

REGULAR CITY COUNCIL MEETING – AGENDA #38

Si usted necesita esta información en español: 763-424-8000. Yog xav tau kev pab, thov hu rau 763-424-8000 lawv mam li nrhiv ib tus neeg txhais lus rau koj. If you need this information in another language or alternative format, email 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 Commissions

A. COMMISSION VOTING FORM

3B.3 Proclamation Recognizing October 1, 2024 as “64th Annual Celebration of the Nigerian Independence Day” in the City of Brooklyn Park

A. PROCLAMATION

3B.4 Proclamation Declaring October 2024 as “Domestic Violence Awareness Month” 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 Development Bond and Escrow Reductions/Releases

4.2 Accept an AKC Reunite Grant

A. RESOLUTION

B. FINANCIAL ANALYSIS/BUDGET AMENDMENT

- 4.3 Set a Public Hearing on October 28, 2024 to Consider the Issuance of an On-Sale Intoxicating Liquor License for Reyes Bar Restaurant Breakfast LLC, Doing Business as Reyes Restaurant Bar & Breakfast, Located at 7901 Brooklyn Boulevard North
 - A. PUBLIC HEARING NOTICE
- 4.4 Set November 12, 2024, at 6:00 p.m. as the Date and Time to Canvass the Results of the City General Election Held on November 5, 2024
- 4.5 Prairie Seeds Academy (24-117) – An application for a Zoning Text and Map Amendment rezoning four single-family residential properties to Public Institution (PI); First Reading
 - A. ORDINANCE
 - B. LOCATION MAP
- 4.6 2024 Budget Amendments American Rescue Plan Act (ARPA)
 - A. RESOLUTION

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

- 5.1 Adopt Resolution for Proposed Special Assessments for Delinquent Utility Charges; Abatements Costs for Weed Cutting, Tree Removal, Nuisance Abatements, and Fire Inspection Fees; Administrative Penalty Citations; Various Costs Associated with Rental Housing Cases; And Administrative Fees, Except for Contested Charges and Costs Held Over For Further Review
 - A. RESOLUTION
 - B. 2024 SPECIAL ASSESSMENT HEARING PROCESS MEMO TO CITY MANAGER
 - C. CERTIFICATION LIST (*LIMITED DISTRIBUTION – Available for viewing at the City Clerk’s office*)
- 5.2 Resolution Authorizing an Amendment to the Grant Contract Dated September 27, 2021, Between City of Brooklyn Park and the State of Minnesota Acting Through the Department of Employment and Economic Development for The Project Entitled Industrial Fabrics Corporation dba: Clearedge Technical Fabrics, Inc.MIF - ClearEdge Extension Public Hearing
 - A. RESOLUTION
- 5.3 Approve an On-Sale Intoxicating Liquor License for Sky Lounge and Bistro LLC, Doing Business as Sky Lounge and Bistro, Located at 8515 Edinburgh Centre Drive North, Contingent on Approval and Issuance of a Food License, All Required Permits, and all Required Inspections
 - A. LIQUOR LICENSE LIST
- 5.4 Public Hearing to Consider the Recommendation of the Brooklyn Park Charter Commission to amend Chapter 2, Section 2.06 and Chapter 4, Section 4.03 of the Home Rule City Charter Public Hearing for Charter Amendment Chapter 2 and 4
 - A. ORDINANCE

6. LAND USE ACTIONS

None.

7. GENERAL ACTION ITEMS

- 7.1 Appointments to Commissions
- 7.2 Conduct a three-month review of the City Council’s April 15, 2024 censure of Council Member Boyd Morson
 - A. OCTOBER 14, 2024 CENSURE REVIEW
 - B. JULY 22, 2024 CENSURE REVIEW
 - C. APRIL 15, 2024 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

- 8.1 Follow-up and Next Steps on the October 7, 2024 Work Session Discussion on Council Relations

IV. VERBAL REPORTS AND ANNOUNCEMENTS

9A. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

9B. CITY MANAGER REPORTS AND ANNOUNCEMENTS

V. ADJOURNMENT

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

City of Brooklyn Park Request for Council Action

Agenda Item:	3B.1	Meeting Date:	October 14, 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>Administration</i> Lisa McLearen	August 26, 2024	Human Resources Specialist
<i>Community Development</i> Dylan Armstead	September 23, 2024	Development Project 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:	October 14, 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:	1	Presented By:	Mayor Hollies Winston
Item:	Interview Applicants for Commissions		

City Manager's Proposed Action:

Interview applicants to fill current and upcoming openings on commissions.

Overview:

The City has advertised to fill openings on the Budget Advisory Commission. The appointments are to fill openings due to resignations. Applicants have been contacted; voting sheets are attached.

Budget Advisory Commission – One opening

City At-large (1) – replacing Nancy Omondi (balance of a term, expires April 1, 2026)

In the packet are voting forms to indicate your choices. At the end of the meeting, please pass your voting forms to Mayor Winston with your choices indicated. He will consolidate the votes to determine who will be appointed to the commissions. The appointments will be made during the October 28, 2024 Council meeting.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.1A COMMISSION VOTING FORM

**Budget Advisory Commission Voting Form
October 14, 2024 Commission Interviews– Submit Voting Form to Mayor After Meeting**

COUNCIL MEMBER: _____
(Name)

VACANCIES: 1
District # of openings:
City At-large District 1

Listed as 1st Choice

Name of applicant	Residing District	Confirmed Attendance
Meuers, Amy	East	Yes

One appointment needs to be made: City

At-large (1) – replacing Nancy Omondi

COUNCIL MEMBER CHOICE: _____

**Community Long-range Improvement Commission Voting Form
September 23, 2024 Commission Interviews – Submit Voting Form to Mayor After Meeting**

COUNCIL MEMBER: _____
(Name)

VACANCIES: 2
District # of openings:
City At-large 1
West District 1

Listed as 1st Choice

Name of applicant	Residing District	Confirmed Attendance
Gill, Ashante	Central	Yes

Listed as 2nd or 3rd Choice

Arias, Emily	East	Yes
Martinez, Jorge	West	Yes
Cokie, Farquema	Central	Yes
Cooper, Bernice	Central	Yes

Two appointments need to be made:

City At-large (1) – replacing John Pharr

COUNCIL MEMBER CHOICE: _____

West (1) – replacing Andrea Boyle

COUNCIL MEMBER CHOICE: _____

City Code Section 30.39 which states, “Notwithstanding any provisions of this Code to the contrary, if there are no applicants for an appointment to a board or commission residing in the district from which the appointment is required to be made, an applicant residing in any district of the city may be appointed to such board or commission.” (Ord. 2000-932, passed 9-11-00.)

Human Rights Commission Voting Form
September 23, 2024 Commission Interviews– Submit Voting Form to Mayor After Meeting

COUNCIL MEMBER: _____
(Name)

VACANCIES: 1
District # of openings:
City At-large 1

Listed as 1st Choice

Name of applicant	Residing District	Confirmed Attendance
Gilson, Brenda	Central	Yes
Martinez, Jorge	West	Yes

One appointment needs to be made:

City At-Large (1) – replacing Jania Drammer

COUNCIL MEMBER CHOICE: _____

Listed as 2nd or 3rd Choice

Cooper, Bernice	Central	Yes
Gill, Ashyante	Central	Yes

City Code Section 30.39 which states, “Notwithstanding any provisions of this Code to the contrary, if there are no applicants for an appointment to a board or commission residing in the district from which the appointment is required to be made, an applicant residing in any district of the city may be appointed to such board or commission.” (Ord. 2000-932, passed 9-11-00.)

**Recreation and Parks Advisory Commission Voting Form
September 23, 2024 Commission Interviews – Submit Voting Form to Mayor After Meeting**

COUNCIL MEMBER: _____
(Name)

VACANCIES: 2
District # of openings:
City At-large 1
Central District 1

Listed as 1st Choice

Name of applicant	Residing District	Confirmed Attendance
Arias, Emily	East	Yes
Martinez, Jorge	West	Yes

Listed as 2nd or 3rd Choice

Gill, Ashyante	Central	Yes
Gilson, Brenda	Central	Yes

Two appointments need to be made:

City At-large (1) – replacing Joseph Gomez

COUNCIL MEMBER CHOICE: _____

Central (1) – replacing Deborah Lande

COUNCIL MEMBER CHOICE: _____

City Code Section 30.39 which states, “Notwithstanding any provisions of this Code to the contrary, if there are no applicants for an appointment to a board or commission residing in the district from which the appointment is required to be made, an applicant residing in any district of the city may be appointed to such board or commission.” (Ord. 2000-932, passed 9-11-00.)

RPAC YOUTH LIAISON VACANCIES: 1
District # of openings:
City At-large 1

Name of applicant	Residing District	Confirmed Attendance
Anako, Abundance	East	Yes
Yu, Klarissa	West	Yes

One appointment needs to be made:

City At-large (1) – Vacant

COUNCIL MEMBER CHOICE: _____

**Brooklyn Park Emerging Leader Voting Form
September 23, 2024 Commission Interviews – Submit Voting Form to Mayor After Meeting**

COUNCIL MEMBER: _____
(Name)

VACANCIES: 2 on each: BAC, HRC, Planning, RPAC
District # of openings:
City At-large 2 on each

Listed as 1st Choice: RPAC

Listed as 2nd Choice: HRC

Listed as 3rd Choice: Planning Commission

Appoint Marvelous Anako to the following commission:

COUNCIL MEMBER CHOICE: _____

Name of applicant	Residing District	Confirmed Attendance
Anako, Marvelous	East	Yes

City of Brooklyn Park Request for Council Action

Agenda Item:	3B.3	Meeting Date:	October 14 th , 2024
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Racial Equity Diversity & Inclusion Manager Dr. Marcellus Davis
Ordinance:	N/A		
Attachments:	1	Presented By:	Mayor Hollies Winston
Item:	Proclamation Recognizing October 1, 2024 as "64 th Annual Celebration of the Nigerian Independence Day" in the City of Brooklyn Park		

City Manager's Proposed Action:

The Mayor shall recognize October 1, 2024 as the 64th annual celebration of Nigerian Independence in the City of Brooklyn Park by one of the following:

1. I, Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota, do hereby recognize October 1, 2024, as Nigerian Independence Day.

OR

2. By reading the proclamation.

Overview:

Nigeria gained independence from British rule on October 1, 1960. The country's Independence Day celebrations include a variety of events and activities that reflect its rich cultural heritage and national pride.

Primary Issues/Alternatives to Consider:

Budgetary/Fiscal Issues:

Attachments:

3B.3A PROCLAMATION

PROCLAMATION

The City of Brooklyn Park Recognizes October 1, 2024 as Nigerian Independence Day

WHEREAS, the City of Brooklyn Park recognizes October 1, 2024, as a public celebration recognizing the 64th annual Nigerian Independence Day; and

WHEREAS, Nigeria gained independence from the British rule on October 1, 1960. The city has partnered with the city of Udu Nigeria in our Sister City Program since March of 2023. This relationship centers around cultural exchanges and promoting goodwill; and

WHEREAS, the residents of Brooklyn Park, representing a vibrant and dynamic community, proudly celebrate the heritage and contributions of Nigerian Americans; and

WHEREAS, the spirit of independence embodies the values of freedom, self-determination, and the pursuit of prosperity, inspiring generations to strive for greatness; and

WHEREAS, it is essential to honor the rich cultural traditions, achievements, and sacrifices of the Nigerian people, fostering mutual respect and understanding among all communities; and

WHEREAS, we recognize the ongoing contributions of Nigerian-Americans in our city, enhancing our cultural fabric and strengthening our community; and

WHEREAS, Brooklyn Park is home to the state's largest Igbo Fest Cultural Celebration. Igbo community members are an ethnic tribe of Nigeria.

NOW, THEREFORE, I, Hollies Winston, Mayor of Brooklyn Park, do hereby proclaim October 1, 2024, as Nigerian Independence Day in the City of Brooklyn Park.



5200 85th Avenue North
Brooklyn Park, MN 55443

Hollies Winston, Mayor

City of Brooklyn Park Request for Council Action

Agenda Item:	3B.4	Meeting Date:	October 14, 2024
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Racial Equity Diversity & Inclusion Manager Dr. Marcellus Davis
Ordinance:	N/A		
Attachments:	1	Presented By:	Mayor Hollies Winston
Item:	Proclamation Declaring October 2024 as "Domestic Violence Awareness Month" in the City of Brooklyn Park		

City Manager's Proposed Action:

The Mayor shall proclaim October 2024 as Domestic Violence Awareness Month in the city of Brooklyn Park by one of the following:

1. I, Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim October 2024 as "Domestic Violence Awareness Month" in the city of Brooklyn Park.

or

2. By reading the proclamation.

Overview:

The month of October is recognized nationally as Domestic Violence Awareness Month (DVAM). One in three women and one in four men will experience some form of intimate partner violence in their lifetime (National Coalition Against Domestic Violence). Domestic violence occurs in all communities. In Brooklyn Park, officers were dispatched 1,337 times to domestic-related calls in 2022, as compared to 1,341 times in 2021. Because of this prevalence, the Brooklyn Park Police Department has dedicated resources to address domestic violence including partnering with Cornerstone to provide needed crisis intervention, housing, advocacy, education and therapeutic services to the individual(s) or family involved.

The COVID-19 pandemic had a substantially negative impact on victims because of isolation and many residents staying inside their homes more than usual. Community members are also facing many additional stresses due to challenges with finances, distance learning, issues related to racial justice, and other life challenges. However, victims may be afraid to call for help or are reliant on abusers for support, and fewer people may be calling to report abuse on behalf of victims.

This year, for the Purple Lights Initiative, the city of Brooklyn Park will again use purple lights to raise awareness that there is help and hope for victims of domestic violence. The city will light City Hall and the Police Department North Station purple during the month of October. Purple light bulbs will also be available at the City Hall front desk and the Community Activity Center reception desk for residents to pick up to switch out their porch lights for the month of October.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.4A PROCLAMATION

PROCLAMATION

PROCLAIMING OCTOBER 2024 AS DOMESTIC VIOLENCE AWARENESS MONTH IN THE CITY OF BROOKLYN PARK

WHEREAS, the community problem of domestic violence has become a critical public health and welfare concern in Brooklyn Park; and

WHEREAS, domestic violence is a crime, the commission of which will not be tolerated in Brooklyn Park and perpetrators of said crime are subject to prosecution and conviction in accordance with the law; and

WHEREAS, thousands of men, women and children have and will continue to access assistance from Cornerstone, a domestic violence service provider, working closely with the Brooklyn Park Police Department; and

WHEREAS, domestic violence will be eliminated through community partnerships of concerned individuals and organizations working together to prevent abuse while at the same time effecting social and legal change; and

WHEREAS, October is National Domestic Violence Awareness Month; and

WHEREAS, during National Domestic Violence Awareness Month, Brooklyn Park organizations and groups will inform area residents about domestic violence, its prevalence, consequences, and what we as a concerned community can do to eliminate its existence; and

WHEREAS, during the month of October, the city of Brooklyn Park will use purple lights to raise awareness that there is help and hope for victims of domestic violence, by lighting up city buildings and distributing purple bulbs for residents to switch out their porch lights.

NOW, THEREFORE, BE IT RESOLVED that I, Hollies Winston, Mayor of the city of Brooklyn Park, Minnesota, do hereby proclaim October 2024 as "Domestic Violence Awareness Month" in the city of Brooklyn Park.

Hollies Winston, Mayor



5200 85th Avenue North
Brooklyn Park, MN 55443

City of Brooklyn Park Request for Council Action

Agenda Item:	4.1	Meeting Date:	October 14, 2024
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Matt Hayes-Regan, Planning Program Assistant
Ordinance:	N/A		
Attachments:	N/A		
Item:	Development Bond and Escrow Reductions/Releases		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW (\$24,721.88) FOR COMPLETION OF THE "PEMBERLY" PROJECT #19-114.

MOTION _____, SECOND _____, TO FULLY RELEASE THE PERFORMANCE DEPOSIT (\$18,700.00), TO FULLY RELEASE THE DEVELOPERS' ESCROW (\$12,918.37), AND TO FULLY RELEASE THE MERCHANTS NATIONAL BONDING, INC. BOND NO.: NMN1841 FOR COMPLETION OF THE "LUPIENT COLLISION" PROJECT #19-123.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW (\$9,000.00) FOR COMPLETION OF THE "TWIN CITIES ORTHOPEDICS" PROJECT #20-001.

MOTION _____, SECOND _____, TO FULLY RELEASE THE PERFORMANCE DEPOSIT (\$19,801.28) FOR COMPLETION OF THE "RANGE USA" PROJECT #22-127.

MOTION _____, SECOND _____, TO FULLY RELEASE THE PERFORMANCE DEPOSIT (\$13,300.00), TO FULLY RELEASE THE DEVELOPERS' ESCROW (\$8,827.38), AND TO FULLY RELEASE THE WESTERN SURETY COMPANY BOND NO. 67076661 FOR COMPLETION OF THE "MARANATHA CHRISTIAN ACADEMY" PROJECT #24-103.

Overview:

City Code requires performance bonds and developer's escrows be established as part of the development process. As projects progress, staff works with developers on the release of financial securities. For many large projects the City requires performance bonding as well as escrows be filed with the City. The performance bonds are established at the time of site plan review. City Staff feels it is appropriate to release either the full or a portion of the performance bonds and developer's escrows included in this release request at this time.

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:	4.2	Meeting Date:	October 14, 2024
Agenda Section:	Consent	Originating Department:	Police
Resolution:	X	Prepared By:	Stephanie Heiberger, Police Tina Amell, Finance
Ordinance:	N/A		
Attachments:	1	Presented By:	Shane DuPaul, Deputy Chief
Item:	Accept an AKC Reunite Grant		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-_____ TO ACCEPT AN AKC REUNITE GRANT AND AMEND THE 2024 GRANT FUND FOR THE PURCHASE OF A POLICE CANINE.

Overview:

The Police Department applied for and received a grant from AKC Reunite. This award provides \$7,500 toward the purchase of a tracking/evidence recovery canine. Within the 2023-2027 CEP, the police department had planned for the replacement of two canines in 2024. This award offsets some of that cost. The balance of the CEP would be used to achieve the \$2,500 matching requirement of the award.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

Amend the grant fund budget as follows as shown in attachment 4.2B

Attachments:

- 4.2A RESOLUTION
- 4.2B FINANICAL ANLYSIS/BUDGET AMENDMENT

RESOLUTION #2024-

TO ACCEPT AN AKC REUNITE GRANT AND AMEND THE 2024 GRANT FUND
FOR THE PURCHASE OF A POLICE CANINE

WHEREAS, the police department applied for a grant from the AKC Reunite organization for funding for the purchase of a tracking and evidence recovery canine; and

WHEREAS, the grant award was in the amount of \$7,500; and

WHEREAS, the grant award requires a \$2,500 match that will come from the city's Capital Equipment Plan; and

WHEREAS, the 2024 grant fund will need to be amended for this grant; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to accept an AKC Reunite Grant and amend the 2024 grant fund for the purchase of a police canine.

City of Brooklyn Park Financial Analysis



City Council Meeting Date: 10/14/2024

RFCA Title: AKC Reunite Grant

Agenda Section/Number: 4.7

Fiscal Analysis/Explanation for Budget Amendment:

The Police Department applied for and received an AKC Reunite grant, providing \$7500.00 toward the purchase of a police K9.

Changes to the GENERAL LEDGER Budget

Financing Changes

Fund	Revenue Classification	Description	Current Budget	Changes	Amended Budget
203	Other Grants	AKC Reunite Grant	\$ -	\$ 7,500.00	\$ 7,500.00
704	Central Garage Charges	Reducing E.R by Grant	\$ 12,000.00	\$ (7,500.00)	\$ 4,500.00
Total			\$ 12,000.00	\$ -	\$ 12,000.00

Spending Changes

Fund	Expense Classification	Description	Current Budget	Changes	Amended Budget
704	Central Garage	Police K9	\$ 12,000.00	\$ (7,500.00)	\$ 4,500.00
203	Capital Outlay	Police K9	\$ -	\$ 7,500.00	\$ 7,500.00
Total			\$ 12,000.00	\$ -	\$ 12,000.00

Changes to the PROJECT Budget (Only complete this section if this is a CIP/CEP/Grant)

Financing Changes

Project Number	Funding Source	Description	Current Budget	Changes	Amended Budget
GROAKC24 - CEP7120	E.R. - Equipment Replacement	AKC Reunite Grant	\$ 12,000.00	\$ (8,505.00)	\$ 3,495.00
GROAKC24 - CEP7120	G.R. - Grants	AKC Reunite Grant	\$ -	\$ 7,500.00	\$ 7,500.00
Total			\$ 12,000.00	\$ (1,005.00)	\$ 10,995.00

Spending Changes

Project Number	Expense Category	Description	Current Budget	Changes	Amended Budget
GROAKC24 - CEP7120	Capital Equipment	Police K9	\$ 12,000.00	\$ (1,005.00)	\$ 10,995.00
Total			\$ 12,000.00	\$ (1,005.00)	\$ 10,995.00

City of Brooklyn Park Request for Council Action

Agenda Item:	4.3	Meeting Date:	October 14, 2024
Agenda Section:	Consent	Originating Department:	Rental and Business Licensing Division
Resolution:	N/A	Prepared By:	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	1	Presented By:	Keith Jullie, Rental and Business Licensing Manager
Item:	Set a Public Hearing on October 28, 2024 to Consider the Issuance of an On-Sale Intoxicating Liquor License for Reyes Bar Restaurant Breakfast LLC, Doing Business as Reyes Restaurant Bar & Breakfast, Located at 7901 Brooklyn Boulevard North		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO SET A PUBLIC HEARING ON OCTOBER 28, 2024, TO CONSIDER THE ISSUANCE OF AN ON-SALE INTOXICATING LIQUOR LICENSE FOR REYES BAR RESTAURANT BREAKFAST LLC, DOING BUSINESS AS REYES RESTAURANT BAR & BREAKFAST, LOCATED AT 7901 BROOKLYN BOULEVARD NORTH

Overview:

This is a new On-Sale Intoxicating Liquor License for Reyes Bar Restaurant Breakfast LLC doing business as Reyes Restaurant Bar & Breakfast, located at 7901 Brooklyn Boulevard North.

Pursuant to state statute, the business must comply with state laws, local laws, and procedures. To comply with state laws, a public hearing must be held prior to City Council approval of the license required. The results of the inspections and investigations will be available at the public hearing on October 28, 2024.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.3A PUBLIC HEARING NOTICE

**NOTICE OF PUBLIC HEARING
CITY OF BROOKLYN PARK, MINNESOTA**

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, on Monday, October 28, 2024, at 6:00 p.m. or soon thereafter to consider the issuance of an On-Sale Intoxicating Liquor License for Reyes Bar Restaurant Breakfast LLC doing business as Reyes Restaurant Bar & Breakfast, located at 7901 Brooklyn Boulevard North.

All persons desiring to be heard are invited to attend. Written comments will be received by the Licensing Division prior to the hearing.

Devin Montero
City Clerk

Published in the Brooklyn Park Sun Post on October 17, 2024.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.4	Meeting Date:	October 14, 2024
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	N/A		
Item:	Set November 12, 2024, at 6:00 p.m. as the Date and Time to Canvass the Results of the City General Election Held on November 5, 2024		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO SET NOVEMBER 12, 2024, AT 6:00 P.M. AS THE DATE AND TIME TO CANVASS THE RESULTS OF THE NOVEMBER 5, 2024, CITY GENERAL ELECTION.

Overview:

Minnesota State Statute 205.185, Subdivision 3 (a), requires, "Between the third and tenth days after an election, the governing body of a city conducting any election including a special municipal election, or the governing body of a town conducting the general election in November shall act as the canvassing board, canvass the returns, and declare the results of the election.

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:	October 14, 2024
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Cara Donovan, Senior Planner
Ordinance:	FIRST READING		
Attachments:	2	Presented By:	Erin Perdu, Interim Planning Director
Item:	Prairie Seeds Academy (24-117) – An application for a Zoning Text and Map Amendment rezoning four single-family residential properties to Public Institution (PI); First Reading		

City Manager’s Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON FIRST READING ORDINANCE #2024-___ AMENDING CHAPTER 152 REZONING 2.41 ACRES FROM R-1 DETACHED SINGLE-FAMILY ESTATE DISTRICT TO PI PUBLIC INSTITUTION AT 6200 WEST BROADWAY.

Planning Commission:

The Brooklyn Park Planning Commission will hear this request after the time of writing on October 9, 2024 at the Planning Commission Regular Meeting.

Overview:

There is development associated with this request that will be presented at the October 28th City Council Regular Meeting. Due to deadlines to obtain the funding required for this project, the timeline is expedited compared to other development projects, and to ensure the applicant is able to meet these goals the first reading of this rezoning is before you as an individual item. The Preliminary Plat, and Site Plan Review will be included with the second reading of this development project.

The request is for the rezoning of four single-family parcels from R1 (Detached Single-Family Estate District) to PI (Public Institution). These properties were purchased by Prairie Seeds Academy and the applicant proposes the properties be replatted and combined with the existing Prairie Seeds Academy for site plan changes which will include the expansion of the existing school.

The subject properties include four lots totaling 2.41 acres in the Sunny Lanes neighborhood. The existing structures on these properties are in the process of being demolished. The property to the north is zoned R1, properties to the west, beyond West Broadway, are zoned R-5 (Multiple Family District) and the property to the south, Prairie Seeds Academy, is zoned PI (Public Institution).

The future land use of these properties is designated as Low Density Residential in the 2040 Comprehensive Plan. It is proposed the future land use of these properties be redesignated as Institutional. The current zoning of these properties is R1 (Detached Single-Family Estate District). The proposed zoning of these properties is PI (Public Institution). The Public Institution (PI) zoning district allows schools as a conditional use. Prairie Seeds Academy was approved as a conditional use when it was constructed in 1972.

Current Conditions:

Planning and Zoning Information		
	Current	Proposed
Land Use Plan	Low Density Residential	Institutional
Current Zoning	R1 – Detached Single-Family Estate District	PI – Public Institution
Site Area	6232 West Broadway (0.95 acres) 6224 West Broadway (0.56 acres) 6228 West Broadway (0.45 acres) 6232 West Broadway (0.45 acres)	
Neighborhood	Sunny Lane	
Conforms to	Land Use Plan – Yes Zoning Code – Yes	
Public Notice	Legal notice was published in the Sun Post, 132 Notices were mailed to properties within 500 feet, Proposed Development Sign was placed on the property, A Neighborhood email was sent to the Sunny Lane neighborhood.	
60-Day 120-Day	October 27, 2024 December 26, 2024	

Primary Issues/Alternatives to Consider:

1. Approve the rezoning as presented.
2. Deny the rezoning based on certain findings, keeping the existing zoning in place.

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.5A ORDINANCE
- 4.5B LOCATION MAP

ORDINANCE #2024-

ORDINANCE AMENDING CHAPTER 152 REZONING 2.41 ACRES
FROM R-1 DETACHED SINGLE-FAMILY ESTATE DISTRICT TO PI PUBLIC INSTITUTION DISTRICT AT
6200 WEST BROADWAY

THE CITY OF BROOKLYN PARK DOES ORDAIN:

Section 152 of the Zoning code is amended to rezone the following described property from R1 (Detached Single-Family Residential) to PI (Public Institution):

Lot 1, Block 1, Prairie Seeds Academy, Hennepin County, Minnesota

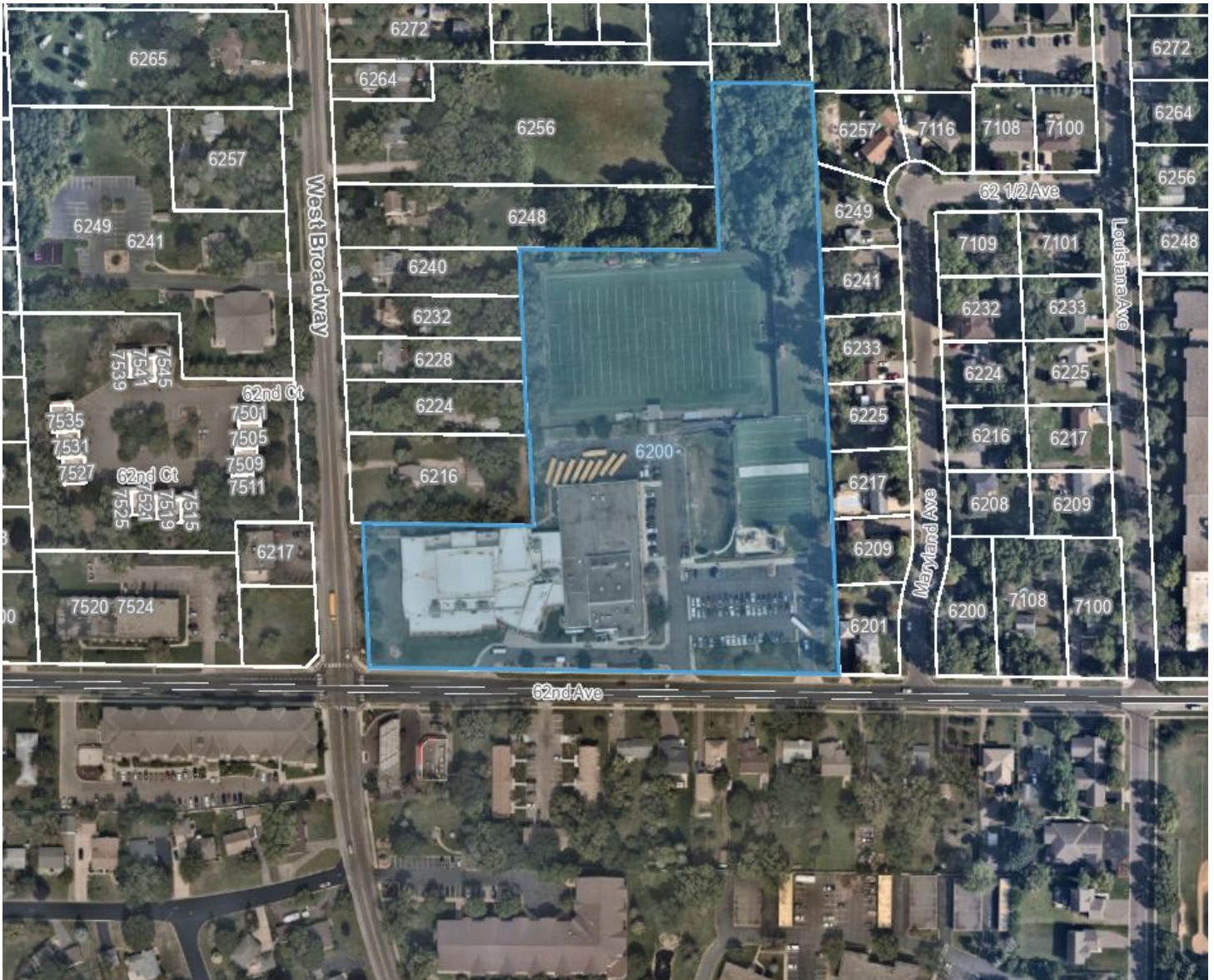
The official Zoning map of the City on file with the City Clerk and referred to in Chapter 152 of the City Code is hereby amended in accordance with the provisions of this ordinance.

HOLLIES WINSTON, MAYOR

ATTEST:

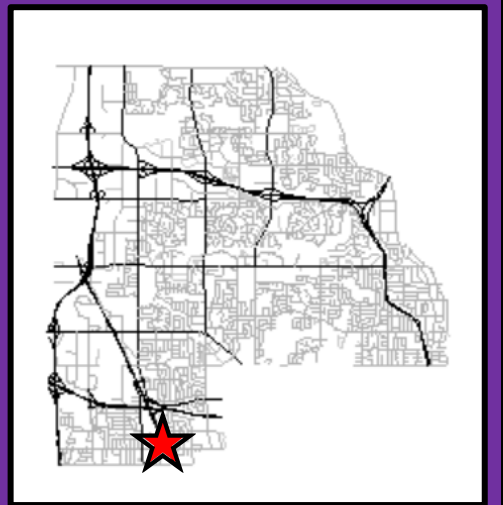
DEVIN MONTERO, CITY CLERK

Approved as to Form by City Attorney
Passed on First Reading
Passed on Second Reading
Published in Official Newspaper



Preliminary/Final Plat Application; Rezoning Application; Site Plan Review Application
Case #24-117 – Prairie Seeds Academy
Area of Request (August 2023 Air Photo)
6200 West Broadway Ave N

Brooklyn Park 



City of Brooklyn Park Request for Council Action

Agenda Item:	4.6	Meeting Date:	October 14, 2024
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	X	Prepared By:	Felicia Jappah, Project Coordinator, Pandemic Response
Ordinance:	N/A		
Attachments:	1	Presented By:	Felicia Jappah
Item:	2024 Budget Amendments American Rescue Plan Act (ARPA)		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-____ TO AMEND THE 2024 AMERICAN RESCUE PLAN ACT (ARPA) BUDGET TO ALLOW TRANSFER OF FUNDS FROM THE COMMUNITY RESPONSE PROPOSALS PROJECT TO THE LEGAL SERVICES PROJECT.

Overview:

This action is to request City Council approval for ARPA budget increase for Legal Services using funds from the ARPA Community Response Proposal project. We have increased consultation with Legal Services in 2024 as we wrap up the ARPA programs and projects. As a result, the amount approved in 2023 is under budget for to cover the increase in legal services. Staff expect the Community Response Proposal budget to be under spent. This transfer allows funds already in the budget to be transferred from one project to the other – no new funds are requested.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

The budget amendment is necessary to increase the ARPA Legal Services 2024 project budget. This increase will provide additional revenue to ensure that the increased costs associated with legal services needed to administer the ARPA in 2024 are adequately covered.

The 2024 ARPA budget for Legal Services and Community Response Proposal was set in the ARPA budget approval by City Council in 2023. This request allows the transfer of funds from the Community Response Proposals project to Legal Services project for 2024 expenses.

Attachments:

4.6A RESOLUTION

RESOLUTION #2024-

RESOLUTION TO AMEND THE 2023 AMERICAN RESCUE PLAN ACT (ARPA) BUDGET TO ALLOW TRANSFER OF FUNDS FROM THE COMMUNITY RESPONSE PROPOSALS PROJECT TO THE LEGAL SERVICES PROJECT

WHEREAS, the 2024 the Adopted Budget included \$15,000 for Legal Services and \$149,219 for Community Response proposals for partner programs and technical assistance for businesses and non-profits; and


WHEREAS, more work related to legal services is needed to administer the ARPA programs and projects which has increased the cost of legal services beyond the original budget; and

WHEREAS, we have determined that there will be unspent funds around services not implemented under the community response proposals budget line; and

WHEREAS, it is necessary to amend the Community Response Proposals project and Legal Services to properly fund the Legal Services project based on anticipated expenses for 2024; and

WHEREAS, the amendment will decrease the funds allocated to Community Response Proposals services by \$30,000 and increase the funds allocated to Legal Services by \$30,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve 2024 budget amendments as outlined.

City of Brooklyn Park Financial Analysis			 Unique. United. Undiscovered.		
City Council Meeting Date:	14-Oct-24				
RFCATitle:	ARPA Budget Amendment for Career Pathways				
Agenda Section/Number:	X.X				
Fiscal Analysis/Explanation for Budget Amendment:					
Transfer funds from the Community Response Proposals project budget to the Legal Services Project budget					
Changes to the GENERAL LEDGER Budget					
Financing Changes					
Changes to the PROJECT Budget					
Spending Changes					
Project Number	Expense Category	Description	Current Budget	Changes	Amended Budget
GRFARP-PH-CRP	Contractual Services	Community Response Proposals	\$ 149,219.00	\$ (30,000.00)	\$ 119,219.00
GRFARP-AO-LA	Consultant	Legal Consulting	\$ 15,000.00	\$ 30,000.00	\$ 45,000.00
					\$ -
		Total	\$ 164,219.00	\$ -	\$ 164,219.00

City of Brooklyn Park Request for Council Action			
Agenda Item:	5.1	Meeting Date:	October 14, 2024
Agenda Section:	Public Hearings	Originating Department:	Finance
Resolution:	X	Prepared By:	Chris Kuecker, Staff Accountant
Ordinance:	N/A		
Attachments:	3	Presented By:	LaTonia Green, Finance Director
Item:	Adopt Resolution for Proposed Special Assessments for Delinquent Utility Charges; Abatement Costs for Weed Cutting, Tree Removal, Nuisance Abatements, and Fire Inspection Fees; Administrative Penalty Citations; Various Costs Associated with Rental Housing Cases; And Administrative Fees, Except for Contested Charges and Costs Held Over For Further Review		

City Manager’s Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING OF THE PUBLISHED NOTICE OF HEARING ON PROPOSED ASSESSMENT FOR DELINQUENT UTILITY CHARGES, ABATEMENT COSTS FOR WEED CUTTING, TREE REMOVAL, NUISANCE ABATEMENTS, FIRE INSPECTION FEES, ADMINISTRATIVE PENALTY CITATIONS, VARIOUS COSTS ASSOCIATED WITH RENTAL HOUSING CASES, AND ADMINISTRATIVE FEES AND HOLD THE PUBLIC HEARING.

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-____ LEVYING SPECIAL ASSESSMENTS FOR DELINQUENT UTILITY CHARGES, ABATEMENT COSTS FOR WEED CUTTING, TREE REMOVAL, NUISANCE ABATEMENTS, FIRE INSPECTION FEES, ADMINISTRATIVE PENALTY CITATIONS, VARIOUS COSTS ASSOCIATED WITH RENTAL HOUSING CASES, AND ADMINISTRATIVE FEES, EXCEPT FOR CONTESTED CHARGES AND COSTS HELD OVER FOR FURTHER REVIEW.

Overview:

Each year, the City has outstanding charges for utility charges; abatements costs for weed cutting, tree removal, nuisance abatements, and fire inspection fees; administrative penalty citations; various costs associated with rental housing cases; and administrative fees that the City is not able to collect from the property owner. The only action that can be taken to collect these charges is to assess the amounts in question and certify these charges to the property taxes of the property owners. Minnesota State Statute 444.075 Subd. 3 allows for the assessment of delinquent utility bills. Minnesota State Statute 429.101 allows for the assessment of delinquent weed cutting, tree removal, and nuisance abatement charges. The City Charter, Section 14.19, allows for the assessment of delinquent administrative citations. Minnesota Statute 336.012 allows for assessment of delinquent fire inspection fees. In addition, notices of this public hearing have been mailed to the affected parties.

For 2024, we have identified the following amounts for possible certification to the property taxes in 2025. Data for 2022 & 2023 is provided below for comparison:

Description	2022		2023		2024	
	Number	Dollar Amount	Number	Dollar Amount	Number	Dollar Amount
Abatements	56	20,912.79	39	16,822.95	42	31,236.38
Citations	249	55,840.00	260	53,900.00	253	60,520.00
Utility Accounts	3037	1,690,147.79	3593	2,082,917.26	3500	2,470,651.18
Tree removal	1	3,600.00	2	4,450.00	1	700.00
Rental Housing	0	-	0	-	0	-
Hydrant Maintenance	0	-	0	-	1	2,025.00
Administrative Fees	3197	48,075.00	3764	56,460.00	3636	54,540.00

We continue to receive and post payments on these accounts daily. Payments will be accepted through 4:30 p.m. on November 14, 2024. Accounts paid by this date will be removed from the certification list. Accounts not paid by this date will be certified to Hennepin County. The amount certified includes the outstanding amount plus interest for fourteen (14) months at the rate of 4% annum, a \$35.00 administrative fee, and a Hennepin County service charge of \$2.50.

An administrative fee of \$15.00 was included on each account that received a notice of a delinquent account. This was approved at the November 13, 2018 council meeting.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 5.1A RESOLUTION
- 5.1B 2024 SPECIAL ASSESSMENT HEARING PROCESS MEMO TO CITY MANAGER
- 5.1C CERTIFICATION LIST (*LIMITED DISTRIBUTION – Available for viewing at the City Clerk's office*)

RESOLUTION #2024-

RESOLUTION LEVYING SPECIAL ASSESSMENTS FOR DELINQUENT UTILITY CHARGES, ABATEMENT COSTS FOR WEED CUTTING, TREE REMOVAL, NUISANCE ABATEMENTS, FIRE INSPECTION FEES, ADMINISTRATIVE PENALTY CITATIONS, VARIOUS COSTS ASSOCIATED WITH RENTAL HOUSING CASES, AND ADMINISTRATIVE FEES, EXCEPT FOR CONTESTED CHARGES AND COSTS HELD OVER FOR FURTHER REVIEW

WHEREAS, pursuant to proper notice duly given as required by law, Council has met, and heard, and passed upon all uncontested proposed assessment for delinquent utility charges; abatements costs for weed cutting, tree removal, nuisance abatements, and fire inspection fees; administrative penalty citations; various costs associated with rental housing cases; and administrative fees. All objections are held over for further review at the October 23 meeting.

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

1. That pursuant to Minnesota Statutes and the City Code of the City of Brooklyn Park, the delinquent utility charges; abatements costs for weed cutting, tree removal, nuisance abatements, and fire inspection fees; administrative penalty citations; various costs associated with rental housing cases; and administrative fees shall be levied against the properties and collected as other taxes are collected and remitted to the City of Brooklyn Park. All properties involved and the amounts to be certified are on file with the City Clerk.
2. That such proposed assessment, hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included with the exception of the house and garage roof tract of land is hereby found to be benefited by the delivered services in the amount of the assessment levied against it, and that each property shall have the entire amount, plus interest for (14) months at the rate of 4% PER annum, and a \$35.00 administrative fee added to their assessment, and a Hennepin County administration service charge of \$2.50.
3. That the owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole or any part of the assessment on such property from the adoption of this resolution until November 14, 2024.
4. That the City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County, and such assessments shall be collected and paid in the same manner as other municipal taxes.



MEMORANDUM

DATE: October 4, 2024

TO: Jay Stroebel, City Manager

FROM: Jason Newby, Inspections & Environmental Health Manager

CC: Tim Gladhill, Director of Community Development
LaTonia Green, Finance Director

SUBJECT: 2024 Special Assessment Hearing Process

The purpose of this memo is to provide you with some background and information regarding the upcoming special assessment hearing process.

Each year, property owners have one final opportunity to appeal their special assessments to the City Council before they are certified to their taxes. These assessments represent all unpaid water bills, administrative citations (false alarms, code enforcement violations, licensing violations, etc.) abatement fees (long grass, nuisances, securing vacant structures, hazardous tree removal, etc.). Throughout the year, residents have an opportunity to contest these assessments through communication with staff and the administrative hearing process.

The Finance Department recently sent out certifications to all parties that met the definitions referenced above. Residents have an opportunity to contact the City in the event they feel these charges were issued improperly or should be removed due to staff error. Staff will work closely with those individuals and address those issues prior to the assessment hearing.

For the special assessment hearing at the City Council meeting, staff is proposing a similar format that has been used in previous years.

Step 1 (October 14, 2024): Have residents who wish to contest their special assessments sign in prior to the City Council meeting and conduct the public hearing. The mayor may call each resident to the podium to state their objections to the special assessment. Rather than responding immediately to the public hearing comments, staff will make a recommendation to the City Council to pull all the contested items from the list and continue those at the next public hearing on October 28, 2024. All remaining non-contested fines or fees can be certified at that time.

Step 2: Staff will gather all the necessary case information for those that testified at the hearing or sent in letters or emails appealing their assessment. For each appeal, a case history will be prepared (correspondence, correction notices, citations, abatements, and hearings results) and included in the City Council report.

Step 3 (October 28, 2024): Staff will respond to each case at the next City Council meeting on October 28. At the Mayor's discretion, property owners can be allowed to speak again in response to staff comments on their assessment.

Staff feels this format will allow us to respond in an orderly manner and provide all the necessary information, so the City Council can make an informed decision. If there are questions on the case history, staff are happy to walk through the details of any case prior to the October 28 meeting.

City of Brooklyn Park Request for Council Action

Agenda Item:	5.2	Meeting Date:	October 14, 2024
Agenda Section:	Public Hearing	Originating Department:	Community Development
Resolution:	X	Prepared By:	Malcolm Hicks, Business Development Coordinator
Ordinance:	N/A		
Attachments:	1	Presented By:	Daniela Lorenz, Business Development Coordinator
Item:	Resolution Authorizing an Amendment to the Grant Contract Dated September 27, 2021, Between City of Brooklyn Park and the State of Minnesota Acting Through the Department of Employment and Economic Development for The Project Titled Industrial Fabrics Corporation dba: Clearedge Technical Fabrics, Inc.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION 2024-____ AUTHORIZING AN AMENDMENT TO THE GRANT CONTRACT DATED SEPTEMBER 27, 2021, BETWEEN CITY OF BROOKLYN PARK AND THE STATE OF MINNESOTA ACTING THROUGH THE DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR THE PROJECT TITLED INDUSTRIAL FABRICS CORPORATION DBA: CLEAREDGE TECHNICAL FABRICS, INC.

Overview:

The City of Brooklyn Park was previously awarded a grant in the amount of \$125,000 to assist with the expansion of Industrial Fabrics Corporation dba: Clearedge Technical Fabrics, Inc. The funds are to be used for the creation of 47 full-time employment (FTE) jobs.

Clearedge Inc, a filtration manufacturer approached the Sate of Minnesota's Department of Employment and Economic Development (DEED) and the City of Brooklyn Park in regard to a 1-year extension in order to achieve their workforce and wages deliverables

Clear edge stated that due to low sales volume in our industry during 2022 & 2023, Clearedge has requested a 1-year extension in order to meet the required FTE's proposed in the original MIF contract. Clearedge has made organizational changes and are working to increase volumes via increased sales activity further increasing their FTE's in the last half of 2024 and early 2025.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

5.2A RESOLUTION

RESOLUTION #2024-

RESOLUTION AUTHORIZING AN AMENDMENT TO THE GRANT CONTRACT DATED SEPTEMBER 27, 2021, BETWEEN CITY OF BROOKLYN PARK AND THE STATE OF MINNESOTA ACTING THROUGH THE DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR THE PROJECT TITLED INDUSTRIAL FABRICS CORPORATION DBA: CLEAREDGE TECHNICAL FABRICS, INC.

WHEREAS, the City of Brooklyn Park (*Applicant*) acted as the legal sponsor for the project contained in the Minnesota Investment Fund Program for the project titled Industrial Fabrics Corporation dba: Clearedge Technical Fabrics, Inc.; and

WHEREAS, the City of Brooklyn Park (*Applicant*) has the legal authority to amend the Grant Contract dated September 27, 2021, between the City of Brooklyn Park and the State of Minnesota acting through the Department of Employment and Economic Development; and

WHEREAS, the City of Brooklyn Park (*Applicant*) has held a public hearing for the purpose of accepting comments for the purpose to amend the Grant Contract in compliance with the Minnesota Business Subsidy Law to extend the term of the Grant Contract; and

WHEREAS, the City of Brooklyn Park (*Applicant*) has held a public hearing for the purpose of accepting comments for the purpose to amend the Loan Agreement between the City of Brooklyn Park and Industrial Fabrics Corporation dba: Clearedge Technical Fabrics, Inc.; and

WHEREAS, the City Council of the City of Brooklyn Park authorizes to execute an amendment to the Grant Contract dated September 27, 2021, between the City of Brooklyn Park and the State of Minnesota acting through the Department of Employment and Economic Development; and

WHEREAS, that the City Council of the City of Brooklyn Park authorizes to execute an amendment to the Loan Agreement between the City of Brooklyn Park and Industrial Fabrics Corporation dba: Clearedge Technical Fabrics, Inc.

NOW, THEREFORE BE IT RESOLVED that the City Council of Brooklyn Park, hereby express their approval and authorize the Brooklyn Park City of Brooklyn Park to hold a public hearing to consider the submittal of a Minnesota Investment Fund program application to the Minnesota Department of Employment and Economic Development.

City of Brooklyn Park Request for Council Action

Agenda Item:	5.3	Meeting Date:	October 14, 2024
Agenda Section:	Public Hearing	Originating Department:	Rental and Business Licensing Division
Resolution:	N/A	Prepared By:	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	1	Presented By:	Keith Jullie, Rental and Business Licensing Manager
Item:	Approve an On-Sale Intoxicating Liquor License for Sky Lounge and Bistro LLC, Doing Business as Sky Lounge and Bistro, Located at 8515 Edinburgh Centre Drive North, Contingent on Approval and Issuance of a Food License, All Required Permits, and all Required Inspections		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE AN ON-SALE INTOXICATING LIQUOR LICENSE FOR SKY LOUNGE AND BISTRO LLC, DOING BUSINESS AS SKY LOUNGE AND BISTRO, LOCATED AT 8515 EDINBURGH CENTRE DRIVE NORTH, CONTINGENT ON APPROVAL AND ISSUANCE OF A FOOD LICENSE, ALL REQUIRED PERMITS AND ALL REQUIRED INSPECTIONS.

Overview:

This is a new On-Sale Intoxicating Liquor License for Sky Lounge and Bistro LLC doing business as Sky Lounge and Bistro located at 8515 Edinburgh Centre Drive North.

This restaurant is still being cosmetically renovated prior to opening. The Community Development Department has approved the application and will issue out the liquor license contingent upon the restaurant completion and issuance of the food license. The Police Department has completed their investigation of the business owner.

The Community Development Department, Fire Department and Police Department find no reason that would preclude the issuance of this license. Their reports are on file in the Business and Rental Licensing Division and are available upon request.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

5.3A LIQUOR LICENSE LIST

Business Name	Address	Business Type	On / Off Sale	Liquor Type
AMOCO	8050 LAKELAND AVE N	Gas - Food	Off-sale	3.2
FAMILY DOLLAR	7638 BROOKLYN BLVD N	General	Off-sale	3.2
HOLIDAY STATIONSTORE	8500 EDINBURGH CTR DR N	Gas - Food	Off-sale	3.2
KWIK TRIP	9495 NOBLE PKWY N	Gas - Food	Off-sale	3.2
KWIK TRIP	5801 96TH AVE N	Gas - Food	Off-sale	3.2
HOLIDAY	9500 NOBLE PKWY N	Gas - Food	Off-sale	3.2
SPEEDWAY	7601 JOLLY LN N	Gas - Food	Off-sale	3.2
SPEEDWAY	9300 ZANE AVE N	Gas - Food	Off-sale	3.2
FREEDOM STORES	7525 BROOKLYN BLVD N	Gas - Food	Off-sale	3.2
CUB FOODS	9655 COLORADO LN N	Grocery	Off-sale	3.2
CUB FOODS	7555 WEST BROADWAY N	Grocery	Off-sale	3.2
FESTIVAL FOODS	8535 EDINBURGH CTR DR N	Grocery	Off-sale	3.2
HY-VEE FOOD STORE	9409 ZANE AVE N	Grocery	Off-sale	3.2
BIG LIQUOR WAREHOUSE	8022 BROOKLYN BLVD N	Liquor Store	Off-sale	Full
BROOKLYN LIQUORS	6256 BOONE AVE N	Liquor Store	Off-sale	Full
BROOKLYN PARK LIQUOR BARREL	8520 EDINBURGH CTR DR N	Liquor Store	Off-sale	Full
CELLARS WINES & SPIRITS - BROOKLYN PARK	7944 BROOKLYN BLVD N	Liquor Store	Off-sale	Full
CITY LIQUOR	5716 BROOKDALE DR N	Liquor Store	Off-sale	Full
CUB DISCOUNT LIQUOR	7555 WEST BROADWAY N	Liquor Store	Off-sale	Full
HY-VEE WINE & SPIRITS	9409 ZANE AVE N SUITE B	Liquor Store	Off-sale	Full
IKE'S WINE & SPIRITS	9682 COLORADO LN N	Liquor Store	Off-sale	Full
KELLY'S LIQUOR	3210 BROOKDALE DR N	Liquor Store	Off-sale	Full
MADDIES LIQUOR	8521 ZANE AVE N	Liquor Store	Off-sale	Full
PARK LIQUOR OUTLET	6315 ZANE AVE N	Liquor Store	Off-sale	Full
PIXIE LIQUOR	1512 BROOKDALE DR N	Liquor Store	Off-sale	Full
TM LIQUORS	9318 ZANE AVE N	Liquor Store	Off-sale	Full
UP NORTH LIQUOR	9570 NOBLE PKWY N	Liquor Store	Off-sale	Full
BOWLERO	7545 BROOKLYN BLVD N	Bowling Alley	On-sale	Full
HEAVY ROTATION BREWING	9801 XENIA AVE N	Brewery	On & Off sale	Brewery
PALMER LAKE VFW	2817 BROOKDALE DR N	Club	On-sale	Full

Business Name	Address	Business Type	On / Off Sale	Liquor Type
SKAALVENN DISTILLERY	8601 73RD AVE N #14	Distillery	On-sale	Distillery
BUASAVANH	7324 LAKELAND AVE N	Event Center	On-sale	Full
LEOPOLD'S MISSISSIPPI GARDENS	9500 WEST RIVER RD N	Event Center	On-sale	Full
BROOKLAND EXECUTIVE NINE GOLF	8232 REGENT AVE N	Golf	On-sale	3.2
HAMPTON INN	9470 WEST BROADWAY N	Hotel	On-sale	3.2
MINNEAPOLIS MARRIOTT NORTHWEST	7025 NORTHLAND DR N	Hotel	On-sale	Full
BROADWAY PIZZA	8525 EDINBURGH CTR DR N	Restaurant	On-sale	Full
CAM'S BAR & EATERY	8517 63RD AVE N	Restaurant	On-sale	Full
DOS HERMANOS MEXICAN GRILL AND BAR	1408 85TH AVE N	Restaurant	On-sale	Full
EL LORO MEXICAN RESTAURANT	7901 BROOKLYN BLVD N	Restaurant	On-sale	Full
HOUSE OF KIRIN	8600 EDINBURGH CTR DR N	Restaurant	On-sale	Wine
HY-VEE MARKET GRILLE	9409 ZANE AVE N SUITE A	Restaurant	On-sale	Full
MAD JACKS SPORTS CAFE	8078 BROOKLYN BLVD N	Restaurant	On-sale	Full
MC'S TAP HOUSE	9690 COLORADO LN N	Restaurant	On-sale	Full
ORO BANQUET - BAR & RESTAURANT	2875 BROOKDALE DR N	Restaurant	On-sale	Full
PLUSH	8578 EDINBURGH CTR DR N	Restaurant	On-sale	Full
SKY LOUNGE & BISTRO	8515 EDINBURGH CTR DR N	Restaurant	On-sale	Full
SOKE BBQ & HOT POT	8586 EDINBURGH CTR DR N	Restaurant	On-sale	Wine
THE BROOKLYN	8700 EDINBROOK CROSSING N	Restaurant	On-sale	Full
TOKYO SUSHI ALL YOU CAN EAT	9750 SCHREIBER TER N	Restaurant	On-sale	Wine

City of Brooklyn Park Request for Council Action

Agenda Item:	5.4	Meeting Date:	October 14, 2024
Agenda Section:	Public Hearing	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	FIRST READING		
Attachments:	1	Presented By:	Dennis Secara, Charter Commission Chair
Item:	Public Hearing to Consider the Recommendation of the Brooklyn Park Charter Commission to amend Chapter 2, Section 2.06 and Chapter 4, Section 4.03 of the Home Rule City Charter		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CHAPTER 2, SECTION 2.06 OF THE HOME RULE CITY CHARTER.

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CHAPTER 4, SECTION 4.03, OF THE HOME RULE CITY CHARTER.

Overview:

In 2023, the Commissioners held several meetings related to the length of vacancies and the expense of special elections.

At the December 13, 2023, meeting, the Commissioners voted on an amendment to Section 4.03 to be recommended to the City Council for approval.

At the February 12, 2024, council meeting, the public hearing and first read of the amendment to Chapter 4, section 4.03 was held. There was no public comment, and the Council did not have questions on the amendment. The first reading of the amendment passed unanimously.

At the February 26, 2024, council meeting, the Charter Commission Vice Chair Bor presented the second reading of the amendment to Chapter 4, Section 4.03

After lengthy discussions, the Council made a motion to table the amendment and have the Charter Commission create an approach of a council appointment if the vacancy was under two years and to appointing someone until the special election occurred.

At the April 10, 2024, Charter Commission meeting, the Commissioners held lengthy discussions and recommended to table their discussions on the amendment to Section 4.03 until a work session with the Council was held. Topics to be discussed at the work sessions were: The city charter, how Brooklyn Park was a charter city and its functions, how Commissioners were appointed, education around the laws the charter commission was governed, holding elections and the timing of elections.

At the May 6, 2024, Council Work session Chair Secara and Commissioners briefed the Council on the history of Special elections, length of their vacancies, Section 2.06-Special Primaries, uniform dates for Special elections and factors involved in special elections. Discussions were held on:

- The 50% plus one vote. If a candidate received a 50% plus one vote, they candidate was declared the winner and no need for the special election.
- Prior to 2014, Primaries were not held.

- Would Ranked Choice Voting be an option.
- Not having appointments as people earned the right to vote for their representative
- Having special elections on uniform dates per state election law
- Having an appointment process for more than 365 days in the unexpired term

At the June 12 Charter Commission meeting the Commissioners discussed the meeting with Council at the work session. After lengthy discussions the Commissioners voted to resubmit the proposed amendment to Section 4.03 as presented to the Council on February 12 and 26, 2024, based on the following discussions. The motion carried unanimously.

- *Appointments.* It was the consensus of the Commissioners that voters should be voting for the candidates at a special election instead of the Council appointing someone to represent a district.
- *Declaring Vacancies and ordering the special election.* The Commissioners recommended declaring the vacancy and ordering the special election at the same meeting to be more efficient and shorten the vacancy gap, and not use the entire 45 days as allowed by the charter. This requires an amendment to Section 2.06 of the city charter.

At the September 11 Charter Commission meeting, the Commissioners discussed the amendment to Section 2.06 related to the length of the vacancy. The Commissioners voted to forward the proposed amendment to Section 2.06 to the Council. The motion carried unanimously.

Primary Issues/Alternatives to Consider:

September 23	Council set the public hearing
October 3	Public Hearing Notice and text of proposed ordinance is published
October 14	Public hearing and First Reading of Ordinance Held
October 28	Second Reading of Ordinance Held
November 7	Ordinance Published in Newspaper
February 5, 2025	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:

5.4 ORDINANCE

ORDINANCE #2024-

AN ORDINANCE AMENDING CHAPTER 2, SECTION 2.06 AND 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 2, Section 2.06 of the City Charter is amended to read as follows:

SECTION 2.06 COUNCIL VACANCIES

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

Section 2. 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:	7.1	Meeting Date:	October 14, 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:	Appointments to Commissions		

City Manager's Proposed Action:

Appoint commissioners to serve on the Budget Advisory Commission, Community Long-range Improvement Commission, Human Rights Commission, Planning Commission, and the Recreation and Parks Advisory Commission.

BUDGET ADVISORY COMMISSION (BAC) One appointment (Central)
Central (One appointment)

MOTION _____, SECOND _____, TO APPOINT _____ TO THE BUDGET ADVISORY COMMISSION REPRESENTING THE CENTRAL DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A THREE-YEAR TERM TO EXPIRE APRIL 1, 2026. (Reappointing or Replacing Ang Thatch)

COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION (CLIC) Two appointments (1 City At-large; 1 West)
(Per Section 9.04 of our City Charter, the Mayor appoints to this Commission with the approval of the City Council.)

City At-large (One appointment)

MOTION _____, SECOND _____, TO APPOINT _____ TO THE COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A THREE-YEAR TERM TO EXPIRE APRIL 1, 2026. (Replacing John Pharr)

West District (One appointment)

MOTION _____, SECOND _____, TO APPOINT _____ TO THE COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION REPRESENTING THE WEST DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A THREE-YEAR TERM TO EXPIRE APRIL 1, 2025. (Replacing Andrea Boyle)

HUMAN RIGHTS COMMISSION (HRC) One appointments (1 City At-large)

City At-large (One appointment)

MOTION _____, SECOND _____, TO APPOINT _____, TO THE HUMAN RIGHTS COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A THREE-YEAR TERM TO EXPIRE APRIL 1, 2025. (Replacing Jania Dammer)

RECREATION AND PARKS ADVISORY COMMISSION (RPAC) Two appointments (1 City At-large; 1 Central)

City At-large (One appointment)

MOTION _____, SECOND _____, TO APPOINT _____ TO THE RECREATION AND PARKS ADVISORY COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A THREE-YEAR TERM TO EXPIRE APRIL 1, 2025. (Replacing Joseph Gomez)

Central District (One appointment)

MOTION _____, SECOND _____, TO APPOINT _____ TO THE RECREATION AND PARKS ADVISORY COMMISSION REPRESENTING THE EAST DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A THREE-YEAR TERM TO EXPIRE APRIL 1, 2025. (Reappointing or replacing Deborah Lande)

YOUTH LIAISON – City At-large (Ages 14-17 – One-year terms) (One appointment)

MOTION _____, SECOND _____, TO APPOINT _____ TO THE RECREATION AND PARKS ADVISORY COMMISSION AS A YOUTH LIAISON REPRESENTING THE CITY AT-LARGE EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A ONE-YEAR TERM TO EXPIRE APRIL 1, 2025. (Vacant Seat)

EMERGING LEADER – City At-large (Ages 18-24 – One-year terms) (One appointment)

MOTION _____, SECOND _____, TO APPOINT _____ TO THE _____ COMMISSION AS AN EMERGING LEADER REPRESENTING THE CITY AT-LARGE EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A ONE-YEAR TERM TO EXPIRE APRIL 1, 2025. (Vacant Seat)

Overview:

If there are any openings left unfilled after the appointments are made at tonight's Council meeting, City staff will re-advertise to fill the positions that are still vacant.

Primary Issues/Alternatives to Consider:

Selection and appointment of commissioners.

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	7.2	Meeting Date:	October 14, 2024
Agenda Section:	General Action Items	Originating Department:	Administration
Resolution:	X	Prepared By:	Jim Thomson, City Attorney
Ordinance:	N/A		
Attachments:	1	Presented By:	Mayor Hollies Winston
Item:	Conduct a three-month review of the City Council's April 15, 2024 censure of Council Member Boyd Morson		

City Manager's Proposed Action:

As required by the April 15, 2024 Censure of Council Member Morson, to conduct a periodic review and consider modifications to the Censure.

Overview:

On February 21, 2024, the mayor and city manager received a complaint from a city employee regarding Council Member Boyd Morson. The complaint relates to a February 20 posting by Council Member Morson on his Facebook page. Among other things, the Facebook posting criticizes the city manager and "the highly responsible city staff that he chose to head that department" for not making the creation of gyms at the CAC a priority. The employee's complaint refers to other statements and Facebook postings by Council Member Morson dating back to August 2023.

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. On April 1, 2024, the City Council met in closed session to consider the allegations against Council Member Morson. Council Member Morson was provided with a copy of the employee's complaint before that meeting and received notice of the Council meeting. Council Member Morson chose not to attend the Council meeting.

At the April 1, 2024, Special City Council meeting, the Council considered the employee's complaint and directed the city attorney to draft a resolution of censure against Council Member Morson for violating the city's respectful workplace policy, the Brooklyn Park Elected Officials Code of Conduct Policy and 2022 censure resolution. A review of the censure took place at the July 22, 2024 City Council meeting. A motion was made to continue the censure provisions, and schedule another review in approximately three months.

Per item 8 in the resolution: "For purposes of accountability, the City Council will consider modifications to its Censure of Council Member Morson every three months following the passage of this Censure to ensure Council Member Morson is following the provisions outlined in this Censure and has modified his behavior towards City Staff and to other members of the City Council."

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 7.2A OCTOBER 14, 2024 CENSURE REVIEW
- 7.2B JULY 22, 2024 CENSURE REVIEW
- 7.2C APRIL 15, 2024 CENSURE RESOLUTION

Council Member Morson Censure Review – October 14, 2024

On April 15, 2024 the City Council approved a Censure of Council Member Morson. One of the provisions of the Censure was a regular three-month review as noted here - "For purposes of accountability, the City Council will consider modifications to its Censure of Council Member Morson every three months following the passage of this Censure to ensure Council Member Morson is following the provisions outlined in this Censure and has modified his behavior towards City Staff and to other members of the City Council." The items below were possible violations of the censure provisions since the last review on July 22, 2024.

1) One of the provisions of the Censure resolution states: "Council Member Morson shall have no communication, whether in person, by phone, by email, or by any other means, with any City employee other than the City Manager or, with respect to EDA matters, the EDA Executive Director."

A. Since July 22, 2024, Council Member Morson has been observed and reported to have engaged with staff other than the city manager and EDA Executive Director on several occasions.

Of particular note was a complaint from staff at Zanewood dated July 24, 2024 that Council Member Morson engaged several city staff onsite the prior day. While at Zanewood, Council Member Morson took pictures of staff and youth involved in a camp and posted those on social media. The staff involved are requesting that Council Member Morson not take pictures of them and post them on social media.

2) Another provision in the Censure Resolution states: "Except as otherwise modified in this Resolution, all provisions in the March 7, 2022 Censure Resolution remain in effect, including that Council Member Morson'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."

Since July 22, 2024, Council Member Morson engaged in the following actions:

- a) July 29, 2024 Special City Council Meeting "...We need to begin to hold a meeting regarding this City Manager and the City Attorney Call for their immediate resignation for conduct unbecoming and dereliction of their duties and responsibilities..."
- b) July 29, 2024 Special City Council Meeting: stated twice that he did not care about the censure.

Council Member Morson Censure Review – July 22, 2024

On April 15, 2024 the City Council approved a Censure of Council Member Morson. One of the provisions of the Censure was a regular three-month review as noted here - "For purposes of accountability, the City Council will consider modifications to its Censure of Council Member Morson every three months following the passage of this Censure to ensure Council Member Morson is following the provisions outlined in this Censure and has modified his behavior towards City Staff and to other members of the City Council."

- 1) One of the provisions of the Censure resolution states: "Council Member Morson shall have no communication, whether in person, by phone, by email, or by any other means, with any City employee other than the City Manager or, with respect to EDA matters, the EDA Executive Director."

Since the Censure Resolution was adopted, Council Member Morson has been observed and reported to have engaged with staff other than the city manager on several occasions.

- 2) Another provision in the Censure Resolution states: "Except as otherwise modified in this Resolution, all provisions in the March 7, 2022 Censure Resolution remain in effect, including that Council Member Morson'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."

Since the Censure Resolution was adopted, Council Member Morson engaged in the following actions:

- a) April 17, 2024 Mshale article – "This censure is not legitimate at all, the city manager should be investigated by the state and the FBI," Boyd said.
- b) May 16, 2024 Facebook post – "So what was councilman Xp Lee, doing when he posted misleading and deceitful information on my post. Clearly slandering and defaming me by saying to any followers that I was violating the campaign rules."
- c) April 29, 2024 Mshale op. ed. Posted by CM Morson on Facebook on May 3, 2024. Also run by Insightnews on May 2, 2024 and Spokesman Recorder on May 3, 2024. –
 - i) "...the city manager and his allies at City Hall want to run the city as though 60% of the population does not exist."
 - ii) "City employees can continue wasting more taxpayer dollars to monitor my personal social media accounts for content to give the City Council reasons to pass a million resolutions to censure me."
 - iii) "The mayor, some members of the City Council, and the city manager have tried to paint me as an out-of-control, condescending, and disrespectful council member."
 - iv) "Apparently, the mayor, the city manager and some of my fellow council members aren't used to this kind of honesty. That is why they have resorted to passing resolutions to censure me, hoping that they can silence me."
- d) May 25, 2024 Facebook post "... I am and have publically called for an investigation by the FBI, DOJ, State, both county and state Attorney Generals, and the Human Rights

Department to launch an immediate investigation against this city manager, city attorney, past and present mayors and councils that i served with, for some of their unethical involvement, along with any staff that is and has been involved in their collective and unethical conduct and behavior along with dereliction of their contracted and elected duties and violations of the code of conduct...”

- e) June 6, 2024 Facebook post “...I am once and again calling on Governor Walz, the FBI, DOJ, both state and county attorney generals, Minnesota bar association, and the department of human rights to investigate the city manager, city attorney, this mayor, past mayor and both councils that i personally served with along with any staff that has participated and supported them in any and all unethical conduct unbecoming and dereliction of their oath and contracted duties and obligations, and responsibilities...”
- f) June 17, 2024 EDA meeting comments starting at 1:03:56 “...I want to know that once again, I’m lifting up my voice calling on the FBI, the department of justice, human rights department, both attorney generals to come and investigate the city manager, the city attorney, the mayor and council, the former mayor, and the former council engaged in conduct unbecoming of contracted and/or employees. I think it is time that we call for this city manager’s resignation...”

City of Brooklyn Park
RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF BROOKLYN PARK CENSURING
COUNCIL MEMBER BOYD MORSON**

Recitals

- A. On February 21, 2024, the mayor and city manager received a complaint from a city employee regarding Council Member Boyd Morson.
- B. The complaint relates to a February 20 posting by Council Member Morson on his Facebook page. Among other things, the Facebook posting criticizes the city manager and “the highly responsible city staff that he chose to head that department” for not making the creation of gyms at the CAC a priority. The employee’s complaint refers to other statements and Facebook postings by Council Member Morson dating back to August 2023.
- C. In addition to his February 20 Facebook posting, Council Member Morson recently posted comments on his Facebook containing the following statements:
- Referring to the city manager as the “city manager of our misery”
 - Referring to the city manager as not being “our right now people in our right now moment.”
 - Containing allegations of inappropriate conduct and behavior by the mayor and other council members
 - Containing allegations about “things going on under this city manager of our city’s misery”
 - Containing allegations about “the lack of accountability under this city manager of our city’s misery”
- D. In addition to the recent comments on his Facebook page, Council Member Morson has made the following comments on his Facebook page and in other communications over the past several months:
- A Facebook posting accusing the city manager of pushing his own agenda and referring to the city manager as the “city manager of our misery.”
 - A Facebook posting critical of the city manager and city staff and stating that “in my opinion, the overpaid city manager needs to resign along with some of his go along to get along staff and department heads.”
 - An email referring to the city manager as “this failing and failed city manager.”
 - An email stating: “We unfortunately, had and have council members making incubator decisions in this incubator infancy stage of this council that are not well thought through, sudden, and or simply playing politricks. Only to discover later, it brings unwanted racial division, shame, and equal embarrassment to our city, just for owed favors and/or established harbored personal feelings and preexisting opinions. Unacceptable. Inexcusable. Immaturity at it's best.”

- An email stating that the City Council’s discussion on chickens was “mysteriously planned.”
 - A Facebook posting accusing Council Member Lee of being “corrupt.” That posting also refers to the city manager as “the culprit city manager” and accuses the city manager of being “corrupt.”
 - A Facebook posting stating that the city manager “intentionally, deliberately and willingly mislead and lied” to the City Council.
- E. 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.
- F. On April 1, 2024, the City Council met in closed session to consider the allegations against Council Member Morson. Council Member Morson was provided with a copy of the employee’s complaint before that meeting and received notice of the Council meeting. Council Member Morson chose not to attend the Council meeting.
- G. Based on the information considered by the City Council at its March 25th meeting, the City Council has determined that the above referenced conduct by Council Member Morson violates the following provisions in the City’s Code of Conduct for Elected Officials:
- Paragraph 6.2 (A), which states:

“**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.”
 - Paragraph 6.2(E), which states:

“**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.”
 - Paragraph 6.1.2(D), which states:

“**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.”
- H. The City Council has further determined that the above referenced conduct by Council Member Morson violates the following provision in the City’s Respectful Workplace Policy:

- **“Offensive behavior** may include such actions as rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language, or any other behavior regarded as offensive to a reasonable person.
- I. The City Council has further determined that the above referenced conduct by Council Member Morson violates the following provision in the City Council’s March 7, 2022 Censure Resolution against Council member Morson:
- **“Council Member Morson’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.”**
- J. The above referenced conduct by Council Member Morson creates a substantial risk of high employee turnover, exposes the City to potential financial expense and legal liability, and significantly undermines the extremely high level of confidence the City Council has in City Manager Jay Stroebel and his staff. City Staff should not be expected to tolerate Council Member Morson’s abusive conduct and statements.
- K. Council Member Morson did not take the opportunity afforded to him by the March 7, 2022 Resolution for training, education, and counseling.
- L. The City Council has concluded that a censure of Council Member Morson is warranted and that appropriate measures should be put in place to restrict Council Member Morson’s interaction with City Staff.

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 Boyd Morson for violating the above referenced provisions in the Code of Conduct for Elected Officials, the City’s Respectful Workplace Policy, and the March 7, 2022 Censure Resolution.
2. Council Member Morson shall have no communication, whether in person, by phone, by email, or by any other means, with any City employee other than the City Manager or, with respect to EDA matters, the EDA Executive Director.
3. All of Council Member Morson’s future meetings with the City Manager and EDA Executive Director shall be by phone or other remote means.
4. To prevent further interactions with City Staff, Council Member Morson is removed from all of his liaison appointments and from all of his memberships on City commissions, committees, task forces, boards, and associations.
5. Council Member Morson shall not represent the City in an official capacity at any City-sponsored public event.
6. No further expenditures of public funds are allowed for Council Member Morson to participate in, or to travel to, conferences or events on behalf of the City.

7. Except as otherwise modified in this Resolution, all provisions in the March 7, 2022 Censure Resolution remain in effect, including that Council Member Morson'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.
8. For purposes of accountability, the City Council will consider modifications to its Censure of Council Member Morson every three months following the passage of this Censure to ensure Council Member Morson is following the provisions outlined in this Censure and has modified his behavior towards City Staff and to other members of the City Council. In addition to the provisions noted above, Council Member Morson should issue a written apology to the City Manager, City Staff, and City Council for his past conduct. Council Member Morson should also participate in City-approved training and counseling related to the matters referenced in this Censure and in the March 7, 2022 Censure.

BE IT FURTHER RESOLVED that the City Council sincerely hopes that Council Member Morson can modify his statements and behavior so that he can become an effective and productive member of the Brooklyn Park City Council.

Adopted: April 15, 2024.

Mayor of the City of Brooklyn Park

City of Brooklyn Park Request for Council Action

Agenda Item:	8.1	Meeting Date:	October 14, 2024
Agenda Section:	Discussion	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Jay Stroebel, City Manager
Ordinance:	N/A		
Attachments:	N/A		
Item:	Follow-up and Next Steps on the October 7, 2024 Work Session Discussion on Council Relations		

Overview:

Follow-up to the October 7, 2024 City Council discussion on council relations and discuss next steps for the City Council.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A