

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, April 24, 2023
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER - Mayor Hollies Winston

PRESENT Mayor Hollies Winston; Council Members Maria Tran, Xp Lee, Christian Eriksen, and Nicole Klonowski; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green; Operations and Maintenance Director Dan Ruiz; Recreation and Parks Director Brad Tullberg; Police Chief Mark Bruley and City Clerk Devin Montero.

ABSENT: Council Member Boyd Morson (excused)

Mayor Winston opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated at the last council meeting there were two public comments.

- Mr. Marsolek, raised concerns regarding the city's code enforcement program, potential related changes to the code and the city's allocation of resources for that work.
- Ms. Guyott-Hempel, raised concerns regarding the equal opportunities of youth and adults south of 85th Avenue, related to lack of programming and services the Osseo Area School District provided to that part of the district relative to other parts of the district. She also raised concerns about the library services provided to the city relative to those provided in Champlin and Brooklyn Center. She raised concerns and questions regarding the THC and cannabis marijuana legislation that was being proposed. He stated the comments were more informative in nature for the council.

2B PUBLIC COMMENT

1. Steven Marsolek, 7800 Colfax. Stated for the third time in less than six months the city staff was asking for a modification to the existing code enforcement regulations that had been on the books for a long time and the residents had overwhelmingly voiced their opinions and concerns against changing them. He stated the new proposal was just another band aid the city wanted to use to address the real cause was around code enforcement. He stated he had requested a report from the city manager for the number of FTE code enforcement inspectors employed since 1980 through today in 5-year increments. He stated to date he had not received a response. He contended the root cause of the city's inability to have enough FTEs in the code enforcement division to keep up with the growth in the city. He stated in the request, the city staff were proposing, would limit the number of complaints a resident could file each year. He stated it was wrong and was a violation of the resident's first amendment rights which gave people the power to call out government corruption and abuse and to give unpopular opinions. He stated it was an act of discrimination by the city against the residents who wanted to keep the city clean and a good place to live. He stated if the city went forward without vetting the residents of the city, as the city did the last two times, they proposed changes to the city code was not listening to the constituents and being held accountable to their constituents. He stated the council code of conduct said, "Be accountable to your constituents and others. He also asked the city manager why he and the staff refused to provide correct and updated data on

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environmental city map after they had been repeatedly made aware of it and gave the example, 7757 Colfax Avenue North.

2. Collette Hempel, 9277 Trinity Gardens. Stated she was concerned about MIB not being licensed by state and having an individual that was carry a gun and not permitted. She stated she wished there would be some transparency and to relook at whether they should be using MN Acts Now or A Mothers Love or combination. She stated the MIB were not appropriate with someone that was not a peace officer and carried a gun under a city contract and didn't want it. She stated most of the law-abiding citizens didn't want that either. She stated with AEON, they could see the possibility. She thought they needed to consider the village people as a tenants unit and protect Huntington Place and not all of the residents.

3A. MOTION LEE, SECOND ERIKSEN TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK. MOTION PASSED. (4 TO 1) TRAN ABSTAINED.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B.1 Mayor's Proclamation of May 4, 2023, as a Day of Prayer in the City of Brooklyn Park.

Mayor Winston read the proclamation proclaiming May 4, 2023, as a Day of Prayer in the City of Brooklyn Park.

3B.2 Mayor's Proclamation of May 1-May 31, 2023, as "Asian Pacific American Heritage Month" in the City of Brooklyn Park.

Council Member Lee read the proclamation proclaiming May 1-May 31, 2023, as "Asian Pacific American Heritage Month" in the City of Brooklyn Park.

3B.3 Mayor's Proclamation Declaring the Month of May as "Mental Health Month" in the City of Brooklyn Park.

Council Member Eriksen read the proclamation proclaiming Month of May as "Mental Health Month" in the City of Brooklyn Park.

3B.4 Mayor's Proclamation to recognize and honor the Month of March 2023, as a Women's History Month in the city of Brooklyn Park.

3B.4 Council Member Tran read the proclamation recognizing and honoring the Month of March 2023, as a Women's History Month in the city of Brooklyn Park.

4.0 MOTION LEE, SECOND ERIKSEN TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEM:

Council Member Tran requested Item 4.14 to be removed from the consent agenda.

City Attorney Thomson stated if any council member wants something removed from the consent agenda, they had the right to do that because consent meant it had to be approved unanimously. He recommended removing Item 4.14 from the consent agenda.

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Mayor Winston stated another motion was needed to amend the motion for item 4.14.

City Attorney stated the motion would be to approve the consent agenda without item 4.14 on it.

Council Members Lee and Eriksen agreed with the amendment.

Mayor Winston restated the motion, to approve the consent agenda with the removal of Item 4.14.

4.1 TO APPROVE RESOLUTION #2023-59 FOR APPROVING A CONDITIONAL USE PERMIT FOR A FARMERS MARKET AT 7411 85TH AVENUE NORTH.

4.2 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF MARCH 29, 2023, AS PRESENTED BY THE CITY CLERK.

4.2 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION OF APRIL 3, 2023, AS PRESENTED BY THE CITY CLERK.

4.2 TO APPROVE THE MINUTES OF THE BROOKLYN BOARD OF APPEAL AND EQUALIZATION MEETING OF APRIL 10, 2023, AS PRESENTED BY THE CITY CLERK.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2023-60 TO APPROVE THE BID AND AWARD A CONTRACT FOR THE 2023 STREET TRAFFIC CENTERLINE STRIPING PROJECT ON CITY STREETS TO WARNING LITES.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2023-61 TO APPROVE AN AGREEMENT WITH INCONTROL FOR SCADA OPERATIONAL IMPROVEMENTS AT THE WATER TREATMENT PLANT

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2023-62 TO ACCEPT BIDS AND AWARD CONTRACT FOR THE REHABILITATION OF RUSSELL LIFT STATION TO PEMBER COMPANIES, INC. AND AMEND THE 2023 PUBLIC UTILITIES BUDGET BY INCREASING REVENUES USE OF FUND BALANCE BY \$91,300 AND AMEND THE 2023-2027 CAPITAL IMPROVEMENT PLAN BY \$91,300 IN 2023 TO COMPLETE THE PROJECT.

4.6 TO APPROVE A THC LICENSE FOR LIFTED INC., DBA LIFTED, LOCATED AT 8470 XERXES AVENUE N., BROOKLYN PARK, MN 55444

4.7 TO APPROVE A THC LICENSE FOR SPEEDY GAS LLC, DBA SPEEDY MARKET, LOCATED AT 7401 REGENT AVENUE N., BROOKLYN PARK, MN 55443

4.8 TO APPROVE A TOBACCO LICENSE FOR SPEEDY GAS LLC, DBA SPEEDY MARKET, LOCATED AT 7401 REGENT AVENUE N., BROOKLYN PARK, MN 55443.

4.9 TO APPROVE A THC LICENSE FOR A & J TOBACCO LLC, DBA A & J TOBACCO, LOCATED AT 8058 BROOKLYN BLVD N., BROOKLYN PARK, MN 55445

4.10 TO APPROVE A TOBACCO LICENSE FOR A & J TOBACCO LLC, DBA A & J

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TOBACCO, LOCATED AT 8058 BROOKLYN BLVD N, BROOKLYN PARK, MN 55445.

4.11 TO WAIVE THE READING AND ADOPT RESOLUTION #2023-63, APPROVING THE JOINT POWERS AGREEMENT FOR PETS UNDER POLICE SECURITY.

4.12 TO WAIVE THE READING AND ADOPT RESOLUTION #2023-64 TO DESIGNATE THE EDGE CHRISTIAN WORSHIP CENTER AS THE POLLING PLACE FOR PRECINCT C-5 FOR THE ELECTIONS TO BE HELD IN 2023 FOR THE CITY OF BROOKLYN PARK.

4.13 TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2023-1288 AMENDING ORDINANCE #2017-1226 FOR ZONING TEXT AND MAP AMENDMENT FOR PROPERTY LOCATED AT THE NORTHEAST QUADRANT OF JEFFERSON HIGHWAY NORTH AND DECATUR DRIVE NORTH.

4.0 THE MOTION PASSED. (4 TO 1) LEE VOTED NO.

4.14 MOTION ERIKSEN, SECOND LEE, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-65 ESTABLISHING ENVIRONMENTAL HEALTH ENFORCEMENT PRIORITIES.

The following individual addressed the council.

1. Steve Marsolek asked why the city wanted to continue to rehash something over and over. He stated there were things that happened to be changed to make it easier for the city but, the council on board from last year, they lived it last year, they knew what all the input was from both the residents and city staff. He stated in both cases it was a majority of the people that did not want to change the code and wanted to leave it as is. He stated the council might not like his opinions, but accountability was there. He stated, in less than 6 months, asked if they had to rehash something that was on the city's time, council's time, and the resident's time because it was futile.

Mayor Winston stated the big part of the motion was to limit people for making a certain number of complaints and not all were complaints, as they were low level complaints. He stated there were low level, mid-level and high-level complaints. He stated there was no freedom of speech issues because people could complain as much as they wanted, and some people specialized in complaining and continued to do it. He stated it was not taking away someone's right to complain, but said in terms of investigating low level complaints, those were complaints that did not lead to health issues or safety issues and not as pressing. He stated the council also had seen certain neighborhoods that were disproportionately being affected by people making low level complaints and from their perspective, those complaints, he thought took a minimum a half hour but in general, it was an hour to few hours. He stated for those low-level complaints it would have taken up to 2.5 to 3 weeks of staff's time that could be used for higher level complaints.

He stated their concern, in terms of what they had done in public safety, had programs where people went out and dealt with low level offenses/mental health offenses so police could deal with high level and more pressing dangerous issues. He stated a big part of the reasoning was the capacity was there to address those bigger issues that could create permanent blight or

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health issues within the city. He stated he was all for passing the resolution and was in the best interest of being able to address long-term issues. He stated the other thing and was not going to be addressed tonight was if the council determined they needed to bring more inspectors, that was the discussion they could have during budgeting. For the purposes of the resolution, with limited staff they had, there were decisions people had to make and one of those decisions was where to allot staff's time. He stated the resolution gave them the ability to allot their time in other areas. He stated what he hated to see happen when a disproportionate number of complaints came in from a particular district and staff did not have the capacity get to another area, that affected the quality of living for people in those other areas. He stated the freedom of speech remained and the resolution was more of an operational issue and giving fair governance across the city.

Council Member Lee stated he supported everything, and residents were not aware that the code enforcement department had a sweep program what was an award-winning program nationally. He stated they had worked out a process of sweeps that was equitable, resident focused and community centered. He stated it might not be as broad as they wanted it to be but all staff and council members wanted to help grow it in the future. He stated they was what they needed to focus on, to allow the code enforcement department to be able to nurture that award winning program.

Council Member Tran stated when someone files a complaint to try to be focused on their goal, be respectful and use appropriate language. She also stated to make sure the report goes to the right person, if not call the city to ask questions and send it to the right person. She stated city staff needed to be respected when communicating with them and needed to be patient.

City Attorney Thomson stated the resolution did not change any ordinances of the city. It was just changing the priorities of enforcing them and did not change any city code provisions.

4.14 THE VOTE ON THE MOTION PASSED UNANIMOUSLY.

5. PUBLIC HEARINGS-None.

6. LAND USE ACTIONS-None.

7. GENERAL ACTION ITEMS-None.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Winston commented on the violence interrupters and how the process worked. He stated before Men In Black, A Mother's Love and Minnesota Acts Now, came in front of the council, they were interviewed by a panel. He stated the panel was made up of law enforcement, residents and staff with experience working with youth and community engagement. He stated presentations were made by the three organizations to the panel and the panel decided based on the information given to them and was the same information given to the council. He stated Men In Black, came in first, second was A Mothers Love and third, was Minnesota Acts Now. He stated the council was given that information when they came in front of the council, and they decided with the information that was given to them.

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He stated after that decision was made the council was given information from the State that an investigation was going on and the council put it on pause. The council determined they needed to move in different direction and now have the Village out there with people who were able to do the violence interruption. He stated they were a part of the initial coalition but were not owners and had a financial relationship with MIB. He stated given their reputation and ability to engage the community, the Village group were handling that and had violence interrupters out there too.

He stated it was important to have someone out there and the council knew that Huntington Place had dealt with some serious issues. He stated the Village group were able to stamp a lot of that down and MN Acts Now was invited to leave Huntington Place. He stated the council wanted someone who was welcomed throughout the community, which they knew the Village was welcomed throughout the community and had established a rapport and worked with the city now to make sure they had that presence out there.

He stated none of the organizations were licensed for the work as a violence interrupter. He stated it was not required to have a license. They were required to have the skills sets the city required. He stated a license has never been required to do the work of violence interrupter. He stated the council was comfortable with the people that were out there and the presence they had in terms of that force element. He stated the city had police and had been out there engaging some other areas even before they hit the summer. He stated they knew the hot spots and were engaging in that. He stated he was looking forward to seeing what happened there and getting to a longer-term decision in the future. He stated for now the council had someone on the ground engaging the community and dealing with those issues. He stated it was in the best interest of the city and would support them to their utmost capacity. He stated the council wanted them to succeed, would help them succeed, and wanted a safe city.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated the city was organizing a clean-up event at Huntington Place, on 63rd Avenue and Zane Avenue on Thursday morning, April 27 from 9 a.m. to 12 p.m. He stated the Operations and Maintenance Department staff would be there with clean up supplies to help the volunteers> He stated the city had done it before and looking forward to doing it again, in terms of helping the community with the cleanup.

He stated the city was a partner with Metro Cities organization and every city in the twin cities was part of and they represented the twin cities interest at the legislature. He stated he had been part of that organization for a while and several staff had been part of their policy committee teams. He stated last week he was voted as President of the Board of the organization and looked forward representing the city on that board in that role and represent the metro city members.

Mayor Winston asked for a lot of residents to show up to the cleanup. He stated often they had complaints about how the city looked and the trash buildups and every city dealt with it. He stated it was an opportunity to get out there to help with the cleanup. He stated his Fraternity, Mega Si Phi Inc, would be out there as well as him and his family and some council members would be out there too. He invited residents to help put in the work to help cleanup and change the narrative around the city and the residents in the area would appreciate it and felt supported.

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He stated, on Tuesday, he was hosting a Coffee with the Mayor event in the council chambers at 8 a.m. and residents were welcome to come and ask him questions and have conversations.

ADJOURNMENT - With consensus of the Council, Mayor Winston adjourned the meeting at 7:46p.m.

HOLLIES WINSTON, MAYOR

DEVIN MONTERO, CITY CLERK