

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, June 12, 2023
6:15 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER - Mayor Hollies Winston

PRESENT Mayor Hollies Winston; Council Members Maria Tran, Boyd Morson, Christian Eriksen, City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green; Police Chief Mark Bruley and City Clerk Devin Montero.

ABSENT: Council Member Nicole Klonowski (Excused)

PARTICIPATING VIA TELEPHONE OR OTHER ELECTRONIC MEANS: Council Member Xp Lee.

Mayor Winston opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated that there were two comments at the last meeting. The first resident providing some feedback regarding Highway 252 and the second, was Council Member Tran providing some thoughts and book recommendations for the council and community.

2B PUBLIC COMMENT

1. Collette Guyott-Hempel. 9277 Trinity Gardens. Thanked the police officers, especially the ones that dealt with an accident on 93rd Avenue that the trunk looked like an accordion on a street with a 35mph speed. She stated she regretted that a number of drivers considered themselves more important that they drove on the wrong side of the road blocking traffic that was going west from Regent Parkway. She stated those with integrity took 94th Avenue and went over to Zane and up to Oak Grove and around. She stated she also thanked the officers who dealt with the mayhem at both River Park and Noble Sports complex, two blocks from her back yard.

She stated last year she asked for an increase of 50 officers to have the same numbers as the city of Duluth but did not get those officers. She stated the THC law and Marijuana was going into effect and the legislators gave the city \$3 million but was a far cry to deal with that kind of mayhem. She stated the city didn't have enough officers. The juvenile justice system of catch and release and saying "kids don't know what they are doing", they knew right from wrong and they knew that stealing a car was not a joy ride, unless it was their parent's car and they already got a drivers permit and took the family car without permission that it was not a joy ride. She stated the city needed more north star diversion and needed MN Acts Now to be helping with all of the mayhem. She stated the officers were doing their best with the resources they had and most of it was the resident's fault. She asked the council to consider by next year, to have 50 more officers. She stated it might be hard to fill those positions, but the city needed them.

She thanked the veterans and a city staff member that represented the city in Washington DC so well over Memorial Day.

2. Jermaine Garrett, 8464 Sumter Circle North. He stated he worked with Harding Smith from day one and wanted to be employed by the community to help make a positive change. He stated during that time he showed up to work every shift and did his best and trusted MN Acts Now organization. He stated himself, coworkers and their families were always under stress, not being paid the correct amount, and on time and took a toll on them. He stated many of them were forced to be homeless because of other things, and to imagine being present at work and doing the job and still see their families struggle. He stated it was a heartbreaking and needed the council to be aware of, that they were forced to attend the church if someone got in trouble and were obligated to go to church before starting work again. He asked the council to rectify the situation for all of them, because something had to be done and something needed to happen because they lost a lot of time and money, and it was wage fraud.

3. Howard Dotson, 5960 Anna Ave #103, Fridley. He stated he was a federal whistle blower for an investigation that began regarding MN Acts Now on the contract it had with the city. He stated he had watched for those 2 years and puzzled as to how the city chose to make it the city's vendor. He stated he had knowledge that a local law enforcement leader called your previous police chief for the mayor sharing their concerns about the choice the city was making. He stated a lot of what the city was going through now could have been prevented had it done a criminal background check and had been due diligence about it, would have known not to give \$1.5mil to MN Acts Now. He stated when he was out doing public outreach, he met Jermaine and he shared his experience working for MN Acts Now. He stated he shared his concerns 8 years ago publicly in a Star Tribune article. He was concerned during the Barway Collins funeral and was concerned about the house fire with the 3 children when personal finances were discussed during a eulogy. He stated there was a pattern he was sharing that he saw happen in the city not that long ago after a homicide when personal political issues were brought into a vigil after the homicide. He stated the child was called a gang member when he was not a gang member. The mother was dragged in front of the camera in which she wanted to meet privately. He stated he was laying it out because this was the same pattern of behavior, he had been watching for 8 years, He stated he was sorry that the city was going through it. He stated there would be a federal investigation, FBA, US Attorney, and MN Attorney General's office all had a copy of the contract between the city and MN Acts Now. He stated on that back of the form, had a budget, an estimated budget of what the city would have paid the employees that had served. He stated there had been wage theft, embezzlement, and there would be a forensic audit. He stated he wouldn't be surprised if there was a politician that got caught up in it. He stated the Feds were going to dig deep into it and going to get to the bottom of it. He stated there would be justice for those employees who had wage theft, emotionally abused, and spiritually abused by being forced to go to someone's church as corrective action. He stated they couldn't take federal money and pay someone to go to the church services. He stated it was a violation of the first amendment. He stated he was a US Army veteran and took the oath to protect the U.S. Constitution; and their first amendment rights had been violated in addition to wage theft. He stated they would get to the bottom of it, and he just wanted justice for those employees.

3A. MOTION MORSON, SECOND ERIKSEN TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK.

Mayor Winston called for a roll call vote.

3A THE MOTION PASSED UNANIMOUSLY ON A ROLL CALL VOTE AS FOLLOWS: YES-ERIKSEN, MORSON, TRAN, LEE, WINSTON; NO-NONE.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL

COMMUNICATIONS

3B1 Mayor's Proclamation of June 17, 2023, as the City of Brooklyn Park Juneteenth Celebration.

Racial Equity, Diversity and Inclusion Manager Dr. Marcellus Davis briefed the council on the Juneteenth celebration. Planning Committee Member Cindy Hill, Shana Woods, Dr. Kenneth Turner, and Dr. Troy Redeli also addressed the Council.

Mayor Winston read the proclamation proclaiming June 17, 2023, as the City of Brooklyn Park Juneteenth Celebration.

3B2. Mayor's Proclamation of June 1 – June 30, 2023, as "Pride Month" in the City of Brooklyn Park.

Racial Equity, Diversity and Inclusion Manager Dr. Marcellus Davis briefed the council on the Pride Month proclamation. Dr. Troy Redeli also addressed the Council.

Mayor Winston read the proclamation proclaiming June 1 – June 30, 2023, as "Pride Month" in the City of Brooklyn Park.

3B.3 Legislative Session Debrief and Discussion

State lobbyists Melissa Reed, Park Street Public and Troy Olson, North Metro Mayors Association, briefed the council on the legislative session.

House Speaker Melissa Hortman, Senator John Hoffman, Representative Mike Nelson and Representative Samantha Vang also addressed the council on the legislative session.

Mayor Winston thanked Ms. Reed, Mr. Olson and the legislators.

4.0 MOTION ERIKSEN, SECOND MORSON TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS:

4.1 TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2023-1289 AMENDING SECTION 117.52, PARAGRAPH (C) (1) AND ADDING SECTION 117.54 TO THE BROOLYN PARK CITY CODE PERTAINING TO ENFORCEMENT, RENTAL DWELLING SELF-ASSESSMENT, AND GOOD MANAGEMENT PRACTICES RESPONSIBILITY.

4.2 TO SET A PUBLIC HEARING ON JUNE 26, 2023, TO CONSIDER THE ISSUANCE OF AN ON-SALE INTOXICATING LIQUOR LICENSE FOR FLAVA OF SOUL RESTAURANT AND LOUNGE LLC, DOING BUSINESS AS FLAVA OF SOUL RESTAURANT AND LOUNGE, LOCATED AT 8578 EDINBURGH CENTRE DRIVE NORTH.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2023-73 GRANTING PRELIMINARY AUTHORIZATION TO THE ISSUANCE OF REVENUE BONDS OR OTHER OBLIGATIONS UNDER MINNESOTA STATUTES, CHAPTER 462C, AS AMENDED, TO FINANCE THE COSTS OF A MULTIFAMILY HOUSING DEVELOPMENT; APPROVING THE PREPARATION AND SUBMISSION OF A

HOUSING PROGRAM WITH RESPECT THERETO; APPROVING THE SUBMISSION OF AN APPLICATION FOR AN ALLOCATION OF BONDING AUTHORITY; ESTABLISHING COMPLIANCE WITH CERTAIN REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND TAKING CERTAIN OTHER ACTIONS.

