

AGENDA



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- 1. City Council Discussion of Agenda Items and Questions - 6 p.m.**
 - 2. Miscellaneous**
 - a. Commission Appointments
- Update on Commission Appointments
 - b. Hybrid Meetings
 - 3. Discussion of Work Session Agenda Item as Time Permits**
 - 4. Adjourn**

**CITY COUNCIL
MEETING**

City Hall Council Chambers
June 27, 2022

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.

- a. Open Forum information
 - *per 2022 Council Retreat Agreement*
 - *Limited to 15 minutes*
 - *Limit all comments to 2 minutes per person*
 - *Time for thoughts, ideas, feedback that is unrelated to council meeting agenda items*
 - *Show and verbally share other opportunities for sharing*

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

Administer Ceremonial Oath of Office

- a. Swearing in of Police Chief Kellace McDaniel

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.

- a. Council Norms

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so

requests, in which event the item will be removed from the consent agenda and considered at the end of Council Consideration Items.

- a. Approval of Minutes
 - *Motion to approve the following minutes:*
 - 6/13/2022 - Study Session
 - 6/13/2022 - Regular Session
- b. Approval of Licenses
 - *Motion to approve the licenses as presented.*
- c. Resolution Ordering the Abatement of Conditions Creating a Public Nuisance Property Existing at 1208 - 57th Avenue North in the City of Brooklyn Center
 - *Motion to approve a resolution ordering the abatement of conditions creating a public nuisance property existing at 1208 57th Avenue North in the City of Brooklyn Center*
- d. Resolution Ordering the Abatement of Conditions Creating a Public Nuisance Property Existing at 5430 Oliver Ave N in the City of Brooklyn Center
 - *Motion to approve a resolution ordering the abatement of conditions creating a public nuisance property existing at 5430 Oliver Avenue North in the City of Brooklyn Center*

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. Resolution Regarding Planning Commission Application No. 2022-002, Requesting Approval of the Preliminary and Final Plat for BCCS 5910 Shingle Creek Addition (5910 Shingle Creek Parkway)
 - *Motion to adopt a resolution approving Planning Commission Application No. 2022-002 for preliminary and final plat approval of BCBS 5910 Shingle Creek Addition (located at 5910 Shingle Creek Parkway), based on the findings of fact and submitted documentation, as amended by the conditions of approval in the resolution.*
- b. An Ordinance Amending Chapter 6, Section 6.05, of the City Charter for the City of Brooklyn Center (second reading)
 - *Motion to open the public hearing*
 - *Take public comment*
 - *Motion to close the public hearing*
 - *Council discussion*
 - *Call a vote*
- c. An Ordinance Amending Chapter 3, Section 3.08 of the City Charter for the City of Brooklyn Center (second reading)
 - *Motion to open the public hearing*

- *Take public comment*
- *Motion to close the public hearing*
- *Council discussion*
- *Call a vote*

9. Planning Commission Items

10. Council Consideration Items

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 6/27/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY:

SUBJECT: Swearing in of Police Chief Kellace McDaniel

Requested Council Action:

Background:

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

We Agree To

Internal Council Relations – Norms for 2021 – Practiced for next 90 days

- Seek to not repeat or re-iterate points that were already shared
- Engage in discussion and sharing alternate perspectives *without* weaponizing other people's words
- Recognize others with "What I heard you say is _____, with your permission, I'd like to move forward now."
- Call for consensus when it's time to make a decision.
- Allow new solutions in a time of dynamic change, process: (1) name the problem (2) find the process to resolve (3) have the discussion (4) make a decision.
- After open discussion, close down the chat during council chamber discussion (*need to vote on it).

Council Regular Meeting

DATE: 6/27/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- Motion to approve the following minutes:

- 6/13/2022 - Study Session
- 6/13/2022 - Regular Session

Background:

In accordance with Minnesota State Statute 15.17, the official records of all meetings must be documented and approved by the governing body.

Budget Issues:

None

Inclusive Community Engagement:

None

Antiracist/Equity Policy Effect:

None

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
6.13 Study Session	6/22/2022	Backup Material
6.13 City Council	6/22/2022	Backup Material

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 13, 2022
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Mike Elliott at 6:02 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, and Kris Lawrence-Anderson. Councilmember Ryan was absent and excused. Also present were City Manager Reggie Edwards, and City Clerk Barb Suciu.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Lawrence-Anderson asked that Consent Agenda item 6 g. .Resolution Authorizing Changing the Name of the Earle Brown Heritage Center to the Heritage Center of Brooklyn Center

Mayor Elliott stated Consent Agenda Item 6g., Resolution Authorizing Changing the Name of the Earle Brown Heritage Center to the Heritage Center of Brooklyn Center, would become Council Consideration Item 10b., Resolution Authorizing Changing the Name of the Earle Brown Heritage Center to the Heritage Center of Brooklyn Center.

Mayor Elliott added he would like to discuss Consent Agenda Item 6c., Resolution Approving a Membership to the Fencing Consortium Joint Powers for Temporary Fencing, further.

MISCELLANEOUS

COMMISSION APPOINTMENTS

Mayor Elliott noted they completed more Commission interviews in the past week. They are fifteen minutes in length.

UPCOMING BUDGET MEETINGS

Mayor Elliott stated there are budget meetings coming up, and they should discuss if those meetings could be hybrid. He would like to see all Council meetings in a hybrid format, except

for the privileged meetings the Council has with the City Attorney.

Councilmember Lawrence-Anderson noted her agreement with the hybrid format but noted these are work sessions with staff and she would like to be work session of this body and the Council needs to get their work complete. She stated the council is available by text, email, and telephone. She is willing to take comments from the public after the work is done.

Councilmember Butler stated she agreed that the meeting could be hybrid with public comment at the end of the meeting.

Mayor Elliott noted Councilmember Butler has brought up the topic of cleaning up the City. City Manager Reggie Edwards stated Staff could put together a report on cleaning up the City, but it would be completed by internal Staff.

Mayor Elliott stated he would like to see someone take care of the rain gardens. Dr. Edwards stated Staff has a plan to care for the rain gardens. Mayor Elliott explained some are well cared for while others are not, and he would like to know more about whose responsibility it is to care for the gardens.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Hearing no objection, Mayor Elliott closed the Study Session at 6:18 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 13, 2022
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 6:30 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, and Kris Lawrence-Anderson. Councilmember Ryan was absent and excused. Also present were City Manager Reggie Edwards, Community Development Director Meg McMahan City Clerk Barb Suci, and City Attorney Jason Hill.

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

Chaz Neal stated he and some other community members have been doing patrol at night near the transit area. He asked if that is something law enforcement monitors at all. There are young teenagers all over the area. He asked if Brooklyn Center has a curfew. The youth are out at a late hour and buying cigarettes from one another. There was just an arrest made during the High School graduation due to a weapon. He asked what the City cares about.

Mayor Elliott acknowledged the situation at the High School was incredibly disturbing and incredibly troubling. The City has to investigate and address the issues and circumstances that lead to a weapon being at the school and we need to put in measures that this won't happen again anytime.

City Manager Reggie Edwards confirmed Staff is looking into the situation and will follow up with Council. They will also provide more information on the County's curfew.

Sylvia Winkelman stated there is a proposal to build a new liquor store near a playground and church. She stated she was in St. Alphonsus Church when the shooting happened on 71st. It was disturbing, and a liquor store near the playground is not in the best interest of the community.

Mrs. Winkelman thanked the Maintenance Department for their assistance. She called regarding tire tracks in the park, and the City had to pay almost \$800 to fix the damage.

Francis A. explained he is a member of St. Alphonsus Church. He agreed he is opposed to the proposed location of the liquor store due to its proximity to the playground and fields. He was also present at the time of the shooting, and they experienced a lockdown for hours.

Alois Bilek stated \$165,000 is a lot of money and could be used to help children in need, address the increased cost of food, or used as gas credits to counteract the high cost of gas. It could also be used to combat public safety issues. Instead, the Council wants to use the money to change the name of a building. A majority of the community has shown they do not support the name change. He reminded the Council it was an election year, and the use of the funds will be remembered at the polls.

Roger Kloster explained he lives near the current Woodbine street improvement project. The City has been providing informative letters regarding the construction. He stated CenterPoint Energy is breaking up curbs and sidewalks to do their work. He asked if CenterPoint will reimburse the City for the damage.

Mr. Kloster has concerns with the special assessment rates adopted by the Council in November 2021. The interest rate of 3.5 percent is a little high for broken down payments. He explained he is retired and lives off social security. He doesn't use his car very often, but he sees mail trucks and garbage trucks and delivery trucks and school buses using his street. Twin City Rapid Transit is also nearby. He asked if the \$3,600 per household is subsidizing the traffic by all of the large vehicles. There may be an alternative way to pay for the project. For example, the City could implement a municipal bond sale.

Mayor Elliott stated the Council will soon be reconsidering how the City does assessments.

(46:15) [REDACTED] stated he was here to talk about the business that is being ran out one of his neighbors house.

Mayor Elliott stated it is always better to have answers.

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

Motion passed unanimously.

2. INVOCATION

Councilmember Graves noted they will be celebrating Juneteenth during the upcoming weekend. Juneteenth commemorates the effective end of slavery in the United States. This was a full two years after the signing of the Emancipation Proclamation. Juneteenth is considered the longest running African American holiday, and it was recently recognized as a Federal holiday. The Emancipation Proclamation was meant to free all enslaved people. The Proclamation only applied to certain areas. In Texas, slavery had continued as there was little Union presence. The entry into Texas freed over 250,000 people and resulted in celebration by many African Americans. Slavery

was formally abolished with the 13th Amendment. Later, Texas was the first state to make Juneteenth a state holiday.

Councilmember Graves stated there are many events happening in the community in celebration of Juneteenth. She read a quote from Congressman John Lewis, “Freedom is not a state; it is an act. It is not some enchanted garden perched high on a distant plateau where we can finally sit down and rest. Freedom is the continuous action we all must take, and each generation must do its part to create an even more fair, more just society.”

Councilmember Graves thanked Councilmember Lawrence-Anderson for offering her the opportunity to do the invocation that evening.

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 6:53 p.m.

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, and Kris Lawrence-Anderson. Councilmember Ryan was absent and excused. Also present were City Manager Reggie Edwards, Community Development Director Meg McMahan, City Clerk Barb Suci, and City Attorney Jason Hill.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Mayor Elliott explained Consent Agenda Item 6g., Resolution Authorizing Changing the Name of the Earle Brown Heritage Center to the Heritage Center of Brooklyn Center, would become Council Consideration Item 10b. Resolution Authorizing Changing the Name of the Earle Brown Heritage Center to the Heritage Center of Brooklyn Center.

Mayor Elliott added Consent Agenda Item 6c., Resolution Approving a Membership to the Fencing Consortium Joint Powers for Temporary Fencing, would become Council Consideration Item 10c.

Mayor Elliott moved and Councilmember Lawrence-Anderson seconded to approve the Agenda and Consent Agenda, as amended and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. May 23, 2022 – Study Session
2. May 23, 2022 – Regular Session

6b. LICENSES

GARBAGE HAULER

Suburban Waste MN LLC

7125 126th St W #500
Savage MN 55378

MECHANICAL

Air Rite Heating & A/C

6935 146th St W #3
Apple Valley MN 55124

East Central Mechanical Services LLC

2134 290th Ave
Mora MN 55051

Shac LLC

1408 Northland Dr
Mendota Heights MN 55120

RENTAL

INITIAL (TYPE III – one-year license)
5448 Camden Avenue North

Logan U'u & Daisy Giles U'u

INITIAL (TYPE II – two-year license)
919 Howe Lane

SFR Acquisitions 2 LLC

5300 Knox Avenue North

ANTONIO VIZCARRA-MORENO

INITIAL (TYPE I – three-year license)
4201 Lakeside Avenue North, #305

Brian Neidermeier

7200 Noble Avenue North

Florence Simms | Epic Homes LLC

3813 61st Avenue North

Dhaneshwarie Himraj | Deluxe
Properties LLC

RENEWAL (TYPE IV – six-month license)
6740 Grimes Place

Victoria Townhouses 1

6825 Noble Avenue North

Robert Gardner Jr.

507 69th Avenue North

Outreach Six Acres, Inc.

4213 63rd Avenue North

Buster F Fallah

5228 Ewing Avenue North

Ih2 Property Illinois Lp

5636 Humboldt Avenue North

Gao Qiang Liu

5927 Aldrich Avenue North	Yue Liu
6018 Camden Avenue North	Crystal Brummer Brummer Realty LLC
6830 Scott Avenue North	Ih2 Property Illinois LP
7211 Camden Avenue North	Sean Bannerman Bannerman Real Estate Llc
<i>RENEWAL (TYPE III – one-year license)</i>	
700 66th Avenue North	Georgetown-BC Company LLP
7200 Camden Avenue North	Evergreen Park Manor
1600 71st Avenue North	FRY - SFR Borrower LLC
5024 71st Avenue North	Resi Sfr Sub LLC
5301 France Avenue North	Lance Rosenberg Juniper Land Trust
5313 Northport Drive	Ih2 Property Illinois Lp
5420 Emerson Avenue North	Chris Raisch
6400 Noble Avenue North	Zamzam Gesaade
7037 Fremont Avenue North	Edwina P McGill
<i>RENEWAL (TYPE II – two-year license)</i>	
804 67th Lane North	Bryan D Aitkens
553 Aldrich Drive North	Njeri Enterprises Llc
7031 Humboldt Avenue North	Ih3 Property Minnesota Lp
<i>RENEWAL (TYPE I – three-year license)</i>	
3206 Thurber Road	Mains'l Properties Llc
3501 63rd Avenue North	Oyejola Azum
4000 61st Avenue North	Adegbola Fola Ogundipe Easy Home Offer Llc Trustee

SIGNHANGER

Signcoink

37464 Jasper St NW
Dalbo MN 55017

- 6d. RESOLUTION NO. 2022-59; ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT IMPROVEMENT PROJECT NOS. 2020-01, 02, 03, AND 04, GRANDVIEW NORTH AREA STREET, STORM DRAINAGE, AND UTILITY IMPROVEMENTS**
- 6e. RESOLUTION NO. 2022-60; ADOPTING ANNUAL COMPREHENSIVE FINANCIAL REPORT OF THE CITY OF BROOKLYN CENTER FOR THE CALENDAR YEAR ENDED DECEMBER 31, 2021**
- 6f. AMENDMENT TO THE 2022 CITY COUNCIL MEETING CALENDAR**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. HOUSING STUDY FINAL REPORT

City Manager Reggie Edwards explained in March 2020, Staff presented a housing policy work plan for comprehensively addressing the City's housing policy needs. At that meeting the Council discussed a number of policy approaches and a timeline for addressing these items. Council then directed Staff to move forward on a number of action items related to housing. Dr. Edwards invited Community Development Director Meg McMahan to continue the presentation.

Community Development Director Meg McMahan noted Justin Baker and Dr. Lewis are on the call. In November 2020, the City engaged the University of Minnesota's Center for Urban and Regional Affairs (CURA) and Dr. Brittany Lewis to conduct a city-wide housing study and assessment. Dr. Lewis and her team have been working with community over the last year and a half to complete the study, which has included both a qualitative and quantitative understanding of the City's housing stock and needs.

Ms. McMahan explained the goal of the study was to develop a housing policy plan that addresses policies and practices that ensure that the current and future housing needs of the community are met. The City was seeking to provide stable and affordable housing options for current and future residents while providing a balance of land uses that support a resilient community. This housing study aims to help the City become more aware of the ways that future development could potentially widen the affordability gap and help to identify measures that can be tracked to mitigate gentrification pressures.

Ms. McMahan explained the project included an effort to understand existing housing conditions and trends in the City of Brooklyn Center, an analysis of the likely impact of forecasted growth on

property values and rents with a focus on the potential for gentrification, a survey residents in the City of Brooklyn Center to understand their perspectives on current housing conditions, affordability, experience, preferences, and housing needs, completion of a best practices literature review and analysis on impacts of major investment on property values and residential rents, co-facilitation of a conversation with the City Council about gentrification and the affordability crisis to present data and gain mutual understanding, and a final report and presentation of findings to local leadership.

Ms. McMahan stated the consultant team also worked in partnership with City staff and Bolton & Menk to inform the Opportunity Site master planning work. This included preparing analysis that will be included in the master plan and inform the housing goals of the plan. Similarly, the housing study looked at the potential impact that a development such as the Opportunity Site might have on the City's housing, and provides policy recommendations on how to address issues of anti-displacement and gentrification.

Ms. McMahan added Dr. Lewis also worked with the recent ULI Technical Advisory Panel on housing to present her research findings and recommendations to be used as a launching pad for their deeper dive analysis of the City's housing policy needs. Dr. Lewis and her team have completed their work and will be presenting their findings and recommendations to the City Council. The final report will be available following the presentation to the City Council.

Justin Baker, PhD student researcher for the Center for Urban and Regional Affairs at the University of Minnesota explained a number of researchers worked on the project including Dr. Brittany Lewis, Marci Exsted, Adam Le, Kyle Malone, and Jeff Matson.

Mr. Baker explained CURA believes housing is an anchor for stability. All people should have full and equal access to stable housing, with the option to live in the communities they desire. It is critical that they center the voices of those most impacted by discriminatory housing practices because they are the experts on housing injustice.

Mr. Baker stated CURA uses a community-engaged action research model. Research is aimed to build community power, assist local grassroots campaigns and local power brokers in reframing the dominant narrative, and produce community-centered public policy solutions that are winnable. In a sense, the researchers work for the community.

Mr. Baker added CURA also includes a racial equity framework that looks for solutions that address systemic inequities, works collaboratively with affected communities, and adds solutions that are commensurate with the cause of inequity.

Mr. Baker explained there was an initial quantitative study by surveying housing factors. Among 34 suburbs in the Twin Cities metro, Brooklyn Center ranks near the bottom of median household incomes. Meanwhile, the median gross rent is near the middle of the pack. 39 percent of the City's households comprise of renters and those renters are paying more than 30 percent of their monthly income on housing. Only about 38 percent of Brooklyn Center identifies as white, compared to 69 percent of Hennepin County residents.

Mr. Baker stated they formed an Advisory Council which was composed of a wide variety of Brooklyn Center stakeholders, including residents, landowners, government members, and various community organizations. The Community Advisory Council focused on livability, affordability, accessibility, and safety.

Mr. Baker stated they then created a mixed methods study to gain insight into the experience of renters, homeowners, and landlords in Brooklyn Center. They identified gaps in affordability along with racial disparities in income and key housing outcomes. He explained the research design and methods.

Mr. Baker noted there were 373 participants in the survey, a majority of which were homeowners. The races of the respondents did not match the demographics of the greater Brooklyn Center community. The Focus Groups honed in on Southeast Asian, Latinx, and East African or Black residents.

Mr. Baker explained they asked residents how livable Brooklyn Center was. 23 percent of respondents gave a negative evaluation and 39 percent gave a positive one. The focus groups showed a discrepancy between landlords and tenants in terms of timely responses to maintenance requests. Landlords reported the City has difficult inspections process while tenants did not feel enough was being done in the inspection process. Mr. Baker added Brooklyn Center has an elevated eviction rate relative to Hennepin County.

Mr. Baker stated 25 percent of the respondents felt the City was not affordable while 39 percent responded favorably to the question of affordability in Brooklyn Center. Homeowners spoke positively, but there were more complaints from renters. Again, landlords and renters felt differently about affordability. Landlords blame government for the lack of affordability. 62 percent of the survey respondents stated they spend more than 30 percent of their income on housing costs. 80 percent of those respondents were renters.

Mr. Baker explained overall, there are fewer deeply affordable units than households that need them. Only 180 rental units are affordable to the more than 1600 households earning less than the median area income (AMI). All of the 156 subsidized units available are one-bedroom apartments.

Mr. Baker stated 20 percent of respondents do not feel Brooklyn Center is accessible while 45 percent responded favorably. Renters and homeowners cited the increasing housing rates. The convenience of Brooklyn Center was noted by many. Brooklyn Center has an equal mix of both employed residents and the number of jobs. Residents also have short commutes but are mostly seeking employment outside of the City.

Mr. Baker stated 31 percent of respondents do not feel Brooklyn Center is safe and 34 percent reported they do feel safe. Homeowners and renters both felt their neighborhoods were safe. Respondents also expressed positive feelings about the low crime rates. A number of participants had negative views of police interactions. Respondents were concerned about navigating the City at night. Some focus group participants have expressed interest in leaving Brooklyn Center due

to safety concerns and fear of police.

Mr. Baker noted there are a number of recommendations based on the surveys and focus groups. The researchers found a number of disagreements between renters and landlords. CURA recommends creating a Rental Unit Quality Board with authority to update codes and enforcement procedures. The composition should consist of representatives from the rental community and property owner and management community, with the balance favoring the less empowered renters, particularly the financially vulnerable renters highlighted by the study.

Mr. Baker noted affordability concerns are tricky. CURA recommended the creation of a Naturally Occurring Affordable Housing (NOAH) Preservation Program to encourage rehabilitation of older units while maintaining affordability, particularly in buildings that serve renters earning less than 60 percent AMI. Additionally, it is recommended Brooklyn Center develop a data monitoring program to track changes in key housing metrics including rents and evictions.

Mr. Baker recommended the City work with businesses and industry to develop and maintain living wage jobs in Brooklyn Center that align with the educational backgrounds and skills of the residents, connect local transportation infrastructure to income Blue Line Extension to streamline commutes, and to partner with commercial land trusts to preserve affordable commercial spaces for local businesses.

Mr. Baker suggested the City complete an audit of policing practices and policies. Task a community-led board to perform a systematic review of crucial areas of police practice and policy, namely response procedures and the officer hiring, training, and promotion process. The review could be led by the Community Safety and Violence Prevention Committee and utilize an external entity for technical support.

Councilmember Graves noted her surprise about comments from the East African community because that is not the largest group of Black people in the City. She asked if West Africans were included. Mr. Baker stated the Advisory Council guided CURA in who to include in the survey. There were other Black participants in the survey, and the focus group focused on East Africans as they were hard to reach in the survey.

Councilmember Graves asked if the issues were unique to Brooklyn Center or standard for nearby cities. Mr. Baker stated the affordability issues are not uncommon nationally. It is more complicated to determine how to address the issues. Brooklyn Center has more affordability issues for renters in comparison to other places in Minnesota. However, it is similar to national trends.

Councilmember Graves asked if the people that move to Brooklyn Center for more affordability actually can't find affordable two-bedroom units. Mr. Baker stated the survey covered a broad spectrum of people, including those who consider Brooklyn Center affordable while others do not.

Councilmember Graves asked if the neighborhoods of respondents were tracked to better address safety concerns captured in the survey and focus groups. Mr. Baker stated the East African renters from the focus groups expressed the most safety concerns. They do not have any geographic

information from the respondents.

Adam Le, CURA researcher, stated the neighborhood-level data would eliminate the anonymity of the study.

Councilmember Graves stated a rental unit quality board could address issues of livability and have a process for tenants to provide input to City codes, similar to how the Council used to handle mitigation issues.

Councilmember Graves noted the City has talked about naturally-occurring affordable units and asked Staff for an update on those efforts. Ms. McMahan stated Staff drafted a preservation program and presented it to Council. At the time, the Council asked for Staff to pause on the program until after the housing study was completed.

Councilmember Graves asked if Staff has considered land trusts in their work with small businessowners. Ms. McMahan stated Staff has been working with the City of Lakes Land Trust to pilot a commercial land trust.

Councilmember Graves noted her appreciation of the effort that was put into the housing study.

Dr. Lewis added it was a pleasure for CURA to partner with the City. The recommendations are clear and concise, but she is willing to connect with Councilmembers offline. Cities across the nation are looking to keep the low income folks in their communities, but they must look beyond ordinary housing factors such as housing supply. She recommended looking at partnerships with local organizations and implement practices with a racial equity lens to make real change.

Councilmember Butler thanked the presenters for their effort and recommendations.

Councilmember Lawrence-Anderson asked if the lack of affordability housing in Brooklyn Center is related to issues of income from Brooklyn Center businesses. Brooklyn Center is more affordable than most cities in Hennepin County. Mr. Baker stated the study compared Brooklyn Center to all other cities in the metro. Brooklyn Center is in the middle of the pack for rentals, but the community is lower income than the surrounding areas.

Councilmember Lawrence-Anderson asked what the dates of the study were because she is concerned about community member's feelings on safety. Mr. Baker stated the focus groups were conducted at the end of summer 2021, and the survey was conducted late spring 2021. Councilmember Lawrence-Anderson noted the crime has increased in Brooklyn Center. Mr. Baker added the crime rate numbers were pulled before the recent rise in crime rates.

Councilmember Lawrence-Anderson stated the City's tiered licenses for rentals and is nationally-recognized as being a good practice. The code violations fall back onto Staff and the Council for reviewing rental license applications. The City does need to consider their responsibility in repairs in rental units.

Councilmember Lawrence-Anderson added some of the recommendations presented are being done by the Implementation Committee and the Multicultural Advisory Committee. She asked if Mr. Baker was familiar with their work.

Councilmember Lawrence-Anderson noted the contract cost in 2020 was all-inclusive. She asked if they are renewing the contract. Ms. McMahan stated the contract has been completed. The work extended longer than the original proposal due to the civil unrest. Therefore, the Council would only need to accept the presentation as the compensation has been completed.

Mayor Elliott explained the City is in the middle of a transformation in terms of safety and housing justice. The housing study provides a blueprint to address housing concerns in Brooklyn Center.

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded to accept the presentation.

Motion passed unanimously.

Mayor Elliott recessed the meeting at 7:55 p.m. and reconvened the meeting at 8:01 p.m.

8. PUBLIC HEARINGS

None.

9. PLANNING COMMISSION ITEMS

None.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2022-61; ORDERING A NEGATIVE DECLARATION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR THE OPPORTUNITY SITE PHASE I ENVIRONMENTAL ASSESSMENT WORKSHEET

Dr. Edwards introduced the item and invited Ms. McMahan to make the Staff presentation.

(2:02:00) Ms. McMahan introduced [REDACTED] with Braun Intertec to present on the item.

(2:03:00) [REDACTED] *audio by presenter unavailable*

(2:06:45) Mayor Elliott asked what topics were added. [REDACTED] (presenter) stated the cumulative potential effects and greenhouse gas emissions and carbon footprint were added.

Councilmember Graves asked what climate adaptation and resilience is. (2:07:15) [REDACTED] (presenter) stated [REDACTED], and it is a pretty new area.

(2:07:50) [redacted] (presenter) stated after the environmental assessment (EAW) is completed, it is made available for public comment. It was published on the Sun Post and on the City website. There was also an informational meeting on April 26, 2022.

(2:08:20) [redacted] (presenter) stated they received comments from Diane Sannes, Hennepin County Public Works, MPCA, US Army Corps of Engineers, Metropolitan Council, and MnDNR. Some of the comments asked for information on the process or where details were available in the EAW or outside the EAW. Additional comments noted requirements for a Stormwater Pollution Prevention Plan, best management practices, and stormwater infiltration requirements and restrictions that will apply to the project. Comments also recommended coordination with Three Rivers Park District and Metro Transit and resources for planning the landscaped areas.

(2:10:00) [redacted] (presenter) stated [redacted]

(2:11:00) Councilmember Lawrence-Anderson asked [redacted]. [redacted] (presenter) stated [redacted]

(2:14:00) Mayor Elliott stated [redacted]. He asked if there is a timeline for the Council to implement the findings by. (2:14:45) [redacted] (presenter) stated [redacted]

Mayor Elliott asked if there is another meeting. Ms. McMahan stated there isn't. Mayor Elliott asked if they could extend the deadline. [redacted] (presenter) stated confirmed the deadline could be extended. Mayor Elliott asked how long the deadline could be extended. (2:15:15) [redacted] (presenter) stated [redacted]

(2:15:25) [redacted] (presenter) stated [redacted]

(2:19:00) Mayor Elliott stated [redacted]. Ms. McMahan stated the water flowing off the Opportunity Site will serve an impervious purpose. [redacted]. They have designed a creative drainage system that goes above and beyond the minimum standards. There is a financial benefit to go above and beyond, on top of an environmental one. (2:20:35) [redacted]. The project serves multiple purposes and has multiple benefits. [redacted].

(2:21:55) Mayor Elliott asked [redacted]. (2:22:15) Mr. Hill noted they cannot extend the deadline without [redacted]. There is a timeline the Council must abide by. (2:22:50) [redacted]. There need to be findings by Intertec to make a determination. (2:23:10) [redacted]. The Council must be in alignment. There must be a basis for an extension. (2:23:45) [redacted].

(2:24:00) [redacted] (presenter) stated [redacted]. Mayor Elliott stated the Council can move forward because there are certain agencies that have signed off on it.

Councilmember Graves agreed she feels confident about the project and looks forward to seeing the impact down the line.

Councilmember Graves moved and Councilmember (2:25:10) seconded adopt a RESOLUTION NO. 2022-61; ordering a negative declaration on the need for an environmental impact statement for the Opportunity Site Phase I Environmental Assessment Worksheet

Motion passed unanimously.

10b. RESOLUTION NO. 2022-62; AUTHORIZING CHANGING THE NAME OF THE EARLE BROWN HERITAGE CENTER TO THE HERITAGE CENTER OF BROOKLYN CENTER

Dr. Edwards explained the item has been brought before the Council several times over more than the past year. The Council directed Staff to implement a name change process and seek out potential names. Staff worked with an organization to create names and sought out input from the community. The proposed name was approved by the Council.

(2:27:35) Councilmember Lawrence-Anderson noted the site is a historical location. She asked if that designation needs to be repealed in order to change its name. Dr. Edwards stated Staff checked with the Minnesota Historical Society throughout the process. The City is able to change the name.

Bruce Ballanger stated the City is allowed to change the name. There is also a process where the State Senator and Representative must do a motion at the State level to accept the change. The City Attorney recommended the City take this first step before the Senator and Representative take it to the floor.

Councilmember Lawrence-Anderson asked if the site can still be registered as a historical site if its name were changed. Mr. Ballanger stated the site would still be on the historical site and the plaque out front of the site would remain in place.

(2:31:00) Councilmember Lawrence-Anderson. She explained she would like the site to remain as a historical site. All people make mistakes. (2:32:30). Overall she would support changing the name. (2:33:30).

Dr. Edwards stated the resolution only pertains to the facility and the street. The Council did not direct Staff to address any other items such as memorabilia.

Councilmember Graves noted her appreciation of Councilmember Lawrence-Anderson's comments. She is in support of the name change, but it would still be important to tell the history of the site because individuals are not one-sided. In addition to keeping some historical memorabilia, it may be helpful to add information regarding the Council's reasoning for their decision.

Councilmember Graves asked if the comment about \$165,000 being spent on the name change is accurate. Dr. Edwards stated there were costs for the consultant who did market research and there will be costs for signage and rebranding.

Mr. Ballenger stated the cost for the name change includes a new logo design and introduction of the new name. \$14,000 of the \$24,000 budget for that has been spent already. A large expense is the water tower. The estimate to paint the water tower is around \$40,000. The print material alone will cost \$24,000 for items such as menus, planners, historical guide, and more. There are also several signs with the original name, and it would cost about \$9,000 to change the signage. Additionally, some décor items include Earle Brown that needs to be replaced. There is also an estimated \$7,000 cost for retiling the rotunda.

Councilmember Graves asked if there is an option to wait on some of the items and assess its historical value before changing it. It may reduce costs while preserving some history. Mr. Ballenger stated the plan was to do changes in phases because they cannot afford to do everything at one time. They are also looking for direction from the Council in regard to what to keep.

Councilmember Graves added she does not support cancel culture. Name changes are difficult. She explained she was part of the Patrick Henry High School name change discussions and the Lake Calhoun to Bde Maka Ska. It is important to address harms caused.

(2:42:50) Councilmember Lawrence-Anderson stated [REDACTED].

Dr. Edwards noted the Council has directed Staff to make a name change. Staff always acts in a financially prudent manner. He stated there is a difference between the name of the facility and the story of the facility.

Mayor Elliott stated history is important. The City needs to live its values. He explained he has a certain reverence for those who have served the City, in whatever capacity that may be. The Council is moving in the right direction. It makes sense financially. Without a name change, a portion of the market would be alienated.

Councilmember Graves moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2022-62 to Change the Name of Earle Brown Heritage Center to the Heritage Center of Brooklyn Center.

Motion passed unanimously.

10c. RESOLUTION APPROVING A MEMBERSHIP TO THE FENCING CONSORTIUM JOINT POWERS FOR TEMPORARY FENCING

Dr. Edwards stated the item is alignment with direction from the Council for Staff to seek State funding to work with other jurisdictions to seek temporary fencing. During the civil unrest, the fence was used to de-escalate and mitigate altercations. The fencing would only be used if it were needed during a crisis situation. It would be a temporary measure. The jurisdictions are trying to pick up the costs.

Mayor Elliott asked what the cost to Brooklyn Center would be. Dr. Edwards stated it would be \$300. Mayor Elliott noted a number of groups would be part of the Joint Powers Consortium

including the Scott County Sheriff's Office. He asked why Hennepin County is not included.

(2:52:55) [REDACTED] stated [REDACTED]. Hennepin County was approached. (2:53:20) [REDACTED].

(2:54:20) Councilmember Lawrence-Anderson asked if Hennepin County is already involved in another consortium. [REDACTED]. (2:55:00) [REDACTED] stated [REDACTED].

Dr. Edwards noted the City has spent over \$100,000 on fencing over the past year for temporary fencing. Mayor Elliott asked if the number is an estimate. (2:56:30) [REDACTED].

(2:56:50) Chief Greunig stated [REDACTED].

Mayor Elliott thought it was odd that so many communities came together to build fences or walls rather than building one another up. He wants to build a transformative community in Brooklyn Center. They do not need to barricade City facilities. It may appear to make financial sense, but they would be investing in division rather than transformation. Additionally, there is not a current need for the fences.

(3:00:25) Councilmember Butler asked [REDACTED]. Dr. Edwards stated there is a timeline for the fence to be removed. There have been conversations about a permanent fence that is currently on hold.

Councilmember Graves noted her agreement with comments made by Mayor Elliott but also supports the opinion of Dr. Edwards. (3:01:40) She stated [REDACTED]. Dr. Edwards stated the fence would be temporary and stored elsewhere and only implemented in the case of an emergency. Councilmember Graves added the timing of the proposal is an important consideration.

(3:03:00) Councilmember Lawrence-Anderson stated [REDACTED].

(3:05:20) Councilmember Graves stated [REDACTED].

(3:06:10) Councilmember Butler stated [REDACTED].

11. COUNCIL REPORT

None.

12. ADJOURNMENT

Mayor Elliott moved and Councilmember Graves seconded adjournment of the City Council meeting at 9:06 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 6/27/2022

TO: City Council

FROM: Dr. Reggie Edwards, 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.

-

Fireworks Temporary

TNT Fireworks
4003 Helton Dr Florence AL

Cub Foods
3245 Co Rd No 10 Brooklyn Center MN 55429

-

Garbage Hauler License

Ace Solid Waste

6601 McKinley St NW
Ramsey MN 55303

Aspen Waste Systems

2591 Weeks St SE
Minneapolis MN 55414

Curbside Waste

4025 85th Ave N
Brooklyn Park MN 55443

Farmers Union Industries
dba Midwest Grease

220 Ponderosa Rd
Redwood Fall MN 56283

-

Mechanical Licenses

Dornan's Heating & Air Conditioning

1331 Granite Ln N
Oakdale Mn 55128

East Central Mechanical Services LLC

3124 290th Ave
Mora MN 55051

Majeski Plumbing & Heating

875 Spiral Blvd
Hastings MN 55033

Piperight Plumbing

3920 Foss Rd
St Anthony MN 55421

Quality Refrigeration

6237 Penn Ave S #100
Richfield MN 55423

-

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	3/16/2021	Backup Material
Rentals 6-27-2022	6/21/2022	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

License	Location Address	License Subtype	Renewal/Initial	Owner	Property			Police CFS*	Final License Type**	Previous License Type***
					Code	Violations	License Type			
BL22-0347	4201 Lakeside Ave N, #109	Condo	Initial	Marie L Dworshak		1	Type I		Type II	N/A
BL22-0338	4207 Lakeside Ave N, #140	Condo	Initial	Kenosha-Pacific RE 1 LLC		0	Type I		Type II	N/A
BL22-0330	5301 Winchester La	Single	Initial	SFR Acquisitions 2, LLC		4	Type II		Type II	N/A
BL22-0336	6506 Drew Ave N	Single	Initial	Peter M Isabell		21	Type IV		Type IV	N/A
BL22-0108	6511 Humboldt Ave N	Multiple Family 2 Bldgs 102 units	Renewal	The Pines North Llc		213 = 2.08 per unit	Type III			Type III
BL22-0099	6737 Humboldt Ave N	Multiple Family 2 Bldgs 18 units	Renewal	Humboldt Square Ventures Llc		43 = 2.38 per unit	Type III			Type III
BL22-0247	5304 Vincent Ave N	Two Family 1 unit	Renewal	Lou Yang & Pao G Vang		1	Type I			Type III
BL22-0359	5306 Russell Ave N	Two Family 2 units	Renewal	Jonathan & Donna Reinarz		1 = .5 per unit	Type I			Type I
BL22-0175	5256 Twin Lake Blvd E	Two Family 2 units	Renewal	Brian Somkhan		1 = .5 per unit	Type I			Type I
BL22-0132	5337 Queen Ave N	Two Family 2 units	Renewal	Edith Perlín		31 = 15.5 per unit	Type IV			Type IV
BL22-0358	4207 Lakeside Ave N, #320	Condo	Renewal	H Pollinger & L Pollinger Tr		2	Type I			Type I
BL22-0289	1300 72nd Ave N	Single	Renewal	Scott & Marinela Selseth		1	Type I			Type III
BL22-0364	1706 Amy La	Single	Renewal	1706 Amy Ln N LLC		0	Type I			Type II
BL22-0333	3018 Ohenry Rd	Single	Renewal	Godiva Properties Llc		2	Type I			Type IV
BL22-0238	3125 66th Ave N	Single	Renewal	Christina Duong & Danny Vo		1	Type I			Type I

BL22-0332	4707 Eleanor La	Single	Renewal	Cosco Property 4 LLC	6	Type III			Type II
BL22-0126	5356 71st Cir	Single	Renewal	Xiaoyan Hu	4	Type II			Type IV
BL22-0318	5611 Knox Ave N	Single	Renewal	Pro Operam Sub XI LLC	1	Type I			Type II
BL22-0326	5642 Logan Ave N	Single	Renewal	Mnsf T3 SPE LLC	8	Type III			Type III
BL22-0308	5724 Logan Ave N	Single	Renewal	Konstantin Ginzburg	4	Type II			Type IV
BL22-0234	5907 Xerxes Ave N	Single	Renewal	Brett R Hildreth	2	Type I			Type I
BL22-0135	6325 Kyle Ave N	Single	Renewal	Cuong Pham	14	Type IV			Type II
BL22-0324	6601 Unity Ave N	Single	Renewal	Cel Monton Llc Doug Wahl	4	Type II			Type I
BL22-0254	6614 Bryant Ave N	Single	Renewal	Yi Lin & Xi Lin	5	Type II			Type IV
BL22-0343	6642 Camden Dr	Single	Renewal	Joby John & Resmy Kurian	1	Type I			Type I
BL22-0328	7001 Emerson Ave N	Single	Renewal	Moses Gibson & Mara K Jenson	3	Type II			Type IV
BL22-0218	7018 Drew Ave N	Single	Renewal	Michael Bocko	2	Type I			Type 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 a Type I = 3 Year, Type II = 2 Year, Type I = 1 Year, Type IV = 6 months

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 6/27/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Meg McMahan, Community Development Director

BY: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Resolution Ordering the Abatement of Conditions Creating a Public Nuisance Property Existing at 1208 - 57th Avenue North in the City of Brooklyn Center

Requested Council Action:

- Motion to approve a resolution ordering the abatement of conditions creating a public nuisance property existing at 1208 57th Avenue North in the City of Brooklyn Center

Background:

The property at 1208 57th Avenue N is currently occupied by the owner, James Fuhrmann.

The following is a brief summary of actions related to this recommended Council action:

- On March 14, 2022 the City Council approved to have the junk, trash, and debris removed from the property. On March 28, 2022 the city abated the remaining junk, trash, debris that the owner/occupants did not remove. Staff called Randy's trash service and verified that the property does have active trash removal service.
- Staff completed a routine inspection on April 27, 2022 and found that the property had an accumulation of junk, trash, and debris. A compliance notice was sent to remove the junk, trash and debris.
- A follow up inspection was conducted on May 4, 2022 and there were no improvements to remove the junk, trash, and debris. Additional trash was added to the original pile of trash. A \$125 Administrative Citation was issued and a 2nd compliance notice was sent.
- A follow up inspection was conducted on May 16, 2022 and there were no improvements to remove the junk, trash, and debris.
- A follow up inspection was conducted on May 27, 2022 and there were no improvements to remove the junk, trash, and debris. Additional trash was added to the original pile of trash. A \$250 Administrative Citation was issued.
- On June 8, 2022 a final compliance notice informing the owner to remove the junk or an occupied abatement will be pursued on the June 27, 2022 City Council meeting. The property is still in violation and additional trash has been added. Staff called Randy's trash service and verified that the property has trash service, however, the trash is not getting picked up because the bins are not being taken to the curb. Since the bins are not taken to the curb Randy's trash will not pick it up from the house.

If the resolution is approved, staff will provide a final notice to the owner to remove any junk/trash/debris off the property. If the any junk/trash/debris are not abated the City will immediately start the abatement.

Based on findings, staff recommends the City Council adopt the findings of the City Inspectors regarding the nuisance and authorize the City Manager to abate the nuisance by removing any junk/trash/debris.

Budget Issues:

The estimated direct cost of cleaning out the property is \$500.00 depending on disposal and material costs. All associated costs of abatement will be the responsibility of the owner and if unpaid, the costs will be specially assessed against the property.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Abatement Memo and Photos	6/9/2022	Cover Memo
March 14, 2022 Approved Resolution	6/21/2022	Exhibit
Resolution	6/21/2022	Resolution Letter

DATE: June 27, 2022

TO: Dr. Reggie Edwards, City Manager

THROUGH: Meg McMahan, Community Development Director

FROM: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Resolution Declaring a Public Nuisance and Ordering the Abatement of Nuisance at 1208 57th Avenue N

Recommendation:

Staff is recommending the approval of the subject resolution ordering the abatement of the conditions creating a nuisance property, authorizing the City Manager to abate the nuisance. The resolution declares the property a nuisance building and authorizes the City to abate any junk/furniture/appliances, rubbish and brush.

Background:

The property at 1208 57th Avenue N is currently occupied by the owner, James Fuhrmann.

The following is a brief summary of actions related to this recommended Council action:

- On March 14, 2022 the City Council approved to have the junk, trash, and debris removed from the property. On March 28, 2022 the city abated the remaining junk, trash, debris that the owner/occupants did not remove. Staff called Randy's trash service and verified that the property does have active trash removal service.
- Staff completed a routine inspection on April 27, 2022 and found that the property had an accumulation of junk, trash, and debris. A compliance notice was sent to remove the junk, trash and debris.
- A follow up inspection was conducted on May 4, 2022 and there were no improvements to remove the junk, trash, and debris. Additional trash was added to the original pile of trash. A \$125 Administrative Citation was issued and a 2nd compliance notice was sent.
- A follow up inspection was conducted on May 16, 2022 and there were no improvements to remove the junk, trash, and debris.
- A follow up inspection was conducted on May 27, 2022 and there were no improvements to remove the junk, trash, and debris. Additional trash was added to the original pile of trash. A \$250 Administrative Citation was issued.
- On June 8, 2022 a final compliance notice informing the owner to remove the junk or an occupied abatement will be pursued on the June 27, 2022 City Council meeting. The property is still in violation and additional trash has been added. Staff called Randy's trash service and verified that the property has trash service, however, the trash is not getting picked up because the bins are not being taken to the curb. Since the bins are not taken to the curb Randy's trash will not pick it up from the house.

If the resolution is approved, staff will provide a final notice to the owner to remove any junk/trash/debris off the property. If the any junk/trash/debris are not abated the City will immediately start the abatement.

Based on findings, staff recommends the City Council adopt the findings of the City Inspectors regarding the nuisance and authorize the City Manager to abate the nuisance by removing any junk/trash/debris.

Budget Issues:

The estimated direct cost of cleaning out the property is \$500.00 depending on disposal and material costs. All associated costs of abatement will be the responsibility of the owner and if unpaid, the costs will be specially assessed against the property.

Strategic Priorities:

- Enhanced Community Image

Attachments:

Resolution

Notice

Pictures



City of Brooklyn Center

6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
763-569-3330
www.cityofbrooklyncenter.org

April 27, 2022



To: James Fuhrmann
1208 57th Ave N
Brooklyn Center MN 55430

RE: 1208 57th Ave N
Brooklyn Center, MN 55430

Dear Property Owner:

The Brooklyn Center City Council has adopted certain ordinances in an effort to keep our city clean and maintain good relations between neighbors. The following violation(s) were noted at your property.

Your cooperation in taking care of the items would be appreciated. If the property code violations are not corrected, additional enforcement action may be taken to include issuing an Administrative Citation(s) and/or a formal complaint to ensure compliance with city ordinances.

Please correct the following violation by **05/04/2022**:

Accumulation of Junk/Furniture/Appliance 19-103.11

Corrections: Please remove or store inside the following items: By side entry door, backyard, in between shed and garage, and in front of garage - gas containers, bottles, plastic, debris, loose trash, mop bucket, tote bins, orange bucket and broom and misc. debris. ---- Please remove and properly dispose of all trash and discarded items on property.

Doing your part to keep the City of Brooklyn Center a great place to live will be appreciated. If you have questions or cannot complete the repairs by the above date(s), please contact me at (763) 569-3312.

Sincerely,

Na Vang
Housing and Code Enforcement Officer



City of Brooklyn Center

6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
763-569-3330
www.cityofbrooklyncenter.org

May 18, 2022



To: James Fuhrmann
1208 57th Ave N
Brooklyn Center MN 55430

RE: 1208 57th Ave N
Brooklyn Center, MN 55430

Dear Property Owner:

The Brooklyn Center City Council has adopted certain ordinances in an effort to keep our city clean and maintain good relations between neighbors. The following violation(s) were noted at your property.

Your cooperation in taking care of the items would be appreciated. If the property code violations are not corrected, additional enforcement action may be taken to include issuing an Administrative Citation(s) and/or a formal complaint to ensure compliance with city ordinances.

Please correct the following violation by **05/25/2022**:

Accumulation of Junk/Furniture/Appliance 19-103.11

Corrections: Please remove or store inside the following items: By side entry door, backyard, in between shed and garage, and in front of garage - gas containers, bottles, plastic, debris, loose trash, mop bucket, tote bins, orange bucket and broom and misc. debris. ---- Please remove and properly dispose of all trash and discarded items on property.

Doing your part to keep the City of Brooklyn Center a great place to live will be appreciated. If you have questions or cannot complete the repairs by the above date(s), please contact me at (763) 569-3312.

Sincerely,

Na Vang
Housing and Code Enforcement Officer



City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
763-569-3330
www.cityofbrooklyncenter.org

Administrative Citation

This citation charges you with one
or more violations of Brooklyn Center City Code



Owner Name and Mailing Address of Alleged Violator

James Fuhrmann
1208 57th Ave N
Brooklyn Center MN 55430

Citation # 6761125
Issued 5/4/2022
Case # CE22-0770
Violator Owner
Repeat Status Not Applicable

Address/Location of Violation: 1208 57th Ave N Brooklyn Center MN 55430
Date and Time of Offense: 5/4/2022 8:29AM
Correct By: 5/14/2022 (to avoid additional citations, correct the violations by the correct by Date)

Nature of Offence	Amount
Accumulation of Junk/Furniture/Appliance 19-103.11	\$125.00
Corrections: Please remove or store inside the following items: By side entry door, backyard, in between shed and garage, and in front of garage - gas containers, bottles, plastic, debris, loose trash, mop bucket, tote bins, orange bucket and broom and misc. debris. ---- Please remove and properly dispose of all trash and discarded items on property.	
Total:	\$125.00

GENERAL INFORMATION

The Administrative Penalty Program is authorized by Chapter 18-200 of the Brooklyn Center City Code. This is a civil penalty and not a criminal charge. The fines are set by City Council resolution from time to time.

FINE PAYMENT INFORMATION

The fine may be paid with cash (must be paid in person), check, money order, or on-line at www.ci.brooklyn-center.mn.us

City of Brooklyn Center, 6301 Shingle Creek Pkwy, Brooklyn Center, MN, 55430-2199. **NOTE: DO NOT MAIL CASH**

NOTE: BY PAYING THE FINE, YOU ARE ADMITTING THAT YOU VIOLATED THE CITY ORDINANCE.

HEARING REQUEST INFORMATION

If you believe that you did not violate the City Code, you may request a hearing before a hearing officer who is not a City employee. To request a hearing you must make your request in writing. The request must include a \$20.00 hearing request deposit fee. An appeal request form is available in our Administrative Penalty Brochure which can be found at www.cityofbrooklyncenter.org or at City Hall. You must request a hearing within ten (10) days of the date of the citation. The Program Administrator will notify you of the date, time, and location of your hearing, and the name of the hearing officer.

PENALTIES

In the event that you are found to have violated the City Code and the fine remains outstanding, the City may take one or more of the following actions:

1. If you own property in the City and the property was the subject of the violation, and the fine remains unpaid, the City may assess or cause a lien to be placed in the amount of the fine against your property.
2. Pursue a legal action against you to collect the fine.
3. Suspend, revoke, not renew, or deny a City-issued license or permit that is associated with the violation.
4. Refuse to grant approval for any license, permit, or other City approval sought by you or for property under your ownership or control.
5. Issue a criminal citation and pursue criminal prosecution.
6. Issue additional administrative citations that may double per fine schedule.

City Use Only

Account No. 10100-4512

Please call **763-569-3330** with any questions. **Inspector Name:** Na Vang



City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
763-569-3330
www.cityofbrooklyncenter.org

Administrative Citation

This citation charges you with one
or more violations of Brooklyn Center City Code



Owner Name and Mailing Address of Alleged Violator

James Fuhrmann
1208 57th Ave N
Brooklyn Center MN 55430

Citation # 6764434
Issued 5/27/2022
Case # CE22-0770
Violator Owner
Repeat Status Not Applicable

Address/Location of Violation: 1208 57th Ave N Brooklyn Center MN 55430
Date and Time of Offence: 5/27/2022 9:10AM
Correct By: 6/6/2022 (to avoid additional citations, correct the violations by the correct by Date)

Nature of Offence	Amount
Accumulation of Junk/Furniture/Appliance 19-103.11	\$250.00
Corrections: Please remove and properly dispose of the following: By side entry door, backyard, in between shed and garage, and in front of garage - gas containers, bottles, plastic, debris, loose trash, mop bucket, tote bins, orange bucket and broom and misc. debris.	
Total:	\$250.00

GENERAL INFORMATION

The Administrative Penalty Program is authorized by Chapter 18-200 of the Brooklyn Center City Code. This is a civil penalty and not a criminal charge. The fines are set by City Council resolution from time to time.

FINE PAYMENT INFORMATION

The fine may be paid with cash (must be paid in person), check, money order, or on-line at www.ci.brooklyn-center.mn.us

City of Brooklyn Center, 6301 Shingle Creek Pkwy, Brooklyn Center, MN, 55430-2199. **NOTE: DO NOT MAIL CASH**

NOTE: BY PAYING THE FINE, YOU ARE ADMITTING THAT YOU VIOLATED THE CITY ORDINANCE.

HEARING REQUEST INFORMATION

If you believe that you did not violate the City Code, you may request a hearing before a hearing officer who is not a City employee. To request a hearing you must make your request in writing. The request must include a \$20.00 hearing request deposit fee. An appeal request form is available in our Administrative Penalty Brochure which can be found at www.cityofbrooklyncenter.org or at City Hall. You must request a hearing within ten (10) days of the date of the citation. The Program Administrator will notify you of the date, time, and location of your hearing, and the name of the hearing officer.

PENALTIES

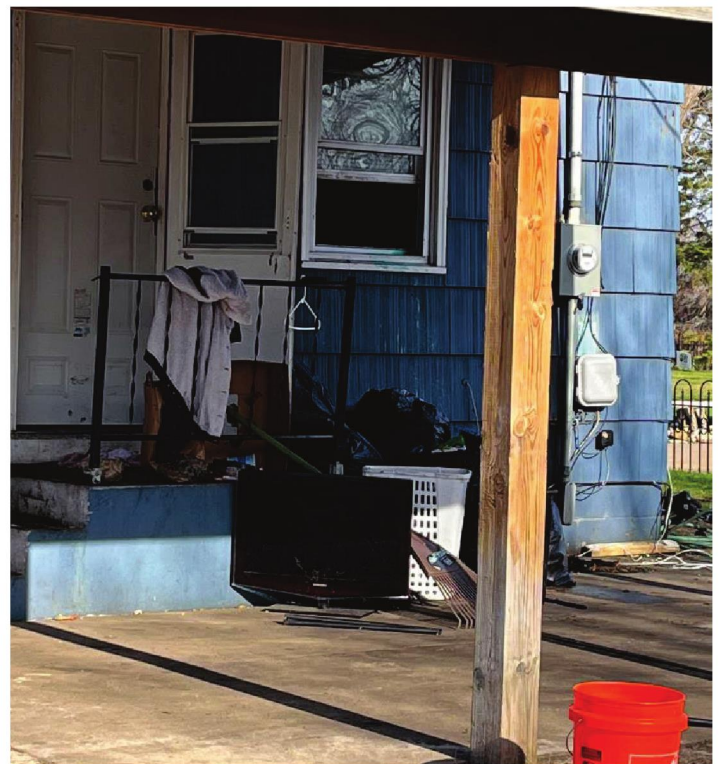
In the event that you are found to have violated the City Code and the fine remains outstanding, the City may take one or more of the following actions:

1. If you own property in the City and the property was the subject of the violation, and the fine remains unpaid, the City may assess or cause a lien to be placed in the amount of the fine against your property.
2. Pursue a legal action against you to collect the fine.
3. Suspend, revoke, not renew, or deny a City-issued license or permit that is associated with the violation.
4. Refuse to grant approval for any license, permit, or other City approval sought by you or for property under your ownership or control.
5. Issue a criminal citation and pursue criminal prosecution.
6. Issue additional administrative citations that may double per fine schedule.

City Use Only

Account No. 10100-4512

Please call **763-569-3330** with any questions. **Inspector Name:** Na Vang









Member Elliott introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-33

RESOLUTION ORDERING THE ABATEMENT OF CONDITIONS
CREATING A PUBLIC NUISANCE PROPERTY EXISTING AT 1208 57TH
AVENUE NORTH IN THE CITY OF BROOKLYN CENTER

WHEREAS, the property located at 1208 57th Avenue North, legally described in the attached Exhibit A, contains a single-family dwelling (the “Subject Property”) and is located in the city of Brooklyn Center (the “City”) in the R1 – One Family Residence zoning district; and

WHEREAS, according to public records, the Subject Property is owned by James Fuhrmann (the “Owner”); and

WHEREAS, to the best of the City’s knowledge, James Fuhrmann is the sole occupant of the Subject Property; and

WHEREAS, City staff conducted physical inspections of the Subject Property on November 8, 2021, November 15, 2021, November 22, 2021, November 30, 2021, December 3, 2021, December 14, 2021, December 22, 2021, January 7, 2022, January 12, 2022, January 18, 2022, February 1, 2022, February 14, 2022, February 28, 2022 and March 3, 2022; and

WHEREAS, on November 8, 2021, November 15, 2021 and November 22, 2021, correction notices were posted at the Subject Property and were mailed to the Owner, notifying the Owner of the violations of certain code provisions addressed herein, as well as the steps needed to correct the conditions and associated deadlines; and

WHEREAS, during each of the aforementioned inspections, staff observed an accumulation of refuse, rubbish and junk, including an overflowing garbage dumpster, overflowing bins, junk furniture, full garbage bags, or other junk and debris in the front yard/driveway of the Subject Property; and

WHEREAS, on December 22, 2021, an administrative citation was issued to the Owner for the accumulation and storage of garbage and refuse on the Subject Property; and

WHEREAS, on January 28, 2022, the overflowing garbage dumpster was removed from the Subject Property, but the accumulation and storage of garbage and refuse on the ground had not been removed; and

WHEREAS, on February 1, 2022 and February 14, 2022, administrative citations were issued to the Owner for the accumulation and storage of garbage and refuse on the Subject Property; and

RESOLUTION NO. 2022-33

WHEREAS, on February 24, 2022, a final compliance notice was issued to the Owner, and on February 28, 2022, a physical inspection of the Subject Property revealed that the accumulation and storage of garbage and refuse had not been removed from the Subject Property; and

WHEREAS, a physical inspection was completed on March 3, 2022, and the garbage and refuse remained on the Subject Property; and

WHEREAS, the City met and spoke with the Owner on a number of occasions to discuss the condition of the Subject Property, issued administrative citations to the Owner, and communicated to the Owner that if he failed to bring the Subject Property into compliance, the City would institute additional enforcement action; and

WHEREAS, sections 7-102 and 7-105 of the Brooklyn Center City Code (the “Code”) deem it unlawful to store or accumulate any refuse on private property, unless such accumulation is in a container permitted, and the contents disposed of, under other provisions of the City Code; and

WHEREAS, section 19-101 of the Code deems it a public nuisance to maintain or permit a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any number of members of the public; and

WHEREAS, section 19-103 of the Code deems it a public nuisance to permit or maintain the accumulation of rubbish and junk on real property; and

WHEREAS, sections 12-301 through 12-306 of the Code impose certain requirements on the maintenance of personal property and on the storage and disposal of rubbish and garbage; and

WHEREAS, the Owner has not corrected the aforementioned unlawful conditions at the Subject Property and the City’s deadlines as provided in the letters have passed; and

WHEREAS, pursuant to sections 7-105, 19-105, and 12-1206 of the City Code, the City Council may order the abatement of certain violations by the City on any premises; and

WHEREAS, the City mailed the Owner 10 days’ written notice indicating that at its meeting on March 14, 2022, the City Council would consider a resolution deeming the Subject Property a nuisance and ordering its abatement; and

WHEREAS, based on the information presented, the City Council has decided that the condition of the Subject Property constitutes a public nuisance and violates local law and, therefore, should be abated.

RESOLUTION NO. 2022-33

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

1. The City Council adopts, as factual findings, all of the above-listed Recitals, and finds violations of all code provisions listed herein.
2. The condition of the Subject Property constitutes a public nuisance in light of these violations.
3. Pursuant to its authority under the City Code, City staff is authorized to take necessary steps to conduct the abatement of the aforementioned violations and assess the costs thereof against the Subject Property.

March 14, 2022

Date



Mayor

ATTEST:



City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member Ryan
and upon vote being taken thereon, the following voted in favor thereof:
Butler, Graves, Elliott, Lawrence-Anderson, Ryan
and the following voted against the same: None
whereupon said resolution was declared duly passed and adopted.

Exhibit A

Lot 4, Block 3, Bobendriers Addition, Hennepin County, Minnesota.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-_____

A RESOLUTION ORDERING THE ABATEMENT OF CONDITIONS CREATING A PUBLIC NUISANCE PROPERTY EXISTING AT 1208 57TH AVENUE NORTH IN THE CITY OF BROOKLYN CENTER

WHEREAS, the property located at 1208 57th Avenue North, legally described in the attached Exhibit A, contains a single-family dwelling (the “Subject Property”) and is located in the city of Brooklyn Center (the “City”) in the R1 – One Family Residence zoning district; and

WHEREAS, according to public records, the Subject Property is owned by James Fuhrmann (the “Owner”); and

WHEREAS, to the best of the City’s knowledge, James Fuhrmann is the sole occupant of the Subject Property; and

WHEREAS, on March 14, 2022, the City Council adopted Resolution No. 2022-_____ ordering the abatement of conditions creating a public nuisance property at the Subject Property, including the abatement of junk, trash and debris from the Subject Property; and

WHEREAS, Resolution No. 2022-33 is attached hereto as Exhibit B and is incorporated herein by reference; and

WHEREAS, on March 28, 2022, in accordance with Resolution No. 2022-33, the City abated the junk, trash and debris from the Subject Property that the Owner failed to remove, and City staff confirmed that the Subject Property does not have an active trash removal service with the previous garbage hauler for the Subject Property; and

WHEREAS, City staff conducted physical inspections of the Subject Property on April 27, 2022, May 4, 2022, May 16, 2022 and May 27, 2022; and

WHEREAS, during each of the aforementioned inspections, staff observed an accumulation of junk, trash and debris on the Subject Property, and on May 4, 2022 and May 27, 2022, staff discovered that additional trash had been added to the original pile of trash on the Subject Property; and

WHEREAS, on April 27, 2022 and May 4, 2022, compliance notices were posted at the Subject Property and were mailed to the Owner, notifying the Owner of the violations of certain code provisions addressed herein, as well as the steps needed to correct the conditions and associated deadlines; and

WHEREAS, on May 4, 2022 and May 27, 2022, administrative citations were issued to the Owner for the accumulation and storage of garbage, junk and debris on the Subject Property; and

WHEREAS, on June 8, 2022 a final compliance notice was issued to the Owner, which notified the Owner that if he failed to bring the Subject Property into compliance, the City would pursue abatement or additional enforcement actions at its regular meeting on June 27, 2022; and

WHEREAS, sections 7-102 and 7-105 of the Brooklyn Center City Code (the “Code”) deem it unlawful to store or accumulate any refuse on private property, unless such accumulation is in a container permitted, and the contents disposed of, under other provisions of the City Code; and

WHEREAS, section 19-101 of the Code deems it a public nuisance to maintain or permit a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any number of members of the public; and

WHEREAS, section 19-103 of the Code deems it a public nuisance to permit or maintain the accumulation of rubbish and junk on real property; and

WHEREAS, sections 12-301 through 12-306 of the Code impose certain requirements on the maintenance of personal property and on the storage and disposal of rubbish and garbage; and

WHEREAS, the Owner has not corrected the aforementioned unlawful conditions at the Subject Property and the City’s deadlines as provided in the letters have passed; and

WHEREAS, pursuant to sections 7-105, 19-105, and 12-1206 of the City Code, the City Council may order the abatement of certain violations by the City on any premises; and

WHEREAS, the City mailed the Owner 10 days’ written notice indicating that at its meeting on June 27, 2022, the City Council would consider a resolution deeming the Subject Property a nuisance and ordering its abatement; and

WHEREAS, based on the information presented, the City Council has decided that the condition of the Subject Property constitutes a public nuisance and violates local law and, therefore, should be abated.

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

1. The City Council adopts, as factual findings, all of the above-listed Recitals, and finds violations of all code provisions listed herein.
2. The condition of the Subject Property constitutes a public nuisance in light of these violations.
3. Pursuant to its authority under the City Code, City staff is authorized to take necessary steps to conduct the abatement of the aforementioned violations and assess the costs thereof against the Subject Property.

June 27, 2022

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.

Exhibit A
Legal Description of the Subject Property

Lot 4, Block 3, Bobendriers Addition, Hennepin County, Minnesota.

Exhibit B
Resolution No. 2022-_____

(attached hereto)

Council Regular Meeting

DATE: 6/27/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Meg McMahan, Community Development Director

BY: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Resolution Ordering the Abatement of Conditions Creating a Public Nuisance Property Existing at 5430 Oliver Ave N in the City of Brooklyn Center

Requested Council Action:

- Motion to approve a resolution ordering the abatement of conditions creating a public nuisance property existing at 5430 Oliver Avenue North in the City of Brooklyn Center

Background:

The property at 5430 Oliver Avenue N is currently occupied by the owner, Patricia K Wright and Seddrex Gates.

The following is a brief summary of actions related to this recommended Council action:

- On March 29, 2022 staff completed a sweep inspection and found couches, black bags of debris, carpet, scrap metal, and construction debris in the drive way. Staff attempted to knock on the door and rang the doorbell but no one came to the door. A compliance notice was posted to the front door and mailed.
- Staff was informed by the police department that the owner rented out the property and the property is occupied. The property does not have a rental license and was posted as an unlicensed rental property.
- A follow up inspection was conducted on April 5, 2022 and there were no improvements to remove the couches, black bags of debris, carpet, scrap metal, and construction debris in the drive way. Staff notice an exterior light that was on and attempted to knock on the door again. No one came to the door. A 2nd compliance notice was posted and sent to remove the couches, black bags of debris, carpet, scrap metal, and construction debris in the drive way. A initial compliance notice was posted and sent to repair the fire damaged siding.
- A follow up inspection was conducted on April 12, 2022 and majority of the couches, black bags of debris, carpet, scrap metal, and construction debris in the drive way were removed. The walls of the burnt garage still remained. Staff spoke with the contractor and was informed that the contractor will be back to remove the remaining parts of the garage.
- A \$300 Administrative Citation was issued for renting without a license on April 15, 2022. A compliance notice was sent to remove the junk/furniture/appliances.
- A follow up inspection was conducted on April 18, 2022 and there were no improvements to remove the burnt garage walls and debris. A \$125 Administrative Citation was issued for the junk/trash/debris on the property. The citation was mailed and posted on the door.
- A follow up inspection was conducted on April 29, 2022 and there was no change to the fire damage debris on the property.

- On May 3, 2022 a 2nd compliance notice was sent and posted on the door to repair the exposed sheathing on the side of the house where the fire damage occurred. A \$125 Administrative Citation was issued for failure to repair the damaged siding.
- On May 9, 2022 staff spoke with the occupant and was informed that the fire debris and junk needed to be cleaned up. The occupant stated that the contractor that was hired was told he could not be on the property so the contractor left. Staff informed the occupant that he can clean up the remaining debris and bring the property into compliance. Staff also informed him that a rental license will be required since he is not the property owner.
- A follow up was completed on May 10, 2022 and there was no change to the fire damage debris on the property. A \$250 Administrative Citation was issued for the junk/trash/debris on the property. A \$600 Administrative Citation was issued for renting without a license.
- A follow up was completed on May 27, 2022 and there was no change to the fire damage debris on the property. A \$1200 Administrative Citation was issued for renting without a license. A compliance notice was sent to remove the junk/furniture/appliances.
- A follow up was completed on June 8, 2022 and there was some improvement to cleaning up the property, however, there were still fire damage debris on the property. The siding did not get repaired and remains in violation. The property remains occupied and a rental license has not been applied for.
- A final compliance notice informing the owner to remove the fire damage debris and junk or an occupied abatement will be pursued on the June 27, 2022 City Council meeting. The property is still in violation.

If the resolution is approved, staff will provide a final notice to the owner to remove any fire damage debris and junk/trash off the property. If the any junk/trash/debris are not abated the City will immediately start the abatement.

Based on findings, staff recommends the City Council adopt the findings of the City Inspectors regarding the nuisance and authorize the City Manager to abate the nuisance by removing any junk/trash/debris.

Budget Issues:

The estimated direct cost of cleaning out the property is \$500.00 depending on disposal and material costs. All associated costs of abatement will be the responsibility of the owner and if unpaid, the costs will be specially assessed against the property.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/21/2022	Resolution Letter
Abatement Notices	6/9/2022	Cover Memo
Abatement Photos	6/9/2022	Cover Memo

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-_____

A RESOLUTION ORDERING THE ABATEMENT OF CONDITIONS CREATING A PUBLIC NUISANCE PROPERTY EXISTING AT 5430 OLIVER AVENUE NORTH IN THE CITY OF BROOKLYN CENTER

WHEREAS, the property located at 5430 Oliver Avenue North, legally described in the attached Exhibit A, contains a single-family dwelling (the “Subject Property”) and is located in the city of Brooklyn Center (the “City”) in the R1 – One Family Residence zoning district; and

WHEREAS, according to public records, the Subject Property is owned by Patricia K. Wright and Seddrex Gates (the “Owners”); and

WHEREAS, on October 25, 2021, the single-family dwelling located on the Subject Property sustained damage as a result of an attached garage fire that destroyed the garage; and

WHEREAS, on March 29, 2022, City staff completed an inspection of the Subject Property and found couches, black bags of debris, carpet, scrap metal, construction debris and other debris in the driveway; and

WHEREAS, during the March 29, 2022 inspection, City staff attempted to make contact with the Owners while at the Subject Property, but they were unable to do so, and therefore, a compliance notice was posted on the front door of the Subject Property and was mailed to the Owners; and

WHEREAS, City was subsequently informed by the City’s Police Department that the Owners rented the property and that the Subject Property was occupied; and

WHEREAS, the Owners do not have a rental license issued by the City and have not applied for a rental license for the Subject Property, and therefore, the Subject Property was posted as an unlicensed rental property; and

WHEREAS, City staff conducted an inspection of the Subject Property on April 5, 2022, and it was noted that there were no improvements or efforts made to remove the couches, black bags of debris, carpet, scrap metal, construction debris and other debris in the driveway; and

WHEREAS, during the April 5, 2022 inspection, City staff noted an exterior light that was on and therefore, once again attempted to make contact with the occupants of the Subject Property. However, they were unable to do so, and therefore, a compliance notice was posted on the Subject Property and mailed to the Owners; and

WHEREAS, on April 5, 2022, City staff also posted an initial compliance notice with regard to the repair of the fire damaged siding on the Subject Property and mailed the notice to the Owners; and

WHEREAS, City staff conducted an inspection on April 12, 2022, and a portion of the couches, black bags of debris, carpet, scrap metal, construction debris and other debris in the driveway had been abated, but the walls of the burnt garage remained on the Subject Property; and

WHEREAS, City staff spoke with the contractor working on the Subject Property and was informed that the contractor would be returning to the Subject Property to remove the remaining parts of the garage; and

WHEREAS, on April 15, 2022, a compliance notice was posted on the Subject Property and mailed to the Owners with regard to the removal of junk, trash and debris that remained on the Subject Property; and

WHEREAS, City staff conducted an inspection on April 18, 2022 and noted no improvements with regard to the removal of the burnt garage walls and other debris, and therefore, the City issued an administrative citation for the junk, trash and debris remaining on the Subject Property, which was posted on the Subject Property and mailed to the Owners; and

WHEREAS, City staff noted no improvements to the fire damage debris on the Subject Property during an inspection on April 29, 2022, and therefore, on May 3, 2022 a compliance notice to repair the exposed sheathing and fire damage was posted on the Subject Property and mailed to the Owners. Additionally, an administrative citation was issued for failure to repair the damaged siding; and

WHEREAS, on May 9, 2022, City staff spoke with the occupant of the Subject Property and was informed that the fire debris and junk needed to be abated. The occupant stated that the contractor that had been hired was told he could not be on the Subject Property, and therefore, had not returned to complete the work; and

WHEREAS, during the May 9, 2022 inspection, the occupant of the Subject Property was notified that the remaining debris had to be abated and brought into compliance and that a rental license had not been issued to the Owners for the Subject Property; and

WHEREAS, City staff conducted inspections on May 10, 2022 and May 27, 2022 and no improvements or abatement were noted on the Subject Property; and

WHEREAS, on May 10, 2022, an administrative citation was issued for the junk, trash and debris on the Subject Property, and on May 27, 2022, a compliance notice was mailed to the Owners with regard to the removal of the junk, trash and debris remaining on the Subject Property; and

WHEREAS, City staff conducted an inspection on June 8, 2022, and while there was some improvement and abatement with regard to the removal of junk, trash and debris from the Subject Property, fire damage debris remained on the Subject Property and the fire damaged siding had not been repaired; and

WHEREAS, on June 8, 2022 a final compliance notice was issued to the Owners, which notified the Owners that if they failed to bring the Subject Property into compliance, the City would pursue abatement or additional enforcement actions at its regular meeting on June 27, 2022;

WHEREAS, sections 7-102 and 7-105 of the Brooklyn Center City Code (the “Code”) deem it unlawful to store or accumulate any refuse on private property, unless such accumulation is in a container permitted, and the contents disposed of, under other provisions of the City Code; and

WHEREAS, section 19-101 of the Code deems it a public nuisance to maintain or permit a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any number of members of the public; and

WHEREAS, section 19-103 of the Code deems it a public nuisance to permit or maintain the accumulation of rubbish and junk on real property; and

WHEREAS, sections 12-301 through 12-306 of the Code impose certain requirements on the maintenance of personal property and on the storage and disposal of rubbish and garbage; and

WHEREAS, the Owner has not corrected the aforementioned unlawful conditions at the Subject Property and the City’s deadlines as provided in the letters have passed; and

WHEREAS, pursuant to sections 7-105, 19-105, and 12-1206 of the City Code, the City Council may order the abatement of certain violations by the City on any premises; and

WHEREAS, the City mailed the Owners 10 days’ written notice indicating that at its meeting on June 27, 2022, the City Council would consider a resolution deeming the Subject Property a nuisance and ordering its abatement; and

WHEREAS, based on the information presented, the City Council has decided that the condition of the Subject Property constitutes a public nuisance and violates local law and, therefore, should be abated.

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

1. The City Council adopts, as factual findings, all of the above-listed Recitals, and finds violations of all code provisions listed herein.
2. The condition of the Subject Property constitutes a public nuisance in light of these violations.
3. Pursuant to its authority under the City Code, City staff is authorized to take necessary steps to conduct the abatement of the aforementioned violations and assess the costs thereof against the Subject Property.

June 27, 2022

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.

Exhibit A
Legal Description of the Subject Property

Tract B, Registered Land Survey No. 416, County of Hennepin, State of Minnesota.



City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
763-569-3330
www.cityofbrooklyncenter.org

March 29, 2022



To: P Wright & S Gates
5430 Oliver Ave N
Brooklyn Center MN 55430

RE: 5430 Oliver Ave N
Brooklyn Center, MN 55430

Dear Property Owner:

The Brooklyn Center City Council has adopted certain ordinances in an effort to keep our city clean and maintain good relations between neighbors. The following violation(s) were noted at your property.

Your cooperation in taking care of the items would be appreciated. If the property code violations are not corrected, additional enforcement action may be taken to include issuing an Administrative Citation(s) and/or a formal complaint to ensure compliance with city ordinances.

Please correct the following violation by **04/05/2022**:

Accumulation of Junk/Furniture/Appliance 19-103.11

Corrections: Please remove or store inside the following items: Couches, black bags of debris, carpet, scrap metal, construction debris and misc discarded items in driveway.

Doing your part to keep the City of Brooklyn Center a great place to live will be appreciated. If you have questions or cannot complete the repairs by the above date(s), please contact me at (763) 569-3312.

Sincerely,

Na Vang
Housing and Code Enforcement Officer



City of Brooklyn Center

6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
763-569-3330
www.cityofbrooklyncenter.org

April 5, 2022



To: P Wright & S Gates
5430 Oliver Ave N
Brooklyn Center MN 55430

RE: 5430 Oliver Ave N
Brooklyn Center, MN 55430

Dear Property Owner:

The Brooklyn Center City Council has adopted certain ordinances in an effort to keep our city clean and maintain good relations between neighbors. The following violation(s) were noted at your property.

Your cooperation in taking care of the items would be appreciated. If the property code violations are not corrected, additional enforcement action may be taken to include issuing an Administrative Citation(s) and/or a formal complaint to ensure compliance with city ordinances.

Please correct the following violation by **04/12/2022**:

Accumulation of Junk/Furniture/Appliance 19-103.11

Corrections: Please remove or store inside the following items: Couches, black bags of debris, carpet, scrap metal, construction debris and misc discarded items in driveway.

Doing your part to keep the City of Brooklyn Center a great place to live will be appreciated. If you have questions or cannot complete the repairs by the above date(s), please contact me at (763) 569-3312.

Sincerely,

Na Vang
Housing and Code Enforcement Officer



City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
763-569-3330
www.cityofbrooklyncenter.org

April 15, 2022



To: P Wright & S Gates

5430 Oliver Ave N

Brooklyn Center MN 55430

RE: 5430 Oliver Ave N

Brooklyn Center, MN 55430

Dear Property Owner:

The Brooklyn Center City Council has adopted certain ordinances in an effort to keep our city clean and maintain good relations between neighbors. The following violation(s) were noted at your property.

Your cooperation in taking care of the items would be appreciated. If the property code violations are not corrected, additional enforcement action may be taken to include issuing an Administrative Citation(s) and/or a formal complaint to ensure compliance with city ordinances.

Please correct the following violation by **04/18/2022**:

Accumulation of Junk/Furniture/Appliance 19-103.11

Corrections: Please remove or store inside the following items: Couches, black bags of debris, carpet, scrap metal, construction debris and misc discarded items in driveway.

Please correct the following violation by **04/18/2022**:

Unlicensed/Inoperable Vehicles 19-1303

Corrections: Repair/replace and Update tabs OR store inside the garage OR remove the following vehicle(s): Driveway - blue GMC van with no plates - installed the registered plates with current tabs on vehicle.

Doing your part to keep the City of Brooklyn Center a great place to live will be appreciated. If you have questions or cannot complete the repairs by the above date(s), please contact me at (763) 569-3312.

Sincerely,

Na Vang
Housing and Code Enforcement Officer



City of Brooklyn Center

6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
763-569-3330
www.cityofbrooklyncenter.org

May 27, 2022



To: P Wright & S Gates
5430 Oliver Ave N
Brooklyn Center MN 55430

RE: 5430 Oliver Ave N
Brooklyn Center, MN 55430

Dear Property Owner:

The Brooklyn Center City Council has adopted certain ordinances in an effort to keep our city clean and maintain good relations between neighbors. The following violation(s) were noted at your property.

Your cooperation in taking care of the items would be appreciated. If the property code violations are not corrected, additional enforcement action may be taken to include issuing an Administrative Citation(s) and/or a formal complaint to ensure compliance with city ordinances.

Please correct the following violation by **06/06/2022**:

Accumulation of Junk/Furniture/Appliance 19-103.11

Corrections: Please remove or store inside the following items: Couches, black bags of debris, carpet, scrap metal, construction debris and misc discarded items in driveway.

Doing your part to keep the City of Brooklyn Center a great place to live will be appreciated. If you have questions or cannot complete the repairs by the above date(s), please contact me at (763) 569-3312.

Sincerely,

Na Vang
Housing and Code Enforcement Officer



City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
763-569-3330
www.cityofbrooklyncenter.org

Administrative Citation

This citation charges you with one
or more violations of Brooklyn Center City Code



Owner Name and Mailing Address of Alleged Violator

P Wright & S Gates
5430 Oliver Ave N
Brooklyn Center MN 55430

Citation # 6758818
Issued 4/18/2022
Case # CE22-0472
Violator Owner
Repeat Status Not Applicable

Address/Location of Violation: 5430 Oliver Ave N Brooklyn Center MN 55430

Date and Time of Offence: 4/18/2022 2:53PM

Correct By: 4/28/2022 (to avoid additional citations, correct the violations by the correct by Date)

Nature of Offence	Amount
Accumulation of Junk/Furniture/Appliance 19-103.11	\$125.00
Correction: Remove couches, black bags of debris, carpet, scrap metal, fire damaged debris and misc discarded items in driveway.	
Total:	\$125.00

GENERAL INFORMATION

The Administrative Penalty Program is authorized by Chapter 18-200 of the Brooklyn Center City Code. This is a civil penalty and not a criminal charge. The fines are set by City Council resolution from time to time.

FINE PAYMENT INFORMATION

The fine may be paid with cash (must be paid in person), check, money order, or on-line at www.ci.brooklyn-center.mn.us

City of Brooklyn Center, 6301 Shingle Creek Pkwy, Brooklyn Center, MN, 55430-2199. **NOTE: DO NOT MAIL CASH**

NOTE: BY PAYING THE FINE, YOU ARE ADMITTING THAT YOU VIOLATED THE CITY ORDINANCE.

HEARING REQUEST INFORMATION

If you believe that you did not violate the City Code, you may request a hearing before a hearing officer who is not a City employee. To request a hearing you must make your request in writing. The request must include a \$20.00 hearing request deposit fee. An appeal request form is available in our Administrative Penalty Brochure which can be found at www.cityofbrooklyncenter.org or at City Hall. You must request a hearing within ten (10) days of the date of the citation. The Program Administrator will notify you of the date, time, and location of your hearing, and the name of the hearing officer.

PENALTIES

In the event that you are found to have violated the City Code and the fine remains outstanding, the City may take one or more of the following actions:

1. If you own property in the City and the property was the subject of the violation, and the fine remains unpaid, the City may assess or cause a lien to be placed in the amount of the fine against your property.
2. Pursue a legal action against you to collect the fine.
3. Suspend, revoke, not renew, or deny a City-issued license or permit that is associated with the violation.
4. Refuse to grant approval for any license, permit, or other City approval sought by you or for property under your ownership or control.
5. Issue a criminal citation and pursue criminal prosecution.
6. Issue additional administrative citations that may double per fine schedule.

City Use Only

Account No. 10100-4512

Please call **763-569-3330** with any questions. **Inspector Name:** Na Vang



City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
763-569-3330
www.cityofbrooklyncenter.org

Administrative Citation

This citation charges you with one
or more violations of Brooklyn Center City Code



Owner Name and Mailing Address of Alleged Violator

P Wright & S Gates
5430 Oliver Ave N
Brooklyn Center MN 55430

Citation # 6762063
Issued 5/10/2022
Case # CE22-0472
Violator Owner
Repeat Status Not Applicable

Address/Location of Violation: 5430 Oliver Ave N Brooklyn Center MN 55430

Date and Time of Offense: 5/10/2022 3:45PM

Correct By: 5/20/2022 (to avoid additional citations, correct the violations by the correct by Date)

Nature of Offense	Amount
Accumulation of Junk/Furniture/Appliance 19-103.11	\$250.00
Corrections: Please remove or store inside the following items: Couches, black bags of debris, carpet, scrap metal, construction debris, fire damaged debris and misc discarded items in driveway.	
Total:	\$250.00

GENERAL INFORMATION

The Administrative Penalty Program is authorized by Chapter 18-200 of the Brooklyn Center City Code. This is a civil penalty and not a criminal charge. The fines are set by City Council resolution from time to time.

FINE PAYMENT INFORMATION

The fine may be paid with cash (must be paid in person), check, money order, or on-line at www.ci.brooklyn-center.mn.us

City of Brooklyn Center, 6301 Shingle Creek Pkwy, Brooklyn Center, MN, 55430-2199. **NOTE: DO NOT MAIL CASH**

NOTE: BY PAYING THE FINE, YOU ARE ADMITTING THAT YOU VIOLATED THE CITY ORDINANCE.

HEARING REQUEST INFORMATION

If you believe that you did not violate the City Code, you may request a hearing before a hearing officer who is not a City employee. To request a hearing you must make your request in writing. The request must include a \$20.00 hearing request deposit fee. An appeal request form is available in our Administrative Penalty Brochure which can be found at www.cityofbrooklyncenter.org or at City Hall. You must request a hearing within ten (10) days of the date of the citation. The Program Administrator will notify you of the date, time, and location of your hearing, and the name of the hearing officer.

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In the event that you are found to have violated the City Code and the fine remains outstanding, the City may take one or more of the following actions:

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3. Suspend, revoke, not renew, or deny a City-issued license or permit that is associated with the violation.
4. Refuse to grant approval for any license, permit, or other City approval sought by you or for property under your ownership or control.
5. Issue a criminal citation and pursue criminal prosecution.
6. Issue additional administrative citations that may double per fine schedule.

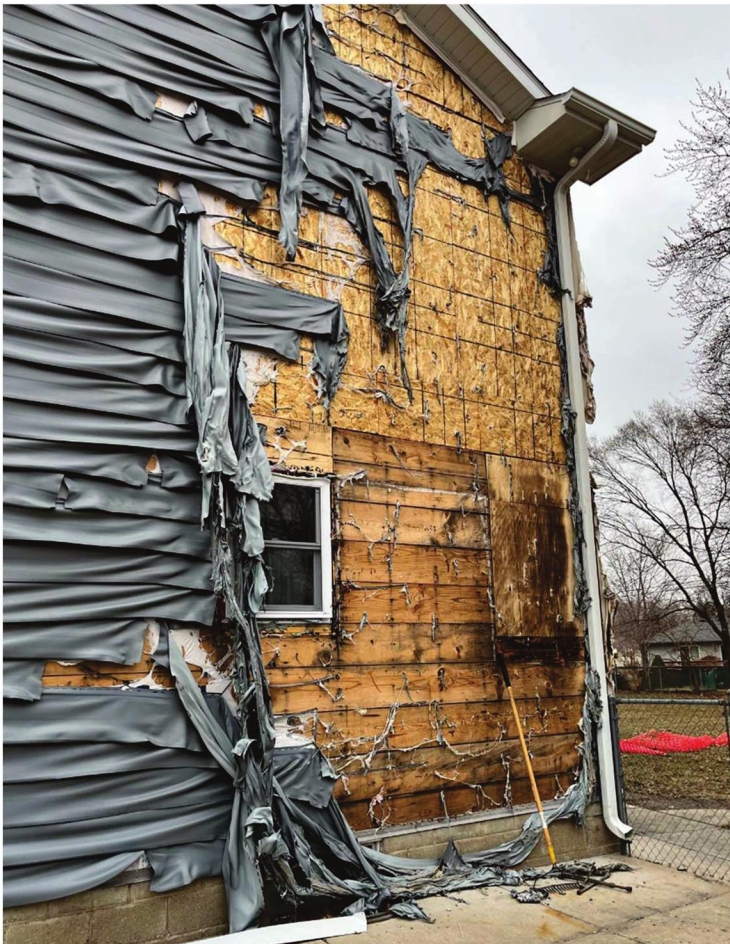
City Use Only

Account No. 10100-4512

Please call **763-569-3330** with any questions. **Inspector Name:** Na Vang



Photos taken on April 5, 2022





Photos taken on April 5, 2022

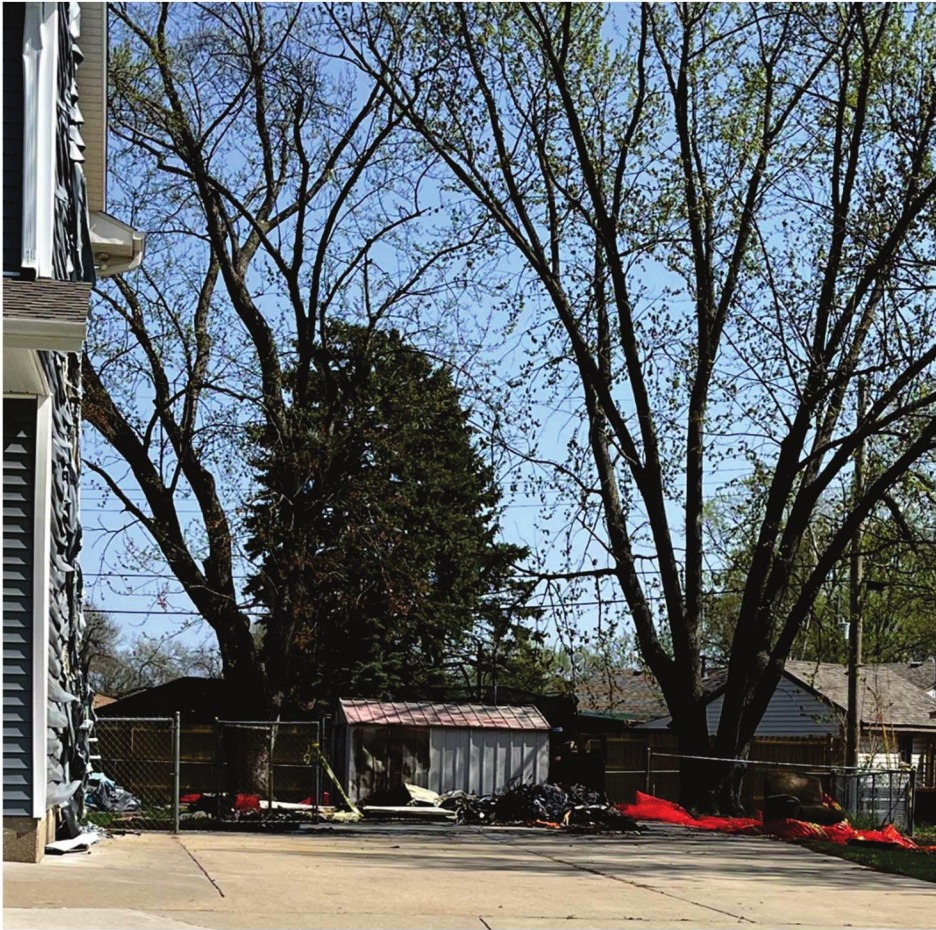


Photos taken on April 18, 2022





Photos taken on May 10, 2022



Photos taken on June 8, 2022



Photos taken on June 8, 2022



Council Regular Meeting

DATE: 6/27/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Meg McMahan, Community Development Director

BY: Olivia Boerschinger, Associate Planner

SUBJECT: Resolution Regarding Planning Commission Application No. 2022-002, Requesting Approval of the Preliminary and Final Plat for BCCS 5910 Shingle Creek Addition (5910 Shingle Creek Parkway)

Requested Council Action:

- Motion to adopt a resolution approving Planning Commission Application No. 2022-002 for preliminary and final plat approval of BCBS 5910 Shingle Creek Addition (located at 5910 Shingle Creek Parkway), based on the findings of fact and submitted documentation, as amended by the conditions of approval in the resolution.

Background:

The Subject Property currently developed with one building, which was approved and built in 1969 (PC Application No. 69003). Currently, the building has two tenants and is used as office space for mental health and educational services. The property was last sold in 2013 and Independent School District No. 286 is a current tenant.

In 2014, City Council approved a Special Use Permit to operate a group day care facility and construct an outdoor playground at the Subject Property (Centaur Beginnings, through Independent School District No. 286). Group day care facilities are permitted by special use in the C2 District. The Applicant's present uses of educational services, group day care, and educational offices, is in alignment with permitted uses for the C2 District and the Central Commerce Overlay District. The Subject Property is guided to be zoned TOD (Transit Oriented Development) per the City's 2040 Comprehensive Plan, and the Applicant's current and future intended uses for the building as education administration offices, an Area Learning Center (ALC), and group day care facility, maintain consistency with permitted uses for the proposed future TOD zoning district.

Presently, the Subject Property is in the process of being purchased by the Applicant, who is a current and major tenant of the building located on-site. The Applicant proposes to consolidate their district offices and childcare services into the one building on the Subject Property. This would ultimately include incorporation of an Early Learning Center, which would provide services for students from birth until school age. The proposed building's use would also include a community service center, enrollment center, wellness center, and elder's room. As stated previously, the proposed office space, Early Learning Center, and educational services are consistent with the Subject Property's current C2 District zoning as well as the proposed future TOD District zoning.

The Applicant intends to subdivide the Subject Property as a part of the purchase process. In this scenario,

the City of Brooklyn Center would purchase the portion of the property not required for the Applicant's needs and future uses. This would result in the Applicant purchasing approximately 2.5 acres of the Subject Property, and the City of Brooklyn Center purchasing the approximately 5.4 acre remainder, which is currently underutilized and used as excess parking for the property. The 80 parking spaces to be maintained on-site for proposed Lot 1 would meet current zoning standards and there are no plans at this time to expand the building's footprint.

The proposed subdivision requires the property to undergo the preliminary and final plat approval process as stated in Chapter 15 (Platting) of City Code. The subdivision and subsequent re-plat will meet the Applicant's needs by accommodating the necessary site needs for the property's future use and without the excess, underutilized land.

The portion of subdivided property to be acquired by the City of Brooklyn Center meets the needs of the City by supporting the long-term vision of the City's Opportunity Site. As the City prepares for the future development of the City EDA-owned property located directly south of the Subject Property, (the south-west corner of the Opportunity Site) acquisition of this property will provide the City with the necessary land for future public roadways, public parks, improved utilities, or additional land to be developed.

It should be noted that until such time development and reconstruction of future infrastructure and potential future developments occurs on the adjacent EDA-owned properties, the Applicant would continue to utilize the excess existing parking facilities located on the property.

City Engineer Mike Albers and Principal Engineer Jay Hill conducted a review of the application submittal and documentation. Comments regarding this application can be found in the memorandum to City staff and dated April 27, 2022, attached as an exhibit to the staff report attached.

The plat request was noticed for public hearing at the Planning Commission on May 12, 2022 and June 9, 2022. Both meetings failed to meet quorum, therefore the public hearings were not held and no recommendation was provided by the Planning Commission. A letter was sent to the applicant on June 1, 2022 requesting a 60-day extension, and the public hearing notice was republished for consideration at City Council.

Attached for your review are copies of the June 21, 2022 staff report and a draft copy of the Council resolution.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
-------------	-------------	------

PC Application 2022-002 Staff Report
CC Resolution - 5910 Shingle Creek Parkway Plat
Presentation

6/21/2022
6/21/2022
8/30/2022

Backup Material
Resolution Letter
Presentation



City Council Staff Report

Meeting Date: June 27, 2022

Revised from May 12, 2022 & June 9, 2022

- Application Filed: 4/12/2022
- Review Period (60-day) Deadline: 6/11/2022
- Extension Declared: 6/1/2022
- Extended Review Period Deadline: 8/10/2022

Application No. 2022-002
Applicant: Dorsey & Whitney LLP on behalf of Independent School District No. 286
Location: 5910 Shingle Creek Parkway
Requests: Preliminary and Final Plat for BCCS 5910 Shingle Creek Addition

REQUESTED ACTION

Subdivision of 5910 Shingle Creek Parkway to facilitate purchase of property by Independent School District No. 286 and sale of certain undeveloped and underutilized portions to the City of Brooklyn Center, Brooklyn Center Economic Development Authority, or other party for future redevelopment.

Dorsey & Whitney LLP, on behalf of Independent School District No. 286 ("The Applicant") is requesting review and consideration for approval of a preliminary and final plat for BCCS 5910 SHINGLE CREEK ADDITION, which encompasses approximately 8 acres of property located at 5910 Shingle Creek Parkway. **Refer to Exhibit A.**

Due to the nature of the requests, a public hearing is required. A public hearing notice was originally published in the Brooklyn Center *Sun Post* on April 28, 2022, and subsequently re-noticed due to a shift back to in-person meetings. Mail notifications were sent to properties within vicinity of the Subject Property per City Code and State Statute requirements.

Due to failure to meet quorum, the May meeting was cancelled and the public hearing was re-noticed for the June 9, 2022 Planning Commission meeting in the Brooklyn Center *Sun Post* on May 26, 2022 and mail notifications sent. Additionally, the 60-day review period for land use applications has been extended, with the applicant being notified on June 1, 2022.

Again, in June, the Planning Commission meeting was not held, as there were not enough Commissioners present to meet quorum. The public hearing and consideration of this application were then moved to be heard at the June 27, 2022 City Council meeting. A new public hearing notice was published on June 16, 2022 to reflect the new meeting date. **(Exhibit B).**

COMPREHENSIVE PLAN AND ZONING STANDARDS



Map 1. Existing Configuration of Subject Property

2040 Future Land Use Plan: TOD – Transit Oriented Development

Neighborhood: Centennial

Current Zoning: C2 (Commerce) District, Central Commerce Overlay District

Surrounding Zoning:
North: C1A (Service/Office) and C2 (Commerce) Districts
East: C2 (Commerce) District
South: C2 (Commerce) District
West: R7 (Multi Family Residence) District –City-owned

Site Area: 7.98 total acres

BACKGROUND

The Subject Property currently developed with one building, which was approved and built in 1969 (PC Application No. 69003). Currently, the building has two tenants and is used as office space for mental health and educational services. The property was last sold in 2013 and Independent School District No. 286 is a current tenant.

In 2014, City Council approved a Special Use Permit to operate a group day care facility and construct an outdoor playground at the Subject Property (Centaur Beginnings, through Independent School District No. 286). Group day care facilities are permitted by special use in the C2 District. The Applicant's present uses of educational services, group day care, and educational offices, is in alignment with permitted uses for the C2 District and the Central Commerce Overlay District. The Subject Property is guided to be zoned TOD (Transit Oriented Development) per the City's 2040 Comprehensive Plan, and the Applicant's current and future intended uses for the building as education administration offices, an Area Learning Center (ALC), and group day care facility, maintain consistency with permitted uses for the proposed future TOD zoning district.

Presently, the Subject Property is in the process of being purchased by the Applicant, who is a current and major tenant of the building located on-site. The Applicant proposes to consolidate their district offices

and childcare services into the one building on the Subject Property. This would ultimately include incorporation of an Early Learning Center, which would provide services for students from birth until school age. The proposed building's use would also include a community service center, enrollment center, wellness center, and elder's room. As stated previously, the proposed office space, Early Learning Center, and educational services are consistent with the Subject Property's current C2 District zoning as well as the proposed future TOD District zoning.

The Applicant intends to subdivide the Subject Property as a part of the purchase process. In this scenario, the City of Brooklyn Center would purchase the portion of the property not required for the Applicant's needs and future uses. This would result in the Applicant purchasing approximately 2.5 acres of the Subject Property, and the City of Brooklyn Center purchasing the approximately 5.4 acre remainder, which is currently underutilized and used as excess parking for the property. The 80 parking spaces to be maintained on-site for proposed Lot 1 would meet current zoning standards and there are no plans at this time to expand the building's footprint.

The proposed subdivision requires the property to undergo the preliminary and final plat approval process as stated in Chapter 15 (Platting) of City Code. The subdivision and subsequent re-plat will meet the Applicant's needs by accommodating the necessary site needs for the property's future use and without the excess, underutilized land.



Image 1. Existing North and East Parking Lot Areas at 5910 Shingle Creek Parkway.

The portion of subdivided property to be acquired by the City of Brooklyn Center meets the needs of the City by supporting the long-term vision of the City's Opportunity Site. As the City prepares for the future development of the City EDA-owned property located directly south of the Subject Property, (the southwest corner of the Opportunity Site) acquisition of this property will provide the City with the necessary land for future public roadways, public parks, improved utilities, or additional land to be developed.

It should be noted that until such time development and reconstruction of future infrastructure and potential future developments occurs on the adjacent EDA-owned properties, the Applicant would continue to utilize the excess existing parking facilities located on the property.

PRELIMINARY AND FINAL PLAT

City Engineer Mike Albers and Principal Engineer Jay Hill conducted a review of the application submittal and documentation (**Exhibit A**). Comments regarding this application can be found in the memorandum to City staff and dated April 27, 2022, attached hereto (**Exhibit D**).

It is noted within the attached memorandum that the City recommends that Lot 2 be platted as an Outlot at this time, rather than a lot. Drainage and Utility easements are not required along the side or rear lot lines of an Outlot, and it is anticipated that that the approximately 5.4-acres would be re-platted in the near future to address City goals. An existing trash enclosure located at the north end of the Subject Property would need to be relocated onto proposed Lot 1 and comply with all City Code requirements relating to setbacks and screening (refer to Image 2 below):

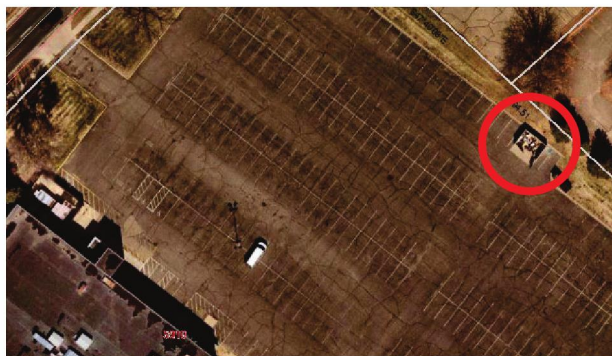


Image 2. Existing Trash Enclosure on Subject Property (to be relocated).

The submitted Preliminary Plat, dated April 12, 2022, appears to reflect an encroachment of the building's awning and support wall, located on the southwest corner, into the required 10-foot building setback. City Engineering requests that an additional exhibit be provided reflecting the proposed setbacks.

The Applicant will also need to provide an updated certified abstract of the title or registered property report to the City Planner and City Attorney for review.

APPROVAL CONDITIONS

City staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. PC2022-002, which requests approval of the preliminary and final plat of certain property located at 5910 Shingle Creek Parkway ("the Subject Property") to BCCS 5910 SHINGLE CREEK ADDITION:

1. Approval of the preliminary and final plat for BCCS 5910 SHINGLE CREEK ADDITION are contingent upon the addressing of comments by Principal Engineer Hill in his memorandum dated April 27, 2022.
2. Final plat and mylar shall be subject to the provisions of Chapter 15 of the City Code of Ordinances (*Platting*).
3. Any final plat comments and/or requirements as provided by Hennepin County.
4. Any final plat comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title.
5. The successful recording of said plat (mylar) with Hennepin County.
6. All conditions as contemplated under City Council Resolution No. 2014-154 remain in force and any requests to alter or expand upon approved special uses are to be coordinated with the City for determination of further City approvals.

RECOMMENDATION

Based on the above-noted findings and conditions, City staff recommends:

City Council approval of the requested Preliminary and Final Plat for the BCCS 5910 SHINGLE CREEK ADDITION for the Subject Property located at 5910 Shingle Creek Parkway, subject to the findings of fact and the Applicant complying with the Approval Conditions as noted above.

Attachments

Exhibit A – Planning Commission Application No. 2022-002 and documentation, submitted by Dorsey & Whitney LLP on behalf of Independent School District No. 286, and dated April 12, 2022.

Exhibit B – Public Hearing Notice, dated April 28, 2022, as published in the Brooklyn Center *Sun Post*, and updated Public Hearing Notice published on May 5, 2022, to reflect the change of meeting venue. Public Hearing Notice, dated May 26, 2022, as published in the Brooklyn Center *Sun Post*, and 60-day review extension letter. Public Hearing Notice published June 16, 2022, to reflect the public hearing being held at the June 27, 2022 City Council meeting

Exhibit C – City Council Resolution No. 2014-154 (relating to Planning Commission Application No. 2014-016).

Exhibit D – Memorandum and Exhibits, prepared Principal Engineer Jay Hill, dated April 27, 2022.

5910 Subdivision Narrative Summary

Address: 5910 Shingle Creek Pkwy, Brooklyn Center MN 55430

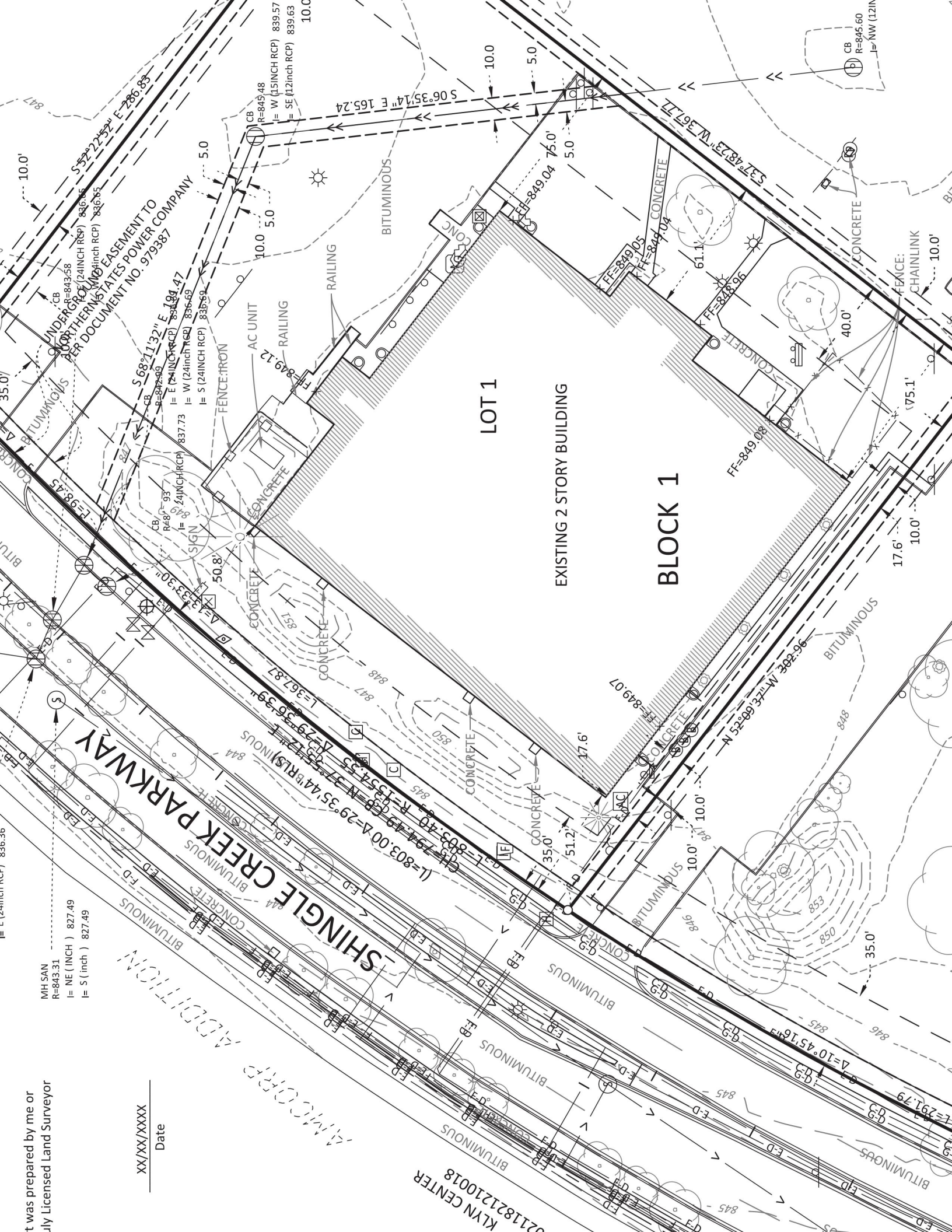
PID: 0211821210001

Current Owner: MSB Holdings-Brooklyn Center, LLC

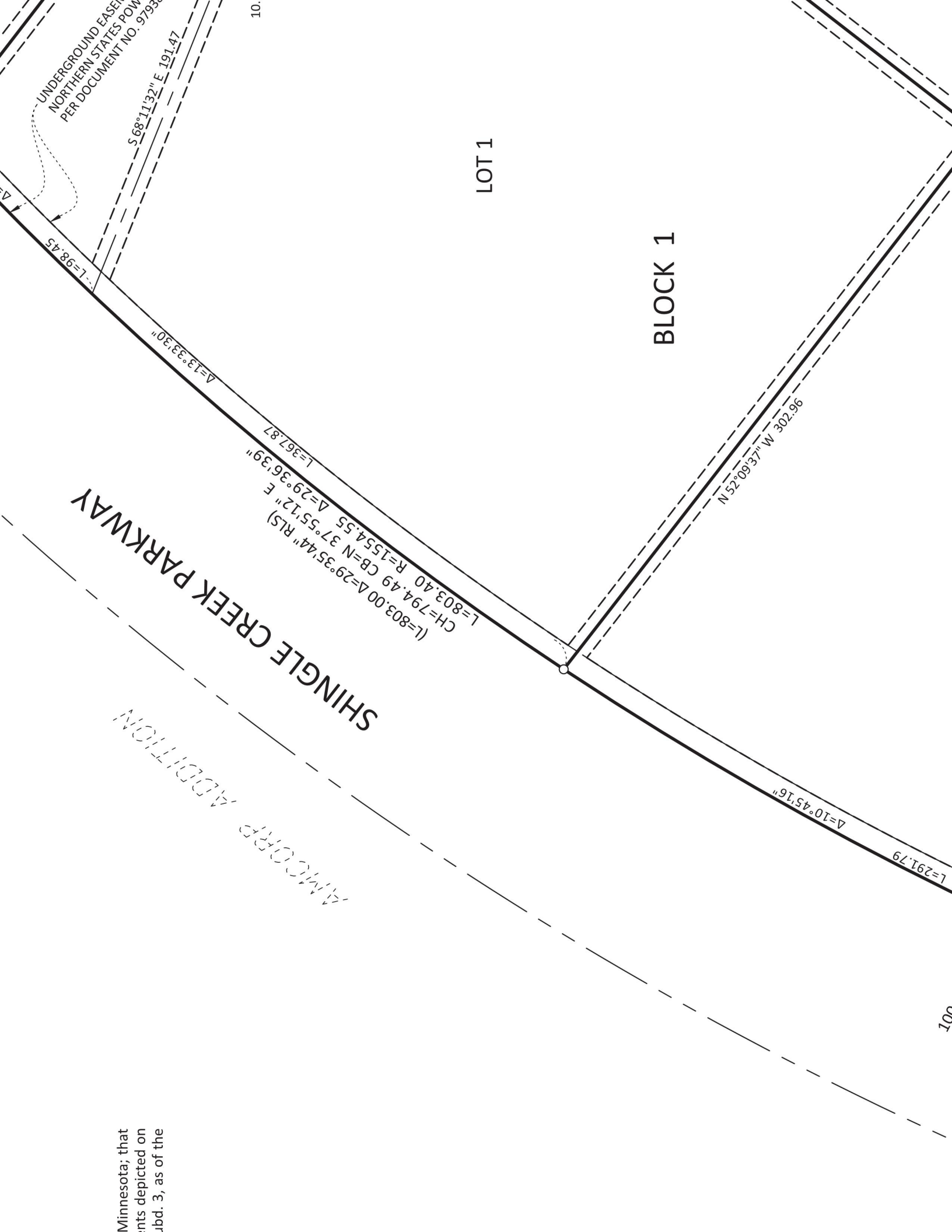
Proposed New Owner: Brooklyn Center Community Schools

- 5910 Shingle Creek Pkwy is located along Shingle Creek Parkway between John Martin Dr. and Bass Lake Rd. The property is zoned C2 Commercial, and spans just shy of 8 acres. It is located within the city's Opportunity Site, which is guided for additional uses and development.
- The single structure on the site, built in 1969, is currently occupied by two tenants and is used as office space for public-facing mental health and educational services. It was last sold in 2013.
- The lot is being purchased by Brooklyn Center Community Schools (BCCS), to provide necessary office space for their district headquarters and programming. BCCS is one of the existing on-site tenants, and is seeking to consolidate their district offices and childcare service into one building. The school district is planning to build out an Early Learning Center to create a continuum of service for students from birth to school age. The building will also house a community service center, enrollment center, wellness center, and elder's room. These current and proposed uses are consistent with the site's current C2 Commercial zoning, and the intended future uses of the Opportunity Site.
- As part of the sale process, BCCS and the City of Brooklyn Center intend to subdivide the site. BCCS will purchase the approximately 111,000 sq ft necessary for their site needs, whereas the City will purchase the remaining land - approximately 237,000 sq ft. This subdivision will better accommodate the realistic spatial needs of BCCS by reducing their site and ownership footprint. It will also support the long-term vision of the City for the Opportunity Site, as it will provide the City with:
 - Necessary land for future public roadways and improved utilities;
 - Additional city-owned developable land;
 - Land for future public park land.
- Until the reconstruction of adjacent future infrastructure and facilities, BCCS will continue to use the existing off-street parking facilities around their site, as they currently do today. Once the reconstruction is completed – a preliminary concept of which is shown in the attachment labeled 5910 Preliminary Layout – the site will maintain at least 80 dedicated off-street parking spaces within the Lot 1 footprint of the BCCS site.

Date



Minnesota; that
ents depicted on
ubd. 3, as of the



Remit Payment To:
Registered Abstracters, Inc.
2115 North Third Avenue
Anoka, MN 55303

INVOICE

Billed To:
Brooklyn Center Community Schools
6300 Shingle Creek Parkway #86
Brooklyn Center, MN 55430

Invoice No.:
Invoice Date: March 27, 2022
Please Pay Before: March 27, 2022
Our File Number: T22-03047
Your Reference Number:

Property:

Brooklyn Center, MN
Hennepin County

Brief Legal: Tract A, Registered Land Survey
No. 1276

DESCRIPTION	AMOUNT
Title Commitment	250.00
Invoice Total Amount Due	\$ 250.00

 First American Title™	ALTA Commitment for Title Insurance ISSUED BY First American Title Insurance Company
Schedule A	

Transaction Identification Data for reference only:

Issuing Agent: Registered Abstracters, Inc.
 Issuing Office: 2115 North Third Avenue, Anoka, MN 55303
 Issuing Office's ALTA® Registry ID: 0003479
 Loan ID No.:
 Commitment No.: T22-03047
 Issuing Office File No.: T22-03047
 Property Address: , Brooklyn Center, MN
 Revision No.:

SCHEDULE A

1. Commitment Date: March 1, 2022 at 08:00 AM
2. Policy to be issued:
 - (a) ☒ ALTA®ALTA Own. Policy (06/17/06) Policy
 Proposed Insured: Brooklyn Center Community Schools
 Proposed Policy Amount
 - (b) ☐ ALTA®ALTA Loan Policy (06/17/06) Policy
 Proposed Insured:
 Proposed Policy Amount
3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.
4. The Title is, at the Commitment Date, vested in:
 MSB Holdings, Brooklyn Center, LLC, a Minnesota Limited Liability Company
5. The Land is described as follows:
 Tract A, Registered Land Surve No. 1276, Hennepin County, Minnesota

FIRST AMERICAN TITLE INSURANCE COMPANY

By: 
 Registered Abstracters, Inc.

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AMERICAN
 LAND TITLE
 ASSOCIATION



 First American Title™	ALTA Commitment for Title Insurance ISSUED BY First American Title Insurance Company
Schedule BI & BII	

Commitment No.: T22-03047

SCHEDULE B, PART I

Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Satisfactory evidence should be had that improvements and/or repairs or alterations thereto are completed; that contractor, sub-contractors, labor and materialmen are all paid; and have released of record all liens or notice of intent to perfect a lien for labor or material.
6. Obtain and file of record conveyance of the estate or interest in land as described in Schedule A from the party or parties recited at Item 4 of Schedule A to Brooklyn Center Community Schools.
7. Pay and satisfy of record the following Mortgage:
 Dated: August 18, 2021
 Filed of Record: August 20, 2021
 Document No.: T5868771
 Executed by: MSB Holdings-Brooklyn Park, LLC, a Minnesota Limited Liability Company
 To: North Star Bank
 Original Principal Amount: \$5,000,000.00
8. Obtain and file of record a release of the subject property from the following Assignment of Leases and Rents:
 Dated: August 18, 2021
 Filed of Record: August 20, 2021
 Document No.: T5868772
 From: MB Holdings-Brooklyn Center, LLC, a Minnesota Limited Liability Company
 To: North Star Bank

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AMERICAN
LAND TITLE
ASSOCIATION



SCHEDULE B

(Continued)

Commitment No.: T22-03047

9. Obtain and file of record a Termination or Partial Release of the following UCC Financing Statement:

Filed: August 20, 2021

Document No.: T5868773

Debtor: MSB Holdings-Brooklyn Center, LLC

Secured Party: North Star Bank

SCHEDULE B, PART II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records, or attaching subsequent to the Commitment Date but prior to the date the Proposed Insured acquires for value the Title or Mortgage covered by this Commitment.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Rights or claims of parties in possession not shown by the Public Records.
4. Easements, or claims of easement, not shown by the Public Records.
5. Any lien, or right to lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. All assessments and taxes due and payable in 2022, and thereafter.
7. Property is Torrens, Certificate No. 1362614
8. Any levied or pending assessments now of record.
Note: An endorsement will follow with the results of an ordered assessment search.

Note: Due to Minnesota Privacy Act we are no longer able to obtain delinquent utility information and Final Policy will not give coverage for delinquent utilities. We advise buyer to check with utility companies prior to closing.

9. Real estate taxes for and payable in the year 2022 in the amount of \$91,938.36 are Unpaid.
PIN#02-118-21-21-0001 (NON-HOMESTEAD)
Prior years are paid in full.
10. Minerals and Mineral Rights reserved by the Regents of the University of Minnesota, as shown on Certificate of Title.
11. Underground Easement to Northern States Power Company, Document No. T979387 (ATTACHED)

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SCHEDULE B
(Continued)

Commitment No.: T22-03047

12. Easement to Northwestern Bell Telephone Company, Document No. T1501910 (ATTACHED)
13. THE FOLLOWING NOTE IS FOR INFORMATIONAL PURPOSES ONLY:
The following deed(s) or transfer(s) affecting said land have been in effect within the last 24 months of the date of this title commitment:
MSB Holdings-Brooklyn Center, LLC, Grantee as evidenced by document dated February 1, 2013, filed February 4, 2013, as Document No. T05039521.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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AMERICAN
LAND TITLE
ASSOCIATION



979387

Estimate #51381

979387

UNDERGROUND EASEMENT

1482 / 442512

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, hereinafter called "Grantor", in consideration of the sum of \$1.00 and other good and valuable consideration, in hand paid by NORTHERN STATES POWER COMPANY, a Minnesota corporation, the receipt and sufficiency whereof is hereby acknowledged, to hereby grant unto said Company its successors and assigns, hereinafter called "Grantee", the right, privilege, and easement to construct, install, mark operate, inspect, maintain, repair, alter, replace, rebuild or remove electric cables, wires, conduits, manholes and facilities appurtenant thereto, under and across the following described land situated in the County of Hennepin, State of Minnesota, to wit:

The Northeasterly 10 feet of the Northwesterly 10 feet; also,

The Northwesterly 10 feet, being parallel with and adjoining the public street upon which the land abuts;

All in Tract A, Registered Land Survey No. 1276, Files of Registrar of Titles.

The grant of easement herein contained shall also include the right of reasonable access to said easement across said lands for the purpose of exercising the rights granted herein together with the right to remove therefrom any structure, trees, or other objects which in Grantee's opinion interferes with said facilities.

The grant herein contained shall also include the right of Grantee to permit the use of said easement by other utilities.

Grantor covenants with Grantee, its successors and assigns, that Grantor is the owner of the above described premises and has the right to sell and convey and easement in the manner and form aforesaid.

Grantor further agrees that no structure or obstruction will be erected or permitted on said strip and that he will not not perform any act which will interfere with or endanger said electrical facilities.

979387

Estimate #51381

979387

UNDERGROUND EASEMENT

1482 / 449212

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, hereinafter called "Grantor", in consideration of the sum of \$1.00 and other good and valuable consideration, in hand paid by NORTHERN STATES POWER COMPANY, a Minnesota corporation, the receipt and sufficiency whereof is hereby acknowledged, to hereby grant unto said Company its successors and assigns, hereinafter called "Grantee", the right, privilege, and easement to construct, install, mark operate, inspect, maintain, repair, alter, replace, rebuild or remove electric cables, wires, conduits, manholes and facilities appurtenant thereto, under and across the following described land situated in the County of Hennepin, State of Minnesota, to wit:

The Northeasterly 10 feet of the Northwesterly 10 feet; also,

The Northwesterly 10 feet, being parallel with and adjoining the public street upon which the land abuts;

All in Tract A, Registered Land Survey No. 1276, Files of Registrar of Titles.

The grant of easement herein contained shall also include the right of reasonable access to said easement across said lands for the purpose of exercising the rights granted herein together with the right to remove therefrom any structure, trees, or other objects which in Grantee's opinion interferes with said facilities.

The grant herein contained shall also include the right of Grantee to permit the use of said easement by other utilities.

Grantor covenants with Grantee, its successors and assigns, that Grantor is the owner of the above described premises and has the right to sell and convey and easement in the manner and form aforesaid.

Grantor further agrees that no structure or obstruction will be erected or permitted on said strip and that he will not perform any act which will interfere with or endanger said electrical facilities.

979387

This instrument and the covenants and agreements contained herein are binding upon the Grantors, their personal representatives, heirs, successors and assigns.

Documentary tax of the State of Minnesota due on this instrument is \$2.20.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed this 28^d day of September, 1970.

Rosch Investment Co.
A limited partnership

George J. Connor, general partner
GEORGE J. CONNOR
Geo. H. Hebert, general partner
Geo. H. HEBERT

State of Minnesota ss:
County of Hennepin

On this 28 day of Sept. A.D. 1970, before me a Notary Public, within and for said County, personally appeared George J. Connor & Geo. H. Hebert, a General Partner in Rosch Investment Co. a Minnesota limited partnership, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as the free act and deed of said limited partnership.

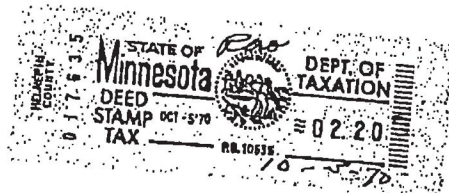
Bobbie J. Hughes
Notary Public Hennepin County Minnesota
My Commission Expires 6-26-76

Bobbie J. HUGHES
Notary Public, Hennepin County, Minn.
My Commission Expires June 26, 1976.

THIS INSTRUMENT WAS DRAWN BY
NOTES TEN STATES POWER COMPANY
404 KIDGLEY MALL, W.P.S., MINN.

TRANSFER ENTERED
OCT 5 1970

GEORGE B. HICKEY, AUDITOR
HENNEPIN COUNTY, MINN.
BY W. J. Hickey DEPUTY



979387

This instrument and the covenants and agreements contained herein are binding upon the Grantors, their personal representatives, heirs, successors and assigns.

Documentary tax of the State of Minnesota due on this instrument is \$2.20.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed this 28^d day of September, 1970.

Rosch Investment Co.
A limited partnership

George H. Rosch, general partner
GEORGE H. ROSCH
Geo. H. Hebert, general partner
GEO. H. HERBERT

State of Minnesota
ss:
County of Hennepin

On this 28 day of Sept, A.D. 1970, before me a Notary Public, within and for said County, personally appeared George H. Rosch & Geo. H. Hebert, a General Partner in Rosch Investment Co. a Minnesota limited partnership, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as the free act and deed of said limited partnership.

Bobbie Hughes
Notary Public Hennepin County Minnesota
My Commission Expires 6-26-76

Robert J. Hughes
Notary Public, Hennepin County, Minn.
My Commission Expires June 26, 1976.

THIS INSTRUMENT WAS DRAFTED BY
MINNESOTA STATES, OVER 100 YEARS
400 NICOLLET HALL, M.P.S., MINN.

TRANSFER ENTERED
OCT 5 1970
GEORGE B. HICKEY, AUDITOR
HENNEPIN COUNTY, MINN.
BY [Signature] DEPUTY

MINNEAPOLIS COUNTY
017635
STATE OF Minnesota
DEED
STAMP OCT-5-70
TAX
DEPT. OF TAXATION
= 02.20
R.R. 10535
10-5-70

979387

979387

RECEIVED FOR 1988 PAGE 449212

449212
11²⁵ FASE
NoR

OFFICE OF REGISTRAR OF TITLES
STATE OF MINNESOTA
COUNTY OF HENNEPIN

I hereby certify that the within instrument
was filed in this office on the

5 day of OCT A.D. 1970 at
11²⁵ o'clock A.M.

Bert H. Allison
REGISTRAR OF TITLES

By *S. J. J. J.*
DEPUTY REGISTRAR OF TITLES

115

225

Certificate of Title

Certificate Number: 1362614

Created by Document Number: 5039521

Transfer from: 1020340

Originally registered February 23, 1967 Volume: 1368, Certificate No: 413332, District Court No: 16217

State of Minnesota

County of Hennepin

} S.S.

Registration

This is to certify that

MSB Holdings - Brooklyn Center, LLC, a Minnesota limited liability company, whose address is 8147 Globe Drive, Woodbury, Minnesota, 55125;

is now the owner of an estate in fee simple

In the following described land situated in the County of Hennepin and State of Minnesota:

Tract A, Registered Land Survey No. 1276, Hennepin County, Minnesota.

Subject to mineral and mineral rights reserved by The Regents of the University of Minnesota;

Subject to the interests shown by the following memorials and to the following rights or encumbrances set forth in Minnesota statutes

chapter 508, namely:

1. Liens, claims, or rights arising under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record;
2. Any real property tax or special assessment;
3. Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
4. All rights in public highways upon the land;
5. Such right of appeal or right to appear and contest the application as is allowed by law;
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
7. Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

Memorials				
Document Number	Document Type	Date of Filing Month Day, Year Time	Amount	Running in Favor Of
T979387	Easement	Oct 5, 1970 11:25 AM		Northern States Power Company (a MN corp) Granting an easement over pt of above land.
T1501910	Easement	Feb 18, 1983 1:00 PM		Commercial Partners/Brookdale (a MN gen partnership). Granting an easement and right-of-way for driveway vehicular & pedestrian purposes over pt of above land. (See Inst)
T3129125	Mortgage	Mar 3, 1999 11:00 AM	\$2,500,000.00	Stearns Bank National Association City of St. Cloud State of Minnesota
T3129126	Assignment of Leases and Rents	Mar 3, 1999 11:00 AM		Stearns Bank National Association
T3129127	Financing Statement	Mar 3, 1999 11:00 AM		Stearns Bank National Association (List)

Certificate Number: 1362614

This is a non-certified copy

Page 1 of 2

Memorials				
Document Number	Document Type	Date of Filing Month Day, Year Time	Amount	Running in Favor Of
T3247413	Mortgage	Jan 25, 2000 11:00 AM	\$3,750,000.00	State Bank of Fargo, 3100 13th Ave South, City of Fargo, State of North Dakota
T3247414	Assignment of Leases and Rents	Jan 25, 2000 11:00 AM		State Bank of Fargo.
T3247415	Financing Statement	Jan 25, 2000 11:00 AM		State Bank of Fargo (List)
T3924291	Change of Name	Feb 25, 2004 9:00 AM		Merging State Bank of Fargo, State Bank of West Fargo and State Bank of Moorhead into State Bank of Fargo and Changing the name of State Bank of Fargo into State Bank & Trust Entered on October 22, 2004 at 10 AM
T4032762	Continuation	Oct 22, 2004 10:00 AM		State Bank & Trust Continuing above financing statement doc no 3247415.
T4709295	Financing Statement	Dec 2, 2009 1:00 PM		State Bank & Trust Re Doc No. 3247415
T5039522	Mortgage	Feb 4, 2013 3:50 PM	\$2,400,000.00	North Star Bank 1820 North Lexington Avenue Roseville, MN 55113
T5039523	Assignment of Leases and Rents	Feb 4, 2013 3:50 PM		North Star Bank
T5039524	Financing Statement	Feb 4, 2013 3:50 PM		North Star Bank List
T5043180	Satisfaction of Mortgage	Feb 13, 2013 11:52 AM		Satisfies Mortgage document no(s) 3247413 and Assignment of Leases & Rents document no (s) 3247414
T5052465	Termination	Feb 18, 2013 2:00 PM		Terminates Financing Statement document no(s) 3247415
T5246121	Amendment of Mortgage	Apr 7, 2015 9:27 AM	\$956,592.63	Amending Mortgage document no(s) 5039522
T5504298	Continuation	Dec 20, 2017 4:30 PM		North Star Bank Continuation of Financing Statement document no(s) 5039524
T5514036	Amendment of Mortgage	Feb 26, 2018 10:24 AM		Between MSB HOLDINGS-BROOKLYN CENTER LLC (a MN llc) and NORTH STAR BANK (a MN corp) Amending Mortgage, Assignment of Leases and Rents, Amendment of Mortgage document no(s) 5039522, 5039523, 5246121
T5868771	Mortgage	Aug 20, 2021 9:56 AM	\$5,000,000.00	NORTH STAR BANK (A MN CORP), 1820 Lexington Avenue North, Roseville, Minnesota, 55113
T5868772	Assignment of Leases and Rents	Aug 20, 2021 9:56 AM		NORTH STAR BANK
T5868773	Financing Statement	Aug 20, 2021 9:56 AM		NORTH STAR BANK List
T5868474	Termination	Aug 24, 2021 1:12 PM		Terminates Financing Statement document no(s) 5039524
T5880540	Satisfaction/Release of Mortgage	Sep 27, 2021 9:28 AM		Satisfies or Releases Mortgage document no(s) 5039522
T5880541	Satisfaction	Sep 27, 2021 9:28 AM		Satisfies Assignment of Leases and Rents document no(s) 5039523

Indexes Verified through 3/1/2022



In Witness Whereof, I have hereunto subscribed my name and
affixed the seal of my office this 4th day of February, 2013.

Martin McCormick
Registrar of Titles,

In and for the County of Hennepin and State of Minnesota.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates set forth below.

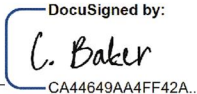
SELLER:

MSB HOLDINGS-BROOKLYN CENTER, LLC

By:  _____
Name: Mike Myhre _____
Its: Real Estate Manager _____

BUYER:

INDEPENDENT SCHOOL DISTRICT NO. 286

By:  _____
Name: C. Baker _____
Its: Superintendent _____



NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold an **on-line public hearing** on **Thursday, May 12, 2022**, at approximately 7:00 p.m. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.ci.brooklyn-center.mn.us/>. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: Preliminary & Final Plat for BCCS 5910 Shingle Creek Addition

APPLICANT: Dorsey & Whitney LLP, on behalf of Independent School District No. 286

PROPERTY OWNER: MSB Holdings Brooklyn Center LLC

PROPERTY ADDRESS / ID: 02-118-21-21-0001

BRIEF STATEMENT OF CONTENTS OF PETITION: The Applicant is requesting review of a proposal to subdivide the approximately 8 acre Subject Property, which would allow the Applicant to consolidate their district offices and childcare services into one building and expand the Applicant's continuum of services on an approximately 2.5 acre lot. The remaining 5.4 acres would be subdivided and purchased by the City of Brooklyn Center to help support long-term redevelopment plans, and through acquisition of necessary lands for future public roadways and utilities, developable lands, and public park lands.

Comments and questions may be forwarded to oboerschinger@ci.brooklyn-center.mn.us up until 4:30 pm on the day of the meeting, or contact Olivia Boerschinger at (763) 569-3316. Your comments will be included in the record and addressed as part of the meeting. Alternatively, you may participate in the Planning Commission meeting via Webex at: logis.webex.com

Meeting Number (Access Code): 2469 523 8910

Password: BCPC05122022

By Phone: 1 (312) 535-8110 (Enter Access Code)

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at (763) 569-3300 to make arrangements.

Respectfully,
Olivia Boerschinger
Associate Planner



NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Please take notice that the public hearing previously scheduled to be held virtually on Thursday, May 12, 2022 will now be held **in-person at approximately 7:00 p.m., at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota.** Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.ci.brooklyn-center.mn.us/>. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: Preliminary & Final Plat for BCCS 5910 Shingle Creek Addition

APPLICANT: Dorsey & Whitney LLP, on behalf of Independent School District No. 286

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Respectfully,
Olivia Boerschinger
Associate Planner



June 1, 2022

Dorsey & Whitney LLP on behalf of ISD No. 286
Attn: Alex Sellke
50 South Sixth Street #1500
Minneapolis, MN 55402

RE: City of Brooklyn Center, MN Planning Commission Application No. 2022-002
Requests for Preliminary and Final Plat of the BCCS 5910 SHINGLE CREEK ADDITION

Mr. Sellke,

Pursuant to Minnesota Statutes Section 15.99, the City of Brooklyn Center is required to approve or deny a written request for certain land use actions within sixty (60) days from receipt of an application. Community Development Department records indicate the City received the above-referenced application and documentation on April 12, 2022, which means the City's 60-day time limit would expire on June 11, 2022.

By allowances granted under Minnesota Statutes Section 15.99, Subd. 3(f), the City of Brooklyn Center is hereby providing official notice that the review period has been extended an additional sixty (60) days to allow the time necessary for City staff to prepare a resolution, including proposed conditions of approval, for review and action by City Council. The new deadline for completing the review and final action on this application is now August 10, 2022.

The public hearing was be re-noticed and published in the Brooklyn Center *Sun Post* edition for May 26, 2022, and in advance of the June 9, 2022 Planning Commission meeting.

If you have any questions or concerns, please feel free to call me at (763) 569-3316 or email oboerschinger@ci.brooklyn-center.mn.us.

Sincerely,

Olivia Boerschinger
Associate Planner

City of Brooklyn Center | Community Development Department

6301 Shingle Creek Parkway | Brooklyn Center, MN 55430 | (763) 569-3300 | www.cityofbrooklyncenter.org

**CITY OF
BROOKLYN CENTER
NOTICE OF
PUBLIC HEARING**

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing in-person on Thursday, June 9, 2022 at approximately 7:00 p.m., at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.ci.brooklyn-center.mn.us/>. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: Preliminary & Final Plat for BCCS 5910 Shingle Creek Addition

APPLICANT: Dorsey & Whitney LLP, on behalf of Independent School District No. 286

PROPERTY OWNER: MSB Holdings Brooklyn Center LLC

PROPERTY ADDRESS / ID:
02-118-21-21-0001

BRIEF STATEMENT OF CONTENTS OF PETITION: The Applicant is requesting review of a proposal to subdivide the approximately 8-acre Subject Property, which would allow the Applicant to consolidate their district offices and childcare services into one building and expand the Applicant's continuum of services on an approximately 2.5 acre lot. The remaining 5.4 acres would be subdivided and purchased by the City of Brooklyn Center to help support long-term redevelopment plans, and through acquisition of necessary lands for future public roadways and utilities, developable lands, and public park lands.

Comments and questions may be forwarded to oboerschinger@ci.brooklyn-center.mn.us up until 4:30 pm on the day of the meeting, or contact Olivia Boerschinger at (763) 569-3316. Your comments will be included in the record and addressed as part of the meeting. Alternatively, you may also participate virtually in the meeting via Webex at: logis.webex.com

Meeting Number (Access Code):
2456 141 4088
Password: s6zXJ4xxZR9
By Phone: 1 (312) 535-6110
(Enter Access Code)

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at (763) 569-3300 to make arrangements.

Respectfully,
Olivia Boerschinger
Associate Planner

Published in the
Sun Post
May 26, 2022
1231783

**CITY OF
BROOKLYN CENTER
NOTICE OF
PUBLIC HEARING**

TO WHOM IT MAY CONCERN:

Please take notice that the City Council of the City of Brooklyn Center will hold a public hearing in-person on Monday, June 27, 2022 at approximately 7:00 p.m., at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.ci.brooklyn-center.mn.us/>. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST:

Preliminary & Final Plat for
BCCS 5910 Shingle Creek
Addition

APPLICANT: Dorsey &

Whitney LLP, on behalf of
Independent School District No.
286

PROPERTY OWNER: MSB

Holdings Brooklyn Center LLC

PROPERTY ADDRESS / ID:

02-118-21-21-0001

BRIEF STATEMENT OF CONTENTS OF PETITION: The Applicant is requesting review of a proposal to subdivide the approximately 8-acre Subject Property, which would allow the Applicant to consolidate their district offices and childcare services into one building and expand the Applicant's continuum of services on an approximately 2.5-acre lot. The remaining 5.4 acres would be subdivided and purchased by the City of Brooklyn Center to help support long-term redevelopment plans, and through acquisition of necessary lands for future public roadways and utilities, developable lands, and public park lands.

Comments and questions may be forwarded to oboerschinger@ci.brooklyn-center.mn.us up until 4:30 pm on the day of the meeting, or contact Olivia Boerschinger at (763) 569-3316.

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at (763) 569-3300 to make arrangements.

Barb Suci
City Clerk

Published in the
Sun Post
June 16, 2022
1236719



Planning Application

City Use Only

Date Received: 10/23/14

Date Application Complete: _____

Letter of Completeness: _____

Application No. 2014-016

A preliminary meeting with the Planning and/or Engineering Staff is required prior to the submission of a Planning Application. No application will be accepted prior to such meeting. City Staff shall have five (5) business days to review applications for completeness. The 60-day statutory review period does not begin until staff determines the application is complete.

Application Request (Mark all that Apply)

☐	Site & Building Plan (\$750)	☐	Planned Unit Development (\$1800)	☐	Subdivision Approval (\$300)
☐	Rezoning (\$1050)	☐	PUD Amendment (\$700)	☐	Appeal (\$200)
☐	Variance (\$200)	☒	Special Use Permit (\$200)	☐	Determination (\$200)

Applicant Information:

Name: BROOKLYN CENTER SCHOOLS Signature: Daniel A. Krefelberg
Address: 6500 Humboldt Ave. N. BC, MN 55430
Office Phone: 763-450-3381 Cell: 612-290-9414
Email: dkrefelberg@brookcenter.k12.mn.us FAX: 763-450-3477

Owner Information* (if different from Applicant):

Name: MSB-Holdings Brooklyn Center LLC Signature: Michael Myhre
Address: 5910 SHINGLE CREEK PARKWAY
Office Phone: 651-332-8052 Cell: _____
Email: Mike.myhre@MSBcollege.edu FAX: _____

* The fee title owner of the property must sign this Application to make it official

Please provide a general description of your Application Request: Develop a daycare
with an outdoor play space at the above location.
See attached narrative.

Address/Location of Property: 5910 Shingle Creek Parkway, Brooklyn Center MN
55430
Legal Description of Property: PID-02-118-21-21-0001
Reg. Land Survey No. 1276 Tract A

The applicant requests processing of this application and agrees to pay to the City of Brooklyn Center, within fifteen (15) days after mailing or delivery of the billing statement, the actual costs incurred by the City for Engineering, Planning and Legal expenses reasonably and necessarily required by the City for the processing of the application. Such costs will be in addition to the application fee described herein. Withdrawal of the application will not relieve the applicant of the obligation to pay costs incurred prior to withdrawal.

Application Fee \$ 200.00

Acct No. 10100-4403

Receipt No. _____

City Use Only

City Use Only

City Use Only

Planning Commission Recommendation

Dates of PC Consideration	Legal Notice Published	Notices Mailed	Action Taken	Approved Resolution No.

____ Approved ____ Denied this ____ day of _____ 20 _____,
subject to the following conditions:

Chairman

City Council Action

Dates of Council Consideration	Legal Notice Published	Notices Mailed	Action Taken	Approved Resolution No.	Performance Bond Received

____ Approved ____ Denied this ____ day of _____ 20 _____,
with the following amendment:

Clerk/Planning Commission Secretary

The City holds a public hearing for review of a Special Use Permit application. Notices are published in the city's official newspaper and letters are sent to surrounding property owners regarding the date and time of the meeting. The Planning Commission makes their recommendation to the City Council who holds a public hearing as well.

Address _____	Plans Received By: _____
Project Description: _____	Date: _____



City of Brooklyn Center Business and Development

6301 Shingle Creek Parkway,
Brooklyn Center, MN 55430-2199
Phone 763.569.3300
TTY/Voice 711 Fax 763.569.3494
www.cityofbrooklyncenter.org

Special Use Permit Application and Review Process

Special uses are those which may be required for the public welfare in a given district but which are, in some respects, incompatible with the permitted uses in the district. Before a building or premises is devoted to any use classified as a special use by this ordinance, a special use permit must be granted by the City Council. A special use permit may be granted after demonstration that all of the following are met:

- ☐ Application, fee (\$200) and supporting documentation are submitted 30 days prior to a scheduled Planning Commission meeting.
- ☐ The establishment, maintenance or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.
- ☐ The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- ☐ The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- ☐ Adequate measures have been or will be taken to provide ingress, egress and parking so designed as to minimize traffic congestion in the public streets.
- ☐ The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

Conditions and Restrictions: The Planning Commission may recommend and the City Council may impose such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with requirements specified in this ordinance. In all cases in which special use permits are granted, the City Council may require such evidence and guarantees as it may deem necessary as part of the conditions stipulated in connection therewith.

Resubmission: No application for a special use permit which has been denied by the City Council shall be resubmitted for a period of twelve (12) months from the date of the final determination by the City Council; except that the applicant may set forth in writing newly discovered evidence of change of condition upon which he relies to gain the consent of the City Council for resubmission at an earlier time.

Revocation and Extension of Special Use Permits: When a special use permit has been issued pursuant to the provisions of this ordinance, such permit shall expire without further action by the Planning Commission or the City Council unless the applicant or his assignee or successor commences work upon the subject property within one year of the date the special use permit is granted, or unless before the expiration of the one year period the applicant shall apply for an extension thereof by filling out and submitting to the Secretary of the Planning Commission a "Special Use Permit" application requesting such extension and paying an additional fee in an amount as set forth by the City Council resolution.

Special use permits granted pursuant to the provisions of a prior ordinance of Brooklyn Center shall expire within one year of the effective date of this ordinance if construction upon the subject property pursuant to such special use permit has not commenced within that time. In any instance where an existing and established special use is abandoned for a period of one year, the special use permit related thereto shall expire one year following the date of abandonment.

The Baby Steps Child Development program is currently licensed for 40 children. That number is broken down into the following age categories: 14 Infants, 13 Toddlers, 13 Preschoolers. Each age group is chaperoned by 2-3 staff members. As a whole our program has 6-8 employees on-site at any given time. Enrollment is currently limited to students enrolled in the BCA or Pathways to Success GED program which are both on-site. The outdoor play area at our current space is surrounded by a chain link fence and measures 1,500 square feet.

Member Lin Myszkowski
moved its adoption:

introduced the following resolution and

RESOLUTION NO. 2014-154

RESOLUTION REGARDING THE DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2014-016 SUBMITTED BY BROOKLYN CENTER SCHOOLS - ISD #286 FOR A SPECIAL USE PERMIT TO OPERATE A GROUP DAY CARE FACILITY IN THE C2 (COMMERCE) DISTRICT, LOCATED AT 5910 SHINGLE CREEK PARKWAY

WHEREAS, Planning Commission Application No. 2014-016 submitted by Brooklyn Center Schools – ISD #286 (“Applicant”) proposes a special use permit allowing a Group Day Care Facility, within the Minnesota School of Business building site, located at 5910 Shingle Creek Parkway (“Subject Property”); and

WHEREAS, the Subject Property is situated in the C2 (Commerce) District and pursuant to City Code Section 35-322; Subd. 3.q, Group Day Care Facilities are only allowed by means of special use permit in the C2 Districts, and the Applicant has submitted such application to the City of Brooklyn Center for official consideration under Planning Application No. 2014-016; and

WHEREAS, on November 13, 2014, the Planning Commission held a duly noticed and called public hearing, whereby a planning staff report was presented and public testimony regarding the special use permit were received; and

WHEREAS, the Planning Commission considered the Special Use Permit request in light of all testimony received, the guidelines and standards for evaluating this special use permit contained in Section 35-220 of the City’s Zoning Ordinance, and the request complies with the general goals and objectives of the City’s 2030 Comprehensive Plan; and

WHEREAS, the Planning Commission determined that Planning Application No. 2014-016 may be approved based upon the standards used to determine and approve a special use permit appear to have been met, which are noted as follows:

- a) The establishment, maintenance, or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort.
- b) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- c) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

- d) Adequate measures have been or will be taken to provide ingress, egress and parking so designed as to minimize traffic congestion in the public streets.
- e) The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

AND WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 2014-17, which provides a favorable and unanimous recommendation to the City Council that Planning Application No. 2014-016, a special use permit allowing a Group Day Care Facility at 5910 Shingle Creek Parkway, as submitted by Brooklyn Center Schools – ISD No. 286 may be approved with certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the Special Use Permit allowing a Group Day Care Facility within the Minnesota School of Business site, located at 5910 Shingle Creek Parkway, is hereby approved subject to the following conditions:

- 1) The Special Use Permit is granted to Brooklyn Center Schools – ISD No. 286 only, to be used for a group daycare or childcare facility to provide on-site child care of no more than 40 children, which is subject to the granting of a license by the Minnesota Department of Human Services. Brooklyn Center Schools shall submit a copy or proof of this licensing to the City.
- 2) Any expansion or alteration of the proposed group day care use beyond that contained in this submittal and approved under the proposed city council resolution, including any increase to the number of children to be cared for under this permit and Minn. DHS license shall require an amendment to the Special Use Permit.
- 3) The Special Use Permit that allows this group day care facility, along with the associated (but permitted) alternative learning center use, are subject to all applicable building codes, ordinances and regulations. Any violation thereof may be grounds for revocation of this special use permit.
- 4) The playground must be enclosed with a minimum 5-foot high fenced enclosure with appropriate child-safe locked gates as necessary.
- 5) No outdoor music or loud speakers will be allowed in and around the outdoor playground area; the playground shall be monitored by the required number of adult leaders under the State DHS license; and the

playground must be well maintained and secured during off hours of operations.

- 6) Brooklyn Center Schools and/or operators of the group day care will ensure that children being dropped off or utilizing the childcare facility shall always be escorted by a parent or adult when entering or exiting the facility.
- 7) Approval of the special use permit does not authorize additional signage other than that allowed for under City Code Chapter 34 – SIGNS. No banners or temporary signs will be allowed.

November 24, 2014

Date

Tim Willson
Mayor

ATTEST:

Mara Rosenbaum, Deputy
City Clerk

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

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

Tim Willson, Carol Kleven, Kris Lawrence-Anderson, Lin Myszkowski, and Dan Ryan;
and the following voted against the same: none;

whereupon said resolution was declared duly passed and adopted.

MEMORANDUM

DATE: April 27, 2022

TO: Ginny McIntosh, City Planner/Zoning Administrator

FROM: Jay Hill, Principal Engineer

SUBJECT: Preliminary & Final Plat – 5910 Shingle Creek Parkway

Public Works staff reviewed the following documents submitted for review for the proposed 5910 Shingle Creek Parkway (Planning Commission Application No. 2022-002):

- Preliminary Plat & Final Plat dated 04/12/2022

General

1. Concept site plan to be submitted for staff review for adherence with current Opportunity Site Master Plan. Recommend reviewing/adjusting proposed lot lines to prevent future unbuildable lot remnants. Plats do not appear to be consistent with most current roadway layout plan 4A dated January 2022.
2. Final plat subject to review and approval by the Hennepin County Surveyor.
3. City shall be provided a copy of recorded final plat.
4. All monumentation shall be set in accordance with State Statutes.

Miscellaneous Items

5. City to be provided copies of all required separate cross access/parking easements.
6. Trash enclosure/Trash receptacles for the existing building to be relocated onto Lot 1.
7. Existing northerly driveway to Shingle Creek Parkway shall be removed and relocated to new overall development roads once they are constructed.
8. Ongoing operation and future removal of existing parking lot light in proposed Lot 2 to be coordinated.

Preliminary Plat

9. Existing building awning and support wall on the SW corner of the building encroach into the required 10' building setback. Overhang & support wall to be shown more clearly on preliminary plat.
10. Posts and light pole along the northerly boundary line appear to be encroachments onto the property. Items shall be removed or a separate encroachment easement provided.
11. Provide Floor Area Ratio (FAR) for proposed Lot 1.
12. Recommend that Lot 2 is platted as an Outlot instead of a Lot. Drainage & Utility easements not required along side or rear lot lines if platted as an Outlot.

Final Plat

13. Drainage & Utility easement for the existing storm sewer shall be labeled.
14. All distances to found monumentation along the northerly and easterly boundary lines shall be labeled.
15. Drainage & Utility easement along the southwesterly line of Lot 1 shall be 10' wide in anticipation

PC Review Memo, April 27, 2022

for future road right of way. Existing improvements such as the AC unit and flag pole that encroach into this easement shall be relocated.

16. Existing street name shall be stippled.

17. All existing and vacated easements per the Title Commitment to be shown and labeled.

18. Recommend that all easements to be vacated are vacated & recorded prior to recording the final plat.

The aforementioned comments are provided based on the information submitted by the applicant at the time of this review. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City. Future site revisions and development will require a separate site plan submittal and approval.

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO.

RESOLUTION REGARDING RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2022-002 SUBMITTED BY DORSEY & WHITNEY LLP ON BEHALF OF INDEPENDENT SCHOOL DISTRICT NO. 286 FOR APPROVAL OF THE PRELIMINARY AND FINAL PLAT FOR BCCS 5910 SHINGLE CREEK ADDITION (5910 SHINGLE CREEK PARKWAY)

WHEREAS, Planning Commission Application No. 2022-002 was submitted by Dorsey & Whitney LLP on behalf of Independent School District No. 286 (“the Applicant”), requesting preliminary and final plat approval to subdivide the approximately eight (8) acre site located at 5910 Shingle Creek Parkway (“the Subject Property”); and

WHEREAS, the Applicant is currently a tenant of the existing building, which was originally constructed in 1969 and approved by the City of Brooklyn Center under Planning Commission Application No. 69003, and the Applicant intends to purchase the Subject Property; and

WHEREAS, purchase of the Subject Property would allow for the Applicant to consolidate school district offices and childcare services into one building and expand the Applicant’s continuum of services on an approximately 2.5-acre lot; and

WHEREAS, the remaining approximately 5.4-acres, which is largely underutilized as parking and impervious space would be subsequently purchased by the City of Brooklyn Center to help support long-term redevelopment plans, and via acquisition of necessary lands for future public roadways and utilities, developable lands, and public park lands; and

WHEREAS, public hearings were noticed for May 12, 2022 and June 9, 2022, and both meetings failed to meet quorum, therefore the public hearings were not held and no recommendation was provided by the Planning Commission of the City of Brooklyn Center; and

WHEREAS, a letter was sent to the Applicant on June 1, 2022, requesting a 60-day extension, and a public hearing notice was published in the Brooklyn Center Sun Post on June 16, 2022, 2022 for consideration at the June 27, 2022 City Council meeting; and

WHEREAS, this item was given due consideration, a staff report was presented, and a public hearing was opened to allow for public testimony regarding the plat requests for BCCS 5910 SHINGLE CREEK ADDITION, which were received and noted for the record; and

WHEREAS, the City Council of the City of Brooklyn Center determined during its review of the plat and materials submitted with Planning Commission Application No. 2022-002, that said plat is in general conformance with the City of Brooklyn Center’s City Code of Ordinances,

RESOLUTION NO.

and specifically Chapter 15—Platting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Commission Application No. 2022-002, as submitted by Dorsey & Whitney LLP on behalf of Independent School District No. 286, and requesting preliminary and final plat approval for BCCS 5910 SHINGLE CREEK ADDITION, be approved based upon the findings of fact in the June 21, 2022 planning report, and submitted documents and plans as amended by the following conditions of approval:

1. Approval of the preliminary and final plat for BCCS 5910 SHINGLE CREEK ADDITION are contingent upon the addressing of comments by Principal Engineer Hill in his memorandum dated April 27, 2022.
2. Final plat and mylar shall be subject to the provisions of Chapter 15 of the City Code of Ordinances (*Platting*).
3. Any final plat comments and/or requirements as provided by Hennepin County.
4. Any final plat comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title.
5. The successful recording of said plat (mylar) with Hennepin County.
6. All conditions as contemplated under City Council Resolution No. 2014-154 remain in force and any requests to alter or expand upon approved special uses are to be coordinated with the City for determination of further City approvals.

June 27, 2022

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.

5910 Shingle Creek Parkway



- **REQUEST:**
Preliminary | Final Plat
(Public Hearing)



City Council Meeting | June 27, 2022
Olivia Boerschinger, Associate Planner

Notification & Timing

- A public hearing was published in the Brooklyn Center *Sun Post* on April 28, 2022, then subsequently re-noticed to reflect the change to return to in-person meetings.
- The May 12th Planning Commission meeting was canceled due to failure to meet quorum. The public hearing was published and re-noticed on May 26, 2022.
- A 60-day review period extension letter was mailed to the applicant on June 1, 2022
- The June 9th Planning Commission meeting was also cancelled due to inability to reach quorum. At this time, the consideration of this application was moved directly to Council without Planning Commission's recommendation, and the public hearing was re-noticed for the final time on June 16th, 2022.



Request

- Dorsey & Whitney LLP on behalf of ISD 286 (“the Applicant”) is requesting review and consideration for preliminary and final plat of BCCS 5910 SHINGLE CREEK ADDITION, which includes approximately 8 acres of property located at 5910 Shingle Creek Parkway (“the Subject Property”).



3

Background

- The Subject Property is currently developed with one building, approved and constructed in 1969 (PC Application No. 69003). Presently, the building has two tenants which includes the Applicant.
- A SUP to operate a group day care facility and construct an outdoor playground was approved in 2014.
- The Subject Property is in the process of being purchased by the Applicant to consolidate district offices, educational services, and childcare services into the single building on the property. These uses are permitted with the current and proposed future zoning of the Subject Property.
- The Subject Property is currently zoned C2 (Commerce) and is located within the Central Commerce Overlay district. It is guided to be rezoned TOD per the 2040 Comprehensive Plan.



4

Background and Request (Cont.)

- The Applicant requests to subdivide the Subject Property as a part of the purchase process. The City of Brooklyn Center intends to purchase the portion of the property not required for the Applicant's needs and future uses.
 - Applicant would purchase approximately 2.5 acres (Lot 1)
 - City would purchase remaining approximately 5.4 acres (Lot 2)
- Lot 1, maintained by the Applicant contains the building and 80 parking spaces to meet on-site parking needs and zoning standards
- Lot 2, proposed City-ownership consists of existing excess parking for the building on the Subject Property



5

Existing Conditions



6

Existing Conditions (Cont.)

[illegible]

Review Comments

- City Engineer Mike Albers and Principal Engineer Jay Hill provided a memorandum as part of review (dated April 27, 2022).

Highlights

- The City recommends that Lot 2 be platted as an Outlot, rather than a Lot
- Existing trash enclosure located at the north end of the Subject Property would need to be relocated on to proposed Lot 1 and comply with City Code requirements
- Engineering requests an additional exhibit to be provided reflecting the proposed setbacks for the existing awning and support wall located on the southwest corner of the building
- Provide an updated certified abstract of the title or registered property report to City Planner and City Attorney for review.



9

Approval Conditions

- Approval of the preliminary and final plats for BCCS 5910 SHINGLE CREEK ADDITION are contingent upon the addressing of comments by City Engineer Mike Albers in his memorandum dated April 27, 2022.
- Final plat and mylar shall be subject to the provisions of Chapter 15 of the City Code of Ordinances (*Platting*).
- Any comments and/or requirements as provided by Hennepin County.
- Any comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title.
- The successful recording of said plat (mylar) with Hennepin County.
- All conditions as contemplated under City Council Resolution No. 2014-154 remain in effect and any requests to alter or expand upon approved special uses are to be coordinated with the City for determination of further City approvals.



10

Recommendation

Motion to adopt resolution approving Planning Commission Application No. 2022-002, requesting preliminary and final plat approval for BCCS 5910 SHINGLE CREEK ADDITION based upon the findings of fact and submitted application, and as amended by the conditions of approval in the resolution.



BROOKLYN CENTER HOME RULE CHARTER COMMISSION

May 15th, 2022

Dr. Reggie Edwards
City Manager
City of Brooklyn Center
6301 Shingle Creek Pkwy.
Brooklyn Center, MN 55430

Re: Transmittal of Recommended Amendments to the City Charter

Dear Dr. Edwards:

The purpose of this letter is to transmit to the Brooklyn Center City Council two proposed amendments to the Brooklyn Center City Charter. The enclosed recommended amendments are being forwarded for consideration for adoption by ordinance pursuant to Minnesota Statutes, section 410.12, subdivision 7 and Section VIII(B)(3)(a) of the Charter Commission's Rules of Procedures ("Rules").

The recommended amendments were accepted by a 2/3 affirmative vote of the actual membership (with never less than eight affirmative votes) of the Charter Commission as required by Section VIII(B)(1) of the Rules and are being transmitted as separate recommendations the City Council may act on individually or jointly. The Charter Commission understands the City will draft one or more ordinances as needed to address the recommended amendments and will act on them within the timelines established in Minnesota Statutes, section 410.12, subdivision 7.

Both amendments were the result of recommendations by city staff to streamline city processes and procedures. Please feel free to contact me if there are any questions or if you would like me to provide additional information regarding the Charter Commission's reasons behind the recommended amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Goodell", written in a cursive style.

Mark Goodell
Chairperson

Enclosure – Recommended Amendment #1, Recommended Amendment #2

BROOKLYN CENTER HOME RULE CHARTER COMMISSION

RECOMMENDED CHARTER AMENDMENT1

The Brooklyn Center Home Rule Charter Commission hereby transmits the following recommended amendment to the City Charter for consideration and action by the City Council by ordinance pursuant to Minnesota Statutes, section 410.12, subdivision 7.

Recommended Amendment #1

Chapter 6, Section 6.05, of the City Charter of the City of Brooklyn Center is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

Section 6.05. PURCHASES AND CONTRACTS. The City Council shall by resolution establish and maintain a purchasing policy for the City of Brooklyn Center. All contracts, bonds, and instruments of any kind to which the City is a party shall be signed ~~by the Mayor and the City Manager~~ in accordance with the purchasing policy on behalf of the City and shall be executed in the name of the City.

Submitted to the City this 15th day of May 2022.

BY THE CHARTER COMMISSION

Mark Goodell, Chairperson

Kathryn Ellgren, Secretary

BROOKLYN CENTER HOME RULE CHARTER COMMISSION

RECOMMENDED CHARTER AMENDMENT

The Brooklyn Center Home Rule Charter Commission hereby transmits the following recommended amendment to the City Charter for consideration and action by the City Council by ordinance pursuant to Minnesota Statutes, section 410.12, subdivision 7.

Recommended Amendment #2

Chapter 3, Section 3.08, of the City Charter of the City of Brooklyn Center is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

Section 3.08. SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution passed by the Council shall be signed by the Mayor, or Acting Mayor, attested by the City Clerk, within 48 hours, and filed and preserved. Every ordinance shall be published at least once in the official newspaper.

Submitted to the City this 15th day of May 2022.

BY THE CHARTER COMMISSION

Mark Goodell, Chairperson

Kathryn Ellgren, Secretary

CITY OF BROOKLYN CENTER

Notice is hereby given that a Public Hearing will be held on the 27th day of June at 7 p.m. or as soon thereafter as the matter may be heard at the City Hall, 6301 Shingle Creek Parkway, to consider an ordinance amending Chapter 6 of the Brooklyn Center City Charter; Section 2.06. Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at 763-569-3300 to make arrangements.

ORDINANCE NO. 2022-02

AN ORDINANCE AMENDING CHAPTER 6 SECTION 6.05 OF THE
BROOKLYN CENTER CITY CHARTER

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

Section 1. Chapter 6, Section 6.05, of the City Charter of the City of Brooklyn Center is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

Section 6.05. PURCHASES AND CONTRACTS. The City Council shall by resolution establish and maintain a purchasing policy for the City of Brooklyn Center. All contracts, bonds, and instruments of any kind to which the City is a party shall be signed ~~by the Mayor and the City Manager~~ in accordance with the purchasing policy on behalf of the City and shall be executed in the name of the City.

Section 2. This ordinance shall be effective after adoption and ninety (90) days following its legal publication.

Adopted this 27th day of June, 2022.

Mayor

ATTEST: _____
City Clerk

Date of Publication:

Effective Date:

(~~Strikeout~~ indicates matter to be deleted, double underline indicates new matter.)

BROOKLYN CENTER HOME RULE CHARTER COMMISSION

May 15th, 2022

Dr. Reggie Edwards
City Manager
City of Brooklyn Center
6301 Shingle Creek Pkwy.
Brooklyn Center, MN 55430

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Mark Goodell
Chairperson

Enclosure – Recommended Amendment #1, Recommended Amendment #2

BROOKLYN CENTER HOME RULE CHARTER COMMISSION

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Submitted to the City this 15th day of May 2022.

BY THE CHARTER COMMISSION

Mark Goodell, Chairperson

Kathryn Ellgren, Secretary

BROOKLYN CENTER HOME RULE CHARTER COMMISSION

RECOMMENDED CHARTER AMENDMENT

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Submitted to the City this 15th day of May 2022.

BY THE CHARTER COMMISSION

Mark Goodell, Chairperson

Kathryn Ellgren, Secretary

CITY OF BROOKLYN CENTER

Notice is hereby given that a Public Hearing will be held on the 27th day of June at 7 p.m. or as soon thereafter as the matter may be heard at the City Hall, 6301 Shingle Creek Parkway, to consider an ordinance amending Chapter 3 of the Brooklyn Center City Charter; Section 3.08. Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at 763-569-3300 to make arrangements.

ORDINANCE NO. 2022-03

AN ORDINANCE AMENDING CHAPTER 3 SECTION 3.08 OF THE
BROOKLYN CENTER CITY CHARTER

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

Section 1. Chapter 3, Section 3.08, of the City Charter of the City of Brooklyn Center is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

Section 3.08. SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution passed by the Council shall be signed by the Mayor, or Acting Mayor, attested by the City Clerk, within 48 hours, and filed and preserved. Every ordinance shall be published at least once in the official newspaper.

Section 2. This ordinance shall be effective after adoption and ninety (90) days following its legal publication.

Adopted this 27th day of June, 2022.

Mayor

ATTEST: _____
City Clerk

Date of Publication:

Effective Date:

(~~Strikeout~~ indicates matter to be deleted, double underline indicates new matter.)

AGENDA



ACTIVE DISCUSSION ITEMS

1. Minneapolis Northwest Tourism - Update and Discussion

PENDING LIST FOR FUTURE WORK SESSIONS

1. Upcoming Items
 - Strategic Plans for years 2018-2020 and 2021-2023
 - Review Special Assessment Policy
 - Emerald Ash Borer Policy Review
 - Community-Wide Survey
 - Attorney RFP Process
 - Franchise Fees
 - Memorial Policy

Council/EDA Work Session

DATE: 6/27/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Meg McMahan, Community Development Director

SUBJECT: Minneapolis Northwest Tourism - Update and Discussion

Requested Council Action:

Background:

Brooklyn Center has been a part of the Minneapolis Northwest Tourism Board (MNTB) for several decades. The primary purpose of the organization is to promote travel and tourism to the northwest metro area. It is funded through a state-authorized lodging tax on hotel room rentals that must be used for the purposes of funding such an organization. Over the years, the organization's membership has morphed and changed. The cities of Brooklyn Park, Brooklyn Center, and Maple Grove are the three remaining cities in the consortium.

In January, the city of Maple Grove put the MNTB on notice that the city was going to spend one year evaluating its future participation in the organization (they were required per their participation agreement to provide a one year notice before pulling out of the organization).

Maple Grove has over half the hotel rooms between the three participating cities, and therefore contributes over half the budget to the organization. Removal of 50 to 100% of Maple Grove's lodging tax revenue will significantly alter the MNTB budget moving forward. It should be noted, however, that the MNTB budget has already been significantly altered by COVID for 2020 and 2021 and staffing changes and service delivery has been altered accordingly. The chart below summarizes the budget of MNTB during a "normal" year.

	Years Ended December 31, 2019	2018
REVENUES:		
Lodging tax	\$ 1,727,044	\$ 1,655,487
Explore Minnesota Tourism Grant	-	7,000
Advertising and other income	4,360	-
Interest income	1,776	2,241
	<u>1,733,180</u>	<u>1,664,728</u>
EXPENSES:		
Operations	348,203	424,496
General marketing	878,942	811,822
Sales	578,820	674,110
	<u>1,805,965</u>	<u>1,910,428</u>

Every hotel within the three cities pays lodging tax, and therefore contributes to the Minneapolis Northwest Tourism budget. Of the City of Brooklyn Center's ten hotels, only four are actual members of Minneapolis Northwest Tourism. The Heritage Center also is a member, though they have indicated that they do not see significant benefit or increased business as a result of their membership.

Both the City of Brooklyn Park and Brooklyn Center have agreements that required termination notices by June 30th, 2021 in order to withdrawal by the end of the following year.

In June 2021, both Brooklyn Center and Brooklyn Park passed resolutions to withdraw from Minneapolis Northwest Tourism. This was done in reaction to Maple Grove's decision to leave the organization, and allowed the City's time understand their potions before making a final decision to ultimately stay in the organization or create a new organization.

The City Council directed staff to study the options available and come back for further discussion. Since that time, the Minneapolis Northwest Tourism Board in partnership with the two cities contracted with Clarity of Place, a consulting firm specializing in convention and visitor's bureaus.

Clarity of Place have been working with the two communities over the last six months. This evening they will present their findings and recommendations for how to proceed. Staff is seeking direction from the Council on a path forward. Based on that discussion, a resolution will be brought forward at a future meeting for Council consideration.

Clarity of Place will then spend the remainder of the year implementing the Council direction.

Budget Issues:

This action will have no immediate effect on the budget.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image

Council/EDA Work Session

DATE: 6/27/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Dr. Reginald Edwards, City Manager

SUBJECT: Upcoming Items

Requested Council Action:

- Strategic Plans for years 2018-2020 and 2021-2023
- Review Special Assessment Policy
- Emerald Ash Borer Policy Review
- Community-Wide Survey
- Attorney RFP Process
- Franchise Fees
- Memorial Policy

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: