

AGENDA



The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet is available to the public. The packet ring binder is located at the entrance of the council chambers.

1. City Council Discussion of Agenda Items and Questions - 6 p.m.

2. Miscellaneous

- a. Testing of the Webex Muting System
 - *The host will place all attendees on mute.*
 - *All attendees will unmute themselves to start the meeting.*
- b. Schedule Work Session to Follow Up from Attorney General's Report
 - *This is a follow up from the June 17, 2020, work session.*
- c. Schedule Work Session on Shopping Center Cleanliness
 - *This is a follow up from concerns from the City Council.*

3. Discussion of Work Session Agenda Item as Time Permits

4. Adjourn

Council Study Session

DATE: 7/13/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY:

SUBJECT: Testing of the Webex Muting System

Background:

At the last City Council meeting, a resident expressed a concern that he was unable to speak to the Council because he could not unmute his device. We are not sure why this occurred by we are asking the Council to consider adopting a new protocol at the beginning of the meeting where listeners will be asked to test their devices to assure that the unmute function is active.

Budget Issues:

- None

Strategic Priorities and Values:

Customer Intimacy , Operational Excellence

Council Study Session

DATE: 7/13/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius Boganey, City Manager

SUBJECT: Schedule Work Session to Follow Up from Attorney General's Report

Background:

On June 17th the Council agreed that a separate City Council work session should be scheduled to provide staff with an opportunity to respond to the report and recommendations offered from the Attorney General's workgroup. We are asking the Council to set a date and time so that staff will have an opportunity to respond to the presentation and recommendations.

Council Study Session

DATE: 7/13/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius Boganey, City Manager

SUBJECT: Schedule Work Session on Shopping Center Cleanliness

Background:

Good Evening Curt,

I wanted to put it on your radar that I intend to request that we put liter and trash on the work session agenda at our next meeting. I have been talking a lot about it and seems to get more and more out of hand, to the point I don't even want to shop in BC anymore. Plenty of others feel the same way. We spent a lot of money on revamping our image, without taking the time to eliminate one of the primary concerns of our exterior image, which is the trash/litter. I know you said the staff is working on something, but I haven't seen any plans yet. We need to hold businesses accountable for their areas, just like we do for snow/ice removal. This is a huge concern for many and we need to address it asap. Thank you.

Regard,

Marquita

CITY COUNCIL MEETING

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection via
telephone Dial: 1-312-535-
8110 Access Code: 133
494 4673
July 13, 2020

AGENDA



1. Informal Open Forum with City Council - 6:45 p.m.

Provides an opportunity for the public to address the Council on items which are not on the agenda. Open Forum will be limited to 15 minutes, it is not televised, and it 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 enter into a dialogue with presenter. Questions from the Council will be for clarification only. Open Forum will not be used as a time for problem solving or reacting to the comments made but, rather, for hearing the presenter for informational purposes only.

I will first call on those who notified the Clerk that they would like to speak during open forum, and then I will ask if anyone else connected to this meeting would like to speak. When I do, please indicate your name and then proceed when I call on you. Please be sure to state your name and address before speaking.

2. Invocation - 7 p.m. - Lawrence-Anderson

3. Call to Order Regular Business Meeting

This meeting is being conducted electronically under Minnesota Statutes, section 13D.021 due to the pandemic. For those who are connected to this meeting, please keep your microphone muted. If there is an opportunity for public comment, you may unmute and speak when called upon. Please do not talk over others and anyone being disruptive may be ejected from the meeting. The packet for this meeting is on the City's website, which is linked on the calendar or can be found on "City Council" page.

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the consent agenda and considered at the end of Council Consideration Items.

a. Approval of Minutes

- Motion to approve minutes for the following meetings:

- *June 8, 2020 Regular Meeting*

- *June 17, 2020 Work Session*
 - *June 22, 2020 Study Session*
 - *June 22, 2020 Regular Meeting*
- b. Approval of Licenses
 - *Motion to approve licenses as presented.*
 - c. Resolution Appointing Election Judges for the 2020 Primary Election
 - *Approve a resolution appointing election judges for the August 11, 2020 Primary Election*
 - d. Resolution Supporting Federal Legislation Recognizing June 19th, Known as Juneteenth, as a National Holiday
 - *Motion to approve a resolution supporting Federal Legislation Recognizing June 19th, known as Juneteenth, as a National Holiday.*

7. Presentations/Proclamations/Recognitions/Donations

8. Public Hearings

The public hearing on this matter is now open. I will first call on those who notified the Clerk that they would like to speak to this matter, then I will ask if anyone else on this meeting would like to speak during this hearing. When I do, please indicate your name and then proceed when I call on you. Please be sure to state your name and address before speaking.

9. Planning Commission Items

- a. Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2020-003 Submitted by Jane Sharkey of Helena Autism Therapy Center, Inc. Requesting a Site Plan Amendment for Certain Parking Lot and Driveway Improvements (Located at 5637 Brooklyn Boulevard)
 - *Motion to adopt a resolution to approve Planning Commission Application No. 2020-003 for a site plan amendment to address certain parking lot and driveway improvements at 5637 Brooklyn Boulevard, based on the findings of fact and submitted documentation, as amended by the conditions of approval in the resolution.*

10. Council Consideration Items

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 7/13/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Background:

ATTACHMENTS:

Description	Upload Date	Type
June 8, 2020 Regular Session	7/6/2020	Backup Material
June 17, 2020 Work Session	7/8/2020	Backup Material
June 22, 2020 Study Session	7/6/2020	Backup Material
June 22, 2020 Regular Session	7/6/2020	Cover Memo

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF BROOKLYN CENTER IN THE COUNTY
OF HENNEPIN AND THE STATE OF MINNESOTA

REGULAR SESSION
JUNE 8, 2020

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Mike Elliott at 6:45 p.m. The meeting was conducted via Webex.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, Community Development Director Meg Beekman, Community Development Deputy Director/HRA Specialist Jesse Anderson, Fire Chief Todd Berg, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

Mayor Mike Elliott opened the meeting for the purpose of Informal Open Forum.

No one wished to address the City Council.

Councilmember Ryan moved and Mayor Elliott seconded to close the Informal Open Forum at 6:46 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Butler requested one minute of silence as an Invocation to reflect on the recent murder of George Floyd and all that has transpired in the last two weeks as a result of it, and for anyone who has been negatively impacted by the judicial system or police system over the years.

She read the following quote:

“Although the world full of suffering, it is also full of overcoming it.”
-Helen Keller

Councilmember Butler stated, despite the recent events, she has been inspired to be part of peaceful protests and watch them happening around the world, and to see the actions that have already come out of these global efforts.

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 7:00 p.m.

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, Community Development Director Meg Beekman, Community Development Deputy Director/HRA Specialist Jesse Anderson, Fire Chief Todd Berg, City Clerk Barb Suci, and City Attorney Troy Gilchrist.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to approve the Agenda and Consent Agenda, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. May 26, 2020 – Study Session
2. May 26, 2020 – Regular Session
3. May 26, 2020 – Work Session

6b. LICENSES

AMUSEMENT DEVICES

Theisen Vending Company	2105 57th Ave N Brooklyn Center, 55430
Theisen Vending Company	2590 Freeway Blvd Brooklyn Center, 55430

GARBAGE HAULER

Farmers Union Industries	PO Box 319
Midwest Grease	Redwood Falls, 56283
Waste Management - Blaine	10050 Naples St NE Blaine, 55434

HOSPITALITY ACCOMMODATIONS

Quality Inn	1600 James Circle Brooklyn Center, 55430
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MECHANICAL LICENSE

AirTech Thermex LLC	4918 W 35th St St Louis Park, 55416
Larson Plumbing	3095 162nd Ln NW Andover, 55304

RENTAL

RENEWAL (TYPE I – three-year license)

7018 Regent Ave N	Danny Vo
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6c. RESOLUTION NO. 2020-053 ESTABLISHING PARKING RESTRICTIONS FOR SEGMENTS ON 51ST AVENUE FROM BROOKLYN BOULEVARD TO XERXES AVENUE

6d. RESOLUTION NO. 2020-049 ADOPTING COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE CITY OF BROOKLYN CENTER FOR THE CALENDAR YEAR ENDED DECEMBER 31, 2019

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. RESOLUTION NO. 2020-050 RECOGNIZING THE RETIREMENT OF FIREFIGHTER JOHN POLZ FOR 20 YEARS OF SERVICE WITH THE BROOKLYN CENTER FIRE DEPARTMENT

Mayor Elliott read a Resolution in full recognizing John Polz for 20 years of service to the City of Brooklyn Center Fire Department.

Councilmember Ryan Moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2020-050 Recognizing the Retirement of Firefighter John Polz for 20 Years of Service with the Brooklyn Center Fire Department.

Motion passed unanimously.

Mr. Boganey expressed his gratitude and appreciation to Mr. Polz for his service to the Fire Department, and the citizens of Brooklyn Center.

Fire Chief Todd Berg stated he wished to acknowledge Mr. Polz for his 20 years of commitment to the community. He added Mr. Polz was unable to join the meeting tonight as he is at his full-time job. He noted Mr. Polz' wife was on the meeting, and he thanked her for her willingness to provide support to Mr. Polz over his 20 years of service.

7b. RESOLUTION NO. 2020-051 RECOGNIZING REGGIE SMART FOR 25 YEARS OF SERVICE TO THE CITY OF BROOKLYN CENTER

Mayor Elliott read a Resolution in full recognizing Reggie Smart for 25 years of service to the City of Brooklyn Center in the Public Works Department.

Councilmember Ryan moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2020-051 Recognizing Reggie Smart for 25 Years of Service to the City of Brooklyn Center.

Motion passed 4-0. Councilmember Lawrence-Anderson did not respond.

Mr. Boganey expressed his appreciation for Mr. Smart and his commitment to lifelong learning and personal growth. He added Mr. Smart did his job well, and enjoyed doing it, and always sought to do it better.

Public Works Director Doran Cote expressed his appreciation for Mr. Smart. He added Mr. Smart is one of the smartest people he has ever had the pleasure of working with, and he will be sorely missed in the Public Works Department. He noted Mr. Smart has chosen to move on and live the life of a gypsy. He wished Mr. Smart the best in his future endeavors.

7c. RESOLUTION NO. 2020-052 RECOGNIZING MARK REINKING FOR 42 YEARS OF SERVICE TO THE CITY OF BROOKLYN CENTER

Mayor Elliott read in full a Resolution in recognition of Mark Reinking for 42 years of service to the City of Brooklyn Center.

Councilmember Ryan moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2020-052 Recognizing Mark Reinking for 42 Years of Service to the City of Brooklyn Center.

Motion passed 4-0. Councilmember Lawrence-Anderson did not respond.

Mr. Boganey thanked the City Council for providing recognition to Brooklyn Center's employees. He added he has learned over the years that employees rarely leave an organization when they have the opportunity to continue to develop and grow within their jobs. He noted credit should be given to the City's managers and supervisors who create an environment where people want to stay and work and are given the opportunity to improve.

Mr. Cote expressed his appreciation for Mr. Reinking, who has been a strong and fair advocate for the labor union. He added he has been committed to the organization, and the Parks and Recreation Department, for many years, and he considers him to be a close friend. He noted Mr. Reinking will be greatly missed.

Mark Reinking thanked everyone for the opportunity to work for the City of Brooklyn Center. He added it has been an honor and a privilege, and he is grateful for all the support he has been given. He noted he will truly miss the place.

Councilmember Ryan expressed his appreciation for the service of these long-serving employees. He added he greatly admires their commitment to service to the City of Brooklyn Center. He noted he hopes that the City can continue to be a great employer despite the challenges it faces, and continue to encourage and develop its employees, which are a valuable asset.

Fire Chief Todd Berg expressed his appreciation for Reggie Smart and Mark Reinking. He added he has had the privilege to work with Mr. Reinking for the past 10 years on a daily basis. He noted these employees will be missed.

Mr. Boganey stated, as Mr. Cote mentioned, Mr. Reinking was a union official and he always fought hard for the best interests of the members of the union. He added he has never worked in an organization that had a collective bargaining group as committed to the community and City they served as they were to their members. He noted this was shown frequently at the table and through dispute resolutions, and the City has been fortunate to have this type of union leadership over the years.

8. PUBLIC HEARINGS

8a. ORDINANCE NO. 2020-04 AMENDING CHAPTER 3 OF THE CITY CODE OF ORDINANCES

Deputy Community Development Director Jesse Anderson reviewed a proposed Ordinance amendment to bring the City's building code into alignment with the State of Minnesota building code, amendments to which were adopted in 2020. He added these changes are intended to clarify interpretation of the Code. He reviewed the proposed changes. He noted the amended Code, if adopted, would be effective July 8, 2020.

Councilmember Ryan moved and Councilmember Graves seconded to open the Public Hearing.

Motion passed unanimously.

No one appeared to address this item.

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Ryan moved and Councilmember Butler seconded to adopt ORDINANCE NO. 2020-04 Amending Chapter 3 of the City Code of Ordinances Regarding the Administration of the State Building Code.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

9a. PLANNING COMMISSION APPLICATION NO. 2020-002 FOR PLANNED UNIT DEVELOPMENT AMENDMENT NO. 9 TO THE 2011 SHINGLE CREEK CROSSING PLANNED UNIT DEVELOPMENT

Community Development Director Meg Beekman reviewed a request for an amendment to the Shingle Creek Crossing Planned Unit Development (PUD). She added, if approved, this would be the 9th amendment to the original PUD, which dates back to the original Brookdale Mall. She noted the City Council rezoned most of the property in 1999 from the C-2 district to PUD C-2. The Shingle Creek Crossing PUD was approved in 2011. This included 760,000 square feet of the 1.1 million square foot mall was demolished to pave the way for a new retail center. Since then the Shingle Creek Crossing PUD has been amended eight (8) times for future alterations and demolition of the remaining mall; replatted/revisions to certain building pad sites; and amended to allow for other approved uses within the Shingle Creek Crossing shopping center.

Ms. Beekman stated City Staff was approached by attorney Matthew Wolf, representing Gatlin Development, the Shingle Creek Crossing LLC property owner, regarding proposed development of a stand-alone car wash on Building Site E. She added to help marking and development of PUD, including proposed car wash, the applicant is requesting PUD amendments to delete Section 4.A of Declarations and PUD Concepts, which requires 4 SCC lots to be used for eating establishment uses, which included Building Site E; revised list of uses currently allowed within the PUD; and in general, bring the PUD and associated declarations back into sync given numerous amendments that have occurred since 2011.

Ms. Beekman stated this amendment would remove a restriction from development of other uses in the PUD, including educational use, day care use, and veterinary clinics. She added removal of these restrictions is proposed to help to bring the PUD into alignment. She added the applicant originally included gasoline service stations in listing of uses to now be allowed in the PUD but after some discussion with staff and looking at the C-2 District, it was removed.

Ms. Beekman pointed out that on the application, the applicant included language that referred to the C-1 District but this area is zoned C-2. This is just to that these are allowed within the Central Commerce Overlay District. Also, if this development is approved this evening the developer has indicated he would come forward together with proposed user for building safety that is interested in developing a standalone car wash on that site. The request specifically speaks to the site plan which would allow for reduction in building size and also reduction in the parking size and to re-orient the building and setbacks.

Ms. Beekman stated the developer has indicated they would present a proposal for a stand-alone car wash on Site E if the Ordinance amendment is approved. She added the developer is aware that any necessary changes to the building site due to the car wash use would require additional amendments. She noted the developer feels these changes are necessary to simplify the process and accommodate the end user.

Ms. Beekman stated Section 35-355 Planned Unit Development requires development plans to be in substantial compliance and require PUD amendments in cases where the number of

dwelling unit, if any, has not increased or decreased by more than 5%; the floor area of non-residential areas has not increased or decreased by more than 5%; no building or has been increased in the number of floors; Open space has not been decreased or altered from its original design or use; and lot coverage of any individual building has not been increased or decreased by more than 10%.

Ms. Beekman indicated the applicant is requesting these changes now rather than at the time of the application for the proposed car wash in order to streamline the process for the developer of the potential car wash. The applicant, Gatlin Development, and the car wash developer worked together to get the site plan as close to final as possible and recognizes the risk should the plans change.

Ms. Beekman stated the current use requirement of eating establishments on Building Site E requires parking ration of 10 parking spaces per 1,000 SF of building. The PUD does not factor parking needs for car washes. Assuming 4.5 parking spaces per 1,000SF (retail use), a minimum of 16.5 on-site parking spaces would be required. The submitted plans reflect 17 parking spaces and two stacking queue and exit lane. The proposed site plan would remove a row of parking along the eastside of Building D (Aspen Dental). Staff reviewed and it appears Building Site D would maintain the minimum 50 on-site parking spaces it requires. The site plan reflect north setback

Ms. Beekman stated he Planning Commission held a virtual public hearing on May 14, 2020, of which public notice was given. She added the developer and car wash owner were on the meeting to answer questions. She noted the only comment that City Staff received was from Bank of America, located next to Site E, who asked to be notified when the car wash proposal is received by the City.

Ms. Beekman stated the Planning Commissioners had a robust conversation about whether Site E is the right location for a car wash. She added they expressed concerns about design standards. She noted the Planning Commission voted unanimously to recommend City Council approval of the request.

Ms. Beekman stated City Staff recommends City Council approval of the proposed amendment to the Shingle Creek Crossing PUD based on the findings of fact and submitted plans based on the. She added the developer and representatives were on the meeting to answer questions.

Councilmember Graves stated she is open to discussing the Ordinance amendment but would like to see something different at that site, as that is one of the few places left that has beauty and amenities. She added, however, she would support the car wash use if it is in alignment with other surrounding uses. She noted she feels there is probably a better location in Brooklyn Center for a car wash.

Elliott: Are there any Councilmember questions? (1:00:48)

Ryan: Meg I appreciate the presentation. I can understand the need to put in more flexibility into this PUD amendment. I have some questions about repurposing these four pads, because one of the things I get the most complaints about from my constituents is why aren't there more restaurants in Brooklyn Center. Perhaps you, or I understand Mr.

Gatlin is with us this evening, perhaps we could hear from you or Mr. Gatlin about marketing efforts and why it is that over such an extended period of time, we have not received more interest in having restaurants located in Shingle Creek Crossing or elsewhere in the city.

Gatlin: For over 10 years I have tried and tried and tried, I knew the City and community wanted restaurants, including myself. There's nobody tried harder than me. Since this project started, September 12, 2012, we started marketing it 10 years ago. we have marketed every national and local restaurant that we could possibly do. I had Mid-America, and recently changed to Upland to get fresh eyes on the project. We have tried for 10 years. If you asked me why, it's hard for me to answer, because it has all the elements I have been doing for 45 years. Over 75 Wal-marts, very similar to what you have there. I have been very successful in most of them in getting restaurants. The only thing I can tell you is the income levels, they seem to be less than what restaurants are seeking to be able to put the investment they need to put in. I get that thrown at me a lot. But I can promise you one thing. I have not turned down one possible restaurant. Back when I was working with Curt, Meg, and others, we tried to put a Mexican restaurant on the Bank of America pad, and the City was willing to subsidize it, and I tried everything I could and we didn't get it.

Now we have the Bayou Crab restaurant that is getting ready to open next to liquor store, 5,000 square feet, we were able to get. I was thrilled to be able to get that one. What I'm being handicapped by right now is something that is out of my control. We are not by any means with this amendment going to stop trying to get or looking for a restaurant. This just gives me a fair playing field against everyone else in the neighborhood and the community that we will be able to seek others and not be stuck with having to have a restaurant. I have felt confident that if I brought you another tenant, you would approve it if it is a good tenant, and you were okay with it.

This has cost me \$250,000 a year in taxes on these properties, that's \$2.5 million. Over \$500,000 in maintenance, even though they are vacant. Over \$2 million in interest for holding the properties. I am now \$5 million in dead money trying to get back and break even, just in interests and taxes. One thing that is worse than not having a restaurant, and that's not having anything at all. And my goal is to finish the project, with whatever the market is. When I came to your city 10 years ago it was a different environment. In the last 3 months, look at what's happened. In the past 10 years, shopping centers have changed, and I am trying to be able to change with it and successfully fill this development up.

The car wash that we are presenting is a multi-million-dollar facility. I have done 10 of them across the country. Just finished several beautiful ones here in Florida. It will compliment that area. This is not a boring building by the side of the road, this is fully automated, and the façade will complement the rest of the development. Something that will fit right in. It is the only lot that it works on. The last time I was there, a year ago, September 2019, in person, and spoke with you all, and I mentioned I had a car wash. We were going to put it by the Sears. Sears turned me down, would not let me put it on

parcel T no matter what I did, and I wasted months, tried everything I could. Now we have a new buyer, local here in Brooklyn Center, who wants to put facility up. I'm asking humbly to let us put this parcel into commerce and give the City something it needs. It is definitely lacking a first-class car wash. I have pictures, I think Meg has them, gorgeous projects across Florida.

Back to restaurant specifically, for the last 10 years, I have done 20 or so Wal-Mart centers, and put in 60-70 restaurants. It's not my fault. It's not your fault. It's not my broker's fault. We have given it the best we can. Every broker in the Twin Cities know about Shingle Creek. And yet we have failed. I don't like failure, and I don't like to admit failure, but I can't make something happen that is not there. God knows I have tried, I have put money, time and energy into it. I'm not asking to let it go away, I'm just asking let me have what everyone else has, and try to bring tenants in and turn it into job producing projects that will create income and jobs, and hopefully I will be able to come in with another flex building or two and attract more restaurants. But as far as me being able to get a free-standing restaurant, I have not been successful. If it was 1 or 2 years, I'd say give me more time. But after 10 years, we have to accept reality. I can't make them do it. When we did get interest (in putting a restaurant on the site), we haven't had it in 2 years, when we did have it, they passed on us. It wasn't because I was asking too much. I knew I could come to the City and get some help, because the City wanted restaurants.

Ryan: Mr. Gatlin, I appreciate you joining us this evening and sharing what has been your experience. I think it's essential that you have the opportunity to bring that into the record to explain this challenge. As much as I have gotten that complaint from so many of my constituents, they need to hear what the real conditions are and how you have worked very hard to address that request on the part of so many residents of the City who desire to have a restaurant, like we used to have when Brookdale was thriving and vibrant, in the 1980s and 1990s. As we know, so much has changed.

Going forward, there are things that the City can do to address this which is to bring in not just housing for the very lowest income households but a broad spectrum of housing, will bring a diversity of incomes. If we can raise the local median income of our City. As much as I am proud of the diversity of our City, to this point, we are struggling with the fact that diversity has brought lower income (1:11:48). And I think we need to recognize that and that the challenge of affordable housing is a regional challenge that will require a regional solution and cannot be solved simply by the City of Brooklyn Center. So if we brought in, for example, a significant number of market rate apartments across Bass Lake on the opportunity site, that would breathe new life into Shingle Creek Crossing. That's what I hope we can do. I am very supportive of this proposal. I would imagine your interest in placing it where you want to place it, there is validity in that there will be high visibility that will draw traffic. Is that a fair assessment?

Gatlin: That is 100% correct. I don't know all your plans for across the street, Meg has shared some of it with me, and what I've seen in the press. If you all are successful in bringing in an entertainment component such as a movie theater or any type of entertainment, that

will make a huge difference for Shingle Creek Crossing. Any type of entertainment that can be brought in and more restaurants, it will always go back to action begets action. If we can get it started, get some residents across the street, and some entertainment, we will have a domino effect. If we can work together and get something like that to happen across the street, or even the Sears building if something would happen where we could come up with a use, that would make a major difference.

Ryan: I hope that the City Council will understand that successful redevelopment in a community like ours entails a successful public/private partnership. And I appreciate you being here this evening.

Gatlin: As I said to the Commissioners, I just put in permanent financing, a 10-year loan on the project. This has been one of the most challenging developments of my career, but I am committed to it, I am going to see it completed. I want to have good uses for it and get it finished for all of us.

Elliott: I do want to comment on my dear friend Councilmember Ryan's comments. I hear you say as part of your analysis that diversity brings lower income. Is that correct?

Ryan: I am looking at the data. That's a very extended conversation about how we can bring people out of lower income status, and I think my memory goes back farther than I would like to think about, President Johnson's War on Poverty. The United States, as well as our region and Statewide, we have not had the greatest success with that. Hope springs eternal. I think there are a number of issues, in the context of what has happened in recent days and the promise of greater reforms, that we can look at a broader spectrum of socio-economic issues and how to address them. But inevitably, as we become more diverse, the data shows we have become by household or individual income, poorer. This is not a problem that Brooklyn Center can solve on its own. These are regional, statewide, national problems that require solutions on that scale. What we have done, with the Coronavirus challenge, we have stepped up and made a commitment to assist our local and minority micro-business, which we should, and I support that. I want to see the level of opportunity that I experienced as a young man, for everyone. And that's a larger conversation. But as far as the consequences of the City doing financial and real estate redevelopment, we have to look at what will place us strategically in a better place the next 5, 10, 20 years. And that is not something we can really escape. I'm sure the staff will have more focused options available to us as time goes on. I wanted to raise that because we should think about that holistically, while at the same time recognizing that we may have little leverage.

Elliott: I wanted to get clarification on what you said. Your premise. It's important that we have conversations like this but I want to respectfully disagree with your premise. Because I think the facts bear something different out. I don't think, again respectfully disagree, I don't think diversity brings poverty, or brings lower income to a community. I honestly sincerely beg to differ. And the federal reserve bank of Minneapolis conducted a study, the African immigrant population alone brought in \$2.5 billion in earnings during 2015. Households paid \$419 million in federal taxes and \$222 million in state and local taxes.

We estimated \$81 billion in spending power. And that's despite its relatively small size. That community, according to federal reserve bank makes "significant contributions to Minnesota's economy". That particular community, for example, is heavily represented in industries and fields that represent health care, nursing, highly entrepreneurial, so I sincerely disagree with your premise. I don't think diversity is going to lead to more poverty or lower levels of income.

I think that two things happening at the same time, correlation does not equal causality. You may see that perhaps we got more diverse when average incomes went down, when we were hit with the worst recession we have had in 2008. We know we also have struggled economically but it does not mean that minorities are the cause of Brooklyn Center's struggles financially. And I will say that DEED and the governors have stated repeatedly that they do not believe that increased diversity causes poverty.

Now you are saying we need to do what we need to do to make sure that the next 5, 10, 15, 20 years are economically viable for Brooklyn Center. So, if we want to do that, according to DEED and the governor, 70% of Minnesota's economic growth is coming from the State's people of color, from the diverse communities. So objectively I would submit that if we want to be at the forefront of the economic activity and growth in this state, we need to really invest in the diversity we have and I would submit to you that it is rather an asset rather than a liability.

Ryan: I do not question the value of the great contribution that our immigrants bring to us. We are a nation of immigrants. My great grandfather came from Norway as a young man. That whole side of my family were immigrants who struggled but prospered, because of the American dream. The American dream is our contract. Are you saying that the people in Minneapolis who have decried extraordinary racial inequities are wrong? No, we have to acknowledge that. We can address it, we can move past it if we work together and prosper together. Even the example of the Lux, the City's only luxury apartment building, recently redeveloped by Mr. Soderbergh on Earle Brown Farm, charging very high rents, he was surprised by the diversity of the folks living in that development. Entrepreneurs and IT people working in Minneapolis or around the area like the location.

Our diversity has great promise. But at the same time, I was focusing on giving that data that shows the grave racial disparities in terms of household and individual income, that is something that has to be overcome and that is a regional problem that requires a regional solution. And that is really where I was going with that. And that gets to the discussion of diversifying housing products and price points in our housing stock. Shingle Creek Crossing's success or failure will be reflected in how successfully we are able to move in that direction. In no way would I discount or dismiss or disparage the value of our ethnic and cultural diversity. I think that's our strength but at the same time it's the great challenge. When a lot of our folks are starting from a place that's less than advantageous. That's why we have the Brooklyn Bridge Alliance and the BrookLink and all the rest of the of it because we have a lot of disadvantaged households in the city. We have to face up to that and try to engage some to address that challenge. And I'm sorry

about this week, we got into a broader discussion about this, but I thank you and I appreciate the opportunity to have this discussion here tonight.

Butler: I appreciate Mayor Elliott for saying something because she was highly offended by that comment as a person of color, who is highly educated, debt free, a homeowner, coming from private schools. She and her husband grew up in Brooklyn Center and many of her family members still live in Brooklyn Center. We need to be careful of words especially now after what we have learned in the last two weeks. We are tired, we are tired of the comments, we are tired of the labels, we are tired. I appreciate the commentary, thank you Mayor Elliott for talking back and I would appreciate going forward that we watch ourselves when labeling certain communities instead of lumping us into one narrative. That is what I will say on that subject.

She will support the car wash if the City Council also supports it. She added the City Council spoke with Mr. Gatlin about keeping Shingle Creek Crossing clean, and were told that the situation would improve, but that has not happened, and in fact, it has gotten worse. So, it is difficult for her to be amenable to Mr. Gatlin's requests when the existing development is not being maintained.

Mayor Elliott stated he is not sure that a car wash is the best use of that land, and he would like to see other options.

Mr. Gatlin humbly requested the City Council's consideration of this request, as there are no other options. He added he has tried for 10 years and no one has shown interest in the site. He noted the vacant site does not do anyone any good, and the car wash use will bring a lot of activity to this intersection.

The car wash developer stated he owns a Holiday Station Store on Bass Lake Road and works in Brooklyn Center. He added he wants to support the community, and he has had many requests from Holiday customers for a car wash. He noted the car wash would be a high end, state of the art express facility. He asked that the City Council put their trust in him and Mr. Gatlin to work together to put something beautiful on Lot E for the City of Brooklyn Center.

Mayor Elliott stated he speaks to a lot of residents, and he knows what people want. He added he has not heard that residents want a car wash. He added, at this time, it does not seem to be the best use for that property.

Mr. Gatlin asked Mayor Elliott what the right use would be because there is no other use interested in the site.

Mayor Elliott stated he does not have an answer as to what would be the right use, but he would like to see other options.

Mr. Gatlin stated he visited with the City Council in the fall of 2019, and a City Councilmember indicated that the City needs a car wash. He added he understood the City Council would be interested in having a car wash.

Councilmember Ryan stated a few City Councilmembers were amenable to the idea of a car wash. He added there was a family car wash at 55th Avenue and Brooklyn Boulevard that closed, and he has heard many residents say that they miss the car wash. He noted he feels that the product sounds good and would bring traffic and business to the area. He reiterated his support of the Ordinance amendment, and the potential for a car wash on Site E, considering the developer's challenges in getting other uses for the site.

Councilmember Lawrence-Anderson stated she spoke with Mr. Gatlin last year and indicated that the City needed a car wash. She added she believes a car wash will bring traffic and business to Shingle Creek Crossing and will serve the community well. She noted that would not be her first choice for a location, but it will draw traffic and customers to the area.

Mr. Boganey stated he can attest to the fact that Gatlin Development has worked tirelessly to pursue restaurants for the City of Brooklyn Center over the years. He added they have not been successful. He noted this is a common problem for Brooklyn Park and Brooklyn Center.

Councilmember Graves stated she would have liked to have seen an overall view of the site with surrounding uses, which would give it a broader context. She added she would support entertaining all potential ideas and uses for the site. She added the City Council approved a zoning change recently so that a mosque could move into an industrial area. She noted many small businesses and entrepreneurs are currently renting space in an office building, and it would be preferable for them to have affordable space that is out facing the public.

Councilmember Graves stated, considering the City's larger goals for providing services and resources and promoting economic prosperity, she would not want to be exclusive and unwilling to hear a proposal. She added a car wash is not what she would want to see on that site, but she is open to making a zoning change that would allow flexibility in terms of redevelopment. She noted that should not be considered a vote in favor of a car wash.

Councilmember Graves stressed the importance of working collaboratively with the community to determine strategies for finding businesses for the empty spaces in Shingle Creek Crossing.

Councilmember Ryan agreed, adding the success of Shingle Creek Crossing will depend upon a successful public/private partnership and favorable market conditions.

Councilmember Ryan moved to approve PLANNING COMMISSION APPLICATION NO. 2020-002 for Planned Unit Development Amendment No. 9 to the 2011 Shingle Creek Crossing Planned Unit Development.

The motion failed for lack of a second.

Councilmember Graves requested clarification that this amendment is not an approval of a development plan, but rather an amendment to the PUD language. Ms. Beekman confirmed this amendment does not approve a car wash, but rather amends the PUD to allow a car wash. She

added the site and building plan, as well as Special Use Permit, would be reviewed by the City Council.

Mayor Elliott asked whether the application can be denied once it becomes a permitted use. Ms. Beekman stated the amendment would allow car washes as an acceptable use in the PUD. She added the PUD does not currently allow car washes. She noted residents asked for a car wash during community engagement activities related to the Central Overlay District amendment.

City Attorney Troy Gilchrist stated the City Council's discretion for denying a use is limited when allowed uses are identified. He added there would generally need to be a health, safety or welfare reason to deny a proposed use that has been identified as an allowed use. He noted the PUD is different, but that is a standard analysis.

Councilmember Graves stated the Planning Commission expressed concerns about the site's proximity to Shingle Creek. She asked whether there is an environmental component to be considered, and whether this type of development would be allowed in the watershed area.

The civil engineer for Gatlin Development stated the car wash would be contained entirely within the parcel, and the creek would not be exposed or impacted in any way. He added the car wash drainage route runs behind the Walmart property. He noted there will be no environmental concerns related to this development.

Councilmember Graves asked how many staff would be employed by the car wash. The car wash developer stated there would be 7 full-time employees, 1 manager, and two assistance, for a total of 10 employees, including himself and his partner.

Councilmember Graves asked whether customers stay inside their car. The developer confirmed this, adding customers pay at a pay station in their lane, and the express car wash takes about 1.5 minutes. He stated customers can utilize vacuums. He noted this express model is new to the area, and they plan to be one of the first of its kind in the State of Minnesota.

Councilmember Graves stated she was envisioning a car wash on the site and wishing there could also be an ice cream stand, to make it more of a community car wash.

The developer stated their car wash in New Hope has an ice cream truck that frequents the site, as well as a food truck, and they have already asked if they can also come to the new Brooklyn Center location.

Councilmember Graves stated she feels very conflicted and unable to make a decision with the information that has been presented.

The developer stated he and his partner plan to be around for a long time and remodel the building every 4 years. He added they will be in it for the long haul. He noted local restaurants are often unable to stay in business.

Mr. Gatlin stated he would be willing to consider the PUD amendment only for Site E and leave the other sites as they are. He added he hopes that would help the City Council make a decision.

Mayor Elliott stated, in terms of how long restaurants last in Brooklyn Center, the 50's Grill has been around for 35 years.

Councilmember Ryan stated the developer as indicated he has invested in the development for another 10 years and has put a lot of effort into Shingle Creek Crossing. He added he is willing to work constructively with the developer. He noted the developer is willing to be flexible and apply the amendment only to Site E and leave the other vacant sites that are committed to restaurant use.

Councilmember Graves stated she is willing to move forward with the amendment as it only applies to Site E. She added she hopes that the site design will allow for more community interaction than an express car wash, and she looks forward to getting more information.

Mayor Elliott stated he sees potential for the area near Shingle Creek, with its high visibility from the freeway. He added he believes there is a better use for this site than a car wash. He added he does not understand why the City has struggled to attract restaurants. He noted he will pass this up and look for a better opportunity.

Mr. Gatlin stated this is the smallest lot that is left to be developed and will not accommodate a larger use. He added he has a use ready for this site, and he can continue to try to attract restaurants for the remaining vacant sites.

Councilmember Ryan stated he wished to amend his original motion to apply the PUD amendment to Site E only.

Mr. Gilchrist stated the initial motion failed for lack of a second.

Councilmember Ryan moved and Councilmember Graves seconded to approve PLANNING COMMISSION APPLICATION NO. 2020-002 for Planned Unit Development Amendment No. 9 to the 2011 Shingle Creek Crossing Planned Unit Development, to be applied to Site E only.

Mayor Elliott voted against the same and Councilmember Lawrence-Anderson did not respond. Motion passed.

10. COUNCIL CONSIDERATION ITEMS

10a. APPOINTMENTS TO COMMISSIONS

Mayor Elliott stated he intends to appoint new Commissioners to the City's Commissions. He added the City's Commissions are not representative of the diversity of Brooklyn Center, and he took pains to ensure that appointments will create Commissions that are diverse and representative of the City's population, especially against the backdrop of the current global movement toward full inclusion and systemic change. He noted he believes that having

Commissions that represent a multitude of backgrounds will make the decisions richer and more representative.

Mayor Elliott stated the appointees and re-appointees represent white, black and Hmong ethnic backgrounds. He added there are four males and five females. He noted he hopes to connect with Latino residents to ensure they are represented.

Mayor Elliott stated he has spoken with all the new Commissioners he has appointed. He added the new Planning Commissioners have many ideas and suggestions for development in Brooklyn Center, including outdoor gathering spaces, indoor markets, a splash pad, and assistance for homeowners with corrosion and other housing issues. He noted applicants indicated they wanted to see more development, supported food trucks, and a celebration of nationalities and cultures.

Councilmember Ryan requested that the applications for the Planning and Financial Commissions be separated from the other Commission appointments for closer review, as they are more critical positions. He expressed concern that existing Commissioners are being swept aside. He added these Commissioners have done an excellent job serving the City and have a wealth of knowledge and expertise. He noted this should be a decision of the City Council, and he requested that appointees to the Planning and Financial Commissions be removed for further consideration.

Councilmember Graves stated she is fine with that.

Councilmember Butler asked whether Councilmember Ryan challenged the appointees of the previous Mayor.

Councilmember Ryan stated the previous Mayor closely reviewed Commission applicants and would only choose not to re-appoint a returning Commissioner based on attendance records, or other specific criteria. He added previous City Councils understood the importance of participation from members of the City's diverse communities, but the issue was whether they showed an interest and would show up.

Councilmember Butler asked whether Councilmember Ryan was implying that the Mayor's appointees will not show up for meetings.

Councilmember Ryan stated his point was that the City Council would try to find committed volunteers but sometimes that was not possible. He added one of the initial criteria was to attract Commissioners to represent the different areas of the City.

Mayor Elliott stated he finds it curious that Councilmember Ryan would raise this issue now, especially in light of the current situation.

Councilmember Ryan asked what Mayor Elliott is accusing him of.

Mayor Elliott stated the City's Commissions do not represent the ethnic diversity of the City of Brooklyn Center.

Councilmember Ryan stated the Highway 252 Task Force, recently appointed by the Mayor, only represents one neighborhood.

Mayor Elliott asked that Councilmember Ryan stop interrupting him. He added the Planning Commission only represents one demographic portion of the City, as all the Commissioners are white.

Mayor Elliott stated he finds it interesting that Councilmember Ryan would raise an objection to new appointees to the Planning Commission. He added Councilmember Ryan will do a great disservice to the City if he votes against these new appointees, who represent groups who have been traditionally marginalized and whose voices have been left out. He added the Planning Commission has been made up of white people for the past 12 years, which is the entire time that Councilmember Ryan has been on the City Council. He noted it is unacceptable that Councilmember Ryan would raise an objection.

Councilmember Ryan stated he has voted with the City Council in support of all initiatives and commitments to racial equality and to assist those residents that are in the greatest need. He added he does not appreciate being characterized in a certain way. He noted the Planning Commission has been efficient and effective, and to sweep the current Commissioners aside in this manner is not respectful.

Councilmember Ryan stated the City Council's recent discussion during the Shingle Creek Crossing PUD amendment Agenda item was problematic, as Councilmembers did not acknowledge that the developer has tried for years to develop sites and has not been successful. He added he may be judged on the basis of his appearance, but he wanted to discuss the replacement of Commissioners with an open heart and have an open discussion. He noted every Councilmember is authentic and cares about the City and wants to represent all the residents of Brooklyn Center.

Councilmember Butler stated Councilmember Ryan's comments are problematic. She added Councilmember Ryan is an elected official and yet his comments indicate that he does not understand the issues facing Brooklyn Center's diverse population. She noted she is calling him out for his racist comments. She noted he should educate himself on the things he is saying.

Mayor Elliott stated he is fed up and will not put up with this type of attitude. He added Councilmember Ryan may object to the diverse appointments, but that is on him.

Councilmember Graves asked how many current Planning Commissioners are being replaced, and whether there are any vacancies. Mayor Elliott stated he has appointed 4 new Commissioners, and re-appointed Jack MacMillan. He added he still needs to speak with Alex Koenig.

Councilmember Graves asked whether there are other re-appointments still pending for any of the other Commissions, for Commissioners who are still serving but have not been re-appointed. Mayor Elliott stated there are six (6) re-appointments.

Councilmember Graves requested clarification regarding the age spread of the Commissioners. Mayor Elliott stated the new appointees are in the 30 years old to 50 years old range.

Ms. Suciu stated, as a point of clarification, three Housing Commissioners who applied for re-appointment have not been re-appointed, and three Park and Recreation Commissioners who applied for re-appointment are not being re-appointed.

Councilmember Graves expressed concern that two applicants that Mayor Elliott has appointed to the Commissions have plans to run for City Council for the same seat. She added that could be controversial and the timing is bad, as it could make the appointments appear to be over-politicized.

Mayor Elliott stated the individuals are smart and he has confidence in them. He added he is unsure whether one of them is still running for office and he does not believe it will be a problem. He noted the new Commissioners will bring new energy and ideas to conversations about Brooklyn Center's future.

Councilmember Graves stated she likes both applicants. She stressed the importance of ensuring that the focus stays on the work of the Commission.

Councilmember Ryan stated he saw quality in the applicants who have sought Planning Commission appointments. He expressed his concern again that many current Commissioners want to be re-appointed and have experience with the development issues currently facing the City. He added these Commissioners were left waiting for a very long time, while there were no new applicants seeking the positions. He noted these existing Commissioners should be treated respectfully and honorably for their service to Brooklyn Center.

Councilmember Ryan reiterated his request to consider Planning and Financial Commission applicants separately for a closer review.

Mayor Elliott called for a motion to accept all the new Commission appointments.

Ms. Suciu stated a Planning Commission meeting is scheduled for Thursday, June 11, 2020. She asked whether the new Planning Commissioners will be appointed at a later date, after that meeting.

Mayor Elliott stated the newly appointed Commissioners and the Commissioners they are replacing can both be at the meeting. He added this will be a good transition.

Mr. Boganey stated they will not all be able to vote on Thursday. He asked when the newly appointed Commissioner's terms would begin.

Mayor Elliott stated their terms would begin immediately, like all the other newly appointed Commissioners for the other Commissions.

Councilmember Ryan stated in that case, he will vote against.

Mayor Elliott reiterated that he had called for a motion to approve all the recommended appointments and called for a second.

Ms. Beekman asked whether Mayor Elliott has met with the current Commissioners who have re-applied for their positions and notified them that they are being replaced. She added Planning Commission packets have already been sent to the existing Commissioners as City Staff was not aware of the Mayor's plans.

Mayor Elliott asked whether there are voting items on the agenda. City Planner Ginny McIntosh confirmed there is a proposed site plan amendment for 5637 Brooklyn Boulevard, for Helena Autism Center. She added she is unsure whether newly appointed Commissioners would have sufficient time to prepare for a vote. She noted the current Commissioners have not been notified that they will no longer be members.

Mayor Elliott stated all the new members are available to begin their positions immediately. He added they can attend the Planning Commission meeting on Thursday and their terms will begin on June 15, 2020.

Ms. Beekman stated a Zoning and Land Use refresher is already planned for this week's Planning Commission meeting. She added she agrees with Ms. McIntosh that it would be difficult to expect new Commissioners to be prepared to vote during the meeting, especially if the existing Commissioners are not aware that they are being replaced.

Ms. McIntosh stated the Planning Commission's July 2020 meeting will have three (3) public hearings.

Mayor Elliott moved and Councilmember Butler seconded to appoint members to the various Commissions.

Councilmember Ryan voted against the same and Councilmember Lawrence-Anderson did not respond. Motion passed.

11. COUNCIL REPORT

-None.

12. ADJOURNMENT

Councilmember Graves moved and Mayor Elliott seconded adjournment of the City Council meeting at 10:00 p.m.

Motion passed 4-0 (Councilmember Lawrence-Anderson did not respond).

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL/ECONOMIC
DEVELOPMENT AUTHORITY OF THE CITY OF BROOKLYN CENTER
IN THE COUNTY OF HENNEPIN AND
THE STATE OF MINNESOTA

WORK SESSION
JUNE 17, 2020

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Mike Elliott at 6:00 p.m. The meeting was conducted via Webex.

ROLL CALL

Mayor/President Mike Elliott and Councilmembers/Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Police Chief Tim Gannon, City and Clerk Barb Suci.

ATTORNEY GENERAL REPORT

Mayor Elliott welcomed everyone who joined the Work Session. He added the recent vivid, graphic killing of George Floyd in Minneapolis has resulted in a global aftermath that started with protesters in the streets of Minneapolis and spread throughout the United States and the world. The global protests were against the systemic institutionalized racism permeating our culture. This system of institutionalized racism continues to permeate every corner of our State, which has the highest disparities in income, health care, housing and police arrests.

Mayor Elliott stated tonight's presentation is an opportunity for the City Council to delve into and understand this crisis. He welcomed local activist Elizer Darris, American Civil Liberties Union (ACLU) Smart Justice Field Organizer. He added the City Council is honored to have Mr. Darris join the Work Session.

Elizer Darris stated he has met some of the City Councilmembers. He added he is the Lead Consultant with Darris Consultant Group, working with local counties and cities, and Coordinator of the National Smart Justice Campaign for the ACLU of Minnesota. He noted he a Field Operations Coordinator for the Smart Justice Campaign, as well as a political consultant and national presenter on criminal justice reform. He was a member of a Task Force that provided recommendations for local governments to reduce deadly police encounters in Minnesota.

Mr. Darris stated, in July of 2019, Attorney General Keith Ellison and Commissioner John Harrington convened a diverse working group of community and law enforcement stakeholders to review policy recommendations aimed at reducing officer-involved deadly force. The working group met over a 5-month period, conducted public hearings and took testimony from stakeholders, including family members who have lost their loved ones, law enforcement,

members of academia, community organizations. The group produced 28 recommendations and 33 action steps, geared toward local and state governments.

Mr. Darris reviewed the members of the Working Group, including: Co-Chairs Attorney General Keith Ellison and Department of Public Safety Commissioner John Harrington; Elizer Darris, ACLU; Medaria Arradondo, Minneapolis Police Chief; Chanda Smith Baker, The Minneapolis Foundation; Clarence Castile; Matt Gottschalk, Director of Public Safety, Corcoran; State Senator Bill Ingebretsen (R – Douglas/Otter Tail Counties); Honorable Mark Kappelhoff, MN Fourth Judicial District; Dr. Brittany Lewis; State Representative Rena Moran (DFL – St. Paul); Justin Page, Mid-Minnesota Legal Aid/Minnesota Disability Law Center; Patina Park, Minnesota Indian Women's Resource Center; Brian Peters, Minnesota Police and Peace Officers' Association; Sara Rice, Mille Lacs Band Police Chief; Mark Rubin, St. Louis County Attorney; Kevin Torgerson, Olmsted County Sheriff; and Dr. Artika Tyner.

Mr. Darris stated the Working Group was diverse, with strong representation from community members and the law enforcement community. The following recommendation categories were identified: community healing and engagement; prevention and training; investigations and accountability; policy and legal implications and officer wellness.

Mr. Darris reviewed highlights of the Working Group's recommendations for action steps and provided additional comments.

Action Step - "Community Healing and Engagement"

Action Step 1.1.2 – Law enforcement agencies should provide effective communication to law enforcement Public Information Officers (PIOs) and other staff involved in communication with the public, especially during critical incidents.

Mr. Darris stated, with the killing of George Floyd, the first statement from the PIO was that Mr. Floyd had had a medical incident, which was swiftly discredited when the video of Mr. Floyd's murder was released. Many families have said the way that PIOs address incidents are hurtful and harmful, and there should be more control over how the PIOs interface in public discourse. He stressed the importance of police representatives understanding and acknowledging the concept of "closeness to the pain" as it relates to loved ones and the general public.

Action Step 1.1.3 – All local jurisdictions should consider using tools and resources on how to effectively manage the dynamics of officer-involved shootings and in-custody deaths before, during and after an event to increase public confidence in the system.

Mr. Darris stated he highly recommends that cities obtain copies of a document prepared by Cities United, "Strategic Resource for Mayors on Police Involved Shootings and In-Custody Deaths". He added this resource is being used effectively around the United States.

Action Step 1.2.1 – State, Tribal and local governments should implement culturally appropriate community healing models.

Mr. Darris stated, from the officer's perspective, they may not understand that the way they are presenting themselves is causing trauma. Some community members have expressed their feelings that even the police uniform they wear can be traumatic. Many Police Chiefs advise officers not to wear their full duty suit for certain types of public engagement, which relates to the discussion of how officers present themselves in space.

Mr. Darris stated cities should consider an investment in community healers, or a level of interference between law enforcement and the community at large. The City of St. Paul initiated a partnership with local community healers after the death of a community member, and many community members felt that this was very effective.

Action Step 1.4.1 - Law enforcement agencies should seek regular feedback from communities on their performance and interactions.

Mr. Darris stressed the importance of law enforcement agencies being responsive to those that law enforcement serves, creating opportunities for the community to raise concerns in a safer space, and see where they can partner with law enforcement. He added this would involve more controlled environments to help determine what the community seeks and needs, which is something that is typically not happening. He noted this recommendation is for law enforcement to be more dynamic about how they reach out to the community.

Action Step - "Prevention and Training"

Action Step 2.2.1 – The State of Minnesota should provide incentives, funding and support for local governments to implement co-responder or crisis response teams.

Mr. Darris stated there is opportunity for local government to make this part of their legislative agenda, to implement community-based crisis response teams. This was a loud call from community members to have different types of responses for different types of crisis. He noted a mental health crisis may not need law enforcement officers but might require a more specialized response.

Action Step 2.2.2 – Explore technology solutions to increase law enforcement and dispatcher access to information that will inform them about the person they are responding to, and what conditions may be involved.

Mr. Darris stated one organization has an app that Minnesota law enforcement agencies are using, that allows law enforcement responders to know whether the person has a medical diagnosis, and what their specific situation may be. The app triggers a response on the officer's phone and sends the officer information about the individual's medical diagnosis. Participation in this type of program is voluntary, and local governments would have to put strong protections around their data.

Action Step "Investigations and Accountability"

Action Step 3.3.1 – Law enforcement agencies using body worn cameras should proactively re-engage the public in periodic reviews of body worn camera practices and policies to ensure public transparency and accountability.

Mr. Darris stated there is a statutory requirement for an initial public hearing for public to hear what the particular agency has in mind when it decides to implement a new body worn camera policy. This requirement encourages public engagement, and gives them the opportunity to let law enforcement know how things are working out, how they feel about the level of transparency, what is captured, and what is shown.

Action Step 3.5 – Local communities and law enforcement agencies should implement models of community involvement to increase communication and engagement of the public in establishing openness, listening and transparency between the public and law enforcement.

Mr. Darris stated this action step hints at but does not tackle the need for the community to have a say in, investment in and co-creation of the policies of local law enforcement and how the policies are being realized and implemented. He added law enforcement should partner with the community to see what adjustments should be made and what adjustments they can get from the public as they co-create a law enforcement agency responsive to the needs and security of the community.

Mr. Darris stated, in terms of policy and legal implications, all police agencies should adopt “use of force” policies that at the minimum make sanctity of life a core organizational value; require officers to de-escalate when such effort does not compromise officer safety; and require force used by officers to be reasonable, necessary and proportionate.

Mr. Darris stated the Working Group received information from law enforcement personnel in Camden, New Jersey, who have made preservation of life a core organizational value. He added they showed a video of a confrontation between police officers and a man with a knife, who was taken into custody and lived, due to the core value of the preservation and sanctity of life. He noted, in Minnesota, the person would have been at the other end of lethal force.

Mr. Darris stated this action item would require officers to intervene if appropriate and safe when witnessing unreasonable use of force by another officer. Officers would be required to report all incidents of unreasonable use of force and hold other officers accountable to reduce the need to use force. Critical tools that should be used more often are time, distance and cover, which would result in more individuals surviving encounters they are not surviving due to officer-created jeopardy.

Action Step – “Policy and Legal Implications”

Action Step 4.5.2 – All law enforcement agencies should adopt a policy that requires officers to receive first aid training.

Mr. Darris stated officers should intervene and know what to do if someone needs first aid.

Action Step – “Officer Wellness”

Action Step 5.1.5 – All peace officers should receive confidential mental health and wellness check-ins every three years, and also after significant incidents.

Mr. Darris stated officers feel a lot of jeopardy about sharing when they are impacted by the traumas that they see on a daily basis, which can be cumulative. He added often the officers are not seeking out mental health support, because they think that what they say can be utilized against them. A solution would be stronger requirements for police officers involved, or on the edges of involvement, to connect with personnel that they can trust, so that they can debrief with them in a safer way. This would also put protections around debriefing, so information that is shared has a level of privacy to it.

Mr. Darris reviewed recommendations of the Working Group:

- Work with local police departments to implement municipal level reforms identified in the Working Group recommendations;
- Establish a community-based working group to help inform, monitor and implement reforms;
- Appoint an asset or staff member to monitor, assist with and report on implementation;
- Adopt and implement the reforms of the “8 Can’t Wait” campaign.

Mr. Darris stated some states have implemented “8 Can’t Wait” reforms, which should be immediately implemented in all law enforcement agencies. These reforms are:

- Ban the chokehold – the City of Minneapolis did not ban it. That is likely to be banned at the State level, but there should be an intentional focus to encourage officers who use chokehold, to stop using it.
- Require de-escalation; require warning before shooting; require exhausting all alternatives before shooting; require officers to intervene; ban shooting at moving vehicles; require a Use of Force Continuum – being present, giving verbal command, attempt to talk to a person, instead of immediate escalation; require comprehensive reporting.

QUESTIONS AND COMMENTS

Mayor Elliott stated Councilmembers or others who have joined the meeting have the opportunity to ask questions and provide comments. He added this is the first of many meetings on this topic, and there will be continued opportunity to comment and make voices heard.

Councilmember Graves thank Mr. Darris for his presentation. She added the first thing she found interesting and exciting was the first recommendation, Community Healing and Engagement. She added that can go a long way toward healing the community but also internal stakeholders even within the police department, who experience secondary vicarious trauma, especially the type of situation we are in right now. She noted she supports the concept of doing something intentional about getting “closer to the pain” in terms of community healing.

Councilmember Graves stated she would like to see police surveys in Brooklyn Center at neighborhood meetings, youth programs, church meetings, and other community forums. She would like the surveys to have more critical questions about people’s interactions with the police, or with City Staff, to see if the City is creating a welcoming environment for residents to ask questions and make comments or complaints.

Councilmember Graves stated she liked the recommendation about partnering for a community-based co-responder model, which the City of Brooklyn Center has talked about doing, and some work has been done toward that model. She added if the City can leverage to increase funding for that or find funding to increase the program, that will be essential to serving the community justly, especially those community members with mental health issues. She stressed the importance of potential co-responders who are mental health providers known in the community, who might be better able to connect with someone who needs help. She noted it will be easier to identify who those people are if the City builds more of those types of relationships.

Councilmember Graves stated the Brooklyn Center Police Department has been using the Vitals app on a small scale, but it is a voluntary program, so it is only effective for those who have registered. She added it would be beneficial to have more support at the State level to implement that type of program.

Councilmember Graves stated she liked the idea of the police department doing ongoing communication regarding body worn cameras, to stay informed about how the community feels about it. She added there is a lot of fear around, and this technology would be utilized by law enforcement defensively at a time when trust is being challenged. She noted the importance of being transparent on an on-going basis.

Councilmember Graves stated, with regard to customized models of community involvement, the City of Brooklyn Center's Multi-Cultural Advisory Committee is a great group. She added she is grateful for their involvement and service to the community. She noted the committee might not feel welcoming in the community. The Committee meetings take place in the Police Department, which for many residents is not neutral ground, and they may want to get involved but do not feel comfortable in that space.

Councilmember Graves stated the Committee is a diverse group, made up of community members and representing businesses and churches. She added the meetings should be a place in which members feel able to speak up and ask difficult and courageous questions. She expressed her appreciation and awareness of the bravery that it takes to speak when you are a person of color talking to a white person in a position of power in law enforcement. She stressed the importance of creating an authentic space so people can show up and say what needs to be said. She noted the Committee might be a group that the City could tap into as the Working Group's recommendations are reviewed and considered, while remaining aware of the diverse makeup of the Committee.

Councilmember Graves stated, with regard to the concept of being "closer to the pain", it is important that community members who have had contact with law enforcement provide advice and information to the police, rather than just the advisory committee.

Councilmember Graves stated she appreciated Mr. Darris' recounting of the incident in Camden, New Jersey, of a man with a knife. She stated Mr. Darris made a point about police officer's "presence", and how they carry themselves. She added she observed Brooklyn Center police officers out in the community during the nights of unrest. The officers she observed near Walmart

were relaxed, and their presence was more of a deterrent, and she appreciated that. She noted there is still work to be done, but she wanted to acknowledge that work has been done.

Melissa Cary stated a barrier is that requirements for applying for any City Commission will make it so that undocumented residents cannot be a part of these different Councils.

Amity Dimock stated she is the mother of Kobe Heisler who was murdered by the Brooklyn Center Police on August 31, 2019. She added she understands this is a Work Session to discuss the Task Force recommendations. She noted she would like to address the City Council about the recommendations.

Ms. Dimock stated she already has the assumption that her son will not get justice. She asked whether any of these decisions will be retroactive, so that there will be justice for the more than 400 families, some in Brooklyn Center, who would be in a different situation if these recommendations had been in place. She added she does not support the co-responder model, as mental health situations require mental health professionals, and there is no reason to bring in the police at all.

Ms. Dimock asked whether there is discussion about removing the statute of limitations for families who are fighting for justice for loved ones.

Mayor Elliott expressed his sincere condolences for the loss of Kobe Heisler. He added the City continues to work for justice and will never give up. He noted he appreciates that Ms. Dimock took the time to join the meeting.

Ms. Dimock stated it is challenging to see politicians and powerful people speaking up about the murder of George Floyd, and see the officers arrested and charged, while 9 months later she feels like her son has been forgotten. She asked whether the video can be released to the public.

Mayor Elliott stated the City Council will take comments and respond later. He added the fact that you do not have answers is a situation where justice delayed is justice denied. He noted there is a provision in a bill at the State Capital to deal with the statute of limitations issue, and some discussion that the Attorney General's office may be able to review some cases.

Mayor Elliott thanked Ms. Dimock for joining the meeting. He applauded her for her work and for continuing to bring focus to this issue.

Councilmember Butler thanked Mr. Darris for his presentation. She added Councilmember Graves captured a lot of important comments. She asked whether other cities have implemented some of these actions, and whether the community group review board has been done already. She noted there are a lot of suggestions, and the City Council will need to decide on priorities moving forward. The two items that stood out for her is the community group and "closeness to the pain".

Councilmember Graves stated she feels the "8 Can't Wait" is a good place to start, in addition to some of the other recommendations from the Working Group. She added Brooklyn Center has

implemented some of the 8 initiatives. She asked Police Chief Tim Gannon for clarification about which of the 8 initiatives have not been implemented.

Police Chief Tim Gannon stated the “8 Can’t Wait” reforms have come up and are being discussed, but they are not a result of the Working Group. He added these reforms are attainable, and many are already in use in Brooklyn Center. He noted this information is included in the Policy Manual which is available online and can be reviewed at any time.

Police Chief Gannon stated he has forwarded details regarding the “8 Can’t Wait” reforms to the City Manager in the past, and he can forward that to anyone who wants that information.

Councilmember Graves stated the requirement that officers should intervene is something that can be done right away and included in officer training. She added the outcome may have been different if the officers involved in George Floyd’s murder had been empowered to intervene. She noted there must be a safe place for intervening, which can make a big difference.

Police Chief Gannon stated the “intervene” requirement is in place, and officers have an obligation to intercede. He added the Brooklyn Center Police Department has a long history of officers that intercede.

Councilmember Graves stated the City Council has had discussions in the past about the “use of force” policy. She added she would like to review the 5-point continuum referenced by Mr. Darris. She noted it would be helpful for the current City Council to have a review of that information.

Mr. Boganey stated an update of City practices and policies can be the subject of an upcoming Work Session. He added City Staff will provide analysis and response to the “8 Can’t Wait” policies, as well as other recommendations from the Working Group. He noted this information can be ready for review at the City Council’s next meeting.

Mayor Elliott stated this particular topic will require a separate meeting.

Mr. Boganey stated City Staff are prepared to have a review at the City Council’s convenience to go through the City’s responses and comments or additional information around what was presented by Mr. Darris, including the “8 Can’t Wait” policies, which City Staff have reviewed in the past.

Mayor Elliott requested that the information to be presented to the City Council be made available prior to the meeting for review and consideration. Mr. Boganey agreed.

An audience member, Joy, stated tonight’s online meeting audio has been very difficult to listen to, and she could not hear what people were saying. She asked whether the IT department could look into improving the online meeting audio.

Joy stated she would like to see the City Council implement regular oversight of the Police Department, using a list of what will be evaluated, so the government of Brooklyn Center knows

what actions need to be taken or supported. She added the City government has no idea what is going on if they are not kept informed.

Councilmember Lawrence-Anderson thanked Mr. Darris for his presentation and all the information he provided. She added it is a lot to digest but it is valid and something the City Council needs to look at more closely. She added she likes Mr. Boganey's idea of having a separate work session to delve into these topics.

Councilmember Ryan expressed his appreciation to Mr. Darris for his presentation. He added he has had interactions with Attorney General Ellison and Commissioner Harrington, and has high confidence in their abilities, as well as the range of experience and expertise of the Working Group members. He noted he believes the Working Group and its recommendations will be very helpful. He thanked Police Chief Gannon for fielding questions that Councilmember Ryan forwarded to him. He expressed his appreciation to Mr. Boganey for his suggestion to pursue recommendations for "8 Can't Wait", so we can find ways to make public safety more effective, keep police officers safe and reduce the probability of the terrible use of force outcomes that we all want to avoid.

Mayor Elliott stated there has been a unanimous expression of support from the City Council for the recommendations made by the Working Group. He added he would like to formally adopt the recommendations at an upcoming City Council meeting, and determine where there is alignment, and what can be initiated. He stressed the importance of showing that the community is working on these issues and hopefully can become a leader in community safety.

Mr. Boganey commended Mr. Darris for presenting his information so effectively, and he was very impressed. He added a Working Group member, Brian Peters, is a former Brooklyn Center Police Commander. He noted that says something about the quality of leadership that the City of Brooklyn Center has had for some time.

Councilmember Graves stated it would be helpful to have information made available to the community on the City website that outlines the City's short-term and long-term goals for implementing these recommendations. She added it is important that the community knows that the City Council is working on this issue and will continue to do so.

Councilmember Graves asked Mr. Darris whether the "8 Can't Wait" recommendation specifies what should be tracked, in terms of transparency and accountability. She added the caller named Joy asked about regular assessment, which is already happening, but probably not at a City Council or community level. She noted it would be helpful to have information about levels of reporting and how to communicate back to the community.

Mayor Elliott thanked everyone who joined the Work Session, and especially Mr. Darris. He added Mr. Darris is currently working with other municipalities and counties on this issue. He expressed his gratitude to Mr. Darris for taking the time to join the Work Session.

ADJOURNMENT

Mayor Elliott adjourned the Work Session at 7:32 p.m.

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF BROOKLYN CENTER IN THE COUNTY
OF HENNEPIN AND THE STATE OF MINNESOTA

STUDY SESSION
JUNE 22, 2020

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Mike Elliott at 6:00 p.m. The meeting was conducted via Webex.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Community Development Director Meg Beekman, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

City Manager Curt Boganey stated the revised Study Session agenda includes an Agenda Item under Miscellaneous requested by Councilmember Ryan regarding Juneteenth Official Holiday.

Councilmember Graves stated she saw the amended Agenda and expressed her appreciation to Councilmember Ryan for presenting this information. She added she thinks it is a great idea.

MISCELLANEOUS

Juneteenth

Councilmember Ryan stated it came to his attention that a bill was introduced in the United States Senate on Friday June 19, 2020, that would make June 19 known universally as “Juneteenth”, a federal holiday commemorating the federal order to free slaves in Texas issued on that date in 1865. He added his fellow Councilmembers and City Staff are aware of Juneteenth, and its place in history, through commemorations and celebrations. He noted others who may be listening may not be familiar with Juneteenth, and he would like to say a few words about what would be brought forward in the U.S. House of Representatives and the Senate.

Councilmember Ryan stated Juneteenth, also known as Emancipation Day, Black Independence Day, or Jubilee Day, celebrates black emancipation from slavery after the Civil War. President Abraham Lincoln’s Emancipation Proclamation legally accomplished this, but it would take over two more years before slaves in the south would learn that they were free.

Councilmember Ryan stated, on June 19, 1865, Major General Gordon Granger arrived in Galveston, Texas, to announce the end of the Civil War and slavery due to its remote location.

The 13th Amendment to the Constitution ratified the end of slavery throughout the United States, but the amendment had not been recognized in border states.

Councilmember Ryan stated the proposed federal bill will give Juneteenth full recognition as a national holiday. He added Juneteenth is about acknowledging a day in our country's history when all Americans can come together, rejoicing in the progress we have made and recommitting ourselves to the work that is yet undone, to ensure equal justice under the law for all. He noted it is only fitting and proper that the Brooklyn Center City Council should have a Resolution in support of recognition of Juneteenth as a national holiday.

Councilmember Ryan stated he hopes the City Council will come together in Consensus in favor of having City Staff draft a Resolution in support of this great federal bill.

Councilmember Graves stated, as she indicated earlier, this is a great idea. She added she is aware of several cities and states that have passed similar Resolutions. She noted she thinks it is great that Councilmember Ryan is educated about the holiday's background and historical context. She expressed her appreciation to Councilmember Ryan for presenting the City Council with an opportunity to show support for the federal bill by passing the City's own Resolution in support of Juneteenth as a federal holiday.

Councilmember Graves stated she is in favor of having City Staff draft a Resolution for City Council approval.

Councilmember Lawrence-Anderson stated she appreciates Councilmember Ryan making this suggestion, and she wholeheartedly supports the proposed Resolution.

Mayor Elliott stated it sounds like Councilmember Ryan has a Consensus.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

-None.

ADJOURNMENT

Mayor Elliott adjourned the Study Session at 6:14 p.m.

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF BROOKLYN CENTER IN THE COUNTY
OF HENNEPIN AND THE STATE OF MINNESOTA

REGULAR SESSION
JUNE 22, 2020

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Mike Elliott at 6:45 p.m. The meeting was conducted via Webex.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

Mayor Mike Elliott opened the meeting for the purpose of Informal Open Forum.

There were no comments.

Mayor Elliott stated the City Council would go into recess.

Terry Robertson, C-Alan Homes, stated he joined the meeting.

2. INVOCATION

Councilmember Lawrence-Anderson stated it is difficult to try to bring inspiration in a time of so much turmoil in the world. She offered a quote from an unknown author as the Invocation:

“My friends, love is better than anger, hope is better than fear, optimism is better than despair, so let us be loving, hopeful and optimistic and we will change the world.”

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 7:00 p.m.

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Mayor Elliott stated he meant to raise an issue related to meeting minutes during the Study Session. He added Councilmember Ryan made a comment at the last City Council meeting which he and Councilmember Butler took issue with. He noted his objection is reflected in the minutes, but Councilmember Ryan's comments, that he took issue with, are not reflected in the minutes.

Mayor Elliott stated he wants to make a motion to have the secretary and clerk review the records and bring the minutes back with that comment reflected in the minutes.

City Clerk Barb Suciu asked if there is something different than the last paragraph on page 7 in the meeting minutes.

Mayor Elliott stated Councilmember Ryan's comments are not correct. He added Councilmember Ryan did not say there was a correlation between the City's diverse and vibrant population and a reduction in income. He noted, in his review of the meeting record, the direct quote was that diversity brought lower income.

Councilmember Butler stated the actual quote was that diversity brought poverty.

Mayor Elliott stated this whitewashes what was said. He added it is important to capture the statement that was made. He noted the statement was repeated, and attributed to him, but the original statement was made by Councilmember Ryan, and should be attributed to Councilmember Ryan. He added the record should accurately reflect the statement.

Councilmember Ryan stated he has no objection to having the secretary review the recording and having some wording changed. He added, going back to before the Mayor was elected, the City Council would on occasion have extensive discussions about racial economic disparities. He noted this issue has been central to the discussion about many underlying tensions, and has given rise to our current troubles, initiated by the murder of George Perry Floyd.

Councilmember Ryan stated he was trying to highlight a real challenge that the City faces. He added if you want to use this for some other purpose, he has no control over that. He noted he does not have a problem with having the secretary go back and get an exact verbatim record of that exchange and get it into the minutes.

Councilmember Ryan stated, if he spoke in a way that anyone might feel was insensitive, he wished to apologize for perhaps not being sufficiently cognizant of how fraught emotions are at this time, and the sensitivity of those who may be listening. He added the point he was trying to make was

that which so many economists and sociologists have observed, which is an increase in poverty in suburbs nationwide. He noted he was trying to highlight that as a significant challenge for the City going forward, and that the City Council needs to address that challenge to support the City's sustainability, both financially and fiscally.

Councilmember Ryan stated if you want to have the secretary get an exact verbatim record of his statement, that is fine. He added if he spoke in a way that people feel is insensitive, he apologizes only for that. He noted he stands by his words.

City Attorney Troy Gilchrist stated, from a procedural perspective, the most orderly way to address this is to pull the minutes from the Consent Agenda to be addressed during the Regular Agenda, and make a motion to have the secretary review the minutes and bring it back at the next City Council meeting.

Mayor Elliott moved to have the secretary go back and review the record and more accurately update the minutes to be brought back at the next meeting.

Ms. Suci requested clarification from Mayor Elliott regarding whether all the minutes will be removed, or just the June 8, 2020 Regular session minutes. Mayor Elliott stated only the June 8, 2020 Regular Session minutes are being pulled.

Councilmember Graves moved and Councilmember Butler seconded to approve the Agenda and Consent Agenda, as amended, with the removal of the June 8, 2020 Regular Session minutes to be considered as Agenda Item 10a, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. May 26 Continuation of meeting held on May 29, 2020
2. June 8, 2020 Study Session
3. June 8, 2020 Regular Session This item was considered as Agenda Item 10a.

6b. LICENSES

FIREWORKS - TEMPORARY

TNT Fireworks
4003 Helton Dr
Florence, AL 35630

Cub Grocery Store
3245 Co Road 10
Brooklyn Center, 55430

GARBAGE HAULER LICENSES

Allied Waste Services of North America

Aspen Waste Systems Inc

8661 Rendova St NE
Circle Pines MN 55014
2951 Weeks Ave SE
Minneapolis, 55414

MECHANICAL LICENSES

ACI Plumbing, Inc	6217 W. Lake St, St. Louis Park 55416
Airtech Thermex	4918 W. 35 th St, St. Louis Park 55416
All Appliance Installation Plus	PO Box 166, Cambridge 55008
Avid Heating and Cooling	7700 County Road 110 W, Minnetrista 55364
Bonfe's Plumbing Heating & Air Service, Inc.	455 Hardman Ave, South St. Paul 55075
Comfort Solutions Heating & Cooling	11 1 st Street NW, Osseo 55369
Dean's Professional Plumbing Inc.	7400 Kirkwood Ct N, Maple Grove 55369
G.V. Heating & Air Inc.	5182 West Broadway, Crystal 55429
Henderson Heating and A/C LLC	3515 Dakota Ave, Woodbury 55125
J-Berd Mechanical Contractors, Inc.	1 Industrial Blvd, Sauk Rapids 56379
Larson Plbg	3095 162 nd La NW, Andover 55304
Liberty Comfort Systems	627 East river Rd, Anoka 55303
Majestic Custom Construction DBA Majestic Custom Heating	8800 Royal Ct NW, Ramsey 55303
Munsell Realty, LLC	10425 Vessey Rd, Bloomington 55437
Patton Heating	589 Swan Lk Ln NW, Cedar 55011
Ridler Heating & Cooling	3110 Washington Ave N, Minneapolis 55411
River City Sheet Metal, Inc	8290 Main Street NE, Suite 39, Fridley 55432
Total Comfort	8818 7th Ave N, Golden Valley, 55429

SIGNHANGER'S LICENSE

Resolution Graphics, Inc	3770 Dunlap St N Arden Hills, 55112
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Nameless Signs

9639 Wyoming Circle,
Bloomington, MN 55438

RENTAL

INITIAL (TYPE IV – one-year license)

7225 Kyle Ave N

Josephine Gurley / Caring Nurses

INITIAL (TYPE II – two-year license)

6424 Fremont Ave N

Stephen Yeboah

RENEWAL (TYPE IV – one-year license)

5444 Humboldt Ave N

Froyum Trust - missing CPTED

7131 Kyle Ave N

Philip Littlefield - missing CPTED & CFH

RENEWAL (TYPE III – one-year license)

1217 54th Ave N

Jay Moua - Missing CPTED

RENEWAL (TYPE II – two-year license)

6342 June Ave N

David Swartout Jr

RENEWAL (TYPE I – three-year license)

6712 Beard Ave N

Morris Matthews

5332 Morgan Ave N

James Waters

7207 Willow La N

Arl Woods

- 6c. RESOLUTION NO. 2020-054 ACCEPTING BID AND AWARDING A CONTRACT, IMPROVEMENT PROJECT NO. 2020-08, LIFT STATION 6 REHABILITATION PROJECT**
- 6d. RESOLUTION NO. 2020-055 APPROVING CHANGE ORDER NOS. 19-27, IMPROVEMENT PROJECT NO. 2018-05, BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 1**
- 6e. RESOLUTION NO. 2020-056 DESIGNATING POLLING PLACES FOR THE CITY OF BROOKLYN CENTER FOR 2020 PRIMARY AND GENERAL ELECTIONS**
- 6f. MODIFICATION OF BROOKLYN CENTER PERSONNEL POLICY – 10.3 REDUCTION IN FORCE/LAY-OFFS**
- 6g. AMENDMENT TO THE 2020 CITY COUNCIL MEETING SCHEDULE**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. RESOLUTION NO. 2020-057 EXPRESSING RECOGNITION AND APPRECIATION TO PATTI PAGE FOR OVER 37½ YEARS OF DEDICATED PUBLIC SERVICE TO THE CITY OF BROOKLYN CENTER

Mayor Elliott read in full a Resolution in recognition of Patti Page's retirement from the City of Brooklyn Center on Jun 12, 2020, after more than 37½ years, and expressing sincere appreciation for her dedicated public service.

Mr. Boganey expressed his appreciation of the City Council's willingness to recognize the service of long-term employees. He added he is pleased to have this recognition for Patti Page, after 37½ years of service to Brooklyn Center. He noted a few words that describe Ms. Page are "professional" and "positive".

Mr. Boganey stated he appreciated and admired Ms. Page for the way she went about her duties on a daily basis – always professional and positive. He added she is already missed, and many employees turned out during the pandemic to recognize her retirement a few weeks ago. He congratulated Patti for her recognition which is well-deserved.

Mr. Edwards stated, as Supervisor of the Human Resources Division, he has worked with Ms. Page since he began working for the City of Brooklyn Center, and it has been an honor and a privilege to work with her and get to know her. He thanked her for her service. He added, when he thinks of Ms. Page, the words that come to mind are "Swiss Army knife" and "salt". He noted these words are evocative of foundation, survival, and utility.

Mr. Edwards stated Ms. Page embodies utility, and value of the organization. He added she kept Brooklyn Center going in many ways, and was instrumental in enacting changes in employee onboarding, as well as sustaining and retention of employees. He thanked Ms. Page and recognized her for the value she has brought to the City of Brooklyn Center.

Mayor Elliott stated he got to know Ms. Page a little bit in his tenure as Mayor. He added he appreciated how closely she worked with Mr. Boganey and Mr. Edwards. He noted he appreciated getting to know Ms. Page, as she has always been kind, and she will be missed. He thanked Ms. Page for all the years of dedication to Brooklyn Center.

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2020-XX Expressing Recognition and Appreciation to Patti Page for Over 37½ Years of Dedicated Public Service to the City of Brooklyn Center.

Motion passed unanimously.

Mayor Elliott asked Ms. Page if she would like to say a few words.

Patti Page expressed her thanks to the Mayor, City Council, and City Staff for the nice Resolution, with many kind words. She added she really liked Mr. Edward's apt statement comparing her to a Swiss army knife. She noted she always remembers things that have happened in the City, and why and how they were done, keeping them in her toolbox for when they might be needed again.

Ms. Page stated she has enjoyed her time with the City of Brooklyn Center. She added she is enjoying her retirement but misses the daily communication with everyone she worked with. She noted she hopes everything goes well for the City, and she prays for City Council and City Staff and the City's residents, that Brooklyn Center can become all that it should become. She added she plans to stop by City Hall in the near future, when she can come in and say hello.

Mayor Elliott asked whether Ms. Page has a second act coming up. Ms. Page stated she is enjoying her retirement, and her husband will be retiring in less than a month. She added they plan to hang out with grandkids and see some friends, and hope for better days when they can travel.

8. PUBLIC HEARINGS

-None.

9. PLANNING COMMISSION ITEMS

-None.

10. COUNCIL CONSIDERATION ITEMS

10a. DISCUSSION OF JUNE 8, 2020 REGULAR SESSION MINUTES

Mayor Elliott stated this item was placed on the agenda at his request.

Mayor Elliott moved and Councilmember Butler seconded to have the secretary review the minutes and more accurately reflect what was said during the course of the discussion, particularly comments made by Councilmember Ryan, that Mayor Elliott and Councilmember Butler objected to, to be reflected in the record.

Councilmember Ryan stated if you insist on questioning the motives of another member of this Council for presenting an inconvenient fact in the context of having a frank, open discussion on a vital City issue, that could have a less than positive effect on the City Council's future discussions. He added if the body wants to go back and have a verbatim account of his comments, then so be it. He noted they are his words, and he stands by them.

Mr. Boganey stated, with regard to the motion itself, the way it was stated by the Mayor sounds as if the City Clerk would review the records and provide her interpretation of what she heard. He added he thinks that what the Mayor may have been asking for was a verbatim record of what was actually said, and not the City Clerk's interpretation. He noted the City Clerk can provide a verbatim record, but he is unsure whether the Mayor would want the City Clerk to interpret the City Councilmember's statements.

Mayor Elliott agreed that his motion would be to have the City Clerk incorporate the verbatim record into the minutes, for the City Council to vote on at its next meeting.

Councilmember Graves stated she thinks it would be helpful if the Mayor's comments and Councilmember Butler's comments were also transcribed verbatim, so the conversation in its

entirety would be included. She added she realizes that transcribing is very difficult, but she is in favor of getting the full conversation. Mayor Elliott agreed.

Motion passed unanimously.

11. COUNCIL REPORT

Councilmember Ryan expressed his appreciation to the City Council for moving forward with support for legislation in the U.S. Congress to make Juneteenth a national holiday. He added he looks forward to reviewing the Resolution from City Staff. He noted he hopes that the bill, introduced by U.S. Senators Corey Booker and Kamala Harris, passes the House and is signed into Law by the Senate.

Councilmember Graves stated on Friday June 19, 2020 she attended a meeting with the Mayor, City Staff and representatives from US Bank who have expressed an interest in helping entrepreneurs and microbusinesses in Brooklyn Center. She added this was a preliminary discussion, but it held a lot of promise. She thanked City Staff for pulling it together on short notice, and the Mayor for trying to move it forward to provide important resources for our small businesses, especially right now.

Councilmember Graves stated she attended a rally at Brooklyn Park City Hall, organized as a Juneteenth celebration and rally in support of ending police brutality. She added the event was well attended, and included individuals seeking office, as well as elected representatives from the area. She noted she spoke briefly and read a poem.

Councilmember Graves stated she attended a Slow Roll bike ride for black families organized by Free Black Dirt and other organizations. She added participants met at Theodore Wirth Park trailhead in North Minneapolis and road their bikes 16 miles to the George Floyd memorial site at 38th and Chicago, where George Floyd was murdered. She noted she was able to bring her son Israel and her daughter Jasmine.

Councilmember Graves stated she hoped everyone had a blessed Juneteenth weekend.

Mayor Elliott expressed gratitude to City Staff for pulling together the event on such short notice. He added the event was well-attended, and he thanked Councilmember Graves for attending and being a part of the discussion.

Mayor Elliott stated he attended a Juneteenth rally in Phelps Park in Minneapolis, organized by a group of young people. He added hundreds of people gathered to mourn and grieve the loss of George Floyd and thousands of other black bodies that have been brutalized by police officers across the United States. He noted, when he came back from the rally, he reflected on the energy that the young people had – the wisdom with which they spoke, how bright their eyes were, and how bright their future can and should be.

Mayor Elliott stated he thought about why it is that we have the highest inequalities, the highest gaps in housing, access to loans, education, health care, and other basic necessities. He added he looked at the book that was recommended by Councilmember Graves at the last meeting. He noted

it was eye-opening, as the author pointed out that it is no accident that we have the widest gaps in life outcomes for black people, and this is unacceptable and criminal.

Mayor Elliott stated it is a result of the racist system, and it emanates from that, and policies are set within that. He added it is not to make blame, but after four hundred years in this country of being slaves and creating wealth that they themselves could not enjoy, that they were robbed of, with disrespect, and having a lot of those inequalities continue to today, it is time to make a serious effort to make sure that policies are not making assumptions and marginalizing people, and shutting them out of opportunity.

Mayor Elliot stated we need to make sure that we are making a concerted effort to lift people up, instead of treating them as a disease. He added he is speaking about the City's black population, Asian population, and white population. He noted Dr. King's Poor Man's campaign was not about black or white, and we need to genuinely think about how we lift all the people up in our City, and make it our priority, and be a shining example to cities everywhere. He noted there are ways that the City has done that, and he applauds those efforts, but the inequalities are still so grave that we need to redouble our efforts.

Mayor Elliott thanked the City Council for all the actions they have taken so far, including the small business loan program, and other programs. He added he wants to call on the City Council to redouble, even triple our efforts, and make it our business to lift up people in our community, more than ever before. He noted we know that there is still work to be done.

12. ADJOURNMENT

Councilmember Lawrence-Anderson moved and Councilmember Graves seconded adjournment of the City Council meeting at 7:38 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 7/13/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

BY: Alix Bentrud, Deputy City Clerk

SUBJECT: Approval of Licenses

Background:

The following businesses/persons have applied for City licenses as noted. Each business/person has fulfilled the requirements of the City Ordinance governing respective licenses, submitted appropriate applications, and paid proper fees.

Applicants for rental dwelling licenses are in compliance with Chapter 12 of the City Code of Ordinances, unless comments are noted below the property address on the attached rental report.

Amusement Devices License

Mendota Valley Amusements Inc 6110 Brooklyn Blvd
DBA American Legion BC Brooklyn Center, MN 55430

Mendota Valley Amusements Inc 6845 Shingle Creek Pkwy
DBA MTCO Brooklyn Center, MN 55430

-

Garbage Hauler License

Randy's Sanitation PO Box 169
Delano, 55328

Mechanical Licenses

Air Express Inc PO Box 490400
Blaine, 55449

All Weather Heating & Cooling LLC 10216 5th Ave S
Bloomington, 55420

Boys Electric LLC 490 Villaume Ave
South St Paul, 55075

Clemco's Perfect Comfort LLC 13666 Alabama Ave S
Savage, 55378

Dependable Heating and Cooling 2619 Coon Rapids Blvd, Ste 101
Coon Rapids, 55433

Heating & Cooling Two Inc 18550 County Rd 81
Maple Grove, 55369

Innovative Mechanical LLC 5664 172nd LN NW
Ramsey, 55303

11050 26th St NE

M & D Plumbing & Heating	St Michael, 55376
Marsh Heating & A/C	6248 Lakeland Ave n Brooklyn Park, 55428
Metro Heating and Cooling	1220 Cope Ave E Maplewood 55109
Northland Mechanical Contr	9001 Science Center Dr New Hope, 55428
PB Services LLC	9410 Bataan St NE Blaine, 55449
Pierce Refrigeration	1920 2nd Ave S Anoka, 55303
Ridler Heating & Cooling Inc	3110 Washington Ave N Minneapolis 55411
Twin City Heating and Air DBA WJW Co	10600 University Ave NW Coon Rapids, 55448

Signhanger's Licenses

Mathey Sign	831 Coon Rapids Blvd Ext NW Coon Rapids, 55445
Resolution Graphics, Inc	3770 Dunlap St N Arden Hills, 55112

ATTACHMENTS:

Description	Upload Date	Type
7-13-2020 Rentals	7/7/2020	Backup Material
Rental Criteria	7/7/2020	Backup Material

Rental Licenses for Council Approval on July 13, 2020

Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
2606 64th Ave N	Single	Initial	Abdirashid Jama Arab	13	IV		IV	N/A
6336 Fremont Ave N	Single	Initial	Alexander Lang	2	II		II	N/A
5611 Knox Ave N	Single	Initial	Herman Ross / Pro Operum Sub XI	1	II		II	N/A
3512 Woodbine La	Single	Initial	HPA Borrower 2018-1 MS LLC	9	III		III	N/A
6001 Admiral Pl	Single	Renewal	IH3 Property - met requirements	0	I	0	I	III
6015 Aldrich Ave N	Single	Renewal	My Truong - met requirements	10	IV	0	IV	III
6029 Bryant Ave N	Single	Renewal	Stephen Yeboah - missing CFH	9	III	0	III	IV
5415 Emerson Ave N	Single	Renewal	MNSF II LLC - met requirements	10	IV	0	IV	III
6107 Emerson Ave N	Single	Renewal	Lydia Yeboah - met requirements	16	IV	0	IV	IV
6212 Kyle Ave N	Single	Renewal	Kristine Rousseau	8	III	0	III	I
2701 Ohenry Rd	Single	Renewal	Sherman Kho	5	II	0	II	II
6706 Toledo Ave N	Single	Renewal	Stephen Burson	4	II	0	II	II

* CFS = Calls For Service for Renewal Licenses Only (Initial Licenses are not applicable to calls for service and will be listed N/A.)

** License Type Being Issued

*** Initial licenses will not show Type 1 = 3 Year Type II = 2 Year Type III = 1 Year

All properties are current on City utilities and property taxes

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	Number of Units	Property Code Violations per Inspected Unit
Type I – 3 Year	1-2 units	0-2
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 2 but not more than 5
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 5 but not more than 9
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 9
	3+ units	Greater than 3

b. Police Service Calls.

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are “Family or household members” as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of “Domestic Abuse” as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

License Category	Number of Units	Validated Calls for Disorderly Conduct Service & Part I Crimes (Calls Per Unit/Year)
No Category Impact	1-2	0-1
	3-4 units	0-0.25
	5 or more units	0-0.35
Decrease 1 Category	1-2	Greater than 1 but not more than 3
	3-4 units	Greater than 0.25 but not more than 1
	5 or more units	Greater than 0.35 but not more than 0.50
Decrease 2 Categories	1-2	Greater than 3
	3-4 units	Greater than 1
	5 or more units	Greater than 0.50

Council Regular Meeting

DATE: 7/13/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Curt Boganey, City Manager

BY: Barb Suciu, City Clerk

SUBJECT: Resolution Appointing Election Judges for the 2020 Primary Election

Background:

Minnesota Statutes, Section 204B.21, subdivision 2, requires election judges to be appointed by the governing body at least 25 days before the election at which the election judges will serve. The deadline for the Primary Election is July 17, 2020.

Minnesota Statutes, Section 203B.121, provides that the absentee ballot board may include staff trained as election judges. Because the absentee ballot board accepts or rejects absentee ballots in such a timely manner, it is imperative that City Staff be appointed to the absentee ballot board.

Budget Issues:

No additional budget issues at this time.

Strategic Priorities and Values:

Enhanced Community Image, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Minnesota Statute 204B.21 subd. 2	7/6/2020	Backup Material
Judge Board Report	7/6/2020	Resolution Letter

204B.21 Subd. 2

Subd. 2. **Appointing authority; powers and duties.** Election judges for precincts in a municipality shall be appointed by the governing body of the municipality. Election judges for precincts in unorganized territory and for performing election-related duties assigned by the county auditor shall be appointed by the county board. Election judges for a precinct composed of two or more municipalities must be appointed by the governing body of the municipality or municipalities responsible for appointing election judges as provided in the agreement to combine for election purposes. Except as otherwise provided in this section, appointments shall be made from the list of voters who reside in each precinct, furnished pursuant to subdivision 1, subject to the eligibility requirements and other qualifications established or authorized under section 204B.19. At least two election judges in each precinct must be affiliated with different major political parties. If no lists have been furnished or if additional election judges are required after all listed names in that municipality have been exhausted, the appointing authority may appoint other individuals who meet the qualifications to serve as an election judge, including persons on the list furnished pursuant to subdivision 1 who indicated a willingness to travel to the municipality, and persons who are not affiliated with a major political party. An individual who is appointed from a source other than the list furnished pursuant to subdivision 1 must provide to the appointing authority the individual's major political party affiliation or a statement that the individual does not affiliate with any major political party. An individual who refuses to provide the individual's major political party affiliation or a statement that the individual does not affiliate with a major political party must not be appointed as an election judge. The appointments shall be made at least 25 days before the election at which the election judges will serve, except that the appointing authority may pass a resolution authorizing the appointment of additional election judges within the 25 days before the election if the appointing authority determines that additional election judges will be required.

2019 MINNESOTA ELECTION LAWS

203B.121 BALLOT BOARDS.

Amendment to subd. 4 is effective July 1, 2019

Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each county, municipality, and school district with responsibility to accept and reject absentee ballots must, by ordinance or resolution, establish a ballot board. The board must consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22. The board may include deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots.

(b) Each jurisdiction must pay a reasonable compensation to each member of that jurisdiction's ballot board for services rendered during an election.

(c) Except as otherwise provided by this section, all provisions of the Minnesota Election Law apply to a ballot board.

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

RESOLUTION APPOINTING ELECTION JUDGES FOR THE 2020 PRIMARY
ELECTION

WHEREAS, a Primary Election is August 11, 2020; and

WHEREAS, *Minn. Stat. 204B.21, subd. 2*, requires that persons serving as election judges be appointed by the Council at least 25 days before the election at which the election judges will serve.

BE IT RESOLVED by the City Council of the City of Brooklyn Center that the individuals named on the attached sheet and on file in the office of the City Clerk are appointed to perform the duties of election judge and/or be appointed as the Brooklyn Center Absentee Ballot Board election judges.

BE IT RESOLVED the City Council also appoints other individuals and all members appointed to the Hennepin County Absentee Ballot Board as authorized under *Minn. Stat. 204B.21, subd. 2*, under the direction of the City Clerk, to serve as members of the Brooklyn Center Absentee Ballot Board.

BE IT FURTHER RESOLVED that the City Clerk is with this, authorized to make any substitutions or additions as deemed necessary.

July 13, 2020
Date

Mayor

ATTEST:_____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Judge Board Report, 2020 Statewide Election

Primary Election, Tuesday, August 11, 2020

Allan Hancock, Election Judge
Alix Bentrud, City Staff
Andrea Bentrud, Head Judge
Anne C, Election Judge
Barb Suciu, City Staff
Beverly Truran, Election Judge
Carol Christians, Election Judge
Carolyn Green, Election Judge
Charlene Johnson, Election Judge
Charles Steinhaus, Election Judge
Chidiebere Esele, Election Judge
Christine Bonovsky, Election Judge
Cynthia Majors, City Staff
Diane Selchert, City Staff
Dale Perreault, Election Judge
David Erickson, Election Judge
Debbie Paine, Election Judge
Diane Visser, Election Judge
Don Bumgarner, Election Judge
Emma Alden-Connor, Election Judge
Gayle Merritt, Head Judge
Holly Saathoff, Election Judge
Ileen Sheeley, Election Judge
Jean Carlson, Election Judge
John Petersen, Election Judge
John Polz, Election Judge
Jon DeRosier, Election Judge
Joseph Jablonski, Election Judge
Karen Knutson, Election Judge
Karen Richter, Election Judge
Kelly Herrmann, Head Judge
Kenneth Bueckers, Election Judge
Lynn Bennethum, Election Judge
Lynne Johnston, Election Judge

Magdy Elyamany, Election Judge
Marjorie Adkisson, Election Judge
Mark Goodell, Head Judge
Mary Gersetich, Election Judge
Mary Laduke, Election Judge
Mia Rampi-Lambertz, Election Judge
Michele Bowler, Election Judge
Muriel Einberger, Election Judge
Owen Leonard, Election Judge
Patricia Humphrey, Election Judge
Paulette Shibley, Election Judge
Peggy Seibert, Election Judge
Philip Henrichs, Head Judge
Rebecca Crass, Election Judge
Samantha Bishop-Strand, Election Judge
Sandra Gunderson, Election Judge
Sandra Malcolm, Election Judge
Sara Huffman, Election Judge
Sarah Wilks, Head Judge
Sharon Krieger, Election Judge
Sheila Bear, City Staff
Stephen Long, Election Judge
Tamika Baskin, Election Judge
Taofeek Ishola, Election Judge
Tedd Bennethum, Election Judge
Terri Iverson, Election Judge
Tim Thorbus, Election Judge
Toby Phillips, Election Judge
Vanissa (Patti) Peterson, Election Judge
Wendi Einberger McDonough, Head Judge

Council Regular Meeting

DATE: 7/13/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Council Member Dan Ryan

SUBJECT: Resolution Supporting Federal Legislation Recognizing June 19th, Known as Juneteenth, as a National Holiday

Background:

At the June 22, 2020, Study Session there was discussion regarding the proposed Federal Legislation recognizing June 19th a national holiday. At that meeting there was consensus to bring a resolution to the council supporting this legislation.

After the resolution is approved, a copy of the resolution will be sent to all Federal Senators and Representatives.

Budget Issues:

None.

Strategic Priorities and Values:

Enhanced Community Image, Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/8/2020	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION SUPPORTING FEDERAL LEGISLATION RECOGNIZING JUNE 19th, KNOWN AS JUNETEENTH, AS A NATIONAL HOLIDAY

WHEREAS, June 19th, known as Juneteenth in recognition of June 19, 1865, the date on which slavery legally came to an end in the United States; and

WHEREAS, African-Americans who had been slaves in the Southwest celebrated June 19th as inspiration and encouragement for future generations; and

WHEREAS, African-Americans have continued the tradition of observing Juneteenth Independence Day for over 150 years; and

WHEREAS, 45 States and the District of Columbia have designated Juneteenth Independence Day as a special day of observance in recognition of emancipation of all slaves in the United States; and

WHEREAS, the faith and strength of character demonstrated by former slaves and descendants of former slaves remain an example for all people of the United States, regardless of background, religion, or race; and

WHEREAS, over the course of its history, the United States has grown into a symbol of democracy and freedom around the world; and

WHEREAS, currently there is Federal Legislation recognizing June 19th, known as Juneteenth, as a National Holiday; and

WHEREAS, this Brooklyn Center is in full support of this Federal Legislation.

THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that as a combined body, fully support the Federal Legislation Recognizing June 19th, known as Juneteenth, as a National Holiday and a copy of this resolution shall be forwarded on to the Federal Senators and Representatives.

July 13, 2020
Date

Mayor

ATTEST: _____
City Clerk

RESOLUTION NO. _____

The motion for the adoption of the foregoing resolution was duly seconded by member
and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 7/13/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

BY: Ginny McIntosh, City Planner / Zoning Administrator

SUBJECT: Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2020-003 Submitted by Jane Sharkey of Helena Autism Therapy Center, Inc. Requesting a Site Plan Amendment for Certain Parking Lot and Driveway Improvements (Located at 5637 Brooklyn Boulevard)

Background:

Jane Sharkey of Helena Autism Therapy Center, Inc, ("the Applicant") is requesting review and consideration of an application that would allow an amendment to the approved site plan for 5637 Brooklyn Boulevard ("the Subject Property") to re-configure the front parking area off the main entrance into a drop-off, and install a second driveway off Northport Drive.

The Subject Property consists of a three-story office building that was constructed in 1980 and related site improvements, and is situated on approximately 1.06 acres.

The Subject Property originally received site and building plan approval in 1979 under Planning Commission Application No. 79020 for construction of an approximately 14,850-square foot, three story office building, with its intended primary use as a law office. The Applicant relocated Helena Autism Therapy Center from Fridley to the Subject Property in 2019 following issuance of a Special Use Permit to operate said business and install an ancillary outdoor playground for clients.

The Applicant indicated around time of application for the Special Use Permit that they foresaw changes in the future to the front parking area, located in front of the main doors, and installation of a new secondary driveway. These requests were put on hold so that the Applicant could address the major need at the time, which was the outdoor playground.

The Planning Commission reviewed this request at their meeting via Webex on June 11, 2020. Although site and building plan amendments do not require a public hearing to be held, City staff mailed notifications to property owners in proximity to the Subject Property due to plans for installation of the second driveway adjacent to a residential neighborhood. No comments were received from the public prior to or at the meeting, although Jane Sharkey, Applicant, was available for questions.

The Commissioners asked if there were plans to install a stop sign at the location of the new driveway off Northport Drive, which is intended to streamline the drop off process by serving as a one-way exit from the Subject Property. Additional questions were asked about the intent to install signage indicating that the driveway is a one-way, and that it is not an entrance off Northport Drive. There was a sense that users of nearby Northport Park might utilize the driveway as a cut-through, but overall the request was generally well-received and the Planning Commission ultimately made a recommendation to unanimously (6-0) recommend approval of Planning Commission Application No. 2020-003 for a site plan amendment to

address certain parking lot and driveway improvements at the Subject Property, located at 5637 Brooklyn Boulevard.

Attached for your review are copies of the June 11, 2020 staff report, an excerpt of the draft Planning Commission minutes, and a draft copy of the Council resolution.

Budget Issues:

None to consider at this time.

Strategic Priorities and Values:

Enhanced Community Image, Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
PC Staff Report and Exhibits - 5637 Brooklyn Boulevard Site Plan Amendment	7/7/2020	Backup Material
Draft Excerpt of June 11, 2020 PC Meeting Minutes (PC App. No. 2020-003)	7/7/2020	Backup Material
Resolution-Disposition of Planning Commission Application No. 2020-003, Submitted by Jane Sharkey of Helena Autism Therapy Center, Inc. Requesting a Site Plan Amendment for Certain Parking Lot and Driveway Improvements (5637 Brooklyn Boulevard)	7/7/2020	Resolution Letter

Planning Commission Report

Meeting Date: June 11, 2020

- Application Filed: 05/28/2020
- Review Period (60-day) Deadline: 07/27/2020
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No. 2020-003
Applicant: Jane Sharkey (Helena Autism Therapy Center, Inc.)
Location: 5637 Brooklyn Boulevard
Request: Site Plan Amendment

INTRODUCTION

Jane Sharkey of Helena Autism Therapy Center, Inc, ("the Applicant") is requesting review and consideration of an application that would allow an amendment to the approved site plan for 5637 Brooklyn Boulevard ("the Subject Property"). The Subject Property consists of a three-story, multi-tenant building that was constructed in 1980 and related site improvements, and is situated on approximately 1.06 acres (see Map 1 below).

The Subject Property originally received site and building plan approval in 1979 under Planning Commission Application No. 79020 for construction of an approximately 14,850-square foot, three story office building, with its intended primary use as a law office. Approval of the site and building plan also included approvals for a landscape plan, installation of an underground irrigation system, and automatic fire extinguishing system. The building also functioned as a multi-tenant office space for a time and was formerly home to Masjid Al-Ansar Islamic Center until the Applicant's purchase of the Subject Property.

The Applicant was previously located in Fridley, but relocated to Brooklyn Center following issuance of a Special Use Permit to operate an autism therapy center and ancillary outdoor playground at the Subject Property in 2019 under City Council Resolution No. 2019-056.

Site Plan Amendments do not require a public hearing; however, due to the proximity of other residential properties and the proposed secondary driveway, City staff sent mail notifications to neighboring properties informing them of the requests. As of the date of this Staff Report, City staff has received no communication from any of the neighboring properties.



Map 1. Subject Property Location (5637 Brooklyn Boulevard).



Image 1. Exterior Image of Subject Property from Brooklyn Boulevard Frontage Road (5637 Brooklyn Boulevard).



Image 2. Exterior Image of Subject Property / Facing Northeast (5637 Brooklyn Boulevard).



Image 3. Exterior Image of Subject Property from Northport Drive/Facing East (5637 Brooklyn Boulevard).

COMPREHENSIVE PLAN AND ZONING STANDARDS

2040 Land Use Plan: Neighborhood-Mixed Use/N-MU (15.01-31 DU/Ac.)

Neighborhood: Northport

Current Zoning: C1 (Service/Office) District

Surrounding Zoning: North: R1 (Single Family Residence) District
East: Brooklyn Boulevard and C2 (Commerce) District
South: C1 (Service/Office) District
West: Northport Park and R1 (Single Family Residence) District

Site Area: Approximately 1.06 Acres

SITE PLAN AMENDMENT

Background on Autism Therapy Center and Operations

The Applicant previously leased space in Fridley for the Helena Autism Therapy Center from 2012 until relocating to Brooklyn Center in 2019, as they were unable to obtain permission to construct an outdoor playground at their location in Fridley. The Autism Center primarily serves clients that are two (2) to seven (7) years in age who have a medical diagnosis of Autism Spectrum Disorder (ASD) or other diagnoses. Services are also provided to family members of children on the Autism Spectrum Disorder, which would occur either at the Center or within their homes.

Children receiving services from the Helena Autism Therapy Center typically spend 20 hours per week at

the clinic where group treatment modalities, including art and music classes, are provided to model typical academic settings. The Center also provides speech and occupational therapy.

At time of the Applicant's application for issuance of a Special Use Permit last year, it was indicated that the Center would employ approximately 32 on-site employees. An additional 10 staff and a manager are employed under a DBA ("Doing Business As") called, "Helena Family Support." The DBA staff typically provides services off-site with the exception of regular once per week meetings and other scheduled meetings as needed at the Subject Property.

The Center typically hosts 20 children during the morning program, and another 20 children during the afternoon program, with proposed operating hours of 7:45 a.m. to 5:30 p.m., Monday through Friday. Children are either dropped off by their parents or guardians, or transported by Medical Assistance carriers. No transportation vehicles are stored on site of the Subject Property per the Applicant.

Conversion of Front Parking Area to Drop Off

The Applicant indicated around time of application for the Special Use Permit that they foresaw changes in the future to the front parking area, located in front of the main doors, and installation of a new secondary driveway. These requests were put on hold so that the Applicant could address the major need at the time, which was an outdoor playground.

The Applicant provided the below proposal (Image 4) which denotes a re-configuration of the front parking area from 90-degree, perpendicular parking spaces to a parallel parked drop-off area. The primary reason for this request is to address concerns relating to the safety of young clients who are dropped off each day by parents, guardians, or Medical Assistance carriers.



Image 4. Site Plan Layout of Subject Property with Proposed Drop-off Area and Secondary Driveway (5637 Brooklyn Boulevard).

City staff provided commentary on proposed alterations to the site plan in August 2019 and February 2020. Based on discussions with the Applicant, the following comments were provided in Image 5 and

below:

1. "No Parking" signage to be installed for any yellow striped areas;
2. Stripe five (5) feet out from existing curb to allow clients to navigate to the sidewalk/entrance;
3. Install signage for "Dropoff/Pickup Only-5 Minutes" in front drop-off area;
4. Strip four (4) feet on exterior of drop-off lane for no parking; and
5. Drop-off area to maintain a minimum nine (9) foot width for vehicles.

Although the Applicant originally proposed putting up temporary cones on the exterior of the drop-off area, along the drive aisle, City staff expressed concerns that they would be run over by drivers wanting to leave before the car in front of them left. City staff also emphasized that vehicles cannot block the required ADA parking stalls located at the northeast corner of the parking lot.

The Applicant would need to maintain a minimum 24-foot wide drive aisle through the main portion of the parking lot and ensure the parking spaces located along the southern edge of the lot maintain an 18-foot parking space depth.

Installation of Secondary Driveway off Northport Drive

As part of the request for a drop-off area, the Applicant requested permission to install a second driveway off Northport Drive. As the Subject Property's parking lot is located on a hill (see Images 2 and 3 above), the Applicant has made this request to minimize instances where vehicles are required to turn around to exit. The proposed driveway is 14 feet in width; however, City staff has requested the width be reduced to 12 feet. Signage should also be provided indicating that the drive is a "One Way Exit" only and "No Entrance" to minimize instances of any cut through traffic or drivers being unable to enter the drop-off lane due to entering from the wrong direction. See City staff comments in Image 5 below.

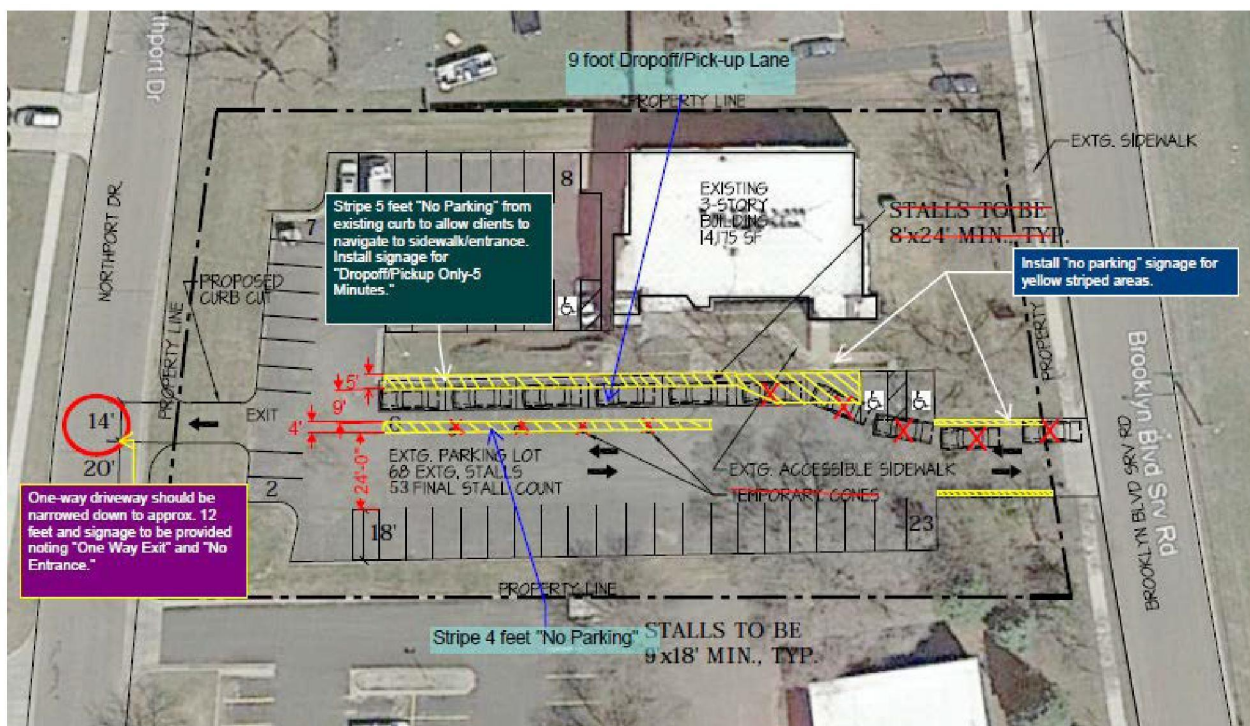


Image 5. City Staff Comments on Proposed Drop-off Area and Secondary Driveway (5637 Brooklyn Boulevard).

As proposed, the new drop-off area and driveway would result in a loss of approximately 15-16 parking spaces, depending on how closely cars queue. The driveway would exit out onto Northport Drive, which is a low traffic, residential street that routes south and to the east to the Brooklyn Boulevard Frontage Road, and north to 58th Avenue North/Bass Lake Road. The nearest driveways in proximity to the proposed new curb cut belong to the Girl Scout property to the south (5601 Brooklyn Boulevard), the main parking lot for Northport Park, and a residential home located at 5637 Northport Drive.

Assistant City Engineer Andrew Hogg noted in a memorandum dated June 3, 2020 (Exhibit B) that the perimeters of all driving and parking areas would need to be bound by cast-in-place concrete curb and gutter that conforms to Minnesota Highway "B6-12." The Applicant would also need to install the proposed secondary driveway per City Driveway Standard Plate. It was indicated that, "should it become apparent that drivers dropping off clients are utilizing the one-way entrance off Northport Drive as an access entrance thus creating a safety hazard, the Applicant shall widen the entrance to 24 feet to allow for two-way access."

Additionally, the Applicant would need to submit an updated striping plan reflecting the re-configuration of the front parking spaces and no parking areas, and provide a site parking orientation/seasonal maintenance plan that outlines how the parking lot and walking areas of the drop off area are to be maintained and kept clear, as the Applicant did not want to install a sidewalk along the drop off area.

Other Considerations

The Applicant will also want to ensure the Subject Property remains in compliance with all other original site and building plan approvals, as noted under PC Application No. 79020. For instance, as a landscape plan was approved, the Applicant would need to verify by inventory that the existing landscaping is still in compliance. If trees or shrubs were removed to make way for the proposed playground or other improvements, the Applicant will need to propose replacement landscaping to make up for the deficiency that is in compliance with the originally approved landscape plan and the City's Landscape Point System Policy standards (e.g., caliper sizing).

Upon a visit to the site, City staff noted that the existing trash dumpster appears to not be fully enclosed. As part of any approval, and per City Code, the Applicant will be required to fully enclose the dumpster with opaque front doors.

APPROVAL CONDITIONS:

Staff recommends the following conditions be attached to any positive recommendation on the approval of Application No. 2020-003 for 5637 Brooklyn Boulevard (Subject Property):

- a. Any major changes or modifications made to the Subject Property can only be made either through the City's Building Permit process or through formal Site and Building Plan review by the City.
- b. The Applicant shall comply with all comments outlined in the memorandum prepared by Assistant City Engineer Andrew Hogg on June 3, 2020 (Exhibit B); including preparation of a striping plan prior to re-striping the drop off area, and coordination with the Assistant City Engineer in obtaining any required Driveway Permit from the City for installation.
- c. The Applicant will continue to operate the Subject Property in conformance with the conditions of approval as granted by City Council for Planning Commission Application

Nos. 79020 and 2019-004 (City Council Resolution No. 2019-056).

RECOMMENDATION

City staff recommends the Planning Commission recommend City Council approval of Planning Commission Application No. 2020-003 for the requested site plan amendment to allow for the re-configuration of the front parking area into a drop-off and installation of a second driveway off Northport Drive for the Subject Property located at 5637 Brooklyn Boulevard (Subject Property); subject to the Applicant complying with the comments outlined in the Approval Conditions noted above.

Attachments

Exhibit A- Application for Special Use Permit Request, prepared by Jane Sharkey (Helena Autism Therapy Center, Inc).

Exhibit B- Memorandum and Exhibits, prepared by Assistant City Engineer Andrew Hogg, and dated June 3, 2020.



For Office Use Only

Date Received: _____
 Date Application Complete: _____
 Letter of Completeness: _____
 PC App No. _____

2020 Planning Commission Application

Applicant Information:

Name: HELENA AUTISM THERAPY CENTER, INC and DBA HELENA FAMILY SUPPORT, INC
 Address: 5637 BROOKLYN CENTER SERVICE RD, BROOKLYN CENTER, MN 55429
 Office Phone: 763-432-3926 Cell: 9524844885
 Email: janesharkey@yahoo.com FAX: 763-9512132

Property Owner Information* (if different from Applicant):

Name: JANE SHARKEY
 Property Owner Address: 13537 WINDYHILL ROAD, MINNETONKA, MN 55305
 Office Phone: SAA Cell: SAA
 Email: SAA FAX: SAA

Project Information:

Provide a general description of your project and request(s): _____
RESTRIPE PARKING LOT CLOSEST TO THE BUILDING ON THE NORTH SIDE OF THE PARKING LOT
DRAWING ATTACHED

Address/Location of Property: 5637 BROOKLYN BOULEVARD SERVICE ROAD, BROOKLYN CENTER, MN 554
 Legal Description of Property: _____

Application Type (Mark all that Apply)

☐	Comprehensive Plan Amendment	\$1,050	☐	Appeal	\$200
☐	Rezoning	\$1,050	☐	Zoning Code Text Amendment	\$500
☒	Special/Interim Use Permit	\$250	☐	Special/Interim Use Permit Amendment	\$150
☐	Site and Building Plan Review	\$750	☐	Variance	\$200
☐	Planned Unit Development	\$1,800	☐	Planned Unit Development Amendment	\$700
☐	Preliminary Plat	\$400	☐	Final Plat	\$200

IMPORTANT: All applications may be subject to additional fees for reimbursement of costs incurred by the City for filing, reviewing, and processing applications in the form of an escrow to the City.

Application Fee: \$ 250.00 Escrow Amount: \$ _____ Receipt No: _____

Acknowledgement and Signature:

The undersigned acknowledges that they understand that before a Planning Commission application can be deemed complete, all required fees and escrows must be paid to the City. By signing and submitting this application, the Applicant agrees to pay to the City of Brooklyn Center the actual costs incurred for expenses reasonably and necessarily required by the City for the review, filing, and processing of the application. Such costs will be in addition to the application fee described herein. Withdrawal of the application will not relieve the applicant of the obligation to pay costs incurred prior to withdrawal. Any administrative fees paid as part of the submission of this application are nonrefundable.



Property Owner Signature (Required)

04.21.2020
Date

Applicant Signature (If different than Property Owner)

Date

MEMORANDUM

DATE: June 3, 2020
TO: Ginny McIntosh, City Planner/Zoning Administrator
FROM: Andrew Hogg, Assistant City Engineer
SUBJECT: Site Plan Review - 5637 Brooklyn Blvd

Public Works Department staff reviewed the following documents submitted for review on April 22, 2020, for the 5637 Brooklyn Blvd - Autism Center improvements:

- Site Plan dated April 22, 2020 (labeled Exhibit A)

Subject to final staff Site Plan approval, the referenced plans must be revised in accordance with the following comments/revisions and approved prior to issuance of Special Use Permit:

Site Plan

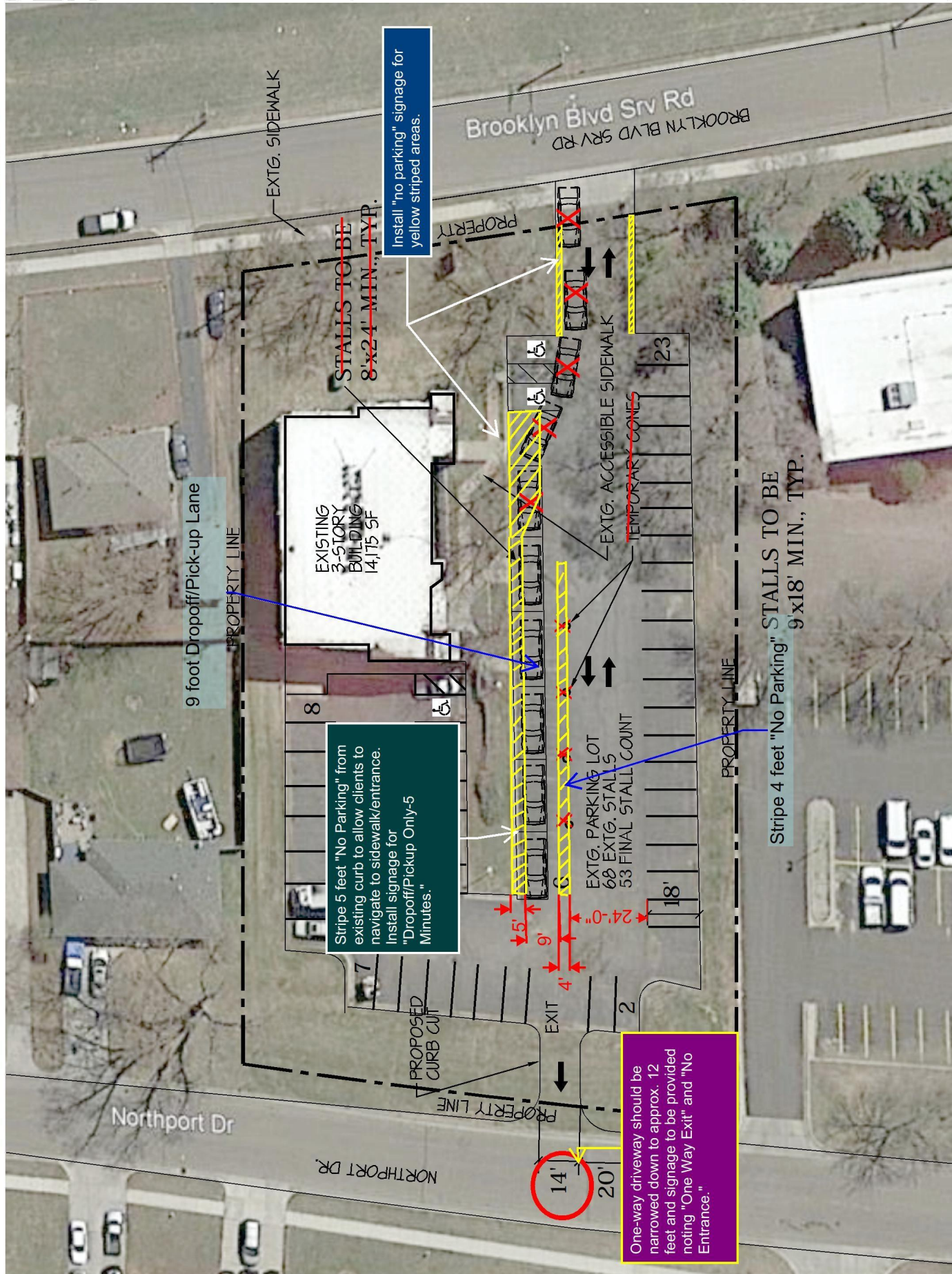
1. The perimeters of all driving and parking areas shall be bounded by cast-in-place concrete curb and gutter which confirms with the Minnesota Highway Type "B6-12".
2. Applicant shall install access to Northport Drive per City Driveway Standard Plate. Per Fire Department, curbs along driveway should be painted yellow. Driveway access on to Northport Drive shall be no wider than 12' and signage indicating 'no access/exit only' should be installed to eliminate cut thru traffic. Should it become apparent the drivers dropping off clients to the property are utilizing the one-way entrance off Northport Drive as an access entrance thus creating a safety hazard; the applicant shall widen the entrance to 24' to allow for two-way access.
3. Applicant shall submit an updated striping plan.
4. Site Parking Operational/Seasonal Maintenance plan shall be submitted to help increase the safety of the parking lot operations.
5. See additional sketch for comments. (labeled Exhibit B)

The aforementioned comments are provided based on the information submitted by the applicant at the time of this review. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City.



1 SITE PLAN - PROPOSED NEW CURB CUT

1"=40'-0"



Commissioner
moved its adoption:

introduced the following resolution and

PLANNING COMMISSION RESOLUTION NO. 2020-003

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2020-003 SUBMITTED BY JANE SHARKEY OF HELENA AUTISM THERAPY CENTER, INC. REQUESTING A SITE PLAN AMENDMENT FOR CERTAIN PARKING LOT AND DRIVEWAY IMPROVEMENTS (LOCATED AT 5637 BROOKLYN BOULEVARD)

WHEREAS, “the Subject Property,” located at 5637 Brooklyn Boulevard, originally received site and building plan approval in 1979 under Planning Commission Application No. 79020 for construction of a three story, approximately 14,850-square foot multi-tenant building on 1.06 acres, and was constructed in 1980 with related site improvements; and

WHEREAS, Jane Sharkey of Helena Autism Therapy Center, Inc. (“the Applicant”) submitted Planning Commission Application No. 2019-004 in March 2019 for review and consideration of a Special Use Permit to operate an autism therapy center and ancillary outdoor playground; and

WHEREAS, the City Council approved said request at their meeting on March 25, 2019 under City Council Resolution No. 2019-056; and

WHEREAS, under Planning Commission Application No. 2020-003, the Applicant now requests review and consideration of a site plan amendment that would allow for the re-configuration of the front parking area into a dedicated drop-off and installation of a second driveway off Northport Drive for the Subject Property located at 5637 Brooklyn Boulevard; and

WHEREAS, the proposed drop-off area and secondary driveway are intended to streamline the drop off and pick up process for the Helena Autism Therapy Center’s young clients for their morning and afternoon programs, increase safety through orienting vehicles along the front entrance, minimizing the need for vehicles to turn around, and decreasing vehicular activity near the main entrance to the building; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a meeting on June 11, 2020 to fully consider Planning Commission Application No. 2020-003, received and reviewed a planning report, a memorandum from the Assistant City Engineer, and site plan exhibit outlining the proposed alterations; and

WHEREAS, in light of all testimony received, and utilizing the guidelines and standards for evaluating site and building plans, as contained in Section 35-230 (Plan Approval) of the City’s Zoning Ordinance, along with consideration of the goals and objectives of the City’s 2040 Comprehensive Plan, the Planning Commission considers the proposed site plan amendment an appropriate and reasonable improvement of the Subject Property.

PC RESOLUTION NO. 2020-003

NOW, THEREFORE, BE IT RESOLVED by the Planning Advisory Commission of the City of Brooklyn Center, Minnesota to recommend to City Council that the site plan amendment, as comprehended under Planning Commission Application No. 2020-003, be approved based on the following considerations:

- A. The Site Plan is compatible with the standards, purposes, and intent of the City's Zoning Ordinance;
- B. The improvements and utilization of the Subject Property as contemplated in the provided site plan are considered a reasonable use of the Subject Property, are intended to address safety concerns, and will conform with ordinance standards;
- C. The Site Plan amendment is considered to be consistent with the recommendations of the City's Comprehensive Plan for this area of the City;
- D. The Site Plan amendment appears to be a good long range use and investment of the existing land and the proposed parking lot and driveway improvements can be considered an asset to the community; and
- E. Based upon the above considerations, it is believed that the guidelines for evaluating and approving a Site and Building Plan as contained in Section 35-230 (Plan Approval) of the City's Zoning Ordinance are met and the site proposal is, therefore, in the best interest of the community.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Brooklyn Center, Minnesota to recommend to the City Council that Planning Commission Application No. 2020-003, submitted by Jane Sharkey of Helena Autism Therapy Center, Inc. be approved based upon the following conditions and considerations:

- 1. Any major changes or modifications made to the Subject Property can only be made either through the City's Building Permit process or through formal Site and Building Plan review by the City.
- 2. The Applicant shall comply with all comments outlined in the memorandum prepared by Assistant City Engineer Andrew Hogg on June 3, 2020; including preparation of a striping plan prior to re-striping the designated drop off area, and coordination with the Assistant City Engineer in obtaining any required Driveway Permit from the City for installation of the second driveway.
- 3. The Applicant will continue to operate the Subject Property in conformance with the conditions of approval as granted by City Council for Planning Commission Application Nos. 79020 and 2019-004 (City Council Resolution No. 2019-056).

PC RESOLUTION NO. 2020-003

June 11, 2020

Date

Randall Christensen, Chair

ATTEST: _____
Ginny McIntosh, Secretary

The motion for the adoption of the foregoing resolution was duly seconded by member and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

MINUTES OF THE PROCEEDINGS OF THE PLANNING COMMISSION
OF THE CITY OF BROOKLYN CENTER IN THE COUNTY OF
HENNEPIN AND THE STATE OF MINNESOTA

JUNE 11, 2020

1. CALL TO ORDER

The Planning Commission meeting was called to order by Chair Christensen at 7:00 p.m. The meeting was conducted via Webex.

2. ROLL CALL

Chair Randall Christensen, Commissioners Alexander Koenig, Jack MacMillan, Stephen Schonning, Rochelle Sweeney, and Susan Tade were present. Commissioner Peter Omari was not present on the Webex meeting and unexcused. City Planner and Zoning Administrator Ginny McIntosh, Community Development Director Meg Beekman, and City Attorney Troy Gilchrist were also present.

3. APPROVAL OF AGENDA – JUNE 11, 2020

There was a motion by Commissioner Tade, seconded by Commissioner MacMillan, to approve the agenda for the June 11, 2020 meeting as presented. The motion passed 6-0.

4. APPROVAL OF MINUTES – MAY 14, 2020

There was a motion by Commissioner Koenig, seconded by Commissioner Tade, to approve the minutes of the May 14, 2020 meeting as presented. The motion passed unanimously.

5. CHAIR'S EXPLANATION

Chair Christensen explained the Planning Commission's role as an advisory body. One of the Commission's functions is to hold public hearings. In the matters concerned in these hearings, the Commission makes recommendations to the City Council. The City Council makes all final decisions in these matters.

6. PLANNING ITEMS

6a) Planning Commission Application No. 2020-003

Applicant: Jane Sharkey | Helena Autism Therapy Center

Project Location: Site Plan Amendment

Summary: The Applicant is requesting review and consideration of a site plan amendment to allow for the re-configuration of the front parking area into a drop-off and installation of a second driveway off Northport Drive.

City Planner Ginny McIntosh reviewed a request for a site plan amendment for 5637 Brooklyn Boulevard. This property came before the Planning Commission last year for issuance of a Special Use Permit to operate the autism center and provide an ancillary outdoor playground for clients. She added the application was submitted by Jane Sharkey of Helena Autism Therapy Center for an amendment to the site plan for the property, which was originally developed as a 3-story office building in 1980. She noted the amendment relates to requests to re-configure the front parking area into a drop-off and installation of a second driveway off Northport Drive.

Ms. McIntosh stated the applicant relocated to Brooklyn Center from their previous location in Fridley. Although site and building plan requests do not require public notification, City staff released notifications to nearby properties due to the request for a second driveway. The area proposed for a second driveway is in proximity to a residential neighborhood and the main parking lot for Northport Park. To date, no comments have been received.

Ms. McIntosh stated the Autism Therapy Center serves clients 2 to 7 years of age with a medical diagnoses of Autism Spectrum Disorder, and provides group treatment, music classes, and speech therapy, in addition to other services. The Autism Therapy Center accommodates approximately 20 students for the morning session and 20 students for the afternoon session. She noted there are approximately 32 on-site employees and 10 additional staff who primarily work off-site.

Ms. McIntosh stated the applicant wants to alter the front parking area and install a second driveway to address safety concerns. She added the front parking spaces would be re-configured to parallel parking spaces to address safety issues during student pickups and drop offs. She noted the second driveway, to be constructed at Northport Drive, is desired to minimize instances of cars having to turn around in the lower parking lot and drive back past the main entrance. The driveway would likely be added later in the summer.

Ms. McIntosh stated the applicant does not want to add a sidewalk due to the slope of the property. She added City Staff is requiring a 5-foot buffer from the edge of the existing curb out, to allow space for clients to walk to the main entrance upon exiting a vehicle. She noted a buffer on the outer edge of the drive lane is called out, and a minimum 24-foot wide drive aisle would need to be maintained.

Ms. McIntosh stated City engineering staff reviewed the site plan and recommended that the proposed 14-foot driveway be narrowed down to 12 feet and signage added indicating that it is a one-way driveway in an effort to prevent cut-through traffic.

Ms. McIntosh reviewed the conditions of approval with the Planning Commissioners, including a requirement outlining the preparation and submittal of a re-striping plan. She added the applicant must obtain a driveway permit from the City before installing the second driveway. She noted all the original site and building plan conditions remain in place and if deficiencies exist, such as missing landscaping, they are to be replaced.

Ms. McIntosh stated City Staff recommends that the Planning Commission recommend City Council approval of Planning Commission Application No. 2020-003, submitted by Jane

Sharkey of Helena Autism Therapy Center, for the requested site plan amendment to allow for re-configuration of the front parking area into a drop-off and installation of second driveway entrance off Northport Drive for the subject property located at 5637 Brooklyn Boulevard. This is subject to the conditions outlined in the associated resolution and staff report.

Chair Christensen called for questions of City Staff from the Commissioners.

Commissioner MacMillan asked whether a stop sign is planned at Northport Drive. Ms. McIntosh stated that this could be discussed with the applicant, as it would be on private property.

Chair Christensen asked whether there will be a sign visible from Northport Drive indicating that it is a one-way drive, and the Northport Drive access is an exit only. Ms. McIntosh stated engineering staff requested signage on both sides of the second driveway, indicating no entrance on one side and the one way exit on the other.

Commissioner Koenig stated he supports Commissioner MacMillan's suggestion of a stop sign off Northport Drive. He believes drivers will cut through the parking lot, when they are leaving the nearby park. He noted he understands that is a residual effect that cannot be controlled.

Commissioner Koenig also expressed his support of the plans, adding this will increase safety for the center's operations and its clients.

Chair Christensen expressed his support of the plans to widen access to the building, which will also make snow removal easier.

Ms. McIntosh stated the applicant, Jane Sharkey, was on the meeting and available for questions from the Commissioners.

Commissioner Koenig commended Ms. Sharkey on the excellent work of the Autism Therapy Center. He asked how things are going.

Jane Sharkey stated the Center is doing well, having re-opened on Monday June 8, 2020 after being closed for a few months during the COVID-19 pandemic. She added staff are doing health screenings on students and their drivers as they arrive at the building, and the new driveway and drop off will help facilitate that. She noted the students love having the playground.

Chair Christensen asked whether there is adequate parking for staff. Ms. Sharkey stated there is ample room in the parking lot to make these changes, and still accommodate staff parking in the upper level parking area. She encouraged the Commissioners to stop in and take a tour.

Commissioner Koenig stated he lives in this neighborhood, and he has been impressed with how the building has been enhanced to accommodate the Autism Center.

Ms. Sharkey stated the HVAC system in the entire building was recently replaced for approximately \$200,000, and the new heating and cooling systems are up and running.

ACTION TO RECOMMEND APPROVAL OF PLANNING COMMISSION RESOLUTION NO. 2020-003 REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2020-003 SUBMITTED BY JANE SHARKEY FOR THE HELENA AUTISM THERAPY CENTER.

There was a motion by Commissioner MacMillan, seconded by Commissioner Koenig, to approve Planning Commission RESOLUTION NO. 2020-003 regarding Planning Commission Application No. 2020-003 submitted by Jane Sharkey of Helena Autism Therapy Center, for a requested site plan amendment to allow for re-configuration of the front parking area into a drop-off and installation of second driveway entrance off Northport Drive for the subject property located at 5637 Brooklyn Boulevard, subject to conditions as outlined in the resolution.

Voting in favor: Chair Christensen, Commissioners, Koenig, MacMillan, Schonning, Sweeney, and Tade.

And the following voted against the same: None

The motion passed 6-0.

7. DISCUSSION ITEMS

7a) City Council Update

Ms. McIntosh reviewed the Planning Commission items that were discussed at the City Council's May 8, 2020 meeting, including the Planned Unit Development (PUD) amendment for Shingle Creek Crossing. She added the amendment was proposed by property owner Shingle Creek LLC/Gatlin Development Co. Inc. to remove constraints for restaurant uses only on four of the remaining vacant lots in the PUD, including Building Site E. The amendment further requested changes to the PUD Declarations for certain uses and updates to Building Site E to accommodate a potential standalone car wash. She noted this request was reviewed by the Planning Commission and recommended for City Council approval.

Ms. McIntosh added the City Council had a lengthy discussion, similar to that of the Planning Commission, and the request passed on a 3-1 vote, with an opposing vote from Mayor Elliott. She noted the car wash application has been received by City Staff and is scheduled for review at the Planning Commission's July 2020 meeting.

Ms. McIntosh stated there will be focus and attention on this application, as indicated by the questions and concerns related to location and aesthetics.

Ms. McIntosh stated the preliminary development agreement for C Alan Homes was scheduled to be discussed at the EDA meeting, but the City Council has a policy to end meetings at 10:00 p.m. unless Council makes a motion to continue, so this item will be addressed at the next City Council meeting.

Ms. McIntosh stated the City Council had a lengthy discussion regarding new Commissioners and re-appointments. She added the Mayor appointed four new Planning Commissioners, who

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2020-003 SUBMITTED BY JANE SHARKEY OF HELENA AUTISM THERAPY CENTER, INC. REQUESTING A SITE PLAN AMENDMENT FOR CERTAIN PARKING LOT AND DRIVEWAY IMPROVEMENTS (LOCATED AT 5637 BROOKLYN BOULEVARD)

WHEREAS, “the Subject Property,” located at 5637 Brooklyn Boulevard, originally received site and building plan approval in 1979 under Planning Commission Application No. 79020 for construction of a three story, approximately 14,850-square foot multi-tenant building on 1.06 acres, and was constructed in 1980 with related site improvements; and

WHEREAS, Jane Sharkey of Helena Autism Therapy Center, Inc. (“the Applicant”) submitted Planning Commission Application No. 2019-004 in March 2019 for review and consideration of a Special Use Permit to operate an autism therapy center and ancillary outdoor playground; and

WHEREAS, the City Council approved said request at their meeting on March 25, 2019 under City Council Resolution No. 2019-056; and

WHEREAS, under Planning Commission Application No. 2020-003, the Applicant now requests review and consideration of a site plan amendment that would allow for the re-configuration of the front parking area into a dedicated drop-off and installation of a second driveway off Northport Drive for the Subject Property located at 5637 Brooklyn Boulevard; and

WHEREAS, the proposed drop-off area and secondary driveway are intended to streamline the drop off and pick up process for the Helena Autism Therapy Center’s young clients for their morning and afternoon programs, increase safety through orienting vehicles along the front entrance, minimize the need for vehicles to turn around, and decrease vehicular activity near the main entrance to the building; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a meeting on June 11, 2020 to fully consider Planning Commission Application No. 2020-003, received and reviewed a planning report, a memorandum from the Assistant City Engineer, and site plan exhibit outlining the proposed alterations; and

WHEREAS, in light of all testimony received, and utilizing the guidelines and standards for evaluating site and building plans, as contained in Section 35-230 (Plan Approval) of the City’s Zoning Ordinance, along with consideration of the goals and objectives of the City’s 2040 Comprehensive Plan, the Planning Commission considers the proposed site plan amendment an appropriate and reasonable improvement of the Subject Property.

RESOLUTION NO.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota to recommend that the site plan amendment, as comprehended under Planning Commission Application No. 2020-003, be approved based on the following considerations:

- A. The Site Plan is compatible with the standards, purposes, and intent of the City's Zoning Ordinance;
- B. The improvements and utilization of the Subject Property as contemplated in the provided site plan are considered a reasonable use of the Subject Property, are intended to address safety concerns, and will conform with ordinance standards;
- C. The Site Plan amendment is considered to be consistent with the recommendations of the City's Comprehensive Plan for this area of the City;
- D. The Site Plan amendment appears to be a good long range use and investment of the existing land and the proposed parking lot and driveway improvements can be considered an asset to the community; and
- E. Based upon the above considerations, it is believed that the guidelines for evaluating and approving a Site and Building Plan as contained in Section 35-230 (Plan Approval) of the City's Zoning Ordinance are met and the site proposal is, therefore, in the best interest of the community.

BE IT FURTHER RESOLVED by the City Council of the City of Brooklyn Center, Minnesota to recommend that Planning Commission Application No. 2020-003, submitted by Jane Sharkey of Helena Autism Therapy Center, Inc. be approved based upon the following conditions and considerations:

- 1. Any major changes or modifications made to the Subject Property can only be made either through the City's Building Permit process or through formal Site and Building Plan review by the City.
- 2. The Applicant shall comply with all comments outlined in the memorandum prepared by Assistant City Engineer Andrew Hogg on June 3, 2020; including preparation of a striping plan prior to re-striping the designated drop off area, and coordination with the Assistant City Engineer in obtaining any required Driveway Permit from the City for installation of the second driveway.
- 3. The Applicant will continue to operate the Subject Property in conformance with the conditions of approval as granted by City Council for Planning Commission Application Nos. 79020 and 2019-004 (City Council Resolution No. 2019-056).

RESOLUTION NO.

July 13, 2020

Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
and upon vote being taken thereon, the following voted in favor thereof:
and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.



ACTIVE DISCUSSION ITEMS

1. Change the Name of Earle Brown Heritage Center, Earle Brown Drive and Earle Brown Days

PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items
 - Strategic Plans for years 2018-2020 and 2021-2023
 - Discussion of Mayor/City Council roles & responsibilities (CommonSense Inc.)
 - Beautification & Public Art Master Plan - 7/27
 - Police Departments Complaints & Findings Report - 7/27
 - Continuation of Council's Retreat
 - Brooklyn Boulevard Land Use Corridor Study - 7/27
 - City-wide Sewer Access Charge Policy - 7/27
 - NOAH Preservation Program - 8/10
 - Mixed Income Housing Policy - 8/10
 - Council Policy for City Charter requirement of Mayor's signature on all contracts

MEMORANDUM - COUNCIL WORK SESSION

DATE: 7/13/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Mayor Elliott

SUBJECT: Change the Name of Earle Brown Heritage Center, Earle Brown Drive and Earle Brown Days

Background:

Mayor Elliott has requested the subject work session item.

I am providing this additional information to help facilitate that discussion. I expect that the Mayor will offer additional comments at the meeting.

1. On June 22, the Brooklyn Center School Board expressed their intent to consider adopting a resolution to change the name of Earle Brown Elementary School to Brooklyn Center Elementary School in response to “Earle Brown’s alleged ties to supremacist groups in Minnesota”.
2. Staff has researched and found no title conditions that would prevent a name change at the Earle Brown Heritage Center.
3. Staff has reviewed the book "Ku Klux Klan in Minnesota" published in 2013, written by Elizabeth Dorsey Hatler to identify the statements and allegations regarding Earl Brown. We believe this book represents the most exhaustive research of the topic. A copy of all pages referencing Earle Brown are attached for your review and assessment.
4. Below is an excerpt from the web page <http://slphistory.org/racecreedcolor/> that seems to take issue with some of the books findings.

In her book *The Ku Klux Klan in Minnesota*, Elizabeth Dorsey Hatle writes that longtime Hennepin County Sheriff Earle Brown of Brooklyn Center was initiated into the Klan in early 1923 at the Dyckman Hotel in downtown Minneapolis. As Sheriff, Brown did nothing to stop Klan activities, which included cross burnings “on the hill across from today’s North Memorial Hospital’s parking lot in Robbinsdale.” Hatle also writes that “for two years in the early 1920s, the Ku Klux Klan of Minneapolis paraded in downtown Robbinsdale... down Broadway from 42nd Avenue to a gravel pit near the old traffic circle.” Another scholar who has read all of Brown’s diaries disputes this account and has found no evidence that Earle Brown was a member of the Klan

In conclusion all of the information above strongly supports consideration of the question; How should the historical figure, Earle Brown be regarded by current and future visitors to and residents of Brooklyn Center?

This is a clear Council policy question and deserves Council deliberation and action consistent with the values of the City Council. I believe the options available to the Council are numerous because the name Earle Brown is so prominently displayed throughout the in the City.

Again, I assume the Mayor, will have additional information or perspectives to offer on Monday.

ATTACHMENTS:

Description

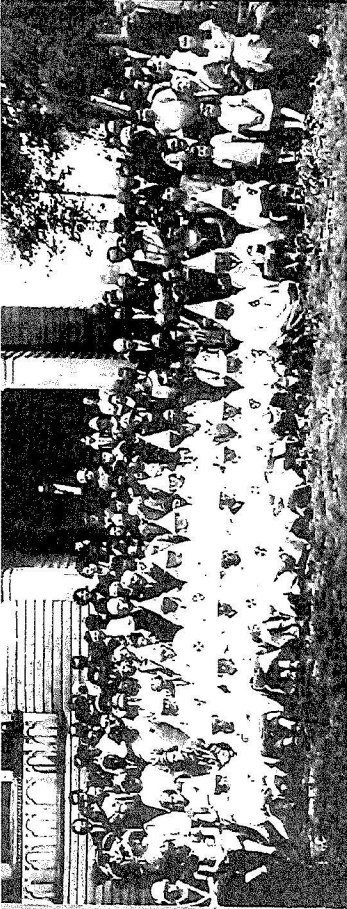
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7/8/2020

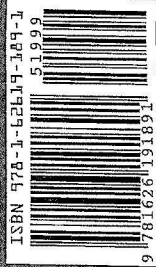
Backup Material



UNEARTH THE STARTLING HISTORY OF THE KU KLUX KLAN IN MINNESOTA

Minnesota might not seem like an obvious place to look for traces of Ku Klux Klan parade grounds, but this northern state was once home to fifty-one chapters of the KKK. Elizabeth Hatle tracks down the history of the Klan in Minnesota, beginning with the racially charged atmosphere that produced the tragic 1920 Duluth lynchings. She measures the influence the organization wielded at the peak of its prominence within state politics and tenaciously follows the careers of the Klansmen who continued life in the public sphere after the Hooded Order lost its foothold in the Land of Ten Thousand Lakes.

THE
History Press
www.historypress.net



THE KU KLUX KLAN IN MINNESOTA

ELIZABETH DORSEY HATLE

THE KU KLUX KLAN IN MINNESOTA

HATLE

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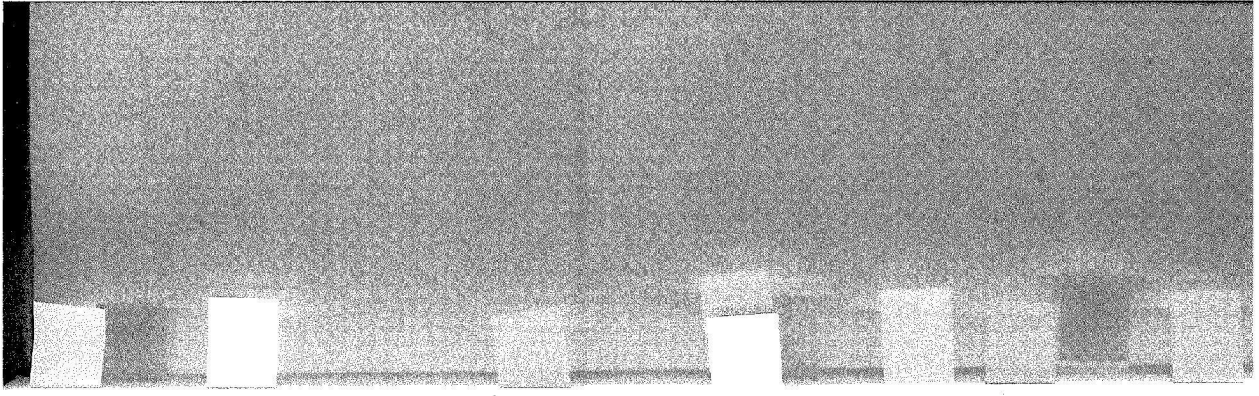
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quotations embodied in critical articles and reviews.

*To Kevin Bradford Hade.
Love now and forever.*



World War I. Minnesota newspapers would out those who gave up their naturalization papers by publishing their names. The American Legion publication for Legion posts in northern Minnesota was proud of itself for publishing the names of the slackers from the area in that section of the state. The American Legion publication went on to state that those who find the people whose names were on the list should notify their nearest post of the American Legion.⁷

Dr. J.J. Eklund of Duluth, Minnesota, was shot three times in the head by John Magnuson, who committed suicide after killing the doctor. Dr. Eklund was the head of the draft board in Duluth in 1918. A.C. Weiss, a good friend of Eklund's and a member of the Minnesota Commission of Public Safety, used his influence to have Dr. Eklund appointed examiner on the draft board. Magnuson's half-brother, Andrew Erickson of Superior, Wisconsin, denied the rumor that Magnuson was a draft evader; John Magnuson did have a World War I draft registration card, but he had never been called. Duluth police were confused as to why Magnuson would have made a medical appointment and then become so violently insane during his appointment that he murdered Dr. Eklund. Local newspapers reported that Dr. Eklund was well known as one of the leading Republicans in Minnesota.⁸

The Federal Alien Registration Act of 1918 led to Governor J.A.A. Burnquist's creation of the Commission of Public Safety. The registration act required all aliens to register, to declare their holdings and to explain to the state why they had not become citizens. A bill was introduced to the Minnesota House and Senate on March 31, 1917, that called for an appropriation of \$2 million to fund a Commission of Public Safety. The Minnesota Commission of Public Safety was completely free from legislative or judicial oversight. The commission soon gained a reputation for repressing German-Americans, pacifists and radicals, including members of unions, the Nonpartisan League and the Industrial Workers of the World. The Minnesota Commission of Public Safety was composed of seven men who were vested with virtually unlimited authority during the duration of World War I.

Members of the Commission of Public Safety seemed to view the commission as an opportunity to control the social fabric of Minnesota. The commission's operations were shrouded in secrecy at every level, the commission being well aware that few of its political activities could bear public scrutiny. The Minnesota Commission of Public Safety's operations built a "machinery to do things after the war."⁹ The 1920 Minnesota election had resulted in a Republican landslide. "Even though Burnquist retained

the power to reactivate the MCPS, he did not do so—despite the anti-Red hysteria gripping Minnesota and the nation in 1919. Protectors of the state's power structures were becoming acutely aware of the political vulnerability of the state administration and were relying on other agencies, some public, others private, to guard their vital interests."¹⁰ The Minnesota Commission of Public Safety laid an excellent foundation for the 1920s Minnesota Klan to use and capitalize on; from here, it could recruit for its own purposes later.

When communists came into power in Russia, it had social and political effects on the United States. In this highly charged atmosphere, politicians could ill afford to appear supportive by not violently condemning communism. Minnesota senator Knute Nelson reasoned that government investigations were a legitimate attempt to "smoke out the disloyal elements and the Bolsheviks," and in a matter of time, government agents were paraded before the committee, vividly describing Nonpartisan League activities in misrepresentative detail. Nonpartisan League members' patriotism was questioned, their reputations were slandered and its leaders were judged guilty by association with socialists and communists. American business owners routinely denounced all unions as "communist" and "subversive."

With the arrival of the automobile, there was a migration of the elite out of the urban area to what were to become the Twin Cities surrounding suburbs. By the 1920s, most of the families of the city founders had abandoned Minneapolis altogether. The wealthy Earle Brown, living on his "farm" outside the city, was just one example of this type of early "white flight." By removing themselves from the area where their employees worked and lived, it also removed social contact between employers and workers. The power, though, remained tightly in the hands of the leading families of Minneapolis, and this privileged group would use whatever it took to maintain that power politically and economically.

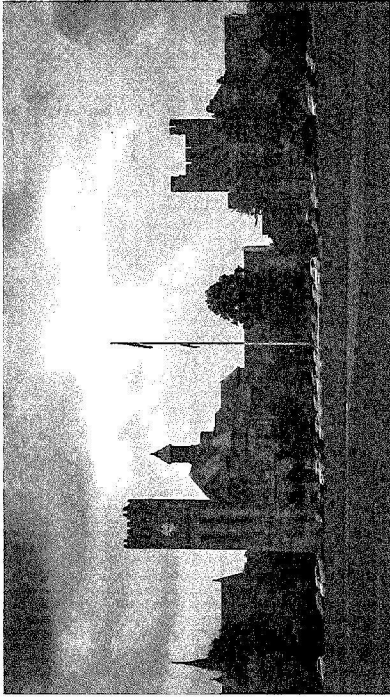
The Nonpartisan League was established by Arthur C. Townley in North Dakota in 1915. The league's goals were to give farmers a basic education in politics, the fundamentals of governmental economic policy and the value of organization in gaining redress of farmers' economic troubles. Since the league's program echoed prevailing criticism of the business practices that had plagued farmers for decades, it quickly won support from Minnesota farmers. The Nonpartisan League's platform called for state-owned terminal elevators, flour mills, packinghouses and storage plants; for state inspection of grain-grading houses and storage plants; for state inspection of grain-grading practices; for exemption of farm improvements from taxation; for state hail insurance; and for rural credit banks.

*atrocious and beastly association, known as the Ku Klux Klan, founded in the Southern States, which has been extended into every State of the Union and not only proclaims loudly its diabolic purpose but also, hold secret conclaves in which measures are taken for their execution. Not only does it insult Christianity by burning the Cross—the emblem of salvation—but it also seeks to deprive multitudes of our fellow-citizens of their essential rights, to humiliate them in every way, and to force them into a state of civic ostracism which is akin to slavery.”*⁷⁹

William T. Francis was directly involved in the case of Max Mason, one of the young men who had been arrested but not lynched in Duluth. Francis raised funds for the impending trial through both Twin City branches of the NAACP. Francis wrote just a few days after the lynchings that neither James Sullivan nor Irene Tusken had told the truth about what happened that night. More than \$150 was collected to defray ongoing investigative costs. Although no evidence was found connecting Mason to the crime, he was convicted of rape and received a sentence of seven to thirty years. Twenty-one-year-old Mason arrived at Minnesota State Prison in Stillwater in August 1921. He appealed his case to the Minnesota Supreme Court, but the guilty verdict was not overturned. In 1925, the Minnesota Parole Board finally discharged Mason from prison with the condition that he leave the state immediately.

Theodore Roosevelt had condemned the increasingly low birth rates of Americans, blaming them on selfishness. These deeply held convictions were translated into a national alarm about racial suicide and decline, giving credibility to eugenics-based and anti-immigrant prejudice. In the U.S. Census numbers for Minnesota, there was a dramatic birth rate difference between 1910 and 1930 between those of the native-born population and the foreign-born population. The Ku Klux Klan supported eugenics, which promoted 1920s Klan objectives of racial and immigrant stereotyping even further. After World War I, sterilization became a topic among Minnesota state officials and physicians. Dr. Charles Fremont Dight, president of the Minnesota Eugenics Society in Minneapolis, Minnesota, sought political and medical solutions to improve certain segments of the state's population.

Charles F. Dight took the position as resident physician at Shattuck School in Faribault, Minnesota, and later became professor of physiology at Hamline Medical School in St. Paul. Dight saw eugenic sterilization as a “modern” idea to give government control over sexual morals and reproduction, as well as a “social” movement to prevent the “degeneration of the race.” From 1921 to



Shattuck Campus, Faribault, Minnesota. Courtesy of Kevin B. Hall.

1935, Dr. Dight wrote some three hundred articles on heredity and eugenics that appeared in Minnesota newspapers. Dight also broadcast two series of radio talks on heredity and eugenics in Minnesota. The Minnesota Eugenics Society was organized in 1923, and in 1925, the Minnesota legislature voted on a bill for eugenics-based sterilization that passed both the House and Senate, with Governor Theodore Christianson promptly signing it. The first day the eugenic sterilization law in Minnesota was put into operation was January 8, 1926, on six adult “feeble-minded” females in the mental asylum in Faribault, Minnesota. On February 2, 1927, the Minnesota Eugenics Society held its first annual meeting as a corporation, with Dr. Dight elected as president and Sheriff Earle Brown as vice-president.⁸⁰

Judge Searls had his oath administered to him by an identified Duluth Klan member, Arthur Davenport. Regarding these premature deaths in Minnesota, author Kathleen Blee referred me to a section in her book about the Athens, Georgia Klan chapter there taking matters into its own hands. Its Klan chapter had its law enforcement committee concoct a plan over one summer to bring to town a private detective. With the detective's help, Athens Klansmen collected evidence that resulted in a host of indictments, obtained illegally through deliberate entrapment of individuals and resulting in violent deaths for some men. Peter Slettedahl (his Klan name “Twilight Orr”) was from Minnesota. His book *The Nightshirt in Politics* made Slettedahl one of the Ku Klux Klan's “enemies.” Enemies of the KKK were those who

tried to destroy the Klan movement. Enemies also included those who broke their allegiance to the Ku Klux Klan.⁸¹

Another ex-Klan member wrote that "frame-ups" and "poison squads" were common practices. "Frame-ups were the most numerous things. Usually a woman was used. At other times intoxicating liquor was secreted in a hotel room while the occupant was out or it was placed in his automobile while parked." Ex-Klan member Edgar Allen Booth wrote about the Ku Klux Klan that "[i]t's chief weapon, if not its only weapon, was the systematic spread of poisonous tales concerning men and women who would not do the bidding of the Imperial Kloneillium, and whom that body, or Dr. Evans, could not remove because of that person's large personal following in the Klan. This poison department maintained agents who went about the country losing tales of scandal against those who had fallen into the bad graces of the superbody of the Klan."⁸²

Duluth judge Spencer Searls committed suicide in 1927, six months after he was sworn in as a judge, leaving behind a young wife and a six-year-old daughter. His judgeship was attached to the municipal division of the Duluth court system, but he had direct charge of the special conciliation court. Judge Searls was also permitted to practice law privately but not to appear in conciliation court—a perfect job for an up-and-coming judge with a young family. Spencer Searls had also been the Duluth American Legion commander and one of Stafford King's personal correspondents. Searls sent his own telegram to King upon King's father's death in 1922 and made an individual donation toward the purchase of Stafford King's new car. There is a very detailed letter in which King urges Searls to run for governor.⁸³ Searls was a rising star in the Minnesota Republican Party and seemed to be a man who had everything to live for with a brilliant future in front of him.

David's Sing magazine was the American Legion periodical published by the David Wisted Post No. 28 of Duluth from 1923 to 1925. In it are articles about Judge Searls from when he was a commander of the post—Searls is described as being actively engaged in post activities. He is also a featured speaker at the Duluth Legion post and spoke at other American Legion posts throughout Minnesota. What happened to Searls in 1927? The Duluth newspapers reported that war injuries resulted in Searls taking his own life, but why close to ten years after World War I and why at this point in his career? It looked as if Searls had everything to live for: Searls had told his wife the day of his death that he was going to St. Paul and had even packed a suitcase. He was found alone and dead in his Duluth office later that evening.

The *Winona Republican Herald* of April 23, 1926, reported, "Rev. Knute

B. Birkeland's, Former Minister and Financier of Mpls.—Body Was Found in an Abandoned Apartment—Currently Investigating." Mrs. Hodges, who was accused of the murder, later brought three damage suits accusing two high Minnesota state officials, the Birkeland family and two members of the Hennepin County Sheriff's Office (Earle Brown's office) of libel, false arrest and malicious prosecution. Knute Birkeland's son, Harold Birkeland, wrote about his father's death in a pamphlet called *Floyd B. Olson in the First Kidnapping Murder*. Harold used the circumstances of his father's death to cause problems for Hennepin's county attorney Floyd Olson. Harold's pamphlet seemed less concerned about finding his father's killer and more concerned about Olson's job performance.

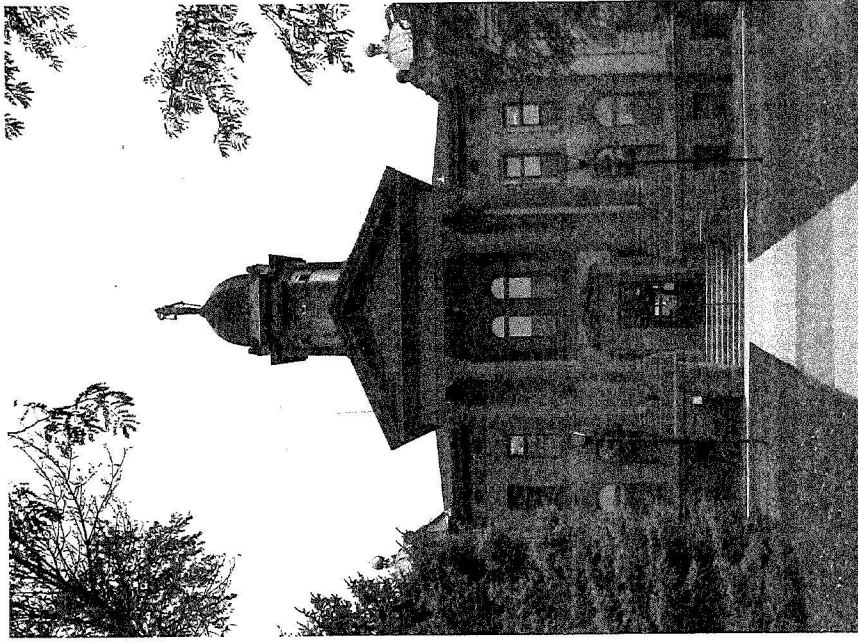
Mrs. Hodges's lawyer was William J. Quinn, who committed suicide in a downtown hotel room in St. Paul, Minnesota, on September 12, 1932, leaving behind a wife; his father, John Quinn; and three children. The *St. Paul Pioneer Press* headlines about Quinn noted that he had been prominent for many years in Democratic circles. Quinn reportedly opened the door and admitted a man into his hotel room before going into the bathroom and shooting himself. In 1926, the same year he represented Mrs. Hodges, Quinn was made chairman of the Democratic State Central Committee and later became a member of the national campaign advisory committee for presidential candidate Alfred E. Smith. The Ramsey County Bar Association in its memorial to Quinn stated that Quinn's personality was a pleasure and that "his quickness and speed of thought made him an exceptional trial lawyer and a feared adversary." Might there have been something in Quinn's personal life that the St. Paul Klan chapter used against this up-and-coming star in the Minnesota Democratic Party to cause him to take his life?⁸⁴

Harold Birkeland put together another pamphlet called *To All Law-Respecting, Law-Abiding Citizens of Minnesota, Greetings*. Signatures of ministers inside were solicited by Birkeland for something else and then added to this pamphlet instead. Ray Chase, a political opponent of Olson's, had a copy of Birkeland's pamphlet in his personal papers. Essentially, this pamphlet is a blasting of Floyd Olson's record as county attorney, mentioning ballot tampering and election fraud. The ministers who signed a letter to Governor Christanson asking him to further investigate Reverend Birkeland's death, felt that they had been used by the son since he put their names into his pamphlet instead. The ministers publicly stated in June 1929, "We severely censure those persons who for political or ulterior motives are distributing pamphlets containing copies of this petition and containing other statements where were not in the original petition. We assure you that we have had

The Ku Klux Klan was reported to have been involved in the Minnesota Highway Department. An interview was conducted by Roger Benson with Marlin Sigstad, a resident of Windom. Sigstad was a former Klansman and, when he was younger, a highway worker. He told Benson that in the western part of the state, highway jobs were "awarded" to certain people in the Minnesota Highway Department. Local Cottonwood county historian Lucille Nelson was told by Karl Mikkelsen that when US 71 was being built near Delft, Minnesota, a motel-style building in the area was where out-of-town men who did highway work would stay. This is where the KKK crosses were burned, according to Marlin Sigstad's brother, Dale Sigstad. The organizer for the Ku Klux Klan—who came from Pipestone, according to Marlin—happened to be a close friend of one of the engineers working on Minnesota State Highway 62. There were four crews of young men from Windom employed by the state highway department at the time, and it was these men who were the first ones to join the KKK.⁸⁸ The *Cottonwood County Citizen* in September 1924 report C.L. Modt as being the district engineer for the Windom area.

In Thomas Schall's Senate reelection campaign against three-term governor Theodore Christianson, Schall traveled the state calling Christianson "Muskraat Ted" and linking him with the "fur farms fraud," resulting in Christianson's defeat in the primary. This scandal involved Charles W. Gillam, a grain dealer from Windom who was appointed state commissioner of securities by Christianson. Charles Gilliam's son, Stanley Gillam, a prominent Minneapolis attorney, said that Schall accusing Christianson and his father of this controversy over the fur farms was the determining factor in Schall defeating Christianson in the Republican primary. But was that necessarily the case?⁸⁹ In August 1924, Thomas Schall paid a visit to Windom in the company of Andrew Rahn.

Several weeks before Schall's visit, a cross was burned at a Klan meeting in Windom where a speaker made an address. Within ten days of meeting, another Klan event was held in Windom at the armory, with a large group in attendance. People who belonged to the Ku Klux Klan in Windom were encouraged to join by the local newspaper there, the *Citizen*. The Windom Ku Klux Klan chapter also publicly made a point of going after men who drank and were cruel to their wives. A Klan parade took place in Windom, with Klansmen marching down Third Avenue toward what is now the Travel Place. The Windom Ku Klux Klan chapter said that it was needed to help the sheriff keep order in town. Meetings of the Klan were held at the Windom armory, and members said that they only wore their hoods and robes when inside the building at meetings.⁹¹



Windom Courthouse, Minnesota. Courtesy of Kevin B. Hottle

Earle Brown was a Republican candidate for governor, the sheriff of Hennepin County and "founder of the Highway Patrol." Brown was accused of and later admitted (to a Minneapolis grand jury in April 1923) to having joined the Minnesota Klan—membership no. 4. Sheriff Brown told the grand jurors that he joined the Klan because he realized it was becoming a powerful organization, and he wanted, as an officer of the law, to "be on

the inside." Brown was solicited to join the Klan by a Mr. Henson of Omaha in the detective service of the Bell Telephone company in 1921. Brown was initiated in the Klan organizer's room in the Dyckman Hotel a few months before April 1923. The Dyckman Hotel was regularly reported on in the *Midway News* as being the meeting spot for 'Twin Cities Klan activities.'²

As sheriff in the 1920s, Brown did nothing during his tenure to stop the Minneapolis Klan chapters from meeting or burning their crosses in Hennepin County. "Earle Brown, candidate for Governor, Republican, is considered a Robbinsdale man, and keeps his fraternal and social relations here although he lives over the line in Brooklyn Center." The hill across from today's North Memorial Hospital's parking lot, in Robbinsdale, Minnesota, is where large and prominent Klan crosses were burned. Trudi Campbell, of Special Collections at the Minneapolis Central Library, remembered her mother telling her about seeing flaming crosses in Hennepin County. Her mother told her stories about vacationing in the Minnetonka area, and in the middle of the night, the Klan burned crosses in the middle of a group of cabins close to where Campbell's mother was staying. Lucille Becbe, a Robbinsdale resident, remembered a fiery cross being burned near Lowry Avenue and Highway 52 when she was growing up.

Andrew B. Robbins, passing through Robbinsdale in 1887, decided because of the area's proximity to Minneapolis and its natural beauty that the area



Minneapolis KKK meeting spot, Robbinsdale, Minnesota. Courtesy of Kevin B. Hulle.

could become an excellent suburb outside that city. The steep hill on Crystal Avenue (now West Broadway near Minneapolis) was a much-traveled road from Minneapolis to Robbinsdale. The hill where the Minneapolis Klansmen would meet to initiate new members and burn crosses overlooked Robbinsdale. Flaming crosses on top of this particular hill were reported by residents of Robbinsdale; Brown would have been aware of these activities. For two years in the early 1920s, the Ku Klux Klan of Minneapolis paraded in downtown Robbinsdale. The Klan would parade down Broadway from Forty-second Avenue to a gravel pit near the old traffic circle, and a former Robbinsdale mayor recalled that the line of marchers was four blocks long. In 1950, David Stephenson sought haven in Robbinsdale, which must have felt just like home to Indiana's former grand dragon.

Ray Chase worked for the Minnesota Commission of Public Safety and was also the Republican campaign manager for the Committee of One Hundred (Republicans). The *Anoka Herald* was accused in 1930 by the *McLeod County Republic* of having been favorable to the Minnesota Ku Klux Klan in the 1920s. German people were called "swine" in Chase's family newspaper, and Senator Shipstead of the Nonpartisan League ticket was called a "viper that crawls and besmirches the fair name of Minneapolis." The *Anoka Herald* defended the activities of the Ku Klux Klan in its editorial columns and criticized Hennepin's county attorney Floyd B. Olson for prosecuting officers of the Klan for circulating a paper called "Voice of the Knights of the Ku Klux Klan." Chase denied the charges, saying that he did not have any involvement personally with the *Anoka Herald*, although he was secretary-treasurer for the newspaper and one of its stockholders. The *McLeod County Republic* verified that Chase had intimate connections with the *Herald* up until 1928.⁹³

Judge Spencer Seards—the young Duluth judge who committed suicide—was on Chase's Committee of One Hundred list. The *Anoka Herald* in April 1918 featured an editorial possibly noting the first clue that Klan organizers were in Minnesota already. It suggested that if Americans weren't 100 percent loyal, mob law should be an option in the state. The editorial further noted, "Ku-Klux-Klans and mob law are not indications of a healthy civilization, but they indicate that the United States will not submit to the rule of Bolshevics, Bentals and Townleys." Chase also was in close contact with Stafford King; in fact, the two men were on a first-name basis. King wrote to Chase telling him how appreciative he was having Chase (as state auditor) getting the board of review to reverse itself on three bonus board decisions, allowing the amount of their claims. Chase told King that this

few miles from Elysian. Governor Floyd Olson charged that the Republican operation of the rural credit bureau during the 1920s was a "racket pure and simple."⁹⁵

In 2008, Grace Rodgers, ninety-three at the time, gave an interview about her memories of the Pelican Rapids Ku Klux Klan chapter. "There had been a lecture at the Orpheum Theater about the Klan. A few days later, we heard of a rally up on the hill by Lakeview Cemetery. My fiancé and I went up for a look. Six or eight masked riders thundered up out of the darkness, cut some fancy horsemanship, set up a flaming, towering cross, then disappeared again into the night." Her memories are verified by *Daily Journal* coverage of this from June 6, 1924, reporting, "Klansmen...gathered on the hillside of a picnic ground about a mile from Pelican Rapids last night for one of their open air demonstrations. It is estimated that a crowd of 1,500 was represented and a class of 100 initiated." The *Daily Journal* reported on Thanksgiving night that a fiery cross was seen burning on the banks of the Mill Pond and that there were two hundred Klan members in the Pelican Rapids area.

Republican Roy Dunn was looked on as "Mr. Pelican Rapids" and served for more than forty years in the Minnesota legislature, entering the legislature in 1924 and stepping down in 1966. Dunn was a lifetime member of the Masonic Lodge in Pelican Rapids and belonged to the Congregational Church in town. The Dunn family owned a prosperous resort on Lake Lizzie, and for many years, nationally known figures and politicians spent vacations at Dunn's Lodge. When engines became available for boat launches at the resort, Dunn named one of the boats at the resort *Indiana* in honor of the hunting and fishing groups that had been coming to the resort from Indiana for years. To many people, Dunn was considered the one man who had done more than anyone in saving Minnesota from socialism. He stated, "Otter Tail always has been considered a rock-ribbed, conservative Republican county."

Roy Dunn did not like Arthur Jacobs, who had written a scathing book about the Minnesota Republican Party. In 1934, Jacobs, a former Republican, was strongly in the Farmer-Labor Party, and Dunn was "attempting to organize the Legislature and keep it from the control of Arthur Jacobs and the other Farmer-Laborites." Dunn had contact with Albert Pfander from New Ulm and asked for his help stopping Jacobs from telling people in the state that Dunn was being financed in his legislative activities by the Northwest Banco group. Dunn condemned Jacobs for being part of the Olson machine and at the same time asked for Pfander's help in controlling Jacobs. Dunn, in a letter to a different individual, referred to Pfander's aspirations to governorship

as being even worse than Olson's chances (possibly due to Pfander's ethnic background and protest against World War I).⁹⁶

In January 1922, Alderman Gottfried Lindsten reported to the Minneapolis City Council that some members of the Minneapolis police force were members of the Ku Klux Klan. A motion was introduced that read in part, "And whereas, it is a fact that the Ku Klux Klan wherever organized as a secret and extra-legal force has proved itself subversive to law and order." This resulted in Mayor George Leach forbidding Minneapolis police officers from Klan membership. The *Masonic Observer* wrote in April 1923 complaining how the "so-called reorganization of the Minneapolis Police force" under Mayor Leach is a disaster using one Mason's recent experience as an example. This Mason, a Minneapolis police officer, had been on the force for years, was widely known for his exceptional ability and was ranked a captain of detectives. He had recently been reduced in rank and was walking the streets as a patrolman; a Roman Catholic was placed in his job instead.

The Minneapolis City Council requested of the Minneapolis chief of police that he investigate the alleged activities of the Klan in the police department and report back at once to the mayor and city council. Alderman Chase suggested that the investigation should include all departments of the city.⁹⁷ This was done in March 1923, three months before the *Voices of the Knights of the Ku Klux Klan* was published with the affidavit from Gladys Kennedy (a prostitute, or "woman of the underworld" as the Klan called her) noting that Mayor Leach had visited her house and gone into rooms with women of her acquaintance. The declaration of the Minneapolis City Council and Mayor Leach that they were going to strip Minneapolis government jobs of Klansmen likely precipitated the Minneapolis Klan attacking Leach and Captain A.C. Jensen (also sometimes called Police Chief Jensen).

The *Masonic Observer* wanted Minneapolis cleaned up and reported that Mayor Leach had not done enough to get rid of its gambling, blind pigs, bootlegging and wide-open, questionable dance halls. "Ignorance of these conditions has repeatedly been claimed by both Mayor Leach and Chief of Police Jensen." A reference was also made to the 1923 Klan trial, saying that Leach and Jensen knew that these criminal activities existed and acknowledged this state of affairs in Minneapolis during their testimony. If it hadn't been for Sheriff Brown of Hennepin County providing deputies for the raids of these establishments, nothing would have been done at all in Minneapolis, according to the *Masonic Observer*.

The Citizens Alliance was established to maintain the open shop in Minneapolis. Rumor had it that Leach was for unions. The Citizens Alliance

also relied on a group of "deputies" to police the city for those who weren't anti-union. Earle Brown also belonged to the Citizens Alliance. The Ku Klux Klan saw Minneapolis as a city in which it could get a political foothold, and it did. The Klan didn't like unions any more than Minneapolis business owners did. Another problem the KKK had in Minneapolis, it claimed, was that Catholics occupied more than 70 percent of the appointive and elective city positions even though the population in Minneapolis was over 90 percent Protestant. The first point was not actually the case.

William A. Campbell was the man who needed to replace Leach as Minneapolis mayor, according to the *Masonic Observer*. "William A. Campbell is a total abstainer from all alcohol and believes in promoting harmony by developing all racial types that comprise our citizenship into real Americans, solidly united for the best interest of America." Stafford King was asked if he was a Ku Klux Klan member by an American Legion member, and there is also a reference to Campbell in the letter:

You may think it insulting, unnecessary and presumptuous on our part to want a statement from you to the effect that you never joined, never were a member and never took the oath of the Ku Klux Klan, but the boys effect that you never joined, never were a member and never took the oath of the Ku Klux Klan, but the boys here in Hennepin remember the fact that Campbell, the Klan candidate for mayor, in answer to the charges that he was a Klansmen, denied that he was a member of the Klan or connected to them in any way.

Colonel George A. Leach had personal correspondence with Stafford King in which Leach wrote that he was disappointed with the lack of support he received from the American Legion for his current run at being Minneapolis's mayor. In June 20, 1924, Leach wrote a personal letter to King, noting, "...to say nothing of the head of the Legion where I should have looked for my greatest strength." Mayor Leach sent King a copy of an anonymous letter sent to him from someone who signed himself "Service Man." The letter seems to imply that others with Klan connections, who have "better" American Legion ties, are more appropriate for mayor than Leach. Why did Leach send a copy of that particular letter to King? King assured Leach that the "Service Man" misinterpreted what King and some members of the American Legion were attempting to do. "Service Man" saw it exactly for what it was: "Klan-minded" American Legion members and American Legion members who directly belonged to the Klan did not want Leach as mayor due to the actions he took against the KKK in Minneapolis.

The *Daily News* of April 20, 1923, noted that "Mayor Leach this morning furnished the grand jury with a list of 200 alleged members of the Klan, which list included a half dozen city police detectives and one member of the Hennepin county district court grand jury, the body to which the list was submitted." An unidentified Klansman who was a witness at the 1923 trial revealed Klan political tactics, telling the grand jury that Klan members would support only one of their own, giving the Klan-chosen mayoral candidate their votes. In Mayor Leach's own words, "When I started to run for a second term the K.K.K. started after me in earnest, and on April 10, 1923, they circulated a paper in every doorstep in town with a slanderous statement from an under world character, Gladys Kennedy." Mayor Leach also stated that Grand Kleagle Hiram Evans came to town from Atlanta, Georgia, to help beat Leach for reelection. Leach added that he immediately went to County Attorney Olson and asked to have certain individuals indicted for criminal libel.

Minneapolis had at least ten Klan chapters. The location where the North Star Klan would burn crosses was on Liberty Drive, the old Jefferson Highway between Minneapolis and Robbinsdale. The *Masonic Observer* reprinted an image that a photographer from the *Minneapolis Journal* took of a nighttime Klan meeting there. The photo shows a large group of Minneapolis Klansmen standing around a very large cross. A group of new members was naturalized, with the Minnesota king kleagle presiding, assisted by his kleagles and field workers from all over the state during that particular gathering. The Minneapolis Klan accused officials of trying to keep Gladys Kennedy under wraps, even threatening her with sentencing to an asylum, thus leading to the need for them to talk to Kennedy in prison and have her affidavit composed there. In Kennedy's written affidavit, given to the Klan representative at her jail, her statement sounds as if Kennedy set Captain Jensen up, thus leading to his trial. Kennedy stated that Jensen asked her to come in and sign a statement regarding her affair with a police officer that resulted in an altercation with that officer's mistress. The agreement would mean that charges against the mistress would be dropped in exchange for the police not bothering Kennedy while she continued "operating her resort."

Gladys Kennedy's notarized statement against Mayor Leach appears in the *Voices of the Knights of the Ku Klux Klan*, published by the Minneapolis North Star Klan No. 2. It is notarized by Shurley Reichert, one of the defendants charged by Hennepin County. Above Kennedy's sworn statement, there is a note explaining why the Knights of the Klux Klan of Minneapolis were doing this. "Rum, Romanism and Rebellion" exemplified the state of affairs

The lawsuit brought against Charles Babcock in 1935 by John Regan had the latter accusing the former that an arbitrary set of rules was set for the highway department enabling a few contractors to monopolize the highway construction in Minnesota. The building of the highway system back in the 1920s had federal, state and local money pouring into states. Indiana's KKK grand dragon David Stephenson made it one of his main priorities to politically restructure the highway commission in Indiana so that he would be in a position to sell patronage and have influence in that state's expanding road-building program. After the lengthy Babcock lawsuit, contractors were compelled to return nearly \$400,000 to the state through court action. When Floyd B. Olson took office as governor, he contacted Highway Commissioner Babcock to set forth future regulations to govern the assigning of highway contracts.

Alleging price fixing, in collusion with construction companies, was the charge brought against the Minnesota Highway Department. This lawsuit, long in the making, was among many lawsuits filed against Babcock, but the Regan lawsuit made it to the Minnesota Supreme Court. The construction companies involved in the suit were those favored by Babcock. It was uncovered in the lawsuit that closed meetings were held by the Minnesota Highway Department to decide who was going to bid the lowest, but the work wasn't actually done at the lowest bid. Regan pointed out how there were no public mentions made in the newspapers about whom highway contracts were awarded to. Later in his first term as governor, Olson released Babcock as head of the highway department. In Babcock's *Minneapolis Journal* obituary, it is reported that those who received the contracts from Babcock were receiving 21 percent over what the actual jobs should have cost.¹⁵⁰

Ray Chase went through a brutal process to be the Republican nominee for governor in 1930. Chase ran on "law and order" as his campaign platform, charging that Floyd Olson had failed to push vigorous criminal investigations and had allowed lawbreakers to escape prosecution. Chase pulled out all the stops in an attempt to personally smear the reputation of the popular Olson. Chase reached out to Stafford King for help (calling him "Staff") during the governor campaign. Chase was upset about receiving a letter from a prominent man in Minnesota and told King that there was a "situation" in Winnebago with which he needed help. Chase was told that leading members of the American Legion in Winnebago were opposed to him being elected governor. Chase asked King to "take care of it for him." Chase lost the governor race and served as a Republican U.S. congressman from 1933 to 1934.

Chase voted to repeal prohibition, but in the 1930s, when he came into contact with those who did not want prohibition repealed, he was willing to use "dry" votes against the Democrats. Chase wrote to a Mr. Kerman telling him that he did not want to "inject the prohibition question" into the campaign, but there was then and always would be temperance enthusiasts whom the Minnesota Republican Party could exploit. Chase pointed out how the Republicans in the state could place responsibility for the repeal of prohibition on the Democrats, "utilizing channels reaching to the Drys and not to the Wets." In 1932, Chase received a letter from the ministers of the Evangelical Lutheran Augustana Synod arguing that the Eighteenth Amendment should be retained, and a lawyer wrote to Chase about his record as a "dry" (both political and personal). Chase put all the blame on the Farmer-Labor Party for the repeal of the Eighteenth Amendment, even though Chase himself voted to repeal the Volstead Act.¹⁵¹

Another political causality involving Minnesota Klan connections is Earle Brown, who ran for governor of Minnesota against Olson in the 1930s. Brown's campaign manager issued a speech noting that "[f]antastic means devised to tear down Mr. Brown's character and popularity include charging him with membership in the Ku Klux Klan." Brown's work was deliberately distorted and maliciously publicized, but the Brown's campaign never did categorically deny that he was a Klan member. There is correspondence in Floyd Olson's campaign manager's files noting that during Brown's run against Olson for governor, some ethnic communities pointed out Earle Brown's KKK activities to the Olson campaign. The *St. Paul Pioneer Press* reported on October 7, 1932, that Brown had publicly admitted that he joined hands with the Ku Klux Klan when he was sheriff to "spy" on the organization. "It remained for Floyd B. Olson, then county attorney of Hennepin county, without the assistance of Mr. Brown, to accomplish the only prosecution and conviction in the United States of this infamous organization."¹⁵²

Brown was a member of the Sons of the American Revolution and had a second home on the East Coast, where instead of playing "farmer" as he did in Minnesota, he played country squire. In 1935, the Browns bought the historic Jonathan Elkin's Tavern in Peacham, Vermont, as their summer home. Brown restored the home to its Revolutionary War period styling. Stafford King tried to find a Son of the American Revolution connection for himself, and in September 3, 1929, he wrote, "Frankly I am not a genealogy bug, but I do realize that we come from probably one of the purest lines of Americans in the county and I would like to know more about them." H.H. Pratt, using



Earle Brown's farmhouse. *Courtesy of Kevin B. Halla*

information that King's mother had, pointed out to King that there was no mention made of Revolutionary War service in his family line. Stafford King was unsuccessful joining the Sons of the American Revolution.¹⁵³

Charles Babcock was looking to establish a Minnesota Highway Patrol Department and wanted Earle Brown to be put in charge of it. When the highway patrol was established and Brown placed in charge, he later used the patrol to "help" break the farmers' strike. Barbara Cyrus worked at Sears in St. Paul in the mid-1930s and recalled when a group of men came into Sears on Harley Davidson motorcycles. Barbara remembered what type of motorcycles they were because she went out into the parking lot not wanting to wait on the men and saw a group of all the same type of motorcycles—the kind that Earle Brown had purchased for the Minnesota Highway Patrol to use. The men who came into Sears the Saturday before Easter Sunday were all wearing black leather jackets with large white "KKK" letters on the back of each jacket. Who else may have had a motorcycle "gang" back then, all riding the same type of motorcycles, except for the Minnesota Highway Patrol?¹⁵⁴

Barbara Cyrus enrolled at the University of Minnesota in 1937, commuting to school from her home because there wasn't any housing for African

American college students at the University of Minnesota. Barbara's father was a waiter at the Curtis Hotel, and she said that after her family bought a home, the real estate agent "directed" her father to certain Minneapolis neighborhoods where it would be better to buy. Neighbors circulated a petition in an attempt to force Barbara's family to move out, people threw burning rags onto their porch and chased Barbara and her siblings home from school. In the 1920s, the National Association of Real Estate Board helped launch a series of textbooks on real estate that became the bibles of the profession, and these books noted that "certain racial types...diminish the value of other property in the section."

After Earle Brown retired from public life, childless, he spent his remaining years negotiating with the University of Minnesota about donating his large estate to the university. Brown was emphatic in not wanting his estate used for scholarships, according to W.L. Nunn, director of University Relations. Brown said, "There are too many people going to college anyway," calling certain parts of the educational program at the university that led to liberal arts degrees "academic rubbish." Also involved in these negotiations was Mahlon Babcock, who was Brown's lawyer and the executor of his estate. Mahlon, son of Charles Babcock, was also Earle Brown's office manager from 1944 until Brown's death in 1963. Mahlon is referred to facetiously by University of Minnesota officials as "Mahlon Babcock, the son of the 'father of the Minnesota Highway System.'" John Regan had accused Charles Babcock of having a nepotism-based relationship with Earle Brown, whose position in the department as chief of the highway patrol was held open for him to take back (and this he did after losing the governor's race). Brown went back to work for Charles Babcock, and his son, Mahlon, went to work for Brown.

Another "problem" when deciding what to do with the Earle Brown "farm" involved Mrs. Philip Van Blom and Mrs. William E. Cratic. During most of 1954 and 1955, Van Blom and Cratic were, according to Mahlon Babcock, making "first class nuisances" of themselves trying to get the regents to issue a public proclamation that no part of the Earle Brown gift would be sold to anybody other than an open occupancy developer. Mrs. Van Blom even involved the Mayor's Council on Human Relations, the Minnesota Jewish Council, the Minneapolis Urban League, the Anti-Defamation League of B'nai B'rith and the NAACP. Did Brown request restrictions to keep African Americans or immigrants (and likely Jewish residents as well) from building homes on his farm after he died?¹⁵⁵

David Stephenson was the Ku Klux Klan grand dragon of Indiana and at one time a rising star in the organization. Before this, Stephenson was

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About the Author

Elizabeth Dorsey Hatle is a high school history teacher working in the Minneapolis school district. She is married to Kevin B. Hatle and is the mother of two sons, Andrew Dorsey Hatle and Matthew Dorsey Hatle. She is a graduate of the University of Minnesota. After an article about the Minnesota Ku Klux Klan appeared in *Minnesota History* magazine, a flood of information came to Elizabeth with even more information on this subject (people were more "comfortable" now about the skeletons in their family closets, providing additional information on this subject). There are applicable lessons from this era in Minnesota's history that can still be learned from today.

MEMORANDUM - COUNCIL WORK SESSION

DATE: 7/13/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Curt Boganey, City Manager

SUBJECT: Pending Items

Recommendation:

- Strategic Plans for years 2018-2020 and 2021-2023
- Discussion of Mayor/City Council roles & responsibilities (CommonSense Inc.)
- Beautification & Public Art Master Plan - 7/27
- Police Departments Complaints & Findings Report - 7/27
- Continuation of Council's Retreat
- Brooklyn Boulevard Land Use Corridor Study - 7/27
- City-wide Sewer Access Charge Policy - 7/27
- NOAH Preservation Program - 8/10
- Mixed Income Housing Policy - 8/10
- Council Policy for City Charter requirement of Mayor's signature on all contracts

Background: