

REGULAR COUNCIL MEETING – AGENDA #41

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 Proclamation Declaring November 30, 2019, as Small Business Saturday in the City of Brooklyn Park, Minnesota

A. PROCLAMATION

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 Establishing Polling Places in the City of Brooklyn Park for the 2020 Elections

A. RESOLUTION

B. 2020 POLLING PLACE MAP

4.2 Authorize Application for Grant Funding through the Hennepin Youth Sports Grant Program for Noble Sports Park Baseball Field

A. RESOLUTION

B. HENNEPIN YOUTH SPORTS GRANT APPLICATION

4.3 Accept Bids and Award Contract for 93rd Avenue and Jefferson Highway Pond Project, CIP 3712-20

A. RESOLUTION

B. LOCATION MAP

- 4.4 SECOND READING of an Ordinance to Amend Chapter 92 of the City Code to Eliminate Pet Licenses
 - A. ORDINANCE
- 4.5 Set a Public Hearing on November 25, 2019, to Solicit Testimony and Consider the Renewal of the Currency Exchange License for SJB Enterprise Inc. dba Your Exchange Located at 7646 Brooklyn Boulevard
 - A. PUBLIC HEARING NOTICE
- 4.6 Set a Public Hearing on November 25, 2019, to Solicit Testimony and Consider the Renewal of the Currency Exchange License for Unbank Company, LLP Located at 6319 Zane Avenue North
 - A. PUBLIC HEARING NOTICE
- 4.7 Anoka-Hennepin School District #11 Memorandum of Understanding for School Resource Officer and Prevention Program Services for the 2019-2020 School Year
 - A. RESOLUTION
 - B. MEMORANDUM OF UNDERSTANDING WITH THE ANOKA-HENNEPIN SCHOOL DISTRICT NO. 11
- 4.8 Set a Public Hearing on November 25, 2019, to Consider the Issuance of an On-Sale Wine License for Five Ladies, Inc. Doing Business As Rolls and Bowls Restaurant Located at 9656 Colorado Lane North
 - A. PUBLIC HEARING NOTICE
- 4.9 Approval of Minutes
 - A. CITY COUNCIL WORK SESSION MINUTES, JULY 30, 2018
 - B. CITY COUNCIL MEETING MINUTES, OCTOBER 29, 2018
 - C. CITY COUNCIL MEETING MINUTES, APRIL 8, 2019
 - D. CITY COUNCIL MEETING MINUTES, APRIL 22, 2019
 - E. SPECIAL CITY COUNCIL MEETING MINUTES, NOVEMBER 4, 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

- 5.1 Approve City Code Appendix Fee Resolution Table Amendments to Sanitary Sewer Utility and Street/Signal Lighting System Utility Rates and Charges
 - A. RESOLUTION – AMENDING SANITARY SEWER RATES AND CHARGES
 - B. RESOLUTION – AMENDING STREET/SIGNAL LIGHTING RATES AND CHARGES

6. LAND USE ACTIONS

None

7. GENERAL ACTION ITEMS

- 7.1 Approve Advance Construction Agreement No. 1035695 with the Minnesota Department of Transportation for the TH 169/101st Avenue Interchange Project, CIP 4042-19
 - A. RESOLUTION
 - B. LOCATION MAP
 - C. AGREEMENT NO. 1035695
- 7.2 Resolution Amending Fee Resolution #2000-202 Adopting a Schedule of Fees and Charges for Various Services, Licenses and Permits for the City of Brooklyn Park, Minnesota
 - A. RESOLUTION
 - B. STAFF MEMOS

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

8. DISCUSSION ITEMS

None

IV. VERBAL REPORTS AND ANNOUNCEMENTS

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

V. ADJOURNMENT

10.1 MOTION FOR ADJOURNMENT

A. MOTION FOR ADJOURNMENT FORM

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

City of Brooklyn Park Request for Council Action

| | | | |
|------------------------|--|------------------------------------|--------------------------------|
| Agenda Item: | 3B.1 | Meeting Date: | November 12, 2019 |
| Agenda Section: | Public Presentations/ Proclamations/Receipt of General Communications | Originating Department: | Administration |
| Resolution: | N/A | Prepared By: | Sarah Abe, Project Facilitator |
| Ordinance: | N/A | | |
| Attachments: | 1 | Presented By: | Mayor Jeffrey Lunde |
| Item: | Proclamation Declaring November 30, 2019, as Small Business Saturday in the City of Brooklyn Park, Minnesota | | |

City Manager's Proposed Action:

The Mayor shall proclaim November 30, 2019, as Small Business Saturday:

1. I, Jeffrey Lunde, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim November 30, 2019 as Small Business Saturday in the City of Brooklyn Park, Minnesota.

OR

2. By reading the proclamation.

Overview:

Small Business Saturday was launched in 2010 to support local shops that make our communities strong, to encourage people to Shop Small, and to bring more holiday shopping to small businesses. It is the Saturday after Thanksgiving.

In 2018, an estimated 104 million consumers reported shopping or dining at local independently-owned businesses on Small Business Saturday, generating roughly \$17.8 billion in reported spending.

Ninety two percent of consumers in the United States say Small Business Saturday has had a positive impact on their community.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.1A PROCLAMATION

PROCLAMATION

PROCLAIMING NOVEMBER 30, 2019, AS SMALL BUSINESS SATURDAY



WHEREAS, the government of Brooklyn Park, Minnesota celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 30.2 million small businesses in the United States; they represent 99.9 percent of all businesses with employees in the United States, and are responsible for 65.9 percent of net new jobs created from 2000 to 2017; and

WHEREAS, small businesses employ 47.5 percent of the employees in the private sector in the United States; and

WHEREAS, 94% of consumers in the United States value the contributions small businesses make in their community; and

WHEREAS, 96% of consumers who plan to shop on Small Business Saturday® said the day inspires them to go to small, independently-owned retailers or restaurants that they have not been to before, or would not have otherwise tried; and

WHEREAS, 92% of companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season; and

WHEREAS, 59% of small business owners said Small Business Saturday contributes significantly to their holiday sales each year; and

WHEREAS, an estimated 104 million consumers generated roughly \$17.8 billion in reported spending in 2018; and

WHEREAS, many of the more than 1,500 businesses in Brooklyn Park are small and family owned and encompass all industries, ranging from small custom clothing shops to medical device manufacturers; and

WHEREAS, Brooklyn Park, Minnesota supports our local businesses that create jobs, boost our local economy and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Jeffrey Joneal Lunde, Mayor of Brooklyn Park, Minnesota do hereby proclaim November 30, 2019, as SMALL BUSINESS SATURDAY and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.



5200 85th Avenue North
Brooklyn Park, MN 55443

Jeffrey Joneal Lunde, Mayor

City of Brooklyn Park Request for Council Action

| | | | |
|------------------------|--|--------------------------------|---------------------------|
| Agenda Item: | 4.1 | Meeting Date: | November 12, 2019 |
| Agenda Section: | Consent | Originating Department: | Administration |
| Resolution: | X | Prepared By: | Devin Montero, City Clerk |
| Ordinance: | N/A | | |
| Attachments: | 2 | Presented By: | Devin Montero |
| Item: | Resolution Establishing Polling Places in the City of Brooklyn Park for the 2020 Elections | | |

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ ESTABLISHING POLLING PLACES IN THE CITY OF BROOKLYN PARK FOR THE PRESIDENTIAL NOMINATION PRIMARY ELECTION ON MARCH 3, PRIMARY ELECTION ON AUGUST 11, AND THE GENERAL ELECTION ON NOVEMBER 3, 2020.

Overview:

Legislation passed in 2018 changed the deadline to require a resolution be passed even if there are no polling place changes. The change requires municipalities to establish the polling places by December 31, 2019 for the following calendar year. Even though jurisdictions have until December 31 of each year to pass a resolution/ordinance defining polling places for the next calendar year, polling places for the March 3, 2020 Presidential Nomination Primary should be confirmed by December 4 to meet the 90-day deadline as noted in MN Statutes 204B16, Subds.1 and 3; 205A.11, Subds 2(b) and 3.

All 2018 polling places have confirmed to serve as a polling place for the 2020 elections. The effect of this motion will be to approve the polling places for the March 3 Presidential Nomination Primary, August 14 Primary, and November 3, 2020 elections.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.1A RESOLUTION
- 4.1B 2020 POLLING PLACE MAP

RESOLUTION #2019-

RESOLUTION ESTABLISHING POLLING PLACES IN THE CITY
OF BROOKLYN PARK FOR THE PRESIDENTIAL NOMINATION PRIMARY ELECTION
ON MARCH 3, PRIMARY ELECTION ON AUGUST 11, AND THE
GENERAL ELECTION ON NOVEMBER 3, 2020

WHEREAS, Minnesota State Statute 204B.16 states that by December 31 of each year, the governing body of each municipality and of each county with precincts in unorganized territory must designate by ordinance or resolution a polling place for each election precinct. The polling places designated in the ordinance or resolution are the polling places for the following calendar year; and

WHEREAS, in 2016 legislation was passed establishing a presidential nomination primary and will be held on March 3, 2020; and

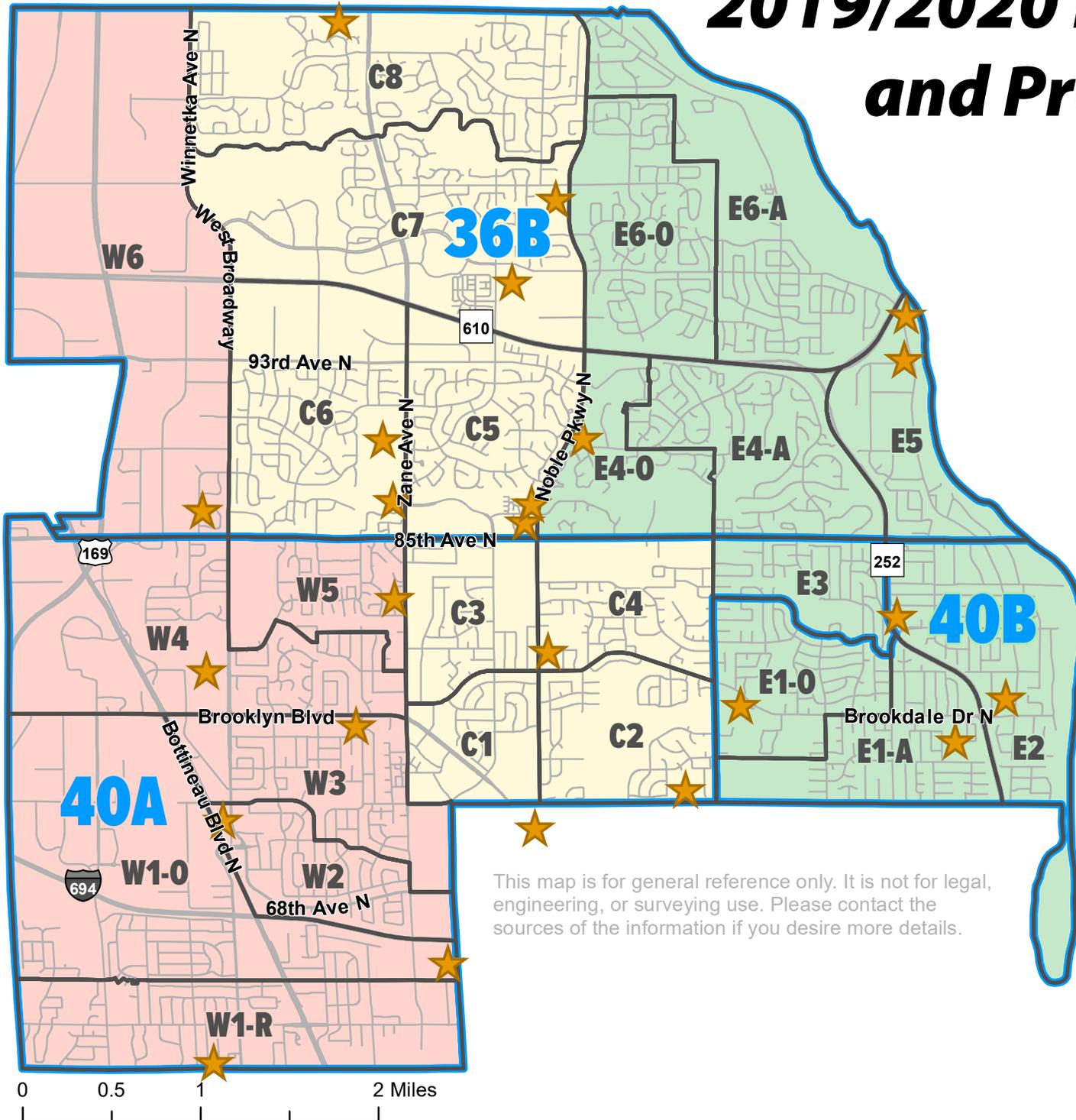
WHEREAS, polling places for the March 2020 Presidential Nomination Primary should be confirmed by December 4 to meet the 90-day deadline as noted in MN Statutes 204B16, Subds. 1 and 3; 205A.11, Subds 2(b) and 3.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the following be the established polling places for each precinct in the City of Brooklyn Park for the Presidential Nomination Primary Election on March 3, 2020, the Primary Election on August 11, 2020, and the General Election on November 3, 2020:

| CENTRAL DISTRICT | | | |
|-------------------------|---|---|-----------------|
| <i>Precinct</i> | <i>Polling Place</i> | <i>Address</i> | <i>Zip Code</i> |
| C-1 | Brooklyn United Methodist Church | 7200 Brooklyn Blvd, Brooklyn Center | 55429 |
| C-2 | Palmer Lake Elementary School | 7300 Palmer Lake Dr. W., Brooklyn Park | 55429 |
| C-3 | Family of God Lutheran Church | 8625 Zane Ave N., Brooklyn Park | 55443 |
| C-4 | Birch Grove Elementary School | 4690 Brookdale Dr., Brooklyn Park | 55443 |
| C-5 | The Edge Christian Worship Center | 4707 Edinbrook Terrace N., Brooklyn Park | 55443 |
| C-6 | Edinbrook Elementary School | 8925 Zane Ave N., Brooklyn Park | 55443 |
| C-7 | Church of St. Gerard | 9600 Regent Ave N., Brooklyn Park | 55443 |
| C-8 | Oxbow Creek Elementary School | 6505 109 th Ave N., Champlin | 55316 |
| EAST DISTRICT | | | |
| <i>Precinct</i> | <i>Polling Place</i> | <i>Address</i> | <i>Zip Code</i> |
| E1-A | Monroe Elementary School | 901 Brookdale Dr. N. Brooklyn Park | 55429 |
| E1-O | Palmer Lake VFW | 2817 Brookdale Dr. N., Brooklyn Park | 55429 |
| E-2 | Way Cross Evangelical Church | 7733 West River Road, Brooklyn Park | 55444 |
| E-3 | Discover Church | 1400 81st Ave N., Brooklyn Park | 55444 |
| E4-O | Church Of Jesus Christ Of Latter Day Saints | 4700 Edinbrook Ter N., Brooklyn Park | 55443 |
| E4-A | Edinbrook Church | 4300 Edinbrook Pkwy N., Brooklyn Park | 55443 |
| E-5 | Riverview Early Childhood Center | 1400 93 rd Ave N., Brooklyn Park | 55444 |
| E6-A | Leopold's Mississippi Gardens | 9500 West River Road, Brooklyn Park | 55444 |
| E6-O | Salvation Army Noble Worship | 10011 Noble Parkway, Brooklyn Park | 55443 |

| WEST DISTRICT | | | |
|----------------------|----------------------------------|---|-----------------|
| <i>Precinct</i> | <i>Polling Place</i> | <i>Address</i> | <i>Zip Code</i> |
| W1-O | Fair Oaks Elementary School | 5600 65th Ave N., Brooklyn Park | 55429 |
| W1-R | First Lutheran Church of Crystal | 7708 62 nd Ave N., Brooklyn Park | 55428 |
| W-2 | Prince of Peace Lutheran Church | 7217 West Broadway, Brooklyn Park | 55428 |
| W-3 | Redeemer Covenant Church | 7801 Brooklyn Blvd., Brooklyn Park | 55445 |
| W-4 | Revive Brooklyn Park Church | 7849 West Broadway, Brooklyn Park | 55445 |
| W-5 | Our Savior's Reformed Church | 8209 Zane Ave N., Brooklyn Park | 55443 |
| W-6 | Maplebrook Community Center | 8644 Maplebrook Pkwy N., Brooklyn Park | 55445 |

2019/2020 Legislative and Precinct Map



-  **Polling Place**
-  **House Districts**
-  **West Ward**
-  **Central Ward**
-  **East Ward**

This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details.

Brooklyn Park 
 Unique.
 United.
 Undiscovered.

City of Brooklyn Park Request for Council Action

| | | | |
|------------------------|--|--------------------------------|---|
| Agenda Item: | 4.2 | Meeting Date: | November 12, 2019 |
| Agenda Section: | Consent | Originating Department: | Recreation and Parks |
| Resolution: | X | Prepared By: | Brad Tullberg, Parks and Facilities Manager |
| Ordinance: | N/A | | |
| Attachments: | 2 | Presented By: | Brad Tullberg |
| Item: | Authorize Application for Grant Funding through the Hennepin Youth Sports Grant Program for Noble Sports Park Baseball Field | | |

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ TO AUTHORIZE APPLICATION FOR GRANT FUNDING THROUGH THE HENNEPIN YOUTH SPORTS GRANT PROGRAM FOR NOBLE SPORTS PARK BASEBALL FIELD.

Overview:

The Twins Stadium legislation provided Hennepin County to use a portion of the .15% sales tax surcharge to grant over \$2 million each year to Hennepin County to assist municipalities, park districts and school districts to create, expand or improve athletic and recreation facilities that enhances opportunities for youth participation. The Amateur Sports Commission has been contracted to administer the application process and the Hennepin County Board has final say on project approval. Grant requests can range from \$10,000 to \$300,000.

Grant application scoring is based on Partnerships, Increased Capacity, Matching Funds Ratio, Number of Youth Served & User Demographic Characteristics, Improved Conditions, Stewardship & Sustainability, Community Support and Environmental Improvements.

The Recreation and Parks Department, Operations and Maintenance Department, and Brooklyn Park Athletic Association (BPAA) feel the improvements to the Noble Sports Park Baseball Field would create a signature baseball field that teams can call "home" with quality amenities to establish community pride, a sense of place, and of belonging for a community that lacks a field of this caliber. This vision was established during the initial construction of Noble Sports Park, but never fully developed. During the 2017 Park System Plan community engagement, several community members indicated a desire to complete the original vision for this facility. The concept of a Hometown Ballfield at Noble Sports Park was identified as one of the projects within the 2018 Park Bond Referendum.

The proposed grant request would be for facility improvements that include the following:

- Replace the small set of portable bleachers with a "stadium" style bleacher area, which will hold 300-400 people and be covered to protect from the rain and sun
- Add restrooms to replace the use of portable toilets
- Add concession space for use at games and tournaments
- Add a scorekeeper/announcer booth with an accompanying sound system
- Add storage space for equipment and accessories
- Improve the existing bullpen area
- Add batting cages to each side for use by each team
- Improvements to existing dugouts for safety and privacy

Primary Issues/Alternatives to Consider:

City Council approval is required as a part of the grant application.

Budgetary/Fiscal Issues:

The grant request is for the maximum \$300,000. The total cost to the project is estimated to be \$1,485,000 with the City of Brooklyn Park Recreation and Parks Department providing the balance of the funding through the voter-approved 2018 Park Bond Referendum funds.

Attachments:

- 4.2A RESOLUTION
- 4.2B HENNEPIN YOUTH SPORTS GRANT APPLICATION

RESOLUTION #2019-

RESOLUTION AUTHORIZING APPLICATION FOR GRANT FUNDING
THROUGH THE HENNEPIN YOUTH SPORTS GRANT PROGRAM FOR
NOBLE SPORTS PARK BASEBALL FIELD

WHEREAS, the Twins Stadium legislation provided Hennepin County to use a portion of the .15% sales tax surcharge to grant over \$2 million each year to Hennepin County to assist municipalities, park districts and school districts to create, expand or improve athletic and recreation facilities that enhances opportunities for youth participation; and

WHEREAS, the Amateur Sports Commission has been contracted to administer the application process and the Hennepin County Board has final say on project approval. Grant requests can range from \$10,000 to \$300,000; and

WHEREAS, grant application scoring is based on Partnerships, Increased Capacity, Matching Funds Ratio, Number of Youth Served & User Demographic Characteristics, Improved Conditions, Stewardship & Sustainability, Community Support and Environmental Improvements; and

WHEREAS, the Recreation and Parks Department, Operations and Maintenance Department, and Brooklyn Park Athletic Association (BPAA) feel the improvements to the Noble Sports Park Baseball Field would create a signature baseball field that teams can call "home" with quality amenities to establish community pride, a sense of place, and of belonging for a community that lacks a field of this caliber; and

WHEREAS, the proposed grant request would be for facility improvements that includes: 1) replacing the small set of portable bleachers with a "stadium" style bleacher area to protect spectators from the rain and sun, adding restrooms to replace the use of portable toilets, adding concession space for use at games and tournaments, adding a scorekeeper/announcer booth with an accompanying sound system, adding storage space for equipment and accessories, improving the existing bullpen area, adding batting cages, and improving existing dugouts for safety and privacy; and

WHEREAS, the grant request is for the maximum \$300,000. The total cost to the project is estimated to be \$1,485,000 with the City of Brooklyn Park Recreation and Parks Department providing the balance of the funding through the voter-approved 2018 Park Bond Referendum funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to authorize application for grant funding through the Hennepin Youth Sports Grant Program for Noble Sports Park Baseball Field.

Hometown Ballfield at Noble Sports Park

Brooklyn Park, Minnesota

Hennepin Youth Sports Program Facility Grant Application

City of Brooklyn Park

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Project Name and Summary

Hometown Ballfield at Noble Sports Park

4701 97th Avenue North, Brooklyn Park, MN 55443

Hennepin County Commissioner: Mike Opat, District 1

The baseball field at Noble Sports Park is the premier full-size baseball field in the City of Brooklyn Park. It was developed in 2003 with the vision that it would become a “Hometown Ballfield” and source of community pride for the various baseball programs in the area. Currently, the field supports the Brooklyn Park Athletic Association Babe Ruth program, area high school teams within the City of Brooklyn Park and an adult baseball team. While the field conditions are excellent, the peripheral amenities to have a first-class “Hometown Ballfield” are lacking. Currently, the only seating available is one two sections of three-row aluminum bleachers. There is no covered space for spectators in case of inclement weather. There are no restrooms near the field. There are no batting cages or storage areas for teams to use. There is no infrastructure to support a concession stand.

The funding sought through the Hennepin Youth Sports Grant Program will be used to fulfill the vision for the Noble Sports Park Baseball field to become a first-class baseball facility that inspires pride in our community and represents Brooklyn Park’s reputation for excellent parks and recreation amenities. Funding will be used to supplement the Hometown Ballfield project from the voter-approved 2018 Park Bond Referendum along with in-kind labor contributions from the City of Brooklyn Park, for several improvements. The improvements would include:

- Replacing the small set of portable bleachers with a “stadium” style bleacher area which will hold 300 – 400 people and be covered to protect from the rain and sun
- Adding restrooms to replace the use of portable toilets
- Add concession space for use at games and tournaments
- Adding a scorekeeper/announcer booth with an accompanying sound system
- Add storage space for equipment and accessories
- Improve the existing bullpen area
- Add batting cages to each side for use by each team
- Improvements to existing dugouts for safety and privacy

The City of Brooklyn Park is requesting a grant in the amount of \$300,000 to supplement the City of Brooklyn Park’s commitment to invest up to \$1,200,000 identified in November 6, 2018 Park Bond Referendum.

Timeline

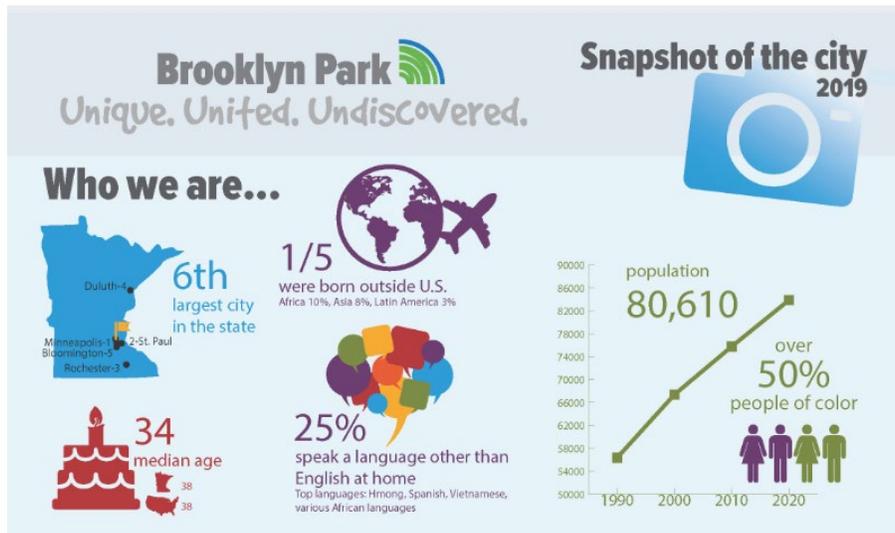
| | |
|-----------------------|---|
| December 2018 | The City of Brooklyn Park hired AJA Architects to develop a concept plan and determine a project budget |
| February 2020 | Hire architect to complete design of seating, restrooms, concession area, dugouts and storage |
| April 2020 | Advertise for bids for construction of seating, restrooms, concession area, dugouts and storage |
| May 2020 | Begin installation of batting cages with turf base |
| August 2020 | Begin construction of seating, restrooms, concession area, dugouts and storage |
| September 2020 | Re-build bullpen areas |
| November 2020 | Construction complete |

Partnerships

The project directly benefits multiple organizations that currently utilize the field but will also potentially draw new interest to hosting tournaments in Brooklyn Park with high quality baseball facilities. The City of Brooklyn Park partners with the Brooklyn Park Athletic Association (BPAA) to provide many different sports to residents of Brooklyn Park, including both in-house and traveling baseball programs. In addition to BPAA, Park Center High School, Champlin Park High School, Maranatha Christian Academy and the Champlin LoGators adult baseball team have a history of working with the City of Brooklyn Park to create a partnership beneficial to the schools and/or community organizations that have used this facility in the past and look forward to being rental partners in the future.

Number of youth served and demographic characteristics

Brooklyn Park is a city of more than 80,000 people with more than 50% of its population being people of color. More than 20% of Brooklyn Park residents were born outside of the United States. 25% of residents speak a language other than English at home. Brooklyn Park celebrates its diversity in its tagline of *“Unique. United. Undiscovered.”*



In total, more than 400 youth are involved in programs that use this field. They represent the entire culturally-diverse community of Brooklyn Park. Developing a signature baseball field that teams can call “home” with quality amenities will help establish community pride, a sense of place, and a sense of belonging for a community that lacks a field of this caliber. The Brooklyn Park Athletic Association, Park Center High School, Champlin Park High School, Maranatha Cristian Academy and the Champlin LoGators adult baseball team are the organizations that have used this facility.

Increased Capacity

The development of additional amenities at the Hometown Ballfield at Noble Sports Park will allow Brooklyn Park to compete with other communities to host tournaments. Tournaments have a large economic impact on a community and help create an impression and visibility of a community that visitors may not have had in the past.

Improved Conditions

While the existing playing surface is very good, the players will benefit from additional privacy and space in the improved dugouts. Home teams will also be able to keep an assortment of equipment in the storage areas to help maintain the fields during and after games. The addition of batting cages and improvements to the bullpens will be an enhancement teams will use extensively before, during and after games. The Batter’s Eye will also help with player safety by creating a consistent background for increased visibility of pitches.

In addition to the improvements for the players, upgrades in the spectator seating area will be the most noticeable. A roof protecting spectators from rain or the sun will make the experience more enjoyable. Spectators will also enjoy the improved sightlines, press box area for scorekeepers and improved sound system.

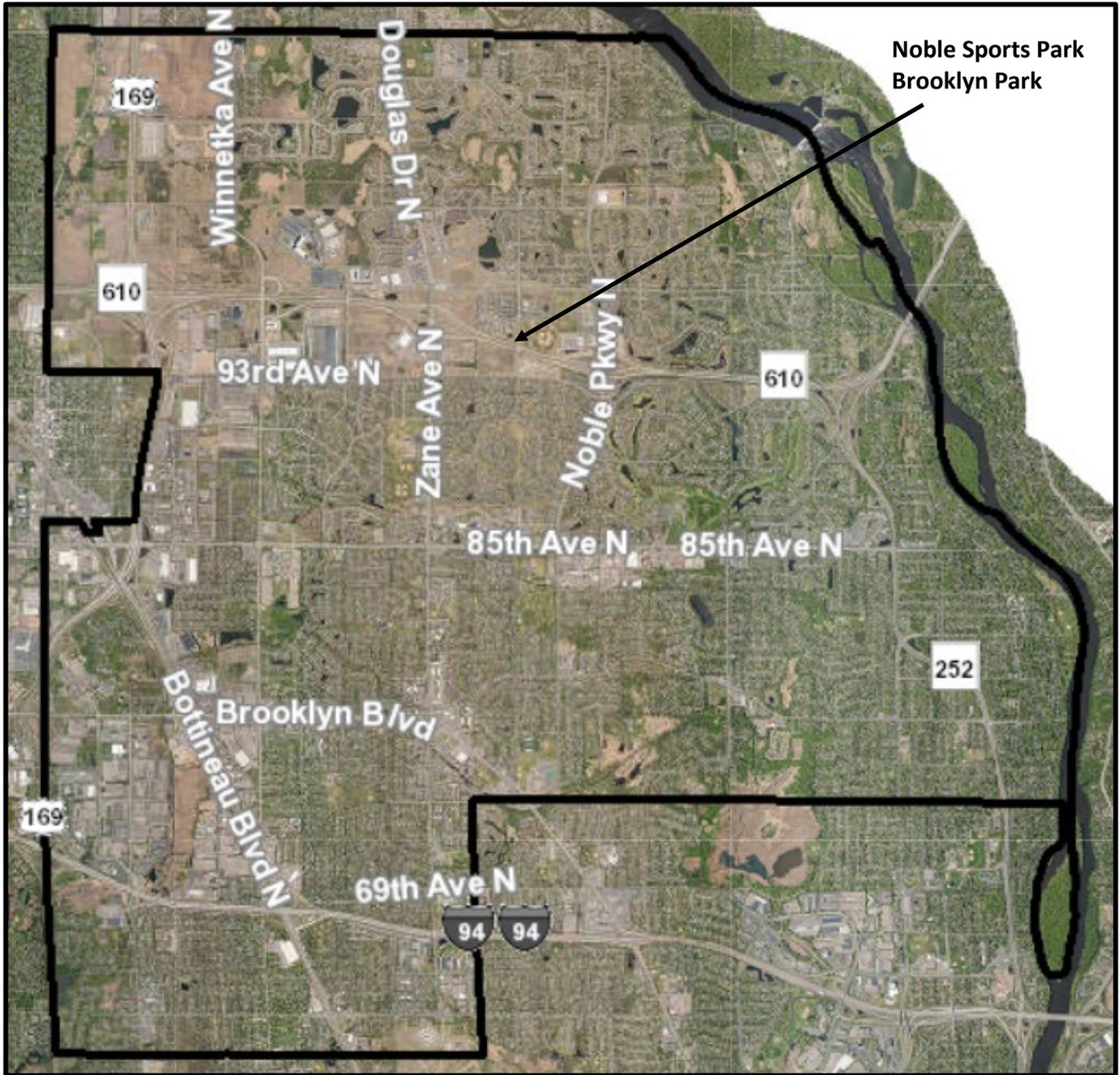
Geographical Location Map

Hennepin County



Noble Sports Park
Brooklyn Park

**Noble Sports Park
4701 97th Avenue North
Brooklyn Park, MN**

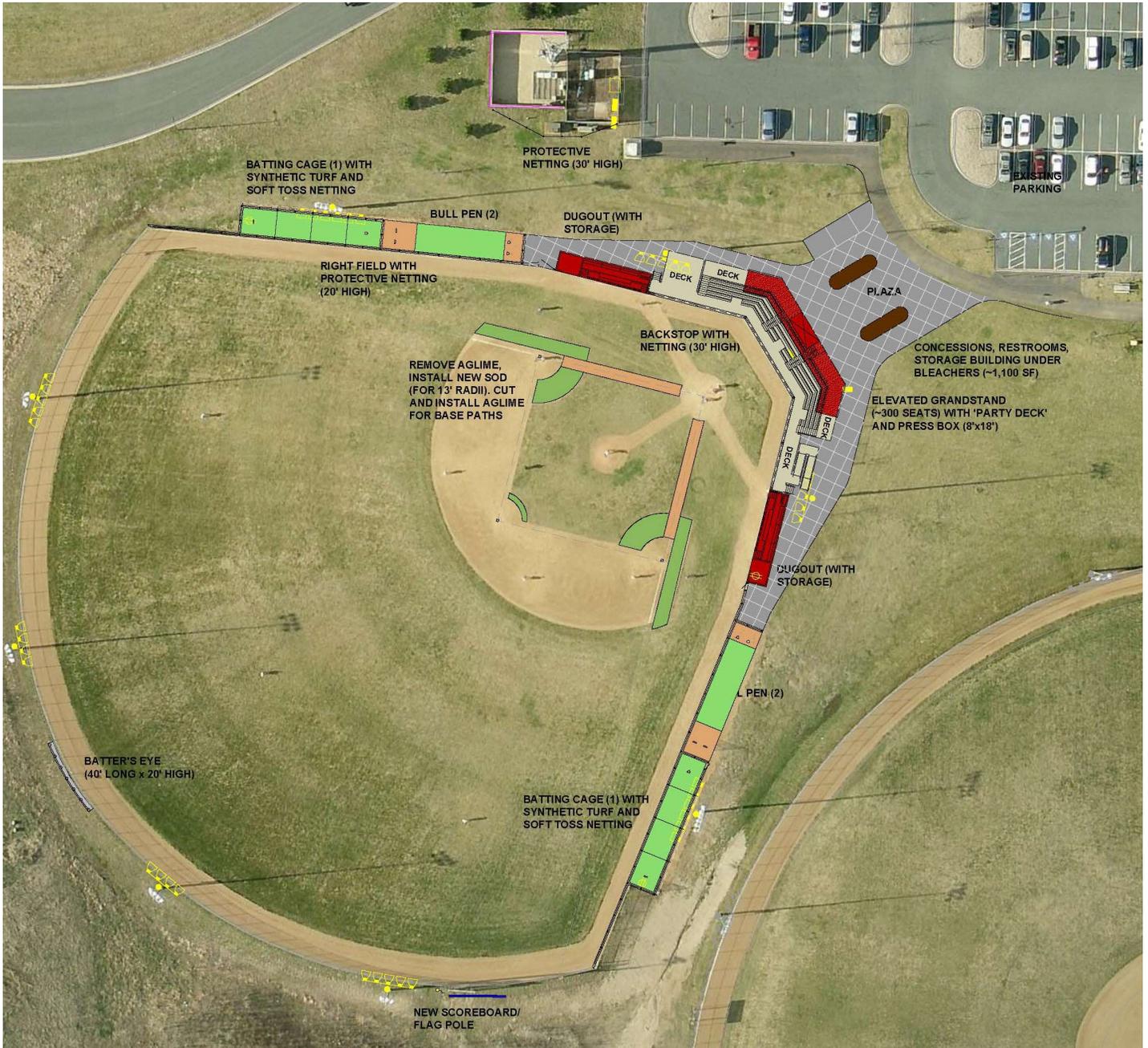


Site Plan

Noble Sports Park – Baseball Field



Hometown Ballfield at Noble Sports Park Vision Plan



Hometown Ballfield at Noble Sports Park Vision Plan



Project Budget

Facility Entry Plaza and Walks:

Connection from parking lot to plaza, grandstand, dugouts and ball field.
Concrete, brick pavers, landscaping, irrigation, utility relocation \$ 90,000

Grandstand Seating:

300 seats with upper viewing area
48" elevated, open-span system with standing metal seam roof \$ 300,000

Building:

Concessions, bathrooms and storage, including utilities.
1,100 SF building under grandstand (12' x 88') \$ 495,000

Press Box:

8' x 18', integrated with grandstand seating \$ 50,000

Backstop:

30' of 30" high concrete wall w/ padding and high visibility netting \$ 90,000

Dugouts:

(10.5' x 36') with storage (10.5' x 12'), concrete structure w/ precast roof \$ 125,000

Bull Pens:

Re-construct double-wide bullpen each side \$ 25,000

Batting Cages:

1 tunnel each side with synthetic turf on concrete \$ 45,000

Batter's Eye:

Install 40' long x 20' high Batter's Eye in Centerfield \$ 35,000

Safety netting and poles:

right field line and at utility area \$ 40,000

Scoreboard:

Replace existing scoreboard 10-inning, wireless controls \$ 50,000

Sound System:

Install system with controls in press box, speakers on existing light poles \$ 25,000

Flagpole Lighting:

Electrical including up-lighting for owner-provided (donated) flagpole \$ 5,000

Construction Contingency (8%) \$ **110,000**

Total Estimated Construction Cost: \$ **1,485,000**

Matching Funds

The City of Brooklyn Park Operations and Maintenance Department staff will assist in the installation of the batting cages, batter's eye, flagpole as well as assisting in the improvements to the existing bullpen areas.

Brooklyn Park Athletic Association Babe Ruth Baseball has pledged \$5,000 in cash to help with the project as well as offering volunteer labor assistance as needed and available during the project.

Community Support



October 30, 2019

Brooklyn Park Recreation and Parks Department
Jody Yungers, Director
5600 85th Avenue North
Brooklyn Park, MN 55443

Jody:

I am writing in support of applying to the Hennepin Youth Sports Grant Program for dollars to help with the upgrades to the Noble Sports Park (NSP) baseball field. As I know you know, we did get funds allocated for upgrades to the park in the last bond referendum, but I am thinking we can always do more and every penny will help make this one of the best venues in the state.

Last year our baseball program served over 800 kids, 200 of which play at least some of their games at the Noble Sports Park field. Like Northwoods, with help from the City of Brooklyn Park bond referendum and grants like this, Noble Sports Park can become a premier baseball venue in the state, and we believe applying for a grant would help it become exactly that.

Thank you for your consideration and support for the youth in our community.

Sincerely,

Dan Williams, President
Brooklyn Park Athletic Association



(218) 791-8614
matthew.marek8@gmail.com

1540 154th Lane NW
Andover, MN 55304

November 4, 2019

To: Mayor Lunde and Members of the Brooklyn Park City Council
From: Matt Marek, Manager
Champlin Park LoGators Amateur Baseball
Re: City of Brooklyn Park Hennepin Youth Sports Grant Support

Dear Mayor Lunde and Council Members,

I am writing to voice our support for the efforts to obtain additional funds for upgrades to the Noble Sports Park Baseball Field. The addition would greatly benefit the community's town ball team.

We formed 13 years ago as one of the town ball teams in the Brooklyn Park area. The Minnesota Baseball Association (MBA) and town ball tradition dates back nearly 100 years in this state. It gives people a unique opportunity (unlike it anywhere in the country) to continue playing baseball beyond their high school and college years in a competitive setting. Our roster ranges from high school juniors to mid-40s, and we have qualified for the last four Minnesota State Amateur baseball tournaments.

We have called Noble our home field for the last seven years and it has allowed us to play more games (due to lights) and has offered a better playing experience for our team and visiting teams alike.

After traveling all over the state playing at various parks and stadiums, it has become readily apparent to me what a top-tier town ballpark can bring to a community. With additional help, Noble could be one of the finest places to play in all of Minnesota town ball, and bring positive recognition to the city.

Thank you for your consideration and support of baseball in the city and community.

Sincerely,

Matt Marek

Manager, Champlin Park LoGators Baseball Club

Environmental Improvements

The Noble Sports Park Hometown Ballfield project will increase the impervious surface slightly. The area impacted will be within the existing layout. The project has several positive impacts on the environment:

1. Erosion control fencing will circle the perimeter of the project for the duration.
2. Grading will be done in a fashion to improve the storm water run-off treatment before entering the system.
3. The current storm water conveyance system will easily accommodate the modest increase in run-off.
4. The irrigation system controllers will be upgraded to include moisture sensors to avoid over-watering.

Stewardship and Sustainability

The City of Brooklyn Park Operation and Maintenance Department will continue its high standard of maintenance of the field and added amenities within its annual operating budget. Noble Sports Park has a dedicated crew of maintenance personnel for the entire complex to be certain all fields and amenities are properly maintained for long term use.

The City of Brooklyn Park Recreation and Parks Department will continue to be responsible for the scheduling of the Hometown Ballfield at Noble Sports Park. The baseball field will be available daily from mid-April through mid-October for use.

Resolution of Local Government Unit

A resolution of support will be adopted at the City of Brooklyn Park Council meeting on Tuesday November 12, 2020. The draft agenda is shown below. The final agenda will be published November 6, 2020.

Tuesday, November 12, 2019
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

REGULAR COUNCIL MEETING – AGENDA

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 Small Business Day Proclamation

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 Designate Polling Places for 2020 Elections
- 4.2 Approve AC Agreement w/MnDOT 169/101st
- 4.3 Approve Coop Const Agmt w/MnDOT 169/10st
- 4.4 Resolution of Support for Application for HC Youth Sports Grant
- 4.5 Set public hearing SJB Enterprises
- 4.6 Accept Bids for CIP 3712-20
- 4.7 Set public hearing Unbank
- 4.8 Anoka Hennepin SRO agreement

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

5. PUBLIC HEARINGS

- 5.1 Sanitary Sewer and Street-Signal Utility Rates

6. LAND USE ACTIONS

- 6.1

7. GENERAL ACTION ITEMS

- 7.1 Amendment to JPA with North Metro Mayors Association
- 7.2 2020 Legislative Agenda
- 7.3 Approval Fees and Charges Policy
- 7.4 Second Reading Pet Licensing
- 7.5 LMC Trust

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

- 8.1

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.



Hennepin Youth Sports Program Facility Application Form

| |
|---|
| <p>Name and address of project</p> <p>Hometown Ballfield at Noble Sports Park 4701 97th Avenue North Brooklyn Park, MN 55443</p> |
| <p>County Commissioner District Number where facility is located</p> <p>Hennepin County Commissioner District #1</p> |
| <p>Local Government Unit (LGU)</p> <p>City of Brooklyn Park</p> |
| <p>LGU application contact (Name, mailing address, email and telephone)</p> <p>Brad Tullberg, Parks & Facilities Manager 5600 85th Avenue North Brooklyn Park, MN 55443 Brad.Tullberg@BrooklynPark.org (763) 493-8344</p> |
| <p>LGU Public Affairs contact (Name, email and telephone)</p> <p>Jay Stroebel, City Manager Jay.Stroebel@BrooklynPark.org (763) 493-8002</p> |
| <p>Minnesota Tax ID Number</p> <p>8034012</p> |
| <p>Federal Employee ID Number</p> <p>41-6008804</p> |

EXECUTION

IN WITNESS THEREOF, the applicant has caused this application to be executed on the
 ___4th___ day of ___November___, 2019.

 By: (Name, Title)

Updated: August 2019

City of Brooklyn Park Request for Council Action

| | | | |
|------------------------|--|--------------------------------|--|
| Agenda Item: | 4.3 | Meeting Date: | November 12, 2019 |
| Agenda Section: | Consent | Originating Department: | Operations and Maintenance Engineering Services Division |
| Resolution: | X | Prepared By: | Mitch Robinson, P.E. Water Resource Manager |
| Ordinance: | N/A | | |
| Attachments: | 2 | Presented By: | Jesse Struve, P.E. City Engineer |
| Item: | Accept Bids and Award Contract for 93 rd Avenue and Jefferson Highway Pond Project, CIP 3712-20 | | |

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ ACCEPTING BIDS AND AWARDING CONTRACT IN THE AMOUNT OF \$108,920.00 TO JACON LLC OF VADNAIS HEIGHTS, MINNESOTA FOR 93RD AVENUE AND JEFFERSON HIGHWAY POND, CIP 3712-20.

Overview:

As part of the City's Municipal Separate Storm Sewer System permit, the City is required to inspect and maintain the storm water system. Based on one of these annual inspections, a failing retaining wall was identified in the northeast portion of 93rd Avenue and Jefferson Highway. CIP Project No. 3712-20 will address the failing retaining wall by removing it and grading a slope into the pond. The pond will be excavated out in other areas to accommodate the fill. The City has been coordinating the project with the adjacent landowner.

Bids were opened on November 5, 2019, with nine bids received. Bids ranged from \$108,920.00 to a high of \$188,785.82. The lowest responsible bidder is JACON LLC in the amount of \$108,920.00. They have worked with the City previously on the reconstruction of Operations and Maintenance Building D. The 2020-2024 Capital Improvement Plan includes \$125,000.00 for the project.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

The project is included in the proposed 2020-2024 Capital Improvement Plan (CIP) for a scheduled 2020 completion as project CIP No. 3712-20 with an estimated cost of \$125,000.00. In accordance with City policies, the City is proposing to pay for the project with Storm Sewer Utility Funds.

Attachments:

- 4.3A RESOLUTION
- 4.3B LOCATION MAP

RESOLUTION #2019-

RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
IN THE AMOUNT OF \$108,920.00 TO JACON LLC OF VADNAIS HEIGHTS, MINNESOTA
FOR 93RD AVENUE AND JEFFERSON HIGHWAY POND, CIP 3712-20

WHEREAS, the City Engineer has prepared plans and specifications for the following improvements to wit:

CIP 3712-20: 93rd Avenue and Jefferson Highway Pond. The project will remove a failing retaining wall and grade in a slope. The pond will be excavated out in other areas to accommodate the fill.

Bids were received, opened and tabulated according to law and the following bids were received complying with the advertisement:

| <u>BIDDER</u> | <u>TOTAL AMOUNT OF BID</u> |
|----------------------------|----------------------------|
| JACON LLC | \$108,920.00 |
| SUNRAM CONSTRUCTION, INC. | \$123,967.00 |
| NORTHLAND EXCAVATING | \$124,153.19 |
| RACHEL CONTRACTING | \$124,769.50 |
| VEIT & COMPANY, INC. | \$124,844.00 |
| MEYER CONTRACTING, INC. | \$134,380.87 |
| STANDARD CONTRACTING | \$139,470.00 |
| BLACKSTONE CONTRACTORS LLC | \$158,590.00 |
| PETERSON COMPANIES | \$188,785.82 |
| Engineer's Estimate | \$117,650.00 |

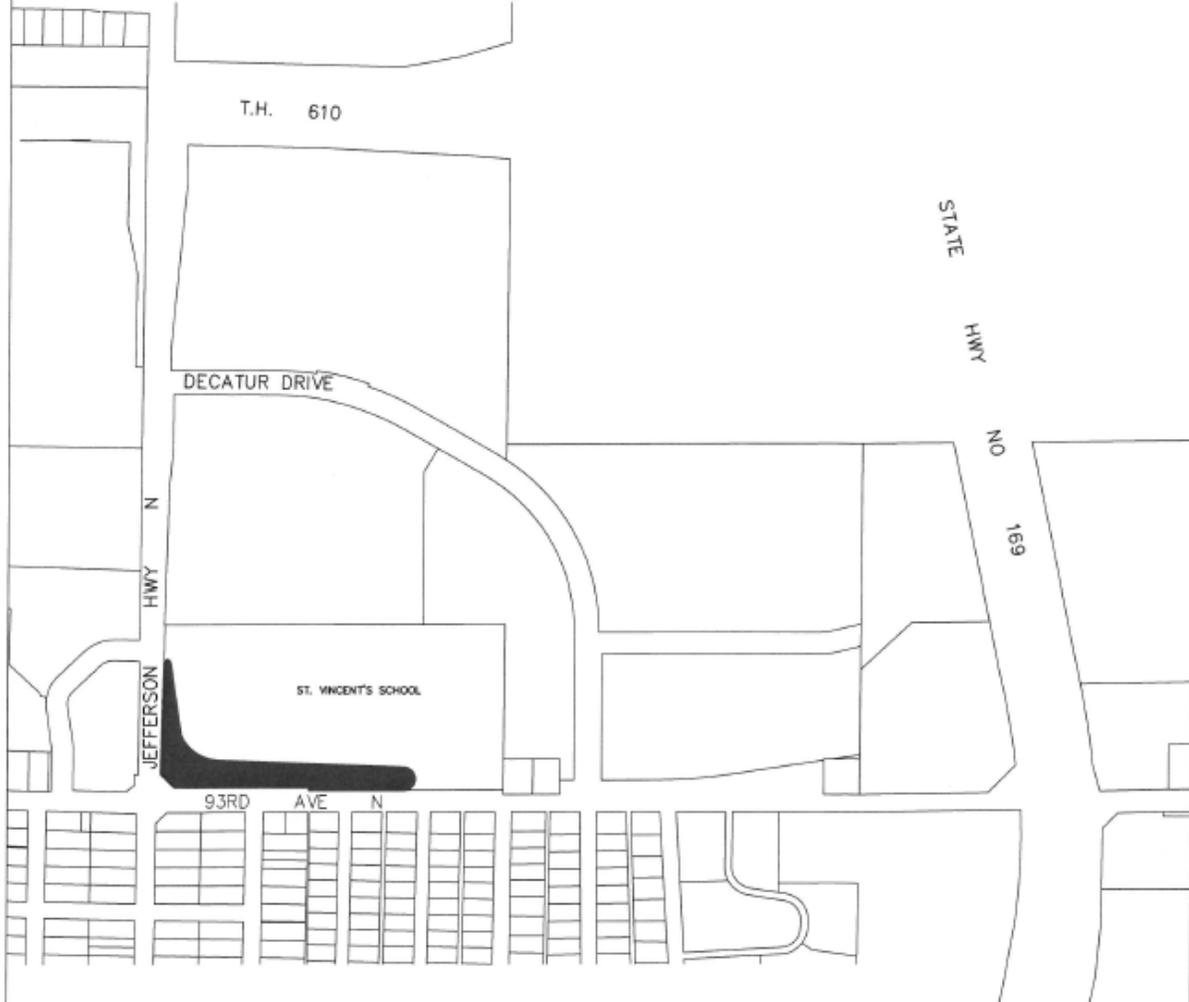
and;

WHEREAS, the City Manager recommends award of contract to JACON LLC of Vadnais Heights, MN as the lowest responsible bidder.

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

1. The Mayor and Manager are hereby authorized and directed to enter into a contract with JACON LLC of Vadnais Heights, MN in the name of the City of Brooklyn Park for the improvements aforesaid according to the plans and specifications thereof approved by the Council and on file in the office of the Clerk.

93RD AVE & JEFFERSON HWY POND LOCATION MAP



Brooklyn Park 

 PROJECT AREA



NO SCALE

City of Brooklyn Park Request for Council Action

| | | | |
|------------------------|---|--------------------------------|---|
| Agenda Item: | 4.4 | Meeting Date: | November 12, 2019 |
| Agenda Section: | Consent | Originating Department: | Community Development |
| Resolution: | N/A | Prepared By: | Jason Newby, Inspections and Environmental Health Manager |
| Ordinance: | SECOND READING | | |
| Attachments: | 1 | Presented By: | Jason Newby |
| Item: | SECOND READING of an Ordinance to Amend Chapter 92 of the City Code to Eliminate Pet Licenses | | |

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2019-____ AMENDING CHAPTER 92 OF CITY CODE PERTAINING TO ANIMALS AND ELIMINATING PET LICENSES.

Overview:

On October 28, 2019, the City Council adopted on first reading amendments to Chapter 92 eliminating the language associated with pet licenses.

Staff Recommendation:

Staff recommends approval of the Code Amendments as presented. If the amendments are adopted as presented, staff will proceed with the following steps:

- Update information on the website associated with pet licenses. Add information linking residents to local veterinarian clinics for microchips and vaccinations.
- Update signage at dog parks referencing pet license requirements.
- Review current agreement with Three Rivers Park District related to park access and fees.
- Promote benefits of identification tags, microchips and current vaccinations through city, local, and social media outlets and at special events (e.g. Dog Park Expo).

Budgetary/Fiscal Issues:

Adding microchip readers to the squad cars is not included in the current budget proposal. Staff is recommending adding one microchip reader at an estimated cost of \$400. Staff anticipates the addition of a microchip reader will assist Police in returning animals home instead of bringing them to PUPs (Pets Under Police Security), and reduce the financial impact associated with boarding fees assessed to the City for unclaimed animals.

Primary Issues/Alternatives to Consider:

1. Approve the code amendments as presented.
2. Approve the code amendments with modifications.
3. Deny the code amendments keeping the existing regulations in place.

Attachment:

4.4A ORDINANCE

ORDINANCE #2019-

ORDINANCE AMENDING CHAPTER 92 OF CITY CODE PERTAINING TO ANIMALS AND
ELIMINATING PET LICENSES

~~Text with strikeout is proposed for deletion~~
Underlined text is proposed for insertion

The City of Brooklyn Park does ordain

Section 1. Section 92.02 of the Brooklyn Park City Code is repealed.

Section 2. Section 92.12 of the Brooklyn Park City Code is amended to read as follows:

§ 92.12 IMPOUNDING.

It is the duty of the Animal Control Officer to apprehend any animal found running at large or otherwise in violation of the provisions of this chapter and to impound such animal in the pound or other suitable place pending compliance or a determination on the animal's disposition. The Animal Control Officer upon receiving any animal must make a complete registry, entering the breed, color, sex, ~~and whether licensed~~, if such information can be obtained safely. ~~If licensed, the Animal Control Officer must enter the name and address of the owner and the number of the license tag.~~ If the animal bears no identification which reasonably reveals its ownership, the Animal Control Officer shall impound the animal in the pound for a period of at least ~~seven~~ five days. Immediately upon impounding an animal, reasonable efforts shall be made to notify the owner and inform the owner of the animal's confinement and the procedures for release of the animal to the owner. Any animal impounded, with the exception of a potentially dangerous dog or dangerous dog or a dog that has inflicted substantial or great bodily harm upon a person, may be reclaimed by the owner within ~~seven~~ five days after such impoundment. Before the owner shall be permitted to recover possession of the animal, the owner shall pay the city all required fees and costs of impoundment. An animal that is not redeemed by its owner within ~~seven~~ five days after impounding may be euthanized and disposed of in a sanitary manner by the Animal Control Officer.

Section 3. Section 92.13 of the Brooklyn Park City Code is amended to read as follows:

§ 92.13 ENFORCEMENT.

To enforce this chapter, the Animal Control Officer or a police officer may enter upon private property where there is reasonable cause to believe that an animal is on the premises and does not have the proper identification ~~licensed~~ as required by ordinance, or that there is an animal on the premises which is not being kept, confined, or restrained. ~~The owner must produce for inspection the owner's animal license receipt when requested to do so by such officer.~~

Section 4. Section 92.19 of the Brooklyn Park City Code is amended to read as follows:

§ 92.19 REDEMPTION.

(A) An animal may be redeemed from the pound during the hours set forth by the requirements of Minnesota Statutes, by the owner upon paying the following fees and charges:

—~~(1) The license fee for the dog or cat if the license has not previously been obtained.~~

—~~(2) The late license penalty, in the amount set by the Council, where a license has not been obtained within the required time.~~

~~(3)~~ (1) Providing proof of current rabies vaccination.

~~(2)~~ (2) The boarding fee in the amount set by the Council from time to time.

—~~(4)~~ (3) An impounding fee in the amount established by the Council.

—~~(5)~~ (4) Any fees incurred by the city for required treatment of the animal.

—~~(6)~~ (5) If the owner of any impounded animal is unable to get to the city offices during normal working hours to pay the redemption fees, the Animal Control Officer is authorized to accept after hours or on weekends or holidays, a deposit in the amount equal to or greater than the highest fee amount that would be expected for the impound in question. This deposit must be presented to the Licensing Division on the next business day. The animal owner may then return to the city offices at their earliest convenience to receive any refund due, which is the difference between the deposit and the actual fees due. The License Division The City will also add a fee as established by the City Council for any services rendered when the officer is required to extend services in the following cases:

(a) Beyond regular office hours.

(b) At times when he or she is not regularly on patrol.

(c) If the city incurs additional expenses for any additional services.

(B) This section does not require the pound keeper or the Animal Control Officer to extend services other than during regular business hours unless it is reasonably convenient for those persons to provide those services.

Section 5. Section 92.25 of the Brooklyn Park City Code is amended to read as follows:

§ 92.25 POTENTIALLY DANGEROUS DOGS.

(F) *Removal of potentially dangerous dog classification.* A dog determined to be a potentially dangerous dog may be evaluated by a professional animal behaviorist. The owner may provide to the city ~~at the time of the license~~ a report by such animal behaviorist. If the report states that the dog has been rehabilitated, the dog may no longer be classified as potentially dangerous and is no longer subject to the requirements of this section.

Section 6. Section 92.26 of the Brooklyn Park City Code is amended to read as follows:

§ 92.26 DANGEROUS DOGS.

(A) *Registration.* Any person who has a dog that has been determined to be a dangerous dog pursuant to this code or pursuant to M.S. § 347.50, Subd. 1, must register the dog as a dangerous dog with the city, pay an annual fee ~~in addition to the dog license fee~~, and meet all the other requirements provided for in M.S. § 347.51, Subd. 2.

(B) Owners of dogs designated as dangerous must affix an additional tag to the dog's collar identifying the dog as dangerous and containing the dangerous dog symbol as further set forth in M.S. § 347.51.

Section 7. Section 92.32 of the Brooklyn Park City Code is repealed.

Section 8. Section 92.35 of the Brooklyn Park City Code is amended to read as follows:

LICENSING

§ 92.35 ~~LICENSE REQUIRED~~ IDENTIFICATION AND VACCINATION.

It is unlawful to own, harbor, keep, or have custody of an animal over six months of age within this municipality, ~~unless a current license without an identification tag on them for the animal has been obtained and unless the animal has a current vaccination against rabies with an approved vaccine as determined by the current official "Compendium Compendium of Animal Rabies Vaccines" published by the Conference of State Public Health Veterinarians and the Center for Disease Control of the Department of Health and Human Services.~~ Every person convicted of a violation of this provision is guilty of a penal offense.

(A) *Identification.* All animals are required to have identification on them at all times. Identification includes veterinarian issued rabies tags, or any tags or collars with contact information and phone number(s) inscribed on it.

Cross-reference:

~~—Licensing and permit regulations; fees, revocation, and the like, see Ch. 110~~

Section 9. Sections 92.36, 92.37, and 92.38 are repealed.

City of Brooklyn Park Request for Council Action

| | | | |
|------------------------|--|--------------------------------|--|
| Agenda Item: | 4.5 | Meeting Date: | November 12, 2019 |
| Agenda Section: | Consent | Originating Department: | Community Development |
| Resolution: | N/A | Prepared By: | Megan Bookey, Program Assistant III |
| Ordinance: | N/A | | |
| Attachments: | 1 | Presented By: | Keith Jullie, Rental and Business Licensing Manger |
| Item: | Set a Public Hearing on November 25, 2019, to Solicit Testimony and Consider the Renewal of the Currency Exchange License for SJB Enterprise Inc. dba Your Exchange Located at 7646 Brooklyn Boulevard | | |

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO SET A PUBLIC HEARING ON NOVEMBER 25, 2019, TO SOLICIT TESTIMONY AND CONSIDER THE RENEWAL OF THE CURRENCY EXCHANGE LICENSE FOR SJB ENTERPRISE INC. DBA YOUR EXCHANGE LOCATED AT 7646 BROOKLYN BOULEVARD.

Overview:

In April 1992, the Governor signed a law requiring the City to conduct a public hearing and to publish a notice regarding the hearing for applications and renewals for currency exchange licenses.

The Commissioner of Commerce issues the license. The application or renewal cannot be approved by the Commissioner without the concurrence of the governing body of the local unit of government.

The Commissioner is required to have the applicant submit to a background investigation by the BCA (Bureau of Criminal Apprehension). As part of the background investigation, the BCA will conduct criminal history checks of Minnesota records and is authorized to exchange fingerprints with the FBI for the purpose of a criminal background check of the national files. The City is in the process of reviewing this application and the reports will be available at the public hearing.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.5A PUBLIC HEARING NOTICE

**NOTICE
CITY OF BROOKLYN PARK
5200 85TH AVENUE NORTH**

PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE Brooklyn Park City Council will hold a public hearing in the City Hall Council Chambers, 5200 85th Avenue North, on Monday, November 25, 2019, to consider the issuance of a Currency Exchange license to SJB Enterprise Inc. dba Your Exchange Located at 7646 Brooklyn Blvd.

All persons desiring to be heard are invited to attend. Written comments will be received by the Licensing Division prior to the hearing.

Devin Montero
City Clerk

To be published in the Brooklyn Park Sun Post on November 14, 2019.

City of Brooklyn Park Request for Council Action

| | | | |
|------------------------|---|--------------------------------|--|
| Agenda Item: | 4.6 | Meeting Date: | November 12, 2019 |
| Agenda Section: | Consent | Originating Department: | Community Development |
| Resolution: | N/A | Prepared By: | Megan Bookey, Program Assistant III |
| Ordinance: | N/A | | |
| Attachments: | 1 | Presented By: | Keith Jullie, Rental and Business Licensing Manger |
| Item: | Set a Public Hearing on November 25, 2019, to Solicit Testimony and Consider the Renewal of the Currency Exchange License for Unbank Company, LLP Located at 6319 Zane Avenue North | | |

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO SET A PUBLIC HEARING ON NOVEMBER 25, 2019, TO SOLICIT TESTIMONY AND CONSIDER THE RENEWAL OF THE CURRENCY EXCHANGE LICENSE FOR UNBANK COMPANY, LLP LOCATED AT 6319 ZANE AVENUE NORTH.

Overview:

In April 1992, the Governor signed a law requiring the City to conduct a public hearing and to publish a notice regarding the hearing for applications and renewals for currency exchange licenses.

The Commissioner of Commerce issues the license. The application or renewal cannot be approved by the Commissioner without the concurrence of the governing body of the local unit of government.

The Commissioner is required to have the applicant submit to a background investigation by the BCA (Bureau of Criminal Apprehension). As part of the background investigation, the BCA will conduct criminal history checks of Minnesota records and is authorized to exchange fingerprints with the FBI for the purpose of a criminal background check of the national files. The City is in the process of reviewing this application and the reports will be available at the public hearing.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.6A PUBLIC HEARING NOTICE

**NOTICE
CITY OF BROOKLYN PARK
5200 85TH AVENUE NORTH**

PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE Brooklyn Park City Council will hold a public hearing in the City Hall Council Chambers, 5200 85th Avenue North, on Monday, November 25, 2019, to consider the issuance of a Currency Exchange license to Unbank Company, LLP located at 6319 Zane Avenue North.

All persons desiring to be heard are invited to attend. Written comments will be received by the Licensing Division prior to the hearing.

Devin Montero
City Clerk

To be published in the Brooklyn Park Sun Post on November 14, 2019.

City of Brooklyn Park Request for Council Action

| | | | |
|------------------------|--|--------------------------------|--------------------------|
| Agenda Item: | 4.7 | Meeting Date: | November 12, 2019 |
| Agenda Section: | Consent | Originating Department: | Police |
| Resolution: | X | Prepared By: | Deputy Chief Mark Bruley |
| Ordinance: | N/A | | |
| Attachments: | 2 | Presented By: | Deputy Chief Mark Bruley |
| Item: | Anoka-Hennepin School District #11 Memorandum of Understanding for School Resource Officer and Prevention Program Services for the 2019-2020 School Year | | |

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ AUTHORIZING AN AGREEMENT WITH THE ANOKA-HENNEPIN SCHOOL DISTRICT #11 TO PROVIDE SCHOOL RESOURCE OFFICER SERVICES TO CHAMPLIN PARK HIGH SCHOOL AND PREVENTION PROGRAM INSTRUCTION TO OXBOW CREEK ELEMENTARY SCHOOL AND MONROE ELEMENTARY SCHOOL.

Overview:

The City of Brooklyn Park has provided a School Resource Officer (SRO) to the Champlin Park High School (CPHS) since 2002. Anoka-Hennepin School District is requesting we extend the current contract and has submitted a new memorandum of understanding for the 2019-2020 school year.

The Brooklyn Park Police Department (BPPD) has also been providing prevention program curriculum at Oxbow Creek Elementary since 2003 and Monroe Elementary since 2017. Programming at these two schools will continue for the 2019-2020 school year.

Primary Issues/Alternatives to Consider:

The SRO position will be responsible for the investigation and prevention of crime, providing drug abuse prevention education, and the coordination of activities between the District, the criminal justice system, and social services at CPHS.

The prevention program provided by the Brooklyn Park Police Department at Oxbow Creek Elementary and Monroe Elementary is the traditional DARE program curriculum that the Police Department provides in the Osseo School District (#279) and the other Anoka-Hennepin School District (#11) elementary schools in Brooklyn Park. The DARE curriculum is certified by the State of Minnesota.

This agreement shall be in effect during the 2019-2020 school year and can be terminated in accordance with Section 14.

Budgetary/Fiscal Issues:

The Anoka-Hennepin School District will pay \$60,008.93, 66.66% of a 10-year patrol officer, according to Section 15 of the memorandum of understanding for the 2019-2020 school year.

Attachments:

4.7A RESOLUTION

4.7B MEMORANDUM OF UNDERSTANDING WITH THE ANOKA-HENNEPIN SCHOOL DISTRICT NO. 11

RESOLUTION #2019-

RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING
WITH THE ANOKA-HENNEPIN SCHOOL DISTRICT #11 TO PROVIDE SCHOOL RESOURCE OFFICER
SERVICES TO CHAMPLIN PARK HIGH SCHOOL AND PREVENTION PROGRAM INSTRUCTION TO
OXBOW CREEK ELEMENTARY SCHOOL AND MONROE ELEMENTARY SCHOOL

WHEREAS, Champlin Park High School, Oxbow Creek Elementary School and Monroe Elementary are located in the city limits of the City of Brooklyn Park; and

WHEREAS, the City of Brooklyn Park Police Department has assigned a school resource officer to Champlin Park High School since the 2002-2003 school year and Champlin Park High School has requested a School Liaison Officer for the 2019-2020 school year; and

WHEREAS, Oxbow Creek and Monroe Elementary Schools have requested prevention program instruction for the 2019-2020 school year; and

WHEREAS, the Anoka-Hennepin School District will reimburse the City of Brooklyn Park \$60,008.93 according to Section 15 of the memorandum of understanding for the 2019-2020 school year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the City enter into an agreement with Anoka-Hennepin School District #11 to assign a school resource officer to Champlin Park High School and provide prevention program instruction at Oxbow Creek and Monroe for the 2019-2020 school year.

MEMORANDUM OF UNDERSTANDING
For School Resource and Prevention Program Officer Services
Between the Anoka-Hennepin School District No. 11
and the City of Brooklyn Park
2019-2020

PURPOSE. The purpose of this Memorandum of Understanding is to address the need for the presence of licensed peace officers to provide specific services/roles to the Anoka Hennepin School district No. 11 (hereafter referred to as “District”) schools and establish a mutually beneficial framework that both schools and law enforcement can work within to achieve shared goals. The intent is to establish and delineate the mission of a School Resource Officer/Prevention Program, herein referred to as the School Resource Officer (SRO) Program, as a joint cooperative effort between the District and the City of Brooklyn Park (hereafter referred to as “City”), representing the designated law enforcement agency. The partnership is intended to facilitate effective, timely communication and coordination of efforts for both the District and the law enforcement agencies to promote a safe and positive learning environment and decrease the number of youth formally referred to the juvenile justice system. Additionally, it clarifies roles and expectations and formalizes relationships between the participating entities to foster an efficient and cohesive program that will build a positive relationship between officers, school administrators/staff and students.

GOALS. The primary goals of the SRO Program are 1) to promote positive and supportive school climates and 2) to create and maintain safe and secure school environments. To promote positive and supportive school climates, the partnership will collaborate to increase law-related education, expand school safety and crime prevention efforts, reduce conflict, and support effective interventions for students. To create and maintain safe and secure school environments, the partnership will collaborate to reduce and prevent crime, violence, victimization, and fear in and around schools, and minimize student involvement with the juvenile and criminal justice systems. It is the responsibility of school administrators to facilitate effective communication to all school staff and students regarding SRO program goals and responsibilities.

ROLES. The SRO program is unique to the community, based on input from the district, school administration, teachers, students, and community members. The program is designed to fulfill three overall roles:

1. Law Enforcement
2. Fostering Positive School Climate / Crime Prevention
3. Law-Related Educator

Law Enforcement Role – SROs are responsible for law enforcement incidents occurring at the school. Parents, students, teachers and other school personnel should bring complaints about student misbehavior to the school principal and/or designee, rather than the SRO. A determination of whether an activity raises to the level of a law enforcement activity, when reasonable, should be made in consultation with a school administrator. While law enforcement is the role of SROs, officers responding to an incident or consulting with school officials are encouraged to use their discretion in determining the best course of action, especially when using alternatives to arrest. However, the SROs

discretion to act remains the same as that of any other peace officer. SROs may also serve as members of school threat assessment teams and assist in monitoring students as well as determining the need, if any, for law enforcement action.

Fostering Positive School Climate / Crime Prevention – One of the primary roles SROs fulfill is fostering a positive school climate through relationship building and crime prevention. Officers will engage in various activities, in consultation with school administration, teachers, and students, and should strive to build a school culture of open communication and trust between and among students and adults. Officers will focus on getting to know students, serving as a role model, and working with teachers and administrators to identify students who may be facing challenges and need additional resources or attention to be successful in school. Crime prevention activities include foot patrols, monitoring previous crime locations, speaking to teachers about reducing the opportunity for crimes to occur, analyzing possible crime patterns, investigating crimes, and general patrol efforts. SROs are critical members of the school Building Crisis Teams for emergency preparation and planning.

Law-Related Educator – SRO / Prevention Program Officers should participate in the school community by becoming a member of the educational team where appropriate, and by representing the law enforcement community to build positive relationships with youth, their families, and school staff. Whether talking to students in the hallway or delivering a presentation in the classroom, SROs are embedded in the education fabric within the school. SROs are expected to be proactive in creating and taking advantage of educational situations, and school administrators are encouraged to leverage this resource.

1. **OFFICER EMPLOYED BY CITY.** City shall employ (or assign), in accordance with applicable state statutes, a police officer(s) to serve as School Resource or Prevention Program Officer(s) in District schools. The selection or assignment of such officers shall be done by the City in consultation with the principals in the area or City covered by this contract. City shall assume all obligations and payments with regard to officers' salaries and benefits including worker's compensation, PERA, withholding taxes, etc. District will reimburse City as defined in paragraph 15 of this document.
2. **TERM OF CONTRACT.** The term of this contract shall be from July 1, 2019 to June 30, 2020, renewable each year unless terminated by either party as defined in paragraph 14.
3. **ADMINISTRATION RESPONSIBILITIES.** Law enforcement services rendered to District shall be at the sole direction of City. Standards of performance, discipline of the officer assigned, and other internal matters shall be under the authority of City. Upon request, the District shall provide the City with an appraisal of the services received. The City shall provide the District with a list of services provided at the elementary level, Prevention Program schedules, and the name of the officer(s) providing the service.
4. **LEVEL OF SERVICE.** The officer will respond to emergency calls within the boundaries of City and attend police training and special duties as assigned by City while fulfilling the requirements of this contract. Time spent on emergency calls, police training, etc., shall not be

considered time spent as a School Resource or Prevention Program officer.

5. **SCHOOL CALENDAR.** The District shall provide the City with a school calendar. SRO services will be provided during regular school hours in the school district on all student contact days. Time in excess of eight hours per day shall be paid according to the officer's contract, providing such additional time has been approved in advance by City and District. Blanket approvals will not be accepted. City will notify District of SRO absences and plan for coverage when officer is out of the building.
6. **DUTIES OF OFFICER.** The basic duties of the SRO are to help provide a safe and secure learning environment, foster a positive school climate, reduce/prevent crime, serve as an educational resource, and serve as a liaison between the school and the law enforcement agency. Specific daily assignments to accomplish this will vary by school. The SRO, school principal, and District Coordinator will meet periodically to discuss plans and strategies to address specific issues or needs that may arise. Officers may respond to calls to all schools in the city of Brooklyn Park, although may be based primarily at one school in the city.

Basic duties of the SRO will include but are not limited to:

1. To enforce criminal law and protect students, staff, and public at large against criminal activity.
 2. Foster mutually respectful relationships with students and staff to support a positive school climate.
 3. Provide information concerning questions about law enforcement topics to students and staff.
 4. Provide classroom instruction on a variety of topics including but not limited to, law enforcement practices, conflict resolution, personal and school safety strategies, crime trends, and crisis response.
 5. Handle initial police reports of violent crimes committed on campus.
 6. Take enforcement action on criminal matters when appropriate.
 7. Coordinate investigative procedures between police and school administrators.
 8. Prepare lesson plans as necessary for the instruction provided.
 9. In conjunction with school administrators, building crisis teams, and the district Emergency Management Coordinator, SROs should be an active participant in planning emergency drills and assisting with the facility assessment process utilizing the District Threat and Hazard Identification Risk Assessment (THIRA) to help analyze the physical safety of school facilities.
 10. Prevention Program Officers serving elementary schools will present an approved prevention program, which may be a part of the fifth grade health curriculum.
 11. Collect data on SRO activities (arrests, citations, etc.)
7. **SRO ROLE IN SCHOOL POLICY VIOLATIONS.** School administrators and teachers are responsible for school discipline. Although SROs are expected to be familiar with the District code of student conduct, the rules of individual schools, and their application in day-to-day practice, SROs should not be involved with the enforcement of school rules or disciplinary

infractions that are not violations of law. SROs should not intervene unless the situation directly affects an imminent threat to the health, safety, and security of the student or another person in the school

8. **PRIVACY OF PUPIL RECORDS.** Pursuant to the District's Protection and Privacy of Pupil Records Policy and consistent with the requirements of the Family Educational Rights and Privacy Act and the Minnesota Government Data Practices Act, police officers shall be deemed to be school officials when performing the duties and responsibilities of the SRO. As such, the SRO and City certify and agree that all data created, collected, received, stored, used, maintained, or disseminated by the SRO must comply with the Family Educational Rights and Privacy Act and the Minnesota Government Data Practices Act.
9. **CLOTHING, EQUIPMENT, AND SUPPLIES.** City shall provide any required clothing, uniforms, vehicle, necessary equipment and supplies for officer to perform law enforcement duties. District shall provide SRO with a private, lockable office, telephone, and supplies necessary for the officer to perform required duties as specified in paragraph 6 of this contract.
10. **TRAINING.** The SRO shall receive such training as is necessary to permit the SRO to effectively advance the school's educational mission in the context of his/her duties as SRO and ensure a smooth transition into the educational setting. Prior to appointment to an SRO position the SRO will complete either the Minnesota Homeland Security & Emergency Management; School Safety Center standardized Basic SRO Training, or the NASRO Basic SRO course. Both courses are designed to prepare officers to work in an educational environment and maximize effectiveness in the delivery of law enforcement services in schools. If courses are not available prior to appointment, training should be completed within 12 months of appointment.
11. **DISTRICT SRO MEETINGS.** Upon appointment, the district will provide new SROs with District Orientation to deliver training related to district policies and procedures, technology access, security cameras, keys/fobs, and district crisis management planning. The District will also provide annual orientation training in the fall, prior to school beginning and bi-monthly meetings to discuss school specific issues and SRO concerns and/or recommendations.
12. **SCHOOL RESOURCE OFFICER DISTRICT COORDINATION.** The district Emergency Management Coordinator will be the primary contact for SROs at the district.
13. **SCHOOL BASED LAW ENFORCEMENT DATA COLLECTION.** Law enforcement agencies should submit an annual SRO activity report at the end of the school year to the District Emergency Management Coordinator. The report should include descriptions of all activities engaged in by the SRO, including classroom presentations, meetings (with staff, parents, committees), incidents or calls for service, searches, arrests, citations, and other referrals to the juvenile justice system that occur on school grounds, school transportation or during school sponsored or school sanctioned events.
14. **TERMINATION.** Either party may terminate this agreement upon 30 days written notice of such

termination. All payment due hereunder shall be prorated in the event of such termination.

- 15. DURATION AND COST. For and in consideration of the provision of SRO and the Prevention Program Officer services in accordance with the terms of this MOU, District shall pay City the sum \$60,008.93. Request for payment should be submitted by June 1, 2020 of the fiscal year.
- 16. INDEMNIFICATION. City agrees to hold District, its agent and employees free, harmless and indemnified from and against any and all claims, suits or causes of actions arising from or in any way out of the performance of the duties of the School Resource Officer and/or the Prevention Program Officer.
- 17. SERVICE TO SCHOOLS. The following secondary school(s) shall receive SRO services as a result of this contract:

Champlin Park High School

The following elementary school(s) shall receive Prevention Program services as a result of this contract:

Monroe Elementary School
Oxbow Creek Elementary School
- 18. SCOPE. It is agreed that the entire agreement of the parties is contained herein and that this agreement supersedes all oral and written agreements and negotiations between the parties relating to the subject matter hereof.

IN WITNESS WHEREOF, the parties have hereunder to set their hands.

City of Brooklyn Park:

Anoka-Hennepin School District No. 11:

Signed By: _____

Signed By: _____

Title: _____

Title: _____

Date: _____

Date: _____

ADMINISTRATION INFORMATION FORM

CONTACTS AT THE SCHOOL DISTRICT

Contracted Administration

Chandra Kreyer
Emergency Management Coordinator
Educational Service Center
2727 N Ferry Street
Anoka, MN 55303
763-506-1208

Program Administration

| | | |
|-------------------------|---------------------------|--------------|
| Mike George, Principal | Champlin Park High School | 763-506-6801 |
| Amy Oliver, Principal | Monroe Elementary | 763-506-3601 |
| Missy Monson, Principal | Oxbow Creek Elementary | 763-506-3801 |

Payment Procedures

Pursuant to paragraph 15 of the agreement, the City should submit a bill to:

Educational Service Center
ATTN: Chandra Kreyer, Emergency Management Coordinator
2727 N Ferry St
Anoka, MN 55303

chandra.kreyer@ahschools.us

City of Brooklyn Park Request for Council Action

| | | | |
|------------------------|---|--------------------------------|---|
| Agenda Item: | 4.8 | Meeting Date: | November 12, 2019 |
| Agenda Section: | Consent | Originating Department: | Rental and Business Licensing Division |
| Resolution: | N/A | Prepared By: | Megan Bookey, Program Assistant III |
| Ordinance: | N/A | | |
| Attachments: | 1 | Presented By: | Keith Jullie, Rental and Business Licensing Manager |
| Item: | Set a Public Hearing on November 25, 2019, to Consider the Issuance of an On-Sale Wine License for Five Ladies, Inc. Doing Business As Rolls and Bowls Restaurant Located at 9656 Colorado Lane North | | |

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO SET A PUBLIC HEARING ON NOVEMBER 25, 2019, TO CONSIDER THE ISSUANCE OF AN ON-SALE WINE LICENSE FOR FIVE LADIES, INC. DOING BUSINESS AS ROLLS AND BOWLS RESTAURANT LOCATED AT 9656 COLORADO LANE NORTH.

Overview:

This is a new On-Sale Wine License for Five Ladies, Inc. doing business as Rolls and Bowls Restaurant located at 9656 Colorado Lane North.

Pursuant to state statute, they must comply with state laws, local laws and procedures. To comply with state laws, a public hearing must be held prior to City Council approval of the license required. The results of the inspections and investigations will be available at the public hearing on November 25, 2019.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.8A PUBLIC HEARING NOTICE

**NOTICE OF PUBLIC HEARING
CITY OF BROOKLYN PARK, MINNESOTA**

NOTICE IS HEREBY GIVEN that the Brooklyn Park City Council will hold a public hearing in the City Hall Council Chambers, 5200 85th Avenue North, on Monday, November 25, 2019 at 7:00 p.m. or soon thereafter to consider the issuance of an On-Sale Wine License for Five Ladies, Inc. doing business as Rolls and Bowls Restaurant, located at 9656 Colorado Ln N.

All persons desiring to be heard are invited to attend. Written comments will be received by the Licensing Division prior to the hearing.

Devin Montero
City Clerk

Published in the Brooklyn Park Sun Post on November 14, 2019.

City of Brooklyn Park Request for Council Action

| | | | |
|------------------------|---------------------|--------------------------------|---------------------------|
| Agenda Item: | 4.9 | Meeting Date: | November 12, 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 WORK SESSION OF JULY 30, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF OCTOBER 29, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF APRIL 8, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF APRIL 22, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF NOVEMBER 4, 2019, AS PRESENTED BY THE CITY CLERK.

Overview: N/A

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.9A CITY COUNCIL WORK SESSION MINUTES, JULY 30, 2018
- 4.9B CITY COUNCIL MEETING MINUTES, OCTOBER 29, 2018
- 4.9C CITY COUNCIL MEETING MINUTES, APRIL 8, 2019
- 4.9D CITY COUNCIL MEETING MINUTES, APRIL 22, 2019
- 4.9E SPECIAL CITY COUNCIL MEETING MINUTES, NOVEMBER 4, 2019

SPECIAL BROOKLYN PARK CITY COUNCIL WORK SESSION

Monday, July 30, 2018
6:00 p.m.

Steve Lampi Meeting Room
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Bob Mata, Terry Parks, Susan Pha, Lisa Jacobson, Mark Mata (arrived at 6:24 p.m.), and Rich Gates (arrived at 6:43 p.m.); City Manager Jay Stroebel; Community Development Director Kim Berggren; Recreation and Parks Director Jody Yungers and City Clerk Devin Montero.

ABSENT: None.

C. DISCUSSION ITEMS/GENERAL ACTION ITEMS:

C.1 Trust for Public Land (TPL) Presentation of Community Polling Results Related to Parks and Recreation Reinvestment Plan

Recreation and Park Director Jody Yungers briefed the Council on the process and the history of the reinvestment plan. She stated they engaged 3,700 community members. She stated for the presentation, Trust for Public Land did a feasible study and polling study and they presented the feasibility study in January 2018. She stated the Trust for Public Land gave options, one recommendation was a bond referendum, and also suggested a community polling for the interest to the community the investment. She stated the feasibility study resulted in six options laid out in the polling study. She introduced Mr. Will Avinger and Ms. Jena Fletter, Trust for Public Land, and other representatives.

Trust of Public Land Representative Avinger shared the results of the polling and the purpose of the Trust of Public Land. He stated the research took into consideration the financing that was available, how much it could generate, the impact on the taxpayers and how the general public felt about the topic. He stated the recommendation was that the city place a park and recreation finance measure on the 2018 General Election ballot. He stated the funding mechanism would be a 20 year, \$18-million general obligation bond and the purpose of the bond would be to preserve and protect the natural trails, improve neighborhood parks, and to facilitate a water facility. He stated the funding would be backed by 2.21% tax increase could generate the amount of \$136 million a year to cover the debt for the bond (\$18 million over 20 years). He stated the tax impact calculations did not take the current bonds into consideration that were being retired. He stated property owners would not be paying those taxes after 2019. The City Council should work on the plan to draft a resolution to refer the \$18 million bond for parks and recreation bond and finalize the language that would be put onto the general election 2018 ballot.

Council Member Bob Mata asked when the bond passed in 1997, when was all that money spent.

Recreation and Parks Director Yungers stated it was the first five years, approximately five years' investment plan with a twenty-year pay pack.

Council Member B. Mata stated the city had been paying about \$1 million a year.

He stated \$12 million to pay back \$8 million bond and asked if it would have been better to just pay the \$1.1 million a year instead of doing a bond.

Recreation and Parks Director Yungers stated there were multiple options, the pay as you go plan, the pro and con plan, and the last option was reinvesting the \$1.1 million. She stated the only issue was being careful because it would be an annual appropriation, as the current Council could make that decision. She stated the future Council could decide to undo that, a part of the obligation of a park bond obligation was to give an ability and be required to sell bonds to implement the programs they wanted.

Trust of Public Land Representative Avinger stated the general advantage of the general obligation bond was having a large amount of funding upfront, they were more budget-friendly, and the city didn't wait for the value to escalate in the future.

Council Member B. Mata stated we are not going to be purchasing any more land.

Recreation and Parks Director Yungers stated one would have to wait for years before investing in the development of the park. She stated in the design and development process they wouldn't need the money, but needed the money to award a contract with a contractor.

Council Member B. Mata stated the staff report stated that the State and County might match funds.

Recreation and Parks Director Yungers stated it depended on the project, the grants were competitive and there were specific grants, but were not guaranteed.

Council Member B. Mata stated he supported the pay as you go plan and did not like getting into debt. He stated house values had risen and now they wanted to add a referendum on top of that with taxes, and also the school district and the County were raising taxes. He stated the city needed to be cautious about raising taxes and be budget-conscious.

Council Member Lisa Jacobson asked of the 400 people that were polled, how many were house owners.

Trust of Public Land Representative Avinger stated he did not have a demographic question about homeownership. Of the 400, they were demographically from all gender, ages, political parties, all the typical demographic was represented.

Council Member Jacobson stated, that renters would be voting on something that would not affect them because they did not pay for taxes.

Trust of Public Land Representative Avinger stated the sample contains how many renters were proportional to the voters in the 2018 election, it would have been captured in the sample study.

Council Member Pha stated the people studied would be voting on the ballot whether they paid taxes or not.

Council Member Jacobson stated they were currently paying to the bond that was sunseting and did not mention that to the sample study the difference between the old amount and the new amount.

At 6:24 p.m., Council Member Mark Mata arrived.

Recreation and Parks Director Youngers stated it was important to look at multiple options and approaches. She went through the options list which was developed with partnerships and response to the polling. She went over the two assumptions made from the public survey. She stated the recommendation was the \$18 million park bond. She stated the more diverse and specific the statement was on the ballot, everyone could find something they supported such as the CAC, Performing Arts Center, and then use past investment as leverage for future partnerships. She stated a second option would be a potential partnership to fund the gymnasium and aquatic facility. She stated it was a risk to go out and give the community a voice and placing it on the ballot for the November 2018 election. She stated the last option would be to continue the current investment of the \$1.1 million a year, and pay as you go plan, which could be affected by future Councils.

Council Member B. Mata stated the Council dealt with Three Rivers and made a commitment there, the city connected with the Hennepin College with a Performance Arts Center, and he stated the city was getting in too deep.

Recreation and Parks Director Youngers stated she recognized the different levers the Council had, and was a part of the investment the community had paid with those investments for future economic development. She stated the Performing Arts Center was an economic development project that had great potential for improving the quality of life and a destination place for the community.

Council Member Pha stated she would support Option One and Option Two. She stated the risk they took for Option Two was that the community had mentioned an aquatics facility for a long time and every park and recreation meeting with the community she attended, one of the biggest topics they talked about was having an aquatics center. She stated they had gone through the process for a long time and it was time to let the voters vote. She stated the voting would get an idea of what the community wanted, and if both failed, it was what the residents wanted.

Council Member Parks stated a 50-meter pool was not his passion. His passion was a ballpark and Option Two was what he supported, which was giving the decision to the people to vote on it.

Council Member Jacobson stated she heard people for 30 years wanting an aquatic center and asked how they could do it differently than the neighbors. She stated if they had a pool, it was for the residents, but if they had something bigger they were drawing people who did not live in the city. She stated the aquatic center had a bigger economic impact. She stated that the polling potentially was misleading to the people who answered the phone, and if individuals voted without all the story, they might vote it down. She stated she was not supporting putting it on the ballot, but to work on the partnerships to get the aquatics facility with a 50-foot pool that the community supported and then have the Council vote on that.

Recreation and Parks Director Yungers clarified that Council Member Jacobson supported the referendum and going for a park bond referendum. Then Option 1 A or B would contribute to partnerships, and with the advancement of partnerships could result in bonds.

City Council Member Jacobson stated that was correct.

Council Member Parks asked if partners came up before the election, did it change everything they were going to do.

Recreation and Parks Director Yungers stated that it could.

Council Member Parks stated they didn't know about that if something came up in three to four weeks, it changed everything they were talking about.

Recreation and Parks Director Yungers stated there was a possibility on August 20, 2018, of having information on a disclosed partner for an aquatic facility. She stated they were having an EDA meeting prior to the Council meeting and the Council would have to certify the ballot on August 20. She stated she could disclose the partnership.

Council Member Parks asked for clarification that her recommendation was not to go with number two because they're both likely to fail.

Trust of Public Land Representative Avinger stated a lot of the polling gave an indication of what the voters might do.

Mayor Lunde stated residents did not realize if taxes were raised that it could affect a tenant because their rent would increase. He stated it was fair to say that renters did not realize it when they were being surveyed. He stated he did not have a problem with a binding referendum. He stated it spread out the costs, people who used it for 20 years would pay for it over 20 years, but with the pay as you go plan, residents paid it off in the four years. If a resident moved out after five years, then a person moved in and they did not pay for it. He stated future Councils did always own up to what they did, then they cut funding. He gave an example on the small golf course. Over the 20 years, every opportunity Council had to find ways to cut money, and then had a large hole to fill. He stated seeing the future Council cutting it off, and it came from parks, and people would care about funds being cut. He stated on the park bond to vote, the realtors in the area were excited because if the community invested in a park, that was important to new homeowners. He stated he did not support an aquatic facility on the ballot. He stated he wanted to do it, but wanted to hear about the partnership. He suggested knocking on doors to talk about swimming pools and partnerships and believed the community would wait and find a partner and save money and the Council could bond on their own. He stated it would be an issue if a partner didn't come. He supported Option 1B. He asked to explain to the voters what the money went to and what was being worked on.

At 6:43 p.m., Council Member Gates arrived.

Council Member Mark Mata stated he disagreed with getting a bond and supported the pay as you go option. He stated when doing a bond, someone must maintain that in the future and didn't build something that would be there forever. He stated \$1.1 million was sitting there with Option 3. He stated people wanted to know where the money went and why they had increased

taxes. He stated over the life of that, an “x” amount of years was an “x” amount of dollars. \$8 million over \$10 million compounded forward was not balancing a budget and needed to cut. He stated the survey said they did not want it and did not indicate an overwhelming amount of people wanting it. He stated right now, no and could find that money elsewhere.

Council Member Gates stated he agreed with Option 1A or 1B. He stated there should not be a difference between the police and parks bonds.

Council Member Pha agreed with Mayor Lunde about the partners. She stated the aquatic center didn't need to be done this year and wanted the community involved. She stated having them involved in the process was why the referendum was important.

At 6:55 p.m., Council Member Pha departed.

Recreation and Parks Director Yungers stated the Recreation and Parks Advisory Commissioners heard the results and recommendations for the first time tonight. She stated at the last Commission meeting, they were uncomfortable to hear the polling results, and after the Commission meeting, they wanted to hear the response from Council tonight. She stated they needed time to think about the polling results. She stated the commissioners wanted to have a joint meeting with the Council so they could share their thoughts with the Council. She stated at that meeting they needed to have a decision on whether to place the referendum on the ballot and to approve the language that would go on the referendum. She stated what was important, the Trust of Public Land had made a recommendation of \$18 million and with the projects that would bring the funding to \$26 million. She stated they did include the Community Activity Center in the referendum, because if the aquatic facility came off, then the investment in the living room and the den of the Senior Center at the Activity Center was a high priority. She stated there was a meeting on the 8th which an agreement should be at, then on August 20, 2018 the decision should be made which would then be certified.

Mayor Lunde stated that meant bringing in the City Council early because the Recreation and Parks Advisory Commission did not want to show up the day the Council needed to make the decision.

Council Member M. Mata stating over the last five years the city had been allocating \$1.1 million to pay back the bond, and asked if they had the ability next year when it was paid off to have that money budgeted for another project. He stated there was other funding and asked if the city could find a way to contribute it to the parks and recreation fund.

City Manager Stroebel stated the \$1.1 million that was budgeted, historically, that was the debt repayment amount. He stated a couple years ago, the debt was combined with a small amount of infrastructure projects, and did not necessarily fall off. He stated there were a couple years until they got there and estimated \$400,000 to 500,000 would pay that payment and then it would fall off after a few years after that.

Council Member B. Mata stated the city had money and funds, and they could take money from a different fund and collect the \$1.1 million and pay it back to the budget. He stated rather than paying interest and raising taxes, take the money that was sitting there and pay back the city.

City Manager Stroebel stated if the projects were for \$2 to \$6 million projects, and if Finance Director Green was here, that would be the recommendation she would have, but once they got into the \$18 to \$20 million projects, then the city did not have that much cash to spend.

Council Member Bob Mata suggested the city should pay itself back over time.

City Manager Stroebel stated that any time where the city loaned itself money, an example he used, was if they used the EDA fund and they took \$4 million two years in a row, they must be conscious if there was any potential development.

Council Member Bob Mata stated he would support the city paying itself back \$1.1 million a year.

D.1 COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS – None.

D.2 CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel reminded the Council about the Joint Commission meeting at the Community Activity Center and invited the Council out to the National Night Out events.

E. ADJOURNMENT

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 7:06 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL WORK SESSION

Monday, October 29, 2018
7:00 p.m.

Steve Lampi Meeting Room
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Bob Mata, Terry Parks, Susan Pha, Lisa Jacobson, Mark Mata, and Rich Gates; City Manager Jay Stroebel; Community Development Director Kim Berggren; Recreation and Parks Director Jody Yungers Finance Director LaTonia Green; and City Clerk Devin Montero

ABSENT: None.

C. DISCUSSION ITEMS/GENERAL ACTION ITEMS:

C.1 Budget Discussion and Department Presentations

Finance Director LaTonia Green briefed the Council on the overview of the 2019 proposed budget. She stated the budget objective was keeping the tax and levy balanced, having strategic investments, budget for outcomes by looking at goals and line them with the resources, and then evaluated the results. She stated the challenges were the cost of living and step increases adjustments, health care increases which was 12% in 2018, tax abatement was a \$150,000 increase, internal response service funds, underinvestment in the heritage fund increase, a decrease in operating revenue, and the Police and Fire PERA increases of 1% in 2019 and then 1.5% in 2020. She stated the 3.3% expenditure growth in 2018, the 1.5% growth in non-personnel which did not include internal service funds, the levy increase of 5.26% increased with the SAFER grant, the net effect was a .5% FTE increase, and wages and benefits adjustments. She stated 77% of the budget consisted of personnel and taking steps to address the challenges. She stated that on the strategic investments, the directors determined what to invest in. Some common themes were mental health EDA standards, public safety as it related to youth services outreach, and fire services. She stated there had been a 1.4% increase in salaries and benefits. The Relief Association in the past were budgeted the same way every year but at the end of the year, when the expenses came in, they had been at higher levels than what had been budgeted and realigned it to what they should have been budgeted for. She stated the Internal service funds had a \$426,000 increase and the non-personnel budget had an increase of \$84,000, mostly because of new initiatives.

Council Member B. Mata asked if the city was not receiving the SAFER grant. He asked if they were back to the half full-time equivalent without the grant. He asked if they could reduce it by the 5.26% levy.

Finance Director Green stated the city was not receiving the SAFER grant. She stated the .5 did not include the SAFER grant and the total dollar amount requested did include the grant.

Council Member Jacobson stated that was something different and 5.2% was with the SAFER grant. The 4.75% was without the SAFER grant.

Recreation and Parks Budget Presentation.

Recreation and Parks Director Yungers and Parks and Facilities Manager Brad Tullberg gave a

budget overview of the Recreation and Parks Department.

Recreation and Park Director Yungers explained three strategies:

1. Make the Tater Daze committee and the event more inclusive.
2. Break down barriers of participation in the Alliance Youth to youth survey, stating transportation was the biggest barrier and starting Park and Rec on the Go.
3. Quality amenities with the heritage fund, the park bond referendum, and the OSLAD fund with resources that stay relevant to the residents and to reinvest in the parks and special-use facilities.

She stated their partnership with the O&M division continued efforts in environmental sustainability and community health. She stated the Recreation and Parks budget supported the incentive in youth services and developed a strategy for aging adults.

She stated Recreation and Parks measured the facilities biannually and the participation reached over 12,000 youth and provide 280 scholarships. She stated they tracked how services were distributed throughout the community and documented it and were trying to find the areas of the city where the services were not reaching and finding solutions.

Recreation and Parks Director Yungers stated some challenges they had over the year were the reorganization of Zanewood and the youth outreach, which resulted in an increased budget in the Zanewood Recreation programs. She stated there was a need to do an additional assessment for an Inclusion Services position in the department. She stated the position would work hand in hand looking at customer service and support which was complying with ADA. She stated other challenges were the impact of minimum wage, which increased seasonal staff wages by \$29,000 in 2018, recruitment and retention and a new digital email distribution system called Peach Jar. She stated the department raised rental fees, attendance fees, and there was a reduction in revenue. She stated the department would be enacting an increase in non-resident fees, eliminated a Softball Coordinator position and reduced conference travel expenses by \$20,000.

She stated there were requests from apartment complexes for Rec on the Go and how to pay for that expansion. She stated there was a decline in arts and music in the schools and they were looking at the cities to expand art and music.

Parks and Facilities Manager Tullberg updated the Council on the special revenue funds and Edinburgh enterprise funds. He stated the 2019 budget was very similar to 2018, minor adjustments could be seen in hourly staff rates, considering that seasonal staff needs were not filled. He stated the ice arena fee would increase, which would not go into effect until September 2019. The Brookland Golf Park increased fees, the cost for staff increased and they cut things when possible. He stated Brookland Golf Park did better in 2018 than in 2017 and Edinburgh USA tried to maximize revenues and control costs. He stated the department would be proposing a greens fee increase next year. He stated the Clubhouse, \$1.5 million in 2019, was because of the investment of the EDA, the one-time capital infusion to the Club House as well as revenue from the new clubhouse management agreement. He stated in 2017, the rating for Edinburgh was around 68% average rate per round, which would indicate they could do a slight rate increase. Brookland Golf Park's target rate was 85% and it dropped down to 82%. He \

stated the difference between the two target rates was because of the difference between a championship-level golf course and an executive nine course.

Recreation and Parks Director Yungers stated to generate revenue and program services, they could take the \$5.204 million and subtract the \$1.2 million to get the \$3.9 million, which was the actual levy request for services and administration.

Council Member M. Mata asked about the \$11,000 Softball Coordinator position, if that was a part-time position and who was coordinating the men's and women's leagues.

Recreation and Parks Director Yungers stated it was a part-time position during the softball season for the men's and women's leagues and Recreation Program Supervisor Steve Gulenchyn worked with the direct programming.

Council Member B. Mata asked about the Brookland expenditures being so high.

Park and Facilities Manager Tullberg stated in 2018, \$20,000 was invested into the Heritage projects and was why it increased.

Council Member B. Mata asked how much of the enterprise fund expenditures was with depreciation.

Park and Facilities Manager Tullberg stated it was \$235,000.

Council Member Pha stated that was why in the past they had shown a deficit but now in 2018 the city wouldn't. She asked what the balance of the depreciation account was.

Finance Director Green stated she did not have that information, but it was mentioned in the fund portion of the packet.

Council Member Pha stated she would like to see the depreciation funds used as a savings, capital improvement projects and deducted when needed.

Finance Director Green stated they would do that transaction, but not as a part of the revenue and expenditures. It would be a part of the balance sheet account.

Council Member M. Mata asked about the expenditures over revenues at Brookland and if other golf courses in Golden Valley and New Hope were making money.

Park and Facilities Manager Tullberg stated they were not making money. He stated two years ago, there was a study on the executive nine courses and Brookland was rated the same as the rest of the cities.

Council Member M. Mata stated they should find a way to lower the expenditures.

Recreation and Parks Director Yungers stated it was getting more and more difficult because of staffing.

Council Member M. Mata stated the golf course was mowed every day and asked if that could

be cut down.

Parks and Facilities Manager Tullberg stated mowing daily was the standard of a championship golf course like Edinburgh Golf Course. He stated when they had to reduce their mowing patterns the negative criticism was quick from the regular players.

Mayor Lunde stated he had memories of not mowing the golf courses in a previous year, to cut costs, and the city heard about it and residents were mowing it for the city and didn't save more than six dollars.

Council Member Jacobson asked what the increase of the ice arena was of \$100,000 in two years when the revenue only went up \$20,000.

Parks and Facilities Manager Tullberg stated comparing the two actuals, those numbers of expenditures were anticipated to be more.

Council Member Jacobson stated comparing 2017 actual budget to 2019 proposed was a \$100,000 difference.

Parks and Facilities Manager Tullberg stated if they could run a fully staffed model with the arena, that ate up the difference and some of it was built-in costs with utility savings.

Council Member B. Mata asked if the Park Referendum Bond passed, was it going to go into any of the projects that they had.

Recreation and Parks Director Yungers stated only the front of the CAC but not the ice arena.

Police Department Budget Presentation.

Police Chief Craig Enevoldsen gave an overview of the 2019 proposed budget for the Police Department. He gave some key outcomes: Since 2008, there had been a steady decrease in crime and 2018 had less crime than 2017. Since 2010, the police workforce had doubled in diversity. With benchmarking, the cities compared were based on the crime rate and the speed of growth within the city. He stated Brooklyn Park was in the middle in population and officer ratio. The ratio was based on the FBI suggested ratio of one officer per 1,000 residents of a city. He stated most of their budget was salaries and benefits. The Police Department priorities Response Times. He stated the City was at 4.76 minutes per call and was ranked first in priority one violent crime incidents. He stated Priority one violent crimes included seven different types of crimes and four violent crimes categorized. The strategic priorities and challenges: Priorities were to keep crime down and to have a mental health initiative. He stated the mental health incidents had increased by 81%, and those calls were unreported because incidents were not coded under those categories. He stated the department was working on training officers and updating the records system that could query incidents with mental health as an underlining cause. He stated the Duluth Police Department had been working with mental health cases as well as the "co-responder model." He stated if the Brooklyn Park Police Department developed a case management system, the department could prove to the court that the Police Department tried to help an individual with the next steps, then the court must take the next step for the city.

He stated another focus the department was working on was Blue Box and outreach. He stated they put all their emphasis into one of their buildings this year that had a lot of crime early on. He stated it did not stop the crime, it slowed it down. The challenges: the snow emergencies, he was fearful the snow emergencies could damage relationship building; and more body camera demands. He stated that conversations on the cams could take a long time to transcribe, which was what the attorneys were asking for.

Police Chief Enevoldsen briefed on some adjustments in the proposed 2019 budget. They put in a detective to do the mental health work and since then they had removed it. He stated he reassigned an officer from the juvenile department to do the work, the department also had an involuntarily early retirement from a supervisor position in the cadet program. He stated there had been a reduction of training, which every department went through with Finance.

He stated City Manager Stroebel spoke with Hennepin County on a partnership with having one of their mental health professionals embedded in the Police Department. He stated they would not get one for free, but the city wouldn't pay the \$130,000, which was the rate. He stated that on the need for a part-time Evidence Technician, when they did an audit of the property owned, some things that came out of the audit was that they should have more than one Evidence Technician taking care of all the evidence for checks and balances. He stated the Evidence Technician also burned all the digital evidence and body camera videos. He stated hiring a second individual would take off some responsibility of the full-time individual who could focus on recovering data from the County Attorney's office. He stated with the expansion at the Police Department, they would expand the hours of operation. Residents could come after 5:00 p.m. to retrieve their property, which they couldn't with one Evidence Technician.

Mayor Lunde asked about the transcription for the videos, if they could just give them the video.

Police Chief Enevoldsen stated they did play the video in court, but for charging purposes and purposes of discovery, they wanted the transcript.

Mayor Lunde asked about the mental health coding. He wanted clarification if their mental health calls were going to go up simply because they were going to find the true number. He asked how long that would take and if awareness meant more numbers.

Police Chief Enevoldsen stated they could start checking quarterly in 2019 and compare their data. He stated they had already trained the patrol officers and had made changes in the records management system where they could query those things.

Mayor Lunde asked if costs were associated because the employees of the facility didn't follow the individual's mental health program.

Police Chief Enevoldsen stated as a city, it didn't have a lot of say if there were allegations. The MN Department of Health could go in and investigate to find things that were under civil statutes like neglect.

Mayor Lunde asked if the city could recoup any money lost if the facility was at fault for the mental health call.

Police Chief Enevoldsen stated it could not and commented on the inability to bill insurance

when individuals had a crisis.

Council Member B. Mata asked how much of the mental health issue was anger management or was that the same.

Police Chief Enevoldsen walked through the process of a mental health call. Someone would tell the dispatcher in Hennepin County that they or someone was suffering from a mental health condition and needed help. He stated the number of calls were people who stated they had medicine, but had a mental health issue and needed help. He stated it was not people with anger management issues.

Council Member B. Mata gave an example about a call being made and said a person was tearing up their house/family. He asked if that was considered a mental health case, an anger management case, or domestic abuse.

Police Chief Enevoldsen stated a mental health call could still result in an arrest. He stated after the arrest, there was some follow up with that person through the court system and the court system at that point gave recommendations or orders to prevent future mental health issues.

Council Member Jacobson asked if there was another way to do snow emergency ticketing outside of the Department.

City Manager Stroebel stated that was the lowest-cost approach.

Police Chief Enevoldsen stated sworn police filled out a citation and the Impound Form. He stated most people would see the tow truck and would run out to their vehicle.

Council Member B. Mata asked how much leeway would be given on towing.

Police Chief Enevoldsen stated they wouldn't hook it, but there were rules about it being on a tow truck.

Council Member Jacobson asked if they were partnering with the managers of apartment complexes related to the snow emergencies.

Police Chief Enevoldsen stated they did not get anywhere with a one complex. He stated they had been doing a team meeting every other week about how to market the snow emergencies. He stated they had documented everything they had done to inform the community.

City Manager Stroebel stated another innovative idea they had done was to identify parking lots close to some of the significant apartment complexes where people could relocate their cars during snow emergencies.

Council Member Jacobson stated there had been a lot of parking tickets lately and was wondering if they could have a flyer that they could put with the ticket as part of the education.

Police Chief Enevoldsen stated they had already created a flyer and one for snow emergencies in four languages and could add it with the ticket.

Council Member Gates stated on his block alone, when they did the first sweep, four households had their cars on the grass and Code Enforcement was called and got citations for parking on the grass the next day. He stated it now created what they talked about would happen by pushing it off to another department.

Council Member Pha asked if Police Chief Enevoldsen could share the list of communications they had for the community regarding snow emergencies with the Council Members so they could use it. She asked if every single home was getting something, whether that was through the utility bill or in articles on snow emergencies.

Council Member M. Mata stated he supported the policy and asked about the tow truck rules.

Police Chief Enevoldsen stated the lien kicked in when the wheels left the ground. He stated if someone came out with their car keys, he would ask the tow truck to drop the car. He stated it was not a money-making venture and was for snow removals.

Council Member M. Mata asked if they had staff who were working more than thirty hours, if they had corrected that and if they could make them full time.

Police Chief Enevoldsen stated they had two part-time vacancies and made it a single full time. He stated that sometimes they saw it in the overnight part-time positions with the constant turn over and they still needed to keep the front desk open and would go over in hours. He stated they were remedying the issue by making the position a full-time position and better tracking of hours.

Council Member M. Mata wanted to know about the number of officers compared to the population and what was the acceptable officer to resident ratio.

Police Chief Enevoldsen stated they never said a certain number was acceptable. When someone wanted to know how many officers a city might need, the FBI stated that one officer per 1,000 residents was the benchmark.

Council Member M. Mata stated the city was double of violent crimes than Bloomington, but was comparable to their budget and population numbers. He stated the city was not being benchmarked to something that compared to the city. He stated the numbers used, the demographics were closer to out of state cities (Milwaukee, Denver, etc.) and there was no other city comparable in Minnesota.

Police Chief Enevoldsen stated other States had different rules for their law enforcement, and they could not use them as a benchmark.

City Council Member M. Mata stated he wanted to see numbers comparable to the population and the number of police officers they had. He stated 283 officers was an unacceptable number.

Community Development Budget Presentation

Community Development Director Kim Berggren gave an overview Community Development budget. She stated the budget for 2019 was \$3 million in revenue and \$4 million in expenses.

She stated the growth of revenue was in the Building Department because of winter storms and needed additional inspections and hired seasonal positions to assist with the inspections. She stated the Building Department shifted to online permits, and between the business and rental license team, the group managed 32 different types of permits. She stated half of the licenses were renewed online, and that had been in the works for years, and was a big win for the department. In the Code Enforcement and Public Health department, there was a focus on voluntary compliance. She stated the total case number was over 4,000 with no additional staffing and the department focused on better use of technology to be more efficient, streamline processes, and find more strategic ways to work and give better customer service. She stated the department sent out communication on how residents could look up their property information online. She stated with the growth in revenue from the other departments, the Community Development Department could cover most of its functions with very little investments from the general fund. She stated those revenues could not be depended on long term to sustain the department, so they were anticipating the revenue line to stay flat or to decrease. She stated changes in their expense line between 2018/2019, in the budget they were estimating less revenues in 2019 than 2018. She stated a lay off within the city reduced spending by \$34,000. She stated the Information Technology (IT) department anticipated the need for expenses to allow inspectors to be more efficient by moving to an online or electronic plan review platform.

Council Member Pha stated she was interested in seeing if there could be more funding placed in the Brooklynk Program and asked if the budget included the Brooklynk Program.

Community Development Director Berggren stated that type of budget adjustment would show up at the EDA, which would be brought up in November.

Finance Department Budget Presentation

Finance Director LaTonia Green gave an overview of the Finance Department budget. She stated one of the goals they worked on was being a well-managed city and a great place to work. She stated the employee survey expressed a low percentage of employees found Brooklyn Park to be a great place to work, which would be focused on in 2019. She stated other goals were working on keep costs at a reasonable level, keep property taxes low, and make sure departments had the resources they needed to get work done. She provided some key outcomes of last year: the DMV department went through a lot of changes including a transition with driver licenses and the MNLARS system. Some challenges: the inability to maintain staff, identifying different ways to be more efficient in the Assessment Division, have more of a web presence and visibility to residents, and interest in e-services and utility billing.

She stated the 2019 budget would be \$2.4 million which was a decrease from 2017 because they reduced the appraisers and realigned their positions. She stated the 2019 goals were improving customer service, improving the budgeting process, and having better guidance for the employees.

Administration Budget Presentation

Assistant City Manager Wokie Freeman-Gbogba gave an overview of the Administration Department budget. She stated the city had been implementing racial equity training, working on community's needs by providing story maps and visual ways to provide data, evaluating

records management, website management as well as upgrading Microsoft Office. She stated other challenges the department had were around voter engagement, absentee voting and educating the public on park systems and the park bond. She stated the department's bulk work was supporting leadership development, management systems, and integration management. She stated the department was looking to modernize Human Resources practices, improve employee experience, process staffing and utilizing best practices when hiring, as well as providing unconscious bias training for hiring managers and providing impartial background checks.

She gave an overview of projects from the Communication Division, including more engagement with social media, flyers, videos and emails. She stated Communications was working on a website redesign project. She stated the Administration Department would continue supporting the Council and clerk office needs.

She outlined strategic priorities and challenges in 2019. She stated the Administration Department's projected budget for 2019 was \$2.5 million and the budget included the Mayor and Council, Commissions, and any current contracts for prosecution services and the city attorney.

Council Member B. Mata asked about the legal services, if they had an attorney on staff that could take up some of the work.

Assistant City Manager Freeman-Gbogba stated Human Resources had an attorney that dealt with HR matters, negotiations, arbitrations and working with the worker's compensation team. She stated other services referred to the city attorney were a different category of work and the prosecution attorney partnered with the Police Department.

City Manager Stroebel stated previously they had a higher budgeted contract with Kennedy and Graven to do basic attorney issues and then additional HR work. He stated now that the city had an in-house attorney, they reduced that amount.

Assistant City Manager Freeman-Gbogba stated two positions had been absorbed into the Administration Department. She stated that along with the reductions in several categories they had seen a 5.2% increase from the 2018 adopted budget. She stated a priority for the city was improving customer service and adding an extra part-time position to the front desk to better assist those coming to City Hall.

Council Member M. Mata asked what the part-time person was going to do when they were not at the desk.

Assistant City Manager Freeman-Gbogba stated during the peak times, two front desk staff would assist with answering phones, paying walk-in utility billing, and providing assistance with questions, covered breaks and lunches for the full-time staff.

Council Member M. Mata asked if there was a growth in online utility bill payments.

Assistant City Manager Freeman-Gbogba stated some residents would still come in to pay a utility bill, more to interact than to pay a bill and those people would most likely not move over to online payments. She stated they had piloted other strategies to give good customer

service to those who walked up to the desk. The city was aligning their resources to achieve community organizational goals, retaining staff to meet their needs and engage the community.

Council Member Pha asked if there was a break down for the Mayor/Council budget compared to the Commissions. She liked how they were enhancing the data retention practices and would like to see City Council work sessions audio available online.

Assistant City Manager Freeman-Gbogba stated she would get the breakdown information to them and would check into having work sessions available online.

Fire Department Budget Presentation

Fire Chief John Cunningham gave an overview of the Fire Department budget. He briefed on the department goals, strategic work, data phase and implementing initiatives. He stated he was looking at the community risk reduction efforts, how they could better serve the community members, addressing health factors that were impacting firefighters (cancer, heart issues, and PTSD and mental health) and addressing leadership development and training for the command staff. He stated key outcomes were a new records management system, which was useful to capture the correct information for calls, and having a fully staffed Fire Marshal division, which included a Deputy Fire Marshal, Inspector, and a full-time Program Assistant. He stated a key performance measure for 2018 was the route time target was 1:30 minute mark; in 2017, it was 1:23 with an unseen time of five minutes. He stated they had one civilian death in 2017 and this year emergency calls were up. He stated with the new system in transition, they were not getting paged for calls, but would change once it was fully transitioned. He stated in 2018, the Fire Department received 616 calls with 293 fires. He stated the Fire Department currently had 26 full-time firefighters with 23 paid on call and would dive into their strategic plan on what staffing needs were for the community. He stated the total incidents for the city was 9,000 calls in 2017; in 2018 it was 8,200 calls.

Council Member B. Mata asked for the difference in the total number of incidents versus the population.

Fire Chief Cunningham stated the biggest difference was the medical calls and medical responses, which triggered the number and level of service provided. He stated Strategic priority number one was facilities assessment and a better picture of what the station needed, some staffing and personnel deployment. He stated they were not fortunate to get the SAFER grant. He stated they ranked fifth in call volume, factoring in everything, and ranked third in fires across the state, with St. Paul and Minneapolis being above them. He stated the preliminary budget this year, which did include the SAFER match, was \$5.8 million. The biggest increase was because of the increase in personnel costs. He stated in the worker's compensation section, there was an allocation change and stated there was state law that factored in a percent increase for full-time firefighters. He stated one of the goals for the Fire Department was looking at moving the fleet to the garage fund to the heritage fund and making strides to move all those costs to the garage central fund, so it had a true allocation number. He stated their biggest impact was staffing and resources.

Council Member Pha stated once the strategic planning was done and the Council decided to open the East Fire Station, wondered if the budget included the expenses of the East Fire Station, and if not, where were those funds coming from.

Fire Chief Cunningham stated the recommendation was to leave the SAFER match in the budget and what that allowed them to do was a strategic planning study to tell their story, and at a half year mark there should be enough for extra firefighters.

City Council Member Pha asked when they planned to have the strategic planning study.

Fire Chief Cunningham stated within four to five months.

Council Member Pha stated she would like to see a budget that included the East Fire Station.

Council Member M. Mata asked if there was no funding now and the study came out and said they needed it, asked what they would do.

City Council Member Pha stated she would like to see the East Fire Station opened again.

Council Member B. Mata agreed to closing the North Fire Station and move to the East Station. He suggested starting an aggressive hiring of paid-on-call part-time and staff the North Station with them. He stated that was less expensive for the residents because they wouldn't have to pay for benefits. He stated at the next Council Meeting they should start that plan immediately.

Council Member Jacobson stated the city was paying for the strategic planning study and that might come back that the paid-on-call model was not something they should do. She stated there was a cost to hiring paid-on-call firefighters and she was not in favor of it. She wanted to know what was best for the city and they wouldn't know that until they heard from the strategic planning study.

City Council Member M. Mata asked for clarification if the paid-on-call firefighters worked overnights.

Deputy Fire Chief Seitz stated they worked overnights to fill in as a second person.

Council Member M. Mata stated the third firefighter was the on-call part-time firefighter. He stated the city did not need three firefighters between 11 p.m. to 7 a.m. He asked of the 9,000 calls, how many were to other cities and how many were canceled calls. He stated the Fire Department continued with red lights and ignored the police and those were calls they didn't need the Fire Department to run to. He asked how many North Memorial Hospital paramedics were going to the same calls, and would like to see a reduction in the double calls, especially when police were there and North Memorial.

Council Member Parks stated something else to consider was hotels as well as the Hotdish project. He stated the City had 49 firefighters when compared to the NFPA and they were way short, whether they did full time or on-call.

Council Member Gates stated if the money was not used, then they should put it toward the central garage fund. He stated there was also the potential response models that were being worked on, which might or might not happen in the next three years, which would change who responded to calls. He asked if that was being investigated in the strategic study.

Fire Chief Cunningham stated it was and he would like to see progress toward that from a city

standpoint. He stated that from a metro fire chief standpoint, that was a major topic and how to address the greater call numbers and how they could best serve the non-emergency calls.

Council Member M. Mata asked if the Fire Chief was aware that Hennepin County was saying that anyone who operated an ambulance must travel with two paramedics.

Council Member Gates stated that a workgroup recommendation was coming out next month to Hennepin County's EMS board that stated they were out of standard on how the rest of the country worked.

Council Member M. Mata asked if that was the City of Brooklyn Park too.

Council Member Gates stated it was how Hennepin County worked that was out of national standards. He stated right now, during a 911 call, two paramedics responded, and the rest of the country did not follow that protocol any longer. He stated Hennepin County would need to change their ordinance.

Operations and Maintenance Department Budget Presentation

Operations and Maintenance Director Dan Ruiz gave an overview of the Operations and Maintenance Department budget. He highlighted areas of focus as a part of the Brooklyn Park 2025 Goals: they were working on environmental sustainability by working on solar panels installation, transportation, infrastructure, and making beautiful spaces with parks. He stated key department outcomes were to protect and preserve the infrastructure, which was worth \$1.5 billion. He stated the department achieved that by working on street repairs, water repairs, and added clothing recycling as continuing to maintain basic services for the residents. He highlighted franchising key work over the last three years: overlaid 45 miles of streets in the last three years and 20 miles a year of seal coating. He stated the street rating goal was 90%. In 2013, they were seeing a big drop because the roads were wearing out twice as fast. In 2015-2016, when the city invested in the franchise fee it kept pace and resulted in a 76-78% good rating. He stated in the next few years, it continued to raise to 80% after a 13-year franchise fee run, if the Council chose to continue it that way.

He stated the Park facility rating, which was specified in the city survey, residents rated their buildings and park structures at 97%, which was excellent, and they rated internally at 92%. He stated the departments goal was to raise the rating of the water system to 90%, to be good, reliable, and dependable. He stated they were getting a 78% rating for the water. He stated internally, they had rated the system at 80% and the department could continue to do reconstruction and maintain the water system. He stated the item that was always talked about was softening the water, which would be \$30 to \$40 million investment, and ultimately came to funding. He stated that if they were to move the pipes from the aquifers and run them to the river it would cost around \$80 million. He stated they had a great water quantity but not water quality. He stated the strategic priorities were to strive to continue maintenance, which helped the city maintain its good ratings. He stated other projects the department would be continuing, were the interlay program, completion of the solar installations, City Hall rehabilitation, infrastructure funding, snow emergency, and focus on some emerald ash borer rehabilitation. He stated the city contracted with Rainbow Tree Service, which would be available to do city tree treatments at a discounted rate and residents could piggyback on the treatment, which would save them 40% in a discount.

Operations of Maintenance Director Ruiz' proposed budget for the general fund was \$7.876 million, which was a 4% increase. He stated the reason it was at 4% rather than 3%, they decreased their salt budget because the salt shed was full from the previous year, but then it was a terrible winter, and had to raise the budget back to where it was in 2017. He stated key investments were getting their salt budget back in place and to complete the CIP and CEP projects. He went over the utility fund budget and stated all their utilities combined (water, recycling, sanitary, sewer, storm sewer and streetlight, signal utility) was \$29.3 million. He stated it was an 8% increase for two projects equaling \$2.2 million. He stated the two projects were the water tower painting, which estimated at \$1.4 million, and automated meter reader control device replacement for \$850,000. He stated the department adjusted the budget to reduce structural expenses and conferences and schooling. He stated the city would be looking into adding a third street sweeper, which was \$210,000, which was paid out of the storm sewer fund. He stated he benchmarked for sweepers in cities, which was 100 miles per sweeper, and they currently had two sweepers and had 270 miles of streets. He stated that would be all the sweeper equipment they would need with a fully developed city.

Council M. Mata asked if the street sweeper would blow up if it went past 100 miles and if they were looking to sweep the streets fast.

Operations of Maintenance Director Ruiz stated it was an industry-standard, if they had 100 miles a city should have one, if they had 200 miles, it should have two. He stated they had already started sweeping and there were still leaves on the trees. He stated to get through the city would take time and more leaves would be down. He stated once the snowed, it would freeze the leaves on the street, which they could not sweep. He stated there was a short window and would like to do it in three weeks, which was not possible with two sweepers.

He stated the central garage fund budget was \$4.8 million and stated it was a 2.8% increase in 2018. He stated the central building fund budget was \$2.5 million budget, which was a 2.3% increase. He stated they did a tremendous amount of work to keep expenses down on both funds including working with the departments and their fleets. He stated the Fire Department eliminated two trucks and a car, which eliminated \$660,000 from the budget. The police went from a three-year replacement for the squads to a four-year replacement, which saved \$110,000 in equipment replacement costs, but with additional maintenance, the net savings were \$70,000 per year. He stated the Community Development eliminated one car, Recreation and Parks Department eliminated a full replacement of a truck and went to an RA vehicle. He stated other adjustments, fuel budget reduced \$100,000 for what they were seeing with fuel prices, which was trending low. He stated all it took was one malfunction in a refinery and could increase fuel. He stated with the cut in fuel costs and the sweeper they could maintain the service they had been providing.

Council Member M. Mata asked what the cost for the annual city cleanup was.

Operations of Maintenance Director Ruiz stated it was \$200,000 a year.

Council Member M. Mata asked if they could negotiate it where they could come twice a month to do the maintenance and drop off so it would lower the costs.

Operations and Maintenance Director Ruiz recommended against any trash pickup on-site. He stated they let the private sector focus on that. He stated they did the two drop off days in the

spring and fall and made a conscientious decision to not take trash at the city site.

Council Member M. Mata stated every month they were paying different haulers to go around and it was not in the city's budget to pick up large items when staff could pick it up and the haulers could come to one place and pick it all up as the part of the contract.

Operations of Maintenance Director Ruiz stated they could set up a meeting and talk about it and he would share that with the Council if they were willing to pursue something like that.

Council Member M. Mata asked how much money this year was being put into the central garage fund. He stated last year, when the fire trucks were being moved from the heritage fund to the central garage fund, the Council was told the fund had enough resources to handle it. He stated they should not be funding it at a higher rate.

City Manager Stroebel stated some of that was fuel savings and had been able to accommodate the near-term purchases for the vehicles.

Operations of Maintenance Director Ruiz stated the garage fund budget was \$4.9 million budget.

Council Member M. Mata stated he was talking about the central service fund. He wanted to know how much money was being put in the general garage fund.

Operations of Maintenance Director Ruiz stated \$4.8 million dollars was being put in the general garage fund.

Council Member M. Mata asked if that was above and beyond several years ago when it was first budgeted.

Operations of Maintenance Director Ruiz stated last year it was \$4.7 million, overall, the garage fund increased by \$2.8% or \$100,000.

Council Member B. Mata asked about the reduction of trucks in the Fire Department. He remembered in the Fire Department budget this year, the department would be getting a new truck.

Operations of Maintenance Director Ruiz stated there was a budgeted replacement truck, but they eliminated the replacement of one pumper and one utility truck.

Council Member B. Mata asked what they were replacing.

Operations of Maintenance Director Ruiz stated they were replacing a different pumper truck.

Council Member B. Mata asked where did the other two go and if the city sold them.

Operations of Maintenance Director Ruiz stated the pumper and utility was a non-replacement vehicle. It was still in the fleet, but it would not be replaced. He stated the pumper was sold for \$6,000.

Council Member B. Mata stated that a pumper was sold years ago.

Operations of Maintenance Director Ruiz stated they were talking about different pumpers.

Council Member B. Mata stated one of the pumpers was sold several years ago before the city study was done. He stated there was one sold for \$6,000, which was before the study. The study came out and said they had two more trucks than needed.

City Manager Stroebel stated one, potentially two. He stated the recommendation was that they did not need to replace one of those trucks because of the potential of having all four stations open. He stated there was one that was not a part of the ISO report.

Fire Chief Cunningham stated just one truck was sold. He stated they had five engines.

City Council Member B. Mata stated they needed clarification on that.

Finance Director Green stated on November 26, the budget would be presented the week prior and they would send out an individual budget the week prior.

City Manager Stroebel stated with Hotdish coming back on October 26 and Finance Director Green and he were proposing the budget presentation on the October 26. He asked if it was possible to do the budget presentation the same night as the Truth and Taxation at the following Council meeting.

Finance Director Green stated they could do the Truth and Taxation with the budget.

City Manager Stroebel stated they could present the budget and the Truth and Taxation on December 3, and then do the final adoption on the December 10.

Council Member B. Mata asked if they could get a copy of the proposed budgets to go over.

Mayor Lunde confirmed they were okay with pushing it to December 3.

D.1 COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Jacobson stated she and Council Member Parks attended the Highway 252 meeting today. She stated the project was not 100% funded and Brooklyn Center was missing funding on the pedestrian bridge. She stated there would be additional open houses to engage the city and community and the MnDOT website would be updated with current information.

Council Member Parks clarified that Highway 252 was fully funded except the Brooklyn Center 66th Avenue interchange was \$13 million short. He stated it had nothing to do with Brooklyn Park and the County wouldn't give money to Brooklyn Park because they started that project before Highway 252.

City Manager Stroebel stated that it did not mean there might be some local expectation from Brooklyn Park on their interchanges.

Council Member Jacobson stated they didn't say that the city would have costs involved with

rerouting to the city's streets. She stated where there were stop signs now, might need lights because more traffic would be rerouted through that area.

Mayor Lunde suggested to ask MnDOT to do a presentation to the Council.

Council Member Jacobson asked for the timeline because they were going to come to the city for unanimous consent.

Council Member Pha stated asked if there was more talk about the express lane and if the city was going to charge people for using it.

Mayor Lunde stated since it was not on the agenda, asked staff to make it a discussion item for a future Council meeting.

D.2 CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated there was no Council meeting next week. He stated at the last Council meeting, there was a business owner that addressed the Council and talked about people dropping trash in their dumpster. He stated he asked Deputy Police Chief Todd Millburn to see if they could put a trailer out there. He stated the owner said she called and complained to the Police Department and the Police Department did not do anything about it. He stated the owner changed her story on it and did not call the Police Department. He stated the city did take it seriously when the community raised concerns about staff and investigated those things. He stated they were looking into helping that business owner.

E. ADJOURNMENT

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 10:06 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, April 8, 2019

8:00 p.m. (Following Board of Appeal and Equalization Meeting)

Brooklyn Park Council Chambers

5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Tonja West-Hafner, Susan Pha, Terry Parks, Mark Mata, Wynfred Russell and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green; Police Inspector Bill Barritt 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 a resident who lived south of 93rd Avenue had some safety concerns with regards to speeding, sidewalks and poles that were knocked down. He stated Operations and Maintenance staff had gone out there to fix the pole. In terms of speeding, it was a road that intermittently had extra patrols on to address speeding issues. He stated they also had some conversations in the last two weeks regarding having crosswalks painted with stripes along the intersection of 93rd and Regent. He stated it didn't meet the minimum thresholds for when they would typically do that. On the overall question with the safety of the road, he recommended to the Council and staff as they approached the 2020 budget process and as part of the CIP process, to have larger conversations around the eventual redevelopment of 93rd Avenue.

2B PUBLIC COMMENT – None.

3A. MOTION LUNDE, SECOND WEST-HAFNER TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH REMOVAL OF 3B.2, ADDITION OF 10.1 AND MOVING ITEM 4.4 TO 6.4. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATION/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B1 Presentation of Plaques to Outgoing Commissioners.

Mayor Lunde briefed the Council and recognized outgoing commissioners for their contributions to the city.

3B3 Police Inspector Bill Barritt briefed the Council on the Living Word Christian Center contribution to the Police Department.

3B3 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2019-51 ACKNOWLEDGING CONTRIBUTIONS TO THE CITY OF BROOKLYN PARK. MOTION PASSED UNANIMOUSLY.

3B4 Planning Commission Annual Verbal Report and Work Plan.

3B4 Planning Commission Chair Amy Hanson gave the annual verbal report and work plan.

3B4 MOTION LUNDE, SECOND PARKS TO ACCEPT THE PLANNING COMMISSION 2019 WORK PLAN. MOTION PASSED UNANIMOUSLY.

3B5 Budget Advisory Commission Work Plan presentation.

Budget Advisory Chair Eri Bone presented the Budget Advisory Commission Work Plan.

3B5 MOTION PARKS, SECOND RUSSELL TO ACCEPT THE BUDGET ADVISORY COMMISSION 2019 WORK PLAN. MOTION PASSED UNANIMOUSLY.

3B6 Mayor's Proclamation of April 12, 2019, as Road Runners Bowling League Day."

Mayor Lunde proclaimed April 12, 2019, to be "Road Runners Bowling League Day" in the City of Brooklyn Park.

3B7 Mayor's Proclamation Declaring May 4, 2019 as "Arbor Day" and the Month of May as "Arbor Month" in the City of Brooklyn Park.

Mayor Lunde proclaimed May 4, 2019 as "Arbor Day" and the Month of May as "Arbor Month" in the City of Brooklyn Park.

4.0 MOTION WEST-HAFNER, SECOND PARKS TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS. (Item 4.4 was moved to 6.4)

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-52 TO APPROVE THE PUBLIC WORKS MUTUAL AID AGREEMENT.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-53 AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO A CONTRACT WITH MINT ROOFING FOR ROOF REPAIRS AT OPERATIONS AND MAINTENANCE BUILDING C.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-54 ADOPTING THE SMALL CELL AESTHETIC STANDARDS REGARDING RIGHT-OF-WAY MANAGEMENT FOR SMALL CELL WIRELESS FACILITIES.

4.5 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JANUARY 28, 2019, AS PRESENTED BY THE CITY CLERK.

4.5 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF FEBRUARY 25, 2019, AS PRESENTED BY THE CITY CLERK.

4.5 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF MARCH 25, 2019, AS PRESENTED BY THE CITY CLERK.

4.5 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF MARCH 25, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION PASSED UNANIMOUSLY.

5.1 City Engineer Jesse Struve briefed the Council on the Public Hearing for Vacation of all Easements Associated with Outlot B and 10214 Regent Avenue N. (Lot 1, Block 1) of Windchime Trail Plat.

5.1 Mayor Lunde opened the public hearing to consider the Vacation of all Easements Associated with Outlot B and 10214 Regent Avenue N. (Lot 1, Block 1) of Windchime Trail Plat.

5.1 The following individuals addressed the Council: None.

5.1 Mayor Lunde closed the public hearing and returned the item back to the table for consideration.

5.1 MOTION JACOBSON, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2019-55 VACATING ALL EASEMENTS ASSOCIATED WITH OUTLOT B AND 10214 REGENT AVENUE N. (LOT 1, BLOCK 1) OF WINDCHIME TRAIL PLAT. MOTION PASSED UNANIMOUSLY.

6.1 Planning Director Cindy Sherman briefed the Council on the Preliminary Plat and Conditional Use Permit for a 56-Unit Townhome Development at the Southwest Corner of Oak Grove Parkway and Regent Avenue North.

6.1 MOTION RUSSELL, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-56 APPROVING FINAL PLAT OF "OAK VILLAGE" SUBDIVIDING 5.36 ACRES INTO 56 TOWNHOME LOTS AND ONE COMMON LOT SOUTHWEST OF OAK GROVE PARKWAY AND REGENT AVENUE NORTH.

Council Member Mata asked if there was background on why it went from medium density to a medium high density piece of land.

Planning Director Sherman stated in 2013 the city undertook a study of all vacant land in in the community and went through the process of evaluation and had a Task Force Building to 2030. She stated it ended up readjusting land uses as a follow up to that and it was changed through the whole review of all vacant land and did a special study of the area around Oak Grove and Zane and re-evaluated and developed new land uses at that time.

Council Member Mata asked if it had to anything to do around Met Council's goal of putting higher density and more housing units inside the city, numbers where Brooklyn Park always fulfilled its goals but yet the surrounding neighbors did not.

Planning Director Sherman stated the goal was more around what the vision that came out of the Building to 2030 was that the city needed to allow higher densities in order to meet the market and make the projects work. She stated if they had higher densities, the projects worked better and in that case, the land was always medium density and became medium high but didn't remember the actual density of the development. She stated it was 10.4 units per acre and the city medium had a 9 unit per acre minimum.

Council Member Mata stated he was on the Council several years ago and at that time that

property was just an outlot under the power lines and wasn't developed. He stated the discussion then was about moving high density in another area part of town when they just got done at the time going through the Apartment Task Force. He stated he was expecting a lesser density development there and realized developers wanted to make a certain dollar value. He stated he was not willing to sacrifice a higher density for that dollar value inside the city and would not support it because at what point were they going to build another high density area and build the Zane corridor all over again. He stated at that point they were not blaming the developers for building a bunch of apartments down there, the only blame was going to be the City Council. He stated he just wanted to make sure they didn't move an area they knew was a problem with a bunch of high density and now they were going to put it up in another area of town and 20 years from now would have the same problem all over again.

6.1 THE MOTION PASSED. (6 TO 1) MATA VOTED NO.

6.2 Planning Director Cindy Sherman briefed the Council on the Site Plan Review #19-102 for Construction of a 204,000 Square Foot Warehouse/Manufacturing Building at 10401 Winnetka Avenue North.

6.2 MOTION JACOBSON, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-57 APPROVING SITE PLAN REVIEW FOR A BUSINESS PARK BUILDING AT 10401 WINNETKA AVENUE NORTH. MOTION PASSED UNANIMOUSLY.

6.3 Planning Director Cindy Sherman briefed the Council on the Property Conveyance to MNDOT for the Highway 169/101st Avenue Interchange.

6.3 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CITY OWNED PROPERTY AT 8600 101ST AVENUE NORTH. MOTION PASSED UNANIMOUSLY.

6.4 (4.4) Planning Director Sherman briefed on the "Windchime Trail 4th Addition" Final Plat #19-103 and Conveyance of City Property at 10214 Regent Avenue North.

Council Member Mata stated he called the City Manager to pull the item off the Consent because it was not a unanimous vote and it should be somewhere different on the agenda because he voted no to it. He stated he was only voting no to first motion because he felt the city did not need all the land on both sides of the trail and it could go back to homeowners on each side. He stated if they were maintaining that property and someone was actually doing something there, the city would have caught it a long time ago there was a fire pit and other things on city land. He stated he was voting no to first motion.

6.4 (4.4) MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2019-1239 AUTHORIZING THE CONVEYANCE OF CITY OWNED PROPERTY. MOTION PASSED. (6 TO 1) MATA VOTED NO.

6.4 (4.4) MOTION MATA, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-58 APPROVING FINAL PLAT OF "WINDCHIME TRAIL 4TH ADDITION" SUBDIVIDING 1.6 ACRES INTO ONE SINGLE-FAMILY LOT AND ONE OUTLOT AT 10214 REGENT AVENUE NORTH. MOTION PASSED UNANIMOUSLY.

7.1 Operations and Maintenance Director Dan Ruiz briefed the Council to Approve an Exception to O&M Policy 5.40 and Approve an Agreement with Hennepin County for County State Aid Highway 81 Landscape Maintenance.

Council Member Mata stated it was an exception to the policy and it was not the city's road and asked how the city could have a policy that dictated the road. He stated it seemed like Hennepin County put it in there and the city was going to maintain it. He stated it was not an exception to the policy because it was not the city's road and was confused how the Council was voting to make exception to the policy.

Operations and Maintenance Director Ruiz stated the policy specifically called it out, "with principle or minor arterial roadways with more than two lanes in each direction, such as CSAH 81, shall not be candidates for median landscaping." He stated it was specifically called out in the O&M policy approved by the Council. He stated the policy was still good but thought they needed to point out to current Council that it was a change from a previous policy, which happened, and things changed. He stated the county was investing hundreds of thousands of dollars along the corridor and step up in in terms of maintaining things for the first three years. He stated they were working with the city as a partner and a lot of that had changed. He stated they would try it and was going to see how much the true maintenance cost really was when the city had to take it over.

Council Member Mata stated it sounded like they had an opportunity as a Council to trump the County and somehow he didn't think that was possible. He asked if they didn't create an exception, did that mean they couldn't do the project.

Operations and Maintenance Director Ruiz stated if the Council didn't approve the exception tonight, they wouldn't approve the maintenance agreement and the city wouldn't take over the maintenance after a couple of years and there was a chance it wouldn't look good.

Council Member Mata stated his problem was that they were going to plant trees for one year and the city took over maintenance of trees after one year. He stated the other things were for extended years and he was watching trees in the boulevard medians die in one year and worried that after that year the city would be stuck with it. He stated they didn't have an idea of the maintenance costs for that project they were voting on something that Hennepin County hadn't run with for a couple of years to see what the costs really were. He stated there were a lot of things they were voting on without knowing the costs and Hennepin County would run it for a while and they were going to see what the costs were. He stated at that point they were locked in and there was no getting out. He stated it was a county road and the county should put in a median and was okay for them to put the median in. He stated he was okay for them to take care of it for the life of them taking care of it. He stated the city didn't have it along 610, 169, 252, areas where they put in the trees in and shrubs and along the retaining walls and in the clover leaves and they came back and maintained them. He stated since a motion had been made, he wouldn't support it because he was not locking himself into a landscaping that didn't even work and the County went through and replaced it every year because of the salt mix the city used and killed everything. He stated the next thing they knew was that the city was handcuffed into a five year plan after that and the expense was way more than anyone thought about. He stated without any track history he couldn't approve it.

7.1 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT

RESOLUTION #2019-59 TO APPROVE AN EXCEPTION TO O&M POLICY 5.40 AND APPROVE AN AGREEMENT WITH HENNEPIN COUNTY FOR COUNTY STATE AID HIGHWAY 81 LANDSCAPE MAINTENANCE. MOTION PASSED. (6 TO 1) MATA VOTED NO.

7.2 Council Member Russel briefed the Council on the travel to attend the Making Cities Livable Conference.

Council Member Mata stated that over the years he had been on the Council before, and now approved a lot of travel because he was one vote for people to leave the city on taxpayers expense. He stated there had been a few times where he voted on the opposite side of it because he didn't feel that was something that would benefit the city of which he had a right to vote on. He stated he did not feel that was one of those things and thought they all in their own personal lives had the ability to go anywhere they wanted to go on their own dime. He stated he didn't think that was one of those that he wanted to support the taxpayer's money for.

Council Member West-Hafner stated she was struggling with how it fit in the priorities of the city because Hennepin County had five to six different pedestrian planners that the city could tap into to get help with any kind of planning for health initiatives or creating trails. She thought the Council needed to come with a policy or guideline about how they were going to do it, otherwise, they needed to budget for every single Council Member to be able to go to a conference and or it should be limited to the League of Minnesota Cities or something that was very specific to the work on the Council. She stated that based on that budget, they would not have enough for all of them to go to a conference this year that was of an interest to to them.

7.2 MOTION LUNDE, SECOND PHA TO APPROVE TRAVEL FOR COUNCIL MEMBER WYNFRED RUSSELL TO ATTEND THE JUNE 17-21, 2019 MAKING CITIES LIVABLE CONFERENCE IN PORTLAND, OREGON.

Mayor Lunde stated the National League of Cities did a healthy living conference and the international ones always scare him because they tended to get what Europe thought. He stated the NLC had a conference in the fall that had some of those items and might be better served out of that versus the international one. He stated the Council typically honed in the national ones but recognized Council Member Russell's passion for that issue. He stated the NLC had people who couldn't spend money either like Brooklyn Park and other small cities all over the country that had one trip every five years and needed to make them count. He stated he might consider to attend that so he could pursue his passion on that issue. He stated NLC had those topic areas embedded inside the conference. He might not get the international flavor, but might get more of what he wanted and more of what other cities like Brooklyn Park and other cities in the country are struggling with.

Council Member Russell stated the information was sent to the Council and it fit in line with a lot of things he was passionate about and doing in the community and he hoped to continue to do and work with the County, city and community groups. He stated that prior to being on the Council, he had worked with the County and city in trying to put forth some of those policies to increase the walkability, bike ability, public transit and access to parks and trails. He stated he saw it as a great opportunity to network and learn from other cities. He stated that even though the city had some amenities, there was still a large portion of the city that didn't have access to parks and trails. He stated some the amenities helped reduce cardiovascular diseases, obesity and gave access to fresh fruits and vegetables.

Council Member West-Hafner stated she wanted to make sure it was clear that she was not against the Council traveling. She thought they needed to sit down and figure out a policy or procedural guideline about exactly how the conferences were going to get picked, how much they could cost, and what the expectations were for someone when coming back from those conferences. She stated she could go to conferences where she worked and didn't necessarily mean anyone else was benefitting from them and didn't actually share that information or was told that she had to. She stated she didn't have an issue with the Council traveling, and if there was one in the fall, she would be interested in going.

Mayor Lunde thought it would good for the Council to have a discussion on it. He thought it was a good point if there were conferences they planned out and they didn't have money, yet it was one of the ones they picked like the NLC D.C. trip because of lobbying, they were aware of what they were doing.

City Manager Stroebel stated he had an idea for budgeting the \$12,000 to \$13,000 a year for the last couple of years. He stated he could bring back later for conversation that the Mayor had one trip a year, three other Council members go on one trip that particular year and the other three could go on the off year. If a Council member chose not to go, maybe those were unspent dollars as part of the budget. He stated the Mayor would have an opportunity every year to travel and half of the Council members could go on one that year and the other half of Council members go on the alternate years.

7.2 THE VOTE ON THE MOTION PASSED ON A ROLL CALL VOTE AS FOLLOWS: YES – PHA, RUSSELL, JACOBSON, PARKS, LUNDE; NO – WEST-HAFNER, MATA.

At 9:41 p.m., City Attorney Thomson departed.

8.1 Development Project Coordinator Erika Byrd briefed the Council on the Apartment Action Plan status. She briefed on: Background, Action Plan 2.0 outline, Examples of ongoing apartment action items, Status Update Highlights: Tracking and addressing tenant complaints, Expand Rec on the Go, Ensure tenants engagement and communication at apartment communities are receiving city financial resources, Expand New Connect Program to Apartment communities, Eviction Study and Conversations about eviction, and Projects in 2019.

Police Inspector Bill Barritt briefed on the Status Update Highlights: Address problems and provide support at Huntington Place and Police efforts including Blue Blocks at Huntington Place, Kensington Place, and Autumn Ridge apartments.

Mayor Lunde thanked staff for the New Connect program. He stated when neighbors knew neighbors, good things happened and tended to think about houses and needed to apply that same line of thinking to apartments, and even meeting their neighbors, that only helped to strengthen things. He asked if there was a way to localize alerts to a neighborhood to the Apartments. He stated it was not the snow alerts and they had talked about it with some ideas when people signed their rents if they could have something where they can text on the spot as they were signing their leases that they could automatically sign up for the alerts. He stated he didn't worry about the snow removal because he had two cars and they were in a garage but people who had cars in the streets, they might not know the city's rules.

Community Development Director Berggren stated her understanding on how they were doing

alerts was that they were doing it by neighborhoods. She stated the Tip411 system had a different alerting system related to crime and didn't think they had something specific related to an apartment complex. She stated that would be something they would encourage the owners to do.

Mayor Lunde asked if there was a way to sign up for text alerts, because it would be useful when people were leasing to work with the apartment owners to have the ability to get texts and automatically sign up for alerts by those signing the leases.

Community Development Director Berggren stated they could look into it. She stated one thing that was encouraging was people signing up for their neighborhood programs as they were becoming a new renter in the community.

Mayor Lunde asked if there was a way they could see the success rate on how many people in apartments signed up for the neighborhood alerts. He stated they might have a good idea of getting anyone in apartments, but if they found out that no one in the apartments was signing up and not aware of things, that's one of the things they had to work on.

Police Inspector Barritt stated they worked closely with apartment managers within the apartment communities whether it was based on crime, safety, and snow emergency. He stated a lot of literature did go out directly to the apartment residents, and on many occasions, hand delivered flyers door to door depending on what that might be. He stated that was one of those things included in the New Connect bags, the snow emergency and information about Tip411. He stated he didn't have the count on how many signed up for Tip411 but didn't think the system was able to track by specific location to extract and break it down on how many are signed up in a specific community.

Council Member Mata stated there were a few things on the eviction policy. He stated they wanted to make sure when they looked at some of that to separate some of the apartment complexes, such as the seniors and the 55 and older complexes. He stated he would hate for them who didn't have a high eviction issue help bring down the numbers. He stated that some things mentioned Rec on the Go and the things the city was putting into the apartment complexes, that he was confused on what the city needed to be doing as opposed to the apartment complexes. He stated they were a business housing a lot of people, and in the past, he remembered apartment complexes had playgrounds and pools and all kinds of activities outside, and as the city start to go there, saw the utilization diminishing, the playground went away and they no longer had pools. He stated that with some events the city was bringing to them, they were budget cutting dollars in their bottom line.

He stated that on the police calls, he recalled one establishment bar/restaurant on Brooklyn Boulevard that was not there anymore, that had a lot of calls. He stated the city decided at that point to mandate them to have a city police officer there on Thursday, Friday and Saturday night due to the volume of calls. He stated if the police were going into the apartment complexes to be their security, then they needed to charge them. He stated as a business owner, if he had a problem at his office, he was going to figure out a way to solve it because that off duty police officer was costing him a lot more money than if he found a way to solve it. He stated the city was spending a lot of hours, a lot of resources, that the taxpayers were footing the bill because some businesses were not managing themselves properly. He stated that was something he wanted the Council to look at and was never passed onto the apartment complexes.

He stated he knew of one apartment complex in the east side that actually had someone say "don't call the police" because it was a count against them. He stated he wanted the residents to feel free to call police for emergencies. He thought for some of the emergencies they would have to produce something or the city would charge them and then put an off duty police officer in the driveway. He stated the goal was to keep people safe and not parking a vehicle there for the trouble. He stated he wanted to make sure the people could get out of their cars and get to their units safely and wanted to provide it for them, but was not going to be at the expense of everyone that lived far away from that area. He stated he wanted the expense to the business, otherwise he wanted the Police Department to give him something on that and what could they do, what did they want the Council to push to them. He stated they needed to look into it if they were going to provide amenities for those complexes and needed to figure out a way to get reimbursed for it.

Council Member Jacobson stated they heard from Home Line on the eviction report and a couple of the Council Members attended the eviction forum with the property managers and property owners where they heard different stories and stats. She stated that now they were saying the Council would also hear from tenants and was wondering if they might be better off holding some type of large scale meeting where everyone came to the table and be able to get to the bottom of the issue and start to figure out what to do about it.

Development Project Coordinator Byrd stated that staff talked about that idea and what they were proposing in the interim was one meeting with the social service sphere to get some representatives more interested in continuing that larger conversation.

Community Development Director Kim Berggren stated it had been one of those strategies people had talked about. She stated one of the concerns was that of the tenant engagement needed to be done with respect for the kind of narrative of personal stories from the tenants. She stated they had a draft proposal from a group that was interested in doing that body of work for the city and what kind of work that would look like. She stated at some point there might need to be some convenings that are larger, but they were feeling that working with each stake holder group at the beginning was a sensitive approach to the situation given the complexity of it.

Council Member Jacobson stated her email box filled up after getting the Eviction Reports from people who were landlords who owned properties, not large apartments complexes, also from houses who also had to file evictions and talking about the usual process. She stated that being at the forum and working with the homelessness platform herself, the stories didn't align as of yet. She stated the Council owed it to everyone in the community whether they were a tenant, a property owner, property manager, or someone wanted to make sure it was done right. She stated they had to dig in a little more rather than taking that report at face value and what others were saying the numbers looked like compared to the other information, and she was concerned about it.

Council Member Pha stated staff did great job in facilitating the conversation between Autumn Ridge and the tenants and helping those meetings come together. She stated that she attended those meetings and saw the end results of the rehab project, although not completely done, but thought the tenant engagement and communication resulted in a better project. She stated it improved the quality of life for the tenants there being part of that process. She thanked staff for also including into that plan to help the next two rehabilitation projects, Brooks Landing

and Brooks Gardens. She stated she wanted to see the same great results that came from Autumn Ridge and to continue keep the Council updated on it.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS – None.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel thanked those Council Members attending the Employee State of the City event and stated it demonstrated a show of support to the employees.

He also reported on the following events:

- On Wednesday, from 8:30 a.m. to noon, Active Aging Spring Resource Fair at the Community Activity Center.
- On Thursday, from 2:00 p.m. to 3:00 p.m., Meet your City Planning Director Cindy Sherman event at the Brooklyn Park Library.
- On Thursday evening, from 6:00 p.m. to 8:00 p.m., Osseo Area Schools will be having conversations around DED for Liberians. He stated there had been a one year reprieve for the community members that were on DED, but thought there were ongoing concerns regarding the long term situations for those community members.
- Youth in Government Day would be two weeks from tonight. There would be a dinner and connecting with students at 6:00 p.m. followed by the Council meeting at 7:00 p.m. where there would be a couple of youth themed topics for the first hour. The Board of Appeal and Equalization would reconvene at 8:00 p.m. and conclude any other Council items after the that board meeting.
- On Monday, April 29, from 4:00 to 8:00 p.m., would be the Council/staff leadership retreat and the location was TBD. The first couple hours would be an opportunity for education or for team building. This year, he would like Council to participate in the Insights Discovery process and there would be personal reports created for each Council Member. He stated the benefit of that would be some team building opportunities of sharing high level summaries around that work. He stated a number of the departments participated in the Insights process and had gotten great value from it. He stated the last couple of hours would be spent on priority setting discussions facilitated by Community Engagement Manager Shardlow with Directors participating.
- On Monday, May 13, at 4:00 p.m., would be the first State of the Community Address by the Mayor at Edinburgh USA to talk about what was happening in the city; and opportunity to showcase the new club house renovations and the new caterer, D'Amico. He stated the Mayor offered to go speak to different businesses and other organizations in the city about what was happening in Brooklyn Park.

10.1 MOTION LUNDE, SECOND RUSSELL TO ADJOURN THIS MEETING OF THE BROOKLYN PARK CITY COUNCIL IN RECOGNITION OF AND RESPECT FOR THE LIFE AND CONTRIBUTIONS OF ELENORE SWENSON AND RESPECTFULLY ASK THE SUPPORT OF FELLOW COUNCIL MEMBERS.

ELENORE WAS A FORMER CITY EMPLOYEE AND WORKED IN THE DEPARTMENT OF MOTOR VEHICLE OFFICE AND IN THE ASSESSING OFFICE IN THE MID TO EARLY 1980'S. SHE ALSO SERVED AS AN ELECTION JUDGE AND ABSENTEE VOTING JUDGE

FOR MANY ELECTIONS FOR THE CITY. SHE WAS VERY DEDICATED AND PROUDLY SERVED THE CITY OF BROOKLYN PARK COMMUNITY. HER 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. MOTION PASSED UNANIMOUSLY.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 10:14 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, April 22, 2019
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Tonja West-Hafner, Susan Pha, Mark Mata, Wynfred Russell and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green; Police Chief Craig Enevoldsen and City Clerk Devin Montero.

ABSENT: Council Member Terry Parks (excused)

Student Leaders Present:

Abas Suomahoro, Morgan Steinkamp, Mehki Taylor, Diana Condo, D'Ante Hall, Nyomi Crushon, Miyah Taylor, Laniah McGhee, Danyel Davis

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT – None.

2B PUBLIC COMMENT – None.

3A. MOTION LUNDE, SECOND JACOBSON TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH ITEMS 8.1 MOVED TO 3B4, 4.3 TO 7.2, 4.7 TO 7.3 AND MOVING THE CONSENT ITEMS TO ITEM 3B.0. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B.0 (4.0) MOTION LUNDE, SECOND WEST-HAFNER TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS:

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-61 ACCEPTING BIDS AND AWARDING CONTRACT TO MICHELS CORPORATION OF BROWNSVILLE, WISCONSIN FOR 2019 SANITARY SEWER CIPP LINING, CIP 3001-19.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-62 APPROVING NO PARKING ALONG BOTH SIDES OF 101ST AVENUE NORTH BETWEEN JEFFERSON HIGHWAY AND FUTURE XYLON AVENUE; CIP 4042-19.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-63 TO APPROVE THE REMOVAL OF THE ADMINISTRATIVE FEE PORTION OF THE LEASE-USE AGREEMENT BETWEEN THE CITY, THE STATE, AND SECOND HARVEST HEARTLAND AND APPROVING AN ALTERNATIVE FEE AGREEMENT.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-64 APPROVING A TIME EXTENSION FOR THE PRELIMINARY PLAT OF "SAMARA CIRCLE."

BROOKLYN PARK COUNCIL MEETING; APRIL 22, 2019...Page 2

4.6 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-65 APPROVING REVISIONS OF THE EMPLOYEE HANDBOOK SECTION 7.07 – LEAVE DONATION POLICY.

4.8 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-66 AUTHORIZING THE RENEWAL OF THE MICROSOFT ENTERPRISE AGREEMENT FOR A THREE-YEAR TERM IN THE AMOUNT OF \$150,257.80 PER YEAR FROM SOFTWARE HOUSE INTERNATIONAL THROUGH THE STATE OF MINNESOTA PURCHASING CONTRACT.

MOTION PASSED UNANIMOUSLY.

3B.1 Mayor's Proclamation of April 22, 2019 as "Youth in City Government Day."

Mayor Lunde proclaimed April 22, 2019 as "Youth in City Government Day" in the city of Brooklyn Park.

3B.2 Brooklyn Avenues Update

Community Development Director Kim Berggren and Student Leader Danyel Davis introduced Dr. Katherine Meerse.

Avenues for Homeless Youth Executive Director Dr. Katherine Meerse gave an update for Brooklyn Avenues Youth Shelter.

3B.3 Mayor's Proclamation of April 25, 2019 as "From Statistics To Solutions Day."

Mayor Lunde and Student Leader Diana Condo read a proclamation and proclaimed April 25, 2019 as "From Statistics To Solutions Day" in the city of Brooklyn Park. He introduced Rose McKinney, Know the Truth/MN Adult and Teen Challenge, and she briefed the Council on the conference.

3B.4 (8.1) Youth Services Liaison Antonio Smith briefed the Council on Cities United Youth Tobacco Prevention Project Report. He introduced Cities United Researchers Kaysone Syonesa, BYC Staff Liaison, and Cities United youth researchers and they briefed the Council on the project.

Youth Services Liaison Smith introduced Gretchen Garmen, Hennepin County Public Health Department, and she briefed the Council on their partnership project with Cities United and the Youth Council on 2018 tobacco project.

The following individuals addressed the Council:

1. Abdu Hassen, 6300 Zane Ave N. Owner of gas station. Did not have a problem with the state having it over 21, because all businesses would be affected too. He stated if the restriction was placed on his business, it would take business to the liquor stores and they don't want the tobacco business. He stated 40-45% of their sales were in tobacco. He stated he would like to partner with the youth group for after school programs and help them with development in employment and anything to contribute what was best

for youth. He stated there were so many positive things they could do without killing the small businesses.

Student Leader Laniah McGhee stated that increasing prices could force kids to steal and would hurt those who didn't have access to money.

The Cities United researchers representative stated in their focus groups they found that a lot of kids expressed that they used tobacco products to relieve stress and to combat the deep trauma and troubles they had in their lives. In addition to their recommendations to increase awareness and education about tobacco and related products, they wanted to ensure youth no longer had to use those products as an avenue or as an escape from reality and rather give them a healthy alternative to actually be able to solve their problems.

Student Leader Morgan Steinkamp thought it was important to take the initiative of increasing the rates for compliance checks in stores because she knew a lot of stores didn't check for identification and that was a huge issue and was important to make sure they were doing it.

Student Leader Miyah Taylor asked if the City Council could have an impact on pricing as suggested.

The Cities United researchers representative stated the Council could have a specific impact on pricing through taxes on the licensing fee and imports of tobacco.

Hennepin County Representative Gretchen Garmin stated the city could also look at increasing the price of cigars to \$2.60 per cigar. She stated often times the cigars were sold in singles and doubles at .99 a pack. She stated young people often times had change in their pocket and it was easy to buy cigars. By increasing the price, it was less likely that young people would have that money in their pocket or might think to spend it elsewhere. She stated they could also look at not allowing coupons or discounts on tobacco products.

At 8:16 p.m., Mayor Lunde stated he was going to call for a recess for five minutes so that the students leaders could leave and then reconvene the Board of Appeal and Equalization meeting.

At 8:16 p.m., the Mayor recessed the Council meeting.

At 9:04 p.m., Mayor Lunde reconvened the City Council meeting.

Mayor Lunde stated he recessed the meeting in the middle of Item 8.1 and didn't know if the Council wanted to pick it up later and continue on with the meeting. He asked Recreation and Parks Director Yungers if the Council was asking him if they should hold off on the discussions and direct question to her and if there seemed to be a consensus toward action.

Recreation and Parks Director Yungers stated they youth had to leave but did have Gretchen from Hennepin County Public Health in the Chambers. She stated she indicated to them that if there was any discussion, she would bring it back to them. She stated what Youth Services Liaison Smith shared with youth was they did have plans and the next step was to take recommendations and work with the city's public health division in convening of the youth, some of business owners, and get feedback and try to bring it back again to check with the

Council around the results and any joint recommendations they could make between the business community and the young people. She stated if they had any comments or questions, they would want to hear them so they could bring them to the youth and make sure they addressed those in preparation to come back to the Council and meet with business owners.

City Manager Stroebel stated staff was looking for direction and didn't know what the Council wanted to do in terms of the next steps. He stated they could it back to a future work session or future Council meeting, but given the previous discussion tonight, they would like some initial direction and possible next steps from the Council.

Council Member Mata stated that after hearing the discussions tonight, he never smoked and was against it. He had a hard time putting regulations that said someone needed to be 21 before they could smoke and same for drinking, but yet they could send them overseas to die for the country. He stated it was odd for him to put restrictions on someone, but they would ask for their life. He stated making that decision wouldn't go without a lot of thought.

He stated many business owners did go through sting operations done by the Police Department to make sure the people selling tobacco were checking IDs, etc. He stated that on the internet side of things, it became difficult when kids could order on the internet and have it shipped to their house. He stated the internet didn't know the age of the kids ordering it because they assumed it was a parent. He stated there should be some focus to put it on other businesses beside the local businesses. He thought whatever was done, it should be something that could start at Brooklyn Park, but it should come from the State down or County wide. He stated the city was also a bordered county, which meant when the smoking ban came out, to help it, we had people going to other establishments across the river because they couldn't in Hennepin County because they decided to take on the task first. He stated it also created an unfunded mandate that the city needed to police it and now had police officers, instead of doing their jobs, going to restaurant establishments because someone was smoking in there. He stated one thing the city did was comply with the no smoking indoors, but those that wanted an outdoor patio, the city allowed an outdoor space for the one who could smoke. He stated they were trying to do things to affect younger demographics but the city had to make sure the older mature people's liberties were not taken away and would say they earned that right to smoke. He stated at one time, no smoking signs were put up in the parks but had not seen a police officer arrest anyone for smoking in the park. He stated he would like to see things that had teeth, and his direction would be, what could they do about the invisible seller and if they were going to do things to not just affect the city but make it bigger than that.

Council Member West-Hafner stated Hennepin County did take the lead on creating a county wide interior smoking ban. She asked if they were thinking about doing it county wide to try to get it to the statewide level. She stated she heard it many times that people were going to other counties for that type of thing and didn't think doing it city by city was an impactful way to handle it. She stated she didn't have a problem with going to 21. It was the piece meal of it in different cities and she didn't think it helped the overall cause.

Hennepin County Representative Garmin stated Hennepin County only licensed for tobacco products to five cities and the airport; otherwise, licensing, inspections and compliance fell to the jurisdiction of the city. She stated Hennepin County was considering some tobacco prevention policies that would be heard on Thursday. She stated what Hennepin County passed only impacted the five cities, Greenfield, Mounds, Rogers, Rockford and St. Beneficious, and the

airport because the city had control of its own licensing, inspection and policing. She stated there were a number of tobacco prevention policies being considered at state level, like Tobacco 21, E-Cigarettes being included in the Clean Indoor Air Act and some cessation funding. She stated Tobacco 21 was still in the pipeline of being considered and it might or might not pass and but would be considered next year. She stated Hennepin County encouraged cities to keep moving forward with considering tobacco prevention policies.

Council Member Jacobson stated she was leery of the Council putting that kind of policy in place in the city. She stated the City Council could regulate commerce in the community and set prices of items. She asked that outside of taxing how could they as a local government have such an impact.

City Manager Stroebel stated some cities had requested from the state to have local sales tax and didn't know if they could restrict it to apply to certain goods and not others. He stated that within the last couple of years, the city made some changes to not allow individual sales of cigars. He stated the only way he imagined impacting the sale price was if the city had a local sales tax, which some cities do and Brooklyn Park didn't, and it would apply to certain goods and services and not others. He stated there might be other options he was not aware of.

Recreation and Parks Director Yungers stated the framework around their ability to regulate or work toward youth tobacco policy did not mean it was just for the T-21. She stated in the report, they would see youth had through their work, gone youth to youth, had made recommendations that restricted the number of new licenses or working toward a reduction of license near youth types of places, such as schools, recreation centers and/or parks. She stated there were different actions within their statutory rights to limit different types of tobacco sales based on the type of store. She stated the youth were not just looking at T21 but multiple levers that the Council might have as it related to reducing their access. She stated the report talked about the Cities United recommendations next to the recommendation the city of Brooklyn Center took, and they took action on some items and T21 was not the recommendation of the Cities United youth.

Mayor Lunde stated he was curious about the affects because it was a great idea, but did it actually do something. He stated he noticed that people said within the last couple of years they had seen smoking go down. He stated he heard someone talk about that it would take a generation, which meant to him know one knew. He stated he didn't like doing things to make himself feel good and was trying to figure out if it actually did things. He stated he heard people said it did, but he wanted to know what it was based on.

Hennepin County Rep Garmin stated there were a number of recommendations that both youth groups made that considered evidence based on tobacco policy strategies that reduced tobacco use. She stated some of those being the flavor restrictions, proximity density, pricing of tobacco products and Tobacco 21. She stated they did have some reports/studies they could share with the Council on T21 that was done in a city in Massachusetts that when they passed T21, it showed a reduction in the use of tobacco in the community. She stated she had other data to share too.

Mayor Lunde stated he would like that data. He stated the staff report didn't have the data that said about the evidence and would always look at the footnotes to see where the data came

from. He stated if she could prove something that actually had an impact, he would appreciate the data. He asked if vaping was a gateway to cigarettes.

Hennepin County Rep Garmin stated young people reported from what they heard from the youth focus groups on tobacco use. She stated she didn't think it was specified as to what type of tobacco, cigarettes or a mechanism to put CBD oil or marijuana type oil in devices. She stated young people often times were using and could be by tobacco wraps that were flavored and could use them to roll marijuana.

Mayor Lunde stated that during the session with the legislators, a few of city staff asked the legislators to explain why tobacco needed to go to 21, when some wanted to legalize marijuana. He stated he was trying to understand the dynamics, because one was horrible but the other one was great and why they should make it legal.

Hennepin County Rep Garmin stated with tobacco use, the youth mind was still developing until age 25 and nicotine impacted youth brain development of young people. She stated that was one of the reasons for Tobacco 21. She stated it was also that peer to peer with the 18-year-olds who could buy tobacco products like cigarettes and often times seniors in high school were giving it to the 14 to 16-year-olds in school and using it in school and those were some of the reasons for T-21.

Mayor Lunde asked who the enforcement agent was to control cigarette smoking in the parks.

Recreation and Parks Director Yungers stated it depended on the city. She stated it could be a park ordinance and might have park police or some have public awareness campaigns and use a reminder not to smoke in the parks while children were present. She stated in the city's case, it would be the Police Department.

Mayor Lunde stated with the Cities United position, it was about reducing violence and one of the outcomes was also to try and improve relationships with police and youth of diverse backgrounds. He stated if they asked the police to go in the parks and try to enforce an ordinance on a 19-year-old, the interaction would not be a positive one. He stated it would usually drive things to the negative and that would be one of the things that would not be something to help the overall mission of getting trust if they were in there kicking kids out if they smoked in the park, but they could smoke cross the street.

Police Chief Enevoldsen stated what the CU group presented was that they were going to go out and talk to the community. He stated the Council only heard one side of the story tonight. He stated they had a lot of internal conversations about what potentially the industry would bring to the Council. He stated the conversation tonight was great, but thought it would get steered once they did the community conversation with people who owned businesses within the city.

Mayor Lunde stated it was a state-wide organization that was pushing it local, and not local people. He stated they hadn't gotten the legislature to move on it and then they went after each local jurisdiction to pass things rather than to have state legislators take it up and take care of it because one rule would apply to all.

He stated it was a supply problem where they were going to try and limit the supply, which never worked anywhere to stop anything when prevention was always education. He stated the

war on drugs had been going on for three to four decades and had not fixed anything. He stated if they wanted people to stop smoking, the best way to do it was to educate them. He stated if they knew it would cost them later, it would be more compelling.

Council Member Pha stated it was disturbing to hear 40% of 9th to 11th graders used flavored tobacco products and understood there was not a perfect solution to the problem and they had to do something about it. She stated there was research and data to show certain measures they could take that would actually reduce the limit of youth using tobacco. She stated she worked with a lot of youth and the reason why they use tobacco products, especially e-cigarettes, is they believed it was not harmful to them and only cigarettes were bad. She stated that was because there was more information on line about the good things about e-cigarettes than the negative things and harmful effects of e-cigarettes. She stated that if took the Council having to tax more for e-cigarette sales so they could do more education about the harmful effects of e-cigarettes, that was what they needed to do. She stated there was more marketing on how e-cigarettes were good versus cigarettes than the negative effects. She stated that was what young people were saying to their friends and why the increase in e-cigarette use. She stated they had to do something and save the youth. She stated she was open to idea that staff work with community and youth come back with real steps they could take for the Council to limit and reduce youth from using tobacco products. She believed if they limited the flavor and single use versus packs, that would help. She stated young people bought tobacco products because it was cheap and they could afford it. If they increased it, they wouldn't buy it and if they could limit 5 to 10% of youth, that was worth it.

Recreation and Parks Director Yungers stated they would have the joint meeting with the business owners, work with the youth to have that dialog and also work with Hennepin County and Public Health to bring forward some data around the effectiveness of certain initiatives.

6.1 Planning Director Cindy Sherman briefed the Council on the Broadway Square (CMFG/Mohagen Hansen Architecture | Interiors) – Conditional Use Permit #19-104 for a Drive-Thru at 8479 West Broadway Avenue.

6.1 MOTION LUNDE, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2019-67 APPROVING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU AT 8479 WEST BROADWAY. MOTION PASSED UNANIMOUSLY.

6.2 Planning Director Cindy Sherman briefed the Council on the Code Amendment for Veterinary Clinics in Business Districts.

6.2 MOTION JACOBSON, SECOND RUSSELL TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING SECTION 152.342 OF CITY CODE PERTAINING TO VETERINARY CLINICS. MOTION PASSED UNANIMOUSLY.

6.3 Planning Director Cindy Sherman briefed the Council on the Property Conveyance to MnDOT for the Highway 169/101st Avenue Interchange.

6.3 MOTION WEST-HAFNER, SECOND RUSSELL TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2019-1240 AUTHORIZING THE CONVEYANCE OF CITY OWNED PROPERTY AT 8600 101ST AVENUE NORTH. MOTION PASSED. (5 TO 1) MATA VOTED NO.

7.1 City Engineer Jesse Struve briefed the Council on Supplemental Letter of Agreement No. 24 with SRF Consulting Group, Inc. to Provide Environmental Consulting Services for the Trunk Highway 169 / 101st Avenue Interchange; CIP 4042-19.

7.1 MOTION RUSSELL, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-68 TO APPROVE SUPPLEMENTAL LETTER AGREEMENT NO. 24 WITH SRF CONSULTING GROUP, INC. TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES FOR THE TRUNK HIGHWAY 169 / 101ST AVENUE INTERCHANGE; CIP 4042-19.

Council Member Mata stated he would be voting no to the motion due to it was an expense against a bridge that he felt that it could be dealt with a stop light.

7.1 THE MOTION PASSED. (5 TO 1) MATA VOTED NO.

(7.2) 4.3 Council Member Mata stated he pulled the item from the Consent agenda due to the fact it was talking about the city using acquisition through eminent domain. He stated in this situation he was not going to support it since it wasn't going to be unanimous. He pulled it because he was not going to use eminent domain to remove someone from their property to build a bridge and felt it could be dealt with stop lights.

7.2 (4.3) MOTION LUNDE, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-69 AUTHORIZING APPROVAL OF APPRAISED VALUES, OFFERS FOR COMPENSATION, AND ACQUISITION BY EMINENT DOMAIN FOR CIP 4042-19, TH 169/101ST AVENUE INTERCHANGE. MOTION PASSED. (5 TO 1) MATA VOTED NO.

(7.3) 4.7 Council Member Mata stated he pulled the item from Consent because he needed more information on it because the report said they were going to not use a Brooklyn Park business that was going to be allowed to sell pull tabs. He stated in the past they used Brooklyn areas groups such as the Lions Club, Elks Club, Brooklyn Park Athletic Association, Brooklyn Park Youth Area Hockey Association, and now were going to allow the CDAA. He stated he wanted to verify the Champlin park youth hockey association, if it was CDAA, which was Champlin and Dayton, then they should reserve it for a youth group in the city to make money for parents of the city's youth groups to be able to afford themselves different things with the sports activities. He stated at the last work session, there were discussions about the dome proposal at Park Center High School and had the BPAA President Dan Williams present to speak on behalf of what services they would use to help facilitate that dome. He stated those situations will have expenses. He stated he had coached in BPAA and CDAA, and for CDAA, they had to pay nonresident fees for a Brooklyn Park resident. He stated to allow someone to profit and help pay expenses inside the city's boundary that was not going to go inside the city's boundary was uneasy for him even if the ordinance allowed. He stated he was not why it went back to Minneapolis and any city that bordered Brooklyn Park.

Rental and Business Licensing Manager Keith Jullie stated City Code Chapter 113, lawful gambling, talked about the trade area being the city of Brooklyn Park, any contiguous cities and the city of Minneapolis. He stated it was for the Champlin Youth Hockey Association and for more detail and specific questions about the benefits, the President of the Champlin Youth Hockey Association was present and could explain the membership of the association, where those kids were located in the schools and how it interacted with Brooklyn Park.

Nate Stulc, President, CPYHA, stated it was not the CDAA and they were separate. He stated it was the CPYHA and they were a 501(C)(3) which encompassed the Champlin Park High School boundaries. He stated CPYHA consisted of 400 residents and about 40 to 50 percent of those players were residents of Brooklyn Park. He stated it would directly impact 175 players from Brooklyn Park and was in compliance with the gambling law but was a direct benefit to those families in Brooklyn Park. He stated they used the charitable gambling money to go directly back to those families with reducing costs of hockey, hardship fund and buying equipment for kids.

Council Member Mata thanked Mr. Stulc for the information. He wanted to make sure that was not going to be that situation with CDAA because several years ago they used to have the Brooklyn Area Youth Hockey Association and had three pull tab places, both Kelly's and Mad Jacks. He stated since then, there had been a change over and St. Andrews Club took over two of them and allowed one at Mad Jacks.

7.3 (4.7) MOTION MATA, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-70 TO APPROVE THE ISSUANCE OF A LAWFUL GAMBLING PREMISES PERMIT FOR CHAMPLIN PARK YOUTH HOCKEY ASSOCIATION AT PEAR TWO INC DBA ROASTED PEAR, 9690 COLORADO LANE NORTH, BROOKLYN PARK.

Mayor Lunde stated that to Council Member's Mata point about CDAA, he knew a lot of Brooklyn Park residents went there to play because there was a high school and different sports that were organized differently. He asked if it was something where they should look at the language and have some guidance for those applying. He stated if it was CDAA, it was probably a no answer versus another organization.

Rental and Business Licensing Manager Jullie stated they could have further discussions on it. He stated the state statute called out that 75 percent of net profits needed to go back to local communities. He stated there was language at state level directing whether or not that would be necessary, and they would look into it.

Mayor Lunde stated the Council had always the purview to say no, but it would be good to let people know when applying that there was a factor the Council considered.

City Attorney Thomson stated they could look into it. He stated there were some issues associated with that because the city was not issuing the license and was issuing the premise permit. He stated the question was if there was something about the premise that they didn't want to hold a gambling license.

7.3 (4.7) THE MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Jacobson stated the Brooklyn Park Lions Smelt Fry was from Wednesday through Friday at the Community Activity Center, from 4 p.m. to 8 p.m. and tickets were available at the door.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated that on Thursday, there was a Brooklyn Park Community Assembly that would be highlighting the second anniversary of *BP 2025* in the Council Chambers, starting at 5:45 p.m.

He stated that on Monday, April 29, was the Council's priority session and also needed to get the Insights completed and turned in.

He stated the official opening of the Brooklyns with a test eating opportunity was last Thursday and Friday and encouraged everyone to check it out.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 10:03 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

BROOKLYN PARK SPECIAL CITY COUNCIL MEETING
CLOSED EXECUTIVE SESSION

Monday, November 4, 2019
6:03 p.m.

Steve Lampi Meeting Room
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Susan Pha, Lisa Jacobson, Wynfred Russell, and Terry Parks; City Manager Jay Stroebel, City Attorney Jim Thomson and City Clerk Devin Montero.

ABSENT: Council Members Mark Mata (excused) and Tonja West-Hafner (excused).

ALSO PRESENT: Planning Director Cindy Sherman, Recreation and Parks Director Jody Yungers, Senior Project Manager Jennifer Jordan, Community Development Director Kim Berggren, Parks and Facilities Manager Brad Tullberg.

Mayor Lunde stated the purpose of the closed executive session was to discuss matters to determine the asking price for the possible sale of Fair Oaks Park.

2.1 MOTION LUNDE, SECOND PARKS TO CLOSE THE MEETING PURSUANT TO MINNESOTA STATUTES, SECTION 13D.05 SUBDIVISION 3(C) TO DETERMINE THE ASKING PRICE FOR THE POSSIBLE SALE OF FAIR OAKS PARK. MOTION PASSED UNANIMOUSLY.

At 6:04 p.m., the Council met in a closed session to discuss and consider matters to determine the asking price for the possible sale of Fair Oaks Park.

At 6:50 p.m., Mayor Lunde stated the Council met in a closed session to discuss the possible sale of Fair Oaks Park.

At 6:51 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: | 5.1 | Meeting Date: | November 12, 2019 |
| Agenda Section: | Public Hearings | Originating Department: | Operations and Maintenance |
| Resolution: | XX | Prepared By: | O&M and Finance Department |
| Ordinance: | N/A | | |
| Attachments: | 2 | Presented By: | Dan Ruiz, O&M Director |
| Item: | Approve City Code Appendix Fee Resolution Table Amendments to Sanitary Sewer Utility and Street/Signal Lighting System Utility Rates and Charges | | |

City Manager's Proposed Action:

Hold the Public Hearing.

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ TO APPROVE CITY CODE APPENDIX FEE RESOLUTION TABLE AMENDMENTS TO SANITARY SEWER UTILITY RATES AND CHARGES.

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ TO APPROVE CITY CODE APENDIX FEE RESOLUTION TABLE AMENDMENTS TO STREET/SIGNAL LIGHTING SYSTEM UTILITY RATES AND CHARGES.

Overview:

This request is for approval of City Code Appendix fee resolution table amendments to sanitary sewer utility and street/signal lighting system utility rates and charges. A rate study has been completed for the sanitary sewer utility and street/signal lighting system utility by the Finance and Operations and Maintenance Departments. The proposed City Code amendments are necessary to implement the study recommendations.

City Charter Section 13.02, Rates and Finances, requires a public hearing is held before municipal utility rates and charges are fixed or changed. City Charter Section 13.07, Notice of Public Hearings, requires notice of public hearings for consideration of changes to rates and charges. The legal notice was published in the Brooklyn Park Sun-Post on October 24, 2019.

Brooklyn Park has a typical street/signal lighting system consisting of approximately 4,300 street lights and 84 traffic signals. The Street-Signal Utility is run as an enterprise fund dedicated for operations, replacement and installation of both street lights and traffic signals.

Street lights are a combination of City-owned, Xcel Energy-owned and privately-owned lights. The traffic signals are Hennepin County, MnDOT and City owned, with the City responsible for all electric power and street light maintenance on all traffic signals. The City replaces approximately 50 street light poles each year and adds lights as warranted/necessary.

Street lighting's primary purpose is to provide adequate light for the prevention or reduction of accidents. Street lighting also protects pedestrians by allowing more security to walk at night. Traffic signals are justified by a defined system of MnDOT warrants that include traffic counts, turning movements and accident experience.

Brooklyn Park's sanitary sewer system serves approximately 23,000 customers and collects more than two billion gallons of sewage annually. The system consists of 270 miles of sewer main, 6 lift stations, and more than

6,200 manholes. Sewage treatment is provided by Met Council Environmental Services (MCES) and is billed as a contractual service to the City. MCES represents approximately 70% of sanitary sewer expenses.

Following is a summary and overview of the key issues related to the utility rate analysis:

- As per the City Charter and ordinances, the street-signal light and sanitary sewer utilities are enterprise funds and operate as “self-sustaining businesses” with rates and charges that cover full costs of production, distribution/collection, replacement and sales.
- Current sanitary sewer rates and charges annual adjustments end December 31, 2019.
- Current street-signal light rates and charges have not been increased since 2017.
- A philosophy to study utility rates and charges every three to five years has been practiced since 1994.
- This rate analysis was based on estimated cash flows and ending cash balances and minimum working capital and capital replacement reserve funding needs.
- Minimum working capital target equals ninety days of operating expense plus annual debt service plus one year of depreciation.
- Maximum capital replacement reserve target equals no more than accumulated depreciation of system assets.
- Capital expenses from the 2020-24 Capital Improvement Plan and estimates for major maintenance needs have been included in the analysis.
- Street-signal light increases are needed primarily to fund capital projects, such as the installation of a traffic signal at 93rd Ave/Noble Pkwy, and ongoing operations.
- Sanitary sewer rate increases are needed to fund capital projects, ongoing operations and proposed increased Met Council Environmental Services (MCES) disposal charges, which are 65%-70% of the City’s sanitary sewer operating costs.
- A new consideration is a no-fault sewer backup program. This program would be modeled after a League of MN cities program to reimburse a property owner for cleanup costs and damages resulting from a city sewer backup or watermain break, irrespective of whether the backup was caused by city negligence. Any reimbursement would need to be approved by the city manager. The eligible expense for this program would be capped at up to \$10,000 per occurrence.

Following is a summary of the proposed rates and charges adjustments for 2020 through 2023 (four years).

Street-Signal Light Utility:

- Increase quarterly charge in 2020 for single family houses from \$10.85 to \$11.30 (\$0.15/month) and \$0.15 per month each year 2021 through 2023.
- Increase quarterly charge in 2020 for townhouses from \$7.70 to \$8.05 (\$0.12/month) and \$0.12 per month each year 2021 through 2023.
- Increase quarterly charge in 2020 for multifamily houses from \$3.85 to \$4.00 (\$0.05/month) and \$0.05 per month each year 2021 through 2023.
- Increase quarterly (street front feet) charge in 2020 for businesses and others from \$0.25 to 0.26 and \$0.01 per quarter each year 2021 through 2023.

Sanitary Sewer Utility:

- Increase fixed quarterly meter charge fee in 2020 from \$6.55 to \$6.80 (\$0.30 per quarter) and \$0.30 per quarter each year 2021 through 2023.
- Increase sanitary sewer usage rate twenty cents (\$ 0.20) per 1,000 gallons each year: an average 5.2% per year.
- A low use residential user would see their sanitary sewer quarterly bill increase by \$2.10 (\$0.70/month) from 2019 to 2020.
- A medium use residential user would see their sanitary sewer quarterly bill increase by \$3.54 (\$1.18/month) from 2019 to 2020.
- A high use residential user would see their sanitary sewer quarterly bill increase by \$5.16 (\$1.72/month) from 2019 to 2020.
- These adjustments are expected to allow the utilities to maintain the cash flow and minimum working capital goals necessary for operations, maintenance and capital projects over the next four years.

Primary Issues/Alternatives to Consider:

Should the amendments to sanitary sewer utility and street/signal lighting system utility rates and charges be approved?

The amendments are necessary to adequately fund sanitary sewer utility and street/signal lighting system utility operations, maintenance, repairs, equipment replacement, and planned capital projects and are recommended for approval.

Budgetary/Fiscal Issues:

The intent of this street-signal light and sanitary sewer rate analysis is to recommend rates and charges for the next four years (2020 through 2023). The rates and charges are recommended to be effective January 1, 2020.

Attachments:

- 5.1A RESOLUTION – AMENDING SANITARY SEWER RATES AND CHARGES
- 5.1B RESOLUTION – AMENDING STREET/SIGNAL LIGHTING RATES AND CHARGES

RESOLUTION #2019-

RESOLUTION APPROVING CITY CODE APPENDIX FEE RESOLUTION TABLE AMENDMENTS
TO SANITARY SEWER RATES AND CHARGES

WHEREAS, the current sanitary sewer rates and charges adjustments end December 31, 2019; and

WHEREAS, a sanitary sewer rate analysis report was completed by the Finance and Operations and Maintenance Departments; and

WHEREAS, the rate analysis report recommends the following City Code Appendix fee resolution table amendments to the Sanitary Sewer Rates and Charges table:

SANITARY SEWER RATES AND CHARGES

| Sanitary Sewer Rates and Charges | | | | |
|--|---|---|----------------------------------|------------------|
| QUARTERLY SANITARY SEWER RATES AND CHARGES | | | | |
| Year | Multi-Family, Commercial, Industrial and Institutional | Residential (Individually Metered) | Residential (Not Metered) | Reference |
| January 1, 2020 | \$6.80 per 5/8" meter equivalent plus \$3.75 per 1,000 gallons used | \$6.80 per meter plus \$3.75 per 1,000 gallons used | \$51.45 per quarter | \$99.75 |
| January 1, 2021 | \$7.10 per 5/8" meter equivalent plus \$3.95 per 1,000 gallons used | \$7.10 per meter plus \$3.95 per 1,000 gallons used | \$54.00 per quarter | \$99.75 |
| January 1, 2022 | \$7.40 per 5/8" meter equivalent plus \$4.15 per 1,000 gallons used | \$7.40 per meter plus \$4.15 per 1,000 gallons used | \$56.50 per quarter | \$99.75 |
| January 1, 2023 | \$7.70 per 5/8" meter equivalent plus \$4.35 per 1,000 gallons used | \$7.70 per meter plus \$4.35 per 1,000 gallons used | \$59.50 per quarter | \$99.75 |
| Meter equivalents shall be as defined by Water Rates (AWWA No. M1) as published by American Water Works Association. | | | | |

WHEREAS, a public hearing concerning the amendments was held on November 12, 2019.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve City Code Appendix fee resolution table amendments to the Quarterly Sanitary Sewer Rates and Charges table as proposed within this resolution.

RESOLUTION #2019-

RESOLUTION TO APPROVE CITY CODE APPENDIX FEE RESOLUTION TABLE AMENDMENTS
TO STREET/SIGNAL LIGHTING RATES AND CHARGES

WHEREAS, a street/signal lighting system rate study was completed by the Finance and Operations and Maintenance Departments; and

WHEREAS, the study results recommend the following City Code Appendix fee resolution table amendments to the Street/Signal Lighting Rates and Charges table:

STREET/SIGNAL LIGHTING RATES AND CHARGES

| Street/Signal Lighting Rates and Charges | | | |
|---|-----------------------------------|--|------------------|
| QUARTERLY STREET/SIGNAL LIGHTING RATES AND CHARGES | | | |
| Year | Land Use Class | Quarterly Charge | Reference |
| January 1, 2020 | Single Family Residential | \$11.30 per unit | § 109.03 |
| | Townhouse/Two Family Residential | \$8.05 per unit | § 109.03 |
| | Multiple Family Residential | \$4.00 per unit | § 109.03 |
| | Business/Industrial/School/Church | \$0.26 per street front lineal foot | § 109.03 |
| January 1, 2021 | Single Family Residential | \$11.75 per unit | § 109.03 |
| | Townhouse/Two Family Residential | \$8.41 per unit | § 109.03 |
| | Multiple Family Residential | \$4.15 per unit | § 109.03 |
| | Business/Industrial/School/Church | \$0.27 per street front lineal foot | § 109.03 |
| January 1, 2022 | Single Family Residential | \$12.20 per unit | § 109.03 |
| | Townhouse/Two Family Residential | \$8.77 per unit | § 109.03 |
| | Multiple Family Residential | \$4.30 per unit | § 109.03 |
| | Business/Industrial/School/Church | \$0.28 per street front lineal foot | § 109.03 |
| January 1, 2023 | Single Family Residential | \$12.65 per unit | § 109.03 |
| | Townhouse/Two Family Residential | \$9.13 per unit | § 109.03 |
| | Multiple Family Residential | \$4.45 per unit | § 109.03 |
| | Business/Industrial/School/Church | \$0.29 per street front lineal foot | § 109.03 |
| | | | |

1. Decorative streetlights increase quarterly charge by 50 percent for single family and townhouse residential.
2. Private street lights (not parking lot lights) decrease quarterly charge by 50 percent for single family and townhouse residential.
3. Standard street lights are cobra head fixture type with fiberglass or wood poles.
4. Minimum charge for Business/Industrial to be not less than Single Family Residential rate.

WHEREAS, a public hearing concerning the amendments was held on November 12, 2019.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve City Code Appendix fee resolution table amendments to the Quarterly Street/Signal Lighting Rates and Charges table as proposed within this resolution.

City of Brooklyn Park Request for Council Action

| | | | |
|------------------------|---|--------------------------------|---|
| Agenda Item: | 7.1 | Meeting Date: | November 12, 2019 |
| Agenda Section: | General Action Items | Originating Department: | Operations and Maintenance - Engineering Services Division |
| Resolution: | X | Prepared By: | Jeff Holstein, P.E., P.T.O.E. City Transportation Engineer |
| Ordinance: | N/A | | |
| Attachments: | 3 | Presented By: | Jesse Struve, City Engineer |
| Item: | Approve Advance Construction Agreement No. 1035695 with the Minnesota Department of Transportation for the TH 169/101 st Avenue Interchange Project, CIP 4042-19 | | |

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ APPROVING ADVANCE CONSTRUCTION AGREEMENT NO. 1035695 WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR THE TH 169/101ST AVENUE INTERCHANGE PROJECT, CIP 4042-19.

Overview:

The construction of the TH 169 / 101st Avenue Interchange Project is estimated to cost approximately \$29.7 million. The City has applied for and been awarded four funding grants totaling \$22.5 million. One of these grants (Regional Solicitation) consists of \$7 million in federal funds. This federal funding is for the Federal Fiscal Year (FFY) 2021 time period, which runs from October 1, 2020 to September 30, 2021.

The City desires to proceed with the construction of the TH 169 / 101st Avenue Interchange Project in early 2020. This schedule advances the construction of the project ahead of the FFY of the federal funds programmed for the project. MnDOT requires the terms and conditions of the proposed advancement be documented in an agreement because the City has previously executed an agreement with MnDOT that appoints MnDOT as the City's agent to receive and disperse transportation related federal funds.

MnDOT has prepared Agreement No. 1035695 documenting the terms of the federal participation in advance construction. Staff reviewed the agreement and find it to be reasonable and acceptable. Staff recommends City Council approval of Advance Construction Agreement No. 1035695 with the Minnesota Department of Transportation for the TH 169 / 101st Avenue Interchange Project.

Primary Issues/Alternatives to Consider:

The City's execution of this agreement does not guarantee the City will receive the federal aid share prior to October 1, 2020. However, execution allows for reimbursement to occur earlier if funding is available.

Budgetary/Fiscal Issues:

Project No. 4042-19 is included in the City's 2019-2023 Capital Improvement Plan. Funding is planned to come from the City's EDA, special assessments and grants.

Attachments:

- 7.1A RESOLUTION
- 7.1B LOCATION MAP
- 7.1C AGREEMENT NO. 1035695

RESOLUTION #2019 –

RESOLUTION APPROVING ADVANCE CONSTRUCTION AGREEMENT NO. 1035695
WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION
FOR THE TH 169/101ST AVENUE INTERCHANGE PROJECT, CIP 4042-19

WHEREAS, the City of Brooklyn Park (City) is working toward the construction of a new full access interchange at the TH 169 / 101st Avenue North junction (Project); and

WHEREAS, the City has applied for and received federal funding to help construct the Project; and

WHEREAS, the federal funding for the Project is for Federal Fiscal Year (FFY) 2021; and

WHEREAS, the City is planning to start construction of the project in early 2020 in advance of FFY 2021;
and

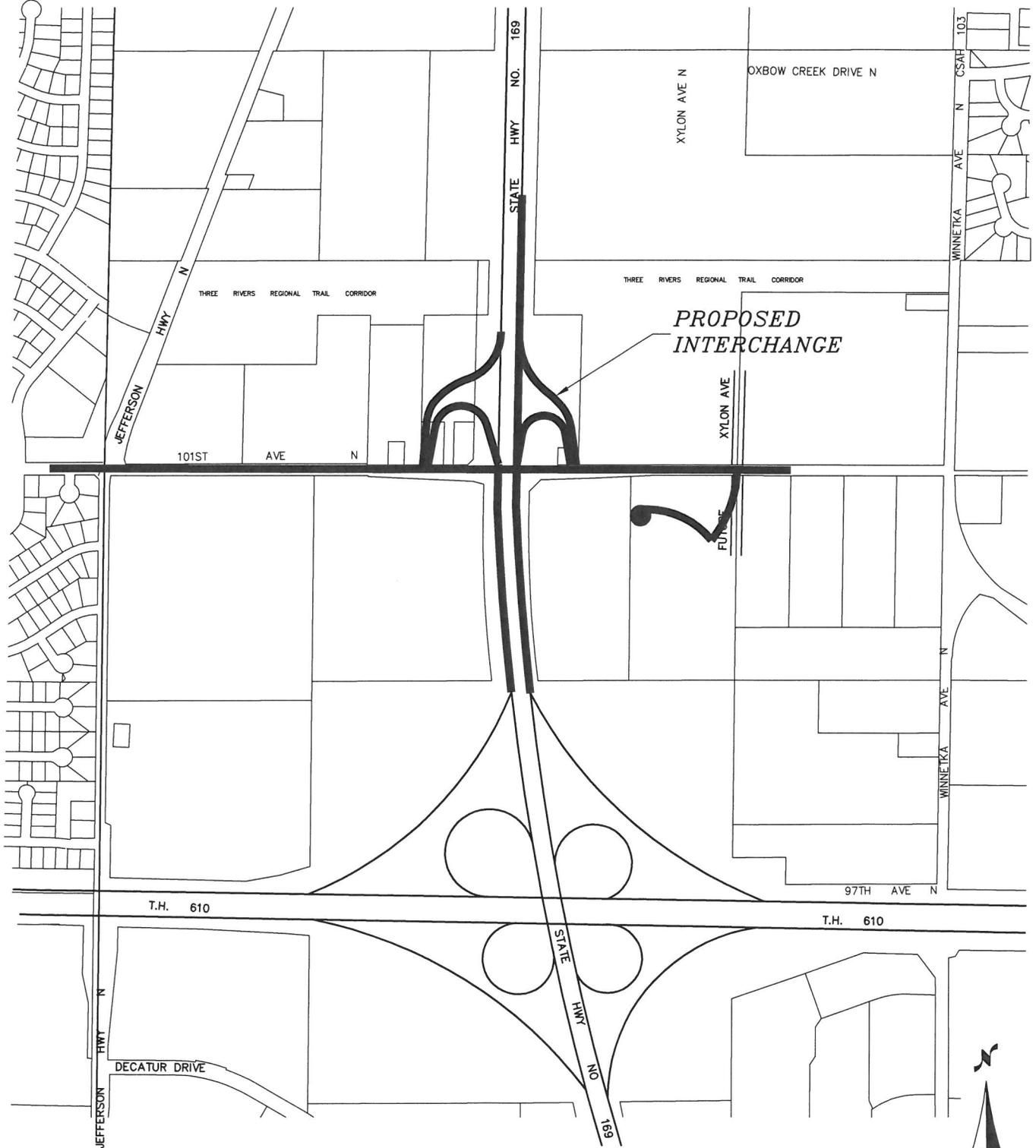
WHEREAS, the Minnesota Department of Transportation (MnDOT) has prepared Agreement No. 1035695 (Agreement) with the City outlining the terms of the proposed advance construction; and

WHEREAS, City staff have reviewed the Agreement and find it to be acceptable.

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

1. The City of Brooklyn Park approves Advance Construction Agreement No. 1035695 with the Minnesota Department of Transportation for the TH 169 / 101st Avenue Interchange Project, CIP 4042-19.
2. Pursuant to Minnesota Statutes Section 161.36, the Commissioner of Transportation be appointed as Agent of the City to accept as its agent, federal aid funds, which may be made available for eligible transportation related projects.
3. The Mayor and City Manager are hereby authorized and directed to execute said Agreement on behalf of the City of Brooklyn Park.
4. The City Clerk is directed to forward three (3) certified copies of this resolution to Ms. Lynnette Roshell, MnDOT Central Office, 395 John Ireland Blvd, MS 500, St. Paul, MN 55155.

LOCATION MAP



LEGEND

 PROPOSED PROJECT



NO SCALE

STATE OF MINNESOTA
AGENCY AGREEMENT
for
FEDERAL PARTICIPATION IN ADVANCE CONSTRUCTION

State Project Number: 110-129-006

FAIN Number: STPF 2720(012)

This agreement is entered into by and between Brooklyn Park ("Local Government") and the State of Minnesota acting through its Commissioner of Transportation ("MnDOT").

RECITALS

1. MnDOT Contract Number 1029925 which has been executed between the Local Government and MnDOT, appoints MnDOT as the Local Government's agent to receive and disburse transportation related federal funds, and sets forth duties and responsibilities for letting, payment, and other procedures for a federally funded contract let by the Local Government; and
2. Pursuant to Minnesota Statutes Section 161.36, the Local Government desires MnDOT to act as the Local Government's agent to accept and disburse federal funds for the construction, improvement, or enhancement of transportation financed in whole or in part by federal funds, hereinafter referred to as the "Project"; and
3. The Local Government is proposing a federal aid project to brief description of project, hereinafter referred to as the "Project"; and
4. The Project is eligible for the expenditure of federal aid funds and is programmed in the approved federally approved STIP for the fiscal year 2021, and is identified in MnDOT records as State Project 110-129-006, and in Federal Highway Administration ("FHWA") records as Minnesota Project STPF 2720(012); and
5. The Local Government desires to proceed with the construction of the project in advance of the year it is programmed for the federal funds; and
6. It is permissible under Federal Highway Administration procedures to perform advance construction of eligible projects with non-federal funds, with the intent to request federal funding for the federally eligible costs in a subsequent federal fiscal year(s), if sufficient funding and obligation authority are available; and
7. The Local Government desires to temporarily provide Local Government State Aid and/or other local funds in lieu of the federal funds so that the project may proceed prior to the fiscal year(s) designated in the STIP; and
8. MnDOT requires that the terms and conditions of this agency be set forth in an agreement.

AGREEMENT TERMS

1. Term of Agreement

- 1.1. **Effective Date.** This agreement will be effective upon execution by the Local Government and by appropriate State officials, pursuant to Minnesota Statutes Section 16C.05, and will remain in effect for five (5) years from the effective date or until all obligations set forth in this agreement have been satisfactorily

fulfilled, whichever occurs first.

2. Local Government's Duties

2.1. The Local Government will perform all of its duties and obligations in MnDOT Contract Number 1029925, which is incorporated herein by reference, in the solicitation, letting, award, and administration of the construction of the Project.

3. MnDOT's Duties

- 3.1. MnDOT will perform all of its duties in accordance with MnDOT Contract Number 1029925, which is incorporated herein by reference.
- 3.2. MnDOT will make the necessary requests to the FHWA for authorization to use federal funds for the Project, and for reimbursement of eligible costs pursuant to the terms of this agreement.
- 3.3. MnDOT will request the conversion of the Project to federal funding of eligible costs, when funding and obligation authority are available.
- 3.4. At such time that the project is converted to federal funding and such funding is received by MnDOT, MnDOT will reimburse to the Local Government the federal aid share of the federally eligible costs, previously provided by the Local Government. Reimbursement for Local Government State Aid funds used in lieu of federal funds, will be deposited in the Local Government's State Aid Account. Reimbursement for other Local Government funds used in lieu of federal funds will be forwarded to the Local Government.

4. Time

- 4.1. The Local Government must comply with all the time requirements described in this agreement. In the performance of this agreement, time is of the essence
- 4.2. The period of performance is defined as beginning on the date of federal authorization and ending on the date defined in the federal financial system or federal agreement ("end date"). **No work completed after the end date** will be eligible for federal funding. Local Government must submit all contract close out paperwork to MnDOT, twenty four months prior to the **end date**.

5. Payment

- 5.1. It is estimated that the total cost of the Project is \$ 17,422,105. Of these Surface Transportation Improvement funds, \$7,014,400 are available in federal fiscal year 2021.
- 5.2. The Local Government will pay any part of the cost or expense of the work that the FHWA does not pay.
- 5.3. Request for reimbursement of the federal aid share of the federally eligible costs can be made any time after the work is completed, however payment may not be made until after October 1, 2020 for federal fiscal year 2021. It could be earlier if funding and obligation authority are available (subject to the Area Transportation Partnership (ATP) policy).
- 5.4. The Local Government will make requests for reimbursement in accordance with the payment provisions in MnDOT Contract Number 1029925, which is incorporated by reference, and will comply with the requirements of 2 CFR Part 200.

6. Authorized Representatives

6.1. MnDOT's Authorized Representative is:

Name: Lynnette Roshell, or her successor.

Title: State Aid, Special Projects

Phone: 651-366-3822

Email: lynette.roshell@state.mn.us

MnDOT's Authorized Representative has the responsibility to monitor Local Government's performance and the authority to accept the services provided under this agreement. If the services are satisfactory, MnDOT's Authorized Representative will certify acceptance on each invoice submitted for payment.

6.2. The Local Government's Authorized Representative is:

Name: Jesse Struve, or his successor.

Title: City Engineer

Phone: 763-493-8114

Email: jesse.sturve@brooklynpark.org

If the Local Government's Authorized Representative changes at any time during this agreement, the Local Government will immediately notify MnDOT.

7. Assignment Amendments, Waiver, and Agreement Complete

- 7.1. **Assignment.** The Local Government may neither assign nor transfer any rights or obligations under this agreement without the prior written consent of MnDOT and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.
- 7.2. **Amendments.** Any amendments to this 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 agreement, or their successors in office.
- 7.3. **Waiver.** If MnDOT fails to enforce any provision of this agreement, that failure does not waive the provision or MnDOT's right to subsequently enforce it.
- 7.4. **Agreement Complete.** This agreement contains all negotiations and agreements between MnDOT and the Local Government. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.
- 7.5. **Severability.** If any provision of this Agreement or the application thereof is found invalid or unenforceable to any extent, the remainder of the Agreement, including all material provisions and the application of such provisions, will not be affected and will be enforceable to the greatest extent permitted by the law.

8. Liability and Claims

- 8.1. **Tort Liability.** Each party is responsible for its own acts and omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of any others and the results thereof. The Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, governs MnDOT liability.
- 8.2. **Claims.** The Local Government acknowledges that MnDOT is acting only as the Local Government's agent for acceptance and disbursement of federal funds, and not as a principal or co-principal with respect to the Project. The Local Government will pay any and all lawful claims arising out of or incidental to the Project including, without limitation, claims related to contractor selection (including the solicitation, evaluation, and acceptance or rejection of bids or proposals), acts or omissions in performing the Project work, and any *ultra vires* acts. The Local Government will indemnify, defend (to the extent permitted by the Minnesota Attorney General), and hold MnDOT harmless from any claims or costs arising out of or incidental to the Project(s), including reasonable attorney fees incurred by MnDOT. The Local Government's indemnification obligation extends to any actions related to the certification of DBE participation, even if such actions are recommended by MnDOT.

9. Audits

- 9.1. Under Minn. Stat. § 16C.05, Subd.5, the Local Government's books, records, documents, and accounting procedures and practices of the Local Government, or other party relevant to this agreement or transaction, are subject to examination by MnDOT and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later. The Local Government will take timely and appropriate action on all deficiencies identified by an audit.
- 9.2. All requests for reimbursement are subject to audit, at MnDOT's discretion. The cost principles outlined in 2 CFR 200.400-.475 will be used to determine whether costs are eligible for reimbursement under this agreement.
- 9.3. If Local Government expends \$750,000 or more in Federal Funds during the Local Government's fiscal year, the Local Government must have a single audit or program specific audit conducted in accordance with 2 CFR Part 200.

10. Government Data Practices. The Local Government and MnDOT must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by MnDOT under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Local Government under this agreement. The civil remedies of Minn. Stat. §13.08 apply to the release of the data referred to in this clause by either the Local Government or MnDOT.

11. Workers Compensation. The Local Government certifies that it is in compliance with Minn. Stat. §176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Local Government's employees and agents will not be considered MnDOT 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 MnDOT's obligation or responsibility.

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

13. Termination; Suspension

- 13.1. **Termination by MnDOT.** MnDOT may terminate this agreement with or without cause, upon 30 days written notice to the Local Government. Upon termination, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
- 13.2. **Termination for Cause.** MnDOT may immediately terminate this agreement if MnDOT finds that there has been a failure to comply with the provisions of this agreement, that reasonable progress has not been made, that fraudulent or wasteful activity has occurred, that the Local Government has been convicted of a criminal offense relating to a state agreement, or that the purposes for which the funds were granted have not been or will not be fulfilled. MnDOT may take action to protect the interests of MnDOT of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.
- 13.3. **Termination for Insufficient Funding.** MnDOT may immediately terminate this agreement if:
- 13.3.1. Funding is not obtained from the Minnesota Legislature; or
- 13.3.2. Funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the Local Government. MnDOT is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. MnDOT will not be assessed

any penalty if the agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. MnDOT will provide the Local Government notice of the lack of funding within a reasonable time of MnDOT's receiving that notice.

- 13.4. **Suspension.** MnDOT may immediately suspend this agreement in the event of a total or partial government shutdown due to the failure to have an approved budget by the legal deadline. Work performed by the Local Government during a period of suspension will be deemed unauthorized and undertaken at risk of non-payment.
14. **Data Disclosure.** Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Local Government consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to MnDOT, 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 Local Government to file state tax returns and pay delinquent state tax liabilities, if any.
15. **Fund Use Prohibited.** The Local Government will not utilize any funds received pursuant to this Agreement to compensate, either directly or indirectly, any contractor, corporation, partnership, or business, however organized, which is disqualified or debarred from entering into or receiving a State contract. This restriction applies regardless of whether the disqualified or debarred party acts in the capacity of a general contractor, a subcontractor, or as an equipment or material supplier. This restriction does not prevent the Local Government from utilizing these funds to pay any party who might be disqualified or debarred after the Local Government's contract award on this Project.
16. **Discrimination Prohibited by Minnesota Statutes §181.59.** The Local Government will comply with the provisions of Minnesota Statutes §181.59 which requires that every contract for or on behalf of the State of Minnesota, or any county, city, town, township, school, school district or any other district in the state, for materials, supplies or construction will contain provisions by which Contractor agrees: 1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no Contractor, material supplier or vendor, will, by reason of race, creed or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; 2) That no Contractor, material supplier, or vendor, will, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause 1 of this section, or on being hired, prevent or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed or color; 3) That a violation of this section is a misdemeanor; and 4) That this contract may be canceled or terminated by the state of Minnesota, or any county, city, town, township, school, school district or any other person authorized to contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this Agreement.
17. **Appendix II 2 CFR Part 200 Federal Contract Clauses.** The Local Government agrees to comply with the following federal requirements as identified in 2 CFR 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, and agrees to pass through these requirements to its subcontractors and third party contractors, as applicable. In addition, the Local Government shall have the same meaning as "Contractor" in the federal requirements listed below.
- 17.1.1. **Remedies.** Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- 17.1.2. **Termination.** All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the

basis for settlement.

- 17.1.3. **Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
- 17.1.4. **Davis-Bacon Act, as amended.** (40 U.S.C. 3141-3148) When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- 17.1.5. **Contract Work Hours and Safety Standards Act.** (40 U.S.C. 3701-3708) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- 17.1.6. **Rights to Inventions Made Under a Contract or Agreement.** If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any

implementing regulations issued by the awarding agency.

- 17.1.7. **Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended.** Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued under the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- 17.1.8. **Debarment and Suspension.** (Executive Orders 12549 and 12689) A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- 17.1.9. **Byrd Anti-Lobbying Amendment.** (31 U.S.C. 1352) Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- 17.1.10. **Procurement of Recovered Materials.** See 2 CFR 200.322 Procurement of Recovered Materials.
- 17.2. **Drug-Free Workplace.** In accordance with 2 C.F.R. § 32.400, the Local Government will comply with the Drug-Free Workplace requirements under subpart B of 49 C.F.R. Part 32.
- 17.3. **Nondiscrimination.** The Local Government hereby agrees that, as a condition of receiving any Federal financial assistance under this agreement, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d), related nondiscrimination statutes (i.e., 23 U.S.C. § 324, Section 504 of the Rehabilitation Act of 1973 as amended, and the Age Discrimination Act of 1975), and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap, or age be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the Local Government receives Federal financial assistance. The specific requirements of the Department of Transportation Civil Rights assurances (required by 49 C.F.R. §§ 21.7 and 27.9) are incorporated in the agreement.
- 17.4. **Federal Funding Accountability and Transparency Act (FFATA).**
- 17.4.1. This Agreement requires the Local Government to provide supplies and/or services that are funded in whole or in part by federal funds that are subject to FFATA. The Local Government is responsible for ensuring that all applicable requirements, including but not limited to those set forth herein, of FFATA are met and that the Local Government provides information to the MnDOT as required.
- a. Reporting of Total Compensation of the Local Government's Executives.
 - b. The Local Government shall report the names and total compensation of each of its five most highly compensated executives for the Local Government's preceding completed fiscal year, if in the Local Government's preceding fiscal year it received:

- i. 80 percent or more of the Local Government's annual gross revenues from Federal procurement contracts and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
- ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
- iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>).

Executive means officers, managing partners, or any other employees in management positions.

- c. Total compensation means the cash and noncash dollar value earned by the executive during the Local Government's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - i. Salary and bonus.
 - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
 - v. Above-market earnings on deferred compensation which is not tax qualified.

17.4.2. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

17.4.3. The Local Government must report executive total compensation described above to the MnDOT by the end of the month during which this agreement is awarded.

17.4.4. The Local Government will obtain a Data Universal Numbering System (DUNS) number and maintain its DUNS number for the term of this agreement. This number shall be provided to MnDOT on the plan review checklist submitted with the plans for each project. More information about obtaining a DUNS Number can be found at: <http://fedgov.dnb.com/webform/>

17.4.5. The Local Government's failure to comply with the above requirements is a material breach of this agreement for which the MnDOT may terminate this agreement for cause. The MnDOT will not be obligated to pay any outstanding invoice received from the Local Government unless and until the Local Government is in full compliance with the above requirements.

Brooklyn Park

Brooklyn Park certifies that the appropriate person(s) have executed the contract on behalf of the Local Government as required by applicable articles, bylaws, resolutions or ordinances

By: _____

Title: _____

Date: _____

DEPARTMENT OF TRANSPORTATION

By: _____

Title: State Aid Engineer _____

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____

Title: _____

Date: _____

By: _____

Date: _____

City of Brooklyn Park Request for Council Action

| | | | |
|------------------------|--|--------------------------------|-------------------------------------|
| Agenda Item: | 7.2 | Meeting Date: | November 12, 2019 |
| Agenda Section: | General Action Items | Originating Department: | Finance |
| Resolution: | X | Prepared By: | Renée Manning, Senior Accountant |
| Ordinance: | N/A | | |
| Attachments: | 2 | Presented By: | LaTonia Green, Finance Director |
| Item: | Resolution Amending Fee Resolution #2000-202 Adopting a Schedule of Fees and Charges for Various Services, Licenses and Permits for the City of Brooklyn Park, Minnesota | | |

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ AMENDING FEE RESOLUTION #2000-202 ADOPTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS SERVICES, LICENSES AND PERMITS FOR THE CITY OF BROOKLYN PARK, MINNESOTA.

Overview:

Each year, staff reviews and makes recommended changes to the City's schedule of fees and charges. Fees are set to recover the cost of the service provided and must not exceed that cost per Minnesota Statute. These changes must be approved by the City Council by resolution. A resolution including these changes is included in the packet for your review. Additions or changes are underlined, and deletions are struck through. Some of the changes are only to delete outdated information. Also, attached are memos from departments recommending changes and providing information on the changes. Staff is recommending approval of the 2020 fees and charges schedule.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

The recommended fees have been incorporated in the preliminary 2020 budget. Should the City Council choose not to adopt the recommended fees, the preliminary budget would need to be adjusted accordingly.

Attachments:

- 7.2A RESOLUTION
- 7.2B STAFF MEMOS

RESOLUTION #2019-

RESOLUTION AMENDING FEE RESOLUTION #2000-202 ADOPTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS SERVICES, LICENSES AND PERMITS FOR THE CITY OF BROOKLYN PARK, MINNESOTA

WHEREAS, fees and charges are assessed for various services for the City of Brooklyn Park; and

WHEREAS, in the year 2000, the Brooklyn Park City Council approved Resolution #2000-202 adopting a schedule of fees and charges for various services, licenses and permits for the City of Brooklyn Park; and

WHEREAS, the City Council of the City of Brooklyn Park, Minnesota resolves to adopt the following schedule of fees and charges for the calendar year 2020.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brooklyn Park approves the following schedule of fees and charges for various services, licenses and permits for the calendar year 2020.

~~Text with strikethrough is proposed for deletion~~

Underlined text is proposed for insertion

BUSINESS LICENSES AND PERMITS FEE SCHEDULE

| Rental Establishments | | | | |
|------------------------------|---|--|------------------------|--|
| | | Conditions and Terms | | |
| 117.45 | Rental Establishment Fees | Annual license <u>and renewal</u> | | |
| | | | | |
| | | | | |
| | Rental Establishment Fees (One or Two inspections) | Annual renewal license | | |
| | | (General housing unit) | | |
| | | Single family attached | \$150 | |
| | | Single family detached | \$150 | |
| | | Double (one side) | \$150 | |
| | | Double (two side) | \$150 per unit | |
| | | Condominium | \$150 | |
| | | Townhome | \$150 | |
| | | Triplex | \$150 per unit | |
| | | Rental Establishment Fees (Three inspections) | Annual renewal license | |
| | | (General housing unit) | | |
| | | Single family attached | \$200 | |
| | Single family detached | \$200 | | |

| | | |
|---|------------------------|-----------------------|
| | Double (one side) | \$200 |
| | Double (two side) | \$200 per unit |
| | Condominium | \$200 |
| | Townhome | \$200 |
| | Triplex | \$200 per failed-unit |
| Rental- Establishment Fees- (Four inspections) | Annual renewal license | |
| | (General housing unit) | |
| | Single family attached | \$300 |
| | Single family detached | \$300 |
| | Double (one side) | \$300 |
| | Double (two side) | \$300 per unit |
| | Condominium | \$300 |
| | Townhome | \$300 |
| | Triplex | \$300 per failed-unit |
| Rental- Establishment Fees- (Five inspections) | Annual renewal license | |
| | (General housing unit) | |
| | Single family attached | \$500 |
| | Single family detached | \$500 |
| | Double (one side) | \$500 |
| | Double (two side) | \$500 per unit |
| | Condominium | \$500 |
| | Townhome | \$500 |
| | Triplex | \$500 per failed-unit |
| Rental- Establishment Fees- (Six or more inspections) | Annual renewal license | |
| | (General housing unit) | |
| | Single family attached | \$1,000 |
| | Single family detached | \$1,000 |
| | Double (one side) | \$1,000 |
| | Double (two side) | \$1,000 per unit |
| | Condominium | \$1,000 |

| | | | |
|--|--|----------|-------------------------|
| | | Townhome | \$1,000 |
| | | Triplex | \$1,000 per failed-unit |

| | | | |
|-----------------|------------------|--|---|
| 117.52(C)(4)(a) | Reinspection Fee | | \$100 per failed unit <u>per instance</u> |
|-----------------|------------------|--|---|

| | | | | |
|-------|--|--|------------------|--|
| 92.35 | Animal licensing fees | | | |
| | Spayed or neutered animals | | \$10 per year | |
| | Animals not spayed or neutered | | \$20 per year | |
| | Off leash dog exercise area daily fee (on-site) | | \$3 | |
| | Late license fee | | \$2 | |
| | Duplicate tag, if lost or stolen | | \$1 | |
| | Board fee for each day an animal is impounded | | \$31 | |
| | Impounding fee | | \$20 <u>\$50</u> | |
| | Second impounding fee for an impoundment within a 12 month period | | \$30 | |
| | Third impounding fee for an impoundment within a 12 month period | | \$40 | |
| | Fourth impounding fee for an impoundment within a 12 month period | | \$50 | |
| | *All annual animal licensing fees are for the duration of rabies vaccine-effectiveness. | | | |
| | ** All impound and board fees shall be paid in cash <u>or credit. Personal checks will not be accepted</u> | | | |

FIRE PROTECTION AND PREVENTION SERVICE FEES

| Reference | Description | |
|------------------|---------------------|-------------|
| <u>§ 245A.15</u> | Tent Inspection Fee | <u>\$75</u> |

RECREATION AND PARK FEES

| Edinburgh USA Golf Course | 2019 | 2020 |
|---------------------------------|-------------|--------------|
| Rounds: | | |
| Senior rate | \$44 + tax | \$45 + tax |
| Patron cards/before April rates | \$85 + tax | \$85 + tax |
| Range tokens | \$5 + tax | \$5.50 + tax |
| Range key | \$120 + tax | \$135 + tax |

| | | |
|--------------------|-------------|---------------------|
| Junior season pass | \$325 + tax | \$ <u>350</u> + tax |
|--------------------|-------------|---------------------|

| Brookland Golf Course | 2019 | 2020 |
|--|--------------|-----------------------|
| Rounds: | | |
| Adult Rate | 15.00 | \$ <u>14.41</u> + tax |
| 2nd round rate, Adult, Senior and Junior | \$5.58 + tax | \$ <u>5.00</u> + tax |

| Athletic Association | 2019 | 2020 |
|-----------------------------|----------------|------------------------|
| Facility Use Fee: | | |
| Resident | \$2 per person | \$ <u>5</u> per person |
| Non-resident | \$5 per person | \$ <u>8</u> per person |

| Ice Arena | 2019 | 2020 |
|----------------------|----------------|--|
| Hourly ice time rate | | |
| Prime rate | \$230 per hour | \$ <u>235</u> per hour, effective 9/1/20 |
| Non-prime rate | \$190 per hour | \$ <u>195</u> per hour, effective 9/1/20 |

| Dome | 2019 | 2020 |
|----------------|-------------|------------------------------|
| Rental Fees | | |
| Prime rate | | \$ <u>300</u> + tax per hour |
| Non-prime rate | | \$ <u>195</u> + tax per hour |

WATER UTILITY

| | | |
|--------------------------------|-----------------------------|----------------------------------|
| Minnesota Department of Health | Annual Testing Fee per year | \$ 6.36 <u>\$9.72</u> |
|--------------------------------|-----------------------------|----------------------------------|



T. John Cunningham
Fire Chief

Brooklyn Park Fire
City of Brooklyn Park
Fire Department
5700 85th Ave. N.
Brooklyn Park, MN 55443
763-493-8020
www.brooklynpark.org

Memorandum

To: Mayor and City Council
From: Dan Krier, Deputy Fire Marshal
T. John Cunningham, Fire Chief
Date: Wednesday, November 6, 2019
Subject: 2020 Fee Schedule Changes

Fire Protection and Prevention Service Fees

Tents (Addition)

Reason for Fee: Tent Inspection Fee

Amount of Fee: \$75

Reference: Minnesota State Fire Code § 105.6.43)

The fee would include the plan review, permit processing, and inspection for any tent that is large enough to require a permit, per Section 105.6.43 of the MN State Fire Code. If someone has more than one tent per event, only one permit would be required. Code language is copied below for reference.

This is proposed to Council as we currently do not have a fee for tents. Since we do not have an adopted fee, the cost reverts to the job valuation chart used for other fire permits, such as a sprinkler system or fire alarm. For example, in July-August 2019 there were 4 tent permit applications, all with varying job valuation amounts. This meant each was charged a different permit fee, even though the staff time for the tents was the same for plan review, permit processing, and inspection. The fees varied from \$76.09 to \$694.53.

With a set fee this provides better customer service through an easier to understand fee for tents, and it better aligns the permit fees to staff time.



MEMORANDUM

Date: October 15, 2019
To: LaTonia Green, Finance Director
From: Brad Tullberg, Parks and Facilities Manager
Subject: 2020 Recreation & Parks Department Fee changes

The following are the proposed changes to the 2020 Fees and Charges for the Recreation and Parks Department. While many of our fees will remain the same for 2020, we have requested some increases to help cover the cost of providing the services offered. Staff has conducted a market analysis of neighboring parks and recreation agencies. The proposed rates are competitive for comparable programs and facilities in and around the area.

Edinburgh USA Golf Course

- Increase Senior Rate to \$45 + tax
- Increase Monday w/cart rate to \$47 + tax
- Increase Tuesday w/cart rate to \$56 +tax
- Delete Patron cards/before April rate .
- Increase Range Tokens to \$5.50
- Increase Range Key to \$135
- Increase Junior Season Pass to \$350

All other rates at Edinburgh USA remain unchanged

Brookland Golf Park

- Increase Adult rate to \$14.41 + tax (the proposed increase to \$15 +tax in 2019 was not implemented due to negative customer feedback) ✓
- Reduce Senior Rate to \$14.00 + tax ✓
- Reduce 2nd Round Rate to \$5.00 + tax for Adults, Senior and Junior

All other rates at Brookland Golf Park remain unchanged

Athletic Association Facility Use Fee:

- Increase Resident fee to \$5 per person ✓
- Non-Resident fee to \$8 per person ✓

These charges have been approved by the Brooklyn Park Athletic Association

Ice Arena

- Increase prime rental rate to \$235 per hour ✓
- Increase non-prime rental rate to \$195 per hour ✓

These charges will be effective on September 1, 2020

Dome Rental Fees (New)

- Add Prime Rate at \$300 + tax per hour
- Add Non-Prime Rate at \$195 +tax per hour

cc. Jody Yungers, Recreation and Parks Department, Director



MEMORANDUM

DATE: October 11, 2019

TO: LaTonia Green, Finance Director

FROM: Keith Jullie, Rental & Business Licensing Manager

CC: Jason Newby, Inspections and Environmental Health Manager
Kim Berggren, Director of Community Development

SUBJECT: 2020 Rental & Business Licensing Fee Changes

The Rental and Business Licensing Division is requesting the following changes to the fee resolution:

1. Replace the current incremental penalty table for unlicensed rentals with a flat fine amount of \$200, like other first-time violations.
 - o In 2019 staff started using the standard \$200 fine amount for unlicensed rental violations because the 30-day incremental fine schedule was confusing and ineffective in getting code compliance.
 - o Too much time was lapsing between the time the fine was issued and when staff was following up with the property owner.
 - o The rate of rental license renewals decreases when the reinspection fees are linked to the license fee because rental property owners avoid our licensing program.
 - o The \$200 fine for unlicensed rentals is consistent with fine amounts for other code violations and allows for more frequent follow up and better communication between staff and the property owner, which ultimately leads to better compliance rates and less unlicensed rental properties in the city. Fine amounts double (\$200, \$400, \$800, \$1,600, \$2,000) for continued violations.

ADMINISTRATIVE PENALTY SCHEDULE

| <i>Violation Description</i> | | <i>Administrative Penalty Amount</i> |
|------------------------------|------------------------------------|---|
| 18 | Failure to obtain a rental license | 0-10 days after notification — \$250 |
| | | 11-20 days after notification — \$500 |
| | | 21-30 days after notification — \$1,000 |
| | | 30+ days after notification — \$2,000 |
| | | <u>\$200</u> |

2. Amend the rental license renewal fee table which currently charges higher amounts for annual rental renewals based on the number of inspections needed during that licensing period.
 - o In 2019 staff started using the \$100 re-inspection fee for properties needing three or more inspections. This was done because the current fee schedule was not creating an incentive for landlords to correct code violations as the extra fees weren't being collected until the time of renewal.
 - o By using the \$100 reinspection fee during the inspection process, staff can get better compliance and if the property is sold, the reinspection fees are certified to the property taxes so all the fees that are owed will eventually be collected.
 - o The financial impact for this change was analyzed and will be minimal.

BUSINESS LICENSES AND PERMITS FEE SCHEDULE

| Rental Establishments | | | |
|------------------------------|----------------------------------|---|-------------------------------|
| | Rental Establishment Fees | Annual license <u>and</u> renewal | |
| <u>117.45</u> | | (General housing unit) | |
| | | Single-family attached | \$150 |
| | | Single-family detached | \$150 |
| | | Double (one side) | \$150 |
| | | Double (two side) | \$150 per unit |
| | | Condominium | \$150 |
| | | Townhome | \$150 |
| | | Triplex | \$150 per unit |
| | | Small apartments (4 - 15 units) | \$200 plus \$25 per unit |
| | | Rental Establishment Fees (One or Two inspections) | Annual renewal license |
| | | (General housing unit) | |
| | | Single-family attached | \$150 |
| | | Single-family detached | \$150 |
| | | Double (one side) | \$150 |
| | | Double (two side) | \$150 per unit |

| | | |
|--|-------------------------|-----------------------|
| | —Condominium | \$150 |
| | —Townhome | \$150 |
| | —Triplex | \$150 per unit |
| Rental Establishment Fees (Three inspections) | Annual renewal license | |
| | (General housing unit) | |
| | —Single family attached | \$200 |
| | —Single family detached | \$200 |
| | —Double (one side) | \$200 |
| | —Double (two side) | \$200 per failed unit |
| | —Condominium | \$200 |
| | —Townhome | \$200 |
| | —Triplex | \$200 per failed unit |
| Rental Establishment Fees (Four inspections) | Annual renewal license | |
| | (General housing unit) | |
| | —Single family attached | \$300 |
| | —Single family detached | \$300 |
| | —Double (one side) | \$300 |
| | —Double (two side) | \$300 per failed unit |
| | —Condominium | \$300 |
| | —Townhome | \$300 |
| | —Triplex | \$300 per failed unit |
| Rental Establishment Fees (Five inspections) | Annual renewal license | |
| | (General housing unit) | |
| | —Single family attached | \$500 |

| | | | |
|------------------------|--|---|------------------------------------|
| | | —Single family detached | \$500 |
| | | —Double (one side) | \$500 |
| | | —Double (two side) | \$500 per failed unit |
| | | —Condominium | \$500 |
| | | —Townhome | \$500 |
| | | —Triplex | \$500 per failed unit |
| | Rental Establishment Fees (Six or more inspections) | Annual renewal license | |
| | | (General housing unit) | |
| | | —Single family attached | \$1,000 |
| | | —Single family detached | \$1,000 |
| | | —Double (one side) | \$1,000 |
| | | —Double (two side) | \$1,000 per failed unit |
| | | —Condominium | \$1,000 |
| | | —Townhome | \$1,000 |
| | | Triplex | \$1,000 per failed unit |
| | Apartment Annual License | Thereafter, the fee will be payable annually on July 1 at the rate of \$25 per unit | \$25.00 per unit |
| <u>117.485</u> | Point of Conversion Fee | Beginning July 1, 2008, a conversion fee of \$750 will be charged for all owner occupied single family, double (one side) and double (two side, each side) rental properties. | \$750 |
| <u>117.52(C)(4)(a)</u> | Reinspection Fee | | \$100 per failed unit per instance |

City of Brooklyn Park Request for Council Action

| | | | |
|------------------------|------------------------|--------------------------------|---------------------------|
| Agenda Item: | 10.1 | Meeting Date: | November 12, 2019 |
| Agenda Section: | Adjournment | Originating Department: | Administration |
| Resolution: | N/A | Prepared By: | Devin Montero, City Clerk |
| Ordinance: | N/A | | |
| Attachments: | 1 | Presented By: | Jeffrey Lunde, Mayor |
| Item: | Motion for Adjournment | | |

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO ADJOURN THIS MEETING OF THE BROOKLYN PARK CITY COUNCIL IN RECOGNITION OF AND RESPECT FOR THE LIFE AND CONTRIBUTIONS OF BROOKLYN PARK POLICE OFFICER EMILY KROB AND RESPECTFULLY ASK THE SUPPORT OF FELLOW COUNCIL MEMBERS.

OFFICER EMILY KROB, A GRADUATE OF PARK CENTER HIGH SCHOOL, WAS BORN AND RAISED IN BROOKLYN PARK. AFTER ATTENDING COLLEGE OUT OF STATE, SHE RETURNED TO SERVE THE COMMUNITY SHE WAS RAISED IN AS A POLICE OFFICER. EMILY SERVED THE CITY OF BROOKLYN PARK FOR THE PAST 14 YEARS AS A PATROL OFFICER AND SCHOOL RESOURCE OFFICER AT CHAMPLIN PARK HIGH SCHOOL.

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

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

Overview:

Mayor Lunde asked that the motion for adjournment be considered for Officer Emily Krob.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

10.1A MOTION FOR ADJOURNMENT INFORMATION FORM

MOTION FOR ADJOURNMENT

Information Form

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

1. Sponsor (Councilor): Mayor Jeffrey Lunde

2. Council Meeting date when motion is to be made: November 12, 2019
(or "NEXT" for next Council Meeting)

3. Name of deceased person to be recognized: Emily Krob

4. Family representative to whom the letter is to be sent:

Name: Krob Family

Address: