

CITY COUNCIL WORK SESSION – AGENDA #18

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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

- A. **CALL TO ORDER – Mayor Hollies Winston**
- B. **GENERAL INFORMATION**
None.
- C. **DISCUSSION ITEMS/GENERAL ACTION ITEMS – These items will be discussion items but the City Council may act upon them during the course of the meeting.**
 - C.1 Water Discussion
 - A. WATER QUALITY STRATEGIES UPDATE
 - C.2 252 Safety Task Force Presentation
 - A. OVERVIEW OF STF ISSUES
 - B. STF RECOMMENDATIONS
 - C. STF PRESENTATION
 - C.3 Role of Commissions
 - A. RESPONSES TO CM ERIKSEN'S QUESTIONS REGARDING THE ROLES OF COMMISSIONS
 - B. PAGE 25 FROM THE COMMISSIONS GUIDEBOOK 2023
 - C. PAGE 26 FROM THE COMMISSIONS GUIDEBOOK 2023
 - D. CITY CODE CHAPTERS 30 AND 31
 - E. PAGE 44 FROM THE COMMISSIONS GUIDEBOOK 2023
 - F. PAGES 49-55 FROM THE COMMISSIONS GUIDEBOOK 2023
 - G. RESOLUTION #2019-46
 - H. SECTION 2.02 BOARDS AND COMMISSIONS
- D. **VERBAL REPORTS AND ANNOUNCEMENTS**
 - D.1 **COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS**
 - D.2 **CITY MANAGER REPORTS AND ANNOUNCEMENTS**
- E. **ADJOURNMENT**

City of Brooklyn Park Council Work Session

Meeting Date:	May 1, 2023	Originating Department:	Operations and Maintenance
Agenda Item:	C.1	Prepared By:	Rick Luckow, Utilities Manager Dan Ruiz, O&M Director
Agenda Section:	Discussion Items/ General Action Items	Presented By:	Rick Luckow Dan Ruiz
Item:	Water Discussion		

Summary:

The City Council directed staff to explore options for improving water quality. Preliminary water quality improvement options were discussed at the February 6, 2023 City Council Work Session. This discussion will continue to explore water quality issues including newly proposed PFAS (Forever Chemicals) standards.

Attachments:

C.1A WATER QUALITY STRATEGIES UPDATE

May 1, 2023, Update

Water quality strategies for Brooklyn Park

Existing Water Supply and Treatment

Wells

The city currently has 17 wells for public water supply. 10 of these supply water to the treatment plant and the other 7 pump directly into the water system. 4 of these are peaking wells and 3 are emergency only. The wells draw from 4 aquifers, Quaternary Drift, Tunnel City Wonevoc, (TWC), Jordan and the Mount Simon. Annually, 80-85% of the water comes from the Quaternary Drift aquifer with the TWC aquifer producing 15-20%.

Ground Water Quality

Currently, the water supply is abundant and meets primary drinking water standards. The raw water before treatment does not meet the secondary standards for iron (0.3 mg/l) and manganese (0.05mg/l). The water is also extremely hard. Potential regulatory changes for “forever chemicals”, (PFAS) and others are an emerging concern and may require additional treatment strategies. **Proposed rule for PFAS was issued March 14, 2023. Final rule expected by the end of the year.**

Water Treatment Plant

The water treatment plant is an iron and manganese filtration plant capable of treating up to 26 million gallons per day, (mgd). Normal winter water use is 6.5 mgd with summer usage reaching 21-22 mgd. The plant has been built in three phases, 1988, 1998 and 2011. The existing plant does not provide for softening.

Future Options:

1. No centralized softening. Add 5000 gallons per minute to raw water supply, 2-5 wells
2. Purchase water from the City of Minneapolis
- ~~3. Purchase from the Joint Water Commission~~
4. Modify current plant to soften
 - a. Use groundwater in lime softening process.
 - b. Use Mississippi River in lime softening process.
 - c. Use membranes.
- ~~5. Regionalize a 75-100 mgd River softening plant with surrounding communities.~~
- ~~6. Regionalize a 75-100 mgd ground water softening plant with surrounding communities.~~
7. Likely plant addition or modification to remove “forever chemicals”. Current available treatment methods include granulated activated carbon, resin removal, and reverse osmosis.

Option 1.

No Centralized softening.

This option is the current situation. This is the least costly option but does not provide for centralized water softening. Water produced meets all State and Federal standards but is extremely hard. With this option softening is a choice of each individual consumer.

Option 2.

Purchase from Minneapolis.

This option would have the City of Brooklyn Park purchase wholesale water from the City of Minneapolis. Minneapolis utilizes water from the Mississippi River for their supply. This water is highly treated and is softened. If Brooklyn Park pursued this option, it would necessitate constructing a large dual pipeline and associated infrastructure, at least 8 miles long, capable of 32 mgd from Minneapolis through Brooklyn Center or Fridley to the Brooklyn Park treatment plant. The water would be pumped from the current plant as the water distribution system has been designed and built with the centralized location of the treatment plant. Additional reservoir capacity is likely needed with this approach.

Minneapolis has detected some PFAS chemicals in their water and has begun quarterly testing.

Option 3.

Purchase from Joint Water Commission

The Joint Water Commission consists of the cities of Crystal, Golden Valley, and New Hope. They cooperatively purchase and manage up to 22 mgd of water from the City of Minneapolis. Although we have emergency interconnects with New Hope the JWC does not have enough capacity to serve Brooklyn Park from their joint system.

This option was determined not feasible due to insufficient water supply available from the Joint Water Commission.

Option 4.

Current Plant Softening Modifications

- a. Lime softening option to existing plant using existing well water. This is a feasible option to the existing water plant as much of the infrastructure is in place. In February 2022 the engineering firm, Bolton and Menk delivered a study investigating adding lime softening to the current plant. The estimated cost in 2022 dollars was \$33,750,000 in construction and material costs and an additional \$4,245,000 dollars

- in annual operational costs. These costs have certainly gone up with current economic and supply chain issues.
- b. Using Mississippi River in lime softening process at current facility. This option would incur all the costs of the previous and include an approximate 4-mile-long dual pipeline and associated pumping station to move water from the river to the plant. Additional treatment may be necessary on city property near the Mississippi Gateway Regional Park.
 - c. Membrane/reverse osmosis softening uses special cartridges with numerous tiny holes in which the hardness is separated from the water as it flows through under pressure. This option has a high capital cost, requires periodic membrane replacement, and has 20-25% waste.

With the proposed United States Environmental Protection Agency (USEPA) rule regarding Forever Chemicals, (PFAS) Option 4A and 4B may have some complicating issues regarding disposal of the lime sludge. Normal disposal of lime sludge is on agricultural fields for pH soil adjustment. If PFOS/PFAS chemicals are tested to be present in the lime sludge it could be deemed hazardous waste making agricultural application unlikely. This would necessitate transporting the sludge to a hazardous waste landfill.

Option 4C may see future cost increases from the Metropolitan Council Environmental Services, (MCES) as the membrane softening process may concentrate the PFOS/PFAS chemicals well past the regulatory limit. The brine waste from membranes is disposed down the sanitary sewer. If the MCES must treat for the removal of PFOS/PFAS from the wastewater stream these costs would be applied back to Brooklyn Park.

Option 5 and 6

Regionalized Softening Plant

Explore interest and economic feasibility of a regional water softening plant. Cities that border Brooklyn Park may find this to be interesting including Brooklyn Center, Maple Grove, Champlin, Osseo, Dayton, and Plymouth,. A combined facility could use one or a combination of the three treatment methods listed in **Option 4**. Many environmental, regulatory, financial, and political issues would need to be addressed and overcome with this proposal.

Option 5 and 6 have been explored with our surrounding communities with little interest moving forward at this time.

Option 7

Treatment additions for the removal of forever chemicals

Depending on expected regulatory action and levels from the USEPA and the MDH the current raw water supply may exceed new standards. Treatment options currently include:

1. Granulated activated carbon, (GAC) filtration.
2. Proprietary resin removal.
3. Reverse Osmosis.

These options would require a substantial building and process equipment addition to the water plant.

On March 14, 2023 the U.S. Environmental Agency (EPA) announced the proposed National Primary Drinking Water Regulation for the presence of 6 PFAS forever chemicals. These include, perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX Chemicals), perfluorohexane sulfonic acid (PFHxS), and perfluorobutane sulfonic acid (PFBS). These chemicals have all been detected in the Brooklyn Park water supply. The current tested levels of these are very close to the proposed regulatory limit. The Minnesota Department of Health is testing Brooklyn Parks water quarterly to further define the PFAS issue and the ramifications to the city.

When the USEPA rule is applied, the city will need to comply with the levels set by the rule. If PFAS removal is needed, an addition to the treatment facility will be required. Staff has toured the 3 mgd PFAS removal facility owned by the City of South St. Paul. PFAS removal there is accomplished using Granular Activated Carbon (GAC). If needed this is a viable approach for Brooklyn Park. Preliminary engineering suggests that enough space exists on the current site to accommodate a GAC removal plant.

This plan would require the existing iron and manganese removal plant to continue operating as designed. The substantial building needed to house the GAC treatment would virtually eliminate the ability to provide centralized softening on the current site.

Brooklyn Park staff are currently investigating emerging technologies regarding PFAS removal to measure their viability and cost effectiveness.

City of Brooklyn Park Council Work Session

Meeting Date:	May 1, 2023	Originating Department:	Operations and Maintenance, Engineering Division
Agenda Item:	C.2	Prepared By:	Jesse Struve, City Engineer
Agenda Section:	Discussion Items/ General Action Items	Presented By:	252 Safety Task Force
Item:	252 Safety Task Force Presentation		

Summary:

The 252 Safety Task Force (STF) is a group established by Brooklyn Center City Council on January 13, 2020. On March 23, 2023, Nahid Khan (STF member) requested time to have the STF make a presentation to the Brooklyn Park City Council.

MNDOT will have representation at the meeting but are only in attendance to listen to the presentation and to discuss the process for the 252-project moving forward if asked by the City Council. The intent of having MNDOT at the meeting is to answer process questions and not have a back and forth between the 252 STF and MNDOT or for MNDOT to refute information presented by the STF.

This meeting is for the STF to address the Brooklyn Park City Council directly, present their concerns regarding the potential 252 project, and for the City Council to ask questions directly to the STF.

Attachments:

- C.2A OVERVIEW OF STF ISSUES
- C.2B STF RECOMMENDATIONS
- C.2C STF PRESENTATION

Overview of the Issues

MnDOT’s 6-lane freeway alternatives for Hwy 252 are Harmful and Fatally Flawed

Hwy 252 is an Expressway with six local access signalized at-grade intersections serving an almost entirely residential area next to the Mississippi River in Brooklyn Center and Brooklyn Park.

MnDOT’s Hwy 252 / I-94 draft Scoping Decision Document (SDD)

(<https://dot.state.mn.us/metro/projects/hwy252study/>) recommends two 6-lane freeway project alternatives (with or without bus shoulder or inequitable Toll Lanes known as EZPass) for Hwy 252.

MnDOT also recommends four alternatives for I-94 through Brooklyn Center and North Minneapolis involving combinations of additional northbound and / or southbound lanes (with or without Toll lanes).

During the Public Comment period on the draft SDD ending Friday, May 19, the Highway 252 Safety Task Force urges Residents of Brooklyn Center and Brooklyn Park to contact MnDOT AND your City Council members / Mayors as well as your other elected government representatives, to eliminate the 6-lane freeway alternatives (with or without Toll lanes) from further consideration for Hwy 252.

This is because the 6-lane freeway alternatives for Hwy 252, as shown in the figure below and described on the next page, are highly flawed and harmful to the people of Brooklyn Center and Brooklyn Park, and by extension, North Minneapolis.

The Highway 252 Safety Task Force urges Residents of Brooklyn Center and Brooklyn Park to contact MnDOT and your City / other elected government representatives, and ask them to replace the two 6-lane alternatives with (1) a safer and less polluting 4-lane Low Speed freeway, AND (2) a non-freeway 6-lane Expressway with permanent safety improvements that maintains current Metro Transit bus service and Park & Ride lots. These two alternatives have far less traffic and the non-freeway 6-lane Expressway has far fewer human displacement impacts and property seizures relative to the 6-lane freeway.

The Highway 252 Safety Task Force also urges Residents of Brooklyn Center and North Minneapolis to contact MnDOT and your City / other elected government representatives, and ask to eliminate from further consideration the expansion of I-94 in order to reduce harmful effects of air pollution from significantly increased traffic on residents in adjacent neighborhoods.

	Community Preferred Alternatives		MnDOT Preferred Alternatives	
Criteria Considered:	6-lane Expressway	4-lane Low Speed Freeway	4-lane Normal Speed Freeway	6-lane Freeway
Safety: Mainline Crashes	Small Improvement	Good	Fair	Fair
Property Seizure	Low	High	High	High
Traffic Numbers	Moderate	Moderate	High	High
Traffic Diverted to 252	Low	Moderate	High	High
Pollution: Air	Moderate	Low	High	High
Pollution: Noise	Moderate	Low	High	High
PM Peak Travel Time Mpls to Hwy 610	-5 minutes	-6 minutes	-6.5 minutes	-7 minutes
Increased Traffic on Local Roads	Low	Moderate	High	High
Color Key:	Good	Fair	Poor	

Fatal Flaws and Harms of the 6-lane Freeway

The 6-lane freeway **unnecessarily redirects traffic** from highways between Hwy 169 and I-35W onto Hwy 252, **doubling traffic on Hwy 252**. Traffic would **increase** to numbers currently carried on the **8-10 lane I-94 freeway**, resulting in **congestion on Hwy 252**, as well as increases in air, water, and noise pollution.

Diesel-burning heavy freight truck numbers will increase from hundreds to **thousands daily** on Hwy 252. This traffic will significantly **increase pollution** issues for adjacent neighborhoods.

An **unsafe potential 66th Ave. interchange** on Hwy 252 dangerously close to I-694 / I-94 **increases risks for car and truck crashes by 45%, spills of toxic pollutants into the drinking water supplies of Brooklyn Center and Minneapolis,** and **pollution of the Mississippi River ecosystem.**

Potential 6-lane freeway interchanges on Hwy 252 also **seize or encroach on up to 151 houses and 10 businesses,** and **devalue** surrounding houses to a distance of **2 blocks and beyond**, disproportionately impacting newer-immigrant and BIPOC-owned homes and businesses, and **reducing City property tax rolls.**

By replacing 6 local access intersections with 2-3 limited access interchanges, the 6-lane freeways **increase traffic on local roads**, require cities to widen local roads at city taxpayer expense, bringing **additional human displacement impacts and property seizures / encroachments, and more reductions in City property tax rolls.** They also **increase risks to pedestrians, bicyclists and residents** going about their daily activities as well as enjoying parks, trails and the nearby Mississippi River.

We urge you to ask MnDOT and your City elected government representatives that only the Hwy 252 / I-94 project alternatives which are **beneficial to area Residents in the three cities** be retained for further consideration. **Tell them that these alternatives should have the following characteristics:**

- Avoid increases in traffic by not diverting or inducing traffic onto Hwy 252 and I-94
- Avoid increases in diesel-burning heavy freight truck traffic on Hwy 252 in particular
- Require freeway interchanges (especially at 66th Ave.) to meet MnDOT safety design guidelines
- Avoid adverse impacts of traffic increases on local roads
- Reduce impacts of traffic-induced air pollution on human health, hospitalizations and deaths
- Minimize property impacts for all home and business owners, especially BIPOC owners
- Prevent contamination of drinking water sources for Brooklyn Center near Hwy 252 and for Minneapolis at the Fridley water intake on the Mississippi River from increased use of road salt and risk of toxic spills arising from crashes of heavy freight trucks
- Prevent pollution of the Mississippi River ecosystem from increased use of road salt and risk of toxic spills arising from crashes of heavy freight trucks.

Enter your Public Comments at MnDOT. (<https://dot.state.mn.us/metro/projects/hwy252study/>)

Contact your elected government representatives. (<https://highway252.org/get-involved/>)

Our Suggested Talking Points for your Public Comments: (<https://highway252.org/get-involved/suggested-talking-points/>)

More **community-based information** on the Hwy 252 / I-94 project is available at the Highway 252 Safety Task Force web site: <https://highway252.org/>

Antiracist/Equity Policy Effect: MnDOT's existing recommendations for a 6-lane freeway on Hwy 252 and expansion of I-94 are **inequitable (unfair and unjust) and harmful** to City Residents, especially our BIPOC populations. Brooklyn Park, Brooklyn Center and North Minneapolis have always been lower-income working-class communities, and their current demographic makeup is about 58%, 62% and 60% BIPOC residents, respectively.

Strategic Priorities and Values: The Hwy 252 Safety Task Force recommends that City Residents ask MnDOT to adopt project alternative evaluation criteria that **place increased emphasis on people** – our safety, health, environmental protection, neighborhood integrity, community livability, and overall equity (fairness and justice) – while **decreasing the emphasis** on car and diesel-burning heavy freight truck traffic volumes and speeds as well as building out the largest possible sized freeways.

Highway 252 Safety Task Force

We were recognized by Proclamation of the Brooklyn Center City Council in January 2020 as an independent advisory body for the City Council and City Staff.

RECOMMENDATIONS TO OUR COMMUNITY

REGARDING MnDOT'S HWY 252 / I-94 Environmental Review

DRAFT SCOPING DECISION DOCUMENT (SDD)

(Released March 21, 2023, for 60-day Public Comment period ending May 19, 2023)

(Here is the link: <https://www.dot.state.mn.us/metro/projects/hwy252study/index.html>)

Introduction

Hwy 252 is currently a 4-mile **Expressway** with six local access **signalized at-grade intersections**. It serves an **almost entirely residential area** close to the **Mississippi River** and partly **within the Mississippi National River and Recreation Area**, through Brooklyn Center and Brooklyn Park. The population of our two cities are predominantly **lower income, working class and majority Black, Indigenous and People of Color (BIPOC)** (62% and 58% respectively).

The current Hwy 252 expressway carries **58,000 vehicles daily** (pre-Pandemic, as of 2018). If Hwy 252 is left as is (the No Build / No Change alternative), **daily traffic numbers will increase by only 4,000 to 62,000 vehicles daily in 2040**. Clearly, there will be **NO significant "natural increase" in traffic in the long run** if there is **no change in the current size of the Hwy 252 expressway**.

Highway transportation for drivers in the northern suburbs is **adequately met** by existing area freeways and highways, and **does NOT justify expansion of Hwy 252 or the I-94 freeway** through Brooklyn Park, Brooklyn Center and North Minneapolis.

Hwy 252 suffers from dangerous interchanges at its north and south ends, as well as at the 66th Ave and 85th Ave intersections. **Local community members** have long called for attention to make these safer, and **safety was the primary reason given** for initiating a Hwy 252 study issued in 2016. MnDOT has **downplayed safety to the point where it now ranks below transportation criteria** that are **narrowly focused on increasing car and heavy freight truck traffic numbers and speeds**. They now want to **unnecessarily build the largest possible freeways** through Brooklyn Center, Brooklyn Park and North Minneapolis, as discussed below. **However, our important issue of safety, along with our equally important issues of health, environment, neighborhood integrity, community livability and equity, can be met without turning the current Hwy 252 Expressway into a freeway or expanding the current I-94 freeway.**

About MnDOT's Hwy 252 / I-94 draft Scoping Decision Document

MnDOT's project team for the Hwy 252 / I-94 Environmental Review (2020-2023) has published a **draft Scoping Decision Document (SDD)** which contains its recommended project design alternatives to retain for further consideration and evaluation in the upcoming Environmental Impact Statement (EIS) stage.

For the Hwy 252 Expressway:

For Hwy 252 through Brooklyn Center and Brooklyn Park, it recommends three freeway design alternatives (freeways have **limited local access grade-separated interchanges**):

- (1) **two 6-lane freeway alternatives** (with or without buses and/or Toll Lanes), and
- (2) a **4-lane Normal Speed freeway alternative** (with bus shoulders).
- (3) A No Build / No Change alternative is included as a requirement for comparative purposes.

Full funding for a 6-lane freeway alternative is not available at present, and the draft SDD clearly states (pp ES-17 and 6-14) that the **4-lane Normal Speed freeway is recommended only as a temporary / interim phase** towards eventual construction of a 6-lane freeway, if and when funding might become available. Therefore, the 4-lane normal speed freeway is **NOT a genuine project design alternative – or permanent option** – for Hwy 252, as is **misleadingly misrepresented** in MnDOT's public information sheets or public presentations, including to our City Councils, the members of the project's Policy Advisory Committee (PAC), or the Equity and Health Neighborhood Advisors (EHNA) participating in MnDOT's Equity and Health Assessment process.

Clearly, there effectively is **only one type of recommendation** in the draft SDD that MnDOT wants to move forward for Hwy 252, and that is the **two versions of the 6-lane freeway alternatives**. Thus, during this Public Comment period, MnDOT is presenting to We the Public, our City Governments, the project PAC and the EHNA, **an extremely limited selection and false choice of alternatives** for review and comment in this draft SDD.

For the I-94 freeway:

The draft SDD also recommends four alternatives for the **I-94 freeway** through Brooklyn Center and North Minneapolis involving combinations of additional northbound and/or southbound lanes (with or without Toll lanes) along its 8-mile stretch, most of which also is **next to or within the Mississippi National River and Recreation Area**. North Minneapolis also is a predominantly lower income, working class and majority BIPOC (60%) community.

The Basic Issue:

MnDOT's Purpose and Need Statement is narrowly focused on transportation criteria – emphasizing increased car and heavy freight truck traffic numbers and speeds, and unnecessarily expanding to the largest possible freeways through Brooklyn Center, Brooklyn Park and North Minneapolis – **with only a limited and superficial screening for social, economic and environmental impacts**. As a result, these narrow transportation criteria have **eliminated other project design alternatives** – including **non-freeway alternatives** – that are **less harmful and more beneficial to our local communities** with regards to safety, health, environmental, neighborhood integrity, community livability, and other **equity impacts**.

These 6-lane freeway recommendations result in **fatally flawed outcomes and cause irreversible harms** to the people and environment of Brooklyn Center, Brooklyn Park and North Minneapolis.

What You Can Do:

We urge our neighbors and fellow community members in our three cities **to intervene** by **taking part in the current Public Comment period**, which continues through ***Friday, May 19***. We are sharing our **community-based recommendations** with you to enable you to make **your important, valuable, substantive and critical Public Comments** to respond to MnDOT's Hwy 252 / I-94 draft Scoping Decision Document. Here is the link to enable you to do so:

(<https://www.dot.state.mn.us/metro/projects/hwy252study/index.html>)

We ALSO urge you **to further intervene** by **sharing your Public Comments** with your **City Council members and Mayors**, who **have the power to withhold Municipal Consent**.

We also urge you to **share your Public Comments** with your **other elected government representatives** as they are **members of the Policy Advisory Committee** for the Hwy 252 / I-94 project. They are in a position to **re-direct and re-shape this project** into a form that is **less harmful and more beneficial to our local communities** with regards to safety, health, environmental, neighborhood integrity, community livability, and other **equity impacts**. Here is the **link** to enable you to do so.

(<https://highway252.org/get-involved/>)

FULL RECOMMENDATIONS TO OUR COMMUNITY

FOR MnDOT's Hwy 252 / I-94 PUBLIC COMMENT PERIOD *ending Friday, May 19*.

Firstly, we recommend that:

(1) the **two 6-lane freeway alternatives** (with or without Toll lanes) **for Hwy 252 should be eliminated**, and

(2) **replaced** with **at least two** other alternatives for further evaluation that MnDOT **rejected**. These two **actually perform better on safety, health, environmental, neighborhood integrity, community livability, and other equity criteria**, namely:

(a) a **4-lane Low Speed Freeway** alternative, and

(b) a **non-freeway 6-lane Expressway** with permanent safer turn lanes.

(3) Also, we **reject the expansion of I-94**, which effectively is already an **8-10 lane freeway**, and **call for eliminating the I-94 alternatives from further consideration**.

Secondly, we urge you to insist that MnDOT:

(1) **broaden the Purpose and Need statement** for the Hwy 252 / I-94 Environmental Review, **AND**

(2) **adopt, prioritize and expand evaluation criteria** for project design alternatives to **create, promote, and return Hwy 252 / I-94 alternatives** to the Environmental Review process (and the draft SDD) that

are **less harmful and more beneficial** to the people of Brooklyn Center, Brooklyn Park and North Minneapolis. This should be done by:

(a) **increasing the importance** of safety, health, environmental protection, neighborhood integrity, community livability, and other equity issues for the people of our three cities,

WHILE ALSO...

(b) **decreasing** the emphasis on transportation goals such as increasing car and heavy freight truck traffic numbers, and unnecessarily building the largest possible sized freeways through our three cities.

Thirdly, the reason for doing so is that the 6-lane freeway alternatives for Hwy 252 are highly flawed because of:

- higher traffic volumes (double current daily numbers)
- faster, more dangerous speeds (posted speed limit raised from 55 mph to 65 mph)
- poor interchange merging safety (especially at 66th Ave.)
- harmful air, water, sound and light pollution impacts, and
- inequitable (unfair and unjust) human displacement impacts in our predominantly lower income, working class and majority BIPOC cities, through property seizure, encroachments and devaluation of houses, apartment buildings, businesses and commercial properties, parks, schools, places of worship and public properties.

Fourthly, we urge you to insist that Hwy 252 / I-94 **project alternatives should be evaluated using expanded criteria that:**

- Avoid increases in traffic by not diverting or inducing new traffic onto Hwy 252 and I-94
- Avoid increases in diesel-burning heavy freight truck traffic
- Require freeway interchanges (especially at 66th Ave.) to meet MnDOT safety design guidelines
- Reduce Vehicle Miles Traveled (VMT) and greenhouse gas (GHG) emissions
- Avoid adverse impacts of traffic increases on local roads
- Reduce impacts of traffic-induced air pollution on human health, hospitalizations and deaths
- Minimize property impacts for all home and business owners, especially BIPOC owners
- Prevent contamination of drinking water sources for Brooklyn Center near Hwy 252, and for Minneapolis at the Fridley water intake on the Mississippi River, from road salt as well as toxic spills arising from crashes of heavy freight trucks, and
- Prevent pollution of the Mississippi River ecosystem from road salt as well as toxic spills arising from crashes of heavy freight trucks.
- Apply the lessons learned from the history of destructive freeway construction in the Twin Cities, as well as
- Apply democratic, ethical and equity principles.

EXPANDED EVALUATION CRITERIA FOR THE HWY 252 / I-94 PROJECT

Here we bring to your attention some major examples of **Expanded Evaluation Criteria** (described below), which, if adopted, would **eliminate MnDOT's flawed recommendation** for a 6-lane freeway:

CRITERIA THAT AVOID INCREASED TRAFFIC VOLUME SHOULD BE ADOPTED BY MnDOT

- 1) The MnDOT-recommended 6-lane freeway alternatives (with or without toll lanes) will nearly **double existing daily** traffic volumes on Hwy 252 through Brooklyn Center and Brooklyn Park, from **58,000 currently** to a projected 112,500 vehicles: **both cars and diesel-burning large heavy freight trucks.**

As of 2018 (pre-Pandemic), there was minimal congestion on Hwy 252 (less than 1 hour daily), and with a No Build / No Change alternative, there will be continue to be minimal congestion (less than 1 hour daily) in 2040 (see above). **MnDOT representatives admit that a 6-lane freeway will significantly and quickly increase congestion all along Hwy 252 because of the doubling of traffic – worsening traffic conditions** rather than improving them on Hwy 252.

This enormous increase in Hwy 252 traffic also **will add significantly** to traffic volumes on **I-94** through Brooklyn Center and North Minneapolis.

OUR RECOMMENDATION:

MnDOT should **eliminate the 6-lane freeway alternatives to avoid producing large increases in traffic volume, including diesel-fueled heavy freight trucks on Hwy 252.**

In partnership with the **Office of Traffic Safety at the MN Department of Public Safety** and the **Minnesota Safety Council**, MnDOT must support policies and programs to bring about **reduced traffic**, including staggering peak driving times.

MnDOT and the Metropolitan Council, which operates Metro Transit, must **immediately prioritize expanding public transit** in Brooklyn Center, Brooklyn Park, and throughout the northern suburbs, including north-south routes to and from downtown Minneapolis and points further south to reduce traffic on Hwy 252 and I-94.

The North Star Commuter Rail line also must be fully funded by all the relevant agencies and its schedule expanded to serve residents of the northern suburbs in order to reduce traffic on Hwy 252 and I-94.

MnDOT and other public agencies should not wait to expand public transit in our area until after Hwy 252 becomes congested if and when a 6-lane freeway is built, but **take steps NOW to prevent highway traffic congestion on Hwy 252.**

- 2) Much of the increase in traffic volume arises, **NOT** from growth in population of the northern suburbs (see above), but from car and large heavy freight truck traffic **diverted from all the other highways and freeways in the area onto Hwy 252.** This traffic will come from a 12-mile stretch including and between Hwy 169 to I-35W (such as Hwy 610, Hwy 10, I-694, and I-94). These other highways and freeways **have large setbacks from surrounding areas**, and are **better suited** for such traffic **than our densely populated residential neighborhoods built up right next to Hwy 252**, which runs close to our major natural amenity, the Mississippi River and partly through the Mississippi National River and Recreation Area.

OUR RECOMMENDATIONS:

- (a) MnDOT should **avoid diverting cars and large freight truck traffic from Hwy 169, Hwy 610, I-694, I-94 and I-35W onto Hwy 252 through our densely populated residential communities next to our Mississippi River.**
- (b) MnDOT also should **avoid inducing new traffic starting to use Hwy 252 and I-94.**
- 3) Currently, relatively few heavy freight trucks use the Hwy 252 expressway because of signalized intersections, because truck drivers do not want to stop and start at traffic lights as this uses up a lot of gas. The proposed 6-lane freeway will bring a **major increase amounting to thousands**

of additional diesel-burning heavy freight trucks every day. These produce large amounts of air, noise and ground vibration pollution. They also carry toxic and environmentally hazardous liquid substances such as heating fuels (kerosene), ethanol, solvents, sulfuric acid and worse.

OUR RECOMMENDATIONS:

MnDOT must (a) conduct a **thorough evaluation of this heavy freight truck traffic** in the upcoming EIS phase, and (b) **include evaluation criteria that minimize or ban diesel-burning heavy freight truck traffic** on Hwy 252 project alternatives.

SAFE INTERSECTION AND INTERCHANGE DESIGNS SHOULD BE A VERY HIGH PRIORITY

- 4) Area residents and all drivers on Hwy 252 **deserve the safest alternative, where crash numbers are average or better than average**. Despite claiming safety as a justification for this project, MnDOT **does not weight safety as high as other transportation criteria** that favor maximizing size of roadways, traffic volumes and types of vehicles (heavy freight trucks as well as cars), and traffic speeds. The 6-lane freeway alternative is much less safe than the 4-lane low-speed freeway alternative rejected by MnDOT. This is an **affront to local communities**, and all drivers who demand **safety as the PRIMARY REASON** for doing a project on Hwy 252.

OUR RECOMMENDATION:

MnDOT must **elevate safety above other transportation criteria such as traffic volume and speed. Doing so would require eliminating the 6-lane freeways and replacing them with the 4-lane Low Speed freeway.**

- 5) Freeway alternatives on Hwy 252 include the potential construction of freeway interchanges at five possible intersections. The most dangerous of these interchanges involves 66th Ave. just north of the I-694 / I-94 / Hwy 100 interchange, which has only 830 ft between the 66th Ave on-ramp and the I-694 on-ramp. This is **far less than the absolute minimum of 2,000 feet required by the National Cooperative Highway Research Board's Road Design Manual (Chapter 6) for traffic to safely merge** with cars and large diesel-burning heavy freight trucks traveling to and from this multi-freeway interchange. **This failure to allow enough distance for safe merging will increase crashes at the 66th Ave. interchange by 45%.**

OUR RECOMMENDATION:

WE INSIST that **MnDOT follow maximum safety specifications regarding a potential interchange design at the current 66th Ave. intersection.**

- 6) MnDOT uses a generic model to estimate crash costs that does not account for the speed of traffic, specific interchange locations, or their designs along Hwy 252 in their assessment of crash costs and safety, so their estimates of crash costs and safety are questionable, especially for the possible interchange at 66th Ave.

OUR RECOMMENDATIONS:

MnDOT should (a) **accurately estimate and report the impacts of traffic speed** along with (b) **Hwy 252-specific freeway interchange locations and designs on crash numbers, severity and costs.**

- 7) MnDOT gives the 6-lane freeway alternative proposed for Hwy 252 a **mainline crash rating of "Fair"**. This **contradicts MnDOT's claim that safety will be addressed through this project.**

OUR RECOMMENDATION:

MnDOT should **eliminate the 6-lane freeway and replace it with project design alternatives** that have a mainline crash rating of **“Good.”**

CRITERIA THAT REDUCE VEHICLE MILES TRAVELED (VMT) AND GREENHOUSE GAS (GHG) EMISSIONS SHOULD BE APPLIED

- 8) **The doubling of traffic** on Hwy 252 through the proposed 6-lane freeway alternative (4.5% reduction in VMT) **will not come anywhere close to meeting Hennepin County goals for a 20% reduction in VMT.** This also will result in **failure to meet Hennepin County goals for reducing GHG emissions.**

OUR RECOMMENDATION:

MnDOT **should NOT ignore Hennepin County goals for VMT and GHG reductions,** as this shows a lack of coordination with local, state and federal government planning processes to combat climate change and global warming impacts, which are already evident in our area.

ADVERSE IMPACTS OF TRAFFIC VOLUME INCREASES ON LOCAL ROADS SHOULD BE AVOIDED

- 9) Construction of freeway interchanges will **increase traffic on local roads** (85th Ave., 70th Ave. and 66th Ave.) because of the 6-lane freeway’s **doubling of traffic** on Hwy 252. In addition, local residents who currently access the Hwy 252 expressway from six local access signalized intersections **will have to drive farther on local roads to reach one of two or three freeway interchanges.** Furthermore, if a freeway interchange is built at 66th Ave., northbound traffic (cars and tanker trucks) that currently turns left at Hwy 252’s 66th Ave. intersection would exit to the right into a residential neighborhood **100 ft from the Mississippi River,** before making a **270 degree turn** to head west on 66th Ave.

OUR RECOMMENDATION:

MnDOT should **avoid building freeway interchanges that increase traffic on local roads and infringe on the Mississippi River.**

- 10) MnDOT’s potential freeway interchange designs **include a plan to reconnect the long-disconnected portion of West River Road between 74th Way and 75th Ave. in Brooklyn Park.** This portion was closed in the mid-1990s to eliminate dangerous traffic numbers and speeds on West River Road between Brookdale Drive and 66th Ave., which resulted in numerous crashes and fatalities. **Reconnecting this closed portion of West River Road will bring back dangerous traffic conditions on this local road serving an entirely residential area.** High traffic volumes on the potential freeway alternatives are another factor that will increase Hwy 252 traffic exiting onto local roads, **particularly for the proposed interchanges at 66th Ave. in Brooklyn Center and at 85th Ave. in Brooklyn Park.**

OUR RECOMMENDATION:

MnDOT should **avoid building freeway interchanges that increase traffic on local roads.**

IMPACTS OF TRAFFIC-INDUCED AIR POLLUTION ON HEALTH SHOULD BE EVALUATED AND REDUCED

11) The **doubling of traffic**, and **inducing thousands** of diesel-burning **large heavy freight trucks** onto Hwy 252 (and significant increases of such numbers on **I-94**), by turning Hwy 252 into a 6-lane freeway – **possibly one that is elevated high above grade** – **worsen an existing serious health issue** for residents of North Minneapolis, Brooklyn Center and Brooklyn Park. The residents of these three cities have large BIPOC populations who **already have very high rates of asthma and chronic obstructive pulmonary disease (COPD)**.

North Minneapolis and Brooklyn Center have the highest and second highest rates of these diseases in the state. Currently, **traffic-induced air pollution kills an estimated 11 people every year in the three zip codes along Hwy 252 / I-94 in these three cities.** By comparison, there are currently 1 to 2 deaths every year along this route caused by vehicle crashes.

Doubling traffic, and inducing thousands of diesel-burning large heavy freight trucks to drive on Hwy 252 (many of which will continue onto I-94), by turning it into a 6-lane freeway will lead to **large increases in Air Quality Index (AQI) values and Particulate Matter (PM2.5) air pollution (soot)**, as well as **large increases (30 - 50%) in associated deaths and hospitalization of people in North Minneapolis, Brooklyn Center and Brooklyn Park.** This is a **fatal flaw and a public health disaster.**

OUR RECOMMENDATION:

MnDOT – in **partnership** with the **Minnesota Department of Health** and the **Minnesota Pollution Control Agency** – must **comprehensively address and reduce from current levels the indirect and cumulative impacts of traffic-induced air pollution on human health** in our three cities.

PROPERTY SEIZURE AND ENCROACHMENT OF HOUSES AND BUSINESSES SHOULD BE MINIMIZED

12) Construction of a **freeway alternative** and associated large, **neighborhood-intrusive and damaging freeway interchanges** along Hwy 252 would **seize or encroach upon** houses and apartment buildings, businesses, schools, churches, parks, public properties and Metro Transit Park & Ride lots along Hwy 252, and **devalue** a broad swath of properties up to two blocks away and beyond. In addition, **access** to several businesses and churches (e.g. Discover Church in Brooklyn Park) would be **severely restricted**, depending on which intersections are closed if they are not selected for interchanges.

MnDOT has not been transparent about the full details of property impacts associated with freeway interchanges and widening of local roads. However, with the limited information provided, here's what we were able to discover:

- (1) There would be **18 to 78 property seizures** and there would be **109 to 151 property encroachments**, depending on the interchange combination – and therefore local roads selected for widening – in Brooklyn Center and Brooklyn Park. **This would reduce property tax revenues for both Cities.**
- (2) Widening of local roads and associated property seizures and encroachments would be **paid at both Cities' expense**, and would **further reduce the Cities' property tax revenues** beyond the direct damages caused by MnDOT's construction of interchanges.

- (3) The direct impacts of building a freeway (not including the additional impacts of property seizure along local roads) will **disproportionately impact at least 54 identifiable BIPOC property owners and their families**, many of whom are first-time homeowners without benefit of generational wealth. **MnDOT has neglected to evaluate the adverse impacts** of these interchanges on our lower income, working class and majority BIPOC communities, though these adverse impacts are likely to be **extensive and inequitable (unfair and unjust)**.

OUR RECOMMENDATIONS:

- (1) MnDOT must **publicly disclose the full details** of property seizures, encroachments and devaluations **for each specific proposed interchange**, resulting from (a) freeway alternatives for Hwy 252, and (b) associated widening of local roads. This includes **exact numbers** of houses, apartment buildings (number of units in each), businesses, schools, churches, parks, public lands, and Metro Transit Park & Ride lots,
- (2) MnDOT must **minimize or eliminate human displacement and property impacts of freeway construction**, as well as of **local road widening at interchanges**, with particular attention to **avoiding harm to BIPOC property and business owners**.

CRITERIA MUST PREVENT POLLUTION OF THE BROOKLYN CENTER AND MINNEAPOLIS DRINKING WATER SUPPLY

- 13) The **west and east sides of Hwy 252 between 66th Ave. and 73rd Ave. fall within Brooklyn Center's Drinking Water Source Management and Groundwater Emergency Response Areas**, where **special measures** are needed to **protect city drinking water wells located along the west side of Hwy 252 near 73rd Ave.**

These wells are the **sole source of drinking water for the entire city of Brooklyn Center (population, 33,000)**, and are among the **top three most vulnerable groundwater drinking supplies in the entire state of Minnesota** due to very permeable sandy soils.

Any crashes along this stretch (particularly at the dangerous potential freeway interchange on Hwy 252 at 66th Ave.) involving large, slow and heavy freight trucks carrying hazardous liquids have the **potential to contaminate Brooklyn Center's ground water, pollute its city water supply, and shut down city wells, possibly irreversibly**. There have been numerous examples of other freeways across the U.S., where such crashes have shut down city drinking water sources. **Irreversible damage to Brooklyn Center's city drinking water supply is a possible adverse outcome** of a dangerous potential freeway interchange at 66th Ave. and Hwy 252.

OUR RECOMMENDATION:

MnDOT must **consider soil or geologic factor impacts on ground water drinking supplies**, and avoid building dangerous interchanges with conventional stormwater detention ponds **in vulnerable groundwater locations that elevate the risk of crashes involving heavy freight trucks carrying toxic substances and risk polluting drinking water supplies**.

- 14) In addition, the east side of Hwy 252 from I-694 north to around 67th Ave **falls within the Mississippi National River and Recreation Area**. The **dangerous potential freeway interchange on Hwy 252 at 66th Ave. on its east side will extend east to within 110 feet from the Mississippi River**. Any crashes involving heavy freight trucks carrying hazardous liquids through this area have the potential to spill their loads and **contaminate the Mississippi River**. The resulting pollution could result in **shutting down the Mississippi River drinking water intake located**

downstream in Fridley, which provides drinking water for the cities of Minneapolis and St. Paul.

OUR RECOMMENDATION:

MnDOT must **avoid building dangerous interchanges and evaluate the likely impacts of crashes for the dangerous potential freeway interchange at 66th Ave. on ground and surface water drinking supplies.**

PROTECTION OF MISSISSIPPI RIVER FROM ROAD SALT AND TOXIC SPILLS SHOULD BE A HIGH PRIORITY

- 15) The afore-mentioned diesel-burning heavy freight truck-related crashes and toxic spills also have the **potential to upset the unique ecological balance of the Mississippi National River and Recreation Area (MNRRA)**. Hwy 252 not only falls within the MNRRA from I-694 north to around 67th Ave. but also runs directly next to it from 67th Ave north to 73rd Ave. The **I-94 freeway** itself is located within the MNRRA from I-694 south to 41st Ave. N. **Toxic chemical spills along with salinity impacts from salting the roadway pose a real threat to MNRRA wildlife** (such as otters, beavers, foxes, coyotes and deer), aquatic life (mussels, fish and turtles) and migratory birds (such as trumpeter swans, eagles, herons, egrets and wood ducks) along the Mississippi River, which is a major North American continental flyway.

OUR RECOMMENDATION:

MnDOT must **avoid building a dangerous freeway interchange near the Mississippi River that elevates the risks of toxic chemical spills into the MNRRA**. In addition, advanced salt, salinity and stormwater management practices need to be adopted to reduce the risk of salt pollution of ground and surface water that might adversely affect wildlife in the Mississippi River ecosystem.

LESSONS OF DESTRUCTIVE FREEWAY CONSTRUCTION HISTORY SHOULD BE LEARNED AND APPLIED TO THE HWY 252 / I-94 PROJECT

- 16) **The destructive and inequitable impacts** of the I-94 freeway on the majority Black neighborhood of Rondo in St. Paul and I-35W on the predominantly BIPOC neighborhoods of South Minneapolis in the 1960s **are well known** through extensive news media coverage and a major exhibition (“Human Toll: A Public History of I-35W”) took place at the Hennepin History Museum from September 2021 – December 2022.

Similar destructive and inequitable impacts of the Olson Memorial Hwy 55 in the 1950s and I-94 in the 1980s on the Black communities of North Minneapolis are beginning to be revealed through additional public historical research through the University of Minnesota.

MnDOT is ignoring this destructive and inequitable freeway construction history in the Twin Cities when it comes to the Hwy 252 / I-94 project being proposed for the majority lower-income, working class and BIPOC communities of North Minneapolis (60%), Brooklyn Center (62%) and Brooklyn Park (58%).

The freeway alternatives recommended for Hwy 252 and freeway expansion recommended for I-94 **demonstrate on the part of MnDOT a disturbing unwillingness to learn from this history and to apply its lessons, as well as a serious inability to recognize the 21st century context and revision itself for 21st century realities**. This has resulted in a Hwy 252 / I-94 project that **fails to**

remediate past freeway / highway construction harms, **fails to prevent new harms**, and **fails to bring any benefits to the people of our highly overburdened three cities**. MnDOT appears to be stuck in an outdated institutional mode of operation where it **cannot see or work beyond a limited scope** narrowly focused on building the biggest highways to carry largest volumes of cars and trucks as the fastest speeds possible with little, if any concern for the harmful impacts on people, health, neighborhoods, communities, environments, and overall equity.

OUR RECOMMENDATIONS:

The destructive history of MnDOT freeway construction projects in predominantly BIPOC neighborhoods in the Twin Cities **should not be repeated** in the majority BIPOC communities of North Minneapolis, Brooklyn Center and Brooklyn Park. **Transportation Ethics** should guide MnDOT to follow the example of the first principle of Medical Ethics: **First do no harm.**

The basic concept of Transportation Equity (fairness and justice) should guide MnDOT to **first acknowledge past and continuing harms** caused by the existing I-94 freeway and the Hwy 252 expressway on neighborhood integrity and community livability, as well as safety, health, environment and overall equity for our highly overburdened three cities.

Furthermore, Transportation Equity should guide MnDOT to develop a project **to remediate, rehabilitate, repair and redress the existing harms** of the existing I-94 freeway and the Hwy 252 expressway **BEFORE considering any new project** on these two roadways.

Without these steps to first address and redress the harms of destructive freeway history on our communities, **it is presumptuous** to develop a Hwy 252 / I-94 project that **does not include equity issues from its inception, are not written into its Purpose and Need statement, and are not applied directly throughout the development of the project as project alternatives are prepared, discussed and evaluated by the project team and the technical advisory committee without public stakeholder participation.**

Thus far, this project has been conducted according to an outdated conventional approach that prioritizes and promotes continual freeway expansion over any other consideration, and therefore MnDOT must perform a course correction on this project to apply the lessons learned from the harmful history of freeway destruction, by going back and **applying equity processes directly into every part of the project.**

MnDOT must take steps so that as a result of this application of equity processes, there is a complete revision of the draft SDD and its recommendations whereby other project design alternatives – including non-freeway alternatives – move forward into the draft SDD that are less harmful and more beneficial to our local communities with regards to safety, health, environmental, neighborhood integrity, community livability, and other equity impacts.

DEMOCRATIC, ETHICAL AND EQUITY PRINCIPLES MUST BE APPLIED TO THE HWY 252 / I-94 PROJECT

- 17) We at the Highway 252 Safety Task Force have spent years learning about the Hwy 252 / I-94 project, **independently doing our own due diligence in researching it and analyzing it for ourselves and for our neighbors** in Brooklyn Center, Brooklyn Park and North Minneapolis **from a community-based perspective.**

We have gone so far as to make numerous Freedom of Information Act type requests for information that the **MnDOT project team and technical advisory committee kept from our Public**, including our City Councils and elected government representatives who serve on the

project's Policy Advisory Committee (PAC), as well as the Equity and Health Neighborhood Advisors (EHNA) for MnDOT's new pilot Equity and Health Assessment.

The very fact that it is we who must summarize this information within a framework of community concerns, raise important issues that MnDOT has avoided addressing, and expose the fatal flaws and irreversible harms of the Hwy 252 / I-94 project that MnDOT has avoided revealing to our Public **should be extremely concerning** to all of us, **on the basis of ethics, good government and democracy**. This indicates on part of MnDOT a **serious lack of openness, transparency, accountability**, as well as a **lack of effective Public oversight** over MnDOT's decision-making processes.

Throughout this project, **MnDOT has operated according to an outdated, undemocratic and hierarchical top-down approach**, where **decisions** to begin the project, about its purpose and need statement, and for the scope and development of the project have been **made out of the Public eye without the participation of the main stakeholders during the process: We the people and communities directly impacted by MnDOT's decisions**.

The involvement of the Public is **inequitably (unfairly and unjustly) restricted to the end** of a project design alternative selection process, **after all the decisions for recommendations are made**, during a short Public Comment period. Through its community outreach and engagement work, MnDOT gives the Public the strong impression that they that they are limited to commenting only on the recommendations presented in the draft SDD, and that they have no other choices. The Public is also prevented from raising the larger issues and discussing the broader implications of the project, including direct harmful impacts and ways they could protect themselves, their neighborhoods and communities.

This includes a public discussion about the basic inequity of MnDOT's unilateral power of "eminent domain" where private and public properties can be seized and encroached upon (and by extension, devalued), and City property tax revenues taken away for highway projects. It is the "the elephant in the room" in terms of a never-addressed ultimate inequity (unfairness and injustice) regarding private and public property rights – ostensibly a Constitutional right – that MnDOT apparently can take away at any time, but that MnDOT's victims and their families never forget.

MnDOT's entire process for conducting highway projects lacks transparency and accountability, any form of an outside oversight process, and is inequitable (unfair and unjust), unethical and undemocratic from beginning to end.

OUR RECOMMENDATIONS:

MnDOT must **significantly change the way it operates** by shifting to a **holistic and systemic approach** to transportation planning **founded on democratic, ethical and equity principles** that **prioritize** people and their health, homes, neighborhoods, communities, environment and sustainability **over** movement of vehicles and building highways.

These **principles and priorities** must be **fully incorporated** into transportation projects **from the very start of a discussion** about any transportation issue. They also must lead to the **adoption of a community participatory process that involves all stakeholders from the very beginning of a process** to address transportation issues. Furthermore, they must **implement policies of full openness** regarding **complete information sharing** as well as **transparency and accountability**, including an **outside oversight process** beyond an Ombudsman.

Every other state and federal agency has adopted these holistic, systemic – and 21st century – approaches to their work, but MnDOT has lagged behind by decades in similarly updating the way it operates.

MnDOT leadership must take responsibility for such an extreme lag in transforming itself for the 21st century, **redirect its staff** into the holistic and systemic approaches described above, and immediately **apply these approaches to the Hwy 252 / I-94 project, including through major revisions of past work that result in major revisions of the draft SDD to eliminate the most harmful project alternative – the 6-lane freeways --- are replaced with less harmful, more beneficial and more equitable recommendations for Brooklyn Center, Brooklyn Park and North Minneapolis.**

HOW TO USE OUR RECOMMENDATIONS in Preparing Your Public Comments:

Please **consider these important issues and evaluation criteria** as you review MnDOT's draft Scoping Decision Document (SDD) for the Hwy 252 / I-94 project Environmental Review and prepare your Public Comments to **submit to MnDOT** (<https://www.dot.state.mn.us/metro/projects/hwy252study/index.html>) and to **share with all your elected government representatives.** (<https://highway252.org/get-involved/>)

In your important, valuable, substantive and critical Public Comments on the draft SDD, we urge you to **recommend that MnDOT adopt evaluation criteria that place increased emphasis on safety, health, environmental protection, and equity (fairness and justice), while decreasing emphasis on moving car and heavy freight truck traffic volumes and numbers, speed and transit time, and building out the largest possible sized freeways on Hwy 252 and I-94.**

Our suggestions are consistent with the principles and criteria for evaluating transportation projects adopted by MnDOT's own **Sustainable Transportation Advisory Council (STAC)**. Sadly, MnDOT Hwy 252 / I-94 Project team leaders have chosen to largely ignore their own agency's STAC recommendations.

We ask that you join us in recommending the elimination of the fatally flawed 6-lane freeway alternatives on Hwy 252 and no expansion of I-94.

We ask that you support adding back to the set of recommended project design alternatives both the 4-lane low speed freeway and the non-freeway 6-lane Expressway, which are less harmful to our cities than the 6-lane freeway alternatives.

Thank you in advance for your commitment to our communities, through your Public Comments – to both MnDOT and to our elected government representatives -- on the draft SDD for the Hwy 252 / I-94 project Environmental Review.

Hwy 252 / I-94 Presentation

for Brooklyn Park

May 1, 2023

By the **Highway 252 Safety Task Force**

Recognized as an independent Advisory Body

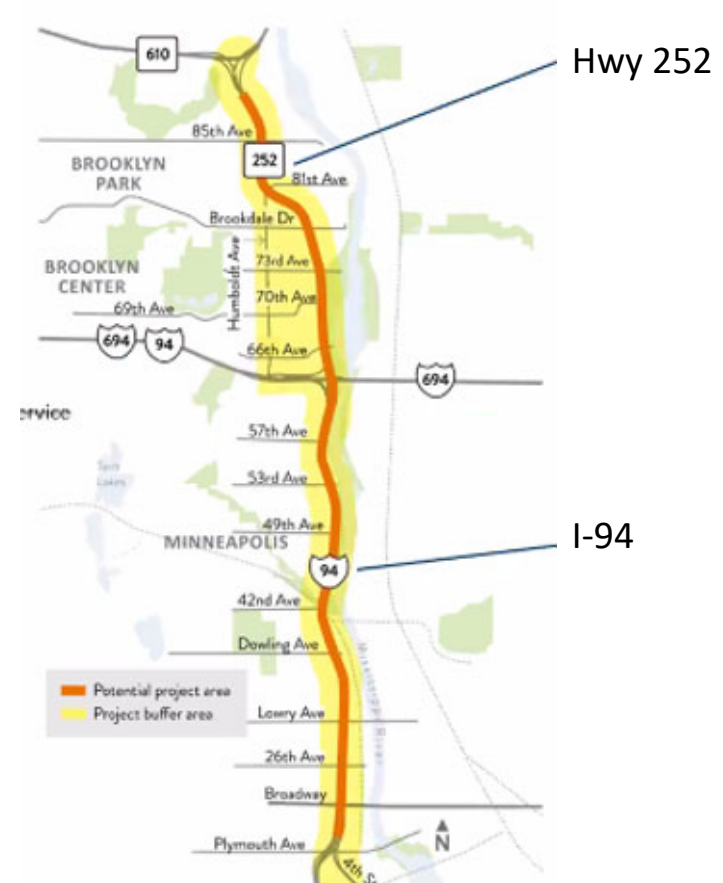
by the Brooklyn Center City Council

January 2020



About the Hwy 252 Safety Task Force

- We assist the City Council and educate the public about **safer, healthier and more equitable alternatives** to the existing Hwy 252 / I-94 routes in order to **promote better community livability, connectivity and cohesion for the people of our City**
- The Hwy 252 Safety Task Force **rejects the No-Build** (existing expressway) as an alternative for Hwy 252



Traffic Unnecessarily Doubles With 6-Lane Fwy

- MnDOT's **6-lane freeway** alternative on Hwy 252:
 - **Doubles traffic** relative to 2016-2019 traffic
 - **Diverts car and heavy diesel-burning freight truck traffic from** Hwy 169, Hwy 610, I-694, I-94 and I-35W, and Hwys 10, 47 and 65 **onto** Hwy 252
 - **Increases traffic on local roads** at 66th, 73rd, 85th and Noble Aves.

MNDOT's graphic showing traffic increases when Hwy 252 is expanded to a 6-lane freeway

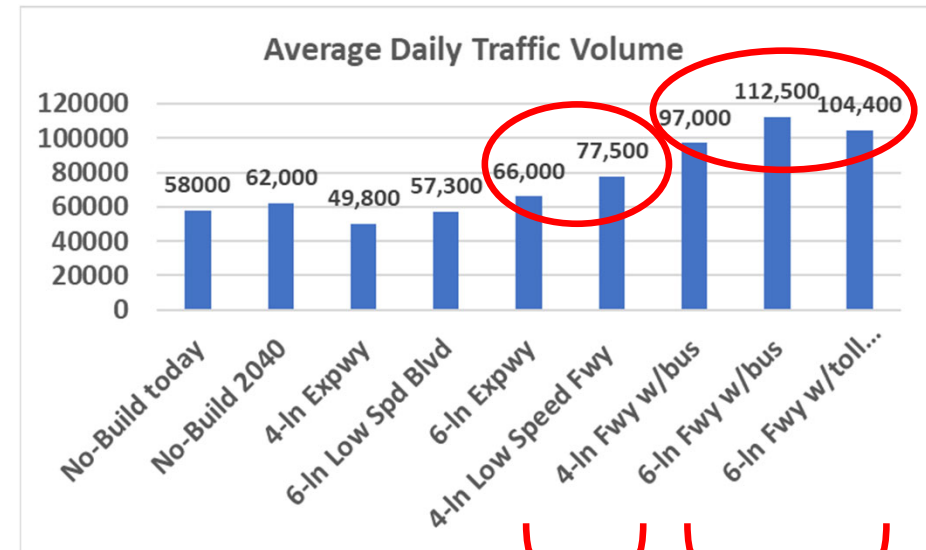


— Traffic Volume Increase — Traffic Volume Decrease

Dumping traffic into residential areas of BC/BP/NMpls is inequitable and unjust

Comparison of Projected Traffic Volumes (2040)

- **Mainline traffic doubles** (94% increase) for a 6-lane freeway due to cars and a **dramatic increase in diesel-burning 18-wheel heavy freight trucks diverted** to Hwy 252 from outside our community:
 - **12-mile stretch** between Hwy 169 to I-35W
 - Including I-694 and I-94, and Hwys 47, 65 and 10
- **Large increases in traffic are NOT safe, healthy or equitable** for residents of BC & BP
- **MnDOT's 6-lane freeway alternatives will carry as much traffic** through our residential communities **as I-94 does today** (8-lane freeway)
- **By eliminating all lower traffic alternatives before studying air pollution impacts, MnDOT is giving false choices to the public**



Less harmful choices (34,000 to 46,000 fewer vehicles)

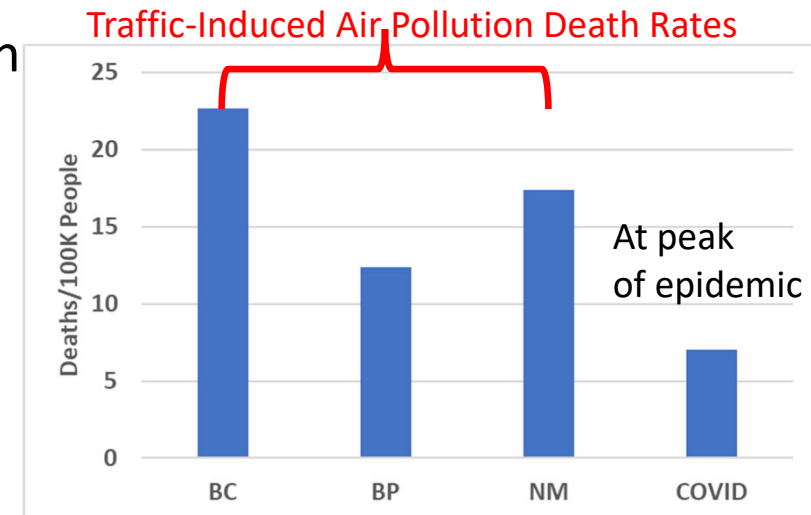
MnDOT recs

Traffic-Induced Air Pollution Kills People

- **Damaging air pollution** travels up to **1 mile** from freeways, affecting all of BC and large areas in BP
- **High air pollution occurs 500-1000 ft from freeways**
- Traffic-induced air pollution causes illness and death in:
 - **Children** with delayed prenatal development, pre-term births, delayed brain development, asthma, bronchitis, lung infections
 - **Adults** with heart and lung disease, exacerbated diabetes, cancer, dementia, premature death
 - **Older adults** with respiratory and heart diseases, cancer, strokes, dementia, death
- **Death rates from traffic-induced air pollution** in the three zip codes along Hwy 252 / I-94 **are 2-3 times higher today than the death rates from COVID** at the peak of the epidemic from 2020-2021
- **How much will death rates from traffic-induced air pollution increase with 54,000 more cars/trucks on a 6-lane freeway?**

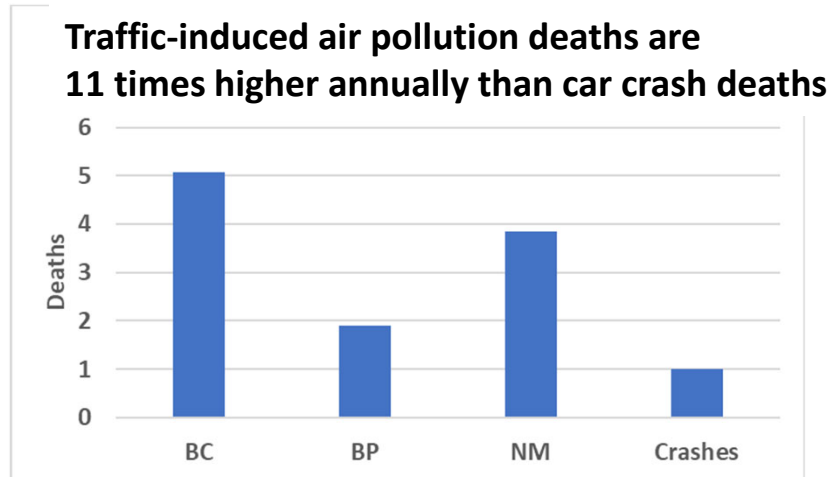
INVISIBLE KILLER

Air pollution may not always be visible, but it can be deadly.



6-Lane Freeway Worsens Air Pollution & Asthma Deaths

In the Twin Cities, asthma death & hospitalization rate is highest along Hwy 252/I-94



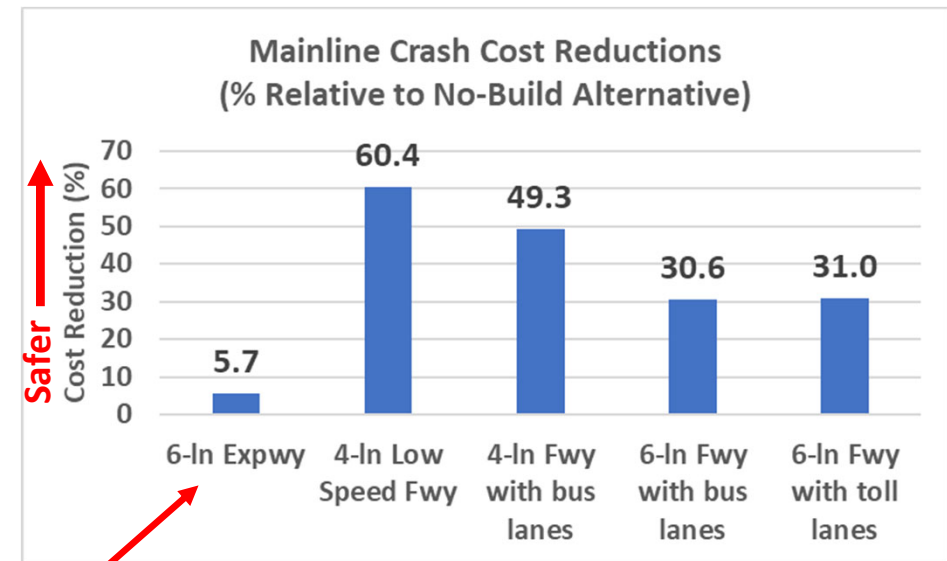
Insist that MnDOT, MPCA and MDH evaluate the cumulative effects of traffic-induced air pollution on human deaths and hospitalizations
MnDOT's Towards Zero Deaths goal should be to reduce these deaths along with crash deaths

- **Risk of respiratory deaths and hospitalizations will increase with a 6-lane Fwy at:**
 - **Houses** (73rd, 74th, Aldrich Ct. and Cir., 75th, Fairfield, Meadowwood, Brookdale, Bryant, 79th, 84th Ave., Ct., Ln, and Way, Irving, N. Humboldt, 85th, N. Girard, Edinburgh Ctr)
 - **Parks** (Norwood, Sunkist, Brook Oaks, Willowstone) and the W. Mississippi River Regional Trail
 - **Schools** (Monroe Elementary)
 - **Churches and Mosques** (Kingdom Hall, Discover, BP Islamic Center)
- **Exercising will be very unhealthy for residents and their children living near Hwy 252 due to air pollution, and at parks, W. Mississippi River Trail & Edinburgh Golf**

It is crucial to **reduce vehicle traffic** on Hwy 252 to **improve respiratory health** for our community members

MnDOT Recommends **Less Safe, High Property Damage Alternatives for Hwy 252**

- MnDOT's **recommended 6-lane freeway alternative with bus or toll lanes** has:
- **Higher traffic volumes and worse pollution and health impacts**
- **Worse local damages**, including adverse impacts on property and equity
- **Lower safety** than 4-lane low speed freeway alternative
- **The safer, less polluting 4-lane low speed freeway should be kept for further consideration**



Doesn't include 25+% reduction in crash costs at BP intersections

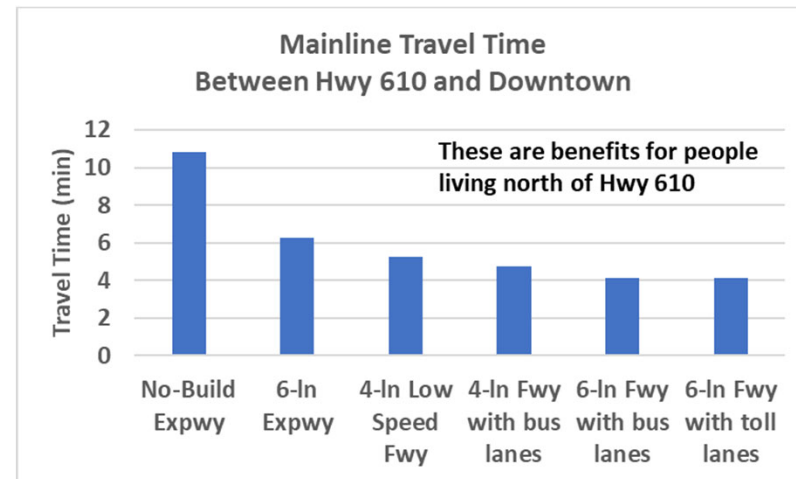
MnDOT Rejected Alternatives*

MnDOT Recommended Alternatives*

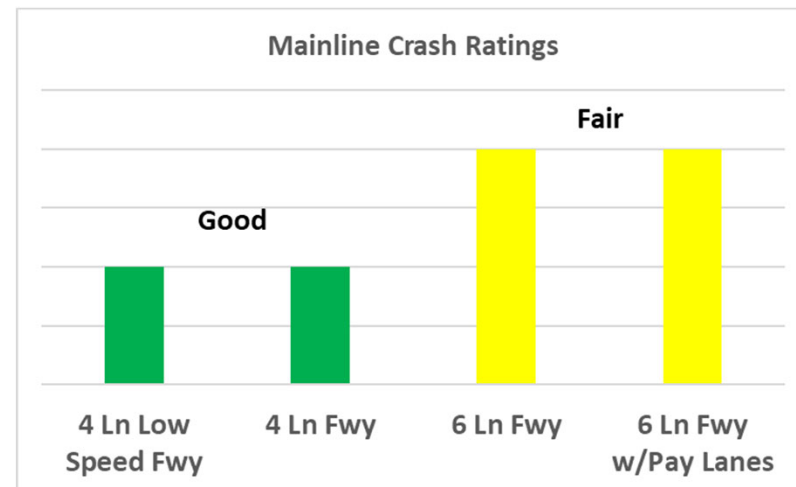
*MnDOT SDD March 2023

MnDOT Should Keep Safer Freeway Alternative

- MnDOT places **heavier importance on increasing traffic speed and traffic numbers THAN ON SAFETY** for Hwy 252
- The 4-ln low speed freeway is only 1 minute slower than the 6-ln freeway
- **MnDOT should keep safer 4-lane freeway alternative** because it has a “good” rating (60% crash cost reduction)



Max 2 mins
difference
from Hwy 610
to downtown
(12 miles)



Freeway Interchange Impacts on Property at 85th

- A single-minded MnDOT focus on freeway alternatives and their interchanges imposes **inequitable property loss and displacement** on Brooklyn Park
- ALL interchange options result in **large property impacts** on both sides of Hwy 252, **reduce the city tax base**, **require local road widening**, and **destroy community livability, connectivity and cohesion**
- **An interchange at 85th Ave impacts:**
 - 13 houses (yellow), with 3 seizures
 - 5 businesses (purple), two BIPOC owned, with 1 seizure
 - Fire Station displacement

Earth moving
(dark green)



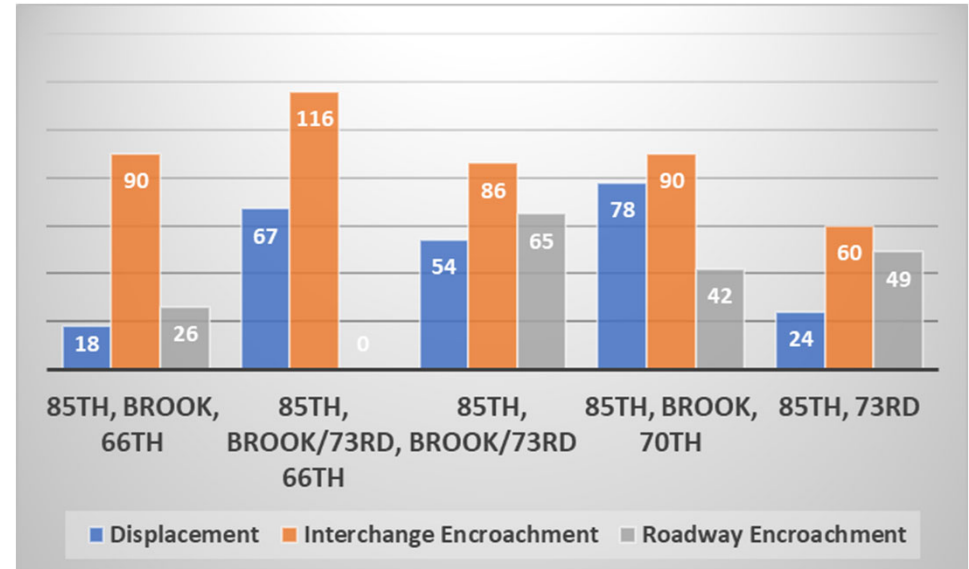
Property Impacts of Interchanges at 73rd



- **73rd**
 - Houses: 16 (yellow), with 1 seizure
 - Multi-Family: 1
 - Church: 1 (red)

Freeway Interchange Construction: Adverse Impacts on Property

- Displacements range from **18-78 parcels**
- Encroachments range from **109-151 parcels**
- Seizure of houses, apartments, businesses and churches have costs ranging from \$10 M at 66th Ave., to well over \$1 M at 85th Ave.
- At least one-third of the families affected are from the BIPOC community, many of them living in affordable housing
 - SE/E Asian origin and African origin immigrant families are disproportionately impacted

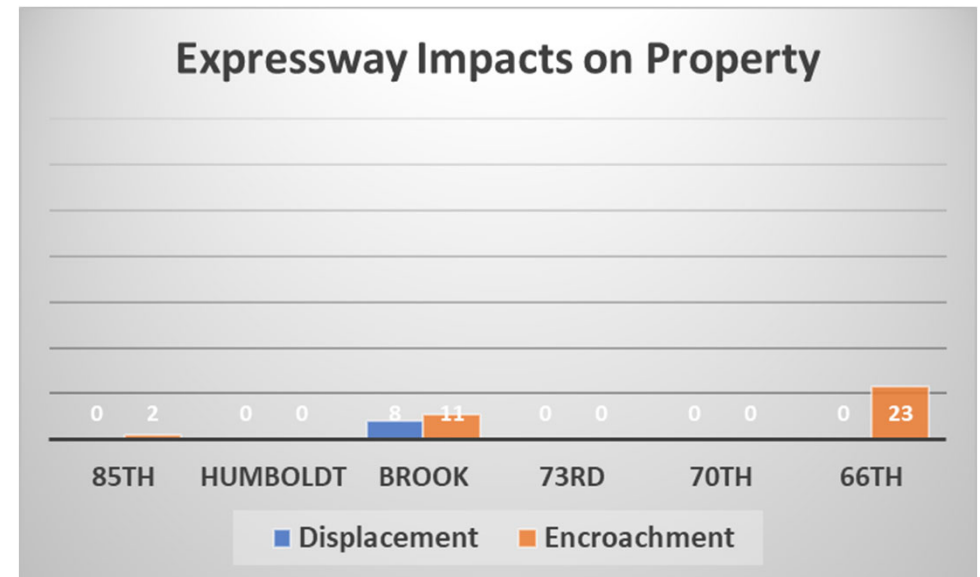


Construction of interchanges and widening of local roads result in property impacts ranging from **encroachment (“right-of-way”)** on frontage area to **seizure & displacement (“relocation”)**



6-Lane Expressway with Permanent Safety Measures

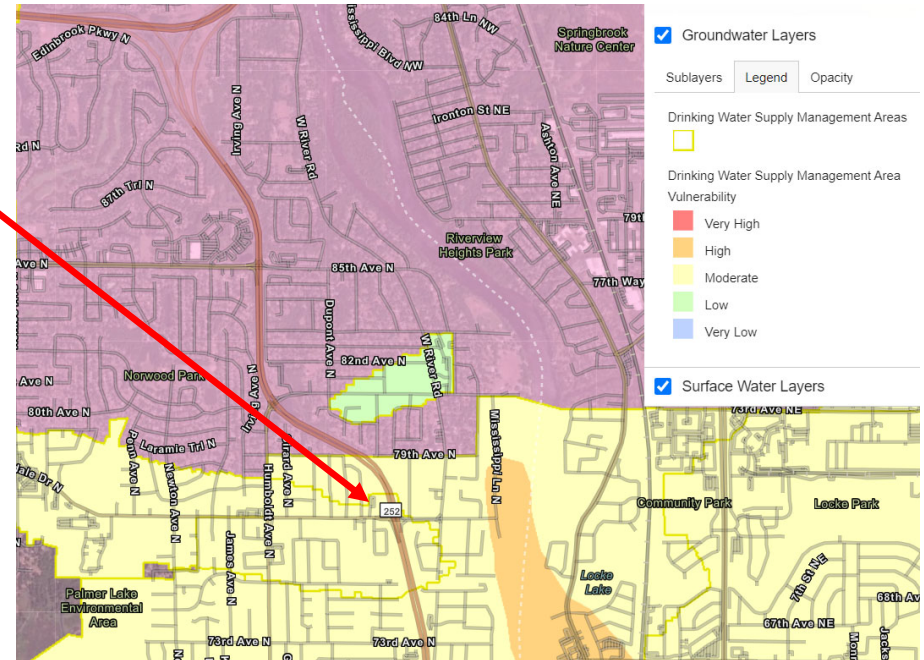
- There are NO property seizures at most intersections, except at Brookdale (**8 parcels**), whereas freeway interchanges seize from **18-78 parcels**
- The number of property encroachments (“right-of-way”) is **less (36 parcels)** with the expressway alternative compared with freeway interchanges (**109-151 parcels**)
- An expressway alternative would reduce crash costs at Humboldt, and 85th Aves., each by more than 25%, while maintaining access to Discover Church



The 6-lane expressway alternative with permanent safety improvements should be retained for further evaluation in the EIS because it has much fewer property impacts than the 6-lane freeway and does not require local road widening

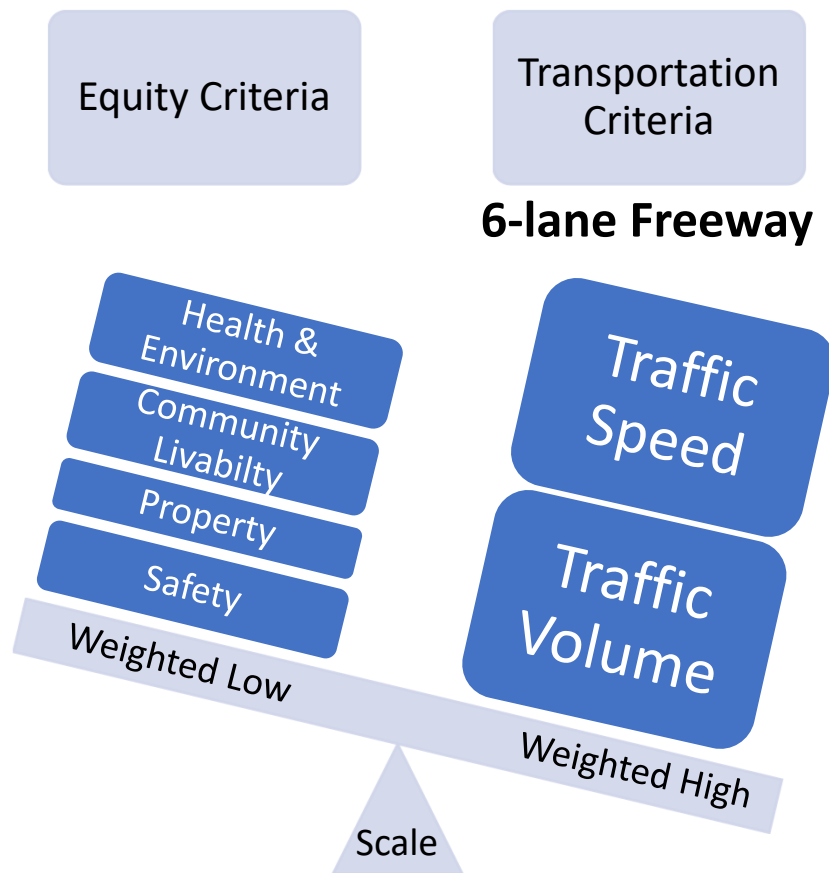
Interchanges with High Tanker Truck Traffic Risk Polluting Groundwater

- An interchange on Hwy 252 at either 73rd or Brookdale are within Brooklyn Park's vulnerable Drinking Water Source Management Area.
- Road salt, along with crashes between diesel trucks carrying toxic substances and cars at these interchanges **risk polluting soil in Brooklyn Park's DWSMA**



Insist that MnDOT protect the drinking water supply for people living in Brooklyn Park by limiting diesel truck traffic on Hwy 252!

MnDOT Weights Transportation High and Sacrifices Our Health, Environment and Equity



MNDOT should **eliminate** the 6-lane freeway alternatives on Hwy 252

... and **replace** them with:

- **The 4-lane low speed freeway** and
- **The 6-lane expressway** with permanent safety measures

Maintain bus service with both these added alternatives

Request MnDOT to Better Address Safety, Health, Environment and Equity

- MnDOT must elevate safety, health, environment and overall equity as the **HIGHEST** priorities for this project
 - MNDOT must provide alternatives that result in **local major, permanent community livability benefits**
 - **The 6-lane freeway alternatives are not acceptable**
 - very high traffic volumes
 - very fast speeds
 - large increases in diesel-fueled heavy freight truck traffic
 - harmful air and water pollution and
 - inequitable property/displacement impacts
- BC Mayor April Graves told MnDOT at a City Council meeting on April 10: “Air quality and safety should be part of how you analyze issues. **You should add an alternative that isn’t so focused on the number of cars moving through the city.**”
 - Similarly, US EPA’s review of MnDOT’s approach stated: “US EPA strongly recommends (that MnDOT) **revise the Purpose and Need statement to include protecting human health, community livability, and equity** so that underserved and overburdened populations are fully considered when decisions are made regarding the range of alternatives.”

Freeways **Inflict Harm** on BIPOC Communities

- Construction of I-94 in the Rondo Neighborhood of St. Paul
 - Destroyed 433 houses
 - displaced 1,523 people
 - who lost \$57 million in home equity
- Construction of I-35W in S. Minneapolis
 - Destroyed 50 city blocks
 - 827 houses, duplexes and apartment buildings were destroyed
- Construction impact history of I-94 in Brooklyn Center and N. Minneapolis has not been recorded, but also inflicted harm on BIPOC communities
- **Further expansion of I-94 and replacing Hwy 252 with a 6-lane freeway by MnDOT are unwarranted** and will add to cumulative adverse air pollution and poor health in nearby neighborhoods of Brooklyn Center and N. Minneapolis
- The **destructive history** of MnDOT freeway projects in predominantly BIPOC neighborhoods in the Twin Cities **should not be repeated** in N. Minneapolis, Brooklyn Center and Brooklyn Park

MnDOT has a history of taking advantage of and destroying disadvantaged communities. Don't let this happen in our three cities.

Add Safer, Less Polluting & Property Destroying Alternatives

- ADD the safer, less polluting **4-lane low speed freeway** alternative
- ADD lower property damaging **6-lane expressway** alternative with permanent safety improvements, which adds two lanes in Brooklyn Park
- These additions would allow **City Council** to compare tradeoffs between a) health, environment, equity and property; and b) transportation
- Allow decisions based on a **wider range** of *significant* and *meaningful* alternatives to **benefit residents of OUR cities, helping improve safety, health, environment and overall equity for OUR communities**

	Community Preferred Alternatives		MnDOT Preferred Alternatives	
Criteria Considered:	6-lane Expressway	4-lane Low Speed Freeway	4-lane Normal Speed Freeway	6-lane Freeway
Safety: Mainline Crashes	Small Improvement	Good	Fair	Fair
Property Seizure	Low	High	High	High
Traffic Numbers	Moderate	Moderate	High	High
Traffic Diverted to 252	Low	Moderate	High	High
Pollution: Air	Moderate	Low	High	High
Pollution: Noise	Moderate	Low	High	High
PM Peak Travel Time Mpls to Hwy 610	-5 minutes	-6 minutes	-6.5 minutes	-7 minutes
Increased Traffic on Local Roads	Low	Moderate	High	High
	Color Key:	Good	Fair	Poor

Thanks! We'd be happy to discuss our findings

- The Highway 252 Safety Task Force aims to assist the City Council and educate the public about **safer, healthier and more equitable alternatives** to the existing Hwy 252 that **promote community livability, connectivity and cohesion**
- Additional information links:
- <https://www.highway252.org/>



City of Brooklyn Park Council Work Session

Meeting Date:	May 1, 2023	Originating Department:	Administration
Agenda Item:	C.3	Prepared By:	Devin Montero, City Clerk
Agenda Section:	Discussion Items/ General Action Items	Presented By:	Jay Stroebel, City Manager
Item:	Role of Commissions		

Summary:

Council Members Eriksen and Klonowski have requested a discussion around the role of Commissions.

Attachments:

- C.3A RESPONSES TO CM ERIKSEN'S QUESTIONS REGARDING THE ROLES OF COMMISSIONS
- C.3B PAGE 25 FROM THE COMMISSIONS GUIDEBOOK 2023
- C.3C PAGE 26 FROM THE COMMISSIONS GUIDEBOOK 2023
- C.3D CITY CODE CHAPTERS 30 AND 31
- C.3E PAGE 44 FROM THE COMMISSIONS GUIDEBOOK 2023
- C.3F PAGES 49-55 FROM THE COMMISSIONS GUIDEBOOK 2023
- C.3G RESOLUTION #2019-46
- C.3H SECTION 2.02 BOARDS AND COMMISSIONS

Responses to CM Eriksen's Questions Regarding the Roles of Commissions

1. Role of commission as advisory to council

a. How is this advice gathered?

Answer: Please See Page 25 Commission Guidebook, *"Duties as a Commissioner."* (Attachment C.3B PAGE 25 FROM THE COMMISSIONS GUIDEBOOK 2023)

i. appropriate timing for requesting advice;

Answer: I assume the council is making the request. Council makes request depending on the subject matter, priority and community engagement required by the Council.

b. Who instructs the gathering of advice?

Answer: Please see Page 26, *Commission Guidebook, "Commission Chair's Role."* (Attachment C.3C PAGE 26 FROM THE COMMISSIONS GUIDEBOOK 2023)

c. Under what circumstances does council request advice?

Answer: Depends on the subject matter, priority and community engagement required by the council.

2. Role of commissions and commissioners

a. What are appropriate activities for commissions, subcommittees, individual commissioners?

Answer: Please See *City Code Chapter 31: Departments, Boards, And Commissions; Page 44, Commission Guidebook. Non-City Events and Initiatives Promotions Policy;* and *Page 49, Commission Guidebook. Code of Conduct for Brooklyn Park Boards.* (Attachment C.3D CITY CODE CHAPTERS 30 AND 31, C.3E PAGE 44 FROM THE COMMISSIONS GUIDEBOOK 2023, and C.3F PAGES 49-55 FROM THE COMMISSIONS GUIDEBOOK 2023)

b. In what setting is it appropriate for a commissioner to identify themselves as a commissioner?

Answer: Please see *Page 52, Commission Guidebook, Social Media.* (Attachment C.3F PAGES 49-55 FROM THE COMMISSIONS GUIDEBOOK 2023)

3. Role of council liaison

a. Appropriate types of input for liaison to offer to commissions.

Answer: Please see *Page 26, Council Guidebook, Council liaison's role.* (Attachment C.3C PAGE 26 FROM THE COMMISSIONS GUIDEBOOK 2023)

What is the right role of the liaison in the commission meeting?

Answer: Please see *Resolution #2019-46 d. Liaison.* (Attachment C.3G RESOLUTION #2019-46)

4. New Commissions

a. Housing/Tenant Life Commission

Answer: Please see *SECTION 2.02 BOARDS AND COMMISSIONS.* (Attachment C.3H SECTION 2.02 BOARDS AND COMMISSIONS)

Duties

What ALL commissioners need to know

The purpose of City of Brooklyn Park Commissions is to give residents the opportunity to give their opinions and recommendations on the work of city government. The boards also serve as advisory groups for the City Council.

Boards and Commissions are expected to support the City Council and serve at the discretion of council members. It is important that every commissioner read your particular board or commissions' bylaws at the beginning of your term.

Your duties as a commissioner are to:

- Investigate matters within the scope of the particular commission you are part of or as directed by the Council
- Advise the Council by communicating the viewpoint or advice of the Commission
- Hold hearings, receive evidence, conduct investigations and make recommendations to the Council about the matters within your commission's scope
- Attend scheduled meetings or let the staff liaison know if you will be absent
- Prepare in advance of meetings (e.g. read agenda packet carefully prior to the meeting) and be familiar with issues on the agenda, and
- Be considerate of fellow members, their opinions and be respectful of other people's time

Commissioners should not:

- Direct the work of city staff
- Speak for the Commission unless authorized by your fellow Commission members or by the City Council, or
- Take responsibility for financial performance of any city facility or program

The City has six commissions. They need people of all talents and skill sets. All commissions operate in an advisory role to the City Council.

City Charter Section 2.02 Boards and commissions (amended by ordinance #2009-1098 effect. 7/30/09)

The Council shall itself be and perform the duties and exercise the powers of all local boards and commissions. The Council may, however, establish by ordinance, boards or commissions to advise the Council with respect to any municipal function or activity, or to investigate any subject of interest to the city. The Council shall determine by ordinance, the size, terms of office, and vacancy procedures of each board and commission.

Members of such boards and commissions shall be appointed by the Council and shall:

1. Select their own officers
2. Establish their own procedural rules
3. Conduct as many meetings as necessary

No more than one of the appointees shall hold any other office or position in the city government. However, the Council may appoint a city officer or employee to a board or commission to serve as a non-voting staff consultant or advisor. In no case shall a city officer or employee be chair of a board or commission.

Special Positions

Council liaison's role

- No voting rights
- Liaison between Council and the commission they're assigned to by the Mayor
- Give monthly reports on commission progress at Council meetings
- Give monthly reports on Council activities at Commission meetings
- Provide meaningful input on topics as needed, but defer to the Commissioners' advisement
- Relay information from City Council
- Do not make assumptions/speculate on behalf of the City Council
- Serve as a Council contact rather than an advocate
- Provide procedural direction
- Individual Council Members should not direct the Commission in its activities or work

Commission chair's role

- Prepare agenda with Commission
- Lead meeting and facilitate discussion
- Ensure bylaws are followed
- Maintain professional meeting decorum
- Facilitate development of annual work plan
 - Give annual verbal report to City Council
- Consult with members regarding attendance issues
- Encourage participation by all members and the public
 - Calls special meetings when needed

Vice chair's role

- Support the Chair as needed
- Perform the Chair duties if the Chair is unavailable

Staff liaison's role

- No voting rights
 - Appointed by City Manager
 - Support Chair in preparing agendas and meeting materials
- Work with Chair to ensure bylaws are followed
- Record and prepare meeting minutes
- Provide technical expertise and access to City resources
- Work with City Clerk to provide official notice of meetings
- Maintain permanent records and post agendas and minutes on the city's website

CHAPTER 30: CITY COUNCIL

Section

General Provisions

30.01 Salary of Mayor and Council members

Rules and Procedures

30.15 Meetings

30.16 Mayor to preside

30.17 Agenda

30.18 Mayor duties and rights

30.19 Speaking

30.20 In writing

30.21 Question under debate

30.22 Voting

30.23 Boards and commissions

30.24 Ordinances

30.25 Ordinance book

30.26 Petitions, papers and agenda

30.27 Limitation to public

30.28 Robert's Rules of Order

30.29 Compliance

30.30 Special meetings

30.31 Minutes

30.32 Council vacancy application and appointment procedure

30.39 Appointment of boards and commissions

GENERAL PROVISIONS

§ 30.01 SALARY OF MAYOR AND COUNCIL MEMBERS.

(A) The monthly salary of each Council member shall be \$988.00 per month until January 1, 2023, at which time it shall be \$1,017.64 per month until January 1, 2024, at which time it shall be \$1,048.17 per month, and the monthly salary for the Mayor shall be \$1,483.00 per month until January 1, 2023, at which time it shall be \$1,779.60 per month until January 1, 2024, at which time it shall be \$1,832.99 per month.

(B) The salary schedule referred to in division (A) of this section is established on the basis that the offices of Mayor and Council member in this city are part-time positions. 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 is paid to the Mayor or Council members in those cases subject to the following conditions:

(1) The activity and number of days for which a Council member is to be engaged must be approved by the City Council prior to member's participation.

(2) The Mayor and Council member will be paid \$50 per day as supplemental compensation for each day approved and for which the member is in attendance at the approved activity.

(C) The City Manager shall biennially prepare a compensation report that contains an analysis of the compensation paid to elected officials of the Minneapolis-St. Paul area metropolitan cities similar to the City of Brooklyn Park. The report shall be provided to the City Council for review.

('72 Code, § 115:00) (Am. Ord. 1996-817, passed 5-13-96; Am. Ord. 1998-880, passed 5-11-98; Am. Ord. 2000-923, passed 4-10-00; Am. Ord. 2002-976, passed 6-10-02; Am. Ord. 2006-1054, passed 1-23-06; Am. Ord. 2018-1233, passed 7-9-18; Am. Ord. 2022-1283, passed 10-24-22)

RULES AND PROCEDURES

§ 30.15 MEETINGS.

The Council has regular meetings on the first, second and fourth Mondays of each month commencing at 6:00 p.m. If any of the Mondays falls on a holiday, the Council will have its regular meeting on the following day and adjourned special meetings at any other time the Council may deem proper. All meetings are held in the City Hall or elsewhere as designated by the Council.

('72 Code, § 100:00) (Am. Ord. 1978-265(A), passed 5-22-78; Am. Ord. 1988-588(A), passed 1-25-88; Am. Ord. 1998-878, passed 4-13-98; Am. Ord. 2003-988, passed 2-3-03; Am. Ord. 2005-1031, passed 1-18-05; Am. Ord. 2015-1187, passed 2-17-15; Am. Ord. 2022-1271, passed 1-24-22)

§ 30.16 MAYOR TO PRESIDE.

The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem must preside. In the absence of both, the Council members must elect one of their number as a temporary Chair. The Mayor Pro Tem and temporary Chair, when occupying the place of the Mayor, have the same privileges as other members.

('72 Code, § 100:03)

§ 30.17 AGENDA.

At the hour appointed for meetings, the members shall be called to order by the Mayor and in the absence of the Mayor by the Mayor Pro Tem, and in the absence of both by the City Clerk. The City Clerk shall call the roll, note the absentees and announce whether a quorum is present. In the absence of the City Clerk, the Mayor shall appoint a Secretary Pro Tem. Upon the appearance of a quorum, the Council must proceed to business which shall be conducted as established by the City Council by resolution.

('72 Code, § 100:09) (Am. Ord. 1998-878, passed 4-13-98)

§ 30.18 MAYOR DUTIES AND RIGHTS.

The Mayor shall preserve order and decorum and shall decide questions of order subject to appeal to the Council. The Mayor may make motions, second motions or speak on any question, provided however, that in order to do so upon demand of any one Council member, the Mayor may vacate the Chair and designate the Mayor Pro Tem, if the Mayor Pro Tem is present, or if the Mayor Pro Tem is not present, a Council member to preside temporarily. The Mayor may vote on any matter before the Council.

('72 Code, § 100:12)

§ 30.19 SPEAKING.

A member may not speak more than twice on any question, nor more than five minutes each time, without the consent of a majority of the Council.

('72 Code, § 100:15)

§ 30.20 IN WRITING.

Resolutions and motions, except a motion to adjourn, postpone, reconsider, commit, lay on the table, or for the previous question, must be in writing, if the Mayor or any member so requests; when made and seconded it shall be stated by the Mayor, or being written, shall be read by the City Clerk, and may be withdrawn before decision or amendment or any disposition thereof has been made or a vote taken thereon.

('72 Code, § 100:21)

§ 30.21 QUESTION UNDER DEBATE.

When a question is under debate no motion shall be entertained unless to adjourn, to lay on the table, to act on the previous question, to postpone, to commit or to amend, which several motions shall have precedence in the order in which they are named and the first three shall be decided without debate.

('72 Code, § 100:24)

§ 30.22 VOTING.

(A) When a question is put by the Mayor, every member present must vote unless excused by the Council, but if interested the member shall not vote. In doubtful cases, the Mayor may direct or any member call for a division. It is assumed that every vote is unanimous and it must be recorded accordingly unless a poll of the members is called upon a requisition of the Mayor or any member, in which case the names of the members voting are required to be recorded in the minutes and whether each has voted yea or nay.

(B) Votes of the members on any business coming before the Council may be by voice vote, standing vote, or in such other manner of voting as may signify the intention of the members.

('72 Code, § 100:30)

§ 30.23 BOARDS AND COMMISSIONS.

Boards and commissions are appointed by the Council.

('72 Code, § 100:33) (Am. Ord. 2018-1228, passed 2-5-18)

§ 30.24 ORDINANCES.

An ordinance except an emergency ordinance must receive two readings by the City Clerk before the Council previous to its passage unless the reading is dispensed with by unanimous consent, but may not be read twice at the same meeting. An ordinance introduced or considered must be recorded in the minutes by title.

('72 Code, § 100:42)

§ 30.25 ORDINANCE BOOK.

Ordinances must be signed by the Mayor and deposited with the City Clerk, who must attest, seal, number, file and record, or place the same permanently in the ordinance book. The affidavit of publication of the ordinance must be permanently inserted in the ordinance book after each ordinance.

('72 Code, § 100:51)

§ 30.26 PETITIONS, PAPERS AND AGENDA.

Petitions and other papers addressed to the Council must be in writing and filed with the City Clerk not later than 3:00 p.m. the Wednesday prior to any regular meeting at which it will be presented. At the time of the meeting, such papers must be read by the City Clerk unless the reading is dispensed by unanimous consent of the Council. All matters heard by the Council must be according to a written agenda prepared prior to the meeting. The City Clerk must be notified by 3:00 p.m. the Wednesday prior to the regular meetings of all matters to be placed on the agenda, except that matters carried over from a previous meeting may be placed on the agenda without further notice.

('72 Code, § 100:54)

§ 30.27 LIMITATION TO PUBLIC.

Only the Mayor and other members of the Council and city officials are admitted within the bar of the Council. Persons other than Council members may not address the Council except by a vote of a majority of the members present. Persons addressing the Council may speak for no more than ten minutes, unless additional time is granted by the Mayor.

('72 Code, § 100:57)

§ 30.28 ROBERT'S RULES OF ORDER.

Matters not covered by the City Charter and by these rules are governed in its procedure by *Robert's Rules of Order, Latest Revised Edition*.

('72 Code, § 100:69)

§ 30.29 COMPLIANCE.

The rules in this chapter are adopted to facilitate the transaction of Council business and functions. Informal compliance and substantial performance are sufficient under the foregoing rules in the absence of objection seasonably taken by a Council member. Objection is hereby declared not to have been seasonably taken as to procedural matters provided for herein if a Council member present at a meeting fails to object during the meeting in compliance with these rules, and such objection is not seasonably taken if taken by an absent member later than the next regular meeting after the proceedings to which objection is made.

('72 Code, § 100:72)

§ 30.30 SPECIAL MEETINGS.

(A) Special meetings may be called by the Mayor or any three members of the Council upon at least 72 hours notice is given to each member of the Council. The notice must be delivered personally to each member or left at the member's usual place of residence with some responsible person.

(B) Special meetings may be held without notice when all members are present and take part in the meeting or consent in writing to hold such special meeting without other notice. The written consent must be filed with the City Clerk prior to the commencement of the meeting. A special meeting attended by all members is a regular meeting for the transaction of any business that may come before it.

('72 Code, § 100:78)

§ 30.31 MINUTES.

(A) Minutes of meetings must be kept by the City Clerk. Minutes must be signed by the City Clerk, and constitute an official record of the Council proceedings. Upon approval of the minutes at a subsequent meeting of the Council, the Mayor must sign the minutes. Lack of such Mayor's signature or Council approval does not invalidate the minutes as official records.

(B) In the event the City Clerk fails or declines to amend or change the minutes, upon informal request, at the time they are submitted for approval, the Council may by motion carried by majority vote amend the minutes. The amending motion becomes a part of the minutes of the subsequent meeting.

('72 Code, § 100:81)

§ 30.32 COUNCIL VACANCY APPLICATION AND APPOINTMENT PROCEDURE.

(A) *Purpose.* The purpose of this section is to establish an application and appointment procedure as required by Section 2.06 of the City Charter for filling a vacancy in the office of Mayor or City Council member.

(B) *Procedure.* In those situations where Section 2.06 of the City Charter requires the City Council to appoint an eligible person to fill a vacancy in the office of Mayor or City Council member, the following procedure will be followed:

(1) Announcement of the vacancy must be published in the city's official newspaper and posted on the city's website as soon as possible after the City Council has declared the vacancy to exist. The announcement must advise interested persons of the process for applying for the vacancy and the procedure that the City Council will follow in filling the vacancy.

(2) Eligible persons desiring to fill the vacancy must submit an application to the City Clerk within the time frame established by the City Council.

(3) If there are multiple applicants, the City Council must select at least two of them to be interviewed by the City Council. The interviews must take place at a regular or special Council meeting. 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.

(4) At the first Council meeting after all of the interviews have been completed, the City Council must vote on filling the vacancy in the manner set forth in Section 2.06 of the City Charter.

(C) *Exception.* If the declaration date of the vacancy occurs 60 days or less before the next regular city election, the City Council may, without going through the process set forth in this section, fill the vacancy by appointing the person who is elected at that election to serve the new four-year term of office for the vacated Council seat.

(Ord. 2017-1224, passed 11-27-17)

§ 30.39 APPOINTMENT TO BOARDS AND COMMISSIONS.

Notwithstanding any provisions of this Code to the contrary, if there are no applicants for an appointment to a board or commission residing in the district from which the appointment is required to be made, an applicant residing in any district of the city may be appointed to such board or commission. An individual who is serving on a board or commission and who does not reside in the appropriate district is eligible for reappointment to the same seat even if other individuals who reside in the appropriate district apply for the seat.

(Ord. 2000-932, passed 9-11-00; Am. Ord. 2018-1228, passed 2-5-18)

CHAPTER 31: DEPARTMENTS, BOARDS, AND COMMISSIONS

Section

Recreation and Park Department

31.01 Establishment

31.02 Duties

Board of Appeals and Adjustments

31.15 Establishment of Board

31.16 Advisory board

31.17 Duties of Board

31.18 Notice of hearing

31.19 Reports

Health Officer; Board of Health

31.30 Health Officer; appointment and duties

31.31 Board of Health

31.32 Enforcement provisions

Recreation and Parks Advisory Commission

31.45 Establishment

31.46 Compensation

31.47 Duties

31.48 Reports

31.49 Reports to be advisory

Planning Commission

31.60 Establishment; composition

31.61 Duties

31.62 Preparation and maintenance of comprehensive plan

Human Rights Commission

- 31.75 Establishment
- 31.76 Composition and representation
- 31.77 Initial appointments
- 31.78 Organization
- 31.79 Duties

The Budget Advisory Commission

- 31.90 Establishment
- 31.91 Duties
- 31.92 Composition and representation
- 31.93 Desired qualifications

Cross-reference:

Department of Community Development, see Chapter 39

Department of Engineering and Building Inspections, see Chapter 40

Fire Department, see Chapter 32

Police Department, see Chapter 33

RECREATION AND PARK DEPARTMENT

§ 31.01 ESTABLISHMENT.

There is hereby continued as heretofore created a Recreation and Park Department. The Department and all its employees operate under the jurisdiction and control of the City Manager and the Department Director.

('72 Code, § 240:00) (Am. Ord. 1997-863, passed 11-24-97)

§ 31.02 DUTIES.

The Recreation and Park Department, supervised by the Department Director, responsible to the City Manager, is responsible for all programs relating to parks and public recreation and is responsible for planning improvements and operation of all public parks, playgrounds and public recreation programs of the city.

('72 Code, § 240:05) (Am. Ord. 1997-863, passed 11-24-97)

BOARD OF APPEALS AND ADJUSTMENTS

§ 31.15 ESTABLISHMENT OF BOARD.

There is hereby created within the City of Brooklyn Park a Board of Appeals and Adjustments as required by state statutes. The Board consists of the City Planning Commission. All members serve without compensation, but are entitled to reimbursement for expenses incurred by performing their duties. The Chair of the Planning Commission serves as Chair of the Board of Appeals and Adjustments and must appoint a Secretary, who may be but need not be a member of the Board. Staff services are furnished by the City Manager or designee.

('72 Code, § 205:00)

§ 31.16 ADVISORY BOARD.

The Board of Appeals and Adjustments is advisory to the Council and all decisions made by the Board must be transmitted to the Council in writing in the form of recommendations. The Council makes the final determination on all appeals.

('72 Code, § 205:05)

§ 31.17 DUTIES OF BOARD.

The Board of Appeals and Adjustments is charged with the following duties:

(A) To hear and make recommendations with respect to appeals from any order, requirement, decision, or determination made by the administrative officer of the city in the enforcement of the zoning code.

(B) To hear requests for variances from the literal provisions of the zoning code in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration and to recommend such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the zoning code. Provided, however, that neither the Board nor the Council may permit as a variance any use which is prohibited under the zoning ordinance for property in the zones where the affected persons' land is located. The Board or Council, as the case may be, may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

('72 Code, § 205:10)

§ 31.18 NOTICE OF HEARING.

No matter may be heard by the Board unless and until the applicant has been given ten days notice in writing of the date and place of the hearing. Notice is deemed to have been given when deposited in the United States mail, addressed to the appellant at the appellant's last known address.

('72 Code, § 205:15)

§ 31.19 REPORTS.

All recommendations to the Council must be reduced to writing and a copy thereof must be mailed to appellant. The mailing of the minutes of the meetings of the Board is sufficient to satisfy this requirement.

('72 Code, § 205:20)

HEALTH OFFICER; BOARD OF HEALTH**§ 31.30 HEALTH OFFICER; APPOINTMENT AND DUTIES.**

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

('72 Code, § 230:00) (Am. Ord. 1977-245(A), passed - -)

(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.

('72 Code, § 230:05)

§ 31.31 BOARD OF HEALTH.

(A) *Policy.* The Board of Health, the Health Officer, or their duly authorized representatives have and must exercise all powers to make such investigations and reports and to obey such directions concerning communicable diseases as the State Board of Health may require or give; and, under the general supervision of the State Board of Health, must cause all statutes of the State of Minnesota, Regulations of the Board of Health, and ordinances of the City to be obeyed and enforced. The actual enforcement of these laws, regulations, and ordinances is the duty and responsibility of the City Manager or the City Manager's duly authorized representative.

(B) *Membership.* The Board of Health for the city consists of eight members. Seven members must be the members of the City Council. One member must be a physician, licensed to practice in the State of Minnesota, who must be the City Health Officer appointed pursuant to § 31.30(A) and who must also be the executive officer of the Board of Health. The Health Officer must serve until his resignation or until a successor is appointed.

(C) *Duties of Board.* The duties of the Board of Health and the Health Officer are as defined in the statutes of the State of Minnesota and the regulations of the State Board of Health. The Board of Health serves in an advisory capacity to the Health Officer and the City Manager in making recommendations concerning the general health program within the city.

(D) *Meetings of the Board.* The Board of Health meets at such times as it may deem necessary. A majority of the members constitutes a quorum. The Board must make such regulations as they deem necessary for their meetings and for the conduct of their business.

(E) *Administration.* The City Manager, or his duly authorized representative, must make investigations and reports, and obey directions concerning communicable diseases as the Board of Health may require or give; and, under the general supervision of the Board of Health, they must cause all statutes of the State of Minnesota, regulations of the State Board of Health, ordinances of the city relating to public health, and all lawful orders of the City Council to be obeyed and enforced.

(F) *Right of entry.* For the purposes of performing their official duties, all members, officers, and employees of the Board of Health, the Health Officer and their duly authorized representatives have the right to enter any building, conveyance or place where contagion, infection, filth, nuisance, or source or cause of preventable disease exists or is reasonably suspected.

('72 Code, § 230:10)

§ 31.32 ENFORCEMENT PROVISIONS.

The City Manager may employ an Environmental Health Specialist and Assistant Environmental Health Specialist or other health officials who must enforce all statutes, ordinances and codes relating to public health and sanitation, and may achieve compliance through the issuance of notices, warning tickets, citations and abatement in lieu of arrest or detention.

('72 Code, § 230:15) (Ord. 1987-570(A), passed 8-24-87)

RECREATION AND PARKS ADVISORY COMMISSION

§ 31.45 ESTABLISHMENT.

(A) There is hereby continued as heretofore created a Recreation and Parks Advisory Commission. All 14 members must be lawful residents of the City of Brooklyn Park. Members are appointed by the Council for terms of three years, excepting the ex-officio members and young adult members, who serve a one-year term. Vacancies are to be filled for the remainder of the original term of office in the same manner as provided for original appointments. One member who is an ex-officio member must be a member of the Council, and there must be one member who is an ex-officio member who must be a member of the Planning Commission. The young adult members may serve up to three one-year terms. The young adult members must have reached the age of 18 by the date of appointment to that young adult member's first term and must not have reached the age of 25 by the appointment date of any term.

(B) The Mayor may also appoint up to two youth liaisons. Youth liaisons are non-voting members of the Commission who serve one-year terms and may be appointed for a total of three one-year terms. Youth liaisons must have reached the age of 14 by the date of appointment for their first term and must not have reached the age of 18 by the date of appointment for any term.

('72 Code, § 245:00) (Am. Ord. 1973-139(A), passed 2-26-73; Am. Ord. 1008-1086, passed 4-7-08; Am. Ord. 2018-1228, passed 2-5-18; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.46 COMPENSATION.

The members of the Commission serve without pay but may be reimbursed for actual expenses if funds therefor are provided in the adopted budgets of the Recreation and Park Department Fund.

('72 Code, § 245:05)

§ 31.47 DUTIES.

It is the duty of the Commission to hold meetings of its members at least once a month on a regular scheduled meeting date, and to meet from time to time with the City Manager, the Council, and the Director of Recreation and Park to consider such matters pertaining to parks and public recreation programs in the city as are referred

to the Commission by the Council, the City Manager, the Director of Recreation and Park, or as the members of the Commission deem proper.

('72 Code, § 245:10)

§ 31.48 REPORTS.

The Commission must make an annual report to the City Manager and the Council containing such details as the Council requires, concerning its estimate of financial needs and its recommendations for the ensuing year. The Commission must report quarterly on its activities to the Council.

('72 Code, § 245:15)

§ 31.49 REPORTS TO BE ADVISORY.

The Commission's reports, conclusions and recommendations must be made to the Council, City Manager and the Director of Recreation and Park as may be requested, or to any or all of them as the Commission deems appropriate in the light of the matter under consideration. Its reports, conclusions and recommendations are purely advisory, and the final determination and responsibility is with the Council. It shall be aided and assisted in every way possible by the Director of Recreation and Park, who is appointed by the City Manager.

('72 Code, § 245:20)

PLANNING COMMISSION

§ 31.60 ESTABLISHMENT; COMPOSITION.

There is hereby continued as heretofore created a Planning Commission for the City of Brooklyn Park to have all the powers provided by state law and as set forth in this subchapter.

(A) There are 11 members of the Commission to be appointed by the Council in the manner hereinafter set forth.

(B) All members of the Commission must be lawful residents of the City of Brooklyn Park.

(C) The 11 members are appointed to serve for terms of three years each, except that young adult members are appointed to terms of one year each, and that any vacancy occurring among the members of the Planning Commission during an unexpired term must be filled for the rest of the term by vote of the Council. Any members of said Commission may be removed for cause by the Council upon notice, written charges, and after a public hearing. Appointments must be made as soon after the first of each year as practicable.

(D) The members of the Commission must take the usual oath of office and the Commission must appoint its own Chair and Secretary and may provide its own rules of procedure. It must determine regular dates and times of meetings, which are to be held at least once a month, and it must call public hearings when appropriate. No member of the Commission shall pass or vote upon any question in which the member is directly or indirectly interested.

(E) The Commission must prepare all reports as the Council shall request.

(F) Two of the 11 members of the Planning Commission shall be young adult members. The young adult members may serve up to three one-year terms. The young adult members must have reached the age of 18 by the date of appointment to that young adult member's first term and must not have reached the age of 25 by the date of appointment for any term.

('72 Code, § 250:00) (Am. Ord. 1973-154(A), passed 2-26-73; Am. Ord. 2008-1086, passed 4-7-08; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.61 DUTIES.

The Planning Commission must hear and review all petitions to amend the zoning classifications of this code or to obtain a special permit. The Planning Commission must then report its recommendations to the Council for action.

('72 Code, § 250:10)

§ 31.62 PREPARATION AND MAINTENANCE OF COMPREHENSIVE PLAN.

The Planning Commission must prepare and maintain comprehensive plans and maps for the future development of the city and make recommendations from time to time of such changes or amendments it deems necessary. Public notice and hearings must be as required by this code and applicable ordinances and laws. Nothing herein prevents the Council from initiating any proposal concerning comprehensive planning, zoning, platting, changes in streets and other matters of general planning nature, provided, however, that any proposal must first be referred to the Planning Commission for any hearings required by law and for their recommendations.

('72 Code, § 250:15)

HUMAN RIGHTS COMMISSION

§ 31.75 ESTABLISHMENT.

A Human Rights Commission comprised of 11 members is established for the purpose of securing for all residents equal opportunity in employment, housing, public accommodations, public services, education, and full participation in the affairs of the city by assisting the Minnesota Department of Human Rights in implementing state laws against discrimination and by advising the City Council in long-range programs to ensure human service needs are met.

('72 Code, § 290:00) (Ord. 1993-726, passed 7-12-93; Am. Ord. 2007- 1078, passed 10-15-07; Am. Ord. 2018-1228, passed 2-5-18; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.76 COMPOSITION AND REPRESENTATION.

All 11 members of the Commission must be lawful residents of the city. All members are appointed by the Council and serve staggered three-year terms, except for young adult members who shall serve one-year terms. Any vacancy occurring during an unexpired term must be filled for the rest of term by vote of the Council. Members of the Commission may be removed for cause by the Council upon notice and written charges and after a public hearing. Members of the Commission serve without compensation, but may be reimbursed personal expenses in the performance of their duties. The young adult members may serve up to three one-year terms. The young adult members must have reached the age of 18 by the date of appointment to that young adult member's first term and must not have reached the age of 25 by the date of appointment for any term.

('72 Code, § 290:05) (Ord. 1993-726, passed 7-12-93; Am. Ord. 1998-870, passed 3-23-98; Am. Ord. 2008-1086, passed 4-7-08; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.77 INITIAL APPOINTMENTS.

One member from each district must serve a one-year term; one member from each district must serve a two-year term; and one member from each district must serve a three-year term.

('72 Code, § 290:10) (Ord. 1993-726, passed 7-12-93)

§ 31.78 ORGANIZATION.

(A) The Commission must elect from its membership a Chair, and a Vice Chair, each of whom must serve for a period of not more than three years. The Chair must preside at all meetings of the Commission. In the absence of the Chair, the Vice Chair must preside.

(B) The Commission must appoint a Secretary from its membership or at its election request that a staff secretary be furnished by the city.

(C) All meetings of the Commission must be open to the public, be governed by *Roberts Rules of Order* and otherwise held pursuant to the by-laws adopted by the Commission. It is the duty of the Secretary of the Commission to record the minutes of all meetings and transmit a copy thereof to each member of the Commission, City Council and City Manager.

('72 Code, § 290:15) (Ord. 1993-726, passed 7-12-93; Am. Ord. 2018-1228, passed 2-5-18)

§ 31.79 DUTIES.

Duties of the Human Rights Commission are to:

(A) Adopt by-laws for the conduct of its affairs.

(B) Receive complaints and determine if the complaint is to be forwarded to the State Department of Human Rights for the purpose of investigation, or to North Hennepin Mediation Services for alternative dispute resolution.

(C) Improve the home, family, and human relations climate in the community.

(D) Enlist the cooperation of the Minnesota League of Human Rights Commission and other agencies, organizations and individuals in the community in an active program directed to create equal opportunity and to educate the community in order to eliminate discrimination and inequalities.

(E) Advise the Mayor, the Council and other city agencies on human relations and civil rights issues and problems. Act in an advisory capacity to the city on issues of civil and human rights. Recommend the adoption of specific policies or actions as are needed to ensure equal opportunity in the community.

(F) Assist in the development, formulation, and implementation of a comprehensive plan to serve as a guideline to ensure that the human relations needs of the community are defined and met.

('72 Code, § 290:20) (Ord. 1993-726, passed 7-12-93; Am. Ord. 2007-1078, passed 10-15-07)

THE BUDGET ADVISORY COMMISSION

§ 31.90 ESTABLISHMENT.

The Budget Advisory Commission is an ongoing, resident-led commission called to design and propose budgetary suggestions to the City Council reflecting the input and priorities of residents in the City of Brooklyn Park. The Commission will make use of previous budget information, review current and projected city service levels, analyze priorities from citizen input, consider long and short-term anticipated capital and operating expenditures, and identify revenue sources with consideration to projected expenditures. The Commission may also be asked to perform specific studies or present recommendations based on City Council requests.

(Ord. 2003-992, passed 3-17-03; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.91 DUTIES.

Duties of The Budget Advisory Commission are to:

(A) Review all budgets of the city, such as city, EDA and the like, and long range plans, such as CIP/CEP and the like.

(B) Review results of previous resident surveys, City Council goals and prioritization of city services.

(C) Recommend any necessary or reasonable survey or information gathering process to gain current resident preferences.

(D) Review historical and future trends of revenues and expenditures, both capital and operating.

(E) Review budget challenges and recommend solutions.

(F) Formulate suggestions to the City Council on prioritized budget programs and choices between competing demands with resident input.

(G) By May 31, the Commission shall present a recommendation for future funding along with comments on the city's overall trends and provide suggestions for any specific requests made by the City Council.

(H) Through objective measures of department performance, determine if the city is efficiently managing and allocating the community's resources.

(I) Complete a self-evaluation of the commission and make recommendations to the City Council on how to improve the process.

(Ord. 2003-992, passed 3-17-03; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.92 COMPOSITION AND REPRESENTATION.

(A) Residents shall be appointed to the Budget Advisory Commission by the Council.

(B) Membership shall consist of 11 lawful residents, including two young adult members.

(C) Members shall serve staggered terms of three years, except young adult members who shall serve one-year terms. No member shall serve more than two consecutive three-year terms, except that young adult members may serve up to three one-year terms.

(D) The Mayor shall initially appoint members with the following staggered term length: three members shall be appointed for one year; three members shall be appointed for two years; and three members shall be appointed for three years. Thereafter, all appointments or re-appointments shall be for a three-year term, except for the young adult members who shall be appointed for a one-year term.

(E) Terms shall expire on the first of April of the last year of their appointed term.

(F) A Chairperson is to be chosen from among the appointed Commission members.

(G) A non-voting representative of the Finance Department shall staff the Budget Advisory Commission. The Commission shall be provided with any requested information, data, or materials and shall be able to discuss any matters with the appropriate staff. Staff members may also have the ability to address the Commission as a whole with matters of concern.

(H) There shall be a non-voting representative of the City Council assigned to act as liaison to the Budget Advisory Commission.

(I) The young adult members may serve up to three one-year terms. The young adult members must have reached the age of 18 by the date of appointment to that young adult member's first term and must not have reached the age of 25 by the date of appointment for any term.

(Ord. 2003-992, passed 3-17-03; Am. Ord. 2008-1086, passed 4-7-08; Am. Ord. 2018-1228, passed 2-5-18; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.93 DESIRED QUALIFICATIONS.

Members of the Budget Advisory Commission must have the ability to translate survey data to priorities and outcomes; evaluate financial information; have familiarity with the needs and challenges of Brooklyn Park; and the willingness to commit to weekend and/or evening meetings.

(Ord. 2003-992, passed 3-17-03)

City Communication



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brooklynpark.org/
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nextdoor.com

Media policy and communication guidelines

The staff liaison works with Communications staff to coordinate and approve any:

- Press releases/public announcements
- Articles for city publication
- Media inquiries and interviews
- Social media posts
- Website
- Marketing/graphic design needs

Commissioners should not speak with the media on the City of Brooklyn Park's or Commission's behalf without contacting the Communications Manager. All media inquiries should be directed to the Commission's Staff Liaison, who will contact the Communications Manager.

Social media policy

The Communications team creates and posts content, promotes city events and happenings, and monitors all of the city's social media pages or sites.

No commission is allowed to create any social media pages or sites on its behalf, as representatives of the City of Brooklyn Park. All requests to post information should be directed to the Commission's Staff Liaison, who will contact the Communications Manager.

Follow the City of Brooklyn Park on social media.

- Facebook
- Twitter
- YouTube
- Instagram
- Nextdoor

Sign up for emails

Sign up for City of Brooklyn Park emails to keep up with community and city events and happenings!

www.brooklynpark.org/subscribe

Commissions communicate with the City Council via

- Meeting minutes
- Annual work plan
- Annual joint meeting
- Council liaison updates at Commission and Council meetings

Non-City Events and Initiatives Promotions Policy

City Commissions must also abide by this city's policy in their promotion and sponsorship of events and initiatives.

The city can promote events, activities and initiatives of non-city entities if what is being promoted:

- Is open to the public
- Supports one or more city goals and/or values
- Is free or low cost or if it is a fundraiser, proceeds benefit the Brooklyn Park community
- Is located in or near Brooklyn Park or benefits Brooklyn Park community members
- Is not political
- Does not promote any religion

Events and initiatives that are not sponsored by the city must include a disclaimer that makes that clear.

- The city can promote through our website calendar of events, allowing flyers at city buildings, social media, and through emails. The appropriate mode is up to the discretion of Communications staff.
- The city reserves the right to refuse to promote events by non-city entities that do not align with city goals and/or values

Code of Conduct for Brooklyn Park Boards, Commissions, and Committees

The purpose of City of Brooklyn Park Commissions is to give residents the opportunity to give their opinions and recommendations on the work of city government. The commissions also serve as advisory groups for the City Council.

- **“Commission”** means all Boards, Committees and Commissions of the City.
- **“Commissioner”** means a member serving on Boards, Committees, and Commissions of the City.

This Code of Conduct applies to Boards, Commissions, Committees, and Task Forces. Commissions are expected to support the City Council and serve at the discretion of council members. It is important that every commissioner read their particular board or commission’s bylaws at the beginning of their term.

Duties as a Commissioner

To investigate matters within the scope of the particular commission or as directed by the council and/or city manager.

- To advise the council by communicating the viewpoint or advice of the commission
- To hold hearings, receive information, research and make recommendations to the Council about the matters within the commission’s scope
- To attend scheduled meetings or let the staff liaison know if you will be absent
- To prepare in advance of meetings (e.g., read agenda packet carefully prior to the meeting) and be familiar with issues on the agenda, and
- To be considerate of fellow members, their opinions and be respectful of other people’s time

Commissioners should not

- Direct the work of city staff
- Speak for the commission unless authorized by your fellow commission members or by the City Council, or
- Take responsibility for financial performance of any city facility or program

Ethical and respectful conduct

Avoid:

- Speaking over or cutting off another individual
- Insulting, disparaging, or putting down people or their ideas
- Bullying other members by displaying a pattern of belittling, or
- Making demeaning or patronizing comments

Strive to:

- Use Robert’s Rules of Order
- Treat people with courtesy, politeness and kindness
- Encourage others to express their opinions and ideas
- Listen to what others have to say, and
- Recognize differences

Respectful workplace

The City Council will not tolerate or condone acts of harassment by members of City commissions, based upon race, religion, color, sex, national origin, sexual orientation, age, disability, or political affiliation.

Violators of this Code of Conduct will be subject to appropriate disciplinary action as set forth in the Code of Conduct. This Code of Conduct is applicable to members serving on advisory boards, committees or commissions.

Definitions

Harassment is verbal or non-verbal conduct or physical acts which are unwelcome or offensive to or retaliatory against an employee, group of employees, or members serving on commissions based on their race, religion, color, sex, national origin, sexual orientation, age, disability, or political affiliation.

Sexual Harassment is unwelcomed verbal, non-verbal or physical advances of a sexual nature or non-sexual hostile or physically aggressive behavior directed to an employee or members serving on commissions because of such sex. Sexual harassment can consist of a wide range of unwanted and unwelcome sexually-directed

behavior such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's appointment
- Submitting to or rejecting the conduct is used as the basis for an appointment decision affecting an individual's appointment, or
- Such conduct has the purpose or result of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offensive environment

Sexual harassment includes, but is not limited to, the following:

- Unwelcomed or unwanted sexual advances. This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
- Verbal or written abuse, making jokes, or comments that are sexually-oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others.
- Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's appointment in the commission.
- The harassment applies to social media posts, tweets, etc., that are about or may be seen by fellow commissioners, council members, employees, customers, etc.

Sexual harassment and inappropriate conduct is strictly prohibited and will not be tolerated. Inappropriate conduct in violation of this Code of Conduct constitutes just cause for discipline which may include removal.

Hostile Environment means an environment that has become intimidating or offensive due to conduct of a member of commissions, which is threatening in nature.

Types of disrespectful behavior

The following types of behaviors cause a disruption in the meeting place and are, in many instances, unlawful:

- **Violent behavior** includes the use of physical force, harassment, or intimidation
- **Discriminatory behavior** includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, or status with regard to public assistance
- **Offensive behavior** may include such actions as rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language, or any other behavior regarded as offensive to a reasonable person. It is not possible to anticipate in this Code of Conduct every example of offensive behavior.

Accordingly, commissioners are encouraged to discuss with their fellow commissioners and officers what is regarded as offensive, taking into account the sensibilities of commissioners and the possibility of public reaction. Although the standard for how commissioners treat each other and the general public will be the same throughout the City, there may be differences between work groups about what is appropriate. If a commissioner is unsure if a particular behavior is appropriate, the commissioner should request clarification from the Staff Liaison or City Manager.

Social Media

Social media has changed the way we work, connect and communicate. At the City of Brooklyn Park, the city understands that social media can be a way to share information with family, friends and co-workers. However, use of social media also presents certain risks and carries with it certain responsibilities.

To assist members serving on boards, committees or commissions with making responsible decisions about use of social media, the city has established guidelines for appropriate use of social media. This Code of Conduct applies to members serving on commissions for the City of Brooklyn Park.

Guidelines

Social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, whether or not associated or affiliated with the City of Brooklyn Park. Social media tools may include:

- Social media networking sites such as Facebook, LinkedIn and MySpace
- Blogs
- Microblogs such as Twitter
- Video sharing sites such as YouTube and iReport
- Photo sharing sites such as TwitPic and Flickr
- Wikis, or shared encyclopedias such as Wikipedia
- RSS feeds
- Mobile phone content uploaded to the Internet
- Any other form of electronic communication and technology

Members serving on commissions are solely responsible for what they post online. Before creating online content, consider the risks and rewards that are involved. Keep in mind that any commissioner conduct that adversely affects their performance as a commissioner, the performance of employees or otherwise adversely affects residents, suppliers, or people who work on behalf of the City of Brooklyn Park may result in removal from the commission.

Know and follow the rules

Carefully read the guidelines, to ensure postings are consistent with those guidelines. Inappropriate postings that may include bias, discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject a commissioner to be removed from the commission.

Be respectful

A commissioner should always be fair and courteous to fellow commissioners, employees, residents, or people who work on behalf of the City of Brooklyn Park. Also, keep in mind that a commissioner is more likely to resolve commissioner-related complaints by speaking directly with the commissioner, fellow commissioners, or officers of the commission than by posting complaints to a social media outlet.

Nevertheless, if a commissioner decides to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage commissioners, council members, employees, residents or business associates, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile meeting environment on the basis of race, sex, disability, religion or any other status protected by law or city policy.

Be honest and accurate

A commissioner must always be honest and accurate when posting information or news, and if a mistake is made, the mistake must be corrected quickly. A commissioner should be open about any previous posts the commissioner altered.

Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never upload, post or transmit any information or rumors that are false, fraudulent or misleading about the City of Brooklyn Park, fellow commissioners, council members, employees, residents, business associates, or people working on behalf of the City of Brooklyn Park.

A commissioner should express only personal opinions. A commissioner may never represent themselves as a spokesperson for the City of Brooklyn Park.

If the City of Brooklyn Park is a subject of the content the commissioner is creating, the commissioner must be clear and open about the fact that they are a commissioner and must make it clear that the commissioner's views do not represent those of the City of Brooklyn Park, fellow commissioners, council members, employees, residents, business associates or people working on behalf of the City of Brooklyn Park.

If the commissioner publishes a blog or post online related to the work or subjects associated with the City of Brooklyn Park, the commissioner must make it clear that the commissioner is not speaking on behalf of the City of Brooklyn Park. It is best to include a disclaimer such as *"The postings on this site are personal and do not necessarily reflect the views of the City of Brooklyn Park."*

Legal Issues

City Attorney's Office

The City Attorney's office is available to all commissions. Their retainer includes commission legal services. The City Attorney attends all Regular and Special Council meetings, and with few exceptions, does not attend commission meetings. It is recommended that the Staff Liaison and/or the Commission Chair communicate on behalf of the commission directly with the City Attorney.

Open Meeting Law

Why It Exists

- Prohibits actions from being taken at a secret meeting, where it is impossible for the interested public to become fully informed concerning decisions of public bodies or to detect improper influences
- Ensures the public's right to be informed
- Affords the public an opportunity to present its views to the public body

To Comply

Provide public notice of the meeting of minimum of three days in advance. Hold meetings in public places.

Violation of Open Meeting Law

There is a violation of open meeting law if there is discussion of business between quorums of members outside of a publicly noticed meeting. Serial communication defined below is an open meeting law violation.

Serial Communication

Serial communication is communication between Board and Commission members that lead to a concurrence among the majority of the members. Serial communication may involve a series of communications (example: email, face-to-face, text) with each communication involving less than a quorum of the Board or Commission, but when taken as a whole, involve a majority of the board or commission.

Ensure Compliance

- Email communication intended for the group to the Staff Liaison for distribution
- Members should not “reply all” to group messages
- Members should not blind copy other members

Committees and Working Groups

Some Committee or Working Group meetings may be designated as public meetings by the City Council or the Commission based on potential public interest on the topic.

If Committee or Working Group meetings are designated public, the following items are required:

- Notice of the meeting 3 days in advance
- Written agenda
- Meeting Minutes
- Public meeting location

Data Practices Law

The Data Practices Law governs all data maintained by a public entity. There are three classifications of data:

- **Public:** accessible to anyone
- **Private/Non-public:** accessible to the person who is the subject of the data and to the governmental entity
- **Confidential/protected non-public:** accessible only to the governmental entity

The identity of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real estate/real property is confidential data. Data pertaining to members of the boards and commissions is governmental data:

- Names and home addresses of board and commission members are public
- The telephone number or email address where the member can be reached, or both, at the request of the member, are public. Any email address or telephone number provided for the member by the city is also public, and the member may use that email address or telephone number as the member’s designated contact information.

Conflict of Interest

Definition: any member who has a financial interest in, or who may receive a financial benefit as a result of, any commission action or if there is potential for the appearance of conflict of interest.

Members who have a conflict of interest must:

- Disclose the conflict of interest to the group, and
- Abstain from discussing or voting on the matter

Liability

State law requires municipalities to defend and indemnify, or secure against harm or loss, both elective and appointive officials for damages so long as the commissioner is acting in the performance of duties of his or her position and is not guilty of malfeasance, willful neglect of duty, or bad faith.

Likewise, the Brooklyn Park City Code requires the city to defend and indemnify all its members of the advisory commissions arising out of an alleged act or omission occurring in the performance of their duty, except in cases of malfeasance in office or willful neglect of duty.

Gifts

Members may not receive gifts from any “interested person” in conjunction with their commission duties. Commissions can recommend acceptance of general gifts through the city’s donation policy.

Gift Law

“Local official” means “an elected or appointed official of a county or city or of an agency, authority, or instrumentality of a county or city.”

An interested person may not give a gift or request another to give a gift to a commissioner. A commissioner may not accept a gift from an “interested person.” A “gift” includes money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return. An “interested person” is “someone, or a representative of a person or association, that has a direct financial interest in a decision that a local official is authorized to make.” The term “local official” includes members of boards and commissions.

There are a few limited exceptions where you can accept a gift.

- Services or mementos of insignificant monetary value
- Plaques or mementos recognizing service
- Food or beverage given in connection to a speech
- Gifts given to members of a group, the majority of whose members are not local officials
- Gifts given by family members

In conclusion, be cautious. The city’s local officials, including commissioners, are in the eye of the public and it is public opinion and political opponents, which will be the ultimate enforcer of this law.

Accountability/Consequences

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

- **Warning**

A warning shall be verbal or written non-public statement made by the Mayor and City Manager to the commission member

- **Removal**

Removal from a commission requires an action from the City Council

warning or removal. Any violations that potentially constitute criminal conduct shall be handled by the criminal justice system

- 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

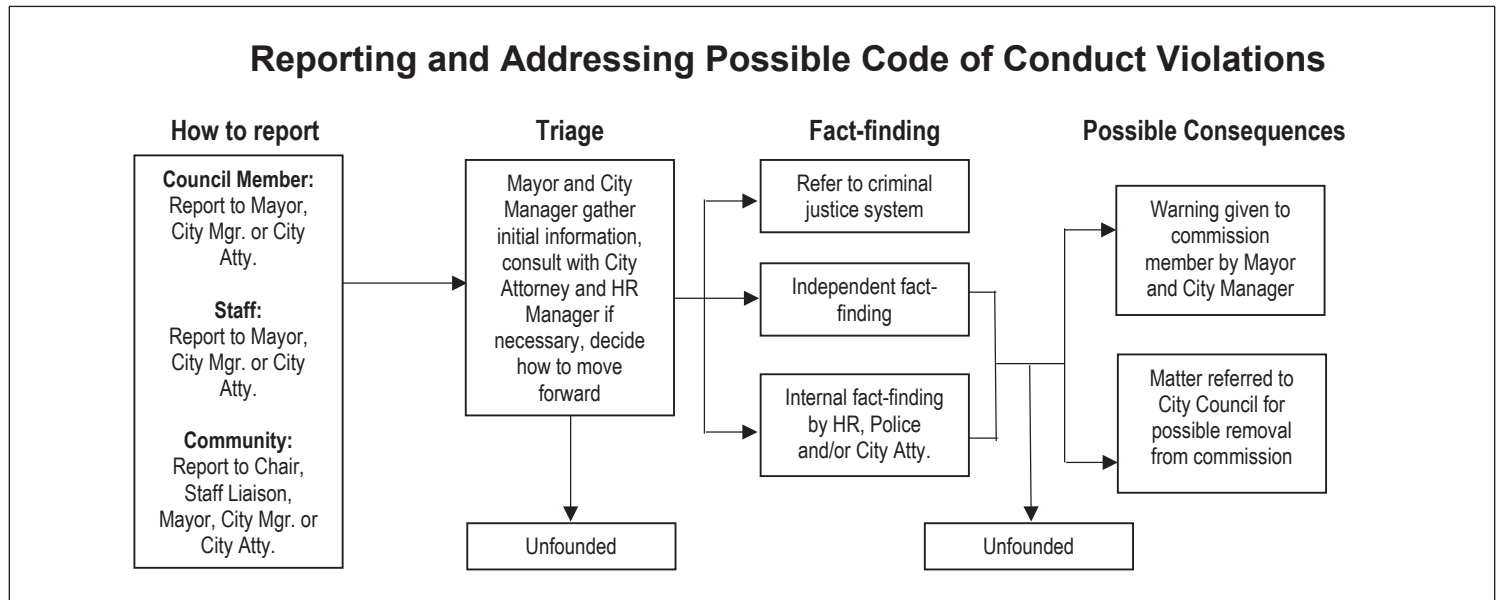
Procedures for reporting:

- A member of the Brooklyn Park City Council may report a potential code of conduct violation by a commission member by bringing the matter to the attention of the Mayor, City Manager, or City Attorney
- A Brooklyn Park staff member may report a potential code of conduct violation by a commission member by bringing the matter to the attention of the Mayor, City Manager, or City Attorney
- A community member, including commission and committee members, may report potential code of conduct violations by a commission member by bringing the matter to the attention of the commission chair, staff liaison, Mayor, City Manager, or City Attorney

Upon receipt of a complaint, the following diagram (below) highlights the process that will be used:

Commission Members’ Behavior and Conduct:

- Depending on the offense, commission members who violate the code of conduct are subject to



For inappropriate statements or conduct by commission members during a commission meeting:

- A verbal correction by the Chair or other members of the commission will normally be the first step to address the matter during the meeting
- Further incidents may be addressed by subsequent verbal corrections or, if necessary, bringing the meeting to a close and reporting the behavior
- A commission member can request that the Chair take any of these actions against an offending commission member if the chair has not done so on his/her own

RESOLUTION #2019-46

RESOLUTION REPLACING RESOLUTION #2018-20 SETTING STANDARDS FOR
CITY BOARDS AND COMMISSIONS

WHEREAS, the City Council believes that it is appropriate to the extent possible to adopt a uniform set of guidelines under which City Boards and Commissions operate; and

WHEREAS, the purpose of this Resolution is to address the administrative matters relating to the functioning of City Boards and Commissions and not to interfere with legislative matters; and

WHEREAS, in late 2015, city staff conducted a survey and focus groups to solicit feedback from commissioners and liaisons on their commission experiences; and

WHEREAS, a Commissions Improvement Steering Committee was formed in 2016-2017 to formulate suggested improvements to present to the Council for consideration.

NOW, THEREFORE, BE IT RESOLVED by the City Council, the City of Brooklyn Park approves this resolution setting standards for City Boards and Commissions:

1. Purpose. The purpose of this Resolution is to establish a uniform set of guidelines for City Boards and Commissions to follow so that the administrative work of the Boards and Commissions can be conducted in an efficient manner. Nothing in this Resolution is intended to supersede any provision in State Law, City Charter, or City Code. To the extent that there is any conflict between State Law, City Charter, or City Code with the provisions of this Resolution, State Law, City Charter, or City Code shall prevail. Nothing in this Resolution is intended to limit, expand, or otherwise modify the authority given to City Boards and Commissions by City Charter, State Law, or City Code.
2. Definitions. As used in this Resolution, the following words will mean:
 - a. "Advisory" means to advise the Council with respect to municipal concerns.
 - b. "Commission" means all Boards, Committees and Commissions of the City.
 - c. "Council" means the Mayor and six elected City Council Members.
 - d. "Staff" means the City Manager and designated administrative employees who assist Commissions in the administration of their duties.
 - e. "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).
3. Authority. Section 2.02 of the City Charter authorizes the Council to create Commissions, as the Council deems necessary. The Commissions are created pursuant to that authority and pursuant to applicable state law. The Authority, which established each Commission, is as follows:
 - a. Charter Commission, Charter Section 14.18 and State Statute 410.05 - 410.06

- b. Community Long-range Improvement Commission, Charter Section 9.
 - c. Human Rights Commission, City Code Section 31.75
 - d. Recreation and Parks Advisory Commission, City Code Section 31.45
 - e. Planning Commission, City Code Section 31.60 and State Statutes "Municipal Planning": 462.351 through 462.365
 - f. Budget Advisory Commission, City Code Section 31.90
4. Advisory Nature. Except as otherwise provided by law or City Charter, the Commissions created are advisory to the Council and to the City Manager in all matters pertinent to the duties of the Council and the City Manager, but the Commissions have no other official status or independent authority.
 5. Compensation. Unless otherwise provided by law or City Charter, members of Advisory Commissions serve without compensation, but may be reimbursed for actual and necessary expenses if funds for that purpose are identified in the adopted city budget.
 6. Membership and terms of office.
 - a. Eligibility. Members of commissions must lawfully reside in the City of Brooklyn Park and, if required, reside in the council district from which they are appointed.
 - b. Terms. Members of commissions shall be appointed for a term of three (3) years. Terms commence on April 1 of the year in which they are appointed for the Budget Advisory Commission (BAC), Community Long-range Improvement Commission (CLIC), Human Rights Commission (HRC), Recreation and Parks Advisory Commission (RPAC), and Planning Commission. This section is not applicable to the Charter Commission or other non-city commissions to which Brooklyn Park has an appointed representative.
 - c. Term Limits. Appointments to a Commission shall be limited to two full consecutive terms on each Commission (the appointment may also include an initial balance of a term served). Residents who have previously served two full consecutive terms on a Commission are eligible for reappointment to that Commission one year after the expiration of their last full term.
 - d. Commission Representation.
 1. All commissions will be represented by members from each district and at-large members. All commissions with the exception of the CLIC will have six seats by district and the remainder at-large. The CLIC will have nine seats by district and six at-large. (The Charter Commission is excluded from district representation.)
 2. The Council will consider appointments to be geographically balanced as practicable to the districts established under Section 2.04 of the City Charter.

3. An individual who is serving on a board or commission and who does not reside in the appropriate district is eligible for reappointment to the same seat even if other individuals who reside in the appropriate district apply for the seat.

7. Notification; Application; Appointment/Reappointment.

- a. Notification. The City Manager must cause to be publicized in the official newspaper and by posting on the principal bulletin board in the entryway of City Hall a notification of vacancies and impending expiration of terms of members of various advisory commissions together with an invitation to interested residents of Brooklyn Park to apply for appointment.

If a vacancy occurs within 90 days of applicant interviews, the Council may appoint a commissioner from that applicant pool without providing notification of the vacancy. Staff would notify the City Council and contact the applicants to confirm their interest, availability and eligibility.

- b. Application.

1. Applications for appointment or reappointment to a Commission must be submitted on an official "application for appointment to a city commission" form and forwarded to the City Manager. City staff schedules the applicant interviews and notifies the City Council. Applications for the Charter Commission are forwarded by City staff to the Hennepin County Chief Judge. Applications for all commissions are held for one year from date of receipt.

- c. Appointment/Reappointment. Members of Commissions are appointed by the Council (with the exception of the Charter Commission, who are appointed by the Hennepin County Chief Judge). When a vacancy currently exists, appointments shall be effective immediately upon appointment; otherwise, appointments shall commence at the beginning of the term year. Commission appointments made by the Council shall be for three-year terms unless the appointment is to fill a vacancy for an unexpired term, in which case the appointment is for the balance of the term. If an appointment is made in January for the balance of a term to end April 1 of the same year (or appointment is made in December of the preceding year), the appointment will be for the balance of the term and for a three-year term.
- d. In the case of a new commission, appointments may be made for less than three (3) year terms in order to achieve a system of staggered expiration of terms. No person shall be appointed to serve on more than one city commission at the same time with the exception of the Budget Advisory Commission.
- e. Council may request that staff re-advertise to create a larger applicant pool for a specific district on a commission or the commission as a whole.
- f. Orientation. Orientation of newly appointed commission members whose terms start April 1 shall take place during the months of April or May. Commission members with mid-term appointments (filling vacancies) will receive individual orientations.

8. Meetings.
 - a. Open Meeting. Meetings of Commissions are subject to the Open Meeting Law. Dates, times and places of meetings shall be posted on the City's principal bulletin board located in the entryway of City Hall three days in advance of the meeting and on the City's website.
 - b. Regular Meetings. Meetings of commissions are held at such date, time and place as are set forth in their respective bylaws, and they meet as necessary to fulfill the objectives of the commission. The procedure at meetings is governed by Robert's Rules of Order, Revised, and the bylaws of the commission.
 - c. Special Meetings. Meetings of commissions held for a specific purpose outside of their regularly scheduled meetings must have a special meeting notice posted on the City's principal bulletin board in the entryway of City Hall and on the City's website three days in advance of such special meeting, in accordance with state law. Special meetings may be called in accordance with the bylaws established by each commission.
 - d. Joint Meeting. Council and each commission will have at least one joint meeting annually to discuss goals, major items/issues and miscellaneous items.
9. Attendance; Vacancies; Resignations; Removal from office; Recognition.
 - a. Attendance.
 1. Members of the commissions are expected to faithfully participate in the meetings or other activities of the commission to which they have been appointed. A commission member shall notify his/her staff liaison, commission chair, or designated officer if he/she is unable to attend a commission meeting. A Commission Attendance Form shall be used by all commissions for the Commission Secretary or Staff Liaison to record attendance. The City Manager's office staff shall forward the attendance records to the City Council each quarter ending March, June, September and December. The Council shall conduct a quarterly review of the attendance of members of city commissions.
 2. If a Commissioner misses 25% or more of meetings in a 12-month period or is absent for two consecutive meetings without notification (unexcused absence) to the Staff Liaison, the Staff Liaison will contact the City Manager's office. Staff will create a Request for Council Action for the Council to remove the Commissioner. Staff will notify the Commissioner of the removal by mail.
 - b. Vacancies. Vacancies in commissions are filled for the remainder of the unexpired term.
 - c. Resignations. Resignation from any commission member who elects not to complete his/her appointed term shall be in writing to the Staff Liaison and/or City Manager 30 days in advance of the date the resignation shall take effect. The Staff Liaison shall send a copy of the letter of resignation to the Chair of the Commission and to the City Manager's office. Staff will provide the resignation letter to the Council.

- d. Removal from commissions. Commission members appointed by the Council may be removed from a commission by a majority vote of the Council. Cause for removal includes, but is not limited to, missing two consecutive meetings without notification (unexcused absence), missing 25% or more meetings in a 12-month period, violation of the Code of Conduct for the Brooklyn Park Boards, Commissions and Committees, etc.
- e. City Manager staff will advertise as appropriate to fill vacancies due to terms ending, resignations or removals from the commissions.
- f. Recognition. Commissioners are recognized for their contributions to the City as outlined in a recognition policy adopted by the Council.

10. Organization; Bylaws.

- a. Organization. Within thirty (30) days after the first appointment of its members, each Commission shall meet to adopt bylaws for the conduct of its affairs.
- b. Annual Work Plan. Each Commission shall develop an annual work plan and present it to the City Council for acceptance in the first quarter of each year and report on the previous year's work.
- c. Bylaws. Each Commission shall endeavor to adopt uniform bylaws by including all of the items listed below. The bylaws of each Commission shall be forwarded to the City Council immediately upon their adoption.
 - Election of Officers. Officers elected from its membership in January shall include a Chair, Vice-Chair and such other officers as it deems necessary. Bylaws must specify:
 - Terms of officers and duties
 - Composition of task forces and subcommittees
 - Date and meeting times
 - Number of members to constitute a quorum
 - Order of business
 - Attendance requirements
 - Other matters necessary to define bylaws and provide for the conduct of the business of the advisory commission.
- d. Chair. The Chair of each Commission shall conduct the meeting in such a manner that provides all members a fair and equal opportunity to express themselves.
- e. Secretary. The Commission Secretary is appointed by the Chair; provided, however, that the City Manager may assign members of the City Administrative

staff to serve as secretary to a Commission as deemed necessary. The secretary performs the clerical duties of the commission. State Statutes authorize the Charter Commission to budget for secretarial expenses; other Commissions may budget for secretarial expenses as appropriate.

11. Minutes; Reports; Budget; Liaison.

- a. Minutes. The proceedings of Commission meetings must be recorded in minute form and transmitted to the City Clerk, who must furnish copies to the City Manager and Council. A Commission shall make copies of its minutes available to other advisory commissions and individuals as requested. In addition to minutes, other commission-related information (written, audio and visual) is public record and city property, and is to be transmitted to the City Clerk, who is charged with maintaining the City's official records. Minutes are permanent records; audio/video media is retained for three months after the minutes are approved (state record retention requirements).
- b. Reports. Commissions shall make an annual verbal report to the Council containing a summary of the commission's activities, conclusions and recommendations. Other commission reports shall be made from time to time to the Council as may be requested by the Council or as the Commission deems appropriate.
- c. Requests for Budget. Advisory commissions who have activities requiring the expenditures of funds must submit an itemized budget request to the staff liaison by July 1 of each year to be included in the appropriate departmental budget.
- d. Liaison. 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. The City Manager shall appoint a staff liaison without voting rights from the department most closely associated with the activities of that particular commission who shall arrange for meeting space and provide technical and/or clerical assistance.

The foregoing resolution was introduced by Mayor Lunde and duly seconded by Council Member West-Hafner.

The following voted in favor of the resolution: Mata, Russell, West-Hafner, Pha, and Lunde.

The following voted against: None.

The following was absent: Parks and Jacobson.

Where upon the resolution was adopted.

ADOPTED: March 11, 2019

JEFFREY JONEAL LUNDE, MAYOR

CHAPTER 2

FORM OF GOVERNMENT

SECTION 2.01 FORM OF GOVERNMENT (Amended by Ordinance #2009-1098 Effect. 7/30/09)

The form of government established by this Charter is the Council-Manager plan. The Council shall exercise the legislative and executive power of the city and determine all matters of policy. The Council shall have complete control and be responsible for city administration, but shall exercise this control exclusively through the City Manager and the Council shall not attempt to perform any administrative work.

SECTION 2.02 BOARDS AND COMMISSIONS (Amended by Ordinance #2009-1098 Effect. 7/30/09)

The Council shall itself be and perform the duties and exercise the powers of all local boards and commissions. The Council may, however, establish by ordinance, boards or commissions to advise the Council with respect to any municipal function or activity, or to investigate any subject of interest to the city. The Council shall determine by ordinance, the size, terms of office, and vacancy procedures of each board and commission. Members of such boards and commissions shall be appointed by the Council and shall: 1) select their own officers, 2) establish their own procedural rules, 3) conduct as many meetings as necessary.

No more than one of the appointees shall hold any other office or position in the city government. However, the Council may appoint a city officer or employee to a board or commission to serve as a non-voting staff consultant or advisor. In no case shall a city officer or employee be chair of a board or commission.

SECTION 2.03 MAYOR AND COUNCIL MEMBERS: QUALIFICATIONS AND TERMS

(Amended by Ordinance #1975-208A Effect. 11/23/75; #1986-537A Effect. 11/28/86; #2009-1098 Effect. 7/30/09)

The Council shall be composed of a Mayor and six Council Members who shall be qualified voters, and shall hold no other elected office, nor any non-elective paid municipal office or employment for the city, and who shall qualify as provided in this Charter.

The Mayor and Council Members must reside within the boundary limits of the city. The Council Members must reside within the boundary limits of the district that they are elected to represent.

The Mayor shall be elected at-large. Each of the district Council Members shall be elected by the qualified voters of the district in which they reside. There shall be two Council Members elected from each district.

The Council Members shall be elected for a term of four years and shall serve until their successors are elected and qualified. There shall be one Council Member elected from each district each even numbered year. The Mayor shall be elected at-large every four years commencing in 1990.

The transition from two year terms for Council Members to four year terms shall be as follows:

Council Members who are elected at the regular election in 1986 shall have a term of two years and those three Council Member positions shall be on the ballot in November of 1988 for a term of four

years, and the new four term terms shall commence in January of 1989.

Council Members who are elected at the regular election in 1987 shall have a term of three years and those three Council Member positions shall be on the ballot in November of 1990 for a term of four years, and the new four year terms shall commence in January of 1991.

The transition from a three year term for the Mayor to a four year term shall be as follows:

The Mayor elected at the regular election to be held in November, 1987, shall serve a three year term; the Mayor elected at the regular election to be held in November, 1990, shall serve a four year term commencing in January of 1991. The Mayor's term from that date forward shall be for four years.

SECTION 2.04 DISTRICTS AND REDISTRICTING PROCEDURES (Amended by Ordinance #1971-33A Effect. 2/17/72; #1981-357A Effect. 7/2/81; #1982-388A Effect. 8/20/82; #1986-538A Effect. 12/1/86; #1992-691 Effect. 7/7/92; #1994-757 Effect. 9/5/94; #2000-941 Effect. 3/6/01; #2002-968 Effect. 9/10/02; #2003-993 Effect. 7/3/03; #2009-1098 Effect. 7/30/09; #2019-1244 Effect. 11/20/19.

The city shall be divided into three representative districts whereby population within the boundaries of each district shall be as near equal as practical in keeping with the one-person, one-vote concept.

The district boundaries of the city shall be evaluated biennially by the Charter Commission.

The City Manager shall issue a City Population Report by the first day of March of each odd-numbered year, to commence in 1973, that shall contain the current estimates of population per district, based on any and all of the following sources: (1) The United States Census, (2) Any special census, (3) Building permit records, and/or (4) Any other information available that will provide the most current population estimate per district.

If the Charter Commission determines that the population within each district is not as equal as practicable in keeping with the one person, one vote concept, as evidenced by the Biennial City Manager's Population Report, the Charter Commission shall provide a Redistricting Report to the City Council.

The Charter Commission shall submit this report to the Council within 45 days after the receipt of the Manager's City Population Report. This Redistricting Report, upon its release to the Council, shall be published in two consecutive issues of the official newspaper of the city and on the city's website. The Council shall consider the report of the Charter Commission and within 45 days of its receipt enact a redistricting ordinance which shall take effect 30 days after publication. If the Council does not enact by ordinance a plan for redistricting within the specified time, no further remuneration shall be paid to the Mayor or Council until the districts of the city are duly redetermined as required by this Charter.

The City Manager shall report to the Charter Commission recommended or required changes in district or precinct boundaries as a result of the U. S. Census or any court or legislative ordered redistricting or apportioning which affects districts or precinct boundaries. The Charter Commission and the City Council shall then proceed to redistrict pursuant to the afore described provisions of this section of the Charter and of any applicable State statutes.

No redistricting shall occur at any time by the City Council unless and until the Charter Commission

has the opportunity to provide a redistricting report to the City Council in accordance with this Section.

SECTION 2.05 INCOMPATIBLE OFFICES (Amended by Ordinance #2005-1037 Effect. 8/31/05)

No member of the Council shall be appointed City Manager, nor shall any member hold any non-elective paid municipal office or employment under the city except as otherwise permitted by state law; and until one year after the expiration of his/her term as Mayor or Council Member, no former member shall be appointed to any non-elective paid appointive office or employment under the city.

SECTION 2.06 COUNCIL VACANCIES (Amended by Ordinance #1972-124A Effect. 12/20/72; #1998-883 Effect. 9/3/98; #2003-995 Effect. 7/3/03; #2009-1098 Effect. 7/30/09; #2014-1167 Effect. 07/2/14); #2017-1213 Effect. 08/04/17.

A vacancy in the City Council or office of Mayor shall be declared when any of the following occur:

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.

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.

The Council shall adopt an application and appointment procedure, make the procedure available to the public, and periodically review the procedure. This procedure must be codified in the code of ordinances.

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;

If 365 days or more remain in the term, the Council must within 45 days of the declaration date order a special municipal election to fill the vacancy for the balance of the unexpired term. The Council shall set times for candidates to file for such office, however, filings may close no sooner than 7 days after the election is ordered. If a special primary election is required by Section 4.03 of this Charter, the special election must be held no more than 120 days after the election is ordered. If a special primary election is not required, the special election must be held no more than 75 days after the election is ordered. Except as provided in this section of the City Charter, all of the provisions of the Minnesota election law are applicable to the election as far as practicable.

SECTION 2.07 THE MAYOR (Amended by Ordinance #1972-125A Effect. 12/20/72; #2009-1098 Effect. 7/30/09)

The Mayor shall be the presiding officer of the Council. 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. The Mayor shall have a vote as a member of the Council. The Mayor shall exercise all powers and perform all duties conferred and imposed upon him/her by this Charter, the ordinances of the city, and the laws of the State. The Mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for purpose of serving civil process and by the Governor for purposes of martial law.

SECTION 2.08 SALARIES (Amended by Ordinance #2009-1098 Effect. 7/30/09)

The Mayor and members of the Council shall receive such compensation for their services as may be prescribed by ordinance enacted by a simple majority vote of all the members of this Council. The City Manager and all subordinate officers and employees of the city shall receive such salaries or wages as may be fixed by the Council.

SECTION 2.09 INVESTIGATIONS AND AUDITS (Amended by Ordinance #1999-907 Effect 01/20/2000; #2009-1098 Effect. 7/30/09)

The Council shall have power to make investigations into the city's affairs, subpoena witnesses, administer oaths and compel the production of books, papers and other documentary evidence including electronic format. The Council shall provide for an audit of the city's accounts at least once a year by the Minnesota State Auditor or by a certified public accountant. The Council may at any time provide for an examination or audit of the accounts of any office or department of the city government and it may cause to be made any survey or research study of any subject of municipal concern.

SECTION 2.10 INTERFERENCE WITH ADMINISTRATION (Amended by Ordinance #2009-1098 Effect. 7/30/09)

Except for the purpose of inquiry in Section 2.09, the Council and its members shall deal with and control the administrative services solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.