

Council Study Session

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection via
telephone Dial: 1-312-626-
6799 Meeting ID:
99398068818# Passcode:
7635693300#
July 12, 2021

AGENDA

-
- 1. City Council Discussion of Agenda Items and Questions - 6 p.m.**
 - 2. Miscellaneous**
 - a. Retreat Dates
 - *Confirm the date for the upcoming city council retreat*
 - 3. Discussion of Work Session Agenda Item as Time Permits**
 - 4. Adjourn**

CITY COUNCIL MEETING

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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 - Butler - 7 p.m.

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

- Approve the minutes from:

- *June 7, 2021 Work Session*
 - *June 28 - Study Session*
 - *June 28 - Regular Session*
 - *June 28 - Work Session*
- b. Approval of Licenses
 - *Motion to approve the licenses as presented.*
 - c. Resolution Establishing Improvement Project Nos. 2022-01, 02, 03 and 04, Woodbine Area Street and Utility Improvements
 - *Motion to approve a resolution establishing Improvement Project Nos. 2022-01, 02, 03 and 04, Woodbine Area Street and Utility Improvements.*
 - d. Resolution Approving and Authorizing Execution of a Joint Powers Agreement with the City of Minneapolis for the maintenance of 53rd Ave N (from Xerxes Ave N to Mississippi Dr N) and Xerxes Ave N (from 49th Ave N to 53rd Ave N)
 - *Motion to approve a resolution approving and authorizing execution of a Joint Powers Agreement with the City of Minneapolis for the maintenance of 53rd Ave N (from Xerxes Ave N to Mississippi Dr N) and Xerxes Ave N (from 49th Ave N to 53rd Ave N)*
 - e. Resolution Authorizing the Dedication of Temporary and Permanent Easements at 6250 Brooklyn Boulevard
 - *Motion to approve a resolution authorizing the dedication of temporary and permanent easements at 6250 Brooklyn Boulevard pertaining to the Brooklyn Boulevard Corridor Project Phase 2 Improvements.*
 - f. Resolution Ending the Local Emergency Declaration
 - *Motion to approve the resolution ending the local emergency declaration*
 - g. Amendment to the 2021 City Council Meeting Schedule
 - *Motion to approve the amendment to the 2021 City Council Meeting Schedule*

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.

- a. Ordinance Amendment to Chapter 19 Allowing and Regulating Native Prairie Grass and Naturalistic Vegetation
 - *Motion to open public hearing, take public comment, and close public hearing*
 - *Motion to approve the second reading and adopt an ordinance amending Chapter 19 of the City Code of Ordinances regarding Regulating Native Prairie Grass and Naturalistic Vegetation*
 - *Motion to approve the resolution for a Summary Publication in the Sun Post*

9. Planning Commission Items

10. Council Consideration Items

- a. Resolution Adopting an Opportunity Site Infrastructure Framework to Guide the Opportunity Site Master Plan
 - *Motion to approve a resolution adopting an Opportunity Site Infrastructure Framework to guide the Opportunity Site Master Plan*
- b. City Manager Appointment
 - *Motion to approve the appointment of Dr. Edwards as the City Manager*
- c. Brooklyn Center Community Center State Capital Bonding Request
 - *Approve a resolution supporting and authorizing the City's application for MN State Capital Bonding (Year 2022) to design and construct of a new Brooklyn Center Community Health, Culture, and Recreation Center (Community Center).*

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 7/12/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Approve the minutes from:*

- *June 7, 2021 Work Session*
- *June 28 - Study Session*
- *June 28 - Regular Session*
- *June 28 - Work Session*

Background:

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
6.7 Work Session	7/7/2021	Backup Material
6.28 Study Session	7/7/2021	Backup Material
6.28 Regular Session	7/7/2021	Backup Material
6.28 Work Session	7/7/2021	Backup Material

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 7, 2021
VIA ZOOM

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 5:34 p.m.

ROLL CALL

Mayor/President Mike Elliott and Councilmembers/Commissioners Marquita Butler, April Graves (arrived at 5:50 p.m.), Kris Lawrence-Anderson, and Dan Ryan. Also present were Acting City Manager Reggie Edwards, Community Development Director Meg Beekman, and City Clerk Barb Suci.

OPPORTUNITY SITE INFRASTRUCTURE FRAMEWORK DISCUSSION

Acting City Manager Reggie Edwards explained this item has been on the agenda several times and rescheduled. He invited Ms. Beekman to present the staff report.

Community Development Director Meg Beekman stated staff has been working with consultants since the beginning of this process and on the master plan. The intention tonight is to go over a framework for the physical infrastructure that will ultimately comprise the master plan. The focus will be four infrastructure elements related to mobility, access, transportation; parks and open space; stormwater; and, land use. She noted there are discussion points around land use that will also be presented.

Ms. Beekman introduced Andrew Dresdner, an urban designer, and architect with Cunningham Group who has been leading the urban design component of the master planning work. She also introduced Haila Maze, Bolton & Menk, who is the project lead on the Opportunity Site master planning process, has been facilitating this process, overseeing community engagement, distilled all those pieces, and drafted the master plan.

Haila Maze, Bolton Menk, reviewed the background of the master plan and implementation process, noting in 2019, a preliminary development agreement was renewed with Alatus, the developer, and with the nontraditional process of the City taking the lead on master planning work and Alatus focusing on implementation to assure the City took ownership of the process and result, which was the vision of the community. At that time, the City engaged with consultants to address the initial scope, engagement, look at the condition of the area, physical infrastructure, land use concepts, and implementation framework. Alatus was a partner during this time even though the

development agreement is no longer in force. She explained this planning process was impacted by a development moratorium as well as development agreements with the idea of making some space in the process to have a stay of development on the site to allow for the framing process to occur in advance of development applications.

Ms. Maze stated the initial plan was to complete that master planning process in 2019, a quick turnaround, to allow development to move forward on a fast-track process. That was slowed down because of the desire for a more robust public engagement process to assure it was thoughtful and grounded in what was important to the community and because of the COVID pandemic. The City Council/EDA also took other actions during that time to secure its position on the site and prepare it for development, including the addition of Target after its closure. That assured control of the major sites on the property. There were also adjustments to the Central Commerce Overlay District at that time.

Ms. Maze explained that during the process, a concern has been raised about what is being approved and the relationship between what the developer is proposing and the overall master plan for the site. There is a lack of clarity in terms of what the approval would even mean. She explained the slide being displayed shows that these are two distinct pieces. Approving the plan document will create a framework for the site and adopt policy guidance that sets the stage for what comes next. However, it is not the same thing as approving a development, which all on the City Council/EDA know. She stated there will still be opportunities for the public to weigh in on the details of the project that come forth.

Ms. Maze stated the physical aspects of the master plan include a physical infrastructure plan that addresses what the built environment looks like and sets the guidance to make sure it is consistent with an overall vision of mobility, supports the community, and benefits that will come from this project. The focus is on access and mobility (streets, sidewalks, trails, how people walk and travel and move around the site), open space (parks, open green spaces, trails, connectivity where people can gather and recreate); the stormwater plan (how stormwater is managed both underground and more visible); and, land use concepts (what will be built, scale, type, character).

Ms. Maze stated the implementation plan components will follow later and is not really the focus tonight but is an important part of the package overall. It will include the financial analysis (City's participation, TIF District, sources and uses); zoning and land use regulations (policy document closely paired with the zoning update and in sync with the policy to assure there is consistency); and, development goals and parameters (more details on what developers are asked to bring to the table). Ms. Maze explained the goal is to have a plan that provides more guidance than would otherwise be to make sure things get done according to plan. Ms. Maze noted one question may be why advance the infrastructure piece first and ahead of the others. The idea is to make sure that as incremental decisions are made, all of the pieces match up and are in sync, which is the unique challenge of urban development.

Ms. Beekman offered to create context on where we are at today and what speaks to the current conditions that are driving the conversation and urgency around this plan. She explained the goal of the master plan process is to have better results than to let the market do what it wants to do on its own. As part of that, it is important to assure the project is technically and economically

feasible. To support that process, there have been some technical studies and conversations over the last year. A transportation study was completed based on the January 2020 draft master plan. That transportation study helps to understand the impact this development could have on surrounding roadways and intersections and was shared with Hennepin County. Depending on the land use, and as that shifts, it will affect transportation so more intense land uses will have greater transportation impacts and lower impact and density developments will have a lower transportation impact. Ms. Beekman asked the City Council/EDA to keep this in mind as conversations continue about land use. In addition, it is partnered with some conversations with Mn/DOT as it relates to transportation.

Ms. Beekman stated the City has also completed a regional stormwater plan that is critical and tied directly into physical infrastructure since the plan is to complete a regional stormwater plan to serve all of the development. The key benefits are that it creates much more efficient use of land so higher value development can occur in a more compact area and stormwater can be addressed through a regional system instead of individual ponds. Planning for that is complex as space is needed to carry and treat water so it is an important early piece as it critically sets the table for other land uses and roadways.

Ms. Beekman stated staff has also had conversations with Three Rivers Park District who has committed to providing a four-acre mini regional park within the development area. Three Rivers Park District has amended their parks and trail plan to include this project and it is in their 2014 Capital Improvement Plan (CIP). As a result, the Three Rivers Park District will begin an engagement and planning process for that park later in 2021. Ms. Beekman used a site map to point out the intended location. She explained why it is important to have the Three Rivers Park District as a partner because of the funding opportunities it has opened up and it recognizes that as regional trails are rerouted, it is done in partnership with the Three Rivers Park District.

Ms. Beekman stated about staff's conversations with Mn/DOT, one piece that came up as part of transportation and land use planning, is that Mn/DOT holds five acres of right-of-way for John Martin Drive adjacent to Highway 100 in the middle of a highly visible area of this Opportunity Site Development Plan. She explained the draft master plan calls for the closure of the John Martin Drive access and bridge and for Mn/DOT to vacate that right-of-way. That would allow it to be incorporated into a future redevelopment area. Ms. Beekman noted that Mn/DOT has approached the City about that access as a related topic with their 2026 Highway 100 improvement project. In those conversations, the City talked about the desire to have this right-of-way vacated and Mn/DOT expressed hesitation to move ahead with the review of that right-of-way, in part due to their 2026 Highway 100 improvement project as they know they will need space for stormwater capacity. Mn/DOT has indicated it is too early to consider declaring excess land or to vacate right-of-way until their stormwater needs are identified. Staff worked hard with Mn/DOT to assure they understand the highest and best use of this land is not for stormwater ponding and given the City's position and planning of this site, it is also not appropriate to wait to determine the appropriate use for this land into 2026. The staff has pushed Mn/DOT to further substantive conversations to look at this land sooner.

Ms. Beekman addressed the idea of the market and private property interest, noting the EDA controls approximately 44 acres of the Opportunity Site, which is an 80-acre area. The balance of

the site is owned privately by various parties with most of those properties being for sale or owned by willing sellers. Regularly, staff receives inquiries from parties interested in acquiring these parcels for redevelopment concepts, reuse concepts for existing buildings, and generally, the theme is for uses that do not align with the draft master plan. She stated this is not a surprising thing as the draft master plan calls for a very significant revisioning of this area, an intensification of land uses, bringing in new infrastructure and amenities, and delivering outcomes that the market is not going to deliver on its own without the City guiding and supporting that process. The concern is that absent a vision for the site, the City is limiting the ability to ensure that the reuse/redevelopment of these properties aligns with what the City wants to achieve. So, without an adopted framework for future redevelopment, it becomes more difficult for staff to convey the City's vision, provide direction to property owners, and move along the regulatory components that will ensure the City gets what it wants on the site. Ms. Beekman stated the City adopted a moratorium on development that expired last August and is not in a position to enact another moratorium.

Ms. Beekman stated another pertinent piece is the City's Comprehensive Plan, which supports the vision of the site and called for transit-oriented development and commercial mixed uses on this site. However, the Zoning Code does not align with the Comprehensive Plan. The zoning for the site focuses more on historic land-use patterns, allows for auto-oriented retail and commercial uses, which are not in alignment with the vision. As a result, regulatory processes need to move along during visioning to ensure the Comprehensive Plan and Zoning Code are in alignment.

Ms. Maze provided an overview of four guiding principles and values that provide the basis. She stated that staff heard over and over again from the community that it was important to be clear on the core values, they were centered and used as touchpoints moving forward. That has now been the intent in building out the plan that includes specifics and details of the design/implementation but does not lose track of what the City is trying to accomplish – community benefit for the people of Brooklyn Center.

Ms. Maze stated one guiding principle is: creating a vibrant and distinctive destination for the community and region. This is about serving the community first but at the same time, it is a unique location and opportunity, which all appreciate. So, it needs to be special and a point of pride that people connect with. Another guiding principle is: embracing the growing diversity of this community. She stated the intent is to manifest that in the design, development, and programming that this is truly a space for everyone here and it celebrates that as a strong asset of the community. Another guiding principle is: considering sustainability in design and development. She stated this addresses sustainability in all sorts of ways including green and efficient, thinking long term for the people here, and it has to work economically. The intent is that this will be a place that all in the community can gather, meet, work, shop, live, play, and worship.

Ms. Maze presented a series of values and vision which relate to and are grounded in the engagement to date. Diversity and inclusivity are front and center to recognize this is for all people who are from different communities and have different perspectives, cultures, preferences, and to create an intentional welcoming space. Affordability has come up many times for housing and commercial spaces and other considerations to assure the project does not price people out of their

neighborhood where they want to live, work, and grow up. This means providing different ranges of affordability as input was received on the need for subsidized housing and move-up housing for people to stay in the community. With health and wellness, it assures this space is vibrant and encourages an active and healthy lifestyle, and may include medical facilities. Fiscal responsibility recognizes this property is a big investment for the City and showing value to the taxpayers is certainly part of this consideration. The issue of flexibility relates to the length of time it will take to build out the site, which will certainly last years so the plan has to be flexible enough so as things change, it is adaptable. The value of community pride addresses the site being something that people can be proud of, a place residents can take visitors. Environmental sustainability considers ways the site can be green and sustainable. Local benefit gets back to the site benefiting people who are here and not just the folks who move in from out of town and counteracts displacement through gentrification, which is not the intent and being proactively addressed through studies. Ms. Maze stated these values reflect a narrative and are the centerpieces for the City's approach to this plan.

Ms. Maze displayed a map depicting publicly owned properties in the vicinity of the Opportunity Site, noting this is a major investment and has taken years to secure the property in support of the vision for the area. She noted that while there was some opposition before the great recession, causing a delay in planning, now is the opportunity to move forward when there is developer interest. In addition, this City-owned property reflects a drain on the tax rolls as they are currently tax-exempt, which keeps the tax burden on the remaining properties within the City. Ms. Maze noted that Ehlers, the City's financial consultant, has shown in their analysis that there is a fairly substantial burden, not just specifically from these properties, but from the City overall to residents and homeowners, property owners, and renters in this area so thinking about how this property can be put into private sector development certainly considers that.

Andrew Dresdner, Cunningham Group, provided detail on the physical framework of this plan, which takes into account all of the systems and layers needed to ensure this plan can be implemented. These layers/frameworks can relate to physical frameworks such as muscular, skeletal, cardio, and neurological systems. In a City, the individual systems have to be strong and adaptable, intact, have integrity, and well-integrated with each other. The framework plan will adjust the four systems built for a previous time to accommodate a new pattern of development that is healthier, more sociable, more sustainable, and more in alignment with the current goals and today's marketplace. The four systems of land use, open space, stormwater, and access need to be adjusted to meet today's needs.

Mr. Dresdner stated the land use layer is the horizontal arrangement of how land is developed. Today's land-use system on this site is relatively automobile-oriented and commercial and retail-based. It was set out for a different time with the buildings spread out and the existing land uses don't generate much use from being next to each other. Proof that the land uses don't work well with each other is the fact that many are vacant today. The main goal of the land use framework is to create a place that is more equitable, affordable, and accessible to more people in Brooklyn Center. In effect, this new land-use plan will allow the City to open its 'tool box' for community gain, spaces for community events and activities, local entrepreneurs, living-wage jobs, local goods and services for residents, and housing at multiple house points for people in multiple stages of their lives. Depending on how those land uses are arranged, it can be done so people are less

reliant on an expensive car so they can live a more prosperous and healthy life and feel more connected to their community.

Mr. Dresdner stated in general, the land use plan proposes two land uses: Transit-Oriented Development (TOD) as well as business mixed-use. He displayed a map showing three-quarters or two-thirds of this site is TOD and one-quarter to one-third is business mixed-use. With TOD, the land use is defined in the City's Comprehensive Plan and supported by the Met Council's significant investments in its C & D line that comes up next to the site. TOD is often associated with housing but the outcomes of TOD development patterns are as much about creating neighbors and center of the community as they are about creating just housing. Mr. Dresdner noted there is great demand for housing so they have created a framework that will allow the City to leverage its stake in its properties to pursue these important housing goals. The TOD land use will also support gathering spaces, community amenities, retail, and services for residents, which are other essential elements to a healthy neighborhood and a vibrant center to the community.

Mr. Dresdner displayed a proposed TOD land use map of the subject site, noting it is primarily housing with uses mixed in such as neighborhood parks (one being the Three Rivers Park District's park) as well as smaller areas for small commercial. The main street in the middle of the site would be John Martin Drive and a little retail would surround the Three Rivers Park District's park. He explained these uses for walkable and healthy mixed-use neighborhoods can be codified into the Zoning Code as the City moves into the implementation portion of this plan.

Mr. Dresdner stated they evaluated three different and possible TOD land use outcomes for the southeast segment that is 20 acres in size. The first option is a concept to attract a large regional recreation. Before the pandemic, it was a promising proposition but also an expensive option that would no doubt have required a regional and potentially State lift to get it done. Since then, the pandemic put a damper on this option due to economic uncertainties, so while it is still a possibility, they don't believe it is a near-term possibility.

Mr. Dresdner stated the second alternative is business mixed-use. He noted the City receives regular inquiries from potential developers on locating employers and jobs to the site. This may be due to its central location in the region, access to regional roadways, and probably and most importantly, its proximity to the nearby workforce. They think this segment could become a business mixed-use area; however, not in the way that business parks were and currently are built around many suburban areas in the region. They think it would support the creation of a strong neighborhood because it could attract jobs for the people who live in the community and Opportunity Site. If done correctly, this type of land use will help support additional goals related to sustainability, entrepreneurship, and access to living-wage jobs all indirect and immediate proximity to the TOD area. Instead of being separated like many business parks, they think it can be done close and still achieve certain sustainability goals. For example, if done correctly, the rooftops of the buildings can be green rooftops or solar rooftops to help power the entire area and lower the cost of energy for everyone in a clean way. This concept can also work well with stormwater systems.

Mr. Dresdner stated design is really important with this concept. They think that business mixed-use and TOD don't need to be separated by distance and buffers but can come together and create

a seam in the neighborhood that pulls together both living and working uses. He displayed and explained a diagram depicting this concept, noting care and concern have to be given to scale design and transitions. He stated if done correctly, it can bring living-wage jobs to the neighborhood approximate to transit and housing.

Mr. Dresdner stated the third option is to extend TOD into the remaining 20 acres of the site, which would ensure uniformity of urban form but would decrease the opportunity to create a unique activity center, true downtown to Brooklyn Center, community gathering, and access to jobs as it would be dominated by housing. He stated this is not necessarily a bad thing, just a different thing and there is a tremendous demand for housing so, over time, the entire site could be used for housing.

Mr. Dresdner stated the goal with open parks and space is to create an inside-out city where the life and pulse of the city are outdoors and shared by all who live and visit here. That means creating high-quality all-season parks, plazas, and gathering spaces that support the broader goals of this City. The park components include the 3–4-acre park funded by the Three Rivers Park District that would be a bridging or gateway park, a way to provide access to regional parks to inner-ring communities where they have none. The open space plan also has neighborhood parks for the area comprised of smaller green spaces for playgrounds, passive space, sitting, and gentle spaces for the community to come together. Another element of this Plan is a garden street that runs through the development sites and links the different neighborhoods and parks. Mr. Dresdner noted the regional greenway trail and stormwater greenway through the site. He explained this is where City life happens with high-quality public spaces where residents as well as visitors come together, mix, and mingle.

Mr. Dresdner addressed stormwater and explained it is an important framework since the site is currently out of compliance and a paved over the impervious site where rainfall causes sediments and oils to be flushed into Shingle Creek. He stated stormwater is oftentimes an underground and functional layer of the City that people may not pay attention to. But they see great value in daylighting the stormwater system so it is showcased on the surface and uses rainwater and stormwater as a resource as opposed to a waste product. This framework allows the City to harness rainwater and stormwater and use it in park spaces and greenways for irrigation, habitat, and to replenish the aquifer. Stormwater would be a shared and stacked infrastructure where you can have recreation comingling with the stormwater system, which also allows parcels to develop one by one without individual and uncoordinated stormwater systems.

Mr. Dresdner stated the final framework is accessing and connectivity, noting the goal of streets is not necessarily to move but to get places and provide access and connections between places. This framework establishes the pattern of streets and pedestrian ways through the site. There are currently two or three streets through the site that result in large superblocks that worked for a development pattern of 40 years ago but not today. They want to create a development pattern that is easy to get to and pleasant to be in as well as regionally accessible with locally oriented streets for those who live there and are using the spaces. Ultimately, they want to create and establish a network that enables people to get around easily without the use of a car, if they choose. He noted the access and connectivity plan has a couple of interesting features including the garden street he described that may be lined with townhouses, and a series of other streets to break the

sale down so it is easier to walk around. Mr. Dresser explained when you have fewer streets, they may be very wide but when you have a lot of streets, they may be very narrow. That tradeoff is one they think is worthwhile if developing a walkable and healthy type of neighborhood or center to a community. He stated a traffic study has been started to ensure traffic works and as the City moves into implementation, an official mapping process would take place with some level of flexibility to direct property owners as to where new streets should be located as they develop sites one by one.

Mr. Dresdner recapped his presentation by noting the four systems work together, work separately, and are timed for today's market and the City's goals.

Ms. Beekman stated the purpose of tonight's discussion in terms of the value of the infrastructure framework, is that it does a lot of things and the timing is fairly critical. This work will not preempt additional engagement and on June 14, 2021, the City Council will discuss how the community partners and that work will continue through a robust engagement process through the summer and fall. She stated it will address community benefits and managing displacement risks. Staff is also working with the City's partners at KIRA and the University of Minnesota on the housing study as well as working to understand how to best develop the community benefits for this site. All of that work is ongoing and will be built into the final master plan.

Ms. Beekman stated the infrastructure framework provides framing for conversations to move forward as it will guide interagency coordination (i.e., Mn/DOT, Three Rivers Park District, Hennepin County) on what the City needs to advocate for this site. It also helps guide early discussions and negotiations with interested parties and property owners since much of the site is privately owned and there has been significant interest but maybe for land uses that don't quite align with the City's vision. The infrastructure framework also positions the City to pursue grant funding through Hennepin County, the State, and Metropolitan Council and because this vision aligns with their goals, this project will be competitive. It also continues to inform the planning and design for the physical infrastructure. Once the framework is in place, the next step will be to refine and design those systems in a way that allows us to identify the costs, exact locations, and move the project forward. She explained it will help focus the community engagement efforts and those conversations.

Ms. Beekman stated staff continues to work on updating the Zoning Code that will include the creation of new zoning districts, including TOD, to encompass this site. She explained that getting a regulatory framework around the physical component of the development is important too. Next steps include the City Council/EDA adopting the infrastructure framework at a future meeting based on tonight's conversation, staff continuing with community engagement efforts focused on implementation components, and how the vision gets delivered, (i.e., through a community benefits plan, a regulatory framework, a financial plan). Staff will continue with the planning and designing of the physical infrastructure systems, building them into the implementation section, and focus on how things such as the regional stormwater system will be paid for if installed over time as the property develops, and how the City can recoup expenses or cover expenses by the private sector. The next step is also to complete the zoning for physical development.

Ms. Beekman stated tonight's discussion is focused on the infrastructure framework and specifically the elements presented by Mr. Dresdner and to get direction from the City Council/EDA. She noted Mr. Dresdner had laid out three options for the southeast segment of the site in terms of land uses that have already been explored and detailed in the meeting packet. Ultimately, the question is around the City Council's/EDA's level of comfort with proceeding with the infrastructure framework and moving forward.

Mayor/President Elliott thanked staff and the consultants for the presentation, noting the City Council/EDA has been engaged in this work for some time. He stated this is the biggest project the City has had in a while so it is important and needs to be developed in a way to support Brooklyn Center and its residents and driven by that vision so the City is the best place to live in the State. Mayor/President Elliott stated there are a lot of moving parts and he thinks there are good aspects of this plan that speak to many things the City Council/EDA have said over the past few years including the green aspect, energy sustainability, affordability, and access. He stated before a plan is approved, he wants to see community engagement come back as he views it as making sure the community is informing the vision for this site and if that is not done, it is putting the 'cart before the horse.' Mayor/President Elliott stated tonight has been a good meeting to get information and see the possibilities but before approving the plan, it is critically important to center equity. He noted several systems were pointed out and discussed, including land use and various layers, looking at outcomes and framework and features, but one system not looked at is one of systemic inequity that is one of the sticky parts of our society and more destructive. Mayor/President Elliott stated unless the right people are at the table and we are intentionally and well integrating that into this outcome framework and features in a way driven by members of our diverse community, then it is missing a very important opportunity that the City cannot afford to miss. He stated this is a once in a lifetime/generation type of project and a historic one for Brooklyn Center to build for the generation of young people at the high school that the City Council met the other day because, in a couple of years, those young people will be the adults in this community.

Mayor/President Elliott stated this was a good presentation but he thought community engagement would shape the vision for the site and then the City Council/EDA would move forward. He stated it is incredibly important to get the housing study, since housing is fundamental to everything else, and so there is a good understanding of the overall vision of the site. This study will indicate the level of need and at what levels, what proportion in the plan in terms of single-family versus multi-family versus townhomes, or is it something different. He stated he is not ready to vote on a plan until he sees the engagement portion.

Councilmember/Commissioner Ryan referenced the three options for the southeast segment: regional recreational, business mixed-use, or extend TOD. He stated if it were the consensus of the City Council/EDA to move forward with the second option, business mixed-use, for the southeast segment, it does not preclude the other uses (TOD development or a parks element) being integrated into that. Mr. Dresdner asked whether he was referring to the southeast segment. Councilmember/Commissioner Ryan stated probably adjacent to it because he understood from the description that it could be managed in such a way that it would mesh with or generate the creation of some favorable neighborhoods and incorporate many of the other planning values. He asked if that is a fair generalization. Mr. Dresdner stated that is correct but concerning regional

recreation, it has a regional scale and therefore has a big footprint. He stated a smaller recreational piece could be integrated here but initially, that was a 20-acre piece.

Councilmember/Commissioner Ryan stated that was the water park concept the City Council/EDA looked at a couple of years ago. He noted there is other green space distributed throughout the Opportunity Site that could be designed in various ways. Mr. Dresdner stated that is correct as well as in the business mixed-use area.

Councilmember/Commissioner Ryan stated the City Council/EDA could simply state to go ahead with this planning paradigm and still be flexible in terms of business mixed-use or extended TOD development and asked if that is a fair generalization. Mr. Dresdner stated he thinks so.

Councilmember/Commissioner Ryan stated he thinks there has already been extraordinary community engagement going back a couple of years and many studies years before so if taking some steps to move this along, during that time, additional inclusive community engagement that is truly inclusive can take place when the City Council/EDA will hear needs, desires, and expectations from the community. But, at the same time, when looking at development concepts that currently have some traction, to take additional steps to get this going because the worst thing that could happen is if this gets drawn out long enough where there is another bump in the road with the economy and if this gets delayed again, it could be really bad. Councilmember/Commissioner Ryan stated he would like to go forward with this four-stage infrastructure plan.

Ms. Beekman stated to create some context, in terms of the business mixed-use, it is not a surprise there is a significant amount of interest in light industrial land use as it is strong now in the market. She noted Mr. Dresdner has looked at a way to capture a land use and create value on the site that a strong market demands yet carve, hone, and focus it in a way that maximizes the community benefit. When Mr. Dresdner described what it is and what this land use could be, he made a strong point to distinguish it from a typical business park or light industrial business park. This is intended to integrate much smaller footprints to create a more vibrant and walkable space that will create a strong tax base and livable wage jobs. Staff believes this is possible because of the strong market demand so the City can push that market given the visibility on this site, the proximity to downtown, location within the region, which all make this a desirable site. That will allow the City to leverage the high value and is what this concept is predicated on, an urban mixed type land use that creates a lot of value. If that is not possible, then that is not the land use the City has an interest in here.

Ms. Beekman stated to Councilmember/Commissioner Ryan's point about there being other options and sites, the staff knows that TOD development and demand for housing are strong and a possibility for this area. The staff knows that having a destination where people will come to this site from other places will create a market as well and has value. She noted all of those things are part of this conversation. She asked the City Council/EDA if there is any value to be found or interest in the business mixed-use concept as defined and described by Mr. Dresdner, noting that indication would provide direction to staff as they hold conversations with interested parties. Ms. Beekman explained that achieving this vision will require a fairly significant amount of work in terms of aligning visions with the private market and bringing it to bear.

Ms. Beekman referenced Mayor/President Elliott's comments about equity and access and housing and stated she agreed those items are critically important and, in some regard, the most important in terms of ultimate outcomes for this development. Staff is asking the City Council/EDA to speak to that foundational element, the physical frameworks that the rest of the vision is built upon. She explained the City is at the point with some of the work that the implementation part cannot move forward until staff knows we are on the right track in terms of the physical elements comprised of the road network, stormwater plan, and regional trail and park systems.

Mayor/President Elliott noted the time is 6:44 p.m. and some on the Finance Commission have joined for the next meeting that was to start at 6:30 p.m. He stated his experience when attending past sessions, one being at the library where a young white couple walked out of the meeting saying 'you guys already have your mind made up so I don't know why you're having this community session.' Mayor/President Elliott stated it is stuff like bringing a plan that's already been approved by the City Council/EDA to be engaged upon. He does not understand why the engagement process cannot include land use, which is fundamental to the question of equity. The process of engaging the community on whether businesses should be here, mixed uses here, housing here, parks over here, is fundamental so for him, he thinks there are some good things but it is putting the 'cart before the horse. He asked if other Councilmembers/Commissioners want to comment on this item before transitioning to the next meeting.

Councilmember/Commissioner Ryan stated there is one other element that he feels should not be overlooked. He stated Ms. Beekman mentioned that Mn/DOT is considering some improvements to Highway 100 in the next two to three years. Ms. Beekman stated that is correct. Councilmember/Commissioner Ryan stated one of his observations in having lived here for a long time, in looking at the road system, is that he remembers before Highway 100 was modified and when Brookdale was still doing well, several businesses would go into the southeast area site and inevitably fail. He observed that because of the configuration of the road system, people would drive along Highway 100, see stores, but not have a clear idea of how to reach those locations. He had euphemistically referred to it as a place where businesses went to die. So, if the City does not know what potential modification there is for Highway 100, then that is when he starts to think about the business mixed-use being designed on the right scale and integrating well into adjacent neighborhoods. To him, that lends more credence to that concept because however Highway 100 is modified, if not as advantageous to that site, it may be more conducive to a business mixed-use because if Highway 100 is not as convenient off/on, it will probably have less impact on that business mixed-use than other uses.

Councilmember/Commissioner Butler stated there are components of all the options she likes and thinks there is a way to take pieces of each option and adjust it to what will work best for Brooklyn Center. But she too agrees with what Mayor/President Elliott said about wanting engagement and does not want to approve a plan and then engage the community with an already thought-out plan because if she was a community member, she would think you are wasting her time or didn't care about her opinion. Councilmember/Commissioner Butler stated she has to disagree with Councilmember/Commissioner Ryan because she does not think our engagement has been sufficient around this Opportunity Site. She acknowledged the City has made efforts and as feedback was received, staff has adapted, taken that feedback, and improved as we've gone along so she wants to give credit to the staff for hearing our concerns and doing their best to adapt and

improve. Councilmember/Commissioner Butler stated she does not want to say we have not done any engagement work or staff hasn't tried. She noted she will not be at the next meeting but will review the packet and is excited to hear what the plan is for engagement. She is not in a position now where she would want to vote on an option at this time but appreciates the presentation and looks forward to hearing more about the community engagement plan.

Ms. Beekman stated staff laid out four physical infrastructure pieces and land use is one of those elements. The other three are the open space system, stormwater system, and access and connectivity system. She asked whether the City Council/EDA feels they could move forward with those other frameworks at a future meeting. Ms. Beekman explained there are elements of the implementation piece as well as the conversations with other agencies that lend themselves to needing to know that from a structural standpoint, we are moving in the right direction.

Mayor/President Elliott asked if there is a possibility of getting engagement around just those pieces and coming back with that, to frontload engagement around access and connectivity. He stated historically, the land use in these communities has been a question where communities have been left out so he wants to hear from people around those issues and if it means we connect with Mn/DOT and have a more engaged conversation around right-of-way, he is happy to have that conversation with them along with the staff. He asked if there is another way to engage them in that conversation to assure the City will be accommodated by them.

Mayor/President Elliott stated he would like the land-use question engaged on and that portion to come back for the City Council/EDA to consider. In the meantime, perhaps he, Dr. Edwards, and Ms. Beekman can engage with Mn/DOT to get something figured out on the land use and right-of-way questions.

Ms. Beekman stated she hears that with the land use piece, the City Council wants to do more engagement. She stated the stormwater plan and transportation plan would be two items that to complete implementation, staff needs to know they are on the right track because the next phase of design is fairly intensive and will involve the watershed district, Mn/DOT, Hennepin County, etc. and specifically with Three Rivers Park District, who is putting capital investment into a park and need to know the City Council/EDA is supportive of that direction. She stated these items are fairly critical to carry on those conversations.

Councilmember/Commissioner Graves stated she thinks most of what she saw was good and incorporated many things that have already been stated and priorities of the City Council/EDA. A couple of things that came up for her as potential questions but in general, as a framework to get more feedback from the community, she is hoping frameworks can be somewhat flexible and as more engagement and feedback are incorporated into the framework it may change a little bit. With the street structure, she has a few questions about the garden street, which she likes as a concept but is more concerned with safety features to encouraged people to go slow as the roadway will be more narrow. She would like to see a similar example where it has slowed down traffic since this will be open mostly to residents who hopefully wouldn't speed down their blocks.

Councilmember/Commissioner Graves referenced the slide detailing the downside of a particular concept where there would not be space for a workforce-focused amenity, which gave her pause.

She noted there is already meant to be some type of entrepreneurship workforce element to other plans discussed within the Opportunity Site so she is also interested in how this aligns with the other designs the City Council/EDA has discussed and has been getting community engagement upon.

Councilmember/Commissioner Graves stated, in general, she likes the concept, things incorporated, and wonders specifically about the kind of industrial jobs and if located near housing, the types of safety or noise considerations there may be, and how accessible will these living wage jobs be to some of our Brooklyn Center residents. She also asked about the output from the types of businesses that may locate there.

Councilmember/Commissioner Graves stated she wondered about the stormwater element and while it won't be a lazy river, she likes ideas within the recreation option. Similar to what Councilmember/Commissioner Butler stated, she thinks it would be nice to incorporate some of the other options into one so when doing community engagement, staff can offer the other options and get feedback on that as well. Councilmember/Commissioner Graves stated in general, she thinks it is a flexible framework to get feedback on from the community that will be adaptable and iterative so she is okay with moving forward on it.

Councilmember/Commissioner Ryan stated he appreciates the fact that at this point, there doesn't seem to be a consensus on land use and desire for additional community input on land use concepts but he does not see why we can't move forward on stormwater transportation and possibly open space given Three River Park District's interest. He noted there would still be a lot of flexibility in terms of ultimate land-use decisions. Councilmember/Commissioner Ryan stated the City Council/EDA should not be seen as unwilling or unable to make any decisions about moving the process forward when it is feasible to do so and still be guided by further community engagement.

Councilmember/Commissioner Butler asked Ms. Beekman, in terms of decisions needed today, what aspects need to move forward to not hold up the other stakeholders involved. Ms. Beekman stated it was intended this evening to present the infrastructure framework in its entirety and ultimately get direction from the City Council/EDA on whether the staff is on the right track. She stated Councilmember/Commissioner Graves was articulate when she talked about frameworks having flexibility and as part of moving forward, understanding what aspects the City Council/EDA is comfortable with, we might be able to bring it forward at a future meeting to take action. She explained that the resolution to take action can be written to build flexibility. Staff did not think the roads would be built in these exact locations and we are not done talking about those aspects of the project. That is not the intention. Ms. Beekman stated staff intends to create a check-in and place where the City Council/EDA can see the work to date in response to physical realities of the site, geographic context, and community engagement, recognizing this is iterative. But, if the City Council/EDA is not comfortable building in land use, it can be an open space framework, transportation framework, and stormwater framework that allows staff to continue implementation.

Councilmember/Commissioner Butler thanked Ms. Beekman for that clarification and stated if it is not set in stone and the City Council/EDA can continue to amend it as getting feedback and

clarity, then she is fine with moving forward. She feels that many elements we spoke to have been incorporated.

Ms. Beekman stated the other thing to keep in mind relating to land use is that the 2040 Comprehensive Plan does guide this site for TOD so that component is part of the land use vision and has been codified in the Comprehensive Plan. That is not changed by this framework other than the piece of 20-22 acres along Highway 100 in the southeast segment is guided in the Comprehensive Plan for TOD, staff has seen other land use opportunities come forward. If land use is a component of the framework that the City Council/EDA takes action on at some point in the future, that is fine. But it would be extremely helpful for staff to understand what that level of interest is to the business mixed-use concept because there have been so many conversations with interested parties who want to pursue that type of land use, a business park that is not typical by any means.

Financial Commission Chair Taneshia Kragness liked the fact there is so much flexibility, which will go far with the community engagement piece as nothing is set in stone yet and it has the flexibility of combining options. She noted then someone won't show up saying the decision has already been made and why are you asking now for someone's opinion. She likes the fact you can say it is still flexible.

Councilmember/Commissioner Ryan asked Mayor/President Willson to poll the City Council/EDA for a consensus to address the Community Development Director's last question about whether there is some level of interest for the business mixed-use development for the 20 acres in the southeast segment.

Mayor/President Willson agreed to conduct that poll and asked the City Council/EDA if there is some interest in business mixed-use development for the southeast segment.

Councilmember/Commissioner Ryan stated he has a strong interest in pursuing that concept and as Councilmember/Commissioner Graves mentioned, none of this is written in stone but there is potential to look at concepts without having predetermined decisions. He is strongly in favor of the business mixed-use concept for that location.

Councilmember/Commissioner Lawrence-Anderson offered no reply.

Councilmember/Commissioner Graves concurred.

Councilmember/Commissioner Butler stated she is fine with exploring that option.

Mayor/President Elliott stated he thinks exploration is okay but moving forward with this as the plan is not okay and he wants to see the community engaged before he is interested in voting on the plan.

City Clerk Barb Sucui reported the poll vote shows four in favor of going with business mixed-use for development of the southwest segment.

Mayor/President Elliott confirmed the direction of the City Council/EDA is to explore business mixed-use on that portion of the property.

CITY MANAGER POSITION DISCUSSION

This item was addressed during June 7, 2021, Joint Work Session with the Financial Commission.

ADJOURNMENT

Mayor/President Elliott adjourned the City Council/Economic Development Authority Work Session at 7:11 p.m.

Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)
CITY OF BROOKLYN CENTER)

ss. Certification of Minutes

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. That attached hereto is a full, true, and complete transcript of the minutes of the City Council from the City of Brooklyn Center Joint Work Session with Financial Commission held on June 7, 2021.
2. That said meeting was held pursuant to due call and notice thereof and was duly held at Brooklyn Center City Hall.
3. That the City Council adopted said minutes at its June 14, 2021 Regular Session.

City Clerk

Mayor

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 28, 2021
VIA ZOOM

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Mike Elliott at 6:07 p.m.

ROLL CALL

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

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Mayor Elliott announced he had to leave the meeting at about 8 p.m. and at that point, Councilmember Graves will take over.

Councilmember Graves asked whether Mayor Pro Tem Butler is not present tonight. Mayor Elliott apologized and corrected that Mayor Pro Tem Butler will preside upon his departure.

City Clerk Barb Suciu noted an added agenda item related to a Presentation from Hennepin County Regarding Civil Unrest.

Acting City Manager Reggie Edwards explained that Commissioner Lunde intended to make a presentation of support from Hennepin County as it pertains to civil unrest. But, due to a family event, Commissioner Lunde is unable to be present tonight so it will be rescheduled for July.

Dr. Edwards asked Mayor Elliott about EDA/Work Session item.

Mayor Elliott thanked Dr. Elliott for the reminder and removed EDA/Work Session Agenda Item 3, Mayor's Senior Policy Aide Position, for presentation at an upcoming meeting.

Later in the meeting, it was agreed to switch Council Consideration Items 10.a., Resolution Authorizing a Community Engagement Pilot Program with Community Partners for the Opportunity Site, and 10.b., City Manager Appointment.

MISCELLANEOUS

CHAT FEATURE

Mayor Elliott stated the City Council had the chat feature before, then discussed it, and turned it off. He stated he likes having the chat feature on to increase participation and asked for City Council input.

Councilmember Graves stated she appreciates additional ideas brought forward by the chat feature as well but also sees how sometimes it is a bit of a distraction and space where, if not well facilitated, could be hostile because it is hard to control what people decide to say digitally. She noted even something meaning to come from a good place can be interpreted and received negatively.

Councilmember Graves stated, first of all, she looks forward to being able to meet back in person again, which she prefers although it is nice to have the option for virtual should she be out of town or not feeling well. She prefers an in-person connection with Council Members, staff, and community members who attend. She suggested between now and when resuming in-person meetings, the chat feature is open during Work Sessions and Informal Open Forum and closed when not during that time.

Councilmember Lawrence-Anderson concurred with Councilmember Graves that during the Work Session and Informal Open Forum are a perfect opportunity for the chat feature. Yet during the meeting, she believes it is a distraction, noting in Chambers, public comment is not typically allowed unless a Public Hearing. She stated if the chat feature is used as if an in-person meeting, it would be perfectly fine if facilitated well, which may be an obstacle for the City Clerk who is the host.

Councilmember Ryan stated he generally concurs with his colleagues and thinks the chat feature is a distraction and can be used or misused. But if acceptable to most of his colleagues to have the chat feature enabled during a Work Session or Informal Open Forum, he can live with it. But, would just as soon have the chat feature disabled.

Councilmember Butler stated she is fine with the suggestions of Councilmember Graves, though the chat feature does not bother her either way. She thinks it is a good compromise for those who do not want it versus those who do.

Mayor Elliott asked the City Clerk whether it is technologically feasible to enable the chat feature during the Work Sessions and disable it during the Regular Sessions.

Ms. Suciú stated she is not 100% sure and will check into that capability.

Mayor Elliott asked for City Council input in the event the chat feature needs to be all or nothing,

Councilmember Graves stated even if it has to be enabled at the beginning, the City Clerk could enable it just for herself and not for everyone. Then she could present comments or questions based upon the chats she received. Councilmember Graves stated this is the same as when people try to comment coming off mute.

Mayor Elliott stated he is interested in using the chat feature because it adds another dimension to the meeting that allows for remote participation we haven't had before so he would hate to lose that feature completely. He stated before he wanted it off but as he thinks about it, would like to have it available. For him, the question, as mentioned by Councilmember Graves, is folks commenting in ways that are abusive or offensive and he does not know how to monitor that. Mayor Elliott asked the City Clerk to find an answer to that issue, perhaps saying that bullying is not allowed and shutting off that person's chat. He stated he has heard from the community about this and the consensus seems to be that they want the ability to be able to comment.

Ms. Suciu stated she could enable the chat feature at the start of the Informal Open forum, turn the chat feature to host only during the Regular Session, and then enable the chat feature again during the EDA/Work Session. She explained this feature has to be set up when the meeting is set up so tonight, she is not able to do that.

It was the City Council consensus to enable the chat feature during Informal Open Forum, turn the chat feature to host only during the Regular Session and enable the chat feature during the EDA/Work Sessions.

RESUME IN-PERSON COUNCIL MEETINGS

Dr. Edwards stated that staff is looking to open City Hall to the public on Monday, July 12, 2021, for regular business. At the last City Council meetings, it was indicated that if going back to regular meetings they would seek to provide technology so people can access public meetings as they do now virtually but that would pertain to the public and not the Council Members. Council Members would still be obligated by law to participate at City Council meetings in person and cannot use virtual meetings as a proxy or to vote via virtual meeting.

Mayor Elliott stated all have become more adept with virtual meetings and asked whether there are any discussions to change the rule so city councils can meet remotely.

City Attorney Troy Gilchrist advised he is not aware of a general legislative effort to allow that. He explained that currently, Brooklyn Center is operating under an emergency authority in the face of a health pandemic or emergency declaration to meet electronically. Also, the City would have to find it is not practical or prudent, because of one of those criteria, to meet in person. Once that goes away, the City has to default back to the general rule of having to meet in person.

Mr. Gilchrist stated about Councilmember Graves' earlier comment, there is a current Statute that allows a member to participate electronically. But, there are several 'hoops to be jumped through for that person to do that. The member has to be at a public place remotely, everyone has to be able to hear everyone, so it is somewhat like the rules for these meetings. Once we are beyond the emergency electronic meeting format and go back into the normal format, there is a limited exception that allows members to participate remotely if, as Councilmember Graves mentioned, they are traveling for work or not feeling well.

Mayor Elliott asked whether there is a limit on the number of times an individual could meet remotely with those special exceptions. Mr. Gilchrist advised an amendment was made to that law

during the last Legislative Session that gave three opportunities to meet without being in a public forum but they were COVID related to a doctor's stay at home order, or military service. He recalled the Statute does not have a general cap on how often you can do that but each time, you have to satisfy the criterion including providing notice that 'member x will be participating from this remote location.'

Mayor Elliott asked about the timeline for going back to in-person meetings. Dr. Edwards stated it is at the City Council's discretion and nothing is preventing the City Council from starting to meet in person at this time.

Mr. Gilchrist asked the City Council to keep in mind this is the exception, not the rule, due to the pandemic emergency allowing an electronic meeting format. Even then, it is only if you find it is not practical or prudent to meet in person. Once the City Council determines, as the presiding officer, that there is no reason the City Council can't meet in person, then he would sign a statement to that effect and everything goes back to normal, meeting in person. Mr. Gilchrist advised that as the restrictions associated with the pandemic have lessened and the Governor's emergency order may come to an end in August, there will be a point where Brooklyn Center can no longer justify having electronic meetings anymore. He noted some cities have already gone back to in-person meetings and others have done so while keeping the public portal open for the public to participate remotely.

Councilmember Graves explained that in her full-time job with the City of Minneapolis, they sent a survey to employees to gauge their interest or non-interest in flexible work locations and times. She likes to work on the ground in the community and it is nice she has a desk space downtown but also nice to be able to call into some meetings or work from home on certain days. She stated this is an opportunity to try and adapt and be flexible to everyone's lives and help people find a work/life balance. But, at the same time, she does not want to lose the in-person aspect because that is when the most authentic energy comes through to build relationships, which is what we are doing every day.

Councilmember Graves stated she is anxious to get back to in-person meetings in alignment with what the Governor does, it makes sense and gives the City time to prepare emotionally and physically the spaces they share.

Ms. Suci stated she talked with the cable provider and if going with a hybrid format, some work will need to be done so the sooner date is decided, that work can progress so they are ready by the meeting date.

Mayor Elliott stated he will work on this with Dr. Edwards and Mr. Gilchrist to determine a date this fall to start in-person meetings. He asked Council Members what that should look like, noting we should think about ways in which we will share that space and how it will aid or negatively impact our ability to do the work we're doing.

Councilmember Butler stated she thinks about spacing for the Council and the Chambers, noting it cannot be assumed that everyone is or is not vaccinated. She asked if the meetings will take place in the Council Chambers or move to a larger space, such as done for a few public meetings

in April and May. Councilmember Butler stated in terms of going back, she has enjoyed attending virtual meetings from home but, like Councilmember Graves stated, she understands it is important to meet in person to develop those relationships with the community. She stated August would be a great timeline and give people time to work out the issues over the next few meetings.

Mayor Elliott stated that is a good point and we cannot assume everyone who comes to the meetings is vaccinated so we need to assure there is enough space.

REVIEW DATES FOR COUNCIL RETREAT

Dr. Edwards introduced the item, noting the City Council is being asked to consider dates for a meeting with Common Sense. He explained that the consultant prefers the date of July 24 or July 10 and July 31 is no longer an option. He stated there are several issues the City Council wants to address: the development the City Council has been working on; issues coming out of the Listening Sessions; and, work around engagement and building consensus with Council on engagement. He explained that if held on July 24, there would be additional time, from 8:30 a.m. to 12:30 p.m. If meeting on July 10, there is only a 2-hour block of time available, from 8-10 a.m.

Dr. Edwards stated weekdays were not considered but if the City Council is open to that, he can ask Common Sense for additional dates.

Mayor Elliott asked if this will be an in-person retreat. Dr. Edwards answered in the affirmative.

Councilmember Lawrence-Anderson noted according to the Friday update, this meeting was to be July 26. Dr. Edwards apologized for the error and clarified July 26 is the date for the regular City Council meetings.

Councilmember Lawrence-Anderson stated July 24 works for her.

Councilmember Butler stated July 24 is the only day that does not work for her.

Councilmember Ryan stated he is fine with either date so whatever works for the balance of the membership.

Councilmember Graves stated it is the same for her.

Mayor Elliott stated July 10 does not work for him and July 24 does not work for Councilmember Butler.

Councilmember Butler stated if it works for everyone else, she may be able to change her schedule. Dr. Edward stated it would be 8:30 a.m. to 12:30 p.m. but that it can be shortened to assure Councilmember Butler's participation.

Councilmember Butler stated she will be out of town hosting an event and can make it work but maybe not until 12:30 p.m. She stated she should be available from 8:30 to 11 a.m. However, if in-person attendance is required, she would not be available.

Mayor Elliott asked if there will be a remote option. Dr. Edwards stated it is an in-person meeting but remote virtual attendance can be made available if needed.

Mayor Elliott asked Dr. Edwards to check with Common Sense about one member attending remotely to assure it can be facilitated. If that works, then the meeting will be held on July 24 with Councilmember Butler attending virtually. If it does not work, he suggested Dr. Edwards ask about August 7.

Councilmember Graves stated August 7 is her daughter's birthday but if the meeting is held earlier during the day, she could make it work.

Councilmember Butler stated August 7 works for her.

Mayor Elliott asked about August 14. Councilmember Butler stated she has a work event starting at 1 p.m. on August 14 so for her, it would work until about noon.

Councilmember Graves stated she thinks August 14 will work for her.

Councilmember Lawrence-Anderson stated either August 7 or 14 will work for her.

Councilmember Ryan stated August 7 or 14 will possibly work but he is planning a trip and will have to check the dates.

Mayor Elliott asked Dr. Edwards to also check on the dates of August 7 and 14 if they prefer to have the full City Council attend in person.

REGULAR SESSION AGENDA MODIFICATION

Mayor Elliott switched the order of Council Consideration Items 10.a., Resolution Authorizing a Community Engagement Pilot Program with Community Partners for the Opportunity Site, and 10.b., City Manager Appointment.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

COMMISSION APPOINTMENTS

Mayor Elliott reported that since the last meeting, progress has been made in recruiting to assure more applications are received. He stated they have made a lot of headway and at the next meeting, he will bring forward more reappointments and appointments. He thanked **Silas Means** who just started as an intern and is actively working with him on recruiting for the commissions including meeting with Hmong pastors, visiting apartments, and working with their management, and the barbershop.

Mayor Elliott stated they now have a few names of people interested in joining commissions. He stated they are also working on a plan for when applications are made, when appointments are

made, and reviewing formats from other cities in terms of having an appointment form to assure a clear record.

Mayor Elliott stated he may not be attending tonight's Work Session so he wanted to open this item to get Council Member's input.

Councilmember Lawrence-Anderson stated she is pleased that progress has been made and there will be new appointments coming forth, noting it is important to maintain the integrity of our legacy partners who can mentor new individuals as well as recruiting people from diverse backgrounds. She stated there needs to be a good balance between existing long-term members who bring experience and also new people with fresh ideas.

Councilmember Graves agreed with Councilmember Lawrence-Anderson and stated she is excited to see what applications and applicants will come before the City Council. She stated we need to make sure the commissions are as full as possible so engagement and work are completed and staff can get their work done.

Councilmember Graves stated the City Council participated in the Listening Sessions and that was something that came up so she is excited about the recruitment that has been happening, seeing which applications will come before the City Council, and considering approval at the next meeting.

ADJOURNMENT

Mayor Elliott adjourned the Study Session at 6:48 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 28, 2021
CITY HALL – COUNCIL CHAMBERS

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.

ROLL CALL

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

Councilmember Graves moved and Mayor Elliott seconded to open the Informal Open Forum at 6:48 p.m.

Motion passed unanimously.

Mayor Mike Elliott opened the meeting for Informal Open Forum and invited the public to speak.

City Clerk Barb Suciu stated Charice sent an e-mail before the meeting with information and would like to speak.

Charice stated she sent information ahead of time and believes a sign is needed at Northport Park to share with the people who use the shelter that the sound volume, primarily music, needs to be kept down to the ordinance regulation, which is 50 feet. She and her neighbors want to be part of the sound assessment discussion, noting details including a video of a June 19 gathering during which the sound was excessive, which have been submitted for the City Council's consideration. She also sent additional documents showing how far the sound is heard as measured in feet, to the street, and what 50 feet look like according to the Brooklyn Center Nuisance Ordinance.

Mayor Elliott thanked Charice for providing the information and indicated the City Council will follow up with her after reviewing of the information and what actions will be taken.

Diane Sannes reminded the City Council of the meeting on the first three Tuesdays in July, starting at 6 p.m., to modernize the City's zoning code. She asked staff to remind the City Council of the meetings as they hope a lot of people will attend.

Ms. Sannes noted that National Night Out on the first Tuesday in August is not listed on the City's calendar and asked if that can be updated. She stated the City is holding a concert that same night in Centennial Park.

Mayor Elliott thanked Ms. Sannes and stated staff will follow up on those requests.

No one else wished to address the City Council.

Councilmember Lawrence-Anderson moved and Councilmember Butler seconded to close the Informal Open Forum at 6:55 p.m.

Motion passed unanimously.

RECESS AND RECONVENE

Mayor Elliott recessed the meeting at 6:55 p.m. The meeting was reconvened at 7:02 p.m.

2. INVOCATION

Councilmember Ryan suggested, as a matter of privilege, the City Council skip the Invocation and move on with the meeting.

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 7:03 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, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, 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 Graves moved and Councilmember Lawrence-Anderson seconded to approve the Agenda and Consent Agenda, as amended, to switch Council Consideration Agenda Items 10.a., Resolution Authorizing a Community Engagement Pilot Program with Community Partners for the Opportunity Site, and 10.b., City Manager Appointment, and remove EDA/Work Session Agenda Item 3., Mayor's Senior Policy Aide Position, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. June 14, 2021 – Study Session
2. June 14, 2021 – Regular Session

6b. RESOLUTION NO. 2021-82 APPROVING AN AMENDMENT TO THE BROOKLYN CENTER FIRE DEPARTMENT RELIEF ASSOCIATION BY-LAWS

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

None.

8. PUBLIC HEARINGS

None.

9. PLANNING COMMISSION ITEMS

9a. PLANNING COMMISSION APPLICATION NO. 2021-002, FOR-SITE AND BUILDING PLAN APPROVAL, ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT, AND A ZONING MAP AMENDMENT FOR CERTAIN PROPERTY LOCATED AT 6221 SHINGLE CREEK PARKWAY, AND A RECOMMENDED AMENDMENT TO THE 2040 COMPREHENSIVE PLAN TO ALLOW FOR INCREASED DENSITIES WITHIN THE COMMERCIAL MIXED-USE FUTURE LAND USE DESIGNATION

Acting City Manager Reggie Edwards introduced the item and invited Ms. Beekman to present the staff report.

Community Development Director Meg Beekman stated this item will be presented by Ms. McIntosh.

Planner and Zoning Administrator Ginny McIntosh provided a PowerPoint presentation of a multi-part request for a site-building and plan approval, the establishment of a Planned Unit Development (PUD), an amendment to the Zoning Code, and an amendment to the 2040 Comprehensive Plan. She displayed a map of the subject site, noting it is just south of City Hall at 6221 Shingle Creek Parkway to allow for the construction of a new 5-story, 48-unit multi-unit apartment building, the conversion of existing office space into a studio unit, and related site improvements.

Ms. McIntosh stated the Crest Apartments was originally approved for development in 1972 and noted on the application that the project had been authorized under the Federal Housing Administration's (FHA) 236 Housing Program, intended to boost the nation's existing housing

supply and provide low-cost rental housing. In 2012, Aeon purchased the Crest Apartments through a HUD foreclosure process with the intent to assure the long-term affordability of those apartments. Some renovations were completed around 2014, specifically to the building systems and aesthetic improvements. Around 2014, there were initial discussions about the potential future buildout on that 4.37-acre site. These conversations came and went over the years and in 2017, there were additional discussions about an addition to the Crest Apartment complex. Now, at the end of April 2021, the City Council had a concept review with Aeon and several weeks ago, the Planning Commission had their review.

Ms. McIntosh stated the Crest Apartments is 13-stories and has 122 units. On the west side is a green space and gardening plots. She used a map to point out the entry points off Shingle Creek Parkway.

Ms. McIntosh stated the over-arching request for discussion tonight is for a Comprehensive Plan Amendment, which is required any time there is a change in a small area plan, land-use changes to allow for development, forecast changes to an Urban Service Area, text changes, routine updates to public facilities agreements, or a multitude of other meetings. She noted the City Council will make a motion and if it is to recommend approval, a Comprehensive Amendment has an additional step through the Metropolitan Council who has the ultimate authority.

Ms. McIntosh explained the Comprehensive Amendment is being requested because the Crest Apartment property currently has a designation of Commercial Mixed Use, which allows for a density range of 10-25 dwelling units per acre. Assuming the proposed 172 units, this would be 39.1 dwelling units per acre, which is beyond the 25 caps. Currently, the Crest Apartment building already has 27.9 dwelling units per acre so it is already over that threshold.

Ms. McIntosh stated City staff reviewed the proposal, looked at other properties with a Commercial Mixed Use designation under the Comprehensive Plan, and determined there had been an oversight in the Comprehensive Plan process. There are other commercial properties with a Commercial Mixed Use designation that fall above the 25 dwelling units per acre cap, specifically the Lux.

Ms. McIntosh explained the Commercial Mixed Use designation allows for a wide range of uses but 50% of this particular designation was set aside for residential development at densities just lower than the TOD designation under the Comprehensive Plan, which allows between 31 and 130 dwelling units per acre.

Ms. McIntosh stated the TOD and Commercial Mixed Use designations are expected to take on the bulk of forecasted residential growth in the 2040 Comprehensive Plan. The key is that the Commercial Mixed Use designation only accounts for about 88 acres of the entirety of the City, or 1.6% of land area in Brooklyn Center. Staff is requesting the density range move from its cap of 25 dwelling units per acre up to 60 dwelling units per acre. That would account for the expansion with the Crest Apartments and other properties that may be redeveloped again in the future.

Ms. McIntosh stated the specific request is for the Central Commerce Overlay District. This came up several years ago with Real Estate Equities. The Central Commerce Overlay District encompasses the Shingle Creek Crossing and Opportunity Site areas, which have been in place since early 2000. However, residential uses are not listed as use so, therefore, they are not allowed in an Overlay District. Since Overlay Districts only came online in the early 2000s, there are multi-family families in that Overlay District today. The multi-family properties are the Crest, developed in the 1970s, the Lux in the 1980s, plus Gateway Commons.

Ms. McIntosh explained since the City is undertaking a Zoning Code update, this Overlay District will be revised or removed but because that update is not yet complete, the request is to remove the Crest property from the Overlay District. This same request was made in 2019 for the Jerry's Food site, which was in the Central Commerce Overlay District, and was removed for the Real Estate Equities projects to move forward.

Ms. McIntosh stated the third request is for the establishment of a PUD. She explained that given the City Code update and changes to the Zoning Districts to mesh and align with the 2040 Comprehensive Plan, the request is to rezone this property to PUD. That will allow some flexibility in the Zoning Code that is not currently provided. As mentioned in past meetings, PUDs are often used to achieve higher quality development or City goals in exchange for that flexibility. As proposed, the request would be to rezone this property, which is R-7, the densest district allowing 31 units per acre and this is the only R-7 property to PUD-Mixed Use. She noted the Lux property was originally zoned R-7 and rezoned to PUD.

Ms. McIntosh stated the fourth request is the most visible, the site and building plan request for a 48-unit, 5-story building addition, connected via lobby and pedestrian walkway, to the existing apartment building. The new building, as proposed by Aeon, is intended to provide family-focused units so there would only be 4 1-bedroom units, 28 2-bedroom units, and 16 3-bedroom units. As mentioned previously, 3-bedroom units are a 'unicorn' in Brooklyn Center. The Crest building has 78 1-bedroom units, 44 2-bedroom units, and as part of this request, will convert existing office space to a studio unit, totaling 171 units.

Ms. McIntosh stated the proposed addition would be north/south facing and include a community room, fitness room, learning center, and laundry rooms on each floor. They will install a new play structure, garden boxes for residents, and an outdoor patio off the community room. Staff was not concerned about the front setback as it is far from Shingle Creek Parkway, about 300 feet. The back is about 93 feet off the rear setback, which abuts Centennial Park, and the closest point it gets to is along with City Hall at 65 feet off the property line.

Ms. McIntosh stated because this is a PUD request, the City follows a set of guidelines based on the Shingle Creek Crossing for, at a minimum 50% of each building face to be comprised of Class 1 type building materials (bricks, masonry, glass) with the remaining a Class 2 type building material (architectural metal panels, fiber cement, EFIS). After reviewing the exhibit provided after the Planning Commission meeting on June 10, 2021, that was submitted today, if this moves forward there will be some back and forth to get the percentage numbers up. She stated they are proposing a lot of architectural metal panels, hardy board for most of it, and concrete on the bottom with Class 1 windows. Ms. McIntosh displayed a colored rendering of the proposed addition

exterior elevation and materials board, noting the area of connection would be the new main lobby/leasing area for both buildings.

Ms. McIntosh presented the proposed parking plan. The existing apartment building required 342 on-site parking spaces. In 1972, when proposed, it was known 123 on-site parking spaces were to be provided and constructed on the site and 121 proof of parking spaces were to be reserved to the west of the parking area. She stated the proof of parking spaces was never constructed and the plans indicate there are 130 spaces on site today for the existing apartment building of 122 units. The proposal would offer 195 on-site parking spaces broken up between surface parking, a garage on the ground floor level of the addition, and a small area to the east of the existing Crest Apartment for the proof of parking replacement if required. Ms. McIntosh stated a parking study was completed and included in the staff report that determined there would be a 50-space surplus assuming the 195 spaces and 171 units between both buildings. She displayed a map and pointed out the proposed parking areas and access points that remain the same.

Ms. McIntosh stated the numbers the engineering firm worked with for the parking study were based on the existing apartment and filled units. The existing parking building is only 1- and 2-bedroom units so there may be some fluctuation should there be units with several younger drivers.

Ms. McIntosh presented the lighting plan that complied with the City's requirements but staff determined that sufficient pedestrian lighting should be distributed across the site, the entrances, exits, walkways, all amenities, and trash enclosures that people may access in the evening hours. The other comment was that given the reduction in parking since several people will use public transportation or walk along Shingle Creek Parkway to the bus stop and Transit Station, they should think about potential travel routes to the new addition since pedestrians may not follow a sidewalk.

Ms. McIntosh stated they are proposing a trash enclosure at the southeast corner of the building. Staff needs to confirm if the existing trash enclosure will or will not remain. If it remains, then it will need to comply with screening requirements as it does not currently. They will also need to address screening from the units just above. Staff will be requesting turning radius diagrams to make sure delivery, garbage trucks, and busses can drop off and make the turns necessary to get in and out.

Ms. McIntosh stated they may need to think about providing trash receptacles or cans around the site, especially if there will be gardening plots, as well as near the community room patio and playground areas.

Ms. McIntosh stated all ground-mounted equipment needs to be screened from the right-of-way and other properties by a solid wall or fence and the same thing goes for roof-mounted equipment. There is an existing piece of equipment on the northeast corner of the existing apartment building that is not in compliance. So, as part of this, the City is requesting that the enclosure be updated to comply with the Code.

Ms. McIntosh stated with the landscaping, the City uses a landscape point system policy. This proposal needs 358 points based on their multi-family and acreage requirements. Based on staff

review, they are just meeting that at 360.5 points. She noted perhaps they might provide some conifers.

Ms. McIntosh reviewed a rendering showing signage and explained a specific signage proposal has not yet been submitted. The City is also updating its Sign Ordinance so staff will review the sign plan when submitted.

Ms. McIntosh stated the City Engineer submitted a review letter and the applicant will need to comply with all comments and revision requests including an NPDES Permit since disturbing over an acre as well as a Watershed plan review. She pointed out the Engineer noted they should try to do a better job of routing surface runoff from the parking areas through the soil before discharging to the stormwater.

Ms. McIntosh reviewed the requirements for review by the Metropolitan Council, compliance with the Accessibility Code, a fire sprinkler system installed in the addition and enclosed garage, and provide missing details on the riser room and connection to the Fire Department and fire access aisle requirements. These requirements will need to be met, pending approval of the application, and upon submitting plans to the City for review.

Ms. McIntosh stated they had initial conversations regarding crime prevention and environmental design. Staff typically likes to see applicants, especially with multi-family, have a meeting and go through that process. So, some commentary was provided but a formal recommendation was not provided. Pending approval of this application, staff would like them to submit their plans for formal review before receiving any permits.

Ms. McIntosh indicated a public hearing notice was posted and sent to single-family homes across the park in alignment with Centennial Park. A City sign was also installed along Shingle Creek Parkway notifying of this proposal. A public hearing was held on June 10, 2021, for these requests. Staff did not receive any comments before the meeting from the public and a resident did provide comments at the hearing about the proposed building materials and make-up. Generally, the Planning Commission was in support of the proposed improvements and expansion.

Ms. McIntosh stated representatives from Aeon and EKB Group were available for questions and at the end of the meeting, the Planning Commission unanimously recommended the City Council approve the application requests.

Ms. McIntosh stated the request is for two motions: approval of the site and building plan, the PUD, and the zoning map amendment for this property and recommended amendment to the 2040 Comprehensive Plan for the increased densities that will require an additional process with the Metropolitan Council; and, approve first reading of the ordinance amending Chapter 35 of the Zoning Code to allow for the PUD and removal from the Central Commerce Overlay District.

Ms. McIntosh reviewed a slight change per the City Attorney, noting the ordinance language before the City Council was slightly changed. She displayed a slide showing both versions.

Mayor Elliott stated he is generally supportive of the application and asked about the change in density from 10-25 residential units per acre to 10-60 residential units per acre and if it is for this application alone.

Ms. McIntosh stated it would be for the properties that have the Commercial Mixed Use designation in the Comprehensive Plan, which is 1.6% of all land area in Brooklyn Center. That is because the Lux is also designated as Commercial Mixed Use in the 2040 Comprehensive Plan but does not meet that density cap of 25 residential units per acre because it is in the 43-45 range of residential units per acre.

Mayor Elliott asked, generally speaking, what do the 60 units per acre density translate to, medium or high density.

Ms. McIntosh stated under the 2040 Comprehensive Plan, the densest district, the TOD District, allows for 31 to 130 dwelling units per acre. Currently, the Commercial Mixed Use designation allows 10-25 dwelling units per acre and we would bump it from 10 to 60 so there would be a bit of overlap.

Councilmember Lawrence-Anderson asked for a clarification on the parking language and what does proof of parking mean.

Ms. McIntosh explained it means you are supposed to have this much but are demonstrating that you don't need this much. But, if it turns out that you do need this much, you need to save a place for it. She stated there is a flat rate of two parking spaces per dwelling unit and in the 1970s when it was being considered, the applicant had stated this is going to be affordable housing, a lot of these people will use public transportation, walking, and using other methods of transportation so they don't need all of the required parking. The City said they could construct 123 parking spaces but they need to save a spot for another 121 spaces to get to the minimum required parking. Then if it turns out there are parking problems, they would have to construct the proof of parking spaces.

Councilmember Lawrence-Anderson noted there are 122 units but only 130 parking spaces on site. She asked if that is adequate parking now.

Ms. McIntosh stated that is the assumption. A parking study was completed by Alliant Engineering who went to the site on a few select days during the week and on the weekend in the morning hours and evening hours. She noted this is broken down into greater detail in the parking study. Based on their observations, they counted the parking spaces, how many were and were not occupied, considering that 117 units of the 122 existing units are occupied, and then based on what they saw, calculated a parking rate number, which was substantially lower than two parking spaces per dwelling unit.

Councilmember Lawrence-Anderson noted the proposal shows they will provide 195 on-site parking spaces and a new surface parking lot with 164 spaces.

Ms. McIntosh clarified that as part of this proposal, the parking lot would be completely reconstructed so they can address stormwater concerns. The parking lot will also be restriped to

allow for 164 surface parking spaces and the ground level would have an enclosed garage for 31 more parking spaces, for a total of 195 parking spaces. If it turns out they need additional parking, they have determined there is room for additional 14 parking spaces, if needed.

Councilmember Lawrence-Anderson noted the 195 parking spaces is the new lot of 164 parking spaces plus the 31 garage parking spaces. Ms. McIntosh stated that is correct. Councilmember Lawrence-Anderson thanked Ms. McIntosh for the clarification.

Councilmember Graves asked about the different government entity reviews and when that happens in the process.

Ms. McIntosh stated assuming the City Council recommends that all four requests are approved, then staff will work with the applicant to submit the request for the Comprehensive Plan amendment through the Metropolitan Council. That request will not be considered by the Metropolitan Council until they receive a City Council resolution saying they are supportive of the amendment. That will be the next step in the process if supported by the City Council. At that point, there will need to be approval by the Metropolitan Council because the proposed density is above. If the Metropolitan Council approves the amendment, then construction plans would be submitted to the City.

Councilmember Graves asked if this process results in it coming back before the City Council.

Ms. McIntosh explained the Comprehensive Plan Amendment would be a recommended approval for the density increase. Then staff will submit the City Council resolution along with the other paperwork for consideration by the Metropolitan Council. The Metropolitan Council will make the final determination. If they do not approve, then this project will not move forward.

Councilmember Graves stated the Metropolitan Council is the body that will also review the environmental information and other reviews.

Ms. McIntosh stated with this project, because of where it is located adjacent to Shingle Creek, requires a review by the Watershed Commission, which is a separate process not undertaken by the Metropolitan Council. If a project is under five acres, the City staff reviews it in-house. She noted the MPCA has its own permitting and review requirements as well. So, those reviews and approvals are needed for this project to move forward but are not under the control of the City. She explained the City will not issue a building permit until all of the approvals have been received from those agencies.

Councilmember Graves stated she is in support of moving forward with the resolutions.

Mayor Elliott stated the items before the City Council are as follows:

1. Establishment of a PUD
2. Amendment to the Zoning Map to remove this property from the Central Overlay District
3. Amendment to the Comprehensive Plan
4. Allow for the range of units per acre to be increased from a minimum of 10-25 to a minimum of 10-60 dwelling units per acre within the Commercial Mixed Use designation

Mayor Elliott asked if the Commercial Mixed Use designation covers about 1.6% of the City's total landmass. Ms. McIntosh answered in the affirmative and stated it is about 88 acres, noting the entire City is about 5,600 acres. Mayor Elliott stated it would then only apply to 88 acres in the City. Ms. McIntosh stated that is correct and it would apply to the northern portions of the Opportunity Site.

Ms. Beekman stated there are two land use categories in the City that are intended to be higher density: TOD which comprises most of the Opportunity Site as well as some of the properties to the north of Shingle Creek Crossing; and, Commercial Mixed Use. The intention of that land use designation within the Comprehensive Plan is to provide for higher density residential but would be slightly less intense than the designated TOD areas.

Ms. Beekman stated as staff looked at the Comprehensive Plan through the lens of this particular application, they realized the Comprehensive Plan had capped the Commercial Mixed Use residential density at 25 units per acre, which was an oversight at the time and not the intention for that district. She stated if you think about the Commercial Mixed Use area, it comprises the portion of the City between 694 and Summit Drive. This is primarily where the Heritage Center is located, office buildings, but also the Lux, a senior facility, and the Crest. The Comprehensive Plan had envisioned that up to 50% of that area could potentially redevelop in the future to residential, recognizing the size and density of buildings already out there that could conceivably go towards more residential uses.

Ms. Beekman stated as staff looked at the Opportunity Site and talked with property owners in these areas, once the Master Plan for the Opportunity Site is done, it is likely the Comprehensive Plan will need to be amended again to make sure the Opportunity Site Master Plan is fully embedded and can be used for regulatory purposes. But, for the time being, in looking at Commercial Mixed Use and recognizing it wants to be medium-high density residential, there is not a district in the Comprehensive Plan that identifies that.

Mayor Elliott asked if there were additional comments or questions. Hearing none, he called for a motion.

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2021-83 to Approve Planning Commission Application No. 2021-002 for Site and Building Plan Approval, Establishing of a Planned Unit Development, and a Zoning Map Amendment for the subject property located at 6221 Shingle Creek Parkway and commonly known as the Crest Apartments, and a recommended amendment to the City's 2040 Comprehensive Plan to allow for increased densities within the Commercial Mixed-Use Future Land Use Designation, based on the findings of fact and submitted plans, and as amended by the conditions of approval in the Resolution.

Motion passed unanimously.

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded to approve First Reading of an Ordinance Amending Chapter 35 of the Zoning Code of Ordinances regarding

the zoning classification of the subject property located at 6221 Shingle Creek Parkway and set the Second Reading and Public Hearing for July 26, 2021.

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2021-XX AUTHORIZING A COMMUNITY ENGAGEMENT PILOT PROGRAM WITH COMMUNITY PARTNERS FOR THE OPPORTUNITY SITE

This item was considered following Item 10.b. City Manager Appointment.

10b. CITY MANAGER APPOINTMENT

Mayor Elliott stated the City Council has been talking about the City Manager appointment for several sessions. He stated there is an Acting City Manager at this time who has been in the role since April 12, 2021, and served the City long before that. The City Council is in a position now to solidify the work that Dr. Edwards has led in our City since that date on helping to bring new ways of thinking about the work we are doing, new innovative approaches, and community inclusive work.

Mayor Elliott recommended that tonight, the City Council move ahead and appoint Dr. Edwards as the City Manager and direct the City Attorney to draft a resolution reflecting his appointment and act on it at the next City Council meeting.

Councilmember Lawrence-Anderson stated she wholeheartedly agrees with Mayor Elliott, 100%, and that the City needs continuity of leadership at this time, particularly based on staff feedback as far as the current unrest within the organization. She believed Dr. Edwards had done a wonderful job and will continue to do so.

Councilmember Butler stated she agrees as well, thanked Dr. Edwards for the work he has done, and his commitment to Brooklyn Center.

Councilmember Ryan stated he concurs with his City Council colleagues and hopes the Acting City Manager is soon to be City Manager Edwards. He stated he appreciates Dr. Edwards's hard work, tireless efforts, commitment to Brooklyn Center, and exemplary character.

Councilmember Graves stated she concurs with everybody else and is happy to hear we are moving forward with a well-deserved appointment.

Mayor Elliott asked City Attorney Gilchrist to prepare a resolution for consideration at the next City Council meeting.

Mr. Gilchrist stated he would be happy to do so and assumed that would include the City Manager contract as well.

Mayor Elliott answered in the affirmative.

10a. RESOLUTION NO. 2021-84 AUTHORIZING A COMMUNITY ENGAGEMENT PILOT PROGRAM WITH COMMUNITY PARTNERS FOR THE OPPORTUNITY SITE

Dr. Edwards introduced the item and noted this item was tabled from the last City Council meeting to tonight when a full Council would be present. He explained that tonight is an opportunity for ‘table setting,’ understanding, and to establish expectations as it relates to engagement and efforts needed to meet those expectations around the Opportunity Site. He invited Ms. Beekman to make the staff presentation.

Ms. Beekman stated this is a follow-up item. Staff had met with the City Council in March of 2021 and been working with a consultant, NEOO Partners, who have been the EDA’s representative as it pertains to the Opportunity Site redevelopment and has been leading and managing that process. As part of that work, they identified and outlined an approach for community engagement, which was presented to the City Council in March. That approach included going out into the community, identifying community partners that would partner with the City, and help carry that engagement work deep into the community and provide an opportunity for an innovative and ultimately unique approach for community engagement. This would involve contracting with organizations and agencies that are embedded within the City with deep and meaningful connections with community members and be able to expand the City’s engagement reach.

Ms. Beekman stated the City prepared an RFQ to seek proposals from prospective community partners to understand what they felt the best approach would be for community engagement. As part of that work, staff recognized the City Council’s role in this will be to set the timeline, budget, and items that will be engaged around. But, wanting to leave as much flexibility within the community to identify the best ways and strategies.

Ms. Beekman noted at that March meeting, staff laid out, for the City Council’s consideration, a description of different types of engagement ranging from light touch to medium touch to deep-dive engagement and recognizing that each type of engagement strategy serves a different purpose from informing the public, consulting with the public, decision making, as well as empowering the public and community to make decisions around the project. Each strategy has different time requirements and costs associated with it so needed to understand from community engagement groups what seemed to work best.

Ms. Beekman reported the City received a good response and the consultant team has done a phenomenal job of working individually with each of these groups to refine and hone and make sure of the most efficient process. The goal tonight is to have the City Council approve the process as well as a not-to-exceed budget to allow flexibility so NEOO Partners can work with community partners going forward to continue to refine those contracts and allow flexibility should gap be identified with various community groups to bring them on board as we move forward.

Ms. Beekman stated this is a pilot engagement process to test the waters and see what works best, we will learn along the way, and continue to refine and hone. But what is learned will be carried forward and used in future engagement on the Opportunity Site and also for other engagement work the City undertakes. She stated this will focus on the Opportunity Site but recognize that the process is something that is new and unique and provides flexibility to learn from it and carry those lessons forward.

Mayor Elliott stated, as he indicated earlier in the meeting, he needs to step away and invited Mayor Pro Tem Butler to preside over the remainder of the meeting. Mayor Elliott left the meeting at 8:05 p.m.

Mayor Pro Tem Butler asked staff to proceed.

DAngelos Svenkeson, NEOO Partners, stated they have provided some flags to allow for catch up as a lot has transpired since early March so there are several opportunities to refresh on the items they talked through at the last City Council update session as well as a deeper dive around some of the nuances around budget, timeline, activities we can expect for the dollar amounts, as well as the request.

Mr. Svenkeson stated NEOO Partners is a professional planning and development firm based in the Twin Cities, an African-American owned and operated firm, with seven professionals spanning two States (Mississippi and Minnesota), and have met the City Council over the last 90 days. They set out on a journey and conversation that resonated with Ms. Beekman and her team around the intersection of real estate development, urban planning, and community engagement. He reviewed the pathway through round one engagement in 2019, round two that was interrupted by COVID, and plan for a reboot in 2021 where they presented in March. They also recognize the space that is required for a community to heal from more recent events. He stated the timeline gets us to the end of this year, respecting everything we are recovering from at the same time society is pushing forward rapidly post-COVID.

Mr. Svenkeson stated the three goals of engagement recognized are:

- How do we create a pathway for direct community participation in the planning process?
- How do we create a pathway for community partners to lead the engagement work, not relying on what is considered to be professionals?
- How do we allow for a transparent connection between the community partners and the City Council?

Mr. Svenkeson stated this framework was developed and presented in March when the City Council would work with a citizen advisory task force as well as a group of community partners who would target specific niches in the community that has been identified as historically hard to reach (BIPOC communities, local agencies, faith-based organizations, non-profit service providers, youth), and lift the voices of local businesses and residents of Brooklyn Center. Mr. Svenkeson stated NEOO Partners would act as an engagement manager providing technical assistance to the partners as they move forward with engagement.

Mr. Svenkeson presented slides outlining roles and responsibilities, noting the City Council would approve a process, timeline, and set cost boundaries. The defined roles and responsibilities, setting metrics for how engagement will be done related to the content, and staff will be providing some guidance. He reviewed the next layer outlining what the partners would be doing, outlining methodology, creating tools and materials, and engaging directly with the community. NEOO Partners would then collect and collate the response data and the task force would take that feedback, form equity scorecards, as well a community benefits plan that needs to be created to hold all parties accountable for the results of the engagement.

Mr. Svenkeson stated they would lead strategy, track timelines, costs, train the trainers on nuances around urban planning, collate all the reporting from the partners, and get it back to the City Council at the end of this session.

Mr. Svenkeson stated they acknowledge that engaging around a 10-15-year Master Plan is a very nebulous task for folks who are in the middle of a pandemic, reacting, responding, and trying to heal from civil unrest and violent crimes to residents, and dealing with a recession that affected a disproportionate amount of BIPOC communities. So, given the reality of the moment, they wanted to focus and agree this is a pilot process to create something tangible for the Opportunity Site.

Mr. Svenkeson explained that based on the March meeting, they created an RFQ process that was sent out to several prospective community partners, residents, and religious leaders asking them to submit a level of qualifications and a very low-entry to barrier type of way to tell us who you are, what have you done, and what would you like to do. From that process, they had about a dozen responses from different organizations. After talking and interviewing them, they were encouraged to submit a proposal about what they would like to do now that they have more information about the project and process. He explained he uses the term ‘perspective community partners’ because no one has a contract now. He displayed a list of those partners who emerged and submitted a proposal and described their discussion about how to reach those hard to target and engage populations. This existing group of prospective community partners submitted a budget and timeline that digs in from June to November but that has been changed to a July to December timeline given current events.

Mr. Svenkeson presented the engagement timeline, noting it is robust with July to mid-August with a lot of level setting and history and information exchange, to make sure the hardest to reach portions of the neighborhood are fully up to speed about what has already taken place, and what is being considered and proposed for the Opportunity Site. He explained that when they were asked to submit proposals, not in alignment with each other, there was a lot of overlap so they received a request for funds for about \$550,000 for engagement. His team looked at industry norms for hours, rates, and times for different activities as well as creating a low and high based on the responses and standardized each of the scopes received.

Mr. Svenkeson displayed a chart depicting the proposed high and low budgets and engagement activities for each of the prospective community partners. He stated they had asked for proposals and partnerships and teams. Not everyone cross-communicated with each other so they identified quite a bit of overlap, redundancy, and duplication, and are now talking with each group about what can be taken out of some proposals. Mr. Svenkeson explained some groups asked to

specialize in just communications and translation services where others wanted to do more focus groups or town hall settings. He noted there was a lot of overlap in the door-knocking in the same targeted communities so they considered how to ensure all parts of Brooklyn Center receive adequate door knocking while still investing the resources in the hard-to-reach communities to make sure they know about the project and know when they can provide input, correction, or alternate suggestions on the project. He stated there are other means of communication that are more highly skewed towards youth through an online presence, and audio/video content for advertising.

Mr. Svenkeson stated they standardized it because in March they had a budget range between \$15,000 and \$50,000 for the different partners. They created a checklist and the resolution before the Council speaks to the City allowing a not to exceed the budget of \$300,000, which will be geared towards creating flexibility over the next six months and it is not guaranteed to spend this amount over six months or that every partner is contracted because there could be some efficiencies. But what it does allow is flexibility and fill gaps in the process that may emerge to create a standard for a robust engagement going forward and allow this project to be that test. Mr. Svenkeson stated they are recommending a not-to-exceed budget of \$300,000 and any number of combinations of partnerships with the community partners.

Ms. Beekman stated Mr. Svenkeson summed it up well in terms of talking about the ask tonight to create that not to exceed the budget amount, noting the resolution includes language that talks about entering into contracts with community partners, many that have been identified including ACER as the leading agency to help fill a lot of the gaps that may exist as well as facilitate those conversations around the table with the community partners for the check-in. In terms of the next steps, the citizen advisory task will be before the City Council in the coming weeks including a process to get that onboarded. They want to get that group formed and meeting so they have time to set an agenda around what they want in terms of information and technical assistance from staff and the consultant teams. Then they will be ready to accept the reports and digest that information as it comes in the fall and later months of the year.

Ms. Beekman offered to answer questions of the City Council that pertains to this item, noting Mr. Svenkeson is also available.

Councilmember Ryan asked whether the City to date has spent \$95,000 on engagement related to the Opportunity Site. Ms. Beekman answered that is a fairly accurate estimate.

Councilmember Ryan stated with the previous engagement efforts, Ms. Beekman had indicated that City staff and spearheaded by Bolton and Menk, contacted 3,000 residents who responded with substantive responses, which he thought was a remarkable number.

Councilmember Ryan stated a community member asked him a question he did not know how to answer, noting the engagement effort that produced a report to the City Council not long ago listed all of the engagement activities that were quite extraordinary and the report was very lengthy. So, a community member asked him about all those residents who do not have organized groups reaching out to them, seeking their feedback on the Opportunity Site. That community member

asked him how the City will see to it that those earlier respondent's input will not be left behind or obscured or marginalized.

Ms. Beekman stated the City has done a considerable amount of engagement there has probably been more engagement on this project than in any other in the City's history. She does not know whether that was a high bar, to begin with, but it is worth noting because there have been several residents who provided engagement and direct input on this project. As part of the process, she has heard from the City Council clearly that with the engagement done to date, there is no intention that it be set aside and we are not starting over. This is a process that has built upon itself. Initial engagement talked about high-level things like values the community had around this development, the goals, and guiding principles. The staff has spent a lot of time working with the community to hone those and make sure they reflect what the community wants.

Ms. Beekman explained that later engagement focused largely on identifying specific elements the community wanted to see, what was missing and needed in the community, and then going back to test what they heard, prioritizing those things, and identifying high-level priorities around what the community wanted to see in the development. She stated we need to recognize this is a development that will occur over the entire Opportunity Site, over many years, with multiple phases, with different developers, and at different times during a changing market. She stated no one phase is going to solve every need in the community but as part of this process, it will identify how we make sure that with each phase we are meeting a little bit here and there so, in the end, we have a whole.

Ms. Beekman stated all of that speaks to the need for building and a lot of the level setting work to be done with the community partners. The citizen advisory task force will be talking about the things we have heard from the community up to this point so those things continue to live on. She asked Mr. Svenkeson to address the question of who will be reached during this process.

Councilmember Ryan stated he appreciates that comment because Ms. Beekman paints a picture that places this more in context. He believed in an earlier conversation, he experienced something like sticker shock. But if placed in the context that these are efforts that will guide us for years to come and we can project this cost over that longer view and period, then it seems more reasonable, he thinks. He stated the bottom line is that our community is fractured in a lot of ways and even if we have to expend a significant level of resources to bring all the community together, even though there are different emphasis and respondents, to come up with a more unified vision for the community's future, then he will support this.

Councilmember Ryan stated as you recall from earlier conversations, he was very skeptical but he does not want to stand in the way of the very first activity he hopes will come forward on the part of Alatus and their business project in the southwest corner of the Opportunity Site and, of course, for nailing down the master plan for the Opportunity Site. He stated he appreciates hearing more details and the way Ms. Beekman put it into context.

Councilmember Lawrence-Anderson stated it is known this process will be very long but this is a budgetary item under community partner response indicating NEOO Partners is further asking for a total engagement budget of \$300,000 to be disbursed contractually to community partners to

perform certain engagement activities over five months, occurring July 1 through December 1. She asked if that means the City Council would be committing to a \$300,000 budget between July 1 and December 1.

Ms. Beekman stated she may have misinterpreted Councilmember Ryan's statements but yes, this is a five-to-six-month process that will have community partners conducting the engagement work. Her interpretation of Councilmember Ryan's comments was about the fruits of that labor, the deliverables that come out of that are what we think of as a continuation of the engagement process. Having identified and gone through the work they have done for engagement, the next step is in creating these documents, like the equity development scorecard, that will live on long into the future and be used to evaluate development projects through the lens of equity going forward. But the work to create that document requires some up-front work. With the community benefits plan, for example, these are detailed specifics that need to be created by the community and talk about what will the developer and city be held accountable to when it comes to delivering on the things being talked about. So, the Master Plan is at its best a high-level vision for development but there usually isn't a lot of detail when looking at that. This piece is about developing those accountability tools to make sure that moving forward, we are delivering on the things the community has said they want out of this process. She stated it is a more intensive engagement process and, in some respects, it needs to be because these are aspects of the project that require a deeper dive in terms of working with the community to create these deliverables. She stated she recognizes there is a higher cost to it and the goal is to complete the process within the next six months so the development projects on the Opportunity Site will be able to move forward using this framework.

Councilmember Lawrence-Anderson referenced several paragraphs in the Resolution indicating a total ask from the proposals was \$553,000 so she is concerned the community engagement being done now is a snapshot in time for a project that is going to be upwards of 30 years. So, what we see today in the opinions and thoughts may not reflect those in 20 or 30 years.

Ms. Beekman stated that is correct and a comment made by Councilmember Graves several times that she has taken to heart is about what does engagement looks like in five years, ten years, around process. She does not want to tell the City Council that we are asking for a budget of up to \$300,000 and that's the final say and there will be no more engagement on the Opportunity Site because that would be a false statement.

Ms. Beekman explained this process is intended to get this pilot project through for us to learn. She noted we have heard a lot from the community and the City Council about expectations around community engagement and she admits she does not know that there is a clear vision around it and thinks Dr. Edwards has talked about that in terms of wanting to have more discussion with the City Council around what community engagement looks like. But, ultimately, the deliverables from this process will create a framework for how engagement can move forward into the future. That does not mean there won't be any engagement in the future, it means that what we are learning is a process. We are developing frameworks for how to do that work, we will have deliverables such as the equity development scorecard which will be a tool we can use on future projects, and a community benefits plan that may be specific to a development like a project Alatus is working on because that is how community benefit plans work but knowing we can use that same model in

the future for other development projects. Ms. Beekman stated this is not a 'one and done and there will be ongoing engagement for years to come but what they are building are this process and framework.

Councilmember Lawrence-Anderson asked whether it is essentially creating a benchmark for going forward or creating a baseline. Ms. Beekman stated she would not describe it as a baseline.

Dr. Edwards stated as Ms. Beekman mentioned, we will be doing ongoing engagement and will not be able to sustain engagement at this level, at this cost, so part of the question with this particular contract effort is, can we create an infrastructure and tools that we can leverage in the future that we could not afford to do. So, for example, by delivering the equity scorecard and community benefits plan, once those tools are created, they will be used indefinitely as they go forward. Whereas with other projects, they will not be able to create that every time. So, from their perspective, part of this project and efforts, the investment is creating tools and inroads with engagement that will pay dividends for decades to come. He stated, again, we cannot afford to do this every time we do engagement but we can utilize these tools and inroads and framework, as Ms. Beekman mentioned, as we go forward. To him, that is where, from a cost-benefit analysis, the City receives the benefits. He explained they are learning and gaining an asset upfront that can be used over time that will be considered to deliver value for Brooklyn Center.

Councilmember Lawrence-Anderson thanked staff for that clarification. She saw all of the organizations involved but did not see any Latina or Asian or Hmong groups. She asked if the City reached out to those groups because it will be important to have them at the table as well.

Mr. Svenkeson stated they did include groups inside those listed hard-to-reach communities that Councilmember Lawrence-Anderson named as part of their outreach. Some organizations responded that they can and are willing to come to the table on a different timeline but others are also part of the ACER network and already have a working relationship with ACER for other business outreach needs. So, some will be more comfortable in that existing relationship that they will leverage. He stated some will come on directly that will be responding on a different timeline and some will be part of the existing ACER relationship network to deliver a deep level of engagement as well.

Mayor Pro Tem Butler thanked Councilmember Lawrence-Anderson and stated that was her question as well around those populations not represented. She noted the Brooklyn Bridge Alliance is on the list to engage youth and, honestly, in the time she has been on the City Council, she has not seen them engage Brooklyn Center youth that successfully as they are heavy Brooklyn Park. She would not want us to rely solely on them to engage youth and we need to be working with our schools to ensure we are engaging with Brooklyn Center youth. She stated there are many school districts within Brooklyn Center but encouraged working directly with the Brooklyn Center School District as there is an established relationship with them.

Mayor Pro Tem Butler stated some Council Members met with youth leaders a couple of months ago so some youth want to be involved with what is happening in the City. She thinks we need to go to the source, which is our schools, to engage those youth.

Mayor Pro Tem Butler stated she wants to make sure it is community-driven in terms of how we are approaching it as a mistake was made early on when she came into the process and was going to community meetings because it was more like 'here is the plan, what do you think about it.' It did not feel like you could give input because the plan was already thought out. She stated that may have already been addressed but she wanted to make sure that is the line we are approaching the community, to ask them what they want to see instead of giving them a plan. She stated she understands community does not always understand what we can and cannot do so we need to make those things clear. But when we go to them with a plan, it often feels dismissive to the community.

Mayor Pro Tem Butler stated she appreciates all of the work that has been done on this plan and the thoroughness of the plan. She has been behind staff to have more confidence in engagement and she agrees with Councilmember Ryan's earlier comment about making sure the engagement that we have done previously, that those comments are not lost and we include them for this engagement that is happening.

Councilmember Graves stated she has nothing to add as the other Council Members either asked her questions or summed up what they would be. She thanked staff for the presentation and stated she is willing to move forward but hopes over the next few months that staff keeps the City Council in the loop about how things are going and provide periodic updates.

Councilmember Ryan stated he appreciates the questions and comments of all the members and dialogue which was more open and accepting than some held earlier on engagement. He stated being the longest involved with the City Council, he fully appreciates that the way we do business is changing and thinks this is the paradigm case that illustrates that change. He stated we all need to work together to bring the community together and build that baseline of trust through transparency and engagement, which will build the community and help us to move forward. He noted the Opportunity Site is the future for the City. He thanked Mayor Pro Tem Butler and all Council Members.

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2021-XX Authorizing a Community Engagement Pilot Program with Community Partners for the Opportunity Site.

Motion passed unanimously.

10b. CITY MANAGER APPOINTMENT

This item was considered before Item 10.a., Resolution Authorizing a Community Engagement Pilot Program with Community Partners for the Opportunity Site.

11. COUNCIL REPORT

Councilmember Graves stated she did not have anything specific to report tonight but does want the City Council to get back in the habit of reporting since it includes updates on what is happening on the Commissions.

Councilmember Lawrence-Anderson stated she does not wish to give a Council report tonight; however, perhaps the City Council could get clarification about the funding briefing tomorrow from 1-2 p.m.

Dr. Edwards stated he will be presenting but that meeting will be hosted by the Foundations on behalf of Brooklyn Center, including the Ford Foundation, McKnight Foundation, Minneapolis Foundation, Pohlman Foundation, and Blue Cross Blue Shield Foundation. He explained this will be a virtually attended event but it was not posted as it was not expected that Council Members would be in attendance. If they would like to attend, staff will need to post that meeting.

Councilmember Lawrence-Anderson stated she is available, would like to attend, and asked Dr. Edwards to provide the link to the virtual meeting.

Councilmember Ryan deferred from making a Report.

12. ADJOURNMENT

Councilmember Ryan moved and Councilmember Graves seconded adjournment of the City Council meeting at 8:47 p.m.

Motion passed unanimously.

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 28, 2021
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Pro Tem Marquita Butler at 9:27 p.m.

ROLL CALL

Mayor/President Pro Tem Marquita Butler, and Councilmembers/Commissioners April Graves, Kris Lawrence-Anderson, and Dan Ryan. Mayor/President Mike Elliott was excused. Also present were Acting City Manager Reggie Edwards, Community Development Director Meg Beekman, and City Clerk Barb Suciu.

COMMISSION APPOINTMENTS

This item was discussed and concluded at the June 28, 2021, Study Session Meeting.

COMMUNITY ENGAGEMENT FRAMEWORK DISCUSSION

Mayor/President Pro Tem Butler stated she has talked with Dr. Edwards and this item may take longer than the 30 minutes they have left so if there are no issues with moving it to the next meeting, she would like to do that.

Commissioner Ryan complimented Mayor/President Pro Tem Butler on how she has run tonight's meetings in a business-like manner so he has no objection to deferring the items given they are not time-sensitive, especially the item that could be lengthy as it enters into some interesting and daunting philosophical issues about Council governance. He stated this is a wise decision of Mayor/President Pro Tem Butler and Dr. Edwards to table.

Commissioner Lawrence-Anderson concurred.

The consensus of the City Council/EDA was to table this discussion to the next EDA/Work Session Meeting.

MAYOR'S SENIOR POLICY AIDE POSITION

This item was removed from the agenda upon its adoption.

BC INNO-HUB CONCEPT REVIEW AND DISCUSSION

Mayor/President Pro Tem Butler stated again, this item is not time-sensitive.

The consensus of the City Council/EDA was to table this discussion to the next EDA/Work Session Meeting.

ADJOURNMENT

Councilmember/Commissioner Graves moved and Councilmember/Commissioner Ryan seconded adjournment of the City Council/Economic Development Authority Work Session at 9:30 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 7/12/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY: Alix Bentrud, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve the licenses as presented.*

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.

-

Garbage Hauler

Aspen Waste 2951 Weeks Ave SE
Minneapolis MN 55414

Randy's Sanitation Inc PO Box 169
DBA Randy's Environmental Services Delano MN 55328

Hospitality Accommodations

Best Western Plus 2050 Freeway Blvd
Brooklyn Center MN 55430

Mechanical Licenses

4Front Energy Solutions Inc 3230 Gorham Ave Ste 1
St. Louis Park MN 55426

Comfort Solutions Heating & Cooling 11 1st St NW
Osseo MN 55369

DeZiel Heating & A/C 209 5th St NE #5
Buffalo MN 55313

Duct Doctors LLC 5385 Stacy Trl Lot 319
Stacy MN 55079

Marsh Heating & A/C 6248 Lakeland Ave N
Brooklyn Park MN 55428
26355 Tucker Road

Midwest Heating & Air Conditioning Rogers MN 55374
River City Sheet Metal Inc 8290 Main Street NE
Fridley MN 55432

Signhanger's Licenses

JH Signs 41357 460th St.
Perham MN 56573

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	3/16/2021	Backup Material
7-12-2021 Rental Licenses	7/6/2021	Backup Material

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

Rental Licenses for Council Approval on July 12, 2021								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
6769 Humboldt Ave N	Single	Initial	Loan Nguyen	6	III	0	III	
5312 Northport Dr	Single	Initial	HPA US1 LLC	3	II	0	II	
1200 67th Ave N Emerson Chalet	Multi 1 Bldg 18 Units	Renewal	Thomas Morrow/Emerson Chalet	16 (12 units insp) 1.33 per unit	II	0	II	I
819-21 55th Ave N	2 Family 2 Unit	Renewal	Stephanie Statz	3	II	0	II	II
5115 Twin Lake Blvd E	2 Family 1 Unit	Renewal	Ruth Cioni	1	I	0	I	I
2329 55th Ave N	Single	Renewal	Sara Brang / Easton Homes	0	I	0	I	I
3807 61st Ave N	Single	Renewal	IH2 Property IL LP - Missing CPTED	4	II	0		III
2606 65th Ave N	Single	Renewal	HPA US1 LLC- met requirements	2	I	0	I	IV
4806 69th Ave N	Single	Renewal	Xian Lin/Propseperous Property	0	I	0	I	I
5501 Brooklyn Blvd	Single	Renewal	Mains'I Properties	2	I	0	I	I
5333 Dupont Ave N	Single	Renewal	FYR SFR Borrowe LLC - met requirements	10	IV	0	IV	III
3808 France Pl	Single	Renewal	IH2 Property IL LP - met requirements	2	I	0	I	III
5834 Fremont Ave N	Single	Renewal	Robert Goldsmith	0	I	0	I	I
6007 Girard Ave N	Single	Renewal	R B Management III/Ben Dossman	6	III	0	III	II
6424 Girard Ave N	Single	Renewal	Rashidat Sowemimo/Livewell Home Care LLC - missing CPTED & CFH Cert	10	IV	0	IV	III
5559 Lyndale Ave N	Single	Renewal	Brett Hildreth/Dragon Property Mgt	1	I	0	I	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 I = 3 Year Type II = 2 Year Type III = 1 Year

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 7/12/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: Doran M. Cote, P.E., Director of Public Works

BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Establishing Improvement Project Nos. 2022-01, 02, 03 and 04, Woodbine Area Street and Utility Improvements

Requested Council Action:

- Motion to approve a resolution establishing Improvement Project Nos. 2022-01, 02, 03 and 04, Woodbine Area Street and Utility Improvements.

Background:

In accordance with the City's Capital Improvements Plan (CIP), the area referred to as the Woodbine Area is programmed for improvements in 2022. The Woodbine Area Street and Utility Improvements extends from Brooklyn Boulevard to France Avenue and from 71th Avenue to the north City limits (see attached map for specific street locations). The Woodbine Area Street and Utility Improvements consists of approximately 15,525 linear feet of roadway length. These roadways were reconstructed in 1995. The area consists of approximately 254 residential properties. At this time, staff requests that the City Council establish this street improvement project so investigative engineering work may begin.

The CIP calls for these roadways to be improved with a full depth pavement replacement with partial concrete curb and gutter replacements, minor sidewalk replacements, replacement of the existing VCP sanitary sewer within the roadway and cured-in-place lining of the sanitary sewer along the June Avenue easement between 71st Avenue and 70th Avenue, replacement of the CIP water main pipe, and replacing approximately 50 percent of the existing hydrants and gate valves. The funding for the project is through a variety of sources as described in the CIP which are anticipated to include special assessments, street reconstruction funds and utility funds.

Typically, in order for a project to be completed within a specified calendar year, preliminary design must commence almost one year in advance. This includes initiation of the public notification and participation process that consists of informing affected property owners, conducting field surveys, at least one public informational meeting and an extensive amount of information and data collection.

Initial design also includes detailed technical engineering work, underground infrastructure inspections and assessments and soil/geotechnical investigations. Upon authorization by the City Council the following actions would take place:

- Collect data, including field surveys, review traffic counts and review maintenance records.
- Conduct televised inspections of the sanitary and storm sewers and soil/geotechnical investigations.

- Conduct a public informational meeting in the winter of 2021 to present initial findings to the neighborhood and gauge public interest in the improvement project.
- Prepare a feasibility report for review by the City Council. The City Council could then consider setting a date for the improvement hearing.

Budget Issues:

The Woodbine Area Street and Utility Improvements project is identified in the City's CIP with a preliminary project cost estimate of \$9,440,000. The estimated cost for preliminary field work, preparation of a project feasibility report and design is \$350,000.

Inclusive Community Engagement:

Conduct a public informational meeting in the winter of 2021 to present initial findings to the neighborhood and gauge public interest in the improvement project. It is also anticipated that there will be 2 public hearings as part of the special assessment process. If approved, there would be monthly newsletters during construction.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/6/2021	Resolution Letter
CIP Background	7/6/2021	Backup Material

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING IMPROVEMENT PROJECT NOS. 2022-01, 02, 03 AND 04, WOODBINE AREA STREET AND UTILITY IMPROVEMENTS

WHEREAS, the City's Capital Improvement Program identifies specific streets for proposed infrastructure improvements in 2022; and

WHEREAS, the City Council has reviewed the scope of proposed improvements for the Woodbine Area; and

WHEREAS, the City Council desires to begin the process of information gathering and solicitation of public comments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that:

1. Improvement Project Nos. 2022-01, 02, 03 and 04, Woodbine Area Street and Utility Improvements are hereby established.
2. Staff is directed to begin field work, contact property owners in the neighborhood to obtain comments and input and hold public informational meetings for property owners in the neighborhood where improvements are proposed.
3. The City Engineer shall prepare a project feasibility report for review by the City Council in the fall of 2021.
4. Estimated project costs for preliminary field work, geotechnical investigations and sewer televising costs are as follows:

<u>COST</u>	<u>AMOUNT</u>
Preliminary Design and Plan Prep.	\$195,000
Televising	\$ 15,000
Field Survey	\$ 60,000
Geotechnical Investigation	\$ 30,000
Storm Sewer system analysis	\$ 35,000
<u>Watermain system analyses</u>	<u>\$ 15,000</u>
Estimated Costs Total	\$350,000

RESOLUTION NO. _____

<u>REVENUES</u>	<u>AMOUNT</u>
Sanitary Sewer Utility Fund	\$ 70,000
Water Utility Fund	\$115,000
Storm Sewer Utility Fund	\$ 35,000
Street Reconstruction Fund	\$130,000
Estimated Revenues Total	\$350,000

July 12, 2021
Date

Mayor

ATTEST: _____
City Clerk

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

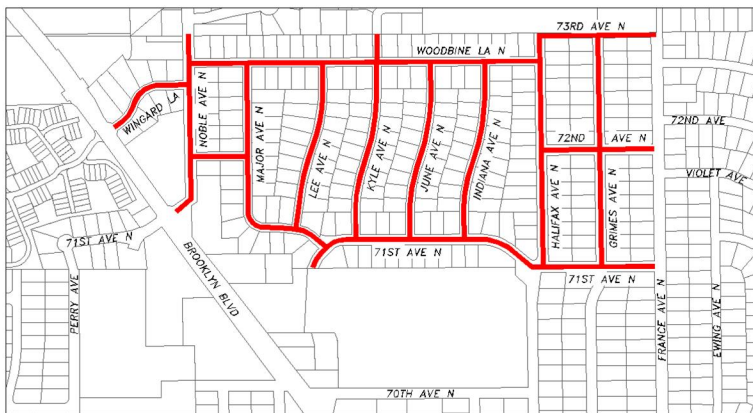
and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Woodbine Area Improvements - 2022

The Woodbine project area extends from Brooklyn Boulevard to France Avenue and from the north City limits to 71st Avenue. The project area contains a total of 15,525 linear feet of local streets. The neighborhood consists of approximately 254 residential properties.



Streets

Noble Avenue from Brooklyn Boulevard to the north City limits is a designated MSA Route. The Woodbine Neighborhood was reconstructed in 1995. Noble Avenue is 40-feet wide with concrete curb and gutter. The remaining streets are generally 30-feet wide with concrete curb and gutter. The project design process will include evaluating geometric options at the intersection of Noble Avenue and Woodbine Lane to address possible pedestrian safety issues. The current cost estimate assumes street improvements that consist of approximately 50 percent curb replacement, 10 percent sidewalk replacement and full depth pavement replacement.

Water main

The existing water main in the Woodbine area consists of 6-inch and 8-inch diameter CIP installed between 1957 and 1959. Records indicate there have been 11 water main breaks in the neighborhood between 1975 and 2013 and six properties have experienced frozen water service in past winters. The current project cost estimate includes complete water main replacement.

Sanitary Sewer

Approximately 25 percent of the sanitary sewer in the project area was replaced with PVC when the neighborhood was reconstructed in 1995. The remaining sanitary sewer consists of 8-inch diameter VCP installed in 1958 and 1959. Approximately 57 percent of the sanitary sewer is subjected to frequent problems with root intrusion. Root sawing must be performed on an annual basis to maintain the system conveyance capacity. The current project cost estimate includes replacement of the existing VCP sanitary sewer within the roadway and cured-in-place lining of the sanitary sewer along the June Avenue easement between 71st Avenue and 70th Avenue.

Storm Sewer

The storm sewer on Noble Avenue consists of 12-inch and 15-inch diameter RCP that drains to Shingle Creek. This storm sewer was installed in 1970. The remainder of the project area consists of 15-inch to 33-inch diameter RCP installed when the neighborhood was reconstructed in 1995. This storm sewer generally drains to Palmer Lake. The condition of the storm sewer within the neighborhood is rated as good. The current project cost estimate includes replacing storm structure castings and isolated portions of lateral storm sewer as necessary.

Street Lighting

The current cost estimate includes replacing the 20 wood poles with 20 fiberglass poles with a cut-off type LED light fixture and underground power.

Council Regular Meeting

DATE: 7/12/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: Doran M. Cote, P.E., Director of Public Works

BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Approving and Authorizing Execution of a Joint Powers Agreement with the City of Minneapolis for the maintenance of 53rd Ave N (from Xerxes Ave N to Mississippi Dr N) and Xerxes Ave N (from 49th Ave N to 53rd Ave N)

Requested Council Action:

- Motion to approve a resolution approving and authorizing execution of a Joint Powers Agreement with the City of Minneapolis for the maintenance of 53rd Ave N (from Xerxes Ave N to Mississippi Dr N) and Xerxes Ave N (from 49th Ave N to 53rd Ave N)

Background:

The City of Brooklyn Center and the City of Minneapolis are proposing to enter into a Joint Powers Agreement for the maintenance of 53rd Ave N from Xerxes Avenue N to Mississippi Dr N, and Xerxes Ave N from 49th Ave N to 53rd Ave N. The centerline of 53rd Ave N and Xerxes Ave N are boundaries between the two cities. The proposed agreement defines complete maintenance of the street shared by both cities. The proposed agreement is for an initial five year term from the date of execution, with provisions to automatically renew for successive five year terms unless terminated by either party. Both cities have been maintaining the roadways in accordance with the 1970's maintenance agreement which is expired.

City of Minneapolis staff and City of Brooklyn Center staff have been collaborating to develop the Joint Powers Agreement for the maintenance for these shared streets. This agreement covers the complete maintenance of 53rd Ave N and Xerxes Ave N for the next 5 years. The document has been reviewed by Public Works and City Attorney's Office staff.

Staff from both cities have agreed on the key terms of the agreement as follows:

- City of Minneapolis will be responsible for the complete maintenance, as it's defined in the Joint Powers Agreement, along 53rd Ave N between Mississippi Dr N and Humboldt Ave N, and for Xerxes Ave North between 49th Ave N and 51st Ave N.
- City of Brooklyn Center will be responsible for the complete maintenance, as it's defined in the Joint Powers Agreement, along 53rd Ave N between Humboldt Ave N and Xerxes Ave N, and Xerxes Ave N from 51st Ave N to 53rd Ave N.
- Any cost or expense in connection to the complete maintenance of the aforesaid streets shall be the sole obligation of the city designated responsible for the maintenance.

Budget Issues:

As part of the Joint Powers Agreement, the City of Brooklyn Center will be responsible for the complete maintenance along 53rd Ave N between Humboldt Ave N and Xerxes Ave N, and Xerxes Ave N from 51st Ave N to 53rd Ave N. Any cost or expense in connection to the complete maintenance of the aforesaid streets shall be the sole obligation of the City of Brooklyn Center and will be included in future operating budgets.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/6/2021	Resolution Letter
Joint Powers Agreement (2021 Proposed)	7/6/2021	Backup Material
Joint Powers Agreement (1970 Expired)	7/6/2021	Backup Material

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A JOINT POWERS AGREEMENT WITH THE CITY OF MINNEAPOLIS FOR THE MAINTENANCE OF 53RD AVE N (FROM XERXES AVE N TO MISSISSIPPI DR N) AND XERXES AVE N (FROM 49TH AVE N TO 53RD AVE N)

WHEREAS, the centerline of 53rd Ave N and Xerxes Ave N are boundaries between the City of Brooklyn Center and the City of Minneapolis; and

WHEREAS, the City of Brooklyn Center and the City of Minneapolis are proposing to enter into a Joint Powers Agreement for the maintenance of 53rd Ave N from Xerxes Ave N to Mississippi Dr N, and Xerxes Ave N from 49th Ave N to 53rd Ave N; and

WHEREAS, the proposed agreement defines complete maintenance of the street shared by both cities; and

WHEREAS, the proposed agreement is for an initial five year term from the date of execution, with provisions to automatically renew for successive five year terms unless terminated by either party; and

WHEREAS, the parties determined it is in their best interest to maintain 53rd Ave N and Xerxes Ave N according to the terms and conditions of the Joint Powers Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that:

1. The Joint Powers Agreement with the City of Minneapolis for the maintenance of 53rd Ave N (from Xerxes Ave N to Mississippi Dr N) and Xerxes Ave N (from 49th Ave N to 53rd Ave N) is hereby approved. The Mayor and Acting City Manager are hereby authorized to execute said agreement.

RESOLUTION NO. _____

July 12, 2021
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.

AGREEMENT

FOR

THE DIVISION OF PAVEMENT MAINTENANCE RESPONSIBILITY ON 53RD AVENUE NORTH AND XERXES AVENUE NORTH AS BOUNDARY STREETS BETWEEN MINNEAPOLIS AND BROOKLYN CENTER

THIS AGREEMENT, made and entered into this ____ day of _____, 2021 ("Effective Date") by and between the City of Brooklyn Center, Minnesota, a municipal corporation ("Brooklyn Center"), and the City of Minneapolis, Minnesota, a municipal corporation ("Minneapolis"). Brooklyn Center and Minneapolis may hereinafter be referred to individually as a "party" or collectively as the "parties."

WHEREAS, Minneapolis and Brooklyn Center share the following common boundary streets: 53rd Avenue North between Mississippi Drive North and Xerxes Avenue; and Xerxes Avenue North between 49th Avenue North and 53rd Avenue North; and

WHEREAS, both Minneapolis and Brooklyn Center desire that the maintenance responsibility of these boundary streets be shared equitably between the two municipalities as provided in this Agreement.

Now, THEREFORE, the parties mutually agree as follows:

ARTICLE I.

Division of Responsibility

Minneapolis shall be responsible for providing the maintenance items described below on 53rd Avenue North between Mississippi Drive North and Humboldt Avenue, and for Xerxes Avenue North between 49th Avenue North and 51st Avenue North. Brooklyn Center shall be responsible for providing the maintenance items described below on 53rd Avenue North between Humboldt Avenue North and Xerxes Avenue North, and Xerxes Avenue North from 51st to 53rd Avenue North.

ARTICLE II.

Maintenance Items

The maintenance items for which each party is responsible as set forth in Article I above shall include all routine maintenance operations normally performed on the street on a more or less regular basis including, but not limited to, street sweeping, snow and ice control, temporary and permanent pavement patching and repair, striping and pavement markings, signage and shall also include any non-regular or preventative maintenance items not normally considered as routine maintenance such as crack sealing and sealcoating. The need to conduct non-regular maintenance items shall be determined jointly by the Minneapolis City Engineer and the Brooklyn Center City Engineer. If the non-regular or preventative maintenance items are agreed to, the work shall then be accomplished by the party responsible for the portion of the street on which the need exists.

ARTICLE III.
Maintenance Costs

Any cost or expenses required to complete the maintenance items on the boundary streets shall be the sole obligation of the party designated by this Agreement as being responsible for the maintenance of the identified boundary streets.

ARTICLE IV.
Liability

Minneapolis shall not be liable for any loss, damages, claims or demands of any kind or nature, including workmen's compensation claims, in any way resulting from or arising out of the acts or omissions of Brooklyn Center, its contractors or any subcontractor, including acts or omissions of their employees or agents, in connection with the performance of this Agreement. Brooklyn Center shall not be liable for any loss, damages, claims or demands of any kind or nature, including workmen's compensation claims, in any way resulting from or arising out of the acts or omissions of Minneapolis, its contractors or any subcontractor, including acts or omissions of their employees or agents, in connection with the performance of this Agreement. Nothing in this Agreement shall constitute a waiver or limitation of any immunity or limitation on liability to which either party is entitled under Minnesota Statutes, Chapter 466, or otherwise. Neither party is agreeing to accept liability on behalf of the other party.

ARTICLE V.
Term and Termination

This Agreement is effective as of the Effective Date indicated above and shall continue in effect for an initial term of five (5) years from that date. This Agreement shall automatically renew for successive five (5) year terms on the anniversary of the Effective Date, unless it is terminated by either party. Either party may terminate this Agreement upon 120 days written notice of termination provided to the other party. However, no such termination shall be effective unless the parties have mutually agreed to a new division of maintenance responsibilities for the boundary streets that will go into effect upon the termination of this Agreement.

ARTICLE VI.
Miscellaneous Provisions

1. The provisions of M.S. 181.59 and of any applicable local ordinances relating to Civil Rights and discrimination shall be considered a part of this Agreement as if fully set forth herein.
2. All accounts and records kept by Minneapolis and Brooklyn Center with respect to any of the items mentioned in this Agreement shall be subject to examinations by representatives of the respective parties.
3. Data provided to either party or received from either party under this Agreement shall be administered in accordance with the Minnesota Government Data Practices Act, Minnesota Statutes,

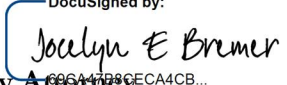
Chapter 13.

4. Before this agreement shall become binding and effective, it shall be approved by resolutions of the respective councils of the City of Minneapolis and the City of Brooklyn Center.
5. The parties agree to comply with all laws, ordinances and regulations of Minnesota applicable to this Agreement and the construction of the Improvements. This Agreement shall be construed and enforced according to the laws of Minnesota.
6. In the event that any provision of this Agreement is held to be invalid, illegal or unenforceable by any court of competent jurisdiction, such holding shall pertain only to such section and shall not invalidate or render unenforceable any other provision of this Agreement.

The parties being in agreement, have caused this document to be executed as follows:

FOR THE CITY:

Approved as to Form by:

Signature:  6/28/2021
Assistant City Attorney

Signature:  6/28/2021
Department Head (or Designee) Authorized to Sign this Contract and/or Responsible for Administering and Monitoring Contract

Signature:  6/28/2021
Finance Officer or Designee/Purchasing Agent

CITY OF BROOKLYN CENTER

Mike Elliott, Mayor

Reginald Edwards, Acting City Manager

Date

City of



Minneapolis

DEPARTMENT OF PUBLIC WORKS

CLAYTON A. SORENSON, P.E.
CITY ENGINEER — DIRECTOR
MINNEAPOLIS, MINNESOTA 55415

RECEIVED
NOV 16 1970

City of Brooklyn Center

November 16, 1970

Mr. James Merila
Director of Public Works
City of Brooklyn Center
7100 Osseo Road
Brooklyn Center, Minnesota 55429

Dear Sir:

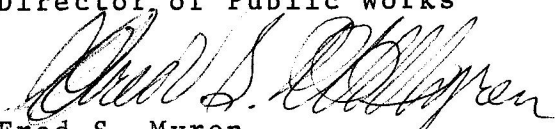
Enclosed herewith is one fully executed copy of the agreement between the City of Brooklyn Center and the City of Minneapolis, relative to providing for the division of maintenance responsibility for 53rd Avenue North between Lyndale and Xerxes Avenues North, and Xerxes Avenue North between 49th and 53rd Avenues North.

This fully executed copy is for your files.

Very truly yours,

Clayton A. Sorenson, P.E.
Director of Public Works

By


Fred S. Myren
Supervisor, Right of Way

FSM/GB/lfi

Enclosure



4-1-10, 19____
City Clerk

AGREEMENT FOR DIVISION OF MAINTENANCE RESPONSIBILITY
ON 53RD AVENUE NORTH AND XERXES AVENUE NORTH
AS BOUNDARY STREETS BETWEEN MINNEAPOLIS AND BROOKLYN CENTER

THIS AGREEMENT, made and entered into this 9th day of November, 1970,
by and between the CITY OF MINNEAPOLIS, Minnesota, a municipal corporation,
hereinafter called "Minneapolis," and the ~~VILLAGE~~^{CITY} OF BROOKLYN CENTER,
Minnesota, a municipal corporation, hereinafter called "Brooklyn Center",

WITNESSETH:

WHEREAS, Minneapolis and Brooklyn Center share as common boundary
streets 53rd Avenue North between Lyndale Avenue and Xerxes Avenue North,
and Xerxes Avenue North between 49th Avenue North and 53rd Avenue North;
and,

WHEREAS, both Minneapolis and Brooklyn Center desire that the
maintenance responsibility of these boundary streets shall be shared
equitably between the two municipalities;

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE I.

Minneapolis shall be responsible for the complete maintenance of
53rd Avenue North between Lyndale Avenue and Humboldt Avenue, and for
Xerxes Avenue North between 49th Avenue North and 51st Avenue North.
Brooklyn Center shall be responsible for the complete maintenance of 53rd
Avenue North between Humboldt Avenue North and Xerxes Avenue North, and
Xerxes Avenue North from 51st to 53rd Avenue North.

ARTICLE II.

The term complete maintenance as set forth in Article I above shall
include all routine maintenance operations normally performed on the street
on a more or less regular basis including but not limited to street
sweeping, sanding, salting, snow plowing, snow removal, etc. and shall

also include any non-regular maintenance items not normally considered as routine maintenance such as scarifying and blading of the street or any other maintenance operations not considered as routine. The need for the accomplishment for the non-regular maintenance items such as scarifying and blading of the street shall be determined jointly by the Minneapolis City Engineer and the Brooklyn Center ^{City}~~Village~~ Engineer and following such joint determination, the work shall then be accomplished by the municipality responsible for the portion of the street in which the need exists.

ARTICLE III.

Any cost or expense in connection with the complete maintenance of any aforesaid street shall be the sole obligation of the municipality which is herein designated as responsible for such maintenance of said street.

ARTICLE IV.

Minneapolis shall not be liable for any loss, damages, claims or demands of any kind or nature, including workmen's compensation claims, in any way resulting from or arising out of the acts or omissions of Brooklyn Center, its contractors or any subcontractor, including acts or omissions of their employees or agents, in connection with the performance of this contract. Brooklyn Center shall not be liable for any loss, damages, claims or demands of any kind or nature, including Workmen's compensation claims, in any way resulting from or arising out of the acts or omissions of Minneapolis, its contractors or any subcontractor, including acts or omissions of their employees or agent, in connection

with the performance of this contract.

ARTICLE V.

The provisions of M.S. 181.59 and of any applicable local ordinance relating to Civil Rights and discrimination shall be considered a part of this contract as if fully set forth herein.

ARTICLE VI.

All accounts and records kept by Minneapolis and Brooklyn Center with respect to any of the items mentioned in this agreement shall be subject to examinations by representatives of the municipalities.

ARTICLE VII.

This agreement shall take effect immediately upon its execution by proper officers of each of the municipalities and shall continue in effect for a period of five (5) years from that date.

ARTICLE VIII.

Before this agreement shall become binding and effective, it shall be approved by resolutions of the respective councils of the City of Minneapolis and the ^{City}~~Village~~ of Brooklyn Center.

IN TESTIMONY WHEREOF, the parties hereto have caused this agreement to be executed in their behalf respectively by their proper officers thereunto duly authorized and have caused their corporate seals to be hereunto affixed as of the day and year first above written.

CITY OF MINNEAPOLIS

By Charles Stearns
Mayor

Attest: Richard Johnson
City Clerk

Approved as to form.

John Roy Jackson
Asst. City Attorney

Countersigned: Earl A. Anson
Comptroller

IN PRESENCE OF:

James R. Merila
Bombardier & Peterson

CITY
~~VILLAGE~~ OF BROOKLYN CENTER

BY Healoha
Mayor

By W. H. [Signature]
Clerk City Manager

Approved as to form:

To: JEFFREY JOHNSON

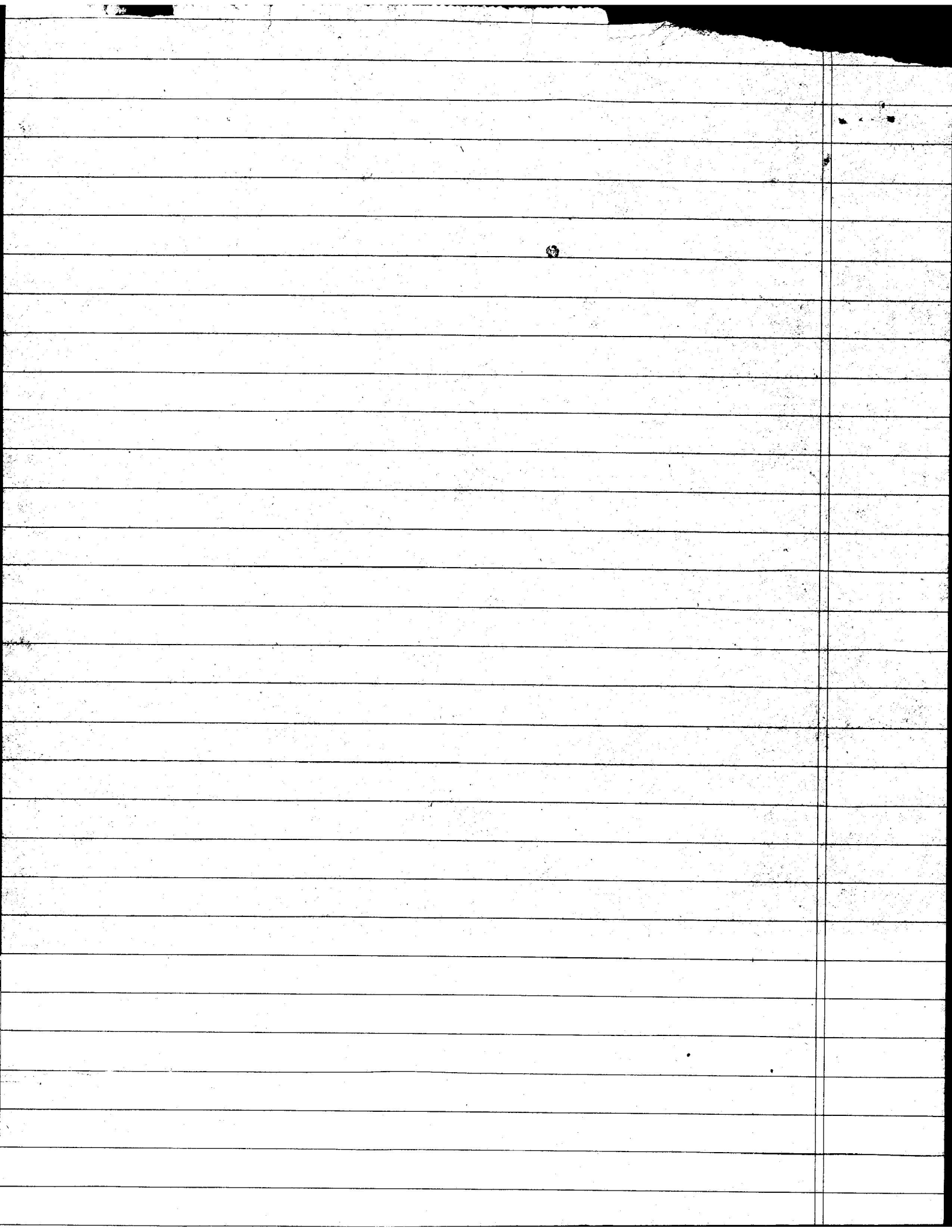
MAX. ALLOWABLE FLOW BY AGREEMENT THAT
BROOKLYN CENTER ALLOWED BROOKLYN PARK
TO PUT IN TO OUR SANITARY SEWER SYSTEM
IN 1970.

MISSISSIPPI STATION:	503 gpm	(1.12 c.f.s.)
NIBLE STATION :	601 gpm	(1.34 c.f.s.)
ZANE STATION :	<u>489 gpm</u>	<u>(1.09 c.f.s.)</u>
TOTAL	1593 gpm	3.55 c.f.s.
	2.29 Mgd.	

AGREEMENT: OCTOBER, 16, 1961

Max. Allowable Flow that Mpls.
will allow Brooklyn Center - Brooklyn Park
to put into their lines:

(AT Vincent south of T.H. 100 Peak 2.4 c.f.s.)



Member John Henry
and several other members

introduced the following resolution

RESOLUTION NO. 70-226

RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH THE CITY OF
KANSAS CITY, MISSOURI, FOR THE PURCHASE OF
A TRUCK FOR THE CITY OF BROOKLYN, NEW YORK

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF
BROOKLYN, NEW YORK:

That the Mayor and City Manager be authorized to execute
an agreement with the City of Kansas City, Missouri, and the City of
Kansas City, Missouri, for the purchase of a truck for the City of
Brooklyn, New York, and for the payment of the purchase price of
the truck by the City of Brooklyn, New York, in installments,
the terms of which agreement shall be as follows: That the City of
Brooklyn, New York, shall purchase a truck from the City of
Kansas City, Missouri, for the sum of \$10,000.00, the purchase
price of which shall be paid by the City of Brooklyn, New York,
in installments, the first installment of \$2,000.00 to be paid
on or before the first day of January, 1971, and the balance
of \$8,000.00 to be paid in four equal installments of \$2,000.00
each, on or before the first day of January, 1972, 1973, 1974,
and 1975, respectively.

November 9, 1970

Date

Mayor

ATTEST:

The motion for the adoption of the foregoing resolution was duly
seconded by member Vernon Auson, and upon vote being taken
thereon, the following voted in favor thereof: Philip Cohen,
John Fort, Vernon Auson, Howard Hoch and Theodore Willard;
and the following voted against the same: none.
The resolution was duly passed and adopted.

City of



Minneapolis

DEPARTMENT OF PUBLIC WORKS

CLAYTON A. SORENSON, P.E.
CITY ENGINEER — DIRECTOR
MINNEAPOLIS, MINNESOTA 55415

October 16, 1970

RECEIVED

OCT 19 1970

City of Brooklyn Center

Mr. James Merila
Village Engineer
Village of Brooklyn Center
7100 Osseo Road
Brooklyn Center, Minnesota 55429

Dear Sir:

Enclosed are four copies of a proposed agreement with the Village of Brooklyn Center, relative to providing for the division of maintenance responsibility for 53rd Avenue North, between Lyndale and Xerxes Avenues North and Xerxes Avenue North between 49th and 53rd Avenues North.

This agreement has been authorized by the City Council and has been approved as to form by the City Attorney. If this agreement meets with your approval, kindly execute it and return all four copies to the Department of Public Works, attention of the undersigned.

Attached is a certified copy of the Resolution passed by the City Council authorizing its officers to execute this agreement. Upon complete execution by the City, a copy will be returned for your files.

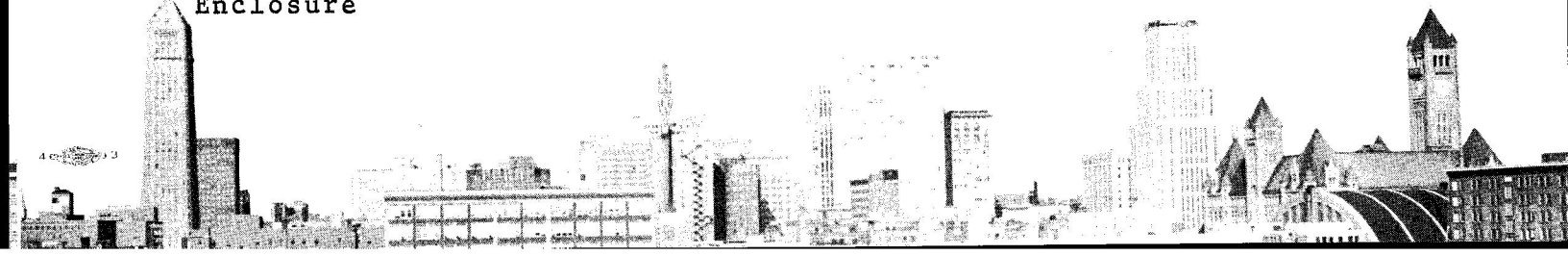
Very truly yours,

Clayton A. Sorenson
Director of Public Works

By 
Fred S. Myren
Supervisor, Right of Way

CAS/FSM/fer

Enclosure

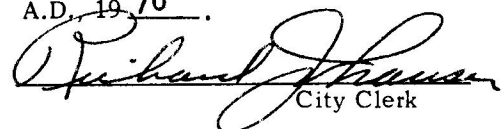


STATE OF MINNESOTA, }
County of Hennepin, } ss.
CITY OF MINNEAPOLIS, }

I, RICHARD JOHANSEN, City Clerk of the City of Minneapolis, in the County of Hennepin and State of Minnesota, do hereby certify that I have examined the attached copy of a Resolution adopted by the City Council of said city at a regular meeting thereof held on the 14th day of August, 19 70, and have carefully compared the same with the original thereof, now on file in this office, and that said attached copy is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have here-
unto set my hand and affixed the cor-
porate seal of said City this 21st
day of August,

A.D. 19 70.


City Clerk

Council Regular Meeting

DATE: 7/12/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: Doran M. Cote, P.E., Director of Public Works

BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Authorizing the Dedication of Temporary and Permanent Easements at 6250 Brooklyn Boulevard

Requested Council Action:

- Motion to approve a resolution authorizing the dedication of temporary and permanent easements at 6250 Brooklyn Boulevard pertaining to the Brooklyn Boulevard Corridor Project Phase 2 Improvements.

Background:

On May 3, 2021, the City Council awarded the contract for the Brooklyn Boulevard Corridor Project Phase 2 Improvements and determined the necessity for and authorized the acquisition of certain property easements for the Brooklyn Boulevard project. As part of this project, the proposed improvements such as the turn lane, sidewalks, trails, utilities and other streetscape elements have been identified that fall outside of existing public easement areas. The attached maps show the extent of the easements needed for the proposed improvements at 6250 Brooklyn Boulevard.

The proposed dedications include:

Parcel No. 43; 6250 Brooklyn Boulevard (PIN 34-119-21-43-0066): This parcel requires both a permanent easement and temporary construction easement. This includes approximately 7,152 square-feet of permanent drainage, utility, sidewalk and trail easement and 6,530 square feet of temporary construction easement.

The City Attorney has reviewed all easement documents and concurs to the purpose and form of the easements.

Budget Issues:

Easement recording fees will be paid for out of the improvement project budget.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/6/2021	Resolution Letter
Parcel 43 - Easement Packet	7/6/2021	Backup Material

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE DEDICATION OF TEMPORARY AND PERMANENT EASEMENTS AT 6250 BROOKLYN BOULEVARD

WHEREAS, the City of Brooklyn Center, Minnesota (the “City”) is the owner of 6250 Brooklyn Boulevard, PID 34-119-21-43-0066 (the “Parcel”); and

WHEREAS, said Parcel is located on Brooklyn Boulevard; and

WHEREAS, the City of Brooklyn Center (the “City”) and Hennepin County (the “County”) are constructing improvements to Brooklyn Boulevard, including sidewalk and trail improvements and drainage and utility improvements (the “Improvements”); and

WHEREAS, the City and the County are in need of temporary construction easements and permanent easements over the Parcel in order to construct the Improvements; and

WHEREAS, the City is willing to grant said easements to the County for the Improvements; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that

1. The City hereby approves the following easements, which are attached hereto:
 - a. Permanent Easement for Drainage and Utility and Sidewalk and Trail Purposes on the Parcel
 - b. Temporary Construction Easement on the Parcel.
2. The approval hereby given to the easement documents includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by legal counsel to the City and the Mayor and Acting City Manager authorized herein to execute said documents.

RESOLUTION NO. _____

July 12, 2021
Date

Mayor

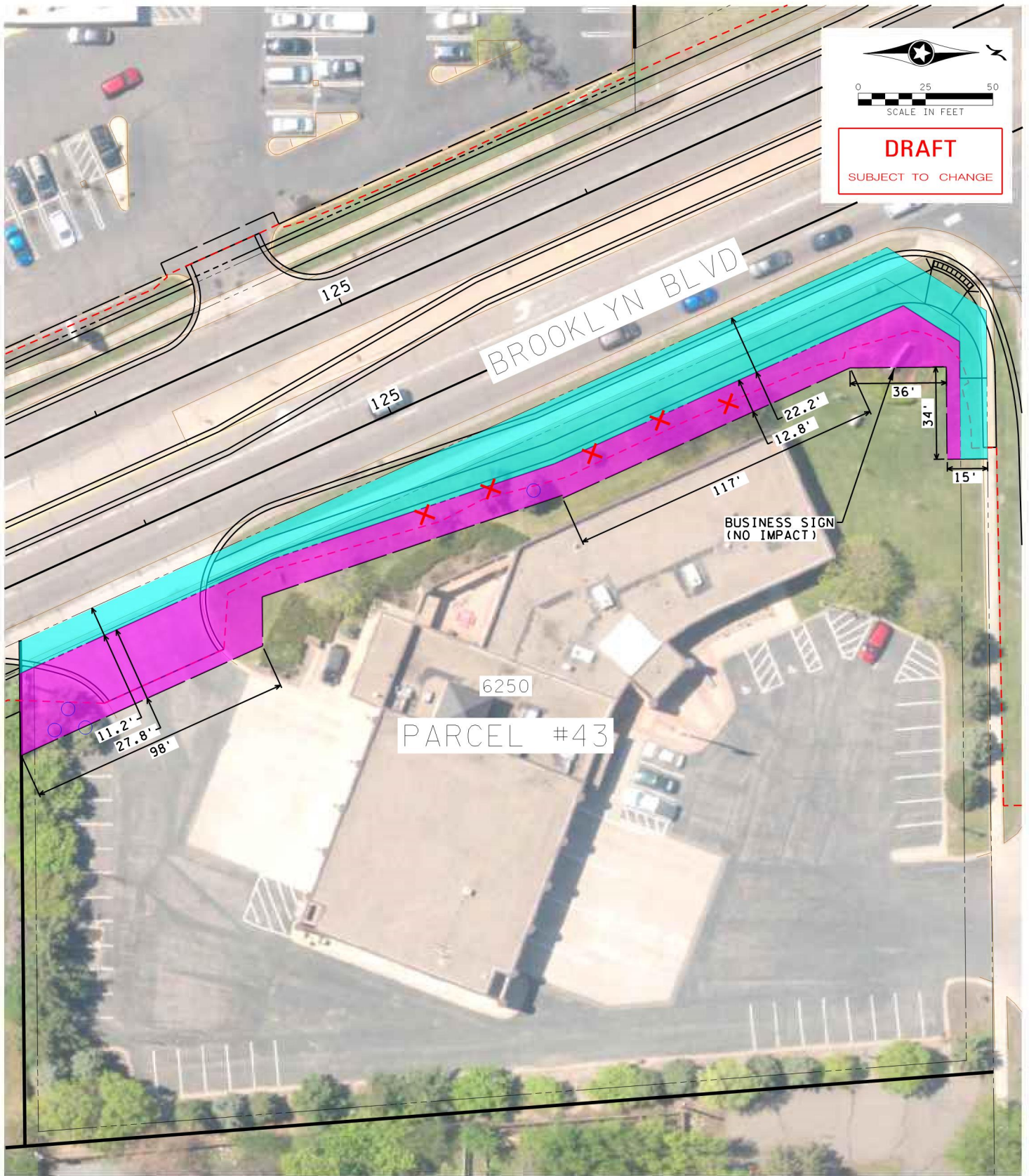
ATTEST: _____
City Clerk

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.



PID	ADDRESS			PARCEL LINE EXISTING R/W EXISTING PE TEMP EASE PROPOSED D&U CONST LIMITS TREE REMOVAL TREE W/IN TEMP EASE <
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1:27:07 PM
7/11/2020
H:\Projects\11000\11765\Design\Graphics\Right of Way\City Owned Parcels\11765_gr43.dgn

**PERMANENT EASEMENT FOR DRAINAGE AND UTILITY
AND SIDEWALK AND TRAIL PURPOSES
(PARCEL 43)**

THIS INSTRUMENT is made this _____ day of _____, 2021 by the City of Brooklyn Center, Minnesota, a municipal corporation under the laws of Minnesota (“Grantor”) in favor of Hennepin County, a body politic and corporate under the laws of Minnesota (the “Grantee”).

Recitals

A. Grantor is the fee owner of the property located in Brooklyn Center, Minnesota legally described on Exhibit A attached hereto (the “Property”).

B. Grantor desires to grant to Grantee a permanent non-exclusive easement for the drainage and utility purposes and sidewalk and trail purposes according to the terms and conditions contained herein.

Terms of Permanent Easement

1. Grant of Permanent Easement. For good and valuable consideration, receipt of which is acknowledged by Grantee, Grantor grants and conveys to Grantee a perpetual easement for drainage and utility and trail and sidewalk purposes, over, under, across, and through that portion of the Property legally described on the attached Exhibit B and depicted on the attached Exhibit C (the “Easement Area”). “Trail and sidewalk purposes” means the use of trail facilities by pedestrians, bicycles, city and county public safety and public works vehicles, electric-powered wheelchairs, and small electric carts operated by physically handicapped people. The use of trail and sidewalk facilities by snowmobiles or all-terrain vehicles is not permitted.

2. Scope of Easement. The perpetual, non-exclusive drainage and utility easement and sidewalk and trail easement granted herein includes the right of the Grantee, its contractors, agents, and employees to enter the premises at all reasonable times for the purpose of locating, constructing, reconstructing, operating, maintaining, inspecting, altering, and repairing the utilities, drainage ways, stormwater facilities, sidewalks, and trails in the Easement Area.

The easement granted herein also includes the right to cut, trim, or remove from the

Easement Area such improvements, trees, shrubs, or other vegetation, and to prohibit obstructions and grading alterations as in the Grantee's judgment unreasonably interfere with the easement or the function of facilities located therein.

3. Warranty of Title. Grantor warrants that it is the fee owner of the Property and has the right, title, and capacity to convey to the Grantee the easement herein.

4. Environmental Matters. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorneys' fees, or losses resulting from any claims, actions, suits, or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants which may have existed on, or which relate to, the easement area or the Property prior to the date of this instrument.

5. Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on the Grantor, its successors and assigns.

IN WITNESS WHEREOF, the Grantor has hereunto executed this Easement on the day and year first above written.

GRANTOR:

City of Brooklyn Center, Minnesota

By: _____
Mike Elliott
Its: Mayor

By: _____
Reggie Edwards
Its: Acting City Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

This instrument was acknowledged before me on this ____ day of _____, 2021, by Mike Elliott and Reggie Edwards, the Mayor and Acting City Manager, respectively, of the City of Brooklyn Center, a municipal corporation under the laws of Minnesota on behalf of the City, Grantor.

Notary Public

NOTARY STAMP OR SEAL

THIS INSTRUMENT DRAFTED BY:

Kennedy & Graven, Chartered (SJS)
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300

Exhibit A

Legal Description of the Property

That part of Lot 1, Block 1, FIRE STATION WEST, according to the recorded plat thereof, County of Hennepin, State of Minnesota, lying northerly of a line drawn parallel with the south line of said Lot 1 and passing through a point on the east line thereof distant 107 feet from the Southeast corner thereof.

EXHIBIT B

Legal Description of the Easement Area

A perpetual easement for drainage, utility, sidewalk and trail purposes over, under, across and through part of the following described property:

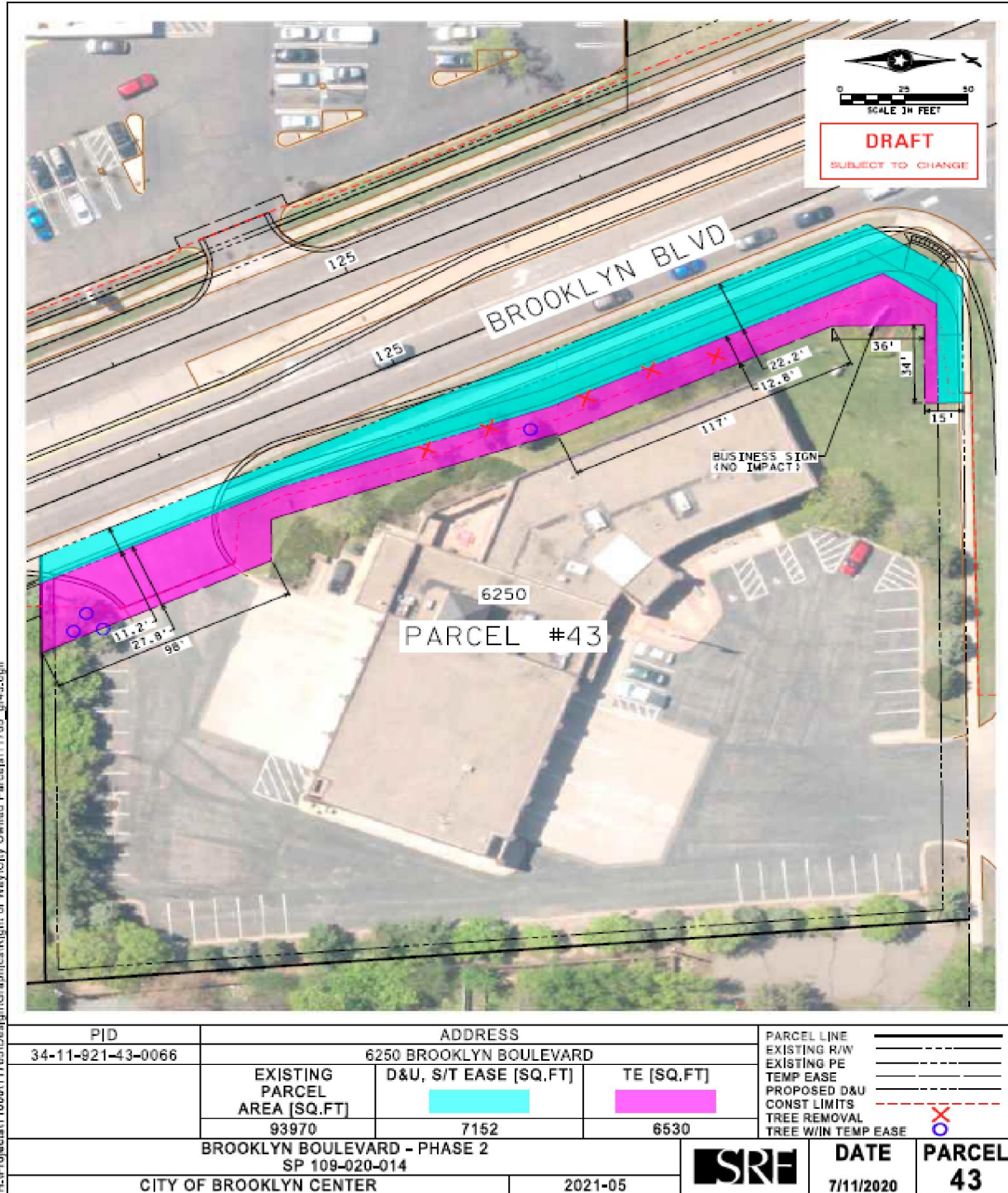
That part of Lot 1, Block 1, FIRE STATION WEST, lying northerly of a line drawn parallel with the south line of said Lot 1 and passing through a point on the east line thereof distant 107 feet from the Southeast corner thereof.

Said perpetual easement is described as that part of said Lot 1, lying westerly, northwesterly, and northerly of the following described line:

Commencing at the southwest corner of said described property; thence South 89 degrees 58 minutes 38 seconds East, assumed bearing, along the south line said described property a distance of 12.21 feet to the point of beginning of said line; thence North 23 degrees 48 minutes 56 seconds West a distance of 102.84 feet; thence North 18 degrees 06 minutes 18 seconds West a distance of 110.55 feet; thence North 23 degrees 48 minutes 56 seconds West a distance of 142.17 feet; thence North 33 degrees 06 minutes 13 seconds East a distance of 24.81 feet; thence South 89 degrees 58 minutes 38 seconds East a distance of 43.61 feet; thence North 00 degrees 01 minutes 22 seconds East a distance of 10.00 feet to the north line of said Lot 1 and said line there terminating.

EXHIBIT C

Depiction of the Easement Area



**TEMPORARY CONSTRUCTION EASEMENT
(PARCEL 43)**

THIS INSTRUMENT is made by the City of Brooklyn Center, Minnesota, a municipal corporation under the laws of Minnesota (the “Grantor”) in favor of Hennepin County, a body corporate and politic under the laws of Minnesota (the “Grantee”).

Recitals

- A. Grantor is the fee owner of the property located in Hennepin County, Minnesota (the “Property”) and legally described on Exhibit A attached hereto.
- B. Grantor desires to grant to the Grantee a temporary construction easement (the “Easement”) according to the terms and conditions contained herein.

Terms of Temporary Construction Easement

1. Grant of Temporary Construction Easement. For good and valuable consideration, receipt of which is acknowledged by Grantor, Grantor grants and conveys to the Grantee the following Easement which is legally described on Exhibit B (the “Easement Area”) and depicted on Exhibit C attached hereto.
2. Scope of Easement. The above-described Easement includes the rights of the Grantee, its contractors, agents, and employees to enter the Easement Area at all reasonable times to stage, operate, and store equipment as needed to complete construction activities. Displacing soil and grading are permissible.

The temporary easement granted herein also includes the right to cut, trim, or remove any landscaping, trees, shrubs, improvements, or vegetation within the Easement Area that in the Grantee’s judgment unreasonably interferes with the scope of this Easement.

Grantor will not erect, construct, or create any building, improvement, obstruction, or structure of any kind within the Easement Area during the term of this Easement, either above or below the surface or change the grade thereof without the express written permission of the Grantee.

3. Warranty of Title. Grantor warrants that it is the owner of the Property and has the right,

title, and capacity to convey to the Grantee the easement herein.

4. Environmental Matters. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorneys' fees, or losses resulting from any claims, actions, suits, or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants which may have existed on, or which relate to, the easement area or Property prior to the date of this instrument.

5. Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on Grantor, its successors and assigns.

6. Term. The easement granted herein shall commence on April 1, 2021 and expire on November 30, 2022.

7. Restoration. Grantee shall, upon completion of construction and prior to termination of this easement, restore the ground surface of the Easement Area to its original condition so far as is reasonably practicable with the exception of any grade changes, bank sloping, ditching, fills, slope construction, cuts, and any removal of any earth, other materials, trees, and other vegetation.

STATE DEED TAX DUE HEREON: NONE

Dated this ____ day of _____, 2021.

GRANTOR

City of Brooklyn Center

By: _____
Mike Elliott
Its: Mayor

By: _____
Reggie Edwards
Its: Acting City Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by Mike Elliott and Reggie Edwards, the Mayor and the Acting City Manager of the City of Brooklyn Center, Minnesota, a municipal corporation under the laws of Minnesota, on behalf of the City, Grantor.

Notary Public

NOTARY STAMP OR SEAL

THIS INSTRUMENT DRAFTED BY:

Kennedy & Graven, Chartered (SJS)
150 South 5th Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300

**EXHIBIT A TO
TEMPORARY CONSTRUCTION EASEMENT**

Legal Description of the Property

That part of Lot 1, Block 1, FIRE STATION WEST, according to the recorded plat thereof, County of Hennepin, State of Minnesota, lying northerly of a line drawn parallel with the south line of said Lot 1 and passing through a point on the east line thereof distant 107 feet from the Southeast corner thereof.

**EXHIBIT B TO
TEMPORARY CONSTRUCTION EASEMENT**

Legal Description of the Easement Area

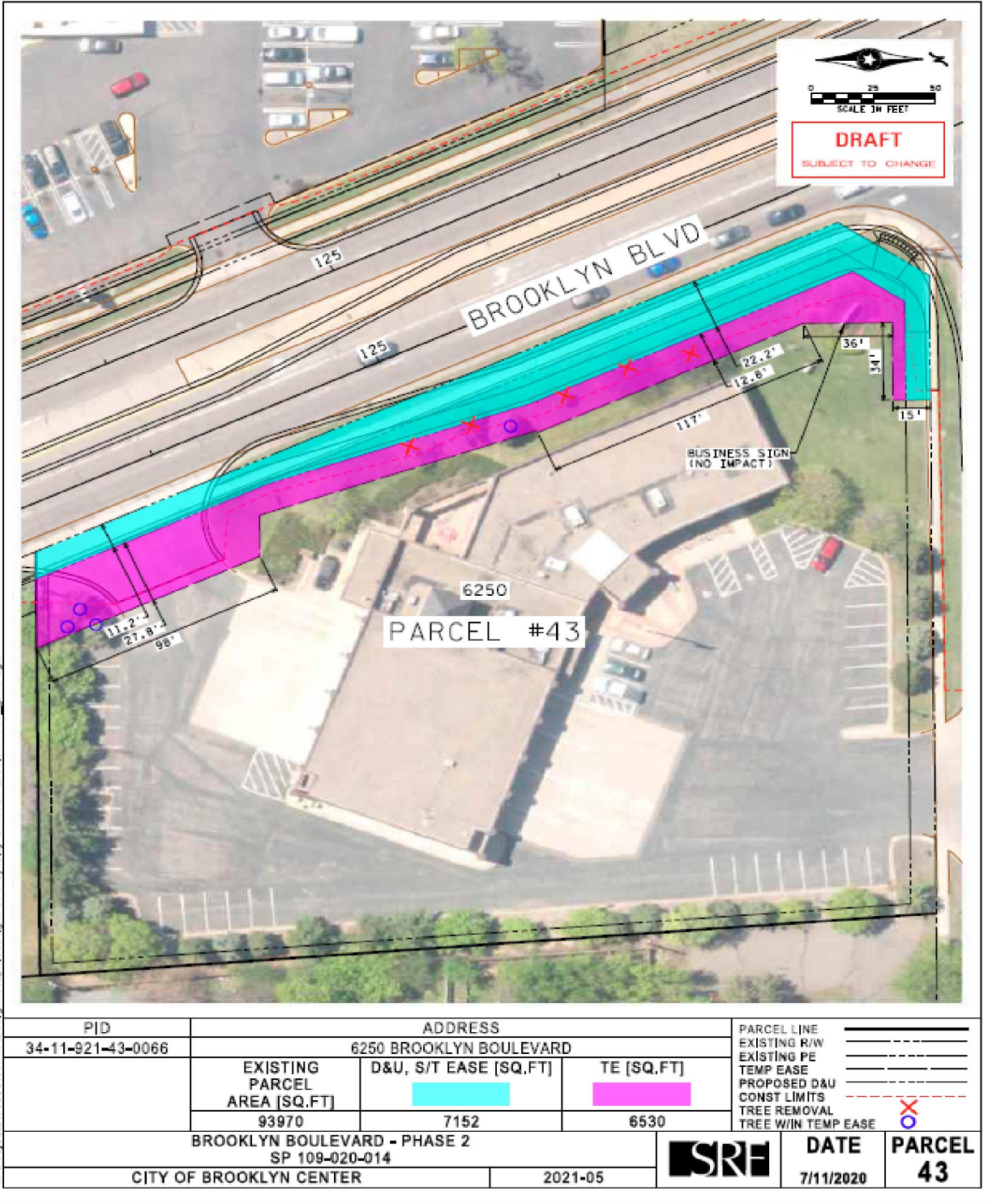
A temporary easement for construction purposes over, under, across and through part of the following described property:

That part of Lot 1, Block 1, FIRE STATION WEST, lying northerly of a line drawn parallel with the south line of said Lot 1 and passing through a point on the east line thereof distant 107 feet from the Southeast corner thereof.

Said temporary easement is described as commencing at the southwest corner of said described property; thence South 89 degrees 58 minutes 38 seconds East, assumed bearing, along the south line said described property a distance of 12.21 to the point of beginning; thence North 23 degrees 48 minutes 56 seconds West a distance of 102.84 feet; thence North 18 degrees 06 minutes 18 seconds West a distance of 110.55 feet; thence North 23 degrees 48 minutes 56 seconds West a distance of 142.17 feet; thence North 33 degrees 06 minutes 13 seconds East a distance of 24.81 feet; thence South 89 degrees 58 minutes 38 seconds East a distance of 43.61 feet; thence South 00 degrees 01 minutes 22 seconds West a distance of 5.00 feet; thence North 89 degrees 58 minutes 38 seconds West a distance of 34.29 feet; thence South 00 degrees 01 minutes 22 seconds West a distance of 35.80 feet; thence South 23 degrees 48 minutes 56 seconds East a distance of 117.20 feet; thence North 89 degrees 58 minutes 38 seconds West a distance of 1.08 feet; thence South 18 degrees 06 minutes 18 seconds East a distance of 117.81 feet; thence South 89 degrees 58 minutes 38 seconds East a distance of 18.26 feet; thence South 23 degrees 48 minutes 56 seconds East a distance of 98.39 feet to the south line of said described property; thence North 89 degrees 58 minutes 38 seconds West, along said south line, a distance of 30.43 feet to the point of beginning.

EXHIBIT C TO
TEMPORARY CONSTRUCTION EASEMENT

Depiction of the Easement Area



Kennedy

&

Graven

CHARTERED

Troy J. Gilchrist
150 South Fifth Street
Suite 700
Minneapolis MN 55402
(612) 337-9214 telephone
(612) 337-9310 fax
tgilchrist@kennedy-graven.com
<http://www.kennedy-graven.com>

Also: St. Cloud Office
501 W. Germain Street, Suite 304
St. Cloud, MN 56301
(320) 240-8200 telephone

MEMORANDUM

To: Reggie Edwards, City Manager

From: Troy Gilchrist, City Attorney

Date: July 1, 2021

Re: Electronic Meetings Under the Open Meeting Law

I was asked to put information together on electronic meetings to assist the City and its boards and commissions as the City transitions out of what I will refer to as emergency electronic meetings. There are two types of electronic meetings allowed under the Open Meeting Law (“OML”) (Minn. Stat., chap. 13D). The first are what I will refer to as occasional electronic meetings, which is authorized by Minn. Stat. § 13D.02 and allows some members to participate electronically if certain conditions are met. The other is the emergency electronic meetings authorized under Minn. Stat. § 13D.021 and which the City has been operating under for the last 16 months. Both authorizations are exceptions to the general rule that members must be present to be counted toward a quorum and vote. This general rule applies to all bodies within the City that is subject to the OML (boards, committees, etc.). That means they can only be used if the criteria established in the statutes exist and the requirements followed. The fact that bodies have been meeting electronically for so long have cause some in the communities I work with to lose sight of the fact they have been operating under an emergency exception that cannot be kept up indefinitely.

Emergency Electronic Meetings

The one true exception to the general rule requiring in-person meetings is the emergency exception allowed during a health pandemic or emergency declared under Minn. Stat., chap. 12. If the City is facing one of those situations, it can conduct fully electronic meetings if the presiding officer “determines that an in-person meeting or a meeting conducted under section 13D.02 is not practical or prudent because of [the] health pandemic or an emergency declared under chapter 12.” (emphasis added). Given the recent lifting of covid restrictions and the

Governor ending the emergency declaration on July 1, 2021, the circumstances that made meeting in-person “not practical or prudent” are evaporating rapidly. Once the declaration ends, any further electronic meetings under the emergency exception can only be justified if the presiding officer finds the health pandemic remains, making it not practical or prudent to meet in person. However, that is a difficult assertion to maintain given the elimination of covid restrictions and the ending of the state’s emergency. Once the Mayor repeals his statement calling for electronic meetings, the Council and all boards, commissions, committees, etc. of the City must return to in-person meetings. The individual bodies do not have the discretion to continue to hold emergency electronic meetings.

Occasional Electronic Meetings

Once the justification for emergency electronic meetings under Minn. Stat. § 13D.021 ends, the only other authority available that allows a member to participate remotely is under the occasional electronic meeting authority in Minn. Stat. § 13D.02. This authority has been “on the books” for some time, but has not been used all that often because most communities did not have the technology in place to allow someone to participate remotely and the inconvenience of the additional requirements associated with using this exception.

Qualifying Criteria

Occasional electronic meetings can only be held if all of the following are met:

- (1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
- (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
- (3) at least one member of the body is physically present at the regular meeting location;
- (4) all votes are conducted by roll call so each member’s vote on each issue can be identified and recorded; and
- (5) each location at which a member of the body is present is open and accessible to the public.

Minn. Stat. § 13D.02, subd. 1(a).

There is also an additional notice requirement that applies:

Subd. 5. **Notice.** If telephone or another electronic means is used to conduct a regular, special, or emergency meeting, the entity shall provide notice of the regular meeting location, of the fact that some members may participate by electronic means, and of the provisions of subdivision 4. The timing and method of providing notice is

governed by section 13D.04. In addition, the entity must post the notice on its website at least ten days before any regular meeting as defined in section 13D.04, subdivision 1.

The notice must include the location of each member that will be participating electronically. Minn. Stat. § 13D.02, subd. 4. Presumably the location information must be specific enough to allow a member of the public to go to the remote site to participate in the meeting (i.e., specific address, not just a reference to a city).

Challenges and Considerations

While local governments are in a far better position to comply with these requirements now that they have worked through the bugs of conducting electronic meetings, setting up the room so everyone can see and hear everyone will likely still be a challenge. While the Council Chambers is set up to video the meeting, there would be the additional challenging of being able to display the image and sound from each member participating electronically. Someone sitting in the back of the room needs to be able to see and hear each of the remote members, and the remote members need to be able to see and hear those speaking in the room. Those issues become even more of a challenge for meetings of larger bodies and those occurring in meetings rooms not wired for video and sound.

Another issue is how to satisfy the requirement that the location of all members “is open and accessible to the public.” Neither the courts nor the Data Practices Office has issued an opinion that describes the conditions that must be satisfied for a location to be considered open and accessible to the public. The reality is that it never really becomes an issue because a member traveling for work in Texas will not have a Texan who cares to watch a Minnesota meeting over the member’s shoulder. I suspect at some point someone will request an opinion on this issue, but until then the remote location must be reasonably open to the public. For example, a hotel room on a floor that cannot be accessed except by a key card probably does not qualify as open and accessible. It is not clear whether a private home would be considered open and accessible under the statute.

I have been involved in a community allowing a member to remote into a meeting under this statute. It certainly can work, but the technology needs to be in place to satisfy the conditions. I have always only seen this used by one member at a time, but the statute does allow all but one member to remote in as long as the conditions are satisfied for each member who remotes in. Not easy, but not impossible. My concern is that attempting to run meetings with a substantial number of members in remote locations is likely to be the kind of situation that will eventually result in someone asking if each of those remote locations are truly open to the public.

The pandemic resulted in an amendment to the statute to allow a member to participate from a non-public location up to three times a year, but only if they are actively engaged in military service or a doctor has told the person to not be in a public place for medical reasons. This provision was helpful during the pandemic for those communities that returned to in-person meetings to accommodate someone who had to quarantine, but now it is largely only useful to accommodate those who are out of town for military drills, etc.

Electronic Public Participation

The criteria associated with occasional electronic meetings only needs to be satisfied with respect to members participating remotely. They do not apply to the public who participate electronically. The City is not required to allow the public to participate in their in-person meetings electronically. However, if remote public participation is allowed, then the room needs to be set up so everyone can see and hear everyone else. It is also possible to offer remote participate by the public for only certain meetings. There may be a public hearing or input session for which the Council is interested in as much public input as possible.

Summary

To sum up, the OML was established to promote public access to meetings, not for the convenience of the body's members. Once the Mayor determines the conditions allowing the emergency electronic meetings are no longer present, the only way for a member of any of the City's bodies to participate in a meeting remotely is under the occasional electronic meeting statute. I suspect the Council Chamber is, or can be set up, to accommodate at least some members remoting in, but I would guess that is not the case for the City's other meeting locations. Until and unless such technology is set up in a meeting room, it is unlikely members of boards, commissions, committees, etc. will be able to satisfy the criteria to remote into a meeting. Additionally, anytime a member does intend to remote in, that needs to be communication to staff with sufficient advance notice to allow staff to provide the additional notice and specific location information for each member that will be participating remotely. As mentioned above, the remote location must also be open and accessible to the public.

Realistically, the ability for a member to remote into a meeting will likely be limited to Councilmembers and maybe to any other body that meets in the Council Chambers. That is likely also the case with respect to allowing the public to participate remotely. Other than special meetings such as those that were conducted at the Heritage Center, I suspect there is not sufficient technology in the City's other meeting rooms to allow remote participation.

Feel free to let me know if there are any other questions.

Member
resolution and moved its adoption:

introduced the following

RESOLUTION NO. 2021-__

RESOLUTION ENDING THE LOCAL EMERGENCY DECLARATION

WHEREAS, on March 17, 2020 the Mayor of the City of Brooklyn Center (“City”) issued Mayoral Declaration No. 2020-1 Declaring a Local Emergency (“Declaration 2020-1”) as a result of the COVID-19 health pandemic; and

WHEREAS, on the same day, the City Council exercised its authority under Minnesota Statutes, section 12.29 to adopt Resolution No. 2020-035 (“Extension Resolution”) to extend the local emergency declaration; and

WHEREAS, the Governor, as part of a deal reached with the legislature, ended the Peacetime Emergency Declaration related to the pandemic effective as of July 1, 2021; however, the Governor did not declare the pandemic over and instead made provisions to continue emergency response to the pandemic by legislative authority rather than emergency authority; and

WHEREAS, the residents of the City have been hit hard by the pandemic, both from a health perspective and financially, and efforts continues to get more residents vaccinated; and

WHEREAS, City buildings were closed to the public during the pandemic and are only recently being reopened; and

WHEREAS, the City has been conducting meetings by electronic means as authorized under Minnesota Statutes, section 13D.021, and is working to transition back to in-person meetings while exploring options to allow the public to continue to attend at least regular Council meetings electronically; and

WHEREAS, electronic meetings can continue as long as the presiding officer (i.e., the Mayor) finds that it is not practical or prudent to meet in-person “because of a health pandemic or an emergency declared under chapter 12”; and

WHEREAS, the pandemic did not end on July 1st and Declaration 2020-1 is an emergency declaration issued under chapter 12 that remains in effect;

WHEREAS, the City Council determines it is in the best interests of the City and its residents to wait until the end of July to end the local emergency declaration; and

WHEREAS, the Mayor, as the presiding officer for the City, issued an updated statement indicating the City shall return to in-person meetings as of August 1st.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brooklyn Center that, effective as of 11:59 p.m. on July 31, 2021, the local emergency declared by Declaration 2020-1 is ended and the Extension Resolution is repealed.

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.

Council Regular Meeting

DATE: 7/12/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk

SUBJECT: Amendment to the 2021 City Council Meeting Schedule

Requested Council Action:

- Motion to approve the amendment to the 2021 City Council Meeting Schedule

Background:

The 2021 City Council meeting schedule is amended to cancel the Joint Council/Financial Commission meeting originally scheduled for July 19. An amended 2021 City Council meeting schedule is attached.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
2021 Meeting Schedule	7/8/2021	Backup Material



2021 City Council Meeting Schedule

Regular City Council Meetings Council Chambers City Hall	
Study/Work Session	6:00 p.m.
Informal Open Forum	6:45 p.m.
Regular Session	7:00 p.m.
Work Session – After regular session	
Brooklyn Center City Council regularly meets the 2nd and 4th Monday each month, unless Monday is a holiday.	
January 11	
January 25	
February 8	
February 22	
March 8	
March 22	
April 12	
April 26	
May 10	
May 24	
June 14	
June 28	
July 12	
July 26	
August 9	
August 23	
September 13	
September 27	
October 11	
October 25	
November 8	
November 22	
December 13	
Additional Meetings – 6 pm start	
Jan. 4	
Feb. 1	
Mar. 1	
May 3	
Sept. 7	

Special City Council Meetings	
All dates are Monday unless otherwise noted	
April 5	7:00 p.m.
Board of Appeal & Equalization	CC
April 19	6:00 p.m.
Board of Appeal & Equalization Reconvene	CC
June 7	6:30 p.m.
Work Session w/Auditor and Budget Work Session w/Financial Commission	CC
July 7	6:30 p.m.
Work Session w/Financial Commission	CC
Capital Improvement Plan & Capital Project Funds	
July 19	6:30 p.m.
Work Session w/Financial Commission	CC
2022 Budget Overview	
August 2	6:30 p.m.
Work Session w/Financial Commission	CC
General Fund – Department Requests	
August 16	6:30 p.m.
Work Session w/Financial Commission	CC
General Fund – Department Requests	
September 1 (Wednesday)	6:30 p.m.
Work Session w/Financial Commission	CC
General Fund – Department Requests	
October 4	6:30 p.m.
Work Session w/Financial Commission	CC
Special Revenue Funds, Debt Service Funds, Internal Service Funds	
October 18	6:30 p.m.
Work Session w/Financial Commission	CC
Utility/Enterprise Funds	
December 6	6:30 p.m.
2022 Budget Hearing and Special Meeting	CC

CC –Council Chambers located in upper level City Hall

All dates are subject to change.

Call City Hall at 763-569-3300 to verify dates and times.

Council Regular Meeting

DATE: 7/12/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: Meg Beekman, Community Development Director

BY: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Ordinance Amendment to Chapter 19 Allowing and Regulating Native Prairie Grass and Naturalistic Vegetation

Requested Council Action:

- Motion to open public hearing, take public comment, and close public hearing
- Motion to approve the second reading and adopt an ordinance amending Chapter 19 of the City Code of Ordinances regarding Regulating Native Prairie Grass and Naturalistic Vegetation
- Motion to approve the resolution for a Summary Publication in the Sun Post

Background:

The first reading of this ordinance was discussed and approved by City Council on June 14, 2021. At the meeting, the City Council had a question relating to the maintenance requirement exceeding more than three growing seasons. The maintenance requirement states that the process of establishing a native prairie grass garden cannot take longer than 3 seasons to complete construction or establish the garden. Once the garden is installed, it must meet the requirements for regular ongoing maintenance.

Since the first reading of the ordinance, the proposed ordinance was revised to require native lawns to be registered, as opposed to requiring them to have a permit. It was suggested by City Council that that the language regarding the requirement of a permit be omitted and use a registration instead. This is in hopes to make the process appear less difficult and hopefully encourage more applications.

Overview of Ordinance:

- Registration with city is required
- Must meet setback requirements
- Maintenance Requirements
 - Must be maintained in a manner that does not contain noxious weeds
 - Must be maintained at least once per year
 - The area shall be clearly defined by landscape edging or fencing
 - The garden shall not extend into the right of way
 - If the garden is to be seen by the public, it shall have signage identifying the garden
 - If weeds cover 25% of the landscape area, it must be maintained to 8" or less
 - The transition period to a native and naturalistic vegetation garden shall not exceed more than 3 growing seasons
- Set back requirements:
 - Setback must be 5ft from side and rear lot lines
 - Exemption to setback:

- Fully opaque fence at least 5ft in height between native and naturalistic vegetation on the side and rear lot lines; or
- native and naturalistic vegetation is on an adjacent lot

Attached to this report is the proposed ordinance, which was prepared by the City Attorney.

Budget Issues:

There will be staff time required for administering the registration application process. It is not anticipated that additional staffing will be required due to the low number of anticipated registrations.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/7/2021	Resolution Letter
Ordinance	7/7/2021	Ordinance

Member
resolution and moved its adoption:

introduced the following

CITY OF BROOKLYN CENTER
HENNEPIN COUNTY

RESOLUTION NO. 2021-__

RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE NO.
2021-__

WHEREAS, the City Council of the City of Brooklyn Center acted at its meeting on July 12, 2021 to adopt the above-referenced ordinance allowing the establishment and maintenance of native and naturalistic vegetation on property after registering with the City (“Ordinance”); and

WHEREAS, Minnesota Statutes, section 412.191, subdivision 4 allows publication of adopted ordinances by title and summary in the case of lengthy ordinances or those containing maps or charts; and

WHEREAS, the City Council determines publishing the entire text of the Ordinance is not in the best interests of the City as the Ordinance is readily available to the public on the City’s website and by contacting City Hall; and

WHEREAS, the City Council determines the following summary clearly informs the public of the intent of Ordinance and where to obtain a copy of the full text.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Brooklyn Center hereby approves publication of the following summary language as publication of the Ordinance:

CITY OF BROOKLYN CENTER
SUMMARY PUBLICATION
Ordinance No. 2021-__

AN ORDINANCE AMENDING CHAPTER 19 TO ALLOW
AND REGULATE NATIVE AND NATURALISTIC VEGETATION

The Brooklyn Center City Council adopted the above-referenced ordinance to allow property owners to register with the City to allow them to establish and maintain native and naturalistic vegetation on their property. The ordinance sets out definitions, establishes registration requirements, the authority to suspend or repeal registration if there is a violation, setback requirements, and general maintenance standards. The ordinance goes into effect 30 days from this publication. The full text of the ordinance is available on the City’s website and can be obtained by contacting City Hall.

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.

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 12th day of July, 2021, at 7:00 p.m. or as soon thereafter as the matter may be heard during the regular City Council meeting to consider an ordinance related to repealing the snow emergency prohibition. City Council meetings are being conducted by electronic means under Minnesota Statutes, section 13D.021 and information on how to connect to the meeting is provided on the City's website. Please notify the City Clerk at 763-569-3306 if there are any questions about how to connect to the meeting.

ORDINANCE NO. 2021-02

AN ORDINANCE AMENDING CHAPTER 19 TO ALLOW AND REGULATE NATIVE AND NATURALISTIC VEGETATION

THE CITY COUNCIL OF THE CITY OF BROOKLYN CENTER DOES ORDAIN AS
FOLLOWS:

ARTICLE I. Brooklyn Center City Code Chapter 19 is hereby amended by adding Sections 19-1551 through 19-1555 as follows:

NATIVE AND NATURALISTIC VEGETATION PERMIT AND REQUIREMENTS

Section 19-1551. INTENT. The City Council determines that a variety of properly maintained landscapes in the City add diversity and a richness to the quality of life. The City Council also supports the preservation, restoration, and maintenance of diverse and biologically stable natural plant communities. The City Council also supports environmentally-sound practices, including those to preserve residential pollinators, such as the Rusty Patched Bumble Bee. The City Council finds that the establishment of native and naturalistic vegetation is an acceptable landscape treatment in the City. However, as a protection for the larger community, such native and naturalistic vegetation must be properly planted, maintained, and the length of transition period must be minimized such that the property does not create a public nuisance.

Section 19-1552. DEFINITIONS. For the purposes of Sections 19-1551 through 19-1555, the following terms shall have the meaning given them in this section.

- a. "Native and naturalistic vegetation" means all native grasses and native plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow or prairie plant communities, with the exception of noxious weeds.
- b. "Native grasses" mean grasses that existed in the State of Minnesota prior to European settlement including, but not limited to, beach grass, wood chess grass, sand reed grass, wheat grass, bluestem grass, grama grass, brome grass, buffalo grass, switch grass, Indian grass, and wild rye, with the exception of turf grasses.
- c. "Native plants" mean plants that existed in the State of Minnesota prior to European settlement.

- d. “Landscape edging” means material or vegetation used to differentiate a planting bed from turf grasses or adjacent planting beds.
- e. “Meadow” or “prairie” means those plant communities dominated by a diversity of native perennial herbaceous plants and grasses.
- f. “Noxious weeds” mean grasses or plants so designated by the Commissioner of the Department of Agriculture, pursuant to Minnesota Statutes, Section 18.77, Subdivision 8, or plants so designated by Hennepin County or the United States Department of Agriculture. The term includes any grass or plant that exceeds the height limitations established in these Sections 19-1551 through 19-1555. The term shall not include *Taraxacum officinale* (commonly referred to as the “common dandelion”).
- g. “Regularly cut” means mowing or otherwise cutting grasses or plants such that the dimension of the grasses or plants measured from the ground to the top of the grass or plant (as extended upright) does not exceed 12 inches in height.
- h. “Transition period” means the amount of time to change from one type of landscaping to another.
- i. “Turf grasses” mean bluegrass, fescue, ryegrass blends, or those other grasses commonly used in regularly cut lawns, including such grasses with non-woody vegetation interspersed within.

Section 19-1553. PERMIT REQUIRED; APPLICATION; CONDITIONS.

- a. City Permit Required. No person shall establish or maintain native and naturalistic vegetation without having first obtaining a native and naturalistic vegetation permit from the City.
- b. Application; Review Process.
 - 1. Any person desiring a native and naturalistic vegetation permit shall make application on a form provided by the City Manager or their designee.
 - 2. Applications for permits shall be reviewed and either approved or denied by the City Manager or their designee.
 - 3. An applicant aggrieved by the application decision may appeal the decision as described in this Section.
- c. Conditions of Permit.
 - 1. The holder of a native and naturalistic vegetation permit shall comply with the setback regulations as required by Section 19-1554.
 - 2. The holder of a native and naturalistic vegetation permit shall comply with the

maintenance regulations as required by Section 19-1555.

3. The City Manager may impose such other conditions and restrictions upon a native and naturalistic vegetation permit as deemed necessary for the protection of the public interest and other properties, and to ensure compliance with the requirements of the city code.
- d. Suspension or Revocation of Permit. The City Manager or their designee may suspend or revoke a permit if the permittee fails to comply with the requirements of these 19-1551 through 19-1555, or any condition placed of a native and naturalistic vegetation permit. The City shall provide the permittee written notice of the suspension or revocation that states the reasons for the decision. The notice shall also inform the permittee of their right to appeal the decision to the City Council and the deadline for filing such an appeal.
- e. Appeal. An applicant aggrieved by any permit denial, suspension, or revocation decision of the City Manager or their designee may appeal the decision to the City Council. Written notice of the appeal must be given to the City Clerk within 10 days of the written decision, as indicated in the notice of decision, and must summarize the applicant's reasons for appealing. The City Council shall consider the appeal at the next regularly scheduled City Council meeting on or after 10 days from the filing of the notice of appeal to the City Manager.

Section 19-1554. SETBACK REQUIREMENTS, EXEMPTIONS.

- a. Setback Regulations, Generally. Native and naturalistic vegetation shall be set back at least five feet from the side and rear lot lines, unless exempted by this Section.
- b. Exemptions to Setback Regulations. No setback shall be required on the side or rear lot lines if:
 1. A fully opaque fence at least five feet in height is installed between the native and naturalistic vegetation and the side and rear lot lines, as applicable; or
 2. The native and naturalistic vegetation abut native and naturalistic vegetation on an adjacent lot.

Section 19-1555. GENERAL MAINTENANCE REQUIREMENTS.

- a. Native and naturalistic vegetation shall be maintained in such a manner that it does not contain noxious weeds.
- b. Native and naturalistic vegetation shall be maintained at least once per year through mowing or, if appropriate permits are obtained from the City Fire Chief, through burning.
- c. The area in which native and naturalistic vegetation is planted shall be clearly defined

by landscape edging or fencing. Native and naturalistic vegetation that directly abuts at least five feet width of mowed and maintained turf grass shall be considered to have adequate landscape edging.

- d. The area in which native and naturalistic vegetation is planted shall not extend into public rights-of-way.
- e. For any area in which native and naturalistic vegetation is likely to be seen by the public, a sign shall be posted on the property in a location likely to be seen by the public advising that native and naturalistic vegetation, a meadow, or prairie is being established. The sign shall be in addition to any sign permitted by the sign ordinance, but shall be no smaller than 10 inches square, no larger than one square foot, and no higher than 3 feet tall.
- f. The maintenance of the area to a height of 8 inches or less if weeds cover more than 25% of the landscaped area equaling in excess of 144 square feet.
- g. Any native and naturalistic vegetation within 18 inches of any public street, walk, bikeway or alley shall be maintained to a height of 12 inches or less.
- h. The duration of any transition period to native and naturalistic vegetation shall not extend more than three growing seasons for any specific area.
- i. Except to the extent expressly allowed by these Sections 19-1551 through 19-1555, permit holders shall maintain native and naturalistic vegetation in accordance with all other requirements of the City Code.

ARTICLE II. Effective Date. This ordinance shall become effective after adoption and upon thirty days following its legal publication.

ATTEST: Barb Suci
City Clerk

Publish: June 24, 2021

Council Regular Meeting

DATE: 7/12/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Resolution Adopting an Opportunity Site Infrastructure Framework to Guide the Opportunity Site Master Plan

Requested Council Action:

- Motion to approve a resolution adopting an Opportunity Site Infrastructure Framework to guide the Opportunity Site Master Plan

Background:

- In April 2019, the City renewed a Preliminary Development Agreement with Alatus for 35 acres of the 80- acre Opportunity Site. The agreement outlined roles and responsibilities for each party, which included the City taking the lead on master planning for the site, in partnership with Alatus, and incorporating the larger 80-acre Opportunity Site into the master plan. Alatus for their part in the agreement was tasked with implementing an initial phase of development and continuing their work to bring a development forward.

Throughout 2019, the City, along with its consultant team, worked to develop the Opportunity Site Master Plan. This was a multi-phased approach that involved a combination of technical assessment, initial community engagement, feasibility analysis, and further community engagement to continue to refine the plan.

The scale and reach of community engagement on this project has exceeded that of any past effort in the City's history; however, the intent with this project is to ensure that the outcomes truly benefit the residents of Brooklyn Center, and this necessitates a much deeper, more inclusive engagement strategy than may be typical.

From the beginning, the engagement approach was intended to support this vision through an in-depth, inclusive process that connected with diverse groups and views throughout the city.

Principles guiding this approach included:

- Consistency with city goals and policies, including the new city comprehensive plan.
- Ensuring the development provided direct access and benefits for city residents.
- Authentic engagement to connect people with the decision-making process.
- Meaningful opportunities to influence outcomes for the plan and the site.
- Transparency in decision making, to build trust and accountability.

While these principles have remained, the approach to engagement has evolved and changed since then, in

response to feedback on effectiveness, and changes in external conditions. The City is working with NEOO Partners on a public engagement strategy that includes contracting with community partners to lead deeper and more meaningful engagement with community, and the creation of a citizen advisory taskforce to distill the engagement results and create a community benefits plan for the development.

Master Plan

A master plan is a big picture, values-driven plan that informs future development of an area. Master plans do not provide details on specific development projects. Typically master plans consist of two primary components:

- 1) A set of physical infrastructure frameworks that comprise the physical layout of the area with roads, parks, trails, stormwater, land use and utilities, and;
- 2) An implementation component that identifies how the physical elements will be delivered and what they are intended to achieve. This component may include development goals, community benefits, financial feasibility, zoning regulations, detailed infrastructure design, and short and longer-term action steps.

A draft master plan largely comprised of the physical infrastructure frameworks was completed in January 2020. This was based on early engagement efforts, the City's comprehensive plan, the geographic context of the site, and the physical realities of the redevelopment areas. Early engagement efforts focused on developing guiding principles and values for the development, identifying outcomes that the community wanted to see, and getting input on prioritizing those outcomes.

The intention at that point was to move into an engagement phase to develop the implementation component of the plan, which will provide a more detailed community benefits plan. This process was slowed due to the pandemic and then further delayed by civil unrest, but is being re-engaged under an engagement strategy developed by NEOO Partners, and in collaboration with community partners.

In the interim, a traffic study was conducted, based on the draft master plan, and a regional stormwater plan was developed for the site. One of the next steps to complete the implementation component of the master plan is to develop more refined designs for the roads, streetscapes and utilities. Refined designs are needed to complete cost estimates and stormwater planning, and to develop an implementation plan for the public improvements.

In addition, Three Rivers Park District has committed to providing a 4-acre "mini-regional park", within the development area. They have amended their parks and trails master plan to include the project and have included it in their 2024 CIP. They will begin an engagement and planning process for the park later in 2021.

MNDOT holds approximately 5 acres of right of way adjacent to Highway 100 and in the middle of a highly visible area within the redevelopment plan. This ROW is for John Martin Drive and connects to the John Martin Drive access and bridge over Highway 100, which is also owned by MNDOT. The draft master plan calls for the closure of this access and bridge, and for MNDOT to vacate that ROW, allowing it to be incorporated into a future development area. At present, MNDOT has expressed hesitation to move ahead with any review of that ROW, due to a future 2026 Highway 100 improvement that may need stormwater capacity. Staff has been working with MNDOT to ensure they understand that the highest and best use of that land is not a stormwater pond, nor is waiting to determine MNDOT's potential future need for the land acceptable. These conversations are ongoing.

The EDA controls approximately 44 of the 80-acre Opportunity Site area. The balance of land is privately owned by various parties. Nearly all of those properties are for sale, or have willing sellers. Staff has received numerous inquiries from parties interested in acquiring these parcels. Interest includes redevelopment concepts, as well as reuse concepts. Generally, proposed concepts are for uses that do not align with the draft master plan. This is not surprising since the draft master plan calls for a significant re-visioning of the area, to intensify the land use, bring new infrastructure and amenities to the site, and deliver outcomes that the market would not be able to deliver on its own without city support.

The concern is that absent a vision for the site, the City has limited ability to ensure that any reuse or redevelopment of private property within the Opportunity Site aligns with what the City wants to achieve on the site. Without an adopted framework for future redevelopment, it is more difficult for staff to convey the City's vision and provide direction to property owners and prospective buyers.

The 2040 Comprehensive Plan identifies future land uses for the Opportunity Site of Transit Oriented Development and Commercial Mixed Use; however, the zoning for the site allows auto-oriented retail and commercial uses, which are not in alignment with the vision. A moratorium on new development was put into place in August 2019, and expired in August 2020. The City does not have the ability to put into place another moratorium.

The Opportunity Site Master Plan will eventually be adopted as part of the 2040 Comprehensive Plan, once it is completed, which will provide greater regulatory oversight for the City. In the interim however, absent a change in zoning or an adopted master plan for the site, the City has less discretion when it comes to the future use of these parcels.

Infrastructure Framework

At the June 7, City Council Special Work Session, staff and the consultant team presented the draft Infrastructure Framework for discussion and asked for direction from the City Council on how to proceed. Staff introduced and presented four physical elements that form the framework that will guide the development of the Opportunity Site. These were:

- Stormwater
- Access and Connectivity
- Parks and Open Space
- Land Use

A full description of each infrastructure element can be found in the attached June 7, City Council report.

At the June 7 Special Work Session, the City Council directed staff to move ahead with the Infrastructure Framework, particularly the elements related to Stormwater, Access and Connectivity, and Parks and Open Space. The City Council expressed that the elements of the Infrastructure Framework would need to remain flexible moving forward as additional engagement is done, and continue to be informed by the community engagement process. Both of these points are included in the attached resolution, adopting the Infrastructure Framework.

In terms of Land Use, the City Council expressed a desire to retain the most amount of flexibility for how the eastern 22-acres of land could and would be used in the future. While the current land use designation for the Opportunity Site is a combination of Transit Oriented Development and Commercial Mixed Use, the City Council indicated an openness to exploring other land uses, such as Business Mixed Use, provided the resulting development was compatible with the balance of the site and furthered important City goals for community benefits and sustainability.

Further, the City Council expressed that future land use for the eastern 22-acres continue to evolve and be informed by community engagement.

Based on the City Council's discussion and direction, staff and the consultant team have revised the proposed Infrastructure Framework, which is attached to this report, along with a resolution which would adopt it. The Infrastructure Framework document outlines high level goals for each physical element, as well as conceptually lays out the site. The attached resolution provides flexibility to implement the physical infrastructure elements with continued community input, and as design of the elements continues. In addition, the Infrastructure Framework includes the background context for the site and identifies ways in which an equity lens applies to each infrastructure element.

The approval of an Infrastructure Framework will guide the Opportunity Site Master Plan work, in particular the development of the implementation section of the plan. It will also progress and facilitate discussions with Three Rivers Park District and MNDOT, as well as provide guidance on the future physical build out of the site, putting the City in a better negotiating position when talking with existing property owners and prospective interested parties.

Further, adoption of the Infrastructure Framework will allow staff to continue the preliminary design and implementation of the roadways, stormwater and parks and open space elements, which is needed in order to complete the Opportunity Site Master Plan.

Budget Issues:

There are no budget issues to consider at this time.

Inclusive Community Engagement:

Extensive community engagement has been utilized to produce the Infrastructure Framework. This engagement work has focused on identifying guiding principles for the development and decision making, community values which have been incorporated into the document, and high priority community benefits that can be provided through the physical layout of the site. The next phase of community engagement is planned to provide a deeper dive of input on the implementation components of the plan.

Antiracist/Equity Policy Effect:

The Infrastructure Framework was developed with an equity lens. Page 10 of the attached Framework document outlines how each element of the plan addresses equity.

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Opportunity Site Infrastructure Framework	7/6/2021	Backup Material
Resolution	7/6/2021	Resolution Letter
June 7, 2021, City Council Report	7/6/2021	Backup Material



Downtown Brooklyn Center Framework Plan

Brooklyn Center, MN
Draft Report as of July 6, 2021

Prepared for:
City of Brooklyn Center

Prepared by:
Cunningham Group Architecture, Inc.

Cunningham



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Land Use

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Access and Connection

The City recognizes that historically, development patterns have resulted in disparate impacts, particularly on communities of color. These disparities have resulted in harm; such as displacement and exclusion from the benefits of new investment. The city endeavors to reverse these disparities and enhance equitable outcomes by working towards a more responsible means of advancing development



1. Introduction

Introduction

Brooklyn Center is a City of the Future.

The population is rich with diversity from around the world. The large number of children and youth will be future leaders in the years to come.

Brooklyn Center also brings strengths from its past. Its location is accessible and connected. And people still value its stock of affordable housing with convenient access to jobs, shopping and services.

But the transition from past to future is not without challenges. For the city, it means transitioning spaces and places built for a previous era, that no longer meet current needs. For the people, it means addressing past and current practices that exclude some people from benefitting from progress and opportunity, particularly people of color, people with low-incomes, and renters. This includes addressing the potential for displacement and gentrification in the city.

The Opportunity Site project can't meet every need. But it can help. For the city, this means creating a new place that strives to meet the needs of residents and workers, adds value to the community, and becomes a source of community pride. For the people, this means creating an accountable process that addresses past problems and provides transparency, accountability, and benefit to existing residents of the community.



Purpose of this Plan

This document sets clear high level direction for the community vision for redevelopment and how the physical structure of the area must change in order to enable this change.

This Framework Plan has two sections :

- 1. Background and Vision for Redevelopment
- 2. Four Frameworks

This document is not a full Master Plan. Adoption and acceptance of this document sets the direction for a fully developed Master Plan and it allows City Staff and officials to have discussions with developers and property owners while a full Master Plan is in development.

Community Values Expressed in the Plan



Diversity and inclusivity



Affordability



Health and Wellness



Fiscal Responsibility



Flexibility



Community Pride



Environmental Sustainability



Local Benefit



Counteracting Displacement

Guiding Principles

Four guiding principles emerged from the community workshops that reinforce a sense of community pride in Brooklyn Center



Create a vibrant and distinctive destination for the community and the region



Consider sustainability in the design of the development



Embrace the growing diversity of the community



Produce places that bring the community together

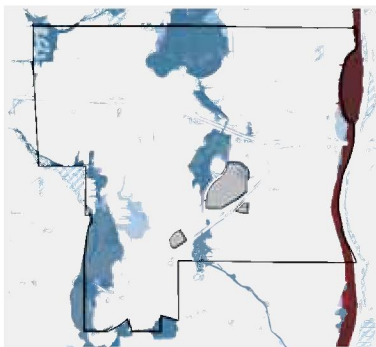
Overall Vision for a New Downtown Brooklyn Center

Downtown Brooklyn Center...

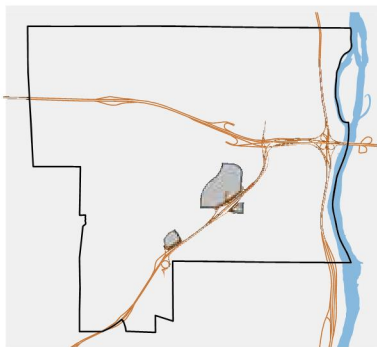
- Will be a place that represents all of what Brooklyn Center is and can become.
- People will choose to invest their time and energies in Downtown Brooklyn Center as much for what it is as for what it is near.
- It will contain a mix of uses that appeal to both current and future residents, entrepreneurs, and visitors of Brooklyn Center.
- It will have a significant amount of new medium and high density housing that helps diversify the City's housing stock - allowing residents to stay in Brooklyn Center and also attracting new residents.
- It will be a place that nurtures local businesses while also attracting new businesses that appeal locally and regionally.
- It will generate value to the City by leveraging its irreplaceable assets - proximity to the park and civic buildings, centrality to the City and it's people, and access to the region.

The Opportunity Site and its Surroundings

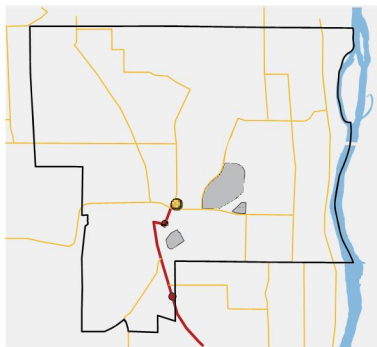
Brooklyn Center in the Region



Natural Systems
The Opportunity site is located a mile from the Mississippi River and adjacent to Shingle Creek. Both are part of regional recreational systems that are significant amenities.



Highways
The Opportunity Site is located along major freeways and highways. It is easily accessible from throughout the region. This Plan recommends a combination of local and regional attractions that benefit from the Sites location and access.

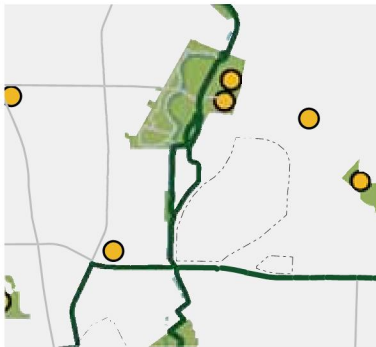


Transit
Metro Transit recently opened the C and D Bus Rapid Transit (BRT) Lines - both which terminate at a charging and layover station adjacent to the Opportunity Site. This Plan recommends relocating the station in the Opportunity Site and making it part of a mobility hub that serves the area.

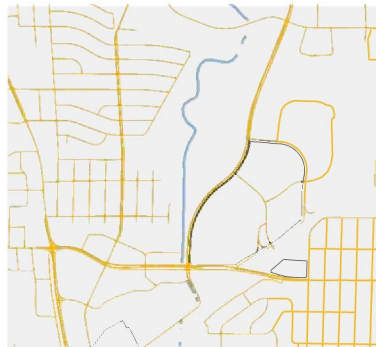
The Opportunity Site in Brooklyn Center



Neighborhoods
The area was developed in the 1960's when land uses were strictly separated. As a result, the site is separated from neighborhood by large parks and highways.

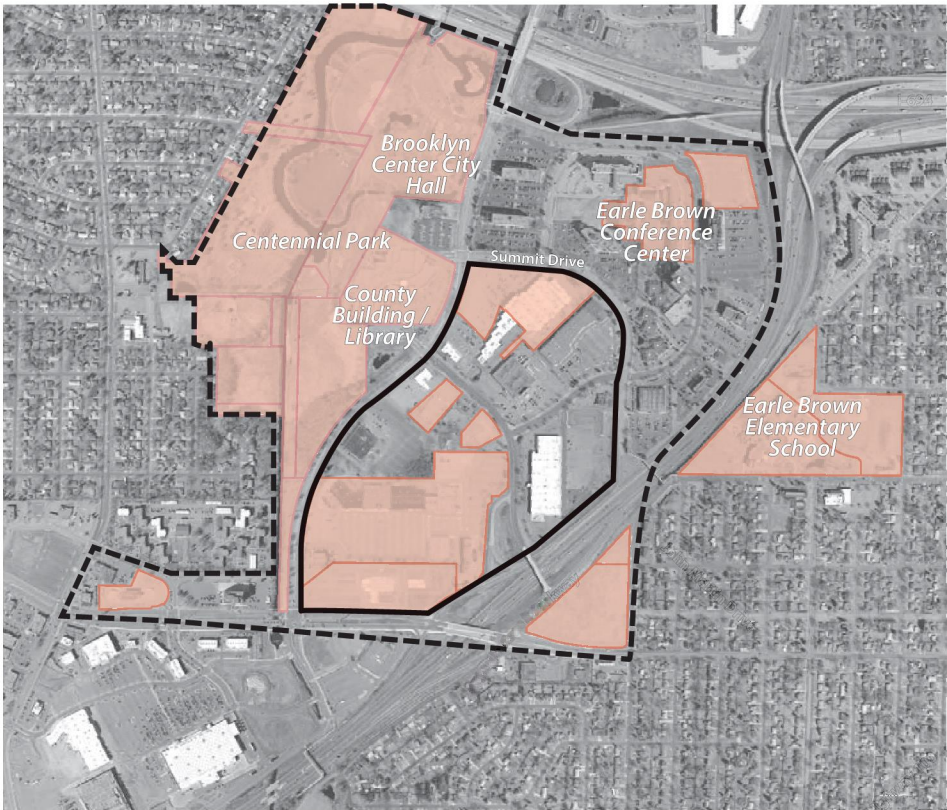


Trails
The Site is located at the junction of two regional trails which connect to the Mississippi River to the east, and large parks and lakes to the west north and south. The Plan recommends leveraging these assets and routing the trail through the Site.



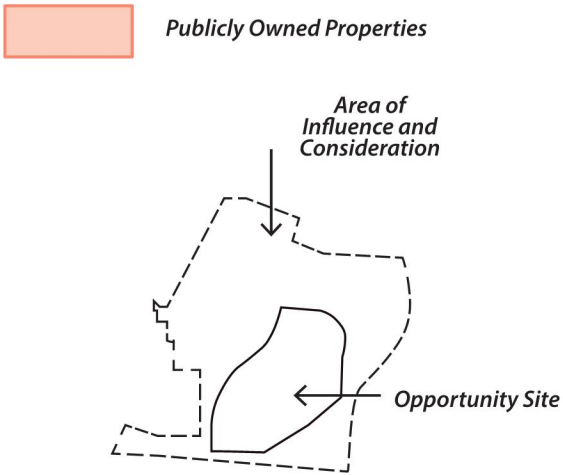
Local Roads
The Site has few local roads serving it and through it. Redevelopment of the Site will require considerable new infrastructure in order for it to be redeveloped

Publicly Owned Properties in the Opportunity Site



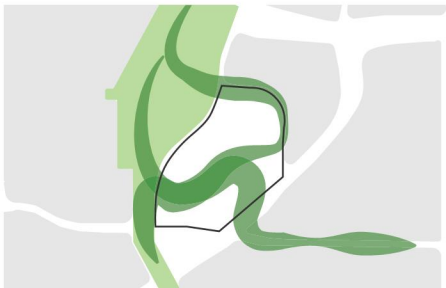
With approximately 40% of the Opportunity Site publicly owned, the City can leverage its influence on future redevelopment. By undertaking a public engagement the City can guide redevelopment in a manner that reflects the wishes, desires, and needs of the Community.

As property owner and driver of the Master Plan, redevelopment of the Opportunity Site can deliver substantially more public benefits than if the redevelopment was exclusively privately driven.

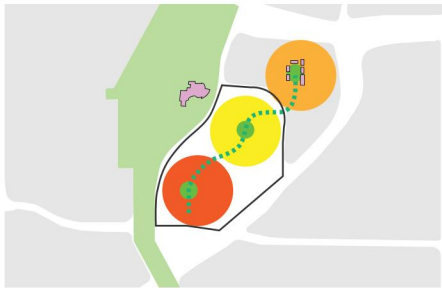


The Opportunity Site is approximately 100 acres. Approximately 40% (shown in red) of it is publicly owned. While this study focuses on the Opportunity Site, it took into consideration a significantly larger area because of its close relationship to the Opportunity Site.

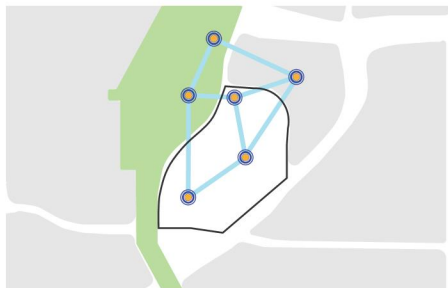
Concepts that Organize The Site



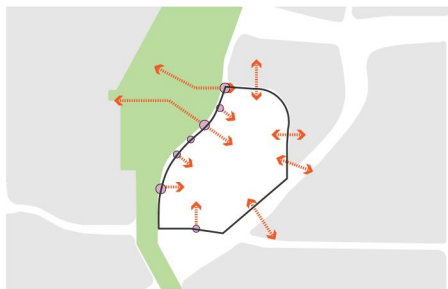
1 Trail and park connections to the expansive regional system



2 A spine to organize neighborhoods



3 Community Anchors to create a core to Brooklyn Center



4 Local connections to make access to Downtown easy



Four Frameworks

Four Frameworks

TODAY

Land Use

The Opportunity Site is a former retail district that is currently occupied with a collection of uses that don't reinforce each other in a meaningful way. Much of the land is vacant and underused



Open Space

The Opportunity Site is adjacent to regional trails, as well as a large City Park - however there are no parks open spaces, or direct connections to regional trail within the Opportunity Site



Stormwater

The Opportunity Site is almost completely impervious with buildings and parking lots. Improvements are needed to ensure ongoing compliance with local, regional, and watershed requirements



Transportation

The Opportunity Site is easy to get to due to its strong regional access, however it lacks an internal street system, pedestrian connections, and bike facilities to encourage redevelopment.



TOMORROW

Downtown Brooklyn Center will feature building and development patterns that are mixed, sustainable, and connective - creating nodes of mixed use activity and neighborhoods for people to live and enjoy at any stage of life.

Open Space

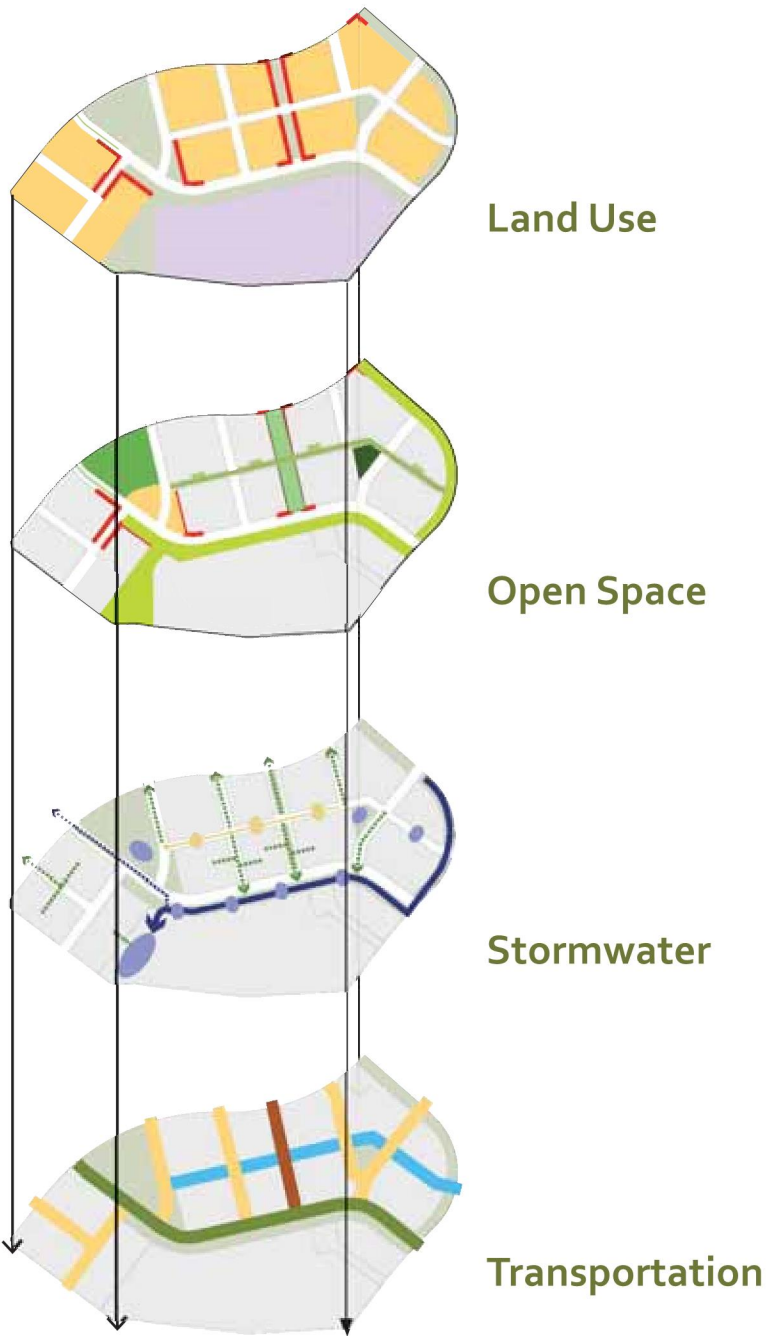
Downtown Brooklyn Center will feature system of open spaces, streets, trails and pedestrian areas that promotes healthy living, gathering, social gathering, and environmental responsibility.

Stormwater

A green and active stormwater system that provides health, and environmental benefits to all

Transportation

Downtown Brooklyn Center will have a transportation system that encourages walking and biking, is well connected to the region and reduces the need to own a car by providing safe, affordable, convenient and accessible options.



Four Frameworks - Equity Lens

Land Use

Land uses and equity have a long and interwoven history in the US. For centuries, land use policies were used directly and indirectly to segregate certain people groups, often targeting BIPOC and other marginalized communities. .

To combat this long history of inequity, the Opportunity Site Infrastructure Framework promotes land use equity by:

- Prioritizing an intermingling of complementary uses throughout the Opportunity Site, within easily accessible distances, thus reducing access and transportation barriers for housing, goods & services, jobs, socialization, and physical activity.
- Directly responds to an expressed community need for living wage jobs, while presenting opportunity for local hire programs (within Business Mixed Use district).
- Supporting creation of a larger stock of housing choices across a multitude of scales and price points within Brooklyn Center – both affordable & market rate, filling housing needs the city currently has and promoting mixed income communities (housing)
- Intending to offer unique destinations for the community to gather that are reflective of the multifaceted ethnic diversity that makes the city great.
- Providing business spaces at affordable price points for business incubation and growth, while connecting emerging entrepreneurs with more customers.

Parks & Open Space

Parks and open spaces throughout the Opportunity Site will prioritize connecting all people with high-quality parks and public spaces that are designed in a manner that is reflective of the rich cultural diversity in Brooklyn Center and welcoming to all people. The Opportunity Site Infrastructure Framework promotes Park & Open Space equity by:

- Providing accessible, free, quality green and open spaces that offer active and passive recreation, as well as community gathering spaces, for all ages and abilities.
- Promoting health benefits for residents including opportunities for physical activity, stress reduction, and social connections.
- Offering amenities that are designed to reflect the cultural diversity of Brooklyn Center, communicating that all area welcome to use the park and open space network.
- Prioritizing environmental justice through restoration of natural spaces for communities that have historically shouldered the brunt of environmental degradation.
- Presenting the City a tool in which to further develop multi-jurisdictional partnerships around equity promotion in park and open space design and management.

Stormwater

BIPOC and low-income communities have historically faced disinvestment infrastructure, further resulting in environmental and health disparities. As both floods and droughts become an increasing reality, ensuring resilient infrastructure to proactively management stormwater must be a priority for the Opportunity Site. Towards this end the Opportunity Site Infrastructure Framework promotes Stormwater equity by:

- Instituting a district-wide stormwater system to reduce project lifecycle costs, thus reducing the fiscal burden on city residents.
- Proactively planning for and instituting a stormwater plan that promotes environmental sustainability and resiliency in the face of ever-changing climate changes, that disproportionately impact BIPOC and socioeconomically disadvantaged populations
- Instituting high-quality best management practices (BMPs) such as bioswales, green streets, and retention ponds, that mitigate negative stormwater impacts while providing additional aesthetic and livability benefits.
- Cleansing and purifying stormwater before it re-enters Shingle Creek and other natural sources, reducing pollutants.

Access & Mobility

Of the four frameworks, none may be as consequential to equity as access and mobility. Transportation availability has been used to isolate people groups and create barriers to access. Communities without access to a car should not be isolated from taking advantage of the Opportunity Site, nor should they not be afforded the choice to live near where they work, play, and recreate. The Opportunity Site Infrastructure Framework promotes access and mobility equity by:

- Utilizing a framing lens that asks “who is the most vulnerable,” and making transportation decisions accordingly.
- Prioritizing safe and connective mobility options, especially for those walking, rolling, biking, and taking transit.
- Ensuring safe, evidence-based design standards are utilized, and that infrastructure is easily navigable and welcoming to diverse cultures once built.
- Creating a plan that is anchored by multimodal transportation infrastructure, with complementary land uses, towards maximizing mobility options for residents, employees, and visitors.
- Seeking environmentally sustainable solutions to transportation systems and infrastructure to reduce where possible the emission and impact of greenhouse gases.

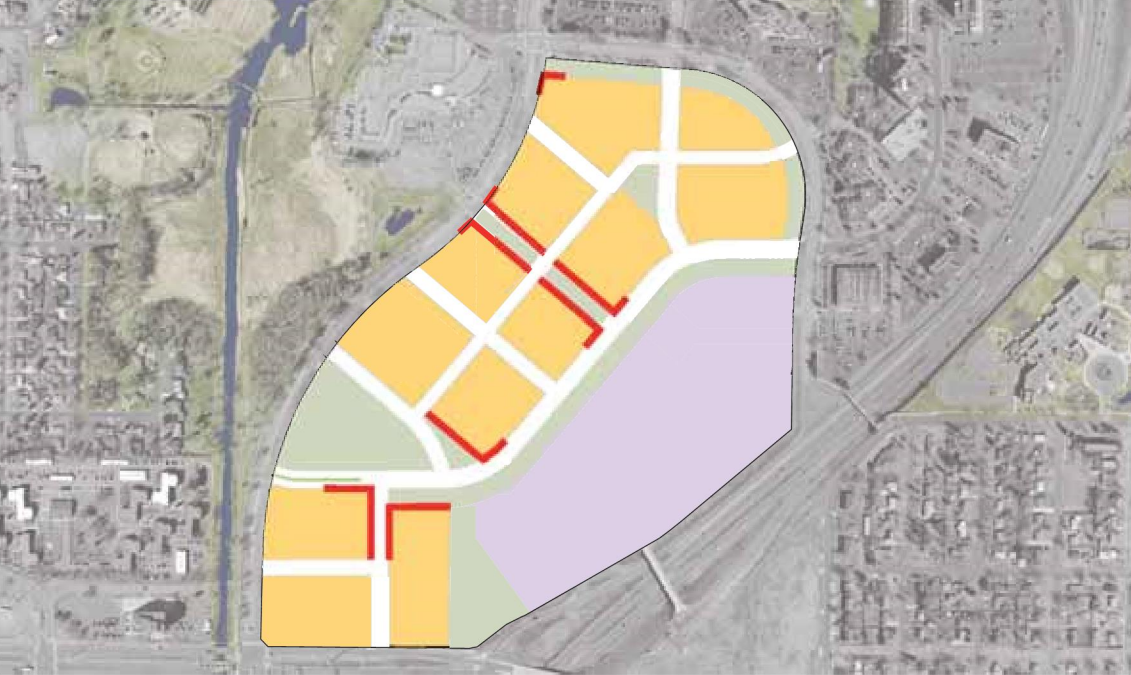
Land Use

Downtown Brooklyn Center will feature building and development patterns that are mixed, sustainable, and connective - creating nodes of mixed use activity and neighborhoods for people to live and enjoy at any stage of life.

Outcomes

- New market rate and affordable housing designed to be walkable, neighborly, and welcoming.
- New neighborhoods with neighborhood parks and amenities at their core and a “garden street” linking them.
- Commercial development that supports local living wage jobs.
- An entrepreneurial market to incubate and accelerate local businesses.

Framework



- Transit Oriented Development
 - Business Mixed Use
 - Active Uses Such as Retail
- descriptions on following pages

Land uses allow for developments supportive of or oriented around transit, pedestrian and bicycle facilities, and that support local job creation and business growth. Land uses of this nature were informed by the 2040 Brooklyn Center Comprehensive Plan, and community input on the need for living-wage jobs, increasing the City’s tax base, and providing opportunities to diversify Brooklyn Center’s economy and housing. The final land use policy direction will be supported by an implementation plan, which will be imbedded within the final Opportunity Site Master Plan as well as with new zoning districts in an updated City zoning code.

Features

Buildings and Spaces for an Entrepreneurial Downtown



Brooklyn Center has an entrepreneurial population with a high percentage of first and second generation Americans, the community boasts small home grown businesses in retail, food, and professional services. The Framework Plan creates buildings and spaces for these activities to flourish. An **Entrepreneurial Market** will provide in house marketing, financial, and mentor support while also offering access to customers in a market hall. In addition, plazas will be designed with kiosks, food trucks, and other opportunities for pop up retail.

Housing for all Stages of Life

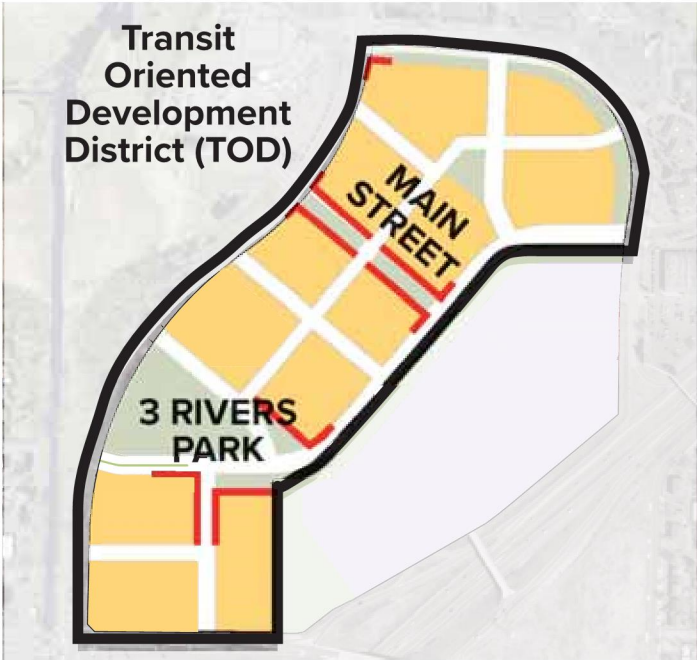


Brooklyn Center lacks the full range of housing options. As a result, some residents are forced to look for housing outside the City as they move through different phases of life. The Opportunity Site will include apartments and townhouses that are both Market rate and Affordable. Efforts will also be made to provide ownership housing across the income levels as well.

Land Use (Continued)

Transit Oriented Development District (TOD)

TOD supports opportunities for transit-supportive and transit-oriented development, as well as land uses that support pedestrian and bicycle use. The TOD district requires intensities and patterns of development that support vibrant pedestrian activity, and discourages land uses and development patterns that could decrease walkability or interfere with future growth of transit-oriented development and transit ridership. The district promotes sustainable urban places that include places to live, work, shop, and recreate locally, reduce reliance on automobiles, and encourage the use of public transit. The district fosters job creation and economic growth in proximity to transit and provides residents with new housing and lifestyle choices with more nearby amenities and social interaction spaces. This will be the guidance for the majority of the Opportunity Site.



Main Street



Three Rivers Park

Land Use (Continued)

Business Mixed Use (MX-B1)

The MX-B1 designation guides land for a mix of business and light industrial uses with allowance for supporting retail/service uses. This designation encourages redevelopment or development of commercial, office, general business and light industrial uses in coordination with supporting retail/commercial uses to encourage a more dynamic and connected experience for workers. This land use does not plan for residential uses but may include limited live-work opportunities as established through supporting official controls. This guidance will apply to an employment district adjacent to the highway, providing proximity to the TOD core, while still managing freight traffic and impacts effectively.

- Rooftop community solar and micro grid
- Pervious pavement to encourage infiltration
- Businesses with public interface located at activity nodes that face the neighborhood
- Clear and simple pedestrian connections to the neighborhood
- Green edge for stormwater, trails, habitat public art and other shared amenities
- Smaller scale employment uses in the neighborhood - maker spaces, live work units



Benefits

- » Living wage jobs with low barrier to entry
- » Jobs that are matched to the skills of the neighborhood
- » Higher than average job density (minimum 25 jobs/acre)
- » Local hiring and local job development
- » Incubator / Accelerator / Collaboration space for small business and start ups
- » Net Positive tax base
- » Workforce development and training
- » Local and distinctive business mix that share resources
- » Businesses that complement existing industrial base
- » Employee base supports local retail and restaurants
- » Back room inventory and logistics for local retail
- » Potential event space for community gathering



Open Space

Downtown Brooklyn Center will feature system of open spaces, streets, trails and pedestrian areas that promotes healthy living, gathering, social gathering, and environmental responsibility.

Outcomes

- An inclusive, accessible, welcoming and dynamic public realm that becomes a social and gathering center for the entire City.
- An “inside out” City that attracts people to spend time outside together throughout all seasons of the year.
- Recreational and leisure activities for all ages and abilities.
- Connecting to and leveraging the potential of Centennial Park
- A green and active stormwater system that provides health, recreational, and environmental benefits to all.

Framework



Features

Three Rivers Urban Bridging Park



The Three Rivers Park District will establish their first “urban bridging” park in Brooklyn Center. In an effort to introduce inner ring communities such as Brooklyn Center to its vast park resources throughout Hennepin County, the District endeavors to build 3-4 acre parks in the underserved communities. These parks will serve as a “bridge” to the more natural parks in the county. The District will fund, build, manage, maintain, and program these parks specifically for Brooklyn Center residents.

An “Inside Out” City



The Framework Plan contains parks, plazas, and open spaces designed to encourage gathering, socializing, and cultural expression. The spaces will be welcoming, accessible, and inclusive. they will draw indoor activities to the outdoors. **The pulse of the City will be on display throughout the year in these spaces.** Special consideration will be given to designing spaces that are active throughout the year. The spaces and activities will change with the seasons.

Stormwater

A green and active stormwater system that provides health, recreational, and environmental benefits to all

Outcomes

Downtown will feature a stormwater system that manages rainwater throughout the District while also serving as a health, recreational, and aesthetic amenity for residents and visitors.

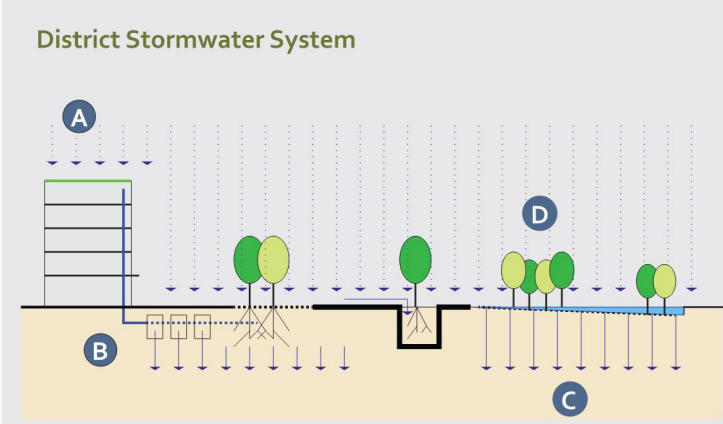
Framework



-  Urban Green Streets
-  Greenway and treatment train
-  Neighborhood Rain Gardens
-  Larger detention areas
-  **A** Green Streets with Urban Stormwater
-  **B** A Garden Street with Rain gardens and Parklets
-  **C** Linear Stormwater parks and greenways along the edge of the large greenspace
-  **D** Ponding areas

Features

District Stormwater System



A Blue Green Roofs use rain water to irrigate plants on roofs and on site.

B Pavers and soil cells filter runoff and encourage root growth

C Soil cells with impermeable liners keep polluted water from infiltrating

D A diverse mix of salt tolerant and winter hardy plants reduce heat island effects and enhance human comfort

Shared Stacked Green infrastructure



Stormwater will be integrated with the design of the area so it has multiple functions. Instead of relying on expensive “hard” infrastructure to move rainwater to areas lakes and rivers, rainwater will be harnessed and used as a resource. For example, the linear greenway that filters water before it percolates into the soils will also serve as a regional bike trail.

In areas where stormwater is underground, it will be stored and used for irrigation, with the excess returning to the groundwater aquifer.

Access and Connectivity

Downtown Brooklyn Center will have a transportation system that encourages walking and biking, is well connected to the region and reduces the need to own a car by providing safe, affordable, convenient and accessible options.

Outcomes

- Prioritizing pedestrians to create a walkable community
- Creating a safe and connected bicycle network
- Ensuring vehicular access to Downtown from throughout the City and the region.
- Establishing a network of streets that enables people to get round easily without the use of a car if they chose.

Framework



- Shingle Creek Parkway
- Main Street
- Garden Street
- Parkway
- Neighborhood Street
- "Slow Zones"

descriptions on following pages

Features

Garden Street



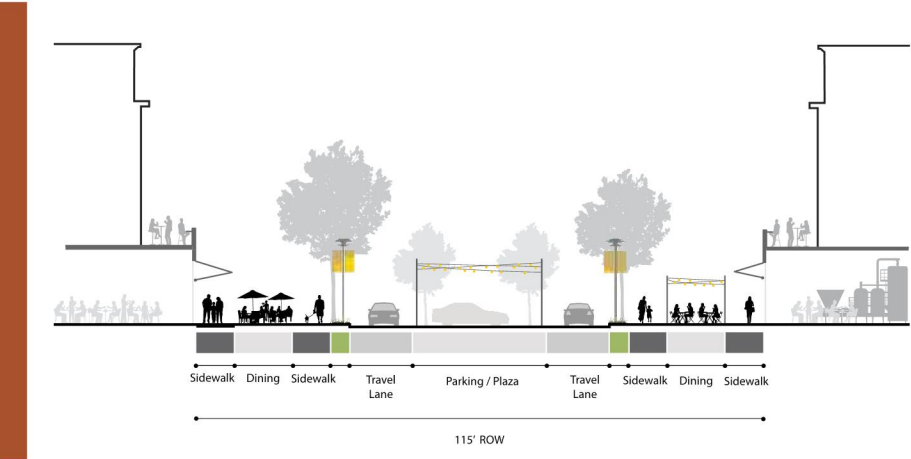
A "Garden Street" will be the primary pedestrian spine through the development. The Garden Street will be a narrow residential space lined with townhouses and small apartments. It will be a primarily pedestrian zone, though bicyclists and slow speed cars would be permitted, primarily to access residential parking areas. The Garden Street will contain small play spaces, gardens, and other residential amenities.

Slow Zones

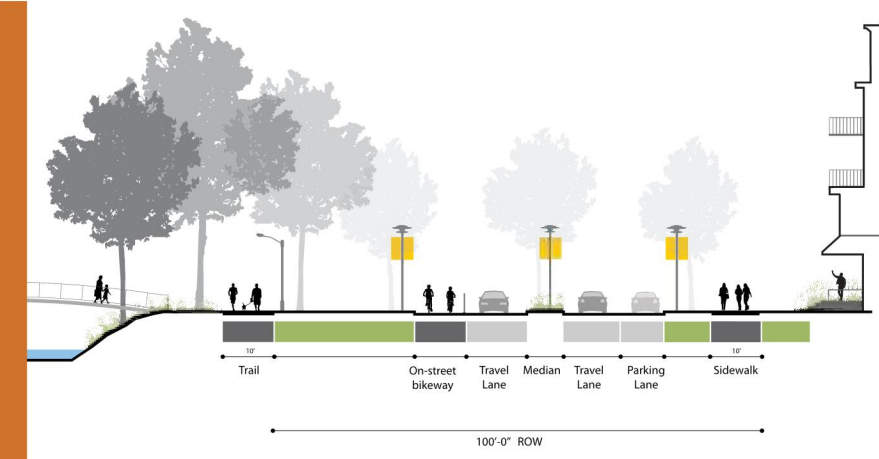


Slow Zones are segments of streets that are specifically designated and designed for slower traffic than otherwise similar streets in the City. The Framework Plan will designate areas around the Three Rivers Park and at the terminus of John Martin Drive as Slow Zones. This will improve the quality of the adjacent spaces, create a safer environment for all users, and enable pedestrians to easily cross the street.

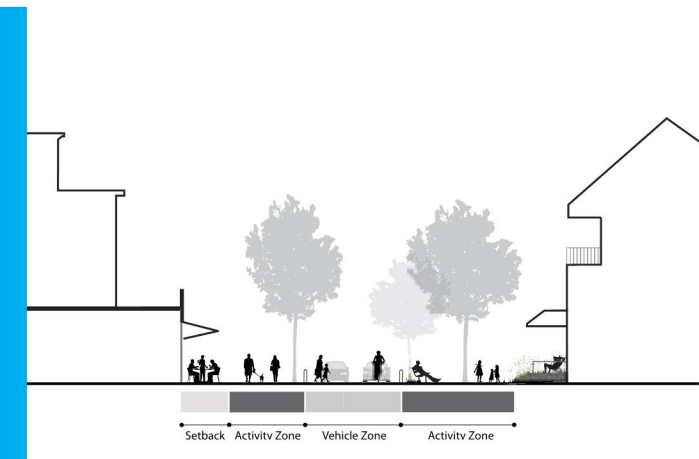
Access and Connectivity (continued)



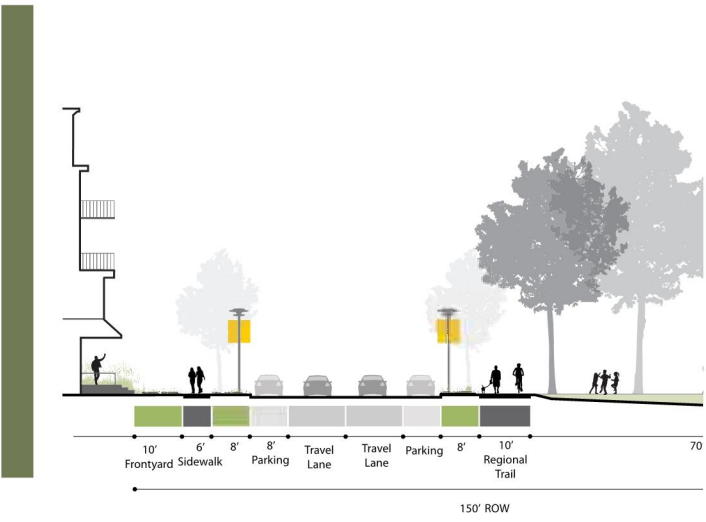
Main Street
Main Street/John Martin Drive will be designed as a pedestrian oriented street where cars are considered guests. The sidewalks are extra wide, and the center median can be used for kiosks, food trucks, or short term parking. Amenities such as public art, bike racks, fixed and moveable seating, and ample shade trees will create an environment that is pleasant for businesses and residents and visitors



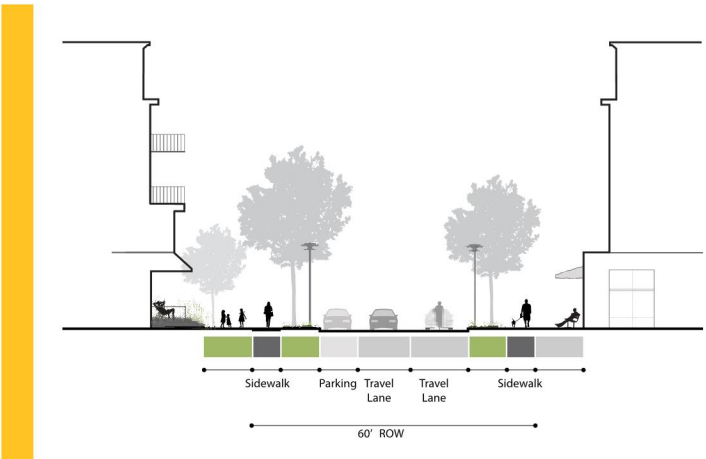
Shingle Creek Parkway
Shingle Creek Parkway is proposed to be narrowed to a three lane road. The northbound outside lane can be converted to a parking lane and the southbound outside lane can be converted to a two way on street commuter bike lane (allowing Shingle Creek Trail to be recreational and multi-use).



Garden Street
The north south street in between Earl Brown Drive and Shingle Creek Parkway will be a "shared street" or "woonerf" . It will be a slow speed, pedestrian priority street that is lined by townhouses and live work buildings. The laneway for vehicles will be serpentine to make room for greenspace, rain gardens, and parklets.



Parkway
The Connector Parkway will be the primary east/west road through the new development. It will be a primary address for both housing and employment. The Plan recommends a 70' greenway for stormwater retention and light recreation along its eastern edge.



Typical Residential Street
Residential streets will be designed as slow and safe streets whose primary purpose is to be a comfortable and shared environment for pedestrians, bicyclists, and drivers. The curb to curb area will be programmed with two way traffic, parking on one side and a shared bike lane. Beyond the curb, street trees will create a shaded 5' sidewalk. Buildings will be set close to the back of the sidewalk with patios, stoops, and porches to create a comfortable pedestrian environment. Typical Residential streets should have a maximum of two curb cuts per block.

RESOLUTION NO. 2021-

RESOLUTION ADOPTING AN OPPORTUNITY SITE INFRASTRUCTURE FRAMEWORK TO GUIDE THE OPPORTUNITY SITE MASTER PLAN

WHEREAS, the Opportunity Site Master Plan (Master Plan) will be a multi-phased planning document initiated in 2019, to vision the future redevelopment of the area known as the Opportunity Site in Brooklyn Center, and will include a technical assessment of the physical elements of the site, community engagement, feasibility analysis and implementation plan, and;

WHEREAS, a master plan is a big picture, values-driven plan crafted to guide future development of a specific area. Master plans are not intended to provide specific details on specific development projects, and often consist of two primary components:

1. An *infrastructure framework* that comprises the physical layout of the area with land use, roads, parks, trails, stormwater, utilities, and related elements, and;
2. An *implementation framework* that identifies how the physical elements will be delivered and what they are intended to achieve. This component may include development goals, community benefits, financial feasibility, zoning regulations, and short and longer-term action steps.

WHEREAS, the Opportunity Site Infrastructure Framework (“Infrastructure Framework”) is a foundational component to the Opportunity Site Master Plan process, as it outlines guidance regarding land use, road network, public space network, and stormwater system, and;

WHEREAS, the Infrastructure Framework is critical for preserving and progressing the Opportunity Site Master Plan process because:

- The absence of cohesive site-wide policy guidance severely limits the City from aligning private property reuse or redevelopment in the Opportunity Site with city and community goals through the development review process;
- The Infrastructure Framework ensures consistency of site-wide infrastructure planning – particularly land use, roadway, public space, and stormwater systems – which will result in opportunities for more connective, efficient, sustainable, and cost-effective systems;
- It leverages and supports momentum from Three Rivers Park District, which has committed to a 4 acre “mini-regional park” within the Opportunity Site, and has amended their parks and trails master plan to include the project. Three Rivers Park District has also incorporated the park in their 2024 Capital Improvement Plan (CIP). Engagement for the park is scheduled to begin in 2021;
- City guidance on site-wide land and infrastructure use will aid city staff in their ongoing conversations with MnDOT over the future use and ownership of MnDOT held right-of-way (ROW) at John Martin Drive;
- The Infrastructure Framework supports implementation of the City of Brooklyn Center’s 2040 Comprehensive Plan, upon which the master plan is based;

- It will provide a context in which to focus and continue community engagement efforts around the future of the Opportunity Site.

WHEREAS, the Infrastructure Framework is based on input from community engagement focused on community priorities for the site, as well as the physical and geographic realities of the area, and;

WHEREAS, the Infrastructure Framework is not a final layout of the physical infrastructure elements, but rather a guide to inform the continued community engagement efforts, as well as the study, design and engineering of the physical infrastructure elements, and;

WHEREAS, the City of Brooklyn Center expects continued community engagement, which will inform elements of the Opportunity Site Infrastructure Framework and help refine technical details of the site infrastructure, and;

WHEREAS, the City of Brooklyn Center affirms and commits to continued public engagement around the future Opportunity Site Master Plan, which will help refine and guide development goals, community benefits, financial feasibility, zoning regulations, and short and longer-term action steps.

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

1. The Opportunity Site Master Plan Infrastructure Framework shall be used as the guiding yet flexible framework in which to progress planning efforts of the Opportunity Site.
2. The City and its partners shall continue engagement and refinement of all elements of the Opportunity Site Master Plan.

Date

Mayor

ATTEST: _____
City Clerk

Council Worksession

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection via
telephone Dial: 1-312-626-
6799 Meeting ID:
2365542887# Passcode:
04152021#
June 7, 2021

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 at <http://cityofbrooklyncenter.org/>.

- 1. Call to Order - 5:30 p.m.**
- 2. Roll Call**
- 3. Opportunity Site Infrastructure Framework Discussion**
 - a. Opportunity Site Infrastructure Framework Discussion
- 4. City Manager Position Discussion**
- 5. Adjourn**

Council Worksession

DATE: 6/7/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Opportunity Site Infrastructure Framework Discussion

Background:

In April 2019, the City renewed a Preliminary Development Agreement with Alatus for 35 acres of the 80-acre Opportunity Site. The agreement outlined roles and responsibilities for each party, which included the City taking the lead on master planning for the site, in partnership with Alatus, and incorporating the larger 80-acre Opportunity Site into the master plan. Alatus for their part in the agreement was tasked with implementing an initial phase of development and continuing their work to bring a development forward.

Throughout 2019, the City, along with its consultant team, worked to develop the Opportunity Site Master Plan. This was a multi-phased approach that involved a combination of technical assessment, initial community engagement, feasibility analysis, and further community engagement to continue to refine the plan.

The scale and reach of community engagement on this project has exceeded that of any past effort in the City's history; however, the intent with this project is to ensure that the outcomes truly benefit the residents of Brooklyn Center, and this necessitates a much deeper, more inclusive engagement strategy.

From the beginning, the engagement approach was intended to support this vision through an in-depth, inclusive process that connected with diverse groups and views throughout the city.

Principles guiding this approach included:

- Consistency with city goals and policies, including the new city comprehensive plan.
- Ensuring the development provided direct access and benefits for city residents.
- Authentic engagement to connect people with the decision-making process.
- Meaningful opportunities to influence outcomes for the plan and the site.
- Transparency in decision making, to build trust and accountability.

While these principles have remained, the approach to engagement has evolved and changed since then, in response to feedback on effectiveness, and changes in external conditions.

The City is working with NEOO Partners on a public engagement strategy that includes contracting with community partners to lead deeper and more meaningful engagement with community, and the creation of a citizen advisory taskforce to distill the engagement results and create a community benefits plan for the development. Staff will present the community partner proposals and present a revised timeline for the engagement work at the June 14 City Council meeting.

Master Plan

A master plan is a big picture, values-driven plan that informs future development of an area. Master plans do not provide details on specific development projects. Typically master plans consist of two primary components; 1) a set of physical infrastructure frameworks that comprise the physical layout of the area with roads, parks, trails, stormwater, land use and utilities, and 2) an implementation component that identifies how the physical elements will be delivered and what they are intended to achieve. This component may include development goals, community benefits, financial feasibility, zoning regulations, detailed infrastructure design, and short and longer-term action steps.

A draft master plan largely comprised of the physical infrastructure frameworks was completed in January 2020. This was based on early engagement efforts, the City's comprehensive plan, the geographic context of the site, and the physical realities of the redevelopment areas. The intention at that point was to move into an engagement phase to develop the implementation component of the plan. This process was slowed due to the pandemic and then further delayed by civil unrest, but is being re-engaged under an engagement strategy developed by NEOO Partners, and in collaboration with community partners.

In the interim, a traffic study was conducted, based on the draft master plan, and a regional stormwater plan was developed for the site. One of the next steps to complete the implementation component of the master plan is to develop more refined designs for the roads, streetscapes and utilities. Refined designs are needed to complete cost estimates and stormwater planning, and to develop an implementation plan for the public improvements.

In addition, Three Rivers Park District has committed to providing a 4-acre "mini-regional park", within the development area. They have amended their parks and trails master plan to include the project and have included it in their 2024 CIP. They will begin an engagement and planning process for the park later in 2021.

MNDOT holds approximately 5 acres of right of way adjacent to Highway 100 and in the middle of a highly visible area within the redevelopment plan. This ROW is for John Martin Drive and connects to the John Martin Drive access and bridge over Highway 100, which is also owned by MNDOT. The draft master plan calls for the closure of this access and bridge, and for MNDOT to vacate that ROW, allowing it to be incorporated into a future development area. At present, MNDOT has expressed hesitation to move ahead with any review of that ROW, due to a future 2026 Highway 100 improvement that may need stormwater capacity. Staff has been working with MNDOT to ensure they understand that the highest and best use of that land is not a stormwater pond, nor is waiting to determine MNDOT's potential future need for the land acceptable. These conversations are ongoing.

The EDA controls approximately 44 of the 80-acre Opportunity Site area. The balance of land is privately owned by various parties. Nearly all of those properties are for sale, or have willing sellers. Staff has received numerous inquiries from parties interested in acquiring these parcels. Interest includes redevelopment concepts, as well as reuse concepts. Generally, proposed concepts are for uses that do not align with the draft master plan. This is not surprising since the draft master plan calls for a significant re-visioning of the area, to intensify the land use, bring new infrastructure and amenities to the site, and deliver outcomes that the market would not be able to deliver on its own without city support.

The concern is that absent a vision for the site, the City has limited ability to ensure that any reuse or redevelopment of private property within the Opportunity Site aligns with what the City wants to achieve on the site. Without an adopted framework for future redevelopment, it is more difficult for staff to convey the City's vision and provide direction to property owners and prospective buyers.

The 2040 Comprehensive Plan identifies future land uses of Transit Oriented Development and Commercial

Mixed Use; however, the zoning for the site allows auto-oriented retail and commercial uses, which are not in alignment with the vision. A moratorium on new development was put into place in August 2019, and expired in August 2020. The City does not have the ability to put into place another moratorium.

Infrastructure Framework

In order to complete the Opportunity Site Master Plan, and specifically the implementation component, Staff is seeking direction from the City Council on the physical infrastructure components of the draft master plan. These consist of four elements:

- Land use
- Parks and Open Space
- Stormwater
- Access and Connectivity

The purpose of the work session discussion this evening is to provide an overview of these four elements, and get direction from Council. Each component is described in more detail in the sections below.

Based on the discussion, Staff is proposing that the City Council take action to approve the infrastructure framework at a future meeting. The approval of an infrastructure framework is needed in order to provide guidance on the draft master plan, and to facilitate the completion of the implementation component. In addition, guidance from Council is needed to progress and facilitate discussions with Three Rivers Park District and MNDOT. An approved infrastructure framework would also allow staff to articulate the City's vision for the site, and put staff in a better negotiating position when talking with existing property owners and prospective interested parties.

The sections below outline the vision and outcomes for each infrastructure element.

Land Use

"Downtown Brooklyn Center will feature building and development patterns that are mixed, sustainable, and connective - creating nodes of mixed use activity and neighborhoods for people to live and enjoy at any stage of life."

Land uses within the Opportunity Site are intended to allow for a mix of uses, including those supportive of or oriented around transit, pedestrian and bicycle facilities, and that support local job creation and business growth. Land uses of this nature were informed by the 2040 Brooklyn Center Comprehensive Plan, and community input on the need for living-wage jobs, increasing the City's tax base, and providing opportunities to diversify Brooklyn Center's economy and housing. The final land use policy direction will be supported by an implementation plan, which will be imbedded within the final Opportunity Site Master Plan as well as with new zoning districts in an updated City zoning code.

Transit Oriented Development District (TOD)

The majority of the Opportunity Site will be guided for Transit Oriented Development (TOD). TOD supports opportunities for transit-supportive and transit-oriented land uses that also facilitate pedestrian and bicycle use. The TOD district requires intensities and patterns of development that support vibrant pedestrian activity, and discourages land uses and development patterns that could decrease walkability or interfere with future growth of transit-oriented development and transit ridership. The district promotes sustainable urban places that include places to live, work, shop, and recreate locally, reduces reliance on automobiles,

and encourages the use of public transit. The district fosters job creation and economic growth in proximity to transit and provides residents with new housing and lifestyle choices with more nearby amenities and social interaction spaces.



Southeast Segment

For the approximately 20-acre segment located in the southeast of the Opportunity Site, three land use options are being explored. Each is being assessed as to their viability, support of community goals, and alignment with the larger Master Plan vision. A series of initial pros and cons are provided for additional consideration.



Option 1 | Regional Recreation Attraction

An initial concept for the southeast segment was the introduction of a major recreation attraction, to establish a regional destination within the City. An attraction of this nature would anchor and drive activity for the surrounding Opportunity Site, providing a significant draw, and create more market interest in the area. An attraction of this nature would need to provide year-round indoor and outdoor opportunities for public activities and gathering, meeting a well-known public need. If designed well, the attraction could connect to surrounding neighborhoods via sidewalks and trails, promoting overall Opportunity Site accessibility. Such a use could also provide opportunities to meet community recreation needs; however, a significant source of customers would need to be drawn from the broader region.

To be viable, the attraction would almost certainly need to be privately owned and operated, but with public

accessibility. Discounted rates for Brooklyn Center residents could be pursued to promote local benefit.



Southeast Segment: Regional Recreation Attraction	
Pros	Cons
·Would present a major destination and activity center for the Opportunity Site and City ·Promote year-round healthy recreation for residents and visitors ·Could provide needed community indoor and/or outdoor gathering space(s) ·Address a need for entry-level jobs ·Could support local and regional connectivity and sustainability goals, especially with any outdoor recreation features ·Present opportunities for placemaking and establishing unique community destinations reflective of the many ethnicities that make up Brooklyn Center ·Single site owner simplifies coordination around roadways, utilities, stormwater, and related infrastructure	·Unknown timeline or prospective attraction ·Typically requires high upfront cost of construction & management ·Recreation jobs are generally limited, low paying, and seasonal – unlikely to offer a large number of living-wage jobs or advancement opportunities ·Forecasted for very high traffic demands, which would require several traffic mitigation efforts in/around the Opportunity Site ·Such users are few and the pandemic may have impacted the market demand for such a facility

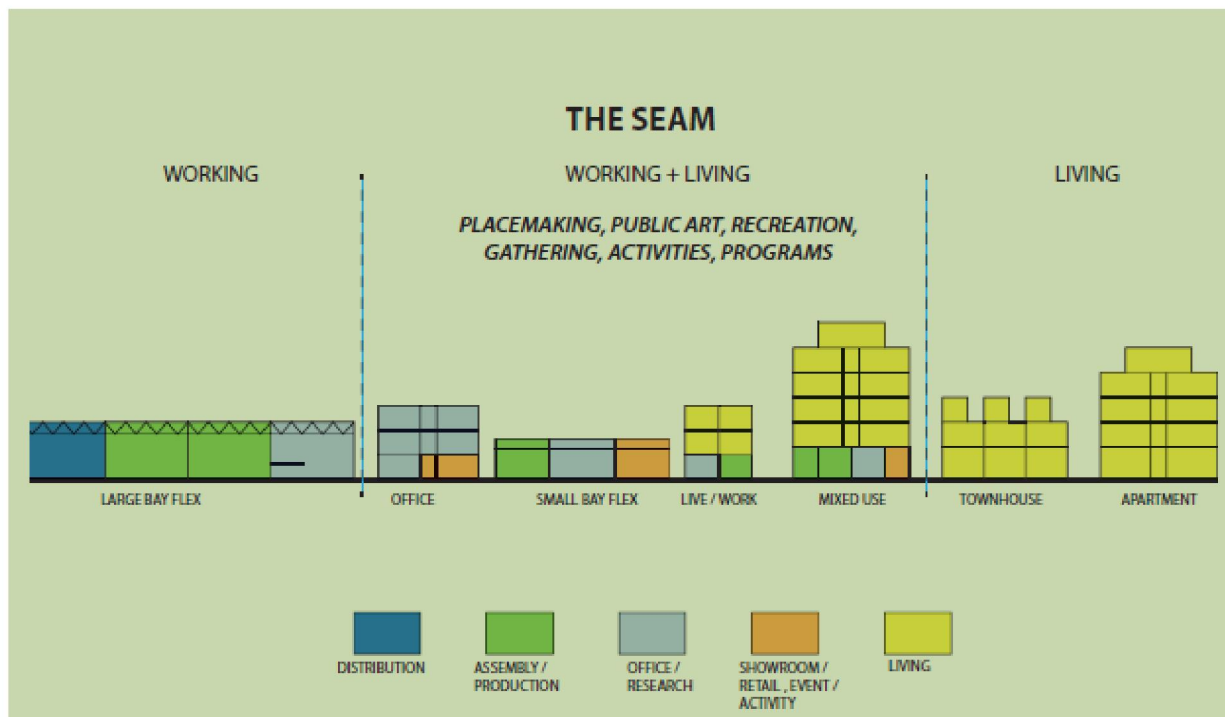
Option 2 | Business Mixed Use

Business Center Options for the southeast segment has since evolved to include the concept of a mixed business- and manufacturing-oriented land use concept. Leveraging adjacent access to major highways and great visibility, this designation which would allow for a business center with manufacturing and business production alongside supportive retail/services to encourage a more dynamic and connected experience for the public, employees, and business owners. The resulting manufacturing, assembly, production, repair, and distribution uses would co-locate small-scale retail uses into an appropriately scaled, integrated district. This concept does not guide for significant residential uses, but may allow for limited live-work opportunities.



Introducing industrial type uses to the Opportunity Site would not come without challenges, each of which would require a comprehensive strategy of mindful site design, supportive programmatic and/or policy systems, and sustainability guidance to mitigate potential issues. Approaches being explored include:

- Sustainability guidance to promote environmental stewardship, closed-loop material/waste systems, and leveraging national momentum around sustainable manufacturing practices.
- In contrast to traditional large buffers and use separation, a “neighborhood seam” would be sculpted between the TOD and Business Mixed Use districts, integrating multimodal access and scaled gathering spaces to promote natural transitions and accessibility. Similarly, mixing uses within the district reduces business system footprints and business costs.
- Require higher-than-average thresholds of impervious surfaces and green infrastructure throughout the district to promote sustainability and mitigate stormwater runoff.
- Local hire and job training programs to support local living wage jobs and ensure capitol is recirculated back into the local community.
- Affordable rental spaces to promote startup and business needs of all sizes.
- Building orientation that keeps trucking away from residential areas, and visually hidden.



Pros	Cons
·Directly responds to an expressed community need for living wage jobs, while presenting opportunity for local hire programs. ·Would provide flexible working spaces for businesses to grow and expand ·Could provide affordable, flexible space for local businesses in need of boutique manufacturing and warehouse/distribution - opportunity to develop a business-focused incubator ·Leverages strong market demand for this type of use, which also would allow for stronger design and performance standards for projects ·Low infrastructure costs regularly produces a net-positive tax base ·With integrated uses come opportunities to establish a unique district identity, reflecting the rich cultural entrepreneurialism of the many ethnicities that make up Brooklyn Center. ·Retail locations along the edge of the district present opportunities for placemaking and public gathering spaces. ·Co-locating residential uses near and within the district reduces transportation needs, promotes access for workers, supports local retail, and creates general district vibrancy. ·Significantly reduces traffic forecasts compared to a regional recreation attraction, requiring minimal-to-no mitigation efforts ·Located near several regional and state-wide routes - Hwy 100 and I-94/694 – offering strong distribution connectivity ·Leverages interest of existing area property owner that wishes to redevelop their property	·Industrial and manufacturing jobs traditionally carry higher waste production and energy needs ·Integrative land use models oriented around industrial are not well established ·Noise, light, and related impacts would need to be well understood with mitigating measures put in place ·Potential pollution effects would need to be well understood with mitigating measures put in place ·Establishing closed-loop systems requires heavy coordination and management ·Would risk attracting heavy-shipping interest, and require coordination of shipping routes around the Opportunity Site - this can be mitigated with strong zoning that regulates the scale and type of business uses which would be permitted. ·Phased buildout could complicate coordination of roadways, utilities, stormwater, and related infrastructure

Option 3 | Transit Oriented Development

A third option would be to continue use of the TOD designation. Guiding the area for TOD would ensure uniformity of urban form and mix of uses with the rest of the Opportunity Site, and present the most straight-forward land use option. Such a designation however would decrease opportunities to establish a unique activity center and destination within this segment. It would also make more it more difficult to establish an employment center with business growth opportunities. Further, residential projects along Hwy 100 may prove to be less than desirable for developers and residents, and may require screening or other buffers.

Southeast Segment Concept: Transit Oriented Development	
Pros	Cons

·Greatest flexibility in allowable land uses ·Would provide opportunities for additional residential units to the city ·Continuity of neighborhood form and density with rest of Opportunity Site ·Promote continued support for transit services, and multi-model connectivity within and around the Opportunity Site	·Wouldn't support the creation of an area destination or employment center ·Proximity to Hwy 11 may deter residential development ·Doesn't leverages interest of existing area property owner that wishes to increase jobs, or regular industrial development inquires ·Unknown traffic impacts, as the TOD concept for this area has not yet been studied ·Unknown stormwater and utility impacts, as the TOD concept for this area has not yet been studied
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Staff is seeking direction from the City Council on land use for the southeast 20 acres of the site.

Open Space

"Downtown Brooklyn Center will feature a system of open spaces, streets, trails and pedestrian areas that promotes healthy living, gathering, social gathering, and environmental responsibility."

The infrastructure framework includes a network of parks and plazas, connected by sidewalks and trails. A new neighborhood park is located on the north side of the site, connected by a garden street to a 4-acre micro regional park that will be managed by Three Rivers Park District on the south side. Pocket parks and plazas are planned throughout to create places for people to gather and recreate.



Some of these open spaces and plazas will be privately owned and maintained, with public access granted through easements. Other elements of the open space plan will be new publicly owned spaces that will be maintained by the City. This will require careful planning to ensure that these spaces can be maintained in an efficient and cost effective manner.



The framework identifies the following outcomes for the open space plan:

- An inclusive, accessible, welcoming and dynamic public realm that becomes a social and gathering center for the entire City.
- An “inside out” City that attracts people to spend time outside together throughout all seasons of the year. Recreational and leisure activities for all ages and abilities.
- Connecting to and leveraging the potential of Centennial Park
- A green and active stormwater system that provides health, recreational, and environmental benefits to all.

Stormwater

“A green and active stormwater system that provides health, recreational, and environmental benefits to all”

A regional stormwater plan has been developed for the Opportunity Site, based on the draft plan. The regional system is designed to manage stormwater for the entire site. Infiltration is planned through neighborhood raingardens, streets designed with storm water best practices, and larger detention areas. Stormwater would be carried primarily in a linear greenway that runs through the site adjacent to a regional trail.



Development projects would provide infiltration enhancements on their sites and connect to the regional system. As part of the implementation plan, a build-out plan and fee system needs to be developed to ensure that the regional stormwater system will be built in a cohesive manner and can be paid for.

A regional stormwater system benefits the City by allowing more intensive use of developable land and creating more value. Further, by utilizing innovative best practices for stormwater and going above and beyond the minimum standards, the regional stormwater plan will be eligible for state funding to support its build-out.

Access and Connectivity

“Downtown Brooklyn Center will have a transportation system that encourages walking and biking, is well connected to the region and reduces the need to own a car by providing safe, affordable, convenient and accessible options.”

The infrastructure framework identifies a hierarchy of roadways, sidewalks and trails that connect both within the site as well as to bring people easily into the site. The roadways and their approximate locations are a critical component to the infrastructure framework because they create a series of pedestrian-scaled blocks that will make up the urban form of the site and dictate where development can occur.

Each roadway is categorized by type. The different types of roadways dictate their function and purpose within the development. Some roads will be designed to carry through-traffic and thus more vehicles, while

others are designated as neighborhood streets, and will be designed for lower traffic.

A garden street connects the site north to south and is envisioned as a low traffic, “shared” street, with pocket parks and ample traffic calming devices. The garden street elevates the role of the pedestrian and bicyclist, while minimizing the role of vehicles. This street is similar to those seen in places such as Amsterdam, where they are designed as residential streets that discourage cut-through traffic. Studies have shown that these types of streets are safer for people and promote social wellbeing for neighborhoods.



Outcomes of the access and connectivity framework are:

- Prioritizing pedestrians to create a walkable community
- Creating a safe and connected bicycle network
- Ensuring vehicular access to Downtown from throughout the City and the region.
- Establishing a network of streets that enables people to get round easily without the use of a car if they chose.

This roadway network represents road types that do not currently exist in the City. Because the goals for the area include a denser development pattern, on-street parking will very likely be part of the design, as well as integrated sidewalk and trail features. Ample streetscaping, including street furniture, lighting and landscaping, all will require extensive maintenance. As part of the implementation plan, it will be necessary to understand what the maintenance requirements will be and how this will be accomplished. For example, new equipment and practices may be needed to effectively plow and remove snow.

Some of the streets shown on the plan may be privately owned and maintained, while others will be new public streets. Determining who will be responsible for building and maintaining the street network will be a critical component of the implementation plan. In some cases, depending on the development timing, new street sections may need to be constructed in advance of a particular development phase. Planning for this, and how it will be paid for, will also be needed.

The exact location of the streets within the master plan are less important than their typologies. For example, depending on how the former Target site redevelops, the streets in that area may adjust a bit; however, their function will remain constant.

Next Steps

Staff is seeking direction from the City Council on the physical infrastructure framework elements. Most especially, the framework of Land Use requires additional discussing and direction.

Based on the discussion, staff will make any needed revisions to the infrastructure framework, with the goal of bringing it back to a future Council meeting for approval. Once approved, staff will continue the process

of developing the implementation component of the Master Plan. This will include a robust engagement effort as well as designing and planning for the open space, stormwater, utility and access plans.

Budget Issues:

None at this time

Inclusive Community Engagement:

Extensive community engagement has occurred in varying degrees over the last three years on this site. Additional engagement is planned and will be presented at the June 14 City Council meeting.

Antiracist/Equity Policy Effect:

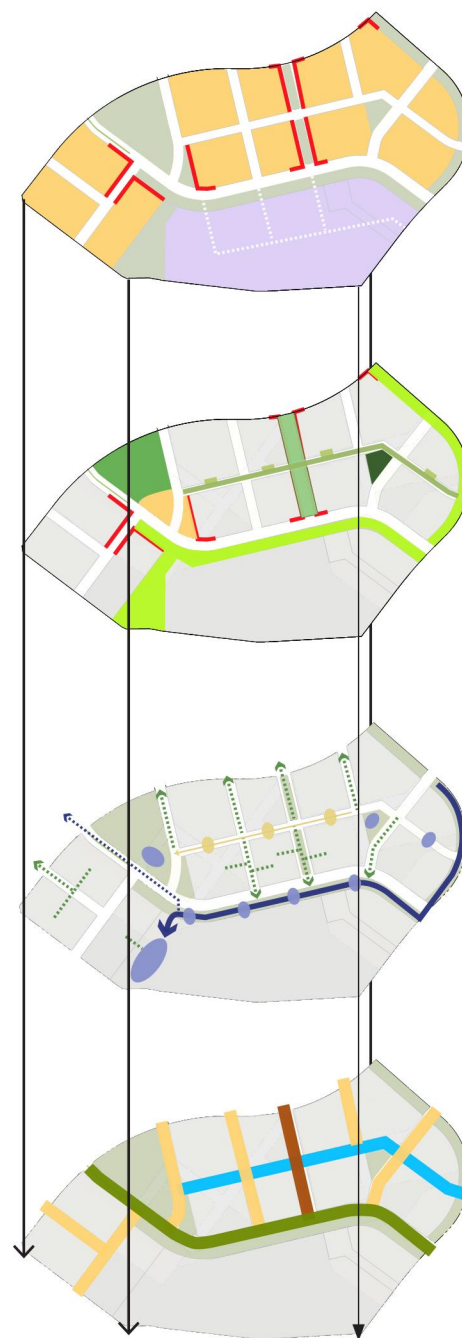
The draft master plan framework has been developed from its inception with an equity lens, focused on producing equitable outcomes and mitigating displacement risks. The infrastructure framework provides the foundation upon which the implementation portion of the plan can be developed, which will identify a community benefits plan to ensure these outcomes take place.

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Framework	6/4/2021	Backup Material



Downtown Brooklyn Center Framework Plan

Brooklyn Center, MN
Draft Report as of June 4, 2021

Prepared for:
City of Brooklyn Center

Prepared by:
Cunningham Group Architecture, Inc.

Cunningham



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The City recognizes that historically, development patterns have resulted in disparate impacts, particularly on communities of color. These disparities have resulted in harm; such as displacement and exclusion from the benefits of new investment. The city endeavors to reverse these disparities and enhance equitable outcomes by working towards a more responsible means of advancing development



1. Introduction

Introduction

Brooklyn Center is a City of the Future.

The population is rich with diversity from around the world. The large number of children and youth will be future leaders in the years to come.

Brooklyn Center also brings strengths from its past. Its location is accessible and connected. And people still value its stock of affordable housing with convenient access to jobs, shopping and services.

But the transition from past to future is not without challenges. For the city, it means transitioning spaces and places built for a previous era, that no longer meet current needs. For the people, it means addressing past and current practices that exclude some people from benefitting from progress and opportunity, particularly people of color, people with low-incomes, and renters. This includes addressing the potential for displacement and gentrification in the city.

The Opportunity Site project can't meet every need. But it can help. For the city, this means creating a new place that strives to meet the needs of residents and workers, adds value to the community, and becomes a source of community pride. For the people, this means creating an accountable process that addresses past problems and provides transparency, accountability, and benefit to existing residents of the community.



Purpose of this Plan

This document sets clear high level direction for the community vision for redevelopment and how the physical structure of the area must change in order to enable this change.

This Framework Plan has two sections :

- 1. Background and Vision for Redevelopment
- 2. Four Frameworks

This document is not a full Master Plan. Adoption and acceptance of this document sets the direction for a fully developed Master Plan and it allows City Staff and officials to have discussions with developers and property owners while a full Master Plan is in development.

Community Values Expressed in the Plan

- 

Diversity and inclusivity
- 

Affordability
- 

Health and Wellness
- 

Fiscal Responsibility
- 

Flexibility
- 

Community Pride
- 

Environmental Sustainability
- 

Local Benefit
- 

Counteracting Displacement

Guiding Principles

Four guiding principles emerged from the community workshops that reinforce a sense of community pride in Brooklyn Center



Create a vibrant and distinctive destination for the community and the region



Consider sustainability in the design of the development



Embrace the growing diversity of the community



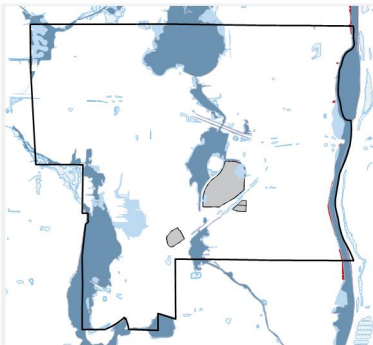
Produce places that bring the community together

Overall Vision for a New Downtown Brooklyn Center

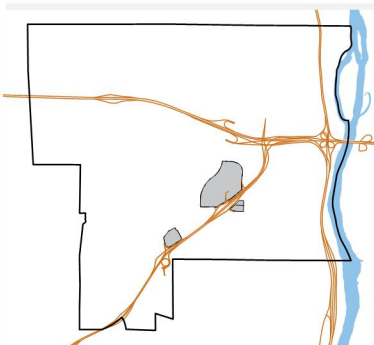
- Downtown Brooklyn Center...**
- Will be a place that represents all of what Brooklyn Center is and can become.
 - People will choose to invest their time and energies in Downtown Brooklyn Center as much for what it is as for what it is near.
 - It will contain a mix of uses that appeal to both current and future residents, entrepreneurs, and visitors of Brooklyn Center.
 - It will have a significant amount of new medium and high density housing that helps diversify the City's housing stock - allowing residents to stay in Brooklyn Center and also attracting new residents.
 - It will be a place that nurtures local businesses while also attracting new businesses that appeal locally and regionally.
 - It will generate value to the City by leveraging its irreplaceable assets - proximity to the park and civic buildings, centrality to the City and it's people, and access to the region.

The Opportunity Site and its Surroundings

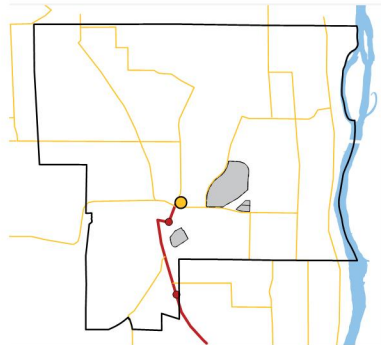
Brooklyn Center in the Region



Natural Systems
The Opportunity site is located a mile from the Mississippi River and adjacent to Shingle Creek. Both are part of regional recreational systems that are significant amenities.

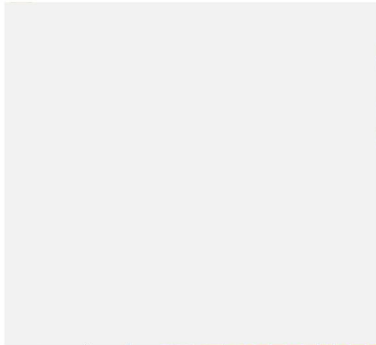
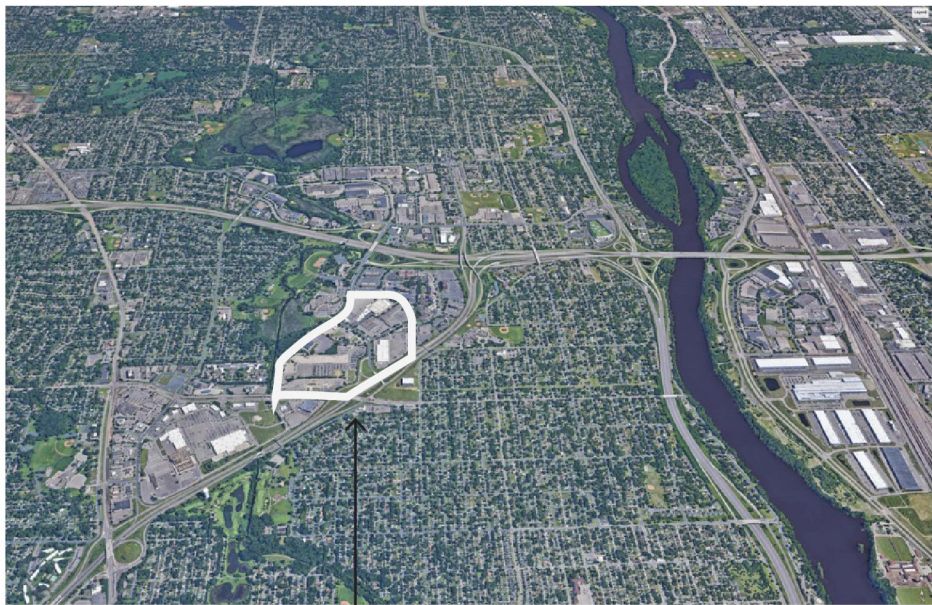


Highways
The Opportunity Site is located along major freeways and highways. It is easily accessible from throughout the region. This Plan recommends a combination of local and regional attractions that benefit from the Sites location and access.

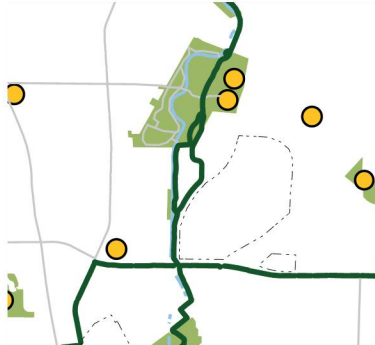


Transit
Metro Transit recently opened the C and D Bus Rapid Transit (BRT) Lines - both which terminate at a charging and layover station adjacent to the Opportunity Site. This Plan recommends relocating the station in the Opportunity Site and making it part of a mobility hub that serves the area.

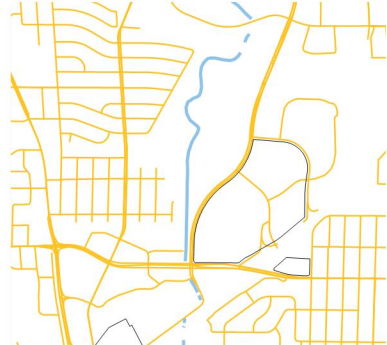
The Opportunity Site in Brooklyn Center



Neighborhoods
The area was developed in the 1960's when land uses were strictly separated. As a result, the site is separated from neighborhood by large parks and highways.

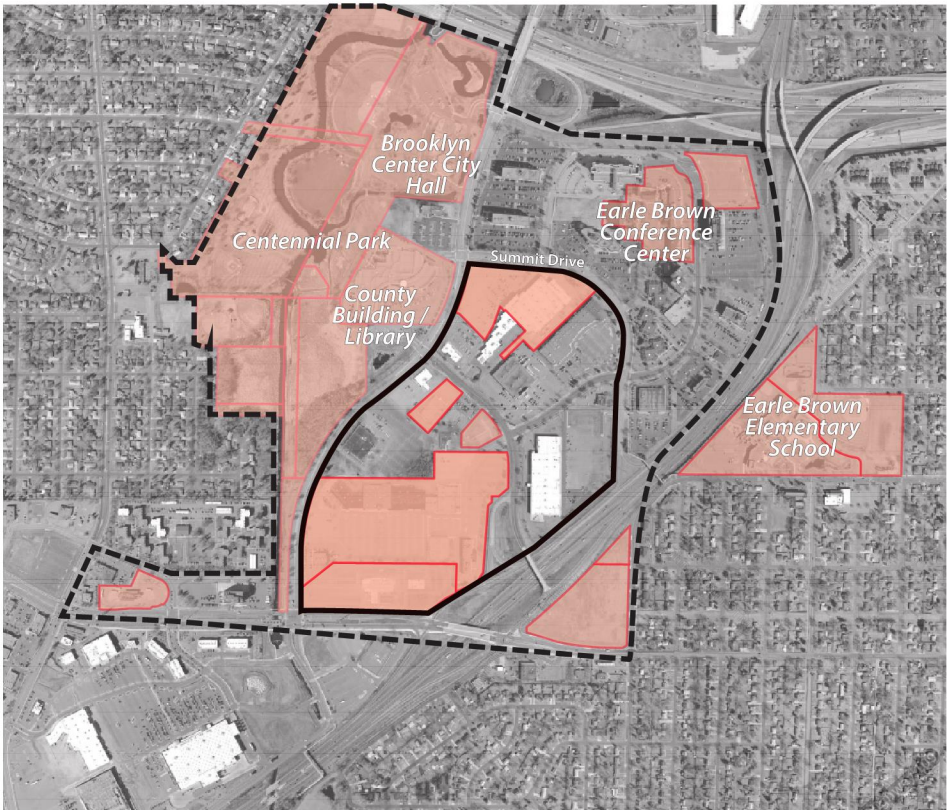


Trails
The Site is located at the junction of two regional trails which connect to the Mississippi River to the east, and large parks and lakes to the west north and south. The Plan recommends leveraging these assets and routing the trail through the Site.



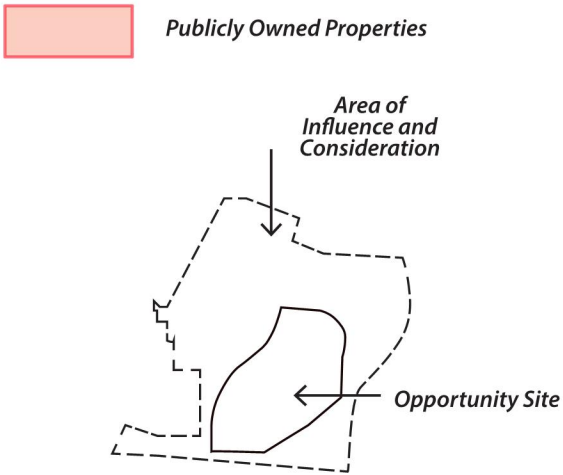
Local Roads
The Site has few local roads serving it and through it. Redevelopment of the Site will require considerable new infrastructure in order for it to be redeveloped

Publicly Owned Properties in the Opportunity Site



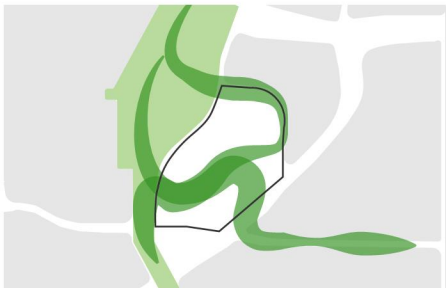
With approximately 40% of the Opportunity Site publicly owned, the City can leverage its influence on future redevelopment. By undertaking a public engagement the City can guide redevelopment in a manner that reflects the wishes, desires, and needs of the Community.

As property owner and driver of the Master Plan, redevelopment of the Opportunity Site can deliver substantially more public benefits than if the redevelopment was exclusively privately driven.

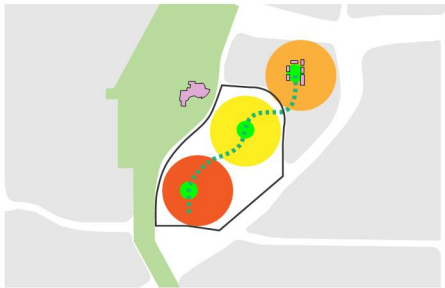


The Opportunity Site is approximately 100 acres. Approximately 40% (shown in red) of it is publicly owned. While this study focuses on the Opportunity Site, it took into consideration a significantly larger area because of its close relationship to the Opportunity Site.

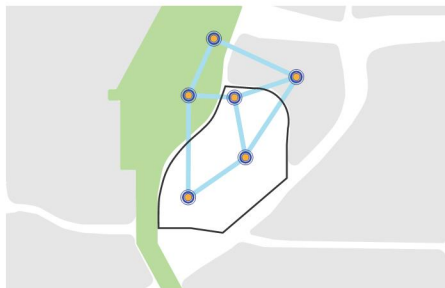
Concepts that Organize The Site



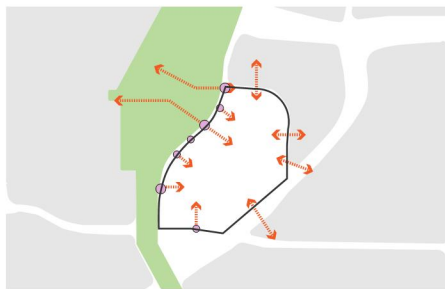
1 Trail and park connections to the expansive regional system



2 A spine to organize neighborhoods



3 Community Anchors to create a core to Brooklyn Center



4 Local connections to make access to Downtown easy



Four Frameworks

Four Frameworks

TODAY

Land Use

The Opportunity Site is a former retail district that is currently occupied with a collection of uses that don't reinforce each other in a meaningful way. Much of the land is vacant and underused

Open Space

The Opportunity Site is adjacent to regional trails, as well as a large City Park - however there are no parks open spaces, or direct connections to regional trail within the Opportunity Site

Stormwater

The Opportunity Site is almost completely impervious with buildings and parking lots. Rainwater that falls on the site is piped to Shingle Creek, picking up contaminants and sediment along the way. It is out of compliance with local, watershed, and regional requirements

Transportation

The Opportunity Site is easy to get to due to its strong regional access, however it lacks an internal street system, pedestrian connections, and bike facilities to encourage redevelopment.



TOMORROW

Downtown Brooklyn Center will feature building and development patterns that are mixed, sustainable, and connective - creating nodes of mixed use activity and neighborhoods for people to live and enjoy at any stage of life.

Open Space

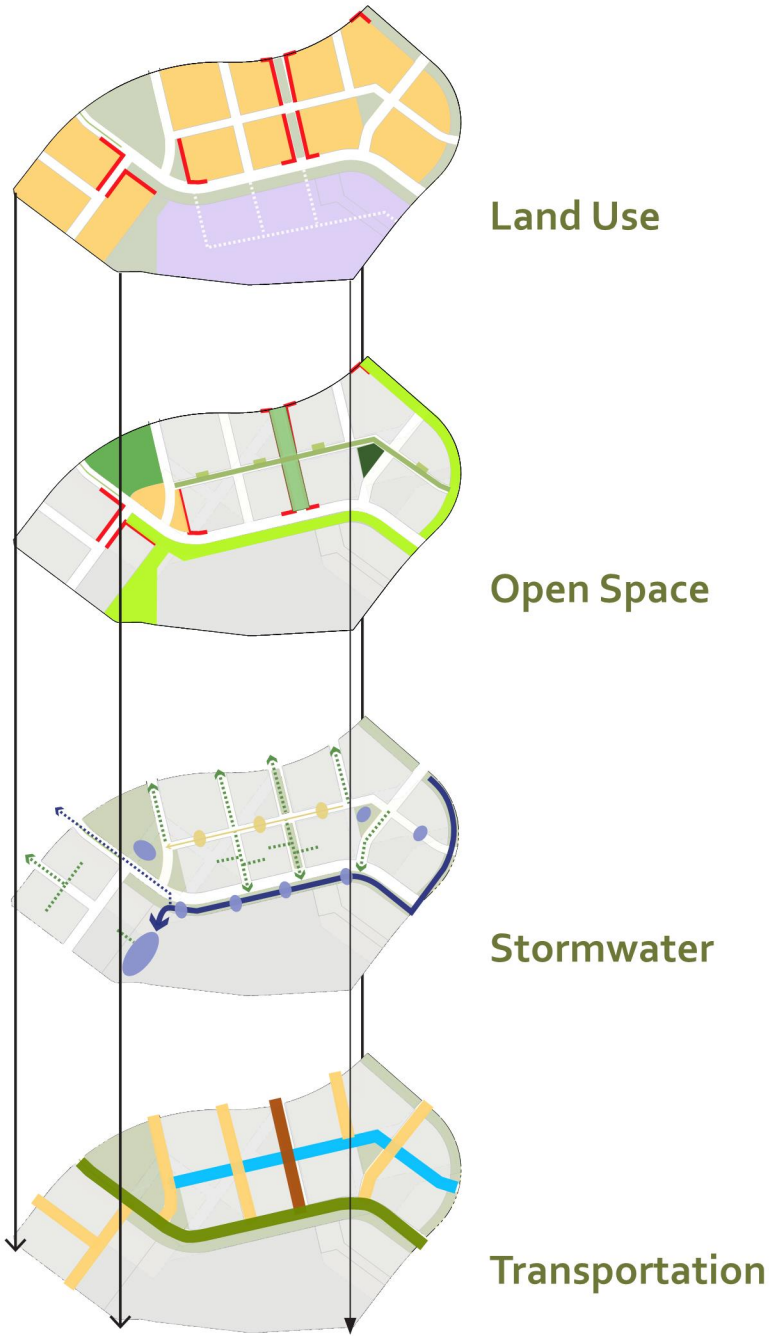
Downtown Brooklyn Center will feature system of open spaces, streets, trails and pedestrian areas that promotes healthy living, gathering, social gathering, and environmental responsibility.

Stormwater

A green and active stormwater system that provides health, recreational, and environmental benefits to all

Transportation

Downtown Brooklyn Center will have a transportation system that encourages walking and biking, is well connected to the region and reduces the need to own a car by providing safe, affordable, convenient and accessible options.



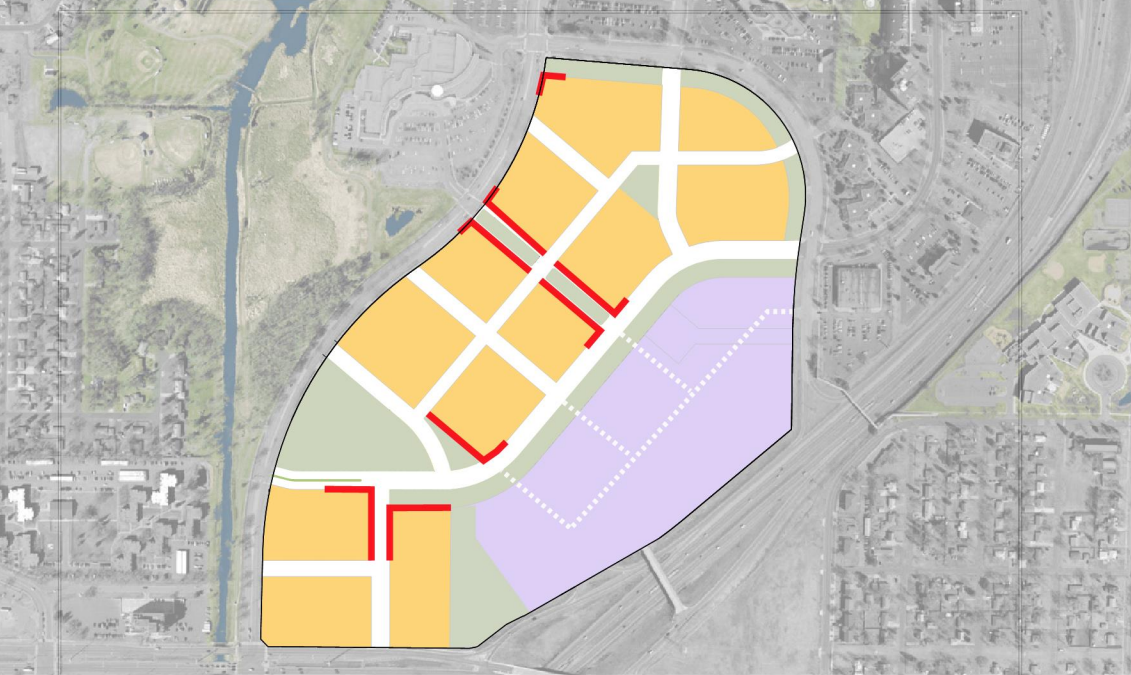
Land Use

Downtown Brooklyn Center will feature building and development patterns that are mixed, sustainable, and connective - creating nodes of mixed use activity and neighborhoods for people to live and enjoy at any stage of life.

Outcomes

- New market rate and affordable housing designed to be walkable, neighborly, and welcoming.
- New neighborhoods with neighborhood parks and amenities at their core and a “garden street” linking them.
- Commercial development that supports local living wage jobs.
- An entrepreneurial market to incubate and accelerate local businesses.

Framework



- Transit Oriented Development
 - Business Mixed Use
 - Active Uses Such as Retail
- descriptions on following pages

Land uses allow for developments supportive of or oriented around transit, pedestrian and bicycle facilities, and that support local job creation and business growth. Land uses of this nature were informed by the 2040 Brooklyn Center Comprehensive Plan, and community input on the need for living-wage jobs, increasing the City’s tax base, and providing opportunities to diversify Brooklyn Center’s economy and housing. The final land use policy direction will be supported by an implementation plan, which will be imbedded within the final Opportunity Site Master Plan as well as with new zoning districts in an updated City zoning code.

Features

Buildings and Spaces for an Entrepreneurial Downtown



Brooklyn Center has an entrepreneurial population with a high percentage of first and second generation Americans, the community boasts small home grown businesses in retail, food, and professional services. The Framework Plan creates buildings and spaces for these activities to flourish. An **Entrepreneurial Market** will provide in house marketing, financial, and mentor support while also offering access to customers in a market hall. In addition, plazas will be designed with kiosks, food trucks, and other opportunities for pop up retail.

Housing for all Stages of Life

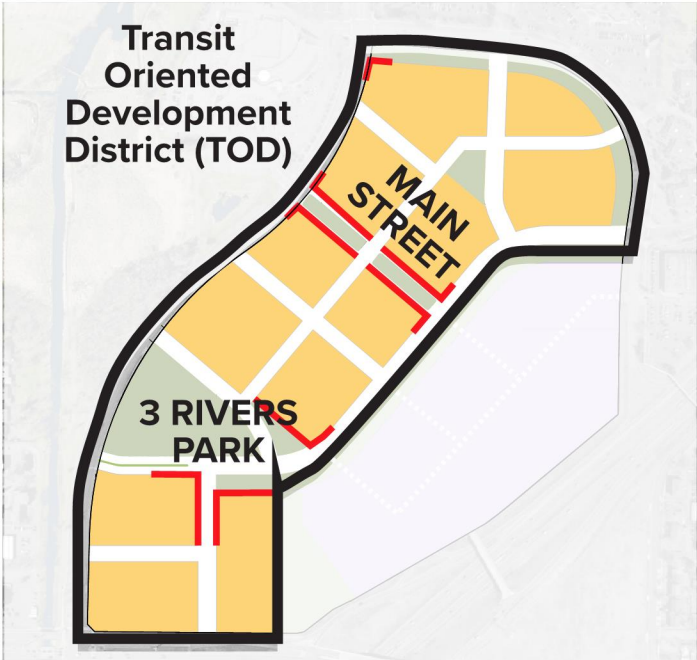


Brooklyn Center lacks the full range of housing options. As a result, some residents are forced to look for housing outside the City as they move through different phases of life. The Opportunity Site will include apartments and townhouses that are both Market rate and Affordable. Efforts will also be made to provide ownership housing across the income levels as well.

Land Use (Continued)

Transit Oriented Development District (TOD)

TOD supports opportunities for transit-supportive and transit-oriented development, as well as land uses that support pedestrian and bicycle use. The TOD district requires intensities and patterns of development that support vibrant pedestrian activity, and discourages land uses and development patterns that could decrease walkability or interfere with future growth of transit-oriented development and transit ridership. The district promotes sustainable urban places that include places to live, work, shop, and recreate locally, reduce reliance on automobiles, and encourage the use of public transit. The district fosters job creation and economic growth in proximity to transit and provides residents with new housing and lifestyle choices with more nearby amenities and social interaction spaces. This will be the guidance for the majority of the Opportunity Site.



Main Street



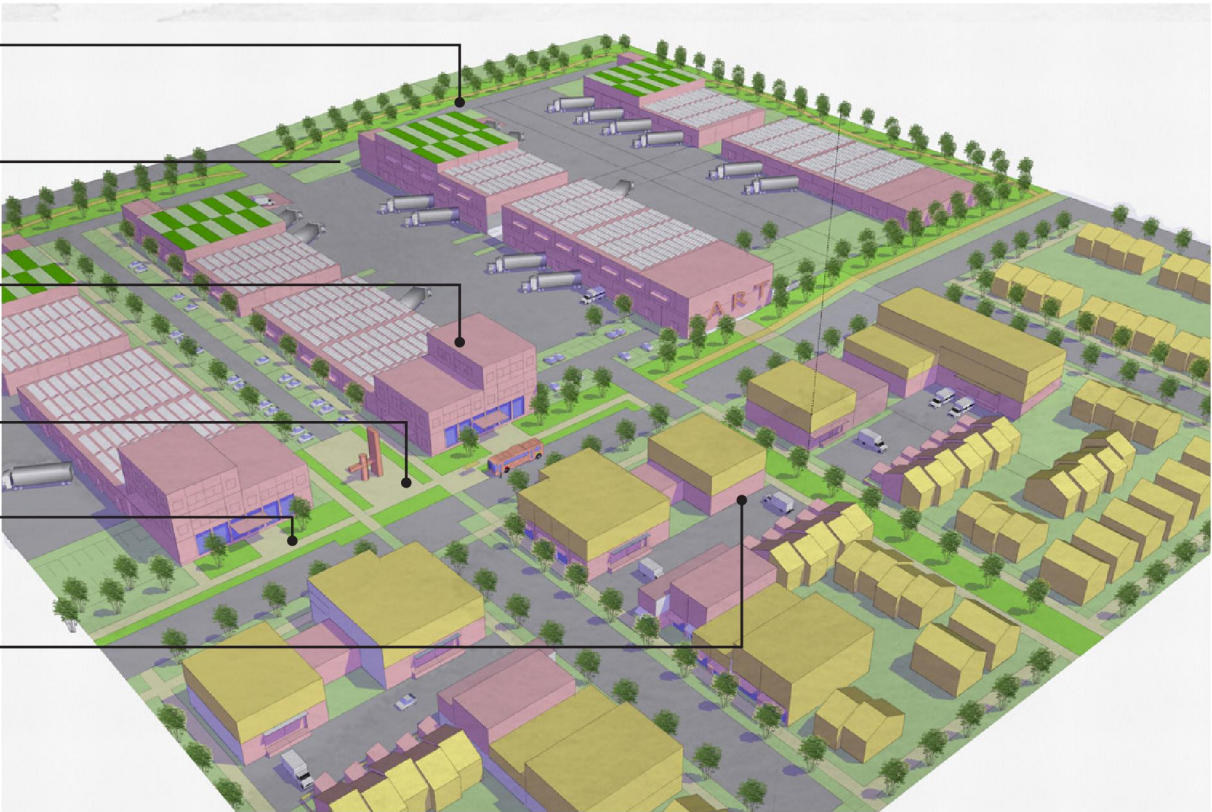
Three Rivers Park

Land Use (Continued)

Business Mixed Use (MX-B1)

The MX-B1 designation guides land for a mix of business and light industrial uses with allowance for supporting retail/service uses. This designation encourages redevelopment or development of commercial, office, general business and light industrial uses in coordination with supporting retail/commercial uses to encourage a more dynamic and connected experience for workers. This land use does not plan for residential uses but may include limited live-work opportunities as established through supporting official controls. This guidance will apply to an employment district adjacent to the highway, providing proximity to the TOD core, while still managing freight traffic and impacts effectively.

- Rooftop community solar and micro grid
- Pervious pavement to encourage infiltration
- Businesses with public interface located at activity nodes that face the neighborhood
- Clear and simple pedestrian connections to the neighborhood
- Green edge for stormwater, trails, habitat public art and other shared amenities
- Smaller scale employment uses in the neighborhood - maker spaces, live work units



Benefits

- » Living wage jobs with low barrier to entry
- » Jobs that are matched to the skills of the neighborhood
- » Higher than average job density (minimum 25 jobs/acre)
- » Local hiring and local job development
- » Incubator / Accelerator / Collaboration space for small business and start ups
- » Net Positive tax base
- » Workforce development and training
- » Local and distinctive business mix that share resources
- » Businesses that complement existing industrial base
- » Employee base supports local retail and restaurants
- » Back room inventory and logistics for local retail
- » Potential event space for community gathering



Open Space

Downtown Brooklyn Center will feature system of open spaces, streets, trails and pedestrian areas that promotes healthy living, gathering, social gathering, and environmental responsibility.

Outcomes

- An inclusive, accessible, welcoming and dynamic public realm that becomes a social and gathering center for the entire City.
- An “inside out” City that attracts people to spend time outside together throughout all seasons of the year.
- Recreational and leisure activities for all ages and abilities.
- Connecting to and leveraging the potential of Centennial Park
- A green and active stormwater system that provides health, recreational, and environmental benefits to all.

Framework



Features

Three Rivers Urban Bridging Park



The Three Rivers Park District will establish their first “**urban bridging**” park in Brooklyn Center. In an effort to introduce inner ring communities such as Brooklyn Center to its vast park resources throughout Hennepin County, the District endeavors to build 3-4 acre parks in the underserved communities. These parks will serve as a “bridge” to the more natural parks in the county. The District will fund, build, manage, maintain, and program these parks specifically for Brooklyn Center residents.

An “Inside Out” City



The Framework Plan contains parks, plazas, and open spaces designed to encourage gathering, socializing, and cultural expression. The spaces will be welcoming, accessible, and inclusive. they will draw indoor activities to the outdoors. **The pulse of the City will be on display throughout the year in these spaces.** Special consideration will be given to designing spaces that are active throughout the year. The spaces and activities will change with the seasons.

Stormwater

A green and active stormwater system that provides health, recreational, and environmental benefits to all

Outcomes

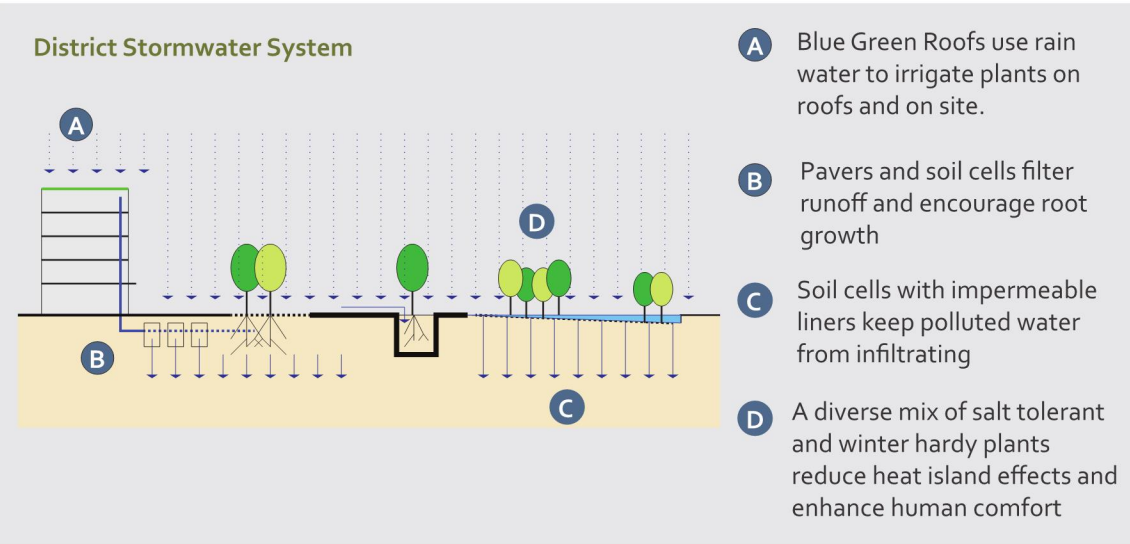
Downtown will feature a stormwater system that manages rainwater throughout the District while also serving as a health, recreational, and aesthetic amenity for residents and visitors.

Framework



- Urban Green Streets
 - Greenway and treatment train
 - Neighborhood Rain Gardens
 - Larger detention areas
- A** Green Streets with Urban Stormwater
 - B** A Garden Street with Rain gardens and Parklets
 - C** Linear Stormwater parks and greenways along the edge of the large greenspace
 - D** Ponding areas

Features



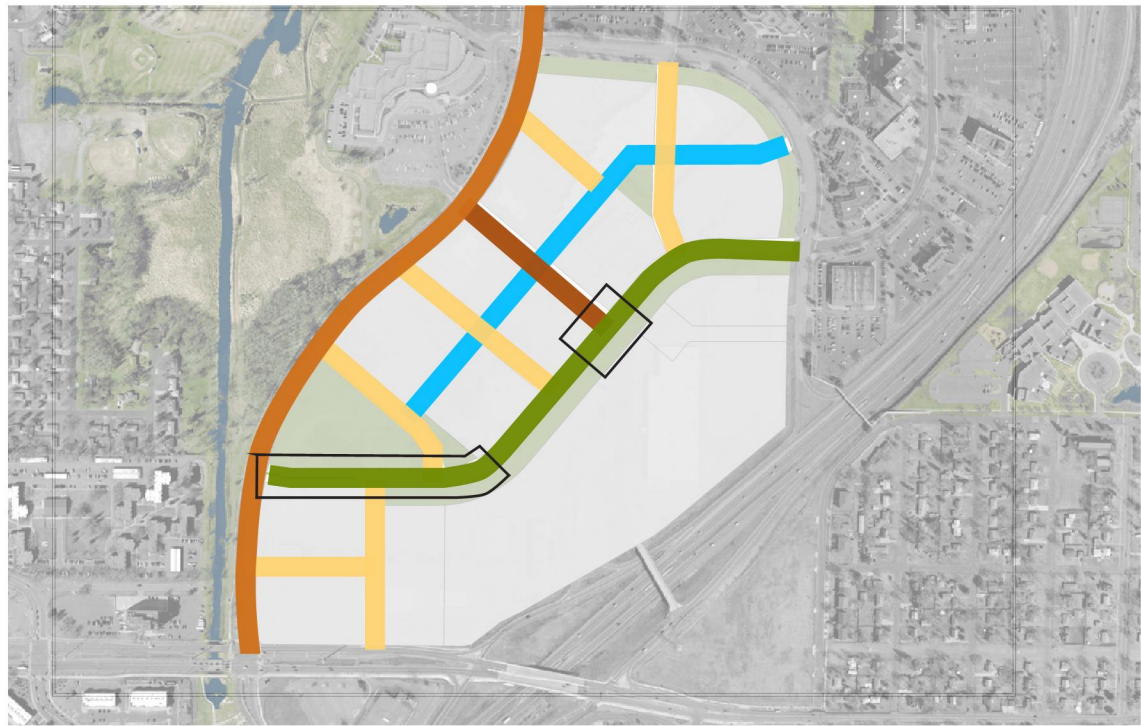
Access and Connectivity

Downtown Brooklyn Center will have a transportation system that encourages walking and biking, is well connected to the region and reduces the need to own a car by providing safe, affordable, convenient and accessible options.

Outcomes

- Prioritizing pedestrians to create a walkable community
- Creating a safe and connected bicycle network
- Ensuring vehicular access to Downtown from throughout the City and the region.
- Establishing a network of streets that enables people to get round easily without the use of a car if they chose.

Framework



- Shingle Creek Parkway
- Main Street
- Garden Street
- Parkway
- Neighborhood Street

Features

Garden Street



A “Garden Street” will be the primary pedestrian spine through the development. The Garden Street will be a narrow residential space lined with townhouses and small apartments. It will be a primarily pedestrian zone, though bicyclists and slow speed cars would be permitted, primarily to access residential parking areas. The Garden Street will contain small play spaces, gardens, and other residential amenities.

Slow Zones



Slow Zones are segments of streets that are specifically designated and designed for slower traffic than otherwise similar streets in the City. The Framework Plan will designate areas around the Three Rivers Park and at the terminus of John Martin Drive as Slow Zones. This will improve the quality of the adjacent spaces, create a safer environment for all users, and enable pedestrians to easily cross the street.

Mobility Hub?
Integrating Regional Trails

Council Regular Meeting

DATE: 7/12/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY: City Council

SUBJECT: City Manager Appointment

Requested Council Action:

- Motion to approve the appointment of Dr. Edwards as the City Manager

Background:

The issue of appointment of the Acting City Manager was discussed at the June 7, 2021, Work Session and after much discussion there was a consensus of the Council to bring it to the June 14, 2021 City Council meeting which was then tabled to the June 28, 2021 City Council meeting due to the number of councilmembers present at the June 14, 2021 meeting.

Timeline to date:

- June 28, 2021 - Consideration of Appointing Dr. Edwards as City Manager
- June 14, 2021 - Tabled due to the number of councilmembers present
- June 7, 2021 - Discussion of City Manager appointment
- May 10, 2021 - Approved Dr. Edwards' pay adjustment for duties as Acting City Manager
- May 3, 2021 - Initial discussion
- April 12, 2021 - Dr. Edwards appointed Acting City Manager

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/9/2021	Cover Memo
Agreement	7/9/2021	Cover Memo
salary survey comparisons	7/9/2021	Cover Memo

Member
resolution and moved its adoption:

introduced the following

RESOLUTION NO. 2021-____

RESOLUTION HIRING DR. REGINALD M. EDWARDS AS THE CITY MANAGER
OF THE CITY OF BROOKLYN CENTER

WHEREAS, Dr. Reginald M. Edwards has worked for the City of Brooklyn Center (“City”) for several years, first as the Assistant City Manager and then as the Acting City Manager; and

WHEREAS, Section 6.01 of the City Charter requires the City Council to choose a City Manager “solely on the basis of training, experience, and administrative qualifications”; and

WHEREAS, the City Council finds Dr. Edwards has far more than the minimum education, training, experience, and administrative qualifications required to serve as the chief administrative officer for the City and has consistently demonstrated a high level of skill in performing his duties and is deeply dedicated to the City and its residents.

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

1. The City Council is pleased to select Dr. Reginald M. Edwards as the City Manager of the City of Brooklyn Center.
2. The City Council approves entering into an employment agreement with Dr. Edwards for his new position and authorizes the Mayor to execute it once it is in a form acceptable to the City Attorney.

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.

City Manager Employment Agreement

THIS EMPLOYMENT AGREEMENT (“**Agreement**”) is made and entered into this ____ day of July 2021 by and between the City of Brooklyn Center, a Minnesota municipal corporation (“**City**”) and Dr. Reginald M. Edwards (“**Manager**”). The City and the Manager may hereinafter be referred to individually as a “party” or collectively as the “parties.”

RECITALS

- A. City wishes to engage the services of Manager as a professional employee of the City.
- B. The parties wish to set forth the terms and conditions of their relationship in this Agreement in order to secure and retain the services of Manager, assure the requisite flexibility to enable Manager to function as City’s chief administrative official, and to provide a means for the Brooklyn Center City Council (“**Council**”) to terminate Manager’s services if it determines such termination is appropriate.
- C. The nature of Manager’s position requires continued professional training and attendance at meetings during evenings and other non-traditional work times.
- D. Manager desires to accept employment as City Manager of City in accordance with the terms and conditions set out in this Agreement.

AGREEMENT

In consideration of the mutual covenants set forth in this Agreement, the parties agree as follows:

- 1. **Duties.** City agrees to employ Manager as City Manager to perform the functions and duties specified in the City Charter, City Code, Minnesota Statutes, chapter 412, as amended, and such other duties which are consistent therewith and as may be assigned from time to time by the Council.
- 2. **Discharge of Duties.** Manager shall be paid a salary as a professional employee and shall not be paid overtime for hours in excess of 40 hours per week, and similarly shall be able to be absent in consideration of extraordinary time expenditures. The discharge of Manager’s duties requires work outside the normal workday for meetings and projects. To that end, Manager will work flexible hours as is necessary to enable Manager to effectively discharge the duties of Manager’s position.
- 3. **Outside Activities.** Manager agrees to remain in the exclusive employ of City and neither to accept other employment nor to become employed by any other employer during the term of Manager’s employment. This provision does not prohibit Manager from engaging in occasional teaching, writing, consulting, or military reserve service performed during Manager’s time off, provided such outside activities do not interfere with the performance of Manager’s duties for City.

4. **Evaluation.** Council shall review Manager's performance of the duties of the position annually, or at such other times as Council may determine are appropriate. Such evaluations shall be based on the written goals established by the Council, if any, and the general duties set forth in this Agreement.
5. **Term.** This Agreement shall be effective as of **August 1, 2021** ("Effective Date") and shall continue for an indefinite term until terminated by one or both of the parties as set forth in this Agreement. Nothing in this Agreement prevents, limits, or otherwise interferes with the right of Council to terminate the services of Manager at any time, with or without cause, subject only to the provisions set forth in City Charter, Section 6.01 and this Agreement. Nothing in this Agreement prevents, limits, or otherwise interferes with the right of Manager to resign at any time, subject only to the provisions of this Agreement.
6. **Participation in Employee Benefits.**
 - (a) **Health Insurance.** City shall provide health insurance coverage for Manager in the same fashion as it provides health insurance for non-union employees.
 - (b) **Life Insurance.** City shall provide life insurance coverage for Manager in the same fashion as it provides life insurance for non-union employees.
 - (c) **Other Benefits.** Except as otherwise specified within this Agreement, Manager shall receive or be eligible to participate in any other benefits provided City's non-union employees generally.
7. **Vacation and Holidays.**
 - (a) **Vacation.** Manager shall accrue days of vacation on the first day of each month equal to an annual rate of 20 days per year. Manager may accrue vacation to a maximum accumulation of 230 hours. Manager shall not be required to use vacation leave except for a whole day's absence from performing Manager's duties. Manager may, at Manager's discretion, take ½ day increments of vacation leave for an absence from the performance of Manager's duties.
 - (b) **Holidays.** Manager shall have the same paid holidays off from work as City's non-union employees.
8. **Sick Leave.** Manager shall accrue days of sick leave at the same rate as other non-union employees.
9. **Compensation.**
 - (a) **Initial Salary.** Manager's initial salary as of the Effective Date of this Agreement shall be \$ per year. Such salary shall be paid at the intervals customarily used for other City employees.

- (b) Salary Increases. Manager's salary shall be considered at the same time as and commensurate with the salary increases for other non-union employees of City. Any changes in the Manager's salary shall be pursuant to the written agreement of Manager and City. All such amendments shall be incorporated in and made part of this Agreement.
 - (c) Personal Auto Usage. Manager shall be provided with a City-owned vehicle for traveling to and from work. City may, at any time after two years from the Effective Date of this Agreement, review the cost of providing a vehicle to Manager and, at its discretion, provide an annual lump sum payment in lieu of providing Manager a City-owned vehicle. The lump sum payment shall be in an amount that is equivalent to the amount of expense reimbursement provided to other city managers in the general area to travel to and from work at their respective cities as determined by the Council. Manager shall be reimbursed for personal automobile use for trips, meetings, work, and other use related to his employment (other than travel to and from home) at the rate consistent with Internal Revenue Service regulations.
 - (d) Professional Membership Dues and Professional Subscriptions. City will pay the cost of membership in the International City/County Management Association, the Minnesota City/County Management Association, and like organizations and subscriptions to professional journals and publications.
 - (e) Participation in Professional Training/Development. City will pay the cost of Manager's participation and attendance at the ICMA Annual Conference or similar national training opportunity, MCMA Annual conference, League of Minnesota Cities Annual Conference and miscellaneous professional training programs offered within the State of Minnesota.
10. **Expenses Incurred in Performing Duties**. City shall reimburse or directly pay for actual expenses reasonably incurred by Manager that are directly related to performing Manager's duties, including lodging following late or early City business. The parties contemplate Manager will incur expenses for travel, attendance at meetings, etc.
11. **Retirement Benefits**. City shall pay the employer's portion of the Minnesota Public Employment Retirement Association contribution on Manager's salary. Manager shall, in addition to the retirement benefits provided above, be allowed to participate, at Manager's own expense, in IRS approved deferred compensation plans offered through City.
12. **Discontinuance of Employment Relationship**. Manager serves at the pleasure of the Council and is removable at the will of the Council, subject only to the limitations imposed by the City Charter. Understanding Manager serves as the chief administrative official for City and Manager's employment status can be affected by political influences that are independent of job performance, the parties wish to make arrangements that reflect the realities of the marketplace and are necessary to recruit qualified persons. The parties wish to assure flexibility for Council, while providing for the ability of Manager to perform Manager's duties without undue concern for Manager's financial security should the need arise to seek new employment. Therefore, the parties have made concessions and Manager,

as part of Manager's compensation agreement, has made concessions in the amount of salary and other forms of compensation in return for the covenants contained in this section relating to the discontinuance of the employment relationship.

- (a) Manager to Provide Notice. Manager shall give City 30 days' notice prior to discontinuing Manager's employment, where there has been no event constituting an involuntary separation as hereinafter set forth. The parties may mutually agree to waive such notice requirement.
- (b) Option to Resign. If Council proposes or acts on the "involuntary separation" of Manager, Manager may choose to resign immediately before the proposed action or, if the Council acts on the "involuntary separation" and sets a later effective date, prior to the effective date of such termination.
- (c) Definitions. For purposes of this Agreement, the term "involuntary separation" shall mean a formal request adopted at a public meeting by Council that Manager resign or an action adopted by Council terminating this Agreement. The term "involuntary separation" shall also mean the resignation of Manager within 30 days of the occurrence of any of the following:
 - (1) A change in the form of government at City due to the adoption, amendment or repeal of a home rule charter, election to adopt or repeal a particular statutory form of government (other than for a Plan B statutory form of government), or an ordinance/resolution changing City's organizational structure that diminishes or reassigns Manager's authority; or
 - (2) A fundamental change in the duties and authority of Manager adopted by Council, by special or general election, or by referendum or initiative such that City's status as a council-manager plan city is changed to some status other than a council-manager form of government.
- (d) Payment upon Involuntary Separation. In the event of an involuntary separation, whether through resignation by Manager or termination by Council, Manager shall be entitled to the benefits and payments set out in this paragraph:
 - (1) Accrued Benefits. Payment of all accrued vacation and sick leave at its full value at Manager's current rate of pay and in accordance with City's personnel policy.
 - (2) Health Insurance. Payment by City of the full cost of family health insurance, at level of coverage in effect just prior to the involuntary separation for a period of nine full months from the date such involuntary separation becomes effective. In addition, Manager shall be entitled, at Manager's own cost to continue participation in City's group insurance plans for at least 18 months after City is no longer required to make full payment of premiums for Manager's insurance coverage, provided City's group insurance plan authorizes such continued participation.

- (3) Severance Payment. Manager shall receive severance benefits in the amount equal to six months gross salary.
 - (4) Time of payment. All payments due under this paragraph shall be paid within 14 days after the involuntary separation becomes effective.
 - (5) Termination for Cause. If Manager is terminated by Council for substantiated and proven malfeasance in office, or intentional misconduct, the City shall have no obligation to pay or provide benefits or severances payment listed in parts (1) through (3) of this paragraph, except to the extent specifically required by law. “Intentional misconduct” is defined as substantiated and proven sexual, racial or other unlawful harassment, distribution of pornography, acts of physical violence in the workplace, theft or conversion of City property or funds, willful and repeated neglect of duties, or conviction of a felony. “Intentional misconduct” and “malfeasance” as used in this paragraph do not include poor performance or general neglect of duties.
- (e) Payment Upon Voluntary Termination. Upon Manager’s voluntary termination of employment, Manager shall be entitled to full payment by the next following pay period of:
- (1) Payment of all accrued vacation and sick leave at its full value at the Manager’s current rate of pay and in accordance with the City’s personnel policy.
 - (2) Payment of all wages for days worked since the last payroll period prior to separation.
- (f) No Waiver. Nothing herein shall be deemed a waiver of any rights or claims that either party may have beyond the compensation due in the normal course of the separation of the Manager from the City’s employ.
13. **City’s Personnel Policy**. Any employment matter not addressed by this Agreement shall be determined in accordance with the City’s personnel policy, provided such determination does not conflict with an express provision of this Agreement.
14. **Indemnification**. City shall defend and indemnify Manager pursuant to Minnesota Statutes, sections 466.07 and 465.76 as required by law. City shall also defend and hold harmless and indemnify Manager from all torts, civil damages, penalties, fines, provided the Manager was acting within the course and scope of Manager’s duties and is not charged with a crime.
15. **Merger**. This Agreement supersedes all prior oral or written communications between the parties.
16. **Entire Agreement**. This Agreement constitutes the entire agreement between the parties with respect to the employment relationship between City and Manager, and the parties agree that there were no inducements or representations leading to the execution of this Agreement

except as herein contained. The current agreement between the parties designating the Manager the Acting City Manager is terminated as of the Effective Date of this Agreement.

17. **Severability**. In case any one or more of the provisions of this Agreement shall be invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained in this Agreement will not in any way be affected or impaired thereby.
18. **Governing Law**. This Agreement will be construed and interpreted in accordance with the laws of the State of Minnesota.
19. **Counterparts**. This Agreement may be executed simultaneously in two or more counterparts, each of which will be deemed an original, but all of which together will be constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

THE CITY OF BROOKLYN CENTER,
MINNESOTA

MANAGER

By

Michael Elliott
Its Mayor

Reginald M. Edwards

Compensation of City Manager/Administrators in New Hope's Comparable Group for 2020

City	Population	Tenure	Total Compensation	Annual Salary	Health Insurance (only dollar amount greater than that of typical Non-rep EE)	Employer Paid Retirement (PERA) or Deferred Compensation Amount	Employer Paid Retirement/Deferred Compensation Amount Description	Car Allowance (annual)
Columbia Heights	18,361	2014	176,862.50	151,500.00		21,162.50	7.5% PERA + \$8,800 Deferred Comp	4,200.00
Crystal	22,014	2000	170,796.43	153,299.00		11,497.43	7.5% PERA	6,000.00
Fridley	26,347	2013	197,478.75	172,982.00	2,874.00	21,622.75	7.5% PERA+5% Def Comp	mileage reimbursement
Golden Valley	22,000	2015	181,486.83	164,359.84		12,326.99	7.5% PERA	4,800.00
Hopkins	17,290	2011	188,014.12	169,873.60		12,740.52	7.5% contribution	5,400.00
New Brighton	22,321	2020	159,058.20	143,496.00		10,762.20	7.5% PERA	4,800.00
Richfield	35,724	2019	161,250.00	150,000.00		11,250.00	7.5% PERA	mileage reimbursement
Robbinsdale	13,953	2001	169,585.76	152,172.80		11,412.96	7.5% PERA	6,000.00
South St. Paul	20,180	2018	178,416.86	164,439.50		13,977.36	PERA + 1.0% into Def Comp	mileage reimbursement
West St. Paul*	19,746	2017	171,449.08	155,022.40		11,626.68	7.5% PERA	4,800.00
White Bear Lake*	24,555	2016	162,162.50	147,500.00		11,062.50	7.5% PERA	3,600.00

AVERAGES: 22,045 5.5 Years **174,232.82** 156,785.92

*Denotes no salary increase in 2020

New Hope	20,718	2007	184,197.78	171,346.77		12,851.01	7.5% PERA	mileage reimbursement
		13 Years						

Council Regular Meeting

DATE: 7/12/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY: Dr. Reggie Edwards, Acting City Manager

SUBJECT: Brooklyn Center Community Center State Capital Bonding Request

Requested Council Action:

- Approve a resolution supporting and authorizing the City's application for MN State Capital Bonding (Year 2022) to design and construct of a new Brooklyn Center Community Health, Culture, and Recreation Center (Community Center).

Background:

Over the past years and in numerous community engagement events (i.e., community surveys, community meetings, listening sessions, focus groups, and interviews) residents have expressed a strong desire for a renovated or new community center. Sentiments related to more programs, basketball and volleyball courts, splash pads, cultural space for gatherings, and more programming have been articulated by residents.

In March 2020, the State and City declared an emergency in response to the COVID-19 Pandemic. During the time of the COVID Pandemic residents endure social isolation and mental illness trauma. It was during this time of extreme social isolation that the desire for an expanded or new community center continued to be expressed by residents.

In April, 2021, the City became embroiled in civil unrest due to the shooting and killing of Daunte Wright. As a result, many residents experienced traumatization. During a City listening session with youth at the Brooklyn Center Community School, student leaders expressed concerns regarding the lack of programming, spaces to gather, and mental stress. The youth also advocated for a new community center with courts and spaces for youth the gather or hang out.

In April 2021, the City initiated a study to determine the feasibility of expanding the current community center.

The initiating of the study was based the priorities and values of inclusion (all people), equity, quality, innovativeness, and adaptability. Conducting a feasibility study would allow the city to focus its resources on activities and facilities that the community would most utilize at the community center.

In June 2021, Representative Samantha Vang shared with the City the opportunity to apply for bonding funds at the state level. Unfortunately, it was toward the end of the legislative session and the City was not in a position to present a plan for an expanded or new community center or any other capital related projected revolving around the civil unrest. However, Representative Vang did make the City aware of the application process for 2022 State Bonding, which had a fast approaching, deadline in mid-July.

Staff was able to quickly create a draft proposal and submit an application with the hope of receiving state bonding funds in 2022. The City's application total request was for \$62 million, which included a City pledge contribution of \$15 million from the City. The state typically ask (part of the application) the requesting entity to contribute 50% of the request. However, there are guidelines that would allow a requesting entity to seek an exception to the 50% contribution. The City's application accounted for a \$15 million local contribution (24%). In the application, the City articulated the disproportional impact of COVID, the civil unrest, and the income disparity between the City and the State average were justifications for an exception to the 50% contribution guideline.

The application is for 2022 State Bonding Funds; however, the City's contribution would not require local bonding until the years of 2023 through 2025. If awarded, the project must be completed by the year 2026. This project would not impact the City's 2022 budget.

The application recommends a resolution from the governing board. The application process includes several steps over the course of months leading up to the opening of the next legislative session in January 2022. Thereby, a resolution by the Council may be added to the application.

Staff is seeking a resolution of support and authorization for State Bonding Funds for the expansion or building of a new Brooklyn Center Community Center.

Budget Issues:

Total Bonding Request - \$62 Million

- State Portion - \$44 Million (71%)
- City Portion - \$15 Million (24%)
- Local Partners Portion - \$3 Million (5%)

Bonding for 20 years to 25 years at a rate of 3% would require additional City funding of \$861,418 to \$1,008,236 (estimated).

Inclusive Community Engagement:

The Community Center Expansion Study has involved initial levels of engagement particularly related to informing and surveying. The primary focus of engagement at this early stage would be to have residents be aware of the City's intention to expand or build a new and to seek understanding of what residents would like to see in an expanded or new community center.

More extensive engagement would be conducted should the Council decide to move forward with a new building. The Council will be presented with previous engagement information as part of the study in order to help determine, if the City should expand or build a new community center.

Antiracist/Equity Policy Effect:

The initiating of the Community Center Expansion Study was based on the priorities and values of inclusion (all people), equity, quality, innovativeness and adaptability.

In the application, the City articulated the disproportional impact on COVID, the civil unrest, and the

income disparity between the City and the State average were justifications for an exception to the 50% contribution guideline. The intent of this project would be to help address health, quality of life and program access disparities.

Strategic Priorities and Values:

Enhanced Community Image, Inclusive Community Engagement, Safe, Secure, Stable
Community, Customer Intimacy

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/9/2021	Cover Memo

RESOLUTION NO. _____

APPROVE A RESOLUTION SUPPORTING AND AUTHORIZING THE CITY'S APPLICATION FOR MN STATE CAPITAL BONDING (YEAR 2022) TO DESIGN AND CONSTRUCT OF A NEW BROOKLYN CENTER COMMUNITY HEALTH, CULTURE, AND RECREATION CENTER.

WHEREAS, constructing a new Community Health, Culture, and Recreation Center is based on the City of Brooklyn Center's priorities and values of inclusion (all people), equity, quality, innovativeness and adaptability.

WHEREAS, The City of Brooklyn Center has one of only three Olympic 50 meter pools in the State of Minnesota and the demand is high and growing for USA Swimming, high school invite meets, Master's meets, YMCA regional and national meets.

WHEREAS, there is a high need for in the region for indoor track, basketball, tennis and volleyball courts for regional and national meets.

WHEREAS, A new Brooklyn Center Community Health, Culture, and Recreation Center would provide:

- Activities within the community center that are more representative of the community and the trends desired within recreation.
- Produce jobs for the community by requiring more staff.
- Recreation Programs that reach and impact more youth, adults and families.
- A regional facility that serve youth, adults and families across the region.

WHEREAS, In March 2020, the State of Minnesota and City of Brooklyn Center declared an State of Emergency in response to the COVID-19 Pandemic. During the time of the COVID Pandemic residents endure social isolation and mental illness trauma. It was during that time of extreme social isolation that the desire of space for gathering safely, healing, and recreating continued to be elevated by residents.

WHEREAS, In April, 2021 the City became embroiled in civil unrest due to the shooting and killing of Daunte Wright. As a result, many residents experienced traumatization. During a City listening session with youth at the Brooklyn Center Community School, student leaders expressed concerns regarding the lack of programming, spaces to gather, and mental stress. The youth also advocated for a new community center with courts and spaces for youth the gather, hang out, heal, recreate, study and lead community activities.

WHEREAS, Constructing a new Community Health, Culture, and Recreation Center was also based upon responding to the disproportional impact of COVID, the civil unrest, and the income and quality of life disparities between the City and the State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota request funding support in the 2022 Minnesota State Bonding for the purpose of constructing a new Community Health, Culture, and Recreation Center. RESOLUTION

NO. _____

July 12, 2021

Date

Mike Elliott, Mayor

ATTEST: _____
Barbara Suciu, 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.

**Council/EDA Work
Session**

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection via
telephone Dial: 1-312-626-
6799 Meeting ID:
99398068818# Passcode:
7635693300#
July 12, 2021

AGENDA



ACTIVE DISCUSSION ITEMS

1. Community Engagement Framework Discussion
 - *Staff request that the Council provide hear a presentation on types and levels of community engagement, adopt a shared definition of the term "engagement", and provide feedback on its addition to Council's Agenda Coversheet.*

PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items

Council/EDA Work Session

DATE: 7/12/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY: Dr. Reggie Edwards, Acting City Manager

SUBJECT: Community Engagement Framework Discussion

Requested Council Action:

- Staff request that the Council provide hear a presentation on types and levels of community engagement, adopt a shared definition of the term "engagement", and provide feedback on its addition to Council's Agenda Coversheet.

Background:

The City Council established "inclusive community engagement" as one of its key strategic priorities and from that the Division of Communications and Community Engagement was created. This division has a staff of 2.5 employees, as a means to begin acting on the that strategic priority.

Departments have executed strategies of various types and levels of engagement ranging from advertisements for elections, door hangers for neighborhood road construction, flyers for neighborhood meetings, pop-up events for development, mail out surveys for community feedback and opinions on playground equipment, listening sessions on city services and social issues and special lighting show events for participation in the 2020 Census.

The term "engagement" is used in so many different ways that it means different things to different people and at different times of application. Engagement types and levels can range from informative to collaborative (see attached chart).

To establish a common understanding of "engagement" among the City Council, staff, and residents a framework for the different types and levels of engagement is being presented to the City Council. A section of the Council agenda item coversheet will include a new section on engagement. The purpose of this section will be for staff to convey to the Council the type and level of engagement proposed or completed and for the City Council to use in your deliberations on various projects.

Hopefully, this measure will provide consistency in understanding and application of engagement measures in a manner that meets the desired outcomes. This will also guide staff and allow staff to predict meeting the expectations of the Council on various types of projects.

Budget Issues:

N/A

Inclusive Community Engagement:

This is the focus of this work session item.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image, Inclusive Community Engagement, Customer Intimacy, Operational Excellence

ATTACHMENTS:

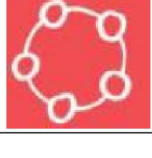
Description	Upload Date	Type
Community Engagement Framework	6/10/2021	Cover Memo

Brooklyn Center Inclusive Community Engagement Framing

Brooklyn Center Inclusive Community Engagement Statement

Inclusive community engagement fosters fellowship and inclusion. It builds trusting relationships, encourages mutual exchange of ideas, and reflects the dynamic culture of our community.

Inclusive Community Engagement Type (IET)

ICET Type	ICET Goal	ICET Outcome	ICET Level	Time/Character
Inform 	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives and/or solutions.	Continuous public informing.	1.	2 weeks – 2 months <i>Credibility</i> \$ (\$1k – 5K)
Consult 	To obtain public feedback on analysis, alternatives and/or decision.	Continuous informing public informing, listening, acknowledging of input (i.e., concerns and aspirations) and providing feedback on how public input influenced the decision.	2.	1 – 2 months <i>Credibility</i> \$ (\$1k – 5K)
Involve 	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered	Hear and incorporate concerns and aspirations formulating solutions and recommendations	3.	2-4 months \$\$\$ (\$3k – 10K) <i>Shared Credibility</i> <i>Trusting Relationship</i>
Collaborate 	To partner with the public in each aspect of the decision including the development of alternatives and the preferred solution	Co-create with the public in formulating solutions and recommendations	4.	4-12 months \$\$\$\$ (\$10k - \$40k) <i>Shared Credibility</i> <i>Trusting Relationship</i>
Empower 	To place final decision-making in the hands of the public.	Implement co-created solutions, co-decisions, recommendations, co-decision making	5.	6-18 months \$\$\$\$\$ (\$50k - \$300k plus)

		And/or Co-implement solutions and recommendations where possible		<i>Shared Credibility Trusting Relationship</i>
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Council Agenda Form: Inclusive Community Engagement

ICET	ICET Level	Description of Inclusive Engagement Activities	Estimate Number of Participants	Estimated Number of Participant Ethnic/Gender Diversity
Example				
Inform	1	- Placed an article in the Citywide Newsletter - Sent out notices on all social media platforms and website - Distributed neighborhood and apartment door hangers fliers - Conducted CCX interview - Sent notice to City BIPOC list of organizations and community leaders - Handed out notice at all facility city front-desks - Handed out notice at during city events, Rec-on-the-Go and Health-on-the-Go	350 door hangers hung 15 social media postings 1 CCX interview 11,000 properties received mailing 200 flyers handed out at city facilities 350 flyers handed out via mobile service units	- Potential reach of 12,000 residents 1,000 direct reach of BIPOC populations

Council/EDA Work Session

DATE: 7/12/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY: Dr. Reginald Edwards, Acting City Manager

SUBJECT: Pending Items

Requested Council Action:

- Earle Brown Name Change for Public Property
- Council Policy for City Charter requirement of Mayor's signature on all contracts
- Strategic Plans for years 2018-2020 and 2021-2023
- Review Special Assessment Policy
- Tobacco Ordinance
- Emerald Ash Boer Policy Review
- Civilian Discipline Review Committee
- Community-Wide Survey
- Attorney RFP Process

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: