Council Study Session
City Hall Council Chambers
June 12, 2023

AGENDA

1. **City Council Discussion of Agenda Items and Questions - 6 p.m.**
   a. Disclaimer
      This meeting is being televised and we request that the participants refrain from making personal attacks, air personality grievances, political endorsements or political campaigning.
2. **Miscellaneous**
3. **Discussion of Work Session Agenda Item as Time Permits**
4. **Adjourn**

CITY COUNCIL MEETING
City Hall Council Chambers
June 12, 2023

AGENDA

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

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

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

2. Invocation - Butler - 7 p.m.

3. Call to Order Regular Business Meeting

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

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes
- motion to approve the following meetings:

- *April 24 Work Session*
- *May 8 Regular Session*
- *May 22 Study Session*
- *May 22 Regular Session*
- *May 22 Work Session*

b. Approval of Licenses
- motion to approve the licenses as presented.

c. Resolution Approving the Labor Agreement for the Law Enforcement Labor Services, Inc. (LELS NUMBER 512) and the City of Brooklyn Center for the Period Beginning May 22, 2022, 2023, and 2024

- motion to approve a resolution approving the Labor Agreement for the Law Enforcement Labor Services, Inc. (LELS NUMBER 512) and the City of Brooklyn Center for the period May 22, 2022, years 2023 and 2024.

d. Resolution Approving the Labor Agreement for Law Enforcement Labor Services, Inc. (LELS NUMBER 520) and the City of Brooklyn Center for the Period Beginning May 22, 2022, years 2023, and 2024

- motion to approve a resolution for the Labor Agreement for Law Enforcement Labor Agreement, Inc. (LELS NUMBER 520) and the City of Brooklyn Center for the period beginning May 22, 2022, years 2023, and 2024

e. An Ordinance Amending Chapters 1, and 4 of the City Code of Ordinance Regarding Animal Waste, and Storage of Deicing Materials (1st reading)

- motion to approve a first reading of the requested ordinance Amending Chapters 1, and 4 of the City Code of Ordinance Regarding animal waste, and storage of deicing materials, and set a second reading and public hearing for June 26, 2023.

f. Resolution Accepting Bid and Awarding a Contract, Improvement Project Nos. 2023-01, 02, and 03, 2023 Street and Utility Improvements

- motion to approve the resolution accepting the lowest responsible bid and award a contract to Northwest, for Improvement Project Nos. 2023-01, 02, and 03, 2023 Street and Utility Improvements.

g. Resolution Accepting Bid and Awarding a Contract, Improvement Project Nos. 2023-04 and 05, 2023 Trail and Parking Lot Improvements

- motion to approve the resolution accepting the lowest responsible bid and award a contract to Bituminous Roadways, Inc., for Improvement Project Nos. 2023-04 and 05, 2023 Trail and Parking Lot Improvements.

h. An Ordinance Amending Chapter 35 of the City Code of Ordinance Regarding Application Requirements for Land Disturbance Permits (1st reading)

- motion to approve a first reading of the requested ordinance Amending Chapter 35 of the City Code of Ordinance Regarding application requirements for land disturbance permits, and set a second reading for June 26, 2023. The public hearing for this item was held at Planning Commission on June 8th, 2023

7. Presentations/Proclamations/Recognitions/Donations

a. Proclamation Recognizing the 2023 Graduating Class Brooklyn Center High School, the Early College Academy, and Insight School of Minnesota

- motion to accept the proclamation

b. Proclamation Declaring June 14, 2023, "Frieda Farley Day" as she Celebrates her 103 Birthday

- motion to accept the proclamation

c. Proclamation Declaring the Month of June as Pride Month

- motion to accept the proclamation

8. Public Hearings

a. An Ordinance Vacating Certain Easements Within Lots 1, 2, and 3, Block 6, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota in the City of Brooklyn Center, Minnesota

- motion to:

- *open the Public Hearing,*
- *take public input,*
- *close the Public Hearing; and*
- *consider approval of an ordinance vacating certain easements as referenced above that are associated with the Wangstad Commons site redevelopment in connection with the proposed final plat of Wangstad's Brooklyn Terrace Second.*

9. Planning Commission Items

10. Council Consideration Items

a. An Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of a Cannabis Business Within the City of Brooklyn Center

- motion to approve the first reading of an interim ordinance authorizing a study and imposing a moratorium on the operation of a cannabis business within the City of Brooklyn Center

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 6/12/2023

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

SUBJECT: Approval of Minutes

Requested Council Action:

- motion to approve the following meetings:

- *April 24 Work Session*
- *May 8 Regular Session*
- *May 22 Study Session*
- *May 22 Regular Session*
- *May 22 Work Session*

Background:

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

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
4.24 Work Session	6/7/2023	Backup Material
5.8 Regular Session	6/7/2023	Backup Material
5.22 Study Session	6/7/2023	Backup Material
5.22 Regular Session	6/7/2023	Backup Material
5.22 Regular Session	6/7/2023	Backup Material
5.22 Work Session	6/7/2023	Backup Material

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

WORK SESSION
APRIL 24, 2023
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President April Graves at 8:09 p.m.

ROLL CALL

Mayor/President April Graves and Councilmembers/Commissioners Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Interim Community Development Director Jesse Anderson, Public Works Director Elizabeth Heyman, and Assistant City Manager/City Clerk Barb Suciu.

SHINGLE CREEK CROSSINGS UPDATE

This item was addressed during the Study Session.

ESTABLISHING A NEW FEE FOR COMMERCIAL VACANT BUILDINGS

City Manager Reggie Edwards introduced the item and invited Interim Community Development Director Jesse Anderson to continue the Staff presentation.

Interim Community Development Director Jesse Anderson explained the City has a vacant building program for residential and commercial properties. Properties that have been identified by City Staff as vacant for 30 days or more are required to be registered. Staff will post the property as a vacant building and send a compliance notice to the owner of the record to register.

Mr. Anderson stated the current fee is $400 for the registration and $195 for the inspection. Both fees are paid together at the time of registration. When a property registers as a vacant building, code enforcement inspectors will complete a drive-by of the property periodically to ensure that the property is maintained and secured.

Mr. Anderson pointed out commercial properties are subject to the same requirements; however, commercial properties often require additional staff time in monitoring the properties and coordinating maintenance with property management companies. Further, due to the time it takes to re-occupy or redevelop commercial properties, they are also vacant for longer periods than residential properties.

Mr. Anderson noted, similar to residential vacant properties, regular inspections are conducted, but for commercial properties, staff completes daily inspections. As part of the inspection staff walks the property and checks on doors to ensure the property is still secured. When issues arise, staff will document and send a compliance notice to the owner of the record and notify the property management company. If the property is unsecured, staff will coordinate an inspection with BC Police and/or BC Fire to ensure that no one is occupying the building and the property is not damaged. As a precaution and depending on the nature of the issue, staff may do a second round later in the day to ensure that the building

Mr. Anderson explained, due to the increased Staff time in monitoring commercial vacant properties, Staff would like the City Council/EDA to consider adopting a separate commercial vacant building fee. The initial registration is $400 with a $1,000 yearly renewal fee that goes up to $3,000 after three years. An alternative would be $2,000 for the initial fee and $5,000 for the renewal fee. Also, the initial fee could be more moderate at $1,000 with a $2,000 renewal fee. Doing some quick calculations, $5,000 annually would not cover the Staff costs for the required regular inspections.

Councilmember/Commissioner Kragness asked if the fee increase would increase the monitoring. Mr. Anderson stated Staff is already providing the service, but they are looking to recoup the costs.

Councilmember/Commissioner Kragness asked if the City is currently at a loss due to the current fee structure. Mr. Anderson confirmed the City is losing money for monitoring vacant commercial properties at a $3,000 fee.

Councilmember/Commissioner Jerzak noted he helped to write the code item, so he cares deeply about it. He pointed out the building would have to be completely vacant to qualify for the fee payment. If the business owners are already losing money while trying to fill the space, it often turns to rent instead of sales, which can be prohibitive to BIPOC business owners and other small business owners.

Councilmember/Commissioner Jerzak added the City gets a hefty fee when the business owner does any buildouts. In short, the City Council/EDA has to consider the cost of doing business. The City Council/EDA has to consider if the fees would be passed along to a new business owner. If there is an issue of resources, then Staff could ask City Council/EDA to address personnel and staffing.

Councilmember/Commissioner Lawrence-Anderson asked if Brooklyn Center has a commercial fee structure. Mr. Anderson stated there is a general fee structure, but it does not differentiate between commercial and residential properties. He reiterated the fee structure.

Councilmember/Commissioner Kragness stated it would be helpful to know what the current costs are so the City Council/EDA can understand the discrepancy. Mr. Anderson stated he could complete a more official calculation and present it to the City Council/EDA. If a Staff person were to conduct two 30-minute visits each week, it would cost the City about $5,000.

Councilmember/Commissioner Kragness asked why Staff hasn't brought the concern to City Council/EDA earlier. Mr. Anderson stated there aren't always a lot of commercial properties to monitor, but there is a new commercial property becoming vacant.

Councilmember/Commissioner Jerzak asked if the costs have been absorbed by code enforcement Staff. Mr. Anderson stated the budget covers the required Staff time. It is an opportunity to review the cost of the service. Councilmember/Commissioner Jerzak noted the fee must be very clear about when or if a fee could be refunded if rented shortly after the fees are paid.

Mayor/President Graves pointed out a sliding scale fee could be considered, along with the type of building. For example, a library could use a smaller fee. Councilmember/Commissioner Kragness stated the size of the vacant space could be used to calculate the fee.

Councilmember/Commissioner Jerzak added Brooklyn Center owns Target, and they may incur fees themselves. The ordinance needs a lot of clarity to be enforceable.

It was the consensus of the City Council/EDA to instruct Staff to provide more information to the City Council/EDA regarding establishing a new fee for vacant commercial buildings such as proposed language and more official calculations.

BROOKLYN CENTER CITY COUNCIL COMMENTS ON HWY 252/94 DRAFT SCOPING DECISION DOCUMENT

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

Ms. Heyman explained the Minnesota Department of Transportation (MnDOT), along with local and federal project partners, are currently studying proposals to improve safety, address reliability, and reduce congestion on Hwy 252 between Hwy 610 in Brooklyn Park and I-694 in Brooklyn Center, and on I-94 from I-694 in Brooklyn Center to downtown Minneapolis.

Ms. Heyman noted, based on the comments and discussion City Council/EDA had with MnDOT staff at the City Council meeting on April 20, 2023, Staff has drafted a letter that will serve as the Council/EDA's public comment on the draft Scoping Decision Document. Staff are seeking feedback on the draft letter.

Ms. Heyman added MnDOT is currently in an open comment period for the project. If the City Council/EDA wants to submit public comments as a body, it must be adopted at the May 8, 2023, City Council meeting.

Ms. Heyman stated MnDOT presented to the City Council/EDA recently and has recommended further study in the Environmental Impact Study on three freeway options and all interchange options.

Ms. Heyman summarized the main themes from the City Council/EDA after the MnDOT presentation that the demonstrated 252 safety issues must be addressed while protecting and enhancing Brooklyn Center, MnDOT must take the health impacts of increased traffic and traffic noise into account when evaluating the safety, the tax base implications must be considered when evaluating alternatives, and the health, community livability, and equity through the scoping process must be evaluated.

Ms. Heyman pointed out alternatives to the freeway including a six-lane expressway, a four-lane low-speed arterial, a six-lane low-speed arterial, and a local collector road with a transitway. Potential benefits of the alternatives include fewer or no property impacts and less or similar traffic levels. She noted everything in the PowerPoint is MnDOT data.

Ms. Heyman added some tradeoffs for the aforementioned alternatives including vehicle safety, transit advantages, local network traffic impacts, and vehicle mobility and reliability. There are also some downsides to the proposed freeway options.

Ms. Heyman showed a slide with images of the six-lane expressway and the six-lane low-speed arterial roadway. The six-lane expressway has six lanes, signals, at-grade intersections, a bus shoulder, and a speed limit of 55 miles per hour. The six-lane low-speed arterial roadway removes the bus shoulder and has a lower speed limit of 35-34 miles per hour.

Ms. Heyman showed a slide with an image of a local collector road with a transitway. It would be a very big change to disconnect 252 from 610. There would be a dedicated transitway, which allows for a large transit advantage.

Ms. Heyman showed a table regarding vehicle safety, based on MnDOT's definition, for a six-lane expressway, a four-lane low-speed arterial, a six-lane low-speed arterial, and a local collector road with a transitway. She noted the coloring is done by MnDOT. The local collector road with a transitway has the best numbers in comparison to the no-build option.

Ms. Heyman showed a table regarding transit impacts for the six-lane expressway, a four-lane low-speed arterial, a six-lane low-speed arterial, and a local collector road with a transitway. The six-lane expressway includes bus-only shoulders, and the local collector road with a transitway has a high level of transit advantage.

Ms. Heyman explained there are several traffic impacts. Reducing the capacity of Hwy 252 will increase traffic on local roadways and vice versa. The local collector road with a transitway and four-lane low-speed arterial roadway reduces Hwy 252 capacity. The six-lane expressway and the six-lane low-speed arterial roadway maintain the traffic levels, and the freeway options decrease traffic on local roadways.

Ms. Heyman showed a map depicting the traffic impacts for a local collector road with a transitway. Noble Parkway in Brooklyn Park would have a 50 percent increase in traffic, which is the largest impact on local roads. She then showed a slide with a table depicting the changes in daily traffic values. The local collector road with a transitway would increase local traffic by up

to 50 percent on various roads. The four-lane low-speed arterial roadway would have one large local traffic impact, which would be a 31 percent increase on Dupont Avenue North with about 900 more vehicles throughout the entire day.

Ms. Heyman showed a table depicting vehicle mobility. By reducing Hwy 252 capacity, there would be more congestion at intersections; this applies to the local collector road with transitway and the four-lane low-speed arterial roadway. Maintaining the Hwy 252 capacity would result in similar levels of congestion at intersections, which applies to the six-lane expressway and the six-lane low-speed arterial roadway.

Ms. Heyman showed a table summarizing the impacts on local traffic, transit advantage, and vehicle safety for the four proposed alternatives. She offered to answer any questions.

Mayor/President Graves noted pedestrian safety components are not talked about. Ms. Heyman stated there is a research section on pedestrian safety. There are also intersection crash costs. She explained MnDOT ruled out some non-freeway options based on risky at-grade crossing preference to an overpass. However, Ms. Heyman believes the overpass would be a good offering.

Ms. Heyman added impact on local roadways was increased with non-freeway passes, so MnDOT anticipated an increase in pedestrian safety concerns locally. Ms. Heyman stated she would like to see more detailed information on that idea and for solutions to be considered for pedestrian safety rather than ruling out non-freeway options.

Councilmember/Commissioner Kragness asked for Staff to provide copies of the PowerPoint to be given to City Council/EDA before the meeting. Mayor/President Graves stated Staff doesn't necessarily have the presentation prepared on time for the PowerPoints to be printed.

Councilmember/Commissioner Kragness added they have yet to receive table 7.3, but it is regularly referenced in the presentations regarding Hwy 252. She asked what the current speed limit is on Hwy 252, but she would guess it is between 50 and 55.

Councilmember/Commissioner Lawrence-Anderson pointed out she attended the recent open house and spoke with representatives of the consultant team. Many residents expressed interest in a lower-speed option for Hwy 252. A longer work session to discuss official comments would be helpful.

Councilmember/Commissioner Jerzak stated the loss of revenue to the City is a major concern. MnDOT also keeps referencing a safety concern he doesn't see. Overall, there doesn't seem to be a compromise that addresses the issues raised by constituents. He added a constituent asked him what would happen if Brooklyn Center said "no" to MnDOT.

Ms. Heyman pointed out that Table 7.3 is available online. As for Councilmember/Commissioner Jerzak's questions, she noted it is a difficult project. She noted the draft letter included comments asking to add evaluation metrics regarding the concerns of constituents.

Mayor/President Graves stated she would like to see the comments in the draft letter provided to MnDOT, and it is likely a consensus of the Council/EDA to do so. She noted she is leaning towards the six-lane low-speed arterial.

Mayor/President Graves asked what the difference is between the six-lane low-speed arterial and the six-lane expressway. Ms. Heyman stated the six-lane expressway has the transit advantage of accessing a special bus lane.

Mayor/President Graves added the local collector road with a transitway would have a negative impact on local traffic and local businesses, so she is not interested in that option.

Councilmember/Commissioner Lawrence-Anderson asked if the six-lane options would automatically mean more property acquisitions. Ms. Heyman stated that is not necessarily true because some would be within the current right of way. The interchanges are where the largest property impacts occur.

Councilmember/Commissioner Lawrence-Anderson stated it would be helpful to see more data about the loss of homes and businesses in Brooklyn Center for each of the options. Ms. Heyman stated 7-69 and 7-70 show the impacts on the Brooklyn Center property tax base. As MnDOT got into more detailed design, there would be more specific and likely less property impact, but the current designs have a general wide line. Ms. Heyman agreed she would like to see more specifics from MnDOT on the property impacts. She pointed out that the interchanges could also be positive for local businesses.

Mayor/President Graves asked which option is Ms. Heyman's favorite option. Ms. Heyman stated it is a difficult consideration. She noted her agreement with Mayor/President Graves' comments on the local collector road with the transitway. Keeping in mind the climate crisis, it is hard to recommend an option that doesn't have a transit advantage. There are also considerations about what Brooklyn Park would agree to. With all that in mind, she would choose between the six-lane expressway and the four-lane low-speed arterial to offer a range of alternatives. Ultimately, Brooklyn Center is asking MnDOT to further consider alternatives to a freeway.

Mayor/President Graves asked why Ms. Heyman preferred the four-lane low-speed arterial to the six-lane low-speed arterial. Ms. Heyman stated the six-lane low-speed arterial is not a different enough change from the current conditions. Also, the four-lane low-speed arterial has better vehicle safety impacts than the six-lane low-speed arterial.

Ms. Heyman stated the largest leverage point the Council/EDA would have with MnDOT is at the end of the process when MnDOT has one final option to present to the Council/EDA. However, they don't want to wait until that point in the process and rather provide input at this phase to find a benefit for Brooklyn Center.

Councilmember/Commissioner Jerzak noted the six-lane option would be at capacity in a few years anyways. It makes him nervous that so many of the options may harm the community. Mayor/President Graves stated she believes they should provide input to MnDOT regarding which

alternatives they should consider.

Ms. Heyman stated the freeway options are what will reach capacity in a few years. They don't have a date set for the proposed alternatives being discussed by the Council/EDA.

Mayor/President Graves stated she would like to suggest MnDOT add the six-lane expressway and the four-lane low-speed arterial roadway to their research and for the other comments in the draft letter to be communicated to MnDOT as well.

Councilmember/Commissioner Lawrence-Anderson stated she would like to dive deeper into the materials and further discuss the options before providing an official opinion.

Councilmember/Commissioner Jerzak asked what the recommendations were from the Hwy 252 Task Force. Ms. Heyman stated their ask was for MnDOT to consider the four-lane low-speed freeway, but that was not at the top of her list of recommendations. The Task Force was also interested in the six-lane expressway. The Hwy 252 Task Force did a great job doing research, but it is impossible to find the best option that addresses all of the concerns.

Councilmember/Commissioner Jerzak stated he is not ready to go on the record with his recommendation, but he would like a clear recommendation from the Task Force of what MnDOT should study.

Councilmember/Commissioner Kragness agreed with Councilmember/Commissioner Jerzak. They should honor the work done by the Hwy 252 Task Force and rely on their expertise. She would also like more information on Ms. Heyman on her differing opinions from the Task Force.

Councilmember/Commissioner Butler stated it will take some time to grasp all of the components to consider. She asked for such complex items to be earlier on the agenda.

Councilmember/Commissioner Lawrence-Anderson stated she would like MnDOT to be available to answer more questions from the Council and for specific recommendations from the Task Force.

UPCOMING ITEMS

- Grant Discussion-referred to Financial Commission possible May 22
- Special Assessment Policy/Franchise Fees (referred to Financial Commission)
- Emerald Ash Borer Policy Review-referred to Park & Rec Commission November
- Memorial Policy-referred to Park & Rec Commission May 22
- Establishing a Beautification and Public Art Commission-May 8
- Liquor Store 2 -
- Organizational Chart-Budget work sessions
- Rental License Review (referred to Housing Commission)
- Tenant Protection Data presentation-May
- THC Moratorium-June 12
- Food Truck Ordinance / License

ADJOURNMENT

Councilmember/Commissioner Jerzak moved and Councilmember/Commissioner Kragness seconded the adjournment of the City Council/Economic Development Authority Work Session at 9:27 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

REGULAR SESSION
MAY 8, 2023
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH THE CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor April Graves at 6:46 p.m.

ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Director of Public Works Elizabeth Heyman, Interim Community Development Director Jesse Anderson, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Jason Hill.

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

Heidi S. stated she lives on the Crystal side of the Joslyn site. They received initial notifications about the project, but they haven't received updates as residents of Crystal. She has concerns about the landscaping plan. The construction has significantly changed the look and feel of the space. The environment has changed from a wooded environment to a pollination environment, which impacts the animals and wildlife. The changes also have had an adverse impact on her property values.

Douglas McMillan noted he also lives on the Crystal side of the project. The EPA didn't include people on the other side of the lake in the meetings. He asked where they can go to address the issue. The lake used to be wooded, but it is now an eyesore. Dr. Edwards stated Staff can provide contact information and details on the process if their contact info is given to Staff.

Julie B. asked for Commission meetings to be put online. It is hard for people outside of the physical space to access information on what is happening in other meetings. There aren't even agendas available online. The Implementation Committee has had live meetings for its entire existence.

City Clerk Barb Suciu stated most meetings are held virtually. If there isn't a quorum, then there is no recording. As for the Charter Commission, they have different guidelines and aren't held virtually. The Financial Commission has its agendas under Novus. Dr. Edwards added all

meetings are intended to be hybrid, and he will check into the meetings to ensure that is still happening.

Kathy M. explained she is also a resident of Crystal. The Joslyn site was initially supposed to be fully wooded. The north side of the site has changed the landscaping plan to make the north side of the site into a pollination area. It will have a detrimental impact on wildlife, especially the nocturnal life. The building makes the area extremely bright. All of the natural nightlife is gone. The Crystal residents haven't been notified of any changes since the Spring of 2017. However, Brooklyn Center residents have been updated as recently as March 2023. The trees are also used to buffer the noise of the trains. She asked for the Council to pressure the site to restore the original landscape.

Kevin S. stated he can only consistently log into the Hwy 252 meetings. He is unable to access the Implementation Committee meetings anymore.

Councilmember Jerzak moved and Councilmember Kragness seconded to close the Informal Open Forum at 7:02 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Jerzak read a quote by Marissa Mayer, "I always did something I was a little not ready to do. I think that's how you grow. When there's that moment of 'Wow, I'm not really sure I can do this,' and you push through those moments, that's when you have a breakthrough." He also read a quote from Wayne Dyer, "If you believe it will work out, you'll see opportunities. If you believe it won't, you will see obstacles." Lastly, he shared a quote by Thomas Paine, "A body of men holding themselves accountable to nobody ought not to be trusted by anybody."

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor April Graves at 7:07 p.m.

4. ROLL CALL

This item was addressed after Item 5. Pledge of Allegiance.

Mayor April Graves stepped out of the meeting at 7:10 p.m.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. ROLL CALL (continued)

Mayor Pro Tem Marquita Butler and Councilmembers Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Director of Public Works Elizabeth Heyman, Interim Community Development Director Jesse Anderson, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Jason Hill.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6a. LICENSES

AMUSEMENT DEVICE	
Mendota Valley Amusements, Inc.	390 Richmond St
GARBAGE HAULERS	
Aspen Waste	BL 23-0270
MECHANICAL	
Ace Heating & Air Conditioning Inc.	7174 Hwy 95 NW, Princeton 55371
B & D Plbg, Htg & A/C	4145 Mackenzie Court, St. Michael 55376
Blue Ox Heating & Air LLC	5720 International Parkway, New Hope 55428
CenterPoint Energy	6161 Golden Valley Road, Golden Valley 55422
Daikin Applied Americas Inc.	13600 Industrial Park Boulevard, Minneapolis 55441
Master Mechanical, Inc.	1027 Gemini Rd, Eagan 55121
Mike's Custom Mechanical, Inc.	PO Box 171, Champlin 55316
Northern Heating & A/C Inc.	9431 Alpine Drive NW, Ramsey 55303
Perfection Heating & Air	1770 Gervais Avenue, Maplewood 55109
Piperight Plumbing	3920 Foss Road, St. Anthony 55421

Professional Mechanical Services	19640 200th Avenue NW, Big Lake 55309
Pronto Heating & A/C	7415 Cahill Road, Edina 55439

RENTAL

INITIAL (TYPE IV – six-month license)

5301 Dupont Avenue N	Wright Team Properties
4501 Winchester Lane	TM Odeniyi & K Odeniyi
6436 Scott Avenue N	Jane M Kungu and Antony J Kungu

INITIAL (TYPE II – two-year license)

1208 57th Avenue N	CommonGrowth LLC
5927 Aldrich Avenue N	Yu Yin
6730 Ewing Avenue N	Suudi Properties, LLC

RENEWAL (TYPE IV – six-month license)

4213 63rd Avenue N	Buster F Fallah
5112 70th Avenue N	Ih3 Property Minnesota Lp
5748 Humboldt Avenue N	Fyr Sfr Borrower Llc
6300 France Avenue N	9816 Palm St Llc
6337 Bryant Avenue N	Park Ave Homes Llc
6912 Logan Avenue N	Hpa Borrower 2017 1 Llc
6918 Halifax Avenue N	Gracelands Llc

RENEWAL (TYPE III – one-year license)

5401 63rd Avenue N	Ayodeji Gbayisomore
2718 Ohenry Road	5118 66th Ave N Llc
3307 Ohenry Road	Henry S Dolopei
5913 Halifax Avenue N	Cel Monton Llc

6139 Colfax Avenue N	Koku Agbenu
RENEWAL (TYPE II – two-year license)	
4100 Lakebreeze Avenue N	Pbk Properties Llc
5240 Drew Avenue N	Cantlin Lake Properties
4019 Joyce Lane	Ih2 Property Illinois Lp
4118 Woodbine Lane	Investment Solutions Llc
4935 Abbott Avenue N	R A Anderson & T A Anderson
6242 Scott Avenue N	Cosco Property I Llc
RENEWAL (TYPE I – three-year license)	
5341 Penn Avenue N	Lifetime Resrcs Prop Mgt
4100 61st Avenue N	Emmanuel & Oluyemisi Coker
5449 Lyndale Avenue N	Living Well Disability Svcs
6605 Camden Drive	Johnson Organization Inc
7208 Bryant Avenue N	Prosperous Property Llc
SIGNHANGER	
Signminds Inc.	1400 Quincy Street Minneapolis 55413
Signtology LLC	21340 Van Buren Street NE Cedar 55011

6b. AMENDMENT TO 2023 COUNCIL MEETING CALENDAR

6d. RESOLUTION NO. 2023-58; APPROVING A JOINT POWERS AGREEMENT (JPA) WITH PETS UNDER POLICE SECURITY (PUPS) AND AUTHORIZE STAFF TO EXECUTE THE JPA

6e. RESOLUTION NO. 2023-60; RECOGNIZING MAY 14-20, 2023, AS POLICE WEEK AND MAY 15, 2023, AS PEACE OFFICER MEMORIAL DAY

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. RESOLUTION NO. 2023-59; DECLARING MAY 21-27, 2023, NATIONAL PUBLIC WORKS WEEK IN THE CITY OF BROOKLYN CENTER

Councilmember Lawrence-Anderson asked why Item 6e. Resolution Recognizing May 14-20, 2023, as Police Week And May 15, 2023, as Police Officer Memorial Day was not part of Item 7. Presentations/Proclamations/Recognitions/Donations.

Mayor Pro Tem Butler moved to make Consent Agenda Item 6e. Resolution Recognizing May 14-20, 2023, as Police Week and May 15, 2023, as Police Officer Memorial Day to become Presentations/Proclamations/Recognitions/Donations 7b. Resolution Recognizing May 14-20, 2023, as Police Week And May 15, 2023, as Police Officer Memorial Day. Seconded by Councilmember Lawrence-Anderson.

Mayor Pro Tem Butler read in full a Resolution recognizing National Public Works Week.

Mayor April Graves returned to the meeting at 7:13 p.m.

Councilmember Jerzak moved and Councilmember Kragness seconded to adopt RESOLUTION NO. 2023-59; Declaring May 21 through May 27, 2023, as "National Public Works Week" in Brooklyn Center.

Motion passed unanimously.

7b. RESOLUTION NO. 2023-60; RECOGNIZING MAY 14-20, 2023, AS POLICE WEEK AND MAY 15, 2023 AS PEACE OFFICER MEMORIAL DAY

Mayor Pro Tem Butler read in full a Resolution recognizing Police Week and Peace Officer Memorial Day.

Councilmember Kragness moved and Councilmember Jerzak seconded to adopt RESOLUTION NO. 2023-60; Recognizing May 14-20, 2023, as Police Week and May 15, 2023, as Peace Officer Memorial Day.

Motion passed unanimously.

Mayor Graves pointed out that the term “resident” is problematic as there are members of the Brooklyn Center community that may not be citizens.

Councilmember Kragness added there is a discrepancy in the Resolution because May 15, 2023, is sometimes referred to as Police Officer Memorial Day and other times as Peace Officer Memorial Day.

Dr. Edwards confirmed that May 15, 2023, is Peace Officer Memorial Day.

8. PUBLIC HEARINGS

8a. RESOLUTION NO. 2023-61; TO APPROVE A TIF DISTRICT #10 (WANGSTAD COMMONS) AND TIF AGREEMENT)

City Manager Reggie Edwards introduced the item and Jason Aarsvold, EDA Project Management with Ehlers, made the staff presentation.

Jason Aarsvold, EDA Project Management with Ehlers, explained since 2019, the EDA has been working with JO Companies to develop four EDA-owned parcels at 61st Avenue N and Brooklyn Boulevard. The proposed project includes a 54-unit low-income housing tax credit (LIHTC) rental project. In June of 2022, the EDA entered into an option agreement with the developer to sell the EDA-owned land and approved a resolution of support to provide Tax Increment Financing (TIF) for the project.

Mr. Aarsvold noted as it stands, the total project cost is $22.8 million, but the project has a financing gap. TIF assistance is recommended at $482,000 per analysis by Ehlers, and that requires the creation of a new TIF district. In addition, the land will be transferred to Wangstad Commons for $1. Both contributions are necessary for the project's financial feasibility as further outlined in the attached memorandum from Ehlers.

Mr. Aarsvold stated The TIF Plan for District 10 is the City's planning document for the district. It spells out the objectives and policies for the district, identifies the geographic boundaries, and sets the maximum budgetary authority for the district. This planning document simply allows for the creation of a new TIF district. Approval of the TIF Plan does not grant any specific TIF assistance to the developer. This is done by entering into a separate TIF Agreement.

Mr. Aarsvold pointed out TIF District 10 is being established as a Housing TIF District. The site will qualify for a housing district because the Wangstad Commons project will serve households at, or below, the income levels required by statute. In this case, that minimum threshold is at least 40 percent of the units will be affordable to those at 60 percent area median income (AMI). As proposed, however, 100 percent of the units in the Wangstad project will meet this threshold. The TIF Plan sets up the district for a maximum duration of 26 years.

Mr. Aarsvold stated the maximum budgetary authority in the district is $2.33 million. This is a maximum budget intended to provide flexibility. It includes 3 percent annual inflation and assumes the TIF district runs for the full 26 years. The actual assistance to the property owner is anticipated to be a present value amount of $482,000 which estimates show will be repaid within 17 years.

Mr. Aarsvold added the TIF Plan assumes Pay-As-You-Go assistance to the project as noted above. The TIF plan also includes a 10% allowance for City administrative costs. This City can use this 10% to pay for any ongoing costs associated with administering the project in the TIF District. In addition, the TIF plan provides for repayment of an interfund loan. This interfund loan is the mechanism to reimburse the City from future tax increments for any expenditures

incurred in connection with the TIF plan before receipt of any tax increment and not reimbursed by JO Companies.

Mr. Aarsvold stated following Council action, the EDA will also consider approval of the TIF Plan as well as approval of the TIF agreement. This agreement is the document that specifies how TIF from the new district will go to the Wangstad project as well as provisions associated with the transfer of land. Once these steps are complete, the project will proceed to a closing with construction anticipated to begin in 2023. The receipt of the first tax increment is expected in 2025.

Councilmember Kragness asked if the vote just creates a new district. Mr. Aarsvold confirmed and explained the item is just to create a new TIF district. There is a separate process to create an agreement regarding what the TIF funding will go toward.

Councilmember Lawrence-Anderson moved and Councilmember Jerzak seconded to open the Public Hearing.

Motion passed unanimously.

Kevin S. noted the proposed site is near a sanctuary area and another housing location that could be accessible housing. He asked if retail would be part of the development to be accessed on the first floor. Oftentimes, people that need affordable housing don't have transportation, and there aren't the basic necessities within a reasonable walking distance of the site.

Councilmember Butler moved and Councilmember Jerzak seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Lawrence-Anderson moved and Councilmember Jerzak seconded to adopt RESOLUTION NO. 2023-61; Approving a TIF District #10 (Wangstad Commons) and TIF agreement.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

9a. RESOLUTION NO. 2023-62; APPROVING PLANNING COMMISSION APPLICATION NO. 2023-001, SUBMITTED BY JO COMPANIES LLC FOR A RE-PLAT, PLANNED UNIT DEVELOPMENT AMENDMENT AND REZONING, AND AN AMENDMENT TO THE 2040 COMPREHENSIVE PLAN TO ALLOW FOR DEVELOPMENT OF A 54-UNIT MULTI-FAMILY RESIDENTIAL BUILDING AND RELATED SITE IMPROVEMENTS (6107 BROOKLYN BOULEVARD, 6101 BROOKLYN BOULEVARD, 3600 61ST AVENUE NORTH, AND 3606 61ST AVENUE NORTH)

Councilmember Lawrence-Anderson asked if the item went through the Planning Commission. City Planner and Zoning Administrator Ginny McIntosh confirmed the item was reviewed by the Planning Commission.

Ms. McIntosh showed an aerial image of the site. She explained JO Companies, LLC is requesting review and consideration for a proposal that would allow for a consolidation of four vacant parcels owned by the Economic Development Authority (EDA) of the City of Brooklyn Center and redevelopment of said site, which comprises 6101 Brooklyn Boulevard, 6107 Brooklyn Boulevard, 3600 61st Avenue North, and 3606 61st Avenue North. The Subject Property encompasses approximately 1.77 acres and is located at the northwest corner of Brooklyn Boulevard and 61st Avenue North, and east of Wangstad Park.

Ms. McIntosh pointed out that due to the nature of the request, approval of the preliminary and final plat, site and building plan, Planned Unit Development (PUD) amendment and rezoning, and 2040 Comprehensive Plan amendment requests are required to forward the project. She showed images of the existing property.

Ms. McIntosh noted the City's EDA acquired the four parcels between 2012 and 2019. Prior to the Applicant engaging in conversations regarding the Subject Property, these lands had previously generated interest as a potential 113-unit multi-family development. It was through JO Companies' process of due diligence that the proposal was initially proposed in 2020 as a smaller, 83 to 88-unit multi-family residential building, before being reduced to what is now the proposed 54-unit multi-family residential building.

Ms. McIntosh stated JO Companies has been before the City of Brooklyn Center City Council and Economic Development Authority (EDA) bodies numerous times since 2020, for concept reviews and project updates, letters of support for grant funding applications, a Preliminary Development Agreement, an Option Agreement and term sheet, and resolution of support for the use of tax increment financing (TIF). The Applicant went through two rounds of applications with the Minnesota Housing Finance Agency (MHFA) before receiving notice of funding in December 2022.

Ms. McIntosh noted in 2023, the Applicant began regular meetings with Staff to revise plan sets according to the new Unified Development Ordinance. Then in March 2023, there was a City Council Work Session held to work through certain financing gaps. Based on feedback from the Council, Staff began preparing a formal TIF Agreement based on revised terms and the creation of a new Housing TIF District.

Ms. McIntosh stated the four EDA-owned parcels would be re-platted to one parcel to accommodate the 54-unit multi-family residential building and site improvements. The minor edits requested from Staff for updating the preliminary play include a revised Planning Commission report made by the Applicant to address City Staff comments, an amendment or creation of a new, a required dedicated easement for shared access drive off of Brooklyn Boulevard, a vacation of utility easement running through the center of the property, and any requirements outlines by Hennepin County.

Ms. McIntosh added a Comprehensive Plan amendment is required when a community changes any part of a municipality's adopted comprehensive plan, including land use changes to allow for a proposed development. The requested amendment comes as a matter of timing as the Applicant was just beginning conversations with the City as the 2040 Comprehensive Plan Process was wrapping up. The property was future land use designated as a mix of commercial (C) and low-density residential (LDR) due to their former land uses of an overflow lot for former Brookdale Chrysler-Plymouth dealership and single-family homes.

Ms. McIntosh explained the requested re-designation of the property is to neighborhood-mixed use (N-MU), which was a new future land use designation under the 2040 Plan and guides for a mix of residential, retail, and commercial uses. During the comprehensive plan engagement process, some residents were vocal about the desire for more diverse housing.

Ms. McIntosh stated there is also a request to remove the northernmost parcel located in the subject property from PUD/C-2 and re-zone it to match the current zoning of the other three parcels. The Planned Unit Development (PUD) was amended in 2016 to remove dealership restrictions and allow for the Sanctuary, but this parcel was not removed from the PUD and remained in EDA ownership.

Ms. McIntosh showed the site and building plan. The proposal for the development is 54 units at affordability bands of between 30 and 60 percent AMI. The unit mix is 24 percent one-bed, one-bath, 50 percent two-bed, one-bath, 17 percent three-bed, two-bath, and nine percent four-bed, 2-bath.

Ms. McIntosh stated Staff reviewed the dimensional standards, and all plans fall within zoning requirements. As for traffic and access, Staff submitted the plan to Hennepin County. The County proposed addressing sight lines, a ROW permit, and the proposed turnaround. There will be additional submissions to the County. Fire truck access was provided as part of the submittal.

Ms. McIntosh noted parking requires a maximum of 108 spaces to be provided, assuming 54 units. The surface lot has 49 spaces, underground parking has 47 spaces, and there is a total of 96 parking spaces. The minimum standards for parking dimensions and drive aisles are met. Sidewalk connections and bicycle facilities are also provided. The photometric plan and fixture schedule were submitted and reviewed by Staff. As for trash, there would be a central trash cute system and trash would be rolled out for regular pickup.

Ms. McIntosh stated Staff reviewed the submitted architectural set against the City's building materials, and all requirements were met. Staff provided feedback throughout 2023 which required adjustments to building orientation, setback, parking garage location, and the like. The Applicant has submitted a landscaping plan, but it has yet to be reviewed by Staff. Also, no specific signage requests were made for new or revised signage.

Ms. McIntosh added engineering-reviewed plans and provided a memo. An MPCA NPDES permit is required along with a construction management plan and agreement utility easement agreement

before any permits can be issued. Building officials conducted a cursory review of the submission and provided a memo with comments and conditions of approval. Crime Prevention through Environmental Design (CPTED) review is to be completed by City Staff, and plan sets were reviewed by the County with preliminary comments provided.

Ms. McIntosh explained as part of the application process, a public hearing notice was submitted to the Brooklyn Center Sun Post for publication on March 30, 2023, and notices were mailed to both property owners and physical residents of addresses within the vicinity of the Subject Property. Development proposal signage was also installed on-site, notifying the public of the development proposal. The Applicant also underwent a separate community engagement process, which was led by Local Initiatives Support Corporation (LISC). Topics discussed during this engagement covered: pedestrian and traffic flow; housing needs; proximity to Wangstad Park; security, property management, services, and tenant screening; project financing, timeline, and terms of affordability; and project quality, aesthetics, and amenities.

Ms. McIntosh noted City Staff received one public comment via email in advance of the public hearing from resident Susan Jorgensen, who was also in attendance and spoke at the public hearing on April 13, 2023. A separate public comment was received via the City's general email inbox from resident David Jorgensen the evening of the public hearing, but City staff did not receive the comment until the day after. The public comments received are included as background to this memo.

Ms. McIntosh pointed out that following the close of the public hearing, the Planning Commission elected to recommend (6-0) City Council approval of the requested preliminary and final plat, site, and building plan, an amendment to remove 6107 Brooklyn Boulevard from the original 1998 Planned Unit Development and re-zoning of the aforementioned property from PUD/C2 to MX-N1, which reflects the zoning of the three other parcels located within the Subject Property and located at 6101 Brooklyn Boulevard, 3600 61st Avenue North, and 3600 61st Avenue North, and a recommended amendment to the City's 2040 Comprehensive Plan to re-designate the Subject Property from a mix of Commercial (C) and Low-Density Residential (LDR) to Neighborhood Mixed-Use (N-MU).

Councilmember Jerzak asked if a CPTED has been completed. Ms. McIntosh explained CPTED would be completed after approval from the Council.

Councilmember Lawrence-Anderson noted Brooklyn Center has taken the Monarch Pledge two years in a row, so she hopes the landscaping plans include monarch-friendly plants. She added there will likely be children in the building, and its proximity to a park is very convenient.

Councilmember Butler moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2023-62; Regarding Planning Commission Application No. 2023-001, for approval of:

1. A preliminary and final plat for WANGSTAD'S BROOKLYN TERRACE SECOND ADDITION
2. The submitted site and building plans

3. An amendment to remove 6107 Brooklyn Boulevard from the original 1998 Planned Unit Development, and
4. Re-zoning of the aforementioned property from PUD/C2 to MX-N1, which reflects the zoning of the three other parcels located within the Subject Property and located at 6101 Brooklyn Boulevard, 3600 61st Avenue North, and 3600 61st Avenue North, and
5. A recommended amendment to the City's 2040 Comprehensive Plan to allow for a future land use re-designation of the Subject Property from a mix of Commercial (C) and Low-Density Residential (LDR) to Neighborhood Mixed-Use (N-MU), based on the findings, and as amended by the conditions of approval in the resolution, and subject to final approval by the Metropolitan Council for the requested Comprehensive Plan Amendment.

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2023-63; DECLARING THE BROOKLYN CENTER CITY COUNCIL'S OFFICIAL PUBLIC COMMENTS ON THE MINNESOTA DEPARTMENT OF TRANSPORTATION'S HIGHWAY 252/94 SCOPING DOCUMENT DRAFT SCOPING DECISION DOCUMENT

Dr. Edwards introduced the item and invited Public Works Director Elizabeth Heyman to make the Staff presentation.

Ms. Heyman explained the Minnesota Department of Transportation (MnDOT), along with local and federal project partners, are currently studying proposals to improve safety, address reliability, and reduce congestion on Hwy 252 between Hwy 610 in Brooklyn Park and I-694 in Brooklyn Center, and on I-94 from I-694 in Brooklyn Center to downtown Minneapolis. As part of this effort, MnDOT is preparing a multi-year Environmental Impact Statement (EIS), that outlines the impact a potential construction project could have on the surrounding area, including effects on the social, economic, and environmental in the proposed project area.

Ms. Heyman stated that based on the comments and discussion Council had with MnDOT staff at the City Council meeting on April 10, 2023, and the discussion Council had at a Council work session on April 24, 2023, Staff has drafted a letter that will serve as the Council's public comment on the draft Scoping Decision Document. Before finalizing Council's public comments.

Ms. Heyman noted the Equity and Health Assessment (EHA) will be released shortly. EHA enhances MnDOT's use of equity and health information during the Hwy 252/I-94 environmental review and acts as a public comment on the draft Scoping Decision Document (SDD). MnDOT will use the EHA to document findings not addressed in the EIS and to develop recommendations for further action in partnership with impacted communities.

Ms. Heyman pointed out MnDOT's recommended options for further study include three freeway options and all interchange options. At the last Work Session, Council reached a consensus about comments to be relayed to MnDOT.

Ms. Heyman stated the first comment is, "The City is supportive of the Minnesota Department of Transportation (MnDOT) completing a holistic environmental review process to chart a course for improving safety in the corridor, while at the same time protecting human health, promoting regional equity, and enhancing the livability and prosperity of Brooklyn Center." The comment is to address safety issues mentioned by the Council.

Ms. Heyman noted the Council also had concerns about the tax base. The draft letter includes a request to, "add project evaluation criteria that evaluate the project's effect on the City's tax base, including, but not limited to, the following: Taxable property removed from the tax base, Projected changes in property values, and Projected changes in business activity."

Ms. Heyman stated the Council also wanted MnDOT to adjust its purpose and need a statement to elevate health, community livability, and equity throughout the scoping process. The draft letter suggests updating the project's purpose and needs statement to say, "The purpose of the Hwy 252/I-94 Project is to improve the safe and reliable movement of people and goods across multiple modes on and across Hwy 252 and I-94 between Hwy 610 in Brooklyn Park and North 4th Street in Minneapolis while protecting and promoting human health, community livability and equity."

Ms. Heyman added the Council showed interest in MnDOT considering more options for in-depth research. Specifically, the Council was interested in the six-lane expressway and the four-lane low-speed arterial.

Ms. Heyman noted Council also wanted MnDOT to take the health impacts of increased traffic and traffic noise into account when evaluating safety. A suggestion to MnDOT is to, "evaluate how bicycle and pedestrian overpasses impact a corridor element's multimodal level of service. The City Council understands that not all users will utilize bicycle and pedestrian overpasses. However, they find it unreasonable to accept no risk at ground-level intersections when freeway alternatives come with their own set of risks, including negative effects on health, safety, and property. In simpler terms, the Council believes that incorporating bicycle and pedestrian overpasses into non-freeway Highway 252 corridor elements should result in a higher overall multimodal level of service rating, meaning better accessibility and connectivity for various modes of transportation."

Councilmember Jerzak asked if individual comments can be included in the letter. Ms. McIntosh stated the letter has to be the consensus of the Council. However, each Councilmember can submit their public comments.

Mark Lindeberg, a representative of MnDOT, stated any comments from the Council can be shared as a public comment or submitted individually.

Councilmember Jerzak pointed out he has been noncommittal on the project until all information has been received. The exhaustive work of the Hwy 252 Task Force has unequivocally shown MnDOT's recommendations as a whole do not benefit the Brooklyn Center community due to the loss of homes, business displacement, and health and equity considerations. He noted he never

received a call, email, or comment in support of the project. However, he received many calls, emails, and letters against the project. His only support for the project is for MnDOT to consider the six-lane expressway or the four-lane low-speed arterial roadway and additional pedestrian accessways.

Councilmember Jerzak asked if the Council were to decide they were not in support of the project, could they pass a resolution stating they will not support the project financially. City Attorney Jason Hill explained the Council can adopt whatever resolution they want. The project is only in the early steps. There is a process where the City can oppose the project down the line, and MnDOT could appeal to the opposition. As for the financial piece, he would need to further look into legal details.

Councilmember Kragness asked if the Hwy 252 Task Force was going to provide additional comment. Mayor Graves stated there are members of the Task Force present.

Tom Kouri, member of the Hwy 252 Task Force, stated the recommendations in the draft letter make a lot of sense. The Council has raised excellent questions regarding equity and property impacts. Also, Ms. McIntosh has been very thorough in her presentations.

Councilmember Lawrence-Anderson asked if the draft letter was reviewed by Hwy 252 Task Force to add comments. Ms. McIntosh stated the letter was sent to the Task Force, but Staff didn't ask for the Task Force to add comments to the draft.

Mayor Graves noted Ms. McIntosh did an excellent job writing the draft letter and explaining the options to Council.

Councilmember Butler moved and Councilmember Jerzak seconded to adopt RESOLUTION NO. 2023-63; Declaring the Brooklyn Center City Council's official public comments on the Minnesota Department of Transportation's Highway 252/I-94 Scoping Document and Draft Scoping Decision Document.

Motion passed unanimously.

10b. RESOLUTION NO. 2023-64; ACCEPTING LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT (LCDA) FUNDING FOR CENTER FOR ASIAN AND PACIFIC ISLANDER

Councilmember Jerzak left the meeting at 8:15 p.m.

Dr. Edwards introduced the item and invited Interim Community Development Director Jesse Anderson to continue the Staff presentation.

Mr. Anderson explained the Metropolitan Council approved CAPI for a grant amount of $125,000 on September 14, 2022, with an expiration date of June 20, 2024. Center for Pacific Islanders (CAPI) will be using pre-development funds to support their exploration of the use of their excess

land on Brooklyn Boulevard. This funding will support community engagement activities, site and building design, and civil engineering work as they conduct due diligence on the construction of an expanded facility. Potential uses they are exploring include expanded offices for their administrative functions, expanded food shelf operations, childcare centers, and additional office and commercial spaces for local businesses.

Councilmember Lawrence-Anderson asked if the building will be two stories or if there will be two additional stories. Mr. Anderson stated they are looking into options to expand the building, but decisions have not been made.

Councilmember Jerzak returned to the meeting at 8:17 p.m.

Councilmember Lawrence-Anderson asked if the project can be completed before the expiration date. Mr. Anderson stated the funding is for early planning efforts, which are all expected to be completed before the expiration date.

Councilmember Jerzak asked if the financing would be private. Mr. Anderson noted there hasn't been a discussion regarding public financing. However, the process is only beginning.

Councilmember Lawrence-Anderson moved and Mayor Graves seconded to adopt RESOLUTION NO. 2023-64; Accepting Livable Communities Demonstration Account (LCDA) funding grant from Met Council.

Motion passed unanimously.

11. COUNCIL REPORT

Councilmember Jerzak reported on his attendance at the following and provided information on the following upcoming events:

- Met with several independent businesses regarding concerns.
- Attended the Susan Pha volunteer appreciation.
- Corresponded with several constituents regarding the Hwy 252 project.

Mayor Graves reported on her attendance at the following and provided information on the following upcoming events:

- Connected with the Sierra Leone Association.
- Attended an event at Unity Church.
- Will be attending the Mayor's Innovation Conference.
- Will be starting an eight-week mediation training.
- Attended a Mayor's luncheon hosted by Congresswoman Omar.
- Noted Brooklyn Center and Brooklyn Park cohosted a public forum for Black public administrators.

Councilmember Butler reported on her attendance at the following and provided information on the following upcoming events:

- Met with a resident about various issues.
- Met with Representative Omar.

Councilmember Lawrence-Anderson reported on her attendance at the following and provided information on the following upcoming events:

- Met with Housing Commission Chair.
- Delivered Meals on Wheels.
- Attended Senator Pha's celebration.
- Reminded everyone of the mock budget exercise at the Community Center on May 10, 2023.

Councilmember Kragness reported on her attendance at the following and provided information on the following upcoming events:

- Attended Senator Pha's celebration.

12. ADJOURNMENT

Councilmember Butler moved and Councilmember Jerzak seconded the adjournment of the City Council meeting at 8:26 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 22, 2023
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

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

ROLL CALL

Mayor April Graves and Councilmembers Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness Also present were Assistant City Manager/City Clerk Barb Suciu, Deputy City Clerk Shannon Pettit, and City Attorney Jason Hill.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Lawrence-Anderson noted that May is Asian-Pacific Islander month and took a moment to recognize this and noted that next year she would like to see a resolution done to recognize it. She also stated that she would like to see a standing list on the pending/upcoming work session items list and would like to see items red-lined if removed. She also asked to add the grant policy discussion to the regular meeting agenda.

Councilmember Jerzak stated he would also like to see a presentation and/or discussion on the dog park.

Assistant City Manager Suciu stated that there will be a presentation from the Finance Director regarding the grant policy discussion. Council agreed to add the presentation to the regular meeting as item 10b.

Councilmember Lawrence-Anderson noted errors in the work session minutes from April 24, as well as the regular meeting on May 8. She asked these be revised and brought back for approval once revisions were made.

Councilmember Jerzak questioned the rental policy and those that are currently type IV. He would like an update on the policy. Councilmember Lawrence-Anderson noted that the housing commission is currently reviewing this and plans to present something to the council once it is completed.

MISCELLANEOUS

CITY MANAGER'S PERFORMANCE REVIEW PROCESS

Assistant City Manager Suciu asked the council to discuss and determine a date for this. She noted that Equity and Human Resources Director along with the City Attorney will develop a process and provide examples from other jurisdictions on how the City Manager review takes place.

Equity and Human Resources Director Langemo suggested the council select two dates for this; one to discuss the process, and another to perform the review. He suggested the meetings be approximately 3-4 weeks apart. It was noted that the first meeting would discuss things such as direction, outcomes, expectations, data, type of review, and goals. The council suggested a 360 review. Equity and Human Resources Director Langemo stated he will get three quotes for a 360 review and report back to the council to determine dates for the review.

CCX BROADCASTING

Assistant City Manager Barb Suciu noted that broadcasting of the study session, regular meeting, and work session will begin on June 12, 2023, as requested by a citizen. Discussion ensued on reasonings as to why these have not been televised, and ensuring the safety of those in attendance at the meetings.

OTHER MISCELLANEOUS

Mayor Graves noted that 20% of high school students in Brooklyn Center received scholarships. She would like to present a proclamation to them as a way to recognize and congratulate them.

Mayor Graves noted that the council has received letters from residents in the East Palmer Lake neighborhood regarding safety, specifically traffic, and would like to discuss this at an upcoming council meeting. Councilmember Jerzak requested that a representative be present to discuss and possibly present in regard to their concerns. Mayor Graves noted that she would like to discuss this with City Staff before extending an invitation. She asked that it be discussed at a work session with the council and staff prior to a neighborhood presentation.

Councilmember Lawrence-Anderson asked for an update/presentation in regards to No Mow May at the June 12 meeting.

Councilmember Jerzak would like an update on the commercial vacant building fees as presented at the May 8 meeting.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Mayor Graves closed the Study Session at 6:46 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 22, 2023
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH THE CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor April Graves at 6:41 p.m.

ROLL CALL

Mayor April Graves and Councilmembers Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Councilmember Marquita Butler was absent and excused. Also present were Assistant City Manager/City Clerk Barb Suciu, Interim Community Development Director Jesse Anderson, Planner and Zoning Administrator Ginny McIntosh, Deputy City Clerk Shannon Pettit, and City Attorney Jason Hill.

Mayor April Graves opened the meeting with an Informal Open Forum.

Gretchen E. thanked the Council and City for their response and resolution to removing a broken tree limb due to weather. She then asked about the Alternate Response Program, funding, and partnering with neighboring cities and Hennepin County. She discussed the potential funding and noted that the program is still in the early planning stages. Mayor Graves noted that many conversations regarding the program are happening outside of the City Council meetings.

Carlos B. expressed concerns with the Speedway Gas Station, safety concerns, and inability to turn to law enforcement. He asked the Council to consider options such as closure or reducing hours rather than allowing 24-hour open hours. Mayor Graves stated she would contact Community Outreach and would like to follow up as time progresses.

Laurie M. expressed disappointment in the lack of acknowledgment towards Law Enforcement Appreciation Week, Asian Pacific Islander Month, and Mental Health Awareness Month. She stated that she attended the Emerging BC dinner and was disappointed in the choice of wording and offensive references she overheard from a past AACP president and a City representative. Mayor Graves noted that there was an appreciation for Law Enforcement Appreciation Week at May 8, 2023, meeting, and there is a proclamation for Mental Health Awareness Month which will be read at tonight's meeting. She also noted that Councilmember Lawrence-Anderson made the Council aware of Asian Pacific Islander Month at the beginning of the meeting, and the Council will have a proclamation or resolution acknowledging this next year.

Kevin S. suggested the Council consider bringing the community to the council meetings when they present proclamations and resolutions to specific groups. He also thanked the Council for the lack of chaos that is present at the meetings.

Phillip M. distributed a letter to express concern over landlord-tenant relationships he and other business owners in the community are experiencing. He is asking the Council for intervention to help alleviate the continued tension within the community. It was suggested that Phillip contact Vong Thao, Economic Development Coordinator, to discuss concerns and potential solutions.

Councilmember Jerzak moved, and Councilmember Kragness seconded to close the Informal Open Forum at 7:04 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Lawrence-Anderson read the quote titled A Tale of Two Wolves, "My son, there is a battle between two wolves inside all of us. One is Evil. It is anger, jealousy, greed, resentment, inferiority, lies, and ego. The other is good. It is joy, peace, love, hope, serenity, humility, kindness, benevolence, empathy, generosity, and truth. The boy thought about it for a minute and then asked his grandfather: "Grandfather, which wolf wins?" The old man quietly replied, "The one you feed."

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor April Graves at 7:11 p.m.

4. ROLL CALL

Mayor April Graves and Councilmembers Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Councilmember Marquita Butler was absent and excused. Also present were Assistant City Manager Barb Suciu, Interim Community Development Director Jesse Anderson, Planner and Zoning Administrator Ginny McIntosh, Deputy City Clerk Shannon Pettit, and City Attorney Jason Hill.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6a. RESOLUTION NO. 2023-65 AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT, PROJECT NO. 2024-01, ORCHARD LANE EAST IMPROVEMENTS PROJECT

6b. ORDINANCE NO. 2023-01 STORM SEWER, DRAINAGE AND UTILITY EASEMENTS WITHIN LOTS 1, 2, AND 3, BLOCK 6, WANGSTAD'S BROOKLYN TERRACE, HENNEPIN COUNTY, MINNESOTA (1ST READING)

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. PROCLAMATION DECLARING MAY AS MENTAL HEALTH MONTH IN THE CITY OF BROOKLYN CENTER

Mayor Graves read in full a Resolution declaring May as Mental Health Month.

Councilmember Jerzak moved and Councilmember Lawrence-Anderson seconded to accept a proclamation declaring May as Mental Health Month in the City of Brooklyn Center.

Motion passed unanimously.

Mayor Graves noted she is completing her certificate in trauma-effective leadership through the University of Minnesota.

7b. TENANT PROTECTIONS UPDATE

Interim Community Development Director Jesse Anderson explained two primary ordinances on which the Council requested reflection. The first ordinance was regarding Pre-Eviction Filing Notice, which would provide tenants a 30 notice that the property owner intends to file an eviction for non-payment of rent or a material breach of the lease.

Mr. Anderson noted the other ordinance was regarding Just Cause Non-Renewal. This ordinance would prevent a property owner or manager from non-renewing an existing tenant's lease without Just Cause and provide tenants with why their lease was being non-renewed by the property owner. Just Cause could include non-payment of rent, material non-compliance with the lease, refusal to renew a lease agreement, occupancy by the property owner or family member, building demolishing or conversion, rehabilitation or renovation, complying with a government order to vacate, and occupancy conditioned on employment.

Mr. Anderson stated in 2018-2019; the City first looked at adopting a tenant protection ordinance regarding the sale of an affordable housing property. This ordinance notified tenants of the sale and any material lease changes, including rent rate changes. In the ordinance, if the owner did not provide sufficient notice, the tenant would be allowed to receive relocation assistance. This

ordinance was adopted in January 2019.

Mr. Anderson noted in further conversation with City Council on housing policies that the Council wanted staff to look at additional tenant protections beginning in early 2021. Staff received direction from City Council to look at tenant protections that the City can adopt to give tenants/residents additional protections in addition to the State statutes.

Mr. Anderson pointed out staff reviewed the adopted tenant protections by the City of St. Paul and then met with City of St. Paul staff to discuss the adopted tenant protections; due to the lawsuit against the City of St. Paul, the City of Brooklyn Center decided only to bring forward a few tenant protections. The adopted tenant protections by the City of St. Paul were challenged in court and the City of St. Paul ultimately rescinded the ordinance.

Mr. Anderson stated the City had several conversations with landlords/property owners, tenants, tenant rights organizations, and the MN Multi-Housing Association to discuss the proposed tenant protections in hopes of bringing together a compromise. During the meetings, staff could hear both sides express their concerns about adopting the ordinance as is, the proposed changes to the ordinance, and the City doing nothing to further tenant protections in the City.

Mr. Anderson explained the proposed ordinance was brought to the Housing Commission on October 19, 2021. The Housing Commission heard from housing advocacy groups and numerous tenants and was asked to approve the proposed ordinance. The Housing Commission unanimously approved a recommendation to approve the proposed ordinance.

Mr. Anderson added it was brought back to City Council on December 13, 2021, meeting for a public hearing and approval of a resolution adopting the second reading and to publish a summary of the ordinance. Staff also provided additional information on the current housing status in Brooklyn Center and explained the new proposed tenant protection in further detail. There was public comment from property owners, tenants, and tenant advocacy organizations. The discussion among Council members agreed to continue the tenant protections at the next council meeting in January 2022.

Mr. Anderson noted during the City Council meeting on February 14, 2022; the Council continued the tenant protection conversation. There were three proposed changes. First, an added provision that would require property owners to track and report to the City any non-renewals of leases and the reason for non-renewal. The second change would reduce the pre-eviction notice from 30 to 14 days. The third change would be to add a provision allowing property owners to give a 90-day notice for non-renewal without reason.

Mr. Anderson pointed out that public comment was heard, and Council Members had a lengthy discussion about the proposed changes. The Council wanted to hear from the Housing Commission about the proposed changes, so it was asked that the agenda be brought back to the February 28, 2022, council meeting.

Mr. Anderson stated during the Council meeting on February 28, 2022, staff presented and reported

February 15, 2022, Housing Commission meeting discussion about the three proposed changes. The Housing Commission preferred a 30-day pre-eviction notice but would consider a 14-day notice a good compromise. The Commission was split on the 90-day non-renewal notice without Just Cause, and finally, the Commission agreed that the property owners should be required to document and report non-renewals.

Again, Mr. Anderson added that public comment was heard regarding the proposed changes. The Council actively discussed the changes and voted to approve Resolution No. 2022-30, which included the 30-day pre-eviction notice, just cause non-renewal, and tracking and reporting of non-renewals.

Mr. Anderson explained staff sent out a survey to all property owners and managers on April 5, 2023. The survey was sent via GovDelivery and emailed to all property owners in approximately 350 emails. The GovDelivery and email went out to single-family and multi-property owners and managers. Another email was sent on April 24, 2023, to the City's large property owners and managers. A total of 27 responses were received.

Mr. Anderson stated the survey was nine questions and asked specifically about evictions and non-renewals. Responses were aggregated so no individual property owner could be identified. 95 percent of respondents stated their property is considered affordable housing.

Mr. Anderson pointed out there was a question regarding the number of evictions. 23 owners filed 0-5 evictions, 2 filed 6-10 evictions, and two filed 30-60 evictions. 11 were filed for non-payment of rent, three for abandonment, and two for lease violations. Ultimately, 13 did not file an eviction, six times the landlord waited 5-8 weeks, five times the landlord waited 0-4 weeks, and three times the landlord waited 9+ weeks.
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Mr. Anderson pointed out 77 percent of respondents stated that the tenant protection ordinance did not impact their decision to issue an eviction. Additionally, 70 percent stated that the tenant protection ordinance did not impact their decision to issue a non-renewal.

Mayor Graves asked for Mr. Anderson's opinion of the results. She asked what types of landlords responded to the survey. Mr. Anderson explained the surveys were anonymous, so he could not say the size of the residences. He pointed out that going to court for just cause non-renewal is a more private matter, so the survey results don't indicate a direction.

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records of the data they were looking for.

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Councilmember Jerzak pointed out many issues with one housing unit. He has a concern that they are forcing landlords into adversarial relationships. He asked some landlords why the City didn't receive more survey responses. Landlords stated they have tenant protection fatigue. The process has become more difficult and tiring for all parties.

Councilmember Jerzak added landlords are a great partner for the City regarding crime prevention. However, the City has taken away some of the tools from property owners to maintain a safe, healthy environment. As a result, many good tenants are being lost. Additionally, many landlords and tenants have misunderstandings regarding just cause.

Councilmember Kragness stated she has concerns about the impact of eviction hearings on the relationship between tenants and landlords. Mayor Graves pointed out there were many discussions, and the final decision was a compromise by both sides. The ordinance could use some tweaking, but the City needs more data before implementing any changes.

Councilmember Lawrence-Anderson asked if the Council would be comfortable requesting the Housing Commission review-related data. Mayor Graves and Councilmember Jerzak noted their support of the idea.

8. PUBLIC HEARINGS

None.

9. PLANNING COMMISSION ITEMS

9a. RESOLUTION NO. 2023-66 APPROVING PLANNING COMMISSION APPLICATION NO. 2023-002, SUBMITTED BY LA PALMA PROPERTIES II LLC FOR APPROVAL OF AN AMENDMENT TO THE 2011 SHINGLE CREEK CROSSING PLANNED UNIT DEVELOPMENT AND APPROVAL OF A SITE AND BUILDING PLAN FOR AN APPROXIMATELY 2,678-SQUARE-FOOT RESTAURANT AND DRIVE-THRU ON BUILDING SITE R WITHIN THE SHINGLE CREEK CROSSING PUD (1340 SHINGLE CREEK CROSSING)

Planner and Zoning Administrator Ginny McIntosh provided an overview of Planning Commission Application No. 2023-002. La Palma Properties II LLC is requesting review and consideration of a proposal that would develop what is known as Building Site R within the Shingle Creek Crossing shopping center, commonly addressed as 1340 Shingle Creek Crossing, to an approximately 2,678-square foot Pollo Campero restaurant and drive-thru. The Subject Property encompasses approximately 1.03 acres and is located east of Xerxes Avenue North and south of 56th Avenue North.

Ms. McIntosh explained shopping center developer Gatlin Development Company provided a monetary contribution as part of the construction of the new Brooklyn Center Liquor Store and adjacent EDA-owned space (1350 Shingle Creek Crossing) to allow for the completion of the remaining parking lot, utility connections, and final grading for the City project as well as the three remaining pad sites along the west side of the shopping center, and of which includes the Subject Property. The Applicant purchased the Subject Property from Gatlin Development Company in January of this year.

Ms. McIntosh showed some photos of the property in question. She also showed an aerial image of the site.

Ms. McIntosh stated Planning Commission Application No. 2023-002 was submitted to the City for consideration of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development plans and documents, as well as site and building plan approval for the approximately 2,678-square foot restaurant and drive-thru. The Planning Commission held a public hearing on the requests on May 11, 2023.

Ms. McIntosh pointed out that City staff published the hearing notice as a proactive measure while identifying whether a separate use permit would be required for the drive-thru. Although the City Attorney finally determined that a separate use permit was not necessary and, therefore a public notice was not required, the notice had already been submitted to the newspaper.

Ms. McIntosh noted City staff continued with the public process and sent mail notifications to neighboring taxpayers and physical addresses per City Code and statute requirements, and development proposal signage was installed on the Subject Property. No public comments were received in advance of the public hearing or at the public hearing.

Ms. McIntosh explained the requested amendments are due to modification requests to over 10 percent change in approved floor area structure, some changes to the parking and circulation, and a request to comply with City signage provisions as opposed to Shingle Creek Crossing signage guidelines. Ms. McIntosh showed the proposed signage and exterior elevations of the building.

Ms. McIntosh explained the plan is for a 2,678-square-foot restaurant with a drive-thru. City Staff worked through multiple versions of the proposal. Staff also reviewed the plans against City Code and other architectural and signage guidelines. As proposed and with exceptions to the building footprint, drive-thru, and select parking lot revisions, the plans are generally in alignment with the 2014 approvals for Building Site R. There is a minimum setback of 35 feet off Xerxes Avenue North.

Ms. McIntosh noted primary site access is off Xerxes Avenue North via 55th or 56th Avenue North. Driveway access off Xerxes was not supported due to traffic conditions along Xerxes. A garbage truck layer was provided as part of the submittal. Only 27 on-site parking spots are required, and the proposed configuration offers 45 spaces. The minimum standards for parking dimensions and drive aisles are met. Also, sidewalk connections and bicycle facilities are provided.

Ms. McIntosh stated a photometric plan and fixture schedule were submitted. The plans need some revision to address continuity and consistency. There is a trash enclosure on the north end of the site. There are also receptacles provided at main access points and gathering spaces. The proposed drive-thru lane shall be screened with berming, landscaping, or fencing per architectural guidelines. All roof-mounted equipment also requires screening. The application prosed the installation of landscaping for the entire length of the drive-thru with aluminum edging.

Ms. McIntosh pointed out staff reviewed the submitted architectural set against the City's building materials and other guidelines. A proposed mix of stucco, porcelain tile, and aluminum compositive paneling is proposed. An elevation-by-elevation material breakdown was provided to the staff. It primarily consisted of stucco, which is a Class I material. The building is 21 feet tall, with the highest parapet at 25 feet. There are canopies at select locations, and architectural projects were incorporated. Staff noted a fair amount of wall space. However, wall lighting and material changes were incorporated to promote visual interest.

Ms. McIntosh showed an aerial view of the building, the site plan, and more detailed building material images. She noted that the colors and specifications of masonry and stucco would be consistent throughout the development. Pollo Campero has been rolling out a brand refresh incorporating a vibrant color.

Ms. McIntosh noted that a landscape plan was submitted, which is a mix of native and non-native and pollinator and non-pollinator-friendly options. Irrigation systems will be required to be installed and maintained.

Ms. McIntosh added engineering reviewed the plans and provided a memo dated April 27, 2023. Also, an MPCA NPDES permit is required, and a Construction Management Plan and Agreement and Utility Facilities Easement Agreement shall be submitted to the City before any permits can be issued.

Ms. McIntosh explained following the close of the public hearing; the Planning Commission engaged in an in-depth conversation with the Applicant and project architect regarding the overall function of the Subject Property (e.g., snow removal, trash enclosure, and trash pick-ups), disturbance to the existing parking lot as part of any construction and construction timeline, anticipated sit-down versus drive-thru traffic, and a general discussion on Pollo Campero, other locations, and the anticipated number of employees.

Ms. McIntosh noted additional discussion and clarification were provided by both the project architect and City staff regarding the request by the Applicant to follow the City Code signage requirements as opposed to the guidelines within Shingle Creek Crossing.

Ms. McIntosh stated the Planning Commission ultimately recommended City Council approval (6-0) of Planning Commission Application No. 2023-002 for approval of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development plans and documents and site and building plan approval for the approximately 2,678-square foot restaurant and drive-thru located

on Building Site R within the Shingle Creek Crossing Planned Unit Development and commonly addressed as 1340 Shingle Creek Crossing.

Councilmember Lawrence-Anderson noted her appreciation of the pollinator-friendly column. She asked if the City can encourage more native and pollinator-friendly plantings. There are a host of plantings mentioned within the Monarch Pledge document.

Councilmember Lawrence-Anderson asked what the type of food is and the price points. Jeff Stromgren, a representative of Rice Stromgren Architects, explained Pollo Campero originated in Argentina and has headquarters in Dallas. There is only one location in Minnesota, West St. Paul. They primarily have fried chicken with sides. The company is also working on a vegetarian menu. It would be considered fast food for pricing.

Councilmember Lawrence-Anderson added the patio is very interesting and would be a great addition to the City.

Councilmember Jerzak moved and Councilmember Lawrence-Anderson seconded to adopt a resolution regarding Planning Commission Application No. 2023-002 for approval of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development and approval of a site and building plan for an approximately 2,678-square foot restaurant and drive-thru on Building Site R within the Shingle Creek Crossing PUD, and located at 1340 Shingle Creek Crossing, based on the findings of fact and submitted plans, and as amended by the conditions of approval outlined in the related Council resolution.

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

10a. COMMISSION APPOINTMENTS

Mayor Graves explained she had two appointments to the Housing Commission. The recommendations include Lori Best DeYoe, who comes from an unrepresented area of the City, and Letrecia Mayo.

Councilmember Jerzak moved and Councilmember Lawrence-Anderson seconded to ratify the Mayor's appointments to the Housing Commission.

Motion passed unanimously.

Mayor Graves added the Grant Policy Discussion planned for that evening would not be taking place.

11. COUNCIL REPORT

Mayor Graves reported on her attendance at the following and provided information on the following upcoming events:

- Attended the Mayor's Innovation Project
- Attended Emerging BC Retreat and community dinner
- Presented comments at the Twin Cities Diversity Homeownership Fair
- Presented welcoming remarks at SEWA Health Fair

Councilmember Kragness reported on her attendance at the following and provided information on the following upcoming events:

- Met with Senator Pha; noted she wants to meet with Brooklyn Center officials regarding some legislation.

Mayor Graves directed staff to schedule a presentation from Senator Pha on the calendar. Councilmember Jerzak noted Representative Vang should also be part of that conversation. Mayor Graves stated there were different interests between Brooklyn Center and Representative Vang. Councilmember Jerzak stated the Chair of the Committee represented the situation differently. Mayor Graves stated there were some other politics at play.

12. ADJOURNMENT

Councilmember Lawrence-Anderson moved and Councilmember Kragness seconded the adjournment of the City Council meeting at 8:13 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

REGULAR SESSION
MAY 22, 2023
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH THE CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor April Graves at 6:41 p.m.

ROLL CALL

Mayor April Graves and Councilmembers Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Councilmember Marquita Butler was absent and excused. Also present were Assistant City Manager/City Clerk Barb Suciu, Interim Community Development Director Jesse Anderson, Planner and Zoning Administrator Ginny McIntosh, Deputy City Clerk Shannon Pettit, and City Attorney Jason Hill.

Mayor April Graves opened the meeting with an Informal Open Forum.

Gretchen E. thanked the Council and City for their response and resolution to removing a broken tree limb due to weather. She then asked about the Alternate Response Program, funding, and partnering with neighboring cities and Hennepin County. She discussed the potential funding and noted that the program is still in the early planning stages. Mayor Graves noted that many conversations regarding the program are happening outside of the City Council meetings.

Carlos B. expressed concerns with the Speedway Gas Station, safety concerns, and inability to turn to law enforcement. He asked the Council to consider options such as closure or reducing hours rather than allowing 24-hour open hours. Mayor Graves stated she would contact Community Outreach and would like to follow up as time progresses.

Laurie M. expressed disappointment in the lack of acknowledgment towards Law Enforcement Appreciation Week, Asian Pacific Islander Month, and Mental Health Awareness Month. She stated that she attended the Emerging BC dinner and was disappointed in the choice of wording and offensive references she overheard from a past AACP president and a City representative. Mayor Graves noted that there was an appreciation for Law Enforcement Appreciation Week at May 8, 2023, meeting, and there is a proclamation for Mental Health Awareness Month which will be read at tonight's meeting. She also noted that Councilmember Lawrence-Anderson made the Council aware of Asian Pacific Islander Month at the beginning of the meeting, and the Council will have a proclamation or resolution acknowledging this next year.

Kevin S. suggested the Council consider bringing the community to the council meetings when they present proclamations and resolutions to specific groups. He also thanked the Council for the lack of chaos that is present at the meetings.

Phillip M. distributed a letter to express concern over landlord-tenant relationships he and other business owners in the community are experiencing. He is asking the Council for intervention to help alleviate the continued tension within the community. It was suggested that Phillip contact Vong Thao, Economic Development Coordinator, to discuss concerns and potential solutions.

Councilmember Jerzak moved, and Councilmember Kragness seconded to close the Informal Open Forum at 7:04 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Lawrence-Anderson read the quote titled A Tale of Two Wolves, "My son, there is a battle between two wolves inside all of us. One is Evil. It is anger, jealousy, greed, resentment, inferiority, lies, and ego. The other is good. It is joy, peace, love, hope, serenity, humility, kindness, benevolence, empathy, generosity, and truth. The boy thought about it for a minute and then asked his grandfather: "Grandfather, which wolf wins?" The old man quietly replied, "The one you feed."

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The Pledge of Allegiance was recited.

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

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9a. RESOLUTION NO. 2023-66 APPROVING PLANNING COMMISSION APPLICATION NO. 2023-002, SUBMITTED BY LA PALMA PROPERTIES II LLC FOR APPROVAL OF AN AMENDMENT TO THE 2011 SHINGLE CREEK CROSSING PLANNED UNIT DEVELOPMENT AND APPROVAL OF A SITE AND BUILDING PLAN FOR AN APPROXIMATELY 2,678-SQUARE-FOOT RESTAURANT AND DRIVE-THRU ON BUILDING SITE R WITHIN THE SHINGLE CREEK CROSSING PUD (1340 SHINGLE CREEK CROSSING)

Planner and Zoning Administrator Ginny McIntosh provided an overview of Planning Commission Application No. 2023-002. La Palma Properties II LLC is requesting review and consideration of a proposal that would develop what is known as Building Site R within the Shingle Creek Crossing shopping center, commonly addressed as 1340 Shingle Creek Crossing, to an approximately 2,678-square foot Pollo Campero restaurant and drive-thru. The Subject Property encompasses approximately 1.03 acres and is located east of Xerxes Avenue North and south of 56th Avenue North.

Ms. McIntosh explained shopping center developer Gatlin Development Company provided a monetary contribution as part of the construction of the new Brooklyn Center Liquor Store and adjacent EDA-owned space (1350 Shingle Creek Crossing) to allow for the completion of the remaining parking lot, utility connections, and final grading for the City project as well as the three remaining pad sites along the west side of the shopping center, and of which includes the Subject Property. The Applicant purchased the Subject Property from Gatlin Development Company in January of this year.

Ms. McIntosh showed some photos of the property in question. She also showed an aerial image of the site.

Ms. McIntosh stated Planning Commission Application No. 2023-002 was submitted to the City for consideration of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development plans and documents, as well as site and building plan approval for the approximately 2,678-square foot restaurant and drive-thru. The Planning Commission held a public hearing on the requests on May 11, 2023.

Ms. McIntosh pointed out that City staff published the hearing notice as a proactive measure while identifying whether a separate use permit would be required for the drive-thru. Although the City Attorney finally determined that a separate use permit was not necessary and, therefore a public notice was not required, the notice had already been submitted to the newspaper.

Ms. McIntosh noted City staff continued with the public process and sent mail notifications to neighboring taxpayers and physical addresses per City Code and statute requirements, and development proposal signage was installed on the Subject Property. No public comments were received in advance of the public hearing or at the public hearing.

Ms. McIntosh explained the requested amendments are due to modification requests to over 10 percent change in approved floor area structure, some changes to the parking and circulation, and a request to comply with City signage provisions as opposed to Shingle Creek Crossing signage guidelines. Ms. McIntosh showed the proposed signage and exterior elevations of the building.

Ms. McIntosh explained the plan is for a 2,678-square-foot restaurant with a drive-thru. City Staff worked through multiple versions of the proposal. Staff also reviewed the plans against City Code and other architectural and signage guidelines. As proposed and with exceptions to the building footprint, drive-thru, and select parking lot revisions, the plans are generally in alignment with the 2014 approvals for Building Site R. There is a minimum setback of 35 feet off Xerxes Avenue North.

Ms. McIntosh noted primary site access is off Xerxes Avenue North via 55th or 56th Avenue North. Driveway access off Xerxes was not supported due to traffic conditions along Xerxes. A garbage truck layer was provided as part of the submittal. Only 27 on-site parking spots are required, and the proposed configuration offers 45 spaces. The minimum standards for parking dimensions and drive aisles are met. Also, sidewalk connections and bicycle facilities are provided.

Ms. McIntosh stated a photometric plan and fixture schedule were submitted. The plans need some revision to address continuity and consistency. There is a trash enclosure on the north end of the site. There are also receptacles provided at main access points and gathering spaces. The proposed drive-thru lane shall be screened with berming, landscaping, or fencing per architectural guidelines. All roof-mounted equipment also requires screening. The application prosed the installation of landscaping for the entire length of the drive-thru with aluminum edging.

Ms. McIntosh pointed out staff reviewed the submitted architectural set against the City's building materials and other guidelines. A proposed mix of stucco, porcelain tile, and aluminum compositive paneling is proposed. An elevation-by-elevation material breakdown was provided to the staff. It primarily consisted of stucco, which is a Class I material. The building is 21 feet tall, with the highest parapet at 25 feet. There are canopies at select locations, and architectural projects were incorporated. Staff noted a fair amount of wall space. However, wall lighting and material changes were incorporated to promote visual interest.

Ms. McIntosh showed an aerial view of the building, the site plan, and more detailed building material images. She noted that the colors and specifications of masonry and stucco would be consistent throughout the development. Pollo Campero has been rolling out a brand refresh incorporating a vibrant color.

Ms. McIntosh noted that a landscape plan was submitted, which is a mix of native and non-native and pollinator and non-pollinator-friendly options. Irrigation systems will be required to be installed and maintained.

Ms. McIntosh added engineering reviewed the plans and provided a memo dated April 27, 2023. Also, an MPCA NPDES permit is required, and a Construction Management Plan and Agreement and Utility Facilities Easement Agreement shall be submitted to the City before any permits can be issued.

Ms. McIntosh explained following the close of the public hearing; the Planning Commission engaged in an in-depth conversation with the Applicant and project architect regarding the overall function of the Subject Property (e.g., snow removal, trash enclosure, and trash pick-ups), disturbance to the existing parking lot as part of any construction and construction timeline, anticipated sit-down versus drive-thru traffic, and a general discussion on Pollo Campero, other locations, and the anticipated number of employees.

Ms. McIntosh noted additional discussion and clarification were provided by both the project architect and City staff regarding the request by the Applicant to follow the City Code signage requirements as opposed to the guidelines within Shingle Creek Crossing.

Ms. McIntosh stated the Planning Commission ultimately recommended City Council approval (6-0) of Planning Commission Application No. 2023-002 for approval of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development plans and documents and site and building plan approval for the approximately 2,678-square foot restaurant and drive-thru located

on Building Site R within the Shingle Creek Crossing Planned Unit Development and commonly addressed as 1340 Shingle Creek Crossing.

Councilmember Lawrence-Anderson noted her appreciation of the pollinator-friendly column. She asked if the City can encourage more native and pollinator-friendly plantings. There are a host of plantings mentioned within the Monarch Pledge document.

Councilmember Lawrence-Anderson asked what the type of food is and the price points. Jeff Stromgren, a representative of Rice Stromgren Architects, explained Pollo Campero originated in Argentina and has headquarters in Dallas. There is only one location in Minnesota, West St. Paul. They primarily have fried chicken with sides. The company is also working on a vegetarian menu. It would be considered fast food for pricing.

Councilmember Lawrence-Anderson added the patio is very interesting and would be a great addition to the City.

Councilmember Jerzak moved and Councilmember Lawrence-Anderson seconded to adopt a resolution regarding Planning Commission Application No. 2023-002 for approval of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development and approval of a site and building plan for an approximately 2,678-square foot restaurant and drive-thru on Building Site R within the Shingle Creek Crossing PUD, and located at 1340 Shingle Creek Crossing, based on the findings of fact and submitted plans, and as amended by the conditions of approval outlined in the related Council resolution.

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

10a. COMMISSION APPOINTMENTS

Mayor Graves explained she had two appointments to the Housing Commission. The recommendations include Lori Best DeYoe, who comes from an unrepresented area of the City, and Letrecia Mayo.

Councilmember Jerzak moved and Councilmember Lawrence-Anderson seconded to ratify the Mayor's appointments to the Housing Commission.

Motion passed unanimously.

Mayor Graves added the Grant Policy Discussion planned for that evening would not be taking place.

11. COUNCIL REPORT

Mayor Graves reported on her attendance at the following and provided information on the following upcoming events:

- Attended the Mayor's Innovation Project
- Attended Emerging BC Retreat and community dinner
- Presented comments at the Twin Cities Diversity Homeownership Fair
- Presented welcoming remarks at SEWA Health Fair

Councilmember Kragness reported on her attendance at the following and provided information on the following upcoming events:

- Met with Senator Pha; noted she wants to meet with Brooklyn Center officials regarding some legislation.

Mayor Graves directed staff to schedule a presentation from Senator Pha on the calendar. Councilmember Jerzak noted Representative Vang should also be part of that conversation. Mayor Graves stated there were different interests between Brooklyn Center and Representative Vang. Councilmember Jerzak stated the Chair of the Committee represented the situation differently. Mayor Graves stated there were some other politics at play.

12. ADJOURNMENT

Councilmember Lawrence-Anderson moved and Councilmember Kragness seconded the adjournment of the City Council meeting at 8:13 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 22, 2023
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President April Graves at 8:22 p.m.

ROLL CALL

Mayor/President April Graves and Councilmembers/Commissioners Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Councilmember/Commissioner Butler was excused. Also present were Assistant City Manager/City Clerk Barb Suciu, Deputy City Clerk Shannon Pettit, and City Attorney Jason Hill.

GRANT POLICY

Finance Director Holm presented the draft Grant Administration Policy which was created by Director Holm as well as the Finance Commission. The purpose of the policy to allow for adequate internal controls, develop, implement, and maintain grant oversight, provide a uniform method of applying for and managing grants, ensure Uniform Guidance is applicable to Federal Funds, and outline procedures.

She noted that the council will approve all grant awards which will require a resolution. Grant awards will be subject to the Purchasing Policy and documentation will be stored in accordance with the retention policy. She also noted that funds will not be disbursed until a fully executed agreement has been received. It was also noted that the departments will have the ability to assign a grant administrator who will be the main contact for the department. Grant review will occur periodically and a final close-out memo will be prepared by each department, however, the Finance Director will confirm the grant close-out and finalize it.

Director Holm stated that once any questions, concerns, or revisions were made, she will prepare a resolution for adoption to be presented to the council. She also noted that there will be a Grant Administration Procedures Manual completed by staff.

Councilmember Kragness thanked those involved in creating this policy.

Councilmember Jerzak expressed concern with the change made regarding the grant application approval as it previously stated that the council will approve grant applications rather than City

Manager approval. Director Holm stated that after further discussion with staff, it was decided that due to potential timeline issues, it would be best to allow staff to apply for grants rather than propose potential grant applications to the council. Councilmember Jerzak continued to express concern with this change as he would like the council to examine those grant holders to ensure they align with the city's strategic plan and priorities and value systems.

Mayor Graves asked if the Finance Commission voted on changes/updates, or if it was a general consensus. Director Holm noted that the Finance Commission was unable to obtain a quorum, therefore it was a general consensus, as they knew it was time-sensitive and didn't want to delay the process of approval. She also noted that there will be further discussion on the potential of grant approval/non-approval for certain county and federal grants, as well as amounts.

Mayor Graves noted that she believes the staff should be able to determine which grants to apply for rather than the council approving or not-approving the applying for grants.

Councilmember Kragness asked that the revisions/changes be presented to the Finance Commission before the council votes on the Grant Policy.

Councilmember Lawrence-Anderson expressed agreeance with Councilmember Kragness and would like to see the Finance Commission review the updated policy prior to approval by the council. She also noted that she would like to see due diligence with the grant opportunities and would like the council to be involved in the application submission, as well as the length of monies available.

Councilmember Jerzak clarified his support in approving the application process is to help support staff in their time and efforts when researching available grants as well as the grant holders. He also noted that he is concerned with the grant process being a way to circumvent the budgeting process, as oftentimes grant monies run out.

Councilmember Lawrence-Anderson noted that there have been many emergencies and last-minute grant applications and she would like to see the council more involved and educated on the grant availabilities and applications.

Mayor Graves noted that often there isn't time for the council to hold a special meeting to approve the application for a grant, and also noted that it's important for the council to be informed of any grant applications that are in progress or pending. She also stated her support for a specific dollar amount in an attempt to reduce the tediousness of approving grants.

Director Holm asked for clarification on grant resolutions and the inclusion of a dollar amount. Mayor Graves stated that the council doesn't need to approve the application of grants, but would like to approve the acceptance of grants. She also stated that the council would like to know of any grants that are being considered.

Assistant City Manager Suciu noted that moving forward, the application of grants can be placed in the Weekly Update for council information.

Mayor Graves noted that grant sustainability should be acknowledged and discussed further.

CITY-WIDE SURVEY DISCUSSION

Assistant City Manager Suciu updated the council on the City-Wide Survey changes and updates as requested. She discussed the timeline and noted it will take approximately five weeks to complete, and the results will be included in the strategic planning.

Mayor Graves asked for the wording to be changed on question 11, and simply ask 'Why?'.

Councilmember Kragness asked that the grammar be reviewed before the survey is live.

UPCOMING ITEMS

- THC Moratorium - June 12
- Memorial Policy - June 12
- Special Assessment Policy/Franchise Fees (referred to Financial Commission)
- Beautification and Public Art Commission
- Liquor Store 2
- Organizational Chart-Budget work sessions
- Rental License Review (referred to Housing Commission)
- Food Truck Ordinance/License
- Emerald Ash Borer Policy Review (referred to Park & Rec Commission November)

ADJOURNMENT

Councilmember/Commissioner Jerzak moved and Councilmember/Commissioner Butler seconded the adjournment of the City Council/Economic Development Authority Work Session at 9:14 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 6/12/2023

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Shannon Pettit, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- motion to approve the licenses as presented.

Background:

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

Garbage Haulers

Allied Waste Services of North America, LLC, 8661 Rendova Street NE, Circle Pines, MN 55014
BL23-0342
Midwest Grease, 220 Ponderosa Road, Redwood Falls, MN 56283
BL23-0307
Waste Management - Blaine, 10050 Naples Street NE, Blaine, MN 55446
BL23-0352

Mechanical

Anderson's Residential Heating & A/C
1628 County Rd 10, #34, Spring Lake Park, 55432
Forward Air, Inc. FFM LLC
9220 Wright Bros Ct. SW, Cedar Rapids 52404
Friendly Home Services Inc.
11792 272nd Ave NW, Zimmerman 55398
Homeworks Services LLC
915 Blue Gentian Rd, Suite 100, Eagan 55121
Kirts Mechanical LLC
2803 Roth Pl, White Bear Lake 55110
Liberty Comfort Systems
627 East River Rd, Anoka 55303
Midwest Electric and Generator
10215 Twin Lakes Rd NW, Elk River 55330

Ray Welter Htg Co.
4637 Chicago Ave S, Minneapolis 55407
Schwantes Heating and Air Conditioning, Inc.
6080 Oren Ave S, Stillwater 55082
Southside Heating & Air Conditioning Inc.
10808 Normandale Blvd, Bloomington 55437
St. Paul Plumbing & Heating Co.
640 Grand Ave, St. Paul 55105
Tim's Quality Plbg.
225 County Rd 81, Osseo 55369
WJW Company
10068 Flanders Court, Blaine 55449

Sign Hangers
Signcrafters Outdoor
14050 Lincoln St. NE, Ham Lake 55304

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	3/16/2021	Backup Material
Rental Licenses 06/12/23	6/5/2023	Backup Material

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval 6.12.23

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final License Type**	Previous License Type***	Consecutive Type IV's
2801 67th La N	Single	Initial	P J Carey & M J Carey	0	Type I	N/A	Type II	N/A	N/A
3715 58th Ave N	Single	Initial	Saldi Home Improvement Llc	5	Type II	N/A	Type II	N/A	N/A
407 70th Ave N	Multiple Family 8 Bldgs 128 Units	Renewal	Gary F Brummer	190 = 1.48 per unit	Type II	8/21/22 Disturbance	Type II	Type I	N/A
700 66th Ave N	Multiple Family 24 Bldgs 92 Units	Renewal	Georgetown-bc Company Lllp	258 = 2.80 per unit	Type III	6/14/22 Robbery 12/31/22 Aggravated Assault	Type III	Type III	N/A
4809 Twin Lake Ave N	Multiple Family 2 Bldgs 6 Units	Renewal	Twin Lake Apartments, LLC	5 = 0.83 per unit	Type II	0	Type II	Type IV	N/A
4811 Lakeview Ave N	Multiple Family 1 Bldg 4 Units	Renewal	Eileen Booker	5 = 1.25 per unit	Type II	0	Type II	Type IV	0
6125 Lilac Dr N	Multiple Family 1 Bldg 65 Units	Renewal	Lanel Crossings Ltd Ptnrshp	96 = 1.48 per unit	Type II	0	Type II	Type II	N/A
1217 54th Ave N	Two Family	Renewal	Jackson Hurst & Cierra Hurst	6	Type III	0	Type III	Type IV	0
7206-12 West River Rd	Two Family	Renewal	Jason L Ingbretson	7	Type III	0	Type III	Type II	N/A
4207 Lakeside Ave N, #236	Condo	Renewal	Judith C Spanberger	4	Type II	0	Type II	Type I	N/A
1600 71st Ave N	Single	Renewal	Fyr Sfr Borrower Llc	13	Type IV	0	Type IV	Type III	0
1900 Brookview Dr	Single	Renewal	Ih3 Property Minnesota Lp	18	Type IV	0	Type IV	Type I	0
2607 65th Ave N	Single	Renewal	Oluwaferanmi Amusan	6	Type III	0	Type IV	Type IV	2
3141 49th Ave N	Single	Renewal	Ccf3 Llc Did not meet requirements	5	Type II	0	Type IV	Type IV	2
3906 Janet La	Single	Renewal	Lateef Olayiwola Adeleke	8	Type III	0	Type IV	Type IV	2
5024 71st Ave N	Single	Renewal	Fyr Sfr Borrower Llc	10	Type IV	0	Type IV	Type III	0

5344 Twin Lake Blvd E	Single	Renewal	Takasi Sibuya	7	Type III	0	Type III	Type I	N/A
5542 Irving Ave N	Single	Renewal	Ri Five Llces	4	Type II	0	Type II	Type II	N/A
5550 Girard Ave N	Single	Renewal	Restart Inc	2	Type I	0	Type I	Type IV	N/A
5636 Fremont Ave N	Single	Renewal	Alice I Mansaray	1	Type I	0	Type I	Type IV	N/A
5712 Northport Dr	Single	Renewal	R & C Scherbing Fam Rv Lv Tr	2	Type I	0	Type I	Type I	N/A
6219 Chowen Ave N	Single	Renewal	Butterfly Bound Care	4	Type II	0	Type II	Type IV	N/A
6325 Kyle Ave N	Single	Renewal	Cuong Pham	4	Type II	0	Type IV	Type IV	3
6600 Dupont Ave N	Single	Renewal	Thomas Le & Mai Le	0	Type I	0	Type I	Type IV	N/A
7013 Knox Ave N	Single	Renewal	HPA II BORROWER 2021-1 LLC	7	Type III	0	Type III	Type IV	N/A
7024 Newton Ave N	Single	Renewal	T Pfingsten & M W Omelia	2	Type I	0	Type I	Type I	N/A
7137 Grimes Ave N	Single	Renewal	Shawn Banks & Djuana J Banks	0	Type I	0	Type I	Type I	N/A
7225 Major Ave N	Single	Renewal	Iasis Iii Llc	13	Type IV	0	Type IV	Type III	0

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

**License type being issued

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

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 6/12/2023

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Jim Langemo, Equity & Human Resources Director

SUBJECT: Resolution Approving the Labor Agreement for the Law Enforcement Labor Services, Inc. (LELS NUMBER 512) and the City of Brooklyn Center for the Period Beginning May 22, 2022, 2023, and 2024

Requested Council Action:

- *motion to approve a resolution approving the Labor Agreement for the Law Enforcement Labor Services, Inc. (LELS NUMBER 512) and the City of Brooklyn Center for the period May 22, 2022, years 2023 and 2024.*

Background:

In May 2022, the City of Brooklyn Center was notified of the desire to negotiate by Law Enforcement Labor Service (LELS) for an initial union contract for Group 512 (Non-Licensed Law Enforcement Support Staff). The staff has negotiated in good faith with representatives from LELS and members of the newly formed union group, and recently, the union representatives, members of the union, and the City have agreed. The highlights of contract are as follows:

Article 13 - Wages
The salary structure went from a seven steps to five steps. The increases are as follows:
2022 - 2 percent
2023 - 3 percent
2024 - 3 percent
The full salary structure is on page 8 of the contract.

13.5 - Retention - $2,500 and 40 hours of vacation will added to all members that were employed with the City on May 22, 2022.

Article 18 - Severance Pay
Employees who separate from the City in good standing, at least 14 day advance notice, are entitled to the following severance:
1) one-third of their accumulated sick leave if the employee has been with the City or at least five consecutive years; and
2) up to 230 hours of accrued vacation leave, will be deposited into Post Employment Health Care Savings Plan (PEHCSP) account.

Article 23 - Uniforms
Employees will receive $250.00 for uniform allowance.

Budget Issues:

For 2023, there are six (6) members eligible to receive the $2,500, for a total impact of $15,000.

For 2024, the salaries outlined in the contract will be built into the budget.

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
resolution	6/6/2023	Resolution Letter
Contract	6/6/2023	Backup Material

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-

RESOLUTION APPROVING THE LABOR AGREEMENT FOR LAW ENFORCEMENT LABOR SERVICES, INC. (LELS NUMBER 512) AND THE CITY OF BROOKLYN CENTER FOR THE PERIOD BEGINNING MAY 22, 2022, YEARS 2023, AND 2024

WHEREAS, Section 2.07 of the City Charter for the City of Brooklyn Center states that the City Council is to fix the salary or wages of all officers and employees of the City; and

WHEREAS, the City was presented an initial union contract for LELS NUMBER 512 (Non-Licensed Law Enforcement Support Staff) in May 2022; and.

WHEREAS, the City has negotiated in good faith with LELS NUMBER 512 (Non-Licensed Law Enforcement Support Staff) for a contract for the period beginning May 22, 2022, years 2023, and 2024, as attached.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brooklyn Center approves the LaborAgreement with LELS NUMBER 512 (Non-Licensed Law Enforcement Support Staff) for the period beginning May 22, 2022, years 2023 and 2024,

June 12, 2023
Date

Mayor

ATTEST: _____
City Clerk

Member duly seconded the motion for the adoption of the preceding resolution

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.

LABOR AGREEMENT

between

The City of Brooklyn Center, Minnesota

and

Law Enforcement Labor Services, Inc.

May 22, 2022 – December 31, 2024

May 24, 2022 – December 31, 2024

Representing: Non-Licensed Law Enforcement Support Staff Union Local # 512

LABOR AGREEMENT
between
The City of Brooklyn Center, Minnesota
and
Law Enforcement Labor Services

Representing: Non-Licensed Law Enforcement Support Staff Union Local # 512

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LABOR AGREEMENT
between
The City of Brooklyn Center, Minnesota
and
Law Enforcement Labor Services

Representing: Non-Licensed Law Enforcement Support Staff Union Local # 512

Article 1: Purpose of Agreement
This AGREEMENT is entered into between the City of Brooklyn Center, hereinafter called the EMPLOYER, and Law Enforcement Labor Services, Inc., and Law Enforcement Employees' Union Local No. 512 members, hereinafter called the UNION.

The intent and purpose of this AGREEMENT is to:

1.1 Establish certain wages and other conditions of employment;

1.2 Establish procedures for the resolution of disputes concerning this AGREEMENT'S interpretation and/or application;

1.3 Specify the full and complete understanding of the parties; and

1.4 Place in written form the parties' agreement upon terms and conditions of employment for the duration of this AGREEMENT.

The EMPLOYER and the UNION, through this AGREEMENT, continue their dedication to the highest quality of public service. Both parties recognize this AGREEMENT as a pledge of this dedication.

Article 2: Recognition
The EMPLOYER recognizes the UNION as the exclusive representative for the following job classifications:

All non-licensed employees employed by the City of Brooklyn Center Police Department, Brooklyn Center, Minnesota who are public employees within the meaning of Minn. Stat. § 179A.03, subd. 14, excluding confidential and all other employees.

a) Administrative Assistant
b) Crime Analyst
c) Crime Prevention Specialist
d) Property Technician
e) Records Specialist
f) Records Technician

Article 3: Definitions
3.1 UNION: Law Enforcement Labor Services, Inc. and Law Enforcement Employees' Union, Local No. 512.

3.2 EMPLOYER: The City of Brooklyn Center.

3.3 DEPARTMENT: The City of Brooklyn Center Police Department.

3.4 CHIEF: The Chief of the City of Brooklyn Center Police Department.

3.5 UNION MEMBER: A member of Law Enforcement Labor Services, Inc. and Law Enforcement Employees' Union, Local No. 512.

3.6 UNION OFFICER: The Officers elected or appointed by Law Enforcement Labor Services, Inc. and Law Enforcement Employees' Union, Local No. 512.

3.7 EMPLOYEE: An employee whose classification is within the exclusively recognized bargaining unit.

3.8 BASE PAY RATE: The employee's hourly pay rate.

3.9 OVERTIME: Work performed at the express authorization of the EMPLOYER in excess of the employee's scheduled shift.

3.10 SCHEDULED SHIFT: A consecutive 8-hour work period including rest breaks and a lunch break.

3.11 REST BREAKS: Periods during the SCHEDULED SHIFT during which the EMPLOYEE remains on continual duty and is responsible for assigned duties.

Article 4: Savings Clause

This AGREEMENT is subject to the laws of the United States, the State of Minnesota, and the City of Brooklyn Center. In the event any provision of this AGREEMENT shall be held to be contrary to law by a court of competent jurisdiction from whose final judgment or decree no appeal has been taken within the time provided, such provision shall be voided. All other provisions of this AGREEMENT shall continue in full force and effect. The voided provision may be renegotiated at the request of either party.

Article 5: Union Security

5.1 In recognition of the UNION as the exclusive representative the EMPLOYER shall:

a) Deduct each payroll period an amount sufficient to provide the payment of dues established by the UNION from the wages of all EMPLOYEES authorizing in writing such deduction.

b) Remit such deduction to the appropriate designated officer of the UNION.

5.2 The UNION may designate certain UNION MEMBERS to act as stewards and shall inform the EMPLOYER in writing of such choice.

5.3 The UNION agrees to indemnify and hold the EMPLOYER harmless against any and all claims, suits, orders, or judgments brought or issued against the EMPLOYER as a result of any action taken or not taken by the EMPLOYER under the provisions of this ARTICLE.

Article 6: Employer Security

The UNION agrees that during the life of this AGREEMENT it will not cause, encourage, participate in, or support any strike, slow down, other interruption of, or interference with the normal functions of the EMPLOYER. In the event there is an impasse during negotiations, the issues shall be submitted for Mediation. A failed mediation will proceed as follows: In lieu of the Union's right to strike under Minn. Stat. 179A.18, the parties agree to use interest arbitration as provided to essential employees under Minn. Stat. 179A.16, Subd. 2.

Article 7: Employer Authority

7.1 The EMPLOYER retains the full and unrestricted right to operate and manage all manpower, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct and determine the number of personnel; to establish work schedules; and to perform any inherent managerial function not specifically limited by this AGREEMENT.

7.2 Any term and condition of employment not specifically established or modified by this AGREEMENT shall remain solely within the discretion of the EMPLOYER to modify, establish, or eliminate.

7.3 The EMPLOYER shall provide a bulletin board for UNION notices and announcements to be posted.

Article 8: Employee Rights – Grievance Procedure

8.1 Definition of a Grievance: A grievance is defined as a dispute or disagreement as to the interpretation or application of the specific terms and conditions of this AGREEMENT.

8.2 Union Representatives: The EMPLOYER will recognize representatives designated by the UNION as the grievance representatives of the bargaining unit having the duties and responsibilities established by this ARTICLE. The UNION shall notify the EMPLOYER in writing of the names of such UNION REPRESENTATIVES and of their successors when so designated.

8.3 Processing of a Grievance: It is recognized and accepted by the UNION and the EMPLOYER that the processing of grievances as hereinafter provided is limited by the job duties and responsibilities of the EMPLOYEES and shall therefore be accomplished during normal working hours only when consistent with such EMPLOYEE duties and responsibilities. The aggrieved EMPLOYEE and the UNION REPRESENTATIVE shall be allowed a reasonable amount of time without loss in pay when a grievance is investigated and presented to the EMPLOYER during normal working hours provided the EMPLOYEE and the UNION REPRESENTATIVE have notified and received the approval of the designated supervisor who has determined that such absence is reasonable and would not be detrimental to the work programs of the EMPLOYER.

8.4 Procedure: Grievances, as defined by Section 8.1, shall be resolved in conformance with the following procedure:

Step 1: An EMPLOYEE must present a grievance within twenty-one (21) business days after the incident giving rise to the grievance has occurred, to the EMPLOYEE'S commander/division manager as designated by the EMPLOYER.

The EMPLOYER-designated representative will discuss and respond to such Step 1 grievance within fourteen (14) business days after receipt of the grievance in time-stamped email.

A grievance not resolved in Step 1 and appealed to Step 2 shall be placed in writing setting forth the nature of the grievance, the facts on which it is based, the provision or provisions of the AGREEMENT allegedly violated, and the remedy requested within fourteen (14) business days after the EMPLOYER-designated representative's final answer in Step 1.

Any grievance not appealed in writing to Step 2 by the UNION within fourteen (14) business days shall be considered waived.

Step 2: If appealed, the written grievance shall be presented by the UNION and discussed with the CHIEF or their representative. The EMPLOYER- designated representative shall give the UNION the EMPLOYER'S Step 2 answer in writing within fourteen (14) business days after receipt of time-stamped email of such Step 2 grievance. A grievance not resolved in Step 2 may be appealed to Step 3 within fourteen (14) business days following the EMPLOYER-designated representative's final Step 2 answer. Any grievance not appealed in writing to Step 3 by UNION within fourteen (14) business days shall be considered waived.

Step 3: A grievance unresolved in Step 2 and appealed in Step 3 may be submitted to the Minnesota Bureau of Mediation Services upon mutual agreement of the parties. A grievance not resolved in Step 3 may be appealed to Step 4 within fourteen (14) business days following the Bureau's final answer in Step 3. Any grievance not appealed in writing to Step 4 by the UNION within fourteen (14) business days shall be considered waived.

Step 4: A grievance unresolved in Step 3 and appealed in Step 4 shall be submitted to arbitration subject to the provisions of the Public Employment Labor Relations Act of 1971, as amended, unless the Employee chooses a different remedy pursuant to section 8.7. If the parties cannot agree upon an arbitrator, the selection of an arbitrator shall be made in accordance with the "Rules Governing the Arbitration of Grievances" as established by the Public Employment Relations Board.

8.5 Arbitrator's Authority:

a) The arbitrator shall have no right to amend, modify, nullify, ignore, add to, or subtract from the terms and conditions of this AGREEMENT. The arbitrator shall consider and decide only the specific issue(s) submitted in writing by the EMPLOYER and the UNION and shall have no authority to make a decision on any other issue not so submitted.

b) The arbitrator shall be without power to make decisions contrary to, or inconsistent with, or modifying or varying in any way the application of laws, rules, or regulations having the force and effect of law. The arbitrator's decision shall be submitted in writing within thirty (30) days following the close of the hearing or the submission of briefs by the parties, whichever be later, unless the parties agree to an extension. The decision shall be binding on both the EMPLOYER and the UNION and shall be based solely on the arbitrator's interpretation or application of the express terms of this AGREEMENT and to the facts of the grievance presented.

c) The fees and expenses for the arbitrator's services and proceedings shall be borne equally by the EMPLOYER and the UNION provided that each party shall be responsible for compensating its own representatives and witnesses. If either party desires a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record. If both parties desire a verbatim record of the proceedings the cost shall be shared equally.

8.6 Waiver: If a grievance is not presented within the time limits set forth above, it shall be considered waived. If a grievance is not appealed to the next step within the specified time limit or any agreed extension thereof, it shall be considered settled on the basis of the EMPLOYER's last answer. If the EMPLOYER does not answer a grievance or an appeal thereof within the specified time limits, the UNION may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the EMPLOYER and the UNION.

8.7 Choice of Remedy: If the grievance involves a veteran and is a suspension, demotion, or discharge of an EMPLOYEE who has completed the required probationary period, the grievance may be appealed directly to Step 3 (by mutual agreement) or Step 4 of this ARTICLE. If the Employee chooses to appeal directly to Step 4, the Employee may select arbitration or a Veteran's Preference hearing pursuant to applicable law.

If the EMPLOYEE chooses a Veteran's Preference hearing, the EMPLOYEE must sign a statement indicating their choice of remedy and agreeing to waive the right to arbitration.

Article 9: Seniority

Seniority is defined as the length of continuous service beginning with an EMPLOYEE'S date of hire under any job classification covered by Article 2.

9.1 Seniority will be the determining criterion for transfers, promotions, recall and lay-offs only when all job-relevant factors are equal.

9.2 Layoff: If the EMPLOYER eliminates a job classification or position and an incumbent EMPLOYEE is reassigned to another job classification covered by this agreement, the EMPLOYEE shall retain the seniority earned in the previously held job classification.

9.3 Recall: Seniority will be the determining criterion for recall when job-relevant qualifications are equal. Recall rights under this provision will continue for twelve (12) months from the date of lay off. Recalled EMPLOYEES shall have ten (10) working days

after notification of recall by registered mail at the EMPLOYEE'S last known address to report to work or forfeit all recall rights.

Article 10: Discipline

10.1 The EMPLOYER will discipline EMPLOYEES only for just cause. Discipline will be in one or more of the following forms:

a) Oral reprimand
b) Written reprimand
c) Suspension
d) Demotion
e) Discharge

10.2 EMPLOYEES will not be required to participate in an investigatory interview by the EMPLOYER where the information gained from the interview could lead to the discipline of the EMPLOYEES unless the EMPLOYEES are given the opportunity to have a UNION OFFICER present at the interview to act as witness for the EMPLOYEES.

10.3 The EMPLOYER shall provide the UNION with a copy of all discipline.

Article 11: Probationary Period

11.1 All newly hired or rehired EMPLOYEES will serve a six (6) month probationary period.

11.2 At any time during the probationary period a newly hired or rehired EMPLOYEE may be terminated at the sole discretion of the EMPLOYER.

11.3 At any time during the probationary period a promoted or reassigned EMPLOYEE may be demoted or reassigned at the sole discretion of the EMPLOYER to the EMPLOYEE'S previous position if a vacancy exists.

Article 12: Work Schedules

12.1 The sole authority for work schedules is the EMPLOYER. The normal workday for an EMPLOYEE(S) shall be set by the EMPLOYER.

12.2 With consultation with department head, EMPLOYEES may be allowed to have work from home opportunities.

12.3 Nothing contained in this ARTICLE, or any other ARTICLE, shall be interpreted to be a guarantee of a minimum or maximum number of hours the EMPLOYER may assign EMPLOYEES.

12.4 The normal work year is two-thousand and eighty (2,080) hours for 40 hour per week schedules, to be accounted for by each EMPLOYEE through:

a) Hours worked on assigned shifts
b) Holidays
c) Assigned training
d) Authorized leave time

12.5 EMPLOYEES sent home by a supervisor due to civil unrest, inclement weather, or any other non-work performance reason shall be paid for the remainder of their shift and/or their entire shift if the event persists.

Article 13: Wages

13.1 Wages Effective: May 22, 2022

a) Crime Analyst and Crime Prevention Specialist Base Hourly Wage:
- After 36 months of continuous employment: $38.375
- After 24 months of continuous employment: 95% of the 36 month's rate $36.456
- After 12 months of continuous employment: 90% of the 36 month's rate $34.538
- After 6 months of continuous employment: 85% of the 36 month's rate $32.619
- Starting rate: 80% of the 36 month's rate $30.700

b) Property Technician Base Hourly Wage:
- After 36 months of continuous employment: $33.690
- After 24 months of continuous employment: 95% of the 36 month's rate $32.006
- After 12 months of continuous employment: 90% of the 36 month's rate $30.321
- After 6 months of continuous employment: 85% of the 36 month's rate $28.637
- Starting rate: 80% of the 36 month's rate $26.952

c) Records Specialist and Administrative Assistant Base Hourly Wage:
- After 36 months of continuous employment: $31.661
- After 24 months of continuous employment: 95% of the 36 month's rate $30.078
- After 12 months of continuous employment: 90% of the 36 month's rate $28.495
- After 6 months of continuous employment: 85% of the 36 month's rate $26.912
- Starting rate: 80% of the 36 month's rate $25.329

d) Records Technician Base Hourly Wage:
- After 36 months of continuous employment: $28.557
- After 24 months of continuous employment: 95% of the 36 month's rate $27.129
- After 12 months of continuous employment: 90% of the 36 month's rate $25.701
- After 6 months of continuous employment: 85% of the 36 month's rate $24.273
- Starting rate: 80% of the 36 month's rate $22.845

13.2 Wages Effective: January 1, 2023

a) Crime Analyst and Crime Prevention Specialist Base Hourly Wage:
- After 36 months of continuous employment: $39.526
- After 24 months of continuous employment: 95% of the 36 month's rate $37.550
- After 12 months of continuous employment: 90% of the 36 month's rate $35.574
- After 6 months of continuous employment: 85% of the 36 month's rate $33.597
- Starting rate: 80% of the 36 month's rate $31.621

b) Property Technician Base Hourly Wage:
- After 36 months of continuous employment: $34.700
- After 24 months of continuous employment: 95% of the 36 month's rate $32.965
- After 12 months of continuous employment: 90% of the 36 month's rate $31.230
- After 6 months of continuous employment: 85% of the 36 month's rate $29.495
- Starting rate: 80% of the 36 month's rate $27.760

c) Records Specialist and Administrative Assistant Base Hourly Wage:
- After 36 months of continuous employment: $32.611
- After 24 months of continuous employment: 95% of the 36 month's rate $30.980
- After 12 months of continuous employment: 90% of the 36 month's rate $29.350
- After 6 months of continuous employment: 85% of the 36 month's rate $27.719
- Starting rate: 80% of the 36 month's rate $26.088

***Current Administrative Assistant will remain at current rate ($36.730) for 2022. She will be eligible for 3% in 2023 and 2024.

d) Records Technician Base Hourly Wage:
- After 36 months of continuous employment: $29.414
- After 24 months of continuous employment: 95% of the 36 month's rate $27.943
- After 12 months of continuous employment: 90% of the 36 month's rate $26.472
- After 6 months of continuous employment: 85% of the 36 month's rate $25.001
- Starting rate: 80% of the 36 month's rate $23.531

13.3 Wages Effective: January 1, 2024

a) Crime Analyst and Crime Prevention Specialist Base Hourly Wage:
- After 36 months of continuous employment: $40.712
- After 24 months of continuous employment: 95% of the 36 month's rate $38.676
- After 12 months of continuous employment: 90% of the 36 month's rate $36.641
- After 6 months of continuous employment: 85% of the 36 month's rate $34.605
- Starting rate: 80% of the 36 month's rate $32.570

b) Property Technician Base Hourly Wage:
- After 36 months of continuous employment: $35.741
- After 24 months of continuous employment: 95% of the 36 month's rate $33.954
- After 12 months of continuous employment: 90% of the 36 month's rate $32.167
- After 6 months of continuous employment: 85% of the 36 month's rate $30.380
- Starting rate: 80% of the 36 month's rate $28.593

c) Records Specialist and Administrative Assistant Base Hourly Wage:
- After 36 months of continuous employment: $33.589
- After 24 months of continuous employment: 95% of the 36 month's rate $31.909
- After 12 months of continuous employment: 90% of the 36 month's rate $30.230
- After 6 months of continuous employment: 85% of the 36 month's rate $28.551
- Starting rate: 80% of the 36 month's rate $26.871

d) Records Technician Base Hourly Wage:
- After 36 months of continuous employment: $30.296
- After 24 months of continuous employment: 95% of the 36 month's rate $28.781
- After 12 months of continuous employment: 90% of the 36 month's rate $27.266
- After 6 months of continuous employment: 85% of the 36 month's rate $25.752
- Starting rate: 80% of the 36 month's rate $24.237

13.4 Step advancements will be made on the EMPLOYEE'S anniversary date.

13.5 Retention: Any member of the bargaining unit who has been employed with the EMPLOYER on May 22, 2022 will receive a retention incentive payment in the amount of $2,500, and 40 hours vacation time added to their banks. Any EMPLOYEE accepting a retention incentive payment pursuant to this article who voluntarily leaves employment

with the EMPLOYER prior to end of the applicable 12-month continued employment period must reimburse the EMPLOYER for the total amount received for said incentive period. The EMPLOYER and the EMPLOYEE will cooperate to agree on a repayment schedule.

13.6 EMPLOYEES who are bilingual and pass a proficiency test administrated by Language Testing International shall be paid an additional $200 per month.

Article 14: Vacation Leave

14.1 Permanent full-time EMPLOYEES shall earn paid vacation leave per the schedule set forth in the City of Brooklyn Center Personnel Policy Handbook.

- 0 – 5 years of service – eighty (80) hours per year (accrued at 3.08 hours per pay period)
- 6 – 10 years of services – One hundred twenty (120) hours per year (accrued at 4.62 per pay period)
- During 11th year of service 128 hours per year.
- During 12th year of service 136 hours per year.
- During 13th year of service 144 hours per year.
- During 14th year of service 152 hours per year.
- During 15th year of service 160 hours per year.

14.2 EMPLOYEES using earned vacation leave or sick leave shall be considered working for the purpose of accumulating additional vacation leave.

14.3 Vacation may be used as earned, except that the EMPLOYER shall approve the time at which the vacation leave may be taken. EMPLOYEES shall not be permitted to waive vacation leave and receive double pay.

14.4 EMPLOYEES may accrue a maximum of two hundred thirty (230) hours of vacation leave. EMPLOYEES may not carry forward more than two hundred thirty (230) hours of vacation leave from year to year.

14.5 EMPLOYEES leaving the service of the EMPLOYER in good standing, after having given the EMPLOYER fourteen (14) day notice of termination of employment, shall be compensated for vacation leave accrued and unused.

Article 15: Sick Leave

15.1 Sick leave with pay shall be granted to probationary and permanent full-time EMPLOYEES at the rate of eight (8) hours per month or 96 hours per year (computed at 3.69 hours per pay period) of full-time service or major fraction thereof. Sick leave granted probationary EMPLOYEES shall not be available for use during the first six (6) months of service.

15.2 Immediate family shall be defined as the EMPLOYEE'S spouse, parent, step-parent, child, step-child, brother or sister; the EMPLOYEE'S spouse's parent, step- parent, child, step-child, or brother or sister; the EMPLOYEE'S child's spouse; grandparents, step-grandparents, grandchildren or step-grandchildren.

15.3 Household member shall be defined as any person who shares a significant relationship with the EMPLOYEE and resides in the same household as the EMPLOYEE.

15.4 Sick leave shall be used normally for absence from duty because of personal illness or legal quarantine of the EMPLOYEE, or because of serious illness in the immediate family or household if applicable. Sick leave may be used for the purpose of attending the funeral of immediate family and household members plus brothers-in-law, sisters-in-law, and grandparents-in-law of the EMPLOYEE.

15.5 After nine hundred sixty (960) hours have been accumulated, sick leave shall accrue at the rate of four (4) hours per month and simultaneously vacation leave, in addition to regular vacation leave accrual, shall accrue at the rate of two (2) hours per month. EMPLOYEES using earned vacation or sick leave shall be considered to be working for the purpose of accumulating additional sick leave. Workers' Compensation benefits shall be credited against the compensation due EMPLOYEES utilizing sick leave.

15.6 To be eligible for sick leave with pay, an EMPLOYEE must:

a) notify the EMPLOYER prior to the time set for the beginning of their normal scheduled shift;
b) keep the EMPLOYER informed of their condition if the absence is of more than three (3) days duration; and
c) submit medical certificates for absences exceeding three (3) days, if required by the EMPLOYER.

Article 16: Holidays

16.1 EMPLOYEES shall receive eight (8) hours of holiday leave on each official City holiday pursuant to the City's Personnel Policy.

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25

Two Personal Floating Holidays (See description below)

When a holiday falls on a Saturday the previous Friday is designated as the holiday; when on a Sunday, the following Monday is designated as the holiday for employees whose normal work schedule is Monday through Friday.

In order to be paid for holiday leave, the benefit earning employee must be working or using vacation, sick or other approved paid leave on both the day before and after the holiday.

Employees receive two personal floating holidays per year to be used as follows:

a. Regular full-time employees, employed as of January 1 of each year, shall have one eight (8) hour personal floating holiday to be used within the calendar year. Such floating holiday shall be taken at the employee's discretion upon approval of the employee's supervisor. The floating holiday must be taken as a whole day off and may not be used in partial days. The personal holiday must be used within the calendar year or it will be lost.

b. Regular full-time employees, employed as of July 1 of each year, shall have one eight (8) hour personal floating holiday to be used within the period July 1 through December 31 of that year. Such floating holiday must be taken as a whole day off and may not be used in partial days. The personal holiday must be used within the period July 1 through December 31 of the year in which it is received or it will be lost.

16.2 EMPLOYEES may use holiday leave with the approval of the EMPLOYER.

16.3 An EMPLOYEE who works on an official holiday will be paid time and one-half (1½) at the EMPLOYEE'S regular pay rate for all hours actually worked during the named holiday.

16.4 Weekend Holiday: When a holiday falls on a Saturday, the preceding Friday is the recognized holiday. When a holiday falls on a Sunday, Monday is the recognized holiday.

Article 17: Overtime Pay

17.1 When authorized, regular, full-time EMPLOYEES will be paid one and one-half (1½) times the EMPLOYEE'S regular BASE PAY RATE for hours worked in excess of their regularly SCHEDULED SHIFT.

17.2 OVERTIME shall be assigned to EMPLOYEES as equally as practicable.

17.3 EMPLOYEES have the option of selecting compensatory time at the rate of one and one-half (1½) times their regular rate of pay in lieu of OVERTIME, to a maximum of 40 hours of compensatory time accrual.

Article 18: Jury Duty Pay

A regular full-time or part-time EMPLOYEE will be granted paid leaves of absence for required jury duty or for other required subpoenaed appearances before a court or other public body in connection with EMPLOYER-related business.

Article 19: Severance Pay

Employees who separate from the City in good standing, which means having given the Employer at least a fourteen (14) days advance notice of separation, are entitled to following severance: 1) one-third of their accumulated sick leave if the employee has been employed with the City for at least five (5) consecutive years; and 2) up to 230 hours of accrued vacation leave. This will be deposited into PEHCSP account.

The Post Employment Health Care Savings Plan (PEHCSP) is established to help defray the cost of medical expenses and health insurance premiums for employees, spouses and dependents after the employee leaves employment with the City of Brooklyn Center.

19.1 Participation Eligibility

Regular full-time benefit earning employees may have contributions made on their behalf into the PEHCSP. *Participants must be 21 years of age or older. Unless noted otherwise in this policy, the minimum period of service required to participate in the plan is 60 days.*

Every eligible employee in an employee group is required to participate in the PEHSCP for their group as outlined in this applicable labor agreement.

19.2 PEHCSP Contributions: When appropriate, each employee will have an account established in his or her name. Unless specifically noted otherwise, contributions (and earnings) to an employee's PEHCSP account are not taxable income.

19.3 Accessing Funds

a. Employees may access the funds in their PEHCSP account when they are eligible to retire under the Public Employees Retirement Association's (PERA) rules.

b. Unless prohibited by the IRS, employees leaving employment with the City prior to being eligible for retirement through PERA, for the reasons noted below, may make withdrawals on a tax-free basis for eligible health-related expenses.

- Upon termination of employment.
- If employee is collecting a disability.
- If employee is on a medical leave (six months or longer)
- If employee is on a leave of absence (one year or longer).
- If the employee returns to work and is earning medical benefits, they are no longer eligible to make withdrawals from their PEHCSP account.

The IRS does not allow these funds to be rolled into any other type of plan, including an IRA.

c. Access following death. The surviving spouse and eligible dependents continue to access the account for eligible expense reimbursements until the PEHCSP account is exhausted. Such reimbursements are not taxable. Unless prohibited by the IRS, reimbursements may also be made to a beneficiary other than a surviving spouse or eligible dependent. However, such reimbursements would be taxable to the recipient.

19.4 Eligible Expenses Reimbursed by Plan

Funds in a PEHCSP account may be used to reimburse:

a. Insurance premiums (health insurance premiums, Medicare supplemental insurance premiums, Medicare Part B insurance premiums, COBRA and Chapter 488 insurance premiums, long term care insurance premiums (not long term care expenses), and dental insurance premiums.

b. Most qualifying medical expenses as defined in Internal Revenue Code Section 213 (i.e. medical costs that would otherwise be deductible to the employee on his or her individual income tax return).

A third-party claims administrator will handle claims administration.

19.5 No Opt-out: Employees and retirees in groups covered by the PEHCSP program are not permitted to opt-out of the program. Participation is mandatory.

19.6 Program Administration: Along with the Human Resources Division, the company selected will administer the PEHCSP program. The employee controls how the money is invested similar to the section 457 deferred compensation plan. The employee receives an account statement from the company for his or her PEHCSP account.

19.7 Administrative Fees: Please contact the vendor selected for current administrative and mutual fund fees.

19.8 Plan Modifications

The details of the Vendor's administration of the PEHCSP as well as other features of the plan are set forth in the PEHCSP materials as provided. These details and IRS regulations regarding the PEHCSP may be revised, necessitating the revision to this policy or other agreements between employee groups and the City.

The City reserves the right to modify its policy to comply with any other regulations regarding the plan and to add contribution requirements.

19.9 Contribution Formulas

1. No contribution formulas currently.
2. Severance Pay. No severance contributions currently elected.

Article 20: Education Compensation

EMPLOYEES will be eligible for the same Educational Reimbursement Program as offered by the EMPLOYER to other City EMPLOYEES.

Article 21: Insurance

21.1 Effective January 1, 2022 and for the duration of this agreement, the EMPLOYER will offer the best of any agreement that we have for any other EMPLOYEE group.

21.2 Life Insurance and Balance of Cafeteria Funds: The EMPLOYER will provide payment for premium of basic life insurance in the current, best amount that the EMPLOYER has

to offer. The EMPLOYEE may use the remainder of the contribution (limits as stated above) for use as provided in the EMPLOYER'S Cafeteria Benefit Plan. The EMPLOYER will make a good faith effort to provide the following options for EMPLOYEE selection: group dental, supplemental life, long-term disability, deferred compensation or cash benefits. The EMPLOYER will be excused from the requirement of offering a particular option where such becomes unfeasible because of conditions imposed by an insurance carrier or because of other circumstances beyond the EMPLOYER'S control.

Article 22: Safety

The EMPLOYER and the UNION agree to jointly promote safe and healthful working conditions, to cooperate in safety matters and to encourage EMPLOYEES to work in a safe manner and respectful manner according to the City's Respectful Workplace Policy.

Article 23: Uniforms

Those EMPLOYEES issued uniforms are required to wear them while on duty. Apparel with insignia will be maintained by the EMPLOYER; all others are the responsibility of the EMPLOYEE. The EMPLOYER reserves the right to select the type of uniform. All EMPLOYEES shall get $250.00 uniform allowance per year.

Article 24: Waiver

24.1 Any and all prior agreements, resolutions, practices, policies, rules and regulations regarding terms and conditions of employment, to the extent inconsistent with the provisions of this AGREEMENT, are hereby superseded.

24.2 The parties mutually acknowledge that during the negotiations, which resulted in this AGREEMENT, each had the unlimited right and opportunity to make demands and proposals with respect to any terms or conditions of employment not removed by law from bargaining. All agreements and understandings arrived at by the parties are set forth in writing in this AGREEMENT for the stipulated duration of this AGREEMENT. The EMPLOYER and the UNION each voluntarily and unqualifiedly waives the right to meet and negotiate regarding any and all terms and conditions of employment referred to or covered in this AGREEMENT or with respect to any term or condition of employment not specifically referred to or covered by this AGREEMENT, even though such terms or conditions may not have been within the knowledge or contemplation of either or both parties at the time this contract was negotiated or executed.

Article 25: Duration
This AGREEMENT shall be effective as of May 24, 2022 and shall remain in full force and effect until the 31st day of December 2024.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT on this 18th day of May ,2023.

For Law Enforcement Labor Services and Law Enforcement Non-Licensed Support Staff:



_____, Business Agent

For the City of Brooklyn Center:

_____, Mayor

_____, City Manager

Council Regular Meeting

DATE: 6/12/2023

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Jim Langemo, Equity & Human Resources Director

SUBJECT: Resolution Approving the Labor Agreement for Law Enforcement Labor Services, Inc. (LELS NUMBER 520) and the City of Brooklyn Center for the Period Beginning May 22, 2022, years 2023, and 2024

Requested Council Action:

- motion to approve a resolution for the Labor Agreement for Law Enforcement Labor Agreement, Inc. (LELS NUMBER 520) and the City of Brooklyn Center for the period beginning May 22, 2022, years 2023, and 2024

Background:

In May 2022, the City of Brooklyn Center was notified of the desire to negotiate by Law Enforcement Labor Service (LELS) for an initial union contract for the Group 520 (Support Services Manager). The staff has negotiated in good faith with representatives from LELS and the member of the newly formed union group, and recently, the union representatives, the union member, and the City have agreed. The highlights of contract are as follows:

Article 13 - Wages
The salary structure went from a seven steps to five steps. The increases are as follows:
2022 - 2 percent
2023 - 3 percent
2024 - 3 percent
The full salary structure is on page 8 of the contract.

13.2 - Retention - $2,500 for those employed on April 11, 2021 and assigned to the Police Department Facility.

Article14 - Vacation
14.6 - For up to three times in calendar year 2023, union members will have the option to sell back up to forty (40) hours of vacation which will be paid at the employee's current rate of pay.

Article 18 - Severance Pay
Employees who separate from the City in good standing, at least 14 day advance notice, are entitled to the following severance:

1) one-third of their accumulated sick leave if the employee has been with the City or at least five consecutive years; and

2) up to 230 hours of accrued vacation leave, will be deposited into Post Employment Health Care Savings Plan (PEHCSP) account.

Article 23 - Uniforms
Employees will receive $250.00 for uniform allowance.

Budget Issues:

The budgetary impact is as follows:
For 2023, up to $8,351 ($2,500 retention and up $5,851 vacation sell back)
For 2024, the salaries outlined in the contact will be built into the budget.

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Contract	6/6/2023	Backup Material
Resolution	6/6/2023	Resolution Letter

LABOR AGREEMENT

between

The City of Brooklyn Center, Minnesota

and

Law Enforcement Labor Services

Representing: Non-Licensed Support Staff Supervisors

Union Local # 520

May 24th, 2022 - DECEMBER 31, 2024

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LABOR AGREEMENT
between
The City of Brooklyn Center, Minnesota
and
Law Enforcement Labor Services

ARTICLE 1: PURPOSE OF AGREEMENT

This AGREEMENT is entered into between the City of Brooklyn Center, hereinafter called the EMPLOYER, and Local No. 520, Law Enforcement Labor Services, Inc., and Law Enforcement Employees' Union employees, hereinafter called the UNION.

The intent and purpose of this AGREEMENT is to:

1.1 Establish certain wages and other conditions of employment;

1.2 Establish procedures for the resolution of disputes concerning this AGREEMENT'S interpretation and/or application;

1.3 Specify the full and complete understanding of the parties; and

1.4 Place in written form the parties' agreement upon terms and conditions of employment for the duration of this AGREEMENT.

The EMPLOYER and the UNION, through this AGREEMENT, continue their dedication to the highest quality of public service. Both parties recognize this AGREEMENT as a pledge of this dedication.

ARTICLE 2: RECOGNITION

The EMPLOYER recognizes the UNION as the exclusive representative for the following job classifications:

> All employees in the position of Support Services Manager employed by the City of Brooklyn Center Police Department, Brooklyn Center, Minnesota, who are public employees within the meaning of Minn. Stat. 179A. 03, subd. 14, excluding confidential and all other employees.

ARTICLE 3: DEFINITIONS

3.1 Union: Law Enforcement Labor Services, Inc. and Law Enforcement Employees' Union, Local No. 520.

3.2 Employer: The City of Brooklyn Center.

3.3 Department: The City of Brooklyn Center Police Department.

3.4 Chief: The Chief of the City of Brooklyn Center Police Department.

3.5 Union Member: A member of Law Enforcement Labor Services, Inc. and Law Enforcement Employees' Union, Local No. 520.

3.6 Union Officer: The Officers elected or appointed by Law Enforcement Labor Services, Inc. and Law Enforcement Employees' Union, Local No. 520.

3.7 Employee: A member of the exclusively recognized bargaining unit.

3.8 Base Pay Rate: The employee's hourly pay rate.

3.9 Overtime: Work performed at the express authorization of the EMPLOYER in excess of the employee's scheduled shift.

3.10 Scheduled Shift: A consecutive 8-hour work period including rest breaks and a lunch break.

3.11 Rest Breaks: Periods during the scheduled shift during which the employee remains on continual duty and is responsible for assigned duties.

3.12 Holiday Pay Rate: One and one-half (1½) times the EMPLOYEE'S regular base pay rate.

ARTICLE 4: SAVINGS CLAUSE

This AGREEMENT is subject to the laws of the United States, the State of Minnesota, and the City of Brooklyn Center. In the event any provision of this AGREEMENT shall be held to be contrary to law by a court of competent jurisdiction from whose final judgment or decree no appeal has been taken within the time provided, such provision shall be voided. All other provisions of this AGREEMENT shall continue in full force and effect. The voided provision may be renegotiated at the request of either party.

ARTICLE 5: UNION SECURITY

5.1 In recognition of the UNION as the exclusive representative the EMPLOYER shall:

a. Deduct each payroll period an amount sufficient to provide the payment of dues established by the UNION from the wages of all employees authorizing in writing such deduction.
b. Remit such deduction to the appropriate designated officer of the UNION.

5.2 The UNION may designate certain employees in the bargaining unit to act as stewards and shall inform the EMPLOYER in writing of such choice.

5.3 The UNION agrees to indemnify and hold the EMPLOYER harmless against any and all claims, suits, orders, or judgments brought or issued against the City as a result of any action taken or not taken by the City under the provisions of this ARTICLE.

ARTICLE 6: EMPLOYER SECURITY

The UNION agrees that during the life of this AGREEMENT it will not cause, encourage, participate in, or support any strike, slow down, other interruption of, or interference with the normal functions of the EMPLOYER. In the event there is an impasse during negotiations, the issues shall be submitted for Mediation. A failed

mediation will proceed as follows: In lieu of the Union's right to strike under Minn. Stat. 179A.18, the parties agree to use interest arbitration as provided to essential employees under Minn. Stat. 179A.16, Subd. 2.

ARTICLE 7: EMPLOYER AUTHORITY

7.1 The EMPLOYER retains the full and unrestricted right to operate and manage all manpower, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct and determine the number of personnel; to establish work schedules; and to perform any inherent managerial function not specifically limited by this AGREEMENT.

7.2 Any term and condition of employment not specifically established or modified by this AGREEMENT shall remain solely within the discretion of the EMPLOYER to modify, establish, or eliminate.

7.3 The EMPLOYER shall provide a bulletin board for UNION notices and announcements to be posted.

ARTICLE 8: EMPLOYEE RIGHTS - GRIEVANCE PROCEDURE

8.1 Definition of a Grievance: A grievance is defined as a dispute or disagreement as to the interpretation or application of the specific terms and conditions of this AGREEMENT.

8.2 Union Representatives: The EMPLOYER will recognize representatives designated by the UNION as the grievance representatives of the bargaining unit having the duties and responsibilities established by this ARTICLE. The UNION shall notify the EMPLOYER in writing of the names of such UNION representatives and of their successors when so designated.

8.3 Processing of a Grievance: It is recognized and accepted by the UNION and the EMPLOYER that the processing of grievances as hereinafter provided is limited by the job duties and responsibilities of the EMPLOYEES and shall therefore be accomplished during normal working hours only when consistent with such EMPLOYEE duties and responsibilities. The aggrieved EMPLOYEE and the UNION REPRESENTATIVE shall be allowed a reasonable amount of time without loss in pay when a grievance is investigated and presented to the EMPLOYER during normal working hours provided the EMPLOYEE and the UNION REPRESENTATIVE have notified and received the approval of the designated supervisor who has determined that such absence is reasonable and would not be detrimental to the work programs of the EMPLOYER.

8.4 Procedure: Grievances, as defined by Section 8.1, shall be resolved in conformance with the following procedure:

Step 1: An EMPLOYEE must present a grievance within twenty-one (21) business days after the incident giving rise to the grievance has occurred to the EMPLOYEE'S direct supervisor as designated by the EMPLOYER.

The EMPLOYER-designated representative will discuss and respond to such Step 1 grievance within fourteen (14) business days after receipt of time-stamped email.

A grievance not resolved in Step 1 and appealed to Step 2 shall be placed in writing setting forth the nature of the grievance, the facts on which it is based, the provision or provisions of the AGREEMENT allegedly violated, and the remedy requested within fourteen (14) business days after the EMPLOYER-designated representative's final answer in Step 1.

Any grievance not appealed in writing to Step 2 by the UNION within fourteen (14) business days shall be considered waived.

Step 2: If appealed, the written grievance shall be presented by the UNION and discussed with the CHIEF or their representative. The EMPLOYER- designated representative shall give the UNION the EMPLOYER'S Step 2 answer in writing within fourteen (14) business days after receipt of such Step 2 grievance. A grievance not resolved in Step 2 may be appealed to Step 3 within fourteen (14) business days following the EMPLOYER-designated representative's final Step 2 answer.

Any grievance not appealed in writing to Step 3 by the UNION within fourteen (14) business days shall be considered waived.

Step 3: A grievance unresolved in Step 2 and appealed in Step 3 may be submitted to the Minnesota Bureau of Mediation Services upon mutual agreement of the parties. A grievance not resolved in Step 3 may be appealed to Step 4 within fourteen (14) business days following the Step 3 mediation. Any grievance not appealed in writing to Step 4 by the UNION within fourteen (14) calendar days shall be considered waived.

Step 4: A grievance unresolved in Step 3 and appealed in Step 4 shall be submitted to arbitration subject to the provisions of the Public Employment Labor Relations Act of 1971, as amended, unless the EMPLOYEE chooses a different remedy pursuant to section 8.7. If the parties cannot agree upon an arbitrator, the selection of an arbitrator shall be made in accordance with the "Rules Governing the Arbitration of Grievances" as established by the Public Employment Relations Board.

8.5 Arbitrator's Authority:

a. The arbitrator shall have no right to amend, modify, nullify, ignore, add to, or subtract from the terms and conditions of this AGREEMENT. The arbitrator shall consider and decide only the specific issue(s) submitted in writing by the EMPLOYER and the UNION and shall have no authority to make a decision on any other issue not so submitted.

b. The arbitrator shall be without power to make decisions contrary to, or inconsistent with, or modifying or varying in any way the application of laws, rules, or regulations having the force and effect of law. The arbitrator's decision shall be submitted in writing within thirty (30) days following the close of the hearing or the submission of briefs by the parties, whichever be later, unless the parties agree to an extension. The decision shall be binding on both the EMPLOYER and the UNION and shall be based solely on the arbitrator's interpretation or application of the express terms of this AGREEMENT and to the facts of the grievance presented.

c. The fees and expenses for the arbitrator's services and proceedings shall be borne equally by the EMPLOYER and the UNION provided that each party shall be responsible for compensating its own representatives and witnesses. If either party desires a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record. If both parties desire a verbatim record of the proceedings the cost shall be shared equally.

8.6 Waiver: If a grievance is not presented within the time limits set forth above, it shall be considered waived. If a grievance is not appealed to the next step within the specified time limit or any agreed extension thereof, it shall be considered settled on the basis of the EMPLOYER's last answer. If the EMPLOYER does not answer a grievance or an appeal thereof within the specified time limits, the UNION may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the EMPLOYER and the UNION.

8.7 Choice of Remedy: If the grievance involves a veteran and is a suspension, demotion, or discharge of an employee who has completed the required probationary period, the grievance may be appealed directly to Step 3 (by mutual agreement) or Step 4 of this ARTICLE. If the EMPLOYEE chooses to appeal directly to Step 4, the EMPLOYEE may select arbitration or a Veteran's Preference hearing pursuant to applicable law.

If the EMPLOYEE chooses a Veteran's Preference hearing, the EMPLOYEE must sign a statement indicating their choice of remedy and agreeing to waive the right to arbitration.

ARTICLE 9: SENIORITY

Seniority is defined as the length of continuous service beginning with an EMPLOYEE'S date of hire under any job classification covered by ARTICLE 2 RECOGNITION.

9.1 Seniority will be the determining criterion for transfers, promotions, recall and lay-offs only when all job-relevant factors are equal.

9.2 Layoff: If the EMPLOYER eliminates a job classification or position and an incumbent EMPLOYEE is reassigned to another job classification covered by this agreement, the EMPLOYEE shall retain the seniority earned in the previously held job classification.

9.3 Recall: Seniority will be the determining criterion for recall when job-relevant qualifications are equal. Recall rights under this provision will continue for twelve (12)

months from the date of lay off. Recalled EMPLOYEES shall have ten (10) working days after notification of recall by registered mail at the employee's last known address to report to work or forfeit all recall rights.

ARTICLE 10: DISCIPLINE

10.1 The EMPLOYER will discipline employees only for just cause.

10.2 An EMPLOYEE(S) will not be required to participate in an investigatory interview by the EMPLOYER where the information gained from the interview could lead to the discipline of the EMPLOYEE(S) unless the EMPLOYEE(S) is given the opportunity to have a UNION OFFICER present at the interview to act as witness for the EMPLOYEE(S).

10.3 The EMPLOYER shall provide the UNION with a copy of all discipline.

ARTICLE 11: PROBATIONARY PERIOD

11.1 All newly hired or rehired EMPLOYEES will serve a six (6) month probationary period.

11.2 At any time during the probationary period a newly hired or rehired EMPLOYEE may be terminated at the sole discretion of the EMPLOYER.

11.3 At any time during the probationary period a promoted or reassigned EMPLOYEE may be demoted or reassigned at the sole discretion of the EMPLOYER to the EMPLOYEE'S previous position if a vacancy exists.

ARTICLE 12: WORK SCHEDULES

12.1 The sole authority for work schedules is the EMPLOYER. The normal workday for an EMPLOYEE(S) shall be set by the EMPLOYER.

12.2 Nothing contained in this ARTICLE, or any other ARTICLE, shall be interpreted to be a guarantee of a minimum or maximum number of hours the EMPLOYER may assign EMPLOYEES.

12.3 The normal work year is two-thousand and eighty (2,080) hours for 40 hour per week schedules, to be accounted for by each EMPLOYEE through:

a. Hours worked on assigned shifts.
b. Holidays.
c. Assigned training.
d. Authorized leave time.

ARTICLE 13: WAGES

13.1 The following wage schedule will be in effect:

May 24 – December 31, 2022	$35.08 - $48.76 *
January 1 – December 31, 2023	$36.67 - $50.22 3% increase
January 1 – December 31, 2024	$37.77 - $51.72 3% increase

*As of the effective date of this Agreement, the hourly rate of the employee holding the Support Services Manager position is $48.76. Pay adjustments for 2023 and 2024 for this employee will be based on this hourly rate.

13.2 Retention bonus in the amount of $2,500.00 upon execution of the labor agreement for those employees employed on April 11, 2021 and assigned to the Police Department Facility.

ARTICLE 14: VACATION

14.1 Permanent full-time EMPLOYEES shall earn paid vacation leave per the schedule set forth in the City of Brooklyn Center Personnel Policy.

- 0 – 5 years of service – eighty (80) hours per year (accrued at 3.08 hours per pay period)
- 6 – 10 years of services – One hundred twenty (120) hours per year (accrued at 4.62 per pay period)
- During 11th year of service 128 hours per year.
- During 12th year of service 136 hours per year.
- During 13th year of service 144 hours per year.
- During 14th year of service 152 hours per year.
- During 15th year of service 160 hours per year.

14.2 Employees using earned vacation leave or sick leave shall be considered working for the purpose of accumulating additional vacation leave.

14.3 Vacation may be used as earned, except that the Employer shall approve the time at which the vacation leave may be taken. Employees shall not be permitted to waive vacation leave and receive double pay.

14.4 Employees may accrue a maximum of two hundred thirty (230) hours of vacation leave. Employees may not carry forward more than two hundred thirty (230) hours of vacation leave from year to year.

14.5 Employees leaving the service of the Employer in good standing, after having given the Employer fourteen (14) day notice of termination of employment, shall be compensated for vacation leave accrued and unused.

14.6 For up to three times in calendar year 2023, union members will have the option to sell back up to forty (40) hours of vacation which will be paid at the employee's current rate of pay.

ARTICLE 15: SICK LEAVE

15.1 Sick leave with pay shall be granted to probationary and permanent full-time employees at the rate of eight (8) hours per month or 96 hours per year (computed at 3.69 hours per pay period) of full-time service or major fraction thereof. Sick leave granted

probationary employees shall not be available for use during the first six (6) months of service.

15.2 Sick leave may be used for absence from duty because of personal illness or legal quarantine of the employee, or because of serious illness in the immediate family, which for purposes of this section shall mean the employee's child (including stepchildren and foster children), adult child, spouse, sibling, parent, parent-in-law, stepparent, domestic partner, grandparent and grandchild of the employee;

Sick leave may be used for the purpose of attending the funeral of an immediate family member, as defined above, plus brothers-in-law and sisters-in-law.

15.3 After nine hundred sixty (960) hours have been accumulated, sick leave shall accrue at the rate of four (4) hours per month or forty- eight (48) hours per year (computed at 1.85 hours per pay period), and simultaneously vacation leave, in addition to regular vacation leave accrual, shall accrue at the rate of two (2) hours per month or twenty-four (24) hours per year (computed at .925 hours per pay period). Employees using earned vacation or sick leave shall be considered to be working for the purpose of accumulating additional sick leave. Workers' Compensation benefits shall be credited against the compensation due employees utilizing sick leave.

15.4 To be eligible for sick leave with pay, an employee must:

a. Notify the Employer prior to the time set for the beginning of their normal scheduled shift;
b. Keep the Employer informed of their condition if the absence is of more than three (3) days duration;
c. Submit medical certificates for absences exceeding three (3) days, if required by the Employer.

15.5 Employees abusing sick leave shall be subject to disciplinary action.

ARTICLE 16: HOLIDAYS

16.1 EMPLOYEES shall receive eight (8) hours of holiday leave on each official City holiday pursuant to the City's Personnel Policy.

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November

Friday after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25
Two Personal Floating Holidays (See description below)	

When a holiday falls on a Saturday the previous Friday is designated as the holiday; when on a Sunday, the following Monday is designated as the holiday for employees whose normal work schedule is Monday through Friday.

In order to be paid for holiday leave, the benefit earning employee must be working or using vacation, sick or other approved paid leave on both the day before and after the holiday.

Employees receive two personal floating holidays per year to be used as follows:

a. Regular full-time employees, employed as of January 1 of each year, shall have one eight (8) hour personal floating holiday to be used within the calendar year. Such floating holiday shall be taken at the employee's discretion upon approval of the employee's supervisor. The floating holiday must be taken as a whole day off and may not be used in partial days. The personal holiday must be used within the calendar year or it will be lost.
b. Regular full-time employees, employed as of July 1 of each year, shall have one eight (8) hour personal floating holiday to be used within the period July 1 through December 31 of that year. Such floating holiday must be taken as a whole day off and may not be used in partial days. The personal holiday must be used within the period July 1 through December 31 of the year in which it is received or it will be lost.

16.2 Employees may use holiday leave with the approval of the Employer.

16.3 In addition to holiday pay, an employee who works on an official holiday will be paid time and one-half (1½) the employee's regular pay rate for all hours actually worked during the named holiday.

16.4 Weekend Holiday: When a holiday falls on a Saturday, the preceding Friday is the recognized holiday. When a holiday falls on a Sunday, Monday is the recognized holiday.

ARTICLE 17: JURY DUTY PAY

A regular full-time or part-time employee will be granted paid leaves of absence for required jury duty or for other required subpoenaed appearances before a court or other public body in connection with City-related business.

ARTICLE 18: SEVERANCE PAY

Employees who separate from the City in good standing, which means having given the Employer at least a fourteen (14) days advance notice of separation, are entitled to following severance: 1) one-third of their accumulated sick leave if the employee has been employed with the City for at least five consecutive years; and 2) up to 230 hours of accrued vacation leave. This will be deposited into PEHCSP account.

The Post Employment Health Care Savings Plan (PEHCSP) is established to help defray the cost of medical expenses and health insurance premiums for employees, spouses and dependents after the employee leaves employment with the City of Brooklyn Center.

18.1 Participation Eligibility

Regular full-time benefit earning employees may have contributions made on their behalf into the PEHCSP. *Participants must be 21 years of age or older. Unless noted otherwise in this policy, the minimum period of service required to participate in the plan is 60 days.*

Every eligible employee in an employee group is required to participate in the PEHSCP for their group as outlined in this applicable labor agreement.

18.2 PEHCSP Contributions: When appropriate, each employee will have an account established in his or her name. Unless specifically noted otherwise, contributions (and earnings) to an employee's PEHCSP account are not taxable income.

18.3 Accessing Funds

a. Employees may access the funds in their PEHCSP account when they are eligible to retire under the Public Employees Retirement Association's (PERA) rules.

b. Unless prohibited by the IRS, employees leaving employment with the City prior to being eligible for retirement through PERA, for the reasons noted below, may make withdrawals on a tax-free basis for eligible health-related expenses.

- Upon termination of employment.
- If employee is collecting a disability.
- If employee is on a medical leave (six months or longer)
- If employee is on a leave of absence (one year or longer).
- If the employee returns to work and is earning medical benefits, they are no longer eligible to make withdrawals from their PEHCSP account.

The IRS does not allow these funds to be rolled into any other type of plan, including an IRA.

c. Access following death. The surviving spouse and eligible dependents continue to access the account for eligible expense reimbursements until the PEHCSP account is exhausted. Such reimbursements are not taxable. Unless prohibited by

the IRS, reimbursements may also be made to a beneficiary other than a surviving spouse or eligible dependent. However, such reimbursements would be taxable to the recipient.

18.4 Eligible Expenses Reimbursed by Plan

Funds in a PEHCSP account may be used to reimburse:

a. Insurance premiums (health insurance premiums, Medicare supplemental insurance premiums, Medicare Part B insurance premiums, COBRA and Chapter 488 insurance premiums, long term care insurance premiums (not long term care expenses), and dental insurance premiums.

b. Most qualifying medical expenses as defined in Internal Revenue Code Section 213 (i.e. medical costs that would otherwise be deductible to the employee on his or her individual income tax return).

A third-party claims administrator will handle claims administration.

18.5 No Opt-out: Employees and retirees in groups covered by the PEHCSP program are not permitted to opt-out of the program. Participation is mandatory.

18.6 Program Administration: Along with the Human Resources Division, the company selected will administer the PEHCSP program. The employee controls how the money is invested similar to the section 457 deferred compensation plan. The employee receives an account statement from the company for his or her PEHCSP account.

18.7 Administrative Fees: Please contact the vendor selected for current administrative and mutual fund fees.

18.8 Plan Modifications

The details of the Vendor's administration of the PEHCSP as well as other features of the plan are set forth in the PEHCSP materials as provided. These details and IRS regulations regarding the PEHCSP may be revised, necessitating the revision to this policy or other agreements between employee groups and the City.

The City reserves the right to modify its policy to comply with any other regulations regarding the plan and to add contribution requirements.

18.9 Contribution Formulas

1. No contribution formulas currently.
2. Severance Pay. No severance contributions currently elected.

ARTICLE 19: EDUCATION COMPENSATION

EMPLOYEES will be eligible for the same Educational Reimbursement Program as offered by the EMPLOYER to other City employees.

ARTICLE 20: INSURANCE

Effective 1/1/2022 and for the duration of this agreement, the City will offer the best of any agreement that we have for any other employee group.

ARTICLE 21: SAFETY

The EMPLOYER and the UNION agree to jointly promote safe and healthful working conditions, to cooperate in safety matters and to encourage EMPLOYEES to work in a safe manner and respectful manner according to the City's Respectful Workplace Policy.

ARTICLE 22: UNIFORMS

Those EMPLOYEES issued uniforms are required to wear them while on duty. The EMPLOYER shall provide a uniform allowance of two hundred and fifty dollars ($250.00). The EMPLOYER reserves the right to select the type of uniform.

ARTICLE 23: WAIVER

23.1 Any and all prior agreements, resolutions, practices, policies, rules and regulations regarding terms and conditions of employment, to the extent inconsistent with the provisions of this AGREEMENT, are hereby superseded.

23.2 The parties mutually acknowledge that during the negotiations, which resulted in this AGREEMENT, each had the unlimited right and opportunity to make demands and proposals with respect to any terms or conditions of employment not removed by law from bargaining. All agreements and understandings arrived at by the parties are set forth in writing in this AGREEMENT for the stipulated duration of this AGREEMENT. The EMPLOYER and the UNION each voluntarily and unqualifiedly waives the right to meet and negotiate regarding any and all terms and conditions of employment referred to or covered in this AGREEMENT or with respect to any term or condition of employment not specifically referred to or covered by this AGREEMENT, even though such terms or conditions may not have been within the knowledge or contemplation of either or both parties at the time this contract was negotiated or executed.

ARTICLE 24: DURATION

This AGREEMENT shall be effective as of May 24, 2022 and shall remain in full force and effect until the 31st day of December 2024.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT on this

_____ day of _____ ,2023.

For Law Enforcement Labor Services and Law Enforcement Non-Licensed Support Staff Supervisors:

_____, Business Agent

For the City of Brooklyn Center:

_____, Mayor

_____, City Manager

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-

RESOLUTION APPROVING THE LABOR AGREEMENT FOR LAW ENFORCEMENT LABOR SERVICES, INC. (LELS NUMBER 520) AND THE CITY OF BROOKLYN CENTER FOR THE PERIOD BEGINNING MAY 22, 2022, YEARS 2023, AND 2024

WHEREAS, Section 2.07 of the City Charter for the City of Brooklyn Center states that the City Council is to fix the salary or wages of all officers and employees of the City; and

WHEREAS, the City was presented an initial union contract for LELS NUMBER 520 (Support Services Manager) in May 2022; and.

WHEREAS, the City has negotiated in good faith with LELS NUMBER 520 (Support Services Manager) for a contract for the period beginning May 22, 2022, years 2023 and 2024, as attached.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brooklyn Center approves the Labor Agreement with LELS NUMBER 520 (Support Services Manager) for the period beginning May 22, 2022, years 2023 and 2024,

June 12, 2023
Date

Mayor

ATTEST: _____
City Clerk

Member duly seconded the motion for the adoption of the preceding resolution

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: 6/12/2023

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Elizabeth Heyman, Director of Public Works
BY: James Soltis, P.E., Assistant City Engineer

SUBJECT: An Ordinance Amending Chapters 1, and 4 of the City Code of Ordinance Regarding Animal Waste, and Storage of Deicing Materials (1st reading)

Requested Council Action:

- motion to approve a first reading of the requested ordinance Amending Chapters 1, and 4 of the City Code of Ordinance Regarding animal waste, and storage of deicing materials, and set a second reading and public hearing for June 26, 2023.

Background:

As part of the cities required National Pollutant Discharge Elimination System (NPDES) permit regulated by the United States Environmental Protection Agency and the Minnesota Pollution Control Agency (MPCA), the City of Brooklyn Center is obligated to develop and implement policies and ordinances to minimize the discharge of pollutants through its municipal separate storm sewer system (MS4).

Due to changes in the state regulations as part of the MPCA General Permit (MNR040000) the city is required produce regulations and enforcement mechanisms with regard to the disposal of animal waste, and regulations regarding the storage of deicing materials at commercial, institutional and non-NPDES permitted industrial facilities. The City is already carrying out these practices, however they need to be codified in ordinances to be in compliance with our NPDES permit. To meet these requirements amendments to Chapters 1, and 4 of the City Code of Ordinances must occur.

Compliance with the NPDES permit program is crucial for protecting and improving the quality of our nation's waters, and failure to comply with the permit requirements could result in penalties and enforcement actions. Hence, it is imperative that the city revises our ordinances promptly to meet regulatory requirements and maintain environmental protection.

Consistent with the City Charter, the first reading of the ordinance shall occur on June 12, 2023, with a second reading and public hearing to consider the proposed ordinance to occur on June 26, 2023. The amended ordinance would become effective June 26, 2023 if approved.

Budget Issues:

There are no budget issues to consider with this action.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	6/1/2023	Ordinance

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2023, at 7:00 p.m. or as soon thereafter as the matter may be heard during the regular City Council meeting at City Hall, 6301 Shingle Creek Parkway to consider an ordinance amending Chapters 1 and 4 of the City Code related to the disposal of animal waste and the storage of deicing materials at certain commercial, institutional and industrial facilities.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please notify the City Clerk at 763-569-3306 to make arrangements.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 1 AND 4 OF THE CITY CODE OF ORDINANCES REGARDING ANIMAL WASTE AND STORAGE OF DEICING MATERIALS

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

Article I. Brooklyn Center City Code, Chapter 1, Section 1-101 is amended by adding the following double-underlined language and deleting the ~~stricken~~ language:

Section 1-101. DEFINITIONS. The following terms, when used in this ~~ordinance~~Section, have the meanings ascribed to them:

1. Accredited Minnesota Institution. Accredited Minnesota institution means an educational institution holding accredited status which has been licensed or registered by the Minnesota Office of Higher Education at the time a registrant obtained their certification.

2. Animal. Animal means dogs, cats, and chickens.

3. Animal Control Officer. Animal Control Officer means that person or agency designated by the City Manager to control the keeping of animals within Brooklyn Center.

4. Apiary. Apiary means the assembly of one or more colonies of bees on a property.

5. Apiary Site. Apiary site means the particular portions of a property upon which one or more hives are located.

6. At Large. At large means an animal that is off the property of its owner and not under restraint.

7. Beekeeper. Beekeeper means a person who owns or has charge of one or more colonies of honeybees or a person who owns or controls a property on which a

colony is located whether or not the person is intentionally keeping honeybees.

8. Beekeeping Equipment. Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

9. Chicken. Chicken means a domesticated bird (Gallus gallus domesticus), typically used as a source of meat or eggs. For the purposes of Section 1-130, all references to chickens are to hens.

10. Chicken Coop. Chicken coop means a structure for the keeping or housing of chickens permitted by this Chapter.

11. Chicken Run. Chicken run means a fully-enclosed and covered area attached to a coop where the chickens can roam unsupervised.

12. Code Enforcement Officer. Code Enforcement Officer means those employees, if designated by the City Manager, under the direct supervision of the police department, who are authorized to issue citations for violations of this Chapter.

123. Colony. Colony means an aggregate of honey bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

134. Commercial Kennel. Commercial Kennel means any place limited to C2, I-1, and I-2 zoning districts where the business of keeping, raising, selling, boarding, breeding, showing, treating, or grooming of dogs and other animals is conducted, including pet shops, animal hospitals, and other similar establishments.

15. Compliance Official. Compliance Official means the City Manager and the City Manager's designated agents authorized to administer and enforce this Chapter.

146. Family. Any of the following definitions shall apply:

a. A person or persons related by blood, marriage, or adoption, together with any domestic servants or gratuitous guests, maintaining a common household in a dwelling unit;

b. Group or foster care of not more than six (6) wards or clients by an authorized person or persons, related by blood, marriage, or adoption, together with any domestic servants or gratuitous guests, all maintaining a common household in a dwelling unit approved and certified by the appropriate public agency;

c. A group of not more than five (5) persons not related by blood, marriage, or adoption maintaining a common household in a dwelling unit.

1~~5~~7. Flyway Barrier. Flyway barrier means a barrier that raises the flight path of bees as they come and go from a hive.

1~~6~~8. Hen. Hen means a female chicken.

1~~7~~9. Hive. Hive means the receptacle inhabited by a colony.

~~18~~20. Honey Bee or Bee. Honey bee or bee means all life stages of the common domestic honey bee, *apis mellifera.* This term does not include wasps, hornets, African subspecies, or Africanized hybrids.

21. Immediately. Immediately means at once, without delay.

~~19~~22. Nucleus Colony. Nucleus colony means a small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose, and containing no supers.

~~20~~23. Owner. Owner means any person or the parent or guardian of a person under 18 years of age who owns, keeps, or has custody of an animal in the City of Brooklyn Center.

~~21~~24. Person. Person means any person, firm, corporation, partnership, joint venture or association.

~~22~~25. Registrant. Registrant is any registered beekeeper and any person who has applied for approval of a beekeeping registration.

~~23~~26. Rooftop. Rooftop means, for the purpose of regulating beekeeping, the uppermost section of a primary or accessory structure of at least one full story and at least twelve feet in height. Areas including, but not limited to, decks, patios and balconies shall not be considered a rooftop.

~~24~~27. Rooster. Rooster means a male chicken.

28. Soil or defile. Soil or defile means to make unclean from excrement.

~~25~~29. Super. Super means a box that holds the frames where bees will store the honey.

~~26~~30. Swarming. Swarming means the process where a queen bee leaves a colony with a large group of worker bees in order to form a new honey bee colony.

~~27~~31. Under Restraint means an animal that is controlled by a leash or at heel besides a competent person having custody of it and obedient to that person's commands, or within a vehicle being driven or parked on a public street, or if it is within the property limits of its owner's premises.

~~28~~32. Unusual Aggressive Behavior. Unusually aggressive behavior means, for the purpose of regulating beekeeping, any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs. For the purposes of this definition, "provocation" means an act that an adult could reasonably expect may cause a bee to sting or attack.

33. Waste. Waste means solid matter expelled from the bowels of the pet, or excrement.

~~29~~34. Wild Animal. Wild animal means any animal that is not normally domesticated in the state including, but not limited to, raccoons, turkeys, coyotes, foxes, deer, feral cats, skunks, and waterfowl.

Article II. Brooklyn Center City Code, Chapter 1 is amended by adding the following double-underlined language as Section 1-120:

Section 1-120. ANIMAL WASTE.

1. No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners' or condominium association, or upon private property other than that of the owner, unless such owner immediately removes and disposes of all feces deposited by such animal in a sanitary manner.

2. It is unlawful for any person owning, keeping or harboring an animal to cause or permit said animal to be on any public property, without having in their immediate possession, a device for the removal of feces and depository for the transmission of excrement to a proper receptacle located on the property owned or possessed by such person.

3. It is unlawful for any person in control of, causing or permitting any animal to be on any public property, to fail to remove feces left by such animal and dispose of it properly.

4. Proper disposal of animal waste shall be limited to burial where lawfully permitted, flushing in the toilet, bagging for disposal in the owner or keeper's waste receptacle, and bagging for disposal in a waste receptacle in a public park or park area.

5. Disposal of animal waste in storm drains is prohibited.

6. Disposal of animal waste in public compost is prohibited.

7. The provisions of this Section shall not apply to the ownership or use of any properly identified service animals, animals when used for police activities, or tracking animals when used by or with the permission of the appropriate authorities.

8. Any Compliance Official, Code Enforcement Officer, Animal Control Officer or an agent designated by the City Manager should be responsible for issuing the citations.

Article III. Brooklyn Center City Code, Chapter 4, Section 4-404, Subdivision 6 is amended by adding the following double-underlined language:

Storage of Deicing Materials at Commercial, Institutional, and Non-NPDES Permitted Industrial Facilities.

Proper salt storage practices are required at commercial, institutional, and industrial facilities in accordance with the Minnesota Pollution Control Agency's General Permit to Discharge Stormwater Associated with Small Municipal Separate Storm Sewer Systems No. MNR040000. The following requirements apply to all designated salt storage areas at commercial, institutional, and industrial facilities:

a. Salt storage areas must be fully covered or indoors.

b. Salt storage area must be located on an impervious surface.

c. Practices such as sweeping, diversions, and/or containment must be implemented to reduce exposure when transferring material in designated salt storage areas.

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

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

Adopted this ____ day of _____, 2023.

_____
April Graves, Mayor

ATTEST: _____
Barb Suciu, City Clerk

Date of Publication _____

Effective Date _____

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

Council Regular Meeting

DATE: 6/12/2023

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Liz Heyman, Public Works Director
BY: Lydia Ener, P.E., Principal Engineer

SUBJECT: Resolution Accepting Bid and Awarding a Contract, Improvement Project Nos. 2023-01, 02, and 03, 2023 Street and Utility Improvements

Requested Council Action:

- motion to approve the resolution accepting the lowest responsible bid and award a contract to Northwest, for Improvement Project Nos. 2023-01, 02, and 03, 2023 Street and Utility Improvements.

Background:

Bids for the Improvement Project Nos. 2023-01, 02, and 03, 2023 Street and Utility Improvements were received and opened on May 25, 2023. The bidding results are tabulated below:

BIDDER	TOTAL BASE BID
Northwest	**$1,798,252.20**
T. A. Schifsky & Sons, Inc	$1,929,407.02
Douglas-Kerr Underground, L.L.C	$1,953,715.41
Meyer Contracting Inc.	$1,987,207.98
New Look Contracting, Inc.	$1,992,353.00
GMH Asphalt Corporation	$2,015,398.57
Park Construction Company	$2,031,503.56

Of the seven (7) bids received, the lowest bid of $1,798,252.20 was submitted by Northwest of Shakopee, Minnesota. Northwest has the experience, equipment and capacity to qualify as the lowest responsible bidder for the project.

Budget Issues:

The bid amount of $1,798,252.20 is within 8% of the 2023 budgeted amount. The total estimated budget including contingencies, administration, engineering and legal was $2,060,000.00 and is amended to $2,214,662.20, an under eight percent increase (see attached Resolution – Costs and Revenues tables). The increase in bid unit prices can be attributed to the current volatility in the market for materials and labor.

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/4/2023	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT, IMPROVEMENT PROJECT NOS. 2023-01, 02, AND 03, 2023 STREET AND UTILITY IMPROVEMENTS

WHEREAS, pursuant to an advertisement for bids for Improvement Project Nos. 2023-01, 02, and 03, bids were received, opened and tabulated by the City Clerk and Engineer on the 25th day of May, 2023. Said bids were as follows:

Bidder	Total Base Bid
Northwest	**$1,798,252.20**
T. A. Schifsky & Sons, Inc	$1,929,407.02
Douglas-Kerr Underground, L.L.C	$1,953,715.41
Meyer Contracting Inc.	$1,987,207.98
New Look Contracting, Inc.	$1,992,353.00
GMH Asphalt Corporation	$2,015,398.57
Park Construction Company	$2,031,503.56

WHEREAS, it appears that Northwest of $1,798,252.20, Minnesota is the lowest responsible bidder.

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

1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with Northwest of Shakopee, Minnesota in the name of the City of Brooklyn Center, for Improvement Project Nos. 2023-01, 02, and 03, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Engineer.

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

COSTS	Amended Estimate (9/19/22)	Amended per Low Bid
Contract	$1,480,000.00	$1,809,762.20
Contingency	$150,000.00	$181,000.00
Subtotal Construction Cost	$1,630,000.00	$1,990,762.20
Admin/Legal/Engr.	$430,000.00	$223,900.00
Total Estimated Project Cost	$2,060,000.00	$2,214,662.20

RESOLUTION NO. _____

REVENUES	Amended Estimate (9/19/22)	Amended per Low Bid
Street Assessment	$406,223.67	$406,223.67
Sanitary Sewer Utility	$60,000.00	$26,919.00
Water Utility Fund	$270,000.00	$356,860.17
Storm Drainage Utility Fund	$360,000.00	$470,138.12
Street Reconstruction Fund	$943,776.33	$932,188.74
Street Light Utility Fund	$20,000.00	$14,110.00
CenterPoint Energy	---	$8,222.50
Total Estimated Revenue	$2,060,000.00	$2,214,662.20

June 12, 2023
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: 6/12/2023

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Liz Heyman, Public Works Director
BY: Lydia Ener, P.E., Principal Engineer

SUBJECT: Resolution Accepting Bid and Awarding a Contract, Improvement Project Nos. 2023-04 and 05, 2023 Trail and Parking Lot Improvements

Requested Council Action:

- motion to approve the resolution accepting the lowest responsible bid and award a contract to Bituminous Roadways, Inc., for Improvement Project Nos. 2023-04 and 05, 2023 Trail and Parking Lot Improvements.

Background:

Bids for the Improvement Project Nos. 2023-04 and 05, 2023 Trail and Parking Lot Improvements were received and opened on May 19, 2023. The bidding results are tabulated below:

BIDDER	TOTAL BASE BID
Bituminous Roadways, Inc.	**$609,884.85**
Northwest Asphalt, Inc.	$655,394.06
T.A. Schifsky & Sons, Inc.	$667,331.30
Park Construction Company	$719,182.05

Of the four (4) bids received, the lowest bid of $609,884.85 was submitted by Bituminous Roadways, Inc. of Mendota Heights, Minnesota. Bituminous Roadways, Inc. has the experience, equipment and capacity to qualify as the lowest responsible bidder for the project.

Budget Issues:

The bid amount of $609,884.85 is within the 2023 budgeted amount. The total estimated budget including contingencies, administration, engineering, and legal was $1,265,000 and is amended to $905,684.85, this represents a 28% decrease in costs. The decrease in costs is primarily due to the transfer of ownership and maintenance responsibilities for the West River Rd trail to the Three Rivers Park District. (see attached Resolution – Costs and Revenues tables).

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/5/2023	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT, IMPROVEMENT PROJECT NOS. 2023-04 AND 05, 2023 TRAIL AND PARKING LOT IMPROVEMENTS

WHEREAS, pursuant to an advertisement for bids for Improvement Project Nos. 2023-04 and 05, bids were received, opened and tabulated by the City Clerk and Engineer on the 19th day of May, 2023. Said bids were as follows:

Bidder	Total Base Bid
Bituminous Roadways, Inc.	**$609,884.85**
Northwest Asphalt, Inc.	$655,394.06
T.A. Schifsky & Sons, Inc.	$667,331.30
Park Construction Company	$719,182.05

WHEREAS, it appears that Bituminous Roadways, Inc. of Mendota Heights, Minnesota is the lowest responsible bidder.

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

1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with Bituminous Roadways, Inc. of Mendota Heights, Minnesota in the name of the City of Brooklyn Center, for Improvement Project Nos. 2023-04 and 05, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Engineer.

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

COSTS	Amended Estimate (9/19/22)	Amended per Low Bid
Contract	$1,055,046.00	$609,884.85
Contingency	$ 105,505.00	$ 61,000.00
Subtotal Construction Cost	$1,160,551.00	$670,884.85
Admin/Legal/Engr.	$ 104,449.00	$234,800.00
Total Estimated Project Cost	$1,265,000.00	$905,684.85

RESOLUTION NO. _____

REVENUES	Amended Estimate (9/19/22)	Amended per Low Bid
Capital Project Funds	$1,265,000.00	$905,384.85
Miscellaneous (plan sales)	$ -0-	$ 300.00
Total Estimated Revenue	$1,265,000.00	$905,684.85

June 12, 2023
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: 6/12/2023

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Liz Heyman, Director of Public Works
BY: James Soltis, P.E., Assistant City Engineer

SUBJECT: An Ordinance Amending Chapter 35 of the City Code of Ordinance Regarding Application Requirements for Land Disturbance Permits (1st reading)

Requested Council Action:

- motion to approve a first reading of the requested ordinance Amending Chapter 35 of the City Code of Ordinance Regarding application requirements for land disturbance permits, and set a second reading for June 26, 2023. The public hearing for this item was held at Planning Commission on June 8th, 2023

Background:

As part of the cities required National Pollutant Discharge Elimination System (NPDES) permit regulated by the United States Environmental Protection Agency and the Minnesota Pollution Control Agency (MPCA), the City of Brooklyn Center is obligated to develop and implement policies and ordinances to minimize the discharge of pollutants through its municipal separate storm sewer system (MS4).

Due to changes in the state regulations as part of the MPCA General Permit (MNR040000) the city is required to make revisions to the regulations and requirements with regard to land disturbance permitting. The City is already carrying out these practices, however they need to be codified in ordinances to be in compliance with our NPDES permit. To meet these requirements amendments to Chapters 35 of the City Code of Ordinances must occur.

Compliance with the NPDES permit program is crucial for protecting and improving the quality of our nation's waters, and failure to comply with the permit requirements could result in penalties and enforcement actions. Hence, it is imperative that the city revises our ordinances promptly to meet regulatory requirements and maintain environmental protection.

Budget Issues:

There are no budget issues to consider with this action.

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Ordinance Chapter 35	6/7/2023	Ordinance

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of June, 2023, at 7:00 p.m. or as soon thereafter as the matter may be heard during the regular City Council meeting at City Hall, 6301 Shingle Creek Parkway to consider an ordinance amending Chapters 35 of the City Code related to the submission of construction plans and calculations with applications for land disturbance permits.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please notify the City Clerk at 763-569-3306 to make arrangements.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE OF ORDINANCES REGARDING APPLICATION REQUIREMENTS FOR LAND DISTURBANCE PERMITS

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

Article I. Brooklyn Center City Code, Chapter 35, 35-7901 is amended by adding the following double-underlined language:

35-7901 Applicability.

No construction, reconstruction, development, redevelopment, grading, excavation, or other activity shall occur without first securing a permit from the Community Development Department if such activity causes a land disturbance of 10,000 square feet or more of land.

For certain construction activity, various other permits may also be required. The applicant of construction activity is responsible for obtaining any other required permits from the City and other State, Federal, or local governmental agencies having any authority over the work to be performed. Typically, such agencies may include, but are not limited to, Shingle Creek and West Mississippi Watershed Management Commissions, the U.S. Army Corps of Engineers, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, the Minnesota Department of Transportation, and the State Historical Preservation Office.

Article II. Brooklyn Center City Code, Chapter 35, Section 39-7903 is amended by adding the following double-underlined language and deleting the ~~stricken~~ language:

35-7903 Required Plans.

The applicant shall submit construction plans and supporting calculations. The submittals shall comply with the following requirements:

(a) The plans shall meet the requirements of the Shingle Creek and West Mississippi Watershed Management Commission's Rules and Standards, and the Minnesota Pollution Control Agency. ~~Construction Permit. Alternative treatment best management practices must be considered where any of the following apply:~~ Permanent stormwater management system designs, including calculations shall be provided with the plans.

~~1) Where industrial facilities are not authorized to infiltrate industrial stormwater under a National Pollutant Discharge Elimination System/State Disposal System Permit;~~

~~2) When receiving runoff from fueling and vehicle maintenance areas, unless the infiltration practices is designed to allow for spill control;~~

(b) ~~The infiltration practice shall be 10 feet away from all buildings, or;~~ When a land disturbance permit is required, a satisfactory erosion control and grading plan consistent with the Minnesota Stormwater Manual must be approved by the City Engineer before a grading or building permit is issued for construction.

(c) ~~The infiltration practice shall not be used within fifty (50) feet of a City or private well, unless specifically allowed by an approved wellhead protection plan.~~ The grading and erosion control plan must provide spot elevations of proposed grades in relation to existing grades on the subject property and adjacent land. Areas where the finished slope will be steeper than five units horizontal to one vertical shall be specifically noted. Also, location and type of erosion control devices shall be clearly labeled.

(d) ~~The plan shall provide 2-foot contour lines with spot elevations of proposed grades in relation to existing grades on the subject property and adjacent land. The location and type of erosion control devices shall be clearly labeled.~~ Every effort shall be made to minimize disturbance of existing ground cover. No grading or filling shall be permitted within 40 feet of the ordinary high water mark of a water body unless specifically approved by the City. To minimize the erosion potential of exposed areas, restoration of ground cover shall be provided within five days after completion of the grading operation.

(e) ~~The plan shall address the management of post-development runoff and means of assuring the long-term maintenance and operation of best management practices and storm water management structures, devices and methods.~~ Every effort shall be made during the grading permit application process to determine the full extent of erosion control required. However, the City Engineer may require additional controls to correct specific site related problems as normal inspections are performed.

(f) All erosion control noted on the approved plan shall be installed prior to the initiation of any site grading or construction. Noncompliance with the grading and erosion

control plan shall constitute grounds for an order from the City to halt all construction.

(g) All grading and construction activity that requires a land disturbance permit shall comply with Minnesota Pollution Control Agency's General Permit to Discharge Stormwater Associated with Construction Activity No. MNR100001, the Minnesota Pollution Control Agency's General Permit to Discharge Stormwater Associated with Small Municipal Separate Storm Sewer Systems No. MNR040000, and the Minnesota Stormwater Manual.

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

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

Adopted this ____ day of _____, 2023.

_____
April Graves, Mayor

ATTEST: _____
Barb Suciu, City Clerk

Date of Publication _____

Effective Date _____

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

Council Regular Meeting

DATE: 6/12/2023

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Mayor April Graves

SUBJECT: Proclamation Recognizing the 2023 Graduating Class Brooklyn Center High School, the Early College Academy, and Insight School of Minnesota

Requested Council Action:

- *motion to accept the proclamation*

Background:

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Proclamation	6/7/2023	Proclamation

PROCLAMATION RECOGNIZING THE 2023 GRADUATING CLASS OF BROOKLYN CENTER HIGH SCHOOL (BCS), THE EARLY COLLEGE ACADEMY (ECA), AND INSIGHT SCHOOL OF MINNESOTA

WHEREAS, on June 9, 2023, the Brooklyn Center Community School District #286 held a combined commencement ceremony for the 2023 graduates of Brooklyn Center High School, the Early College Academy, and Insight School of Minnesota; and

WHEREAS, nearly 20% of the BCS graduating class have received full tuition scholarship with the breakdown of two (2) students received Gates Scholarships, one (1) student received the Questbridge scholarship, two students (2) received the ActSix Scholarship, seven (7) students received the Wallen scholarship, and three (3) students received the Posse Scholarship; and

WHEREAS, the 2023 graduating class has the most students entering directly into the trades than any other year with ten (10) students entering next year through the partnership with Finishing Trades Institute, Minnesota Trades Academy, and the GPS Apprenticeship; and

WHEREAS, the breakdown of plans for after graduation include 41% entering college, 29% working; 12% entering the trades, 11% taking a gap year, 5% entering an apprenticeship, 4% in transition programs, and 2% entering the military; and

WHEREAS, the hard-work and ambition of all these students is recognized and commended.

NOW, THEREFORE, I, April Graves, Mayor of the City of Brooklyn Center, on behalf of the Brooklyn Center City Council and residents of Brooklyn Center, do hereby recognize the 2023 Graduating Class of Brooklyn Center High School (BCS), the Early College Academy (ECA), and Insight School of Minnesota.

June 12, 2023
Date

_____
Mayor

ATTEST: _____
City Clerk

Proclamation

DECLARING JUNE 14, 2023, AS **"FRIEDA FARLEY DAY"** IN HONOR OF HER 103RD BIRTHDAY

WHEREAS, Frieda Farley was born on June 14, 1920, in Rice Lake, Wisconsin and is the youngest of 12 children; and

WHEREAS, Ms. Farley graduated from Turtle Lake High School; and

WHEREAS, Ms. Farley enlisted in the Navy during World War II: she was a Women Accepted for Volunteer Emergency Service (W.A.V.) and was stationed in Oakland, California and was a keypunch operator for the distribution center for Navy supplies; and

WHEREAS, Ms. Farley has been a long time resident of Brooklyn Center, first living on 61st and Colfax and now a resident of The Crossings; and

WHEREAS, the City Council of Brooklyn wishes Ms. Farley a very Happy 103rd Birthday and plans of many more to come.

NOW, THEREFORE, I, AS MAYOR OF THE CITY OF BROOKLYN CENTER, State of Minnesota, with the consent and support of the Brooklyn Center City Council, do hereby proclaim June 14, 2023 as **"Frieda Farley Day"** in honor of her 103rd Birthday

June 12, 2023
Date

_____
Mayor

Council Members

_____

_____

_____

_____

*ATTEST:*_____
City Clerk

Proclamation

DESIGNATING THE MONTH OF JUNE 2023 AS LGBTQ PRIDE MONTH

WHEREAS, our nation was founded on the principle of equal rights for all people, but the fulfillment of this promise has long been coming for many Americans. Some of the most inspiring moments in our history have arisen from the various civil rights movements that have brought one group after another from the margins to the mainstream o American society; and

WHEREAS, in the movement toward equal rights for lesbian, gay, bisexual and transgender (LGBTQ) people, a historic turning point occurred on June 28, 1969, in New York City, with the onset of the Stonewall Riots. During these riots, LGBTQ citizens rose up and resisted police harassment that arose out of discriminatory criminal laws that have since been declared unconstitutional. In the four decades since, civil rights for LGBTQ people have grown substantially, and LGBTQ pride celebrations have taken place around the country every June to commemorate the beginning of the Stonewall Riots; and

WHEREAS, while civil rights are advancing, there is still further progress needed; it is essential to recognize and celebrate the substantial gains that have been achieved; and

WHEREAS, LGBTQ residents in Brooklyn Center represent our families, friends, neighbors, teachers, employees and community leaders. Across all religions, races, and communities, LGBTQ people are helping us become a perfect union in reaching our ideals proclaimed in our Declaration of Independence that all "people" are created equal and deserve to be embraced and treated as equals.

NOW, THEREFORE, I, April Graves, Mayor of the City of Brooklyn Center, on behalf of the Brooklyn Center City Council and residents of Brooklyn Center, do hereby proclaim June 2023 as "LGBTQ Pride Month" in the City of Brooklyn Center and call upon its residents to eliminate prejudice everywhere it exists and celebrate the diversity of our community.

June 12, 2023
Date

_____
Mayor

*ATTEST:*_____
City Clerk

Council Regular Meeting

DATE: 6/12/2023

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Elizabeth Heyman, Director of Public Works
BY: James Soltis, P.E., Assistant City Engineer

SUBJECT: An Ordinance Vacating Certain Easements Within Lots 1, 2, and 3, Block 6, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota in the City of Brooklyn Center, Minnesota

Requested Council Action:

- motion to:

- *open the Public Hearing,*
- *take public input,*
- *close the Public Hearing; and*
- *consider approval of an ordinance vacating certain easements as referenced above that are associated with the Wangstad Commons site redevelopment in connection with the proposed final plat of Wangstad's Brooklyn Terrace Second.*

Background:

A public hearing is scheduled on June 12, 2023. The public hearing is to consider vacating certain easements as referenced above that are associated with the Wangstad Commons site redevelopment. The Planning Commission has reviewed the final plat for Wangstad's Brooklyn Terrace Second. In connection with the final plat and easement dedication proceedings, the developer is requesting release and termination of easements that are either no longer needed or are being replaced by new easements. The following easements are proposed to be released and terminated as indicated in Exhibit B.

It is staff's opinion that the easement proposed to be vacated are no longer needed and should not negatively affect rights to public easements. We are unaware of any entity objecting to the proposed vacation.

The attached exhibits outline the release and termination of easements and show the locations of said existing easements. The City Attorney has reviewed the release and termination documents and concurs to the purpose and form of the documents.

Staff recommends that a presentation be provided to the City Council prior to holding the Public Hearing. Following the presentation, a Public Hearing to consider vacating the easements as referenced above should be conducted to receive public comments. A resolution vacating certain easement within Lots 1, 2, and 3, Block 6, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota is provided for City Council consideration upon closing of the Public Hearing. It should be noted that this resolution will only take effect upon the release and filing of the final plat of Wangstad's Brooklyn Terrace Second, execution and filing of associated and separate rededicated easements, and upon execution and filing the subdivision agreement for said associated development.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	5/31/2023	Cover Memo

CITY OF BROOKLYN CENTER

Please take notice that the City Council of the City of Brooklyn Center will hold a public hearing on Monday, June 12, 2023 at approximately 7:00 p.m. at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. Said public hearing will include a second reading and proposed adoption of an ordinance vacating easements over, under and across Lots 1, 2 and 3 of Block 6 within the plat of Wangstad's Brooklyn Terrace. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: https://www.ci.brooklyn-center.mn.us/. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

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

ORDINANCE NO. _____

AN ORDINANCE VACATING CERTAIN EASEMENTS WITHIN LOTS 1, 2 AND 3 OF BLOCK 6 OF THE PLAT OF WANGSTAD'S BROOKLYN TERRACE IN THE CITY OF BROOKLYN CENTER, HENNEPIN COUNTY, MINNESOTA

WHEREAS, the City of Brooklyn Center (the "City") is a municipal corporation, organized and existing under the laws of Minnesota and the City Charter of Brooklyn Center, Minnesota (the "Charter"); and

WHEREAS, the City's Planning Commission ("Planning Commission") has recommended approval for the plat of Wangstad's Brooklyn Terrace Second ("Plat") based on certain conditions as set forth in the City Council Resolution No. 2020-067 and Planning Commission Resolution No. 2020-005; and

WHEREAS, the Plat includes certain real property situated in the City at 3600 61st Avenue N. (PID 3411921430051), 6101 Brooklyn Boulevard (PID 3411921430050), and 6107 Brooklyn Boulevard (PID 3411921430049), all of which are included in the plat of Wangstad's Brooklyn Terrace and legally described in the attached Exhibit A (collectively, the "Properties"); and

WHEREAS, certain easements dedicated to the City currently exist on the Properties ("Easements"), which as a result of the Plat and the future development of the Plat, are either no longer needed, will interfere with the proposed development, or are being replaced by new dedicated easements covering the Properties within the Plat; and

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

WHEREAS, City staff has determined that there is no public need to maintain the proposed Vacated Easements; and

WHEREAS, the City Council does not object to the vacation of the proposed Vacated Easements; and

WHEREAS, after due notice and public hearing, the City Council has determined that the proposed Vacated Easements will no longer be needed and it is in the public interest to vacate the Vacated Easements.

NOW, THEREFORE, the City Council of the City of Brooklyn Center does ordain as follows:

Section I. Recitals. The above recitals are hereby adopted as findings and incorporated into this Ordinance.

Section II. Easement Vacation. The Vacated Easements described above and in Exhibit B and Exhibit C are hereby vacated.

Section III. Effective Date. This Ordinance shall be effective after adoption and thirty days following its legal publication.

Section IV. Notice of Completion. Upon the Ordinance becoming effective, the City Clerk is directed to prepare a Notice of Completion of Vacation Proceedings and to record it with the Hennepin County Recorder or Hennepin County Registrar of Titles, as appropriate.

Adopted this ___ day of _____, 2023.

_____
April Graves, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

EXHIBIT A

Legal Description of the Property

PID No. 3411921430049

Lot 1, Block 6, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.

PID No. 3411921430050

Lot 2, Block 6, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.

PID No. 3411921430051:

Lot 3, Block 6, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.

EXHIBIT B

Legal Description of Vacated Easements

PROPOSED EASEMENT VACATION DESCRIPTION
(across Lots 1, 2 and 3, Block 6, WANGSTAD'S BROOKLYN TERRACE)

That part of the dedicated 10.00 foot utility easement within Lots 1, 2 and 3, Block 6, WANGSTAD'S BROOKLYN TERRACE, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

The Southwesterly 5.00 feet of said Lot 1, except the Northwesterly 5.00 feet thereof.

ALSO

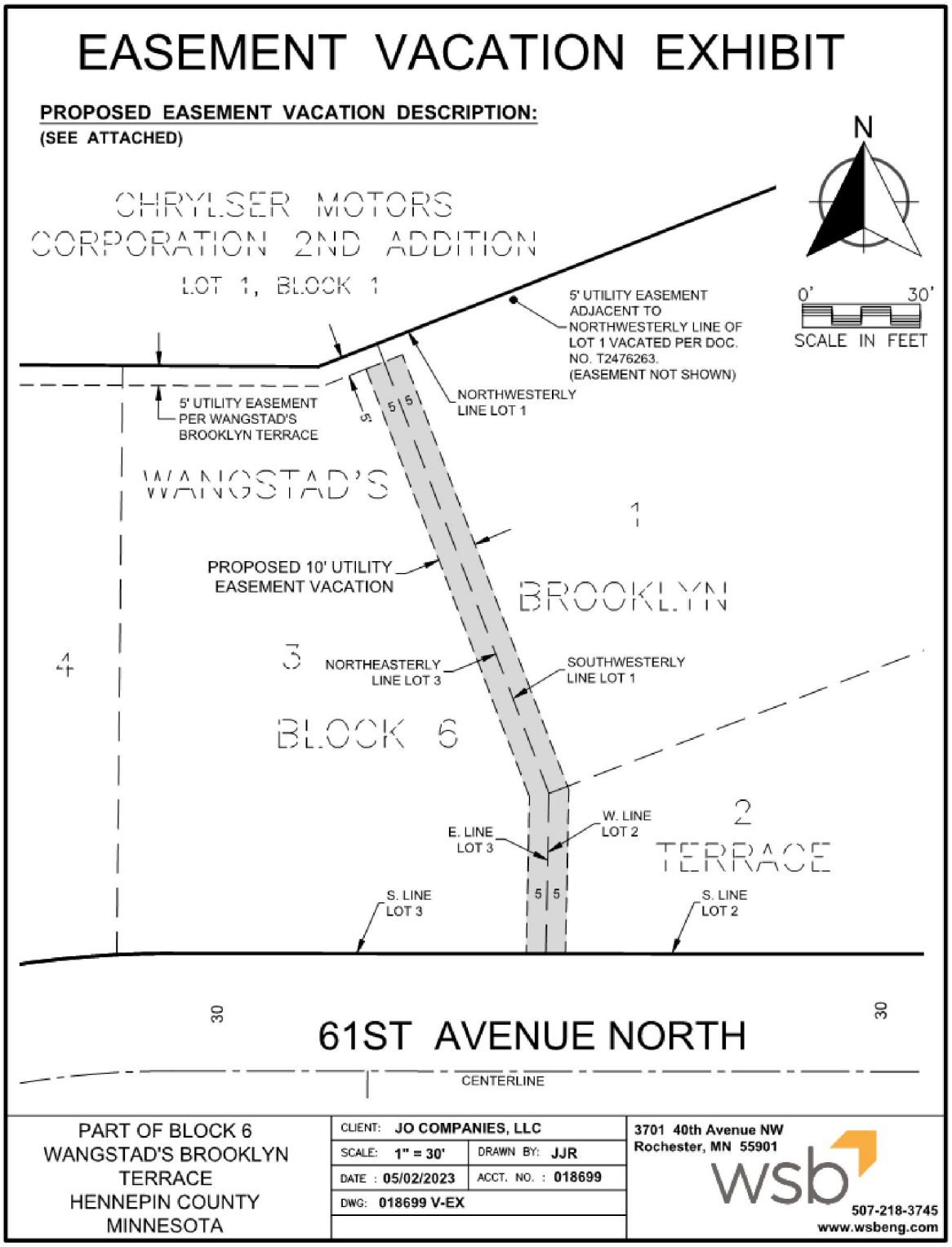
The Westerly 5.00 feet of said Lot 2.

ALSO

The Easterly and Northeasterly 5.00 feet of said Lot 3, except the Northwesterly 5.00 feet thereof.

EXHIBIT C

Depiction of Vacated Easements



Council Regular Meeting

DATE: 6/12/2023

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Jason Hill, City Attorney

SUBJECT: An Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of a Cannabis Business Within the City of Brooklyn Center

Requested Council Action:

- motion to approve the first reading of an interim ordinance authorizing a study and imposing a moratorium on the operation of a cannabis business within the City of Brooklyn Center

Background:

City Attorney Jason Hill will provide a summary of cannabis legalization recently adopted by the State and offer a first reading of interim ordinance authorizing a a study and imposing a moratorium on the operation of a cannabis business. This moratorium would remain in place until January 1, 2025.

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

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

ATTACHMENTS:

Description	Upload Date	Type
powerpoint	6/7/2023	Presentation
Ordinance	6/7/2023	Ordinance

CANNABIS LEGALIZATION: NEXT STEPS FOR BROOKLYN CENTER

JUNE 12, 2023



PRESENTED BY

JASON M. HILL

WWW.KENNEDY-GRAVEN.COM

Kennedy & Graven CHARTERED

CANNABIS LEGALIZATION IN MINNESOTA

General Topics

- Creation of Office of Cannabis Management ("OCM")
- Licensing by the OCM
- Regulation of Cannabis Businesses and Registration of Cannabis Retailers by Cities
- Status of THC Edibles and other Products Legalized in 2022
- Next Steps – Immediate and Future Action Items

Kennedy & Graven CHARTERED

CANNABIS LEGALIZATION IN MINNESOTA

Topics **NOT** Covered Today

- Impact upon Law Enforcement / Criminal Statutes
- Human Resources Questions / Concerns
- Grant Opportunities

OFFICE OF CANNABIS MANAGEMENT

- Establishment effective July 1st
- Director Appointment / Retention of Employees
- Expedited Rulemaking
  - At least 30 days for comment
  - Unlike the customary rulemaking process, there is no opportunity for public hearing under the expedited process

OFFICE OF CANNABIS MANAGEMENT

Issuing Licenses

- 16 Categories of Licenses
- Cannabis microbusiness, mezzobusiness, cultivator, manufacturer, retailer, wholesaler, transporter, testing facility and event organizer
- Lower-potency hemp edible manufacturer and retailer
- Medical cannabis cultivator, processor, retailer or combination business

ROLE OF THE CITY IN LICENSING

- Limited Role in Licensing by the OCM
  - Within 30 days of receiving a copy of an application for a **cannabis business** license, the City must certify whether a proposed cannabis business complies with local zoning ordinances, state fire code and building code.
  - The City can provide the OCM with any additional information it believes is relevant to the OCM's decision on whether to issue a license.
- The bill does not prohibit cities from enforcing other local ordinances (ex., public nuisance)

LOCAL CONTROL

- The City cannot prohibit establishment or operation of a **cannabis business** licensed under the bill. The City also cannot prohibit the possession, transportation or use of cannabis flower, cannabis products, lower-potency hemp edibles or hemp-derived consumer products.
- Interim Ordinance and Moratorium
  - If conducting a study of time, place, and manner restrictions for **cannabis businesses**, the City can adopt an interim ordinance and moratorium applicable to cannabis businesses that would be effective through January 1, 2025.
  - Before adopting the interim ordinance, the City must hold a public hearing.

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LOCAL CONTROL

- Time, Place and Manner Restrictions and Model Ordinance
  - The bill allows cities to adopt "reasonable restrictions on the time, place, and manner of the operation of a **cannabis business** provided that such restrictions do not prohibit the establishment or operation of cannabis businesses."
  - The OCM is tasked with working with local governments to develop model ordinances that includes these provisions, standardized forms and model policies and procedures for compliance checks (discussed below).

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LOCAL CONTROL

- Time, Place and Manner Restrictions and Model Ordinance
  - The bill also allows regulation on distances from certain types of buildings/uses, likely through zoning regulations.
  - Specifically, prohibiting the operation of a **cannabis business** within 1,000 feet of a school or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

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LOCAL CONTROL

- Registration of Retailers
  - Upon licensing, certain cannabis and hemp retailers must register with the City and subject to limited exceptions, the City must register the retailer and must renew the registration. Registration does include lower-potency hemp edible retailers.
  - The registration **DOES NOT** apply to other types of cannabis businesses / licenses.
  - Limited registration fees are available.
  - Before issuing a retail registration, the City may (not "shall") conduct a "preliminary compliance check" to ensure that the cannabis business is in compliance with the applicable operation requirements and the limits on the types of products that may be sold.

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LOCAL CONTROL

- Registration of Retailers
  - There is limited authority for cities to suspend a registration for up to 30 days.
  - The OCM will review the suspension and may order reinstatement, additional suspension, revocation or other licensed based penalties or enforcement action.
  - The City may reinstate the registration if it determines that the violation has been cured.
  - The City can impose civil penalties of up to $2,000 for registration violations.

LOCAL CONTROL

- Additional Obligations Imposed upon Cities with Retailer Registration
  - At least once per calendar year, the City is required to conduct compliance checks of every cannabis business and hemp business with a retail registration.
  - The checks must assess compliance with age verification requirements, the applicable operation requirements, and the applicable limits on the types of products being sold.
  - Checks may be performed by a law enforcement officer or another City employee.

LOCAL CONTROL

- Additional Obligations Imposed upon Cities with Registration
  - The City is also required to "conduct unannounced age verification compliance checks at least once each calendar year."
  - Similar to tobacco compliance checks.

LOCAL CONTROL

- Registration Opt Out
  - A county can issue a registration when the city or township has provided consent for the county to issue the registrations for that city or township.

LOCAL CANNABIS AID

- The State imposes a 10% tax upon sales, which is divided as follows:
  - 80% to the State's general fund; and
  - 20% to the local cannabis aid account, which is subsequently divided among cities based on total cannabis businesses in the City.

THC EDIBLES

- Few significant changes to Minnesota Statutes, section 151.72, which legalized low potency, hemp THC edibles. However, changes were effective on May 31st, the day after the Governor signed the bill.
- The changes allow THC edibles to be sold at exclusive liquor stores the day after the bill is signed into law.
- The bill clarifies THC products can be sold for on-site consumption at locations with an on-sale liquor license under Minnesota Statutes, Chapter 340A.
- There are additional regulations with regard to display, labeling and testing.
- All individuals selling THC edibles must register with the Minnesota Department of Health on or before October 1, 2023. Selling without registration after that date is prohibited. Note that this is NOT the same registration process created for cannabis business and lower-potency hemp edible licenses.
- Minnesota Statutes, section 151.72 is repealed effective March 1, 2025.

NEXT STEPS - SHORT-TERM
THC EDIBLES V. LOWER-POTENCY HEMP EDIBLES

- THC Edibles (edible cannabinoid products)
  - Sales may continue if seller registers with state by October 1, 2023
  - Will require a license to sell once State begins issuing licenses
  - Statute is repealed effective March 1, 2025 (effectively repealed when state starts issuing licenses)
- Lower-Potency Hemp Edibles
  - THC edibles become low-potency hemp edibles upon state licensure
  - Apparent intent is to manage retail sales under new registration and licensing program established under new law

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NEXT STEPS - SHORT-TERM
NEW INTERIM ORDINANCE AND MORATORIUM

ADOPT NEW CANNABIS BUSINESS INTERIM ORDINANCE (OR NOT)

- As part of the local control, a local government conducting/authorizing a study may adopt an interim ordinance to "regulate, restrict, or prohibit the operation of a **cannabis business** within the jurisdiction or a portion thereof until January 1, 2025.
- Recognizes that cities will need time to study the issues associated with this new registration/licensing arrangement and to develop land use regulations associated with this new use.
- A draft interim ordinance is included with your materials.

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NEXT STEPS - SHORT-TERM
NEW INTERIM ORDINANCE AND MORATORIUM

- Provide at least 10 days published notice of a public hearing on the proposed interim ordinance. (at second reading during first meeting in July)
- The notice may start in June, but we recommend you do not hold the hearing or adopt the interim ordinance until at least July 1st because the bill is not effective until that date.
- Follow usual procedure to adopt the ordinance and put it into effect.
- Note that this **does not** impact THC edibles.

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NEXT STEPS - SHORT-TERM
THC EDIBLE AND LOWER-POTENCY HEMP EDIBLE REGULATIONS

THC EDIBLE REGULATIONS DURING THE TRANSITION TO STATE LICENSING (AND MAYBE BEYOND)

- The uncertainties associated with existing regulatory "situation" were not clarified in the bill and instead were allowed to continue as the state transitions to the new licensing scheme in late 2024 – early 2025.
- The law treats hemp products and cannabis products separately.
- THC edibles remain subject to previous law and, therefore, continue to be subject to local regulation.
- Lower-potency hemp edibles require registration and a license from the state to sell, but are not within the definition of a "cannabis business".

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NEXT STEPS - SHORT-TERM
THC EDIBLE AND LOWER-POTENCY HEMP EDIBLE REGULATIONS

Because lower-potency hemp edibles are not a "cannabis business" **they are not subject to**:

- The language indicating a city "may not prohibit the establishment or operation of a cannabis business".
- New moratorium on cannabis businesses
- Cap on number of cannabis businesses
- City limitation on hours
- Not under the expressly allowed time, place, and manner regulations
- Not within the language saying the OCM must deny a license if the cannabis business does not meet local zoning and land use laws (though elsewhere the law says lower-potency hemp retailers must comply with "state and local building, fire, and zoning codes, requirements, or regulations.")

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NEXT STEPS - SHORT-TERM
THC EDIBLE AND LOWER-POTENCY HEMP EDIBLE REGULATIONS

- Lower-potency hemp edible retailers **are** required to:
  - Obtain a license from the state
  - Are subject to local ordinances (Complaint process - "Nothing in this paragraph prohibits a local unit of government from enforcing a local ordinance.")
- The extent to which a city can continue to regulate these retailers once they become lower-potency hemp retailers is not clear.
  - Except that it is fairly clear a city can no longer require a license.

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NEXT STEPS - SHORT-TERM
THC EDIBLE AND LOWER-POTENCY HEMP EDIBLE REGULATIONS

- The City remains under the moratorium adopted on August 22, 2022. The moratorium cannot be extended.
- The City has the following options –
  - Do nothing. THC edible retailers who register with the state by October 1, 2023 will continue to sell under existing statute until issued a lower-potency hemp edible license.
  - Adopt an ordinance regulating THC edibles to become effective on or before the moratorium expires (prohibition, zoning, cap on number of retailers, time, place and manner).
  - Adopt a licensing ordinance with the understanding that it will only be in effect for around 18 months.

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NEXT STEPS - LONG-TERM
ZONING REGULATIONS

- "A local unit of government may adopt **reasonable restrictions on the time, place, and manner of the operation** of a **cannabis business** provided that such restrictions do not prohibit the establishment or operation of cannabis businesses."
- The OCM "may not issue a license if a cannabis business does not meet local zoning and land use laws."
- The OCM is required to work with local governments to develop model ordinances.
- The state is typically slow to develop model ordinances, but presumably they will be prepared and distributed to cities in time for them to develop and adopt their own ordinance before the interim ordinance expires on January 1, 2025.

Kennedy & Graven CHARTERED

NEXT STEPS - LONG-TERM
LIMITATION ON NUMBER OF BUSINESSES

- City Density: Cities that issue cannabis retailer registrations may, by ordinance, limit the number of licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement, and cannabis microbusinesses with a retail operations endorsement **to no fewer than one registration for every 12,500 residents** (ex. 13,000 = 2 businesses).
- County-Wide Density: If Hennepin County has one active registration for every 12,500 residents, the City is not obligated to register a retail business.

NEXT STEPS - LONG-TERM
RETAIL REGISTRATION

- The City needs to decide if it will opt out of requiring local registration.
  - Opt out by giving consent to County to issue registrations.
  - If Register: may collect registration fees, must conduct compliance check, and may impose limit on number of retailers (no application fee).
  - If Opt Out: no fees, not required to conduct compliance checks, cannot impose limit on number of retailers.
- Registration only applies to certain retail establishments.
- The City may suspend a registration for up to 30 days if it determines the business is not operating in accordance with the law. Must immediately give notice to OCM. OCM can override the suspension and order reinstatement or revoke the license.

NEXT STEPS - LONG-TERM HOURS OF OPERATION

- The City may, by ordinance, further restrict the hours of operation for the sale of cannabis and hemp products.
- Statutory – Sales prohibited between 2:00 a.m. and 8:00 a.m. Monday through Saturday and between 2:00 a.m. and 10:00 a.m. on Sunday (allowed 8am-2am Monday-Saturday; 10am-2am Sunday)
- City Restriction – Sales prohibited for any period between 9:00 p.m. and 2:00 a.m. or between 8:00 a.m. and 10:00 a.m. Monday through Saturday (can limit to 10am-9pm M-Sat)

NEXT STEPS - LONG-TERM CITY AS RETAILER

- The City will need to decide if it will sell THC edibles and the lower-potency hemp edibles at the City's liquor stores.
  - Need to register with the state by October 1, 2023
  - Will need to apply for and obtain a lower-potency hemp edibles license when they are available.
- Decide if the City will open its own municipal cannabis store.
  - No express authority for an exclusive municipal cannabis business.
- Check with LMCIT on whether there is insurance coverage for selling these products at a liquor store or as part of a municipal cannabis business.

NEXT STEPS - LONG-TERM ADMINISTRATION

- Need to be prepared to intake applications from OCM and determine if the proposed business complies with local zoning, state fire code, and building code and **respond to OCM within 30 days.**
- Determine process for suspending retail registrations, notifying OCM, and for reinstating the registration.
  - Due process considerations before suspending a registration.
- Should consider process for submitting complaints to OCM, which is supposed to provide an expedited review process of city complaints.

RECOMMENDATIONS

- Adopt interim ordinance and moratorium for cannabis businesses to extend to January 1, 2025, unless terminated earlier.
  - First reading – June 26, 2023
  - Second reading and public hearing – July 10, 2023
- Consider Regulation of THC Edibles until licensure or until March 1, 2025 (licensing, zoning, prohibition).
  - Existing Interim Ordinance
- Consider sale of THC edibles at the City's liquor stores (review insurance coverage).

QUESTIONS?

Jason M. Hill

jhill@kennedy-graven.com

612.337.9207

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 10th day of July, 2023, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an interim ordinance authorizing a study and imposing a moratorium on the operation of a cannabis business within the City of Brooklyn Center.

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

CITY OF BROOKLYN CENTER

ORDINANCE NO. 2023-___

AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF A CANNABIS BUSINESS WITHIN THE CITY OF BROOKLYN CENTER

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

ARTICLE I. Authority and Legislative Findings.

A. The Minnesota Legislature recently enacted, and Governor signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 ("Act"), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Office of Cannabis Management ("OCM"), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis businesses and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions and providing for the temporary regulation of certain edible cannabinoid products.

B. The Act provides local units of government certain authority related to cannabis businesses, including the authority to (1) require local registration of certain cannabis businesses operating retail establishments, (2) adopt reasonable restrictions on the time, place, and manner of the operation of cannabis businesses, provided that such restrictions do not prohibit the establishment or operation of a cannabis businesses, (3) limit the number of certain cannabis businesses based on the population of the community, and (4) prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

C. The Act requires the OCM, which was established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time,

place, and manner of the operation of cannabis businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of cannabis businesses. The City will benefit from reviewing and analyzing the OCM's model ordinances, rules and regulations before making any decisions related to the regulation of cannabis businesses in the City.

D. The Act (Minnesota Statutes, section 342.13(e)) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place and manner of the operation of cannabis businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit the operation of cannabis businesses within the jurisdiction or a portion thereof until January 1, 2025.

E. Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the City desires to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.

F. The City desires to conduct a study for the purpose of considering the adoption or amendment of reasonable restrictions on the time, place and manner of the operation of cannabis businesses as well as the other regulations local units of government may adopt under the Act.

G. On July ____, 2023, after providing at least 10 days published notice, the City Council held a public hearing regarding the consideration and adoption of an interim ordinance prohibiting the operation of cannabis businesses within the City until January 1, 2025.

ARTICLE II. Definitions. For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

(a) "Act" means 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).

(b) "Cannabis Business" has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14.

(c) "City" means the City of Brooklyn Center.

(d) "Edible Cannabinoid Product" has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).

(e) "OCM" means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subd. 1.

(f) "Ordinance" means this interim ordinance, which is adopted pursuant to Minnesota Statutes, section 342.13(e).

ARTICLE III. Study Authorized. The City Council hereby authorizes and directs the City Administrator/City Manager to have City staff conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as the other potential local regulations allowed under the Act, and report to the City Council on the potential regulation of Cannabis Businesses. The study must include a review of the model ordinances the OCM is directed to draft under Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statues, section 342.13(c), and such other matters as staff may determine are relevant to the City Council's consideration of this matter. The report shall include the City staff's recommendations on whether the City Council should adopt regulations and, if so, the recommended types of regulations.

ARTICLE IV. Moratorium. A moratorium is hereby imposed regarding the operation of a Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting City review of any application or proposal for a business proposing to engage in the operation of a Cannabis Business.

ARTICLE V. Violation. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a Cannabis Business within the City.

ARTICLE VI. Exceptions. The moratorium imposed by this Ordinance does not apply to: (1) the continued operation of a business as part of the Medical Cannabis Program administered by the Minnesota Department of Health that was lawfully operating within the City prior to July 1, 2023; (2) the lawful sale of Edible Cannabinoid Products in compliance with Minnesota Statutes, section 151.72; or (3) sales of Edible Cannabinoid Products at an exclusive liquor store in accordance with Minnesota Statutes, section 340A.412, subdivision 14. Nothing in this Article exempts a business, person, or entity that is selling Edible Cannabinoid Products from having to comply with all requirements and prohibitions of applicable laws and ordinances.

ARTICLE VII. Enforcement. Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City's general penalty in City Code and may result in the City reporting the violation to the OCM if relevant to OCM licensing. The City Council hereby authorizes the City Administrator/City Manager, in consultation with the City Attorney, to initiate any legal action deemed necessary to secure compliance with this Ordinance.

ARTICLE VIII. Duration. This Ordinance shall become effective on the first day of publication after adoption and shall remain in effect until January 1, 2025. This Ordinance may be repealed earlier upon the effective date of an ordinance adopting or amending reasonable restrictions on the

time, place and manner of the operation of a Cannabis Business within the City or by resolution of the City Council terminating this Ordinance prior to the expiration date.

ARTICLE IX. Severability. Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part thereof. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

Adopted this 10th day of July, 2023.

_____
April Graves, Mayor

ATTEST: _____
Barbara Suciu, City Clerk

Date of Publication _____, 2023

Effective Date _____, 2023