

REGULAR CITY COUNCIL MEETING – AGENDA #1

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

Our Vision: Brooklyn Park, a thriving community inspiring pride where opportunities exist for all.

Our Brooklyn Park 2025 Goals:

• A united and welcoming community, strengthened by our diversity • Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination • A balanced economic environment that empowers businesses and people to thrive • People of all ages have what they need to feel healthy and safe • Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper • Effective and engaging government recognized as a leader

I. ORGANIZATIONAL BUSINESS

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT AND RESPONSE 6:00 p.m. Provides an opportunity for the public to address the Council on items which are not on the agenda. Public Comment will be limited to 15 minutes (*if no one is in attendance for Public Comment, the regular meeting may begin*), and it may not be used to make personal attacks, to air personality grievances, to make political endorsements or for political campaign purposes. Individuals should limit their comments to three minutes. Council Members will not enter into a dialogue with residents. Questions from the Council will be for clarification only. Public Comment will not be used as a time for problem solving or reacting to the comments made, but rather for hearing the residents for informational purposes only.

2A. RESPONSE TO PRIOR PUBLIC COMMENT

2B. PUBLIC COMMENT

3A. APPROVAL OF AGENDA (Items specifically identified may be removed from Consent or added elsewhere on the agenda by request of any Council Member.)

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

3B.1 Introduction of New Employees

3B.2 Mayor's Proclamation to Recognize January 15, 2024 as Reverend Dr. Martin Luther King Jr. Day in the City of Brooklyn Park

A. PROCLAMATION

II. STATUTORY BUSINESS AND/OR POLICY IMPLEMENTATION

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

4.1 Set Public Hearing Date for February 12, 2024 to Consider the Recommendation of the Brooklyn Park Charter Commission to amend Charter Chapter 4, Section 4.03 of the Home Rule City Charter

A. PUBLIC HEARING NOTICE

4.2 Appointment of Assistant Weed Inspectors

4.3 Appointment of Tree Inspectors

4.4 Tobacco License for Standridge Empire, Inc, dba Cellars Wine & Spirits – Brooklyn Park located at 7944 Brooklyn Boulevard, Brooklyn Park, MN 55445

4.5 Appointment of Health Officer

4.6 Designation of Official Newspaper

A. LETTER FROM SUN-POST NEWSPAPER

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

- 4.7 Appointments to the Suburban Rate Authority
 - A. RESOLUTION
- 4.8 Appointment of Acting City Manager
- 4.9 Set Local Board of Appeal and Equalization Date and Time for April 8, 2024, at 6:00 p.m.
- 4.10 Resolution Designating Real Property Appraisers for 2024
 - A. RESOLUTION
- 4.11 Amendment to Kennedy & Graven Legal Services Contract
 - A. 2022-2025 KENNEDY & GRAVEN LEGAL SERVICES AGREEMENT
 - B. AMENDMENT TO KENNEDY & GRAVEN LEGAL SERVICES AGREEMENT
- 4.12 Approve a Tetrahydrocannabinol (THC) License for Palmer Lake VFW, 2617 Brookdale Drive N. Brooklyn Park, MN 55444
- 4.13 Approve a Tetrahydrocannabinol (THC) License for E-cig Market Corporation, 8413 West Broadway N., Brooklyn Park, MN 55445
- 4.14 Approve a Tetrahydrocannabinol (THC) License for Brooklyn Grocery & Tobacco, 6321 Zane Avenue N. Brooklyn Park, MN 55429
- 4.15 Accept Hennepin Youth Sports Playground Grant and Award Contract for Mississippi Gateway Regional Park Playground
 - A. RESOLUTION
 - B. PLAYGROUND PROPOSAL TABULATION
 - C. NORTHLAND RECREATION BID SHEET
 - D. NORTHLAND RECREATION PROPOSAL
- 4.16 Approve Change Order for Professional Service Agreement with Design by Melo in the amount of \$48,280 for Teen Center Design
 - A. RESOLUTION
 - B. TEEN CENTER DESIGN CHANGE ORDER REQUEST
- 4.17 Review and Approval of the Policy Pertaining to the Application and Appointment Procedure for Filling a Vacancy in the Office of Mayor or City Council Member
 - A. MAYOR/COUNCIL MEMBER APPLICATION AND APPOINTMENT POLICY
- 4.18 Approval of Elected Officials Rules of Procedures and Code of Conduct Manual
 - A. CITY OF BROOKLYN PARK ELECTED OFFICIALS RULES OF PROCEDURES AND CODE OF CONDUCT

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

5. **PUBLIC HEARINGS**
None.

6. **LAND USE ACTIONS**
None.

7. **GENERAL ACTION ITEMS**

7.1 Appointment of Mayor Pro Tem

7.2 2024 Federal and State Legislative Priorities and Positions

A. MARKED UP – 2024 FEDERAL AND STATE LEGISLATIVE PRIORITIES AND POSITIONS

B. 2024 FEDERAL AND STATE LEGISLATIVE PRIORITIES AND POSITIONS

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

8. **DISCUSSION ITEMS**
None.

IV. **VERBAL REPORTS AND ANNOUNCEMENTS**

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

V. **WORK SESSION – Recess to Room A203**

- 10.1 Racial Equity Principles Discussion
 - A. RACIAL EQUITY PRINCIPLES THEMES

VI. ADJOURNMENT

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

City of Brooklyn Park Request for Council Action

Agenda Item:	3B.1	Meeting Date:	January 8, 2024
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Katrina Doshier Program Assistant
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Department Directors/Managers
Item:	Introduction of New Employees		

City Manager's Proposed Action:

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

Overview:

<u>Employee</u>	<u>Start Date</u>	<u>Title</u>
<i>Community Development</i> Anthony Villegrana	January 2, 2024	BrookLynk Program Coordinator, Workforce Development
<i>Recreation and Parks</i> Timothy Sayon	November 20, 2023	Program Coordinator

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	3B.2	Meeting Date:	January 8, 2024
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Dr. Marcellus Davis, REDI Manager
Ordinance:	N/A		
Attachments:	1	Presented By:	Mayor Hollies Winston
Item:	Mayor's Proclamation to Recognize January 15, 2024 as Reverend Dr. Martin Luther King Jr. Day in the City of Brooklyn Park		

City Manager's Proposed Action:

The mayor shall recognize and proclaim January 15, 2024, as "Martin Luther King Day" by one of the following:

1. "I, Hollies Winston, Mayor of the city Brooklyn Park, Minnesota do hereby recognize and proclaim the day of January 15, 2024, to be "Martin Luther King Day" in the City of Brooklyn Park.

OR

2. By reading the proclamation.

Overview:

Monday January 15, 2024, is the annual federal recognition and celebration of the lifetime achievements of Reverend Dr. Martin Luther King Jr.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.2A PROCLAMATION

PROCLAMATION

DECLARING JANUARY 15, 2024 AS MARTIN LUTHER KING DAY IN THE CITY OF BROOKLYN PARK

WHEREAS, Reverend Dr. Martin Luther King Jr. Day is celebrated every third Monday of January annually. After a long battle and years of activism to make it a federally recognized holiday, in the year of 1983, the bill was signed by President Ronald Regan to recognize Reverend Dr. Martin Luther King Day. In 1994, President Bill Clinton signed the bill enacting Martin Luther King Jr. Federal Holiday and Service Act. Reverend Dr. Michael Martin Luther King Jr. was born January 15th, 1929, in Atlanta Georgia. Reverend Dr. King changed his name from Michael to his middle name Martin distinguishing himself from his father who he was named after; and

WHEREAS, on this Monday January 15th, 2024, the City of Brooklyn Park and the nation will reflect on the life and legacy of Reverend Dr. King's work. His willingness to collaborate and work with others to create change, and his ability to organize everyday Americans to agitate for change under the fierce urgency of now has helped accelerate progress towards creating a racially just America. His love for America and fellow Americans often called for his honest critique and reflection on whether the espoused principles and tenants that built the country in fact befitted all Americans; and

WHEREAS, arguably, one of the greatest American Leaders that fought injustice with agitation and action towards creating a socially just and equitable community, demanded America live up to the expressions and ideals espoused in the countries founding documents, questioned whether or not America has given the Black community a check with insufficient funds, forced America to reimagine the American Dream to include all Americans, and asked America to examine the deep racial divisions that have created what he titles two Americas or the other America; and

WHEREAS, celebrating the legacy of Reverend Dr. King is a lifetime of commitment to assuring the work he and others began can only conclude due to the chariots of justice prevailing victorious over the realities of racial inequities and all forms of injustice. Whether it be the Human Rights Commission working to eradicate gun violence in our community, Zanewood youth providing educational and healthy youth development for our community youth, educators working in the multiple school districts within Brooklyn Park, public servants that serve the residents of Brooklyn Park, Fire and Police Departments providing public safety, the everyday community member who regularly volunteers, City Council Members creating policies that ensure just living conditions for residents of Brooklyn Park, advocates for justice, first time voters using the ballot to improve the racial inequities that are far too persistent in our communities is an extension of the work Reverend Dr. King and many others worked towards during the civil rights movement; and

WHEREAS, on behalf of the City of Brooklyn Park, we would like to inform the community that we will be creating a Reverend Dr. King taskforce that will work towards the coordination of a city-wide sponsored Reverend Dr. Martin Luther King event in conjunction with current activities currently in operation; and

WHEREAS, additional information, to get the national holiday approved activist, entertainers, and everyday Americans presented over 6 million signatures to the US House Speaker of Representatives in 1982 in support of the passing of the bill to federally recognize MLK Day (MLK Jr. Research and Education Institute at Stanford University, National Constitution Center). 990+ streets are named in commemoration of Rev. Dr. King (Derek Aldeman, University of Tennessee in Knoxville); Washington D.C. is the site that houses a 30-foot memorial of Rev. Dr. King. Lastly, there is one federal day recognized as a day of service and that's MLK dubbed as a day on, not a day off (AmeriCorps).

NOW, THEREFORE, I, Hollies Winston, on behalf of the City Council, city staff, residents, and the community at-large, do hereby proclaim that we hereby recognize Reverend Dr. Martin Luther King Jr. Day celebration in Brooklyn Park to recognize and celebrate the many contributions he and many other civil rights movement soldiers put forth to holding America to be a country and world community member for all.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.1	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	1	Presented By:	Dennis Secara, Charter Commission Chair
Item:	Set Public Hearing Date for February 12, 2024 to Consider the Recommendation of the Brooklyn Park Charter Commission to amend Charter Chapter 4, Section 4.03 of the Home Rule City Charter		

City Manager's Proposed Action:

MOTION _____, SECOND _____ SET PUBLIC HEARING DATE FOR FEBRUARY 12, 2024, TO CONSIDER THE RECOMMENDATION OF THE BROOKLYN PARK CHARTER COMMISSION TO AMEND CHARTER CHAPTER 4, SECTION 4.03, OF THE HOME RULE CITY CHARTER.

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

Overview:

At the July 31, 2023 Council Work Session, the Mayor, and Council Members held discussions on council vacancies related to how long the seats were vacant, expense of special elections, and amending the city charter. Options discussed were appointment until the next election, a candidate declared winner at a special primary with over 50% of the votes, if not continue with the special election, and using ranked choice voting for the special election. It was the consensus of the Council to forward the issue to the Charter Commission for a recommendation.

At the September 13, 2023 Charter Commission meeting, the commissioners held discussions on the issue and possible options. They also reviewed what other charter cities did with council vacancies. It was the consensus of the Commissioners to have the city attorney provide options related to the council vacancies and propose an amendment to Charter Section 4.03.

At the October 11, 2023 Charter Commission meeting, the Commissioners continued their discussions regarding the council vacancies with Kennedy and Graven Attorney Siobhan Tolar, and discussed the City Attorney's email regarding options that would reduce the amount of time that a vacancy occurred in the City Council. The commissioners discussed potential options, appoint first and have a special election without a primary; if a candidate receives 50% or more of the votes at a special primary, the candidate is declared the winner, and a special election is not required; or appoint until the next regular election and eliminate the primary. The commissioners asked that the city attorney provide amendment language to Section 4.03 based on those options discussed for the next meeting.

At the November 8, 2023 meeting, the Commissioners continued their discussions with Attorney Tolar and reviewed the City Attorney's email regarding proposed Charter amendment options. The Commissioners decided against appointments for vacancies over 365 days and decided to hold special elections at the earliest allowed date following the vacancy declaration. The Commission asked the attorneys to draft amendment language reflecting two circumstances: (1) a "winner-take-all" primary for a vacancy where 3 or more candidates ran for office, and (2) maintain the existing special election process if only two candidates ran for office.

At the December 13, 2023 meeting, Attorney Tolar presented an amendment to Section 4.03 for review and discussion by the Commissioners. After lengthy discussions, the Commissioners amended the proposed amendment to Section 4.03 relating to eligible voters.

The Commissioners voted on a motion made and passed (5 to 1) to recommend to the City Council for approval, the attached amendment to Chapter 4, Section 4.03.

Primary Issues/Alternatives to Consider:

The following is a routine timetable:

January 8	Council set the public hearing
January 18	Public Hearing Notice and text of proposed ordinance is published
February 12	Public hearing and First Reading of Ordinance Held
February 26	Second Reading of Ordinance Held
March 7	Ordinance Published in Newspaper
June 5	Ordinance becomes effective (90 days after passage and publication)

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

Budgetary/Fiscal Issues: N/A

Attachments:

4.1A PUBLIC HEARING NOTICE

PUBLIC HEARING NOTICE
CITY OF BROOKLYN PARK

NOTICE IS HEREBY GIVEN that the Brooklyn Park City Council will hold a public hearing in the City Hall Council Chambers, 5200 - 85th Avenue North, Brooklyn Park, MN on Monday, February 12, 2024, at 6:00 p.m. or as soon thereafter as possible.

The purpose of the public hearing will be to consider recommendations of the Brooklyn Park Charter Commission to amend Charter Chapter 4, Section 4.03 of the Home Rule City Charter as follows:

ORDINANCE #2024-

AN ORDINANCE AMENDING CHARTER CHAPTER 4, SECTION 4.03 OF THE
HOME RULE CITY CHARTER

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

The City of Brooklyn Park does ordain:

Section 1. Chapter 4, Section 4.03 of the City Charter is amended to read as follows:

SECTION 4.03 PRIMARY MUNICIPAL ELECTIONS

The Council shall, whenever there are more than two candidates filing for any city-wide office or for resident Council member of any district, provide through ordinance or resolution for a primary election to be held city wide or in any particular district, and such primary election shall be held on a date not less than 25 days prior to the special or general election. At least 15 days' notice shall be given by the Clerk of the time and places of holding such election, and of the officers to be elected, by posting a notice thereof in at least one public place in each district where the election is held, and by publishing a notice thereof on the city website and at least once in the official newspaper of the city. Uncontrollable circumstances causing failure to give such notice shall not invalidate such election. This section does not apply to any special election held in 2022 to fill the vacancy in the office of council member for the East District.

If a primary election is required in connection with a special municipal election needed to fill a vacancy in the office of Council member or Mayor pursuant to Section 2.06, a candidate who receives more than 50% of the votes cast at the primary election shall be declared the winner. If no candidate receives more than 50% of the votes cast at the primary election, the two candidates receiving the most votes shall advance to a special municipal election pursuant to Section 2.06 and the applicable provisions of Minnesota election law.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.2	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Operations and Maintenance
Resolution:	N/A	Prepared By:	Greg Hoag, Park and Building Maintenance Manager
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Jay Stroebel, City Manager
Item:	Appointment of Assistant Weed Inspectors		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO CONFIRM THE MAYOR'S APPOINTMENT OF AKIHITO JACOBS, CHRIS SULLIVAN AND JASON NEWBY AS ASSISTANT WEED INSPECTORS FOR THE YEAR 2024.

Overview:

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

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

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

Akihito Jacobs and Chris Sullivan will represent the Operations and Maintenance Department; Jason Newby will represent the Environmental Health Division.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.3	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Operations and Maintenance
Resolution:	N/A	Prepared By:	Greg Hoag, Park and Building Maintenance Manager
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Jay Stroebel, City Manager
Item:	Appointment of City Tree Inspectors		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO CONFIRM THE CITY COUNCIL APPOINTMENT OF AKIHITO JACOBS AND ALTERNATES CHRIS SULLIVAN AND MIKE CARHILL AS CITY TREE INSPECTORS FOR THE YEAR 2024.

Overview:

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

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

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

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

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.4	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Keith Jullie, Rental and Business Licensing Manager
Item:	Tobacco License for Standridge Empire, Inc, dba Cellars Wine & Spirits – Brooklyn Park located at 7944 Brooklyn Boulevard, Brooklyn Park, MN 55445		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE A TOBACCO LICENSE FOR STANDRIDGE EMPIRE, INC, DBA CELLARS WINE & SPIRITS – BROOKLYN PARK LOCATED AT 7944 BROOKLYN BOULEVARD, BROOKLYN PARK, MN 55445.

Overview:

This is a change of name in tobacco license for Standridge Empire Inc, dba Cellars Wine & Spirits – Brooklyn Park at 7944 Brooklyn Boulevard, Brooklyn Park, MN.

The previous license for Standridge Empire LLC, dba Cellars Wine & Spirits held a tobacco license at this location since 2021. Due to a change of business name, a new Tobacco License must be approved.

The Community Development Department approved the initial application on September 14, 2021 and approved a second background in August of 2023. The Police Department has completed their investigation of the owner. There are no known fire or other code violations at this property and staff recommends approval of the license.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.5	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Jason Newby, Inspections and Environmental Health Manager
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Jay Stroebel, City Manager
Item:	Appointment of Health Officer		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO CONFIRM THE CITY MANAGER'S APPOINTMENT OF DR. MATTHEW HOCKETT AS BROOKLYN PARK'S HEALTH OFFICER FOR A TERM OF ONE YEAR TO EXPIRE DECEMBER 31, 2024.

Overview:

Chapter 31.30 of the City Code establishes the appointment for the City's Health Officer. Dr. Hockett, who was previously at the Fairview Clinic in Brooklyn Park, and now is at the Fairview Clinic Bass Lake in Maple Grove, is willing to accept the appointment for 2024.

31.30 HEALTH OFFICER; APPOINTMENT AND DUTIES.

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

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

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.6	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	2	Presented By:	Jay Stroebel, City Manager
Item:	Designation of Official Newspaper		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO DESIGNATE THE BROOKLYN PARK SUN-POST AS THE OFFICIAL NEWSPAPER FOR THE CITY OF BROOKLYN PARK FOR THE YEAR 2024.

Overview:

Minnesota Statutes 331A.02 has established requirements for a qualified official/legal newspaper. Currently the official newspaper for the City of Brooklyn Park is the Brooklyn Park Sun-Post. The Sun-Post would like to continue as the city's official newspaper for 2024 as stated in their attached letter.

2023	2024
<i>\$11.25 per inch for first insertion</i>	<i>\$11.50 per inch for first insertion</i>
<i>\$7.20 per inch for subsequent insertions</i>	<i>\$7.25 per inch for subsequent insertions</i>
<i>Lines per inch: 9</i>	<i>Lines per inch: 9</i>
<i>Characters per inch: 320</i>	<i>Characters per inch: 320</i>

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

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



November 2, 2023

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

Dear City Council Members:

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

The following rate structure for legals is effective January 1, 2024:

First insertion:	\$11.50 per column inch
Subsequent insertions:	\$7.25 per column inch
Characters per inch:	320
Lines per inch:	9

A notarized affidavit will be provided for each notice published. A \$20 charge will be assessed on legal notices that require typing. All published legal notices are posted on the *Sun Post* website at no additional charge.

The **Sun Post** is published weekly on Thursdays. The deadline is 2:00 p.m. on Thursday for publication the following Thursday. Early deadlines apply during a holiday week. Please email legal notices to publicnotice@apgecm.com.

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

Sincerely,

Tonya Orbeck
Legal Notice Department Manager
763-691-6001

331A.02 REQUIREMENTS FOR A QUALIFIED NEWSPAPER.

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

(a) be printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 800 square inches;

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

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

(d) be of general circulation in the area to which a public notice is directed, or where there is a reasonable likelihood that the person to whom it is directed will become aware of the notice;

(e) have its known office of issue located in either:

(1) the county in which lies, in whole or in part, the political subdivision that is publishing the public notice; or

(2) an adjoining county;

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

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

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

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

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

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

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

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

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

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

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

Subd. 5. Posting notices on website. If, in the normal course of its business, a qualified newspaper maintains a website, then as a condition of accepting and publishing public notices, the newspaper must agree to post all the notices on its website and on the Minnesota Newspaper Association's statewide public notice website, at no additional cost to the advertiser. The newspaper's website must include a link to its online public notices section, the contents of which must be accessible at no cost to the public. Each notice must remain on the website during the notice's full publication period. Failure to post or maintain a public notice on the newspaper's website or to post a public notice on the statewide public notice website does not affect the validity of the public notice.

History: 1984 c 543 s 21; 1985 c 174 s 1; 1Sp1985 c 13 s 315; 1987 c 30 s 1; 1987 c 286 s 1; 1988 c 682 s 42; 1990 c 395 s 1; 1991 c 205 s 17; 1997 c 137 s 13; 2001 c 38 s 1; 2004 c 182 s 8-11; 2009 c 152 s 5; 2022 c 61 s 5-7

City of Brooklyn Park Request for Council Action

Agenda Item:	4.7	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	X	Prepared By:	Dan Ruiz, Operations and Maintenance Director
Ordinance:	N/A		
Attachments:	1	Presented By:	Jay Stroebel, City Manager
Item:	Appointments to the Suburban Rate Authority		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-____ APPOINTING JESSE STRUVE AS DIRECTOR AND LATONIA GREEN AS ALTERNATE DIRECTOR OF THE SUBURBAN RATE AUTHORITY FOR 2024.

Overview:

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

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

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.7A RESOLUTION

RESOLUTION #2024-

RESOLUTION APPOINTING JESSE STRUVE AS DIRECTOR AND LATONIA GREEN AS ALTERNATE
DIRECTOR OF THE SUBURBAN RATE AUTHORITY FOR 2024

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

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

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

Jesse Struve is hereby designated as the Director and LaTonia Green as the Alternate Director to the Suburban Rate Authority for the year 2024 and until their successors are appointed.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.8	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Katrina Doshier, Program Assistant Jay Stroebel, City Manager
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Hollies Winston, Mayor
Item:	Appointment of Acting City Manager		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO AUTHORIZE THE CITY MANAGER TO DESIGNATE A DEPARTMENT DIRECTOR, FIRE CHIEF, POLICE CHIEF OR THE ASSISTANT CITY MANAGER TO SERVE, IF NEEDED, AS ACTING CITY MANAGER THROUGH DECEMBER 31, 2024.

Overview:

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

It is my recommendation that the City Manager shall designate a department director, Fire Chief, Police Chief or the Assistant City Manager as Acting City Manager in the absence of the City Manager, if needed, through December 31, 2024.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.9	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Finance
Resolution:	N/A	Prepared By:	Tracy Bauer-Anderson, City Assessor
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Tracy Bauer-Anderson
Item:	Set Local Board of Appeal and Equalization Date and Time for April 8, 2024, at 6:00 p.m.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO SET THE LOCAL BOARD OF APPEAL AND EQUALIZATION MEETING FOR MONDAY, APRIL 8, 2024, AT 6:00 P.M.

Overview:

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

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

Primary Issues/Alternatives to Consider:

This meeting would take place in conjunction with the regularly scheduled Council Meeting on April 8, 2024.

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.10	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Finance
Resolution:	X	Prepared By:	Tracy Bauer-Anderson, City Assessor
Ordinance:	N/A		
Attachments:	1	Presented By:	Tracy Bauer-Anderson
Item:	Resolution Designating Real Property Appraisers for 2024		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-_____ DESIGNATING REAL PROPERTY APPRAISERS FOR 2024.

Overview:

City Charter: Section 11.02 Proceedings in Acquiring Property

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

Primary Issues/Alternatives to Consider:

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

Budgetary/Fiscal Issues: N/A

Attachments:

4.10A RESOLUTION

RESOLUTION #2024-

RESOLUTION DESIGNATING REAL PROPERTY APPRAISERS FOR 2024

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the following be designated as authorized appraisers for 2024:

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

City of Brooklyn Park Request for Council Action

Agenda Item:	4.11	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Katrina Doshier, Program Assistant
Ordinance:	N/A		
Attachments:	2	Presented By:	Jay Stroebel, City Manager
Item:	Amendment to Kennedy & Graven Legal Services Contract		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE AN AMENDMENT TO THE KENNEDY & GRAVEN LEGAL SERVICES CONTRACT FOR THE PERIOD JANUARY 1, 2024 THROUGH DECEMBER 31, 2025.

Overview:

The legal services contract between the City and Kennedy & Graven states that the fees for the last two years of the contract (2024 and 2025) will be negotiated by the parties. Attached are the proposed amendments for 2024 and 2025.

Primary issues/alternatives to consider: N/A

Budgetary/Fiscal Issues:

- Increases the current monthly retainer of \$9,000 per month to \$9,250 in 2024 and to \$9,500 in 2025. This would be an annual adjustment of 2.8% in 2024 and 2.7% in 2025.
- There would be no adjustment in 2024 to the current \$185 maximum hourly rate for non-retainer legal services paid from the general fund. The maximum hourly rate would increase to \$190 in 2025. This would be an annual increase of approximately 1.3% over the remaining two years of the contract.
- Increases the current \$245/hour maximum hourly rate for non-retainer legal services not paid from the general fund to \$250 in 2024 and to \$255 in 2025. This would be an annual adjustment of 2.0%.

Attachments:

- 4.11A 2022-2025 KENNEDY & GRAVEN LEGAL SERVICES AGREEMENT
- 4.11B AMENDMENT TO KENNEDY & GRAVEN LEGAL SERVICES AGREEMENT

CONTRACT FOR LEGAL SERVICES WITH KENNEDY & GRAVEN, CHARTERED

THIS CONTRACT for Legal Services is entered into between the CITY OF BROOKLYN PARK, a Minnesota municipal corporation (“City”) and the law firm of KENNEDY & GRAVEN, CHARTERED (“Law Firm”) as of December 13, 2021.

WHEREAS, the City is in need of certain legal advice and assistance of a diverse nature to carry out various civil legal counsel services and activities; and

WHEREAS, the City of Brooklyn Park desires to engage the Law Firm to serve the City as City Attorney to render certain technical advice and assistance in connection with such undertaking of the City.

NOW THEREFORE, the parties mutually agree as follows:

I. SCOPE OF SERVICES

- 1.01 The Law Firm agrees to perform necessary legal services requested by the City in connection with the implementation of various activities carried out by the City. The Law Firm shall perform and carry out in a satisfactory and proper manner, as determined by the City, in accordance with the terms of this contract, the following:
- A) Attendance by a senior attorney from the Law Firm at all regular Council meetings;
 - B) Upon request, attendance at all special Council meetings and work sessions;
 - C) Upon request, attendance at meetings of City boards, commissions and committees;
 - D) Meetings with staff and public groups as requested by the Council or the City Manager and public hearings before the Council;
 - E) Review and preparation of contracts, performance bonds, insurance and other routine legal documents;
 - F) Routine ordinance code amendments and preparation of resolutions;
 - G) Formal and informal legal advice to Council and staff, boards, commissions and committees;
 - H) Inquiries from the public on non-police matters, i.e., matters not directly related to criminal prosecution activities; and
 - I) All other routine legal services as requested. except those pertaining to: a) land acquisitions and sales; b) litigation, eminent domain and special assessment appeals; c) review of subdivision and land development contracts when fees are paid by the developer; d) approval of improvement

bonds/proceedings and other authorized bond issues; and e) Economic Development Authority matters.

1.02 As an aid to the interpretation and administration of services listed in, the following definitions apply:

- "*Routine*" means matters usually and customarily undertaken by a City Attorney in the discharge of the office.
- "*Litigation*" means services performed by the City Attorney: a) in response to a claim filed against the City or an action commenced against the City or its officers, agents or employees; b) in response to administrative proceedings; and c) appearances on behalf of the City before State or Federal Courts, Boards, or Commissions.
- "*Eminent domain*" means services performed directly related and preparatory to the commencement of an action of eminent domain by or against the City.
- "*Administrative proceedings*" means services directly related and preparatory to representing the City before a federal, state or regional administrative agency or an administrative agency of the City or another political subdivision of the state.

The City Manager and the Law Firm are authorized to consult on the application of these defined terms to any particular matter, but the final determination of their application is to be made by the City Manager.

II. COMPENSATION

- 2.01 The City agrees to pay the Law Firm an annual retainer fee of \$105,000.00, payable in installments of \$8,750.00 per month from January 1, 2022 through December 31, 2022, and an annual retainer fee of \$108,000.00, payable in installments of \$9,000.00 per month beginning on January 1, 2023 through December 31, 2023. The retainer shall cover services defined in "Scope of Services." Any requested adjustments in the retainer for 2024 and 2025 would be subject to the City's approval.
- 2.02 For non-retainer legal services that are paid for from the City's general fund, the City agrees to compensate the Law Firm at the regular hourly rate, up to a maximum of \$185, for the attorney providing those services; paralegals \$115; and Law Clerks \$105 for the first two years of this contract. Any requested adjustments in these hourly rates for 2024 and 2025 would be subject to the City's approval.
- 2.03 For non-retainer legal services that are not paid for from the general fund, such as public improvement projects, or are passed through to third parties, the City agrees to compensate the Law Firm at the regular hourly rate, up to a maximum of \$245 for the attorney providing those services; paralegals \$115; and Law Clerks \$105 for the first two years of this contract. Any requested adjustments in these hourly rates for 2024 and 2025 would be subject to the City's approval.

- 2.04 Annual compensation for years three through four of this contract will be negotiated pursuant to Article 5.02 of this contract.

III. METHOD OF PAYMENT

- 3.01 The Law Firm will record all time spent on all matters covered by this contract.
- 3.02 The City will compensate the Law Firm for the actual and necessary expenses incurred by the Law Firm on behalf of the City. These expenses will be billed monthly with the monthly billing statements.
- 3.03 Billings by the Law Firm to the City for services will be on a monthly basis, except as may otherwise be agreed upon by the parties. For services provided on an hourly fee basis, the Law Firm shall submit to the City a monthly written invoice containing a detailed list of project labor and hours showing the tasks described in the contract amendment undertaken by the Law Firm during the billing period including hours, rates, title and amounts. Each invoice also shall include a detailed list of reimbursable expenses incurred during the billing period. Subject to verification and acceptance of each invoice, the City shall pay the Law Firm the invoiced amount.
- 3.04 The Law Firm will also act as approving bond counsel for the City. The fees for these services will be those usual and customarily charged by the Law Firm for such services.
- 3.05 The Law Firm will be responsible for providing all benefits to its partners, associates, employees and staff such as worker's compensation insurance, unemployment benefits, sick leave, malpractice insurance, severance benefits, vacation leave, office space, expenses of maintaining a law library, and general expenses involved in running an office.

IV. CONTRACT TERM

- 4.01 **Period of Performance.** The services of the Law Firm shall commence on January 1, 2022, and terminate on December 31, 2025.
- 4.02 **Termination of Contract.** The City and the Law Firm both shall have the right to terminate this contract at any time and for any reason by submitting written notice of termination to the other party at least thirty (30) calendar days prior to the specified effective date of the termination. In addition, the City shall have the right to terminate the contract on ten (10) calendar days' communicated written notice if the Law Firm's performance is not timely or is substantially unsatisfactory or if the Law Firm has violated any of the terms, conditions, or agreements contained in this contract. In either event, on the termination of this contract, all finished and unfinished documents and work papers prepared by the Law Firm pursuant to this contract shall become the property of the City and the Law Firm will be paid for services satisfactorily performed up to the date of the contract termination. Notwithstanding the above, the Law Firm shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the contract by the Law Firm. The City may withhold any payment to the Law Firm

for the purposes set forth until such time as the exact amount of damages due the City from the Law Firm is determined.

V. CONTRACT PERFORMANCE AND MODIFICATION

- 5.01 **Assignment.** Jim Thomson shall continue to serve as the City Attorney for the City of Brooklyn Park. The Law Firm shall perform with its own organization the total work provided for under this contract and shall not assign, subcontract, sublet or transfer any of the contract work provided for under this contract without receiving the express written consent of the City Manager. If Mr. Thomson is unable to serve as City Attorney, the City reserves the right to cancel or renegotiate this contract or to enter into a contract with another law firm to provide civil legal services to the City.
- 5.02 **Amendments.** The terms of this contract may be changed or modified by mutual agreement of the City and the Law Firm. Such amendments, changes, or modifications shall be effective only on the execution of written amendment(s) signed by the City and the Law Firm.

VI. MISCELLANEOUS PROVISIONS

- 6.01 **City’s Authorized Agent.** The City’s authorized agent for purposes of administration of this contract is City Manager Jay Stroebel.
- 6.02 **Law Firm’s Authorized Agent.** The Law Firm’s authorized agent for purposes of administration of this contract is James Thomson.
- 6.03 **Conflict of Interest.** The Law Firm certifies that to the best of its knowledge, no City employee or employee or officer of any agency interested in this contract has any pecuniary interest in the business of the Law Firm or with this contract and that no person associated with the Law Firm has any interest that would conflict in any manner or degree with the performance of this contract.

IN WITNESS WHEREOF, the City Council and the Law Firm have caused this contract to be executed by their duly authorized representatives as of the day and year first above written.

CITY OF BROOKLYN PARK

KENNEDY & GRAVEN, CHARTERED

By: _____
Lisa Jacobson, Mayor

By: _____
Troy Gilchrist, President

By: _____
Jay Stroebel, City Manager

AMENDMENT TO CONTRACT FOR LEGAL SERVICES

This Amendment to the Contract for Legal Services dated December 18, 2023 is entered into by Kennedy and Graven, Chartered (“Law Firm”) and the City of Brooklyn Park, a Minnesota municipal corporation (“City”).

Recitals

- A. The parties entered into a Contract for Legal Services (“Contract”) dated December 13, 2021 for January 1, 2022 through December 31, 2025.
- B. Section 2.04 of the Contract provides that the annual compensation to the Law Firm for the third and fourth years of the Contract will be negotiated by the parties..

NOW, THEREFORE, the parties mutually agree that Sections 2.01 through 2.03 of the Contract are amended to read as follows:

II. COMPENSATION

- 2.01 The City agrees to pay the Law Firm an annual retainer fee of ~~\$105,000.00~~ \$111,000 payable in installments of ~~\$8,750.00~~ \$9,250 per month from January 1, ~~2022~~ 2024 through December 31, ~~2022~~ 2024, and an annual retainer fee of ~~\$108,000.00~~ \$114,000, payable in installments of ~~\$9,000.00~~ \$9,500 per month beginning on January 1, ~~2023~~ 2025 through December 31, ~~2023~~ 2025. The retainer shall cover services defined in “Scope of Services.”
- 2.02 For non-retainer legal services that are paid from the City’s general fund, the City agrees to compensate the Law Firm at the regular hourly rate, up to a maximum of \$185.00 for the attorney providing those services; paralegals \$115; and Law Clerks \$105. Effective January 1, 2025, those rates will increase by \$5.00 per hour.
- 2.03 For non-retainer legal services that are not paid for from the general fund or are passed through to third parties, the City agrees to compensate the Law Firm for services performed from January 1, 2024 through December 31, 2024 at the regular hourly rate, up to a maximum of ~~\$245~~ \$250, for the attorney providing those services; paralegals ~~\$115~~ \$120, and Law Clerks ~~\$105~~ \$110. Effective January 1, 2025, those rates will increase by \$5.00 per hour.

CITY OF BROOKLYN PARK, MN

KENNEDY & GRAVEN, CHARTERED

By: _____
Hollies Winston, Mayor

By: _____
James J. Thomson, President

By: _____
Jay Stroebel, City Manager

City of Brooklyn Park Request for Council Action

Agenda Item:	4.12	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Keith Jullie, Rental and Business Licensing Manager
Item:	Approve a Tetrahydrocannabinol (THC) License for Palmer Lake VFW, 2817 Brookdale Drive N. Brooklyn Park, MN 55444		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE A TETRAHYDROCANNABINOL (THC) LICENSE FOR PALMER LAKE VFW #3915, DBA PALMER LAKE VFW, LOCATED AT 2817 BROOKDALE DRIVE N., BROOKLYN PARK, MN 55444.

Overview:

This is a request for approval of a new THC edibles license for Palmer Lake VFW at 2817 Brookdale Drive N. The business owner currently holds a food and an on-sale intoxicating liquor license and is adding low potency THC to their business. The THC license application has been approved and the police department has completed their investigation of the applicants.

There are no known code violations and staff recommends approval of the THC license.

Background:

On July 1, 2022, the Minnesota legislature legalized the sale of limited amounts of Tetrahydrocannabinol (THC), which is the intoxicating component within the hemp plant. THC can be extracted from the plant and added to edibles and beverages for consumption. State law requires that these products contain no more than 0.3% of any THC total, no more than five milligrams of THC per serving, and no more than 50 milligrams of THC per package. The law prohibits the sale of edible THC products to anyone under the age of 21 and contains several requirements regarding labeling and packaging.

Ordinance Requirements:

The THC ordinance and licensing requirements include regulations from State law and City code including:

- Businesses must have a license approved by the city council to sell THC products effective March 1, 2023.
- Customers must be 21 years old to purchase THC products, and it is a petty misdemeanor violation for anyone under 21 to possess licensed products.
- Customers must provide a valid government issued photo identification for purchase upon request.
- Products must be located behind a counter or in a locked case requiring store employees to access.
- License applicants must pass a background check prior to license approval.
- Compliance checks and business inspections are required to ensure compliance with regulations.
- Annual license fee of \$1,000 and background check fee of \$500

- The total number of THC licenses allowed in the city is 45. Each of the three city council districts (west, central, east) can have a maximum of 15.
- THC licenses are allowed in all retail areas except within 300 feet of a school.
- Businesses selling THC beverages on-sale must also have an on-sale intoxicating liquor license.
- Penalties for violations and appeal processes are comparable to tobacco compliance processes.
- Businesses selling THC edibles must have registered with the State by October 1, 2023.
- In 2025 the licensing of THC edibles will be handled by the State and the City will likely have a registration process with number and location restrictions. Ordinance discussions with the City Council will occur in 2024.

THC Business Locations:

Business Name	Location	Council District			
			West	Central	East
A&J Tobacco	8058 Brooklyn Blvd	West	X		
Boone Tobacco	6284 Boone Ave	West	X		
BP Smoke Shop	7654 Brooklyn Blvd	East			X
Cellar's Wine & Spirits	7944 Brooklyn Blvd	West	X		
E-Vapor and Tobacco	4658 85 th Ave	Central		X	
Good Zen	8509 Jefferson Ln	West	X		
Ike's Wine & Spirits	9682 Colorado Ln	West	X		
Love is an Ingredient	6276A Boone Ave	West	X		
Love is an Ingredient	8505 Jefferson Ln	West	X		
Neighborhood Gas and Tobacco	7416 Brooklyn Blvd	East			X
New Superette	6290 Boone Ave	West	X		
Speedy Market & Tobacco	7401 Regent Ave	East			X
Winner Gas	1500 Brookdale Dr	East			X
Cub Liquor	7555 W Broadway	West	X		
Tobacco Plus	1436 - 85 th Ave	East			X
Tobacco for Less	9334 Zane	Central		X	
Brooklyn Grocery (app received, waiting for info from applicant)	6321 Zane	West			
A1 Smokes and Vapes	3015 85 th Ave	East			X
Pixie Liquor	1512 Brookdale Dr	East			X
Palmer Lake VFW (New License)	2817 Brookdale Drive	East			X
E-Cig Market (New License)	8413 West Broadway	West	X		
Brooklyn Grocery & Tobacco (New License)	6321 Zane Ave N	West	X		
		Totals	11	2	8

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: THC License fee totaling \$1,000 will be added to the general fund.

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.13	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Keith Jullie, Rental and Business Licensing Manager
Item:	Approve a Tetrahydrocannabinol (THC) License for E-cig Market Corporation, 8413 West Broadway N., Brooklyn Park, MN 55445		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE A TETRAHYDROCANNABINOL (THC) LICENSE FOR E-CIG MARKET CORPORATION, DBA E-CIG MARKET, LOCATED AT 8413 WEST BROADWAY N, BROOKLYN PARK, MN 55445.

Overview:

This is a request for approval of a new THC edibles license for E-Cig Market Corp. at 8413 West Broadway N. The business owner currently holds a tobacco license and is adding low potency THC to their business. The THC license application has been approved and the police department has completed their investigation of the applicants.

There are no known code violations and staff recommends approval of the THC license.

Background:

On July 1, 2022, the Minnesota legislature legalized the sale of limited amounts of Tetrahydrocannabinol (THC), which is the intoxicating component within the hemp plant. THC can be extracted from the plant and added to edibles and beverages for consumption. State law requires that these products contain no more than 0.3% of any THC total, no more than five milligrams of THC per serving, and no more than 50 milligrams of THC per package. The law prohibits the sale of edible THC products to anyone under the age of 21 and contains several requirements regarding labeling and packaging.

Ordinance Requirements:

The THC ordinance and licensing requirements include regulations from State law and City code including:

- Businesses must have a license approved by the city council to sell THC products effective March 1, 2023.
- Customers must be 21 years old to purchase THC products, and it is a petty misdemeanor violation for anyone under 21 to possess licensed products.
- Customers must provide a valid government issued photo identification for purchase upon request.
- Products must be located behind a counter or in a locked case requiring store employees to access.
- License applicants must pass a background check prior to license approval.
- Compliance checks and business inspections are required to ensure compliance with regulations.
- Annual license fee of \$1,000 and background check fee of \$500

- The total number of THC licenses allowed in the city is 45. Each of the three city council districts (west, central, east) can have a maximum of 15.
- THC licenses are allowed in all retail areas except within 300 feet of a school.
- Businesses selling THC beverages on-sale must also have an on-sale intoxicating liquor license.
- Penalties for violations and appeal processes are comparable to tobacco compliance processes.
- Businesses selling THC edibles must have registered with the State by October 1, 2023.
- In 2025 the licensing of THC edibles will be handled by the State and the City will likely have a registration process with number and location restrictions. Ordinance discussions with the City Council will occur in 2024.

THC Business Locations:

Business Name	Location	Council District			
			West	Central	East
A&J Tobacco	8058 Brooklyn Blvd	West	X		
Boone Tobacco	6284 Boone Ave	West	X		
BP Smoke Shop	7654 Brooklyn Blvd	East			X
Cellar's Wine & Spirits	7944 Brooklyn Blvd	West	X		
E-Vapor and Tobacco	4658 85 th Ave	Central		X	
Good Zen	8509 Jefferson Ln	West	X		
Ike's Wine & Spirits	9682 Colorado Ln	West	X		
Love is an Ingredient	6276A Boone Ave	West	X		
Love is an Ingredient	8505 Jefferson Ln	West	X		
Neighborhood Gas and Tobacco	7416 Brooklyn Blvd	East			X
New Superette	6290 Boone Ave	West	X		
Speedy Market & Tobacco	7401 Regent Ave	East			X
Winner Gas	1500 Brookdale Dr	East			X
Cub Liquor	7555 W Broadway	West	X		
Tobacco Plus	1436 - 85 th Ave	East			X
Tobacco for Less	9334 Zane	Central		X	
Brooklyn Grocery (app received, waiting for info from applicant)	6321 Zane	West			
A1 Smokes and Vapes	3015 85 th Ave	East			X
Pixie Liquor	1512 Brookdale Dr	East			X
Palmer Lake VFW (New License)	2817 Brookdale Drive	East			X
E-Cig Market (New License)	8413 West Broadway	West	X		
Brooklyn Grocery & Tobacco (New License)	6321 Zane Ave N	West	X		
		Totals	11	2	8

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: THC License fee totaling \$1,000 will be added to the general fund.

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.14	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Keith Jullie, Rental and Business Licensing Manager
Item:	Approve a Tetrahydrocannabinol (THC) License for Brooklyn Grocery & Tobacco, dba Fast N Fresh, 6321 Zane Avenue N. Brooklyn Park, MN 55429		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE A TETRAHYDROCANNABINOL (THC) LICENSE FOR BROOKLYN GROCERY & TOBACCO, DBA FAST N FRESH FOODS, LOCATED AT 6321 ZANE AVENUE N, BROOKLYN PARK, MN 55429.

Overview:

This is a request for approval of a new THC edibles license for Fast N Fresh at 6321 Zane Avenue N. The business owner currently holds a tobacco and a food license and is adding low potency THC to their business. The THC license application has been approved and the police department has completed their investigation of the applicants.

There are no known code violations and staff recommends approval of the THC license.

Background:

On July 1, 2022, the Minnesota legislature legalized the sale of limited amounts of Tetrahydrocannabinol (THC), which is the intoxicating component within the hemp plant. THC can be extracted from the plant and added to edibles and beverages for consumption. State law requires that these products contain no more than 0.3% of any THC total, no more than five milligrams of THC per serving, and no more than 50 milligrams of THC per package. The law prohibits the sale of edible THC products to anyone under the age of 21 and contains several requirements regarding labeling and packaging.

Ordinance Requirements:

The THC ordinance and licensing requirements include regulations from State law and City code including:

- Businesses must have a license approved by the city council to sell THC products effective March 1, 2023.
- Customers must be 21 years old to purchase THC products, and it is a petty misdemeanor violation for anyone under 21 to possess licensed products.
- Customers must provide a valid government issued photo identification for purchase upon request.
- Products must be located behind a counter or in a locked case requiring store employees to access.
- License applicants must pass a background check prior to license approval.
- Compliance checks and business inspections are required to ensure compliance with regulations.
- Annual license fee of \$1,000 and background check fee of \$500

- The total number of THC licenses allowed in the city is 45. Each of the three city council districts (west, central, east) can have a maximum of 15.
- THC licenses are allowed in all retail areas except within 300 feet of a school.
- Businesses selling THC beverages on-sale must also have an on-sale intoxicating liquor license.
- Penalties for violations and appeal processes are comparable to tobacco compliance processes.
- Businesses selling THC edibles must have registered with the State by October 1, 2023.
- In 2025 the licensing of THC edibles will be handled by the State and the City will likely have a registration process with number and location restrictions. Ordinance discussions with the City Council will occur in 2024.

THC Business Locations:

Business Name	Location	Council District			
			West	Central	East
A&J Tobacco	8058 Brooklyn Blvd	West	X		
Boone Tobacco	6284 Boone Ave	West	X		
BP Smoke Shop	7654 Brooklyn Blvd	East			X
Cellar's Wine & Spirits	7944 Brooklyn Blvd	West	X		
E-Vapor and Tobacco	4658 85 th Ave	Central		X	
Good Zen	8509 Jefferson Ln	West	X		
Ike's Wine & Spirits	9682 Colorado Ln	West	X		
Love is an Ingredient	6276A Boone Ave	West	X		
Love is an Ingredient	8505 Jefferson Ln	West	X		
Neighborhood Gas and Tobacco	7416 Brooklyn Blvd	East			X
New Superette	6290 Boone Ave	West	X		
Speedy Market & Tobacco	7401 Regent Ave	East			X
Winner Gas	1500 Brookdale Dr	East			X
Cub Liquor	7555 W Broadway	West	X		
Tobacco Plus	1436 - 85 th Ave	East			X
Tobacco for Less	9334 Zane	Central		X	
Brooklyn Grocery (app received, waiting for info from applicant)	6321 Zane	West			
A1 Smokes and Vapes	3015 85 th Ave	East			X
Pixie Liquor	1512 Brookdale Dr	East			X
Palmer Lake VFW (New License)	2817 Brookdale Drive	East			X
E-Cig Market (New License)	8413 West Broadway	West	X		
Brooklyn Grocery & Tobacco (New License)	6321 Zane Ave N	West	X		
		Totals	11	2	8

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: THC License fee totaling \$1,000 will be added to the general fund.

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.15	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Recreation & Parks
Resolution:	X	Prepared By:	Brad Tullberg, Recreation & Parks Director
Ordinance:	N/A		
Attachments:	4	Presented By:	Brad Tullberg, Recreation & Parks Director
Item:	Accept Hennepin Youth Sports Playground Grant and Award Contract for Mississippi Gateway Regional Park Playground		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024_____ TO ACCEPT HENNEPIN YOUTH SPORTS PLAYGROUND GRANT AND AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO A CONTRACT WITH NORTHLAND RECREATION FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT, CONCRETE CURBING AND SAFETY SURFACING AT MISSISSIPPI GATEWAY REGIONAL PARK AT A TOTAL COST OF \$175,000.

Overview:

The City of Brooklyn Park and Three Rivers Park District (TRPD) jointly master planned the reconstruction of Mississippi Gateway Regional Park and the Environmental Nature Area as one park. The city owns the Environmental Nature Area along the west side of West River Road, while TRPD owns the parkland on the east side. In December 2020, the City Council authorized staff to enter into a cooperative agreement for both portions of the park to be designed, constructed, and operate as one cohesive park. The city would be responsible for the cost of the construction of the west unit (formerly Environmental Nature Area). TRPD is responsible for the cost of the east unit of the park in addition to the Maintenance Building and Rush Creek Regional Trail located on the western portion. TRPD is leading the project management for the project in consultation with city staff.

On March 27, 2023, the City Council authorized \$3,517,865 from the Open Space Land Acquisition and Development (OSLAD) fund for the construction of the Mississippi Gateway Regional Park project which included the construction of the playground on the west unit. In addition, Recreation & Parks staff applied for and received a Hennepin Youth Sports Playground Grant in the amount of \$47,221 toward the equipment and installation of the playground.

TRPD and project architect WSB staff solicited proposals for the Mississippi Gateway Regional Park playground to be located on the west unit and received proposals from Northland Recreation, MN/WI Playground, Flagship Recreation, St. Croix Recreation and Webber Recreation. Staff solicited design preference community engagement input from young people at the Champlin-Brooklyn Park Academy (CBPA). CBPA students have been involved in several design options for the project. Based on community engagement outcome from CBPA students, staff review of the proposed play value of each proposal, and the cost of the proposals, staff recommends awarding the project to Northland Recreation. While one proposal had a slightly lower cost, the proposed play components were significantly less than the Northland Recreation proposal.

Primary Issues/Alternatives to Consider:

Recreation & Parks staff recommend the acceptance of the Hennepin Youth Sports Playground Grant and approval of the project as presented.

Budgetary/Fiscal Issues:

This project is included in the 2024-28 CIP as item #2027 and the 2024 budget as New World project #202724. The project funding source is Hennepin Youth Sports Playground Grant (\$47,221), and OSLAD fund (\$127,779) for a total cost of \$175,000. The final cost will include equipment, safety surfacing, freight, site work, curbing and installation.

Attachments:

- 4.15A RESOLUTION
- 4.15B PLAYGROUND PROPOSAL TABULATION
- 4.15C NORTHLAND RECREATION BID SHEET
- 4.15D NORTHLAND RECREATION PROPOSAL

RESOLUTION #2024-

TO ACCEPT HENNEPIN YOUTH SPORTS PLAYGROUND GRANT AND AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO A CONTRACT WITH NORTHLAND RECREATION FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT, CONCRETE CURBING AND SAFETY SURFACING AT MISSISSIPPI GATEWAY REGIONAL PARK AT A TOTAL COST OF \$175,000.

WHEREAS, the City of Brooklyn Park and Three Rivers Park District (TRPD) jointly master planned the reconstruction of Mississippi Gateway Regional Park and the Environmental Nature Area as one park; and

WHEREAS, in December 2020, the City Council authorized staff to enter into a cooperative agreement for both portions of the park to be designed, constructed, and operate as one cohesive park; and

WHEREAS, on March 27, 2023, the City Council authorized \$3,517,865 from the Open Space Land Acquisition and Development (OSLAD) fund for the construction of the Mississippi Gateway Regional Park project which included the construction of the west unit playground; and

WHEREAS, Recreation & Parks staff applied for and received a Hennepin Youth Sports Playground Grant in the amount of \$47,221 toward the Mississippi Gateway Regional Park playground; and

WHEREAS, project architect WSB, Inc. solicited proposals for the Mississippi Gateway Regional Park playground and received five proposals; and

WHEREAS, staff reviewed the designs for cost and greatest play value, then solicited design preference community engagement input from young people at the Champlin-Brooklyn Park Academy (CBPA); and

WHEREAS, the 2024-2028 Capital Improvement Plan (CIP) and 2024 Budget included \$127,779 in Open Space Land Acquisition and Development (OSLAD) funds, and \$47,221 of Hennepin Youth Sports Playground Grant funding for the construction of the Mississippi Gateway Regional Park playground; and

WHEREAS, based on community engagement outcome, staff review of the play value of the submitted proposals, and cost of the proposal, staff is recommending to award the contract for the purchase of playground equipment, freight, installation, safety surfacing, curbing and site work to Northland Recreation in the amount of \$175,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK to authorize the Mayor and City Manager to enter into a contract with Northland Recreation for the purchase of playground equipment, freight, installation, safety surfacing, curbing and site work at Mississippi Gateway Regional Park at a total cost of \$175,000.

Mississippi Gateway Regional Park Playground Bid Tabulation

	NORTHLAND RECREATION	FLAGSHIP RECREATION	MN / WI PLAYGROUND	ST. CROIX RECREATION	WEBBER RECREATION
BASE BID	\$141,452.00	\$109,550.41	\$123,060.00	\$175,000.00	\$173,212.50
ALTERNATE	\$33,548.00	\$61,444.02	\$51,940.00	\$43,973.00	\$0.00
BASE BID + ALTERNATE	\$175,000.00	\$170,994.43	\$175,000.00	\$218,973.00	\$173,212.50

MISSISSIPPI GATEWAY REGIONAL PARK – WEST UNIT PLAYGROUND EQUIPMENT QUOTE

City of Brooklyn Park

QUOTE ITEMS

I.	Product Warranty (in years)	Provide documentation
II.	Color Selection	Provide documentation
III.	Play Equipment Cost (include a labeled schematic or product listing) ¹	\$ 80,000.00
IV.	Delivery Cost (of Equipment) ¹	\$ 2,500.00
V.	Installation Cost (of Equipment) ^{1,2}	\$ 28,284.95
VI.	Supply and Installation of Sand area (180 square feet) ^{1,3}	\$ 1,026.00
VII.	Engineered Wood Fiber Safety Surfacing (Installation only) and Resilient Surfaces (supply and installation) Cost ¹ (3,800 square feet total)	\$ 29,641.05
TOTAL COST		
VIII.	Total Cost of III. – VII. (complete) ¹	\$ 141,452.00
IX.	Approximate Delivery/Installation based on December, 2023 approval	June, 2024

¹ = All cost submissions should include all applicable tax implications (i.e. Sales Tax, etc.)

² = Includes all labor, excavation for concrete footings, concrete footings, attachments, removal of waste materials including excess earthen spoils and all other required appurtenances

³ = Estimated quantity, actual price will be paid out based on per unit value

MISSISSIPPI GATEWAY REGIONAL PARK – WEST UNIT PLAYGROUND EQUIPMENT QUOTE

City of Brooklyn Park

ALTERNATE BID ITEMS

I.	Earthwork / Excavation of play container	\$ 8,125.00
II.	Install Concrete Play Curbing (235 liner feet) ^{1,3}	\$ 13,182.10
III.	Installation of Drain Tile and outlet (220 linear feet) ^{1,3}	\$ 1,250.80
IV.	Installation of 4" thick concrete paving including thickened edge and base material (590 square feet) ^{1,3}	\$ 7,062.50
V.	Installation of 6" thick concrete paving including base material (130 square feet) ^{1,3}	\$ 2,177.60
VI.	Bituminous trail aprons (15 square yards)	\$
VII.	Restoration / Turf Seeding (lump sum)	\$ 1,750.00
TOTAL COST		
VIII.	Total Cost of Alternate Bid Items (I.-VII.)	\$ 33,548.00

Mississippi Gateway Regional Park West Unit Playground

little tikes.

COMMERCIAL

NR NORTHLAND
RECREATION



Why Little Tikes COMMERCIAL?

At Little Tikes Commercial, we believe in the developmental value of play. We understand that play is necessary for healthy child development, and that's why our play structures are specifically designed to encourage the physical, social, emotional, cognitive and sensory development of children of all abilities. Our commitment to delivering fun, innovative play structures that promote value of outdoor play has been a focus of our designs for over 40 years.

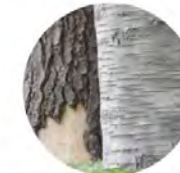
Little Tikes Commercial strongly **believes play for children of all ages and abilities should include fewer limits.** It's why we are big advocates of inclusive and accessible playgrounds for meaningful play. Our playgrounds help children play and take part in a variety of truly inclusive activities.

Main Office and Manufacturing Facility in Monette MO

GREAT PRODUCTS BEGIN WITH QUALITY MATERIALS.



Routed HDPE



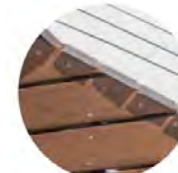
Composite Polymer Resin



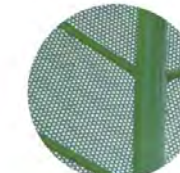
Natural Wood - Robinia



Printed Graphic Panels



Composite Wood



Perforated Steel



Hard Coated Foam



Welded Steel



Electronic & Solar Interactives



Precast Concrete



Glass Fiber Reinforced Concrete



Polyester-Wrapped, Steel-Reinforced Rope

















ADA Scoop Digger

Scoop Digger

ADA Scoop Digger



Birchtree Canopies provide shade with a natural shadow play leaf pattern on display.





Spin the wheel to find out what Simon Says! Once a child finishes a task, they can ring the bell and keep track of their score with the panel's moveable buttons. This panel uses inclusive characters and activities to ensure everyone feels welcome and can participate in the fun! Promotes cognitive development, social skills, sensory play.



Alex's Lemonade Stand



Foundation for
Childhood Cancer™

For every Alex's Lemonade Stand sold, we provide a \$100 contribution on your city's behalf to the mission of changing the lives of children with cancer by funding research and providing travel for families who are in need. Imaginative, social play for you and an act of kindness for those in need.









Play the notes to Twinkle Twinkle Little Star or create your own song with a friend! This panel's colorful design, musical chimes, and easy-to-use strikers are perfect to activate children's senses of sight and hearing.



The uneven board spacing of the trail climber provides a rustic look and a more challenging climb while promoting balance, agility, lower body strength, imaginative play and sensory touch.

















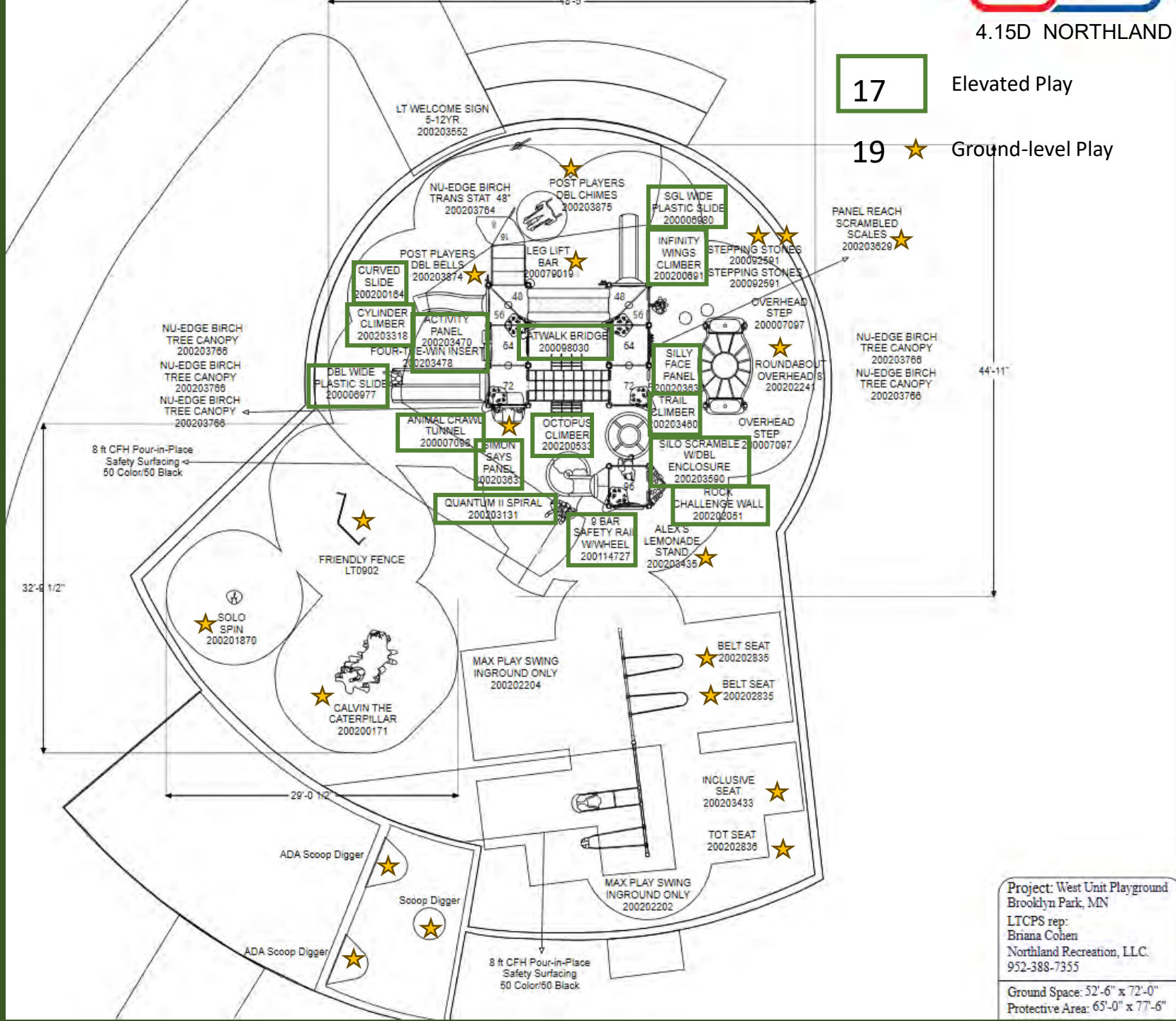


17

Elevated Play

19

★ Ground-level Play



Project: West Unit Playground
 Brooklyn Park, MN
 LTCPS rep:
 Briana Cohen
 Northland Recreation, LLC.
 952-388-7355

Ground Space: 52'-6" x 72'-0"
 Protective Area: 65'-0" x 77'-6"



WARRANTY

Little Tikes Commercial Brand warrants its products against structural failure due to defects in materials and workmanship for the warranty periods and material categories prescribed below.

Buyer agrees that products sold by PPLT Farmington, Inc. (PlayPower Little Tikes Commercial) carry only the following warranties:

- LIMITED WARRANTY FOR AS LONG AS YOU OWN THE PRODUCT:** Aluminum deck posts, steel deck posts, stainless steel hardware, cast aluminum parts, and KidBuilder® steel clamps.
- LIMITED FIFTEEN (15) YEAR WARRANTY:** All rigid steel playground components, decks, steps, and walkways, rotationally-molded and sheet plastic components, plastic lumber, roof panels, and stainless steel slides, (except as otherwise specified below)
- LIMITED TEN (10) YEAR WARRANTY:** Fabric shade steel frames, Naturek™ products, Shadesure™ and Colourslide™ FR fabrics (Note Exception: Limited Five (5) Year Warranty on Shadesure™ fabrics in colors Red, Yellow, Electric Purple, Zeaty Lime, Cinnamon, and Olive)
- LIMITED EIGHT (8) YEAR WARRANTY:**
 - Fiberglass signage, accessible swing seats, precast PolyFiberCrete or precast concrete products.
 - LandSoft Synthetic Turf safety surfacing against deterioration of specified attenuation performance and appearance.
 - Integrated shade fabric and components against rot, UV deterioration and defects in materials and workmanship (Note Exception: Limited Three (3) Year Warranty for fabric on slides of red).
- LIMITED FIVE (5) YEAR WARRANTY:**
 - Clever Climbers™ products, including, but not limited to polyethylene slides, and ladders, main structure, decks, and plastic components.
 - PVC coating and PE coating against cracking or peeling.
 - Park and Site Amenities (i.e. benches, tables, trash receptacles, etc.)
 - GFRP (Glass Fiber Reinforced Polymer) Products.
 - Steel core cable nets and rope killings and connections (Note Exception: Warranty does not cover normal wear and tear such as fraying or fading of cable coating).
- LIMITED THREE (3) YEAR WARRANTY:** KidTikes®, Playground Sculptures, KidRiders® products (excluding spring assemblies), flexible seating, plastic border trimmers and accessories, and electronic panel speakers, sound chips, and digital boards.
- LIMITED ONE (1) YEAR WARRANTY:**
 - Learning Lab Sensory Tables and Tot Tree plastic components.
 - Rail Swing Seats, and Bucket Tot Swing Seats.
 - All other products, components and custom pieces that are not specifically listed above, including, without limitation, all moving parts, such as swing hangers and bearings, swivels, chains, whisks, springs and flexible components, and all high wear items, such as bollards, cables, wheels, and bumper stops related to rail and cable ride products.

BUYER'S REMEDY: If any products prove defective or non-conforming under normal use and within the above-prescribed warranty periods and material categories, Buyer must promptly notify Little Tikes Commercial in writing at 979 E. Hwy 60, Monett, MO 65708 USA. Little Tikes Commercial may elect to inspect the alleged defect at Buyer's site or at Little Tikes Commercial's facility. Buyer shall return products to Little Tikes Commercial unless authorized by Little Tikes Commercial to do so. Authorized returns must be properly packaged and shipped prepaid and insured, at Buyer's expense. Upon verification of warranty coverage, Little Tikes Commercial may elect, in its sole discretion, to repair defective or non-conforming products, or replace them by delivering products or part(s) of similar functionality free of charge to the site. Little Tikes Commercial's limited warranties do not cover the cost of labor to remove defective or non-conforming part(s) or to install repaired or replacement part(s). By use of these limited warranties, Buyer accepts their terms and limitations, and waives any rights it would otherwise have to claim or assert that such warranties fall of their essential purpose. Buyer agrees that venue for any court action to enforce these limited warranties shall be in Barry or Greene Counties in the State of Missouri.

LIMITATIONS: All warranty periods begin on the date of Little Tikes Commercial's invoice. Repaired and/or replacement part(s) are warranted only for the balance of the original limited warranty period. Warranties extend only to the original Buyer/end user for products purchased from Little Tikes Commercial or a Little Tikes Commercial authorized reseller and are not transferable.

Warranties apply only to Little Tikes Commercial products that are erected and installed in conformance with Little Tikes Commercial's installation instructions, and that are maintained and inspected in conformance with Little Tikes Commercial maintenance and operational instructions.

Warranties specifically do not cover Little Tikes Commercial products:

- For cosmetic damage or flaws occurring under normal use, such as surface scratches, minor chips, hairline cracks, dents, marking, efflorescence, color fade (except for shade fabric as noted above), discoloration, corrosion/rust, fraying, or warping of recycled plastic lumber.
- That have been modified, altered, or repaired by unauthorized third parties.
- That have not been used as designed or intended, or misused.
- To which non-Little Tikes Commercial parts have been added or substituted.
- That have been removed from their original location and re-installed elsewhere.
- Or that have been damaged due to excessive wear and tear, vandalism, abnormal use, abuse, negligence, environmental factors (such as wind-blown sand, salt spray, or airborne emissions from industrial sources), extreme weather (such as hail, flooding, lightning, tornadoes, sandstorms, earthquakes, or wind storms), and acts of God.

Little Tikes Commercial does not warrant that any particular color will be available for any specific period of time, and reserves the right, in its sole discretion, to discontinue any color for any reason.

THE FOREGOING LIMITED WARRANTY IS THE SOLE AND EXCLUSIVE WARRANTY FOR SELLER'S PRODUCTS, AND IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, IN LAW OR IN FACT. SELLER SPECIFICALLY DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE OR PURPOSE, AND ANY IMPLIED WARRANTIES ARISING OUT OF COURSE OF DEALING OR PERFORMANCE OR TRADE USAGE. SELLER SHALL NOT BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, SPECIAL, OR PUNITIVE DAMAGES, OR ANY LOSS OF REVENUE, PROFIT OR USE, ARISING OUT OF A BREACH OF THIS WARRANTY OR IN CONNECTION WITH THE SALE, INSTALLATION, MAINTENANCE, USE, OPERATION OR REPAIR OF ANY PRODUCT. IN NO EVENT WILL SELLER BE LIABLE FOR ANY AMOUNT GREATER THAN THE PURCHASE PRICE OF A DEFECTIVE PRODUCT.

979 E. Highway 60 / Monett, Missouri, USA 65708 / lttkescommercial.com
USA 800.325.9020 CANADA 800.325.9953 INTERNATIONAL +1 417.235.4617

D7189 Rev B - January 01, 2020

PPLT Farmington, Little Tikes Play Products Company, Copyright ©2019 PlayPower, Inc. All rights reserved.



CERTIFICATE OF REGISTRATION

PlayPower L.T. Farmington, Inc.

Main Site: 878 Highway 60, Monett, Missouri, 65708, United States

Additional Site: 907 East County Road, Monett, Missouri, 65708, United States

This is to certify that the management system has been registered by Intertek as conforming to the requirements of:

ISO 14001:2015

The management system is applicable to:

Main site: Design, manufacture and worldwide shipping of playground and recreation equipment and marine dock systems.

Additional site: Manufacturing of rotary plastic molding.

The validity of this certificate depends on the validity of the Main certificate #EMS-0033

Certificate Number:

EMS-0033-b

Initial Certification Date:

21 September 2008

Date of Certification Decision:

01 September 2020

Issuing Date:

01 September 2020

Valid Until:

20 September 2023



Intertek

Calin Moldoveanu

Calin Moldoveanu
President, Business Assurance

Intertek Testing Services NA, Inc. dba Intertek
900 Chelmsford Street,
Lowell, MA, USA



In the issuance of this certificate, Intertek assumes no liability to any party other than the Client, and then only in accordance with the agreed Upon Certification Agreement. This certificate's validity is subject to the organization maintaining their system in accordance with Intertek's requirements for systems certification. Validity may be confirmed via email at certificate.validation@intertek.com or by scanning the code to the right with a smartphone.

The certificate remains the property of Intertek, to whom it must be returned upon request.

ET-ISO14001:2015-ANAB-EN-1.0 (2020.12)





Thank you for this opportunity



Briana Cohen

City of Brooklyn Park Request for Council Action

Agenda Item:	4.16	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Recreation and Parks
Resolution:	X	Prepared By:	Brad Tullberg, Director of Recreation and Parks
Ordinance:	N/A		
Attachments:	2	Presented By:	Brad Tullberg
Item:	Approve Change Order for Professional Service Agreement with Design by Melo in the amount of \$48,280 for Teen Center Design		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-_____ TO APPROVE A CHANGE ORDER FOR PROFESSIONAL SERVICE AGREEMENT WITH DESIGN BY MELO IN THE AMOUNT OF \$48,280 FOR TEEN CENTER DESIGN

Overview:

As part of the 2018 Park Bond Referendum, funding was allocated for an additional teen recreation center. Since 2018, staff have explored partnership opportunities but have not been able to find a willing partner. In evaluating the current service needs in the area of Zanewood Recreation Center, the financial implications of staffing and operating another facility, and the concentration of young people in the area, staff is planning for the construction of additional space at Zanewood in addition to renovation of the existing space.

On March 27, 2023, City Council approved a professional services agreement with Design by Melo in the amount of \$165,000 to provide community engagement and preliminary design development for a youth and teen recreation center. After the award of the agreement, staff has submitted a request for Minnesota State Bonding funds to assist in the construction of the full vision for the Youth and Teen Center. In order to incorporate the expanded scope of the project, additional time and resources are needed by Design by Melo to complete the design development phase of the project. This will allow the full project design development phase to be completed, even if the project is constructed in phases as funding allows.

Primary Issues/Alternatives to Consider:

Recreation & Parks staff recommend approval of the change order as presented.

Budgetary/Fiscal Issues:

- Funding for the Design Development for the Youth and Teen Recreation Center is included in the \$26,000,000 Park Bond Referendum passed in November 2018.
- The change order proposed by Design by Melo \$48,280.
- It is anticipated that Design by Melo would also provide the preparation of bid documents once design development is complete. An additional contract will be brought back to City Council for consideration at a later date.

Attachments:

- 4.16A RESOLUTION
- 4.16B TEEN CENTER DESIGN CHANGE ORDER REQUEST

RESOLUTION #2024-

RESOLUTION TO APPROVE A CHANGE ORDER FOR PROFESSIONAL SERVICE AGREEMENT WITH DESIGN BY MELO IN THE AMOUNT OF \$48,280 FOR TEEN CENTER DESIGN.

WHEREAS, a Youth and Teen Recreation Center was part of the proposed 2018 Park Bond Referendum;
and

WHEREAS, on March 27, 2023, City Council approved a professional services agreement with Design by Melo in the amount of \$165,000 to provide community engagement and preliminary design development for a youth and teen recreation center; and

WHEREAS, staff has submitted a request for Minnesota State Bonding funds to assist in the construction of the full vision for the Youth and Teen Center; and

WHEREAS, in order to incorporate the expanded scope of the project, additional time and resources are needed by Design by Melo to complete the design development phase of the project.; and

WHEREAS, the Design by Melo total proposed cost for the Change Order is \$48,280.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to Approve the Change Order for the professional service agreement with Design by Melo in the amount of \$48,820 to provide pre-design and design development for youth and teen recreation center.



DESIGN BY MELO
1600 Utica Ave S, Suite 900
St Louis Park, MN 55416
+612.280.8419
damaris@designbymelo.com

CHANGE ORDER REQUEST

Project Name: Youth + Teen Center
Location: 7100 Zane Avenue N, Brooklyn Park, MN 55429
Date: 11/22/2023
Change Order #: 1

Proposed Changes: Additional services related to the project size and total cost change from originally \$4MM to \$10MM

Current Contract Amount	\$136,500
--------------------------------	------------------

	Original DD Fees	Updated DD fees	Delta
Architecture	\$46,350.00	\$61,200.00	\$14,850.00
MEP	\$17,560.00	\$28,000.00	\$10,440.00
Structural	\$20,840.00	\$28,000.00	\$7,160.00
Civil	\$31,250.00	\$42,080.00	\$10,830.00
Landscape	\$10,500.00	\$15,500.00	\$5,000.00
Interior Design	\$10,000.00	\$10,000.00	\$0.00
Updated Fees	\$136,500.00	\$184,780.00	\$48,280.00

Revised Contract Amount	\$184,780.00
--------------------------------	---------------------

This Change Order is:
 Approved Not Approved

Signed:

Damaris Hollingsworth
Date: _____
Title: Principal Architect
Design by Melo LLC

Brad Tullberg
Date: _____
Title: Recreation & Parks Director
City of Brooklyn Park

City of Brooklyn Park Request for Council Action

Agenda Item:	4.17	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	1	Presented By:	Jay Stroebe, City Manager
Item:	Review and Approval of the Policy Pertaining to the Application and Appointment Procedure for Filling a Vacancy in the Office of Mayor or City Council Member		

City Manager's Proposed Action:

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

Overview:

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

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

The policy was reviewed and approved at the January 9, 2023 Council meeting and is before you tonight for an annual review and approval by the Council.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.17A MAYOR/COUNCIL MEMBER APPLICATION AND APPOINTMENT POLICY



MAYOR/CITY COUNCIL MEMBER APPLICATION AND APPOINTMENT POLICY

A. Purpose:

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

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

B. Procedure:

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

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

C. Public Notices

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

D. Application Process

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

E. Selection of Finalists

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

F. Finalist Interviews

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

G. Selection

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

MAYOR/CITY COUNCIL SELECTION INSTRUCTIONS

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

Council Member Vacancy

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

Mayor Vacancy

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

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

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

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

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

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

Devin Montero, City Clerk

To be published in the Sun Post on [DATE]

Other Suggested Postings:

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

(Example Letter)

TO: Mayor/Council Member Applicants

RE: City Council Appointment

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

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

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

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

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

Sincerely,

Jay Stroebel
City Manager

APPOINTMENT SCHEDULE:

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

(Example Application)

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

APPLICATION FOR POSITION OF MAYOR/COUNCIL MEMBER

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

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

NAME: _____

HOME ADDRESS: _____ City _____ State _____

Email: _____ Home Phone: _____

Work Phone: _____ Cell Phone: _____

(Example Questions)

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

Qualifications for Office:

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

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

Signed: _____ Date: _____

City of Brooklyn Park Request for Council Action

Agenda Item:	4.18	Meeting Date:	January 8, 2024
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Katrina Doshier, Program Assistant
Ordinance:	N/A		
Attachments:	1	Presented By:	Jay Stroebel, City Manager
Item:	Approval of Elected Officials Rules of Procedures and Code of Conduct Manual		

City Manager's Proposed Action:

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

Overview:

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

The Elected Officials Rules of Procedures and Code of Conduct Manual comes before the City Council annually for review.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.18A CITY OF BROOKLYN PARK ELECTED OFFICIALS RULES OF PROCEDURES AND CODE OF CONDUCT



Elected Officials

Rules of Procedures and Code of Conduct

June 2002

Revised and Approved October 24, 2022

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**CITY OF BROOKLYN PARK
ELECTED OFFICIALS
RULES OF PROCEDURES AND CODE OF CONDUCT**
(Adopted at City Council Meeting of June 10, 2002)
Revised and Approved by City Council on October 24, 2022

Preamble:

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

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

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

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

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

The Council’s Statement of Values:

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

Behaviors we need to model to ensure we are an effective and efficient governing body				
<i>Listening to understand and being openminded</i>	<i>Respecting, appreciating, and valuing each other</i>	<i>Being prepared and accountable</i>	<i>Being transparent and honest</i>	<i>Willingness to work with others</i>
<ul style="list-style-type: none"> • Listen more, talk less • Seek to gain 	<ul style="list-style-type: none"> • Respect each other and differences 	<ul style="list-style-type: none"> • Be prepared for meetings • Be 	<ul style="list-style-type: none"> • Tell the truth • Be honest and transparent 	<ul style="list-style-type: none"> • Be willing to work with others

understanding •Be openminded for change •Listen to understand •Flexible and open to others	•Respect and value each other •Always show appreciation •Respect each other	accountable to our constituents and each other •Be aware of your strengths and weaknesses		
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1. OVERVIEW OF ROLES AND RESPONSIBILITIES

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

1.1 Mayor

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

1.2 Mayor Pro Tem

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

1.3 All Council Members

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

1.4 The Mayor and All Council Members

- Refer to one another formally during public meetings as “Mayor (last name)”/ “Council Member (last name)”
- Wait to speak until acknowledged by the Mayor
- Honor efforts by the Mayor to efficiently manage the meeting and to focus discussion on current agenda items
- Treat all staff as professionals
- Treat members of the public politely and respectfully

- When a conflict of interest arises, the Council member shall abstain from the vote and be available for comment from the podium only
- Council Members are encouraged to give support for the majority position once votes have been taken
- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- Prepare in advance of meetings, including contacting staff with any questions in order to be familiar with issues on the agenda
- Represent the City at ceremonial functions
- Be respectful of people's time; stay focused and act efficiently during public meetings
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Brooklyn Park government
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities

2. RULES OF PROCEDURES

- 2.1 **Regular Meetings:** Shall be held at 6:00 p.m. on the first, second and fourth Mondays of each month in the Council Chambers of City Hall, 5200 85th Ave. N., Brooklyn Park, Minnesota. No meeting shall be held on a legal holiday, but shall be held at the same hour on the next succeeding day that is not a holiday.

Open Forum will begin at 6:00 p.m. at all regular meetings with the exception of the work sessions. Members of the public should be advised of the guidelines of the Open Forum. The Open Forum will provide members of the public an opportunity to comment, ask questions or present a problem relating to city business that is not already a part of the agenda. Each speaker will be asked to limit his/her comments to three (3) minutes and can only address the Council one time during the Open Forum. No action will be taken. Staff will follow up with a response regarding the status of the concern. Open Forum will be held no longer than 15 minutes. If no one is in attendance for the Open Forum or if 15 minutes is not needed for this purpose, the regular meeting shall begin immediately or after Open Forum business has been conducted.

- 2.2 **Special Meetings:** The Mayor or any three (3) members of the Council may call Special meetings. Three days written notice is required. Notice shall include specific purpose of the meeting in addition to the time, date and location of meeting.
- 2.3 **Emergency Meetings:** Emergency meetings may be called by the Mayor or any three (3) members of the Council due to circumstances that, in the judgment of the public body, require immediate consideration. At least four (4) hours' notice (either in writing or by telephone) is required.

- 2.4 **Executive Sessions:** Executive Sessions are closed meetings and may be called only for those reasons specified in state law. State Statute requires that the Council pass a motion at a public meeting announcing their intention to go into a closed meeting, the subject matter to be discussed and the time and place of the executive session. Executive sessions will be taped when required by State law. When the executive session is complete, the Council shall return to the public meeting and summarize the action taken at the executive session. Council Members are to maintain confidentiality relating to any non-public discussion items.
- 2.5 **Cancellation of Meetings:** Meetings may be cancelled by the Mayor or, in the Mayor's absence, by the Mayor Pro Tem due to insufficient agenda items, lack of a quorum, inclement weather and/or other similar reasons. Council Members must be notified in writing or by telephone at least four (4) hours in advance whenever possible.
- 2.6 **Meeting Minutes:** Minutes of all meetings (except Executive Sessions) shall be kept by the City Clerk and shall represent an official record of the Council proceedings. Minutes shall be submitted to the Council for approval and to the Mayor for signature. Lack of such approval or signature shall not invalidate the minutes as official records.
- 2.7 **Cablecast/Webcast Meetings:** To the extent possible, all regular meetings and special Council meetings shall be cablecast/webcast. Video will be retained by the City Clerk for one year and be available to the public for viewing.
- 2.8 **Audio-taped Meetings:** Executive Sessions dealing with labor negotiation discussions will be audio taped; those tapes will be retained for two years after the contracts are signed.
- 2.9 **Meeting Attendance:** Council Members are expected to attend all meetings. However, when unable to attend a meeting, Council Members should notify either the Mayor or the City Clerk. The Mayor shall announce the Council Member's absence.
- 2.10 **Break:** The Council may recess to a ten-minute break at 9 p.m.
- 2.11 **Adjournment:** Unless otherwise agreed to by at least a majority of the Council, all meetings of the Council shall be adjourned by 10:00 p.m. The Mayor should manage the meeting to conform to the adjournment time.

3. AGENDAS

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

- 3.1 **Deadline for Agenda Items:** Generally, items to be considered should be submitted to the City Manager's office by noon on the Wednesday preceding the meeting. The City Manager may choose not to schedule items for a particular meeting when, in his/her opinion, other business to be considered at that meeting will likely consume the available time. Any two Council Members may request that the city manager place an item on an upcoming meeting agenda.
- 3.2 **Approval of Agenda:** The Mayor, Council Members or staff may propose additions, deletions or changes to the agenda. A majority vote of the Council is required to approve the agenda as proposed/amended. Any changes after the agenda has been formally approved shall require a two-thirds (2/3) vote of the Council.
- 3.3 **Consent Agenda:** Routine and non-controversial items shall be placed on the Consent Agenda which will be approved by one blanket motion. Any Council Member may request that items be withdrawn for separate consideration. If a Council Member has a question on a Consent Agenda item, they are to ask staff ahead of time, rather than having it pulled off for discussion during the meeting.

4. PUBLIC INPUT

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

- 4.1 **Restrictions:** Questions and comments from the public during a council meeting shall be limited to the subject under consideration. Depending on the length of the agenda and the number of persons wanting to participate, the Mayor may limit the time available for public comment and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. No persons shall enter into any discussion without being recognized by the Mayor. After a motion has been made or after a public hearing has been closed, no person shall address the Council without first securing permission from the Mayor.

- 4.2 **Public Hearings:** After a presentation by staff, the applicant shall have the right to speak first. Speakers representing either pro or con points of view will be allowed to follow. The Mayor will determine how much time will be allowed for each speaker (generally 3 to 5 minutes) and ask speakers to line up to speak. Council Members will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. Council Members should refrain from arguing or debating with the public and should always show respect for different points of view. The Mayor has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly. The Mayor or Council shall notify the speaker when the allotted time has expired to accommodate others wishing to speak.
- 4.3 **Addressing the Council:** Any member of the public desiring to address the Council shall complete an Addressing the Council Form and present it to the Clerk. The Mayor will call on the individual when that agenda item is discussed.

5. COUNCIL PROCEDURES/PROTOCOL

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

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

6. CODE OF CONDUCT AND ETHICS

6.1 Council Conduct with One Another

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

6.1.1 In Public Meetings

- A. **Practice civility, professionalism and decorum in discussions and debate.** Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not, however, allow Council Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. Council Members should conduct themselves in a professional manner at all times, including listening actively during Council meetings.
- B. **Honor the role of the Mayor or Mayor Pro Tem in maintaining order.** It is the responsibility of the Mayor to keep the comments of Council Members on track during public meetings. Council Members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- C. **Avoid comments that personally attack other Council Members.** If a Council Member is personally attacked by the comments of another Council Member, the offended Council Member should make notes of the actual words used and may call for a "point of order" to challenge the other Council Member to justify or apologize for the language used. The Mayor will maintain control of this discussion.
- D. **Demonstrate effective problem-solving approaches.** Council Members have a responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.
- E. **Be punctual and keep comments relative to topics discussed.** Council Members have made a commitment to attend meetings and partake in discussions. Therefore, it is important that Council Members be punctual and that meetings start on time. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discuss scheduled issues.

- F. **Endorsement of Candidates.** Council Members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings or functions.
- G. **Council Decisions.** Once a majority decision of the governing body has been made, respect that official position and defend it if needed, even if you personally disagreed.

6.1.2 In Private Encounters

- A. **Continue respectful behavior in private.** The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
- B. **Be aware of the insecurity of written notes, voicemail messages, social media and email.** Technology allows words written or said without much forethought to be distributed wide and far. How would you feel if this voicemail message was played on a speaker phone in a full office? What would happen if this email message was forwarded to others? Written notes, social media postings, voicemail messages and email should be treated as potentially "public" communication.
- C. **Even private conversations can have a public presence.** Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.
- D. **Make no personal comments about other Council Members.** It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions.

6.2 Council Conduct with City Staff

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

- A. **Treat all staff as professionals.** Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments toward staff is not acceptable.

- B. **Limit contact to specific City staff.** Questions of City staff and/or requests for additional background information should be directed to the City Manager, City Attorney, or Department Heads, unless otherwise directed by the City Manager. The City Manager should be copied on or informed of any request.
- C. **Council direction to staff.** In accordance with Charter Section 2.10, individual Council Members cannot give direction to city staff either publicly or privately. The Council as a body may provide staff direction on matters that come before the Council.

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

- D. **Do not disrupt City staff from their jobs.** Except in extraordinary circumstances, Council Members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions.
- E. **Never publicly criticize an individual employee.** Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
- F. **Do not get involved in administrative functions.** Council Members must not attempt to influence City staff on the making of employment or personnel decisions, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
- G. **Do not attend City staff meetings without permission from staff.** Even if the Council Member does not say anything, the Council Member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.
- H. **Limit requests for staff support.** Requests for additional staff support – even in high priority or emergency situations – should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.
- I. **Do not solicit political support from staff.** Council Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff.

- J. **Council, EDA and Commission agendas.** Staff’s responsibility is to provide Council Members the information needed for informed decision-making. Every effort should be made to ask staff questions regarding Council, EDA and commission agendas before the meeting.
- K. **Don’t speak ill of other Council Members to staff.** Staff has the responsibility to treat all Council Members equally. It puts staff in a compromising position when one Council Member criticizes other Council Members to staff.
- L. **Don’t spring surprises on Council Members or City staff, especially at formal meetings.**

6.3 Council Conduct With The Public

6.3.1 In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Council Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

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

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

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

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

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

6.3.2 In Unofficial Settings

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

6.4 Council Conduct with the Media

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

- A. **The Mayor is the official spokesperson for the representative on City position.** The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Council Member is contacted by the media, the

Council Member should be clear about whether their comments represent the official City position or a personal viewpoint.

- B. **Choose words carefully and cautiously.** Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.
- C. **The best advice for dealing with the media is to never go "off the record."**
- D. **Inform the City Manager or Communications Manager.** If contacted by the media, the City Manager or Communications Manager should be informed. When possible the City Manager or Communications Manager should be consulted before communicating to the media.

6.5 Council Conduct with Other Public Agencies

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

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

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

6.6 Council Conduct with Boards and Commissions

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

- A. **If attending a Board or Commission meeting in the role as liaison.** "Liaison" means non-voting member of a commission who shall speak on behalf of the Council (or staff) as a whole, not as an individual, thus providing a communication link between the commission and Council (or staff).
- B. **Limit contact with Board and Commission Members.** It is inappropriate for a Council Member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. Council Members may contact members of the Commission and staff liaison in order to clarify a position taken by the Board or Commission.

- C. **Remember that Boards and Commissions serve the community, not individual Council Members.** The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But, Board and Commission members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue.
- D. **Be respectful of diverse opinions.** A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members must be fair and respectful of all residents serving on Boards and Commissions.

7. CODE OF ETHICS

7.1 Open Meeting Law

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

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

7.2 Gift Law

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

- A. campaign contributions;
- B. items costing less than \$5;

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

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

7.3 Conflict of interest

- A. City Council Members cannot have a personal financial interest in a sale, lease, or contract with the City.
- B. City Council Members cannot participate in matters in which the Council Member's own personal interest, financial or otherwise, is so distinct from the public interest that the Council Member cannot be expected to fairly represent the public's interest when voting on the matter.

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

8. ACCOUNTABILITY/CONSEQUENCES

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

1. **Admonition.** An admonition shall be verbal or written statement made by the Mayor to the Council Member.

2. **Reprimand.** A reprimand shall be administered to the Council Member by letter. The letter shall be approved by the City Council and shall be signed by the Mayor, or by the Mayor Pro Tem if the Mayor position is vacant, or if the matter involves the Mayor.

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

8.2 Council Members' Behavior and Conduct

- A. City Council Members who violate the code of this conduct are subject to admonition, reprimand, or censure. Any violations that potentially constitute criminal conduct shall be handled by the criminal justice system.

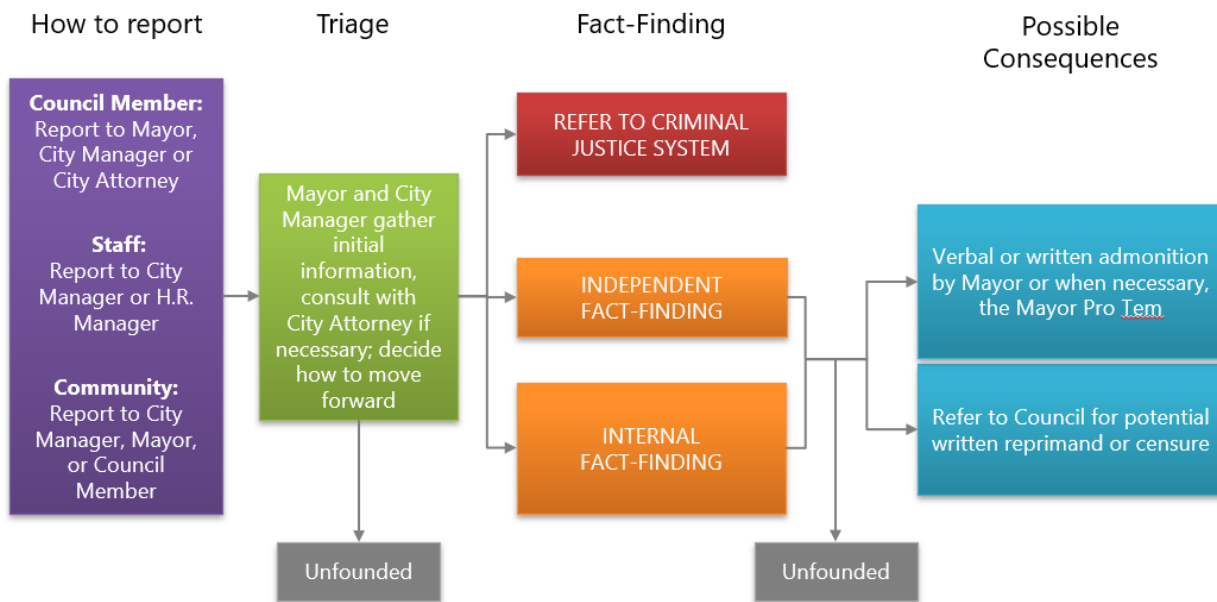
B. Factors that will be considered in determining the appropriate consequence include but are not limited to the following: seriousness of the violation and number of preceding violations.

C. Procedures for reporting:

1. A member of the Brooklyn Park City Council may report a potential code of conduct violation by a member of the City Council by bringing the matter to the attention of the Mayor, City Manager, or City Attorney.
2. A Brooklyn Park staff member may report a potential code of conduct violation by a member of the City Council by bringing the matter to the attention of the City Manager or Human Resources Manager.
3. If the potential violation involves the Mayor, it should be brought to the attention of the Mayor Pro Tem, City Manager or City Attorney.
4. A community member may report potential code of conduct violations by a member of the City Council to the Mayor, City Manager or any member of the City Council.

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

Reporting and Addressing Possible Code of Conduct Violations



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

- F. If the Mayor and/or Mayor Pro Tem are unable to be involved in reviewing the code of conduct complaint for any reason, the matter will be reviewed by the next most senior member of the Council that is not involved in the complaint.

Postlude

It all comes down to respect.

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

9. GLOSSARY OF TERMS

9.1 Glossary

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

City of Brooklyn Park Request for Council Action

Agenda Item:	7.1	Meeting Date:	January 8, 2024
Agenda Section:	General Action Items	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Katrina Doshier, Program Assistant
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Mayor Hollies Winston
Item:	Appointment of Mayor Pro Tem		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPOINT _____ AS MAYOR PRO TEM FOR THE YEAR 2024.

Overview:

City Charter Section 2.07: "The Council shall choose from its members a Mayor Pro Tem who shall hold office at the will of the Council and shall serve as Mayor in case of the Mayor's disability or absence from the city, or in case of a vacancy in the office of Mayor until a qualified successor has been elected or appointed."

On January 9, 2023, Council Member Xp Lee was appointed as Mayor Pro Tem for 2023 by the City Council.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	7.2	Meeting Date:	January 8, 2024
Agenda Section:	General Action Items	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Katrina Doshier, Program Assistant Jay Stroebe, City Manager
Ordinance:	N/A		
Attachments:	2	Presented By:	Jay Stroebe
Item:	2024 Federal and State Legislative Priorities and Positions		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO ADOPT THE CITY OF BROOKLYN PARK'S 2024 FEDERAL AND STATE LEGISLATIVE PRIORITIES AND POSITIONS.

Overview:

The City of Brooklyn Park has a significant interest in the outcomes of the 2024 Minnesota Legislature. Decisions made by the Legislature may affect the financial condition and livability of the City. Our State elected officials representing Brooklyn Park are essential partners in addressing issues of concern in our community.

The City also has an interest in activities at the other levels of government—federal, regional, and county—and will continue to monitor those issues of interest and, where appropriate, lobby on behalf of issues affecting our community.

The legislative items expressed in the City's 2024 Federal and State Legislative Priorities and Positions document will help guide staff and elected officials in determining which issues warrant the expenditure of time and effort to support or pursue.

Primary Issues/Alternatives to Consider:

- Does the City Council agree with the platform of legislative priorities?
- Are there additional items to consider?

Budgetary/Fiscal Issues:

The legislative priorities do not have a budgetary or fiscal impact, except to the extent that the commitment of staff time becomes a financial obligation. The budgetary impacts of our intergovernmental and lobbying efforts are addressed during the budget process when determining whether membership in the various associations continues to meet the City's needs and objectives.

Attachments:

- 7.2A MARKED UP – 2024 FEDERAL AND STATE LEGISLATIVE PRIORITIES AND POSITIONS
- 7.2B 2024 FEDERAL AND STATE LEGISLATIVE PRIORITIES AND POSITIONS

2024 ~~2023~~ Federal and State Legislative Priorities and Positions

Brooklyn Park 
Unique. United. Undiscovered.

~~2024~~2023 State Legislative Priorities and Positions

City of Brooklyn Park

Overview

Brooklyn Park works together with its partners to support proposals for new legislation in Minnesota designed to strengthen the community. The following list of legislative priorities and positions, along with those prepared by the Brooklyn Park Economic Development Authority (EDA), constitute Brooklyn Park's legislative agenda for the ~~2024~~2023 legislative session.

I. Diversity, Equity and Inclusion

The City of Brooklyn Park, with our rich racial, ethnic and demographic diversity, is committed to supporting local, state and federal policies and investments that advance the goals of eliminating racial and economic disparities in areas such as housing, employment, transportation, health care, safety, etc., and works towards a more inclusive economy. Many of the detailed policies advocated for in this document strive to achieve these goals.

II. Transportation Infrastructure

Investments in transportation infrastructure can often result in multiple benefits to a community, a more efficient and safer multi-modal transportation system and a stimulus for economic growth. In addition to state funding to support the municipal state aid road network, two specific projects that have the potential to be impacted by legislative actions include improvements to highway 252 and the Blue Line Light Rail extension project.

- **Trunk Highway 252**

Background

Highway 252 provides a vital high speed / high volume link between Minneapolis and the northern suburban areas. The congestion and safety issues experienced at the at-grade signalized intersections along the four mile corridor rank among the worst in the state under both categories. The City of Brooklyn Park is currently working with the City of Brooklyn Center, Minneapolis, MnDOT and Hennepin County to upgrade highway 252 to a freeway while maintaining or enhancing transit service along the corridor.

Position

In the 2018 Legislative Session, partial funding was granted for conversion of highway 252 to a freeway with construction expected to start in 2025 or shortly thereafter. This project has been delayed as a more thorough Environmental Impact Statement (EIS) environmental review of the reconstruction options are being considered. The City seeks to work with project partners to secure the additional funding necessary for this project to advance. In addition, the local communities along the line may have some shared financial responsibility for the costs to improve the interchanges and any local roads that would be impacted by the project. The City supports expanded access to federal, state, regional and county grant dollars that would alleviate local taxpayer burden for these costs. The City also supports the investment in temporary safety measures until final design and construction is complete.

- **Blue Line Light Rail Transit**

Background

The Blue Line Light Rail Transit (BLRT) Extension Project will extend the existing light rail line from Target Field in Minneapolis through four communities (Minneapolis, Robbinsdale, Crystal and Brooklyn Park) to Oak Grove Parkway, locating five stations in Brooklyn Park. Bringing LRT to the northwest suburbs will improve mobility and access to jobs and will ensure the northwest portion of the region remains competitive.

Position

The City of Brooklyn Park supports policies, laws, and funding (federal, state, regional and local) to finalize planning and move to the construction and operation phases of the BLRT extension project. Additionally, we support efforts around anti-displacement of businesses and residents that may be impacted by the construction and establishment of the line.:

- **East – West Busing Connections**

Background

As a community of 86,000 plus residents our public transportation needs have far outpaced the services provided in our city. While some bus services exist within Brooklyn Park, most are oriented to bringing people in and out of the community, mainly running north - south, versus mobility within the community.

Position

The City of Brooklyn Park supports resources and change in service delivery models that provides east – west busing services to our residents without reducing the services that exist today.

- **Increase Municipal State Aid (MSA) to Cities**

Background

The City has 55 miles of MSA streets. Many of these streets have degraded prematurely and are only lasting 15-20 years instead of 30 years before needing overlays (resurfacing). Over the next five years, we have funding needs of over ~~\$21-30~~ million on our MSA streets, but we are only scheduled to receive about half of our needs or approximately ~~\$12-15~~ million.

Position

The City believes MSA funding should be increased 100% (doubled) to help cities address street repair needs and premature street degradation on MSA streets and local streets. This would require a change of MSA eligibility funding to include reimbursement for local streets.

- ~~**Allow Hennepin County to Access Motor Vehicle Lease Sales Tax Revenues (Dan)**~~

~~*Background*~~

~~Minnesota's general sales tax applies to long-term motor vehicle leases—the motor vehicle lease sales tax (MVLST). Hennepin County residents contribute substantially to the MVLST but the county is excluded by state law from receiving funding from this transportation source. This decision was tied to previous legislation that established the Counties Transportation Improvement Board (CTIB). CTIB was dissolved in 2017. If included, Hennepin County would receive over \$12 million annually for roads, bridges, and pedestrian and bikeway projects.~~

~~*Position*~~

~~The City supports Hennepin County's efforts to change the state law and allow communities within Hennepin County to access the \$12 plus million in funding.~~

~~*Impact of transportation account*~~

III. Sustainable Government Funding

The City of Brooklyn Park's financial position and property tax burden on businesses and residents are greatly influenced by actions taken at the state legislature. Historically, legislative changes to various funding formulas, aids, and imposition of statutory limits have impacted the City's ability to predict state sources of income, created unexpected community-level budget challenges, and resulted in increased tax burden on local taxpayers. Brooklyn Park supports efforts for more stable and predictable revenue sources and the reduction of the local property tax burden.

- **Levy Limits**

Background

Brooklyn Park advocates maintaining reliable, sustainable funding for desired city services and having the ability to control city levies at the local level. Enacting levy limits would remove this control from the City Council and may lead cities to adopt higher than desired tax levies in the short-term to maintain future levy capacity.

Position

Brooklyn Park supports a position that control of local levies remain at the local level.

- **Park Fee for Redevelopment**

Background

Currently, state law allows for collection of a park dedication fee to support the establishment and improvement of parks within a community when a parcel is initially subdivided for development. Fees are not currently allowed when that parcel is redeveloped. As Brooklyn Park currently has both greenfield development and redevelopment taking place, it would be beneficial to our ongoing improvement of our park system to allow the collection of fees in both development phases.

Position

Propose amending the state law allowing for park dedication fees to be collected for the initial development and redevelopment of parcels.

- **TIF/Value Capture strategies and cash investment to stimulate development**

Background

The market often times fails to produce the types of development that our community is seeking. This can lead to undeveloped land sitting idle for years and being unproductive from a property tax standpoint. Examples of this would include in our Village Creek neighborhood, and Oak Grove and Zane Ave areas.

Position

To incentivize private investment that aligns with our development vision and helps support public infrastructure investments, the City is seeking state resources and flexibility in tax increment finance provisions to overcome market forces and attract private investment.

- **Local Government Aid (LGA)**

Background

Cities apply LGA in their finance structure for various purposes and rely on the receipt of these funds for those purposes. In the past, Local Government Aid has been used by the state legislature as a budget balancing measure by reducing or eliminating this funding in times of economic stress, causing funding shortfalls to local governments. In order to be effective, cities need to have reliable sources of funding. In 2023, the LGA formula ~~is scheduled to be reduced~~ the state's allocation to Brooklyn Park from roughly \$1.45M in 2022 to \$0 in 2023. In the 2023 Legislative session the formula was modified and Brooklyn Park is scheduled to receive roughly \$900,000 in 2024.

Position

Brooklyn Park supports a position that state aids to local governments must remain a stable, reliable and sustainable funding source now and into the future.

Brooklyn Park also believes the LGA formula should be adjusted to better account for a local government's ability to pay and related costs of core services. There is currently a significant imbalance in how the formula works relative to need and ability to generate local revenues. As an example, Duluth and Brooklyn Park have nearly identical populations and similar property tax bases per capita, yet Duluth is slated to receive over \$35M in LGA in 2024, while Brooklyn Park is scheduled to receive just over \$900k. We specifically request that Brooklyn Park's annual LGA allocation be at least preserved at \$1.45M or greater and that the formula be adjusted to better account for communities that have high service needs and lower per capita tax base to pay for those services.

- **Public Safety Benefit Account Reimbursement**

Background

In recent years, there has been an increase in police officers leaving their professions for medical-related reasons. The ongoing liability of contributing toward departing public safety employees' health insurance costs until retirement is a significant burden on our local taxpayers. The state has only been partially reimbursing for these costs to date.

Position

Support fully funding the Public Safety Benefit Account on an ongoing basis to reimburse employers for providing continued health insurance to police officers and firefighters injured in the line of duty and dependents of those killed.

- **Fiscal Disparities**

Background

Due to infrastructure development (airports, highways, light rail, etc.) and other economic stimuli, certain parts of the Metropolitan Area are at a greater advantage for economic development and tax base growth. The Fiscal Disparities program was designed to distribute a portion of this growth to cities that don't have the same economic advantages. This distribution of value serves to mitigate the property tax disadvantage to those communities.

Position

Brooklyn Park supports the Fiscal Disparities program and would support changes to stabilize the benefits of the program to metropolitan cities.

- **Sales Tax Exemption**

Background

The process for using the sales tax exemption on construction materials is complicated, burdensome and risky to contractors and cities. Because of this, we are not aware of any city that has decided to use this exemption.

Position

Brooklyn Park supports the simplification of the current sales tax exemption for construction materials. An estimated savings of \$150,000 to \$200,000 annually for construction projects would be realized by the city if the sales tax exemption process was simplified. Absent the State simplifying process, the City will request an

exemption on sales taxes for projects such as improvements at the Community Activity Center, expansion of Zanewood Teen Center, or like projects.

- **Social Security Disability Insurance (SSDI) and Social Security Taxes**

Background

Rising costs tied to inflation and changes in the economy have been especially hard on residents on fixed incomes. In addition, how social security disability insurance benefits are calculated for individuals with work limitations due to disabilities needs review. In the 2023 Legislative session, changes were made so single filers making \$78,000 or less will not pay state income tax on Social Security benefits. For married filing jointly, income must be \$100,000 or less for Social Security income to be tax-exempt.

Position

Brooklyn Park supports the full removal of state taxes on social security recipients and an improved methodology for how SSDI is calculated that is not punitive for disabled Minnesotans.

III.V. Comprehensive Plans and Environmental Review

Background

State law requires cities to develop comprehensive plans every ten years to guide growth and development in conjunction with a region-wide planning process administered by the Metropolitan Council. A separate law requires environmental review for certain individual development projects to ensure that development does not harm the environment. Recent court rulings have blurred the lines between these two processes, potentially creating a situation in which comprehensive plans would be required to include a full multi-decade citywide environmental review that would be impractical for cities to complete and that would not accurately assess the environmental impacts of development.

Position

Propose amending state law to clarify any ambiguity between the requirements for comprehensive plans and environmental review for individual development projects.

III.V. Youth

- **Out-of-school Time**

Background

High-quality afterschool and summer learning programs provide hands-on learning experiences that narrow the opportunity and achievement gaps, build critical 21st century skills, and support working families by ensuring their children are safe and engaged in learning outside of school. Minnesota needs to ensure a bright future for our young people and our state by investing in afterschool programs to expand access for all young people. Minnesota currently has no state public funding accessible to the broad range of afterschool programs.

Position

Establish new state resources to provide competitive afterschool program grants. These funds would prioritize programs primarily serving youth below 185 percent of the federal poverty line (youth eligible for free and reduced-price lunch).

- **Youth Mental Health**

Background

Our youth and young adults have experienced a pronounced and pro-longed amount of trauma in recent years given issues such as COVID-19, racial tensions, increase in crime, and financial hardship.

Position

Support resources that make existing mental health systems more accessible and culturally responsive, and support community driven solutions for mental health and well-being.

~~Support resources that highlight the current situation and support our youth and young adults to effectively manage the currently challenging times.~~

IVVI. Voting and Governance Laws

- **Voting**

Background

In recent years, the state has changed voting rules that have reduced barriers to voting for residents. This includes the 46 day absentee voting timeline before an election by eliminating the requirement to provide an excuse to vote absentee. Additionally, the state now has in place fixed dates for when an election can take place, a specific day in the following months – February, April, May, August and November. These rules apply to both special and general elections.

Position

Brooklyn Park would like the state to consider changes to the current voting rules that place an undue financial burden on cities with a 46 day absentee voting window and to consider changes that allow for a more expeditious election cycle to replace vacancies on a local board or council.

- **Open Meeting Law Flexibility**

Background

During the COVID pandemic, greater flexibility was allowed for participation by elected and appointed officials in gatherings governed by the open meeting law (e.g. city council, boards and commissions, etc.) With the removal of the emergency provisions allowing for that flexibility, there has been an increased call by our local elected and appointed officials to preserve that flexibility previously allowed.

Position

Request changes to open meeting law (statute 13D.02) that would allow greater flexibility by elected and appointed officials for remote participation in meetings governed by the open meeting law.

V. COVID-19

Background

~~COVID-19 has had a significant economic, social and health impact on all parts of our society, both locally and globally. For communities, the impact to societal well-being, economic and business prosperity, housing stability, youth education progression, and the overall physical and mental health of residents has been dramatic. To address the challenges of COVID, continued investments of federal, state and local resources and coordination are necessary to minimize its short and long-term impacts.~~

Position

~~The City of Brooklyn Park supports additional federal, state and local resources and coordination to aid our businesses and residents to navigate the challenges of COVID as best as possible. The Economic Development Authority (EDA) section of this document outlines specific needs to address the challenges of COVID.~~

VII. Emerald Ash Borer (EAB)

Background

EAB was discovered in Brooklyn Park in August 2017 and is expected to spread through the city as well as all of Minnesota over the next few years. There are more than ~~4,000~~ 4,500 city owned ash trees and thousands more on private property. Removing and replanting these trees would cost more than \$4,000,000. Chemical treatment of ash trees is an option but is expensive (\$200 per tree every two years) and a long-term commitment. Untreated trees will die.

Position

The EAB epidemic is a state-wide problem and a threat to the forest system in Minnesota. The City requests the state legislature provide funding for cities to address the removal and replanting of trees to maintain a healthy and diverse forest system.

VIII. Public Safety

School Resource Officers (SROs) ~~School Resource Officers (SROs)~~

Background

During the last legislative session, Minnesota Statute was revised to prohibit the use of prone restraints and certain pressure based holds against all students by employees and agents of public school districts. See Minn. Stat. § 121A.581. In

addition, the revised statute indicates that the prohibition includes “a school resource officer, security personnel, or police officer contracted with the district.” The Amendment also revises Minnesota Statutes section 121A.582 to provide that: (1) teachers and principals may use reasonable force “to correct or restrain a student to prevent imminent bodily harm or death to the student or another”; and (2) other school employees, agents, and bus drivers may use reasonable force “to restrain a student to prevent bodily harm or death to the student or another.”

Position

Use of force by police officers is regulated by the current Minnesota stat 609.06. All police officers are required to understand and test each year their competency in this standard to maintain their POST license. To add another use of force statute that conflicts with the current use of force standard only brings confusion for when police officers should use force. Furthermore, the new standard is extremely ambiguous and cannot be interpreted consistently by the State Attorney General or the Hennepin County Attorney. This exposes our children in schools to unsafe environments and our police officers to criminal and civil liability. We request to strike all SRO language from the corporal punishment and prone restraint laws and rely on the already existing use of force laws for police officers.

▪ **Address Rise in Violent Crimes**

Background

Over the last few years, the country, state, region and Brooklyn Park community have experienced a significant increase in certain types of violent crimes, especially those involving guns and crimes against persons. Repeat offenders of these types of crimes has also been cited as a growing concern. This increase in crimes has led to increased loss of life and injury, decreased livability of neighborhoods, and led some businesses and residents to leave or consider leaving our city. In 2023, the Minnesota Legislature did provide some one-time resources and competitive grant opportunities to support crime prevention strategies.

Position

The City of Brooklyn Park supports legislative efforts and funding strategies that financially supports on an ongoing basis violence prevention, intervention and interruption work that address this rise in crime, including measures to ensure offenders of violent crimes are held accountable. We also support rehabilitative resources and strategies that support proven alternative approaches for youth and young adults involved in low-level criminal activities that may not be best served by the traditional criminal justice system. Additionally, we support strategies to address the underlying root causes of community violence including economic and housing stability, educational opportunity, health security, etc.

▪ **Capital Support for Fire and Regional Training and Emergency Operations Facility**

Background

The rapid decline in volunteerism combined with a significant increase in fire/medical emergency responses led the city to transition from a paid on-call department to a full-time staffed career fire department. The city’s four firehouses were never designed for career firefighter accommodations or for a diverse

workforce living together for 24+ hours at a time. The current stations also do not provide adequate systems, including building-wide ventilation systems and decontamination showers, to protect firefighters from exposure to carcinogenic particulates because of their job. A third-party study identified that all of Brooklyn Park's fire stations require significant renovations and, in some cases, need to be completely rebuilt. In addition to serving the 86,000+ residents of Brooklyn Park, the fire department regularly responds to assist neighboring communities through long-established mutual aid agreements, and our facilities have served as a regional emergency operations center (EOC). The 2023 Legislature provided \$1.1M in resources for the design of a facility that would serve as a central fire station and regional training and emergency operations facility.

Position

Other communities have received capital support for fire and other municipal facilities. The City of Brooklyn Park is seeking state bonding in the amount of \$12.7M to support the construction of a new central firehouse which will also serve as a multi-agency Emergency Operations Center (EOC) and regional training facility.

- **Officer Well-Being and Officer Accountability**

Background

During the summer of 2020, the Minnesota Legislature took some initial steps to examine opportunities for improvement in the law enforcement profession. With police officers being asked to do an ever-expanding set of responsibilities it's important they have the necessary tools and resources to effectively do their jobs. Some of those supports, including enhanced training opportunities, were included in the actions of the Legislature, but more opportunities exist. Similarly, while some initial steps were taken to improve the arbitration system for police misconduct, it's doubtful those changes will result in long-term change.

Position

Brooklyn Park supports the continued examination of opportunities for improvement in both providing the needed supports for our officers to be successful in their profession and ensuring accountability for when officer misconduct does occur.

- **Mental Health Resources to Support Community Need**

Background

Brooklyn Park's Police Department has seen a growing incidence of mental health-related calls in recent years. These calls range from the most serious of violent crime situations to simple requests of coordinating mental health services for residents in need. We are currently piloting out both a co-responder and alternate response model to respond to mental health related calls. A vast majority of the simple requests are coming from employees of group homes that are either insufficiently trained or do not have the resources to deal with their clients needs. We receive hundreds of these 911 calls per year that simply do not belong in the law enforcement arena.

Position

Brooklyn Park encourages the state to not only support local (city and county) law enforcement and social service entities in providing additional mental health resources to meet the need, but additionally to more meaningfully examine how can we rethink the mental health systems that are too often failing our residents. We support stricter licensing of group home providers so that proper training of their staff is completed and sufficient and proper resources are dedicated and available for the needs of their clients and to support better compensation for the professionals providing client services.

VIII. Projects Leading to Regional Assets

• Innovation and the Arts

Background

~~The City, along with North Hennepin Community College and other school districts, municipal and non-profit partners have identified a gap in arts opportunities in the northwest area of the region, including a shortage of locations for fine and performing arts and arts-related career exploration.~~

Position

~~The City supports funding to North Hennepin Community College and other partners to expand access to arts education and programming and access to creative career opportunities in the northwest area.~~

• Three Rivers Park District – Full build out of Mississippi Gateway Park

Background

~~The City of Brooklyn Park and Three Rivers Park District have collaboratively planned for the redevelopment of the Mississippi Gateway Regional Park and the Environmental Nature Area to become a single destination park location. As the project is nearing planning completion, recent hyper-inflation is making it challenging for the construction project to include all of the desired amenities to meet the vision of the park.~~

Position

~~The City of Brooklyn Park supports the Three Rivers Park District request for additional state funding to ensure that the full vision of this regional destination can be completed during the initial construction.~~

• Capital Support for Water Quality Improvements (PFAS AND HARD WATER)

Background

Brooklyn Park is the 6th largest city in Minnesota with over 86,000 residents. The city's water is sourced through a shallow aquifer that is some of the hardest water in the metro area and recently has been found to contain per-and polyfluoroalkyl substances (PFAS). This hard water and PFAS containing water causes significant issues within our community. Hard water requires residents to have home water softening units. Unfortunately, many of our low-income residents

cannot afford to install these systems in their homes. By not having water softening units in their homes, the hard water prematurely degrades appliances like water heaters, dish washers, and leads to buildup in the internal piping of homes. Having to replace these appliances causes significant financial strain on our residents. Providing a city-wide softening plant will dramatically improve the water quality going to homes, reduce damage to piping and appliances, and eliminates the need for home water softening equipment. Potential treatment for PFAS in our water supply could cost upwards of \$70 million to construct and millions more per year to operate.

Position

The state has historically supported water treatment because it directly benefits low-income residents and improves the lives of our community. Brooklyn Park will explore all state and federal funding to support this important development.

▪ **Zanewood Teen Center Expansion**

Background

Constructed 2003, the existing Zanewood Recreation Center can no longer physically support the robust portfolio of programs and respond to the current community need for access to high quality youth, teen and young adult programs, recreation activities, youth and family events, art and wellness programs, intervention and other wrap around youth service opportunities. The City of Brooklyn Park is seeking \$4 million in state funds to design, construct and furnish the renovation and expansion of the Zanewood Recreation Center to expand program and workforce development opportunities for young people and families in Brooklyn Park, Brooklyn Center, north Minneapolis and surrounding communities.

Position

Request \$4 million in state bonding funds to support the renovation and expansion of the Zanewood Recreation Center to better serve young people and families in Brooklyn Park.

▪ **Community Activity Center Enhancements**

Background

The Brooklyn Park Community Activity Center was originally built in 1983 to serve the northwest suburbs as a hub for hockey and banquet/meeting activities. Over the years, the need for recreation amenities in the area has shifted from hockey to filling the gap in space for indoor court activities like basketball, volleyball and pickleball. The City of Brooklyn Park is considering the possibility of converting one ice arena to a gymnasium with three multi-sport courts. The addition of gymnasium would further diversify the Community Activity Center as a regional destination for sports and meetings. In 2023, the Minnesota Legislature provided \$5M for the ice rink conversion project. The City Council is currently weighing multiple options for improvements at the Community Activity Center and would like to amend the 2023 approved language to provide additional flexibility in how the \$5M provided could be used.

Position

~~Other communities have received capital support for renovations and construction of community centers. Brooklyn Park will explore the feasibility of state support for the renovation of the Community Activity Center. Request to amend the language to provide additional flexibility in the \$5M already approved by the 2023 Legislature for expansion of the Community Activity Center to include basketball, volleyball and pickle ball.~~

- **Capital Support for Water Quality Improvements**

Background

Brooklyn Park has over 1,000 acres of land ready for development in the northwest part of the city. This area is one of the last green field development sites in the metropolitan area. The development of this area will create thousands of jobs, provide additional housing, and increase the tax base for one of the most diverse communities in the state of Minnesota. To begin development, the city needs to extend two connections under TH 169, one connection under Highway 610, and install a new water tower. To install all of this infrastructure, it would require significant increases in rates to all of our residents, many of whom are low income. State bonding to help cover some of these expenses will create jobs, reduce the impact to our residents, and increase the tax base in this area. The increased tax base and jobs will directly benefit the State of Minnesota as well.

Position

The state has historically supported infrastructure expansion because it directly benefits the tax base, increases jobs, and benefits the region as a whole. Brooklyn Park will explore all state and federal funding to support this important development.

- **Capital Support for Fencing Consortium**

Background

Over 30 public entities, including Brooklyn Park, have agreed to form a Fencing Consortium Joint Powers Agreement. The intent of the Fencing Consortium is to provide anti-scale fencing within hours, not days, around potentially impacted government building(s) in response to a critical incident. The goal of the anti-scale fencing is to de-escalate the potential tensions and try to reduce/eliminate the non-tangibles associated with civil unrest

Position

State funding to support this multi-agency emergency response and training effort will result in the purchase of anti-scale fencing which will not only considerably reduce the on-going cost to Brooklyn Park and Fencing Consortium members (improving equitable access to this de-escalation tool), but also allow for multiple facilities to have fencing at the same time.

IXX. Local Control

- Retail Food Licensing and Inspection – Support continued retail food licensing and inspection delegation to cities and counties from the Minnesota Department of

Agriculture (MDA) under a new agreement that builds a better local-state partnership. Related, we encourage the Minnesota Departments of Agriculture and Health to consolidate and simplify retail food establishment licensing to increase efficiency.

XI. Home Owners Associations

▪—Home Owners Association (HOA) Reform

Background

Brooklyn Park is home to a significant number of home owner associations (HOAs). In recent years, there have been a growing number of complaints reported to City officials regarding disputes between HOAs and residents within HOAs. Examples of issues that have arisen include lack of transparency by HOAs to using HOA by-laws in punitive and manipulative ways. Local government has minimal ability to resolve many of the disputes that arise given the laws that govern HOAs are established by the State of Minnesota.

Position

Brooklyn Park recommends changes in laws that govern HOA that provide more protections for the residents of HOAs, greater transparency requirements for the HOAs to residents, and improved pathways to resolve disputes that arise between HOAs and their residents. Additionally, the state should provide resources and technical assistance when homeowners have conflicts with HOA boards.

XII. Other areas of support

- Poverty – Brooklyn Park and a growing number of other suburbs have an expanding share of the metropolitan area's residents living in poverty. Historically, state recognition and resources to address poverty have been focused on Minneapolis and St. Paul. Recognition and resources to combat poverty should be focused on all concentrated areas of poverty, not just in the urban core.
- Active and Engaged Seniors – Brooklyn Park strives to be an age-friendly community for all our residents. We support resources and services that support our aging residents, especially those that are often hard to connect with, supporting their ability to thrive and live healthy and productive lives. Of particular note is the need for additional mobility and transit services.
- Affordable access to Broadband Internet Services – Brooklyn Park supports the state and federal efforts that encourages private and public investments making broadband internet accessible and available to all residents.
- Clean Energy and Addressing Climate Change - Locally and globally, we are seeing the negative impacts of climate change on our built and natural systems. Brooklyn Park has been a leader in addressing these impacts through efforts such as the installation of the largest city-led solar installation in the state. Brooklyn Park supports efforts to reduce the impacts of climate change and provide the resources and

supports at the state, local and individual levels to continue making strides that will slow and hopefully reduce the impact of climate change.

- Emergency Assistance – The state needs to review the criteria for when resources can be distributed for individuals that are in need of emergency assistance.
- Policy Partners – Brooklyn Park’s partner organizations have advanced several additional legislative proposals that would enhance the livability, economic vitality, and financial condition of the city. While not identified as the city’s top priorities, Brooklyn Park may support these initiatives as well.

Partners

- Metro Cities
- League of Minnesota Cities
- North Metro Mayors Association

2023 Legislative Policy Positions

Brooklyn Park Economic Development Authority

Overview

~~Brooklyn Park works together with its partners to support proposals for new legislation in Minnesota designed to strengthen the community. The years of 2020 and 2021 brought numerous challenges and eye-opening moments that highlighted the weaknesses in the regional and state economy, housing situation, and workforce development systems.~~

The Brooklyn Park Economic Development Authority (EDA) supports many of the legislative policies of its partner organizations, including policies that help the City manage through difficult times and improve livability in the community.

For 2024⁴³, the Brooklyn Park EDA is focusing on investments to attract development and tax base growth, housing funding, small business supports, and shifting economic development and housing efforts towards reducing racial wage, wealth, and employment gaps among black, indigenous, and people of color (BIPOC) populations within the city and the region.

I. ~~Special Section: Budget Surplus Uses~~

~~This section is specific to responding to the budget surplus of the biennium. The year 2023/2024 is a special opportunity to invest in community needs as communities are recovering from the pandemic.~~

Position

- ~~• Support to cities to support and/or incentivize the rehabilitation of older housing to maintain quality housing for lower income households, including at Huntington Place Apartments, which is the second largest apartment community in the State.~~
- ~~• Support to cities and non-profit partners in developing small business centers, incubators, and other affordable commercial opportunities for small and BIPOC owned businesses.~~
- ~~• Expansion of the Low Income Housing Tax Credit (LITHC) and deferred loan programs/bonding for private developers to develop more housing, especially housing affordable to 30% AML and mixed income housing.~~
- ~~• Broad statewide expansion of down payment assistance programs for BIPOC households.~~
- ~~• Financial investment in rent and mortgage assistance and homelessness response strategies to stabilize housing.~~
- ~~• Additional financial resources and training for workforce development.~~

1. Development and Tax Base Growth

The City strives to ensure the development of vacant and under-utilized parcels brings tax base growth that allows the city to sustain quality of life and city services while improving regional equity. State resources are needed to assist in

attracting this desired and needed development, which would include higher densities that support economic vitality and community amenities.

Position

- approve special adjustments to TIF regulations that will provide for increased resources in three critical development area – Village Creek, Oak Grove and Zane, and along the BLRT corridor
- invest in the proposed Brooklyn Park Bio-Tech Innovation District concept

~~II. Jobs and Economic Growth Funding~~

Stable and secure funding sources for economic development are critical to the community's long-term success. The State should support economic development funding and continue to enhance local development tools.

Position

- *Increase resources for the Mainstreet Program and modify the program to include acquisition as an eligible use, remove funding cap and reduce match, and allow cities to participate.*
- ~~*Beyond the Mainstreet Program, we support the addition of other*~~*Increase strategies and financial resources to support anti-displacement of small businesses*
- *Continue competitive funding for the Minnesota Investment Fund and the Job Creation Fund, including focus on local hiring and hiring of BIPOC.*
- *No changes that would further restrict the use of Tax Increment Financing (TIF) to accomplish the community's development/redevelopment objectives.*
- *Changes to the TIF statute that treat energy efficient and/or alternate energy technologies, sustainable site design and other "green" development alternatives as qualified development costs.*
- ~~*Continued efforts to clarify the method for calculating available TIF pooling.*~~
- *The extension, clarification, and broadening of the Opportunity Zone and New Markets Tax Credit programs to further encourage and incentivize investment in these areas.*
- *Change to the TIF statute to allow use for re-habilitation of existing buildings and other displacement prevention initiatives.*
- *Change to the Minnesota Department of Employment and Economic Development (DEED) Workforce Development Fund and associated programs to focus on employer engagement and workforce development strategies that specifically seek to close the wage and employment gap for communities of color.*
- *Change to DEED programs that provides appropriate training for employers to increase their cultural competency and encourages employers to be employers of choice for BIPOC.*

III. Neighborhood Vitality

Aging housing and infrastructure in areas with declining private investment strains local government resources and threatens to destabilize neighborhoods. The State of Minnesota needs to continue to take actions that provide the tools necessary to manage areas of disinvestment. While this problem requires additional resources, the State can take policy actions to alleviate some of the local impacts without stressing the State's budget.

Position

- *Increase flexibility of Tax Increment Financing (TIF) pooling for specialized uses, such as housing rehabilitation.*
- *Eliminate regulatory language that creates barriers to using the funds to reinvest in areas of disinvestment.*
- *Secure state and federal resources and provide financing tools for cities to help pay for costs associated with neighborhood reinvestment.*

IV. Economic Inclusion

The City is committed to advancing policies and programs that specifically advance populations who have historically had unequal access to the economic benefits and opportunities in our community. The State of Minnesota should support efforts to acknowledge this unequal access and reverse it. Specifically, the following policies should be considered:

Position

- *Support anti-displacement investments and initiatives for the BLRT project to prevent direct displacement as well as economic displacement of lower income community members and cultural communities (see the attached coordinated proposal)*
- *Add Brooklyn Park as an eligible area in the Promise Act legislation, which would open up funding for grants and/or loans to businesses, non-profit organizations, and developers in communities that have been adversely affected by structural racial discrimination, civil unrest, lack of access to capital, a loss of population or an aging population, or a lack of regional economic diversification.*
- *Support for BIPOC and local community members to become developers to keep and grow wealth in the community, preferencing local and BIPOC developers in funding formulas for development subsidy programs*
- *Support for BIPOC and local community members to access financing to purchase and improve residential and commercial investment properties in their community, similar to the NEON Commercial Loan Program in North Minneapolis*
- *Create more protections for tenants within commercial properties, with a focus on small lower-income businesses who are at greater risk of displacement.*
- *Requirements in state economic development subsidy programs for local*

and BIPOC hiring Increase workforce training funding options for local solutions including state funding for youth and adult workforce development programs with a priority on high unemployment census tracts.

- *Continue funding for the Job Skills Partnership, DEED youth and adult workforce programs, youth employment programs and other workforce training programs administered by the state that led to jobs that provide a living wage and benefits and help address racial disparity gaps in employment and educational attainment.*
- *Establish innovative workforce programs and partnerships that foster workforce readiness, including state funding for youth and adult programs, the Minnesota State University System, and DEED Workforce Centers and its programs.*
- *Create a payroll tax credit for job training programs that invest in employees.*

IV. Improved Multi-Modal Transportation Access and Mobility

Capturing the full economic development potential of new development and redevelopment in Brooklyn Park requires improved transportation investments in the region. Mobility is a major barrier to access to opportunities for many of our residents.

Position

- *Provide State resources ~~for strategies to complete the local requirements~~ to leverage the federal funding for the METRO Blue Line Extension LRT (BLRT) project, which will bring five LRT stations to Brooklyn Park.*
- *Increase funding and maximum grant award amount for the Transportation Economic Development (TED) Program or similar programs to support strategic infrastructure investments that promote economic development.*
- *~~Increase the allocation of~~Add transit funds for BLRT operations and enhanced east-west bus connections and suburban circulator routes for better transit mobility.*
- *Increase funding for regional and local trail connections, especially in aging neighborhoods that lack connectivity, to improve pedestrian and bike connections within and across communities.*

V. Support Career Pathways in High Demand, High Wage Professions

Brooklyn Park promotes the growth of the manufacturing, IT, and healthcare sector within the community and throughout the state. These sectors provide an excellent opportunity for future economic growth and employment and should continue to be supported. Brooklyn Park supports programs that provide incentives for business to expand and continue to contribute toward increasing economic competitiveness for the state.

Position

- *Continue and expand investment tax credits and other tax incentives for investing in the life science, medical device, and precision manufacturing,*

- *healthcare, and IT industries.*
- *Continue and expand venture capital funding pools for emerging companies.*
- *Modify Tax Increment Financing (TIF) pooling uses to support manufacturing, IT, and healthcare investments in communities with high poverty and/or unemployment*

VII. Affordable Housing

Housing affordability and stability is a growing concern within the community, especially at the 30% Area Median Income (AMI) level. With the rising cost of housing, many of our residents are priced out or housing cost burdened. In addition, efforts need to be focused on reducing racial disparities in homeownership and housing cost burdens. More resources for getting pipelined affordable and attainable housing projects in the suburbs approved is critical in furthering opportunities and access to suburban communities for low and moderately income households.

Position

- *Policy that results in better oversight of Homeowners' Associations.*
- *Reduce barriers to and promote fair housing and equal opportunity.*
- *Increase tax-exempt bond allocation to maximize and expand the development of affordable housing opportunities within the pipelined affordable housing projects in the suburbs.*
- *Increase investment in the preservation of Naturally Occurring Affordable Housing through re-habilitation and long-term affordability programs, including expansion of TIF for this purpose.*
- *Consider a statewide mixed- income housing policy to increase the number and dispersion of affordable housing in the state and provide resources through Minnesota Housing to develop such housing.*
- *Expand the project-based Housing Choice Voucher program regionally to support 30% AMI housing.*
- *Expand TIF to allow use for 30% AMI housing at a smaller percentage than the 20 percent of each project (i.e., 10% affordable at 30% AMI being eligible)*
- *Consider "just cause" eviction changes at state level*
- *Increase resources for programs and services for people experiencing homelessness*

2024~~3~~ Policy Partners

- Metro Cities
- League of Minnesota Cities
- Economic Development Association of Minnesota
- Urban Land Institute Minnesota
- Minnesota Housing Partnership
- National Association of Housing and Redevelopment Officials

- Minnesota Chapter of the American Planning Association
- Mpls Regional Chamber
- North Metro Mayors
- Connect Blue Line Now Coalition! and Blue Line Coalition
- Center for Economic Inclusion
- Center for Urban and Regional Affairs at the University of Minnesota

~~2023~~-2024 Federal Legislative Priorities and Positions

City of Brooklyn Park

Overview

Brooklyn Park works together with its partners to support proposals for new legislation in Washington DC designed to strengthen the community. The following list of federal priorities and positions constitute Brooklyn Park’s federal agenda for 2023.

I. Permanent Residency for Liberians in a DED and TPS Status

Background

Many Brooklyn Park residents immigrated from Liberia and were given a temporary protected status (TPS) when they originally moved to the United States. This legal residency status has been extended several times since 2007.

Position

The City supports continued efforts to assist Liberians and other residents on their pathway to citizenship.

II. Blue Line Light Rail Transit

Background

The Blue Line Light Rail Transit (BLRT) Extension Project will extend the existing light rail line from Target Field in Minneapolis through four communities (Minneapolis, Robbinsdale, Crystal and Brooklyn Park) to Oak Grove Parkway, locating five stations in Brooklyn Park. Bringing LRT to the northwest suburbs will improve mobility and access to jobs and will ensure the northwest portion of the region remains competitive.

Position

The City of Brooklyn Park supports policies, laws, and funding (federal, state, regional and local) to finalize planning and move to the construction and operation phases of the BLRT extension project.

III. Housing Policy and Resources

Background

Access to quality affordable housing is a growing problem in the nation impacting the stability of families in Brooklyn Park. Federal housing policies have a huge impact on the availability of affordable housing through programs and funding mechanisms that impact housing construction, housing rehabilitation, and homeowner lending. Data show households of color experience significantly lower homeownership rates and have more difficulties in finding quality affordable rental housing.

Position

The City supports programs and policies that improve the availability of quality affordable homeownership and rental housing, including reducing racial disparities in housing. For example, the Section 8 voucher program needs additional resources.

IV. COVID-19

Background

~~COVID-19 has had a significant economic, social and health impact on all parts of our society, both locally and globally. For communities, the impact to societal well-being, economic and business prosperity, housing stability, youth education progression, and the overall physical and mental health of residents has been dramatic. To address the challenges of COVID, continued investments of federal, state and local resources and coordination are necessary to minimize its short and long-term impacts.~~

Position

~~The City of Brooklyn Park supports additional federal, state and local resources to aid our businesses and residents to navigate the challenges of COVID as best as possible. The Economic Development Authority (EDA) section of this document outlines specific needs to address local economic challenges.~~

Attachments:

- A) Proposal for coordinated legislative strategy/advocacy

2024 Federal and State Legislative Priorities and Positions

Brooklyn Park 
Unique. United. Undiscovered.



2024 State Legislative Priorities and Positions

City of Brooklyn Park

Overview

Brooklyn Park works together with its partners to support proposals for new legislation in Minnesota designed to strengthen the community. The following list of legislative priorities and positions, along with those prepared by the Brooklyn Park Economic Development Authority (EDA), constitute Brooklyn Park's legislative agenda for the 2024 legislative session.

I. Diversity, Equity and Inclusion

The City of Brooklyn Park, with our rich racial, ethnic and demographic diversity, is committed to supporting local, state and federal policies and investments that advance the goals of eliminating racial and economic disparities in areas such as housing, employment, transportation, health care, safety, etc., and works towards a more inclusive economy. Many of the detailed policies advocated for in this document strive to achieve these goals.

II. Transportation Infrastructure

Investments in transportation infrastructure can often result in multiple benefits to a community, a more efficient and safer multi-modal transportation system and a stimulus for economic growth. In addition to state funding to support the municipal state aid road network, two specific projects that have the potential to be impacted by legislative actions include improvements to highway 252 and the Blue Line Light Rail extension project.

- **Trunk Highway 252**

Background

Highway 252 provides a vital high speed / high volume link between Minneapolis and the northern suburban areas. The congestion and safety issues experienced at the at-grade signalized intersections along the four mile corridor rank among the worst in the state under both categories. The City of Brooklyn Park is currently working with the City of Brooklyn Center, Minneapolis, MnDOT and Hennepin County to upgrade highway 252 to a freeway while maintaining or enhancing transit service along the corridor.

Position

In the 2018 Legislative Session, partial funding was granted for conversion of highway 252 to a freeway with construction expected to start in 2025 or shortly thereafter. This project has been delayed as a more thorough Environmental Impact Statement (EIS) of the reconstruction options are being considered. The City seeks to work with project partners to secure the additional funding necessary for this project to advance. In addition, the local communities along the line may

have some shared financial responsibility for the costs to improve the interchanges and any local roads that would be impacted by the project. The City supports expanded access to federal, state, regional and county grant dollars that would alleviate local taxpayer burden for these costs. The City also supports the investment in temporary safety measures until final design and construction is complete.

- **Blue Line Light Rail Transit**

Background

The Blue Line Light Rail Transit (BLRT) Extension Project will extend the existing light rail line from Target Field in Minneapolis through four communities (Minneapolis, Robbinsdale, Crystal and Brooklyn Park) to Oak Grove Parkway, locating five stations in Brooklyn Park. Bringing LRT to the northwest suburbs will improve mobility and access to jobs and will ensure the northwest portion of the region remains competitive.

Position

The City of Brooklyn Park supports policies, laws, and funding (federal, state, regional and local) to finalize planning and move to the construction and operation phases of the BLRT extension project. Additionally, we support efforts around anti-displacement of businesses and residents that may be impacted by the construction and establishment of the line.

- **East – West Busing Connections**

Background

As a community of 86,000 plus residents our public transportation needs have far outpaced the services provided in our city. While some bus services exist within Brooklyn Park, most are oriented to bringing people in and out of the community, mainly running north - south, versus mobility within the community.

Position

The City of Brooklyn Park supports resources and change in service delivery models that provides east – west busing services to our residents without reducing the services that exist today.

- **Increase Municipal State Aid (MSA) to Cities**

Background

The City has 55 miles of MSA streets. Many of these streets have degraded prematurely and are only lasting 15-20 years instead of 30 years before needing overlays (resurfacing). Over the next five years, we have funding needs of over \$30 million on our MSA streets, but we are only scheduled to receive about half of our needs or approximately \$15 million.

Position

The City believes MSA funding should be increased 100% (doubled) to help cities address street repair needs and premature street degradation on MSA streets and

local streets. This would require a change of MSA eligibility funding to include reimbursement for local streets.

III. Sustainable Government Funding

The City of Brooklyn Park's financial position and property tax burden on businesses and residents are greatly influenced by actions taken at the state legislature. Historically, legislative changes to various funding formulas, aids, and imposition of statutory limits have impacted the City's ability to predict state sources of income, created unexpected community-level budget challenges, and resulted in increased tax burden on local taxpayers. Brooklyn Park supports efforts for more stable and predictable revenue sources and the reduction of the local property tax burden.

- **Levy Limits**

Background

Brooklyn Park advocates maintaining reliable, sustainable funding for desired city services and having the ability to control city levies at the local level. Enacting levy limits would remove this control from the City Council and may lead cities to adopt higher than desired tax levies in the short-term to maintain future levy capacity.

Position

Brooklyn Park supports a position that control of local levies remain at the local level.

- **Park Fee for Redevelopment**

Background

Currently, state law allows for collection of a park dedication fee to support the establishment and improvement of parks within a community when a parcel is initially subdivided for development. Fees are not currently allowed when that parcel is redeveloped. As Brooklyn Park currently has both greenfield development and redevelopment taking place, it would be beneficial to our ongoing improvement of our park system to allow the collection of fees in both development phases.

Position

Propose amending the state law allowing for park dedication fees to be collected for the initial development and redevelopment of parcels.

- **TIF/Value Capture strategies and cash investment to stimulate development**

Background

The market often times fails to produce the types of development that our community is seeking. This can lead to undeveloped land sitting idle for years and being unproductive from a property tax standpoint. Examples of this would include in our Village Creek neighborhood, and Oak Grove and Zane Ave areas.

Position

To incentivize private investment that aligns with our development vision and helps support public infrastructure investments, the City is seeking state resources

and flexibility in tax increment finance provisions to overcome market forces and attract private investment.

- **Local Government Aid (LGA)**

Background

Cities apply LGA in their finance structure for various purposes and rely on the receipt of these funds for those purposes. In the past, Local Government Aid has been used by the state legislature as a budget balancing measure by reducing or eliminating this funding in times of economic stress, causing funding shortfalls to local governments. In order to be effective, cities need to have reliable sources of funding. In 2023, the LGA formula reduced the state's allocation to Brooklyn Park from roughly \$1.45M in 2022 to \$0 in 2023. In the 2023 Legislative session the formula was modified and Brooklyn Park is scheduled to receive roughly \$900,000 in 2024.

Position

Brooklyn Park supports a position that state aids to local governments must remain a stable, reliable and sustainable funding source now and into the future. Brooklyn Park also believes the LGA formula should be adjusted to better account for a local government's ability to pay and related costs of core services. There is currently a significant imbalance in how the formula works relative to need and ability to generate local revenues. As an example, Duluth and Brooklyn Park have nearly identical populations and similar property tax bases per capita, yet Duluth is slated to receive over \$35M in LGA in 2024, while Brooklyn Park is scheduled to receive just over \$900k.

- **Public Safety Benefit Account Reimbursement**

Background

In recent years, there has been an increase in police officers leaving their professions for medical-related reasons. The ongoing liability of contributing toward departing public safety employees' health insurance costs until retirement is a significant burden on our local taxpayers. The state has only been partially reimbursing for these costs to date.

Position

Support fully funding the Public Safety Benefit Account on an ongoing basis to reimburse employers for providing continued health insurance to police officers and firefighters injured in the line of duty and dependents of those killed.

- **Fiscal Disparities**

Background

Due to infrastructure development (airports, highways, light rail, etc.) and other economic stimuli, certain parts of the Metropolitan Area are at a greater advantage for economic development and tax base growth. The Fiscal Disparities program was designed to distribute a portion of this growth to cities that don't have the same economic advantages. This distribution of value serves to mitigate the property tax disadvantage to those communities.

Position

Brooklyn Park supports the Fiscal Disparities program and would support changes to stabilize the benefits of the program to metropolitan cities.

- **Sales Tax Exemption**

Background

The process for using the sales tax exemption on construction materials is complicated, burdensome and risky to contractors and cities. Because of this, we are not aware of any city that has decided to use this exemption.

Position

Brooklyn Park supports the simplification of the current sales tax exemption for construction materials. An estimated savings of \$150,000 to \$200,000 annually for construction projects would be realized by the city if the sales tax exemption process was simplified. Absent the State simplifying process, the City will request an exemption on sales taxes for projects such as improvements at the Community Activity Center, expansion of Zanewood Teen Center, or like projects.

- **Social Security Disability Insurance (SSDI) and Social Security Taxes**

Background

Rising costs tied to inflation and changes in the economy have been especially hard on residents on fixed incomes. In addition, how social security disability insurance benefits are calculated for individuals with work limitations due to disabilities needs review. In the 2023 Legislative session, changes were made so single filers making \$78,000 or less will not pay state income tax on Social Security benefits. For married filing jointly, income must be \$100,000 or less for Social Security income to be tax-exempt.

Position

Brooklyn Park supports the full removal of state taxes on social security recipients and an improved methodology for how SSDI is calculated that is not punitive for disabled Minnesotans.

IV. Comprehensive Plans and Environmental Review

Background

State law requires cities to develop comprehensive plans every ten years to guide growth and development in conjunction with a region-wide planning process administered by the Metropolitan Council. A separate law requires environmental review for certain individual development projects to ensure that development does not harm the environment. Recent court rulings have blurred the lines between these two processes, potentially creating a situation in which comprehensive plans would be required to include a full multi-decade citywide environmental review that would be impractical for cities to complete and that would not accurately assess the environmental impacts of development.

Position

Propose amending state law to clarify any ambiguity between the requirements for comprehensive plans and environmental review for individual development projects.

V. Youth

- **Out-of-school Time**

Background

High-quality afterschool and summer learning programs provide hands-on learning experiences that narrow the opportunity and achievement gaps, build critical 21st century skills, and support working families by ensuring their children are safe and engaged in learning outside of school. Minnesota needs to ensure a bright future for our young people and our state by investing in afterschool programs to expand access for all young people. Minnesota currently has no state public funding accessible to the broad range of afterschool programs.

Position

Establish new state resources to provide competitive afterschool program grants. These funds would prioritize programs primarily serving youth below 185 percent of the federal poverty line (youth eligible for free and reduced-price lunch).

- **Youth Mental Health**

Background

Our youth and young adults have experienced a pronounced and pro-longed amount of trauma in recent years given issues such as COVID-19, racial tensions, increase in crime, and financial hardship.

Position

Support resources that make existing mental health systems more accessible and culturally responsive, and support community driven solutions for mental health and well-being.

VI. Voting and Governance Laws

- **Voting**

Background

In recent years, the state has changed voting rules that have reduced barriers to voting for residents. This includes the 46 day absentee voting timeline before an election by eliminating the requirement to provide an excuse to vote absentee. Additionally, the state now has in place fixed dates for when an election can take place, a specific day in the following months – February, April, May, August and November. These rules apply to both special and general elections.

Position

Brooklyn Park would like the state to consider changes to the current voting rules that place an undue financial burden on cities with a 46 day absentee voting

window and to consider changes that allow for a more expeditious election cycle to replace vacancies on a local board or council.

- **Open Meeting Law Flexibility**

Background

During the COVID pandemic, greater flexibility was allowed for participation by elected and appointed officials in gatherings governed by the open meeting law (e.g. city council, boards and commissions, etc.) With the removal of the emergency provisions allowing for that flexibility, there has been an increased call by our local elected and appointed officials to preserve that flexibility previously allowed.

Position

Request changes to open meeting law (statute 13D.02) that would allow greater flexibility by elected and appointed officials for remote participation in meetings governed by the open meeting law.

VII. Emerald Ash Borer (EAB)

Background

EAB was discovered in Brooklyn Park in August 2017 and is expected to spread through the city as well as all of Minnesota over the next few years. There are more than 4,500 city owned ash trees and thousands more on private property. Removing and replanting these trees would cost more than \$4,000,000. Chemical treatment of ash trees is an option but is expensive (\$200 per tree every two years) and a long-term commitment. Untreated trees will die.

Position

The EAB epidemic is a state-wide problem and a threat to the forest system in Minnesota. The City requests the state legislature provide funding for cities to address the removal and replanting of trees to maintain a healthy and diverse forest system.

VIII. Public Safety

- **School Resource Officers (SROs)**

Background

During the last legislative session, Minnesota Statute was revised to prohibit the use of prone restraints and certain pressure based holds against all students by employees and agents of public school districts. See *Minn. Stat. § 121A.581*. In addition, the revised statute indicates that the prohibition includes “a school resource officer, security personnel, or police officer *contracted with the district.*” The Amendment also revises Minnesota Statutes section 121A.582 to provide that: (1) teachers and principals may use reasonable force “to correct or restrain a student to prevent imminent bodily harm or death to the student or another”; and (2) other school employees, agents, and bus drivers may use reasonable force “to restrain a student to prevent bodily harm or death to the student or another.”

Position

Use of force by police officers is regulated by the current Minnesota stat 609.06. All police officers are required to understand and test each year their competency in this standard to maintain their POST license. To add another use of force statute that conflicts with the current use of force standard only brings confusion for when police officers should use force. Furthermore, the new standard is extremely ambiguous and cannot be interpreted consistently by the State Attorney General or the Hennepin County Attorney. This exposes our children in schools to unsafe environments and our police officers to criminal and civil liability. We request to strike all SRO language from the corporal punishment and prone restraint laws and rely on the already existing use of force laws for police officers.

- **Address Rise in Violent Crimes**

Background

Over the last few years, the country, state, region and Brooklyn Park community have experienced a significant increase in certain types of violent crimes, especially those involving guns and crimes against persons. Repeat offenders of these types of crimes has also been cited as a growing concern. This increase in crimes has led to increased loss of life and injury, decreased livability of neighborhoods, and led some businesses and residents to leave or consider leaving our city. In 2023, the Minnesota Legislature did provide some one-time resources and competitive grant opportunities to support crime prevention strategies.

Position

The City of Brooklyn Park supports legislative efforts and funding strategies that financially supports on an ongoing basis violence prevention, intervention and interruption work that address this rise in crime, including measures to ensure offenders of violent crimes are held accountable. We also support rehabilitative resources and strategies that support proven alternative approaches for youth and young adults involved in low-level criminal activities that may not be best served by the traditional criminal justice system. Additionally, we support strategies to address the underlying root causes of community violence including economic and housing stability, educational opportunity, health security, etc.

- **Capital Support for Fire and Regional Training and Emergency Operations Facility**

Background

The rapid decline in volunteerism combined with a significant increase in fire/medical emergency responses led the city to transition from a paid on-call department to a full-time staffed career fire department. The city's four firehouses were never designed for career firefighter accommodations or for a diverse workforce living together for 24+ hours at a time. The current stations also do not provide adequate systems, including building-wide ventilation systems and decontamination showers, to protect firefighters from exposure to carcinogenic particulates because of their job. A third-party study identified that all of Brooklyn Park's fire stations require significant renovations and, in some cases, need to be completely rebuilt. In addition to serving the 86,000+ residents of Brooklyn Park, the fire department regularly responds to assist neighboring communities through

long-established mutual aid agreements, and our facilities have served as a regional emergency operations center (EOC). The 2023 Legislature provided \$1.1M in resources for the design of a facility that would serve as a central fire station and regional training and emergency operations facility.

Position

Other communities have received capital support for fire and other municipal facilities. The City of Brooklyn Park is seeking state bonding in the amount of \$12.7M to support the construction of a new central firehouse which will also serve as a multi-agency Emergency Operations Center (EOC) and regional training facility.

- **Officer Well-Being and Officer Accountability**

Background

During the summer of 2020, the Minnesota Legislature took some initial steps to examine opportunities for improvement in the law enforcement profession. With police officers being asked to do an ever-expanding set of responsibilities it's important they have the necessary tools and resources to effectively do their jobs. Some of those supports, including enhanced training opportunities, were included in the actions of the Legislature, but more opportunities exist. Similarly, while some initial steps were taken to improve the arbitration system for police misconduct, it's doubtful those changes will result in long-term change.

Position

Brooklyn Park supports the continued examination of opportunities for improvement in both providing the needed supports for our officers to be successful in their profession and ensuring accountability for when officer misconduct does occur.

- **Mental Health Resources to Support Community Need**

Background

Brooklyn Park's Police Department has seen a growing incidence of mental health-related calls in recent years. These calls range from the most serious of violent crime situations to simple requests of coordinating mental health services for residents in need. We are currently piloting out both a co-responder and alternate response model to respond to mental health related calls. A vast majority of the simple requests are coming from employees of group homes that are either insufficiently trained or do not have the resources to deal with their clients' needs. We receive hundreds of these 911 calls per year that simply do not belong in the law enforcement arena.

Position

Brooklyn Park encourages the state to not only support local (city and county) law enforcement and social service entities in providing additional mental health resources to meet the need, but additionally to more meaningfully examine how can we rethink the mental health systems that are too often failing our residents. We support stricter licensing of group home providers so that proper training of their staff is completed and sufficient and proper resources are dedicated and available for the needs of their clients and to support better compensation for the professionals providing client services.

IX. Projects Leading to Regional Assets

▪ **Capital Support for Water Quality Improvements (PFAS AND HARD WATER)**

Background

Brooklyn Park is the 6th largest city in Minnesota with over 86,000 residents. The city's water is sourced through a shallow aquifer that is some of the hardest water in the metro area and recently has been found to contain per-and polyfluoroalkyl substances (PFAS). This hard water and PFAS containing water causes significant issues within our community. Hard water requires residents to have home water softening units. Unfortunately, many of our low-income residents cannot afford to install these systems in their homes. By not having water softening units in their homes, the hard water prematurely degrades appliances like water heaters, dish washers, and leads to buildup in the internal piping of homes. Having to replace these appliances causes significant financial strain on our residents. Providing a city-wide softening plant will dramatically improve the water quality going to homes, reduce damage to piping and appliances, and eliminates the need for home water softening equipment. Potential treatment for PFAS in our water supply could cost upwards of \$70 million to construct and millions more per year to operate.

Position

The state has historically supported water treatment because it directly benefits low-income residents and improves the lives of our community. Brooklyn Park will explore all state and federal funding to support this important development.

▪ **Zanewood Teen Center Expansion**

Background

Constructed 2003, the existing Zanewood Recreation Center can no longer physically support the robust portfolio of programs and respond to the current community need for access to high quality youth, teen and young adult programs, recreation activities, youth and family events, art and wellness programs, intervention and other wrap around youth service opportunities. The City of Brooklyn Park is seeking \$4 million in state funds to design, construct and furnish the renovation and expansion of the Zanewood Recreation Center to expand program and workforce development opportunities for young people and families in Brooklyn Park, Brooklyn Center, north Minneapolis and surrounding communities.

Position

Request \$4 million in state bonding funds to support the renovation and expansion of the Zanewood Recreation Center to better serve young people and families in Brooklyn Park.

▪ **Community Activity Center Enhancements**

Background

The Brooklyn Park Community Activity Center was originally built in 1983 to serve the northwest suburbs as a hub for hockey and banquet/meeting activities. Over the years, the need for recreation amenities in the area has shifted from hockey to

filling the gap in space for indoor court activities like basketball, volleyball and pickleball. The City of Brooklyn Park is considering the possibility of converting one ice arena to a gymnasium with three multi-sport courts. The addition of gymnasium would further diversify the Community Activity Center as a regional destination for sports and meetings. In 2023, the Minnesota Legislature provided \$5M for the ice rink conversion project. The City Council is currently weighing multiple options for improvements at the Community Activity Center and would like to amend the 2023 approved language to provide additional flexibility in how the \$5M provided could be used.

Position

Request to amend the language to provide additional flexibility in the \$5M already approved by the 2023 Legislature for expansion of the Community Activity Center to include basketball, volleyball and pickle ball.

- **Capital Support for Water Quality Improvements**

Background

Brooklyn Park has over 1,000 acres of land ready for development in the northwest part of the city. This area is one of the last green field development sites in the metropolitan area. The development of this area will create thousands of jobs, provide additional housing, and increase the tax base for one of the most diverse communities in the state of Minnesota. To begin development, the city needs to extend two connections under TH 169, one connection under Highway 610, and install a new water tower. To install all of this infrastructure, it would require significant increases in rates to all of our residents, many of whom are low income. State bonding to help cover some of these expenses will create jobs, reduce the impact to our residents, and increase the tax base in this area. The increased tax base and jobs will directly benefit the State of Minnesota as well.

Position

The state has historically supported infrastructure expansion because it directly benefits the tax base, increases jobs, and benefits the region as a whole. Brooklyn Park will explore all state and federal funding to support this important development.

- **Capital Support for Fencing Consortium**

Background

Over 30 public entities, including Brooklyn Park, have agreed to form a Fencing Consortium Joint Powers Agreement. The intent of the Fencing Consortium is to provide anti-scale fencing within hours, not days, around potentially impacted government building(s) in response to a critical incident. The goal of the anti-scale fencing is to de-escalate the potential tensions and try to reduce/eliminate the non-tangibles associated with civil unrest

Position

State funding to support this multi-agency emergency response and training effort will result in the purchase of anti-scale fencing which will not only considerably reduce the on-going cost to Brooklyn Park and Fencing Consortium members

(improving equitable access to this de-escalation tool), but also allow for multiple facilities to have fencing at the same time.

X. Local Control

- Retail Food Licensing and Inspection – Support continued retail food licensing and inspection delegation to cities and counties from the Minnesota Department of Agriculture (MDA) under a new agreement that builds a better local-state partnership. Related, we encourage the Minnesota Departments of Agriculture and Health to consolidate and simplify retail food establishment licensing to increase efficiency.

XI. Home Owners Associations

- Home Owners Association (HOA) Reform

Background

Brooklyn Park is home to a significant number of home owner associations (HOAs). In recent years, there have been a growing number of complaints reported to City officials regarding disputes between HOAs and residents within HOAs. Examples of issues that have arisen include lack of transparency by HOAs to using HOA by-laws in punitive and manipulative ways. Local government has minimal ability to resolve many of the disputes that arise given the laws that govern HOAs are established by the State of Minnesota.

Position

Brooklyn Park recommends changes in laws that govern HOA that provide more protections for the residents of HOAs, greater transparency requirements for the HOAs to residents, and improved pathways to resolve disputes that arise between HOAs and their residents. Additionally, the state should provide resources and technical assistance when homeowners have conflicts with HOA boards.

XII. Other areas of support

- Poverty – Brooklyn Park and a growing number of other suburbs have an expanding share of the metropolitan area's residents living in poverty. Historically, state recognition and resources to address poverty have been focused on Minneapolis and St. Paul. Recognition and resources to combat poverty should be focused on all concentrated areas of poverty, not just in the urban core.
- Active and Engaged Seniors – Brooklyn Park strives to be an age-friendly community for all our residents. We support resources and services that support our aging residents, especially those that are often hard to connect with, supporting their ability to thrive and live healthy and productive lives. Of particular note is the need for additional mobility and transit services.
- Affordable access to Broadband Internet Services – Brooklyn Park supports the state and federal efforts that encourages private and public investments making broadband internet accessible and available to all residents.

- Clean Energy and Addressing Climate Change - Locally and globally, we are seeing the negative impacts of climate change on our built and natural systems. Brooklyn Park has been a leader in addressing these impacts through efforts such as the installation of the largest city-led solar installation in the state. Brooklyn Park supports efforts to reduce the impacts of climate change and provide the resources and supports at the state, local and individual levels to continue making strides that will slow and hopefully reduce the impact of climate change.
- Emergency Assistance – The state needs to review the criteria for when resources can be distributed for individuals that are in need of emergency assistance.
- Policy Partners – Brooklyn Park’s partner organizations have advanced several additional legislative proposals that would enhance the livability, economic vitality, and financial condition of the city. While not identified as the city’s top priorities, Brooklyn Park may support these initiatives as well.

Partners

- Metro Cities
- League of Minnesota Cities
- North Metro Mayors Association

2023 Legislative Policy Positions *Brooklyn Park Economic Development Authority*

Overview

The Brooklyn Park Economic Development Authority (EDA) supports many of the legislative policies of its partner organizations, including policies that help the City manage through difficult times and improve livability in the community.

For 2024, the Brooklyn Park EDA is focusing on investments to attract development and tax base growth, housing funding, small business supports, and shifting economic development and housing efforts towards reducing racial wage, wealth, and employment gaps among black, indigenous, and people of color (BIPOC) populations within the city and the region.

I. Development and Tax Base Growth

- Development and Tax Base Growth

The City strives to ensure the development of vacant and under-utilized parcels brings tax base growth that allows the city to sustain quality of life and city services while improving regional equity. State resources are needed to assist in attracting this desired and needed development, which would include higher densities that support economic vitality and community amenities.

Position

- Approve special adjustments to TIF regulations that will provide for increased resources in three critical development area – Village Creek, Oak Grove and Zane, and along the BLRT corridor
- Invest in the proposed Brooklyn Park Bio-Tech Innovation District concept
- Stable and secure funding sources for economic development are critical to the community’s long-term success. The State should support economic development funding and continue to enhance local development tools.
- Increase resources for the Mainstreet Program and modify the program to include acquisition as an eligible use, remove funding cap and reduce match, and allow cities to participate.
- Increase strategies and financial resources to support anti-displacement of small businesses
- Continue competitive funding for the Minnesota Investment Fund and the Job Creation Fund, including focus on local hiring and hiring of BIPOC.
- No changes that would further restrict the use of Tax Increment Financing (TIF) to accomplish the community’s development/redevelopment objectives.
- Changes to the TIF statute that treat energy efficient and/or alternate energy technologies, sustainable site design and other “green” development alternatives as qualified development costs.
- The extension, clarification, and broadening of the Opportunity Zone and New Markets Tax Credit programs to further encourage and incentivize investment in these areas.
- Change to the TIF statute to allow use for re-habilitation of existing buildings and

- other displacement prevention initiatives.
- Change to the Minnesota Department of Employment and Economic Development (DEED) Workforce Development Fund and associated programs to focus on employer engagement and workforce development strategies that specifically seek to close the wage and employment gap for communities of color.
- Change to DEED programs that provides appropriate training for employers to increase their cultural competency and encourages employers to be employers of choice for BIPOC.

II. Neighborhood Vitality

Aging housing and infrastructure in areas with declining private investment strains local government resources and threatens to destabilize neighborhoods. The State of Minnesota needs to continue to take actions that provide the tools necessary to manage areas of disinvestment. While this problem requires additional resources, the State can take policy actions to alleviate some of the local impacts without stressing the State's budget.

Position

- Increase flexibility of Tax Increment Financing (TIF) pooling for specialized uses, such as housing rehabilitation.
- Eliminate regulatory language that creates barriers to using the funds to reinvest in areas of disinvestment.
- Secure state and federal resources and provide financing tools for cities to help pay for costs associated with neighborhood reinvestment.

III. Economic Inclusion

The City is committed to advancing policies and programs that specifically advance populations who have historically had unequal access to the economic benefits and opportunities in our community. The State of Minnesota should support efforts to acknowledge this unequal access and reverse it. Specifically, the following policies should be considered:

Position

- Support anti-displacement investments and initiatives for the BLRT project to prevent direct displacement as well as economic displacement of lower income community members and cultural communities (see the attached coordinated proposal)
- Add Brooklyn Park as an eligible area in the Promise Act legislation, which would open up funding for grants and/or loans to businesses, non-profit organizations, and developers in communities that have been adversely affected by structural racial discrimination, civil unrest, lack of access to capital, a loss of population or an aging population, or a lack of regional economic diversification.
- Support for BIPOC and local community members to become developers to keep and grow wealth in the community, preferencing local and BIPOC developers in funding formulas for development subsidy programs
- Support for BIPOC and local community members to access financing to purchase and improve residential and commercial investment properties in their community, similar to the NEON Commercial Loan Program in North

Minneapolis

- Create more protections for tenants within commercial properties, with a focus on small lower-income businesses who are at greater risk of displacement.
- Requirements in state economic development subsidy programs for local and BIPOC hiring Increase workforce training funding options for local solutions including state funding for youth and adult workforce development programs with a priority on high unemployment census tracts.
- Continue funding for the Job Skills Partnership, DEED youth and adult workforce programs, youth employment programs and other workforce training programs administered by the state that led to jobs that provide a living wage and benefits and help address racial disparity gaps in employment and educational attainment.
- Establish innovative workforce programs and partnerships that foster workforce readiness, including state funding for youth and adult programs, the Minnesota State University System, and DEED Workforce Centers and its programs.
- Create a payroll tax credit for job training programs that invest in employees.

IV. Improved Multi-Modal Transportation Access and Mobility

Capturing the full economic development potential of new development and redevelopment in Brooklyn Park requires improved transportation investments in the region. Mobility is a major barrier to access to opportunities for many of our residents.

Position

- *Provide State resources to leverage the federal funding for the METRO Blue Line Extension LRT (BLRT) project, which will bring five LRT stations to Brooklyn Park.*
- *Increase funding and maximum grant award amount for the Transportation Economic Development (TED) Program or similar programs to support strategic infrastructure investments that promote economic development.*
- *Add east-west bus connections and suburban circulator routes for better transit mobility.*
- *Increase funding for regional and local trail connections, especially in aging neighborhoods that lack connectivity, to improve pedestrian and bike connections within and across communities.*

V. Support Career Pathways in High Demand, High Wage Professions

Brooklyn Park promotes the growth of the manufacturing, IT, and healthcare sectors within the community and throughout the state. These sectors provide an excellent opportunity for future economic growth and employment and should continue to be supported. Brooklyn Park supports programs that provide incentives for business to expand and continue to contribute toward increasing economic competitiveness for the state.

Position

- Continue and expand investment tax credits and other tax incentives for

investing in the life science, medical device, and precision manufacturing, healthcare, and IT industries.

- Continue and expand venture capital funding pools for emerging companies.
- Modify Tax Increment Financing (TIF) pooling uses to support manufacturing, IT, and healthcare investments in communities with high poverty and/or unemployment

VI. Affordable Housing

Housing affordability and stability is a growing concern within the community, especially at the 30% Area Median Income (AMI) level. With the rising cost of housing, many of our residents are priced out or housing cost burdened. In addition, efforts need to be focused on reducing racial disparities in homeownership and housing cost burdens. More resources for getting pipelined affordable and attainable housing projects in the suburbs approved is critical in furthering opportunities and access to suburban communities for low- and moderate-income households.

Position

- Policy that results in better oversight of Homeowners' Associations.
- Reduce barriers to and promote fair housing and equal opportunity.
- Increase tax-exempt bond allocation to maximize and expand the development of affordable housing opportunities within the pipelined affordable housing projects in the suburbs.
- Increase investment in the preservation of Naturally Occurring Affordable Housing through re-habilitation and long-term affordability programs, including expansion of TIF for this purpose.
- Consider a statewide mixed- income housing policy to increase the number and dispersion of affordable housing in the state and provide resources through Minnesota Housing to develop such housing.
- Expand the project-based Housing Choice Voucher program regionally to support 30% AMI housing.
- Expand TIF to allow use for 30% AMI housing at a smaller percentage than the 20 percent of each project (i.e., 10% affordable at 30% AMI being eligible)
- Consider "just cause" eviction changes at state level
- Increase resources for programs and services for people experiencing homelessness

2024 Policy Partners

- Metro Cities
- League of Minnesota Cities
- Economic Development Association of Minnesota
- Urban Land Institute Minnesota
- Minnesota Housing Partnership
- National Association of Housing and Redevelopment Officials
- Minnesota Chapter of the American Planning Association
- Mpls Regional Chamber
- North Metro Mayors

- Connect Blue Line Now Coalition! and Blue Line Coalition
- Center for Economic Inclusion
- Center for Urban and Regional Affairs at the University of Minnesota

2024 Federal Legislative Priorities and Positions

City of Brooklyn Park

Overview

Brooklyn Park works together with its partners to support proposals for new legislation in Washington DC designed to strengthen the community. The following list of federal priorities and positions constitute Brooklyn Park's federal agenda for 2023.

I. Permanent Residency for Liberians in a DED and TPS Status

Background

Many Brooklyn Park residents immigrated from Liberia and were given a temporary protected status (TPS) when they originally moved to the United States. This legal residency status has been extended several times since 2007.

Position

The City supports continued efforts to assist Liberians and other residents on their pathway to citizenship.

II. Blue Line Light Rail Transit

Background

The Blue Line Light Rail Transit (BLRT) Extension Project will extend the existing light rail line from Target Field in Minneapolis through four communities (Minneapolis, Robbinsdale, Crystal and Brooklyn Park) to Oak Grove Parkway, locating five stations in Brooklyn Park. Bringing LRT to the northwest suburbs will improve mobility and access to jobs and will ensure the northwest portion of the region remains competitive.

Position

The City of Brooklyn Park supports policies, laws, and funding (federal, state, regional and local) to finalize planning and move to the construction and operation phases of the BLRT extension project.

III. Housing Policy and Resources

Background

Access to quality affordable housing is a growing problem in the nation impacting the stability of families in Brooklyn Park. Federal housing policies have a huge impact on the availability of affordable housing through programs and funding mechanisms that

impact housing construction, housing rehabilitation, and homeowner lending. Data show households of color experience significantly lower homeownership rates and have more difficulties in finding quality affordable rental housing.

Position

The City supports programs and policies that improve the availability of quality affordable homeownership and rental housing, including reducing racial disparities in housing. For example, the Section 8 voucher program needs additional resources.

Attachments:

- A) Proposal for coordinated legislative strategy/advocacy

City of Brooklyn Park Council Work Session

Meeting Date:	January 8, 2024	Originating Department:	January 8, 2024
Agenda Item:	10.1	Prepared By:	Dr. Marcellus Davis, REDI Manager
Agenda Section:	Discussion	Presented By:	Dr. Marcellus Davis, Zach Kramka, Josie Shardlow
Item:	Racial Equity Principles Discussion		

Summary:

This presentation will provide an overview of the design and implementation of racial equity principles for the City of Brooklyn Park. These principles will help assure that in all development of policies, initiatives, and practices, racial equity is at the core of the design to assure that we are working towards eradicating racial inequities internally and city wide. These principles will also help with the design of the updated version of the Brooklyn Park 2025 Community Plan and elicit internal and external community input.

Attachments:

10.1A RACIAL EQUITY PRINCIPLES THEMES

City of Brooklyn Park Racial Equity Guiding Principles

“If one really wishes to know how justice is administered in a country, one does not question the policeman, the lawyers, the judges, or the protected members of the middle class. One goes to the unprotected those, precisely, who need the law’s protection most! And listens to their testimony.”

(James Baldwin)

Introduction

The City of Brooklyn Park defines racial equity as:

1. Racial equity is the condition that would be achieved if one's racial identity no longer predicted, in a statistical sense, how one fares. When we use the term, we are thinking about racial equity as one part of racial justice, and thus we also include work to address root causes of inequities, not just their manifestation. This includes elimination of policies, practices, attitudes, and cultural messages that reinforce differential outcomes by race or that fail to eliminate them.
2. “A mindset and method for solving problems that have endured for generations, seem intractable, harm people and communities of color most acutely, and ultimately affect people of all races. This will require seeing differently, thinking differently, and doing the work differently. Racial equity is about results that make a difference and last.”

SOURCE: Center for Assessment and Policy Development. OpenSource Leadership Strategies.

Racial Equity Principle 1: Redistribute Power & Resources- the City of Brooklyn Park recognizes that to achieve racial equity within the city; we will have to redistribute resources and power to communities that have not previously shared in power nor resources.

- Strive to eliminate racial predictability within the City of Brooklyn Park.
- Resources will need to be deployed equitably, not equally.
- Those with power may resist this redistribution, but we must still forge ahead.
- Transform Brooklyn Park’s governmental systems to achieve equitable outcomes.

Racial Equity Principle 2: Make Data-Informed Decisions that Center Race - the City of Brooklyn Park will use data to create accountability and reduce biases in evaluating results when we use these approaches.

- Disaggregate data by race when possible.
- Pursue a mixed methods approach (qualitative & quantitative).
- Incorporate an asset-based lens when utilizing data.
- Protect and handle data with care.
- Refrain from using data to promote negative perceptions about community members, in particular, communities of color.

Racial Equity Principle 3: Acknowledge and overcome fear to achieve what is best for humanity -

The City of Brooklyn Park will not let fear of retribution by some prevent the advancement of racial equity.

- Innovation and courage will be required to transform systems.
- The City’s vision “a thriving community, inspiring pride, where opportunities exist for all” cannot be fulfilled without making unpopular decisions that benefit the most marginalized.
- Systems need to be dismantled, and then a new system must be re-imagined and co-created.

Racial Equity Principle 4: Prioritize Racial Healing from Racial Trauma and Commit to Racial Justice -

The City of Brooklyn Park understands we have contributed to causing racial harm, and we have a responsibility to facilitate community healing from racial trauma.

- Some City policies and practices have led to racial harm in the community, further contributing to racial inequity.
- It is important for the City to participate in community racial healing and racial justice initiatives.

Racial Equity Principle 5: Establish authentic relationships with community members, in particular, those who have been previously ignored – the City of Brooklyn Park values people-centric relationships with community members, in particular, communities of color that are not transactional, rather, relationships that commit to developing a community where multiple perspectives are valued and appreciated.

- Ground solutions in the experience of communities of color.
- Engage leaders of color with proven track records of working in tandem with communities of color.
- Authentic relationships include genuine and vulnerable communication and actions that align with commitments. This is an always-evolving process.