

## REGULAR COUNCIL MEETING – AGENDA #1

If due to a disability, you need auxiliary aids or services during a City Council Meeting, please provide the City with 72 hours' notice by calling 763-493-8141 or faxing 763-493-8391.

*Our Vision: Brooklyn Park, a thriving community inspiring pride where opportunities exist for all.*

### *Our Brooklyn Park 2025 Goals:*

*• A united and welcoming community, strengthened by our diversity • Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination • A balanced economic environment that empowers businesses and people to thrive • People of all ages have what they need to feel healthy and safe • Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper • Effective and engaging government recognized as a leader*

### PLEDGE OF ALLEGIANCE

#### – SWEARING IN CEREMONY –

Mayor Jeffrey Lunde  
Council Member Terry Parks  
Council Member Wynfred Russell  
Council Member Tonja West-Hafner

### I. ORGANIZATIONAL BUSINESS

#### 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

**2. PUBLIC COMMENT AND RESPONSE 7:00 p.m.** Provides an opportunity for the public to address the Council on items which are not on the agenda. Public Comment will be limited to 15 minutes (*if no one is in attendance for Public Comment, the regular meeting may begin*), and it may not be used to make personal attacks, to air personality grievances, to make political endorsements or for political campaign purposes. Individuals should limit their comments to three minutes. Council Members will not enter into a dialogue with citizens. Questions from the Council will be for clarification only. Public Comment will not be used as a time for problem solving or reacting to the comments made, but rather for hearing the citizen for informational purposes only.

#### 2A. RESPONSE TO PRIOR PUBLIC COMMENT

#### 2B. PUBLIC COMMENT

**3A. APPROVAL OF AGENDA** (Items specifically identified may be removed from Consent or added elsewhere on the agenda by request of any Council Member.)

**3B. PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS**  
None

### II. STATUTORY BUSINESS AND/OR POLICY IMPLEMENTATION

**4. CONSENT** (All items listed under Consent, unless removed from Consent in agenda item 3A, shall be approved by one council motion.) Consent Agenda consists of items delegated to city management or a commission but requires council action by State law, City Charter or city code. These items must conform to a council approved policy, plan, capital improvement project, ordinance or contract. In addition, meeting minutes shall be included.

**4.1** Resolution Designating Real Property Appraisers for 2019

**A.** RESOLUTION

**4.2** Designation of Official Depository

**A.** RESOLUTION

**4.3** Appointment of City Tree Inspector

**4.4** Appointment of Assistant Weed Inspectors

- 4.5 Set a Public Hearing on January 14, 2019, to Solicit Testimony and Consider Issuance of an Off-Sale Intoxicating Liquor License for Harmony Liquor Holdings LLC dba Maddies Liquor, 8521 Zane Avenue North, Brooklyn Park
  - A. PUBLIC HEARING NOTICE
- 4.6 Approve a Tobacco Sales License for NYA Enterprises dba Brooklyn Park BP, located at 8080 Brooklyn Blvd, Brooklyn Park, MN 55445
- 4.7 Appointment of Health Officer
- 4.8 Designation of Official Newspaper
  - A. LETTER FROM MR. STEVE GALL, SUN-POST NEWSPAPER
  - B. MN STATUTE 331A.02 – REQUIREMENTS FOR A QUALIFIED NEWSPAPER
- 4.9 Resolution Relating to Council/Staff Responsibilities
  - A. RESOLUTION
- 4.10 Resolution Relating to Business Expenses of the City Council
  - A. RESOLUTION
- 4.11 Resolution Authorizing Supplemental Compensation for Mayor and Council Members who Attend Approved Municipal Functions
  - A. RESOLUTION
- 4.12 Appointments to the Suburban Rate Authority
  - A. RESOLUTION
- 4.13 Approval of Elected Officials Rules of Procedures and Code of Conduct Manual
  - A. CITY OF BROOKLYN PARK ELECTED OFFICIALS RULES OF PROCEDURES AND CODE OF CONDUCT
- 4.14 Appointment of Acting City Manager
- 4.15 Review and Approval of the Policy Pertaining to the Application and Appointment Procedure for Filling a Vacancy in the Office of Mayor or City Council Member
  - A. MAYOR/COUNCIL MEMBER APPLICATION AND APPOINTMENT POLICY

**The following items relate to the City Council’s long-range policy-making responsibilities and are handled individually for appropriate debate and deliberation. (Those persons wishing to speak to any of the items listed in this section should fill out a speaker’s form and give it to the City Clerk. Staff will present each item, following in which audience input is invited. Discussion will then be closed to the public and directed to the council table for action.)**

**5. PUBLIC HEARINGS**

- 5.1 Approve an On-Sale Intoxicating Liquor License for Ruelas WBL LLC dba El Rancho Mexican Restaurante, Located at 1408 85<sup>th</sup> Avenue North

**6. LAND USE ACTIONS**

None

**7. GENERAL ACTION ITEMS**

- 7.1 Appoint a Director to the Brooklyn Park Development Corporation (BPDC) Board of Directors
- 7.2 Appointment of Council Liaisons to Commissions and Committees
  - A. 2019 COUNCIL LIAISON FORM
  - B. COUNCIL LIAISON APPOINTMENTS FROM PREVIOUS YEARS
- 7.3 Appointment of Mayor Pro Tem
- 7.4 Appointment to the Human Rights Commission
  - A. PUBLIC DIRECTORY
- 7.5 Public Purpose Expenditures Policy Approval
  - A. RESOLUTION
  - B. PUBLIC PURPOSE EXPENDITURES POLICY

**III. DISCUSSION – These items will be discussion items but the City Council may act upon them during the course of the meeting.**

**8. DISCUSSION ITEMS**

None

**IV. VERBAL REPORTS AND ANNOUNCEMENTS**

- 9A. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS
- 9B. CITY MANAGER REPORTS AND ANNOUNCEMENTS

**V. ADJOURNMENT**

**10.1** MOTION FOR ADJOURNMENT

**A.** MOTION FOR ADJOURNMENT FORM

Since we do not have time to discuss every point presented, it may seem that decisions are preconceived. However, background information is provided for the City Council on each agenda item in advance from city staff and appointed commissions, and decisions are based on this information and past experiences. If you are aware of information that has not been discussed, please raise your hand to be recognized. Please speak from the podium. Comments that are pertinent are appreciated. Items requiring excessive time may be continued to another meeting.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.1	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Finance
<b>Resolution:</b>	X	<b>Prepared By:</b>	Tracy Bauer-Anderson, Interim City Assessor
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Tracy Bauer-Anderson
<b>Item:</b>	Resolution Designating Real Property Appraisers for 2019		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-\_\_\_\_ DESIGNATING REAL PROPERTY APPRAISERS FOR 2019.

## Overview:

City Charter: Section 11.02 Proceedings in Acquiring Property

The necessity for the acquisition of any real property by the City shall be determined by the Council and shall be declared by resolution which shall describe such property as nearly as possible and state its intended use. Before adopting any resolution determining the necessity of the purchase of any real property, the Council shall receive a report as to the estimated market value of such real property from one (1) or more persons other than officers or employees of the City, qualified in the appraisal of real property, appointed by the Council. The City shall attempt to negotiate the purchase with the owners of the property under consideration. If negotiations fail and the City exercises the power of eminent domain, the City shall proceed according to the laws of the State.

## Primary Issues/Alternatives to Consider:

Section 11.02 of the City Charter requires that the City Council obtain a report (appraisal) as to the estimated market value of real property under consideration for purchase by the City. There are no changes from last year's list.

**Budgetary/Fiscal Issues:** N/A

## Attachments:

4.1A RESOLUTION

RESOLUTION #2019-  
RESOLUTION DESIGNATING  
REAL PROPERTY APPRAISERS FOR 2019

WHEREAS, Section 11.02 of the City Charter requires that the City Council obtain a report (appraisal) as to the estimated market value of real property under consideration for purchase of real property under consideration for purchase by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the following be designated as authorized appraisers for 2019.

1. Mark A. Oehrlein Appraisals, Inc.
2. Kramer Appraisal & Consulting, LLC
3. Nagell Appraisal & Consulting
4. Shenehon Company
5. Diversified Real Estate Services, Inc.
6. Nicollet Partners, Inc.
7. Minnesota Department of Transportation Right of Way Division
8. Ruppert Appraisal & Consultation, Inc.
9. Integra Realty Resources, (Amundson, Johnson)
10. Mardell Partners, Inc.
11. Patchin/Messner & Dodd Appraisals, Inc.
12. The Valuation Group (Bakken, Liedl, Janssen, Day and Reach)

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.2	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Finance Department
<b>Resolution:</b>	X	<b>Prepared By:</b>	LaTonia Green, Finance Director
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	LaTonia Green
<b>Item:</b>	Designation of Official Depository		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-\_\_\_\_ DESIGNATING U.S. BANK AS THE OFFICIAL DEPOSITORY FOR THE CITY OF BROOKLYN PARK FOR 2019.

## Overview:

Minnesota Statute 118A.02 states the governing body of each government entity shall designate, as a depository of its funds, one or more financial institutions and the governing body may authorize the treasurer or chief financial officer to:

- (1) designate depositories of the funds;
- (2) make investments of funds under sections [118A.01](#) to [118A.06](#) or other applicable law; or
- (3) both designate depositories and make investments as provided in this subdivision.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

4.2A RESOLUTION

RESOLUTION #2019-

RESOLUTION DESIGNATING U.S. BANK AS THE  
OFFICIAL DEPOSITORY FOR THE CITY OF BROOKLYN PARK

WHEREAS, Minnesota State Statutes 118A.02 sets forth the procedures for the deposit of Public Funds and it is necessary for the City Council to annually designate financial institutions as official depositories for City funds and manage the collateral pledged to such funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that U.S. Bank be designated as the official depository for the City of Brooklyn Park for 2019; and

BE IT FURTHER RESOLVED that the 4M Fund be designated as an additional depository in 2019 for investment purposes only; and

BE IT FURTHER RESOLVED that Citizens Bank be designated as an additional depository in 2019 for investment purposes only; and

BE IT FURTHER RESOLVED that the City Manager and Finance Director be authorized to execute any necessary documents to ensure continuity of banking services in 2019; and

BE IT FURTHER RESOLVED that the Finance Director of the City be hereby designated as the approval authority for the acceptance and release of all collateral to be held by the City in conjunction with City Funds on deposit with authorized institutions; and

BE IT FURTHER RESOLVED that the Finance Director be authorized to invest all of the City's funds in accordance with State Statute and the City's investment policy.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.3	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Operations and Maintenance
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Greg Hoag, Park and Building Maintenance Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Devin Montero, City Clerk
<b>Item:</b>	Appointment of City Tree Inspector		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO CONFIRM THE CITY COUNCIL APPOINTMENT OF MARK ANDERSON OR ALTERNATE CHRIS SULLIVAN AS CITY TREE INSPECTOR FOR THE YEAR 2019.

## Overview:

City of Brooklyn Park City Code, Chapter 97, establishes the appointment for the City Tree Inspector as: 97.02 Definitions "City Tree Inspector means a person or persons appointed by the City Council who is certified by the MN Commission of Agriculture to plan, direct and supervise all requirements for controlling shade tree diseases throughout the designated control area."

The City Tree Inspector duties are defined in City Code 97.30 (A) Duties. The City Tree Inspector shall administer the shade tree disease control program for the City in accordance with City code. Official duties include inspections, diagnosis, and the supervision of the removal of diseased or hazard trees.

The Brooklyn Park City Code Chapter 97 was amended in May 2014, and became effective in July 2014.

Mark Anderson and Chris Sullivan maintain all certifications required by the Minnesota Commissioner of Agriculture for city tree inspectors.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.4	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Operations and Maintenance
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Greg Hoag, Park and Building Maintenance Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Devin Montero, City Clerk
<b>Item:</b>	Appointment of Assistant Weed Inspectors		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO CONFIRM THE MAYOR'S APPOINTMENT OF MARK ANDERSON, CHRIS SULLIVAN AND JASON NEWBY AS ASSISTANT WEED INSPECTORS FOR THE YEAR 2019.

## Overview:

Minnesota Statutes, Chapter 18.80 Subd. 2 and Subd. 3, establishes the appointment for the city's weed inspector as follows:

Subd. 2 Local Weed Inspectors. The supervisors of each town board and the mayor of each city shall act as local weed inspectors within their respective municipalities.

Subd. 3 Assistant Weed Inspectors. A municipality may appoint one or more assistants to act on behalf of the appointing authority as a weed inspector for the municipality. The appointed assistant or assistants have the power, authority, and responsibility of the town board member or the city mayor in the capacity of weed inspector.

Mark Anderson and Chris Sullivan will represent the Operations and Maintenance Department, Jason Newby will represent the Code Enforcement/Public Health Division.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.5	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Megan Bookey, Program Assistant III
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Keith Jullie, Rental and Business Licensing Manager
<b>Item:</b>	Set a Public Hearing on January 14, 2019, to Solicit Testimony and Consider Issuance of an Off-Sale Intoxicating Liquor License for Harmony Liquor Holdings LLC dba Maddies Liquor, 8521 Zane Avenue North, Brooklyn Park		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO SET A PUBLIC HEARING ON JANUARY 14, 2019, TO SOLICIT TESTIMONY AND CONSIDER ISSUANCE OF AN OFF-SALE INTOXICATING LIQUOR LICENSE FOR HARMONY LIQUOR HOLDINGS LLC DBA MADDIES LIQUOR, 8521 ZANE AVENUE NORTH, BROOKLYN PARK.

## Overview:

Due to change in ownership, this is a new off-sale intoxicating liquor license for Harmony Liquor Holdings LLC dba Maddies Liquor, located at 8521 Zane Avenue North.

Pursuant to state statute, they must comply with state laws, local laws and procedures. To comply with state laws, a public hearing must be held prior to City Council approval of the license required. The results of the inspections and investigations will be available at the public hearing on January 14, 2019.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

4.5A PUBLIC HEARING NOTICE

**NOTICE  
CITY OF BROOKLYN PARK  
5200 85<sup>TH</sup> AVENUE NORTH**

**PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Brooklyn Park City Council will hold a public hearing in the City Hall Council Chambers, 5200 85<sup>th</sup> Avenue North, on January 14, 2019, to consider the issuance of an Off-Sale Intoxicating Liquor License for Harmony Liquor Holdings LLC doing business as Maddies Liquor located at 8521 Zane Avenue North. All persons desiring to be heard are invited to attend. Written comments will be received by the Licensing Division prior to the hearing.

Devin Montero  
City Clerk

Published in the Brooklyn Park Sun Post on January 3, 2019.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.6	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Megan Bookey, Program Assistant III
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Keith Jullie, Rental and Business Licensing Manager
<b>Item:</b>	Approve a Tobacco Sales License for NYA Enterprises dba Brooklyn Park BP, located at 8080 Brooklyn Blvd, Brooklyn Park, MN 55445		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE A TOBACCO SALES LICENSE FOR NYA ENTERPRISES DBA BROOKLYN PARK BP, LOCATED AT 8080 BROOKLYN BLVD, BROOKLYN PARK, MN 55445.

## Overview:

This is a new Tobacco Sales license for Brooklyn Park BP, located at 8080 Brooklyn Blvd in Brooklyn Park, MN.

The Police Department has completed their investigation of the owner. The Community Development Department approved the application on December 17, 2018. The last fire inspection conducted was on December 13, 2018. The Police and Community Development Departments find no reason that would preclude the issuance of the Tobacco Sales license. Their reports are on file in the Licensing Division and are available upon request.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.7	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Jason Newby, Code Enforcement and Public Health Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Devin Montero, City Clerk
<b>Item:</b>	Appointment of Health Officer		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO CONFIRM THE CITY MANAGER'S APPOINTMENT OF DR. MATTHEW HOCKETT AS BROOKLYN PARK'S HEALTH OFFICER FOR A TERM OF ONE YEAR TO EXPIRE DECEMBER 31, 2019.

## Overview:

Chapter 31.30 of the City Code establishes the appointment for the City's Health Officer. Dr. Hockett, who was previously at the Fairview Clinic in Brooklyn Park and now is at the Fairview Clinic Bass Lake in Maple Grove, is willing to accept the appointment for 2019.

### 31.30 HEALTH OFFICER; APPOINTMENT AND DUTIES.

(A) The Health Officer is appointed by the City Manager, with the approval of the Council.

(B) The Health Officer serves in an advisory capacity to the Council and the Board of Health. The Health Officer must see that all health laws and regulations are obeyed. The Health Officer must take such legal steps as are necessary to control communicable disease, and must advise the City Council and the Board of Health of any health regulations or directions of the State Board of Health that are not being carried out. The Health Officer must advise the Council and Board of Health in a medical way as to diagnosis for the purpose of quarantine, release of quarantine, details of necessary control methods, and other technical preventive measures. The Health Officer is responsible for the duties placed upon local health officers by the statutes of the State of Minnesota.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.8	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	Devin Montero
<b>Item:</b>	Designation of Official Newspaper		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO DESIGNATE THE BROOKLYN PARK SUN-POST AS THE OFFICIAL NEWSPAPER FOR THE CITY OF BROOKLYN PARK FOR THE YEAR 2019.

## Overview:

Minnesota Statutes 331A.02 has established requirements for a qualified official/legal newspaper. Currently the official newspaper for the City of Brooklyn Park is the Brooklyn Park Sun-Post. The Sun-Post would like to continue as the city's official newspaper for 2019, as stated in their attached letter.

2018	2019
<i>\$11.90 per inch for first insertion</i>	<i>\$11.00 per inch for first insertion</i>
<i>\$7.00 per inch for subsequent insertions</i>	<i>\$7.00 per inch for subsequent insertions</i>
<i>Lines per inch: 9</i>	<i>Lines per inch: 9</i>
<i>Characters per inch: 320</i>	<i>Characters per inch: 320</i>

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

- 4.8A LETTER FROM MR. STEVE GALL, SUN-POST NEWSPAPER
- 4.8B MN STATUTE 331A.02 – REQUIREMENTS FOR A QUALIFIED NEWSPAPER



December 2018

City of Brooklyn Park  
City Council  
5200 - 85th Avenue North  
Brooklyn Park, MN 55443

Dear City Council Members:

Please accept the following bid from the **Brooklyn Park Sun-Post** for legal newspaper designation for the City of Brooklyn Park. This newspaper is qualified by the State of Minnesota as a legal newspaper under Minnesota Statutes Section 331A.02, Subd. 1.

The following rate structure for legals is effective January 1, 2019:

First insertion:	<b>\$11.00</b> per column inch
Subsequent insertions:	<b>\$7.00</b> per column inch
Characters per inch:	<b>320</b>
Lines per inch:	<b>9</b>

A notarized affidavit will be provided for each notice published. Additional affidavits are \$2.50 each. A \$20.00 charge will be assessed on legal notices that require typing. All published legal notices are posted on the *Sun-Post* website at no additional charge.

The *Sun-Post* is published weekly on Thursdays. The deadline is 2:00 p.m. on Thursday for publication the following Thursday. Please email legal notices to [publicnotice@ecm-inc.com](mailto:publicnotice@ecm-inc.com).

Thank you for considering the *Sun-Post* as the official newspaper for the City of Brooklyn Park for the upcoming year. We appreciate the opportunity to serve the needs of your community.

Sincerely,

A handwritten signature in black ink that reads "Steve".

Steve Gall

Advertising Director

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## Office of the Revisor of Statutes

[2018 Minnesota Statutes](#) [TRADE REGULATIONS, CONSUMER PROTECTION](#) [Chapter 331A](#) Section 331A.02

[331A.01](#)

[331A.03](#)

### 2018 Minnesota Statutes

[Authenticate](#) 

Found 1 match for 331A.02

#### 331A.02 REQUIREMENTS FOR A QUALIFIED NEWSPAPER.

##### Subdivision 1. Qualification.

No newspaper in this state shall be entitled to any compensation or fee for publishing any public notice unless it is a qualified newspaper. A newspaper that is not qualified must inform a public body that presents a public notice for publication that it is not qualified. To be qualified, a newspaper shall:

(a) be printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 1,000 square inches, or 800 square inches if the political subdivision the newspaper purports to serve has a population of under 1,300 and the newspaper does not receive a public subsidy;

(b) if a daily, be distributed at least five days each week. If not a daily, the newspaper may be distributed twice a month with respect to the publishing of government public notices. In any week in which a legal holiday is included, not more than four issues of a daily paper are necessary;

(c) in at least half of its issues each year, have no more than 75 percent of its printed space comprised of advertising material and paid public notices. In all of its issues each year, have 25 percent, if published more often than weekly, or 50 percent, if weekly, of its news columns devoted to news of local interest to the community which it purports to serve. Not more than 25 percent of its total nonadvertising column inches in any issue may wholly duplicate any other publication unless the duplicated material is from recognized general news services;

(d) be circulated in the political subdivision which it purports to serve, and either have at least 400 copies regularly delivered to paying subscribers, or 250 copies delivered to paying subscribers if the political subdivision it purports to serve has a population of under 1,300, or have at least 400 copies regularly distributed without charge to local residents, or 250 copies distributed without charge to local residents if the political subdivision it purports to serve has a population of under 1,300;

(e) have its known office of issue established in either the county in which lies, in whole or in part, the political subdivision which the newspaper purports to serve, or in an adjoining county;

(f) file a copy of each issue immediately with the State Historical Society;

(g) be made available at single or subscription prices to any person or entity requesting the newspaper and making the applicable payment, or be distributed without charge to local residents;

(h) have complied with all the foregoing conditions of this subdivision for at least one year immediately preceding the date of the notice publication;

(i) between September 1 and December 31 of each year publish a sworn United States Post Office periodicals-class statement of ownership and circulation or a statement of ownership and circulation verified by a recognized independent circulation auditing agency covering a period of at least one year ending no earlier than the June 30 preceding the publication deadline. When publication occurs after December 31 and before July 1, qualification shall be effective from the date of the filing described in paragraph (j) through December 31 of that year; and

(j) after publication, submit to the secretary of state by December 31 a filing containing the newspaper's name, address of its known office of issue, telephone number, and a statement that it has complied with all of the requirements of this section. The filing must be accompanied by a fee of \$25. The secretary of state shall make available for public inspection a list of newspapers that have filed. Acceptance of a filing does not constitute a guarantee by the state that any other qualification has been met.

##### Subd. 2.

[Repealed, [2004 c 182 s 33](#)]

##### Subd. 3. Publication; suspension; changes.

The following circumstances shall not affect the qualification of a newspaper, invalidate an otherwise valid publication, or invalidate a designation as official newspaper.

(a) Suspension of publication for a period of not more than three consecutive months resulting from the destruction of its known office of issue, equipment, or other facility by the elements, unforeseen accident, or acts of God or by reason of a labor dispute.

(b) The consolidation of one newspaper with another published in the same county, or a change in its name or ownership, or a temporary change in its known office of issue.

(c) Change of the day of publication, the frequency of publication, or the change of the known office of issue from one place to another within the same county. Except as provided in this subdivision, suspension of publication, or a change of known office of issue from one county to another, or failure to maintain its known office of issue in the county, shall deprive a newspaper of its standing as a qualified newspaper until it again becomes qualified pursuant to subdivision 1.

#### Resources

[Search Minnesota Statutes](#)

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[2018 Statutes New, Amended or Repealed](#)

[2018 Table of Chapters](#)

[2018 Statutes Topics \(Index\)](#)

#### Chapter 331A

[Table of Sections](#)

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#### Section 331A.02

[Version List](#)

#### Topics

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#### Recent History

[2009 Subd. 1 Amended 2009 c 152 s 5](#)

[2004 Subd. 1 Amended 2004 c 182 s 8](#)

[2004 Subd. 2 Repealed 2004 c 182 s 33](#)

[2004 Subd. 3 Amended 2004 c 182 s 9](#)

[2004 Subd. 4 Amended 2004 c 182 s 10](#)

[2004 Subd. 5 New 2004 c 182 s 11](#)

[2001 Subd. 1 Amended 2001 c 38 s 1](#)

[1997 Subd. 1 Amended 1997 c 137 s 13](#)

**Subd. 4. Declaratory judgment of legality.**

A person interested in a newspaper's qualification under this section may petition the district court in the county in which the newspaper has its known office of issue for a declaratory judgment to determine whether the newspaper is qualified. Unless filed by the publisher, the petition and summons shall be served on the publisher as in other civil actions. Service in other cases shall be made by publication of the petition and summons once each week for three successive weeks in the newspaper or newspapers the court may order and upon the persons as the court may direct. Publications made in a newspaper after a judgment that it is qualified but before the judgment is vacated or set aside shall be valid. Except as provided in this subdivision, the Uniform Declaratory Judgments Act and the Rules of Civil Procedure shall apply to the action.

**Subd. 5. Posting notices on website.**

If, in the normal course of its business, a qualified newspaper maintains a website, then as a condition of accepting and publishing public notices, the newspaper must agree to post all the notices on its website at no additional cost. The notice must remain on the website during the notice's full publication period. Failure to post or maintain a public notice on the newspaper's website does not affect the validity of the public notice.

**History:**

[1984 c 543 s 21](#); [1985 c 174 s 1](#); [1Sp1985 c 13 s 315](#); [1987 c 30 s 1](#); [1987 c 286 s 1](#); [1988 c 682 s 42](#); [1990 c 395 s 1](#); [1991 c 205 s 17](#); [1997 c 137 s 13](#); [2001 c 38 s 1](#); [2004 c 182 s 8-11](#); [2009 c 152 s 5](#)

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.9	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	X	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Jay Stroebel, City Manager
<b>Item:</b>	Resolution Relating to Council/Staff Responsibilities		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-\_\_\_\_\_ RELATING TO COUNCIL/STAFF RESPONSIBILITIES.

## Overview:

This resolution is reviewed annually by the City Council.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

4.9A RESOLUTION

RESOLUTION #2019-

RESOLUTION RELATING TO  
COUNCIL/STAFF RESPONSIBILITIES

WHEREAS, the City Council is composed of seven people whom have other full-time occupations and responsibilities; and

WHEREAS, the people who serve on this Council must depend on the city's staff to provide them with a large amount of background information, data, and expertise to aid the City Council in determining issues, developing policy, and administering the Council's responsibilities in a fair and impartial manner; and

WHEREAS, a revised Elected Officials Rules of Procedure and Code of Conduct Manual was approved by the Council on October 23, 2017 that includes Council conduct with staff; and

WHEREAS, the City attempts to hire and employ people who can and will provide the best advice possible to the Council and who can and will serve the public interest.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park:

1. The City Manager and staff are directed to develop and transmit to this Council background information and data based upon their experience and best judgment and are further directed to be honest and candid in developing and transmitting said information, keeping in mind that their sole purpose is to serve the public interest.
2. This Council pledges that no staff member shall suffer recrimination for acting in an honest and candid manner in protecting and promoting the public interest.
3. This Council further states to its staff that the Council will carry out its responsibilities in the decision process as established by federal, state and local statutes, ordinances and the City Charter and will do so in a fair and impartial manner. Any city employee, elected or appointed, who is found to have transmitted to this Council information designed to promote their own financial interest or the financial interest of a friend contrary to the City Charter or other state statutes will be censored and prosecuted in accordance with the laws of this state and this city.
4. The simple intent of this resolution is to remind each of us, Council and staff, that we are here to serve the public interest and not to promote or serve individual interests. In carrying forth this purpose, we, Council and staff, are dependent upon each other and must be in a position to be open, candid and honest with each other in transacting the city's business.
5. This resolution shall be kept on file in the City Clerk's office and shall be returned to the new City Council for consideration at the first official meeting each year.
6. A copy shall be posted on employee bulletin boards for a two-week period following its adoption.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.10	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	X	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Jay Stroebe, City Manager
<b>Item:</b>	Resolution Relating to Business Expenses of the City Council		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-\_\_\_\_\_ RELATING TO BUSINESS EXPENSES OF THE CITY COUNCIL.

## Overview:

The sole purpose of this resolution is to inform that unreimbursed out-of-pocket expenses incurred by Council members as part of their duties are lawful business expenses for federal and state income tax purposes.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

4.10A RESOLUTION

RESOLUTION #2019-

RESOLUTION RELATING TO BUSINESS  
EXPENSES OF THE CITY COUNCIL

WHEREAS, members of the City Council are paid a salary each month in accordance with the terms of the City Charter and City Code; and

WHEREAS, it has been and it is the policy of this Council that other business expenses are not reimbursed unless the activity is specifically directed and approved by the Council as a body; and

WHEREAS, the City of Brooklyn Park is a large, growing suburban community and has numerous challenges, which require Council members to travel with their personal cars and to use their personal finances to pay these business expenses; and

WHEREAS, members of the City Council are frequently required to meet with persons interested in locating industry, persons who have problems that relate to the City which require attention from the members of the Council, and all of these expenses have been paid for by the individual members of the Council; and

WHEREAS, it is deemed necessary to act as a corporate body to memorialize that these types of unreimbursed out-of-pocket expenses incurred by the Mayor and City Council members are lawful business expenses for federal and state income tax purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park:

1. Out-of-pocket expenses incurred by the Mayor and City Council Members as part of their duties as Mayor and City Council Members are not reimbursed by the City unless so authorized and directed by the Council.
2. The Mayor and members of the City Council are expected, as part of their duties, to travel throughout the community to meet with residents, developers, or persons interested in locating in the community and to meet with members of the staff or officials of other communities or agencies to promote the general welfare of the City of Brooklyn Park. The out-of-pocket expenses incurred by Council Members in carrying out these official duties are lawful business expenses for federal and state income tax purposes.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.11	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	X	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Jay Stroebe, City Manager
<b>Item:</b>	Resolution Authorizing Supplemental Compensation for Mayor and Council Members who Attend Approved Municipal Functions		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-\_\_\_\_ AUTHORIZING SUPPLEMENTAL COMPENSATION FOR MAYOR AND COUNCIL MEMBERS WHO ATTEND APPROVED MUNICIPAL FUNCTIONS.

## Overview:

Annually, the Council has taken action to approve certain municipal functions to which members of the City Council would be authorized to attend during the year.

## Primary Issues/Alternatives to Consider:

The Council may at its discretion amend the list of activities contained in the resolution.

## Budgetary/Fiscal Issues:

The activities listed in the proposed resolution reflect activities approved in the 2019 Budget.

## Attachments:

4.11A RESOLUTION

RESOLUTION #2019-

RESOLUTION AUTHORIZING SUPPLEMENTAL  
COMPENSATION FOR MAYOR AND COUNCIL MEMBERS  
WHO ATTEND APPROVED MUNICIPAL FUNCTIONS

WHEREAS, Section 30.01 of the City Code states:

The Mayor and/or Council Members are sometimes required to attend municipal functions or to take time from their regular employment to perform services beneficial to the City. Additional compensation shall be paid to the Mayor or Council Members in those cases subject to the following conditions:

1. The activity and number of days for which a Council Member is to be engaged must be approved by the City Council prior to member's participation.
2. The Mayor and Council Member will be paid \$50 per day as supplemental compensation for each day approved and for which the member is in attendance at the approved activity.

and

WHEREAS, the Mayor and City Council have expressed interest in attending the following and/or similar activities during 2019:

- National League of Cities Congressional – City Conference, Washington, D.C. (3 attendees)
- League of Minnesota Cities Conferences
- League of Minnesota Cities Board of Directors
- National League of Cities Congress of Cities (3 attendees)
- National League of Cities Steering Committees
- National League of Cities Leadership Conference
- Minnesota Mayors Assn. Annual Conference
- League of Minnesota Cities Committees

NOW, THEREFORE, BE IT RESOLVED that the above-stated activities shall be approved activities for the Mayor and Council Members for 2019 and that dates for each activity shall be approved days for the Mayor and City Council to receive supplemental compensation of \$50 per day in addition to reimbursement for expenses incurred consistent with the City Travel Policy and Procedures; and

BE IT FURTHER RESOLVED that for the above activities that are held outside of the State of Minnesota, there shall be two additional days approved for receiving supplemental compensation to cover travel time to and from the activity.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.12	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	X	<b>Prepared By:</b>	Dan Ruiz, Operations and Maintenance Director
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Jay Stroebel, City Manager
<b>Item:</b>	Appointments to the Suburban Rate Authority		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-\_\_\_\_\_ APPOINTING JESSE STRUVE AS DIRECTOR AND LATONIA GREEN AS ALTERNATE DIRECTOR OF THE SUBURBAN RATE AUTHORITY FOR 2019.

## Overview:

The Brooklyn Park City Council has authorized the active participation in the Suburban Rate Authority (SRA) since 1974. The Joint Powers Agreement requires that the appointment of the city's representatives to the SRA be accomplished by passage of a resolution each year.

The City Manager recommends appointing City Engineer Jesse Struve as Director and Finance Director LaTonia Green as Alternate Director.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

4.12A RESOLUTION

RESOLUTION #2019-

RESOLUTION APPOINTING A DIRECTOR  
AND AN ALTERNATE DIRECTOR TO THE  
SUBURBAN RATE AUTHORITY FOR 2019

WHEREAS, the City of Brooklyn Park is a participating member in the Suburban Rate Authority organization; and

WHEREAS, the Joint Powers Agreement between the City and the Suburban Rate Authority requires the City to appoint representatives to the Suburban Rate Authority by the approval of a resolution so designating.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park as follows:

Jesse Struve is hereby designated as the Director and LaTonia Green as the Alternate Director to the Suburban Rate Authority for the year 2019 and until their successors are appointed.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.13	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Jay Stroebel, City Manager
<b>Item:</b>	Approval of Elected Officials Rules of Procedures and Code of Conduct Manual		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE THE ELECTED OFFICIALS RULES OF PROCEDURES AND CODE OF CONDUCT MANUAL.

## Overview:

Following the August 14, 2017 Council Meeting, a community work group, comprised of the City Manager, City Attorney, City Clerk, Mayor, two members of the City Council and four residents, was convened to review and make recommendations regarding revisions to the Brooklyn Park Elected Officials Rules of Procedure and Code of Conduct. The group held four meetings between August 30 and September 20, 2017 to develop draft recommendations that were presented to Council on October 9, 2017. Based on Council's feedback, the work group reconvened on October 16, 2017 to finalize the draft document. At the October 23, 2017 Council meeting, the Manual was presented to the Council and approved.

Council reviewed and approved the manual at its January 8, 2018 meeting. This item is before you tonight for an annual review and approval by the Council.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

4.13A CITY OF BROOKLYN PARK ELECTED OFFICIALS RULES OF PROCEDURES AND CODE OF CONDUCT



# **Elected Officials**

## **Rules of Procedures and Code of Conduct**

**June 2002**

*Revised and Approved October 23, 2017*

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**CITY OF BROOKLYN PARK  
ELECTED OFFICIALS  
RULES OF PROCEDURES AND CODE OF CONDUCT**

*(Adopted at City Council Meeting of June 10, 2002)  
Revised and Approved by City Council on October 23, 2017*

***Preamble:***

*The Brooklyn Park community is entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of democratic government requires that:*

- *Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;*
- *Public officials be independent, impartial and fair in their judgment and actions;*
- *Public office be used for the public good, not for personal gain; and*
- *Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.*

*It is essential to the proper administration and operation of the City of Brooklyn Park that the City Council be independent and impartial, that elective office with the City of Brooklyn Park not be used for personal benefit, and that the public have confidence in the integrity of the City. In recognition of these goals, the City has adopted this Code of Conduct and Rules of Procedures, which is applicable to all members of the City Council, including when acting in the capacity of EDA Commission Members.*

*The purpose of this Code is to establish standards of ethical conduct applicable to the City Council Members, including the Mayor, in the discharge of their duties. It prescribes essential restrictions against conflict of interest and other conduct not consistent with good practices while not creating unnecessary barriers to public service.*

*It is required that all Council Members comply with the law and all other applicable rules and regulations governing the conduct of public officials. The standards in this Code shall not preclude other standards required by law.*

**The Council's Statement of Values:**

- *Honesty and Integrity:* Honesty and integrity are the cornerstones for building trust, mutual respect and teamwork. Honesty and integrity include maintaining the highest ethical standards, communicating with complete candor and openness, listening and really hearing each other, and a willingness to change our position on an issue if the facts warrant.
- *Respect:* Each person is an individual. Despite differences we may have on issues, we will strive to demonstrate respect and a caring attitude toward each other.
- *Teamwork:* We believe that teamwork is important to our success as an organization. Teamwork requires participation by all to reach consensus on issues, whenever possible. We will work together to achieve win/win solutions that serve the entire community.
- *Information:* We value information that is correct, complete and timely. This is essential for making decisions that are sound and wise. The Council expects staff to be diligent in assuring that its information needs are reasonably met.
- *It's Okay to Disagree:* While we will strive to reach consensus on issues, we also recognize that we operate in a political environment. At times, our disagreements will only be resolved by voting. To disagree on an issue does not imply dislike for the individual. We believe in being tough on issues, but not on people. Once an issue is resolved, we will move on without grudges or malice.
- *Best for the City:* Ultimately, the interest of each Council and staff member is to do what is best for the City of Brooklyn Park and to uphold the City Charter. This includes assuring open accessible government, fiscal responsibility, a spirit of professionalism, excellence in service, and visionary community leadership. We each take pride in our community.
- *Trust:* The Council and staff of the City of Brooklyn Park are committed to working together within the context of these values. To assure they become a real force in guiding our behavior, we will prominently display them and regularly remind ourselves and each other of their existence. We believe this will be a powerful factor in building the bonds of trust among us.

**1. OVERVIEW OF ROLES AND RESPONSIBILITIES**

*Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in state law, Brooklyn Park City Charter, and City Code.*

**1.1 Mayor**

- Elected “at-large” for a 4-year term
- Recognized as head of the City Government for all ceremonial purposes
- Presides over meetings of the City Council
- Has the same speaking and voting rights as any other member
- Executes and authenticates legal instruments requiring signature
- Strives to lead the Council into an effective, cohesive working team

## **1.2 Mayor Pro Tem**

- Appointed by the City Council at the first meeting of the year
- Performs the duties of the Mayor if the Mayor is absent, disabled, or otherwise unable to participate in a matter or is the subject of a complaint under this code

## **1.3 All Council Members**

All members of the City Council, including the Mayor and Mayor Pro Tem, have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect.

## **1.4 The Mayor and All Council Members**

- Refer to one another formally during public meetings as “Mayor (last name)”/ “Council Member (last name)”
- Wait to speak until acknowledged by the Mayor
- Honor efforts by the Mayor to efficiently manage the meeting and to focus discussion on current agenda items
- Treat all staff as professionals
- Treat members of the public politely and respectfully
- When a conflict of interest arises, the Council member shall abstain from the vote and be available for comment from the podium only
- Council Members are encouraged to give support for the majority position once votes have been taken
- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- Prepare in advance of meetings, including contacting staff with any questions in order to be familiar with issues on the agenda
- Represent the City at ceremonial functions
- Be respectful of people’s time; stay focused and act efficiently during public meetings
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Brooklyn Park government
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities

## 2. RULES OF PROCEDURES

- 2.1 **Regular Meetings:** Shall be held at 7:00 p.m. on the first, second and fourth Mondays of each month in the Council Chambers of City Hall, 5200 85<sup>th</sup> Ave. N., Brooklyn Park, Minnesota. No meeting shall be held on a legal holiday, but shall be held at the same hour on the next succeeding day that is not a holiday.

Open Forum will begin at 7:00 p.m. at all regular meetings with the exception of the work sessions. Members of the public should be advised of the guidelines of the Open Forum. The Open Forum will provide members of the public an opportunity to comment, ask questions or present a problem relating to city business that is not already a part of the agenda. Each speaker will be asked to limit his/her comments to three (3) minutes and can only address the Council one time during the Open Forum. No action will be taken. Staff will follow up with a response regarding the status of the concern. Open Forum will be held no longer than 15 minutes. If no one is in attendance for the Open Forum or if 15 minutes is not needed for this purpose, the regular meeting shall begin immediately or after Open Forum business has been conducted.

- 2.2 **Special Meetings:** The Mayor or any three (3) members of the Council may call Special meetings. Three days written notice is required. Notice shall include specific purpose of the meeting in addition to the time, date and location of meeting.
- 2.3 **Emergency Meetings:** Emergency meetings may be called by the Mayor or any three (3) members of the Council due to circumstances that, in the judgment of the public body, require immediate consideration. At least four (4) hours' notice (either in writing or by telephone) is required.
- 2.4 **Executive Sessions:** Executive Sessions are closed meetings and may be called only for those reasons specified in state law. State Statute requires that the Council pass a motion at a public meeting announcing their intention to go into a closed meeting, the subject matter to be discussed and the time and place of the executive session. Executive sessions will be taped when required by State law. When the executive session is complete, the Council shall return to the public meeting and summarize the action taken at the executive session. Council Members are to maintain confidentiality relating to any non-public discussion items.
- 2.5 **Cancellation of Meetings:** Meetings may be cancelled by the Mayor or, in the Mayor's absence, by the Mayor Pro Tem due to insufficient agenda items, lack of a quorum, inclement weather and/or other similar reasons. Council Members must be notified in writing or by telephone at least four (4) hours in advance

whenever possible.

- 2.6 **Meeting Minutes:** Minutes of all meetings (except Executive Sessions) shall be kept by the City Clerk and shall represent an official record of the Council proceedings. Minutes shall be submitted to the Council for approval and to the Mayor for signature. Lack of such approval or signature shall not invalidate the minutes as official records.
- 2.7 **Cablecast/Webcast Meetings:** To the extent possible, all regular meetings and special Council meetings shall be cablecast/webcast. Video will be retained by the City Clerk for one year and be available to the public for viewing.
- 2.8 **Audio-taped Meetings:** Executive Sessions dealing with labor negotiation discussions will be audio taped; those tapes will be retained for two years after the contracts are signed.
- 2.9 **Meeting Attendance:** Council Members are expected to attend all meetings. However, when unable to attend a meeting, Council Members should notify either the Mayor or the City Clerk. The Mayor shall announce the Council Member's absence.
- 2.10 **Break:** The Council may recess to a ten-minute break at 9 p.m.
- 2.11 **Adjournment:** Unless otherwise agreed to by at least a majority of the Council, all meetings of the Council shall be adjourned by 10:00 p.m. The Mayor should manage the meeting to conform to the adjournment time.

### 3. AGENDAS

The Agenda shall be prepared by the City Clerk and City Manager and shall contain the order of business of each meeting. It shall be delivered to Council Members each Thursday preceding the Monday meeting to which it pertains. Agenda items will be scheduled to meet the differing needs of those in attendance. The agenda and all supporting public material shall also be made available to the general public by noon on the Friday preceding a Council meeting and at the Council Meetings.

- 3.1 **Deadline for Agenda Items:** Generally, items to be considered should be submitted to the City Manager's office by noon on the Wednesday preceding the meeting. The City Manager may choose not to schedule items for a particular meeting when, in his/her opinion, other business to be considered at that meeting will likely consume the available time. Any two Council Members may request that the city manager place an item on an upcoming meeting agenda.

- 3.2 **Approval of Agenda:** The Mayor, Council Members or staff may propose additions, deletions or changes to the agenda. A majority vote of the Council is required to approve the agenda as proposed/amended. Any changes after the agenda has been formally approved shall require a two-thirds (2/3) vote of the Council.
- 3.3 **Consent Agenda:** Routine and non-controversial items shall be placed on the Consent Agenda which will be approved by one blanket motion. Any Council Member may request that items be withdrawn for separate consideration. If a Council Member has a question on a Consent Agenda item, they are to ask staff ahead of time, rather than having it pulled off for discussion during the meeting.

## 4. PUBLIC INPUT

Council Members recognize that public input is an essential component in the decision making process. Members further acknowledge the necessity of ensuring that persons who wish to speak be afforded an orderly opportunity to do so. Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Council Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- 4.1 **Restrictions:** Questions and comments from the public during a council meeting shall be limited to the subject under consideration. Depending on the length of the agenda and the number of persons wanting to participate, the Mayor may limit the time available for public comment and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. No persons shall enter into any discussion without being recognized by the Mayor. After a motion has been made or after a public hearing has been closed, no person shall address the Council without first securing permission from the Mayor.
- 4.2 **Public Hearings:** After a presentation by staff, the applicant shall have the right to speak first. Speakers representing either pro or con points of view will be allowed to follow. The Mayor will determine how much time will be allowed for each speaker (generally 3 to 5 minutes) and ask speakers to line up to speak. Council Members will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. Council Members should refrain from arguing or debating with the public and should always show respect for different points of view. The Mayor has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly. The Mayor or Council shall notify the speaker when the allotted time has expired to accommodate others wishing to speak.

- 4.3 **Addressing the Council:** Any member of the public desiring to address the Council shall complete an Addressing the Council Form and present it to the Clerk. The Mayor will call on the individual when that agenda item is discussed.

## 5. COUNCIL PROCEDURES/PROTOCOL

Councils are composed of individuals with a wide variety of backgrounds, personalities, values opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as the Council may “agree to disagree” on contentious issues. It is expected that there will be support for the majority position once votes have been taken. Roberts Rules of Order will be followed. The City Attorney will act as Parliamentarian.

- 5.1 **Motions:** Motions are a formal method of bringing business before the Council and for stating propositions on which the Council will move to make a decision. All motions require a second and a motion shall not be withdrawn by a mover without the consent of the person seconding it. No debate/discussion shall take place without a motion being placed on the floor.
- 5.2 **Voting Procedures:** Unless abstaining, every Council member shall vote. Failure to vote shall be recorded as a yes vote except in situations where a roll call vote has been requested. Tie votes shall be lost motions when all Council Members are present. If a tie vote results at a time when less than all members of the Council are present, the matter shall automatically be continued to the agenda of the next regular meeting unless otherwise ordered by the Council.

## 6. CODE OF CONDUCT AND ETHICS

### 6.1 Council Conduct with One Another

*Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.*

#### 6.1.1 In Public Meetings

- A. **Practice civility, professionalism and decorum in discussions and debate.** Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not, however, allow Council Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. Council Members

should conduct themselves in a professional manner at all times, including listening actively during Council meetings.

- B. **Honor the role of the Mayor or Mayor Pro Tem in maintaining order.** It is the responsibility of the Mayor to keep the comments of Council Members on track during public meetings. Council Members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- C. **Avoid comments that personally attack other Council Members.** If a Council Member is personally attacked by the comments of another Council Member, the offended Council Member should make notes of the actual words used and may call for a "point of order" to challenge the other Council Member to justify or apologize for the language used. The Mayor will maintain control of this discussion.
- D. **Demonstrate effective problem-solving approaches.** Council Members have a responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.
- E. **Be punctual and keep comments relative to topics discussed.** Council Members have made a commitment to attend meetings and partake in discussions. Therefore, it is important that Council Members be punctual and that meetings start on time. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discuss scheduled issues.
- F. **Endorsement of Candidates.** Council Members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings or functions.
- G. **Council Decisions.** Once a majority decision of the governing body has been made, respect that official position and defend it if needed, even if you personally disagreed.

#### **6.1.2 In Private Encounters**

- A. **Continue respectful behavior in private.** The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
- B. **Be aware of the insecurity of written notes, voicemail messages, social media and email.** Technology allows words written or said without much forethought to be distributed wide and far. How would you feel if this voicemail message was played on a speaker phone in a full office? What would happen if this email message was

forwarded to others? Written notes, social media postings, voicemail messages and email should be treated as potentially "public" communication.

- C. **Even private conversations can have a public presence.** Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.
- D. **Make no personal comments about other Council Members.** It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions.

## 6.2 Council Conduct with City Staff

*Governance of a City relies on the cooperative efforts of elected officials, who set policy and City staff, who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.*

- A. **Treat all staff as professionals.** Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments toward staff is not acceptable.
- B. **Limit contact to specific City staff.** Questions of City staff and/or requests for additional background information should be directed to the City Manager, City Attorney, or Department Heads, unless otherwise directed by the City Manager. The City Manager should be copied on or informed of any request.
- C. **Council direction to staff.** In accordance with Charter Section 2.10, individual Council Members cannot give direction to city staff either publicly or privately. The Council as a body may provide staff direction on matters that come before the Council.

Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Council Members should ask the City Manager for direction. Materials supplied to a Council Member in response to a request for information of interest to all Council Members will be made available to the entire Council so that all have equal access to the information.

- D. **Do not disrupt City staff from their jobs.** Except in extraordinary circumstances, Council Members should not disrupt City staff while they are in meetings, on the

phone, or engrossed in performing their job functions.

- E. **Never publicly criticize an individual employee.** Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
- F. **Do not get involved in administrative functions.** Council Members must not attempt to influence City staff on the making of employment or personnel decisions, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
- G. **Do not attend City staff meetings without permission from staff.** Even if the Council Member does not say anything, the Council Member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.
- H. **Limit requests for staff support.** Requests for additional staff support – even in high priority or emergency situations – should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.
- I. **Do not solicit political support from staff.** Council Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff.
- J. **Council, EDA and Commission agendas.** Staff's responsibility is to provide Council Members the information needed for informed decision-making. Every effort should be made to ask staff questions regarding Council, EDA and commission agendas before the meeting.
- K. **Don't speak ill of other Council Members to staff.** Staff has the responsibility to treat all Council Members equally. It puts staff in a compromising position when one Council Member criticizes other Council Members to staff.
- L. **Don't spring surprises on Council Members or City staff, especially at formal meetings.**

### 6.3 Council Conduct With The Public

#### 6.3.1 In Public Meetings

*Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Council Members*

*toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.*

- A. **Be fair and equitable in allocating public hearing time to individual speakers.** The Mayor will determine and announce limits on speakers at the start of the public hearing process and ensuring those with Brooklyn Park addresses have an opportunity to speak. Generally, each speaker will be allocated three minutes with applicants or their designated representatives may be allowed more time. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless agreed upon by the Council.

- B. **Ask for clarification, but avoid debate and argument with the public.** Only the Mayor – not individual Council Members – can interrupt a speaker during a presentation. However, a Council Member can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Council Member finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council Members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council Members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

- C. **No personal attacks of any kind, under any circumstance.** Council Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.
- D. **Follow parliamentary procedure in conducting public meetings.** The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full Council.

### **6.3.2 In Unofficial Settings**

- A. **Make no promises on behalf of the Council.** Council Members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, plow a specific street, plant new flowers in the median, etc.).
- B. **Make no personal comments about other Council Members.** It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions.
- C. **Council Members are constantly being observed by the community every day that they serve in office.** Their behaviors and comments serve as models for proper conduct in the City of Brooklyn Park. Honesty and respect for the dignity of each individual should be reflected in every word, communication, (whether in social media or otherwise), and action taken by Council Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

#### 6.4 Council Conduct with the Media

*Council Members may be contacted by the media for background and quotes.*

- A. **The Mayor is the official spokesperson for the representative on City position.** The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Council Member is contacted by the media, the Council Member should be clear about whether their comments represent the official City position or a personal viewpoint.
- B. **Choose words carefully and cautiously.** Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.
- C. **The best advice for dealing with the media is to never go "off the record."**
- D. **Inform the City Manager or Communications Coordinator.** If contacted by the media, the City Manager or Communications Coordinator should be informed. When possible the City Manager or Communications Coordinator should be consulted before communicating to the media.

#### 6.5 Council Conduct with Other Public Agencies

**Be clear about representing the City or personal interests.** If a Council Member appears before another governmental agency or organization to give a statement on an issue, the Council Member must clearly state:

- 1) If his or her statement reflects personal opinion or is the official stance of the City;
- 2) Whether this is the majority or minority opinion of the Council. Even if the Council Member is representing his or her own personal opinions, remember that this still may reflect upon the City as an organization.

If the Council Member is representing the City, the Council Member must support and advocate the official City position on an issue, not a personal viewpoint.

## **6.6 Council Conduct with Boards and Commissions**

The City has established several Boards and Commissions as a means of gathering more community input. Residents who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- A. **If attending a Board or Commission meeting in the role as liaison.** "Liaison" means non-voting member of a commission who shall speak on behalf of the Council (or staff) as a whole, not as an individual, thus providing a communication link between the commission and Council (or staff).
- B. **Limit contact with Board and Commission Members.** It is inappropriate for a Council Member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. Council Members may contact members of the Commission and staff liaison in order to clarify a position taken by the Board or Commission.
- C. **Remember that Boards and Commissions serve the community, not individual Council Members.** The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But, Board and Commission members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue.
- D. **Be respectful of diverse opinions.** A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members must be fair and respectful of all residents serving on Boards and Commissions.

## **7. CODE OF ETHICS**

### **7.1 Open Meeting Law**

- A. State law requires that, with certain exceptions, meetings of the City Council be open to

the public. A meeting is a gathering of a majority of City Council Members at which City business is discussed. It is not necessary that action be taken for a gathering to constitute a “meeting.”

- B. A meeting does not include chance, social gatherings as long as public business is not discussed.
- C. A majority of Council Members should not communicate with each other by phone, email, in-person, or otherwise, to discuss City business.
- D. Use of social media does not violate the open meeting law as long as the social media use is accessible to all Members of the public.

*See Minnesota Statutes, Chapter 13D for further information regarding the Open Meeting Law.*

## **7.2 Gift Law**

A City Council Member cannot accept a gift from someone who has an interest in any matter involving the City. A “gift” includes money, property, a services, a loan, forgiveness of a loan, or a promise of future employment. A “gift” does not include:

- A. campaign contributions;
- B. items costing less than \$5;
- C. items given to members of a group, the majority of whose members are not local officials;
- D. gifts given by family members; or
- E. food or beverages given at a reception, meal or meeting at which a Council Member is making a speech or answering questions as part of a program

*See Minnesota Statutes, Section 471.895 and City Charter, Section 14.04(A) for further information regarding the Gift Law.*

## **7.3 Conflict of interest**

- A. City Council Members cannot have a personal financial interest in a sale, lease, or contract with the City.
- B. City Council Members cannot participate in matters in which the Council Member’s own personal interest, financial or otherwise, is so distinct from the public interest that the

Council Member cannot be expected to fairly represent the public's interest when voting on the matter.

*See Minnesota Statutes, Sections 471.87-.88 and City Charter, Section 14.04(A) for further information regarding conflicts of interest.*

## **8. ACCOUNTABILITY/CONSEQUENCES**

### **8.1 A potential action for failing to comply with this code of conduct may include the following:**

1. **Admonition.** An admonition shall be verbal non-public statement made by the Mayor to the Council Member.

2. **Reprimand.** A reprimand shall be administered to the Council Member by letter. The letter shall be approved by the City Council and shall be signed by the Mayor.

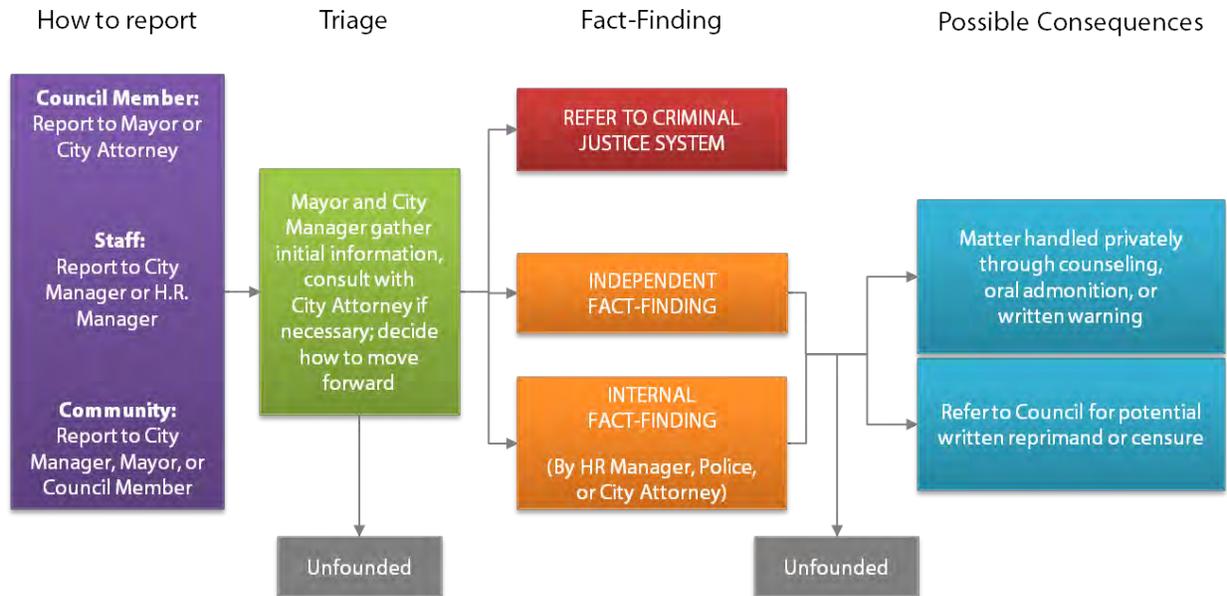
3. **Censure.** A censure shall be administered pursuant to a formal resolution adopted by the Council.

### **8.2 Council Members' Behavior and Conduct**

- A. City Council Members who violate the code of this conduct are subject to admonition, reprimand, or censure. Any violations that potentially constitute criminal conduct shall be handled by the criminal justice system.
- B. Factors that will be considered in determining the appropriate consequence include but are not limited to the following: seriousness of the violation and number of preceding violations.
- C. Procedures for reporting:
  - 1. A member of the Brooklyn Park City Council may report a potential code of conduct violation by a member of the City Council by bringing the matter to the attention of the Mayor, City Manager, or City Attorney.
  - 2. A Brooklyn Park staff member may report a potential code of conduct violation by a member of the City Council by bringing the matter to the attention of the City Manager or Human Resources Manager.
  - 3. If the potential violation involves the Mayor, it should be brought to the attention of the Mayor Pro Tem or City Attorney.
  - 4. A community member may report potential code of conduct violations by a member of the City Council to the Mayor, City Manager or any member of the City Council.

- D. Upon receipt of a complaint, the following diagram highlights the process that will be used:

### Reporting and Addressing Possible Code of Conduct Violations



- E. For inappropriate statements or conduct by Council Members occurring during a Council meeting, a verbal correction by the Mayor will normally be the first step to address the matter either during or outside of the Council meeting. Further incidents may be addressed by subsequent verbal corrections accompanied by use of the gavel. Repeated incidents can give rise to the Mayor not recognizing the offending Council Member to speak. A Council Member can request that the Mayor take any of these actions against an offending Council Member if the Mayor has not done so on his/her own.

### Postlude

It all comes down to respect.

- Respect for one another as individuals.
- Respect for the validity of different opinions.
- Respect for the democratic process.
- Respect for the community that we serve.



## 9. GLOSSARY OF TERMS

### 9.1 Glossary

<b>Admonition</b>	An act or action of admonishing; authoritative counsel or warning
<b>Attitude</b>	The manner in which one shows one's dispositions, opinions, and feelings
<b>Behavior</b>	External appearance or action; manner of behaving; carriage of oneself civility Politeness, consideration, courtesy
<b>Censure</b>	Express severe disapproval of (someone or something), typically in a formal statement
<b>Civility</b>	Formal politeness and courtesy in behavior and speech
<b>Conduct</b>	The way one acts; personal behavior
<b>Courtesy</b>	Politeness connected with kindness
<b>Decorum</b>	Suitable; proper; good taste in behavior
<b>Manners</b>	A way of acting; a style, method, or form; the way in which things are done
<b>Point of order</b>	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
<b>Point of personal privilege</b>	A challenge to a speaker to defend or apologize for comments that a fellow Council member considers offensive
<b>Propriety</b>	Conforming to acceptable standards of behavior
<b>Protocol</b>	The courtesies that are established as proper and correct
<b>Reprimand</b>	Express sharp disapproval or criticism of (someone) because of their behavior or actions.
<b>Respect</b>	The act of conducting ones behavior in a courteous manner.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.14	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A		
<b>Item:</b>	Appointment of Acting City Manager		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO AUTHORIZE THE CITY MANAGER TO DESIGNATE A DEPARTMENT DIRECTOR, FIRE CHIEF, POLICE CHIEF OR THE ASSISTANT CITY MANAGER TO SERVE, IF NEEDED, AS ACTING CITY MANAGER THROUGH DECEMBER 31, 2019.

## Overview:

City Charter Section 7.01, THE CITY MANAGER, states, in part, "...During any absence or disability of the City Manager, the City Council shall appoint an Acting Manager, properly qualified and capable to perform the duties of City Manager."

It is my recommendation that the City Manager shall designate a department director, Fire Chief, Police Chief or the Assistant City Manager as Acting City Manager in the absence of the City Manager, if needed, through December 31, 2019.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.15	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Jay Stroebe, City Manager
<b>Item:</b>	Review and Approval of the Policy Pertaining to the Application and Appointment Procedure for Filling a Vacancy in the Office of Mayor or City Council Member		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE THE APPLICATION AND APPOINTMENT POLICY FOR FILLING A VACANCY IN THE OFFICE OF MAYOR OR COUNCIL MEMBER.

## Overview:

The policy is a guide for the Council and the public to follow for filling a vacancy in the office of Mayor and Council Member with less than 365 days remaining on a term.

The Application and Appointment policy was reviewed and approved at its January 8, 2018 meeting. The policy is before you tonight for an annual review and approval by the Council.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

4.15A MAYOR/COUNCIL MEMBER APPLICATION AND APPOINTMENT POLICY



## MAYOR/CITY COUNCIL MEMBER APPLICATION AND APPOINTMENT POLICY

### A. Purpose:

The purpose of this policy is to establish application and appointment procedures to appoint a Mayor or Council Member to fill a Council vacancy declared by the Council and there is less than 365 days remaining on the term as the result of the following:

1. The failure of any person elected to qualify on or before the date of the second regular meeting of the new Council.
2. Death.
3. Resignation.
4. Failure to perform any of the duties of Council Member for a continuous period of ninety (90) days.
5. Conviction of a felony.
6. A judgment of incompetence by a court of competent jurisdiction.
7. Member removed by recall.
8. Council Member is elected Mayor or Mayor is elected to a Council seat.
9. Member no longer resides in the City of Brooklyn Park or, in the case of a Council Member, the district the member represents. If the process of redistricting changes a Council Member's district, that Council Member shall continue to represent the district until the member's term expires.
10. Council Member forfeits office in accordance with Section 14.04 (B) or any reason specified by law.

### B. Procedure:

If any of the foregoing is determined to have happened, the Council shall, by resolution at the next regular or special Council meeting declare a vacancy on the Council to exist. Declaration date of vacancy shall be the date of the Council meeting at which the resolution is adopted. Vacancies must be publicly declared by resolution, posted at City Hall, and with notification to be given by any other practical means.

If less than 365 days remain in the term, the Council may appoint an eligible person to fill the office for the balance of the unexpired term using the procedure. The candidate receiving a majority of votes of all members of the Council must be appointed to fill the vacancy. If no candidate receives a majority of votes, additional votes may be taken. If the Council fails to make an appointment within 45 days after the declaration, or if the Council votes three times on the appointment and fails to fill the vacancy, the Mayor must, within 60 days after declaration appoint an eligible person to fill the vacancy.

**C. Public Notices**

Upon declaration of the vacancy the city clerk will post notices in the local newspaper, city website, social media and at City Hall. (Example attached)

**D. Application Process**

Applications will be available online at [www.brooklynpark.org](http://www.brooklynpark.org) and at Brooklyn Park City Hall, City Manager's Office, 5200 85<sup>th</sup> Avenue North, between 8:00 a.m. and 4:30 p.m. Contact the City Clerk at 763-493-8180 for further information. Applications are due no later than 4:30 p.m. on the date specified by the Council. Applications can be returned City Hall by mail, in person, or by email to [bpcityclerk@brooklynpark.org](mailto:bpcityclerk@brooklynpark.org).

**E. Selection of Finalists**

The City Council will review all applications. If there is only one applicant, the recruitment period shall be extended provided that the deadline established in Section 2.06 of the City Charter for making an appointment is not jeopardized. After reviewing all candidate applications, the City Council will announce the finalists and the process for the interviews at a regular or special meeting.

**F. Finalist Interviews**

The City Council will interview finalists at a regular or special meeting to be held in the Council Chambers at City Hall.

**G. Selection**

Voting on the selection of a Council Member or Mayor will be scheduled at a regular or special meeting. (See attached selection Instructions.) The selected candidate will be sworn in at a regular or special meeting.

## MAYOR/CITY COUNCIL SELECTION INSTRUCTIONS

The City Council will receive applications for Mayor or Council Member until the determined deadline. If there is only one applicant, the recruitment period shall be extended provided that the deadline established in Section 2.06 of the City Charter for making an appointment is not jeopardized.

### Council Member Vacancy

1. The City Council will review the applications and select at least two applicants for interviews.
2. The selected applicants will be interviewed by the City Council at a regular or special meeting.
3. After the interviews are completed, at the next Council meeting, a motion to appoint a Council Member shall be made as follows: "Motion to appoint \_\_\_\_\_ to serve the balance of the unexpired term of [DISTRICT] Council Member [NAME]."
4. If the motion fails, the Council has two more votes to appoint an applicant.
5. If a Council Member applicant is not appointed by the Council within 45 days, the Mayor must within 60 days of the declaration make the appointment from the applicants selected by the Council.
6. At a regular or special meeting the Mayor will state "I Mayor [NAME] appoint \_\_\_\_\_ to serve the balance of the unexpired term of [DISTRICT] Council Member [NAME]."
7. The applicant appointed will take their Oath of Office as soon as possible to begin their term on the City Council.

### Mayor Vacancy

1. The City Council will review the applications and select at least two applicants for interviews.
2. The selected applicants will be interviewed by the City Council and Mayor Pro Tem at a regular or special meeting.
3. After the interviews are completed, at the next Council meeting, a motion to appoint a Mayor shall be made as follows: "Motion to appoint \_\_\_\_\_ to serve the balance of the unexpired term of Mayor [NAME]."
4. If the motion fails, the Council has two more votes to appoint an applicant.
5. If a Mayor applicant is not appointed by the Council within 45 days, the Mayor Pro Tem must within 60 days of the declaration make the appointment from the applicants selected by the Council.
6. At a regular or special meeting the Mayor Pro Tem will state: "I Mayor Pro Tem [NAME] appoint \_\_\_\_\_ to serve the balance of the unexpired term of Mayor [NAME]."
7. The applicant appointed will take their Oath of Office as soon as possible to begin their term on the City Council.

**(Notice Example)****NOTICE OF COUNCIL VACANCY**

**NOTICE IS HEREBY GIVEN** that the City of Brooklyn Park is accepting applications from Brooklyn Park residents interested in an appointment to fill the remaining term of a Mayor/Council seat. The term expires on [DATE].

The Council may appoint any individual who is eligible for election to the office of City Council. To be eligible, a person must be a U.S. citizen, a resident of the City and at least 21 years old.

Application forms are available at City Hall, 5200 85<sup>th</sup> Avenue North, Brooklyn Park, MN 55443, or by contacting the City Clerk at 763-493-8180, or via e-mail at [bpcityclerk@brooklynpark.org](mailto:bpcityclerk@brooklynpark.org).

Applications are due by 4:30 p.m. on [DATE]. Applications will be reviewed and interviews conducted with the City Council prior to the Council making an appointment to fill the position.

Devin Montero, City Clerk

To be published in the Sun Post on [DATE]

*Other Suggested Postings:*

- *Brooklyn Park City Hall*
- *Cable Access Channel*
- *City of Brooklyn Park website*
- *Twitter*
- *Facebook*
- *Minority Newspapers*

***(Example Letter)***

TO: Mayor/Council Member Applicants

RE: City Council Appointment

Thank you for your interest in being appointed to the Brooklyn Park City Council.

The position involves three regular Council meetings each month which are held on the first, second and fourth Mondays at 7:00 p.m. in the City Hall Council Chambers and an Economic Development Authority meeting which is held on the third Monday of each month at 7:00 p.m. at City Hall.

Special meetings may be called as the need arises. The Mayor/Council Member will be appointed to serve on other boards, committees, or task forces.

Enclosed is an application and questionnaire to be completed and returned to City Hall. The forms returned will be given to the Council for their review. The Council will then interview all interested applicants prior to their [DATE], City Council Meeting beginning at 7:00 p.m. in the City Hall Council Chambers.

If you have any further questions, please feel free to contact City Hall. The application and questionnaire should be returned to City Hall no later than [DATE], at 4:30 p.m.

Sincerely,

Jay Stroebel  
City Manager

APPOINTMENT SCHEDULE:

[DATE], [TIME]	Deadline for Applications
[DATE], [TIME]	Council Reviews Applications and selects Finalist
[DATE], [TIME]	Council conducts interviews at a regular or special meeting
[DATE], [TIME]	Council makes the appointment to fill the remaining term at a regular or special meeting

**(Example Application)**

**CITY OF BROOKLYN PARK  
5200 85<sup>TH</sup> AVENUE NORTH  
BROOKLYN PARK, MN 55443**

**APPLICATION FOR POSITION OF MAYOR/COUNCIL MEMBER**

The City prohibits discrimination on the basis of race, color, creed, religion, national origin, sex, sexual orientation, marital status, status with regard to public assistance, membership, or activity in a local commission, disability, or age in all aspects of our personnel policies, practices, and operations.

The position involves three regular meetings each month, held on the first, second and fourth Mondays at 7:00 p.m. at City Hall, and an Economic Development Authority meeting on the third Monday of each month at 7:00 p.m. at City Hall. Special meetings are called as needed. A Council Member will be appointed to serve on other boards, committees, and task forces.

NAME: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Email: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

**(Example Questions)**

1. How long have you lived in Brooklyn Park?
2. What is your current occupation and where do you work?
3. Being part of the City Council requires attendance at nighttime meetings and functions. Does your work schedule allow you to attend those occasional meetings?
4. Briefly describe your involvement in the Brooklyn Park Community including the organizations to which you currently belong as well as organizations in which you've been active in the past.
5. What aspects of your current or past occupation(s) will help you as a Mayor/Council Member?
6. Have you ever participated as a citizen on any advisory committee? Explain your experience.
7. What do you think are the major issues currently facing the City?
8. Why does the appointment to this elective office interest you? Why should the City Council appoint you to this vacancy?

**Qualifications for Office:**

- I will be 21 years of age.
- I will have been a resident of the City of Brooklyn Park for 30 days prior to [Date/Month].
- I have not been convicted of a felony, or if convicted, I have had my civil rights restored.

I have read and understand the above qualifications of office and they are true. I also attest that the answers on this application are true and correct.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	5.1	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Public Hearings	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Megan Bookey, Program Assistant III
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Keith Jullie, Rental and Business Licensing Manger
<b>Item:</b>	Approve an On-Sale Intoxicating Liquor License for Ruelas WBL LLC dba El Rancho Mexican Restaurante, Located at 1408 85 <sup>th</sup> Avenue North		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE AN ON-SALE INTOXICATING LIQUOR LICENSE FOR RUELAS WBL LLC DBA EL RANCHO MEXICAN RESTAURANTE, LOCATED AT 1408 85<sup>TH</sup> AVENUE NORTH.

## Overview:

This is a new license for Ruelas WBL LLC, doing business as El Rancho Mexican Restaurante, located at 1408 85<sup>th</sup> Avenue North.

The Community Development Department approved the application on December 13, 2018. The Fire Department's last inspection was on January 12, 2018. The Police Department has completed their investigation of the new owner.

The Community Development Department, Fire Department and Police Department find no reason that would preclude the issuance of this license. Their reports are on file in the Business and Rental Licensing Division and are available upon request.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	7.1	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	General Action Items	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Daniela Lorenz, Business Development Coordinator
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Mayor Jeffrey Lunde
<b>Item:</b>	Appoint a Director to the Brooklyn Park Development Corporation (BPDC) Board of Directors		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPOINT \_\_\_\_\_ TO THE BROOKLYN PARK DEVELOPMENT CORPORATION'S BOARD OF DIRECTORS TO SERVE A TERM BEGINNING IMMEDIATELY AND ENDING JANUARY 1, 2022.

## Overview:

In the early 1990s, the Economic Development Authority formed a limited partnership, the Brooklyn Park Development Fund, for the purpose of establishing a small business loan program. The Brooklyn Park Development Corporation was also formed as a non-profit for the purpose of acting as the general partner of the Fund, with the EDA acting as the limited partner. BPDC offers two loans, a fixed rate real estate and equipment loan for \$100,000-\$300,000 that can be used to purchase fixed assets including land, building machinery, and equipment and a small business micro loan up to \$50,000 for working capital, inventory, equipment, and general operations.

The Brooklyn Park Development Corporation bylaws state that all representatives on the Board of Directors shall be appointed by the City Council. Staff inquired at local financial institutions about interest in the board. Two individuals from local financial institutions applied.

Interviews to fill the Brooklyn Park Development Corporation vacancy were held at the December 10, 2018 Council meeting.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	7.2	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	General Action Items	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Marlene Kryder, Program Assistant
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	Jeffrey Lunde, Mayor
<b>Item:</b>	Appointment of Council Liaisons to Commissions and Committees		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO CONFIRM THE MAYOR'S COUNCIL LIAISON APPOINTMENTS TO COMMISSIONS AND COMMITTEES FOR THE YEAR 2019.

MAYOR LUNDE TO APPOINT \_\_\_\_\_, \_\_\_\_\_ AND \_\_\_\_\_ AS MEMBERS OF THE AUDIT COMMITTEE.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON BETWEEN THE CITY COUNCIL AND THE BUDGET ADVISORY COMMISSION.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON BETWEEN THE CITY COUNCIL AND THE CHARTER COMMISSION.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON BETWEEN THE CITY COUNCIL AND THE COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON BETWEEN THE CITY COUNCIL AND THE HUMAN RIGHTS COMMISSION.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON BETWEEN THE CITY COUNCIL AND THE PLANNING COMMISSION.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON BETWEEN THE CITY COUNCIL AND THE RECREATION AND PARKS ADVISORY COMMISSION.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS THE COUNCIL REPRESENTATIVE BETWEEN THE CITY COUNCIL AND THE BROOKLYN PARK DEVELOPMENT CORPORATION (BALANCE OF A THREE-YEAR TERM TO EXPIRE FEB. 27, 2020).

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON AND \_\_\_\_\_ AS ALTERNATE LIAISON BETWEEN THE CITY COUNCIL AND THE BROOKLYNS YOUTH COUNCIL.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON AND \_\_\_\_\_ AS ALTERNATE LIAISON BETWEEN THE CITY COUNCIL AND THE BROOKLYN BRIDGE ALLIANCE.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON AND \_\_\_\_\_ AS ALTERNATE LIAISON BETWEEN THE CITY COUNCIL AND THE FIRE RELIEF ASSOCIATION.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON AND \_\_\_\_\_ AS ALTERNATE LIAISON BETWEEN THE CITY COUNCIL AND MINNEAPOLIS NORTHWEST TOURISM BOARD.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON BETWEEN THE CITY COUNCIL AND NORTH METRO MAYORS ASSOCIATION.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON AND \_\_\_\_\_ AS ALTERNATE LIAISON BETWEEN THE CITY COUNCIL AND THE NORTHWEST SUBURBS CABLE COMMUNICATIONS COMMISSION.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON BETWEEN THE CITY COUNCIL AND THE PROPERTY MANAGER'S COALITION.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON BETWEEN THE CITY COUNCIL AND THE TATER DAZE PLANNING TEAM.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON AND \_\_\_\_\_ AS THE ALTERNATE LIAISON TO THE HENNEPIN COUNTY BOTTINEAU CORRIDOR STEERING COMMITTEE.

MAYOR LUNDE TO APPOINT \_\_\_\_\_ AS LIAISON AND \_\_\_\_\_ AS THE ALTERNATE LIAISON TO BOTTINEAU LRT CORRIDOR MANAGEMENT COMMITTEE.

**Overview:**

Council Liaisons need to be appointed to be in compliance with Resolution #2018-20 Establishing Standards for City Boards and Commission, Section 12 d. Liaisons. "The Mayor must annually appoint one Council member as an ex-officio member without voting rights to each advisory commission who shall serve as liaison between the Council and the Commission."

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:**

- 7.2A 2019 COUNCIL LIAISON FORM
- 7.2B COUNCIL LIAISON APPOINTMENTS FROM PRIOR YEARS

## 2019 COUNCIL LIAISONS/DELEGATES TO CITY COMMITTEES/COMMISSIONS

	Mayor Lunde	Lisa Jacobson	Mark Mata	Terry Parks	Susan Pha	Wynfred Russell	Tonja West- Hafner
Audit Committee							
Budget Advisory Commission (BAC) 7:00 p.m. - 4 <sup>th</sup> Tues. (no meetings in July and December)							
Charter Commission 2 <sup>nd</sup> Wed., 7:00 p.m.							
Community Long-range Improvement Commission (CLIC) 2 <sup>nd</sup> Thurs., 7:00 p.m.							
Human Rights Commission 3 <sup>rd</sup> Thurs., 6:00 p.m.							
Planning Commission 2 <sup>nd</sup> and 4 <sup>th</sup> Wed., 7:00 p.m.							
Recreation and Parks Advisory Commission 3 <sup>rd</sup> Wed., 6:30 p.m.							
Brooklyn Park Development Corporation	_____ appointed as Council Representative for the balance of a 3-year term to expire Feb. 27, 2020 Jeffrey Lunde appointed as the EDA Representative Feb. 27, 2017 for a 3-year term						
Business Forward Advisory Board 1 <sup>st</sup> Tuesday Sept thru May 4:00 – 5:30	Lisa Jacobson appointed as Council Representative Feb. 27, 2017 for a 3-year term						
Brooklyns Youth Council (primary and alternate)							
Brooklyn Bridge Alliance (primary and alternate)							
Fire Relief Association Mon. (monthly), 5:30 p.m. (primary and alternate)							
Minneapolis Northwest Tourism Board (primary and alternate)							
North Metro Mayors Assn. 6 times per yr							
Northwest Suburbs Cable Communications Commission 3 <sup>rd</sup> Thurs., 7:30 a.m. Qtrly (primary and alternate)	Official City Representative Alternate						
Property Mgr's. Coalition Quarterly – time varies							
Tater Daze Planning Team 1 <sup>st</sup> Tues., 6:30 p.m.							
Suburban Rate Authority (director and alternate director)							

Hennepin County Bottineau Corridor Steering Committee (primary and alternate) Monthly, Thursdays, 1:30 – 3:00 (currently, meetings qtrly) (primary and alternate)							
Bottineau LRT Corridor Management Committee Quarterly, Wednesdays, 1:30 – 3:00 (primary and alternate)							

## 2018 COUNCIL LIAISONS/DELEGATES TO CITY COMMITTEES/COMMISSIONS

	Mayor Lunde	Rich Gates	Lisa Jacobson	Bob Mata	Mark Mata	Terry Parks	Susan Pha
Audit Committee	✓				✓		✓
Budget Advisory Commission 7:00 p.m. - 4 <sup>th</sup> Tues. (no meetings in July and December)	✓						
Charter Commission 2 <sup>nd</sup> Wed., 7:00 p.m.					✓		
Citizen Long-range Improvement Committee (CLIC) 2 <sup>nd</sup> Thurs., 7:00 p.m.		✓					
Human Rights Commission 3 <sup>rd</sup> Thurs., 6:00 p.m.				✓			
Planning Commission 2 <sup>nd</sup> and 4 <sup>th</sup> Wed., 7:00 p.m.			✓				
Recreation and Parks Advisory Commission 3 <sup>rd</sup> Wed., 6:30 p.m.						✓	
Brooklyn Park Development Corporation	Bob Mata appointed as Council Representative Feb. 27, 2017, for a 3-year term Jeffrey Lunde appointed as EDA Representative Feb. 27, 2017, for a 3-year term						
Business Forward Advisory Board 1 <sup>st</sup> Tuesday Sept thru May 4:00 – 5:30	Lisa Jacobson appointed as Council Representative Feb. 27, 2017, for a 3-year term						
Brooklyns Youth Council							✓
Fire Relief Association Mon. (varies), 5:30 p.m.		✓ (Primary)	✓ (Alternate)				
Northwest Suburbs Cable Communications Commission 3 <sup>rd</sup> Thurs., 7:30 a.m.	Jay Stroebel, Official City Representative Jeffrey Lunde, Alternate						
Property Mgr's. Coalition Quarterly – time varies			✓				
Tater Daze Planning Team 1 <sup>st</sup> Tues., 6:30 p.m.			✓				
Suburban Rate Authority	Jesse Struve, Director; LaTonia Green Alternate Director to SRA for 2018						

## 2017 COUNCIL LIAISONS/DELEGATES TO CITY COMMITTEES/COMMISSIONS

	Mayor Lunde	Rich Gates	Lisa Jacobson	Bob Mata	Mark Mata	Terry Parks	Susan Pha
Audit Committee		✓		✓	✓		
Budget Advisory Commission 7:00 p.m. - 4 <sup>th</sup> Tues. (no meetings in July and December)			✓				
Charter Commission 2 <sup>nd</sup> Wed., 7:30 p.m.						✓	
Citizen Long-range Improvement Committee (CLIC) 2 <sup>nd</sup> Thurs., 7:00 p.m.					✓		
Human Rights Commission 3 <sup>rd</sup> Thurs., 7:00 p.m.							✓
Planning Commission 2 <sup>nd</sup> and 4 <sup>th</sup> Wed., 7:00 p.m.							✓
Recreation and Parks Advisory Commission 3 <sup>rd</sup> Wed., 6:30 p.m.				✓			
Brooklyn Historical Society	✓						
Brooklyns Youth Council		✓					
Fire Relief Association Mon. (varies), 5:30 p.m.		✓	✓ (Alternate)				
Northwest Hennepin Human Services Council 2 <sup>nd</sup> Wed., 9-10:30 a.m.	Jay Stroebel, Official City Representative Terry Parks, Alternate						
Northwest Suburbs Cable Communications Commission 3 <sup>rd</sup> Thurs., 7:30 a.m.	Jeffrey Lunde, Official City Representative						
Property Mgr's. Coalition Quarterly – time varies				✓			
Tater Daze Planning Team 1 <sup>st</sup> Tues., 7:00 p.m.	✓						
Suburban Rate Authority	Jesse Struve, Director; Jeanette Boit-Kania Alternate Director to SRA for 2017						

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	7.3	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	General Action Items	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A		
<b>Item:</b>	Appointment of Mayor Pro Tem		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPOINT \_\_\_\_\_ AS MAYOR PRO TEM FOR THE YEAR 2019.

## Overview:

City Charter Section 2.07: "The Council shall choose from its members a Mayor Pro Tem who shall hold office at the will of the Council and shall serve as Mayor in case of the Mayor's disability or absence from the city, or in case of a vacancy in the office of Mayor until a qualified successor has been elected or appointed."

On January 8, 2018, Council Member Terry Parks was appointed Mayor Pro Tem for 2018 and was unanimously approved by the Council.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	7.4	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	General Action Items	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Marlene Kryder Program Assistant
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Mayor Jeffrey Lunde
<b>Item:</b>	Appointment to the Human Rights Commission		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO CHANGE MARY PARGO'S APPOINTMENT TO REPRESENT THE CITY AT-LARGE ON THE HUMAN RIGHTS COMMISSION EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2019. (Mary Pargo resides East, represents Central - appointment change replacing Linda Freemon, City At-large)

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPOINT \_\_\_\_\_ TO THE HUMAN RIGHTS COMMISSION REPRESENTING THE CENTRAL DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2019 AND FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022. (Replacing Mary Pargo's Central District appointment)

## Overview:

Mary Pargo resides in the East District and has been representing the Central District. The first motion will change Ms. Pargo's appointment to represent the City At-large (Linda Freemon's position). Both terms end Apr. 1, 2019. This district change will create a Central opening.

On Nov. 13, 2018, four applicants interviewed to fill a single vacancy on the Human Rights Commission, and the Council made an appointment on Nov. 26. Another vacancy occurred on Dec. 17, 2018. Per Resolution #2018-20, if a vacancy occurs within 90 days of applicant interviews, the Council may appoint a commissioner from that applicant pool without providing notification of the vacancy.

The current geographical representation on the Human Rights Commission is three commissioners from the Central District, four from the East District, and one from the West District. Of the three other Nov.13 interviewees, two reside in the East District (RuthAnn Crim and Abrar Rageh), and one resides in the West District (Aja King). To best balance the geographical district requirements, the West District applicant, Aja King, is proposed for appointment.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

7.4A PUBLIC DIRECTORY

# HUMAN RIGHTS COMMISSION

## Public Directory - 2018

Ordinance #1993-726 was adopted by the City Council on July 12, 1993, adding Section 290 to the City Code establishing a Human Relations Commission. Ordinance #2007-1078, effective November 25, 2007, changed the name to the Human Rights Commission. The Commission was established for the purpose of securing for all residents equal opportunity in employment, housing, public accommodations, public services, education, and full participation in the affairs of the city by assisting the Minnesota Department of Human Rights in implementing state laws against discrimination and by advising the City Council in long-range programs to ensure human service needs are met. The Commission is comprised of nine residents, one staff liaison and one Council liaison. Term length is three years. Members are limited to two full consecutive terms per Resolution #2018-20. Meetings are held the 3rd Thursday of every month at 6:00 p.m. at City Hall.

<b>Name/Address</b>	<b>Phone</b>	<b>Appointment History</b>	<b>Term Ends</b>
<b>Dawano, Edao*</b> 9177 Nevada Avenue N Brooklyn Park, MN 55445 <b>Residing District:</b> Central <b>Representing:</b> West	612-990-0414	<b>Date Appointed:</b> Mar. 20, 2017 <b>Replacing:</b> Jean Maierhofer	April 1, 2020
<b>Eriksen, Christian</b> 4501 78 <sup>th</sup> Avenue N Brooklyn Park, MN 55443 <b>Residing District:</b> Central <b>Representing:</b> At-large	773-610-4742	<b>Date Appointed:</b> Mar. 20, 2017 <b>Replacing:</b> Kendra Kuhlmann	April 1, 2020
		<b>Date Appointed:</b> <b>Replacing:</b> Linda Freemon	April 1, 2019 ←
<b>Residing District:</b> <b>Representing:</b> At-large			
<b>Hostetler, John Mark</b> 6272 Yukon Avenue N Brooklyn Park, MN 55428 <b>Residing District:</b> West <b>Representing:</b> West	763-232-6242	<b>Date Appointed:</b> Mar. 13, 2018 <b>Replacing:</b> Michael Fowler	April 1, 2021
<b>Hussain, Nausheena</b> 9136 West River Road Brooklyn Park, MN 55444 <b>Residing District:</b> East <b>Representing:</b> East	763-315-4775	<b>Date Appointed:</b> Aug. 27, 2018 <b>Replacing:</b> Jacqueline Coleman	April 1, 2020

<b>Name/Address</b>	<b>Phone</b>	<b>Appointment History</b>	<b>Term Ends</b>
<b>Lewis, Deborah</b> 10715 Regent Avenue N Brooklyn Park, MN 55443 <b>Residing District:</b> Central <b>Representing:</b> Central	612-668-2333	<b>Date Appointed:</b> Nov 26, 2018 <b>Replacing:</b> John Warren	April 1, 2021
<b>Pargo, Mary*</b> 1604 84 <sup>th</sup> Ct N Brooklyn Park, MN 55444 <b>Residing District:</b> East <b>Representing:</b> Central	763-496-1489	<b>Date Appointed:</b> Aug. 27, 2018 <b>Replacing:</b> Jamison Smith	April 1, 2019 ←
<b>Vang, Ty</b> 1500 79 <sup>th</sup> Avenue N Brooklyn Park, MN 55444 <b>Residing District:</b> East <b>Representing:</b> East	612-242-0817	<b>Date Appointed:</b> Mar. 14, 2016 <b>Replacing:</b> Reva Chamblis	April 1, 2019
<b>Volltrauer, Scott</b> 7757 Newton Avenue N Brooklyn Park, MN 55444 <b>Residing District:</b> East <b>Representing:</b> City At-large	612-564-5766	<b>Date Appointed:</b> Mar. 12, 2018 <b>Replacing:</b> Edmond Gray <b>Date Reappointed:</b> Mar. 12, 2018	April 1, 2021

\*Indicates commissioner is representing district outside of residing district

**Bob Mata, Council Liaison**  
6288 Yukon Avenue N  
Brooklyn Park, MN 55428  
vm 763-315-8442  
ph 763-560-1975  
bob.mata@brooklynpark.org

**Wokie Freeman-Gbogba, Staff Liaison**  
5200 85th Avenue N  
Brooklyn Park, MN 55443  
w 763-493-8005  
wokie.freeman@brooklynpark.org

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	7.5	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	General Action Items	<b>Originating Department:</b>	Finance Department
<b>Resolution:</b>	X	<b>Prepared By:</b>	LaTonia Green, Finance Director
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	LaTonia Green
<b>Item:</b>	Public Purpose Expenditures Policy Approval		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-\_\_\_\_\_ ACCEPTING THE CURRENT PUBLIC PURPOSE EXPENDITURES POLICY.

## Overview:

The Public Purpose Expenditures Policy is required to be reviewed annually and approved by the City Council. No change is being proposed for 2019. Staff is working on updating the city's purchasing policy. The Public Purpose Expenditures Policy will also be reviewed as part of this initiative.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

- 7.5A RESOLUTION
- 7.5B PUBLIC PURPOSE EXPENDITURES POLICY

RESOLUTION #2019-

RESOLUTION ACCEPTING  
THE PUBLIC PURPOSE EXPENDITURES POLICY

WHEREAS, the Public Purpose Expenditures Policy is reviewed annually by the City Council; and

WHEREAS, the City Council elects to accept and implement the current Public Purpose Expenditures Policy as written in the attached policy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the attached Public Purpose Expenditures Policy be accepted.

**Standing Executive  
Policy SE.12  
“Public Purpose Expenditures”**

The following items are deemed to meet the Council definition of Public Purpose Expenditures. The annual review of the Public Purpose Expenditures Policy shall be at a time no later than the approval of the following year’s budget. The review shall be held under the General Action Items section of the Council agenda. With respect to the following categories of spending, all other uses are inappropriate.

**1. Meals and Refreshments:**

- a. Are allowed as part of a city business meeting that involves non-city employees.
- b. Are part of an official City business meeting when it is the only practical time to meet and when involves non-city employee participants (i.e. business developers or business representatives). Only the expenses incurred by city employee(s) may be reimbursed. The City Manager may allow exceptions when deemed in the interest of the City.
- c. Are allowed at non-routine, official meetings of the City Council, Committees, task forces or subgroups (such as retirements or recognition).
- d. Is part of the structured agenda for an offsite conference, workshop, seminar, training session, or meeting the City Manager or a department director has authorized the employee to attend for training and development purposes.
- e. Are allowed at department-sponsored meetings, conferences or workshops where the majority of invited participants are not city employees.
- f. Are allowed at department-sponsored events where registration fees are charged and the majority of invited participants are not city employees.
- g. Are allowed at meetings consisting primarily of city employees where refreshments and/or food are an integral part of the event and are necessary to sustain the flow of the meeting, and if the meeting meets one of the following criteria:
  - 1) A department-wide annual staff meeting for all employees; or
  - 2) A non-routine senior staff or organizational meeting; or
  - 3) An organization-wide or department-wide annual staff meeting for all managers/supervisors; or
  - 4) A structured training session of a minimum length of three (3) hours and held no more than once per quarter may include refreshments.
  - 5) A structured all-employee event to promote the City’s Mission and Operational Values held no more than once per quarter may include refreshments.

All meetings shall be scheduled to minimize inclusion of meals, and be approved in advance by the City Manager.

- h. A dinner meal for staff during performance of election-related duties on Election Day.
- i. Are for the purpose of hydration, bottled water for random U.S. Department of Transportation Commercial Driver’s License (CDL) drug/alcohol testing in accordance with federal regulation.
- j. Provide a meal on Christmas Day and Thanksgiving Day for staff that are required to be on duty over the evening dinner hour.

## **2. Recognition Events/Purchases**

a. The City Manager may authorize modest expenditures for food and refreshments for the following annual employee events:

- 1) Department Level or all Employee Picnic
- 2) Clean Up Day Breakfast
- 3) Employee Recognition Celebration

No expenditures shall be made for spouses or friends of employees attending these events.

b. Recognition gift purchases must not exceed \$25 per employee, unless part of a Council-approved employee compensation program. Recognition gift purchases over \$25 but less than \$100 per employee, such as caps, pins, rings, watches, statues, plaques, medals, awards, ribbons, and certificates will be awarded as approved by the City Manager or his/her designee for retirement and extraordinary individual or item contributions. Awards to paid on-call firefighters and/or volunteers may not exceed \$150 in value per employee/volunteer event.

The Council will allow for the annual appropriation of funds within the Administration Department's budget to pay for such expenditures.

c. Employee Recognition Awards

- 1) Years of service awards for regular full and part-time employees of \$10 per year of service are recognized at 5-year intervals and will be awarded at the Annual Recognition Event.
- 2) Retirement cake in recognition of those retiring with over 10 years of service.

## **3. Community Outreach**

a. Tater Daze, National Night Out, the Volunteer Recognition event, Make a Difference Day, Community Engagement Initiative and other events that involve or invite participation by the general public.

b. Representative staff members/Council members may participate in events that directly benefit the marketing of the City. These events and any City expenditures for them require prior specific approval by the City Council and also include City expenditures for participation fees, donated gifts, door prizes, etc.

## **4. Refreshments and food for Emergency Response Staff**

Emergency personnel are often called to perform duties for extended periods of time where refreshments are important to duty performance. Firefighters, police officers, other emergency response personnel, or other staff necessary to maintain continuity of service may be provided refreshments or food when it is deemed appropriate by the City Manager or Department Director to assure the delivery of quality emergency response service.

## **5. Employee Training**

a. Registration, tuition and travel expenses for conferences, seminars, workshops, tuition and approved City employment-related course work in accordance with City of Brooklyn Park Employee handbook is allowed.

b. Tuition assistance required for retraining as part of planned organizational change based on an organization change plan is allowed.

**6. Memberships and Dues**

When the primary purpose of the membership is for public benefit and not personal interest or gain in accordance with City of Brooklyn Park Employee Handbook.

**7. Alcoholic Beverages**

The purchase of alcoholic beverages is not allowed.

**8. Clothing and Other Sundry Items**

Employees may receive clothing and other sundry items of nominal value when these items are made available to the general public or if these items are determined by the City Manager to be important to the successful involvement of employees in promoting our operational values, and special city-sponsored or city supported events (i.e. National Night Out, Tater Daze, etc.). Employees may be supplied with uniforms, clothing, boots and other gear necessary for the performance of their job.

**9. Employee Wellness Program**

Public funds may be expended to establish, implement, and operate a preventive health and wellness program for city employees. The nature and scope of the programs to include but not limited to: preventive health screening and assessments, health and wellness education and programming (i.e. nutrition, cardiovascular fitness, flexibility and core strengthening, stress management, tobacco cessation, etc.) and program incentives to include but not limited to cash incentives as approved by the City Council. To encourage wellness activities, the cardio fitness room, weight training room, and racquetball courts (during non-prime times) at the Community Activity Center will be available to employees during their non-work hours at no charge. Registration, proper training and signed waiver form are required before use of these facilities.

Only employees participating in the wellness program are eligible for this incentive.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	10.1	<b>Meeting Date:</b>	January 7, 2019
<b>Agenda Section:</b>	Adjournment	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Jeffrey Lunde, Mayor
<b>Item:</b>	Motion for Adjournment		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO ADJOURN THIS MEETING OF THE BROOKLYN PARK CITY COUNCIL IN RECOGNITION OF AND RESPECT FOR THE LIFE AND CONTRIBUTIONS OF FORMER COUNCIL MEMBER DEAN HENG AND RESPECTFULLY ASK THE SUPPORT OF FELLOW COUNCIL MEMBERS.

COUNCIL MEMBER HENG SERVED THE CITY OF BROOKLYN PARK AS THE WEST DISTRICT COUNCIL MEMBER FROM 2009-2012. HE SERVED AS COUNCIL LIAISON TO THE RECREATION AND PARKS ADVISORY COMMISSION, CITIZEN LONG-RANGE IMPROVEMENT COMMITTEE, HUMAN RIGHTS COMMISSION, THE BROOKLYN HISTORICAL SOCIETY AND AUDIT COMMITTEE. HE SERVED AS ALTERNATE COMMISSIONER TO THE SHINGLE CREEK AND WEST MISSISSIPPI WATERSHED MANAGEMENT COMMISSIONS.

HE ALSO SERVED ON THE CIVIC ENGAGEMENT RESOURCES ACTION TEAM AND EMBRACED THE VISION OF "BROOKLYN PARK, A THRIVING COMMUNITY INSPIRING PRIDE WHERE OPPORTUNITIES EXIST FOR ALL," TO MAKE THE CITY A BETTER PLACE TO LIVE, WORK AND PLAY.

HIS LEADERSHIP AND INVOLVEMENT ON THE CITY COUNCIL WAS INSTRUMENTAL IN THE PARTNERSHIP WITH THE TARGET COPORATION TO EXPAND TARGET NORTH CAMPUS, WHICH IS THE LARGEST EMPLOYMENT CENTER IN THE COMMUNITY AND IS GROWING TO CREATE THE LARGEST DEVELOPMENT IN THE CITY'S HISTORY. WITH HIS SUPPORT, STAFF BEGAN THE NEW INNOVATIVE BUSINESS FORWARD INITIATIVE.

HE WAS AN ACTIVE CONTRIBUTOR TO THE VISION AND LEADERSHIP FOR BROOKLYN PARK, RESULTING IN NUMEROUS AWARDS AND RECOGNITION.

HE WILL ALSO BE REMEMBERED AS AN ARTIST KNOWN FOR HIS WATERCOLOR, STAINED-GLASS, AND WOOD-BURNING, AND HIS WORK CAN BE SEEN TODAY IN CITY HALL.

HIS DEDICATED CONTRIBUTIONS ALSO TOUCHED MANY LIVES THROUGHOUT THE CITY AND THE SURROUNDING COMMUNITIES.

I FURTHER REQUEST THE MOTION BE MADE A PART OF THE PERMANENT RECORDS OF THIS BODY AND THAT A LETTER BEARING THE CITY SEAL AND THE SIGNATURE OF THE MAYOR BE SENT TO THE FAMILY ADVISING THEM OF THIS ACTION.

**Overview:** N/A

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:**

10.1A MOTION FOR ADJOURNMENT INFORMATION FORM

## **MOTION FOR ADJOURNMENT**

### Information Form

(Information must be in the office two working days before the Council Meeting.)

1. Sponsor (Councilor): Mayor Jeffrey Lunde
  
2. Council Meeting date when motion is to be made: January 7, 2019  
(or "NEXT" for next Council Meeting)
  
3. Name of deceased person to be recognized: Dean Heng
  
4. Family representative to whom the letter is to be sent:  
Name: Dean Heng Family  
Address: