

Council Worksession
City Hall Council Chambers
June 24, 2024

AGENDA



The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the packet is available on the city's website.

- 1. Call to Order - 6:00 p.m.**
- 2. Council Miscellaneous Discussion Items**
 - a. Resolution 2021-73
- 3. City Manager Miscellaneous Discussion Items**
- 4. Adjourn**

Member Butler introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-73

RESOLUTION ADOPTING THE DAUNTE WRIGHT AND KOBE DIMOCK-
HEISLER COMMUNITY SAFETY AND VIOLENCE PREVENTION ACT

WHEREAS, the City of Brooklyn Center (“City”) can create a safer, healthier, more just, and more thriving community by promoting a diversity of responses to our community’s safety needs that do not rely solely on our armed law enforcement officers; and

WHEREAS, many approaches have proven to be safe and effective for responding to non-moving traffic offenses, low-level violations, to people with mental health needs or disabilities, and to other similar situations that do not involve armed law enforcement officers; and

WHEREAS, creating alternative responses in these situations will allow our law enforcement officers to focus their time, training, and expertise on serious threats to the immediate safety of our residents; and

WHEREAS, relying on our armed law enforcement officers as first responders in these situations has in some circumstances resulted in escalation, harm, and the tragic and potentially avoidable loss of life for our residents, including Daunte Wright and Kobe Dimock-Heisler; and

WHEREAS, a diversity of approaches will improve overall public safety, better address the root causes of many systemic issues, promote racial justice, better protect vulnerable members of our community, and more efficiently allocate public resources while recognizing there is still work to be done to address policing mindset and culture; and

WHEREAS, the residents of Brooklyn Center have demanded change in our City and will help co-create new approaches to health and safety in our community, and this Act affirms our commitment to an intentional, inclusive and collaborative process that involves City leadership and the community working together to fully implement the intent this Act; and

WHEREAS, the City Council will be drawing upon the best aspects of many different existing models and polices from all across the country in order to adapt them for our City with the help of residents, experts and data analysis, and the City is committing to all of these measures in a single, unified Act to deliver true transformational change for our community; and

WHEREAS, the City Council is committed to putting in the work necessary to bring about changes as quickly as possible in how the City provides public safety while recognizing that some of these measures will take longer to implement than others, and that additional work remains to be done to create a healthier and more equitable community even beyond this Act.

NOW, THEREFORE, the City Council of the City of Brooklyn Center, Minnesota, resolves as follows:

- 
5. Community Safety and Violation Prevention Committee. The City will create a permanent Community Safety and Violence Prevention Committee. The Director will provide the Mayor with a list of candidates to serve on the committee and the Mayor will recommend candidates to the City Council for appointment. A majority of the committee members must be City residents with direct experience being arrested, detained, or having other similar contact with Brooklyn Center Police, or have had direct contact with one or more of the other services to be provided by the new Department. The City Council may appoint City staff to serve as liaisons to the committee, but no City staff member will have a vote on the committee. The committee will: review and make recommendations regarding the policing response to recent protests; review the current collective bargaining agreement between the City and the Police Department and make recommendations prior to the renegotiation of the agreement and before its final approval; recommend the City Council create a separate and permanent civilian oversight committee for the new Department; review Chapter 19 of the City Code and make recommendations with regard to repealing or amending provisions or penalties therein, including fines and fees; and periodically make any other recommendations to the City Council related to initiating programs or policies to improve community health in the City.

6. Use of Force. The City will review and update its policies, practices and training to more appropriately regulate the use of force by its armed law enforcement officers including, for example, by requiring de-escalation, exhaustion of reasonable alternatives before using deadly force, prohibitions on using deadly force in certain situations including firing upon moving vehicles, prohibiting certain uses of force or other policing tactics during First Amendment protests and assemblies, and additional revisions as needed.
7. Citation and Summons for Low Level Offenses. To immediately prevent any further harm and to better protect the peace and safety of all City residents while this Act is being fully implemented, the City Council directs the City Manager to implement forthwith a citywide “citation and summons” policy requiring officers to issue citations only, and prohibiting custodial arrests or consent searches of persons or vehicles, for any non-moving traffic infraction, non-felony offense, or non-felony warrant, unless otherwise required by law, and the Implementation Committee will make recommendations regarding making these policy changes permanent and/or modifying them as needed, including by appropriate changes in ordinance, practices or policies.
8. Implementation Committee. The City will create a Community Safety and Violence Prevention Implementation Committee (“Implementation Committee”), including residents from the City and other local, state and national experts in public health-oriented approaches to community safety, to be chaired by the Mayor, and with members recommended by the Mayor and confirmed by the City Council, that will propose amendments, ordinances, resolutions, policies, guidelines or other recommendations for the review, adoption and/or implementation by City Council or City staff, as appropriate, that would fully implement the will and intent of City Council as expressed in this Act. The City Council may appoint City staff to serve as liaisons to the Implementation Committee, but City staff shall not have a vote on the committee. The Implementation Committee shall provide its recommendations directly to the City Council.
9. Community Involvement. The Implementation Committee will ensure the community has the opportunity to review and comment upon the all implementation plans, including by making periodic progress reports in open City Council meetings monthly, or more frequently upon the Council’s request; that the Implementation Committee is empowered to explore external sources of funding to implement the Act and that the City may retain additional counsel, temporary staff, and consultants as reasonable and necessary to enable the Implementation Committee to complete its work; and the Implementation Committee will present recommendations to City Council for initial consideration not later than 180 days from the date of this Act.
10. Implementation and Staff Support. The directives contained in this Act shall be carried out in compliance with the law and the City Charter. The City Attorney, City Manager, Chief of Police and other City personnel are authorized and directed to provide all necessary assistance and support to all committees created pursuant to this Act, including by supplying the committees with any and all data necessary to perform their duties, including confidential or private data as requested with appropriate protections, and budgetary, staffing or other

information, and assisting with the crafting of amendments, ordinances, or policies as requested by the Implementation Committee. This Act authorizes, to the greatest extent possible, the implementation of the measures identified herein without further policy approvals from the City Council. To the extent additional approvals are needed, or legal barriers are identified, in the implementation of these measures or the recommendations of the Implementation Committee, the City Manager or City Attorney are directed to bring those issues to the City Council's attention for further direction or action as needed.

May 15, 2021

Date



Mike Elliott, Mayor

ATTEST:



City Clerk

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

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

Butler, Elliott, Graves, Ryan

and the following voted against the same:

Lawrence-Anderson

whereupon said resolution was declared duly passed and adopted.

RESOLUTION NO. 2021-73 (Amended 2024-01)

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HEISLER COMMUNITY SAFETY AND VIOLENCE PREVENTION ACT

WHEREAS, the City of Brooklyn Center ("City",) can create a safer, healthier, more just, and more thriving community by promoting a diversity of responses to our community's safety needs that do not rely solely on our armed law enforcement officers; and

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WHEREAS, creating alternative responses in these situations will allow our law enforcement officers to focus their time, training, and expertise on serious threats to the immediate safety of our residents; and

WHEREAS, relying on our armed law enforcement officers as first responders in these situations has in some circumstances resulted in escalation, harm, and the tragic and potentially avoidable loss of life for our residents, including Daunte Wright and Kobe Dimock-Heisler; and

WHEREAS, a diversity of approaches will improve overall public safety, better address the root causes of many systemic issues, promote racial justice, better protect vulnerable members of our community, and more efficiently allocate public resources while recognizing there is still work to be done to address policing mindset and culture; and

WHEREAS, the residents of Brooklyn Center have demanded change in our City and will help co-create new approaches to health and safety in our community, and this Act affirms our commitment to an intentional, inclusive and collaborative process that involves City leadership and the community working together to fully implement the intent this Act; and

WHEREAS, the City Council will be drawing upon the best aspects of many different existing models and polices from all across the country in order to adapt them for our City with the help of residents, experts and data analysis, and the City is committing to all of these measures in a single, unified Act to deliver true transformational change for our community; and

WHEREAS, the City Council is committed to putting in the work necessary to bring about changes as quickly as possible in how the City provides public safety while recognizing that some of these measures will take longer to implement than others, and that additional work remains to be done to create a healthier and more equitable community even beyond this Act.

NOW, THEREFORE, the City Council of the City of Brooklyn Center, Minnesota, resolves as follows:

5. Community Health, Safety and Violence Violation Prevention Commission Committee. The City will create a permanent Community Safety and Violence Prevention Commission Committee. The Director will provide the Mayor with a list of candidates to serve on the Commission Committee and the Mayor will recommend candidates to the City Council for appointment. A majority of the Commission Committee members must be a majority of City residents with direct experience being arrested, detained, or having other similar contact with Brooklyn Center Police, or have had direct contact with one or more of the other services to be provided by the new government unit Department. The Director of Department of Community Prevention, Health, and Safety government unit and Violence Prevention shall serve as liaison to the Commission and with collaboration of all related city governmental units (i.e. police, recreation, fire, community development, etc.).

~~The City Council may appoint City staff to serve as liaisons to the committee, but no City staff member will have a vote on the committee.~~ The Commission committee will review and make recommendations regarding the policing response to ~~recent~~ protests; review the current collective bargaining agreement between the City and the Police Department and make recommendations prior to the renegotiation of the agreement ~~and before its final approval~~; recommend the City Council create a separate and permanent civilian oversight committee for the new Government Unit Department; review Chapter 19 of the City Code and make recommendations with regard to repealing or amending provisions or penalties therein, including fines and fees; and periodically make any other recommendations to the City Council related to initiating programs or policies to improve community health and safety in the City.

6. Use of Force. The City will review and update its policies, practices and training to more appropriately regulate the use of force by its aimed law enforcement officers including, for

example, by requiring de-escalation, exhaustion of reasonable alternatives before using deadly force, prohibitions on using deadly force in certain situations including firing upon moving vehicles, prohibiting certain uses of force or other policing tactics during First Amendment protests and assemblies, and additional revisions as needed.

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8. Implementation Committee. The City will create a Community Safety and Violence Prevention Implementation Committee ("Implementation Committee"), including residents from the City and other local, state and national experts in public health-oriented approaches to community safety, to be chaired by the Mayor, and with members recommended by the Mayor and confirmed by the City Council, that will propose amendments, ordinances, resolutions, policies, guidelines or other recommendations for the review, adoption and/or implementation by City Council or City staff, as appropriate, that would fully implement the will and intent of City Council as expressed in this Act. The City Council may appoint City staff to serve as liaisons to the Implementation Committee, but City staff shall not have a

vote on the committee. The Implementation Committee shall provide its recommendations directly to the City Council.

9. Community Involvement. The Implementation Committee will ensure the community has the opportunity to review and comment upon the all implementation plans, including by making periodic progress reports in open City Council meetings monthly, or more frequently upon the Council's request; that the Community Health, Safety and Violence Prevention Commission is empowered to assist the City in exploring external sources of funding to implement the Act. ~~that the Implementation Committee is empowered to explore external sources of funding to implement the Act~~ and that the City may retain additional counsel, temporary staff, and consultants as reasonable and necessary to enable the Implementation Committee to complete its work; and the Implementation Committee will present recommendations to City Council for initial consideration not later than 180 days from the date of this Act.

10. Implementation and Staff Support. The directives contained in this Act shall be carded out in compliance with the law and the City Charter. The City Attorney, City Manager, Chief of Police and other City personnel are authorized and directed to provide all necessary assistance and support to all committees created pursuant to this Act, including by supplying the committees with any and all data necessary to perform their duties, including confidential or private data as requested with appropriate protections, and budgetary, staffing or other information, and assisting with the crafting of amendments, ordinances, or policies as requested by the Implementation Committee.

This Act authorizes, to the greatest extent possible, the implementation of the measures

identified herein without further policy approvals from the City Council. To the extent additional approvals are needed, or legal barriers are identified, in the implementation of these measures or the recommendations of the Implementation Committee, the City Manager or City Attorney are directed to bring those issues to the City Council's attention for further direction or action as needed.

Mayor

Date

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:
whereupon said resolution was declared duly passed and adopted.

**CITY COUNCIL
MEETING**

City Hall Council Chambers
June 24, 2024

AGENDA



1. Call to Order - 7:00 p.m.

Attendees please turn off cell phones and pages during the meeting. A copy of the full meeting packet is available in the binder at the entrance to the Council Chambers.

2. Roll Call

3. Pledge of Allegiance

4. Informal Open Forum

This is an opportunity for the public to address the City Council on items that are not on the agenda. It is limited to 15 minutes. It may not be used to make personal attacks, air personality grievances, make political endorsements, or for political campaign purposes. Council Members will not enter into a dialogue with the presenter. Questions from the Council will be for clarification purposes only. It will not be used as a time for problem-solving or reacting to the comments made but for hearing the presenter for informational purposes only.

The first call will be for those that have notified the Clerk that they would like to speak during the open forum and then ask if anyone connected to this meeting would like to speak. When called upon, please indicate your name and then proceed. Please be sure to state your name before speaking.

a. Meeting Decorum

5. Invocation - Lawrence-Anderson

Administer Ceremonial Oath of Office

a. Swearing in of Police Chief Garrett Flesland

6. Approval of Agenda and Consent Agenda

These items are considered to be routine by the City Council and will be enacted by one motion. There isn't a separate discussion for these items unless a Councilmember so requests, then it is moved to the end of the Council Consideration Items.

a. Approval of Minutes

- *Motion to approve meeting minutes*

- 6/10/24 Worksession
- 6/10/24 Regular Session
- 6/10/24 EDA/Work Session

b. Approval of Licenses

- *Motion to approve the licenses as presented.*

- c. Resolution Transferring Local Board Authority of Appeal and Equalization Power and Duty to Hennepin County ("Open Book")
 - *Motion to approve a resolution transferring local board of authority of appeal and equalization power and duty to Hennepin County ("Open Book")*
- d. Resolution Accepting Bid and Awarding a Contract to Hosier Worldwide, Inc, for Demolition and Site Work at 6100 Shingle Creek Pkwy (Former Target Site)
 - *Motion to approve a resolution accepting the lowest responsible bid and awarding a contract to Hosier Worldwide, Inc, for Demolition and Site Work at 6100 Shingle Creek Pkwy.*
- e. Resolution Identifying the Need for Livable Communities Demonstration Account (LCDA) Transit-Oriented Development Funding and Authorizing Application for Grant Funds for Opportunity Site Phase 1 Infrastructure
 - *Motion to approve the resolution identifying the need for Livable Communities Demonstration Account Transit Oriented Development funding and authorizing an application for grants funds.*
- f. An Ordinance Amending the Mayor and Council Salaries for 2025 and 2026 (first reading)
 - *Motion to approve the first reading of an ordinance amending the salaries for Mayor and Council for 2025 and 2026 and call for a second reading on July 23, 2024.*

7. Presentations/Proclamations/Recognitions/Donations

8. Public Hearings

- a. An Ordinance Amending Chapter 12 of the City Relating to New Rental Licensed Properties and Nuisance Abatement Process – 2nd Reading
 - *Motion to approve the second reading and adopt an Ordinance Amending Chapter 12 of the City Code of Ordinance Amending Sections 12-901, 12-1201A and 12-1206 of the City Code of Ordinances regarding rental licensing and building compliance orders.*
- b. Resolution Approving Amendments to, and Reissuance of, The Crest Apartment's Multifamily Housing Revenue Note, Series 2021A
 - *Motion to open public hearing*
 - *Motion to close public hearing*
 - *Motion to approve a resolution approving amendments to and authorizing the deemed reissuance of a conduit multifamily housing revenue note and amendments to documents in connection therewith (the crest apartments project)*

9. Planning Commission Items

- a. Resolution Regarding Recommended Disposition of Planning Commission Application No. 2024-006 Submitted by C Alan Homes LLC for Re-approval of the Preliminary and Final Plats for Robertson and Brekke Brooklyn Boulevard Addition (6025, 6031, 6037, and 6045 Brooklyn Boulevard)

- Motion to adopt a resolution approving Planning Commission Application No. 2024-006 for re-approval of the preliminary and final plat for Robertson and Brekke Brooklyn Boulevard Addition, and commonly addressed as 6025, 6031, 6037, and 6045 Brooklyn Boulevard, based on the findings of fact and submitted documentation, as amended by the conditions of approval in the resolution.

- b. Planning Commission Application No. 2024-007 Submitted by C Alan Homes LLC for Re-approval of the Preliminary and Final Plats for Robertson and Brekke Brooklyn Boulevard Second Addition (6921, 6927, 6933, and 6939 Brooklyn Boulevard)

- Motion to adopt a resolution approving Planning Commission Application No. 2024-007 for re-approval of the preliminary and final plat for Robertson and Brekke Brooklyn Boulevard Second Addition, and commonly addressed as 6921, 6927, 6933, and 6939 Brooklyn Boulevard, based on the findings of fact and submitted documentation, as amended by the conditions of approval in the resolution.

10. Council Consideration Items

- a. Resolution Approving Amended Performance Agreements with C Alan Homes
 - Motion to approve a resolution approving an amendment to a performance agreement (6025, 6031, 6037, and 6045 Brooklyn Boulevard)*
 - Motion to approve a resolution approving an amendment to a performance agreement (6921, 6927, 6933, and 6939 Brooklyn Boulevard)*
- b. City Commission Appointments
 - appoint members to commissions*

11. Council Report

12. Adjournment



COUNCIL MEETING DECORUM

To ensure meetings are conducted in a professional and courteous manner which enables the orderly conduct of business, all persons in attendance or who participate in such meetings shall conduct themselves in a manner that does not interfere with the ability of others to observe and, when allowed, to participate without disruption or fear of intimidation.

- A. Decorum. Persons who attend meetings must avoid conduct that disrupts, interferes with, or disturbs the orderly conduct of the meeting or the ability of other attendees to observe and participate as appropriate. To that end, persons who attend meetings are subject to the following:
 - (1) Members of the public may only speak during meetings when allowed under Council Rules and only after being recognized by the presiding officer. The presiding officer may establish time limits for the acceptance of public comments or testimony.
 - (2) Public comments or testimony must be addressed to the presiding officer and not to other Council Members, staff, or others in attendance.
 - (3) All elected officials shall be referred to by their proper title and surname.
 - (4) Public comments should avoid personal accusations, profanity, or other improper content for a public meeting.
 - (5) Intimidating behaviors, threats of hostility, or actual violence are disallowed.
 - (6) Audible demonstrations intended to disrupt the meeting should be avoided, including stomping of feet, snapping of fingers, clapping of hands, and other conduct that may be intimidating or threatening to others.
 - (7) Holding, displaying, or placing banners, signs, objects, or other materials in any way that endangers others, prevents the free flow of individuals within the chamber, or obstructs or prevents the viewing of the meeting by others is not allowed.
- B. The presiding officer shall request any person(s) who disrupt, interfere with or disturb the orderly conduct of a meeting to cease the conduct and, as necessary, shall issue an oral warning to the individual(s) found to be in violation. If the individual(s) persists in disrupting, interfering with, or disturbing the meeting, the presiding officer may have the individual(s) removed or, under appropriate circumstances, temporarily clear the gallery. If for any reason the presiding officer fails to take such action, a majority vote may be substituted for action by the presiding officer to maintain order and decorum over the proceedings.
- C. The Council Chambers capacity is 76 persons per fire code.

Council Regular Meeting

DATE: 6/24/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Dr. Reggie Edwards, City Manager

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Motion to approve meeting minutes*
 - 6/10/24 Worksession
 - 6/10/24 Regular Session
 - 6/10/24 EDA/Work 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:

Provide quality services with fair and equitable treatment

ATTACHMENTS:

Description	Upload Date	Type
6.10 Regular Session	6/17/2024	Backup Material
6.10 EDA/Work Session	6/17/2024	Backup Material
6.10 Work Session	6/20/2024	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

REGULAR SESSION
JUNE 10, 2024
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor April Graves at 7:03 p.m.

Mayor Graves reviewed the rules of conduct for the meeting.

2. ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Director of Public Works Elizabeth Heyman, Planning Manager Ginny McIntosh, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Siobhan Tolar.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. INFORMAL OPEN FORUM

Mayor Graves read the rules for Informal Open Forum.

Mayor April Graves opened the meeting for the purpose of Informal Open Forum.

Jerrold K. stated he has rented an apartment in Brooklyn Center for 20 years. His rent increased by \$300 per month recently. There was only a two-week notice. He has loved living in Brooklyn Center, but he has to move. Mayor Graves offered her sympathy to Jerrold K.

Councilmember Jerzak moved and Councilmember Kragness seconded to close the Informal Open Forum at 7:08 p.m.

Motion passed unanimously.

5. INVOCATION

Councilmember Jerzak summarized Walter Lippmann's background and shared a quote of his, "When we all think alike no one thinks very much." He shared another quote from an unknown

author, “Wild ducks make a lot of noise, but they have the sense to benefit from occasionally flying in formation.”

6. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6a. APPROVAL OF MINUTES

1. May 28, 2024 – Study Session
2. May 28, 2024 – Regular Session

6b. LICENSES

GARBAGE HAULER

Allied Waste

8661 Rendova Street NE
Circle Pines, MN 55014

Waste Management

10050 Naples Street NE
Blaine, MN 55449

MECHANICAL

Air Express, Inc.

P.O. Box 490400
Blaine 55449

Damyans Heating and Cooling LLC

2240 Chippewa Road
Medina 55340

Hagen Remodeling & Construction LLC

710 Tanglewood Drive
Shoreview 55126

Ron the Sewer Rat

875 Blue Gentian Road, Suite 900
Eagan 55121

Zahl Petroleum Maintenance

3101 Spring Street NE
Minneapolis 55413

RENTAL

INITIAL (TYPE IV – six-month license)
6742 France Avenue N

Walter Robinson

5937 Colfax Avenue N

Samuel Simpson Barker

INITIAL (TYPE III – one-year license)
7013 Grimes Avenue N

Luxisuites, LLC

INITIAL (TYPE II – two-year license)

1701 Irving Lane N James R Richter

5506 Irving Avenue N Larwuo Harris Killen

RENEWAL (TYPE IV – six-month license)

1425 55th Avenue N Trung C Duong

6710 Orchard Lane Marvin Gardens Townhomes

1605 56th Avenue N Fyr Sfr Borrower Llc

2118 Ericon Drive Marco Panora

3301 Lawrence Road MNhomes2go LLC

5218 Paul Drive Sj & Olas Properties Llc

5301 Dupont Avenue N Wright Team Properties LLC

5524 Humboldt Avenue N Maria Figueroa

6012 York Avenue N MNhomes2go LLC

6324 Scott Avenue N Sayndee Sando

6413 June Avenue N Cel Monton LLC

6718 Quail Avenue N I A Hassan & A M Ali

6918 Grimes Avenue N Olakunle F Ojo

7207 France Avenue N P Kibaara & J Kibaara

7243 Riverdale Road Ih2 Property Illinois Lp

RENEWAL (TYPE III – one-year license)

7200 Noble Avenue N FLORENCE & DEDRICK SIMMS

RENEWAL (TYPE II – two-year license)

5408 Girard Avenue N Jan Michaele Gardner

5200 Drew Avenue N Mlmjr Properties & Investm

5306 Penn Avenue N Sweet Home Llc

5600 Judy Lane

B D Morlock & N D Morlock

6536 Chowen Avenue N

BRIDGE SFR IV BORROWER I

RENEWAL (TYPE I – three-year license)

6201 Lilac Drive N

Lanel Crossings Ltd Ptnrshp

5331 70th Circle

Boukary Kabore

6c. AMENDING THE 2024 CITY COUNCIL MEETING SCHEDULE

6d. RESOLUTION NO. 2024-65, ACCEPTING BID AND AWARDING A CONTRACT, IMPROVEMENT PROJECT NO. 2023-10, 1694/DUPONT AVE WATER MAIN CROSSING REPLACEMENT PROJECT

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. PFAS AND BROOKLYN CENTER DRINKING WATER

City Manager Dr. Reggie Edwards introduced the item and invited Public Works Director Elizabeth Heyman to continue the Staff presentation.

Ms. Heyman explained that Per-/Poly-fluoroalkyl Substances (PFAS) is a set of manmade chemicals with over 14,000 formulas. Therefore, there is a need to treat them as a group rather than individual compounds like lead or manganese. PFAS can be both water and oil-resistant. They are very hard to break down as they can handle temperatures of about 1,000 degrees Celsius. Per-/Poly-fluoroalkyl Substances.

Ms. Heyman stated in April 2024, the Environmental Protection Agency (EPA) set new regulations for PFAS. Brooklyn Center drinking water meets all current Federal standards for PFAS in drinking water. PFAS is a nation-wide issue.

Ms. Heyman stated PFAS can be found in firefighting foam, waterproof apparel, takeout containers, cleaning products, carpets and textiles, nonstick cookware, and stain- and water-resistant treatments. Therefore, PFAS can be found in water, wastewater, biosolids, waste streams, and the air.

Ms. Heyman pointed out PFAS has been linked to high cholesterol, reproductive issues, cancer, liver damage, and low birth weight. Acute Toxicology causes health effects from short-term or single exposures. It is more often linked to high concentrations. For example, dimethylmercury has been found to result in neurological damage and death. Chronic Toxicology has more long-term effects for repeated, frequent exposures. For example, cigarette smoke can result in cancer or heart disease.

Dr. Megan Brockman, Consultant from Bolton-Menk, stated the EPA has a Maximum Contaminant Limit (MCL) of four nanograms per liter for PFOS and PFOA, which are two specific PFAS. Also, there is a Health Index (HI) of 1.0. The HI is a calculation accounting for all types of PFAS. The HI gets worse when more PFAS are compounded on one another. She showed a table with an example of the calculation using various proportions of PFAS. If HI is above 1.0, there needs to be action taken.

Dr. Brockman stated the Water Treatment Plant doesn't include PFAS removal technology. Nonetheless, the water in Brooklyn Center meets all EPA standards. She showed a chart depicting the EPA HI, PFOS, and PFOA in comparison with their limits for Water Treatment Plant #1.

Dr. Brockman added there has been testing at wells three through ten. Four wells have measures above MCL. However, it doesn't mean residents received the water. She added Well 7 has a failing well casing.

Ms. Heyman pointed out the recommended response is continued testing, searching for funding opportunities, and keeping PFAS treatment as an option in future planning. The City is engaged with the 3M/DuPont lawsuit, and Staff is prioritizing transparent information sharing.

Ms. Heyman added the 3M/DuPont lawsuit includes all water systems in the United States. A settlement was reached with 3M and DuPont to pay for PFAS treatment for impacted communities. Funds are dispensed based on PFAS concentrations and water use. Brooklyn Center is working with Lockridge, Grindal, and Nauen P.L.L.P. There is an estimate for Brooklyn Center to receive a pay-out of low six figures from one organization and potentially seven figures from the other. The money would be repaid over a 13-year time period. As of right now, there isn't a timeline for when payouts will begin.

Councilmember Lawrence-Anderson asked if one tower was shut down. Ms. Heyman stated Staff found Well 7 had a failed casing in early 2023. The City is still drawing water from Well 7, but they are working on plans for Well 11 to offset issues with Well 7. They are looking for a location with the lowest PFAS impacts.

Councilmember Kragness asked if there is a way to be more consistent with the testing. Dr. Brockman explained she briefly summarized the collection and testing process, but there are more details that go into the process to increase accuracy. They have found a lab with more precise calculations.

Councilmember Kragness stated they shouldn't see an increase. Dr. Brockman stated there isn't a current increase. There is potential for a small increase due to the direction of the river flow. The quarterly sampling is often enough to see any overarching changes but still infrequent enough to avoid discrepancies and outliers. The calculations include a rolling average using quarterly measurements.

Councilmember Kragness asked where is the nearest well outside of Brooklyn Center with high PFAS. Dr. Brockman asked for data on surrounding areas. Brooklyn Park's samples were slightly higher than Brooklyn Center's samples. There is limited data, and the aquifer has not been tested.

Councilmember Kragness asked if sampling is required. Dr. Brockman stated the MCL will require routine sampling, and there is a three-year period to become compliant. Brooklyn Center is already compliant.

Councilmember Jerzak asked if there is research being done for disposal. Dr. Brockman stated she hasn't seen any promising research lately. Some technology is making progress, but it is not for areas as large as Brooklyn Center. Success in a laboratory doesn't necessarily translate to success in application.

Mayor Graves asked if it is typical for there to be few samples from aquifers. Dr. Brockman explained initial resources and efforts went toward areas near 3M. There is a lack of funding for testing, and the specific tests are expensive.

Councilmember Jerzak moved and Councilmember Kragness seconded to accept the presentation.

Motion passed unanimously.

7b. RESOLUTION RECOGNIZING AND HONORING OFFICER MELONEY KNIGHT FOR OVER 30 YEARS OF DEDICATED SERVICE TO THE CITY OF BROOKLYN CENTER

Mayor Graves read in full a Resolution recognizing Officer Meloney Knight for over 30 years of dedicated service to the City of Brooklyn Center.

Councilmember Jerzak moved and Councilmember Kragness seconded to adopt RESOLUTION NO. 2024-66, a resolution recognizing and honoring Officer Meloney Knight for over 30 years of Dedicated Service to the City of Brooklyn Center.

Motion passed unanimously.

Staff confirmed Officer Knight would receive a copy of the Resolution.

8. PUBLIC HEARINGS

9. PLANNING COMMISSION ITEMS

9a. AN ORDINANCE AMENDING SECTION 35-4103 (ALLOWED USE TABLE) OF THE CITY CODE OF ORDINANCES REGARDING PUBLIC AND PRIVATE ELEMENTARY AND SECONDARY SCHOOLS OFFERING A REGULAR COURSE OF STUDY IN THE TRANSIT ORIENTED DEVELOPMENT (TOD) ZONING DISTRICT - SECOND READING

City Manager Reggie Edwards introduced the item and invited Planning Manager Ginny McIntosh to continue the Staff presentation.

City Planner Ginny McIntosh explained Independent School District #286, commonly known as Brooklyn Center Community Schools, is requesting an ordinance amendment to Chapter 35 of the City Code to allow for “public and private elementary and secondary schools offering a regular course of study” as a conditional use within the City’s Transit Oriented Development (TOD) zoning district. This use is currently permitted as a conditional use within the City’s R1 (Low-Density Residential), R2 (Medium Low-Density Residential), and R5 (High-Density Residential) zoning districts.

Ms. McIntosh noted due to the nature of the request, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024. Mail notifications were sent to those property owners and residents located within 350 feet of the Subject Property per the direction of the City Attorney. A public hearing notice was also uploaded to the City’s website, and a link to the public hearing notice was sent out by email to subscribers of the City’s weekly events bulletin.

Ms. McIntosh stated per Section 35-71301, an amendment of the City’s Unified Development Ordinance may be initiated by the City Council, Planning Commission, or a City property owner. In this particular case, the Applicant contacted the City regarding proposed changes to their building located at 5910 Shingle Creek Parkway, which was purchased by the Applicant in 2022. The Applicant had long been a tenant of the building, and served as the home of its Centaur Beginnings Child Care and Early College Academy (ECA), and desired a consolidation of their district offices and childcare services into one building.

Ms. McIntosh stated in Planning Commission Application No. 2022-002, the intent at that time was to house an Early Learning Center at this location, as well as a community service center, wellness, center, and elder’s room. In facilitating the purchase of the property, the City of Brooklyn Center’s Economic Development Authority acquired approximately 5.45 acres of the approximately 8-acre property for future developable land within the Opportunity Site when the property was re-platted. The acquisition was intended to consolidate district offices and childcare services into one location.

Ms. McIntosh pointed out City Staff was contacted by the applicant in April 2024 regarding the District’s plans to relocate its regular and special education preschool programming from Brooklyn Center Elementary School, located at 1500 59th Avenue North and within the City’s R1 (Low Density Residential) District, to 5910 Shingle Creek Parkway, which is located within the City’s TOD (Transit Oriented Development) District.

Ms. McIntosh stated the applicant had already proceeded with interior remodeling to the second floor of the building located at 5910 Shingle Creek Parkway, in anticipation of relocating the Early College Academy upstairs to accommodate the existing Centaurs Daycare and preschool programs on the main level of the building, when the applicant was notified that public elementary schools were not permitted within the TOD District.

Ms. McIntosh explained as proposed, the applicant would be seeking a text amendment to Chapter 35 (Unified Development Ordinance) that would allow for “public and private elementary and

secondary schools offering a regular course of study” as a conditional use within the City’s Transit Oriented Development (TOD).

Ms. McIntosh added City Staff engaged with the City Attorney initially to determine whether or not “preschools” could be interpreted as “licensed daycare facilities (13 or more persons)” as Centaur Beginnings Child Care was issued a special use permit from the City in 2014 and had operated continuously from the 5910 building.

Ms. McIntosh stated in reviewing information from the Minnesota Department of Education, it was eventually determined that the voluntary prekindergarten (VPK) and school readiness plus (SRP) programs are publicly funded prekindergarten programs that may be incorporated into a school district or charter school’s E-12 system as a “new grade level” and are therefore are considered an extension of the elementary programming overseen by the Department of Education. Brooklyn Center Community Schools (ISD #286) and Robbinsdale Area Public Schools (ISD #281) both offer pre-kindergarten programming.

Ms. McIntosh explained in reviewing requests for ordinance amendments, certain amendment criteria shall be considered as outlined under Section 35-71304 (Amendment Criteria). The Planning Commission and City Council shall review the necessary submittal requirements, facts, and circumstances of the proposed amendment, and make a recommendation and decision on the amendment based on, but not limited to, consideration of certain criteria and policies. The criteria include whether there is a clear and public need or benefit, whether the proposed amendment is consistent with and compatible with surrounding land use classifications, whether all permitted uses in the proposed zoning district can be contemplated for development of the subject property, whether there have been substantial physical or zoning classification changes in the area since the subject property was zoned, whether there is an evident, broad public purpose in the case of City-initiated rezoning proposals, whether the subject property will bear fully the UDO development restrictions for the proposed zoning districts, whether the subject property is generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography, or location, whether the rezoning will result in the expansion of a zoning district, whether the proposal demonstrates merit beyond the interests of an owner or owners of an individual parcel, the specific policies and recommendations of the Comprehensive Plan and other City plans, the purpose and intent of the UDO, and the adequacy to buffer or transition between potentially incompatible districts.

Ms. McIntosh stated all impacted properties located within the City’s TOD zoning district are future-guided under the 2040 Comprehensive Plan as “TOD (31.01-130 DU/Ac.),” which is a new future land use designation. The TOD designation was a direct response to the opening of the Metro Transit C and D lines and the land use designation specifically guided redevelopment within one-quarter mile of the planned station stops and a vision that these areas create a vibrant, accessible, and diverse land use pattern.

Ms. McIntosh added the majority of the City’s forecasted growth, as outlined in the City’s 2040 Comprehensive Plan, was anticipated to occur within the City’s major redevelopment areas guided primarily as Transit Oriented Development (TOD) and Commercial Mixed-Use (C-MU), and a

minimum of 75 percent of the land within this designation was planned for development into high-density residential uses, with remaining land developed for supporting retail, office, and commercial uses. The TOD future land use designation is ultimately intended to create a walkable, bikeable, vibrant core within the City of Brooklyn Center, and encompasses properties located within the City's Opportunity Site, and along Bass Lake Road (County Road 10) and Xerxes Avenue North.

Ms. McIntosh explained the Institute for Transportation & Development Policy notes that "Transit Oriented Developments are inherently intended to integrate urban places designed to bring people, activities, buildings, and public space together, with easy walking and cycling connections between them and near-excellent transit service to the rest of the City." Unlike the broader region, in which the population continues to age rapidly, Brooklyn Center's population grew younger between 2000 and 2010, due to an increase in the number of persons aged 25 to 34, many of which are starting families and having children. Increases in the number of young families ultimately place demands on schools, housing affordability, and the types of retail goods and services needed. In the case of the TOD future land use designation, where 75 percent of the lands are likely to provide higher-density housing, it is assumed that the demand for school and daycare services will only increase. In the case of those lands future guided as "Transit Oriented Development" under the City's 2040 Comprehensive Plan, those affected school districts include Brooklyn Center Community Schools (ISD #286) and Robbinsdale Area Public Schools (ISD #281).

Ms. McIntosh noted although the 2040 Comprehensive Plan noted a median age of residents as 32.8, the 2020 census identified a median age of 32.4 in Brooklyn Center. The median age in Minnesota is 39. The American Community Survey estimates identify approximately 9 percent of Brooklyn Center's population as being under 5 years of age, and approximately 29.3 percent of the City's population as being under 18 years of age. In the state of Minnesota, and per ACS estimates, approximately 5.7 percent of the state's population is under five years of age, and approximately 22.5 percent of the state's population is under 18 years of age.

Ms. McIntosh stated the City's Transit Oriented Development zoning district was created as a district response to the City's adoption of the 2040 Comprehensive Plan in 2019. The purpose of the TOD district is to support opportunities for dense, transit-supportive, and transit-oriented development. The TOD district requires intensities and patterns of development that support vibrant pedestrian activity and discourage land uses and development patterns that could decrease walkability or interfere with the future growth of transit-oriented development and transit ridership. further district intends to foster job creation and economic growth in near proximity to transit and provide citizens with new housing and lifestyle choices with a high level of amenities and spaces for social interaction.

Ms. McIntosh pointed out that 23 properties are currently zoned TOD. Nine of those properties are location with the City's Opportunity Site, five of which are owned by the EDA.

Ms. McIntosh noted uses currently allowed within the City's Transit-Oriented Development District are similar to "public and private elementary and secondary schools offering a regular course of study," and targeting similar demographics, including community centers, libraries and

art galleries, nonresidential educational uses including Area Learning Centers (ALC), post-secondary schools, business schools, trade schools and the like, and licensed daycare facilities (13 or more persons).

Ms. McIntosh stated those properties located outside the Opportunity Site, all of these properties are currently being developed at this time, and in many cases, City Staff does not foresee any opportunity to utilize these properties for educational purposes, which limits the ability of school districts to address the needs of an increasingly young population in a district intended for the greatest housing density within the City, and encompassing the majority of lands intended for what is envisioned as the City's downtown, walkable core. Examples include the Transit Center, Gateway Commons, Sonder House, Sonder Point, and Cub Foods.

Ms. McIntosh stated constraints within the use are due to building and fire code restrictions on how many stories up an educational use can be, fire systems, exiting, and the like. There are limited locations in which schools are able to serve students in the City's TOD district.

Ms. McIntosh pointed out that a public hearing was held at the May 9, 2024, Planning Commission meeting. Commissioners in attendance were supportive of the requested ordinance amendment. No public comments were provided in advance of or at the public hearing. The Commission inquired on whether there were any buildings located within the City's designated TOD District that would be conducive to re-using for a school use. The Commission later indicated that given the City's demographics and increasingly younger population, there is almost a paramount importance to providing educational opportunities to the City's young residents and ensuring young families stay here.

Ms. McIntosh stated an additional comment presented was that there was a general surprise that we as a City did not catch this during conversations on the 2040 Comprehensive Plan or the Unified Development Ordinance update, but that if the City intends to have a large amount of our population concentrated within the TOD District, as it is the City's most dense district, that a provision for schools was almost necessary. General questions were presented on other uses currently within the 5910 Shingle Creek Parkway building, which is the Applicant's property.

Ms. McIntosh noted at the close of the public hearing, the Planning Commission elected to unanimously (4-0) recommend City Council approval of the requested ordinance amendment to Section 35-4103 (Allowed Use Table) to allow for public and private elementary and secondary schools offering a regular course of study as a conditional use within the City's Transit Oriented Development (TOD) District. A first reading of the requested ordinance amendment to Section 35-4103 was presented as a consent item at the City Council meeting on May 28, 2024. Said item was approved by Council on a 5-0 vote.

Councilmember Jerzak moved and Mayor Graves seconded to approve a Second Reading regarding the adoption of an ordinance amending Section 35-4103 (Allowed Use Table) of the City Code of Ordinances, as outlined under Planning Commission Application No. 2024-008, to allow for Public and Private Elementary and Secondary Schools Offering a Regular Course of

Study in the Transit Oriented Development (TOD) zoning district, and publish the adopted ordinance in the Brooklyn Center *Sun Post*.

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

10a. READING OF EXECUTIVE PERFORMANCE EVALUATION

Mayor Graves read a summary of the Executive Performance Evaluation. She explained the process for the evaluation and involvement of various Councilmembers. The Council acknowledged the need to better define goals for the City Manager.

11. COUNCIL REPORT

Mayor Graves reminded the Council she would be out of town to attend a National League of Cities.

12. ADJOURNMENT

Councilmember Lawrence-Anderson moved and Councilmember Butler seconded adjournment of the City Council meeting at 7:55 p.m.

Motion passed unanimously.

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

WORK SESSION
JUNE 10, 2024
CITY HALL COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President April Graves at 7:55 p.m.

ROLL CALL

Mayor/President April Graves and Councilmembers/Commissioners Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, and City Clerk Barb Suci.

CENTERBROOK GOLF COURSE SELL OF THC

City Manager Reggie Edwards explained the City operates two retail liquor stores in the City and Centerbrook Golf Course has been established as Liquor Store Number 3. The City obtained the required license in accordance with the City Code for the sale of edible cannabinoid products, and therefore, the products are able to be sold at the golf course, assuming the golf course is operating in compliance with the requirements established by Minnesota Statutes and the City Code. Additionally, the golf course has obtained the required registration with the Minnesota Department of Health.

The majority consensus of the City Council/EDA was to support the sale of THC beverages at the golf course.

PENDING LIST FOR FUTURE ACTION ITEMS

UPCOMING ITEMS

- Memorial Policy
- Special Assessment Policy/Franchise Fees (referred to Financial Commission)
- Emerald Ash Borer Policy Review (referred to Park & Rec Commission November)
- Opioid Settlement - 6/24
- ARPA Funds
- Grants: Revenues & Expenses
- Purchasing Policy
- Revisit Resolution 2021-73

- Planning Application Process

ADJOURNMENT

The City Council/Economic Development Authority Work Session adjourned at 8:24 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

WORKSESSION
JUNE 10, 2024
CITY HALL COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Worksession called to order by Mayor April Graves at 6:04 p.m.

ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Assistant City Manager/City Clerk Barb Suci, and City Attorney Siobhan Tolar.

MISCELLANEOUS

COUNCIL MISCELLANEOUS DISCUSSION ITEMS

Mayor Graves confirmed she had received input from the Councilmembers regarding potential appointments to various Commissions. She stated she would make her final recommendations at an upcoming meeting.

Councilmember Lawrence-Anderson noted the Friday updated email indicated a Sister City activation, but they already had one in place. City Manager Edwards clarified that staff is reactivating the Sister City Commission.

Councilmember Lawrence-Anderson added a constituent contacted her regarding disturbances from door-to-door salespeople. She requested a conversation on licensing requirements for solicitors. Councilmember Jerzak stated he received the same call. Staff already responded to the individual. Councilmember Lawrence-Anderson stated she did not receive a response from staff.

Councilmember Jerzak stated it is difficult to implement code enforcement because various services require approaching someone's front door. There is a vague ordinance, but residents can call 911 with any concerns.

Councilmember Kragness asked if the individual could post a no-solicitor sign on their door. Councilmember Lawrence-Anderson pointed out she already recommended the suggestion to the individual.

City Manager Reggie Edwards noted he would include all Councilmembers in emails responding to residents' concerns.

RESOLUTION 2021-73

Mayor Graves explained Resolution 2021-73 is the Duante Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act. The document has a few minor amendments.

Dr. Edwards stated the first section had a change minor word change. The other three sections require language changes to create a policy rather than a prescriptive document. For example, the city didn't have the capacity to create departments as prescribed by the resolution. The three departments were a Community Response Department, a Traffic Enforcement Department, and a Department of Community Safety and Violence Prevention. The Community Response Department is now a unit of government that includes expanded response programs. The enforcement of non-moving traffic violations and violence prevention efforts are additional government units.

Dr. Edwards added in the second section there was an intent to build out a 911 system, but the city does not have the capacity to do that. Therefore, that portion would need to be removed from the resolution.

Dr. Edwards stated as for the third section; there has been more of a focus on alternative responses rather than traffic stops. He pointed out that Community Service Officers (CSOs) are civilians that provide some traffic response. Staff previously looked into an option to contract for civilian traffic enforcement. Unfortunately, there were not any interested parties.

Dr. Edwards noted there is the Office of Community Prevention, Health, and Safety which represents the spirit of the fourth section of the Resolution. The Office oversees the alternative response programs. The last sentence of the fourth section was eliminated in an effort to eliminate a hierarchical structure. As an alternative, there was language added to promote collaboration.

Councilmember Kragness pointed out that the term "create" is used often in the resolution. A different term should be implemented so that the city can leverage its existing resources. For example, the alternative response programs are contracted rather than creating a new Department. Additionally, there are already CSOs acting as civilian responders. She added she would like to see a new hierarchical chart to reflect the changes made to the fourth section.

Councilmember Lawrence-Anderson stated she thought the first pilot program would be housed under the Police Department rather than the Office of Community Prevention, Health, and Safety. Dr. Edwards stated one pilot program has two teams. The Office of Community Prevention, Health, and Safety oversees the programming of alternative responses. The Hennepin County program will be housed in the Police Department, but the Office of Community Prevention, Health, and Safety is ultimately accountable for the pilots.

Councilmember Lawrence-Anderson asked if Director of Community Prevention, Health and Safety LaToya Turk has the property experience as referenced in the fourth section. Dr. Edwards stated Ms. Turk has a variety of relevant skills. Many directors oversee efforts in which they don't have experience, but the city has staff and contractors representing all of the necessary skills.

Councilmember Lawrence-Anderson stated she has concerns about running multiple pilot programs. When the resolution was passed, the city didn't have the financial capacity to support the initiatives. She asked how the city would fund the programs when the grants run out.

Dr. Edwards pointed out staff has been looking forward and building capacity to sustain the programming. For example, the staff initially applied for grant funds to kick off the programs. In the long run, there will not be two different programs. The city hopes to learn from the pilot efforts and implement one permanent program. Having only one already established program will be much more affordable than starting up two programs. The budgets have also included setting aside funds to afford future programs.

Mayor Graves added grants are regularly used at higher levels of government. Staff knows how to utilize and apply for grant funding. Similarly, they know how to plan long-term budgets.

Councilmember Lawrence-Anderson noted she supports an alternative response but is more supportive of the Hennepin County model than the Canopy one.

Councilmember Kragness asked what the Police Chief's opinion is regarding traffic response being housed under another governmental unit. The CSOs are doing the service and would traditionally be under the direction of the Police Department.

Dr. Edwards stated the resolution's intent was not to use CSOs for traffic enforcement when the resolution was written. Any updates to the resolution have been an effort to maintain the spirit of the resolution while making it implementable. At this time, the staff doesn't know what the end model will be for non-moving traffic violation enforcement. It could be CSOs or it could be other personnel.

Councilmember Kragness stated the resolution was written initially with the thought of a blank checkbook. Brooklyn Center needs to consider what financial capacity it has to implement programs. The Council needs to take the opportunity to change the resolution to accommodate what is feasible. For example, if CSOs are used for non-moving traffic violation enforcement, they should still be supervised by the Police Department as they already have the capacity for their supervision. There have been previous conversations about adding more CSOs as well. She added that the Police Chief should weigh in on this as well.

Dr. Edwards stated the options haven't been vetted, but the staff intends to look into more options.

Mayor Graves pointed out the Implementation Committee knew the city didn't have the means to create new departments. They presented recommendations based on research that were within the

means of the city's existing capacity.

Councilmember Kragness noted that the recommendations from the Implementation Committee had already been voted down. The Council needs to talk about what it can do instead.

Mayor Graves asked if there should be language added to the resolution to further research options.

Dr. Edwards stated "create" doesn't always mean making something new. Staff hopes to find ways to create that may be within staff's current capacity or by suggesting a new effort. Ultimately, any suggestions from staff would be within the financial means of the city.

Councilmember Butler pointed out she feels frustrated that the Council lacks innovation or taking risks. Councilmembers are requesting input from the Police Department, or that programming be done with law enforcement oversight. The entire point of the resolution is to try something different. The current system is not working. Discussing the resolution doesn't make any sense if the majority of the Council is going to keep supporting the norm. Any initiatives should be a partnership with the Police Department, and it should have been that way from the beginning.

Councilmember Butler added Canopy is more qualified than the Hennepin County program for alternative response programs. The skills of the Canopy personnel include mental health response and crisis intervention, which is a better fit for Brooklyn Center. Overall, the Council's approach to the topic is disappointing.

Councilmember Butler noted her appreciation for the new Police Chief and the impact he will make. Training regarding unconscious bias is not effective, and the city cannot rely on those trainings to make a change in the community.

Councilmember Jerzak stated he understands the spirit and intent of the resolution. He pointed out two Councilmembers were absent during a recent vote which resulted in a motion failing. Referring to the second section of the Resolution, clarity is important to implement any impactful programs. It is important to include the Police Chief and his staff in those conversations. As learned from the Implementation Committee, there should have been more people involved in the process from the beginning.

Mayor Graves asked how Councilmember Jerzak would like the Police Chief to be involved. Councilmember Jerzak noted the second section calls for an expanded response for residents. That wouldn't include folks passing through the community or using public transportation or those that may be unhoused. There also isn't any consideration for police officers responding to medical calls. Also, there will be confusion of availability because the alternative response is not all day, every day. The Police Department has had an embedded social worker doing similar work, and they need to be included in the response. He expressed agreement with Councilmember Kragness.

Mayor Graves asked if Councilmember Jerzak wants more feedback on the expanded response from staff on items that have already been adopted or if he wants more clarity on the proposed

amendments to the resolution. Councilmember Jerzak stated he wants definition clarity including the departments to be clear on what their roles are based on the resolution.

Mayor Graves asked what needs to be clarified besides the term “resident” in the resolution. Could you provide other items for clarity purposes.

Councilmember Jerzak stated under section 2, the resolution calls for unarmed expanded response of a government unit to respond to all incidents where a city resident is primarily seeking a medical, mental health situation that often police are the first responder and carry a weapon. Does this mean they are not able to respond to medicals? Section 3 for purposes of clarity, CSOs currently attend to non-moving issues for things such as illegal parking, snow emergency violations. Please define what nonmoving means? For traffic related items, we previously voted against this and any reference to traffic items should not be in the revised resolution. Additional questions are what will CSOs be doing; Will there be duplication; and do we have the financial bandwidth for this.

Councilmember Lawrence-Anderson asked if it is legal for the city to pass a resolution that creates an alternative response for traffic violation enforcement by non-sworn people. She asked what Statutory requirements there are for those who provide traffic stops.

Dr. Edwards stated the traffic enforcement effort is for non-moving vehicles. Other jurisdictions in Minnesota have civilian community representatives that address issues with parked cars.

City Attorney Siobhan Tolar added the way the city uses the program needs to be flushed out more. For example, whether the citations are criminal or civil, there are different requirements for who may issue them.

Councilmember Jerzak noted his support for diversity of responses for prevention. There is already a County-funded program that focuses on crime prevention. He asked if that person would be eliminated or if that person would be duplicated. The effort needs to be efficient.

Dr. Edwards stated the program mentioned by Councilmember Jerzak is more focused on intervention than prevention. For example, the position supports Community Watch efforts. There is a great need for collaboration moving forward. Councilmember Jerzak pointed out that very little of his job included Community Watch groups.

Councilmember Jerzak added it would have been helpful for the supervisors for the discussion topic be present for the Council to ask them questions. For example, the Council wants to know how street outreach is working. The Council hasn’t received any such updates.

Councilmember Kragness reiterated the importance of repurposing resources instead of creating new ones and raising the levy. As the budget season is coming up, the Council needs to be mindful of what the community can afford.

Mayor Graves summarized there is a lot of uncertainty amongst the Council. There needs to be

language changes and more clarity of roles, though it doesn't need to be in the resolution itself. Furthermore, the attorney needs to look into some relevant laws to guide the decision process. Potential funding resources and the interaction of various responses need to be reviewed as well.

Mayor Graves pointed out that Councilmembers have updated and edited Code of Conduct drafts for both the Council and Commissions. She requested that the council members review the documents and send her any edits. The hope is to pass the policies at the next meeting.

Councilmember Lawrence-Anderson requested the item be a Council Consideration item. Councilmember Jerzak noted his agreement with Councilmember Lawrence-Anderson. He added he is still concerned about discussing individuals in public meetings. Ultimately, he doesn't want to stop the process. He has tried to meet with Dr. Edwards but has not received a response.

Mayor Graves explained she doesn't want to drag out the process. It is important to promote accountability.

CITY MANAGER MISCELLANEOUS DISCUSSION ITEMS

Dr. Edwards asked if Councilmembers are available for a scheduled Council Retreat on June 29, 2024. Councilmember Lawrence-Anderson stated she is at the League of Minnesota Cities meeting.

Mayor Graves stated the Retreat should be canceled since two or three Council members will not be able to attend. Dr. Edwards stated he would bring additional dates back to the Council.

ADJOURNMENT

Councilmember Jerzak moved and Councilmember Lawrence-Anderson seconded to close the Study Session at 7:00 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 6/24/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Barb Suciu, Assistant City Manager/City Clerk

BY: Shannon Pettit, 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.

Mechanical

Admiral Radon Mechanical Services LLC
13816 Utah Ave, Savage 55378

Air Comfort Htg & A/C
19170 Jasper St. NW, Anoka 55303

Eagle Ridge Plumbing LLC
E7899 102th Ave, Colfax, WI 54730

Residential Heating and Air, Inc.
7454 Washington S., Eden Prairie 55344

Ty's Heating and A/C LLC
12689 Zilla St NW, Coon Rapids 55448

Intoxicating Liquor

Hip Sing BBQ & Seafood
3419 Highlands Rd.

Sunday Sales

Hip Sing BBQ & Seafood
3419 Highlands Rd.

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	6/20/2023	Backup Material
Rentals	6/17/2024	Backup Material

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval 6.24.24

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final Licnese Type**	Previous License Type***	Consecutive Type IV's
3001-3007 51st Ave N	Two Family	Initial	Xue Yang	2	Type I	N/A	Type II	N/A	N/A
2820 67th La N	Single	Initial	Danmark Properties Llc	2	Type I	N/A	Type II	N/A	N/A
5906 Halifax Ave N	Single	Initial	OLUBUNMI A AGUNBIADE	1	Type I	N/A	Type II	N/A	N/A
5930 Pearson Dr	Single	Initial	Elvis Osagie	7	Type III	N/A	Type III	N/A	N/A
1200 67th Ave N	Multiple Family 1 Bldg 18 Units	Renewal	T H Morrow & R J Morrow Met Requirements	21 = 1.16 per unit	Type II	0	Type II	Type III	N/A
5000 France Ave N	Multiple Family 1 Bldg 4 Units	Renewal	M B & P S Nightingale	4 = 1 per unit	Type II	0	Type II	Type I	N/A
6109 Beard Ave N	Multiple Family 1 Bldg 3 Units	Renewal	SIMONS REVOCABLE TRUST	11 = 3.6 per unit	Type IV	0	Type IV	Type II	0
4207 Lakeside Ave N, #235	Condo	Renewal	Ammar Abdulrahman	0	Type I	0	Type I	Type II	N/A
1207 65th Ave N	Single	Renewal	Andy Ung & Leng Taing	1	Type I	0	Type I	Type I	N/A
1330 67th La N	Single	Renewal	SIBILEV HOLDINGS LLC	2	Type I	0	Type I	Type II	N/A
1807 70th Ave N	Single	Renewal	Rht Logan Llc	1	Type I	0	Type I	Type I	N/A
2606 65th Ave N	Single	Renewal	Hpa li Borrower 2020-2 Llc	12	Type IV	0	Type IV	Type I	0
2806 65th Ave N	Single	Renewal	A-jelil Abdella & N Said Met Requirements	1	Type I	0	Type I	Type III	N/A
5301 France Ave N	Single	Renewal	Juniper Land Trust Llc Did not meet requirements	7	Type III	0	Type IV	Type IV	4
5510 France Ave N	Single	Renewal	Iasis I LLC Met Requirements	14	Type IV	0	Type IV	Type III	0
6007 Girard Ave N	Single	Renewal	R&b Management I Llc	40	Type IV	0	Type IV	Type IV	3
6331 Indiana Ave N	Single	Renewal	Ih3 Property Minnesota Lp	8	Type III	0	Type III	Type II	N/A

6336 Beard Ave N	Single	Renewal	Cosco Property I Llc Met Requirements	2	Type I	0	Type I	Type IV	N/A
6412 Humboldt Ave N	Single	Renewal	Tou Yang Did not meet requirements	0	Type I	0	Type III	Type III	N/A
6424 Marlin Dr	Single	Renewal	CJ Bright & QK Fank Met Requirements	2	Type I	0	Type I	Type IV	N/A
6500 Willow La N	Single	Renewal	Brett Hildreth	1	Type I	0	Type I	Type I	N/A
6618 Colfax Ave N	Single	Renewal	Dhanraj Khemraj Did not meet requirements	0	Type I	0	Type IV	Type IV	3
6737 Camden Ave N	Single	Renewal	Ronald F Jasicki	2	Type I	0	Type I	Type II	N/A
6749 Humboldt Ave N	Single	Renewal	Patrick Nguyen Did not meet requirements	13	Type IV	0	Type IV	Type IV	4
6912 Unity Ave N	Single	Renewal	Geri L Williams Met Requirements	0	Type I	0	Type I	Type IV	N/A
7031 Humboldt Ave N	Single	Renewal	Ih3 Property Minnesota Lp	1	Type I	0	Type I	Type II	N/A
7037 Fremont Ave N	Single	Renewal	Edwina P McGill Did not meet requirements	2	Type I	0	Type IV	Type IV	2
7085 Unity Ave N	Single	Renewal	I-chang Wen & Yanhua Sun	9	Type III	0	Type III	Type II	N/A
7215 Girard Ave N	Single	Renewal	Rht Girard Llc	4	Type II	0	Type II	Type I	N/A

*CFS = Calls for service for renewal licenses only (Initial licenses are not applicable to calls for service, and will be listed as N/A)

**License type being issued

***Initial licenses will not show a Type I = 3 year, Type II = 2 year, Type III = 1 year, Type IV = 6 month

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 6/24/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Resolution Transferring Local Board Authority of Appeal and Equalization Power and Duty to Hennepin County ("Open Book")

Requested Council Action:

- Motion to approve a resolution transferring local board of authority of appeal and equalization power and duty to Hennepin County ("Open Book")

Background:

The City of Brooklyn Center City Council annually as the Board of Appeal and Equalization. In this capacity, the council is to provide fair and objective forum for property owners to appeal their valuation or classification. This is typically held the first Monday of April with a scheduled reconvene on the third Wednesday of April.

This past April, the Council had discussions with Hennepin County staff of changing this authorization to Hennepin County under the Open Book process. Under the Open Book process, valuations and classification issues are handled by the Hennepin County assessor's staff on a one-on-one basis with the property owner. The meetings are held at over several days during both day and evening hours. This allows property owners to appeal when it best suits their schedules instead of having to rearrange their schedules to attend a meeting held at one place and one time.

Property owners will find many benefits to the Open Book process including no appointment needed, verification or correct information about their property, personally schedule a time for the assessor to view their property, and questions /concerns

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/12/2024	Resolution Letter
MN Statute 274.01	6/12/2024	Backup Material

Commission introduced the following resolution:

RESOLUTION NO. _____

RESOLUTION TRANSERRING LOCAL BOARD AUTHORITY OF APPEAL AND
EQUALIZATION POWER AND DUTY TO HENNEPIN COUNTY
("OPEN BOOK")

WHEREAS, Minnesota Statute §274.01 determines a city council has the power and duty of a board of appeal and equalization for the purpose of reviewing assessment and valuation of property in the city; and

WHEREAS, Minnesota Statute §274.01, Subd. 3, provides that a city may transfer its powers and duties of a board of appeal and equalization to the County Board; and

WHEREAS, currently, the City of Brooklyn Center acts as the Brooklyn Center Board of Appeals and Equalization; and

WHEREAS, the City of Brooklyn Center City Council desire the property valuation to be more user friendly, less intimidating and more efficient for Brooklyn Center property owners; and

NOW, THEREFORE, BE IT RESOLVED, that the Brooklyn Center City Council hereby transfers its authority to the Hennepin County Board indefinitely as provided for in Minnesota Statute §274.01, Subd. 3.

June 24, 2024

Date

Mayor

City Clerk

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

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.

274.01 BOARD OF APPEAL AND EQUALIZATION.

Subdivision 1. **Ordinary board; meetings, deadlines, grievances.** (a) The town board of a town, or the council or other governing body of a city, is the local board of appeal and equalization except (1) in cities whose charters provide for a board of equalization or (2) in any city or town that has transferred its local board of review power and duties to the county board as provided in subdivision 3. The county assessor shall fix a day and time when the local board of equalization shall meet in the assessment districts of the county. Notwithstanding any law or city charter to the contrary, a city board of equalization shall be referred to as a local board of appeal and equalization. On or before February 15 of each year the assessor shall give written notice of the time to the city or town clerk. Notwithstanding the provisions of any charter to the contrary, the meetings must be held between April 1 and May 31 each year. The clerk shall give published and posted notice of the meeting at least ten days before the date of the meeting.

The board shall meet either at a central location within the county or at the office of the clerk to review the assessment and classification of property in the town or city. No changes in valuation or classification which are intended to correct errors in judgment by the county assessor may be made by the county assessor after the board has adjourned in those cities or towns that hold a local board of review; however, corrections of errors that are merely clerical in nature or changes that extend homestead treatment to property are permitted after adjournment until the tax extension date for that assessment year. The changes must be fully documented and maintained in the assessor's office and must be available for review by any person. A copy of the changes made during this period in those cities or towns that hold a local board of review must be sent to the county board no later than December 31 of the assessment year.

(b) The board shall determine whether the taxable property in the town or city has been properly placed on the list and properly valued by the assessor. If real or personal property has been omitted, the board shall place it on the list with its market value, and correct the assessment so that each tract or lot of real property, and each article, parcel, or class of personal property, is entered on the assessment list at its market value. No assessment of the property of any person may be raised unless the person has been duly notified of the intent of the board to do so. On application of any person feeling aggrieved, the board shall review the assessment or classification, or both, and correct it as appears just. The board may not make an individual market value adjustment or classification change that would benefit the property if the owner or other person having control over the property has refused the assessor access to inspect the property and the interior of any buildings or structures as provided in section 273.20. A board member shall not participate in any actions of the board which result in market value adjustments or classification changes to property owned by the board member, the spouse, parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, or niece of a board member, or property in which a board member has a financial interest. The relationship may be by blood or marriage.

(c) A local board may reduce assessments upon petition of the taxpayer but the total reductions must not reduce the aggregate assessment made by the county assessor by more than one percent. If the total reductions would lower the aggregate assessments made by the county assessor by more than one percent, none of the adjustments may be made. The assessor shall correct any clerical errors or double assessments discovered by the board without regard to the one percent limitation.

(d) A local board does not have authority to grant an exemption or to order property removed from the tax rolls.

(e) A majority of the members may act at the meeting, and adjourn from day to day until they finish hearing the cases presented. The assessor shall attend and take part in the proceedings, but must not vote. The county assessor, or an assistant delegated by the county assessor shall attend the meetings. The board

shall list separately all omitted property added to the list by the board and all items of property increased or decreased, with the market value of each item of property, added or changed by the board. The county assessor shall enter all changes made by the board.

(f) Except as provided in subdivision 3, if a person fails to appear in person, by counsel, or by written communication before the board after being duly notified of the board's intent to raise the assessment of the property, or if a person feeling aggrieved by an assessment or classification fails to apply for a review of the assessment or classification, the person may not appear before the county board of appeal and equalization for a review. This paragraph does not apply if an assessment was made after the local board meeting, as provided in section 273.01, or if the person can establish not having received notice of market value at least five days before the local board meeting.

(g) The local board must complete its work and adjourn within 20 days from the time of convening stated in the notice of the clerk, unless a longer period is approved by the commissioner of revenue. No action taken after that date is valid. All complaints about an assessment or classification made after the meeting of the board must be heard and determined by the county board of equalization. A nonresident may, at any time, before the meeting of the board file written objections to an assessment or classification with the county assessor. The objections must be presented to the board at its meeting by the county assessor for its consideration.

Subd. 2. Special board; duties delegated. The governing body of a city may appoint a special board of review. The city may delegate to the special board of review all of the powers and duties in subdivision 1. The special board of review shall serve at the direction and discretion of the appointing body, subject to the restrictions imposed by law. The appointing body shall determine the number of members of the board, the compensation and expenses to be paid, and the term of office of each member. At least one member of the special board of review must be an appraiser, real estate broker, or other person familiar with property valuations in the assessment district.

Subd. 3. Local board duties transferred to county. The town board of any town or the governing body of any home rule charter or statutory city may transfer its powers and duties under subdivision 1 to the county board, and no longer perform the function of a local board. Before the town board or the governing body of a city transfers the powers and duties to the county board, the town board or city's governing body shall give public notice of the meeting at which the proposal for transfer is to be considered. The public notice shall follow the procedure contained in section 13D.04, subdivision 2. A transfer of duties as permitted under this subdivision must be communicated to the county assessor, in writing, before December 1 of any year to be effective for the following year's assessment. This transfer of duties to the county may either be permanent or for a specified number of years, provided that the transfer cannot be for less than three years. Its length must be stated in writing. A town or city may renew its option to transfer. The option to transfer duties under this subdivision is only available to a town or city whose assessment is done by the county.

History: (2034) RL s 847; 1941 c 402 s 1; 1945 c 402 s 1; 1949 c 543 s 1; Ex1967 c 32 art 8 s 3; 1971 c 434 s 3; 1971 c 564 s 6; 1973 c 123 art 5 s 7; 1973 c 150 s 1; 1973 c 582 s 3; 1975 c 339 s 5; 1977 c 434 s 11; 1986 c 444; 1987 c 229 art 4 s 1; 1987 c 268 art 7 s 37; 1988 c 719 art 7 s 8; 1990 c 480 art 7 s 14; 1995 c 264 art 3 s 13; 1997 c 231 art 2 s 23; 1998 c 254 art 1 s 77; 1999 c 243 art 5 s 25; 1Sp2001 c 5 art 7 s 21; 2003 c 127 art 5 s 22; 1Sp2005 c 3 art 1 s 18; 2008 c 154 art 13 s 35; 2014 c 308 art 9 s 32,33; art 10 s 9; 2017 c 40 art 1 s 121; 1Sp2017 c 1 art 15 s 25

Council Regular Meeting

DATE: 6/24/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Jesse Anderson, Community Development Director

SUBJECT: Resolution Accepting Bid and Awarding a Contract to Hosier Worldwide, Inc, for Demolition and Site Work at 6100 Shingle Creek Pkwy (Former Target Site)

Requested Council Action:

- Motion to approve a resolution accepting the lowest responsible bid and awarding a contract to Hosier Worldwide, Inc, for Demolition and Site Work at 6100 Shingle Creek Pkwy.

Background:

Bids for the project were received and opened on June 13, 2024. The bidding results are tabulated below:

CONTRACTOR	TOTAL BID	CONTRACTOR	TOTAL BID
Hosier Worldwide, Inc. Base Bid	\$422,642.00	Carl Bolander & Sons Base Bid	\$772,453.00
Alternate Bid	\$69,049.00	Alternate Bid	\$41,995.00
Frattalone Companies Base Bid	\$496,990.00	Landwehr Construction, Inc. Base Bid	\$796,850.00
Alternate Bid	\$105,740.00	Alternate Bid	\$183,700.00
Veit & Company, Inc. Base Bid	\$532,696.00	Meyer Contracting Inc. Base Bid	\$1,192,000.00
Alternate Bid	\$163,060.00	Alternate Bid	\$130,000.00
Kevitt Excavating Base Bid	\$695,000.00	Urban Companies Base Bid	\$1,240,000.00
Alternate Bid	\$158,250.00	Alternate Bid	\$110,000.00

Of the eight (8) bids received, the lowest total bid of \$491,691.00 was submitted by Hosier Worldwide, Inc has the experience, equipment and capacity to qualify as the lowest responsible bidder for the project. The low bid unit prices has been reviewed and compared them to the other bids and have found them to be responsive and not materially unbalanced.

Lastly, staff is reviewing options for temporary watering of the seed to make sure the yard cover is property established.

Budget Issues:

The property is insured at \$646,000. There were some initial cost associated with the clean up and securing of the roof. Therefore, the full cost of the project is anticipated to be covered fully by the insurance.

Inclusive Community Engagement:

Staff have continued to engage with ACER, the owner of the strip mall regarding the project..

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Maintain a strong financial position, Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/13/2024	Resolution Letter
Award Memo	6/13/2024	Backup Material
Bid Cost Breakdown	6/13/2024	Backup Material

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION TO APPROVE A RESOLUTION ACCEPTING THE LOWEST RESPONSIBLE BID AND AWARDING A CONTRACT TO HOSIER WORLDWIDE, INC FOR DEMOLISION AND SITEWORK AT 6100 SHINGLE CREEK PKWY

WHEREAS, pursuant to an advertisement for bids Demolition and Site Work at 6100 Shingle Creek Pkwy, bids were received, opened and tabulated on the 13th day of June, 2024. Said bids were as follows:

CONTRACTOR	TOTAL BID	CONTRACTOR	TOTAL BID
Hosier Worldwide, Inc. Base	\$422,642.00	Carl Bolander & Sons Base Bid	\$772,453.00
Bid Alternate Bid	\$69,049.00	Alternate Bid	\$41,995.00
Frattalone Companies Base	\$496,990.00	Landwehr Construction, Inc. Base	\$796,850.00
Bid Alternate Bid	\$105,740.00	Bid Alternate Bid	\$183,700.00
Veit & Company, Inc. Base	\$532,696.00	Meyer Contracting Inc. Base Bid	\$1,192,000.00
Bid Alternate Bid	\$163,060.00	Alternate Bid	\$130,000.00
Kevitt Excavating Base Bid	\$695,000.00	Urban Companies Base Bid	\$1,240,000.00
Alternate Bid	\$158,250.00	Alternate Bid	\$110,000.00

WHEREAS, the city's consultant, Bolton and Menk, recommends that the contract be awarded based on the base bid and Alternate bid;

WHEREAS, it appears that Hosier Worldwide, Inc. is the lowest responsible bidder.

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

1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with Hosier Worldwide, Inc. in the name of the City of Brooklyn Center, for Demolition and Site Work at 6100 Shingle Creek Pkwy, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Engineer.

RESOLUTION NO. _____

2. The estimated project costs and revenues are as follows:

COSTS	Estimate
Base Bid	\$422,642.00
Alternate (Top Soil and seed)	\$69,049.00
Total Estimated Project Cost	\$491,691.00

June 24, 2024

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.



Real People. Real Solutions.

7533 Sunwood Drive NW
Suite 206
Ramsey, MN 55303-5119

Ph: (763) 433-2851
Fax: (763) 427-0833
Bolton-Menk.com

MEMORANDUM

Date: June 13, 2024
To: Jesse Anderson, Community Development Director
From: Kevin Kielb, P.E., Principal Engineer
Subject: Bid Results and Recommendation
Target Site Demolition

Eight bids were received for The Target Site Demolition. The bids were publicly read aloud at 10:00 A.M. on June 13, 2024. The bids were then reviewed, tabulated and the results are summarized below:

CONTRACTOR	TOTAL BID	CONTRACTOR	TOTAL BID
Hosier Worldwide, Inc. Base Bid	\$422,642.00	Carl Bolander & Sons Base Bid	\$772,453.00
Alternate Bid	\$69,049.00	Alternate Bid	\$41,995.00
Frattalone Companies Base Bid	\$496,990.00	Landwehr Construction, Inc. Base Bid	\$796,850.00
Alternate Bid	\$105,740.00	Alternate Bid	\$183,700.00
Veit & Company, Inc. Base Bid	\$532,696.00	Meyer Contracting Inc. Base Bid	\$1,192,000.00
Alternate Bid	\$163,060.00	Alternate Bid	\$130,000.00
Kevitt Excavating Base Bid	\$695,000.00	Urban Companies Base Bid	\$1,240,000.00
Alternate Bid	\$158,250.00	Alternate Bid	\$110,000.00

We have reviewed the low bid unit prices and compared them to the other bids received and have found them to be responsive and not materially unbalanced.

If the City of Brooklyn Center decides to award the project to the low bidder, we recommend awarding the contract to Hosier Worldwide, Inc. in the amount of \$422,642.00. If the City elects to proceed with the turf establishment bid alternate, we recommend awarding the contract to Hosier Worldwide, Inc. in the amount of \$478,672.00

If you have any questions, please contact me at (651) 968-7760.

Brooklyn Center, City of
Target Site Demolition
0T6.132942 (#9105973
Owner: Brooklyn Center MN, City of
Solicitor: Bolton & Menk, Inc.
06/13/2024 10:00 AM CDT

					Hosier Worldwide, Inc.		Frattalone Companies		Veit & Company, Inc.		Kevitt Excavating	
Section Title	Line Item	Item Description	UofM	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
BASE BID						\$422,642.00		\$496,990.00		\$532,696.00		\$695,000.00
	1	MOBILIZATION	LUMP SUM	1	\$24,771.00	\$24,771.00	\$57,830.00	\$57,830.00	\$4,960.00	\$4,960.00	\$8,100.00	\$8,100.00
	2	EROSION CONTROL	LUMP SUM	1	\$2,044.00	\$2,044.00	\$13,330.00	\$13,330.00	\$8,600.00	\$8,600.00	\$12,000.00	\$12,000.00
	3	BUILDING REMOVAL	LUMP SUM	1	\$224,300.00	\$224,300.00	\$123,870.00	\$123,870.00	\$132,646.00	\$132,646.00	\$373,740.00	\$373,740.00
	4	FOUNDATION REMOVAL	LUMP SUM	1	\$33,100.00	\$33,100.00	\$95,370.00	\$95,370.00	\$122,290.00	\$122,290.00	\$40,000.00	\$40,000.00
	5	SITE ELECTRICAL	LUMP SUM	1	\$17,449.00	\$17,449.00	\$40,850.00	\$40,850.00	\$43,840.00	\$43,840.00	\$16,000.00	\$16,000.00
	6	STRIP MALL WALL STRUCTURAL	LUMP SUM	1	\$107,959.00	\$107,959.00	\$128,950.00	\$128,950.00	\$165,130.00	\$165,130.00	\$230,405.00	\$230,405.00
	7	SITE RESTORATION (MILLINGS)	LUMP SUM	1	\$13,019.00	\$13,019.00	\$36,790.00	\$36,790.00	\$55,230.00	\$55,230.00	\$14,755.00	\$14,755.00
ALTERNATE BID						\$69,049.00		\$105,740.00		\$163,060.00		\$158,250.00
	1A	SITE RESTORATION (TOPSOIL AND SEED)	LUMP SUM	1	\$69,049.00	\$69,049.00	\$105,740.00	\$105,740.00	\$163,060.00	\$163,060.00	\$158,250.00	\$158,250.00
Base Bid Total:						\$422,642.00		\$496,990.00		\$532,696.00		\$695,000.00

					Carl Bolander & Sons		Landwehr Construction, Inc.		Meyer Contracting Inc.		Urban Companies	
Section Title	Line Item	Item Description	UofM	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
BASE BID						\$772,453.00		\$796,850.00		\$1,192,000.00		\$1,240,000.00
	1	MOBILIZATION	LUMP SUM	1	\$54,080.00	\$54,080.00	\$45,500.00	\$45,500.00	\$65,000.00	\$65,000.00	\$50,000.00	\$50,000.00
	2	EROSION CONTROL	LUMP SUM	1	\$25,971.00	\$25,971.00	\$5,000.00	\$5,000.00	\$12,000.00	\$12,000.00	\$20,000.00	\$20,000.00
	3	BUILDING REMOVAL	LUMP SUM	1	\$300,315.00	\$300,315.00	\$476,350.00	\$476,350.00	\$750,000.00	\$750,000.00	\$620,000.00	\$620,000.00
	4	FOUNDATION REMOVAL	LUMP SUM	1	\$188,773.00	\$188,773.00	\$85,000.00	\$85,000.00	\$165,000.00	\$165,000.00	\$140,000.00	\$140,000.00
	5	SITE ELECTRICAL	LUMP SUM	1	\$15,677.00	\$15,677.00	\$20,000.00	\$20,000.00	\$10,000.00	\$10,000.00	\$50,000.00	\$50,000.00
	6	STRIP MALL WALL STRUCTURAL	LUMP SUM	1	\$165,955.00	\$165,955.00	\$150,000.00	\$150,000.00	\$160,000.00	\$160,000.00	\$340,000.00	\$340,000.00
	7	SITE RESTORATION (MILLINGS)	LUMP SUM	1	\$21,682.00	\$21,682.00	\$15,000.00	\$15,000.00	\$30,000.00	\$30,000.00	\$20,000.00	\$20,000.00
ALTERNATE BID						\$41,995.00		\$183,700.00		\$130,000.00		\$110,000.00
	1A	SITE RESTORATION (TOPSOIL AND SEED)	LUMP SUM	1	\$41,995.00	\$41,995.00	\$183,700.00	\$183,700.00	\$130,000.00	\$130,000.00	\$110,000.00	\$110,000.00
Base Bid Total:						\$772,453.00		\$796,850.00		\$1,192,000.00		\$1,240,000.00

Council Regular Meeting

DATE: 6/24/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Jesse Anderson, Community Development Director

SUBJECT: Resolution Identifying the Need for Livable Communities Demonstration Account (LCDA)
Transit-Oriented Development Funding and Authorizing Application for Grant Funds for
Opportunity Site Phase 1 Infrastructure

Requested Council Action:

- Motion to approve the resolution identifying the need for Livable Communities Demonstration Account Transit Oriented Development funding and authorizing an application for grants funds.

Background:

Since 2019, City staff have been working with Alatus LLC and their development partners Project for Pride in Living and Resurrecting Faith World Ministries, on build out of Phase 1 of the Opportunity Site. The proposed 15-acre mixed use development is to include over 700 units of mixed income housing, a small business incubator, and a conference center with associated service retail.

Phase 1 will also include the delivery of public infrastructure critical to the immediate, and long term buildout of the broader 80-acre Opportunity Site. Phase 1 public infrastructure encompasses a new approximately 1800' multimodal roadway segment with quality streetscaping, connecting Shingle Creek Crossing to John Martin Drive, and a regional stormwater pond system to provide the required stormwater management for approximately 60% of the Opportunity Site, and the entirety of the Phase 1 development site.

Without these public infrastructure elements, the community-derived vision of both Phase 1 and the Opportunity Site becomes effectively infeasible.

Anticipated funding for Phase 1 includes a mix of private financing, TIF financing, a collection of grants from Hennepin County and the Metropolitan Council, and other external sources. In effort to secure project funding while reducing the fiscal burden to the City of Brooklyn Center, City staff and the Alatus development team regularly seek out eligible grant programs to support the Phase 1 development project and its public infrastructure.

The Transit Oriented Development (TOD) program was created to fund construction of moderate- to higher-density projects in walkable and transit-supported environments, in an effort to support more equitable, livable communities in the region. The program is run out of the Metropolitan Council's Livable Communities Grant Program.

The TOD grant program appropriates funds to local governments for construction of development, and

supportive infrastructure, that promotes diverse mix of uses within dense walkable environments, within areas that are serviced by transit. economic development, increase employment, and improve transportation systems to facilitate private investment and job creation.

Awarded projects must be located within the Twin Cities Metro, and meet TOD program goals of:

- Support dense, diverse developments that emphasize pedestrian activity, multimodal transportation, and increased transit ridership
- Create more housing choices through introducing new housing types or preserving affordable housing;
- Contribute to an economically prosperous and equitable region by creating living wage jobs and economic opportunity
- Mitigating climate change through sustainable site design and building practices
- Maximize connections between housing, jobs, services, transit and regional amenities like parks, trails, and cultural centers
- Advance racial equity by increasing access and opportunity for under-represented communities and historically marginalized populations

In the current 2024 program cycle, up to \$5.5 million in funding is available, with a maximum award limit of \$2 million per city. Applicant projects must be located within the Twin Cities Metro, and project construction must begin within the 36month grant period.

The Opportunity Site project team has identified the new Phase 1 public multimodal roadway as being a very competitive application for the 2024 TOD grant program. City staff intend therefore to prepare and submit a \$2 million funding application request for construction related costs of the roadway. Should funding be received, it is anticipated that grant reporting and administrative requirements will require minimal staff time. No additional Phase 1 project funding is required as part of this application, beyond what has previously been discussed and approved by City Council. No new Phase 1 project restrictions are created as part of this application.

The purpose of this action is to approve a resolution of support for the application of a 2024 TOD grant, per grant program requirements.

Next Steps:

Adoption of the resolution will complete actions necessary to demonstrate City support of the 2024 TOD grant application. Once the application and additional materials are complete, city staff will submit the application no later than August 12, 2024.

Budget Issues:

This item will have no immediate effect on the budget.

Inclusive Community Engagement:

This item will support the community-driven development vision of the Opportunity Site, allowing for ongoing alignment with intended development goals.

Antiracist/Equity Policy Effect:

The Metropolitan Council has developed new scoring criteria, which heavily focuses on equity and anti-racist outcomes for projects which are to receive funding. Criteria includes demonstrated outreach to

impacted and underrepresented communities, identification of specific residential and/or workforce development community needs addressed by the project, project teams which reflect and are responsive to those most impacted by the project. These projects are likely to score well in these criteria relative to others they will compete against.

Strategic Priorities and Values:

Maintain and enhance public places, Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/17/2024	Resolution Letter

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES
DEMONSTRATION ACCOUNT ("LCDA") FUNDING AND AUTHORIZING
AN APPLICATION FOR GRANT FUNDS

WHEREAS, the City of Brooklyn Center is a participant in the Metropolitan Livable Communities Act ("LCA") Local Housing Incentives Program for 2024 as determined by the Metropolitan Council, and is therefore eligible to apply for LCA Livable Communities Demonstration Account and Tax Base Revitalization Account Transit Oriented Development (Collectively, "TOD") funds; and

WHEREAS, the City has identified a proposed project within the City that meets LCDA purposes and criteria and is consistent with and promotes the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

WHEREAS, the City has the institutional, managerial and financial capability to adequately manage an LCDA grant; and

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS, the City acknowledges LCDA grants are intended to fund projects or project components that can serve as models, examples or prototypes for LCDA development or redevelopment elsewhere in the Region, and therefore represents that the proposed project or key components of the proposed project can be replicated in other metropolitan-area communities; and

WHEREAS, only a limited amount of grant funding is available through the Metropolitan Council's Livable Communities LCDA initiative during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of LCDA grant funding.

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

1. Finds that it is in the best interests of the City's development goals and priorities for the following proposed LCDA project to occur at this particular site at this particular time:

Brooklyn Center's Opportunity Site Phase 1 Infrastructure

RESOLUTION NO. _____

2. Finds that that LCDA Project component(s) for which Livable Communities LCDA funding is sought:

- a. Will not occur solely through private or other public investment within the reasonable foreseeable future; and
- b. Will occur within the term of the grant only if Livable Communities LCDA funding is made available for this project at this time.

3. Authorizes the City Manager to submit on behalf of the City an application for Metropolitan Council Livable Communities LCDA grant funds for the LCDA project components identified in the application, and to execute such agreements as may be necessary to implement the LCDA Project on behalf of the City.

June 24, 2024

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 6/24/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Angela Holm, Director of Fiscal & Support Services

SUBJECT: An Ordinance Amending the Mayor and Council Salaries for 2025 and 2026 (first reading)

Requested Council Action:

- Motion to approve the first reading of an ordinance amending the salaries for Mayor and Council for 2025 and 2026 and call for a second reading on July 23, 2024.

Background:

Every two years the Financial Commission is required by the City Council Code of Policies to review the salaries for the Mayor and City Council and recommend any changes that may seem appropriate. The Financial Commission has reviewed the salaries in comparison to a specified group of comparison cities as outlined by policy.

For the years 2023 and 2024 the salary increase for Mayor and Council did not go into effect due to a timing error. The salaries for 2025 and 2026 were based off the original 2023 and 2024 amounts. The increase is a three percent.

According to Minnesota Statutes 415.11, such ordinance will be in effect for 12 months after which the salary reverts to the previously designated amount. In order to increase salaries for 2023 and 2024 the Council must adopt a new ordinance. The attached ordinance proposal calls for a public hearing to be held on Monday, November 14, 2022 on a new ordinance establishing 2023 and 2024 salaries.

Budget Issues:

The budget amounts will be included in the 2025 and 2026 budgets respectively.

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

ATTACHMENTS:

Description	Upload Date	Type
Mn Statute 415.11	10/2/2022	Backup Material
Ordinance	6/18/2024	Ordinance

415.11 SECOND TO FOURTH CLASS CITIES; GOVERNING BODY SALARIES.

Subdivision 1. **Set by ordinance.** Notwithstanding the provisions of any general or special law, charter, or ordinance, the governing body of any statutory or home rule charter city of the second, third or fourth class may by ordinance fix their own salaries as members of such governing body, and the salary of the chief elected executive officer of such city, in such amount as they deem reasonable.

Subd. 2. **After next election.** No change in salary shall take effect until after the next succeeding municipal election.

Subd. 3. **Temporary reductions.** Notwithstanding subdivision 2 or a charter provision to the contrary, the governing body may enact an ordinance to take effect before the next succeeding municipal election that reduces the salaries of the members of the governing body. The ordinance shall be in effect for 12 months, unless another period of time is specified in the ordinance, after which the salary of the members reverts to the salary in effect immediately before the ordinance was enacted.

History: *Ex1967 c 42 s 1,2; 1976 c 44 s 34; 2009 c 152 s 17*

Notice is hereby given that a public hearing will be held on the 23rd day of July, 2024, 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 Ordinance 2016-08 Regarding Council Salaries for 2025-2026.

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.

CITY OF BROOKLYN CENTER

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 2020-08 REGARDING COUNCIL SALARIES FOR 2025-2026.

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

Section 1. City of Brooklyn Center Ordinance No. 2020-08 which amended the amount of the annual compensation to be paid to the Mayor and Council Members to become effective January 1, 2025, is hereby amended.

Section 2. Effective January 1, 2025, the annual salary for the Mayor shall be ~~\$13,079~~ \$14,857 and the annual salary for Council Members shall be ~~\$10,013~~ \$11,158.

Section 3. Effective January 1, 2026, the annual salary for the Mayor shall be ~~\$13,341~~ \$15,302 and the annual salary for Council Members shall be ~~\$10,214~~ \$11,493.

Section 4. This ordinance shall be effective after adoption and thirty days following its legal publication.

June 24, 2024

Date

Mayor

ATTEST:

City Clerk

Council Regular Meeting

DATE: 6/24/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Xiong Thao, Housing and Community Standards Manager

SUBJECT: An Ordinance Amending Chapter 12 of the City Relating to New Rental Licensed Properties and Nuisance Abatement Process – 2nd Reading

Requested Council Action:

- Motion to approve the second reading and adopt an Ordinance Amending Chapter 12 of the City Code of Ordinance Amending Sections 12-901, 12-1201A and 12-1206 of the City Code of Ordinances regarding rental licensing and building compliance orders.

Background:

A work session discussion was completed during the February 26, 2024 City Council meeting on the issues relating to repeat Type IV rental license, new construction rental licenses, and occupied property nuisance abatements.

At the April 22, 2024 City Council Meeting the Council approved the first reading of the ordinance. Notice of the public hearing was placed in the *Sun Post* newspaper.

Below is a summary of the proposed changes to Chapter 12.

12-901.3 – New Licenses

The propose changes are to clear up the language regarding new construction and existing properties that are applying for their first rental license. It was unclear on the type of license that these properties would qualify for based on the current language.

The change for new construction property will read more clearly and specify the type of license that new construction properties can obtain. It will read that new construction licenses will qualify for a Type II, Type III, or Type IV rental license. They will not be eligible for a Type I – 3 year license.

The other change is with existing properties applying for their first license. It will read that existing properties applying for their first rental license will only qualify for a Type II, Type III, or Type IV rental license.

12-1201A and 12-1206 – Compliance notice changes

12-1201A makes changes to the compliance notices and time periods given to correct the compliance violations. The change adds language that once the compliance notice is issued, the cost of correcting the violation is at the expense of the owner, occupant, operator, or agent. It further adds that the violation

must be corrected within 10 days.

12-1206 makes changes to the process when a property code violation does not get corrected within the timeframe that was given in the compliance order. The change allows the City to abate the property code violation stated in the compliance order without a city council resolution.

Budget Issues:

The revenues for new construction rental licenses will vary depending on how many new rental construction properties are built in the City. The cost for a new construction rental property license vary based on the number of buildings and the number of units. In most cases, a rental license inspection will be conducted with the Certificate of Occupancy inspection which is completed by the Building Official.

The revenues from existing properties converting to rental license properties is largely driven by the housing market conditions. The rental licenses types for those properties vary based on property conditions at the time of the initial rental license inspection.

The nuisance abatement of ordinance amendment may have some upfront costs. If the cost of the abatement is not paid, the costs can be rolled over to special assessments.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Strengthen community and employee engagement in key decisions

ATTACHMENTS:

Description	Upload Date	Type
Ordinance Amendment Language	5/30/2024	Cover Memo

CITY OF BROOKLYN CENTER

Please take notice that on _____, 2024, at approximately 7:00 p.m. at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota, the City Council of the City of Brooklyn Center will conduct a second reading and consider the adoption of the following ordinance amending Sections 12-901, 12-1201A and 12-1206 of the City Code of Ordinances regarding rental licensing and building compliance orders. 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 ordinance to be considered cannot be given as it will depend on the progression of the agenda items.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 12-901, 12-1201A AND 12-1206 OF THE CITY CODE OF ORDINANCES REGARDING RENTAL LICENSING AND BUILDING COMPLIANCE ORDERS

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

Article I. Brooklyn Center City Code, Section 12-901. 3. is amended by adding the following double-underlined language and deleting the following ~~stricken~~ language:

3. New Licenses. Properties that have legally not been required to have a rental license due to new construction ~~or a change from owner occupied to rental will~~ may qualify for a Type II, Type III, or Type IV License. Properties ~~that have changed from owner occupied to rental may qualify for a Type II, Type III, or Type IV License.~~ Properties found operating without a valid rental license from the City or failing to meet City Code requirements or that have been the subject of enforcement actions such as criminal prosecution or civil penalties for violation of this Chapter, will only qualify for a Type III or Type IV License.

Article II. Brooklyn Center City Code, Section 1201A is amended by adding the following double-underlined language and deleting the following ~~stricken~~ language:

Section 12-1201A. COMPLIANCE ORDER. Whenever the Compliance Official determines that any building or portion thereof, or the premises surrounding any of these, fails to meet the provisions of this Chapter, a compliance order shall be issued setting forth the violations of the Chapter and ordering the owner, occupant, operator, or agent to correct such violations at the expense of the owner, occupant, operator or agent ~~shall be issued~~. This compliance order shall:

1. Be in writing.

2. Describe the location and nature of the violations of this Chapter.
3. Establish a reasonable time for the correction of such violation, not to exceed 10 days, and notify of appeal recourse.
4. Be served upon the owner or agent or occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:
 - a. Served upon owner, agent or occupant personally; or
 - b. Sent by 1st class mail to his/her last known address; or
 - c. Upon failure to effect notice through (a) and (b) as set out in this Section, posted at a conspicuous place in or about the building, or portion thereof, that is affected by the notice.

Violations may be cited by the City and prosecuted, and license suspension, revocation or non-renewal may be undertaken by the City whether or not a compliance order has been issued.

Article III. Brooklyn Center City Code, Section 12-1206 is amended by deleting the following ~~stricken~~ language:

Section 12-1206. EXECUTION OF COMPLIANCE ORDERS BY PUBLIC AUTHORITY. Upon failure to comply with a compliance order within the time set therein and no appeal having been taken, or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the City ~~Council~~ may, ~~by resolution, following a hearing~~ upon not less than ten (10) days notice to the landowner, cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429, but the assessment shall be payable in a single installment.

Article IV. Severability. Should any section or part of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

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

Adopted this ____ day of _____, 2024.

April Graves, Mayor

ATTEST: _____
Barb Suciu, City Clerk

Date of Publication _____

Effective Date _____

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

Council Regular Meeting

DATE: 6/24/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Jason Aarsvold, Ehlers

SUBJECT: Resolution Approving Amendments to, and Reissuance of, The Crest Apartment's Multifamily Housing Revenue Note, Series 2021A

Requested Council Action:

- Motion to open public hearing
- Motion to close public hearing
- Motion to approve a resolution approving amendments to and authorizing the deemed reissuance of a conduit multifamily housing revenue note and amendments to documents in connection therewith (the crest apartments project)

Background:

Aeon is the owner and operator of the Crest apartments, which purchased the property in 2012 and completed renovations in 2014. At its June 28, 2021, meeting the City Council approved establishment of a Planned Unit Development and amendments to the City's zoning map and 2040 Comprehensive Plan to allow for the construction of a 48-unit addition to the existing 122-unit Crest Apartment building. As part of that project, Aeon renovated the existing building as well.

To help finance that project, the EDA provided tax increment financing assistance and the City of Brooklyn Center approved issuance of up to \$19,000,000 of tax-exempt, conduit Housing Revenue Bonds for rehabilitation and new construction of the Crest Apartments. Conduit revenue bonds give the borrower access to tax exempt financing, so the borrower realizes lower interest costs and the City achieves a public purpose, in this case the preservation and rehabilitation of existing affordable housing units.

These Bonds were issued as conduit revenue bonds secured solely by the revenues derived from a loan agreement executed by Brooklyn Center and the Borrower and from other security provided by the Borrower. The lender or bondholders provided the funds for the loan, and Brooklyn Center assigned its rights and obligations under the Loan Agreement to the lender.

No money actually flowed through Brooklyn Center. No money or assets of Brooklyn Center are ever pledged or available to pay the Bonds. The Bonds do not constitute a general or moral obligation of Brooklyn Center and are not secured by or payable from any property or assets of Brooklyn Center and are not secured by any taxing power of Brooklyn Center. The Bonds do not affect any debt limitation imposed on Brooklyn Center and the issuance of the Bonds will not have any adverse impact on the credit rating of Brooklyn Center, even if the Borrower encounters financial difficulties with respect to the project.

On November 22, 2021 the City Council held a public hearing and adopted a resolution authorizing the

issuance of the Bonds, and execution of various related documents, including the Bonds and the Loan Agreement. The bonds were issued, and the project proceeded according to plans.

The bonds issued for Aeon's project mature on June 28, 2024 and are intended to be repaid with separate financing from a permanent lender. Aeon needs more time to get this permanent financing in place, however, and requested an extension on their Bonds. Their construction lender, Bridgewater Bank, has agreed to this. But since this is a tax-exempt financing, the extension also requires a public hearing and City approval. This hearing was properly noticed for June 24, 2024 to allow the City Council to consider the extension at this meeting.

Recommendation

Staff recommends approval of the extension. AEON is nearing completion of the project and the items required in its agreements with the City and the EDA. Providing more time to close its permanent financing will help ensure the long-term success of the project

Budget Issues:

This item will have no immediate effect on the budget

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/18/2024	Resolution Letter
Amendment Tax Certificate	6/20/2024	Backup Material
Amendment to Loan Agreement	6/20/2024	Backup Material
Amendment to Note	6/20/2024	Backup Material
Amendment Bond	6/20/2024	Backup Material
Amendment to Certain Loan Documents	6/20/2024	Backup Material
Modification of Mortgage	6/20/2024	Backup Material

**CITY OF BROOKLYN CENTER, MINNESOTA
COUNTY OF RAMSEY
STATE OF MINNESOTA**

**RESOLUTION NO. _____
APPROVING AMENDMENTS TO AND AUTHORIZING THE DEEMED
REISSUANCE OF A CONDUIT MULTIFAMILY HOUSING REVENUE
NOTE AND AMENDMENTS TO DOCUMENTS IN CONNECTION
THEREWITH (THE CREST APARTMENTS PROJECT)**

WHEREAS, pursuant to Minnesota Statutes, Chapter 462C, as amended (the “Act”), the City of Brooklyn Center, Minnesota (the “City”) is authorized to carry out the public purposes described in the Act by issuing revenue bonds and notes or other obligations to finance or refinance multifamily housing developments located within the City;

WHEREAS, in connection with the issuance of the City’s revenue bonds and in the making of a loan to finance a multifamily housing development, the City may exercise, within the corporate limits, any of the powers that the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A;

WHEREAS, on December 28, 2021, the City issued and sold to Bridgewater Investment Management, Inc., a Minnesota corporation (the “Lender”), its \$19,000,000 Multifamily Housing Revenue Note (The Crest Apartments Project), Series 2021 (the “Note”), to (i) finance the acquisition of The Crest Apartments, an existing 122-unit rental housing facility located at 6221 Shingle Creek Parkway in the City, the rehabilitation thereof to include, among other things, one additional unit, and the construction and equipping of an approximately 48-unit building to be located on the same property in the City (the “Project”), owned and operated by Crest Limited Partnership, a Minnesota limited partnership (as successor to The Crest Apartments LLC, a Minnesota limited liability company, the “Borrower”); (ii) fund one or more reserve funds to secure the timely payment of the Note, if necessary; (iii) pay interest on the Note during the renovation of the Project, if necessary; and (iv) pay the costs of issuing the Note;

WHEREAS, in accordance with a certain Loan Agreement, by and between the City and the Borrower, dated December 28, 2021 (the “Loan Agreement”), the City loaned the proceeds of the Note to the Borrower to complete the Project; and the City assigned to and granted to the Lender a security interest in all of the City’s right, title and interest in and to the Loan Agreement (except the City’s rights to indemnification and payment of costs and expenses as provided in the Loan Agreement) pursuant to an Assignment of Loan Agreement, dated as of December 28, 2021, between the City and the Lender;

WHEREAS, the Borrower has heretofore requested and the Lender has heretofore agreed to extend the Purchase Date (as defined in the Note) to June 28, 2024, pursuant to that certain First Amendment to Certain Loan Documents, by and between the Borrower and the Lender, dated as of December 7, 2023;

WHEREAS, the Borrower has now requested that the Lender and the City agree to extend the maturity date of the Note pursuant to an Amendment No. 1 to Multifamily Housing Revenue Note (The Crest Apartments Project), Series 2021 (the “Note Amendment”);

WHEREAS, the Lender is willing to agree to the Borrower’s request on certain conditions set forth in a Second Amendment to Certain Loan Documents, between the Borrower and the Lender, and an Amendment No. 1 to Loan Agreement between the Borrower and the City (the “Loan Agreement Amendments” and, together with the Note Amendment, the “Amendments”);

WHEREAS, the Amendments, if approved, would cause a reissuance of the Note (the “Reissuance”) for tax purposes pursuant to Section 1.1001-3 of the Treasury Regulations promulgated under the Internal Revenue Code of 1986 (the “Code”), as amended;

WHEREAS, on the date hereof, in accordance with Section 147(f) of the Code, the City Council held a public hearing on the Reissuance and the Amendments, following duly published notice in the *Sun Post*, a newspaper of general circulation in the City; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota (the “Council”), as follows:

1. The City hereby authorizes the Reissuance and approves the Amendments together with any related documents necessary in connection therewith or in connection with the extension of the maturity date, including without limitation a tax certificate and an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038 (collectively, the “Amendment Documents”), and hereby authorizes and directs the Mayor and the City Manager of the City to execute the Amendment Documents on behalf of the City, and to carry out, on behalf of the City, the City’s obligations thereunder.

2. All of the provisions of the Amendment Documents, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.

3. The approval hereby given to the Amendment Documents includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by legal counsel to the City and by the officers authorized herein to execute said documents prior to their execution; and said officers are hereby authorized to approve said changes on behalf of the City. The execution of any instrument by the appropriate officers of the City herein authorized shall be conclusive evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of the officers, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the Council by any duly designated acting official, or by such other officer or officers of the City as, in the opinion of legal counsel to the City, may act in their behalf.

This Resolution shall be in full force and effect from and after its approval.

Moved by Councilmember _____, seconded by Councilmember _____

The following voted in favor of said resolution:

The following voted against the same:

The following abstained:

Whereupon said resolution was declared duly passed and adopted, and was signed by the Mayor, and attested by the Clerk dated this 24th day of June, 2024.

Mayor

ATTEST:

City Clerk

**Amendment No. 1 to
City of Brooklyn Center, Minnesota
Multifamily Housing Revenue Note
(The Crest Apartments Project)
Series 2021**

BORROWER TAX CERTIFICATE

June 28, 2024

The undersigned representative of Crest Limited Partnership, a Minnesota limited partnership (as successor to The Crest Apartments LLC, a Minnesota limited liability company, the “Borrower”), whose general partner is Aeon Crest GP LLC, a Minnesota limited liability company (the “General Partner”), does hereby certify, with respect to that certain Multifamily Housing Revenue Note (The Crest Apartments Project), Series 2021, dated December 28, 2021, issued by City of Brooklyn Center, Minnesota (the “Issuer”) in the original principal amount of \$19,000,000 (the “Original Note”), all of which is currently outstanding, as amended by the Amendment No. 1 to Multifamily Housing Revenue Note, Series 2021 (The Crest Apartments Project) (the “2024 Amendment” and, together with the Original Note, the “Note”), as follows:

1. Definitions. For all purposes of this Certificate the following terms have the following meanings. Capitalized terms used but not defined herein shall have the meanings assigned to them in the Code or the Loan Agreement (all as hereinafter defined).

2024 Amendment means Amendment No. 1 to Multifamily Housing Revenue Note, Series 2021 (The Crest Apartments Project), dated as of the date hereof.

Certificate means this Borrower Tax Certificate.

Code means the Internal Revenue Code of 1986, including any amendment thereof, together with any regulations promulgated thereunder.

Gross Proceeds means any Proceeds and Replacement Proceeds of the Note.

Investment Proceeds means any amount actually or constructively received from investing Gross Proceeds of the Note.

Lender means Bridgewater Investment Management, Inc., a Minnesota corporation, together with its successors or assigns.

Loan Agreement means the Loan Agreement, dated as of December 28, 2021, as amended, between the Issuer and the Borrower, pursuant to which the Issuer loaned to the Borrower the proceeds of the sale of the Note.

Net Sale Proceeds means Sale Proceeds, less the portion of those Sale Proceeds invested in a reasonably required reserve or replacement fund. No reserve or replacement fund has been established for the Note. The Net Sale Proceeds of the Note is \$19,000,000.

Note means the Original Note, as amended by the 2024 Amendment, deemed reissued on the date hereof in the principal amount of \$19,000,000.

Original Note means the Issuer's Multifamily Housing Revenue Note (The Crest Apartments Project), Series 2021, issued on December 28, 2021, in the original aggregate principal amount of \$19,000,000.

Proceeds means any Sale Proceeds and Investment Proceeds of the Note.

Project means the Land, the Building, the Improvements, and the Equipment, as they may at any time exist.

Project Costs has the meaning set forth in the Loan Agreement.

Regulations means the Treasury Regulations, as amended, promulgated, proposed or applicable to the Note under the Code, including without limitation Income Tax Regulations, Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(3)-1, 1.149(g)-1, 1.150-1 and 1.150-2.

Regulatory Agreement means the Regulatory Agreement, dated as of December 28, 2021, among the Issuer, the Borrower, and the Lender.

Replacement Proceeds means the replacement proceeds of the Note as defined in Section 1.148-1(c) of the Regulations.

Sale Proceeds means any amounts actually or constructively received from the sale of the Note, including amounts used to pay underwriters' discount or compensation and accrued interest other than pre-issuance accrued interest. The Sale Proceeds of the Note will be \$19,000,000.

Yield with respect to the Note means that discount rate which, when computing the present value of all unconditionally payable amounts of principal and interest paid and to be paid on the Note produces an amount equal to the present value of the Note.

2. Purpose of Borrower's Tax Certificate. This Certificate has been prepared and is being executed and delivered by the Borrower to set forth the reasonable expectations of the Borrower as of the date of this Certificate as to the Loan Agreement and Note and to establish compliance with Sections 103 and 141 through 150 of the Code and applicable Regulations promulgated thereunder with respect to the Note. It is understood that the completeness and accuracy of this Certificate will be relied upon by the Issuer and Kennedy & Graven, Chartered, as bond counsel ("Bond Counsel"), and that any omission or inaccuracy could cause interest on the Note to become included in gross income for federal income tax purposes. The Borrower has consulted such legal, accounting, and financial consultants as the Borrower has deemed necessary prior to the execution and delivery of this Certificate.

The Lender originated the loan evidenced by the Note on a draw-down basis and the Project has been fully constructed and the proceeds of the Note have been fully advanced. As requested by the Borrower, the Issuer, with the consent of the Lender, has agreed to modify the terms of the Original Note to, among other things, extend the maturity date. The extension of the maturity date constitutes a significant modification and will result in a reissuance of the Governmental Notes under Section 1.1001-3 of the Regulations.

3. Arbitrage Certificate and Endorsement of Issuer. Pursuant to Section 1.148-2(b) of the Regulations, except for intentional acts taken subsequent to the date of issuance, the determination of whether an issue consists of arbitrage bonds under Section 148(a) of the Code is based on the Issuer's reasonable expectations as of the issue date regarding the amount and use of the gross proceeds of the issue. An officer of the Issuer responsible for issuing the obligations must, in good faith, certify the Issuer's

expectations as of the issue date. The certification must state the facts and estimates that form the basis for the Issuer's expectations. The certification is evidence of the Issuer's expectations but does not establish any conclusions of law or any presumptions regarding either the Issuer's actual expectations or their reasonableness. The Note is a conduit revenue obligation issued by the Issuer for the benefit of the Borrower. The Issuer will rely exclusively on the Borrower to establish the reasonable expectations of the Issuer on the date hereof with respect to the Note. The Issuer has executed an Endorsement of Issuer to Borrower Tax Certificate attached to this Certificate to establish the reasonable expectations of the Issuer on the date hereof with respect to the Note under the Code and the Regulations.

4. Borrower Compliance with Code. The Borrower represents the following:

(a) The Borrower carefully reviewed the information and representations and warranties of the Borrower contained in the Loan Agreement and the Regulatory Agreement relating to the restrictions required to preserve the exclusion from gross income of interest on the Note under the Code and applicable Regulations. Such information and representations and warranties are true and correct in all material respects as of the date hereof.

(b) It is understood that the completeness and accuracy of this Certificate will be relied upon by the Issuer and Bond Counsel and that any omission or inaccuracy could cause interest on the Note to become included in gross income for federal income tax purposes. The Borrower has consulted with such legal, accounting, and financial consultants as the Borrower has deemed necessary prior to the execution and delivery of this Certificate.

5. Borrower Representations, Certifications, Expectations, and Warranties. The representations, certifications, expectations, and warranties of the Borrower set forth in this Certificate are hereby declared by the Borrower to be an accurate and complete statement of the reasonable expectations of the Borrower on the date hereof with respect to the amount and use of the Gross Proceeds of the Note, and that, to the best of the knowledge and belief of the Borrower, no facts, estimates, conditions, or circumstances that would materially change such representations, certifications, expectations, and warranties are known to the Borrower.

6. Purpose; Not Combined Issue. The Note is deemed reissued on the date hereof as a remediation under Section 1.1001-3 of the Regulations, and the following paragraphs of this Certificate deal with arbitrage and hedge bond aspects of the deemed reissuance. The proceeds of the Original Note financed the Project Costs. The Project Costs constitute a "capital project" under Section 1.148-1(b) of the Regulations.

The reissuance of the Note is a single purpose issue for the purpose of refinancing the Project Costs.

Except for the Note, there are no other obligations of a state or political subdivision which (i) were sold within 15 days of the sale of the Note, (ii) have been sold pursuant to the same plan of financing, including bonds for the same facility or related facilities, and (iii) are reasonably expected to be paid from substantially the same source of funds, determined without regard to guarantees from unrelated parties. Consequently, the Note is not treated as part of the same issue as any other obligations of the Issuer.

7. Proceeds and Uses. The Note, as reissued, is deemed delivered and paid for on the date hereof. The issue price of the Note, as reissued on the date hereof, is its outstanding principal amount of \$19,000,000 (the "Issue Price"). The Sale Proceeds of the Note were equal to the issue price (being the issue price less pre-issuance accrued interest) and included \$0 used to pay underwriter's discount or compensation and \$0 of accrued interest other than pre-issuance accrued interest. All Sale Proceeds of the Note are deemed to be spent on the date hereof to discharge the Original Note.

Upon deemed discharge of the Original Note on the date hereof, all unspent proceeds of the Original Note will become Transferred Proceeds of the Note, and this paragraph demonstrates that the unspent proceeds of the Original Note that become proceeds of the Note will meet requirements applicable to the Note. Unspent proceeds of the Original Note consist of proceeds of such issue minus expenditures made with such proceeds other than amounts expended on acquired obligations.

On the date hereof there are no original proceeds or Investment Proceeds of the Original Note which are unspent proceeds of the Original Note. Any transferred proceeds of the Note will be invested at a yield not materially higher than the yield on the Note or in obligations exempt from federal income taxation under Section 103(a) of the Code or as part of the \$100,000 minor portion of the Note if and to the extent such transferred proceeds remain after the earlier of (i) construction of the Project is complete or, (ii) 3 years from the date of original issuance.

There are no replacement proceeds of the Note within the meaning of Section 1.148-1(c)(1) or (4) of the Regulations. For purposes of qualifying for the safe harbor against the creation of certain replacement proceeds provided by Section 1.148-1(c)(4)(i)(B) of the Regulations, the Note has a weighted average maturity that does not exceed 120% of the average reasonably expected economic life of the Project, determined in the same manner as under Section 147(b) of the Code. The weighted average maturity of the Note is [] years and the remaining weighted average maturity of the portion of the Original Note deemed refunded by the Note is [] years.

8. Governmental Purpose; No Overburdening of the Tax-Exempt Market. The stated purpose of the Note is a governmental purpose within the meaning of applicable law and regulations. Proceeds of the Note in an amount equal to the sale proceeds of the Original Note (less the amount of issuance expenses), together with estimated investment earnings thereon, did not exceed the estimated dollar cost of financing the Project Costs, less all other funds to be expended for paying such costs.

9. Yield Determination. The Note is a “fixed yield issue” as defined in Section 1.148-1(b) of the Regulations. Accordingly, the Yield on the Note has been calculated by JLL Real Estate Capital, LLC, as provided in Section 1.148-4(b) of the Regulations, as that discount rate which when used in computing the present value as of the date hereof (the “Date of Issuance”) of all unconditionally payable payments of principal, interest, and fees paid or reasonably expected to be paid for qualified guarantees on the Note, produces an amount which is equal to the present value, using the same discount rate, of the aggregate Issue Price thereof. Utilizing this methodology and semiannual compounding, the Yield is [] % as shown in **Exhibit A** attached hereto.

10. Yield on the Loan Agreement. The yield on the Loan Agreement as of the reissuance of the Note is the same as the yield on the Note. No additional Issuer’s administrative fee is due under the Loan Agreement. Therefore, Borrower represents that the yield on the Loan Agreement is not expected to exceed the yield on the Note by more than 1.50%. This representation is based on the fact that the loan payments under the Loan Agreement are required to be paid on such dates and in such amounts as the debt service payments on the Note. There are no additional payments under the Loan Agreement which will increase the yield on the Note. In connection with such representation, the Borrower represents that: (i) at least 95% of the receipts from the Loan Agreement will be used to pay principal of and interest on the Note; and (ii) pursuant to the terms of the Loan Agreement, the Borrower is prohibited from purchasing any interest in the Note and is required to take all actions necessary to prevent any related person to the Borrower from acquiring any interest in the Note. To the knowledge of the Borrower, the Issuer has not waived its right to treat the Loan Agreement as a “program investment” (within the meaning of Section 1.148-1(b) of the Regulations).

11. Intentional Acts. The Borrower shall not take any deliberate, intentional action after the date hereof to earn arbitrage profit except to the extent such action would not have caused the Note to be an arbitrage bond had it been reasonably expected on the date hereof.

12. Not Hedge Bond. The Note is not a hedge bond within the meaning of Section 149(g) of the Code, because (1) the Borrower reasonably expected on the date of issuance of the Original Note that 85% of the spendable proceeds of the Note would be used to carry out the governmental purposes of the Note within the 3 year period beginning on the date of issuance, and the proceeds affected by the deemed reissuance of the Note were so used, and (2) not more than 50% of the proceeds of the Note were invested in nonpurpose investments having a substantially guaranteed yield for 4 years or more.

13. Ratification of Original Tax Certificate. Except as otherwise provided in this Certificate, the Borrower hereby ratifies and confirms the provisions of the tax certificate executed and delivered on the date of issuance of the Original Note.

14. Compliance with Regulatory Agreement Requirements. Pursuant to the terms of the Regulatory Agreement, the Borrower is required to satisfy the occupancy restrictions, the rental restrictions, and certain other restrictions regarding the use and occupancy of the Project. The Borrower acknowledges and understands that noncompliance with the Regulatory Agreement may affect the tax-exempt status of the Governmental Notes.

15. Basis For Expectations. The facts and estimates on which the foregoing expectations are based are (a) all contracts, if any, heretofore executed for the acquisition and installation of the Project, (b) all expenditures which were heretofore made by the Borrower for the acquisition and completion of the Project or were reimbursed out of the proceeds of the Note, and (c) such other facts and estimates, if any, relating to the Note.

16. No Abusive Arbitrage Device. No “abusive arbitrage device” within the meaning of Section 1.148-10 of the Regulations is used in connection with the Note. No action relating to the Note has the effect of (1) enabling the Borrower to exploit the difference between tax-exempt and taxable interest rates to obtain a material financial advantage, and (2) overburdening the tax-exempt market.

17. 8038. The information set forth on the Internal Revenue Service Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, relating to the Note is correct and complete with respect to the allocation of proceeds of the Note.

18. Rebate Requirements. The Borrower, by the terms of the Loan Agreement, has covenanted to comply with the requirements of Section 148 of the Code. The Borrower covenants that it will consult with Bond Counsel and undertake to determine from time to time what is required with respect to the rebate provisions contained in Section 148(f) of the Code and will comply with any requirements that may be applicable to the Note. In determining its rebate obligations with respect to the Note, the Borrower will comply with the terms of the Loan Agreement and this Certificate, except to the extent inconsistent with any requirements of future regulations or written advice received from Bond Counsel. Notwithstanding anything in this Certificate or the Loan Agreement to the contrary, the obligation to remit rebate amounts to the United States Department of the Treasury and to comply with all other requirements contained in this Tax Certificate will survive the repayment of the Note.

19. No Other Facts; Conclusion. To the best of the knowledge and belief of the undersigned, there are no other facts, estimates or circumstances which would materially change the foregoing facts and conclusions, and nothing has been called to our attention to cause us to believe that the proceeds of the Note

will be used in a manner which would cause the Note to be an arbitrage bond within the meaning of Section 148 of the Code or a hedge bond within the meaning of Section 149(g) of the Code.

20. Continuing Compliance.

(a) This Certificate and the Regulatory Agreement serve, in part, as guidelines to, and written procedures for, implementing the requirements of Sections 142 and 148 to 150 of the Code. The Borrower will monitor the use of proceeds of the Note and of the facilities financed with proceeds of the Note, in order to assure that the Note continues to qualify as a bond that is an “exempt facility bond” the net proceeds of which are to be used to provide a “qualified residential rental project” within the meaning of Sections 142(a)(7) and 142(d) of the Code. In addition, the Borrower will monitor the use of the Project in order to assure that the Bonds continue to qualify as “qualified bonds,” within the meaning of Section 141(e) and Section 142(d) of the Code, and the Borrower will consult with Bond Counsel as necessary to determine whether, and to what extent, if as a result of any change in the use or purpose of the Project any remedial action is required under Section 1.142-2 of the Regulations.

(b) Further, the Borrower will monitor or engage a qualified third party to monitor the investment of proceeds of the Note to assure compliance with Section 148 of the Code and related Regulations, and the Borrower will consult with Bond Counsel periodically with regard to arbitrage compliance. The Borrower has designated the [REDACTED] of the Aeon as the entity responsible for monitoring the requirements of Section 148 of the Code and the requirements of the Regulatory Agreement.

IN WITNESS WHEREOF, the undersigned has executed this Borrower Tax Certificate as of the date and year first written above.

CREST LIMITED PARTNERSHIP,
a Minnesota Limited Partnership

By: AEON CREST GP LLC,
a Minnesota limited liability company
Its: General Partner

By: _____
Caroline Horton
Its: Vice President/Treasurer

This signature page is attached to a Borrower Tax Certificate executed by the Borrower in connection with the issuance of the Issuer's Amendment No. 1 to Multifamily Housing Revenue Note, Series 2021 (The Crest Apartments Project)

EXHIBIT A

CALCULATION OF WEIGHTED AVERAGE MATURITY AND YIELD

ENDORSEMENT OF AUTHORITY TO BORROWER TAX CERTIFICATE

June 28, 2024

This Endorsement of Issuer to Borrower Tax Certificate (the “Issuer Endorsement”) is executed and delivered by the undersigned officials (the “Issuer Officials”) of City of Brooklyn Center, Minnesota (the “Issuer”), to satisfy the requirements of Treasury Regulations, Section 1.148-2(b)(2), with respect to its Multifamily Housing Revenue Note, Series 2021 (The Crest Apartments Project), in the original aggregate principal amount of \$19,000,000 (the “Original Note”), as amended by Amendment No. 1 to Multifamily Housing Revenue Note, Series 2021 (The Crest Apartments Project) (“2024 Amendment” and, together with the Original Note, the “Note”). Terms that are capitalized in this Issuer Endorsement (other than as a result of the application of the rules of English grammar) have the meanings assigned to such terms in the Borrower Tax Certificate, dated the date hereof (the “Borrower Tax Certificate”), to which this Issuer Endorsement is attached. The Issuer Officials hereby certify as follows on behalf of the Issuer:

1. The Issuer Officials have been authorized by Resolution [REDACTED], adopted by the City Council of the Issuer on June 24, 2024 (the “Note Resolution”) and provisions of Minnesota Statutes, Sections 469.152 to 469.1655, as amended (the “Act”), to execute and deliver the Note and thereby qualify as officers of the Issuer responsible for issuing the Note.

2. The Issuer expects that the amount and use of the gross proceeds of the Note will be as represented and certified by Crest Limited Partnership, a Minnesota limited partnership (the “Borrower”), in the Borrower Tax Certificate. While the Issuer Officials have made no independent investigation with respect to such representations and certifications, nothing has come to the attention of the Issuer Officials that would cause the Issuer Officials to question the representations and certifications set forth in the Borrower Tax Certificate with respect to the Note.

3. The facts and estimates that form the basis for such expectations by the Issuer are solely those facts and estimates of the Borrower set forth in: (a) the Loan Agreement; (b) the Borrower Tax Certificate; (c) Regulatory Agreement; and (d) the other documents included in the transcript prepared by Bond Counsel with respect to the Note and the Original Note. While the Issuer Officials have made no independent investigation with respect to such facts and estimates, nothing has come to the attention of the Issuer Officials that would cause the Issuer Officials to question the facts and estimates set forth in the foregoing documents.

4. Pursuant to Section 4.5 of the Loan Agreement and Paragraph 20 of the Borrower Tax Certificate, the Borrower will monitor the investment of the proceeds of the Note to assure compliance with the arbitrage rules and regulations set forth in Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”). The Issuer hereby designates Section 4.5 of the Loan Agreement and Paragraph 20 of the Borrower Tax Certificate as the Issuer’s written procedures with respect to compliance with Section 148 of the Code for the Note.

5. Pursuant to Paragraph 20 of the Tax Certificate, the Borrower will consult with Bond Counsel at any time an improper use of proceeds of the Note or failure to expend proceeds of the Note requires remedial action pursuant to Section 1.142-2 of the Treasury Regulations promulgated under Section 142 of the Code. The Issuer hereby designates Section 4.5 of the Loan Agreement and Paragraph 20 of the Borrower Tax Certificate as the Issuer’s written procedures with respect to compliance with the remedial action regulations set forth in Section 1.142-2 of the Treasury Regulations.

Execution page of City of Brooklyn Center, Minnesota to the Issuer Endorsement to Borrower Tax Certificate.

CITY OF BROOKLYN CENTER, MINNESOTA

By _____
Mayor

By _____
City Manager

This signature page is attached to the Issuer's Endorsement to Tax Certificate in connection with the issuance of the Issuer's Amendment No. 1 to Multifamily Housing Revenue Note, Series 2021 (The Crest Apartments Project)

AMENDMENT NO. 1 TO LOAN AGREEMENT

This Amendment, dated as of June 28, 2024, is made by and among Crest Limited Partnership, a Minnesota limited partnership (as successor to The Crest Apartments LLC, a Minnesota limited liability company, the “Borrower”), City of Brooklyn Center, Minnesota, a home rule charter city, municipal corporation, and political subdivision duly organized and existing under the Constitution, its Charter and laws of the State of Minnesota (the “Issuer”), and Bridgewater Investment Management, Inc., a Minnesota corporation (the “Lender”).

RECITALS

- (a) The Borrower and the Issuer are parties to that certain Loan Agreement, dated as of December 28, 2021 (as amended, the “Loan Agreement”);
- (b) In accordance with the Loan Agreement the Issuer loaned the proceeds of its Multifamily Housing Revenue Note (The Crest Apartments Project), Series 2021 (as amended, the “Note”), in the original aggregate principal amount of \$19,000,000;
- (c) The Note is owned by the Lender;
- (d) The Issuer assigned to and granted to the Lender, its security interest in all of the Issuer’s right, title and interest in and to the Loan Agreement (except the Issuer’s rights to indemnification and payment of costs and expenses as provided in the Loan Agreement) pursuant to an Assignment of Loan Agreement, dated as of December 28, 2021, between the Issuer and the Lender;
- (e) The Borrower has heretofore requested and the Lender has heretofore agreed to extend the Purchase Date (as defined in the Note) to June 28, 2024, pursuant to that certain First Amendment to Certain Loan Documents, by and between the Borrower and the Lender, dated as of December 7, 2023;
- (f) The Borrower has now requested that the Lender agree to extend the maturity date of the Note pursuant to an Amendment No. 1 to Multifamily Housing Revenue Note (The Crest Apartments Project), Series 2021 (the “1st Amendment”); and
- (g) The Lender is willing to agree to the Borrower’s request on the conditions that (i) the interest rate provision of Note is amended pursuant to the 1st Amendment; (ii) the Borrower agrees to certain other amendments as detailed in that Second Amendment to Certain Loan Documents, by and between the Borrower and the Lender, to be dated the date hereof; and (iii) the Loan Agreement be amended as provided herein.

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements herein contained, it is agreed as follows:

1. Defined Terms. Capitalized terms used in this Amendment which are defined in the Loan Agreement shall have the meanings as defined therein, unless otherwise defined herein. In addition, Section 1.1 of the Loan Agreement is amended by amending the following definitions:

“Note: the Multifamily Housing Revenue Note (The Crest Apartments Project), Series 2021, to be issued by the Issuer under the terms of the Resolution in the original principal of \$19,000,000, as amended by Amendment No. 1 to Multifamily Housing

Revenue Note (The Crest Apartments Project), Series 2021 and as may be further amended from time to time;”

2. Existing Terms. Except as herein amended, all terms and provisions of the Loan Agreement, as originally executed as of December 28, 2021, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed as of the date first written above.

Crest Limited Partnership,
a Minnesota Limited Partnership

By: AEON CREST GP LLC,
a Minnesota limited liability company
Its: General Partner

By: _____
Caroline Horton
Its: Vice President/Treasurer

This signature page is attached to an Amendment No. 1 to Loan Agreement.

Execution page of Bridgewater Investment Management, Inc. to the Amendment.

**BRIDGEWATER INVESTMENT MANAGEMENT,
INC.**

By _____

Its _____

This signature page is attached to an Amendment No. 1 to Loan Agreement.

City of Brooklyn Center, Minnesota hereby consents to the foregoing Amendment No. 1 to Loan Agreement.

**CITY OF BROOKLYN CENTER,
MINNESOTA**

By _____
Mayor

By _____
City Manager

This signature page is attached to an Amendment No. 1 to Loan Agreement.

AMENDMENT NO. 1 TO MULTIFAMILY HOUSING REVENUE NOTE
(THE CREST APARTMENTS PROJECT), SERIES 2021

This Amendment No. 1 to Multifamily Housing Revenue Note (The Crest Apartments Project), Series 2021, dated as of June 28, 2024, is made with respect to that certain Multifamily Housing Revenue Note (The Crest Apartments Project), Series 2021, dated December 28, 2021, issued by City of Brooklyn Center, Minnesota in the original principal amount of \$19,000,000 (the “Original Note”), the original of which is stapled hereto and by this reference incorporated herein.

1. All capitalized terms used herein that are not otherwise defined shall have the meanings ascribed to them in the Original Note.

2. Section 1 of the Original Note is hereby amended and replaced with the following:

“(1) Commencing on the Original Issue Date to and including June 28, 2024, interest shall accrue on the outstanding Principal Balance at a fixed interest rate equal to 4.00% per annum. From and after June 28, 2024, to and including December 28, 2024 (the “Maturity Date”), interest shall accrue on the outstanding Principal Balance at a fixed interest rate equal to 7.00% per annum. Interest shall be computed on the basis of actual days elapsed in a year of 360 days.”

3. Section 8 of the Original Note is deleted in its entirety.

4. Except as herein amended, all terms and provisions of the Original Note shall remain in full force and effect.

SIGNATURE PAGE TO AMENDMENT NO. 1 TO MULTIFAMILY HOUSING REVENUE NOTE,
SERIES 2021 (THE CREST APARTMENTS PROJECT)

**CITY OF BROOKLYN CENTER,
MINNESOTA**

By _____
Mayor

By _____
City Manager

Consent to Amendment No. 1 to Multifamily Housing Revenue Note
(The Crest Apartments Project), Series 2021

The undersigned, on behalf of Bridgewater Investment Management, Inc., (the “Holder”) hereby consents to the execution and delivery of the foregoing Amendment No. 1 to Multifamily Housing Revenue Note (The Crest Apartments Project), Series 2021.

**BRIDGEWATER INVESTMENT MANAGEMENT,
INC.**, a Minnesota corporation

By: _____
Name: Nicholas Place
Title: Senior Vice President

Consent to Amendment No. 1 to Multifamily Housing Revenue Note
(The Crest Apartments Project), Series 2021

The undersigned, on behalf of Crest Limited Partnership, a Minnesota limited partnership (the “Borrower”), hereby consents to the execution and delivery of the foregoing Amendment No. 1 to Multifamily Housing Revenue Note (The Crest Apartments Project), Series 2021.

CREST LIMITED PARTNERSHIP,
a Minnesota Limited Partnership

By: AEON CREST GP LLC,
a Minnesota limited liability company
Its: General Partner

By: _____
Caroline Horton
Its: Vice President/Treasurer

City of Brooklyn Center, Minnesota
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
Attn: Finance Director

Bridgewater Investment Management, Inc.
4450 Excelsior Boulevard, Suite 100
St. Louis Park, Minnesota 55416
Attn: Nicholas Place

**Amendment No. 1 to
City of Brooklyn Center, Minnesota
Multifamily Housing Revenue Note
(The Crest Apartments Project), Series 2021**

City of Brooklyn Center, Minnesota (the “Issuer”) previously issued its Multifamily Housing Revenue Note (The Crest Apartments Project), Series 2021, in the original aggregate principal amount of \$19,000,000 (the “Original Note”). The proceeds of the Original Note were loaned to Crest Limited Partnership, a Minnesota limited partnership (as successor to The Crest Apartments LLC, a Minnesota limited liability company, the “Borrower”), pursuant to a Loan Agreement, dated as of December 28, 2021, between the Borrower and the Issuer (the “Original Loan Agreement”). The Issuer assigned and granted Bridgewater Investment Management, Inc., a Minnesota corporation (the “Lender”), a security interest in all of the Issuer’s right, title and interest in and to the Loan Agreement (except certain reserved rights including the Issuer’s rights to indemnification and payment of costs and expenses as provided in the Loan Agreement), pursuant to an Assignment of Loan Agreement, dated as of December 28, 2021, between the Issuer and the Lender. The Lender, the Borrower and the Issuer have agreed, pursuant to an Amendment No. 1 to the Note (the “Note Amendment” and, together with the Original Note, the “Note”) and an Amendment No 1. To Loan Agreement (the “Loan Amendment” and, together with the Original Loan Agreement, the “Loan Agreement”) to, among other things, extend the maturity date of the Note, which will cause a “reissuance” of the Note for tax purposes pursuant to Section 1.1001-3 of the Treasury Regulations promulgated under the Internal Revenue Code of 1986, as amended (the “Code”).

We have reviewed the Note Amendment, the Loan Amendment and such other documents as we have deemed necessary for the purpose of giving this opinion. Based on such review, it is our opinion that:

(1) The Note Amendment and the Loan Amendment have been duly and validly authorized, executed, and delivered by the Issuer, and, assuming the due and valid authorization, execution, and delivery thereof by the other parties thereto, are valid and binding special limited obligations of the Issuer, enforceable against the Issuer in accordance with their terms. The Note is not a general obligation or indebtedness of the Issuer within the meaning of any constitutional or statutory limitation and does not constitute or give rise to a charge against its general credit or taxing powers but is payable solely from the revenues pledged thereto.

(2) Neither the Note Amendment nor the Loan Amendment will adversely affect the exclusion of interest on the Note from gross income for federal income tax purposes.

It is understood that the rights of the owners of the Note may be subject to bankruptcy, insolvency, reorganization, moratorium, and other similar laws affecting creditors' rights heretofore or hereafter enacted to the extent constitutionally applicable and that its enforcement may also be subject to the exercise of judicial discretion in appropriate cases.

This opinion is given as of the date hereof and we assume no obligation to revise or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention or any changes in law or facts that may hereafter occur.

Dated June 28, 2024 at Minneapolis, Minnesota.

SECOND AMENDMENT TO CERTAIN LOAN DOCUMENTS

THIS SECOND AMENDMENT TO CERTAIN LOAN DOCUMENTS (“**Amendment**”) is made and entered into as of this [28th] day of June, 2024 (the “**Effective Date**”), by and between CREST LIMITED PARTNERSHIP, a Minnesota limited partnership (the “**Borrower**”), and BRIDGEWATER INVESTMENT MANAGEMENT, INC., a Minnesota corporation (“**Lender**”).

RECITALS

WHEREAS, Lender purchased from the City of Brooklyn Center, Minnesota (the “**Issuer**”), a Multifamily Housing Revenue Note (The Crest Apartments Project) Series 2021 dated December 28, 2021 (the “**Note**”), issued by the Issuer in the amount of Nineteen Million and 00/100 Dollars (\$19,000,000.00) (the “**Loan**”); and

WHEREAS, the terms and conditions of the Loan were contained in a Loan Purchase Agreement dated December 28, 2021, entered into by and between The Crest Apartments LLC, a Minnesota limited liability company (“**Original Borrower**”), and Lender (the “**Loan Purchase Agreement**”), the proceeds of the Loan were to be used by Original Borrower for purposes more fully set forth therein; and

WHEREAS, as and for security for the Note, Original Borrower executed in favor of the Issuer a Combination Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents dated December 28, 2021, recorded with the Hennepin County Registrar of Titles’ Office on December 29, 2021, as Document No. 5907480, as assigned to Lender pursuant to an Assignment of Mortgage dated December 28, 2021, executed and delivered by the Issuer to and in favor of Lender, recorded with the Hennepin County Registrar of Titles’ Office on December 29, 2021, as Document No. 5907481 (collectively, the “**Mortgage**”) pledging a valid first mortgage lien on real estate located at 6221 Shingle Creek Parkway, in the City of Brooklyn Center, County of Hennepin, State of Minnesota, as more fully legally described on Exhibit A attached to the Mortgage (the “**Property**”); and

WHEREAS, as and for security for the Note, Borrower executed in favor of Lender an Assignment of Capital Contributions dated December 28, 2021 (the “**Assignment Agreement**”), granting a security interest in the second, third, fourth, fifth and sixth installments of the capital contributions to be made by the Limited Partner (as defined in the Loan Purchase Agreement) to Borrower pursuant to the Partnership Agreement (as defined in the Loan Purchase Agreement); and

WHEREAS, as and for security for the Note, Aeon Crest GP LLC, a Minnesota limited liability company, the General Partner of Borrower (the “**General Partner**”), executed in favor of Lender a Pledge Agreement – Partnership Interest dated December 28, 2021 (the “**Pledge Agreement – General Partner**”), assigning to Lender the general partnership interest held by General Partner in Borrower; and

WHEREAS, as and for security for the Note, Original Borrower executed in favor of Lender a Pledge Agreement dated December 28, 2021 (the “**Pledge Agreement**”), pledging as additional collateral for the Loan the deposit account held by Borrower at Bridgewater Bank, a Minnesota banking corporation (“**BWB**”) for the deposit of the capital contributions from the Limited Partner to Borrower; and

WHEREAS, as and for security for the Note, Original Borrower executed in favor of Lender a Collateral Assignment of Tax Revenue Note (the “**Assignment of TIF Note**”), pledging as additional collateral for the Loan the Tax Increment Revenue Note issued by the Economic Development Authority of Brooklyn Center, Minnesota (the “**EDA**”) in favor of Borrower, in the amount of \$1,100,000.00 (the “**TIF Note**”); and

WHEREAS, the Loan is guaranteed by Aeon, a Minnesota nonprofit corporation (the “**Guarantor**”) pursuant to a Completion Guaranty executed by Guarantor in favor of Lender dated December 28, 2021 (the “**Guaranty**”), guarantying the prompt and punctual payment of the amounts due and owing under the Note, as more fully set forth in the Guaranty; and

WHEREAS, the Loan Purchase Agreement, the Note, the Mortgage, the Assignment Agreement, the Pledge Agreement, the Assignment of TIF Agreement, and all other Loan Documents (as defined and set forth in Section 3 of the Loan Purchase Agreement, and as supplemented and amended pursuant to the terms of the Assignment and Assumption Agreement (as defined herein)), are hereinafter referred to collectively as, the “**Loan Documents**”); and

WHEREAS, Original Borrower and Borrower entered into that certain Purchase Agreement, dated December 22, 2021 (the “**Purchase Agreement**”), for the purposes more fully set forth in the Purchase Agreement, including, but not limited to, the sale of the Property from Original Borrower to Borrower, and the sale, assignment and assumption of the Loan and Loan Documents from Original Borrower to Borrower; and

WHEREAS, pursuant to the Purchase Agreement, and certain other contracts and agreements in relation thereto, Original Borrower agreed to transfer and assign all of its rights, title and interest in the Property and under the Loan Documents to Borrower, and Borrower agreed to purchase the Property and take assignment of and assume all rights, title, interest, liabilities, and obligations of Original Borrower in, under, and to all of the Loan Documents; and

WHEREAS, Original Borrower, Borrower and Lender entered into that certain Assignment and Assumption of Certain Loan Documents dated October 26, 2022 (the “**Assignment and Assumption Agreement**”), for the purposes more fully set forth in the Assignment and Assumption Agreement, including, but not limited to, consenting to the transfer and sale of the Property from Original Borrower to Borrower, and facilitating the sale, assignment and assumption of the Loan and the Loan Documents from Original Borrower to Borrower.

WHEREAS, Original Borrower and Borrower executed an Allonge to Multifamily Housing Revenue Note (Crest Apartments Project) Series 2021 dated October 26, 2022 (the “**Allonge to Note**”), for the purposes more fully set forth in the Allonge to Note, including, but not limited to, transferring all of Original Borrower’s rights, title, interest, liability and obligations

under the Note to Borrower, along with approval and consent to the same by the Issuer and ratification by the Issuer.

WHEREAS, Original Borrower, Borrower and Lender entered into that certain Assignment, Assumption and Modification of Combination Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents dated October 26, 2022, and recorded with the Office of the Hennepin County Registrar of Titles on November 1, 2022, as Document No. 5982470 (the “**Modification of Mortgage**”) for the purposes more fully set forth in the Modification of Mortgage, including, but not limited to, transferring all of Original Borrower’s rights, title, interest, liability and obligations in relation to the Property and replacing Original Borrower with Borrower as the “Mortgagor” under the Mortgage on and after the Effective Date thereof.

WHEREAS, Borrower and Lender entered into that certain First Amendment to Certain Loan Documents dated December 7, 2023 (the “**First Amendment**”) for the purposes more fully set forth in the First Amendment, including, but not limited to, exercising Borrower’s option to extend the Mandatory Purchase Date and the Purchase Date (as defined in the Note) to June 28, 2024.

WHEREAS, Borrower has requested from the Lender the following changes: (i) to extend the Purchase Date and Maturity Date to December 28, 2024; (ii) to change the Interest Rate set forth in the Note to a fixed rate equal to 7.00% through the Purchase Date; and (iii) to charge a modification fee in the amount of \$46,093.32 in connection with the amendment concurrent herewith and charge an additional modification fee in the amount of \$92,186.65 on September 28, 2024, if the Loan is not paid in full by such date (collectively, the “**Requested Changes**”); and

WHEREAS, Lender has agreed to the Requested Changes, all as more fully set forth in this Amendment.

NOW, THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration, the receipt and sufficiency of which is mutually acknowledged, the parties hereby agree as follows:

1. The above recitals are hereby incorporated by reference.
2. All terms not defined in this Amendment shall have the meaning set forth in the Loan Purchase Agreement.
3. As of the date hereof, the current principal amount of the Loan is \$18,437,329.02. Concurrent herewith, the Purchase Date and the Maturity Date of the Loan is hereby extended to December 28, 2024. All references to the Purchase Date and Maturity Date in the Loan Documents shall be to December 28, 2024. Borrower shall be required to continue to make monthly payments of interest accrued on the Principal Balance under the Note on the 28th day of each month.
4. Concurrent herewith, Issuer shall execute an [Amendment No. 1 to Multifamily Housing Revenue Note (The Crest Apartments Project), Series 2021] and consented to by Lender and Borrower, substantially in the form of *Exhibit A* attached hereto (the “**Amendment to**

Note”), wherein the Purchase Date shall be changed to December 28, 2024, and the Interest Rate will be changed to a fixed rate equal to 7.00% per annum. All references in the Loan Purchase Agreement and Loan Documents to the Note from and after the Effective Date shall refer to the Note as modified by the Amendment to Note.

5. Concurrent herewith, Borrower shall execute in favor of Lender a Modification of Combination Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents, substantially in the form of **Exhibit B** attached hereto (the “**Modification of Mortgage**”), wherein the Maturity Date is hereby changed to December 28, 2024. Borrower shall be responsible to pay the recording fees for the Modification of Mortgage. All references in the Loan Purchase Agreement and Loan Documents to the Mortgage from and after the Effective Date shall refer to the Mortgage as modified by the Modification of Mortgage.

6. By no later than July 15, 2024, the Borrower shall extend the maturity date of the Letter of Credit (as defined in the Loan Purchase Agreement) to the date which is thirty (30) days after the Purchase Date. Further, if such Letter of Credit is not extended pursuant to the terms hereof by no later than July 15, 2024, the Lender may fully draw such Letter of Credit all in accordance with Section 9.16 of the Loan Purchase Agreement.

7. Borrower shall be responsible for all outside attorneys’ fees and costs incurred by the Lender in documenting this Amendment, the Modification of Mortgage and all other documents entered into concurrent herewith. Further, the Borrower shall pay Lender a modification fee in the amount of \$46,093.32 concurrent herewith and if the Loan is not paid in full by September 28, 2024, the Borrower shall pay Lender a modification fee in the amount of \$92,186.65 on September 28, 2024.

8. Borrower hereby reaffirms and acknowledges that all Loan Documents remain in full force and effect with respect to the Loan except as specifically modified herein.

9. Borrower hereby reaffirms all representations, warranties and covenants made in the Loan Documents (as defined in the Loan Purchase Agreement) as though made through the Effective Date of this Amendment.

10. Borrower waives any and all claims or defenses it may have against Lender arising on or prior to the Effective Date of this Amendment.

11. This document shall be governed and construed according to the laws of the State of Minnesota.

12. This Amendment may be executed in counterparts, each of which shall be effective upon delivery and thereafter shall be deemed an original, and all of which shall be taken as one in the same instrument, for the same effect as if the parties hereto had signed the same signature page.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY.]

BORROWER:

CREST LIMITED PARTNERSHIP,
a Minnesota Limited Partnership

By: AEON CREST GP LLC,
a Minnesota limited liability company
Its: General Partner

By: _____
Caroline Horton
Its: Vice President/Treasurer

LENDER:

BRIDGEWATER INVESTMENT
MANAGEMENT, INC.,
a Minnesota corporation

By: _____

Nicholas Place

Its: Senior Vice President

ACKNOWLEDGMENT OF GUARANTOR

Guarantor has unconditionally and irrevocably guaranteed the payment and performance of certain debts, liabilities and obligations of Borrower to Lender, subject and pursuant to the terms of the Completion Guaranty (the “**Guaranty**”) executed by Guarantor in favor of Lender dated December 28, 2021, as may be amended from time to time, which obligations relate to the loan documents evidencing the Loan (as defined in the Loan Purchase Agreement) for the Note (as defined in the foregoing Amendment). Guarantor acknowledges that it has received a copy of this First Amendment to Certain Loan Documents amending the loan documents for the Loan (as defined in the Loan Purchase Agreement). Guarantor agrees and acknowledges that the Second Amendment to Certain Loan Documents shall in no way impair or limit the rights of Lender under Guarantor’s Guaranty, that Guarantor hereby confirms that, by Guarantor’s Guaranty, that Guarantor continues to unconditionally and irrevocably guaranty the full prompt payment and performance of the Guaranteed Obligations (as defined in the Guaranty), all as more fully set forth in Guarantor’s Guaranty, subject and pursuant to the terms and provisions thereof and the liability limitations therein. Guarantor hereby confirms that Guarantor’s Guaranty remains in full force and effect, enforceable against Guarantor in accordance with its terms.

This Acknowledgment shall not be construed, by implication or otherwise, as imposing any requirement that Lender notify or seek the consent of Guarantor, relative to any past or future extension of credit, modification, extension or other action with respect thereto. In order for any such extension of credit or modification, extension or other action with respect thereto be subject to Guarantor’s Guaranty, it being expressly acknowledged and affirmed that Guarantor has under Guarantor’s Guaranty consented to the modifications, extensions and other actions with respect thereto without any notice thereof.

IN WITNESS WHEREOF, the undersigned Guarantor has executed this Acknowledgment of Guarantor as of the date and year first written above.

AEON,
a Minnesota nonprofit corporation

By: _____
Caroline Horton
Its: Chief Financial Officer

**Signature Page to Acknowledgment of Guarantor to Second Amendment to
Certain Loan Documents - Loan #1124930 [Tax-Exempt Loan]**

EXHIBIT A
AMENDMENT TO NOTE

See attached.

EXHIBIT B
MODIFICATION OF MORTGAGE

See attached.

THIS IS A MORTGAGE AMENDMENT, AS DEFINED IN MINNESOTA STATUTES, SECTION 287.01 AND DOES NOT SECURE A NEW OR INCREASED AMOUNT OF DEBT. THE ORIGINAL AMOUNT OF THE DEBT WAS \$19,000,000.00 AND THE MORTGAGE WAS EXEMPT FROM MORTGAGE REGISTRY TAX UNDER MINNESOTA STATUTES, SECTION 287.04(6), AS AMENDED. NOTWITHSTANDING ANYTHING TO THE CONTRARY HEREIN, ENFORCEMENT OF THIS MORTGAGE IN MINNESOTA IS LIMITED TO THE DEBT AMOUNT OF \$19,000,000.00 UNDER CHAPTER 287 OF THE MINNESOTA STATUTES.

**MODIFICATION OF COMBINATION MORTGAGE, SECURITY AGREEMENT,
FIXTURE FILING AND ASSIGNMENT OF LEASES AND RENTS**

THIS MODIFICATION OF COMBINATION MORTGAGE, SECURITY AGREEMENT, FIXTURE FILING AND ASSIGNMENT OF LEASES AND RENTS (this “**Modification**”) is made and entered into as of June [28], 2024, by and between CREST LIMITED PARTNERSHIP, a Minnesota limited partnership, whose address is 901 North Third Street, Suite 150, Minneapolis, Minnesota 55401 (hereinafter called the “**Mortgagor**”), and BRIDGEWATER INVESTMENT MANAGEMENT, INC., a Minnesota corporation, whose address is 4450 Excelsior Boulevard, Suite 100, St. Louis Park, Minnesota 55416 (herein called “**Mortgagee**”).

RECITALS

A. Mortgagee purchased from the City of Brooklyn Center, Minnesota (the “**Issuer**”), a Multifamily Housing Revenue Note (The Crest Apartments Project) Series 2021 dated December 28, 2021, issued by the Issuer in the amount of Nineteen Million and 00/100 Dollars (\$19,000,000.00) (the “**Loan**”), as amended pursuant to an Allonge to Multifamily Housing Revenue Note (Crest Apartments Project) Series 2021 dated October 26, 2022, and an [Amendment No. 1 to Multifamily Housing Revenue Note (The Crest Apartments Project) Series 2021 dated as of June [28], 2024 (collectively, the “**Note**”).

B. The Note is secured by a Combination Mortgage, Security Agreement, Fixture Filing and Assignments of Leases and Rents dated December 28, 2023, executed by The Crest Apartments LLC, a Minnesota limited liability company (the “**Original Mortgagor**”) in favor of Issuer, dated December 28, 2021, recorded with the Hennepin County Registrar of Titles’ Office on December 29, 2021, as Document No. 5907480, as Issuer’s interest was assigned to Mortgagee

pursuant to an Assignment of Combination Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents dated December 28, 2021, executed and delivered by the Issuer to and in favor of the Mortgagee, recorded with the Hennepin County Registrar of Titles' Office on December 29, 2021, as Document No. 5907481, as amended pursuant to an Assignment, Assumption and Modification of Combination Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents dated October 26, 2022, executed by and between the Original Mortgagor, Mortgagor and Mortgagee, recorded with the Hennepin County Registrar of Titles' Office on November 1, 2022, as Document No. 5982470 (collectively, the "**Mortgage**"), encumbering a first mortgage lien on certain real property legally described therein (the "**Mortgaged Property**").

C. Mortgagor and Mortgagee desire to extend the Maturity Date of the Mortgage to December 28, 2024.

NOW, THEREFORE, for the purposes aforesaid and in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, it is agreed by the parties as follows:

1. The Maturity Date of the Mortgage is hereby changed to December 28, 2024.
2. Except as specifically amended or modified herein, all of the terms, conditions and covenants contained in the Mortgage shall remain in full force and effect and are hereby fully ratified and confirmed. If and to the extent that any of the terms and provisions of the Mortgage are in conflict with or inconsistent with any of the terms or provisions of this Modification, this Modification shall govern.
3. Mortgagor represents and warrants to Mortgagee that as of the date of this Modification, there are no claims, setoffs or defenses to Mortgagee's exercise of any rights or remedies available to it under the terms of the Mortgage.
4. The terms and conditions of this Modification shall be binding upon the parties hereto and their respective successors and permitted assigns.
5. This Modification may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.
6. This Modification shall be governed by, and construed in accordance with, the laws of the State of Minnesota, without giving effect to choice of law or conflict of law principles.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.
SIGNATURE PAGE TO FOLLOW.]

IN WITNESS WHEREOF, the parties hereto have caused this Modification to be duly executed as of the day and year indicated above.

CREST LIMITED PARTNERSHIP,
a Minnesota Limited Partnership

By: AEON CREST GP LLC,
a Minnesota limited liability company
Its: General Partner

By: _____
Caroline Horton
Its: Vice President/Treasurer

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of June, 2024, by Carline Horton, the Vice President/Treasurer of AEON Crest GP LLC, a Minnesota limited liability company, as the General Partner of Crest Limited Partnership, a Minnesota limited partnership, on behalf of the limited partnership, Mortgagor.

Notary Public

**Signature Page to Modification of Combination Mortgage, Security Agreement,
Fixture Filing and Assignment of Leases and Rents – Loan #1124930**

**BRIDGEWATER INVESTMENT
MANAGEMENT, INC.,**
a Minnesota corporation

By: _____
Nicholas Place
Its: Senior Vice President

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on this _____ day of June, 2024, by Nicholas Place, as Senior Vice President of Bridgewater Investment Management, Inc., a Minnesota corporation, on behalf of said corporation.

Notary Public

THIS INSTRUMENT PREPARED BY:

Messerli & Kramer P.A. (MRJ)
1400 Fifth Street Towers
100 South Fifth Street
Minneapolis, MN 55402-1217
(612) 672-3600

**Signature Page to Modification of Combination Mortgage, Security Agreement,
Fixture Filing and Assignment of Leases and Rents – Loan #1124930**

Council Regular Meeting

DATE: 6/24/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Ginny McIntosh, Planning Manager

SUBJECT: Resolution Regarding Recommended Disposition of Planning Commission Application No. 2024-006 Submitted by C Alan Homes LLC for Re-approval of the Preliminary and Final Plats for Robertson and Brekke Brooklyn Boulevard Addition (6025, 6031, 6037, and 6045 Brooklyn Boulevard)

Requested Council Action:

- Motion to adopt a resolution approving Planning Commission Application No. 2024-006 for re-approval of the preliminary and final plat for Robertson and Brekke Brooklyn Boulevard Addition, and commonly addressed as 6025, 6031, 6037, and 6045 Brooklyn Boulevard, based on the findings of fact and submitted documentation, as amended by the conditions of approval in the resolution.

Background:

C Alan Homes LLC ("The Applicant") is requesting re-approval of a preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION, which was initially approved by City Council under Planning Commission Application No. 2020-004 and City Council Resolution No. 2020-067. Said application also included requests for approval of a site and building plan and establishment of a Planned Unit Development for a series of seven (7) triplexes and related site improvements on what was formerly land owned by the City of Brooklyn Center Economic Development Authority (EDA), and commonly addressed as 6025, 6031, 6037, and 6045 Brooklyn Boulevard ("The Subject Property").

Although the Applicant successfully purchased the Subject Property in late 2020, and a single Purchase and Development Agreement was executed for what were two sets of properties intended for a scattered site triplex development, the Applicant and Property Owner ran into delays with the Subject Property, which was the first to go under construction. This was initially following a request by Hennepin County that certain property contained within the plat be quit claimed to the County for highway right-of-way purposes. This resulted in the need for a partial release of the Purchase and Development Agreement and Declaration of Restrictive Covenants and Quit Claim Deed for this property in March 2022. It was also during this time frame that the Applicant and Property Owner ran into issues with their lender, which resulted in two years' of litigation to keep the development afloat.

In total, the Subject Property, known as "the South Site," and North Site, which is under separate consideration for preliminary and final plat re-approvals (Planning Commission Application No. 2024-007), were to provide a combined total of 39 dwelling units across 13 triplexes.

The Applicant has indicated that they are now in the process of re-financing the project and have partnered with developer Devean George; however, the preliminary and final plats require a re-approval from the City

and the Applicant will also require approval of a new performance agreement and an amended Development Agreement, as they are currently in default given the project was not completed within the timeframe outlined. These items are to be considered separately after this item and at the June 24, 2024 Council and EDA meetings as well.

Development Agreement aside, the long overdue re-plat would help address certain issues affecting the Subject Property, and also known as the South Site, including: the presence of two triplex buildings on one (1) parcel of land, where there should be one (1) parcel per triplex. Additionally, certain sidewalk maintenance and utility easements were vacated and recorded with Hennepin County in late 2020. As the new plat, which contains new drainage and utility easements, has yet to be recorded, the City technically does not have access to the Subject Property for any utilities installed as part of the triplex development thus far. A section of public trail, which runs along Brooklyn Boulevard, appears to have not been dedicated as part of the Brooklyn Boulevard project and would also require filing with the plat, should it be approved.

A public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024. Mail notifications were sent to those property owners and residents located in vicinity of the Subject Property, and a public hearing notice uploaded to the City's website. A link to the public hearing notice was also published on the City's website and sent out by email to subscribers of the City's weekly events bulletin. City staff was in receipt of one public comment received by email prior to the public hearing.

Although the public hearing was scheduled for the May 9, 2024 Planning Commission meeting, the Applicant requested the public hearing be continued to the June 13, 2024 Planning Commission meeting following phone and email communication received, and as the Applicant was unable to attend the May 9 hearing. A 60-day letter of extension was issued to the Applicant on May 10, 2024 outlining that the review period had been extended to August 7, 2024, and per Minnesota Statutes Section 15.99. Subd. 3(f). As members of the public were present at the May 9 and June 13, 2024 Planning Commission meetings, the Planning Commission did accept public comment at both meetings.

Comments provided by the public regarding the C Alan Homes South Site included clarifying questions on how many buildings would be located on each lot, overgrown grass on the Subject Property and maintenance concerns, parking concerns, and frustration with the developer's financing and inability to finish construction on the South Site. These concerns were provided by residents residing near the C Alan Homes' North Site—no comments were provided by residents, businesses, or property owners in proximity to the South Site.

Following close of the public hearing on June 13, 2024, Planning Commission recommended (3-2) City Council approval of the preliminary and final plats for the Robertson and Brekke Brooklyn Boulevard Addition.

City staff has included a copy of the last revised Planning Commission Report for the requested re-approval of the preliminary and final plats for Robertson and Brekke Brooklyn Boulevard Addition, and commonly addressed as 6025, 6031, 6037, and 6045 Brooklyn Boulevard. An excerpt of the approved, but unsigned May 9, 2024 Planning Commission meeting minutes, which were approved at the June 13, 2024 meeting, are included, as well as an excerpt of the *draft* June 13, 2024 Planning Commission meeting minutes.

Budget Issues:

None to consider at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:**Strategic Priorities and Values:**

Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
Staff Reports and Exhibits (Revised) - C Alan Homes - South Site - Preliminary and Final Plat	6/18/2024	Backup Material
Resolution - PC Application No. 2024-006 - Plat - C Alan South	6/19/2024	Resolution Letter
BC Planning Commission- Approved Minutes Excerpt-C Alan South (05.09.2024)	6/19/2024	Backup Material
BC Planning Commission - Draft Minutes Excerpt C Alan (6.13.24)	6/21/2024	Backup Material

Planning Commission Report
Meeting Date: May 9, 2024
Revised: June 13, 2024

- Application Filed: 04/09/2024
- Review Period (60-day) Deadline: 06/08/2024
- Extension Declared: Yes
- Extended Review Period Deadline: 08/07/2024

Application No. 2024-006
Applicant: C Alan Homes LLC
Location: 6000 Block of Brooklyn Boulevard (6025, 6031, 6037, and 6045 Brooklyn Boulevard)
Request: Preliminary and Final Plat (Re-approval)



Map 1. Subject Property.

REQUESTED ACTION

C Alan Homes LLC ("The Applicant") is requesting re-approval of a preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION (Exhibit A), which was initially approved by City Council under Planning Commission Application No. 2020-004 and City Council Resolution No. 2020-067—refer to Exhibit B. Said application also included requests for approval of a site and building plan and establishment of a Planned Unit Development for a series of seven (7) triplexes and related site improvements on what was formerly land owned by the City of Brooklyn Center Economic Development Authority (EDA), and commonly addressed as 6025, 6031, 6037, and 6045 Brooklyn Boulevard ("The Subject Property").

Although the Applicant successfully purchased the Subject Property in late 2020, and a single Purchase

and Development Agreement was executed for what were two sets of properties intended for a scattered site triplex development, the Applicant and Property Owner ran into delays with the Subject Property, which was the first to go under construction. This was following a request by Hennepin County that certain property contained within the plat be quit claimed to the County for right-of-way purposes. This resulted in the need for a partial release of the Purchase and Development Agreement and Declaration of Restrictive Covenants and Quit Claim Deed for this property in March 2022.

In total, the Subject Property, known as “the South Site” (refer to Planning Commission Application No. 2020-004) and North Site (refer to Planning Commission Application No. 2020-005 and City Council Resolution No. 2020-068) were to provide a total of 13 triplexes and 39 dwelling units.

It was during this time frame that the Applicant’s lender stopped funding the project and the Applicant entered into two years of litigation to keep the development afloat. The request for re-approval of the preliminary and final plats is more imminent at this time as the Applicant and Property Owner recently entered into a voluntary foreclosure proceeding with a short redemption period.

The Applicant has indicated that they are now in the process of re-financing the project and have partnered with developer Devean George; however, the preliminary and final plats require a re-approval from the City and the Applicant will also separately require approval of an Amended Development Agreement as they are currently in default given the project was not completed within the timeframe outlined.

It should be noted that, Development Agreement aside, the long overdue re-plat would help address certain issues, including the presence of two triplex buildings on one (1) parcel of land, where there should be one (1) parcel per triplex.



Map 2. Subject Property with Triplexes (Under Construction).

Due to the nature of the requests, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024 (Exhibit C). Mail notifications were sent to those property owners and residents located in vicinity of the Subject Property, and a public hearing notice uploaded to the City’s website. A link to the public hearing notice was also published on the City’s website and sent out by email to subscribers of the City’s weekly events bulletin. City staff is in receipt of one public comment received by email (to date).

Although the public hearing was scheduled for the May 9, 2024 Planning Commission meeting, the Applicant requested the public hearing be continued to the June 13, 2024 Planning Commission meeting following phone and email communication received, and as the Applicant was unable to attend the May 9 hearing. A 60-day letter of extension was issued to the Applicant on May 10, 2024 outlining that the review period had been extended to August 7, 2024, and per Minnesota Statutes Section 15.99. Subd. 3(f).

Since the original approvals, a new Unified Development Ordinance has been adopted (January 2023). As such, City staff went ahead and reviewed the preliminary and final plats against the updated provisions.

City staff has been in communication with the Applicant’s surveyor, W Brown Land Surveying, who prepared the preliminary and final plats for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION. It should be noted that the attached final plat had already been approved by Hennepin County for filing, but was not recorded within the designated timeframe. In reviewing County filings, City staff further confirmed that the easements vacated in conjunction with the original plat approvals in 2020 were filed with the County (Exhibit B). These include certain sidewalk, maintenance, and utility easements located on three of the four existing parcels.

Site Data

2040 Land Use Plan:	N-MU (Neighborhood Mixed Use)
Neighborhood:	<i>Kylawn</i>
Current Zoning:	MX-N1 (Neighborhood Mixed-Use) District
Site Area:	1.65 acres

Surrounding Area

Direction	2040 Land Use Plan	Zoning	Existing Land Use
North	Neighborhood Mixed-Use	MX-N2 (Neighborhood Mixed-Use)	Undeveloped (Under Construction – Wangstad Commons)
South	Low-Density Residential	R1 (Low Density Residential)	Single Family Detached
East	Neighborhood Mixed-Use	MX-N2 (Neighborhood Mixed Use)	Brooklyn Boulevard Commercial
West	Low-Density Residential	R1 (Low Density Residential)	Single Family Detached

Note: The Subject Property is located within the identified Brooklyn Boulevard Overlay District under the 2040 Comprehensive Plan.

PRELIMINARY AND FINAL PLAT (RE-APPROVAL)

The preliminary and final plat for what would be known as *ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION* would subdivide four (4) existing parcels into seven (7) new parcels and an outlot to accommodate the seven (7) triplexes at the Subject Property located south of 61st Avenue North and west of Brooklyn Boulevard.

As noted previously, the Applicant and Property Owner ran into delays both with Hennepin County and with their lender which resulted in their preliminary and final plats, which were approved by City Council in 2020, being considered void as outlined under Section 35-8107.5 (*Final Plat*).

Although the original 2020 plat request contemplated a proposed outlot, City staff had requested that this be absorbed into proposed lot #7. In reviewing the County approved plat, this has been addressed; however, the preliminary plat of record was not updated to reflect this change, along with other detailing. The removal of the outlot was intended to provide clarity in terms of maintenance should the Applicant ever sell the Subject Property and given the shared drive aisle, surface parking, and utilities running along the west side of the Subject Property.

City staff reached out to the Hennepin County Survey Division and they confirmed they still have the plat information on file; however, because two (2) years have passed since the initial approval, they would require updated/current title work, which the City also requires, as well as the most recent copy of the plat.

As part of the 2020 application and review, it was requested that legal descriptions and easement vacations for all existing easements and certain vacations of existing public easements, as determined by the City, be submitted. The Applicant shall also provide and maintain a current abstract of title/title commitment for City Attorney and Hennepin County review.

A 10-foot drainage and utility easement was noted as required for dedication around the entire perimeter of the Subject Property. An additional utility easement shall be dedicated on the plat to allow for any future maintenance of private water mains and sanitary sewer per Development Agreement requirements. The plat approved by the County denotes Drainage and Utility Easements to be dedicated along the west side of the Subject Property for infrastructure, as well as a detailing noting a 10-foot wide easement for adjoining right-of-way (ROW), unless otherwise indicated, and a 5-foot wide easement along the adjoining lot lines.

Former Assistant City Engineer, Andrew Hogg, initially reviewed plans and provided a memorandum and a redlined set of comments, dated August 17, 2020 (Exhibit D). All engineering comments were to be addressed. In reviewing the preliminary and final plat for *ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION*, as well as County records, it was noted that certain trail easement did not appear to be reflected on the plat. Given the work conducted along Brooklyn Boulevard as part of the Phase II construction, City staff requested that the plats be updated to reflect the dedication of this easement and per construction plans on file.

It should be noted that an as-built survey will be required upon project completion, and inspection for the private site improvements is to be performed by the Applicant's design/project engineer with certification required upon project completion.

CONDITIONS OF APPROVAL

City Staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2024-006 for the Subject Property located within the 6000 Block of Brooklyn Boulevard and comprised of 6025, 6031, 6037, and 6045 Brooklyn Boulevard, and for re-approval of the preliminary and final plats for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION:

1. Re-approval of the preliminary and final plats for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION are contingent upon the addressing of any remaining comments by Assistant City Engineer Hogg in his memorandum dated August 17, 2020.
 - a. The preliminary and final plat shall be further revised to dedicate certain trail easement.
2. The preliminary plat, final plat, and mylar shall be subject to the provisions as outlined under Chapter 35 (*Unified Development Ordinance*), Section 35-8106 (*Preliminary Plat*) and Section 35-8107 (*Final Plat*).
 - a. The preliminary plat shall be reviewed against the most recent version of the final plat approved by Hennepin County and updated accordingly.
 - b. The preliminary plat shall be updated to reflect the existing zoning classification and total approximate acreage.
3. Any comments and/or requirements as provided by Hennepin County.
4. Any comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title/title commitment.
5. The successful recording of said plat (mylar) with Hennepin County.

The aforementioned comments are provided based on the information submitted by the Applicant and Property Owner at the time of this review and specifically for the requested preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City.

RECOMMENDATION

Based on the above noted findings and conditions above, City staff recommends the Planning Commission recommend City Council approval of Planning Commission Application No. 2024-006 for the requested re-approval of the preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION for the Subject Property located on what is currently known as 6025, 6031, 6037, and 6045 Brooklyn Boulevard, based on the findings of fact and subject to the Applicant complying with the Conditions of Approval as noted above.

Attachments

Exhibit A- Planning Application No. 2024-006 and documentation, submitted by C Alan Homes, LLC, and dated April 9, 2024.

Exhibit B- City Council Resolution Nos. 2020-067 and 2020-091, and Hennepin County Document No. 5773408 for notice of Completion of Vacation Proceedings.

Exhibit C- Public Hearing Notice, dated April 25, 2024, as published in the Brooklyn Center *Sun Post*, and 60-day extension letter, dated May 10, 2024.

Exhibit D- Memorandum and Exhibits, prepared by Assistant City Engineer Andrew Hogg, and dated August 17, 2020 for Planning Commission Application No. 2020-004.

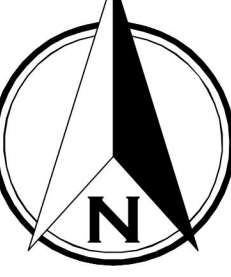
PRELIMINARY PLAT
ROBERTSON AND BREKKE'S BROOKLYN
BOULEVARD FIRST ADDITION

WANGSTAD'S BROOKLYN TERRACE
BLOCK 6

61ST AVENUE NORTH

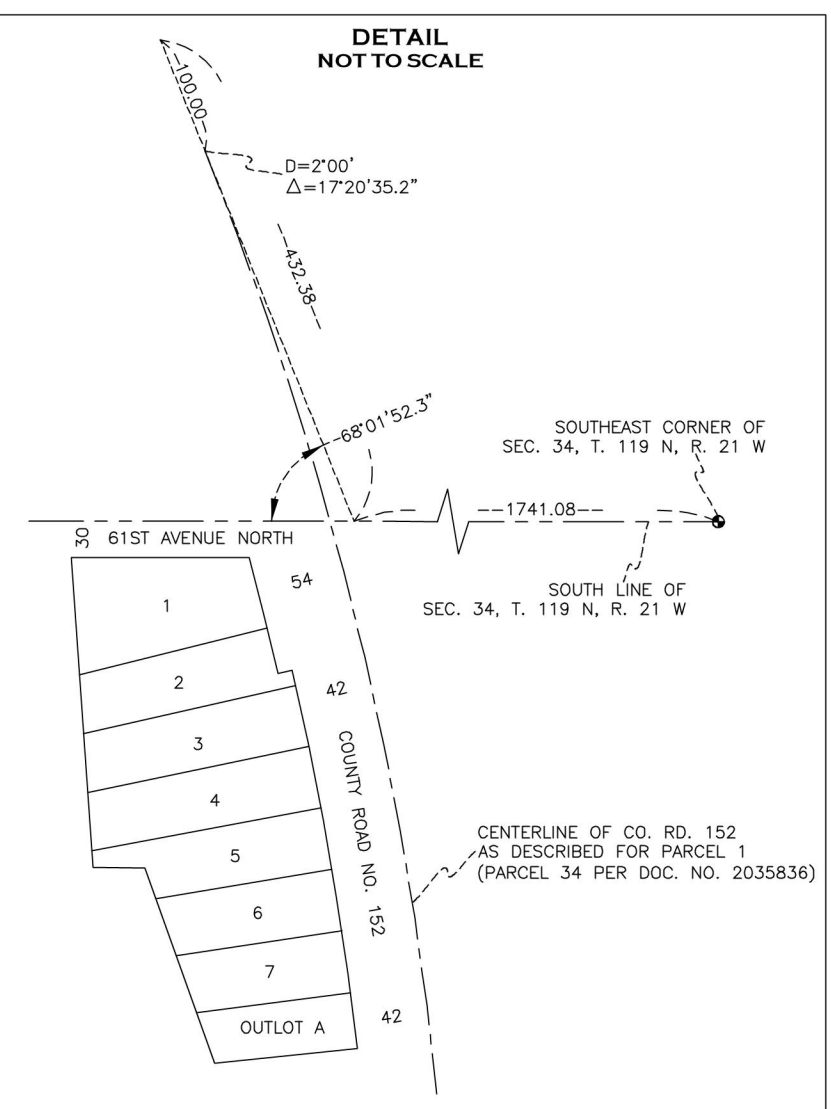
BLOCK 1

COUNTY ROAD NO. 152
(BROOKLYN BOULEVARD)



LEGEND

- Fence
- UT --- Underground Telephone
- STS --- Storm Sewer
- SAN --- Sanitary Sewer
- WTR --- Water Main
- GAS --- Underground Gas
- ⊠ Catch Basin
- ⊡ Catch Basin
- ⊙ Sanitary Manhole
- ⊙ Storm Manhole
- ⊙ Water Manhole
- ⊙ Light Pole
- ⊙ Power Pole
- ⊙ Hydrant
- ⊙ Gate Valve
- ⊙ Traffic Sign
- ⊙ Existing Elevation
- ⊙ Top of Curb Elevation
- ⊙ Gutter Elevation
- ⊙ Existing Contour
- ⊙ Found Iron Monument
- ⊙ Set Iron Monument
- ⊙ Inscribed R.L.S. 15230
- ⊙ Deciduous Tree



PROPERTY DESCRIPTIONS:

Parcel 1:
Lot 1, except that part thereof which lies Northeasterly of a line run parallel with and distant 42 feet Southwesterly of the following described line:
From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet West of the Southeast corner thereof, run Northwestery at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run Southeastery along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degree 20 minutes 35.2 seconds) for 867.16 feet and there terminating. Block 1, Pearson's Northport 3rd Addition, Hennepin County, Minnesota.

Torrens Property
Torrens Certificate No. 1392052.

Parcel 2:
Lot 2, Block 1, Pearson's Northport 3rd Addition, except that part described as follows: Beginning at the Southeast corner of said Lot 2; thence run Westerly on the South line of said Lot 2 for 1.72 feet; thence run Northerly on a curve deflecting to the left and having a radius of 2822.79 feet to a point on the North line of said Lot 2, distant 5.20 feet Westerly of the Northeast corner of said Lot 2; thence run Easterly on the north line of said Lot 2 to the Northeast corner of said Lot 2; thence run Southerly on the East line of said Lot 2 to the point of beginning, Hennepin County, Minnesota.

Torrens Property
Torrens Certificate No. 1316934.

Parcel 3:
That part of Lot 4, Block 5, lying South of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.

Torrens Property
Torrens Certificate No. 1483315.

Parcel 4:
That part of Lot 4, Block 5 lying North of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.

Torrens Property
Torrens Certificate No. 1483312.

BENCHMARK:
T.N.H. at the northeast corner of subject property.
Elevation = 860.77.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.
W. BROWN LAND SURVEYING, INC.
DATED: 06-15-2020
WOODROW A. BROWN, R.L.S., MN REG 15230



W. BROWN LAND SURVEYING, INC.
8030 CEDAR AVENUE SO., SUITE 228.
BLOOMINGTON, MN 55425
BUS: (952) 854-4055
FAX: (952) 854-4268
EMAIL: INFO@WBROWNLANDSURVEYING.COM

ROBERTSON AND BREKKE
BROOKLYN BOULEVARD ADDITION

R.T. DOC. NO. _____

KNOW ALL PERSONS BY THESE PRESENTS: That C. Alan Homes, LLC, a Minnesota limited liability company, fee owner of the following described property situated in the County of Hennepin, State of Minnesota, to-wit:

Lot 1, except that part thereof which lies Northeastly of a line run parallel with and distant 42 feet Southwesterly of the following described line:
From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet West of the Southeast corner thereof, run Northwestly at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run Southeastly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degrees 20 minutes 35.2 seconds) for 867.16 feet and there terminating, Block 1, PEARSON'S NORTHPORT 3RD ADDITION.

Lot 2, Block 1, PEARSON'S NORTHPORT 3RD ADDITION, except that part described as follows: Beginning at the Southeast corner of said Lot 2; thence run Westerly on the South line of said Lot 2 for 1.72 feet; thence run Northerly on a curve deflecting to the left and having a radius of 2822.79 feet to a point on the North line of said Lot 2, distant 5.20 feet Westerly of the Northeast corner of said Lot 2; thence run Easterly on the north line of said Lot 2 to the Northeast corner of said Lot 2; thence run Southerly on the East line of said Lot 2 to the point of beginning.

Lot 4, Block 5, WANGSTAD'S BROOKLYN TERRACE, except that part which lies Northeastly of a line run parallel with and distant 42 feet Southwesterly of the following described line:
From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1734.87 feet west of the Southeast corner thereof, run Northwestly at an angle of 67 degrees 38 minutes 05 seconds with said South section line for 434.8 feet to the point of beginning of the line to be described; thence run Southeastly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minute curve (delta angle 17 degrees 20 minutes 35.2 seconds) for 867.16 feet and there terminating, also excepting therefrom, a strip 12 feet in width adjoining and Southwesterly of the above described strip: Beginning opposite a point on the above described line, distant 543.43 feet Southeastly of its point of beginning (when measured along said line) and extending Northwestly to the North line of the above described tract.

Has caused the same to be surveyed and platted as ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION and does hereby dedicate to the public, for public use, the public ways, and the drainage and utility easements as created by this plat.

In witness whereof, said C. Alan Homes, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

Signed: C. Alan Homes, LLC

Terry Robertson, President

STATE OF MINNESOTA
COUNTY OF HENNEPIN
This instrument was acknowledged before me this _____ day of _____, 20____, by Terry Robertson, President of C. Alan Homes, LLC, a Minnesota limited liability company, on behalf of the company.

Signature _____ Printed Name _____

Notary Public, _____ County, Minnesota
My Commission Expires _____

I, Woodrow A. Brown, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01 Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.
Dated this _____ day of _____, 20____.

Woodrow A. Brown, Licensed Land Surveyor
Minnesota License No. 15230

STATE OF MINNESOTA
COUNTY OF HENNEPIN
This instrument was acknowledged before me this _____ day of _____, 20____, by Woodrow A. Brown.

Signature _____ Printed Name _____

Notary Public, _____ County, Minnesota
My Commission Expires _____

CITY COUNCIL, CITY OF BROOKLYN CENTER, MINNESOTA
This plat of ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION was approved and accepted by the City Council of the City of Brooklyn Center, Minnesota at a regular meeting thereof held this _____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03 Subd. 2.

CITY COUNCIL, CITY OF BROOKLYN CENTER, MINNESOTA
By: _____ Mayor By: _____ Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota
I hereby certify that taxes payable in 20____ and prior years have been paid for land described on this plat, dated this _____ day of _____, 20____.

Mark V. Chapin, County Auditor By: _____ Deputy

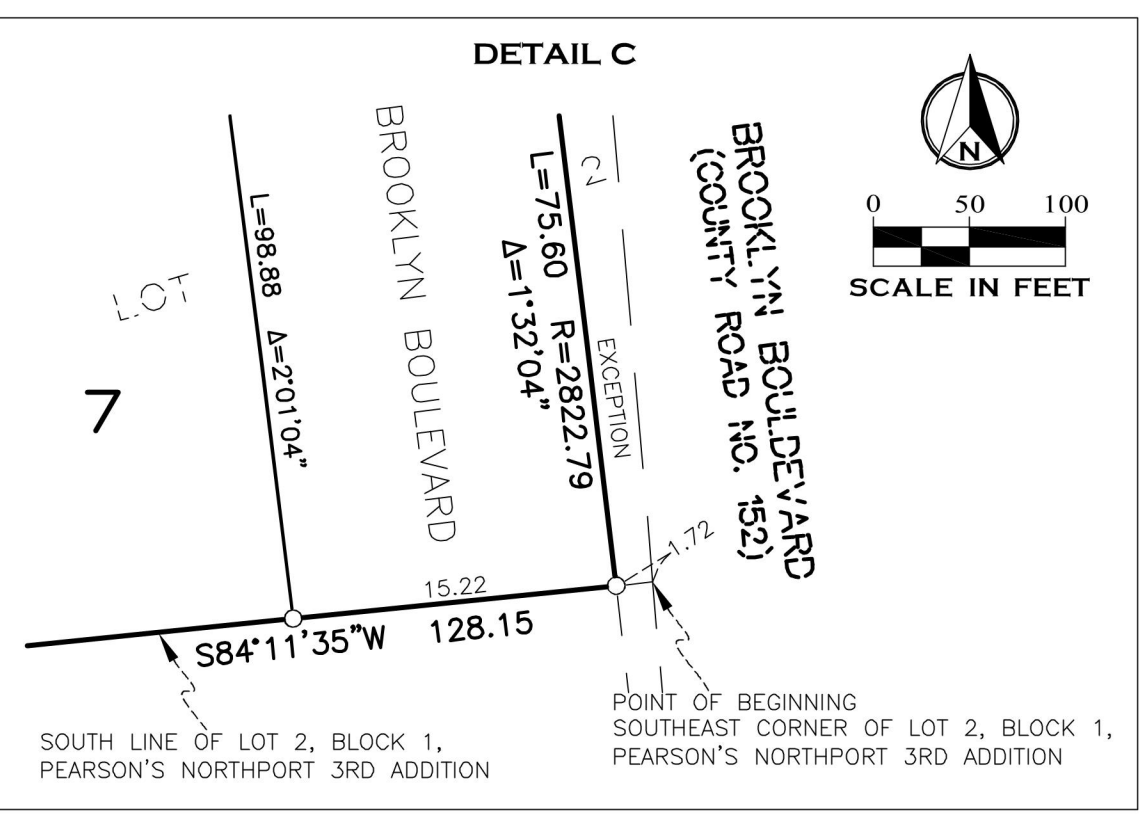
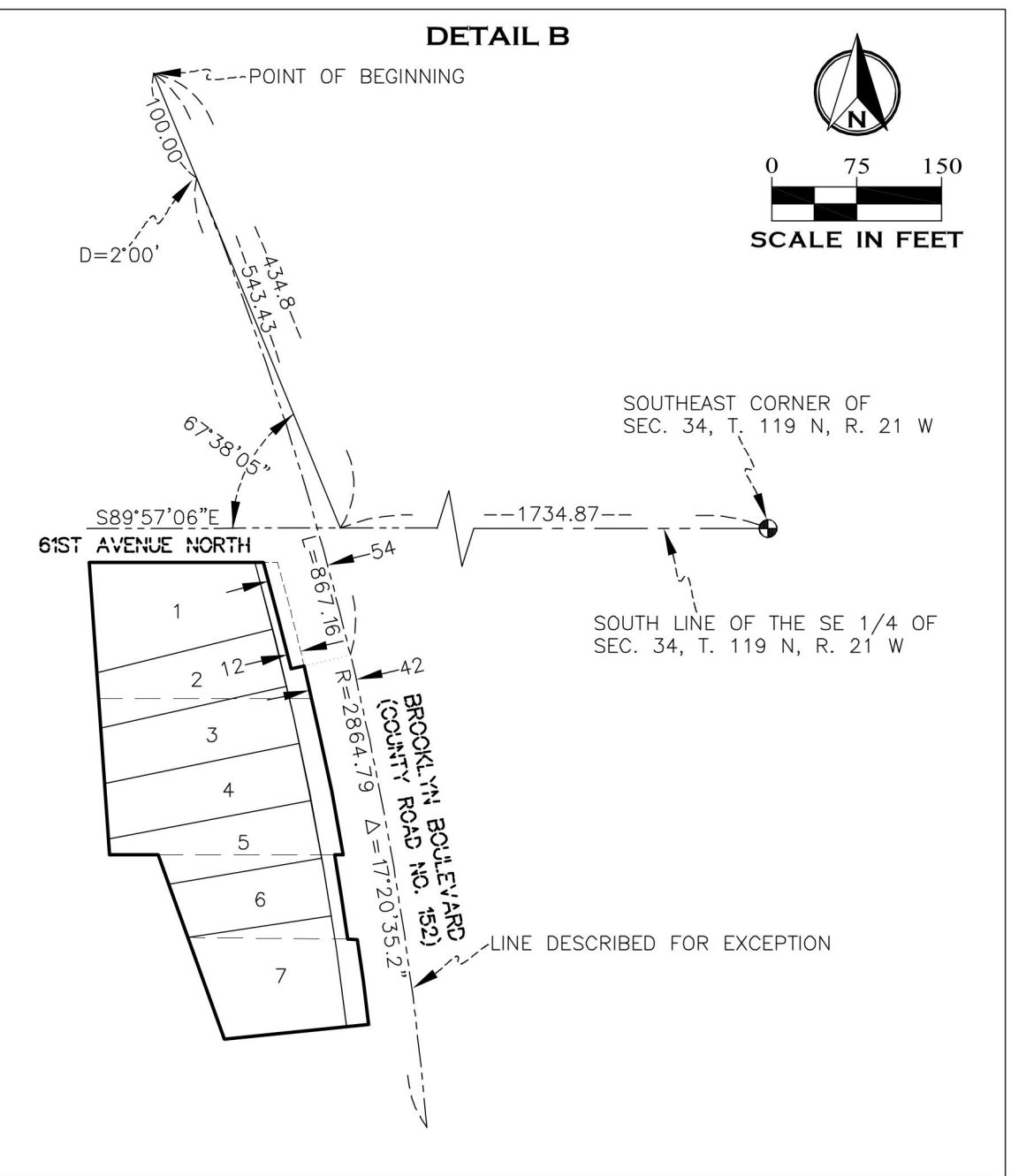
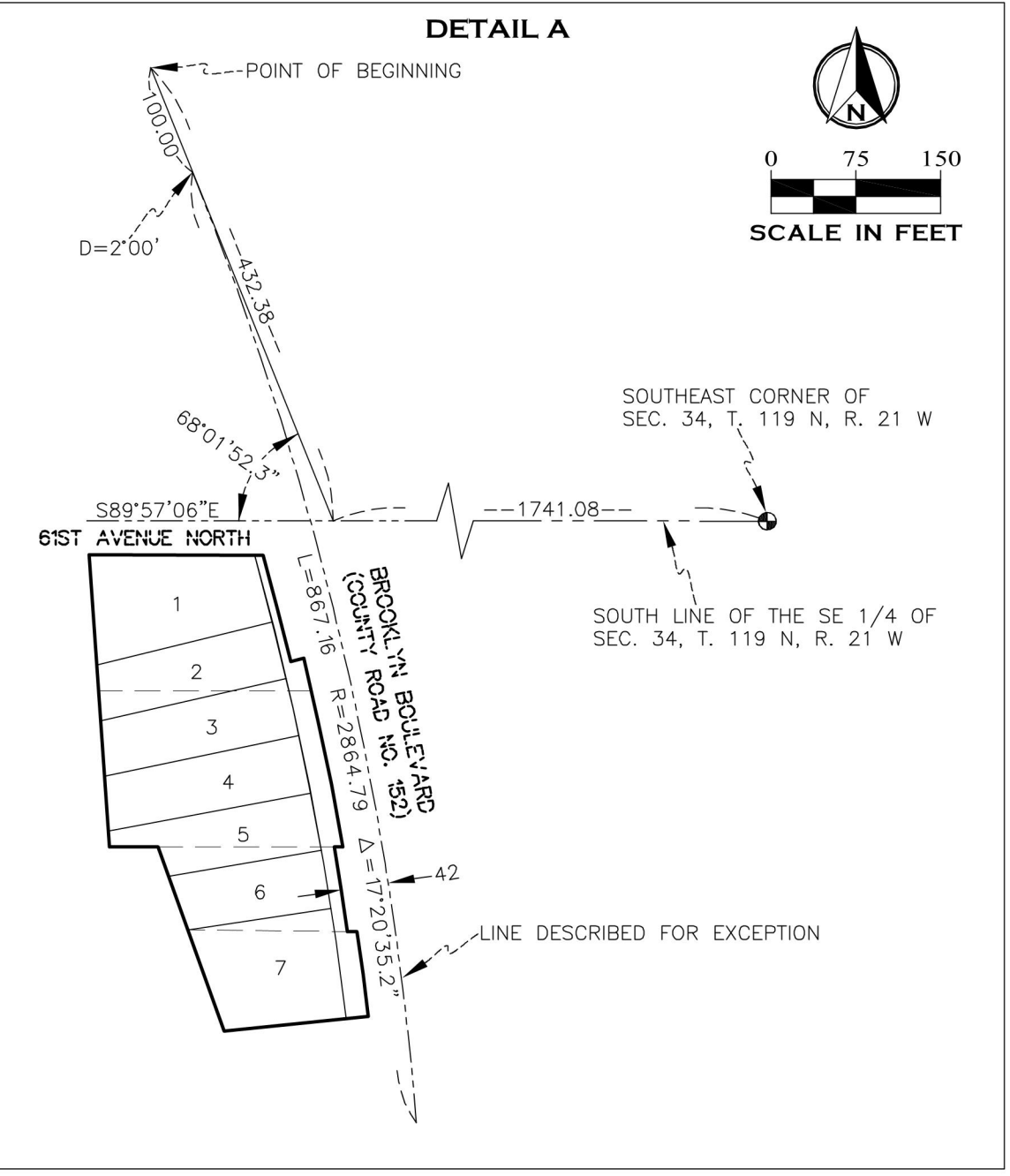
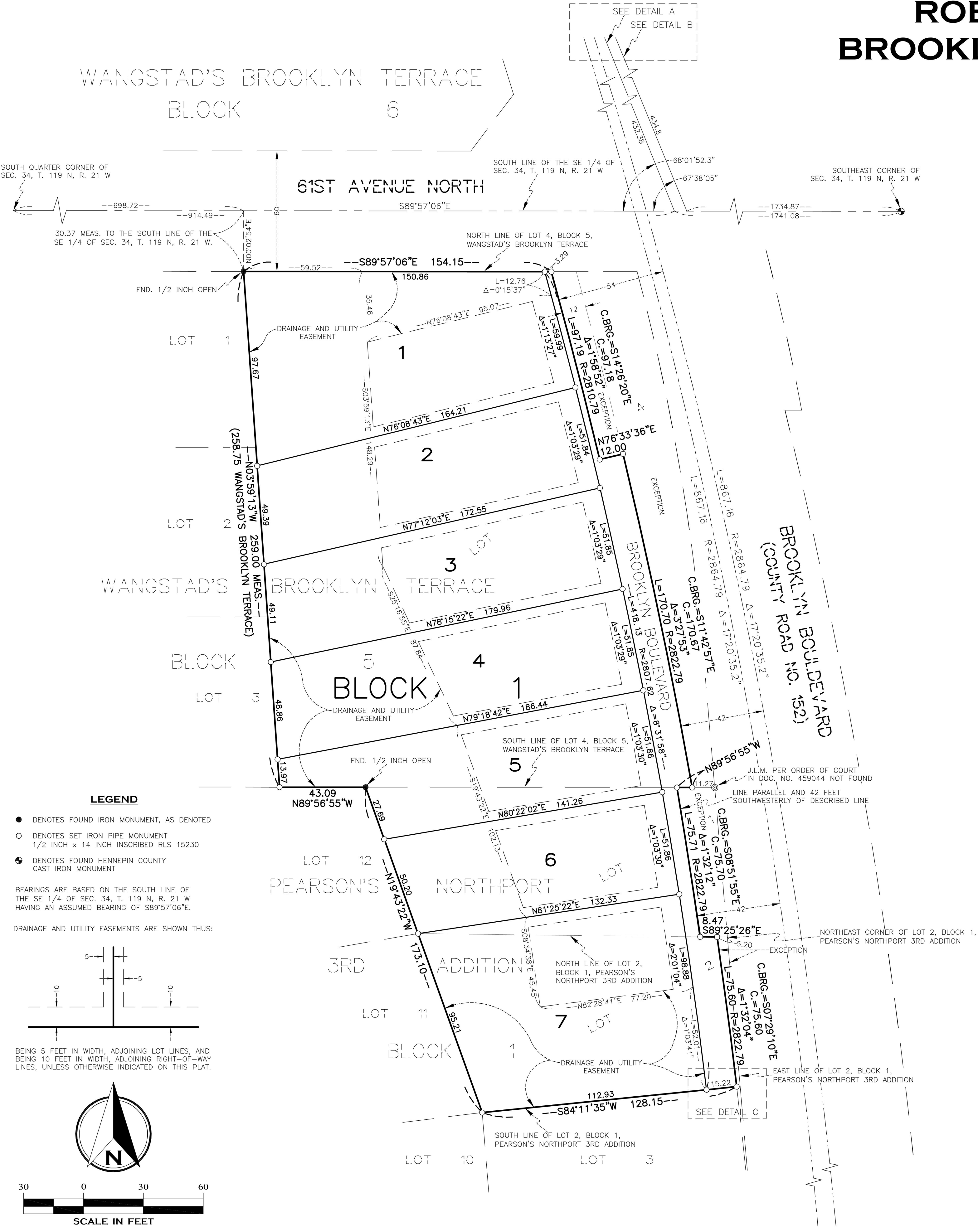
SURVEY DIVISION, Hennepin County, Minnesota
Pursuant to MN. STAT. Sec. 383B.565(1969), this plat has been approved this _____ day of _____, 20____.

Chris F. Mavis, County Surveyor By: _____

REGISTRAR OF TITLES, Hennepin County, Minnesota
I hereby certify that the within plat of ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION was filed in this office this _____ day of _____, 20____, at _____ o'clock _____ M.

Amber Bougie, Registrar of Titles By: _____ Deputy

W. BROWN LAND SURVEYING, INC.



To: City Council Members
From: Terry Robertson
With: C Alan Homes, LLC
Re: Development Agreement

City Council Members,

We wanted to reach out to you to request having our Developer Agreement extended to allow our company to finish the Development located at 61st and Brooklyn Blvd and 69th and Brooklyn Blvd. Our Development was derailed by the lender when they stopped funding our project under the guise of claiming they did not know there was infrastructure on the project. The City staff at the time quickly exposed them for being less than honest. Infrastructure is on all the plans, the proforma, they paid the infrastructure bills, convinced us to do the infrastructure in a piece meal fashion instead of finishing all the work at once and they monitored the project on a weekly basis. Thus overseeing the infrastructure. What followed was 2 years of litigation where we spent over \$200,000 fighting to keep our Development from being taken from us. We fought because we did not do anything to be in default. Ultimately, after a prolonged fight they agreed to give the project back to us. We are now in the process of getting it refinanced. We signed a voluntary foreclosure in order to stop the bleeding. But it gave us additional time to get the project funded and beat the foreclosure timeline of June 15th, 2024.

I have secured a successful developer and friend of mine (Devean George) to partner with us in order to get funded and help push the project through to the finish line. We feel he is a tremendous addition to our team.

When funded this will allow us to pay off subs, pay off the lender and finish the infrastructure at both sites in the first phase. This should take 3-4 weeks. The second phase will involve finishing the items remaining to get the certificate of occupancy on the two buildings/6 apartments that are currently constructed. We project this will take approximately a month. We will then start construction on the remaining 5 buildings/15 apartments on 61st and Brooklyn Blvd. We will start three of the five and when we get to interior rough in we will start the remaining two buildings. Building the 5 buildings/15 apartments will take approximately 1 year. We will try and start construction on the 6900 Block site right after we get the remaining two buildings at the first site framed. Our excavators, concrete crews and framers will be scheduled to move from the first site immediately after digging, concrete work and framing down to the second site to start the 6900 site in that order. If we plan it right, we should be able to button up the complete development (39 Luxury apartments) within 18-20 months.

Our team is prepared to get the final plats signed off on as soon as we can get the Council's approval to move forward on finishing the project. We feel with the addition of Devean George to our team it will bring an added expertise to the project. Also, the lenders we are interviewing now have all been vetted better than we did before with the previous lender. So, we don't anticipate any problems from the new lender.

We have fought with our time and money to try and see this project (our vision) through to the end. We believe this will help give the City of Brooklyn Center a higher profile around the Twin Cities. We look forward to seeing this project to completion.

Terry Robertson
President
C Alan Homes, LLC
763-228-1785

Member Graves introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-067

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2020-004 FOR PRELIMINARY AND FINAL PLAT AND SITE AND BUILDING PLAN APPROVALS AND THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT FOR THE SUBJECT PROPERTIES LOCATED IN THE 6000 BLOCK OF BROOKLYN BOULEVARD AND KNOWN AS 6025, 6031, 6037, and 6045 BROOKLYN BOULEVARD

WHEREAS, Planning Commission Application No. 2020-004, submitted by C Alan Homes (“the Applicant”), requests review and consideration for approval of a preliminary plat, final plat, and site and building plan, and establishment of a Planned Unit Development (PUD) for four properties currently owned by the Economic Development Authority (EDA) of Brooklyn Center, Minnesota, located just south of 61st Avenue North and west of Brooklyn Boulevard, and known as 6025, 6031, 6037, and 6045 Brooklyn Boulevard (“the Subject Property”); and

WHEREAS, the Subject Property is currently a mix of C1 (Service/Office), R5 (Multiple Family Residence), and R1 (One Family Residence) District properties under the City’s Zoning Code; and

WHEREAS, the Applicant appeared before the City Council of Brooklyn Center, Minnesota on May 11, 2020 for a concept plan review of their proposed development of seven (7) triplexes and related site improvements on the Subject Property, in conjunction with a second proposal from the Applicant to construct another six (6) triplexes and related improvements to the north of the Subject Property at 6921, 6927, 6933, and 6939 Brooklyn Boulevard, and submitted for separate consideration under Planning Commission Application No. 2020-005; and

WHEREAS, on June 22, 2020, the City Council of Brooklyn Center, Minnesota approved a Preliminary Development Agreement with C Alan Homes, LLC for the two aforementioned sets of properties located along Brooklyn Boulevard to allow the Applicant time to review the properties, obtain financing, work through City land use approvals, and negotiate with the EDA on the purchase of the properties pending approval of the aforementioned Planning Commission Application No. 2020-004; and

WHEREAS, a public hearing for Planning Commission Application No. 2020-004 was initially scheduled for July 9, 2020; however, City staff exercised its rights under Minnesota Statutes Section 15.99, Subd. 3(f) to extend the review period for an additional sixty (60) days to allow the Applicant additional time to reconcile adjustments necessary to the site plan for additional easements and determine the ability for driveway access off Brooklyn Boulevard from Hennepin County; and

WHEREAS, on August 13, 2020, the Planning Commission of the City of Brooklyn Center, Minnesota received and reviewed a planning report on the proposed preliminary plat, final plat, site and building plan, and Planned Unit Development proposals for the proposed new construction of seven (7) triplexes and related site improvements on the approximately 1.65 acre site; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on August 13, 2020, whereby a planning staff report was presented and public testimony regarding the proposal were received. Notice of such public hearing was published in the official newspaper and notices were mailed to adjacent property owners as required by City Code, and notification signage was installed on the Subject Property; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota considered the requests in light of all testimony received, the guidelines and standards for evaluating the preliminary and final plat under Chapter 15 (*Platting*), site and building plans under Chapter 35 (*Zoning*) and specifically Section 35-230 (*Plan Approval*), and Planned Unit Developments as contained in Section 35-355 (*Planned Unit Development*) of the City's Zoning Code, including compliance with the guidelines for re-zoning properties, and the request complies with the general goals and objectives of the City's 2040 Comprehensive Plan; and

WHEREAS, the Subject Property would be re-zoned from a mix of C1 (Service/Office), R5 (Multiple Family Residence), and R1 (One Family Residence) Districts to PUD-N/MU (Planned Unit Development-Neighborhood/Mixed Use) District, which is consistent with the density allowed under the 2040 Comprehensive Plan and reconciles the Subject Property density allowances, as the Subject Property is currently a mix of Neighborhood-Mixed Use, High Density Residential, and Low Density Residential future land uses designations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota to recommend that Planning Commission Application No. 2020-004, submitted by C Alan Homes, be approved based upon the findings of fact in the August 13, 2020, planning report and submitted plans, as amended by the following conditions of approval:

Anticipated Permitting

1. The Applicant shall apply for and receive a City Land Disturbance permit prior to commencing any grading or land clearance activities on the site.
2. The Applicant shall apply for and receive an NPDES permit from the MPCA.
3. The Applicant shall obtain any required permits from Hennepin County for work in the County right-of-way.
4. The Applicant shall meet all requirements of the Shingle Creek Watershed Commission, as specified by the City.
5. The Applicant shall apply for and receive all applicable City building permits prior to commencing construction of any work.
6. Other permits not listed may be required and is the responsibility of the developer to obtain and warrant.
7. Copies of all required permits must be provided to the City prior to issuance of applicable building and land disturbance permits.

8. A preconstruction conference must be scheduled and held with City staff and other entities designated by the City.

Plat Review

9. Approval of the preliminary and final plats are contingent upon the addressing of comments by Assistant City Engineer Hogg in his memorandum dated August 4, 2020 and revised August 17, 2020, consolidation of the south outlot to proposed lot #7, and updating of the title block per City staff comments.
 - a. The Applicant shall complete the vacation of any identified easements and ensure notice of completion of vacation is recorded with Hennepin County prior to recording of final plat and mylar.
10. Final plat and mylar shall be subject to the provisions of Chapter 15 of the City Code of Ordinances (*Platting*).
11. Any comments and/or requirements as provided by Hennepin County.
12. Any comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title.
13. The successful recording of said plat (mylar) with Hennepin County.

PUD / Site Plan Review

14. Any significant changes or modifications made to this request can only be made by an amendment to the approved Planned Unit Development and site and building plan as approved by the City Council.
15. The Applicant shall enter into a Purchase Agreement with the Economic Development Authority of Brooklyn Center prior to the execution of the Final Plat.
16. The Applicant shall enter into a PUD Agreement with the City of Brooklyn Center prior to the execution of the Final Plat.
17. The Applicant shall distribute Section 8 units through each of the identified three floors of triplex buildings identified for Section 8 voucher holders so as to prevent designating a particular level for such units.
18. The Applicant shall execute a Performance Agreement with supporting financial guarantee approved by the City prior to the issuance of any permits.
19. The Applicant shall enter into a Construction Management Plan and Agreement, and supporting escrow deposited, prior to the issuance of a Land Disturbance Permit.
20. The Applicant shall enter into a Public Improvement Agreement prior to the issuance of a Land Disturbance Permit.
21. The Applicant shall enter into a Utility Facilities Easement Agreement prior to the issuance of a Land Disturbance Permit.

Engineering Review

22. The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memorandum, dated August 4, 2020.
 - a. Final grading, drainage, utility, and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer for City site and building plan approval and prior to the issuance of permits.

Fire Inspector/ Building Official Review

23. The Applicant shall work to ensure all applicable 2015 Minnesota Fire Code requirements have been met as part of any plan approval.
24. The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.
25. The Applicant shall apply for a SAC determination from the Metropolitan Council. Said determination shall be forwarded to the City and paid for upon issuance of any City permits.
26. The Applicant shall work with the Building Official to address all minimum requirements for accessibility as they relate to units, parking, accessible routes, etc.

August 24, 2020

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, Elliott, Graves, Lawrence-Anderson, Ryan

and the following voted against the same: None

whereupon said resolution was declared duly passed and adopted.

Member Graves introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-091

A RESOLUTION VACATING CERTAIN EASEMENTS WITHIN LOT 4, BLOCK 5, WANGSTAD'S BROOKLYN TERRACE, HENNEPIN COUNTY, MINNESOTA AND LOT 1, BLOCK 1, PEARSON'S NORTHPORT 3RD ADDITION, HENNEPIN COUNTY, MINNESOTA

WHEREAS, the Planning Commission has recommended approval for the plat entitled Robertson and Brekke's Brooklyn Boulevard First Addition (the "Plat") based on certain conditions as set forth in the City Council Resolution No. 2020-067 and Planning Commission Resolution No. 2020-005; and

WHEREAS, the Plat includes certain real property situated in Hennepin County located at 6031 Brooklyn Blvd; 6037 Brooklyn Blvd; and 6045 Brooklyn Blvd all located within the City of Brooklyn Center and as legally described on the attached Exhibit A (the "Properties");

WHEREAS, certain public easements currently exist on the Properties which as a result of the Plat are either no longer needed, or are being replaced by new easements covering the Properties within the Plat; and

WHEREAS, the specific easements proposed to be vacated are as legally described on the attached Exhibit B and as depicted on the attached Exhibit C (collectively the "Vacated Easements"):

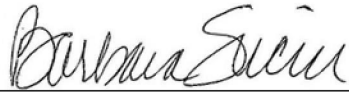
WHEREAS, after due notice and public hearing, the City Council has determined that the Vacated Easements will be no longer needed once the Plat is recorded; and the vacation of the Vacated Easements is in the public interest;

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

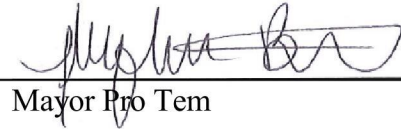
1. The City hereby declares that the Vacated Easements described in the attached Exhibit B and as depicted on the attached Exhibit C are hereby vacated.
2. The City Clerk is directed to prepare a Notice of Completion of Vacation Proceedings and to record it with the Hennepin County Recorder or Hennepin County Registrar of Titles, as appropriate; provided, that this resolution will only take effect upon the release and filing of the final plat of Robertson and Brekke's Brooklyn Boulevard First Addition, execution and filing of associated and separate rededicated easements, and upon execution and filing the subdivision agreement for said associated development.

Adopted this 12th day of October, 2020

ATTEST:



City Clerk



Mayor Pro Tem

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, Lawrence-Anderson, Ryan

and the following voted against the same: None

whereupon said resolution was declared duly passed and adopted.

Exhibit A
Legal description of the Properties

Parcel 1:

Lot 1, except that part thereof which lies Northeasterly of a line run parallel with and distant 42 feet Southwesterly of the following described line:

From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet West of the Southeast corner thereof, run Northwesterly at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run Southeasterly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degree 20 minutes 35.2 seconds) for 867.16 feet and there terminating. Block 1, Pearson's Northport 3rd Addition.

Torrens Property
Torrens Certificate No. 1392052.
PID: 0311821120015

Parcel 3:

That part of Lot 4, Block 5, lying South of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace.

Torrens Property
Torrens Certificate No. 1483315.
PID: 0311821120098

Parcel 4:

That part of Lot 4, Block 5 lying North of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace.

Torrens Property
Torrens Certificate No. 1483312.
PID: 0311821120087

Exhibit B
Legal description of the Vacated Easements

Vacated Easement over Parcel 1:

Lot 1, Block 1, Pearson's Northport Third Addition, according to the duly recorded plat thereof, situate in Hennepin County, Minnesota, except State Highway, which lies northeasterly of a line run parallel with and distant 46 feet southwesterly of the following described line:

From a point on the south line of Section 34, Township 119 north, Range 21 west, distant 1741.08 feet west of the southeast corner thereof, run northwesterly at an angle of $68^{\circ} 01' 52.3''$ with said south section line for 432.38 feet to the point of beginning of the line to be described; thence run southeasterly along the last described course for 100 feet; thence deflect to the right on a $2^{\circ} 00'$ curve (delta angle $17^{\circ} 20' 35.2''$) for 867.16 feet and there terminating.

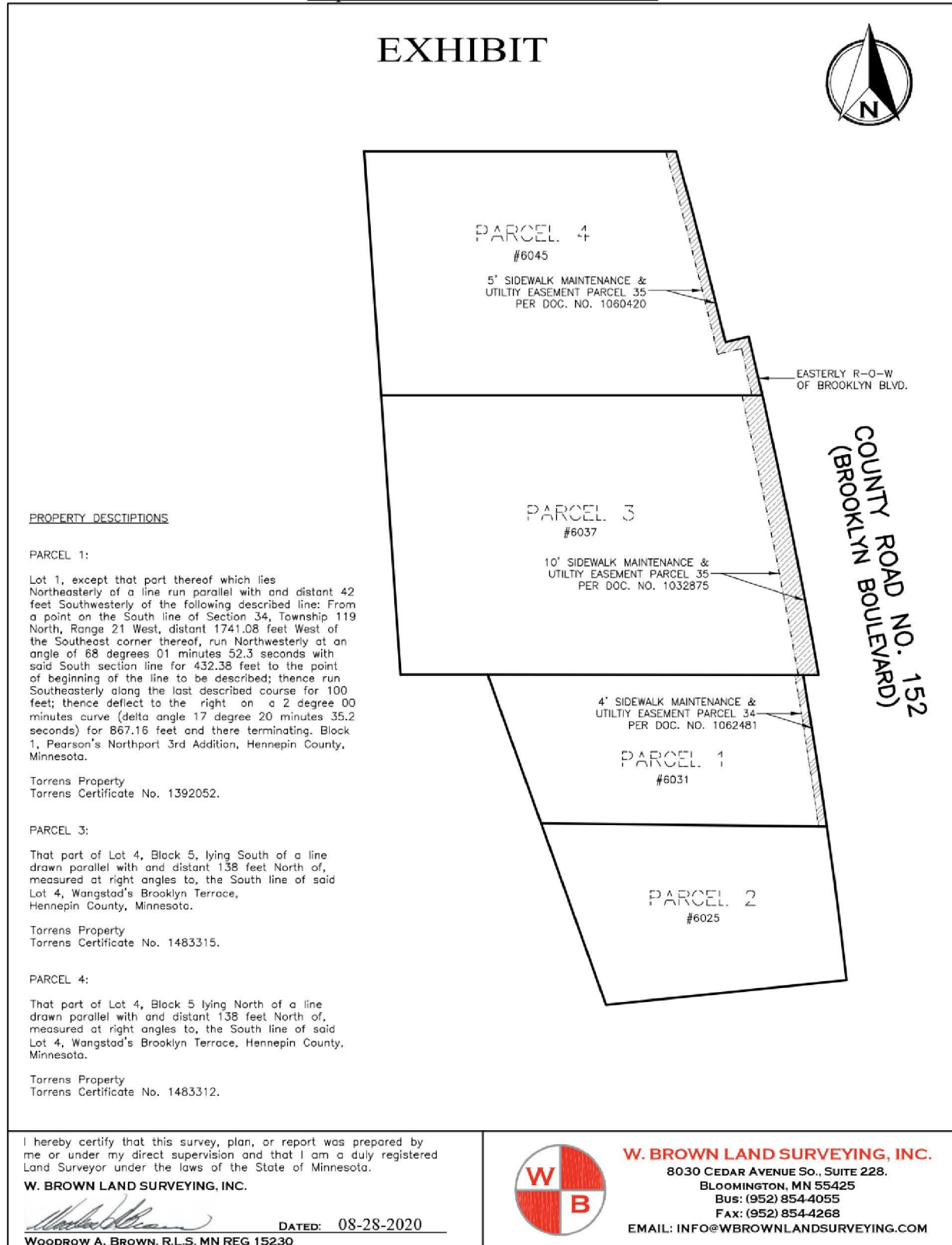
Vacated Easement over Parcel 3:

The south 138 feet of Lot 4, Block 5, Wangstad's Brooklyn Terrace Addition, according to the title of record, Office of the Registrar of Titles, Hennepin county, Minnesota, which lies within a distance of 10 feet southwesterly of the southwesterly boundary of State Highway No. 152 as now located and traveled.

Vacated Easement over Parcel 4:

That part of Lot 4, Block 5, Wangstad's Brooklyn Terrace Addition; lying north of a line drawn parallel with and 138 feet north of as measured at right angles to the south line of said Lot 4, according to the duly recorded plat thereof, office of the Registrar of Titles, Hennepin county, Minnesota, which lies within a distance of 5 feet southwesterly of the southwesterly boundary of State Highway No. 152 as now traveled and located.

Exhibit C
Depiction of the Vacated Easements



Certificate of Title

Certificate Number: 1392052

Created by Document Number: **5196899**

Transfer from: **1323697**

Originally registered April 22, 1955 Volume: 764, Certificate No: 232063, District Court No: 12294

State of Minnesota

County of Hennepin



S.S.

Registration

This is to certify that

Economic Development Authority of Brooklyn Center, Minnesota, whose address is 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota, 55430;

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:

Lot 1, except that part thereof which lies Northeasterly of a line run parallel with and distant 42 feet Southwesterly of the following described line:

From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet West of the Southeast corner thereof, run Northwesterly at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run Southeasterly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degree 20 minutes 35.2 seconds) for 867.16 feet and there terminating. Block 1, Pearson's Northport 3rd Addition.

Subject to restrictions created by the record found in Book 2034 of Deeds, page 506;

Subject to drainage, emergency water and utility easements as described in the plat;

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
T459044	Order of Court	May 5, 1955 8:00 AM		Directing that Judicial Landmark be shown as placed at the Northeast corner of said lot
T1062481	Easement	Feb 22, 1973 10:55 AM		City of Brooklyn Center. Granting an easement for sidewalk purposes over pt of above land (See Inst)
T1809325	Mortgage	Mar 4, 1987 9:00 AM	\$58,750.00	Residential Financial Corp (a NJ corp) 1445 Valley Road, Wayne, NJ



In Witness Whereof, I have hereunto subscribed my name and affixed the seal of my office this 2nd day of September, 2014.

Martin McCormick

Registrar of Titles,

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

Certificate of Title

Certificate Number: 1483315

Created by Document Number: **5609800**

Transfer from: **1325024**

Originally registered May 17, 1955 Volume: 769, Certificate No: 233667, District Court No: 12479

State of Minnesota

County of Hennepin



S.S.

Registration

This is to certify that

Economic Development Authority of Brooklyn Center, Minnesota, a MN public body corporate and politic, whose address is 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota, 55429;

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:

That part of Lot 4, Block 5, lying South of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace

Part of the boundaries of the above plat have been determined and Judicial Landmarks have been set, all pursuant to Torrens Case No 8655;

Subject to utility easements as shown on the plat;

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, petition, or other proceeding affecting the title, 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
T625441	Declaration	May 4, 1960 12:00 PM		Creating restrictions & conditions & covenants (See Inst)
T661790	Agreement	Jul 5, 1961 12:00 PM		Between Homedale Builders, Inc., Fred William Ames & Ben Holmes & Carol J. Holmes, hus & wf. Amending set-back requirement as contained in Doc No. 625441 (See Inst)
T662452	Order of Court	Jul 12, 1961 11:15 AM		Directing that the setback provision contained in Doc No. 625441 has been modified by agreement contained in Doc No. 661790.
T692814	Agreement	Jun 4, 1962 3:10 PM		Between Homedale Builders, Inc. & Ben Holmes & Carol J. Holmes, hus & wf. Amending Par 5 in Doc No. 625441 (See Inst)
T914924	Final Certificate	Jul 17, 1968 2:00 PM		State of Minnesota: Acquiring certain easements and rights for trunk highway purposes over part of above land. Parcel 25

Memorials				
Document Number	Document Type	Date of Filing Month Day, Year Time	Amount	Running in Favor Of
T1032875	Easement	Jun 2, 1972 11:10 AM		City of Brooklyn Center. Granting an easement for sidewalk purposes &c over pt of above land. (See Inst)
T1484376	Amendment	Oct 7, 1982 10:00 AM		State of Minnesota. For highway purposes Parcel No. 35. Amending Doc No. 914924.
T2035836	Quit Claim Deed	Aug 29, 1989 10:00 AM		County of Hennepin from State of Minnesota for highway purposes Land in Doc No. 1484376.
T5609799	Memorial Plat	May 2, 2019 9:00 AM		Regarding location of judicial landmarks.

Indexes Verified through 8/11/2020



In Witness Whereof, I have hereunto subscribed my name and affixed the seal of my office this 2nd day of May, 2019.

Martin McCormick

Registrar of Titles,

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

Certificate of Title

Certificate Number: 1483312

Created by Document Number: **5609800**

Transfer from: **1314308**

Originally registered May 17, 1955 Volume: 769, Certificate No: 233667, District Court No: 12479

State of Minnesota

County of Hennepin



S.S.

Registration

This is to certify that

Economic Development Authority of Brooklyn Center Minnesota a Minnesota body corporation and politic, whose address is 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota, 55430

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:

That part of Lot 4, Block 5 lying North of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace

Part of the boundaries of the above plat have been determined and Judicial Landmarks have been set, all pursuant to Torrens Case No 8655;

Subject to utility easements as shown on plat;

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, petition, or other proceeding affecting the title, 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
T914924	Final Certificate	Jul 17, 1968 2:00 PM		State of Minnesota. For highway purposes Parcel No 36
T1060420	Easement	Jan 26, 1973 3:30 PM		City of Brooklyn Center. Granting an easement for sidewalk purposes over pt of above land (See Inst)
T2035836	Quit Claim Deed	Aug 29, 1989 10:00 AM		County of Hennepin from State of Minnesota for highway purposes. Land in Doc No 1484376
T5609799	Memorial Plat	May 2, 2019 9:00 AM		Regarding location of judicial landmarks.



In Witness Whereof, I have hereunto subscribed my name and affixed the seal of my office this 2nd day of May, 2019.

Martin McCormick

Registrar of Titles,

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



LAND TYPE Torrens (T)

DOC NUM 5773408

Certified, filed and/or recorded on
Nov 24, 2020 8:00 AM

Office of the Registrar of Titles
Hennepin County, Minnesota
Martin McCormick, Registrar of Titles
Mark Chapin, County Auditor and Treasurer

Deputy 26

Pkg ID 2116343E

Document Recording Fee	\$46.00
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Multiple Certificates Affected Fee	\$40.00
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Document Total	\$86.00
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Existing Certs

1392052, 1483315, 1483312

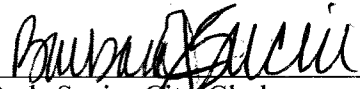
**CITY OF BROOKLYN
CENTER HENNEPIN COUNTY, MINNESOTA**

NOTICE OF COMPLETION OF VACATION PROCEEDINGS

The undersigned City Clerk of the City of Brooklyn Center does hereby certify:

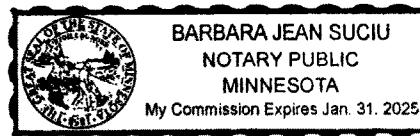
1. That the City Council of the City of Brooklyn Center held a public hearing on October 12, 2020, regarding the vacation of certain easements, located on Lot 4, Block 5, WANGSTAD'S BROOKLYN TERRACE, Hennepin County, Minnesota and Lot 1, Block 1, PEARSON'S NORTHPORT 3RD ADDITION, Hennepin County, Minnesota (the "**Easements**").
2. That due notice of the public hearing was given to all affected property owners as required by state law at the time of the vacation.
3. That due notice was published in the City's official newspaper and posted at least two weeks prior to the date of the public hearing as required by state law at the time of the vacation.
4. That following the public hearing, the City Council approved a resolution vacating the Easements (the "**Vacation Resolution**").
5. That a true and correct copy of the Vacation Resolution adopted by the City Council is attached hereto as Exhibit A.
6. That the vacation proceedings complied in all respects with the procedures specified by the City Charter and state law at the time of the vacation.

Dated this ____ day of October 2020.


Barb Suci, City Clerk

STATE OF MINNESOTA)
 SS.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 21st day of October 2020, by Barb Suci, the City Clerk of the City of Brooklyn Center, Minnesota, a municipal Corporation under the laws of the State of Minnesota.



Drafted By:

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

EXHIBIT A
Certified Copy of the Vacation Resolution

Member Graves introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-091

A RESOLUTION VACATING CERTAIN EASEMENTS WITHIN LOT 4, BLOCK 5, WANGSTAD'S BROOKLYN TERRACE, HENNEPIN COUNTY, MINNESOTA AND LOT 1, BLOCK 1, PEARSON'S NORTHPORT 3RD ADDITION, HENNEPIN COUNTY, MINNESOTA

WHEREAS, the Planning Commission has recommended approval for the plat entitled Robertson and Brekke's Brooklyn Boulevard First Addition (the "Plat") based on certain conditions as set forth in the City Council Resolution No. 2020-067 and Planning Commission Resolution No. 2020-005; and

WHEREAS, the Plat includes certain real property situated in Hennepin County located at 6031 Brooklyn Blvd; 6037 Brooklyn Blvd; and 6045 Brooklyn Blvd all located within the City of Brooklyn Center and as legally described on the attached Exhibit A (the "Properties");

WHEREAS, certain public easements currently exist on the Properties which as a result of the Plat are either no longer needed, or are being replaced by new easements covering the Properties within the Plat; and

WHEREAS, the specific easements proposed to be vacated are as legally described on the attached Exhibit B and as depicted on the attached Exhibit C (collectively the "Vacated Easements"):

WHEREAS, after due notice and public hearing, the City Council has determined that the Vacated Easements will be no longer needed once the Plat is recorded; and the vacation of the Vacated Easements is in the public interest;

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

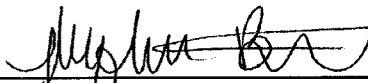
1. The City hereby declares that the Vacated Easements described in the attached Exhibit B and as depicted on the attached Exhibit C are hereby vacated.
2. The City Clerk is directed to prepare a Notice of Completion of Vacation Proceedings and to record it with the Hennepin County Recorder or Hennepin County Registrar of Titles, as appropriate; provided, that this resolution will only take effect upon the release and filing of the final plat of Robertson and Brekke's Brooklyn Boulevard First Addition, execution and filing of associated and separate rededicated easements, and upon execution and filing the subdivision agreement for said associated development.

Adopted this 12th day of October, 2020

ATTEST:



City Clerk



Mayor Pro Tem

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, Lawrence-Anderson, Ryan

and the following voted against the same: None

whereupon said resolution was declared duly passed and adopted.

Exhibit A
Legal description of the Properties

Parcel 1:

Lot 1, except that part thereof which lies Northeasterly of a line run parallel with and distant 42 feet Southwesterly of the following described line:

From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet West of the Southeast corner thereof, run Northwesterly at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run Southeasterly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degree 20 minutes 35.2 seconds) for 867.16 feet and there terminating. Block 1, Pearson's Northport 3rd Addition.

Torrens Property
Torrens Certificate No. 1392052.
PID: 0311821120015

Parcel 3:

That part of Lot 4, Block 5, lying South of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace.

Torrens Property
Torrens Certificate No. 1483315.
PID: 0311821120098

Parcel 4:

That part of Lot 4, Block 5 lying North of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace.

Torrens Property
Torrens Certificate No. 1483312.
PID: 0311821120087

Exhibit B
Legal description of the Vacated Easements

Vacated Easement over Parcel 1:

Lot 1, Block 1, Pearson's Northport Third Addition, according to the duly recorded plat thereof, situate in Hennepin County, Minnesota, except State Highway, which lies northeasterly of a line run parallel with and distant 46 feet southwesterly of the following described line:

From a point on the south line of Section 34, Township 119 north, Range 21 west, distant 1741.08 feet west of the southeast corner thereof, run northwesterly at an angle of $68^{\circ} 01' 52.3''$ with said south section line for 432.38 feet to the point of beginning of the line to be described; thence run southeasterly along the last described course for 100 feet; thence deflect to the right on a $2^{\circ} 00'$ curve (delta angle $17^{\circ} 20' 35.2''$) for 867.16 feet and there terminating.

Vacated Easement over Parcel 3:

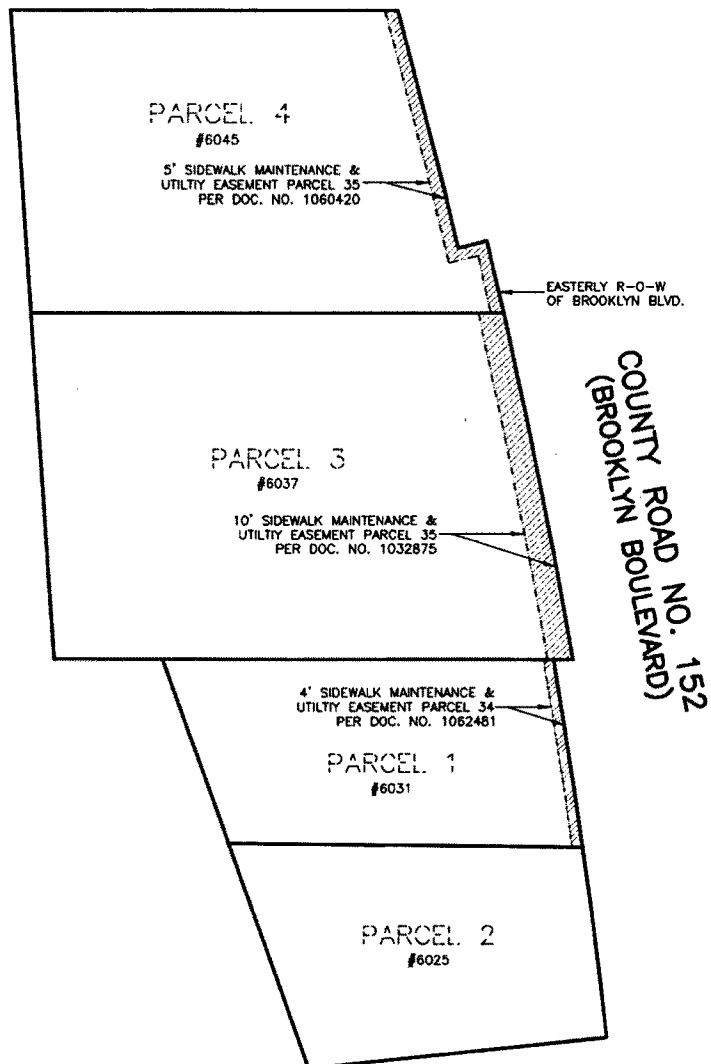
The south 138 feet of Lot 4, Block 5, Wangstad's Brooklyn Terrace Addition, according to the title of record, Office of the Registrar of Titles, Hennepin county, Minnesota, which lies within a distance of 10 feet southwesterly of the southwesterly boundary of State Highway No. 152 as now located and traveled.

Vacated Easement over Parcel 4:

That part of Lot 4, Block 5, Wangstad's Brooklyn Terrace Addition; lying north of a line drawn parallel with and 138 feet north of as measured at right angles to the south line of said Lot 4, according to the duly recorded plat thereof, office of the Registrar of Titles, Hennepin county, Minnesota, which lies within a distance of 5 feet southwesterly of the southwesterly boundary of State Highway No. 152 as now traveled and located.

Exhibit C
Depiction of the Vacated Easements

EXHIBIT



PROPERTY DESCRIPTIONS

PARCEL 1:

Lot 1, except that part thereof which lies Northeastly of a line run parallel with and distant 42 feet Southwestly of the following described line: From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet West of the Southeast corner thereof, run Northwestly at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run Southeastly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degree 20 minutes 35.2 seconds) for 867.16 feet and there terminating. Block 1, Pearson's Northport 3rd Addition, Hennepin County, Minnesota.

Torrens Property
Torrens Certificate No. 1392052.

PARCEL 3:

That part of Lot 4, Block 5, lying South of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.

Torrens Property
Torrens Certificate No. 1483315.

PARCEL 4:

That part of Lot 4, Block 5 lying North of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.

Torrens Property
Torrens Certificate No. 1483312.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

W. BROWN LAND SURVEYING, INC.

DATED: 08-28-2020

WOODROW A. BROWN, R.L.S. MN REG 15230



W. BROWN LAND SURVEYING, INC.

8030 CEDAR AVENUE So., SUITE 228.

BLOOMINGTON, MN 55425

Bus: (952) 854-4055

FAX: (952) 854-4268

EMAIL: INFO@WBROWNLANDSURVEYING.COM

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 an in-person public hearing on **Thursday, May 9, 2024** at approximately 7:00 p.m. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.brooklyncentermn.gov/>. 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 and Final Plat

APPLICANT | PROPERTY

OWNER: C Alan Homes LLC

PROPERTY ADDRESSES

PLIDS:

6025, 6031, 6037, and 6045
Brooklyn Boulevard, Brooklyn
Center, MN 55429 |
03-118-21-12-0016,
03-118-21-12-0015,
03-118-21-12-0098, and
03-118-21-12-0087

BRIEF STATEMENT OF CON-

TENTS OF PETITION: The Applicant and Property Owner is requesting a review and consideration of certain preliminary and final plats approved by the City of Brooklyn Center in 2020. As the final plat was not recorded with Hennepin County within one (1) year following City Council approval, the final plat is considered void and re-approval of the plat is required per Section 35-8000 (Subdivisions and Planned Unit Developments).

Comments and questions may be forwarded to gmcintosh@brooklyncentermn.gov up until 4:30 pm on the day of the meeting, or by contacting Ginny McIntosh at (763) 569-3319. 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: legis.webex.com

Meeting Number (Access Code):

2630 082 8737

Password: BCPC05092024

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,
Ginny McIntosh
Planning Manager

Published in the
Sun Post
April 25, 2024
1389661



May 10, 2024

C Alan Homes LLC
Attn: Terry Robertson
19782 Henning Avenue
Lakeville, MN 55044

RE: City of Brooklyn Center, MN Planning Commission Application No. 2024-006
Request for Re-Approval of the Preliminary and Final Plats for Robertson and Brekke Brooklyn
Boulevard Addition

Mr. Robertson,

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 9, 2024, which means the City's 60-day time limit would expire on June 8, 2024.

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 per email and phone communication received from you on May 9, 2024 that noted your inability to attend the scheduled public hearing at the May 9, 2024 Planning Commission meeting, and your request to continue the public hearing to the June 13, 2024 Planning Commission meeting so that you could attend. The new deadline for completing the review and final action on this application is now August 7, 2024.

As the public hearing had already been published in the Brooklyn Center *Sun Post* for the May 9, 2024 Planning Commission meeting, the Planning Commission opened the hearing to receive public comment as there was representation from the public and elected to continue the public hearing to the June 13, 2024 Planning Commission Meeting, to be held at 7 p.m. at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430.

If you have any questions or concerns, please feel free to call me at (763) 569-3319 or by email at: gmcintosh@brooklyncentermn.gov.

Sincerely,

Ginny McIntosh
Planning Manager

From: Luba Evarts [REDACTED]
Sent: Thursday, May 9, 2024 5:57 AM
To: Ginny McIntosh
Subject: C Alan homes

Council members

I would like to open this letter by reminding our Mayor of an article dated Nov. 2023 about how frustrated she was with the planning process and was quoted as saying

"It doesn't feel like you've listened"

to Mike Lindberg of MNDOT.

When this was first proposed I was very against the overcrowding (as I see it) of my neighborhood, still am. Please understand that I am not against the development of this property, I am against the overcrowding, the lack of parking, the lack of green space that would be available to the residents. It was proposed to have 30 parking spaces available for 18 residences. I believe the city of Brooklyn center requires 2 parking spaces per residence. You, city of Brooklyn center council members has rejected other housing proposals because of parking issues. This was an office building to change into an apartment building, but was rejected for concerns of parking. And a couple other things. Yet you council members passed this ridiculousness. You city council members, shut us down - you did not take into consideration our concerns. It doesn't feel like you've listened. Hmmm

C Alan homes seems to be having a difficult time finishing the first two (of seven) buildings at 60th and Brooklyn Blvd. It has been 4 YEARS since it has begun and but not yet completed or opened for rent. Their reliability is questionable. This is such a disservice to our community. I really don't want to live in a continuous construction zone. If it takes 4 + years to complete 2 triplexes, how long will it take to complete 7? Or 13?

And why can't I attend a meeting
IN PERSON????

A concerned 30+ year resident
Luba Evarts

MEMORANDUM

DATE: August 17, 2020

TO: Ginny McIntosh, City Planner/Zoning Administrator

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Preliminary Site Plan & Plat Review – **Revised**
Brooklyn Boulevard 6000 Brooklyn Blvd Tri-plexes

Public Works staff reviewed the following documents submitted for review for the proposed 6000 Brooklyn Blvd Tri-plexes (Planning Commission Application No. 2020-004):

- Preliminary Plans and plat submitted 07/24/2020

Subject to final staff Site Plan approval, the referenced plans must be revised in accordance with the following comments/revisions and approved prior to issuance of Land Alteration permit.

C000 Title Sheet

1. No comments.

C100 Removals Plan

2. Right of Way along Brooklyn Blvd is owned by Hennepin County. Obtain necessary permits prior to work with in Hennepin County Right of Way.
3. Protect existing bus stop sign along Brooklyn Blvd. Coordinate with Metro Transit to maintain bus service.
4. Remove the existing sidewalk from bus stop to south end of property.
5. Remove curb for proposed concrete drive to Brooklyn Blvd.
6. Remove existing service stubs to back of curb along Brooklyn Blvd.
7. Removal for utility connections in street shall extent curb to curb or to drive lane, no partial width removals.

C200, 202 and 202 – SWPPP Plans

8. No comments.

C210 and 211 – Erosion Control Plans

9. No comments.

C300 – Site Plan

10. Need to provide parallel sidewalk along back side of new curb.
11. All utilities and storm water management facilities to be within a drainage & utility easement.
12. Remove curb bump outs or relocate to property lines.
13. Add No Right Turn sign on Brooklyn Blvd for south exit.
14. Show location of ADA stalls & access routes.
15. Only 40 stalls shown on plans (lost 2 for trash) – should provide 2.5 stalls per unit.
16. Reduce width of exit to 1 lane of traffic (12'-15' or 20' if part of emergency access route).
17. Eliminate southern lot (incorporate into most southern building lot).
18. Site triangles at entrance/exits of development shall be free and clear of any obstructions.

19. Provide detailed vehicle turning and tracking movement diagrams for delivery vehicles and garbage trucks demonstrating specific and actual routes.
20. Use City Detail for City driveway aprons.
21. Developer removes the existing sidewalk and installs a 1.5" bituminous trail to ensure that their grading and elevations work. There is approximately 375' of trail from the south property line to the bus stop pull off. The City Brooklyn Blvd Project will then install the final 1.5" bituminous lift on the trail and the pedestrian curb ramp at 61st Avenue with the road project.

C400 – Grading and Drainage Plan

22. All city roadway embankment material installed within pavement patching areas of existing roadways shall be placed in lifts not to exceed 8-inches and compacted to a minimum of 100 percent of maximum density regardless of depth below the final pavement surface. The Engineer shall take a minimum of three (3) compaction tests at varying elevations within the pavement patch area.
23. Provide retaining wall elevations/grades.
24. Retaining walls over 3' in height need to be certified by engineer and must include a safety railing/fence.
25. Verify constructability of OCS4, CBMH5 & CBMH6 with 36" pipe.
26. Verify that OCS4 to CBMH6 can be constructed without encroaching on adjacent property.
27. Storm sewer & infiltration areas to be privately owned & maintained.
28. Elevations on OCS8 are not correct/match up with detail.
29. Adjust elevations of the FES's to match basin bottom elevations.
30. There appears to be a number of typos in the spot elevations & slopes, please review & adjust accordingly.

C500 – Utility Plan

31. 8" watermain to be looped out to Brooklyn Blvd.
32. Provide separate service line to each bldg. or provide joint maintenance agreements for service lines.
33. They don't make 2" DIP, adjust water main notes accordingly.
34. All on-site utility lines to be privately owned and maintained.
35. Verify water service sizes.
36. Provide on-site fire hydrant.
37. They don't make a 12.5 degree watermain bend.
38. Minimum sanitary sewer service pipe size to be 4".
39. Extend sanitary line and move Sanitary Manhole #10 overtop of existing main for connection location.
40. All improvements installed within public rights of way shall be constructed to City specifications/details.

C900, 901, 902 and 903 – Details

41. All work performed and materials used for construction of utilities must conform to the City standard specifications and details. The City's standard details must be included in the plan.
42. Update to use current City plates.

Preliminary Plat/Final

43. Drainage & Utility easements shall be adjusted to cover all shared/common utility lines (sanitary sewer, watermain, storm sewer) along with any storm water management features.
44. City & County will review permanent rights of way and easement needs along Brooklyn Blvd (Plats to be reviewed by Hennepin County Engineer).
45. Provide required separate cross access/cross parking easements.
46. Provide required separate trail & sidewalk easements.
47. Change Bloomington to Brooklyn Center in signature areas.
48. It appears that all property is Torrens, adjust Document block and signature blocks accordingly
49. Combine Outlot A with Lot 7.
50. Label & dimension proposed rights of way dedications
51. Change dedication language to include rights of way dedications
52. Need working copy of the preliminary plat to show all vacated easements, proposed easements, existing and proposed utilities and provide all easement documents for the City for review. A 10' drainage and utility easement must be dedicated on the plat around the entire perimeter of the site. An additional utility easement must be dedicated on the plat for the private water main and sanitary to allow for maintenance access per the Developers Agreement.
53. Legal descriptions and easement vacation documents must be obtained for all existing easements. Existing public easements as determined by the City must be vacated, and proposed easements must be dedicated as part of the preliminary and final platting process. The formal vacation document must contain an easement vacation description and depiction exhibit signed by a professional surveyor.
54. An updated certified abstract of title or registered property report must be provided to the City Planner and City Attorney for review at the time of the preliminary plat application (within 30 days of preliminary plat application). Additionally, this will need to stay current and be updated through the approval process as required to maintain and be current within 30 days of the release of final plat.
55. The applicant is responsible for coordinating site development plans with Xcel Energy, CenterPoint Energy, Qwest Communications and other private utility companies. Any further easements necessary to provide utility service to the proposed site development shall be dedicated to the public for public use with the final plat.
56. Provide right-out only at southern property line. This access must be documented in the PUD agreement for this parcel and the necessary cross access agreements will be required. This access is to be limited to right-out only with future Brooklyn Blvd reconstruction project that will include a raised center median.

Miscellaneous

57. See redlines for additional site plan comments.
58. Provide landscape and irrigation plan.
59. Provide share access agreement and easement at south property line incase properties south of plan are redeveloped.

60. Upon project completion, the applicant must submit an as-built survey of the property, improvements and utility service lines and structures; and provide certified record drawings of all project plan sheets depicting any associated private and/or public improvements, revisions and adjustments prior to issuance of the certificate of occupancy. The as-built survey must also verify that all property corners have been established and are in place at the completion of the project as determined and directed by the City Engineer.
61. Inspection for the private site improvements must be performed by the developer's design/project engineer. Upon project completion, the design/project engineer must formally certify through a letter that the project was built in conformance with the approved plans and under the design/project engineer's immediate and direct supervision.(see attached template letter) The engineer must be certified in the State of Minnesota and must certify all required as-built drawings (which are separate from the as-built survey).
62. The total disturbed area exceeds one acre; an NPDES permit is required. In addition, the total disturbed area is less than five acres. The applicant has submitted plans to the City of Brooklyn Center for project review on behalf on the Shingle Creek Watershed Commission. Provide an updated storm water plan that meets the requirements of the Shingle Creek Watershed Commission by revising the proposed 100yr storm event to below the existing run-off rate. Basin/storage must drain down in 48 hours.
63. The City has submitted the plans to Hennepin County for review. Applicant must meet requirements from Hennepin County's review.
64. Utility Facilities Easement Agreement required.

Prior to issuance of a Land Alteration

65. Final construction/demolition plans and specifications need to be received and approved by the City Engineer in form and format as determined by the City. The final plan must comply with the approved preliminary plan and/or as amended by the City Engineer.
66. A letter of credit or a cash escrow in the amount of 100% of the estimated cost as determined by City staff shall be deposited with the City.
67. During construction of the site improvements, and until the permanent turf and plantings are established, the developer will be required to reimburse the City for the administration and engineering inspection efforts. Please submit a deposit of \$2,500 that the City can draw upon on a monthly basis.
68. A construction management plan and agreement is required that addresses general construction activities and management provisions, traffic control provisions, emergency management provisions, storm water pollution prevention plan provisions, tree protection provisions, general public welfare and safety provisions, definition of responsibility provisions, temporary parking provisions, overall site condition provisions and non-compliance provisions. A separate \$2,500 deposit will be required as part of the non-compliance provision.

Anticipated Permitting:

69. A City of Brooklyn Center Land Disturbance Permit is required.

- 70. Applicant to obtain required permits to work in County right-of-way.
- 71. A MPCA NPDES permit is required.
- 72. Conditions specified by the City to meet the requirements of the Shingle Creek Watershed Commission must be met.
- 73. Other permits not listed may be required and is the responsibility of the developer to obtain and warrant.
- 74. Copies of all required permits must be provided to the City prior to issuance of applicable building and land disturbance permits.
- 75. A preconstruction conference must be scheduled and held with City staff and other entities designated by the City.

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.

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO.

RESOLUTION REGARDING RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2024-006 SUBMITTED BY C ALAN HOMES LLC FOR RE-APPROVAL OF THE PRELIMINARY AND FINAL PLAT FOR ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION (6025, 6031, 6037, AND 6045 BROOKLYN BOULEVARD)

WHEREAS, Planning Commission Application No. 2024-006 was submitted by C Alan Homes LLC (“the Applicant”) requesting re-approval of the preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION, which would divide the four properties currently addressed as 6025, 6031, 6037, and 6045 Brooklyn Boulevard (“the Subject Property”) into seven (7) new triplex lots; and

WHEREAS, the Subject Property was formerly owned by the City of Brooklyn Center’s Economic Development Authority, and following approval of Planning Commission Application No. 2020-004 and City Council Resolution No. 2020-067, which granted approvals for the preliminary and final plat, site and building plan, and establishment of a Planned Unit Development, the Subject Property was subsequently sold to C Alan Homes LLC in December 2020; and

WHEREAS, conveyance of the Subject Property required the Applicant to enter into a Purchase and Development Agreement and Declaration of Restrictive Covenants, which was filed with Hennepin County on December 30, 2020 as Document No. 5777831; and

WHEREAS, certain sidewalk maintenance and utility easements were vacated by City Council under City Council Resolution No. 2020-091, and the easement vacations recorded with Hennepin County in 2020 under Document No. 5773408; and

WHEREAS, the Applicant ran into delays in filing the final plat (mylar) for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION following a request from Hennepin County for certain property contained within the Subject Property to be quit claimed to the County for highway right-of-way purposes, which resulted in the City of Brooklyn Center and Applicant working through the execution of a separate Quit Claim Deed and partial release of the Purchase and Development Agreement and Declaration of Restrictive Covenants in March 2022; and

WHEREAS, Section 35-8107.5 (*Final Plat*) of the City of Brooklyn Center City Code requires the Applicant to file the final plat (mylar) with Hennepin County within one (1) year following City Council approval, and as the plat was not recorded in time, the plat is now considered void; and

RESOLUTION NO.

WHEREAS, Hennepin County has a copy of the County approved plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION on file; however, as two (2) years have passed since its initial approval, updated title work and a current copy of the plat is required for review and before any plat recording; and

WHEREAS, a public hearing was noticed in the Brooklyn Center *Sun Post* on April 25, 2024, and a hearing scheduled for May 9, 2024; however, the Applicant requested the hearing be continued due to the Applicant's inability to attend the meeting; and

WHEREAS, as members of the public were present, the Planning Commission held a duly called public hearing, whereby a staff report was presented, and the public hearing was opened to allow for public testimony; and

WHEREAS, a motion to continue the public hearing to the June 13, 2024 Planning Commission meeting was requested by the Planning Commission, a 60-day letter of extension was issued to the Applicant in accordance with Minnesota Statutes Section 15.99 Subd. 3(f), and the hearing was ultimately continued at the June 13, 2024 Planning Commission meeting where additional public testimony was provided for the record; and

WHEREAS, the City Council of the City of Brooklyn Center has determined during its review of the preliminary and final plat that said plat is in general conformance with Chapter 35 of the City Code of Ordinances and Sections 35-8106 (*Preliminary Plat*), 35-8107 (*Final Plat*), and 35-5100 (*Dimensional Standards Summary*), and the approximately 1.65-acre Subject Property and proposed development meets minimum lot width and area requirements as the allowable density range for the underlying Neighborhood Mixed-Use zoning designation is 15 to 31 dwelling units per acre (DU/Acre) and the development, as proposed, would fall within this range at 21 dwelling units.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Commission Application No. 2024-006, as submitted by C Alan Homes LLC, and requesting re-approval of the preliminary and final plats for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION, be approved based upon the findings of fact in the Planning Commission staff report last revised June 13, 2024, submitted documentation and plans, and as amended by the following conditions of approval:

1. Re-approval of the preliminary and final plats for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION are contingent upon the addressing of any remaining comments by Assistant City Engineer Hogg in his memorandum dated August 17, 2020.
 - a. The preliminary and final plat shall be further revised to dedicate certain trail easement.
2. The preliminary plat, final plat, and mylar shall be subject to the provisions as outlined under Chapter 35 (*Unified Development Ordinance*), Section 35-8106 (*Preliminary Plat*),

RESOLUTION NO.

and Section 35-8107 (*Final Plat*).

- a. The preliminary plat shall be reviewed against the most recent version of the final plat approved by Hennepin County and updated accordingly.
- b. The preliminary plat shall be updated to reflect the existing zoning classification and total approximate acreage.
3. Any comments and/or requirements as provided by Hennepin County.
4. Any comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title/title commitment.
5. The successful recording of said plat (mylar) with Hennepin County.

June 24, 2024

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.

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

MAY 9, 2024

1. CALL TO ORDER

The Planning Commission meeting was called to order by Chair Koenig at 7:18 p.m. The meeting was conducted in person and via Webex.

2. ROLL CALL

Chair Alexander Koenig, Vice Chair Randy Christensen, and Commissioners Paris Dunn, and Stephen Schonning were present. Planning Manager Ginny McIntosh and Associate Planner Krystin Eldridge were also present.

Commissioners Leino and Jones were absent and excused.

3. APPROVAL OF AGENDA – MAY 9, 2024

There was a motion by Commissioner Schonning, seconded by Commissioner Christensen to approve the agenda for the May 9, 2024 meeting as presented.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn voted aye. The motion passed unanimously.

4. CHAIRPERSON’S EXPLANATION

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

5. PLANNING APPLICATION ITEMS

5a. Planning Commission Application No. 2024-008

Applicant:

Independent School District #286 (Brooklyn Center Community Schools)

Summary:

Independent School District #286 is requesting an ordinance amendment to Chapter 35 of the City Code to allow for “public and private elementary and secondary schools offering a regular course of study” as a conditional use within the

Chair Koenig pointed out the church is near a park. Ms. Fadina stated they hope to build a fenced-in playground eventually. Also, she has a large van that they use for field trips. They plan to update the space as money allows.

Tim F., representative of Brookdale Covenant Church, noted the Church's support of the proposal. It would be a great benefit to the community.

Commissioner Christensen thanked the Church for offering its parking lot for use for community events.

Commissioner Dunn asked if she gets referrals from the public schools. Ms. Fadina stated her business has been word-of-mouth, but she hopes to increase the marketing as she has more space. She pointed out the families happen to drop off the kiddos at various time, so there isn't a huge traffic impact at any one time.

Commissioner Dunn asked if the students would be able to access the other parts of the church. Ms. Fadina stated the exterior doors would be locked and entry would only be allowed for BCC staff and childcare personnel. The childcare rooms can also be locked. They are working out the details of accessing the childcare area in a safe way such as through a keypad.

ACTION TO RECOMMEND APPROVAL OF PLANNING COMMISSION APPLICATION NO. 2024-005 SUBMITTED BY BRIGHT FUTURE CHILD CARE CENTER AND BROOKDALE COVENANT CHURCH

There was a motion by Commissioner Schonning, seconded by Commissioner Christensen, to recommend City Council approval of Planning Commission Application No. 2024-005 for approval of a conditional use permit (CUP) for a Place of Religious Assembly and Licensed Childcare Center, located at 5139 Brooklyn Boulevard, subject to the Applicant complying with the Approval Conditions.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn voted aye.

And the following voted against the same: None

The motion passed unanimously.

5e.	Planning Commission Application No. 2024-006
Applicant Property Owner:	C Alan Homes LLC
Address (PID):	6025, 6031, 6037, and 6045 Brooklyn Boulevard (03-118-21-12-0016, 03-118-21-12-0015, 03-118-21-12-0098, and 03-118-21-12-0087)
Summary:	C Alan Homes LLC is requesting review and consideration for the re-approval of

preliminary and final plats originally approved by the City of Brooklyn Center in 2020. As the final plat was not recorded with Hennepin County within one (1) year following City Council approval, the final plat is considered void and re-approval of the plat is required per Section 35-8000 (Subdivisions and Planned Unit Developments).

Planning Manager Ginny McIntosh noted the applicant has requested the public hearings be tabled until the June 13 Planning Commission meeting as he wasn't able to attend that evening. The Commission could still receive the presentation and any public comment at the present meeting.

Chair Koenig asked if anyone was interested in commenting on the item. Someone from the audience indicated their interest in commenting. Chair Koenig stated they would still be able to provide comment.

Ms. McIntosh explained C Alan Homes LLC is requesting re-approval of a preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION which was initially approved by City Council under Planning Commission Application No. 2020-004 and City Council Resolution No. 2020-067. Said application also included requests for approval of a site and building plan and establishment of a Planned Unit Development for a series of seven triplexes and related site improvements on what was formerly land owned by the City of Brooklyn Center Economic Development Authority (EDA), and commonly addressed as 6025, 6031, 6037, and 6045 Brooklyn Boulevard. The south site is 1.65 acres, and the north site is 0.9 acres. The sites are in the PUD/Neighborhood Mixed-Use zoning district, and the future designation is Neighborhood Mixed Use.

Ms. McIntosh noted although the applicant successfully purchased the property in late 2020, and a single Purchase and Development Agreement was executed for what were two sets of properties intended for a scattered site triplex development, the applicant and property owner ran into delays with the property, which was the first to go under construction. This was following a request by Hennepin County that certain property contained within the plat be quit claimed to the County for right-of-way purposes. This resulted in the need for a partial release of the Purchase and Development Agreement and Declaration of Restrictive Covenants and Quit Claim Deed for this property in March 2022.

Ms. McIntosh stated it was during this time frame that the Applicant's lender stopped funding the project and the applicant entered into two years of litigation to keep the development afloat. The request for re-approval of the preliminary and final plats is more imminent at this time as the applicant and property owner recently entered into a voluntary foreclosure proceeding with a short redemption period.

Ms. McIntosh stated the applicant has indicated that they are now in the process of re-financing the project and have partnered with developer Devean George; however, the preliminary and final plats require a re-approval from the City and the applicant will also separately require approval of an Amended Development Agreement as they are currently in default given the project was not completed within the timeframe outlined.

Ms. McIntosh pointed out City Staff reached out to the Hennepin County Survey Division and they confirmed they still have the plat information on file; however, because two years have passed since the initial approval, they would require updated, current title work, which the City also requires, as well as the most recent copy of the plat.

Ms. McIntosh stated as part of the 2020 application and review, it was requested that legal descriptions and easement vacations for all existing easements and certain vacations of existing public easements, as determined by the City, be submitted. The applicant shall also provide and maintain a current abstract of title and title commitment for City Attorney and Hennepin County review.

Ms. McIntosh noted former Assistant City Engineer, Andrew Hogg, initially review the plats and provided a memorandum and redlined set of comments dated August 4, 2020. A 10-foot drainage and utility easement was noted as required for dedication around the entire perimeter of the property. An additional utility easement shall be dedicated on the plat to allow for any future maintenance of private water mains and sanitary sewer per Development Agreement requirements. The trail and necessity of an easement will also need to be addressed. Ms. McIntosh later showed the list of conditions of approval.

Ms. McIntosh added due to the nature of the requests, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024. Mail notifications were sent to those property owners and residents located in vicinity of the Subject Property, and public hearing notice uploaded to the City's website. A link to the public hearing notice was also published on the City's website and sent out by email to subscribers of the City's weekly events bulletin. City Staff is in receipt of one public comment received by email.

Ms. McIntosh noted the site and building plans are still active and contingent upon approval of an amended Development Agreement by the City's Economic Development Authority. The issues with the site, in that construction has begun and the lots have not been recorded, would remain even if a new owner were to take over the property. The south site was the driver in the delays due to intervention of Hennepin County. Some of the property needed to be converted back to right of way. Ultimately, the plats aren't recorded, which presents challenges.

OPEN TO PUBLIC COMMENTS – APPLICATION NO. 2024-006

There was a motion by Commissioner Schonning, seconded by Commissioner Dunn, to open the public hearing on Application No. 2024-006.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn voted aye. The motion passed unanimously.

Keith K. asked how many buildings could be on each lot. Ms. McIntosh stated there is a plan for one triplex on each lot. Keith K. asked how many buildings will be built. Ms. McIntosh stated seven triplexes will be built.

MOTION TO CLOSE PUBLIC COMMENTS (HEARING)

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to table public hearing to the June 13, 2024 Planning Commission meeting, to be held at Brooklyn Center City Hall, 6301 Shingle Creek Parkway, at 7:00 p.m.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn voted aye. The motion passed unanimously.

ACTION TO RECOMMEND APPROVAL OF PLANNING COMMISSION APPLICATION NO. 2024-006 SUBMITTED BY C ALAN HOMES LLC

This was not addressed as the item was tabled to the June 13, 2024 Planning Commission meeting, to be held at Brooklyn Center City Hall, 6301 Shingle Creek Parkway, at 7:00 p.m.

5f. Planning Commission Application No. 2024-007

Applicant | Property Owner:

C Alan Homes LLC

Address (PID):

6921, 6927, 6933, 6939 Brooklyn Boulevard
(27-119-21-33-0014, 27-119-21-33-0013,
27-119-2133-0012, and 27-119-21-33-0011)

Summary:

C Alan Homes LLC is requesting review and consideration for the re-approval of preliminary and final plats originally approved by the City of Brooklyn Center in 2020. As the final plat was not recorded with Hennepin County within one (1) year following City Council approval, the final plat is considered void and re-approval of the plat is required per Section 35-8000 (Subdivisions and Planned Unit Developments).

Ms. McIntosh explained C Alan Homes LLC is requesting re-approval of a preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION which was initially approved by City Council under Planning Commission Application No. 2020-005 and City Council Resolution No. 2020-068. Said application also included requests for approval of a site and building plan and establishment of a Planned Unit Development for a series of six triplexes and related site improvements on what was formerly land owned by the City of

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

JUNE 13, 2024

1. CALL TO ORDER

The Planning Commission meeting was called to order by Chair Koenig at 7:03 p.m. The meeting was conducted in person and via Webex.

2. ROLL CALL

Chair Alexander Koenig, Vice Chair Randy Christensen, and Commissioners Stephanie Jones (arrived at 7:22 p.m.), Paris Dunn, and Stephen Schonning were present. Planning Manager Ginny McIntosh, Associate Planner Krystin Eldridge, Community Development Director Jesse Anderson, and Economic Development Manager Ian Anderson were also present.

Commissioner Stan Leino was absent and excused.

3. APPROVAL OF AGENDA – JUNE 13, 2024

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to approve the agenda for the June 13, 2024 meeting as presented.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn, voted aye. The motion passed unanimously.

4. APPROVAL OF MINUTES

4a. May 9, 2024 Regular Meeting Minutes

There was a motion by Commissioner Schonning, seconded by Commissioner Dunn, to approve the minutes of the May 9, 2024 meeting as presented.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn, voted aye. The motion passed unanimously.

4b. March 14, 2024 Regular Meeting Minutes

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to approve the minutes of the March 14, 2024 meeting as presented.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn, voted aye. The motion passed unanimously.

4c. February 8, 2024 Regular Meeting Minutes

There was a motion by Commissioner Dunn, seconded by Commissioner Schonning, to approve the minutes of the February 8, 2024 meeting as presented.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn, voted aye. The motion passed unanimously.

5. CHAIR'S EXPLANATION

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

6. PLANNING APPLICATION ITEMS

6a. Planning Commission Application No. 2024-006 (PUBLIC HEARING – CONTINUED)

Applicant | Property Owner:
Address (PID):

C Alan Homes LLC
6025, 6031, 6037, and 6045 Brooklyn
Boulevard (03-118-21-12-0016, 03-118-21-
12-0015, 03-118-21-12-0098, and 03-118-
21-12-0087)

Summary:

The public hearing was continued at the May 9, 2024 Planning Commission meeting to the June 13, 2024 meeting. This was per the request of Applicant C Alan Homes LLC.

C Alan Homes LLC is requesting review and consideration for the re-approval of preliminary and final plats originally approved by the City of Brooklyn Center in 2020. As the final plat was not recorded with Hennepin County within one (1) year following City Council approval, the final plat is considered void and re-approval of the plat is required per Section 35-8000 (Subdivisions and Planned Unit Developments).

Planning Manager Ginny McIntosh explained the item was continued from the previous Planning Commission meeting. C Alan Homes LLC is requesting re-approval of a preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION, which was

initially approved by City Council under Planning Commission Application No. 2020-004 and City Council Resolution No. 2020-067. Said application also included requests for approval of a site and building plan and establishment of a Planned Unit Development for a series of seven triplexes and related site improvements on what was formerly land owned by the City of Brooklyn Center Economic Development Authority (EDA), and commonly addressed as 6025, 6031, 6037, and 6045 Brooklyn Boulevard. The south site is 1.65 acres, the site is in a PUD/Neighborhood Mixed Use zoning district, and the future designation is Neighborhood Mixed Use.

Ms. McIntosh noted although the applicant successfully purchased the property in late 2020, and a single Purchase and Development Agreement was executed for what were two sets of properties intended for a scattered site triplex development, the applicant and property owner ran into delays with the property, which was the first to go under construction. This was following a request by Hennepin County that certain property contained within the plat be quit claimed to the County for right-of-way purposes. This resulted in the need for a partial release of the Purchase and Development Agreement and Declaration of Restrictive Covenants and Quit Claim Deed for this property in March 2022.

Ms. McIntosh stated it was during this time frame that the Applicant's lender stopped funding the project and the applicant entered into two years of litigation to keep the development afloat. The request for re-approval of the preliminary and final plats is more imminent at this time as the applicant and property owner recently entered into a voluntary foreclosure proceeding with a short redemption period.

Ms. McIntosh stated the applicant has indicated that they are now in the process of re-financing the project and have partnered with developer Devean George; however, the preliminary and final plats require a re-approval from the City and the applicant will also separately require approval of an Amended Development Agreement as they are currently in default given the project was not completed within the timeframe outlined.

Ms. McIntosh showed an overview of the plats and pointed out the issue with the triplexes being on one parcel. She pointed out City Staff reached out to the Hennepin County Survey Division and they confirmed they still have the plat information on file; however, because two years have passed since the initial approval, they would require current title work, which the City also requires, as well as the most recent copy of the plat.

Ms. McIntosh stated as part of the 2020 application and review, it was requested that legal descriptions and easement vacations for all existing easements and certain vacations of existing public easements, as determined by the City, be submitted. The applicant shall also provide and maintain a current abstract of title and title commitment for City Attorney and Hennepin County review.

Ms. McIntosh noted former Assistant City Engineer, Andrew Hogg, initially review the plats and provided a memorandum and redlined set of comments dated August 4, 2020. A 10-foot drainage and utility easement were noted as required for dedication around the entire perimeter of the property. An additional utility easement shall be dedicated on the plat to allow for any future

maintenance of private water mains and sanitary sewer per Development Agreement requirements. The trail will also need to be addressed.

Ms. McIntosh showed the list of conditions of approval. The plats, trail easement, and other items are addressed.

Ms. McIntosh added due to the nature of the requests, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024. Mail notifications were sent to those property owners and residents located in vicinity of the Subject property, and public hearing notice uploaded to the City's website. A link to the public hearing notice was also published on the City's website and sent out by email to subscribers of the City's weekly events bulletin. City Staff is in receipt of one public comment received by email.

OPEN TO PUBLIC COMMENTS – APPLICATION NO. 2024-006

There was a motion by Commissioner Christensen, seconded by Commissioner Dunn, to re-open the public hearing on Application No. 2024-006.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn voted aye. The motion passed unanimously.

Keith Kogo, 6920 Lee Avenue North, asked if the south site is required to follow external maintenance requirements. Ms. McIntosh stated the site must follow any City regulations regarding weeds, grass, and the like. If the owner has not already been notified, he will be.

Mr. Kogo asked how many business days it takes for the owner to be notified of the violation. Ms. McIntosh explained once a violation is found and City staff is notified, a letter is sent, and a follow-up inspection scheduled. Although she would need to confirm, the owner usually has seven to 14 business days.

Chair Koenig added the property owner may be able to handle it themselves.

Mr. Kogo asked for clarification regarding No Mow May. Ms. McIntosh stated No Mow May is a period of time where grass violations are not addressed until June. It is an attempt to support pollinators during the spring. Inspectors have begun responding to complaints.

Mr. Kogo asked if No Mow May is a City policy. Chair Koenig stated multiple cities have implemented the effort. The commenter's point is duly noted and the concern will be addressed.

Mr. Kogo stated he has more concerns about the property, but the Chair interjected. Mr. Kogo again asked if Brooklyn Center has a policy supporting No Mow May. Chair Koenig confirmed it is a City policy.

Mr. Kogo asked how many days had elapsed since May. Chair Koenig stated it is June 13, 2024. Mr. Kogo stated the property owner has had ample time to take care of the lawn. Chair Koenig reiterated the commenter's point has been made.

MOTION TO CLOSE PUBLIC COMMENTS (HEARING)

There was a motion by Commissioner Schonning, seconded by Commissioner Christensen, to close the public hearing on Application No. 2024-006.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn voted aye. The motion passed unanimously.

Commissioner Christensen asked if they were just considering a replat. Ms. McIntosh confirmed only the replat is before the Commission, not site and building approval. The information on the County's platting was provided as background. On June 24, 2024, the Council will consider the project as both a Council and an Economic Development Authority as there is a separate amended Development Agreement for consideration.

Commissioner Christensen asked if the additional trail requirements are interfering with the initial plat. Ms. McIntosh stated the applicant's surveyor and engineers were made aware of any trail requirements before site planning began and provided with the revised road sections as part of the Phase II Brooklyn Boulevard project. The trail is not currently reflected on the plat map, however.

Chair Koenig asked if the City Council's discussions regarding the Development Agreement will be public. Ms. McIntosh confirmed the item will be covered during a public meeting.

Commissioner Schonning stated making seven lots in the area is logistically interesting. Ms. McIntosh clarified there were previously commercial and apartment buildings on this site. It was not all single-family homes.

Chair Koenig asked if the north site is experiencing similar issues. Ms. McIntosh stated the City would allow for mixed use on both sites. The north site would increase from four to six lots.

Chair Koenig noted his concern regarding the increased number of lots. A selling point was luxury homes. They are likely to appear like a single-family home with green space. The sites will contribute to congestion in the area.

ACTION TO RECOMMEND APPROVAL OF PLANNING COMMISSION APPLICATION NO. 2024-006 SUBMITTED BY C ALAN HOMES

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to recommend City Council approval of Planning Commission Application No. 2024-006 for the requested re-approval of the preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION for the Subject property located on what is currently

known as 6025, 6031, 6037, and 6045 Brooklyn Boulevard, based on the findings of fact and subject to the Applicant complying with the Conditions of Approval as noted above.

Voting on the motion: Commissioners Christensen, Jones, and Dunn voted aye.

And the following voted against the same: Chair Koenig and Commissioner Schonning.

The motion passed (3-2).

6b. Planning Commission Application No. 2024-007 (PUBLIC HEARING – CONTINUED)

Applicant Property Owner:	C Alan Homes LLC
Property Address:	6921, 6927, 6933, 6939 Brooklyn Boulevard (27-119-21-33-0014, 27-119-21-33-0013, 27-119-2133-0012, and 27-119-21-33-0011)
Summary:	The public hearing was continued at the May 9, 2024 Planning Commission meeting to the June 13, 2024 meeting. This was per the request of Applicant C Alan Homes LLC.

C Alan Homes LLC is requesting review and consideration for the re-approval of preliminary and final plats originally approved by the City of Brooklyn Center in 2020. As the final plat was not recorded with Hennepin County within one (1) year following City Council approval, the final plat is considered void and re-approval of the plat is required per Section 35-8000 (Subdivisions and Planned Unit Developments).

Ms. McIntosh explained C Alan Homes LLC is requesting re-approval of a preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION, which was initially approved by City Council under Planning Commission Application No. 2020-005 and City Council Resolution No. 2020-068. Said application also included requests for approval of a site and building plan and establishment of a Planned Unit Development for a series of six triplexes and related site improvements on what was formerly land owned by the City of Brooklyn Center Economic Development Authority (EDA), and commonly addressed as 6921, 6927, 6933, and 6939 Brooklyn Boulevard. The north site is 0.88 acres, is zoned PUD/Neighborhood Mixed Use, and the future designation is Neighborhood Mixed Use.

Ms. McIntosh noted although the applicant successfully purchased the property in late 2020, and a single Purchase and Development Agreement was executed for what were two sets of properties

Council Regular Meeting

DATE: 6/24/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Ginny McIntosh, Planning Manager

SUBJECT: Planning Commission Application No. 2024-007 Submitted by C Alan Homes LLC for Re-approval of the Preliminary and Final Plats for Robertson and Brekke Brooklyn Boulevard Second Addition (6921, 6927, 6933, and 6939 Brooklyn Boulevard)

Requested Council Action:

- Motion to adopt a resolution approving Planning Commission Application No. 2024-007 for re-approval of the preliminary and final plat for Robertson and Brekke Brooklyn Boulevard Second Addition, and commonly addressed as 6921, 6927, 6933, and 6939 Brooklyn Boulevard, based on the findings of fact and submitted documentation, as amended by the conditions of approval in the resolution.

Background:

C Alan Homes LLC ("The Applicant") is requesting re-approval of a preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION, which was initially approved by City Council under Planning Commission Application No. 2020-005 and City Council Resolution No. 2020-068. Said application also included requests for approval of a site and building plan and establishment of a Planned Unit Development for a series of six (6) triplexes and related site improvements on what was formerly land owned by the City of Brooklyn Center Economic Development Authority (EDA), and commonly addressed as 6921, 6927, 6933, and 6939 Brooklyn Boulevard ("The Subject Property").

Although the Applicant successfully purchased the Subject Property in late 2020, and a single Purchase and Development Agreement was executed for what were two sets of properties intended for a scattered site triplex development, the Applicant and Property Owner ran into delays with the South Site, which is located at the intersection of 61st Avenue North and Brooklyn Boulevard (Planning Commission Application No. 2024-006) and was the first to go under construction. This was following a request by Hennepin County that certain property contained within that plat be quit claimed to the County for right-of-way purposes. This resulted in the need for a partial release of the Purchase and Development Agreement and Declaration of Restrictive Covenants and Quit Claim Deed for the property in March 2022.

Additionally, the Applicant and Property Owner and their surveyor ran into issues with the property description on the Subject Property, which eventually resulted in the issuance of a new Certificate of Title, and review by Hennepin County.

In total, the Subject Property, known as the "North Site," and the South Site, were to provide a combined total of 39 dwelling units across 13 triplexes.

The Applicant has indicated that they are now in the process of re-financing the project and have partnered

with developer Devean George; however, the preliminary and final plats require a re-approval from the City and the Applicant will also require approval of a new performance agreement and an amended Development Agreement, as they are currently in default given the project was not completed within the timeframe outlined. These items are to be considered separately after this item and at the June 24, 2024 Council and EDA meetings as well.

A public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024. Mail notifications were sent to those property owners and residents located in vicinity of the Subject Property, and a public hearing notice uploaded to the City's website. A link to the public hearing notice was also published on the City's website and sent out by email to subscribers of the City's weekly events bulletin. City staff was in receipt of two public comments received by email prior to the public hearing.

Although the public hearing was scheduled for the May 9, 2024 Planning Commission meeting, the Applicant requested the public hearing be continued to the June 13, 2024 Planning Commission meeting following phone and email communication received, and as the Applicant was unable to attend the May 9 hearing. A 60-day letter of extension was issued to the Applicant on May 10, 2024 outlining that the review period had been extended to August 7, 2024, and per Minnesota Statutes Section 15.99. Subd. 3(f). As members of the public were present at the May 9 and June 13, 2024 Planning Commission meetings, the Planning Commission did accept public comment.

Comments provided by the public regarding the C Alan Homes North Site included, but were not limited to: concerns regarding the foreclosure, parking needs, maximum occupancies in each unit, and overall maintenance of the Subject Property. Additional questions were addressed to City staff regarding the City's original intentions for the land, which was formerly owned by the City's Economic Development Authority, whether a traffic study had been conducted, any proposed street improvements to 69th Avenue North for the additional traffic, the ability for cars to navigate Lee Avenue North when other vehicles are present, and snow removal.

A number of residents noted concerns with additional traffic given the number of children in the neighborhood, with one resident noting that they shut down the dead end of Major Avenue North and put out cones so children can play. The additional units would interrupt the neighborhood's gathering spaces. Additional concerns were raised regarding crime in the area, including the bus stop nearby, and that it didn't make sense to build luxury apartments across the street from a gas station with regular shootings.

Following close of the public hearing on June 13, 2024, Planning Commission recommended (1-4) City Council denial of the preliminary and final plats for the Robertson and Brekke Brooklyn Boulevard Second Addition.

City staff has included a copy of the last revised Planning Commission Report for the requested re-approval of the preliminary and final plats for Robertson and Brekke Brooklyn Boulevard Second Addition, and commonly addressed as 6921, 6927, 6933, and 6939 Brooklyn Boulevard. An excerpt of the approved May 9, 2024 Planning Commission meeting minutes, which were approved at the June 13, 2024 meeting, are included, as well as an excerpt of the *draft* June 13, 2024 Planning Commission meeting minutes.

Budget Issues:

None to consider at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
PF Plat C Alan North	6/21/2024	Backup Material
BC Planning Commission minutes- Approved minutes 5.09.24	6/21/2024	Backup Material
BC Planning Commission minutes - Draft 06.13.24	6/21/2024	Backup Material

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO.

RESOLUTION REGARDING RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2024-007 SUBMITTED BY C ALAN HOMES LLC FOR RE-APPROVAL OF THE PRELIMINARY AND FINAL PLAT FOR ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION (6921, 6927, 6933, AND 6939 BROOKLYN BOULEVARD)

WHEREAS, Planning Commission Application No. 2024-007 was submitted by C Alan Homes LLC (“the Applicant”) requesting re-approval of the preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION, which would divide the four properties currently addressed as 6921, 6927, 6933, and 6939 Brooklyn Boulevard (“the Subject Property”) into six (6) new triplex lots; and

WHEREAS, the Subject Property was formerly owned by the City of Brooklyn Center’s Economic Development Authority, and following approval of Planning Commission Application No. 2020-005 and City Council Resolution No. 2020-068, which granted approvals for the preliminary and final plat, site and building plan, and establishment of a Planned Unit Development, the Subject Property was subsequently sold to C Alan Homes LLC in December 2020; and

WHEREAS, conveyance of the Subject Property required the Applicant to enter into a Purchase and Development Agreement and Declaration of Restrictive Covenants, along with a separate triplex site located near 61st Avenue North and Brooklyn Boulevard (refer to Planning Commission Application Nos. 2024-006 and 2020-004), which was filed with Hennepin County on December 30, 2020 as Document No. 5777831; and

WHEREAS, certain sidewalk maintenance and utility easements were vacated by City Council under City Council Resolution No. 2020-092, and the easement vacations recorded with Hennepin County in 2020 under Document No. 5773522; and

WHEREAS, the Applicant ran into delays in filing the final plat (mylar) for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION following requests from Hennepin County for the other triplex site and its related plat, which resulted in certain property being quit claimed to the County for highway right-of-way purposes, and the City of Brooklyn Center and Applicant working through the execution of a separate Quit Claim Deed and partial release of the filed Purchase and Development Agreement and Declaration of Restrictive Covenants in March 2022; and

WHEREAS, certain issues were also raised with the property description on the Subject Property, which ultimately required issuance of a new Certificate of Title, and additional County review, which further delayed construction; and

RESOLUTION NO.

WHEREAS, Section 35-8107.5 (*Final Plat*) of the City of Brooklyn Center City Code requires the Applicant to file the final plat (mylar) with Hennepin County within one (1) year following City Council approval, and as the plat was not recorded in time, the plat is now considered void; and

WHEREAS, Hennepin County has a copy of the County approved plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION on file; however, as two (2) years have passed since its initial approval, updated title work and a current copy of the plat is required for review and before any plat recording; and

WHEREAS, a public hearing was noticed in the Brooklyn Center *Sun Post* on April 25, 2024, and a hearing scheduled for May 9, 2024; however, the Applicant requested the hearing be continued due to the Applicant's inability to attend the meeting; and

WHEREAS, as members of the public were present, the Planning Commission held a duly called public hearing, whereby a staff report was presented, and the public hearing was opened to allow for public testimony; and

WHEREAS, a motion to continue the public hearing to the June 13, 2024 Planning Commission meeting was requested by the Planning Commission, a 60-day letter of extension was issued to the Applicant in accordance with Minnesota Statutes Section 15.99 Subd. 3(f), and the hearing was ultimately continued at the June 13, 2024 Planning Commission meeting where additional public testimony was provided for the record; and

WHEREAS, the City Council of the City of Brooklyn Center has determined during its review of the preliminary and final plat that said plat is in general conformance with Chapter 35 of the City Code of Ordinances and Sections 35-8106 (*Preliminary Plat*), 35-8107 (*Final Plat*), and 35-5100 (*Dimensional Standards Summary*), and the approximately 0.88-acre Subject Property and proposed development meets minimum lot width and area requirements as the allowable density range for the underlying Neighborhood Mixed-Use zoning designation is 15 to 31 dwelling units per acre (DU/Acre) and the development, as proposed, would fall within this range at 18 dwelling units.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Commission Application No. 2024-007, as submitted by C Alan Homes LLC, and requesting re-approval of the preliminary and final plats for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION, be approved based upon the findings of fact in the Planning Commission staff report last revised June 13, 2024, submitted documentation and plans, and as amended by the following conditions of approval:

1. Re-approval of the preliminary and final plats for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION are contingent upon the addressing of any remaining comments by Assistant City Engineer Hogg in his memorandum dated

RESOLUTION NO.

August 4, 2020.

2. The preliminary plat, final plat, and mylar shall be subject to the provisions as outlined under Chapter 35 (*Unified Development Ordinance*), Section 35-8106 (*Preliminary Plat*) and Section 35-8107 (*Final Plat*).
 - a. Preliminary plat shall be reviewed against the most recent version of the final plat approved by Hennepin County and updated accordingly.
 - b. Preliminary plat shall be updated to reflect the existing zoning classification and total approximate acreage.
3. Any comments and/or requirements as provided by Hennepin County.
4. Any comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title/title commitment.
5. The successful recording of said plat (mylar) with Hennepin County.

June 24, 2024

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.

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

MAY 9, 2024

1. CALL TO ORDER

The Planning Commission meeting was called to order by Chair Koenig at 7:18 p.m. The meeting was conducted in person and via Webex.

2. ROLL CALL

Chair Alexander Koenig, Vice Chair Randy Christensen, and Commissioners Paris Dunn, and Stephen Schonning were present. Planning Manager Ginny McIntosh and Associate Planner Krystin Eldridge were also present.

Commissioners Leino and Jones were absent and excused.

3. APPROVAL OF AGENDA – MAY 9, 2024

There was a motion by Commissioner Schonning, seconded by Commissioner Christensen to approve the agenda for the May 9, 2024 meeting as presented.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn voted aye. The motion passed unanimously.

4. CHAIRPERSON’S EXPLANATION

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

5. PLANNING APPLICATION ITEMS

5a. Planning Commission Application No. 2024-008

Applicant:

Independent School District #286 (Brooklyn Center Community Schools)

Summary:

Independent School District #286 is requesting an ordinance amendment to Chapter 35 of the City Code to allow for “public and private elementary and secondary schools offering a regular course of study” as a conditional use within the

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn voted aye. The motion passed unanimously.

Keith K. asked how many buildings could be on each lot. Ms. McIntosh stated there is a plan for one triplex on each lot. Keith K. asked how many buildings will be built. Ms. McIntosh stated seven triplexes will be built.

MOTION TO CLOSE PUBLIC COMMENTS (HEARING)

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to table public hearing to the June 13, 2024 Planning Commission meeting, to be held at Brooklyn Center City Hall, 6301 Shingle Creek Parkway, at 7:00 p.m.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn voted aye. The motion passed unanimously.

ACTION TO RECOMMEND APPROVAL OF PLANNING COMMISSION APPLICATION NO. 2024-006 SUBMITTED BY C ALAN HOMES LLC

This was not addressed as the item was tabled to the June 13, 2024 Planning Commission meeting, to be held at Brooklyn Center City Hall, 6301 Shingle Creek Parkway, at 7:00 p.m.

5f.	Planning Commission Application No. 2024-007
Applicant Property Owner:	C Alan Homes LLC
Address (PID):	6921, 6927, 6933, 6939 Brooklyn Boulevard (27-119-21-33-0014, 27-119-21-33-0013, 27-119-2133-0012, and 27-119-21-33-0011)
Summary:	C Alan Homes LLC is requesting review and consideration for the re-approval of preliminary and final plats originally approved by the City of Brooklyn Center in 2020. As the final plat was not recorded with Hennepin County within one (1) year following City Council approval, the final plat is considered void and re-approval of the plat is required per Section 35-8000 (Subdivisions and Planned Unit Developments).

Ms. McIntosh explained C Alan Homes LLC is requesting re-approval of a preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION which was initially approved by City Council under Planning Commission Application No. 2020-005 and City Council Resolution No. 2020-068. Said application also included requests for approval of a site and building plan and establishment of a Planned Unit Development for a series of six triplexes and related site improvements on what was formerly land owned by the City of

Brooklyn Center Economic Development Authority (EDA), and commonly addressed as 6921, 6927, 6933, and 6939 Brooklyn Boulevard. The south site is 1.65 acres, and the north site is 0.9 acres. The sites are in the PUD/Neighborhood Mixed-Use zoning district, and the future designation is Neighborhood Mixed Use.

OPEN TO PUBLIC COMMENTS – APPLICATION NO. 2024-007

There was a motion by Commissioner Schonning, seconded by Commissioner Dunn, to open the public hearing on Application No. 2024-007.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn voted aye. The motion passed unanimously.

Keith K. explained he lives across the street from the property. He and his neighbors were present to ask how the properties would be accessed. They don't want there to be access from Brooklyn Boulevard because it would increase speeding cars and traffic. There are many children in the neighborhood. If the farthest north lot would be parking, it would only add to the light pollution. The whole neighborhood is on the same page.

Chair Koenig encouraged the commenters to attend the tabled public hearing on June 13, 2024.

Ruth H. stated she doesn't agree with the other commenter's assumption regarding curb cuts that the development would be accessed off Brooklyn Boulevard. She explained she lives on the corner of Lee and 69th.

Ms. McIntosh explained Brooklyn Boulevard is owned by Hennepin County. When the development was initially reviewed in 2020, the County was adamant that no access would be provided for off Brooklyn Boulevard. The only access granted is for emergency access, which will be as a right out only and gated. All access to the site would be off Lee Avenue North.

Luba E. noted she is concerned about 18 residences in an area that was originally intended for four homes. There won't be enough parking for 18 houses. It will greatly increase the usage of Lee Avenue North. The Commission is doing a disservice to the neighborhood. The applicant can't even start the building efforts after several years.

Chair Koenig stated the applicant isn't available to provide a response. However, encouraged the commenter to attend the tabled public hearing on June 13, 2024.

Sean S. stated several kids play on the dead end of Major Avenue. They put cones out to block the area for their safety. There are several ages of kids in the area. There would be increased traffic and an interruption of the neighborhood's gathering spaces. Also, the bus stop nearby is unsafe as he recently experienced an attempted robbery. There is a lot of crime in the area, and Lee Avenue is a peaceful area. There will be chaos if more residents are crammed into the neighborhood. With the apartment building and nearby park, there are kids everywhere already.

Chair Koenig encouraged the commenters to attend the tabled public hearing on June 13, 2024.

Lisa S. stated the 2020 City Council meeting didn't consider the comments of the existing residents. There isn't a point encouraging the commenters to continue to express their concerns if no one will listen. It is frustrating. There won't be enough parking, and there would be way too many people living in the area.

Chair Koenig encouraged the commenters to attend the tabled public hearing on June 13, 2024.

Lisa S. asked how the commenters can get the Council to listen. She asked if they should protest. Chair Koenig suggested the commenters gather material facts and present their concerns at the next public hearing.

Keith K. stated he would gather all of the input from the neighbors to present to the Commission. No one wants the peaceful neighborhood to be negatively impacted. They will continue to organize and compile comments as a united front.

MOTION TO CLOSE PUBLIC COMMENTS (HEARING)

There was a motion by Commissioner Christensen, seconded by Commissioner Dunn, to table public hearing to the June 13, 2024 Planning Commission meeting, to be held at Brooklyn Center City Hall, 6301 Shingle Creek Parkway, at 7:00 p.m.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn voted aye. The motion passed unanimously.

Chair Koenig thanked the commenters for their input.

ACTION TO RECOMMEND APPROVAL OF PLANNING COMMISSION APPLICATION NO. 2024-007 SUBMITTED BY C ALAN HOMES LLC

This was not addressed as the item was tabled to the June 13, 2024 Planning Commission meeting, to be held at Brooklyn Center City Hall, 6301 Shingle Creek Parkway, at 7:00 p.m.

6. DISCUSSION ITEMS

6a. City Council Updates | Upcoming Planning Commission Applications

Ms. McIntosh requested the Commissioners be present at the June meeting. She stated there may be an application coming up from the school district.

Ms. McIntosh pointed out Wangstad Commons is under construction, and they hope to complete the project by the end of the year. As an update, the City Council did approve the conversion of the former Discount Tire at 1450 Shingle Creek Crossing to an expanded Icon Beauty Supply Store.

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

JUNE 13, 2024

1. CALL TO ORDER

The Planning Commission meeting was called to order by Chair Koenig at 7:03 p.m. The meeting was conducted in person and via Webex.

2. ROLL CALL

Chair Alexander Koenig, Vice Chair Randy Christensen, and Commissioners Stephanie Jones (arrived at 7:22 p.m.), Paris Dunn, and Stephen Schonning were present. Planning Manager Ginny McIntosh, Associate Planner Krystin Eldridge, Community Development Director Jesse Anderson, and Economic Development Manager Ian Anderson were also present.

Commissioner Stan Leino was absent and excused.

3. APPROVAL OF AGENDA – JUNE 13, 2024

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to approve the agenda for the June 13, 2024 meeting as presented.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn, voted aye. The motion passed unanimously.

4. APPROVAL OF MINUTES

4a. May 9, 2024 Regular Meeting Minutes

There was a motion by Commissioner Schonning, seconded by Commissioner Dunn, to approve the minutes of the May 9, 2024 meeting as presented.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn, voted aye. The motion passed unanimously.

4b. March 14, 2024 Regular Meeting Minutes

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to approve the minutes of the March 14, 2024 meeting as presented.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn, voted aye. The motion passed unanimously.

known as 6025, 6031, 6037, and 6045 Brooklyn Boulevard, based on the findings of fact and subject to the Applicant complying with the Conditions of Approval as noted above.

Voting on the motion: Commissioners Christensen, Jones, and Dunn voted aye.

And the following voted against the same: Chair Koenig and Commissioner Schonning.

The motion passed (3-2).

6b. Planning Commission Application No. 2024-007 (PUBLIC HEARING – CONTINUED)

Applicant | Property Owner:
Property Address:

C Alan Homes LLC
6921, 6927, 6933, 6939 Brooklyn Boulevard
(27-119-21-33-0014, 27-119-21-33-0013,
27-119-2133-0012, and 27-119-21-33-0011)
Summary: The public hearing was continued at the May 9, 2024 Planning Commission meeting to the June 13, 2024 meeting. This was per the request of Applicant C Alan Homes LLC.

C Alan Homes LLC is requesting review and consideration for the re-approval of preliminary and final plats originally approved by the City of Brooklyn Center in 2020. As the final plat was not recorded with Hennepin County within one (1) year following City Council approval, the final plat is considered void and re-approval of the plat is required per Section 35-8000 (Subdivisions and Planned Unit Developments).

Ms. McIntosh explained C Alan Homes LLC is requesting re-approval of a preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION, which was initially approved by City Council under Planning Commission Application No. 2020-005 and City Council Resolution No. 2020-068. Said application also included requests for approval of a site and building plan and establishment of a Planned Unit Development for a series of six triplexes and related site improvements on what was formerly land owned by the City of Brooklyn Center Economic Development Authority (EDA), and commonly addressed as 6921, 6927, 6933, and 6939 Brooklyn Boulevard. The north site is 0.88 acres, is zoned PUD/Neighborhood Mixed Use, and the future designation is Neighborhood Mixed Use.

Ms. McIntosh noted although the applicant successfully purchased the property in late 2020, and a single Purchase and Development Agreement was executed for what were two sets of properties

intended for a scattered site triplex development, the applicant and property owner ran into delays with the property, which was the first to go under construction. This was following a request by Hennepin County that certain property contained within the plat be quit claimed to the County for right-of-way purposes. This resulted in the need for a partial release of the Purchase and Development Agreement and Declaration of Restrictive Covenants and Quit Claim Deed for this property in March 2022.

Ms. McIntosh stated it was during this time frame that the Applicant's lender stopped funding the project and the applicant entered into two years of litigation to keep the development afloat. The request for re-approval of the preliminary and final plats is more imminent at this time as the applicant and property owner recently entered into a voluntary foreclosure proceeding with a short redemption period.

Ms. McIntosh stated the applicant has indicated that they are now in the process of re-financing the project and have partnered with developer Devean George; however, the preliminary and final plats require a re-approval from the City and the applicant will also separately require approval of an Amended Development Agreement as they are currently in default given the project was not completed within the timeframe outlined.

Ms. McIntosh pointed out City Staff reached out to the Hennepin County Survey Division and they confirmed they still have the plat information on file; however, because two years have passed since the initial approval, they would require updated, current title work, which the City also requires, as well as the most recent copy of the plat.

Ms. McIntosh stated as part of the 2020 application and review, it was requested that legal descriptions and easement vacations for all existing easements and certain vacations of existing public easements, as determined by the City, be submitted. The applicant shall also provide and maintain a current abstract of title and title commitment for City Attorney and Hennepin County review.

Ms. McIntosh noted former Assistant City Engineer, Andrew Hogg, initially review the plats and provided a memorandum and redlined set of comments dated August 4, 2020. A 10-foot drainage and utility easement were noted as required for dedication around the entire perimeter of the property. An additional utility easement shall be dedicated on the plat to allow for any future maintenance of private water mains and sanitary sewer per Development Agreement requirements. Although the existing sidewalk appears to be outside property lines, its placement should be verified.

Ms. McIntosh showed the list of conditions of approval. The plats, easements, and other items are addressed.

Ms. McIntosh added due to the nature of the requests, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024. Mail notifications were sent to those property owners and residents located in vicinity of the subject property, and public hearing notice uploaded to the City's website. A link to the public hearing notice was also published on the City's website and PC Minutes

sent out by email to subscribers of the City's weekly events bulletin. City Staff is in receipt of two public comments received by email. Ms. McIntosh added there are additional comments provided at the previous Planning Commission meeting, which are reflected in the minutes.

OPEN TO PUBLIC COMMENTS – APPLICATION NO. 2024-007

There was a motion by Commissioner Schonning, seconded by Commissioner Dunn, to re-open the public hearing on Application No. 2024-007.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, Jones, and Dunn, voted aye. The motion passed unanimously.

Luba Evarts, 6936 Major Avenue North, stated the short sale is concerning. A bankrupt builder doesn't make sense. Also, the amount of people in the small space would negatively impact Lee Avenue and increase congestion. The 30 parking spots for 18 units is concerning. Overnight parking isn't allowed on the street. It is ridiculous for the Commission to put such a burden on the community.

A resident located off Major Avenue North stated he is only one block away from the site. However, he was not notified of the hearing. There are 18 habitable units, but the number of sleeping spaces may vary. Ms. McIntosh stated there is maximum occupancy per living space.

Chair Koenig stated there are three units per building. Each unit is three bedrooms. Ms. McIntosh stated there are leasing requirements and Code requirements that determine how many people could reside in each bedroom.

The resident stated if there was one person living in each bedroom, that would be more than 80 people. Chair Koenig stated he doesn't know the specific Code regulations that dictate the occupancy rates. The resident pointed out the purpose of a Planning Commission is to plan projects, so they need to know the specifics in order to properly plan.

Ms. McIntosh stated building, zoning, and fire code all inform the occupancy.

The resident added the maintenance of the area has deteriorated over recent years. The number of tires and televisions on the property in question is concerning. The resident explained he has received notices to cut his grass. He asked if the property has received the same notices. Ms. McIntosh explained inspectors often rely on notifications from residents to send out notices.

The resident asked if there is a record of notices sent. Ms. McIntosh stated she can check, but she doesn't have the information available presently.

The resident asked what the original plan was for the land after it was purchased by the Economic Development Authority. Ms. McIntosh explained single-family homes have been removed from Brooklyn Boulevard. The goal is to eliminate curb cuts onto the Boulevard to

promote safety. The sites in question were not eminent domain, and the previous owners elected to sell; however, the City knew there would be access constraints.

Daniel Dempsey, 6915 Major Avenue N, asked if a traffic study has been completed. Ms. McIntosh stated engineers have threshold requirements to trigger a traffic study. In this case, a traffic study wasn't required. The studies typically look at peak traffic and doesn't usually trigger for smaller residential developments. Ms. McIntosh gave an example of the 54-unit Wangstad Commons development underway off Brooklyn Boulevard and how that did not trigger a traffic study.

Genevieve Veigel, 6939 Major Avenue North, explained there is no parking on the north side of 70th. It was her understanding Lee would only be for entrance or exit. As it stands, there isn't enough room for cars to pass one another. Adding more cars into the area seems unrealistic. Plus, adding more lots appears to be a money grab. The number of children in the existing neighborhood should be considered with the increased car traffic, snow routes, access to the park, and school bus stops.

Jamie Teske, 6945 Lee Avenue North, added the neighborhood also receives traffic from group homes next to Slim's. They use the residential streets to park during the day shift because there isn't enough parking at the group homes. The neighborhood has also spoken with the car dealerships about the test drives. The development seems like an affordable housing break. The units are just being stuffed into one small area, and there has to be a better location for them.

Sean Sullivan, 6933 Major Avenue North, noted his agreement with the previous comments. There are plenty of available apartment buildings and rental homes. On top of that, a "luxury" build across the street from a gas station that has regular shootings doesn't make sense. Mr. Sullivan pointed out there are several children in the neighborhood running around the area.

Luba Evarts stated there are only 0.88 acres there and they are trying to put six buildings on the area. It is a discrepancy.

Mike Vang, Major Avenue North, pointed out his family is newer to the area. The development would add traffic onto Lee and then potentially the other street. He asked if there is a plan to update the 69th Avenue North thoroughfare, for a roundabout, updated traffic signal, or other traffic implement. Ms. McIntosh stated the Public Works Department would need to address any traffic improvements as part of their Capital Improvement Plan.

Mary Bornholt, 6939 Lee Avenue North, explained she is concerned about snow removal. She asked where the new buildings would put the snow. If they keep it on their property, they will lose parking spots. If they put their snow on the street, then it will impact the space to drive.

Keith Kogo asked if the attorney is representing the residents, the Planning Commission, or the developer. Ms. McIntosh stated the City Attorney represents the City of Brooklyn Center.

Mr. Kogo asked who the alderman is. Ms. McIntosh stated the City has no alderman.

Chair Koenig explained there are five Councilmembers, and they each represent the entire City.

Mr. Kogo stated the owner can't afford someone to maintain their lawn. It is unreasonable to expect the owner to afford building a unit and paying the City. The development isn't a good decision. There is a lot of greed. The single-family homes pay taxes to the City and contribute to Brooklyn Center. He asked if they are just a transaction to the City.

Mr. Kogo added he has seen a lot of death on Brooklyn Boulevard. There are regular gunshots. Law enforcement ran through his yard in a chase and ruined his shed. A recent murder hasn't even been solved yet. There is no reason to put luxury homes in the midst of all of the crime.

A resident, residing on Major Avenue North, asked how short the foreclosure period is. Chair Koenig stated he did not know.

Terry Robertson, representative of C Alan Homes, explained he was looking forward to the meeting to address any questions and concerns. The foreclosure period is 60 days.

MOTION TO CLOSE PUBLIC COMMENTS (HEARING)

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to close the public hearing on Application No. 2024-007.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, Jones, and Dunn, voted aye. The motion passed unanimously.

Chair Koenig thanked the commenters for sharing and explained their comments have been included on the record. The public comment period is now closed.

Commissioner Christensen stated he also has concerns about parking as well. When the project was originally recommended, he was not part of the Planning Commission. He has similar questions to those raised by the commenters. He stated he lives on 70th and Regent and grew up nearby as well. He is familiar with the area.

Commissioner Schonning added he also wasn't on the Planning Commission when the project was originally recommended, though he has been on the Planning Commission on and off for 13 years, with a four-year gap. The role of Planning Commissioner is purely voluntary and costs the City nothing. He noted he was offended by anyone who questions his authenticity, motives, or anything that happens in this group of people. The Commission is here out of their own concern for the City and its residents.

Commissioner Schonning stated he also has concerns about the snow removal.

Commissioner Jones asked why the project has taken so long to get started. Mr. Robertson explained there was a delay with the County. The City hadn't previously resolved the title work, and the developer doesn't have any control over it. There was funding secured previously. The

lender ran into technical difficulty with the financing. His project had equity because they didn't charge a developer, builder, or construction management fee. He has continued to work on the project because he is not at fault for any of the delays. The funder stopped taking payments, which resulted in the property going into default.

Mr. Robertson stated he grew up in the area. He only left the area to live where his wife grew up. He explained he is also passionate about Brooklyn Center. The goal isn't to pack people in. It is not a high-density project. There could be an opportunity to go after higher density, but he didn't. Mr. Robertson is committed to the project because he wants to build a nice place to live.

Mr. Robertson pointed out there is a lot of misinformation about the project. Someone mentioned the new development would be over Mr. Kogo's home. As this is false information, he sent over the preliminary plat that received unanimous support from both the Planning Commission and the Council. Out of 39 units, only seven are considered affordable.

Mr. Robertson stated he has met with neighbors such as Lisa Teske to address any concerns they have had. There are LOIs for all 39 apartments. It will be a success for the City and the developer. No one likes change. Where Mr. Robertson lives, there is concern a home will be built close to his property.

There was a comment from someone in the audience. Chair Koenig asked for the audience to remain quiet.

Mr. Kogo stated he was conversing with Mr. Robertson. He mentioned some inaccuracies with the two homes on the plat. Chair Koenig suggested the questions be asked after the meeting.

Commissioner Jones asked what Mr. Robertson is doing to prevent a similar issue with the lender or with the County. Mr. Robertson stated he doesn't control what the County does. The title work had to be corrected by the City, and it is completed. The lender is predatory, and they lent out more money than they had to loan. Mr. Robertson left several million dollars on the table as a benefit to Brooklyn Center. You can never make everyone happy. However, his goal is to make a development that everyone can be proud of.

Mr. Robertson stated another developer, Devean George, offered to back the project financially. Commissioner Jones asked if he has worked with Mr. George previously. Mr. Robertson stated he has worked with Mr. George on more expensive residential projects.

Commissioner Dunn asked how many units are planned to be built. Mr. Robertson stated there are seven buildings on the south site and six buildings on the north site. In total, there are 39 apartments. However, he could have fit in more units or focus on low-income housing. There is no tax increment financing attached to either property, and he did not ask out of his respect for Brooklyn Center. Additionally, Mr. Robertson paid \$200,000 in attorney fees fighting to keep the project afloat. There is a lot of misinformation about the projects.

Commissioner Dunn asked if there will be fencing around the buildings to ensure the residents exit a certain way. Mr. Robertson stated they plan to put fencing around the development on 61st. They originally intended a gated community, but decided against it because of malfunction potential of gates. There cannot be a gated entry on 69th.

An audience member asked for Mr. Robertson to address the misinformation. Mr. Robertson explained he is answering the questions one at a time as asked by the Commissioners. He wants to address all of the concerns. For example, the lawn has been mowed on 69th. An audience member stated it was mowed poorly.

Chair Koenig asked for Mr. Robertson to continue answering the questions of the Commission. Commissioner Dunn stated he had more questions.

Mr. Robertson agreed the grass could be cut better. Chair Koenig asked for Mr. Robertson to listen to Commissioner Dunn's question.

Commissioner Dunn asked where the residents will enter and exit the property. Mr. Robertson stated the only entrance is on Lee Avenue North.

Commissioner Dunn noted there are concerns about safety and crime in the area. It sounds like the gas station is the issue. Perhaps the gas station situation needs to be addressed.

Mr. Kogo asked how they could address the gas station crime. There is also a halfway house nearby. Chair Koenig asked for the members of the public present to allow the Commission to continue speaking.

Mr. Robertson stated the development on 61st will be fenced in. The 69th development will also be fenced. There will also be security measures such as cameras. Commissioner Dunn asked if there would be security personnel on-site. Mr. Robertson stated the buildings are set up similarly to single-family homes, so each have their own security cameras.

Mr. Robertson added they are trying to attract a different demographic, and they will be selective of the tenants. They are pulling from downtown professionals.

Mr. Kogo stated that is going to be a lot of traffic and lights streaming into his backyard. Chair Koenig asked for Mr. Kogo to stop engaging with Mr. Robertson.

Commissioner Christensen explained the issue at hand is the re-plat.

Ms. McIntosh stated a number of topics have been addressed, but most of them will be handled separately by the EDA on June 24. The topic at hand is considering the dimensions of the lot and various easements. Hennepin County already approved the plat to be filed. Any title work has been corrected as well. Nothing has significantly changed since the proposal was considered and approved in 2020. The EDA may not support the amended development agreement, but again,

that is a separate item for consideration. If the Planning Commission were to recommend approval, it doesn't ensure the proposed developments will be built.

Commissioner Jones asked how the snow will be handled. Mr. Robertson stated there is green space available for snow storage. There is also an option to put snow between the buildings. No snow will be put onto the residential streets. All parking will be by permit. Anyone without permits will be towed.

Mr. Kogo stated all of that is in his backyard.

Mr. Robertson stated the goal was to bring a luxury product to Brooklyn Center that no one has. The project can be plugged and played throughout the country. The affordable units are coming out of his own pocket as it was requested by Council and he is taking a hit to offer it.

Commissioner Dunn asked for Mr. Robertson to explain the exits and entrances. Mr. Robertson pointed out the entrance from Lee and the emergency vehicle entrance on Brooklyn Boulevard.

Ms. McIntosh stated the County permits the curb cut for emergency vehicles only.

Mr. Robertson pointed out that the residents had expressed concerns about residents of a nearby apartment building parking on 70th Avenue North, but with a recent change in property management, they haven't been having as many issues lately. A property management team will be running the triplex development. He offered to provide his personal cell number for anyone with questions or concerns. After the lawn was mowed recently, the mower contacted him and explained he did it quickly but not well. The mower planned to return to fix the job. Mr. Robertson stated he wants to work with the community to benefit everyone.

Chair Koenig stated the item needed to be wrapped up as the comments are getting repetitive.

ACTION TO RECOMMEND APPROVAL OF PLANNING COMMISSION APPLICATION
NO. 2024-007 SUBMITTED BY C ALAN HOMES

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to recommend City Council approval of Planning Commission Application No. 2024-007 for the requested re-approval of the preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION for the Subject Property located on what is currently known as 6921, 6927, 6933, and 6939 Brooklyn Boulevard, based on the findings of fact and subject to the Applicant complying with the Conditions of Approval as noted above.

Voting on the motion: Commissioner Christensen voted aye.

And the following voted against the same: Chair Koenig and Commissioners Dunn, Schonning, and Jones.

The motion failed (1-4).

Council Regular Meeting

DATE: 6/24/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Jesse Anderson, Community Development Director

SUBJECT: Resolution Approving Amended Performance Agreements with C Alan Homes

Requested Council Action:

-Motion to approve a resolution approving an amendment to a performance agreement (6025, 6031, 6037, and 6045 Brooklyn Boulevard)

-Motion to approve a resolution approving an amendment to a performance agreement (6921, 6927, 6933, and 6939 Brooklyn Boulevard)

Background:

In September 2020 the EDA entered into an agreement with C. Alan Homes, LLC to purchase EDA-owned properties located at 6025, 6031, 6037, and 6045 Brooklyn Boulevard (Project 1), as well as properties located at 6921, 6927, 6933, and 6939 Brooklyn Boulevard (Project 2). The properties were sold to C. Allen on December 29, 2020.

C. Allen Homes also entered into Performance Agreements with the City requiring construction of 13 total tri-plex rental units no later than December 31, 2022 (for Project 1) and December 31, 2023 (for Project 2). C. Allen commenced construction of the infrastructure and 2 of the tri-plex buildings in Project 1 but did not complete construction within the agreed upon timeframe. In addition, the lender for the project has since initiated the steps necessary to foreclose on the property.

Staff worked pro actively with C. Allen Homes over the last several months to identify the City and EDA actions necessary to get the project back on track. These include a renewed planning application, an amended Purchase and Development Agreement with EDA, and amended performance Agreements with the City. C. Allen Homes has come forward to take the necessary actions for the project and is asking the City to extend the timeframes for completion of its projects to December 31, 2025. The Performance Agreement amendments prepared for EDA consideration extend all the timeframes for completion to December 31, 2025, leaving all other requirements in place.

Recommendation and Alternatives

Given past EDA and City Council direction on the site and a review of the alternative outcomes for these properties, staff recommends approval of the amendments. C. Allen's two existing tri-plex buildings in Project 1 are high quality rental buildings that meet the original development objectives on the site. The opportunity to finish this development as originally anticipated provides for the desired outcome with limited additional resource allocation from the City.

If the amendments are not approved, there may be a foreclosure on the site. If the property is foreclosed upon, the future owner will be bound by the provisions of the original Purchase and Development

Agreement. This is further outlined in the attached memorandum from Kennedy and Graven.

If the EDA were to take the property back, the development process would have to begin again from the start and will likely take more time and resources to complete. For these reasons, providing more time to see if C. Allen homes can complete project is the preferred path forward.

Budget Issues:

This item will have no immediate effect on the budget.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
Resolution Project 1 (South Side)	6/17/2024	Resolution Letter
Amendment to Performance Agreement - Project 1	6/17/2024	Exhibit
Resolution Project 2 (North Side)	6/17/2024	Resolution Letter
Amendment to Performance Agreement - Project 2	6/17/2024	Exhibit
Memo From City Attorney	6/17/2024	Backup Material

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024- _____

RESOLUTION APPROVING AN AMENDMENT TO A PERFORMANCE AGREEMENT (6025, 6031, 6037, AND 6045 BROOKLYN BOULEVARD)

WHEREAS, the City and C. Alan Homes, LLC (the “Developer”) entered into that certain Performance Agreement effective on December 30, 2020 (the “Agreement”), relating to the Developer’s construction of certain improvements on the property located at: 6025, 6031, 6037, and 6045 Brooklyn Boulevard (the “Property”); and

WHEREAS, the Agreement required the Developer to construct improvements on the Property by December 31, 2022; and

WHEREAS, the Developer has commenced construction of the improvements but has not completed construction of them; and

WHEREAS, the Developer has requested an extension to the amount of time that it has to construct the improvements to December 31, 2025; and

WHEREAS, the City is willing to agree to this extension of time; and

WHEREAS, the City and the Developer desire to amend the Agreement in order to allow for the Developer until December 31, 2025 to construct the improvements specified in the Agreement as more specifically set forth herein; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brooklyn Center, Minnesota, that the First Amendment to Performance Agreement is approved and the Mayor and City Manager are hereby authorized to execute the document on behalf of the City of Brooklyn Center.

Date

Mayor

ATTEST: _____
City Clerk

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

RESOLUTION NO. _____

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.

FIRST AMENDMENT TO PERFORMANCE AGREEMENT

(PROJECT 1 – 6025, 6031, 6037, AND 6045 BROOKLYN BOULEVARD)

THIS FIRST AMENDMENT TO PERFORMANCE AGREEMENT (this “First Amendment”) is entered into this ____ day of _____, 2024, by C. Alan Homes, LLC, a Minnesota limited liability company (the “Developer”) and the City of Brooklyn Center, a Minnesota municipal corporation (the “City”).

R E C I T A L S

WHEREAS, the City and the Developer entered into that certain Performance Agreement effective on December 30, 2020 (the “Agreement”), relating to the Developer’s construction of certain improvements on the property located at: 6025, 6031, 6037, and 6045 Brooklyn Boulevard (the “Property”); and

WHEREAS, the Agreement required the Developer to construct improvements on the Property by December 31, 2022; and

WHEREAS, the Developer has commenced construction of the improvements but has not completed construction of them; and

WHEREAS, the Developer has requested an extension to the amount of time that it has to construct the improvements to December 31, 2025; and

WHEREAS, the City is willing to agree to this extension of time; and

WHEREAS, the City and the Developer desire to amend the Agreement in order to allow for the Developer until December 31, 2025 to construct the improvements specified in the Agreement as more specifically set forth herein; and

NOW, THEREFORE, in consideration of the foregoing and the covenants and obligations contained in this Amendment and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed by and between the City and the Developer as follows:

1. The “Completion Date for the Project” as specified on the first page of the Agreement is changed to December 31, 2025.

2. Amendment Controls; Ratification and Affirmation. In the event that the terms of this Amendment and the Agreement are held to be inconsistent, the terms of this Amendment shall control. The parties each agree and warrant that, in all other respects, the Agreement is unmodified, in full force and effect, and each party hereby ratifies and affirms the Agreement and any terms contained therein not otherwise modified by this Amendment.

3. Counterparts. This Amendment may be executed in counterparts, each of which shall be deemed an original but all of which, taken together, shall constitute one and the same instrument. Each party may rely upon facsimile or electronic mail counterparts of this Amendment signed by the other party with the same effect as if such party had received an original counterpart signed by such other party.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the date first written above.

DEVELOPER:

C. ALAN HOMES, LLC

By: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____ as _____ of C. Alan Homes, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public

CITY:

CITY OF BROOKLYN CENTER

By: _____
April Graves
Its: Mayor

By: _____
Reginald Edwards
Its: City Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by April Graves and Reginald Edwards, the Mayor and the City Manager, respectively, of the City of Brooklyn Center, Minnesota, a Minnesota municipal corporation behalf of the City.

Notary Public

This instrument was drafted by:

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

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024- _____

RESOLUTION APPROVING AN AMENDMENT TO A PERFORMANCE AGREEMENT (6921, 6927, 6933, 6939 BROOKLYN BOULEVARD)

WHEREAS, the City and C. Alan Homes, LLC (the “Developer”) entered into that certain Performance Agreement effective on December 30, 2020 (the “Agreement”), relating to the Developer’s construction of certain improvements on the property located at: 6921, 6927, 6933, and 6939 Brooklyn Boulevard (the “Property”); and

WHEREAS, the Agreement required the Developer to construct improvements on the Property by December 31, 2022; and

WHEREAS, the Developer has commenced construction of the improvements but has not completed construction of them; and

WHEREAS, the Developer has requested an extension to the amount of time that it has to construct the improvements to December 31, 2025; and

WHEREAS, the City is willing to agree to this extension of time; and

WHEREAS, the City and the Developer desire to amend the Agreement in order to allow for the Developer until December 31, 2025 to construct the improvements specified in the Agreement as more specifically set forth herein; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brooklyn Center, Minnesota, that the First Amendment to Performance Agreement is approved and the Mayor and City Manager are hereby authorized to execute the document on behalf of the City of Brooklyn Center.

Date

Mayor

ATTEST: _____
City Clerk

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

RESOLUTION NO. _____

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.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024- _____

RESOLUTION APPROVING AN AMENDMENT TO A PERFORMANCE AGREEMENT (6921, 6927, 6933, 6939 BROOKLYN BOULEVARD)

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Date

Mayor

ATTEST: _____
City Clerk

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

RESOLUTION NO. _____

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.

Kennedy

&

Graven

CHARTERED

Sarah J. Sonsalla
Fifth Street Towers, Suite 700
150 South Fifth Street
Minneapolis MN 55402

(612) 337-9284 telephone
(612) 337-9310 fax
ssonsalla@kennedy-graven.com
<http://www.kennedy-graven.com>

MEMORANDUM

Date: May 17, 2024
To: Ginny McIntosh
From: Sarah Sonsalla and Jenny Boulton
Re: C. Alan Homes Foreclosure Issues

It is my understanding that the City and the EDA are concerned that the property that was purchased for development by C. Alan Homes may be foreclosed upon.

The Purchase and Development Agreement that was entered into by the EDA and C. Alan Homes for C. Alan's purchase and development of the property contains a reverter that requires the property to revert back to the EDA if the minimum improvements are not constructed within a certain amount of time. The Purchase and Development Agreement was recorded prior to any mortgages being recorded against the property and no lenders required the EDA to subordinate the Purchase and Development Agreement. Therefore, if a future owner of the property acquires the property through foreclosure, the property would remain subject to the obligations of the developer in the Purchase and Development Agreement.

The property is also subject to a Declaration of Restrictive Covenants (requiring the property to remain as affordable housing for a period of 15 years). It should be noted that Section 1(b) of the Declaration of Restrictive Covenants would allow for its termination as a result of the foreclosure.

The performance agreements that were entered into by the City and C. Alan Homes for certain improvements on the property were not recorded. Therefore, the new owner of the property would not be subjected to the terms and conditions of these performance agreements. However, it is presumed that the new owner would need to enter into new performance agreements with the City in order to complete the projects.

Please contact us if you have any questions. Thank you.

Council Regular Meeting

DATE: 6/24/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: City Commission Appointments

Requested Council Action:

- appoint members to commissions

Background:

The Mayor is suggesting the following appointments to City Commissions:

Cultural and Public Arts Commission *(only four suggested at the time of publication)*

- Jaclyn Frost
- Kari Kelly
- Nahid Khan
- Keith Williams

The last three and any non-resident will be discussed at the city council meeting.

Financial Commission

- Venus Coleman
- Michael Donnelly

Housing Commission

- Alyssa Kuglin
- Natalie O'Connor

Budget Issues:

- None

Inclusive Community Engagement:

Antiracist/Equity Policy Effect: