**Council Study Session**
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 97680230856# Passcode: 7635693300#
May 10, 2021

# AGENDA

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

**CITY COUNCIL MEETING**
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 97680230856# Passcode: 7635693300#
May 10, 2021

# AGENDA

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

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

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

## 2. Invocation - Lawrence-Anderson - 7 p.m.

## 3. Call to Order Regular Business Meeting

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

## 4. Roll Call

## 5. Pledge of Allegiance

## 6. Approval of Agenda and Consent Agenda

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

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

- *April 12, 2021 Special Council*
- *April 12, 2021 City Council*
- *April 26, 2021 Study Session*
- *April 26, 2021 Regular Session*
- *April 26, 2021 Work Session*

b. Approval of Licenses

*- Motion to approve the licenses as presented.*

c. Resolution 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

*- Motion to approve a resolution 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.*

d. Resolution Accepting Bid and Awarding Contract, Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2 Improvements

*- Motion to approve a resolution accepting bid and awarding a contract to Park Construction Company for Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2 Improvements.*

e. Resolution 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 to approve a resolution accepting bid and awarding a contract to New Look Contracting, Inc. for 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.*

## 7. Presentations/Proclamations/Recognitions/Donations

a. Entrepreneur Market Feasibility Study and Market Analysis Presentation

b. Opportunity Site Presentation Series: Environmental Assessment Overview

c. Contracts Executed During Civil Unrest Crises

*- Staff asks that the Council hear a presentation of contracts executed during the current city emergency and civil unrest.*

## 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. Resolution 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 to approve a Resolution 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*

**9. Planning Commission Items**

**10. Council Consideration Items**

a. Resolution Establishing "No Mow May" for the City

*- Motion to approve a resolution establishing "No Mow May" for the City*

b. Acting City Manager Pay Adjustment

**11. Council Report**

**12. Adjournment**

# Council Regular Meeting

DATE: 5/10/2021

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:*
  - *April 12, 2021 Special Council*
  - *April 12, 2021 City Council*
  - *April 26, 2021 Study Session*
  - *April 26, 2021 Regular Session*
  - *April 26, 2021 Work Session*

**Background:**

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

**Budget Issues:**

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| 4-12-2021 Special Council | 5/5/2021 | Backup Material |
| 4-12-2021 Regular | 5/5/2021 | Backup Material |
| 4-26-2021 Study Session | 5/5/2021 | Backup Material |
| 4-26-2021 CC | 5/7/2021 | Backup Material |
| 4-26-2021 Work Session | 5/5/2021 | 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 EMERGENCY MEETING
APRIL 12, 2021

## CALL TO ORDER

The Brooklyn Center City Council met in a special emergency meeting called to order by Mayor Mike Elliott at 2:15 p.m. The meeting was conducted in person at Earle Brown Heritage Center.

Mayor Mike Elliott welcomed everyone to a special emergency meeting.

## ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves (arrived at 3:53 p.m. during the closed session), Kris Lawrence-Anderson, and Dan Ryan (arrived at 3:35 p.m. during the closed session). Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

## 1. RESOLUTION NO. 2021-48 EXTENDING THE EMERGENCY DECLARATION

Mayor Elliott stated he signed an emergency order last night to put in place a curfew. The emergency order must be ratified by a vote of the City Council for it to be extended past the initial 3-day period.

City Attorney Troy Gilchrist stated, for clarification, the Mayor has taken a couple of emergency actions since yesterday, including the issuance of an emergency proclamation for a curfew which has since expired; as well as a mayoral declaration declaring a local emergency due to civil unrest from the officer-involved shooting. He noted the Mayor requested that he prepare a Resolution to extend the Emergency Declaration if necessary. He read the Resolution in full.

Councilmember Butler moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2021-48 Extending the Emergency Declaration to Saturday, May 31, 2021.

Motion passed 3-0.

## 2. OPEN FORUM

Elijah Darris stated he is an organizer and activist of the people. He explained that last night we learned of the killing of a young man, and we came out to be supportive of those who are grieving. Many people made their way over to the Police Department to be heard, so we went there too. He stated they were shocked to see long lines of police in riot gear and the area in darkness. Shortly after they arrived, they heard the Police Chief give a notice that there would be a disbursement order in 10 minutes, after which there would be arrests and escalation. He stated they were not

seeing an aggressive response from the people. The police set off tear gas which sent people running out into the community, instead of staying contained at the Police Department.

Mr. Darris stated they began to question how this could be happening. They learned that the Chief proudly asserted that he decided to turn the lights off because he did not want the officers to be backlit. He stated that is unconscionable as it was unsafe for the officers and the protestors.

Mr. Darris stated the disbursement order sent the protestors out in the community, which is when the looting started. He stated decisions made by the police department created massive consequences for the entire community. He stated the police department's inability to listen to the community voice is systemic within this department, and they saw it happen today when community members had interactions with the Police Chief. He stated if this Police Chief is the voice of the city, there are going to be more problems.

Mr. Darris stated he is asking the City Council to make the bold and brave decision that this Chief is not the right Chief in this situation, in these times, to lead the force into the future. There needs to be a change. He noted the Police Chief has stated it was a good traffic stop. Mr. Darris asked the City Council to send a message to Brooklyn Center residents, to Minnesota, and the rest of the nation.

Angela Rose Myers stated she is the President of the Minneapolis NAACP, and she stands with community members today who are calling for the removal of the Brooklyn Center Police Chief. She stated community members met with the Police Chief this morning, and he lied to community members by saying there was no youth out there last night. She stated many youths were hit with tear gas.

Ms. Myers stated we cannot have a Police Chief who tries to shut us down when we are telling the truth and shuts down community conversations rather than listen and adjust for the future. Ms. Myers stated the Police Chief said he would do the same thing if it were to happen again. She stated she is calling on the community, this is not the Police Chief for this time.

The founder of Families Against Police Violence stated she works with families who have lost loved ones at the hands of law enforcement. She was trying to de-escalate the situation last night. She was attending an event in St. Paul and had to leave that event to come to be with a grieving family and deescalate a situation with youth. She stated she saw much youth who were grieving and upset. She stated enough is enough, and we are asking for the removal of the Police Chief. We do not need him leading our police department.

**RECESS TO CLOSED SESSION**

Mayor Elliott stated the City Council would recess into a closed session to consider a personnel matter under, as stated by the City Attorney, Minnesota Statutes, section 13D.05, subdivision 2(b).

**RECONVENE IN OPEN SESSION**

Mayor Elliott reconvened the special emergency meeting after the closed session.

## 3. CONSIDER AMENDING RESOLUTION NO. 2021-48 DECLARING A CIVIL EMERGENCY

City Attorney Troy Gilchrist stated this is an amendment to the Resolution related to the Mayor and City Council's consent to take command of the Police Department. This amended Resolution is proposed to more closely track the language in the City Charter. The proposed new language states, "Notwithstanding the typical command structure, the City Council consents to the Mayor taking command of the police and taking such other actions as are needed to maintain order and enforce the law in response to the civil unrest."

Mayor Elliott stated many public agencies have been coordinating over the past few hours, and what this Resolution does is clarify language around what the coordination will be now, and how decisions will be made, to ensure that the mayor is in charge.

Councilmember Butler moved and Councilmember Graves seconded to amend RESOLUTION NO. 2021-48 Declaring a Civil Emergency and to give the Mayor the Authority to take Command of the Police Force.

Discussion during the motion:

Councilmember Ryan stated he arrived late at the meeting and was not present for the original Resolution. He requested the city attorney read the entire resolution.

Mr. Gilchrist explained the Mayor issued an emergency declaration earlier today declaring a civil emergency which can only remain in effect for three days under State statute. The City Council acted to extend that Emergency Order. This amendment is to adopt that Resolution with the new language.

Councilmember Ryan asked a question regarding the Resolution with the new language of coordinating the Mayor and law enforcement officers.

Mr. Gilchrist stated the amendment brings the Resolution closer in line with the City Charter, which states that in times of public danger or emergency the Mayor may, with the consent of the City Council, take command of the police, maintain order, and enforce the law.

Mr. Gilchrist stated, in his experience, this type of authorization has not been activated by this City or any other city. The Mayor's point in suggesting this language is that it provides clear authority for the Mayor.

Councilmember Ryan stated in times of crisis, it is not a good idea to make a change in authority that will potentially affect public safety practices. He added he will not be in favor of the amendment.

City Manager Curt Boganey asked the City Attorney to review the limitations of the Mayor's authority to command the Police Department under the proposed Resolution.

Mr. Gilchrist stated it is difficult to highlight limitations because, as he stated earlier, this is uncharted territory for him and even his colleagues. He added he does not know that a provision like this has ever been enacted, and it is difficult to say what it would look like in practice.

Mr. Gilchrist stated there are employment contracts and other contracts that this Resolution will not override, and all Police Department regulations and standard operating procedures remain in place. But use of the word "command" in the Charter does indicate a level of control that could override the City Manager.

Mayor Elliott stated there are several cities where the mayor is in command of the police department in times of emergency. He added he acknowledges that this is new for Brooklyn Center, but he is fully prepared and ready to move forward.

Mr. Gilchrist stated he was referring to charter cities.

Councilmember Lawrence-Anderson asked a question regarding the time frame of the proposed Resolution.

Mr. Boganey asked how the proposed Resolution will affect the City Manager's role and responsibilities.

Mr. Gilchrist stated it is difficult to address that question directly as Brooklyn Center has a Council-Manager form of government. He added the City Manager is considered the "employer" and is responsible for hiring and firing department heads. He noted the proposed Resolution would not exclude the City Manager from having a part in the process, but it grants the Mayor a certain amount of authority in times of emergency.

Councilmembers Lawrence-Anderson and Ryan voted against the same. Motion passed.

## 2. OPEN FORUM – CONTINUED

Mayor Elliott invited community members to speak.

A meeting attendee spoke about the pain, loss, and grief that the community is dealing with. He did not know Daunte Wright, but he has friends who knew him. He sat in on the meeting this morning, and the Police Chief was disrespectful to the community, and it made him angry, but it showed him something. He called for the Police Chief's resignation and added he is glad the City Council voted to let the Mayor take control of the police as the City Manager and Police Chief are not capable of being in control.

Jonathan McClellan stated he is President of the Minnesota Justice Coalition, an organization in the Twin Cities committed to advancing social justice legislation. Yesterday the community experienced tragedy in the death of Daunte Wright, who was shot and killed by a police officer during a police stop in Brooklyn Center, next to the District he represents in Congress. In a press conference this morning, the Police Chief stated that the officer confused her gun for her taser and fired the fatal shot by mistake, which appears to be corroborated by body camera footage. He is

horrified and incredulous that such a mistake is even possible. The news that it was a mistake comes as little comfort for a community that has lived in fear for far too long.

Jonathan McClellan stated former Minneapolis police officer Chauvin's murder trial is underway just 10 miles south in Minneapolis, and while circumstances are distinct, the outcome is the same. There have been far too many deaths for generations, and the question is what will be done to stop this from happening. He joins his fellow elected officials and community leaders in calling for protestors to do so peacefully, but real peace requires real justice: justice in policy, education, housing, and opportunity. Until then, the absence of justice for some means insecurity for all.

Jonathan McClellan stated a coalition of organizations signed a letter on March 29, 2021, to the Minnesota delegation and to the FBI to advocate for the reintroduction of federal law enforcement in Minnesota. The federal government has historically been a critical partner in addressing the harms of systemic injustice, particularly the FBI, and has been instrumental in bringing accountability to state and municipal governments. These federal programs were suspended under the previous administration, and there is an urgency to restart the practice here in Minnesota. The lack of trust in local law enforcement and city officials is a result of the continuing assault on our communities of color by law enforcement and warrants thorough and independent investigation by the FBI.

Jonathan McClellan asked the Mayor to support the call for an investigation from the FBI. He called for the resignation or dismissal of the City Manager.

A meeting attendee stated he is a community organizer and was one of the first people at the police department before the situation rapidly escalated. Police officers in riot gear came out of the building, making the situation extremely tense. Many of the leaders and community activists in this room have all made attempts to reach out to the City Manager, but we were told he could not talk to us because he was busy planning. When asked for details in this morning's meeting, the City Manager could not give any details and had to turn around and ask the Police Chief. The Police Chief was hostile towards us, and that is unacceptable under the circumstances.

The man asked whether the Mayor will have the authority to fire the City Manager. He noted the Police Chief had told everyone there were no children, but there were children. He added a true leader would show courage at this moment. He called on the Mayor and City Council to fire both the Police Chief and City Manager. He added a true leader would show courage at this moment.

A representative of Black Lives Matter Twin Cities stated First Amendment rights and protecting citizens should be seen as the same thing. She added last night when she was out in the crowd, trying to deescalate the situations, she and an elected official, were targeted by the police. They were shining the light on her, and blasts were shot in his direction. There were many young people at the protest, and there were small children in the apartment building, where they asked us to go, and then they began to fire in that direction. A woman approached her who knew who she was, and asked her to come to see her 4-year-old child who was hiding under the bed. She stated she was willing to sacrifice her body in the front line. She asked the Mayor to step up and ensure that peaceful protestors/citizens are protected. She urged the City Council to reach out to Demetrius, who has photos of the impact of the rubber bullets. She stated there is a photo of one young man who was hit in the ear while standing up for justice. That is extremely unconstitutional.

The Black Lives Matter representative stated, to the two Councilmembers who voted not to give authority to the Mayor, I want you to rethink your vote. The City Manager and the Police Chief did not do their jobs yesterday and they put people in danger. When the tear gas bombs went off, the community organizers had the entire community contained in one spot, protesting and chanting. The tear gas bombs went off and the community dispersed, which is when we started to see problems beyond that space. We as leaders can only be in so many places, and we are volunteers. We need you to make better decisions and the best decision you can make is to terminate the City Manager and the Chief of Police.

A male meeting attendee showed a video of the protest with tear gas and people getting shot by rubber bullets. He stated it is entirely the responsibility of the City Manager and the Chief of Police, and what they chose to do last night when we were outside peacefully protesting with anger and frustration because another black man lost his life. It does not make any sense that he lost his life for an air freshener, or expired tabs, during a pandemic. He asked who you are serving and protecting because it is not our community. He stated he is angry because this man was a father, and asked who will protect and serve his child? He told the councilmembers, especially those who voted against, to use their heads.

A male meeting attendee stated a lot has been said, and we are not unreasonable. Last night brought back memories, and we are grieving for the death of Daunte Wright. We came together to have a peaceful protest, to grieve in brotherhood, and heal the pain. When we heard bombs going off, he got on the phone with the Mayor and asked him to request that the police leave the scene. The mood changed and people were chanting and requesting justice. He saw 25-30 kids out there chanting for justice for Daunte Wright, but not one single person was on the sidewalk in front of the police department. When 7-9 kids entered the Police Department, then we saw many police in riot gear start to defend the building, and things started to escalate. If the officers had never shown up, the energy would not have escalated. We as community leaders called the Mayor to ask to get the situation under control.

The meeting attendee stated you lost all authority when you shot and killed Daunte Wright. It is unacceptable by any standards to mistake a taser for a gun. The officer should have been fired as soon as the body-worn camera footage was released. There was no regard for human life, and the Police Chief has lost the trust of the people. We are asking for you to remove both of these men and let the City and the State of Minnesota know that the most diverse city in Minnesota will not accept brutality by anybody, because we care about our citizens more than anything. Do not allow the militarization in Minneapolis to affect how your citizens are treated. We are asking you to do what you are elected to do, and that is serve the people of Brooklyn Center, and not allow bad decisions to threaten the lives of its citizens.

Michelle Gross stated she is the president of Communities United Against Police Brutality. She added the First Amendment guarantees that people have a right to free speech and to redress grievances. The First Amendment restricts the authority of the government to impinge on that right. What she saw last night deeply impinged on people's First Amendment rights, and she was appalled by that.

Michelle Gross stated at the press conference this morning, the Police Chief was asked about discharging the employee who showed criminal negligence, and the Police Chief stated that due process is required. In most circumstances, if someone engages in egregious conduct and criminal negligence, they are terminated and then their rights come into play. Michelle Gross stated you have the ability to terminate this employee at this time, and she encourages you to do so.

Michelle Gross stated her organization submitted a data practice request to the Police Chief and Mayor at 2:00 a.m. Under statutory guidelines, certain types of data must be made public at all times, related to arrests and seizures. Some of this information was provided at the press conference, but what has not been provided is the name of the officer. The Police Chief stated the BCA will have a procedure for releasing the name. Under State statute, access to data does not depend upon BCA procedure or the will of the government.

Michelle Gross stated she wished the City Attorney and Mayor were in the room right now. She added we are prepared to get an injunction to force you to release that information, to advocate for the community, and defend the community's rights of access to information. The City Manager and Police Chief have made egregious attacks on our First Amendment rights and should be released.

A female meeting attendee stated it is sad to come here under these circumstances. She added she is a civil rights attorney and activist, and she lived in Brooklyn Park from 2003-2015. She spent a lot of time in Brooklyn Center. She always thought the two cities were different from Minneapolis, but they are not different in terms of the way residents of color are treated by the police. She has been in many protests, and last night, being out there with other organizers, trying to keep the peace, that was worse than what she experienced in Ferguson in 2014, in terms of a munition being utilized, and the disbursal order. Last night was completely unnecessary. She asked why were the lights out if the police were worried about people throwing things. People in the apartment building were terrified of seeing munitions being thrown over their building. She noted that living across from the Police Department makes residents feel that they are safe, but last night they were less safe.

The female attendee asked what these events say about the future of Brooklyn Center. Many jurisdictions are overhauling their policies and police practices to ensure more accountability, so what happened in Minneapolis will not happen in their communities. In this case, a 20-year-old man was racially profiled, driving a nice car, because of his expired tabs. She asked why would that be the priority of several police officers? If that is the focus of the Police Department right now, that is bad leadership, poor decision making, and poor prioritization. She stated these priorities turned into the loss of life, adding to the trauma and impact on the community. This is the result when people who make decisions have a callous disregard for those who are out there trying to hold up the banner of justice. This is not acceptable, and it needs to change. She called for the firing of the City Manager and the Police Chief. She asked that the elected officials do the right thing and allow Brooklyn Center to be a refuge for the people of color who live here, and not a nightmare as it feels right now.

A female meeting attendee addressed the City Council directly. She stated this morning when we showed up after being out there all night, we wanted to hold you accountable. Everyone here on this Council is black but you two, and you voted that you want to keep the police leadership. She

asked what does that say about your decision-making. You are elected by the people, and that is who you serve, not City employees. She asked if you have authority over law enforcement, what were you doing last night. She stated you should show more understanding. You should know that nothing will protect you. She asked where is your humanity and your leadership. Give the leadership to the mayor. You should take back your votes and do the right thing.

An independent journalist and photographer stated he comes before you in pain and distress after having witnessed last night, which he has documented, and he has over 1 million viewers. He stated the Police Chief should be ashamed of himself, and there will be no covering up. Brooklyn Center, Minnesota, is Ground Zero. He stated the City Council should render the power to the Mayor and let him do his job because obviously, you are not doing your job. He asked with a heavy heart that you respect the media, the marches, the medics, and the peaceful protestors. That man should be alive today, and if you had an inkling of faith in your God of your understanding, you would see where we are coming from. He stated I urge you to do the right thing because if you don't, the blood will be on your hands. We are tired of the hypocrisy that you show, thinking that we are going to run away and shooting at us like we are the problem.

Councilmember Butler made a motion to relieve City Manager Boganey of his duties with the City of Brooklyn Center seconded by Councilmember Graves.

Councilmember Ryan stated he was saddened by these events recognized that this was a terrible tragedy; however, that he is does not believe that removing the City Manager during this time of crisis is the correct action to take and will be voting against it.

Councilmember Lawrence-Anderson stated she was very sad about what was happening in the community and was heartbroken over the recent events. She stated that she has always been satisfied with the job City Manager Boganey has performed. She stated that however, she would support the motion on the floor However, with fear of retaliation she will be voting for this issue.

Councilmember Graves stated that she was coming to the meeting directly from the airport. She stated she was late to the closed session and the discussion. She stated that if the City Council had the authority to fire the Chief of Police, that is the action she would take; however, because the only authority the Council has is over the City Manager, that she would be supporting the action. She stated she was the first person of color on the city council and Mr. Boganey was a very helpful when she started. She supports the people here today and the people in the community last night and will be voting in favor of this.

Motion passed 4-1 (Nay – Ryan)

Mayor Elliott made a motion to appoint Deputy City Manager Edwards to Acting City Manager seconded by Councilmember Buter.

Motion passed 4-1 (Nay – Ryan)

## 4. ADJOURN

By general consensus, Mayor Elliott adjourned the meeting.

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
APRIL 12, 2021

## 1. INFORMAL OPEN FORUM WITH CITY COUNCIL

This item was not addressed.

## 2. INVOCATION

This item was not addressed.

## 3. CALL TO ORDER REGULAR BUSINESS MEETING

Mayor Pro Tem Marquita Butler stated Councilmembers are present at 7:00 p.m. She asked whether additional time should be given for the Mayor to attend.

Acting City Manager Reggie Edwards stated he just spoke with Mayor Elliott who was delayed. He added Mayor Elliott asked that the Resolution for condemning anti-Asian sentiment should be added to the Regular Agenda (Item 10b), as well as the Resolution to introduce the use of crowd control mechanisms (Item 10d). He noted there are a few Consent Agenda items that are time-sensitive and should be addressed, but the public hearing can be tabled, and all other Agenda items rescheduled.

City Attorney Gilchrist stated Mayor Elliott instructed him to prepare a Resolution regarding provision of security for the City Council, which should also be added to the Regular Agenda (Item 10c). He added the public hearing can be opened and then a motion made to continue.

The Brooklyn Center City Council met in Regular Session called to order by Mayor Pro Tem Marquita Butler at 7:00 p.m.

## 4. ROLL CALL

Mayor Mike Elliott (joined at 7:06 p.m.) 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.

Mayor Elliott stated the City Council will forego regular agenda items except time-sensitive Consent Agenda items and the public hearing.

Dr. Edwards stated Consent Agenda items that are time-sensitive and should be addressed are Items 6d, 6i, 6j and jk. The City Council agreed.

## 5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

## 6. APPROVAL OF AGENDA AND CONSENT AGENDA

Mayor Elliott stated an item on the Work Session agenda should be added to the Consent Agenda, related to a Resolution condemning all forms of anti-Asian sentiment related to Covid-19.

Mr. Gilchrist read in full a Resolution authorizing security for the City Council.

Dr. Edwards read in full a Resolution limiting police crowd control tactics during protests.

Mayor Elliott stated these Resolutions should be added to the Consent Agenda.

Mayor Elliott moved and Councilmember Graves seconded to approve the Agenda and Consent Agenda, as modified.

Discussion during the motion: Councilmember Ryan requested that the Resolutions to be approved under the Consent Agenda be read into the record.

Dr. Edwards stated the only Resolutions to be approved under the Consent Agenda are as follows:

6d. Resolution declaring April 30, 2021 to be Arbor Day and May 2021 to be Arbor Month in the City of Brooklyn Center

6i. Resolution declaring April 22, 2021 as Earth Day in Brooklyn Center

6j. Resolution declaring April 18-25, 2021 to be Community Clean-up Week

6k. Resolution declaring May 16-22, 2021 as National Public Works Week in Brooklyn Center.

Dr. Edwards noted the Consent Agenda will include two additional Resolutions as noted above, related to condemnation of anti-Asian sentiment and security for the City Council.

Councilmember Ryan requested a separate vote on the Resolution related to police crowd control measures, about which he has some reservations. He added he supports many of the elements regarding regulation and limits to police crowd control, but he supports deferring this issue to be discussed at a special meeting before the City Council sets police policy. He expressed concern that some of the measures require additional information before decisions can be made, to ensure that mistakes are not repeated. He stressed the importance of a solid City Council consensus on these daunting issues.

Mayor Elliott stated the Resolution is an expression of City Council direction and policy, and a guide for the Police Department.

Councilmember Butler stated this communication exchange is inappropriate and a motion is on the table. She added there should be a vote on the Consent Agenda including the 3 time-sensitive items, and the other three items can be moved to the Regular Agenda.

**6a. APPROVAL OF MINUTES –** This item was not considered.

- March 15, 2021 – City Council Town Hall Meeting
- March 22, 2021 – Study Session
- March 22, 2021 – Regular Session
- March 22, 2021 – Work Session

**6b. LICENSES –** This item was not considered.

**HOSPITALITY ACCOMMODATIONS LICENSE**

| | |
|---|---|
| Faraz Enterprises<br>Travelodge | 6415 James Circle<br>Brooklyn Center MN 55430 |
| Seth Oliver, Brooklyn Hotel Partners<br>Embassy Suites | 6300 Earle Brown Drive<br>Brooklyn Center MN 55430 |

MECHANICAL LICENSES

| | |
|---|---|
| Blue Rain Plumbing | 8821 Woodland Road<br>Bloomington MN 55437 |
| Bonfe's Plumbing & Heating<br>& Air Service | 455 Harman Avenue<br>South St. Paul MN 55075 |
| Dean's Professional Plumbing Inc. | 7400 Kirkwood Court N<br>Maple Grove MN 55369 |
| Hearth & Home Technologies LLC | 7571 215th Street W<br>Lakeville MN 55044 |
| Homeworks Services Co. | 1230 Eagan Industrial Road #117<br>Eagan MN 55121 |
| J-Berd Mechanical Contractors, Inc. | 1 Industrial Boulevard<br>Sauk Rapids MN 56379 |
| Majestic Custom Heating & Air Cond | 8800 Royal Ct. NW<br>Anoka MN 55303 |
| Northland Mechanical Contr. | 9001 Science Center D<br>New Hope MN 55428 |
| Ridler Heating & Cooling Inc. | 3110 Washington Ave N<br>Coon Rapids MN 55448 |
| WJW Company | 10600 University Ave NW<br>Coon Rapids MN 55448 |

**RENTAL LICENSES -** This item was not considered.

*INITIAL (TYPE IV – one-year license)*

| | |
|---|---|
| 3012 Thurber Rd | Angelique Kapila/Risen Home Care |

*INITIAL (TYPE III – one-year license)*

| | |
|---|---|
| 6800 Scott Ave N | Emmanuel Williams |

*INITIAL (TYPE II – two-year license)*

| | |
|---|---|
| 7013 Knox Ave N | HPA USA 1/Pathlight Management |

*RENEWAL (TYPE IV – one-year license)*

| | |
|---|---|
| 3601 47th Ave N | 8411 Balboa LLC/Matthew Wallman |
| Ryan Creek Manor 4 | - met requirements |
| 5301 Dupont Avenue N | CM Equity Group/Caue Campagnha – met requirements |
| 2606 64th Avenue N | Abdirashid Arab – missing action plan, CPTED follow up, CFH cert |

*RENEWAL (TYPE III – one-year license)*

| | |
|---|---|
| 700 66th N Georgetown Park Townhouses | Wensch Construction/Scott Gann – met requirements |
| 1217 54th Avenue N | Jay Moua – missing CPTED follow up |
| 2018 55th Ave N | Chen Zhou/Lancelot Properties – met requirements |
| 3912 61st Avenue N | Nazeem Khatoon – met requirements |
| 4101 70th Ave N | Paul Pham – met requirements |
| 6724 France Ave N | Jessica Stoll Van Elson – met requirements |
| 6051 Halifax Ave N | Oyewale Ilesammi/Supreme Living Homes – met requirements – missing CFH cert |
| 5631 Hillsview Rd | Kent LeFevre |
| 7243 Riverdale Rd | IH3 Property Illinois/Mai Thao - met requirements |
| 4200 Winchester LA | Obafemi Oladeji – missing CPTED and CFH |

*RENEWAL (TYPE II – two-year license)*

| | |
|---|---|
| 5200 Drew Ave N | Morris Matthews |
| 5636 Fremont Ave N | Alice Isatu Mansarah |
| 7013 Fremont Avenue N | IH3 Property Illinois/Mai Thao |
| 6809 Fremont Pl | Ali Sajjad/786 Homes LLC |
| 5713 Humboldt Ave N | Janice Bjorn |
| 5500 Knox Ave N | MNSF II W1/Marc Silverstein |
| 6661 Xerxes Pl N | Ashwin Goel |

*RENEWAL (TYPE I – three-year license)*

| | |
|---|---|
| 5200 63rd Avenue N | Roger Bonny |
| 2900 67th La | Dolores Fischer |
| 1600 69th Ave N | Hieu Vo |
| 5350 71st Cir | Ali Sajjad/786 Homes LLC |
| 5943 Colfax Ave N | Juliana Koe |
| 6018 Kyle Ave N | Danny Vo |
| 7200 Morgan Ave N | Dwayne Holmstrom |

**6c. RESOLUTION ESTABLISHING BENEFITS FOR PART-TIME EMPLOYEES – STAFF ASKS THE COUNCIL TO ADOPT THE RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH PAID TIME OFF (PTO) BENEFITS FOR REGULAR PART-TIME**

**EMPLOYEES AND AMENDING THE PERSONNEL POLICY TO REFLECT SAID BENEFITS –** This item was not considered.

**6d. RESOLUTION NO. 2021-52 DECLARING APRIL 30, 2021 TO BE ARBOR DAY AND MAY 2021 TO BE ARBOR MONTH IN BROOKLYN CENTER – MOTION TO APPROVE A RESOLUTION DECLARING APRIL 30, 2021, ARBOR DAY IN MAY 2021 ARBOR MONTH IN BROOKLYN CENTER**

**6e. RESOLUTION NO. RECOGNIZING BROOKLYN CENTER AS A TREE CITY USA FOR THE TWENTY-NINTH CONSECUTIVE YEAR – MOTIOIN TO APPROVE A RESOLUTION RECOGNIZING BROOKLYN CENTER AS TREE CITY USA–** This item was not considered.

**6f. RESOLUTION DESIGNATING 2021 PLANTING LIST OF ALLOWABLE BOULEVARD TREE SPECIES – MOTION TO APPROVE A RESOLUTION DESIGNATING THE 2021 PLANTING LIST OF ALLOWABLE BOULEVARD TREE SPECIES.** This item was not considered.

**6g. ORDINANCE AMENDING CHAPTERS 7 AND 19 OF THE CITY CODE OF ORDINANCES REGARDING WASTE AND ORGANICS RECYCLING BY HAULERS – MOTION TO APPROVE THE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 7 AND 19 OF THE CITY CODE OF ORDINANCES REGARDING WASTE AND ORGANICS RECYCLING** This item was not considered.

**6h. ORDINANCE AMENDING CHAPTER 27 TO REMOVE THE SNOW EMERGENCY TOWING PROVISIONS – MOTION TO APPROVE AN ORDINANCE AMENDING CHAPTER 27 TO REMOVE THE SNOW EMERGENCY TOWING PROVISIONS** This item was not considered.

**6i. RESOLUTION NO. 2021-53 DECLARING APRIL 22, 2021 AS EARTH DAY IN BROOKLYN CENTER – MOTION TO APPROVE A RESOLUTION DECLARING APRIL 22, 2021 AS EARTH DAY IN BROOKLYN CENTER**

**6j. RESOLUTION NO. 2021-54 DECLARING APRIL 18-25, 2021, TO BE COMMUNITY CLEANUP WEEK – MOTION TO APPROVE A RESOLUTION DECLARING APRIL 18-25, 2021 TO BE COMMUNITY CLEAN UP WEEK**

**6k. RESOLUTION NO. 2021-55 DECLARING MAY 16-22, 2021 NATIONAL PUBLIC WORKS WEEK IN THE CITY OF BROOKLYN CENTER – MOTIOIN TO APPROVE A RESOLUTION DECLARING MAY 16 THROUGH MAY 22, 2021, AS NATIONAL PUBLIC WORKS WEEK IN BROOKLYN CENTER**

**6l. RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT, PROJECT NO. 2021-15, 2021 PARK PLAYGROUND REPLACEMENTS** This item was not considered.

Motion passed unanimously.

## 7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

**7a. RESOLUTION EXPRESSING APPRECIATION FOR THE DONATION OF A PALLET OF BOTTLED DRINKING WATER TO THE BROOKLYN CENTER FIRE DEPARTMENT** This item was not considered.

**7b. ENTREPRENEUR MARKET FEASIBILITY STUDY AND MARKET ANALYSIS PRESENTATION** This item was not considered.

**7c. OPPORTUNITY SITE PRESENTATION SERIES: ENVIRONMENTAL ASSESSMENT OVERVIEW** This item was not considered.

## 8. PUBLIC HEARINGS

**8a. RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF ITS CONDUIT REVENUE BONDS RELATING TO THE TESFA INTERNATIONAL SCHOOL PROJECT**

Mayor Elliott stated this public hearing relates to the authorization of conduit revenue bonds related to the school project.

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

Motion passed unanimously.

Councilmember Ryan moved and Councilmember Graves seconded to continue the Public Hearing to the April 26, 2021 City Council meeting.

Motion passed unanimously.

Mayor Elliott requested that Mayor Pro Tem Butler take over the meeting. Mayor Elliott excused himself from the meeting at 7:35 p.m. to attend to a public safety issue.

## 9. PLANNING COMMISSION ITEMS

-None.

## 10. COUNCIL CONSIDERATION ITEMS

**10a. FRANCHISE FEES – AGREEMENTS AND PROGRAM** This item was not considered.

**10b. RESOLUTION NO. 2021-56 EXPRESSING THE SENSE OF THE BROOKLYN CENTER CITY COUNCIL CONDEMNING ALL FORMS OF ANTI-ASIAN SENTIMENT RELATED TO COVID-19**

Mayor Pro Tem Butler stated she put this Resolution forward. She stressed the importance as a City Council to stand against acts of aggression toward Asian people.

Councilmember Butler moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2021-56 Expressing the Sense of the Brooklyn Center City Council Condemning All Forms of Anti-Asian Sentiment Related to Covid-19.

Motion passed 4-0 (Mayor Elliott was absent).

Councilmember Graves thanked Mayor Pro Tem Butler for putting forward this resolution.

Councilmember Ryan also thanked Mayor Pro Tem Butler. He added this is a pertinent issue and he appreciates that the City Council has an opportunity to condemn hateful expressions of anti-Asian sentiment.

**10c. RESOLUTION NO. 2021-57 AUTHORIZING SECURITY FOR THE CITY COUNCIL**

Councilmember Lawrence-Anderson moved, and Councilmember Ryan seconded to adopt RESOLUTION NO. 2021-57 Authorizing Security for the City Council.

Discussion during the motion:
Councilmember Graves stated she feels nervous, and she has had family and friends reach out to her to see if she needs security, so she has that alternative. She added, however, that option would put people she cares about in harm's way. She noted she feels unsure about it, but she is willing to vote for it if the rest of the City Council agrees.

Councilmember Lawrence-Anderson stated it is something to explore and discuss, and up to each individual Councilmember. She added she is not sure how she feels about it but likes that there could be an option for security if there is a threat to Councilmembers' families or property.

Mayor Pro Tem Butler stated she believes this is a measure that should be in place in case it is needed, and it is important to have the discussion tonight. She added this would be "as-needed" and Councilmembers would work with Dr. Edwards and the Mayor about how to move forward with necessary security.

Motion passed 4-0 (Mayor Elliott was absent).

**10d. RESOLUTION NO. 2021-58 LIMITING POLICE CROWD CONTROL TACTICS DURING PROTESTS**

Mayor Pro Tem Butler stated, after last night's events, it is clear that the use of force only escalates violence. The City Council heard from community leaders who were present to de-escalate, but were not allowed to do so, and were not heard by law enforcement. She stressed the importance of keeping the City safe while engaging with peaceful protestors.

Mayor Pro Tem Butler read a Resolution in full limiting police crowd control tactics during protests.

Mayor Pro Tem Butler stated she would like to make a motion to approve the Resolution.

Councilmember Graves requested clarification regarding the statement, "It should even be less of a priority as curfew enforcement leads to an excuse for more arrest and violence."

Mayor Pro Tem Butler stated she believes it is a typo. She added curfews can lead to more arrests and violence, because people will continue to stay out and protest regardless of whether there is a curfew in place.

Mayor Pro Tem Butler asked Mr. Gilchrist whether any points in this Resolution override the Governor's Order. Mr. Gilchrist stated the Governor's Order cannot be overridden.

Councilmember Ryan asked whether the Resolution is a statement of policy on the part of the City in terms of police response to a non-violent demonstration. Mr. Gilchrist confirmed this.

Councilmember Ryan stated, if this Resolution addresses appropriate police response to non-violent demonstration of people who want to exercise their First Amendment rights, then he is absolutely in favor of it.

Mayor Pro Tem Butler asked whether a City curfew would need to be amended to be in line with the Governor's Order. Mr. Gilchrist stated this Resolution does not override the Governor's Order.

Councilmember Graves requested clarification regarding the statement "Whereas in regulating crowd control techniques, the City of Brooklyn Center bans violent tactics such as choke holds and implementing harsher punishments for use of those maneuvers."

Mayor Pro Tem Butler stated that means that the City Council does not support the use of those tactics, and anyone administering these types of elevated techniques would be held accountable. She added that is her understanding.

Councilmember Graves stated she was upset to see the use of tear gas, as there have been discussions about banning it. She added peaceful protestors should not be tear-gassed. She noted she supports the Resolution.

Councilmember Lawrence-Anderson stated she will support the Resolution, but Resolutions can be amended as needed. She added the City Council should see what the coming days and weeks look like, and adaptations may be required. She noted chokeholds should absolutely not be allowed. She expressed concern about tying the hands of the police so they cannot do their job if there is severe rioting, but she supports the Resolution as written.

Councilmember Graves stated she shares some of Councilmember Lawrence-Anderson's concerns. She added if protestors are not hurting anyone, force should not be used against them. Protest can be a space for healing, and for people to come together around their pain. There are people who want to take advantage and cause chaos, but that is not the majority. Law enforcement should let local leaders have more control.

Councilmember Graves stated we are all trying to do our best, and this is a step in the right direction. She added innocent people should have their First Amendment rights respected. She stressed the importance of finding more specific and better ways to address root problems.

Councilmember Lawrence-Anderson thanked Councilmember Graves for her consistent mindfulness. She added she agrees that we need to do the best we can, and this is a good starting point. She noted she supports this as a working document.

Mayor Pro Tem Butler stated it is imperative to hear from community organizers and work closely with them as they have the ability and resources to provide a space for healing and dialogue. She stressed the importance of being mindful in how we work with them to get through this, do the best we can as leaders.

Councilmember Ryan stated he appreciates the open dialogue with his colleagues, allowing a space for open and non-judgmental debate to arrive at a better understanding of what the City is trying to accomplish. He added we are all opposed to violence and committed to reconciliation and healing.

Councilmember Butler moved, and Councilmember Ryan seconded to adopt RESOLUTION NO. 2021-58 Limiting Police Crowd Control Tactics During Protests.

Motion passed 4-0 (Mayor Elliott was absent).

**RECESS AND RECONVENE**

Mayor Pro Tem Butler called for a motion to adjourn.

Mayor Elliott rejoined the meeting at 8:05 p.m. and asked to hold on (not adjourn).

Mr. Gilchrist stated Mayor Elliott is consulting with the Acting City Manager.

Dr. Edwards requested a 2-minute break at 8:06 p.m.

The meeting resumed at 8:10 p.m.

## CONSIDER MAYOR ELLIOTT'S REQUEST TO RECOMMEND THE POLICE CHIEF AND A POLICE OFFICER BE RELIEVED OF THEIR DUTIES

Mayor Pro Tem Butler stated Mayor Elliott has requested that a recommendation be made on behalf of the City Council that the Police Chief and the Police Officer involved in the shooting be

relieved of their duties. Since the City Council cannot make that decision, this would be a recommendation of the City Council.

Mr. Gilchrist stated, if a recommendation is made via motion and the motion passes, it would be advisory to the Acting City Manager. He added it is the City Manager's discretion under the Charter to make such decisions. He noted the motion would provide direction but is not binding.

Mayor Pro Tem Butler moved, and Councilmember Graves seconded to recommend that Acting City Manager Dr. Edwards immediately relieve the police chief and police officer involved in the shooting from their duties.

Discussion during the motion:
Councilmember Ryan asked Dr. Edwards, as the Acting City Manager, for his recommendation.

Dr. Edwards stated he does not have a recommendation for the City Council. He added if it is the City Council's recommendation, he would have to deliberate and make a decision. He added he has come into this within the last 3 hours, and he does not have a recommendation at this time.

Councilmember Ryan stated he would prefer to table this issue to give the Acting City Manager time to consider a recommendation. He added he would be disposed toward accepting his recommendation to dismiss the officer and chief of police or not. He added he would defer to his recommendation, which he may or may not approve of.

Councilmember Lawrence-Anderson stated she believes the City Council should give the new Acting City Manager some time to evaluate the situation. She added she would not vote in favor of immediately removing the police chief, and she respects the work of the BCA, and their investigation into the officer. She noted she does not believe there is enough information to remove the Police Chief, and she would support tabling this issue until more information is available.

Mayor Pro Tem Butler stated Dr. Edwards has been Deputy City Manager for several years, so he is aware of the situation. She added, at this time, the Mayor is not present, so we do not know why he suggested it. She noted she made the motion because we all saw the video, and the officer acknowledged she made a mistake. She noted the officer should be held accountable immediately and should no longer represent the Police Department.

Mayor Pro Tem Butler stated, in her opinion, the Police Chief has not conducted himself as a leader in a way that she can approve of. The City Council has tried to engage in dialogue with the Police Chief, to collaborate on how the City can have transparency, accountability, and community oversight. Throughout the whole time, the Police Chief has been defensive, and in her opinion, anti-community, and that is why she made the motion, and she agrees with the Mayor.

Mayor Pro Tem Butler stated the City Council has no authority to remove the Police Chief or the police officer of their duties, this is a recommendation only, and she stands by her motion.

Councilmember Graves stated she shares the sentiments of all her fellow Councilmembers. She heard the City Attorney mention contracts earlier, and she does not have any information about

contracts, as that is the City Manager's purview. She acknowledged that Dr. Edwards needs some time to process all the different factors about how and when to let an employee go. She stated the climate right now is really hot, and the community is hurt. She noted Chief Gannon has been difficult to work with at times, and when it counted, he did not show up for the community in the right way.

Councilmember Graves stated she does not want Dr. Edwards to feel rushed. She added she has no reservations about letting go of the Police Chief and the police officer who made the fatal mistake, because the City needs to take action to ensure that something like this never happens again.

Dr. Edwards stated he is familiar with all the issues and he will deliberate and make a decision by tomorrow. He added the contract mentioned earlier is with former City Manager Curt Boganey, but there are no contracts with any other employees.

Councilmember Ryan stated he appreciates Dr. Edwards' involvement in City administration. He added Dr. Edwards is now assuming the role of chief administrative officer of the City, and as such, has the power to make a determination for terminating an employee without a vote of the Council. Dr. Edwards confirmed this.

Councilmember Ryan stated he would be fine tabling this issue and awaiting Dr. Edward's decision.

Dr. Edwards stated it is important for the City Council to share their direction because it provides clarity as to the will and direction of the City Council. He added he will work to the will of the City Council.

Councilmember Lawrence-Anderson voted against the same and Mayor Elliott did not answer the roll call vote. Motion passed (3-1).

## 11. COUNCIL REPORT

This item was not considered.

## 12. ADJOURNMENT

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded adjournment of the City Council meeting at 8:30 p.m.

Motion passed 4-0 (Mayor Elliott did not respond).

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
APRIL 26, 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, and Dan Ryan. Councilmember Kris Lawrence-Anderson was excused. Also present were Acting City Manager Reggie Edwards, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

## CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Acting City Manager Reggie Edwards asked for consideration to add one item to the agenda under Council Consideration, Item 10a, Resolution Related to Emergency Assistance to Residents Affected by Civic Unrest. He explained this is the consideration of a funding pool to potentially reimburse residents harmed by the civil unrest.

Mayor Elliott stated without objection, that item will be added to tonight's agenda under Council Consideration.

Councilmember Graves stated in the review of the minutes, she noted the discussion of two former long-serving Parks Commissioners and asked if staff received that request. She explained it had to do with a request to name a park bench after one or both of the gentlemen. Dr. Edwards stated he recalls the conversation but during the last two weeks, staff has not had a chance to discuss that item. He will follow up with the Public Works Director who is part of Parks Facilities for consideration at the next Council meeting. Councilmember Graves suggested including Parks Board Chair Sorensen who may be a good resource to connect to the families who are interested and to get additional information about both gentlemen.

## MISCELLANEOUS

### Council Development

Mayor Elliott referenced the staff report and potential dates to meet with Common Sense. He polled the City Council for the date that would work the best, April 28, 2021, 8-10 a.m.; May 3, 3:30-5:30 p.m.; or, May 11, 9-11 a.m.

Councilmember Graves stated the dates were submitted by Common Sense and she had replied on her availability and put the date of May 3 on her schedule.

Dr. Edwards explained that as discussed at a previous Work Session, those dates were meant for the City Council Members individually. Action by the City Council as a body is not needed at this point. Rather, it is a reminder for individual Council Members to communicate with Common Sense to schedule a time.

**City Council Listening Session**

Mayor Elliott stated the Listening Session is scheduled for 5-7:30 p.m. on Wednesday, April 28, and the venue is the Earle Brown Heritage Center. He stated there will be several opportunities to engage with the community, to listen, and try to understand from the community what we have all experienced over the last couple of weeks. This will be the first such opportunity.

Councilmember Butler asked whether the City Council will discuss how to set the stage for that session. She noted as Mayor Elliott and Councilmember Graves, who work with youth, talked about how to engage in those spaces. She wants to do a Listening Session but also does not want to be yelled at the whole time. Councilmember Butler stated she does not know if this is an appropriate time to establish some understandings of how the City Council will go into that meeting so the community and Council Members are on the same page.

Mayor Elliott suggested talking now about how the City Council will show up for that meeting. He stated he has had conversations about how the City Council should present at the meeting and help to facilitate that discussion. He has received feedback that the City Council should be actively listening, leaning forward instead of back, and actively take notes while listening to the community.

Councilmember Ryan stated he thinks the previous suggestion was sound, that there should be ground rules. He stated the City Council should be there to listen and he thinks all on the City Council will actively listen and be interested in what they hear. But the emphasis should be on civility and perhaps there should be a very reasonable but likely time limit for each speaker until all have had a chance to speak. Then once everyone has had a chance to speak, if others have questions or comments, they could do a second presentation or follow-up questions. Councilmember Ryan stated when questions are raised that staff cannot immediately answer, it is important to ensure the questions are recorded and staff will get back with the best available current information.

Councilmember Graves asked if there is the possibility, moving forward, to schedule more Listening Sessions. Mayor Elliott answered in the affirmative and indicated staff is talking with the high school to schedule another where students will prepare and plan that session.

Councilmember Graves asked whether Wednesday's Listening Session will be virtual. Mayor Elliott stated it will be in person and staff is working on the ability for people to participate virtually as well.

Councilmember Graves asked if the listening session will be facilitated by City staff or other outside facilitation. Mayor Elliott stated as of now, it will be facilitated by us but he is actively working to see if someone like Dr. Britney Lewis can facilitate. Councilmember Graves agreed a neutral third party might be helpful for the facilitation.

Councilmember Graves stated her agreement with the City Council Members and ultimately, she will be there to listen and take notes and is counting on staff to also do that so there can be follow-up items specifically to execute after the Listening Session. Councilmember Graves stated she also hopes the community will come with ideas the City Council can think about how to implement. She honestly thinks the solutions will be with the community so ultimately, although there will be strong feelings, the community can stay respectful as can the City Council and recognize that passions are high and if we don't take things personally, then we are more likely to listen to understand rather than to respond. Councilmember Graves stated the City Council also needs to recognize when it is appropriate to step forward, step up, and speak up, and when it is appropriate to step back and listen whether to a community member or a Council Member.

Councilmember Butler stated she agreed with a lot of what has been said and asked how late the Listening Session will go. Mayor Elliott stated until 8 p.m. Councilmember Butler stated she has no other feedback and thinks what has been said in terms of community is fine.

Mayor Elliott stated it is important for the City Council to hold this Listening Session and hold other discussions as well, noting what we have experienced in the last couple of weeks is on a scale none has ever imagined so it will take time to process and work through. He stated he, like Councilmember Graves, believes the solutions lie within our community so the City Council has to count on the community to share that space in a way that will inform the City of their experiences but also their thoughts and ideas.

Mayor Elliott stated staff is working on other opportunities including for the law enforcement community to engage with the community in some of the sessions. As part of this discussion, they will also have counselors or clergy present to help people process this because a lot of what has happened has been traumatic for people so having these discussions might have people relive the trauma and bring up a lot of emotions.

Councilmember Graves asked if the City Council will receive input from the community now considering the Listening Session is on Wednesday, such as more on-ground rules. She has not received a link or calendar invite for the Wednesday Listening Session but would like to receive that information so she can share it with people. Or, she can put out a specific post about the Listening Session. Councilmember Graves noted since it is virtual, the sooner it is published to the public, the better. She was hoping for more time but understands that timing is of the essence and people want to speak to the City Council.

Mayor Elliott stated the City Clerk will send out the link shortly after this meeting. They are working on a Facebook event on the City's website to promote the Listening Session as well.

Dr. Edwards stated he heard the City Council Members speak to the issue of whether or not the City Council Members are listening or the City Council Members are speaking and then hearing

back. He noted that clarity of purpose for the Listening Session may be helpful to those who participate that they may find it fulfilling based upon that purpose and expectation.

Mayor Elliott stated that will be included in the materials that go out but it is truly a Listening Session and not a community dialogue per se. The City Council will have other sessions for community dialogue that will be a different format and include more of a back and forth between the City Council and people who are showing up. There will be other sessions as well that is more of a healing process. He stated the purpose of Wednesday's Listening Session is to hold a community listening session and it will be a combination of people reflecting on the question of where are we now, what are we experiencing, how did we get here, and then ideas around how we move forward. The role of the City Council will be to listen during that Session.

Mayor Elliott stated in terms of how long each person speaks, that is being worked out because it will be a very sensitive Listening Session. He wants to allow people time to share their traumatic stories but there will be guidelines to remind people to be as succinct as possible and yield for other people as well. He stated, as an example, if someone is sharing a story about the fact their kids go under the bed now every time they hear motors outside, it is difficult to say, 'okay, your time is up.' He stated the City Council will treat that with sensitivity and care to hear from as many people as possible.

Mayor Elliott noted Councilmember Graves has asked to give the community time to talk about this as well. He opened the floor for public comment.

Alfreda Daniels stated in listening to the comments, a few things are ringing a bell. One, she knows Council Members were concerned about respect from the community during the Session and respect also from Council Members. She suggested that be clearly defined because she does not think this is a space to limit people as a lot of people are hurt, especially for black folks who have already had so much trauma, which could come out in many ways. Ms. Daniels noted that creating a comfortable space is also important. She stated the City Council should prepare themselves for that time and space to accept and listen to people hurt because sometimes respect can mean comfort. Ms. Daniels explained if you say something that she is not comfortable with, then that becomes disrespectful to her so she would suggest the City Council clearly define that to themselves, and allowing people that space to heal and speak their truth would be great.

Ms. Daniels stated our community is very diverse as far as language abilities and asked if there are plans for interpreters to be present at the Listening Session. She also asked if there are plans to make sure the place is safe and welcoming for people living with other disabilities or even hearing impairment. She asked if people know they can show up and will be comfortable and know they have what they need to be present. Ms. Daniels stated we can't just open it up to the community when the space is only comfortable for a certain community.

Ms. Daniels asked how the City is reaching out to community members to let them know this space is available. She stated quite frankly, this is coming a bit later and a lot of people feel helpless since communication hasn't been great coming from City Hall to the community over the past week or two. She asked if there are plans in place to let people know this is happening and they are welcome beyond Facebook and online.

Ms. Daniels stated she wanted to second what Councilmember Graves said about having an outside person to help facilitate this space and also make sure that person is familiar with our diverse community and is respectful of the trauma that the community is going through right now.

Mayor Elliott explained they are working to have a Hmong-speaking interpreter and a Spanish-speaking interpreter and if someone has suggestions for other languages, he asked them to let staff know. They are also actively working with folks who organize in those communities to invite their communities. He agreed they have to assure it is a welcoming space. Mayor Elliott thanked Ms. Daniels for her comments and stated he hopes they can address all of those concerns.

Mayor Elliott stated they are also working on another Listening Session for Saturday that will allow more time and be more in the community around the Police Department. They are trying to see if law enforcement leadership can be part of that conversation. He stated there will be more on that as the details are worked out.

Ms. Daniels asked the City Council to be very careful about how law enforcement will be present in that space because things are fresh right now and emotions are high. She asked if law enforcement is coming, are they coming in plain clothes. She again asked the City Council to be mindful of the emotional state of their community right now because it could escalate emotions if law enforcement shows up in full gear uniform, especially at a time like this.

Mayor Elliott thanked her for the reminder and explained that law enforcement leadership would be there in the capacity of listening.

## DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

## A CONCEPT DEVELOPMENT PROPOSAL FOR 6221 SHINGLE CREEK PARKWAY (THE CREST APARTMENTS)

Dr. Edwards introduced the item and noted this project is in the conceptual stage. He invited Community Development Director Meg Beekman to make the presentation.

Ms. Beekman asked if this item could be skipped over as the developers had questions for the City Council but are not yet present. Mayor Elliott asked Ms. Beekman to provide introductory remarks.

Ms. Beekman stated this is a concept review regarding the Crest Apartments. The developer and owner of the project are Aeon. The existing site is immediately adjacent to City Hall and currently holds a single building and parking lot. Ms. Beekman stated this is a concept review, not a preliminary development agreement, and provides an opportunity for the City Council to review the project and provide comments before it comes before the City Council for formal review and approval. The developer has not yet submitted a land-use development application as the project is in predevelopment now. The developer is accepting feedback on the project as they work to complete that application.

Ms. Beekman stated this is also an opportunity for the City Council to also provide other types of feedback for comment about particular aspects of the proposal and keep in mind this is a nonbinding discussion both for the City Council and developer. No approval is being requested as part of this conversation and any statements the City Council makes are not binding in terms of how the City Council may ultimately vote on this project.

Ms. Beekman reviewed the location at 6221 Single Creek Parkway, a 4.3-acre site zoned R-7 to accommodate the existing multi-family building and guided for Commercial Mixed-Use, which allows for multi-family residential. The site was acquired by Aeon in 2012 and renovated in 2014. Currently, there are 122 units of affordable multi-family housing units with 78 one-bedrooms; 44 two-bedrooms; and is 100% restricted to households at or below 50% Area Median Income (AMI). Eleven units are set aside to assist persons with disabilities and are more affordable units as well.

Ms. Beekman explained the proposal is to refinance the existing property and provide $5 million in renovations to the existing building as part of the upgrade. Aeon also proposes to construct a second building of 48 units, a four-story building on top of one level of enclosed at-grade parking. There would be 22 two bedrooms and 16 three-bedroom units. The developer is income averaging to place it at roughly 60% AMI or below. Some on-site amenities would be included in the new building.

Ms. Beekman stated they are proposing a fairly substantial stormwater management system, noting it is adjacent to Shingle Creek and there is some floodplain that skirts the edges of the property. The stormwater management component has been embedded into their site design and architecture for the building and Aeon has worked with the Watershed Commission as well.

Ms. Beekman stated there are currently 117-surface stalls on this site and 14 proof of parking stalls located in a grass area. The proposed parking offers two options. One would have 145 surface stalls and 31 covered stalls that would be included on the main level of the new building. This plan allows for some additional green space and creates a total of 176 parking stalls for a ratio of 1.04 per unit. She noted the current parking on the site is .69 per unit and they find it is not all utilized so they have available parking at night and believe they would have adequate parking with the additional covered stalls and expansion of the surface parking lot. However, because the Zoning Code requires 2 stalls per unit regardless of housing type or density, this is under what is required by zoning. The developer has provided an alternate parking option to increase the parking to 208 stalls and include 14 proof of parking but that would result in less greenspace. Ms. Beekman stated the developer would like input from the City Council on precedent in terms of the parking plan.

Ms. Beekman stated with financing, the developer has provided their sources and uses. The primary form of financing would follow income housing tax credits so this project would be required to apply through the Minnesota Housing Finance Agency for tax credits and the project is dependent on the award of those tax credits. Those federal funds would come into the project and allow the development to occur.

Ms. Beekman explained that at present, the developer has given their current rents and proforma and are not anticipating the need for Tax Increment Financing (TIF) or any sort of City subsidy as

part of this project. The developer feels that with the assumed financing from Hennepin County and Minnesota Housing Finance Agency, the TIF would not be necessary.

Ms. Beekman stated the developer did, however, want to provide an alternate option to provide more deeply affordable units. Assuming that 11 of the units will be for 30% AMI or less, 36 of the units would be at 40% AMI, 75 units at 50% AMI, and 48 units at 60% AMI gets the income averaging at around 49.41%. Aeon can provide additional affordability if having some additional units at 50% AMI for a total average of 48% but that would create a gap in their financing of $1.4 million so TIF would be required to fill that gap. The developer would like some input from the City about which financing option is the better option. The developer is open to either but it would come down to the preference of the City and willingness to provide the subsidy.

Ms. Beekman reviewed the process, noting it will be based on discussion from this evening, the developer would then decide how to proceed with a formal application that includes financing, and a low-income housing tax credit application that is due in June. Aeon would then prepare a planning case application for preliminary and final plat and depending on density, could include a PUD or rezoning for the site. A site and building plan review would be needed and because of the additional density, may require a Comprehensive Plan amendment. She noted the application would go to the Planning Commission for a public hearing and then to the City Council for review and public hearing should there be a request for a PUD or rezoning.

Ms. Beekman stated depending on the decision, there may be a public subsidy request in the form of a TIF application that would follow the typical review process, review by public finance consultants, and formal review by the City Council and EDA as well as a public hearing.

Ms. Beekman stated the developer is looking for City Council feedback on their approach to parking, interest in the City providing financial assistance to the project, and if the City Council has other comments, questions, or direction relating to the project on-site layout, architectural, etc.

Ms. Beekman stated the developer will be joining the Work Session to answer questions and provide background on their organization.

Mayor Elliott stated the City Council will come back this item during tonight's Work Session.

Discussion of this item continued and concluded at the April 26, 2021, Work Session.

## ADJOURNMENT

Mayor Elliott adjourned the Study Session to Informal Open Forum at 6:48 p.m.

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

REGULAR SESSION
APRIL 26, 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 the Informal Open Forum called to order by Mayor Mike Elliott at 6:48 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, Finance Director Mark Ebensteiner, Community Development Director Meg Beekman, City Clerk Barb Suciu, Fire Chief Todd Berg, and City Attorney Troy Gilchrist.

Councilmember Graves moved and Mayor Elliott seconded to open the Informal Open Forum at 6:48 p.m.

Motion passed unanimously.

Mayor Mike Elliott opened the meeting for Informal Open Forum.

Diane Sannes reported on April 24, 2021, Earth Day Clean-Up that occurred along the Mississippi River, 694, and Mn/DOT bridge, noting this trail is a major recreation and community path. She stated earlier in April, Brooklyn Center children from Park Center High School who are part of the National Honor Society volunteered to clean up a large area of Palmer Lake Park. Ms. Sannes noted a lot of residents have been cleaning all around Brooklyn Center this week but there is always more to do so pick up a bag and pitch in.

Mayor Elliott thanked Ms. Sannes and all involved in the Earth Day Clean-Up.

Lori Bordahl stated she wanted to go back to the Listening Session on Wednesday and recommend that the Brooklyn Center Police Department not be present at the first session, just to make it focused on the community. With tensions running so high now, she thinks that would be a good idea. She stated if there are questions for them later on Saturday, that would be a better time to open it to the police but also making a firm statement that tensions are high. She does not want to see tear gas or rubber bullets because people are angry. She stated we have the right to be angry and just because people are angry, it does not mean they are not being peaceful.

Mayor Elliott stated there are no plans to have law enforcement at the meeting on Wednesday as that will be community-focused to come together and talk about what they have experienced and solutions to help us move forward.

Joy A., a resident of Brooklyn Center, stated she is glad to hear about the Listening Session and hopes the City gets the word out so people can participate. She has one topic to bring up, which is an issue she heard about two years ago during a City Council meeting and decided to involve herself by following up on it. The issue is the status of Brooklyn Center rape kits and that it's been over two years since Councilmember Graves and Mayor Elliott had asked the former Police Chief to report on the status of this critical evidence. She wondered if there can be a yes or no answer as to whether this has been resolved. If not resolved, she has a few more things to say.

Councilmember Graves stated she was engaged in e-mails with Joy and the City Manager at the time and they did get some data but it was very minimal and some had to do with other State agencies and follow-up on the part of our Police Department to get more specific numbers. So, there was some follow-up but certainly not the kind she would like to see in the case of rape.

Joy stated because she has been thinking about this and it has been going on for a long period, she has six questions to pose. She asked has the evidence been withheld from the victims? Why over two years and no response to the leadership inquiry? She thinks there should be an investigation into this. She asked how many kits are there? How many have been processed? How many resulted in prosecution? Were the victims referred to support services at the time of their assault? Has anyone followed up with the victims on the status of their evidence? She stated she has taken it upon herself to keep pursuing this as rape is a serious assault, she does not want to see it ignored, and there needs to be accountability. She stated she will pursue this until she is satisfied on behalf of all the people that this has happened to.

Mayor Elliott asked Joy to e-mail the six questions so staff can work with the Department to get those answers. Joy noted this is the perfect time with Mayor Elliott being the oversight to the Police Department right now.

Acting City Manager Reggie Edwards asked Ms. Joy to forward that information to him so he can make sure it gets to appropriate staff and back to the City Council. Joy stated she will send a group e-mail to Councilmember Graves and Mayor Elliott and Dr. Edwards.

Alfreda Daniels acknowledged that what Joy said is important. She stated with everything that has been happening in the City over the last week and that will happen, she wanted to highlight the work of residents of Brooklyn Center over the last two weeks to heal itself. She stated even before the City stepped in or other non-profit organizations, community leaders and residents have stepped up to the plate to do a lot of great work to heal the community, to have bonded, and people canvassing and asking their neighbors about their needs. She stated we have been at the table, working with police departments to ensure our community members are safe, and have been out there boarding our businesses as well. She stated that is important work to highlight, to know that at times like this, the community takes care of the community, and that is why it is so important to have communities at the table moving forward. She referenced what Councilmember Graves said

earlier, that the answers that we need to help move our community forward are within our community.

Mr. Koenig stated the concept presented for Crest Apartments reminds him, and perhaps it already is done but if not, the City Council looks at the empty seat on the Planning Commission. He encouraged the City Council to do as it has been to fill it with diversity representing the entirety of Brooklyn Center as it appears development projects will begin as the pandemic ends.

Mayor Elliott thanked Mr. Koenig for his comments, which he appreciated.

No one else wished to address the City Council.

Councilmember Butler moved and Councilmember Graves seconded to close the Informal Open Forum at 7:01 p.m.

Motion passed unanimously.

## 2. INVOCATION

Councilmember Butler stated she appreciates Ms. Daniels pointing out all that was done to bring the community together because it goes along with the quote she wants to share tonight. She stated she too was extremely impressed but not surprised by how the community came together and was there for those who needed assistance immediately with everything that transpired over the past couple of weeks. She publicly thanked everyone whether they dropped off, financially gave, rolled up their sleeves, and helped with cleaning up the community, or whatever they did.

Councilmember Butler shared a quote from Cornel West: "None of us alone can save the nation or the world. But, each of us can make a positive difference if we commit ourselves to do so." Councilmember Butler again thanked all those who have done that over the past couple of weeks.

Mayor Elliott thanked Councilmember Butler and agreed that over the past couple of weeks we've had perhaps the most difficult time in our history and are still dealing with the aftermath of that.

## 3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 7:04 p.m.

## WELCOME AND UPDATE

Mayor Elliott noted tonight's agenda is very full and thanked the Council Members and staff for the work done to prepare materials for the meeting today. He also welcomed residents who are joining the meeting by Zoom. Mayor Elliott explained that to effectively complete the City's business, he is asking that all respect the rules of order and stated he will assure regularly scheduled sessions have specific opportunities for discussions and public comments. He stated he will do his best to assure all can participate fully. Mayor Elliott stated he and Acting City Manager Edwards

think it is essential to briefly address the story in yesterday's *StarTribune* about the potential financial consequences to the City for legal claims related to the shooting death of Daunte Wright and the civil unrest following that tragedy. He asked the Acting City Manager to provide a brief update for the City Council on that matter. He assured the City Council that there will be a thoughtful and thorough process involving the City Council as we navigate these challenging issues.

Dr. Edwards stated he has two points to share at this time. The City was aware there could be potential litigation related to this so staff has been in discussion with the City's attorneys and the League of Minnesota Cities about that since a week and a half ago. Staff is also in consultation with financial staff to assess the capacity and issues related to the City's financial standing. Staff will be in a position, as we go forward, to provide a scenario on what potential implications could be as it relates to that issue. He explained that staff believes the possibility of a civil lawsuit may come about following the criminal case with Ms. Potter, which begins May 16, 2021. At this time, the staff is not releasing any information or discussing this as it is premature this time but the staff is assessing the City's financial situation and multiple strategies that may be coming forth as it relates to this case. Dr. Edwards stated the City Council will be kept posted as staff prepares for the event of a settlement or something else coming forth so the City Council is apprised of all issues.

Mayor Elliott stated future discussions on this matter will be held in Closed Session according to Minnesota State Statutes.

Mayor Elliott announced that a public Listening Session will be held on Wednesday, April 28, 2021, at the Earle Brown Heritage Center from 5-8 p.m. Notice of that meeting will be posted online and further questions can be directed to the City Clerk.

Mayor Elliott stated this meeting is being conducted electronically under Minnesota Statute Section 13D.021 due to pandemic. He asked that those connected to this meeting keep their microphone muted, noting there is an opportunity for public comment when called upon. He asked those speaking not to talk over one another or be disruptive during the meeting. Mayor Elliott stated information about this meeting and the packet of information is available on the City Council section of the website and the home page.

## 4. 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, Finance Director Mark Ebensteiner, Community Development Director Meg Beekman, City Clerk Barb Suciu, Fire Chief Todd Berg, and City Attorney Troy Gilchrist.

## 5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

## 6. APPROVAL OF AGENDA AND CONSENT AGENDA

Mayor Elliott stated there is one modification to the agenda to add Item 10a, Resolution Approving Emergency Assistance to Residents Affected by Civil Unrest Fund. He explained this fund will be for folks near the Police Department, particularly in the apartments impacted who suffered a loss due to the unrest.

Councilmember Graves moved and Councilmember Ryan seconded to approve the Agenda and Consent Agenda, as amended, to add Item 10a, Resolution Approving Emergency Assistance to Residents Affected by Civil Unrest, and the following consent items were approved:

**6a. APPROVAL OF MINUTES**

1. March 15, 2021 – City Council Town Hall Meeting
2. March 22, 2021 – Study Session
3. March 22, 2021 – Regular Session
4. March 22, 2021 Work Session
5. April 5, 2021 – Local Board Appeals & Equalization

**6b. LICENSES**

**HOSPITALITY ACCOMMODATIONS LICENSE**

| | |
|---|---|
| Extended Stay America | 2701 Freeway Blvd<br>Brooklyn Center, 55430 |
| Kaswa Hospitality<br>Super 8 | 6445 James Cir<br>Brooklyn Center 55430 |
| Faraz Enterprises<br>Travelodge | 6415 James Cir<br>Brooklyn Center 55430 |
| Seth Oliver Brooklyn Hotel Partners<br>Embassy Suites | 6300 Earle Brown Dr<br>Brooklyn Center 55430 |

**MECHANICAL LICENSES**

| | |
|---|---|
| Affordable Comfort Mechanical<br>dba Apollo | 1167 Viking Dr. E<br>Maplewood 55109 |
| Avid Heating & Cooling | 7700 Cty Rd 110 W<br>Minnetrista 55364 |
| Blue Rain Plumbing | 8821 Woodland Rd<br>Bloomington 55437 |
| Bonfe's Plumbing Htg & Air Service | 455 Harman Ave<br>So. St. Paul 55075 |
| CenterPoint Energy | 6161 Golden Valley Rd<br>Golden Valley 55422 |
| Centraire Htg & AC, Inc. | 6811 Washington Ave N<br>Edina 55439 |
| Deans Professional Plumbing Inc. | 7400 Kirkwood Ct N<br>Maple Grove 55369 |

| | |
|---|---|
| Hearth & Home Technologies LLC | 7571 215th Street W<br>Lakeville MN 55044 |
| Homeworks Services Co | 1230 Eagan Industrial Rd. #117<br>Eagan MN 55121 |
| Horowitz Inc | 7400 49th Ave N<br>New Hope MN 55428 |
| J-Berd Mechanical Contractors, Inc. | 1 Industrial Blvd<br>Sauk Rapids MN 56379 |
| Larson Plumbing Inc | PO Box 459<br>Isanti MN 55040 |
| Majestic Custom Heating & Air Cond | 8800 Royal Ct NW<br>Anoka MN 55303 |
| Major Mechanical Inc | 11202 86th Ave N<br>Maple Grove MN 55369 |
| Mike's Custom Mechanical Inc | PO Box 171<br>Champlin MN 55316 |
| Northland Mechanical Contr | 9001 Science Center D<br>New Hope MN 55428 |
| Ridler Heating & Cooling Inc. | 3110 Washington Ave N<br>Minneapolis MN 55411 |
| Standard Heating & AC | 130 Plymouth Ave N<br>Minneapolis, MN 55411 |
| WJW Company | 10600 University Ave NW<br>Coon Rapids MN 55448 |

**RENTAL LICENSES**

*INITIAL (TYPE IV – one-year license)*

| | |
|---|---|
| 3012 Thurber Rd | Angelique Kapila/Risen Home Care |

*INITIAL (TYPE III – one-year license)*

| | |
|---|---|
| 6800 Scott Ave N | Emmanuel Williams |

*INITIAL (TYPE II – two-year license)*

| | |
|---|---|
| 7013 Knox Ave N | HPA USA 1/Pathlight Management |
| 4207 Lakeside Ave #124 | Perry Lensing |

*RENEWAL (TYPE IV – one-year license)*

| | |
|---|---|
| 3601 47th Ave N | 8411 Balboa LLC/Matthew Wallman |
| Ryan Creek Manor 4 | - met requirements |
| 2606 64th Ave N | Abdirashid Arab – missing action plan, CPTED follow up, CFH cert |

*RENEWAL (TYPE III – one-year license)*

| | |
|---|---|
| 700 66th N Georgetown Park | Wensch Construction/Scott Gann |

| | |
|---|---|
| Townhouses | – met requirements |
| 1217 54th Avenue N | Jay Moua – missing CPTED follow up |
| 2018 55th Avenue N | Chen Zhou/Lancelot Properties – met requirements |
| 3912 61st Avenue N | Nazeem Khatoon – met requirements |
| 4101 70th Ave N | Paul Pham – met requirements |
| 6724 France Ave N | Jessica Stoll Van Elson – met requirements |
| 6051 Halifax Ave N | Oyewale Ilesammi/Supreme Living Homes – met requirements – missing CFH cert |
| 5631 Hillsview Rd | Kent LeFevre |
| 7243 Riverdale Rd | IH3 Property Illinois/Mai Thao - met requirements |
| 4200 Winchester LA | Obafemi Oladeji – missing CPTED and CFH |
| 4506 65th Ave N | Virginia Lazo |
| 7101 Girard Ave N | EE & J Investment LLC – missing CPTED |
| 2718 Ohenry Rd | Wade Klick/5118 66th Ave N LLC |

*RENEWAL (TYPE II – two-year license)*

| | |
|---|---|
| 5200 Drew Ave N | Morris Matthews |
| 5636 Fremont Ave N | Alice Isatu Mansaray |
| 7013 Fremont Avenue N | IH3 Property Illinois/Mai Thao |
| 6809 Fremont Pl | Ali Sajjad/786 Homes LLC |
| 5713 Humboldt Ave N | Janice Bjorn |
| 5500 Knox Ave N | MNSF II W1/Marc Silverstein |
| 6661 Xerxes Pl N | Ashwin Goel |
| 6131 Bryant Ave N | Jun Wang |
| 6611 Camden Dr. | Jenn-Yuan Chen/Shin Chiang |
| 5530 James Ave N | Ross Herman |
| 5524 Logan Ave N | Mark Olson/Avalon Homes missing CPTED follow up & CFH cert |

*RENEWAL (TYPE I – three-year license)*

| | |
|---|---|
| 5200 63rd Avenue N | Roger Bonny |
| 2900 67th La | Dolores Fischer |
| 1600 69th Ave N | Hieu Vo |
| 5350 71st Cir | Ali Sajjad/786 Homes LLC |
| 5943 Colfax Ave N | Juliana Koe |
| 6018 Kyle Ave N | Danny Vo |
| 7200 Morgan Ave N | Dwayne Holmstrom |
| 3300 67th Ave N | Sergey Kunin |
| 1344 68th Ln | Syewon Sez Weah/Ducor Home Solution – met requirements |
| 1807 70th Ave N | Rebecca Thomley |
| 7215 Girard Ave N | Rebecca Thomley |
| 6424 Scott Ave N | Chen Zhou/Godiva Properties – met requirements |
| 5913 Washburn Ave N | Robert E Lindahl |

**6c. AN ORDINANCE 2021-01 AMENDING CHAPTERS 7 AND 19 OF THE CITY CODE OF ORDINANCES REGARDING WASTE AND ORGANICS RECYCLING BY HAULERS**

**6d. RESOLUTION NO. 2021-59 RECOGNIZING BROOKLYN CENTER AS A TREE CITY USA FOR THE TWENTY-NINTH CONSECUTIVE YEAR**

**6e. RESOLUTION NO. 2021-60 DESIGNATING 2021 PLANTING LIST OF ALLOWABLE BOULEVARD TREE SPECIES**

**6f. RESOLUTION NO. 2021-61 ACCEPTING BID AND AWARDING CONTRACT, PROJECT NO. 2021-15, 2021 PARK PLAYGROUND REPLACEMENTS**

**6g. RESOLUTION No. 2021-62 AUTHORIZING APPLICATION FOR THE TAX BASE REVITALIZATION ACCOUNT**

**6h. RESOLUTION No. 2021-63 SETTING FEE SCHEDULE FOR DISASTER RECOVERY REPAIR PERMITS**

Motion passed unanimously.

## 7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

**7a. RESOLUTION NO. 2021-64 EXPRESSING APPRECIATION FOR THE DONATION OF A PALLET OF BOTTLED DRINKING WATER TO THE BROOKLYN CENTER FIRE DEPARTMENT**

Fire Chief Todd Berg explained this resolution expresses appreciation for the donation of a pallet of bottled drinking water to the Brooklyn Center Fire Department from the Brooklyn Center Wal-Mart store. He explained the Fire Department uses bottled water often at scenes where they are doing strenuous work with extra heavy gear and often in hot environments to keep themselves hydrated.

Councilmember Graves thanked the Fire Chief for bringing forward this resolution of appreciation. She stated it is great that Wal-Mart, an area business, is contributing to the volunteer firefighters. She asked whether it is a practice of the firefighters to recycle empty water bottles. Fire Chief Berg stated the firefighter's bag and return all garbage and recycling to the Fire Department. Councilmember Graves encouraged all to take the time to recycle plastics and thanked the Fire Chief, noting it was good to see him the other day.

Mayor Elliott stated there was a prior discussion on moving away from single-use plastics City wide but there are some situations where it is unavoidable.

Councilmember Graves moved and Mayor Elliott seconded to adopt RESOLUTION NO. 2021-64 Expressing Appreciation for the Donation of a Pallet of Bottled Drinking Water to the Brooklyn Center Fire Department.

Motion passed unanimously.

## 8. PUBLIC HEARINGS

## 8a. RESOLUTION NO. 2021-65 AUTHORIZING ISSUANCE, SALE, AND DELIVERY OF ITS CONDUIT REVENUE BONDS RELATING TO THE TESFA INTERNATIONAL SCHOOL PROJECT

Dr. Edwards introduced the item and stated this relates to authorizing the issuance, sale, and delivery of conduit revenue bonds for the Tesfa International School project. He noted this item did come before the City Council and the bids were left open.

Finance Director Mark Ebensteiner introduced Jenny Boulton with Kennedy and Graven who would provide a summary of the project.

Jenny Boulton explained Kennedy and Graven is the bond counsel and after the public hearing, the City Council is being asked to consider a resolution to authorize the issuance of conduit revenue bonds, the proceeds of which would be used by Tesfa International School, which is in the process of changing its name to STEM Academy. They will use those proceeds to acquire the building that was previously used by Noble Academy and before that by Odyssey Academy. The City previously issued bonds in connection with the acquisition of that building by the Odyssey Charter School and those bonds will be paid off. She advised they are completely separate borrowers and completely separate financings so only one will be outstanding at a time.

Ms. Boulton explained the resolution would authorize up to $10 million of conduit revenue bonds. The City is not obligated to make any payments on those bonds, even in the event of default. There is no taxing authority that is pledged to the payment and there is no City property or other assets that would be pledged to the payment of those bonds, even in the event of default. She explained the bonds are secured by the building and the charter school's revenues, which are payments they receive through the State of Minnesota. Ms. Boulton offered to answer questions, noting Mr. Kou Vang is working with the school on the acquisition of the building and also available if there are project-specific questions.

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

Motion passed unanimously.

Mr. Kou Vang, owners' representative for Tesfa International School, noted that along with himself, Jonas Beugen, the Executive Director, is available. He thanked the staff for the presentation and stated they do not have anything to add but are available to answer questions of the City Council.

Mayor Elliott asked about the conduit bond itself and how the City can facilitate the bonds if the City does not have any liability or exposure in the event of a default. Ms. Boulton explained that local government entities are given the authority to issue conduit revenue bonds that give non-profit corporations and other entities, like affordable housing developers, access to tax-exempt financing. This is a program under the federal tax law that allows the borrowers to borrow their funds at a lower interest cost because the investors who are loaning them the money do not pay income taxes on their interest income. So, it is a lower-cost method of financing to make certain types of development more affordable, including non-profits and affordable housing. This is a tool the City has used several times for affordable housing projects in the last couple of years.

Ms. Boulton stated the investors, the holders of the bonds, are looking directly at the property, the building itself, and the land, as collateral under a mortgage. That is what provides security. She explained there are two tiers of entities in the case of charter schools. A building company owns the property and leases it to the school entity itself. The school entity makes lease payments and those regular monthly payments are used to pay the principal and interest on the bonds. The school receives those revenues because charter schools are public schools and receive funding primarily through payments from the State. Ms. Boulton stated the bondholders are only looking at those revenues as the source of payment but the City is involved because that is a requirement under the federal tax law to have access to these tax-exempt financing mechanisms.

Ms. Boulton advised that no one has called into her conference line, which was provided as a toll-free number.

Diane Sannes noted Brooklyn Center has ten school buildings, eight school boards, and three charter schools currently and it is her understanding this school would replace Noble Academy. She stated there is a high turnover rate in our charter schools, sometimes they last one year, and sometimes they last two years. She asked who is the authorizer of this new charter school.

Mr. Kou Vang answered the authorizer for Tesla International School is Volunteers of America. He explained the school has been around for five years and enrollment has been steady. They would move from Columbia Heights into this Brooklyn Center area and in talking with parents, the current student body will be following into this location.

Ms. Sannes asked if a school is moving from Columbia Heights to Brooklyn Center. Mr. Kou Vang stated that is correct, they are moving an existing school into this facility. Ms. Sannes stated she is glad to hear they are under Volunteers of America, which is a good authorizer.

Mayor Elliott thanked Ms. Sannes for her well-informed questions. He stated to Mr. Kou Vang that if he has not yet met Ms. Sannes, he can assure him that he will as she will be a good partner for their school since she connects with all the schools and is an asset to the community.

Ms. Sannes thanked Mayor Elliott and welcomed Mr. Kou Vang.

No one else appeared to address this item.

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

Motion passed unanimously.

Councilmember Ryan moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2021-65 Authorizing Issuance of Conduit Charter School Lease Revenue Bonds for Tesfa International School Project under Minnesota Statutes, Sections 469.152 through 469.1655 and Approving Related Documents.

Motion passed unanimously.

## 9. PLANNING COMMISSION ITEMS

None.

## 10. COUNCIL CONSIDERATION ITEMS

### 10a. RESOLUTION NO. 2021-66 APPROVING EMERGENCY ASSISTANCE TO RESIDENTS AFFECTED BY CIVIL UNREST

Dr. Edwards stated this resolution would establish emergency assistance to residents affected by the civil unrest. He noted there has been testimony from residents who live in apartments in and around the police station, and over 114 were relocated by Red Cross assistance to provide some sense of safety. Dr. Edwards noted some residents have reached out to the City as it relates to covering expenses lost through no fault of their own and primarily due to the civil unrest that was going on around them. The residents have gone through significant hardships whether physical, mental, or economic, and asked the City for some type of assistance in those cases. Dr. Edwards explained the City currently does not have a mechanism that would address such issues because this is an unprecedented event. The staff has been in communication with other entities, County and State, relating to this issue and desire to provide some type of assistance or develop a program where the City can help. Dr. Edwards stated staff anticipates the City may be able to leverage and match funds. He relayed his communication today with a foundation that may be willing to match the City's funding to assist residents during these times of hardship and particular crises. Dr. Edwards explained that Community Development Director Beekman is the primary author of the resolution and would be the City point person to help and coordinate with others in the community. Also, Ms. Daniels has spoken to some organizations that stepped up and helped residents during this difficult time.

Community Development Director Meg Beekman stated she had nothing to add to Dr. Edwards' presentation.

Dr. Edwards stated staff does not yet have all of the criteria in place but is asking the City Council to authorize staff to proceed. He stated staff does know there is a demand today.

Councilmember Ryan commended staff and the County Commissioner and his staff for engaging the Red Cross to do a rapid response for folks living across the street in apartment buildings opposite the police station on Humboldt Avenue who experienced hardship because of civil unrest.

He noted the County Commissioner recognized the County itself was too slow to respond in many cases to those in distress but by engaging the Red Cross, a non-profit, non-governmental organization, folk were able to get relief much faster. Councilmember Ryan stated he appreciates the work of City staff to coordinate that effort, identify needs, and act quickly. He offered an example of Ms. Barnes who lives in one of the buildings just opposite the police station who contacted him by e-mail. He forwarded that e-mail to both County staff and City staff and the response was prompt. Councilmember Ryan stated that is only one example, and there are others, of prompt response which speaks very well for Dr. Edwards and Community Development Director Beekman for being flexible and doing what needs to be done in these hard times.

Councilmember Graves stated she appreciates that staff brought this forward. She recently saw an e-mail to the effect that a resident had been displaced from her home and had additional costs. Councilmember Graves stated she felt disappointed that the resident didn't know about some of the other resources and is sure others were not looped in or got contacted early enough. Councilmember Graves acknowledged that staff and the City as a whole, the City Council included, could have been more prepared. She hoped in the future they are more prepared and working with community members who showed up right away from Day 1, showed her around, and showed her what the community had done and pulled together. Councilmember Graves stated she wants everyone to know that this is exactly the kind of support we need to have in place both in good times and in difficult times. She stated she is doing her best as a Council Member to make sure we have that and the City is even more responsive than it has been.

Councilmember Graves asked Dr. Edwards to quantify the demand being presented as of right now as far as families who are looking to the City to help with costs incurred through the crisis. Dr. Edwards stated staff does not have a running list but some estimate there may be up to 50 impacted families.

Councilmember Graves stated in addition to whatever staff recommends as a possible reimbursement fund, she thinks the City also needs to make sure they are connected to local food distributions, an entry point to mental health resources, and transitional resources. She does not know if these families are now unhoused or temporarily unhoused, but that is something the City should care about. Councilmember Graves thanked Dr. Edwards and the staff for their work on this matter.

Mayor Elliott stated the City will be working to relocate several families as some indicated they have been traumatized and no longer want to live in their apartment or come outside. He stated for a lot of families, serious and intense counseling needs to be made available for the adults and kids and for some, assistance in relocating. He mentioned the down payment assistance program, noting staff will look at helping these families to stay in Brooklyn Center. He also noted that for many of them, a permanent relocation is probably what they are going to need.

Mayor Elliott stated he wanted to re-underscore that the community played a crucial role in all of this work and responses.

Councilmember Ryan moved and Mayor Elliott seconded to adopt RESOLUTION NO. 2021-66 Approving Emergency Assistance to Residents Affected by Civil Unrest.

Motion passed unanimously.

## 11. COUNCIL REPORT

Councilmember Graves reported on her attendance at the following:
- Brooklyn Youth Council Healing Session
- Meeting with representatives from the Department of Justice and Community Relation Services
- Marshal Event Training
- Attended various vigils and visited the Distribution Center
- Attended BIPOC Neighborhood Meetings

Councilmember Butler reported on her attendance at the following:
- Met with Councilmember Graves relating to meeting with BIPOC Leaders
- Met with US Representative Ilhan Omar
- Volunteered at the Distribution Center
- Worked with Mental Relief Services to bring food to volunteers
- Helped to organize the vaccine clinic
- Held conversations at the local Mosque
- Visited the memorial site

Councilmember Ryan stated his appreciation for the involvement and commitment of his fellow Council Members. He stated the City needed to speak with one voice and that's the job of the Mayor who represents the City, noting it was a rather thankless task in such a difficult and trying situation.

Councilmember Ryan reported on his work on the following:
- Followed several bills in the State legislature that potentially have significance on the City's financial capacity to respond to this crisis
- Will be contacting federal representatives relating to federal outcomes
- Answered virtually all the e-mail he has received

Councilmember Graves noted there are several bills currently in front of Congress related to reform and the George Floyd Act. She has been signing onto some letters from other leaders and encouraged all as community leaders and others to look at reform acts and encourage State and Federal representatives to move those issues forward.

Councilmember Ryan stated his understanding that Councilmember Lawrence-Anderson had contacted the Acting City Manager to inform him that she was not able to attend tonight's meetings because her mother is gravely ill and in intensive care. Mayor Elliott stated he is sorry to hear that and will pray and hope for the best for Councilmember Lawrence-Anderson's mother.

Mayor Elliott reported on his attendance at the following:

- Worked closely with Council Members and staff to address the emergency including working with the community, folks present at the protest, trying to build bridges with law enforcement, and strategies being implemented
- Participated in communication with local, State, federal elected officials, and law enforcement partners including the Governor's office and White House
- Worked with communication folks to speak on behalf of the City with various media outlets
- Kept in contact with Daunte's family
- Attended Daunte's funeral along with many other representatives from the community and governmental agencies
- Currently engaged in trying to figure out the way forward and to recover from this tragedy in ways that are going to build the community stronger than before, grow from this, and be united as one.

Mayor Elliott noted it has been daunting several weeks and sad for Daunte's family and all of us. He has been amazed at how many people have reached out and the community has mobilized and come together. He knew it was always possible but this has brought out the best in us as a Brooklyn Center community. Mayor Elliott stated we have much to be thankful for even amid this tragedy and we will build in more thoughtful ways that make sure everyone is included, count, and their needs are met. He stated all he has spoken with have expressed a commitment to that and it gives him chills to talk about. Mayor Elliott stated he is honored to be in this servant capacity to share this leadership role with his fellow Council Members and City staff to build the best city to live in Minnesota and a City that's an example to the rest of the State and maybe even the country. He appreciates being able to share what he has been working on and noted it will take everyone working very closely, putting aside differences, and digging in with each playing their roles to make what they know is possible into a reality.

## 12. ADJOURNMENT

Mayor Elliott moved and Councilmember Butler seconded adjournment of the City Council meeting at 7:55 p.m.

Motion passed unanimously.

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

WORK SESSION
APRIL 26, 2021

## CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Mike Elliott at 8:21 p.m. The meeting was conducted via Zoom.

## ROLL CALL

Mayor/President Mike Elliott and Councilmembers/Commissioners Marquita Butler, April Graves, and Dan Ryan. Councilmember/Commissioner 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 Tony Gilchrest.

## A CONCEPT DEVELOPMENT PROPOSAL FOR 6221 SHINGLE CREEK PARKWAY (THE CREST APARTMENTS)

Community Development Director Meg Beekman noted that Leslie Roering from Aeon is present and had listened to the presentation earlier this evening. She invited Ms. Roering to provide context for the project, approach to the site, and background about Aeon and their role as operator of that particular building.

Leslie Roering, Senior Real Estate Developer in Aeon Housing Development Department, explained Aeon is a non-profit affordable housing developer and owns the Crest Apartments and several others in Brooklyn Center. Their mission is to create sustainable quality affordable homes that strengthen lives and communities. Since 1986, they have built or purchased 5,600 homes and serve 15,000 people. The Crest is a project they purchased in 2012 through a HUD foreclosure process. They did a minor renovation at that time and want to expand on that renovation so it can be a long-term asset for the community and its residents. Ms. Roering stated in addition to that, they have quite a bit of excess land and green space so there is an opportunity to better utilize that space and provide more affordable homes for larger families. Aeon is proposing an addition of 48 units to the project. She offered to answer questions and provide feedback, noting noted that Chris Palkowitsch, an architect with BKV Group is also on the line.

Councilmember/Commissioner Graves stated, in general, she likes the idea of adding two-and three-bedroom units for larger families as there is demand for that, especially at 60% AMI or lower. She wondered if these units are also ADA accessible units. Ms. Roering advised they are currently required to do 5% of the new units as accessible with an additional couple of units for hearing and visually impaired individuals.

Councilmember/Commissioner Graves mentioned the two parking options, one with more green space and one with less. She noted this location and proximity to Shingle Creek and expressed concern about potential environmental impacts from excessive digging and erosion.

Councilmember/Commissioner Graves referenced the PowerPoint side that showed financing options, noting it details how the project is underwritten as proposed versus using additional TIF funding. She stated the main difference she sees is that the number of units that would be units at 50% AMI goes up significantly and the units at 60% of AMI goes down. Councilmember/ Commissioner Graves noted it also reduces the overall affordability of the project by 1.5%. To her, the discussion is what that means with TIF. She stated overall she finds the proposal is a good one and it fills a definite housing need for those who are struggling to find good housing.

Ms. Beekman asked Aeon to respond to the question about the potential impact to Shingle Creek, stormwater, and if the parking options have any effect on that.

Ms. Roering explained that stormwater is a factor on the site as they experience some flooding with the existing parking lot. As the property stands now, there is no stormwater management. The parking lot does need to be rehabbed in totality so ultimately, with the full rehab of the parking area, they will gain a few extra stalls if they remove some of the green space along Shingle Creek. She referenced Option 2 that has one additional row of parking closer to the addition that shrinks the green space along Shingle Creek Boulevard. She stated Aeon is looking for feedback on that option or keeping the green space at the same width it is currently and adding additional stalls closer to the library space.

Chris Palkowitsch, the architect with BKV Group representing Aeon, explained the stormwater system will be rather extensive, about 2,500 feet of 48-inch pipe located below the parking lot as it is rebuilt. He stated, as mentioned, the groundwater is higher on this site so they are not able to infiltrate it. Currently, the parking lot is releasing stormwater at an uncontrolled rate. With the project, they will filter the water, hold it, then release it at a controlled rate. This will improve the ponding of water seen during major rainstorms and help control the overall stormwater on the site.

Ms. Beekman asked if there was a question on the financing piece as it relates to rents. Councilmember/Commissioner Graves stated she is not opposed to it but does not know whether the larger parcel is already part of a TIF District, what else is included, or whether the City would want to fill that gap and increase the number of units at a particular AMI. Councilmember/Commissioner Graves stated in general, she is in favor of moving forward to get more information.

Ms. Beekman stated this site is not currently within a TIF District so one would have to be created as part of the proposal. To proceed, staff will need direction from the Council very quickly on which route staff should pursue because it will take time to make an application for a TIF District and create one. It will also impact Aeon's application to Minnesota Housing.

Councilmember/Commissioner Ryan stated he will not be supporting this development concept for several reasons, one of which is in the greater context of the City's redevelopment financing

challenges. He would not be in support of TIF support for the project and sees this is a project that calls for a 48-unit multi-family development with substandard parking.

Councilmember/Commissioner Ryan noted that recently, the Council went through a discussion on whether the City should be towing cars illegally parked on the street during snow emergencies. Some residents and Council Members have objected to the City towing cars due to the economic hardship caused by the pandemic, which we all hope will pass once the public health challenges have been met. Councilmember/Commissioner Ryan stated one of the reasons the Council had that difficult discussion was because there are already too many people in the City who depend on their cars and do not have dedicated off-street parking. Unfortunately, when a car gets towed, the owner may not have the money to pay the fine, tow, and impound fee so people have abandoned their cars and left them in the impound lot.

Councilmember/Commissioner Ryan stated tonight the Council/EDA is asked to support a development concept, one that calls for apartments to be built on a relatively small parcel with substandard parking. Considering the issues with illegal parking during snow emergencies, he would ask why build more apartments with less off-street parking than the Zoning Code requires. He also asked why build more apartments with the potential to put more cars on the street during snow emergencies.

Mayor/President Elliott asked Ms. Beekman if she was saying one of the two options was more affordable units but it would require participation from the City to help fill that gap. Ms. Beekman stated that is correct and explained if their funding sources come in as anticipated, there would not be a gap but Aeon is open to a conversation about providing more deeply affordable units which would then in turn create a financing gap and require City participation.

Mayor/President Elliott stated he supports the plan that provides more deeply affordable units and asked what the rents on those more deeply affordable units would be. Ms. Beekman displayed a chart showing the number of bedrooms and rents at 30% AMI, 50% AMI, 60% AMI, and 80% AMI. Ms. Beekman explained there would also be 40% AMI units, which is not shown on the table but would sit between 30% AMI and 50% AMI. Mayor/President Elliott reviewed the anticipated rents and stated he would support that. Mayor/President Elliott stated when thinking about the cost of housing, his mortgage payment is around $1,200 and they have a three-bedroom, which is cheaper than affordable housing at 50% AMI. Mayor/President Elliott stated the Council/EDA is talking about costs that are astronomical so he supports anything they can do to help.

Mayor/President Elliott asked if part of the plan will be additional parking if needed. Ms. Beekman stated she had a similar question about whether proof parking is included in Option 1, which had additional green space. Or, if it was only included in Option 2. Ms. Roering clarified that Option 1 does not have additional proof of parking but that is not saying it is not an option. She noted the area has a berm and substantial trees that they hope to keep but if needed, that is an opportunity area for additional parking.

Mr. Palkowitsch noted Ms. Roering is speaking about the northeast corner where some existing community gardens would be relocated and additional community gardens would be added on the west side for the new building.

Mayor/President Elliott asked if there had been studies on the impact to Shingle Creek by additional runoff. Mr. Roering stated they have not done that level of detail yet but as Mr. Palkowitsch noted, the stormwater system installed would be intensive and help the Creek. She stated there is quite a bit of deterioration of the creek bed now because of rainwater not being managed on the site. So, the anticipation is that the stormwater system constructed would help Shingle Creek.

Mayor/President Elliott stated he is supportive of the project and the option to provide more deeply affordable housing which, more than ever, is needed.

Councilmember/Commissioner Ryan stated he opposes the project concept for the reasons he had given earlier.

Councilmember/Commissioner Butler stated her questions have already been answered. She stated she knows the Council/EDA is not making a decision at this time and she is interested in seeing them bring back the plan.

Councilmember/Commissioner Graves asked staff whether the parking at City Hall is available for residents who live in the Crest Apartments currently or if that is a feasible use for some of the parking spaces should the housing facilities expand. Ms. Beekman stated there is not currently a parking agreement between the two but there is a provision in the Code that would allow for reductions in parking in certain instances and one is with a parking study that demonstrates parking demand is lower. Another is if there is an off-site parking agreement, though, in that instance, the requirement would need to be a permanent easement that allows parking. She stated she is not in a position to speak to whether the City or Council is open to considering that but certainly, the City Hall parking lot is adjacent to the site.

Ms. Beekman stated as follow up to the question raised by Councilmember/Commissioner Butler, Aeon is seeking input this evening from the Council/EDA on items related to the parking, if more parking is preferred versus the green space question. The other question is related to TIF and whether the Council/EDA is open to providing financial assistance.

Mayor/President Elliott stated in terms of meeting the gap and TIF financing, he is open to that. He would prefer to keep the green spaces if the parking study comes back and says they don't need additional parking, as it would be better for residents to have more green spaces available. But if the parking study says more parking is needed, then the City can look at making certain portions of the City Hall parking lot available if it is not being used regularly.

Councilmember/Commissioner Graves stated she agrees with the Mayor about the parking. She thinks before taking away green spaces along Shingle Creek and near Centennial Park, the City should determine if there are other parking options and the City Hall parking may potentially be

one option. She noted to make it accessible, there might have to be another kind of design alignment.

Councilmember/Commissioner Graves asked how many TIF Districts are in Brooklyn Center and how many will expire in the next two years. Ms. Beekman stated there are five active TIF Districts and one, TIF 3 which is the largest, is decertifying at the end of this year. The other TIF Districts are newer. Councilmember/Commissioner Graves stated she would then be in favor of providing additional financial assistance. She stated she feels the City's TIF Districts have been managed well in the past and there are still good people in charge of the City's Finance Department so it seems like a worthy cause.

Councilmember/Commissioner Ryan stated he concurs with Councilmember/Commissioner Graves's very appropriate observation that the City's TIF Districts and finances have always been managed very well. He noted one of the things about the deep aspects of our heritage that has kept the City's finances, up until recent years, in very good stead and with minimal debt has been the great tax base produced by the Brookdale Mall when it was thriving. But as that languished and died a slow death, that tax base dried up and now the City is faced with the daunting task of rebuilding a tax base so that those who have the least capacity to pay a regressive tax, the property tax, will not bear a disproportionate burden. He stated it is incumbent upon the Council/EDA to build that property tax base in the most efficient way possible. Councilmember/Commissioner Ryan stated he thinks that is a big challenge so looking at this project and the possibility of a TIF subsidy is a complex problem and will require significant financial expertise to assist the Council/EDA to make the best possible decision.

Mayor/President Elliott summarized that the Council/EDA is thinking the project is a worthy cause, is interested in assisting through TIF, and maintaining as many green spaces as possible with the option of expanding parking if a study determines it is needed or utilizing unused space in the City Hall parking lot.

## DISCUSSION OF COUNCIL POLICY GOVERNING COMMISSION APPOINTMENTS

This agenda item was postponed to later this week.

## ACTING CITY MANAGER PAY ADJUSTMENT AND CITY MANAGER APPOINTMENT

This agenda item was postponed to later this week.

## ADJOURNMENT

Mayor/President Elliott moved and Councilmember/Commissioner Butler seconded adjournment of the City Council/Economic Development Authority Work Session at 8:55 p.m.

Motion passed unanimously.

# Council Regular Meeting

DATE: 5/10/2021

TO: City Council
FROM: Dr. Reginald Edwards, Acting City Manager
THROUGH: Dr. Reggie Edwards, Deputy City Manager
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.

**Mechanical Licenses**

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

| | |
|---|---|
| United Heating & A/C Inc. | PO Box 17<br>Hamel 55340 |

**Signhanger's Licenses**

| | |
|---|---|
| Resolution Graphics | 3770 Dunlap St N<br>Arden Hills 55112 |
| DSSi Sign Systems | 17125 Adelmann St SE<br>Prior Lake 55372 |

**Budget Issues:**

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Rental Criteria | 3/16/2021 | Backup Material |
| 5-10-2021 Rental Licenses | 5/7/2021 | Cover Memo |

| 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 10, 2021 | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Property Address | Dwelling Type | Renewal or Initial | Owner | Property Code Violations | License Type | Police CFS * | Final License Type ** | Previous License Type *** |
| 5801 Xerxes Ave N<br>Sonder House | Multi 1 Bldg<br>127 Units | Initial | Brooklyn Center AH I Real Estate Equities | 0 | II | N/A | II | |
| 7200 Camden Ave N<br>Evergreen Park Manor | Multi 5 Bldgs 80 Units | Renewal | Sean Bannerman - met requirements | 8 (20 units inspected)<br>.4 per unit | I | 3 Valid Calls .04 per unit<br>7212 Camden 1/23/2021<br>Disturbance<br>7218 Canden 3/23/2021<br>Motor Vehicle Theft<br>7206 Camden 4/7/2021<br>Simple Assault | I | III |
| 5301 Dupont Ave N | Multi 1 Bldg 6 Units | Renewal | Caue Campanha/CM Equity Group - met requirements | 21<br>3.5 per unit | IV | 0 | IV | IV |
| 5000 France Ave N | Multi 1 Bldg<br>4 Units | Renewal | Dean Gannon & Michael Nightengale | 0 | I | 0 | I | I |
| 5547 Lyndale Ave N<br>Riverwalk I | Multi 1 Bldg<br>4 Units | Renewal | Brett Hildreth/Dragon Property Management | 0 | I | 0 | I | II |
| 7250 West River Rd | Multi 1 Bldg<br>4 Units | Renewal | Paul Barli | 3<br>.75 per unit | I | 0 | I | II |
| 3707 61st Ave N | Single | Renewal | Douglas Wahl/Cel Monton LLC | 7 | III | 0 | III | II |
| 2801 66th Ave N | Single | Renewal | Prosperous Property / Xiong Lin | 1 | I | 0 | I | I |
| 1706 71st Ave N | Single | Renewal | Patricia & Richard Sandeen | 2 | I | 0 | I | II |
| 6131 Bryant Ave N | Single | Renewal | Jun Wang | 5 | III | 0 | III | II |
| 6207 Chowen Ave N | Single | Renewal | Doreen Kalema/Butterfly Bound Care - missing CPTED follow up & CFH Cert | 8 | III | 0 | III | IV |
| 6213 Chowen Ave N | Single | Renewal | Nazeen Khatoon - met requirements | 5 | II | 0 | II | III |
| 3819 France Pl | Single | Renewal | Robert Lindahl | 1 | I | 0 | I | I |
| 4906 Howe La | Single | Renewal | Chen Zhou | 3 | II | 0 | II | II |
| 1507 Humboldt Pl | Single | Renewal | Kyan (Jimmy) Hui | 2 | I | 0 | I | II |
| 5338 Irving Ave N | Single | Renewal | TMC Management Co | 5 | II | 0 | II | II |
| 3018 Nash Rd | Single | Renewal | Timothy Cavanaugh - met requirements | 5 | II | 0 | II | III |
| 4953 Zenith Ave N | Single | Renewal | Matthew Greseth - met requirements | 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

| Rental Licenses for Council Approval on May 10, 2021 | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Property Address | Dwelling Type | Renewal or Initial | Owner | Property Code Violations | License Type | Police CFS * | Final License Type ** | Previous License Type *** |
| All properties are current on City utilities and property taxes | | | | | | | | |

# Council Regular Meeting

DATE: 5/10/2021

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

SUBJECT: Resolution 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

**Requested Council Action:**

*- Motion to approve a resolution 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.*

**Background:**

On August 26, 2019, the City Council authorized execution of a Professional Services Agreement with SRF Consulting Group, Inc. for preliminary design, environmental documentation, easement acquisition, final design services and construction administration services for the Brooklyn Boulevard Corridor Project Phase 2 Improvements (Bass Lake Road to Interstate 94), Project No. 2021-05. Plans were developed and on April 9, 2021 bids were received and opened for the above referenced improvement.

SRF's services were broken out into two primary categories: design phase and construction phase. The completion of the design phase work ended with exception of some out-of-scope work that was directed to be added and has already been paid to SRF in the amount of $132,876.15. The construction phase budget is anticipated to be exceeded by $12,260 due to the addition of the City monument sign. A summary of additional out-of-scope work items is listed below:

| | |
|---|---|
| Additional Right of Way acquisitions (6 parcels + additional coordination due to COVID) | $39,963.74 |
| Additional Final Design tasks (storm drainage) | $23,198.48 |
| Additional Final Design tasks (noise wall engagement/renderings) | $6,219.30 |
| Additional Final Design tasks (signal and trail near 65$^{th}$ Ave) | $21,201.24 |
| Additional Final Design tasks (turn lanes near 63$^{rd}$ Ave) | $25,775.39 |
| Additional Final Design tasks (monument sign) | $16,518.00 |
| Additional In-Construction tasks (monument sign) | $12,260.00 |
| TOTAL | $145,136.15 |

**Budget Issues:**

The original contract amount with SRF Consulting Group, Inc. for professional services for the Brooklyn Boulevard Corridor Project is $2,441,280.00, which is a "not to exceed" amount unless amended.

A negotiated fee amount of $145,136.15 for the professional services that are needed to deliver the remaining Brooklyn Boulevard Corridor Project Phase 2 Improvements is recommended to be approved and amend the Professional Services Agreement scope accordingly. The project budget estimated $175,000 for engineering contingency. The amended contract amount is $2,586,416.15.

**Inclusive Community Engagement:**

N/A

**Antiracist/Equity Policy Effect:**

N/A

**Strategic Priorities and Values:**

Key Transportation Investments

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution | 5/3/2021 | Cover Memo |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SRF CONSULTING GROUP, INC. FOR THE BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 2, IMPROVEMENT PROJECT NO. 2021-05

WHEREAS, on August 26, 2019, the City Council approved a resolution authorizing a Professional Services Agreement with SRF Consulting Group, Inc., to proceed with and provide the services for the preliminary design, environmental documentation, easement acquisition and final design as required to meet the Federal Aid Project requirements for the Brooklyn Boulevard Corridor Project Phase 2 Improvements (Bass Lake Road to Interstate 94), Project No. 2021-05; and

WHEREAS, an amendment to the aforementioned Professional Services Agreements has been negotiated with SRF Consulting Group, Inc., for additional services provided. Funding for engineering, admiration and legal shall be funded temporarily out of the Capital Improvements Fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the Acting City Manager is hereby authorized to execute the amendment to the Professional Services Agreement with SRF Consulting Group, Inc. in the amount of $145,136.15 for the additional professional services for the Brooklyn Boulevard Corridor Project Phase 2 Improvements.

May 10, 2021
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

# Council Regular Meeting

DATE: 5/10/2021

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

SUBJECT: Resolution Accepting Bid and Awarding Contract, Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2 Improvements

**Requested Council Action:**

*- Motion to approve a resolution accepting bid and awarding a contract to Park Construction Company for Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2 Improvements.*

**Background:**

Bids for the Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05, were received and opened on April 9, 2021. The bidding results are tabulated below:

| BIDDER | TOTAL BASE BID |
|---|---|
| **Park Construction Company** | **$12,222,880.30** |
| Meyer Contracting, Inc. | $12,481,635.06 |
| S.M. Hentges & Sons, Inc. | $12,882,729.38 |
| New Look Contracting, Inc. | $12,946,920.30 |
| Thomas and Sons Construction | $13,670,560.79 |

Of the Five (5) bids received, the lowest bid of $12,222,880.30 was submitted by Park Construction Company of Minneapolis, Minnesota. Park Construction Company has the experience, equipment and capacity to qualify as the lowest responsible bidder for the project.

**Budget Issues:**

The bid amount of $12,222,880.30 is within the 2021 budgeted amount. The total estimated budget including contingencies, administration, engineering and legal was $18,095,000 and is amended to $17,804,604.45, an approximate 1.6 percent decrease (see attached Resolution – Costs and Revenues tables).

**Inclusive Community Engagement:**

N/A

**Antiracist/Equity Policy Effect:**

N/A

**Strategic Priorities and Values:**

Key Transportation Investments

**ATTACHMENTS:**

| Description | Upload Date | Type |
| --- | --- | --- |
| Resolution | 5/3/2021 | Cover Memo |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT, IMPROVEMENT PROJECT NO. 2021-05, BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 2 IMPROVEMENTS

WHEREAS, pursuant to an advertisement for bids for Improvement Project No. 2021-05, bids were received, opened and tabulated by the City Clerk and Engineer on the 9th day of April, 2021. Said bids were as follows:

| Bidder | Total Base Bid |
|---|---|
| **Park Construction Company** | **$12,222,880.30** |
| Meyer Contracting, Inc. | $12,481,635.06 |
| S.M. Hentges & Sons, Inc. | $12,882,729.38 |
| New Look Contracting, Inc. | $12,946,920.30 |
| Thomas and Sons Construction | $13,670,560.79 |

WHEREAS, it appears that Park Construction Company of Minneapolis, Minnesota is the lowest responsible bidder.

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

1. The Mayor and Acting City Manager are hereby authorized and directed to enter into a contract with Park Construction Company of Minneapolis, Minnesota, Minnesota in the name of the City of Brooklyn Center, for Improvement Project No. 2021-05, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Engineer.

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

| COSTS | CIP Estimated | Amended per Low Bid |
|---|---|---|
| Contract | $11,531,500.00 | $12,222,880.30 |
| Xcel Overhead Utility Undergrounding | $ 375,000.00 | $ 376,000.00 |
| Misc. Henn Co Supplied Items | $ 127,500.00 | $ 123,700.00 |
| Contingency | $ 1,571,000.00 | $ 1,222,288.00 |
| Subtotal Construction Cost | $13,605,000.00 | $13,944,868.30 |
| | | |
| Admin/Legal/Engr. | $ 2,550,000.00 | $ 2,586,416.15 |
| Admin/Legal/Engr. Contingency | $ 175,000.00 | $ 150,000.00 |
| Easement Acquisition | $ 1,765,000.00 | $ 1,123,320.00 |
| Total Estimated Project Cost | $18,095,000.00 | $17,804,604.45 |

RESOLUTION NO. _____

| REVENUES | CIP Estimated | Amended per Low Bid |
|---|---|---|
| Federal Funds | $ 6,616,000.00 | $ 6,616,000.00 |
| Hennepin County Funds | $ 4,500,000.00 | $ 4,500,000.00 |
| Sanitary Sewer Utility | $ 304,000.00 | $ 377,555.63 |
| Water Utility Fund | $ 203,000.00 | $ 423,830.98 |
| Storm Drainage Utility Fund | $ 1,715,000.00 | $ 1,704,904.03 |
| Street Light Utility | $ 711,000.00 | $ 1,025,914.84 |
| Xcel Utility Surcharge | $ 375,000.00 | $ 376,000.00 |
| Capital Projects Fund | $ 2,971,000.00 | $ 2,628,655.16 |
| Municipal State Aid (MSA) Fund | $ 700,000.00 | $ 151,743.81 |
| Total Estimated Revenue | $18,095,000.00 | $17,804,604.45 |

May 10, 2021
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

# Council Regular Meeting

DATE: 5/10/2021

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

SUBJECT: Resolution 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

**Requested Council Action:**

*- Motion to approve a resolution accepting bid and awarding a contract to New Look Contracting, Inc. for 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.*

**Background:**

Bids for the Ryan Lake Industrial Park Area Street, Storm Drainage and Utility Improvements and Northwest Area and Lyndale Avenue Area Mill and Overlay, Project Nos. 2021-06, 07, 08, 09, 10 and 11, were received and opened on April 30, 221. The bidding results are tabulated below:

| BIDDER | TOTAL BASE BID |
|---|---|
| **New Look Contracting, Inc.** | **$2,362,116.25** |
| Ryan Contracting Co. | $2,491,137.00 |
| Park Construction Company | $2,999,158.15 |

Of the three (3) bids received, the lowest bid of $2,362,116.25 was submitted by New Look Contracting, Inc. of Rogers, Minnesota. New Look Contracting, Inc. has the experience, equipment and capacity to qualify as the lowest responsible bidder for the project.

**Budget Issues:**

The bid amount of $2,362,116.25 is within the 2021 budgeted amount. The total estimated budget including contingencies, administration, engineering and legal was $3,820,000 and is amended to $2,963,882.25, an approximate 22.4 percent decrease (see attached Resolution – Costs and Revenues tables).

**Inclusive Community Engagement:**

N/A

**Antiracist/Equity Policy Effect:**

N/A

**Strategic Priorities and Values:**

Key Transportation Investments

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution | 5/3/2021 | Cover Memo |
| Title Sheet | 5/3/2021 | Cover Memo |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION 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

WHEREAS, pursuant to an advertisement for bids for Improvement Project Nos. Project Nos. 2021-06, 07, 08, 09, 10 and 11, bids were received, opened and tabulated by the City Clerk and Engineer on the 30th day of April, 2021. Said bids were as follows:

| Bidder | Total Base Bid |
|---|---|
| **New Look Contracting, Inc.** | **$2,362,116.25** |
| Ryan Contracting Co. | $2,491,137.00 |
| Park Construction Company | $2,999,158.15 |

WHEREAS, it appears that New Look Contracting, Inc. of Rogers, Minnesota is the lowest responsible bidder.

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

1. The Mayor and Acting City Manager are hereby authorized and directed to enter into a contract with New Look Contracting, Inc. of Rogers, Minnesota in the name of the City of Brooklyn Center, for Improvement Project Nos. 2021-06, 07, 08, 09, 10 and 11, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Engineer.

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

| COSTS | Amended Estimate (12/14/20) | Amended per Low Bid |
|---|---|---|
| Contract | $ 3,147,500.00 | $ 2,362,116.25 |
| Lighting | $ 8,200.00 | $ 15,666.00 |
| Contingency | $ 316,800.00 | $ 238,600.00 |
| Subtotal Construction Cost | $ 3,472,500.00 | $ 2,616,382.25 |
| Admin/Legal/Engr. | $ 347,500.00 | $ 347,500.00 |
| Total Estimated Project Cost | $ 3,820,000.00 | $ 2,963,882.25 |

RESOLUTION NO. _____

| REVENUES | Amended Estimate (12/14/20) | Amended per Low Bid |
|---|---|---|
| **2021-06: Northwest Area Mill and Overlay** | | |
| Street Assessment | $ 199,168.00 | $ 199,168.00 |
| Sanitary Sewer Utility | $ 190,000.00 | $ 131,313.00 |
| Water Utility Fund | $ 140,000.00 | $ 164,510.00 |
| Storm Drainage Utility Fund | $ 430,000.00 | $ 177,920.00 |
| Street Reconstruction Fund | $ 790,832.00 | $ 322,993.25 |
| Subtotal Northwest Area Revenue | $ 1,750,000.00 | $ 995,904.25 |
| | | |
| **2021-07: Lyndale Avenue Area Mill and Overlay** | | |
| Street Assessment | $ 25,175.64 | $ 25,175.64 |
| Sanitary Sewer Utility | $ 130,000.00 | $ 22,400.00 |
| Water Utility Fund | $ 20,000.00 | $ 50,818.00 |
| Storm Drainage Utility Fund | $ 120,000.00 | $ 98,988.00 |
| Street Reconstruction Fund | $ 244,824.36 | $ 75,368.36 |
| Municipal State Aid (MSA) Fund | $ 160,000.00 | $ 129,036.25 |
| Subtotal Lyndale Area Revenue | $ 700,000.00 | $ 401,786.25 |
| | | |
| **2021-08, 09, 10 & 11: Ryan Lake Industrial Park Area Recon** | | |
| Street Assessment | $ 267,402.58 | $ 267,402.58 |
| Storm Drainage Assessment | $ 96,421.01 | $ 96,421.01 |
| Sanitary Sewer Utility | $ 220,000.00 | $ 240,287.00 |
| Water Utility Fund | $ 310,000.00 | $ 331,633.00 |
| Storm Drainage Utility Fund | $ 123,578.99 | $ 99,547.99 |
| Street Light Utility | $ 10,000.00 | $ 18,266.00 |
| Street Reconstruction Fund | $ 342,597.42 | $ 483,534.17 |
| CenterPoint Energy | $ -0- | $ 28,500.00 |
| Miscellaneous (plan sales) | $ -0- | $ 600.00 |
| Subtotal Ryan Lake Area Revenue | $ 1,370,000.00 | $ 1,566,191.75 |
| | | |
| Total Estimated Revenue | $ 3,820,000.00 | $ 2,963,882.25 |

RESOLUTION NO. _____

May 10, 2021 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

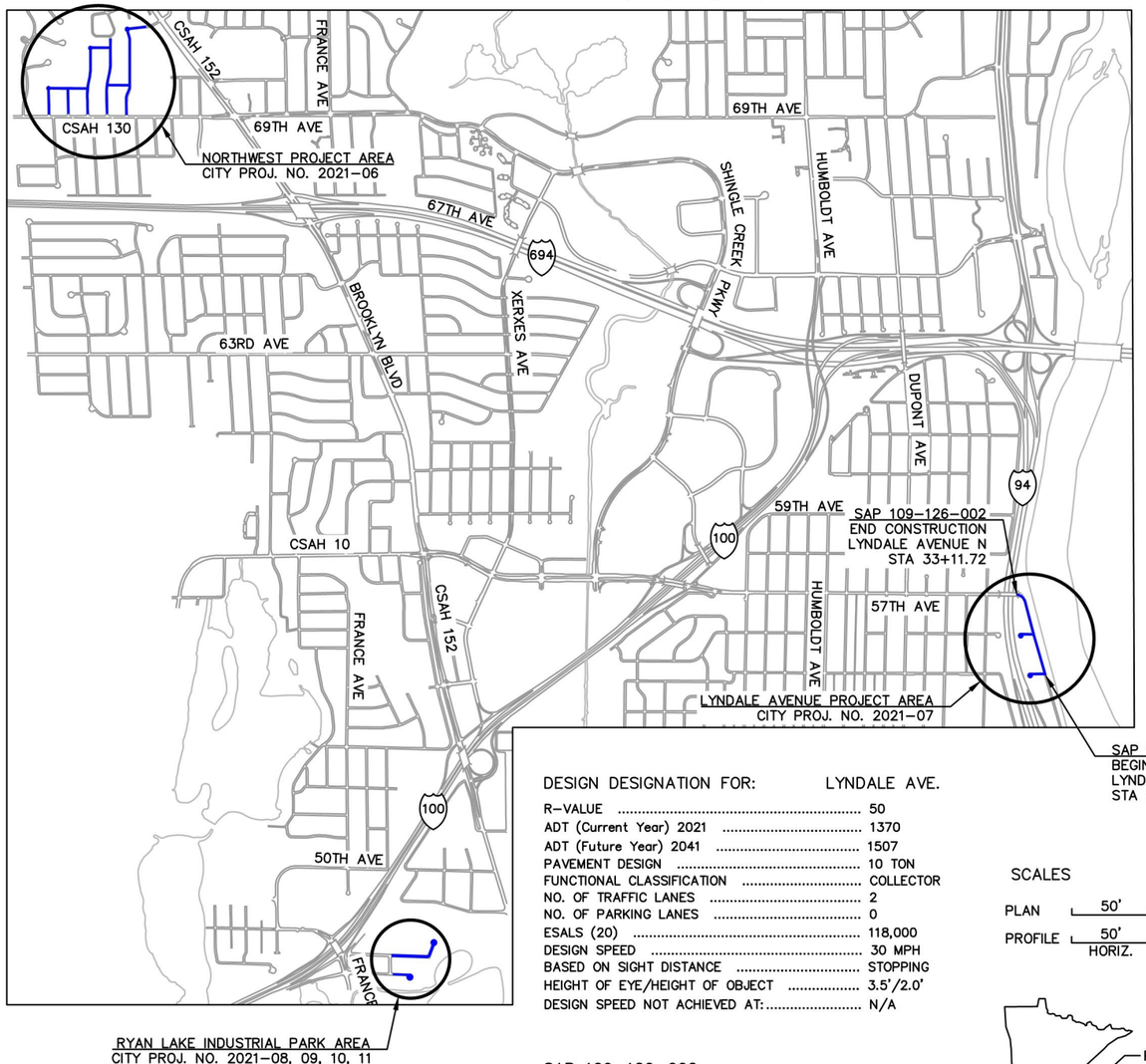
# CITY OF BROOKLYN CENTER

HENNEPIN COUNTY, MINNESOTA

PLANS FOR GRADING, BITUMINOUS PAVING, BITUMINOUS RESURFACING, CONCRETE CURB AND GUTTER, STORM SEWER, SANITARY SEWER, WATERMAIN AND MISCELLANEOUS CONSTRUCTION

## 2021 RYAN LAKE INDUSTRIAL PARK AREA STREET AND UTILITY IMPROVEMENTS, NORTHWEST AREA AND LYNDALE AVENUE AREA MILL & OVERLAY

SAP 109-126-002 LYNDALE AVENUE FROM 55TH AVENUE TO 57TH AVENUE
CITY PROJECT NUMBERS 2021-06, 07, 08, 09, 10, 11




PROPOSED CURB & GUTTER
EXISTING SANITARY SEWER
EXISTING SANITARY FORCE MAIN
PROPOSED SANITARY SEWER
PROPOSED SANITARY FORCE MAIN
EXISTING STORM SEWER
PROPOSED STORM SEWER
EXISTING WATERMAIN
PROPOSED WATERMAIN

EXISTING SANITARY MANHOLE
PROPOSED SANITARY MANHOLE
EXISTING STORM MANHOLE
PROPOSED STORM MANHOLE
EXISTING CATCH BASIN
PROPOSED CATCH BASIN
EXISTING HYDRANT
PROPOSED HYDRANT
EXISTING GATE VALVE
PROPOSED GATE VALVE
EXISTING WATER MANHOLE
PROPOSED WATER MANHOLE
EXISTING CURB BOX
PROPOSED CURB BOX
UTILITY POLE, LIGHT POLE
ELECTRIC MANHOLE

BURIED GAS MAIN
BURIED GAD MAIN (ABANDONED)
ELECTRIC (UNDERGROUND)
ELECTRIC (OVERHEAD)
CABLE TV (UNDERGROUND)
CABLE TV (OVERHEAD)
TELEPHONE (UNDERGROUND)
TELEPHONE (OVERHEAD)
FIBER OPTIC (UNDERGROUND)
FIBER OPTIC (OVERHEAD)
RIGHT-OF-WAY
PROPERTY LINE
FENCE

SIGN

| PLAN REVISIONS | | |
|---|---|---|
| DATE | SHEET NO. | APPROVED BY |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

### DESIGN DESIGNATION FOR: LYNDALE AVE.

| | |
|---|---|
| R-VALUE | 50 |
| ADT (Current Year) 2021 | 1370 |
| ADT (Future Year) 2041 | 1507 |
| PAVEMENT DESIGN | 10 TON |
| FUNCTIONAL CLASSIFICATION | COLLECTOR |
| NO. OF TRAFFIC LANES | 2 |
| NO. OF PARKING LANES | 0 |
| ESALS (20) | 118,000 |
| DESIGN SPEED | 30 MPH |
| BASED ON SIGHT DISTANCE | STOPPING |
| HEIGHT OF EYE/HEIGHT OF OBJECT | 3.5'/2.0' |
| DESIGN SPEED NOT ACHIEVED AT: | N/A |

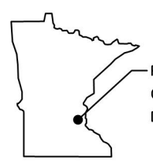
### SAP 109-126-002

| | | |
|---|---|---|
| GROSS LENGTH | 1486.76 FEET | 0.282 MILES |
| BRIDGES-LENGTH | 0 FEET | 0 MILES |
| EXCEPTIONS-LENGTH | 0 FEET | 0 MILES |
| NET LENGTH | 1486.76 FEET | 0.282 MILES |

LENGTH AND DESCRIPTIONS BASED ON ℄ OF LYNDALE AVENUE

SCALES

PLAN 50'
PROFILE 50' HORIZ. 5' VERTICAL



PROJECT LOCATION
COUNTY: HENNEPIN
DISTRICT: METRO

### GOVERNING SPECIFICATIONS

THE 2018 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL APPLY.

### INDEX


| SHEET NO. | DESCRIPTION |
|---|---|
| 1 | TITLE SHEET |
| 2-3 | GENERAL LAYOUT |
| 4-5 | STATEMENT OF ESTIMATED QUANTITIES |
| 6 | CONSTRUCTION AND SOILS NOTES |
| 7-8 | TABULATIONS |
| 9 | SANITARY SEWER AND STORM SEWER TABULATION |
| 10-12 | TYPICAL SECTIONS |
| 13-15 | CITY OF BROOKLYN CENTER STANDARD PLATES |
| 16-19 | TEMPORARY SEDIMENT CONTROL |
| 20-23 | STORM WATER POLLUTION PREVENTION PLAN |
| 24 | REMOVAL PLANS |
| 25-27 | STORM SEWER AND STREET CONSTRUCTION PLANS |
| 28 | MISCELLANEOUS STORM SEWER PROFILE DRAWINGS |
| 29-31 | SANITARY SEWER AND WATERMAIN PLANS |
| 32-34 | MILL AND OVERLAY CONSTRUCTION PLANS |
| 35 | INTERSECTION DETAILS |
| 36-42 | PEDESTRIAN CURB RAMP DETAILS |
| 43 | STRIPPING PLAN |
| 44-48 | CROSS SECTIONS |


THIS PLAN CONTAINS 48 SHEETS.

CITY OF BROOKLYN CENTER
HENNEPIN COUNTY, MINNESOTA

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

SIGNATURE: _____ DATE: 4/13/21
PRINTED NAME: JAY R. HILL LIC. NO. 24552

Michael J Allen DATE: 4/13/21
APPROVED: BROOKLYN CENTER CITY ENGINEER

Julie Dressel For DATE: 4/13/2021
DISTRICT STATE AID ENGINEER: REVIEWED FOR COMPLIANCE WITH STATE AID RULES/POLICY

Julie Dressel For DATE: 4/13/2021
STATE AID ENGINEER: APPROVED FOR STATE AID FUNDING

ALL TRAFFIC CONTROL DEVICES SHALL CONFORM AND BE INSTALLED IN ACCORDANCE TO THE "MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES' (MN MUTCD) AND PART VI, "FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS".

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA.

THE BURIED UTILITY LINE LOCATIONS SHOWN ON THE PLAN SHEETS ARE ONLY APPROXIMATE. CONTRACTOR SHALL CALL 'GOPHER STATE ONE CALL' (651-454-0002) FOR EXACT LOCATIONS BEFORE COMMENCING WORK.

SAP 109-126-002



Apr 13, 2021 1:18pm - G:\Engineering\Projects_Current Projects\Ryan Lake Industrial Park Area Improvements 2021\C3D\BC202108-100TI.dwg

# Council Regular Meeting

DATE: 5/10/2021

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

SUBJECT: Entrepreneur Market Feasibility Study and Market Analysis Presentation

**Requested Council Action:**

**Background:**

The City has been working, in partnership with developer Alatus, on a development project in the northeast corner of Bass Lake Road and Shingle Creek Parkway. The project is within the area known as the Opportunity Site and would be located on EDA-owned property.

Alatus has partnered with Project for Pride in Living and Resurrecting World Faith Ministries on a multi-phased, mixed use development program. The concept consists of approximately 750 new multi-family housing units in a wide range of price points, an event center, daycare, and approximately 20,000 square feet of community-driven entrepreneurial space. The program also anticipates 1-3 acres of public plaza space, some of which would be provided to the entrepreneurial space to be used for outdoor gathering and a market.

The entrepreneurial space will be delivered by the development, but will be programmed and designed by the City. The purpose of the space is intended to serve local entrepreneurs and businesses. ACER and NEOO Partners were retained to conduct a market and feasibility study, engage local business owners in the process, and identify a guiding vision and branding for the entrepreneurial space. The consultant team is also working to develop an operating model and proforma, as well as assist the City with identifying an ownership and management solution for the space.

NEOO Partners and ACER have completed the market and feasibility component of the project and are wrapping up the visioning and branding component. They will be presenting an update on their work and be discussing next steps. An executive summary of their work has been attached to this report for Council review.

*Next Steps*
NEOO Partners and ACER will continue their work, culminating in a final report and recommendations. They have been working independently, but have met with the development team to share their findings to date.

NEOO Partners will be working with Alatus to hire an architect and design team which will begin the next phase of the process which will be to design the exterior and program the interior of the space.

**Budget Issues:**

There are no budget issues to consider at this time.

**Inclusive Community Engagement:**

ACER and NEOO Partners have been conducting focus groups with local business owners and entrepreneurs. The input has shaped the market study as well as the vision and branding for the site. The consultant team will share a more detailed description of their engagement work as part of their presentation.

**Antiracist/Equity Policy Effect:**

The focus of the engagement and the project as a whole is to serve local BIPOC business owners. The intention of the project is to provide wealth building opportunities and financial stability for local BIPOC-owned firms.

**Strategic Priorities and Values:**

Resident Economic Stability, Targeted Redevelopment

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Consultant Team Executive Summary | 4/5/2021 | Backup Material |




AFRICAN CAREER, EDUCATION, AND RESOURCE INC.
6800 78th Avenue, Suite 101, Brooklyn Park, MN 55445 | tel. 763-657-7711
https://www.acerinc.org/

**EXECUTIVE SUMMARY**

The need to undertake a feasibility study and Partnership Outreach & Engagements role, specific to Vision, Purpose, and Branding was to aid in the development of an Entrepreneur Market Plaza (EMP) in the Brooklyn Center identified opportunity zone, in partnership with 9 partners. The goal of the EMP outreach and engagement is to discover the need of the community and economic feasibility of a business incubator and maker space that provides affordable space for entrepreneurs and local small businesses to operate with access to shared technical assistance services. The goal of the EMP marketplace is to provide an inclusive, high-quality finished space with flexible lease terms that encourage local businesses to collaborate as they grow and expand their services.

African Career Education Resource., INC conducted Partnership Outreach & Engagements, specific to Vision, Purpose, and Branding for the Entrepreneur Market Plaza to discover appropriate consumer market and community connection. The activities include developing a proposed vision, purpose, and brand voice for the market and conducting research and analysis. Activities also involved analysis in gathering and reviewing existing content, materials and conducting outreach tasks in identifying constituents, key stakeholders, target businesses, community organizations and nonprofits to participate in focus groups, facilitate community meetings, and outreach surveys; And collate and produce reports on results that includes final report of findings and recommendations.

The feasibility study conducted for the Opportunity Site Entrepreneurship Market Plaza included a look at the City of Brooklyn Center and surrounding area's community context, demographics, market opportunity, and financial considerations. This information was gathered using a variety of tools and methods, including interviews, case study research, GIS analysis and U.S. census data. The study includes surveying community and stakeholders in exploring what their needs are and what is desired in a maker/incubator space, which in this case is extra 3,000 square feet of space. Information gathered from stakeholders, includes exploring and discovering what problem the incubator solves and the findings that informs the recommendations.

The Feasibility study is broken into three parts:

1. *Market Study*: Gather and analyze data about community activity, demographics, business dynamics and existing resources and supporting entrepreneurship.
2. *Market Ownership and Operations Model:* Identify the programming needs and infrastructure to support local entrepreneurship and develop a plan for governance and management of the market plaza.
3. Financial Analysis: Identify operational costs, facility needs and assumptions that impact the financial sustainability of the market plaza.

# Council Regular Meeting

DATE: 5/10/2021

TO: City Council
FROM: Curt Boganey, 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.

**Community Engagement Efforts:**

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.

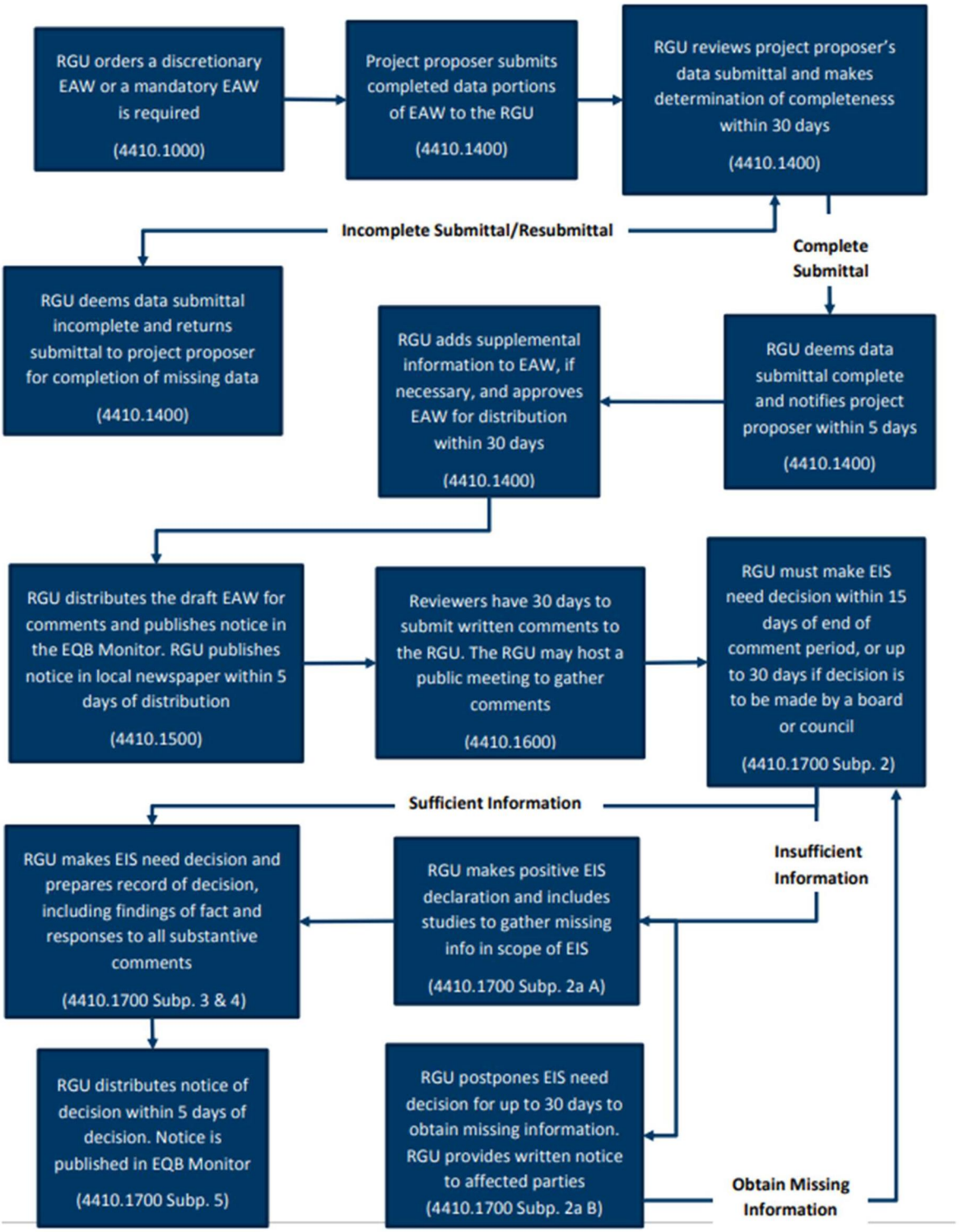
**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Targeted Redevelopment

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| EAW Process | 4/6/2021 | Backup Material |


RGU orders a discretionary EAW or a mandatory EAW is required
(4410.1000)
Project proposer submits completed data portions of EAW to the RGU
(4410.1400)
RGU reviews project proposer's data submittal and makes determination of completeness within 30 days
(4410.1400)
Incomplete Submittal/Resubmittal
Complete Submittal
RGU deems data submittal incomplete and returns submittal to project proposer for completion of missing data
(4410.1400)
RGU adds supplemental information to EAW, if necessary, and approves EAW for distribution within 30 days
(4410.1400)
RGU deems data submittal complete and notifies project proposer within 5 days
(4410.1400)
RGU distributes the draft EAW for comments and publishes notice in the EQB Monitor. RGU publishes notice in local newspaper within 5 days of distribution
(4410.1500)
Reviewers have 30 days to submit written comments to the RGU. The RGU may host a public meeting to gather comments
(4410.1600)
RGU must make EIS need decision within 15 days of end of comment period, or up to 30 days if decision is to be made by a board or council
(4410.1700 Subp. 2)
Sufficient Information
Insufficient Information
RGU makes EIS need decision and prepares record of decision, including findings of fact and responses to all substantive comments
(4410.1700 Subp. 3 & 4)
RGU makes positive EIS declaration and includes studies to gather missing info in scope of EIS
(4410.1700 Subp. 2a A)
RGU distributes notice of decision within 5 days of decision. Notice is published in EQB Monitor
(4410.1700 Subp. 5)
RGU postpones EIS need decision for up to 30 days to obtain missing information. RGU provides written notice to affected parties
(4410.1700 Subp. 2a B)
Obtain Missing Information

# Council Regular Meeting

DATE: 5/10/2021

TO: City Council
FROM: Dr. Reginald Edwards, Acting City Manager
THROUGH: N/A
BY: Dr. Reginald Edwards, Acting City Manager

SUBJECT: Contracts Executed During Civil Unrest Crises

**Requested Council Action:**

*- Staff asks that the Council hear a presentation of contracts executed during the current city emergency and civil unrest.*

**Background:**

On Sunday, April 11, a former police officer shot and killed Daunte Wright during a traffic stop. That evening and the following day there were over 1,000 protestors in the City each evening. The number of protestors over the ensuing week ranged from 250 – 600. For the past two weeks, the average number of protesters has been less than 40, except for the march and protest on Sunday, May 2nd where there were 200 – 300 protesters.

The first two days of the protest, supporting law enforcement agencies from the state, county, and surrounding municipalities assisted the City. By Tuesday, April 13, community leaders, community organizers, protest organizers, city police, and administration worked together to develop strategies to "create a safe space for protestors exercise their first amendment right and pain, amplify those voices, keep law enforcement safe, protect public facilities and businesses." Numerous strategies were co-created by the group, which led to peaceful protesting over the past three weeks. While the protests have been peaceful and almost no harm to city police officers or destruction to city property, many residents living directly across the street from the police department and surrounding were traumatized. Businesses in Humboldt Square also had graffiti painted on the boarded-up windows. Had it not been for the engagement of community partners with the City there would have likely been escalated, volatile, and violent protesting. In addition, there would likely have been far greater traumatization to residents. I believe that the cost to address the fallout of such escalated conditions would have likely been much more costly for the City than what has been expended.

Staff is currently working with county, state, and federal government and regional non-profits to access reimbursement funds, as well as, funding to assist the City with evolving.

To address the immediate crisis and ensuing trauma of residents living directly in harm's way, the administration executed contracts with the following organizations for the following services:

| City of Brooklyn Center<br>Civil Unrest Crisis (Cost of Response and Recovery) Contracts | | |
|---|---|---|
| | **Response** | **Recovery** |

| | (April 11 - May, 2021) | | (April 18 - June, 2021) | |
|---|---|---|---|---|
| | **Activities** | **Cost** | **Activities** | **Cost** |
| **Safety** | | | | |
| **Community** | **Freedom Fighters, W&W Protection, Mother's Love, WePushforPeace, 2NDChance** - Protest Security & Community Interveners<br>**Joi Ulimited LLC** – Healing Circle Activity | $99,000<br>$1,000 | **W&W Protection** - Apartment Security (20 days) | $48,000 |
| **Residents** | | | **Our Sisters Keepers** - Social service and crisis management with residents of the Sterling Apartments and immediate surrounding area (90 days) | $88,000 |
| **Public Works** | **Warning Lights** - Street Traffic Barricades<br>**Allen Properties** - Trash Clean-Up Apt | $5,000<br>$3,000 | **Warning Lights** - Street Traffic Barricades (anticipated, but not executed) | $15,000 |
| **Elected Officials** | Security<br>**Makesi Creative Strategies** – Assisted the Mayor with external government coordination, dignitaries and scheduling. (30 days) | $2,500<br>$5,500 | | |
| **Administration** | **MRRP Communications** - Crisis Communication Team (60 days) | $55,000 | | |
| **Sub-Total** | | **$171,000** | | **$151,000** |
| **Grand Total** | **$322,000** | | | |

**Budget Issues:**

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Safe, Secure, Stable Community

# Council Regular Meeting

DATE: 5/10/2021

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

SUBJECT: Resolution 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

**Requested Council Action:**

*- Motion to approve a Resolution 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*

**Background:**

Get Bizzy, Inc. (i.e. Bizzy Coffee) is an organic cold brew coffee concentrate manufacturer which relocated from Northeast Minneapolis and into Brooklyn Center in 2018. In order to facilitate their relocation, the City worked with Bizzy Coffee and DEED to provide a Minnesota Investment Fund (MIF) loan to help with the financing and purchasing of new equipment. The total MIF loan amount was $273,375, which was approximately 45% of the total project costs.

The Minnesota Invest Fund is a program offered by the Minnesota Department of Employment and Economic Development (DEED), which provides loans to businesses that create or retain high-paying, full-time, permanent jobs, and invest in machinery or real property acquisition or improvements. The programs is available statewide for manufacturing, distribution, warehousing, and other eligible business activities. In order for a business to receive funds from this program, the business must work in conjunction with the local government where the business will be located. While the funds are provided by DEED, the City administers the funds and the repayment. As an added benefit to the City, the EDA retains up to 40% of the amount repaid to be used to fund future economic development activities. The funds that have been repaid to date have been put into a revolving loan fund that is available for other business improvements.

The MIF loan application requires the company to list the number of new FTE jobs which will be created by the project and list the average annual wage for those positions. Get Bizzy, Inc. originally indicated that a total of 12 new FTE positions would be created within a 2-year timeframe. Positions at the company range from $15 per hour to $24.04 per hour, with an average of $19.30 per hour for all positions. The positions include: Operators, Shift Leads, Quality Control, Sales, Human Resources, and Accounting.

Bizzy Coffee, Inc. has requested an extension on their compliance date within the loan agreement. The current agreement requires Bizzy Coffee to have created 12 new positions by December 30, 2020. Due to the pandemic, their expansion projections were slower than anticipated, and they have hired only 9.8 FTE positions. They have asked for a one year extension to meet the compliance requirements. Bizzy Coffee, Inc

is not requesting any extension on the loan repayment deadline, and have continued to make regular payments.

In order to amend the loan agreement, a public hearing is required prior to a motion on the resolution. Notice of the public hearing was published in the April 29, 2021, Sun Post.

**Budget Issues:**

There are no budget issues to consider.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Resident Economic Stability

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution | 5/5/2021 | Resolution Letter |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

**RESOLUTION 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-H-FY19**

WHEREAS, the City of Brooklyn Center *(Applicant)* acted as the legal sponsor for the project contained in the Minnesota Investment Fund Program for the project entitled CDAP-18-0013-H-FY19; and.

WHEREAS, City of Brooklyn Center *(Applicant)* has the legal authority to amend the Grant Contract dated 7/10/2018 between the Get Bizzy Inc. and the State of Minnesota acting through the Department of Employment and Economic Development; and

WHEREAS, the City of Brooklyn Center *(Applicant)* has held a public hearing for the purpose of accepting comments for the purpose to amend the Grant Contract in compliance with the Minnesota Business Subsidy Law to extend the term of the Grant Contract; and

WHEREAS, the City of Brooklyn Center *(Applicant)* has held a public hearing for the purpose of accepting comments for the purpose to amend the Loan Agreement between the Get Bizzy Inc. and the State of Minnesota acting through the Department of Employment and Economic Development; and

WHEREAS, the City Council of the Brooklyn Center authorizes to execute an amendment to the Grant Contract dated 7/10/2018 between the Get Bizzy Inc. and the State of Minnesota acting through the Department of Employment and Economic Development; and

WHEREAS, the City Council of the Brooklyn Center authorizes to execute an amendment to the Loan Agreement between the Get Bizzy Inc. and the State of Minnesota acting through the Department of Employment and Economic Development.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Brooklyn Center, Minnesota, or their successors in office, are hereby authorized to execute the amendment thereto, as is necessary to implement the project on behalf of the City of Brooklyn Center *(Applicant)*, and authorizes staff to execute any and all instruments thereby.

RESOLUTION NO.

May 10, 2020 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

# Council Regular Meeting

DATE: 5/10/2021

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

SUBJECT: Resolution Establishing "No Mow May" for the City

**Requested Council Action:**

*- Motion to approve a resolution establishing "No Mow May" for the City*

**Background:**

The University of Minnesota's bee lab is promoting an event called #NoMowMay, to encourage people to refrain from mowing their lawns in the month of May. The practice promotes and supports bee and other pollinator habitats.

The University of Minnesota has created a facebook page on the topic: https://www.facebook.com/243864435713947/posts/3470177183082640/?d=n

As part of the program, City Council's are encouraged to relax lawn ordinance enforcement for the month of May.

Staff reviewed the program and believes that it could be beneficial to the environment as well as provide some relief to property owners, who frequently don't yet have their lawn mowers in full working order yet. A relaxing of long grass enforcement until June 1 would give residents additional time for this.

Staff's largest concern was how to address long grass complaints, as the City begins to receive these frequently beginning in May. An action by the City Council to relax long grass enforcement until June 1, would provide staff with an explanation as to why enforcement is not taking place and also provide an opportunity to educate residents about the benefits of bee-friendly lawns.

This action would be for the 2021 season only. The Council can revisit the decision next year to determine if it should be taken again.

**Budget Issues:**

There are no budget issues to consider.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Safe, Secure, Stable Community

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| No Mow May Flier | 5/3/2021 | Backup Material |
| Resolution | 5/4/2021 | Resolution Letter |

# #NoMowMay

## [What to do about City Ordinances]







## Encourage City Councils!

Email or call your city councils to relax lawn ordinances for the Month!



## Check City Ordinances?

Check with your city's Code of Ordinances to see if you can participate in #NoMowMay.

## Other Options!

*If you have to mow,* check out **beelab.umn.edu/flowers** for bee-friendly plants!

## Lawn Height:

The one-third rule is a good guide: don't mow more than 1/3rd of the vegetation at one time to a height between 3.5 and 4 inches

Bee Squad

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-___

RESOLUTION ESTABLISHING "NO MOW MAY" FOR THE CITY

WHEREAS, the City of Brooklyn Center is aware of an effort promoted by the University of Minnesota to support pollinators by encouraging people to not mow their lawns during the month of May; and

WHEREAS, the City Council understands the importance of pollinators to the environment and desires to support this "No Mow May" effort within the City; and

WHEREAS, Section 12-1507(10)(b) of the City Code prohibits owners from allowing grass at vacant building sites to exceed six inches in height and Sections 19-1601 and 19-1603 prohibits as a noxious weed any grass exceeding a height of eight inches or that has gone, or is about to go, to seed (collectively, "Lawn Regulations"); and

WHEREAS, the City Council wishes to support those residents who choose to participate in No Mow May by suspending the enforcement of the City's Lawn Regulations during May; and

WHEREAS, the City Council remains aware that unkept lawns can be unsightly and constitute a nuisance, and so the City Council wants to make it clear the enforcement of the Lawn Regulations will resume in June and throughout the remainder of the season.

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

1. The City shall suspend the enforcement of its Lawn Regulations during May 2021 to support the No Mow May effort to protect pollinators.

2. This Resolution does not prohibit the City from taking action to eradicate noxious weeds, as defined in Minnesota Statutes, section 18.77, subdivision 8, during May if it determines they may be injurious to the public.

3. Enforcement of the City's Lawn Regulations shall resume effective as of June 7, 2021.

_____ _____

Date Mayor

ATTEST: _____

City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

# Council Regular Meeting

DATE: 5/10/2021

TO: City Council
FROM: Dr. Reginald Edwards, Acting City Manager
THROUGH: N/A
BY: Dr. Reginald Edwards, Acting City Manager

SUBJECT: Acting City Manager Pay Adjustment

**Requested Council Action:**

**Background:**

The City Council held a Special meeting on Monday, May 3 to discuss the pay adjustment for the Acting City Manager. The City requested more information and is provided.

April 13, the City Council appointed me as the Acting City Manager. Whenever a staff member works outside of his/her classification for any significant time the pay is adjusted to meet the new responsibilities of that class being worked by the individual. Classifications are based upon criteria such as work duties, responsibilities, experience and expertise. In the event an employee working at a class of less responsibilities (i.e. supervisor or team lead) is promoted to a class of greater responsibilities (i.e. manager or director) then the employee is paid in accordance to the greater responsibilities being carried out.
As Acting City Manager, I have had the opportunity to meet almost the entire staff either virtually or in-person. In listening to staff, I believe one of the more critical measures needed at this time is stability and predictability. The termination of the former City Manager and Police Chief has had a destabilizing effect among staff. In addition, staff continue to work during a unprecedented pandemic (COVI D-19) and unsettling time.
The ability to move City forward with its strategic priorities, aide in city transformation rising out of the current crisis, stabilizing operations post COVID-19 and presenting a sense of security to the foundation on which staff work, I propose appointment to the position of City Manager.
The most recent City Manager annual pay for the City was approximately $150,000. This would serve as the basis for bi-weekly pay for the Acting City Manager.

**Budget Issues:**

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Operational Excellence

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Edwards Resume | 5/10/2021 | Backup Material |
| Performance Evaluation Competencies | 5/10/2021 | Backup Material |
| Acting City Manager Contract | 5/10/2021 | Backup Material |

# Dr. Reginald M. Edwards

509 North 5th Street, Mankato | Minnesota 56001 | 507-514-4412 | sovsystems.reggie@gmail.com

## City of Brookly Center City Manager

*Provider of Visionary Leadership | Organizational Leadership | Training & Development*
*Public Policy Analysis and Development |Budget and Finance Management | Urban and Rural Development*
*Experience Public, Private and Non-Profit Sector Leadership | Critical Thinking | System Thinking*

Dedicated City Manager with over 20 years of experience in governmental leadership and educational roles offering a genuine passion and interest for the City of Brooklyn Center. Firmly committed to fostering ethical, innovation-based, operational-excellence based, community-based, strategic, trustworthy, inclusive, and equitable strategies that result in growth and prosperity for the city and all of its residents.

*Knowledge | Skills | Abilities*

- Proven ability to create and implement strategic planning for business, education, not-for-profit sectors, and community organizations; successful in developing, collaborating, and leading cross-sector partnerships.
- Strong knowledge of municipal finance and budgeting, as well as long-range financial planning.
- Effectively communicates with elected officials, the business and non-profit sectors, and the public.
- Responds in a prompt, professional manner to time-sensitive inquiries or complaints.
- Knowledge of resource leveraging including grants and funding from the Federal and State Governments, foundations, and others.
- Successful experience in promoting smart growth that increases the tax base and meets community needs while doing so in a way that is sensitive to the city's limited resources.
- Adept with implementing technology and operational best practices for enhancing service delivery to residents.

## Professional Experience

***Acting City Manager / Deputy City Manager*** **- Brooklyn Center, Minnesota** **2016 – Present**

**Director, Department of Administration | Acting Director of Community Activities, Recreation and Services**
Oversaw operations of Administrations and the Dept. of Community Activities, Recreation, and Services (Parks & City Facilities). Served on an executive work team with the city manager, finance director, and deputy finance director in the development of the city's annual budget and project-related matters. Co-led in all city council and finance commission meetings and budget deliberations. Provided oversight of Council's agenda process, policy analysis, development, and presented to the City Council on a variety of city projects. Developed policies in areas of public safety, employee appraisal, council electronic agenda process, tax increment financing, legislation, leadership development, equity hiring process, and business development. Work to develop the city's budget totaling approximately $40M.

*Key Accomplishments*

- Developed, led City efforts to address diversity, inclusion, equity, civil unrest, and a Citywide COVID-19 project.
- Created and led many other improvement initiatives including an employee engagement program; a rebranding of the city; co-developed and revamped the city's financial sustainability strategies; a city beautification and public art program project; a centralized electronic employee evaluation and strategic performance measurement system.
- Developed an IT multi-departmental decision-making model; a new Communication and Community Engagement Division, and led a Program and Commission to build a relationship with the Vonjama, Liberia.

***Professor of Government*** **– Government (MPA Program) Minnesota State University, Mankato** **2012 -2016**

Taught Government – MPA Graduate Program – Responsible for developing and teaching graduate courses.
Course subject taught included: Human Resources and Personnel Management, Organizational Theory, Strategic Planning, Public Administration Theory and Practice, Local Government Budgeting and Finance, Community and Public Leadership, Public Administration Graduate School Orientation.

*Key Accomplishments*

- Initiated development of the first Public Administration Local Government Center. This included two new programs: 1) the Executive Public Administration Internship/Apprenticeship and, 2) Executive Public Administration Student Studio Project Program.
- Developed and led new Organizational and Strategic Planning Program Service; a new Graduate Student Apprenticeship Program, and introduced Experiential Based Teaching to Public Administration Graduate Program.

***Executive Director*** **- Region Nine Development Commission, Mankato, Minnesota, 2001 to 2011**

Facilitated multi-jurisdictional leadership, and developed opportunities and capacity for multi-jurisdictional collaborations and regional programs. Partnered directly with a board of 43 members comprised of 36 elected officials and 7 appointees. Developed policies on complex issues such as transportation, a small business development center, grant, and resource development, health and human services, economic development, aging, personnel, growth, and business opportunities. Worked on Legislative Initiatives. Developed, proposed, advocated, and tracked various federal programs at both the state and federal levels. Managed Finance and Budgeting, developed, presented, authorized, monitored, and analyzed the Region's budget of approximately $7M.

*Key Accomplishments*

- Developed and led the creation of the Renewable Energy Valley Program and Coalition involving multiple states in renewable energy development; founder of the Southcentral Renewable Energy Initiative (predecessor to the Southcentral Minnesota Clean Energy Council), developed and led in the first Southcentral Minnesota Economic Development Plan (building agreement among jurisdictions across Southern Minnesota); developed and led regional merging of Department of Aging throughout Southwest Minnesota (30 plus counties).
- Brokered and moved Small Business Development Center and Minority Entrepreneurial Program with Minnesota State University; developed and led in Disaster Planning; brokered and moved to a new regional headquarters with the regional hub city of Mankato.
- Crafted and developed legislation for statewide gas tax formula; wrote federal legislation for the Northern Great Plains Regional Commission.

Additional Experience

***City Administrator,*** **City of Chisago City, Chisago City, Minnesota**

Delivered successful, effective, and efficient city services. Oversaw and managed all operations and developed policies on complex issues such as future growth, police, and public safety, fire department, public works, parks and recreation, planning and zoning, motor vehicle registration, elections, libraries, economic development, capital improvement, finance recovery, and planning. Managed a budget of approximately $5M.

*Key Accomplishments*

- Brokered and led financial bonding recovery plan; developed and led the first strategic plan.
- Developed and led a first performance measurement system; brokered and led in the creation of a multi-jurisdictional industrial park and a library system.
- Created, developed, and led the city's first GFOA structured and awarded budget. Crafted the legislation for the first multi-jurisdictional tax sharing district.

***Senior Policy Analyst*** **(County Manager's Office) Ramsey County Government, Saint Paul, Minnesota**

Developed and analyzed policies for the County Board. Worked on department restructuring, special projects, planning efforts, legislative initiatives, financial matters, and governance. Worked directly with the Board of Commissioners on policies including critical incidents planning, taxes, health merger, transit, and crime prevention. Work to develop the county's budget totaling approximately $403M through a challenging time of federal cutbacks.

*Key Accomplishments*

- Collaborated on the development, facilitation, and review of a countywide critical incident plan. Developed alternatives to incarceration project, implemented a multi-departmental approach to prevention, defining the role of county government (represented Ramsey on a seven-county committee). Addressed poverty issues and increased the participation of communities of color in the county government.

- Co-developed and led countywide strategic plans (engaging 10,000 residents) including the first countywide performance measurement system, the first 5-year budget performance measurement system, and a Community of Colors Engagement Initiative and crafted legislation for MN first light rail transit system.

**Education**

Ed.D. - Doctorate of Educational Administration and Leadership, (2017) – St. Cloud State University, Minnesota (Dissertation – The Role of Innovation in Minnesota's Local Government)
M.P.A. - Master of Public Administration, (1992) – University of Central Florida, Orlando, Florida
B.A. - Bachelor of Arts Degree, Journalism/Marketing, (1989) - University of Central Florida, Orlando, Florida, Full Athletic Scholarship

**Certifications/Training**

IDEO U (Innovation) Certificate – Current Candidate, 2019 (COVID-19 Delayed)
ICMA Credential – Certified, 2018
Labor Negotiations and Collect Bargaining – Michigan State University, 2018
Collective Leadership for Profound Innovation and Change, – The Society for Organizational Learning Inc. (Outgrowth of former MIT Center for Organizational Learning), Cambridge, Massachusetts, 2007
Mediation Certification, – Center for Dispute Resolution (CDR) – Boulder, Colorado, 1999
Critical Incident Emergency Management, – Federal Emergency Management Agency, Washington D.C., 1997

**Professional Honors**

National Forum for Black Public Administrators – Policy Committee and writer for Police Accountability and Transparency White Paper. Lead facilitator for MN statewide review and recommendations of the MN Policy Use of Deadly Force Report.
LMC Minnesota Deputy/Assistant City Manager of the Year (Nominated 2018)
Minnesota State University Pre-Doctoral Fellowship (2012), Mankato, Minnesota
TedX Talk Presenter (Gustavus TedX - "An Audacious Journey" at https://www.youtube.com/watch?v=9eoWI1yHKkI&feature=youtu.be)
German (American) Marshall Fellowship (2000), Washington, D.C.
Hubert H. Humphrey Policy Fellowship (1998), Minneapolis, Minnesota
Northern Great Plains Meadowlark Project (selected as 1 of 25 Midwest Regional Leaders)
MN Governor appointment to the Minnesota Council of Black Minnesotans Board
MN Representative to the Federal Northern Great Plains Regional Authority – Five State Initiative (selected member)
Minnesota City Manager Mentor of the Year (Nominated)
Leadership St. Paul Program (Selected Member)
Leadership Orlando Program (Selected Member)
National Marketing Awards (i.e. Dances with Wolves, Jetson's the Movie) and Regional Marketing Award (Walt Disney World's Four-Season Salute)

**Civic and Professional Involvement**

Civic and Board Participation: League of MN Cities Housing Policy Committee (asked to Chair), • National Forum for Black Public Administrators (State Chapter Vice Chair), International City and County Management Association (ICMA) • National Innovation Alliance • Northeast Suburban Community Economic Assistance Program (Board Member) • Brooklyn Center Community School – Community Education Advisory Board (Board Member) • 2016 League of MN Cities Annual Conference Planning Committee • Mankato Salvation Army • Mankato/North Mankato Youth Football • MN Sustainable Development Board (University of Minnesota) • MN Children Defense Fund • Crossview Covenant Church (finance committee) • Women's Care Organization, Somalia, Africa (volunteer consultant) • MN Government Training Services (former chair) • MN Regional Development Organization Association (former vice chair) • Kappa Alpha Psi Fraternity (former regional strategic planning coordinator) • National Association for the Advancement of Colored People, Mankato (former vice chair) • MN Governor's Task Force on Tax Reform • St. Paul Catholic Charities (former steering committee) • League of Minnesota Cities (selected to board) • St. Paul Rondo Housing Land Trust (former vice chair)

# Acting City Manager Employment Agreement

THIS EMPLOYMENT AGREEMENT ("Agreement") is made and entered into by and between the City of Brooklyn Center, a Minnesota municipal corporation ("City") and Reginald M. Edwards ("Manager").

WHEREAS, the City wishes to engage the services of the Manager as a professional employee in the position of Acting City Manager to perform the duties of the City Manager under the Charter, City Code, and laws of Minnesota during the term of this Agreement; and

WHEREAS, the Manager shall serve as the Acting City Manager while the City undertakes a formal search, with the opportunity for public input, to select a long-term city manager; and

WHEREAS, the parties wish to set forth the terms and conditions of their relationship in this Agreement in order to ensure the requisite flexibility to enable the Manager to function as the City's chief administrative official; and

WHEREAS, the parties intend that if the Manager is not selected for the long-term City Manager position, he will return to his position as Deputy City Manager for the City.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this agreement, City and Manager agree as follows:

**Section 1. Employment and Term.** The Manager has been serving, and shall continued to be employed by the City, as the Acting City Manager effective as of April __, 2021 ("Effective Date"). Unless the employment relationship is terminated earlier as provided herein, the Manager shall continue to serve in the position of Acting City Manager until the person selected to serve as the long-term city manager assumes the position as city manager.

**Section 2 Duties.** The duties of the Manager's position shall be as set forth in the City's Charter and ordinances and such other duties which are consistent therewith as may be assigned from time to time by the City Council.

**Section 3. Discharge of Duties.** Manager shall be paid a salary as a professional employee and shall not be paid overtime for hours in excess of 40 hours per week and similarly shall be able to be absent in consideration of extraordinary time expenditures. The discharge of Manager's duties requires work outside the normal work day for meetings and projects. To that end, the Manager will work flexible hours as is necessary to Manager to discharge the duties of his position.

**Section 4. Participation in Employee Benefits.**

(a) **Health Insurance.** The City shall provide health insurance coverage for the Manager in the same fashion as it provides health insurance for non-union employees.

(b) **Life Insurance.** The City shall provide life insurance coverage for the Manager in the same fashion as it provides life insurance for non-union employees.

(c) **Additional Benefits**. Except as otherwise specified within this Agreement, Manager shall receive or be eligible to participate in any other benefits provided for non-union employees generally.

**Section 5. Vacation and Holidays.** Manager shall accrue days of vacation on the first day of each month equal to an annual rate of 20 days per year. Manager may accrue vacation to a maximum accumulation of 200 hours. Manager shall not be required to use vacation leave except for a whole day's absence from performing Manager's duties. The Manager may, at Manager's discretion take ½ day increments of vacation leave for an absence from the performance of Manager's duties. Manager shall also have the same paid holidays off from work as the City's non-union employees.

**Section 6. Sick Leave.** Manager shall accrue days of sick leave at the same rate as other non-union employees.

**Section 7. Compensation.**

(a) **Salary.** The Manager shall be compensated at an annual salary rate of $_____, paid at the intervals customarily used for other City employees. The salary rate shall be applied retroactively to the Effective Date and the City shall issue a lump-sum payment to the Manager for the back salary together with the next regular payroll disbursement following the execution of this Agreement.

(b) **Salary Increases.** The Manager's salary shall be considered at the same time as and commensurate with the salary increases for other non-union employees of the City. Any changes in the Manager's salary shall be pursuant to the written agreement of the Manager and the City.

(c) **Personal Auto Usage.** Manager shall be provided with a City owned vehicle for traveling to and from work. Manager shall be reimbursed for personal automobile use for trips, meetings, work, and other use related to his employment at the rate consistent with Internal Revenue Service regulations.

**Section 8. Expenses Incurred in Performing Duties.** The City shall reimburse or directly pay for actual expenses reasonably incurred by the Manager that are directly related to performing Manager's duties including lodging following late or early City business. The parties contemplate that the Manager will incur expenses for travel, attendance at meetings, etc. The Manager will be reimbursed for use of the Manager's personal car at the current IRS rate.

**Section 9. Retirement Benefits.** The City shall pay the employer's portion of the Minnesota Public Employment Retirement Association contribution on Manager's salary. The Manager shall, in addition to the retirement benefits provided above, be allowed to participate, at

Manager's own expense, in IRS approved deferred compensation plans offered through the City.

**Section 10. Discontinuance of Acting Manager Position.**

(a) **End of Term**. If the Manager is not selected as the long-term city manager, the Manager shall return to his position of Deputy City Manager upon the start of the long-term city manager. The Manager shall retain any vacation and sick leave accrued during the term of this Agreement, but shall otherwise return to the benefits applicable to the Deputy City Manager position. The parties understand and agree the long-term city manager has the discretion to hire and fire his or her own staff. Nothing in this Agreement shall be interpreted as limiting the long-term city manager's authority to make employment decisions, including with respect to the Deputy City Manager position, or as a guarantee of continuance in the position of Deputy City Manager for any period of time.

(b) **Separation from Employment**. The Manager serves at the will of the City Council and may be removed from employment with the City prior to the expiration of this Agreement upon a majority vote of the City Council. If the term of this Agreement exceeds one year and there is an involuntary separation, the Manger shall have the opportunity to request a hearing as provided in Section 6.01 of the City Charter. Upon resignation or an involuntary separation of the Manager before the long-term city manager assumes the position, the Manager shall be entitled to payment of all accrued vacation and sick leave in accordance with the City's personnel policy applicable to non-union employees. Such amounts shall be paid at the full value of the Deputy City Manager rate of pay for the amounts accrued while the Manager was in that position, and at the full value of the rate of pay for the Acting City Manager accrued during the term of this Agreement. In the case of an involuntary separation, the Manager shall also be entitled to the following additional severance benefits: (1) payment by the City of the full cost of family health insurance, at level of coverage in effect just prior to the involuntary separation for a period of 6 full months from the date such involuntary separation becomes effective; (2) continued participation, at the Manager's own cost, in the City's group insurance plans for at least 18 months after the City is no longer required to make full payment of premiums for Manager's insurance coverage, provided the City's group insurance plan authorizes such continued participation; and (3) payment of three full months of salary at the Acting City Manager annual salary rate. These additional severance benefits shall not be owed if the Manager is terminated by the City Council for substantiated and proven malfeasance in office or intentional misconduct. Intentional misconduct is defined as substantiated and proven sexual, racial or other unlawful harassment, distribution of pornography, or acts of physical violence in the work place. "Intentional misconduct" and "malfeasance" as used in this paragraph do not include poor performance or neglect of duties. The parties agree the final payment to the Manager, including any amounts owed as part of the additional severance benefits, shall be issued at the first regular payment date following involuntary separation.

(c) **No Waiver**. Nothing herein shall be deemed a waiver of any rights or claims that

either party may have beyond the compensation due in the normal course of the separation of the Manager from the City's employ.

**Section 11. Indemnification.** The City shall defend and indemnify the Manager pursuant to Minnesota Statutes 466.07 and 465.76. The City shall also defend and hold harmless and indemnify the Manager from all torts, civil damages, penalties, fines, provided the Manager was acting in the performance of Manager's duties.

**Section 12. Merger.** This Agreement supersedes all prior oral or written communications between the parties.

**Section 13. Entire Agreement.** This Agreement constitutes the entire agreement between the parties with respect to the employment relationship between the City and the Manager in the position as Acting City Manager and the parties agree that there were no inducements or representations leading to the execution of this Agreement except as herein contained.

**Section 14. Severability.** In case any one or more of the provisions of this Agreement shall be invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained in this Agreement will not in any way be affected or impaired thereby.

**Section 15. Governing Law.** This Agreement will be construed and interpreted in accordance with the laws of the State of Minnesota.

**Section 16. Counterparts.** This Agreement may be executed simultaneously in two or more counterparts, each of which will be deemed an original, but all of which together will be constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

| | |
|---|---|
| THE CITY OF BROOKLYN CENTER, MINNESOTA | EMPLOYEE |
| By _____ | _____ |
| Michael Elliott<br>Its Mayor | Reginald M. Edwards |

**Council/EDA Work Session**
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 97680230856# Passcode: 7635693300#
May 10, 2021

# AGENDA

## ACTIVE DISCUSSION ITEMS

1. Discussion of Council Policy Governing Commission Appointments
2. A Concept Development Proposal for 6440 James Circle (The Former Earle Brown Bowl)
3. Native Lawns and Bee-Friendly Gardens

## PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items

# Council/EDA Work Session

DATE: 5/10/2021

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

# Council/EDA Work Session

DATE: 5/10/2021

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 know 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 pubic 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 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.

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 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

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**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:

<u>Land Use (Per 2040 Comprehensive Plan)</u>

The site is surrounded on all sides by land guided Business Mixed-Use (B-MU).

<u>Zoning</u>

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.




## 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.

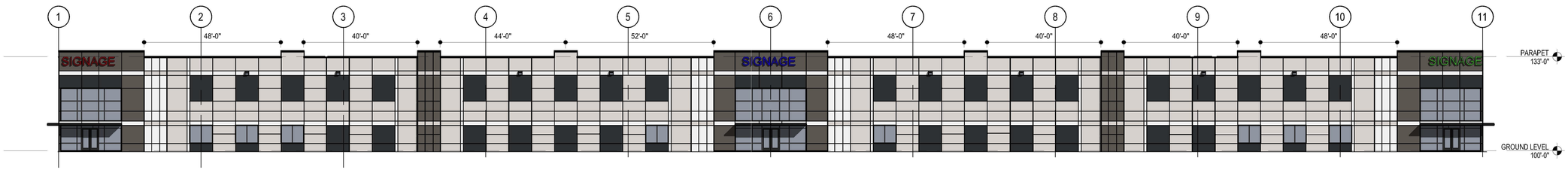
INDUSTRIAL:
ONE SPACE FOR EVERY TWO EMPLOYEES BASED UPON MAXIMUM PLANNED EMPLOYMENT DURING ANY WORK PERIOD OR ONE SPACE FOR EVERY 800 SQUARE FEET OF GROSS FLOOR AREA, WHICHEVER REQUIREMENT IS GREATER.

# BROOKLYN CENTER INDUSTRIAL

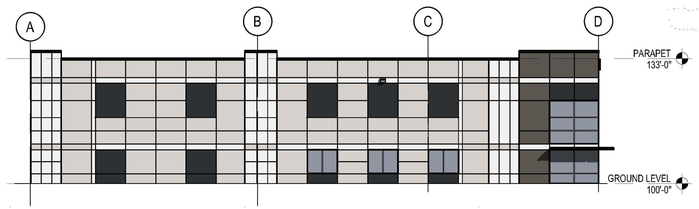
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ALLIANT
ENGINEERING
3-5-2021

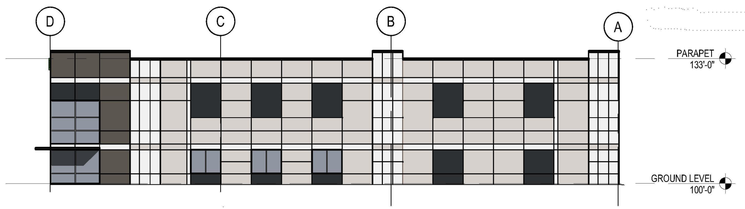
| MATERIAL ID | MATERIAL | MANUFACTURER | FINISH | COLOR | LOCATION |
|---|---|---|---|---|---|
| PCAST-1 | PRECAST CONCRETE WALL PANELS | TBD | SMOOTH | SW 6001 "GRAYISH" | SEE ELEVATIONS |
| PCAST-2 | PRECAST CONCRETE WALL PANELS | TBD | SMOOTH | SW 6203 "SPARE WHITE" | SEE ELEVATIONS |
| PCAST-3 | PRECAST CONCRETE WALL PANELS | TBD | SMOOTH | SW 7076 "CYBERSPACE" | SEE ELEVATIONS |
| PCAST-4 | PRECAST CONCRETE WALL PANELS | TBD | SMOOTH | SW 7020 "BLACK FOX" | SEE ELEVATIONS |
| FLASH-1 | CAP FLASHING | SEE SPEC | PAINTED | MATCH PCAST-1 | PARAPET CAP FLASHING |
| AFS FLASH-1 | WINDOW SILL FLASHING | TBD | MATCH AFS-1 | MATCH AFS-1 | WINDOW SILLS |
| AFS-1 | ALUMINUM WINDOW FRAMES | TBD | ANODIZED | CLEAR ANODIZED | SEE ELEVATIONS |



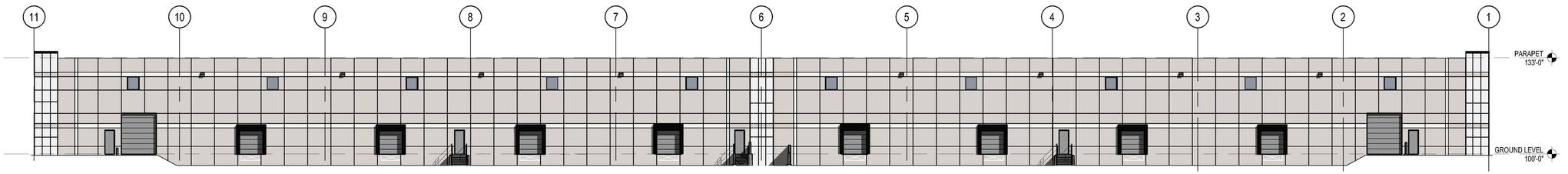

2 AP3.1 FRONT BUILDING ELEVATION
1" = 20'-0"




4 AP3.1 SIDE BUILDING ELEVATION
1" = 20'-0"




3 AP3.1 SIDE BUILDING ELEVATION
1" = 20'-0"




1 AP3.1 REAR BUILDING ELEVATION
1" = 20'-0"

EXTERIOR ELEVATIONS

Issues and Revisions


SIGNAGE

# Council/EDA Work Session

DATE: 5/10/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: Meg Beekman, Community Development Director
BY: Xiong Thao, Building and Community Standards Supervisor

SUBJECT: Native Lawns and Bee-Friendly Gardens

**Requested Council Action:**

**Background:**

The City's noxious weeds ordinance, 19-1601 to 19-1604, requires that property owners destroy noxious weeds or grass which is of a height of 8 inches or greater or has gone, or is about to go to seed. The ordinance allows natural preserves in publicly owned lands designated as park or open spaces, and prohibits natural preserves on private properties. The ordinance would not allow for natural prairie grass since natural prairie grass is taller than 8 inches in height.

As the interest in providing bee-friendly landscapes and native lawns has grown, several surrounding communities have adopted ordinance amendments allowing the installation of native prairie grass plantings/gardens. In the adopted ordinances, there are requirements for growing natural prairie grass such as setback requirements, landscape permits, size requirements, and the requirement for a a management plan.

*Bee and Pollinator Friendly Gardens*
On February 11, 2019, the City adopted an ordinance allowing residents to keep bees. The ordinance outlines specific rules on how to obtain a license to keep bees however the rules do not include or regulate the planting of bee and other pollinator friendly plants.

The ordinance is silent on creating gardens or plantings which encourage bees and other pollinators such as butterflies and birds and it is also silent on the maintenance of those gardens. The current ordinances do not restrict the planting of flowers or other plants; however, when those gardens or plantings are not maintained, it is difficult to enforce when there are overgrown grass and weeds that are part of the gardens as well.

Staff has worked with the City Attorney to draft an ordinance amendment which would provide an allowance for native lawns and pollinator-friendly gardens, which is attached for City Council's review and discussion.

Staff is seeking direction from the Council on how to proceed with this draft amendment. If the Council wishes to proceed with this review, staff recommends directing the topic and the proposed ordinance to the Housing Commission for review and a recommendation.

**Budget Issues:**

There are no budget issues to consider at this time.

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Enhanced Community Image

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Draft Ordinance | 4/5/2021 | Backup Material |

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2020, at 7:00 p.m. or as soon thereafter as the matter may be heard during the regular City Council meeting to consider an ordinance related to repealing the snow emergency prohibition. City Council meetings are being conducted by electronic means under Minnesota Statutes, section 13D.021 and information on how to connect to the meeting is provided on the City's website. Please notify the City Clerk at 763-569-3306 if there are any questions about how to connect to the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 19 TO ALLOW AND REGULATE NATIVE AND NATURALISTIC VEGETATION

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

**ARTICLE I**. Brooklyn Center City Code Chapter 19 is hereby amended by adding Sections 19-1551 through 19-1555 as follows:

NATIVE AND NATURALISTIC VEGETATION PERMIT AND REQUIREMENTS

Section 19-1551. INTENT. The City Council determines that a variety of properly maintained landscapes in the City add diversity and a richness to the quality of life. The City Council also supports the preservation, restoration, and maintenance of diverse and biologically stable natural plant communities. The City Council also supports environmentally-sound practices, including those to preserve residential pollinators, such as the Rusty Patched Bumble Bee. The City Council finds that the establishment of native and naturalistic vegetation is an acceptable landscape treatment in the City. However, as a protection for the larger community, such native and naturalistic vegetation must be properly planted, maintained, and the length of transition period must be minimized such that the property does not create a public nuisance.

Section 19-1552. DEFINITIONS. For the purposes of Sections 19-1551 through 19-1555, the following terms shall have the meaning given them in this section.

a. "Native and naturalistic vegetation" means all native grasses and native plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow or prairie plant communities, with the exception of noxious weeds.

b. "Native grasses" mean grasses that existed in the State of Minnesota prior to European settlement including, but not limited to, beach grass, wood chess grass, sand reed grass, wheat grass, bluestem grass, grama grass, brome grass, buffalo grass, switch grass, Indian grass, and wild rye, with the exception of turf grasses.

c. "Native plants" mean plants that existed in the State of Minnesota prior to European settlement.

d. "Landscape edging" means material or vegetation used to differentiate a planting bed from turf grasses or adjacent planting beds.

e. "Meadow" or "prairie" means those plant communities dominated by a diversity of native perennial herbaceous plants and grasses.

f. "Noxious weeds" mean grasses or plants so designated by the Commissioner of the Department of Agriculture, pursuant to Minnesota Statutes, Section 18.77, Subdivision 8, or plants so designated by Hennepin County or the United States Department of Agriculture. The term includes any grass or plant that exceeds the height limitations established in these Sections 19-1551 through 19-1555. The term shall not include *Taraxacum officinale* (commonly referred to as the "common dandelion").

g. "Regularly cut" means mowing or otherwise cutting grasses or plants such that the dimension of the grasses or plants measured from the ground to the top of the grass or plant (as extended upright) does not exceed 12 inches in height.

h. "Transition period" means the amount of time to change from one type of landscaping to another.

i. "Turf grasses" mean bluegrass, fescue, ryegrass blends, or those other grasses commonly used in regularly cut lawns, including such grasses with non-woody vegetation interspersed within.

Section 19-1553. PERMIT REQUIRED; APPLICATION; CONDITIONS.

a. City Permit Required. No person shall establish or maintain native and naturalistic vegetation without having first obtaining a native and naturalistic vegetation permit from the City.

b. Application; Review Process.

1. Any person desiring a native and naturalistic vegetation permit shall make application on a form provided by the City Manager or their designee.
2. Applications for permits shall be reviewed and either approved or denied by the City Manager or their designee.
3. An applicant aggrieved by the application decision may appeal the decision as described in this Section.

c. Conditions of Permit.

1. The holder of a native and naturalistic vegetation permit shall comply with the setback regulations as required by Section 19-1554.

2. The holder of a native and naturalistic vegetation permit shall comply with the

maintenance regulations as required by Section 19-1555.

3. The City Manager may impose such other conditions and restrictions upon a native and naturalistic vegetation permit as deemed necessary for the protection of the public interest and other properties, and to ensure compliance with the requirements of the city code.

d. Suspension or Revocation of Permit. The City Manager or their designee may suspend or revoke a permit if the permittee fails to comply with the requirements of these 19-1551 through 19-1555, or any condition placed of a native and naturalistic vegetation permit. The City shall provide the permittee written notice of the suspension or revocation that states the reasons for the decision. The notice shall also inform the permittee of their right to appeal the decision to the City Council and the deadline for filing such an appeal.

e. Appeal. An applicant aggrieved by any permit denial, suspension, or revocation decision of the City Manager or their designee may appeal the decision to the City Council. Written notice of the appeal must be given to the City Clerk within 10 days of the written decision, as indicated in the notice of decision, and must summarize the applicant's reasons for appealing. The City Council shall consider the appeal at the next regularly scheduled City Council meeting on or after 10 days from the filing of the notice of appeal to the City Manager.

Section 19-1554. SETBACK REQUIREMENTS, EXEMPTIONS.

a. Setback Regulations, Generally. Native and naturalistic vegetation shall be set back at least five feet from the side and rear lot lines, unless exempted by this Section.

b. Exemptions to Setback Regulations. No setback shall be required on the side or rear lot lines if:

1. A fully opaque fence at least five feet in height is installed between the native and naturalistic vegetation and the side and rear lot lines, as applicable; or
2. The native and naturalistic vegetation abut native and naturalistic vegetation on an adjacent lot.

Section 19-1555. GENERAL MAINTENANCE REQUIREMENTS.

a. Native and naturalistic vegetation shall be maintained in such a manner that it does not contain noxious weeds.

b. Native and naturalistic vegetation shall be maintained at least once per year through mowing or, if appropriate permits are obtained from the City Fire Chief, through burning.

c. The area in which native and naturalistic vegetation is planted shall be clearly defined

by landscape edging or fencing. Native and naturalistic vegetation that directly abuts at least five feet width of mowed and maintained turf grass shall be considered to have adequate landscape edging.

d. The area in which native and naturalistic vegetation is planted shall not extend into public rights-of-way.

e. For any area in which native and naturalistic vegetation is likely to be seen by the public, a sign shall be posted on the property in a location likely to be seen by the public advising that native and naturalistic vegetation, a meadow, or prairie is being established. The sign shall be in addition to any sign permitted by the sign ordinance, but shall be no smaller than 10 inches square, no larger than one square foot, and no higher than 3 feet tall.

f. The maintenance of the area to a height of 8 inches or less if weeds cover more than 25% of the landscaped area equaling in excess of 144 square feet.

g. Any native and naturalistic vegetation within 18 inches of any public street, walk, bikeway or alley shall be maintained to a height of 12 inches or less.

h. The duration of any transition period to native and naturalistic vegetation shall not extend more than three growing seasons for any specific area.

i. Except to the extent expressly allowed by these Sections 19-1551 through 19-1555, permit holders shall maintain native and naturalistic vegetation in accordance with all other requirements of the City Code.

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

Adopted this ___ day of _____ 2020.

_____
Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

# Council/EDA Work Session

DATE: 5/10/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: N/A
BY:

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:**