

Council Study Session

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection via
telephone Dial: 1-312-626-
6799 Meeting ID:
92710125463# Passcode:
7635693300#
May 24, 2021

AGENDA



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- 1. City Council Discussion of Agenda Items and Questions - 6 p.m.**
 - 2. Miscellaneous**
 - a. Council Retreat with Common Sense Discussion
- *Determine the next date for Council Retreat.*
 - b. Infrastructure Framework for the Opportunity Site Discussion
- *Discussion of availability for June 14 at 5:00 pm for this item.*
 - 3. Discussion of Work Session Agenda Item as Time Permits**
 - 4. Adjourn**

Council Study Session

DATE: 5/24/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY: Dr. Reggie Edwards, Acting City Manager

SUBJECT: Council Retreat with Common Sense Discussion

Background:

Common Sense has proposed the following dates:

- 6/5
- 6/13
- 6/18
- 6/26

Council Study Session

DATE: 5/24/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Infrastructure Framework for the Opportunity Site Discussion

Background:

CITY COUNCIL MEETING

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AGENDA



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

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

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

2. Invocation - Graves - 7 p.m.

3. Call to Order Regular Business Meeting

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

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

- Motion to approve the following minutes:

- *May 3, 2021 Special Council Meeting*
 - *May 8, 2021 Special Council Meeting*
 - *May 10, 2021 Study Session*
 - *May 10, 2021 Regular Session*
- b. Approval of Licenses
 - *Motion to approve the licenses as presented.*
 - c. Resolution Authorizing Proposed Use of Auto Theft Prevention Grant
 - *It is recommended that the City Council accept the award of the Auto Theft Prevention Grant from the Office of Justice Programs, which primarily funds an Auto Theft Prevention Officer.*

7. Presentations/Proclamations/Recognitions/Donations

- a. Opportunity Site Presentation Series: Environmental Assessment Overview

8. Public Hearings

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

- a. An Ordinance Amending Chapters 7 and 19 of the City Code of Ordinance Regarding Waste and Organics Recycling by Haulers
 - *Motion to open public hearing*
 - *Take public input*
 - *Close the public hearing*
 - *Motion to approve the Second Reading of an Ordinance Amending Chapter 7 and 19 of the City Code of Ordinances Regarding Waste and Organics Recycling.*
 - *Motion to approve a resolution for a summary publication of the the ordinance.*

9. Planning Commission Items

10. Council Consideration Items

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 5/24/2021

TO: City Council

FROM: Dr. Reginald Edwards, Acting City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- Motion to approve the following minutes:

- May 3, 2021 Special Council Meeting
- May 8, 2021 Special Council Meeting
- May 10, 2021 Study Session
- May 10, 2021 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:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
May 3 Special Council Meeting	5/19/2021	Backup Material
May 8 - Special Council meeting	5/18/2021	Backup Material
May 10 Study Session	5/21/2021	Resolution Letter
May 10 Regular Session	5/19/2021	Backup Material

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

SPECIAL SESSION
MAY 3, 2021
CITY HALL – COUNCIL CHAMBERS

1. CALL TO ORDER SPECIAL BUSINESS MEETING

The Brooklyn Center City Council met in Special Session called to order by Mayor Mike Elliott at 5:06 p.m.

2. ROLL CALL

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

3. ITEM MOVED FROM APRIL 26, 2021 MEETING

3b. PERFORMANCE REVIEW OF ACTING CITY MANAGER

Mayor Elliott noted the purpose of tonight's special meeting is to discuss a pay adjustment for Acting City Manager Reggie Edwards and discuss the permanent City Manager appointment. He invited Dr. Edwards to present his memorandum in that regard.

Acting City Manager Reggie Edwards stated he appreciates the opportunity to speak to this issue and is honored to serve as Acting City Manager and the confidence placed in him by the City Council. He explained it is a traditional practice, when a staff member works outside of their classification for a significant amount of time, to adjust the pay. The City does not ask an employee to work above their class without a pay adjustment to that class. Dr. Edwards stated he is presenting a consideration of an adjustment in salary to \$150,000, noting the pay is at \$156,000 for comparison cities. Dr. Edwards explained that when dealing with union negotiations, the City prefers salaries to be in the top quartile percent of pay and competitive in the market but also recognizes the City's economic stressors. He stated his current pay is \$121,000, noting \$150,000 is lower than the average but within the quartile.

Dr. Edwards stated he has had the opportunity to meet with almost all staff and heard that the critical issues with the organization are the need for stability and predictability. He noted the firing of the City Manager and Police Chief was destabilizing for staff. Also, at this time, the City is still grappling with the pandemic, determining how to bring folks back to an office setting, and it is an unsettling time due to Dante Wright's death and various other issues. Dr. Edwards commented on the importance of providing stability. He stated he is honored to have the opportunity to serve as Acting City Manager and would like to serve permanently as City Manager to move the City

forward in transformation as required in the City Council's strategic priorities, establishing operations, and creating a sense of security for staff. Dr. Edwards stated he has the desire, willingness, and ability to move through these times and advance the City. He asked the City Council to consider appointing him as the City Manager going forward, noting the proposed three-year contract to serve in that capacity. Dr. Edwards asked if there is consensus among the City Council for a pay adjustment that is retroactive since he started serving as Acting City Manager, appointment to City Manager, and direction to work with the City Attorney to develop a contract for future consideration.

Councilmember Butler thanked Dr. Edwards for his hard work in stepping in to fill the shoes of the City Manager, which is not easy. She acknowledged Dr. Edward's hard work as well as that of staff in continuing to deal with the tragedy around Mr. Wright. Councilmember Butler posed the question of having a public process for whoever steps into the role of City Manager. She stated support for retroactive pay since Dr. Edwards stepped into the role of Assistant City Manager and for the time being. Councilmember Butler encouraged Dr. Edwards to be part of the process, which she felt should be an open public process to determine who the best fit would be.

Mayor Elliott stated he has had the pleasure of working closely with Dr. Edwards and can speak to his commitment to the work and what he brings to the role. He stated it has been great working with Dr. Edwards and he imagines the scenario where Dr. Edwards becomes the City Manager. Mayor Elliott stated support for increased pay to Dr. Edwards since he stepped into the Assistant City Manager role. He asked the Council to discuss what that amount should be in looking at Dr. Edward's work thus far. Mayor Elliott stated he also believes there should be a process to determine the length of the agreement. In addition, he supports an open process that includes the community to consider the values of the role of the City Manager on a more permanent basis.

Mayor Elliott explained he has to step out of the meeting and asked Mayor Pro Tem Butler to chair the meeting. Mayor Pro Tem Butler assumed chairing the meeting.

Councilmember Ryan stated his concurrence with previous remarks and commended Dr. Edwards for his hard work, filling an important role, and pulling staff together in such a difficult time while facing two crises simultaneously. He stated obviously, Dr. Edwards should be compensated for additional workload and stress. Councilmember Ryan stated he is interested in having more discussion about how to move forward from acting to a permanent City Manager. He thought that perhaps Dr. Edwards could help in what will be a matrix of success to help the City Council define an evaluation based on the City Council's goals. Councilmember Ryan stated he is confident the City Council will see success through Dr. Edward's efforts and having those metrics described would help the City Council.

Councilmember Lawrence-Anderson concurred with everyone's comments and stated she believes Dr. Edwards has done a good job at a challenging time. She proposed Dr. Edwards be compensated for work done and will continue to do. Councilmember Lawrence-Anderson agreed it should be an open process and maybe Dr. Edwards will be selected but for now, continuity of his leadership is critical at this time. She noted that hiring a City Manager is the only hire made by the City Council so they need to make the best decision. She would like to hear feedback from department heads on Dr. Edwards' leadership style, which is a critical step in going forward. Councilmember

Lawrence-Anderson agreed Dr. Edwards needed to be fully compensated for interim support but the City Council is not in a position now to make that most important decision the City Council makes for leadership of the City.

Councilmember Graves stated she concurs with the comments thus far. She stated part of her feels as though Dr. Edwards has already earned this position, and he is still learning about becoming a City Manager, which is an ongoing process taking many years. She noted that Dr. Edwards already has several years' experience as Deputy City Manager. Councilmember Graves stated she appreciated former City Manager Curt Boganey and didn't want to see him go and knows that Dr. Edwards has a relationship with Mr. Boganey that he can rely on. She also sees the advantages of being more transparent in light of more recent events and recognizing this is the only employee the City Council hires. In that case, she trusts Dr. Edwards to do that job but knows there is room to grow for all. Councilmember Graves stated she is willing to go along with the consensus of the City Council to discuss what that might look like and in meantime, compensating Dr. Edwards for his time in that role and moving forward.

Mayor Pro Tem Butler stated there is consensus that Dr. Edwards will be compensated and the City Council supports an open process. She requested a legal opinion regarding the pay rate for retro pay and going forward until a decision is made. She asked if that discussion is considered during an open meeting or should it be a closed session.

City Attorney Troy Gilchrist advised that the compensation decision should be kept open. Relating to when it is decided, the direction could be given to the Acting City Manager to prepare a report showing the salaries of city managers in surrounding cities. He advised that this decision is up to the City Council.

Mayor Pro Tem Butler stated she would like to see comparables before making that decision.

Councilmember Ryan stated a useful comparison may be the City of Richfield, which is just larger than Brooklyn Center, and hired a city manager who had no formal experience in that position. He noted that a very capable person remains the Richfield City Manager and maybe an example of a person performing at a high level without prior experience and that salary may be a comparable salary.

Mayor Pro Tem Butler stated it would be useful to understand Dr. Edwards' background while serving as Deputy City Manager for Brooklyn Center and his prior city manager position at a smaller city.

Mayor Elliott returned to the meeting and stated he missed some of the discussion but is happy to work with Dr. Edwards, Human Resources, and City Attorney Gilchrist to gather the information requested for consideration at the next meeting.

Councilmember Lawrence-Anderson concurred with the need for additional research and a pay increase that is retroactive. About the amount of pay, she noted that Dr. Edwards had stepped into the role and the City Council needs to be logical and pragmatic in how they proceed. Councilmember Lawrence Anderson requested a memorandum outlining Dr. Edward's experience

and comparable pay rates in cities with like populations so the City Council has additional information to make this decision. She noted that deciding on these items tonight would not be prudent.

Mayor Pro Tem Butler stated there is consensus to direct staff to prepare the requested memorandum and to support a higher pay rate that is retroactive once that rate is decided.

Dr. Edwards stated he appreciates the consideration. He noted that he has most of the requested information already prepared and the Human Resources Manager has provided comparison city salaries. He stated this information will be presented at the next City Council meeting.

Mr. Gilchrist asked if there is City Council consensus to draft a contract for the interim service so the Acting City Manager is working under contract. The Council supported this suggestion. Mr. Gilchrist stated it will be presented for consideration at the next meeting and would be in place until the City Council works through the process to hire a long-term City Manager.

Mayor Elliott stated he is intimately familiar with the contract of the former City Manager and will work with Mr. Gilchrist to prepare that contract agreement.

Councilmembers Lawrence-Anderson and Ryan concurred.

Mayor Pro Tem Butler stated that concludes everything the City Council needed to consider at tonight's special meeting. Dr. Edwards agreed the City Council has provided direction and reached a consensus.

4. ADJOURNMENT

Councilmember Ryan moved and Mayor Pro Tem Butler seconded adjournment of the City Council special meeting at 5:34 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

SPECIAL SESSION
MAY 8, 2021
COMMUNITY CENTER – CONSTITUTION HALL

1. CALL TO ORDER SPECIAL BUSINESS MEETING

The Brooklyn Center City Council met in Special Session called to order by Mayor Mike Elliott at 4:14 p.m.

Mayor Elliott thanked all present including Daunte Wright's family members and grace and strength shown these past few weeks is a testament of the love that these two men felt for our community. He noted after that the past few weeks, the City Council has heard from countless residents about what they feel these weeks have been like, and changes needed to be made to make our City, a place where everyone feels safe. He stated one thing that is undeniable clear, that we heard from residents is 'enough is enough.' He agreed that Brooklyn Center can do better, Brooklyn Center must do more, and Brooklyn Center is ready to change.

Mayor Elliott noted that during hours of public testimony over the last few weeks, the City Council heard people asking for unarmed traffic enforcement, for more mental health resources, more accountability, transparency, and community oversight. He stated the good news is that we have the ability to start creating these changes now, today. That is why today, he is choosing The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution, which is the first step to a community centered process that will ultimately remove police from traffic enforcement and create a new department for community safety and violence protection. He stated he should qualify this by saying low-level non-felony traffic enforcing, addressing two of the key problems in our current approach for safety. This resolution will transform our system so that police are not the only available response for everything and it will increase transparency and community oversight. This resolution will also expand the tools in our toolbox so police are not our only available response for everything. This also allows the Police Department to focus on the work they are trained for and want to be doing instead of answering every single call because there is no one else.

Mayor Elliott stated tonight he looks forward to hearing from the community.

2. ROLL CALL

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

3. DISCUSSION ON PUBLIC SAFETY

3a. TIMELINE OF MEETING

Mayor Elliott referenced the meeting packet and reviewed the process to be followed during tonight's meeting.

3b. PROPOSED RESOLUTION

Mayor Elliott read in full a resolution entitled: The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution.

Mayor Elliott explained this resolution would serve as a framework for a new approach to public safety. He believes it would help as it uses a commonsense approach. Mayor Elliott stated safety does not require armed officers nor does response to mental health crisis or other resident's needs. He noted that testimony today will include testament that these methods have been tried and do work. Mayor Elliott stated many law enforcement officers, officials, and leaders support these alternative approaches which are better for our community, safety, and prioritizing time of our police officers. He stated it is time to stop asking our officers to be the first and last of this work and allow them to focus on areas they are trained to do. He noted once this framework is fully implemented, it will prevent the type of interaction between our residents and armed officers that lead to tragic deaths. Mayor Elliott stated it is about how we can build a healthier community and racial justice and wisely spending our resources.

Mayor Elliott noted that sitting here today, we have civilian housing inspectors who go out into the City unarmed and address housing violations. Today, we will hear from expert testimony that this is an approach that has been met with broad support from law enforcement and police reform experts. This resolution will also provide the City with the flexibility to figure out exactly what is best for our community in the months ahead. Mayor Elliott explained that at the end of the day, we will be eliminating the type of interactions that can lead to tragic deaths like Daunte Wright.

Mayor Elliott stated this will be an entirely new approach to public safety and create a new department with a public health orientation to integrate all of these different approaches: traffic, community response, and fire, under a single umbrella to create a wholistic integrated approach towards health and safety. It will be led by someone with public health expertise and laser focus on using evidence-based approaches that are actually proven to work. As a result, Brooklyn Center will more appropriately regulate the use of force by its armed law enforcement officers.

Mayor Elliott stated the City is also committing today to a permanent infrastructure for residents of our community to help co-create these new approaches to safety with full transparency and accountability. He noted the City cannot sit here today and anticipate everything that we need to think about and work on over the years to come but this will ensure that the community will always have a seat at the table as the City continues to improve its approaches to community safety.

Mayor Elliott stated he sincerely hopes that all in this room here today as well as the experts and other cities and your Council representatives as well, will all work together to create these new safer approaches to safety and to become a model for other towns and cities. He stated we know

this is a ‘big lift’ and the City Council is committed to keeping the community involved every step of the way, all of the committees have the support they need to get the job done, and in no later than six months from now to make this vision a reality.

Mayor Elliott stated he is also excited about the path being laid out here today and is grateful to the City Council Members for helping and taking part in this as well as the community taking part in forming this resolution. He stated we will now hear from experts who will speak to the aspects of the resolution that he has just described.

3c. TESTIMONY

Tom Thomson, Retired Chief from Ohio

Tom Thomson, retired Chief from the State of Ohio, stated he retired from a municipal agency about the size of the City of Brooklyn Center. He also worked for several years as an executive director in a large health care network in Southwest Ohio. He stated he has a lot of experience in seeing the difference between setting of behavioral healthcare workers working with patients or offenders, and police. More importantly, he is speaking on behalf of Law Enforcement Action Partnerships, a group of judges, attorneys, police executives, and others across the country that advocate for best practice criminal justice reform and public safety issues. One of the topics they are working on closely with a number of cities is alternate responders.

Mr. Thomson stated he is very impressed and applauded the Brooklyn Center’s courage, transformative leadership, and willingness to explore alternative responders, which is fairly cutting edge right now. He explained they are looking at cities who have done it for many years, like CAHOOTS, or cities that have done it for a short period of time like Albuquerque, New Mexico. But no matter where in that span the jurisdictions fall, no one in the country has it dialed-in exactly right yet. Every community is a little bit different so it is important as you start this journey, and in being a life-long police officer, he can say there are many calls they go on that they know they are not equipped for or they should not be handling. So, many officers will appreciate what Brooklyn Center is trying to do.

Mr. Thompson commented on the importance of working towards what is right in Brooklyn Center, Minnesota, to be very inclusive of all stakeholders, the community to hear their voices, listen to their concerns, understand their input, inclusive of the police, behavioral health specialists, city administration, and to include everyone at the table to avoid unintended consequences, like knowing the types of calls are more or less likely to have weapons or are less likely to create harm to public safety.

Mr. Thompson stated he also runs a nonprofit with the at-risk immigrant population, primarily the African population in the Dayton, Ohio, area. This is another reason why being inclusive of everyone’s perspective is very important and we need to listen to everybody at the table.

Mr. Thompson explained that in the alternate responder models, there are really two ‘buckets’ that go into it. One is behavioral health and addition responses, which are the most popular and very few do anything outside of that right now. So, on those responder groups, you have different types. You have behavioral health specialist only or you have behavioral health specialist and police in a

co-responder model. He stated it is up to the community to decide but as an example, they have concerned community members in Dayton, Ohio, that say they are afraid if the police are not there, something bad could happen to the behavioral health specialist. One of the things they are doing is to convince that statically, is not the case, noting that in Denver, Colorado, Eugene, Oregon, and other places, police not responding to the calls is not creating harm. He noted the key is dispatch to screen the call to make sure whether it is a guy with a gun threatening suicide or someone who is having a difficult time with mental health issues where you don't need police responses.

Mr. Thompson stated in working at a hospital, he can say that police in Ohio have either an 8-hour mental health first aid class or a 40-hour crisis intervention training but that is a far cry from having a Masters Degree in psychology or social work and knowing how to navigate conversations with people that are in a mental health crisis as well as resources. So, the behavioral health response is light years ahead of what the police are really trained to do.

Mr. Thompson stated the other 'bucket' is responding to calls that don't really need a police response. As an example, neighbors disputing over a property issue, or barking dogs with a noise complaint. He stated there are models where community responders will respond to those types of calls instead of police officers. He explained these are the type of calls where police officers are in a 'lose-lose' situation and it is paramount that police officers keep the trust of the community and with neighbor disputes; the police are automatically going to lose trust of one or both of the individuals in the dispute. This will negatively affect the police officer's ability to investigate crime later, impact the resident in wanting to report crime, and drives a wedge in community police relationships. He stated it is a commonsense approach to send community responders on types of calls that don't need an armed police response.

Mr. Thompson reported that Albuquerque, New Mexico, is starting to do those things and some cities, like the City of Dayton, Ohio, have neighborhood assistance officers who maybe even go to traffic accidents where there is no injury, or direct traffic, or parking citations. He stated with this response, you keep officers who are trained in criminal justice response and police investigations to build positive relationships in the community and be able to investigate crime effectively without responding to calls they don't need to.

Mr. Thompson stated what you do see is a decision Brooklyn Center will end up making that some of those response groups are community based and some are city based. For example, in Albuquerque, New Mexico, there is a new division in the city that has the response but other areas like Eugene, Oregon, or the CAHOOTS Program that coordinates with non-profits in the area who do the response. He explained that sometimes, the community does not want the government in charge of those types of responses. Mr. Thompson stated it is going to be very important to draw from Brooklyn Center whether it is important these responses are outside of the City and monitored outside of the City.

Mr. Thompson noted that every one of the points in the resolution involves about an hour of conversation so he will pause at this point to entertain questions of the City Council.

Claudia stated she is hearing this will remove the responsibility from the police as they are to serve and protect. She asked when will they be trained not to harm people when it is unnecessary and be

held accountable for their actions. She felt police will still be police even if we do go to this new model.

Mr. Thompson stated that is a fantastic question and he can be very transparent and say that in law enforcement, they don't have it right yet. He thinks there does need to be a lot of work in building a different culture and new leaders and as departments progress, it will be greater opportunity to build a new culture that treats people with empathy and respect. When he went into the health care world, he first thought they had a lot to learn from city policing. But he found that in campus policing, whether health care or university policing, you really have to focus on the individuals you are working with and partnering with as clients. But here, the expectations to treat people with empathy and care and love, to help connect people with resources, is a whole new world in the campus environment. Mr. Thompson stated in looking back at his days in the municipal world, they had a lot wrong. He explained that in driving a culture from the administration on down changes the paradigm of how they view their community and ability to make a difference in people's lives is paramount in shifting cultures of preventing what Claudia is talking about.

Claudia stated when appropriate, she would like the Mayor to respond to that question as well; when will the Brooklyn Center police culture change and when will police be trained in a manner to best serve community.

Mr. Thompson stated with regard to culture, he does not think a department can just bring in new officers, throw some type of generic training at them, and expect it to be different. He thinks it is important that the entire culture of an organization changes in order to affect real change about how individuals will work with community and partner with them.

Mayor Elliott thanked Mr. Thompson for his presentation and stated the meeting will now move on to Dr. Maria Ponomarenko.

Dr. Maria Ponomarenko, Law Professor

Dr. Maria Ponomarenko stated she is a law professor at the University of Minnesota and Cofounder and Counsel at Policing Project at NYU Law. She explained Policing Project works closely with police departments and communities in more than a dozen jurisdictions including New York, Chicago, Los Angeles, Tucson, and Nashville to help make policing more effective, equitable, and just.

Ms. Ponomarenko commended the City Council for taking up these issues and doing so in a manner that recognizes the need for transformative change since too often the response on the part of elected officials in moments of crisis is to tinker at the margins. She stated they have seen time and again that piecemeal efforts simply do not work.

Ms. Ponomarenko stated historically as elected officials they have tried to stay clear of policing issues but what they are doing now is not only within their preview but is actually their responsibility. She noted we give police officers this extraordinary authority to detain people and use force but it is up to us as communities and to the City Council to ensure that this authority is in fact used in a way that promotes safety and minimizes the risk of harm. They founded Policing Project to encourage the involvement that Brooklyn Center is engaging in now.

Ms. Ponomarenko stated as to the proposed resolution, today she wanted to focus on two in particular. First regarding the enforcement of non-moving violations and then the use of citations in lieu of custodial arrest for low-level offenses.

Ms. Ponomarenko noted the first resolution calls for the creation of an unarmed traffic enforcement department to enforce non-moving violations. This proposal would ensure that these sorts of infractions cannot be used as pretext to stop someone to investigate more serious wrongdoing and would reduce the risk that a minor infraction can potentially escalate into a lethal encounter. She noted that although many departments, including Brooklyn Center, have relied on pretext stops as a crime control strategy, the reality is that they do very little to promote public safety and, as seen, they cause a great deal of harm.

Ms. Ponomarenko stated we have heard already about the harm of pretext stops, particularly in communities of color, so today she wants to focus on the notion that these are harms we somehow need to accept in order to give police the tools they need to keep us safe. What the evidence suggests is that this is in fact far from the case. Ms. Ponomarenko noted that in 2017, Policing Project was invited by the National Police Department and the mayor's office to evaluate that department's use of pretext stops and, like many agencies, the National Police Department was convinced that pretext stops were an essential tool for addressing violent crime. Much like they do in other parts of the country, national officers would go into so called higher-crime neighborhoods and look for people to stop, usually for a broken taillight, broken platelight, or low-level moving violations. The idea was that these sorts of stops were necessary both to establish presence and also to look for evidence of more serious crime.

Ms. Ponomarenko explained that the evidence, however, showed these stops simply didn't work. In working with researchers from the Stanford Computational Policy Lab, looking at hit rates for stops (the number of stops that actually resulted in an arrest for more serious crime), and evaluating the impact of stops on crime rates in the neighborhoods in which they were used, found that only a tiny fraction of stops, less than 1%, resulted in a gun charge, the discovery of an outstanding warrant, or an arrest for a more serious crime like robbery or burglary. Just as importantly, they found these sorts of stops had absolutely no impact on surrounding crime rates. Crime naturally varied across the city in different parts of the year but flooding a particular neighborhood with a large number of pretext stops did not seem to have an impact on overall rates of crime in those particular neighborhoods.

Ms. Ponomarenko stated there was a lot of evidence in Nashville to suggest that stop practices actually undermined public safety by alienating the very communities that the department needed to cooperate in order to meaningfully address violent crime. She explained that to the department's credit, after they received the report, they very quickly realized there were actually better ways for officers to spend their time. So, in the two years after the study, they cut stops by more than 80% and told their officers to focus traffic enforcement on traffic safety, which is to say to make stops only when there is an actual immediate public safety risk. In terms of dealing with violent crime, to rely on more targeted strategies, often in collaboration with residents to address those sorts of concerns.

Ms. Ponomarenko stated other cities have adopted a similar approach. Berkeley is still in the process of implementing a proposal along the lines that Brooklyn Center is considering. Virginia, in some ways, took a simpler approach to flat out prohibit officers from making stops for low-level equipment violations unless those sorts of violations to be enforced are only in the course of stops for more serious infractions.

Ms. Ponomarenko urged Brooklyn Center, as it formalizes the resolution, to consider adding low-level moving violations as well. One concern is that if officers can no longer stop somebody for a broken taillight, or a broken taillight, there will be more stops for failure to signal, for going a few miles over the speed limit, or the very vague offense of weaving. She stated Policing Project is working on a more comprehensive statute to address the problem of pretext and as part of that, developing a broader list of offenses that should generally not give rise to a stop. She stated she would be happy to pass along that list once it is finalized.

Ms. Ponomarenko stated with regard to the use of citations in lieu of arrest of non-felony offenses, a custodial arrest is a serious intrusion that must be justified by a serious public safety interest. There are circumstances in which an arrest is unavoidable but the reality is, we just take far too many people into custody. She stated custodial arrest of those two distinct sorts of harms; first there is the cost of the arrest itself to the people who are taken into custody into the criminal justice system as a whole but perhaps more importantly, any time we authorize an officer to affect an arrest, we're also implicitly authoring the use of force to affect that arrest. Ms. Ponomarenko stated she wanted to mention that this doesn't actually have to be the case so we are developing a model use of force statute that would prohibit officers from using force to affect a misdemeanor arrest. But, the surest way to avoid the use of force is simply to prohibit the use of arrest all together.

Ms. Ponomarenko noted that a number of jurisdictions have moved in this direction and she is happy to say that more in Q and A but a number of States either require or permit summons in lieu of arrest for a whole slew of low-level non-felony offenses. Other states have dramatically reduced the use of bench warrants to compel individuals to appear in court, which is yet another way to diminish the use of custodial arrests in those circumstances.

Ms. Ponomarenko stated the last thing she'll mention is that in the course of the COVID pandemic, one thing they have seen is that it is actually possible to arrest far, far fewer people than we have in the past. So, in order to limit the size of jail populations, a number of major cities including Portland and Washington, D.C., implemented emergency regulations that would require a summons in lieu of arrest for virtually all misdemeanor offenses. That suggests that perhaps none of those events were worthy of a custodial arrest to begin with. She strongly urged the City Council to not only adopt that measure on a temporary basis, as suggested, but to formalize it as a permanent policy going forward. Ms. Ponomarenko offered to answer questions.

Mayor Elliott thanked Ms. Ponomarenko for her presentation and welcomed the next presenter, Dr. Woods.

Dr. Jordan Blair Woods, Tenured Professor

Dr. Jordan Blair Woods thanked the City Council for the opportunity to speak today. He introduced himself as a tenured professor at the University of Arkansas School of Law where he teaches courses in criminal law and procedure, policing, and constitutional law. He stated the views he expresses here though, are his own. Dr. Woods stated he has doctorates in both law and criminology and is a leading expert in issues involving policing during traffic stops and non-police alternatives during traffic law enforcement.

Dr. Woods stated in his limited time, he wants to make two main points. First, he would like to provide some background on traffic policing. Second, he would like to explain why localities don't need to rely on police to enforce traffic laws, how civilian traffic enforcement can work, and its benefits.

Dr. Woods explained that for decades, States and localities have relied on police and typically armed police officers to enforce traffic laws. Currently, traffic stops are the most common way that people come into contact with police as each year, police officers conduct tens of millions of traffic stops and many are based on minor traffic violations. He explained that the breadth of State and local traffic codes provides countless opportunities for police to pull drivers over. Traffic laws include a wide range of moving violations and non-moving violations, and some traffic violations like erratic or reckless driving are open-ended and imprecisely defined. Mr. Woods noted that police have vast discretion when deciding who to pull over and what actions to take during traffic stops. For example, under current Fourth Amendment law, traffic enforcement doesn't have to be the primary motivation for a stop. During a traffic stop, officers can routinely order drivers and passengers out of cars, frisk them, conduct protective searches in areas of the vehicle, ask for consent to search their person or vehicles, and even conduct arrests for minor traffic violations.

Dr. Woods stated the history of traffic policing shows we are reliant on police to enforce traffic laws, which places all civilians and in particular drivers and passengers of color at risk for being subjected to an awesome amount of law enforcement activity. For decades, traffic stops have had a much broader purpose than traffic safety or traffic law compliance. Rather, police officers have used and continue to use traffic stops as a primary tool of criminal investigation and pro-active policing. Officers commonly use minor traffic violations as pretext to stop and search persons whom they believe are suspicious and involved in crime and that has nothing to do with the underlying traffic violation. Dr. Woods stated these practices persist even though empirical data lends support to the idea that traffic stops are a relatively ineffective tool of criminal investigation.

Dr. Woods noted that all too often, officer judgments about suspicious persons and activity are intertwined with improper assumptions about race and communities of color. Several studies show that police disproportionately stop people of color, often for pretextual reasons, and subject them to additional intrusive police activity through questioning, frisking, searching, citing, and arresting them. Police initiated traffic stops are often frightening and humiliating experiences for people of color and time and time again traffic stops escalate into unnecessary and unjustified violence against stopped drivers and passengers and especially people of color. Dr. Woods stated the tragic killing of Daunte Wright is a vivid reminder that routine traffic stops can be deadly for unarmed Black drivers who pose no danger.

Dr. Woods noted that civilian traffic enforcement would avoid these injustices while still achieving traffic safety. In a forthcoming article in the *Stanford Law Review*, he presents a new legal framework for civilian traffic enforcement that is in line with the City's proposed resolution. The framework reframes traffic enforcement as a transportation safety and not a policing problem.

Dr. Woods explained this is how the new system would work: localities would redelegate the bulk of traffic enforcement to newly created 'traffic agencies,' which would be staffed by public employees called 'traffic monitors.' Instead of police officers, traffic monitors would be in charge of conducting in-person traffic stops for minor traffic violations (for instance speeding, failure to maintain a lane, red light violations, etc.). Unlike police officers, traffic monitors would not be armed or vested with powers to detain, search, or arrest. The authority of traffic monitors would be limited to stopping vehicles for traffic violations, requesting documentation, and issuing traffic tickets. Their basic training would include violence prevention, verbal de-escalation tactics, and self-defense strategies. Traffic monitors would not be authorized to run criminal background checks and traffic agencies would not have access to such information.

Dr. Woods noted a key feature of a civilian traffic enforcement system is that newly created traffic agencies and traffic monitors would operate entirely separate from the police. Collaboration between traffic monitors and the police would only be allowed in very limited circumstances. For instance, traffic monitors could request police assistance only if necessary, when faced with a more serious driving offense (perhaps driving a stolen vehicle or driving while intoxicated). Traffic monitors could also request police assistance if during a traffic stop, they encounter a very limited subset of non-traffic crimes that involve violence or an imminent threat of violence against a person in a stopped vehicle (for instance, kidnapping or aggravated battery or assault).

Dr. Wood stated civilian traffic enforcement would have major benefits for reducing racial disparities in policing. This new system would dramatically reduce the extent to which people of color come into contact with the police through traffic enforcement. Police would no longer be able to use minor traffic violations as pretexts to stop people of color or peruse for evidence of non-traffic crime. In addition, stops for minor traffic violations would not escalate into unnecessary and unjustified police violence and killings of people of color. Simply put, civilian traffic enforcement brings the purpose of traffic stops back to being about traffic safety and traffic law enforcement.

Dr. Woods noted that other jurisdictions are already moving in the direction of civilian traffic enforcement in order to address recurring problems with injustices that stem from police-initiated traffic stops. Most notably, in July 2020, the City of Berkeley, California, voted in favor of a proposal to remove police from conducting traffic stops as part of a comprehensive plan to achieve structural police reform. The proposal directs the city to create a department of transportation staffed by unarmed civil servants who would be in charge of enforcing traffic laws instead. In several other localities, calls are growing for similar reforms that remove police from traffic enforcement in favor of non-police alternatives to enforce traffic laws.

Dr. Woods stated he realizes his time is limited, thanked all for their attention to these critical problems, and the opportunity to testify today. He offered to answer questions later on.

Mayor Willson thanked Dr. Woods for his comments and opened the floor to public comments and questions.

Public Testimony

A speaker noted that in the last several years they have seen a lot of attempts in a lot of departments nationally to make some specific changes in response to a lot of police violence that has occurred. Along with many of the policy changes that have been proposed, he was curious as to what modifications are being made to the general model for the use of force continuum. He asked Mr. Thompson to speak to the current training and how that might be modified in order to minimize the opportunity for things to devolve into unnecessary violence.

Mr. Thompson stated he thinks there are municipalities all over the country that are taking a hard look at their use of force policies and where things have not gone right in the past, there are two. One, holding officers accountable for misusing force has not happened as often as it needs to across the country. He thinks it is important to make sure that departments across the country have accountability and in-depth oversight over each and every use of force so not only is it documented but there is oversight at multiple levels within the department. And, depending on where you're at, it could be community oversight as well. Mr. Thompson explained that based on each incident, you recognize if there are policies or procedure problems, are there training issues, does this officer need to go, and partner with the community to make sure that officers who are misusing force are no longer officers. Mr. Thompson stated he also thinks one of the problems, as mentioned before, is culture since a lot of police training is all shoot and not a lot of decision making involved. That is from discerning the dispatch call on your arrival, teaching officers as they go through use of force processes, coupling that training with training that makes them use independent thought, makes them look for other options than using force, and along with training force, training de-escalation, empathy, and compassionate culture.

Mr. Thompson noted a lot of this sounds maybe far fetched if you are a police officer but he knows for a fact that by shifting culture and training methods, such as inside their hospital network where they reduced uses of force in the first year by about 150% in a network where there were 170 officers with only 20 uses of force and all of them minor during the course of an entire year. Mr. Thompson stated if you are training empathy, the culture of de-escalation, building relationships instead of going right to force options, which is what officers are trained in, there is a lot of training that needs to improve. He stated that everybody across the country is probably not addressing it effectively but he does think people are starting to address that issue.

Imam Dukuly asked Mr. Thompson if he agrees with everything in the resolution and if not, why not. He also asked if there is anything Mr. Thompson would recommend to be added to the resolution.

Mr. Thompson stated the first time he saw the resolution was when it was being read tonight. What he saw in the resolution was that it was very comprehensive so it would be difficult to go to each point now and say whether he agreed with each. But he can say that as a whole, what he saw was a very positive and courageous move forward for Brooklyn Center.

Mr. Thompson stated the only part he saw where there is some pause is that it is important to listen to all stakeholders involved, noting if civilians are making traffic stops, that is one of the most dangerous situations for police officers and he would talk through that one if that was the case to make sure that all precautions are in place to ensure the community responder and the citizen being stopped are safe. Mr. Thompson stated the rest of the resolution, from what he saw, looked good.

Mr. Thompson stated he didn't see anything in the Resolution about recruiting but thinks that is very important to be able to build a department that looks like your community. Mr. Thompson explained he is working with the new American community so the reason he had a hard stop is that right now, they are working with two men from Africa who are applying to the Police Academy. Mr. Thompson stated he thinks giving your community a bigger global perspective and understanding is also important.

Mayor Elliott stated the families of Daunte and Kobe wanted to speak this evening and invited them to do so.

Amity Dimock stated she is the mother of Kobe Heisler, the 21-year-old boy who was murdered in his home by a Brooklyn Center Police Officer in 2019, noting this measure is named after him and Daunte who was murdered recently by the same department just five blocks away. Ms. Dimock stated it is important we pass sweeping police reform at the State level, City level, and National level to note this has been going on for too long and the facts speak for themselves. She stated a lot of the subjects are Black and Brown and poor and mental health related and disability related people with violence on their bodies up to and including death. She stated she is here as a huge supporter of zero police response to mental health calls. She can promise that if Brooklyn Center had something like that in place when the police were called to that house, her son would be alive today. Ms. Dimock stated all the police did in that situation was escalate an already de-escalated situation and if you are one of the people who just listen to what the news says or reads the police narrative, it will say that they came in and deescalated a situation but it is impossible to deescalate a situation that's already deescalated and the only thing you can do is make it worse.

Ms. Dimock stated her son's case is just one of many and Travis Jordan is another well person check. She stated when people in the community are asking for our help, what we are supposed to do is give them help. We are all one community and we are not to go in and terrorize them and then murder them in their own home in front of their grandmother. Then instead of rendering aid at all, to put handcuffs on him after they murdered him. She stated that is beyond unacceptable and she is here and will be here and everywhere she can get her voice heard because the time for police reform was yesterday.

Ms. Dimock stated as far as people in power having information, Minnesota and all the elected officials have known that Minnesota has the second highest prevalence rate of people on the Autism Spectrum. She has said it before and will say it again, why is Minnesota not the second or best in knowing how to deal with people on the Autism Spectrum because if elected officials had done what they were supposed to do, which is to take the information they know they have and do the right thing with it, her son would be alive and so would Daunte. Ms. Dimock stated these ideas are not new or just coming up now. They are ideas and bills that we have been trying to pass for years upon years. This is just the first time that due to being able to watch George Floyd be

lynched, State sanctioned on TV for all of us to watch and now Daunte Wright, people are starting to pay attention but this is nothing new in attempts people have been trying to make. The one difference now is that people are actually paying attention, more than just the elected officials. Now the world is watching us whereas those of us trying to make the difference have been generally watching the rest of our nation pass all of these commonsense bills while we're pussy footing around, acting like this stuff can't get done.

Ms. Dimock stated she is controlling herself as she wants to yell and scream and cry and call people out but that will not solve anything. What is going to solve the problem is making these bold moves. She stated last year when they were able to get some watered-down bills in the 2020 session, they are not playing that game because they are talking about people's lives. She stated the small-time traffic things are a ripple effect on their lives because you get a charge and can't get an apartment. She stated we all know what's going on and the rest of the world is catching onto what's going on and that they're not making this up. There is a disparity and they are done, done, and will not accept it any more. She stated one of the first places to start it is in the law, in the prisons, in the ticketing, the people they are murdering, and the people they are stopping.

Break in transmission from 1:34-1:42 into the meeting.

Claudia stated she really wanted an answer to the question she had, when the police are going to be held responsible for their actions. She stated she appreciated Jordan's comments about the experience of Black folks in America for years.

Mr. Dukuly stated 55 years ago, the City was incorporated and the same laws cannot be implemented today. We need to make changes in the Charter, to read the Charter, and see what changes we can make. He stated what happened the other day, a major confrontation between the Mayor and the Police Chief and the City Manager is wrong because when there is a crisis in the City, you should come together and work together. We didn't see that and that is wrong so we need to change the Charter in Brooklyn Center to reflect the existing reality of today. He stated we came here to support the Council and the Mayor. He thanked the Mayor for taking a bold step, noting that not even the United States Congress is prepared to do this but the Mayor is prepared to do this. He stated we stand by you, support you today, support you tomorrow, and if they have to bring thousands to this Hall, they are prepared to do that. He stated this resolution must be passed.

Billy Jean VanKnight stated she is here because there were only 18 days last year that police didn't kill someone in the United States, only 18 days and up to 8 people per day, 120 of those were because of traffic stops and 97 were mental health. She stated those are the top two reasons that people died at police hands last year. She stated we can get rid of that or at least minimize it greatly, like the speaker said, they have data on it. Ms. VanKnight stated just think about it in your heart and what it would mean to you to be able to say, 'I saved that many lives and all I had to do was say you don't have to do as much work police. You don't have to stop everybody with a Brown face that you see. You don't have to stop people for taillights.' She stated there is no reason for that. Ms. VanKnight stated there are a lot of options on what we can do to make sure the community is safe and right now, having the police not stop people for minor traffic stops and having mental health be responded to by police is not okay as they are not trained for it. She stated if you ask any police officer, they will say they are not trained for it and they don't know all the

different things. Ms. VanKnight stated they will say all the time they are trained in de-escalation but if that was true, she thinks more people would be alive today.

Ms. VanKnight stated we have talked a lot about the dead but let's talk about the living too. She stated Black people's lives not only matter when they die but they matter all the time. So, the Racial Justice Network is doing work now with the Minneapolis City Attorney and the data found from traffic stops, people being charged basically illegally and signing off their rights, things that can get them deported, say a little bit of marijuana dropped on the floor in your car, people get charged with a petty misdemeanor for that even though you have to have at least 1.4 grams. They sign it without a lawyer and then their rights are gone and they lose their job and can be deported and all sorts of things. She stated there is so much we can do by just stopping traffic stops that we don't need to do because it is basically giving poor people an extra tax because whose taillight stays broken. If you are running around and have \$100,000 in the bank, you are not going to let your taillight stay broken because there is no reason for it.

Ms. VanKnight stated she wants everyone to think about who you are really impacting, not only the dead but the living by doing this and also saving people the stress of being pulled over. Ms. VanKnight stated she knows a lot of White people get stressed by being pulled over but Black people also have this traumatic thing that happens when they don't know if they will live or die. And, you can stop that even if the police only want to say, 'Man, you know, your taillight is out. Get that fixed.' But you don't know that when they come up to you and you are worried that your life is in danger. She encouraged the City Council to pass this because it will mean a lot to mainly the living because the dead can't do anything anymore, they are at peace, thank God. She stated we don't want more dead people so please, mental health is so important and we want people to be able to call somebody to get help for their friends and family, we want to be able to drive in peace without being harassed, and you can make a difference.

Jaylani Hussein offered a greeting of peace and blessings upon all. He acknowledged that we are now standing on Native American land that was stolen and this country has been built on a legacy of injustice but he personally believes in this country and the people of this country. In this moment, he wanted to also acknowledge not only the Mayor but the City Council and the steps take that have led to this moment, which is historic, important, powerful, and most importantly will never be forgotten. He stated we would not be having this conversation if they did not make those decisions literally two days after Daunte Wright was killed. To the public and rest of you, he has been wrestling with the question, 'Why was George Floyd killed in such a manner? Why did we see the death of Daunte Wright in such a manner?' He stated while they are no longer with us and we are here to stand for them and to stand for Kobe Heisler and all the names that many people don't know but exist across the State. He personally does not believe that God puts a burden on a community unless that community can bear it.

Mr. Hussein stated America's police have been killing Black people all over this country for far too long but the reality is that in this moment, he personally believes there is goodness in this community, noting Brooklyn Center is the most diverse community in the State of Minnesota. So, if you don't see that diversity, maybe you see it in this room, but you can walk around Brooklyn Center and it represents the future of this country. What we really need today from the Brooklyn Center Council and residents is two things. One, we need to listen to each other and specifically

listen to people of color and predominately Black men. The reason why is because for the longest time, the reality is that their experience is much different than many people. He stated he is a Black Muslim man in America and when he leaves the United States as a United States citizen, as he did this past February, when he returned and landed in Chicago's O'Hare Airport, he was not treated as a regular American. When he came back, he was in a line with the rest of the people, the border protection officer read his name, and took him to a back room for a secondary screening. Nothing about him being Black and Muslim. He stated that is not the only harassment we see from police. He sees it every single day at Care Minnesota where community members are visited by the FBI for no absolute reason.

Mr. Hussein stated he has grown up in this community, worked in Brooklyn Center, and remembers as a young person, growing up in Columbia Heights, where he was stopped not because of his taillight or expired tabs but because he was a Black man and he didn't even himself understand that. He still remembers when he saw them behind him, they would turn their lights on, and the only question they would ask is, 'Where are you going?' It is not even a traffic stop and he did not violate anything but was still stopped. He stated he internalized it as many of Black people do and started questioning his car, maybe it is the time of the day, maybe there is something, until it got to the point that his parents asked him to sell the car because they believed it was the car. He stated we all have and share those stories.

Mr. Hussein stated this resolution would be historic, just as we heard in Hennepin County, 'guilty, guilty, guilty.' He hopes in this City of Brooklyn Center that we can become the city that is actually the center for justice in this Country. He asked everyone to not belittle this action even though many of us know this is just the beginning because the City of Minneapolis did not do what Brooklyn Center did. They did not open a door for the community to have a Listening Session and they did not bring forth resolutions they can act upon immediately to reduce harm. He stated the residents of this City, the State and the Country will be grateful for you for moving us forward in a direction where, as others have said, it's really about saving lives. He noted we live in a society where we are addicted to violence from every corner, from the Federal government that spends more money in military than education and the welfare of its people. He stated the City of Brooklyn Center spends more of its money on police and not supporting the residents, which is an issue and culture we have to get rid of and it starts here.

Mr. Hussein stated the first of those core things is ending these stops and the reality is if we quantify these stops, they are stopping poor people. Only poor people have broken lights, cannot pay their license tabs, cannot pay their tickets. He stated he has seen that if you are a rich person and you didn't pay a speeding ticket, you will hire an attorney and get an easy way out of it but the rest of us get added to a system where they may even lose their driver's license. He stated the second point and what was heard from Amity and the Kobe Heisler family, 54% of all police involved shootings involve someone going through a mental health crisis. He noted that adding a trained person in mental health will not only save the lives of individuals but also save the lives of others in the community because in these situations, it's not just the individual that the police are killing, they are also killing neighbors and people around. He stated his heart breaks to the Kobe family to be in this position in this moment and also Daunte Wright's family.

Mr. Hussein stated this is something that is happening all over this Country and all over this State. He stated we ask today for the same courage that we saw displayed the moment when you realized the toughest decision to always make is to cut from the people you have been building a relationship with. For you to recognize the City Manager and Police Chief failed your community. That was not an easy 'ask.' He stated this is a skeleton framework and the details will be developed together as a community to make sure we are responsive to this. He stated no civilian person will catch people, it will be someone trained to be able to stop people who are violating some codes. He noted there are no police officers that go with guns drawn to collect property taxes but they do that for State registrations. He asked what type of society have we built for us to have that type of dangerous situation created when we all know they are pulling over people of color and all the studies show most of the stops against Black people are during the day because they can see who's inside.

Mr. Hussein stated he is one of many people and thanked all the people who came today as this is an historic day just to hear this resolution, which for them is the biggest win they have had in this State so far. He noted the State Legislators are still playing politics and just last week they removed qualified immunity from the bills and are already watering down no knock warrant bills among other things. He has hope in this City, City Council, Mayor, and the residents of this City to ask for change and that change sparks a transformative change across this State and Country. People in the history books will remember Brooklyn Center, not for what happened but what it did after what happened.

Mayor Elliott stated he wanted to recognize that the meeting started late and the City Council wants the opportunity for folks to come up and speak after the information was presented so the meeting will continue but folks can feel free to leave also.

Councilmember Graves thanked all for coming out tonight and to the presenters and Mayor for working on the resolution. She stated she will be leaving the meeting, noting she did not plan to be here, the City Council only heard about this meeting on Thursday, and she read the resolution and agenda yesterday along with the rest of the City Council. Councilmember Graves stated there is nothing in the resolution she is overtly opposed to but feels there needs to be time to work together as a community and an opportunity for the City Council to talk about it as well, which they have not yet done. She stated she looks forward to having an on-going discussion. She wished all a blessed rest of the weekend.

Councilmember Graves left the meeting at 6:02 p.m.

Johnathan McClellan, President of the Minnesota Justice Coalition, part of a collective of organizations that work with the families and community at the St. Paul Capitol and in Washington, D.C., stated he is a legislative and congressional advisor and also on the Race and Equity Council for Hennepin County and the Justice Committee Chair. Mr. McClellan stated their greatest failure will be to do nothing, knowing what we know. He clarified something stated earlier, this resolution does not have civilians making moving traffic stops. He stated the time is now for reform, our police departments must devolve, the time is now and you must take the side, the side of accountability, equality, and justice for all or the side of status quo, division, brutality, and privileges.

Mr. McClellan stated last summer he had the privilege to spend a day with Martin Luther King, III, the son of the late Dr. King, Jr., and his family. Martin Luther King, Jr., a civil rights icon who freely gave his life to teach the world that dreaming was possible and, in that moment and in our conversation, it was made clear that we cannot stop; we must keep pressing ahead. He stated there is no going back as the future is forward. Mr. McClellan stated the Minnesota Justice Coalition supports these measures and this resolution and support the City of Brooklyn Center. He asked the City Council to support it without reservation or delay.

John Montfortian, organizer with the Barbershop and Black Congregation Cooperative, organizing in Brooklyn Center and Brooklyn Park, stated they are fully in support of the resolution. He noted the current model of public safety that we have in this Country, State, and Brooklyn Center is much too narrow. It was too narrow to understand the value of the life of Kobe. It was too narrow to understand the value of the life of Daunte. It was too narrow to understand the value of the life of George Floyd, Brianna Taylor, Ahmaud Arbery, and Philandro Castile. It was much too narrow and has failed over and over again. He noted it failed the people who live right next to the police precinct who were terrorized and are still struggling and afraid. That is not public safety, that is a lack of safety, a created lack of safety. It failed the small business owners on the strip mall right next to the police precinct, many of who now are having to struggle to stay open. It failed employees who lost wages because of what took place because our current model of public safety is way too narrow. He is fully in support of this resolution because he does not want to feel this is too narrow of a public safety system for him or his friends or his family or his children. He stated he is tired of same old same old and asked how many times are we going to have to repeat atrocity after atrocity. He is fully in support of the resolution because it is a bold step into a future that many of us don't know will look like but it will probably look better than this. He stated history is at stake and Brooklyn Center and the people who live in Brooklyn Center are making that history. He asked the City Council to keep moving forward.

Kia Welch stated she lives in the 6640 building and wanted to discuss some key points. She agreed with John and is in support of the resolution and thankful something was put in place to help the police properly police the community, which is so important. She feels like we need a new department, a new model of public safety, something that stops the police from operating with impunity in our community because we are human and have families and children, just like everybody else. She stated we want safety like everybody else and she feels we don't have that.

Ms. Welch stated part of public safety is receiving economic justice due to the unrest that took place and the tenants who live across the street from the police station are still recovering. She stated they felt abandoned, unheard, and something needs to be put in place, a type of precaution because what if this happens again because there is a court hearing on May 17. She asked what is in place for them who have already dealt with the unrest, who will protect them and their children.

Ms. Welch stated the resolution is awesome and she appreciates it because it is a first step but there are many more to go, which is what she wants to emphasize today. She hopes she was transparent as they are looking for the City to step up and say this is the first step and there are many more, we see there is an issue, and this is how we're going to resolve it.

Ashley Long stated she lives in Brooklyn Center and is very fearful of the police and their actions. She is scared to go on walks because she thinks what happened to Kobe Heisler and how that could have been her as she has an anxiety disorder and PTSD and because of her mental health disorders, can act in ways that make other people feel uncomfortable or feel like their life is endangered. She stated at those times, she does not need police officers to attack her and put her in handcuffs. She needs someone there to calm her down and make her feel like she is safe. Ms. Long stated for police officers, she feels that if they can't control themselves in stressful situations or feel like their life is endangered when they pull somebody over, then that should not be their job. Their job is to protect people not murder them. She stated police officers definitely need more training. Ms. Long stated she saw a post on Facebook and it said, 'Your skin color isn't blue, you wear blue, you signed up to wear blue, you get paid to wear blue, and when you go home at night you get to take off the blue, think about that, Black lives matter.' Ms. Long stated she completely agrees.

Kianna Williams stated she has been working with some community leaders with events and organizing things and wasn't prepared to speak but thought she could say some things. She is 22 years old, a nursing student with a minor in Autism Spectrum, and has worked with many individuals who have gone through mental health crises who are on the Autism Spectrum. She asked how can someone who is 22 years old be taught how to deescalate a situation, calm someone down to the point where they can communicate what is causing them to have this crisis, but a police officer who is supposed to serve and protect our community cannot use this de-escalation tactic. She stated it is hard to see the justification of Kobe Heisler and Travis Jordan who were having a mental health crisis.

Mark Allen stated he voted for the Mayor once and does not always agree with him, has had conversations with him, but in this case the resolution is a good start. He made notes on some things that need a little more attention, which Mr. Thompson also touched on that need some additional clarification, but it is definitely a good start. Mr. Allen stated like others have said, we are at a better place than our fellow City of Minneapolis in similar regard. He extended his heart out to their family because he also has Autism in his family as well as the Daunte Wright family. He stated he looks forward to moving on to a more healing part of this process, get beyond it, and be a light for other communities to see around the Country in how they have done things here in Brooklyn Center.

A speaker offered a greeting in Islam and commended the Mayor for bringing this new resolution, noting it is important to recognize that although it is a new step towards something different that might work, it will never bring back Daunte Wright, Kobe Heisler, or take away the pain and grief these families are feeling. She stated the City Council has an opportunity to make a difference in an historic moment that is sad to be a part of and if there is any humanity left in elected officials, in all of you, then you'll recognize what we have right now. The Brooklyn Center Police Department has been alive for 68 years and it has not worked. It does not serve the community and this is your moment to recognize that. She stated it should not take all of these people to come, share their grief, share their stories, and tell you to please help us. It should not have to take that especially year after year when you knock on their doors and say you are going to do something different. She stated to the City Council that this is your moment to do something different and pass this resolution and listen to your Mayor.

Randy Christensen, Brooklyn Center resident who was born in Minneapolis and came to Brooklyn Center 55 years ago, stated he has disagreed with the Mayor on a ton of things but today it is not about that. He stated the shortness of this, in trying to read through it, by in large he loves what is going on with it and there is a lot of great stuff in it that we need to support and there is no problem there. But there are some things that are of concern from a couple of different standpoints and he would like the opportunity to at least work through those things. Mr. Christensen thought that acting on something this fast is not in the best interest, though he understands striking while the iron is hot, it is important to get it done soon, but this is too soon today for this vote. He believes this should be voted on and 95% is going to be what is needed to move us forward. He is not disagreeing with this in whole but is saying let's hold on the vote because there are a couple of things that need to be talked about. Mr. Christensen stated he appreciates taking a breath and saying let's get this going but let's make sure we are doing it right because he does not want to miss something else that will do harm somewhere else in the community and costing too much money because we can't afford it. He wants to make sure it is being done correctly.

Ishmael Dorray stated as a Black man living in America, like all Black men in America, he wants the right to be able to go to the store and make it back home. He stated he believes everybody should have that right, all of our youth. He thanked the Mayor for taking such courage in introducing this resolution because this is what it looks like when you have an elected official who is a leader and works to solve the community's problems. He thanked Mayor Elliott.

CJ Jessup, Executive Director of Second Chance Project, greeted everyone and stated he wants to be mindful and careful of the words that come out of his mouth and today he speaks for himself. He stated the last time you heard him speak, he spoke on accountability and it is good to see that conversation didn't fall on deaf ears because being part of the proposed resolution today shows him that some individuals are holding themselves also accountable and making real life changes.

Mr. Jessup stated he is all about healing and wants to announce that this coming Wednesday, May 12, from 2-7 p.m., there will be a Heal the City event to show the world about Brooklyn Center strong. They will show everybody that we can collaborate, come together in spite of our differences, and will make this work.

Mr. Jessup stated he believes this resolution is not the entire answer but is a start that with repeated conversations will continue to grow with hopes that many more will join and follow and we can begin the healing process of what we have been facing for far too long. He stated his heart and prayers and condolences go out to Kobe and his family, to the family of Daunte Wright, and to all the individuals who lost their lives by the hands of people that were sworn to protect and serve. However, we can all heal from this and move together. CJ stated he believes in his heart, as a personal opinion, that as long as we hold onto this anger, that it will continue to put us back so he decided that his part in this change is to create the Second Chance Project movement and the Heal the City movement because he believes the folks in this room, folks who are watching, and those who surround us, know how to come together and show uniformity, and represent Brooklyn Center strong.

Mr. Jessup repeated the Heal the City dates and encouraged folks to check their website at www.SecondChanceProjectMinnesota.org and see the event information that will occur including

a trust circle because that is where we have to start, with trusting each other in spite of our differences. CJ stated in spite of what he may believe, what you may believe, at the end of the day it's all about the work we do so each one can wake up and go to sleep safely and soundly in our own communities. He stated his thanks and God bless everybody.

Lori Bordahl stated she is 100% in favor of the resolution and feels like it should have been done yesterday. She stated it is something the community has been talking about for a very long time and were hoping to push something through before the murder of Daunte Wright. She is still grieving the loss with Amity and her children. She stated people should not have to live in fear of the police who are supposed to be protecting us. To the City Council, she stated she has seen the comments on this event and within the community, mainly from the White community about the cost of something like this. She stated it should not have to come down to cost when this is your child and if you felt this could happen to your own family, your child, your cousin, your brother, you would have empathy with what our Black and Brown people are going through. In addition to that, we pay 40% of our tax money to the Police Department so we do have the money to make this happen. She noted that with groups like CAHOOTS, it's been proven that it actually saves us money. If you want to look at the cost factor it will be saving us money in lawsuits alone that is costing us. She stated the Brooklyn Center Police Department is costing us money and costing the community our lives. She asked the City Council to deeply take that into consideration when passing this resolution as it is very important and she feels it needs to be done yesterday.

Mayor Elliott invited Council Members to say a few words before this Listening Session is closed.

City Council Member Comments

Councilmember Butler greeted everyone and thanked them for being here today. She offered her sincere condolences to the families that are here today and Daunte Wright's family who could not be with us. She stated like many in this room who have already testified, she too has seen and experienced things happening that should not have happened and trauma that should not have taken place. From a young child, her father was a Hennepin County social worker, a D.C. police officer, a respected person in the community yet having an interaction with the Minneapolis police and with children in the car. So, as a young person, she remembers hearing that story and nothing was done to rectify the situation even though they were in the wrong. She stated on the University of Minnesota campus, sitting on the passenger side of the car, her boyfriend and now husband, was pulled over while wearing the word 'Alpha' on his chest, which is a fraternity, and University of Minnesota plates on his car so clearly, he was a student. But when pulled over, he was asked for his license because he didn't look old enough to drive. Luckily, they left that situation unscathed but the trauma is still there.

Councilmember Butler stated three weeks before Daunte Wright was murdered, about four complaints came to her inbox, either phone or voice mail, from Black men that had been profiled by our police officers and one was from her brother. She stated because of the platform she has, she was able to call a meeting right away to get to the bottom of what was going on. In that moment, he said he feared for his life. Unfortunately, those fears were dismissed by the former Chief and three weeks later we all saw what happened. She stated she understands the hesitation around passing a resolution like this and understands that a lot of the community does not share in the trauma that, unfortunately, many of us Black and Brown people have had to experience.

Councilmember Butler stated we have lost two people's lives within a year at the hands of our police officers so while yes, we have been inconvenienced with extra meetings and extra phone calls and e-mails, but two families don't have their sons. She stated she is operating these days on very limited sleep and time with her family because the urgency is right now. We don't have time to wait around for something else to happen. With George Floyd's murder in June, she immediately, within a week or two, tried to pass some police reform but we didn't have the urgency to get it done. We passed a few things but didn't have the urgency that maybe could have saved Daunte Wright's life.

Councilmember Butler stated she is tired of waiting and almost didn't run for reelection because it takes up a lot of time and for those who don't know, it's a 'part-time' job. She is a co-leader of a department with 30 people in her full-time job, she's a mom, a wife, and does not have a lot of time, but something was calling her to run again and she is glad she did.

Councilmember Butler stated these last three weeks have not been easy on any of us or the community, but if we have the opportunity now to make a difference and try to lessen the trauma our community continues to experience, to save another person's life, we have to do it. She was prepared to move the resolution today, but one of the Councilmembers has left so it's her suggestion we wait to take the vote once we have a full Council. She believes the City Council has to recess the meeting, propose a new date, and hopefully next Saturday works or a date next week when the full City Council can be present so they can take a vote on the resolution. Councilmember Butler again thanked all for being here and for their time.

Councilmember Lawrence-Anderson thanked all for being here and those who are staying late as this is a very important meeting. She noted that as Councilmember Butler said, the City Council is not going to make a decision this evening but there is a regularly scheduled meeting on Monday. She stated this is a very serious topic and it needs to be thoroughly looked. The City Council just received this resolution so she has not had time to really dig deep into it and look into it. Councilmember Lawrence-Anderson stated certainly we do need change but we need to make sure we make all the right changes, at least to the best of our ability, so we definitely will be looking into this when we have a full City Council available to vote. She again stated her appreciation to everyone for coming and delving into this.

Councilmember Ryan introduced himself and stated he has lived all of his life in Brooklyn Center and this is his 15th year of service on the City Council. He thanked each and every one for being here, for sharing, and for staying late. He stated his heart goes out to the families who have suffered this terrible loss, which is a tragedy and it grieves him deeply to hear that anyone in his community that he serves lives in fear. He stated it is not enough to look at statistics that say certain activities in certain places in certain neighborhoods, that people are statistically safe. That is not good enough and he does not want people to live in fear.

Councilmember Ryan stated he learned a great deal from his brother-in-law who married his wife's sister 22 years ago. When they first visited his home in Brooklyn Center, his brother-in-law offered to give him a hand with a little project so they went to Sears to get some things. He was getting the hardware stuff and they were about ready to go and he couldn't understand why his brother-

in-law was so angry so he said, 'Clark, what's the matter man?' His brother-in-law said, 'I hate going into stores because detectives are always following me around just because I'm Black.' Councilmember Ryan stated it had not been his experience, obviously, as he won't be mistaken for someone who's Black.

Councilmember Ryan stated that's just so wrong, what we're discussing here tonight is of profound importance, and he is trying to bring the whole community together on this. He stated he hears extreme views here, or other extreme views over there, but when you try to be a bridge, you shouldn't be surprised if you're walked over. But that doesn't bother him as he's not important, the people he serves are important and the job is important so he wants to do right by everybody. Councilmember Ryan stated he thinks people with good will, with good hearts, and good minds will find that we will disagree on things but the reason we have a democracy and why people can express their views and opinions is part of the democratic process. That is how we can settle our differences and come together.

Councilmember Ryan stated he has great hope that we can build something better through this process. He stated his agreement with Councilmember Butler that we should do that when the City Council is all together. Also, he had only seen this resolution very late the day before yesterday. He noted that Mr. Thompson just saw it, he had a lifetime of public safety, is a veteran police officer, and indicated he needed to look at it more thoroughly. Councilmember Ryan agreed that is what the City Council ought to do, but without delay. Councilmember Ryan again thanked each and every one for being here, for sharing, to help him open his heart to yours.

Amity Dimock stated she's just going to be honest right now, it seems like the only people who feel like we should sit and wait, surprisingly, are White folks. People who think that the time is not now, the people who think that we need more time, there's always an excuse and there's always a reason why this stuff can't get passed. She stated pass it and figure out the kinks later on, don't make any more excuses because these are people's lives. She wished she had the power to put you in my shoes or Katie Wright's shoes or any of the other 470 murders in the State of Minnesota in the last 20 years alone. She stated at this point, she is not asking, she is demanding the change. She is not sure why one of the Council Members left but she is demanding a one-week answer to this question being posed to you and, quite honestly, there is only one right answer and that is to pass the resolution.

Ms. Dimock stated she does not want to have to be doing this time and time again and as she mentioned earlier, this is not the first time this stuff has been brought up. She felt there is a certain group of people that always seem to come up with the reasons why it can't be heard or why it can't be passed, some little this or some little that. She understands the City Council needs a little time to look at it but all the testifiers are saying, and the facts from other cities are showing, that it works so what more do you need.

A speaker stated they have come to the City Council many times and she would just hope that after all of this looking at the details of the resolution, there would be a commitment from the City Council that at the end of the day, this is something and an opportunity of a lifetime to make a change for generations. He encouraged the City Council to not lose that and stated he hopes what happened in this City, that Brooklyn Center will be taking the first step in the Nation, and do not

lose that opportunity. He stated he had mentioned before that Brooklyn Center is a city unlike any other city because this is the only City that is so diverse where all people live together. That is the opportunity for the City Council to set a great example to the whole Country, and he encouraged the City Council to not lose that. He stated he hopes to secure a commitment from the City Council, noting they have the right to look at it but, by the way, all the resolution is doing is creating an opportunity to set up a committee. The committee will then do some studies and come back with a recommendation that the City Council will actually act upon. He agreed we want to do these things and that is what the resolution is about. Then, within the resolution, there is a committee that the City Council will set up so he hopes he can get a commitment from the City Council. He stated the City Council has always been there so he has no reason to doubt them and, hopefully, maybe Monday, the City Council can pass on this.

Mayor Elliott thanked all for being here today and taking time to come as it is very important for them to be with us, noting this has impacted our community more than any other issue that the City has ever encountered before.

Mayor Elliott stated the City Council has heard today that there is really deep hurt in our community over the kind of tragic deaths that have been experienced, killings in our community. We have also heard from experts about the proposed resolution and that the components are going to save lives and add more tools to our tool box to more appropriately respond when members of our community are in grave need.

Mayor Elliott stated he is so impatient and his City Council Members know that. He wants this solved, really, last year, and he has no more time to wait or to debate or to discuss. He knows there are experts in this area and has discovered what works around the Country and yes, there are going to be financial and other considerations but this needs to be worked out as a community once they pass the resolution. Then the recommendations of the committee will come back before the City Council before acting to create these new visions or departments and the work that will be done. But this sets us solidly on the path to change.

Mayor Elliott stated to his City Council Members, he really does appreciate all the work they do together and is confident they will all land somewhere that's going to support what is in this resolution. He is confident of it and just wants to get to work before there's another killing in our City. Mayor Elliott stated if his math is correct, and Amity can correct him, there were 18-20 months from when Kobe was killed and Daunte was killed. Statistically, it is every 18 months. He noted this work is going to take a year, or more, to actually implement. Statistically, if they don't get to work right now, we will have another killing before this all gets implemented.

Mayor Elliott stated he is ready to pull an all nightery with all of us if we need to, noting he has already had to work 18-19 hours a day during this crisis but is willing to pull an all nightery or whatever we need to do, get into a room, talk to more experts, talk about the details of the resolution, get our staff involved, or whatever is needed, even spending five hours in this room. He stated he will do whatever it takes to get to the point the City Council can pass this resolution, and we need to do it as if there were an emergency and people are at the Police Department protesting again. There needs to be that level of urgency. He asked the City Council about

committing to coming back tomorrow and working on this since it cannot afford to have the same process as every other item in the City.

Mayor Elliott stated Councilmember Lawrence-Anderson will not be available some parts of next week. He noted he had heard someone ask about moving on this on Monday and he wants to move on it on Monday. But he also wants to make sure the Council Members have enough time to look through it and get their questions answered to feel comfortable. He noted Amity asked the City Council for a week. He stated he is willing and hopes the City Council is willing, to commit to one week. He noted the City Attorney has indicated he thinks that is doable. Mayor Elliott stated he doesn't want to put the City Council on the spot but this is really urgent and staff can be lined up, the City Council can go through it, and take action on it.

Mayor Elliott stated he will continue this meeting to next Saturday at 3 p.m. so another special meeting does not need to be called but it is really possible that before then, the City Council can get together, look through it, make some hard decisions between now and then, and are ready to roll. He restated there is a fierce urgency as of now and the City Council should not be waiting too long.

4. RECESS TO SATURDAY, MAY 22, 2021

Mayor Elliott stated hopefully, before then, the City Council will get all of their questions asked, telephone calls made, experts talked to, staff and City Attorney talked to, and get this done. He noted this is just a framework and the other analysis about budget impacts, how much things are going to cost, where the money will come from, will be asked by the Implementation Committee and then it will be brought back to the City Council for anything to be acted upon. He noted in a way, approving the resolution is just approving the process to get started so it is not that scary.

Mayor Elliott restated that Councilmember Lawrence-Anderson won't be available to attend but could attend virtually if she chooses to do so. Councilmember Lawrence-Anderson indicated she would be available to attend virtually.

Mayor Elliott stated staff will get working on this and the City Council will be ready for a vote by then. He stated Brooklyn Center, in his vision, is the best place to live in the State of Minnesota and that is what we are working for based on all the indicators whether housing and education, though we are currently far off. But in his vision, anybody who moves and lives in Brooklyn Center, whether White or Black, or if you built your home here, this will be the absolute best place for you to live, hands down, by any single measure. That is our vision and this resolution is a start to making sure that public safety is guaranteed here in Brooklyn Center for everybody. Mayor Elliott again thanked all for attending.

At 6:53 p.m., Mayor Elliott declared the special session meeting continued to Saturday, May 22, 2021, at 3 p.m. in this same room.

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

STUDY SESSION
MAY 10, 2021

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Mike Elliott at 6:00 p.m. The meeting was conducted via Webex.

ROLL CALL

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

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Mayor Elliott asked staff if the City Clerk was updated on the Work Session agenda items. Acting City Manager Reggie Edwards stated they have not spoken and would leave it up to the City Council whether to amend the Work Session agenda during the Regular City Council meeting.

Councilmember Graves asked what was the change. Mayor Elliott explained the proposal for 6640 James Circle is already on the Work Session agenda but he wants to add discussion on the resolution.

Dr. Edwards stated that would mean discussion on the Council Policy Governing Commission Appointments would come off and the Native Lawns and Bee-Friendly Gardens item will be moved to the next Work Session agenda. The Concept Development Proposal for 6440 James Circle (The Former Earle Brown Bowl) would remain on the Work Session agenda.

Mayor Elliott asked if any cases are coming before the Planning Commission. Dr. Edwards explained the Planning Commission has been unable to meet due to lack of members to have a quorum.

Councilmember Graves asked if there are more openings on the Planning Commission. Mayor Elliott answered in the affirmative and said he would be making an appointment tonight.

City Clerk Barb Suci noted that item is not on the regular City Council agenda so it will be added as Item 10c. The City Council concurred.

MISCELLANEOUS

Mayor Elliot asked the City Council if there were any Miscellaneous items.

No topics were offered.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

A CONCEPT DEVELOPMENT PROPOSAL FOR 6440 JAMES CIRCLE (THE FORMER EARLE BROWN BOWL)

Dr. Edwards recommended the City Council first consider the resolution item since presenters for the 6440 James Circle agenda item are not yet present as they anticipated this discussion would occur later in the evening.

Mayor Elliott stated the City Council will then move to discussion of the proposed resolution.

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

Mayor Elliott thanked the City Council for their work and extra amount of time each has put into meetings to address this tragedy. He looks forward to continuing the discussion around the resolution and how to move forward to bring the community together. Mayor Elliott explained the resolution he introduced on Saturday can be discussed tonight for the Council Members to provide their thoughts in how to proceed and then an expert who helped Joe Wood is available to answer questions.

Councilmember Ryan stated he had requested an opinion and thorough evaluation of the resolution by the City Attorney as it pertains to State law, the City's Charter, and procedures. Dr. Edwards stated the City Attorney was investigating that but may not be prepared today to provide a full assessment.

City Attorney Troy Gilchrist stated he has been reviewing the resolution and met today with the Assistant City Manager and Mr. Pendergrass who put it together to make sure he understood the components. As far as a full analysis, he anticipated he would be further along than he currently is. Mr. Gilchrist stated Dr. Edwards was instrumental in suggesting edits so the resolution relates to Brooklyn Center. The intent is to get those edits completed and thoroughly reviewed against the Charter to assure there are no concerns. He stated as to now, he has not seen any major conflict with the Charter but the intent is to have a revised resolution for consideration by the City Council this coming weekend with the edits done tomorrow and distributed to the City Council for review. He offered to answer specific questions.

Councilmember Ryan stated then the discussion would be somewhat premature without that analysis from the City Attorney. He stated he has some questions the City Attorney may be able to answer about some gray areas where creation of another department over the Police Department, Fire Department, and the two new proposed departments would be congruent with the City Manager's authority over those departments under our Charter. He would like the City Attorney's thought in that regard. Councilmember Ryan noted there is also a Policy Committee to be appointed that would engage in contract negotiations with police unions, which is under the

authority of the City Manager. He stated he has other concerns as well including the procedure pursued which circumvented the City Council's usual order of business in the interest of imposing a deadline to pressure the City Council. Councilmember Ryan stated he takes extreme exception to that and hopes other Council Members have shared that concern.

Mr. Gilchrist stated part of the conversation he had with Dr. Edwards and the Mayor this afternoon was recognizing that if the City Council is inclined to adopt this resolution, this is starting a process that is going to take time and, frankly, will need study and analysis and implementation to work the bugs out in how this will actually work within the City. He stated a lot of that work will lay ahead once the City acts on this. He stated he certainly does not have answers to all the implementation pieces as that is the process that will come next. Mr. Gilchrist stated that is what they talked about today. As to the question regarding the creation of departments over the other departments and how that interacts with the City Manager's authority, that is one of the fine-tuning pieces as there is no doubt the Charter makes the City Manager the administrator chief and person in control of the City's Administration. Any structure for a new department like that would have to fall within that framework. Mr. Gilchrist stated it would be another layer, essentially, between the heads of those individual departments and the City Manager's position. Those are the sorts of things that would have to be structured in the fine tuning during the implementation stage in a way that absolutely is consistent with the Charter. Mr. Gilchrist stated when he first read the resolution, he made the point to the Mayor that the City has to make sure the resolution is implemented in a way that is consistent with the Charter because otherwise it will be subject to challenge if it is contrary to the City's operational documents.

Mr. Gilchrist stated as far as contract negotiations, that is another implementation piece that he talked to Dr. Edwards about today. Dr. Edwards had raised some issues about how he would interact with that committee so it has meaningful input but everyone in that conversation recognized that it is impractical to attempt to negotiate a contract by committee as that simply will not work. Mr. Gilchrist stated this is also part of what Dr. Edwards had suggested be amended in the resolution to make it a practical piece with transparency and input but does not grind that process to a halt or make it impractical to negotiate a contract.

Mr. Gilchrist stated what will be particularly valuable is that this is still a work in progress, he has work to do on this, so to the extend the City Council has any particular concerns or questions or recommendations, they can send them to him or Dr. Edwards between now and Wednesday so it can be reflected in the resolution for consideration by the City Council on Saturday.

Councilmember Ryan stated he is very interested in having mental health professionals accompany police officers on calls in the interest of reducing bad outcomes where police officers find themselves interacting with people in mental health crisis. But this is an iterative process that is not defined by this resolution to address many important concerns based on data. He noted many ideas in the resolution are certainly aspirational but ideas and aspirations are not a plan and Brooklyn Center needs a plan. Councilmember Ryan stated he is very concerned and not completely happy with the process pursued so far to impose deadlines when looking at some very major structural reforms and defining new goals. He favors change done the right way but change done in haste can lead to less than favorable outcomes.

Councilmember Graves stated she shares some of Councilmember Ryan's concerns. She went on a walk with Mayor Elliott on Thursday and the Mayor told her he was drafting this resolution and might be discussing it with some experts on Saturday. But she did not realize that meant there would be presentation and hearing from the community with no chance to discuss it as Council Members. Councilmember Graves stated she felt it was being moved towards voting by some of the Mayor's language and knew the meeting was over, there was nothing on the agenda that included a discussion by the City Council or input from staff, and the City Council had just gotten the resolution language the day before.

Councilmember Graves referenced the last WHEREAS stating in part: '...this Resolution affirms our commitment to an intentional, inclusive collaborative process that involves City leadership and the community working together to fully implement the intent of this Resolution.' She noted the Mayor did not really work with an inclusive and collaborative process with the City leadership to create it or to even give them a chance to discuss it. Councilmember Graves stated she definitely feels like that is not fair to the City Council or staff. She stated maybe Councilmember Butler was able to get a resolution before the rest of staff and City Council, she is not sure, but she did not see it until Friday and that is the same day the press also received it, or maybe they got it the day before. Councilmember Graves stated it seemed unfair, not inclusive, intentional, or collaborative of everybody or the stakeholders at all. She stated that upset her and she does not like to feel like the only way to be supportive of police reform and justice is to do what the Mayor says today, when she hasn't had a chance to even discuss it with her other Council Members or to ask staff for their input and they are the implementors so their opinion matters as well.

Councilmember Graves stated she definitely wants more information on the idea behind a Civilian Traffic Enforcement Department and what that would look like because it is a newer idea that she hasn't learned that much about. Also, one expert invited to the presentation expressed concerns about that particular item and how it would work in implementation.

Councilmember Graves referenced the fourth RESOLVED stating, in part: '...creating a Community Safety and Violence Prevention Committee, to be chaired by the Director of the Department of Community Safety and Violence Prevention or a designee until hiring...' She stated she does not have a problem with making sure the people within that community who have experience with law enforcement in one way or another, but there needs to be others involved too. She noted from her own experience with the Office of Violence Prevention within the City of Minneapolis, there are some specific roles filled within the Steering Committee that needs to be very intentional about how many people, what roles will they be (volunteers), costs, and are they City employees or just representatives from several different stakeholder groups. Councilmember Graves stated there are a lot of things within this wording, she is not sure how it looks, and the City staff, community, and City Council should have input into that as well.

Councilmember Graves referenced the fifth RESOLVED stating, in part: '...more appropriately regulate the use of force by its armed law enforcement officers including appropriate changes in ordinances, practices or policies requiring de-escalation, exhaustion of reasonable alternatives before using deadly force, prohibitions on using deadly force in certain situations including firing upon moving vehicles, prohibiting certain issues of force or other policing tactics during First Amendment protests and assemblies, and similar policies...' She stated the question for her on

that one has nothing to do with whether she thinks it should be a policy. The question is, don't we already have several of those policies in Code already within the ordinance and if so, then it is more an issue of accountability and making sure police officers are held accountable to the policies the City already has in place. Councilmember Graves stated the City Council received the weekly update today, which included a link to the request she made to other minutes when the City Council was discussing law enforcement over the last year or so. She just received that information several minutes ago and not been able to read through it but she will and is sure the City has some information on specific policy recommendations mentioned within that fifth RESOLVED. Councilmember Graves stated to her the question is, if these things are already in place, then how is it being implemented and how are our police officers being held accountable to it. To her, the gap isn't necessarily that there isn't a policy that already is in place, the gap is in accountability and implementation. She would like more information around those specific recommendations within that RESOLVED and also how that is actually being implemented by our Police Department and staff and how police officers are held accountable should they violate those particular policies.

Councilmember Graves referenced the sixth RESOLVED stating in theory she likes the idea of citation and summons as a way of moving forward for non-moving traffic violations and non-felony offenses or non-felony warrants. But she wants to learn more about it and figure out how that would work in our City and what are the intentional consequences and unintentional consequences of implementing that so it can be weighed and mitigated should the City Council vote to approve it.

Councilmember Graves referenced the seventh RESOLVED about creating a Community Safety and Violence Prevention Implementation Committee. She noted Councilmember Ryan was already speaking to this one which says, in part: '... including residents from Brooklyn Center and other local, state, and national experts in public health-oriented approaches to community safety, as appointed by the Mayor, that will draft any and all amendments, ordinances, resolutions, policies, guidelines, or other recommendations for the review, adoption and/or implementation by City Council or City staff, as appropriate, that would fully implement the will and intent of City Council as expressed in this Resolution.' Councilmember Graves she is confused about that Committee and how it would be created, noting it says 'as appointed by the Mayor' but how does that recruitment process happen, how will those people be identified, and will the City Council be able to vote on the appointments the Mayor wants to make, as they do with other Commissions. She stated she wants to understand the process of putting that Committee together. In general, she thinks having a Committee to help inform the process of this work that is made up of residents and experts from Brooklyn Center and other local, state and national experts in these types of approaches would be really helpful through this process.

Councilmember Graves referenced the ninth RESOLVED stating, in part: '...the City Attorney, City Manager, and Chief of Police, and other City personnel will provide all necessary assistance and support to all committees created pursuant to this Resolution, including by supplying the committees with any and all needed data...budgetary, staffing, or other information, and assisting with the crafting of amendments, ordinances, or policies as requested by Implementation Committee.' She stated she does not disagree with any of that but is wondering if any money they ask for is just a given and staff and the City Attorney have to make that happen without any input

from the rest of the City Council or community. To her, some of the statements were sweeping and broad and while she is not against it at first glance, she definitely felt more specifics needed to be addressed. Councilmember Graves stated some may be addressed through the implementation process but she does not want to vote on something she does not understand completely and having this discussion is absolutely essential and also getting feedback from City staff and the City Attorney as it pertains specifically to Brooklyn Center.

Mayor Elliott stated as he began the meeting, he will admit that in his haste and impatience to see that we stand on some things to address these rather impractical problems, in his zeal to respond to this moment, he may have fumbled and moved too fast. He wants to assure we are allowing enough time to go through the process and obviously include City Council and staff input to work together on this resolution. Mayor Elliott stated he appreciates the questions being asked, which are all important. Overall, he thinks the resolution was supposed to be broad enough to allow room for the Implementation Committee to work out the finer details and certainly put in more specific language around things on the funding as well. He explained the whole spirit and intent is to allow time for that and we want to make sure that we're doing something here that is really going to help our community move forward and set us on a path to being a leader in this.

Councilmember Butler stated we should keep in mind this is a road map and the biggest thing she took away from the meeting on Saturday with the experts was to have all stakeholders at the table to create what it will be in terms of implementation. She does not have a problem with needing more time to discuss and work together to figure out the different pieces but does not want us to wait and delay for months. Councilmember Butler stated there are things the City Council has been working on since a year ago and they got a few things done but stopped. She thinks the City Council needs to keep in mind that we don't have time for something else to happen before making a decision. Councilmember Butler stated the City Council needs to keep this in mind and as a high priority to work through and get a framework created, pull together all stakeholders, and start on implementation.

Councilmember Graves stated she does not want anyone to think her intention is to delay important work that is past time to be done. But buy in on this type of thing, especially from the most impacted stakeholders including people who will be implementing it, is absolutely important. She stated we need to all be on same page on intent with the resolution and next steps towards implementation. That is what she is looking for, not delay at all. Councilmember Graves stated she cares about these issues as well, has been affected by police discrimination and bias personally and by family members who have been subject to discrimination from police officers, so it is not her intention to delay. Councilmember Graves stated she agrees this is of the utmost importance and way past time not only in Brooklyn Center but on a much larger level. She thinks part of this work needs to leverage other campaigns at the State and National level as well. Councilmember Graves stated she received an e-mailed petition from Congresswoman Omar asking for signatures to expand the Department of Justice probe beyond Minneapolis, which she intends to sign. She also remembers something about the bill at the State level removing the qualified immunity portion of the bill, which she believes is essential to police accountability. Councilmember Graves stated she is not saying we don't need to keep moving forward on this work, but we need to be very careful in both how we implement locally as well as how that relates to the State and National initiatives for police reform.

Councilmember Lawrence-Anderson stated she is listening and hearing the comments.

Councilmember Ryan asked Councilmember Graves to share her professional role with the City of Minneapolis, which gives her so much credibility, noting the City Council could benefit from her expertise.

Councilmember Graves stated she has been working for the Minneapolis Health Department's Office of Violence Prevention, which was created in 2018, in direct response to both the community violence happening (people shooting one another) as well as issues related to police inability to connect with community on a respectful and cultural level. Her work specifically deals with youth violence prevention, practices to prevent violence before it happens, and intervention, as well, after violence has happened that is around restoration. Councilmember Graves explained there are several different initiatives in the Office of Violence Prevention, preventative level programs, intervention level programs that give support to victims of violence and their families to prevent retaliation, as well as Project Life which specifically targets people within the community who are most engaged in violent crime. She stated a lot of this work does involve some cooperation with the police departments to get off the ground.

Councilmember Graves stated she works primarily with prevention so not as much with the police as far as identifying who could use the most resources. She stated there are plenty of people who think these programs don't work at all but her experience and the data she has seen being part of violence prevention show it does work. Violence interrupters who are in the community can be the first line of defense and the police don't need to be called, they don't need to de-escalate, the interrupters are from the community, have the cultural competence to connect with people, and may have been part of that life at one time.

Councilmember Graves stated there are several other initiatives such as Next Step that shows up at the Hennepin County Medical Center, North Memorial Hospital, and a Medina hospital to provide case management, trauma informed care, resources to the victims of violence, and connections for their families for counseling to try to prevent retaliation. There are also organizations that do violence prevention work in the community who are trained in best practices, how to write a grant, build a logic model, and help with evaluations of their programs so it can be expanded out into the community and it is not just the City doing the work, the community does the work themselves.

Councilmember Graves stated that is a brief rundown of her work and she would be happy to explain more. She encouraged the City Council to check the CDC website's Veto Violence that has many technical packages that talk about ways to prevent violence and different programs that are evidence based and can be used in the community.

Mayor Elliott thanked Councilmember Graves for her input, noting she has experience in working on these issues. He also thanked her for her contributions during the media crisis in Brooklyn Center, working with the crisis response teams, and putting in place some of the initial community-based responses.

ADJOURNMENT

Mayor Elliott adjourned the Study Session to Informal Open Forum at 6:45 p.m.

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

REGULAR SESSION
MAY 10, 2021
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Mike Elliott at 6:45 p.m.

ROLL CALL

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

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

Carrie stated her support for the resolution and agreement with Amity Dimock that it is time to move forward and do the work. She stated she knows it is uncomfortable but it is time for our City to heal. She commented on *My Grandmother's Hands* by Resmaa Menakem that addresses healing, noting it involves discomfort but refusing to heal, over time, is always more painful. It also describes two kinds of pain, clean pain and dirty pain. Clean pain mends and builds your capacity for growth. It's the pain you experience when you know exactly what you want to say or do when you don't want to say or do it, but do it anyway. It is also the pain you experience when you have no idea what to do, are scared, or worried about what might happen when you step forward to the unknown anyway with honesty and vulnerability.

Carrie stated she feels this is where we are going now as it is innovative and never done but can improve Brooklyn Center. She stated experiencing clean pain enables us to engage our integrity and tap in to our body's inherent resilience and coherence in a way that dirty pain does not. Paradoxically, only by walking into our pain, discomfort, experiencing it, moving through it, and metabolizing it can we grow. She noted this book goes on to say this pain hurts like hell but it is necessary, happens not just personally but collectively. In fact, if American bodies are to move beyond the pain and limitation of white body supremacy, it needs to happen in both the personal and the collectivity and community realms. Accepting clean pain will allow white Americans to confront their long-time collective disassociation and silence. It will enable African Americans to confront their internalization of self-defectiveness and self-hate and it will help public safety professionals in many localities confront their recent metamorphosis of their role concerning the community to serving as soldiers and prison guards. Carrie encouraged all to tap into that clean

pain, even though it is not comfortable, as it is necessary to move into the change we need for our City.

Randy Christensen thanked Mayor Elliott for bringing this forward and to remember that we, as community, are trying to work with you. He noted what happened and continues to happen is not a good thing but the City needs to make sure the officers and all are being held accountable and assure the process runs with community input. Mr. Christensen stated this is difficult from all directions as we don't think in the same way but we will continue to be here, listen to the voice of those hurting, those who want to have a voice, and assure they are heard.

Mr. Fullman thanked the City Council for their insight, which he appreciates and respects. He stated he lived in Brooklyn Center for 14 years, his partner lived in Brooklyn Center, and he cut hair in Brooklyn Center for 17 years so he is both a resident and stakeholder. With his current occupation, he is always in the community, talking to community members, and an unapologetic advocate for the community. He noted we are in desperate times right now so there is warrant for using desperate measures and no luxury to map out everything when people are struggling with health because of anxiety of being targeted, family members are being slaughtered in the middle of the street, and it is scary for a black man who walks around and best be out of Brooklyn Center at a certain time so he is not misunderstood and it might cost him his life.

Mr. Fullman stated there needs to be structural change because there is too much of an insulated power dynamic in public police departments in charge of public safety and while he understands some feel slightly disrespected and not valued, noted people walk around with that feeling every single day so the City Council needs to respond swiftly. He felt this was a huge opportunity to set the tone for implications for Minneapolis because the world is watching in response to Daunte and Kobe. Mr. Fullman stated the community has spoken and members cried out at the Listening Session for some kind of response around public safety. Unfortunately, the last 7-8 people who testified did not have the full body of the City Council present to hear a young sister who was frozen in fear of publicly speaking out against a department she didn't feel worthy of speaking out against. Mr. Fullman stated we are dealing with human lives and the City needs to respond as a collective body to say we are concerned. He stated he hears the City Council saying they have not been spoken to about this but we should not put that guilt on the community and instead the City Council should get in a room, create a collective front, stand in solidarity, and respond as Brooklyn Center, which he holds in high regard and respects. Mr. Fullman stated many feel the same as he does and urged the City Council to respond and make it happen because the community has waited long enough.

Mr. Fullman stated when people do not understand the political process or the implications, they lump it all together and see Operation Safety Net as part of the Brooklyn Center Police. He stated when mothers cry as they did on Saturday, that warrants a response that should be prioritized whether you have all the details or not or he would question all in this space right now and ask why are they leading and what is the motivational drive behind their leadership. For him, it's all about the people he has seen walking up and down the blocks feeling hopeless and that nothing would change. Mr. Fullman stated he can't wait for the day to give them a call and tell them their government prioritized them and things have changed.

Ethan Capers introduced himself as a physical therapist in Brooklyn Center, a resident since 2004, and originally from a diverse neighborhood in Los Angeles. He loves Brooklyn Center, the area he lives in, and being able to raise his kids here. He stated he is also Co-chair for the Minnesota Physical Therapy Association's Diversity Equity and Inclusion Committee, which is an area that crosses a lot of lines for him because in his practice of physical therapy, he also works with tactical athletes and spends a great deal of time interacting with police officers and fire fighters. He stated he has some insight into that culture.

Mr. Capers stated he had asked Mr. Thompson (retired Ohio Police Chief) a question and Mr. Thompson's answer was that it was very important to start taking actions to change culture in how policing is done. He wholeheartedly agrees with that and thinks the resolution is good start even while some language needs to be clarified before it is ratified. Mr. Capers noted it is important to realize that it is next to impossible to legislate evil, feelings, and bias but it is, however, possible to create policy that helps prevent bias from having an opportunity to be lethal. He felt a positive step is to eliminate traffic stops from the list police officer have to do. Mr. Capers stated he genuinely hopes the City Council does not fail to recognize that in moving forward there are things that need to be done to overhaul the way police are trained.

Mr. Capers stated he heard Councilmember Graves mention a term, cultural competence, when referring to programs she works with in Minneapolis. He stated he recently gave a keynote address with his other Co-chairs at the Minnesota Physical Therapy Association's annual meeting, speaking specifically about cultural competence and some of the fundamental flaws that have been pointed out with that term. He felt it was important to understand the difference between cultural confidence and cultural humility. Cultural humility was proposed in 1998 as a replacement for cultural competence and, like so many other things, failed to move forward in terms of creating more inclusive and diverse spaces and better bridges for tolerance in order to create opportunities for others to work together. He stated the overlooking of this concept of cultural humility over cultural competence is a significant one and teaching that cultural humility, competence, infers mastering something in all cultures.

Mr. Capers stated he is of mixed racial heritage and comes from a very different place than anybody else who is of mixed racial heritage although all of us who are mixed black and white have some sense of what it is like to have your cultures, historically, be at war with each other. He noted none of us have the same individual culture and as officers step into situations with people who have all sorts of intersections in their own lives and cultures before they begin that interaction, there are already a lot of things on the table. He stated the idea of walking into a situation feeling like they have mastered some aspect of culture is just not going to be conducive to moving forward in a healthy and appropriate way.

Mr. Capers agreed things need to be changed with training and the City needs to move forward. He understands the concern about having this put on you at the last minute and the pressure placed but he applauds the Mayor because that lack of preparation also puts this in front of us, the process of creation, and the subsequent policies to be created with full transparency to those who have been affected by implicit bias. It is necessary to have everybody see how this is being crafted to bridge gaps in society and build better communication between the community. Dr. Ethan stated he was part of the group that discussed the list to be talked about at the press conference and one

thing pointed out often is that most, if not all, of the police force do not live in Brooklyn Center. He believed this resolution goes a long way to make a good start but it is more effective when people protecting us have some 'skin in the game' and investment in the neighborhoods they are protecting. Dr. Ethan encouraged everyone posthaste to look at the language that needs to be changed in order to move forward as he feared we may lose momentum and it may be where things end rather than start.

John Montfortian, organizer with the Barbershop and Black Congregation Cooperative, organizing in Brooklyn Center and Brooklyn Park, noted there may be residents calling from cell phone with no ability to use the raised hand feature. He stated residents and people have been showing up, the people who continue to be affected by brutality and fear that exists amongst the community as a direct result of the culture that exists in the Police Department. Those people have uplifted their voices and been allowed to speak. He reviewed his work as an organizer and stated many residents want to enter the conversations as possible. Mr. Montfortian underscored the urgency because people's lives are at stake, which people have made abundantly evident in previous hearings. He acknowledged there is a lot of fear and pain and people feel dismissed about the lack of transparency in this process. Mr. Montfortian stated he empathizes with fears and anxieties around these issues and when it comes to our leadership, as many as possible should be included in the process. But he is also worried about the consequences of excluding community members who don't understand the language and policies. Mr. Montfortian stated there is a clear mandate and he hopes the Mayor and Council Members will continue to recognize that because lives are at stake and statistic show 18 months between incidents. He noted human life is worth far more than process and we can't afford to wait when the whole world is watching. Mr. Montfortian stated there is a sense of urgency and the resolution, though it may be imperfect in some areas, responds to that sense of urgency so he supports moving forward.

Ashley Long stated she spoke at the Sunday meeting and agrees with John and everybody. She stated (inaudible) and she does not know what to say, is tired, but wants to speak out.

Caroline Long stated when some decisions need to be made, then white people approve it immediately but when decisions need to be made that impact Black, Indigenous, and People of Color (BIPOC), there are all kinds of excuses why it can't be made now. She felt the white community wanted them to stay in their place. Ms. Long noted it is 2021 and we have learned about race, racism, bias, whiteness, and hearing people spewing whiteness and promoting whiteness does not help a diverse community like Brooklyn Center. She stated everyone needs to stop promoting whiteness and making excuses.

Ashley Long stated she will be bold and say she does not feel like we can have white people making decisions for people of color because they don't go through what we go through and they don't care about black people but their people are not being murdered by police officers so there is no reason to delay. She stated if you want us to be equal and safe, she does not understand.

Mayor Elliott thanked Ashley and Caroline for speaking even though it was difficult for them.

Jason Heisler stated he is a long-time resident and wished everyone who celebrates it, a happy Ramadan. He offered a correction to the resolution, noting the word 'civilian' means a non-law

enforcement officer. Mr. Heisler stated Kobe was a big fan of the Constitution, proud to live in Brooklyn Center, and voted as often as he could. He asked the City Council to remember this is a resolution, a promise to fix something, not to abolish or defund the police. It is just an agreement that it is broken and needs to be fixed.

A lady stated she lives in the Humboldt Avenue apartment building, across from the police station. She described her experience, which has been rough with smoke bombs and protesting because she has a 3-year-old baby and couldn't live there. There are smells in her home from the fires started in hallways and dumpster, it is scary for her to go outside, and it has traumatized her 3-year-old. She has been bewildered why Brooklyn Center residents have seen no reparations to help and they have been on their own with the City not spending anything.

Kia Welch stated she talked on Sunday that we are in support of the resolution and need a new department, a new model. She stated support of the resolution as she believes time is of the essence if events occur every 18 months. Ms. Welch stated if the resolution is not clear enough for all and for residents to understand, it may need to be doctored up but needs to be expedited. She asked why there was no mention of the justice due to unrest and stated residents need assurance they will be protected when living across the street from the police station and to address their concerns about what's to come with Ms. Potter's case. Also, residents are required to turn in receipts to receive reimbursements but what about things of sentimental value that were lost because of exposure to tear gas, noting people don't have a receipt for those items or their health and the health of their children and their suffering. Ms. Welch stated they are told they have to have receipts but their vehicles were damaged and homes burglarized. They still live in fear and this needs to be made a priority and not put on the back burner. Ms. Welch stated they are thankful for the resolution but the City needs to address the solution to resident's issues too.

A lady stated she is a victim, her vehicle was smashed, and the Police Department didn't respond to her area or help her at the time of the unrest. She has documentation of everything but there were also robberies going on and their apartment was not secured so it was a scary time.

Ms. Welch stated people are speaking about donations they have received but they have evidence of the Police Department destroying those donations because they put them on the front lawn and others take the donations away. She stated they were displaced, they did not receive those donations, so that should not be brought up any more. Also, there are protests at night so they are not sleeping at night either.

Mayor Elliott stated we have to have solutions, he is heartbroken, and doesn't know what to say. He noted staff has been working on these issues and he knows it cannot be done fast enough. He asked staff for an update on what has been done to respond to residents who live across the police station.

Ms. Welch stated she sees the Mayor's effort but does not see the effort from those who are responsible to disburse the funds. She stated it is not reasonable to require receipts for items purchased months ago or sentimental items they had to dispose of. She felt it was not respectful to request receipts so that contract has to be reviewed.

Mayor Elliott asked Dr. Edwards if there was a decision on the request for receipts. Acting City Manager Reggie Edwards stated his understanding they did not seek a receipt for some expenditures.

Ms. Welsh stated Our Sister's Keeper is requesting receipts. Dr. Edwards stated he will investigate that issue and report back tomorrow.

Mayor Elliott stated he understands this is deeply frustrating and asked Dr. Edwards to contact Ms. Welsh and residents. Dr. Edwards stated they will speak with residents and all involved in providing for those residents.

Ms. Welsh thanked the City Council and stated this needs to be addressed immediately as it has been three weeks, they are still suffering, and her children are having nose bleeds from exposure to tear gas.

Ebony stated she lives in the building facing the police station. On the issue of tear gas issue, her 2-year-old twins and 8-year-old have been having problems too. She asked when they will be told what was in the tear gas and the long-term effects. She described the symptoms that she and her children have been experiencing from the tear gas.

Ms. Welsh stated poison control said this is not something they have answers for and were concerned about the homes being properly deep cleaned to eliminate long-term effects.

Mayor Elliott asked Dr. Edwards to schedule a meeting tomorrow morning with appropriate staff to address these issues. He stated he is sorry to hear about these conditions and understands that just saying 'sorry' is certainly not enough. He stated others are trying to find out what chemicals are in the tear gas and agencies that use it are refusing to provide that information. Mayor Elliott stated this is why the City Council voted to ban the use of tear gas by the Brooklyn Center police. He stated the City will continue to work on this.

A lady stated the day care where her children go is on the same street and they were also affected by the tear gas and should be included in the deep cleaning process. She stated a lot of the children who use that day care have the same symptoms her children are experiencing.

Mayor Elliott stated the full breadth of the issues the City is dealing with is a lot and they will work on it, meet in the morning, and know this issue has to be tended to right way. He will call Ms. Welsh and Ebony and do what needs to be done to move forward to assure the health issues are addressed and appropriate steps are taken in terms of finding out what was in the tear gas and medical attention needed.

A lady stated she just wanted everyone to know what residents experience every day and to assure there is no long-term effect on her children. She appreciates the City Council's concern and compassion but these residents need to know what they are dealing with as soon as possible to address any health issues.

Ms. Welsh thanked Mayor Elliott, stated she respects him and for making them feel they are important, but wished others would share in that solidarity.

Mayor Elliott stated the City is committed to resolving these issues and assured residents they will get to it. He noted it is 7:46 p.m. but he felt it was important to take a few more comments.

Lori stated she hears a lot of feedback from various sources including Facebook and asked why it is mainly white people picking apart the resolution and thinking it is happening too soon when people of color want it to move forward quickly to prevent further loss of life. She favored the resolution and noted if it moves forward, it admits the system is broken and needs to be fixed, which will take time. Lori stated she believes they are dealing with a corrupt Police Department with killer cops like Brandon Akers and Cody Turner so there is risk for more unwarranted deaths at the hands of the Brooklyn Center Police Department. She asked what the City will do to assure the charges against Ms. Potter matches that of Officer Noor who was sentenced to 12 years as anything less is an insult to the Wright family. Lori stated she is asking for a firm 'yes' on the resolution and moving forward with a united Brooklyn Center.

Amity Dimock, Kobe Heisler's mother, stated her son was killed by the Police Department and Ms. Potter was the commanding officer. She stated her support of the comments made by Lori and stated she is not sure why those two officers are still on the force. She believed Ms. Potter gave incorrect instructions to the officers at her son's murder scene and told them to turn off their body cams. Ms. Dimock stated she thinks there is clear corruption in the Brooklyn Center Police Department because she knows in her heart her son didn't do what they claimed.

Ms. Dimock stated the people who were in charge were incapable so the City Council fired Mr. Boganey, Police Chief Gannon resigned before being held accountable, and Ms. Potter has been charged with manslaughter, which does not match what she did. She felt the Police Department cannot be trusted and she is here, once again. As she said on Sunday, this needed to be taken care of yesterday or as Mayor Elliott said, last year. Ms. Dimock asked the City Council to stop making excuses as her child is dead, in an urn on a table in her kitchen, and that could have been prevented if measures were taken earlier and if elected officials had the back to do it.

Ms. Dimock stated it is known that Minnesota has a high level of people on the Autism Spectrum, which should be dealt with on the front end. She stated this is very frustrating and there is an opening in the nation, City, State, and Federal for elected officials willing to be bold, noting it has been proven that the old way of doing things and the old ones in the system have not been working for us. Ms. Dimock restated that the time was yesterday to take action and she begged the City Council to pass this resolution so the work gets done immediately for all of our sakes. She stated she is clearly a person of color but her son looked white so there is an issue of the Police Department disparaging BIPOC, not knowing how to deal with people on Autism Spectrum, or with mental health issues. She did not think 40 hours of mental health training equals an 8-10 year master's degree in mental health. She does not understand why police officers get so much leeway in dealing with people in confrontational situations, noting others know how to de-escalate situations without harm or murder. She stated the resolution won't bring back her son but will prevent it from happening to another.

Mayor Elliott stated there is a lot of deep work to do from responding to civil unrest, protests, the aftermath, with residents in the apartment to deal with physical ailments, mental trauma, physical environment, and accountability around the use of tear gas and some of the things we saw in the way that Brooklyn Center residents were treated. He stated there will be a lot of work to move the resolution forward and the City Council will do that work to make that happen. Mayor Elliott stated the City Council will consider the resolution on Sunday, May 15, which he knows for residents is not soon enough. Mayor Elliott restated he will meet in the morning with staff to start working on the issues with residents in the apartments.

Councilmember Graves stated as discussed during the Study Session, the City Attorney will finish updates tomorrow and she looks forward to seeing the updated draft resolution and being able to discuss it before voting on it. She stated she does not want to deflect attention to herself but she is triggered when someone says she does not know about being black, noting several tonight said she was speaking whiteness out of her mouth, or that those not supporting the resolution last week were white people. Councilmember Graves stated she takes offense at those statements because she is not white, she is a black woman and does not appreciate that from white-bodied people. She noted this is why these spaces are hard to work in, when you are attacked because don't support another's position.

Mayor Elliott stated this is hard for all of us as we try to find our way through but by all working together, we will get there. He stated that does not go without errors or strong feelings or stumbling but he thinks the City will get there together. Mayor Elliott thanked all for gathering to talk and being honest with each other, noting they will move forward.

LaToya Turner stated she has been working with City to provide reimbursement to tenants in proximity to the police station. The City has a plan in place and residents are notified weekly on how to access those resources. They have had two resource events at the Community Church with health providers, food distribution, surveys, and the intake process for reimbursement. She explained that each week, their staff puts flyers under each apartment door, front and back, the actual unit, as well as to 450 residents around the police station with contact information, and food distribution. She explained that reimbursement is made for expenses from April 11 to April 24, 2021 and receipts are not required but you do have to contact one of the organizations to get assistance with the reimbursement. Ms. Turner stated a resident mentioned tonight that she was not aware of the intake form, which will be provided so it can be processed for her.

Mayor Elliott again thanked all for their input, closed Informal Open Forum, and called a recess. The meeting was reconvened at 8:10 p.m.

2. INVOCATION

Mayor Elliott offered the invocation by reading:

This is a Guest House

This being human is a guest house.

Every morning a new arrival.

A joy, a depression, a meanness,
some momentary awareness comes
as an unexpected visitor.
Welcome and entertain them all!
Even if they are a crowd of sorrows,
who violently sweep your house
empty of its furniture,
still, treat each guest honorably.
He may be clearing you out
for some new delight.
The dark thought, the shame, the malice.
meet them at the door laughing and invite them in.
Be grateful for whatever comes.
because each has been sent
as a guide from beyond.
— Jellaludin Rumi,

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 8:10 p.m.

4. ROLL CALL

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

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Mayor Elliott noted the addition of Item 10c, Planning Commission Appointment.

Councilmember Ryan asked about an application received from a previous member of the Planning Commission, dated early February of 2021, reapplying for appointment. He asked Mayor Elliott if he is choosing to not reappoint that person to the Planning Commission and is instead appointing someone else. Mayor Elliott stated that is correct.

Councilmember Ryan stated he wanted to raise a point of clarification and to then move on with the meeting because the City Council is behind the curve in what needs to be resolved at tonight's meeting as the City has faced so many other points of decision.

Councilmember Ryan moved and Councilmember Graves seconded to approve the Agenda and Consent Agenda, as amended to add Item 10c, Planning Commission Appointment, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. April 12, 2021 – Study Session
2. April 12, 2021 – Regular Session
3. April 26, 2021 – Study Session
4. April 26, 2021 – Regular Session
5. April 26, 2021 – Work Session

6b. LICENSES

MECHANICAL

A-Abc Appliance & Heating Inc.	8818 7th Ave N Golden Valley 55427
Air Express, Inc	PO Box 490400 Blaine 55449
All Appliance Installation Plus	PO Box 166 Cambridge 55008
Aquarius Watering Conditioning	3180 Country Dr. Little Canada 55429
Corval Constructors, Inc.	1633 Eustis St St. Paul 55108
General Heating & Air Conditioning	11081 Chaparral Ave Shakopee 55379
Master Mechanical, Inc.	1027 Gemini Rd Eagan 55121
McDowall Company	PO Box 606 Waite Park 56387
Mechanical Air Systems	6995 20th Ave Centerville 55038
Royalton Heating & A/C	4120 85th Ave N Brooklyn Park 55443
United Heating & A/C Inc.	PO Box 17 Hamel 55340

RENTAL

INITIAL (TYPE III – one-year license)

5801 Xerxes Ave. N Sonder House

Brooklyn Center AH I Real Estate Equities

RENEWAL (TYPE IV – six-month license)

5301 Dupont Ave. N.

Caue Campanha/CM Equity Group –
Met requirements

RENEWAL (TYPE III – one-year license)

3707 61st Ave. N.
6131 Bryant Ave. N.
6207 Chowen Ave. N.

Douglas Wahl/Cel Monton LLC
Jun Wang
Doreen Kalema/Butterfly Bound Care
Missing CPTED follow up & CFH Cert.

RENEWAL (TYPE II – two-year license)

6213 Chowen Ave. N.
4906 Howe La.
5338 Irving Ave. N.
3018 Nash Rd.
4953 Zenith Ave. N.

Nazeen Khatoon – met requirements
Chen Zhou
TMC Management Co.
Timothy Cavanaugh - met requirements
Matthew Greseth – met requirements

RENEWAL (TYPE I – three-year license)

7200 Camden Ave. N. Evergreen Pk Manor
5000 France Ave. N.
5547 Lyndale Ave. N. Riverwalk I
7250 W River Rd.
2801 66th Ave. N.
1706 71st Ave. N.
3819 France Pl.
1507 Humboldt Pl.

Sean Bannerman – met requirements
Dean Gannon & Michael Nightengale
Brett Hildreth/ Dragon Prop. Mgm.
Paul Barli
Prosperous Property/Xiong Lin
Patricia & Richard Sandeen
Robert Lindahl
Kyan (Jimmy) Hui

SIGNHANGERS

Resolution Graphics

3770 Dunlap St N
Arden Hills 55112

DSSi Sign Systems

17125 Adelmann St SE
Prior Lake 55372

- 6c. RESOLUTION NO. 2021-67 APPROVING AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SRF CONSULTING GROUP, INC. FOR THE BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 2 IMPROVEMENTS, PROJECT NO. 2021-05**
- 6d. RESOLUTION NO. 2021-68 ACCEPTING BID AND AWARDING CONTRACT, IMPROVEMENT PROJECT NO. 2021-05, BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 2 IMPROVEMENTS**
- 6e. RESOLUTION NO. 2021-69 ACCEPTING BID AND AWARDING CONTRACT, IMPROVEMENT PROJECT NOS. 2021-06, 07, 08, 09, 10, AND 11, RYAN LAKE INDUSTRIAL PARK AREA STREET, STORM DRAINAGE AND UTILITY IMPROVEMENTS AND NORTHWEST AREA AND LYNDALE AVENUE AREA MILL AND OVERLAY**

Motion passed unanimously.

Mayor Elliott asked Dr. Edwards which item under Item 7 has an order of importance. Assistant City Manager Reggie Edwards stated if all will be addressed then there is no particular priority. In terms of time consideration, Dr. Edwards stated all items have been rescheduled numerous times with the exception of Item 7c so there is some time sensitivity with Items 7a and 7b so those projects can continue to move forward.

Mayor Elliott reordered the agenda to first consider Item 7c.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7c. CONTRACTS EXECUTED DURING CIVIL UNREST CRISES

Dr. Edwards introduced the item and presented a chart that detailed expenditures made during the recent civil unrest crises when Daunte Wright was killed on May 11. On May 12, there were protests involved 1,100 to 1,200 people. Tactics related to security were to erect a fence and by the second day, protestors were lined along the wall with law enforcement shoulder to shoulder and within a foot of each other, which was not a de-escalating position. By the third day, staff had talked with community leaders and organizers, protest organizers, the Police Department, and communication staff about how to create a safe space for protestors and law enforcement and have no destruction to facilities and businesses.

Dr. Edwards stated with the destruction as it relates to facilities and businesses, staff immediately begin to work, including providing a dual fence to create distance and utilize space to de-escalate. The City also had interveners come in to provide an intervening between the protestors and the fence, which provided physical presence as well as social services for a human connection with those who were protesting to address issues that may have been going on in their lives. The City began to pull back the police officers who were out front to create a more staggered optic of those officers and within a week or so, pulled back to 12-15 officers against the wall, far away from the protesters. Eventually, the trucks were also pulled back.

Dr. Edwards stated all of these measures allowed the City to have a less volatile protest but clearly, there were some bad agitators who were there to not peacefully protest but to simply create a particular narrative, destruction, cause harm, and damage. The City also made efforts to address those individuals. In doing so, the City contracted immediately with other community organizations, freedom fighters, WW Protection, and Mother's Love. Those organizations were critical in allowing the City to de-escalate the area of the protestors and provide wisdom in how to create a safe space for people to protest as well as de-escalate the situation.

Dr. Edwards stated when the City had the march two Sundays ago with the Wright family as well as the protestors, these interveners were able to communicate with our Police Department and those who organized the march to discuss the routes to be taken, how they would flow through traffic, and allowed a peaceful and safe demonstration and march. This created a safe space for people to be able to articulate and express their pain in a way that was safe for protestors as well as law enforcement and others. The City immediately executed some contracts to address those immediate crises and continues to do that.

Dr. Edwards explained that early on, there was literally no conversation about security of the apartments but that is something learned in later weeks during Listening Sessions when residents talked about what was going on during that situation as it relates to security. As a result, the City entered a 20-day contract with WW Protection to provide security at the apartments for those residents by 10-15 security members to patrol, speak with residents, check doors, and simply provide a presence. Two Sundays ago, during the march and protest, those security members managed to keep vehicles off lawns (except those providing food), which had previously happened during the protest along with people approaching to burglarize the apartments. The City helped to mitigate and reduce those situations from occurring during the march and protest. Dr. Edwards stated the City has also been able to escort some folks off the premises who were not residents and may have been identified by residents as not living there but were present during the burglaries. These security members provided a sense of security during a time when the property management did not provide complete security.

Dr. Edwards stated Our Sister's Keeper has also been contracted with to provide resource services every Sunday. The City provided \$50,000 to be disbursed to residents within those two apartments and general area, noting 400 housing units were impacted due to the civil unrest. The City also contracted with Warning Lights to provide barricades, lights, signs, as well as leasing Jersey (cement) blocks to provide safety and direction for protesters or those traveling through Brooklyn Center. One lane on the west side of Humboldt Avenue, in front of the Police Department, was blocked off and staff is currently seeking bids in case a lane closure would provide more space. He noted that warning lights were also provided to manage traffic flow, particularly during the early weeks of the protest on Humboldt and 67th Avenues.

Dr. Edwards stated during the first week after Daunte Wright was killed, the City was inundated with press from around the world as well as dignitaries such as Representative Maxine Waters and Rev. Jessie Jackson, during which the Mayor was called upon to communicate. Assistance was provided to the Mayor to create strategies to deal with scheduling, interviews, dignitaries, etc. at a cost of \$5,500. Dr. Edwards noted the City's Communications Department has one Communication Manager and a part-time Graphics Designer. At the time these events occurred, the Communication Manager was on medical leave so the City had no one in-house to handle communication. As a result, the City immediately contracted with a MRRP Communications, a management team with extensive skill and experience in dealing with crisis management and BIPOC and racial-related matters, and access to media. The cost of that contract was \$25,000 per month and a two-month contract was secured as there will be an extended need for communication.

Dr. Edwards stated there is a need for extended security to get through the time of the trial. He noted the average number of protesters is now 15-25 but there may be a spike during flash points such as the hearing for Ms. Potter and afterwards depending on the type of charges. Should there be a large number of protesters again, issues at the apartments and surrounding areas can be addressed. In addition, the City has been working with critical presence response teams so that team is now in place and was present during the Wright family march and protest to assure it remained peaceful and no harm or danger came to folks.

Dr. Edwards stated staff is currently meeting with County, State, and Federal officials and

foundations to secure funding because none of these expenses were anticipated or budgeted for and it is expected the costs will go on through the duration of the trial. Staff is looking into managing resources, what will be needed on a daily basis, and navigating through the services and resources that will be needed. Dr. Edwards stated as we go forward, he will provide regular updates to the City Council.

Councilmember Graves commented on the community response team and how helpful they were for the march, noting there was feedback from a resident saying they didn't even know the march was going to happen. She asked about communication to residents either through the City's notification system or outreach group to let residents along the route know what was going to happen. She stated she is grateful for the community response team and happy that is underway.

Councilmember Graves referenced the social services that Our Sister's Keeper is providing and asked if the \$88,000 contract is subject to them actually doing the work and how many resources are provided directly to the residents, such as the cost of cleaning and providing housing.

Councilmember Graves stated she has seen some reports on social media mention MRRP Communications. She knows the City's Communications Department is not well staffed and that Communication Coordinator Angel Smith is on maternity leave, rightfully so, but she thinks there was still a huge gap in communication, not only with the community but also with the City Council and staff as well. She is not intending to cast blame but to her mind, she does not see what MRRP Communications has done besides pull together some statistics. Councilmember Graves stated she understands how MRRP Communications can be important during the exact moment of a flash point but also thinks there is a lot of work to be done specific to how we communicate internally within the City, within the City Council, and giving proper notice in multiple languages using multiple different approaches to community members to assure they are well informed on what is happening. She does not know if this particular communications firm is focusing on any of that but it seems like an immediate need.

Councilmember Graves stated with the trial coming up, it will be important to get out information specific to how charges are brought, who has the power to bring charges, and who to hold accountable for what charges are ultimately decided. She noted some people feel like the City Council has some kind of immediate power over that, which is not true, and that needs to be explicitly communicated for transparency's sake and to prevent misunderstanding.

Councilmember Graves stated a resident was talking about the memorial site and she is respectful of the need to have that space but also concerned about ADA accessibility and safety in that area. She suggested contacting the space holders or artist who created the sculpture to talk about ways to hold the space and improve access for ADA folks.

Dr. Edwards stated with regard to communications about the parade, staff understands and knows this will remain fluid and not always go according to plans or a traditional way of doing things. As it relates to the march, he explained there is an application process that a group completes and the application is then disseminated throughout City departments. Based on the application, staff prepares for traffic control, communicates with protestors to organize when it will start, where it will go, and where it will end. Then staff puts flyers throughout the neighborhood, canvasses the

area, and prepares for those marches. This is when things go according to a permitting process. When there is not a permit, citations are issued for a disbursement of unlawful assembly. In this case, a permit application was not made but staff learned through interveners and the community that there would be a protest and march. On social media, just prior to that Sunday, it indicated about 200 people planned to attend and up to 1,200 said they were interested. Staff did not know the exact number and wouldn't know until the march and protest actually happened.

Dr. Edwards stated there was a judgement at the time that the City would not have law enforcement engage in a conversation with the Wright family regarding the protest, or issue citations and disburse the crowd. Instead, staff considered how to assure this was a peaceful protest with no one being harmed. Interveners, working through the Police Department, communicated with the organizers of the march, got them through the City and across Brooklyn Boulevard, and assured a peaceful protest. By that communication with the Wright family, the City was also able to address issues of sound and use of amber lights, which were both turned off by 10 p.m. to 11 p.m.

Dr. Edwards explained that canvassing the neighborhood did not occur because staff didn't have the ability, capacity, or time. It was not as if the City was not conscious of the need for those communications and strategies but in this case, things were fluid and moved in different ways so traditional methods were not possible.

Dr. Edwards stated in the first two days, staff had little communication guidance as far as press conferences, press releases, and messages were inconsistent and not in alignment so the ability to stabilize messaging and communicating with the world at that particular time, was the focal point of communication. Then there was the protest itself that staff was trying to stabilize. Dr. Edwards explained there was emphasis on when do we communicate on curfews, who do we communicate with, how do we do that, and how do we utilize and monitor social media since we were beginning to pick up insights. Dr. Edwards stated those are some of the efforts around communication and media in those first couple of days and first week, in particular, to address the protest and communicate with folks. He explained staff simply did not have the capacity to communicate with all stakeholders all at once.

Dr. Edwards stated with the memorial, the process has been to leave it alone if it does not create a safety hazard, and staff has assessed the area for safety. He noted staff has received some complaints but not received any comments that it is creating a safety issue or accessibility concerns. He will bring the issue of the memorial to the City Council at some point to consider what can be done for a memorial.

Councilmember Graves thanked Dr. Edwards for the in-depth response and stated he has been doing a great job under a lot of pressure.

Mayor Elliott stated the City Council will need to do some postpartum analysis, look at our capacity, how prepared the City was for the events that happened, and what the City needs to do going forward to improve communications. He acknowledged the work of Dr. Edwards and staff, noting the situation experienced following the killing of Daunte Wright warranted a huge amount of flexibility, agility, and a willingness to implement unconventional methods to address a situation that was very fluid. Mayor Elliott stated the work done in response and trying new ways of

interfacing with the protestors and de-escalating was really effective. He acknowledged there are still holes in our response in terms of how soon they were able to protect the residents, which was not soon enough. Mayor Elliott noted the resolution sets up a committee to look at everything that happened in response and what needs to be done next time to assure the City is fully prepared to protect its residents and address the problems that arose.

7a. ENTREPRENEUR MARKET FEASIBILITY STUDY AND MARKET ANALYSIS PRESENTATION

Dr. Edwards introduced this item and invited Community Development Director Beekman to present the information.

Community Development Director Meg Beekman stated the purpose of this case is to receive a presentation by consultants with African Career Education and Resource, (ACER) and NEOO Partners to present on their work over the past several months. She explained the City has been working with Alatus, a developer, on the northeast corner of Bass Lake Road and Shingle Creek Parkway for a number of years. Alatus, has partnered with Project for Pride in Living (PPL) as well as Resurrecting World Faith Ministries to create a multi-phased mixed-use development program of 750 new housing units in a range of price points; an event center; a daycare; and approximately 20,000 sq. ft. of community driven entrepreneurial space. The entrepreneurial space is a feature of this project that staff has been talking about for quite a long time, probably a year and a half when it was introduced to the City Council. At this point, it is a concept. Staff is looking at how to create space for local entrepreneurs and businesses. Ms. Beekman stated staff has received comments about wanting the commercial spaces to reflect our community and that the businesses be as locally based as possible.

Ms. Beekman stated one of the ideas early on was an entrepreneur market to provide opportunity for affordable commercial space for entrepreneurs. The initial steps of understanding that include a feasibility study on the current market, market draw of a space like this, and the needs of local entrepreneurs. In order to do that, staff contracted with NEOO Partners, which is the consultant working on this project, to prepare a feasibility and market study and ultimately look at what an ownership model would look like so the cost could be understood.

Ms. Beekman stated the City also partnered with ACER who brought in a marketing firm to look at the vision and purpose, how to work and engage with local entrepreneurs to understand how to position a facility like this to make sure it serves our community, how to brand it, how to market it, and who is the audience.

Ms. Beekman stated staff is not seeking a Council action but rather to provide an update on what has been happening, work in the community, and answer questions.

Denetrick Powers, Co-founder and Director of Planning and Engagement with NEOO Partners, stated he leads the program planning and engagement side of the firm and has been leading the feasibility portion for the Entrepreneur Market Plaza. He stated they will provide a high-level presentation on the market analysis to provide an idea of the data used, what they have heard from the community, and how that will shape the program for the entrepreneur market.

Denise Butler, ACER, stated she is the Director of Economic Development and leading on this project in partnership with NEOO Partners and Meer.

Pang Shang, ACER, stated she works with business economic development in Brooklyn Center and Brooklyn Park.

Beatrice Adoonovie, owner of Meer, a business consulting firm specializing in strategy planning and logistics, stated on this project she worked on strategy and concepts that will be presented tonight.

Ms. Butler provided a PowerPoint presentation that included project background, noting the story of a small business begins with community. She mentioned the organizations associated with station area planning, along with residents and businesses to identify the desire to develop an ethnic market in the City of Brooklyn Center. She reported the business community has expressed the need to own their commercial building to address affordability, predatory leasing, and have better access to high traffic, which requires a new building. Ms. Butler stated the City and Atalus are exploring either purchasing or leasing about 14,000 sq. ft. of space in an upcoming market-rate apartment project.

Ms. Pang explained ACER has been contracted to do partnership outreach and engagements specific to vision, purpose, and branding for the Entrepreneur Market Plaza to discover the appropriate consumer market and community connection. She described activities undertaken to develop the final report and recommendations. NEOO Partners conducted the feasibility study for the Opportunity Site Entrepreneurship Market Plaza, which included a look at the City, surrounding area, demographics, market opportunity, and financial considerations.

Mr. Powers stated the purpose of the market analysis is to identify strengths, weaknesses, and opportunities in the City to support a business case for the Brooklyn Center Entrepreneurship Market, small business market, and draw area. He provided details of the regional setting, local setting, as well as the entities involved with market data collection and engagement. Mr. Powers stated they heard there is a lack of visibility, rents are not affordable, and there is not enough retail and office space at the right size. In addition, BIPOC businesses feel isolated due to lack of visibility and it is difficult to navigate business resources. Additional challenges are a saturated retail market, little to no experiential retail destinations, and there are few cultural food service offerings.

Mr. Powers stated they found the best solution is the creation of a Brooklyn Center entrepreneurial market that also acts as a destination center. This market should be culturally reflective, fill business gaps in the local economy by providing services, and provide cultural retail and fluid opportunities for visitors.

Mr. Powers stated they believe that retail service businesses and healthcare and beauty businesses are more likely to be served by the small business center and market plaza. The target market has been broken into two categories: customers and clients. Customers will be the day workforce population and general public. For clients, they see businesses serviced on four tiers: general

assistance, one-time customized assistance, long-term individual assistance, and incubation clients who are more established but need a more affordable location. They looked at two different market areas: primary market area within a 10-minute drive and a secondary market area that is a 15-minute drive time from the opportunity site. Mr. Powers presented map images of both market areas and described the communities within each as well as the number of households and per capita income. He noted the two competing destination sites within these market areas are the West End in St. Louis Park and Arbor Lakes in Maple Grove.

Mr. Powers stated the dominant customer dynamics in Brooklyn Center is of median age, budget conscience, price is more important than brand, and they take pride in their appearance. This presents an opportunity for smaller local businesses that can provide convenience as well as products that compete pricewise more than established brands.

Mr. Powers reviewed a list of programming services that businesses would be interested in based on their conversations with small business owners and focus groups including business planning, technical assistance, e-commerce, as well as building skills around presentation and decision making to become upper-level management. These services would be tailored to different business pipelines as they get introduced to the small business center.

Mr. Powers displayed a slide of other cultural markets that serve similar types of businesses that Brooklyn Center would be looking at, noting they range from 2,800 sq. ft up to 174,000 sq. ft. but this small business center would be about half the size of the Karmel Mall and include primarily retail and offices, and some food offerings. He reviewed current resources for entrepreneurship and innovation located in Minneapolis and St. Paul, noting most focus on specific niches including co-worker spaces. He displayed a list of cultural organizations they believe could be partner opportunities for the small business center. He stated their research found four business models for small business incubators that are non-profit or for-profit models and reviewed the challenges involved with each.

Mr. Powers stated they looked at small business centers designed using best practices as they have better success rates, noting the seven principals for program design ensure entrepreneurs are front and center in designing, opportunities, and models are built around cross collaboration between entrepreneurs, have open dynamics in communication, and are built on trust and mutual gain. They also identified key characteristics of top performing small business incubators, which are almost all not-for-profit and range between 4,000 sq. ft. and one million square feet with budgets and revenues from \$33,000 up to almost \$3 million. They found that typically, incubators with higher budgets perform better than those that are budget constrained and size is not a good determinant of success. In addition, composition of the advisory board matters and needs to reflect the culture of the small business center to assure a close relationship with the City.

Beatrice Adoonovie stated they received a lot of community feedback on branding and narrowed it down to two concepts and one vision, realizing a lot of community members want to work within their community. The vision is to create multigenerational wealth within these communities. The mission is two-fold. The first is to create community wealth for BIPOC businesses so they can create a cultural experience that is supportive, educational, and inclusive. The second mission is to provide local BIPOC businesses the opportunity to create a culture experience that is innovative,

supportive, and inclusive to the community we service. Ms. Adoonovie reviewed a list of values their brand best represents, noting they are open to suggestions.

Ms. Adoonovie presented the first branding option that is a more vibrant celebration with the name of Cultural Garden Plaza and a tag line of Seeding the World, almost like planting seeds and growing with the businesses being the seeds and root and growing within the community to create generational wealth. The community would be coming in to invest back into the community they live within. The second concept is more one of discovery, innovative and forward thinking, but also sense Brooklyn Center's diverse community and target audience. They think it would be interesting for community members to discover new cultures and build community. She noted there are so many cultures and rich traditions within Brooklyn Center, it would be interesting. This concept relates to that discovery, journey, and community synergy to create so the colors are more earth toned. This concept relates to community collaborative, while showing culture and at the same time being more progressive with the name Parkway Cultural Plaza and tagline of Discover More.

Ms. Butler thanked the City Council for the opportunity to present. She stated they know the City Council has a very robust meeting tonight and community members are attending who have not been able to participate in their survey or focus group to see their presentation. She stated they have time left in the project and are open to further community engagement so this information will be shared with the City's communication team so it can be sent out. They are open to gathering more feedback before presenting the final report that is due at the end of May. She requested feedback from the City Council.

Councilmember Graves stated she is excited to see their final report and asked if it will include quantitative or qualitative data from their research. Ms. Butler stated they have more depth around the project team, background, executive summary, and quantitative and qualitative data as far as what was said at each focus group. They will also provide the City Council with the survey questions and direct responses received. Councilmember Graves stated she would like to see this information before the final report is presented so she is more prepared.

Councilmember Graves stated she was struck by the three Cs: culture, collaboration and community. As far as the concept designs, she found the first to be more appealing visually and likes the idea of reseeded into your own community. But it would be nice to see a component that feels innovative, something to do with Science, Technology, Engineering and Mathematics (STEM) or other technology, and getting young people more interested in engineering, or something like that, maybe bridging those two ideas. She noted Mr. Powers' presentation touched on the lack of an experiential destination and she wondered if that is a movie theater or other type of big attraction, which would change the possibilities for other parts of the development. Councilmember Graves thanked the team for their report and stated she wanted to see movement on this project even before she came onto the City Council and now it seems even more possible.

Mayor Elliott added his thanks for the presentation.

7b. OPPORTUNITY SITE PRESENTATION SERIES: ENVIRONMENTAL ASSESSMENT OVERVIEW

Mayor Elliott stated staff has indicated this item does not need to be addressed tonight.

7c. CONTRACTS EXECUTED DURING CIVIL UNREST CRISES

This item was presented prior to Item 7a.

8. PUBLIC HEARINGS

8a. RESOLUTION NO. 2021-70 AUTHORIZING AN AMENDMENT TO THE GRANT CONTRACT DATED 7/10/2018 BETWEEN GET BIZZY, INC. AND THE STATE OF MINNESOTA ACTING THROUGH THE DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR THE PROJECT ENTITLED CDAP-18-0013-HFY19

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

Ms. Beekman stated this is an amendment to an agreement the City Council and EDA entered into in 2019. She provided background on Bizzy Coffee, a cold-brew coffee business, that relocated to Brooklyn Center in 2018. At that time, the City supported an application to the Minnesota Department of Employment and Economic Development's (DEED) Minnesota Investment Fund (MIF) Program that provided \$273,375 to purchase equipment as part of the company's relocation and expansion. The business entered into a loan repayment agreement with the City with 40% of the repaid loan retained by the EDA to fund a revolving loan fund that then supports other redevelopment activities. There are no City funds involved in this program. As part of the agreement, Bizzy Coffee was to provide 12 new full time employment positions within two years. Now is the time for final reporting and Bizzy Coffee is asking for an extension to the end of 2021 on the hiring requirement since it has been slower than expected entirely due to the pandemic, which caused a drop in sales. Bizzy Coffee did create 9.8 full time positions so it is 2.2 positions short of their goal but repayments have remained on track. Ms. Beekman stated the action requested tonight is to hold a public hearing and approve the resolution to amend the agreement.

Mayor Elliott moved and Councilmember Graves seconded to open the Public Hearing.

Motion passed unanimously.

No one appeared to address this item.

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

Motion passed unanimously.

Councilmember Graves moved and Mayor Elliott seconded to adopt RESOLUTION NO. 2021-70 Authorizing an Amendment to the Grant Contract dated 7/10/2018 between Get Bizzy, Inc. and the State of Minnesota acting through the Department of Employment and Economic Development for the Project entitled CDAP-18-0013-HFY19.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

None.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2021-71 ESTABLISHING “NO MOW MAY” FOR THE CITY

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

Ms. Beekman explained the University of Minnesota’s Bee Lab is promoting ‘No Mow May’ that includes a Facebook and informational materials. The initiative encourages owners of private property to refrain from mowing their lawns for the month of May; however, doing so would create violation to the City’s property maintenance ordinance as it pertains to long grass and noxious weeds. As part of the initiatives, the Bee Lab has encouraged residents to reach out to their communities and City Councils to request a reprieve on Code enforcement.

Ms. Beekman stated residents have not reached out but staff was made aware of this initiative, is generally supportive, and taken a proactive approach to bring forward a resolution for City Council’s consideration. If approved, the resolution would direct Code Enforcement staff to refrain from enforcing long grass complaints until June 7, 2021. The purpose of the program is to bring awareness to bee and other pollinator habitats. Ms. Beekman stated staff has already started receiving grass complaints so passing this resolution would provide education opportunities to folks who call in with complaints and create a dialog within the community. She noted it is already mid-May so this could be considered a voluntary pilot program and can be revisited next year if it is something the community wants to continue.

Mayor Elliott asked whether there is signage available for those participating in No Mow May that could serve as an educational piece for other residents. Ms. Beekman stated the Bee Lab has been proactive in marketing so that is likely. She will ask the Bee Lab about signage and include mention on the City’s social media platform.

Councilmember Graves stated her support, noting it would provide a break for a good reason. She stated she did cut her grass, not knowing about No Mow May, but may refrain from mowing for the rest of May. She did not mow her front yard because of construction in her area so it may look like a violation within the next week and this would give her some peace of mind as well.

Councilmember Graves moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2021-71, Establishing “No Mow May” for the City of Brooklyn Center.

Motion passed unanimously.

10b. ACTING CITY MANAGER PAY ADJUSTMENT

Dr. Edwards introduced the item, noting it was presented at the last City Council meeting to address the adjustment of pay because when anyone is asked to work out of class, including skill set, decision making, responsibilities, and duties beyond their current class, they are paid at the higher level of pay. At the last meeting, it was the consensus of the City Council to create an adjusted pay for him as Acting City Manager and he was asked to provide an agreement, which was provided to the City Council as well as a resume outlining his work experiences. The City Council also wanted to look at pay comparisons. Dr. Edwards displayed and presented a chart of pay comparisons for ten cities that included annual salary and benefits. He noted \$156,000 is the average for these comparative cities and typically Brooklyn Center is not the highest paid salary but within the top 25% to retain employees while remaining fiscally prudent.

Dr. Edwards stated the City Attorney has prepared a draft employment agreement that does not include a timeframe or date and only applies to the role of Acting City Manager. He explained that if he applied for the permanent City Manager position and was not hired, his position would revert back to the position of Deputy City Manager

Councilmember Butler asked about the car allowance. Dr. Edwards stated it would include mileage and gas to and from home, noting the former City Manager received \$6,000 in car allowance.

City Attorney Troy Gilchrist stated he edited the previously presented agreement based on the consensus reached by the City Council at the previous meeting to focus on an interim nature for this agreement rather than a prescribed term. That agreement is now before the City Council and it is appropriate to set a salary with the expectation that it would be inserted into the agreement and to authorize the Mayor to execute the agreement on behalf of the City.

Mayor Elliott asked, in terms of execution, what is the timeframe to act on the contract. Mr. Gilchrist stated there is not a prescribed timeline. He explained the salary is structured to be paid retroactively back to the date Dr. Edwards became the Acting City Manager. So, whether the salary is set tonight or another date, it would be applied retroactively. Mr. Gilchrist advised this is a City Council decision but he suspects the Acting City Manager would like to have this matter resolved so he can move forward in his position.

Councilmember Graves asked about the salary increase from the Deputy City Manager to the Acting City Manager position. Dr. Edwards stated his salary is roughly \$121,000 and the former City Manager's salary was roughly \$150,000 so that would be about \$30,000 but the salary is paid bi-weekly so he would not be paid out \$30,000.

Councilmember Graves stated she is also looking at the number of years of experience and knows Dr. Edwards has experience beyond Brooklyn Center so she would suggest a salary at \$140,000.

Mayor Elliott stated he did not get a chance to read through the contract and supports the number but would like time to look at the contract. He asked Dr. Edwards and Mr. Gilchrist if they are okay with that before this comes to the City Council for a vote.

Councilmember Graves asked for input from the other Council Members.

Councilmember Ryan stated this is a critical position for the City and partially an expression of the City Council's confidence in our single employee who is the contact to all City departments at this critical time. He stated the City Council's expression of its confidence in the Acting City Manager is fully expressed so he is ready to move forward at this point to express that confidence and recommended the salary as given. Councilmember Ryan felt to nitpick about the salary, at this point, would be mistaken because the City Council needs an expression of confidence in the Acting City Manager to move to the position of City Manager under the circumstances being faced today. He stated that is his recommendation.

Councilmember Butler stated her agreement with Councilmember Graves as the two items she had questions on were the car allowance, which seems to be standard and in line when reviewing the comparable city information, and salary. She agreed with Councilmember Graves that former City Manager Boganey was nearing retirement and been in City government for 40 years so, to her, it does not make sense to pay at that same rate. Councilmember Butler stated she is fine with the figure given by Councilmember Graves and moving forward at this point.

RECESS AND RECONVENE

Mayor Elliott recessed the meeting for several minutes. Mayor Elliott reconvened the meeting.

10b. ACTING CITY MANAGER PAY ADJUSTMENT – (continued)

Mayor Elliott moved and Councilmember Graves seconded to approve the employment agreement with Acting City Manager Reggie Edwards at a salary of \$140,000, retroactive to the date he assumed that position.

Motion passed unanimously.

10c. PLANNING COMMISSION APPOINTMENT

Mayor Elliott introduced the item to consider one appointment to the Planning Commission, noting he had shared the application of Paris Dunn via an e-mail with the City Council. It was noted that Mr. Dunn has resided in Brooklyn Center for 15 years, is employed by Metro Transit, and interested in helping the City develop its economic base and housing infrastructure. Mayor Elliott stated there are other appointments to make, he has been swamped over the last several weeks, but will work with staff to fill all of the seats soon.

Mayor Elliott moved and Councilmember Graves seconded to ratify the Mayoral appointment of Parris Dunn to the Planning Commission with a term to expire December 31, 2021.

Motion passed unanimously.

Mayor Elliott stated many people have engaged with the City so he will be working with staff on how to integrate them into the Commission appointments.

Councilmember Graves asked how many openings remain on the Planning Commission. City Clerk Barb Suciú stated there are two other openings on the Planning Commission.

Councilmember Graves asked Councilmember Ryan about the applicant he had mentioned at the beginning of the meeting. Councilmember Ryan explained he had asked the City Clerk because he noticed an application for the Planning Commission filed early in February of 2021 by a previous Planning Commission member who had served as its Chair but the application was not acted on. He asked what, on the application, would disqualify that applicant from being reappointed to the Planning Commission.

Mayor Elliott stated some folks have left the Planning Commission, Kellie Hmong and Sizi Goyah, so their seats need to be filled. He is trying to assure it is filled by folks that represent the diversity of the community and quite honestly, those two seats he fully intends to appoint with people from the Hmong and Latino communities.

Councilmember Ryan stated he appreciates that response but if we think about full and true diversity representation, we should not look past or disregard, at minimum, 40-45% of the present community. He stated he will leave that to further discussion by the City Council.

Councilmember Grave stated she brought it up because the Planning Commission is an important Commission and there was trouble moving some of the items the Commission would typically vote on and move forward because there are not enough members to form a quorum. She definitely agrees and wants more diverse people on the Commission but also wants it to be able to function in the meantime. She does not know who the applicant is that Councilmember Ryan is referring to but if the Mayor is opposed, that may be why he did not bring it before the City Council. However, considering we are up against some competing priorities of both diversity in representation as well as its functionality in conducting City business, she noted Mayor Elliott could bring this candidate forward for discussion while leaving one position open.

Mayor Elliott noted the bind was caused by the resignations of two members in quick succession. He became aware of the quorum challenge this past week so he moved to solve that problem. He stated he fully hears the City Council's concerns about functionality and the appointments will be worked on.

Councilmember Graves stated she wants to continue to diversify the Commissions as well but does not want to hinder the City's ability to do business as that is being worked on. She wants to find a balance to do both.

Mayor Elliott agreed and stated they will find that balance but right now, there is no representation by those two communities, which he thinks is critical in moving forward. He assured the City Council they will be able to do that in short order.

11. COUNCIL REPORT

Councilmember Ryan reported on the following:

- Work with the Assistant City Manager and Legislative representatives to help the City redress its fiscal challenges to meet the extraordinary expenses resulting from the civil disturbances following the tragic death of Daunte Wright.

12. ADJOURNMENT

Councilmember Butler moved and Mayor Elliott seconded adjournment of the City Council meeting at 10:27 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 5/24/2021

TO: City Council

FROM: Dr. Reginald Edwards, Acting City Manager

THROUGH: N/A

BY: Alix Bentrud, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- Motion to approve the licenses as presented.

Background:

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

Hospitality Accommodations

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

-

Mechanical Licenses

Forward Air, Inc. Ffm LLC	9449 Wright Bros Ct SW Cedar Rapids IA 52404
Hertz Mechanical Inc.	19561 Vernon St Elk River MN 55303
South-Town Refrigeration & Mechanical	6325 Welcome Ave N Brooklyn Park MN 55429
Street Plumbing Inc	11804 River Hills Dr #5. Burnsville MN 55430
Yale Mechanical	220 W 81 st St Bloomington MN 55420

Signhanger's Licenses

Topline Advertising	11775 Justen Cir Ste A Maple Grove MN 55369
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Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	3/16/2021	Backup Material
Rental Licenses	5/21/2021	Backup Material

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval on May 24, 2021								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
5329 Penn Ave	2 Family 1 Unit	Initial	Dorothy Rouser	2	II	N/A	II	
4201 Lakeside Ave #105	Single	Initial	Cindy Bohler	3	II	N/A	II	
4201 Lakeside Ave #116	Single	Initial	Cindy Bohler	3	II	N/A	II	
7000 Oliver Ave N	Single	Initial	Pascal Enohyaket	2	II	N/A	II	
6925 Scott Ave N	Single	Initial	Hamdi Omar / United Providers	5	II	N/A	II	
5001 Ewing Ave N	Multi 1 Bldg 3 Units	Renewal	Mary Ann B Neil - met requirements	5 1.7 per unit	III	0	III	III
5327-29 Queen Ave N	2 Family 2 2Units	Renewal	Alvin Stachowski	3	II	0	II	I
509 61st Ave N	Single	Renewal	Tim Daniel - met requirements	3	II	0	II	IV
3207 67th Ave N	Single	Renewal	Elijah Nyambane - met requirements	5	II	0	II	I
5112 70th Ave N	Single	Renewal	IH3 Property Illinois	7	III	0	III	II
6642 Dupont Ave N	Single	Renewal	Kevin Motarjemi	1	I	0	I	I
5415 Emerson Ave N	Single	Renewal	M Silverstein / MNSF II - met requirements	8	III	0	III	IV
7143 France Ave N	Single	Renewal	Yi Lin / CAML LLC	3	II	0	II	II
7218 Grimes Ave N	Single	Renewal	Shawn & Djuana Banks	0	I	0	I	I
5818 Humboldt Ave N	Single	Renewal	Jay Olson	5	II	0	II	I
6212 Kyle Ave N	Single	Renewal	Kristine Rousseau - missing CFH certificate	4	II	0	II	III

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

** License Type Being Issued

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

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 5/24/2021

TO: City Council

FROM: Dr. Reginald Edwards, Acting City Manager

THROUGH: N/A

BY: Mark Ebensteiner, Finance Director

SUBJECT: Resolution Authorizing Proposed Use of Auto Theft Prevention Grant

Requested Council Action:

- It is recommended that the City Council accept the award of the Auto Theft Prevention Grant from the Office of Justice Programs, which primarily funds an Auto Theft Prevention Officer.

Background:

The Office of Justice Programs awarded the City of Brooklyn Center Police Department with the Auto Theft Prevention Grant in the amount of \$238,105. The current grant opportunity was announced on March 5, 2021 and submitted by us on April 8, 2021. Brooklyn Center has been awarded the Office of Justice Programs Auto Theft Prevention two-year grant since January 1, 2004.

The Auto Theft Prevention program supports the efforts of law enforcement, prosecutors, and community members for the goal of reducing the incidence of auto theft in Minnesota. The grant funds one full-time police officer for up to two years (July 1, 2021 through June 30, 2023) to investigate and prevent automobile thefts. A portion of the award is also dedicated to the purchase of four StarChase GPS units, which are unique tracking tool dedicated to improving Community and officer safety. The units will provide the means to manage threats, balance policy, and reduce risks in Brooklyn Center.

Budget Issues:

The total grant amount is \$238,105. New account codes will need to be created in order to ensure transparency and accountability of grant funds. There is no required commitment after the two-year grant period.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Auto Theft Prevention Grant Resolution	5/18/2021	Resolution Letter

Auto Theft Grant Contract - General
Auto Theft Grant Contract - Starchase

5/18/2021
5/18/2021

Backup Material
Backup Material

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

RESOLUTION AUTHORIZING PROPOSED USE OF AUTO THEFT
PREVENTION GRANT

WHEREAS, the City of Brooklyn Center has received an Auto Theft Prevention Grant in the sum of \$238,105 for the period of July 1, 2021 through June 30, 2023; and

WHEREAS, it has been proposed that the City would use grant funds to dedicate the performance of eligible auto theft prevention activities, along with other supplies and materials used in an auto theft prevention campaign; and

WHEREAS, the City wishes to maximize the effectiveness of the use of these grant funds; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the City Manager be and hereby is authorized as part of the previously authorized staffing authorization for police officers, to accept and implement the proposed Auto Theft Prevention Grant.

May 24, 2021
Date

Mayor

ATTEST: _____
City Clerk

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

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

SWIFT Contract No. _____

This grant contract is between the State of Minnesota, acting through its Commissioner of Commerce ("State") and Brooklyn Center Police Department 6645 Humboldt Ave. N., Brooklyn Center, MN 55430 ("Grantee").

Recitals

1. Under Minn. Stat. § 65B.84, the State is empowered to enter into this grant.
2. The State is in need of projects to reduce the incidence of automobile theft and automobile theft related crime. Grant awards pursuant to its Request for Proposals have been made for that purpose.
3. The Grantee represents that it is duly qualified and agrees to perform all services described in this grant contract to the satisfaction of the State. Pursuant to Minn. Stat. § 16B.98 Subdivision 1, the Grantee agrees to minimize administrative costs as a condition of this grant.

Grant Contract**1 Term of Grant Contract**

- 1.1 **Effective date:** July 1, 2021, or the date the State obtains all required signatures under Minnesota Statutes Section 16C.05, subdivision 2, whichever is later.

The Grantee must not begin work under this grant contract until this contract is fully executed and the Grantee has been notified by the State's Authorized Representative to begin the work.

- 1.2 **Expiration date:** June 30, 2023, or until all obligations have been satisfactorily fulfilled, whichever occurs first. The contract may be extended for up to an additional 3 years in increments as determined by the State, through a duly executed amendment.

1.3 **Survival of Terms.**

The following clauses survive the expiration or cancellation of this grant contract: 8. Liability; 9. State Audits; 10. Government Data Practices and Intellectual Property; 12. Publicity and Endorsement; 13. Governing Law, Jurisdiction, and Venue; and 15 Data Disclosure.

2 Grantee's Duties

2.1 **Activities.**

The Grantee, who is not a state employee, will perform project activities in accordance with the specified tasks and line-item budget approved by the State, which is attached and incorporated into this contract as Exhibit A, and will comply with required grants management policies and procedures set forth through Minn. Stat. § 16B.97, Subd. 4(a)(1).

2.2 **Reporting Requirements.**

Grantee shall report to the State as specified in the Grant Manual of the Office of Justice Program, which is posted online at <https://dps.mn.gov/divisions/ojp/grants/Documents/grant-manual.pdf> and is incorporated by reference into this grant contract.

(1) **Financial Reporting.**

Grantee shall submit a financial reporting form to the State's Authorized Representative utilizing the format identified by the State within 30 days after the end of the reporting period.

(2) **Progress Reporting.**

Grantee shall use forms prescribed by the State to submit a quarterly progress detailing progress achieved towards the accomplishment of the program goals and objectives within 30 days after the

end of the reporting period.

(3) **Other Requirements.**

Grantee shall submit such other reports and attend meetings and training as State shall reasonably request.

(4) **Evaluation.**

The State shall have the authority, during the course of this grant period, to conduct evaluations of the performance of the Grantee.

(5) **Requirement Changes.**

The State may modify or change all reporting forms at its discretion during the grant period.

(6) **Special Requirements.**

The State reserves the right to include in the grant, at any time during the term of the grant, special administrative requirements deemed necessary to assure the Grantee's successful implementation of the program. The State will notify the Grantee in writing of any special administrative requirements.

2.3 Equipment

(1) **Definitions.**

Equipment and materials include items and supplies purchased with grant funds. This may include, but is not limited to, GPS trackers, cameras, computer software, ALPR's, and bait cars.

Capital equipment is defined as a single item purchased with a value of \$5,000 or more.

(2) **Purpose.**

All equipment and materials purchased with grant funds shall be used primarily for the purpose of the grant for the entire duration of the term of the agreement.

(3) **Inventory.**

The Grantee shall place all equipment and materials having a value of over \$100 purchased with grants funds on a grant property inventory form. The inventory form must be submitted with quarterly reports. The Grantee shall provide a copy of the grant inventory to the State's Authorized Representative.

(4) **Inspection.**

The Grantee shall make all equipment and materials purchased with grants funds available for inspection by the State's Authorized Representative.

(5) **Replacement.**

The Grantee is responsible for replacing or repairing property which is lost, stolen, damaged or destroyed. Any loss, damage or theft of equipment must be investigated and fully documented and made part of the official grant contract records. Stolen property must be reported promptly to the appropriate law enforcement agency and a copy of the report retained in the program files.

(6) **Discontinuation of Use During Grant Term.**

If the Grantee ceases using equipment (including capital equipment) or materials for the intended purpose during the term of the agreement, the Grantee shall contact the State's Authorized Representative for disposition of property instructions. Disposition may include sale, transfer to the State, or transfer to another grantee.

(7) **Discontinuation of Use of Capital Equipment.**

Capital equipment must be retained in inventory for a five-year period or when the value of the equipment has depreciated to less than \$5,000, whichever comes first. If the Grantee ceases using capital equipment for the intended purpose during this time, the Grantee shall contact the State's Authorized Representative for disposition of property instructions. Disposition may include sale, transfer to the State, or transfer to another grantee.

2.3 Personnel

If the grant provides funding for personnel, the funded personnel shall work on grant activities. Full-time funded positions must work exclusively on grant activities, excluding ancillary duties such as training, meetings, covering a court calendar, assisting others on a short-term project. Part-time or

overtime funding positions must keep a record of their hours spent on grant activities. The Grantee shall inform the State's Authorized Representative of the staff names who are assigned to and funded by the grant. If staff are reassigned or discontinued for more than 14 days, the grantee shall promptly notify the State's Authorized Representative.

3 Time

The Grantee must comply with all the time requirements described in this grant contract. In the performance of this grant contract, time is of the essence.

4 Consideration and Payment

4.1 Consideration.

The State will pay for all services performed by the Grantee under this grant contract as follows:

(a) Compensation.

The Grantee will be reimbursed for activities and budget amounts according to the line-item budget approved by the State in Exhibit A:

(1) \$100,125.00 is available for fiscal year 2022

(2) \$103,780.00 is available for fiscal year 2023

Grant funds available for fiscal year 2022 are permitted to be carried forward into fiscal year 2023 only upon written request and with written approval in advance by the State's Authorized Representative.

(b) Line-item Changes.

Expenditures specified in Exhibit A may not be moved from one line-item to another unless in accordance with the requirements listed below:

- (1) Any changes to the line-item budget must advance the purpose of the Automobile Theft Prevention Grant Program and must remain within the total dollar amount available for each fiscal year.
- (2) Any fund transfers must be approved in advance in writing by the State's Authorized Representative, and will not be effective until an amendment to this Agreement has been executed.
- (3) The State may refer approval requests for line-item transfer(s) to the Automobile Theft Prevention Advisory Board to review for reasonableness.

(c) Travel Expenses.

Reimbursement for travel and subsistence expenses actually and necessarily incurred by the Grantee as a result of this grant contract will not exceed the amount identified and approved for travel in Exhibit A; provided that the Grantee will be reimbursed for travel and subsistence expenses in the same manner and in no greater amount than provided in the current "Commissioner's Plan" promulgated by the Commissioner of Minnesota Management and Budget (MMB). The Grantee will not be reimbursed for travel and subsistence expenses incurred outside Minnesota unless it has received the State's prior written approval for out of state travel. Minnesota will be considered the home state for determining whether travel is out of state.

(d) Total Obligation.

The total obligation of the State for all compensation and reimbursements to the Grantee under this grant contract will not exceed \$ 203,905.00.

4.2 Payment

(a) Invoices.

The State will promptly pay the Grantee after the Grantee presents an itemized invoice for the costs actually performed and the State's Authorized Representative accepts the invoiced services.

Invoices must be submitted timely upon completion of services, but not more often than monthly. The state fiscal year is July 1 to June 30 of each year. Amounts submitted on each invoice must reflect goods ordered and services rendered prior to June 30 of each fiscal year. The final invoice pertaining to each state fiscal year of this grant contract must be received by the close of business on July 31 following the end of the fiscal year.

(b) Unexpended Funds.

The Grantee must promptly return to the State any unexpended funds that have not been accounted for in a financial report to the State due at grant closeout.

4.3 Contracting and Bidding Requirements.

Per [Minn. Stat. §471.345](#), grantees that are municipalities as defined in Subd. 1 must follow the law.

For projects that include construction work of \$25,000 or more, prevailing wage rules apply per [Minn. Stat. §§177.41](#) through [177.44](#). These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole.

5 Conditions of Payment

All services provided by the Grantee under this grant contract must be performed to the State's satisfaction, as determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law.

6 Authorized Representative

The State's Authorized Representative is Joseph Boche, Grant Manager, 85-7th Place E, St. Paul, MN, 651-539-1605, or his successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services provided under this grant contract. If the services are satisfactory, the State's Authorized Representative will certify acceptance on each invoice submitted for payment.

The Grantee's Authorized Representative is Tony Gruenig 6645 Humboldt Ave. N., Brooklyn Center, MN 55430. If the Grantee's Authorized Representative changes at any time during this grant contract, the Grantee must immediately notify the State.

7 Assignment, Amendments, Waiver, and Grant Contract Complete

7.1 Assignment.

The Grantee shall neither assign nor transfer any rights or obligations under this grant contract without the prior written consent of the State, approved by the same parties who executed and approved this grant contract, or their successors in office.

7.2 Amendments.

Any amendments to this grant contract must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original grant contract, or their successors in office.

7.3 Waiver.

If the State fails to enforce any provision of this grant contract, that failure does not waive the provision or the State's right to enforce it.

7.4 Grant Contract Complete.

This grant contract contains all negotiations and agreements between the State and the Grantee. No other understanding regarding this grant contract, whether written or oral, may be used to bind either party.

8 Liability

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any

claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this grant contract by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this grant contract.

9 State Audits

Under Minn. Stat. §16B.98, Subd.8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this grant agreement or transaction are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this grant agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later.

10 Government Data Practices and Intellectual Property

10.1. *Government Data Practices.*

The Grantee and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this grant contract, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this grant contract. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State. If the Grantee receives a request to release the data referred to in this Clause, the Grantee must immediately notify the State. The State will give the Grantee instructions concerning the release of the data to the requesting party before the data is released. The Grantee's response to the request shall comply with applicable law.

10.2. *Intellectual Property Rights.*

Grantee represents and warrants that materials produced or used under this grant contract do not and will not infringe upon any intellectual property rights of another, including but not limited to patents, copyrights, trade secrets, trade names, and service marks and names. Grantee shall indemnify and defend the State, at Grantee's expense, from any action or claim brought against the State to the extent that it is based on a claim that all or part of the materials infringe upon the intellectual property rights of another. Grantee shall be responsible for payment of any and all such claims, demands, obligations, liabilities, costs, and damages including, but not limited to reasonable attorneys' fees arising out of this grant contract, amendments and supplements thereto, which are attributable to such claims or actions.

If such a claim or action arises, or in Grantee's or the State's opinion is likely to arise, Grantee shall, at the State's discretion, either procure for the State the right or license to continue using the materials at issue or replace or modify the allegedly infringing materials. This remedy shall be in addition to and shall not be exclusive to other remedies provided by law.

11 Workers' Compensation

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

12 Publicity and Endorsement

12.1 *Publicity.*

Any publicity regarding the subject matter of this grant contract must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices

prepared by or for the Grantee individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this grant contract.

12.2 *Endorsement.*

The Grantee must not claim that the State endorses its products or services.

13 Governing Law, Jurisdiction, and Venue

Minnesota law, without regard to its choice-of-law provisions, governs this grant contract. Venue for all legal proceedings out of this grant contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

14 Termination

14.1 *Termination by the State.*

The State may immediately terminate this grant contract with or without cause, upon 30 days written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro-rata basis, for services satisfactorily performed.

14.2 *Termination for Cause.*

The State may immediately terminate this grant contract if the State finds that there has been a failure to comply with the provisions of this grant contract, that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

14.3 *Termination for Insufficient Funding.*

The State may immediately terminate this grant contract if:

- a) It does not obtain funding from the Minnesota Legislature; or
- b) If funding cannot be continued at a level sufficient to allow for the payment of the services covered here.

Termination must be by written notice to the Grantee. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Grantee will be entitled to payment, determined on a pro-rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the contract is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State must provide the Grantee notice of the lack of funding within a reasonable time of the State's receiving that notice.

15 Data Disclosure

Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.

16 Other Provisions

16 Activities Requiring Prior Written Approval

The following require prior written approval:

- (1) Material program modifications:
 - a. Expanding your geographic area.
 - b. Changing organizations involved in activities (expansion, contraction or revision)

- c. Revising activities and timelines.
- d. Amending the number of activities or number of individuals you proposed to serve.
- e. Revising your target population.
- (2) Purchase of capital equipment.
- (3) Purchase of equipment not specified within the grant agreement.
- (4) Reallocation of funds from one line item to another.
- (5) Contracts of \$5,000 or more.
- (6) Out of state travel when grant funds are used.
- (7) Disposal of equipment purchased with grant funds during the term of the grant.
- (8) Disposal of capital equipment at any time during the term of the grant, and for 5 years from the date of purchase of the equipment or when the equipment has a value less than \$5,000, whichever comes first.

1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05.

Signed: _____

Date: _____

SWIFT Contract/PO No(s). _____

3. STATE AGENCY

By: _____
(with delegated authority)

Title: _____

Date: _____

2. GRANTEE

The Grantee certifies that the appropriate person(s) have executed the grant contract on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

By: _____

Title: _____

Date: _____

Phone: _____

Email: _____

Exhibit A - Full-Time Investigator (Metro MN)

Award	FY 2022	FY 2023*	Total
Full Time Investigator	\$ 100,000.00	\$ 100,000.00	\$ 200,000.00
IAATI 1 Year Registration		\$ 55.00	\$ 55.00
IAATI Certified Investigator Training & Registration	\$ 125.00		\$ 125.00
IAATI 2022 Conference Registration - Chicago, IL		\$ 475.00	\$ 475.00
IAATI 2022 Conference Travel (air, hotel, per diem, incidental) - Chicago, IL		\$ 3,000.00	\$ 3,000.00
IAATI 2023 Conference Registration - Bloomington, MN		\$ 250.00	\$ 250.00
TOTALS	\$ 100,125.00	\$ 103,780.00	\$ 203,905.00

- **Salary and benefits will be paid 25% per quarter.**
- ***Pending approval of satisfactory performance as determined by State's Authorized Representative by April, 2022.**

SWIFT Contract No. _____

This grant contract is between the State of Minnesota, acting through its Commissioner of Commerce ("State") and Brooklyn Center Police Department 6645 Humboldt Ave. N., Brooklyn Center, MN 55430 ("Grantee").

Recitals

1. Under Minn. Stat. § 65B.84, the State is empowered to enter into this grant.
2. The State is in need of projects to reduce the incidence of automobile theft and automobile theft related crime. Grant awards pursuant to its Request for Proposals have been made for that purpose.
3. The Grantee represents that it is duly qualified and agrees to perform all services described in this grant contract to the satisfaction of the State. Pursuant to Minn. Stat. § 16B.98 Subdivision 1, the Grantee agrees to minimize administrative costs as a condition of this grant.

Grant Contract**1 Term of Grant Contract**

- 1.1 **Effective date:** July 1, 2021, or the date the State obtains all required signatures under Minnesota Statutes Section 16C.05, subdivision 2, whichever is later.

The Grantee must not begin work under this grant contract until this contract is fully executed and the Grantee has been notified by the State's Authorized Representative to begin the work.

- 1.2 **Expiration date:** June 30, 2023, or until all obligations have been satisfactorily fulfilled, whichever occurs first. The contract may be extended for up to an additional 3 years in increments as determined by the State, through a duly executed amendment.

1.3 **Survival of Terms.**

The following clauses survive the expiration or cancellation of this grant contract: 8. Liability; 9. State Audits; 10. Government Data Practices and Intellectual Property; 12. Publicity and Endorsement; 13. Governing Law, Jurisdiction, and Venue; and 15 Data Disclosure.

2 Grantee's Duties

2.1 **Activities.**

The Grantee, who is not a state employee, will perform project activities in accordance with the specified tasks and line-item budget approved by the State, which is attached and incorporated into this contract as Exhibit A, and will comply with required grants management policies and procedures set forth through Minn. Stat. § 16B.97, Subd. 4(a)(1).

2.2 **Reporting Requirements.**

Grantee shall report to the State as specified in the Grant Manual of the Office of Justice Program, which is posted online at <https://dps.mn.gov/divisions/ojp/grants/Documents/grant-manual.pdf> and is incorporated by reference into this grant contract.

(1) **Financial Reporting.**

Grantee shall submit a financial reporting form to the State's Authorized Representative utilizing the format identified by the State within 30 days after the end of the reporting period.

(2) **Progress Reporting.**

Grantee shall use forms prescribed by the State to submit a quarterly progress detailing progress achieved towards the accomplishment of the program goals and objectives within 30 days after the

end of the reporting period.

(3) **Other Requirements.**

Grantee shall submit such other reports and attend meetings and training as State shall reasonably request.

(4) **Evaluation.**

The State shall have the authority, during the course of this grant period, to conduct evaluations of the performance of the Grantee.

(5) **Requirement Changes.**

The State may modify or change all reporting forms at its discretion during the grant period.

(6) **Special Requirements.**

The State reserves the right to include in the grant, at any time during the term of the grant, special administrative requirements deemed necessary to assure the Grantee's successful implementation of the program. The State will notify the Grantee in writing of any special administrative requirements.

2.3 Equipment

(1) **Definitions.**

Equipment and materials include items and supplies purchased with grant funds. This may include, but is not limited to, GPS trackers, cameras, computer software, ALPR's, and bait cars.

Capital equipment is defined as a single item purchased with a value of \$5,000 or more.

(2) **Purpose.**

All equipment and materials purchased with grant funds shall be used primarily for the purpose of the grant for the entire duration of the term of the agreement.

(3) **Inventory.**

The Grantee shall place all equipment and materials having a value of over \$100 purchased with grants funds on a grant property inventory form. The inventory form must be submitted with quarterly reports. The Grantee shall provide a copy of the grant inventory to the State's Authorized Representative.

(4) **Inspection.**

The Grantee shall make all equipment and materials purchased with grants funds available for inspection by the State's Authorized Representative.

(5) **Replacement.**

The Grantee is responsible for replacing or repairing property which is lost, stolen, damaged or destroyed. Any loss, damage or theft of equipment must be investigated and fully documented and made part of the official grant contract records. Stolen property must be reported promptly to the appropriate law enforcement agency and a copy of the report retained in the program files.

(6) **Discontinuation of Use During Grant Term.**

If the Grantee ceases using equipment (including capital equipment) or materials for the intended purpose during the term of the agreement, the Grantee shall contact the State's Authorized Representative for disposition of property instructions. Disposition may include sale, transfer to the State, or transfer to another grantee.

(7) **Discontinuation of Use of Capital Equipment.**

Capital equipment must be retained in inventory for a five-year period or when the value of the equipment has depreciated to less than \$5,000, whichever comes first. If the Grantee ceases using capital equipment for the intended purpose during this time, the Grantee shall contact the State's Authorized Representative for disposition of property instructions. Disposition may include sale, transfer to the State, or transfer to another grantee.

2.3 Personnel

If the grant provides funding for personnel, the funded personnel shall work on grant activities. Full-time funded positions must work exclusively on grant activities, excluding ancillary duties such as training, meetings, covering a court calendar, assisting others on a short-term project. Part-time or

overtime funding positions must keep a record of their hours spent on grant activities. The Grantee shall inform the State's Authorized Representative of the staff names who are assigned to and funded by the grant. If staff are reassigned or discontinued for more than 14 days, the grantee shall promptly notify the State's Authorized Representative.

3 Time

The Grantee must comply with all the time requirements described in this grant contract. In the performance of this grant contract, time is of the essence.

4 Consideration and Payment

4.1 Consideration.

The State will pay for all services performed by the Grantee under this grant contract as follows:

(a) Compensation.

The Grantee will be reimbursed for activities and budget amounts according to the line-item budget approved by the State in Exhibit A:

(1) \$34,200.00 is available for fiscal year 2022

(2) \$0.00 is available for fiscal year 2023

Grant funds available for fiscal year 2022 are permitted to be carried forward into fiscal year 2023 only upon written request and with written approval in advance by the State's Authorized Representative.

(b) Line-item Changes.

Expenditures specified in Exhibit A may not be moved from one line-item to another unless in accordance with the requirements listed below:

- (1) Any changes to the line-item budget must advance the purpose of the Automobile Theft Prevention Grant Program and must remain within the total dollar amount available for each fiscal year.
- (2) Any fund transfers must be approved in advance in writing by the State's Authorized Representative and will not be effective until an amendment to this Agreement has been executed.
- (3) The State may refer approval requests for line-item transfer(s) to the Automobile Theft Prevention Advisory Board to review for reasonableness.

(c) Travel Expenses.

Reimbursement for travel and subsistence expenses actually and necessarily incurred by the Grantee as a result of this grant contract will not exceed the amount identified and approved for travel in Exhibit A; provided that the Grantee will be reimbursed for travel and subsistence expenses in the same manner and in no greater amount than provided in the current "Commissioner's Plan" promulgated by the Commissioner of Minnesota Management and Budget (MMB). The Grantee will not be reimbursed for travel and subsistence expenses incurred outside Minnesota unless it has received the State's prior written approval for out of state travel. Minnesota will be considered the home state for determining whether travel is out of state.

(d) Total Obligation.

The total obligation of the State for all compensation and reimbursements to the Grantee under this grant contract will not exceed \$34,200.00.

4.2 Payment

(a) Invoices.

The State will promptly pay the Grantee after the Grantee presents an itemized invoice for the costs actually performed and the State's Authorized Representative accepts the invoiced services.

Invoices must be submitted timely upon completion of services, but not more often than monthly. The state fiscal year is July 1 to June 30 of each year. Amounts submitted on each invoice must reflect goods ordered and services rendered prior to June 30 of each fiscal year. The final invoice pertaining to each state fiscal year of this grant contract must be received by the close of business on July 31 following the end of the fiscal year.

(b) Unexpended Funds.

The Grantee must promptly return to the State any unexpended funds that have not been accounted for in a financial report to the State due at grant closeout.

4.3 Contracting and Bidding Requirements.

Per [Minn. Stat. §471.345](#), grantees that are municipalities as defined in Subd. 1 must follow the law.

For projects that include construction work of \$25,000 or more, prevailing wage rules apply per [Minn. Stat. §§177.41](#) through [177.44](#). These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole.

5 Conditions of Payment

All services provided by the Grantee under this grant contract must be performed to the State's satisfaction, as determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law.

6 Authorized Representative

The State's Authorized Representative is Joseph Boche, Grant Manager, 85-7th Place E, St. Paul, MN, 651-539-1605, or his successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services provided under this grant contract. If the services are satisfactory, the State's Authorized Representative will certify acceptance on each invoice submitted for payment.

The Grantee's Authorized Representative is Tony Gruenig 6645 Humboldt Ave. N., Brooklyn Center, MN 55430. If the Grantee's Authorized Representative changes at any time during this grant contract, the Grantee must immediately notify the State.

7 Assignment, Amendments, Waiver, and Grant Contract Complete

7.1 Assignment.

The Grantee shall neither assign nor transfer any rights or obligations under this grant contract without the prior written consent of the State, approved by the same parties who executed and approved this grant contract, or their successors in office.

7.2 Amendments.

Any amendments to this grant contract must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original grant contract, or their successors in office.

7.3 Waiver.

If the State fails to enforce any provision of this grant contract, that failure does not waive the provision or the State's right to enforce it.

7.4 Grant Contract Complete.

This grant contract contains all negotiations and agreements between the State and the Grantee. No other understanding regarding this grant contract, whether written or oral, may be used to bind either party.

8 Liability

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any

claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this grant contract by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this grant contract.

9 State Audits

Under Minn. Stat. §16B.98, Subd.8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this grant agreement or transaction are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this grant agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later.

10 Government Data Practices and Intellectual Property

10.1. *Government Data Practices.*

The Grantee and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this grant contract, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this grant contract. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State. If the Grantee receives a request to release the data referred to in this Clause, the Grantee must immediately notify the State. The State will give the Grantee instructions concerning the release of the data to the requesting party before the data is released. The Grantee's response to the request shall comply with applicable law.

10.2. *Intellectual Property Rights.*

Grantee represents and warrants that materials produced or used under this grant contract do not and will not infringe upon any intellectual property rights of another, including but not limited to patents, copyrights, trade secrets, trade names, and service marks and names. Grantee shall indemnify and defend the State, at Grantee's expense, from any action or claim brought against the State to the extent that it is based on a claim that all or part of the materials infringe upon the intellectual property rights of another. Grantee shall be responsible for payment of any and all such claims, demands, obligations, liabilities, costs, and damages including, but not limited to reasonable attorneys' fees arising out of this grant contract, amendments and supplements thereto, which are attributable to such claims or actions.

If such a claim or action arises, or in Grantee's or the State's opinion is likely to arise, Grantee shall, at the State's discretion, either procure for the State the right or license to continue using the materials at issue or replace or modify the allegedly infringing materials. This remedy shall be in addition to and shall not be exclusive to other remedies provided by law.

11 Workers' Compensation

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

12 Publicity and Endorsement

12.1 *Publicity.*

Any publicity regarding the subject matter of this grant contract must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices

prepared by or for the Grantee individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this grant contract.

12.2 *Endorsement.*

The Grantee must not claim that the State endorses its products or services.

13 Governing Law, Jurisdiction, and Venue

Minnesota law, without regard to its choice-of-law provisions, governs this grant contract. Venue for all legal proceedings out of this grant contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

14 Termination

14.1 *Termination by the State.*

The State may immediately terminate this grant contract with or without cause, upon 30 days written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro-rata basis, for services satisfactorily performed.

14.2 *Termination for Cause.*

The State may immediately terminate this grant contract if the State finds that there has been a failure to comply with the provisions of this grant contract, that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

14.3 *Termination for Insufficient Funding.*

The State may immediately terminate this grant contract if:

- a) It does not obtain funding from the Minnesota Legislature; or
- b) If funding cannot be continued at a level sufficient to allow for the payment of the services covered here.

Termination must be by written notice to the Grantee. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Grantee will be entitled to payment, determined on a pro-rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the contract is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State must provide the Grantee notice of the lack of funding within a reasonable time of the State's receiving that notice.

15 Data Disclosure

Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.

16 Other Provisions

16 Activities Requiring Prior Written Approval

The following require prior written approval:

- (1) Material program modifications:
 - a. Expanding your geographic area.
 - b. Changing organizations involved in activities (expansion, contraction or revision)

- c. Revising activities and timelines.
- d. Amending the number of activities or number of individuals you proposed to serve.
- e. Revising your target population.
- (2) Purchase of capital equipment.
- (3) Purchase of equipment not specified within the grant agreement.
- (4) Reallocation of funds from one line item to another.
- (5) Contracts of \$5,000 or more.
- (6) Out of state travel when grant funds are used.
- (7) Disposal of equipment purchased with grant funds during the term of the grant.
- (8) Disposal of capital equipment at any time during the term of the grant, and for 5 years from the date of purchase of the equipment or when the equipment has a value less than \$5,000, whichever comes first.

1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05.

Signed: _____

Date: _____

SWIFT Contract/PO No(s). _____

3. STATE AGENCY

By: _____
(with delegated authority)

Title: _____

Date: _____

2. GRANTEE

The Grantee certifies that the appropriate person(s) have executed the grant contract on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

By: _____

Title: _____

Date: _____

Phone: _____

Email: _____

Exhibit A – Brooklyn Center

Brooklyn Center Police	Approved FY 2022	Approved FY 2023	Total Approved
Equipment Over \$5,000 Per Unit			
StarChase 4 Units	\$ 34,200.00		\$34,200.00
Total	\$ 34,200.00		\$34,200.00

Council Regular Meeting

DATE: 5/24/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Opportunity Site Presentation Series: Environmental Assessment Overview

Requested Council Action:

Background:

The purpose of this presentation series is to provide regular updates to City Council on particular topics in short 20-30 minutes updates that can be recorded and further shared out to the community on the dedicated project website as well as through regular virtual meeting events that will encourage discussion and dialogue with the community. The goal is to provide more transparent and timely information on the project as it moves forward and evolves.

Staff will offer a short presentation at each subsequent Council meeting in order to facilitate this information sharing.

At the last Council meeting, staff provided an overview of the process, decision points and milestones for both the Opportunity Site Master Plan as well as Alatus and PPL's development project. At that meeting the City Council had specific questions about the environmental review process.

For this presentation, staff has asked Daniel DeJoode, from Braun Intertec, to provide an overview of the environmental assessment process, as well as how it is specifically being applied to the Alatus/PPL development project. Braun Intertec is an environmental engineering firm that routinely conducts environmental assessments for both public and private projects. They have been engaged by Alatus to be the consultant that conducts the environmental assessment for their Brooklyn Center project, which is underway.

Budget Issues:

There are no budget issues to consider at this time.

Inclusive Community Engagement:

The environmental review process includes a public comment period as part of the statutory requirements. Mr. DeJoone will speak to the public engagement requirements as well as what is being planned for this project as it relates to the environmental review.

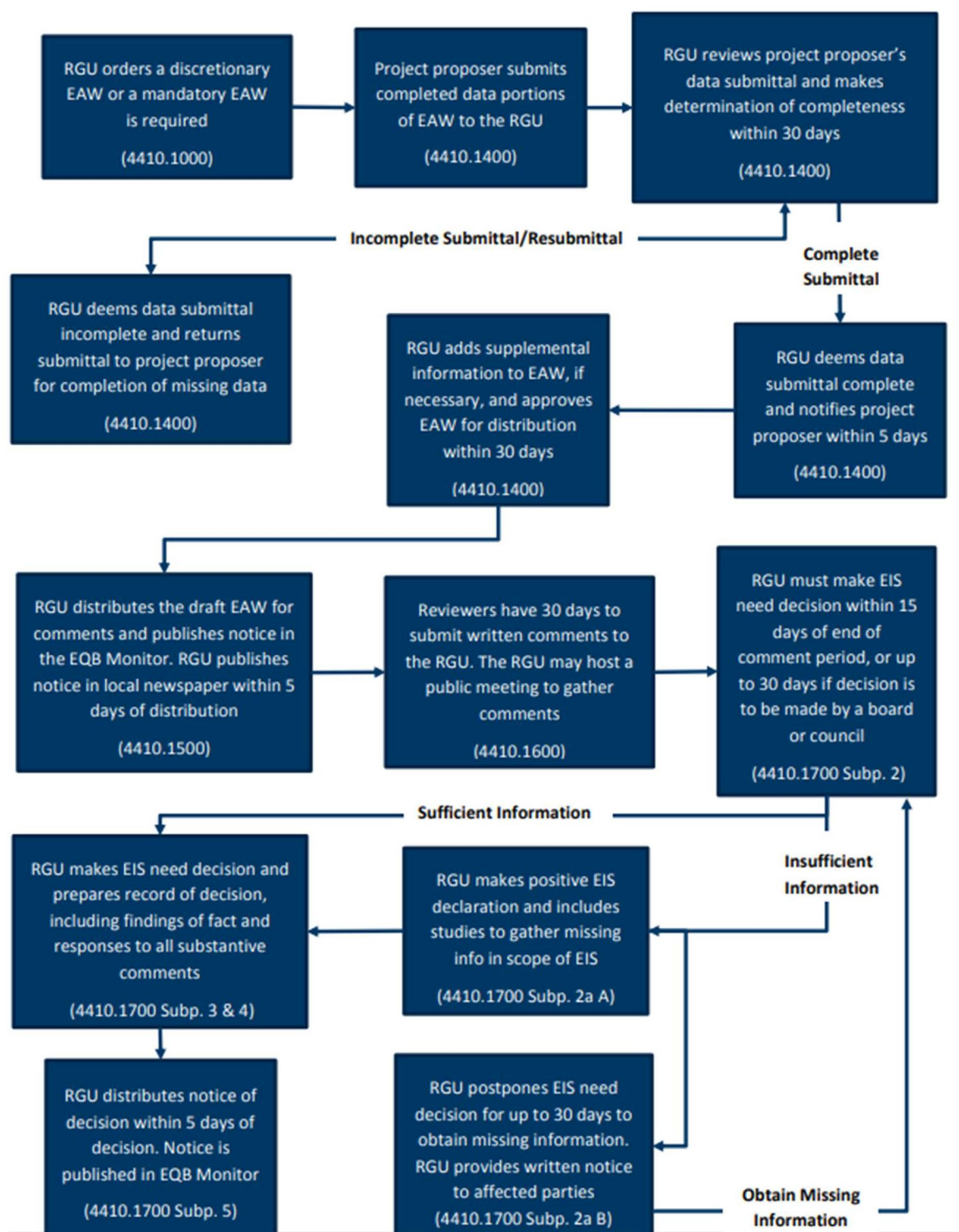
Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
EAW Process	5/21/2021	Backup Material



Council Regular Meeting

DATE: 5/24/2021

TO: City Council

FROM: Dr. Reginald Edwards, Acting City Manager

THROUGH: N/A

BY: Doran M. Cote, P.E., Director of Public Works

SUBJECT: An Ordinance Amending Chapters 7 and 19 of the City Code of Ordinance Regarding Waste and Organics Recycling by Haulers

Requested Council Action:

- *Motion to open public hearing*
- *Take public input*
- *Close the public hearing*
- *Motion to approve the Second Reading of an Ordinance Amending Chapter 7 and 19 of the City Code of Ordinances Regarding Waste and Organics Recycling.*
- *Motion to approve a resolution for a summary publication of the ordinance.*

Background:

Hennepin County Ordinance 13 regulates the separation of Mixed Recyclables and Organic Material from waste by generators. This Ordinance is consistent with County adopted goals established by the Minnesota Pollution Control Agency in its Metropolitan Solid Waste Management Policy Plan and mandated by Minnesota Statute, section 115A.551, subdivision 2a, requiring a 75 percent Recycling rate by 2030. This Ordinance satisfies statutory obligations and is authorized pursuant to authority in Minnesota Statutes, section 115A.551 – 115A.553, and 473.811.

Hennepin County revised its recycling ordinance on November 27, 2018. These changes include; businesses that generate large quantities of food waste must implement food recycling by January 1, 2020, multifamily properties must offer adequate recycling service, provide education to tenants and label recycling containers properly, businesses must have adequate recycling services and label recycling containers properly, and Cities must offer curbside organics recycling service to residents by January 1, 2022. City Staff has been working with Hennepin County Recycle Group (HRG), who provides the City's recycling services, to revise the City's Ordinances Chapters 7 and 19. The changes include; changes required to come into compliance with Hennepin County's revised Ordinance 13 on organics recycling collection (Section 7-103 Subdivision 14) by requiring waste haulers to include in their menu of services the option of collecting organics and updating or deleting outdated waste and recycling related terminology and/or practices, i.e. waste burning. The City's attorney has prepared the proposed Ordinance for consideration.

Consistent with the City Charter, this first reading of the ordinance established May 24, 2021 as the date for a second reading and public hearing to consider the proposed ordinance. The amended ordinance would become effective June 23, 2021 if approved. This would give the City Clerk and HRG adequate time to revise the haulers licenses and notify haulers of this new requirement for their next license cycle.

Additionally, this ordinance was published in full for this public hearing. Staff is requesting a summary publication if adopted.

Budget Issues:

There are no budget issues to consider with this action.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Amended Organics Recycling Ordinance	5/12/2021	Cover Memo
Organics Recycling Powerpoint	5/13/2021	Cover Memo
Resolution	5/19/2021	Resolution Letter

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 7 AND 19 OF THE CITY CODE
OF ORDINANCES REGARDING WASTE AND ORGANICS RECYCLING BY
HAULERS

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

ARTICLE I. Chapter 7, Section 7-101 of the Brooklyn Center City Code is hereby amended as follows and renumbering the subdivisions as needed:

Section 7-101. DEFINITIONS. For purposes of Sections 7-101 to 7-112, the following terms have the meanings given them: in this section. Any term not defined in this section shall have the meaning given it in Minnesota Statutes, section 115A.03, if defined therein.

Subdivision 1. Approved means acceptable to the health authority following the health authority's determination as to compliance with established public health practices and standards.

~~Subdivision 2. Carryout Collection Service means the collection of recyclable materials accumulated in recycling containers from a location at a dwelling unit other than the location designated by the recycling authority for regular collection.~~

Subdivision 2. Bulky Waste means household items and other discarded materials that, due to their dimensions and weight, are typically not collected as part of the regular garbage or recycling collection, or for which there may be a separate fee, such as furniture, carpeting, mattresses, appliances, or other waste that requires extraordinary handling methods to achieve compaction.

Subdivision 3. City means the City of Brooklyn Center.

Subdivision 4. Compost means the controlled aerobic decomposition of organic matter into a humus-like product that is stabilized to the point that it is beneficial to plant growth and can be used as a soil amendment without further processing.

Subdivision 5. Composting means the intentional making of compost.

Subdivision 6. Compost Container means a container used for composting on residential property. No container constitutes a compost container unless it is enclosed on all vertical sides and is made of a durable material that is free of rot.

Subdivision 3. Council or City Council means the governing body city council of the City of Brooklyn Center, Minnesota.

Subdivision . Dumpster means a waste container generally ranging from 2 to 6 cubic

yards that a specially-designed garbage truck lifts, empties into its hopper, and lowers on the spot.

Subdivision 5. ~~Garbage means all putrescible animal, vegetable or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit or vegetables, including the cans, containers or wrappers wasted along with such materials, but not including recyclable materials~~ is included in, and has the same meaning as, mixed municipal solid waste.

Subdivision . Garbage Collection means the taking up and collecting of all mixed municipal solid waste accumulated at all dwelling units, places of business, and other institutions in the City, and the transportation of municipal solid waste to a sanitary landfill or other place of disposal licensed and permitted by the State of Minnesota.

Subdivision . Hazardous Waste has the meaning given the term in Minnesota Statutes, section 115A.03, subdivision 13.

Subdivision . Hauler means a business licensed by the City to collect, transport, and dispose of mixed municipal solid waste, recyclables, or yard waste. The term shall include the employees and agents of the business acting on its behalf.

Subdivision 7. Health Authority means the ~~city public health sanitarian or an authorized representatives of the City Manager~~ charged with one or more duties of the health authority under this Chapter.

Subdivision . Litter means garbage, recyclables, and all other waste material which, if thrown or deposited as prohibited in this Code, tends to create a nuisance or danger to public health, safety, or welfare.

Subdivision 8. City Manager means the administrative head for the City.

Subdivision 21. Refuse means all solid waste products or those having the character of solids rather than liquids in that they will not flow readily without additional liquid and which are composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals sold as meat, fruit or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing in or handling meat, fowl, fruit, grain, or vegetables; offal, animal excreta, or the carcass of animals; brick, plaster, wood, metal or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, containers, junk vehicles, ashes, tires, junk, or other such substance which may become a nuisance, but not including recyclable materials.

Subdivision 22. Rubbish is nonputrescible solid wastes such as wood, leaves, trimmings from shrubs, dead trees or branches thereof, shavings, sawdust, excelsior, wooden waste, printed matter, paper, paper board, pasteboard, grass, rags, straw, boots, shoes, hats, and all other combustibles not included under the term garbage, but not including recyclable materials.

~~Subdivision 23. Swill includes that particular garbage which is wholly or nearly edible and usable as a food and has food value for animals or fowl, accumulating from animal, vegetable or other matter wasted from clubs, hotels, hospitals, restaurants, and public eating places.~~

Subdivision . Roll-off Dumpsters are larger dumpster trailers ranging from 10 to 45 cubic yards and are used at demolition sites, clean-outs, renovations, construction sites, factories, and large businesses.

Subdivision . Source Separated Compostable Materials shall have the meaning given it in Minnesota Statutes, Section 115A.03, subdivision 32a. These materials are also referred to as source separated organics. The term does not include yard waste for purposes of Sections 7-101 to 7-112.

Subdivision . Trash is included in, and has the same meaning as, mixed municipal solid waste.

Subdivision . Waste is included in, and has the same meaning as, mixed municipal solid waste.

Subdivision . Walkup Collection Service means the collection of recyclable materials accumulated in recycling containers from a location at a dwelling unit other than the location designated by the recycling authority for regular collection.

~~Subdivision 25. Waste Matter is nonputrescible solid waste such as soil, earth, sand, clay, gravel, loam, stone, brick, plaster, crockery, glass, glassware, ashes, cinders, shells, metal, and other noncombustible material which has been or is to be discarded, but not including recyclable materials.~~

Subdivision . Waste Hauler License or License means a license issued by the City to a hauler authorizing the collection and hauling of waste within the City.

~~Subdivision 26.~~ Yard Waste has the meaning given it in Minnesota Statutes, Section ~~115A.931~~ 115A.03, subdivision 38.

ARTICLE II. Chapter 7, Section 7-102 of the Brooklyn Center City Code is hereby amended as follows:

Section 7-102. REFUSE STORAGE AND DISPOSAL.

Subdivision 1. Containers Required. The owner of any premises, and any other person having ~~refuse~~ waste as herein defined, must provide and keep on such premises sufficient containers for the storage of refuse accumulated on the premises between disposal or collection. Each container must be watertight, must have a tight fitting lid, must be impervious to insects, rodents, vermin, and absorption of moisture and may not ~~exceed 30 gallons in capacity or 95~~

~~gallons in capacity in the case of roll-cart automated containers or have ragged or sharp edges or any other have any defect liable to hamper the person collecting the contents thereof.~~

All ~~refuse~~ waste on any premises must be stored in required containers ~~unless it is immediately consumed or disposed of on the premises in an approved incinerator.~~

All commercial, business, industrial, or other such establishments having a ~~refuse volume~~ in excess of two cubic yards of waste per week, and all six-family and larger dwellings, must ~~provide use approved bulk or box type refuse storage containers or approved equivalent dumpster-type waste storage containers.~~ The containers must be located so as to be accessible to collection equipment and so as not to require an intermediate transfer.

The hauler shall replace, at its expense, damaged waste containers.

Subdivision 2. Sanitary Disposal. All ~~refuse~~ waste must be disposed of in a sanitary manner as approved by the health authority and ~~may~~ must not constitute a nuisance. ~~Refuse may not be composted or buried except that composting in an approved rodent and fly proof device and/or filling operations using approved fill materials and methods may be permitted. In no case may garbage be composted or buried.~~

Subdivision 3. Frequency and Manner of Collection. The contents of the containers must be collected at least once every other week, or more frequently if necessary or required by the provisions of any other ordinance of the City, by a ~~collector~~ hauler licensed under this Chapter. The hauler must transfer the contents of the containers to the collection vehicle without spilling them, and if any spilling occurs, the collector must clean it up immediately and completely. Collection must be conducted in a manner as to not create a nuisance. Collection in residential zones must be between the hours of 6:30 a.m. and ~~8~~6:30 p.m. Upon each collection, the containers must be completely emptied and returned to ~~the racks or stands where they are kept, and the lids of the containers must be replaced~~ their original location.

Subdivision 4. Placing of Containers. Containers must be placed behind the front setback of the residence or placed in a garage located on the premises, except as may be reasonable and immediately necessary for collection. In no event may containers be placed or maintained in a way that unreasonably interferes with the use of adjoining property. Containers kept outside must be placed in a manner that does not permit entry of or harborage for animals, insects or other vermin, or permit the container to be tipped over. Containers must be maintained in a reasonable clean condition at all times.

Subdivision 5. Defective Containers. If, upon inspection by the health authority, a container is found to be in poor repair, corroded or otherwise defective so as to permit insects, vermin or rodents to enter, or does not meet other requirements of this ordinance, the health authority may require the container to be repaired or replaced by notifying the ~~provider~~ hauler ~~or user of the container~~ of the deficiency and stating a compliance date in the notice. If the deficiency is not corrected by the compliance date, the health authority may condemn the deficient container and affix a tag so stating such condemnation. It is unlawful for any person to place or deposit refuse in a container which has been condemned.

Subdivision 6. Preparation of Yard Wastes. Yard wastes must be placed in a yard waste collection cart or compostable bags that are separate from other waste ~~bagged separately from other garbage, refuse, and waste matter and must be placed 3 to 6 feet from garbage and other refuse on collection day.~~

ARTICLE III. Chapter 7, Section 7-103 of the Brooklyn Center City Code is hereby amended as follows:

Section 7-103. REFUSE WASTE HAULERS REGULATIONS.

Subdivision 1. License Required. No person may haul or convey refuse waste from any premises in the City ~~other than the person's own domicile~~ unless the person holds a valid waste hauler license. A license is required for each vehicle used to haul or convey refuse waste.

Subdivision 2. License Procedure. The provisions of Sections 23-001 through 23-013 of the City ~~Ordinances~~ Code apply to all licenses required by ~~this ordinance~~ these Sections 7-101 to 7-112 and to the holders of the license. The city council may establish the annual license fee from time to time by resolution. The term of each license hereunder is from July 1 through June 30.

The applications for license or renewal of license must contain a description of the types and makes of motor vehicles used for collection, a schedule of services to be made to the customers, the frequency of service to be rendered, and full information where and how the material collected will be disposed of, and any other information the health authority may require. ~~Applicants for licenses to provide routine weekly collection and removal of refuse from residences must provide complete collection of all refuse waste which normally results from day-to-day use of residential property except furnishings, appliances, building or construction wastes and similar bulky wastes, organics for recycling, or yard waste for which individuals must make special arrangements. The health authority may require vehicle inspection before processing the license application.~~

Applications for license must be submitted to the health authority for review and recommendation. If the council is satisfied that the public need, convenience, and good order will be served thereby, it may grant a license to any applicant meeting the requirements of ~~this ordinance~~ these Sections 7-101 to 7-112.

~~Subdivision 3. License Classification. Licenses are issued for the following classes of operation:~~

Class I

Residential Refuse Collection Vehicle

Class II

Commercial and Business Refuse Collection Vehicle

Class III

~~Residential and Commercial Refuse Collection Vehicle~~

Class IV

~~Rubbish and Waste Matter Collection Vehicle~~

Class V

~~Rendering Collection Vehicle~~

Subdivision 43. Insurance. Applicants for licenses or renewals of licenses must maintain the following minimum insurance:

1. Commercial Automobile Liability Insurance Covering All Owned, Hired, and Nonowned Automobile - Limits of Liability
 - a. Combined Single Liability Limits - \$500,000 \$1,500,000 each occurrence, ~~or~~
 - b. ~~Bodily Injury~~ - \$100,000 each person, \$500,000 each occurrence; and
 - c. ~~Property Damage~~ - \$50,000 each occurrence;

~~In the event applicants for licenses use refuse collection bins furnished for their clients, then the following additional coverage is necessary:~~

- ~~42. Commercial Liability Insurance Covering All Operations and Completed Operations - Limits of Liability~~
 - a. ~~Combined Single Limits~~ - \$500,000 \$1,500,000 each occurrence, \$500,000 \$3,000,000 annual aggregate, ~~or~~
 - b. ~~Bodily Injury~~ - \$100,000 each person; and
 - c. ~~Property Damage~~ - \$500,000 each occurrence

3. Workers' Compensation insurance in accordance with the statutory requirements of the State of Minnesota.

Coverage is to be provided by an Insurance Carrier who holds a Certificate of Authorization (licensed) with the State of Minnesota. The insurance requirements may be met through any combination of primary and umbrella or excess insurance.

Evidence of such insurance shall be in the form of a Certificate of Insurance, ACORD form, or similarly approved form. The Certificate shall require that the City be furnished ~~thirty (30) days~~ prior written notice at least the same period of written notice due to the insured of any cancellation, nonrenewal, or major revision. Such Certificate shall be ~~in the hands of~~ received by the City Clerk prior to any issuance of license.

It is expressly understood that this insurance and these limits are for the City's requirements only and do not represent the complete coverage the licensee should carry.

Subdivision 54. Vehicle License Decals. Whenever a license or renewal has been granted the health authority must furnish to the licensee a decal for each vehicle. The decal must indicate that the vehicle is licensed by the City. The licensee must apply the decal to the left forward side of the body of the appropriate licensed vehicle as indicated by the health authority. Old, expired, or otherwise invalid ~~decal~~ decals must be removed from the vehicle.

Subdivision 65. Vehicle Specifications. Every vehicle used to collect ~~refuse~~ waste must have the name of the owner or operator on the body, ~~or placed on a durable metal or wood plaque attached to the body~~. The lettering must be at least three inches in height and the color of the lettering and of the background must be contrasting. Every vehicle must be constructed in such a way that all waste matter is securely transported, and that there is no dripping or leaking of any collected materials. Vehicles must be equipped with the necessary tools to handle spills and the hauler must clean up any spills immediately. Vehicles must be equipped with an audible electronic back-up alarm. ~~The body of every vehicle licensed must be constructed entirely of metal or the space in the vehicle in which refuse is kept must be completely lined with metal. All joints must be effectively closed so that no dripping or leaking or drain off of water, liquids, or any substance can occur. The loading space must be provided with a tight metal hood having an opening fitted with metal doors, or must be provided with a heavy tarpaulin or equivalent cover fitted with eyes, grommets, tie ropes, or hooks so that the cover can be held securely over the loaded refuse. Every vehicle must be equipped with the necessary hand tools for cleaning up spills.~~

Subdivision 76. Vehicle Maintenance. Every licensed vehicle must be kept in good repair, regularly cleaned, and maintained as needed to prevent persistent odors well painted, clean, and in good repair. ~~Every vehicle used for collecting garbage or swill must be cleaned every week or oftener as necessary to prevent persistent odors and must be cleaned before being used for any other purposes.~~

Subdivision 87. Vehicle Loading. Garbage, ~~refuse, rubbish, or~~ recycling and other waste matter must be so loaded ~~that none of such~~ as needed so that no materials can jar loose and fall to the ground or street ~~when the vehicle is in motion. Loose paper, trash, and similar materials must be so secured that they cannot be displaced by the wind or fall out of the vehicle. Containers used to carry refuse in or on any vehicle must comply with the requirements of Section 7-102 of this Code.~~

Subdivision 98. Service Cancellation. The collector ~~hauler may~~ must ~~cancel service to any premises when the only container or containers thereon have been condemned and may cancel service for cause or when the party charged for the collection service is two months or more overdue in paying for such services. When any collector cancels service to any premises, written notice must be served upon or mailed to the occupant, manager or owner of the premises and a copy of the notice must be mailed to the health authority.~~

Subdivision 109. Vehicle Storage and Parking. No person may at any time park or store any refuse waste collection vehicle on any premises zoned for use as a single or multiple residence dwelling, within one hundred feet of the premises or within two hundred feet of any food establishment, for purpose other than, or for periods inconsistent with, providing refuse collection at the premises. No person may at any time park or store any loaded or partially loaded refuse waste or recycling collection vehicle on any premises within the City, except for the purpose of and for periods consistent with providing refuse waste or recycling collection at that parcel of property.

Subdivision 110. Collection Districts. The City, under the direction of the city manager or ~~his~~ the city manager's designee, shall establish specific refuse and recycling collection districts and specific days of collection within these districts for all licensees. ~~The purpose of this provision is to coordinate and facilitate same day collection within said districts throughout the City.~~

~~Said coordination is necessary to encourage citizen participation in the City's recycling effort, to insure compliance with state mandates for solid waste management as set forth in Minnesota Statutes Chapter 115A and to insure compliance of the City's contractual obligations as a member of the Hennepin Recycling Group pursuant to the Joint and Cooperative Agreement for Solid Waste Disposal. Also, said coordination will be beneficial to the health, safety, and welfare of Brooklyn Center residents and streets by limiting the number of refuse and recycling vehicles using said streets at any one time. The following considerations will be utilized by the city manager or his designee to establish the collection districts:~~

- ~~a. household counts within the districts;~~
- ~~b. compatibility with the licensees existing refuse collection stops to the extent possible;~~
- ~~c. compatibility with municipal boundaries to the extent possible;~~
- ~~d. coordination with recycling collection to the extent possible.~~

Subdivision 111. Collection within Districts. Where an approved collection district has been established, licensed refuse haulers must establish their regular collection routes and days of collection in a manner consistent with the approved collection district and specified days of collection. Violation of this subsection is grounds for revocation of the hauler's license. It is not a violation of this subsection to collect refuse or recyclable materials on a day other than the specified collection day, if the collection is for a missed pick up or is in a week in which a legal holiday occurs.

Subdivision 112. Yard Waste Collection. A licensed refuse hauler ~~collector~~ providing residential refuse collection service must separately collect and dispose of yard waste. The collector must take yard waste to a disposal site or transfer site licensed by the State of Minnesota to manage yard waste.

~~Within 15 days after notification from the City, a licensed refuse collector providing residential refuse collection service must give the city manager a detailed description of:~~

- a. ~~the manner by which the collector intends to separately collect and dispose of yard waste;~~
- b. ~~the manner by which the collector intends to account for the amount of yard waste collected; and~~
- c. ~~the method by which the collector will inform its customers of the yard waste collection program.~~

~~The collector must take the yard waste to a disposal site or transfer site, approved by the city manager for subsequent composting, landspreading, or both.~~

~~The licensed collector must keep accurate accounting of the amount of yard waste collected and must, within 30 days of the end of each calendar year, submit a written report to the city manager detailing the amount of yard waste collected and disposed of for composting or landspreading during the year.~~

Subdivision 13. Source Separated Compostable Materials. Each hauler shall collect and transport source separated organics to a licensed and permitted facility designed to manage source separated organics either through composting or anaerobic digestion. Each hauler shall annually provide to the City information regarding its collection of organic materials in accordance with Hennepin County Ordinance No. 13, as amended.

ARTICLE IV. Chapter 7, Section 7-104 of the Brooklyn Center City Code is hereby amended as follows:

Section 7-104. REFUSE LITTERING PROHIBITED. No person may throw, scatter or deposit, or cause or permit to be thrown, scattered or deposited any ~~refuse, handbills, or other littering materials~~ litter upon or in any public or private lands, bodies of water, vehicles or structures within the City. Every person must maintain his or her premises and abutting sidewalks and boulevard areas free of refuse litter.

ARTICLE V. Chapter 7, Section 7-106 of the Brooklyn Center City Code is hereby amended as follows:

Section 7-106. MINNESOTA POLLUTION CONTROL AGENCY REGULATIONS ADOPTED WASTE BURNING PROHIBITED.

Subdivision 1. The open burning of waste is prohibited under Section 5-212 of the City Code. Regulation Adopted. Subject to specific modifications and additions contained herein, the City hereby adopts by reference Air Pollution Control Regulations Nos. 7 (Incinerators) and 8 (Open Burning Restrictions) contained in the Minnesota Pollution Control Agency document entitled "Ambient Air Quality Standards and Air Pollution Control Regulations", adopted May 11, 1969; filed with the Secretary of State July 3, 1969, and filed with the State Department of Administration July 7, 1969, including all subsequent amendments thereto.

~~Three copies of such regulations will be on file and available for inspection in the office of the clerk. These regulations do not apply to wood burning fireplaces, nor to fires used solely for preparation of food by barbecuing.~~

~~Subdivision 2. Modifications to APC Regulations. It is hereby determined, effective July 1, 1970, that adequate refuse collection service is available to the City. Open burning is prohibited after that date. Effective January 1, 1971, no device or container for open burning may be maintained on any premises. Exceptions to APC Regulation No. 8 require written approval of the municipal fire chief. All incinerators of less than 2,000 lbs./hr. capacity must comply with the provisions of APC Regulation No. 7 on or before January 1, 1971.~~

ARTICLE VI. Chapter 7, Section 7-107 of the Brooklyn Center City Code is hereby amended as follows:

Section 7-107. RECYCLING AUTHORITY; POWERS. The recycling authority is responsible for supervising and controlling the collection, ~~removal, and disposal~~ transport, and processing of recyclable materials from all dwelling units in the City. The recycling authority may contract with one or more ~~collectors or haulers~~ for the collection, ~~removal and disposal of some or all types of~~ transport, and processing of recyclable materials from dwelling units. The recycling authority may adopt and enforce additional rules not inconsistent with this chapter as necessary for the collection, ~~removal, and disposal~~ transport, and processing of recyclable materials; including, but not limited to, rules governing the days and hours of collection, the types of recyclable materials to be collected, the manner in which generators must prepare recyclable materials for collection, the recycling containers to be used, and the location of recycling containers for collection. The rules of the recycling authority are not effective until approved by the city council.

ARTICLE VII. Chapter 7, Section 7-108 of the Brooklyn Center City Code is hereby amended as follows:

Section 7-108. RECYCLING RATES; BILLINGS.

Subdivision 1. Rates. The city council may establish rates for recycling services from time to time by resolution. By resolution the city council may also charge the cost of recycling containers to owners or occupants of dwelling units as a recycling service.

Subdivision 2. Billing. Each owner or occupant of a dwelling unit must pay the rates for recycling collection services. ~~The rates for carryout collection services are payable by the owner or occupant of a dwelling unit who requests to receive the service according to the procedure established by the recycling authority.~~

The amounts payable for recycling services will be shown as a separate charge on the utility bill for the dwelling unit and will be payable according to the same terms as those provided in this Code for utility bills.

ARTICLE VIII. Chapter 7, Section 7-110 of the Brooklyn Center City Code is hereby amended as follows:

Section 7-110. OWNERSHIP OF RECYCLABLE MATERIALS; SCAVENGING PROHIBITED.

Subdivision 1. Ownership. Recyclable materials are the property of the generator until collected by authorized City employees, ~~collectors~~ or haulers. Recyclable materials become the property of the City, ~~authorized collector~~, or authorized hauler upon collection.

Subdivision 2. No Scavenging. It is unlawful for a person, other than authorized employees of the City, or authorized collectors or haulers, to distribute, collect, remove or dispose of recyclable materials after the materials have been placed or deposited for collection.

ARTICLE IX. Chapter 19, Section 19-102 of the Brooklyn Center City Code is hereby amended as follows:

Section 19-102. DEFINITIONS. The following words, when used in this ordinance, shall have the meanings ascribed to them:

1. Garbage ~~includes~~ means all putrescible animal, vegetable or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit, or vegetables, including the cans, containers or wrappers wasted along with such materials. The term includes all materials and items included in the definition of mixed municipal solid waste in Minnesota Statutes, section 115A.03, subdivision 21.

2. Rubbish is nonputrescible solid wastes such as wood, leaves, trimmings from shrubs, dead trees or branches thereof, shavings, sawdust, excelsior, wooden waste, printed matter, paper, paper board, paste boards, grass, rags, straw, boots, shoes, hats and all other combustibles not included under the term garbage.

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

Adopted this ____ day of _____, 2021.

Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

**ORDINANCE AMENDING
CHAPTERS 7 AND 19 OF THE
CITY CODE
OF ORDINANCES
REGARDING WASTE AND
ORGANICS RECYCLING BY
HAULERS**



City Council Meeting, May 24, 2021
Doran Cote PE, Public Works Director

Article I – Chapter 7 Definitions

- Subdivision 2. Bulky Waste means household items and other discarded materials that, due to their dimensions and weight, are typically not collected as part of the regular garbage or recycling collection, or for which there may be a separate fee, such as furniture, carpeting, mattresses, appliances, or other waste that requires extraordinary handling methods to achieve compaction.
- Subdivision 4. Compost means the controlled aerobic decomposition of organic matter into a humus-like product that is stabilized to the point that it is beneficial to plant growth and can be used as a soil amendment without further processing.



Article I – Definitions (cont.)

- Subdivision . Source Separated Compostable Materials shall have the meaning given it in Minnesota Statutes, Section 115A.03, subdivision 32a. These materials are also referred to as source separated organics. The term does not include yard waste for purposes of Sections 7-101 to 7-112.
- Subdivision . Trash is included in, and has the same meaning as, mixed municipal solid waste.
- Subdivision . Waste is included in, and has the same meaning as, mixed municipal solid waste.
- Subdivision . Walkup Collection Service means the collection of recyclable materials accumulated in recycling containers from a location at a dwelling unit other than the location designated by the recycling authority for regular collection.



Article II

- Subdivision 1. The hauler shall replace, at its expense, damaged waste containers.
- Subdivision 6. Yard wastes must be placed in a yard waste collection cart or compostable bags that are separate from other waste.



Article III

- Subdivision 2. Applicants must provide complete collection of all waste which normally results from day-to-day use of residential property except bulky wastes, organics for recycling, or yard waste for which individuals must make special arrangements.
- Subdivision 5. Vehicle Specifications. Every vehicle must be constructed in such a way that all waste matter is securely transported, and that there is no dripping or leaking of any collected materials. Vehicles must be equipped with the necessary tools to handle spills and the hauler must clean up any spills immediately. Vehicles must be equipped with an audible electronic back-up alarm.
- Subdivision 12. Yard Waste Collection. The collector must take yard waste to a disposal site or transfer site licensed by the State of Minnesota to manage yard waste.



Article III

- Subdivision 13. Source Separated Compostable Materials. Each hauler shall collect and transport source separated organics to a licensed and permitted facility designed to manage source separated organics either through composting or anaerobic digestion. Each hauler shall annually provide to the City information regarding its collection of organic materials in accordance with Hennepin County Ordinance No. 13, as amended.



Article V

- Subdivision 1. The open burning of waste is prohibited under Section 5-212 of the City Code.



Article IX – Chapter 19 - Definitions

- Garbage means the term includes all materials and items included in the definition of mixed municipal solid waste in Minnesota Statutes, section 115A.03, subdivision 21.



Member introduced the following resolution and moved its adoption:

**CITY OF BROOKLYN CENTER
HENNEPIN COUNTY**

RESOLUTION NO. _____

RESOLUTION APPROVING SUMMARY PUBLICATION FOR ORDINANCE 2021-01

WHEREAS, the City Council of the City of Brooklyn Center has adopted the above referenced ordinance concerning a Charter Amendment; and

WHEREAS, Minnesota Statutes, section 412.191, subdivision 4 allows publication by title and summary in the case of lengthy ordinances or those containing maps or charts; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent of Ordinance 2021-01

NOW, THEREFORE, BE IT RESOLVED that: the following summary of Ordinance 2019-14 shall be published in the official newspaper in lieu of the entire ordinance.

**SUMMARY PUBLICATION
Ordinance 2021-01**

An Ordinance Amending Brooklyn Center City Code, Chapters 7 and 19, Sections on May 24, 2021:

Chapter 7 adding additional definitions, replacing refuse with waste throughout the ordinance, amending regulations and insurance liability for waste haulers, and collection of compostable materials.

Chapter 19 amendments include amending language of refuse to littering, and prohibiting waste burning.

Establishing a series of notices of noncompliance with the above reference conditions.

Renewal of the license will be annually and the license period will be January 1 through December 31.

May 24, 2021

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Economic Development Authority

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection via
telephone Dial: 1-312-626-
6799 Meeting ID:
92710125463# Passcode:
7635693300#
May 24, 2021

AGENDA



1. Call to Order

The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet, including EDA (Economic Development Authority), is available to the public. The packet ring binder is located at the entrance of the council chambers.

2. Roll Call

3. Approval of Consent Agenda

The following items are considered to be routine by the Economic Development Authority (EDA) and will be acted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from the consent agenda and considered at the end of Commission Consideration Items.

a. Approval of Minutes

- Motion to approve the May 10, 2021 minutes

4. Commission Consideration Items

a. Resolution Approving an Amendment to the Right of Entry Agreement for the use of the former Target Building by North Memorial Hospitals and Clinics

- Motion to approve an Amendment to the Right of Entry Agreement for the use of the former target building by North Memorial Hospitals and Clinics

b. Resolution Approving the Award of Grants Under the Micro-grant Facade Program

- Motion to approve a resolution approving the award of grants under the Micro-grant Facade Program

5. Adjournment

Economic Development Authority

DATE: 5/24/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- Motion to approve the May 10, 2021 minutes

Background:

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

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
5-10-21 Minutes	5/17/2021	Backup Material

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

REGULAR SESSION
MAY 10, 2021

1. CALL TO ORDER

The Brooklyn Center Economic Development Authority (EDA) met in Regular Session called to order by President Mike Elliott at 10:28 p.m. The meeting was conducted via Zoom.

2. ROLL CALL

President Mike Elliott and Commissioners Marquita Butler, April Graves, and Dan Ryan. Commissioner Kris Lawrence-Anderson was excused. Also present were Acting Executive Director Reggie Edwards, Community Development Director Meg Beekman, City Clerk Barb Suci, and City Attorney Troy Gilchrist.

3. APPROVAL OF CONSENT AGENDA

Commissioner Ryan moved and Commissioner Graves seconded to approve the Agenda and Consent Agenda, and the following item was approved:

3a. APPROVAL OF MINUTES

1. April 26, 2021

Motion passed unanimously.

4. COMMISSION CONSIDERATION ITEMS

4a. RESOLUTION NO. 2021-04 APPROVING A JOBS TRAINING SERVICE AGREEMENT WITH THE ORGANIZATION OF LIBERIANS IN MINNESOTA

Acting Executive Director Reggie Edwards introduced the item and invited Community Development Director Beekman to present the staff report.

Community Development Director Meg Beekman stated this job service training agreement is with the Organization of Liberians in Minnesota (OLM). She noted that as part of the 2021 budget, the City Council established strategic priorities for resident economic stability that included workforce and economic development strategies to support stabilizing and increasing resident incomes. At present, the primary program is Brooklynk, which focuses on youth and been very successful. The City does not have a workforce development program focused on adults. As a result, staff has

explored the use of American Rescue dollars, federal COVID relief funding, to support an expansion of Brooklynk to include adult workforce development programming and pathways. Brooklyn Park is looking at this right now so City staff had discussions with them. She explained that in the interim, Brooklyn Park entered into an agreement with OLM to implement a healthcare training program to provide job training and career pathways for adults who have lost their jobs due to the pandemic.

Ms. Beekman stated OLM has submitted a proposal to expand this Brooklyn Park program to include Brooklyn Center residents. She reviewed what would be provided in the program for 30 community members. The proposed contract is for one year and if successful can be considered by the EDA to continue beyond 2021. Ms. Beekman noted as an added benefit, this program would also provide stability for OLM as a locally-based organization and help build their capacity to continue to serve the community. She reviewed staff's analysis in considering this sole source contract and \$57,000 budget.

Ms. Beekman presented the jobs training program, noting OLM is already starting this work in Brooklyn Park so one benefit is that Brooklyn Center can tag along and expand services to the City's own residents. As a result, the program will be able to immediately reach out to the City's residents. She reviewed anticipated outcomes that included project benchmarks, targeted one-year goals, and follow up evaluations with program participants six months after training to determine program effectiveness.

Commissioner Graves asked about the length and amount of the contract in Brooklyn Park. Ms. Beekman deferred to Mr. Diahn.

Kamaty Diahn, Executive Director of Organization for Liberians in Minnesota, stated they have a one-year contract for \$117,000 with the City of Brooklyn Park to train 60 persons. He explained that during registration in Brooklyn Park, there were 12 Brooklyn Center residents who pre-registered but the grant was for Brooklyn Park residents only. Over the past 12 months, while being impacted by the pandemic, OLM partnered with Brooklyn Park and Hennepin County to access grants to provide food and rental assistance. Since OLM serves a community that has a majority of African immigrants and predominantly Liberians, people came to their organization. Mr. Diahn stated he had conversations with Ms. Beekman about how to accommodate residents of Brooklyn Center so this proposal is being made to accommodate at least 30 Brooklyn Center residents. He reviewed the sustainable salaries that would be paid totaling \$112,000 in income just from the initial investment of \$57,000 by Brooklyn Center, noting this is a win-win for both the residents and City of Brooklyn Center.

Commissioner Graves thanked Mr. Diahn for this explanation and the work of OLM in the community for years. She asked about duplication and if the 30 individuals for this contract would be in addition to the 60 identified in the Brooklyn Park contract. Mr. Diahn stated that is correct.

Commissioner Graves stated why she likes job programs like this, which are effective, and asked if OLM has reached out to community members beyond the Liberian community. Ms. Diahn clarified that this program is not limited to Liberians or people of African descent. It is open to all residents of Brooklyn Center. Commissioner Graves stated she knows OLM is an inclusive

organization and wanted to suggest ways of being more intentional to reach out and assure more people know about the opportunity. Mr. Diahn suggested that Brooklyn Center use the same model as Brooklyn Park to use social media to attract all residents. He stated they have also negotiated with schools to assure students are well prepared to pass the clinical and State exams and be placed in a job. OLM has also contacted employers and held job fairs because the goal is to place over 75% of the trained people in a job. With that, the City of Brooklyn Center will be more inclined to continue the program.

Commissioner Graves thanked Mr. Diahn for answering her questions and stated she thinks this is a good investment of \$57,000 to get more people in a career that is sustainable for their families. She noted this is a pilot level program and the City Council can think about ways to expand the program to more communities and careers moving forward.

Commissioner Ryan stated he appreciates the comments of Mr. Diahn and thinks the EDA needs to be sensitive and responsive to other members of the community who have similar needs and requirements. He greatly appreciates the recommendations from Mr. Diahn given in the spirit of all those in the community who share similar needs. He supports Mr. Diahn's contributions to this meeting and the EDA's support to provide all available resources to any and all of the City's residents who need those resources.

President Elliott moved and Commissioner Butler seconded to adopt EDA RESOLUTION NO. 2021-04 Approving a Jobs Training Service Agreement with the Organization of Liberians in Minnesota.

Motion passed unanimously.

5. ADJOURNMENT

Commissioner Ryan moved and President Elliott seconded adjournment of the Economic Development Authority meeting at 10:48 p.m.

Motion passed unanimously.

Economic Development Authority

DATE: 5/24/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Resolution Approving an Amendment to the Right of Entry Agreement for the use of the former Target Building by North Memorial Hospitals and Clinics

Requested Council Action:

- Motion to approve an Amendment to the Right of Entry Agreement for the use of the former target building by North Memorial Hospitals and Clinics

Background:

In November 2020, the EDA approved a Right of Entry Agreement between the EDA and North Memorial for the use of the former Target site. The Agreement would allow North Memorial the use of the facility through the end of May, upon which the Agreement shifted to a month to month arrangement.

North Memorial intended to utilize the site for a walk-up COVID testing clinic. They were operating the site as such until spring 2021, when COVID vaccinations became more available, at which point they shifted the focus of the clinic to providing vaccination shots to patients of North Memorial hospitals and clinics.

North Memorial has recently begun accepting appointments from the general population, in addition to current patients. To date, they have provided 1,065 vaccinations to Brooklyn Center residents. They intend to continue to offer their services to the general public, and have opted to exercise their month to month option through at least the end of June.

North Memorial is requesting a lease rate reduction from \$8,500 per month to \$4,000 per month. The reason for their request is related to the drop-off in the number of vaccinations that they have been providing. The drop-off rate for vaccinations is a pattern that is being experienced throughout Minnesota and the nation, as more and more people have received their vaccines.

Staff is supportive of the request, in part because North Memorial is providing a community benefit by offering vaccinations to Brooklyn Center residents. In addition, having North Memorial occupy the building provides cost savings to the City because as tenants, they are covering utilities, property maintenance and security.

Budget Issues:

Lease revenue is deposited to the EDA fund to offset costs that have been incurred to manage and maintain

the building.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Right of Entry Agreement	5/14/2021	Backup Material
Resolution	5/18/2021	Resolution Letter

RIGHT OF ENTRY AGREEMENT

THIS RIGHT OF ENTRY AGREEMENT ("Agreement") is made on this 25th day of November 2020, by and between North Memorial Health Care, a Minnesota non-profit corporation ("**North**"), and the Economic Development Authority of Brooklyn Center, Minnesota ("**EDA**"), a public body corporate and politic under the laws of Minnesota. The EDA and North may hereinafter be referred to individually as a "party" or collectively as the "parties."

Recitals

- A. The EDA is the owner of a certain property located at 6100 Shingle Creek Parkway, consisting of an approximately 117,000 square foot building and 9 acres of land and parking. A portion of the building on the property is currently under a Right of Entry Agreement with Free Bikes 4 Kids, a Minnesota nonprofit corporation ("FB4K"). The FB4K space is depicted on the attached Exhibit A (the "FB4K Space"). The portion of the building and parking area outside of the area under contract with FB4K is the subject of this Right of Entry Agreement (the "**Property**").
- B. North desires to use the Property to operate a walk-up COVID-19 testing facility ("**Testing Facility**") for the public.
- C. The EDA agrees to permit North, its agents, employees, contractors, and invitees to use the Property as a Testing Facility in accordance with the terms and conditions of this Agreement.

Agreement

NOW, THEREFORE, in consideration of the premises and their mutual promises the parties agree as follows:

- 1. Right of Entry. The EDA hereby grants North, its agents, employees, contractors, and invitees a license to enter upon and use the Property as a Testing Facility. North shall have exclusive use of the Property. All use of the Property by North shall be conducted at the direction and sole expense of North. The EDA represents and warrants to North that the EDA owns the Property and, therefore, has the sole and exclusive authority and right to enter into this Agreement. North shall limit its use of the Property to a temporary Testing Facility. If North desires to expand or change its use of the Property, it must receive prior written approval from the EDA, which approval shall not be unreasonably withheld.
- 2. Testing Facility Hours. North anticipates it will have the Testing Facility open during the following hours within a week. North may change these hours as it determines is needed.

Monday-Friday	8:00 a.m. – 4:00 p.m.
Saturday	
Sunday	

- 3. Term. Use of the Property by North may commence on or after the execution of this Agreement and shall end on May 31, 2021, and then convert to a month-to-month term, unless terminated earlier as provided herein.

4. Consideration. North agrees to pay the EDA \$8,000 a month, as consideration for its use of the Property. The consideration for any partial month will be prorated on a per diem basis. The EDA, through the City of Brooklyn Center (“**City**”), will invoice North for the monthly payment, which North shall pay within 20 days of receipt. North also agrees to be responsible for all on-going maintenance costs associated with its use of the Property including, but not limited to, utility charges, mowing and snow plowing costs. To the extent North is not able to directly assume those costs in its name, the EDA will include such costs on its monthly invoice. North shall not be responsible for any maintenance or maintenance costs associated with the FB4K Space. The Property is currently tax-exempt. The EDA and North agree that they will jointly submit an application to Hennepin County for tax-exempt status for the Property along with all required documents. This is necessary in order to maintain the Property’s tax-exempt status.
5. Signage. North shall have the right to place temporary on-building and monument signage subject to City approval. Said signage must meet all requirements of the City Code and North is responsible for applying and paying for any necessary permits.
6. Indemnification of EDA. North agrees to and shall indemnify, defend and hold harmless the EDA, its agents, officers, employees and elected officials from and against any action, claim, damage, liability, loss, cost or expense (including without limitation attorneys' fees and costs) resulting solely from, or arising solely out of, North’s negligent use of the Property. This obligation does apply to claims resulting directly from the EDA’s own negligence or arising out of FB4K or the EDA’s use of the FB4K Space. Nothing in this Agreement waives the limits or exclusions from liability available to the EDA under Minnesota Statutes, chapter 466 or other law.
7. Conditions for Use of Property. North agrees to the following conditions related to the use of the Property:
 - a. North is solely responsible for its use of the Property, the operations of the Testing Facility, and for obtaining any approvals needed to operate the Testing Facility on the Property.
 - b. North shall maintain the Property and properly operate the building’s systems during the period of its use.
 - c. North is responsible for locking and otherwise securing the building when it is not in use.
 - d. North shall return the Property to the same condition as prior to its use to the greatest extent practicable, normal wear and tear excepted.
 - e. North may not assign this Agreement, sublet, or otherwise allow others to use the Property.
 - f. The EDA and City have the right to enter the Property at all reasonable times to inspect it, respecting any safety protocols North may require to enter the Testing Facility.
 - g. If North’s use of the Property results in damage to the Property, including any fixtures or personal property, North shall be responsible for the repairing it to at least as good a condition as prior to the damage, subject to the waiver of subrogation set forth below.

- h. North understands and agrees the EDA makes no representations regarding the heating, cooling, or other systems in the building. In the event any such system may fail, or North otherwise determines they are not sufficient for its purposes, North may provide the EDA written notice that it is vacating the Property. Upon providing such notice, this Agreement shall terminate and neither party shall have any further obligations hereunder. The EDA shall have no responsibility for repairing any building systems or in any way modifying or improving the Property to accommodate North's use.
 - i. North shall keep and maintain the Property free from debris and garbage. North is responsible for properly disposing of any medical waste and other waste and garbage generated from its use of the Property.
 - j. North is not acquiring any interest, leasehold or otherwise, in the Property by this Agreement and is, instead, obtaining a license to use the Property with the permission of the EDA as provided herein.
 - k. Any alteration(s) to the Property shall require preapproval from the EDA's Executive Director, which approval shall not be unreasonably withheld.
8. Insurance. North shall maintain the following minimum insurance requirements:
- a. Workers' Compensation Insurance with limits as provided by statute, with all necessary statutory elections to provide coverage for and/or claims made by any person doing work on the Property pursuant to this Agreement;
 - b. Employer's liability insurance (often included as coverage (b) in the Workers' Compensation policy) with limits of \$100,000;
 - c. Commercial General Liability Insurance (including coverage for contractual liability, products and completed operations liability, and damage to the Property) with minimum combined single limits of \$1,500,000 per occurrence; and
 - d. Professional liability insurance with limits of \$2,000,000 per occurrence.

An umbrella or excess liability insurance policy may be used to supplement North's policy limits to satisfy the coverage requirements contained herein.

The EDA will maintain property insurance on the Property in commercially reasonable amounts. North and the EDA hereby release each other from any and all liability or responsibility to the other or anyone claiming through or under them by way of subrogation or otherwise for any loss or damage specifically insured against or required by the terms hereof to be insured against by such party, even if such loss or damage shall have been caused by the fault or negligence of the other party, or anyone for whom such party may be responsible, except to the extent of a standard deductible under such policy.

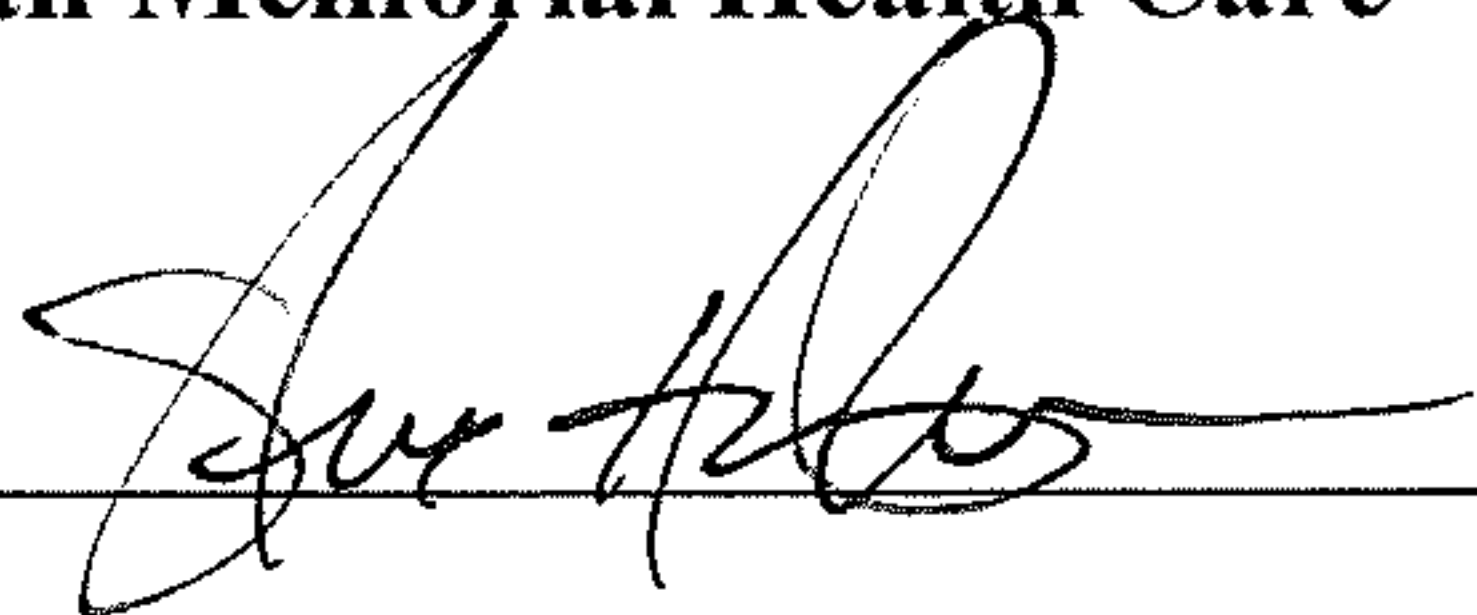
9. Termination. After May 31, 2021, either party shall have the right to terminate this Agreement for any reason by giving 30 days' written notice to the other party. The EDA may also terminate

this Agreement for cause at any time during the term of this Agreement upon written notice of termination to North if it determines, in the EDA's reasonable discretion, North is not complying with any term or condition of this Agreement and fails to cure such non-compliance within a reasonable amount of time after receipt of written notice from the EDA. Upon providing the notice set forth in this Section 9, this Agreement shall terminate and neither party shall have any further obligations hereunder.

10. Governing Law. This Agreement shall be interpreted in accordance with and be governed by the laws of the State of Minnesota.
11. Entire Agreement. This document, including the recitals which are incorporated herein, constitutes the entire agreement between the parties regarding this matter.
12. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall constitute one and the same instrument.
13. Amendment. This Agreement may be amended by the parties only by written instrument executed in accordance with the same procedures and formality followed for the execution of this Agreement.
14. No Third-Party Rights. This Agreement is entered into for the sole benefit of the parties and no other parties are intended to be direct or incidental beneficiaries of this Agreement and no third party shall have any right in, under, or to this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed in their names and behalves and on or as of the date and year first above written.

North Memorial Health Care

By:  _____

Its: V.P. OPERATIONS _____

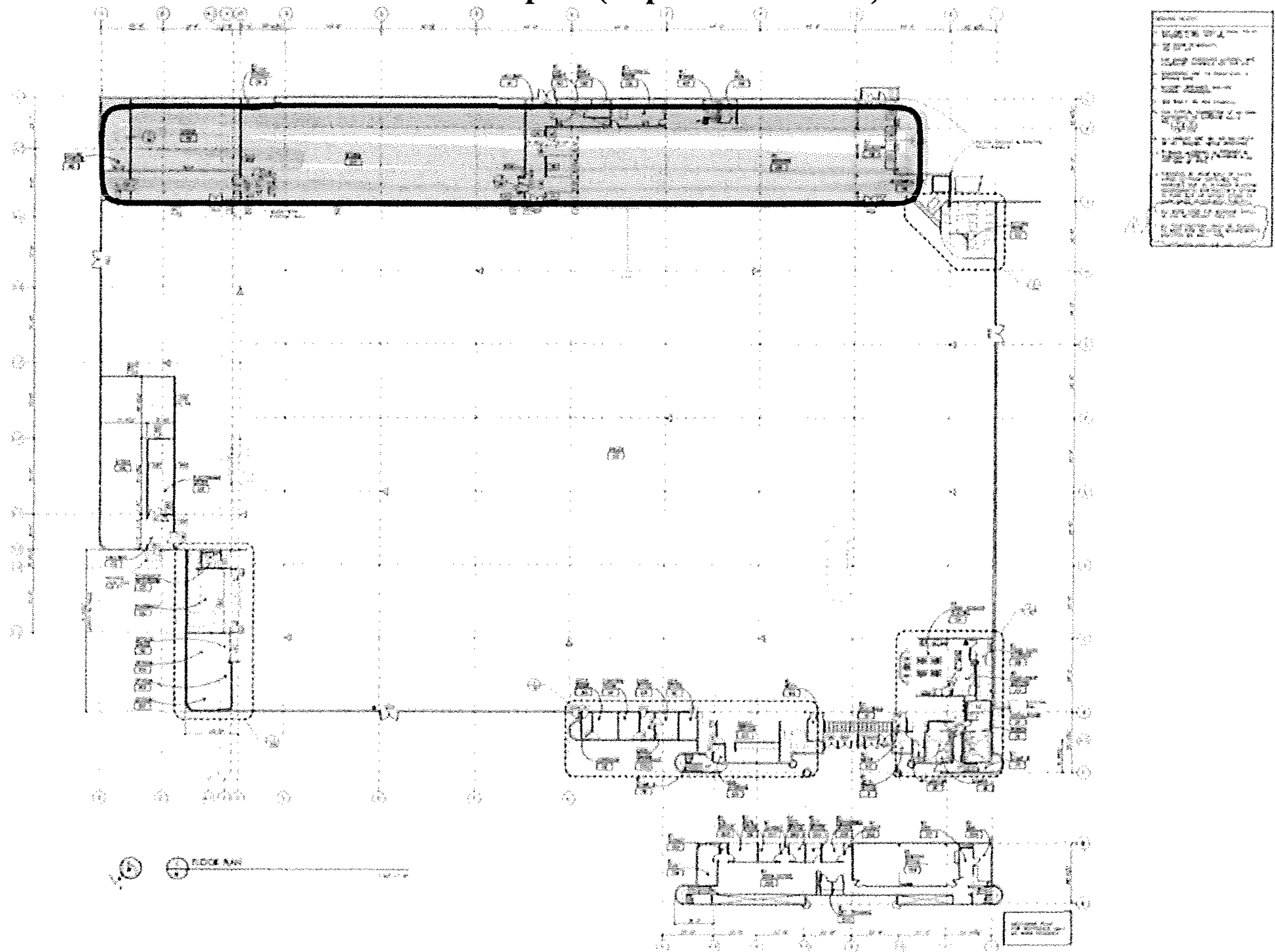
**Economic Development Authority of
Brooklyn Center, Minnesota**

By: 
Mike Elliott, President

By: 
Curt Boganey, Executive Director

EXHIBIT A

FB4K Space (Depicted in Yellow)



Commissioner _____ introduced the following resolution and moved its adoption:

EDA RESOLUTION NO. 2021-_____

RESOLUTION APPROVING AN AMENDMENT TO THE RIGHT OF
ENTRY AGREEMENT FOR USE OF THE FORMER TARGET
BUILDING BY NORTH MEMORIAL HOSPITALS AND CLINICS

WHEREAS, the Economic Development Authority of Brooklyn Center, Minnesota (the “Authority”) purchased the former Target building located at 6100 Shingle Creek Pkwy in Brooklyn Center (the “Authority Property”); and

WHEREAS, the Authority entered into a Right of Entry Agreement (“Agreement”) with North Memorial Hospitals and Clinics (“North Memorial”) effective as of November 25, 2020 to allow North Memorial to use the Authority Property to establish and operate a temporary walk-up COVID-19 testing facility; and

WHEREAS, North Memorial desires to continue the month-to-month term of the Agreement to allow it to continue to use Authority Property to provide testing and vaccination services to the community, but has requested a reduction in the amount it pays the Authority for such use from \$8,000 a month to \$4,000 a month;

WHEREAS, there are no other uses immediately pending for the Authority Property and the Authority determines it is in the best interests of the community to facilitate North Memorial’s continued delivery of these critical public health services to the community.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Economic Development Authority of Brooklyn Center, Minnesota (the “Board”), as follows:

1. The Board hereby approves amending the Agreement with North Memorial to reduce the monthly amount North Memorial must pay the Authority under the Agreement to \$4,000 a month starting on June 1, 2021.

2. The Board hereby authorizes the President and Executive Director to execute the amendment to the Agreement on behalf of the Authority once it is finalized, and to take such other actions as may be needed to carry out the intent of this Resolution.

Date

President

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.

Economic Development Authority

DATE: 5/24/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

BY: Vong Thao, Economic Development Coordinator

SUBJECT: Resolution Approving the Award of Grants Under the Micro-grant Facade Program

Requested Council Action:

- Motion to approve a resolution approving the award of grants under the Micro-grant Facade Program

Background:

On April 26, the Brooklyn Center Economic Development Authority approved the creation of a Micro-grant Facade Improvement Program, and provided \$50,000 in EDA funds to support the program.

As part of the 2021 budget, the Brooklyn Center City Council identified a strategic Council Priority to promote beautification and cleanliness. The goal of the strategy was to put into effect new programs and approaches to improve the look and quality of the City. One of the activities under this priority that was identified was to explore and implement a program to incentivize businesses to invest in beautification strategies. The EDA budget included \$50,000 to fund such a program.

Over the last several weeks staff has been meeting with commercial property owners as well as business resource providers such as the African Development Center (ADC), LIBA and ACER. As part of those discussions it became clear that small and medium sized bricks and mortar businesses would benefit from a micro-grant program to assist with exterior improvements to their properties.

Economic Development Coordinator, Vong Thao, crafted a program similar to one being implemented in the City of St. Paul. The program provides matching grants of up to \$5,000 to small and medium sized businesses.

The purpose of the Micro-grant Façade Improvement Program is to support businesses with exterior improvements, beautification and repairs. The intention is to encourage and assist businesses with improving the exterior of properties while improving the public realm, beautifying businesses, improving public safety and maintaining cleanliness. The Program Policies and Procedures are attached to this report.

Grant proceeds would be able to be used for the following purposes:

- Installation, repair or replacement of exterior signage including, monument signs on the property and wall signs affixed to the building
- Exterior lighting
- Exterior painting
- Repair and /or replacement of windows and exterior doors
- Masonry repairs and tuck pointing

- Art installations and wall murals, with an approved maintenance plan
- Canopy and/or awning installation or repair
- Pedestrian improvements, which improve access for persons with disabilities.
- Permanent site improvements (walks, patios, courts)
- Trash and mechanical enclosures
- Parking area repairs and improvements (including the addition of bicycle facilities)
- Security cameras, as approved by the Brooklyn Center Police Department
- Fences
- Materials for any of the above identified items

Applications

Staff has been outreaching with businesses that experienced damage or vandalism as a result of civil unrest, to share information about this program. In addition, program information was provided to other businesses in the City that are eligible.

To date the City has received eleven applications for funding. Eight of the applications were for eligible businesses and eligible uses of funds. Staff is recommending approval of grant agreements for the following eight businesses:

- Allstate - Chima Ogwurike Agency will be installing exterior cameras and other security improvements. Grant request amount of \$5,000, match amount of \$9,765 and total project cost of \$14,765.
- BT Nails will be replacing glass windows. Grant requested of \$3,500 with a matching amount of \$2,000 and total project cost of \$5,500.
- F and G Beauty will be repairing broken windows and a door. Grant requested of \$5,000, matching funds of \$1,259 and total project cost of \$6259.
- God Will Fashion will be replacing windows and doors. Grant requested of \$5,000, matching funds of \$5,000 and total project cost of \$10,000.
- Hmong Senior Healthcare will be upgrading their gutters and landscaping improvements. Grant request of \$5,000, no match committed at this time; however, their project estimates do exceed \$5,000.
- Jammin Wings will be repairing front entrance windows, replace lighting and adding cameras. Grant request of \$5,000, match amount of \$5,000 and total project cost of \$10,000.
- Vinai Market will be replacing their front doors and window glass replacement. Grant request of \$5,000, no match amount is provided at this time because the total project cost is not yet known.
- Xin Xin Restaurant will be replacing damaged windows and frames. Grant requested is \$4,000, no match and total project cost of \$4,000.

Budget Issues:

Total project costs are \$37,500, which will come out of the EDA budget. \$50,000 has been allocated to this program.

Inclusive Community Engagement:

Staff outreached directly with small businesses who were eligible for the program.

Antiracist/Equity Policy Effect:

The program scoring criteria awards addition points if the business is locally owned and either considered a small business (under 25 employees), and/or is owned by a woman or person of color.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Micro-Grant Facade Improvement Program Policies and Procedures	4/20/2021	Resolution Letter
Grant Agreement Template	5/18/2021	Backup Material
Submitted Applications	5/18/2021	Backup Material
Resolution	5/18/2021	Resolution Letter

EXHIBIT A

POLICY AND PROCEDURES FOR THE MICRO-GRANT FAÇADE IMPROVEMENT PROGRAM OF THE BROOKLYN CENTER ECONOMIC DEVELOPMENT AUTHORITY

I. PURPOSE

The purpose of the Micro-grant Façade Improvement Program is to provide matching grants of up to \$5,000 to support small and medium sized businesses in the City with exterior improvements, beautification and repairs. The intention is to encourage and assist businesses with improving the exterior of properties while improving the public realm, beautifying businesses, improving public safety and maintaining cleanliness.

II. MICRO-GRANT FAÇADE IMPROVEMENT FUND GOALS

By providing matching grants of up to \$5,000 to existing or new businesses, the Economic Development Authority of Brooklyn Center has established the following goals:

1. The proposed project must be a conforming use in the zoning district in which it is located and generally consistent with the City of Brooklyn Center's Comprehensive Plan.
2. The project will consist of permanent building and/or site improvements, which improve the exterior appearance of buildings and property, comply with all building codes and city regulations.
3. The project will not significantly or adversely increase the impacts on existing utility service needs in the City.
4. The project should seek to utilize local contractors, suppliers, vendors, professionals, and/or financial institutions when feasible.
5. The project will help protect or increase property values and the general public's health, safety and welfare.
6. The proposed project will improve the customer experience and contribute to the aesthetic quality of the area.

III. QUALIFYING IMPROVEMENTS AND USE OF FUNDS

Micro-grant Façade Improvement Fund proceeds may be used for the following purposes:

1. Installation, repair or replacement of exterior signage including, monument signs on the property and wall signs affixed to the building
2. Exterior lighting
3. Exterior painting
4. Repair and /or replacement of windows and exterior doors
5. Masonry repairs and tuck pointing
6. Art installations and wall murals, with an approved maintenance plan
7. Canopy and/or awning installation or repair
8. Pedestrian improvements, which improve access for persons with disabilities.
9. Permanent site improvements (walks, patios, courts)
10. Trash and mechanical enclosures

11. Parking area repairs and improvements (including the addition of bicycle facilities)
12. Security cameras, as approved by the Brooklyn Center Police Department
13. Fences
14. Materials for any of the above identified items

Grant proceeds may not be applied to:

1. Work, which is in process or purchases made prior to the application approval.
2. Improvement to residential-only (non-commercial) buildings or sites
3. New additions (new square footage) or new buildings
4. Billboards
5. Trees
6. Roofing
7. Kitchen or store equipment that is not affixed to building, such as free-standing refrigerators
8. Plantings
9. Pylon, temporary, or roof signs
10. Labor for an unlicensed contractor

Qualifying Improvements must begin construction or be purchased within 90 days of loan closing, unless an extension is requested and approved.

IV. APPLICANT ELIGIBILITY

1. Applicants may be individual owners, partnerships, corporations, tenant operators, or contract for deed purchasers of a property or building within the City of Brooklyn Center. Documentation of entity status shall be delivered with the application forms.
2. Land use of the property must be identified as a commercial, industrial, office or mixed-use
3. Applicant must provide \$1 for \$1 match of program funds, up to \$5,000. Any expenditures related to a project, which exceed the EDA's match, will come from owners' expense.

V. GRANT DETAILS

The Economic Development Authority of Brooklyn Center will review each application, pursuant to the goals and policies set forth in this document, on a case-by-case basis.

1. Minimum Grant Amount. The minimum loan amount shall be \$1,000.
2. Maximum Grant Amount. The maximum loan amount shall be \$5,000.
3. Grant Terms. Grantee shall enter into a Grant Agreement with the Economic Development Authority of Brooklyn Center prior to commencing work on the approved project. Grantee shall furnish invoices for work done to complete the project. City shall reimbursement up to 50% of eligible costs back to the Grantee.
4. Property Beautification. Grantees who control their parking and property areas shall provide a property maintenance and beautification plan as part of their approval. The Plan shall include how the property owner or property manager will ensure the parking

and landscaped areas of the property remain free of trash and litter. This may include the addition of covered trash receptacles, trash enclosures or other devices to prevent trash from blowing around the property; assigning staff to regularly clean up parking and landscaped areas; and eliminating plastic bags and other one-time use items that tend to accumulate as litter.

5. Equity Participation. Applicant shall provide a \$1 for \$1 match of grant funds, up to \$5,000.
6. Grant Repayments. No repayment of grant funds is required provided all funds are used on eligible expenditures.
7. Grant Duration. Work for grant funded activities must commence within 90 days of the execution of the Grant Agreement, unless an extension is approved in writing by EDA staff, or the Grant Agreement shall expire and grant funds shall be absorbed back into the program to fund other eligible projects.

VI. APPLICATION PROCESS

In order to be considered for a grant award, an applicant must submit a completed application to the Economic Development Authority of the City of Brooklyn Center with the following attachments:

1. Picture(s) of existing conditions of proposed area to be improved;
2. Descriptions, drawings, renderings and/or pictures of proposed improvements;
3. Contractor estimates;
4. Timeline for project;
5. For tenants: Letter of consent for improvements from building owner

VII. REVIEW GROUP

City of Brooklyn Center staff will review applications to ensure they are complete, and score them based on the scoring criteria below. Applications will be ranked based on the scoring results. A recommendation for funding shall be presented to the Economic Development Authority of Brooklyn Center, which will make the final determination. Determination of whether a grant application is approved will be in the sole discretion of the EDA.

1. Scoring Criteria:
 - i. Aesthetic improvement/“curb appeal”. Improvements that enhance the customer experience and aesthetic quality of the business, property and area (10 points)
 - ii. Community Impact. The project provides a positive impact to the neighborhood, such as improving safety, increasing ADA accessibility, improving public spaces, building community connections, honoring cultural assets or creating jobs. (10 points)
 - iii. Local Economic Impact. The project utilizes local contractors, suppliers, vendors, professionals, and/or financial institutions (5 points)
 - iv. Readiness. The project can be completed in a reasonable timeframe, with a budget that matches the scope of work. The scope of work is achievable with the funding and timeline provided. (5 points)
 - v. Local Business Impact. The business is owned (at least 25% stake) by a resident(s) of the seven-county metro area and meet at least one of the criteria below (5 points):
 - ii. Be a small business (25 or fewer full-time equivalent employees);

- iii. Be owned (at least 25% stake) and/or operated by women, or persons of color.

VIII. PAYMENT OF GRANT PROCEEDS

Grant payments shall be paid directly to Grantees. Grantees shall submit invoices to EDA staff. The City shall reimburse up to 50% of all eligible expenditures identified on the invoice. A final reimbursement payment shall not be issued until all work for the grant-funded activities has been completed. Invoices and other necessary information as related to the project costs shall be provided to the EDA or its representative prior to the disbursement of funds. The EDA may, in its sole discretion, allow proceeds to be released earlier than upon completion of work if used as a down payment for work and/or to allow payment to be made directly to the participating lender, contractor, or vendor.

IX. DISCRIMINATION PROHIBITED

All persons/businesses submitting an application and receiving loan proceeds agree, by accepting said proceeds, to comply with all federal and state laws and related rules and regulations which prohibit discrimination. Generally, these laws and rules make it an unfair employment practice, except when based on limited, statutory exception or a bona fide occupational qualification, for an employer to refuse to hire, discharge, or otherwise treat a person differently with respect to hire, compensation, terms, upgrading, conditions, facilities or privileges of employment because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, age, or sexual orientation; or in reprisal for objection to, or participating in the investigation or litigation of, alleged discrimination or for associating with disabled person(s) of a different race, color, creed, religion, sexual orientation or national origin.

MICRO FAÇADE GRANT AGREEMENT

THIS MICRO FAÇADE GRANT AGREEMENT (“Agreement”) is made effective as of [redacted], 2021, by and between [name of grantee], a Minnesota [type of business] (the “Grantee”), and the Economic Development Authority of Brooklyn Center, a public body corporate and politic under the laws of Minnesota (“Lender”).

RECITALS

A. Grantor has duly established its Micro-Facade Grant Program (the “Program”) and has approved policy and guidelines for said Program (the “Program Guidelines”).

B. Grantee has submitted an application for a grant (the “Grant Application”) pursuant to the Program Guidelines, and Grantor has approved a grant to the Grantee in the maximum principal amount of \$ [redacted] (the “Grant”) to pay a portion of the costs of qualifying expenditures under the Grant Guidelines as set forth in the Grant Application, in connection with Grantee’s business located at [redacted] in the City of Brooklyn Center, Minnesota (the “City”) (the “Grant Activities”).

C. The Grantor and Grantee have negotiated the terms of the Grant, and now desire to memorialize such terms in this Agreement.

AGREEMENT

To induce Grantor to make the Grant to Grantee, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The Grant Amount. Subject to and upon the terms and conditions of this Agreement, the Program Guidelines, and the Grant Application (together, the “Grant Documents”), Grantor agrees to grant to Grantee the sum of [redacted] and no/100ths Dollars (\$ [redacted]) and provide Grantee with computer hardware and software. Proceeds of the Grant shall be disbursed for the Grant Activities approved pursuant to the Grant Documents in accordance with Section 2 hereof.

2. Disbursement of Grant Proceeds.

(a) All Grant proceeds shall be paid to Grantee in accordance with the terms and conditions of the Grant Documents. Notwithstanding anything to the contrary herein, any costs of the Grant Activities exceeding the amount to be reimbursed under this Agreement shall be the sole responsibility of the Grantee.

(b) On the date of closing on the Grant, Grantor shall direct [Business Legal Name] to distribute Grant proceeds to the Grantee for façade improvement. The disbursement of proceeds of the Grant will be made subject to the conditions precedent, which require that prior to or as of the date of disbursement:

(i) The Grantor has received from Grantee, without expense to Grantor, an executed copy of this Agreement; and

(ii) Grantee is in compliance with the terms of the Grant Documents.

3. Representations and Warranties. Grantee represents and warrants to Grantor that:

(a) Grantee is duly authorized and empowered to execute, deliver, and perform this Agreement and to receive the Grant from Grantor.

(b) The execution and delivery of this Agreement, and the performance by Grantee of its obligations under the Grant Documents, do not and will not materially violate or conflict with any applicable provision of law and do not and will not materially violate or conflict with, or cause any default or event of default to occur under, any material agreement binding upon Grantee.

(c) The execution and delivery of this Agreement has been duly approved by all necessary action of Grantee, and this Agreement has in fact been duly executed and delivered by Grantee and constitutes its lawful and binding obligation, legally enforceable against it.

(d) Grantee warrants that it shall keep and maintain books, records, and other documents relating directly to the receipt and disbursements of Grant proceeds and that any duly authorized representative of Grantor shall, with reasonable advance notice, have access to and the right to inspect, copy, audit, and examine all such books, records, and other documents of Grantee pertaining to the Grant until the completion of all closeout procedures and the final settlement and conclusion of all issues arising out of this Grant.

(e) Grantee warrants that to the best of its knowledge, it has fully complied with all applicable state and federal laws reasonably relevant to this Agreement and will continue to comply throughout the terms of this Agreement. If at any time Grantee receives notice of noncompliance from any governmental entity, Grantee agrees to take any necessary action to comply with the state or federal law in question.

(f) Grantee warrants that it will use the proceeds of the Grant made by Grantor solely for the Grant Activities, and Grant funds have been utilized and providing evidence in the form of paid invoices, statements, or similar.

(g) Grantee acknowledges that Grant funds may only be used for eligible expense under the Program Guidelines. If it is determined by an audit or review that Grant funds have been misspent, Grantee shall be liable to Grantor for the amount deemed to have been misspent.

4. No Business Subsidy. The parties agree that the Grant is not a business subsidy as defined in Minnesota Statutes, Sections 116J.993 to 116J.995, as amended (the “Business Subsidy Act”), because the assistance is in an amount less than \$150,000.

5. Event of Default by Grantee. The following shall be Events of Default under this Agreement:

- (a) failure to complete any part of the Grant Activities by December 31, 2022;
 - (b) any representation or warranty made by Grantee herein is false when made;
- or
- (c) any material breach or failure of Grantee to perform any material term or condition of this Agreement not specifically described as an Event of Default in this Agreement and such breach or failure continues for a period of thirty (30) days after Grantor has given written notice to Grantee specifying such default or breach, unless Grantor agrees in writing to an extension of such time prior to its expiration; provided, however, if the failure stated in the notice cannot be corrected within the applicable period, Grantor will not unreasonably withhold its consent to an extension of such time if corrective action is instituted by Grantee within the applicable period and is being diligently pursued until the Event of Default is corrected, but no such extension shall be given for an Event of Default that can be cured by the payment of money (i.e., payment of taxes, insurance premiums, or other amounts required to be paid hereunder).

6. Grantor's Remedy upon Grantee's Default. Upon an Event of Default by Grantee and after provision by Grantor of written notice, Grantor shall have the right to suspend or terminate its performance under this Agreement. In addition, Grantee will be ineligible for future grants under the Program.

7. Indemnification.

(a) Grantee shall and does hereby agree to indemnify against and to hold Grantor, and its officers, agents, and employees, harmless of and from any and all liability, loss, or damage that it may incur under or by reason of this Agreement, and of and from any and all claims and demands whatsoever that may be asserted against Grantor by reason of any alleged obligations or undertakings on its part to perform or discharge any of the terms, covenants, or agreements contained herein.

(b) This indemnification and hold harmless provision shall survive the execution, delivery, and performance of this Agreement and the payment by Grantor of any portion of the Grant.

(c) Nothing in this Agreement shall constitute a waiver of or limitation on any immunity from or limitation on liability to which Grantee is entitled under law.

8. Miscellaneous.

(a) Waiver. The performance or observance of any promise or condition set forth in this Agreement may be waived, amended, or modified only by a writing signed by

Grantee and Grantor. No delay in the exercise of any power, right, or remedy operates as a waiver thereof, nor shall any single or partial exercise of any other power, right, or remedy.

(b) Assignment. This Agreement shall be binding upon the parties, their successors, and assigns. All rights and powers specifically conferred upon Grantor may be transferred or delegated by Grantor to any of its successors and assigns. Grantee's rights and 4 obligations under this Agreement may be assigned only when such assignment is approved in writing by Grantor; except that if such assignment is made to an affiliate or subsidiary of Grantee, Grantee may assign any of its rights or obligations to such affiliate or subsidiary upon written notice to the Grantor.

(c) Governing Law. This Agreement is made and shall be governed in all respects by the laws of the state of Minnesota. Any disputes, controversies, or claims arising out of this Agreement shall be heard in the state or federal courts of Minnesota, and all parties to this Agreement waive any objection to the jurisdiction of these courts, whether based on convenience or otherwise.

(d) Severability. If any provision or application of this Agreement is held unlawful or unenforceable in any respect, such illegality or unenforceability shall not affect other provisions or applications that can be given effect, and this Agreement shall be construed as if the unlawful or unenforceable provision or application had never been contained herein or prescribed hereby.

(e) Notice. All notices required hereunder shall be given by depositing in the U.S. mail, postage prepaid, certified mail, return receipt requested, to the following addresses (or such other addresses as either party may notify the other):

To Grantor: Economic Development Authority of Brooklyn Center
6301 Shingle Creek Parkway, Brooklyn Center, MN 55430
Attn: Executive Director

To Grantee:

Attn:

(f) Termination. Upon the date of receipt by the Grantor of Grantee's written report on Grantee's expenditure of Grant proceeds as described in paragraph 3

(f) of this Agreement, this Agreement shall terminate and neither party shall have any further obligation to the other.

(g) Entire Agreement. This Agreement, together with the Grant Documents, which are incorporated by reference, constitutes the complete and exclusive statement of all mutual understandings between the parties with respect to this Agreement, superseding all prior or contemporaneous proposals, communications, and understandings, whether oral or written, concerning the Grant.

(h) Headings. The headings appearing at the beginning of the several sections contained in this Agreement have been inserted for identification and reference purposes only and shall not be used in the construction and interpretation of this Agreement.

IN TESTIMONY WHEREOF, each of the parties hereto has caused these presents to be effective as of the day and year first above written.

[GRANTEE NAME]

By: _____

Name: _____

Its: [Title of Signatory]

ECONOMIC DEVELOPMENT AUTHORITY OF
BROOKLYN CENTER

By: _____

Name: _____

Its: President

By: _____

Name: _____

Its: Executive Director

I. PROPOSAL INFORMATION:

1. Please provide a description of your project or program in the space provided: *Repair broken window / door*
2. Please explain the public benefit of your project:
Better front view of the business / mall
3. Please provide a timeline of your project: *ASAP*

II. NEIGHBORHOOD PLANNING/COMMUNITY SUPPORT: Community involvement is a critical part of the program. In this section you are being asked to identify the participation of neighborhood and community groups in your proposal.

1. Will your project be coordinated or partnered with any other project, funding or program? If yes; please describe: *NO*
2. Were impacted by the civil unrest? *YES*

III. PROGRAM ACTIVITIES:

1. Before commercial or residential **development/redevelopment projects** may proceed, you must have control of the property. Please indicate the type of site control you have:
 - ☐ Deeded Title
 - ☐ Purchase Agreement
 - ☐ Purchase Option
 - ☒ Existing Lease
 - ☐ Lease Agreement
 - ☐ N/A
2. Provide the square footage and rent per square foot; *7,000*
3. Please identify your developer, architect, general contractor, and/or leasing and management firm;
Design 2 build

VIII. APPLICANT INFORMATION.

1. Please describe your business: *Beauty supply / Retail*

Brooklyn Center Façade Program Application

Section A: Proposal & Organization Information

Project Name: FAND G BEAUTY SUPPLY LLC

Legal Entity Submitting Request:

Organization type(s): Public ☐ For Profit ☒ Non-Profit ☐ Federal Tax I.D. # 27-4707260

Mailing Address: 6930 BROOKLYN BLVD # 9 BKLYN CT, MN 55429
STREET CITY STATE ZIP

Contact Person for This Request: Molley Kamara

Daytime Phone: 763-458-5649 E-mail: Makemeh@fandgbeautysupply.com

Project Location/Address: 6930 Brooklyn Blvd Bklyn CT, MN 55429

Funding Request:

Grant request \$ 5000.00

Owner Contributions: \$ 1,259.00

Total Project Cost: \$ 6259.00

Individual Completing the Application:

MOLLEY KAMARA OWNER 5/3/21 [Signature]
Name (please type) Title Date Signature

Design 2 Build, Inc.

4892 Twins Court, Eagan, MN 55123
612-396-4556

20-Apr-21

F & G Beauty Supply
6930 Brooklyn Blvd
Brooklyn Park, MN 55429

Project Change Order Cost:

Item	PROJECT DESCRIPTION	Estimated Cost	COMMENT
	Glass repair		
	per estimate	5,588	Credit for using existing floor
	Sub-Total	5,588	
	Fees		
	Permits	0	None required
	Overhead & Profit - 10% each	671	12% of above total construction costs
	Sub-total	671	
	Sub- Total	6,259	

Design 2 Build, Inc.
Stan J Ross

Date: _____ Date: _____
F & G Beauty Supply

F & G Beauty Supply

Quote: 5031

Date: 04/19/2021

Customer

DESIGN 2 BUILD
4892 TWINS CT
EAGAN MN 55123

Csr: GS Tech: PO Terms: NET 30

Qty	Part / Description	Item Total
(2)	37-1/4" X 55-1/4" INSLOWETEMP - INSULATED UNITS TEMPERED LOW E Low-E Temp Insul	2,881.82
(1)	28-3/16" X 69-3/16" INSLOWETEMP - INSULATED UNITS TEMPERED LOW E Low-E Temp Insul	1,180.50
(1)	20-1/4" X 55-1/4" INSLOWETEMP - INSULATED UNITS TEMPERED LOW E Low-E Temp Insul	857.90
1.00	INS LABOR 1 - INSTALL Zone 1 Labor to Install Ins Unit	315.00

Notes: This Estimate is for the F&G Store

Tax Info: DAKOTA TRANSIT 7.05
STATE TAX 345.82
Total 5,588.09

Quotes valid for 30 days. To proceed with the order, deposit of at least half down payment is required. Final payment due at time of install. Account customers NET 30 terms

Commissioner _____ introduced the following resolution and moved its adoption:

AUTHORITY RESOLUTION NO. _____

RESOLUTION APPROVING THE AWARD OF GRANTS UNDER THE MICRO-GRANT FAÇADE PROGRAM

WHEREAS, the Economic Development Authority of Brooklyn Center, Minnesota (the “Authority”) was created pursuant to Minnesota Statutes, sections 469.090 through 469.1082 to exercise its powers to promote and protect economic development within the City of Brooklyn Center (“City”); and

WHEREAS, on April 26, 2021 the Authority exercised its authority to establish the Micro-Grant Façade Program (“Program”) to promote local businesses and economic development by encouraging the improvement of business facades within the City; and

WHEREAS, businesses have applied for grants under the Program and the Authority desires to award the grants for use in accordance with the guidelines established for the Program and the terms and conditions of the agreement established for the Program, which is attached hereto as Exhibit A (“Grant Agreement”).

NOW, THEREFORE, BE IT RESOLVED, by the Economic Development Authority of Brooklyn Center, Minnesota Board of Commissioners (“Board”) as follows:

1. The Board hereby awards \$37,500 in grants under the Program to the following businesses and in the following amounts:

Businesses	Grant Amounts
F and G Beauty	\$5,000
God Will Fashion	\$5,000
Jammin Wings	\$5,000
Vinai Market	\$5,000
Hmong Senior Healthcare	\$5,000
Allstate- Chima Ogwurkie Agency	\$5,000
Xin Xin	\$4,000
BT Nails and Spa	\$3,500

2. The businesses shall utilize the grant funds in accordance with the Program guidelines and the Grant Agreement.
3. Staff are hereby authorized to enter into Grant Agreements with the businesses in substantially the form as attached, issue the grants, and to otherwise take such actions as may be necessary to carry out the Program.

Date

President

ATTEST: _____
Secretary

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.

EXHIBIT A
Grant Agreement

[attached hereto]

**Council/EDA Work
Session**

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection via
telephone Dial: 1-312-626-
6799 Meeting ID:
92710125463# Passcode:
7635693300#
May 24, 2021

AGENDA



ACTIVE DISCUSSION ITEMS

1. A Concept Development Proposal for 6440 James Circle (The Former Earle Brown Bowl)
2. Concept Review from Scannell Properties Regarding the Former Sears Site
3. Brooklyn Center's Participation in Minneapolis Northwest Tourism
4. Discussion of Council Policy Governing Commission Appointments
5. Mayor's Senior Policy Aide Position

PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items

Council/EDA Work Session

DATE: 5/24/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: A Concept Development Proposal for 6440 James Circle (The Former Earle Brown Bowl)

Requested Council Action:

Background:

The concept review process is an opportunity for the City Council to review a development concept prior to a formal proposal from an applicant, and provide comments, ask questions, and indicate whether or not the City would be open to the project. Concept reviews are helpful for projects that would involve diverting from the City's established land use policies, as it provides insight to staff and the developer as to the City Council's level of interest, and any specific concerns, related to a project.

A concept review is considered advisory and is nonbinding to the City and the applicant. No formal action can be taken at a work session, and the Council is not being asked to vote on the proposal. If the developer chooses to submit a formal application to the City to proceed, it would be subject to the full review process, as with any other development application.

Concept Proposal

The owner of 6440 James Circle purchased the property approximately three years ago. They initially planned to develop the existing building into an event center; however, that project never moved forward. The owner has since partnered with McGlynn Partners to assist them with developing the site. The property is four acres in size. It is zoned C2, which is the City's general commerce district and allows for a variety of commercial and service uses. It is guided in the 2040 Comprehensive Plan for Mixed Business, which allows for a wide variety of uses including commercial, office and light industrial.

McGlynn Partners is proposing to demolish the existing building and construct a 63,780 square foot building comprised of a mixed office and light industrial. All stormwater, parking and truck circulation would be contained on site. A narrative description and concept site plan for the site is attached to this report. The project is being proposed on spec, meaning that businesses occupying the building have not yet been identified.

Staff have met with the developers several times to discuss the site layout, land use concept and circulation. Staff have provided initial comments related to the location of driveways, internal circulation and stormwater, which the development team have incorporated into their site plan.

Parking

The City's zoning code required parking based on land uses. With flex business/industrial projects such as this,

determining required parking can be difficult. This is due to the fact that it is not yet known what percentage of the building will be dedicated to higher parking demand uses such as office, versus lower parking demand uses such as manufacturing and distribution, or even warehousing. In addition, these uses can change over time as demand for different types of industrial space ebb and flow.

Staff estimated the required parking based on assumptions for the square footage of office and industrial space within the building and determined that the required parking could be up to 122 stalls. The current site plan includes 80 stalls, a deficit of 42 stalls. The developer has indicated that the City's parking requirements for office and industrial uses are too high compared with actual parking demand they are seeing in newer developments in places such as Brooklyn Park and Maple Grove, based on the square footage mix. While staff concurs that the City's parking standards are likely out of date, the developer has been asked to prepare a parking study to indicate the likely actual parking demand for the site. Additional discussion about parking will need to occur.

Financing

The developer has submitted a preliminary proforma and has indicated that they intend to apply for Tax Increment Financing. They have submitted documents that indicate a gap of \$1,366,000. The City's public finance consultant has done an initial review of the documents submitted by the developer and has expressed concerns that the amount they identify will not be generated by a 26 year TIF district. In addition to the amount generated by the TIF District, TIF funds can only be applied towards extraordinary costs related to the need for the assistance. Additional discussion and analysis will be required to determine the amount, if any, of subsidy that may be warranted.

In the event that public subsidy is found to be warranted, and the Council approves it, the project would be required to meet the livable wage requirements laid out on the City's public subsidy policy, as well as other standards identified by the policy.

Policy Discussion

The City has identified a need for additional employment centers and tax base enhancing development projects, in addition to the community's needs for housing stabilization. A resilient economic future for the community necessitates a balanced approach to development which includes both developments that produce jobs and taxes as well as those which meet broader community goals.

The City's 2040 Comprehensive Plan designates this area for Mixed Business. The Mixed Business land use designation envisions a broad mix of land uses including light industrial, as well as office, commercial, hotel and service. This development aligns with the vision for the area.

Process

Based on the discussion this evening, McGlynn Partners will revise their project design and prepare a formal request for land use entitlements to the City. The project would require the site to be rezoned, likely to a PUD district, because the City's zoning code does not have a zoning district that aligns with the Business Mixed Use land use designation yet.

Policy Issues:

- Does the Council have any comments or direction related to the proposed concept?
- Is the Council open to the use of tax increment financing if it is determined to be warranted?

Budget Issues:

No budget issues.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Project Narrative	5/3/2021	Backup Material
Concept Site Layout	5/3/2021	Backup Material
Building Elevations	5/3/2021	Backup Material
Building Rendering	5/3/2021	Backup Material

694 Business Center

Brooklyn Center, MN

Submitted By: McGlynn Partners LLC.
March 11, 2021

Introduction

The development site is a 4.03 acre parcel located on the southeast corner of the intersection of Freeway Boulevard and James Circle North. We are proposing to construct a mixed office and light industrial building which will cover approximately 63,780 square feet. The site is bounded on the north by Freeway Boulevard, on the west and south by James Circle North, and on the east by two commercial parcels.

Comprehensive Guide Plan Designation

The site is currently a Commercial Land Use but is guided for Business Mixed-Use (B-MU) in the 2040 Comprehensive Plan. Per the 2040 Plan, B-MU is a new designation which guides land for a mixture of uses including commercial, office, general business and light industrial uses. No Land Use designation change is requested.

Zoning Classification

The property has a current zoned as Commerce (C2). A zoning change to Industrial Park (I1) is requested.

Surrounding Sites & History:

The site's previous use was as a bowling alley, Earle Brown Lanes, originally constructed in 1978 and closed in the summer of 2015. While the site was considered for redevelopment as an event center and granted a permit in 2017 and again in 2020, the site has ultimately remained vacant since 2015.

Surrounding Property Designations:

Land Use (Per 2040 Comprehensive Plan)

The site is surrounded on all sides by land guided Business Mixed-Use (B-MU).

Zoning

The site is surrounded by two uses, Industrial Park (I1) and Commerce (C2)

North – Freeway Boulevard and Industrial Park (I1)

East – Commerce (C2)

South – James Circle Road and Commerce (C2)

West – James Circle Road and Commercial (C2)

Architectural Design

The building will be 449' long x 150' deep with an interior clear height of 28'. The front of the building will face west and front James Circle N. Car parking will be on the west and south sides of the building. A 110' deep loading area will be on the east. The building will include a total of three (3) main entrances in front - one on each corner and one in the center. The building will have two (2) access points – one (1) on the north end of the property and one (1) on the south end of the property. The building is designed to accommodate a variety of user and sizes, ranging from 15,000 square feet to 63,780 square feet.

The primary building exterior material will be painted concrete. Additional exterior materials will include metal canopies at each main entrance and glass at each main entrance and along sections of the front and side walls. Glass will extend above each canopy location to visually distinguish main entrances. Along the main façade of the building, accent paint will be used to complement the glass and create a “two-story” look. The main façade will also include a break in plane every 100 feet via an increase in the building parapet height (“vertical articulation”) and/or “bumping out” the building exterior wall (“horizontal articulation”). Each articulation intends to create a distinct massing element. Articulations extend around both sides of the building while the paint color and pattern changes extend are found on all four sides of the building. Finally, the rear of the building will include clerestory windows to help break up the plane of the rear wall and provide natural light to people inside.

Stormwater & Utilities

The site is located in the Brooklyn Center Regional Treatment credit area, thus the project will provide treatment for the 1.1 inch “first flush” rainfall event on-site. We are required to have a reduction in stormwater rates. Additionally, stormwater must be treated prior to discharge to remove 60 percent of phosphorus and 85 percent of total suspended solids. Treatment may be provided by one or more permanent sedimentation and water quality ponds or a combination of BMPs that together will meet removal requirements. We anticipate the on-site stormwater will be treated via a pond in the southwest portion of the site.

The site is currently served by existing utilities on the north side of the site. Existing utilities will be reused to the greatest extent possible.

Traffic

The site has two primary parking areas. The west lot will serve office users and has two access points on to James Circle North, one to the north west and one to the south. The east lot provides access to truck docks and has two access points as well. The north access from Freeway Boulevard is intended for entry only and will be signed and enforced with a “Do Not Enter” sign facing toward the lot. The second truck access, to the south of the east lot, is to James Circle North.

Tax Increment Financing (TIF) Considerations:

The proposed site is desirable but has remained undeveloped since 2015 due to difficulty determining the proper use. While the site presents many opportunities, it's also felt that by deferring assessment the likelihood of a successful long-term project increases considerably. See attached Proforma.

Conclusion

McGlynn Partners LLC seeks to revitalize a vacant underutilized site with good highway access, but which has remained vacant since 2015. The project is environmentally conscious in redeveloping a parcel currently served by existing utilities and roadway infrastructure. The proposed office and light industrial building is in keeping with the City's vision for the area, as articulated in the 2040 Comprehensive Plan, and with a diversity of users will contribute to the vitality of the area.



FREEWAY BOULEVARD

JAMES CIRCLE N

JAMES CIRCLE N

BROOKLYN CENTER INDUSTRIAL

SITE DATA:

EXISTING ZONING:		C2	COMMERCE
EXISTING LOT AREA	=	175,641	(4.03 AC)
BUILDING SETBACKS:			
FRONT YARD	=	50'	
SIDE YARD	=	25'	
REAR YARD	=	25'	
PARKING SETBACKS:			
ASSUMED 15' PARKING SETBACK			

BUILDING DATA:

BUILDING GFA	=	60,510 SF	100%
ASSUMED OFFICE SPACE		12,102 SF	20%
ASSUMED INDUSTRIAL SPACE		48,408 SF	80%

PARKING DATA:

PARKING PROVIDED		80 STALLS
ASSUMED PARKING REQUIRED		122 STALLS
10,100 / 200	60.51	61 STALLS
40,400 / 800	60.51	61 STALLS
		122 STALLS

OFFICE:
 OFFICE SPACES WITH 0 - 20,000 SQUARE FEET REQUIRES
 ONE SPACE FOR EVERY 200 SQUARE FEET OF GROSS
 FLOOR AREA.

INDUSTRIAL:
 ONE SPACE FOR EVERY TWO EMPLOYEES BASED UPON
 MAXIMUM PLANNED EMPLOYMENT DURING ANY WORK
 PERIOD OR ONE SPACE FOR EVERY 800 SQUARE FEET OF
 GROSS FLOOR AREA, WHICHEVER REQUIREMENT IS
 GREATER.



ALLIANT
 ENGINEERING
 3-5-2021



Council/EDA Work Session

DATE: 5/24/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Concept Review from Scannell Properties Regarding the Former Sears Site

Requested Council Action:

Background:

The concept review process is an opportunity for the City Council to review a development concept prior to a formal proposal from an applicant, and provide comments, ask questions, and indicate whether or not the City would be open to the project. They are also helpful as it provides insight to staff and the developer as to any specific concerns the Council may have related to a project. Concept reviews are helpful for projects that would involve diverting from the City's established land use policy.

A concept review is considered advisory and is nonbinding to the City and the applicant. No formal action can be taken at a work session, and the Council is not being asked to vote on the proposal. If the developer chooses to submit a formal application to the City to proceed, it would be subject to the full review process, as with any other development application.

The former Sears site has been vacant since 2018. Sears is the owner of the site and in late 2020, initiated a process to solicit offers from private parties to acquire and redevelop the site. Scannell Properties was the winning bidder and they have now entered into an option agreement with Sears for the site. Scannell has begun their due diligence on the site, which has required substantial environmental assessment. As part of that assessment they have identified significant asbestos in the existing structures which will need to be remediated before demolition can take place. The total estimated cost to remediate the asbestos in the former Sears building is nearly a million dollars. This work will be required prior to demolition of the existing structures.

On April 28, 2021, the City Council authorized an application to the Metropolitan Council's Tax Base Revitalization Account for funding to assist with environmental remediation of the site.

Scannell Properties is a developer of primarily industrial and commercial business centers. They have most recently completed projects in Brooklyn Park and Maple Grove. Examples of their projects are attached to this report. Scannell Properties is still very much in the due diligence phase of their project and have not yet determined a site layout or concept plan for this particular site. They will complete the environmental assessment prior to determining the best layout and use for the site. That said, they are contemplating a commercial business center at this location, similar to those they have done in other communities.

Scannell is seeking direction from the Council on whether their proposed land use would be favorable to the

Council. They are prepared to discuss the environmental conditions of the site and to talk about their approach as developers and to their projects if the Council so wishes. T

The former Sears site is currently zoned PUD-C2. This zoning is specific to the former Brookdale Mall, and any reuse of the property would require a rezoning to a new PUD. However, the underlying zoning is that of C2, Commerce, which primarily allows retail and service uses. Scannell's proposed use would require a rezoning to PUD-BMU, which aligns more closely with the City's I-1 - Light Industrial zoning district.

The property is guided TOD in the 2040 Comprehensive Plan. At the time that the Comprehensive Plan was adopted, it was not clear with the future for the former Sears site would be. The site is near a BRT transit stop, and TOD allows a broad mix of land use options, including housing. The 2040 Comprehensive Plan recognized that not all of the properties guided for TOD would be appropriate housing sites, and indicated that areas such as the Opportunity Site, would focus more on housing, while other sites around Xerxes and Brooklyn Boulevard would focus more on commercial land uses, providing a jobs base.

That said, the 2040 Comprehensive Plan did not contemplate light industrial and business mixed use for the former Sears site, and as such, a Comprehensive Plan Amendment would be required if this development were to move forward.

Policy Discussion

a balanced approach to future redevelopment, including additional employment centers and tax base enhancing development projects, in addition to the communities needs for housing stabilization. A resilient economic future for the community necessitates a balanced approach to development which includes both developments that produce jobs and taxes as well as those which meet broader community goals.

It is also not likely that the site will be attractive for additional retail uses, as the City is over retailed, from a market perspective. While office uses would be attractive for the site and a positive outcome for the community in terms of jobs and tax base, the office market is currently extremely oversaturated, and the likelihood of attracting an office user very low.

Scannell has not yet indicated whether they will request Tax Increment Financing or not. Any required for TIF will be required to meet the City's Public Subsidy Policy and go through formal review.

Policy Issues:

- Does the Council have any comments or direction related to the proposed land use concept?
- Is the Council comfortable with a light industrial/business mixed use project, knowing it will require a rezoning and Comprehensive Plan Amendment?
- Does the City Council have any questions for Scannell properties related to their project proposal?

Next Steps

Based on the discussion with the Council, Scannell properties will work on a site concept, which will be brought back to the City Council for further consideration before they prepare a final land use application.

Budget Issues:

There are no budget issues regarding this item at this time.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Examples of Scannell Properties Projects	4/19/2021	Backup Material
Statement of Community Impact	4/19/2021	Backup Material
Example of Scannell Properties Project	4/19/2021	Backup Material

Scannell Properties 2021



Sears Redevelopment – Scannell Job Creation & Community Impact

Job Creation

The attached Exhibit A is a speculative multi-tenant facility constructed by Scannell in their master planned business park in Brooklyn Park.

- The building is 201,200 square feet total.
- The building houses approximately 180 employees.
- $201,200 \text{ SF} / 180 = 1 \text{ employee for every } 1,118 \text{ SF}.$

The project Scannell is proposing is also going to be constructed “speculative,” meaning it will be built before any of the tenant occupants are identified. Therefore, it’s difficult to firmly identify how many jobs will be created as a result of building the project. However, we have found a ratio of 1 employee for every +/-1,000 SF is a good benchmark.

- Scannell is proposing to construct 2-speculative buildings totaling 227,500 SF.
- $227,500 / 1,000 = \text{+/-228 jobs}.$

Community Impact

Jobs can’t be created if there is no place for companies to make a home. Scannell will absorb the risk of building projects speculatively that will attract good-quality tenants = good-quality jobs.

- The proposed projects will pay significant amounts in tax dollars over many years. Those tax dollars can be used to enhance the community & county in many ways.
- The proposed projects will place minimal additional stress on community services, such as; law enforcement, fire, public works, etc.
- It’s likely there will be companies occupying the projects that will offer good summer jobs for the community’s high school & college students. Or, potentially, quality part-time jobs for those who are semi-retired or would like supplemental income.

Exhibit A



National record storage company. Highly secured facility. 5 employees.



Manufacturer of high-end mattresses & bedding. Headquartered in Minneapolis. This facility is for storage, assembly & distribution. 65 Employees.



Gymnastics Training Center



Biomerics, LLC is located in Brooklyn Park, MN, United States and is part of the Medical Equipment & Supplies Manufacturing Industry. Biomerics, LLC has 100 employees at this location. There are 6 companies in the Biomerics, LLC corporate family.

30,757 SF

79,828 SF

20,197 SF

70,418 SF



Council/EDA Work Session

DATE: 5/24/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Brooklyn Center's Participation in Minneapolis Northwest Tourism

Requested Council Action:

Background:

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

In January, the city of Maple Grove put the MNTB on notice that the city was going to spend one year evaluating its future participation in the organization (they were required per their participation agreement to provide a one year notice before pulling out of the organization). In the meantime, Maple Grove is pursuing special legislation to use 50 percent of their lodging tax dollars to renovate their community center ([SF 1212 as introduced - 92nd Legislature \(2021 - 2022\) \(mn.gov\)](#)). At this time, it does not appear that this legislation will move forward this legislative session.

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

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

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

Recently, the Brooklyn Park City Council held a work session discussion on this same topic. At that meeting they discussed four options for how to move forward with the organization, given Maple Grove's impending withdrawal. While they did not land on a final path forward, they did direct staff to submit notice for withdrawal. As part of their considerations, the Brooklyn Park City Council discussed forming a new organization either on their own, or in partnership with Brooklyn Center. They expressed interest in this option, but recognized that the Brooklyn Center City Council would need to weigh-in on the matter before additional exploration of that option could take place.

Both the City of Brooklyn Park and Brooklyn Center have agreements that require termination notices by June 30th in order to withdrawal by the end of the following year. This means, that Brooklyn Park will provide notice prior to June 30 of this year in order to exit the organization by December 31, 2022. This would also be the case for Brooklyn Center, should the City decide to terminate its agreement with Minneapolis Northwest Tourism by June 30, 2021.

With Maple Grove and Brooklyn Park exiting the organization, Brooklyn Center would be the only remaining City. Minneapolis Northwest Tourism staff have not reached out to the City, and it is unclear how or if the organization would continue to function.

Options to Consider:

Staff is seeking direction from the City Council on how they would like to move forward.

1. Remain in the Minneapolis Northwest Tourism Board. It is uncertain at this time whether Maple Grove will withdraw, but it seems likely. It is unknown what the organization would look like under this option, or even if Minneapolis Northwest Tourism will continue to operate if Maple Grove and Brooklyn Park leave.
2. Give notice of intent to withdraw from Minneapolis Northwest Tourism Board. Based on the city of Brooklyn Center's contract with the MNTB, the city is required to give 18 months

advance notice to withdraw from the consortium by December 31 of any given year (June 30). For example, the city must notify Minneapolis Northwest Tourism Board by June 30, 2021 in order to end the contractual relationship by December 31, 2022. If the city chooses to withdraw, then the following sub-options would need to be considered:

2a. Create a Brooklyn Center specific tourism board that the city operates in house. Pre-COVID, \$515,000 per year was generated in 2019 from the lodging tax on Brooklyn Center hotel rooms.

2b. Create a Brooklyn Center and Brooklyn Park coordinated tourism board operated jointly by the two cities. This is similar to Golden Valley and St. Louis Park, which operate a joint tourism board. It is unclear the level of interest in this option by Brooklyn Park, and additional discussion and coordination would be required to determine if this option were feasible.

2b. Seek special legislation to divert revenue from lodging tax to another tourism related use (i.e., community center expansion). Maple Grove is currently pursuing this, and Plymouth had similar Special Legislation approved in 2019. Plymouth uses two-thirds of its lodging tax for public recreational facilities and one-third to fund the establishment of a local CVB (not yet established). This legislation has a 10-year sunset that the city will seek to remove.

2c. Discontinue the collection of lodging tax within the city of Brooklyn Center. Brooklyn Center did receive Special Legislation several years ago to double its lodging tax rate. Half of the amount goes to the MNWT Board and the other half to the City's General Fund. Discontinuing the collection of lodging tax would include the portion that the City retains.

Next Steps:

Provide direction on how the Council wants to proceed. If there is interest in withdrawal at the end of 2022, staff would bring forward a Council action item for consideration before June 30.

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Council/EDA Work Session

DATE: 5/24/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Dr. Reginald Edwards, Acting City Manager

SUBJECT: Discussion of Council Policy Governing Commission Appointments

Requested Council Action:

Background:

Currently, the City Council has no formal written policy regarding the method and procedures for making appointments to advisory commissions.

Historically, the Council's approved practice has required staff to provide public notice when a commission vacancy occurred. The primary means of public notice has been through the Sun Post, City Web Site, Social Media and public announcement at community and Council meetings.

All applications have been directed to and received by the City Clerk who has forwarded said applications to the Mayor and Council members for review.

Historically, the Mayor has interviewed candidates and made a recommendation to the City Council for Council consent.

Most recently, names were submitted to the City Council for consideration by the Mayor and they were approved by the City Council. After the meeting it was determined that two of the approved individuals had not submitted an application to the Office of the Clerk. As a result the Council received no written application information to consider in advance.

This a signification departure from previous Council direction and therefore we are seeking Council direction.

In addition, the issue of timely appointments has been raised by several Commission members and Councilmembers. The enabling resolutions for most of our Council advisory commissions say that commissioners who have not been reappointed at the end of their term shall continue to serve until there replacement has been appointed and qualified.

The question raised by Commissioners has been how long should they be expected to continue to serve after their term has expired.

Policy Questions

1. As way of promoting constancy and transparency does the Council desire the development of policy that more clearly codifies the method and process for Commission appointments?
2. Does the Council have specific recommendations to resolve the questions regarding the application process or the timeliness of appointments and or reappointments?
3. Does Council wish to continue with the status quo?

Budget Issues:

Not applicable

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

ATTACHMENTS:

Description	Upload Date	Type
Commission Overview	4/21/2021	Backup Material
Letter from Charter Commission	4/21/2021	Backup Material

Commission Serving with Expired Terms

Financial Commission – Total of 7 seats and currently 2 vacancies

Name	Last Appointment Date	Term Ending Date
Teneshia Kragness	1/8/18	12/31/20 *
David Dwapu	1/8/18	12/31/20 *
Taofeek Ishola	6/10/19	12/31/21
Emmanuel Kpaleh	6/9/20	12/31/23
Dean Van Der Werf	12/14/15	12/31/18
(*) Term expired and application on file for reappointment		

Resolution 99-110

Members' Term of Office: Members of the Commission shall be appointed by the Mayor with majority consent of the Council. The terms of office shall be staggered three-year terms, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Upon expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed and shall have qualified. Terms of office for members of the Commission shall expire on December 31 of respective calendar years.

In the event an appointed Commissioner suffers from an extended illness, disability, or other activity preventing proper fulfillment of duties, responsibilities, rules and regulations of the Commission, the Commissioner may be temporarily replaced by an interim Commissioner appointed by the Mayor with majority consent of the City Council.

Housing Commission – Total of 7 seats and currently 2 vacancies

Name	Last Appointment Date	Term Ending Date
Paul Oman	3/12/18	12/31/18 *
Kathie Amdahl	1/17	12/31/19 *
Mark Goodell	1/8/18	12/31/20 *
De'Ja Carter	3/8/21	12/31/23
Michael Donnelly	3/8/21	12/31/23
(*) Term expired and application on file for reappointment		

Resolution 2006-47

Members' Term of Office: Members of the Commission shall be appointed by the Mayor with majority consent of the Council. The terms of office shall be staggered three-year terms, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Upon expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed and shall have qualified. Terms of office for members of the Commission shall expire on December 31 of respective calendar years.

In the event an appointed Commissioner suffers from an extended illness, disability, or other activity preventing proper fulfillment of duties, responsibilities, rules and regulations of the Commission, the Commissioner may be temporarily replaced during the temporary leave by an interim Commissioner appointed by the Mayor with majority consent of the City Council.

Park & Recreation Commission – Total of 7 seats and currently 2 vacancies

Name	Last Appointment	Term Ending Date
Travis Bonovsky	1/1/17	12/31/19 *
Gail Ebert	1/1/17	12/31/19 *
Bud Sorenson	1/1/18	12/31/20 *
Tanisha Lungelow	6/8/20	12/31/23
Natalie Branch	3/8/21	12/31/24
(*) Term expired and application on file for reappointment		

Resolution 98-13

Members' Term of Office: Members of the Commission shall be appointed by the Mayor with majority consent of the Council. The terms of office shall be staggered three-year terms, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Upon expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed and shall have qualified. Terms of office for members of the Commission shall expire on December 31 of respective calendar years.

In the event an appointed Commissioner suffers from an extended illness, disability, or other activity preventing proper fulfillment of duties, responsibilities, rules and regulations of the Commission, the Commissioner may be temporarily replaced during the temporary leave by an interim Commissioner appointed by the Mayor with majority consent of the City Council.

Planning Commission – Total of 7 seats and currently 3 vacancies

Name	Last Appointment	Term Ending Date
Peter Omari	3/9/20	12/31/21
Alexander Koenig	1/1/18	12/31/21
Alfreda Daniels	6/8/20	12/31/22
Stephanie Jones	6/8/20	12/31/22
(*) Term expired and application on file for reappointment		

Resolution 95-82

Members' Term of Office: Members of the Commission shall be appointed by the Mayor with majority consent of the Council. The terms of office shall be staggered two-year terms, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Upon expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed and shall have qualified. Terms of office for members of the Commission shall expire on December 31 of respective calendar years.

In the event an appointed Commissioner suffers from an extended illness, disability, or other activity preventing proper fulfillment of duties, responsibilities, rules and regulations of the Commission, the Commissioner may be temporarily replaced during the temporary leave by an interim Commissioner appointed by the Mayor with majority consent of the City Council.

Sister City Commission – Total of 5 seats and currently 1 vacancy

Name	Last Appointment	Term Ending Date
Issa Mansaray	3/12/18	12/31/22
Fatu Magassouba	8/26/19	12/31/21
Jacob Saffert	3/12/18	12/31/19
Sheku Samba	3/18/18	12/31/18
Tashawna Williams	3/12/18	12/31/20
(*) Term expired and application on file for reappointment		

Resolution 2015-159

ARTICLE III.

MEMBERSHIP. Section 1. The Commission shall consist of five (5) members who shall be appointed by the City Council upon recommendation of the Mayor.

Section 2. The initial appointments to the Commission shall be for one, two, three, four, and five year terms, and thereafter all appointments shall be for a term of five years or until a successor is qualified.

Section 3. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

BROOKLYN CENTER HOME RULE CHARTER COMMISSION

April 10th, 2021

Brooklyn Center City Council
City of Brooklyn Center
6301 Shingle Creek Pkwy
Brooklyn Center, MN 55430

Re: Inquiry about open commission positions and the appointment process

Dear distinguished members of the Brooklyn Center City Council:

At the last two meetings of the Brooklyn Center Charter Commission concerns were raised about the large number of open city commission positions and lack of transparency around the appointment process. It was reported that across all the council sanctioned commissions there are currently 17 open positions which includes 11 positions for commissioners whose terms have expired. At the same time there are 25 open applications for these positions which includes those from 8 serving commissioners whose terms have expired. Some of these applications were submitted over 2 years ago without any feedback to the applicants on when or if they should expect an appointment.

After the January meeting the commission researched the appointment policies for several neighboring home rule charter cities. None of them had similar numbers of open positions and many of them have their commission appointment processes documented either on their web site or in city code.

At the last meeting held on April 8th the commission unanimously passed a motion to send an inquiry to the council about this issue which resulted in the drafting of this letter. Specifically, the commission is requesting feedback about the following questions:

- Does the council expect to fill the open positions or if not, will the council communicate the reasoning for keeping them open?
- Will the council consider establishing procedures to ensure that applicants are informed of the status of their application in a timely fashion?
- What steps can the council take to make the appointment process more transparent and ensure full participation in the commissions?

In closing there is concern that the large numbers of vacancies are limiting the involvement of local citizens in the government and that the lack of transparency and timeliness in the appointment process is affecting the quorum and discouraging some current and potential commissioners from serving.

The commission would welcome any feedback or dialog with the council on this important topic. Thank-you for your time and consideration.

Sincerely,



Mark A. Goodell
Chairperson, Brooklyn Center Charter Commission

TO: Members of the Brooklyn Center City Council

FROM: Mayor Mike Elliott

SUBJECT: Approve the Senior Policy, Administrative and Constituent Services Aide position to assist the Mayor in Carrying Out Duties of the Office of Mayor

RECOMMENDATION

Approve a resolution establishing the position of Senior Policy Aide to provide high level policy, administrative, and constituent services support to the Mayor's Office. The position will assist the Mayor in carrying out ever increasing responsibilities related to understanding and crafting policies, constituents' inquiries and needs, coordination of high level meetings and meeting preparation, and council meetings. This includes meeting and working with intergovernmental partners at the local, state, regional and federal levels on issues ranging from housing, transportation, health and the pandemic, to city development. The request for applications should begin in March 2021 with interviews to follow, and a target start date in June 2021.

FISCAL IMPACTS OF RECOMMENDATION

The pay range will be \$47,694 - \$58,046 1 FTE.

The pay for Fiscal Year 2021 will be \$23,847 - \$29,023 since the position will only be funded June - December.

BACKGROUND

The Mayor represents the city on many external boards and committees ranging from local to national. The Mayor is often tasked with managing a full time workload, a demanding schedule, and a multitude of high level meeting requests and demands from constituents. In September 2020 staff conducted a review of this position. The Mayor initially met with the City Manager and the Finance Director to begin work on scoring the position to support the Mayor. They, along with Human Resources, reviewed the position description provided by the Mayor, and they also offered an assessed pay range based on that job description. Critical support and increased capacity provided by this position is needed at this time to fully and effectively meet the responsibilities of the Office of Mayor in service to the people of Brooklyn Center.

NUMEROUS BENEFITS OF A SENIOR POLICY AIDE TO THE MAYOR

Provide much needed support for managing demands of the Mayor's office including:

Improve Policy Development by Conducting Research

- Conduct required research and provide documentation that is needed for decisions on critical issues.
- Provide critical information and documentation to inform the Mayor and Council in their decisions by conducting topical research as required.

Improved flow of Council meetings by helping the mayor to prepare

- Provide much needed support in coordinating the logistics, flow, and time of presiding over Council meetings.
- Provide much needed support in tracking concerns raised at Council meetings for follow up.

Improved constituent services

The constituent services function in the Mayor's Office includes one or more of the following activities to help citizens better understand city government priorities and ways to access government:

- Provide information and referral to answer public inquiries about the city government, and to refer citizens to appropriate city programs. Help citizens obtain specific benefits or resolve their issues with the city and external government agencies.
- Encourage and assist citizens and communities in making their views known on government issues and programs. Develop and maintain ties with stakeholder constituency groups to ensure the Mayor and Council are aware of their concerns, and that they are informed about the city's programs and priorities.

Support the management of the responsibilities and duties of Mayor's Office

- Manage the calendar and schedule meetings with internal and external partners and stakeholders, as well as State, Regional and Federal governmental entities and representatives.
- Provide much needed support in reviewing documents requiring the Mayor's signature.

Increased capacity to maintain relations with external governmental units and secure resources for Brooklyn Center

- Provide critical support for communication with State, Regional, and Federal government agencies.
- Provide critical support in identifying Met Council, County, and State legislative agenda items aligned with city priorities for securing funds, including State bonding bills.

City of Brooklyn Center
POSITION DESCRIPTION

Position Identification

TITLE: Senior Policy and Administrative Aide

DEPARTMENT: Office of the Mayor

STATUS: Exempt

Position Summary

The Office of the Mayor is seeking highly-qualified candidates for the position of Senior Policy Aide. This position provides high-level administrative support to Mayor Elliott and reports to the Mayor. Mayor's Office positions are politically appointed by the Mayor.

Essential Duties and Responsibilities

Research

- Conduct required research and provide documentation that is needed for decisions on critical issues
- Provide critical information and documentation to inform the Mayor and Council in their decisions by conducting topical research as required

Scheduling

- Oversee intake of all event and meeting requests for the Mayor
- Prepare schedule and scheduling materials for the Mayor
- Serve as lead communicator with requestors
- Work with City communications team to ensure all meeting materials, including briefs and talking points, are prepared for the Mayor prior to scheduled events/meetings
- Manage Mayor's calendar

Constituent Services

- Manage and respond to all constituent inquiries
 - Disseminate any relevant information to appropriate departments

Administration

- Develop, and as needed, adjust processes to manage constituent communications and scheduling requests
- Oversee the full utilization of these processes ensuring all relevant information is appropriately tracked, managed, and reported to the Mayor, and any other relevant staff
- Oversee Mayor's media and non-media communications including, print and television, official Mayoral letters, proclamations, and thank you notes
- Manage Mayor's office expenses, ensure proper coding, and coordinate processing with finance department
- Review all documents for the Mayor's signature

Performs other duties as assigned.

Essential Knowledge, Skills, and Abilities

Communications: Must be able to read and understand correspondence, memoranda, and directives, and follow such directives. Must have extensive knowledge of office procedures and practices. Must have the ability to communicate clearly and concisely in English, both orally and in writing. Must have the ability to communicate effectively with persons who do not speak English and are from a variety of different cultures. Must have the ability to deal tactfully and effectively with all City personnel, outside agencies, vendors, and the general public.

Decision Making: Must be able to act in a decisive manner, using good judgment. Must be able to assess problems and situations, anticipate needs and evaluate alternatives. Must have knowledge of the utilization of appropriate resources and the willingness to communicate the use of available resources.

Interpersonal Relationships: Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work. Must be consistent in dealing with people; must have the ability to accept criticism and/or discipline. Must be able to establish and maintain relationships with other employees and positive public service relationships with members of the general public. Effectively represent the department and the City in meetings with governmental agencies; community groups; various business, professional, and regulatory organizations; and in meetings with individuals.

Professional Attitude: Must have commitment to the organization; willingness to take initiative; dependability; maturity in relationships with others; and self confidence. Must represent the organization to other agencies and citizens with a courteous, helpful, and accurate business-like attitude. Must be able to exemplify leadership by encouraging initiative, effective completion of work assignments, and appropriate resource utilization. Must have the ability to keep management informed of matters he/she must know to adequately perform the responsibilities of the position. Ability to

work as a team member.

Quality of Work: Must be able to operate in an efficient and safe manner all equipment and vehicles required for this position and in accordance with City policy and direction. Must be able to demonstrate initiative and independence in completion of work responsibility. Must be able to produce quality, accurate work, detect and correct errors, utilize work time properly and productively.

Technical Knowledge: Must have working knowledge of City programs, functions, and services in order to expeditiously respond to public inquiries. Must be proficient with office equipment.

Physical Abilities: Must have the ability to read and discern visual images on a variety of media. Must have the ability to remain seated or standing at the same work station for up to eight hours at a time with appropriate breaks in that time frame. Must have the ability to type accurately. Must have ability to record names and numbers accurately (e.g., not transpose numbers and/or letters).

Desirable Qualifications

Two years of executive-level administrative experience.

Two years of policy research and reporting experience.

Minimum Qualifications

- Three years of experience that includes related job duties and responsibilities.
- Knowledge and demonstrated proficient computer skills including Microsoft Office program applications (Word, Excel, Access, PowerPoint).

Position Description Approved

By _____
Mayor

Date Approved

Human Resources

Mayor Elliott introduced this resolution and _____ moved its adoption:

RESOLUTION NO. _____

APPROVE A RESOLUTION ESTABLISHING THE POSITION OF SENIOR POLICY AND ADMINISTRATIVE AIDE TO PROVIDE HIGH LEVEL ADMINISTRATIVE SUPPORT TO THE MAYOR.

WHEREAS, The Mayor serves as the official elected head of the city, presides over City Council and is the primary point of contact for constituents, organizations, stakeholders, and governmental entities; and

WHEREAS, The Mayor is responsible to constituents and is a primary point of contact for citizens seeking city government assistance; and

WHEREAS, The needs of constituents experiencing hardship due to difficulties posed by the pandemic has amplified this need increasing pressures/demands on the Office of Mayor; and

WHEREAS, The Mayor is paid at a part time rate for approximately 5 to 10 hours per week; and the actual workload is more than 40 hours per week, additional support is needed to fulfill the duties of the Office of Mayor; and

WHEREAS, The position will improve constituent services by assisting the Mayor to help citizens obtain specific benefits or resolve their problems with city departments and external government agencies; and

WHEREAS, The position will help to manage the workload of the Mayor by taking responsibility for the calendar and scheduling critical meetings with internal and external partners, stakeholders, as well as external regional, state, and federal governmental entities; and, review documents requiring the Mayor's signature in order to facilitate a more expedited process; and

WHEREAS, The position will improve flow of Council meetings by helping the Mayor prepare, with support in coordinating the logistics, flow, and timing of presiding over Council meetings; and provide support in tracking concerns raised at Council meetings for follow up; and

WHEREAS, The position will improve policy development by conducting required research and providing documentation on critical issues; and provide information and documentation to inform the Mayor and Council in their decisions by conducting topical research as required; and

WHEREAS, The position will provide increased capacity to maintain relations with external governmental units and help secure resources for Brooklyn Center by providing critical support for communication with regional, state and federal governments agencies; and, provide critical support in identifying Metropolitan Council, County, and State legislative agenda items aligned with city priorities for securing funds, including state bonding bills;

THEREFORE BE IT RESOLVED that the City Council adopt a resolution to approve the position of Senior Policy Aide to provide high level administrative support to the Mayor, effective immediately. The position is politically appointed and is hired by, reports directly to, and serves at the will of the Mayor. The Mayor shall be solely responsible for the management of the position. The Mayor's Office shall post the position in a manner that promotes equity and invites applicants of diverse backgrounds. The Mayor shall be responsible for interviewing qualified candidates and selecting the best candidate for this position. Council members will have access to this position for policy research and preparations for interviews or responses to media inquiries through the Mayor, in accordance with best management practices.

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.

Kennedy

&

Graven

CHARTERED

Troy J. Gilchrist
150 South Fifth Street
Suite 700
Minneapolis MN 55402
(612) 337-9214 telephone
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tgilchrist@kennedy-graven.com
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MEMORANDUM

To: Brooklyn Center City Council
Curt Boganey, City Manager

From: Troy Gilchrist, City Attorney

Date: March 31, 2021

Re: Proposed Mayor's Senior Aide Position

At its March 8, 2021 work session, the City Council discussed the Mayor's proposal to establish a Senior Policy Aide ("Aide") position to support the Mayor and help provide information to the City Council. As proposed, the Aide position would be outside the typical City employment structure in that the Mayor would hire and manage the position, and the Aide would report to the Mayor and not the City Manager. The Mayor indicated the Mayor of Minneapolis has several aides and that the City of Berkeley, California has a city-manager form of government and the Mayor has aides that report directly to the Mayor.

During the discussion, the City Council agreed with my request to allow me time to review the proposed Aide position and to offer an opinion on whether it is consistent with the Brooklyn Center City Charter. For the reasons set out below, my opinion is that structuring the position as proposed is not consistent with the City Charter, but there are options the City Council could explore to establish an Aide position if it so chooses.

City Charter Provisions

The following are the relevant provisions from the City Charter:

- Section 2.09 – "The Council shall by ordinance establish a merit system in all or part of the City administration, but **neither the Council nor any of its members shall dictate the appointment of any person to office or employment by the City Manager** except as provided in Chapter 6 of this charter." (emphasis added)

- Section 6.02, subdivision 1 – “[T]he **City Manager shall control and direct the administration of the City’s affairs**. The City Manager shall have the powers and duties set forth in the following subdivisions.”
 - “Subdivision 3. The City Manager shall appoint, upon the basis of merit and fitness and may suspend or remove upon the basis of merit and fitness, and upon the provisions of all applicable ordinances, all officers and employees of the City, except the City Attorney, whose appointment and removal shall be at the discretion of the Council.” (emphasis added)

City of Minneapolis

Article VII, Section 7.1 of the Minneapolis City Charter expressly requires the City Council to provide certain resources to the Mayor, including a minimum number of staff. Further, the section indicates the “Mayor may appoint any such staff without regard to Section 8.4(b).” The referenced section provides a collective process for appointments that involves the Mayor, Executive Committee, and the City Council. The City of Minneapolis is not a Council-Manager Plan charter city.

City of Berkeley

The City of Berkeley is a Council-Manager form of government under California law. The second sentence of the introduction of the Berkeley City Charter states – “The City Manager is appointed by the City Council and all other employees and officers are appointed by the City Manager.” That arrangement is set out in Article VII, Section 28(b) of the City Charter, which indicates the City Manager appoints employees. The Charter does not contain language regarding Mayoral staff as in the Minneapolis Charter and does not provide separate authority for the Mayor or Councilmembers to appoint staff. The Charter does require the City Manager’s appointment of department heads to be affirmed by a vote of at least five Councilmembers. Otherwise, “neither the Council nor any of its committees or members dictate or attempt to dictate, either directly or indirectly, the appointment of any specific person to office or employment by the City Manager.”

Despite this prohibition, the City does allow the Mayor and Councilmembers to hire their own assistants. Based on past memos, it appears the City supports this practice based on amendments the City Council made to the City Code. The City lists in Section 4.04.120 of the City Code positions classified as “at-will” employees who serve at “the pleasure of the appointing authority.” The list includes the Assistant to the Mayor, Legislative Assistant, Secretary to the Mayor, Administrative Secretary, and Secretary. The section does not define who is the “appointing authority”, but it is clear from City documents the Mayor and individual Councilmembers appoint and manage their own assistants.

A memo from 2006 explains how the addition of a position allowed the appointment of assistants by Councilmember - “At its meeting of February 9, 1999, the City Council voted to modify the Personnel Ordinance (Berkeley Municipal Code Section 4.04.010 et. seq.) to include Legislative Assistants as regular at-will employees. This change allowed the Legislative Assistants to be

appointed with benefits if they were regularly scheduled to work twenty or more hours per week.” A separate memo indicates Councilmembers may appoint their own legislative assistants by simply informing the City when they have hired a legislative assistant and submit a personnel requisition form.

It appears the City considers the ordinances the City Council adopted over the years to add these assistant positions to the list of at-will employees as sufficient authority for the Mayor and Councilmembers to directly hire these positions separately from the authority provided in the Charter. If that is the case, it is not clear how simply naming positions in the City Code can lawfully override the hiring authority set out in the Charter. As is recognized in the introduction to the Berkeley Charter, “as to municipal affairs, the Charter instead of being a grant of power is, in effect, a limitation of power.” Because charter cities are bound by the language in their charter, I do not recommend the City attempt to follow this approach regarding the proposed Aide position.

Analysis

It is important to note at the outset of this analysis does not address the need for the Aide position. The determination of need for the position is left to the City Council. Rather, this review is limited to whether the Aide position as proposed is allowed under the City Charter.

The City Council has the discretion to make reasonable interpretations of the City Charter, just as it is occasionally called upon to interpret and apply sections of the City Code and state law. However, the City Council is ultimately bound by the provisions of the City Charter and cannot change or override Charter language by ordinance without formally amending the City Charter.

Under the Council-Manager Plan of government, “the council has policy-making and legislative authority, but the administration is the responsibility of an appointed manager who answers directly to the council.” Chapter 4, page 5, LMC Handbook for Minnesota Cities. The only persons hired by the City Council under the City Charter are the City Manager (Section 6.01) and the City Attorney, which includes appointment of the City Prosecutor (Section 6.02, subd. 3). Under Section 2.07, the City Council fixes salaries of the “City Manager and all the subordinate officers and employees of the City.” However, there are no provisions allowing the Mayor or any of the Councilmembers to directly hire staff. In fact, Section 2.09 expressly prohibits such involvement by stating that “neither the Council nor any of its members shall dictate the appointment of any person to office or employment by the City.” The prohibition on the Mayor or any Councilmembers directing the City Manager to hire someone also prohibits them from directly hiring someone themselves. Except for the two positions mentioned above, the City Charter does not contemplate the direct involvement of anyone on the City Council in the hiring of City employees, which is one of the key elements of the Council-Manager Plan.

Despite the prohibition on the direct hiring of City employees, there are some options the City Council could consider if it desires to establish the Aide position. First, it can act to direct the City Manager to establish the position and to work through the usual City procedures to select someone for the position. Again, no member of the City Council can dictate who is hired, but the selection process could involve an opportunity for the Mayor and Councilmembers to

provide input on candidates. As with any other hiring, the City would need to follow the applicable employment laws, such as veteran's preference requirements, when hiring for the position. Once hired, the Aide can work directly with the Mayor and Councilmembers, but would be managed by the City Manager like any other City employees.

The second option would be to seek a City Charter amendment to allow for the appointment by the Mayor of the Aide position. Among the different methods for amending the City Charter, the most efficient is by recommendation of the Charter Commission and adoption of an ordinance by the City Council. Minn. Stat. § 410.12, subd. 7. This process requires a unanimous vote of the City Council on the ordinance. The language could expressly allow the Aide position and make it clear the position is hired and managed by the Mayor.

The final option, though much more limited, would be to explore whether there are certain tasks proposed to be performed by the Aide that could be performed by an independent contractor. Because an independent contractor is not a City employee, the work they perform is not tied to the City's employment structure. However, this option is limited in that the person selected to perform the work would need to qualify as an independent contractor. That means the person must be in the business of providing the identified services and control the method and manner of performing the work. In other words, the City can identify the specific tasks to be completed, but the contractor must be left to accomplish them without direct oversight or direction by the City.

For the purposes of determining employment status for workers' compensation, a person classified as a consultant is reviewed against the criteria in Minn. R., part 5224.0070. If the person does not fall within the definition of a consultant under the rule, then they are reviewed against the general criteria in Minn. R., parts 5224.0330 and 5224.0340. Information published by the Minnesota Attorney General's office identifies the following criteria to help determine if someone is legitimately classified as an independent contractor:

- The worker determines when, where, and how to perform the work.
- The worker's work is not essential to the employer's business model.
- The worker hires his or her own employees and assistants to complete the work and has continuing and recurring obligations related to the type of work he or she performs.
- The worker cannot have his or her contract terminated so long as the worker completes the proposed end result of the contract.
- The worker has an office, business license, and a place to perform his or her work that is independent of the employer.
- The worker is compensated for doing a particular job, such as preparing someone's taxes.
- The worker is solely responsible for his negligence, behavior, and the manner in which he or she performs the work.
- The worker has invested in tools, software, office space, and other materials that are not tied to a job with a particular employer.
- The worker cannot quit a job or terminate a contract with an employer without incurring a penalty.

I realize these options do not fully achieve the outcomes as proposed by the Mayor, but they are the only viable means of creating the Aide position in a manner consistent with the City Charter. I will be happy to answer any questions the Council may have regarding the issues discussed in this memo.

Council/EDA Work Session

DATE: 5/24/2021

TO: City Council

FROM: Dr. Reggie Edwards, Acting City Manager

THROUGH: N/A

BY: Dr. Reginald Edwards, Acting City Manager

SUBJECT: Pending Items

Requested Council Action:

- Earle Brown Name Change for Public Property
- Council Policy for City Charter requirement of Mayor's signature on all contracts
- Strategic Plans for years 2018-2020 and 2021-2023
- Review Special Assessment Policy
- Tobacco Ordinance
- Emerald Ash Boer Policy Review
- Civilian Discipline Review Committee
- Community-Wide Survey
- Attorney RFP Process

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: