

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, March 11, 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, and Wynfred Russell; Acting City Manager Wokie Freeman-Gbogba; City Attorney Jim Thomson; Deputy Police Chief Mark Bruley and City Clerk Devin Montero.

ABSENT: Council Members Lisa Jacobson (excused) and Terry Parks (excused).

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

Acting City Manager Freeman-Gbogba stated at the last Council meeting a resident appealed to the Council to not support legalization of marijuana at the State level and there were no other questions or comments to respond to.

2B PUBLIC COMMENT

Jennifer Geisinger, 7701 Oxbow Creek Circle. She stated it was regarding Agenda Item 4.6 Northbrook Business Center North 4th addition. She asked the Council to discuss the distribution facility prohibition in that area. She stated there had been some debate in the last few months about project “Hotdish” whether that included a fulfillment center. She stated some people found those terms interchangeable and they had been informed they were not. She asked if it was a good time before Council approved the 4th Addition to clarify whether the distribution prohibition also encompassed a fulfillment center prohibition.

3A. MOTION MATA, SECOND LUNDE TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH ITEMS 4.2, 4.5, and 4.10 PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/ PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B1 Assistant Finance Director Jeanette Boit-Kania introduced new employees to the Finance Department.

3B2 Deputy Chief Mark Bruley presented the Citizen’s Award to Barry Jensen for his heroic actions.

3B2 MOTION LUNDE, SECOND MATA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-37 ACKNOWLEDGING CONTRIBUTIONS TO THE CITY OF BROOKLYN PARK.

B3 Human Rights Commission Chair Christian Eriksen presented the 2018 Annual Verbal Report and 2019 Work Plan.

4.0 MOTION LUNDE, SECOND PHA TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS:

4.1 MOTION LUNDE, SECOND PHA TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR THE CHURCH OF ST. VINCENT DE PAUL FOR THEIR AUCTION FOR EDUCATION TO BE HELD APRIL 27, 2019 AT 9100 93RD AVENUE NORTH.

4.3 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-38 TO AWARD THE BID FOR THE 2019 BITUMINOUS OVERLAY PROJECT TO NORTHWEST ASPHALT, INC.

4.4 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-39 TO APPROVE THE BID AWARD FOR THE 2019 STREET TRAFFIC CENTERLINE STRIPING PROJECT ON CITY STREETS TO AAA STRIPING SERVICE CO.

4.6 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-40 APPROVING FINAL PLAT OF "NORTHPARK BUSINESS CENTER FOURTH ADDITION," SUBDIVIDING 147.17 ACRES INTO TWO OUTLOTS NORTHWEST OF WINNETKA AVENUE AND OXBOW CREEK DRIVE.

4.7 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-41 APPROVING PLANS AND AUTHORIZING ADVERTISEMENT FOR BID FOR 2019 SANITARY SEWER LINING, CIP 3001-19.

4.8 MOTION LUNDE, SECOND PHA TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR BROOKLYN PARK LIONS FOR THEIR SMELT FRY TO BE HELD APRIL 24-26, 2019 AT THE ARMORY GYMNASIUM, 5500 85TH AVENUE NORTH.

4.9 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-42 TO APPROVE THE AMENDMENTS TO EMPLOYEE HANDBOOK POLICIES 10.14 – VACATION AND 11.10 – VACATION PAYOUT.

4.11 MOTION LUNDE, SECOND PHA TO RECEIVE AND PLACE ON FILE THE PETITION FOR VACATION OF ALL EASEMENTS ASSOCIATED WITH OUTLOT B AND 10214 REGENT AVENUE N. (LOT 1, BLOCK 1) OF WINDCHIME TRAIL PLAT.

4.11 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-43 ORDERING A PUBLIC HEARING FOR THE VACATION OF ALL EASEMENTS ASSOCIATED WITH OUTLOT B AND 10214 REGENT AVENUE N. (LOT 1, BLOCK 1) OF WINDCHIME TRAIL PLAT.

MOTION PASSED UNANIMOUSLY.

4.2 Council Member Mata stated they were talking about dedicating land at River Park in lieu of park area. He stated the city was found in violation of the grant and had to change where the land development was because the city ended up building a cell tower. He stated they were

going to dedicate it and move it to River Park and the Council just had a work session presentation on River Park and they were looking at rededicating some of the land. He stated the discussion was about kayaking, other rentals, and things that were going to be going on in that area and if they created a business there and the city didn't own it or changed to something different, asked if that was putting it at a risk of violating it all over again.

Recreation and Parks Director Yungers stated it was a possibility. She stated that in 1997 when they were redeveloping Sunny Lane Park, the Recreation and Parks Director applied for a DNR outdoor grant. She stated that as part of the agreement when the Council signed, when they accepted the grant, accepted that the only use of the park property was for outdoor recreational use and there was a recreational covenant put on. She stated that by the language, it was on the entire property. What the proposal being presenting tonight was that a mistake was made and did in fact build a cell tower on the property. She stated that in 2014, the DNR noticed they were in violation and notified the Recreation and Parks Director and said they had two options: remove the cell tower and not use the generation, or after discussion with the city attorney, they could not pay back the \$10,000 loan. She stated they did collect \$20,000 a year from the cell tower revenue. She stated she worked with the Grants Manager and the only viable option they came up with was to transfer the recreation covenant.

She stated that to do it, it had to be a purchase of new park property and couldn't transfer it to the existing park property. She stated that since the notification, they did acquire River Park, the additional property on the south. She stated if the Council was to accept the transfer of covenant, they did have to only use that park property for outdoor recreation purposes and couldn't put a private business or cell tower in River Park in its entirety.

She stated that in doing so, didn't think they were at risk because there was no viable spot within River Park knowing how precious that park was as it sat on the Mississippi River. She stated she didn't think there was a risk to taking and transferring the covenant. She stated the DNR was a partner and had been a funder and were applying for a DNR grant. She stated the DNR Grant Manager would like to see the process concluded and approved prior to submitting the grant for \$250,000.

Council Member Mata stated that it was not that they didn't have funds to pay the money back, they didn't have a mechanism to accept the funds back. He asked if the covenant was a lifetime.

Recreation and Parks Director Yungers stated that as per the language and definition by the City Attorney, and the understanding and comments by the DNR, it was a lifetime covenant.

Council Member Mata stated that in the future, if they were going to receive grant money to make sure there was a timeline in there because it looked like they received enough funds to cover that 10 times over and really didn't need the \$10,000 grant to go in there with that type of covenant against the city.

He asked if there was a way they could divide the parcel that they just purchased and call it "River Park South" invisibly, only by plat name and was another parcel of land and was not platted with River Park. If something was to happen with River Park's current plat now, it would not affect "River Park South." He stated it was a two plus acre piece of land they were going to dedicate and stayed with that particular plat. He stated what they were doing was looking and saying they would only take it on new land, where River Park was old land, and try to restrict the

city on a larger piece of parcel of land. He stated in Item 4.10, they had a couple of pieces of the city's land he would like to dedicate and the covenant for that land, they would never be built on because they could just give them away and the covenants went with those pieces of land.

Recreation and Parks Director Yungers stated they did the replatting of the park land at the time they purchased 4840 Mississippi Lane and then they resold the house on the property. She stated that it was at that time that replatted the park and included that acreage. She stated they would have to go through the replatting process to do that again. She stated her concern was in talking to the Grant Manager at the DNR, that they see it as playing a game. She stated she would never recommend any cell towers on River Park as they saw the park as unique and that was why they purchased the additional land because the land on the river for park land was precious.

Council Member Mata stated she was using the words cell towers and he was using the words any business other than a recreational purpose. He stated that was what they were being held accountable for was any business other than recreation, i.e., someone selling ice cream and the city built an ice cream hut and was a privately owned business. He asked if that business was now different from someone doing recreation if they attached it to the entire River Park where they were land locking River Park in the future for 3.3 acres and were land locking 40 acres.

Recreation and Parks Director Yungers stated she asked a similar question to the DNR manager and she was concerned that in the future they talked about creating a pad for bringing in mobile food trucks and or there might be someone who decided that they would have to build a building and the city would own it and could do concessions out of it and use a private vendor to come in. She stated that would be allowable because it was a part of an amenity within the park and would be a viable option. She stated it was when it would be a private development that would come, on such as a cell tower or a private business, that would build within the park. She stated they would be going against the covenant that would be placed on River Park.

Council Member Mata stated his only suggestion was to not land lock the ability of a future Council that could change with different needs down the road. He stated they were going to put in a forever covenant on a large piece of land. He stated he was in favor that they went back to the replatting process and plat out the southern part they were going to receive and that was their dedication. He stated the replatting process couldn't cost more than \$1,000. He stated he was just trying to not handcuff the Council in future; otherwise, find a different piece of land to handcuff. He stated the Council didn't know they were in that situation when it first came about and now were giving up a huge piece of land.

Recreation and Parks Director Yungers stated they couldn't just find any property to transfer the covenant. She stated it must be of equal recreational outdoor value to transfer the covenant and must have occurred after the point to which the grant was given. She stated it was restricted in that way and wanted to represent the DNR and their interest. She stated the next item was the approval of the MN DNR outdoor recreation grant for River Park and was under the same guidelines and restrictions of covenant. She stated that by transferring the covenant, and if they approved the application for the River Park grant, the Council was doing the same thing. She stated she didn't have any concerns or issues related to the covenant.

Council Member Mata stated he would be voting no. He stated the DNR hadn't fined them or told them that they had to do it. He stated he was sure they would give them five or more years

to find a new park that came up and they could attach covenants to it, an equal size piece of land and not give them 10 times worth it.

Council Member West-Hafner stated she had the same question, if they could replat it and take it out, but if the Council approved the application for another grant, they were going to have a covenant on it any way. She asked what steps they were taking or were putting in place to make sure when Director Yungers was not at the city, that someone knew it was there and couldn't do a cell tower and couldn't do those types of things. She stated the Council depended on staff to help them to keep track of those things.

Director Yungers stated she sat down with the City Assessor and they would do a paper file memo and flag the covenant within their database, so the same thing didn't happen. She stated they were working on the best approach to do it and the City Assessor was the one that did the actual assessment seen in the report because they needed an assessed value.

4.2 MOTION LUNDE, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-44 TO APPROVE TRANSFER OF OUTDOOR RECREATION COVENANT FROM SUNNY LANE PARK TO RIVER PARK.

Mayor Lunde stated he agreed with Council Member Mata. He stated a couple of years ago they had the group that wanted to put in a place to store canoes or the long row and that kind of thing could happen. He thought if the park was successful, maybe a private business might want to do canoe rides or kayaking from the river down to the park.

Director Yungers stated that anything that supported outdoor recreational activities would be a viable use of the property. She stated that it was only something outside recreation or environmental education that would not be viable.

4.2 THE MOTION PASSED. (4 TO 1) MATA VOTED NO.

4.5 Council Member Mata stated they had a map in the previous agenda item that showed River Park and showed two ball field diamonds. He stated there were two fields in there that drew a lot from the city and for years had games there for youth. He stated it brought people from all over the city to the different parks because they had marquee fields. He stated that at their work session they talked about the ballfields going away as far as being dirt and backstops that signified an actual ball field. He stated that now he did not know that accepting it would put in covenants which meant no future business plan of any sort outside of recreation would ever be deemed viable at that park. He stated there were many things that came up in technology that might use things at that site to save taxpayers money down the road. He stated he wouldn't support it and would be voting no.

4.5 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-45 TO APPROVE APPLICATION OF MN DNR 2019 OUTDOOR RECREATION GRANT FOR REDEVELOPMENT OF RIVER PARK. MOTION PASSED. (4 TO 1) MATA VOTED NO.

4.10 Council Member Mata commented on the two solid yellow pieces of land shown on the map. He stated the staff report talked about the city had some maintenance costs and if the city was expending any dollars, they should rethink what they were even doing there if they were putting money into it. He stated there were two pieces of land, and earlier the

Council talked about moving dollar values and land. If those pieces of land didn't have value asked why did Three Rivers Park District want them. He stated if there was value, they should sell them, otherwise, just hold them. He stated it cost the city nothing to hold them and didn't know what they might need something for, maybe a cell tower in the middle of the triangle for the wooded lot. He stated they couldn't build one in River Park and along the river. He stated there was a lot of things that went along there that could make money for the city and was out of the way of neighbors and they neighbors wouldn't see it. He stated those were outlots they were going to give away to Three Rivers Park District and asked for nothing in return, all because the city was receiving them for little or no value. He stated someone was taking those in and were giving them away for free. He proposed that the Council table it and talk about it or not give the land away for free.

Recreation and Parks Director Jody Yungers stated over the last two years they had been working in partnership with Three Rivers Park District on the joint Master Plan for what was the Coon Rapids Regional Dam Park and Environmental Nature Area. She stated the current property shown in the green stripe of the map was Three Rivers property and the yellow striped and solid yellow lines were city property. She stated as they were developing the Master Plan, it was a clean-up, and right now it operated and functioned as part of the Three Rivers property. She stated the city put very little maintenance in it but was held accountable. She stated they were just attempting to define cleaner ownership because those properties, the one on the lower end was Island View Park and was the dedication of the development across the street was paid at \$33,000. She stated that property we deemed unusable by the developer and given to city and not part of the park dedication. She stated they could leave the property as is and it was just a process to clean up the boundaries of property. She stated Three Rivers had paid over \$50,000 of the Park Master Plan development and the city had not paid anything yet. She stated the city was at the table as a partner and would start to spend on the design development. She stated it was just a part of cleaning up property ownership that was aligned with how the park was currently being used and could try to leverage it as they negotiated going forward. She stated she would be bringing that plan to the Council in the spring.

Council Member Pha stated even if the city received land at no cost, it had a value associated with the land. She stated she would like see that the city get reimbursed for that land, trade or some kind of land banking that said the city was giving them that piece of land, but in the future if there should be other projects, the city worked with Three Rivers and they had land, the city needed something in return something similar of value or size. She stated she was sure there were instances where they were giving the city things or the city giving them things, but she didn't have that historical knowledge that it has happened before. She stated that in the future, the Councils or Commissioners of Three Rivers would have to have that knowledge that at one point in time the city gave them land for free and they should do the same to the city. She asked if that ever happened and how the process worked.

Recreation and Parks Director Yungers stated there had been a lot of negotiations in the past around the city gaining property through park dedication and buying it back. She stated that in the North Park, for example, when they acquired park dedication, they took some land for buffer land on the north part of the regional trail to create a more of a buffer than the developer had proposed. She stated they negotiated that strip of property and it would be something that would be used in the future as land transfer to the regional trail. She stated they had done that in the past even in some of the exchanges on Highway 169 and were also doing land exchanges. She stated Three Rivers had been a good partner and her experience with Three Rivers was they

wanted to have like value of land swaps and sometimes got into negotiations around the definition of "like."

Council Member Mark Mata stated he was not a fan of the gentlemen's agreements and would rather see it in writing. He stated the school district, which was another board organization that sat inside the community that the city traded things with, and it took until recently for them to jump on the city's water, which would save taxpayers a piece of the pie there. He stated he would like to see the city change the land when it was time to change the land and they handed something back to the city instead of giving it away. He stated he would like to see them get something for it and if it was not valuable, asked why they wanted it. He stated it would give them time to get market value of the land and have a fair dollar value at that point of what to exchange with. He stated it was a second reading and was not appropriate for him to make a motion to change it. He stated what needed to happen was to have four votes to vote no; then it became a failed motion.

Mayor Lunde stated they just needed two to vote no according to rules of the Council it took four to say yes and didn't matter how many the Council had tonight. He stated if it was three to two, it failed.

Council Member Mark Mata stated if two people voted no, any one of two Council Members not present could bring that motion back to the table because they didn't vote on it and the Council tonight would get to talk about it all over again. He stated he would like to see it done at one time and if there were four Council Members willing to vote no and asked to change the land when the city was willing to get something from them at the same time.

City Attorney Thomson stated the city charter required four affirmative votes to pass or deny anything. He stated since there were five Council Members tonight, if it was a three to two vote either way, nothing would pass or nothing would fail. He stated they will need to have it back on the agenda. He thought what Council Member Mata was thinking about was a Motion to Reconsider, and the only ones that could make that motion were the ones that voted on the prevailing side and the two missing Council Members. He stated the staff will put it back on the agenda for their consideration if they couldn't get four votes tonight one way or the other.

He stated he understood all the issues and that land was restricted for only park use. He stated it was the only use that could be made of it because it was a dedicated park. He stated transferring it to Three Rivers was still consistent with that because they were going to use it for a park. He stated they could have it appraised, but if the only use of the land was for park purposes, it would not have much value because it couldn't be used for any other purpose.

Council Member West-Hafner asked if the city attorney said they couldn't put in the future, potentially, a cell tower or anything on that land anyway.

City Attorney Thomson stated the cell tower issue came up because of a deed restriction from the DNR. He stated it wasn't just because the city owned it as a park. He stated if they just had park property dedicated on a plat, they needed to use it for park purposes. If they were going to use it for something else that didn't interfere with the park purposes, they probably could still do that but for a deed restriction. He stated that was why using Sunny Lane Park as a portion for a cell tower did not interfere with use of overall property. He stated it wasn't a problem from a deed dedication, it was a problem from the grant restriction that caused the problem.

Council Member West-Hafner stated she wanted to make sure she was clear on that because if it was something that the city couldn't ever do in the future, it didn't make any sense to not just transfer the property. But if that was a potential future use, she agreed that the city hold on to it until they figured out what the Three Rivers Park District was going to come back and ask for as far as being a partner in the park. She stated that maybe that was part of the city's payment for it if they were going to take those pieces of land as the city's contributions, but doubted it was enough.

Recreation and Parks Director Yungers stated the Council had before them a negotiation of a land lease agreement for a part of the joint Master Plan as they would be negotiating the use of city property on the Environmental Nature Area for the maintenance facility. She stated that as part of that agreement, and they had not gotten the details on it yet, they were thinking they would maintain both sides of the park. She stated there were negotiations that they would do the capital investment on the city side of the park and they would use the city's part of the park to build their maintenance facility and the city would do a land lease agreement and an exchange for that land lease agreement. She stated they could bundle it and put it all together and that would be an option of delaying it that they could use that and take that approach. She stated she was open to that idea if that helped the Council in any way.

Mayor Lunde stated he would put the motion on the table. He thought that was where the Council needed to go, and vote on it. He stated he would rather hold off on it as well and would rather have the motion on the table fail. It would come back and be discussed later as part of one big bundle and not have pieces out there.

City Attorney Thomson stated if that was the wishes of the Council, rather than having a failed motion, it would better tabling it and directing staff to bring it back at the same time they brought back the negotiation on the maintenance agreement.

4.10 MOTION LUNDE, SECOND RUSSELL TO TABLE INDEFINETLY UNTIL SUCH TIME WE BRING THE OTHER AGREEMENT FORWARD. THE MOTION PASSED UNANIMOUSLY.

At 7:58 p.m., Mayor Lunde departed the Chambers and Mayor Pro Tem Pha took over the meeting.

6.1 Planning Director Cindy Sherman briefed the Council on the Rezoning #18-112 to Rezone Eight Business Parcels from Business Park (BP) to General Business District (B3) at 8500, 8501, 8504, 8508, 8509, 8511, and 8517 Xylon Avenue North; and 8501-8509 Wyoming Avenue North.

At 8:01 p.m., Mayor Lunde returned to the Chambers and took over the meeting.

Council Member Mata stated they had a lot of different districts and had businesses that had drive thru's but yet a drive-thru was not allowed closer to the stations, the planning areas. He asked if that was because it was different zoning.

Planning Director Sherman stated that was correct and different zoning districts had different regulations. She stated when they did the TOD zoning areas, a lot of the discussion was around trying to make it more focused on pedestrians and transit and not on cars. She stated that was the reason that drive thru's were eliminated through the process in some of the station areas

and not all of them. She stated that area was not in the station area and they were not proposing any changes to any of the regulations that applied to those areas. She stated they were just rezoning the properties.

Council Member Mata stated he voted no to the first reading and was voting no to the second reading for the same reasons.

6.1 MOTION LUNDE, SECOND PHA, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2019-1238 AMENDING CHAPTER 152 REZONING 12.45 ACRES FROM BUSINESS PARK (BP) TO GENERAL BUSINESS DISTRICT (B3) NORTH OF 85TH AVENUE BETWEEN WYOMING AVENUE AND HIGHWAY 169. MOTION PASSED. (4 to 1) MATA VOTED NO.

7.1 Mayor Lunde briefed the Council on the Commission appointments.

7.1 MOTION LUNDE, SECOND PHA TO:

7.1 APPOINT AKEEM ADENIJI TO THE BUDGET ADVISORY COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 APPOINT SANDRA STERN TO THE BUDGET ADVISORY COMMISSION REPRESENTING THE EAST DISTRICT EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 APPOINT ERIC PONE TO THE BUDGET ADVISORY COMMISSION REPRESENTING THE WEST DISTRICT EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 CHANGE NANCY OMONDI'S BUDGET ADVISORY COMMISSION APPOINTMENT FROM CITY AT-LARGE TO HER RESIDING CENTRAL DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2020.

7.1 APPOINT KIM RIESGRAF TO THE BUDGET ADVISORY COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2020.

7.1 APPOINT AMY MEUERS TO THE COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 APPOINT YORDANOS KIFLU-MARTIN TO THE COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 APPOINT SHEILA ITEGHETE TO THE COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION REPRESENTING THE EAST DISTRICT EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 APPOINT KATHY FRASER TO THE COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION REPRESENTING THE CENTRAL DISTRICT EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 APPOINT DONEVA CARTER TO THE COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION REPRESENTING THE WEST DISTRICT EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 CHANGE AJA KING'S APRIL 1, 2019 TO APRIL 1, 2022 HUMAN RIGHTS COMMISSION APPOINTMENT FROM THE CENTRAL DISTRICT TO CITY AT-LARGE.

7.1 APPOINT CINDY SHEVLIN-WOODCOCK TO THE HUMAN RIGHTS COMMISSION REPRESENTING THE CENTRAL DISTRICT EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 APPOINT KIMBERLY CARPENTER, TO THE HUMAN RIGHTS COMMISSION REPRESENTING THE EAST DISTRICT EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 APPOINT MARSHALL MORTON-SPEARS TO THE PLANNING COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 APPOINT CAROL VOSBERG TO THE PLANNING COMMISSION REPRESENTING THE EAST DISTRICT EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 APPOINT MICHAEL KISCH TO THE PLANNING COMMISSION REPRESENTING THE CENTRAL DISTRICT EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 APPOINT COLLEEN GROEBNER AND FRANCIS KILLEN TO THE RECREATION AND PARKS ADVISORY COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 TO APPOINT CINDI MATTHEW TO THE RECREATION AND PARKS ADVISORY COMMISSION REPRESENTING THE CENTRAL DISTRICT EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

7.1 APPOINT DWAIN ERICKSON TO THE RECREATION AND PARKS ADVISORY COMMISSION REPRESENTING THE WEST DISTRICT EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022.

THE MOTION PASSED UNANIMOUSLY.

7.2 Acting City Manager Freeman-Gbogba briefed the Council on the Code of Conduct for Brooklyn Park Boards, Commissions and Committees.

Council Member Mata asked what happened when a Chair failed to act and if that was spelled

out. He gave an example about one member deciding they were going to do something that violated the policy and the Chair had favoritism toward one member and failed to act at that moment. He asked if there were procedures in the policy for it and how did it deal with, he said- she said situations.

Acting City Manager Freeman-Gbogba stated if a Chair failed to act, that under the Accountability and Consequences, it stated that any commissioner could request that the Chair give a verbal correction. She stated commissioners would have that right as well and not just the Chair. In a situation where the Chair still did not do so, typically a Council Member or staff member was present at those meetings and anyone of them could also bring that item forward to the City Manager and the Mayor as complaint or violation of the Code of Conduct. She stated that in terms of trying to decipher the truth in the middle, stated there was information in the policy that talked about independent fact finding, whether it was done independently or done through internal resources to the city, either through the Human Resources Department, who was trained to do investigations, Police Department and/or City Attorney. She stated they would hope that through interviews of people involved, they would get to the bottom of it.

Council Member Mata asked about the Legal Issues slide. He stated it had possession and use of deadly weapons and asked what that meant. If it meant they were coming to City Hall with it or they had been arrested for it in the past, or did it mean whether they didn't pay for taxes. He asked if they did criminal background checks on people and didn't think they did it when someone applied for a Commission.

Acting City Manager Freeman-Gbogba stated those other sections were sections that were included before and was just some clarification. She stated the Section on Possession and Use of Dangerous Weapons, on Page 6, said, "Possession or use of a dangerous weapon is prohibited on city property, in city vehicles or in any personal vehicle being used for city business and includes members serving on commissions with valid permits to carry arms. The city reserves the right to search and inspect property and persons while on city premises or while engaged in city commission business off premises."

She stated the Section on Legal Issues were the laws that pertained to public meetings and information on the Open Meeting Law, violation of that Open Meeting Law, serial communications, ensuring compliance, and then talking about when there were committees and working in groups what the laws were that governed Commissions and Boards. She stated it also talked about other sections such as Data Practices, Conflicts of Interest, Liability and Gifts, and that was what the legal issues were.

Council Member Mata asked about the social media, if they were asking everyone applying for a commission to giving the city access to their Facebook page and any other social media they had. He stated if that was going to be in the policy, then someone on social media should not throw stones and talk negatively toward people and they could be held accountable; otherwise, they didn't have the city's best interest at hand there. He asked how they were monitoring it if they were going to put in a section on social media.

Acting City Manager Freeman-Gbogba stated that section did talk about responsibilities of serving on a commission. She stated the city had established guidelines for appropriate use of social media. The Code of Conduct again said, any person could report a violation, report some suspicion of a violation and that information would be investigated by the City Manager's office

as well as the City Attorney. She stated a person could not represent himself or herself as a commission in making statements on behalf of a Commission on social media. She stated that all of the guidelines toward being ethical and respectful also applied through social media. She stated there were responsibilities to be respectful through social media and if a person violated that, then they would be called into question.

Council Member West-Hafner suggested adding language that said, "the city has established guidelines for appropriate use of social media and those established guidelines are here and referred to by reference." She stated it was saying it was for those who applied and was clear and not just referencing them and by signing it they were understanding it too.

Acting City Manager Freeman-Gbogba stated on Page 4 of the Code of Conduct, under Social Media, it said, "To assist members serving on advisory boards, committees or commission, with making responsible decisions about use of social media, the city has established guidelines for appropriate use of social media. This code of conduct applies to members serving on commissions for the city of Brooklyn Park."

Council Member Pha stated she supported the Code of Conduct for commissioners. She stated there were studies that had been done that showed when a group of people was presented with ground rules and expectations, often times at the beginning they actually worked more effectively and more efficiently together as a group. She thought the Code of Conduct was essential in commissions.

Mayor Lunde asked when it said Mayor, did it also mean Mayor Pro Tem and asked if they had to spell that out. He stated in the Council Rules the Mayor could be the person who the complaint was directed toward and the Mayor Pro Tem was the person who had to act. He stated he didn't want to just say Mayor and asked if that was assumed. He stated he wanted to make sure that somewhere in there the Mayor Pro Tem had the power to step in if the Mayor was not available.

City Attorney Thomson stated that policy was different than the Council one. He stated in the Council policy they had to say the Mayor Pro Tem in case it was the mayor that did something inappropriate. He stated the commission policy, they were just saying mayor because by definition, the Mayor Pro Tem served in the place of the Mayor if the Mayor was not available.

Mayor Lunde asked about legal weapon and how a searched happened. He stated he knew that in the past a Council Member who had a conceal and carry permit had concealed and carried in the chambers. He stated he was not interested in searching them and asked how that played out.

Deputy Police Chief Bruley stated that in a city building they could not restrict people from carrying a legal fire arm, meaning they had a permit to carry. He stated they would not search them or ask them and would not be a legal authority for them to do so because they couldn't restrict them from that right in the building. He stated that included anywhere where they had access to the public. If they went behind the locked doors into a private conference room then yes they could restrict it because that was an employee only area.

Mayor Lunde stated it seemed opposite from what he was reading and didn't think a person checked their rights at door when they were just a member of a commission and they were not

going not search them. He stated he was wondering if that should be in there if that was something they were not going to do, and would rather not have it in there.

City Attorney Thomson stated that as he was reading it, thought what happened was that it was carried over from Employee Handbook. He stated cities did have more rights with respect to employees. He suggested if that was the only issue with the policy and everything looked okay, was to pass it subject to the revision of Paragraph 6 to make sure it accurately stated the law and he could work with staff to do that.

7.2 MOTION RUSSELL, SECOND LUNDE TO APPROVE THE CODE OF CONDUCT FOR BROOKLYN PARK BOARDS, COMMISSIONS, AND COMMITTEES. MOTION PASSED UNANIMOUSLY.

7.3 Acting City Manager Freeman-Gbogba briefed the Council on the updated resolution setting standards for Boards and Commissions.

7.3 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-46 REPLACING RESOLUTION #2018-20 SETTING STANDARD FOR BOARDS AND COMMISSIONS. MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Lunde stated he, along with Council Member Russell and staff, hosted a press conference with Congressman Dean Phillips and U.S. Senator Tina Smith on Sunday to talk about the efforts to try to head off the DED status expiration which was due at the end of the month. He stated the press conference was successful in regards that it did represent what the Council had passed previously. He stated they stuck to the script of what the Council had passed, which was that the Council wanted some resolution and ability for people to stay.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

Acting City Manager Freeman-Gbogba stated the city was a partner in organizing the Community Forum on Race held last Saturday morning at the Community Activity Center. She stated 100 people attended and MN State Supreme Court Justice Ann McKee, first native American justice, was the guest speaker and it was a fabulous event.

She stated all families and community members were invited to the Robbinsdale Area School Annual State of the District Address on March 14, from 6:30 to 8:30 p.m., held at the Armstrong High School. She stated a small portion of the city was in the Robbinsdale Area School District.

She stated March 28 was the Brooklyn Park Community Assembly and the topics were Community Fire Service Plan and River Park Plan update.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 8:40 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK