Council Study Session
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 97680230856# Passcode: 7635693300#
June 14, 2021

AGENDA

1. **City Council Discussion of Agenda Items and Questions - 6 p.m.**
2. **Miscellaneous**
   a. Next Budget Meeting
3. **Discussion of Work Session Agenda Item as Time Permits**
4. **Adjourn**

Council Study Session

DATE: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: N/A
BY: Barb Suciu, City Clerk

SUBJECT: Next Budget Meeting

Background:

The next budget meeting is scheduled for Monday, July 5th which is the observance of Independence Day. Is there another day that this would work for the city council for this joint budget meeting?

CITY COUNCIL MEETING
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 97680230856# Passcode: 7635693300#
June 14, 2021

AGENDA

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

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

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

2. Invocation - Elliott - 7 p.m.

3. Call to Order Regular Business Meeting

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

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes
- Motion to approve the following minutes:

- *May 15, 2021 Special Council Meeting*
- *May 24, 2021 Study Session*
- *May 24, 2021 Regular Session*
- *May 24, 2021 Work Session*
- *June 7, 2021 Work Session*
- *June 7, 2021 Joint CC/Financial Commission*

b. Approval of Licenses

- Motion to approve the licenses as presented.

c. Resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project No. 2020-07, Water Tower No. 1 Rehabilitation

- Motion to approve a resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project No. 2020-07, Water Tower No. 1 Rehabilitation.

d. Resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project Nos. 2018-08 and 2019-05, Bellvue and Southeast Area Mill and Overlay Improvements

- Motion to approve a resolution accepting work performed and authorizing final payment, Improvement Project Nos. 2018-08 and 2019-05, Bellvue and Southeast Area Mill and Overlay Improvements.

e. Resolution Relating to the Issuance of Conduit Revenue Bonds to Finance the Costs of a Multifamily Housing Development (The Crest Apartments Project)

- Motion to approve a Resolution relating to the issuance of Conduit Revenue Bonds to finance the costs of a multifamily housing development under Minnesota Statutes, Chapter 462C; granting preliminary approval thereto; establishing compliance with certain reimbursement regulations under the internal revenue code of 1986, as amended; and taking certain other actions with respect thereto (the Crest Apartments Project)

f. Resolution Adopting Annual Comprehensive Financial Report of the City of Brooklyn Center for the Calendar Year Ended December 31, 2020

- Motion to approve a resolution adopting the annual comprehensive financial report, and accepting the special purpose audit reports, the management letter and the corrective action plan of the City of Brooklyn Center for the calendar year ended December 31, 2020.

7. Presentations/Proclamations/Recognitions/Donations

a. Update from Our Sister's Keeper

Accept presentation

b. Resolution Expressing Recognition and Appreciation for the Dedicated Public Service of Crime Prevention Specialist Becky Boie

It is recommended that the City Council consider recognizing Crime Prevention Specialist Becky Boie for over 19 years of service to the city of Brooklyn Center.

8. Public Hearings

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

9. Planning Commission Items

10. Council Consideration Items

a. Resolution Authorizing the Withdrawal from Minneapolis Northwest Tourism

- Motion to approve a resolution authorizing withdrawal from Minneapolis Northwest Tourism

b. Resolution Authorizing a Community Engagement Pilot Program with Community Partners for the Opportunity Site

– Motion to approve a resolution authorizing a community engagement pilot program with community partners for the Opportunity Site

c. Proposed Ordinance Amendment to Chapter 19 Allowing and Regulating Native Prairie Grass and Naturalistic Vegetation

`- Motion to approve the first reading of an Ordinance Amendment to Chapter 19 of the City Code of Ordinances regarding Regulating Native Prairie Grass and Naturalistic Vegetation and calling for a public hearing and second reading to be held on July 12, 2021.

d. Commission Appointments

e. City Manager Appointment

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: N/A
BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Motion to approve the following minutes:*
  - *May 15, 2021 Special Council Meeting*
  - *May 24, 2021 Study Session*
  - *May 24, 2021 Regular Session*
  - *May 24, 2021 Work Session*
  - *June 7, 2021 Work Session*
  - *June 7, 2021 Joint CC/Financial Commission*

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:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
May 15 Special Session	6/7/2021	Backup Material
May 24 Study Session	6/7/2021	Backup Material
May 24 Regular Session	6/7/2021	Backup Material
May 24 Work Session	6/7/2021	Backup Material
June 7 Work Session	6/10/2021	Backup Material
June 7 Joint CC/FC Budget Meeting	6/10/2021	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

SPECIAL SESSION
MAY 15, 2021
EARLE BROWN HERITAGE CENTER

1. CALL TO ORDER SPECIAL BUSINESS MEETING

The Brooklyn Center City Council met in Special Session called to order by Mayor Mike Elliott at 3:00 p.m.

2. ROLL CALL

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

3. ITEMS

Mayor Elliott noted today's agenda includes testimony from Congresswoman Ilhan Omar, discussion with the City Council on the resolution, testimony from Daunte's and Kobe's families, testimony from the community, and then the City Council will consider the vote on the resolution.

3a. CONGRESSWOMAN ILHAN OMAR TESTIMONY (READING)

Councilmember Graves read a statement on behalf of Congresswoman Ilhan Omar, Minnesota's 5th Congressional District, U.S. House of Representatives, as follows:

> "This resolution is the result of the Brooklyn Center community demanding change – demanding a better way. No policy will bring back Daunte Wright. But we can enact changes that aim to ensure he's the last.
>
> This resolution will transform our system so that armed police are not the only tool the city has for responding to community needs. It is community-led and I support the local leadership in bringing forward their vision to make the City of Brooklyn Center safer for all residents today, and future generations tomorrow. I support it. Let's get this done. We owe it to Daunte."

3b. COUNCIL DISCUSSION ON RESOLUTION

Mayor Elliott thanked all for coming this afternoon, for this important vote on the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. He especially thanked Daunte's and Kobe's families for being here once again. He noted he has said it before

and will say it again that the strength, courage, and grace they have shown over the past few weeks is a testament to the love these two young men held in our community and recognizes that true justice would be Daunte and Kobe being here with their families today. As a community and as your elected leaders, we are collectively responsible for keeping our community safe. We have known for years, collectively, that we have a public safety system that does not keep all of us safe. We've known for years that our young people of color are systemically harmed by arrests, jailing, use of force, and the truth is that about every 18 months or so, a tragic loss of life. We've known for years that 85% of these encounters begin with a simple, even meaningless, traffic infraction or a mental health need. He stated we have known for years that there are better approaches than only sending armed police and yet, despite knowing all this in truth, we keep doing the same thing over and over and over again.

Mayor Elliott stated not anymore. Our community has demanded that enough is enough and as elected officials here in Brooklyn Center, the time to act, in my own belief, was yesterday. Today we're gathered here to change that history. We are here to take a vote on the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution.

Mayor Elliott addressed the process that led us here today and what the Resolution would do. He stated in the 34 days since Daunte's death, a community, your elected leaders, and City staff have spent dozens of hours, assessing, demanding, and debating the steps forward. They have consulted with various experts, City staff, and from across the country about community safety approaches that work. He noted the hope of all is that this resolution will establish a new north star for our community, one that keeps all of us safe; an approach that ensures that community gets help when they need help; an approach that focus our armed police on serious issues; an approach that addresses social injustice; and, an approach that will prevent the loss of more life.

Mayor Elliott stated this resolution sets our City firmly on the path toward creating this framework for our community and community safety in our City. It binds us to work together, to turn that vision into a reality for Brooklyn Center. It says that we, as your elected leaders, are committing ourselves and that you can hold us accountable for achieving these goals. If we pass this resolution, we will be taking a step towards our new north star and there will be no turning back. He explained the resolution will start an implementation process that will allow us to draw on the very best practices from across the country and our State and adopt them into what will work best for our community here in Brooklyn Center.

Mayor Elliott explained this resolution lays out an inclusive and deliberative process that ensures stakeholders' input and thorough legal analysis and review at every step along the way. It ensures we are proceeding with all deliberate speed to help our community in a way that is effective, safe, and successful. He stated the resolution will not require police officers to violate State law or deputize unarmed residents onto the roads to make traffic stops. He noted these and similar other claims contradict the plain language of the resolution and are only meant to delay, confuse, and in his view, scare us. Mayor Elliott stated the politics of delay and fear are what gives us the status quo that we have today and he rejects them.

Mayor Elliott stated the question before the City Council today is this: Are we ready to take this bold leap toward our new north star? Are we ready to commit ourselves to a new vision for

community safety in Brooklyn Center? He stated we are not here today to discuss whether the Traffic Safety Department would need 4 or 14 officers or whether the use of force policy must go into Section A or B. To be sure, these will be critical questions to address as we implement the resolution using the Implementation Committee. Mayor Elliott noted you have dedicated City staff including, especially Dr. Edwards and our City Attorney, who are committed to getting things right for our City at each step along the way in the months to come.

Mayor Elliott stated the questions before you today simply is this: Do you believe we can set our City on a new path? Do you believe we can make our City safer, healthier, and more just? Do we believe we know enough about these alternative approaches and concepts that we can adapt them to something that will work best for our City right here in Brooklyn Center? Or, can we find out more information? Do we believe that we can work together to overcome and solve the hurdles that will inevitably arise in the months ahead as we work through the details of implementation? If so, then let's vote 'yes' and move this resolution forward as our community cannot afford another day of inaction. He stated we have a long road ahead of us but there is no excuse for not stepping out onto that road today with resolve and commitment.

Mayor Elliott stated we will now go into Council discussion, questions around the resolution, followed by testimony from the families and the public. Mayor Elliott stated the discussion on the Resolution entitled: The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution is now open.

Councilmember Butler thanked all for being here today, especially the families who have been greatly impacted. She offered her sincere condolences to them and thanked them for joining us today. Councilmember Butler stated it is time. We have been talking about these reforms for quite a while, more specifically since last June after the death of George Floyd, but there wasn't as much urgency around it as there probably should have been. She noted this resolution is deliberate, thoughtful, inclusive, and it is going to require an in-depth implementation process that we are all committed to doing. She stated we did discuss, at the City Council meeting on Monday, and a lot of concerns were raised. Councilmember Butler stated she believes the City Attorney has addressed those concerns and the City Manager has offered his comments. With that, she thinks the City Council should be ready to move forward.

Councilmember Graves suggested the City Council revisit the changes and updates made to the resolution and see if there are still questions on those particular changes. Mayor Elliott asked the City Attorney to provide an update.

City Attorney Troy Gilchrist asked, to be clear, whether we are talking about the last two changes that just came in yesterday or the full range of changes. Councilmember Butler answered the full range of changes.

Mr. Gilchrist stated in working from the memorandum he provided, there were various changes to the WHEREAS provisions and specifically the fifth WHEREAS where the language was added to point out there are systemic issues that need to be addressed over time in addition to the specific measures of the resolution. He explained that essentially recognizes the adoption of this resolution,

or even the implementation of the goals set out in it isn't the end-all, be-all, and still recognizes that there will be work to do to address the systemic issues.

Mr. Gilcrest stated the seventh WHEREAS recognizes there is a range of models and experiences that the City can draw upon to implement these and the Mayor has indicated that as well. In discussions with the author of the resolution, recognizing several communities around the State have implemented various provisions of this, the City can draw upon that as it looks forward.

Mr. Gilchrist stated the eighth WHEREAS is a practical statement recognizing there is a range of measures involved in this and goals being established. It is a practical recognition that some of these are going to be achieved more quickly than others. He noted there is a great deal of work to be done as a result of adopting this resolution if that is what the City Council elects to do, and it is going to take, as the Mayor indicated, a fair amount of work by a lot of committed individuals both within the City and on the committees being established.

Mr. Gilchrist stated with the RESOLVED line, #5, there were changes made about the appointment process to Committees, recognizing that the Mayor, essentially as done with all other Committees, makes recommendations, presents names to the Council, and then the City Council acts to make the appointment to particular committees. He noted the language regarding the potential pool of persons eligible to serve on a committee is not just limited to those that interacted with law enforcement but also those who had direct experience with other types of services to be provided by the new Public Safety Department.

Mr. Gilchrist stated it recognizes that the City Council can appoint staff members to serve in the non-voting liaison role with the Safety Committee. This is one of the more recent changes. He noted with the Safety Committee, the director was the chair of that committee and as chair, had a vote. City Attorney Gilchrist stated the City Manager asked to change that to not have the director or City employee serve as the chair or have them vote on the committee. Instead leaving the vote to those who are appointed as committee members from the community and not City staff. Still recognizing, though, that City staff can be appointed by the City Council to serve as liaison. As far as the committee playing a role in negotiating the collective bargaining agreement with the Police Department, there were changes to recognize negotiation isn't very effective by committee so the role of this committee is to review the current agreement, provide input to the City Manager, and once the new agreement is negotiated, to then bring it back to the committee for final review and comments. That would then go to the City Council before the agreement is acted on.

About the use of force, Mr. Gilchrist explained the language was expanded to indicate that essentially the City is committing to reviewing and updating the policies, practices, and training associated with the use of force to reflect some of the goals listed in the resolution.

Mr. Gilchrist stated with citations and summons for low-level offenses, it was clear the City Council would give direction to the City Manager to implement this, consistent with how the City Charter addresses administrative issues. He stated as the City Council knows well, they give direction to the City Manager, and then it is up to the City Manager to work with all City staff to implement those directives.

Mr. Gilchrist stated with the Implementation Committee, the Mayor asked that he be the chair of that committee and the appointment process would go through the Mayor and be confirmed by the City Council. Once again, the City Council may appoint City staff to serve in a liaison role with this committee but not to have a vote.

Mr. Gilchrist explained the idea with both committees is to not have staff directly involved in voting or communicating the recommendations to avoid concern that staff is somehow altering or not providing the full story or recommendation to the City Council. This language makes clear that the committee makes its recommendations directly to the City Council.

Mr. Gilchrist stated he made most of the changes to #10 to address the concerns he heard about the provisions in the resolution, specifically, how can this be done in a way that is consistent with the Charter and/or State law. He stated we already heard comments regarding non-licensed officers pulling people over and those sorts of things. So, as the Mayor has indicated, much of this needs to be figured out in the implementation stage. This is not the implementation stage and if this is resolution is adopted, then the implementation stage would come. Mr. Gilchrist noted, as the City Council is aware, there will be a tremendous amount of work that will be required to implement this moving forward. Some of the language in #10 addresses that and more specifically, one of the lines indicates that in carrying out the provisions in the resolution, it has to be consistent with the City Charter and the law.

Mr. Gilchrist stated there no doubt this has to be done consistent with the law and as he had indicated in his most recent memorandum, ideally the Implementation Committee would have input on that from the stakeholders and law enforcement, to be able to say: Here are the legal requirements associated with carrying out these various activities. Then that review can be done so when the recommendation is developed and made to the City Council, much of that has been taken into consideration and addressed. He noted another line was added too indicating the City Manager and City Attorney still have the fundamental responsibility to review the recommendation and indicate to the City Council any issues or concerns from an administrative perspective or from a legal perspective they identify for the recommendations made.

Mr. Gilchrist stated if the City Council moves forward with the resolution, it will be our job collectively and all City staff to work as best as they can to make sure what ultimately gets implemented is consistent with the City Charter, consistent with the law, and works administratively within the City.

Mr. Gilchrist stated that added language to #10 makes it clear that this launches implementation of these measures. This is the City saying they are setting these goals and outcomes and committing to work to achieve those goals and outcomes. He stated he had conversations with the Mayor that the City may be able to achieve 80-90% of a particular goal because the law says that is all you can do. Then obviously that is what you will do. Mr. Gilchrist stated he puts it this way, you can achieve 100% of what you can achieve, but it may not be 100% of a particular goal. It just depends on the law and what is possible under the law.

Mr. Gilchrist stated he wanted to make that point to say that a series of decisions will come back to the City Council as part of the implementation. He wants to make it clear that, as he understands

the intent of this resolution, those subsequent decisions do not decide, on second thought, we ought to try to achieve one of these goals or outcomes. They will be set and the decisions you will be making are incremental decisions to try to get there as best you can.

Mr. Gilchrist stated the City Council had received an updated version, which he just reviewed, just yesterday there were two relatively minor changes made. One of which, as he indicated, the director would not be the chair or have a vote on the Safety Committee. The other added language in the citation and summons for low-level offenses provision, indicating the new language is: 'unless otherwise required by law.' That language gets at the idea that if the City implements this, they will be violating the law. Mr. Gilchrist noted these things will be carried out with citation and summons instead of arrest, unless the law requires arrest and, in that case, an arrest will be made.

Mayor Elliott thanked Mr. Gilchrist and asked if there are more questions.

Councilmember Graves stated he appreciates Mr. Gilchrist going over those changes, noting all the things she brought up on Monday as concerns and requesting feedback have been addressed by those changes. She asked about the memorandum she received from the City Manager and if there are any recommendations or issues within that memorandum that have not been incorporated into the resolution.

Acting City Manager Reggie Edwards stated he did not think there were any substantial variations or differences or recommendations he would have that have not already been covered by the City Attorney as it relates to framing. He noted this is a systemic problem and our approach ought to be systemic in that it relates to the events that have happened but also the patterns of behavior, the structure, and the mindset that exists within the organization and within society that contribute to these types of events happening. He stated that language was incorporated into the City Attorney's notes.

Dr. Edwards stated he also indicated that during the process, as we move forward, we want to communicate both internally and externally as much as possible because when we don't, it creates challenges as it relates to implementation, and fundamentally, his job is to ensure we operate as efficiently and effectively as possible. He stated it is his job to ensure measures are taken and to tend to the process of how the City does implement, which he will be doing as we move forward.

Dr. Edwards stated he wants to be sure, as it relates to communications and as the City Attorney had articulated, that we are clear about what we can do and what we cannot do so there is no false expectation that we will be doing something that we cannot. He stated as we go through this process and vet it for things that apply to the law as well as things that apply to our Charter, we will be able to implement those things. He wanted to be sure we articulate that as we go through that process.

Dr. Edwards stated as it relates to the RESOLVED, he provided the City Council with areas of concern with staff and those areas have been covered by the clause the City Attorney embedded within the memorandum relating to things being vetted by law as well as the City Charter. Beyond that, he has no additional comments and believes we can execute and implement what is in the

resolution providing we work together, communicate together, and allow the administration the flexibility to work within the framework.

Councilmember Ryan stated he wants to be clear that he had taken the position that he would oppose the original resolution as written because of the problematic language in certain places so he is pleased the City Attorney has addressed almost all of his concerns. He stated this brings him closer to finding this to be acceptable, certainly in the spirit in which it is offered, knowing it is a road map because we all want to get to a better place.

Councilmember Ryan stated at first he thought it was presented with a lot of great ideas, a lot of noble aspirations, but it was not a plan and the City needs a plan. He stated with the clarifications received and the discussion that has gone on with him, the City Manager, and the City Attorney, he sees this more as a road map and way forward to develop plans to address inequities but he also wants it to be a process that brings all of us along so it is not divisive for our community. He stated we must all work together for one Brooklyn Center, the Brooklyn Center community, and he thinks that is possible so he will make every effort to make that possible.

Councilmember Ryan stated he has one specific concern with paragraph 5 and is relieved to hear comments made about contract negotiations so that concern of his has been addressed by the City Manager and City Attorney. He referenced the second to the last clause, Paragraph 5, Page 2, which reads, in part, '…the Permit Committee will create a separate and permanent civilian oversight Committee for the new department…' Councilmember Ryan stated he is not at all opposed to an Oversight Committee but thinks that establishing that committee is the City Council's job because earlier, our discussions were about the range of discretion and influence the Oversight Committee would have. He thinks that is a principle of discussion and he looks forward to having that but maybe other Members have other views on this. Councilmember Ryan stated this is not a deal-breaker but it is a principal responsibility of the City Council, which has created all other advisory bodies in the past. He thinks it is consistent with that.

Councilmember Ryan stated he would like to see setting aside Paragraph 3 for now and returning promptly to some action on it because of the legal complexity and practical difficulties of traffic enforcement stops.

Councilmember Lawrence-Anderson stated she is on vacation in Oklahoma and has been doing her best to maintain telephone calls and e-mail contact. She stated she respects the spirit and intent of this resolution yet is still not 100% convinced she supports all elements of it. She has heard from many people who are not comfortable with it and also from many people who do support it. Councilmember Lawrence-Anderson stated she would like a hard copy document with all of the changes before she is willing to consider passing it. For this evening, she will not and stated again she would like a hard copy showing all of the changes so she can review it thoroughly.

Mayor Elliott requested clarification of Councilmember Lawrence-Anderson's remarks. Councilmember Lawrence-Anderson stated she is simply saying the hard copy she has is from the meeting of last Saturday and changes have been made since then but it has been piecemeal as opposed to one full document for her review. She stated she is not comfortable voting for it this evening. That is her point.

Mayor Elliott stated he realizes that Councilmember Lawrence-Anderson is traveling but she does have an e-mailed PDF copy of the document. Councilmember Lawrence-Anderson stated she does and typically she likes electronic documents but with a document with this much information, she would like it in a paper format, she does not have the ability now to print it out and go through it line by line.

Councilmember Graves stated this is related but not to a specific comment about the resolution. She stated one thing we could do as a City Council and staff is expand our use of the Vitals app, which our Police Department already has and that is not specifically spoken to in this resolution. She noted the City is already using it and there are not a lot of people within the City that necessarily know that. Councilmember Graves explained it is voluntary and the City could do more marketing about the Vitals app so more people register for it, which would give our police officers the knowledge when they are responding to someone who might be on the Spectrum. She felt that was something the City could move on, it is feasible, and even though not stated specifically in the resolution, she would like to see that happen.

Mayor Elliott stated he thinks the City can look at expanded use of the Vitals app during the implementation phase and how that can be better integrated.

3c. TESTIMONY FROM DAUNTE'S AN KOBE'S FAMILIES

Mayor Elliott invited the families of Daunte and Kobe to comment on the podium.

Katie Wright, Daunte Wright's mother, stated 34 days ago, on April 11, 2021, their son was murdered because of a minor traffic stop. She stated they stand as a family today regarding this resolution and are 100% in support, the way it is written, the verbiage, and exactly how it is. She truly believes that if this was implemented before April 11, their son would still be here with us today. If it was implemented a few years ago, Kobe Heisler would still be here today. But unfortunately, we are standing here today talking to you and asking you to please vote yes to this resolution exactly how it is written because she does not want to see somebody in six months to a year doing the same thing that they are as families, standing here and begging for change, begging for their children to be safe driving a vehicle or sitting in their own home. Ms. Wright stated it is the worst thing to have to do, she does not wish this upon anybody in this room and does not have this happen, we need this resolution and the City Council to vote yes.

Amity Dimock stated she is the mother of Kobe Heisler, the beautiful 21-year-old boy who was on the Autism Spectrum, and his grandfather that day called 911 because Kobe was having a bad day. She stated her son calmed down right away, the 911 call was reversed, the officers showed up anyhow and against the grandfather's wishes, entered the home. After 12 minutes of her son completely complying with them, even though he had done nothing wrong, he got up to run because he didn't want to be in that situation anymore. They tasered and shot him six times, including in the head in front of his grandmother in his own home.

Ms. Dimock stated she is here to speak in support of the bill with the updates the Acting Manager and City Attorney made after speaking with the City Council in hoping to alleviate some concerns.

She has complete confidence that the City Council, experts at their disposal, community members, and everything, that will be able to implement this in a fashion that will be something replicated in other cities because Brooklyn Center will work on it and do it right.

Ms. Dimock stated one of the things we need to make that happen is for the resolution to be voted on today, as the changes we are talking about will take a while, and we no longer have more time to wait. She noted as Katie stated and while there are not many things she knows for sure in this lifetime, she does know for sure that if measures like this had been passed earlier, Daunte Wright and Kobe Heisler would be alive today. That much she knows for sure. Ms. Dimock stated they will work with the City every step of the way. She asked the City Council to please do this and vote yes.

Jason Heisler, Kobe's father, thanked Mayor Elliott and Council Members. He stated we are living in some of the safest times ever and we will never be shot, probably, but this year has been a violent year with the hardships people have and how bad things are going on. And while these are some of the safest times ever, people are shot and for 1 out of every 13 people who are shot and killed, the shooter is a police officer. Mr. Heisler stated if you take into account that most times if you happen to be shot, it is from an acquaintance, your partner, or friend. He noted with 13 of the shootings, 9.5 of them are someone you know. So, it is very rare that you are shot by a stranger but in America, if you are shot and killed by a stranger, 1 out of every 3 times, 33% of those murders, the stranger is a police officer. Mr. Heisler stated some people are way more likely to have interactions with police officers than other people and this resolution is saying that the system is broken. It is a promise and an agreement that we need to fix it. That is all it is, an agreement that this is broken. Mr. Heisler stated when he said that 1 out of 3 times it is a police officer who shoots you if it is a stranger shooting, 54% of those killings are disabled people and a high percentage of those are people who are new or divergent, on the Autism Spectrum.

Mr. Heisler stated it is ironic we are sitting on Sheriff Brown's property, noting this is not the first meeting ever held here because KKK meetings have been held here. That is the irony, we are debating whether our policing system is broken while sitting on the sheriff's land where he had KKK meetings. Mr. Heisler stated there is no doubt that this is a broken system when some people can get away with crimes all day long. He noted people will say in our communities, the problem is black on black crime but most crimes are white on white. Crime happens from someone you know, but for some people, you get killed by the police, and a lot of people will not experience that. Mr. Heisler stated if you are a minority or if you are disabled, you have a way larger chance of encountering and being murdered by the police. He stated that 3 people a day are killed after police interactions and 150 go to the hospital every day. Mr. Heisler stated we know the kind of people the police have interactions with, it's the people with a bad car, or look darker than Sheriff Brown looks. He stated we know what's going on.

Mr. Heisler stated in Brooklyn Center we find ourselves in a unique situation in a time where we can all agree and put our resources into fixing this instead of adding more police who don't do anything. He stated if you talk to people who have had their house broken into, or been raped like so many women have been, or their car stolen, the police do not do anything. They catch 15% of the murders, maybe. That is why we have to start all over because the entire system is systemically

broken. He noted that Ethan, who is Kobe's cousin and meant everything to him, was like a brother, will speak next. Mr. Heisler thanked everyone for coming out tonight.

Ethan Heisler stated he is in full support of the resolution and thanked the Mayor for bringing it up and giving us this opportunity. He stated you don't want your family member to get killed because it is such a traumatic experience and nobody wants that. He noted you may say 'back the blue,' and may be a Trump supporter, whoever you are, we can all agree we want our family with us and to see them the next day. He stated we should be able to have police that protects us and not kill our family members. Ethan stated he fully supports this resolution and asked the City Council to pass it. He thanked everyone for their time.

Mayor Elliott thanked the families of Daunte and Kobe, noting it has to be difficult for them to be here and continue to show up and talk about their boys, be present, continue to fight, and be active in these spaces. He asked all to take a moment to honor the fact that every time the families of these two young men are asked to get up and speak about the tragedy they experienced, it is re-traumatizing because it is reliving it every time. He again thanked them for being here today.

Mayor Elliott stated he met Ethan at Kobe's funeral when Ethan told him, 'We want justice for Kobe. What are we going to do?' and he was overtaken by grief but even in that, wiping tears away, Ethan came right up to him and spoke very clearly as he did this evening. Mayor Elliott noted this will not bring Kobe or Daunte back, and that would be the ultimate justice in having Kobe and Daunte here with us, but hopefully, it gets us miles ahead.

Mayor Elliott stated the City of Brooklyn Center is taking a bold step and they can do it. He opened the meeting to comments by community members and particularly to folks who have not spoken yet. He asked speakers to limit their time to a minute or two so there is time to hear from many people.

3d. COMMUNITY TESTIMONY

A lady stated she lives on the edge of Minneapolis and Brooklyn Center. Her son lives in Brooklyn Center. When he was about 12 years old, he was diagnosed with Asperger's, and when 18 years old was diagnosed with Schizoaffective Disorder. He currently lives in an assisted living facility in Brooklyn Center. She stated the morning after Daunte was shot, she woke up to hearing the news and did not know who it had happened to but with the proximity of where it happened, she feared it may have been her son, that her son may have had a mental health crisis and it may have been him. She stated she found out it was not him and can still feel the utter terror that most of us who have young black children, especially black sons, feel when they wake up and hear that news or see a clip on the news.

She stated on Thursday of that week, her son did have a mental health crisis and went into a psychosis, assaulted his staff, broke his hand, and at that point, she was faced with the dilemma of who to call. She could call COPE but they do not come out right away and do in-person visits and cannot compel and take him down to acute psychiatric services. The only outlet they have is the police department who can do that. Her son's nurse was on-site and called the police department. She stated she also spoke with the police officer who was more interested in the amount of stress

he was going through because of the protests in the community than he was in how to get help for her son. She stated she, as a black mom, does not want to reach out to this particular group of people, especially this police department, to have them even lay eyes on her child in this situation let alone put their hands on her child. But her child needed help.

She stated she appreciates all the work everyone has done and the need for wordsmithing to get it right but in the meantime, this needs to pass as quickly as it can because no one should have to decide on whether their son will get the help he needs, maybe hurt himself or somebody else, or do you call the police and risk that they might kill him. She stated this needs to happen now.

A speaker stated he is a little handicapped after the dudes in the Brooklyn Center police shot him with a tear gas canister. He stated he will continue to stand up and fight for these families. He travels across the country against an unjust system, which is why it is very important to pass this resolution. He stated he fights for families across the country that have been victimized by police brutality, gun violence, and racism, which is at an all-time high and is happening every day. He noted as Amity said, these laws and resolutions should have been passed so they could stop Daunte from being murdered by a murder cop and could have stopped Floyd by being murdered by the murder cops if the resolutions were being passed. He stated people know what is going on, are not blind, and have to stand up for something or they will fall for anything. That is why they have to pass the resolutions and continue to stand up for these families and fight against the unjust system. He stated as activists and advocates, he stands with them all. He stated power to the people.

A speaker asked why are we here in this room, it is because of constant harassment and killing by police officers of our children in communities across this country. He noted Daunte's mother said, at his funeral, that every mother or father would like to be buried by their children but here am I standing here and I'm going to go bury him. He stated that should touch all of us and everyone here in this room should be touched by that.

He stated one of the things that made him come up here today, was hearing on MPR some police officers or sheriffs read a letter that this resolution should not be passed because their input was not sought. He stated the first police department, the city police, was established in 1751, almost 270 years ago, and done by a city council. He asked where did the idea come from, noting if all of the ideas implemented were good and perfectly fine, we would not be here today.

He stated all they are saying is to let us ask something, to make some changes, and there is nothing wrong with that. He commented on other threats in our lives, noting the real threat to global society is injustice, yet elected officials up to the Congress or sometimes even the President are ignoring this issue. He asked how many more lives, pain, agony, and difficulties do people have to pass through. He stated this is an historic moment, as he said the other day, do not let this moment pass as this is your moment and let other cities follow. He stated we will work with the Council Members who are more concerned about their community and asked them to act today, pass this resolution and let Brooklyn Center be the center for all of the changes in this country. He stated Congress, and even our own legislation, are still debating the issues while this City takes a bold and giant step in the reformation of this community and society.

He stated we will be proud to say, 'I was there and I voted to pass this resolution.' He asked all to look at the innocent mothers, noting he has four boys and is worried about what will happen to them when they leave the house. He is in constant fear and frustration. He asked why should we have to live that way when we can make changes. He has no reason to doubt the City Council's ability to see the reason why we should pass this and if you can't do it for any other group, do it for these two innocent mothers sitting before you teary eyed so you are able to save more lives by passing this resolution. He stated it will not take anything away from you but if you don't, it will take something away from you and we will demand that you do it. He stated they will mobilize every single member of this City to come to the City Council but they don't want to get to that point because they have confidence in the ability to make the right judgement since they have done it before and can do it again. He thanked the City Council and stated they have all of our support on this. He stated today, they want the resolution passed now.

Councilmember Butler stated in-person testimony will pause at this point to accommodate two people who are on line and would like to speak. Then the format will switch back to in-person comments.

Joy A. stated she is a 30-year resident of Brooklyn Center and heard Councilmember Lawrence-Anderson say she is not prepared to vote on the resolution today because she was not able to print the document that was emailed so she could read it. Joy stated she does not understand that, noting every two weeks there are Council meetings with over 300 pages of electronic material provided and she is quite sure Councilmember Lawrence-Anderson is not printing all of that in order to prepare for Council meetings.

Michelle Gross stated she is the president of Communities United Against Police Brutality, a statewide organization in its 21st year. She stated they are honored to express their support for efforts to improve equity and public safety through the adoption of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. This resolution will place Brooklyn Center at the forefront of addressing community needs through a multi-pronged approach that emphasizes solutions, not criminalization. Ms. Gross stated they are aware the City received a letter from a law enforcement lobby group that uses legalistic language to attempt to frighten you into thinking the resolution is unworkable or contrary to State law. The reality is that there are a whole host of issues for why a response by a licensed law enforcement is neither best practice nor required by State law. She stated appropriate responses to mental health crises, for example, have been extensively studied and best practices developed in the United States and other countries around the world. Best practices dictate that mental health professionals and providers respond to these calls rather than law enforcement officers whose training and focus tend to criminalize people experiencing mental illness.

Ms. Gross stated Minnesota Statute 256b.0624 mandates that members of mental health crisis response teams be mental health professionals or practitioners (not law enforcement officers) as defined by Minnesota Statute 245.462. She stated homelessness and other social service issues are properly handled by social workers. The practice of deploying social workers is occurring with great success all over the country and there are numerous studies and decades of experience that validate this approach. She stated there is funding through various federal programs to institute this practice.

Ms. Gross noted that drug overdoses are medical emergencies best handled by medical personnel and many people have died because others with them have refused to call for emergency services for fear that police will insert themselves into these situations, criminalizing people during a medical crisis. She stated there are situations in which licensed law enforcement officers will be the right responders, and the resolution does not preclude such responses. People who are harmed by violent crime or financial exploitation, for example, access the court system via a law enforcement investigation. The resolution recognizes this reality and ensures there will still be licensed law enforcement officers available to the community when their expertise is needed. She stated the resolution also recognizes that true public safety requires an approach that doesn't single thread everything through a law enforcement lens.

Ms. Gross noted that resolutions form the broad outlines of new concepts and ordinances define their implementation. There will be ample opportunity during implementation for law enforcement input but you have to start with the broad concept first. She asked the City Council to not be dissuaded by law enforcement lobbyist from taking this first step by approving the resolution. She stated the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution provides the City of Brooklyn Center with the opportunity to reimagine public safety in a manner that serves all parts of the community and they strongly encourage the City Council to begin this journey by passing this resolution.

Ms. Gross stated law enforcement has controlled the narrative of what public safety looks like for a long time in every state and city in this country. But by their conduct and unwillingness to change and bend and work with the community, they have forfeited their right to be the sole determinants of what public safety looks like in our communities any longer. She stated they should not be allowed to conflate public safety with policing as the two are not the same. Ms. Gross stated this is not to say that law enforcement has no role, they should participate at the implementation stage, but they should not stop you from taking this measure now. She stated the City Council needs to pass this now so they can move on.

Ms. Gross stated the City Council is very lucky in this journey to have several local and national experts who are willing to help, noting she pledges the resources and knowledge of their organization to helping the City with this journey. She is personally considered to be a national expert on civilian oversight bodies and has traveled the country teaching communities how to start civilian oversight. She pledged her volunteer time to Brooklyn Center to help with that. She stated they have also extensively studied alternative responder best practices and, again, they pledge their organization's knowledge, support, and efforts to Brooklyn Center in this endeavor. She stated they want to be at the table to help but first the City Council has to start by passing this resolution.

Myrna Kragness-Kauth, former Mayor of Brooklyn Center for 12 years, stated she never had to experience anything like this City Council has been going through. She stated her heart breaks for the City Council in the decisions that have to be made. Ms. Kragness-Kauth stated she has read many of the articles, listened today, and is glad to hear the City Attorney made some changes to what was seen before, which answers questions she had. She believes the City is ready for some changes with enforcement but she does not believe the City should omit the police department in negotiating the changes and what they are able to do and can do for us. She stated she has had

experiences with the police department for many medical reasons and they have been very helpful to her and her family but as she said, she supports the City Council and is glad they are taking this on. Ms. Kragness-Kauth stated she thanks God she never had to do it because it would have been heart breaking. She asked all to support the City Council and let's make sure that what we do today will not come up next year or in six months and have to change because it was done wrong to begin with. She asked the City Council to do it right the first time so we don't have to go back to it.

Amy H. stated she was concerned with the original wording of this resolution because she found it conflicting and confusing and appreciates the Mayor and City Council have partnered with legal counsel to go through it and find a more reasonable approach. Her perspective is that she recognizes that racism in this country is a very significant, urgent problem that we absolutely must address and there are other issues in terms of how we police our community when it comes to people with mental health issues and other disabilities.

Amy stated she applauds the fact that Brooklyn Center is taking this on and looking for change but at the same time, she also recognizes there are problems in our community that absolutely require policing. She is concerned about the escalating violence seen over the past year in the Twin Cities, some of which impacts her neighborhood and stopped her from using the transit center across from Cub Foods. Amy explained that when she was not able to drive due to medical problems and needed to get home from work mid-day from downtown Minneapolis, she couldn't do it because the third time she went to that transit center, a fight broke out. Amy stated she has a disability and is not able to move fast enough to get away from fists that are flying. She would like to see a partnership between the diverse community members we have and law enforcement to find what can change to make things better for all of our community members.

Amy stated people should not feel afraid because of the color of their skin but they also should not feel afraid because there are some community members who are violent. Amy stated two nights ago, someone stole a car, crashed into another car hard enough to roll it, and then came to her street, bailed from the car, ran, and tried to get into her back yard when she was out there. The only thing that stopped him, was her Pitbull meeting him at the gate.

Amy stated she wants to make it clear that she supports law enforcement and change and does not think it has to be an either/or. She stated again she did not support the original resolution but does support the changes made and is more comfortable with it. She wants to see change succeed but let's do it in partnership because we are all stakeholders.

Mr. Solomon stated he is a long-time resident and wanted to applaud the Mayor and his staff for doing the work on this particular proposal and referendum, doing the research, coming together last week, hearing people say they are in disagreement with some of the wording, meeting with an attorney, and getting a legal perspective. Mr. Solomon stated there were some things he was concerned about because of how lobbyists and the union would twist those things around. He stated they did their work and got things done to where it is totally sufficient and will move us ahead. He stated for the last 20 years, all he has ever heard is different chiefs talk about community policing and he has yet to see that. Now the City is putting their foot forward and getting that stuff done. Mr. Solomon stated change is difficult for most Americans and he says that change, to him,

is a contact sport and you have to get out there and be intentional in what you do to make it happen. He noted that is what this is doing, moving us ahead.

Mr. Solomon stated he comes from a very respected and responsible family in his line but yet he has had to deal with this and his grandfather told him stories of what he had to deal with, his father and son have had to deal with this and now his 22-year-old grandson has a story about dealing with this. He stated this stops with him right now and he will do everything in his power to make sure that happens. He stated the City Council has a responsibility on this, noting he has done the research and looked at Philadelphia, New Jersey, California, Oregon, Ohio, and Washington state and made sure he looked at how all of those places that have already instated these changes have been successful in different areas of it and cut down on a lot of different things. He stated we are not eliminating police and there will be 42 officers on Tuesday just like there were 42 police officers yesterdays.

Mr. Solomon referenced the things mentioned by the caller before him and agreed the police can be handling those things, someone in a stollen car. He complimented Mr. Heisler on his comments, saying he stole his thunder when he talked about how historic this is to meet in the Earle Brown Center because it is totally ironic. He stated all of the research he has done on Mr. Brown tells us where we are as a country because we always say this doesn't affect us, this is their problem, so we just let it happen. But Mr. Brown is the founder of Brooklyn Center, a sheriff in Hennepin County, yet everyone knew he was supervising cross burnings on West Broadway and going across the country promoting eugenics and still people let it happen because it didn't involve them or people that looked like them. Mr. Solomon stated this is now their community, the demographics have changed very fast, and all are part of the community and need to make sure this is put into gear as it will take the City to another level. He doesn't want to hear stuff about not having a chance to read anything because he had a chance to read it. He stated any committee and council he has ever been on, and there have been a lot in the last 40 years, he prided himself to never get in front of you and say he is not prepared. He stated if he had to vote or hold a conversation, he already knew about it because he sat down and did the work on it. Mr. Solomon stated we all have a responsibility here and need to get things done and work on this to move to the next level.

Ethan Capers stated he would like to echo some of the sentiments other speakers have said because we are, in fact, at a momentous time in history. He noted over the last few years a lot has happened that the history books will have a lot say about. Mr. Capers stated it is important for the City Council to find themselves on the right side of that history. He noted the loudest voices in opposition in social media spaces for our community have been, consistently, people who have clearly not read the original form of this resolution. He participated in previous meetings, and stated the last time it was important to come up with the correct language, but it was clear from the original language that the intent was never was to disarm police or take police resources away from the community. Rather, the intent of this resolution was always, from the very get go, to free up our police officers to be able to perform their job, stop having them perform jobs they are not trained or prepared to do, and minimize the opportunity for the implicit bias that every single person walking around on Earth has and keep it from being part of what occurs when law enforcement interacts with members of our community, the most diverse community in this State.

Mr. Capers stated Brooklyn Center is a social experiment in this day and age because there is so much tension between black and white in America right now that it is like walking on egg shells for many to try and figure out how they need to behave. He stated black people are not a modelist, we look different, we come from different places, have different backgrounds, and desires. The one thing we need to be able to do is be treated fairly under the law and in order to have that happen, we need to have policies and structures in place in the system to keep everybody else's implicit bias from having things go down the wrong path.

Mr. Capers stated this resolution is a good step towards being able to make that happen, towards being able to apply appropriate resources to places they belong instead of constantly over loading our law enforcement officers with tasks that are inappropriate for them or where they are more likely to have implicit bias turn the situation in the wrong direction. Mr. Capers stated with that, he is in support of the changes that were made and realizes whatever is on paper today still has the possibility of being modified as implementation is figured out. He urged the Council Members to stop listening to people who haven't actually read the proposal as people's knee jerk reactions are coming through. They hear a couple of buzz words, read bad headlines from poorly reported stories, they jump on the bandwagon because of their own confirmation bias and waive their flag about how things are going to change negatively.

Mr. Capers stated the only thing that will change for many of those people is that they will have black and brown people around them, and people who have other mental challenges or disabilities that put them in a position of being minimalized and marginalized. They are going to start to have an even footing with them. He stated he is shocked and appalled by how uncomfortable that makes some people. He stated it is okay for everybody to be equal, and not the equal they have been used to if they have not been on the receiving side of what it means to be a minority in this country. He stated when all are equal it does not mean somebody is getting ahead of you, it just means they are starting where you did. He noted this resolution is a step in that direction and he honestly cannot think of a good reason why any Council Member would vote against it. Mr. Capers stated he hopes the Council Members all reflect upon themselves and find that to be true as well.

A speaker thanked the Council Members for the opportunity to speak and stated he is sorry for the losses of the families that the resolution is for. He stated to the Council Members that before they make this resolution vote, he would hope they brought the stakeholders. He stated he grew up in Brooklyn Center and raised his family here and everything people are talking about, been there, done that. He asked the City Council to make sure all of the citizens who live here every day have bought into this. He stated he appreciates all of the updates because he has a laundry list of questions and while some were answered, there is still work that needs to be done. He stated change is great but for every situation we are talking about, he has been there and done that and had numerous conversations with Councilmember Butler on this. Before questioning his objectives, people should know he's been there and done that on both sides of the aisle. He urged the Council Members to buy in, talk to the people who live here, because at the end of the day, we are the ones that are going to be spearheading this, it is our tax dollars. He stated residents have to wake up every day to look at the cops, police officers, social workers, and he wants the Council Members to really think about that and if they can actually answer and say, 'I've talk to all of those guys, community members when they came to National Night out,' then have at it. He stated that is what he is leaving the Council Members with and again stated he is sorry for the families' loss

but he is speaking for the people on his block, the people he talked to and made sure, when all of this stuff was going down, that they had food on their table.

Leng Xiong stated he has been a resident since in eighth grade and attended North Jr. High, Park Center Senior High, and did not graduate until he was 21. He stated he has spent a lot of time here and he didn't graduate because he stayed back to help tutor the Hmong refugees who came in 2008 when there was a huge movement and the camps in Thailand were closed. He stated knowing Hmong and having spoken English, he stayed behind.

Mr. Xiong stated this is about the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution, which he has read over and over and none of it includes building a brand that the police can come out and say they are not dangerous, they are here to help, and include themselves in the community. He asked what does this City look like, what is the age group, noting they are Millennials and the median age in Brooklyn Center was 30 years old in 2018. He asked how many in the room or meeting today are 30 years old, noting there are not many and that is where we need to reach out.

Mr. Xiong asked why are people causing all the looting, speeding, doing all the crime, it is because there is nothing better to do here in Brooklyn Center because they are bored and homeless. He asked if the City has reached out to any one of them. He stated in this past year he has had three young Millennials commit suicide and he had to bury them and will soon be burying two more. Mr. Jong asked how many more will he watch pass away and keep doing bad things. He stated they need to be given something to do and the City has this huge opportunity at the Opportunity Site to build something that attracts all from across the world.

Mr. Xiong stated he sees a common occurrence of a car speeding problems through 63rd Avenue from Brooklyn Boulevard and 81. He asked why the cops are not posted with speed traps to make sure those out of town people get ticketed. He stated if he was ticketed once, he would not speed through there again, he will drive nicely because it is his neighborhood. But, the ones from out of town don't care. Mr. Jong stated if the City Council wants to include the community, they should invite some 30-year-old to sit down with the cops or have a ride-a-long and show them what happens when they speed through this community. He stated we are bored and that is why we loot.

Mr. Xiong suggested setting up a brand for the cops, such as building something that is attractive like a very nice car. He asked if anyone had watched the Fast and the Furious and suggested building a cool attractive cop car and a department inside of the police station so they can say, 'we are the community team that attracts and communicates with the community.' Mr. Jong stated they could build a car show because Minnesota is the home for the number one largest car show in the United States, Back to the 50s, and they are 80 to 90 years old today.

A speaker stated she is a resident and her concern relates to the communication part of this, noting the City does not have a website that works right now. She asked how the City intends to communicate with residents, noting she is not on Facebook or Twitter and asked how she gets her information. She is not for or against the resolution but is concerned that in the resolution, when you invite people to participate on committees, people like her will not be allowed on those

committees because she is white, a woman, lives here, and a conservative. She supports the police and is against crime but she does not think she is being heard and she would love to be part of the community and bring us together. She stated she does not think she will get that opportunity with this City Council to be quite honest.

She stated all talk about racism but if she was a racist, she would not live in this community. She stated she would like to be part of that but does not feel a part of this community with the looting and everything else that is going on. She feels excluded because she does not loot or riot and is a law-abiding citizen. She stated we have things in common and asked why we are not together right now as a community.

Mayor Elliott stated obviously everyone who lives in Brooklyn Center is part of one community, has differences and different views in how they see things but he truly believes if we spend time together, we can build bridges.

Mayor Elliott stated the City will get contact information for folks here today that want to keep up to date as we move forward with implementation. He encouraged people to provide that contact information so they can be kept in the loop.

A speaker stated he too does not get a lot of information and found out about this meeting at 2 o'clock today on Next Door. He stated if you go to the Brooklyn Center website, you are told it does not exist and if you change the website address you are redirected to some stuff, but it takes some work to find. He stated he is also distressed when he sends things to the City and receives no response, noting it has been that way since before Mayor Elliott was elected.

Mayor Elliott stated he read this gentleman's e-mail.

He stated he is another person who is for police departments, was a reservist in a small-town 40+ years ago, and knows the highest fatality rate for cops is actually on traffic stops and domestic calls. He stated he had a rookie who insisted on doing the driver's side on a traffic stop and he got blown away by a shotgun so he knows what it is like to have a traffic stop go really bad. He stated he is against citizens on patrol where we have people out there with no weapon pulling people over, not because he thinks there needs to be cops out there, but thinks we need people trained in doing traffic stops who are armed so when things go bad, they can protect themselves. They need to have vests and know how to put their ID on the back of a car with their fingerprint so if the car takes off and is found, the car can be dusted, the fingerprint found, and know the cop was there. He stated this is not so the cop can do something to you, it is so they can do something for the cop.

He stated there are a lot of cops here and your son (Daunte Wright) was killed not because of a traffic stop, in his mind, but because he had warrants.

At this point the audience disrupted the speaker and approached the podium.

The gentleman asked the audience to let him speak. He stated the people are really hurting and need to know why it happened, that the cops didn't do their damn job.

The microphone was turned off and the gentleman was escorted away from the podium.

Mayor Elliott brought the meeting back to order and apologized to Katie and Arbuey Wright on behalf of all who are here. He stated he wants to honor everyone here to speak and all who are currently in line will be able to speak, one to two minutes at most, so the meeting can be wrapped up.

Tashura Gearoway stated she works with all of the families around Minnesota that lost their loved ones at the hands of the police. She stated she lost the father of her son, Justin Teigen, who was beaten to death by Minnesota police and thrown inside a trash dumpster. She stated she will not let an area where someone was killed seclude her family, she stands for families, and fights to stay together, fights in solidarity for one another, because when we are picked apart, that's when we are weaker. But, we are stronger when we stand together. She stated since Daunte was murdered, our families have come forward to stand with the Wright family in solidarity and will be here no matter who tries to divide and separate us.

Ms. Gearoway stated the man who just spoke never lost a child, never had someone pull him over and attack him for no reason, he doesn't understand this is not community versus police. This is not community versus people in the political seats. This is not white versus black, noting Daunte's parents were white and black. This is right versus wrong and it is right to pass these measures today. It is the right thing to do for human life, not for white or black, not for community versus persons in political seats or the police. She does not care if it is in Brooklyn Center, north Minneapolis, or where it is but when they kill somebody, when they take a life unjustly, we are to stand up for that life no matter where it is in the State of Minnesota or around the United States.

Ms. Gearoway noted there are other families here, Jaffort Smith's mother whose son was killed in St. Paul and Courtney Ross who was Daunte's teacher and George Floyd was her significant other. She stated we are here and demanding and asking, something we shouldn't even have to do; hurting mourning families we shouldn't have to. She stated she understands that some white privileged folks have not lived through what we have lived through but it doesn't take away from our experience. She stated we are living through it and our loved ones are being shot in traffic stops, not because of warrants but because we have a brown skin color. She stated that is the elephant in the room and she is calling it out. They are racially motivated murders and it does not matter if you have on a police uniform, a regular outfit, or a Ku Klux Klan outfit. A racially motivated murder, is a racially motivated murder. She thanked all for being here today and stated she hopes they stand up for human life, not police, not for political seats, but for human life. She stated for the woman who did not get the paperwork, she does not have to get the paperwork if you saw the video and the boy getting killed for no reason.

Matilda Smith, mother of Jaffort Smith, killed by the St. Paul police, stated four police shot her son 49 to 52 times and left him around a resident's house with his pants pulled all the way down to the ground. She stated she is here for Daunte Wright and Kobe Heisler, we want justice, we want it now, we want the Resolution passed, and we want it passed now. She stated we are tired, sick and tired, and you should be sick and tired of killing our children. Ms. Smith stated Daunte [Katie] Wright and Amity Heisler, they will never ever be over what happened to their children just as she won't. She stated what happened to their children should never have happened and this

resolution should have been passed. She stated we don't want to hear that you haven't read the resolution, read it now, look at it. We are not going to continue to let you kill our children. She stated the pain that Katie and Amity are going through, she goes through it every day and it never ends. She stated you are going to have to fix this because it will not get any better, it will only get worse. She supports every family of victims and will continue, noting for each one that is murdered by the police just brings more of us out. She stated they will never get over their children or her child getting shot 49 to 52 times. She asked what is wrong with you people, be wise for once, and pass these bills.

Courtney Ross stated she is here specifically to support you all, noting there is no pain like a mother's loss. She noted there are other people that need to speak and stated everyone has seen enough people with her skin color talk so that's all she needs to say right now.

Dorit Jean Van Knight stated people may be wondering why she has a picture of Philando Castile when it's Daunte Wright and Kobe Heisler that we are talking about specifically in Brooklyn Center. She has a picture of Philando Castile because he was pulled over 46 times in his driving life and he wasn't that old, noting it might have been more because he was pulled over multiple times during the day but it was only counted once. Ms. Van Knight stated the number of times he was pulled over and issued a fine or fee for minor things, things you may have in your car now, things that could be fixed easily, affected his life and ability to pay for things and constantly not be on the radar of the police. She stated if you want somebody who was the 'perfect person' that people keep looking for, you don't deserve to get killed if you're perfect, Philando Castile was the closest you can come and that 46th time, he was killed. Philando did everything single thing right, he was calm, spoke to the police officer nicely, did exactly what you are supposed to do and still he was killed.

Ms. Van Knight stated this isn't about people who were killed and the reason she shows his picture is because this is about the people who are still living. Unfortunately, we cannot help the people who are no longer living but we can help those who are still here and we can keep them from going through these same things that people have gone through before. She stated we can keep these people from having to deal with the financial crisis. She noted there were only 18 days last year that somebody was not killed by the police in the United States, up to 8 times a day. This year, we have 367 and for all of those who think that is just black people who you need to worry about, and people say that police kill white people too, that should not be a thing you want to advertise. That should be a thing that concerns you too. She asked all to remember to pass this resolution because it is important to the living as well as those who speak for the dead.

Zoya Cole stated she is a representative of Minnesota and in June 2017 she was pulled from stairs and thrown onto the floor, onto her face, taken outside, and rolled like a black dog. She stated she did not beg for her life, she told him to get up off of me, I can't breathe. She literally refused to stop breathing. She stated she does not know what it was but she believes in God and knows somebody saved her, pulled her from under that and told that man to get up off of her. Ms. Cole stated she came out here for you because she saw their baby scared like she was. She stated any time the police get behind her, she is terrified because no one said, 'Hey, what's the problem.' She stated if you want to know what the problem is, she is the problem because she is still breathing. She has issues, she gets pulled over, but has never been pulled over like that before. But since she

was beaten and refused to stop breathing, she told everybody who was listening, but they weren't, because George Floyd is dead today. She stated that was the same officer who was responsible for her mental stability, for the love in her heart, and tomorrow, mark tomorrow because this is only the beginning of what we have been going through for over 400 years.

Ms. Cole noted that statistically, the numbers are there and she is not going to be quiet, shut up, and does not care who is not listening. She is still breathing, has five beautiful black children that she will raise and they will be your caregivers, your leaders, or whatever. She stated before 2017, with her whole heart, she was the best butt washer, and going to take your grandparents when somebody else don't want to hear. In 2015 she learned about mental illness, came back home, and in 2015, she got a job working for Olou Homes and could tell you there is nobody working for that establishment, or who she has worked for, done the job for, because she does it for her community with no paycheck. She stated we need this resolution passed and it is in front of us here today.

Jonathon McClellan, president of the Minnesota Justice Coalition, stated they are part of a collective organization that work with families and community to draft and advanced legislation and other policy initiatives at the Capitol and in Washington, D.C. He responded to the police opposition to this resolution, saying we have seen these letters before and it is always when advancing police reform legislation or a change in policy. All these letters are the same. These special interest groups try to play 'chicken' with the elected leaders hoping they'll blink when it's time for a vote. They promote a once-sided view that has allowed the Derek Chauvins and the Kim Potters to thrive in our communities and brutalize its people with impunity. It does not matter how sound the legislation or policy is, or the good that comes from substantive change, their position is always the same, to promote their interest at the expense of the people they are supposed to serve and the expense of the City. He stated for decades these factions have been pushing legislation and policy that have had a lopsided application and distorted reality in keeping the status quo.

Mr. McClellan stated we do not need relics of the past but a future that promotes our shared values, dedication to the people, and to our communities but this fear tactic has been regularly used, their lips drip with fear for change. The people writing these letters are often not qualified to interpret the law, legislative policy, or predict the future in the direction we are heading. We are on a train that is moving forward, there is no going back, our future and the future of our children depend on it. Mr. McClellan stated as he always says, our greatest failure will be to do nothing knowing what we know. It was recently brought to his attention a statement from the new union president for Brooklyn Center, speaking for the police, expressed devastation for the for the murder of Daunte and, in the same breath expressed his disdain for the loss of Kim Potter and what she is going through, as if she didn't kill a child. He asked what about the family who too often get lost in the conversation. Their pain matters, their voice matters. He stated the police departments are out of touch with the people and there needs to be response, a change.

Mr. McClellan stated before he was president of the Minnesota Justice Coalition, before he was a councilmember on the Race and Equity Council for Hennepin County, before he went to law school, and before he was a legislative congressional advisor, he was a career Minneapolis fire fighter. He dedicated his life to the service of others, put on his uniform, badge, and went to work not knowing if that day was going to be his last. He never hid behind his uniform or badge, he

treated every contact he had how he wanted to be treated, with respect, dignity, professionalism, and compassion. It did not matter how his day was going, what was happening in his personal life, when he put on his badge, he was his best self, a representative of the city, a representative of the people he served. Every contact he had was an opportunity to have a positive impact on someone's life. He noted that what a lot of people don't know is when the police make a mess, we are the ones who wash the brain matter, the blood spots, off the concrete and into the sewer. We are the ones who keep out of control cops from our patients. We are the ones who say, 'Check his pulse. He can't breathe.' Mr. McClellan stated here he is saying we need real change, we need police reform, it's time, it's long overdue, and our police departments need to evolve.

Mr. McClellan stated he was injured in the line of duty saving a young man's life, which forced him to retire and fight for change in his original passion. He knows how far he is willing to go to serve other people and fight for change and fire fighters don't give up, they don't back down, they pick up a cause, made a decision, grit their teeth, and do what needs to be done. He stated this historic resolution, these issues, are personal to him and to everyone who looks like him. They are in it for the long haul and these reforms will save lives. He said let's roll up our sleeves, get to work, and do what needs to be done, noting this is an opportunity for the City of Brooklyn Center to be a leader and a beacon of hope to the Brooklyn Center community and many others around the country like it. Mr. McClellan stated Minnesota's Justice Coalition and our partners support this resolution without reservation and without delay. Do not think about the politics, think about what is right, just, and do it, just do it.

John Thompson stated he was approached by two ladies who asked him if he was the new city manager and he thought to himself, 'Wow, you all black people don't look alike.' He stated Philando Castile was his friend and he had talked to him July 5, 2016, about the murder of Alton Sterling right in front of the liquor store. He walked into the store, bought a six-pack of Heineken and they were so numb in 2016 to the murder of Alton Sterling in Baton Rouge, Louisiana, that he walked into the store like nothing was going to happen. But, the very next day, July 6, Philando, his friend who he worked with for 11 years, was murdered here in this State. He wasn't murdered because he had tickets, he was murdered because he was racially profiled, pulled over, the officer said because of his wide-set nose. Mr. Thompson said, 'Well, here I am with a wide-set nose.'

Mr. Thompson stated he wanted to share with you that all black people don't look alike here in Brooklyn Center and this is a sundown town where black people should not come out at a time of night when the police are policing. He stated he knows that because he has been through here and his sons live in Brooklyn Center. Mr. Thompson stated somebody said to him also, and it is disheartening to know that this was your former mayor, 'Mr. Thompson, can you not speak, this is a Brooklyn Center issue. We have plenty good representation here.'

Mr. Thompson stated when Daunte Wright was shot, you killed my future, that was my future lawyer, doctor, governor, teacher, culturally intelligent mental health provider. You killed somebody in my family, that was my little brother, my nephew, my cousin. He stated when the little boy was shot in Chicago, he felt that in my stomach. He stated this is not a Brooklyn Center issue, this is a worldwide issue and he is overdosed on policing.

Mr. Thompson asked this body to have the testicular fortitude to pass this resolution because you could have saved Philando's life, George Floyd's life who came here for job training and we killed him. Philando worked for the St. Paul public schools for 11 years faithfully and he watched that man take money out of his pocket and put it in the cash register for kids who couldn't afford to have their lunch paid for because their momma couldn't afford lunch. Then he heard about him having a half ounce of weed in the car and that's how he got killed.

Mr. Thompson stated Daunte Wright was pulled over just like he gets pulled over in Brooklyn Center, passing these police officers who see a black frame in the car, they bust a U-turn, and get behind the car. 'Oh my god, you've got a warrant. Oh my god, your license is suspended. Oh my god, you've got an air freshener hanging in your window.' He stated this could be your son, your nephew, you future grandchildren, they face the same fate.

Mr. Thompson stated to the Mayor, he doesn't know where he is at but he can drive through one of these sundown towns in this State and they don't know you are the Mayor and they will treat you the same way they treated Daunte Wright. He stated he is a Minnesota legislator and he could be murdered in one of these sundown towns in this State. He stated he didn't want to say that because he wanted you all to continue judging him the black man that he is with the loud mouth. He stated he is one of your Minnesota legislators and he is in fear for his life in some of these sundown towns. Mr. Thompson stated police do not get to tell us what reform looks like and you who support the police had your chance to show us what reform looks like and you failed us too, failed Philando, failed Daunte Wright, and failed George Floyd. You have had your chance and if you want to stop seeing John Thompson, then stop killing my people.

Mr. Thompson noted there were military tanks here and asked how many more tanks you want to pay for, how many gas canisters, which are paid for with tax dollars. He asked who are you protecting, a system that is not working for Minnesota and entire world? He stated we are overdosed on police brutality and overdosed on snuff movies we keep seeing across the nation where brothers are being murdered by police. He stated policies and procedures that will be put in place that are well intended but what happened is the Proud Boys took over, and white supremist groups took over, and this job and the legislation that protects them creates an atmosphere where racist white men can come and flourish on their racist ideology here in the State. He stated he is sorry if you are uncomfortable but he can't be sorry because he is sick and tired. He was here in 2016 when we were talking about de-escalation training, implicit bias training, and in 2016 Philando was murdered. He stated the field training officer killed Daunte Wright so what kind of training are you talking about. The field training officer killed George Floyd so what kind of training are you talking about. He stated he is sorry, he is just black, let me be black in this State and walk around. He stated he will wear a Nike jogging suit until we are all free and you will see us in Brooklyn Park or Brooklyn, New York, because we are sick and tired of police killing our people and our future depends on it. He stated I love you all.

Bayle Gelle stated he is the father of Dolal Idd and police brutality killed his son on December 30, 2020, after George Floyd was killed. He reviewed the investigation and stated the investigator then retired, withdrew from the case, and we don't have anything. Mr. Gelle stated the same night they killed his son, they terrorized him in his home at 2 a.m. and destroyed his home. He opened the door wide and there were almost 25 with heavy arms and they didn't have

masks and he has small children. He stated we are black but never mind what color they are, we have trouble with killing every single day in the United States. He stated he wants to tell the City Council that they need justice and it is shameful that the boys who were killed, they are innocent kids, and killed by someone in uniform. That is not fair. He stated we cannot tolerate any more than 400 years and we have trouble every single day. We need equality, the same rights, and never mind if you are white or yellow or black. We are all of us American in the United States and we have to have the same rights.

Mr. Gelle stated he is upset. He hopes soon, pray Allah, one of his kids, the bullets will kill him so then he will understand how painful we are. He stated we don't need police who came to us, to him, the same night he didn't know they killed his son. They came to his home and destroyed and when he asked do you have any warrant, they told him that he didn't need to know, shut up. He stated they scared us. We and our family, all of you who lost loved ones, he knows it is painful. He stated we need justice and we need to get the answer as soon as possible. He stated when you come to the door and knock, say you want to be on the council, a senator, and say they are going to stop the bullets and brutality and those who kill our kid, and you sit on the chair, you have done nothing. We need help.

Jaylani Hussein offered a greeting of peace and blessing upon all. He stated a lot has been said so he will try to not repeat what has been said. First and foremost, he believes that today is not a normal day, it is an important day, not only for Brooklyn Center but also for our State and hopefully for our country. For a lot of people here today, they may not understand the foundation of police departments, their role, and intention from the get go. Police departments in this country were built to catch black people, that is the essence of policing in America. We are not slaves, but the reality is that is what they did, they were slave catchers and they still are, to some extent. The speaker stated what is more important, is that from a lot of white people, they continue to support the police blindly because you still believe they are there to protect you from the dangerous black men, like himself. He reminded all that is a lie, it's always been a lie, and we as black men and women, and people of color and most important even Indigenous people, have historically been undermined by law enforcement. He stated he, as a black Muslim man in this country, is especially interested in the Brooklyn Center Police Department but also the FBI building in our city that terrorizes his community every single day.

Mr. Hussein stated wants to speak directly to the Mayor and City Council. He appreciates the Mayor's leadership and speaks directly to the City Council to say we have seen you in action and that brings a great deal of hope for us. When Daunte Wright was killed, the City Council did not sit silently, they began to move and realized the Police Chief needed to go, the City Manager needed to go. They did not wait a week or a month, they made that decision almost the next day. He stated that means not only is the City Council serious about what needs to happen, but they want to be leaders in this space. Tonight, he is speaking to the three black leaders because he has no faith in the two white Council Members and we don't need their votes. He stated he can't convince you in the next hour and does not have enough time and does not think he can tell them because you saw exactly what happened in this room, you still don't believe us, so how can he try to explain that to you. But to the three black leaders, tonight this decision they will make will live beyond them. It will get us into a position where we can now talk to other cities, like Minneapolis, and ask them to do the same thing you are doing today. You can lead other cities across this

country to do the same thing you are doing today. He stated Brooklyn Center will not be a city that is known for Daunte Wright and Kobe Heisler, but the City that in that moment, decided to protect black people from the police departments of this country.

Mr. Hussein stated for many of us Minnesotans, and he is as Minnesotan as you can get, he has heard the Minnesota explanation for why you don't want to support us, and in Minnesota we beat around the bush too much, they like everything in the resolution but the paper, we should get a different paper, I don't like this resolution because there is this and that. He stated there is no two sides to this issue. There is only one side and as everyone has said, this resolution is about safety. If you are talking about public safety, this resolution is about safety, saving lives, and protecting the most vulnerable in our community, individuals who are dealing with mental health crises, and their families, and those of us who are poor who work ever single day, who are constantly pulled over by the police for no reason. This resolution will make sure that the police focus on the things they need to focus on and stop harassing and pulling over people of color for no apparent reason. That is exactly what this resolution is doing. He stated it may not stop all the killing but it will get us into the moment, into the journey, we can stop killing black people in this country.

Mr. Hussein stated he personally believes in the resolution, but there is more work to be done after this resolution, as today's decision is only the framework. That is why he is bothered by the fact the rest of the City Council, the two white City Council members, are refusing to even acknowledge that this is just a framework. The actual hard work happens after this meeting and we are ready to stand with you to make sure that happens. He stated if you don't think that this resolution is strong enough, or support the police, he will tell you that good policing wants accountability. Good policing wants people to help them, are asking for help. But the reality is, in this State in particular, only bad policing exists. He stated he talks to officers all the time, and had breakfast just yesterday with an officer, and they want help. They are asking for leaders to step up and bring forth measures that make their jobs safer for them and for everybody else.

Mr. Hussein stated what he wants to hear from today is a passing of this resolution as it stands in full and he wants you to understand that the work is not done but we are here to stand with you. For all the white residents who are still afraid of us, he said he is sorry but your grandchildren will be part of our community. Your great grandchildren will be praising this moment because this country is not going backwards, it is moving forward. He stated, as Dr. King said, 'Injustice anywhere is a threat to justice everywhere.'

Mr. Hussein stated today he is wearing his Palestinian kufiyah in solidarity with the Palestinian people because the Derek Chauvin move that killed George Floyd was an Israeli defense force tactic of kneeling on children. Today, in this moment, as he is standing here talking about this injustice and about that injustice, it is because this country sends $3.8 billion dollars to go kill children. He stated while we are grieving today, there are mothers in Palestine today who cannot explain why their three-year-old had a missile, paid by us, shot from Israel, to kill them. He is saying we are here to demand justice for all people and we want our government, like this City, to stop killing us here and across the rest of the world. We want a government that works for us and brings peace to people. He stated today he wants all to know history will be made by Mayor Mike Elliott, Councilmember Butler, and Councilmember Graves. To Councilmember Lawrence-Anderson, he stated thanks for being in Oklahoma, but this is Brooklyn Center and your City has

been on fire and you decided to take a vacation, but these City Council Members did not take a vacation. He knows why she took a vacation, because it is easy to take a vacation when black people are being killed. This decision today will move us forward but the decision has already been made for you by the people. If you do not move us forward, we will be coming to your houses and force you to move those decisions.

A speaker stated it is always incredible hard to go after Jaylani but she would also like to give an Islam greeting to all of peace. She stated we have all given our power to the people we have elected over public safety, so she will speak to them. She addressed Councilmember Dan Ryan, noting the night Daunte Wright was murdered by the public safety that you are on the leadership for, the next meeting we came to you and asked you, all of the City Council Members, the City Manager, and the Chief in charge of the City, when we were getting tear gassed and basically beat the hell out of by the police department in this city. In that meeting, the Council Members were asked to fire the Chief and the City Manager. You had decided that you wanted to protect your relationship with the City Manager instead of the black lives that were getting terrorized that night. She stated Councilmember Ryan has already showed his cards so if he is wondering why people don't have a lot of faith in his leadership, he has already shown it. But he has another opportunity today to pass the resolution and do the right thing and stand by these community members.

She asked if the night Daunte Wright was murdered, you had an opportunity to pass this resolution so that his life would not be taken so recklessly, would you? Would you do anything to give these family members justice? She stated you have the opportunity to save another life, to make sure it doesn't happen again so we don't have to have this conversation again. She asked will this resolution save every life, absolutely not, but it can because what you have right now does not.

She addressed Councilmember Lawrence-Anderson and stated when she was asked to get rid of the City Manager, she had initially voted absolutely not because she was also protecting her relationship with him instead of the black lives in this city. But after the community cried to you, yelled to you, and begged you to vote for it, you changed your vote. She stated when we voted for you to be elected, they didn't have the opportunity. But in this upcoming election, they will and you a chance and opportunity to do the right thing and make sure you vote for this resolution that could save a life. She stated it is a privilege to be able to go on vacation while a child, essentially, was murdered under your leadership. You had an entire week because Councilmember Lawrence-Anderson got the resolution last week and committed to voting for it today and having a decision. In that time, she took a vacation. She stated it is not that she needed a paper version, it was that she was planning for her vacation to get out and not be held accountable. She stated you come to us for our votes, you beg us for our votes, so now do your job and if you can't do it then get the hell out.

Mayor Elliott stated one last comment will be heard, then the City Council will consider the resolution, followed by more public comment.

Tyron Carter stated Jesus said, 'You can malign me, you can kill me, I'll be back in three days,' and everybody knows he arose and appeared and then disappeared. He stated he always asked his grandma what happened on the fourth day. He stated Cheryl Francis Mohorn is his mama's name, his grandma's name is Veronica Carter, and his grandfather was an entrepreneur and 73 years old.

He handed out his card to the City Council and said they probably won't call him but talk is talk and we don't have time for you to tell us what to do. Mr. Carter played a musical tape and said he will not ever apologize for being black. (Mr. Carter's off microphone were inaudible.)

Mr. Carter stated he will calm down because he used to be a very reactive man. He stated he saw it boiling up, he played spiritual music because the devil is busy, but it is crazy to him that we're grown ups and when we have kids, we are supposed to suffer for our kids. But why do we put people in places that see things but turn the other ear. (Mr. Carter's off microphone were inaudible.)

Mr. Carter stated family education is a bunch of bs and he will give an example. He stated his mother was 22 years old with five kids and you took all the kids away from her but you had to pay people to get us. He asked why didn't you use that money to pay my mama to keep that family together. (Mr. Carter's off microphone were inaudible.)

Mr. Carter stated he does not want to be competitive and his grandma always said if he had a problem, always have a solution. So, he has a solution and is here to help but you have to understand. He stated he does not have glasses so he can't see what you see so he has to look to see what you see. He stated he has to look at it from your lens, and now you have to look at it from his lens. Then they can relate and move forward. He stated there is right and wrong and did you do it or did you not do it, it is that simple with no excuses or explanation.

Mr. Carter asked how could we not think about making change in this world. If you look at 2020, you'd want to take it out of your calendar instead of having to live it. But kids have died at an all-time high rate and what are we going to do about it. In Minnesota, people are Minnesota nice, but nice to who. (Mr. Carter's off microphone were inaudible.) He asked what are we going to do, keep talking or are we going to do some action right now because our kids are dying by the minute, by the day, so at the end of the day, we need each other and have to get away from that hate.

Mr. Carter stated when he came to Minnesota at 17 years old on an athletic scholarship and was drafted to the Vikings, was with them for four years, but the Vikings tried to mess him up. (Mr. Carter's off microphone were inaudible.) Mr. Carter stated at the end of the day, what we do with adversity matters the most.

Mayor Elliott thanked all for their comments and stated the City Council is now going to move into considering the resolution.

3e. COUNCIL CONSIDERATION ITEM

Councilmember Graves stated she appreciates all of the people's comments and even the brother who just spoke, bringing some spirit and positive energy into the space, she appreciates that as well. She noted it is now 6 o'clock so we have been here for three hours and should get to the issue at hand though she appreciates all coming out to speak as well.

Councilmember Butler stated she knows everyone is tired but she wants to say a few words. She stated Brooklyn Center is the most diverse City in Minnesota and, quite honestly, could be one of

the most diverse in the country. She stated we can't afford to lose any more people and we don't want any more hashtags. She noted if you ask most people of color as they left the room how many have been traumatized by the police, maybe they made it home safely, but carry that trauma, everyone has a story. She stated she has a story from her brother, her husband, her father, noting even if you have done nothing wrong, you still have to carry that trauma.

Councilmember Butler stated the City Council has done several community Listening Sessions and she knows the communication has not been the greatest, the website was taken down for maintenance during this tragedy, and the City is going through a lot, but we didn't plan for that or any of this. She stated this is a part-time job and she works full time, has a young son, but managed to show up to every single community Listening Session, and managed to meet with our youth and high school student leaders. Since it happened, those of us who care have been in community so for those who say we are not listening, she has read every single e-mail, and sorry if she hasn't responded.

Councilmember Butler stated last year she had to explain to her nine-year-old son what happened to George Floyd. She didn't want to do it but her husband said he needs to know what it means to be a black boy and a black man in America so they had a sit down and had that conversation with him. They went to Minneapolis to peacefully protest and for this to happen in her City and for us to constantly drive past the police station, because her parents live around the corner from there, and her 9-year-old son asking her what she's going to do because he attends City Council meetings with her and knows she has some type of voice in this community. She stated when her son asked her that question, she said, 'We're going to make a change.' She stated she will do everything in her power to make a change so when he gets older, she does not have to have the talk with him when it's time for him to start driving about what to do and not do so he makes it home safely.

Councilmember Butler moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2021-73 The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution.

Councilmember Ryan stated he appreciates this special time when we can come together on this. He offered a minor but important amendment on page 2, paragraph 5, the second to the last clause, to add the words: '…the City Council create a separate and permanent Civilian Oversight Committee for the new department…' He explained he offers this amendment because as elected leaders, they are directly responsible to the people and that is the role we should fulfill just as the City Council in the past has created all volunteer commissions.

Mr. Gilchrist suggested to add the word: '…recommend the City Council create…' He stated the point raised is valid because that Civilian Oversight Committee should be authorized to have access to data in order to enable it to perform its work and, in his opinion, the City Council will be in the best position to give them that authority if it is created by the City Council versus created by another committee. Mr. Gillchrist explained there is more than one way for a Civilian Oversight Committee to be put together so that recommendation will come from the committee and ultimately be up to the City Council to adopt it. From a legal perspective, it makes sense to support the amendment.

Mayor Elliott accepted that as offering a friendly amendment. Councilmember Butler and Graves accepted the friendly amendment to their motion.

Councilmember Lawrence-Anderson stated before she votes, she would like to make a comment. She apologized for not being able to be there physically today, noting she has been on the Zoom meeting since 3 o'clock. She stated she is on a year long planned vacation, her husband was ill for many years and they had discussed that if he received his transplant and was healthy, this was an event he wanted to attend. That is why she is on vacation. They have been planning it for a year and that is why she is not there but is on the Zoom meeting, and she has answered e-mails and telephone calls throughout her vacation.

Councilmember Lawrence-Anderson stated in the original form, she cannot support the resolution as it is today. The original resolution was delivered to the City Council via e-mail last Friday and the revisions came late yesterday afternoon. She mentioned we have spent countless hours on issues that were much less significant than this critically important resolution. She is in complete agreement that reform is needed and it will happen, she simply believes we need more time to work on some of the elements of this resolution before she can support it so she will vote nay.

Mayor Elliott stated the substantive amendments to the resolution went out on Wednesday and some minor amendments were sent out yesterday.

Councilmember Lawrence-Anderson agreed and stated we have been talking about this resolution for one week.

Councilmember Lawrence-Anderson voted against the same. Motion passed 4/1.

Mayor Elliott thanked his Council colleagues, stating today, we as a City Council by a 4 to 1 vote, decided to chart a new way forward for our City, to create a new north star, to keep every member of our community safe. He stated this would not be possible without our community stepping up and showing up and demanding change. In fact, they made this possible and you're going to need to keep showing up to help implement these policies moving forward.

Mayor Elliott stated there is a lot of work ahead of us and we all look forward to working with every one in this room to get it done. Today, we celebrate a long over due and much needed step forward. He invited the community and his colleagues to join us outside the room where there will be an opportunity for photos, to celebrate, and enjoy some sunshine and pizza. He stated if there are any media requests, he and some of the Council Members may be available to take questions.

Mayor Elliott again thanked all for being here and the Council Members for persevering through all that has been gone through the past several weeks since Daunte was killed, noting it has been a lot.

Mayor Elliott stated to Daunte's parents and Kobe's parents, thank you so much for being here and stepping in this space and continuing to fight for change on behalf of your two sons. He stated

we will be right here with you moving forward to make sure that the change we have set in their son's names continue to be fully implemented.

Mayor Elliott thanked community-based organizations that were helpful in coming to the table. He thanked the Barbershop and Black Congregational Cooperative who helped organize the community forums and conversations and helped form the resolution. He thanked the Minnesota Justice Coalition, Minnesota Freedom Fund, Families Supporting Families Against Police Brutality, Care Minnesota, Communities United Against Police Brutality, Our Sister's Keeper, and the Mosque in Brooklyn Center.

4. ADJOURN

Mayor Elliott moved and Councilmember Butler seconded adjournment of the City Council Special Session meeting at 6:10 p.m.

Motion passed unanimously.

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

STUDY SESSION
MAY 24, 2021
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

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

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, Kris Lawrence-Anderson, and Dan Ryan. Councilmember April Graves was excused. Also present were Acting City Manager Reggie Edwards, Community Development Director Meg Beekman, Planner and Zoning Administrator City Attorney Troy Gilchrist, and City Clerk Barb Suciu.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Acting City Manager Reggie Edwards advised of several changes to the meeting packet, noting EDA agenda Items b and c should be removed as they are duplicates from previously presented items. In addition, Concept Development Proposal for 6440 James Circle was tabled and rescheduled from the last Work Session and should be added to tonight's Work Session agenda.

It was the consensus of the City Council to accept the revisions to the May 25, 2021, EDA and Work Session agendas, as requested by Dr. Edwards.

MISCELLANEOUS

COUNCIL RETREAT WITH COMMON SENSE DISCUSSION

Mayor Elliott noted that Common Sense has offered the following dates for the Council's retreat: June 5, June 13, June 18, or June 26, 2021. Councilmember Butler indicated the only dates that work for her are June 5 and 26, 2021. Councilmember Ryan stated he is available for any of the dates but if Councilmember Butler is available on June 26, 2021, he would go along with that date. Councilmember Lawrence-Anderson agreed with Councilmembers Ryan and Butler, noting late June would be best for her, and she is available on June 26, 2021.

Mayor Elliott stated June 26, 2021 works for him as well and asked staff to confirm with Councilmember Graves whether she is available on that date.

The City Council consensus was reached to schedule the City Council retreat on June 26, 2021, pending confirmation from Councilmember Graves. If Councilmember Graves is not available,

the City Council will discuss new dates for the retreat.

Dr. Edwards noted the City Council will need to address the ongoing work from Common Sense, input from the listening sessions, and moving forward with the development the City Council has been working on. The second issue is that the City Council committed to a listening session with staff to address activities, unrest, and trauma of the last months. Dr. Edwards stated in preparation work, he held listening sessions with staff and Common Sense has held a listening session with all 33 management staff. He explained that he wants to share that feedback with the City Council and prepare for a formal listening session between the City Council and staff. Dr. Edwards asked whether the City Council would prefer an extended period on June 26, 2021, say 3.5 hours, or set a second date to deal with a listening session with all staff.

Mayor Elliott stated from his perspective, it would be best to find a second date.

Councilmember Butler asked if a second date would need to be during the day. Dr. Edwards stated he is suggesting the extended time would involve him and Common Sense to share what they have heard from staff thus far and prepare for a future listening session. He is not proposing to meet with staff on June 26, 2021, as preparation work is needed before a listening session with staff.

Councilmember Butler stated in that case, she would prefer to extend the time of the June 26, 2021 meeting with Common Sense.

Councilmember Ryan stated his agreement with Councilmember Butler, noting the extended time on June 26, 2021, would involve the preparation work of the City Council before holding a listening session with City staff.

Councilmember Lawrence-Anderson concurred.

Mayor Elliott asked if this discussion should be held before or after the Council retreat. Dr. Edwards stated on June 26, 2021, the City Council would do their regular development work with Common Sense and then he and Common Sense would share the input gathered with City staff and discuss how to prepare for the listening session between the City Council and staff that will be scheduled for the following date.

Mayor Elliott stated then Common Sense will determine whether to hold that discussion at the start or after the City Council retreat. Dr. Edwards answered in the affirmative.

Councilmember Butler asked about the general time for the Council retreat. Dr. Edwards stated the time considered was 9-11 a.m. but that time can change to 8:30-11:30 a.m. or 9-12:30 a.m. instead of at the City Council's discretion.

Mayor Elliott stated a preference to hold the meeting in the morning. Councilmember Butler agreed and suggested starting at 8:30 a.m. Councilmember Ryan suggested a starting time of 8:30 a.m. or 9 a.m. Councilmember Lawrence-Anderson stated she can adapt and accommodate to whatever works for the balance of the City Council.

The City Council consensus was reached to start the City Council retreat on June 26, 2021, at 8:30 a.m. or 9 a.m.

INFRASTRUCTURE FRAMEWORK FOR THE OPPORTUNITY SITE DISCUSSION

Dr. Edwards introduced the item and stated this item relates to the Opportunity Site infrastructure, sewer, and streets that can be moved forward. He asked if the City Council is available to meet on June 14, 2021, at 5 o'clock to provide information and move forward with this item. He noted this item has been delayed several times and is now time-sensitive in the context of all of the other items related to the Opportunity Site.

Mayor Elliott polled the Council Members on availability on June 14, 2021. Councilmember Ryan stated he is available at 5 p.m. for a briefing on the Opportunity Site before the regular June 14, 2021, City Council meeting. Councilmember Lawrence-Anderson stated she is also available. Councilmember Butler stated she will not be available to attend the June 14, 2021 meetings.

Mayor Elliott asked whether it is known if Councilmember Graves is available at 5 p.m. Dr. Edwards stated he does not know at this time and can update the City Council once her schedule is confirmed.

Mayor Elliott stated in his view, it is a meeting that all or a majority of the City Council should be present and asked staff to follow up with Councilmember Graves. Dr. Edwards suggested if Councilmember Graves is not available at 5 p.m., he present potential dates that would not be the same night as a regular Council meeting.

The City Council agreed with the suggestion of Dr. Edwards.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

CONCEPT DEVELOPMENT PROPOSAL FOR 6440 JAMES CIRCLE

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

Community Development Director Meg Beekman displayed a PowerPoint presentation and stated this is a concept proposal for a 694 business center on the property at 6441 James Circle, the former Earle Brown bowling site that has been vacant for some time. She stated the interior of the building has been largely demolished and removed and the shell of the building remains with the rest of the site being vacant.

Ms. Beekman stated this review is an opportunity for the City Council to ask questions and offer comments on a specific concept proposal before it comes as a formal land use application to the Planning Commission and City Council. The City Council could indicate if they are open to this concept and staff encourages questions by the developer and Council Members but this is a non-binding conversation. The City Council is not being asked to take formal action but, rather,

provide feedback and give direction to staff and the developer as they continue to work on the project.

Ms. Beekman displayed a map of the subject 4-acre site, noting it is zoned C2 and guided for Business Mixed Use, which is a new land use designation created in the 2040 Comprehensive Plan to identify a base for what has historically been considered a light industrial district with broader land uses to create a business center-type of the environment to accommodate manufacturing, warehouse, and distribution, office, as well as hotels, restaurants, and other types of services that businesses within a business center might rely on or want to have. Residential is not a permitted use within the Business Mixed Use district but generally is a flexible land use otherwise.

Ms. Beekman stated this site was acquired by Toushouta Tupra in 2017 and subsequently has gone through a Special Use Permit (SUP) approval process to allow for an event center. That SUP was renewed in 2019 but to date, that use has not come forward due to challenges with financing and identifying the right use for this property. The proposal is to demolish the existing structure and construct a 64,000 sq. ft. flex office light industrial building. She displayed an exterior building elevation, noting generally it would be thought these uses are conducive to office space, manufacturing, distribution, and warehousing. A similar development would be the Caribou headquarters that has a wide variety of flexible uses.

Ms. Beekman stated the stormwater, parking, and truck circulation would be contained on-site without shared stormwater and parking as had been proposed previously. This project would be developed speculatively with tenants identified after approval and construction commenced. While the tenants are not known at this time, we can surmise what they might be based on market demands and what is being built in other communities.

Ms. Beekman displayed a site plan, noting the 50-foot front setback from James Circle and 25-foot rear and side setbacks. The Zoning Code requires front yard setbacks on all sides fronting on major roadways. But in this case, to make the site work, one of the flexibilities would be around allowing lesser setbacks at the rear and side. It would also require a rezoning to PUD Business Mixed Use. The parking shows 80 stalls. She explained the parking demand is difficult to calculate as the parking requirement is based on use and we don't yet know the tenant mix. Also, over time, tenants can change. Ms. Beekman explained how staff calculated the parking requirement at 122 stalls, meaning that as proposed there would be a parking deficiency. One of the factors playing into this is the need to understand what the land uses will be and a parking study would be required to understand that. She stated this may include some land-use obstructions as part of the development agreement. She noted the City's current parking restrictions were established in the 1960s and are currently under review as part of the Zoning Code update.

Ms. Beekman stated about financing, the developer has indicated an initial project gap of $1.4 million so Ehlers has been asked to review that documentation. Ehlers indicated they don't feel a 26-year TIF district would be supported by the project. The City knows the funds generated by a TIF district can only be applied to TIF eligible expenditures so the City needs to better understand what those eligible expenditures are to understand how the amount of TIF generated will pair with what might be eligible for costs. As part of a public subsidy application request, the amount of the subsidy has to be warranted in addition to those costs for eligible uses. The public subsidy

application will need to be fully analyzed and Ehlers will identify a recommendation regarding that. TIF will need to be found warranted by the City Council and then the City's public subsidy policy would apply.

Ms. Beekman explained that based on tonight's discussion, the developer can proceed with a formal review process. In this case, it would be a Planning Case application for a PUD, rezoning, and a site and building plan review. These applications will go through the Planning Commission for the official public hearing and recommendation to the City Council. If a public subsidy is pursued, it would go through a formal review by the City's financial consultants to identify the warrants and pair those with eligible costs to assure there is a need for TIF and the subsequent use is appropriate. Any application for TIF would receive a formal review by both the City Council and EDA and require a public hearing.

Ms. Beekman stated the discussion this evening is for City Council questions or comments directly related to the proposed concept including land use and site layout and if the City Council is open to TIF if found to be warranted in this case. She noted this site has been vacant for several years and struggled to find the best use. She stated the developer is available to make a further presentation and answer questions of the City Council.

Mayor Elliott stated he would like to wait to see what the Planning Commission comes back with.

Councilmember Ryan stated when we consider the range and types of commercial development, retail is pretty much dead and we don't see demand for office, but in conversations, he has had with the Development Director, speculative light industrial buildings are attracting interest in a lot of places. He stated he would be favorably disposed to the concept and should it go forward, then the City Council and EDA may have a conversation about what types of restrictions should be placed in the zoning to ensure certain undesirable uses don't go into the property. He stated he is open to TIF if it is determined to be warranted.

Mayor Elliott stated on the retail sector, his thoughts are that retail for part of the market may be experiencing retraction but it depends on the part of the market you are talking about. He asked who we are building retail for, noting as an example, retail-like the Somali mall is bursting at the seams and they need more space. He stated it depends who you are building retail for as it could be dead or very much alive. Mayor Elliott stated he is interested in seeing what they come back with in terms of the financial package or the uses might be. Generally speaking, he thinks the City Council should look away from speculative markets in some cases and be more intentional in terms of the vision the City is building out for Brooklyn Center and how to go about building and specifically identifying the needs of the community.

Patrick McGlynn, the developer, stated he is a multi-family developer that Mr. Tupra has brought on board to help develop this site he purchased three years ago. Mr. McGlynn stated he advised Mr. Tupra that doing an office-type or retail-type building in this market was probably not a great idea. They decided the industrial market was growing at an incredible rate, there is quite a demand for that product demand, and they have already fielded several calls from interested tenants for this project type. He stated they are looking forward to getting something new and fresh on a site

that has been underutilized, poorly maintained, and carries a connotation that the City of Brooklyn Center no longer wants to see, and neither do they.

Mr. McGlynn stated they are excited to create some jobs for the City and deal with some of the environmental impacts of new construction. They have already applied for some programs with Xcel Energy and Center Point Energy to do their green building initiative and solar programs. They are working closely together to design the industrial building of the future that will be a transition into what new construction becomes. He stated he greatly appreciates the City Council taking the time to fit them into their agenda, noting the City Council has more pressing matters. He offered to answer questions of the City Council.

Councilmember Ryan asked Mr. McGlynn to elaborate on his comment that retail and conventional office is probably not a good idea right now. He noted one concern of the City Council is how much market-rate development the City needs to have both in terms of relieving homestead property taxpayers so there is a tax base and financial wherewithal to do other types of development. He also asked Mr. McGlynn if he has experience with building this type of green building.

Mr. McGlynn stated he has never done an industrial building but his partner, Josh Budish with Endeavor Development, spent the last number of years with Duke Realty, a nationally run company that focuses entirely on industrial property in the Midwest market. Mr. Boodish spearheaded their Minneapolis market so they have partnered with him on this project since he has intimate knowledge of what tenants are looking for, type of demand, aspects of construction that are important to tenants, and what brings businesses to certain areas. Mr. McGlynn stated the location of this site is very positive for industrial as it is easy to access, close to major highways, and feeds the demand for that type of product. He stated he does not think retail is necessarily dead and there is a need for well-placed retail.

Councilmember Ryan stated Mr. McGlynn had mentioned that Brooklyn Center, in his opinion, is over retailed during a discussion on a different project. He noted some people may be put off by the term 'speculative industrial' but in this market, it would be far more speculative to build retail unless it is extremely well placed and well-positioned, such as in Edina in a higher-income area. And to say nothing of the office where the trend is more people working from home. He stated when constructing an industrial building that does not have committed tenants is where the term 'speculative industrial' comes from but considering this is a growing segment of the real estate redevelopment market, he thinks it is probably a better bet than the other two options.

Mr. McGlynn stated if you look at speculative buildings proposed and under construction now, 90% of the time before those buildings are completed, they are fully leased and committed. He explained they call it 'speculative' to leave it open to multiple users to then tailor it to their specific needs, whether a larger office component and smaller manufacturing component or a larger manufacturing component and a smaller office component. That is where the term comes from. He stated they intend that this building will be fully committed before they even start construction since they have already had an interest in this location before they even have government approvals or architectural drawings completed.

ADJOURNMENT

Mayor Elliott adjourned the Study Session at 6:48 p.m.

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

REGULAR SESSION
MAY 24, 2021
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Mike Elliott at 6:48 p.m.

ROLL CALL

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

Mayor Mike Elliott opened the meeting for Informal Open Forum, noting that it may need to be extended considering this is the first meeting since the City Council passed the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution and there are several folks on the line for Open Forum.

Cheryl Batson stated she wanted to express some concerns with the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. She believes that change is necessary so all in Brooklyn Center can feel safe but believes it needs to happen in a planful way implementing one change at a time and carefully evaluating each change before going to the next step. Ms. Batson stated it seems the timeline is very compressed and four months is a quick way to do these broad sweeping changes. She thinks it needs to be acted on in a way that police officers, mental health professionals, and citizens of Brooklyn Center are consulted in defining what are dangerous situations and develop teams necessary to deal effectively with the dangerous situations. She stated all the key players need to feel able to fully participate in an atmosphere of cooperation and respect to come up with a fully safe workable plan for all citizens, business owners, and professionals. Ms. Batson stated this is the time to not focus on division but to focus on healing and reasonable safety for all.

Ms. Batson stated there are several aspects of the resolution she is concerned about. Specifically, and briefly, she is concerned that the only citizens that can be part of the Community Safety and Violence Prevention Committee are people who 'have been arrested, detained, or have had similar contact with Brooklyn Center Police.' She thinks it should be more inclusive and open to people from other police departments, other places such as Minneapolis, and other citizens of Brooklyn Center should also be given a right to be on this Committee including citizens who have never had

experience with police officers other than, perhaps, traffic tickets, speeding tickets, and things like that.

Ms. Batson stated the idea is creating a safe community not just for those in contact with police but for the vast majority of people who have never had contact with police except for those things such as traffic tickets. Also, one group of citizens should not be able to hold such an exclusive and powerful role when all the citizens of Brooklyn Center must live with the results. She stated these recommendations should be voted on in an election, not just in a Committee meeting, maybe a special election so people can privately vote so their voices can all be heard, noting these sound like really important, needed, and necessary far-reaching changes.

Ms. Batson stated the police need to be trained to only and in very rare instances, use lethal force. She believes this training should be carried out by police departments or other such programs that have a good safety record not only to the citizens experiencing police interaction but also a good safety record for the police themselves, other citizens, visitors, and business owners experiencing the unlawful behavior by an unlawful citizen. She also thinks it is very important for the safety of the vast majority of law-abiding citizens that the police need to be armed and able to use weapons in those rare instances when less forceful means fail. An instance would be finding the murderer of a child and being unable to stop them and help that family find justice.

Ms. Batson stated she believes that armed police officers are needed and necessary as part of some mental health responses such as domestic violence, mental health issues with a prior history of violence, and people under the influence of drugs or alcohol. This comes from her own 20 plus years of in-patient mental health professional experienced in a setting where loaded guns and other lethal weapons have been used and pointed and implemented on unarmed professionals. She stated there was a professional stabbed very near the heart and nearly killed, lots of property destruction, and other physical violence towards staff and other patients, and the police have been needed, only when necessary and only when the mental health professionals have failed. If they are in the background, have proper training, know they cannot use lethal force unless necessary and tried non-lethal means, and have time-honored de-escalation skills training, which the police departments in this area don't have, then the police can be an important part of the team and the police can be armed and safe to the community. She stated she also sent a letter to Mayor Elliott and the Council Members.

Mayor Elliott stated they will move ahead with implementation in a way that is going to be measured and will rely on resources and key studies. He stated on the mental health response, he can certainly see what Ms. Batson is saying about police responding with mental health professionals and if he didn't know better, he would say he agrees with that for the same reasons Ms. Batson states. The truth is that we have a model in Eugene, Oregon, for example, the CAHOOTS (Crisis Assistance Helping Out on the Streets) model, where police do not respond with mental health professionals and that program has been running for close to 30 years. He stated they have some 27,000 calls per year and 1% of the time they call for police backup and have had no deaths. Mayor Elliott stated if he did not have that information, he would also say the police need to respond too because there could be some dangerous situations. He asked Ms. Batson if she feels better understanding there's a program where the police are not going with the mental health professionals and it can work.

Mayor Elliott stated again the City will be very measured and look at what is safe and has worked in other places, be practical about it, and will not put in place a system that will make things worse and not better. They will rely on data, experts, professionals, and inclusive of all people in Brooklyn Center. Also, the Committee will not just be people who have been arrested or detained by Brooklyn Center police. He wants to be clear that they will center the voices of people who have been detained, arrested, and in some cases abused by police because those people understand the problems with the system and can give us real examples of where the system has failed. In the end, the whole point is not to make the system less safe. It is to make it safer and especially for those people that have been brutalized by it.

Ms. Batson stated, respectfully, she has worked in systems as a mental health professional that has worked as Mayor Elliott described them and also seen them not work. The type of population she works with tends to be a very high-risk population, trained in the use of weapons, knows ways to work with weapons, has head injuries which is a known factor for violence and have chemical dependency issues. She explained when you have all of those together and they are already doing a violent act, it is hard for a mental health professional to safely stop that and it usually involves several mental health professionals together. She stated just having police in the background can stop it then and there because if they're part of it, they know it's a possibility that it can go further, and sometimes that calms it down. Ms. Batson stated she is concerned for the citizens of Brooklyn Center that they won't be able to get well-trained mental health professionals to implement these teams, noting she is only talking about that small percentage of very high-risk situations. The vast majority of mental health situations can be dealt with by a mental health professional very safely.

Mayor Elliott stated we all share those concerns about safety and extreme cases where there is a need for law enforcement to be part of the picture. He stated there has been a model in place for 31 years that has worked through those concerns and developed a model where they can call for police backup when it's needed, or triage, and figure out when law enforcement is needed to respond. He stated that the model has been tested and proven to be very effective and at this point, neither he nor Ms. Batson has what it takes to stand up this type of program on its own. It will require relying on a lot of experts and people like Ms. Batson who have experience in this field, and people who have implemented models like this.

Ms. Batson stated she was not aware there was a program that Brooklyn Center is looking into that would involve the police, if necessary. But she knows these very high-risk situations go down in a heartbeat so someone will end up getting hurt if they can't be part of the team from the start.

Mayor Elliott asked Ms. Batson if it provides her some degree of comfort to know the CAHOOTS Program in Eugene, Oregon, has been working for 31 years. Ms. Batson answered in the affirmative. Mayor Elliott encouraged her to learn more about that program as we all move down this road together. He stated the City Council is concerned about maintaining safety for residents at all times by implementing these systems change and that is a model with a good record because they have worked out the kinks. He restated that 1% of the time they do call for police backup and have had zero deaths in that 31-year history. He thanked Ms. Batson for her comments.

Lovetee Polahn stated she is a tenant at Georgetown Park, is attending her second attending, and she represents the voices of tenants who are hurt and frustrated about the way they have been treated by their landlord. She stated she hopes those in leadership will be able to look at these things and help them. There is not a security camera and their cars are being damaged but the landlord has said she can do nothing about it, which is frustrating because they do not have any money in saving for all the damages. They have pleaded with the landlord to give them a security camera, noting there are a lot of complexes in Brooklyn Park that have security cameras. The next thing is that they have only limited parking at Georgetown Park and don't have enough garages. Because of this, if you leave your car out, bring in groceries, by the time you are done, your car has been towed. This is another expense they have no budget for and it is affecting them. The third thing is they are putting in some parking lots but you have to pay $50 a month for those spaces. She stated they don't have money for the upcoming parking spaces, if you have a unit, you should have parking for it, and if they are putting in extra parking, it should not be at the expense of the tenants. She stated there are laws in place for tenant protection but it is not enough. She explained when she moved to Georgetown Park in 2019 the first thing that happened was, she fell on the ice in the car park because they did not clean up the snow on the pathway. She had to walk with crutches for six months and when she notified the landlord, she was told it was her negligence but it wasn't. She stated she wasn't going to wait so she started to hold her rent but was scared of eviction when she was going through that.

Ms. Polahn stated they came to repair her water because she only had cold water for a week and when they came to repair it, they turned the water up to an (inaudible) degree but that is not what they were supposed to do. Her son got burned and has scars on his face. She stated all these things she talked with her landlord about and they said there was nothing they could do about it. Also, the carpet is dirty. They had a situation where they had to fix another unit and wanted to pass through her unit to fix the neighbor's unit. The dishwasher leaked and flooded her carpet. When she notified Georgetown Park, they said there is nothing they could do but the carpet was soaked, started to smell, and that was detrimental for her kids and herself, a single mom with four kids. She stated she pleaded with them but no one will help her. She stated when she scheduled a cleaner for the carpet, they said they cannot refund the money so she thinks there needs to be better tenant protection. She stated it is not because she does not have good credit, or cannot afford their homes, and their community is a little bit different, because if you compare her community with a white community it is a little bit different, not because they are all black so they should live dirty. She stated they pay money and deserve a better unit and facility to live in. She stated this is the voice of all the tenants that live in Georgetown Park. She asked the City Council to help them because they are not happy, it is not safe, and it is too frustrating.

Mayor Elliott stated he is sorry to hear about these issues, noting there are many the City needs to address and follow up on. He agreed that towing is problematic because there is not enough parking, to begin with, and it is an extra cost burden that makes it difficult to afford other things needed for the household. He stated staff may be more aware of these issues and already spent time working on them. He felt that to understand what will make a difference for tenants at Georgetown Park and other parts of the City, the City Council needs to spend time listening to the community soon. Mayor Elliott stated it sounds like the Georgetown Park tenants are organized and already meeting so this is an opportunity for the City to learn what is happening, noting they

speak for others around the City as well and these real-life health issues deserve the City's attention. He thanked her for her comments and stated staff will be in touch with the Lofte Ulum.

Ms. Polahn restated their concerns with parking and towing and stated they should be given a warning and also given time. She stated she also needs a $220 refund to dry her wet carpet.

Councilmember Butler stated she met with a group of tenants and a couple of ACER staff in early April and e-mailed staff a list with even more issues. She stated ACER staff has contacts for all tenants that are part of the committee so she will forward that e-mail to Dr. Edwards.

Acting City Manager Reggie Edwards asked Councilmember Butler to forward that information so staff can follow up on it.

Mayor Elliott stated issues surrounding housing and tenant protection need to be turned into as a City Council to understand what people are experiencing and what the City can do to effectively put policies in place. He stated he heard from all members of the community about having some dedicated time and space as the 15-minute Open Forum before the City Council meeting every two weeks is not enough.

Diane Sannes stated communication from the Mayor, Council, and staff is very important to all of the residents, noting some have looked at the City's website daily. She asked for an update on the website that was supposed to be completed this spring. She also asked if citizens have been asked for input, which would be key since they are the biggest users of the website. She noticed something new today but it was obsolete and old information.

Dr. Edwards explained a new website is being constructed so for the past month, a static page has been displayed. Today there was a soft launch of the new website but there is still much work and background to be done over the next week to a week and a half.

Ms. Sannes restated the information she saw was old and obsolete, several years old, and many residents would like to help our city as we move forward in the future.

Mayor Elliott agreed the information needs to be updated as soon as possible.

Lori B. asked the City Council to remember they have a community that can help, reach out to people who are in need and report back with further information. She stated she is happy to help the woman from Georgetown Park to get these issues resolved.

Mayor Elliott stated it is important to help one another and that is the model the City is moving towards, to rely more on each other.

Marie Vincent, Georgetown Home, added her voice to Lofte Ulum and asked the City Council to do a follow-up on her concerns soon as they are in danger. She is also a single mom of four, like Lovetee Polahn, and has a special needs child who is five years old. Her main problem is her carpet and she spoke with Nicole who told her the carpet was installed in 2016 so it cannot be changed. Ms. Vincent asked if there is a law to say how long the carpet has to stay because her

carpet smells, she has to keep using air freshener, and her five-year-old baby has rashes on his neck because he loves to lie down on the carpet. Ms. Vincent stated the complex is dark and if you pass by the second door, you can't see who is walking behind you. She stated she is afraid, a single mom, and does not have the money to go on her own. Ms. Vincent asked the City to come to their aid, help them, and solve these problems so they can live a better life here.

Mayor Elliott thanked Ms. Vincent for adding her voice to Lofte Ulum and stated staff will follow up this week. He supports having a meeting with these residents because the issues exist at Georgetown Park and other areas of the City and should be addressed by the City Council.

Jackie Graham stated she wanted to echo some of the comments made by Cheryl regarding the resolution and add a few of her own. She is a 40 year resident of Brooklyn Center, is very invested in our community, but as many of us are, they have concerns about the recent events. Ms. Graham stated relating to the meeting when the resolution was voted on when she has been involved in corporate meetings or other meetings for issues with school districts, they have to sign in and be residents immediately impacted or have some sort of connection to the content. In school meetings, they had to be members of that school community. What she saw at the meeting was that many of the speakers had very impassioned comments to make but were not from our community. There were many speakers from our community who did not get an opportunity to speak because no time limits were imposed. Many meetings, including corporate meetings she has attended, have had a timekeeper and people have been asked to be prepared to speak and limit their comments. Because there were no time limits, even though they were mentioned, they were not enforced. That limited the ability of many residents and discouraged others from even attempting to share their voices.

Ms. Graham stated when a resident did make a personal comment, some very reactive situations occurred and he was removed. Yet non-residents were allowed to express some very specific comments and went unchecked. When she had asked a question, the Mayor ignored her and walked away. She stated that made her feel devalued and as a long-time resident, that was very telling actually and she was very discouraged by that. Ms. Graham stated Mayor Elliott and the Council Members represent all of the residents of Brooklyn Center and our community and the focus has been so narrow in some of the meetings she has attended that, as Cheryl said, she is concerned that everyone has a voice at the table and she is not seeing that.

Ms. Graham stated she also shares Cheryl's concern about the makeup of the committees that the Mayor has proposed and thinks those who have been impacted certainly should have a voice at the table but there needs to be a balance. She would consider herself as one of those since she was robbed at the Holiday Station on Bass Lake Road so she has had some interaction that may make her eligible for that committee.

Ms. Graham stated the one thing she has not heard is any discussion of how we are going to fund this, noting a lot of infrastructures will be needed to support the successful implementation of the programs. She stated she knows the Mayor has a lot of faith in the CAHOOTS Program and the success they have had but she hasn't had time to review what the program is. She stated they have been successful but asked if the City has analyzed the demographics of their population and is it a similar type of demographic as our community. She does a lot of evidence-based research for her

job and one of the things she has to analyze is not just the data that tells her what she wants to hear, but also the data that also tells her where there might have been issues or problems. She asked if the City has had the chance to analyze similar communities that implemented these kinds of things and did not have the success that the CAHOOTS Program has had and why didn't they, what were the obstacles, so Brooklyn Center can go in knowing that.

Ms. Graham offered to volunteer for any type of committee and actively participate, noting 40 years is a long time to be in Brooklyn Center and she has always been very proud of our City. Unfortunately, the last few months haven't made her as proud as she has been in the past and she would like to see that change but it will take an effort that involves more than just the people who were immediately impacted because we all live here. She noted that whether we lived across the street from the police station, protested, or stayed in our homes in fear, we all need a voice. She asked the City to approach this in a thoughtful non-reactive way so it will meet the needs of our City long term, not just the immediate needs of the tragedy that occurred.

Mayor Elliott thanked Ms. Graham for speaking and apologized for not listening to her at that meeting. He stated he makes it a point to be available. He commented on his interaction with the gentleman who spoke at that meeting, stating he had a Diet Pepsi at his kitchen table and has spent time having conversations so he is familiar with the gentleman. In terms of limiting the meeting to Brooklyn Center residents, that is something they legally cannot do as City Council meetings are open to the public but he made an announcement at the beginning of the meeting that they wanted people who live in Brooklyn Center, worked in Brooklyn Center or owned businesses in Brooklyn Center to come up and speak. He stated the lines were free forming so no one could say who could and couldn't get in line to speak. Those attending via Zoom were called on by the City Clerk in the order they raised their hands so some effort was made to center Brooklyn Center voices.

Mayor Elliott agreed it was a passionate meeting because of the topic at hand but he has encouraged people to speak, even those who do not share the voices of the majority in the room, people from all voices, and those who actively disagree with him. He stated those people have shared their perspectives at several of the Listening Sessions and we want that variety of voices to be shared because we are all one community, Brooklyn Center has good people, and we want to see a community where all can thrive and feel safe.

Mayor Elliott applauded Jackie for speaking up tonight and encouraged her to continue to do so, noting she is asking important questions such as whether there are places where this has not worked and they will certainly be keeping that in mind. He stated the examples he is aware of, places like Denver, Colorado, it has been successful but they will keep centering all voices of Brooklyn Center. He noted the places most affected by police violence are people who are going to be the loudest voices in the room because it strikes differently for them. He encouraged all to embrace those voices as we are all doing what we can to listen to those voices when they speak and to make room for those voices. Ultimately, the City wants to be sure there is a well-rounded public safety system that has the tools to respond to a variety of situations in our community.

Ms. Graham stated she appreciates the Mayor's responses and looks forward to the opportunity to listen and participate. She stated she is very open to all of the voices in our community, which

was one of her concerns because she didn't see all of her neighbors there, her Latina or Hmong or Vietnamese neighbors, and some of them have been impacted as well. She suggested we need to find ways to reach out to some of those members of our community who may not be as comfortable bringing their voices in public. Ms. Graham stated we have a very diverse neighborhood. She embraces that, wants to assure all are heard, and it is an inclusive discussion as we move forward so we can do what is best for our entire community. She stated she has lived in Brooklyn Center for a long time and plans to stay until they carry her out feet first so she wants to make it the place she knows it can be.

Mayor Elliott again thanked Ms. Graham for her comments and agreed we need to make more of an effort to get our more diverse community at all of our public meetings, noting there were Spanish and Hmong interpreters present and an effort was made to reach out to those communities but nowhere where we need to be. He stated this is our greatest opportunity to bring the great diversity of our communities to the table on all of the important issues being addressed to shape the future of our City.

Randy Christensen stated there were two different places to line up at the meeting and typically at meetings with controversial topics, you try to make sure it is fair to those for and those against so they line up in different lines. Then you can alternate for and against comments. He noted if all the people in support rush to get in line first and those at the back of the line are against it, they never get to speak if we run out of time. He explained this is one way to ensure there is a fair way for people who are for or against a particular item on the agenda to be able to get their voices heard. In the future, he would appreciate it if that could be a little more available to make sure those for or against have an opportunity to speak.

Mayor Elliott stated that is an interesting idea that he will think about but his first reaction is that some people may have something they like and don't like about an item.

No one else wished to address the City Council.

Mayor Elliott thanked all who spoke this evening. He stated he thinks there is more the City should be doing as a result of the Listening Sessions and he hopes the City can tick through all the issues raised effectively so they can be addressed and something comes from these comments, but it is always an issue of capacity.

Councilmember Ryan moved and Councilmember Butler seconded to close the Informal Open Forum at 7:51 p.m.

Motion passed unanimously.

RECESS & RECONVENE

Mayor Elliott recessed the meeting at 7:51 p.m. The meeting was reconvened at 7:55 p.m.

2. INVOCATION

Mayor Elliott agreed with the suggestion of Councilmember Ryan to skip the invocation since the meeting is starting one hour later than usual and Councilmember Graves is not present.

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 8:00 p.m.

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, Kris Lawrence-Anderson, and Dan Ryan. Councilmember April Graves was excused. Also present were Acting City Manager Reggie Edwards, Director of Public Works Doran Cote, Community Development Director Meg Beekman, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved and Mayor Elliott seconded to approve the Agenda and Consent Agenda, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. May 3, 2021 – Special Session
2. May 8, 2021 – Special Session
3. May 10, 2021 – Study Session
4. May 10, 2021 – Regular Session

6b. LICENSES

HOSPITALITY ACCOMMODATIONS

G6 Hospitality Property DBA Motel 6	2741 Freeway Blvd Brooklyn Center MN 55430

MECHANICAL LICENSES

Forward Air, Inc. Ffm LLC	9449 Wright Bros Ct SW Cedar Rapids IA 52404
Hertz Mechanical Inc.	19561 Vernon St Elk River MN 55303
South-Town Refrigeration & Mechanical	6325 Welcome Ave N Brooklyn Park MN 55429

Street Plumbing Inc	11804 River Hills Dr #5. Burnsville MN 55430
Yale Mechanical	220 W 81st St Bloomington MN 55420

RENTAL

INITIAL (TYPE II – two-year license)

5329 Penn Ave	Dorothy Rouser
6325 Brooklyn Blvd	Obafemi Oladeji/Koladex Venture
4201 Lakeside Ave #105	Cindy Bohler
4201 Lakeside Ave #116	Cindy Bohler
4207 Lakeside Ave #125	Don Stenberg
7000 Oliver Ave N	Pascal Enohyaket
6925 Scott Ave N	Hamdi Omar / United Providers

RENEWAL (TYPE IV – six-month license)

3218 63rd Ave N	My Truong/Madison Ave Homes LLC

RENEWAL (TYPE III – one-year license)

1300 67th Ave N	Roger & Elizabeth Family Properties
6101 Beard Ave N	B&M Wallman/BMW Holdings
Beard Ave Apts	c/o Halverson & Blaiser Group
5001 Ewing Ave N	Mary Ann B Neil – met requirements
5301 Russell Ave N	Midwest GIR Group – met requirements
3224 62nd Ave N	Michael Mills
5112 70th Ave N	IH3 Property Illinois
5415 Emerson Ave N	M Silverstein/MNSF II – met requirements

RENEWAL (TYPE II – two-year license)

5400-02 Russell Ave N	Tai Pham
5327-29 Queen Ave N	Alvin Stachowski
509 61st Ave N	Tim Daniel – met requirements
3207 67th Ave N	Elijah Nyambane – met requirements
5214 Ewing Ave N	My Trong & My Lam – met requirements
7143 France Ave N	Yi Lin / CAML LLC
6418 Girard Ave N	Genet Gashaw – met requirements
5618 Hillsview Rd	Bobbie & Nita Morlock – met requirements
5818 Humboldt Ave N	Jay Olson
6212 Kyle Ave N	Kristine Rousseau – missing CFH certificate

RENEWAL (TYPE I – three-year license)

6642 Dupont Ave N	Kevin Motarjemi
7218 Grimes Ave N	Shawn & Djuana Banks
4201 Lakeside Ave #316	Maria Moldenhauer
7030 Regent Ave N	Dougal Allen Wahl/Rifive Inc

SIGNHANGER'S LICENSES

Topline Advertising	11775 Justen Cir Ste A Maple Grove MN 55369

6c. RESOLUTION NO. 2021-74 AUTHORIZING PROPOSED USE OF AUTO THEFT PREVENTION GRANT

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. OPPORTUNITY SITE PRESENTATION SERIES: ENVIRONMENTAL ASSESSMENT OVERVIEW

Acting City Manager Reggie Edwards introduced the item and invited Ms. Beekman to make the staff presentation, noting this is an informational item and action is not requested tonight.

Community Development Director Meg Beekman explained the purpose of this presentation series is to provide regular updates for City Council on particular topics related to the Opportunity Site that can be recorded and posted to the website.

Ms. Beekman noted there has been a bit of a pause and the last presentation was specifically an overview of the process, decision points, and milestones for the Opportunity Site, the master plan as well as the Alatus project for Pride in Living (PPL), and the Resurrected World Faith Ministries project that is a partnership formed to work on the initial development. At that meeting, the City Council had specific questions about the Environmental Assessment Worksheet (EAW) process that Alatus and PPL have initiated as part of their project directive. For this presentation, staff has asked Daniel DeJoone, from Braun Intertec, to provide an overview of the environmental assessment process, as well as how it is specifically being applied to the Alatus/PPL development project. Braun Intertec is an environmental engineering firm that routinely conducts environmental assessments for both public and private projects. They have been engaged by Alatus to be the consultant that conducts the environmental assessment for their Brooklyn Center project, which is underway. The environmental review process includes a public comment period as part of the statutory requirements. Mr. DeJoone will speak to the public engagement requirements as well as what is being planned for this project as it relates to the environmental review.

Daniel DeJoone, Braun Intertec, introduced himself and described his background. He provided a PowerPoint presentation describing the general process of the EAW, which is a State process from the Minnesota Environmental Policy Act requiring EAWs and Environmental Impact Statements (EIS) based on certain criteria. The Minnesota Environmental Policy Act (Act) is about 50 years old and the obvious objective is to assess the possible environmental impacts of a proposed project. There are other objectives, one of which is to provide the public access to the decision-makers. The public has an opportunity to provide input on a project and the process allows public awareness of a project and gives opportunity to provide opinions and accountability for the decision-makers and delegates authority to a local community so it is not a State- or centralize-driven process. The authority comes from a State statute with the decision made by a

local government body called a Responsible Governmental Unit (RGU). Mr. DeJoone stated the Act is defined in Minnesota statutes and codified in Minnesota rules and is overseen by the Environmental Quality Board (EQB) who defines and publishes the process but does not make the decision at the end. He noted the Act defines thresholds for activities so multiple housing unit projects of a certain size will either require an EAW or an EIS or maybe it's small enough that it does not require any sort of formal review under this Act.

Mr. DeJoone presented the three types of environmental review, the EAW to provide a brief discussion of topics to determine if an EIS is required. The EIS is a more involved study to look at potential environmental impacts. The third review is unique to Minnesota and is called an Alternative Urban Areawide Review (AUAR) which is a hybrid between the EAW and EIS. It is a powerful planning tool to evaluate potential environmental impacts but also used for larger areas that encompass more than a single development or project. It is used in urban development/redevelopment as a planning tool to look at different scenarios. This process can be completed once for a region/area so each project does not require individual environmental review.

Mr. DeJoone provided more detail on the EAW, which is the approach to be used for the proposed Alatus/PPL development project. He explained the EAW lays out the basic facts of the project and the result is to determine if an EIS is needed. The EAW provides permanent information including informing the public about the project, identifies ways to protect the environment, and addresses potential impacts and ways to lessen or mitigate those impacts. The EQB website defines the EAW process. Mr. DeJoone reviewed the topics addressed in the EAW, noting they are predefined and included in an EQB template. He explained that accumulative effects refer to potential effects of the project in conjunction with other projects/activities occurring around it.

Mr. DeJoone stated the environmental review thresholds for an EAW have 20 different categories. He provided an example using a metropolitan area city with a population between 20,000-100,000 and advised of the resulting threshold for a mandatory EIS commercial institutional development, housing, and mixed-use like the Alatus proposal. He explained the EIS is a more detailed evaluation of potential environmental impacts and identifies ways to avoid impacts, alternatives, and methods for reducing impacts. It is an interdisciplinary approach that includes natural, environmental, and social sciences and is not meant to approve or deny a project but instead act as a source of information to guide approval and permitting decisions. He described each step in the EIS process, noting it includes published notice and a mandatory 30-day public comment period. Following the public comment period, the RGU has 15-30 days to make a decision but may request more information and extend the decision period, if needed. The point of the decision is not to issue a permit or approval, it is to determine the need for an EIS. There may be public comments and they may ask the developer to modify certain things to address comments/concerns about potential environmental impacts. Typically, this is the end of the process and the RGU determines that an EIS is not needed. If the RGU feels like more information is needed, then they would determine that an EIS is needed and that would kick off another process taking many more months.

Mr. DeJoone explained that once the RGU decides on whether an EIS is needed, the RGU writes findings of fact and provides a written response to substantive comments, and within five working days of the decision, a Record of Decision is issued. In the Record of Decision, the RGU may ask for certain conditions to be met to modify the project or lessen the impact impacts and those things

can be written in City permits/approvals that come later. He restated that the EAW process does not have a formal permit issuance, it has a Record of Decision made at the end.

Mr. DeJoone stated the Opportunity Site and Alatus project proposes a mixed-use development on Blocks 11, 12, and 13. They drafted an EAW and are looking potentially at moving forward with a public notice in the next month or so and then a 30-day public comment period. If the City wishes to have an open house or public meeting, it is within their discretion to do that. He stated once the 30-day public comment ends, shortly after, a decision would be made as to the need for an EIS.

Mr. DeJoone stated the AUAR might be available for the larger Opportunity Site in the future to include potential options or different development scenarios that look at the larger area and prevents the need for individual blocks to go through the EAW process. Mr. DeJoone provided his contact information and offered to hear comments and answer questions.

Mayor Elliott thanked Mr. DeJoone, noting this is a lot of information. He asked whether Mr. DeJoone has already completed an EAW. Mr. DeJoone stated they have drafted the EAW on behalf of Alatus so they have that draft in their possession and if Alatus is comfortable and approves it, the EAW will go to City for staff review before going out for public comments.

Mayor Elliott asked if the EAW was paid for by Alatus and will determine whether an EIS is needed. Mr. DeJoone answered in the affirmative. Mayor Elliott asked what is the determination based on that. Mr. DeJoone stated the determination is based on whether there are significant environmental impacts that are not addressed or need additional study/mitigation. Mayor Elliott asked if that determination is made by the EAW preparer or the City Council. Mr. DeJoone stated it will be the determination of the City Council and when it goes out for public notice, it will go to the Pollution Control Agency (PCA), Department of Natural Resources (DNR), Metropolitan Council, and Hennepin County. He noted a lot of public resources agencies have an opportunity to comment on it so the City does not have to rely on Alatus or Braun Intertec. Rather, the City gets input from technical experts at resource agencies and the public with varying levels of technology. The EAW template lays out the questions and topics they respond to and explains how they think the project would have environmental impacts or not. He explained it is the combination of that process that the City then determines whether or not an EIS is needed. Mayor Elliott asked if it is typical for the developer to hire someone like Braun Intertec to do this work. Mr. DeJoone confirmed that is the customary approach.

Councilmember Ryan noted this requires no formal action.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to receive the report.

Motion passed unanimously.

Mayor Elliott stated the folks at the table originally, the committee on the Opportunity Site, were adamant that an EIS was needed so he is looking forward to having the public process where they can engage with the public and other governmental agencies.

8. PUBLIC HEARINGS

8a. ORDINANCE NO. 2021-01 AMENDING CHAPTERS 7 AND 19 OF THE CITY CODE OF ORDINANCE REGARDING WASTE AND ORGANICS RECYCLING BY HAULERS

Acting City Manager Reggie Edwards introduced the item and stated the City Council is asked to hold the second public hearing on this matter, adopt the ordinance on second reading, and adopt a resolution for summary publication. He invited Mr. Cote to make the staff presentation.

Director of Public Works Doran Cote explained that this item is the second reading of an ordinance amending Chapters 7, Health Garbage and Sanitation, and 19, Public Nuisances and Petty Offenses, of the City Code of Ordinances regarding waste and organics recycling by haulers. He noted Hennepin County Ordinance 13, adopted in late 1998, requires all cities to provide the opportunity to participate in curbside collection of organic material by either contracting for City-wide collection or require haulers to provide that service upon request of a resident or household.

Mr. Cotes stated Article 1 of the amendment has been amended to add definitions for bulky waste, compost, source-separated compostable materials, trash, and waste, walk-up collection service, and waste hauler license, noting each definition is detailed in the staff report. Article 2 of the amendment includes Subdivision 1, The hauler shall replace, at its expense, damaged waste containers; and, Subdivision 6, yard wastes must be placed in a yard waste collection cart or compostable bags that are separate from other waste. Mr. Cotes stated in Article 3, new subdivisions were added with the most notable being Subdivision 2 that now requires license applicants to include organics for recycling or yard waste for individuals to make special arrangements for that collection. In Subdivision 5, the vehicle specifications were updated to be more in tune with what the City expects the condition of collection vehicles to be in. In Subdivision 12, a provision was added that the collector must take the yard waste to a disposal site or transfer site licensed by the State of Minnesota to manage yard waste. Subdivision 13 addresses source-separated compostable materials and requires they collect and transport to a licensed and permitted facility designed to manage source-separated organics. He noted that some provisions were removed that are no longer applicable, such as the open burning of waste which is now prohibited. In Article IX, Chapter 19, the definition of garbage was refined. Mr. Cotes stated that concludes his presentation and offered to answer questions.

Councilmember Ryan stated his understanding that should these ordinance amendments pass, it is a mandatory requirement to recycle solid recyclables but the participation and recycling of organics are optional. Mr. Cote stated that is correct and if approved, the ordinance will go into effect June 23, 2021.

Councilmember Ryan asked if the thrust of this policy change, at both the State and County levels, isn't the motivation to reduce the demand on landfill volume. Mr. Cotes stated that is correct.

Councilmember Lawrence-Anderson asked if there is a fee affiliated for people who choose to opt-out. Mr. Cotes stated the fee would be borne by the property owner who chooses to have organics collection through their hauler.

Councilmember Lawrence-Anderson stated she composts at her home so she would not want to pay to have her compost hauled away, noting others within the City would feel the same. She originally thought you had to pay regardless if you chose to have organics taken away or you compost at home so she appreciates that.

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

Motion passed unanimously.

Randy Christiansen referenced Article 2, Subdivision 1, and asked for background or the purpose to require the hauler to pay for the containers because that type of blanket statement restricts or disadvantages a start-up hauler or smaller haulers. Mr. Cote explained this provision was added for the hauler to replace, at its expense, damaged waste containers because typically, it is not the property owner that is damaging the waste container. Oftentimes, it is the hauler that is damaging the waste container when loading the waste. That is the reason this provision was included, noting it is also a requirement for all Hennepin Recycling Group cities who have included it in their proposed ordinance amendments.

Mr. Christiansen stated he understands and if it only applies to the recycling bin, that is appropriate and he understands that sometimes the hauling company damages the container. But in instances where that is not the case, this language disadvantages smaller haulers to do the proper good thing for their clients and decide whether to replace the container at their cost or charge them. He stated this blanket statement requiring the hauler to replace it, regardless, seems to go against choice on that matter. Mr. Christiansen thanked staff for the answer and agreed it made sense that the larger haulers would like that.

No one else appeared to address this item.

Mayor Elliott moved and Councilmember Ryan seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Ryan moved and Councilmember Butler seconded to approve the second reading and adopt ORDINANCE NO. 2021-01 Amending Chapters 7 and 19 of the City Code of Ordinance Regarding Waste and Organics Recycling by Haulers.

Motion passed unanimously.

Councilmember Ryan moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2021-75 Approving summary publication of the Ordinance.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

None.

10. COUNCIL CONSIDERATION ITEMS

None.

11. COUNCIL REPORT

None.

12. ADJOURNMENT

Councilmember Ryan moved and Councilmember Butler seconded adjournment of the City Council meeting at 8:39 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
MAY 24, 2021
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Tim Willson at 9:01 p.m.

ROLL CALL

Mayor/President Tim Willson and Councilmembers/Commissioners Marquita Butler, Kris Lawrence-Anderson, and Dan Ryan. Councilmember/Commissioner April Graves was excused. Also present were Acting City Manager Reggie Edwards, Community Development Director Meg Beekman, City Attorney Troy Gilchrist, and City Clerk Barb Suciu.

CONCEPT DEVELOPMENT PROPOSAL FOR 6440 JAMES CIRCLE

This item was considered and concluded in the May 24, 2021 Study Session.

CONCEPT REVIEW FROM SCANNELL PROPERTIES REGARDING THE FORMER SEARS SITE

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

Community Development Director Meg Beekman stated this is a land-use proposal by Scannell Properties about the former Sears site that is approximately 15 acres in size and has been vacant since 2018. This concept review is an opportunity for the City Council/EDA to review and provide comments, ask questions, about a particular concept before formal review. It is a benefit to the developer who is working on the project so they can get early guidance and direction from the City Council/EDA on what is important, what they should focus on, and if this is a project the City Council/EDA is open to in general. It is also an opportunity for the City Council/EDA to get familiar with the project and have an opportunity to provide input early in the process. She stated the City Council/EDA can indicate whether they are open to a concept but, in general, this is a nonbinding informal conversation between the City Council/EDA and developers.

Ms. Beekman displayed a site map and noted the location of the former Sears site that fronts Highway 100 and has access to Xerxes Avenue as well as Brooklyn Boulevard at 55th Avenue N. The property is zoned PUD-C2, which is unique zoning and is the district that regulated and included the Brookdale Mall. When it was redeveloped into Shingle Creek Crossing, that area

received a new zoning designation but the Sears site, a remnant of the Brookdale Mall, remained and nothing changed to that underlining zoning. As a result, it is a bit of a misfit in terms of zoning and the reality is that any reuse of the site would require a rezoning or significant PUD amendment to accommodate any reuse since the current zoning is quite restrictive.

Ms. Beekman stated this site is guided in the 2040 Comprehensive Plan as TOD, which may seem unusual given its location immediately adjacent to the C Line so BRT comes through this area with a stop at 56th and Xerxes Avenues which is near this site. She pointed out that the 2040 Comprehensive Plan recognized redevelopment areas that were guided for TOD and within that designation, which allows for a broad mix of land uses, staff identified some areas would have more focus on residential and multi-family residential while other areas within the TOD would have more focus on commercial and jobs center. This site within the TOD district was identified as more commercial and less for residential. Nevertheless, the proposed land use would not conform with the current guided plan so it would require a Comp Plan amendment.

Ms. Beekman stated the property is owned by Sears Corporation and they currently have an agreement with Scannell Properties to do their due diligence and pre-development work under that agreement. This is the last remnant of the Brookdale Mall and Sears did not participate in any of the redevelopment or master planning discussions that went along with Shingle Creek Crossing. So, the current PUD for Shingle Creek Crossing excludes the Sears site.

Ms. Beekman stated in 2019, the City did begin looking at what potential future reuse of this site might be to understand the market feasibility. Staff looked at market options and explored retail, office, multi-family residential, light industrial, and flexible space. From the review, staff discovered the office market is extremely soft so there is not a lot of new office development as a result of the pandemic and she would go so far as to say the office market is dead right now. Retail, on the other hand, regionally speaking and especially with national chains and broad retail trends, is over retailed and that applies to Brooklyn Center as well. In terms of regional shopping nodes, she thinks we're certainly at capacity in terms of our regional demand. Ms. Beekman stated to the point made earlier, clearly, there are niche markets, boutique retail, categories within that, that may be appropriate but generally, when talking about large scale regional retail nodes, that is where the market is fairly saturated.

Ms. Beekman stated in terms of residential use, the staff is seeing some places with higher density multi-family housing near shopping centers and in some instances, that is entirely appropriate. But oftentimes when talking about residential, it is important to think about grafting residential onto land uses adjacent to other residential uses. She noted there are other areas in the City where they are focusing on residential development, they do not want to create competition for them, so residential is another challenging land use when looking at this particular site.

Ms. Beekman stated as discussed earlier, light industrial flex business center uses have been booming fairly consistently over the last two years in surrounding communities. She noted the pandemic has exacerbated that demand over the last two years, retailers have gone online, and there is demand for these smaller regional distribution hubs that have increased demand overall for industrial zoned properties. Staff is also seeing an uptick in manufacturing jobs coming back to the United States in general.

Ms. Beekman stated again that Sears is the owner of this site that contains two buildings, the primary Sears building and an outbuilding consisting of the former auto center that flooded several years ago. The Sears building has also had some exterior and interior damage. Sears went out for a Request for Proposal (RFP) in 2020 with the intent of identifying a potential buyer. They received 11 proposals and all of them were for light industrial use. The City did not participate in that selection process. Scannell properties were ultimately selected by Sears to work with on this project.

Ms. Beekman explained Scannell Properties focuses on light industrial or flex business centers and completed similar projects in Brooklyn Park and Maple Grove as well as other places. She displayed an exterior elevation of a project completed by Scannell Properties and stated it is a speculative project, which is fairly common because the buildings are built very flexibly and intended to be adaptable for a range of uses and tenants. They are typically built speculatively, which is preferred as to a single user-designed site because if that business leaves, it is more difficult for that building to be used. Scannell is completing an environmental assessment before determining a final site layout but not far enough along to have developed a site plan. Scannell is focused on the land use at this point, recognizing this is a pivot from the City's current land use policy related to the site. Scannell wanted to have a conversation with the City Council/EDA about its comfort of that as land use. Ms. Beekman explained generally, this land use will focus more on tax base and jobs as opposed to other things or goals the City may have. Those jobs will equate to about 1 per 1,000 square feet and Scannell believes they can fit approximately 230,000 square feet on this site, though they have not yet finalized a concept plan.

Ms. Beekman stated the uses could include things like clean manufacturing, medical manufacturing, office, and warehouse and distribution. She displayed images of projects Scannell has been involved with to provide an example of what the buildings typically look like. In this case, the conversations have been about the need for foresight on architecture given the high visibility along Highway 100 but also need to recognize there is a retail neighbor that needs to be considered and complemented within the site layout so trucking and loading docks are central to the site with buildings that have a high level of design and site layout contemplation incorporated therein.

Ms. Beekman reviewed the process that will be a bit different because of the size of the site, timing, and fairly significant environmental work that will be required. Scannell is seeking direction on the proposed land use. If the land use is amenable to the City Council/EDA, then Scannell will begin preparing a concept site plan that will include much more detail related to parking, truck circulation, architecture and design, stormwater, and environmental conditions. For this project to move forward, it would require a rezoning to a zone similar to I-1, light industrial zoning, as well as a Comprehensive Plan Amendment to re-guide this site from TOD to business mixed-use.

Ms. Beekman stated the City Council/EDA has the discretion to add additional site and design standards or land use restrictions related to the rezoning or Comprehensive Plan amendment. A full review would take place as part of a land-use application and include a full review by staff that would be presented to the Planning Commission, a public hearing held, and then the City Council/EDA would make the final decision. She noted the developer has not yet indicated

whether they would seek public subsidy as part of their land use application as they are not far enough along in their process to know whether that will be needed. If that is the case, then a full public subsidy review would also take place.

Ms. Beekman stated the policy discussions tonight are focused more on land use. She asked if the City Council/EDA is comfortable with business mixed-use as a guiding land use with a subsequent rezoning to PUD BMU that would allow uses similar to what we currently would allow within a Light Industrial I-1 district. She asked as Scannell continues their work and predevelopment, are there considerations or special issues the City Council/EDA want to raise. Ms. Beekman offered to answer questions of the City Council/EDA and noted a representative of Scannell Properties is present and available to answer questions and can more effectively speak to their approach and vision for the site.

Mayor/President Elliott stated he had the opportunity to read up on this project and get questions answered. He appreciates Ms. Beekman's presentation and thinks this land-use proposal is misguided and not what Brooklyn Center needs. He stated the City has a big opportunity to shape something that is much more appealing for our community on the former Sears site property. He also thought the development of Shingle Creek Crossing, in general, has been misguided as it does not fully serve the needs of our community and building this industrial development where Sears used to be is misguided. He stated that is a project the City can put in its industrial area if that is something desired, or they can look to see if there are buildings that can be used for potential users of this speculative building. Mayor/President Elliott stated he wants to be clear that he does not think the City needs to go down this road and instead needs something that better fits our community. Instead of a hodgepodge development, the City needs a vision for this site that takes full accountability for what the community says they need.

Mayor/President Elliott stated he has heard other proposals that folks are currently pursuing including a global market on that site and other ideas around an entertainment center that creates a draw to Brooklyn Center. He noted this area has high visibility right off Highway 100 and this is a completely wrong use so he does not support it, will not support it, as it is bad for us and not what we need in that area.

Councilmember/Commissioner Ryan stated Mayor/President Elliott has been very clear and he appreciates his candor but we have to ask ourselves, as this is a high visibility property and eyesore that has been sitting for a long time. He heard the presentation by the Development Director explaining what the real estate development market is today and we have to be realistic about that. He asked how it is not in the interest of our community to build a tax base when we are about to embark on several very ambitious programs, one of which is public safety where we haven't had a chance to determine how we will pay for it. He again asked how it is not in the interest of our community, generally, to build the tax base in what could be a high-value property that will bring in, potentially, good-paying jobs which is front and center to our economic development goals.

Councilmember/Commissioner Ryan found it to be narrow-minded to always demand one particular band of development, that view is mistaken, and he respectfully hopes Mayor/President Elliott would reconsider his views on that and other members of the City Council/EDA would support this concept because the City sorely needs to build a light industrial tax base or a

commercial tax base and has seen no interest in this property for any other use. Councilmember/Commissioner Ryan stated frankly, he would not want to wait and hold his breath for those other concepts to show up in this market.

Mayor/President Elliott stated we hear the same arguments every single time that there is nobody else out there that's going to be interested, this is the best that we can do, this is all that we can have, this is going to improve the tax base. He believes that is a false choice as we can both improve the tax base and get what we want for our community in terms of amenities the community has been insisting the City build for them. He stated the whole idea we should just sit back and wait and then jump on the first thing that gets presented to us is what is leading our City. He noted folks are always telling him there is nothing here for us, we have to go to Maple Grove, or we have to go to other places to get what we need. He is sick and tired of it and wants to make sure we demand more and putting in an office building or manufacturing over there is not what we need.

Mayor/President Elliott stated he believes the City can achieve both and insist on getting what our community needs, those amenities, in a high visibility site like this and at the same time get something that improves the tax base. He is not willing to settle, just like we were not willing to settle in an arena of public safety, and we cannot settle in the arena of development for our community. Mayor/President Elliott stated we have a very diverse community here and the idea of those folks who built their homes and go on walks over in that Sears building or the idea that this is what we need for our very diverse community when folks are already leaving to go elsewhere to support their shopping needs, is not right and he does not think the City needs to settle for this. Mayor/President Elliott stated the City has a choice in this matter and needs to stand up for the community and demand more.

Councilmember/Commissioner Butler asked if they have examples of being adjacent to retail, which is one of her concerns. She noted you can see this property from Highway 100 and the City wants to invite people to get off the highway and shop in our stores or eat at our restaurants. She agreed the Sears site was abandoned for far too long and is an eyesore so the City does want to replace that relatively quickly but she agrees with the Mayor/President in terms of needing to make sure the City Council/EDA is choosing wisely in what they are replacing. Councilmember/ Commissioner Butler stated she doesn't want to make a decision simply because someone has come to us with a concept without really thinking it through. She likes that it will improve the tax base and bring jobs but she does not like that it is an industrial use adjacent to commercial shopping. That is a huge issue for her along with the property being right off Highway 100 as it gives mixed signals and she cannot think of another place where there's industrial right next door to retail.

Ms. Beekman stated Brian Wurdamen from Kimberly Horn and working with Scannell Properties, is available to answer questions.

Scott Moe, Scannell Properties, stated there is a valid point being made that it is not common to have industrial properties next to the retail but it is not like it has never happened either. He noted an industrial building backs up to a Fleet Farm and other retail in Brooklyn Park so it has been done though is not the most common layout. He stated it will not draw people off the highway to shop as that is not its purpose. Mr. Moe stated he is hearing people say they want an entertainment

enter or retail and he would like to be 6'10" so he could play in the NBA but he'll be 64 on Friday and is done growing. He stated just wishing for these things does not mean they are going to happen. He has done quite a bit of retail but is not an expert to tell the City it can't happen. However, a lot of homework has been done on this property, which has been sitting for a lot of years in this supposedly 'golden location' and he does not think retailers will be fighting to get on that site.

Mr. Moe asked whether the City Council/EDA is settling for something less, noting we'd all like to have the Emerald City built in our communities and he is not saying it can't happen but is saying it is not likely to happen. He stated the City will have to do their homework on that and draw their conclusions. Mr. Moe stated their buildings will probably pay half a million dollars in taxes that the City can use to do all kinds of wonderful things for the community and address all kinds of needs. He realizes not all taxes go to the City and some of the funds are disbursed to the County, School, and others, but a lot of that money also benefits the community. Mr. Moe stated jobs for teenagers and college students in the summer, young people in the community who are vocationally oriented, there are a lot of good benefits to the buildings that could be generated. Mr. Moe stated he hopes the City Council/EDA do not quickly dismiss it because they will build a nice-looking product that is appealing to the eye with industrial appeal, though it will not draw you off the highway to go shop.

Mayor/President Elliott thanked Mr. Moe for his comments and stated he thinks that we need to, for once, stand up and say the City needs to meet the needs of our community, not a business plan or product that the developer is pushing. He stated the City cannot settle and for him, he is done settling for whatever comes before us and is willing to roll up his sleeves and prove that in this arena as well, we can do better and get what we need for our community. He noted no one in the community has stood up and said this is what we need, and industrial building here at the former Brookdale site. This is not what we need for our community and he stands firmly and thinks the City needs to move on from this proposal and insist and demand more for our community. He stated he does not believe for a second that Brooklyn Center can't get restaurants because everyone is telling him they are going to Maple Grove for a restaurant or another place for their entertainment needs. They are all telling him, young, old, whatever color, that they are going out of Brooklyn Center for all of their needs. He asked where they are getting the money and said he just doesn't buy it and we don't need this here in this district. We need to be more visionary and imaginative.

Mr. Moe asked, respectfully, why have no restaurants have come to this site and asked if the restaurant people are ignorant. He stated that is his point. Just because you want it does not mean people will come and asked the City Council/EDA to think that through.

Councilmember/Commissioner Butler stated she does not appreciate the tone of the person speaking and thinks it has been disrespectful so she is ready to take a vote and will not support this. She noted he does not live in our City and we listen to our residents so she will not support it.

Councilmember/Commissioner Ryan stated given the unpleasant facts we are faced with, he does not see this as such a glaring conflict of uses as Mayor/President Elliott might, and aspirations and wishful thinking are not a plan. He thinks when talking about building the tax base, if we just keep

waiting for the things we'd like to see happen, despite what the market chooses to do or not, then that would be great if you hold out for something else and down the line, it all works out. But he is skeptical about that. He supports the concept as he did with the Earle Brown Bowl concept since it is very utilitarian but a feasible use and the highest value use available to the City. He has listened to the Mayor/President's arguments and finds them very unconvincing and as much as his aspirations are well known but unrealistic.

Mayor/President Elliott stated we have been waiting and we get what comes our way but that is not enough so it is time we have a real vision for this and other sites in the City and then it is time that we get to work building that vision. He stated it does not happen if we just wait because then we will get whatever we get and that is what has been happening.

Councilmember/Commissioner Ryan noted Mayor/President Elliott is the one who is waiting but he sees something that is an opportunity and he wants to take it.

Mayor/President Elliott stated it is not a matter of waiting but us being very intentional and that's what we are going to do.

Councilmember/Commissioner Lawrence-Anderson stated she believes we need to move forward and believes this site and action is valid. She stated she will support it.

Mayor/President Elliott thanked all for the presentation, noting 2-2 is not a consensus to move forward on this project.

BROOKLYN CENTER'S PARTICIPATION IN MINNEAPOLIS NORTHWEST TOURISM

Dr. Edwards introduced the item and invited Ms. Beekman to present the staff report.

Ms. Beekman explained that Brooklyn Center has been a part of the Minneapolis Northwest Tourism Board (MNTB) for several decades. The primary purpose of the organization is to jointly promote the metro area, specifically the cities of Brooklyn Park, Brooklyn Center, and Maple Grove who are the three remaining cities in the consortium to market for tourism and visitors.

Ms. Beekman noted largely, the focus of this group was to target markets outside of the region and State to bring trade shows and other types of activities to the city's hotels. They also developed relationships with trade organizations to entice them to come to the northwest metro and conducted targeting a market of the area and offered shared marketing opportunities for festivals and events.

Ms. Beekman noted in December 2020, Maple Grove provided notice they would spend one year evaluating their future participation in the organization, essentially putting the organization on notice that they may be withdrawing. In May of 2021, Maple Grove did provide notice they would not continue their participation after December 2021. Also, this month, Brooklyn Park held a work session discussion and directed staff to provide notice of their withdrawal from the organization by December 2022. She explained Brooklyn Park and Brooklyn Center have contracts that require an 18-month notice so notice by June 30, 2021, would have an exit by December of 2022.

Ms. Beekman explained that MNTB is funded through a three percent lodging tax imposed by participating cities on hotel stays. Those funds are paid by the hotel guests, collected by the cities, and then provided to the MNTB. Maple Grove provides over half of the total budget to the MNTB so the budget has been significantly impacted by the pandemic and the withdrawal of Maple Grove and Brooklyn Park will also have a very significant impact on the organization.

Ms. Beekman stated staff considered options, noting Brooklyn Center can choose to remain with MNTB and at that point, the City Council/EDA would need to consider what that means for the organization as there would be a significant restructuring. The City also has the option to give the notice to withdraw by the end of 2022 along with Brooklyn Park. If that is the decision, Brooklyn Center could choose to start its own Convention Visitor Bureau (CVB), could create a CVB in partnership with Brooklyn Park, which Brooklyn Park considered as an option at their work session, and expressed some interest. If the Brooklyn Center City Council/EDA is amenable to that option, staff would start those conversations to see what that might look like. Ms. Beekman stated the City could also seek special legislation to divert a portion of lodging tax to another use, which Plymouth has done and Maple Grove attempted but was not successful at doing. Ms. Beekman stated the City could also choose to stop collecting lodging tax at all.

Ms. Beekman displayed examples of CVBs from the City of Bloomington, Discover St. Louis Park, Meet Minneapolis, and the City of Rochester. She then presented the pros and cons for each option, noting the easiest approach is to remain in the existing organization as it requires no action and would provide an opportunity to customize that organization to fit the needs of Brooklyn Center since it would be the only participating member. However, the future of the organization is unclear and may decide to cease operations given Maple Grove and Brooklyn Park's withdrawal. It would also require a substantial overhaul of the entire organization and may, at that point, be easier to create a new one from the ground up instead of trying to retrofit the current one. She noted if the City doesn't put in a notice by June 30, the next opportunity to withdraw would be next year with the withdrawal at the end of 2023.

Ms. Beekman stated the opportunity to create a Brooklyn Center-only CVB would provide the City with the most amount of control in terms of the budget and efforts around marketing. A con is that it may have less impact being a smaller entity to attract State events and tourism as it will be operating on a much smaller budget than the current organization and there is likely to be a substantial commitment of staff time and resources in terms of creating the organization and getting it up and running.

Ms. Beekman stated there is an option for a partnership with Brooklyn Park that would provide for a larger budget and potential for a farther reach, both cities have similar characteristics, there is more alignment in how the two cities might market, and it would put Brooklyn Center in a position of not competing with Brooklyn Park should each form their CVB. The con of this option is that it would be dependent upon Brooklyn Park's willingness to partner and would offer less control as the board would be shared.

Ms. Beekman stated another option is to seek special legislation, which would allow more flexible use of funds but her concern with this option is that Brooklyn Center already has special legislation

related to its highly flexible lodging tax. That legislation was received several years ago to double the amount of lodging tax it collects. At the time, the rationale was related to community safety; however, when the special legislation was passed, there was no plan in how that additional three percent of funds could be spent so those funds are deposited directly into the general fund and not allocated in any particular way. Ms. Beekman noted that going back to the legislature at this point and asking for additional flexibility or the ability to leverage additional lodging tax will likely be a challenge to be successful given the current situation. In addition, it may threaten the existing funding in place.

Ms. Beekman stated the option of not collecting lodging tax altogether would reduce costs to visitors and make the City's hotels more competitive as they would not have to charge the additional tax but it would also represent a lost opportunity for revenue for a CVB dedicated to Brooklyn Center. The City would also lose the additional three percent it is currently collecting on top of the three percent to fund the CVB.

Ms. Beekman explained that in terms of policy considerations, the City has ten hotels and of those, only four are members of the MNTB as the rest don't have meeting spaces for rent or they don't see value in the organization. The Heritage Center has indicated they do not see a lot of leads from the MNTB and primarily work through Meet Minneapolis and their own sales team attracts leads and events to the Heritage Center. She stated if the City Council/EDA decides to take no action at this time, it would still require restructuring of the MNTB to meet the City's needs. Ms. Beekman stated at this point, the staff is seeking direction from the City Council/EDA on what avenue they wish to pursue regarding the City's future with the MNTB and if they do decide to withdraw, that notice will need to be made by June 30, 2021.

Mayor/President Elliott stated he thinks it is clear that Brooklyn Center needs to withdraw from this agreement at this time and pursue the other options including better equipping Heritage Center folks to do more of their sales work and look at how to better leverage the resources and provide less overhead. He is interested in seeing how to get a waiver to use some of the resources to support funding a new community center or youth/senior programming in Brooklyn Center.

Councilmember/Commissioner Ryan stated he thinks Mayor/President Elliott is right in needing flexibility rather than being locked into this organization whose future is questionable. But first, the City Council/EDA needs to understand the parameters it can charge a lodging tax, which has been a significant source of revenue.

Councilmember/Commissioner Ryan asked Ms. Beekman if it is a state law that requires that the City participate in some kind of CVB for lodging tax funds to be dedicated to that type of organization.

Ms. Beekman explained that current State law allows cities to charge up to three percent lodging tax on hotels within their community and those funds are required statutorily to fund a third-party CVB that then focuses on tourism and attracting visitors. She stated there are different examples and types of organizations that do that and also different levels of control the City can exert as part of those organizations. Discover St. Louis Park, is a partnership between St. Louis Park and Golden Valley, and those cities are heavily represented on that board and work with the hotel

operators to do that. She explained there is some wiggle room for some economic development activities that also can be considered to promote visitors and tourism and beautification, marketing, and branding. Ms. Beekman stated cities have received legislation to use those funds in different ways than going to a CVB, such as in Plymouth. However, the legislature does not easily give such special legislation.

Councilmember/Commissioner Ryan thanked Ms. Beekman for the spreadsheet, noting Brooklyn Center gets a significant amount of revenue through the additional three percent that can be used discretionally. He noted the other half seems to be a large amount of money to be devoted to this type of promotion. Councilmember/Commissioner Ryan stated he always feels a sense of trepidation when the City goes to the legislature and asks for something where it has enjoyed a rather privileged position and putting that back into play and then being at the mercy of the votes of legislators who are not representing our house district. He thinks it is wise for Ms. Beekman to make that observation.

Councilmember/Commissioner Ryan asked if the City should look at an organization that would give us the most 'bang for the buck,' noting people are working out of the Earle Brown Heritage Center (EBHC) who promote for the organization but not for our hotels. He asked if that can be used as a foundation for a new organization to promote both the EBHC and our hotels with three percent of the total six percent being used for a CVB-type of promotion.

Ms. Beekman stated ultimately, what to do is the City Council/EDA's decision to make and she is not prepared to say today exactly what the implementation will look like. She agreed Brooklyn Center is in a unique position because the Heritage Center has sales staff doing this work on behalf of the Heritage Center so it puts the City a step ahead if it decides to create its organization since there is that framework and area of expertise around that topic. Ms. Beekman stated at the end of the day, she cannot speak to what that looks like other than to say the City would be in control in deciding the makeup and focus of the organization. She agreed it is a substantial budget but noted it will be used fairly quickly if staff is added. As an example, she noted the MNTB heavily promoted Maple Grove's Chalkfest that was a community festival benefiting the businesses and hotels in that area as well as the residents so it probably walked that line for meeting both criteria.

Councilmember/Commissioner Ryan stated he received an e-mail from Visit Minneapolis Northwest requesting a meeting with him, Mayor/President Elliott, and Ms. Beekman. He asked if the City should consult with them given the June 1 deadline to make this decision, seeing a tactical advantage of breaking free from that, and finding a better alternative.

Ms. Beekman stated she did not see that e-mail and has been surprised they had not yet reached out to request a meeting. She clarified the deadline is June 30 and felt meeting with them would be wise.

Councilmember/Commissioner Ryan noted the MNTB has been reorganizing and downsizing due to the loss of Maple Grove and perhaps Ms. Beekman could hear what they have to offer. He stated he will forward that e-mail through the Assistant City Manager to Ms. Beekman. He stated he has attended a number of their board meetings and offered to also attend the meeting to help the City come to a better decision point.

Mayor/President Elliott stated to be clear, his view is that only Brooklyn Center and Osseo are left and Brooklyn Center should not continue to be part of the organization. He is happy to meet if they request a meeting and hear folks out but is not interested in another board with Brooklyn Park. He thinks the opportunity for Brooklyn Center lies in looking at what it can do and focus in on the City with these resources.

Councilmember/Commissioner Ryan stated he is looking at this strategically in what is in the best interest of Brooklyn Center to maximize and have the most discretionary use of this important revenue stream. He stated, like the previous item, he is always looking at the revenue stream because if we don't take the load off our property tax to the extent we can through building the tax base or, in this example, having the discretionary ability to levy a lodging tax, we are losing revenue in that opportunity. He is happy to join a meeting with MNTB and not opposed to severing that relationship completely, partnering with Brooklyn Park, or whatever is the recommendation from the Development Director as to how we can best promote Brooklyn Center in the most cost-effective manner and still be able to levy the lodging tax.

Councilmember/Commissioner Lawrence-Anderson noted it is now after 10 p.m. and the City Council/EDA is supposed to adjourn by now, noting they have been in a meeting for four hours.

Mayor/President Elliott stated he hears Councilmember/Commissioner Lawrence-Anderson, noting today is his birthday and he stuck it out the whole meeting but is also happy for the City Council/EDA to wrap this up as it is rather late. He asked Councilmembers/Commissioners Lawrence-Anderson and Butler if they wanted to weigh in on this conversation before wrapping up on the MNTB issue

Councilmember/Commissioner Lawrence-Anderson stated she supports her peers and does not have a dedicated opinion either way but thinks the City Council/EDA needs to do what is best for Brooklyn Center. That is her position.

Councilmember/Commissioner Butler stated she thinks pulling out is necessary and the best choice but in terms of options put forth, she is not sure which one is the best. She would like to hear back from those attending the meeting with the MNTB.

Councilmember/Commissioner Ryan stated he wanted to hear from Councilmembers/ Commissioners Butler and Lawrence-Anderson and since there is a June 30 deadline, perhaps the meeting can be held to lend further light on this and determine what they have to offer. Then it can be brought back immediately at the next scheduled Work Session when a consensus can be reached whether or not to withdraw.

Dr. Edwards asked for confirmation from Ms. Beekman that there would be adequate time if this item is postponed to the June 14, 2021, Work Session. Mayor/President Elliott stated the NWTB just needs to be notified by June 30, 2021. Ms. Beekman stated that is correct and the Brooklyn Center City Council has two meetings in June. In addition, the meeting could be held and staff could bring a prepared resolution for discussion and finalization at a meeting. She stated at this point, she is not concerned about timing.

The majority consensus of the City Council/EDA was to consider this item again at the next Work Session following a meeting with the MWTB.

ADJOURNMENT

Councilmember/Commissioner Lawrence-Anderson moved and Councilmember/Commissioner Ryan seconded adjournment of the City Council/Economic Development Authority Work Session at 10:06 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 7, 2021
VIA ZOOM

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Mike Elliott at 5:34 p.m.

ROLL CALL

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

OPPORTUNITY SITE INFRASTRUCTURE FRAMEWORK DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember/Commissioner Lawrence-Anderson offered no reply.

Councilmember/Commissioner Graves concurred.

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

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

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

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

CITY MANAGER POSITION DISCUSSION

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

ADJOURNMENT

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

Motion passed unanimously.

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

JOINT WORK SESSION
JUNE 7, 2021

1. CALL TO ORDER

The Brooklyn Center City Council/Financial Commission Joint Work Session was called to order by Mayor Elliott at 7:11 p.m. The meeting was conducted via Zoom.

2. ROLL CALL/INTRODUCTIONS

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, and Dan Ryan. Kris Lawrence-Anderson was absent.

Also present were Financial Commission Chair Taneshia Kragness and Commissioners Emmanuel Kpaleh, and Dean Van Der Werf.

Not present were Financial Commissioners David Dwapu, Taofeek Ishola, and Abate Terefe,

Also present were Acting City Manager Reggie Edwards, Finance Director Mark Ebensteiner, and City Clerk Barb Suciu.

Financial Commission members introduced themselves. Mayor Elliott indicated the City Council is actively planning for holding in-person meetings with an option to have some virtual attendance as well.

It was noted that Item 7a., City Manager Position Discussion had been added to the agenda.

3. PRESENTATION OF AUDIT REPORT AND MANAGEMENT LETTER

3a. PRESENTATION OF AUDIT REPORT

Acting City Manager Reggie Edwards explained the audit report is presented annually and indicated the City had a good year financially given the COVID pandemic and activities of late. He commended and thanked staff for the time put in during this trying time. He also commended the City's auditors, then introduced the item and invited Mr. Ebensteiner to present the audit report.

Finance Director Mark Ebensteiner described what would be presented at tonight's meeting. He introduced Ms. Huegel and invited her to present the audit report and management letter.

Jackie Huegel, partner with MMKR, the City's auditing firm, stated she will be presenting the 2020 year audit report, noting the information was included in the meeting packet along with the

City's Comprehensive Annual Financial Report (CAFR), a special purpose audit report that summarized audit opinions, a corrective action plan required when there is a single audit of federal awards, and a management report summarizing the results of the audit.

Ms. Huegel provided a PowerPoint presentation highlighting the 2020 audit report including an opinion that financial statements are fairly presented per accounting principles and internal controls and compliance testing conducted during the preliminary fieldwork that found compliance with laws and regulations related to financial reporting. They tested compliance with Minnesota's laws and regulations as required in the State Auditor's manual and since the City received more than $750,000 in federal awards which is the threshold that triggers the requirement for a single audit of federal dollars. MMKR issued an opinion on compliance with those federal awards as well as internal controls over compliance. For the 2020 audit year, the award audited was the Corona Virus Relief Funds.

Ms. Huegel commented on the planned scope and timing of the audit, noting that COVID had impacted all local governments with some working from home and some from the office. MMKR staff was on-site several days in January to review internal control testing and legal compliance testing with the bulk of the audit taking place in mid-to late-March during final fieldwork, which was conducted remotely this year. She complimented the City's Finance Department and staff they worked with as the remote audit went very well and the City's team did a great job of providing all the financial information on time for them to complete the audit process.

Ms. Huegel presented results of the audit, noting they issued an unmodified or clean opinion on the financial statements, had no findings to report with internal controls over financial reporting, had one find to comment on the legal compliance audit findings because there is a requirement to obtain an IC134 Form (withholding affidavit) and that was not obtained for one of the two contracts they selected for testing in the 2020 year. For the single audit of federal awards, they had no findings to report in that area.

Ms. Huegel stated the financial report includes a few other observations and recommendations. In all of their management reports, they include a comment relating to signing electronic fund transfers to assure the City is reviewing controls in place over electronic fund transfers. She stated a second comment relates to uniform guidance on the federal audit and recommendation for the City to review the written procedures over the uniform grant guidance documentation and improving the written procedures in that area.

Ms. Huegel stated a comment in the management report specific to the City of Brooklyn Center is that as part of their audit testing, they noted some of the deposits at the golf course are not being deposited timely. This did not raise to the level of a finding, but more as a comment to include in the management report. The City may want to review the controls over that area to make sure cash receipts at the golf course are being deposited timely and it is their recommendation to make deposits one to two times a week.

Ms. Huegel displayed a graph depicting taxable market value for the past 10 years, noting in 2020, the City saw an increase of about 10.7%. She advised this graph is similar to every other city they

audit as each is seeing an increase in taxable market value for 2020. She displayed the tax rates for Brooklyn Center residents for the last three years, noting the 2020 year shows a decrease in the total rate as well as in the City rate. Ms. Huegel reviewed a table that summarized governmental funds' revenue per capita for the last three years. She indicated Statewide data, as of December 31, 2019, is available, and in Brooklyn Center comparing 2020 to 2019, there was a decrease in revenue per capita of about $142. The majority of that is with intergovernmental revenue that is down $135 per capita and the majority due to a decrease in the federal grant and County funds received for the Brooklyn Boulevard project in the prior year.

Ms. Huegel reviewed the table of general fund expenditures per capita that showed, for the 2020 year, a decrease of about $72 and an increase in expenditures of about $32 per capita due to a loss on a transfer of an asset held for resale. The majority of change is in the capital outlay construction area that had a decrease of $118 per capita related to the Brooklyn Boulevard improvement project which mostly took place in 2019.

Ms. Huegel presented a series of slides focusing on the general fund including its financial position for the last five years and cash balance for 2020 of $14.8 million, an increase of about $1.1 million from the prior year. The fund balance for the prior year ended at $14.2 million, or an increase of just under $1.7 million from the prior year. At year-end 2020, the City had a year-end unassigned fund balance that was 52% of the subsequent year's budgeted expenditures, which is in line with the City's fund balance policy. Ms. Huegel displayed a slide of the general fund revenue by source for the last five years showing an increase in 2020 of general fund revenues of about $1.1 million with the majority being in the intergovernmental revenue that had an increase of $1.6 million due to receipt of Corona Virus Relief funds. The next chart depicted the general fund expenditures by function for the last five years, showing a small increase of about $48,000 in 2020 from 2019. She described the areas of increase, noting they were offset by a decrease in public works and park and recreation functions.

Ms. Huegel next addressed the City's enterprise funds including the water fund, sewer fund, liquor fund, and the Earle Brown Heritage Center fund. She noted the management report includes information on legislative updates, future accounting, and audit updates, as well as future Government Accounting Standards Board (GASB) that will be implemented in the next few years.

Ms. Huegel summarized her presentation by reviewing that MMKR issued an unmodified or clean opinion on the City's financial statements and there was one finding reported with the legal compliance manual but, overall, the City saw an improving general fund financial position and overall improved financial position in intergovernmental funds.

3. COUNCIL/COMMISSION QUESTIONS

Mayor Elliott thanked Ms. Huegel for the presentation and asked if there were questions.

No questions were posed.

4. STAFF OVERVIEW OF COMPREHENSIVE ANNUAL FINANCIAL REPORT

Mr. Ebensteiner stated concerning the one item on legal compliance on the IC134 Form, MMKR is suggesting to look at the City's policies and procedures and fix what's needed. He explained the Engineering Department works on a large proportion of projects requiring IC134 Forms and Finance was involved in the construction of Liquor Store #1, which will wrap up later in 2020. Staff worked with a vendor who was new to working with local governments and not quite aware of all the legal compliance with the IC134 Form and process through the State. The City picked that vendor because they did a great job of working with their subcontractors and followed all the rules but in the end, there was a lack of getting the final documentation for that contractor. Mr. Ebensteiner stated this is a great thing to highlight and, in the future, staff will collaborate closely with engineering and feels adequate procedures are in place moving forward.

Mr. Ebensteiner thanked Ms. Huegel and the MMKR team who were very professional with great staff who worked with the City. MMKR was on-site working with the City's payroll staff on testing source documents and did a great job overall. He stated the City has a great relationship with MMKR and a good audit was completed.

Mr. Ebensteiner presented information about the general fund, noting the highlight is having a positive operating budget result of $1.681 million and an unassigned fund balance representing 52% of the next year's budgeted expenditures, which complies with the City's fund balance policy. The City also has $1.769 million currently assigned within the general fund at year-end that will be a subsequent transfer to the Capital Improvement Fund.

Mr. Ebensteiner reviewed general fund revenues on investment earnings with an over-budget of $141,000. He noted the City tends to budget conservatively on the investment rate of return but the portfolio performed well even with rates decreasing in 2020, and the laddered investments still provided a good return. Total building permits were $143,000 under budget and revenue was about $407,000 so overall, permits issued were down from prior years due to the timing of big projects. The intergovernmental revenue was $1.56 million over budget primarily due to CARES funding, which covered a lot of initiatives within the general fund for public safety, payroll, as well as contributions to food shelves, and other initiatives. The lodging tax came in lower than expectations at $618,000 less than budget but as we progress in 2021 with restrictions lifted, there has been some uptick in lodging tax. The property tax revenue collected almost $19 million and came in slightly under $122,000 but in line with budget expectations. The community center fees were under budget by almost $498,000 due to the closure and minimal activity.

Mr. Ebensteiner stated general fund expenditures were under budget by $1.5 million because once the Pandemic hit, all departments reviewed their budgets, filling personnel and positions was held off, and through cuts identified before knowing what would be received through CARES funding. He presented a chart and described 2020 significant budget variations. In the enterprise funds, there was an operating loss of $89,000 in the liquor fund with an $18,000 gain if you exclude depreciation, which is not bad considering they were closed from March through July 2020 or with limited activity. There were higher sales later in the year to recoup some of the losses. With the Earle Brown Heritage Center, there was an operating loss of $1.7 million with the additional shutdowns throughout 2020 which was difficult to recover. There have been some small training

events and COVID vaccines but the staff is now seeing more interest in 2021 with restrictions being lifted. The City received a $300,000 DEED grant to support operations and replenished some of the loss and some capital funds were set aside that were drawn to cover operations.

Mr. Ebensteiner reviewed utility funds that showed decreases for water, sanitary sewer, and storm drainage related to capital needs. He noted bonds of $1.8 million were issued in the water fund and $1.1 million in the sewer fund but cash was used to pay for some projects, primarily related to neighborhood projects. He stated they will keep an eye on cash flows for future years and the 15-year plan and strategies on amounts of bonds to issue. With the street light fund and recycling fund, there was not as much capital as expected so there was an increase in cash in both.

Mr. Ebensteiner stated on the capital investment side, the City did invest over $18 million in the interstate area improvement project, continued work on Brooklyn Boulevard improvements, Grandview North area improvements, mill and overlay projects, Water Tower #1 rehabilitation, and Liquor Store #1 project. Within the central garage, the City added/replaced 18 pieces of equipment, primarily public works, and police vehicles, and retired $6.5 million of principal on previously issued bonds, and issued $4.8 million in new debt for infrastructure projects.

Mr. Ebensteiner stated there was a net investment gain of $1.45 million compared to the prior year of $1.9 million. The net investment gain is made up of investment income and unrealized gain on investments due to decreasing rates. The City anticipates holding its investments to maturity. He stated the City/EDA owns $18.3 million in assets for resale at year-end.

6. COUNCIL/COMMISSION QUESTIONS

Mayor Elliott thanked Mr. Ebensteiner for the presentation and opened the floor for questions.

Financial Commissioner Kpaleh stated most of the time, he never receives any of the documents by e-mail, and to be able to ask a question or ask for clarity, he needs to be able to go through these documents before coming to the meeting. He stated there are so many questions he wants to ask that he cannot ask because he never had the opportunity to look at the documents and understand them. In this issue, it is difficult for him to ask the questions he wants to ask or talk about. He stated that is his problem.

Mayor Elliott asked the City Clerk if the meeting agendas are being e-mailed to Financial Commission Members or only posted online.

City Clerk Barb Suciu stated she does not know if it was e-mailed and will have to check to be certain.

Mayor Elliott stated the assumption may be that folks go on the City's webpage to download the meeting packet but for accessibility, asked whether staff can e-mail the PDF packet. Ms. Suciu stated that is possible to do.

Mayor Elliott stated going forward, the City Clerk will make sure Financial Commissioner Kpaleh receives the PDF copy of the agendas so he has all of the materials. He apologized to Financial Commissioner Kpaleh that he did not receive all of the materials ahead of time. Mayor Elliott again stated the assumption is that all go on the website and download the information but going forward it would be helpful to e-mail that information to members, which the City Clerk will do going forward.

Dr. Edwards clarified that typically, the City Clerk does not communicate with or send information out to Commissions. The staff liaison coordinates and provides that information so he will make sure that happens going forward.

Mayor Elliott asked if there were any other questions of Council or Commission Members.

Mayor Elliott asked Dr. Edwards whether there were plans to address the recommendations of the auditor and make the necessary corrections. Dr. Edwards answered in the affirmative.

Mayor Elliott referenced the auditor's recommendation on how cash is handled at the golf course and asked if those changes have been made. Dr. Edwards answered in the affirmative and stated he is in communication with the Golf Course Manager in making appropriate changes. Staff is aware and measures are being put in place to ensure that is improved.

Mayor Elliott asked Dr. Edwards if he has any other comments on the audit or recommendations of the auditor. Dr. Edwards stated the recommendation related to the liquor store and construction and golf course are within staff's means to address immediately and will not propose a structural challenge.

Mayor Elliott asked if there are any other questions of Council or Commission Members or staff.

Mr. Ebensteiner noted he will bring a resolution for formal approval and acceptance of the 2020 audit to an upcoming City Council meeting as done in the past.

7. MISCELLANEOUS

Mayor Elliott asked if there are any miscellaneous items related to the Financial Commission.

Dr. Edwards noted the City is now in budget season so a budget meeting schedule will be coming soon.

7a. CITY MANAGER POSITION DISCUSSION

Mayor Elliott noted that Councilmember Lawrence-Anderson requested that this item be placed on tonight's agenda.

Councilmember Lawrence-Anderson was not present.

Councilmember Ryan stated generally, he is in favor of the contract terms and appointment of the Acting City Manager as the permanent City Manager. He has a question about an item in the contract that the City is obligated to provide a car for the City Manager. He asked if that question can be addressed by Dr. Edwards.

Mayor Elliott invited Councilmember Ryan to go ahead.

Councilmember Ryan stated in reviewing Dr. Edwards' resume again, he sees that Dr. Edwards is highly qualified, has a range of experience in different cities, and served as city manager in more than one city. Dr. Edwards stated he was the City Administrator for the City of Chisago for about three years so he has served the county, state, and city governments in executive leadership.

Councilmember Ryan stated he is impressed with Dr. Edwards' resume and recalls he served as City Manager for Chisago City. He stated it is neat that Dr. Edwards has served in a smaller city, also worked in large cities in various capacities, plus many other aspects of his experience, and was serving as Brooklyn Center's Deputy City Manager before removal of the previous City Manager, which well positions Dr. Edwards to take over. Councilmember Ryan stated Dr. Edwards' compensation is entirely reasonable but he was curious about the car and asked if he would simply access a car out of the central garage motorpool available to City personnel and it would not be a newly purchased car.

Dr. Edwards stated if there was a car available, he would use it singularly, much like other departments. But the car would be for him specifically. Dr. Edwards stated he previously tried to provide the option of a car allowance, which the previous City Manager and others had, and would have been a wash as far as funding. He stated there would be a car leased or purchased by the City should there not be a vehicle available in the City's fleet. Dr. Edwards stated he does not think there is a car available so there would be the acquisition or leasing of a car, short of a car allowance, which would be the same from a cost standpoint.

Councilmember Ryan stated he has no problem with that because from a fleet perspective if there is demand for an additional vehicle, the City would purchase it. He stated this makes perfect sense and thinks Dr. Edwards can appreciate him bringing up this question in the context of the City's financial and budgetary challenges considering the recent civil unrest and compensation that may come through the State or federal government is yet to be resolved.

Dr. Edwards agreed and stated he does pay particular attention to the financial condition of the City. He explained again that it would not be an increase because it would be awash with the previous car allowance, or trading cash for a vehicle, and the City would be paying the same.

Councilmember Ryan thanked Dr. Edwards for that clarification and stated he has no problem with that being part of Dr. Edwards' contract and supports his appointment as permanent City Manager. He stated he hopes the rest of the City Council is in agreement with him on that.

Councilmember Butler asked for clarification as she thought the City Council had come to a consensus at a prior meeting that the City would be opening up the process. She asked what is the

goal of having this conversation.

Councilmember Ryan stated he had a conversation with Dr. Edwards where he requested a commitment from Council Members about his permanent appointment so it is in response to that conversation. He asked Dr. Edwards if he would like to elaborate on that conversation.

Dr. Edwards stated he made the Council aware that he had pulled out of consideration for other city manager employment opportunities to commit to Brooklyn Center. He had applied for that other employment opportunity before being appointed as Brooklyn Center's Acting City Manager. Dr. Edwards stated he pulled out from that other opportunity because his commitment is to Brooklyn Center and he desires to work for Brooklyn Center. But he wanted to speak with the Council Members to ensure there is a commitment from Brooklyn Center. He restated he did withdraw from those other opportunities and committed to Brooklyn Center. That is what prompted this conversation tonight.

Councilmember Graves stated she remembers the other conversation with the City Council and still understands the desire to have a transparent process. She also feels like even when the City Council had that conversation, in her mind she felt Dr. Edwards had already earned the position and especially considering all of the additional responsibilities and work he has taken on even before April 12, 2021. Those added items were for the City's health and wellbeing initiatives and work added through the pandemic. Councilmember Graves stated she is reluctant to think there would be someone better suited than Dr. Edwards to take this role as he understands the importance of diversity and equity, he is leading our work with the newly passed resolution and work being done with the community, and he spent several years in Brooklyn Center working under the former City Manager who was a good predecessor.

Councilmember Graves stated she is willing to move forward without going through a long process that she thinks will end up revealing to the City Council that Dr. Edwards is the best candidate anyway. She wants to show Dr. Edwards that the City Council values him, believes in him, and there will be another opportunity sometime in the future when Dr. Edwards may look at outside employment because he is ready for growth professionally and the City Council just needs to give him the opportunity.

Mayor Elliott stated he feels caught off guard by this conversation, quite honestly, and when he saw this was requested to be put on the agenda, he had no idea what was behind the conversation. He stated the City Council talked about having a process as this is the only position the City Council appoints and that the process would involve the public and community to talk about values being looked for in this position. Mayor Elliott stated he appreciates the work that Dr. Edwards has done and does and he has worked with Dr. Edwards fairly closely through all of this and even imagines a world where the City Council would appoint Dr. Edwards as City Manager permanently. But this feels weird to him and that is all he is going to say.

Mayor Elliott asked if anyone else wanted to comment.

Councilmember Graves asked about the length of the contract for the City Manager. Mayor Elliott

stated the contract the City had with former City Manager Boganey had no end date. It was an agreement that he was City Manager and if we decided at any point, the City Council could get out of that contract. He explained Dr. Edwards is proposing a three-year contract, which is different from what has been done in the past.

Mayor Elliott stated his issue is not with the contract but that the City Council had talked about having a process and now today this item is appearing on the Work Session agenda. He stated before this minute, he had no idea what this discussion was going to be about. For him as Mayor, he is caught off guard and has no idea why the City Council is having this conversation when we talked about having a process. Mayor Elliott stated he likes the Acting City Manager very much, and Dr. Edwards knows that, but the City Council committed to having a public and transparent process for a role like this. He suggested the City Council follow that process and Dr. Edwards, in the end, is probably going to be the one the City Council selects.

Dr. Edwards stated the contract term is not uncommon. He explained the contract with the former City Manager had the ability for the City Council to terminate at any given time, much as it did. He stated there is nothing unique about that other than a guarantee of some time if terminated to allow a City Manager to seek other employment opportunities. Dr. Edwards stated this is common and no one would have a contract without that.

Dr. Edwards stated he withdrew from an employment process under the impression that there was a commitment from the City to him. That is why he pulled out of the previous employment opportunity, because he wants to be in Brooklyn Center, believes he is the best fit, and can create value for Brooklyn Center. He stated again that before withdrawing from the other opportunities, he was under the impression that the City was as committed to him as he was to the City. Had he been under any other impression, then he could not in all good conscience withdraw from all the processes and give up those opportunities to provide for his professional career and his family.

Dr. Edwards stated he hopes that no one is surprised because he had communicated the situation and checked in with staff and the City Council to make sure he is reading and on the same page. He again stated he would not have taken that risk had he not thought something to the contrary.

Councilmember Butler stated he appreciates Dr. Edwards' comments and thinks that is what should have led the conversation. She felt it was weird for this to happen in a meeting that is not a regular session City Council meeting where an agenda is sent out and people attend based on the original agenda. She stated it is not cool that we put this on tonight's agenda and it should have been moved to the regular Council meeting agenda where people have time to review the agenda.

Councilmember Butler stated this conversation should have led with why we are talking about it today. She stated she did get a call from Dr. Edwards and had that conversation and completely understand his stance. She feels that Dr. Edwards is committed to the City and is doing a good job. Councilmember Butler stated as Council Members, we have to take the personal out of it. She admires and appreciates Dr. Edwards very much and when they had that phone conversation, she had shared her reasoning for having a transparent and open process and community involvement. She stated she know she is very vocal about community involvement and this is the

City Council's biggest role so it is important to include the community to shape our priorities as we move forward.

Councilmember Butler stated those are her comments on how this was handled, which she does not appreciate. She stated it is a Member's prerogative to put items on the agenda but she thinks how it was introduced could have been handled better. Councilmember Butler restated that Dr. Edwards is doing a wonderful job so she does not want it to be perceived that she does not support him. She explained her stance is more about looking at it from a professional standpoint because if this was her regular job, this is not how she would handle it.

Councilmember Ryan stated we can defer this to a vote at a formal City Council meeting to assuage those concerns about transparency and process; however, there recently was a very significant topic that was handled with a manner that he had some very serious concerns about transparency and process. But that is a conversation for another time. Councilmember Ryan stated he thinks it would be fine if we could put this on the agenda for the next City Council meeting and resolve the issue about whether or not to go forward with a permanent appointment. He stated the comment earlier about transparency and community involvement, awareness of our decision, is pertinent so he would like it put on the next agenda so the issue can be resolved.

Councilmember Butler stated she is in agreement with everything Councilmember Ryan said and has a similar response that this is certainly not the first time she has been caught off guard either. She stated she is okay with moving it to the next City Council meeting agenda.

Mayor Elliott stated if they want to put this on the agenda, then go right ahead but he thinks this is putting him, particularly, in a very awkward position because he works closely with Dr. Edwards. He stated Dr. Edwards knows how he feels about him, that he strongly supports him, but if you want to create a wedge issue and drive a wedge. Mayor Elliott stated whoever put this on the agenda, and because Councilmember Lawrence-Anderson didn't answer, he does not know who put this on the agenda. He asked if it was Councilmember Ryan and stated he does not know what the background is but fine, if he wants to put this to a vote, go ahead. Mayor Elliott stated if we discuss having an open transparent process and then there are behind the scene conversations with Council Members to just appoint Dr. Edwards, he thinks that is not the right process. He stated to put this item on a Work Session like this is also not the right process.

Mayor Elliott stated you can talk about the Public Safety Resolution but at least you (the City Council) had the resolution before we met on Saturday to discuss it and you had it on Thursday in your e-mail before we discussed it, and then there was another week to discuss it. He stated this is not an emergency we are dealing with now with the appointment of Dr. Edwards. It is something we have time to work with and Dr. Edwards is already in the position now. Mayor Elliott stated if you want to proceed this way, then go ahead but he does not support it or think it is the right way to go but that is not him saying he does not support Dr. Edwards, noting he is the one who nominated Dr. Edwards for Acting City Manager. Mayor Elliott stated he is disappointed and does not think this is the right way, it does not feel right, and it is not right.

Councilmember Graves stated she hears the Mayor and sympathizes with how he feels but will

also say that whether talking about the Resolution or other conversations that the City Council has had over the last two and a half years, she has felt that way more than one time because of how Mayor Elliott has done things. Councilmember Graves stated if anything, she respects how Mayor Elliott feels but maybe it will give him some idea of how it feels to us when he does the same thing.

Mayor Elliott stated he does not think it is the right thing for the City Council to do right now. If he has put an item before the City Council to debate and discuss and vote on it.

Councilmember Graves asked Mayor Elliott about his office request that was discussed as a City Council and voted on and yet he brought it back up again and eventually the City Council voted and he got his office. She noted if it is something important to Mayor Elliott, he will bring it up again and that is what Dr. Edwards has done.

Mayor Elliott stated the City Council did not vote on his office more than once. Councilmember Graves stated the City Council discussed it more than once and at first, the discussion was not in favor and Mayor Elliott brought it up again until it was enough in favor that he got it. She stated that is her perception.

Councilmember Graves stated after further thinking about whether she felt right now was the right time to go through a long transparent process for a City Manager, the more she does not think it actually is. She stated there has been a lot of transition within the City, within different departments, and within the Council and to her, maybe in two or three years when more of this work is ironed out would be a better time to think about having a transparent process for the City Manager. That is why she asked about the length of the contract. Councilmember Graves stated if it is a three-year contract and if they think Dr. Edwards is doing a terrible job, the City Council can still fire him and hire somebody else. She thinks the timing to do a transparent process for potentially a whole new City Manager is actually not the right timing. She understands the importance of transparency and wants to involve the community and that the City Council is elected to make decisions. This is the City Council's one employee and now the right decision is to keep the City Manager we have in place. She stated this is not personal, it's professional and what she has thought about. Councilmember Graves stated she is also in agreement with Councilmember Ryan that if you want to discuss it further or think about it more between now and the next City Council meeting, she is okay with that as well.

Mayor Elliott stated to Councilmember Graves that he does not think the City Council agreeing to give the Mayor an office is the same type of decision as appointing a permanent City Manager who is running the City. He stated there is no parody there but, again, he strongly believes the right thing for the City to do now in this transitional process is to have a process where we can articulate, along with our community, what it is we are looking for in the City Manager position and to clearly understand that for both us and from the community and especially now in a time we are having to rebuild. He stated that is critical and this is a critical agreement between the City Council in engagement with the community and whoever we appoint in this position.

Mayor Elliott stated in other systems, the person running the day-to-day operations of the City is

elected so you have that agreement between the community and that individual. So, circumventing that process, especially now, when we have someone serving in the role so it is not like we don't have someone in the role now. In terms of our direction in how we move forward, he stated it is critically important and to make this an issue of whether we have to put Dr. Edwards in here right now or things will go haywire, he does not see it that way. He noted the City Council loses nothing by having the kind of process that is open and transparent and involves the community so their voice is at the table.

Dr. Edwards stated as it relates to the urgency, he would simply say that he would not have made the decisions he made to withdraw from other processes had he not been convinced that he was supported and there was a commitment. That is the only reason. He had that conversation and the reason he pulled out was because of that. Dr. Edwards stated he took a leap of faith that would be the case so it is urgent for him.

Mayor Elliott stated for the City Council to say they are going to have a transparent process and then behind the scenes commit to Dr. Edwards individually and then this comes up on the Work Session because Dr. Edwards has been a part of another hiring process. He stated he supports Dr. Edwards and Dr. Edwards knows that but he also supports having a process. Mayor Elliott stated again that he supports Dr. Edwards and Dr. Edwards knows that but for us to have this conversation when we have a meeting with folks on the call and have talked about having another process and then to call each Council Member individually and says, 'support me or I've got to leave right now,' that is not necessarily the kind of process we need for our community or as Councilmember Butler said, professionalism. That is not a process that holds water. Mayor Elliott asked are we going to go with Dr. Edwards anyway at the end of the process, very likely, but in our commitment to the public and our community, this does not feel like the right way or right path for us to take now.

Councilmember Graves stated as she said before, she hears what Mayor Elliott is saying that he does not necessarily think it was the best way of communicating everything but she stands by her decision. She does not feel pressured by anybody to make this decision. She thinks it is the right decision for the City right now. That is her opinion and she will stick to it. Councilmember Graves stated she definitely thinks if we are talking about process, it has to apply in all situations, not just the ones we feel like we want to slow down on and the ones we want to speed upon. We have to do that process in all things no matter who brings it up.

Councilmember Graves stated if this is the last thing on the agenda, she does not feel like there will be a much more productive conversation about it. But as she said, she is willing to have a further conversation at the next City Council meeting.

Mayor Elliott stated Councilmember Graves has said her peace but other people still have what they may think are more productive things to say about this.

Councilmember Butler stated her reasoning for bringing it to the City Council meeting is not about having more time to think about it but that we said one thing at our meeting and she does not feel right about coming to a consensus at a Work Session, noting there is not a full Council at this time

without Councilmember Lawrence-Anderson. She stated this discussion does not need to be as drawn out as it has been tonight because all have said what they have to say but if we could give the community a synopsis of where we are at and why, if the City Council decides not to go with the process they originally came to consensus on, why we changed that decision and how we are moving forward. She wants it clear and does not want to just drag it out. Councilmember Butler stated she understands that for Dr. Edwards it is time-sensitive as well as he has family obligations. Councilmember Butler again stated that for her, it is not about needing more time to think about it. For her, it is that the City Council is going against what they already said to the community, and doing it in a Work Session feels weird and not right to her. She wants to do right by the community and have an open discussion about where we are with this process at a regular City Council meeting. Councilmember Butler noted if someone wants to hear this conversation they can as this meeting is recorded. She stated if this is done at a regular City Council meeting that is recorded, the community may feel a little better than if we come to a consensus today.

Dr. Edwards stated he does not want to be mischaracterized by what he did. There were three reasons why he spoke with the City Council and did not, by any chance or circumstances, come to Council Members and say, 'hire me or I'm going to leave.' It was because Brooklyn Center had meaningful work that was happening with funders, foundations, State government, and others that he did not want to jeopardize by it being publicized that he was going to another position. That could have jeopardized that built relationship that we are moving forward in this crisis. He noted folks needed to understand there was stability and he did not want to jeopardize that. It was the same with staff who had already gone through significant turmoil and challenges. Dr. Edwards stated it was not a good time to introduce additional instability and when he came to the City Council, it was for those reasons. It was not for him to say that he was going to go somewhere else if the City Council did not hire him. Dr. Edwards stated he thought it was in the best interest of the City to not go through that publicly. Again, he thought there would be particular damage that he did not want to see.

Dr. Edwards stated if he had not applied for the other position before being appointed as Acting City Manager, it would not have come forward. But it was after the fact that the opportunity arose and it was after the fact that he said there could be significant damage done to the City's efforts in moving forward. That is the reason he came to the Council. He did not by any stretch of the imagination say to any Council Members, 'hire me or I'm going somewhere else.' He stated that was not the case and he does not want it mischaracterized as if it was.

Mayor Elliott suggested the City Council move on.

Councilmember Ryan stated he hopes the City Council can continue this discussion at the next City Council meeting and come to some sort of resolution. He appreciates the three previous comments, which he believes helped to bring this into the proper context. Councilmember Ryan noted the City Council is in a unique situation as events since April 11, 2021, have placed the City under extraordinary stress and there is a need to send a clear message of continuity where the City Council is not afraid to make decisions but is here to reinforce its strategic priorities. Councilmember Ryan stated to execute those strategic priorities, we need the right person in the City Manager's job so let's have that conversation at the next City Council meeting so all members

are comfortable with deciding at that time.

Mayor Elliott asked if there are any other comments or questions.

Councilmember Graves asked if this is the last agenda item.

Mayor Elliott stated it is but, before a motion to adjourn, he wants to ask if there are any other comments or questions.

Mayor Elliott stated before we adjourn, he wants to comment. He stated this is the decision we get to make about how our City operates and the only personnel decision the City Council gets to make. He appreciates the circumstances under which we are discussing this question and as someone who supports Dr. Edwards firmly, thinks it is important to have the process that was set out at our City Council meeting when we had that discussion. He stated he will look forward to the next meeting.

8. ADJOURN

There was a motion by Mayor Elliott and seconded by Councilmember Butler to adjourn the meeting. The motion passed. The Brooklyn Center City Council/Financial Commission adjourned at 8:45 p.m.

Council Regular Meeting

DATE: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: N/A
BY: Alix Bentrud, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve the licenses as presented.*

Background:

The following businesses/persons have applied for City licenses as noted. Each business/person has fulfilled the requirements of the City Ordinance governing respective licenses, submitted appropriate applications, and paid proper fees. Applicants for rental dwelling licenses are in compliance with Chapter 12 of the City Code of Ordinances, unless comments are noted below the property address on the attached rental report.

Amusement Devices

Metro Coin Sales	6301 Shingle Creek Pkwy Brooklyn Center MN 55430
Theisen Vending Company 2335 Nevada Ave Golden Valley MN 55427	Family Dollar 2105 57th Ave N Brooklyn Center MN 55430
Theisen Vending Company 2335 Nevada Ave Golden Valley MN 55427	Jammin WIngs 2590 Freeway Blvd Brooklyn Center MN 55430

Fireworks Permanent

Diamond Lake 1994 LLC dba Cub Foods	3245 Co Rd 10 Brooklyn Center MN 55429

Fireworks Temporary

American Promotional Events dba TNT Fireworks	3245 Co Rd 10 Brooklyn Center MN 55429

Garbage Hauler

Ace Solid Waste, Inc	6601 McKinley St NW Ramsey MN 55303
Curbside Waste	4025 85th Ave N Brooklyn Park MN 55443

Darling Ingredients Inc	9000 382nd Ave N Blue Earth MN 56013
Farmers Union Industries dbs Midwest grease	PO Box 319 Redwood Falls MN 56013
Walz Brothers Sanitation	PO Box 627 Osseo MN 55369

Hospitality Accommodations

Quality Inn	600 James Cir Brooklyn Center MN 55430

Mechanical Licenses

BWS Plumbing Heating	7251 Washington Ave S Edina MN 44439
Bettin Inc Ecowater Systems	3208 1st S Waite Park MN 56387
HVAC Doctor	2863 S Coon Creek Dr Andover Mn 55304
Professional Mechanical Services	19640 200th Ave NW Big Lake MN 55309
Schadegg Mechanical Inc	225 Bridgepoint Dr South St Paul MN 55075

Signhanger's Licenses

Indigo Signworks Inc	4133 Iowa St Ste 100 Alexandria MN 56308

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	3/16/2021	Backup Material
6-14-2021 Rental Dwelling Licenses	6/8/2021	Backup Material

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval on June 14, 2021								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
7018 Brooklyn Blvd	Multi 1 Bldg 8 Units	Initial	Dawn Valerisu /Mains'l Communities	22 2.75 per unit	III	N/A	III	
5325 Knox Ave N	Single	Initial	Maria Collaguazo	6	III	N/A	III	
5336 Sailor La	Single	Initial	Tobi Agene	2	II	N/A	II	
6012 York Ave N	Single	Initial	Empire Care Systems	12	IV	N/A	IV	
3401 47th Ave N Ryan Lake Apartments	Multi 1 Bldg 22 Units	Renewal	BMW Holdings c/o HBG	24 .25 per unit (6 units insp)	III	0	III	III
3305 53rd Ave N Lake Pointe Apartments	Multi 12 Bldgs 310 Units	Renewal	Lake Pointe Apartments LLC	44 0.56 per unit (78 units insp)	I	26 valid calls 0.08 per unit 3417 35rd 6/9/20 Motor Vehicle Theft, 7.6.20 Theft, 1/27/21 Robbery 3311 53rd 7/20/20 Vandalism, 8/20/20 Desctruction/Damage/ Vandalism of property, 9/17/20 all other Larency, 4/3/21 Theft from Motor Vehicle 3403 53rd 8/28/20 Theft from Motor Vehicle, 10//15/20 Theft from Motor Vehicle, 11/8/20 Disorderly Conduct, 11/24/20 Disturbance 5/1/21 Theft from Motor Vehicle 3433 53rd 7/24/20 Theft Vehicle, 11//28/20 Theft from Vehicle, 3/16/21 Destruction/damage/ Vandalism of Property 3409 53rd 9/26/20 Disturbance 3429 53rd 10/24/20 Theft from Motor Vehicle, 1/5/21	I	II
1300 67th Ave N	Multi 5 Bldgs 90 Units	Renewal	Roger & Elizabeth Family Properties	31 (23 Units Inspc) 1.3 per Unit	II	0	II	III

Rental Licenses for Council Approval on June 14, 2021								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
1701 69th Ave N Earle Brown Farm Apts	Multi 4 Bldgs 120 Units	Renewal	Earle Brown Farm Investment	17 .56 per unit (30 units insp)	I	11 Valid 0.09 per unit 6/17/20 Property Damage, 9/3/20 Disturbance, 10/2/20 Disturbance, 11/3/20 Property Damange, 12/30/20 Theft from Vehicle, 1/28/21 Theft, 2/9/21 Theft, 2/21/21 Burglary, 3/9/21 Burglary, 4/6/21 Theft, 5/18/21 Disturbance	I	III
6101 Beard Ave N Beard Ave Apartments	Multi 1Bldg 24 Units	Renewal	B & M Wallman/ BMW Holdings c/o Halverson Blaiser Group	14 (6 units inspc) 2.3 per unit	III	0	III	III
6915 Humboldt Ave N Lynwood Pointe apartments	Multi 2 Bldgs 50 Units	Renewal	Steven Scott Management	31 .42 per unit (13 units insp)	III	2 valid 0.04 per unit 6/14/20 disturbing peace, 2/4/21 disturbing peace	III	III
6100 Summit Dr Lux Apartments	Multi 1 Bldg 140 Units	Renewal	James Soderberg/Lux Apartments LLC	12 .34 per unit (35 Units insp)	I	5 valid 0.03 per unit 7/8/20 auto theft, 10/11/20 auto theft, 11/22/20 drugs, 3/13/21 disturbing peace, 5/4/21 disturbing peace	I	II
5400-02 Russell Ave N	2 Family 2 Units	Renewal	Tai Pham	4	II	0	II	II
3141 49th Ave N	Single	Renewal	Mark Colville/CCF3 LLC	9	III	0		III
3224 62nd Ave N	Single	Renewal	Michael Mills	9	III	0	III	III
3501 62nd Ave N	Single	Renewal	Doreen Kalema	7	III	0		III
3218 63rd Ave N	Single	Renewal	My Truong / Madison Ave Homes LLC	11	IV	0	IV	II
4225 66th Ave N	Single	Renewal	Sesan Ogunniran/EE & J Investments LLC	3	II	0		I
2925 69th Ln N	Single	Renewal	Best Management Co - waive CPTED	4	II	0		III
6018 Admiral Pl	Single	Renewal	Lutheran Social Services	3	II	0		II
2006 Brookview Dr	Single	Renewal	MNSF II LLC	12	IV	0		I
6000 Bryant Ave N	Single	Renewal	Shirzad Raimi	5	II	0		II
6831 Drew Ave N	Single	Renewal	David Gardner	0	I	0		I
5432 Dupont Ave N	Single	Renewal	Xiangming Guan-met requirements	8	III	1 valid, 2/29/2021 Intentional discharge of firearm	III	IV

Rental Licenses for Council Approval on June 14, 2021								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
5448 Dupont Ave N	Single	Renewal	Paul Gathumbi	3	II	1 valid: 9/15/20 disturbing peace		II
5201 Ewing Ave N	Single	Renewal	Xian Lin/Infinite Property	2	I	0		I
5214 Ewing Ave N	Single	Renewal	My Trong & My Lam - met requirements	3	II	0	II	III
5921 Ewing Ave N	Single	Renewal	Manuel Bonete	5	II	0		II
5510 France Ave N	Single	Renewal	Kin Chew/Iasis LLC - met requirements	2	I	0		IV
6436 Fremont Ave N	Single	Renewal	Excel Properties LLC	2	I	0		II
7001 Fremont Ave N	Single	Renewal	HPA Borrower 2018-1 ML LLC - waive CPTED	5	II	0		III
6014 Girard Ave N	Single	Renewal	RIFIVE Investments/Douglas Wahl	6	III	0		I
5618 Hillsview Rd	Single	Renewal	Bobbie & Nita Morelock - met requirements	3	II	0	II	IV
6749 Humboldt Ave N	Single	Renewal	Patrick Nguyen - missing CFH cert	7	III	0		III
5301 Logan Ave N	Single	Renewal	MNSF II LLC - missing CPTED follow up	17	IV	0		III
5720 Logan Ave N	Single	Renewal	Jeniffer Kuria	1	I	0		I
6912 Logan Ave N	Single	Renewal	HPA Borrower 2017-1 LLC	4	II	0		II
7148 Morgan Ave N	Single	Renewal	Fred Hanus - met requirements	14	IV	0		IV
5218 Paul Dr	Single	Renewal	Oyejola Azum	4	II	0	II	II
3019 Mumford Rd	Single	Renewal	Morris Matthews	2	I	0		I
5000 Zenith Ave N	Single	Renewal	Xian Lin/Prosperous Property LLC	0	I	0		I

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

** License Type Being Issued

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

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: N/A
BY: Doran M. Cote, P.E., Director of Public Works

SUBJECT: Resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project No. 2020-07, Water Tower No. 1 Rehabilitation

Requested Council Action:

- Motion to approve a resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project No. 2020-07, Water Tower No. 1 Rehabilitation.

Background:

On March 9, 2020, the City Council awarded Project No. 2020-07 to Osseo Construction Company for the rehabilitation of Water Tower 1. Osseo Construction Company has successfully completed the construction work and is requesting final payment for the project.

Budget Issues:

The original contract amount with Osseo Construction Company for the water tower rehabilitation was $707,950.00. The total value of work certified for final payment is $699,615.00. The total project cost including contingencies/administration/engineering/legal is $790,964.00 and was completed 7.0 percent under budget in the amount of $59,036.00. The attached resolution provides a summary of the final amended costs and funding sources for the project.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/1/2021	Cover Memo
Final Payment	6/1/2021	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, IMPROVEMENT PROJECT NO. 2020-07, WATER TOWER NO. 1 REHABILITATION

WHEREAS, pursuant to a written contract signed with the City of Brooklyn Center, Minnesota, Osseo Construction Company has completed Improvement Project No. 2020-07, Water Tower No. 1 Rehabilitation.

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

1. Final payment shall be made on Improvement Project Nos. 2020-07, Water Tower No. 1 Rehabilitation, taking the contractor's receipt in full. The total amount to be paid for said improvements under said contract shall be $699,615.00.

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

COSTS	As Awarded	As Final
Construction Cost	$ 707,950.00	$699,615.00
Engineering and Administrative	$ 87,000.00	$ 85,241.00
Contingency	$ 55,050.00	$ 6,108.00
TOTAL	$ 850,000.00	$790,964.00

REVENUES	As Awarded	As Final
Water Fund	$ 850,000.00	$790,964.00

June 14, 2021 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

CITY OF BROOKLYN CENTER
6301 Shingle Creek Parkway
Brooklyn Center, Minnesota 55430

Contract No.

Project No. 2020-07

Payment Voucher No. 7 and Final

For Period Ending December 31, 2020

City of Brooklyn Center to:

Osseo Construction Company
PO Box 143, 14248 10th Street
Osseo, WI 54758

Amount of Contract: $707,950.00

Date Contract Approved: March 9, 2020

Project Description: Water Tower No. 1 Rehabilitation

Project Number	Account Number	Contract Amount	Value of Work Certified To Date	Less Charges and Deducts	Less 0 Percent Retained	Less Previous Payments	Net Amount Due
Water	49141-6530-8202007	$707,950.00	$699,615.00		$0.00	$655,927.50	$43,687.50
Total Project		$707,950.00	$699,615.00		$0.00	$655,927.50	$43,687.50

Payment 1	$88,468.75
Payment 2	$204,606.25
Payment 3	$45,618.05
Payment 4	$81,635.40
Payment 5	$108,731.30
Payment 6	$126,867.75
Payment 7	$43,687.50

Total Payments **$699,615.00**

This is to certify that work items shown on this statement of work certified herein have been actually furnished for the referenced project in accordance with plans & specifications approved and the total work is 99% complete.

Project Manager/Inspector
CITY OF BROOKLYN CENTER

Date:_____

Public Works Director
CITY OF BROOKLYN CENTER

Date: 5/26/2021

CONTRACTOR CERTIFICATION

Contractor's signature below certifies the following pertaining to any and all project work and considerations occurring prior to the "For Period Ending" date as indicated above: that quantities and values of work certified herein are fair and include all work items to date; that any and all claims for Contract Revisions, Extension of Contract Time and "Notificatons for Contract Revisons" set forth in MnDOT 1402, 1403 and 1806 have been submitted to the City; that the completion date remains October 19, 2020; and that contractor waives all rights to make any further claims or adjustments pertaining to the items included herein.

Date: _____

CONTRACTOR

I hereby authorize payment of this voucher.

Date: _____

City Manager
CITY OF BROOKLYN CENTER

____ Hold check and call when ready. ___ Send check to address shown above.

BADGER STATE INSPECTION, LLC
Water Tower Specialist / Antenna, Evaluations, Inspection
P.O. Box 157 Osseo, WI 54758
715-533-8686

May 24, 2021

Mr. Doran Cote
Public Works Director
City of Brooklyn Center, MN
6844 Shingle Creek Parkway
Brooklyn Center, Minnesota 55430

Re: Construction Final Pay Voucher (No. 7)
Tower 1 Water Tower Reconditioning
City Project No. 20-07
WSB Project No. 015416-000
BSI Project No. WI 1488

Dear Mr. Cote:

Please find enclosed AIA Document G702 Application and Certificate for Payment application from Osseo Construction for Construction Final Pay Voucher (No. 7) for the above-referenced project in the amount of $43,687.50. The quantities completed to date have been reviewed and agreed upon by the Contractor, and we hereby recommend that City of Brooklyn Center approve Construction Final Pay Voucher (No. 7). **Once processed, please keep one copy for your records and return two copies to our office, one for the Contractor and one for our files.**

If you have any questions or comments regarding the enclosed, please contact me at 715-533-8686. Thank you.

Sincerely,

Badger State Inspection, LLC

Kelly C. Mulhern
Owner

Enclosures

cc: Mike Marsh, City of Brooklyn Center
Michael Weber, City of Brooklyn Center
Tim Popple, Osseo Construction
Liza Zuhlsdorf, Osseo Construction

APPLICATION FOR PAYMENT

Owner:
City of Brooklyn Center, Minnesota
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

CONTRACTOR:
The Osseo Construction Co. LLC
PO Box 143, 14248 10th St.
Osseo, WI 54758

PROJECT: Water Tower No. 1 Rehab

VIA ARCHITECT:
Badger State Inspection, LLC

APPLICATION NO: 7-FINAL

PERIOD TO: 12/31/2020

PROJECT #: WI1488
CONTRACT #: City Project No. 20-07
CONTRACT DATE:

Distribution to:
[X] OWNER
[X] ARCHITECT
[X] GENERAL CONTRACTOR
[ ] SUBCONTRACTOR
[ ]

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet is attached.

1. ORIGINAL CONTRACT SUM		$ 707,950.00
2. Net change by Change Orders		$ (8,335.00)
3. CONTRACT SUM TO DATE (Line 1 ± 2)		$ 699,615.00
4. TOTAL COMPLETED & STORED TO DATE (Column G)		$ 699,615.00
5. RETAINAGE:		
a. 0% of Completed Work (Column D + E)	$ 0.00	
b. % of Stored Material (Column F)	$ n/a	
Total Retainage (Lines 5a + 5b or Total in Column I)		$ 0.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)		$ 699,615.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)		$ 655,927.50
8. CURRENT PAYMENT DUE		$ 43,687.50
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less 6)		$ 0.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Contractor		
Total approved this Month	$0.00	$8,335.00
TOTALS	($8,335.00)	
NET CHANGES by Change Order	($8,335.00)	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from The Osseo Construction Co. LLC., and that current payment shown herein is now due.

Timothy J. Byrne — Contractors Signature — 3-10-2021 — Date

Kelly L. Mell — Engineers Signature — 5-25-2021 — Date

Owners Signature — 5/28/2021 — Date

CONTINUATION SHEET

APPLICATION NO: 7
APPLICATION DATE: 3/10/2021
PERIOD TO: 12/31/2020
CONTRACTOR'S PROJECT NO: WI1488

In tabulations below, amounts are stated to the nearest dollar.
Use Column I on Contracts where variable retainage for line items may apply.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED FROM PREVIOUS APPLICATION (D + E)	E WORK COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	G % (G ÷ C)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
1	Furnish and install SolarBee GS-9 Mixer and electrical	$25,000.00	$25,000.00	$0.00	N/A	$25,000.00	100.00%	$0.00	$1,250.00
2	Seal weld the overlapping plate joint and the butte plate joint of the dollar plate $150 ln/ft 52ln/ft	$7,800.00	$7,800.00	$0.00	N/A	$7,800.00	100.00%	$0.00	$390.00
3	Seal weld overlapped dollar plates to roof plates and to upper torus plates $150 ln/ft 70 ln/ft	$10,500.00	$10,500.00	$0.00	N/A	$10,500.00	100.00%	$0.00	$525.00
4	Seal weld and grind around vortex breaker	$1,500.00	$1,500.00	$0.00	N/A	$1,500.00	100.00%	$0.00	$75.00
5	Seal weld the Two (2) roof rafters $150 ln/ft 128 ln/ft	$19,200.00	$19,200.00	$0.00	N/A	$19,200.00	100.00%	$0.00	$960.00
6	**Replace grating over wet riser CO 1 deduction from $7500 to $2500.**	**$2,500.00**	**$0.00**	**$2,500.00**	**N/A**	**$2,500.00**	**100.00%**	$0.00	$125.00
7	Remove existing roof vent and install new frost-free roof vent	$9,500.00	$9,500.00	$0.00	N/A	$9,500.00	100.00%	$0.00	$475.00
8	Modify roof ladder cage	$4,000.00	$4,000.00	$0.00	N/A	$4,000.00	100.00%	$0.00	$200.00
9	Replace the obstruction light, photo sensor, conduit and stand	$3,000.00	$3,000.00	$0.00	N/A	$3,000.00	100.00%	$0.00	$150.00
10	Repair overflow pipe per section	$3,500.00	$3,500.00	$0.00	N/A	$3,500.00	100.00%	$0.00	$175.00
11	Remove the unused electrical wire bracket on the support column	$750.00	$750.00	$0.00	N/A	$750.00	100.00%	$0.00	$37.50
12	Replace the 24" x 18" oval wet riser manway and install a new 24-inch round pressure manway	$9,500.00	$9,500.00	$0.00	N/A	$9,500.00	100.00%	$0.00	$475.00
13	Replace the existing 24-inch round manway gasket on the wet riser	$250.00	$250.00	$0.00	N/A	$250.00	100.00%	$0.00	$12.50
14	Overflow pipe screen	$250.00	$250.00	$0.00	N/A	$250.00	100.00%	$0.00	$12.50
15	Grout Repair	$3,500.00	$3,500.00	$0.00	N/A	$3,500.00	100.00%	$0.00	$175.00
16	Caulk around anchor bolts	$3,000.00	$3,000.00	$0.00	N/A	$3,000.00	100.00%	$0.00	$150.00

	17	Surface Repairs $100/man hrs 100 man hours	$10,000.00	$0.00	$10,000.00	N/A	$10,000.00	100.00%	$0.00	$500.00
	18	Interior Wet Abrasive Blast and Coating	$170,000.00	$170,000.00	$0.00	N/A	$170,000.00	100.00%	$0.00	$8,500.00
	19	Exterior Abrasive Blast and Coating	$277,200.00	$277,200.00	$0.00	N/A	$277,200.00	100.00%	$0.00	$13,860.00
	20	City Logo and Lettering $16,000/logo 2 logos	$32,000.00	$32,000.00	$0.00	N/A	$32,000.00	100.00%	$0.00	$1,600.00
	21	Exterior Containment	$50,000.00	$50,000.00	$0.00	N/A	$50,000.00	100.00%	$0.00	$2,500.00
	22	Mobilization	$60,000.00	$60,000.00	$0.00	N/A	$60,000.00	100.00%	$0.00	$3,000.00
	CO 1	**Deduction for landscaping**	**($3,335.00)**				**($3,335.00)**			
		GRAND TOTALS	$699,615.00	$690,450.00	$12,500.00	$0.00	$699,615.00	100.00%	$0.00	$35,147.50

Council Regular Meeting

DATE: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: Doran M. Cote, P.E., Director of Public Works
BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project Nos. 2018-08 and 2019-05, Bellvue and Southeast Area Mill and Overlay Improvements

Requested Council Action:

- Motion to approve a resolution accepting work performed and authorizing final payment, Improvement Project Nos. 2018-08 and 2019-05, Bellvue and Southeast Area Mill and Overlay Improvements.

Background:

On June 24, 2019, the City Council awarded Improvement Project Nos. 2018-08 and 2019-05 to Asphalt Surface Technologies Corporation (a/k/a ASTECH Corp.) of Saint Cloud, Minnesota for construction of the Bellvue and Southeast Area Mill and Overlay Improvements. ASTECH Corp. has successfully completed the construction work and is requesting final payment for the project.

Budget Issues:

The original contract amount with ASTECH Corp. for the project improvements was $2,472,409.89. The total value of work certified for final payment is $2,167,458.63. The total project cost including contingencies/administration/engineering/legal is $2,290,010.02 and was completed 30.5 percent under budget in the amount of $1,003,799.87. The attached resolution provides a summary of the final amended costs and funding sources for the project.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/7/2021	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT IMPROVEMENT PROJECT NOS. 2018-08 AND 2019-05, BELLVUE AND SOUTHEAST AREA MILL AND OVERLAY IMPROVEMENTS

WHEREAS, pursuant to a written contract signed with the City of Brooklyn Center, Minnesota, Asphalt Surface Technologies Corporation (a/k/a ASTECH Corp.) of Saint Cloud, Minnesota has completed the following improvements in accordance with said contract:

Improvement Project Nos. 2018-08 and 2019-05, Bellvue and Southeast Area Mill and Overlay Improvements

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

1. Final payment shall be made on Improvement Project Nos. 2018-08 and 2019-05, Bellvue and Southeast Area Mill and Overlay Improvements, taking the contractor's receipt in full. The total amount to be paid for said improvements under said contract shall be $2,167,458.63.

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

COSTS	As Awarded	As Final
Contract	$ 2,472,409.89	$ 2,167,458.63
Contingency	$ 371,000.00	$ 259.38
Subtotal Construction Cost	$ 2,843,409.89	$ 2,167,718.01
Admin/Legal/Engr.	$ 450,400.00	$ 122,292.01
Total Estimated Project Cost	$ 3,293,809.89	$ 2,290,010.02

RESOLUTION NO. _____

REVENUES	As Awarded	As Final
Street Assessment	$ 911,379.74	$ 911,379.74
Sanitary Sewer Utility	$ 108,524.50	$ 83,166.18
Water Utility Fund	$ 544,670.40	$ 467,129.30
Storm Drainage Utility Fund	$ 485,658.25	$ 353,041.55
Street Reconstruction Fund	$ 993,247.00	$ 238,722.52
Municipal State Aid (MSA) Fund	$ 250,000.00	$ 236,570.73
Miscellaneous (plan sales)	$ 330.00	$ 0.00
Total Estimated Revenue	$ 3,293,809.89	$ 2,290,010.02

June 14, 2021
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Council Regular Meeting

DATE: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: N/A
BY: Mark Ebensteiner, Finance Director

SUBJECT: Resolution Relating to the Issuance of Conduit Revenue Bonds to Finance the Costs of a Multifamily Housing Development (The Crest Apartments Project)

Requested Council Action:

- Motion to approve a Resolution relating to the issuance of Conduit Revenue Bonds to finance the costs of a multifamily housing development under Minnesota Statutes, Chapter 462C; granting preliminary approval thereto; establishing compliance with certain reimbursement regulations under the internal revenue code of 1986, as amended; and taking certain other actions with respect thereto (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. The Crest is a122-unit affordable multi family apartment building in Brooklyn Center.

Aeon is now proposing to leverage conduit revenue bonds to allow for additional renovations to the existing Crest apartment building and construct an additional 47 units on adjacent underutilized land.

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.

If approved, no money actually goes through the City of Brooklyn Center and no money or assets of Brooklyn Center would ever be pledged or leveraged to pay the Bonds. The Bonds will not constitute any general or moral obligations of the City of Brooklyn Center and will not affect the city's debt limitation.

A detailed explanation of the request for Conduit Revenue Bonds and the process has been prepared by the EDA's bond counsel and is attached for your review.

The action this evening is to provide preliminary approval of Aeon's application for Conduit Revenue Bonds. If approved by the state, the City will be asked to take final action and hold a public hearing before Aeon can receive the allocation of bonding authority. In addition, the project will need to be submitted for a full and complete review before the Planning Commission and City Council in order to receive land use approvals.

An overview of their project was presented at the December 14, 2020 work session for Council's consideration and feedback. The project overview and concept layout is included as backup material. There

was a delay in the process but the parties are now looking at moving forward and seeking the approval of the resolution.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Resident Economic Stability

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/9/2021	Resolution Letter
Memo - Kennedy and Graven	6/9/2021	Backup Material
Project Overview	6/9/2021	Backup Material
Concept Layout	6/9/2021	Backup Material

CITY OF BROOKLYN CENTER
COUNTY OF HENNEPIN
STATE OF MINNESOTA

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION RELATING TO THE ISSUANCE OF CONDUIT REVENUE BONDS TO FINANCE THE COSTS OF A MULTIFAMILY HOUSING DEVELOPMENT UNDER MINNESOTA STATUTES, CHAPTER 462C; GRANTING PRELIMINARY APPROVAL THERETO; ESTABLISHING COMPLIANCE WITH CERTAIN REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND TAKING CERTAIN OTHER ACTIONS WITH RESPECT THERETO (THE CREST APARTMENTS PROJECT)

WHEREAS, the City is a home rule charter city duly organized and existing under the Constitution and laws of the State of Minnesota.

WHEREAS, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), the City is authorized to carry out the public purposes described in the Act by providing for the issuance of revenue bonds to provide funds to finance or refinance multifamily housing developments located within the City.

WHEREAS, as a condition to the issuance of such revenue bonds, the City must adopt a housing program providing the information required by Section 462C.03, subdivision 1a, of the Act (the "Housing Program"). Under Section 462C.04, subdivision 2, of the Act, a public hearing must be held on the Housing Program after one publication of notice in a newspaper circulating generally in the City, at least 15 days before the hearing.

WHEREAS, The Crest Apartments LLC, a Minnesota limited liability company (or another entity to be formed by Aeon, the "Borrower"), has proposed that the City, pursuant to the Act, issue its revenue bonds in an aggregate principal amount not to exceed $19,000,000, in one or more series at one time or from time to time (the "Bonds"), the proceeds of which will be loaned by the City to the Borrower to be applied by the Borrower 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"); (ii) fund one or more reserve funds to secure the timely payment of the Bonds; and (iii) pay certain costs of issuing the Bonds.

WHEREAS, under Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), prior to the issuance of the Bonds a public hearing duly noticed must be held by the City Council.

WHEREAS, under Section 146 of the Code, the Bonds must receive an allocation of the bonding authority of the State of Minnesota. An application for such an allocation must be made pursuant to the requirements of Minnesota Statutes, Chapter 474A, as amended (the "Allocation Act").

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

Section 1. Preliminary Findings. Based on representations made by the Borrower to the City to date, the City Council of the City hereby makes the following preliminary findings, determinations, and declarations:

(a) The Project consists of the acquisition, rehabilitation, construction and equipping of a multifamily rental housing development designed and intended to be used for rental occupancy.

(b) The proceeds of the Bonds will be loaned to the Borrower and the proceeds of the loan will be applied to: (i) the acquisition, rehabilitation, construction, and equipping of the Project; (ii) the funding of one or more reserve funds to secure the timely payment of the Bonds; and (iii) the payment of the costs of issuing the Bonds. The City will enter into a loan agreement (or other revenue agreement) with the Borrower requiring loan repayments from the Borrower in amounts sufficient to repay the loan when due and requiring the Borrower to pay all costs of maintaining and insuring the Project, including taxes thereon.

(c) In preliminarily authorizing the issuance of the Bonds and the financing of the acquisition, rehabilitation, construction, and equipping of the Project and related costs, the City's purpose is to further the policies of the Act.

(d) The Bonds will be limited obligations of the City payable solely from the revenues pledged to the payment thereof, and will not be a general or moral obligation of the City and will not be secured by or payable from revenues derived from any exercise of the taxing powers of the City.

Section 2. Public Hearing. The City will conduct a public hearing on a date to be determined by the City Manager in order to meet publication requirements in accordance with applicable law, on the Housing Program, the Project, and the issuance of revenue Bonds by the City, notice of which hearing in substantially the form attached as **Exhibit A** (the "Public Notice") will be published as required by Minnesota Statutes, Section 462C.04, subdivision 2, of the Act, and Section 147(f) of the Internal Revenue Code of 1986, as amended. City staff is hereby authorized to cause the publication of the Public Notice in accordance with applicable law. The Public Notice will provide a general, functional description of the Project, as well as the maximum aggregate face amount of the obligations to be issued for the purposes referenced above, the identity of the initial owner, operator, or manager of the Project, and the location of the Project. The Public Notice is authorized to be published in a newspaper circulating generally in the City on a date at least 15 days before the meeting of the City Council at which the public hearing will take place. At the public hearing reasonable opportunity will be provided for interested individuals to express their views, both orally and in writing, on the Project and the proposed issuance of such revenue obligations.

Section 3. Housing Program. Bond counsel, as described below, shall prepare and submit to the City a draft Housing Program to authorize the issuance by the City of up to $19,000,000 in revenue Bonds to finance the acquisition, rehabilitation, construction, and equipping of the Project by the Borrower. City staff is hereby authorized to review, approve and submit the Housing Program to the Metropolitan Council for its review on or before the date of publication of the Public Notice.

Section 4. Preliminary Approval. The City Council hereby provides preliminary approval to the issuance of the Bonds in the approximate aggregate principal amount of $19,000,000 to finance all or a portion of the costs of the Project pursuant to the Housing Program of the City, subject to: (i) review of the Housing Program by the Metropolitan Council; (ii) receipt of an allocation of the bonding authority from the State of Minnesota; (iii) a public hearing as required by the Act and Section 147(f) of the Code; (iv) final approval following the preparation of bond documents; and (v) final determination by the City Council that the financing of the Project and the issuance of the Bonds are in the best interests of the City.

Section 5. Submission of an Application for an Allocation of Bonding Authority. Under Section 146 of the Code, the Bonds must receive an allocation of the bonding authority of the State of Minnesota. An application for such an allocation must be made pursuant to the requirements of the Act. The City Council hereby authorizes the submission of an application for allocation of bonding authority pursuant to Section 146 of the Code and the Allocation Act in accordance with the requirements of the Allocation Act. The Mayor of the City, the City Manager, the City Clerk, and Kennedy & Graven, Chartered, acting as bond counsel with respect to the Project and the Bonds, are hereby authorized and directed to take all actions, in cooperation with the Borrower, as are necessary to submit an application for an allocation of bonding authority to Minnesota Management & Budget.

Section 6. Reimbursement of Costs under the Code.

(a) The United States Department of the Treasury has promulgated regulations governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City or the Borrower for project expenditures paid prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds occur within 18 months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than 3 years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

(b) To the extent any portion of the proceeds of the Bonds will be applied to expenditures with respect to the Project, the City reasonably expects to reimburse the Borrower for the expenditures made for costs of the Project from the proceeds of the Bonds after the date of payment of all or a portion of such expenditures. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations and also qualifying expenditures under the Act.

(c) Based on representations by the Borrower, other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under prior regulations pursuant to the transitional provision contained in Section 1.150-2(j)(2)(i)(B) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures with respect to the Project to be reimbursed with the proceeds of the Bonds have been made by the Borrower more than 60 days before the date of adoption of this resolution of the City.

(d) Based on representations by the Borrower, as of the date hereof, there are no funds of the Borrower reserved, allocated on a long term-basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project to be financed from proceeds of the Bonds, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the Borrower as they exist or are reasonably foreseeable on the date hereof.

Section 7. Costs. The Borrower will pay the administrative fees of the City and pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City in connection with the Project and the issuance of the Bonds, whether or not the Bonds are issued.

Section 8. Commitment Conditional. The adoption of this resolution does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Borrower. If, as a result of information made available to or obtained by the City during its review of the Project, it appears that the Project or the issuance of Bonds to finance or refinance the costs thereof is not in the public interest or is inconsistent with the purposes of the Act, the City reserves the right to decline to give final approval to the issuance of the Bonds. The City also retains the right, in its sole discretion, to withdraw from participation and accordingly not issue the Bonds should the City Council, at any time prior to the issuance thereof, determine that it is in the best interests of the City not to issue the Bonds or should the parties to the transaction be unable to reach agreement as to the terms and conditions of any of the documents for the transaction.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage.

June 14, 2021 _____
Date

_____
Mayor

ATTEST:_____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

EXHIBIT A

NOTICE OF PUBLIC HEARING
ON A HOUSING PROGRAM AND THE ISSUANCE OF BONDS FOR
A MULTIFAMILY SENIOR HOUSING PROJECT
(THE CREST APARTMENTS PROJECT)

NOTICE IS HEREBY GIVEN that the City Council of the City of Brooklyn Center, Minnesota (the "City") will meet on Monday, _____, 2021 at 7:00 p.m. in the City Hall at 6301 Shingle Creek Parkway in the City for the purpose of conducting a public hearing on (i) a proposal of The Crest Apartments LLC, a Minnesota limited liability company (or another entity to be formed by Aeon, the "Borrower"), that the City finance a multifamily housing development hereinafter described, pursuant to Minnesota Statutes, Chapter 462C, by the issuance of revenue bonds, in one or more series, and (ii) the adoption of a housing program for such bonds.

The proceeds of such bonds will be used 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; (ii) pay costs of issuance and other costs related to the issuance of the bonds; and (iii) fund capitalized interest and certain reserves (collectively, the "Project"). The Project will initially be owned and operated by the Borrower and is proposed to be transferred at a later date to Aeon Crest GP LLC, a Minnesota limited liability company, or another entity to be formed by Aeon. The maximum aggregate estimated principal amount of bonds or other obligations to be issued to finance the Project is $19,000,000.

The bonds or other obligations if and when issued will not constitute a charge, lien or encumbrance upon any property of the City, and will be payable solely from revenues of the project, and will not be backed by the full faith and credit of the City but will be payable solely from sums paid by the Borrower pursuant to a revenue agreement.

A copy of the housing program will be on file at City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota 55430, Monday through Friday until the date of the Public Hearing. At the time and place fixed for the Public Hearing, the City Council will give all persons who appear or submit comments in writing to the City Council prior to the hearing, an opportunity to express their views with respect to the proposal. In addition, interested persons may file written comments respecting the proposal with the City to the attention of _____, at (763) 569-3300 at or prior to said public hearing.

Publish _____, 2021

Kennedy & Graven
CHARTERED

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www.kennedy-graven.com
Affirmative Action Equal Opportunity Employer

TO: City of Brooklyn Center, Minnesota
FROM: Jenny Boulton, Kennedy & Graven, Chartered
DATE: June 9, 2021
RE: Conduit Revenue Bonds for The Crest Apartments Project

The Crest Apartments LLC (or another entity formed by Aeon, the "Borrower") has requested that the City of Brooklyn Center, Minnesota ("Brooklyn Center") issue up to $19,000,000 of tax-exempt, conduit Housing Revenue Bonds in one or more series in 2021 (the "Bonds") to finance the acquisition of The Crest Apartments, an existing 122-unit rental housing facility located at 6221 Shingle Creek Parkway in Brooklyn Center, the rehabilitation thereof to include, among other things, one additional unit, and the construction of an approximately 48-unit building on the same property (collectively, the "Project Facilities").

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.

If authorized by the City Council, the Bonds will be issued as conduit revenue bonds secured solely by the revenues derived from a loan agreement (the "Loan Agreement") to be executed by Brooklyn Center and the Borrower and from other security provided by the Borrower. The lender or bondholders provide the funds for the loan, either directly or through a trustee, and Brooklyn Center assigns its rights and obligations under the Loan Agreement to the lender or the trustee. No money actually flows through Brooklyn Center. No money or assets of Brooklyn Center would ever be pledged or available to pay the Bonds.

The Bonds will not constitute general or moral obligations of Brooklyn Center and will not be secured by or payable from any property or assets of Brooklyn Center and will not be secured by any taxing power of Brooklyn Center. The Bonds will 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 in the event that Borrower encounters financial difficulties with respect to the Project Facilities to be financed with the proceeds of the Bonds.

The Bonds are proposed to be issued as tax-exempt obligations, the interest on which is excluded from gross income for federal income tax purposes. However, because the Project Facilities will be owned by a for-profit owner, the Bonds cannot be designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code") which relates to a deduction available to banks and other financial institutions (sometimes referred to as "bank-qualified bonds"). Because this type of Bonds is not eligible for designation as bank-qualified bonds, the Bonds will not count against Brooklyn Center's $10,000,000 limit in 2021 on its ability to designate its own bonds, if any, as bank qualified bonds

and issuing the Bonds in 2021 will have no impact on Brooklyn Center's ability to issue bank-qualified bonds in future years.

The Project Facilities will initially be owned and operated by the Borrower and are proposed to be transferred at a later date to Aeon Crest GP LLC, a Minnesota limited liability company, or another entity to be formed by Aeon. Because of the for-profit ownership of the Project Facilities, the Bonds will need an allocation of bonding authority from the State. The amount of tax-exempt bonds for this purpose is limited by federal tax-exempt bond law and that limit has not been sufficient for the amount of projects seeking tax exempt bonds in Minnesota. However, the Project Facilities fall into the highest ranked category so there is a good chance the financing will be able to move forward in 2021. Kennedy and Graven, as bond counsel, will prepare all of the application documents.

In order to proceed, Brooklyn Center would need to give preliminary approval in December. This would not initially require a public hearing, instead the hearing would be held in 2021 after the allocation of bonding authority has been received. Before issuing the Bonds, Brooklyn Center will need to hold a public hearing, adopt a resolution authorizing the issuance of the Bonds, and execute various related documents, including the Bonds and the Loan Agreement. Kennedy and Graven, as bond counsel, will provide forms of resolutions and all the necessary documents.

The Borrower will be required to pay all the expenses of Brooklyn Center paid or incurred with respect to the Bonds and will be required to indemnify Brooklyn Center for any potential liability incurred by Brooklyn Center with respect to the Bonds, the Project Facilities, and granting necessary approvals.

The Crest

Rehabilitation and Expansion
Prepared by Aeon

Project Summary



Aeon purchased The Crest Apartments in 2012 and initial renovations were completed in 2014. The Crest offers 122 affordable, spacious homes to individuals and families in the Brooklyn Center community with access to the green space at the adjacent Garden City Park.

Aeon is proposing a project that would allow for necessary updates to The Crest's 122 homes as well as add 47 homes on the existing underutilized land.

We request that City Council support a submission to Minnesota Management and Budget by the City of Brooklyn Center for Housing Revenue Bonds on behalf of Aeon.

Community Need

The Twin Cities has a severe need for more affordable homes. There are currently only 37 affordable homes available for every 100 extremely low-income families in need (MN Housing). And without stable housing, people cannot properly address their health, education, employment, and social needs.

Given the unusual time we face with the COVID-19 pandemic, there is an even greater need for affordable housing. Renters have lost income, childcare, and social supports. Significant disruptions to the pipeline of new affordable housing could mean fewer new units coming online in the upcoming months or years. Aeon is confident we can navigate this uncertainty. Together, we can ensure our community's most vulnerable families have access to stability during this national crisis.



Rehabilitation of Phase 1

The Crest Phase 1 consists of 122 units, including 78 one-bedroom apartment homes and 44 two-bedroom apartment homes. The units are currently restricted to households at or below 50% of area median income or $36,200 for a single-member household. Additionally, there are eleven units that have Section 811 rental assistance and serve individuals with disabilities.

› 901 North 3rd Street, Suite 150
Minneapolis, MN 55401

› 612-341-3148 office
612-341-4208 fax

› aeon.org

NeighborWorks® CHARTERED MEMBER

The proposed project will inject approximately $5,000,000 (or $41,000 per unit) in renovations into the 13-story tower. The renovation dollars will allow the existing property to complete necessary improvements to building systems, including plumbing, HVAC, and elevators, to keep the project in good repair for the years to come. These dollars will also allow upgrades to the apartment homes.

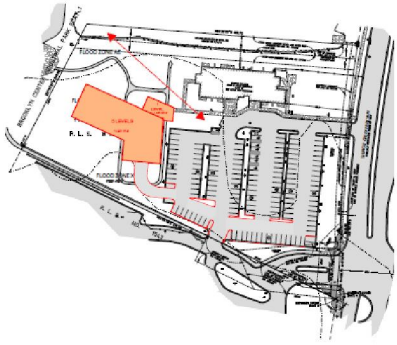
New Construction of Phase 2

The project is proposing an additional 47-unit building will focus on two- and three-bedroom units for families. The new building will have approximately 4 one-bedroom, 25 two-bedroom and 18 three-bedroom apartment homes. The new units would have a mix of affordability averaging roughly 60% of area median income.

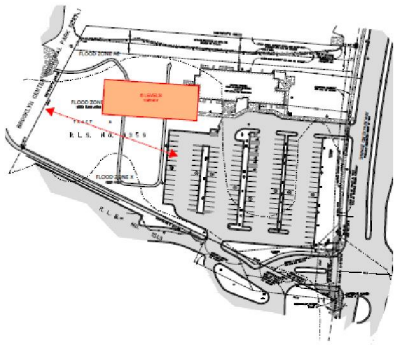
The new building is proposed to be a six-story structure with parking occupying the first floor. The building would stand alone with its own community room, management office, fitness space and homework room.

The property currently sits in a flood plain, so several building placement options need to be considered.

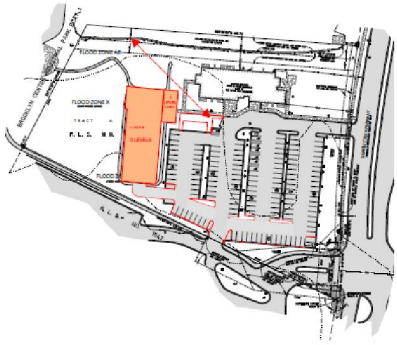
VIGNETTE 1



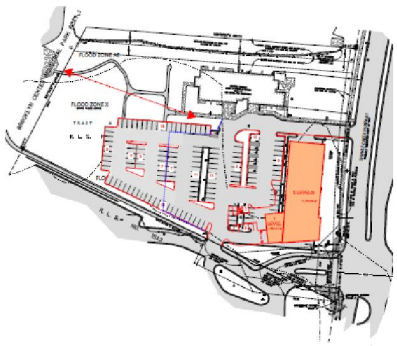
VIGNETTE 3



VIGNETTE 2



VIGNETTE 4



Parking

The existing Crest (122 units) would be allocated 117 surface parking stalls. Based on current use, this would be more than adequate to support the existing property. The proposed project would repair the existing parking lot and restripe it to achieve more efficiency in parking.

The new construction of 47 units will support 28 surface parking stalls and 31 covered stalls, for a total of 59 stalls. Due to limitations of the site, the covered stalls would occupy the first floor of the new construction building.

Financing

The Crest currently has an existing HUD Risk Share mortgage on it, with additional funds from Hennepin County and Minnesota Housing. The total existing funding equates to about $2,440,000 – some of which will remain with the project in a new limited partnership and some of which will be replaced with new financing.

Property	Lender	Program	Principal	Maturity	
Crest, The	Hennepin Co	NSP	$995,645	10/01/44	Assumed
Crest, The	MN Housing	FFCC	$575,000	09/01/44	Repaid
Crest, The	MN Housing	First Mortgage, HRS	$872,245	02/01/45	Repaid
Total			**$2,442,890**		

In partnership with the City of Brooklyn Center, the project aims to request approximately 16,500,000 in tax exempt bonds in January 2021. The project will also secure a first mortgage and anticipates requesting TIF from the City of Brooklyn Center. The general partner is expected to make a contribution to round out the capital stack for the project. The anticipated total development cost for this project is roughly $36,700,000.

Uses			Sources	
Acquisition/Existing Debt	$12,664,890		First Mortgage	$9,686,000
Construction	$16,421,619		Low Income Housing Tax Credit	$11,577,249
Environmental	$75,000		Seller Loan	$10,222,000
Professional Fee	$1,376,398		Hennepin County (assumed)	$995,645
Developer Fee/Consultants	$3,300,000		Interim Income	$300,000
Financing Costs	$1,561,750		Return of Forward Commitment	$400,000
Reserves	$1,304,156		General Partner Contribution	$2,122,918
			TIF Request	$1,400,000
Total	**$36,703,812**		**Total**	**$36,703,812**

** Sources and Uses are subject to change during underwriting.

Construction Financing:

Construction Sources	
Tax Exempt Bonds	$16,301,571
Taxable Bonds	$2,646,228
	18,947,799

Timeline

Jan 2021	Bond Application Submission
July 2021	Project Close
July 2021	Construction Begins
December 2022	Rehab Complete*
December 2022	New Construction Complete*

* Due to COVID, timing for construction and renovation will be closely monitored to ensure resident health and safety throughout construction.

Contact Information:

Leslie Roering, Senior Real Estate Developer

lroering@aeon.org

612-746-4853

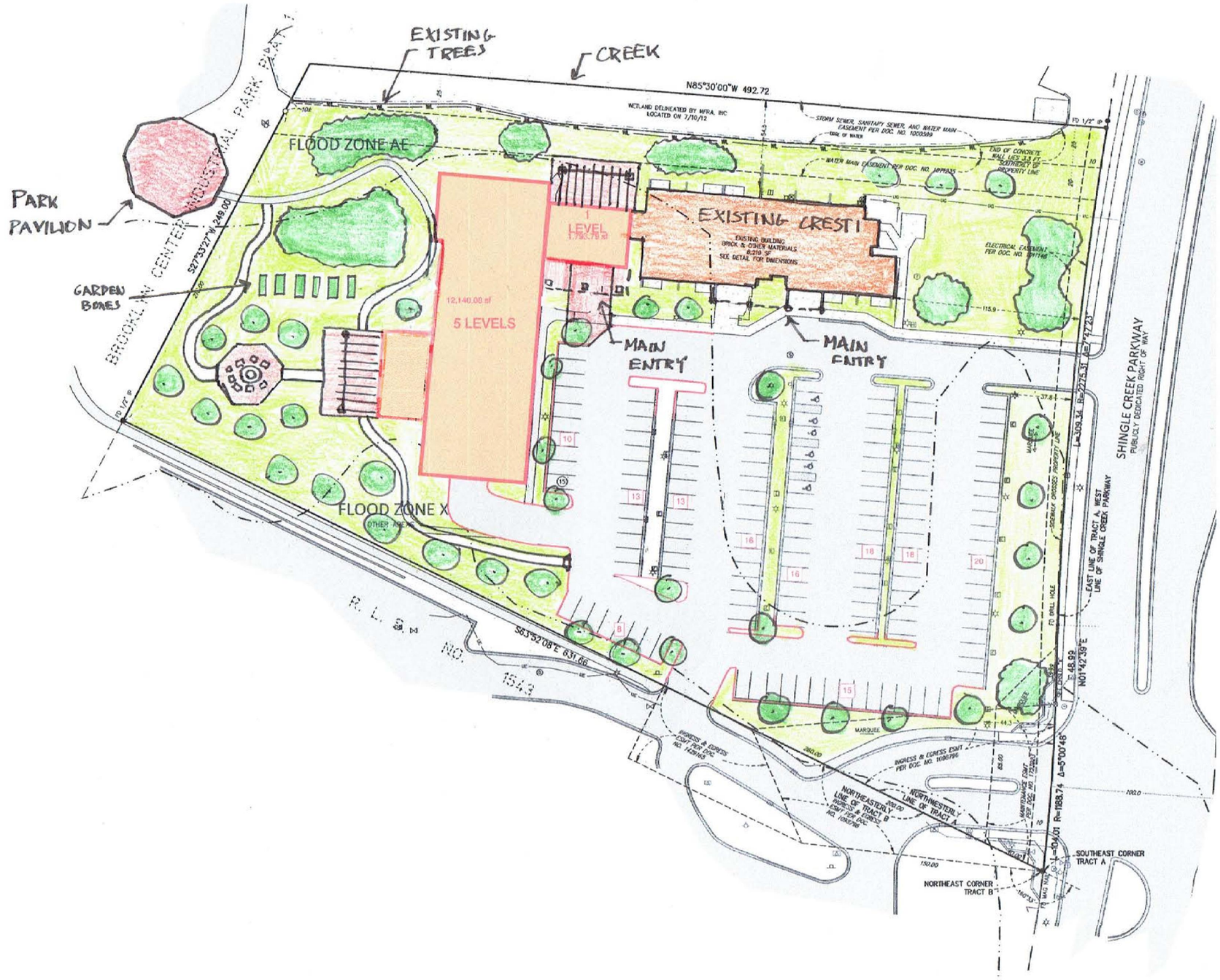
Draft Site Plan

aeon
home changes everything



Draft Site Plan

aeon
home changes everything



Draft Site Plan

VIGNETTE 1



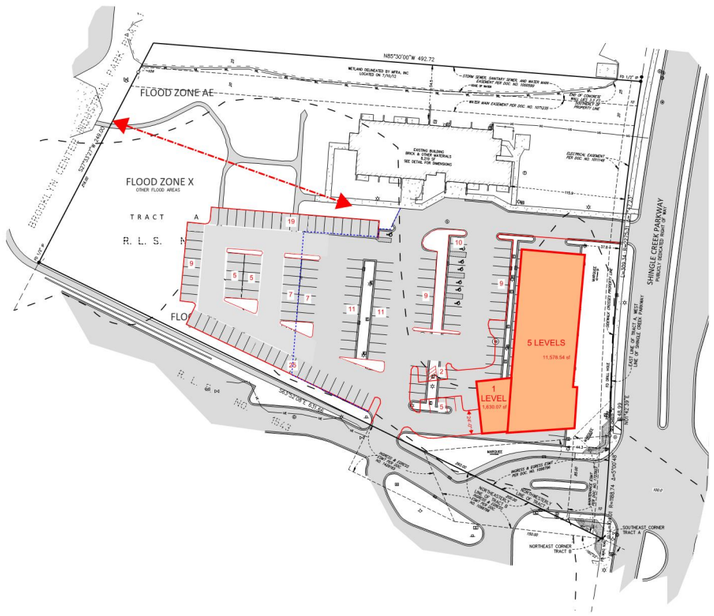
VIGNETTE 2



VIGNETTE 3



VIGNETTE 4



aeon
home changes everything

Council Regular Meeting

DATE: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: N/A
BY: Mark Ebensteiner, Finance Director

SUBJECT: Resolution Adopting Annual Comprehensive Financial Report of the City of Brooklyn Center for the Calendar Year Ended December 31, 2020

Requested Council Action:

- Motion to approve a resolution adopting the annual comprehensive financial report, and accepting the special purpose audit reports, the management letter and the corrective action plan of the City of Brooklyn Center for the calendar year ended December 31, 2020.

Background:

On June 7, 2021 the City Council and Financial Commission met in a joint work session to hear from Jackie Huegel of Malloy, Montague, Karnowski, Radosevich & Co. (MMKR), the City's auditors, about the results of their audit of the City's financial statements for the period ended December 31, 2020. During the session Ms. Huegel reviewed the purpose of the audit process and the results of the firm's audit of the 2020 Annual Comprehensive Financial Report.

Most importantly, the City received an unmodified opinion, which is commonly referred to as a "clean audit opinion". This means that, in the
auditor's opinion, the financial statements conform with applicable accounting standards. In addition to formulating an opinion on the City's
financial statements, the auditors reviewed the City's internal controls, legal compliance and financial management practices. Those results were
included in the Special Purpose Report which is issued under a separate cover.

Overall, the information in the 2020 annual report continues to show the City is in good financial condition and should continue to monitor itself to ensure its continued fiscal health.

The attached resolution ratifies the work done by City staff and accepts the CAFR, Audit Opinion and related materials.

Budget Issues:

The 2020 annual financial report conveys the fiscal condition of the City as of December 31, 2020 and lays the groundwork for understanding the financial resources available to the City when planning for the future.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Resolution - 2020 Annual Report	6/8/2021	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ADOPTING THE ANNUAL COMPREHENSIVE FINANCIAL REPORT, THE SPECIAL PURPOSE AUDIT REPORTS, THE MANAGEMENT LETTER AND THE COORECTIVE ACTION PLAN OF THE CITY OF BROOKLYN CENTER FOR THE CALENDAR YEAR ENDED DECEMBER 31, 2020

WHEREAS, the City of Brooklyn Center is required by State Statute and City Charter to annually produce financial statements for submission to the Office of the State Auditor by June 30 each year; and

WHEREAS, the City of Brooklyn Center is required to provide an auditor's opinion as to the representations in the annual financial statements; and

WHEREAS, the financial statements have been audited by the independent CPA firm of Malloy, Montague, Karnowski, Radosevich & Co., P.A. as required; and

WHEREAS, Malloy, Montague, Karnowski, Radosevich & Co., P.A. opined that the general-purpose financial statements present fairly, in all material respects, the financial position of the City of Brooklyn Center as of December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the Annual Comprehensive Financial Report for the City of Brooklyn Center for the calendar year ended December 31, 2020, and all supporting documentation, is hereby adopted as the official financial record for the 2020 fiscal year.

June 14, 2021
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Council Regular Meeting

DATE: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: N/A
BY: Meg Beekman, Community Development Director

SUBJECT: Update from Our Sister's Keeper

Requested Council Action:

Accept presentation

Background:

The City has been collaborating with Our Sister's Keeper to provide resources and navigation services to residents in the vicinity of the Brooklyn Center police station. Leaders from the organization will be available at the Council meeting to present on their activities and provide an update on outcomes.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community

Council Regular Meeting

DATE: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: N/A
BY: Tony Gruenig, Acting Police Chief

SUBJECT: Resolution Expressing Recognition and Appreciation for the Dedicated Public Service of Crime Prevention Specialist Becky Boie

Requested Council Action:

It is recommended that the City Council consider recognizing Crime Prevention Specialist Becky Boie for over 19 years of service to the city of Brooklyn Center.

Background:

Crime Prevention Specialist Becky Boie was hired by the city of Brooklyn Center to serve the community as Neighborhood Liaison, on May 8, 2002. She served the Brooklyn Center Community in two other roles throughout her career, including Police Administrative Coordinator from 2005-2008 and Crime Prevention Specialist from 2008-2021.

Becky has been instrumental in working with rental properties throughout the City and building longstanding relationships with Neighborhood Watch Captains. She has also been a vital part of National Night Out, youth safety courses offered through Recreation, and Neighborhood Area Meeting initiatives. Becky is a statewide Crime Prevention leader and throughout her career she has defined the department's Crime Prevention position.

Becky spearheaded an "adopt a family" effort brought forth by a local elementary school, annually since 2005. Brooklyn Center Police staff "adopt" a Brooklyn Center family in need that is nominated by local faith organization or the Community Corner. Money is raised, gifts (often necessities) are purchased, wrapped by police staff and delivered. This effort was extended to all City staff involvement in 2015.

She has represented the Brooklyn Center Police Department as an active member of the Minnesota Crime Prevention Association Board of Directors for over 15 years. She has assisted with numerous trainings and various efforts throughout the State.

Her dedicated public service and civic effort for the betterment of the community merit gratitude of the citizens of Brooklyn Center.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

None

Antiracist/Equity Policy Effect:

None

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/8/2021	Resolution Letter
Retirement Flyer	6/8/2021	Backup Material

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION EXPRESSING RECOGNITION AND APPRECIATION FOR THE DEDICATED PUBLIC SERVICE OF CRIME PREVENTION SPECIALIST BECKY BOIE

WHEREAS, Crime Prevention Specialist Becky Boie was hired by the city of Brooklyn Center to serve the community as Neighborhood Liaison, on May 8, 2002; and

WHEREAS, Crime Prevention Specialist Becky Boie served the Brooklyn Center Community in two other roles throughout her career, including Police Administrative Coordinator from 2005-2008 and Crime Prevention Specialist from 2008-2021; and

WHEREAS, Crime Prevention Specialist Becky Boie has been instrumental in working with rental properties throughout the City and building longstanding relationships with Neighborhood Watch Captains. She has also been a vital part of National Night Out, youth safety courses offered through Recreation, and Neighborhood Area Meeting initiatives. Becky is a statewide Crime Prevention leader and throughout her career she has defined the department's Crime Prevention position; and

WHEREAS, Crime Prevention Specialist Becky Boie spearheaded an "adopt a family" effort brought forth by a local elementary school, annually since 2005. Brooklyn Center Police staff "adopt" a Brooklyn Center family in need that is nominated by local faith organization or the Community Corner. Money is raised, gifts (often necessities) are purchased, wrapped by police staff and delivered. This effort was extended to all City staff involvement in 2015; and

WHEREAS, Crime Prevention Specialist Becky Boie has represented the Brooklyn Center Police Department as an active member of the Minnesota Crime Prevention Association Board of Directors for over 15 years. She has assisted with numerous trainings and various efforts throughout the State; and

WHEREAS, Crime Prevention Specialist Becky Boie's dedicated public service and civic effort for the betterment of the community merit gratitude of the citizens of Brooklyn Center; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, upon recommendation of the City Manager, that we recognize the honorable retirement of Crime Prevention Specialist Becky Boie on June 30, 2021, and express sincere appreciation for her dedicated public service. We wish Becky and her family, the very best in the future.

RESOLUTION NO. _____

June 14, 2021 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Good Luck and Best Wishes

Becky Boie

Crime Prevention Specialist



Becky has served the Brooklyn Center Community for over 19 years – please join us in wishing her well!

Wednesday, June 16th 4 – 6 p.m.

Brooklyn Center Community Center, Constitution Hall
6301 Shingle Creek Parkway, Brooklyn Center

BROOKLYN CENTER POLICE

BROOKLYN CENTER CRIME PREVENTION PROGRAM

Becky Boie began her career with Brooklyn Center in 2002 serving as Community Liaison, 2005-2008 she served as Police Administrative Coordinator, and 2008-2021 as Crime Prevention Specialist. Becky has been instrumental in working with rental properties throughout the City and building longstanding relationships with Neighborhood Watch Captains. She has also been a vital part of National Night Out, youth safety courses offered through Recreation, and Neighborhood Area Meeting initiatives. Becky is a statewide Crime Prevention leader and throughout her career she has defined the department's Crime Prevention position. Her presence and vast knowledge will be greatly missed.

Council Regular Meeting

DATE: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: N/A
BY: Meg Beekman, Community Development Director

SUBJECT: Resolution Authorizing the Withdrawal from Minneapolis Northwest Tourism

Requested Council Action:

- Motion to approve a resolution authorizing withdrawal from Minneapolis Northwest Tourism

Background:

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

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

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

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

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

Recently, the Brooklyn Park City Council held a work session discussion on this same topic. At that meeting they discussed four options for how to move forward with the organization, given Maple Grove's impending withdrawal. While they did not land on a final path forward, they did direct staff to submit notice for withdrawal. As part of their considerations, the Brooklyn Park City Council discussed forming a new organization either on their own, or in partnership with Brooklyn Center. They expressed interest in this option, but recognized that the Brooklyn Center City Council would need to weigh-in on the matter before additional exploration of that option could take place.

Both the City of Brooklyn Park and Brooklyn Center have agreements that require termination notices by June 30th in order to withdrawal by the end of the following year. This means, that Brooklyn Park will provide notice prior to June 30 of this year in order to exit the organization by December 31, 2022. This would also be the case for Brooklyn Center, should the City decide to terminate its agreement with Minneapolis Northwest Tourism by June 30, 2021.

With Maple Grove and Brooklyn Park exiting the organization, Brooklyn Center would be the only remaining City.

Staff, Mayor Elliott and Councilmember Ryan met with the Interim Executive Director of Minneapolis Northwest Tourism to discuss options. They provided a perspective on why the organization serves the City and how it could continue to do so in the future.

Staff is recommending that a notice to withdrawal from Minneapolis Northwest Tourism be submitted. Such a notice will provide the City with options as it pursues the next course of action over the next 18 months. Should the City opt to remain with the organization in the end, it is very likely that Brooklyn Center would be the only remaining municipal member. This would allow broad leeway to reform the organization in a way that serves Brooklyn Center, and potentially retains the resources and contacts with in the organization.

Next Steps:

Pending approval from City Council to proceed, notice will be submitted to the Minneapolis Northwest Tourism Board of the City's intent to withdrawal from the board, effective December 31, 2022.

Budget Issues:

This action will have no immediate effect on the budget.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/9/2021	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-___

RESOLUTION WITHDRAWING FROM MINNEAPOLIS NORTHWEST TOURISM

WHEREAS, the City of Brooklyn Center ("City") entered into an agreement ("Agreement") effective August 1, 1986 with a business originally called the North Metro Convention and Tourism Bureau, but which is now called Minneapolis Northwest Tourism ("Business"); and

WHEREAS, the Business provides tourism services to the City and to other cities in the northwest metro; and

WHEREAS, the City Council determines it is in the best interests of the City to withdraw from the Agreement with the Business and to pursue a new option for promoting tourism in the City; and

WHEREAS, the Agreement requires the City to provide notice to the Business of its desire to withdraw from the Agreement by June 30, 2021 in order for the withdrawal to be effective as of December 31, 2022.

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

1. The City withdraws from the Agreement with the Business effective as of December 31, 2022.

2. The City is directed to provide the Business notice of this decision to withdraw from the Agreement before June 30, 2021.

3. The Acting City Manager is authorized and directed to prepare and present to the City Council options to replace the services provided by the Business.

_____ _____
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: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: N/A
BY: Meg Beekman, Community Development Director

SUBJECT: Resolution Authorizing a Community Engagement Pilot Program with Community Partners for the Opportunity Site

Requested Council Action:

– Motion to approve a resolution authorizing a community engagement pilot program with community partners for the Opportunity Site

Background:

In April 2018, the City of Brooklyn Center awarded a Preliminary Development Agreement to Alatus for 35 acres of EDA-owned property within the Opportunity Site. In 2019, the scope of Alatus' focus narrowed to a smaller 15-acre area known as Blocks 11, 12, and 13 of the Opportunity Site.

At the same time, the City took the lead on an effort to update the 2006 Opportunity Site Master plan that would provide an implementation strategy for the full 80-acre area. The master planning effort included a a public engagement process centered on developing and refining a Master Plan for the entire 80-acre area that aligns with and reflects the desires and needs expressed by local community members.

The engagement process was kicked-off by a series of workshops facilitated by LISC that produced a final report, written by community members, outlining guiding principles for the development of the Opportunity Site as well as a list of outcomes that the development might achieve.

The consultant team then took the results of that work and went out into community through a series of pop-up and in-person open houses designed to verify and prioritize that were produced in the LISC workshop series.

In an effort to deepen engagement with underrepresented communities, an engagement working group was formed. The group was comprised of organizations and agencies within the community that were able to reach specific targeted communities. The goal was to co-create an engagement strategy that would allow greater representational input from the community. The goal was to enter into individual contracts with participating organizations to have them assist with the engagement work itself. While this work began with groups like Brooklyn Bridge Alliance for Youth and individuals such as Jude Nnadi completing focused and targeted engagement with the community. The pandemic disrupted the process and engagement efforts were put on hold in April 2020. In addition, there was not agreement by all participants about what the role of the working group and their responsibilities. This caused a breakdown in communication and a perception that there was lack of transparency and accountability in the process. The City learned from this experience and endeavors to do better in the future. A complete summary of the master planning process

and engagement work to date is attached to this report.

The intention is to now kick-off a reboot of that work and provide an engagement strategy that addresses the shortcomings of the initial engagement efforts while ensuring that those most impacted by development on the Opportunity Site have the ability to shape the outcomes of the project. Participants of the last Engagement Working Group, along with community partners and council members were consulted as part of creating this engagement framework.

In January 2021, staff began a discussion with the City Council about what that engagement process might look like. At that meeting, the City Council and community members expressed points of particular concern related to the Opportunity Site Master Plan public engagement process to date, and the corresponding Alatus development of Blocks 11, 12, and 13. These concerns are outlined below.

Opportunity Site Master Plan Concerns:

- Quality and quantity of engagement done to date
- Potential gaps in the targeted groups and individuals included and/or informed in the public engagement process
- Lack of trust in the process and the people involved
- Lack of clarity regarding where the City Council is leading and/or making decisions in the Master Plan process

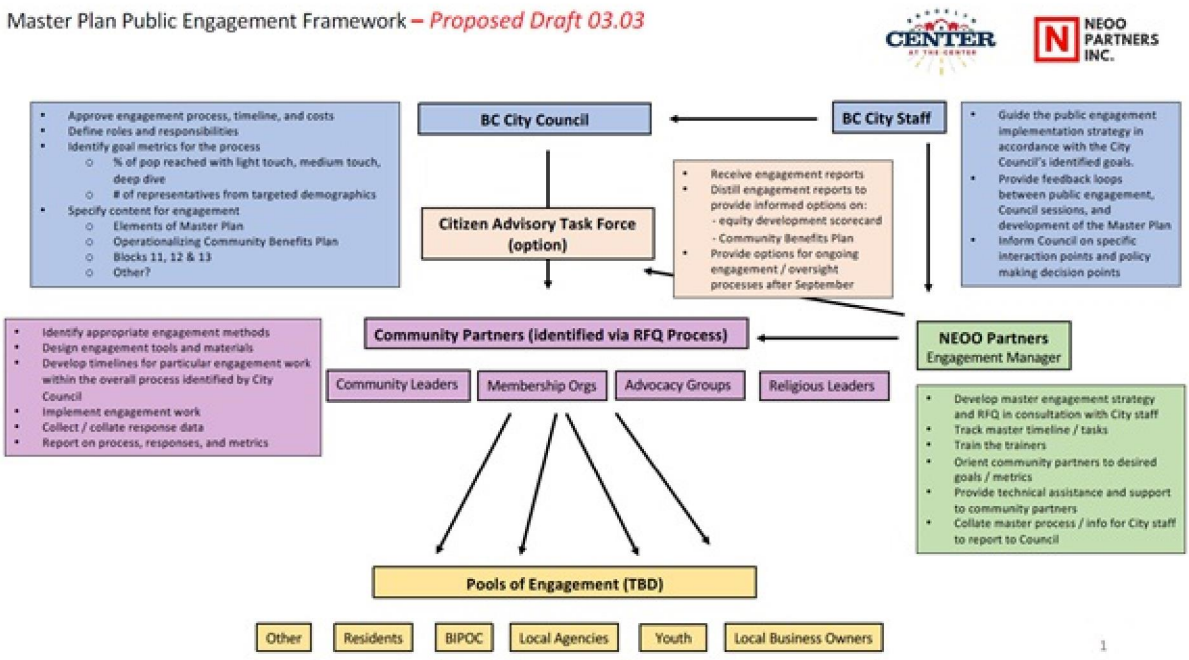
Alatus Development (Blocks 11, 12, and 13) Concerns:

- Lack of information on the preliminary development plan
- Conflation of the Master Planning process and Alatus site approval process
- Lack of clarity about where there are City Council touchpoints in this development approval process

In order to address these concerns, City engaged NEOO Partners, a firm particularly skilled in place-based community driven development strategies, to develop a public engagement strategy that will provide 1) tools for deeper levels of transparency between the public, City staff, and the City Council, and 2) clarity of the roles and responsibilities of City Council, City staff, selected Community Partners, the public, and any prospective development partners. The goal for this higher level of transparency and a shared vision is to ensure that a robust, comprehensive, and meaningful public engagement process happens, and that residents, stakeholders, and the City Council are all aware of the anticipated community benefits from private investment on the Opportunity Site.

Engagement Strategy

In March 2021, NEOO Partners presented to the City Council a community-based engagement strategy (attached) that would empower community partners to define the engagement tools and strategies that work best for reaching their particular communities, while clearly defining the role and responsibility of the City Council, its staff and consultant team in this effort.



As part of their engagement strategy, NEOO Partners identified different methods of engagement, which would require different levels of investment in terms of staff time, resources, and process timeline. NEOO Partners provided a range of engagement strategies that correlate with varying cost and time options in the table below.

Engagement Level	Light Touch	Medium Touch		Deep Dive	
	Inform	*Consult*	*Involve*	*Collaborate*	*Defer*
Community Engagement Goals	Provide community with relevant information	Gather input from the community	Ensure community needs and assets are integrated into process and inform planning	Ensure community capacity to play a leadership role in implementation of decisions	Foster democratic and equity by placing full decision-making in the hands of the community; bridge divide between community and governance
Potential Activities	Flyers / Mailers, Fact sheets, City Council presentations, Facebook Live community meetings, Explainer videos, Website updates	Public comment, Community forums, Surveys, Other	House meetings, Interactive workshops, Polling, Focus groups, Other	Working groups, Community Organizing, Citizen Advisory Committees, Open Planning Forums, Other	Community-driven planning, Consensus building, Participatory action research, Cooperatives, Other
Oversight / Support	City Staff & Consultants, NEOO Partners	City Staff & Consultants, NEOO Partners	City Staff & Consultants, NEOO Partners	City Staff & Consultants, NEOO Partners	City Staff & Consultants, NEOO Partners
Timeline	8-12 weeks w/ ongoing updates	10-16 weeks	16-20 weeks	16-24 weeks	24+ weeks / ongoing
Budget / Contract Max Per Community Partner	$15,000	$25,000	$25,000	$50,000	$50,000

*Adapted from *From Community Engagement to Ownership*, An Urban Sustainability Directors Network Innovation Fund Project conducted by Facilitating Power, Movement Strategy Center, and the National Association of Climate Resilience Planners

The NEOO team proposed engagement efforts, which would focus on the existing draft Master Plan, but more specifically the planned development along blocks 11,12, and 13 by Alatus and their development partners. This would allow people to focus the engagement process on tangible projects, with prospective partnerships and real-time community benefits.

In addition, this approach allows the engagement process to function as a pilot, assisting the City to learn and adjust as the process unfolds, setting benchmarks and precedents for public engagement on the entirety of the Opportunity Site Redevelopment, as well as other future development projects in the City of Brooklyn Center.

The intention is to do engagement in new and more community-driven ways, that has not been done before, and to learn from the process to inform future engagement efforts the City will undertake.

Community Partner Response

NEOO Partners on behalf of the City of Brooklyn Center released a Request for Qualifications to solicit interested community partners to provide community engagement activities for its Opportunity Site. Eleven community partners responded to the request. NEOO Partners, the Community Engagement Manager for the project, reviewed the proposals submitted and interviewed ten community partners who expressed interest in moving forward after learning more about the project. Community partners were then asked to submit a detailed scope and itemized budget reflecting how they would engage the community. A total of seven organizations submitted proposals with ranges from $10,000- $229,000 to provide various community engagement activities in target communities. Proposals included strategies in all three ranges, light touch, medium touch and deep dive.=

The total ask from the proposals was $553,000. Descriptions of each community partner organization, and a summary budget of the work, is included as an attachment to this report.

After reviewing the proposals NEOO Partners developed a scope of services for community engagement that streamlined and structured the process. This would allow the Community Partners to deliver community engagement more efficiently, and eliminate duplicative efforts.

NEOO Partners is advising the City of Brooklyn Center to contract with up to 10 community partners who are representative of the diverse community within the city.

NEOO Partners is further asking the City Council to consider a total engagement budget of $300,000 to be dispersed contractually to community partners to perform certain engagement activities over a five month period occurring July 1- December 1. This will allow flexibility to deliver community engagement in an iterative way, and make adjustments as the process unfolds to ensure there are no gaps.

ACER has submitted a proposal to assist NEOO Partners and the City with coordination of the process, and to fill in the gaps related to demographic targeted groups, as they become apparent. They will also convene the Citizen Advisory Taskforce as part of their role. A separate contract would be provided to ACER to conduct this work.

At least one contract will be issued to a community partner to develop, design, and market the engagement activity in coordination with the other community partners. This will ensure consistent messaging and branding, and eliminate the need to duplicate this task among the community partners. This scope of work is attached to this report.

The balance of the organizations will fall under a Community Partner scope of work (attached). The average engagement contract for each community partner organization would be $25,000 to $40,000 and is within the range of standard for this level of engagement work.

Attached are draft engagement scopes that list the community engagement activities that the community partners will be expected to perform.

Additionally, here is the proposed timeline of engagement activities from July 1 to December 1, 2021. This is an extended timeline from that which was presented by NEOO Partners in March, which had the engagement wrapping up in August. The process has been delayed due to the recent civil unrest, and community partners requested additional time to do their work. the development team has agreed that the engagement is a critical process and has in turn delayed their land use submission timeline to align with the engagement timing.

Recommendation

NEOO Partners is recommending that the City Council authorize a budget of up to $300,000 to contract with up to 10 community partner organizations in order to deliver the community engagement strategy. The authorization would allow flexibility to work in an iterative way with the community partners to ensure that the process is broad sweeping, yet efficient.

Budget Issues:

Staff is seeking up to $300,000 from the TIF 3 fund to support this community engagement strategy.

Inclusive Community Engagement:

The purpose of this request is to deliver a deep and meaningful community engagement process which focuses on those residents most likely to be impacted by the development.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Inclusive Community Engagement

ATTACHMENTS:

Description	Upload Date	Type
Description of Community Partners	6/9/2021	Backup Material
Budget Range	6/8/2021	Backup Material
Marketing Community Partner Scope of Work	6/8/2021	Backup Material
Community Partner Scope of Work	6/8/2021	Backup Material
Engagement Narrative	3/4/2021	Backup Material
190004 Public Engagement	3/4/2021	Backup Material

Resolution 6/14/2021 Resolution Letter

Description of Community Partners Brooklyn Center Opportunity Site

Mwanyagetinge Org. is a 501c3 organization that aims to provide services to the Kenyan immigrant community in Minnesota. A significant number resides within Brooklyn Center. We strive to significantly improve the well-being of all members through education, economic development, social and welfare programs, sustainable partnerships, and advocacy.

Minnesota Africans United operates within community engagement work by collaborating with sub-contractors that represent different African nations that are represented in Minnesota. For this particular work, we will sub-contract with the following groups: Off the Blue Couch, Peace Global Health Foundation, Ignite Business Investment Women's Group, Christ United Methodist Church, Twin Cities African Center of Influence/Kenya Community, Cavalla Travel and Tour, MBJ Fashion, MJ Accent, Saint Alphonsus Catholic Church, Brooklyn Center, and Triumph Graphics.

Minnesota Institute for Nigerian Development (MIND) is the umbrella organization representing all Nigerians in the State of Minnesota. In other words, MIND is the representative of many other Nigerian ethnic cultural organizations. The organization draws its membership from all Nigerian ethnic cultural groups living in Minnesota

MAC Minnesota African Coalition has evolved to be a reliable partner to the city of Brooklyn Center and fierce advocate of the marginalized communities in the city. MAC has hands-on experience working with African immigrant community groups that have been historically marginalized, and left out of traditional community engagement and public planning processes. We have built trust with these communities through continuous collaboration and interactions with community organizations, businesses, individuals, troubled youths, concerned mothers, single moms, leaders, and involvement in small and big community-based projects. MAC wil also be partnering with **PAADIO** to provide engagement activities.

LIBA-Diaspora was founded to aid, counsel, assist and protect the interests of Liberian-owned and minority business in the diaspora while working to preserve free competitive enterprise. We engage in advocacy, partnerships and projects that promote entrepreneurship, build business capacities and foster
dialogue on economic development and private sector issues and challenges; with the goal of promoting solutions and best practices that lead to sustained economic growth and private sector empowerment.

Empire Smile as a culturally responsive media agency that educates, informs, and promotes community events/news using three major formats.

Brooklyn Bridge Alliance for Youth will focus and center young adults (aged 15 – 25 years old) who live or attend school in Brooklyn Center. Additionally, we plan to hire at least four students (Youth Organizing Team [YOT]) to help lead, design, facilitate, coordinate, and organize youth. These students will be local and be a mix of high school and college-aged youth.

Paadio Consulting is a social enterprise focused on economic inclusion programs for racial equity. We specialize in community engagement, micro business development, and wealth building, specifically for underrepresented communities - African immigrants and the larger BIPOC population. Our presence is embedded in Brooklyn Center, which gives us a local perspective within one of the most diverse communities in the midwest.

Breakdown of Activities and Costs	**Per Community Partner**		
Study Area Map	$2,500.00	$2,500.00	$2,500.00
Community Profile	$1,500.00	$1,500.00	$1,500.00
Flyers Design and Dissemination	$1,000.00	$1,000.00	$1,000.00
Surveys Design and Disseminaton	$1,000.00	$1,000.00	$1,000.00
Questionanaires Design and Dissemination	$1,000.00	$1,000.00	$1,000.00
Video Content for Advertising	$2,500.00	$2,500.00	$2,500.00
Audio Content for On-Air advertising	$2,000.00	$2,000.00	$2,000.00
Conduct Community-wide Meetings (range 2-4)	$5,000.00	$7,500.00	$8,000.00
Conduct Focus Group Meetings (range 2-5)	$5,000.00	$10,000.00	$13,000.00
Engagement at one Community Event	$2,500.00	$2,500.00	$2,500.00
Pictures taken at event	$200.00	$200.00	$200.00
Attend four monthly partner check in meetings	$800.00	$800.00	$800.00
Total	$25,000.00	$32,500.00	$36,000.00

$2,500.00
$1,500.00
$1,000.00
$1,000.00
$1,000.00
$2,500.00
$2,000.00
$10,000.00
$15,000.00
$2,500.00
$200.00
$800.00

$40,000.00

The City of Brooklyn Center is partnering with a pool of qualified community partners to lead and implement a variety of community engagement activities from targeted demographic groups. Feedback solicited through the engagement process will inform and shape the Opportunity Site Pilot Project.

The community engagement activities will also inform future public and private investments and shape a Community Benefits Plan, which will outline how the Opportunity Site can achieve identified metrics that will support a local thriving community.

In order to ensure that the Opportunity Site benefits existing and future residents it is imperative that a diverse and representative cross section of the community is able to provide input on the plan. The following scope outlines the tasks and deliverables.

Project Details

The Pilot Project consists of the proposed development of approximately 15 acres located within the 85 acre Opportunity Site. The Pilot Project Development Team is led by the development company, Alatus working in partnership with Project for Pride in Living and Resurrecting Faith World Ministries. The proposed plan for the Pilot Project includes a mix of housing, small business incubator space, and community amenities, such as an event center, public plaza, and public art. The purpose of the community engagement activities is to provide input on the proposed development strategy to ensure it meets the current and future community needs and influence additional potential uses of the site.

Scope

Task 1: Develop and Disseminate Collateral Materials
Community Partners will develop content and design for the Brooklyn Center Opportunity Site for distribution across social media platforms, email, city website, and for print.

Community Partners will also post and/or distribute content and materials across its social media platforms and by email.

Community Partnerswill provide materials to the city and other community partners for dissemination.

Deliverable: Flyers, Surveys, Questionnaires in an electronic file compatible for upload to instagram, Facebook, whats app, website, email and for print.

Timeframe: July 1, 2021

Task 2: Coordinate and Manage Marketing Across Various Local Platforms
Community Partners will work with local media agencies to market projects. This includes providing audio or video content to local broadcast stations, spotify or other identified podcast/radio productions, and youtube channels.

Deliverable: Microsoft Word Document
Timeframe: Ongoing Monthly/ Bi-weekly throughout the project period

Task 3: Develop Video and Audio Content for distribution
Community Partners will develop video and audio content for distribution across various platforms. The content will be used to increase community engagement and create excitement surrounding the pilot project. Community Partners will develop one audio file and two video files. The video file will include content about the opportunity site and a call to action for community engagement. The second video file will include content reflecting the actual engagement activities such as footage from town hall meetings and feedback.

Deliverables: Audio file, Video files
Timeline: November 1, 2021

Task 4: Solicit community input and feedback pertaining to the development of the Pilot Project Site

Community Partners will solicit community input and feedback from targeted demographic groups during community engagement activities and additional engagement activities where applicable such as comments left under videos posted on youtube, facebook, or during podcasts. Community Partners will capture input and compile into a written report, summarizing engagement activities and results of input.

Deliverable: Report compiling data (template will be provided)collected. A report must be submitted following each community engagement activity.
Timeline: November 1, 2021

Task 5: Reporting and Administration
Community Partners will provide monthly status reports that include milestones reached, challenges encountered, and next steps. Community partners will also provide a monthly itemized invoice. Community partners are required to attend the Project Kickoff Meeting to discuss the project and scope of work in detail. Meeting attendees are the Project Development Team including the Community Engagement Manager and City Staff. Community Partners are encouraged to come with questions. Community partners must also attend partner check-in meetings with the Community Engagement Manager, NEOO Partners. It is anticipated that three

partner check-in meetings will be held throughout the project period. However, additional meetings may be required including those with city officials.

Deliverable: Progress report in Microsoft Word, Itemized Invoice
Timeline: Tentative dates:
Kickoff July 7,
Partner Check-In August 10,
Partner Check-In September 14,
Partner Check-In October 12
City Council/Public Release December 2021

The City of Brooklyn Center is partnering with a pool of qualified community partners to lead and implement a variety of community engagement activities from targeted demographic groups. Feedback solicited through the engagement process will inform and shape the Opportunity Site Pilot Project.

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Project Details

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Scope

Task 1: Identify Neighborhood Engagement Targeted Study Area
Community Partners will provide a targeted neighborhood map and/or neighborhood street boundaries that clearly identifies where community engagement activities will take place.

Deliverable: Neighborhood map, written street boundaries of engagement area
Timeframe: July 1, 2021

Task 2: Develop Community Profile that is reflective of the Neighborhood Study Area
Community Partners will develop a community profile of the targeted demographic group that includes neighborhood population, age profile grouped in the following categories
(> 25, 25-55, 56-70, >70 year old), race/ethic group.

Deliverable: Microsoft Word Document
Timeframe: November 1, 2021

Task 3: Facilitate Community Engagement Activities
Community partners will engage in and lead four community engagement activities and at least one additional engagement activity throughout the course of the project. The goal is to solicit input from at least 10 percent of the targeted demographic group. Community Partners will engage in the following activities:

A. Two Neighborhood-wide meetings
    a. One neighborhood-wide meeting will be held to introduce the project, goals, and process
    b. One neighborhood-wide meeting will be held to solicit community input

B. Two Focus Group Meetings
    a. Two focus group meeting will be held to solicit comments using surveys and questionnaires

C. Additional Engagement Activities such as dissemination of surveys, flyers, and questionnaires at community events, such as festivals, churches, and through online forums

Deliverables: Pictures taken at event, sign-in sheets, agenda, and powerpoint presentations
Timeline: November 1, 2021

Task 4: Solicit community input and feedback pertaining to the development of the Pilot Project Site

Community Partners will solicit community input and feedback from targeted demographic groups during community engagement activities and additional engagement activities. Community Partners will capture input and compile into a written report, summarizing engagement activities and results of input.

Deliverable: Report compiling data (template will be provided) using surveys and questionnaires. A report must be submitted following each community engagement activity.
Timeline: November 1, 2021

Task 5: Reporting and Administration
Community Partners will provide monthly status reports that include milestones reached, challenges encountered, and next steps. Community partners will also provide a monthly itemized invoice. Community partners are required to attend the Project Kickoff Meeting to discuss the project and scope of work in detail. Meeting attendees are the Project Development Team including the Community Engagement Manager and City Staff. Community Partners are encouraged to come with questions. Community partners must also attend partner check-in meetings with the Community Engagement Manager, NEOO Partners. It is anticipated that three

partner check-in meetings will be held throughout the project period. However, additional meetings may be required including those with city officials.

Deliverable: Progress report in Microsoft Word, Itemized Invoice
Timeline: Tentative dates:
Kickoff July 7,
Partner Check-In August 10,
Partner Check-In September 14,
Partner Check-In October 12
City Council/Public Release December 2021

Additionally, below is the scope of work to be performed by ACER.

ACER will fill in the present gaps in communities that are not represented. Recruit additional organizations from the SE Asian and Latinx communities.
• Provide technical assistance to these community groups in conducting community engagement.

Convene Citizen Advisory Taskforce
• Design process for Citizen Advisory Taskforce
• Recruit members of the CAT through open community process
• Level set the CAT on the Opportunity Site Development
• Apply iterative process between the CAT and the community engagement to ensure that the voices of community are being heard and are accurately represented at this table
• Receive engagement reports
• Distill engagement reports to provide informed options on:
- equity development scorecard
- Community Benefits Plan
• Provide options for ongoing engagement / oversight processes after September

Community Engagement
• Conduct 4 focus groups
Pools of people to engage:
• Residents – Renter community
• Local Business owners
• Local organizations
• Regional Stakeholders

Recruitment, level setting of organizations and providing technical assistance and tools:
Recruitment – 40 hours @ $35/hr
Level setting & Technical assistance – 40 hours @ $50/hr
Community Engagement:
Outreach – 30 hours @ $35/hr
Facilitation – 12 hours @ $70/hr
Citizen Advisory Taskforce:

Design – 30 hours @ $50/hr
Recruitment – 30 hours @ $35/hr
Meeting preparation, documentation & Reporting – 50 hours @ $50/hr
Facilitation – 40 hours @ $70/hr

BROOKLYN CENTER MASTER PLAN PUBLIC ENGAGEMENT NARRATIVE

1. Problem Statement

In April 2018, the City of Brooklyn Center awarded a Preliminary Development Agreement to Alatus for 35 acres of EDA-owned property within the Opportunity Site. In 2019, the scope of Alatus' focus narrowed to a smaller 15-acre area known as Blocks 11, 12, and 13 of the Opportunity Site. Additionally, since early 2019, the City, along with its consultant team, have spearheaded a public engagement process centered on developing and refining a Master Plan for the entire 80-acre area known as the Opportunity Site that aligns with and reflects the desires and needs expressed by local community members. In January 2021, the City Council expressed points of particular concern related to the Opportunity Site Master Plan public engagement process to date, and the corresponding Alatus development of Blocks 11, 12, and 13.

These concerns are outlined below.

Opportunity Site Master Plan
Concerns:

- Quality and quantity of engagement done to date
- Potential gaps in the targeted groups and individuals included and/or informed in the public engagement process
- Lack of trust in the process and the people involved
- Lack of clarity regarding where the City Council is leading and/or making decisions in the Master Plan process

Alatus Development (Blocks 11, 12, and 13)
Concerns:

- Lack of information on the preliminary development plan
- Conflation of the Master Planning process and Alatus site approval process
- Lack of clarity about where there are City Council touchpoints in this development approval process

2. Macro Strategy

In order to address these concerns, City staff is working in consultation with NEOO Partners to develop a public engagement strategy that will provide 1) tools for deeper levels of transparency between the public, City staff, and the City Council, and 2) clarity of the roles and responsibilities of City Council, City staff, selected Community Partners, the public, and any prospective development partners. The goal for this higher level of transparency and a shared vision is to ensure that a robust, comprehensive, and meaningful public engagement process happens, and that residents, stakeholders, and the City Council are all aware of the anticipated community benefits from private investment on the Opportunity Site.

The following pages outline a proposed Master Plan Public Engagement Framework developed and led by NEOO Partners, the Engagement Manager, to guide the City through a process and enable concrete decisions to be made about the appropriate engagement process, timeline, and monetary investment. Additionally, this framework seeks to aid the City Council in establishing specific parameters regarding the content for engagement and the goals related to the metrics that will measure robust community input in the Master Plan process.

3. Role of the Engagement Manager

NEOO Partners is a burgeoning local MBE with a growing national practice at the intersection of community engagement, commercial real estate development, and urban planning. The firm uses a Racial Equity and an Environmental Restorative Development framework to center their work on people through a place-based strategy lens.

A core element of their work is community engagement. The NEOO Partners team believes that community engagement is best done through a capacity building framework called “Raise the B.A.R.R." This framework builds upon the idea that community members are the best people to engage their communities. The NEOO Partners team also holds that community engagement has traditionally been done in an extractive manner where community members give all sorts of information to organizations and in return they receive little value or personal capacity building in the process. This is why the B.A.R.R. model represents a shift in thinking about community engagement.

B. = Balance: In almost every community the aspirations for “what could be?” typically outpace the availability of financial resources or technical expertise to make it happen. In this portion of work, the NEOO team focuses on creating balance in the mind of community members and community partners between Reality and Aspirations.

A.= Awareness: Secondly, most community members tend to have affinity towards certain programs, event spaces, and places of commerce. This preference has the tendency to impair individuals' ability to see other locations which provide amenities, resources, or options for commerce as valuable, or "for them". The work is truly focused on understanding community member preferences while also supporting an increased awareness of existing assets to prevent the dilution of resources for items that are already provided in the community.

R&R. = Relationships and Resources: Lastly, capacity building as community engagement would be remiss without intentional relationship building and resource allocation in support of community members / partner organizations in leading the engagement in their community.

4. Role of Community Partners / RFQ

The Public Engagement Framework begins with the understanding that empowering trusted Community Partners to lead the public engagement process is a critical avenue for convening strong, rich and meaningful dialogues that value and respect stakeholder feedback.

Developing transparent and authentic dialogues between community members and City leadership will result in actively shaping the priorities not only for the Opportunity Site Master Plan but also the direct community benefits residents can expect from private investment.

In light of this, the public engagement strategy involves working with the Engagement Manager, to identify trusted Community Partners that will work alongside the City Council in reaching different pockets of the Brooklyn Center community. These Community Partners would be tasked with the important work of developing community engagement tools, messaging, and methods for engaging the targeted community groups; some of which are the hardest to reach through traditional planning engagement processes.

Along these lines, City Staff will work with the City Council to outline the specific engagement content, a clear list of preferred engagement methods / priorities, and target populations for engagement.

These conditions will inform a Request For Qualifications process which will allow for community members, including individuals, churches, for-profit and nonprofit organizations to apply to be a community partner for the next phase of public engagement on the Opportunity Site Master Plan. The RFQ process provides transparency around what the City intends to get out of a community engagement process, and the roles and responsibilities of all parties.

The respondents will be evaluated, and selected respondents to this RFQ will be entered into a Pre-Approved Community Engagement Pool. The City then would have the ability to select targeted respondents based upon their ability to reach hard to reach communities. The Engagement Manager would work with each respondent to right size scopes and responsibilities during the engagement process, and ensure the progress made by the selected Community Partners is done in a timely manner.

5. Engagement Content / Education

An important aspect of the Public Engagement Framework involves the Public Education component mentioned in NEOO Partners' Balance and Awareness phases of the B.A.R.R model. Ultimately, the City Council would set the parameters, boundaries, and limits of the engagement to take place.

To prepare for the larger engagement framework process, the Engagement Management Team has created three focus areas for public education.

1. **History**: This content will involve educating the local community on the engagement work done to date, particularly related to the land uses and the processes of engagement already achieved to inform the current draft of the Master Plan and the initial concepts presented in the Alatus preliminary site plan for Blocks 11, 12, and 13. This component will likely involve a centralized website managed by the Engagement Manager that serves as a clearinghouse of information related to prior work done around community engagement, as well as draft stages of the Master Plan and preliminary development plans for Blocks 11, 12, and 13.

2. **Master Plan**: This content will be focused on continuing to identify and refine the desired and prioritized uses and goals for the Opportunity Site Master Plan in alignment with expressed community values, additional shaping and programming of the public spaces in accessible and equitable ways, and further determining the scale and impact of the Master Plan goals within the broader community.

3. **Community Benefits**: This content will work to provide direct linkages between the Master Plan's goals and priorities and how these are operationalized to meet tangible outcomes/benefits for residents in the Brooklyn Center community. Content focus areas within community benefits might include jobs, housing, parks, infrastructure, amenities, revenues, tax disparities, and opportunities for entrepreneurial catalyzation.

City staff anticipate working with the City Council to develop a prioritized list of content areas for focused public education and engagement as it relates to each of these outlined focus areas.

NEOO Partners will synthesize the community feedback gathered from Community Partners and create shareable summary documents for community stakeholders and the

City Council to see their engagements reflected in tangible results, and, furthermore, how those tangible results are reflected in the strategies for achieving community benefits.

6. Methods of Engagement

There are varying degrees of public engagement to be addressed through the outlined Public Engagement Framework. These fall into three categories, which have been termed as light touch, medium touch, and deep dive.

1. *Light touch*: This level of public engagement is the least involved and represents a methodology for generally informing the public through trusted messengers while providing opportunities for voluntary response. This approach does not ask for direct input or feedback from targeted community representatives or in relationship to specific components of the process or plans. Examples of light touch methods could include:
    a. City-controlled Master Plan website as a clearinghouse of information related to work done to date, drafts of the various plans / benefits, and options for submitting comments and questions via email or a website form.
    b. Facebook Live events as a means for sharing City staff presentations or Council work discussions with the broader public and allowing for public comments during the event that could be collected to inform the Master Plan.
    c. Mailers delivered to constituents that include information such as:
        i. Overview of the Master Plan
        ii. Link to the City Master Plan website
        iii. QR code for general survey questions

2. *Medium touch*: This level of public engagement involves proactive and targeted sharing of information with particular groups / community constituents with specific requests for constituent input related to particular components of the Master Plan. Examples of medium touch methods could include:
    a. Online forums for specific resident / business groups within an identified geography that address:
        i. Overview of the Master Plan
        ii. Opportunities for gathering individual comments / feedback related to specific components of the Plan
        iii. Follow up link to targeted survey questions
    b. Door knocking within specific geographies to discuss Master Plan and ask targeted questions to gather constituent input.
    c. Targeted surveys with most impacted target groups.

3. *Deep Dive*: This level of engagement involves highly focused conversations with specific groups of community representatives. These conversations are meant to be directive in shaping the goals and priorities established in the Master Plan, as well as setting the appropriate guidelines and metrics for how the goals and priorities are

operationalized and achieved through specific Community Benefits standards set forth in individual development projects pursued within the Opportunity Site. Examples of deep dive methods could include:

a. Convene working groups with most impacted target groups that involve deliberate discussions and asking detailed questions to shape the Master Plan and Community Benefits.

b. Attend specific community task force meetings to share information, lead deliberate discussions and ask detailed questions around the Master Plan and Community Benefits. This might include venues such as school board, chamber of commerce, neighborhood associations, rotary, and others.

c. Developing a Citizen Advisory Engagement Task Force that consists of community voices tasked with receiving and distilling the reports from the Community Partners in order to provide the Council and City staff with a series of informed options related to a Community Benefits Plan and an equitable development scorecard.

Engagement Level	**Light Touch**	**Medium Touch**		**Deep Dive**	
	Inform	*Consult*	*Involve*	*Collaborate*	*Defer*
Community Engagement Goals	Provide community with relevant information	Gather input from the community	Ensure community needs and assets are integrated into process and inform planning	Ensure community capacity to play a leadership role in implementation of decisions	Foster democratic and equity by placing full decision-making in the hands of the community; bridge divide between community and governance
Potential Activities	Flyers / Mailers, Fact sheets, City Council presentations, Facebook Live community meetings, Explainer videos, Website updates	Public comment, Community forums, Surveys, Other	House meetings, Interactive workshops, Polling, Focus groups, Other	Working groups, Community Organizing, Citizen Advisory Committees, Open Planning Forums, Other	Community-driven planning, Consensus building, Participatory action research, Cooperatives, Other
Oversight / Support	City Staff & Consultants, NEOO Partners	City Staff & Consultants, NEOO Partners	City Staff & Consultants, NEOO Partners	City Staff & Consultants, NEOO Partners	City Staff & Consultants, NEOO Partners
Timeline	8-12 weeks w/ ongoing updates	10-16 weeks	16-20 weeks	16-24 weeks	24+ weeks / ongoing
Budget / Contract Max Per Community Partner	$15,000	$25,000	$25,000	$50,000	$50,000

*Adapted from *From Community Engagement to Ownership*, An Urban Sustainability Directors Network Innovation Fund Project conducted by Facilitating Power, Movement Strategy Center, and the National Association of Climate Resilience Planners

7. Implementation

Implementation of the Public Engagement Framework will be directed by City staff in accordance with the processes, timeline, and costs approved by City Council. Furthermore, in support of City staff, NEOO Partners will serve as the Engagement Manager. Initially, in consultation with City staff, NEOO Partners will develop and lead the Community Partners RFQ process. Following the selection of Community Partners by the City, NEOO Partners will directly manage the Community Partners and public engagement master task list to ensure the engagement efforts are coordinated, well-implemented, and reported clearly to the City.

The Community Partners selected through the RFQ process will take the lead in identifying the appropriate methods of engagement that align with the City's established parameters for public engagement standards. Each Community Partner will be tasked with designing the necessary engagement tools and materials as well as implementing the specific engagement work particular to their target groups for engagement. Additionally, the Community Partners will be responsible for collecting and collating the response data to provide clear reports on the process, responses, and metrics they have achieved with their public engagement work.

NEOO Partners will provide a comprehensive document that synthesizes the public engagement work led by each of the Community Partners, highlighting the goals and priorities that should inform the Master Plan as well as providing recommendations for operationalizing Community Benefits in regard to particular developments.

Citizen Advisory Task Force Option: In addition to the on-the-ground engagement work led by the Community Partners, a Citizen Advisory Task Force could be convened to play a role in distilling the community engagement reports produced by the Community Partners into a series of informed options that help guide the City Council and City staff in the formulation of a Community Benefits Plan and an equitable development scorecard. A successful Citizen Advisory Task Force will need to have a clear definition of and direction on their role, specific mechanisms for group management and/or touchpoints with City staff and NEOO Partners, and expectations related to any deliverables.

8. Timeline

The proposed timeline for implementing this Public Engagement Framework is as follows:

March 2021	- City staff presents Master Plan Public Engagement Framework strategy / process

	- City Council approves Master Plan Public Engagement process, budget, timeline - City staff and NEOO Partners develop and issue RFQ for selecting Community Partners to lead public engagement - *City staff and NEOO Partners develop selection process and issue RFQ for Citizen Advisory Task Force (option)*
April 2021	- City approves pool of Community Partners - NEOO Partners coordinates master engagement strategy and supports Community Partners in identifying appropriate engagement strategies and tools - Community Partners begin public engagement work with NEOO technical assistance - *City Council selects / approves Citizen Advisory Task Force members (option)*
May - Sept 2021	- Community Partners implement public engagement work with NEOO technical assistance - *City staff and NEOO Partners support Citizen Advisory Task Force with technical assistance related to Master Plan and frameworks for Community Benefits Plan and equitable development scorecards (option)*
Sept 2021	- Community Partners report on engagement work - *Citizen Advisory Task Force distills engagement reports into a set of informed options related to the Community Benefits Plan and equitable development scorecard, which are presented to City Council (option)* - City Council makes decisions on the parameters of the Community Benefits Plan and equity development scorecard - NEOO Partners collates results of engagement work and compiles a comprehensive report that outlines goals and priorities for the Master Plan along with the proposed Community Benefits Plan for operationalization with particular development work - City staff share drafts with City Council for discussion and approval - NEOO collaborates with Community Partners *and Citizen Advisory Task Force (option)* to determine the requisite scope for the next phase of community engagement
October 2021	- City drafts / incorporates community feedback into Master Plan

During March - September 2021, City staff will share relevant reports and discussion points every 2 weeks at City Council work sessions to review corresponding components of the Opportunity Site Master Plan and the engagement work being accomplished.

9. Pilot Project Approach

Community Engagement, especially within the context of capacity building can be very nebulous during a Master Planning process. Oftentimes, we have found it to be more beneficial to ground the community engagement efforts in tangible and more present programs or development scenarios. In the City of Brooklyn Center, the Opportunity Site represents a minimum of 10 years of visioning, planning, recalibrating, and implementation. It is not realistic to engage the public in the present with forecasted minds for ten years. The present needs are too great, the pressure from civil unrest, America's collective racial consciousness, and tremendous downward pressure on "normal" social interactions caused by the COVID-19 pandemic, will cause blockages in all relative ability for rational residents to "dream, forecast, or plan."

The NEOO team is proposing to use the existing Master Plan, but more specifically the planned development along blocks 11,12, and 13 by Alatus, along with Project for Pride in Living (PPL), and Resurrecting Faith World Ministries (RFWM), to focus the engagement process on tangible projects, with prospective partnerships and real-time community benefits.

Not only will this ground the community with real projects and partnerships, but it will also intentionally assist City Council along with the City's Planning and Development Staff to set benchmarks and precedents for public engagement on the entirety of the Opportunity Site Redevelopment, as well as forthcoming Community Development and Planning projects in the City of Brooklyn Center.

10. Role of Community Partners

Similar to the community engagement process prescribed for the Opportunity Site Master Plan, NEOO Partners, the Engagement Manager will work with the City to determine the appropriate Community Partners from the Pre-Approved Community Engagement Pool to help reach most impacted target groups for engagement. These selected Community Partners will work alongside the City and Alatus, PPL, and RFWM to maintain an open and transparent dialogue related to the development of Blocks 11, 12 and 13. NEOO Partners will provide technical review of the team's plan for community engagement and ensure the plan and processes align with the City's standards. Additionally, oversight by NEOO Partners will make sure that the appropriate feedback loops are being captured and considered for refining the Alatus, PPL, and RFWM development along with operationalizing the corresponding community benefits to be achieved.

11. Engagement Content / Education

The content specific to the Alatus, PPL, and RFWM development will be centered on Blocks 11, 12, and 13. In particular this will include providing information and collecting input on the proposed housing components, business incubator, community theater, public spaces, public art, parking, and connectivity of the blocks. This process will include creating mutual understanding for the development of a Community Benefits Plan that will ensure accountability and be included into the Development Rights Agreement between the City of Brooklyn Center and Alatus. The Development Agreement will serve as a template for future development phases and projects on the Opportunity Site.

12. Methods of Engagement

Particular methods of engagement will be decided upon in collaboration and consultation with Alatus, PPL, and RFWM, selected Community Partners, City staff, and NEOO Partners. NEOO Partners will provide oversight and direction to ensure that acceptable levels of participation and engagement are achieved according to the standards set forth by City staff and City Council. These might include components of light touch, medium touch, and deep dive methods as described in the Opportunity Site Master Plan Public Engagement framework.

13. Implementation

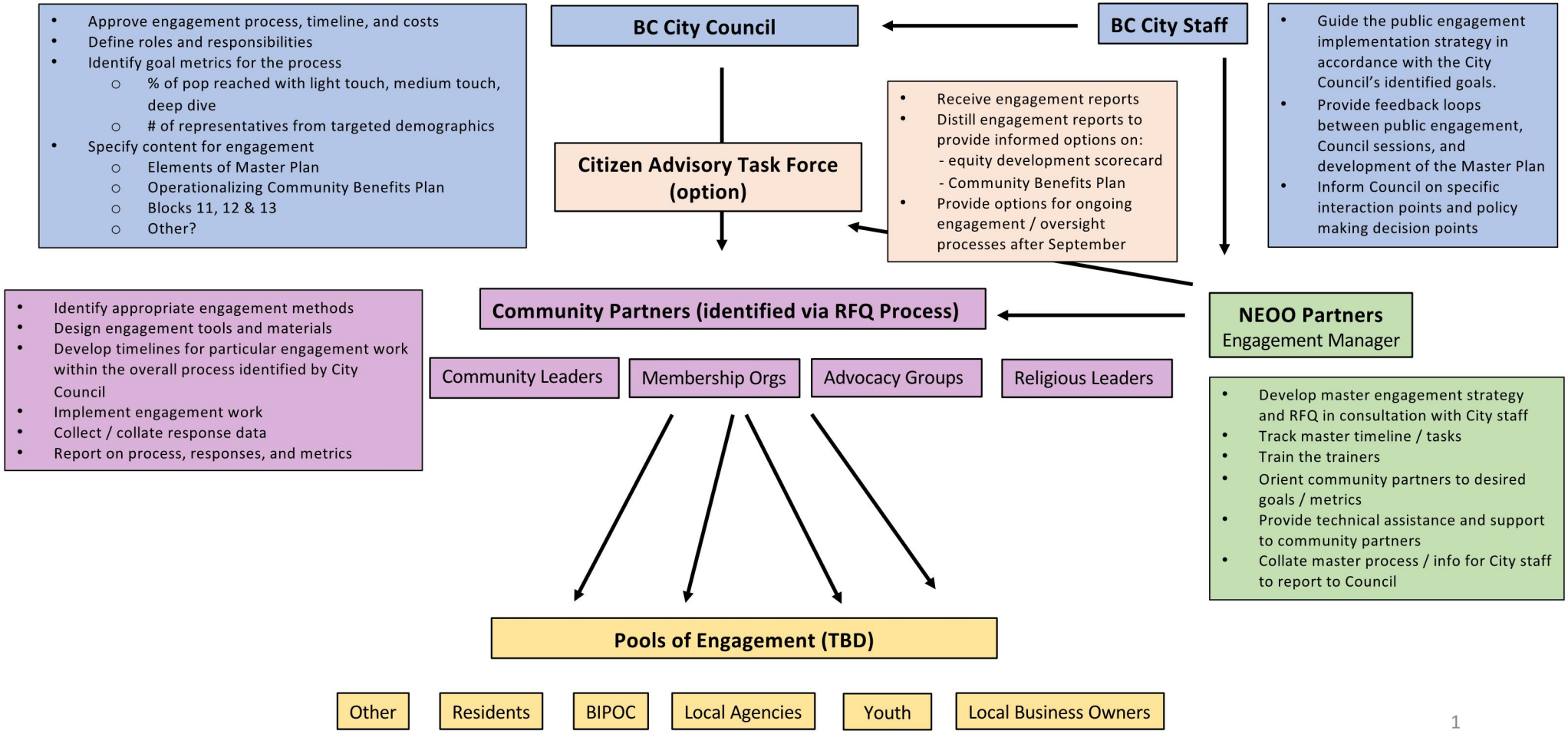
The Community Partners will lead the implementation of this engagement work in partnership with Alatus, PPL, and RFWM , with oversight from NEOO Partners and City staff. The engagement will result in a formal report back to the City Council as well as direct improvements and alterations to the Master Plan blocks 11,12 and 13.

14. Timeline

The proposed timeline for implementing this Pilot Project engagement strategy in relationship to the Master Plan Engagement Strategy is as follows:

March 2021	- City staff presents Master Plan Public Engagement Framework strategy / process - City Council approves Master Plan Public Engagement process, budget, timeline - City staff presents Pilot Project Approach for Blocks 11, 12, & 13 - City Council approves Pilot Project Approach - City staff and NEOO Partners develop and issue RFQ for selecting Community Partners to lead public engagement
April 2021	- City approves pool of Community Partners - NEOO Partners manages the selection of Community Partners and the corresponding engagement strategies and tools to guide Pilot Project community engagement with Alatus, PPL, and RFWM
May - Aug 2021	- Alatus, PPL, and RFWM work with Community Partners to implement public engagement work with oversight by NEOO Partners and the City
August 2021	- Alatus submits for Entitlements
Aug - Sept 2021	- Alatus, PPL, and RFWM refine development plan for Blocks 11, 12, and 13 and presents corresponding draft of the Pilot Project Community Benefits for discussion, review, and approval by City staff and City Council
Sept/Oct 2021	- Entitlements received for Blocks 11, 12, and 13

Master Plan Public Engagement Framework – *Proposed Draft 03.03*



Downtown Brooklyn Center : Public Engagement Activities

2019

ROUND 1 ENGAGEMENT

In Person
12 Engagements ### people attended

On Line
name and results

Youth Engagement
81 participants ages 14-18 yrs

PAADIO Meetings
300 people attended
117 Surveys

LISC Corridor Initiative Sessions
4 Workshops
150 people attended

RESULTS AND OUTCOMES
> 1000 direct engagements
> 30 meetings

January 2020
Draft Master Plan

2020

ROUND 2 ENGAGEMENT

WORKING COMMITTEE*

BROOK BRIDGE
ALLIANCE FOR YOUTH
JUDE NNADI

COVID

On Line
Project Website

RESULTS AND OUTCOMES
2500 direct engagements
140,000 website hits

2021

ROUND 2 REBOOT ENGAGEMENT

Pool of Community Partners

Engagement Manager

Master Plan

Phase 1 Pilot

Fall 2021

Master Plan
- » Trechnical studies
- » Community Benefits Plan

Phase 1 Pilot
- » EAW
- » Development Agreement

*** Working Committee**
ACER, CAPI, OLM, LIBA, Alliance for Metropolitan Stability, Brooklyn

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-___

RESOLUTION AUTHORIZING A COMMUNITY ENGAGEMENT PILOT PROGRAM WITH COMMUNITY PARTNERS FOR THE OPPORTUNITY SITE

WHEREAS, in 2018 the City of Brooklyn Center ("City") entered into a preliminary development agreement with Alatus regarding the development of the 35 acre Opportunity Site and in 2019 the focus of the agreement was narrowed to a 15 acre area known as Blocks 11, 12, and 13 ("Reduced Development Area"); and

WHEREAS, the City of Brooklyn Center ("City") has also been engaged in a process to update the 2006 Opportunity Site Master Plan ("Plan") originally developed for the entire 80 acre Opportunity Site; and

WHEREAS, the process to update the Plan involved community engagement, but the City Council determined that additional public engagement was needed before moving forward with the development of this critical community asset; and

WHEREAS, the City formed a engagement working group among various community groups to co-create an engagement strategy with greater community representation; and

WHEREAS, an updated engagement strategy was presented to the City Council in March 2021; and

WHEREAS, the City sought interest from community organizations to provide assistance in implementing the revised engagement strategy and several organizations responded with proposals; and

WHEREAS, the City would like to move forward with a pilot project to engage up to 10 organizations that would serve as community partners to assist the City in its enhanced community engagement process, particularly with respect to the Reduced Development Area, with a budget for this pilot project not to exceed $300,000; and

WHEREAS, the City Council is committed to having a more inclusive and transparent process to gather community input regarding the development of the Opportunity Site and determines the proposed pilot project to contract with community partners to carry out a more effective community engagement process is in the best interests of the community.

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

1. The proposed pilot project to contract with community partners to carry out an enhanced community engagement strategy for development of the Opportunity Site is approved.

2. The City Council approves a not to exceed budget for the pilot project of $300,000.

3. The Acting City Manager is authorized and directed to enter into contracts with community partners to undertake the enhanced community engagement process and to take such other actions, and to execute such additional documents as may be needed, to carry out the pilot project on behalf of the City.

_____ _____

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: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: Meg Beekman, Community Development Director
BY: Xiong Thao, Housing and Community Standards Supervisor

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

Requested Council Action:

`- *Motion to approve the first reading of an Ordinance Amendment to Chapter 19 of the City Code of Ordinances regarding Regulating Native Prairie Grass and Naturalistic Vegetation and calling for a public hearing and second reading to be held on July 12, 2021.*

Background:

The Ordinance Amendment to Chapter 19 *regarding* Regulating Native Prairie Grass and Naturalistic Vegetation has been on the work session agenda several times and due to time constraints, the item has not been discussed. Interest in providing bee-friendly landscapes and native lawns has grown and several surrounding communities have adopted ordinance amendments allowing the installation of native prairie grass plantings/gardens.

On May 18, 2021 the Ordinance Amendment was brought to the Housing Commission for comments and review. The following recommendations were made by the Housing Commission related to the ordinance:

- The ordinance should reference best practices by a State or local organization
- Provide additional clarification on how the approval/denial process will be handled

The Housing Commission recommended approval of the Ordinance Amendment based on the comments provided by the Housing Commission.

Overview of the Ordinance:

- Permit is required
- Must meet setback requirements in Chapter 19-1555
- Native and naturalistic vegetation must be maintained once per year
- Area of planting must be clearly defined by edging or fence
- Plantings cannot be in the right of way
- A sign shall be posted indicating it is native and naturalistic vegetation
- Shall not extend more than 3 growing seasons

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

Budget Issues:

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

Inclusive Community Engagement:

Enhance Community Image

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Proposed Ordinance	6/10/2021	Cover Memo

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2020, at 7:00 p.m. or as soon thereafter as the matter may be heard during the regular City Council meeting to consider an ordinance related to repealing the snow emergency prohibition. City Council meetings are being conducted by electronic means under Minnesota Statutes, section 13D.021 and information on how to connect to the meeting is provided on the City's website. Please notify the City Clerk at 763-569-3306 if there are any questions about how to connect to the meeting.

ORDINANCE NO. _____

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

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

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

NATIVE AND NATURALISTIC VEGETATION PERMIT AND REQUIREMENTS

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

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

a. "Native and naturalistic vegetation" means all native grasses and native plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow or prairie plant communities, with the exception of noxious weeds.

b. "Native grasses" mean grasses that existed in the State of Minnesota prior to European settlement including, but not limited to, beach grass, wood chess grass, sand reed grass, wheat grass, bluestem grass, grama grass, brome grass, buffalo grass, switch grass, Indian grass, and wild rye, with the exception of turf grasses.

c. "Native plants" mean plants that existed in the State of Minnesota prior to European settlement.

d. "Landscape edging" means material or vegetation used to differentiate a planting bed from turf grasses or adjacent planting beds.

e. "Meadow" or "prairie" means those plant communities dominated by a diversity of native perennial herbaceous plants and grasses.

f. "Noxious weeds" mean grasses or plants so designated by the Commissioner of the Department of Agriculture, pursuant to Minnesota Statutes, Section 18.77, Subdivision 8, or plants so designated by Hennepin County or the United States Department of Agriculture. The term includes any grass or plant that exceeds the height limitations established in these Sections 19-1551 through 19-1555. The term shall not include *Taraxacum officinale* (commonly referred to as the "common dandelion").

g. "Regularly cut" means mowing or otherwise cutting grasses or plants such that the dimension of the grasses or plants measured from the ground to the top of the grass or plant (as extended upright) does not exceed 12 inches in height.

h. "Transition period" means the amount of time to change from one type of landscaping to another.

i. "Turf grasses" mean bluegrass, fescue, ryegrass blends, or those other grasses commonly used in regularly cut lawns, including such grasses with non-woody vegetation interspersed within.

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

a. City Permit Required. No person shall establish or maintain native and naturalistic vegetation without having first obtaining a native and naturalistic vegetation permit from the City.

b. Application; Review Process.

1. Any person desiring a native and naturalistic vegetation permit shall make application on a form provided by the City Manager or their designee.
2. Applications for permits shall be reviewed and either approved or denied by the City Manager or their designee.
3. An applicant aggrieved by the application decision may appeal the decision as described in this Section.

c. Conditions of Permit.

1. The holder of a native and naturalistic vegetation permit shall comply with the setback regulations as required by Section 19-1554.

2. The holder of a native and naturalistic vegetation permit shall comply with the

maintenance regulations as required by Section 19-1555.

3. The City Manager may impose such other conditions and restrictions upon a native and naturalistic vegetation permit as deemed necessary for the protection of the public interest and other properties, and to ensure compliance with the requirements of the city code.

d. Suspension or Revocation of Permit. The City Manager or their designee may suspend or revoke a permit if the permittee fails to comply with the requirements of these 19-1551 through 19-1555, or any condition placed of a native and naturalistic vegetation permit. The City shall provide the permittee written notice of the suspension or revocation that states the reasons for the decision. The notice shall also inform the permittee of their right to appeal the decision to the City Council and the deadline for filing such an appeal.

e. Appeal. An applicant aggrieved by any permit denial, suspension, or revocation decision of the City Manager or their designee may appeal the decision to the City Council. Written notice of the appeal must be given to the City Clerk within 10 days of the written decision, as indicated in the notice of decision, and must summarize the applicant's reasons for appealing. The City Council shall consider the appeal at the next regularly scheduled City Council meeting on or after 10 days from the filing of the notice of appeal to the City Manager.

Section 19-1554. SETBACK REQUIREMENTS, EXEMPTIONS.

a. Setback Regulations, Generally. Native and naturalistic vegetation shall be set back at least five feet from the side and rear lot lines, unless exempted by this Section.

b. Exemptions to Setback Regulations. No setback shall be required on the side or rear lot lines if:

1. A fully opaque fence at least five feet in height is installed between the native and naturalistic vegetation and the side and rear lot lines, as applicable; or
2. The native and naturalistic vegetation abut native and naturalistic vegetation on an adjacent lot.

Section 19-1555. GENERAL MAINTENANCE REQUIREMENTS.

a. Native and naturalistic vegetation shall be maintained in such a manner that it does not contain noxious weeds.

b. Native and naturalistic vegetation shall be maintained at least once per year through mowing or, if appropriate permits are obtained from the City Fire Chief, through burning.

c. The area in which native and naturalistic vegetation is planted shall be clearly defined

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

d. The area in which native and naturalistic vegetation is planted shall not extend into public rights-of-way.

e. For any area in which native and naturalistic vegetation is likely to be seen by the public, a sign shall be posted on the property in a location likely to be seen by the public advising that native and naturalistic vegetation, a meadow, or prairie is being established. The sign shall be in addition to any sign permitted by the sign ordinance, but shall be no smaller than 10 inches square, no larger than one square foot, and no higher than 3 feet tall.

f. The maintenance of the area to a height of 8 inches or less if weeds cover more than 25% of the landscaped area equaling in excess of 144 square feet.

g. Any native and naturalistic vegetation within 18 inches of any public street, walk, bikeway or alley shall be maintained to a height of 12 inches or less.

h. The duration of any transition period to native and naturalistic vegetation shall not extend more than three growing seasons for any specific area.

i. Except to the extent expressly allowed by these Sections 19-1551 through 19-1555, permit holders shall maintain native and naturalistic vegetation in accordance with all other requirements of the City Code.

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

Adopted this ___ day of _____ 2020.

_____
Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

Council Regular Meeting

DATE: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: N/A
BY: Mayor Mike Elliott

SUBJECT: Commission Appointments

Requested Council Action:

Background:

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Council Regular Meeting

DATE: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: N/A
BY: City Council

SUBJECT: City Manager Appointment

Requested Council Action:

Background:

The issue of appointment of the Acting City Manager was discussed at the June 7, 2021, Work Session and after much discussion there was a consensus of the Council to bring it to the June 14, 2021 City Council meeting.

Timeline to date:

- June 7, 2021 - Discussion of City Manager appointment
- May 10, 2021 - Approved Dr. Edwards' pay adjustment for duties as Acting City Manager
- May 3, 2021 - Initial discussion
- April 12, 2021 - Dr. Edwards appointed Acting City Manager

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Council/EDA Work Session
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 97680230856# Passcode: 7635693300#
June 14, 2021

AGENDA

ACTIVE DISCUSSION ITEMS

PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items

Council/EDA Work Session

DATE: 6/14/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: N/A
BY: Dr. Reginald Edwards, Acting City Manager

SUBJECT: Pending Items

Requested Council Action:

- Earle Brown Name Change for Public Property
- Council Policy for City Charter requirement of Mayor's signature on all contracts
- Strategic Plans for years 2018-2020 and 2021-2023
- Review Special Assessment Policy
- Tobacco Ordinance
- Emerald Ash Boer Policy Review
- Civilian Discipline Review Committee
- Community-Wide Survey
- Attorney RFP Process

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: