

Council Worksession
City Hall Council Chambers
June 10, 2024

AGENDA



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

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

Council Worksession

DATE: 6/10/2024

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY:

SUBJECT: Resolution 2021-73

Background:

ATTACHMENTS:

Description	Upload Date	Type
Resolution 2021-73 1-4	6/6/2024	Backup Material
Mock up resolution	6/6/2024	Backup Material

Member Butler introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-73

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

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

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

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

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

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

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

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

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

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

- [illegible]

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

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

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

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

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

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

WHEREAS, a diversity of approaches will improve overall public safety, better address the root causes of many systemic issues, promote racial justice, better protect vulnerable

members of our community, and more efficiently allocate public resources while recognizing there is still work to be done to address policing mindset and culture; and

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

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

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

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

1. Amend the Adopted Act ~~Adopted~~. The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act ("Act") is hereby adopted for the City.
2. Community Expanded Response, which is a unit of government ~~Department~~. The City will create an unarmed Community Expanded Response government unit ~~Department~~ to respond to all incidents where a City resident is primarily experiencing a medical, mental health, disability-related, or other behavioral or social need. ~~including by the creation of a~~ The Community Expanded Response ~~Department shall provide~~ consisting of trained medical and mental health professionals, social workers or other staff and volunteers. ~~and by a Services provided by the Community Expanded Response shall be dispatched by the Hennepin County 911 call system. system routing appropriate calls to the Community Response Government Unit Department and not to the Police Department; and by any other appropriate changes in ordinance practices or policies,~~
3. Non-Moving Traffic Violation Enforcement, which is a unit of government ~~Department~~. The City will create an unarmed ~~civilian~~ Non-Moving Traffic Violation Enforcement ~~Department~~ to enforce all non-moving traffic violations in the City. ~~including by creating the civilian Traffic Enforcement Department and by any other appropriate changes in ordinance, practices or policies, including restricting or eliminating the types of traffic offenses enforced by the City's armed law enforcement patrol officers.~~
4. Community Prevention, Health, and Safety government unit ~~Department of Community~~

~~Safety and Violence Prevention.~~ The City will create a new government unit ~~Department~~ of Community Prevention, Health, and Safety ~~and Violence Prevention~~ (the "government unit ~~Department~~") that will be responsible for coordinating with ~~overseeing~~ all city agencies and citywide efforts regarding community prevention, health and public safety and ensuring a well-coordinated, public health-oriented approach throughout our city that relies upon a diversity of evidence-based prevention and intervention approaches to public safety, and with a Director who has appropriate credentials and experience including public health expertise, community prevention and intervention in public safety, and that at minimum the following will have oversight of governmental units of Community Alternative Response and Non-Moving Traffic Violation Enforcement ~~existing and to be created~~ City agencies will all report directly to the Department and be subject to the authority of its Director: the Police Department, the Fire Department, the Traffic Enforcement Department, and the Community Response Department.

**CITY COUNCIL
MEETING**

City Hall Council Chambers
June 10, 2024

AGENDA



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

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

2. Roll Call

3. Pledge of Allegiance

4. Informal Open Forum

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

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

a. Meeting Decorum

5. Invocation - Jerzak

6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

- *Motion to approve meeting minutes*

- *05/28/24 Worksession*
- *05/28/24 Regular Session*

b. Approval of Licenses

- *Motion to approve the licenses as presented.*

c. Amending the 2024 City Council Meeting Schedule

- *Motion to amend the 2024 City Council meeting schedule due to the cancellation of the June 26 Budget meeting and addition of the Canvassing Board.*

- d. Resolution Accepting Bid and Awarding a Contract, Improvement Project No. 2023-10, 1694/Dupont Ave Water Main Crossing Replacement Project
 - *Motion to approve the resolution accepting the lowest responsible bid and award a contract to Northdale Construction Company, Inc. for Improvement Project No. 2023-10, 1694/Dupont Ave Water Main Crossing Replacement Project.*

7. Presentations/Proclamations/Recognitions/Donations

- a. PFAS and Brooklyn Center Drinking Water
 - *Motion to accept the presentation.*
- b. Resolution Recognizing and Honoring Officer Meloney Knight for Over 30 Years of Dedicated Service to the City of Brooklyn Center
 - *Motion to approve a resolution recognizing and honoring Officer Meloney Knight for over 30 years of Dedicated Service to the City of Brooklyn Center*

8. Public Hearings

9. Planning Commission Items

- a. An Ordinance Amending Section 35-4103 (Allowed Use Table) of the City Code of Ordinances Regarding Public and Private Elementary and Secondary Schools Offering a Regular Course of Study in the Transit Oriented Development (TOD) Zoning District - Second Reading
 - *Motion to approve a second reading regarding the adoption of an ordinance amending Section 35-4103 (Allowed Use Table) of the City Code of Ordinances, and as outlined under Planning Commission Application No. 2024-008, to allow for Public and Private Elementary and Secondary Schools Offering a Regular Course of Study in the Transit Oriented Development (TOD) zoning district, and publish the adopted ordinance in the Brooklyn Center Sun Post.*

10. Council Consideration Items

- a. Reading of Executive Performance Evaluation

11. Council Report

12. Adjournment



COUNCIL MEETING DECORUM

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

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

Council Regular Meeting

DATE: 6/10/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Dr. Reggie Edwards, City Manager

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Motion to approve meeting minutes*
 - 05/28/24 Worksession
 - 05/28/24 Regular Session

Background:

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

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Provide quality services with fair and equitable treatment

ATTACHMENTS:

Description	Upload Date	Type
5.28 Work Session	6/4/2024	Backup Material
5.28 City Council	6/4/2024	Backup Material

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

WORKSESSION
MAY 28, 2024
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Worksession called to order by Mayor April Graves at 6:08 p.m.

Mayor Graves reminded the Councilmembers to review the applications for the Commissions and complete the scoring process.

ROLL CALL

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

COUNCIL MISCELLANEOUS DISCUSSION ITEMS

Mayor Graves explained the conduct of City representatives and accountability needs to be discussed again. She asked if there were any other topics to discuss.

Councilmember Lawrence-Anderson noted the Friday update email indicated Abdo hasn't completed the audit. She asked why there was a delay. City Manager Reggie Edwards explained the auditors provided a window for Brooklyn Center to provide certain information. Staff provided as much information as possible at the time, but it wasn't sufficient for the audit. By the time Staff submitted the rest of the information, the time frame for the City had closed. Abdo expects they will be able to complete the audit mid-September. The audit will be completed before any budgets are reviewed.

Mayor Graves stated the previous firm completed the audit around June. It sounds like it might be the City's fault, but perhaps Abdo asked for more information than Brooklyn Center regularly submits. Dr. Edwards stated Staff provided information that they believed was sufficient, but there was a miscommunication. There is now a fully staffed Finance Department.

Councilmember Jerzak stated Staff knows what information needs to be submitted for the next audit season, so the issue won't happen again. Dr. Edwards confirmed Staff created templates to more efficiently gather information for the next audit.

Mayor Graves noted Brooklyn Park has a certain Code of Conduct and a Commission Guidebook. She asked if Brooklyn Center provides similar information for their Commissioners. Assistant City Manager/City Clerk Barb Suciú stated the Planning Commission has a bit of onboarding, but none of the other Commissions do.

Mayor Graves suggested Brooklyn Center develop documents similar to Brooklyn Park's. Councilmember Lawrence-Anderson pointed out she had suggested the same idea in the past. Mayor Graves stated they need a Council consensus.

It was the consensus of the Council to direct Staff to create a guidebook for Commissioners.

Mayor Graves added it would be helpful to ask Staff liaisons for their input to determine if it would be helpful to have training for Commissioners.

Mayor Graves explained there was a previous discussion to review purpose, definitions, and responsibilities with their Commissioners. However, there needs to be a more specific conduct requirement laid out along with accountability measures. Potential consequences include a warning from Staff or Council, removal from a Commission by consensus of the Council, and prohibition from serving on a Commission for a period of time by consensus of the Council.

Councilmember Kragness asked if the warning step is a unilateral decision. Mayor Graves stated her understanding was that the City Manager or Mayor would be notified of a concern. From there, it would be an opportunity for the City Manager or Mayor to alert the Commissioner of the issue in a non-public way.

Councilmember Kragness stated because Commissioners are appointed by the Council, each step of the accountability process should also include the Council.

Councilmember Jerzak noted his agreement with Councilmember Kragness. It would also prevent weaponizing the warning step. Furthermore, a consensus of the Council would create an opportunity for appeal.

Councilmember Kragness added it would eliminate a Commissioner's potential excuse of blaming a bad relationship with the Mayor or City Manager and put the onus on the entire Council.

Mayor Graves pointed out that the information warranting any actions would be a complaint from someone. There isn't a need to appeal a verbal warning. If someone makes a complaint, requiring consensus for a mere warning could rely too much on political moves or personal agendas. She asked the City Attorney for his input.

City Attorney Jason Hill stated a warning could be a Council consensus. However, it would have to be in a public hearing. The Council could add an appeal process to the warning step, though it may be unnecessary as there isn't an action attached to a warning.

Mayor Graves noted the warning shouldn't be a public hearing topic because the Commissioner may have made an honest mistake. For example, a Commissioner may use a microaggression and be unaware of its impact.

Councilmember Lawrence-Anderson noted her agreement with Mayor Graves. She requested the rest of the Council be notified if the Mayor or City Manager gave out a warning.

Councilmember Butler agreed with Mayor Graves. It doesn't need to be an embarrassment. She asked if there are levels of conduct that would surpass a warning level. For example, physical aggression would warrant more than a warning.

Mayor Graves asked if the accountability document includes automatic dismissal situations. Mr. Hill stated there is similar language in employee handbooks that could be added to the accountability measures.

There was consensus by the Council to move forward with the three-step accountability process and add automatic removal language from an employee handbook.

Mayor Graves continued to read the accountability document. The seriousness of an offense would result in a similarly serious response. The first step for negative comments should not be removal from a position.

Mayor Graves stated per the document, a Councilmember, Staff person, or community member may report conduct violations. Upon receipt of the complaint, the first step is to triage. The Mayor and City Manager would gather information, potentially have a conversation with human resources, and determine next steps. If needed, the matter would be referred to the criminal legal process. From there, one of the accountability measures would occur.

Mayor Graves stated if the Council were to vote to remove or prohibit a Commissioner from serving, there needs to be a 14-day warning provided to the Commissioner. The document must include the reasoning for the decision and the effective date. The Commissioner may request a hearing before the Council at the next City Council meeting.

Mayor Graves added any misconduct by a Commissioner during a meeting may result in a verbal correction by the Chair or other Commissioners. If needed, the meeting may be adjourned.

There were no objections from the Council.

Mayor Graves noted the last page of the document is a page for a Commissioner to sign to indicate their understanding of the document.

Mayor Graves asked for the Council to review the document and provide any feedback to her or Ms. Suciu. Then it can be added a future Consent Agenda.

Mayor Graves explained there is a similar document related to conduct of the Council. She asked the City Attorney to summarize any changes.

Mr. Hill explained there have been some changes to the Council meeting format. Ultimately, the conduct requirements were added into the existing policies. The changes track with the policy adopted by Brooklyn Park. There is a similar accountability process for Councilmembers as was just discussed for Commissioners.

Mayor Graves encouraged the Council to review the entirety of the document. However, the discussion would begin regarding page four and ethics.

Councilmember Jerzak noted the document limits Informal Open Forum comments to three minutes. However, more recently the limit has been two minutes. Mayor Graves stated there hasn't been an official vote by the Council to change the limit to two minutes.

Ms. Suciú stated there was an official consensus to change the limit to two minutes.

Mayor Graves asked if there is only one speaker, should the Council only allow two minutes. Councilmember Jerzak stated Mayor Graves has made an effort to ask the Council for their input to temporarily alter time limits as needed.

Mayor Graves stated the document needs to be updated to reflect the consensus regarding two minutes of comments per person during Informal Open Forum.

Mayor Graves read more of the document. She explained how free speech is an important part of the democracy, but Councilmembers are not allowed to make abusive or disparaging comments. They are to act professionally at all times. It is the role of the Mayor to keep the discussion of the Council on track. A Councilmember may call for a point of order if negatively spoken about by another Councilmember.

Mayor Graves shared it is also important for Councilmembers to be punctual. The Councilmembers must respect a majority decision of the Council and maintain professionalism and respect in private conversations. The Council must also make an effort to welcome the public and promote impartiality.

Ms. Suciú suggested the document say "Mayor/Mayor Pro Tem" instead of "Mayor" throughout the document to align with other City documents.

Mayor Graves stated lack of compliance could include an admonition by the Mayor or Mayor Pro Tem, reprimand via letter approved by Council, censure pursuant to resolution adopted by the Council. The first action would be a unilateral decision while the second two would be by consensus of the Council. She asked if there is an appeal process. Mr. Hill stated there is not an appeal process in the current document, but it could be added.

Mayor Graves asked if the admonition should include a requirement to notify the rest of the Council and remain non-public. Councilmember Lawrence-Anderson agreed with the suggestion.

Councilmember Kragness agreed documentation would be important. The admonition could be verbal, written, or both. Dr. Edwards pointed out anything written down becomes public.

Mayor Graves stated the written down portion doesn't need to have details about the admonition. Instead, it would merely record an admonition took place.

Dr. Edwards noted the spirit of the non-public reprimand of a Commissioner is intended as an opportunity for the Commissioner to grow. In the same vein, there shouldn't be a written admonition of a Councilmember. While any data requests of Council emails would be a fishing request, the grace component seems to be a key factor in the accountability measure.

Mr. Hill stated the reprimand could have a written portion and cite the date of any admonitions.

There was no objection from the Council.

Mayor Graves asked if the reprimand and censure portions would require a consensus of the Council or unanimous decision. Mr. Hill stated it would only require a consensus.

Mayor Graves noted any behaviors that rise to the level of criminality would be reported to the criminal legal system. Reports can be made by Councilmembers, Staff, or community members to the Mayor, Mayor Pro Tem, a Councilmember, or the City Manager. There is also a diagram reflecting the process in the document.

Mayor Graves added any inappropriate comments made by a Councilmember during a public meeting can be addressed verbally by the Mayor at the meeting or following the meeting. Repeated incidents may allow the Mayor to not recognize a Councilmember to speak. If the Mayor or Mayor Pro Tem are unavailable to review a complaint, the next most senior Councilmember may review the complaint.

Ms. Suci pointed out the Council has been working with Common Sense. The work has implemented a strategy using red light, yellow light, or green light to allow any member of the Council to call out an issue. However, the proposed policy only allows the Mayor to have a response. It would take away any work done with Common Sense over the past year-and-a-half. Mayor Graves stated she doesn't see it the same way. Any member of the Council can speak up if there is an issue. Ms. Suci pointed out the policy only allows the Mayor to interrupt a speaker.

Mayor Graves asked if the Council had any issues with the language. Councilmember Kragness stated Councilmembers have the opportunity to alert the Mayor to any issues by calling for a point of order.

Mayor Graves encouraged the Councilmembers to thoroughly review the documents.

Councilmember Jerzak reiterated the need to correct the time limit during Informal Open Forum.

Mr. Hill stated he would make changes to the documents and provide them to the Council for review.

CITY MANAGER MISCELLANEOUS DISCUSSION ITEMS

City Manager Reggie Edwards pointed out the Council previously requested reviewing the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act. The item has been scheduled for review at future meetings.

Councilmember Jerzak thanked Dr. Edwards for the timeline.

Mayor Graves stated the discussion will be spread out over a couple of months to allow for plenty of discussion time.

Councilmember Lawrence-Anderson asked if the Councilmembers should prepare notes and potential modifications in advance. Mayor Graves stated the Council is welcome to bring notes, but the discussion time should allow for ample time to share thoughts and suggestions.

ADJOURNMENT

Councilmember Jerzak moved and Councilmember Lawrence-Anderson seconded to close the Study Session at 6:57 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 28, 2024
CITY HALL – COUNCIL CHAMBERS

1. CALL TO ORDER

The Brooklyn Center City Council was called to order by Mayor April Graves at 7:01 p.m.

2. ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Community Development Director Jesse Anderson, Planning Manager Ginny McIntosh, Associate Planner Krystin Eldridge, Assistant City Manager/City Clerk Barb Suci, Deputy City Clerk Shannon Pettit, and City Attorney Jason Hill and Siobhan Tolar.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. INFORMAL OPEN FORUM

Mayor April Graves reviewed the decorum document pertaining to Informal Open Forum.

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

Diane S. thanked the American Legion and the volunteers for setting up flags recently. Also, the *Sun Post* is free only for the remainder of the week.

Diane S. stated vehicles are being parked on EDA-owned property. In the parks, there are graffiti and a hateful poster on a pole. The poster needs to be removed. There is a sign in the thistle patch outside of the City Hall saying “Keep Brooklyn Center Clean.” She invited others to join in the community cleanup on the fourth Saturday of the month.

Mayor Graves asked which park had the graffiti. Diane S. stated it is in the park near her home.

Councilmember Jerzak moved and Councilmember Lawrence-Anderson seconded to close the Informal Open Forum

Motion passed unanimously.

Dr. Edwards pointed out the City Attorney has something to say. Mayor Graves stated the City Attorney may speak after the Invocation.

5. INVOCATION

Councilmember Kragness invited her grandmother Verna Kragness to the podium. Mayor Graves pointed out Verna Kragness served as Mayor for 12 years.

Myrna Kragness read a prayer asking for blessings and peace amongst the Council and community.

City Attorney Jason Hill stated he is leaving his role, and his last day will be June 7. Siobhan Tolar will take over his position and has already begun the transition. Ms. Tolar introduced herself and noted her excitement to work with Brooklyn Center.

Mayor Graves proposed Staff write a proclamation recognizing Mr. Hill's service to the City.

Dr. Edwards suggested Ms. Tolar share more about her background. Ms. Tolar explained she is newer to Kennedy-Graven, but she spent nine years in the St. Paul Civil Division and a few years in St. Paul's compliance office. She was born and raised in St. Paul.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6a. APPROVAL OF MINUTES

1. May 13, 2024 – Worksession
2. May 13, 2024 – Regular Session
3. May 13, 2024 – EDA/Work Session

6b. LICENSES

HOSPITALITY ACCOMODATIONS

Country Inn & Suites	2550 Freeway Boulevard
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GASOLINE SERVICE STATION

Kabalan Co DBA: Pump N Munch	1505 69th Avenue N
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TEMPORARY FIREWORKS

TNT Fireworks	3245 Co Road No
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Renaissance Fireworks	6350 Brooklyn Boulevard
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GARBAGE HAULER

Darling Ingredients	9000 382nd Avenue
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	Blue Earth, MN 56013
Curbside Waste	4025 85th Avenue N Brooklyn Park, MN 55443
 <u>MECHANICAL</u>	
Electric Sign & Lighting Inc.	11328 Zane Avenue N Champlin 55316
Heating & Cooling Two Inc.	18550 County Road 81 Maple Grove 55369
Homeworks Services LLC	915 Blue Gentian Road Eagan 55121
Shac, LLC	1240 Trapp Road Eagan 55121
Watson Mechanical LLC	1781 Sunrise Circle Mayer 55360
 <u>RENTAL</u>	
<i>INITIAL (TYPE IV – six-month license)</i> 3207 Quarles Road	GW Funding LLC
5621 Humboldt Avenue N	Abad Martinez
<i>INITIAL (TYPE III – one-year license)</i> 7019 Dallas Road	Janet Ibe
<i>INITIAL (TYPE II – two-year license)</i> 5601 Dupont Avenue N	Damien Francis Morgan
<i>RENEWAL (TYPE IV – six-month license)</i> 700 66th Avenue N	Georgetown-bc Company Lllp
6700 Humboldt Avenue N	MIMG CLXXXIV STERLING SQ SUB
6807 Humboldt Avenue N	Cmcb Llc
3141 49th Avenue N	CCF3 LLC
5112 70th Avenue N	Ih3 Property Minnesota Lp

5857 Colfax Avenue N	Cel Monton Llc
6019 Camden Avenue N	Inang Ekah
6807 Quail Avenue N	Paul Pham
6809 Perry Avenue N	Janvier Ngoy & Emelie Ngoy
7141 Newton Avenue N	Ih2 Property Illinois Lp
7225 Morgan Avenue N	SRFF LLC
<i>RENEWAL (TYPE III – one-year license)</i>	
5401 63rd Avenue N	5401 63rd Ave N
3812 58th Avenue N	M Y Issa/f Abdullahi/m Issa
5200 63rd Avenue N	Smc Real Estate Llc
5833 Pearson Drive	Kou M Farngalo
5925 Zenith Avenue N	SFR BORROWER 2022-1 LLC
6106 Quail Avenue N	Almamy Momo Toure
<i>RENEWAL (TYPE II – two-year license)</i>	
6230 Quail Avenue N	Kurt Templin & Mary Templin
6307 Scott Avenue N	Iasis Vii LLC
6661 Xerxes Place N	Mn Housing I Llc
6913 Toledo Avenue N	Fred Hanus
7236 Noble Avenue N	Caleb J Moses/Nicole A Moses
<i>RENEWAL (TYPE I – three-year license)</i>	
5245-47 Drew Avenue N	JESSE FORSELL
4207 Lakeside Avenue N, #220	Matthew F Blackler Rhea J O'Connor
5144 Ewing Avenue N	Gracelands Llc
5553 Aldrich Drive N	Njeri Enterprises Llc

SIGNHANGER

Fastsigns

300 Central Avenue

Osseo 55369

- 6c. **RESOLUTION NO. 2024-061; ACKNOWLEDGING AWARDED FUNDS FROM THE MINNESOTA DEPARTMENT OF HEALTH SOURCE WATER PROTECTION AND AUTHORIZING ACCEPTANCE OF GRANT FUNDS**
- 6d. **AN ORDINANCE AMENDING SECTION 35-4103 (ALLOWED USE TABLE) OF THE CITY CODE OF ORDINANCES REGARDING PUBLIC AND PRIVATE ELEMENTARY AND SECONDARY SCHOOLS OFFERING A REGULAR COURSE OF STUDY IN THE TRANSIT ORIENTED DEVELOPMENT (TOD) ZONING DISTRICT - FIRST READING**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

- 7a. **PROCLAMATION ACKNOWLEDGING AND PROCLAIMING THE MONTH OF JUNE 2024 AS "PRIDE MONTH"**

Mayor Graves read in full a Proclamation acknowledging and proclaiming the month of June 2024 as "Pride Month."

Councilmember Jerzak moved and Mayor Graves seconded to approve a PROCLAMATION acknowledging the month of June 2024 as "LGBTQIA+ Pride Month."

Motion passed unanimously.

8. PUBLIC HEARINGS

9. PLANNING COMMISSION ITEMS

- 9a. **RESOLUTION NO. 2024-062; REGARDING PLANNING COMMISSION APPLICATION NO. 2024-003, SUBMITTED BY LIN SHUANG LLC, FOR ISSUANCE OF A CONDITIONAL USE PERMIT FOR A TIRE INSTALLATION AND AUTO DETAILING SHOP (5927 JOHN MARTIN DRIVE)**

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

Ms. McIntosh explained the property owner Lin Shuang LLC is requesting review and consideration for issuance of conditional use permit to allow for a tire installation and auto detailing shop at 5927 John Martin Drive. Tires Plus had long been a tenant of the Subject Property

until 2022 when they closed. As the use was abandoned for a period greater than 12 months, a new conditional use permit is required per Section 35-7700 (Conditional Use Permits). Lin Shuang LLC purchased the 1.36-acre property in 2007. It is zoned as TOD. She showed images of the site.

Ms. McIntosh pointed out the property originally received site and building plan approval in 1979 under Planning Commission Application No. 79035 for what was originally a Berger Brothers sporting goods shop. As originally contemplated, the building was to primarily serve as an approximately 8,820-square foot retail shop, with approximately 1,425-square feet of storage area. At the time, the Subject Property was zoned C2 (Commerce) District, which allowed for retail uses, and contemplated 85 on-site parking spaces for the retail store.

Ms. McIntosh noted in 1991, the formerly single use retail building received a proposal to convert into a two-tenant building when a Tires Plus auto shop expressed interest in locating on the Subject Property and following closure of Berger Brothers. Tires Plus ultimately took approximately 3,700-square feet of the west side of the property, with the remaining approximately 6,500-square feet left available for a new user. The remaining space has long functioned as a restaurant and buffet. The property lost five parking spaces as the restaurant and buffet required a separate trash enclosure area, leaving a total of 80 on-site parking spaces.

Ms. McIntosh explained current Property Owner and Applicant, Lin Shuang LLC, purchased the property in 2007. Tires Plus closed their location in 2022 and the Subject Property was listed for sale shortly thereafter. In August 2023, a Planning Commission was submitted for conversion of the approximately 10,200-square foot building to a restaurant and bar; however, the request was denied by City Council in October 2023.

Ms. McIntosh added the existing restaurant and buffet business was recently conveyed to a new owner and a new lease executed; however, the property owner and applicant has been courting proposals for the former Tires Plus space for a year. Many of the proposals were for automotive repair shops, which are conditional uses in the TOD District where the property is located. As the former automotive shop use was abandoned for a period of greater than 12 months, a use permit is required.

Ms. McIntosh stated the property is centrally located within the City's designated approximately 80-acre Opportunity Site. A draft Opportunity Site Master Plan has been underway for a number of years and at present the plans are to move towards a final adoption this year. In July 2021, the City of Brooklyn Center City Council adopted an Infrastructure Framework for the Opportunity Site, which serves as a proactive, guiding document and focused on four core components (stormwater, access and connectivity, parks and open space, and land use). While the Framework is intended to help inform decision making, it was also designed to provide certain flexibilities and dependent upon market conditions.

Ms. McIntosh stated the applicant indicated in their project summary plans to lease the former Tires Plus space located on the property to the former owner and operator of Affordable Tires in

Brooklyn Park, as his old space was sold, and as the Applicant felt he was a, “good fit for this space as he has the experience, a good crew, and already established loyal customers.”

Ms. McIntosh noted as proposed, the business would operate Monday through Friday from 9 a.m. to 8 p.m. and Saturday from 10 a.m. to 6 p.m. The applicant and intended business operator indicated a maximum of six employees on shift and approximately 15 to 30 customers per day between the tire installation and auto detailing business. The business would provide tire repair and installation services, with no plans to conduct automotive repairs on-site. This is a notable distinction between the proposed use and the former Tires Plus use as Tires Plus did provide repair services.

Ms. McIntosh pointed out as for the auto detailing side of the business, the applicant indicated that this would be provided by the same operator and that similar services were provided at the proposed tenant’s former Affordable Tires location off Bottineau Boulevard (County Road 81) and 73rd Avenue North in Brooklyn Park. The applicant indicates that no water usage would be required as the auto detailing services would be limited to interior cleaning, vacuuming, and detailing. Exterior detailing would be limited to buffing and polishing. City Staff stressed to the Applicant that no detailing work should take place in the parking lot.

Ms. McIntosh added when presenting the space to the proposed tenant, the Applicant and Property Owner was clear that no parking was to occur on the adjacent property, which is owned by the City’s Economic Development Authority.

Ms. McIntosh stated with respect to the intensity of the use, City staff reviewed documentation on file for the former Tires Plus, which indicated a range of two to six employees on duty at any one time. Regarding hours of operation, the hours proposed by the new tenant would be slightly more limited than the former Tires Plus, which operated slightly later in the evenings on weekdays and on Sundays from 10 a.m. to 5 p.m.

Ms. McIntosh explained for the interior of the space, the hoists, trench drain, and oil and sand interceptor, if required, would require re-installation as the applicant had removed these given the applicant’s preference had been to utilize the space for retail. The applicant indicates in their submitted project summary that, after a year of searching for prospective tenants and even offering the property for sale, that almost all of the inquiries received were for automobile repair and service. The proposed tenant would be responsible for providing any and all tenant furniture and equipment.

Ms. McIntosh stated in conducting a review of the property, City Staff noted potholes in the parking lot and within the drive access area shared between the Subject Property and adjacent property located at 5939 John Martin Drive, which is owned by the City’s Economic Development Authority. Certain areas of the main parking lot had faded parking lot striping. In discussing these, the applicant and property owner indicated a willingness to fill in any potholes and re-stripe the parking lot as necessary.

Ms. McIntosh explained City Staff further noted that the previously non-compliant site lighting, which was last reviewed in 2023 as part of an earlier Planning Commission Application for the property, had either gone missing or been replaced with non-compliant lighting. City Staff conveyed that the lighting would need to be addressed to comply with City lighting standards as outlined under Section 35-5400 (Exterior Lighting).

Ms. McIntosh pointed out that although there are existing wall-pack style lights located over the automotive bay doors, City Staff reiterated that the applicant and property owner should ensure they are functional. If not, replacements shall be proposed for review and approval by City Staff.

Ms. McIntosh stated an existing trash enclosure located at the south end of the Subject Property is in poor condition. City Staff is requesting its removal. If the proposed tenant requires a separate, exterior trash enclosure, the applicant and property owner can propose the new enclosure and specifications to City Staff. Any exterior enclosure will need to fully screen any dumpster and provide a fully opaque fencing or material complementary to the building.

Ms. McIntosh added the applicant and tenant will need to coordinate with the Minnesota Pollution Control Agency (MPCA) and Hennepin County for any necessary permitting and/or licensure requirements.

Ms. McIntosh explained there are a number of criteria to be reviewed in the issuance of a Conditional Use Permit (CUP). CUPs, as outlined under Section 35-7700, are those uses which have been identified because of their nature, operation, location, special requirements or characteristics, and that may only be allowed in a particular zoning district after submittal of an application, review, and recommendation by the Planning Commission and approval by City Council.

Ms. McIntosh stated in short, a CUP must be in accordance with the general objectives, or with any specific objective, of the City's Comprehensive Plan and this UDO, promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort, will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood, will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district, provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets, sufficiently address impacts such as noise and exterior lighting, and conform to the applicable regulations of the district in which it is located.

Ms. McIntosh stated as part of the application process, a public hearing notice was submitted to the Brooklyn Center *Sun Post* for publication on April 25, 2024, and notices were mailed to property owners and physical locations within 350 feet of the Subject Property. A link to the public hearing notice was also published on the City's website and sent out by email to subscribers of the City's weekly events bulletin. No public comments were received prior to or at the Planning Commission meeting.

Ms. McIntosh added the public hearing was held at the May 9, 2024 Planning Commission meeting and Commissioners were generally supportive of the request. The Commissioners asked clarifying questions as to whether any full-service auto repair would be taking place, requests from City Staff to upgrade the non-conforming exterior site lighting, and not allowing for the parking of customer or staff vehicles on the City EDA lot to the west. Additional questions were posed to the applicant regarding the hours of operation, and how the automotive use would be complementary to the existing restaurant and buffet in the adjacent tenant space. No modifications to the proposed conditions were made by the Planning Commission. Following close of the public hearing, the Planning Commission elected to unanimously (4-0) recommend City Council approval of the requested issuance of a Conditional Use Permit for the proposed reuse of the former Tires Plus space located at 5927 John Martin Drive as a tire installation and automotive detailing shop.

Councilmember Kragness asked if the six jobs have been filled or if the owner is still hiring. Johannes Tong, applicant, explained most of the employees have been fired. One is left, but it has been difficult to pay him.

Councilmember Jerzak noted his support of filling a vacant building with a business.

Mayor Graves asked what previous proposal was rejected by the Council. Ms. McIntosh stated the previous proposal was for a nightclub by Jambo Africa, which would have used the whole space.

Mayor Graves asked for the reasoning behind denial of the Jambo Africa request. Councilmember Lawrence-Anderson stated it was primarily an issue with parking.

Ms. McIntosh explained the proposed use was short 70 parking spots. Mayor Graves stated the estimate of customers seems too high to require so many parking spots.

Mayor Graves pointed out the property in question is near an EDA-owned property. Ms. McIntosh explained a driveway and curb cut for the property is shared with an EDA-owned property. The Tires Plus used some of the parking on the EDA-owned site. The site in question is surrounded on three sides by EDA-owned property.

Mayor Graves asked how long the applicant has been in business. Mr. Tong explained he opened the business in 2019, but it was difficult for the business to stay afloat in the pandemic. He previously owned property in Brooklyn Center, but he had to sell it off because he was unable to keep up with the maintenance.

Mr. Tong noted his love for the community. Brooklyn Center was the first place he lived after coming to America, and his family lives in the area. The location allows him to accommodate both of his businesses.

Mayor Graves asked if the business is projected to grow and if the property will meet the business' future needs. Mr. Tong stated he hopes to stay in the location for a long time as there is room for expansion.

Mayor Graves asked if the applicant has a certain method of disposing of unique materials. Mr. Tong stated disposal isn't an issue. They work with a company in Isanti to remove tires and similar materials.

Councilmember Jerzak moved and Councilmember Butler seconded to adopt a RESOLUTION NO. 2024-062; approving Planning Commission Application No. 2024-003 for issuance of a Conditional Use Permit at 5927 John Martin Drive for a tire installation and auto detailing shop, based upon the findings of fact and submitted application, and as amended by the conditions of approval in the resolution.

Motion passed unanimously.

9b. RESOLUTION NO. 2024-063; REGARDING PLANNING COMMISSION APPLICATION NO. 2024-005, SUBMITTED BY BROOKDALE COVENANT CHURCH AND BRIGHT FUTURE CHILD CARE CENTER, FOR ISSUANCE OF A CONDITIONAL USE PERMIT FOR AN EXISTING PLACE OF RELIGIOUS ASSEMBLY AND NEW CHILD CARE CENTER (5139 BROOKLYN BOULEVARD)

City Manager Reggie Edwards introduced the item and invited Associate Planner Krystin Eldridge to make the Staff presentation.

Associate Planner Krystin Eldridge explained Brookdale Covenant Church and Bright Future Child Care Center are requesting approval of a conditional use permit (CUP) for a place of religious assembly that has been located at the 2.44-acre 5139 Brooklyn Boulevard since 1955, and a licensed daycare facility. Both requests are considered conditional uses within the R1 (Low Density Residential) District where the property is located. A CUP is required as well for Licensed Day Care Facilities associated with Places of Assembly in the R1 district with 13 or more persons according to the newly adopted UDO language. She showed images of the site.

Ms. Eldridge pointed out Denise Fadina of Bright Future Child Care Center originally reached out to City Staff in November 2023 regarding her plans to enter into an agreement with Brookdale Covenant Church to operate her child care facility out of two nursery rooms located within the church. For context, Brookdale Covenant Church originally received approval in 1978 to operate a nursery school in the mornings, three days per week.

Ms. Eldridge stated although City Staff began the amendment process in January 2024, the new language for daycares was not adopted by City Council until March 2024, and the ordinance language did not go into effect until late April 2024. As adopted, daycares with 13 or more persons are considered a "conditional use" in the R1 District when in association with places of religious assembly, hence the application request.

Ms. Eldridge noted City Staff met with both applicants in a pre-application meeting to address any changes to the church floor plan and address any concerns with meeting building, fire, and zoning

code in early March. City Staff asked the applicant to identify exit plans, kitchen/meal prep locations, play areas, traffic flow, and any agreements with surrounding properties. The applicants worked together to prepare the space for the proposed child care center in two of the existing nursery rooms located on the main level. Brookdale Covenant Church (BCC) also sent a detailed schedule of services and times and the number of people in attendance on its busiest days.

Ms. Eldridge explained Brookdale Covenant Church's membership stands at 143, but the narrative provided notes 300 members as calling BCC their church home. Brookdale Covenant Church offers Bible studies, support group meetings, children's programming, occasional events such as weddings or funerals, and also hosts coat drives, food shelves, has on-site community gardens, and more.

Ms. Eldridge noted the applicant provided maps indicating 21 families would arrive on site during the busiest traffic times. Families that need to park will be routed to the Brooklyn Boulevard entrance, with approximately 126 parking spaces on site, and the applicant suggests the families will most likely use the northwest portion of the property for entry to the childcare center for drop-offs.

Ms. McIntosh explained there are a number of criteria to be reviewed in the issuance of a Conditional Use Permit (CUP). In short, a CUP must be in accordance with the general objectives, or with any specific objective, of the City's Comprehensive Plan and this UDO, promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort, will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood, will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district, provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets, sufficiently address impacts such as noise and exterior lighting, and conform to the applicable regulations of the district in which it is located.

Ms. Eldridge noted the applicant provided responses to the various criteria. She pointed at this time, neither Brookdale Covenant Church nor Bright Future Childcare Center proposes any changes that would impede upon the normal and orderly development and improvement of surrounding property for uses permitted in the district. New Millennium Academy is situated on what was formerly Malmberg's Nursery. As New Millennium Academy averages around 800 students currently and is the only property directly adjacent to the property in question, City Staff considers this to be the more intense use. In discussions with the State Fire Marshal and City Building Official, it appears an exterior door will need to be installed with stair/ramp to existing sidewalk, but this would be the only exterior modification.

Ms. McIntosh stated the Building Official has been working with the Fire Marshall to bring the child care center up to proper code. Bright Future has been notified an exterior door is needed off Nursery Room #2. The Building Official submitted a memo dated February 2, 2024 and determined the re-classification of the building. Signed building plans from an architect registered in Minnesota shall be provided along with the building permit application. The full main floor plan

should have a code analysis and floor layout. Also, plans should indicate the area to be used, doors installed, and walkway construction to complete a plan review for the new space intended to be used. Prior to a building permit being issued, a SAC determination for the new use shall be completed by the MET Council. The completion of items listed on the Site Fire Inspectors review letter must be addressed.

Ms. Eldridge added a public hearing notice for the conditional use permit request was published in the Brooklyn Center *Sun Post* on April 25, 2024. Notifications were mailed to those physical addresses and property owners located within a 350-foot radius of the Subject Property, and a copy of the public hearing notice was published to the City of Brooklyn Center website. A link to the public hearing notice was also published on the City's website and sent out by email to subscribers of the City's weekly events bulletin.

Ms. Eldridge pointed out a public hearing was held at the May 9, 2024 Planning Commission meeting, and those Commissioners in attendance were generally supportive of the outlined requests. The Commissioners addressed the applicant regarding design of the exterior exit points for the child care center and how it impacts the church façade and operations. The applicant indicated they have been working with City Staff, including the City Building Official, and the State Fire Marshal on licensure and exiting requirements to address any necessary updates. At this time, it is likely a direct exit door will be required from one of the rooms with a landing and tie in to the existing private sidewalk. Additional questions were also raised as to secured access and separation.

Ms. Eldridge stated City Staff reviewed the proximity of the property to Happy Hollow Park. Although it appears minimum distancing requirements are met for an outdoor activity area and the applicant indicated they own a 15-passenger van for transportation for field trips and inclement weather, but stated the desire to build a fenced in outdoor activity area sometime in the future. The applicant added, at this time, that accessibility and egress needs to be addressed first before other improvements can be envisioned.

Ms. Eldridge noted the Commissioners inquired on access and how the existing church and proposed child care center will remain complementary to the neighboring New Millennium Academy, which the Commission indicated can get quite busy during drop off and pick up. The Commission indicated that the more availability of child care, the better, especially given national shortages. Additional questions were noted on any anticipated growth and expansion within the church space, and whether any family of neighboring schools would utilize the child care center.

Ms. Eldridge added no public comments were provided for in advance of or during the public hearing with exception to verbal support provided at the hearing from representation of Brookdale Covenant Church. Following close of the public hearing, the Planning Commission elected to unanimously (4-0) recommend City Council approval of the requested issuance of a Conditional Use Permit for the existing Brookdale Covenant Church (Place of Religious Assembly) and Bright Future Child Care Center (Licensed Daycare Facility - 13 and Greater Persons associated with Places of Religious Assembly).

Councilmember Kragness asked if the daycare would still be tax-paying although it will operate out of a church. Peter Frost, Lead Pastor of BCC, stated they are still deciding on how to handle taxes. Other states may tax based on the square footage a nonprofit uses to generate income. However, he doesn't know how Bright Future will handle their taxes.

Denise Fadina, Director of Bright Future Child Care Center, stated they have retained an accountant, and the business will pay all necessary State and Federal taxes required of a business.

Councilmember Jerzak moved and Councilmember Kragness seconded to adopt a RESOLUTION NO. 2024-063; approving Planning Commission Application No. 2024-005 for issuance of a Conditional Use Permit for a Place of Religious Assembly and Child Care Center (Licensed Daycare Facility - 13 and Greater Persons in association with a Place of Religious Assembly) for 5139 Brooklyn Boulevard, based upon the findings of fact and submitted application, and as amended by the conditions of approval in the resolution.

Motion passed unanimously.

9c. RESOLUTION NO. 2024-064; REGARDING PLANNING COMMISSION APPLICATION NO. 2024-004, SUBMITTED BY KESHIA DEON (TREASURE HUNT EARLY LEARNING CENTER), FOR ISSUANCE OF A CONDITIONAL USE PERMIT TO ALLOW FOR AN EARLY LEARNING CHILD CARE CENTER (6098 SHINGLE CREEK PARKWAY)

City Manager Reggie Edwards introduced the item and invited Associate Planner Krystin Eldridge to make the Staff presentation.

Associate Planner Krystin Eldridge explained Keshia Deon of Treasure Hunt Early Learning Center is requesting approval of a conditional use permit (CUP) that would convert a tenant space within Shingle Creek Center shopping center, and commonly addressed as 6098 Shingle Creek Parkway into an early learning child care center. The 2.8-acre property is a vacant, approximately 3,500-square foot retail space that was previously leased to FastSigns, which provided sign design and installation services. The property owner, Brooklyns Cultural Vill LLC, purchased the entire shopping center in October 2023 and has been engaged with the applicant for a number of months regarding this space. It is currently zoned as Commercial Mixed Use (MX-C), and the future land use designation is Commercial Mixed Use (C-MU). She showed an image of the site in question.

Ms. Eldridge noted the applicant originally approached City Staff in October 2023 with a desire for a new daycare in Shingle Creek Center shopping center, and located at the southeast corner of Shingle Creek Parkway and Summit Drive. It was through these conversations with the applicant, as well as other individuals and businesses seeking space for daycares in the same timeframe, that City staff realized the provisions under the City's new Unified Development Ordinance (UDO) no longer accounted for larger day cares.

Ms. Eldridge explained City Staff ultimately worked with the City Attorney to process an amendment to the UDO that would allow for the addition of a new use category for licensed

daycare facilities (13 or more persons) in the City's multi-family residential and mixed-use districts, of which includes the Commercial Mixed-Use District (MXC) where the property is located. Although City staff began the amendment process in January 2024, the new language for daycare was not adopted by City Council until March 2024, and the ordinance language did not go into effect until late April 2024. As adopted, daycares with 13 persons or greater are considered a "conditional use" in the Commercial Mixed-Use District, hence the application request.

Ms. Eldridge stated the shopping center, where the property is located, is subject to a Reciprocal Easement Agreement (REA) with the adjacent former Target located at 6100 Shingle Creek Parkway, which is owned by the City of Brooklyn Center's Economic Development Authority (EDA). The REA, in part, establishes certain shared parking and access provisions. In reviewing the 1985 approvals outlined under Planning Commission Application No. 85001, which provided site and building plan approval for the construction of a 105,000-square foot Target store and approximately 34,160-square feet of attached retail space, the plans accounted for 880 parking stalls.

Ms. Eldridge pointed out the site plan presented by the applicant requires minimal interior changes necessary to run the daycare as the former Fast Signs location was set up for office/retail space. Most of the proposed alterations address the reconfiguration of walls, additional bathrooms, and a kitchenette to prepare food for the children, although the Applicant would need to coordinate with the Building Official to address any necessary modifications to the fire sprinkler system/heads, plumbing for additional bathrooms, etc.

With the recent amendments to the UDO and daycare provisions, and in discussions with the City Attorney, the code was also updated to reference State Statute as it outlines specific licensure requirements for daycare programs, and as the City's provisions were not in alignment with certain licensure requirements at the state and county levels. For example, the regulations regarding playgrounds differ. In the case of the Applicant's request, City staff reviewed Minnesota State Statute 9503.0155 which requires an outdoor activity area of at least 1,500-square feet and certain minimum square footage requirements per child or that the proposed outdoor activity area for use by children under school age must be located within 2,000 feet of the center or transportation provided by the license holder. In no case shall the outdoor activity area be farther than one-half mile from the child care center. Although this is a licensure requirement, City Staff did review the location against the location of the nearest "outdoor activity area," which is Centennial Park, located to the west of Brooklyn Center City Hall. In discussions with the State of Minnesota Department of Human Services (DHS), it was determined that the applicant should be close enough to Centennial Park to move forward with licensure at this location, subject to City approval for the conditional use permit.

Ms. Eldridge explained the applicant proposes 10 staff members for the facility, including teachers and a director. The number of children that will be able to attend has yet to be determined; however, based on finished space and State Statute provisions requiring a minimum of 35-square feet of indoor space for each child in attendance. It would be expected that no more than 41 children would be present, at maximum.

Ms. Eldridge noted the applicant provided City Staff with an interior floor plan which identifies the approximately 3,500-square-foot space, with a proposed office and lobby in the front of the building, a common hallway running the full length of the space, an infant room with cribs, a toddler room, pre-school room, and another infant room. Two sets of bathrooms are shared between these four spaces. The rear of the space would provide for a kitchenette, additional storage, and a staff bathroom.

Ms. Eldridge added as is outlined in the applicant's narrative, the intent is to employ 10 staff members. As parents and guardians would be dropping their children off and providing at pickup throughout the day, City Staff does not have any major concerns with the existing parking other than to ensure parents and guardians are parking in designated parking and not blocking the existing drive aisles.

Ms. Eldridge pointed out conditional use permits, as outlined under Section 35-7700, are those uses which have been identified, because of their nature, operation, location, special requirements or characteristics, and that may only be allowed in a particular zoning district after submittal of an application, review, and recommendation by the Planning Commission, and approval by the City Council. Also, the conditional use permit process regulates the location, magnitude, and design of conditional uses consistent with the 2040 Comprehensive Plan, and the regulations, purposes, and procedures of the Unified Development Ordinance (UDO).

Ms. McIntosh explained there are a number of criteria to be reviewed in the issuance of a Conditional Use Permit (CUP). In short, a CUP must be in accordance with the general objectives, or with any specific objective, of the City's Comprehensive Plan and this UDO, promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort, will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood, will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district, provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets, sufficiently address impacts such as noise and exterior lighting, and conform to the applicable regulations of the district in which it is located.

Ms. Eldridge noted the applicant provided responses to the various criteria. First off, the Commercial Mixed-Use future land use designation under the 2040 Comprehensive Plan is guided to allow for a mix of commercial, office, retail, service and residential uses. As the property is located within the City's designated Opportunity Site, which is approximately 80-acres in size, City Staff reviewed the comprehensive plan and focus on creating a central spine, which embraces opportunities to create a walkable, transit connected, experience-based place that offers new opportunities to existing and future residents, and encourages the integration of land uses hence a desire for a mix of uses. The 2040 Comprehensive Plan acknowledges that the Commercial Mixed-Use future land use designation should focus on creating more active and vibrant centers. While the property is located in a 1980s strip mall, the addition of a childcare center will almost certainly bring more foot traffic to the shopping center, which has long been isolated from the rest of the City. This may also provide a service to those either working in proximity to the shopping

center or residing nearby.

Ms. Eldridge stated Building Official Dan Grinsteinner conducted a cursory review of the proposed use of the tenant space at 6098 Shingle Creek Parkway and for the intended use as a child care center. He submitted a memo dated February 2, 2024, and determined the re-classification of the building. Signed building plans from an architect registered in Minnesota shall be provided along with the building permit application. The full main floor plan should have a code analysis and floor layout. Also, plans should indicate the area to be used, doors installed, and walkway construction to complete a plan review for the new space intended to be used. Prior to a building permit being issued, a SAC determination for the new use shall be completed by the MET Council. The completion of items listed on the Site Fire Inspector's review letter must be addressed.

Ms. Eldridge pointed out a public hearing was held at the May 9, 2024, Planning Commission meeting, and those Commissioners in attendance were generally supportive of the outlined request. The Commissioners questioned the applicant's awareness of future plans to demolish the former Target (6100 Shingle Creek Parkway) this summer and any potential impacts to the proposed child care center. City Staff did notify the applicant and property owner of these plans and the applicant stated that they would temporarily close the center, if needed, and were in conversation with their architect and contractor regarding any short-term impacts.

Ms. Eldridge noted as is outlined in the applicant's narrative, the intent is to have 15 parking spaces designated for the proposed early child learning center. The applicant indicated that parents and guardians would be dropping their children off and parking would be reserved for staff. City Staff did not have any major concerns with the existing parking other than to ensure parents and guardians are parking in designated parking spaces and not parking along the existing drive aisles. The Commissioners confirmed their expectation that parking spaces be used for drop off and pick up, and to ensure queuing was not taking place in the drive aisle.

Ms. Eldridge added the Commissioners were supportive of the applicant's plans to offer extended child care hours of between 6 a.m. and 11 p.m. as it was noted that it is oftentimes hard to find child care hours for those working non-traditional shifts. Following close of the public hearing, the Planning Commission elected to unanimously (4-0) recommend City Council approval of the requested issuance of a conditional use permit for the proposed early learning child care center (licensed day care facility-13 and greater persons), and subject to the noted approval conditions.

Councilmember Kragness thanked the applicant for offering evening childcare. She looks forward to hearing about the lighting plan. Keshia Deon, owner of Treasure Hunt Early Learning Center, explained the architect plans to work closely with City Staff.

Community Development Director Jesse Anderson explained the demolition process will allow for the parking lot lighting to stay in place.

Mayor Graves asked what ages of children will attend the daycare. Ms. Deon stated they will care for children ages six weeks to 12 years. She added there will be two shift of staff, so no one will be working the entire time the business is open.

Mayor Graves asked if Ms. Deon is from the area. Ms. Deon stated she is from Brooklyn Center originally, and she now owns a home in Hopkins. She has been in childcare for 20 years, and she looks forward to opening her own business.

Councilmember Kragness asked which days the daycare will be open. Ms. Deon stated they are open Monday through Friday. They may consider weekends if there is enough interest. She added she hopes to hire folks within the community.

Mayor Graves asked how closely Ms. Deon has worked with the owner. Ms. Deon explained she was the owner's first tenant. They have been very supportive, and they will be next door to her business.

Councilmember Jerzak moved and Councilmember Kragness seconded to adopt a RESOLUTION approving Planning Commission Application No. 2024-004 for issuance of a Conditional Use Permit at 6098 Shingle Creek Parkway that would allow for an early learning child care center, based upon the findings of fact and submitted application, and as amended by the conditions of approval in the resolution.

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

11. COUNCIL REPORT

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

- Attended the Safer Communities Summit, as did other Councilmembers, Staff, and community members. Councilmember Kragness noted her appreciation of the youth panel. Dr. Edwards pointed out that Director of Community Prevention, Health and Safety LaToya Turk is preparing a presentation for the Council regarding the Summit and Cities United.
- Attended the Local Option Sales Tax Info Session along with some other Councilmembers.
- Met with the Brooklyn Park Mayor.
- Attended the Memorial Day event at the cemetery.
- Attended the neighborhood meeting at Firehouse Park.
- Attended a meeting regarding the Metro Transit Center.

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

- Pointed out the final comment period for the Hwy 252 project has ended.

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

- Attended a National League of Cities webinar about crime prevention.

12. ADJOURNMENT

Councilmember Jerzak moved and Councilmember Butler seconded adjournment of the City Council meeting at 8:15 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 6/10/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Barb Suciu, Assistant City Manager/City Clerk

BY: Shannon Pettit, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve the licenses as presented.*

Background:

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

Garbage Hauler

Allied Waste
8661 Rendova St. NE, Circle Pines, MN 55014

Waste Management
10050 Naples St. NE, Blaine, MN 55449

Mechanical

Air Express, Inc.
P.O. Box 490400, Blaine 55449

Damyans Heating and Cooling LLC
2240 Chippewa Rd, Medina 55340

Hagen Remodeling & Construction LLC
710 Tanglewood Drive, Shoreview 55126

Ron the Sewer Rat
875 Blue Gentian Road, Suite 900, Eagan 55121

Zahl Petroleum Maintenance
3101 Spring St NE, Minneapolis 55413

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	6/20/2023	Backup Material
Rentals	6/3/2024	Backup Material

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval 6.10.24

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final License Type**	Previous License Type***	Consecutive Type IV's
6742 France Ave N	Two Family	Initial	Walter Robinson	19	Type IV	N/A	Type IV	N/A	0
1701 Irving La N	Single	Initial	James R Richter	2	Type I	N/A	Type II	N/A	N/A
5506 Irving Ave N	Single	Initial	Larwuo Harris Killen	4	Type II	N/A	Type II	N/A	N/A
5937 Colfax Ave N	Single	Initial	Samuel Simpson Barker	28	Type IV	N/A	Type IV	N/A	0
7013 Grimes Ave N	Single	Initial	Luxisuites, LLC	8	Type III	N/A	Type III	N/A	N/A
1425 55th Ave N	Multiple Family 1 Bldg 4 Units	Renewal	Trung C Duong Did not meet requirements	5	Type II	0	Type IV	Type IV	2
6201 Lilac Dr N	Multiple Family 1 Bldg 81 Units	Renewal	Lanel Crossings Ltd Ptnrshp	40 = 0.49 per unit	Type I	0	Type I	Type I	N/A
6710 Orchard La	Multiple Family 10 Bldgs 52 Units	Renewal	Marvin Gardens Townhomes Met Requirements	178 = 3.42 per unit	Type IV	0	Type IV	Type IV	2
5408 Girard Ave N	Two Family	Renewal	Jan Michael Gardener Met Requirements	5	Type II	0	Type II	Type IV	N/A
1605 56th Ave N	Single	Renewal	Fyr Sfr Borrower LLC Did not meet requirements	10	Type IV	0	Type IV	Type IV	5
2118 Ericon Dr	Single	Renewal	Marco Panora Did not meet requirements	17	Type IV	0	Type IV	Type IV	3
3301 Lawrence Rd	Single	Renewal	MNhomes2go LLC Did not meet requirements	0	Type I	0	Type IV	Type IV	5
5200 Drew Ave N	Single	Renewal	Mlmjr Properties & Investm	5	Type II	0	Type II	Type I	N/A
5218 Paul Dr	Single	Renewal	Sj & Olas Properties LLC Did not meet requirements	2	Type I	0	Type IV	Type IV	3
5301 Dupont Ave N	Single	Renewal	Wright Team Properties LLC Did not meet requirements	9	Type III	0	Type IV	Type IV	2

5306 Penn Ave N	Single	Renewal	Sweet Home Llc	4	Type II	0	Type II	Type II	N/A
5331 70th Cir.	Single	Renewal	Boukary Kabore	2	Type I	0	Type I	Type I	N/A
5524 Humboldt Ave N	Single	Renewal	Maria Figueroa	16	Type IV	0	Type IV	Type II	0
5600 Judy La	Single	Renewal	B D Morlock & N D Morlock	4	Type II	0	Type II	Type II	N/A
6012 York Ave N	Single	Renewal	MNhomes2go LLC Did not meet requirements	0	Type I	0	Type IV	Type IV	5
6324 Scott Ave N	Single	Renewal	Sayndee Sando Did not meet requirements	0	Type I	0	Type IV	Type IV	5
6413 June Ave N	Single	Renewal	Cel Monton LLC Met Requirements	10	Type IV	0	Type IV	Type IV	2
6536 Chowen Ave N	Single	Renewal	BRIDGE SFR IV BORROWER I Met Requirements	4	Type II	0	Type II	Type IV	N/A
6718 Quail Ave N	Single	Renewal	I A Hassan & A M Ali Did not meet requirements	19	Type IV	0	Type IV	Type IV	3
6918 Grimes Ave N	Single	Renewal	Olakunle F Ojo Did not meet requirements	8	Type III	0	Type IV	Type IV	2
7200 Noble Ave N	Single	Renewal	FLORENCE & DEDRICK SIMMS	8	Type III	0	Type III	Type II	N/A
7207 France Ave N	Single	Renewal	P Kibaara & J Kibaara Did not meet requirements	1	Type I	0	Type IV	Type IV	2
7243 Riverdale Rd	Single	Renewal	lh2 Property Illinois Lp	22	Type IV	0	Type IV	Type I	0

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

**License type being issued

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

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 6/10/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Amending the 2024 City Council Meeting Schedule

Requested Council Action:

- *Motion to amend the 2024 City Council meeting schedule due to the cancellation of the June 26 Budget meeting and addition of the Canvassing Board.*

Background:

At the December 11, 2023, City Council meeting, the 2024 City Council meeting schedule was approved. Since the adoption of the schedule, there have been discussions of modifying the budget meetings format. Attached is the amended 2024 City Council meeting schedule with the revised budget meetings.

If approved this evening, staff will adjust the Council's calendars and city's website to reflect the changes.

Budget Issues:

- none

Inclusive Community Engagement:

- none

Antiracist/Equity Policy Effect:

- none

Strategic Priorities and Values:

Maintain a strong financial position

ATTACHMENTS:

Description	Upload Date	Type
2024 Meeting Schedule Update	6/4/2024	Backup Material



2024 City Council Meeting Schedule

Regular City Council Meetings Meetings will be held in person	
Study/Work Session	6:00 p.m.
Informal Open Forum	6:45 p.m.
Regular Session	7:00 p.m.
Work Session – After regular session	
Brooklyn Center City Council regularly meets on the 2nd and 4th Monday of each month, unless Monday is a holiday.	
January 8	January 22
February 12	February 26
March 11	March 25
April 8	April 22
May 13	May 27
June 10	June 24
July 8	July 22
August 12	August 26
September 9	September 23
October 14	October 28
November 12	November 25
December 9	
Optional Work Session dates: February 5 May 6 August 5	

Special City Council Meetings All dates are Monday unless otherwise noted	
April 1	7:00 p.m.
Board of Appeal & Equalization	CC
April 15	6:00 p.m.
Board of Appeal & Equalization Reconvene	CC
June 3	6:00 p.m.
Capital Improvement Fund	CCR
June 26	6:00 p.m.
Budget – Audit Presentation/Revenue Overview	CCR
July 15	6:00 p.m.
Budget – Department Presentations	CCR
July 29	6:00 p.m.
Budget - Department Presentations	CCR
Aug. 15	6:00 p.m.
Canvassing Board of Primary Results	CC
Aug. 5	6:00 p.m.
Budget - Department Presentations	CCR
Aug. 19	6:00 p.m.
Budget - Department Presentations	CCR
Oct. 7	6:00 p.m.
Budget - Special Revenue Funds	CCR
Oct. 21	6:00 p.m.
Budget - Enterprise Funds	CCR
Dec. 2	6:30 p.m.
Budget - 2025 Budget Hearing	CC

CC - Council Chambers

CCR - Council Commission room located on main level City Hall

All dates are subject to change. Contact City Hall at 763-569-3300 to verify dates and times.

Council Regular Meeting

DATE: 6/10/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Ahmed Omer, P.E., City Engineer

SUBJECT: Resolution Accepting Bid and Awarding a Contract, Improvement Project No. 2023-10, I694/Dupont Ave Water Main Crossing Replacement Project

Requested Council Action:

- Motion to approve the resolution accepting the lowest responsible bid and award a contract to Northdale Construction Company, Inc. for Improvement Project No. 2023-10, I694/Dupont Ave Water Main Crossing Replacement Project.

Background:

Bids for the Project were received and opened on May 28, 2023. Four bids were received and results are tabulated below:

Bidder	Amount
Northdale Construction Company, Inc.	\$1,561,669.66
Meyer Contracting, Inc.	\$1,616,866.00
New Look Contracting, Inc.	\$1,636,399.75
Minger Construction Co. Inc.	\$1,645,896.22

Of the four bids received, the lowest bid of \$1,561,669.66 was submitted by Northdale Construction Company, Inc. of Albertville, Minnesota. This contractor has the experience, equipment and capacity to qualify as the lowest responsible bidder for the project. The city's consultant, Bolton & Menk, recommends awarding a contract to Northdale Construction Company, Inc.

Budget Issues:

The bid amount of \$1,561,669.66 increases the 2024 budget by 6%. The estimated budget including contingencies, administration, engineering, and legal was \$1,931,000 and is amended to \$2,060,669.66, (see attached Resolution – Costs and Revenues tables). The increase in bid unit prices is primarily due to the complex nature of the connections that have been designed to accommodate the most challenging scenarios. This includes coordination with the Minnesota Department of Transportation (MN/DOT) in anticipation of potential highway lane shifts or closures, given the project's proximity to major roadways. Additionally, the bid reflects the need for meticulous scheduling to ensure continued access to potable water for the community and to minimize traffic disruptions. Following a review with the Finance department, we've determined that the additional costs can be covered by the Water Utility Fund.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Provide quality services with fair and equitable treatment

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/3/2024	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT,
IMPROVEMENT PROJECT NO. 2023-10, I694/DUPONT AVE WATER MAIN
CROSSING REPLACEMENT PROJECT

WHEREAS, pursuant to an advertisement for bids for Improvement Project No. 2023-10, bids were received, opened and tabulated on the 28th day of May, 2024. Said bids were as follows:

Bidder	Amount
Northdale Construction Company, Inc.	\$ 1,561,669.66
Meyer Contracting, Inc.	\$1,616,866.00
New Look Contracting, Inc.	\$1,636,399.75
Minger Construction Co. Inc.	\$1,645,896.22

WHEREAS, the city's consultant, Bolton & Menk, recommends that the contract be awarded based on the total bid;

WHEREAS, it appears that Northdale Construction Company, Inc. of Albertville, 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 Northdale Construction Company, Inc. of Albertville, Minnesota in the name of the City of Brooklyn Center, for Improvement Project No. 2023-10, 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:

<u>COSTS</u>	<u>Estimated</u>	<u>Amended per Low Bid</u>
Construction Cost	\$1,399,000	\$1,561,669.66
Engineering and Administrative	\$ 322,000	\$ 343,000.00
Contingency	\$ 210,000	\$ 156,000.00
TOTAL	\$1,931,000	\$ 2,060,669.66

<u>REVENUES</u>	<u>Estimated</u>	<u>Amended per Low Bid</u>
Water Fund	\$1,931,000	\$2,060,669.66

RESOLUTION NO. _____

June 10, 2024

Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
and upon vote being taken thereon, the following voted in favor thereof:

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

Council Regular Meeting

DATE: 6/10/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Elizabeth Heyman - Director of Public Works

SUBJECT: PFAS and Brooklyn Center Drinking Water

Requested Council Action:

- *Motion to accept the presentation.*

Background:

In April 2024, the U.S. Environmental Protection Agency (EPA) released final National Primary Drinking Water Regulation (NPDWR) for per- and polyfluoroalkyl substances (PFAS). This regulation includes final Maximum Contaminant Levels (MCLs), Maximum Contaminant Level Goals (MCLGs), and a Hazard Index to address mixtures of PFAS. The rule addresses the following PFAS: PFOS, PFOA, PFNA, PFHxS, GenX, and PFBS.

As part of regular drinking water monitoring, Brooklyn Center has tested water leaving the City water treatment plant. **The testing results show Brooklyn Center drinking water meets all current federal standards for PFAS in drinking water.** The City will continue to conduct quarterly testing of the drinking water and update these results as testing is completed.

This presentation will provide more details regarding how City staff are approaching this issue. The attached factsheet also provides some more background information on PFAS.

The latest information on PFAS and Brooklyn Center drinking water can be found on the City's website: <https://www.brooklyncentermn.gov/government/departments/public-works/public-utilities/water-utility/pfas>

Budget Issues:

N/A

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

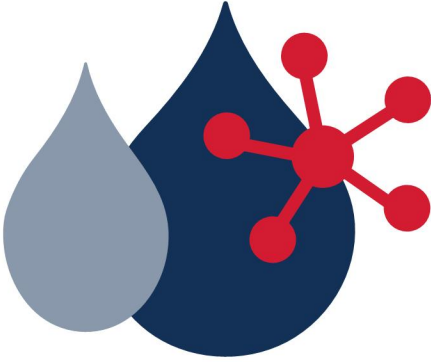
Strategic Priorities and Values:

Provide quality services with fair and equitable treatment

ATTACHMENTS:

Description	Upload Date	Type
PFAS Factsheet	5/31/2024	Backup Material

WHAT IS PFAS?



WHAT IS PFAS?

PFAS, or poly/perfluoroalkyl substances, are a group of compounds with similar chemical structures and properties. There are possibly over 10,000 PFAS formulas in existence. PFAS are sometimes called "forever chemicals", because they are almost impossible to degrade.

WHERE IS IT FOUND?

PFAS has been found everywhere from the arctic ice to human blood. PFAS can be in the air, water, soil, or living organisms. The most common locations for PFAS in water are military sites, airports, landfills (where products have been thrown away) and manufacturing sites.

IS PFAS HARMFUL?

The public health concern of all PFAS compounds is largely unknown. However, there is evidence that PFAS can lead to higher risks of cancer, liver damage, pregnancy complications, increased cholesterol, as well as other health concerns.

WHAT IS PFAS USED FOR?

The most popular use of PFAS is in fire fighting foams. PFAS has to be heated to over 1,000 °C before it degrades, making it a great fire suppressant.



PFAS can also be used to make water or stain resistant clothing and is a common additive to non-stick pans. PFAS can be used to make ski and board waxes, cleaning products, or carpets and other textiles.

DOES MY WATER HAVE PFAS?

Brooklyn Center drinking water has tested the water using all available methods. 5 compounds were detected, including PFOA and PFOS. However, all compounds were detected at levels below the Maximum Contaminant Level set by the EPA. The city will conduct ongoing quarterly testing of the drinking water.

WHAT CAN I DO?

At this time, there is no cause for concern of PFAS in the Brooklyn Center drinking water. However, there are steps you can take in your home to reduce your exposure. Using a filter on any water source you use for drinking or cooking at your home can remove some PFAS compounds.

It is important to know that PFAS is not regulated yet by the FDA. This means bottled water may still contain PFAS compounds, though if this is the case and at what levels is unknown.

WHERE CAN I LEARN MORE?

To learn more about this issue visit: brooklyncentermn.gov/government/departments/public-works/public-utilities/water-utility



Council Regular Meeting

DATE: 6/10/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Garrett Flesland, Police Chief

SUBJECT: Resolution Recognizing and Honoring Officer Meloney Knight for Over 30 Years of Dedicated Service to the City of Brooklyn Center

Requested Council Action:

- Motion to approve a resolution recognizing and honoring Officer Meloney Knight for over 30 years of Dedicated Service to the City of Brooklyn Center

Background:

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/4/2024	Resolution Letter

Commission introduced the following resolution:

RESOLUTION NO. _____

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

WHEREAS, Meloney Knight began her law enforcement career as a patrol officer with the City of Brooklyn Center's Police Department in 1994; and

WHEREAS, during Officer Knight's tenure with the City of Brooklyn Center's Police Department she served in many roles including SWAT team member, school resource officer and an investigator; and

WHEREAS, her time spent serving as a school resource officer holds a special place in her heart. She has referred to the students as her own and showered them with respect, good nature, kindness and love; and

WHEREAS, other roles Officer Knight participated were field training officer, firearms instructor, use of force instructor, taser instructor, peer support team member, and police explorer advisor; and

WHEREAS, over the past three decades, Officer Knight has witnessed and experienced firsthand, all of the changes and events that have affected the law enforcement profession and the City of Brooklyn Center's Police Department; and

WHEREAS, Officer Knight is a genuinely kind, generous, thoughtful police officer, and a dedicated mother of two talented wrestlers; her personality and presence will be greatly missed by the community and Brooklyn Center police and city staff.

NOW, THEREFORE, BE IT RESOLVED, that the Brooklyn Center City Council recognizes and honors Officer Meloney Knight for 30 years of dedicated service to the City of Brooklyn Center.

June 10, 2024

Date

Mayor

City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 6/10/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Ginny McIntosh, Planning Manager

SUBJECT: An Ordinance Amending Section 35-4103 (Allowed Use Table) of the City Code of Ordinances Regarding Public and Private Elementary and Secondary Schools Offering a Regular Course of Study in the Transit Oriented Development (TOD) Zoning District - Second Reading

Requested Council Action:

- Motion to approve a second reading regarding the adoption of an ordinance amending Section 35-4103 (Allowed Use Table) of the City Code of Ordinances, and as outlined under Planning Commission Application No. 2024-008, to allow for Public and Private Elementary and Secondary Schools Offering a Regular Course of Study in the Transit Oriented Development (TOD) zoning district, and publish the adopted ordinance in the Brooklyn Center Sun Post.

Background:

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

Due to the nature of the request, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024. Mail notifications were sent to those property owners and residents located within 350 feet of the Subject Property per direction of the City Attorney, although the proposed amendment would affect the entire TOD District, which is comprised of 23 properties. Of these, five (5) properties are owned by the City of Brooklyn Center's Economic Development Authority (EDA). A public hearing notice was also uploaded to the City's website, and a link to the public hearing notice was sent out by email to subscribers of the City's weekly events bulletin.

The request for an amendment stems from City staff being contacted by the Applicant in April 2024 regarding the District's plans to relocate its regular and special education preschool programming from Brooklyn Center Elementary School, located at 1500 59th Avenue North and within the City's R1 (Low Density Residential) District, to 5910 Shingle Creek Parkway, which is located within the City's TOD (Transit Oriented Development) District. This property was re-zoned in January 2023 with the adoption of the City's new Unified Development Ordinance and had previously been zoned C2 (Commerce) District. The C2 District has since been retired.

The Applicant had already proceeded with interior remodeling to the second floor of the building located at 5910 Shingle Creek Parkway, in anticipation of relocating the Early College Academy (ECA) upstairs to accommodate the existing Centaurs Daycare and preschool programs on the main level of the building, along with a District Welcome Center, when the Applicant was notified that public elementary schools were not permitted within the TOD District.

Although City staff, in conversation with the City Attorney, explored options of interpreting the preschool use as that of a "day care," a review of information from the Minnesota Department of Education noted that voluntary prekindergarten (VPK) and school readiness plus (SRP) programs are publicly funded prekindergarten programs that may be incorporated into a school district or charter school's E-12 system as a "new grade level" and are therefore considered an extension of the elementary programming overseen by the Department of Education. Brooklyn Center Community Schools (ISD #286) and Robbinsdale Area Schools (ISD #281) both offer pre-kindergarten programming and have TOD District properties that fall within their respective districts.

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

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

Following close of the public hearing, the Planning Commission elected to unanimously (4-0) recommend City Council approval of the requested ordinance amendment to Section 35-4103 (*Allowed Use Table*) to allow for public and private elementary and secondary schools offering a regular course of study as a conditional use within the City's Transit Oriented Development (TOD) District.

A first reading of the requested ordinance amendment to Section 35-4103 was presented as a consent item at the City Council meeting on May 28, 2024. Said item was approved by Council on a 5-0 vote.

A copy of the Planning Commission Report for Planning Commission Application No. 2024-008, dated May 9, 2024 and ordinance amendment language is included with this memorandum.

Budget Issues:

None to consider at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Be an effective partner with other public entities

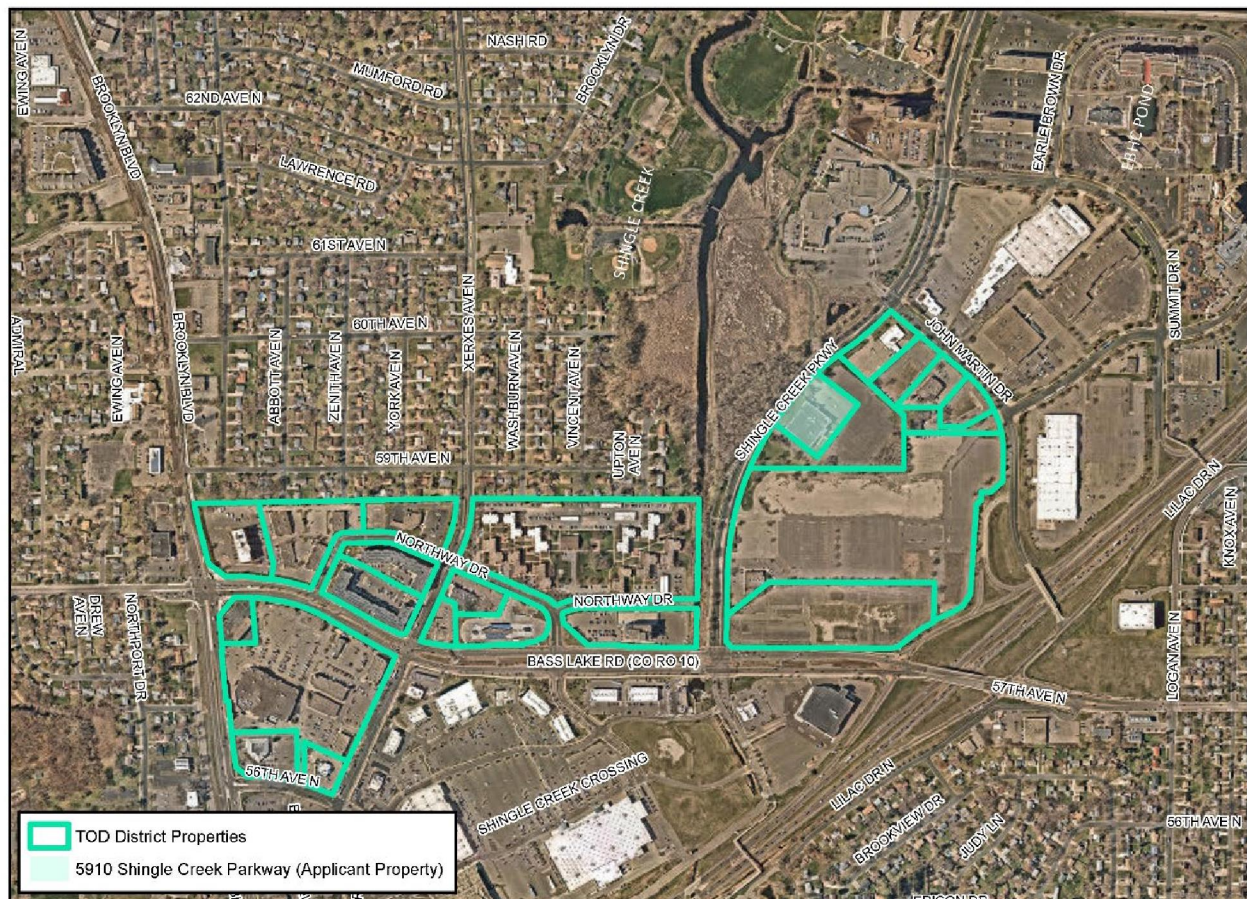
ATTACHMENTS:

Description	Upload Date	Type
Staff Reports and Exhibits - Ordinance Amendment to Allow for Schools Offering Regular Course of Study in TOD District	5/21/2024	Backup Material
Public Hearing and Ordinance Amendment Language - Schools in TOD District	5/21/2024	Ordinance

Planning Commission Report
Meeting Date: May 9, 2024

- Application Filed: 04/09/2024
- Review Period (60-day) Deadline: 06/08/2024
- Extension Declared: No
- Extended Review Period Deadline:

Application No. 2024-008
Applicant: Independent School District #286 (Brooklyn Center Community Schools)
Request: Ordinance Amendment (Text)



Map 1. Transit-Oriented Development (TOD) District Properties.

REQUESTED ACTION

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

Due to the nature of the request, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024 (Exhibit C). Mail notifications were sent to those property owners and residents

App. No. 2024-008

PC 05/09/2024

Page 1

located within 350 feet of the Subject Property per direction of the City Attorney, although the proposed amendment would affect the entire TOD District, which is comprised of 23 properties. Of these, five (5) properties are owned by the City of Brooklyn Center's Economic Development Authority (EDA). A public hearing notice was also uploaded to the City's website, and a link to the public hearing notice was sent out by email to subscribers of the City's weekly events bulletin.

ORDINANCE AMENDMENT (TEXT)

Background

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

Per Planning Commission Application No. 2022-002, the intent at that time was to house an Early Learning Center (birth until school age) at this location, as well as a community service center, wellness center, and elder's room. In facilitating purchase of the property, the City of Brooklyn Center's Economic Development Authority acquired approximately 5.45 acres of the approximately 8-acre property for future developable land within the Opportunity Site when the property was re-platted to BCCS 5910 SHINGLE CREEK ADDITION. This resulted in an approximately 2.5-acre new home for Brooklyn Center Community Schools.

City staff was contacted by the Applicant in April 2024 regarding the District's plans to relocate its regular and special education preschool programming from Brooklyn Center Elementary School, located at 1500 59th Avenue North and within the City's R1 (Low Density Residential) District, to 5910 Shingle Creek Parkway, which is located within the City's TOD (Transit Oriented Development) District. This property was re-zoned in January 2023 with the adoption of the City's new Unified Development Ordinance and had previously been zoned C2 (Commerce) District, which has since been retired as a district.

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

As proposed, the Applicant would be seeking a text amendment to Chapter 35 (Unified Development Ordinance) that would allow for "public and private elementary and secondary schools offering a regular course of study" as a **conditional use** within the City's Transit Oriented Development (TOD) District. As proposed, the following would be modified within Section 35-4103 (*Allowed Use Table*):

ORDINANCE NO. _____

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

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

Article I. Brooklyn Center City Code, Chapter 35, Section 35-4103 Allowed Use Table is amended by adding the following double-underlined language:

P = PERMITTED USE, C = CONDITIONAL USE, I = INTERIM USE, A = ACCESSORY USE														
	Residential					Commercial/ Mixed Use				Nonresidential				Use-Specific Standards
	R1	R2	R3	R4	R5	M X- N1	M X- N2	MX- C	TOD	C	MX- B	I	O	
EDUCATIONAL FACILITIES														
Nonresidential educational uses including Area Learning Centers (ALC), post-secondary schools, business schools, trade schools and the like, but excluding public and private elementary and secondary schools							C	C	P	P	P			
Public and private elementary and secondary schools offering a regular course of study	C	C			C				C					
Accessory educational structures serving public and private elementary and secondary schools offering a regular course of study	I	I			I									35-4408

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

In reviewing requests for ordinance amendments, certain amendment criteria shall be considered as outlined under Section 35-71304 (*Amendment Criteria*). The Planning Commission and City Council shall review the necessary submittal requirements, facts, circumstances of the proposed amendment, and make a recommendation and decision on the amendment based on, but not limited to, consideration of the following criteria and policies:

- Whether there is a clear and public need or benefit;
- Whether the proposed amendment is consistent with and compatible with surrounding land use classifications;
- Whether all permitted uses in the proposed zoning district can be contemplated for development of the subject property;
- Whether there have been substantial physical or zoning classification changes in the area since the subject property was zoned;

- e. Whether there is an evident, broad public purpose in the case of City-initiated rezoning proposals;
- f. Whether the subject property will bear fully the UDO development restrictions for the proposed zoning districts;
- g. Whether the subject property is generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography, or location;
- h. Whether the rezoning will result in the expansion of a zoning district, warranted by:
 - 1) Comprehensive Planning;
 - 2) The lack of developable land in the proposed zoning district; or
 - 3) The best interests of the community.
- i. Whether the proposal demonstrates merit beyond the interests of an owner or owners of an individual parcel.
- j. The specific policies and recommendations of the Comprehensive Plan and other City plans;
- k. The purpose and intent of this UDO, or in the case of a map amendment, whether it meets the purpose and intent of the individual district; and
- l. If applicable, the adequacy to buffer or transition between potentially incompatible districts.

2040 Comprehensive Plan

All impacted properties located within the City's TOD zoning district are future guided under the 2040 Comprehensive Plan as "TOD (31.01-130 DU/Ac.)," which is a new future land use designation. The TOD designation was a direct response to the opening of the Metro Transit C and D lines and the land use designation specifically guided redevelopment within ¼ mile of the planned station stops and a vision that these areas create a vibrant, accessible and diverse land use pattern.

Table 3-6. Anticipated Developable Acres and Residential Units by Decade

Future Land Use	2019-2020			2021-2030			2031-2040			2019-2040
	Est. Total Acres ^a	Residential Acres ^a	HH (Min)	Est. Total Acres ^a	Residential Acres ^a	HH (Min)	Est. Total Acres ^a	Residential Acres ^a	HH (Min)	
Transit Oriented Development 31.01-130 DU/A	12	9	279	48	36	1,116	22	17	527	1,922
Neighborhood Mixed-Use 15.01-31 DU/A	26	13	195	12	6	90	5	4	60	345
Commercial Mixed-Use 10.01-25 DU/A	16	8	80	14	7	70	14	10	100	250
Medium Density Residential 5.01-15	2.5	2.5	13	-	-	-	-	-	-	16
TOTAL	56.5	32.5	567	77	66	1,276	41	31	687	2,533

^a Estimated Total Acres represents the acreage anticipated to redevelop within this Planning Period. As shown, the estimated redevelopment acreage accounts for approximately 50% +/- of the total 2040 guided acreage reflected in Table 3-3. Redevelopment may generally occur anywhere within the land use designation shown on Map 3-3. The guided land uses shown on Map 3-3 and described in Table 3-3 demonstrate an OVERSUPPLY of land for redevelopment based on the estimated market demand for residential units within this Planning Period. The City is open to redevelopment that occurs faster than what is estimated in Table 3-6, and it is therefore important to show through the Future Land Use Plan the ultimate vision for the central core of the City. It is also anticipated that many of the acres NOT included for redevelopment will largely remain in commercial use.

Table 1. Total New Households within the Transit Oriented Development future land use designation.

The majority of the City's forecasted growth, as outlined in the City's 2040 Comprehensive Plan, was anticipated to occur within the City's major redevelopment areas guided primarily as Transit Oriented Development (TOD) and Commercial Mixed-Use (C-MU), and a minimum of 75% of the land within this designation was planned for development into high-density residential uses, with remaining land developed for supporting retail, office, and commercial uses. The TOD future land use designation is ultimately intended to create a walkable, bikeable, vibrant core within the City of Brooklyn Center, and encompasses properties located within the City's Opportunity Site, and along Bass Lake Road (County Road 10) and Xerxes Avenue North.

The City's Comprehensive Plan further notes that, increasingly, access of neighborhoods, housing, services, and experience-based retail by efficient and frequent transit services is becoming a highly desirable and sought-after amenity within development and redevelopment areas.

The Institute for Transportation & Development Policy notes that, "Transit Oriented Developments are inherently intended to integrate urban places designed to bring people, activities, buildings, and public space together, with easy walking and cycling connections between them and near-excellent transit service to the rest of the City."

Unlike the broader region, in which the population continues to age rapidly, Brooklyn Center's population grew younger between 2000 and 2010, due to an increase in the number of persons aged 25 to 34, many of which are starting families and having children. Increases in the number of young families ultimately place demands on schools, housing affordability, and the types of retail goods and services needed. In the case of the TOD future land use designation, where 75% of the lands are likely to provide higher density housing, it is assumed that the demand for school and daycare services will only *increase*. In the case of those lands future guided as "Transit Oriented Development" under the City's 2040 Comprehensive Plan, those affected school districts include Brooklyn Center Community Schools (ISD #286) and Robbinsdale Area Public Schools (ISD #281).

Although the 2040 Comprehensive Plan noted a median age of residents as 32.8 (2016), the 2020 census identified a median age of 32.4 in Brooklyn Center. The median age in Minnesota is 39. The American Community Survey estimates (2022) identify approximately 9% of Brooklyn Center's population as being under 5 years of age, and approximately 29.3% of the City's population as being under 18 years of age. In the state of Minnesota, and per ACS estimates (2022), approximately 5.7% of the state's population is under 5 years of age, and approximately 22.5% of the state's population is under 18 years of age.

Unified Development Ordinance | Transit Oriented Development Zoning District

When the City was initially approached by the Applicant, City staff engaged with the City Attorney to determine whether or not "preschools" could be interpreted as "licensed daycare facilities (13 or greater persons)," as Centaur Beginnings Child Care was issued a special use permit from the City in 2014 and has continuously operated at 5910 Shingle Creek Parkway since 2015.

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

The City's Transit Oriented Development zoning district was created as a district response to the City's adoption of the 2040 Comprehensive Plan in 2019. The purpose of the TOD (Transit Oriented Development) district is to support opportunities for dense, transit-supportive and transit-oriented development. The TOD district requires intensities and patterns of development that support vibrant pedestrian activity and discourages land uses and development patterns that could decrease walkability or interfere with future growth of transit-oriented development and transit ridership.

The district intends to promote sustainable urban places that includes places to live, work, shop, and recreate, reduce reliance on automobiles, and encourage the use of public transit. The further district intends to foster job creation and economic growth in near-proximity to transit, and provide citizens with new housing and lifestyle choices with a high level of amenities and spaces for social interaction.

Uses currently allowed within the City's Transit-Oriented Development District, either as permitted or conditional uses, that City staff has determined as similar to "public and private elementary and secondary schools offering a regular course of study," and targeting similar demographics, include: community centers, libraries and art galleries, nonresidential educational uses including Area Learning Centers (ALC), post-secondary schools, business schools, trade schools and the like, and licensed day care facilities (13 or more persons).

In reviewing the 23 properties currently zoned "Transit Oriented Development," 9 of these properties are located within the City's designated Opportunity Site, five (5) of which are owned by the City's Economic Development Authority.

For those properties located outside the Opportunity Site, all of these properties are currently developed at this time, and in many cases, City staff does not foresee any opportunity to utilize these properties for educational purposes, which limits the ability for school districts to address the needs of an increasingly young population in a district intended for the greatest housing density within the City, and encompassing the majority of lands intended for what is envisioned as the City's downtown, walkable core.

Examples include: Brooklyn Center Transit Center (2900 County Road 10), Gateway Commons Apartments (2850 Northway Drive), Sonder House and Sonder Point (5801 and 5803 Xerxes), and Cub Foods shopping center (3245 County Road 10). Although there are two large office complexes zoned Transit-Oriented Development (3300 County Road 10, 5701 Shingle Creek Parkway), there are inherent complications and constraints in envisioning these locations for use as "private or public elementary and secondary schools offering a regular course of study" given building and fire code restrictions on how many stories up in a building an educational/institutional use can be located, fire sprinkler requirements, exiting/egress, etc. This ultimately limits the locations in which schools are able to serve students within the City's TOD District, unless a full redevelopment were contemplated.

RECOMMENDATION

Based on the above noted findings, and in response to Section 35-71304 (Amendment Criteria) of the City Code, City staff recommends the Planning Commission recommend City Council approval of Planning Commission Application No. 2024-008, which would amend Section 35-4103 (Allowed Use Table) of the City Code of Ordinances regarding public and private elementary and secondary schools offering a regular course of study in the Transit Oriented Development zoning district.

Any subsequent approval by City Council for the above-requested amendment to Chapter 35 (Unified

Development Ordinance) shall require that any applicant, including the Applicant for Planning Commission Application No. 2024-008, submit a separate application for review and consideration of a conditional use permit (CUP).

Attachments

Exhibit A- Planning Application No. 2024-008 narrative, prepared by Brooklyn Center Community Schools.

Exhibit B- Map and spreadsheet noting Transit Oriented Development district properties.

Exhibit C- Public Hearing Notice, published in the Brooklyn Center *Sun Post*, and dated April 25, 2024.

**BROOKLYN
CENTER
COMMUNITY
SCHOOLS**

5910 Shingle Creek Parkway
Brooklyn Center, MN 55430
P: (763) 450-3386
F: (763) 560-2647

In addition to owning and operating two school buildings, Brooklyn Center Community Schools District 286 had rented space to operate Early College Academy programming, Centaur Beginnings programming, and the District Office since 2015. As we came out of the pandemic, our district explored ways to invest money back into our community.

In July 2022, our school board approved the purchase of 5910 Shingle Creek Parkway which allowed our district the ability to fully own and operate three buildings and continue investing in students' education without raising homeowner's taxes. Through this purchase, our district is able to expand their programming facilities while also creating intentional gathering spaces to allow for further relationship building and resource distribution with our community.

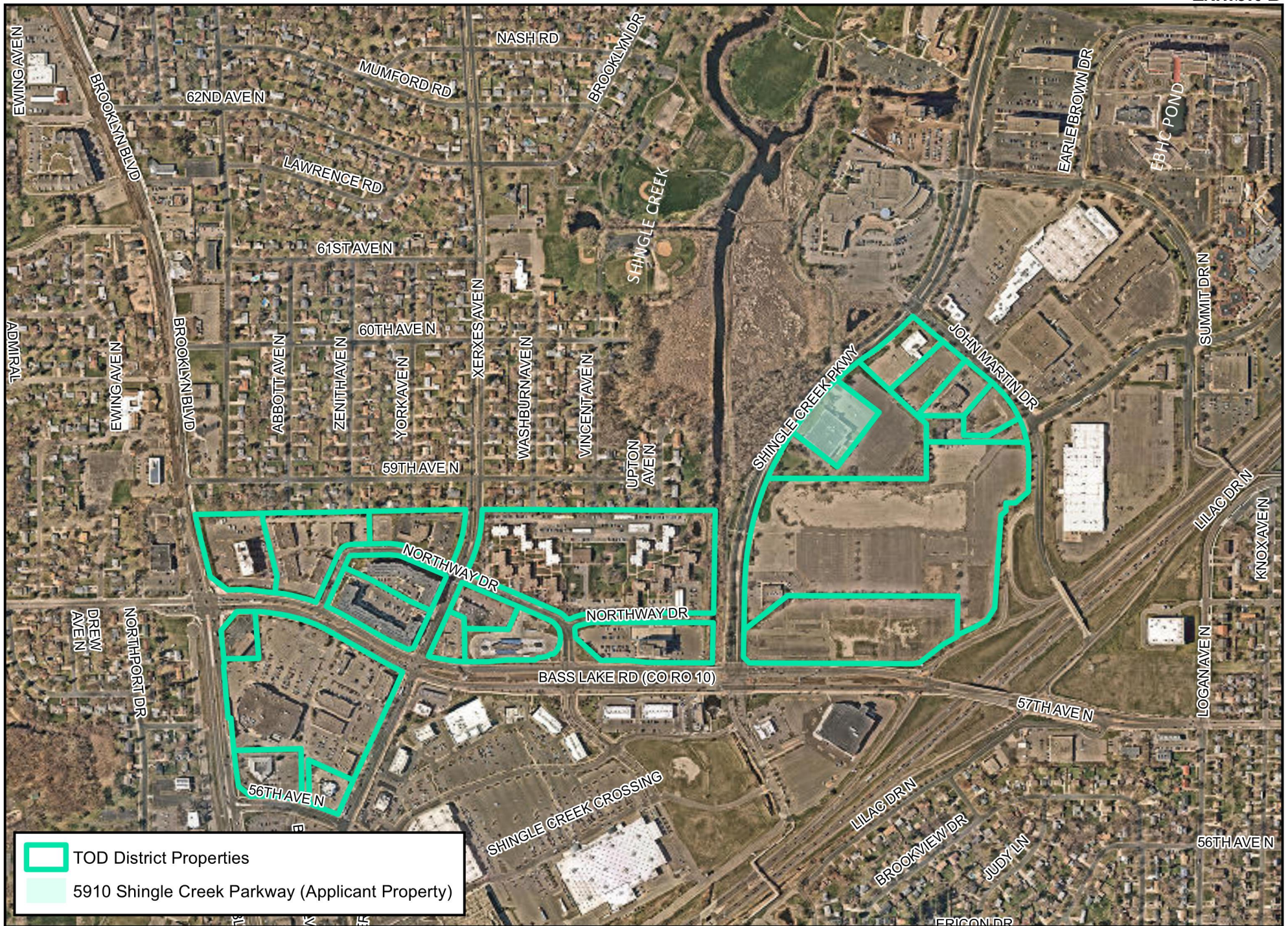
By the start of the 2024-2025 school year, our district is preparing to run all our Early Childhood Programming (20,922 sq ft) at 5910 Shingle Creek Parkway. Our design plans allow for all our students and families who attend birth-five year old programming to be located in one space. By building these spaces to be specifically geared towards our young learners on the Opportunity Site, we can cater to their development and support them in building lifelong connections as they prepare for Kindergarten.

Additional programs and operations that will be housed in the building include:

- The Early College Academy Alternative Programming (9611 sq ft)
- An Elder's Community Room (413 sq ft)
- A Family Resource Room (497 sq ft)
- Adult Basic Education Classrooms (3008 sq ft)
- A Welcome & Enrollment Center (2164 sq ft)
- Common Spaces (5940 sq ft)
- Board Room (2586 sq ft)
- District Office (7141 sq ft)

Common spaces include multiple workstations, group tables, and conference rooms. These spaces are intentionally created for any staff members to use collaboratively when they visit the district office.

Brooklyn Center Community Schools District 286 is excited about the future of our Early Childhood and Alternative Programming at 5910 Shingle Creek Parkway. We look forward to opening our doors to the community in the fall!



Applicant | Property Owner: Independent School District #286 (Brooklyn Center Community Schools)
Request: Ordinance Amendment

Transit Oriented Development (TOD) District Properties									
PROPERTY ID	PROPERTY OWNER	ADDRESS	CITY STATE ZIP CODE	TAXPAYER	TAX_2	TAX_3	TAX_4		
22 02-118-21 12 0011	ECON DEVEL AUTH BROOKLYN CTR	5915 JOHN MARTIN DR	BROOKLYN CENTER MN 55430	ECON DEVEL AUTH OF	BROOKLYN CENTER MN	6301 SHINGLE CREEK PARKWAY	BROOKLYN CENTER MN	55430	
22 02-118-21 21 0002	5930 SHINGLE CRK PKWY MN LLC	5930 SHINGLE CREEK PKWY	BROOKLYN CENTER MN 55430	5930 SHINGLE CRK PKWY MN LLC	C/O JANI-KING INTERNTL INC	16885 DALLAS PKWY	ADDISON TX	75001	
22 02-118-21 21 0005	GROUP HEALTH PLAN INC	5901 JOHN MARTIN DR	BROOKLYN CENTER MN 55430	HEALTHPARTNERS	REAL ESTATE	PO BOX 16115	ST LOUIS PARK MN	55416	
22 02-118-21 21 0014	ECON DEVEL BROOKLYN CENTER	5939 JOHN MARTIN DR	BROOKLYN CENTER MN 55430	ECON DEVEL BROOKLYN CENTER	ATTN: CURTIS BOGANEY	6301 SHINGLE CREEK PKWY	BROOKLYN CENTER MN	55430	
22 02-118-21 21 0015	LIN SHUANG LLC	5927 JOHN MARTIN DR	BROOKLYN CENTER MN 55430	NEW KING BUFFET	5927 JOHN MARTIN DR	BROOKLYN CENTER MN	55430		
22 02-118-21 21 0019	INDEPENDENT SCHOOL DIST #286	22 ADDRESS PENDING	BROOKLYN CENTER MN 00000	INDEPENDENT SCHOOL DIST #286	5910 SHINGLE CREEK PKWY	DOOR 7	BROOKLYN CENTER MN	55430	
22 02-118-21 21 0020	EDA BROOKLYN CENTER	22 ADDRESS PENDING	BROOKLYN CENTER MN 00000	EDA BROOKLYN CENTER	6301 SHINGLE CREEK PKWY	BROOKLYN CENTER MN	55430		
22 02-118-21 23 0015	G B HOMES LLC	2802 NORTHWAY DR	BROOKLYN CENTER MN 55430	MKT EQTS-GATEWAY COMMONS LLC	810 MILL AVENUE	WATERTOWN MN	55388		
22 02-118-21 23 0016	FTKD PROPERTIES INC	5701 SHINGLE CREEK PKWY	BROOKLYN CENTER MN 55430	FTKD PROPERTIES INC	6000 BASS LAKE RD #200	CRYSTAL MN	55429		
22 02-118-21 23 0022	KS ENTERPRISE LLC	5810 XERXES AVE N	BROOKLYN CENTER MN 55430	KS ENTERPRISE LLC	1199 SUMMER ST	ROSEVILLE MN	55113		
22 02-118-21 23 0024	METROPOLITAN COUNCIL	2900 CO RD NO 10	BROOKLYN CENTER MN 55430	METRO TRANSIT COMM	ATTN: METRO TRANSIT FINANCE	560 6TH AVE N	MINNEAPOLIS MN	55411	
22 02-118-21 24 0019	ECON DVLPT ATHY BROOKLYN CTR	2500 CO RD NO 10	BROOKLYN CENTER MN 55430	ECON DVLPT ATHY BROOKLYN CTR	6301 SHINGLE CREEK PKWY	BROOKLYN CENTER MN	55430		
22 02-118-21 24 0020	ECON DEV AUTH BROOKLYN CENTE	5900 SHINGLE CREEK PKWY	BROOKLYN CENTER MN 55430	ECON DEV AUTH BROOKLYN CENTE	6301 SHINGLE CREEK PKWY	BROOKLYN CENTER MN	55430		
22 03-118-21 14 0001	KENT J ERICKSON REVOCABLE TR	5740 BROOKLYN BLVD	BROOKLYN CENTER MN 55429	KENT J ERICKSON	C/O BROOKDALE HEALTH	5740 BROOKLYN BLVD #100	BROOKLYN CENTER MN	55429	
22 03-118-21 14 0026	HONEYWELL EMPLY CREDIT UNION	5825 XERXES AVE N	BROOKLYN CENTER MN 55430	CONNEXUS CREDIT UNION	PO BOX 8026	WAUSAU WI 54402			
22 03-118-21 14 0030	TCF BANKING & SAVINGS F A	2950 CO RD NO 10	BROOKLYN CENTER MN 55430	TCF NATIONAL BANK	ATTN: CORP REAL ESTATE	PO BOX 182334 55441	COLUMBUS, OH	43218	
22 03-118-21 14 0033	BC CROSSING/INVENTURE P LLC	3300 CO RD NO 10	BROOKLYN CENTER MN 55429	BC CROSSING LLC	INVENTURE PROPERTIES LLC	3105 1ST STREET S	ST CLOUD MN	56301	
22 03-118-21 14 0034	BC CROSSING/INVENTURE P LLC	3220 CO RD NO 10	BROOKLYN CENTER MN 55429	BC CROSSING LLC	INVENTURE PROPERTIES LLC	3105 1ST STREET S	ST CLOUD MN	56301	
22 03-118-21 14 0035	BROOKDALE CORNER LLC	3245 CO RD NO 10	BROOKLYN CENTER MN 55429	BROOKDALE CORNER LLC	705 MARQUETTE AVE S STE 900	MINNEAPOLIS MN	55402		
22 03-118-21 14 0036	BROOKLYN CENTER AH II LLLP	5803 XERXES AVE N	BROOKLYN CENTER MN 55430	BROOKLYN CENTER AH II LLLP	C/O REAL ESTATE EQUITIES LLC	579 SELBY AVE	ST PAUL MN	55102	
22 03-118-21 14 0037	BROOKLYN CENTER AH I LLLP	5801 XERXES AVE N	BROOKLYN CENTER MN 55430	BROOKLYN CENTER AH I LLLP	C/O REAL ESTATE EQUITIES LLC	579 SELBY AVE	ST PAUL MN	55102	
22 03-118-21 41 0001	MARQUETTE BANK BROOKDALE	5620 BROOKLYN BLVD	BROOKLYN CENTER MN 55429	WELLS FARGO BANK	C/O DELOITTE TAX LLP	PO BOX 2609	CARLSBAD CA	92018	
22 03-118-21 41 0002	IHOP PROPERTY LLC	5601 XERXES AVE N	BROOKLYN CENTER MN 55430	IHOP PROPERTY LLC	C/O DINEEQUITY INC	450 N BRAND BLVD	GLENDAL CA	91203	
	Owned by City of Brooklyn Center EDA Applicant Property (ISD #286)								

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

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, May 9, 2024 at 7:00 p.m. at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430 to hear from the public, discuss, and make a recommendation upon an ordinance amending Chapter 35 of the City Code to allow public and private elementary and secondary schools offering a regular course of study as a conditional use in the City's Transit Oriented Development zoning district. Public hearing materials can be accessed and will be available in advance of the meeting by visiting the City of Brooklyn Center's website at: <https://www.brooklyncentermn.gov/>. Interested persons are welcome to attend the hearing and be heard regarding this matter.

Comments and questions may be forwarded to Ginny McIntosh, Planning Manager at gmcintosh@brooklyncentermn.gov or (763) 569-3319 up until 4:30 pm on the day of the hearing.

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 35-4103
ALLOWED USE TABLE OF THE CITY CODE OF
ORDINANCES REGARDING PUBLIC AND PRIVATE
ELEMENTARY AND SECONDARY SCHOOLS OFFERING
A REGULAR COURSE OF STUDY IN THE TRANSIT
ORIENTED DEVELOPMENT ZONING DISTRICT**

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

Article I. Brooklyn Center City Code, Chapter 35, Section 35-4103 Allowed Use Table is amended by adding the following underlined language:

P = PERMITTED USE, C = CONDITIONAL USE, I = INTERIM USE, A = ACCESSORY USE

	Residential					Commercial/ Mixed Use				Nonresidential				
	R1	R2	R3	R4	R5	MX- N1	MX- N2	M X- C	TO D	C	MX- B	I	O	Use- Specific Standards
EDUCATIONAL FACILITIES														
Nonresidential educational uses including Area Learning Centers (ALC), post-secondary schools, business schools, trade schools and the like, but excluding public and private elementary and secondary schools						C	C	P	P	P				
Public and private elementary and secondary schools offering a regular course of study	C	C		C				<u>C</u>						
Accessory educational structures serving public and private elementary and secondary schools offering a regular course of study	I	I		I										35-4408

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

Dated this 25th day of April, 2024

April Graves, Mayor
ATTEST: Barb Suci, City Clerk

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

CITY OF BROOKLYN CENTER

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, May 9, 2024 at 7:00 p.m. at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430 to hear from the public, discuss, and make a recommendation upon an ordinance amending Chapter 35 of the City Code to allow public and private elementary and secondary schools offering a regular course of study as a conditional use in the City's Transit Oriented Development zoning district. Public hearing materials can be accessed and will be available in advance of the meeting by visiting the City of Brooklyn Center's website at: <https://www.brooklyncentermn.gov/>. Interested persons are welcome to attend the hearing and be heard regarding this matter.

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

Article I. Brooklyn Center City Code, Chapter 35, Section 35-4103 Allowed Use Table is amended by adding the following double-underlined language:

P = PERMITTED USE, C = CONDITIONAL USE, I = INTERIM USE, A = ACCESSORY USE														
	Residential					Commercial/ Mixed Use				Nonresidential				Use-Specific Standards
	R1	R2	R3	R4	R5	M X-N1	M X-N2	M X-C	TO D	C	MX-B	I	O	
EDUCATIONAL FACILITIES														
Nonresidential educational uses including Area Learning Centers (ALC), post-							C	C	P	P	P			

secondary schools, business schools, trade schools and the like, but excluding public and private elementary and secondary schools														
Public and private elementary and secondary schools offering a regular course of study	C	C			C				<u>C</u>					
Accessory educational structures serving public and private elementary and secondary schools offering a regular course of study	I	I			I									35-4408

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

Adopted this ____ day of _____, 2024.

April Graves, Mayor

ATTEST: _____
Barb Suciu, City Clerk

Date of Publication _____

Effective Date _____

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

Council Regular Meeting

DATE: 6/10/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY:

SUBJECT: Reading of Executive Performance Evaluation

Requested Council Action:

Background:

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

**Council/EDA Work
Session**

City Hall Council Chambers
June 10, 2024

AGENDA



ACTIVE DISCUSSION ITEMS

1. Centerbrook Golf Course Sell of THC Beverage
- *Consensus of the Council regarding the sell of THC beverages at Centerbrook golf course.*

PENDING LIST FOR FUTURE WORK SESSIONS

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

Council/EDA Work Session

DATE: 6/10/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Cordell Wiseman, Parks and Recreation Director

SUBJECT: Centerbrook Golf Course Sell of THC Beverage

Requested Council Action:

- Consensus of the Council regarding the sell of THC beverages at Centerbrook golf course.

Background:

The Minnesota Legislature adopted comprehensive legislation in 2022 relating to cannabis and cannabis businesses. The legislation gave local governments certain authorities, including the authority to adopt an interim ordinance prohibiting the operation of cannabis businesses within the City that could remain in effect until January 1, 2025.

In July 2023, in accordance with the statutory authority, the City Council adopted an interim ordinance imposing a moratorium on the operation of a cannabis business in the City through January 1, 2025. The interim ordinance applied to cannabis businesses, as that term is defined by statute, but expressly excluded (1) the continued operation of a business as part of the medical cannabis program administered by the Minnesota Department of Health, (2) the lawful sale of edible cannabinoid products, including THC beverages, or (3) sales of edible cannabinoid products at an exclusive liquor store. The moratorium established by the City remains in effect but it expressly does not apply to the lawful sale of edible cannabinoid products.

In September 2023, the City Council adopted an ordinance establishing and regulating the licensing and sale of edible cannabinoid products in the City.

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

Based upon the foregoing, THC beverages are able to be sold at the golf course, so long as it complies with the license requirements set forth in Minnesota Statutes and the City Code.

Staff is seeking a consensus of the Council regarding the sell of THC beverages at Centerbrook Golf Course.

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Maintain a strong financial position

ATTACHMENTS:

Description	Upload Date	Type
City Attorney Memo	6/6/2024	Cover Memo



Kennedy & Graven
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9207 direct
jhill@kennedy-graven.com

MEMORANDUM

TO: Dr. Reginald Edwards, City Manager
Cordell Wiseman, Parks and Recreation Director

FROM: Jason M. Hill, City Attorney

DATE: June 5, 2024

RE: Sale of THC Beverages at Centerbrook Golf Course

This memorandum is provided in response to your question with regard to the sale of THC beverages at Centerbrook Golf Course. Based upon my review, THC beverages are able to be sold at the golf course, so long as it complies with the license requirements set forth in Minnesota Statutes and the City Code,

The Minnesota Legislature adopted comprehensive legislation in 2022 relating to cannabis and cannabis businesses. The legislation gave local governments certain authorities, including the authority to adopt an interim ordinance prohibiting the operation of cannabis businesses within the City that could remain in effect until January 1, 2025. In July 2023, in accordance with the statutory authority, the City Council adopted an interim ordinance imposing a moratorium on the operation of a cannabis business in the City through January 1, 2025. The interim ordinance applied to cannabis businesses, as that term is defined by statute, but expressly excluded (1) the continued operation of a business as part of the medical cannabis program administered by the Minnesota Department of Health, (2) the lawful sale of edible cannabinoid products, including THC beverages, or (3) sales of edible cannabinoid products at an exclusive liquor store. The moratorium established by the City remains in effect but it expressly does not apply to the lawful sale of edible cannabinoid products.

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Based upon the foregoing, THC beverages are able to be sold at the golf course, so long as it complies with the license requirements set forth in Minnesota Statutes and the City Code.

Council/EDA Work Session

DATE: 6/10/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Dr. Reggie Edwards, City Manager

SUBJECT: Upcoming Items

Requested Council Action:

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

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: