

REGULAR COUNCIL MEETING – AGENDA #1

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Para asistencia, 763-424-8000; Yog xav tau kev pab, 763-424-8000.

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 Introduction of New Employees

II. STATUTORY BUSINESS AND/OR POLICY IMPLEMENTATION

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

4.1 Resolution Designating Real Property Appraisers for 2020

A. RESOLUTION

4.2 Designation of Official Depository

A. RESOLUTION

4.3 Appointment of City Tree Inspectors

4.4 Appointment of Assistant Weed Inspectors

4.5 Appointment of Health Officer

4.6 Designation of Official Newspaper

A. LETTER FROM MR. STEVE GALL, SUN-POST NEWSPAPER

B. MN STATUTE 331A.02 – REQUIREMENTS FOR A QUALIFIED NEWSPAPER

4.7 Resolution Relating to Council/Staff Responsibilities

A. RESOLUTION

4.8 Resolution Relating to Business Expenses of the City Council

A. RESOLUTION

- 4.9 Resolution Authorizing Supplemental Compensation for Mayor and Council Members who Attend Approved Municipal Functions
 - A. RESOLUTION
 - B. TRAVEL POLICY (*excerpt from the Purchasing Manual*)
- 4.10 Approval of Elected Officials Rules of Procedures and Code of Conduct Manual
 - A. CITY OF BROOKLYN PARK ELECTED OFFICIALS RULES OF PROCEDURES AND CODE OF CONDUCT MANUAL
- 4.11 Appointments to the Suburban Rate Authority
 - A. RESOLUTION
- 4.12 Appointment of Acting City Manager
- 4.13 Review and Approval of the Policy Pertaining to the Application and Appointment Procedure for Filling a Vacancy in the Office of Mayor or City Council Member
 - A. MAYOR/COUNCIL MEMBER APPLICATION AND APPOINTMENT POLICY
- 4.14 Second Reading of an Ordinance – Updates to Transit Oriented Development Uses (City of Brooklyn Park)
 - A. ORDINANCE
- 4.15 Leopold’s Mississippi Gardens – Time Extension for Variance #19-108 to Allow for a Fence within the Mississippi River Critical Area Setbacks at 9500 West River Road North
 - A. RESOLUTION
 - B. LOCATION MAP
 - C. PLANNING COMMISSION MINUTES
 - D. LETTER FROM THE APPLICANT
- 4.16 Set Local Board of Appeal and Equalization Date and Time for April 13, 2020, at 7:00 p.m.
- 4.17 Set the Public Hearing Date for February 10, 2020 to Consider the Recommendation of the Brooklyn Park Charter Commission to Amend Charter Chapter 9, Section 9.04 and Chapter 11, Sections 11.01 and 11.02 of the Home Rule City Charter
 - A. PUBLIC HEARING NOTICE
- 4.18 Renewal of Cornerstone Agreement for Domestic Violence Services
 - A. RESOLUTION
- 4.19 Renewal of Towing Agreements
 - A. RESOLUTION
 - B. BID RESULTS
- 4.20 Approval of Minutes
 - A. CITY COUNCIL WORK SESSION MINUTES, APRIL 1, 2019
 - B. CITY COUNCIL MEETING MINUTES, MAY 13, 2019
 - C. CITY COUNCIL MEETING MINUTES, AUGUST 26, 2019

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

5. PUBLIC HEARINGS

None

6. LAND USE ACTIONS

- 6.1 Stone Mountain Pet Lodge (Dave Larson) – Amendment to Conditional Use Permit to Add Outdoor Dog Play Yards within the Existing Fenced Area at 9975 Xenia Avenue North
 - A. RESOLUTION
 - B. LOCATION MAP
 - C. PLANNING AND ZONING INFORMATION
 - D. LETTER FROM NEIGHBOR
 - E. PLANNING COMMISSION MINUTES
 - F. LETTER FROM THE APPLICANT
 - G. PLANS
- 6.2 7532 Brooklyn Boulevard (Nam Pham – Brooklyn Park Dental Properties) – Conditional Use Permit #19-127 to Allow the Existing Site to be Used for Medical Office, Dental Office, or General Office Purposes
 - A. RESOLUTION
 - B. LOCATION MAP
 - C. PLANNING AND ZONING INFORMATION

- D. PLANNING COMMISSION MINUTES
- E. LETTER FROM APPLICANT
- F. ORIGINAL CONDITIONAL USE PERMIT
- 6.3 8000 Brooklyn Blvd. N. (Bekir Shabani) – Zoning Code Text Amendment #19-128 to Allow Drive-Thru as a Conditional Use in the Transit-Oriented Development Center (TOD-C) Zoning District
 - A. ORDINANCE
 - B. RESOLUTION OF DENIAL
 - C. LOCATION MAP
 - D. PLANNING COMMISSION MINUTES
 - E. LETTER FROM APPLICANT
 - F. CONCEPT PLAN
- 6.4 “Gardner Brookwood Estates” (Jenna Gardner et al) – Re-plat of Four Existing Lots into Six Lots to Create Two Lots for New Single-Family Homes at 5710-12, 5718-20, 5802-04, and 5810-12 84½ Avenue North
 - A. RESOLUTION
 - B. LOCATION MAP
 - C. PLANNING AND ZONING INFORMATION
 - D. PLANNING COMMISSION MINUTES
 - E. PLANS

7. GENERAL ACTION ITEMS

- 7.1 Appointment of Council Liaisons to Commissions and Committees
 - A. 2020 COUNCIL/STAFF LIAISON FORM
 - B. COUNCIL/STAFF LIAISON APPOINTMENTS FROM PRIOR YEARS
- 7.2 Appointment of Mayor Pro Tem

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

- 8. **DISCUSSION ITEMS**
None

IV. VERBAL REPORTS AND ANNOUNCEMENTS

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

V. ADJOURNMENT

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

City of Brooklyn Park Request for Council Action

Agenda Item:	3B.1	Meeting Date:	January 6, 2020
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Marlene Kryder Program Assistant
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Department Directors/Managers
Item:	Introduction of New Employee		

City Manager's Proposed Action:

Introduction of the City of Brooklyn Park's new employee.

Overview:

Employee

Start Date

Title

Fire

Jovan Palmieri

November 25, 2019

Deputy Chief of Professional Standards

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.1	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Finance
Resolution:	X	Prepared By:	Tracy Bauer-Anderson, City Assessor
Ordinance:	N/A		
Attachments:	1	Presented By:	Tracy Bauer-Anderson
Item:	Resolution Designating Real Property Appraisers for 2020		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-_____ DESIGNATING REAL PROPERTY APPRAISERS FOR 2020.

Overview:

City Charter: Section 11.02 Proceedings in Acquiring Property

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

Primary Issues/Alternatives to Consider:

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

Budgetary/Fiscal Issues: N/A

Attachments:

4.1A RESOLUTION

RESOLUTION #2020-
RESOLUTION DESIGNATING
REAL PROPERTY APPRAISERS FOR 2020

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the following be designated as authorized appraisers for 2020.

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

City of Brooklyn Park Request for Council Action

Agenda Item:	4.2	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Finance
Resolution:	X	Prepared By:	LaTonia Green, Finance Director
Ordinance:	N/A		
Attachments:	1	Presented By:	LaTonia Green
Item:	Designation of Official Depository		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-____ DESIGNATING U.S. BANK AS THE OFFICIAL DEPOSITORY FOR THE CITY OF BROOKLYN PARK FOR 2020.

Overview:

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

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

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A`

Attachments:

4.2A RESOLUTION

RESOLUTION #2020-

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that U.S. Bank be designated as the official depository for the City of Brooklyn Park for 2020; and

BE IT FURTHER RESOLVED that the 4M Fund be designated as an additional depository in 2020 for investment purposes only; and

BE IT FURTHER RESOLVED that Citizens Bank be designated as an additional depository in 2020 for investment purposes only; and

BE IT FURTHER RESOLVED that the City Manager and Finance Director be authorized to execute any necessary documents to ensure continuity of banking services in 2020; and

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

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

City of Brooklyn Park Request for Council Action

Agenda Item:	4.3	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Operations and Maintenance
Resolution:	N/A	Prepared By:	Greg Hoag, Park and Building Maintenance Manager
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Devin Montero, City Clerk
Item:	Appointment of City Tree Inspectors		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO CONFIRM THE CITY COUNCIL APPOINTMENT OF MIKE CARHILL AND ALTERNATE CHRIS SULLIVAN AS CITY TREE INSPECTORS FOR THE YEAR 2020.

Overview:

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

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

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

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

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.4	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Operations and Maintenance
Resolution:	N/A	Prepared By:	Greg Hoag, Park and Building Maintenance Manager
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Devin Montero, City Clerk
Item:	Appointment of Assistant Weed Inspectors		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO CONFIRM THE MAYOR'S APPOINTMENT OF MIKE CARHILL, CHRIS SULLIVAN AND JASON NEWBY AS ASSISTANT WEED INSPECTORS FOR THE YEAR 2020.

Overview:

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

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

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

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

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.5	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Jason Newby, Inspections and Environmental Health Manager
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Devin Montero, City Clerk
Item:	Appointment of Health Officer		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO CONFIRM THE CITY MANAGER'S APPOINTMENT OF DR. MATTHEW HOCKETT AS BROOKLYN PARK'S HEALTH OFFICER FOR A TERM OF ONE YEAR TO EXPIRE DECEMBER 31, 2020.

Overview:

Chapter 31.30 of the City Code establishes the appointment for the City's Health Officer. Dr. Hockett, who was previously at the Fairview Clinic in Brooklyn Park and now is at the Fairview Clinic Bass Lake in Maple Grove, is willing to accept the appointment for 2020.

31.30 HEALTH OFFICER; APPOINTMENT AND DUTIES.

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

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

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.6	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	2	Presented By:	Devin Montero
Item:	Designation of Official Newspaper		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO DESIGNATE THE BROOKLYN PARK SUN-POST AS THE OFFICIAL NEWSPAPER FOR THE CITY OF BROOKLYN PARK FOR THE YEAR 2020.

Overview:

Minnesota Statutes 331A.02 has established requirements for a qualified official/legal newspaper. Currently the official newspaper for the City of Brooklyn Park is the Brooklyn Park Sun-Post. The Sun-Post would like to continue as the city's official newspaper for 2020 as stated in their attached letter.

2019	2020
<i>\$11.00 per inch for first insertion</i>	<i>\$11.00 per inch for first insertion</i>
<i>\$7.00 per inch for subsequent insertions</i>	<i>\$7.00 per inch for subsequent insertions</i>
<i>Lines per inch: 9</i>	<i>Lines per inch: 9</i>
<i>Characters per inch: 320</i>	<i>Characters per inch: 320</i>

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.6A LETTER FROM MR. STEVE GALL, SUN-POST NEWSPAPER
- 4.6B MN STATUTE 331A.02 – REQUIREMENTS FOR A QUALIFIED NEWSPAPER



December 31, 2019

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

Dear City Council Members:

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

The following rate structure for legals is effective January 1, 2020:

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

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

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

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

Sincerely,

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

Steve Gall
Advertising Director

331A.02 REQUIREMENTS FOR A QUALIFIED NEWSPAPER.

Subdivision 1. **Qualification.** No newspaper in this state shall be entitled to any compensation or fee for publishing any public notice unless it is a qualified newspaper. A newspaper that is not qualified must inform a public body that presents a public notice for publication that it is not qualified. To be qualified, a newspaper shall:

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

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

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

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

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

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

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

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

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

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

Subd. 2. [Repealed, 2004 c 182 s 33]

Subd. 3. **Publication; suspension; changes.** The following circumstances shall not affect the qualification of a newspaper, invalidate an otherwise valid publication, or invalidate a designation as official newspaper.

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

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

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

Subd. 4. **Declaratory judgment of legality.** A person interested in a newspaper's qualification under this section may petition the district court in the county in which the newspaper has its known office of issue for a declaratory judgment to determine whether the newspaper is qualified. Unless filed by the publisher, the petition and summons shall be served on the publisher as in other civil actions. Service in other cases shall be made by publication of the petition and summons once each week for three successive weeks in the newspaper or newspapers the court may order and upon the persons as the court may direct. Publications made in a newspaper after a judgment that it is qualified but before the judgment is vacated or set aside shall be valid. Except as provided in this subdivision, the Uniform Declaratory Judgments Act and the Rules of Civil Procedure shall apply to the action.

Subd. 5. **Posting notices on website.** If, in the normal course of its business, a qualified newspaper maintains a website, then as a condition of accepting and publishing public notices, the newspaper must agree to post all the notices on its website at no additional cost. The notice must remain on the website during the notice's full publication period. Failure to post or maintain a public notice on the newspaper's website does not affect the validity of the public notice.

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

City of Brooklyn Park Request for Council Action

Agenda Item:	4.7	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	X	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	1	Presented By:	Jay Stroebel, City Manager
Item:	Resolution Relating to Council/Staff Responsibilities		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-_____ RELATING TO COUNCIL/STAFF RESPONSIBILITIES.

Overview:

This resolution is reviewed annually by the City Council.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.7A RESOLUTION

RESOLUTION #2020-

RESOLUTION RELATING TO
COUNCIL/STAFF RESPONSIBILITIES

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

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

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

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

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

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

City of Brooklyn Park Request for Council Action

Agenda Item:	4.8	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	X	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	1	Presented By:	Jay Stroebe, City Manager
Item:	Resolution Relating to Business Expenses of the City Council		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-_____ RELATING TO BUSINESS EXPENSES OF THE CITY COUNCIL.

Overview:

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

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.8A RESOLUTION

RESOLUTION #2020-

RESOLUTION RELATING TO BUSINESS
EXPENSES OF THE CITY COUNCIL

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

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

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

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

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

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

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

City of Brooklyn Park Request for Council Action

Agenda Item:	4.9	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	X	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	2	Presented By:	Jay Stroebe, City Manager
Item:	Resolution Authorizing Supplemental Compensation for Mayor and Council Members who Attend Approved Municipal Functions		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-____ AUTHORIZING SUPPLEMENTAL COMPENSATION FOR MAYOR AND COUNCIL MEMBERS WHO ATTEND APPROVED MUNICIPAL FUNCTIONS.

Overview:

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

Primary Issues/Alternatives to Consider:

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

Budgetary/Fiscal Issues:

The activities listed in the proposed resolution reflect activities approved in the 2020 Budget.

Attachments:

- 4.9A RESOLUTION
- 4.9B TRAVEL POLICY (*excerpt from the Purchasing Manual*)

RESOLUTION #2020-

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

WHEREAS, Section 30.01 of the City Code states:

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

1. The activity and number of days for which a Council Member is to be engaged must be approved by the City Council prior to member's participation.
2. The Mayor and Council Members may request \$50 per day as supplemental compensation for each day approved for which the member is in attendance at the approved activity. If the activity is held outside of the State of Minnesota, two additional days are approved to cover travel time to and from the activity.
3. The Mayor and Council Members must make the request for the supplemental compensation when submitting receipts for reimbursements.

and

WHEREAS, the Mayor and City Council have expressed interest in attending the following and/or similar activities during 2020:

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

NOW, THEREFORE, BE IT RESOLVED that the above-stated activities shall be approved activities for the Mayor and Council Members for 2020 and that dates for each activity shall be approved days for the Mayor and City Council to receive supplemental compensation of \$50 per day, upon request, in addition to reimbursement for expenses incurred consistent with the City Travel Policy.

Travel Policy

Purpose and Scope

This Policy shall apply to all business trips by City employees, Mayor and Council, all Commission and Authority members, traveling in an official capacity for City business, the cost of which is borne in part or total by the City. It is the purpose of this policy statement to establish adequate internal controls to satisfy Internal Revenue Service (IRS) regulations, state laws, and to provide a framework to use as a guide to prescribe circumstances for which travel allowances will be authorized and to provide procedures for reimbursement. Reimbursements can only be claimed for accommodations and services utilized and when an expense is incurred. Travelers are expected to utilize the same care when incurring official expenses that a prudent person would utilize if traveling on personal business. The City will pay or reimburse travel costs. All persons conducting official City business are expected to show good judgment in the nature and amount of expenses incurred while conducting City business in accordance with this policy.

Travelers are encouraged to use their City assigned purchasing card for travel expenses other than meals. A City assigned purchasing card may NOT be utilized to pay for meal expenses requiring overnight travel but may be used for eligible meal expenses in the metro area. Per diem allowances based on Federal rates should be used for meals associated with overnight travel.

Responsibility and Travel Authorization:

City Employees

Travelers (employees and non-employees) are responsible to ensure that travel expenses are for valid City business-related purposes; are in accordance with City policies and procedures; and are a prudent use of public and City funds. Individuals traveling on City business are expected to choose the least costly method of transportation that meets the traveler's scheduling and business needs.

Travelers must substantiate and document all travel expenses in accordance with City policy and applicable federal and state laws. In circumstances where the City (via PCard, reimbursement, etc.) and a third party pay for the same travel expenses, the traveler must ensure that the duplicate reimbursement is returned to the City within 60 days of completion of travel.

Travel expenses must be approved by an authorized approver for reimbursement of travel expenses. Approvers are responsible for validating that all expenses: comply with City policy; are a prudent use of public and City funds; are appropriately documented; and are submitted and accounted for in a timely manner.

Budget Approval Departments shall request a training and travel budget that is submitted to the City Manager and included in the final budget that is adopted by the City Council. The City Manager is responsible for including a training and travel budget for elected officials within the final budget that is adopted by the City Council.

All expenses except those made directly by the City Manager will have two different approval signatures, one for first level approval and one for second level approval. All second level approvals must be made by a supervisor. Expense reimbursements to all employees (including directors and the City Manager) must be approved by an employee in a supervisory level above the employee requesting reimbursement. No employee may approve their own expenditures. The Mayor or City Attorney must approve the expense reimbursements for the City Manager.

Advances

Advances are considered an exception and should be submitted to Finance with a reason for the advance and the approval of the supervisor and department director. All advances will require a travel expense form to be completed and approved after the travel has been completed. (The use of a City Purchase Card is encouraged when possible.)

Elected Official Travel

Elected Official Travel

The City recognizes that its elected officials may at times receive value from traveling within the state or out of state for workshops, conferences, events, and other assignments. To manage budget resources and provide equal opportunities for all members of Council to participate in learning opportunities the following statements set forth the conditions for elected official travel.

Out-of-State Travel

The Mayor/Mayor Pro Tem and three Council Members (alternating) have the opportunity to travel out-of-state (domestically) one time annually, pending Council's approval. This approach would allow for the Mayor/Mayor Pro Tem to travel up to four times per term and Council Members to travel two times per term. If necessary, and if approved by Council, additional out-of-state travel could be approved for the Mayor/Mayor Pro Tem or Council members using unused Council travel budget resources or other funding resources (e.g. EDA, Administration budget, etc.) Expenses for out-of-state travel are encouraged to not exceed \$2500.

In-State Travel

Travel for League of Minnesota Cities Newly Elected Official training would be available for all new Council Members. As resources allow, and if approved by Council, the Mayor and Council Members can request to travel to in-state conferences annually.

The statements below set forth the conditions under which travel by elected officials will be reimbursed by the City.

- The event, workshop, conference or assignment must be approved in advance by the City Council at an open meeting and must include an estimate of the cost of travel, description of the public purpose and expected benefit.
- Upon returning from an event, workshop, conference or assignment the elected official will make a public presentation on key learnings within 45 days.
- No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.
- Travel costs will be reimbursed in accordance with the Travel Costs section of this policy.
- Requests for reimbursement must be submitted with appropriate receipts on a signed travel expense form to the Finance Department for review and payment.

- Elected officials appointed to serve on a National League of Cities Policy or Steering Committee will be allowed to attend both the Congressional City Conference and the Congress of Cities.
- When feasible, a city vehicle should be considered for in-state transportation needs.

Extending Business Travel with Personal Travel

When a Traveler combines personal and business travel, reimbursable expenses will cease to accrue as of the expected return date and time. The City will reimburse the Traveler only for the documented expenses that are directly related to the business portion of the trip. Excess travel time and activities not required for the business trip purpose shall be at the Traveler's own expense.

Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.

Air Transportation

- The cost of airline tickets will be reimbursed or paid for when traveling on City business. It is expected that city officials will travel by coach or economy class.
- Travel by air is limited to the lowest, non-refundable, coach/economy class fare available at time of booking. Travelers may select their seat to another seat within coach/economy (exit row, aisle seats or "extra leg room") on any flight, when no other coach/economy seats are available, or it better meets the traveler's needs.
- When the total flight time, excluding layovers, from departure to arrival is 8 or more hours (including connecting domestic legs), travelers may, with preapproval from their unit, upgrade from coach to the next most economical class of travel over coach (business class in most cases, first class in cases where business class is not offered).
- Travelers may not travel using a private plane or non-approved air charter unless the City Risk Management Office grants an exception in advance of the travel. If the traveler does not obtain an exception, the City will not reimburse the unapproved transportation expenses.
- Employees are prohibited from piloting personal or leased aircrafts while on City business travel. If they choose to do so, the City will not consider the traveler to be acting in an official capacity of the City nor will the City reimburse the traveler for any related expenses.
- It is recommended that no more than 20 City staff, or Regents fly on the same plane at the same time.

Airport Parking / Baggage

- Long-term parking must be used for travel exceeding 24-hours. The maximum reimbursement rate, regardless of where you park, is the long-term parking lot parking rate at the airport they are flying out of.
- Parking at the destination hotel or business site is reimbursable and limited to the lowest daily rate
- Baggage fees is reimbursable
- Valet parking is not reimbursable

Accrual and Use of Frequent Flyer Miles

- In accordance with Minnesota State Statute, 15.435, frequent flyer miles or any other benefit issued by an airline must accrue to the benefit of the City whenever City funds are used to pay for airline travel, regardless of the origination of those funds (e.g., from state or federal grants, contracts, or appropriations, or private donors.) City employees may not use these miles for their personal travel.
- City employees, rather than departments, are responsible for tracking miles earned with City funds, and providing records of such tracking upon request. When they have accumulated enough frequent flyer miles to earn free travel, employees must use the miles for City travel.

Automobile

Automobile mileage will be reimbursed at Internal Revenue Service rates presently in effect (see www.irs.gov) *These rates are designed to compensate the driver for gasoline, insurance, maintenance and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are reimbursable. Damage to a traveler's personal auto is the responsibility of that individual or his/her insurance company.

- **City Vehicle:** When traveling in a City vehicle, the Traveler should use a City assigned purchasing card for fuel expenses or one's own credit card if a City purchasing card is not available. Due to potential liability considerations, transportation of family members not on official City business is prohibited in City vehicles.
- **Personal Vehicle:** When personal vehicles are used as a mode of transportation for travel within the five-state region (Minnesota, North Dakota, South Dakota, Wisconsin, and Iowa), reimbursement will be made at the mileage or allowance rate in effect at the date of travel. Payment of mileage will be based on the most direct route from the point of departure to the point of destination. Please refer to the City's Mileage Policy. The City is not responsible for damage to one's personal vehicles while on official business, as the Traveler's vehicle is not covered by the City's insurance coverage. The Traveler must maintain appropriate insurance when using personal vehicle for business travel.
- **Car Rental:** The traveler must have approval for a rental car, as described above, in order to be reimbursed for rental car parking. Rental rates that are equal or less than those available through the State shall be considered the most economical and reasonable for purposes of reimbursement under this policy.
 - No personal use of car rental is allowed to be claimed.
 - The City's automobile insurance coverage applies to rental vehicles. Under normal circumstances, should a rental car be damaged while being used for business purposes, the City will defend and indemnify the Traveler against any claims made by the rental company for damage to the rental car.
 - Minnesota law requires one's personal insurance company to provide coverage when the rental car is being used for personal activities in most instances.
 - Car rental insurance will not be reimbursed by the City. If car rental insurance is purchased, it would be at the Employee's personal expense.
 - Fuel for a car is reimbursable, however, fuel pre-payment is not allowed and will not be reimbursed.
- **Taxis/Shuttles.** The cost of taxis, shuttles or rideshares (Uber, Lyft, Micro mobility, etc.) fares may be reimbursed.

Documentation: Itemized receipt from rental agency and payment documentation, if not shown on the receipt. Fuel receipts must be submitted. Receipts for parking and other transportation must be submitted.

Parking Fees

If the traveler uses a vehicle on official city business and is reimbursed for mileage, parking charges may be reimbursed as an incidental expense. Maximum per park with receipt will be the actual expense.

*Travel Reimbursements must be submitted within 60 days of the expense.

Lodging

Hotel or Motel expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. Lodging fees associated with trips for training or business that are longer than one day and are outside the Twin Cities Metro Area associated with a single occupancy rate. Lodging reimbursement requests must be accompanied by a lodging receipt from the hotel, motel, or other commercial lodging establishment.

- Conferences/Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking.
- Other Lodging. An employee will always stay at a facility that is reasonably priced and request government or corporate rates. The employee must stay at a licensed lodging facility and cannot be reimbursed for staying at a non-licensed lodging facility. In situations where a non-conference domestic lodging rate falls outside of the City guidelines, the traveler must obtain pre-approval from the appropriate authorized approver by completing the Request for Lodging Exception form. If the traveler does not obtain prior approval, the supervisor/manager may deduct the overage from the reimbursement request.

Meals and Incidental Expenses

The per diem allowance is a daily payment for meals and related incidental expenses when overnight travel accommodations are necessary, in accordance with published federal per diem rates instead of receipt-based reimbursement. The City intends for its Travelers to pay for meals, tips and service charges using the current per diem schedules as set by the federal government. These schedules can be found at: <https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup> (M&IE column). The Traveler may claim an amount not to exceed the allowable per diem rate in accordance with the Standard Federal Per Diem Rate Schedule in effect at the time of travel as published by the U.S. General Services Administration (GSA). The per diem allowance is separate from lodging, transportation, and other miscellaneous expenses. The per diem allowance covers all charges, including taxes and service charges where applicable for:

1. Meals including expenses for breakfast, lunch, dinner, and related taxes (specifically excluded are alcoholic beverage and entertainment expenses, and any expenses incurred for other persons) and

2. Incidental expenses, including:

- a. Fees and tips given to wait staff, baggage carriers, maids, and
- b. Transportation and tips between places of lodging or business and places where meals are taken, if suitable meals can't be obtained at site.

Meals for which the City pays directly, such as meals included in a conference registration fee or as part of airfare, or hotel costs, must be excluded from per diem and will not be further reimbursed. The Traveler must note on the expense claim if a meal is included in the cost of the travel fare, conference fee, or hotel lodging. If a lodging facility provides a hot breakfast, the breakfast allowance is excluded from the per diem amount. This provision does not apply to "continental breakfast". When the Traveler receives a meal at no cost, the Traveler is not eligible to be reimbursed for that meal and that meal allowance must not be included in the combined total. On "travel days", defined as the first and last day of travel (departure and return), per diem amount equals 75% of total M&IE regardless of departure time. Reimbursement may be allowed if the Traveler has special dietary needs that cannot be accommodated by the available meal options included in the conference registration or event programming. The Department Head reviews the circumstances and determines when reimbursement is warranted.

If actual expenses exceed the applicable per diem rate, the excess amount is a personal expense of the Traveler. If actual expenses are less than the per diem rate, the Traveler is not required to refund the difference to the City.

If Traveler travels on a conference day, Traveler is allowed the full per diem regardless of departure time.

Travelers should NOT submit receipts for any meal purchases when requesting overnight travel reimbursements. A City assigned purchasing card may NOT be utilized to pay for meal expenses requiring overnight travel.

Documentation: Receipts are not required for M&IE

Example 1: Traveler travels to Orlando, FL for a 3-day conference and travels the day before and after the conference. Lunch is provided for all 3 days. Below is the per diem breakdown for Orlando based on the GSA schedule:

Primary Destination	County	M&IE Total	Continental Breakfast/ Breakfast	Lunch	Dinner	Incidental Expenses	First & Last Day of Travel
Orlando	Orange	\$59	\$13	\$15	\$26	\$5	\$44.25

Traveler's allowed per diem per day for days 2-4 is \$44:

- \$59 M&IE Total
- \$15 Lunch
- \$44 Allowed per diem per day

Since lunch is provided, lunch allowance is deducted from the total and Traveler is allowed \$44 per day for days 2-4. On travel days, day 1 & day 5, the Traveler is allowed \$44.25 per day as found on the schedule.

Other Expenses

- Conference, seminar or convention registration fees may be pre-paid once approval is received from the Department Head.
- Other expenses such as fees for social events, activities and tour opportunities during the conference are reviewed on a case-by-case basis. The Department Head will determine if reimbursement is warranted.
- In unique instances involving lost luggage, Traveler may need to purchase clothing and toiletries for the duration of their travel. The Department Head will review and determine if additional costs are reimbursable.

International Travel

For domestic travel purposes, the IRS definition of the United States includes the 50 states and the District of Columbia. The purpose of travel outside the United States for City business must be unquestionably professional in content and should only be considered if a similar meeting, conference, or training of similar quality cannot be found within the continental limits of the United States.

The per diem rates when traveling abroad are determined by the US Department of State and can be found at https://aoprals.state.gov/web920/per_diem.asp.

For foreign travel, all reimbursable expenses that were not paid using a credit card or US currency must be converted to US currency before listing them on the travel expense claim.

City Reimbursement of Travel Costs that do not Require Overnight Travel

Travel plans involving expenses that do not require overnight travel accommodations will be reimbursed based on actual cost substantiated by appropriate receipts. This includes training or meetings within the metro area.

Non-Reimbursable Expenses

Examples of non-reimbursable personal expenses include, but are not limited to:

1. The personal portion of any trip;
2. Political fundraising or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying a city official on City related business, as well as children- or pet-related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events, travel gym, massage and/or golf related expenses, other cultural events or personal reading material;
5. Alcohol/personal bar expenses;
6. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
7. Personal losses incurred while on City business, such as clothing and personal effects.

Documentation

All employees are required to provide the following documentation for all expenditures: (Unless following Per Diem)

- Itemized receipt
- Purpose for the expense
- In addition, if the expense is meeting-related:
 - o Specify attendee and employee or non-employee
 - o Relationship of non-employee to the meeting
 - o Reason that the meeting was not possible during business hours, if applicable

Violation of the Travel Policy

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

1. Loss of reimbursement privileges,
2. Demand for restitution to the City,
3. Disciplinary action,
4. Civil penalties of up to \$1,000 per day and three times the value of the resources used, and
5. Prosecution for misuse of public resources.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.10	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	1	Presented By:	Jay Stroebel, City Manager
Item:	Approval of Elected Officials Rules of Procedures and Code of Conduct Manual		

City Manager's Proposed Action:

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

Overview:

In 2017, a community work group, comprised of the City Manager, City Attorney, City Clerk, Mayor, two members of the City Council and four residents, was convened to review and make recommendations regarding revisions to the Brooklyn Park Elected Officials Rules of Procedures and Code of Conduct. The group held four meetings to develop draft recommendations that were presented to Council on October 9, 2017. Based on Council's feedback, the work group reconvened on October 16, 2017 to finalize the manual and presented the manual to the Council at its October 23, 2017 Council meeting and was approved.

Council reviewed and approved the manual at its January 7, 2019 meeting. This item is before you tonight for an annual review and approval by the Council.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.10A CITY OF BROOKLYN PARK ELECTED OFFICIALS RULES OF PROCEDURES AND CODE OF CONDUCT

Brooklyn Park

Elected Officials

Rules of Procedures and Code of Conduct

June 2002

Revised and Approved October 23, 2017

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

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

Preamble:

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

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

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

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

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

The Council's Statement of Values:

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

1. OVERVIEW OF ROLES AND RESPONSIBILITIES

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

1.1 Mayor

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

1.2 Mayor Pro Tem

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

1.3 All Council Members

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

1.4 The Mayor and All Council Members

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

2. RULES OF PROCEDURES

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

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

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

must be notified in writing or by telephone at least four (4) hours in advance whenever possible.

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

3. AGENDAS

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

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

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

4. PUBLIC INPUT

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

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

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

5. COUNCIL PROCEDURES/PROTOCOL

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

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

6. CODE OF CONDUCT AND ETHICS

6.1 Council Conduct with One Another

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

6.1.1 In Public Meetings

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

actions that could be construed as threatening will be tolerated. Council Members should conduct themselves in a professional manner at all times, including listening actively during Council meetings.

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

6.1.2 In Private Encounters

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

on a speaker phone in a full office? What would happen if this email message was forwarded to others? Written notes, social media postings, voicemail messages and email should be treated as potentially "public" communication.

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

6.2 Council Conduct with City Staff

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

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

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

- D. **Do not disrupt City staff from their jobs.** Except in extraordinary circumstances,

Council Members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions.

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

6.3 Council Conduct With The Public

6.3.1 In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of

partiality, prejudice or disrespect should be evident on the part of individual Council Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

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

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

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

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

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

6.3.2 In Unofficial Settings

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

6.4 Council Conduct with the Media

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

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

6.5 Council Conduct with Other Public Agencies

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

Council Member must clearly state:

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

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

6.6 Council Conduct with Boards and Commissions

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

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

7. CODE OF ETHICS

7.1 Open Meeting Law

- A. State law requires that, with certain exceptions, meetings of the City Council be open to the public. A meeting is a gathering of a majority of City Council Members at which City business is discussed. It is not necessary that action be taken for a gathering to constitute a “meeting.”
- B. A meeting does not include chance, social gatherings as long as public business is not discussed.
- C. A majority of Council Members should not communicate with each other by phone, email, in-person, or otherwise, to discuss City business.
- D. Use of social media does not violate the open meeting law as long as the social media use is accessible to all Members of the public.

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

7.2 Gift Law

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

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

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

7.3 Conflict of interest

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

personal interest, financial or otherwise, is so distinct from the public interest that the Council Member cannot be expected to fairly represent the public's interest when voting on the matter.

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

8. ACCOUNTABILITY/CONSEQUENCES

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

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

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

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

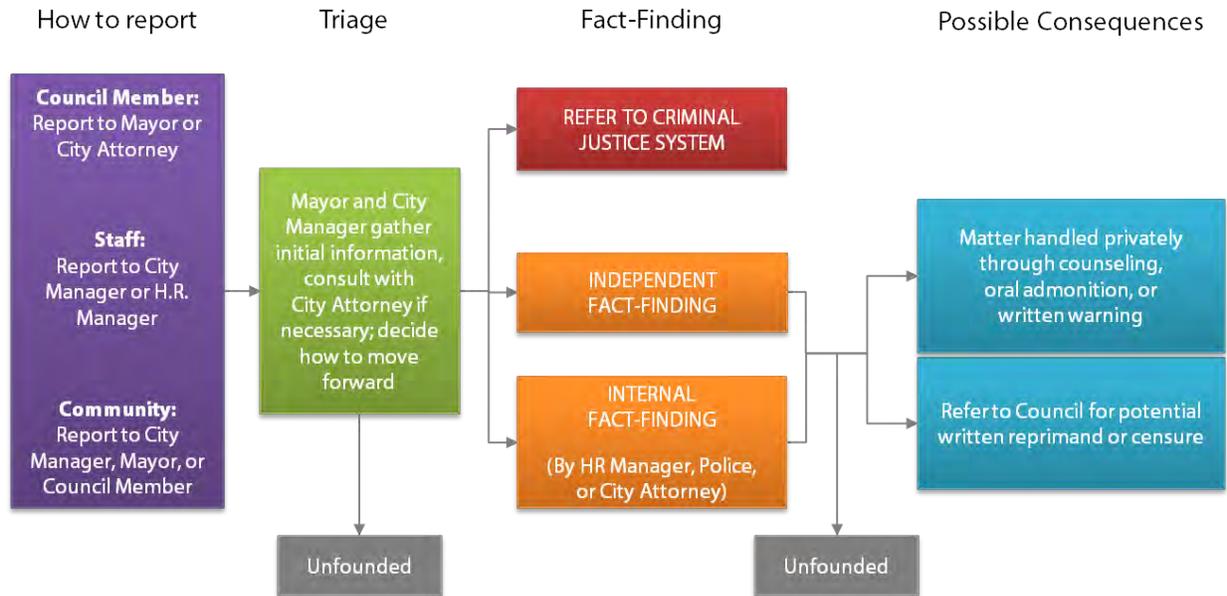
8.2 Council Members' Behavior and Conduct

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

City Council.

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

Reporting and Addressing Possible Code of Conduct Violations



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

Postlude

It all comes down to respect.

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

9. GLOSSARY OF TERMS

9.1 Glossary

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

City of Brooklyn Park Request for Council Action

Agenda Item:	4.11	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	X	Prepared By:	Dan Ruiz, Operations and Maintenance Director
Ordinance:	N/A		
Attachments:	1	Presented By:	Jay Stroebel, City Manager
Item:	Appointments to the Suburban Rate Authority		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-____ APPOINTING JESSE STRUVE AS DIRECTOR AND LATONIA GREEN AS ALTERNATE DIRECTOR OF THE SUBURBAN RATE AUTHORITY FOR 2020.

Overview:

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

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

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.11A RESOLUTION

RESOLUTION #2020-

RESOLUTION APPOINTING A DIRECTOR
AND AN ALTERNATE DIRECTOR TO THE
SUBURBAN RATE AUTHORITY FOR 2020

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

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

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

Jesse Struve is hereby designated as the Director and LaTonia Green as the Alternate Director to the Suburban Rate Authority for the year 2020 and until their successors are appointed.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.12	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	N/A		
Item:	Appointment of Acting City Manager		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO AUTHORIZE THE CITY MANAGER TO DESIGNATE A DEPARTMENT DIRECTOR, FIRE CHIEF, POLICE CHIEF OR THE ASSISTANT CITY MANAGER TO SERVE, IF NEEDED, AS ACTING CITY MANAGER THROUGH DECEMBER 31, 2020.

Overview:

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

It is my recommendation that the City Manager shall designate a department director, Fire Chief, Police Chief or the Assistant City Manager as Acting City Manager in the absence of the City Manager, if needed, through December 31, 2020.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.13	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	1	Presented By:	Jay Stroebel, City Manager
Item:	Review and Approval of the Policy Pertaining to the Application and Appointment Procedure for Filling a Vacancy in the Office of Mayor or City Council Member		

City Manager's Proposed Action:

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

Overview:

Per City Charter Section 2.06, Council Vacancies, "The Council shall adopt an application and appointment procedure, make the procedure available to the public, and periodically review the procedure."

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

The policy was reviewed and approved at its January 7, 2019 meeting and is before you tonight for an annual review and approval by the Council.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.13A MAYOR/COUNCIL MEMBER APPLICATION AND APPOINTMENT POLICY



MAYOR/CITY COUNCIL MEMBER APPLICATION AND APPOINTMENT POLICY

A. Purpose:

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

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

B. Procedure:

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

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

C. Public Notices

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

D. Application Process

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

E. Selection of Finalists

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

F. Finalist Interviews

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

G. Selection

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

MAYOR/CITY COUNCIL SELECTION INSTRUCTIONS

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

Council Member Vacancy

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

Mayor Vacancy

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

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

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

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

Application forms are available at City Hall, 5200 85th Avenue North, Brooklyn Park, MN 55443, or by contacting the City Clerk at 763-493-8180, or via e-mail at bpcityclerk@brooklynpark.org.

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

Devin Montero, City Clerk

To be published in the Sun Post on [DATE]

Other Suggested Postings:

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

(Example Letter)

TO: Mayor/Council Member Applicants

RE: City Council Appointment

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

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

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

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

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

Sincerely,

Jay Stroebel
City Manager

APPOINTMENT SCHEDULE:

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

(Example Application)

**CITY OF BROOKLYN PARK
5200 85TH AVENUE NORTH
BROOKLYN PARK, MN 55443**

APPLICATION FOR POSITION OF MAYOR/COUNCIL MEMBER

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

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

NAME: _____

HOME ADDRESS: _____ City _____ State _____

Email: _____ Home Phone: _____

Work Phone: _____ Cell Phone: _____

(Example Questions)

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

Qualifications for Office:

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

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

Signed: _____ Date: _____

City of Brooklyn Park Request for Council Action

Agenda Item:	4.14	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Todd A. Larson, Senior Planner
Ordinance:	SECOND READING		
Attachments:	1	Presented By:	Cindy Sherman, Planning Director
Item:	Second Reading of an Ordinance – Updates to Transit Oriented Development Uses (City of Brooklyn Park)		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2020-_____ AMENDING SECTION 152.606 THROUGH 152.609 OF CITY CODE.

Planning Commission Recommendation:

At its meeting on November 13, 2019, the Planning Commission unanimously (8-0) recommended approval of the ordinance.

Overview:

The City Council approved the first reading on November 25, 2019.

The Transit Oriented Development (TOD) ordinance was approved last year. In the year following, staff discovered some omissions and changes that should be made to be consistent with existing uses and buildings that were deemed desirable when the ordinance with first proposed.

The proposed changes include adding manufacturing and assembly as a permitted use and warehousing as an accessory use in the TOD-E.T district. The uses were inadvertently excluded in the ordinance. Modifications to restaurant, brewing, entertainment, and distribution uses are included in the TOD-C, TOD-C.T, TOD-E, and TOD-E.T districts. The brewing and distilling uses as sole uses are more industrial in nature, while the addition of a taproom/cocktail room is more restaurant in nature and is clarified in the TOD-C and TOD-C.T districts. Entertainment uses are now shown as conditional uses so that a proposed business can have reasonable conditions attached to be a better fit into its surroundings. Distribution uses are clarified where only the distribution of products a manufacturer produces on-site is acceptable, but not for a traditional package-in/package-out distributor.

Budgetary/Fiscal Issues: N/A

Alternatives to consider:

1. Approve the ordinance as recommended by the Planning Commission.
2. Approve the ordinance with modifications.
3. Deny the ordinance keeping the existing regulations in place.

Attachments:

4.14A ORDINANCE

ORDINANCE #2020-

ORDINANCE AMENDING SECTION 152.606 THROUGH 152.609 OF CITY CODE

The City of Brooklyn Park does ordain:

Underlined Text – Added language
~~Strike Through Text~~ – Deleted language

P = Permitted Uses
C = Conditional Uses
NP = Uses Not Permitted

Section 1.

The uses portion of Section 152.606 Table 5 (TOD-C) is amended as follows:

USES			
RESIDENTIAL		COMMERCIAL	
P	Multiple dwelling	P	Retail and service
		P	Office
P	Care facility, convalescent home	P	Medical and dental clinics
INSTITUTIONAL		P	Veterinary and animal services
NP	Religious assembly	P	Child and adult day care
NP	Schools	P	Restaurants, brewpubs, <u>breweries with taprooms, micro-distilleries with cocktail rooms, and theatres and entertainment</u>
OTHER		C	Parking as a principal use
P	Wireless communication facilities as accessory uses located on a building	NP	Gasoline sales
		<u>C</u>	<u>Entertainment</u>
		NP	Drive-through facilities
		NP	Self-storage facilities, sexually oriented businesses, impound lots, vehicle sales

Section 2.

The uses portion of Section 152.607 Table 6 (TOD-C.T) is amended as follows:

USES			
RESIDENTIAL		COMMERCIAL	
P	Townhouse	R	Retail and service
P	Multiple dwelling	P	Restaurants and brewpubs
P	Care facility, convalescent home	P	Office
INSTITUTIONAL		P	Lodging
NP	Religious assembly	P	Medical clinic
NP	Schools	P	Child care
R	Libraries	P	Adult day care
R	Museums	P	Parking
OTHER		C	Gasoline sales
C	Wireless communication facilities	CP	Breweries <u>with taprooms</u> and micro-distilleries <u>with cocktail rooms</u>
P	Drive-through as an accessory use	C	Taprooms and cocktail rooms
		NP	Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

Section 3.

The uses portion of Section 152.608 Table 7 (TOD-E) is amended as follows:

USES			
RESIDENTIAL		COMMERCIAL	
NP	Townhouse	P	Retail and service
NP	Multiple dwelling	P	Restaurants and brewpubs
NP	Care facility, convalescent home	P	Office
INSTITUTIONAL		P	Lodging
NP	Religious assembly	P	Medical clinics
NP	Schools	P	Parking
NP	Libraries	P	Manufacturing and assembly
NP	Museums	P	Warehousing as an accessory use
OTHER		P	Child care
C	Wireless communication facilities	C	Adult day care
P	Drive-through as an accessory use	C	Gasoline sales
NP	Distribution <u>as a primary use</u>	C	Breweries and micro-distilleries
P	<u>Distribution of products produced on site</u>	C	Taprooms and cocktail rooms
		NP	Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales
		P	<u>Manufacturing, assembly, processing, fabricating, brewing, distilling, and accessory sale of the product produced on site</u>

Section 4.

The uses portion of Section 152.609 Table 8 (TOD-E.T) is amended as follows:

RESIDENTIAL		COMMERCIAL	
NP	Townhouse	P	Retail and service
NP	Multiple dwelling	P	Restaurants <u>and Brewpubs</u>
NP	Care facility, convalescent home	P	Brewpubs
INSTITUTIONAL		P	Office
P	Adult training facilities	P	Lodging
NP	Schools	P	Medical clinic
NP	Religious assembly	P	Parking
NP	Museums	C	Child care
OTHER		C	Adult day care
C	Wireless communication facilities	C	Gasoline sales
NP	Distribution as a primary use	C	Breweries and micro-distilleries
P	Distribution of products produced on site	CP	Taprooms and cocktail rooms
		NP	Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales
		P	Manufacturing, assembly, processing, fabricating, brewing, distilling, and accessory sale of the product produced on site

City of Brooklyn Park Request for Council Action

Agenda Item:	4.15	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	X	Prepared By:	Todd A. Larson, Senior Planner
Ordinance:	N/A		
Attachments:	4	Presented By:	Cindy Sherman, Planning Director
Item:	Leopold's Mississippi Gardens – Time Extension for Variance #19-108 to Allow for a Fence within the Mississippi River Critical Area Setbacks at 9500 West River Road North		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-____ APPROVING AN EXTENSION TO A VARIANCE TO CONSTRUCT A FENCE WITHIN THE MISSISSIPPI RIVER CRITICAL AREA AT 9500 WEST RIVER ROAD NORTH.

Planning Commission Recommendation:

At its meeting on December 11, 2019, the Planning Commission unanimously (7-0) recommended approval of the one-year time extension to expire on May 28, 2021.

Overview:

The owners of Leopold's Mississippi Gardens received variance approval to install a fence along a portion of the southern property line on May 28, 2019; this variance expires on May 28, 2020 if construction of the fence has not commenced. The property is located on the west bank of the Mississippi River.

To date, the fence has not been installed and the property owners are requesting an extension to the variance that will not expire. City Code only allows for a one-time one-year extension.

Budgetary/Fiscal Issues: N/A

Alternatives to consider:

1. Approve the variance extension as recommended by the Planning Commission.
2. Approve the variance extension with modifications.
3. Deny the variance extension based on certain findings.

Attachments:

- 4.15A RESOLUTION
- 4.15B LOCATION MAP
- 4.15C PLANNING COMMISSION MINUTES
- 4.15D LETTER FROM THE APPLICANT

RESOLUTION #2020-

RESOLUTION APPROVING AN EXTENSION TO A VARIANCE TO CONSTRUCT A FENCE
WITHIN THE MISSISSIPPI RIVER CRITICAL AREA
AT 9500 WEST RIVER ROAD NORTH

Planning Commission File #19-108

WHEREAS, Jamie and Jordan Leopold of Mississippi Gardens have submitted an application to vary the required setbacks in the Mississippi River Critical area along the south property line to construct a fence at 9500 West River Road North, legally described as:

Lot 1, Block 2, Mississippi Gardens, Hennepin County, Minnesota.

WHEREAS, the matter was referred to the Planning Commission on May 8, 2019, who have given their advice and recommendation to the City Council; and

WHEREAS, the City Council approved Resolution #2019-94 as recorded as Document Number T05655959 approving the variance on May 28, 2019; and

WHEREAS, the property owner has requested a time extension; and

WHEREAS, the matter has been referred to the Planning Commission who have given their advice and recommendation to the City Council; and

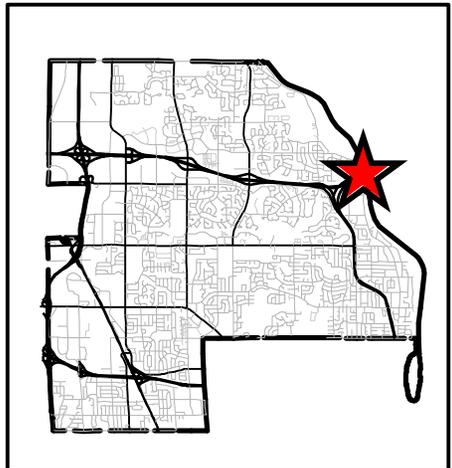
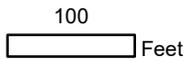
WHEREAS, the effect of the proposed use upon the health, safety and welfare of surrounding lands, existing and anticipated traffic conditions and its effect on properties in the neighborhood have been considered.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that variance approval for a fence within the Mississippi River Critical Areas is extended through May 28, 2021, at which time the fence must be constructed according the approvals granted in Resolution #2019-94.

Variance #19-108 Mississippi Gardens
9500 West River Rd. N.



Spring 2016 Air Photo.



Map Date April 16, 2019

UNAPPROVED MINUTES
MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting – December 11, 2019

1. CALL TO ORDER

The meeting was called to order at 7:00 PM.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Those present were: Commissioners Hanson, Herbers, Husain, Kiekow, Kisch, Mersereau, Vosberg; Council Liaison West-Hafner; Senior Planner Larson; Planning Director Sherman.

Those not present were: Commissioners Mohamed and Morton-Spears.

5. CONSENT AGENDA

- B. Leopold's Mississippi Gardens** – Time Extension for Variance #19-108 to allow for a fence within the Mississippi River Critical Area setbacks at 9500 West River Rd. N.

MOTION KISCH, SECOND HUSAIN TO APPROVE THE CONSENT AGENDA.

MOTION CARRIED UNANIMOUSLY.

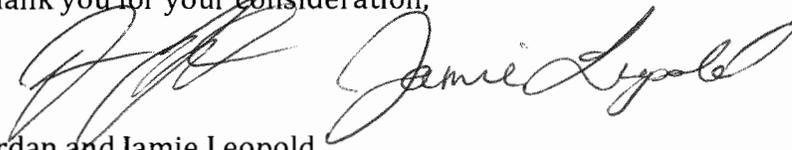
November 29, 2019

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

Dear City Council Members,

In reference to fence variance #19-108 and Resolution #2019-94. Leopold's Mississippi Gardens located at 9500 West River Road is requesting an extension to the approved variance deadline. Leopold's Mississippi Gardens is seeking a non-expiring variance to erect a fence along the property's southern border. Since the current variance was brought to city council and approved, the relationship with the southern bordering property owners has simmered and been peaceful. The desire of our neighbors is for us not to erect a fence and if behavior and liability warrants this it will be a reasonably considered request by Leopold's Mississippi Gardens ownership. An extension would meet the desires of both property owners.

Thank you for your consideration,

Handwritten signatures of Jordan and Jamie Leopold. The signature on the left is for Jordan Leopold and the signature on the right is for Jamie Leopold.

Jordan and Jamie Leopold
Co-Owners Leopold's Mississippi Gardens
9500 West River Road
Brooklyn Park, Minnesota 55444

City of Brooklyn Park Request for Council Action

Agenda Item:	4.16	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Finance
Resolution:	N/A	Prepared By:	Tracy Bauer-Anderson, City Assessor
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Tracy Bauer-Anderson
Item:	Set Local Board of Appeal and Equalization Date and Time for April 13, 2020, at 7:00 p.m.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO SET THE BOARD OF APPEAL AND EQUALIZATION MEETING AS MONDAY, APRIL 13, 2020, AT 7:00 P. M.

Overview:

The law requires the Board of Appeal and Equalization meeting to be held between April 1 and May 31.

Past practices have dictated that the meeting is for property owners to contest their property values. The meeting is then recessed for a period not to exceed 20 days for the Assessor's office to inspect the properties and present the Board with written recommendations of valuation.

Primary Issues/Alternatives to Consider:

This meeting would take place in conjunction with the regularly scheduled Council Meeting on April 13, 2020.

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.17	Meeting Date:	January 6 , 2020
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	1	Presented By:	Scott Simmons, Chair, Charter Commission
Item:	Set the Public Hearing Date for February 10, 2020 to Consider the Recommendation of the Brooklyn Park Charter Commission to Amend Charter Chapter 9, Section 9.04 and Chapter 11, Sections 11.01 and 11.02 of the Home Rule City Charter		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO SET THE PUBLIC HEARING DATE FOR FEBRUARY 10, 2020 TO CONSIDER THE RECOMMENDATION OF THE BROOKLYN PARK CHARTER COMMISSION TO AMEND CHARTER CHAPTER 9, SECTION 9.04 AND CHAPTER 11, SECTIONS 11.01 AND 11.02 OF THE HOME RULE CITY CHARTER.

The effect of this motion will be to set the public hearing to discuss changes to the City Charter. The proposed ordinances must be published in the official newspaper two weeks before the public hearings can be held.

Overview:

At the Community Long-range Improvement Commission (CLIC) meeting in January 2019, the Commissioners had discussions of City Charter Section 9.04 regarding their duties and reports and forwarded the proposed changes to the Charter Commission.

At the Charter Commission meeting in May 2019, the Commissioners began their discussions on Section 9.04 related to the proposed changes provided by the CLIC. The Charter Commission tabled their discussions on Section 9.04 until their meeting in September to allow the CLIC to discuss at their May 2019 meeting and formally propose a recommendation of their changes to the Charter Commission.

At the CLIC meeting in May, the Commissioners discussed and approved the amendments to Section 9.04 and forwarded the amendments to the Charter Commission.

At the Charter Commission meeting on September 11, 2019, the Commissioners held discussions on the changes recommended by the CLIC from its May 2019 meeting. After lengthy discussions and proposing some additional changes, the Charter Commissioners had additional questions regarding the recommended changes by the CLIC. The questions and the Charter Commission's proposed changes were forwarded to the CLIC Chair to be discussed at their next meeting. The Charter Commissioners also invited the CLIC Chair to the October Charter Commission meeting to discuss the questions and changes to Section 9.04.

- The Charter Commission also continued their discussions on Chapter 11, Eminent Domain, Sections 11 and 11.02. Previous discussions were held in March and May regarding the city taking property for a public purpose and a proposed amendment. The Commissioners asked the City Attorney to provide his opinion on the proposed amendment. The Commissioners reviewed and discussed the City Attorney's opinion and unanimously voted to not make any changes to those sections. There were a couple of grammatical corrections that were banked and to be brought forward with other Charter amendments.

At the Charter Commission meeting on October 2019, the CLIC Chair was present to discuss the questions and proposed changes to Section 9.04 of the City Charter. After lengthy discussions, the Charter Commissioners unanimously adopted the proposed changes from CLIC and Charter Commission and referred those changes back to the CLIC for their review and formal approval. The CLIC Chair presented the proposed changes to the CLIC members at their meeting in October and formally voted and approved the changes to Section 9.04.

At the Charter Commission meeting on December 11, 2019, the Commissioners discussed and reviewed the amendments to Section 9.04, 11.01 and 11.02 of the City Charter and unanimously voted on the amendments to be forwarded to the Council for consideration and approval.

The following is a routine timetable:

January 6, 2020	Council set the public hearing
January 16, 2020	Public Hearing Notice and text of proposed ordinance is published
February 10, 2020	Public hearing and First Reading of Ordinance Held
February 24, 2020	Second Reading of Ordinance Held
March 5, 2020	Ordinance Published in Newspaper
June 2, 2020	Ordinance becomes effective (90 days after passage and publication)

Publication must be the exact language the Council will vote on.

Attachments:

4.17A PUBLIC HEARING NOTICE

PUBLIC HEARING NOTICE
CITY OF BROOKLYN PARK

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, Brooklyn Park, MN on Monday, February 10, 2020 at 7:00 p.m. or as soon thereafter as possible.

The purpose of the public hearing will be to consider recommendations of the Brooklyn Park Charter Commission to amend Charter Chapter 9, Section 9.04 and Chapter 11, Sections 11.01 and 11.02 of the Home Rule City Charter as follows:

ORDINANCE #2020-

ORDINANCE AMENDING CHARTER CHAPTER 9, SECTION 9.04,
AND CHAPTER 11, SECTIONS 11.02 AND 11.02 OF THE HOME RULE CITY CHARTER

~~Text with strikeouts is proposed for deletion.~~
Text with underline is proposed for insertion.

The City of Brooklyn Park does ordain:

Section 1. Chapter 9, Section 9.04 of the City Charter is amended to read as follows:

SECTION 9.04 COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION.

C. DUTIES. The Commission shall study all improvements consistent with the present and future needs and requirements of the City where improvements are defined as items that involve future development or redevelopment or that constitute significant budgetary changes proposed for future fiscal years. Commission study shall not be limited to proposed improvements, but shall exercise investigative functions, soliciting and taking inventory of community needs as necessary to perform and the duties whereby community-initiated requests for improvements are heard and considered. The Commission shall serve in an advisory capacity to the Council, and may also advise other committees, commissions, and task forces where their studies or projects involve long-range improvements. The Commission shall establish priority ratings of improvements, taking into consideration the following factors:

1. Public ~~reaction~~ response as determined from informal public meetings or surveys.
2. Desired development direction for the City.
3. Proper usage of public monies and/or collected fees.
4. Any other factors necessary or helpful in determining improvements for the City.

D. REPORTS. The Commission shall submit reports on projects it has studied to the City Council as well as other committees deemed appropriate. In addition to such reports, the Commission shall prepare and submit an Annual ~~Long-range Improvement Work~~ Plan to the City Council by ~~July 1~~ March 31 each year for consideration for the following year's budget. The recommendations of this Commission to the City Council shall be advisory. The Commission shall receive the full cooperation and support of all City officials (elected and non-elected) in the performance of their duties and preparation of their reports.

D E. CONTENTS OF REPORTS. The Community Long-range Improvement Commission report(s) shall include the following, if applicable:

1. A concise summary of the report.

2. A list of all improvements which were considered by the Commission with appropriate supporting information concerning the need for such improvements.
3. A priority rating for each listed improvement.
4. An advisory opinion on any significant changes to the Capital Improvement Plan and Capital Equipment Plan (CIP/CEP).
5. General impact of the improvements in terms of community development.
6. Any matter about which the City Council has requested information.

~~€ F.~~ RESPONSE BY COUNCIL. ~~A written review by the~~ The City Council shall review of the Long-range Improvement Report(s) and shall be returned respond to the Commission within sixty (60) days after the submission of the report(s).

Section 2. Chapter 11, Sections 11.01 and 11.02 of the City Charter is amended to read as follows:

SECTION 11.01 EMINENT DOMAIN

The city may acquire, by purchase, gift, devise, or condemnation in the manner provided by State law any property, corporeal or incorporeal, either within or without its corporate boundaries, ~~which~~ that may be needed by the city for any public use of purpose. Easements for slopes, fills, sewers, building lines, poles, wires, pipes, and conduits, for water, gas, heat, and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by State law.

SECTION 11.02 PROCEEDINGS IN ACQUIRING PROPERTY

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

City of Brooklyn Park Request for Council Action

Agenda Item:	4.18	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Police
Resolution:	X	Prepared By:	Sergeant Mark Bergeron
Ordinance:	N/A		
Attachments:	1	Presented By:	Sergeant Mark Bergeron
Item:	Renewal of Cornerstone Agreement for Domestic Violence Services		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-____ TO RENEW AN AGREEMENT WITH CORNERSTONE TO PROVIDE VICTIMS AND FAMILIES EXPERIENCING DOMESTIC VIOLENCE WITH ADVOCACY SERVICES BASED OUT OF THE POLICE DEPARTMENT.

Overview:

The mission of the Brooklyn Park Police Department is to provide a safe and orderly community through delivery of professional police services for those who live in, work in, and visit the City of Brooklyn Park. By working together on a united front with our professional partners and the community, we are most effective in our mission; and by valuing our diversity, we provide courteous, impartial service with dignity and honor.

The Brooklyn Park Police Department has a history of collaborating with a variety of justice system and community organizations for the purpose of improving capacity for law enforcement and for building community. The partnership with Cornerstone has expanded domestic violence advocacy services to provide a coordinated community response to incidents of domestic violence and greatly enhance the level of service victims receive.

Cornerstone was founded in 1983 and has a long-standing history of positive working relationships with law enforcement, prosecution and families. Cornerstone serves victims of domestic abuse and their children for the communities of Bloomington, Eden Prairie, Edina, Richfield, St. Louis Park, Metropolitan Airports Commission, Brooklyn Center, Robbinsdale, Crystal, Maple Grove and Brooklyn Park.

Cornerstone offers a variety of services to all victims of domestic violence, including emergency shelter; supportive housing; advocacy in family, civil, and criminal court; educational workshops; therapeutic services; Children & Families Program services; and individual and group support. Cornerstone also operates DayOne, the statewide emergency shelter hotline.

In March of 2012, Cornerstone began serving victims of domestic violence from Brooklyn Park with a full-time advocate based out of the Police Department. The arrangement greatly increased the communication between police staff and advocates allowing for more effective service for the victims and their families. The arrangement also greatly increased the accessibility to community-based advocacy for victims with limited transportation. In December of 2013, Cornerstone assigned a second full-time advocate to the Police Department. Cornerstone staff has indicated this second advocate will allow them to fulfill all community and Police Department requests for service. No additional staff increases will be needed based on past and current trends.

In addition, Cornerstone has expanded their services in the Northwest Metro area as they recently began providing advocacy services for the communities of Brooklyn Center, Robbinsdale, Crystal and Maple Grove. They also provide assistance through the Hennepin County Services Hub located at the corner of Brooklyn

Boulevard and 69th Avenue. These services include legal advocacy for the writing of court orders as well as housing advocacy with a housing specialist.

Cornerstone will continue to provide a community-based response by providing two full-time advocates working out of the Police Department. The advocates will continue to work in cooperation with the Police Department and City Attorney's Office on case follow up, victim services, officer in-service trainings and review of system responses. Additionally, continuing to have the advocates housed at the Police Department will allow for victims to receive walk-in assistance with completing Order for Protection/Harassment Restraining Orders.

Cornerstone is a recognized leader and innovator in their field and has the capacity to handle the many challenges faced by Brooklyn Park's ever-changing community.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

The amount of money proposed to be spent is no greater than \$5,417 per month during contract period. This is within the amount of the 2020 budget for domestic violence advocacy services which has been budgeted at \$65,000 annually. This agreement will be for a period of one year, effective January 1, 2020 through December 31, 2020.

Attachments:

4.18A RESOLUTION

RESOLUTION #2020-

RESOLUTION TO RENEW AN AGREEMENT WITH CORNERSTONE
TO PROVIDE VICTIMS AND FAMILIES EXPERIENCING DOMESTIC VIOLENCE
WITH ADVOCACY SERVICES BASED OUT OF THE POLICE DEPARTMENT

WHEREAS, the mission of the Brooklyn Park Police Department is to provide a safe and orderly community through delivery of professional police services for those who live in, work in, and visit the City of Brooklyn Park; and

WHEREAS, the Brooklyn Park Police Department has a history of collaborating with a variety of justice system and community organizations for the purpose of improving capacity for law enforcement and for building community; and

WHEREAS, Cornerstone was founded in 1983 and has a long-standing history of positive working relationships with law enforcement, prosecution and families; and

WHEREAS, Brooklyn Park's collaboration with Cornerstone has built upon the community efficacy to serve victims of domestic violence with advocacy services and increase the conviction rate of offenders; and

WHEREAS, the Cornerstone advocates will continue to be based out of the Police Department, a central and accessible location to domestic violence victims and their families; and

WHEREAS, the parties desire to enter into an agreement which sets forth the terms by which Cornerstone will perform domestic violence advocacy services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to renew a 12-month agreement with Cornerstone to continue to provide victims and families experiencing domestic violence with advocacy services based out of the Police Department.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.19	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Police
Resolution:	X	Prepared By:	Sergeant Mark Bergeron
Ordinance:	N/A		
Attachments:	2	Presented By:	Sergeant Mark Bergeron
Item:	Renewal of Towing Contracts		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-____ TO RENEW THE CONTRACTS WITH CARDINAL TOWING AND CITYWIDE SERVICES GEOGRAPHICALLY SPLIT BASED ON THE POLICE PRECINCT IN WHICH THE COMPANY IS LOCATED, EFFECTIVE JANUARY 1, 2020 THROUGH DECEMBER 31, 2023.

Overview:

The City has delegated impound/towing responsibilities outlined under Chapter 72 of the City Code to the Police Department. The Police Department utilizes an RFP process to contract with a towing/impound business located within the city limits of Brooklyn Park to meet impound/towing obligations.

Since 2011, the City Council has authorized and renewed split towing contracts with Cardinal Towing and Citywide Services. The split is geographically based on the police precinct in which each company is located. Cardinal Towing provides service to the north precinct patrol districts and Citywide Services provides towing to the south precinct patrol districts. The geographic split has worked well for police staff and has allowed the Police Department to have more timely service during peak demand times such as severe weather events. Having the split contract was very beneficial during the implementation of the snow emergency ordinance in 2018. The two towing contractors were able to field a combined total of 17-20 trucks during each snow emergency event. This allowed officers to process in excess of 200 vehicle impounds during a snow event. The towing contractors were very efficient with towing and subsequent release of snow emergency vehicles.

RFPs were recently sent out to Citywide Services and Cardinal Towing, both of which are operating within the city limits of Brooklyn Park. The sealed bids from Citywide Services and Cardinal Towing were submitted to the City Clerk and opened publicly at City Hall.

During staff evaluation of the proposals, it was apparent that the companies continue to be competitive and the proposals are similar in nature. Both proposals meet the minimum requirements as stated and staff has prepared a summary chart of the relevant charges associated with the two proposals.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

The Police Department utilizes the towing vendors for a number of types of situations. The geographically designated towing vendor is called for all impounds and disabled city vehicles in their respective precincts. The designated towing company is also called for all private tows (traffic accidents, stalled vehicles, vehicles in the ditch) in which the driver does not request a specific company.

The City pays the towing vendor for vehicle forfeiture impounds related to DUI and narcotic offenses. These fees are recouped through the disposal of the forfeiture vehicles. The City also pays the vendor for the towing of disabled city vehicles. Non-forfeiture impounds and private tows are paid by the owner/operator at the time of service or vehicle release.

Overall, the Police Department has been pleased with the service of both towing vendors. They have had timely response to scenes, accurate billing and very few customer concerns. Both vendors have indicated a desire to renew the current geographically split contracts.

Attachments:

- 4.19A RESOLUTION
- 4.19B BID RESULTS

RESOLUTION #2020-

RESOLUTION RENEWING THE CONTRACTS WITH CARDINAL TOWING AND CITYWIDE SERVICES
GEOGRAPHICALLY SPLIT BASED ON THE POLICE PRECINCT IN WHICH THE COMPANY IS LOCATED,
EFFECTIVE JANUARY 1, 2020 THROUGH DECEMBER 31, 2023

WHEREAS, the City of Brooklyn Park is in need of impounding services on a 24-hour basis; and

WHEREAS, since 2011, the City Council has authorized and renewed split towing contracts with Cardinal Towing and Citywide Services; and

WHEREAS, the City and towing vendors would like to renew the contract through December 31, 2023;
and

WHEREAS, the geographical split based on police precinct will remain the same; and

WHEREAS, this contract does not prohibit residents and visitors from utilizing either vendor for private tows unless a public safety exception exists.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to renew the split contract agreement, based upon police precinct geographic boundaries, with Cardinal Towing and Citywide Services for the period of January 1, 2020 through December 31, 2023.

	CITY WIDE SERVICE	CARDINAL TOWING
SECTION A-TOWING AND IMPOUND SERVICE		
ITEM NO		
1. Towing & Impound Service-Cars & Light trucks (up to 9,000 lbs.G.V.W.)		
<i>a. Cars & Light Trucks</i>		
BASE RATE:	\$125.00	\$125.00
PLUS \$ PER MILE	\$0.00	\$3.00 out of City Limits
<i>b. Additional Charge for Winching (including labor)</i>		
BASE RATE:	\$65.00	\$0.00
PLUS \$ PER HOUR	\$60.00	\$0.00
<i>c. Additional Charge for use of a Dolly</i>		
BASE RATE:	\$0.00	\$0.00
<i>d. Additional Charges</i>	\$30.00 Admin Fee	\$30.00 Admin Fee
<i>e. Number of Tow Trucks for Cars & Light Trucks currently in operation</i>	10	14
<i>f. Response Time: (see Paragraph 8)</i>	15 min	15-20 min
2. Towing & Impound Service-Heavy Vehicles (over 9,000 lbs. G.V.W.)		
<i>a. Heavy Vehicles:</i>		
BASE RATE:	\$250.00 hour	\$250.00 hour
PLUS \$ PER MILE	\$0.00	\$0.00
<i>b. Additional Charge for Winching (including labor)</i>		
BASE RATE:	\$250.00	\$250.00
PLUS \$ PER HOUR	\$250.00	\$0
<i>c. Additional Charge for use of a Dolly:</i>		
BASE RATE:	\$0.00	\$0.00
<i>d. Any Additional Charges:</i>	\$30.00 Admin Fee	\$30.00 Admin Fee
<i>e. Number of Tow Trucks for Heavy Vehicles Currently In Operations</i>	4	5
<i>f. Response Time: (see paragraph 8)</i>	15 min	30 min
<i>g. State the Maximum weight vehicle you can tow:</i>	80,000 lbs	100 tons
SECTION B - STORAGE RATES ON POLICE INPOUNDS		
Item No.		
1. Storage Rates on Police Inpounds:		
<i>a. Passenger Vehicles, Light Trucks, Motorcycles, ATVs, etc.</i>		
BASE RATE: (\$ PER DAY)	\$35.00	\$35.00
<i>b. Tractor/Trailer Combination</i>		
BASE RATE: (\$ PER DAY)	\$70.00	\$100.00
2. Inside Storage		
BASE RATE: (\$ PER DAY)	\$45.00	\$45.00
Discount for Payment Within Twenty (20) Days:	10%	0%

City of Brooklyn Park Request for Council Action

Agenda Item:	4.20	Meeting Date:	January 6, 2020
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	3	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 APRIL 1, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF MAY 13, 2019, AS PRESENTED BY THE CITY CLERK.

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

Overview: N/A

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.20A CITY COUNCIL WORK SESSION MINUTES, APRIL 1, 2019
- 4.20B CITY COUNCIL MEETING MINUTES, MAY 13, 2019
- 4.20C CITY COUNCIL MEETING MINUTES, AUGUST 26, 2019

REGULAR BROOKLYN PARK CITY COUNCIL WORK SESSION

Monday, April 1, 2019
7:00 p.m. (Following the EDA Meeting)

Steve Lampi Meeting Room
5200 85th Avenue North

CALL TO ORDER – Mayor Pro Tem Susan Pha

PRESENT: Mayor Pro Tem Susan Pha; Council Members Terry Parks, Lisa Jacobson, Mark Mata, Wynfred Russell and Tonja West-Hafner; City Manager Jay Stroebel; Community Development Director Kim Berggren; Recreation and Parks Director Jody Yungers and City Clerk Devin Montero.

ABSENT: Mayor Jeffrey Lunde (Excused)

C. DISCUSSION ITEMS/GENERAL ACTION ITEMS:

C.1 Assessing Valuation Process Overview

City Assessor Tracy Bauer-Anderson briefed the Council on the purpose of the local board of appeals, when the evaluation was, and how market values were determined. She stated the Department of Revenue set assessment ranges between 90-105% of the market value; for assessing purposes, they used the mass appraisal. She stated the board could increase, reduce, sustain, add improvement, change the classifications, and/or add properties to the assessment roll.

She stated once the board reconvened and adjourn the meeting, the board could no longer make changes. She summarized the steps at the end of an assessment as well as the steps of an appeal and went over the assessment process. She stated currently they were conducting informal appeals.

Council Member West-Hafner asked if she had seen any pocket increases and used an example of a townhouse area.

City Assessor Bauer-Anderson stated they did have some increases in 1991, which was located above Oxbow that had strong sales and talked a lot to those homeowners about value changes. She mentioned Strawberry Commons and Stoneybrook had a strong rebound from their value decrease. She stated both went up 19% in sales increases and apartments continued to raise and they went up 16.7% across the county.

Council Member Mata asked if there was a shortage of houses for sale. He explained the influx of the market, inflation of value, and asked what inflation range Hennepin County uses.

City Assessor Bauer-Anderson stated Hennepin County tended to be at 95%, and the city was at 95.3% She stated the Department of Revenue set percentages off the trend.

Council Member Mata asked if a person couldn't argue their value unless the Assessing staff went into the house.

City Assessor Bauer-Anderson stated the assumption could be made on a finished area or the quality. She stated when they went through, and were right about the condition and then they

could make a change. She stated if someone refused to let the city in, then they couldn't lower or raise the value of the home.

Council Member Mata asked if the city went inside the homes they reduced last year because the board reduced it regardless of what was assessed.

City Assessor Bauer-Anderson stated that should not have happened and assumed they were all seen. She stated she did not recall anyone that denied them to go through.

Council Member Mata asked if Assessing looked at building permits.

City Assessor Bauer-Anderson stated the department did and with new construction of homes, they were looking at plans, specs, conditions and set a value. She stated often if they could not go through the houses and not everyone post permits, then the best time to revalue it was during a sale.

Council Member Mata stated Target got their property revalued and Target was the largest complex they had. He asked about what they had done to plan for the reduction of plans. He stated Target appealed their value and would like more information on how much the city was losing from the tax reduction. He asked what the dollar value of the reduction was and how far back did it go.

City Assessor Bauer-Anderson stated the reduction was 19% or \$24 million and Target had three PIDS. She stated big office complexes, and to value them on sales was difficult. She stated Target wanted it based on a dark store theory, which is, if a store goes dark, assessors should be assessing the property as vacant. She stated now assessors are supporting that there was more value than it being vacant. Hennepin County was joining together with cities and saying that recent settlements and big boxes had been about \$80 dollars a square foot and the same was true of the large corporate offices, which many had decreased in value. She stated had Target been an income-producing property, they would have the ability to use the approach to value and once the building got old, they could look at a cost approach.

Council Member Mata stated that was a huge hit, as they were planning the budget, He stated he needed to know those things. He stated he would like to see if the City Manager could put something in place that said how they were going to absorb that reduction.

City Manager Stroebel stated City Assessor Bauer-Anderson and the County were engaged in conversation with Target. He stated they had representatives of three Council Members, Bob Mata, Pha, and Mayor Lunde, who went to Hennepin County and the attorney's office. He stated losing \$24 million was significant because that put more burden on residential taxpayers.

Council Member Mata stated the county speaks for the city and didn't have a choice.

City Manager Stroebel stated that was a part of the debate, not just for the city but for the school district and the other jurisdictions of those tax dollars. He stated there was discussion to provide a summary to the rest of the Council that was present.

Council Member Mata stated they had a budget conversation in September, but the discussion needed to happen now. He stated it was a loss and homeowners were going to have to take on

the burden.

Mayor Pro Tem Pha asked of all the property owners who came to the appeal last year, what percentage of the actual appeals did they change the original assessment.

City Assessor Bauer-Anderson stated she would need to look up the information.

Council Member Mata asked if it was the value Mayor Pro Tem wanted.

Mayor Pro Tem Pha stated the assessment value, based on the appeals, she asked if it was significant or insignificant.

City Assessor Bauer-Anderson stated to look at the local board and the appeals and what was the percentage of reduction.

C.2 Update on Proposed Partnership with Osseo Area School District for Development of Two Synthetic Turf Fields/Lights and/or Fields/Lights and Dome at Park Center High School

Recreation and Parks Director Jody Yungers introduced Dan Williams, from the Brooklyn Park Athletic Association, and Ron Meyer, Executive Director of Finance and Operations of Osseo Schools, who attended the meeting. She summarized the two different projects and what each entailed. She stated after the passing of the bond referendum, they had decided how they would spend it depending on the polling. She stated that \$2.6 million would go toward court and field improvements. Recreation and Parks Director Yungers gave an overview of the Central Park partnership, the cost and the operating costs.

Recreation and Parks Director Yungers summarized the elements of a power agreement which was the city would pay for the lights, the dome support building, the restrooms, lobby, office space, any mechanical parts and the city would be responsible for the supervision. She stated the school would pay parking, landscaping and road reconfiguration as well as the maintenance of equipment turf. She stated the city and the school shared the costs of nets, stands, cages, operation costs, non-rental time, electricity and anything related to the programs within it. Recreation and Parks Director Yungers summarized how capital asset replacement would tie into the synthetic dome. She stated the school district would have the Operations and Maintenance staff onsite and the custodial staff and offered to maintain the facility, the dome, and the janitorial cleaning for the buildings as well as plowing, mowing, and irrigation around the building. She briefed the Council on the hours of the building and the responsible party and the split of hours between the school and the city.

Parks and Facilities Manager Brad Tullberg summarized the market analysis and outreach that was done. He reviewed five dome rentals in nearby cities, and described the different rental rates for each facility, the usual users of those facilities and the different organizations that use the facilities. Parks and Facilities Manager Tullberg reviewed the rates and hours of prime and non-prime hours. He walked through staffing of the facilities, supervision and the replacement and maintenance of the dome in the future.

Council Member Russell asked if the \$500,000 was inclusive of the \$3.3 million.

Recreation and Parks Director Yungers stated that would be inclusive if they just did the synthetic turf and the lights and would be looking at \$500,000.

City Manager Stroebel stated there was a community neighborhood meeting on Thursday.

Recreation and Parks Director Yungers stated the meeting would be a joint community engagement meeting with the school district. The community engagement staff had door knocked and shared flyers with the community. She stated they would discuss the relocation of the railways, the dome and the lights.

Council Member Jacobson asked about the joint powers agreement, where the dome was being maintained by the school district but charged to the operational budget, if that was the rate in the 51%.

Recreation and Parks Director Yungers stated the school was responsible for the facility maintenance, janitorial, operations and turf. If there was a mechanical issue, structurally, on the dome or building, the city would be responsible to pay for the repairs. She stated they had collected \$10,000 for the first year to bring up and down the dome.

Council Member Jacobson asked if each agency would be responsible for the supervision of the facility and gave an example of the kickers soccer being there, the school would be responsible.

Recreation and Parks Director Yungers stated that as a part of the rental fee, when outside groups came in, they would have the city provide a building supervisor. She stated when the school was in there, they would have a coach or someone from the school district to watch the building.

Council Member Jacobson asked if that was during the turf season.

Recreation and Parks Director Yungers stated the school district asked that the city have an onsite building supervisor whether that would be a coach or otherwise, they would have a staff person overseeing it.

Council Member Jacobson asked Recreation and Parks Director Yungers if she accounted for that extra person.

Recreation and Parks Director Yungers stated they had accounted for that extra person.

Parks and Facilities Manager Tullberg stated the budget during the turf season was including anything dome related, any rental fees from the turf of the supervision costs would not be included in the budget.

Council Member Jacobson stated when they talked about community programs, asked if they were planning to use it for their current park programs where they were already using a soccer field somewhere else, where they weren't necessarily paying for it, where now they would use up the sellable hours.

Recreation and Parks Director Yungers stated the majority of the time was in the summer where they had already talked to the coaches where they put on a clinic with the school district with the fields being used with the programs. She stated that meant the city would have 100% use, other than what they agreed with the coaches in the summer months and they had a meeting to figure out what the summer needs were.

Council Member Jacobson stated they didn't want to get used to using the facility if they could not rent it.

Parks and Facilities Manager Tullberg stated the use would be during non-prime time hours like days off from school.

Council Member Jacobson asked about the survey and didn't see a question about an hourly fee. She asked if they came up with the \$300.00 fee and the \$175.00 fee without testing the market on it.

Parks and Facilities Tullberg stated it was all based on what the other facilities were charging.

Council Member Jacobson asked if Maple Grove was charging more would those people come over to pay less and would they be paying themselves short by doing that.

Parks and Facilities Manager Tullberg stated something they needed to address was who was a priority and who was not. He stated the table in the packet showed the school district, community-ed users, then further down the road they would have some agreements in place with user groups like Maple Grove and OMEGA. He stated by having a developed priority list it would give residents access.

City Manager Stroebel stated they needed know how much the capital replacement costs were and was good to hear the dome went down to \$1.5 million in cost. He stated they wanted to make sure the revenue was covering that and how much they were willing to absorb every year. He stated, on the question about if the \$300.00 was enough or did they need to charge more, thought they were pulling together a lot of information and they were working on the details.

Council Member Jacobson stated during the open dome time, she was interested in Brooklyn Park residents getting a lower price than the other individuals because they were already paying on it because of the Park Bond.

Recreation and Parks Director Yungers stated they had to be careful because the school district was a partner.

Council Member Mata said the school district was not a tax paying resident.

Recreation and Parks Director Yungers stated if they host it, then they could look at a resident and non-resident fee.

Council Member Jacobson stated having different rates during the open dome time, didn't have core partners, and BPAA was not at the level of interest like Maple Grove or Osseo.

Recreation and Parks Director Yungers asked Dan Williams, President of the Brooklyn Park Athletics Association (BPAA), about the programs and interest.

Brooklyn Park Athletics Association President Dan Williams stated they had programs comparable to Maple Grove and Osseo, but Brooklyn Park lost a lot of the kids to Champlin, Osseo, and Maple Grove. He stated it was because it was where they could play and the level they could play and that made them three times bigger than BPAA. He stated those kids went somewhere else and his biggest concern was that five sports would use it, but they had in house programs. He stated the kids would like to use the facility, but to have them pay an extra \$300.00 an hour was difficult. He stated he would love the opportunity to provide that as a piece to their program. He stated another thing to work with was the diversity in the city and if they didn't bring the opportunity to them, they wouldn't be able to do the programs. He stated it was a phenomenal opportunity and the programs should be economical. He stated his level of commitment wasn't based on if they would use it or the affordability, it was not knowing the degree he could commit as the same level as he had committed to Osseo and Maple Grove.

Council Member Mata asked if they still went to Hamline University for baseball tryouts.

Brooklyn Park Athletics Association President Williams stated they went to Maple Grove for tryouts.

Council Member Mata asked how much they paid an hour.

Brooklyn Park Athletics Association President Williams stated he didn't know, but it was a big number and that would all come back to the city. He stated he would find out and share the information with the Council.

Council Member Mata stated BPAA tried to do baseball tryouts in house, and then moved to Hamline University. He stated he was doing the calculation and the project did not add up correctly and asked for clarification.

Recreation and Parks Director Yungers stated the city would have the dome for the most part other than special requests, makeup games, or events.

Council Member Mata stated they could say no, then they needed to pay for it at that point. He stated the supervision that Council Member Jacobson was talking about asked if he had an event there, the city was paying for a supervisor to be there. During school time, the school was going to have a teacher or a coach. He asked who's supervised the school.

Recreation and Parks Director Yungers stated a teacher had a higher level of responsibility and is trained to do CPR. She stated when they had coaches there, the city would make sure when they were opening and closing the facility that they knew how to address emergency issues.

Council Member Mata stated if they were leaving the supervision to the teacher, they didn't know the level of responsibility.

Recreation and Parks Director Yungers stated the school was responsible and it was their liability.

Council Member Mata asked if there was damage while they were there, would the city be responsible to pay for the damages.

Recreation and Parks Director Yungers stated if the city was to go at it alone, the city would be talking about a \$5.5-million project. She stated they had a partner that was paying half of the utility bill and it ran 24/7. She stated they were using the facility while the children were in school, and they couldn't sell that time.

Council Member Mata stated he was elected in two school districts and would be paying a lot for one school district. He stated he was spending a lot of money for one and not the other. He stated that Recreation and Parks Director Yungers should look at the amount of kids in both districts and would like to see money for both.

City Manager Stroebel stated Council Member Mata asked about the number of hours the city would have access to the dome; and was about 4,070 hours a year. He stated those hours being between prime and non-prime at 85% of the hours. He explained why the numbers did not match for Council Member Mata and that was because Recreation and Parks Director Yungers and Parks and Facilities Manager Tullberg did conservative estimates.

Council Member West-Hafner asked for clarification if the school district owned the Maple Grove dome turf.

Parks and Facilities Manager Tullberg stated the City of Maple Grove operated the dome and was built under similar circumstances.

Council Member West-Hafner asked if they were splitting the utilities 40% or 51%. She asked if the pricing on the dome was based on the same type of dome and was that the best kind.

Parks and Facilities Manager Tullberg stated it was the better solution to not take a dome up and down, then the price tag doubled or tripled. He stated the dome was based on a purchasing contract and they could get a guaranteed pricing.

Council Member West-Hafner stated the school district would be doing the turf fields, and if the city decided to do just the lights, asked if they would have access. She stated to do it, the city would take a large portion of the budget to do the dome and then not do the hometown park.

Recreation and Parks Director Yungers recommended to appropriate \$1.5 million to the home townhome field as a commitment to the community and the remainder of the appropriation was \$1.1 million. She stated in the park reinvestment, included fields and court, and could take the \$13.1 million. She believed in the development of Lakeland Park and Hartkopf Park, which the department would need \$7.1 million and the need for Willowstone, Monroe and Norwood Park, which was approximately \$1.4 million. She stated the remaining amount, \$4 million was the unknown of the picnicking near the SEA park. She stated the department was waiting to see what the light rail project would do and how to reorganize all the roadways and then they would redevelop it, and that was where they had some flexibility.

Council Member West-Hafner stated she would not like to see the city give up too much and have a large portion of responsibilities.

Council Member Parks stated he was looking forward to having a space for tryouts and asked if there was going to be a damage deposit fee.

Parks and Facilities Manager Tullberg stated there was not going to be a damage deposit fee.

Council Member Parks suggested a fund for graffiti damage and asked if there was an opportunity for solar energy. He stated 5:30 p.m. to 9:30 p.m. was the city's time and wanted to clarify if a group could bump other groups. He asked if that space was for sports only or for groups such as churches.

Recreation and Parks Director Yungers stated that on an emergency basis they would bump another group and churches would not be able to use the space unless they were playing a sport.

Council Member Parks stated he was excited about the project but concerned about adding two more fields with a lot more activities and not adding any parking.

Recreation and Parks Director Yungers stated there would be some parking on the side of the dome and would bring that forward.

Mayor Pro Tem Pha suggested increasing the fee to something comparable to Maple Grove, for residents to keep it at \$300, and for youth and senior groups to have a reduced fee. She stated she would like to see the affordability so there would not be an access barrier. She proposed a residents and non-resident fees to be different and stated if it was a true partnership with Osseo and Brooklyn Park, then it should be 50/50.

Council Member Parks asked if they did a reduced fee for residents, then clubs or groups with a person from Brooklyn Park would reserve it, but the team would be from other cities.

Council Member Jacobson suggested that non-resident and resident fees would be applied during open field time. She stated they would charge the individual who was a resident at that time a lower rate. She stated it would be too much with club teams if they were to do it with large fees.

Mayor Pro Tem Pha agreed and asked what the Council thought about the 50/50. She stated she did not want to see more money come from the park bond than necessary.

Council Member West Hafner asked if the school district was contributing to the dome costs.

Recreation and Parks Director Yungers stated they were and they were looking for Council's direction on it.

Council Member Parks suggested bringing in more partners.

City Manager Stroebel stated he had a conversation with Hennepin County Commissioner Michael Opat about the potential of the Hennepin Use Sport Grants. He stated the timing was usually in the fall and winter time when it was awarded. He stated the school district did request some of those funds last year for the turf and did not get them. He stated there might be more

interest in it because there was more than one group coming together and the grant was \$250,000.

Recreation and Parks Director Yungers stated they had an opportunity to go for equipment grants and would look at what was available.

Council Member Russell asked if it was possible to go to the school district rather than renegotiate how much money they were going to bring to the table to ensure the city could get some sort of 50/50.

Recreation and Parks Director Yungers asked for clarification if they went back to the school district, they were talking about 50/50 share of the synthetic turf, the building, and the dome 50/50. She stated not 50% of the dome, and they had already given \$2.1 million and would be a different number if they figured that way.

Council Member Russell stated at least close to the allotment, so they didn't go over \$2.6 million.

Mayor Pro Tem Pha asked if they need any other clarifications.

Recreation and Parks Director Yungers summarized the conversation explaining they would bring the ideas discussed to the school district. She stated they would bring back the final joint power's agreement to the Council.

Mayor Pro Tem Pha asked if they had to meet about the topic or would it be after they met with the school district.

Executive Director of Finance and Operations of Osseo District Ron Meyer stated they had a work session meeting on the topic. He explained they walked through both options and would have a future work session.

C.3 Transportation 101 Workshop

City Transportation Engineer Jeff Holstein briefed the Council on the roadway systems, traffic volumes and the forecasts, level of service the city provides, and the traffic impact studies. The roadway systems include local, collector, minor arterial, and principal arterial streets. Traffic volumes include daily traffic, hourly traffic, average hour usages, lifetime of the roadway or intersection and a long-range traffic forecast. Roadway functions would be the capacity, level of service, the design and the development. Traffic impact studies would be an estimate of traffic impacts, land use, and the land use type and intensity which comes from the city's comprehensive plan and development proposals. He went more in-depth about the average daily vehicular traffic demand (ADT). He stated when designing a roadway, it was typically designed for the 30-50th highest hours of the year. He stated design analysis would be based on a 20-year design lifetime and trying to forecast the AM/PM hours in 20 years from now.

Council Member Mata asked how traffic was determined when putting in a school.

City Transportation Engineer Holstein stated every land use was contained in a manual.

Council Member Mata stated Riverview Elementary School as an example, the school, which was a community school and changed to a magnet school, where now different city residents would be driving their individual children there. He asked how that changed the traffic.

City Transportation Engineer Holstein stated they would look at what it was the generation before, who drove, who walked and how many buses were used. He stated they then would check with the manual, and would go out to find similar types of schools that had converted in the metro, and they would adjust.

Council Member Mata stated that Monroe elementary school, had one road between the people going to school and then those who were going to Highway 252.

City Transportation Engineer Holstein stated they had a very small postage stamp type of site and that was why they were talking to the school district to have an access on the backway for the buses.

Council Member Mata stated that before they went to the big entities to make changes, using a STEM school as an example, it needed to be approved by the city. He stated the city needed to go look at how they went in and out of the building.

City Transportation Engineer Holstein stated they had been working with Monroe Elementary School for years and trying them to ascertain the best way to deal with traffic. He explained the level of service and the grading scale, A being the best and F being the worst. He stated those designing roads in the metro aimed to design it around D traffic conditions

Mayor Pro Tem Pha asked what roadways were at level E or F.

Transportation Engineer Holstein stated he couldn't name them all and that would be a high-level analysis and would need to pull up the transportation plan that was based on today's volumes and ADT capacities. He stated they could look at the roads that had level E and F conditions.

City Manager Stroebel asked it if was fair to say they used that information as well as traffic accident information to identify priority intersections and corridors for the capital improvement plan.

Transportation Engineer Holstein stated they used that information to identify priority sections and corridors for the capital improvement plan.

Council Member Mata asked why the city had level Es and Fs. He stated once they reached an E, asked why they didn't place funding for those roadways so they wouldn't become an F. He stated if they built to what was acceptable, that was worst case at that time. He stated they were not city roads and could be state roads.

Transportation Engineer Holstein explained what was happening was the designs were twenty years out. He stated on the city's roadways, twenty years out, they would need a three-way driveway, but up to fifteen years, there were no problems. Then in twenty years, they could look at it again. He stated at that time, when they start allocating the funding and planning for it. He stated they only had so much money and needed to base it on capacity, safety, and

development, which was why they did traffic impact studies that told the developers and them, they needed them to pay for roadway improvements. He stated the city couldn't change all the Es and Fs, and most of the roadways were not bad and the county roadways were not that bad. He stated in 1993 the community was at 73,000 residents and now was at 98,000 residents. He defined the traffic impact studies, went over peak hours of different areas of the city, tied the land use with the traffic impact and went over trip generation and the traffic forecasts.

City Manager Stroebel stated City Transportation Engineer Holstein's approach was an impartial neutral role and didn't care if a development went in or went out, but they did get some of those traffic studies from developers that hired traffic engineers and had assessed the area. He asked if the developer could be skewing numbers.

Transportation Engineer Holstein stated the city didn't hire the traffic consultant, the developer did.

City Manager Stroebel thought it was important for the Council to know that City Transportation Engineer Holstein reviewed what was presented for development proposals to gauge if they were bending the truth.

Transportation Engineer Holstein stated he had been known to go through some proposals with a red pen and go through the drafts. The county and MnDOT did the same thing and then the review process was summarized.

Council Member West Hafner asked how the county agencies got involved.

City Transportation Engineer Holstein stated the county agency was involved in key assumptions and in the review.

City Engineer Struve stated those things didn't come back to the Council until they had reviewed it and okay with it. He stated if they were not okay with it, then they would see something different. He stated the last thing the developer wanted in the city, county or state would be questioning it because ultimately it must be approved by the Metropolitan Council. He stated if the MET Council saw an objection from any of those agencies, then they were not going to approve it.

Council Member Mata shared his concerns about multiple areas in Brooklyn Park and the traffic issues.

Transportation Engineer Holstein stated the concerns Council Member Mata had were being looked at.

Council Member Mata asked if they could ask new developers who came in the city to make their standards for that area a C standard.

Transportation Engineer Holstein stated they didn't have the most updated manual, but for the standards, they knew that area was accepted at a D standard and needed a new set of standards.

D.1 COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Mata thanked the city staff for removing mold the best they could from the corner of the window until it was replaced.

D.2 CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel gave the following report on events:

- Thursday, Employee State of the City Event, 10:00 a.m. to 11:30 a.m., North Hennepin Community College.
- Council Staff Leadership Retreat, 5th Monday of April, 4:00 p.m. to 8:30 pm.
- Commission Orientation was on Wednesday at 5:15 p.m., Community Activity Center.

Council Member Mata asked if the orientation was for someone who was brand new or would Commissioners who went through it and moved from a different commission needed to attend.

City Manager Stroebel stated any new and returning Commission members would participate because they wanted additional opportunities for team members to connect. He stated they would be providing additional guidance around new Commission Code of Conduct guidelines the Council just adopted.

Council Member Mata asked if he could pass that information through the staff liaisons.

City Manager Stroebel stated he would provide that information to them. He went over the next month of events:

- Youth in Government Day is April 22, 2019.
- Fire Strategic Plan Brief is May 13, 2019.
- Blue Line Connect the Line Now, went well.

City Manager Stroebel stated one of the elements that they didn't include in the Park Center dome/field project was the cost estimate of a new road they wanted to add to Regent Avenue. He stated the question was, should the city ask the school district to pay 50/50 on the road. He stated they did not know how much it was going to cost to add the new road to the parking lot.

Mayor Pro Tem Pha stated it was important to add because the roads were very easy to put in but a second access point for that parking lot would be a good idea.

Council Member West-Hafner stated she did not think that was a good idea because of the pedestrians between the football field and the soccer field.

Council Member Parks stated they were going to be competing with the people walking too.

Council Member Mata stated they wanted to put the dome in there and hold events and they were not expanding the parking lot.

Council Member West-Hafner suggested placing parking by the baseball fields, tennis courts or the horseshoe area, and there was space for it.

City Manager Stroebel stated he would follow up with City Transportation Engineer Holstein about the parking issues and the safety of pedestrians.

E. ADJOURNMENT

ADJOURNMENT – With consensus of the Council, Mayor Pro Tem Pha adjourned the meeting at 10:23 p.m.

SUSAN PHA, MAYOR PRO TEM

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, May 13, 2019
7:05 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, 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; Deputy Police Chief Todd Millburn and City Clerk Devin Montero.

ABSENT: None.

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT – None.

2B PUBLIC COMMENT

1. Collette Guyott-Hempel, 9277 Trinity Gardens. Asked again for improvements to 93rd Avenue along Regent Avenue and Zane Avenue. Stated money was set aside for the road when TH610 was built and would take 18 months to put in. Now it had been 18 years and the sidewalks and curb and gutters had not happened. Stated the city had received money for MSA roads for 20 years and asked how much was spent on 93rd Avenue for improvements for those 20 years for safety. Stated town square center was supposed to be a walking and biking community and asked where the paths for bikes and pedestrians were. She stated it was still 50 mph without shoulders. Stated the approach to the apartments and assisted living development seemed being finished today did not have drainage. Stated the road had 750 people going 60 mph last year during a 4 day stretch plus 3 were going 90 to 95 mph. She stated there were more pedestrians than ever walking to bus stops, walking to Chipotle, Jersey Mikes or to Hy-Vee. Stated that the emergency vehicles, fire trucks use 93rd Avenue instead of using 97th and Oak Grove Parkway. She thanked staff for filling pot holes today and the two officers who gave one person a speeding ticket and stop sign violation in 45 minutes time last Friday.
2. Chris Miklya, 6115 78th Avenue North. He had an issue on 78th Avenue and needed guidance dealing with a person fixing cars. He stated there were non-licensed-plate vehicles all up and down 78th Avenue, 9 to 10 cars and up to 12 parked on both sides. He stated the individual worked on the cars and made it impossible for one car to go in any direction. He stated it had been a big issue for two years and had talked to the individual about it. He stated he had videos and he continues to do it. He stated he had talked to the police and the last time told the police the individual threatened to kill him and his son. He stated the individual was throwing garbage on his property and stated the officer said they couldn't do anything about it. He stated it was becoming a problem and was tired of it and the individual threatened him all the time.

3A. MOTION JACOBSON, SECOND LUNDE TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH MOVING ITEM 7.6 AHEAD OF ITEM 7.1. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B.1 Introduction of New Employees.

Police Chief Craig Enevoldsen introduced new employees to the Police Department.

Economic Development and Housing Director Breanne Rothstein introduced a new employee to the Community Development Department.

Community Development Director Kim Berggren introduced a new employee to the Community Development Department.

3B.2 Mayor's Proclamation of May 16, 2019, as "Protolabs Day" in the City of Brooklyn Park

Mayor Lunde proclaimed May 16, 2019 as Protolabs Day in the City of Brooklyn Park.

4.0 MOTION WEST-HAFNER, SECOND JACOBSON TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS:

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-71 APPROVING A COST PARTICIPATION AGREEMENT WITH THREE RIVERS PARK DISTRICT FOR THE 2019-2020 TRAIL REHABILITATION PROJECT, CIP 2005-19.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-72 CALLING A PUBLIC HEARING FOR THE PURPOSE OF PROVIDING HOST APPROVAL FOR THE ISSUANCE OF REVENUE OBLIGATIONS BY THE PUBLIC FINANCE AUTHORITY.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-73 ACCEPTING BIDS AND AWARDED CONTRACT TO BITUMINOUS ROADWAYS OF MENDOTA HEIGHTS, MN FOR CIP 2003-18 BASS CREEK PARKING LOT RECONSTRUCTION.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-74 APPROVING STAFF TO ENTER INTO A TWO-YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE BROOKLYN PARK POLICE DEPARTMENT FOR 2018-2019.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-75 APPROVING AN UPDATED SEWER AVAILABILITY CHARGE (SAC) AND WATER ACCESS CHARGE (WAC) REDUCTION POLICY AND AUTHORIZE THE ECONOMIC DEVELOPMENT AUTHORITY TO ADMINISTER THE PROGRAM.

4.6 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-76 TO AUTHORIZE THE RECREATION AND PARKS DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BLUESTEM HERITAGE GROUP TO DEVELOP THE INTERPRETIVE PLAN FOR THE HISTORIC EIDEM FARM.

4.7 TO SET A PUBLIC HEARING ON MAY 28, 2019, TO SOLICIT TESTIMONY AND CONSIDER ISSUANCE OF AN OFF-SALE INTOXICATING LIQUOR LICENSE FOR

CHIPOTLE MEXICAN GRILL OF COLORADO LLC DBA CHIPOTLE MEXICAN GRILL,
5901 94TH AVENUE NORTH, BROOKLYN PARK.

4.8 TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE
#2019-1241 AMENDING SECTION 152.342 OF CITY CODE PERTAINING TO
VETERINARY CLINICS.

4.9 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-77 TO AUTHORIZE
THE POLICE DEPARTMENT TO ENTER INTO A JOINT POWERS AGREEMENT
WITH THE MINNESOTA BUREAU OF CRIMINAL APPREHENSION AS AN
INVESTIGATIVE PARTNER IN THE MINNESOTA INTERNET CRIMES AGAINST
CHILDREN TASK FORCE (ICAC).

4.10 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-78 AUTHORIZING
PAYMENT FOR ADDITIONAL SERVICES BY WOLD ARCHITECTS AND ENGINEERS
FOR THE CITY HALL REHABILITATION PROJECT.

4.11 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL
MEETING OF JANUARY 8, 2018, AS PRESENTED BY THE CITY CLERK.

4.11 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY
COUNCIL MEETING OF JULY 9, 2018, AS PRESENTED BY THE CITY CLERK.

4.11 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL
MEETING OF JULY 9, 2018, AS PRESENTED BY THE CITY CLERK.

4.11 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL
MEETING OF FEBRUARY 11, 2019 AS PRESENTED BY THE CITY CLERK.

4.11 TO APPROVE THE MINUTES OF THE BROOKLYN PARK BOARD OF APPEAL
AND EQUALIZATION MEETING OF APRIL 8, 2019, AS PRESENTED BY THE CITY
CLERK.

4.11 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY
COUNCIL MEETING OF APRIL 15, 2019, AS PRESENTED BY THE CITY CLERK.

4.11 TO APPROVE THE MINUTES OF THE BROOKLYN PARK RECONVENED
BOARD OF APPEAL AND EQUALIZATION MEETING OF APRIL 22, 2019, AS
PRESENTED BY THE CITY CLERK.

MOTION PASSED UNANIMOUSLY.

7.6 Recreation and Parks Director Jody Yungers briefed the Council on the Resolution to Approve the River Park Master Plan and to Advance to Design Development Phase for Implementation of the Plan. She covered Council Action, Goals – 4 parts of process, 2018 Parks System Plan, Community meeting – Initial concept, Key Issues – Shore stabilization/Fishing Platforms, Key Issues; River Trail connection – Key Issues, Enhanced Natural Areas and Storm water Management, Agency Stakeholder Engagement, Charrette Activity – 3 concept design ideas, Overview of River Park Master Plan, Overview of River Park

Master Plan Preferred Concept, Community Engagement, Neighborhood Open house, Online Survey, High Priority Comments, Pop Up engagement, High Priority Comments, Refined Master Plan Concept, Agency Stakeholders Comments – Feb 14, 2019 and main comments, Final Draft Concept Plan in Master Plan, Recreation Site Plan/River Park, Natural Resource Management Plan, Storm water Management Plan – 4 options, and Timeline/Next Steps.

Monica Dillenberg, Recreation and Parks Advisory Commission stated at their last meeting they saw the plan, held lengthy discussions and approved sending the plan to the Council. She stated the Friends of the Mississippi River (FMR) representatives were in attendance and they wanted to make sure all the details were correct, the permits would work and not damage the river. She stated it was a concept and it had to go through to keep it going to the next step because it was a long process.

The following individuals addressed the Council:

1. Collette Guyotte-Hempel, 9277 Trinity Gardens. Asked about the size of the prairie area. Suggested the RC remote drones and planes that had been a part of the city for over 40 years off of Highway 169 be able to have enough space for a runway and an area for flying. She stated it could be a part of a stem project for aeronautics and RC cars could be in an area in that park or another park in the community.
2. Irene Jones, Senior policy advocate with Friends of the Mississippi River (FMR). She stated it was a St. Paul based organization that worked on river protection and community engagement along the river throughout twin cities. She stated she provided the Council a letter and appreciated being invited to get involved going forward. She stated the main issues of the letter, was that there were several questions and needed to be answered early in the process. The altering of the shoreline was not permitted under state rules for gaining access to the river. She stated that in talking to Director Yungers there were some stakeholders who came from the government agencies who might not had been the policy stakeholders. She stated a lot of those organizations were large and they wanted to make sure those organizations who did the regulation on water law were included. She stated what was in the plan didn't look like it would be permitted under the current rules, the carving out of the harbor along the river and changing of the shoreline. She stated it was early in the process of the next phase and was important to nail the details of storm water management and how that would affect the shoreline, whether, it would be permitted. She stated if it was permitted, then they would go through the permitting process. She stated they generally supported the direction of the plan and it was nice that it was more focused on the river and engaging people in nature. She stated they liked the fishing platform and a lot of the other aspects of the plan. She stated there were some concerns about the storm water feature and how it intersected with the shoreline. She stated they also had concerns that everything was in the flood plain and there were several flood plain species and that was addressed a little in the natural resource management plan. She stated she raised the issue of the cottonwood trees that were not regenerating very well in the river corridor. She stated there had been some research done by the national park service in the last 10 years and had shown they were not growing back on their own and not a long-lived tree. She stated they were not large but brought character to the river, but in 100 years from now they could be gone without new ones. She stated it was just keeping an eye on the importance of not taking the cottonwood trees out to put wetlands in or prairie in. She stated most of their comments could be addressed through the next process. She

commended Council for moving toward enhancing and embracing the river features because it was a nice feature to have a big park in the central part of the city.

Mayor Lunde asked when they could meet for a discussion. He stated he had tried for years to meet with the FMR because they were advocating for things that affected the Brooklyn Park landowners. He stated too often the FMR represented what St. Paul and Minneapolis did and some of the rule making the DNR did on the river. He stated there were a lot differences between Brooklyn Park and St. Paul, but seemed the rule making advocating by the FMR reflected landowners in Minneapolis and St. Paul. He stated he knew Dayton, Champlin, Anoka, and Coon Rapids would also like to have conversations with them.

Ms. Jones stated they could meet anytime and would also include Program Director Colleen Toberman. She stated the rules had already been adopted.

Mayor Lunde stated when they asked to be part of their solutions when advocating at the Capitol, he couldn't get anyone to return his calls. He stated that was how important he considered the river in how many times he reached out to FMR. He stated they shared the same goals but often felt what was being advocated in St. Paul; the city couldn't have a voice in what they were talking about.

Ms. Jones thought they had connected with city staff and others when the rule making started in 2009. She stated they did speak to legislators and Council Members at the time and remembered there were a number of disagreements between some members of those communities and what FMR was advocating for. She stated that in general, the approach of the rules was to look at the entire corridor and the different features that made each part of the corridor special and unique and provide opportunities for the public to enjoy the river and for the river to be healthy. She stated she didn't think they completely looked only through lens of Minneapolis and St. Paul.

7.6 MOTION LUNDE, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-79 TO APPROVE THE RIVER PARK MASTER PLAN AND TO ADVANCE TO DESIGN DEVELOPMENT PHASE OF THE PLAN.

Mayor Lunde thanked Recreation and Parks staff, partners, residents and stakeholders with being at the meetings by Recreation and Parks. He stated he had represented the river for 16 years and knew the delicacy of tackling issues on the river not only legally, federally, and state, but also reflecting the rights of land owners who also loved the river. He stated there were too many kids in the community who lived next to nature but never went into nature and thought if they could somehow get kid introduced to it. He stated that with the Kids and Cops fishing opener, there were kids who had never picked up a fishing rod because they did not have anyone to take them fishing. He stated it was an opportunity to introduce future stewards of the river to the river and make sure they did it right. He stated he understood it was a concept and had to do it delicately and respectfully. He stated if they didn't get the Council in 20 years making decisions to the river and not think of it as a place where the water went they would lose out on and the concept to help move that in the right direction.

Council Member Mata stated there were things in the master plan he was leery about and it brought up costs. He stated they received a letter from the Department of Interior and when he read the letter, it didn't sound like the city got a green light. He stated the letter said to follow the

permitting process and there were things the city would have to do, such as cutting holes in shoreline, adding platforms into the waterway, and building structures closer to the river. He stated he wouldn't know that down the road when it came back and said the city could do it. Now the city had to take soil corrections in the middle of the river and endless amounts of dollars and the city was already knee deep into a project and would tie the Council down the road and kept spending more money. He stated it also said the city's storm water was discharging contaminants into the river. He asked how many storm water sewers the city had because if they were only going to fix one, asked how many millions of dollars they were going to put in the project. He asked about all of the other ones in the city discharging into the river because he was sure that was not the only one.

Operations and Maintenance Director Ruiz stated he didn't know the numbers but there were several. He stated their intent city wide was when the opportunity presented itself to clean and treat the storm water system. He stated that was the first opportunity that presented itself. He stated when other opportunities were available or capitalized on grants they would continue to clean the storm water that entered the river.

Council Member Mata asked if the land they were using to treat the water, if that was approved to create. He asked if that was being taken out of the park referendum bond or was there some other source.

Operations and Maintenance Director Ruiz stated the funding source was from the storm water utility fund.

Council Member Mata stated the city was the largest property owner and didn't see much in the plan that was focusing on getting people there. He stated that on the other side of river, in Coon Rapids as an example, they had a band shelter and had weddings, receptions and events. He stated somewhere in the plan, they should build something where every weekend in the summer they could have events and get people there. He stated right now they were asking people to ride the bike trail and go through the environmental area in the north side and then go back to the city. He stated they were asking people to do fishing, put a kayak in, or put in a boat, but if water was high, it wouldn't get done. He stated they were going to put all that in the park, but they were not going to create anything that would draw people there. He stated there used to be two BPAA baseball games there two or three nights a week, and 100 people were going into that park. He stated there wasn't parking there and would overflow into the neighborhood. He stated it was a focal point on the river and if they were going to keep it that way, they needed to create events there all the time. He stated it was a perfect park for someone to have an outdoor wedding reception instead of using the golf course. He stated he saw a lot things that were not in the master plan.

Recreation and Parks Director Yungers stated they had to balance that in the design. She stated it was a special park where they wanted to connect people to nature. She stated they believed it was important to do programs and had Rec on the Go, and was their highest attendance location for young people. She stated they also planned to have connections for food trucks when they did do special events on a periodic basis. She stated what they did not want to do was make it an event park. She stated it was the only one of 60 in their entire system that touched the river and balancing all that in the residential area was important. She stated they designed it for that flexibility and that use, for both reservations, picnics, company picnics but also inviting the community to celebrate in a unique way.

Council Member Jacobson stated when she lived on Crystal Lake in Robbinsdale, when they knew a change was coming, her parents were there at the table because they looked at the lake every day around passion, just like Ms. Guyotte-Hempel who came to almost every meeting and spoke to the Council around what she was passionate about. She saw 93rd Avenue every day and was the same thing with people who lived on river. She stated Director Yungers said one goal was to strengthen the community's connection to the river, and the people who lived there now were currently connected to the river, but her desire was to bring other people from the community to that park. She commended staff for putting back one of the ball fields because she had been watching it to see what was happening in the evening and there was definitely ball being played there. She stated she was concerned about the letter from the Department of Interior that said, while they appreciated the city's efforts to improve the experience, there was a misunderstanding in how they supported the planning process, and that while the city was applying for potential grants, it was not a categorical endorsement of the draft master plan. She stated that didn't sit well with her that the city was claiming something it wasn't.

She stated it was the concept plan what the Council was approving tonight and to move to the design and development phase. She stated that hearing Ms. Jones address the Council, while she said the FOM commended the city, they had concerns. She stated she wanted to make sure that all of those stakeholder's concerns were heard and the city took proper action based on those concerns, and that it wasn't just engaging them and still tried to do what the city wanted to do. She stated she wanted to make sure they got it right because they had one chance to do it and must do it for the people who lived on the river today, for those that lived on the river in the future, and for the residents who would go to that park who might not even know it existed, because of new opportunities that were there and would make it a regular opportunity for their families.

Council Member West-Hafner thanked the Recreation and Parks staff and the RPAC on their hard work with engagement. She wanted to make sure she was clear that part of the reason they purchased the property next door and were proposing the storm water treatment was because the city was out of compliance with the rules for discharging water into the river. She agreed with Council Member Mata that if it was one of several that they needed to look at other places where it was being discharged. She asked what would happen if the DNR did not approve the plan and the city wasn't allowed to cut trees and make those water treatment ponds. She stated she didn't want to approve a plan and have the community thinking that was what they would get or be stuck with. She stated it would move through the permit process and then the DNR turned the city down and the Department of Interior turned the city down and ended with 10 different permit processes that the couldn't get through. She stated the city would still have the storm water issue, still bought the property for that purpose, and asked what the alternative would be if they said no to all of it.

Recreation and Parks Director Yungers stated she talked with members of both agencies that submitted the letters and they had a difficult time endorsing a master plan when they had not been the agency doing the master plan. She stated they could not endorse a plan to which they were the granting agency that gave grants. She stated they were supportive of the concepts. She stated they were also the permitting agency and they had to walk a fine line between endorsing something they eventually would have to permit but had to be at the table during the design development process. She recommended what the RPAC did, which was to accept the plan with the understanding they would work with the agencies they brought forward

through the process of design development and assuring the Council they had been at the table and what that impact was to the original plan.

She stated she had redeveloped 20 plus parks in her career and they were naturally resourced based parks. She stated she never had seen, when it moved into the design development, that the concept plan and the final plan were the same once they dug in and knew how to work with the agencies that did the permits. She stated she had done river front and a lot of lake front developments and knew how important it was to get those permits from the beginning. She stated they had to bring them to the table and the hydrologists were the ones from those agencies that had not been at the table and they were the ones that needed to be moving forward. She stated she would inform the Council along the way to make them feel comfortable that they were going through the permit process, and if they wanted, could make that part of their action tonight.

Council Member West-Hafner clarified that they hadn't reviewed any of the work from WSB or that anyone had done because they wouldn't do that until they got a permit application.

Recreation and Parks Director Yungers stated they had looked at the master plan, its concepts and ideas. She thought in the letters both agencies said that in concept they loved what the city's goals were and what it was trying to do and the elements of the plan. She stated that both agencies were concerned to make sure the city followed the permit process to ensure it could meet the laws related to when it is working along the sensitive edge of the river. She stated that was the process that happened, the design development and permit process, worked hand in hand through the process. She stated they would be at the table and guide them in both designs and options they were looking at. She stated they recently received the storm water plan with the four options and would look at the storm water train as their preferred concept. She stated they would work with the city side by side through the design development process and they couldn't get a permit to put a shovel in the ground until they signed off on it.

Council Member Parks thanked staff and RPAC. He stated he sat with the Commission last year and there was a lot of work and hours put into the concept. He stated he didn't want it to be an event center because, regarding weddings, there was Leopold's Wedding Center who had weddings on the river. He stated when they talked about amplified sound a couple years ago, he met a lot of neighbors there and said they didn't want amplified sound. He stated he appreciated the city having new partners and partnerships and other agencies wanting to come on board. He stated one thing they had to keep in mind was that shoreline was eroding and something had to get done, and if they told the city it couldn't dig into it and couldn't put in a little channel, then the city couldn't do it. He stated it was not only in the park system, it was the neighbors all the way down that row too. He stated he wanted to make sure when they did it that the city didn't forget the neighbors that lived there.

Mayor Lunde asked for a roll call vote.

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

7.1 Award Bid to BCI Construction, Inc. for City Hall Rehabilitation. Operations and Maintenance Director Dan Ruiz briefed the Council on the award bid to BCI Construction. He briefed on the City Hall deficiencies, City Hall improvements and tentative schedule.

Council Member Pha asked about the \$120,000 for the heated sidewalk as an alternate option. She wondered if they would save enough in labor, maintenance and salt to compensate for that \$120,000. She asked what the deciding factors on the pros and cons would be.

Operations and Maintenance Director Ruiz stated the return in the investment would be extensive. He stated it would save hours of labor, a few thousand dollars a year, and the biggest savings was the safety factor. He stated that unfortunately there were people that fell outside of City Hall and that was with salt being put down and/or shoveling. He stated when the snow came down at two inches an hour, there was not much they could do to keep up with it. He stated it was a solution to look at and they were recommending moving it forward, but if it was the consensus of the Council to not do it, it was something that could be done as a stand-alone project another time. He stated that with each year that passed, the costs to do the work went up by inflation.

Council Member Mata asked if they were worried about city staff because they entered through an alternate entrance and not protected by the project. He stated that no matter what they were walking on, they didn't know what was underneath and had to be careful. He stated that just because it was heated didn't mean it was going to be free of ice. He asked if there were any intentions of doing that for city staff on their sidewalk who had to use a different entrance.

Operations and Maintenance Director Ruiz stated they had no intention of doing it at the other entrances and did care about city staff. He stated part of it was for the general public and the most used door of the day. He stated City Hall had more people coming in and out between the general public and staff coming out the front door and other entry ways used by staff. He stated it was also an aesthetic thing because it didn't look great when the sidewalk looked chalk white with so much salt on it. He stated they wanted to see what it would cost to do it and give it to the Council for consideration.

Council Member Mata commented on the DMV, asked if they had asked people for a period of time, how many were Brooklyn Park residents and if a study was done. He stated one of the reasons for doing all that work was because of the jam in the hallways at the DMV. He stated when he had been there, he asked people who were waiting where they were from and very few were from Brooklyn Park. He stated that meant the city was serving a function for the County so their offices were not overburdened with people because they could come to Brooklyn Park. He stated it meant the residents were subsidizing that feature for the County. He stated Hennepin County was not giving money to the city for the project and suggested to stop doing those Hennepin County services and only do things for the Brooklyn Park residents. He stated the city was not asking someone from Coon Rapids, Fridley or other cities to come to Brooklyn Park or other cities and foot the bill and pay extra like a \$5 fee because they were not a Brooklyn Park resident. He asked if anyone had done anything like that.

Operations and Maintenance Director Ruiz stated he didn't have the breakdown of the customers using DMV but the majority were Brooklyn Park residents. He stated they did ask the partners for funding for the addition and were told no.

Council Member Mata suggested to do the services for Brooklyn Park residents only if the County didn't want to help with building one of their own facilities and take the burden off them. He stated he had been to the Brooklyn Center DMV and they gave numbers on Saturday and would let them know how many were in front of them and might not be served that day. He

stated they could either wait and maybe not be served or they would go to Brooklyn Park. He stated Brooklyn Park was one of the cities that had DMV services and would like to have that narrowed down to Brooklyn Park residents and probably didn't need it.

He asked if they were going to put in a centralized counter, if that meant someone from Engineering was going to walk the entire length of the building to get over to that counter instead of the customer walking to where they needed to go. He thought the signs were knowledgeable of where to go.

Operations and Maintenance Director Ruiz stated they located staff that had the most counter visits closest to the counters. He stated Engineering was also moving from the back corner of the building to just one section further north. He stated if there were some folks that had engineering questions, some front counter staff would be able to answer those questions, and if they had more detailed questions or needed to meet with an engineer, then the engineer would come up and meet with them. He stated they had long discussions in the Engineering office about where people should be and how long it would take to walk up to the counter. He stated they didn't mind walking a few steps to the counter because they had so few counter visits.

Council Member Mata stated that it was a large value to reshuffle all of the city offices and pay that amount for it. He stated that was done when tearing down the building and building a new one and not for a remodel, especially when doing it because of the hallway issue regarding DMV.

City Manager Stroebel stated that regarding the benefits of the counter, they were cross-training staff so they would be able to fill permits for multiple departments and not just for their specific specialized department. He stated the value there was that city staff wouldn't have to leave their desk if they were working on something. He stated that one of the findings they had when they asked city staff who were currently working the counters was the way it was set up now was when they were engaged in a item or work project, anytime a customer came to the desk, that work was interrupted to serve the customer, which they wanted to do. He stated in that case, if they cross-trained some staff to be at the counter, it allowed uninterrupted service for the folks working at their desk. He stated if there were questions that were above and beyond what the customer service staff couldn't answer, then they would still had the ability to bring staff with the special knowledge up front.

He stated they knew there were residents from other communities that took advantage of the DMV in the city. He stated they got the same fee from Brooklyn Park residents as they would from a Champlin or Maple Grove resident. He stated it was a service they wanted to provide to the community members and was a benefit to residents from the other communities. He stated they did reach out to the State of Minnesota, Department of Public Safety, to ask them about Brooklyn Park providing that service and if they would be willing to cost share. He stated they knew the Council brought that up before and staff did wish there was more of a cost sharing and had worked to advocate for the Registrar's office to share more of the fees because they were taking on the expense of not only the labor of the employees because it was a break even operation but wished they could capture more of the fees to cover some of the other ancillary costs that went along of having a Registrar's office.

7.1 MOTION WEST-HAFNER, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2019-80 TO AWARD THE BID FOR CITY HALL REHABILITATION TO BCI

CONSTRUCTION, INC. WITH THE TWO ALTERNATES INCLUDED.

Council Member Parks stated he liked staff coming up to the counters and thought it was more of a security issue without having the public walking throughout the building. He stated he liked the heated sidewalk and asked if there was some way where it wouldn't cost much more to also do the sidewalk to the employee entrance. He stated it was a short sidewalk and got slippery especially by the door. He asked if they talked about solar for City Hall when they did the concept.

Operations and Maintenance Director Ruiz stated they did look at solar facilities at City Hall and based on the agreements with Xcel doing the type of solar installation they were doing at the Community Activity Center and other facilities did not make economic sense. He stated the type of program that made economic sense and applied for was called Made in Minnesota Solar Program. He stated it was for a smaller capacity 40KW system, and unfortunately, the city did not get those grants. He stated they got one grant for the Central Fire Station, but the State discontinued that program. He stated if there were other opportunities out there where they could add solar to City Hall, they would be applying for those grants.

7.1 THE VOTE ON THE MOTION PASSED. (6 TO 1) MATA VOTED NO.

7.2 Resolution to Approve the Brooklyn Park Fair Housing Policy.

Development Project Coordinator Erika Byrd briefed the Council on the policy and covered: Why have fair housing policy, Fair Housing Policy, Policy Development Process and Next Steps.

7.2 MOTION PARKS, SECOND LUNDE TO WAIVE THE READING AND ADOPT RESOLUTION #2019-81 TO APPROVE THE BROOKLYN PARK FAIR HOUSING POLICY AND DIRECT STAFF TO IMPLEMENT THE POLICY.

Council Member Russell stated he agreed they needed a Fair Housing policy, but what was presented to the Council was inadequate and needed to relook at it. He stated it had a lot of gaps and he read the guide mentioned from the Met Council and there were STILL several gaps in what was presented and needed to be redone.

He stated it didn't have an LEP policy, Limited English Proficiency provision. He stated the city had a 20 plus percentage that lived here that were foreign born and needed to be cognizant of the limited English proficiencies. He stated that because the city was a subrecipient under Title 6 of the Civil Rights Act, Executive Order 13166, called for the city to provide those provisions and an ADA policy. He stated that under #4, Internal Practices, they needed to be specific when it said, "the city will review its housing inventory periodically to exam affordability for both rental and owner-occupied housing to inform future city action. He asked what periodically meant and needed to be more concrete than that.

He stated it needed a time period and when it said, "the city will review the municipal code periodically," that needed a time period too. He stated he talked to Community Development Director Berggren today and she sent him some documents and what he received were project based. He stated they were talking about policy, a guiding document, a policy that was looking

at it from a 35,000 feet perspective and what was presented was not. He stated it looked more like a check off the box kind of work as opposed to a comprehensive type policy. He stated it was only two pages and he knew, not all the time, they looked at quality versus quantity, but when they talked about policy, it was not enough and was inadequate. He suggested going back and doing it over.

He stated also missing from the document was a provision that said the “city would review, revise, and if necessary, adopt annually” and it needed that provision. He stated that policy was going to be a working type of document, open to regular updates, changes and other things.

He stated that under #3 External Practices, Intake and Referral, the city designated the Director of Community Development as the responsible authority for the intake and referral for all fair housing complaints. He asked who the Fair Housing Officer was and it was not clearly stated and the role needed to be clarified. He stated the policy presented tonight locked procedures and asked what the procedure was to deal with fair housing complaints and that was also absent in the document. He stated he would like the policy redone.

Council Member West-Hafner stated she had some issues with the policy too and thought they needed to have one. She was worried about the city not having a Fair Housing Equal Opportunity Officer and didn't have a Civil Rights department. She suggested a language change and the fact was that the majority of the fair housing complaints ended up needing to go to the level of HUD because they had to be specially trained to be able to investigate and review fair housing complaints. She stated she didn't want to have anyone in the city thinking they were going to be able to handle investigating, reviewing and making any kind of decisions or penalizing someone for a fair housing discrimination complaint. She stated she didn't think the city had the authority. She stated that until she did more digging, HUD was the only place they could make complaints and that was not true. She stated there was a very specialized list of people that could take those complaints. She thought there were other things missing and suggested that it come back and there would be an annual review of the policy to make it clearer, but thought they needed to get it in place now.

She stated one of the words she would like to see taken out was the word “intake” because she didn't want there to be the impression the city was actually able to handle taking in fair housing complaints and handling them from start to finish. She didn't think the city had the proper trained people in place to do that. She stated that under #3; Letter A, in that title that it should just say “Referral” and take out the word “Intake. She stated it could be left in the text but needed to take it out the title so there was not a misconception that the city was actually taking in fair housing complaints and being able to handle them.

She stated she wanted to make sure they had something in place and would like to continue to have conversations about it to make it better. She stated it was an unfunded federal mandate and HUD to this date still had not figured out how to explain to anyone that administered the program what it meant and didn't want to open up something the city couldn't handle.

Council Member Jacobson had concerns too related to the external practices. She felt there was a piece missing. She stated the policy talked about providing access on line with links to various fair housing resources and then upon request providing a list of fair housing enforcement agencies and complaint forms. She stated she wanted to put herself in the place of a resident in need of help because something happened. She stated they didn't know the first

thing about what to do, what their rights were, and that was the piece she felt was missing. She asked if it could be stated in the policy around how they informed the community about their rights or if anything could go in the new connect bags. She stated the Council always talked about educating the residents about different things, whether it was around parking or other things. She suggested to table it and bring back a different version.

Council Member Pha stated she was in favor of tabling the item. She stated they previously had been funding an organization that did tenant advocacy from the CDBG funding and had been doing that for many years. She asked if that was an agency they could partner with and refer all of the complaints since they already did that work and received funding from the city. She stated the report said they had the Human Rights Commission look at the policy and didn't say what the recommendations were or that changes were made based on their recommendations. She asked if there was any information they could get on what their thoughts were and any changes that were made based on their recommendations.

Development Project Coordinator Erika Byrd stated there were no changes made to the policy itself based on their recommendations. She stated it was more about clarifications, about what their roles would be on it, whether they could receive complaints, when they would get updates, review of housings stock and housing plans and how that would work. She stated it didn't change the policy itself.

Council Member Mata asked if there were two policies that were put in play at the HRC. One was presented tonight, that they were reviewing for content, such as, coming to the EDA and Council so that the city had a policy in place. It would fulfil the CDBG grant money because if they had a developer who came forward and asked to use that money, they couldn't use it because the city didn't have that policy in place. He asked if that was the policy being presented tonight.

Development Project Coordinator Byrd stated the policy they reviewed was the same language.

Council Member Mata stated there was another policy they were going to have in place and HRC was going to take a much in-depth look into dealing with housing and issues in that aspect.

Development Project Coordinator Byrd stated the tenant protection and notification ordinance was a policy that they were moving forward. She stated they introduced it last month at the HRC meeting and would be bringing a draft in a subsequent month and there would be conversations with the Commission.

Council Member Mata stated it was dealing with residents and people living in apartments and under rental agreements. He stated that was more of the content and body and the things that would assist people in need and where they would go and who to talk to at the city. He stated the city never had policy like that before. He stated it was a policy to be put in place and it could be amended, changed at every Council meeting if they wanted to. He stated that right now if someone wanted to use money to build an affordable complex, they would bypass the city of Brooklyn Park because it did not have that policy and could not authorize them that money.

He stated he would be interested in moving forward with what they had in content and put it in place so that a developer out there, and talked about one on Brooklyn Boulevard, that if it

happened to stay in fruition, they could continue their process. He stated if it was the developer, they might look somewhere else if the Council went back and forth on something. He stated there were changes that could be made once it was put into place. He stated that was why he asked the Council to approve it and make changes from there. He stated if the Council wanted to spend time wordsmithing to that detail, he didn't have a problem tabling it. He asked how many meetings they were going to push it out to get their questions answered and get it the way they wanted. He stated they never had that policy before in the city and was a template based on other cities that had passed something and they were getting something on the books. He stated that as far as the titles, he didn't like to see people's names put in there because their names changed but the positions would stay. He suggested not adding people's names in it and using their titles.

Community Development Director Berggren stated the Council had several options tonight. She stated they could table it and it would be brought back with some revisions. She stated they were trying to keep it simple and was less detailed than the Met Council had produced as a model. She stated some of it was because there was some unknown space there and didn't know what it meant to be an officer. She stated they identified the Community Development Director as a person that was in the housing sphere and could make sure the person that had a complaint got connected to the right person in the organization. She stated both the limited English Proficiency and ADA policies were separate policies the Council might want to consider and had teams working on them. She stated Communications and Community Engagement were working to figure out the next steps for a better language access and they did have some work going on around the broader review of inclusion practices. She stated they tried to reference those things in the policy as they were trying to work out the details. She agreed there were limitations to what was before the Council tonight. She stated they could spend more time to beef it up in the short term if that was the preference of the Council but, in terms to get at the EDA and language proficiency, it would be a challenge in a short term.

Community Development Director Berggren stated there were questions around promotions. She stated as part of the policy they would do communication efforts to make sure people were aware they would accept or document their complaints and connect them with right resources. She stated they didn't have a robust staff capacity and part of the policy said that one of the future actions would be staff to get more training in the federal fair housing policy. She stated that was a challenge and had expressed that in the past. She stated it was not a training that was currently being offered regionally and were working with other agencies to see how they could get staff trained.

Council Member Parks asked if they added to the policy what was suggested by the Council if they had staff to implement the policy. He stated he was willing to table it and would pull his motion if that was what they needed to do. He stated he was concerned if they added to it, they would not going to be able to implement it.

City Attorney Thomson stated there was a motion on the floor and the motion to table would take precedence if someone wanted to make a motion to table otherwise they could vote on the motion. If there were not sufficient votes to pass it then they could table it.

Mayor Lunde stated he would leave the motion on the table and act on the motion rather than to withdraw it. He stated the city got an award from Met Council for Village Creek apartments and

asked what the timeline was. He stated he was worried if they did not pass something, but agreed there needed to be changes, that there was a potential for that risk.

Development Project Coordinator Byrd stated they had two years to spend it but couldn't draw any funds from that grant fund until there was a policy in place. She stated right now where the project was, there were no grant funds to be drawn down. She stated they didn't know the exact date when they would hit that timeline.

Mayor Lunde stated he preferred to pass it and work off making changes only to get something there. He stated he would hate to miss out on something because they were missing a piece of paper for the Met Council. He stated that until they got a real policy that did what they wanted and were going to make changes anyway, it would be better to edit it in reverse. He stated there was nothing that said they couldn't go back and replace it with a new policy. He stated affordable housing was worth it knowing the Council had clearly said they wanted changes and they could direct staff or add friendly amendment to the motion.

Community Development Director Berggren suggested if the Council was willing to approve the policy before them tonight they could come back in six months and report back on what they had done in terms of setting up themselves to be administrators of the policy and also how many complaints were coming in and had more information to think about changes to the policy. She stated at that time they would have a better handle on the EDA work and language access work too.

Mayor Lunde stated he was okay with the policy and thought it was clear the Council wanted to make changes. He stated he heard six months and took it as a hint that it was going to take some time to identify what the unknowns were. He stated that meant that it was a lot of time in development space that was easily time for someone to come in and said they wanted to do something.

Council Member Jacobson asked if they tabled it, realistically they would be tabling it for six months in order to have the information the Council was requesting.

Community Development Coordinator Berggren stated if the Council could approve the simple policy and they would come back and report to the Council where they were in six months. She stated they didn't get a lot of complaints and they could do some marketing to make people know that was an option and see if people were reaching out to them. She stated it might give them more context for whether or not the policy needed additional information in it, otherwise, they could try to look at it and come back sooner with some suggested additions based on the feedback Council gave tonight.

Council Member Jacobson stated she would not be in favor of waiting six months. She stated if they were going to pass it tonight, she would want a tighter time frame around it coming back to the Council, or she would rather make a motion to table it. She stated it was far from perfect now and got it in the books but asked if it was good enough.

7.2 MOTION LUNDE, SECOND JACOBSON TO TABLE.

Mayor Lunde called for a roll call vote on the motion to table.

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

Mayor Lunde stated they were now back to the main motion.

Council Member Jacobson stated the timeline would affect her vote. Six months would be a no vote, and whether they made an amendment to the motion to put a timeframe on it thought that would make a difference.

City Attorney Thomson stated there was a pending motion on the floor. If the motion was to approve the policy, the appropriate amendment would be to add a condition to the resolution that it be brought back to the Council in three months.

7.2 MOTION JACOBSON, SECOND PHA TO AMEND THE MAIN MOTION TO ADD A CONDITION TO THE RESOLUTION THAT THE POLICY IS TO BE BROUGHT BACK TO THE COUNCIL IN THREE MONTHS.

Council Member West-Hafner stated they needed the policy just in case those applications were working their way through the State Housing Finance Agency and other agencies and was happy with the three months and there were changes to be made.

Council Member Russell stated three months was the shortest time to turn it around. He stated he was more interested in quality than expediency. He stated he looked at all of the cities that were referenced in the presentation and the policy fell short. He stated it was just basic information. He stated he looked at the City of Sweetwater, Minnesota, Fair Housing policy, and it was a small city and not as complex or large as Brooklyn Park and their policy was 4 pages and contained much more detail. He stated at a bare minimum, the policy presented was inadequate.

7.2 THE VOTE ON THE AMENDMENT TO THE MAIN MOTION PASSED. (6 TO 1) RUSSELL VOTED NO.

Mayor Lunde called for a roll call vote on the main motion.

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

7.3 Resolution Declaring Official Intent of the City of Brooklyn Park, Minnesota to Reimburse Certain Expenditures from the Proceeds of Tax-Exempt Bonds or Other Obligations to be Issued by the City. Finance Director LaTonia Green briefed the Council.

7.3 MOTION PHA, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-82 DECLARING THE OFFICIAL INTENT OF THE CITY OF BROOKLYN PARK, MINNESOTA TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT BONDS OR OTHER OBLIGATIONS TO BE ISSUED BY THE CITY. MOTION PASSED UNANIMOUSLY.

7.4 Authorize Recreation and Parks Director Yungers to Enter into a Professional Services Agreement with Simplar Sourcing Solutions. Parks and Facilities Manager Brad Tullberg briefed

the Council.

Council Member Mata asked if they were bringing in someone to manage those projects so that it saved staff time and asked if they were reducing staff anywhere.

Parks and Facilities Manager Tullberg stated they would help create the request for proposals and help with the procurement method to find high performing contractors. He stated they were not managing the project. It allowed them to bring in contractors that would require less time and energy for staff to manage the project. He stated Director Yungers, himself and Greg Hoag would still be the project managers. He stated by identifying high performing contractors, the methodology included weekly risk reporting, and a lot of contract performance measurement was a much more efficient way for staff to manage those projects.

Council Member Mata stated it seemed they were hiring a management company to hand pick contractors. He stated the State told them they had a low bid process and the Council had made it known they would like to have local contractors. He stated with all his years on the Council, when bids came forward, if a person was the low bid, a responsible party did reference checks from other cities, they would be eliminating someone else because they determined who they wanted in the procurement process, which the Council didn't have a say in it. He stated it sounded like they were hiring someone to hand pick who would do those projects based on their familiarity with them. He stated the Council could give someone a first-time opportunity to do one of those parks and they could be fabulous, but they could completely be weeded out of the process because they hadn't done anything with the company. He stated he was not okay with it.

He stated he asked a question before about the park referendum bond and was told there was no way they could do all those projects and would be spending the money in five years and told by the Director there was no way to do it, because they didn't have staff and didn't have people in the department to manage all those projects. He stated he felt he was circumvented because now they were going to hire that company who would manage all the projects, spend down all the bond money on every project and would be done with it in five years. He stated he felt there was a bait and switch and wouldn't be supporting it. He stated there was a low bid process and thought there would be some legitimate bidders that would be weeded out of that process.

Parks and Facilities Manager Tullberg stated the State Statute allowed for the best value procurement process. He stated they had conversations with the city attorney and it met the criteria within the statutes. He stated it was being used by other municipalities, such as the city of Rochester and the Rochester School District. He stated it was different than the absolute low bid and it brought other criteria into the process. He stated Simplar would not be managing the projects. He stated they would be helping staff put the packages together to help make a decision as to who would be the best, put the bids together, and to get bids back from high performing contractors. He stated it was not necessarily for people who were familiar with Simplar, it was open to the public and would be advertised on the city's website, Sun Post newspaper and the construction pages for anyone to bid on them.

City Attorney Thomson stated it was important to understand that any contract that would be awarded came back to the Council. He stated Simplar or staff did not have authority to award those contracts. He stated what the best value process did was to allow Council and staff to consider factors other than the price in awarding the contract, such as consider experience and

other things assuming they followed the correct process.

7.4 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-83 TO AUTHORIZE THE RECREATION AND PARKS DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH SIMPLAR SOURCING SOLUTIONS.

Council Member Russell asked if they were putting information in the ethnic newspapers because not a lot people had access to the Sun Post newspaper or knew where the information was on the city's website. He asked what other mechanism were used to get the information out there. He asked if there were plans to put a fountain or splash pool at Zanewood.

Parks and Facilities Manager Tullberg stated they used two organizations, the Minority Contractors Association and Women's Contractor Associations. He stated the splashpad was not identified as part of the park system plan and as they looked at the park reinvestments they could revisit that, but was not identified anywhere within the park system.

Council Member West-Hafner stated most construction projects had an architect or engineer or someone else to create those plans and specs put out for bid. She stated they were paying for it in a different way and thought it would end up in cost savings. She stated if it was something else, they would pay for those costs anyway through an architect or engineer to create those documents because they were very specific and detailed. She stated paying that group to help with the bulk of the project was a bargain because most of the projects she had seen for housing, those costs could be 5 to 10 percent of the total development costs.

Parks and Facilities Manager Tullberg stated they would be hiring an architect, and the first thing they did with XPD was allowed them to manage projects instead of hiring a construction manager for 7 to 10 percent of the estimated value. He stated they felt paying two percent was better use of those funds.

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

7.5 Approval to Enter into a Joint Powers Agreement with ISD 279 for Construction, Ownership, Maintenance and Operation of Dome, Support Building and Lights at Park Center High School. Recreation and Parks Director Jody Yungers briefed the Council.

7.5 MOTION JACOBSON, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-84 APPROVING AND ENTERING INTO A JOINT POWERS AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 279 (OSSEO AREA SCHOOLS), HENNEPIN COUNTY, MINNESOTA FOR THE CONSTRUCTION, OWNERSHIP, MAINTENANCE, USE, AND OPERATION OF DOME, SUPPORT BUILDING AND LIGHTS AT PARK CENTER HIGH SCHOOL. MOTION PASSED UNANIMOUSLY.

7.5 MOTION JACOBSON, SECOND WEST-HAFNER TO GRANT THE AUTHORITY TO THE CITY MANAGER TO EXECUTE THE NECESSARY AGREEMENTS FOR THE DEVELOPMENT OF THE TURF FIELD LIGHTING, DOME AND SUPPORT BUILDING AT PARK CENTER HIGH SCHOOL IN AN AMOUNT NOT TO EXCEED \$3,461,275 OUT OF THE PARK BOND FUNDS. MOTION PASSED UNANIMOUSLY.

7.7 Resolution Providing for the Issuance and Sale of General Obligation Bonds. Finance Director LaTonia Green briefed the Council.

7.7 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-85 PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2019A, TO BE ISSUED IN THE PROPOSED AGGREGATE PRINCIPAL AMOUNT OF \$4,470,000. MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Lunde stated the first State of the Community event was held tonight and had another 27 events scheduled over six days. He stated he would have a report on it next week.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated the annual city employee breakfast was on Wednesday at the Community Activity Center, from 7 to 8:45 a.m. and invited the Council.

He stated Memorial Day was in two weeks and the Council meeting would be held on Tuesday, May 28.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 10:01 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, August 26, 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, 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 Chief Todd Milburn and City Clerk Devin Montero.

ABSENT: None.

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager stated a resident addressed the Council regarding the concerns for safety and speeding on 93rd Avenue.

2B PUBLIC COMMENT

1. Collette Guyott-Hempel, 9277 Trinity Gardens. Stated the Planning Commission approved townhomes requesting either 93rd Avenue be done and finished off with sidewalks and trails on one or both sides or a left turn lane put in so the road would become much safer for pedestrians and vehicles. She stated people the Prairie homes development had spoken to the Planning Commission and Council regarding that road when the apartments were approved and the townhome complex.

She stated the city collected money from their development 30 years ago and now had close to \$300,000. She stated it was MSA roadway the city had been getting money for the past 20 years when TH610 was open and when the city took the road back from the County. She asked again about the safety concerns being addressed and the speed lowered. She stated three of the Planning Commissioners called it a dangerous roadway at that meeting and said people were taking their lives in their own hands if they tried to walk along that road with the speed at 50 mph. She stated there were 750 cars on last year's 4-day study with an average going 60 mph or greater.

She stated the with crosswalk and police enforcement made drastic improvements on people stopping at the stop sign and thanked the Council for it. She stated she was happy to see the access and trail way on Regent would be gone because pulling out in front of vehicles going 40 mph would be another thing for bicycles.

3A. MOTION WEST-HAFNER, SECOND PARKS TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH THE REMOVAL OF ITEM 4.2. MOTION PASSED UNANIMOUSLY.

3B. PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B.1 Legislative Delegation Presentation and Discussion

City Manager Stroebel introduced the legislative delegation and they briefed the Council on legislative issues.

Representative Michael Nelson briefed the Council on issues with Bottineau Boulevard and the railroads. He stated next year was a bonding year and North Hennepin Community College was going to be building the Center for Innovation and the Arts and would be a collaboration between the College, Brooklyn Park, Metropolitan State University and Hennepin County. He highlighted budget issues with the Highway 252 project. He updated the Council on the legislation and the Pension Commission. He stated the concerns would be getting the volunteer firefighters money out of their pension fund and not have a reduction in the reserves.

Representative Melissa Hortman highlighted the Bottineau Light Rail concerns. She stated the House of Representatives passed the liability protection language for the Burlington Northern Santa Fe in the transportation bill and carried it to conference and could not convince the Senate to adopt the language. She stated in 2020, it was speculated the bill would pass in the House of Representatives and the Senate, which then would be signed into law within the bonding bill. She expressed moving the Light Rail project forward with the MET Council, federal delegation Senator Klobuchar and Senator Smith as well as the Congresswoman Omar and Congressmen Phillips. She stated when speaking to the Governor, stated it would be the number one legislative priority for Brooklyn Park in the year 2020. She stated the House passed a Comprehensive Transportation Funding package to dedicate new transportation resources to cities and counties in Minnesota. She stated if the proposal became law, the City of Brooklyn Park would be receiving \$153,000 in 2020, \$708,000 in 2021, \$860,000 in 2022, and \$967,000 in 2023; in return, Minnesota would add a nickel in the gas tax every year.

Senator John Hoffman highlighted on the growth of residents over the age of 65 and the need for affordable housing. He stated two things passed, House File 7, which assisted in access to affordable housing, in the Bonding section \$60 million was allocated to affordable housing efforts, money toward permanent housing and supported housing for families or individuals that were at risk or experiencing homelessness. He stated it also addressed the issue of affordable housing for seniors and the preservation of federal incentives for housing.

Representative Samantha Vang, who was a part of the Bonding and Capitol Investments Committee, stated she would be touring the Mississippi Gateway Regional Park to learn more about that project. Representative Vang stated the legislators passed the LGA with an increase of \$26 million in 2020 and an additional \$4 million in 2021, which was very close to restoring two levels on the funding. She stated Brooklyn Park funding would be increased by \$260,000.

Mayor Lunde thanked the representatives for their updates. He mentioned Highway 252 becoming a freeway and the need for Brooklyn Center and Brooklyn Park to get it done because it was the most dangerous highway in the state. He stated there were challenges of the housing needs. Mayor Lunde stated the project was so big that they did not want to spend the entire city budget on the project. He stated Brooklyn Park had some funds, but would like to communicate more with the state with assisting in the project. He stated he would be interested in hosting a bonding lunch to discuss partnerships and assistance to move things forward.

Senator Hoffman stated the Mille Lacs Tribe investigated their housing issues and successfully built Section 42 housing units and an enterprise zone. He stated he would follow up with information for the Mayor.

Council Member Russell asked about an update regarding the Census.

Representative Nelson stated the legislative branch dedicated \$1.6 million into the Census to get a complete count and Brooklyn Park and Brooklyn Center had a complete count committee. He stated the citizenship question would not be on the census form.

City Manager Stroebel asked if there were any new resources or conversations for cost relief in the upcoming election.

Representative Nelson stated money to assist with elections was provided by the Help America Vote Act and money would be there for local election officials to get prepared for the next election.

Representative Hortman stated next year would be an interesting election year because of the Presidential Nomination Primary. She stated Minnesota would be the first state in the country to be voting and was important to get the word out that it's a new mechanism and to work together.

City Manager Stroebel stated the estimated budget costs for the electoral process for 2020 budget would be \$250,000 to fund the three elections. He stated to his understanding, was the amount the state was looking to reimburse was \$20,000. He asked if there were other resources to fill in the funding.

Mayor Lunde thanked the representatives for their updates.

3B.2 Restaurant Week Presentation.

Communications Manager Camille Hepola briefed the Council on Restaurant Week.

3B.3 Presentation on International Making Cities Livable Conference.

Council Member Wynfred Russell briefed the Council on his attendance to the International Making Cities Livable Conference.

4.0 MOTION WEST-HAFNER, SECOND JACOBSON TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS:

4.1 TO RELEASE ON-SITE LETTER OF CREDIT #2017-1 (\$352,800) BY BUILDING TRADES CREDIT UNION, RELEASE THE CASH BOND (\$18,500) AND THE ENGINEERING ESCROW (\$11,100) FOR SATISFACTORY COMPLETION OF THE "MPLS PIPEFITTERS BLDG ADDITION" PROJECT #17-005 LOCATED AT 6200 LAKELAND AVE N FOR MINNEAPOLIS PIPEFITTERS JAC.

4.1 TO RELEASE THE CASH BOND (\$3,000) AND THE ENGINEERING ESCROW (\$1,263.66) FOR SATISFACTORY COMPLETION OF THE "FREDDY'S FROZEN CUSTARD & STEAKBURGERS" PROJECT #18-001 LOCATED AT 9901 XENIA AVE N

FOR INTERCORE RESTAURANT HOLDINGS.

4.1 TO RELEASE THE SUBDIVISION PERFORMANCE BOND #106231234 (\$416,500) BY TRAVELERS, RELEASE THE CASH BOND (\$21,900) AND THE ENGINEERING ESCROW (\$10,423.49) FOR SATISFACTORY COMPLETION OF THE "MURPHY OIL" PROJECT #15-110 LOCATED AT 8000 LAKELAND AVE N FOR MURPHY OIL USA.

4.1 TO RELEASE THE PERFORMANCE BOND #2273012 BY NORTH AMERICAN SPECIALTY INSURANCE COMPANY (\$1,153,800), REDUCE THE CASH BOND BY \$50,700 AND REDUCE THE ENGINEERING ESCROW BY \$31,000 FOR SATISFACTORY PROGRESS OF THE "URBANA PLACE" PROJECT #18-003 LOCATED AT 5601 94TH AVENUE N FOR TRIDENT DEVELOPMENT LLC.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-134 TO EXTEND THE CITY INSURANCE PROGRAMS FOR CONTRACT YEAR 2018-2019 WITH THE LEAGUE OF MINNESOTA CITIES INSURANCE TRUST FOR AN ADDITIONAL THREE MONTHS.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-135 ACCEPTING BIDS AND AWARDING THE CONTRACT FOR THE SANITARY SEWER TELEVISIONING AND CLEANING TO PIPE SERVICES CORPORATION INC.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-136 ACCEPTING BIDS AND AWARDING THE CONTRACT FOR THE WELL PUMP MAINTENANCE AND REPAIR TO KEYS WELL DRILLING INC.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF APRIL 2, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION OF APRIL 9, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION OF MAY 7, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JUNE 4, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE SPEICAL BROOKLYN PARK CITY COUNCIL MEETING OF JULY 9, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF AUGUST 27, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF SEPTEMBER 24, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JULY 22, 2019, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE SPECIAL BROOKLYN PARK CITY COUNCIL MEETING OF AUGUST 5, 2019, AS PRESENTED BY THE CITY CLERK.

4.7 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-137 APPROVING A VARIANCE WAIVING THE BASEMENT REQUIREMENT FOR A SINGLE-FAMILY HOME AT 9106 WEST RIVER ROAD.

4.8 TO APPROVE AN OFF-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR HY-VEE, INC DBA HY-VEE, 9409 ZANE AVENUE NORTH.

4.9 TO APPROVE TEMPORARY CLOSURE OF OXBOW CREEK DRIVE BETWEEN NOBLE AVENUE AND VERA CRUZ DRIVE TO ALLOW FOR CHAMPLIN PARK HIGH SCHOOL HOMECOMING PARADE.

MOTION PASSED UNANIMOUSLY.

6.1 Senior Planner Todd Larson briefed the Council on the Final Plat #19-114 to Subdivide 14.46 Acres into 105 Townhome Lots and Six Outlots Northwest of 93rd and Regent Avenues.

6.1 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-138 APPROVING FINAL PLAT OF "PEMBERLY," SUBDIVIDING 14.46 ACRES INTO 105 TOWNHOME LOTS AND SIX OUTLOTS NORTHWEST OF 93RD AND REGENT AVENUES. MOTION PASSED UNANIMOUSLY.

7.1 Mayor Lunde briefed the Council on the Appointment to the Shingle Creek Watershed Management Commission.

7.1 MOTION LUNDE, SECOND WEST-HAFNER TO APPOINT ADAM QUINN AS THE COMMISSIONER TO THE SHINGLE CREEK WATERSHED MANAGEMENT COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE JANUARY 31, 2021. (Replacing John Roach)

8.1 Operations and Maintenance Director Dan Ruiz briefed the Council on the 2019 Street-Signal Light and Sanitary Sewer Utility Rate. He briefed on the Enterprise Funds Background, Rate Study, Sanitary Sewer Cost Drivers, Sanitary Sewer Fund – No Increase, Sanitary Sewer Recommendations, Sanitary Sewer Fund-With Increase, 2019 Monthly Household Sanitary Sewer Changes, Street – Signal Light Cost Drivers, Street-Signal Fund – No Increase, Street Signal Light Recommendation, Street Signal Fund – With Increase, and Next Steps.

Council Member Jacobson asked how many times residents had a sewer back up at that level annually.

Operations and Maintenance Director Ruiz stated that it was one to two a year.

Council Member Jacobson stated having additional insurance to pay for water main issues, but if the rate was one to two, they would be spending more on purchasing the insurance than to self-insure the issues. She stated she would be interested in seeing a timeline of water main breaks to get a better gauge for the need.

Mayor Lunde asked if projects were related to Highway 252 and/or West Broadway.

Operations and Maintenance Director Ruiz stated it included the \$6 million in capital projects in the five-year window of the capital improvement plan and it did include the sewage and sanitary repairs of West Broadway, which was included in the Light Rail Transit project and any repairs in the Highway 252 area. He stated part of the reason they had not had to be more aggressive in the rates was because those projects had not come to fruition. He stated in a previous rate study, they were projecting a \$2 million bond in 2020 and a \$4million bond in 2022, but because those expenses had not been done, the city would not need the bond. He stated the city had saved enough money to pay those on a pay as you go basis.

Mayor Lunde stated he preferred the insurance route for the sewer issues with the League of Minnesota Cities and to adopt the ability to advocate for the insurance claims.

Operations and Maintenance Director Ruiz stated they could take a stronger role as an advocate for the residents and was why they were bringing forward the no-fault insurance clause because if the Council wanted to take on the responsibility, then that would be the direction they would go.

Council Member Jacobson asked if they went forward with the proposed cost adjustments, where would it lie on the chart.

Operations and Maintenance Director Ruiz stated Brooklyn Park would stay in the third lowest of the cities listed.

Council Member Jacobson commented on Mayor Lunde's statement regarding the no-fault policy with the League of Minnesota Cities. She stated with the lack of knowledge with insurance and the League understanding it, and where the Council could advocate for the residents, they should be doing it, but there was a cost to doing that, such as staff time, etc.

Council Member Pha asked about the street light signal light utility for 2020-2023 with an increase being proposed. She asked why the single-family fee would increase to .15 cents but a business would only increase .01 cents change, with the single-family house being increased the most.

Operations and Maintenance Director Ruiz stated the utility was set up in 2003 to create an equitable utility based on the street frontage. He stated street frontage for homes was sixty feet; if the residence took up more street length, then the lights were split up by usage of the lights. He stated rates were adjusted by how many units with the number of streetlights. He stated the reason why they were recommending .01 cent was that rate was about a 5.8% increase, which was close to the single-family homes increase.

Council Member Mata stated the square foot on the businesses and the single-family was a lump fee, which was the difference between those two different rates. He stated with the insurance, a \$41,000 premium would benefit one or two people, and those one or two people might not even get it. He stated that rather than the City investing in insurance, it would be the homeowner's responsibility. He stated another issue would be to mitigate individuals who would use the claim or would not use it for the claim. He stated it would be better for the city to take

that responsibility and find the money. He stated on streetlights, there were fifty lights being changed from wood to fiberglass a year. He stated if there was an increase in expenses and an increase of taxes, they did not reduce the changed-out poles to forty poles rather than fifty to save money because eventually it would sunset. He stated the lights the Council approved on Noble Parkway and 93rd Avenue, the city had funds in the CIP, which allocated money for the stoplights. He stated the Council said that particular stoplight was a priority because there was a large concern from the citizens. He asked why they were worried about a \$325,000 expense when it already had been budgeted in the CIP. He asked when the lights were on, did Xcel Energy cover some of the streetlights.

Operations and Maintenance Director Ruiz stated 50% Xcel, 50%; city and if there was a light on the street that was city-owned and want to catch those things. He stated it was five dollars a month and was a very small amount.

Council Member Mata suggested putting something in the Park Pages to ask citizens to report on city lights that are on during the day or not working. He suggested a reward system because Xcel did not give the city a credit back for lights being out and didn't feel obligated to worry about lights that were turned off. He stated he didn't want those funds increased and they could put less expenditures in them to make them work.

Mayor Lunde stated to ask the residents if they would like a slow increase or a large increase all at once. He stated they should ask the Budget Advisory Commission on their opinion on how the increases should be handled.

Council Member Pha stated they should be conservative with the budget but also act accordingly to make sure they were not depleting the funds and funding inappropriately for the projects that were coming up. She stated in the past, certain projects were not being funded properly and how that trickled over and effected projects in the current needs. She stated it was important to have the ability to have enough money to do what they needed to do but also be conservative about how they did projects. She stated she would also like to hear from the Budget Advisory Commission as well as seeing more numbers in total.

Council Member Mata asked if the reason why they were at the bottom in spending was because something was better than the other cities.

Operations and Maintenance Director Ruiz stated part of the reason was New Hope and Minnetonka were older cities, and they were going through construction that was more intense. He stated it also had to do with the deferred maintenance and needed to catch up on their projects, a combination of management and age of the infrastructure.

Council Member West-Hafner stated she agreed with the insurance claim and personally preferred the incremental increase. She stated there would be a lot of pressure to increase so they should be as smart as possible and have the least impact per year and an incremental increase would be best.

Council Member Jacobson stated she echoed what had been said, and with seniors and their fixed incomes, the impact of the decisions the Council made. She stated it was still an increase even if it was small. She stated there were some things they had to do but also things that were

nice to do. She stated things in Operations and Maintenance there were projects that were not optional.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Lunde stated they had a decent national meeting at the Cities United Conference and the city was recognized twice for awards. He stated he would work with the City Manager on a presentation.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated next Monday was Labor Day and the Council Work Session would be held on Tuesday.

He stated the Farmers Market continued Wednesdays from 2-6 p.m.

He stated American Legion Commander Walter Cole was looking to do a veteran's memorial project in the city. He stated they did a project in Maple Grove and wanted to do something similar in Brooklyn Park. He stated he had a great meeting with Recreation and Parks Director Yungers on potential sites and more would be coming on the project.

Council Member Jacobson stated there was a new Rotary Club for Veterans in Minnesota and suggested to connect those two groups on the fundraising.

Council Member West-Hafner suggested having the Farmers Market open longer because people missed the window when getting off from work.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 8:55 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

City of Brooklyn Park Request for Council Action

Agenda Item:	6.1	Meeting Date:	January 6, 2020
Agenda Section:	Land Use Actions	Originating Department:	Community Development
Resolution:	X	Prepared By:	Todd A. Larson, Senior Planner
Ordinance:	N/A		
Attachments:	7	Presented By:	Cindy Sherman, Planning Director
Item:	Stone Mountain Pet Lodge (Dave Larson) – Amendment to Conditional Use Permit to Add Outdoor Dog Play Yards within the Existing Fenced Area at 9975 Xenia Avenue North		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-____ APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT #15-111 TO ALLOW OUTDOOR OFF-LEASH DOG PLAY AREAS AT 9975 XENIA AVENUE NORTH, SUBJECT TO CONDITIONS IN THE RESOLUTION.

Planning Commission Recommendation:

At its meeting on December 11, 2019, the Planning Commission unanimously (7-0) recommended approval of the Conditional Use Permit (CUP) amendment modifying the hours to 7:00 a.m. through 9:00 p.m. with the consent of the applicant.

Overview:

In 2015, the City Council approved a conditional use permit for Stone Mountain Pet Lodge to construct and operate the full-service pet center. One of the conditions that was included in the approval resolution was a prohibition on outdoor dog runs. All dogs outdoors must be leashed and controlled by a handler when going on walks.

Since opening, the operators have received requests from clients for supervised off-leash outdoor play time. In the summer of 2019, the applicant worked with city staff, and with Council consent, they installed a temporary pilot for outdoor play spaces within the existing fenced yard using chain-link fencing. The outdoor play area pilot began at the end of June and is on-going. Based on the success of the pilot, the business owners are making an application to amend the CUP to allow outdoor play areas for their different services—day care, boarding, and public dog park. One of the concerns that drove the original restriction regarding outdoor play areas was noise or barking disturbance. The purpose of the pilot was to determine if noise would be a problem. Staff did not receive any complaints about noise during the trial period.

The permanent plan is to remove the chain-link fencing and install a black decorative fence similar to the fencing on-site, replace turf with pea gravel, and construct shade canopies in strategic locations.

Budgetary/Fiscal Issues: N/A

Alternatives to consider:

1. Approve the amendment as recommended by the Planning Commission.
2. Approve the amendment with modifications.
3. Deny the amendment based on certain findings.

Attachments:

- 6.1A RESOLUTION
- 6.1B LOCATION MAP
- 6.1C PLANNING AND ZONING INFORMATION
- 6.1D LETTER FROM NEIGHBOR
- 6.1E PLANNING COMMISSION MINUTES
- 6.1F LETTER FROM THE APPLICANT
- 6.1G PLANS

RESOLUTION #2020-

RESOLUTION APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT #15-111
TO ALLOW OUTDOOR OFF-LEASH DOG PLAY AREAS
AT 9975 XENIA AVENUE NORTH

Planning Commission File #19-126

WHEREAS, Mr. Dave Larson of Stone Mountain Pet Lodge has made application to amend a Conditional Use Permit under the provisions of Chapter 152 of the City Code on property legally described as:

Lot 1, Block 1, Stone Mountain Addition, Hennepin County, Minnesota.

WHEREAS, the City Council granted approval for Conditional Use Permit #15-111 for a commercial kennel, retail, and animal service business with Resolution #2015-105 on May 26, 2015, and recorded as Document Number A10308772; and

WHEREAS, the approved permit does not allow for supervised off-leash dog play areas; and

WHEREAS, the matter has been referred to the Planning Commission who have given their advice and recommendation to the City Council; and

WHEREAS, the effect of the proposed use upon the health, safety and welfare of surrounding lands, existing and anticipated traffic conditions and its effect on properties in the neighborhood have been considered.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that an amendment to Conditional Use Permit #15-111 is hereby granted to allow supervised outdoor off-leash dog play areas subject to the following:

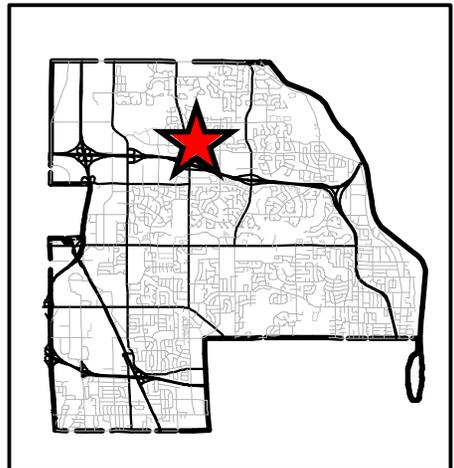
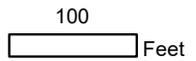
1. Condition 1.01 stating "No outdoor animal runs are allowed" is hereby rescinded.
2. The outdoor play areas shall be located within the existing fenced area according to the plan presented to the Planning Commission and City Council.
3. Outdoor off-leash play areas may be used only between 7:00 a.m. and 9:00 p.m.
4. Off-leash play areas must be supervised by staff.
5. Noisy dogs must be moved indoors.
6. All fencing must be decorative to match existing fencing.
7. Permanent shade canopies must be constructed according to the International Building Code using durable canopy materials.

This Conditional Use Permit is good for one year following the date of approval unless all conditions listed herein are followed. This resolution must be recorded with the Hennepin County Recorder's office.

Conditional Use Permit #19-126 Stone Mountain Pet Lodge
9975 Xenia Ave. N.



Spring 2018 Air Photo.



Map Date November 18, 2019

Land Use Plan	Community Commercial
Current Zoning	Town Center (TC)
Surrounding Zoning	All Sides – Town Center (TC)
Neighborhood	Founders
Site Area	2.6 acres
Conforms to:	
Land Use Plan – Yes	
Zoning Code – Yes	
Variances Needed – Yes	
Public Notification	25 Mailed Notices Sun Post Legal Notices Neighborhood Update Email – Founders and Oak Grove

From: Norma DiLorenzo
Sent: Monday, December 9, 2019 1:35 PM
To: Todd Larson
Subject: Stone Mountain Pet Lodge-Case # 12-126

Dear Mr. Larson:

After further consideration, despite not wanting to be on the public record, I decided that I did want to follow-up and write a letter so that you could share my concerns with the planning committee at the upcoming meeting. I am unable to attend due to a prior engagement. I am writing because I am not in favor of amending the conditional use permit to add outdoor dog play yards within the existing fenced area. Since the city has allowed them to pilot more extensive outdoor activity, there has been an unacceptable increase in the noise from dogs barking. Despite their best efforts to curb it, the fact remains that more dog noise has been generated since the pilot has begun. I work 60-65 hours a week, so am not even home to hear the majority of it. I live much further than the 50 ft. rule for dog noise that the city has adopted.

As I mentioned in our phone conversation last week, I have been in correspondence with this establishment starting back in November 2016. I have attached the emails for your reference. I will summarize what has occurred for ease of communication. I moved into the Liberty Oaks Twin Homes in March of 2016. As the building neared completion in the fall of 2016, I wrote to them asking if dogs were going to be outside. A Mr. Tim Larson assured me that the city had "...restricted their ability to have groups of dogs out at the same time." He wrote "that each dog will be handled on an individual basis (on the rare occasion, two dogs from the same family may all be handled by one person), and always during daytime hours. We have found that there is little to no barking when dogs are handled in this way." Things then went along fine until—fast forward to this year—fall 2019.

I noticed in approximately August of 2019 that there was a noticeable increase in the frequency and length of dogs barking coming from the site. I worked from home on the last Friday of August, for instance, and heard dogs barking for about 20 minutes every 2 hours throughout the day. I had some home remodeling being done and the person who was at my home also noted they had heard a lot of barking over the weeks they were there. I also noted that on the Saturdays moving forward from the end of August, during the day, when I was working at home, the same thing was occurring.

I then emailed Mr. Tim Larson again on Sept. 14th, 2019. He referred me to the manager of the Brooklyn Park facility. She wrote a lovely email (attached), letting me know that things had indeed changed, as the city had allowed them to pilot an outside option. However, she would talk with her staff and things were better UNTIL the morning of October 26th.

The morning of Saturday, October 26th several dogs were barking non-stop starting at 8:30 am. I kept thinking they would stop soon, but they didn't. After 25 minutes, I walked over to the Lodge. As I got closer, I observed several—lots—of dogs out in back of the building along with two people. I went inside, and asked for Amber, the manager. I was glad she was there. I let her know what was happening. She said the space had been rented out, and she would check it out. I made it clear that what was occurring was not acceptable. The dogs stopped barking even before I reached my home. She sent a lovely follow-up email on November 5th. Things have been largely fine—

Then my husband saw the notice in the SunPost. I was concerned, and since I have taken so many steps with this over several years, I did decide to write so you can let the planning commission know what has been occurring, so they can make an informed decision.

I appreciate the responsiveness of the Lodge when I have raised issues, but I don't want to have to keep taking time out of my life to address this issue. By amending the permit, there is continued likelihood that there will be ongoing issues. Who knows if future management will be as responsive?

Alas, I did hear dogs barking, for less than 5 minutes at a time, though, again, this past Saturday, as I was working at my kitchen table, at about two hour intervals throughout the day.

Thank you for your consideration. I appreciate this is a difficult decision. If it does move forward, please see if there can be put in place some additional measures for monitoring or controlling the noise. They should have to abide by the same 50 ft. noise ordinance as residents.

Please thank the planning commission for their consideration and efforts to make BP the best possible place for all.

Sincerely,

Norma DiLorenzo
10045 Colorado Lane N.
BP, MN

UNAPPROVED MINUTES
MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting – December 11, 2019

1. CALL TO ORDER

The meeting was called to order at 7:00 PM.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Those present were: Commissioners Hanson, Herbers, Husain, Kiekow, Kisch, Mersereau, Vosberg; Council Liaison West-Hafner; Senior Planner Larson; Planning Director Sherman.

Those not present were: Commissioners Mohamed and Morton-Spears.

6. PUBLIC HEARING

B. Stone Mountain Pet Lodge (Dave Larson) – Amendment to Conditional Use Permit to add outdoor dog play yards within the existing fenced area at 9975 Xenia Ave. N.

Senior Planner Larson reviewed the application to amend an existing Conditional Use Permit to allow outdoor play space for dogs at Stone Mountain Pet Lodge. A pilot run was authorized by City Council, and no complaints were reported to city staff. An email with a few concerns was forwarded to the Planning Commissioners after the packet went, but it is believed these have been addressed between the neighbors. Staff recommends approval.

Dave Larson, the applicant, stated the desire for outdoor play space at their doggy day care. Their pilot run of the program was successful with few issues reported by the neighborhood.

Commissioner Chair Hanson opened the public hearing.

Seeing no one approach the podium, Commissioner Chair Hanson closed the public hearing.

Commissioner Chair Hanson commented that she is happy to see staff and City Council work with the applicant to allow for outdoor play. Her dog attends the Blaine and Brooklyn Park locations, but the Blaine location is preferable since the dogs can't play outside in Brooklyn Park.

Commissioner Vosberg commented that the hours for the doggy daycare and outdoor play programs run from 6AM-10PM, which she believes is too long to be compatible with other city ordinances. She asked if the time window for outdoor play could be shortened to proactively address potential neighborhood concerns.

Planning Director Sherman stated the provided time window was the desire of the applicant. She suggested a time frame of 7AM-10PM to mirror the hours construction is allowed.

Dave Larson explained the hours selected are based on the hours of operation. He said the 6AM start during the week, 9 AM on the weekend, provides an option for people with early start times or long commutes. He explained that dogs are allowed outside one at a time, under staff supervision, upon their arrival. If the dog barks during this time, they are brought inside immediately. He added that problematic dogs are not let outside. He said the late end matches up with other programs at the business that involve letting the dogs go outside.

Commissioner Vosberg reiterated that 6AM seems too early for multiple dogs to go outside and suggested the Commission consider consolidating the hours. She stated active outdoor time shouldn't occur until 7AM.

Planning Director Sherman suggested to require dogs on a leash while outside before 7 AM.

Commissioner Vosberg agreed with the compromise.

Commissioner Husain agreed with consolidating the hours, preferring 8AM-8PM.

Commissioner Chair Hanson commented that Stone Mountain Plaza is not directly adjacent to homes as the residential area is separated by a four-lane road. The sound of a dog barking is mitigated by the traffic. She doesn't believe it will be problematic to let 1-2 dogs outside early in the morning as it is acceptable for a dog to bark in a residential area between 6AM-10PM.

Commissioner Kiekow asked the maximum number of dogs allowed in the outdoor area at once.

Dave Larson answered currently the average attendance is 60-70 dogs a day. Parts of the group are allowed out at a time. The trial space allowed for two groups at a time each containing 15-20 dogs. There is also a space that is strictly for non-social exercise which would be one handler with one dog. He stressed the dogs are always supervised, and if a dog starts being loud they are brought inside. He added the area is shielded by the building on three sides. The pilot run this past summer worked out well, and they made a point to walk around throughout the neighborhood to see what could be heard. They incorporated feedback they received from 2 neighbors. He added they found it reasonable to move the outdoor hours to 7AM-9PM.

Commissioner Chair Hanson asked for clarification that the applicant is fine with the hours being adjusted to 7AM-9PM adding that outside of those hours dogs must be on a leash with a handler.

Dave Larson agreed that would work great.

MOTION KISCH, SECOND VOSBERG TO RECOMMEND APPROVAL OF AN AMENDMENT TO CONDITIONAL USE PERMIT #15-111 TO ALLOW OUTDOOR OFF-LEASH DOG PLAY AREAS AT 9975 XENIA AVENUE NORTH FROM 7AM TO 9PM, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

Commissioner Mersereau agreed with comments that the barking is mitigated by traffic, the proximity to residential homes isn't an issue, and barking has been successfully handled previously. She supported the altered hours but also didn't have an issue with 6AM-10PM.

MOTION CARRIED UNANIMOUSLY.



STONE MOUNTAIN PET LODGE

9975 Xenia Avenue N
Brooklyn Park, MN 55443
www.stonemountainpetlodge.com

Phone: 763-493-2003
Fax: 763-493-2004
xenia@stonemountainpetlodge.com

October 17, 2019

After a successful trial period running outdoor Doggy Day Care play yards from June to September this year, Stone Mountain Pet Lodge requests the following amendments to the conditional use permit for our building and use at 9975 Xenia Avenue N.

A) 2 Outdoor Doggy Day Care Play Yards

- 1) Black wrought iron fencing matching our site's existing perimeter fencing will enclose the play yards – this will replace the existing temporary chain link fencing
- 2) Play yards' ground surface will be covered with pea rock
- 3) A 20 ft x 10 ft cement pad "airlock" will allow employees and dogs controlled access to the building and each individual play yard
- 4) Play yards will include a shade canopy that will provide protection from the sun, with a goal of 50% shade & 50% sun in the yards
- 5) Hours of use will be from 6 AM to 10 PM
- 6) Outdoor Doggy Day Care webcams will be added and accessible to Doggy Day Care customers on stonemountainpetlodge.com
- 7) Dogs in the play yards will be supervised by employees at all times and noisy dogs will be moved back indoors

B) 3 Outdoor Off-Leash Play Yards

- 1) Black wrought iron fencing matching our site's existing perimeter fencing will enclose the play yards
- 2) Play yards' ground surface will be covered with pea rock
- 3) Play yards will include a shade canopy that will provide protection from the sun
- 4) A fenced in "airlock" will provide employees and dogs controlled access to each individual play yard
- 5) Hours of use will be from 6 AM to 10 PM
- 6) Dogs in the play yards will be supervised by employees at all times and noisy dogs will be moved back indoors

C) Supervised Public Outdoor Dog Park (aka "Pet Playground")

- 1) Open to the public Saturday and Sunday weekly and scheduled on weekday evenings
- 2) 3 outdoor off-leash play yard spaces will be used as a supervised dog park area
- 3) Supervised by employees at all times to assist in keeping all interactions friendly

We believe this expanded outdoor capability will enhance the level of care we are able to provide for our customers' four-legged family members while providing outdoor social opportunities for dog lovers in Brooklyn Park and the surrounding communities.

Sincerely,

Dave Larson





9975 Xenia Avenue North
Brooklyn Park, MN 55443

CUP Amendment Including:

A. 2 Outdoor Doggy Day Care Play Yards

1. Wrought iron fencing matching perimeter fencing (will replace existing temporary chain link fencing)
2. Pea rock surface inside the fenced in play yards
3. 20 ft x 10 ft cement pad "airlock" play yard entryway
4. Shade canopy for protection from sun
5. Play yard use hours will be 6 AM to 10 PM
6. Outdoor Doggy Day Care webcams added

B. 3 Outdoor Off-Leash Play Yards

1. Wrought iron fencing matching perimeter fencing
2. Pea rock surface for play yards and "airlock"
3. Shade canopy for protection from sun
4. "Airlock" section with access to all 3 play yards
5. Play yard use hours will be 6 AM to 10 PM

C. Supervised Public Outdoor Dog Park

1. Open to public Saturday and Sunday weekly and scheduled on weekday evenings
2. Will use 3 new off-leash play yard spaces

D. Drainage from Play Yards

1. Drainage will connect to existing site drainage



City of Brooklyn Park Request for Council Action

Agenda Item:	6.2	Meeting Date:	January 6, 2020
Agenda Section:	Land Use Actions	Originating Department:	Community Development
Resolution:	X	Prepared By:	Todd A. Larson, Senior Planner
Ordinance:	N/A		
Attachments:	6	Presented By:	Cindy Sherman, Planning Director
Item:	7532 Brooklyn Boulevard (Nam Pham – Brooklyn Park Dental Properties) – Conditional Use Permit #19-127 to Allow the Existing Site to be Used for Medical Office, Dental Office, or General Office Purposes		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-____ APPROVING CONDITIONAL USE PERMIT FOR MEDICAL, DENTAL, OR OFFICE USES AT 7532 BROOKLYN BOULEVARD.

Planning Commission Recommendation:

At its meeting on December 11, 2019, the Planning Commission unanimously (7-0) recommended approval of the conditional use permit (CUP) with the conditions that are listed in the attached resolution.

Overview:

In early 2007, the City Council approved Conditional Use Permit #06-139 for construction of a dentist office at 7532 Brooklyn Boulevard. Later that year, the Smile Center opened for business. The building, however, has been vacant for the last three years. A CUP runs with the property forever, unless the use is discontinued for one year. In the Village Redevelopment (VR) district, all uses require a conditional use permit. Since the CUP expired, a new one must be approved for a new user to occupy the building.

The applicant has been getting inquiries from potential users for dental as well as others for medical uses or for office uses. No exterior or site changes have been suggested by any potential user. Instead of just re-issuing the expired CUP, staff is proposing a new one that allows for the medical or office uses to make the site more marketable with the hopes of getting a viable tenant (or tenants) in the building quickly. The building and site can accommodate these types of uses easily.

With the original 2007 construction, a watermain was installed on the site. The pipe was intended to be public as it provides water looping in the area, but an easement document was never recorded. A condition of approval is included to provide this easement.

Budgetary/Fiscal Issues: N/A

Alternatives to consider:

1. Approve the CUP as recommended by the Planning Commission.
2. Approve the CUP with modifications.
3. Deny the CUP based on certain findings.

Attachments:

- 6.2A RESOLUTION
- 6.2B LOCATION MAP
- 6.2C PLANNING AND ZONING INFORMATION
- 6.2D PLANNING COMMISSION MINUTES
- 6.2E LETTER FROM APPLICANT
- 6.2F ORIGINAL CONDITIONAL USE PERMIT

RESOLUTION #2020-

RESOLUTION APPROVING CONDITIONAL USE PERMIT
FOR MEDICAL, DENTAL, OR OFFICE USES
AT 7532 BROOKLYN BOULEVARD

Planning Commission File #19-127

WHEREAS, Mr. Nam Pham of Brooklyn Park Dental Properties has submitted an application in the manner required for approval of a Conditional Use Permit for land under the Brooklyn Park City Code Chapter 152 and under Chapter 462 of the Minnesota Statutes and all proceedings have been duly held thereunder on property legally described as:

That part of the East 200 feet of Lot 3, lying Southerly of a line drawn Westerly at a right angle to the East line of said Lot 3, at a point thereon distant 305 feet Northerly of the most Southerly corner of said Lot 3, Block 1, Donnay's Moonraker, Hennepin County, Minnesota.

WHEREAS, the City Council approved Resolution #2007-11 on January 22, 2007, recorded as document 4415291 granting a conditional use permit for a dentist office, a conditional use in the Village Redevelopment zoning district; and

WHEREAS, the property was constructed and used for its intended purpose for several years; and

WHEREAS, the building has sat vacant for approximately three years and the conditional use permit has therefore expired; and

WHEREAS, the property owner is trying to lease the building to another dental user or other medical or office users; and

WHEREAS, the matter has been referred to the Planning Commission who have given their advice and recommendation to the City Council; and

WHEREAS, the effect of the proposed use upon the health, safety and welfare of surrounding lands, existing and its effect on other properties in the neighborhood have been considered; and

WHEREAS, said plan can be developed as shown on the submitted plan and meets the regulations and requirements of the laws of the State of Minnesota and codes of the City of Brooklyn Park, Section 152.

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

1. Resolution #2007-11, recorded as Document Number 4415291, is expired and is replaced with this conditional use permit.
2. The existing building may be used for dental, medical, or office uses as consistent with the Comprehensive Plan.
3. A watermain easement must be recorded against the property to protect the public interests with the watermain that was installed with the original 2007 construction, but never recorded.

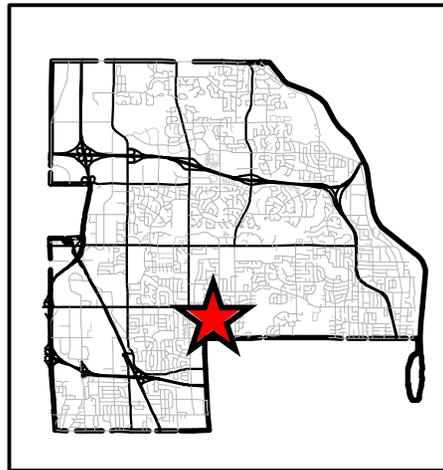
4. The applicant shall be required to record a copy of this resolution with the Hennepin County Recorder's office and provide proof of recording with the City. The building permit shall not be issued until or unless the recording is made within one year from the date of this approval.

This approval will expire one (1) year from the date of City Council approval unless all of the conditions have been met and valid building permits are in force. In no case shall the property be used for the use in which this permit is approved until all of the conditions have been met by the petitioner and have been duly inspected by the City.

Conditional Use Permit #19-127 Brooklyn Park Dental Properties
7532 Brooklyn Blvd. N.



Spring 2018 Air Photo.



Map Date November 18, 2019

Land Use Plan	Office/Limited Business (2030) Neighborhood Mixed Use (2040)
Current Zoning	Village Redevelopment (VR)
Surrounding Zoning	North, West, and Southeast – Village Redevelopment (VR)
Neighborhood	Park Center
Lot Area	1.02 acres
Building Area	4,880 ft ² (main level) and 2,416 ft ² (basement storage)
Parking Spaces	48 plus 11 shared parking
Conforms to:	
	Land Use Plan – Yes
	Zoning Code – Yes
	Variances Needed – None
Public Notification	47 Mailed Notices Sun Post Legal Notices (November 27, 2019) Neighborhood Update Email – Park Center and Village Creek



Photo 1. 7532 Brooklyn Boulevard (11-25-2019).

UNAPPROVED MINUTES
MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting – December 11, 2019

1. CALL TO ORDER

The meeting was called to order at 7:00 PM.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Those present were: Commissioners Hanson, Herbers, Husain, Kiekow, Kisch, Mersereau, Vosberg; Council Liaison West-Hafner; Senior Planner Larson; Planning Director Sherman.

Those not present were: Commissioner Mohamed and Morton-Spears.

6. PUBLIC HEARING

A. 7532 Brooklyn Blvd. (Nam Pham – Brooklyn Park Dental Properties) - Conditional Use Permit #19-127 to allow the existing site to be used for medical office, dental office, or general office purposes.

Senior Planner Larson introduced the application for 7532 Brooklyn Blvd., which was previously used as dental offices authorized by a Conditional Use Permit that has since expired due to the building standing vacant for over 1 year. In anticipation of a new leased user for the office space, staff recommends approval of a similar but broader Conditional Use Permit authorizing dental, medical, and general office uses.

Commissioner Chair Hanson opened the public hearing.

Seeing no one approach the podium, Commissioner Chair Hanson closed the public hearing.

MOTION KISCH, SECOND MERSEREAU TO RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT #19-127 FOR MEDICAL, DENTAL, OR OFFICE USES AT 7532 BROOKLYN BOULEVARD, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

MOTION CARRIED UNANIMOUSLY.

Planning Director Sherman announced that the agenda items are scheduled to go to City Council on January 06, 2020.

November 1, 2019

City of Brooklyn Park
Todd Larson – Senior Planner
Community Development Department
5200 85th Street N.
Brooklyn Park, MN 55443

**Re: 7532 Brooklyn Boulevard, Brooklyn Park, MN – Letter of Request in Support of
Conditional Use Permit for Medical, Dental, or General Office Use**

Dear Mr. Larson,

I am submitting this letter on behalf of the owner of the property referenced above, Brooklyn Park Dental Properties, LLC, in support of its application for a Conditional Use Permit.

The building was constructed in 2007 pursuant to a redevelopment contract with The Brooklyn Park Economic Development Authority, and a conditional use permit was issued at that time so that the property could operate as a dental clinic. Dental clinic operations at the property ended in 2018 and the property has been vacant since that time. Because the building has been vacant for more than 364 days, the Conditional Use Permit issued in 2007 has expired.

The owner has received interest in leasing the property from potential tenants who wish to use the property for medical clinic, medical office, dental clinic, dental office, or general office purposes. Brooklyn Park Dental Properties, LLC requests that the City of Brooklyn Park re-issue a Conditional Use Permit allowing 7532 Brooklyn Boulevard to be returned to productive use for “medical, dental, or office uses.” With the Conditional Use Permit in place, the property can be marketed without a hindrance to potential businesses. None of the prospective users is requesting any changes to the exterior of the building or the site improvements.

The current panel signs on the outside walls of the building on the property are integrated into the exterior design of the building and were approved when the building was originally constructed, but the owner has been informed that current sign regulations require “individual letters” signs. If possible, the owner requests that the Conditional Use Permit allow the user of the property to continue to use the existing panel signs with new, professionally-made sign panels. If the outside building signs are required to be changed to individual letters signs, the owner requests that the Conditional Use Permit allow the user of the property to begin its use of the property and have a reasonable amount of time to complete the changeover of the outside signs.

A Conditional Use Permit would benefit the City of Brooklyn Park by making it possible to return a vacant building to active use. Please do not hesitate to reach out if the City requires any additional information or documentation in order to evaluate and take action on the Owner's request for a Conditional Use Permit. Thank you for your time and attention to this request

Sincerely,

A handwritten signature in black ink, appearing to be 'Nam Pham', with a long horizontal line extending to the right.

Nam Pham, on behalf of Brooklyn Park Dental Properties, LLC



Doc No 4415291 08/10/2007 03:00 PM
Certified filed and or recorded on above date:

Office of the Registrar of Titles
Hennepin County, Minnesota
Michael H. Cunniff, Registrar of Titles
TransID 334407

New cert

Cert
1122299

Deputy 16
Fees
\$1.50 AF
\$10.50 STATEFEE
\$34.00 TDOC FEE
\$0.00 TSUR
\$46.00 Total

STATE OF MINNESOTA, COUNTY OF HENNEPIN
Certified to be a true and correct copy of the
original on file and of record in my office

MAR 16 2011

MICHAEL H. CUNNIFF, REGISTRAR OF TITLES

By N. Dineen Deputy



①
1122299

RESOLUTION #2007-11

RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP) #06-139
FOR CONSTRUCTION OF A DENTIST OFFICE
LOCATED AT 7532 BROOKLYN BOULEVARD

Planning Commission File (#06-139)

WHEREAS, The Smile Center, has submitted application for CUP for construction of a dentist office located at 7532 Brooklyn Boulevard under Section 152 of the City Code on property legally described as:

That part of the East 200 feet of Lot 3, lying Southerly of a line drawn Westerly at a right angle to the East line of said Lot 3, at a point thereon distant 305 feet Northerly of the most Southerly corner of said Lot 3, Block 1, Donnay's Moonraker, Hennepin County, Minnesota.

WHEREAS, the matter has been referred to the Planning Commission who have given their advice and recommendation to the City Council, and

WHEREAS, the effect of the proposed use upon the health, safety and welfare of surrounding lands, existing and anticipated traffic conditions and its effect on property values in the neighborhood have been considered,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK:

1. It is hereby determined that the proposed development is in harmony with the general purposes and interest of the Zoning Ordinances of the City.
2. That the petitioner shall be required to record a copy of this resolution with the Hennepin County Recorder and/or Registrar of Titles and to pay all fees for said recording and shall file proof of said recording with the City. The building permit shall not be issued until or unless the recording is made within one year from the date of this approval.

- Metro Legal Services Box 491
COMPAT 25952 T 1122299
746804 OTH 52423

#2007-11

25952 1063 T LE

3. This request is approved subject to the following terms:

1.00 REQUIRED PLANS

- 1.01 This CUP #06-139 to construct a dentist office shown on site plan(s) attached to this report, or subsequently amended by the City Council, and made a part of this resolution hereto.
- 1.02 Building plans and specifications that conform to the intent of the plans and building elevations attached. Final plans shall include a mix of materials on the exterior and the roof pitch shall be 6:12. All exterior elevations shall be approved by the planning staff and be approved by the Building Official.
- 1.03 Utility, drainage and development plans with specifications must conform to the intent of the plans attached. Final plans shall be approved by the City Engineer prior to issuance of any building permit

2.00 BONDS, ESCROWS AND DIRECT PAYMENTS

- 2.01 A development bond or an irrevocable Letter of Credit in the amount of \$356,400.00 and a cash bond in the amount of \$18,700.00 must be posted with the City. The performance bond or irrevocable Letter of Credit must be dated to expire the same as the development contract and shall have a maintenance clause guaranteeing work for one year after acceptance. Together these two bonds guarantee that the developer will construct or install the following per the plans and specifications approved by the Planning Director and the City Engineer.
 - a. Streets
 - b. Curb and gutter
 - c. Traffic control and street signs
 - d. Street lights
 - e. Repair and/or adjustment of new and existing utilities
 - f. On-site utilities
 - g. Shaping and sodding of boulevards, berming, drainage-ways and other landscaping. Sodding shall be completed 30 days after structure is occupied during the sod-growing season between May 15th and September 30th or by June 15th for structures occupied between October 1st and May 15th.
- 2.02 A Developer's Escrow in the amount of \$20,300.00 must be posted with the City Treasurer to cover engineering, legal and administrative costs incurred by the City. If this account becomes deficient it shall be the developer's responsibility to deposit additional funds. This must be done before final bonding obligations are complete.

3.00 REQUIRED DOCUMENTS

- 3.01 A Developer's Contract relating to the items covered in the developer's bond shall be

signed by the developer and attached to this permit and made a part hereof. A construction schedule must be approved by the City Engineer prior to issuance of a building permit.

4.00 GENERAL CONDITIONS

- 4.01 It shall be the developer's responsibility to keep active and up to date the developers contract and financial surety (letters of credit, bonds, etc.). These documents must remain active until the developer has been released from any further obligation by City Council motion received in writing from the Engineering Department.
- 4.02 The development shall be in compliance with all fire code requirements.
- 4.03 Exterior storage or display of articles, goods, materials, machinery, equipment, fleet vehicles, plants, trash, dumpsters, materials for recycling, storage containers or similar items, are not permitted.
- 4.04 All signs shall conform to City Ordinance Section 150. A separate sign permit (obtained from the City Code Enforcement Officer) shall be required prior to installing signs on the property.
- 4.05 The trash enclosure shall be constructed to match the building
- 4.06 All rooftop equipment shall be screened in compliance with Zoning Ordinance Section 152.375

This approval is subject to suspension or revocation if the property is not in compliance with all City Codes. If additional time is needed to satisfy the above requirements, a one-year time extension must be requested. Time extension requests are subject to the conditions found in Zoning Ordinance Section 151.007 Time Extension.

The foregoing resolution was introduced by Council Member Gearin and duly seconded by Council Member Meyer.

The following voted in favor of the resolution: Gates, Gearin, Lampi, Mata, Meyer, and Trepanier.

The following voted against: Lunde.

The following were absent: None.

Where upon the resolution was adopted.

ADOPTED: January 22, 2007



STEVE LAMPI, MAYOR

CERTIFICATE

STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF BROOKLYN PARK

I, the undersigned, being the duly qualified City Clerk of the City of Brooklyn Park, Minnesota, hereby certify that the above resolution is a true and correct copy of the resolution as adopted by the City Council of the City of Brooklyn Park on January 22, 2007.

WITNESS my hand officially as such Clerk and the corporate seal of the City this 23rd day of January 2007.




DEVIN MONTERO, CITY CLERK

City of Brooklyn Park Request for Council Action

Agenda Item:	6.3	Meeting Date:	January 6, 2020
Agenda Section:	Land Use Actions	Originating Department:	Community Development
Resolution:	X	Prepared By:	Todd A. Larson, Senior Planner
Ordinance:	FIRST READING		
Attachments:	6	Presented By:	Cindy Sherman, Planning Director
Item:	8000 Brooklyn Blvd. N. (Bekir Shabani) – Zoning Code Text Amendment #19-128 to Allow Drive-Thru as a Conditional Use in the Transit-Oriented Development Center (TOD-C) Zoning District		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING SECTION 152.606 OF CITY CODE.

Planning Commission Recommendation:

At its meeting on December 11, 2019, the Planning Commission recommended approval (5-2) of the Code Amendment to allow drive-thrus as conditional uses. An ordinance consistent with the Planning Commission recommendation is attached.

Staff Recommendation:

Staff recommends that the Zoning Code amendment be denied to preserve the intent of the TOD regulations that promote transit and a pedestrian friendly area surrounding stations. A resolution of denial is included in this report should the Council decide that the ordinance change not move forward.

Overview:

Over the past seven years, the community has been getting ready for the Blue Line light rail project that will extend high-speed transit from downtown Minneapolis to five stations in Brooklyn Park. A series of station area plans was adopted to set the vision for each of these stations. One of the goals of the district was to make development accessible to people by all modes of transportation—walking, biking, transit, and driving—as the existing development patterns in these areas are auto-centered. The Planning Commission and City Council spent several months creating the zoning standards for these districts as tools to implement the visions.

On April 18, 2018, the City Council and Planning Commission had a joint work session to discuss Zoning Code language for the new districts. The topic of drive-thrus was discussed and the Council Members and Planning Commissioners in attendance stated they did not want drive-thrus in the most intense districts (TOD-C and TOD-G). Later in 2018, the City Council approved rezoning several properties near Brooklyn Park's five future light rail stations. These properties were rezoned to one of five different Transit-Oriented Development (TOD) districts. Drive-thrus were prohibited as an allowed use in some of the TOD districts to help design sites that are more pedestrian friendly.

The building owner of 8000 Brooklyn Boulevard is contemplating redevelopment of the site. One of the proposed users is a coffee shop that is requesting a drive-thru. The building owner's representative prepared a letter outlining the request to change City Code to allow drive-thrus in the TOD-C district. The plan presented with this report is just a concept and the Council is not being asked to approve the concept.

The light rail project has been delayed pending negotiations with the BNSF Railroad. Staff is hopeful that these talks are successful and construction of the line can begin in within the next few years. If the rail project does not move forward, then staff will recommend reconsidering the TOD districts or some of the design requirements within them at a future date.

If the Code Amendment is approved, the applicant is recommending that drive-thrus become a conditional use so that there are additional levels of oversight from the Planning Commission and City Council for proper placement and design to minimize the impacts on pedestrians. A conditional use is a permitted use that may be subject to additional requirements based on the impact of the use. The TOD development standards discuss drive-thru design in other TOD zones (C.T, E, and E.T) and require the drive thrus behind the building and not interfering with pedestrian circulation. Similar conditions would apply to the TOD C district if the ordinance is changed.

Budgetary/Fiscal Issues: N/A

Alternatives to consider:

1. Approve the Zoning Code amendment as recommended by the Planning Commission.
2. Approve the Zoning Code amendment with modifications.
3. Deny the request based on certain findings as recommended by Staff.

Attachments:

- 6.3A ORDINANCE
- 6.3B RESOLUTION OF DENIAL
- 6.3C LOCATION MAP
- 6.3D PLANNING COMMISSION MINUTES
- 6.3E LETTER FROM APPLICANT
- 6.3F CONCEPT PLAN

ORDINANCE #2020-

ORDINANCE AMENDING SECTION 152.606 OF CITY CODE

The City of Brooklyn Park does ordain:

Underlined Text – Added language
~~Strike Through Text~~ – Deleted language
Shaded – Language changes in process

P = Permitted Uses
 C = Conditional Uses
 NP = Uses Not Permitted

Section 1.

Section 152.605 Development Standards is amended as follows:

(C) *Drive-through facilities.*

- (1) Drive-through facilities are prohibited for new construction after date of passage in ~~TOD-C~~ and TOD-G.
- (2) Drive-through facilities and lanes must be located behind the principal building.
- (3) Queuing lanes must not interfere with pedestrian circulation.
- (4) Drive-through canopies and other structures, where present, must be constructed from the same materials as the primary building, and with a similar level of architectural quality and detailing.

Section 2.

The uses portion of Section 152.606 Table 5 (TOD-C) is amended as follows:

USES			
RESIDENTIAL		COMMERCIAL	
P	Multiple dwelling	P	Retail and service
		P	Office
P	Care facility, convalescent home	P	Medical and dental clinics
INSTITUTIONAL		P	Veterinary and animal services
NP	Religious assembly	P	Child and adult day care
NP	Schools	P	Restaurants, brewpubs, <u>breweries with taprooms, micro-distilleries with cocktail rooms, and theatres and entertainment</u>
OTHER		C	Parking as a principal use
P	Wireless communication facilities as accessory uses located on a building	NP	Gasoline sales
		<u>C</u>	<u>Entertainment</u>
		NP <u>C</u>	Drive-through facilities
		NP	Self-storage facilities, sexually oriented businesses, impound lots, vehicle sales

RESOLUTION #2020-

RESOLUTION DENYING ZONING CODE TEXT AMENDMENT REQUEST

Planning Commission File #19-128

WHEREAS, Mr. Bekir Shabani of I&B, LLC, owns property in Brooklyn Park at 8000 Brooklyn Boulevard zoned Transit-Oriented Development Center District (TOD-C); and

WHEREAS, drive-thru uses are not permitted in this zoning district; and

WHEREAS, the property owner is considering a redevelopment of the site and wishes to include a drive-thru; and

WHEREAS, the property owner submitted an application to request a Zoning Code text amendment to change drive-thrus from not permitted to a conditional use; and

WHEREAS, the rezoning process in 2018 was based on station area plans that envisioned a walkable connected environment; and

WHEREAS, drive-thrus were explicitly prohibited in the TOD-C district as being contrary to the vision of the station area plans; and

WHEREAS, the Blue Line Extension light rail project is proceeding, although delayed; and

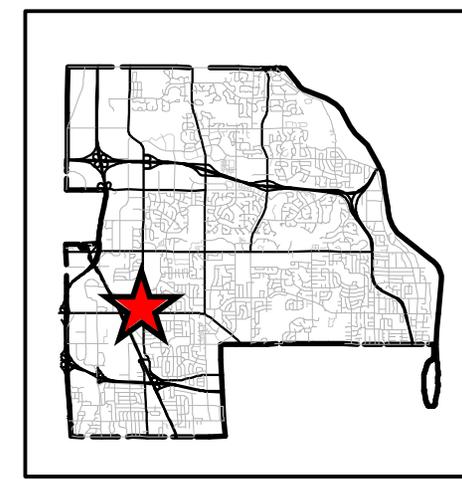
WHEREAS, the City Council is committed to the visions in the adopted station area plans and related TOD zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Brooklyn Park City Council that the request for a Zoning Code text amendment to allow drive-thrus in the TOD-C district is hereby denied.

Zoning Code Text Amendment #19-128
8000 Brooklyn Boulevard



Spring 2018 Air Photo.



Map Date November 25, 2019

UNAPPROVED MINUTES
MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting – December 11, 2019

1. CALL TO ORDER

The meeting was called to order at 7:00 PM.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Those present were: Commissioners Hanson, Herbers, Husain, Kiekow, Kisch, Mersereau, Vosberg; Council Liaison West-Hafner; Senior Planner Larson; Planning Director Sherman.

Those not present were: Commissioners Mohamed and Morton-Spears.

6. PUBLIC HEARING

A. 8000 Brooklyn Blvd. N. (Bekir Shabani) – Zoning Code Text Amendment #19-128 to allow drive-thru as a Conditional Use in the Transit-Oriented Development Center (TOD-C) zoning district.

Senior Planner Larson provided an overview of the request of the property owner who is contemplating redeveloping the site into a multi-tenant retail building should Baker's Square vacate the building. The site is located in a TOD-C district which prohibits a drive-thru for new construction, so the applicant is requesting the language of the Code be modified to allow a drive-thru as a conditional use. Staff is recommending denial of the request as they want to give the new ordinance a chance while light rail plans are still in discussion with community partners. Staff would be open to revisiting this request should the light rail project not move forward. He noted the submitted site plan doesn't locate the drive-thru and lane behind the principle building which is in violation of design requirements.

Kathy Anderson, representative of the property owner, explained there is serious interest from a national coffee tenant that could potentially kickstart redevelopment. She noted the Baker's Square building doesn't meet the requirements for the TOD-C district including a current drive-thru that is considered legal nonconforming. She stated the owner does have the right to redevelop the building with that drive-thru; however, it would be detrimental to the overall re-envisioning of the corner. She stressed that by allowing drive-thrus as a conditional use, it would still allow the City to decide if a drive-thru is appropriate on a site by site basis. She added that the site is challenging in that it is a four-sided building with no obvious back exterior to locate the drive-thru. The site plan submitted allowed for an internal drive-thru with less visibility from the street while allowing for good stacking. She said that knowing this is a national tenant and not knowing the fate of the blue line, she would hate to see the developer move forward with a facelift on a Baker's Square and re-tenant it. She added that the site could be designed with a trash enclosure or a screen wall to meet the requirements for the drive-thru to be located behind the building, otherwise she is unsure what constitutes the back of the building as it is to be located up against two streets.

Commissioner Chair Hanson opened the public hearing.

Seeing no one approach the podium, Commissioner Chair Hanson closed the public hearing.

Commissioner Vosberg asked for the drive-thru to be indicated on a map.

Ms. Anderson pointed out the drive-thru that would be accessed by the existing entrance on West Broadway and exit the adjacent lot that has a cross-access easement.

Commissioner Chair Hanson asked if the anticipated drive-thru is in a similar location as the pie pick-up drive-thru window that is there for Baker's Square is currently.

Ms. Anderson confirmed it is in a similar location.

Commissioner Chair Hanson clarified that the redevelopment would mean removing the parking in the front, moving the building forward, and locating the parking and drive-thru in the back.

Ms. Anderson confirmed that is correct. She added that drive-thru sales for national coffee shops make up 50-60% of the sales, and she believed this tenant will kick off something grander.

Commissioner Kisch agreed that something like this could work there from a design stand point. He questioned if this lives up to the vision of the TOD-C, or will the City move away from this vision at the first request. He argued the intent is to move away from personal vehicles in this area, and the request is in direct contradiction with the intent of the TOD zoning. He said based on principle he can't vote to recommend the request even with conditions applied.

Ms. Anderson argued this site is not compatible with a multiuse building due to size and easement constraints. The owner is doing the best they can to densify the site while staying under typical standards for parking.

Commissioner Kisch stated that it is adjacent to a larger site with a single owner, so there is actually a unique opportunity to tackle the challenges of replatting and vacating easements for a single parcel of land that has more advantage to a developer instead of piecing together smaller parcels for redevelopment. He understood the applicant's perspective and the site constraints, but he can't support moving away from the principle of the zoning so soon.

Commissioner Herbers agreed with Commissioner Kisch statements.

Commissioner Vosberg pointed out that if the building is kept as-is, there is still a grandfathered drive-thru. Therefore, denying the request doesn't ensure compliance with the TOD zoning regulations. She didn't have a concern with the request.

Commissioner Chair Hanson agreed with Commissioner Vosberg. She believes that most light-rail users would go through the drive-thru to get their coffee before parking to use the light-rail. She also pointed out that the light-rail plans are still held up by conversations with the railroad company, and she doesn't want to say no to improving a property in the meantime.

Commissioner Kisch agreed that the light-rail is unknown, but that was also true when these changes were adopted. He stated that the TOD zoning was intended to guide future development in terms of density and design approach. He has no problem with the existing building and drive-thru staying and being improved, but he doesn't want to change the zoning language which could create a precedent for the next parcel over to request a drive-thru and so on so forth. He feared this would result in mostly smaller single-story, outlot buildings with drive-thrus.

Commissioner Kiekow asked if there was a way to allow the applicant to utilize a drive-thru without changing the entire ordinance such as a variance.

Planning Director Sherman explained drive-thrus are considered a use in the ordinance, and variances are not permitted for uses. The only option to allow a drive-thru is to change the Code.

Commissioner Kiekow asked if this change would cover all districts zoned TOD-C.

Planning Director Sherman confirmed that is correct.

Ms. Anderson added that is why the applicant is requesting drive-thrus as a conditional use, so that any future drive-thrus are evaluated on a case-by-case basis.

Commissioner Mersereau argued transit includes cars. She has no problems changing the ordinance to allow drive-thrus as a conditional use and thinks that excluding drive-thrus could be prohibitive to development. She is not concerned about this decision setting a precedent as there has been discussion about this in the past, and it was agreed that decisions don't create a precedent. She said she will support changing the language.

Commissioner Vosberg asked for the background as to why the City chose to prohibit drive-thrus.

Senior Planner Larson provided that the station area planning evaluated the development currently present. The types of development patterns present in this part of the City are reflective of the 1990s when most of this was developed. The air photo shows that drive-thrus at several businesses including Baker's Square, Arby's, and Wells Fargo. He stated this created drive-thru fatigue, and people wanted something other than drive-thrus all over this corridor.

Planning Director Sherman added that transit-oriented development is not oriented towards cars but mass transit such as busses and trains, so the focus is more on pedestrians walking safely to their stations. It is a general rule of thumb in planning circles that drive-thrus are in direct conflict with a pedestrian friendly environment that encourages people to walk.

Ms. Anderson explained this site orientation would not be prohibitive to pedestrian connectivity.

Commissioner Vosberg asked for clarification that the rules of transit-oriented development apply to all sites with this designation, not just 8000 Brooklyn Blvd.

Planning Director Sherman clarified that each of the 5 stations are looked at a bit differently. She said this particular station area was seen as a big redevelopment opportunity because of the big parking lots, and the thinking is they would not stay once the train is more imminent. She said that particularly the areas designated as TOD-C and TOD-G, for the Greenfield area, were the two areas the Commission and Council wanted to prohibit drive-thrus in future redevelopment specifically because it is not compatible with transit-oriented design.

Commissioner Vosberg said she understands wanting to protect the City for the future, but she also doesn't have a huge issue with drive-thrus as these are utilized by desirable businesses. She found it reasonable for drive-thrus to be considered on a case-by-case basis.

MOTION HANSON, SECOND MERSEREAU TO RECOMMEND APPROVAL OF ZONING CODE TEXT AMENDMENT #19-128 PERTAINING TO DRIVE-THRUS IN THE TOD-C ZONING DISTRICT.

Commissioner Kisch stated for the record that if this request moves forward, the site plan still needs to be reviewed independently of the zoning text amendment. He explained that even with conditions he would question if this particular site is right for a drive-thru considering it is on a highly prominent corner at the center of the TOD-C district.

Commissioner Husain asked what other steps need to be completed after the zoning text amendment before the drive-thru is approved.

Planning Director Sherman explained the language in the code today includes requirements for the drive-thru to be located behind the principle building, queueing lanes can't interfere with pedestrian circulation, and additional language for canopies and other structures. When an application comes in, it would be evaluated on all the ways pedestrians can access services such as parking and the plaza out front to make sure they don't have to cross through the drive-thru. The intent is to have the pedestrian to take priority over a car.

Commissioner Husain explained he won't deny the request to give the applicant a chance to meet the design requirements.

MOTION CARRIED 5-2. COMMISSIONERS HERBERS AND KISCH VOTED NAY.

ARCHITECTURAL CONSORTIUM LLC

Architectural Consortium, LLC
10000 Hennepin Avenue, Suite 1000
Minneapolis, MN 55412

10000 Hennepin Avenue, Suite 1000
Minneapolis, MN 55412

Community Planning Department
City of Brooklyn Park
Planning Division
5200 85th Avenue North
Brooklyn Park, MN 55443

Dear Community Planning Department:

On behalf of I&B, LLC (“I&B”), the owner of the real property (“Property”) located at 8000 Brooklyn Boulevard, Brooklyn Park, Minnesota, I submit this letter describing the requests made in the application submitted simultaneously herewith.

The Property was recently re-zoned into the City’s new TOD-C zoning district. It is currently improved with and used as a Baker’s Square restaurant with an existing legal nonconforming drive through facility. Starbucks and Aspen Dental have communicated interest in the Property, and I&B proposes to redevelop the Property for occupation by those tenants or tenants very similar to them. However, Starbucks requires that a store at this location include a drive through facility, as a majority of its sales at similar locations are made from drive through facilities. For this reason, I&B is applying for amendments to the text of the City zoning ordinance necessary to make drive through facilities conditional uses in TOD-C zoning districts.

With the exception of the need to amend the text of the City’s zoning ordinance to allow drive through facilities as conditional uses, the proposed redevelopment is consistent with the performance standards and design criteria established by the City zoning ordinance for uses in TOD-C zoning districts. The proposed redeveloped building is placed as close to the street fronts as possible given the easements along both Brooklyn Boulevard and West Broadway. Building frontage is maximized. The proposed drive through facility is positioned to minimize exposure Brooklyn Boulevard. Stacking is internal to the site. Cars will be screened with landscaping and by the proposed building. The parking ratio is balanced for the proposed uses and allows for cross-parking with surrounding stalls. A large plaza anchors the corner and sidewalk extensions to promote pedestrian traffic. Pedestrian scale lighting and landscaping will reinforce the urban experience. The building architecture will feature a two-story appearance. I&B believes that this proposal meets the intent of the TOD-C guidelines through density, building placement, parking and architecture. The requested zoning ordinance text amendments to permit a drive-through facility as a conditional use is necessary to attract a high-quality national tenant and permit the redevelopment of an outdated building. The proposed redevelopment would be a great benefit to the neighborhood and to the City.

On behalf of I&B, I therefore respectfully ask that the City approve the zoning ordinance text amendments described in more detail below. As noted above, the purpose of these amendments

is, ultimately, to allow the occupation of the Property by a Starbucks coffee shop with a drive through facility (pursuant to a conditional use permit to be applied for after the requested text amendments are approved).

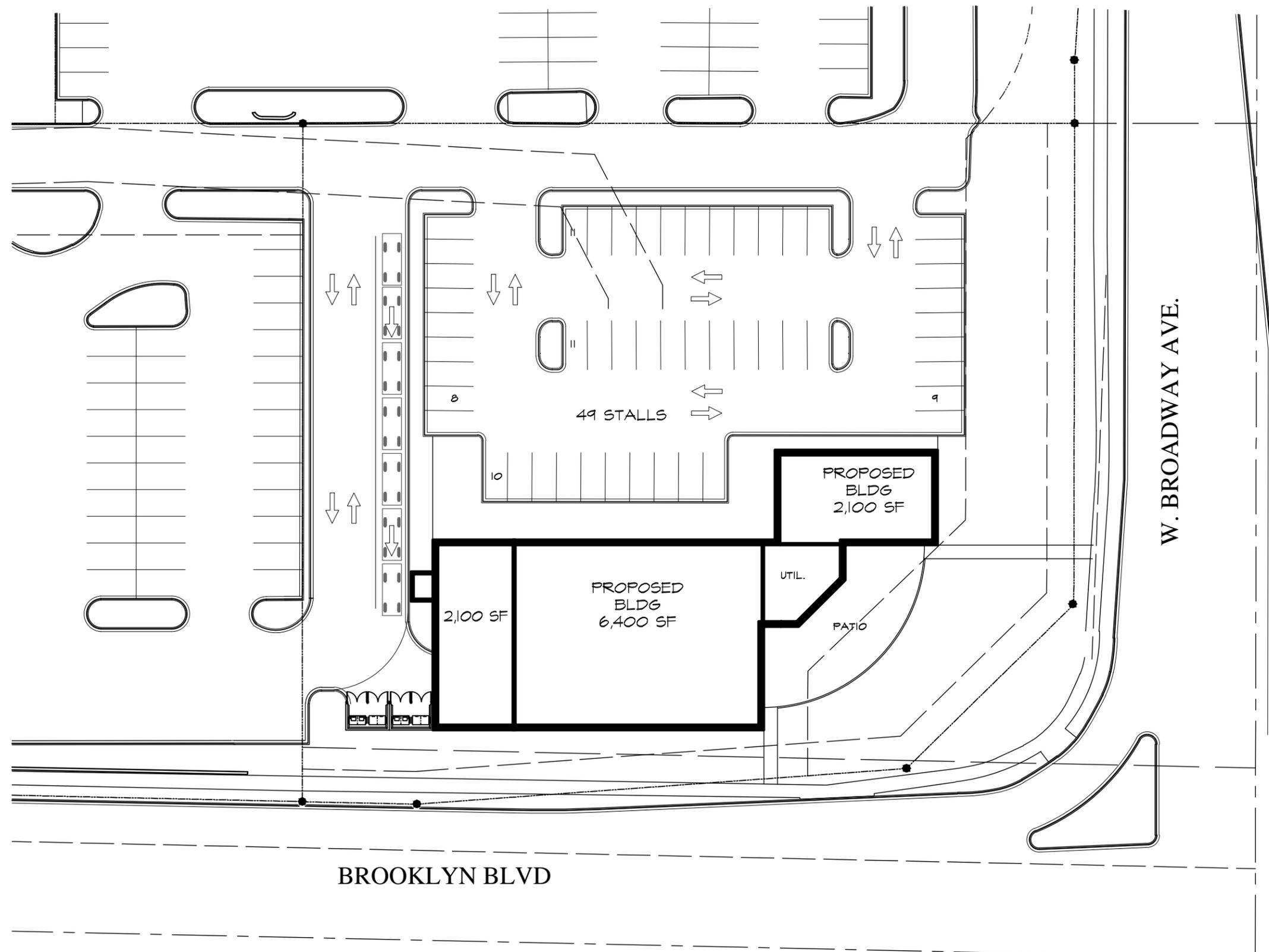
1. I&B requests that City Code § 152.606(A), Table 5 be amended to change the “NP” designation that corresponds to “Drive through facilities” for commercial uses in TOC-C districts to “C.” In other words, I&B asks that the drive through facilities be allowed as accessories to commercial uses by conditional use permit in TOC-C zoning districts.
2. I&B requests that City Code § 152.605(C)(1) be amended to delete the text “TOC-C and...”. This will make City Code § 152.605(C)(1) consistent with the requested amendment to City Code § 152.606(A), Table 5 described above.

For the reasons set forth above, I&B respectfully asks that the City approve its application for zoning ordinance text amendments. Please contact me if you need additional information or have questions concerning the foregoing.

Very Truly Yours,



Kathy Anderson, AIA
President
Architectural Consortium LLC



BROOKLYN BLVD

W. BROADWAY AVE.

2,100 SF

PROPOSED BLDG
6,400 SF

PROPOSED BLDG
2,100 SF

49 STALLS

UTIL.

PATIO



NORTH

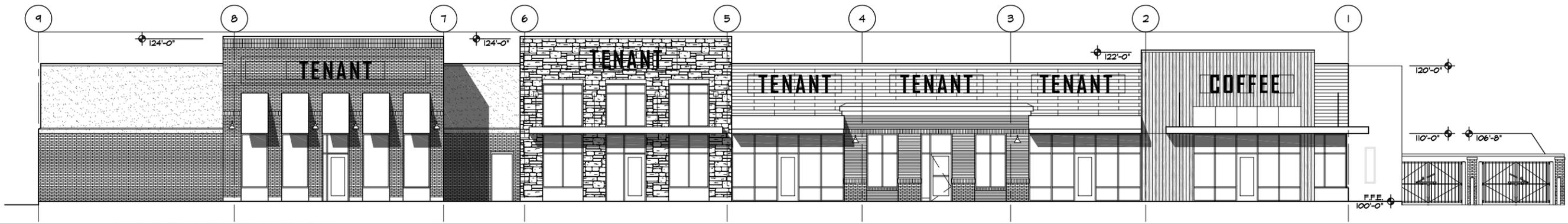
PROJECT NUMBER:	19-1049-01
ISSUED DATE:	12-17-19
DRAWN BY:	CM
CHECKED BY:	KA

**ARCHITECTURAL
CONSORTIUM L.L.C.**
901 North 3rd Street, Suite 220
Minneapolis, MN 55401
612-436-4030
Fax 612-692-9960

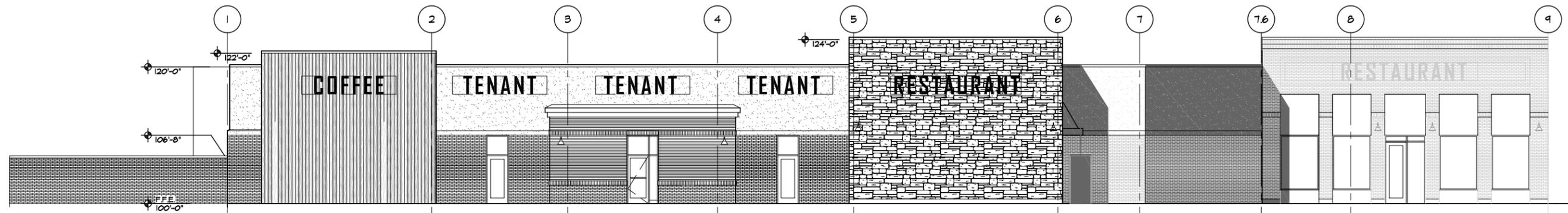
RETAIL CENTER
8000 BROOKLYN BLVD
BROOKLYN PARK, MN

SITE PLAN
OPTION C
1" = 40'-0"

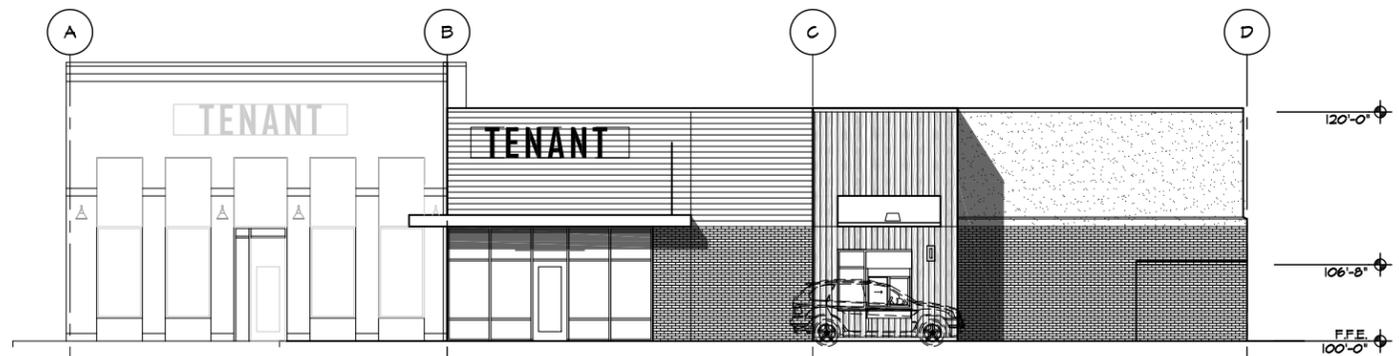
A1



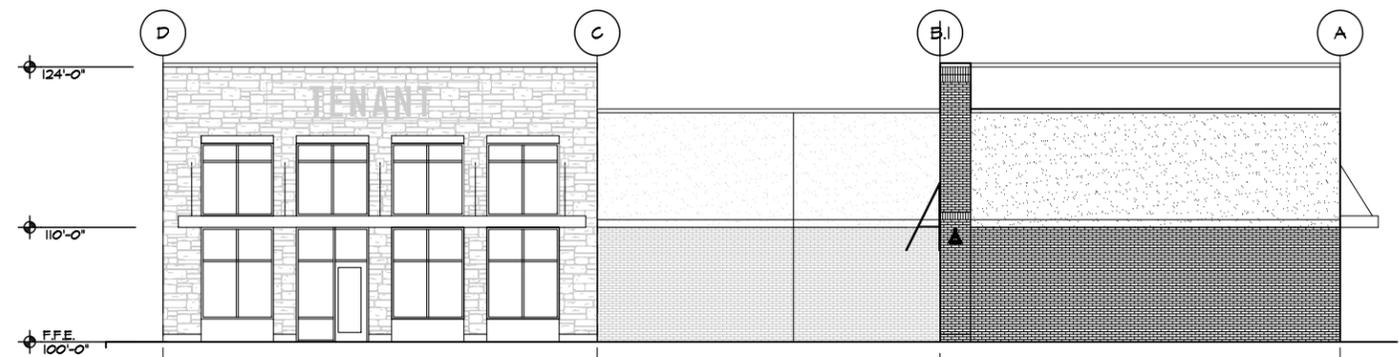
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

PROJECT NUMBER: 14-1045-01
 ISSUED DATE: 12-18-14
 DRAWN BY: CM
 CHECKED BY: KA

**ARCHITECTURAL
 CONSORTIUM L.L.C.**
 901 North 3rd Street, Suite 220
 Minneapolis, MN 55401
 612-436-4030
 Fax 612-692-9960

**RETAIL CENTER
 8000 BROOKLYN BLVD
 BROOKLYN PARK, MN**

ELEVATIONS
 1/16" = 1'-0"

A3.1

City of Brooklyn Park Request for Council Action

Agenda Item:	6.4	Meeting Date:	January 6, 2020
Agenda Section:	Land Use Actions	Originating Department:	Community Development
Resolution:	X	Prepared By:	Todd A. Larson, Senior Planner
Ordinance:	N/A		
Attachments:	5	Presented By:	Cindy Sherman, Planning Director
Item:	"Gardner Brookwood Estates" (Jenna Gardner et al) – Re-plat of Four Existing Lots into Six Lots to Create Two Lots for New Single-Family Homes at 5710-12, 5718-20, 5802-04, and 5810-12 84½ Avenue North		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-____ APPROVING PRELIMINARY AND FINAL PLAT OF "GARDNER BROOKWOOD ESTATES" AT THE NORTHEAST AND NORTHWEST CORNERS OF YATES AVENUE AND 84½ AVENUE NORTH.

Planning Commission Recommendation:

At its meeting on December 11, 2019, the Planning Commission recommended approval (6-1) of the proposed plat with the conditions listed in the attached resolution.

Overview:

Members of the Gardner family own four side-by-side double bungalow buildings along 84½ Avenue. These lots are oversized and are located at both corners with Yates Avenue. They are requesting to replat the properties so that two additional lots are created—one on each side of Yates Avenue—for new single-family home construction.

The properties are zoned R4 (single- and two-family residential). The R4 District has several different lot dimension and area requirements based on what type of unit (single-family versus two-family) and when it was constructed. The two new lots that are proposed for construction may only be used for single-family homes. They are too small to be used for two-family structures.

Utilities are located under Yates Avenue but not directly in front of the properties, so extension and services will need to be installed for the two new homes. Additionally, screening of Zane Avenue will need to be installed in the form of fencing, berming, landscaping, or any combination thereof. The plans just note landscaped screening.

Budgetary/Fiscal Issues:

Park dedication is required on both lots created for new single-family homes.

Alternatives to consider:

1. Approve the plat as presented.
2. Approve the plat with modifications.
3. Deny the plat based on certain findings.

Attachments:

- 6.4A RESOLUTION
- 6.4B LOCATION MAP
- 6.4C PLANNING AND ZONING INFORMATION
- 6.4D PLANNING COMMISSION MINUTES
- 6.4E PLANS

RESOLUTION #2020-

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT OF
"GARDNER BROOKWOOD ESTATES"
AT THE NORTHEAST AND NORTHWEST CORNERS OF YATES AVENUE AND 84½ AVENUE NORTH

Planning Commission File #19-129

WHEREAS, the plat of "Gardner Brookwood Estates" has been submitted in the manner required for platting of land under the Brooklyn Park Codes and under Chapter 462 of the Minnesota Statutes and all proceedings have been duly had thereunder on properties currently legally described as:

Lot 1, Block 1, Brookwood Estates, Hennepin County, Minnesota
Lot 2, Block 1, Brookwood Estates, Hennepin County, Minnesota
Lot 1, Block 2, Brookwood Estates, Hennepin County, Minnesota
Lot 2, Block 2, Brookwood Estates, Hennepin County, Minnesota

WHEREAS, said plat is consistent with the Comprehensive Plan and the regulations and requirements of the laws of the State of Minnesota and codes of the City of Brooklyn Park, Chapters 151 and 152; and

WHEREAS, the granting of this plat will not be detrimental to the public welfare nor injurious to the other property in the neighborhood; and

WHEREAS, the granting of this plat will not have an adverse effect upon traffic and traffic safety or pedestrians and pedestrian safety; and

WHEREAS, the proposed subdivision meets the minimum requirements of the R4 zoning district.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park, Preliminary Plat Request #19-129 "Gardner Brookwood Estates" shall be approved subject to the following conditions:

1.0 DRAWINGS

1.01 Preliminary plans on file in the City Clerk's office dated 05-05-2019 as revised 11-18-2019 for six lots upon compliance with the following requirements:

2.00 BONDS, ESCROWS AND DIRECT PAYMENTS

2.01 A development bond or letter of credit in the amount of \$9,200.00 cash bond in the amount of \$400.00 and a developer's escrow in the amount of \$300.00 are required guaranteeing the proper installation of the sanitary sewer and water services to the new lots. The developer's escrow must be posted with the City to cover engineering, legal and administrative costs incurred by the City and other conditions listed within this resolution. If the account becomes deficient, it shall be the developer's responsibility to deposit additional funds. This must be done before final bonding obligations are complete.

2.02 Payment of any special assessments on the property.

- 2.03 Park dedication in the amount of \$4,600 per lot on each of the two lots created for new construction shall be paid prior to recording the final plat.

3.00 REQUIRED DOCUMENTS

- 3.01 Approval of Title by the City Attorney.
- 3.02 A final plat showing the correct square footage for each lot area must be submitted prior to recording of the final plat.
- 3.03 A 5-foot trail easement adjacent to Zane Avenue will be prepared by the City Attorney's office and recorded with the plat.

4.00 GENERAL CONDITIONS

- 4.01 It shall be the developer's responsibility to keep active and up to date the developer's contract and financial surety (Letter of Credit, bonds, etc.). These documents must remain active until the developer has been released from any further obligation by City Council motion received in writing from the Engineering Department.
- 4.02 Screening, as required by City Code Section 152.275(D and E) of Zane Avenue is required in the form of fencing, landscaping, berming, or any combination thereof for proposed Lot 1, Block 1, and shall be reviewed with the building permit landscape escrow.
- 4.03 No driveway access to Zane Avenue is permitted per Hennepin County.
- 4.04 Lot 1, Block 1, and Lot 1, Block 2 may only be used for single-family home construction as those lots are too small under the zoning requirement for two-family homes.

5.00 FINAL PLAT

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Brooklyn Park, Final Plat Request #19-129 "Gardner Brookwood Estates" shall be approved subject to the following conditions:

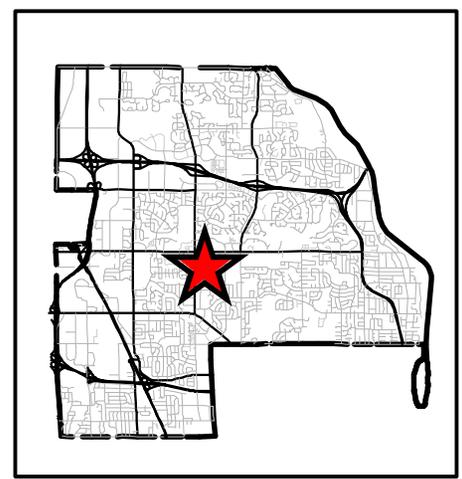
- 5.01 Title review by the City Attorney and all conditions therein.
- 5.02 Easement review by the City Engineer and all conditions therein.
- 5.03 Per requirements set forth in this resolution or as subsequently amended by motion, approving the preliminary plat of "Gardner Brookwood Estates" which is part of this resolution by reference and is on file and can be examined in the City Clerk's office.
- 5.04 Submission of a letter from the land surveyor or engineer indicating the square footage contained in each lot on the plat, per Section 151.043, Subdivision J, of the City Code.
- 5.05 Submission of a CAD copy of the plat.
- 5.06 Park dedication in amount of \$4,600 per lot for each of the new lots created for new construction for a total of \$9,200.00.

BE IT FURTHER RESOLVED that such execution of the certificate upon said plat by the Mayor and City Manager shall be conclusive showing of proper compliance therewith by the subdivider and City officials and shall entitle such plat to be placed on record forthwith without further formality, all in compliance with M.S.A. 462 and the Ordinance of the City.

Plat #19-12 Gardner Brookwood Estates
5710-5812 84 1/2 Ave. N.



Spring 2018 Air Photo.



Map Date November 18, 2019

Land Use Plan	Medium Density Residential (3-9 units/acre)	
Current Zoning	Detached Single- and Attached Two-Family Residential (R4)	
Surrounding Zoning	All Sides – Detached Single- and Attached Two-Family Residential (R4)	
Neighborhood	Central	
Site Area	1.45 acres	
	<u>Existing</u>	<u>Proposed</u>
Number of Lots	4	6
Number of Units	8	10
Average Density	5.5 units/acre	6.9 units/acre
Lot Requirements	<u>Lot Areas</u>	<u>Lot Widths</u>
Detached Lots	8,500 ft ²	70 feet
Attached Lots	10,800 ft ²	80 feet
Conforms to:		
Land Use Plan – Yes		
Zoning Code – Yes		
Subdivision Code – Yes		
Variances Needed – None		
Public Notification	116 Mailed notices Sun Post Legal Notices Neighborhood Update Email – Central 2 Proposed Development signs	



Photo 1. The east side of Yates Avenue where one new single-family house is proposed (11-25-2019).



Photo 2. The west side of Yates Avenue where one new single-family house is proposed (11-25-2019).

UNAPPROVED MINUTES
MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting – December 11, 2019

1. CALL TO ORDER

The meeting was called to order at 7:00 PM.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Those present were: Commissioners Hanson, Herbers, Husain, Kiekow, Kisch, Mersereau, Vosberg; Council Liaison West-Hafner; Senior Planner Larson; Planning Director Sherman.

Those not present were: Commissioners Mohamed and Morton-Spears.

6. PUBLIC HEARING

- A. “Gardner Brookwood Estates” (Jenna Gardner et al)** – Replat of four existing lots into six lots to create two lots for new single-family homes at 5710-12, 5718-20, 5802-04, and 5810-12 84½ Ave. N.

Senior Planner Larson provided an overview of the request to replat four oversized lots to allow for a single-family home on each side of Yates Ave. He noted the R4 zoning designation of the property allows single- and two-family homes with multiple lot sizes based on the use and the construction year. The new lot sizes will conform to the applicable requirements with the new lots only suitable for single-family homes. Staff recommends approval.

Commissioner Chair Hanson opened the public hearing.

Kathy Ruhland, 8402 Yates Ave N, noted she is happy the proposal is only for single-family homes. She stated concerns of a potential impact to parking and traffic on Yates Ave as it is heavily utilized by those who live on 84 ½ Ave. She asked if the new homes will have garages, and if they will be used as rentals.

Seeing no one approach the podium, Commissioner Chair Hanson closed the public hearing.

Ms. Jenna Gardner, the applicant, explained intent to construct a 3-car garage to provide plenty of parking spots for the new homes. They anticipate keeping the new homes as rentals as they have owned the current twin homes as rentals without any issues.

Commissioner Chair Hanson asked for clarification as to what the applicant meant by saying they haven't had any issues.

Ms. Gardner clarified that they didn't have any concerns brought to them by the City, and they haven't had any troubles with their tenants.

Planning Director Sherman added the applicants represents the owners of the current 8 twin home units. She confirmed there haven't been any concerns in the last 15 years.

Commissioner Herbers agreed with parking concerns on Yates Ave which may be exacerbated by two new homes. He pointed to discussion in the staff report about screening from Zane Ave. He asked why a fence wouldn't be required on that property line.

Senior Planner Larson explained that City Code allows for options that include landscaping, berming, fencing, or any combination. In this instance, the applicant has chosen landscaping.

Commissioner Herbers stated his preference for fencing to match the existing lots on that side.

Commissioner Vosberg asked for confirmation that the homes would be accessed by Yates Ave.

Ms. Gardner confirmed yes.

Commissioner Vosberg asked for confirmation that they would construct 3-car garages.

Ms. Gardner confirmed yes.

Commissioner Vosberg asked if the driveways would be long enough for 2 full vehicles.

Senior Planner Larson explained typical driveways in this part of town accommodate 2 vehicles.

Commissioner Vosberg asked if there would be any exceptions to the dimensions.

Senior Planner Larson explained the minimum garage size is 480 sq. ft. and a 3-car garage is closer to 600 sq. ft.

Commissioner Vosberg said she has no issue if the site can adhere to all the city requirements.

Commissioner Kiekow asked if utilities run down Yates Ave with adequate volume for new homes.

Senior Planner Larson confirmed there is adequate access and capacity.

Commissioner Kiekow asked if the trees that are removed for the new properties will be replaced.

Senior Planner Larson explained the standard for single-family homes is 5 trees total, two in the front and three anywhere else in the lot, in addition to 10 shrubs.

Commissioner Kisch clarified that they are only approving a replat based on the city requirements and setbacks to allow for construction of a new home. He believes these are two useable lots, and he doesn't see a reason to deny the replat as proposed.

MOTION HUSAIN, SECOND VOSBERG TO RECOMMEND APPROVAL OF PRELIMINARY PLAT OF "GARDNER BROOKWOOD ESTATES" AT THE NORTHEAST AND NORTHWEST CORNERS OF YATES AVENUE AND 84½ AVENUE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

Commissioner Chair Hanson explained she wouldn't vote to recommend the proposal as she doesn't believe this to be a good fit in the surrounding neighborhood. She expressed concerns with the rentals and parking in this area based on conversations with those who live nearby.

MOTION CARRIED 6-1. COMMISSIONER CHAIR HANSON VOTED NAY.

PRELIMINARY PLAT
GARDNER BROOKWOOD ESTATES
 City of Brooklyn Park Hennepin County, MN

Legal Description

Lots 1 and 2, Block 1 and Lots 1 and 2, Block 2, BROOKWOOD ESTATES, Hennepin County, Minnesota.

All parcels are Abstract property.

Miscellaneous Notes

- (MN 1)** Property Address and PID Number per County Tax Records:
 5810 84 1/2 Ave. N. (Lot 1, Block 1, Brookwood Estates) PID No. 21.119.21.21.0018
 5802 84 1/2 Ave. N. (Lot 2, Block 1, Brookwood Estates) PID No. 21.119.21.21.0019
 5718 84 1/2 Ave. N. (Lot 1, Block 2, Brookwood Estates) PID No. 21.119.21.21.0020
 5710 84 1/2 Ave. N. (Lot 2, Block 2, Brookwood Estates) PID No. 21.119.21.21.0021
- (MN 2)** Total Area of Parcels = 63209 sq.ft
- (MN 3)** Benchmark: Top nut of hydrant located on west side of Yates Ave. N. as shown hereon.
 Elevation = 878.33 feet
- (MN 4)** Property is in Flood Zone "X" (an Area of minimum flooding) per FEMA Flood Zone Map No. 27053C0201F, dated 11/04/2016.
- (MN 5)** Title insurance commitment showing property description and any encumbrances of record not provided, survey subject to change.
- (MN 6)** To insure that there is no future confusion in regards to the underlying easements causing problems, it is recommended that the existing drainage and utility easements for the subject parcels be entirely vacated and then rededicated on the proposed plat.

Personnel

CURRENT OWNERS	DEVELOPER	SURVEYOR
For Lots 1 & 2, Block 1: Robert & Janice Gardner 8103 Ithaca Lane N. Maple Grove, MN 55311	Jenna Nepper 8103 Ithaca Lane N. Maple Grove, MN 55311	Demarc Surveying and Engineering 7601 73rd Avenue N. Brooklyn Park, MN 55428 Attn: Greg Prasch phone: 763-560-3093 fax: 763-560-3522 e-mail: gregprasch@demarcinc.com
For Lots 1 & 2, Block 2: Robert Gardner, Jr. 6562 Zircon Lane N. Maple Grove, MN 55311		

Development Standards

ZONING REQUIREMENTS:

Current & Proposed Zoning - R-4 Single Family Residential

- Setback Requirements per Zoning Ordinance:
 Main Structure Only
 Front Arterial Street - 50 feet (Zane Ave)
 Front Street - 30 feet
 Side Street - 20 feet
 Interior Side - 10 feet
 Rear - 30 feet

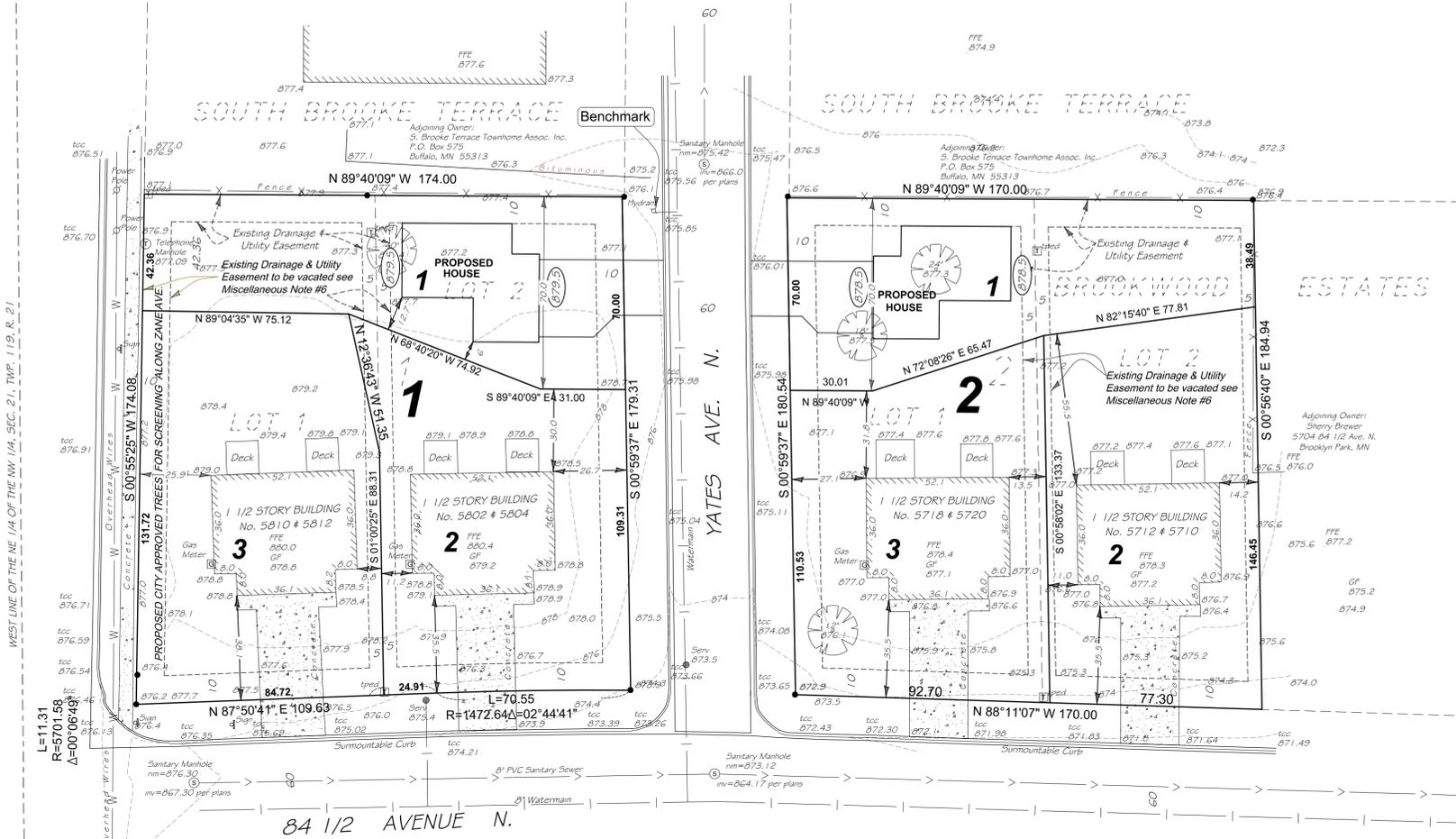
- Lot Requirements:
 Lot Area for 1 family dwelling - 8500 sq.ft
 Lot Area for 2 family dwelling - 10800 sq.ft (prior 2/1/1980)
 Lot Area for 2 family dwelling - 16200 sq.ft (post 2/1/1980)
 Note: existing structures shown built in 1979
 Lot Width - 70 feet
 Lot Depth - not listed
 Building Height - 40 feet

Refer to City Code for other requirements.

PROPOSED LOT AREAS:
 Total number of Lots = 6

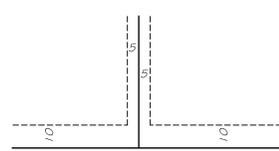
- Block 1:**
 Lot 1 = 9270 sq.ft
 Lot 2 = 10807 sq.ft
 Lot 3 = 12091 sq.ft
- Block 2:**
 Lot 1 = 9253 sq.ft
 Lot 2 = 10800 sq.ft
 Lot 3 = 10988 sq.ft

Right of Way Dedication = 0 sq.ft



Proposed Drainage & Utility Easements are shown thus:

REFER TO FINAL PLAT FOR PROPOSED LOCATIONS



BEING 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND 5 FEET IN WIDTH AND ADJOINING INTERIOR LOT LINES.

Legend

- | | |
|---------------------------------|-----------------------------|
| Gas Main | Denotes Found Iron Monument |
| UT - Underground Communications | Denotes Iron Monument Set |
| UE - Underground Electric | Bollard |
| < - Sanitary Sewer | Light |
| << - Storm Sewer | Power Pole |
| - Watermain | Sanitary Manhole |
| W - Overhead Wires | Storm Manhole |
| | Water Manhole |
| | Catch Basin |
| | Denotes Existing Elevation |
| Denotes Existing Contours | |
| Denotes Proposed Elevation | |
| Denotes Surface Drainage | |

FOR THE PURPOSES OF THIS PLAT THE NORTH LINE OF Block 2, BROOKWOOD ESTATES IS ASSUMED TO BEAR NORTH 89°40'09" WEST



PRELIMINARY PLAT FOR:
Jenna Nepper
 8103 Ithaca Lane N.
 Maple Grove, MN 55311

Certification

I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 5th day of May, 2019.
 Revised July 1, 2019 prop. lot lines
 Revised Oct. 17, 2019 prop. lot lines
 Revised Nov18, 2019 City comments

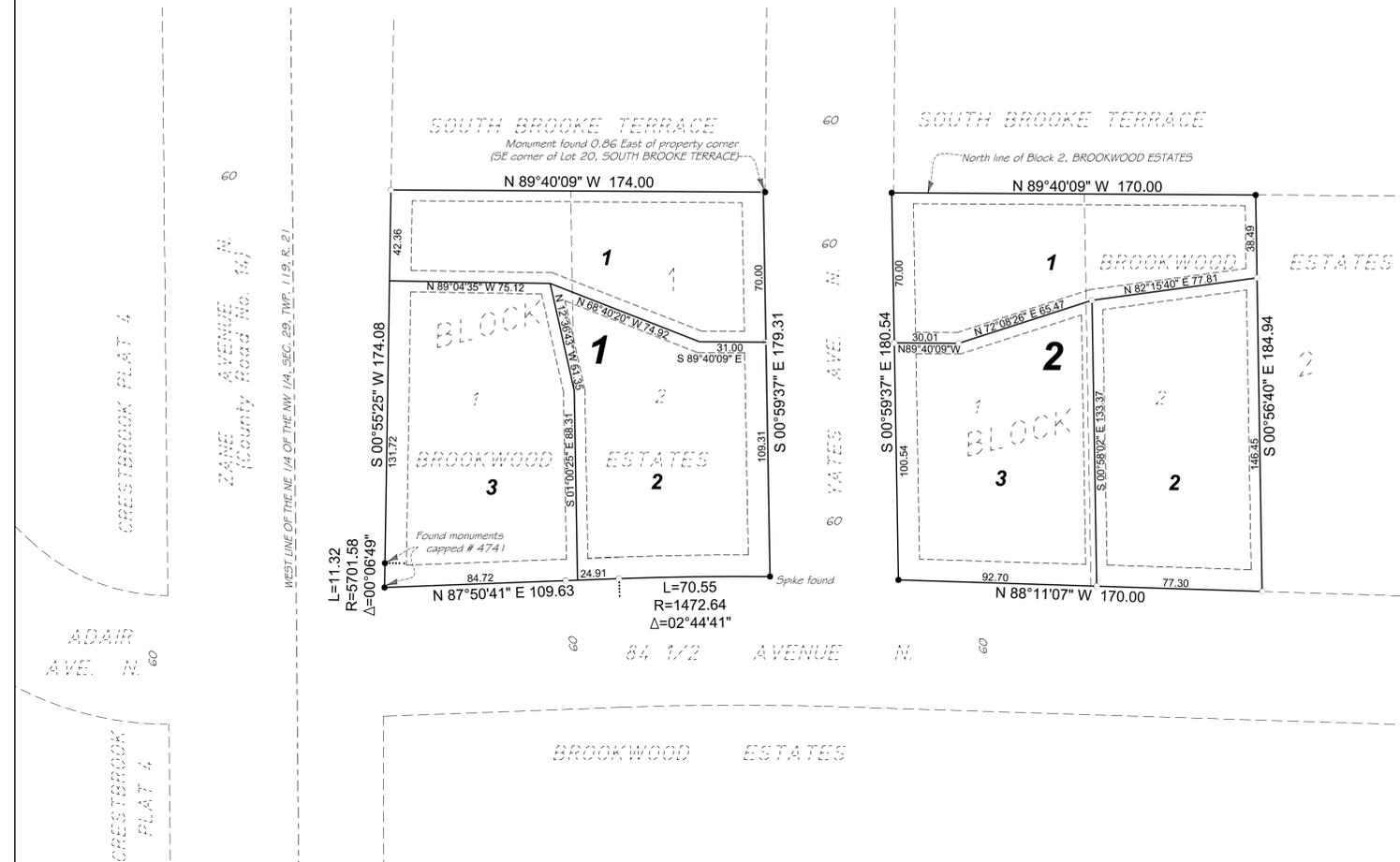
Prepared by:

DEMARC
 LAND SURVEYING & ENGINEERING
 7601 73rd Avenue North
 Minneapolis, Minnesota 55428
 (763) 560-3093
 Demarcinc.com

Signed: *Gregory R. Prasch*
 Gregory R. Prasch, Minn. Reg. No. 24992

GARDNER BROOKWOOD ESTATES

C. R. DOC. No. _____



KNOW ALL PERSONS BY THESE PRESENTS: That Robert H. Gardner, Sr. and Janice M. Gardner a.k.a. Jan M. Gardner, husband and wife, owners of the following described property situate in the County of Hennepin, State of Minnesota, to wit:

Lots 1 and 2, Block 1, BROOKWOOD ESTATES.

And that Robert Gardner, Jr. and Kelly Gardner, husband and wife, owners of the following described property situate in the County of Hennepin, State of Minnesota, to wit:

Lots 1 and 2, Block 2, BROOKWOOD ESTATES.

Has caused the same to be surveyed and platted as GARDNER BROOKWOOD ESTATES and does hereby dedicate to the public for public use forever the easements for utility and drainage purposes and the public ways as shown on the plat.

In witness whereof said Robert H. Gardner, Sr. and Janice M. Gardner a.k.a. Jan M. Gardner, husband and wife, owners, have set their hands this _____ day of _____, 20____.

Robert Gardner Sr. Janice M. Gardner

STATE OF MINNESOTA
COUNTY OF _____
The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by, Robert H. Gardner, Sr. and Janice M. Gardner a.k.a. Jan M. Gardner, husband and wife, owners.

(signature) (printed name)
Notary Public, _____ County, Minnesota, My Commission Expires _____

In witness whereof said Robert Gardner, Jr. and Kelly Gardner, husband and wife, owners, have set their hands this _____ day of _____, 20____.

Robert Gardner, Jr. Kelly Gardner

STATE OF MINNESOTA
COUNTY OF _____
The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by, Robert Gardner, Jr. and Kelly Gardner, husband and wife, owners.

(signature) (printed name)
Notary Public, _____ County, Minnesota, My Commission Expires _____

I Gregory R. Prashch do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

Gregory R. Prashch, Land Surveyor
Minnesota License No. 24992

STATE OF MINNESOTA
COUNTY OF HENNEPIN
This instrument was acknowledged before me on this _____ day of _____, 20____, by Gregory R. Prashch.

Signature of Notary _____ (Notary's Printed Name) _____
Notary Public, _____ County, Minnesota. My commission expires _____

City Council, City of Brooklyn Park, Minnesota
This plat of GARDNER BROOKWOOD ESTATES was approved and accepted by the City Council of the City of Brooklyn Park, Minnesota, at a regular meeting thereof held this _____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subdivision 2.

City Council, City of Brooklyn Park, Minnesota
By _____ Mayor By _____ City Manager

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota
I hereby certify that the taxes payable in _____ and prior years have been paid for land described on this plat, dated this _____ day of _____, 20____.

Mark V. Chapin, County Auditor By _____ Deputy

SURVEY DIVISION, Hennepin County, Minnesota
Pursuant to Minnesota Statutes, Sec. 383B.565 (1969) this plat has been approved this _____ day of _____, 20____.

Chris F. Mavis, County Surveyor By _____

COUNTY RECORDER, Hennepin County, Minnesota
I hereby certify that the within plat of GARDNER BROOKWOOD ESTATES was recorded in this office this _____ day of _____, 20____, at _____ o'clock _____ M.

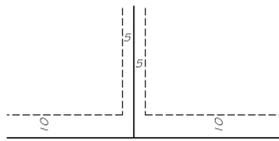
Martin McCormick, County Recorder By _____ Deputy



○ DENOTES 1/2 INCH BY 1/4 INCH IRON PIPE MONUMENT SET AND MARKED BY LICENSE NUMBER 24992.
● DENOTES FOUND 1/2 INCH IRON PIPE MONUMENT UNLESS OTHERWISE NOTED.

FOR THE PURPOSES OF THIS PLAT THE NORTH LINE OF Block 2, BROOKWOOD ESTATES IS ASSUMED TO BEAR NORTH 89°40'09\"/>

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THIS:



BEING 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND 5 FEET IN WIDTH AND ADJOINING INTERIOR LOT LINES, UNLESS OTHERWISE SHOWN HEREON.

City of Brooklyn Park Request for Council Action

Agenda Item:	7.1	Meeting Date:	January 6, 2020
Agenda Section:	General Action Items	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Marlene Kryder, Program Assistant
Ordinance:	N/A		
Attachments:	2	Presented By:	Jeffrey Lunde, Mayor
Item:	Appointment of Council Liaisons to Commissions and Committees		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO CONFIRM THE MAYOR'S COUNCIL LIAISON APPOINTMENTS TO COMMISSIONS AND COUNCIL OR STAFF LIAISONS TO COMMITTEES FOR THE YEAR 2020.

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

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

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

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

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

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

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

MAYOR LUNDE TO APPOINT _____ AS THE COUNCIL REPRESENTATIVE BETWEEN THE CITY COUNCIL AND THE BUSINESS FORWARD ADVISORY BOARD FOR A TERM FROM FEBRUARY 28, 2020 TO DECEMBER 31, 2022.

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

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

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

MAYOR LUNDE TO APPOINT _____ AS LIAISON BETWEEN THE CITY COUNCIL/STAFF AND THE MINNEAPOLIS NORTHWEST TOURISM BOARD.

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

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

MAYOR LUNDE TO APPOINT _____ AS LIAISON BETWEEN THE CITY COUNCIL AND THE COMMUNITY FESTIVALS TEAM.

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

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

Overview:

Council Liaisons need to be appointed to be in compliance with Resolution #2019-46 Establishing Standards for City Boards and Commission, Section 12 d. Liaisons. "The Mayor must annually appoint one Council member as an ex-officio member without voting rights to each advisory commission who shall serve as liaison between the Council and the Commission."

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

7.1A 2020 COUNCIL/STAFF LIAISON FORM

7.1B COUNCIL/STAFF LIAISON APPOINTMENTS FROM PRIOR YEARS

2020 COUNCIL LIAISONS/DELEGATES TO CITY COMMITTEES/COMMISSIONS

	Mayor Lunde	Lisa Jacobson	Mark Mata	Terry Parks	Susan Pha	Wynfred Russell	Tonja West- Hafner
Audit Committee							
Budget Advisory Commission 7:00 p.m. - 4 th Tues. (no meetings in July or December)							
Charter Commission 2 nd Wed., 7:00 p.m.							
Community Long-range Improvement Commission (CLIC) 2 nd Thurs., 7:00 p.m.							
Human Rights Commission 3 rd Thurs., 6:00 p.m.							
Planning Commission 2 nd and 4 th Wed., 7:00 p.m.							
Recreation and Parks Advisory Commission 3 rd Wed., 6:30 p.m.							
Brooklyn Park Development Corporation	Terry Parks appointed as Council Representative (term expires Dec. 31, 2020) Jeffrey Lunde appointed as the EDA Representative (term expires Dec. 31, 2020)						
Business Forward Advisory Board 1 st Tuesday Sept thru May 4:00 – 5:30	Lisa Jacobson appointed as Council Representative Feb. 27, 2017 for a 3-year term to expire Feb. 27, 2020. (New appt: Feb. 28, 2020 – Dec. 31, 2022)						
Brooklyn Youth Council (primary and alternate)							
Brooklyn Bridge Alliance (primary and alternate)							
Fire Relief Association Mon. (monthly), 5:30 p.m. (primary and alternate)							
Minneapolis Northwest Tourism Board (primary and staff alternate)	_____ Primary Liaison Breanne Rothstein, Staff Liaison (Alternate)						
North Metro Mayors Assn. 6 times per yr							
Northwest Suburbs Cable Communications Commission 3 rd Thurs., 7:30 a.m. Qtrly (primary and alternate)	Camille Hepola, Official City Representative Jay Stroebel, Alternate						
Property Mgr's. Coalition Quarterly – time varies							
Community Festivals TBD							
Suburban Rate Authority (staff) (director and alternate director)	Jesse Struve, Director; LaTonia Green, Alternate Director						

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

2019 COUNCIL LIAISONS/DELEGATES TO CITY COMMITTEES/COMMISSIONS

	Mayor Lunde	Lisa Jacobson	Mark Mata	Terry Parks	Susan Pha	Wynfred Russell	Tonja West- Hafner
Audit Committee			✓	✓		✓	
Budget Advisory Commission (BAC) 7:00 p.m. - 4 th Tues. (no meetings in July and December)						✓	
Charter Commission 2 nd Wed., 7:00 p.m.		✓					
Community Long-range Improvement Commission (CLIC) 2 nd Thurs., 7:00 p.m.				✓			
Human Rights Commission 3 rd Thurs., 6:00 p.m.			✓				
Planning Commission 2 nd and 4 th Wed., 7:00 p.m.							✓
Recreation and Parks Advisory Commission 3 rd Wed., 6:30 p.m.					✓		
Brooklyn Park Development Corporation	Terry Parks appointed as Council Representative (term expires Dec. 31, 2020) Jeffrey Lunde appointed as EDA Representative (term expires Dec. 31, 2020)						
Business Forward Advisory Board 1 st Tuesday Sept thru May 4:00 – 5:30	Lisa Jacobson appointed as Council Representative Feb. 27, 2017 for a 3-year term						
Brooklyns Youth Council (primary and alternate)					✓ (Primary)	✓ (Alternate)	
Brooklyn Bridge Alliance (primary and alternate)	✓ (Primary)				✓ (Alternate)		
Fire Relief Association Mon. (monthly), 5:30 p.m. (primary and alternate)	✓ (Alternate)						✓ (Primary)
Minneapolis Northwest Tourism Board (primary and alternate)			✓ (Alternate)			✓ (Primary)	
North Metro Mayors Assn. 6 times per yr	✓						
Northwest Suburbs Cable Communications Commission 3 rd Thurs., 7:30 a.m. Qtrly (primary and alternate)	Camille Hepola, Official City Representative Jay Stroebel, Alternate						
Property Mgr's. Coalition Quarterly – time varies							✓
Tater Daze Planning Team 1 st Tues., 6:30 p.m.		✓					
Suburban Rate Authority (director and alternate director)	Jesse Struve, Director; LaTonia Green Alternate Director						

	Mayor Lunde	Lisa Jacobson	Mark Mata	Terry Parks	Susan Pha	Wynfred Russell	Tonja West-Hafner
Hennepin County Bottineau Corridor Steering Committee (primary and alternate) Monthly, Thursdays, 1:30 – 3:00 (currently, meetings qtrly) (primary and alternate)	✓ (Primary)				✓ (Alternate)		
Bottineau LRT Corridor Management Committee Quarterly, Wednesdays, 1:30 – 3:00 (primary and alternate)	✓ (Primary)	✓ (Alternate)					

2018 COUNCIL LIAISONS/DELEGATES TO CITY COMMITTEES/COMMISSIONS

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

City of Brooklyn Park Request for Council Action

Agenda Item:	7.2	Meeting Date:	January 6, 2020
Agenda Section:	General Action Items	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Jeffrey Lunde, Mayor
Item:	Appointment of Mayor Pro Tem		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPOINT _____ AS MAYOR PRO TEM FOR THE YEAR 2020.

Overview:

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

On January 7, 2019, Council Member Susan Pha was appointed Mayor Pro Tem for 2019 and was unanimously approved by the Council.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A