

Council Worksession
Council Commission Room
January 22, 2024

AGENDA



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

- 1. City Council Miscellaneous Discussion Items - 6:00 p.m.**
- 2. City Council Items (Optional)**
 - a. Organizational Chart
- 3. Adjourn**

**CITY COUNCIL
MEETING**

City Hall Council Chambers
January 22, 2024

AGENDA



1. Informal Open Forum with City Council - 7:00 p.m.

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

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

2. Invocation - Lawrence-Anderson - 7:15 p.m.

3. Call to Order Regular Business Meeting

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

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

- *Motion to approve the following meetings:*

- 01/08/24 Study Session
- 01/08/24 Regular Session

b. Approval of Licenses

- *Motion to approve the licenses as presented.*

c. Resolution Acknowledging Awarded Funds for the Hennepin Youth Facility and Play Spaces Grant and Authorizing Acceptance of Grant Funds

- *Motion to approve a resolution acknowledging awarded funds for the Hennepin Youth Facility and Play Spaces Grant and authorizing acceptance of grant funds.*

d. Resolution Acknowledging Awarded Funds for the Hennepin County Healthy

Tree Canopy Grant and Authorizing Acceptance of Grant Funds

- Motion to approve a resolution acknowledging the awarded funds for the Hennepin County Healthy Tree Canopy Grant and authorizing acceptance of grant funds.

- e. Resolution Approving Plans and Specifications and Authorizing Advertisement for Bids, Improvement Project No. 2024-01 Orchard Lane East Improvements

- Motion to approve the attached resolution approving plans and specifications and authorizing advertisement for bids, Improvement Project No. 2024-01 Orchard Lane East Improvements.

- f. Resolution Accepting State Contract Pricing and Awarding a Contract, Project No. 2024-11, 2024 Park Playground Replacements

- Motion to approve the resolution accepting the State Contract pricing and award a contract to Landscapes Structures, Inc. for Project No. 2024-11, 2024 Playground Equipment Replacement.

7. Presentations/Proclamations/Recognitions/Donations

8. Public Hearings

- a. Resolution Authorizing Continuation of Municipal Liquor Operations in the City of Brooklyn Center

- Motion to Approve a Resolution Authorizing the Continuation of the City's Municipal Liquor Operations.

9. Planning Commission Items

10. Council Consideration Items

- a. Resolution Directing the Adoption of Traffic Stop and Consent Search Policies for the Brooklyn Center Police Department

- Motion to approve a resolution adopting traffic stop and consent search policies for the Brooklyn Center police department.

- b. Approval of the 2024 Legislative Priorities

- motion to approve the 2024 Legislative Priorities

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 1/22/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Motion to approve the following meetings:*
- 01/08/24 Study Session
 - 01/08/24 Regular Session

Background:

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

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Provide quality services with fair and equitable treatment, Accountability, Transparency

ATTACHMENTS:

Description	Upload Date	Type
01.08.24 Study Session	1/17/2024	Backup Material
01.08.24 Regular Session	1/17/2024	Backup Material
01.08.24 Work Session	1/17/2024	Backup Material

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

STUDY SESSION
JANUARY 8, 2024
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor April Graves at 6:00 p.m.

ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Zoning Administrator Ginny McIntosh, Assistant City Manager/City Clerk Barb Suci, and City Attorney Jason Hill.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Kragness requested the following amendment to the December 11, 2023 Regular Session minutes:

- Page 10, under Item 10A, 3rd paragraph, replace “Councilmember Kragness stated the City Charter was adopted before the City had a grant policy” should read “Councilmember Kragness stated the grant policy was adopted before there was a request to change the City Charter.”

MISCELLANEOUS

Mayor Graves stated, at a recent retreat, that the City Council discussed ways to improve how the City Council functions, communicates, behaves, and legislates. She added the City Council expressed a desire to have a more intentional space to improve discussions with each other as well as City Staff and the community. She noted the City Council decided to set aside 1 hour for a Work Session to be held before the Regular Session meetings.

Mayor Graves stated these Work Sessions will be open to the public but will not be televised. She added the Open Forum portion of the Regular Session will occur after the meeting begins at 7:00 p.m. She noted this format will have a 3-month trial period to determine whether it is beneficial to the City Council to have more robust discussions before the Regular Session. The City Council agreed.

City Manager Reggie Edwards asked whether the City Council envisions that the Work Session

will take the place of the EDA Work Session which occurs at the end of the Regular Session meeting.

Mayor Graves stated the City Council Work Session should not take the place of the EDA Work Session.

Dr. Edwards stated City Staff will prepare a Work Session agenda in preparation for the City Council's next meeting. He asked that the City Council consider a process for generating Work Session discussion topics and ideas to provide to City Staff to prepare for the Work Sessions.

Mayor Graves encouraged the City Council to review the list of Work Session items and identify their top 4 or 5 items for discussion.

City Attorney Jason Hill stated a resolution can be prepared for the City Council's next meeting that specifies the 3-month trial period for the new Work Session format with formal adoption at a later date. Mayor Graves agreed.

Assistant City Manager/City Clerk Barb Suciu stated, that for purposes of clarification, changes to the agenda would occur during the Regular Meeting under Agenda and Consent Agenda.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

CONCEPT REVIEW AND DISCUSSION ON PROPOSED REUSE OF 5501 XERXES AVENUE NORTH (FORMER BIG O TIRES)

Dr. Edwards introduced the item and invited Zoning Administrator Ginny McIntosh to present the report.

Ms. McIntosh reviewed the process for the proposed reuse of property located at 5501 Xerxes Avenue. The State of Minnesota has proposed a vehicle inspection station on the site, which is a new use that is not listed in the City's Use tables. The City Council is required to determine whether the use is substantially similar to an existing use in the use table. City staff and the City Attorney have agreed that the closest use is "automobile and truck repair and service station".

Ms. McIntosh reviewed staff considerations with regard to this proposed use: potential storage; overall intensity of use; and overall condition of the property. Policy considerations include site layout, traffic flow, and architecture, as well as whether the development proposal is in keeping with the City's 2040 future land use plan and long-range vision for the area.

Councilmember Kragness stated she appreciates the staff comment section in the staff report.

Councilmember Jerzak stated he appreciates the detailed report, and he thinks that the proposed facility, run by the State of Minnesota, would be a good use of this property, and would be better than a vacant building.

Mayor Graves agreed, adding the proposed use could be a benefit to attract other businesses and be a benefit to the local economy.

Bruce Carlson, Launch Properties, stated he is a project coordinator hired by the property owner to coordinate the project. He added this is a good solution for this property.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Mayor Graves adjourned the Study Session at 6:38 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
JANUARY 8, 2024
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

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

ROLL CALL

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

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

Nona Wood stated she recently contacted the City's Police Non-Emergency Dispatch to report a stray domestic cat. She added that the CSO that showed up said it was a feral cat that would be relocated to the city's northeast section. Ms. Wood expressed concern that the city may have a policy of relocating animals to other neighborhoods. She stressed that the city has a policy for stray dogs, and the same policy should apply to stray cats. She requested that, if the city has changed its policy, that information should be posted online.

Mayor Graves thanked Ms. Wood for her concern and attention to this issue.

Councilmember Jerzak moved, and Councilmember Kragness seconded to close the Informal Open Forum at 6:49 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Dan Jerzak read a quote from Dolores Huerta, American labor leader and civil rights activist:

"When you have a conflict, that means that there are truths that have to be

addressed on each side of the conflict. And when you have a conflict, it's an educational process to try to resolve it. And to resolve that, you have to get people on both sides of the conflict involved so that they can dialogue."

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor April Graves at 7:00 p.m.

4. ROLL CALL

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

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Butler moved, and Councilmember Jerzak seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the Regular Session minutes of December 11, 2023, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. December 4, 2023 – Special Meeting Budget
2. December 11, 2023 – Study Session
3. December 11, 2023 – Regular Session
4. December 18, 2023 – Special Meeting Budget Continuation

6b. LICENSES

MECHANICAL

4 Front Energy	3230 Gorham Ave, Ste 1, St. Louis Pk 55426
Air Knights Heating & Cooling, Inc.	5885 149 th St, Ste 101E, Apple Valley 55124
Avid Heating & Cooling	9180 County Road 11, Independence 55359
MK Mechanical Inc.	23996 Olinda Trail N, Scandia 55073
Peak Heating & Cooling	7801 Park Dr., Ste B, Chanhassen 55317

Solid Refrigeration LLC	1125 American Blvd E, Bloomington 55420
SPI Mechanical LLC	1116 Lincoln Street NE, Minneapolis 55413
SR Mechanical	6757 Oxford Street, St. Louis Park 55426
United States Mechanical, Inc.	3526 88th Ave NE, Blaine 55014

LIQUOR – INTOXICATING

BB's Live Fire Grille	2590 Freeway Blvd
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LIQUOR – ON-SALE SUNDAY

BB's Live Fire Grille	2590 Freeway Blvd
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ENTERTAINMENT

BB's Live Fire Grille	2590 Freeway Blvd
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RENTAL

INITIAL (TYPE IV – six-month license)

5542 Judy Lane	Kao Yang & Mai Yer Xlong
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6657 Xerxes Place N.	Michael Greene & Lydia Logan
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INITIAL (TYPE III – one-year license)

1331 67 th Lane N.	Matthew Weinacht
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3700 55 th Avenue N.	James Ayotunde Olatunbosun
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6301 Grimes Avenue N.	Tariq S. Hussain & Yong Her
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6836 Dupont Avenue N.	Dorothy Grande
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RENEWAL (TYPE IV – six-month license)

3513 47 th Avenue N.	6939 Baird LLC
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6807 Humboldt Avenue N.	Cmcb LLC
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1900 Brookview Drive	Ih3 Property Minnesota LP (did not meet requirements)
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3301 Lawrence Road.	Mnhomes2go LLC (did not meet requirements)
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6307 Scott Avenue N.	Iasis Vii LLC
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	(did not meet requirements)
6501 Brooklyn Drive	ADS LLC (did not meet requirements)
6536 Chowen Avenue N.	Bridge Sfr IV Borrower I LLC
6800 Scott Avenue N.	Golden Touch Holdings (met requirements)
6925 Scott Avenue N.	Hamdi M Omar (did not meet requirements)
7225 Major Avenue N.	Iasis Iif LLC (met requirements)
<i>RENEWAL (TYPE III – one-year license)</i>	
1107 57 th Avenue N.	Alexander Irwin (met requirements)
3401 47 th Avenue N.	Bmw Holding LLC Et Al (met requirements)
4806 Twin Lake Avenue N.	Pheng Lee (met requirements)
5301 Russell Avenue N.	Amax Sommerset LLC (met requirements)
1308 68 th Lane N.	Roth Wagner LLC1
5121 France Avenue N.	Ih2 Property Illinois LP
5322 Irving Avenue N.	Peter Phuong Nguyen (met requirements)
6337 June Avenue N.	SFR Acquisitions 2 LLC (met requirements)
6412 Humboldt Avenue N.	Tou Yang
<i>RENEWAL (TYPE II – two-year license)</i>	
2401-03 54 th Avenue N.	Michael Tulkki
4201 Lakeside Avenue N., #209	Robert J. Morgan

3206 63 rd Avenue N.	Lam the Nguyen (met requirements)
3807 61 st Avenue N.	Ih2 Property Illinois LP
5535 Colfax Avenue N.	Christopher Nicholls (did not meet requirements)
5900 Washburn Avenue N.	Lance Nordin
6413 Toledo Avenue N.	SFR Acquisitions 6 LLC
6915 Logan Avenue N.	ATV LLC
7001 Fremont Avenue N.	Hpa Borrower 2018-1MI Lic (met requirements)
<i>RENEWAL (TYPE I – three-year license)</i>	
5800 Logan Avenue N.	Farnaz Toussi (met requirements)
6221 Shingle Creek Parkway	The Crest Apartments LLC (met requirements)
4207 Lakeside Avenue N. #240	Tommy Conteh (met requirements)
819 Woodbine Lane	Fyr Sfr Borrower LLC
2607 65 th Avenue N.	Oluwaferanmi Amusan (met requirements)
2618 64 th Avenue N.	SFR II Borrower 2021-3 LLC (met requirements)
3312 65 th Avenue N.	Charles Edwin Kaatz
3706 55 th Avenue N.	Mains’l Properties LLC
5024 Lilac Drive N.	Carlos Balibrera Et Al
5101 Eleanor Lane	Saintpaulproperties LLC
5214 Drew Avenue N.	Chad Tesmer/Sharmain Tesmer

5548 Logan Avenue N.	Lateef & Risikat Olarinde
6224 Scott Avenue N.	AUX Funding LLC (met requirements)
6406 Indiana Avenue N.	William W. Coleman, Jr.
6436 Scott Avenue N.	Jane Kungu & Anthony Kungu (met requirements)
6601 Xerxes Place N.	Gary D. Schlottfeldt Rev Trust
7136 Halifax Avenue N.	David Lehner Smith Et Al
7200 Morgan Avenue N.	Dwayne M. Holmstrom
7212 Humboldt Avenue N.	Ih2 Property Illinois LP (met requirements)
7218 Grimes Avenue N.	S. Banks & D. Banks

6c. RESOLUTION NO. 2024-01 DESIGNATING OFFICIAL NEWSPAPER

**6d. RESOLUTION NO. 2024-02 SELECTING PRESIDING OFFICERS-
MAYOR PRO TEM AND PRESIDENT PRO TEM**

**6e. RESOLUTION NO. 2024-03 DECLARING COMMITMENT TO THE
BROOKLYN CENTER CITY CHARTER**

**6f. RESOLUTION NO. 2024-04 RECOGNIZING THE CONTRIBUTIONS OF
ETHNIC POPULATIONS AND HERITAGE CELEBRATIONS**

**6g. RESOLUTION NO. 2024-05 DESIGNATING DEPOSITORIES OF CITY
FUNDS FOR 2024**

**6h. RESOLUTION NO. 2024-06 OPTING NOT TO WAIVE LIMITED TORT
LIABILITY FOR 2024**

**6i. RESOLUTION NO. 2024-07 GRANTING CORPORATE AUTHORITY FOR
SIGNING OF CHECKS AND TRANSACTIONS OF FINANCIAL
BUSINESS MATTERS**

**6j. RESOLUTION NO. 2024-08 APPOINTING COUNCIL MEMBERS TO
COMMISSIONS AND OUTSIDE ORGANIZATIONS**

- 6k. RESOLUTION NO. 2024-09 APPOINTING BROOKLYN CENTER REPRESENTATIVES TO EXECUTIVE COMMITTEE AND/OR BOARD OF DIRECTORS OF THE BROOKLYN BRIDGE ALLIANCE FOR YOUTH, HENNEPIN RECYCLING GROUP, LOCAL GOVERNMENT INFORMATION SYSTEMS, MINNEAPOLIS NORTHWEST CONVENTION & VISITORS BUREAU, NORTH METRO MAYORS ASSOCIATION, NORTHWEST SUBURBS CABLE COMMUNICATIONS COMMISSION, PETS UNDER POLICE SECURITY, AND TWIN LAKE JOINT POWERS ORGANIZATION**
- 6l. RESOLUTION NO. 2024-10 DECLARING A PUBLIC NUISANCE AND ORDERING THE REMOVAL OF DISEASED TREES AT CERTAIN PROPERTIES IN BROOKLYN CENTER, MINNESOTA**
- 6m. RESOLUTION NO. 2024-11 APPOINTING MUNICIPAL TRUSTEES TO THE BROOKLYN CENTER FIRE RELIEF ASSOCIATION BOARD OF TRUSTEES**
- 6n. RESOLUTION NO. 2024-12 REQUESTING APPROVAL FOR THREE (3) NEW FIRE TRUCKS PURCHASE**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

None.

8. PUBLIC HEARINGS

None.

9. PLANNING COMMISSION ITEMS

None.

10. COUNCIL CONSIDERATION ITEMS

- 10a. RESOLUTION 2024-13 APPROVING THE SPECIAL LEGISLATION FOR A LOCAL OPTION SALES TAX AND RESOLUTION 2024-14 APPROVING THE LANGUAGE FOR THE BALLOT REFERENDUM FOR THE COMMUNITY CENTER RENOVATION AND EXPANSION**

Dr. Edwards introduced Community Development Director Jesse Anderson, Director of Parks and Recreation Cordell Wiseman, Public Works Director Liz Heyman, and Jason Aarsvold, Ehlers. He

thanked past and present City Council members for their hard work and support of this project. He added the community has requested consideration of a Community Center renovation for many years, led by a desire for young people to have a place to go where they can gather and be active. He reviewed the benefits of the community and recreation center, including community building, health and wellness, and public safety.

Community Development Director Jesse Anderson reviewed the local option sales tax special legislation. He explained that a \$5.1 million bonding bill was secured from the State of Minnesota in Spring 2023, which requires a 1-to-1 match and the opportunity to pursue funding through the LOST tax. He noted the total anticipated project budget is \$37.5 million.

Director of Parks & Recreation Cordell Wiseman reviewed engagement strategies and processes that have been ongoing for the past three years, including 630 pop-up events; 200 Phase 1 survey responses and 48 Phase 2 survey responses; over 600 email communications; over 2500 social media interactions; 20 focus group participants and 12 strategic partnerships. He reviewed the four main areas of focus – entertainment, physical activity, education and the pool. He provided a project overview, including new, renovated and existing spaces, site improvements, and parking lot expansion. He reviewed program components, including welcoming lobby/entry and reception area; premier gym and multi-court gyms with indoor walking and jogging track; indoor play area; locker rooms; meeting spaces; teen center; as well as existing spaces: 50-meter pool; fitness center, multi-purpose rooms and Constitution Hall.

Public Works Director Liz Heyman reviewed cost impacts for the total project area of 61,850 improved square feet with an early projected cost of \$37.5 million. She stated in-depth analysis has shown that the community center can lessen the impact to the operating budget by \$100,000.

Jason Aarsvold, WSP, provided a financial summary, and reviewed project funding and strategy to pay for project costs, which includes bonding bill allocation and local option sales tax in an effort to have the lowest impact on Brooklyn Center taxpayers. He stated the revenue stream over 20 years will support a bond issue that will net approximately \$32 million for the project. He reviewed the tax impact analysis related to property tax impact.

Mr. Anderson reviewed recommended next steps, including a City Council vote to put the local option sales tax on the ballot in November 2024 and a resolution to impose a sales and use tax and issuance of financing bonds.

Mayor Graves stated a lot of work has gone into the funding bill. She asked how long it has been since Brooklyn Center has received this type of funding from the State of Minnesota.

Dr. Edwards stated the city received some funding for the construction of Brookdale Mall, but no other such funding has been received since then. He added it is historic to have this sales tax, which will give the city the ability to access State funding.

Councilmember Teneshia Kragness requested clarification regarding projected operational benefits of \$100,000 per year and the analysis related to projected expenses.

Ms. Heyman stated the impact on the operating levy will be reduced by \$100,000 as incoming revenue is expected to increase.

Councilmember Marquita Butler expressed appreciation for City Staff, and especially the Parks & Recreation staff, for their hard work and efforts on this project. Mayor Graves agreed.

Mayor Graves stated a lot of work has gone into this proposed project, and the community survey provides evidence of what the City Council hears in conversations with residents. She added she is excited about the possibility of expanding the community center, not only for the impact of bringing additional funding but also for the potential business it could attract elsewhere in the city. She noted this will benefit the city and its residents long-term. She stressed the importance of letting residents have a say in the decision and vote for what they want or do not want.

Councilmember Jerzak stated he is voting nay and wants the record to show he has thoroughly studied and reviewed this proposal. Without addressing the merits or challenges, he does not believe the city has the financial bandwidth financially to afford this project.

Councilmember Kragness stated she is voting aye, as the community has asked for this project, and it is up to the city's residents to decide.

Councilmember Kragness moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2024-13, Resolution of the City of Brooklyn Center Approving Minnesota Laws, 2023, Chapter 64, Article 10, Section 28.

Councilmember Jerzak voted against the same. Motion passed.

Councilmember Kragness moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2024-14, Resolution of the City of Brooklyn Center Relating to the Imposition of a Sales and Use Tax and the Issuance of Bonds to Finance the Renovation and Expansion of the Brooklyn Center Community Center and Calling a Special Election Thereon.

Councilmember Jerzak voted against the same. Motion passed.

11. COUNCIL REPORT

There were no Council Reports.

12. ADJOURNMENT

Councilmember Kragness moved, and Councilmember Jerzak 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
JANUARY 8, 2024
CITY HALL – COUNCIL COMMISSION ROOM

CALL TO ORDER

The Brooklyn Center City Council met in Work Session called to order by Mayor April Graves at 5:07 p.m.

ROLL CALL

Mayor April Graves and Councilmembers/ Kris Lawrence-Anderson, Marquita Butler, Dan Jerzak, and Teneshia Kragness. Mayor/President was absent. Also present were City Manager Reggie Edwards, Assistant City Manager/City Clerk Barb Suci, Fire Chief Todd Berg, Fiscal and Support Services Director Angela Holm, Cordell Wiseman, Parks & Recreation Director, Kellace McDaniel, Police Chief, Jesse Anderson, Community Development Director, and Liz Heyman, Public Works Director.

2024 LEGISLATIVE PRIORITIES

Dr. Edwards stated tonight is the time to talk through Brooklyn Center's legislative priorities and current issues facing Brooklyn Center. The goal is to execute a legislative agenda for both the state and federal levels. We also want to be communicating with our counterpart at Hennepin County, and Metropolitan Council. Although they don't have an impact on our legislative policy or recommendations they do provide oversight, we want to be in partnership and in alignment with these entities when possible.

Dr. Edwards stated department heads had the opportunity to brainstorm to add and amend the current Legislative Priorities and tonight we are going through the same process with the City Council.

ADJOURNMENT

Councilmember/Commissioner Kragness moved and Councilmember/ Commissioner Lawrence-Anderson seconded the adjournment of the City Council/Economic Development Authority Work Session at 9:26 p.m.

Council Regular Meeting

DATE: 1/22/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Barb Suciu, Assistant City Manager/City Clerk

BY: Shannon Pettit, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve the licenses as presented.*

Background:

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

-

On-Sale Wine

Ogamadam Kitchen, LLC
6000 Shingle Creek Pkwy

Entertainment

Ogamadam Kitchen, LLC
6000 Shingle Creek Pkwy

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Accountability, Transparency

ATTACHMENTS:

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

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval 1.22.24

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final License Type **	Previous License Type***	Consecutive Type IV's
4200 Lakebreeze Ave N	Multiple Family 1 Bldg 4 Units	Initial	AZ Rental Apartments	10 = 2.5 per unit	Type III	N/A	Type III	N/A	N/A
3613 54th Ave N	Single	Initial	STEPHEN ZEKPA	7	Type III	N/A	Type III	N/A	N/A
3901 Burquest La	Single	Initial	P OGUNTI & M ZARZAR	27	Type IV	N/A	Type IV	N/A	0
7015 Brooklyn Blvd	Multiple Family 2 Bldgs 58 Units	Renewal	Willow Lane Estates LLC Met Requirements	110 = 1.9 per unit	Type III	0	Type III	Type III	N/A
4201 Lakeside Ave N, #104	Condo	Renewal	JMG PROPERTY LLC	3	Type II	0	Type IV	Type IV	3
5338-40 Queen Ave N	Two Family	Renewal	5338 Queen, LLC Met Requirements	1	Type I	0	Type I	Type IV	N/A
2118 Ericon Drive	Single	Renewal	Marco Panora Did not meet requirements	28	Type IV	0	Type IV	Type IV	2
2813 64th Ave N	Single	Renewal	Everest Holdings LLC Met Requirements	3	Type II	0	Type II	Type IV	N/A
3312 62nd Ave N	Single	Renewal	Hpa Us1 Llc	26	Type IV	0	Type IV	Type II	0
3808 France Pl	Single	Renewal	Ih2 Property Illinois Lp	5	Type II	0	Type II	Type I	N/A
3912 61st Ave N	Single	Renewal	Nazneen H Khatoon	5	Type II	0	Type II	Type I	N/A
5322 Logan Ave N	Single	Renewal	Mary Jo Schwanz Rev Trust	0	Type I	0	Type I	Type II	N/A
5556 Emerson Ave N	Single	Renewal	Thomas D Belting Met Requirements	36	Type IV	0	Type IV	Type IV	2
5636 Irving Ave N	Single	Renewal	Bruce A Goldberg	5	Type II	0	Type II	Type II	N/A
6015 Aldrich Ave N	Single	Renewal	Aakt LLC	10	Type IV	0	Type IV	Type I	0
6107 Emerson Ave N	Single	Renewal	Lydia Yeboah	12	Type IV	0	Type IV	Type I	0
6908 Unity Ave N	Single	Renewal	Sun LLC Met Requirements	5	Type II	0	Type II	Type IV	N/A
6931 Toledo Ave N	Single	Renewal	SFR II BORROWER 2021-3 LLC	10	Type IV	0	Type IV	Type II	0

7037 Fremont Ave N	Single	Renewal	Edwina P McGill	10	Type IV	0	Type IV	Type III	0
7131 Ewing Ave N	Single	Renewal	The Next Edison Trust	10	Type IV	0	Type IV	Type I	0

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

**License type being issued

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

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 1/22/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Kory Andersen, Public Works Planner

SUBJECT: Resolution Acknowledging Awarded Funds for the Hennepin Youth Facility and Play Spaces Grant and Authorizing Acceptance of Grant Funds

Requested Council Action:

- Motion to approve a resolution acknowledging awarded funds for the Hennepin Youth Facility and Play Spaces Grant and authorizing acceptance of grant funds.

Background:

In the fall of 2023, City staff recommended applying for a grant to expand the 2024 capacity to repave and replace basketball courts. City Council approved the resolution to apply for the Hennepin County Youth Sports Program Grant at the October 9th Council Meeting. The City won the award of \$145,000. The City will match these funds with \$36,392 from the Capital Project Funds. The total project will be \$181,392. Per the City's grant policy, staff are seeking City Council approval to accept the grant funds.

The grant money will allow the City to repave the courts, paint the surfaces, add new lines, and install basketball standards at Bellvue, Happy Hollow, and Orchard Lane Parks.

City staff picked these three courts based on existing conditions and observed higher resident utilization.

Happy Hollow and Orchard Lane's courts will be replaced at their existing footprint. Bellvue Park will turn into a full-sized court. Bellvue's current court is in poor condition, has high resident usage, and has space to accommodate a larger court.

Hennepin County Youth Sports Program:

Hennepin Youth Sports Grants are an initiative of the Hennepin Youth Activities Grants program. These grants are awarded to local governments to improve youth access to sports and recreational activities. The equipment, facilities, and play spaces grants are administered by contract through the Minnesota Amateur Sports Commission, which evaluates the applications and provides recommendations to the Hennepin County Board of Commissioners.

Budget Issues:

The City will match the \$145,000 of grant funding with \$36,392 from the Capital Project Funds. The total project will be \$181,392.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Resolution Acknowledging Awarded Funds	1/2/2024	Resolution Letter
DRAFT HCYAG Grant Agreement	1/9/2024	Backup Material

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

RESOLUTION ACKNOWLEDGING AWARDED FUNDS FOR THE
HENNEPIN YOUTH FACILITY AND PLAY SPACES GRANT AND
AUTHORIZING ACCEPTANCE OF GRANT FUNDS

WHEREAS, the Hennepin County Board of Commissioners, via the Hennepin Youth Activities Grants, provides for capital funds to assist local government units of Hennepin County for the development of sports or recreational facilities, and;

WHEREAS, The City of Brooklyn Center desires to repave and install basketball hoops at Bellvue, Happy Hollow, and Orchard Lane Parks.

WHEREAS, that the City of Brooklyn Center City Council approved a resolution on October 9, 2023 supporting an application for the Hennepin Youth Facility and Play Spaces grant.

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

1. Authorizes its City Manager to accept awarded funds on behalf of the City for the Hennepin Youth Facility and Play Spaces grant and to execute such agreements as may be necessary to implement the project on behalf of the City.

January 22, 2023

Date

Mayor

ATTEST: _____

City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

YOUTH ACTIVITIES GRANTS AGREEMENT

This Agreement is between the COUNTY OF HENNEPIN, STATE OF MINNESOTA, A-2300 Government Center, Minneapolis, Minnesota 55487 (“COUNTY”), and City of Brooklyn Center, 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430, a local governmental unit (“GRANTEE”).

Recitals

1. Minnesota Statutes Section 473.757, subd. 2 authorizes COUNTY to make grants for youth activities and youth and amateur sports within Hennepin County with certain funds collected as part of the sales tax authorized in Section 473.757, subd. 10.
2. Pursuant to Hennepin County Board Resolution 09-0320R3, COUNTY created the Hennepin County Youth Activities Grants program. With County Board approval, the program annually awards grants for youth sports and activities within Hennepin County.
3. GRANTEE applied for a grant award from the Hennepin County Youth Activities Grants program, and COUNTY authorized an award to Grantee for completion of one or more Project(s). This award is to be distributed pursuant to the terms herein.

The parties agree as follows:

1. YOUTH ACTIVITIES PROJECT(S)

Grantee agrees to complete the following Project(s):

Project Description	Award Period	Award Amount
Replacement and renovation to basketball courts at Orchard Lane Park, Happy Hollow Park, Bellvue Park	1/1/2024 - 12/31/2026	\$145,000
Total Award: \$145,000		
Grantee Contact: Elizabeth Heyman, eheyman@brooklyncentermn.gov , 763-569-3328		

2. PAYMENT OF AWARD

COUNTY shall pay Grant Funds directly to GRANTEE after completion of the Grant Requirements and upon the presentation of a claim as provided by law governing COUNTY's payment of claims and/or invoices. GRANTEE shall submit an invoice which may be furnished by COUNTY and Attachment A to request disbursement of funds. If Attachment A is not applicable, submit a Certificate of Occupancy with your invoice. Payment shall be made within thirty-five (35) days from receipt of the invoice.

Except for the Grant funds, COUNTY shall not pay or be responsible for any amounts to GRANTEE. Payments shall be made pursuant to the provisions herein and COUNTY's then applicable payment policies, procedures, rules and directions. COUNTY is not responsible for remedying fraudulent or unauthorized payments requested in GRANTEE's name.

3. INDEPENDENT GRANTEE

GRANTEE shall select the means, method, and manner of performing Grant Requirements. Nothing is intended nor should be construed as creating or establishing the relationship of a partnership or a joint venture between the parties or as constituting GRANTEE as the agent, representative, or employee of COUNTY for any purpose. GRANTEE is and shall remain an independent contractor under this Agreement. GRANTEE shall secure at its own expense all personnel required in completing Grant Requirements under this Agreement. GRANTEE's personnel and/or subcontractors engaged to perform any work required by this Agreement will have no contractual relationship with COUNTY and will not be considered employees of COUNTY. COUNTY shall not be responsible for any claims related to or on behalf of any of GRANTEE's personnel, including without limitation, claims that arise out of employment or alleged employment under the Minnesota Unemployment Insurance Law (Minnesota Statutes Chapter 268) or the Minnesota Workers' Compensation Act (Minnesota Statutes Chapter 176) or claims of discrimination arising out of applicable law, against GRANTEE, its officers, agents, contractors, or employees. Such personnel or other persons shall neither accrue nor be entitled to any compensation, rights, or benefits of any kind from COUNTY, including, without limitation, tenure rights, medical and hospital care, sick and vacation leave, workers' compensation, unemployment compensation, disability, severance pay, and retirement benefits.

4. NON-DISCRIMINATION

- A. In accordance with COUNTY's policies against discrimination, GRANTEE shall not exclude any person from full employment rights nor prohibit participation in or the benefits of any program, service or activity on the grounds of any protected status or class, including but not limited to race, color, creed, religion, national origin, sex, gender expression, gender identity, age, disability, marital status, sexual orientation, or public assistance status. No person who is protected by applicable law against discrimination shall be subjected to discrimination.
- B. COUNTY encourages GRANTEE to develop and implement a policy promoting diversity, equity, and inclusion in GRANTEE's workplace.

5. INDEMNIFICATION

GRANTEE shall defend, indemnify, and hold harmless COUNTY, its present and former officials, officers, agents, volunteers and employees from any liability, claims, causes of

action, judgments, damages, losses, costs, or expenses, including attorney's fees, resulting directly or indirectly from any act or omission of GRANTEE, a subcontractor, anyone directly or indirectly employed by them, and/or anyone for whose acts and/or omissions they may be liable in the performance of this Agreement, and against all loss by reason of the failure of GRANTEE to perform any obligation under this Agreement. For clarification and not limitation, this obligation to defend, indemnify and hold harmless includes but is not limited to any liability, claims or actions resulting directly or indirectly from alleged infringement of any copyright or any property right of another, the employment or alleged employment of GRANTEE personnel, the unlawful disclosure and/or use of protected data, or other noncompliance with the requirements of these provisions.

6. INSURANCE

Each party warrants that it has a purchased insurance or a self-insurance program sufficient to meet its liability obligations and, at a minimum, to meet the maximum liability limits of Minnesota Statutes Chapter 466. This provision shall not be construed as a waiver of any immunity from liability under Chapter 466 or any other applicable law.

7. DUTY TO NOTIFY

GRANTEE shall promptly notify COUNTY of any demand, claim, action, cause of action or litigation brought against GRANTEE, its employees, officers, agents or subcontractors, which arises out of this Agreement. GRANTEE shall also notify COUNTY whenever GRANTEE has a reasonable basis for believing that GRANTEE and/or its employees, officers, agents or subcontractors, and/or COUNTY, might become the subject of a demand, claim, action, cause of action, administrative action, criminal arrest, criminal charge or litigation arising out of this Agreement.

8. RECORDS – AVAILABILITY/ACCESS

Subject to the requirements of Minnesota Statutes section 16C.05, subd. 5, COUNTY, the State Auditor, or any of their authorized representatives, at any time during normal business hours, and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of GRANTEE and involve transactions relating to this Agreement. GRANTEE shall maintain these materials and allow access during the period of this Agreement and for six (6) years after its expiration, cancellation or termination.

9. SUCCESSORS, SUBCONTRACTING AND ASSIGNMENTS

A. GRANTEE binds itself, its partners, successors, assigns and legal representatives to COUNTY for all covenants, agreements and obligations herein.

- B. GRANTEE shall not assign, transfer or pledge this Agreement and/or the Grant Requirements, whether in whole or in part, nor assign any monies due or to become due to it without the prior written consent of COUNTY. A consent to assign shall be subject to such conditions and provisions as COUNTY may deem necessary, accomplished by execution of a form prepared by COUNTY and signed by GRANTEE, the assignee and COUNTY. Permission to assign, however, shall under no circumstances relieve GRANTEE of its liabilities and obligations under the Agreement.
- C. GRANTEE shall not subcontract this Agreement and/or the Grant Requirements, whether in whole or in part, without the prior written consent of COUNTY. Permission to subcontract, however, shall under no circumstances relieve GRANTEE of its liabilities and obligations under the Agreement. Further, GRANTEE shall be fully responsible for the acts, omissions, and failure of its subcontractors in the performance of the Grant Requirements, and of person(s) directly or indirectly employed by subcontractors. Contracts between GRANTEE and each subcontractor shall require that the subcontractor's services be performed in accordance with this Agreement. GRANTEE shall make contracts between GRANTEE and subcontractors available upon request. For clarification and not limitation of the provisions herein, none of the following constitutes assent by COUNTY to a contract between GRANTEE and a subcontractor, or a waiver or release by COUNTY of GRANTEE's full compliance with the requirements of this Section: (1) COUNTY's request or lack of request for contracts between GRANTEE and subcontractors; (2) COUNTY's review, extent of review or lack of review of any such contracts; or (3) COUNTY's statements or actions or omissions regarding such contracts.
- D. As required by Minnesota Statutes section 471.425, subd. 4a, GRANTEE shall pay any subcontractor within ten (10) days of GRANTEE's receipt of payment from COUNTY for undisputed services provided by the subcontractor, and GRANTEE shall comply with all other provisions of that statute.

10. MERGER, MODIFICATION AND SEVERABILITY

- A. The entire Agreement between the parties is contained herein and supersedes all oral agreements and negotiations between the parties relating to the subject matter. All items that are referenced or that are attached are incorporated and made a part of this Agreement. If there is any conflict between the terms of this Agreement and referenced or attached items, the terms of this Agreement shall prevail.

GRANTEE and/or COUNTY are each bound by its own electronic signature(s) on this Agreement, and each agrees and accepts the electronic signature of the other party.

- B. Any alterations, variations or modifications of the provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the parties. Except as expressly provided, the substantive legal terms contained in this Agreement, including but not limited to Indemnification, Insurance, Merger, Modification and Severability, Default and Cancellation/Termination or Minnesota Law Governs may not be altered, varied, modified or waived by any change order, implementation plan, scope of work, development specification or other development process or document.
- C. If any provision of this Agreement is held invalid, illegal or unenforceable, the remaining provisions will not be affected.

11. DEFAULT AND CANCELLATION/TERMINATION

- A. If GRANTEE fails to perform any of the provisions of this Agreement, fails to administer the work so as to endanger the performance of the Agreement or otherwise breaches or fails to comply with any of the terms of this Agreement, it shall be in default. Unless GRANTEE's default is excused in writing by COUNTY, COUNTY may upon written notice immediately cancel or terminate this Agreement in its entirety. Additionally, failure to comply with the terms of this Agreement shall be just cause for COUNTY to delay payment until GRANTEE's compliance. In the event of a decision to withhold payment, COUNTY shall furnish prior written notice to GRANTEE.
- B. Notwithstanding any provision of this Agreement to the contrary, GRANTEE shall remain liable to COUNTY for damages sustained by COUNTY by virtue of any breach of this Agreement by GRANTEE. Upon notice to GRANTEE of the claimed breach and the amount of the claimed damage, COUNTY may withhold any payments to GRANTEE for the purpose of set-off until such time as the exact amount of damages due COUNTY from GRANTEE is determined. Following notice from COUNTY of the claimed breach and damage, GRANTEE and COUNTY shall attempt to resolve the dispute in good faith.
- C. The above remedies shall be in addition to any other right or remedy available to COUNTY under this Agreement, law, statute, rule, and/or equity.
- D. COUNTY's failure to insist upon strict performance of any provision or to exercise any right under this Agreement shall not be deemed a relinquishment or waiver of the same, unless consented to in writing. Such consent shall not constitute a general waiver or relinquishment throughout the entire term of the Agreement.
- E. This Agreement may be cancelled/terminated with or without cause by COUNTY upon thirty (30) days' written notice.

- F. If this Agreement expires or is cancelled or terminated, with or without cause, by either party, at any time, GRANTEE shall not be entitled to any payment, fees or other monies except for payments duly invoiced for then-delivered and accepted deliverables/milestones pursuant to this Agreement. In the event GRANTEE has performed work toward a deliverable that COUNTY has not accepted at the time of expiration, cancellation or termination, GRANTEE shall not be entitled to any payment for said work, including but not limited to incurred costs of performance, termination expenses, profit on the work performed, other costs founded on termination for convenience theories or any other payments, fees, costs or expenses not expressly set forth in this Agreement.
- G. Upon written notice, COUNTY may immediately suspend or cancel/terminate this Agreement in the event any of the following occur: (i) COUNTY does not obtain anticipated funding from an outside source for this project; (ii) funding for this project from an outside source is withdrawn, frozen, shut down, is otherwise made unavailable or COUNTY loses the outside funding for any other reason; or (iii) COUNTY determines, in its sole discretion, that funding is, or has become, insufficient. COUNTY is not obligated to pay for any Grant funds related to the performance of any Grant requirements occurring after the notice and effective date of the suspension or cancellation/termination. In the event COUNTY suspends, cancels or terminates this Agreement pursuant to this paragraph, COUNTY shall pay any amount due and payable prior to the notice of suspension or cancellation/termination except that COUNTY shall not be obligated to pay any amount as or for penalties, early termination fees, charges, time and materials for Grant Requirements not then performed, costs, expenses or profits on work done.
- H. GRANTEE has an affirmative obligation, upon written notice by COUNTY that this Agreement may be suspended or cancelled/terminated, to follow reasonable directions by COUNTY, or absent directions by COUNTY, to exercise a fiduciary obligation to COUNTY, before incurring or making further costs, expenses, obligations or encumbrances arising out of or related to this Agreement.

12. SURVIVAL OF PROVISIONS

Provisions that by their nature are intended to survive the term or cancellation of this Agreement do survive such term or cancellation. Such provisions include but are not limited to: INDEPENDENT CONTRACTOR; INDEMNIFICATION; RECORDS-AVAILABILITY/ACCESS; CANCELLATION; and MINNESOTA LAW GOVERNS.

13. REPORTS, AUDIT, AND SIGNAGE PROCEDURES

A. Reports and Information Requirements

GRANTEE shall promptly report information about the Project and other data related to the Project as may be reasonably requested by COUNTY.

B. Audit and Monitoring Procedures

The Contract Manager or other personnel of COUNTY may conduct periodic site visits to determine compliance with this Agreement. Such visits may be made with or without prior notice at any time within the hours of operation of GRANTEE.

C. Funding Acknowledgement Procedures

GRANTEE agrees to post signage acknowledging funding from Hennepin County Youth Activities Grants per COUNTY guidelines.

14. GRANT ADMINISTRATION

Anna Carpenter, Youth Activities Grants Coordinator, or successor (“Grant Administrator”), shall manage this Agreement on behalf of COUNTY and serve as liaison between COUNTY and GRANTEE.

15. CONFLICT OF INTEREST

GRANTEE affirms that to the best of GRANTEE’s knowledge, GRANTEE’s involvement in this Agreement does not result in a conflict or potential conflict of interest with any party or entity which may be affected by the terms of this Agreement. Should any conflict or potential conflict of interest become known to GRANTEE, GRANTEE shall immediately notify COUNTY of the conflict or potential conflict, specifying the part of this Agreement giving rise to the conflict or potential conflict, and advise COUNTY whether GRANTEE will or will not resign from the other engagement or representation. A conflict or potential conflict may, in COUNTY’s discretion, be cause for cancellation or termination of this Agreement.

16. MEDIA OUTREACH

GRANTEE shall notify COUNTY, prior to publication, release, or occurrence of any Outreach (as defined below). The parties shall coordinate to produce collaborative and mutually acceptable Outreach. For clarification and not limitation, all Outreach shall be approved by COUNTY, by and through its Public Relations Officer or their designee(s), prior to publication or release. As used herein, the term “Outreach” shall mean all media, social media, news releases, external facing communications, advertising, marketing, promotions, client lists, civic/community events or opportunities, and/or other forms of outreach created by, or on behalf of, GRANTEE (i) that reference or otherwise use the term “Hennepin County” or any derivative thereof; or (ii) that directly or indirectly relate to, reference, or concern the County of Hennepin, this Agreement, the Grant Requirements performed hereunder, or COUNTY personnel, including but not limited to COUNTY employees and elected officials.

17. MINNESOTA LAWS GOVERN

The laws of the state of Minnesota shall govern all questions and interpretations concerning the validity and construction of this Agreement and the legal relations between the parties and their performance. The appropriate venue and jurisdiction for any litigation will be those courts located within the County of Hennepin, state of Minnesota. Litigation, however, in the federal courts involving the parties will be in the appropriate federal court within the state of Minnesota.

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COUNTY ADMINISTRATOR APPROVAL

Reviewed for COUNTY by
the County Attorney's Office:

COUNTY OF HENNEPIN
STATE OF MINNESOTA

{ {Sig_es_:signer3:signature} }
{ {userstamp3_es_:signer3:stamp} }

By:

{ {Sig_es_:signer4:signature} }
{ {userstamp4_es_:signer4:stamp} }

Document Assembled by:

{ {Sig_es_:signer1:signature} }
{ {userstamp1_es_:signer1:stamp} }

{ {Exh_es_:signer1:attachment:label("Attachments")} }

GRANTEE

GRANTEE warrants that the person who executed this Agreement is authorized to do so on behalf of GRANTEE as required by applicable articles, bylaws, resolutions or ordinances.*

By:

{ {Sig_es_:signer2:signature} }
{ {userstamp2_es_:signer2:stamp} }
{ { ttl_es_:signer2:title} }

*GRANTEE represents and warrants that it has submitted to COUNTY all applicable documentation (articles, bylaws, resolutions or ordinances) that confirms the signatory's delegation of authority. Documentation is not required for a sole proprietorship.

ATTACHMENT A

Affidavit of Project Completion

This document is to be completed for projects receiving funding from Hennepin County Youth Activities Grants where a Certificate of Occupancy, per Minnesota Rules 1300.0220, is not required to be issued. Complete form and submit with reimbursement request documents upon project completion.

I hereby certify that:

1. The facility/structure listed below is not subject to the conditions of Minnesota Rules 1300.0220
2. This document shall serve in lieu of a Certificate of Occupancy.
3. The construction of the facility is completed as outlined in contract PR00005800 with Hennepin County
4. The facility is safe to be occupied by the public.
5. The required signage acknowledging grant funding from the Hennepin County Youth Activities Grants program is in place per county guidelines.

Facility Address: _____
PIN (if applicable): _____
Legal Description: _____
Zoning District: _____

Owner Name: _____
Address: _____
City State Zip: _____
Phone: _____
Comments: _____

Name of Grant Recipient:

Name of Authorized Official (print)

Title

Signature

Date

Council Regular Meeting

DATE: 1/22/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Kory Andersen Wagner, Public Works Planner

SUBJECT: Resolution Acknowledging Awarded Funds for the Hennepin County Healthy Tree Canopy Grant and Authorizing Acceptance of Grant Funds

Requested Council Action:

- Motion to approve a resolution acknowledging the awarded funds for the Hennepin County Healthy Tree Canopy Grant and authorizing acceptance of grant funds.

Background:

With this Healthy Tree Canopy Grant from Hennepin County, City staff plan to remove 13 green ash trees in Northport Park and replace them with 17 new trees of different species. Additionally, 38 new trees will be planted at the Brooklyn Center Community Center. The project addresses public safety concerns posed by aging and diseased trees, benefiting residents and maintaining a healthy natural canopy. Immediate tree replacement is crucial, aligning with Brooklyn Center's 31-year commitment to Tree City USA, showcasing dedication to the community's natural landscape.

The trees species that will be planted come from the Hennepin County recommended species list. Those include Serviceberry, Birch, Hornbeam, Hickory, Hackberry, Smoke tree, Ginkgo, Coffeetree, Magnolia, Oak, Mountain ash, Linden, and Elm.

Additional Information:

Healthy Tree Canopy Grants aim to enhance community tree cover and involve residents in tree protection. Goals include:

- Boosting city forestry capacity.
- Educating the public on tree importance.
- Diversifying the canopy for climate resilience.
- Supporting local tree care businesses.

The initiative aligns with Hennepin County's efforts to address disparities by improving tree canopy and contributing to air quality, stormwater management, and overall community well-being.

Budget Issues:

The total proposed project cost for removals and plantings at Northport Park and the Brooklyn Center Community is \$39,669.05. Hennepin County awarded the City \$29,751.79. The City will meet its obligation to the grant by matching the award with \$9,917.26 from the City's Hazardous Tree Management and Reforestation program in the Capital Improvement Plan (CIP).

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Maintain a strong financial position, Sustainability

ATTACHMENTS:

Description	Upload Date	Type
Resolution Letter	1/16/2024	Resolution Letter

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

RESOLUTION ACKNOWLEDGING AWARDED FUNDS FOR THE
HENNEPIN COUNTY HEALTHY TREE CANOPY GRANT AND
AUTHORIZING ACCEPTANCE OF GRANT FUNDS

WHEREAS, the Hennepin County Healthy Tree Canopy Grants, provides funds to help communities make positive changes in the tree canopy and engage residents in acting to protect trees, and;

WHEREAS, The City of Brooklyn Center desires to remove 13 green ash trees in Northport Park and replace them with 17 new trees of varying species. It will also add 38 new trees of varying species at the Brooklyn Center Community Center, replacing 25 green ash trees that were removed during a separate project.

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

1. Authorizes its City Manager to accept awarded funds on behalf of the City for the Hennepin County Healthy Tree Canopy Grant and to execute such agreements as may be necessary to implement the project on behalf of the City.

January 22, 2023

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 1/22/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Public Works Director

BY: Lydia Ener, P.E., Principal Engineer

SUBJECT: Resolution Approving Plans and Specifications and Authorizing Advertisement for Bids, Improvement Project No. 2024-01 Orchard Lane East Improvements

Requested Council Action:

- Motion to approve the attached resolution approving plans and specifications and authorizing advertisement for bids, Improvement Project No. 2024-01 Orchard Lane East Improvements.

Background:

On September 25, 2023, the City Council received the project feasibility report and an improvement public hearing was conducted on October 23, 2023, to consider these improvements. At that meeting, the City Council ordered the improvements and directed staff to prepare plans and specifications for the project.

Construction plans, specifications, and contract documents have been prepared for the project. The overall scope of the project remains consistent with improvements outlined in the feasibility study. Staff is prepared to begin the project bidding process upon authorization from the City Council.

The bidding process would involve the advertisement of the project in the City's official newspaper and in Finance and Commerce. Sealed bids will be collected through online bidding, opened at the scheduled bid opening date, and tabulated by the City Clerk and City Engineer. Staff anticipates that the bid results will be presented to the City Council for consideration in March 2024.

Budget Issues:

The total project cost for the Orchard Lane East Improvements is estimated to be \$11,792,000. Funding sources for the projects are budgeted from sources as described in the project feasibility reports previously accepted by the City Council. The special assessment rates were adopted by the City Council on November 13, 2023.

Inclusive Community Engagement:

Staff conducted public informational meetings with residents and property owners on August 3, 2023 and October 19, 2023. An Improvement Public Hearing was held on October 23, 2023 to receive public comments pertaining to the proposed improvements, and an Assessment Public Hearing was held on November 13, 2023.

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Maintain and enhance public places, Provide quality services with fair and equitable treatment, Sustainability

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/16/2024	Resolution Letter
Title Sheet - Orchard Lane East Project	1/16/2024	Exhibit

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
AUTHORIZING ADVERTISEMENT FOR BIDS, IMPROVEMENT PROJECT
NO. 2024-01 ORCHARD LANE EAST IMPROVEMENTS

WHEREAS, the Brooklyn Center City Council, by Resolution No. 2023-100,
ordered Improvement Project No. 2024-01 and authorized the preparation of plans and
specifications for the Orchard Lane East Improvements; and

WHEREAS, said plans and specifications have been prepared under the direction
of the City Engineer.

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

1. The plans and specifications for Improvement Project No. 2024-01 are
hereby approved, ordered, and filed with the City Clerk.
2. The City Clerk shall prepare and cause to be inserted in the official
newspaper and in Finance and Commerce an advertisement for bids for
the making of such improvements in accordance with the approved plans
and specifications. The advertisement shall be published in accordance
with Minnesota Statutes, shall specify the work to be done, and state the
time and location at which bids will be opened by the City Clerk and City
Manager or their designees. Any bidder whose responsibility is questioned
during consideration of the bid will be given an opportunity to address the
City Council on the issue of responsibility. No bids will be considered
unless sealed and filed with the City Clerk and accompanied by a cash
deposit, cashier's check, bid bond, or certified check payable to the City of
Brooklyn Center for five percent of the amount of such bid.

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

ORCHARD LANE EAST IMPROVEMENTS

CITY PROJECT NUMBER 2024-01

N-S LIMITS: 66TH AVENUE NORTH TO 63RD AVENUE NORTH
E-W LIMITS: ORCHARD LANE EAST TO BROOKLYN BOULEVARD

	EXISTING CURB & GUTTER
	PROPOSED CURB & GUTTER
	EXISTING SANITARY SEWER
	EXISTING SANITARY SEWER (ABANDONED)
	PROPOSED SANITARY SEWER
	EXISTING STORM SEWER
	EXISTING STORM SEWER (ABANDONED)
	PROPOSED STORM SEWER
	EXISTING WATERMAIN
	EXISTING WATERMAIN (ABANDONED)
	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 GAS MAIN (ABANDONED)
	BURIED PETROLEUM MAIN
	ELECTRIC (UNDERGROUND)
	ELECTRIC (OVERHEAD)
	FIBER OPTIC (UNDERGROUND)
	FIBER OPTIC (OVERHEAD)
	RIGHT-OF-WAY
	PROPERTY LINE
	FENCE
	SECTION CORNER
	DECIDUOUS TREE
	CONIFEROUS TREE
	SHRUB
	STUMP
	YARD LIGHT
	MAILBOX
	SIGN

NOTES

THE PLAN INDICATES THE GENERAL LOCATION OF KNOWN UTILITIES ON THE PROJECT. ALL UTILITY LOCATIONS ARE APPROXIMATE. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITY LOCATIONS AND ELEVATIONS WITH THE UTILITY COMPANIES.

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS 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 'COPPER STATE ONE CALL' (651-454-0002) FOR EXACT LOCATIONS BEFORE COMMENCING WORK.

GOVERNING SPECIFICATIONS

**ALL WORK SHALL CONFORM TO CITY OF BROOKLYN CENTER
STANDARD SPECIFICATIONS AND DETAILS.**

THE CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM)
"CONSTRUCTION STANDARD SPECIFICATIONS 2023" SHALL APPLY TO
ALL UTILITY WORK.

THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF
TRANSPORTATION (MNDOT) "STANDARD SPECIFICATIONS FOR
CONSTRUCTION" SHALL APPLY

ALL TRAFFIC CONTROL DEVICES AND SIGNING SHALL CONFORM TO THE LATEST EDITION OF THE "MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (MN MUTCD) INCLUDING THE LATEST "FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS"

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THIS PLAN CONTAINS 97 SHEETS



ALLIANT

DESIGN ENGINEER: I HEREBY CERTIFY THAT THIS PLAN 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.

ENGINEER

DATE / / LIC. NO.



CITY OF
BROOKLYN CENTER
HENNEPIN COUNTY, MINNESOTA

APPROVED: BROOKLYN CENTER CITY ENGINEER

DATE

ORCHARD LANE EAST IMPROVEMENTS

SHEET NO. 1 OF 97 SHEETS

Council Regular Meeting

DATE: 1/22/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

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

SUBJECT: Resolution Accepting State Contract Pricing and Awarding a Contract, Project No. 2024-11, 2024 Park Playground Replacements

Requested Council Action:

- Motion to approve the resolution accepting the State Contract pricing and award a contract to Landscapes Structures, Inc. for Project No. 2024-11, 2024 Playground Equipment Replacement.

Background:

As part of the City's 2024 Capital Improvement Program (CIP) staff are recommending replacing playground equipment at the following five City parks:

- Freeway Park
- Grandview Park

City staff selected Flagship Recreation/Landscape Structures, because of their inclusive playground designs, community engagement process, and because they are an approved vendor in the State of Minnesota's cooperative purchasing venture program. They also completed the City's playground replacements in 2021, 2022 and 2023. Staff have been satisfied with their work and the quality of their equipment. Renderings of the recommended playground designs are attached to this memo.

The table below shows the 2024 project costs for each park. As the vendor is part of the state's cooperative purchasing program the City receives a state contract discount.

<u>Park</u>	<u>Equipment Bid</u>	<u>State Contract Discount</u>	<u>Removal/Install Costs</u>	<u>Total</u>
Freeway	\$48,610.00	\$2,871.60	\$30,859.83	\$76,598.23
Grandview	\$171,254.71	\$13,329.60	\$114,925.51	\$272,850.62
Total	\$219,114.71	\$16,201.20	\$145,785.34	\$349,448.85

Playground Replacement Program in the CIP

A total of 20 parks located within Brooklyn Center contain 21 separate playground equipment areas; 18 that are maintained by the City and three that are maintained by the adjacent schools. Beginning in 2021, the City began to replace playground equipment at these 18 parks given that the equipment was almost all over 20 years old. The City's goal is to have all playground equipment maintained by the City upgraded by 2024.

Budget Issues:

The proposal amount of \$349,448.85 is within 11 percent of the 2024 budgeted amount of \$313,000. This project will be funded by the Capital Projects Fund. Following discussions with the Finance department, we have confirmed that the fund can accommodate the 11 percent cost increase.

Inclusive Community Engagement:**Antiracist/Equity Policy Effect:****Strategic Priorities and Values:**

Maintain and enhance public places, Safety, Community Centered

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/16/2024	Resolution Letter
Winning Playground Designs	1/16/2024	Exhibit

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT,
IMPROVEMENT PROJECT NO. 2024-11, 2024 PARK PLAYGROUND
EQUIPMENT REPLACEMENT

WHEREAS, pursuant to The Recreation Department's desire to create a more genuine community engagement process, Flagship Recreation/Landscape Structures was selected due to their high recommendations from other communities, inclusive design and community engagement. Through a communication process with community the following pricing was selected of Minnesota State Contract pricing. Pricing as follows:

<u>Park</u>	<u>Equipment Bid</u>	<u>State Contract Discount</u>	<u>Removal/Install Costs</u>	<u>Total</u>
Freeway	\$48,610.00	\$2,871.60	\$30,859.83	\$76,598.23
Grandview	\$171,254.71	\$13,329.60	\$114,925.51	\$272,850.62
Total	\$219,114.71	\$16,201.20	\$145,785.34	\$349,448.85

WHEREAS, Landscape Structures of Delano, Minnesota pricing is off the Minnesota State Contract pricing and was the selected bidder.

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

1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with Landscape Structures Inc. of Delano, Minnesota in the name of the City of Brooklyn Center, for Project No. 2024-11.
2. The estimated project costs and revenues are as follows:

<u>COSTS</u>	<u>Estimate</u>	<u>Amended per Proposal</u>
Contract	\$313,000.00	\$349,448.85
Total Estimated Project Cost	\$313,000.00	\$349,448.85
 <u>REVENUES</u>	 <u>Estimate</u>	 <u>Amended per Proposal</u>
Capital Projects Fund	\$313,000.00	\$349,448.85

RESOLUTION NO. _____

January 22, 2024

Date

Mayor

ATTEST: _____

City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

2024 Winning Playground Designs



Park and Rec Commission, 12/19/23
Carissa Goebel, Deputy Director

Grandview Park



Grandview Park



Freeway Park



Freeway Park



Freeway Park



Council Regular Meeting

DATE: 1/22/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Angela Holm, Finance Director

SUBJECT: Resolution Authorizing Continuation of Municipal Liquor Operations in the City of Brooklyn Center

Requested Council Action:

- Motion to Approve a Resolution Authorizing the Continuation of the City's Municipal Liquor Operations.

Background:

The Office of the State Auditor issues a report on Municipal Liquor Operations each year which summarizes the operational results of municipal liquor operations statewide. The report provides a mechanism for City officials to make comparisons of their operations with similar size operations across the state, as well as providing information for the public and policymakers to evaluate the financial condition of the operations. There are 179 cities in Minnesota that operate municipal liquor establishments. Of that 179, there are eighteen in the Seven-County Metro Area. Brooklyn Center currently operates stores in two locations. One is owned and operated by the City and the other occupies rental space within a small "strip mall".

Minnesota state statute 340A.602 requires that the City Council of any city with a municipal liquor operation that sustains net losses in any two of three consecutive years hold a public hearing regarding continuation of the operation. In 2021 and 2022, the City's municipal liquor operation sustained net losses due primarily to the impact of COVID-19 business interruptions and losses sustained during the localized civil unrest surrounding the killing of Daunte Wright. Some of these losses were recovered through insurance payments and while customer traffic and sales were slow post-pandemic, there has been a positive increase in both over the last several months.

Due to increased traffic and sales, City staff believe the operational losses are transient in nature and barring any unforeseen circumstances will not continue. Staff is recommending continuing the City's municipal liquor operations.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Maintain a strong financial position, Transparency

ATTACHMENTS:

Description	Upload Date	Type
Resolution - Continuation of Municipal Liquor Operations	1/17/2024	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONTINUATION OF MUNICIPAL LIQUOR OPERATIONS IN THE CITY OF BROOKLYN CENTER

WHEREAS, The City of Brooklyn Center lawfully owns and operates two municipal liquor stores as defined by Minnesota Statute 340A.601 ; and

WHEREAS, The Minnesota Office of the State Auditor issues an annual Analysis of Municipal Liquor Store Operations; and

WHEREAS, The State Auditor issued the report for the Year Ended December 31, 2021 on December 15, 2022 in which municipal liquor operations in the City of Brooklyn Center showed a net loss of \$51,171 for 2021; and

WHEREAS, The State Auditor issued the report for the Year Ended December 31, 2022 on December 13, 2023 in which municipal liquor operations in the City of Brooklyn Center showed a net loss of \$59,236 for 2022; and

WHEREAS, Minnesota Statute 340A.602 requires that the City Council, shall, in any city in which the report of the operations of a municipal liquor store has shown a net loss in any two of three consecutive years, hold a public hearing on the question of whether the city shall continue to operate a municipal liquor store; and

WHEREAS, municipal liquor operations in the City of Brooklyn Center experienced unusual and extenuating circumstances related to the national COVID-19 pandemic and localized civil unrest after the killing of Daunte Wright which negatively impacted operational results and resulted in net financial losses during the two time periods under review; and

WHEREAS, municipal liquor store sales have substantially recovered in 2023,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, this resolution authorizing continuation of municipal liquor operations is approved.

January 22, 2024

Date

Mayor

ATTEST: _____

City Clerk

RESOLUTION NO. _____

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: 1/22/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: LaToya Turk, Office of Community Prevention, Health and Safety

SUBJECT: Resolution Directing the Adoption of Traffic Stop and Consent Search Policies for the Brooklyn Center Police Department

Requested Council Action:

- Motion to approve a resolution adopting traffic stop and consent search policies for the Brooklyn Center police department.

Background:

May 15, 2021, the City Council of the City of Brooklyn Center ("City") adopted Resolution No. 2021-73, a resolution adopting the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act ("Act").

The Act required the City to create a Community Safety and Violence Prevention Implementation Committee (Implementation Committee), which was created on February 28, 2022.

Since February 28, 2022, the Implementation Committee has conducted regular meetings, consulting with experts to gather data and consider City Code amendments, ordinances, resolutions, policies and guidelines with regard to public health-oriented approaches to community safety.

In September, 2022 the Committee developed and prepared policy recommendations regarding traffic stops and consent searches.

In June, 2023 staff made recommendations to the City Council regarding traffic stops and consent searches based upon review of the recommendations made earlier by the Implementation Committee. Following staff's presentation the Council directed staff to bring back a resolution adopting a policy for traffic stops and consent searches based upon Council discussion consensus during the June meeting.

In October 2023, staff presented a resolution adopting traffic stop and consent search policies for the Brooklyn Center police department. Following staff's resolution presentation the Council directed staff to schedule a meeting with all parties (Staff: BCPD, OCPHS, Legal, and Administration, City Council members, Implementation Committee Members) and bring back to council a resolution adopting traffic stops and consent search policies based on the joint discussion. This meeting was held on November 9, which included all parties.

Attached is a resolution adopting policies for both traffic stops and consent searches for Council

consideration per the November 9, 2023 joint council meeting of staff, council and DKIC..

Budget Issues:

N/A

Inclusive Community Engagement:

Since February 28, 2022, the Implementation Committee has conducted regular meetings, participated in various community engagements while working with public safety experts to gather data from community entities to consider City Code amendments, ordinances, resolutions, policies and guidelines with regard to a public health-oriented approach to community safety.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Improve community and employee safety, Provide quality services with fair and equitable treatment, Strengthen community and employee engagement in key decisions, Be an effective partner with other public entities, Improve employees' experience, Safety, Community Centered, Accountability, Transparency

ATTACHMENTS:

Description	Upload Date	Type
Traffic Stop Policy	1/16/2024	Cover Memo
Traffic stop exhibit a	1/19/2024	Cover Memo
Consent Search Policy Resolution	1/18/2024	Cover Memo

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-_____

A RESOLUTION DIRECTING THE ADOPTION OF TRAFFIC STOP POLICY FOR THE BROOKLYN CENTER POLICE DEPARTMENT

WHEREAS, the Brooklyn Center City Council adopted Resolution No. 2021-73 establishing the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act (“Act”) to direct the development and implementation of various reforms to improve the delivery of public safety services in the community; and

WHEREAS, the Act provides for the establishment of an Implementation Committee (“Committee”) to assist in the development of public safety measures, including authority to propose amendments, ordinances, resolutions, policies, guidelines or other recommendations for the review, adoption or implementation by the City Council or City staff, as appropriate, that would fully implement the will and intent of City Council as expressed in the Act; and

WHEREAS, the Committee was established in accordance with the Act, and following the completion of significant community engagement and lengthy and informative study of public safety measures, ordinances and policies, the Committee recommended the adoption of an ordinance regulating the initiation of traffic stops by the Brooklyn Center Police Department; and

WHEREAS, upon the request of the City Council, City Staff conducted meetings with the community to gather input from community members with regard to the Committee’s recommendation; and

WHEREAS, City Staff reviewed the input received from the community, and upon the request of the City Council, City Staff conducted its own review of the Committee’s recommendation; and

WHEREAS, City Staff recommended that (1) traffic stops be controlled and regulated by policy rather than an ordinance, (2) a traffic stop policy be adopted as a stand-alone policy, rather than being part of other policies and (3) the initiation of traffic stops should be allowed for moderate and high-risk equipment violations in the interests of protecting public safety; and

WHEREAS, City Staff prepared a traffic stop policy, attached hereto as Exhibit A, to be incorporated into the Policy Manual for the Brooklyn Center Police Department; and

WHEREAS, the City Council finds and determines as follows:

1. Based upon the findings and studies conducted by the Committee and City Staff, the recommended regulation and control of the initiation of traffic stops is in accordance with the goals of the Act, including the creation of a safer, healthier,

more just and more thriving community, and the creation of diverse responses to non-moving traffic offenses and low-level violations;

2. The regulation and control of Brooklyn Center Police Department traffic stops should be enacted through the adoption of policies rather than by City ordinance;
3. Given its distinctive subject matter, the traffic stop policy should be stand-alone policy and should be incorporated into the Policy Manual for the Brooklyn Center Police Department;
4. In the interests of public safety and the safety of the traveling public, moderate and high-risk equipment violations, as presented to the City Council, are sufficient to warrant the initiation of a traffic stop by officers with the Brooklyn Center Police Department;
5. In order to allow time for training and community education and engagement, the effective date of the traffic stop policy should be May 1, 2024; and
6. It is in the best interests of the City that the traffic stop policy be adopted and incorporated into the Policy Manual for the Brooklyn Center Police Department.

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

1. The City Manager and City Staff are authorized and directed to adopt the traffic stop policy attached hereto as Exhibit A and to take any and all necessary actions to incorporate the policy into the Policy Manual for the Brooklyn Center Police Department.
2. The City Manager and City Staff shall provide officers with the Brooklyn Center Police Department a copy of the traffic stop policy, and officers shall certify by signing the prescribed form that the officer has been advised of the policy, is aware of and understands its content, and agrees to abide by its provisions during the officer's term with the Brooklyn Center Police Department.
3. The effective date of the traffic stop policy shall be May 1, 2024.
4. The traffic stop policy shall not be amended or revoked without the consent of the City Council.

Date

Mayor

ATTEST: _____
City Clerk

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

EXHIBIT A
Traffic Stop Policy

[attached hereto]

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions, promote public health, safety and the general welfare of the public. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventative patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of collision-causing violations during periods of high-collision incidence and at locations of occurrence. All officers will take directed enforcement action on request and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high-collision incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of citations issued by any officer shall not be used when evaluating officer performance (Minn. Stat. § 169.985; Minn. Stat. § 299D.08). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 LIMIT ON ENFORCEMENT ACTION

Subject to the exceptions set forth below, officers shall not initiate a traffic stop solely for any single, or any combination of, the following offenses:

1. Invalid or expired trailer or motor vehicle registration (Minnesota Statutes, section 168.09);
2. No functioning license plate lamp (Minnesota Statutes, section 169.50, subd. 2.)
3. No operative muffler (Minnesota Statutes, section 169.69.)
4. Exceeding motor vehicle noise rules adopted by the Minnesota Pollution Control Agency (Minnesota Statutes, section 169.693).
5. Objects suspended between the driver and the windshield (Minnesota Statutes, section 169.71, subd. 1.2).

6. Improperly displayed registration sticker (Minnesota Statutes, section 169.79, subd. 8.)
7. Driving with one operative headlight or rear light (Minnesota Statutes, sections 169.49, 169.63, 169.50, subd. 1, 169.55 subd. 1 and 169.57 subd. 1).

500.3.2 STOPS FOR OTHER VIOLATIONS

Officers may issue citations for the offenses listed above if the operator was stopped for another violation. If the operator of the motor vehicle is issued a citation for a different violation, the operator will not also be cited for the violation identified above. Rather, the operator may be given information with regard to the Lights On! Program to the extent available and applicable.

500.3.3 ISSUANCE OF CITATIONS BY MAIL OR PLACEMENT ON THE VEHICLE

Officers may issue citations for the violations identified in section 500.3.1 by U.S. Mail by mailing the citation to the registered address for the vehicle, and if a vehicle is parked and unoccupied, an officer may issue a citation by U.S. Mail or by placing the citation on the windshield of the vehicle.

500.3.4 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.

500.3.5 TRAFFIC CITATION COURT JURISDICTION

An officer who issues a traffic citation shall ensure that the citation is properly directed to the court having jurisdiction (Minn. Stat. § 169.91 Subd. 3).

500.3.6 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to (Minn. Stat. § 169.91):

- a. Negligent homicide.
- b. Driving under the influence of alcohol/drugs.
- c. Hit-and-run resulting in serious injury or death.
- d. Hit-and-run resulting in damage to any vehicle or property.

500.4 HIGH VISIBILITY VEST

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; Minn. R. 5205.0030).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plain clothes officer might benefit from being readily identified as an officer.

500.4.2 CARE AND STORAGE OF HIGH VISIBILITY VESTS

All employees shall be issued a high visibility vest and are responsible for the care and maintenance.

An employee with a damaged or unusable vest shall notify their supervisor as soon as possible to obtain a replacement.

500.5 TRAINING

All members shall receive annual training on this policy.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-_____

A RESOLUTION REGARDING CONSENT SEARCHES CONDUCTED BY THE BROOKLYN CENTER POLICE DEPARTMENT

WHEREAS, the Brooklyn Center City Council adopted Resolution No. 2021-73 establishing the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act (“Act”) to direct the development and implementation of various reforms to improve the delivery of public safety services in the community; and

WHEREAS, the Act provides for the establishment of an Implementation Committee (“Committee”) to assist in the development of public safety measures, including authority to propose amendments, ordinances, resolutions, policies, guidelines or other recommendations for the review, adoption or implementation by the City Council or City staff, as appropriate, that would fully implement the will and intent of City Council as expressed in the Act; and

WHEREAS, the Committee was established in accordance with the Act, and following the completion of significant community engagement and lengthy and informative study of public safety measures, ordinances and policies, the Committee recommended the adoption of an ordinance regulating requests for consent searches by the Brooklyn Center Police Department; and

WHEREAS, upon the request of the City Council, City Staff conducted meetings with the community to gather input from community members with regard to the Committee’s recommendation; and

WHEREAS, City Staff reviewed the input received from the community, and upon the request of the City Council, City Staff conducted its own review of the Committee’s recommendation; and

WHEREAS, City Staff recommended that (1) consent searches be controlled and regulated by policy rather than an ordinance and (2) a consent search policy should be a separate, stand-alone policy rather than being part of larger policy; and

WHEREAS, City Staff prepared a consent search policy to be incorporated into the Policy Manual for the Brooklyn Center Police Department; and

WHEREAS, upon further review by the City Council, City Staff and members of the Committee, it was determined that the City should not proceed with the adoption of a consent search policy because (1) the similarity between the policy and existing case law regarding consent search, (2) the City will have time to create a tracking system to track consent searches, (3) the City will have time to educate the community and staff on consent searches, and (4) City

Staff will have time to research and implement a balance of power statement or “right to refuse” statement; and

WHEREAS, the City Council finds and determines as follows:

1. Based upon the findings and studies conducted by the Committee and City Staff, the recommended regulation and control of consent searches is in accordance with the goals of the Act, including the creation of a safer, healthier, more just and more thriving community, and the creation of diverse responses to non-moving traffic offenses and low-level violations;
2. At this time, the regulation and control of Brooklyn Center Police Department consent searches should not be enacted through the adoption of an ordinance or a policy due to the similarity of the original policy recommendation and existing case law and in order to allow additional time for the City to gather information with regard to consent searches conducted by the Brooklyn Center Police Department;
3. Given its distinctive subject matter, consent searches should be treated as a stand-alone matter; and
4. It is in the best interests of the City that consent searches be added into the Policy Manual for the Brooklyn Center Police Department.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brooklyn Center, that the City Manager and City Staff are authorized and directed to:

1. Create a tracking system to allow the tracking of consent searches conducted by the Brooklyn Center Police Department.
2. Create a program to educate the community and City Staff on consent searches.
3. Research and implement a balance of power statement or “right to refuse” statement for the Brooklyn Center Police Department.

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: 1/22/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Dr. Reggie Edwards, City Manager

SUBJECT: Approval of the 2024 Legislative Priorities

Requested Council Action:

- motion to approve the 2024 Legislative Priorities

Background:

The Minnesota Legislative session commences on February 12, 2024, and will continue through May 20, 2024.

Attached are the 2024 legislative priorities were identified by the Council and staff, which are outlined in the attachment. The 2024 legislative priorities cover the following areas of focus:

- Administration
- Essential Services
- Housing and Development
- Business and Economic Development
- Financial
- Law Enforcement and Public Safety
- Transportation

Staff is recommending that the City Council consider approval of the proposed 2024 Legislative Priorities.

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Strengthen community and employee engagement in key decisions, Be an effective partner with other public entities, Safety