

## REGULAR CITY COUNCIL MEETING – AGENDA #24

Si usted necesita esta información en español: 763-424-8000. Yog xav tau kev pab, thov hu rau 763-424-8000 lawv mam li nrhiav ib tus neeg txhais lus rau koj. If you need this information in another language or alternative format, email [access@brooklynpark.org](mailto:access@brooklynpark.org) or call 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 Brooklyn Park residents and business owners in Brooklyn Park to address the Council about matters relating to City business not otherwise on the agenda. Public Comment may not be used to make personal attacks, to air personality grievances, to make political endorsements, or for political campaign purposes. Council Members will not engage in a dialogue with speakers. 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 informational purposes only. Public Comment will be limited to 15 minutes and individual comments are limited to three minutes.

#### 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** Interview Applicants for the Shingle Creek Watershed Commission

**A.** ATTENDANCE AND VOTING FORM

**3B.3** Mayor's Proclamation of June 19, 2024 as, the City of Brooklyn Park Juneteenth Celebration

**A.** PROCLAMATION

**3B.4** Proclamation Declaring June 15, 2024, as "Dr. Yang Dao Day" in the City of Brooklyn Park

**A.** PROCLAMATION

**3B.5** Hennepin County Commissioner Jeff Lunde Update on 1st District

## 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** Minnesota State Auditor Performance Measurement Program

**A.** RESOLUTION

**B.** 2024 CITY OF BROOKLYN PARK PERFORMANCE MEASUREMENT REPORT

**4.2** Approve a Change Order for the 2024 Bituminous Project to C.S. McCrossan Construction Inc.

**A.** RESOLUTION

**B.** CHANGE ORDER QUOTE

**C.** MAP OF STREET

- 4.3** Resolution Approving a Polling Place Update for the August 13 and November 5, 2024 Elections
  - A.** RESOLUTION
  - B.** PARK CENTER HIGH MAP

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** First Reading of an Ordinance Amending the City Code Associated with the Sale of Cannabis

**A.** ORDINANCE

**7.2** Use of Cannabis

**A.** ORDINANCE

**7.3** Resolution to Censure Councilmember Maria Tran for Violating the City's Respectful Workplace Policy and the Brooklyn Park Elected Officials Code of Conduct Policy

**A.** CENSURE RESOLUTION

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

**8. DISCUSSION ITEMS**

None.

**IV. VERBAL REPORTS AND ANNOUNCEMENTS**

**9A. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS**

**9B. CITY MANAGER REPORTS AND ANNOUNCEMENTS**

**V. ADJOURNMENT**

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

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	3B.1	<b>Meeting Date:</b>	June 10, 2024
<b>Agenda Section:</b>	Public Presentations/ Proclamations/Receipt of General Communications	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Katrina Doshier Program Assistant
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Department Directors/Managers
<b>Item:</b>	Introduction of New Employees		

## City Manager's Proposed Action:

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

## Overview:

<i>Fire</i>	<u>Employee</u>	<u>Start Date</u>	<u>Title</u>
	Dan Johnson-Powers	March 11, 2024	Emergency Management Coordinator
	Jamie Vincent	May 20, 2024	Program Assistant II

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	3B.2	<b>Meeting Date:</b>	June 10, 2024
<b>Agenda Section:</b>	Public Presentations/ Proclamations/Receipt of General Communications	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Katrina Doshier, Program Assistant
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Mayor Hollies Winston
<b>Item:</b>	Interview Applicants for the Shingle Creek Watershed Commission		

## City Manager's Proposed Action:

Interview applicants to fill a vacancy on the Shingle Creek Watershed Management Commission.

## Overview:

The City has advertised to fill a vacancy on the Shingle Creek Watershed Management Commission for the balance of a three-year term ending January 31, 2027.

A voting form is included in the packet to indicate your choices. At the end of the meeting, please pass your voting form to Mayor Winston with your selection. The appointments will be made during the June 24, 2024 City Council meeting.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

3B.1A ATTENDANCE AND VOTING FORM

Commission Voting Form

NAME: \_\_\_\_\_

**\*Please return to the Mayor after the meeting\***

<b>Applicant's Name</b>	<b>Confirmed Attendance</b>	<b>First Choice</b>	<b>Residing District</b>
Steve Antolak	Yes	Shingle Creek Watershed Management Commission	Central

*My choice:*

**Shingle Creek Watershed Management Commission**

\_\_\_\_\_ City At-large – balance of a three-year term to expire January 31, 2027  
(replacing Penny Jones)

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	3B.3	<b>Meeting Date:</b>	June 10, 2024
<b>Agenda Section:</b>	Public Presentation/ Proclamation/Receipts of General Communication	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Marcellus Davis, Racial, Equity, Diversity, & Inclusion (REDI) Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Mayor Hollies Winston
<b>Item:</b>	Mayor's Proclamation of June 19, 2024 as, the City of Brooklyn Park Juneteenth Celebration		

## City Manager's Proposed Action:

The Mayor shall proclaim June 19, 2024 as the City of Brooklyn Park Juneteenth Celebration:

1. "I, Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota do hereby proclaim June 19, 2024, to be the City of Brooklyn Park Juneteenth Celebration.

OR

2. By reading the proclamation.

## Overview:

Juneteenth is the oldest known African/African American celebration dating back to 1866. Juneteenth also referred to as "Freedom Day" recognizes the official ending of the institutionalized system of enslavement. Despite President Abraham Lincoln's Emancipation Proclamation on January 1, 1863, to abolish the system of enslavement throughout America, the ending of the institutionalized system of enslavement did not take place until June 19, 1865, in Galveston Texas.

Since 1866 African/African Americans have celebrated throughout the nation on June 19. Initiatives to push for the recognizing of Juneteenth as a federally recognized holiday have been occurring since the 1970's. On June 17, 2023, President Joe Biden signed into law Juneteenth as a recognized holiday almost 156 years to the day of the first celebration. Today, nationally, and locally, we celebrate and educate our communities about the importance of Juneteenth.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

3B.4A PROCLAMATION

# **PROCLAMATION**

## **The City of Brooklyn Park Celebrates and Recognizes Juneteenth**

WHEREAS, more than 41.1 million people of African/African American descent live in the United States according to the 2020 United States Census Bureau; and

WHEREAS, 29.5% of Brooklyn Park residents are of African/African American descent; and

WHEREAS, the history of North America is shaped by the experiences and contributions of Africans/ African Americans and development of the United States of America; and

WHEREAS, since 1619, enslaved Africans arrived at the shores of South Carolina, fought and continue to fight for freedom, and continue to hold the United States accountable for assuring that all Americans, in particular Africans/African Americans, are afforded all the opportunities and human rights stated within the governing artifacts of the United States; and

WHEREAS, Frederick Douglas, once stated “What to the slave is the fourth of July?” articulating that the 4<sup>th</sup> of July does not speak to all Americans if all Americans were not free. Juneteenth is also known as “Freedom Day,” since all enslaved African Americans were not free until June 19, 1865, two years after the proclamation of emancipation (January 1, 1863); and

WHEREAS, the month of June commemorates the ending of the institution of slavery in the United States of America and Freedom Day for all Americans, in particular Africans/African Americans; and

WHEREAS, the City of Brooklyn Park recognizes the importance of celebrating Juneteenth as a very important marker in the progress of American history; and

WHEREAS, in 2021, President Joe Biden proclaimed Juneteenth a national holiday after years of organized efforts to recognize it as a national holiday on June 17, 2021; and

WHEREAS, the City of Brooklyn Park will have a Juneteenth celebration on Saturday June 15th, 2024, at the North Hennepin Community College.

NOW, THEREFORE, I, Hollies Winston, on behalf of the City Council, city staff, residents, and the community at-large, do hereby proclaim that we recognize the historical significance of Juneteenth and declare June 19th, 2024, as the Juneteenth Celebration in Brooklyn Park to recognize and celebrate the many contributions, diverse cultures, and extensive history of Africans/African Americans to this nation and the Brooklyn Park community.



5200 85<sup>th</sup> Avenue North  
Brooklyn Park, MN 55443

---

Hollies Winston, Mayor

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	3B.4	<b>Meeting Date:</b>	June 10th, 2024
<b>Agenda Section:</b>	Public Presentations/ Proclamations/Receipt of General Communications	<b>Originating Dept:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Dr. Marcellus Davis, REDI Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Hollies Winston, Mayor
<b>Item:</b>	Proclamation Declaring June 15, 2024, as “Dr. Yang Dao Day” in the City of Brooklyn Park		

## Overview:

The Mayor shall proclaim June 15, 2024 to be observed as “Dr. Yang Dao Day” in the City of Brooklyn Park:

1. I, Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim June 10, 2024, shall be observed as “Dr. Yang Dao Day” in the City of Brooklyn Park.

OR

2. By reading the proclamation.

Dr. Yang Dao has made significant contributions to the City of Brooklyn Park and it is fitting to honor him for his enduring commitment, active involvement and leadership in the community.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

3B.4A PROCLAMATION

# **PROCLAMATION PROCLAIMING JUNE 15, 2024, AS “DR. YANG DAO DAY”**

WHEREAS, Dr. Yang Dao is a distinguished Hmong intellectual, scholar, musician, and diplomat from Laos, who has made significant contributions to the Hmong community and beyond; and

WHEREAS, Dr. Yang Dao received his Ph.D. in social science from the University of Paris, France, in May 1972, and served in various capacities in the Royal Lao Government, demonstrating his commitment to the betterment of his people; and

WHEREAS, after the takeover of Laos by the communists in May 1975, Dr. Yang Dao took the road of exile and migrated to France, where he served in a variety of educational and journalistic capacities; and

WHEREAS, Dr. Yang Dao's love for the Hmong compelled him to return to war-torn Laos after completing his studies, where he played a pivotal role during the climactic ending of the war in Laos in May 1975; and

WHEREAS, Dr. Yang Dao has served as a Southeast Asian Specialist and faculty member at several universities in Minnesota, U.S.A., and has worked as Assistant-Director of English as Second Language (E.S.L.) Program and Director of Multi-Language Communication Department of the Saint Paul Public Schools; and

WHEREAS, Dr. Yang Dao has authored and co-authored several books in French and English, and has published multiple articles on Lao and Hmong contemporary history, cultures and traditions; and

WHEREAS, Dr. Yang Dao's vision and dedication have forever shaped the destiny of the Hmong, lifting them out of obscurity and inspiring generations to come; and

WHEREAS, Dr. Yang Dao was a keynote speaker on Lao-Hmong history and Hmong Literature at national and international conferences, and he was a musician, a writer and composer of several Hmong modern songs;

WHEREAS, Dr. Yang Dao served for over seven years on the City of Brooklyn Park's Multicultural Advisory Committee (MAC), a core component of the Joint Community Police Partnership (JCPP); and

WHEREAS, Dr. Yang Dao advised the Brooklyn Park Police Department on how to better serve, communicate with, and understand the many cultures that reside in, work in, or visit the Brooklyn Park community; and

WHEREAS, Dr. Yang Dao provided invaluable awareness of refugee experiences and diverse cultures to the police department, the community, and his fellow MAC colleagues; and

WHEREAS, Dr. Yang Dao collaboratively worked to enhance relationships between police and the community by promoting mutual respect and understanding.

WHEREAS, Dr. Yang Dao's legacy continues to inspire Hmong individuals worldwide, fostering pride, resilience, and cultural preservation.

NOW, THEREFORE, I, Mayor Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim June 15, 2024, as “Dr. Yang Dao Day” in the City of Brooklyn Park in honor of his remarkable contributions to our community and hereby recognize him for his distinguished leadership and selfless service.



5200 85<sup>th</sup> Avenue North

\_\_\_\_\_  
Hollies Winston, Mayor

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	3B.5	<b>Meeting Date:</b>	June 10, 2024
<b>Agenda Section:</b>	Public Presentations/ Proclamations/Receipt of General Communications	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Jay Stroebel, City Manager Hennepin County Commissioner Jeff Lunde
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A		
<b>Item:</b>	Hennepin County Commissioner Jeff Lunde Update on 1 <sup>st</sup> District		

## City Manager's Proposed Action:

Hennepin County Commissioner Jeff Lunde will provide an update.

## Overview:

Hennepin County Commissioner Jeff Lunde will give an update of the accomplishments and activities taking place in the 1<sup>st</sup> District.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.1	<b>Meeting Date:</b>	June 10, 2024
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration Department
<b>Resolution:</b>	X	<b>Prepared By:</b>	Zach Kramka, Assistant to the City Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	Zach Kramka
<b>Item:</b>	Minnesota State Auditor Performance Measurement Program		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-\_\_\_\_ TO AUTHORIZE STAFF TO SUBMIT TO THE OFFICE OF THE STATE AUDITOR THE ACTUAL RESULTS OF THE PERFORMANCE MEASUREMENT PROGRAM ADOPTED BY THE CITY COUNCIL.

## Overview:

The City of Brooklyn Park on a yearly basis tracks various performance measures and community indicators to gauge progress towards achieving the goals defined in *Brooklyn Park 2025*. These measurements are also valuable components of evaluating the performance of City operations and programming.

In 2012, the State of Minnesota implemented its Local Government Performance Measurement Program to promote continuous improvement and efficiency of local government operations. Many of the standard measures included in this program overlap with data currently being tracked by City staff in Brooklyn Park. Participation in this program will benefit the City financially, and it is one way the organization can be rewarded for work that is already being completed. This is the second year Brooklyn Park has participated in this program.

Requirements of the program include:

- Select at least ten measures from the standard list published by the State
- Submit a formal performance measurement report and supporting resolution from the City Council by July 1, 2024
- Post the report on the City's website for public viewing by the end of the calendar year
- Develop a system to use this information to facilitate optimal future outcomes

Staff's recommended list of performance measures are included in the attached report. Proposed measures were selected based upon data accessibility and a desire for multi-departmental representation.

## Primary Issues/Alternatives to Consider:

Participation in this program is voluntary. City staff maintain robust data tracking capabilities independent of this State program, and these activities will continue to inform organizational actions into the future.

## Budgetary/Fiscal Issues:

Participating cities receive an incentive payment equal to \$0.14 per capita. In Brooklyn Park, this equates to roughly \$12,000. There are no restrictions regarding how these funds can be used once received.

## Attachments:

4.1A RESOLUTION

4.1B 2024 CITY OF BROOKLYN PARK PERFORMANCE MEASUREMENT REPORT

RESOLUTION #2024-

AUTHORIZE STAFF TO SUBMIT TO THE OFFICE OF THE STATE AUDITOR THE ACTUAL RESULTS OF THE PERFORMANCE MEASUREMENT PROGRAM ADOPTED BY THE CITY COUNCIL

WHEREAS, Benefits to the City of Brooklyn Park for participation in the Minnesota Council on Local Results and Innovation's comprehensive performance measurement program are outlined in MS 6.91 and include eligibility for a reimbursement as set by State statute; and

WHEREAS, Any city participating in the comprehensive performance measurement program is also exempt from levy limits for taxes, if levy limits are in effect; and

WHEREAS, The City Council of Brooklyn Park has adopted and implemented at least ten of the performance measures, as developed by the Council on Local Results and Innovation, and a system to use this information to help plan, budget, manage and evaluate programs and processes for optimal future outcomes; and

NOW, THEREFORE, BE IT RESOLVED The City Council of Brooklyn Park will continue to report the results of the performance measures to its citizenry by the end of the year through publication, direct mailing, posting on the city's website, or through a public hearing at which the budget and levy will be discussed and public input allowed.

BE IT FURTHER RESOLVED by the City Council of the City of Brooklyn Park that the City of Brooklyn Park will submit to the Office of the State Auditor the actual results of the performance measures adopted by the City.



# Brooklyn Park

2024 Office of the State Auditor Performance Measure Reporting

## General

### 1. Percent change in taxable property market value from prior year

2019	2020	2021	2022	2023
9.1%	6.7%	5.7%	20%	6.4%

### 2. Bond Rating

Bonds were most recently issued in 2019 and 2021. There will likely be another issuance in 2025. Another bond rating from Standard & Poor's will be pursued during that process.

2019	2021
AA+	AA+

### 3. Citizens' rating of the quality of City recreational programs and facilities

How would you rate maintenance and quality of park and recreation facilities in Brooklyn Park?\*

2019	2021	2023
Excellent/Good: 89% Fair/Poor: 3% Don't know/Refused: 8%	Excellent/Good: 97% Fair/Poor: 2% Don't Know/Refused: 1%	Excellent/Good: 97% Fair/Poor: 2% Don't Know/Refused: 1%

Do you feel the current mix of recreational programs and facilities in the City sufficiently meets the needs of members of your household?\*

2019	2021	2023
Yes: 93% No: 5% Don't know/Refused: 2%	Yes: 94% No: 4% Don't Know/Refused: 2%	Yes: 92% No: 4% Don't Know/Refused: 5%

## Police Services

### 4. Citizens' rating of safety in their community

I have an overall feeling of safety in Brooklyn Park.\*

2019	2021	2023
Yes: 89% No: 11% Don't know/Refuse: 0%	Yes: 84% No: 16% Don't know/Refuse: 1%	Yes: 85% No: 13% Don't know/Refuse: 2%

## Sanitary Sewer

### 5. Citizen's rating of dependability and quality of City sanitary sewer service

Dependability/quality of sanitary sewer service\*

2019	2021	2023
Excellent/Good: 89% Fair/Poor: 11% Don't know: 1%	Excellent/Good: 96% Fair/Poor: 3% Don't know: 2%	Excellent/Good: 92% Fair/Poor: 8% Don't know: 1%

# Fire & EMS Services

## 6. Insurance industry rating of fire services

Class 3 ISO rating was affirmed in 2017 and again in 2023.

2017	2023
Class 3 ISO rating	Class 3 ISO rating

## 7. Fire/Rescue calls/1,000 population

2019	2020	2021	2022	2023
28.17	25.50	26.21	28.41	28.32

## 8. Medical calls/1,000 population

2019	2020	2021	2022	2023
86.40	70.06	69.07	70.19	75.96

# Streets

## 9. Citizens' rating of quality of snowplowing on City streets

Quality of snow plowing of City streets.\*

2019	2021	2023
Excellent/Good: 77% Fair/Poor: 23% Don't know: 0%	Excellent/Good: 83% Fair/Poor: 17% Don't know: 0%	Excellent/Good: 77% Fair/Poor: 23% Don't know: 0%

# Water

## 10. Citizens rating of the dependability and quality of City water supply

Quality of City drinking water.\*

2019	2021	2023
Excellent/Good: 80% Fair/Poor: 19% Don't know: 1%	Excellent/Good: 64% Fair/Poor: 35% Don't know: 1%	Excellent/Good: 70% Fair/Poor: 30% Don't know: 0%

Dependability of city drinking water system\*

2019	2021	2023
Excellent/Good: 88% Fair/Poor: 12% Don't know: 1%	Excellent/Good: 79% Fair/Poor: 20% Don't know: 1%	Excellent/Good: 81% Fair/Poor: 20% Don't know: 0%

\*Results are from the biennial Brooklyn Park resident survey and may not add up to 100% due to rounding. The next survey will be commissioned in 2025.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.2	<b>Meeting Date:</b>	June 10, 2024
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Operations and Maintenance
<b>Resolution:</b>	X	<b>Prepared By:</b>	Mark Becker, Street/Fleet Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	3	<b>Presented By:</b>	Dan Ruiz, Director of Operations and Maintenance
<b>Item:</b>	Approve a Change Order for the 2024 Bituminous Project to C.S. McCrossan Construction Inc.		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-\_\_\_\_ TO APPROVE THE CHANGE ORDER TO ADD HUMBOLDT AVE. TO THE 2024 BITUMINOUS OVERLAY PROJECT TO C.S. McCROSSAN CONSTRUCTION INC.

## Overview:

The proposed bituminous overlay project is a continuation of the street maintenance and rehabilitation program, which began in 1993 to preserve/increase street life. The street studies by IMS, Braun-Intertec and staff and research by APWA, MnDOT, MN Local Road Research Board, counties and other cities have shown a benefit if bituminous overlays are performed when streets are in relatively fair condition. Overlays will not, however, rejuvenate a street that is in a severe problem condition.

The bituminous overlays are necessary to extend the useful life of existing streets in fair condition in Street/Utilities Maintenance District Four. The streets recommended for overlay were selected by condition study, review of other related infrastructure items and other relevant input. Approximately 14.63 miles of residential streets will be milled and overlaid along with five city parking lots, including curb, sidewalk and ADA ramp replacements. We are also assisting the Liberty Oaks Coach HOA with 0.27 miles of street rehabilitation at their expense.

## Primary Issues/Alternatives to Consider:

- Should the Council approve the change order as recommended?  
This project is necessary to meet the goal of providing continuous infrastructure preservation and improvement and is recommended for contract award.

## Budgetary/Fiscal Issues:

The 2024 Bituminous Overlay Project O&M-SM-24-01 was awarded to C.S. McCrossan Construction Inc. on February 26, 2024. City staff has since discovered a major street in the same area that would qualify for the Mill and Overlay process. (Humboldt Ave.-between Brookdale Dr. and 73<sup>rd</sup> Ave.) The change order quote to add Humboldt Ave. to the 2024 project is \$111,205.00. Total project cost would be \$2,625,614.40. which is within the preliminary estimate of \$2,900,000.00.

## Attachments:

- 4.2A RESOLUTION
- 4.2B CHANGE ORDER QUOTE
- 4.2C MAP OF STREET

RESOLUTION #2024

RESOLUTION TO APPROVE THE CHANGE ORDER TO THE 2024 BITUMINOUS OVERLAY PROJECT  
TO C.S. McCROSSAN CONSTRUCTION INC.

WHEREAS, the 2024 Bituminous Overlay Project was advertised in the Brooklyn Park Sun-Post on February 1, 2024; and

WHEREAS, on February 20, 2024, eight (8) bids were received; and

WHEREAS, the lowest responsible bid meeting specifications is from C.S. McCrossan Construction Inc. in the amount of \$2,514,409.40; and

WHEREAS, the construction project, CIP #4001, is budgeted to be funded by the 2024 Construction Fund expenditure budget and reimbursed by franchise fee revenue at the end of the year, and the Heritage Infrastructure Fund budget for a total preliminary estimated cost of \$2,900,000.00; and

WHEREAS, the Bituminous Overlay Program is necessary to preserve/increase the useful life of existing streets and five parking lots; and

WHEREAS, city staff has discovered a major street in the same area that would qualify for the Mill and Overlay process. (Humboldt Ave.-between Brookdale Dr. and 73<sup>rd</sup> Ave.)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve the change order for the 2024 Bituminous Overlay Project to C.S. McCrossan Construction Inc. in the amount of \$111,205.00. Total project cost of the 2024 overlay is \$2,625,614.40.



7865 Jefferson Hwy, Maple Grove, MN 55369  
Phone: 763.425.4167  
Website: www.mccrossan.com

<b>To:</b> City Of Brooklyn Park	<b>Contact:</b>
<b>Address:</b> 5200 85TH AVE N Brooklyn Park, MN 554434300	<b>Phone:</b> 763.424.4938
<b>Project Name:</b> Change Order - Brooklyn Park Mill & Overlay - Humboldt	<b>Bid Number:</b>
<b>Project Location:</b> Humboldt Avenue	<b>Bid Date:</b>

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	MOBILIZATION	1.00	LS	\$2,400.00	\$2,400.00
2	MILL BITUMINOUS PAVEMENT - 1.75"	12,100.00	SY	\$0.65	\$7,865.00
3	BITUMINOUS WEAR COURSE - SPWEA240B (2" THICK)	1,400.00	TON	\$72.10	\$100,940.00

**Total Bid Price: \$111,205.00**

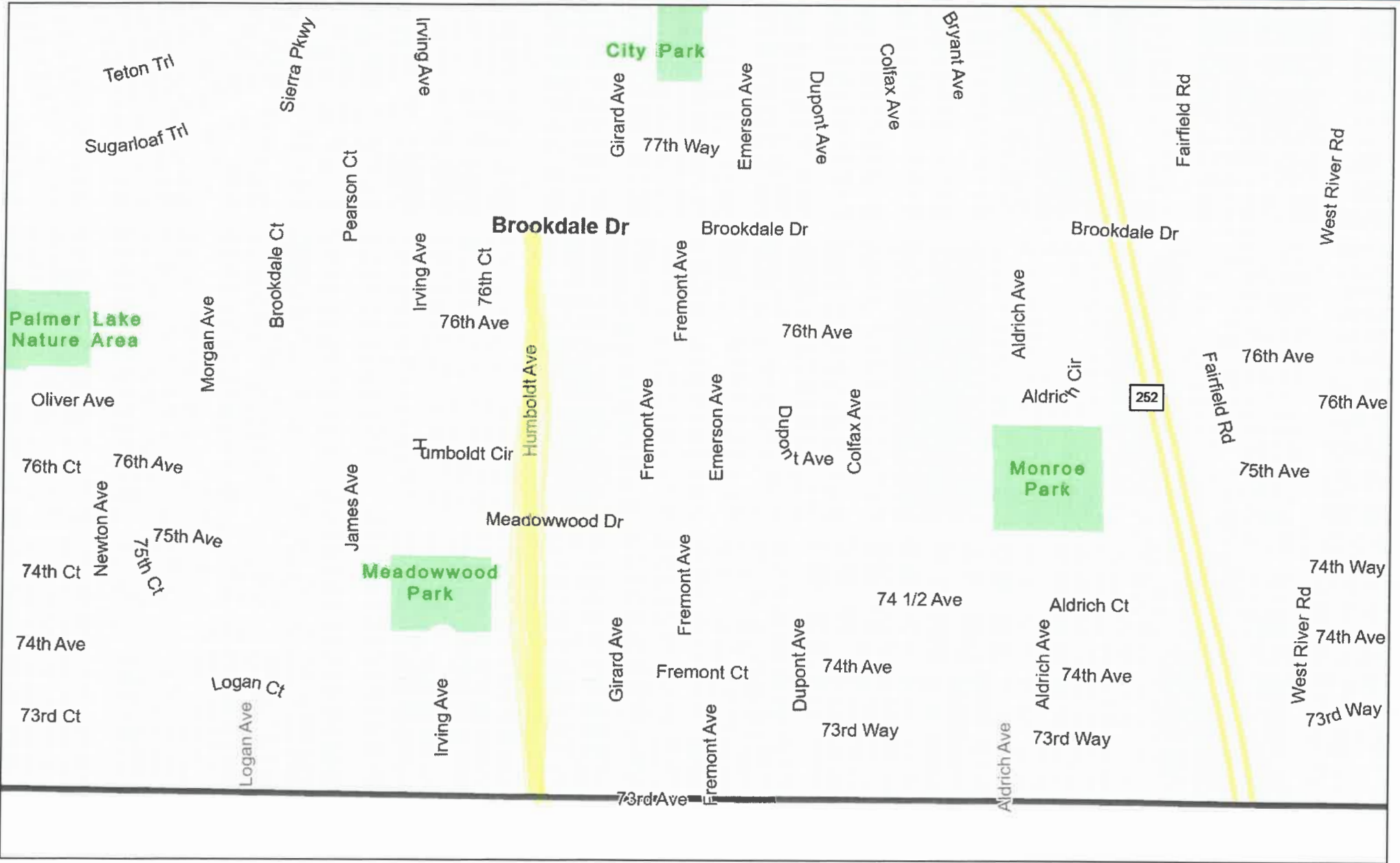
**Notes:**

- This proposal and prices quoted herein are expressly conditioned on the parties reaching agreement on acceptable subcontract terms and conditions, including but not limited to, scope, payment, schedule, bonding, and other material requirements that would relate to the work referenced herein, as well as the terms and conditions stated below, which must be included in any subcontract terms and conditions:
- Road Work Ahead Signs are included in this pricing.
- Retainage not to exceed the amount held by Owner on CSM Items.
- **This quote doesn't include any valve or structure adjustments. If any structure adjustments are needed, they would be completed by the City.**
- **Sweeping is included in this quote prior to overlaying.**
- **Unless detailed in plans or specifications; all patching will be paid as time and materials.**
- **This quote does not include any topsoil, turf restoration, or shouldering.**
- **The asphalt tack is included in the pricing.**
- **Quantities are estimated and actual measured quantities would be paid for at the proposed unit prices.**
- **Milling would be 1.75" and the asphalt would be paved at 2.0" Thick.**
- **This work would be performed in addition to the current Brooklyn Park Mill & Overlay project's contract.**
- Pricing includes milling the ends.
- This quote does not include any grading or aggregate base.
- Pricing is valid for 30 days.
- No Cold Weather Paving; if required to pave in cold weather, additional costs would apply.
- Payment & Performance Bond Included @ 0.5%

**Payment Terms:**

Payment due within 10 days after payment is made by Owner.

<p><b>ACCEPTED:</b> The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p><b>Buyer:</b> _____</p> <p><b>Signature:</b> _____</p> <p><b>Date of Acceptance:</b> _____</p>	<p><b>CONFIRMED:</b> <b>C. S. McCrossan Construction, Inc.</b></p> <p><b>Authorized Signature:</b> _____</p> <p><b>Estimator:</b> Justin Engelman justin.engelman@mccrossan.com</p>
---	---



Map Scale = 1: 7,238

603 ft  1 in

Map provided by the City of Brooklyn Park, MN. This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details. [www.brooklynpark.org](http://www.brooklynpark.org)

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.3	<b>Meeting Date:</b>	June 10, 2024
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	X	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	Devin Montero, City Clerk
<b>Item:</b>	Resolution Approving a Polling Place Update for the August 13 and November 5, 2024 Elections		

## City Manager's Proposed Action:

MOITION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-\_\_\_\_\_ APPROVING A POLLING PLACE UPDATE FOR PARK CENTER HIGH SCHOOL, LOCATED IN PRECINCT EAST-1 IN THE CITY OF BROOKLYN PARK FOR THE AUGUST 13, AND NOVEMBER 5, 2024 ELECTIONS.

## Overview:

On March 7, 2024, ISD 279 staff contacted the city clerk regarding the use of schools as polling places. Since the passing of the 2023 ISD 279 referendum, the district will be managing some heaving construction projects at some of the ISD 279 schools. Brooklyn Middle School, Edinbrook Elementary and North View Middle School are the schools selected and their operations team is now working to schedule construction and maintenance with the heavy construction happening throughout the next 4 summers. These three schools currently serve as polling places for our elections.

Due to recent legislation, resolutions are only required if there are changes to the polling places from the last resolution.

On April 8, 2024 council approved the polling places changes as follows:

- Precinct C-4, changed from Edbrook Elementary School to Family of God Lutheran Church, 8625 Zane Ave N.
- Precinct E-1, changed from Brooklyn Middle School to Park Center High School, 7300 Brookyn Boulevard.
- Precinct W-4, changed from North View Middle School to Brooklyn Lutheran Church, 5840 69<sup>th</sup> Ave N.

For Park Center High School, the voting area is the Forum room and the main entrance to the Forum room is from Noble Avenue. On June 6, 2024, ISD 279 staff provided the address of 7501 Noble Ave N Brooklyn Park, MN 55443 for the Forum room entrance.

To avoid confusion and voters entering from Brooklyn Boulevard, it is recommended to notify voters of the Noble Avenue address to the Forum room. If voters enter from Brooklyn Boulevard, there will be signage redirecting them to the Noble Avenue entrance.

**Primary Issues/Alternatives to Consider:** N/A

The effect of this motion will be to update the polling place address for Park Center High School for the August 13, and November 5, 2024 elections.

All registered voters in Precincts Central-4, East-1, and West-4 will be notified of their polling place change by Hennepin County and the city prior to the August 13, Primary election and articles will be placed in the SunPost, Park Pages, social media and the City's website.

**Budgetary/Fiscal Issues:** N/A

**Attachments:**

4.3A RESOLUTION

4.3B PARK CENTER HIGH MAP

RESOLUTION #2024-

RESOLUTION APPROVING A POLLING PLACE UPDATE FOR THE PARK CENTER HIGH SCHOOL, VOTING ENTRANCE LOCATED IN PRECINCT EAST-1 IN THE CITY OF BROOKLYN PARK FOR THE AUGUST 13, AND NOVEMBER 5, 2024, ELECTIONS

WHEREAS, in March 2024, representatives from ISD 279 contacted the city clerk about heavy construction being scheduled for Edinbrook Elementary School, Brooklyn Middle School, and North View Middle School for the next four summers as the result of the referendums passing in November 2023, and

WHEREAS, Edinbrook Elementary serves as a polling place for voters in Precinct Central-4, Brooklyn Middle School serves as a polling place for voters in Precinct East-1, and North View Middle School serves as a polling place for voters in Precinct West-4, and

WHEREAS, Minnesota Statute 204B.16 Subdivision 1(3) states, "by December 31 of each year, the governing body of each municipality and of each county with precincts in unorganized territory must designate by ordinance or resolution any changes to a polling place location. A polling place must be maintained for the following calendar year unless changed; and

WHEREAS, On April 8, 2024 council approved the polling places changes as follows: Precinct C-4, changed from Edbrook Elementary School to Family of God Lutheran Church, 8625 Zane Ave N.; Precinct E-1, changed from Brooklyn Middle School to Park Center High School, 7300 Brooklyn Boulevard; and Precinct W-4, changed from North View Middle School to Brooklyn Lutheran Church, 5840 69<sup>th</sup> Ave N.

WHEREAS, the voting area at Park Center High School, is the Forum room and the main entrance to the Forum room is from Noble Avenue; and

WHEREAS, On June 6, 2024, ISD 279 staff provided the address of 7501 Noble Ave N Brooklyn Park, MN 55443 for the Forum room entrance; and

WHEREAS, to avoid confusion and voters entering from Brooklyn Boulevard, it is recommended to notify voters of the Noble Avenue address to the Forum room.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park, to approve the address update for Park Center High School, Precinct East-1, voting entrance for the elections to be held on August 13, and November 5, 2024 in the City of Brooklyn Park.

**(Central District)**

Precinct	Polling Place	Address	Zip
C-1	Our Savior's Reformed Church	8209 Zane Ave N	55443
C-2	Crest View Elementary School	8200 Zane Ave N	55443
C-3	Birch Grove Elementary School	4690 Brookdale Drive N	55443
C-4	The Family of God Lutheran Church	8625 Zane Ave N	55443
C-5	The Edge Christian Worship Center	4707 Edinbrook Terrace	55443
C-6	Edinbrook Church	4300 Edinbrook Parkway N	55443
C-7	Church of St. Gerard	9600 Regent Ave N	55443

C-8      Salvation Army Noble Worship      10011 Noble Parkway N      55443

**(East District)**

Precinct	Polling Place	Address	Zip
E-1	Park Center High School	<u>7501 Noble Ave N</u>	55443
E-2	Brooklyn United Methodist Church	7200 Brooklyn Blvd	55429
E-3	Monroe Elementary School	901 Brookdale Drive N	55444
E-4	Palmer Lake VFW	2817 Brookdale Drive N	55429
E-5	Discover Church	1400 81 <sup>st</sup> Ave N	55444
E-6	Waycross Evangelical Church	7733 West River Road	55444
E-7	Riverview Early Childhood Center	1400 93 <sup>rd</sup> Ave N	55444
E-8	Leopold's Mississippi Gardens	9500 West River Road	55444
E-9	Oxbow Creek Elementary School	6505 109 <sup>th</sup> Ave N	55316

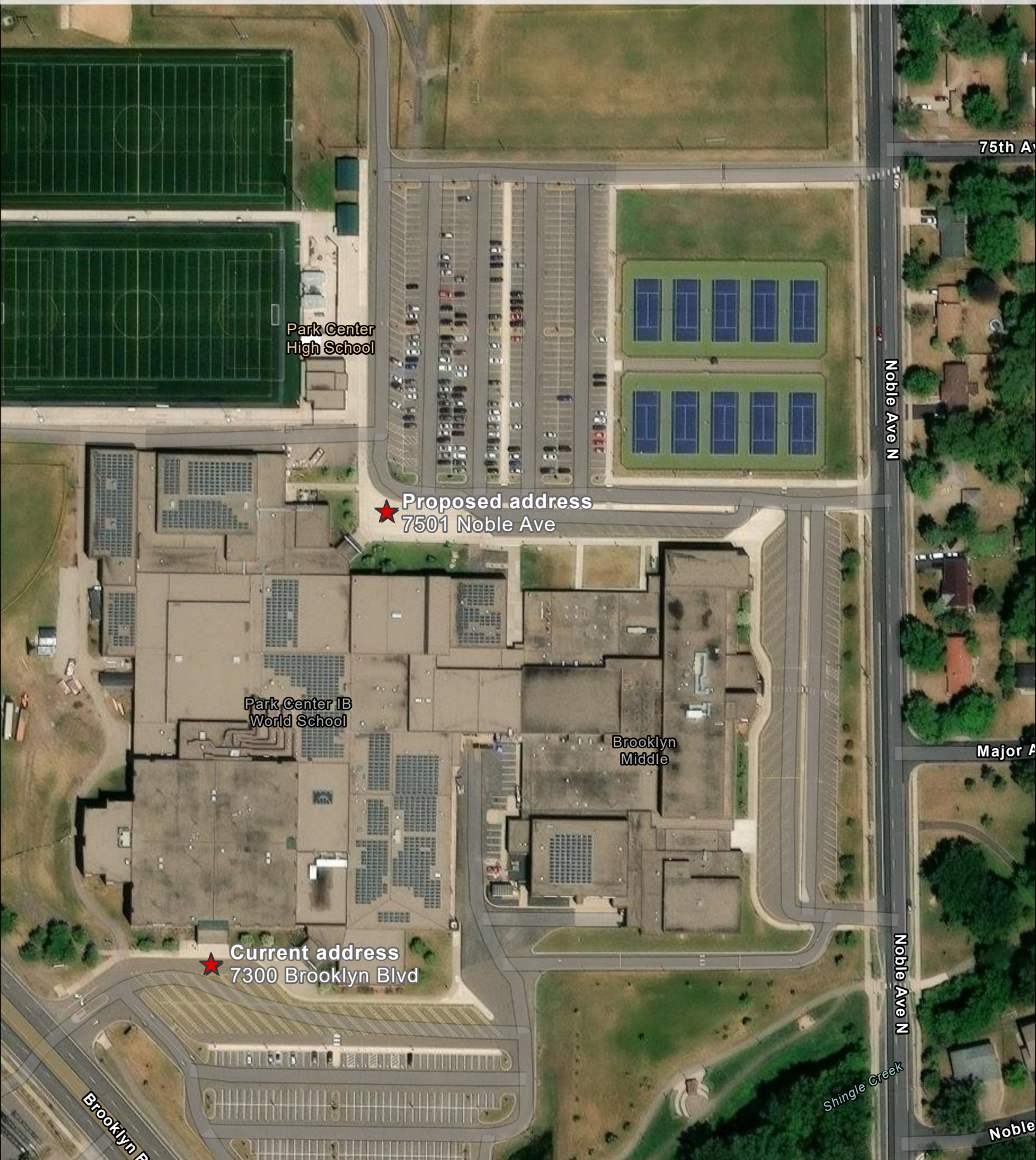
**(West District)**

Precinct	Polling Place	Address	Zip
W-1	First Lutheran Church of Crystal	7708 62 <sup>nd</sup> Ave N	55428
W-2	Fair Oaks Elementary School	5600 65 <sup>th</sup> Ave N	55429
W-3	Prince of Peace Lutheran Church	7217 West Broadway	55428
W-4	Brooklyn Lutheran Church	5840 69 <sup>th</sup> Ave N	55429
W-5	Zanewood Community School	7000 Zane Ave N	55429
W-6	Revive Brooklyn Park Church	7849 West Broadway	55445
W-7	Redeemer Covenant Church	7801 Brooklyn Blvd	55445
W-8	Ebenezer Community Church	9200 West Broadway	55445



# 2024 Legislative and Precinct Map

Proposed address change to polling place E1: Park Center High School



★ **Proposed address**  
7501 Noble Ave

★ **Current address**  
7300 Brooklyn Blvd

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	7.1	<b>Meeting Date:</b>	June 10, 2024
<b>Agenda Section:</b>	General Action Items	<b>Originating Department:</b>	Police
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Deputy Chief Shane DuPaul
<b>Ordinance:</b>	FIRST READING		
<b>Attachments:</b>	1	<b>Presented By:</b>	Chief Mark Bruley
<b>Item:</b>	First Reading of an Ordinance Amending the City Code Associated with the Sale of Cannabis		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CHAPTERS 126 AND 95 OF THE BROOKLYN PARK CITY CODE PERTAINING TO CRIMINAL PENALTIES ASSOCIATED WITH THE SALE OF UNAUTHORIZED PRODUCTS CONTAINING TETRAHYDROCANNABINOL

## Overview:

City Council is asked to consider amending Chapter 126, Tetrahydrocannabinol (THC) Products, and Chapter 95, Park Regulations, related to the sale and use of cannabis.

Cannabis is no longer a controlled substance under Minnesota state law. The proposed ordinance change under Chapter 126 is designed to address misdemeanor prosecution for any alleged sales violation within the chapter. The proposed ordinance change under Chapter 95 of the City Code is designed to regulate the use, sale, and distribution of cannabis products in city parks.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

7.1A ORDINANCE

ORDINANCE 2024-

ORDINANCE AMENDING CHAPTERS 126 AND 95 OF THE BROOKLYN PARK CITY CODE  
PERTAINING TO CRIMINAL PENALTIES ASSOCIATED WITH THE SALE OF  
UNAUTHORIZED PRODUCTS CONTAINING TETRAHYDROCANNABINOL

Underlined text is proposed to be added

Text with strikethrough is proposed for deletion

The City Council of Brooklyn Park does ordain:

**Section 1.** Title XI, Chapter 126.99 (A) (6) of the City Code is amended to read as follows:

§ 126.99 VIOLATIONS AND PENALTY.

(6) *Misdemeanor prosecution.* Nothing in this section prohibits the city or any other legitimate jurisdiction from seeking criminal prosecution for an alleged violation of this chapter or any other state or federal law regulating licensed products. This includes seeking misdemeanor prosecution for any alleged violation of this Chapter under City Code, section 10.99.

**Section 2** Title IX, Chapter 95.03 (A) (4) of the City Code is amended to read as follows:

(A) *Drug, cannabis, and alcohol use and sales.* It shall be unlawful for any person to:

(1) Use, possess or sell any alcoholic beverage in violation of state statutes or City Code § 112.047 and unless expressly approved by city permit or license.

(2) Consume or display any alcoholic beverage at sites where the city or its agent is a licensed vendor of alcoholic beverages, unless purchased at that site, or authorized by special permit.

(3) Possess or bring beer or wine into a park in kegs, barrels, or other bulk tap quantities, except by city permit.

(4) Use, manufacture, possess, constructively possess, sell, give away, barter, exchange, distribute, or otherwise transfer any controlled substance, except on a lawful prescription by a person licensed by law to prescribe and administer controlled substances as specifically defined in City Code Chapter 135.

(5) Inhale, breathe, or drink or be or become intoxicated by reason of inhaling, breathing, or drinking any substance defined as "glue."

(6) Sell, furnish or deliver intoxicating liquor for any purpose to any minor or to any person obviously intoxicated or to any other person to whom sale is prohibited by state statute or by the City Code.

(7) Sell, give away, barter, exchange, distribute, or otherwise transfer any product or substance containing or consisting of cannabis flower or any cannabinoid, synthetic cannabinoid, or artificially derived cannabinoid, including by not limited to tetrahydrocannabinol (THC), unless specifically allowed under Minnesota Statutes, section 342.09, subdivision. 1 (6), or authorized by city permit.

**Section 3** Title IX, Chapter 95.04 (A) (1) of the City Code is amended to read as follows:

(1) Solicit, sell, or in any manner charge admission, or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a park except by authorized concessionaire with a city permit and the required licenses from the city. Including any product or substance containing or consisting of cannabis flower or any cannabinoid, synthetic cannabinoid, or artificially derived cannabinoid, including by not limited to tetrahydrocannabinol (THC).

**Section 4** Title IX, chapter 95.08 of the City Code is amended by adding a new subdivision (F) to read as follows:

(F) Misdemeanor prosecution. Nothing in this section prohibits the city or any other legitimate jurisdiction from seeking criminal prosecution for an alleged violation of this chapter unless a different penalty is explicitly set in this Chapter. This includes seeking misdemeanor prosecution for any alleged violation of this Chapter under City Code, section 10.99.

**Section 5.** Effective Date. This ordinance shall be effective on \_\_\_\_\_ following passage and publication.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	7.2	<b>Meeting Date:</b>	June 10, 2024
<b>Agenda Section:</b>	General Action Item	<b>Originating Department:</b>	Recreation and Parks
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Brad Tullberg, Director of Recreation and Parks
<b>Ordinance:</b>	FIRST READING		
<b>Attachments:</b>	1	<b>Presented By:</b>	Brad Tullberg, Director of Recreation and Parks
<b>Item:</b>	First Reading Ordinance Prohibiting Cannabis and Hemp Use in Public Places		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE ADDING A SUBCHAPTER TO CHAPTER 133 OF THE BROOKLYN PARK CITY CODE PROHIBITING SMOKING OF CANNABIS OR HEMP IN PUBLIC PLACES AND AMENDING SECTION 95.03 OF THE BROOKLYN PARK CITY CODE REGARDING TOBACCO USE RESTRICTIONS IN PUBLIC PLACES.

## Overview:

In 2011 the City of Brooklyn Park adopted a Tobacco-Free Parks policy prohibiting use of tobacco at city-owned parks including playgrounds, athletic fields, trails, parks, spectator areas and excluding the two golf courses and designated smoking area outside of the Community Activity Center.

The City of Brooklyn Park recognizes that the second-hand effects of smoking tobacco, vaping and cannabis in public spaces pose a threat to public health and safety. The purpose of this section is to protect the public health, safety, and welfare of citizens, especially vulnerable populations including children, the elderly, those with chronic health conditions and employees.

With the adult-use cannabis law in effect August 1, 2023, the City of Brooklyn Park is proposing changes to two sections of the City Code.

- Section 1 applies to smoking or vaporizing cannabis and hemp products in defined public places.
- Section 2 applies to smoking or vaporizing any substance in city parks.

The term "public place" is used in Section 1 because the statute (Minnesota Statutes, section 152.0263) related to prohibiting cannabis use allows a city to define "public place" and then make cannabis use within that defined public place a petty misdemeanor. This ordinance defines "public place" to only include smoking or vaporizing cannabis and hemp products in:

- Inside any building owned by a government entity, aligning with the Minnesota Indoor Clean Air Act.
- All parks
- All trails
- Parking lots of city owned facilities
- Within 100 feet of the public entrance of city-owned buildings

Section 2 applies to smoking or vaporizing of any substance in city parks. There is some overlap between Section 1 and Section 2 (smoking and vaporizing cannabis and hemp is prohibited in parks by both sections) but since each, Section 1 includes land outside of parks (e.g., within 100 feet of city buildings) and Section 2 applies to other substances besides cannabis and hemp (e.g., tobacco), the ordinance was drafted to include both sections.

These changes do not apply to cannabis or hemp products that are not smoked or vaporized (e.g., edibles and beverages).

**Primary Issues/Alternatives to Consider:**

The Recreation and Parks Advisory Commission recommended approval of an update to the City Code 95 prohibiting smoking or vaporizing of any substance in city parks at the October 2023 meeting.

**Budgetary/Fiscal Issues:** N/A

**Attachments:**

7.2A ORDINANCE

**CITY OF BROOKLYN PARK**  
**ORDINANCE NO. \_\_\_\_\_.**

**AN ORDINANCE ADDING A SUBCHAPTER TO CHAPTER 133 OF THE BROOKLYN PARK CITY CODE PROHIBITING SMOKING OF CANNABIS OR HEMP IN PUBLIC PLACES AND AMENDING SECTION 95.03 OF THE BROOKLYN PARK CITY CODE REGARDING TOBACCO USE RESTRICTIONS IN PUBLIC PLACES**

**The City of Brooklyn Park does ordain:**

**Section 1.** Chapter 133 of the City Code is amended by adding a new Subchapter to read:

**SMOKING OF CANNABIS OR HEMP IN PUBLIC PLACES**

**§ 133.20 DEFINITIONS.**

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

- (A) “Cannabis flower,” “cannabis products,” and “hemp-derived consumer products” shall have the meanings given to them in Minnesota Statutes, section 342.01, as it may be amended from time to time.
- (B) “Public place” means the following locations when owned or operated by a governmental entity:
  - (1) Places where smoking is prohibited under the Minnesota Indoor Clean Air Act; and
  - (2) Parks, trails, the parking lots of city-owned facilities, and locations within 100 feet of the public entrance(s) of city-owned or operated buildings, but does not include the driving range, practice areas, and course area of city-owned golf courses.

**§ 133.21 PROHIBITED CONDUCT.**

No person shall consume by means of smoking, vaporizing, or otherwise consuming smoke or vapor produced by heating or igniting cannabis flower, cannabis products, or hemp-derived consumer products in a public place.

**§ 133.22 PENALTY.**

Notwithstanding any other penalty provision in the city code, a violation of this subchapter shall be considered a petty misdemeanor punishable by a maximum fine of \$100.

**Section 2.** Section 95.03 of the City Code is amended by adding Paragraph (G) to read as follows:

(G) *Smoking Prohibited.* It shall be unlawful for any person to consume any substance by means of smoking, vaporizing, igniting, or otherwise heating the substance to produce smoke or vapor which is then inhaled. Notwithstanding any other penalty provision in the city code, a violation of this section shall be considered a petty misdemeanor punishable by a maximum fine of \$100.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	7.3	<b>Meeting Date:</b>	June 10, 2024
<b>Agenda Section:</b>	General Action Items	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Jim Thomson, City Attorney
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Jim Thomson, City Attorney
<b>Item:</b>	Resolution to Censure Councilmember Maria Tran for Violating the City's Respectful Workplace Policy and the Brooklyn Park Elected Officials Code of Conduct Policy		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-\_\_\_\_ TO CENSURE COUNCILMEMBER MARIA TRAN FOR VIOLATING THE CITY'S RESPECTFUL WORKPLACE POLICY AND THE BROOKLYN PARK ELECTED OFFICIALS CODE OF CONDUCT POLICY.

## Overview:

On January 31, 2024, the mayor and city manager received a complaint from a city employee regarding Council Member Maria Tran.

Pursuant to the procedures set forth in the Code of Conduct for Elected Officials, the mayor and city manager reviewed the complaint and consulted with the city attorney. An independent investigation was completed on April 19, 2024. On May 20, 2024, the City Council met in closed session to consider the allegations against Councilmember Tran. On May 28, 2024, the City Council requested the City Attorney to draft a resolution to censure Councilmember Tran for violating the City of Brooklyn Park's Respectful Workplace Policy and Elected Officials Code of Conduct Policy.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

7.3A CENSURE RESOLUTION

**City of Brooklyn Park**  
**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF BROOKLYN PARK CENSURING  
COUNCIL MEMBER MARIA TRAN**

**Recitals**

- A. On October 23, 2017, the City Council approved a revised Code of Conduct for Elected Officials. The Preamble in the Code of Conduct states that one of the City Council’s basic principles is that public meetings be conducted in an atmosphere of respect and civility. As articulated in the Code of Conduct, one of the City Council’s core values is that every person is entitled to respect and dignity.
- B. On January 31, 2024, the City received a complaint from a City employee alleging that certain actions by Council Member Maria Tran violated the Elected Officials Rules of Procedures and Code of Conduct and created a hostile work environment for the employee.
- C. As required by the Code of Conduct, the Mayor consulted with the City Manager and City Attorney. As authorized by the Code of Conduct, the Mayor determined that the matter should be referred to an outside investigator to conduct an independent fact finding.
- D. The investigator issued her report on April 19, 2024. The investigator concluded that the employee’s complaint was substantiated and that Council Member Tran’s actions violated the following provisions in Section 6.2 of the Code of Conduct:
1. **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.
  2. **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.
  3. **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.

- 4. 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.
- E. The investigator noted that the City's Respectful Workplace Policy applies to elected officials and that the Policy prohibits the use of disrespectful language and other offensive behavior in the workplace.
- F. The investigator confirmed that Council Member Tran was aware of and received training on the Code of Conduct and Respectful Workplace Policy after she was elected to the City Council. She was therefore aware of the Code's requirements that she should not make personal attacks or disparaging comments toward City staff and that any concerns about a City employee's work performance were to be brought to the attention of the City Manager. The investigator concluded that Council Member Tran disregarded those requirements on several occasions.
- G. The Investigator stated that she was not able to find any justification or reasonable explanation for Council Member Tran's disregard of the requirements in the Code of Conduct. To the contrary, the Investigator determined that all of Council Member Tran's assertions in that regard were unsubstantiated.
- H. The City Council met in closed session on May 20, 2024 to discuss the results of the investigation with Council Member Tran. As a result of that meeting, the City Council was prepared to address the matter by a written reprimand rather than by a censure based on Council Member Tran's acknowledgement that her actions were not consistent with the Code of Conduct and Respectful Workplace Policy.
- I. At the May 28, 2024 City Council meeting, a proposed letter of reprimand was before the City Council for consideration. During the discussion of that agenda item, it became clear that Council Member Tran no longer acknowledged the inappropriateness of her behavior towards the employee who had filed the complaint against her. Council Member Tran again violated the Code of Conduct by publicly accusing the complainant of using drugs on City property despite having no evidence to support her accusations.
- J. As a result of Council Member Tran's statements during the May 28, 2024 Council meeting, the City Council has determined that a censure, rather than a letter of reprimand, is the appropriate action for the City Council to take in response to Council Member Tran's actions. Council Member Tran's statements during the May 28 Council meeting and her actions as summarized in the investigative report, in addition to violating the Code of Conduct, expose the City to the risk of potential significant civil liability.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK, MINNESOTA AS FOLLOWS:**

1. The City Council formally censures Council Member Maria Tran for engaging in conduct that created an intimidating, hostile, and offensive work environment in violation of the Code of Conduct for Elected Officials and the City's Respectful Workplace Policy.

2. Until further notice, Council Member Tran’s communications, whether in person, by phone, by email, or by any other means, with City staff must go through the City Manager or the City Manager’s Assistant or with the EDA Executive Director or the EDA’s acting Executive Director with respect to EDA matters.
3. To prevent further inappropriate interactions with City Staff, Council Member Tran is removed from her liaison appointments to, or her membership on, all City commissions, committees, task forces, boards, and associations.
4. Council Member Tran shall not represent the City in an official capacity at any City-sponsored public event.
5. No further expenditures of public funds are allowed for Council Member Tran to participate in, or to travel to, conferences or events on behalf of the City.
6. Council Member Tran’s future public statements, whether verbally, by email, or on social media, with respect to City officials and employees must be professional and not belligerent, impertinent, abusive, or disparaging.
7. For purposes of accountability, the City Council will consider modifications to its Censure of Council Member Tran every six months to ensure that Council Member Tran is following the provisions outlined in this Censure and has modified her behavior towards City Staff.

BE IT FURTHER RESOLVED that the City Council sincerely hopes that Council Member Tran can modify her behavior so that she can become an effective and productive member of the Brooklyn Park City Council.

Adopted: June 10, 2024.

---

Mayor of the City of Brooklyn Park