4.4 TO APPROVE COUNCIL MEMBER BOYD MORSON TRAVEL TO WASHINGTON D.C. TO ATTEND THE CERTIFICATE IN PUBLIC LEADERSHIP COHORT AND COMPLETE THE PUBLIC LEADERSHIP CERTIFICATION.

4.5 TO AUTHORIZE THE BROOKLYN PARK FIRE DEPARTMENT TO RENEW AN OUTSOURCING AGREEMENT WITH THE MINNESOTA STATE FIRE MARSHAL FOR THE PURPOSE OF CONDUCTING ANNUAL INSPECTIONS OF THE CITY'S SCHOOLS AND HOTELS.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK REGULAR CITY COUNCIL MEETING OF MARCH 27, 2023, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN RECONVENED BOARD OF APPEAL AND EQUALIZATION MEETING OF APRIL 24, 2023, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF MAY 15, 2023, AS PRESENTED BY THE CITY CLERK.

Mayor Winston called for a roll call vote.

4.0 THE MOTION PASSED UNANIMOUSLY ON A ROLL CALL VOTE AS FOLLOWS: YES-MORSON, TRAN, LEE, ERIKSEN, WINSTON; NO-NONE.

5. PUBLIC HEARINGS-None.

6. LAND USE ACTIONS

6.1 Zoning Code Text Amendment: TOD Districts.

Planning Director Paul Mogush briefed the council on the ordinance amending Chapter 152 pertaining to allowed uses in the Transit Oriented Development Districts.

6.1 MOTION ERIKSEN, SECOND TRAN TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE OF ORDINANCES PERTAINING TO ALLOWED USES IN THE TRANSIT ORIENTED DEVELOPMENT DISTRICTS.

Mayor Winston called for a roll call vote.

6.1 THE MOTION PASSED UNANIMOUSLY ON A ROLL CALL VOTE AS FOLLOWS: YES-TRAN, LEE, ERIKSEN, MORSON, WINSTON; NO-NONE.

7. GENERAL ACTION ITEMS

7.1 Finance Positions and Cadet Supervisor Position Approvals

Finance Director LaTonia Green and Police Chief Mark Bruley briefed the council on the additions to the Financial Services Department and Police Department.

Council Member Morson stated he was on the fence about it because he saw the city needed greater staffing in the other areas that were essential in the city. He stated that although he supported both, didn't support Finance Director Green answering emails at three in the morning and doing more work that was needed and being understaffed. He stated he respected her commitment to the community and what she had given of herself for six years. He stated he was concerned about not fulfilling other areas in the city that were understaffed. He stated he knew the importance and value of what both the Chief and Finance Director brought and what the enhancement it would do to the city especially policing in the community. He stated he was on the fence because the city needed other staffing in other areas in the departments that were vital.

City Attorney Thomson stated Section 8.08 of the City Charter; required 5 affirmative votes. He stated the wording in Charter; "To authorize the transfer of funds from unencumbered balances of appropriations in the budget resolution", he stated it was a transfer from the contingency fund and the question was, did that provision apply. He asked if it was an unencumbered balance of an appropriation.

Finance Director Green stated the money was encumbered in the 2023 budget and was a part of the resolution. She stated it would show what the current budget was, and they were just shifting from that contingency line that was in the general fund to the Finance and Police department. She stated they were not asking for unencumbered funds to be added to the budget.

City Attorney Thomson asked if it was a transfer from an unencumbered balance and was the \$900,000 dollars in the contingency fund considered to be a unencumbered balance.

Finance Director Green stated it was and it was a part of the 2023 budget that the city received tax appropriations twice a year. She stated that was what that fund was, it was not a contingency fund in of itself and was the general fund and was the contingency account code.

City Attorney Thomson stated if there were 5 affirmative votes, the question was moot. If there was not, they might need to look at it a little more to make sure they had the right number of votes. He stated he understood what Finance Director Green was saying, he just wanted to make sure they had the right number of votes. He stated if it was 5 affirmative votes that was fine but heard one council member was on the fence.

7.1 MOTION TRAN, SECOND ERIKSEN TO WAIVE THE READING AND ADOPT RESOLUTION #2023-74 APPROVING THE ADDITIONS TO THE FINANCIAL SERVICES DEPARTMENT AND POLICE DEPARTMENT AND AMEND THE 2023 BUDGET.

City Attorney Thomson stated that based on Finance Director Green's statement and having looked at the Charter provision closer now, he didn't think the contingency's fund was an appropriation. It was out there for the contingency and hadn't appropriated it for any purpose. He stated, that being the case, they were back to the normal rule and needed 4 affirmative votes to pass it tonight.

Mayor Winston called for a roll call vote.

7.1 THE MOTION PASSED ON A ROLL CALL VOTE AS FOLLOWS: YES-LEE, ERIKSEN, TRAN, WINSTON; ABSTAINED-MORSON; NO-NONE.

8. DISCUSSION ITEMS – None.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Lee thanked staff and everyone else who helped put together the development tour. He stated it was very informational and had a good time looking at other projects and getting insights on them. He stated the person who was talking about the Excelsior and Grand projects said their revenue from the property increased like four thousand percent might be something to look forward to.

He thanked all Recreation and Parks staff who gave a tour on the facilities and doing a little charrette to get some insights in terms of the vision for the new youth center. He stated it was well done, informative and would be helpful.

Council Member Morson said happy world refugee month and happy gay pride month and wanted to acknowledge it.

Council Member Tran stated last weekend on Saturday, the Mayor and her were at the Shark Tank event and had a good time with youth. She stated they encouraged them to be independent and handed out awards. She stated she mentioned in a previous council meeting and wanted to share with the public about a resident and his mother who got scammed by plumbers. She stated they had a water leakage; he went to work, and his mom came to his home and called a plumber and got scammed for seven thousand dollars. She stated because of that, together with the other council members wanted to put it on the next agenda something for local businesses to be registered to help residents, support local business and avoid scams going on in society.

Mayor Winston stated the Shark Tank event was wonderful and had a bunch of youth with wonderful business ideas. He thought city could lean into some of the local businesses in the city, some large and some smaller ones. He stated if the city could begin to connect some of them with the youth with the wonderful ideas they had, they could get some youth into the businesses a lot earlier and the city could support them. He stated there were some creative ideas and was appreciative of the youth and appreciative of the staff putting that together.

He stated he knew residents were worried about some public safety things happening over the weekend. He stated there was a bunch of youth that graduated and there was a party at River park, 200 to 300 youth who got unruly and the police department went over there and got the youth to move around. He stated for those neighbors, he understood that was not something they wanted to deal with. He stated the city was working with a number of resources, state and county level and internally. He stated the city would be beefing up the capacity to address those issues. He stated the youth then moved to another location; and the city was going to great some capacity to be able to deal with that. He stated it was something the council was aware of and would be addressing it.

Mayor Winston stated there was also an incident that happened at a local restaurant and the owner of the property; not the business; where the incident occurred, had deactivated that

lease. He stated in addition there was a liquor license involved there and the corporation that owned that license had also deactivated that license for that business. He stated things were in motion from folks in that area associated with that business and the council would be addressing the capacity and aware of it and would be vigilant regarding going forward.

City Attorney Thomson stated the city had been advised, that the owner had initiated a lease termination and staff had been advised that was effective Friday and was outside the city's control but that's the information staff had.

Mayor Winston stated the lease would be terminated on Friday. He stated they were tracking that and public safety was first and foremost on the council's mind and wanted to address it because folks showed up specifically about that. He stated the city was creating an additional capacity with the Village and other partners who were willing to work with the city in terms of the model they needed going forward.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated Saturday, June 17, was the Juneteenth Celebration at the North Hennepin Community College, from 1 to 7 p.m.

He stated on Wednesday, June 14, was the Mississippi Gateway Regional Park groundbreaking ceremony from 4 to 5 p.m.

Community Development Director Berggren stated the EDA would be have a short meeting from 6 to 7pm followed by a work session between the city council and the planning commission at 7pm. She stated it was related to the development moratorium and 610 corridor development study and would be a good opportunity to work with the planning commission on the vision for development.

ADJOURNMENT - With consensus of the Council, Mayor Winston adjourned the meeting at 8:30 p.m.

HOLLIES WINSTON, MAYOR

DEVIN MONTERO, CITY CLERK