

REGULAR COUNCIL MEETING – AGENDA #34

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

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

3B.1 Presentation – Grand and First Place Winners of the Summer Blossom Garden & Landscape Recognition Program

3B.2 Mayor's Proclamation of September 17-23, 2019, as "Constitution Week"

A. PROCLAMATION

3B.3 Human Rights Commission Interviews

A. ATTENDANCE SHEET/VOTING PACKET

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 Ordering Preparation of Proposed Assessments for Delinquent Charges and Setting a Public Hearing on those Assessments

A. RESOLUTION

4.2 Set Date for Truth-in-Taxation Public Hearing Budget Meeting

4.3 2020 Toward Zero Deaths Grant Agreement

A. RESOLUTION

B. TERMS AND CONDITIONS AND ATTACHMENTS

4.4 Approval of Minutes

A. CITY COUNCIL MEETING MINUTES, JUNE 11, 2018

- B.** CITY COUNCIL MEETING MINUTES, JUNE 25, 2018
- C.** CITY COUNCIL MEETING MINUTES, DECEMBER 17, 2018
- D.** SPECIAL CITY COUNCIL MEETING MINUTES, APRIL 29, 2019
- E.** SPECIAL CITY COUNCIL MEETING MINUTES, AUGUST 26, 2019

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
None

6. LAND USE ACTIONS
None

7. GENERAL ACTION ITEMS
7.1 Sister City Agreements Approval
A. SISTER CITY AGREEMENT
B. SPONSOR AGREEMENT

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

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

Agenda Item:	3B.1	Meeting Date:	September 9, 2019
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Theresa Freund
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Theresa Freund
Item:	Presentation – Grand and First Place Winners of the Summer Blossom Garden & Landscape Recognition Program		

City Manager's Proposed Action:

On behalf of the City of Brooklyn Park, the Mayor and City Council will recognize and award the Grand and First Place Winners of the Summer Blossom Garden & Landscape Recognition Program.

Overview:

This is the 20th year of the Summer Blossom Garden & Landscape Recognition Program. The purpose of the program is to highlight attractive gardens and landscaping in Brooklyn Park and recognize residents and businesses that strive to improve the city's landscape. Nominations were received from gardeners, neighbors or friends from May 27 through July 1.

Grand Winners in Single Family and Commercial each receive a \$250 VISA gift card and an engraved Summer Blossom Paver. First Place Single Family winners each receive an engraved Summer Blossom paver. The 2019 winners are:

CATEGORY	ADDRESS	GARDENER
Single Family Grand (District 3)	1709 89 th Ave. N.	Carmen Teisanu
• First Place District 1	6657 Hillsboro Ave. N.	Myrna Dahl
• First Place District 2	8431 Queen Ave. N.	Michael and Kathy Goetz
• First Place District 4	9702 Linden Ave. N.	Stanley Walton
Grand Townhome	7190 72 nd Lane	Jorge Adamson
Grand Neighborhood	Willows of Aspen Villas – Ladyslipper Lane Cir.	Tony and Pat Bianco
Grand Commercial	3100 85 th Ave. N.	Realife Cooperative

Those not chosen were given a Certificate of Appreciation signed by Mayor Lunde thanking them for their wonderful contribution to their neighborhood and the city.

Judges for this year's program were 2018 Grand Single Family winner Gary Johnson, 2018 Grand Townhome winner Jeanine Kline, and Landscape Architect Laura Freund. Photographs of the gardens were taken by Marlene Kryder. John Nerge and intern Lauren Strug have created a story map with the photos and it can be found on the City's website: www.brooklynpark.org.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	3B.2	Meeting Date:	September 9, 2019
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	1	Presented By:	
Item:	Mayor's Proclamation of September 17-23, 2019, as "Constitution Week"		

City Manager's Proposed Action:

The Mayor shall proclaim September 17-23, 2019, as "Constitution Week" by one of the following:

1. "I, Jeffrey Lunde, Mayor of the City of Brooklyn Park, Minnesota do hereby proclaim September 17-23, 2019, to be "Constitution Week" in the City of Brooklyn Park.

OR

2. By reading the proclamation.

Overview:

The tradition of celebrating the Constitution was started many years ago by the Daughters of the American Revolution (DAR). In 1955, the Daughters petitioned Congress to set aside September 17-23 annually to be dedicated for the observance of Constitution Week. The resolution was later adopted by the U.S. Congress and signed into Public Law #915 on August 2, 1956, by President Dwight D. Eisenhower. The aims of the celebration are to (1) emphasize citizens' responsibilities for protecting and defending the Constitution, preserving it for posterity; (2) inform the people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and (3) encourage the study of the historical events, which led to the framing of the Constitution in September 1787.

There are 24 Chapters in Minnesota and 11 in the Twin Cities. The Anoka Chapter of Daughters of the American Revolution is dedicated to historical preservation, patriotism and education.

Ms. Sue Anderson, Anoka Chapter of the Daughters of the American Revolution, respectfully requests a proclamation for "Constitution Week" and will be in attendance to receive the proclamation

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.2A PROCLAMATION

PROCLAMATION

DECLARING SEPTEMBER 17 – 23, 2019 AS “CONSTITUTION WEEK” IN THE CITY OF BROOKLYN PARK

WHEREAS, September 17, 2019, marks the two hundred thirty second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition of this magnificent document and its memorable anniversary and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through September 23 as Constitution Week; and

WHEREAS, I urge all citizens to study the Constitution, and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

NOW, THEREFORE, BE IT RESOLVED that I, Jeffrey Joneal Lunde, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim the week of September 17 through September 23, 2019, as “CONSTITUTION WEEK” in the City of Brooklyn Park.

Jeffrey Joneal Lunde, Mayor



City of Brooklyn Park Request for Council Action

Agenda Item:	3B.3	Meeting Date:	September 9, 2019
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Marlene Kryder, Program Assistant
Ordinance:	N/A		
Attachments:	1	Presented By:	Mayor Jeffrey Lunde
Item:	Human Rights Commission Interviews		

City Manager's Proposed Action:

Interview applicants to fill vacancies on the Human Rights Commission (HRC).

Overview:

The City advertised to fill vacancies on the Human Rights Commission. Applicants have been contacted; an attendance sheet is attached.

Per Resolution #2019-46, there are now district requirements on all of the city commissions. The City Council will make the appointments taking into consideration the representation required by each commission.

There is one HRC opening in each of the districts (Central replacing Deborah Lewis, East replacing Kimberly Carpenter, West replacing Edao Dawano).

In the packet are voting forms to indicate your choices. At the end of the meeting, please pass your voting forms to Mayor Lunde with your choices indicated. He will consolidate the votes to determine who will be appointed to the commission. The appointments will be made during the September 23, 2019 Council meeting.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.3A ATTENDANCE SHEET/VOTING PACKET

Brooklyn Park Human Rights Commissions Interviews – Commission Applicant Attendance
Monday, September 9, 2019 7:00 p.m.

Interviews are grouped by District – One opening per district

Applicant's Name (Alpha order)	Confirmed Attendance	
Central District – Balance of a term to expire April 1, 2021 (replacing Deborah Lewis)		
Balogun, Novella	Yes	Council Member Choice – Central District _____
Fasinro, Teslim	Yes	
Stamps-Smith, Gloria	Yes	
Wang, Minn	Yes	

East District – Balance of a term to expire April 1, 2022 (replacing Kimberly Carpenter)		
Ahmed, Hussein	Yes	Council Member Choice – East District _____
Frederickson, Kathy	Yes	
Ly Bliatia – Christiansen, Soua	Yes	
Nampala, Zadok	Yes	
Rolstad, Nancy	Yes	
Thao, Lisa	Yes	
Turner, Jr. Kenneth	Yes	
Walton, Kate	Yes	

West District – Balance of a term to expire April 1, 2020 (replacing Edao Dawano)		
Brooks, Thomas	Yes	Council Member Choice – West District _____
Cooke, Samuel	Yes	
Dietrich, Kayle	Yes	
Goyah, Sizi	Yes	
Hoth, Patrick	Yes	
Kai, Courage	Yes	
Kollie, Henason	Yes	

HUMAN RIGHTS COMMISSION

Public Directory - 2019

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 #2019-46. Meetings are held the 3rd Thursday of every month at 6:00 p.m. at City Hall.

Name/Address	Phone	Appointment History	Term Ends
		Date Appointed: Replacing: Kimberly Carpenter	April 1, 2022 ←
Residing District: Representing: East			
		Date Appointed: Replacing: Edao Dawano	April 1, 2020 ←
Residing District: Representing: West			
Eriksen, Christian 4501 78 th Avenue N Brooklyn Park, MN 55443 Residing District: Central Representing: At-large	773-610-4742	Date Appointed: Mar. 20, 2017 Replacing: Kendra Kuhlmann	April 1, 2020
Hostetler, John Mark 6272 Yukon Avenue N Brooklyn Park, MN 55428 Residing District: West Representing: West	763-232-6242	Date Appointed: Mar. 13, 2018 Replacing: Michael Fowler	April 1, 2021
Hussain, Nausheena 9136 West River Road Brooklyn Park, MN 55444 Residing District: East Representing: East	763-315-4775	Date Appointed: Aug. 27, 2018 Replacing: Jacqueline Coleman	April 1, 2020

Name/Address	Phone	Appointment History	Term Ends
King, Aja 6312 Welcome Avenue N Brooklyn Park, MN 55429 Residing District: West Representing: City At-large	205-451-7955	Date Appointed: Jan. 7, 2019 Replacing: Mary Pargo Date Reappointed: Jan. 7, 2019	April 1, 2022
Residing District: Representing: Central		Date Appointed: Replacing: Deborah Lewis	April 1, 2021 ←
Shevlin-Woodcock, Cindy 5017 89 th Crescent N Brooklyn Park, MN 55443 Residing District: Central Representing: Central	612-240-2627	Date Appointed: Mar. 11, 2019 Replacing: Aja King	April 1, 2022
Volltrauer, Scott 7757 Newton Avenue N Brooklyn Park, MN 55444 Residing District: East Representing: City At-large	612-564-5766	Date Appointed: Mar. 12, 2018 Replacing: Edmond Gray Date Reappointed: Mar. 12, 2018	April 1, 2021

*Indicates commissioner is representing district outside of residing district

Mark Mata, Council Liaison
 10520 Major Avenue N
 Brooklyn Park, MN 55443
 ph 612-366-1538
mark.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

Agenda Item:	4.1	Meeting Date:	September 9, 2019
Agenda Section:	Consent	Originating Department:	Finance
Resolution:	X	Prepared By:	LaTonia Green, Finance Director
Ordinance:	N/A		
Attachments:	1	Presented By:	LaTonia Green
Item:	Resolution Ordering Preparation of Proposed Assessments for Delinquent Charges and Setting a Public Hearing on those Assessments		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ ORDERING PREPARATION OF PROPOSED ASSESSMENTS AND SETTING A PUBLIC HEARING ON THE PROPOSED ASSESSMENTS FOR OCTOBER 14, 2019.

Overview:

Each year, the City has outstanding charges for utility bills (water, sanitary sewer, storm sewer and street light costs), abatements (weed cutting, tree removal, nuisance abatement charges, and fire inspection fees), administrative penalty citations related to code violations, and rental housing cases (administrative fines, property maintenance and repair, and court case costs) that are not able to be collected from the property owner. The only action that can be taken to collect these charges is to assess the amounts in question and certify them to the property taxes of the property owners.

Primary Issues/Alternatives to Consider:

Not passing this resolution would deny the City the opportunity to assess the payments to the real property, resulting in some individual property owners receiving city services at the expense of other taxpayers and utility customers.

Budgetary/Fiscal Issues:

In 2019, the following will be certified for collection with the property taxes of the property owners:

- 70 abatements totaling \$32,762.17
- 243 citations totaling \$38,600.00
- 3,966 utility accounts totaling \$1,793,878.33

Attachments:

4.1A RESOLUTION

RESOLUTION #2019-

RESOLUTION ORDERING PREPARATION OF PROPOSED ASSESSMENTS
AND SETTING A PUBLIC HEARING ON THE PROPOSED ASSESSMENTS
FOR OCTOBER 14, 2019

WHEREAS, the City has incurred certain delinquent utility charges; abatements costs for weed cutting, tree removal, nuisance abatements, and fire inspection fees; administrative citation costs; and various costs associated with rental housing cases.

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

- a. The cost of such delinquent utility charges; abatements costs for weed cutting, tree removal, nuisance abatements, and fire inspection fees; administrative citation costs; and various costs associated with rental housing cases shall be determined.
- b. The Finance Department shall calculate the proper amount to be assessed, as provided by law, and a copy of such proposed assessment shall be made available for public inspection through the City Clerk's office.
- c. A hearing shall be held on the 14th day of October 2019 at City Hall at 7:00 p.m., and, at such time and place, all persons owning property to be assessed will be given an opportunity to be heard with reference to such assessment.
- d. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessments to be published once in the official newspaper at least 14 days prior to the hearing. The Finance Department shall cause mailed notice to be given to the owner of each parcel to be assessed.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.2	Meeting Date:	September 9, 2019
Agenda Section:	Consent	Originating Department:	Finance
Resolution:	N/A	Prepared By:	LaTonia Green, Finance Director
Ordinance:	N/A		
Attachments:	N/A		
Item:	Set Date for Truth-in-Taxation Public Hearing Budget Meeting		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO SET THE TRUTH-IN-TAXATION PUBLIC HEARING BUDGET MEETING AS MONDAY, DECEMBER 2, 2019, AT 7:00 P.M.

Overview:

The State "Truth-in-Taxation" law requires local governments to schedule a public hearing to discuss their Budget and Property Tax Levy at a meeting that they desire to be held in late November or December. For the 2020-2021 Budget and 2020 Property Tax Levy, the Council is required to set the meeting after November 24, 2019 and is required to notify the County Auditor of the date of the public hearing. The date, time and place of the hearing are printed on the individual property tax statements for the proposed property tax for 2020. The County must receive this information on or before September 30, 2019.

Primary issues/alternatives to consider:

The Council must set dates for a public hearing on the 2020-2021 Budget and 2020 Property Tax Levy.

Budgetary/Fiscal Issues:

Under the amendments, the final budget and tax levy can be legally adopted at the same meeting after the Truth-in-Taxation hearing has taken place. The final budget and tax levy adoption are planned for the December 9, 2019 City Council Meeting.

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.3	Meeting Date:	September 9, 2019
Agenda Section:	Consent	Originating Department:	Police Department
Resolution:	X	Prepared By:	Stephanie Heiberger, Administrative Assistant
Ordinance:	N/A		
Attachments:	2	Presented By:	Deputy Chief Mark Bruley
Item:	2020 Toward Zero Deaths Grant Agreement		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ AUTHORIZING THE POLICE DEPARTMENT TO ENTER INTO A GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF TRAFFIC SAFETY FOR THE 2020 TOWARD ZERO DEATHS ENFORCEMENT PROGRAM GRANT.

Overview:

The Police Department has been awarded a grant from the State of Minnesota, Department of Public Safety, Office of Traffic Safety for the 2020 Toward Zero Death Enforcement program. This grant is funded by the U.S. Department of Transportation's State and Community Highway Safety Program and will be used for overtime enforcement to address all traffic safety issues with an emphasis on impaired driving, occupant protection, speed and distracted driving. The Department of Public Safety is awarding federal funds to local communities to participate in the enforcement of specific areas of traffic safety. These funds will be under the control of and managed by the Chief of Police or his designated subordinate. Brooklyn Park's allocation for the 2020 Fiscal Year is \$156,825. The department is seeking Council authorization to accept the grant and enter into the grant agreement.

The Toward Zero Deaths grant program will cover the period of October 1, 2019 – September 30, 2020. The grant funds will be sub-granted to partner law enforcement agencies.

The Brooklyn Park Police Department, as fiscal agent for the grant funds, will subgrant with the Brooklyn Center Police Department, Hennepin County Sheriff's Office, Champlin Police Department, and Osseo Police Department to work on combining increased enforcement with public awareness.

Receipt of these funds will enable the Police Department to enforce, in a proactive and prioritized manner, traffic laws which are of concern to many residents. Being that the Toward Zero Deaths grant program activities will be performed by personnel on an overtime basis, it will not impact upon the delivery of other public safety services performed by the Police Department.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.3A RESOLUTION
- 4.3B TERMS AND CONDITIONS AND ATTACHMENTS

RESOLUTION #2019-

RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO ENTER INTO A GRANT AGREEMENT
WITH THE STATE OF MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF TRAFFIC SAFETY
FOR THE 2020 TOWARD ZERO DEATH ENFORCMENT PROGRAM GRANT

WHEREAS, the Minnesota Department of Public Safety has awarded the City of Brooklyn Park Police Department the 2020 Toward Zero Death Enforcement Program grant, which is funded by the U.S. Department of Transportation's State and Community Highway Safety Program; and

WHEREAS, the grant will support law enforcement agencies to fund overtime for police officers to join in the enforcement campaigns to enforce traffic laws with an emphasis on impaired driving, occupant protection, speed and distracted driving; and

WHEREAS, these grant funds will enable the Police Department to enforce, in a proactive and prioritized manner, traffic laws which are of concern to many residents and will not impact upon the delivery of other public safety services; and

WHEREAS, the management of this grant and its funds will be the responsibility of the Chief of Police for the City of Brooklyn Park or his designee.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to authorize the Police Department to accept this grant and enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the 2020 Toward Zero Deaths Enforcement Program grant during the period of October 1, 2019 through September 30, 2020.

Terms and Conditions for Grantees that are Non-State Agencies

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The Grantee (which refers to the applicant's status after it has been awarded grant funds) shall comply with all applicable federal, state and local laws, ordinances, rules and regulations and provisions stated herein in the performance of the grant award.

1. Survival of Terms

The following clauses survive the expiration or cancellation of the award: 9. Liability; 10. Audits; 11. Government Data Practices; 13. Publicity and Endorsement; 14. Governing Law, Jurisdiction and Venue; 16. Data Disclosure; and 17 Intellectual Property Rights.

2. Financial and Administrative Provisions

The Grantee will comply with all program guidelines specified in the Grant Program Guidelines (Guidelines) and application which are incorporated herein by reference.

Budget Revisions: The Grantee will submit a written change request for any substitution of budget items or any deviation in accordance with the Guidelines included in this application. Grantees whose requests have been approved will be notified in writing by the State's Authorized Representative to the Grantee's Authorized Representative. Requests must be approved prior to any expenditure by the Grantee.

3. Payment Terms

Payment: The State will promptly pay the Grantee after the Grantee presents an invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services in accordance with the Guidelines included in this application. Expenditures for each state fiscal year (July through June) of the grant agreement must be for services satisfactorily performed within applicable state fiscal years.

Under Minn. Stat. § 16B.98 Subd. 1, the Grantee agrees to minimize administrative costs. Under Minn. Stat. § 16B.98, Subd. 7, payments to the Grantee may not be issued until the grant agreement is fully executed.

4. Time

The Grantee must comply with all the time requirements described in the application and grant agreement. In the performance of the award, time is of the essence.

5. Consideration and Payment

The State will pay for all services performed by the Grantee under the grant agreement as a reimbursement according to the breakdown of costs contained in the Guidelines and Grantee's application that will be incorporated into the grant agreement. The Grantee must promptly return to the State any unexpended funds that have not been accounted for annually in a financial report to the State due at grant closeout.

5.1 Contract and Bidding Requirements – Municipal grantees

Per Minn. Stat. §471.345, grantees that are municipalities must do the following if contracting funds from this grant contract agreement for any supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property

- (a) If the amount of the contract is estimated to exceed \$100,000, a formal notice and bidding process must be conducted in which sealed bids shall be solicited by public notice. Municipalities may, as a best value alternative, award a contract for construction, alteration, repair, or maintenance work to the vendor or contractor

offering the best value under a request for proposals as described in Minn. Stat. §16C.28, Subd. 1, paragraph (a), clause (2)

- (b) If the amount of the contract is estimated to exceed \$25,000 but not \$100,000, the contract may be made either upon sealed bids or by direct negotiation, by obtaining two or more quotations for the purchase or sale when possible, and without advertising for bids or otherwise complying with the requirements of competitive bidding. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof. Municipalities may, as a best value alternative, award a contract for construction, alteration, repair, or maintenance work to the vendor or contractor offering the best value under a request for proposals as described in Minn. Stat. §16C.28, Subd. 1, paragraph (a), clause (2) and paragraph (c).
- (c) If the amount of the contract is estimated to be \$25,000 or less, the contract may be made either upon quotation or in the open market, in the discretion of the governing body. If the contract is made upon quotation it shall be based, so far as practicable, on at least two quotations which shall be kept on file for a period of at least one year after their receipt. Alternatively, municipalities may award a contract for construction, alteration, repair, or maintenance work to the vendor or contractor offering the best value under a request for proposals as described in Minn. Stat. §16C.28, Subd. 1, paragraph (a), clause (2)
- (d) Support documentation of the bidding process utilized to contract services must be included in the grantee's financial records, including support documentation justifying a single/sole source bid, if applicable.
- (e) For projects that include construction work of \$25,000 or more, prevailing wage rules apply per; Minn. Stat. §§177.41 through 177.44 consequently, the bid request must state the project is subject to *prevailing wage*. These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole. A prevailing wage form should accompany these bid submittals.

5.2 Contract and Bidding Requirements – Non-governmental grantees

A nongovernmental organization is an organization that is a nonprofit, also known as a charitable organization, that is formed for the purpose of fulfilling a mission to improve the common good of society rather than to acquire and distribute profits. The organization meets the definition in Minn. Stat. 309.50 Subd. 4 and meets the definitions defined in the Internal Revenue Service code, with the most common type being a 501 (c) (3).

- (f) Any services and/or materials that are expected to cost \$100,000 or more must undergo a formal notice and bidding process.
- (g) Services and/or materials that are expected to cost between \$25,000 and \$99,999 must be competitively awarded based on a minimum of three (3) verbal quotes or bids.

- (h) Services and/or materials that are expected to cost between \$10,000 and \$24,999 must be competitively awarded based on a minimum of two (2) verbal quotes or bids or awarded to a targeted vendor.
- (i) The grantee must take all necessary affirmative steps to assure that targeted vendors from businesses with active certifications through these entities are used when possible:
- State Department of Administration's Certified Targeted Group, Economically Disadvantaged and Veteran-Owned Vendor List
 - Metropolitan Council's Targeted Vendor list: Minnesota Unified Certification Program
 - Small Business Certification Program through Hennepin County, Ramsey County, and City of St. Paul: Central Certification Program
- (j) The grantee must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.
- (k) The grantee must maintain support documentation of the purchasing and/or bidding process utilized to contract services in their financial records, including support documentation justifying a single/sole source bid, if applicable.
- (l) Notwithstanding (a) - (d) above, the State may waive bidding process requirements when:
- Vendors included in response to competitive grant request for proposal process were approved and incorporated as an approved work plan for the grant
 - It is determined there is only one legitimate or practical source for such materials or services and that grantee has established a fair and reasonable price.
- (m) For projects that include construction work of \$25,000 or more, prevailing wage rules apply per; Minn. Stat. §§177.41 through 177.44 consequently, the bid request must state the project is subject to *prevailing wage*. These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole. A prevailing wage form should accompany these bid submittals.
- (n) The grantee must not contract with vendors who are suspended or debarred in MN: <http://www.mmd.admin.state.mn.us/debarredreport.asp>

6. Conditions of Payment

All services provided by the Grantee under the grant agreement must be performed to the State's satisfaction, as determined at the sole discretion of the State's Authorized Representative so named in the grant agreement and in accordance with all applicable federal, state, and local laws, ordinances, rules and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state or local law.

7. Authorized Representative

The State's Authorized Representative or his/her successor, is so named in the grant agreement and has the responsibility to monitor the Grantee's performance and has the authority to accept the services provided under the grant agreement opportunity. If the services are satisfactory, the State's Authorized Representative will certify acceptance on each invoice submitted for payment.

The Grantee's Authorized Representative is so named in the grant agreement. If the Grantee's Authorized Representative changes at any time during the grant agreement, the Grantee must immediately notify the State.

8. Assignment, Amendments, Waiver, and Grant Agreement Complete

The Grantee may neither assign nor transfer any rights or obligations under the grant agreement without the prior consent of the State and a fully executed Amendment, executed and approved by the same parties who executed and approved the grant agreement, or their successors in office.

Any amendment to the grant agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original grant agreement, or their successors in office.

If the State fails to enforce any provision of the grant agreement, that failure does not waive the provision or its right to enforce it.

The grant agreement contains all negotiations and agreements between the State and the Grantee. No other understanding regarding the grant agreement, whether written or oral, may be used to bind either party.

9. Liability

Grantee must indemnify, save and hold the State, its agents, and employees harmless from any claims or causes of action, including all attorneys' fees incurred by the State arising from the performance of the grant agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under the grant agreement and subsequent grant agreements. The liability for Grantees that are municipalities is governed by Minn. Stat. § 466 and any other applicable law, rule or regulation.

10. Audits

Under Minn. Stat. § 16B.98, Subd. 8, the books, records, documents, and accounting procedures and practices of the Grantee or other party that are relevant to the grant agreement or transaction are subject to examination by the State, and/or the State Auditor or Legislative Auditor as appropriate, for a minimum of six years from the grant agreement end date, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later. Federal audits shall be governed by requirements of federal regulations.

If applicable, if the Grantee (known as the "subrecipient" in the Code of Federal Regulations) receives federal assistance from the State of Minnesota, it will comply with the Single Audit Act Amendments of 1996 and the Office of Management and Budget's Uniform Guidance: Cost Principles, Audit, & Administrative Requirements for Federal Awards, Subpart F (2 CFR 200) ; and, required audit reports must be filed with the State Auditor's Office, Single Audit Division,

and with federal and state agencies providing federal assistance, and the Department of Public Safety within nine months of the Grantee's fiscal year end.

11. Government Data Practices

The Grantee and the State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, as it applies to all data provided by the State under the grant agreement, and as it applies to all data created, collected, received, stored, used, maintained or disseminated by the Grantee under the grant agreement. The civil remedies of Minnesota Statutes, section 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State.

If the Grantee receives a request to release the data referred to in this clause, the Grantee must immediately notify the State. The State will give the Grantee instructions concerning the release of the data to the requesting party before the data is released. The Grantee's response to the request shall comply with the applicable law.

12. Workers' Compensation

Grantee certifies that it is in compliance with Minnesota Statutes, § 176.181, Subdivision 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

13. Publicity and Endorsement

Any publicity regarding the subject matter of the grant agreement must be in accordance with the Guidelines included in this application. Any publicity regarding the subject matter of this grant contract must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this grant contract. All projects primarily funded by state grant appropriation must publicly credit the State of Minnesota, including on the grantee's website when practicable. The Grantee must not claim that the State endorses its products or services.

14. Governing Law, Jurisdiction, and Venue

Minnesota law, without regard to its choice-of-law provisions, governs the grant agreement. Venue for all legal proceedings out of the grant agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

15. Termination

Termination by the State. The State may terminate the grant agreement at any time, with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

Termination by the Grantee. The Grantee may request termination upon 30 day's notice to the State's Authorized Representative. Upon termination, the Grantee is entitled to payment for services actually performed satisfactorily and agrees to return any unused funds to the State.

Termination for Insufficient Funding. The State may immediately terminate the grant agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services under the grant agreement. Termination must be by written or fax notice to the Grantee. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the grant agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State must provide the Grantee notice of the lack of funding within a reasonable time of the State receiving that notice.

Termination for Failure to Comply. The State may terminate the grant agreement immediately if the State finds that there has been a failure to comply with the provisions of the grant award, that reasonable progress has not been made or that the purpose for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

16. Data Disclosure

Under Minnesota Statutes, § 270C.65, Subd.3 and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any, or pay other state liabilities.

17. Intellectual Property Rights (if applicable)

- (A) *Intellectual Property Rights.* The State owns all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents *created and paid for under this contract.* Works means all inventions, improvements, discoveries (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Grantee, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this contract. Works includes "Documents." Documents are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Grantee, its employees, agents, or subcontractors, in the performance of this contract. The Documents will be the exclusive property of the State and all such Documents must be immediately returned to the State by the Grantee upon completion or cancellation of this contract. To the extent possible, those Works eligible for copyright protection under the United States Copyright Act will be deemed to be "works made for hire." The Grantee assigns all right, title, and interest it may have in the Works and the Documents to the State. The Grantee must, at the request of the State, execute all papers

and perform all other acts necessary to transfer or record the State's ownership interest in the Works and Documents.

(B) *Obligations*

- (1) *Notification.* Whenever any invention, improvement, or discovery (whether or not patentable) is made or conceived for the first time or actually or constructively reduced to practice by the Grantee, including its employees and subcontractors, in the performance of this contract, the Grantee will immediately give the State's Authorized Representative written notice thereof, and must promptly furnish the Authorized Representative with complete information and/or disclosure thereon.
- (2) *Representation.* The Grantee must perform all acts, and take all steps necessary to ensure that all intellectual property rights in the Works and Documents are the sole property of the State, and that neither Grantee nor its employees, agents, or subcontractors retain any interest in and to the Works and Documents. The Grantee represents and warrants that the Works and Documents do not and will not infringe upon any intellectual property rights of other persons or entities. Notwithstanding Clause 8, the Grantee will indemnify; defend, to the extent permitted by the Attorney General; and hold harmless the State, at the Grantee's expense, from any action or claim brought against the State to the extent that it is based on a claim that all or part of the Works or Documents infringe upon the intellectual property rights of others. The Grantee will be responsible for payment of any and all such claims, demands, obligations, liabilities, costs, and damages, including but not limited to, attorney fees. If such a claim or action arises, or in the Grantee's or the State's opinion is likely to arise, the Grantee must, at the State's discretion, either procure for the State the right or license to use the intellectual property rights at issue or replace or modify the allegedly infringing Works or Documents as necessary and appropriate to obviate the infringement claim. This remedy of the State will be in addition to and not exclusive of other remedies provided by law.

18. Other Provisions be it understood:

- a. By filing of this application, the applicant has therefore obtained the necessary legal authority to apply for and receive the proposed grant;
- b. The filing of this application has been authorized by applicant's governing body, and the official who has applied his/her electronic signature to this application has been duly authorized to file this application for and on behalf of said applicant, and otherwise to act as the representative of the applicant in connection with this application;
- c. The activities and services for which assistance is sought under this grant will be administered by or under the supervision and control of applicant;
- d. Fiscal control and accounting procedures will be used to ensure proper disbursement of all funds awarded;

Terms and Conditions for Grantees that are Non-State Agencies

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Agreement to Acknowledge the Terms and Conditions are Incorporated Into the Grant Agreement:

By submitting this application, the authorized Representative for the Grant Applicant, acknowledges that they have read the Terms and Conditions in their entirety as stated within the Application materials and acknowledge that the Terms and Conditions will be incorporated into the Grant Agreement if funds are awarded to the Applicant under this Application. As authorized, if the Applicant is awarded funds under this Application, they will submit the required documents and certification on behalf of the Applicant Organization.

Office of Traffic Safety Grant Program Guidelines

Financial Requirements:

Payments under this grant agreement will be made from federal funds obtained by the State under the U. S. Department of Transportation's State and Community Highway Safety Program, Catalog of Federal Domestic Assistance (CFDA) Number 20.600, 20.608, 20.616. The grantee is responsible for compliance with all federal requirements imposed on these funds and accepts full financial responsibility for any consequences imposed by the grantee's failure to comply with federal requirements.

Reimbursement of Funds

Only costs associated with approved activities on this project can be claimed for federal reimbursement. The grantee will report on all expenditures and program income pertaining to this grant agreement. Claims shall be supported by written documentation including receipts, invoices, and personnel time reports. All costs reimbursed with these federal funds must be actual costs to the billing agency. Federal grant funding cannot be used to supplant any personnel, programs, or activities currently funded by another source.

The State has an obligation to determine if fringe benefit costs to be reimbursed by this grant contract are reasonable. If requested, the grantee must furnish an explanation of the basis for such rates. Fringe benefits must be accounted for separately from salary costs on back-up documentation of invoices.

Expenditures for each state fiscal year of this grant contract must be for services performed within applicable state fiscal years. Every state fiscal year begins on July 1 and ends on June 30. NHTSA federally funded projects run on the federal fiscal year, beginning on October 1 and ending on September 30. The final claim for reimbursement for the project for costs incurred through June 30, 2020 (the first state fiscal year) must be received by July 31, 2020. The final claim for reimbursement for the project for costs incurred through September 30, 2020 must be received no later than October 31, 2020.

Reporting Requirement

Reporting requirements are those agreed upon terms in the Work Plan that was approved by OTS. All projects require a final report as described in the Work Plan that was approved by OTS.

Monthly Invoices and Progress Reports are required to be submitted to the OTS on the 15th of the month following the date of activity (unless otherwise stated within grant documentation).

Quarterly Invoices and Progress Reports are required to be submitted to the OTS on the following schedule (unless otherwise stated within grant documentation):

- Monday, Jan. 20, 2020: All project activity between Oct. 1 and Dec. 31, 2019
- Monday, April 20, 2020: All project activity between Jan. 1 and March 31, 2020
- Monday, July 20, 2020: All project activity between April 1 and June 30, 2020
- Monday, Oct. 19, 2020: All project activity between July 1 and Sept. 30, 2020

Final Report Requirement

A final Report is due Oct 31, 2020, unless otherwise stated within grant documentation.

Match

Matching funds are not a requirement for the grant, however, expenses related to the project that are paid for with state, county, municipal and/or private funding clearly demonstrate a vested interest and real commitment to the project. Appropriate matching funds must be reported on the invoice and documentation for them included with the invoice.

Budget Revision

The grantee shall submit a written budget revision request and obtain written approval from the OTS Authorized Representative before any expenditure may be made based on a revised budget.

Record Retention

Under Minn. Stat. 16B.98, subd. 8, the grantee shall retain all financial records for a minimum of six years after the expiration of the grant agreement or until any audit findings and/or recommendations from prior audit(s) have been resolved between the grantee and DPS, whichever is later.

Program Income

Is any revenue/cash received for an activity funded by the grant or contract? Program income would include a fee for services (such as a registration fee for a conference or class in full or in part subsidized with federal funds) or fees from the sale of commodities or items made with grant funds. The grantee is responsible for tracking all program income with the same level of detail as federal funds and reporting earned income to OTS along with invoices. Program Income can be either deducted from the costs of the project to OTS or can be an addition to the project budget provided by OTS; which option must be specified and detailed in the budget and work plan. It must be expended during the Federal Fiscal year it was earned. Income approved and specified in the work plan and budget is to be used as an addition to the project and can only be used for purchases that would be considered allowable expenses.

Resolutions:

A Resolution from a city council or county board is required from the applicant agency. This resolution authorizing the agency to apply for and accept the grant funding is needed before the project begins. Information and an example of a resolution can be found in Attachment D. Deviations from the example (such as including a specific dollar amount or an individual's name rather than title, or changing the date) will likely cause delays in processing grants and may not be acceptable. The OTS is unable to enter into an agreement until the resolution has been passed and a copy has been received by the state's authorized representative

Equipment:

Because of the strict timelines for final claims for reimbursement, it is usually not possible to order, receive and pay for equipment during the last quarter.

Any piece of equipment that costs more than \$5,000 (including taxes, shipping and installation), is subject to the Buy America Act. Whether the NHTSA funds are used for the entire purchase or any portion of the purchase, it must be approved in writing by the NHTSA before it is ordered. Contact the OTS authorized representative to request that approval.

Any equipment requested to be purchased, either entirely or partially with grant funding, must be used to support the traffic safety program and pre-approved in writing by the OTS. Further, it shall be used primarily for grant-related purposes during the life of the equipment. The grantee may not deviate from this requirement. The grantee shall be responsible for all operating, maintenance, and repair costs of equipment purchased under this grant contract unless otherwise specified. Title to equipment acquired under this grant contract shall vest upon the grantee. Grantee must obtain prior written approval from OTS of any plan to trade-in, sell, surplus, or otherwise dispose of any piece of equipment purchased in whole or in part through this agreement.

Training Requirements

The grantee shall attend meetings and training as required by OTS.

Travel

Travel costs must be planned on a separate line in the budget and discussed in the work plan. When approved, reimbursement for travel and subsistence expenses actually and necessarily incurred by the

Grantee as a result of this grant contract will be paid in the same manner and in no greater amount than provided in the current "Commissioner's Plan" promulgated by the commissioner of Employee Relations which is incorporated into this grant contract by reference. Out of state travel must have prior written approval by the OTS authorized representative.

Approval of Subcontracts

All sub-contracts must be reviewed and approved in writing by the OTS authorized representative before the sub-contracting process begins. The OTS Coordinator must be provided with a copy of the sub-contract.

Invoices from a sub-contract not approved by the OTS Coordinator may not be eligible for federal reimbursement.

Evaluation and Monitoring

OTS shall have the authority to evaluate and monitor the performance and financial records of the grantee.

Risk Assessment:

The federal government requires a pre-award risk assessment for all grant applications. The Office of Traffic Safety has a section within the E-grants application to provide the information needed from applying agencies, in order to complete the risk assessment.

Federal and State Provisions

This grant agreement is subject to all applicable federal and state statutes and regulations, including, but not limited to the following:

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Common Rule: 49 CFR Part 18.37 specifically (2)

SUBGRANTS

§18.37 Subgrants.

- a) States. States shall follow state law and procedures when awarding and administering subgrants (whether on a cost reimbursement or fixed amount basis) of financial assistance to local and Indian tribal governments. States shall:
1. Ensure that every subgrant includes any clauses required by Federal statute and executive orders and their implementing regulations;
 2. Ensure that subgrantees are aware of requirements imposed upon them by Federal statute and regulation;

While the subgrantees signs the certifications and assurances, the need to include the language from the original certifications and assurances that is listed under Appendix A to Part 1300—Certification and Assurances for Highway Safety Grants (23 U.S.C. Chapter 4) applicable to the subrecipients is important. This way the grantee or contractor will have the whole language and an idea of what they are signing before and thus OTS is doing all it can to make sure the grantee or contractor are aware of the requirement imposed upon them by Federal statute and regulation

NONDISCRIMINATION

(applies to subrecipients as well as States)

- The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:
 - Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
 - The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
 - Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
 - Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
 - The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
 - The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, sub-recipients and contractors, whether such programs or activities are Federally-funded or not);
 - Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
 - Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and

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- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR at 74087 to 74100).

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The State will provide a drug-free workplace by:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b) Establishing a drug-free awareness program to inform employees about:
 - The dangers of drug abuse in the workplace.
 - The grantee's policy of maintaining a drug-free workplace.
 - Any available drug counseling, rehabilitation, and employee assistance programs.
 - The penalties that may be imposed upon employees for drug violations occurring in the workplace.
 - Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- c) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
 - Abide by the terms of the statement.
 - Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- d) Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction.
- e) Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted –
 - Taking appropriate personnel action against such an employee, up to and including termination.
 - Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- f) Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)
(applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING**(applies to subrecipients as well as States)**

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING**(applies to subrecipients as well as States)**

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION**(applies to subrecipients as well as States)****Instructions for Primary Certification (States)**

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall

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disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 2 CFR Part 180 and 1300. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations. (should it be 1300-ask Kaci)
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1300 (should it be 1300-ask Kaci).
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. Each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

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1. The prospective primary participant certifies to the best of its knowledge and belief, that its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300 (should it be 1300-ask Kaci).
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 2 CFR Part 180 and 1300 (should it be 1300-ask Kaci). You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1300 (should it be 1300-ask Kaci)..

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Program Guidelines

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency with which this transaction originated may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion --Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT
(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase only steel, iron and manufactured products produced in the United States with Federal funds, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE
(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at www.nhtsa.dot.gov. Additional resources are available from the Network of

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Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, D.C. metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit its website at www.trafficsafety.org.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or -rented vehicles, Government-owned, leased or rented vehicles, or privately-owned when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

POLICY ON VEHICULAR PURSUITS

If Grantee is a law enforcement agency, the Grantee certifies that the Grantee has in place or is currently working on a policy for vehicular pursuits taking into account the model guidelines issued by the International Association of Chiefs of Police.

FEDERAL AUDIT REQUIREMENTS

1. A non-Federal entity that expends \$750,000 or more in Federal awards during the non-Federal entity's fiscal year must have a single or program-specific audit conducted for that year in accordance with the provisions of Subpart F of OMB's Uniform Guidance: Cost Principles, Audit, & Administrative Requirements for Federal Awards (2 CFR Part 200).

Audits must be performed annually, except when:

(a) A state, local government, or Indian tribe that is required by constitution or statute, in effect on January 1, 1987, to undergo its audits less frequently than annually, is permitted to undergo its audits biennially

(b) Any nonprofit organization that had biennial audits for all biennial periods ending between July 1, 1992, and January 1, 1995, is permitted to undergo its audits biennially.

Any biennial audit must cover both years within the biennial period.

2. An auditor is defined in Title 2 CFR 200.7 - Auditor means a public accountant or a Federal, state, local government, or Indian tribe audit organization, which meets the general standards specified for external auditors in generally accepted government auditing standards (GAGAS) by the U.S. Government Accountability Office. The term auditor does not include internal auditors of nonprofit organizations. [79 FR 75880, Dec. 19, 2014]
3. The subrecipient agrees that the pass-through entity, the Legislative Auditor, the State Auditor, and any independent auditor designated by the pass-through entity will have access to the subrecipient's personnel, accounts, books, records, supporting documentation, and other information as needed in order to comply with the Single Audit Act Amendments of 1996 and OMB's Uniform Guidance: Cost Principles, Audit, & Administrative Requirements for Federal Awards, (2 CFR 200.508 Auditees responsibilities).
4. The auditee must prepare appropriate financial statements, including the schedule of expenditures of Federal awards in accordance with Section 200.510 Financial Statements. Auditees must adhere to the Report retention requirements in Section 200.512(f) for three years from date of submission to the Federal Audit Clearinghouse (FAC). Minnesota Statute §16B.98, subdivision 8 includes retention requirements of a minimum of six years from the grant agreement end date, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later.
5. The auditor's report(s) must state the audit was conducted in accordance with OMB's Uniform Guidance: Cost Principles, Audit, & Administrative Requirements for Federal Awards, Subpart F (2 CFR 200.515 Audit Reporting) and include the following:
 - (a) An opinion (or disclaimer of an opinion) as to whether the financial statements are presented fairly in all material respects in accordance with generally accepted accounting principles and an opinion (or disclaimer of opinion) as to whether the schedule of expenditures of Federal awards is fairly stated in all material respects in relation to the financial statements as a whole
 - (b) A report on internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements. This report must describe the scope of testing of internal control

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and compliance and the results of the tests, and, where applicable, it will refer to the separate schedule of findings and questioned costs described in this section

(c) A report on compliance for each major program and a report on internal control over compliance. This report must describe the scope of testing of internal control over compliance, include an opinion or disclaimer of opinion as to whether the auditee complied with Federal statutes, regulations, and the terms and conditions of Federal awards which could have a direct and material effect on each major program and refer to the separate schedule of findings and questioned costs described in this section.

(d) A schedule of findings and questioned costs that includes a summary of the auditor's results in a format consistent with Section 200.515 Audit Reporting, paragraph (d)(1); findings relating to the financial statements which are required to be reported in accordance with GAGAS; and findings and questioned costs for Federal awards consistent with the requirements of Section 200.515 Audit Reporting, paragraph (d)(3).

6. The auditee is responsible for follow-up and corrective action on all audit findings. As part of this responsibility, the auditee must prepare a summary schedule of prior audit findings. The auditee must also prepare a corrective action plan for current year audit findings. The summary schedule of prior audit findings and the corrective action plan must include the reference numbers the auditor assigns to audit findings under Section 200.516 Audit findings, paragraph (c). Since the summary schedule may include audit findings from multiple years, it must include the fiscal year in which the finding initially occurred. The corrective action plan and summary schedule of prior audit findings must include findings relating to the financial statements which are required to be reported in accordance with GAGAS. (2 CFR 200.511 Audit findings follow up)
7. Subrecipients and Contractors – An auditee may simultaneously be a recipient, a subrecipient, and a contractor. Federal awards expended as a recipient or subrecipient are subject to audit under this part. The payments received for goods and services provided as a contractor are not Federal awards. Section 200.330 Subrecipient and contractor determinations sets forth the considerations in determining whether payments constitute a Federal award or a payment for goods or services provided as a contractor. (2 CFR 200.501(f))
8. The FAC is the repository of record for Subpart F – Audit Requirements. The auditee must electronically submit to the FAC the data collection form described in 200.512(b) and the reporting package described in 200.512(c) within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period. (2 CFR 200.512)
9. **Auditees must file their single audit report(s) with the State Auditor's Office, Single Audit Division, by sending a copy to singleaudit@osa.state.mn.us, and the program grant manager at the Department of Public Safety within nine months of the fiscal year end.**

City of Brooklyn Park Request for Council Action

Agenda Item:	4.4	Meeting Date:	September 9, 2019
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	5	Presented By:	Devin Montero
Item:	Approval of Minutes		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JUNE 11, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JUNE 25, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF DECEMBER 17, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF APRIL 29, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF AUGUST 26, 2019, AS PRESENTED BY THE CITY CLERK.

Overview: N/A

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.4A CITY COUNCIL MEETING MINUTES, JUNE 11, 2018
- 4.4B CITY COUNCIL MEETING MINUTES, JUNE 25, 2018
- 4.4C CITY COUNCIL MEETING MINUTES, DECEMBER 17, 2018
- 4.4D SPECIAL CITY COUNCIL MEETING MINUTES, APRIL 29, 2019
- 4.4E SPECIAL CITY COUNCIL MEETING MINUTES, AUGUST 26, 2019

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, June 11, 2018
7:05 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Rich Gates, Susan Pha, Terry Parks, Mark Mata, Bob Mata and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green; Deputy Police Chief Todd Milburn and City Clerk Devin Montero.

ABSENT: None

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated at the last meeting, May 29, heard from Mr. Kariste with concerns regarding the code enforcement program. He stated they have had ongoing communications with Mr. and Mrs. Kariste regarding their concerns on code enforcement in their neighborhood and were continuing to have those conversations. He stated it was important to note that with the Code Enforcement Division, looking back over the last three to four years, they had been balanced in working proactive cases and also responded on a complaint-based basis.

2B PUBLIC COMMENT – None.

3A. MOTION GATES, SECOND PARKS TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH ITEMS 4.1 PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B1 Introduction of New Employees

3B1 Planning Director Cindy Sherman introduced Natalie Davis as a new employee to the Community Development Department. Finance Director LaTonia Green introduced Katherine Kielb as a new employee to the Finance Department.

3B2 Presentation of Plaques to Outgoing Commissioners

3B2 The Mayor and Council recognized outgoing Commissioners for their contributions to the City of Brooklyn Park.

3B3 Mayor Lunde proclaimed June 14 through June 16 as "Tater Daze" in the City of Brooklyn Park. Tater Daze Chair Tate Turnquist briefed the Council on the new location of the Tater Daze festival at the Community Activity Center campus and other activities. Council Member Jacobson thanked all of the volunteers on the committee for their hard work for the festival.

3B4 Acknowledge the 2018 Tater Daze Festival Sponsors.

3B4 MOTION LUNDE, SECOND PARKS TO READ AND ADOPT RESOLUTION #2018-89 ACKNOWLEDGING SPONSORS, DONATIONS AND COMMUNITY SUPPORT FOR THEIR CONTRIBUTIONS TO THE CITY OF BROOKLYN PARK FOR THE "TATER DAZE" CELEBRATION. MOTION PASSED UNANIMOUSLY.

3B5 Receive the 2017 Audited Comprehensive Annual Financial Report and Auditor's Reports.

Finance Director Green briefed the Council on the auditor's report and she introduced Chris Knopik, CliftonLarsonAllen, LLP, and he briefed the Council on the audit.

Council Member Pha stated that on the expenditures, they were under in the expenditures by \$2.099 million and was a lot under budget. She asked where did the bulk of that come from and why were they under so much.

Mr. Knopik stated the bulk of it was mainly going to be in personnel costs. He stated there were several areas within the City where there were vacant positions that were not filled for the entire year. He stated there was also a budget in the general fund related to contingencies that wasn't used as well and made up about \$300,000. He stated those were the two biggest areas, and when there were vacant positions, it also fed into several other areas, budgeted training, conferences and those types of things.

Council Member M. Mata asked City Manager Stroebel if he could send the Council the positions that made up \$2 million that were not filled over the course of the year. He stated he would like to know if those positions were still sitting vacant. He stated \$2 million was a lot of money for not having the City filling those positions.

City Manager Stroebel stated staff was coming back in July with a thorough analysis and to review with the Council of some of questions that came up tonight. He stated it was also important to note, that if they took out that \$300,000 contingency amount, it roughly would be \$1.7 million. He stated that for a \$50 million budget, about 3.4%; thought being underspent was a good thing. He stated they would work to try to get it closer, but being around that 3 to 4% was a healthy range to end at end of year.

3B5 MOTION PHA, SECOND PARKS TO RECEIVE THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE YEAR ENDED DECEMBER 31, 2017. MOTION PASSED UNANIMOUSLY.

3B6 Cities United Regional Convening Update.

Mayor Lunde and Youth Services Liaison Antonio Smith gave an update on the Cities United Regional Convening.

4.0 MOTION GATES, SECOND PARKS TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS: (Item 4.1 was removed for separate consideration.)

4.2 TO APPROVE THE NEW MANAGER, TIMOTHY MICHAEL NELSON, FOR BROOKLYN PARK WINE & SPIRITS INC DBA BROOKLYN PARK WINE & SPIRITS, LOCATED AT 7944 BROOKLYN BOULEVARD NORTH.

4.3 TO APPROVE THE NEW MANAGER, JOHN CHARTERIS CRANDALL, FOR INTERSTATE MANAGEMENT COMPANY, LLC DOING BUSINESS AS MINNEAPOLIS MARRIOTT NORTHWEST LOCATED AT 7025 NORTHLAND DRIVE.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-90 ESTABLISHING AN ABSENTEE BALLOT BOARD, APPOINTING ABSENTEE BALLOT BOARD JUDGES FOR THE AUGUST 14, 2018 PRIMARY ELECTION AND NOVEMBER 6, 2018 GENERAL ELECTION, AND APPOINT ALL MEMBERS APPOINTED AS THE HENNEPIN COUNTY ABSENTEE BALLOT BOARD TO ACT AS THE BROOKLYN PARK ABSENTEE BALLOT BOARD FOR THE AUGUST 14 AND NOVEMBER 6, 2018 ELECTIONS.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-91 ACCEPTING BIDS AND AWARDED CONTRACT TO ICE DAM STEAM TEAM AND OUTDOOR SERVICES, INC., OF ST. LOUIS PARK, MN IN THE AMOUNT OF \$243,707.02 FOR ADA IMPROVEMENTS AND CONVERTING THE TH 610 / NOBLE PARKWAY (CSAH 12) RAMP INTERSECTIONS TO FLASHING YELLOW ARROW; CIP 4005-18.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF NOVEMBER 27, 2017, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF DECEMBER 11, 2017, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF MAY 14, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION PASSED UNANIMOUSLY.

Council Member M. Mata stated he asked that item 4.1 be pulled since at first there were four votes against it and then it turned out there were 3 votes against. He stated he did not feel it

was appropriate to go on Consent to be unanimously approved to allow the people who voted no to vote again and he stated he would not vote for it because they were replacing a perfectly good sidewalk, rip it up and put in another perfect good sidewalk and had not witnessed the foot traffic that warranted a wider trail put in that place, and since they had seen snow falls happen where they didn't plow to the width of that trail. He stated a normal sidewalk would be just fine.

4.1 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2018-92 ACCEPTING BIDS AND AWARDING CONTRACT TO NORTH VALLEY, INC. OF NOWTHEN, MN FOR 2018 TRAIL PROJECT, CIP 4007-17, BROOKLYN BOULEVARD TRAIL – PHASE 1.

4.1 Mayor Lunde called for a roll call vote.

4.1 THE MOTION PASSED ON A ROLL CALL VOTE AS FOLLOWS: YES – PARKS, PHA, JACOBSON, LUNDE; NO – M. MATA, GATES, B. MATA

7.1 Operations and Maintenance Director Dan Ruiz briefed the Council on a Petition to Consider Parking Regulations Along Both Sides of 65th Avenue North Between Douglas Drive and Edgewood Avenue.

Council Member B. Mata stated he got an email today from the petitioner and the petitioner didn't realize he put the times in from 12 a.m.-7a.m. He stated that during the school year that block was a hazard with people parking in the streets and couldn't get a school bus through. He stated they could only have traffic coming from one direction. He stated people were stopping and dropping kids off or the kids stayed in the car when it was cold outside. He stated there was no room for buses to get through with cars parked on that road. He stated the buses came from two directions and were two different stops at the corner of Edgewood and 65th Avenue and 65th Avenue and Douglas Drive. He stated that time of most of the traffic was between 7 a.m.-9 a.m/. and when they put the motion on the floor, he would like to change it from 12 a.m. to 9 a.m. so there was no hazard for the kids trying to get on and off the school bus.

7.1 MOTION B. MATA, SECOND LUNDE TO ACCEPT PETITION AND CONSIDER THE INSTALLATION OF "NO PARKING FROM 12 A.M. TO 9 A.M." SIGNS ALONG BOTH SIDES OF 65TH AVENUE NORTH BETWEEN DOUGLAS DRIVE AND EDGEWOOD AVENUE.

Operations and Maintenance Director Ruiz asked the city attorney if there needed to be an additional motion to amend the motion to direct staff to install the signs. He stated the way the motion was written was to consider them and not directing staff to do so.

City Attorney Thomson agreed and stated staff just wanted the Council to consider it, and if the Council did want it, thought the appropriate way would be to direct the signs be installed from 12 a.m. to 9 a.m.

Council Member B. Mata asked if they needed to vote on the first motion.

City Attorney Thomson stated the Council didn't have to consider it first and someone could make a motion to actually install them.

7.1 MOTION B. MATA, SECOND JACOBSON TO AMEND THE MOTION TO ACCEPT THE PETITION AND INSTALL THE "NO PARKING – 12 A.M. TO 9 A.M." SIGNS ALONG BOTH SIDES OF 65TH AVENUE NORTH BETWEEN DOUGLAS DRIVE AND EDGEWOOD AVENUE.

Council Member Pha asked what the parking was for 65th Avenue North between Zane Avenue and Douglas Drive.

Operations and Maintenance Director Ruiz stated that between Zane and Douglas currently was no parking on the south side of the street. He stated in 2014 it used to be no parking on the north side but that was eliminated and could park on the north side of 65th between Zane and Douglas.

Council Member Pha asked what the parking ordinance was now for Douglas Drive from 63rd Avenue to 67th Avenue.

Operations and Maintenance Director Ruiz stated right now they could park on both sides of Douglas Drive on that segment.

Council Member Pha stated she was concerned about approving those kinds of petitions coming to the Council because what she wanted to do was to prevent residents from coming to the Council and wanting a no parking sign in front of their house. She stated she could petition it and say no one could park in front of her house even though it was a public road. She stated she didn't want that all over the city where there were certain segments, where every other house had no parking signs in front of it because they petitioned the Council. She stated if they said yes to one resident, they would have to say yes to another one and that brought up the same concern, which they didn't want parking in front of their homes. She asked if it was really a safety issue or if there was something else the Council could do that would alleviate some of the concerns; otherwise, she was prepared to say yes to all petitions that came. She stated it was hard for her to just approve them automatically. She stated it had to have a valid safety concern that the Council couldn't solve in other ways. She stated if they allowed parking now on both sides of Douglas on the north side of 65th but not on the south side of 65th asked why that small segment they were not allowing to park on both sides because it was a public road. She stated there would have to be valid safety concern for her. She stated she didn't know if staff had gone and looked at that site to see if buses really did go through there, if were bus stops there and what the traffic conditions were there during those hours the buses came through.

Council Member Gates stated his concern was making rules for one small area and understood their concerns. He stated if the City had a year parking ban from 2a.m. to 5 a.m. it might alleviate some of those concerns because they wouldn't be parking there anyway. He understood the concerns and had problems by Champlin Park and all over the city, but there were four houses. He stated they had parking on 65th Avenue already and taken the no parking signs down in that area and now wanted to put more back up. He stated his issue was the time. They never added the time before to an area. He asked if they had a traffic count from that segment, what kind of problems they have had and how many tickets were written for overnight parking.

Operations and Maintenance Director Ruiz stated that segment was a low volume residential road, 700 vehicles per day and was designed for 1,000 vehicle trips per day and was within normal operating range. He stated that in terms of safety, in the past five years there were two reported crashes: one possible injury from a pedestrian running into the roadway and the other one was a property damage crash involving a parking vehicle.

Council Member Gates stated his only issue was the time and was a special time and didn't know if he could approve it. He stated he didn't know what the right time for it would be and maybe it was 2 a.m. to 5 a.m. because that was what they had across the city during a particular part of year and from 12 a.m. to 9 a.m. was above the Council's reach.

Council Member M. Mata stated it was a cut through and was a short alley that went by four houses to get back into the other neighborhood. He stated looking northbound saw splits and doubles, which were smaller, and if more people needed more places to park were short driveways and no on street parking the way the driveways sat.

He stated that when someone came with a petition, felt it should have gone on Consent and approved. He stated homeowners got a petition regardless of how many signed and would like something changed. Then the Council would deliberate it at something different when it came back on what they were going to do. He stated he didn't have a problem putting "no parking" signs there and would like to see them just "no parking" signs rather than to put on a time requirement. He stated it would alleviate a lot and was an alley. He stated when a time was put on the sign, people had to read it rather than it saying "no parking" which was an opportunity to go out and monitor that time. He stated if just putting "no parking," they didn't have to worry about it. He asked the motioner, who already changed the time, if they would be willing to do just "no parking" signs and not worry about a time.

He stated he saw it as an alley way and was a safety concern for any big vehicles like a fire truck tow truck, school bus, or truck delivering something trying to get through that area. He stated that there were driveways facing that street, which would make it harder for them to back out where they couldn't see beyond where the cars were sitting in the street.

Mayor Lunde stated there were similar concerns on Brookdale Drive where people were dropping kids off at Monroe School. He stated he couldn't remember if they did something or didn't on the fact that people were stacking up on the south side of Brookdale Drive causing problems and people were also trying to cross and it was a mess. He asked if they did something or worked with the school to try to fix how they operated.

Deputy Police Chief Milburn stated that typically when they are having issues with the school districts related to bus stops, they would work with the school district to talk about bus drop offs and pickups to fact find or figure out a workaround to it. He stated he didn't recall what they did but they did try more enforcement and worked with the school to figure out a compromise.

Mayor Lunde stated he didn't mind the motion and wondered if the Council could get some more information on the bus stops and that was the part he wished he knew more information on. He stated he didn't doubt the petitioner that there were two bus stops there. He stated he would like to know more to understand if there was something they could do before they did that.

Council Member B. Mata stated it was not one resident asking for it. It was the entire block. He stated all of the driveways faced 65th Avenue and one was a twin home with a double driveway. He stated that the owner had videos and photos of cars parked continuously for days on end right across the street from their driveway. He stated if they had no parking there, they had to ticket them and get rid of them. He stated the rest of 65th Avenue was all apartment buildings and that resident documented and counted 326 empty parking spots at Willows Apartment and all those people were parked out in the street. He asked if they needed to do more communications with the apartment buildings to get them to get people to park on their lots. He asked if that was a problem with the apartment owners or managers that were causing it to get people out of their lots or were too restrictive on permits given out. He stated there was a reason they were not parking in lots and parking in the street and blocking driveways.

He stated he would like to see it go through even if it was "no parking" permanently or all the time if the residents wanted to do it. He stated he didn't have a problem if they tabled it to get information on the bus stops and bring it back at the next week's Council meeting.

Operations and Maintenance Director Ruiz stated with school being out, he was not sure if the new bus stops had been set for the next year. He stated sometimes they changed and he would contact the school district for the information.

Council Member B. Mata asked what efforts had been made with the Willows and Eden Park Apartments.

Community Development Director Berggren stated that as part of the apartment action plan, one of the action items was to do an analysis on parking. She stated they started with Willows Apartments because they knew there was a neighborhood concern. She stated they did identify and it was in their report on the detail related to what their practices were. She stated their practices were similar to what they were seeing in other places that were deemed to be the best practices for apartment management. She stated they could talk to them about some adjustments they could make. She stated they did identify that it seemed to be that people were parking in that area because it was more convenient from a location perspective and not for a lack of parking available on site at the Willows Apartments. She stated that came down to their personal preference about where they wanted to park that was convenient access to their home.

Council Member Parks stated one issue he had was that if they did the no parking all the time those four residents needed to keep in mind that it meant if they had parties or relatives over, they didn't park in front of their house and needed to be in the driveway. He stated that might be of a concern. He stated if the Council did anything, it would continue because he knew people from Gunflint Trails would come to the Council, people from Pearson Parkway would come to the Council, and people from Logan Avenue by Festival Foods would come to the Council. He stated he had no problem with tabling it but didn't know about the no parking all the time because that restricted the people that were living there.

Operations and Maintenance Director Ruiz stated that was a great point and would have to reach out to the petitioner if that was something they would support, and the other neighbors, for those exact reasons. He stated the other unique characteristic of that block was the location of fire hydrants, driveways and mailboxes. He stated there were very little, if any, available spots to park on existing law. He stated the police had been called out there numerous times to tag people for parking by the hydrants, behind driveways and parking during the six month restricted 2 a.m. to 5 a.m. parking. He stated for six months of year, it was already no parking overnight and given those other features unique to the street, there was very limited parking available regardless.

Council Member M. Mata asked about the motion brought before the Council. He stated it was to accept the petition and consider the installation, which meant no matter what the vote was, it was going to come back to do it.

Operations and Maintenance Director Ruiz stated the motion was prepared that way because staff wasn't necessarily recommending no parking signs on the street there based on safety concerns. He stated they wanted to bring the petition in to have Council accept and then amend motion if the Council wished to restrict the parking. He stated what Council Member B. Mata had on the table was the motion to accept the petition and direct staff to install no parking from 12 a.m. to 9 a.m. and that was what was on the table now. He stated if that motion passed, then staff would fulfil the petition request and if it was tabled, they would

address that as well.

City Attorney Thomson stated that if the will of Council was to take more time on it, the appropriate action was to table the motion and bring it back in two weeks.

Council Member M. Mata stated he understood what people were talking about and putting signs up. He stated he hated to put signs up because it was another piece of something that could damage a car because it was something sticking out of the ground that caused trouble. He stated he would like to go back and get the petitioner to come back and would like to see no parking on that side. He stated the people who lived in those houses didn't look like there was a problem, and if they were asking for the signs and signing the petition on the signs that if they had overnight guests their houses faced two streets and they could easily park on the other street. He stated because he believed it was an alley way that was a safety concern and would support the whole time of 24 hours.

Operations and Maintenance Director Ruiz stated the next meeting was June 25 and was not sure if he could get that information back. He stated he would look for the Council tabling it until staff could get that information on the bus stops and bring it back at the soonest available date.

7.1 MOTION LUNDE, PHA TO TABLE THE MOTION UNTIL STAFF CAN FIND THE APPROPRIATE REQUESTED INFORMATION AND BRING IT BACK TO THE COUNCIL FOR A FULL CONSIDERATION. THE VOTE ON THE MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS – None.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated that there would be several Tater Daze events this week. He stated the festival would be at the Community Activity Center this year and the parade was still being held at Noble.

10.1 MOTION JACOBSON, SECOND B. MATA TO ADJOURN THIS MEETING OF THE BROOKLYN PARK CITY COUNCIL IN RECOGNITION OF AND RESPECT FOR THE LIFE AND CONTRIBUTIONS OF MR. STANLEY JOHN KONDZIOLKA AND RESPECTFULLY ASK THE SUPPORT OF FELLOW COUNCIL MEMBERS.

HIS DEDICATED CONTRIBUTIONS 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.

THE MOTION PASSED UNANIMOUSLY.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 8:30 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, June 25, 2018
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Rich Gates, Susan Pha, Terry Parks, Mark Mata, Bob Mata and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Deputy Police Chief Todd Milburn and City Clerk Devin Montero.

ABSENT: None.

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT – None.

2B PUBLIC COMMENT

1. Ron Kopf, 7830 Idaho Lane. Stated his house was one of two homes directly behind the proposed behavioral clinic site and he along with the residents were concerned about the clinic and submitted a petition with 42 signatures to the Planning Commission that it not be allowed in the neighborhood for safety concerns. He stated there were three in-ground pools behind the proposed site where a number of children swam and played. He stated a partial fence proposed by the Planning Commission to obscure the view of his neighbor's yard did not address the safety concerns.

He stated he spoke with the manager of the Planned Parenthood and they were not told of sharing the building with the new tenants and thought they had two years on the lease. He stated he also spoke to two directors of Kinder Care learning facilities which had two locations within a block of the site. He stated there were over 50 children combined who attended at those locations.

He stated traffic was another concern for the neighborhood with a number of employees increasing at other commercial properties in the complex. He stated they could have a similar problem that existed at the methadone clinic at Brookdale Drive where they had 6 calls to police in 2017 because of a number of taxis coming and going to bring patients to the building. He stated if they took a poll of those residents they would not be in favor of that clinic in their neighborhood.

He stated the proposal was a 24 hour/7day week clinic with in-patient treatment for up to 90 days with a 17-bed facility and increasing in capacity if Planned Parenthood moved out in a couple of years. He stated the manager of the proposed clinic assured them

there was nothing to worry about. It was locked at night and patients were supervised during the day but did not deny if they were able to leave if they chose to. He stated he understood the need for those types of services but asked if anyone was going to guarantee the safety of the children. He stated there is a better location that could be found.

2. Mike Feelan, 7812 Idaho Lane. He stated their neighbors were very nervous of what could happen. He stated he talked to two police officers and was told by them at different times to do what he could to not have that facility near a kid stop and near families and backyards. He thought it was a done deal at the Council meeting a month ago. He asked the Council to put it in a different commercial area and not in a residential area and also had concerns for their house values.
3. Collette Guyott-Hempel, 9277 Trinity Gardens. She stated that at the meeting before 93rd Avenue stopped being a county road and became a City street at that time she spoke and said she wanted it to stay a county road because of safety factor that it would be wider. She stated that not one of the 20 to 25 property owners between Regent and Zane got a notice that the discussion was happening tonight. She stated she was very afraid if Council had the discussion they might make a decision tonight and was within the Council's rights according to the agenda. She stated the Council had been doing things to the neighborhood by not taking care of the sidewalk like they promised and reduction in the speed on 93rd Avenue.

3A. MOTION GATES, SECOND PARKS TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH ITEM 4.5 PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B1 North Metro Mayors Association/Metro Cities Legislative Update.

Patricia Nauman, Metro Cities, and Troy Olsen, North Metro Mayors Association, gave a legislative update.

4.0 MOTION GATES, SECOND JACOBSON TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS: (Item #4.5 was removed for separate consideration.)

4.1 TO APPROVE THE NEW MANAGER, BRIAN DAVID ABRAMSON, FOR SUPERVALU INC DOING BUSINESS AS CUB DISCOUNT LIQUOR LOCATED AT 7555 WEST BROADWAY.

4.2 TO APPROVE THE NEW OFFICER, DEVON JAMES HART, FOR SUPERVALU INC DOING BUSINESS AS CUB DISCOUNT LIQUOR LOCATED AT 7555 WEST BROADWAY.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-93 APPROVING VARIANCE

TO REAR-YARD SETBACK REQUIREMENTS FOR A HOUSE ADDITION AT 6324 92ND AVENUE NORTH.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-94 APPROVING CHANGE ORDER NO. 2 FOR CIP NO. 4002-17, 2017 MUNICIPAL STATE AID (MSA) MILL AND OVERLAY.

MOTION PASSED UNANIMOUSLY.

Council Member Terry Parks stated the reason he pulled item 4.5 was that he was surprised to see it in the agenda. He stated before he got on the Council, he had been pushing for a senior center of some sort and one of the ideas he had was for the old library to put something there because it had enough room for it. He stated had he known there was a petition on it, he would have been the first person to sign it and thanked those putting the petition together because it was something he had been pushing for before being on the Council.

4.5 MOTION PARKS, SECOND GATES TO ACCEPT THE PETITION REGARDING THE COMMUNITY ACTIVITY CENTER AREA FOR SENIOR WELLNESS. MOTION PASSED UNANIMOUSLY.

6.1 Planning Director Cindy Sherman briefed the Council on the Conditional Use Permit for a Sixteen Bed Care Center at 6900 78th Avenue North.

6.1 MOTION B. MATA, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2018-95 TO DENY A CONDITIONAL USE PERMIT FOR A SIXTEEN BED CARE CENTER LOCATED AT 6900 78TH AVENUE NORTH.

6.1 THE MOTION PASSED ON A ROLL CALL VOTE AS FOLLOWS: YES – PHA, M. MATA, B. MATA, LUNDE; NO – PARKS, JACOBSON, GATES.

6.2 Planning Director Cindy Sherman briefed the Council on the Conditional Use Permit #18-110 to Operate Three Religious Institutions in a Multi-Tenant Building 5820 74th Avenue North.

6.2 MOTION B. MATA, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2018-96 APPROVING A CONDITIONAL USE PERMIT TO OPERATE THREE RELIGIOUS INSTITUTIONS AT 5820 74TH AVENUE NORTH, SUITES 100, 104, AND 105. MOTION PASSED UNANIMOUSLY.

6.3 Planning Director Cindy Sherman briefed the Council on the Conditional Use Permit for a Credit Union with a Drive-Thru at 5703 100th Avenue North.

6.3 MOTION LUNDE, SECOND GATES TO WAIVE THE READING AND ADOPT RESOLUTION #2018-97 APPROVING A CONDITIONAL USE PERMIT FOR A FINANCIAL INSTITUTION WITH A DRIVE-THRU AT 5703 100TH AVENUE NORTH. MOTION PASSED UNANIMOUSLY.

6.4 Planning Director Cindy Sherman briefed the Council on the First Reading of an Ordinance to Adopt Transit-Oriented Zoning Districts to be Applied to Transit Station Areas.

6.4 MOTION PHA, SECOND GATES TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE APPROVING ZONING ORDINANCE AMENDMENT #18-113 ADOPTING TRANSIT-ORIENTED ZONING DISTRICTS TO BE APPLIED TO TRANSIT STATION AREAS LOCATED AT: 1.) 63RD AVENUE AND BOTTINEAU BOULEVARD, 2.) BROOKLYN BOULEVARD AND WEST BROADWAY, 3.) 85TH AVENUE AND WEST BROADWAY, 4.) 93RD AVENUE AND WEST BROADWAY, AND 5.) OAK GROVE AND WEST BROADWAY AND ADDING SECTIONS 152.601 THROUGH 152.610 TO THE CITY CODE. THE MOTION PASSED ON A ROLL CALL VOTE AS FOLLOWS: YES – PHA, JACOBSON, GATES, PARKS, LUNDE; NO – M. MATA, B. MATA.

6.5 Planning Director Cindy Sherman briefed the Council on the Code Amendment Pertaining to Self-Storage Facilities in the Business Park Zoning District.

6.5 MOTION B. MATA, SECOND PARKS TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING SECTION 152.342 OF CITY CODE PERTAINING TO SELF-STORAGE BUSINESSES. MOTION PASSED UNANIMOUSLY.

8.1 City Engineer Jesse Struve and Planning Director Cindy Sherman briefed the Council on 93rd Avenue N from Zane Avenue N to Regent Avenue N.

City Engineer Jesse Struve briefed the City Council on 93rd Avenue history, issues, existing road conditions, the speed study, road capacity, safety records, development in the area, increased facilities and connections, and the considerations.

Council Member Bob Mata asked what project on 63rd was being done.

City Engineer Struve stated the projects that were done to 63rd Avenue over the past two years included restriping, on-street bike lines, and mill and overlay in 2019.

Council Member Bob Mata asked when they were going to fix the 63rd Avenue and Yukon intersection.

Council Member Jacobson asked if the City went with the reconstruction, would it delay other projects. She stated money might be waiting for other projects that were on hold and wanted to clarify that statement.

City Engineer Struve stated the MN State Aid fund program funded multiple projects which included the West Broadway project, 93rd Avenue project, associated with the LRT, and other projects, which was where the money went. He stated the City had \$54 million worth of

projects in the next thirty years. He stated the MSA fund would supply \$16 million, as well as Federal Funding, MNDot, and grants, but there was a large need for the rest of the funds.

Council Member Jacobson stated it was not about the traffic or the condition, but what was to come. She stated it was about community development and safety. She asked if there was any money they could use from community development funds.

City Manager Stroebel stated in budget development, they laid out a five-year and ten-year timeline when projects should be done, but if the Council Members wanted to prioritize that project, then they would find recommendations to where those fundings could come from.

Council Member Mark Mata asked if the road would be getting trails on both sides.

City Engineer Struve stated yes, it was consistent with Hennepin County's projects.

Council Member M. Mata stated the size of the sidewalk was 4 to 6 ft and asked why the City would build a 10-foot sidewalk.

City Engineer Struve stated they ran a cost analysis on a 8 to 10-foot asphalt against a 6-foot concrete sidewalk, and it was cheaper to do the 10-foot asphalt. He stated he would bring forward suggestions to the Council and suggested it would be ideal to have a trail on at least one side of the road.

Council Member M. Mata stated there was concern about snow plowing and how it was plowed at 4 feet rather than 10 feet.

Mayor Lunde stated he would allow people to speak on item 8.1 and opened the public forum.

The following individuals addressed the Council:

1. Don Davis, 4249 93rd Avenue. Stated he was a member of the Home Owners Association Board of Directors and was speaking on their behalf. He stated they were concerned about the quality of life and public safety issues and the increase in travel volumes at Noble Parkway. He stated with the increase of travelers, it was concerning and the delay of traffic impacted travelers. He stated he heard horns honking, breaks squeaking, and believed it was a quality of life issue and safety concern and the traffic control was warranted.
2. George Larson, 9312 Prestwick Lane. He stated there was a safety concern in the speeding on the street and going from 50 miles to 30 miles was not plausible. He stated the intersection needed a light, and thought it was ridiculous they did not want a light there and it would save lives by putting a light at the intersection.

3. Jan Sturbern, 9316 Prestwick Lane. She stated she was on Association Board. She stated that individuals did not slow down from 50 to 30 and that intersection took too long and going left was impossible. She wanted to know how many accidents there were on that corner and adding new units would have 400 more cars on 93rd Avenue. She stated that it would get worse and it had been like that for years and asked the Council to be proactive.
4. Victor Smith, 4232 93rd Avenue. He stated that with all buildings put along there, the Council was not doing anything to get them out onto 93rd Avenue. He stated 93rd Avenue was not safe for pedestrians.
5. Kathy Williams, 4224 93rd Avenue. Stated she was on the Home Association Board for her HOA. She stated it was not possible to get out on to Noble Parkway and was getting worse. She asked if there had been any accidents in the intersection.
6. Collette Guyott-Hempel. She stated the speeding was not safe and there was no sidewalk. She stated the neighborhood would not want a path behind it. She stated there were multiple accidents and other safety issues. She stated the letters did not make it to her neighborhood and the traffic lights were needed.
7. Craig Cerst, 6025 92nd Avenue. He stated the 93rd Avenue was overly used and was hard to use the street to cross.
8. Ed Mouline, 4124 93rd Avenue. He stated he could not get on Noble and that he took the back streets because it needed a light.

Mayor Lunde closed the public forum. He stated it was a study from Zane to Regent. He thanked those who spoke and stated their input was important. He stated he did not drive on 93rd Avenue and Noble and he also took different streets. He asked City Engineer Struve to address the light at 93rd and Noble.

City Engineer Struve stated he did not have the accident information and would look at that intersection if it warranted a signal and what was going on there.

Mayor Lunde stated there were accidents in the area and asked to do a speed study from Regent to Noble and was a speed issue in that area.

City Engineer Struve stated it was possible to do a speed study and the study ran seven days to collect the information.

Mayor Lunde stated more data was needed and asked about the rating and thought it was not rated well.

City Engineer Struve stated that intersection was rated 22 out of 26, (1 was worse, and 26 being the best). He stated the intersection did not need construction and brought up projects that would be impacted.

Mayor Lunde asked if it was possible to put memo and get the ratings of projects that were the most dangerous. He stated he would rather have the money spent there.

City Engineer Struve stated he could send an itemized list of the order and the ratings for the intersections and roads.

Mayor Lunde asked if there was a way to collect the speakers' emails so staff could send information.

City Engineer Struve stated there was a short-term fix, to make the shoulders smaller and could add 2 to 4 feet on to the road but it was not adequate. He stated the City would need to reconstruct the segment, of Zane and Regent, which was what the \$2.5 million funding was for.

Council Member Pha stated the speed could be addressed and the change of the speed limit would need to be petitioned with the State. She wanted clarification on that statement.

City Engineer Struve stated that a speed study cost was from \$10,000-\$15,000 and the study could justify the 50 mph.

Council Member Pha asked what criteria would justify the 50-mph speed limit.

City Engineer Struve stated the State would look at the 85% percentile traffic was traveling at. He stated it was very straight, flat, not much wider shoulders. He stated that restriping and narrowing the lanes might help.

Council Member Pha stated she would challenge and petition the State and MnDOT for safety reasons and that 50 mph was not safe. She stated it would be safer at 40 mph or 30 mph. She stated the conversation would also need to be expanded to 93rd and Noble. She stated a traffic light would need to be there and if they could start a study at that corner.

City Engineer Struve stated he would start that process and look at the traffic counts, accident history and test it if it met the warrants. He stated the only issue would be consulting Hennepin County because they had jurisdiction.

City Council Member Pha stated starting on a study for a light and the speed would be a concern that needed to be decided on now. She stated the left and right turn lanes would be a good idea and that spending \$2.5 million on a road was excessive. She stated that addressing the smaller problems would solve the problems.

Council Member Bob Mata agreed the speed limit was excessive. He stated a light on 93rd and Noble was needed and there were fines collected that could cover the costs.

City Engineer Struve offered a notebook to write down the email addresses of the residents who spoke tonight for any future questions.

Council Member Jacobson asked about the eligible projects list and the cost of traffic lights and to clarify if that was the cost of one street light.

City Engineer Struve stated that the amount was \$337,000 for a single signal light.

Council Member Mark Mata wanted asked for a clarification of the segment that was being discussed. He asked if the street was City owned, and why the City could not change the speed limit on that street.

City Engineer Struve stated that according to state statute, speed limits were controlled by the State and not the local municipalities.

Council Member Mark Mata asked if they could request the speed change and if the State could deny the request.

City Engineer Struve stated the request could be denied and the speed could increase on the street, if they petitioned a change. He stated speed studies were resolute and that if the criteria was evaluated and it came out it should be going faster, they would have to follow their declaration.

Council Member Mark Mata stated the inconsistency of the speed limits and adding lights would add to the commute time. He stated businesses were suffering because the County controlled the intersection and changed the timing on the lights. He suggested adding a trail rather than sidewalks and make a curve to slow down the area. He stated that changing the structure of the roads lessened the maintenance of the roads.

Council Member Parks stated he understood the study for the most part, that the pedestrian was not safe and looking into fixing 93rd and doing something.

The following individual addressed the Council:

1. Don Davis, 4249 93rd Avenue. He clarified the difference between unwarranted and warranted and the difference was the liability. He stated the configuration of the street qualified it as rural and there could be an adjustment.

City Manager Stroebel stated the Metro Cities Legislative Policy and his previous experience with the Transportation and Government Committee was that they were advocating for local control of local speed limits and additional strategies and long-term solutions to give more flexibility to cities.

Mayor Lunde stated he cautioned the City Council Members to watch the language about whether a street was safe or not because right now the road was safe by the study standards.

City Engineer Struve stated they could ask Hennepin County without entering into an agreement.

7.1 City Manager Jay Stroebel briefed the Council on the First Reading of an Ordinance to Amend City Code Section 30.01 Mayor and Council Member Salaries.

City Manager Stroebel he gave a history of the requests and the Charter Commission came back with a recommendation, one to propose a salary adjustment to increase by 2% 2019 and 2% increase by 2020 for the Mayor and the City Council Members. He stated they also recommended the City Manager to review the salaries every two years and to add review provision in the city code under Section 30.1.

Council Member Mark Mata stated he would not be voting for the raise. He stated he did not support a Council Member deciding on their wages. He stated the City Council had the authority to vote a raise at any time with four votes. He stated it was making regulations of every two years and was more language on top of language and was not supporting the proposal.

Council Member Gates stated the last raises were given before the year prior to when he started. He stated they were not giving raises to staff, then they did not vote to raise Council's wages. He stated that once the City started giving raises to the staff, the Council was still not raising their wages even with the cost of living rising. In that time, 12 years, the monthly commitments had raised to 10-15 hours a month. He stated with more businesses and commissions, there should be a raise at that point. He stated Brooklyn Center was recommended by the Charter Commission to give themselves a raise. With the increase of population, and a 40 plus hour a month commitment, he supported the proposal and believed higher than 2% would be ideal even though he would not be on the Council for the next years.

Council Member Jacobson stated when giving themselves a raise of 2%, the 2% they currently received was \$19.00 a month pretax, or the Mayor \$28.00 a month. She stated the 2% increase would be annually of \$1,710. She stated she could not support the proposal because of all the budgeted projects. She also understood the hours had changed, business growth and that was what they signed up for.

Council Member Parks stated he would not support a raise. He stated the raising of taxes every year and charging fixed income people for fees for electric and water, and stated he was not voting for a raise.

Council Member Bob Mata also agrees with not supporting a raise. He stated the extra \$19.00 a month was not worth it and did not want the negativity with the residents when he fought hard to reduce the budget.

City Council Member Pha stated she would want to compensate the Mayor and the Council accordingly compared to the other cities. She stated they thought of the employees the same way, and they should be thinking of the future elected officials. She stated that residents knew the difference between incremental increases and excessive raises. She stated she supported the raise for the Mayor and City Council Members.

Mayor Lunde stated that the raise would be in consideration of the future mayor and the time that they spent on being a mayor. He stated that making 2% in ten years was acceptable and supported the proposal for a raise.

Council Member Jacobson stated she would support the raise but clarified the true dollar amount and what the dollar amount meant to the entire the city budget annually.

7.1 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CITY CODE SECTION 30.01 MAYOR AND COUNCIL MEMBER SALARIES.

Mayor Lunde called for a roll call vote.

7.1 THE MOTION PASSED ON A ROLL CALL VOTE AS FOLLOWS: YES – JACOBSON, GATES, PHA, LUNDE; NO – M. MATA, B. MATA, PARKS.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Parks stated past City Council Member Ron Dow passed away on June 9. He was a resident since 1961 and the first president of the Local Civic Association, Planning Commission in 1967, President of the BPAA in 1967, Tater Daze Committee Chair in 1968, City Council Member from 1970 to 1976 and again from 1979 to 1982. He asked staff that on July 9 to do a motion for adjournment in his honor.

Council Member B. Mata stated this morning he and Council Member Parks had a meeting with staff and a resident and was pleasantly surprised that staff was willing to consider options they hadn't thought of in resolving the resident's issues and problem. He stated they all walked out of the room happy and was glad staff was open to new suggestions they had not thought of.

Council Member Jacobson stated that as liaison to Tater Daze committee thanked everyone, volunteers, who made Tater Daze what it was this year. She stated with the big move, there were always a lot of unknowns that came with that. She also thanked staff from Recreation and

Parks, Police Department, Fire Department and everyone stepped in and made a difference. She stated she talked to a lot of people as the Lions Club did well and everyone seemed happy and appreciated all their efforts. She stated that if the Council or residents had thoughts to share with the committee or to join the committee to reach out to Mark Ofstund in Recreation and Parks or her to share that because they were looking for that.

Mayor Lunde thanked all of the volunteers at Tater Daze. He stated they did an immense amount of work and in July they would start meeting for next year's event. He stated that for those that had ideas it was a great opportunity to volunteer if they wanted to change something.

He stated he went to the 109th Avenue discussion at the City of Champlin and there were a lot of questions from the Champlin residents about 109th Avenue. He stated that overall the conversations were good. He stated there were also a lot of conversations on 101st Avenue on bonding money and what Brooklyn Park plans were around that. He stated that was just another step on the feedback from them and the process continued.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated there was no Council meeting on July 2 and City Hall was closed on July 4.

He stated that on July 9 they would be having a one-hour work session at 6:00 p.m. followed by the regular meeting at 7:00 p.m.

He stated tomorrow from 11 a.m. to 2 p.m., in front of the Community Activity Center at the fishpond, was the Cops and Kids Fishing Tournament. He stated it was a great event for youth in the community and police officers to connect in a positive way.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 10:20 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

DECEMBER 17, 2018 REGULAR BROOKLYN PARK CITY COUNCIL MEETING
(Adjourned December 10, 2018 Regular Council Meeting)

Monday, December 17, 2018
7:00 p.m. (Prior to the EDA meeting)

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Rich Gates, Susan Pha, Terry Parks, Mark Mata, Bob Mata and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Deputy Police Chief Todd Milburn and City Clerk Devin Montero.

ABSENT: None.

6.1 Planning Director Cindy Sherman briefed the Council on the Comprehensive Plan.

She stated what they were proposing was to keep the Business Park definition they had today in the Comprehensive Plan rather than trying to craft new language and thought it was creating some confusion and some uncertainty. She stated that if the Council agreed to keep the language in place, they would go through the comprehensive plan before they submit it and make all the modifications to the map, the language, text and convert it back to what they had currently in place and there should be no question what businesses were allowed and permitted.

Council Member M. Mata stated that on the Comprehensive Plan, 85th Avenue from City Hall to past the golf course had a lot of older businesses. Over the years, the City had put things in place through different Councils trying to change the area. He stated the City kind of had a downtown area and that went away and became more and more housing and lost more commercial property at Brooklyn Boulevard and Zane Avenue. He stated that on 85th Avenue, he talked to a business owner who was trying to get in compliance and making sure they were keeping their buildings up and the owner made a comment he didn't expect. He stated the owner said they went to the City with a proposal to do a remodeling of a building for \$180,000 and they were told they could only do \$120,000. He stated he talked to Planning Director Sherman and there were some things that were in place that said they couldn't do an "X" amount of dollars in remodeling because the City just wanted those businesses to go away.

He stated he didn't see that section of 85th Avenue changing in his kid's lifetime and the businesses are there if they wanted to tear their building down and make it better looking than what was there. He stated he would like to change something to give them ability to improve their property and stop the City from handcuffing them and selling to the City so it could create some big master plan along 85th Avenue that he had never seen. He stated no developers would come in to say they have a master plan to along there. He stated it was 20 years in the making and liked to change it because that 85th Avenue section was not going to be a big

business corridor for the City. He stated it was already changing and wanted to see what Planning Director Sherman could suggest to the Council so they could not handcuff those businesses that were there but give them the ability to grow and beautify themselves even if it meant tearing it down and building something to today's standards.

Planning Director Sherman showed a map of the corridor on 85th Avenue, City Hall campus, and police station. She stated it was the area from Creekside all the way past the golf course and they had a lot of infilled development and redevelopment over time and lot of housing. She stated most of the areas that were nonconforming were on the southside but there were a couple of businesses in the north side.

She stated the document didn't address those things of what made the nonconformity and limited the investment to the property was the zoning code. She thought it was more appropriate that they take that up as part of the discussion moving forward on implementation with the meetings that were coming up in the first quarter of the year to talk about strategic planning and ideas for the EDA and the City Council to be working on. She thought that was the time when the Council would want to direct staff if they wanted to do specific work around either the zoning land use or master plan. She stated they did have plans in place and there was a reinvestment framework that was done for different properties and there was an 85th Avenue corridor study that was done and was quite old. She stated what really what happened when the property was rezoned to Planned Community Development when the golf course was put in place in the late 80/early 90s; was that it created all those parcels to be nonconforming that had outside storage because it was not allowed anymore but they could continue.

She stated they limited the investments they could put on their property to limit the lifetime of the business because it was not the kind of business that had been identified as desirable along the corridor. She stated she had been told and there had been a story that 85th Avenue used to be on the northern edge of the Twin Cities before they had sewer and water go north. She stated that was why they saw some of those uses, but now obviously, it was in the middle of the community and at least the historic desire had been to not to have those business continue once they ran their course. She stated if the Council wanted to study it, it was something they should discuss at their strategic meeting and direct staff to do that work.

Council Member M. Mata stated he would like to see that come forward if it's a zoning area. He stated he wanted it to be made known to the Council because there was a business there that used a lot of resources with code enforcement and he wanted to stop that and that meant they were not going to tear his building down and build new. He stated he would like to see more of the businesses take ownership of the stock they have in the city.

6.1 MOTION LUNDE, SECOND GATES TO WAIVE THE READING AND ADOPT RESOLUTION #2018-187 DIRECTING CITY STAFF TO SUBMIT THE CITY'S 2040 COMPREHENSIVE PLAN TO THE METROPOLITAN COUNCIL FOR REVIEW PURSUANT TO STATE LAW.

Mayor Lunde stated he wanted to confirm that they were asking the Metropolitan Council to look at it and it would come back to the full Council next year for approval.

Planning Director Sherman stated it was the formality of getting it submitted by the deadline, which was by the end of December. She stated Met Council had 15 days to determine whether the plan was complete. Once they determined it was complete, then they had 120 days to review it. She stated they would come back to staff with any modifications or questions or things that might come up. She stated that once it was finalized in a final version, they would bring it back to the Council. She stated the action would be put it in affect and that was what the Council would do at that time.

6.1 THE MOTION PASSED UNANIMOUSLY.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 7:13 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

BROOKLYN PARK CITY COUNCIL SPECIAL MEETING
COUNCIL RETREAT

Monday, April 29, 2019
4:00 p.m.

Police Department Briefing Room
5400 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Susan Pha, Tonja West-Hafner, Terry Parks, Wynfred Russell and Lisa Jacobson; City Manager Jay Stroebel; Assistant City Manager Wokie Freeman-Gbogba; Community Development Director Kim Berggren and Retreat Facilitator Josie Shardlow.

ABSENT: Mark Mata (excused)

City Manager Stroebel briefed the Council on the format of the retreat. He briefed on the agenda:

Team Building

Kari Kraft, Human Resources, facilitated the Insights training with the Council.

At 6:00 p.m., the Council recessed for dinner.

Strategic Planning Agenda.

6:00-6:30 p.m. CITY MANAGER STROEBLE PRESENTS ON 2018 AND PLANNED 2019 WORK

At 6:17 p.m., City Manager Stroebel briefed the Council on the retreat. He stated they would discuss priorities, where they were last year, new priorities and going on the future.

He covered the retreat agenda: Presentation on 2018 and planned 2019 work; Reflection conversation (past), Current Reality (Present), Exercises on Priorities (future); Discussion on the exercise and significance for the coming year.

He stated that last Thursday the Brooklyn Park Assembly held the *Brooklyn Park 2025* anniversary, and for each goal identified recent accomplishments and what was on the horizon.

Goal 1 – We want to become a more united and welcoming community, strengthened by our diversity. We Did: Open Catering at the CAC, Tater Daze moved, New Connect now includes renters. **In the Works:** City Hall remodel, Tater Daze, Center for Innovation & the Arts, City Hall on the Go.

Goal 2 – We want beautiful places and quality infrastructure that make Brooklyn Park a unique destination. We Did: Upgraded Streets, Snow Emergency pilot project, Park Bond projects, D’Amico Catering at Edinburgh. **In the Works:** Blue Line Light Rail, Highway 252, Park Improvements.

Goal 3 – We want a balanced and economic environment that empowers businesses and people to thrive. We Did: Expanded BrookLynk, Textile Recycling, Emerald Ash Borer

Implementation Plan. **In the Works:** Support Businesses, Solar Power, Organics Recycling/Composting.

Goal 4 – *We want people of all ages to have what they need to feel healthy and safe.* **We Did:** Age-Friendly Community report, Youth Outreach Team, Police Community Relations. **In the Works:** Fire Strategic Plan Process, Age-Friendly Community Action Plan, Engaging Youth.

Goal 5 – *We want partnerships that increase racial and economic equity and empower residents and neighborhoods to prosper.* **We Did:** Meals for Kids participating in summer programs, Apartment Outreach, Mental Health Focus Area. **In the Works:** Cities United and My Brother's Keeper, Increased Access to Food (Second Harvest Heartland and CEAP), Racial Equity Tool to look for city policies, programs and procedures.

Goal 6 – *We want an effective and engaging government recognized as a leader.* **We Did:** E-Services for utility billing and rental license renewals, Intercultural Development, Customer Service Excellence Standards. **In the Works:** More Online Services, New City Website, Resident Survey 2019, Brooklyns Census 2019 Coalition.

City Manager Stroebel highlighted some of the Brooklyn Park Community Indicators, which was a quantitative way of measuring progress.

Goal 1: media coverage.

Goal 2: home value; street quality; home sale price; street condition rating; walk friendliness; trails; bike friendliness; code compliance; sidewalks; transit friendliness.

Goal 3: poverty; income; housing costs; recycling; job growth; commercial tax base; commercial vacancy; housing costs.

Discussion were held on median household incomes.

Goal 4: crime; crime prevention; fire response service; emergency medical; safety; neighborhood watch; crime perceptions.

Goal 5: increase racial and economic equity; by neighborhood; by racial/ethnic equity; unemployment rates; graduation rates.

Goal 6: levy amount; city services value; budget; city commission demographics; registered voters; voter turnout.

City Manager Stroebel gave a presentation on the Diversity and Disparities in the city and covered the following areas: Brooklyn Park at a Glance, 10 most racially and ethnically in Minnesota, In nation, Median Household Incomes, Percent of Residents age 25 with high school diploma or equivalent, Percent of residents with college degree, Unemployment Rate, Poverty Rates, Homeownership by Race, Cost Burden, Median household by neighborhood, Percent of color by neighborhood.

City Manager Stroebel referred to the BP 2025 projects for 2019. He stated there were nine priority projects which were strategic projects and leadership got together on monthly basis to work on them. He stated they were presented on quarterly basis and were internally and externally focused. The Citywide Strategic Projects were: Age Friendly Community, Apartment

Action Plan, Branding/Communications, Continuous Improvement, Customer Service Excellence Standards, Light Rail Transit, Performance Management, Procurement, and Racial Equity. He stated there was also strategic work by Departments and highlighted a few items.

Administration – *Open Data*

Community Development – *Opportunity Zone, Housing Re-investment/NOAH Policy/Program Restaurant Initiative, Village Creek, New Development-Affordable Rental Housing, Business Incubator, Center for Innovation and the Arts/Plaza, Expand online permit/license types, 2040 Comprehensive Plan Update.*

Finance – *Customer Engagement/Self-serve, GIS Layers-Assessing Quintiles, CAFR Builder, Position Budgeting Preparation.*

Fire – *Fire Strategic Plan and Implementation.*

Operations and Maintenance – *City Hall Remodel.*

Police – *Mental Health, BLUE Blocks.*

Recreation and Parks – *Cities United, Park Re-investment, Inclusion Plan, Brooklyn Park Youth Outreach, Edinburgh USA Clubhouse Reinvestment Plan, Tater Daze City-wide celebration.*

He stated there were three townhall meeting in each District and provided the townhall summary.

6:30-7:00 p.m. REFLECTION CONVERSATIONS (PAST)

Facilitator Shardlow briefed on the agenda for the Retreat. She stated they would think about where the City had been in last 18 months and where they wanted to go and prioritize and would review the past and current projects and reflect on it together.

She asked the following question. *Think back on 2018 and the first few months of 2019; what work were you most proud of?*

Most proud of: community engagement, park bond passing, park system plan, open catering policy, Brooklyn opening, lower crime; BrookLynk, Youth Council, Youth engagement, textile recycling, hiring new Fire Chief, Outreach Team-youth, Senior Services and Age Friendly Community Outreach, Street improvement program, Welcoming renters – new connect, Fully staffed, Apartment Action Plan, all of the staff, Leadership, Nationally and regional transit, Cities United, \$5 million for Highway 169 project, Solar Power, City Budget, E-services direction, new communications team, Dome, moved Tater Daze to CAC, More work to make it inclusive, Champlin Park High School hooking up to water this year.

Facilitator Shardlow asked the following question: *What opportunities were missed?*

Missed opportunities: Hotdish project, partnership at Central Park; 109th Avenue, LRT, improve on marketing and communication with diverse outlets – newspapers; radio, tv, area of branding for community, Tater Daze more inclusive; including swimming pool in the Park bond, aquatics, Deferred Enforced Departure (DED) – in 11 months it will back on the plate again, grant for firefighters, partnership with the Twins, improving public image coming from the outside.

Facilitator Shardlow asked the following question: *What did we learn this year and takeaways about the organization, community?*

What did we learn this year/takeaways: engagement is hard but pays off in the end, most people in Brooklyn Park approve what we are doing, approval rating is high, loud voices get the momentum going – Hotdish, the movement and direction on the snow emergency ordinance

decision, residents willing to pay more in taxes for the park bond, willing to invest in the community, Brooklyn Park is a great community, yes we can get restaurants, hard work pays off – Projects that takes years to get to, staff brings ideas to Council and Council receptive on ideas, believe the community recognizes the importance of reinvestment to change the brand, a lot of wage pressure – competitive with peers, hiring and the benefits, intercultural competency training makes a difference – efforts to train leadership and staff, continue to learn the demands from residents – trails and transit.

Facilitator Shardlow asked the following question: *In what ways are we more prepared to serve the community this year? What do we have going for us for the next coming months.*

Ways we are more prepared to serve the community this year: engaging community, gotten better in taking on partnerships, diversity on the Council, Council retreats and training from LMC was helpful, comments around cultural competency and Council prepared to serve all cultures in the community, Liberian Consulate in Brooklyn Park, Council environment and staff relationship in the community in a better place, alignment good strategic priorities, alignment of staff leadership and with Council – right direction for couple of years, stable leadership team, we heard from the community where to go, planning how we are advancing what the community said, money, have money to do things, park bond money and franchise fee money, have right staff in place, right people doing the right job, best staff there is, always thinking ahead, customer service excellence standards for staff to articulate what customer service looks like.

7:00-7:15 p.m. CURRENT REALITY (PRESENT)

Facilitator Shardlow stated they would look on the alignment around priorities, where there was consensus with the community goals and where they were affirming current priorities and proposed any new shifts in the goals.

She asked the following *question: What is that current work on our plate; what is happening in 2019?*

What is happening in 2019: Building a dome, pigs, goats and chicken ordinance, City Hall remodel starting, fire strategic operation plan coming soon, apartment action plan, deciding on what to do with open data, and blue blocks, 101st interchange, Phase 1 implementation of park bond projects, Highway 252 project, light rail, fund raising for CITA, policies around housing changes, old Hennepin County library acquisition, website, painting a water tower, redevelopment of River Park, and DED status., Culture of hate – political candidates, and will be felt more in the city. What happens nationally will be felt here. Council talk to people and let them vent, and City Hall on the Go.

At 7:20 p.m., Facilitator Shardlow called for a break.

At 7:30 p.m., Facilitator Shardlow reconvened the retreat. She stated for the next exercise, Council Members needed to sit together, and directors needed sit together to work on a priority exercise. She stated in their packet they had the *BP 2025 Community Goals* and where the Council shared in agreement last year.

7:15-8:00 p.m. EXCERSISES – PRIORITIES (FUTURE)

2018 Council Retreat – Clear Shared Agreement	
Goal Number	Description
1	Brooklyn Park is unified with a strong positive identity and image.
2	Neighborhoods are well-maintained with quality housing for all ages and incomes integrated throughout the community.
3	Our business environment inspires private investment and job growth.
3	Business and organization of all types, sizes and specialties, stay and grow here.
4	Youth are engaged in positive and quality experiences.
4	Aging adults have services and amenities to thrive and age in place.
5	Each student graduates high school with a pathway to college or career.
6	The City provides quality services at a reasonable cost.
6	The City is well-managed and recognized as a great place to work.

She stated the first part of the exercise was individual work about what shifts in priorities for the City, think about the missed opportunities; what they wanted to focus on; or they could reaffirm what the Council said last year. She asked to come up with six goals as priorities.

Individual exercise; in packet have *BP 2025* community goals; pink stars last year shared agreement; Council.

At 7:35 p.m., she asked each individual to get into two or three groups and share their choices and why they picked them and then decide as a group their top priorities.

Two people in a group got eight dots. Three people in a group got 12 dots for the exercise. Staff got orange dots and Council got green dots. After discussions each group (Council/Directors) placed dots on the *BP 2025* Community Goals.

Facilitator Shardlow asked the groups to report on where they wanted to affirm, where wanted to shift and why. Each group presented why they chose their selections.

C=Council Dots/S=Staff Dots

Goal Number	Reaffirmed	New Shift
1. Brooklyn Park is unified with a strong positive identity and image	S, S, S, C	
1. Our Community's activities, events, and services are inclusive, multi-cultural, and accessible.		S, S
1. We have places and spaces for diverse communities to gather.		S
2. Modern transportation options (drive, ride, walk, bike) connect people to education, jobs, and recreation.		S, S, C
2. Quality recreation and park amenities inspire activity for all ages and interests.		C
2. Attractive key corridors, corners, and city centers create destinations that meet community needs.		S
2. Neighborhoods are well maintained with quality housing for all ages and incomes integrated throughout the community.	C, S	

3. People of all ages and backgrounds enjoy financial stability		S
3. Our business environment inspires private investment and job growth.	C, S	
3. Business and organizations of all types, sizes and specialties start, stay and grow here.	C, C, C, S, S	
4. Neighborhood are empowered and supported by strengthened positive relationships with police		S, S, C
4. Youth are engaged in positive and quality experiences	C, C, C, S, S	
4. Aging adults have services and amenities to thrive and age in place.	C, C, S	
5. Each resident has access to the training and support needed to get and keep a living wage job.	C	
5. Aging neighborhoods and commercial centers are revitalized through continuous investment		S, S
5. The community provides necessary supports and services for community members to overcome life challenges such as hunger, mental illness, and homelessness		C, C, S, S, S, S
6. The city provides quality services at a reasonable cost	S, S, S, S, C, C, C	
6. The city is well managed and recognized as a great place to work.	S, S	

Facilitator Shardlow asked if there was anything missing that was not showing up on the goals.

Council Member Russell asked about accomplishing the goals related to health and safe people. He stated one they could arrive at was data from Minnesota community measurement showed there was there was a huge disease burden in the city. He stated there was one way to address those issues and accomplish the goal of healthy and safe by having a full fledge health department. He stated what the City had now was not engaging with code enforcement. He stated with the community engagement work in townhall meetings, he looked at the report in the Central District and East District that aligned with that goal by creating a healthy community and helping them. He suggested the City set aside some land in the southern/northern part to engage in urban agriculture as one way to accomplish that goal because some do not have access to fresh fruit and vegetables.

What's Missing responses:

Discussions were held on the community gardens at the Apple farm, South Brook Rrail and some churches had them.

Council Member West-Hafner asked what kind of disease burden they had in the community that needed a public health department.

Council Member Russell stated other cities like Bloomington had health departments and could come to the city to partner on health outcomes. He stated they worked on the Ebola issue, and malaria was coming from overseas, there was a measles outbreak where the public health department would work with community to prevent the spread of those diseases. He stated that Hennepin County research showed the city was a food desert and what the Parks and Recreation Department did was to alleviate the food desert. He stated the farmers market was not accessed because of mobility issues and the projections on the next census showed the

City growing to 100,000 in the community. He stated the City had a huge foreign-born population coming with tropical diseases and needed to have a health department to respond to those threats.

Recreation and Parks Director Yungers stated Hennepin County's work with cities was effective enough to do a lot of partnering. She asked if it was disease prevention or immigrant integration in the community and what level of public health was he looking for that Hennepin County did not provide.

Council Member Russell stated Hennepin County was not doing any full large-scale health work in the City, and if the City had a public health department could work on preventative efforts like diabetes, cardiovascular disease and screening for breast cancer. He stated they could have a good health department to focus on preventative care and work with other entities.

Mayor Lunde stated that was not a goal but a discussion and needed more conversation in the future and Facilitator Shardlow could add it to the list.

Facilitator Shardlow reviewed the list with the Council and directors. She asked where they saw a new list and where they saw a clear affirmation. Discussions were held on the new shifts and reaffirmations by the Council and directors.

Facilitator Shardlow asked what they were not seeing and if there were any blind spots.

Responses: Being innovated based on feedback from residents, tried parking different this winter and used parking lots to park, listening to residents, food truck meeting and respond to them, something we need to call out based on river park, listening to residents drives that innovation, having community have goals and setting goals.

8:00-8:30 p.m. DISCUSSION ON EXERCISES AND SIGNIFICANCE FOR COMING YEAR

Facilitator Shardlow asked what discussion was still needed to happen after tonight.

Responses: Innovation not being prominent in our goals, City budget will drive all of it, raising taxes, retired folks more vulnerable to tax increases and were on limited budget, customer services.

City Manager Stroebel thank everyone for participating and providing input. He stated staff would go back and check those projects against the conversations tonight.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 8:33 p.m.

JEFFREY LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

BROOKLYN PARK SPECIAL CITY COUNCIL MEETING
CLOSED EXECUTIVE SESSION

Monday, August 26, 2019
6:03 p.m.

Chippewa Conference Room
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Tonja West-Hafner, Susan Pha (arrived at 6:05 p.m.), Lisa Jacobson, Terry Parks, and Mark Mata (arrived at 6:05 p.m.); City Manager Jay Stroebel, City Attorney Jim Thomson and City Clerk Devin Montero.

ABSENT: Council Member Wynfred Russell (excused)

ALSO PRESENT: Police Chief Craig Enevoldsen, Operations and Maintenance Director Dan Ruiz, Human Resources Manager Beth Toal, Assistant City Manager Wokie Freeman-Gbogba, Finance Director LaTonia Green, Fire Chief John Cunningham.

Mayor Lunde stated the purpose of the closed executive session was to discuss matters relating to labor negotiation and strategies.

2.1 MOTION JACOBSON, SECOND WEST-HAFNER TO CLOSE THE MEETING PURSUANT TO MINNESOTA STATUTES, SECTION 13D.03 SUBDIVISION 1(B) TO DISCUSS AND CONSIDER MATTERS RELATING TO LABOR NEGOTIATIONS AND STRATEGIES. MOTION PASSED UNANIMOUSLY.

At 6:03 p.m., the Council met in a closed session to discuss and consider matters relating to labor negotiation and strategies.

At 6:57 p.m., the Council ended their discussions and Mayor Lunde adjourned the special meeting.

DEVIN MONTERO, CITY CLERK

JEFFREY JONEAL LUNDE, MAYOR

City of Brooklyn Park Request for Council Action

Agenda Item:	7.1	Meeting Date:	September 9, 2019
Agenda Section:	General Action Items	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Wokie Freeman-Gbogba, Assistant City Manager
Ordinance:	N/A		
Attachments:	2	Presented By:	Wokie Freeman-Gbogba
Item:	Sister City Agreements Approval		

City Manager's Proposed Action:

Approve Sister City Agreement to establish a new Sister City Relationship with Garowe, Somalia. Approve Sponsor Agreement with Friends of Garowe in Minnesota Committee and the Confederation of Somali Community in Minnesota.

MOTION _____, SECOND _____, TO APPROVE THE SISTER CITY AGREEMENT TO ESTABLISH A NEW SISTER CITY RELATIONSHIP WITH GAROWE, SOMALIA.

MOTION _____, SECOND _____, TO APPROVE THE SPONSOR AGREEMENT WITH FRIENDS OF GAROWE IN MINNESOTA COMMITTEE AND THE CONFEDERATION OF SOMALI COMMUNITY IN MINNESOTA.

Overview:

On July 22, 2019, a proposal to establish a sister city relationship between Garowe in Puntland, Somalia and Brooklyn Park was reviewed and approved by the City Council. An official invitation to proceed is being extended to the Mayor of Garowe, who plans to travel to Brooklyn Park to officially sign the Sister City Agreement, if approved by the City Council. This "Signing Ceremony" with both mayors will take place on October 10, 2019 at the Community Activity Center in Brooklyn Park.

A Sponsor Agreement has also been developed which outlines the roles and responsibilities of the City of Brooklyn Park and the Sponsor of the sister city relationship (the Friends of Garowe in Minnesota Committee and the Confederation of Somali Community in Minnesota) in fulfilling the defined objectives and managing the sister city relationship.

Primary Issues/Alternatives to Consider:

The City Council may or may not approve the Sister City Agreement. The City Council may or may not approve the Sponsor Agreement.

Budgetary/Fiscal Issues:

Potentially, membership in Sister Cities International and potential travel and hosting costs.

Attachments:

- 7.1A SISTER CITY AGREEMENT
- 7.1B SPONSOR AGREEMENT



Sister City Agreement

between the

City of Brooklyn Park
Minnesota, USA

and the

City of Garowe
Puntland, Somalia

In accordance with the authorization and approval expressed by the City of Brooklyn Park, Minnesota, USA, and the City of Garowe, Puntland, Somalia, it is declared that a "Sister City Agreement" between the two cities is hereby established for the following purposes:

- 1) to promote and expand the effective and mutually beneficial cooperation between the people of Brooklyn Park and the people of Garowe; and
- 2) to promote international goodwill, understanding, and expanded business relations between the two cities and their respective nations by the exchange of people, ideas, and information in a wide variety of economic, social, cultural, municipal, professional, technical, youth, and other endeavors; and
- 3) to foster and encourage charitable, scientific, trade and commerce, literary and educational activities between educational institutions in the two cities; and
- 4) to facilitate capacity building exchange programs and secondments, and cooperation in innovation and digital transformation in municipal service delivery.

This Sister City Agreement shall be officially established and shall become effective when this document has been duly executed by the Mayor of Brooklyn Park, Minnesota, USA, and the Mayor of Garowe, Puntland, Somalia.

Approved by the City of Brooklyn Park City Council this 9th day of September 2019.

Signed at the ceremony by both Mayors in October 2019.

Jeffrey Joneal Lunde
Mayor, City of Brooklyn Park
Minnesota, USA

Ahmed Said Musse
Mayor, City of Garowe
Puntland, Somalia



Sponsor Agreement

between the

City of Brooklyn Park (The City)

and the

Friends of Garowe in Minnesota Committee/Confederation of Somali Community in
Minnesota (The Sponsor)

In accordance with the authorization and approval expressed by the City of Brooklyn Park, Minnesota, USA, and the City of Garowe, Puntland, Somalia, it is declared that a "Sponsor Agreement" between The City and the Confederation of Somali Communities, acting as the fiscal agent for the Friends of Garowe in Minnesota Committee, is hereby established as defined by the City of Brooklyn Park Process and Criteria for Sister City Relationships.

This agreement sets out the roles and responsibilities of The City and The Sponsor in fulfilling the objectives of the City of Brooklyn Park Process and Criteria for Sister City Relationships and managing the sister city relationship with Garowe, Putland, Somalia.

1. The term of this Agreement will be three years commencing in September 2019 and ending December 31, 2022.
2. This Agreement may be renewed for an additional period, as authorized and approved by The City.
3. This Agreement can be amended at any time by written agreement of The City and The Sponsor.
4. The Sponsor, as the lead organization responsible for the sister city relationship, will fulfill the role of ambassador of international goodwill for the benefit of The City by:
 - a) creating cultural, educational, recreational and economic programs and activities which develop and promote interest in the Sister City and benefit the City of Brooklyn Park;
 - b) facilitating capacity building exchange programs and secondments, and cooperation in innovation and digital transformation in municipal service delivery;
 - c) assisting City officials when meeting with their counterparts from the Sister City and organizing local cross-cultural events;
 - d) serving as the intermediary between the two cities for the purpose of coordinating visiting delegations, with the understanding that sending city delegations will be responsible for travel, accommodations, and security expenses and receiving cities will work with The Sponsor to arrange accommodations and internal transportation;
 - e) providing representation at official and community events and celebrations;
 - f) facilitating and fundraising for exchange visits between the City and the Sister City;
 - g) providing volunteer and financial resources to support and fund the Sister City relationship;
 - h) responding to requests for information regarding the Sister City and the activities within the Sister City relationship;
 - i) establishing an active working Committee which is inclusive and reflective of the City of Brooklyn Park and which has provided for ongoing recruitment.
5. The Sponsor will, in administering the Sister City relationship:
 - a) provide documentation to The City verifying that the Sponsor is a registered



- Minnesota 501(c)(3) non-profit in good financial standing and that it has the authority, by approval of its directors, to enter into this agreement;
- b) abide by all applicable by-laws, statutes, ordinances, and regulations of any governmental agency having jurisdiction over the activities of the Sponsor;
 - c) not assign or transfer any interest in this agreement of the Sister City relationship without the prior written consent of The City.
6. The City will:
- a) receive an annual report from The Sponsor in a format acceptable to the City of Brooklyn Park;
 - b) in discussion with the Sponsor, complete an annual review of The Sponsor's annual work plans, budgets, reports and information to identify achievements and possible areas for improvement in the fulfillment of the Sponsor Agreement.
7. If The Sponsor violates or fails to comply with any provisions of this agreement, the City may provide fair notice to The Sponsor of default. If the default is not rectified to The City's satisfaction within the time specified in The City's notice, city staff may recommend to the City Council that this Agreement be terminated.
8. In the event that this Agreement expires at the end of the term and is not renewed, or is terminated by The City prior to the end of the term, The City may:
- a) Seek a new Sponsor to support the Sister City relationship; or
 - b) Terminate the Sister City relationship with Garowe, Puntland, Somalia.

We agree to the terms and conditions outlined in this Agreement.

 On behalf of the Sponsor Organization
 Print Name:
 Role/Position:

 Date:

 On behalf of the Friends of Garowe in MN Committee
 Print Name:
 Role/Position:

 Date:

 On behalf of the City of Brooklyn Park
 Print Name:
 Role/Position:

 Date: