type of turf are not high traffic or use, but vehicles can be parked on it.

Councilmember Varichak asked how long it would take to install.

Mr. Wysopal replied the installation is quicker than concrete or asphalt.

Mayor Lund added the reason for pervious surface is that you do not have to change the storm water and this is a small area and it is greener.

Councilmember Bolkcom asked if this would be plowed.

Mayor Lund replied yes, the area would be mowed and plowed.

Councilmember Varichak asked if any area businesses made any comments about this request.

Mr. Wysopal replied no.

ADOPTED RESOLUTION NO. 2016-14.

4. Appointment – City Employee.

APPOINTED.

5. Claims 1503 (ACH PCard 1602; 17166-171938).

APPROVED.

6. Estimates:

Keys Well Drilling, Inc.
1156 Homer Street
St. Paul, MN 55116-3232

2015 Well Rehabilitation
Project No. 448
Estimate No. 5 \$ 21,205.42

6. Estimates (Continued):

Sunram Construction, Inc.
20010 – 75th Avenue North
Corcoran, MN 55340

Springbrook Nature Center
Project No. 478
Estimate No. 1 \$ 67,711.25

APPROVED.

APPROVAL OF CONSENT AGENDA:

MOTION by Councilmember Barnette to approve the proposed Consent Agenda. Seconded by Councilmember Varichak.

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

OPEN FORUM:

Roger Stene, 870 Pandora Drive, said he was at a meeting a few weeks ago regarding the police brutality and today he received a letter from the League of Minnesota Cities saying they will not do anything about the incident.

Mayor Lund stated that he received Mr. Stene’s handwritten letter and sent it to staff to take appropriate action. The information was sent to the League of Minnesota Cities because that is the City’s insurer. Mayor Lund noted Mr. Stene’s next step may be to seek legal assistance.

Mr. Stene replied that he met with an attorney but would rather handle this on a civil basis. The attorney would take 40% and Mr. Stene thinks his request should be reviewed again.

Mayor Lund said he was willing to take additional information above the letter that he received but advised Mr. Stene to talk to an attorney. If Mr. Stene has talked to an attorney, he did not advise talking to Council without the attorney present, as these meetings are recorded and minutes are taken.

Mr. Stene said he wanted to resolve the issue on a simpler basis.

Mayor Lund stated that Mr. Stene could write a letter with any new additional information and send it to him.

NEW BUSINESS:

7. Approve Change Order No. 2 with Maertens-Brenny Construction Company for the Springbrook Nature Center Improvements Project (Building Addition, Remodel, and Site Improvements)

Jack Kirk, Director of Parks and Recreation, stated that this change order involved five items for a total of \$3,398.64.

1. Adjustment on the size of the large concrete wall at the entrance of the building.
2. Remove some sheetrock and ceiling panels from the existing building.
3. Add toiletry accessories that were omitted in the plan.
4. A change in the type of accessibility for the auto door opener.
5. Since the project is being constructed in the winter, the ground was still frozen so they had to put in a poly fabric wall and heat each side of the new facility so the concrete could be poured.

The project is on schedule and the change order did not affect timeline. Staff recommends approval of this change order.

Councilmember Barnette asked if this project was funded by the State of Minnesota.

Mr. Kirk replied not in its entirety. There is a \$5M grant from the State and the balance is funded by dollars raised by the Springbrook Nature Foundation.

Councilmember Barnette asked if the State needed to be notified when changes are done on this project.

Mr. Kirk replied no. This is a normal part of the project.

Councilmember Barnette noted that the Federal Government is funding the Safe Routes to School project and no changes can be made on that project.

Councilmember Bolkcom stated the Safe Routes to School Project proposal needs to be what was originally agreed upon or they will not pay it. The Springbrook Nature Center project money was given to us before the plan was complete. They are giving us \$5M to build a project.

Mayor Lund said the change orders for the Nature Center are part of the funds set aside to cover change orders that come up during construction. It is part of the contingency.

Mr. Kirk said he expects more change orders will come up, but they are still doing fine on the budget.

Councilmember Barnette asked for Safe Routes to School to be discussed in the near future.

MOTION by Councilmember Bolkcom to approve the Change Order No. 2 with Maertens-Brenny Construction Company for the Springbrook Nature Center Improvements Project (Building Addition, Remodel, and Site Improvements). Seconded by Councilman Saefke.

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

8. Resolution Authorizing the Public Safety Director to Enter into and Execute the Master Service Agreement for Minnesota Court Data Services for Governmental Agencies.

Captain Mike Monsrud, Fridley Police Department, stated the Fridley Police Department currently uses the Odyssey system to access court records and information. This is an on-line computer system operated by the Minnesota Judicial Branch to allow access to court records. All access is inquiry only. All civil and criminal court records and the data are available in real time.

Captain Monsrud noted that there is a new electronic court access system called eCourt MN that is operated by the Minnesota Judicial Branch which will allow all users to view, file and add additional information to court cases in any Minnesota District Court. This system will replace the current Odyssey system. It is used for all criminal and civil actions in real time data. The justice system partners and other external constituents will have secure access to electronic records 24/7.

Captain Monsrud stated that the Minnesota Supreme Court ruling on April 22, 2015, mandates all government agencies to use eCourt MN effective July 1, 2016. The eCourt MN pilot program had been developed and used in 11 Minnesota Counties for the past two years. The Odyssey system will no longer be operational, and there is no fee for a government agency to access information in the eCourt MN system. The benefits of eCourt MN access include background checks (criminal history, civil litigation, conditions of probation, gun permits, register of actions, upcoming court dates, check for unserved orders), and forfeitures (vehicle and property).

Captain Monsrud said staff recommends approval of a resolution authorizing the Director of Public Safety to enter into and execute the Master Service Agreement for Minnesota Court Data Services for Governmental Agencies. This resolution is required to allow the Fridley Police Department access to the new eCourt MN System.

Mayor Lund asked if there was a negative or down side to this new program and if there was any reason for municipalities not to be a member. He also asked if there was a cost associated with this.

Captain Monsrud replied that there is no cost, and this program will provide more up-to-date information than the current program.

Councilmember Bolkcom asked if there was any law as to what people have access to. Can anyone look at everything?

Mr. Monsrud replied people will have different levels of access. The law enforcement level is the higher level of access. Those who use this program will have to go to training before they can access the system. Office staff usually access the information for officers.

Councilmember Varichak asked if this information could be accessed in the squad cars or just in the office.

Captain Monsrud replied that the information would be accessed from the office computers.

Councilmember Varichak asked if information could be added or taken away from records.

Captain Monsrud replied that could not be done at their level. They would not be allowed to change the records. A search warrant could be added by scanning the information into the file rather than going to the courthouse.

MOTION by Councilmember Saefke to adopt Resolution No. 2016-15. Seconded by Councilmember Barnette.

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

9. Informal Status Reports: There were no informal status reports.

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 7:37 P.M.

Respectfully Submitted,

Krista Peterson
Recording Secretary

Scott J. Lund
Mayor