Council Study Session
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 89746014857#
January 10, 2022

AGENDA

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

Council Study Session

DATE: 1/10/2022

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

SUBJECT: Common Sense

Background:

Common Sense is looking for a Saturday in February and May that would work to meet. Originally, we had scheduled Thursday, February 17 and Monday, May 2 but those dates no longer work for Common Sense.

CITY COUNCIL MEETING
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 89746014857#
January 10, 2022

AGENDA

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

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

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

2. Invocation - 7 p.m.

3. Call to Order Regular Business Meeting

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

a. Council Norms

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

- Motion to approve the following minutes:

- *12.2.21-Special Session Meeting*
- *12.6.21-Special Session Meeting*
- *12.9.21-Special Session Meeting*
- *12.13.21-Study Session Meeting*
- *12.13.21-Regular Session Meeting*

b. Approval of Licenses

- Motion to approve the licenses as presented.

c. Resolution Designating Official Newspaper

Approve resolution Designating Official Newspaper for 2022

d. Resolution Declaring Commitment to the Brooklyn Center City Charter

Approve resolution Declaring Commitment to the Brooklyn Center City Charter

e. Resolution Recognizing the Contributions of Ethnic Populations and Heritage Celebrations

- Approve a resolution Recognizing the Contributions of Ethnic Populations and Heritage Celebrations

f. Resolution for the Annual Appointment of Municipal Trustees to the Brooklyn Center Fire Relief Association Board of Trustees

- Appoint municipal trustees to the Brooklyn Center Fire Relief Association board of trustees.

g. Resolution Selecting Presiding Officers-Mayor Pro Tem and President Pro Tem

- Appoint the Mayor Pro Tem and Acting President Pro Tem for 2022

h. Resolution Declaring a Public Nuisance and Ordering the Removal of Diseased Trees at Certain Properties in Brooklyn Center, Minnesota

- Motion to approve a resolution Declaring a Public Nuisance and Ordering the Removal of Diseased Trees for Certain Properties as listed in the resolution

i. Resolution Designating Depositories of City Funds for 2022

- Motion to approve a resolution designating depositories of City funds for the 2022 fiscal year.

j. Resolution Opting not to Waive Limited Tort Liability for 2022

- Motion to approve a resolution adopting the no waiver option for statutory tort liability insurance.

k. Resolution Granting Corporate Authority for Signing of Checks and Transactions of Financial Business Matters

Motion to approve a resolution granting corporate authority for signing checks and transactions of financial business matters to the City Manager and Finance Director for the City of Brooklyn Center.

l. Resolution Establishing Parking Restrictions for Segments on 53rd Avenue North from Logan Avenue North to Lyndale Avenue North

- Motion to approve a resolution establishing no-parking restrictions along

the north side of 53rd Avenue North from Logan Avenue North to Fremont Avenue North and the north side of 53rd Avenue North from 4th Street North to Lyndale Avenue North, in accordance with Municipal State Aid (MSA) requirements.

m. Resolution Approving the Land Exchange Agreement between the City of Brooklyn Center, the Economic Development Authority in and for the City of Brooklyn Center, and Independent School District No. 281, Robbinsdale Area Schools

- Motion to approve a resolution approving the land exchange agreement between the City of Brooklyn Center, the Economic Development Authority in and for the City of Brooklyn Center, and Independent School District No. 281, Robbinsdale Area Schools.

n. Motion to Adopt the 2021 General Records Retention Schedule for Minnesota cities

Motion to adopt the 2021 General Records Retention Schedule for Minnesota Cities

o. Resolution 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

- Motion to approve the resolution 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

p. Resolution Appointing Council Members to Commissions and Outside Organizations

- Approve a resolution appointing City Council Members to Serve as Liaisons to City Advisory Commissions and as City Representatives/Voting Delegates for Other Organizations for 2022

7. Presentations/Proclamations/Recognitions/Donations

8. Public Hearings

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

a. An Ordinance Amending Chapter 23 to Allow and Regulate Special Events and Approve a Resolution to allow a Summary Publication of the Ordinance

- Motion to reopen the public hearing, hear testimony, and close the public

hearing

- Motion to approve a Resolution approving the second reading of an ordinance amending Chapter 23 of the City Code of Ordinances regarding special events and summary publication of the ordinance.

b. Resolution Certifying Special Assessments for Improvement Project No. 2022-01, Woodbine Area Street Improvements to the Hennepin County Tax Rolls

- Motion to reopen the public hearing, hear testimony, and close the public hearing

- Motion to approve a resolution certifying special assessments for Improvement Project No. 2022-01, Woodbine Area Street Improvements to the Hennepin County Tax Rolls.

c. An Ordinance Amending Chapter 35 of the City Code of Ordinance Regarding the Zoning Classification of Certain Land Located at 6440 James Circle North (Second Reading / Public Hearing)

(1) Motion to:

- *Open the public hearing;*
- *Take public input; and*
- *Close the public hearing.*

(2) Motion to approve a second reading, and adopt an ordinance amending Chapter 35 of the City Code of Ordinances regarding certain land located at 6440 James Circle North from C2 (Commerce) District to PUD/MX-B (Planned Unit Development/Business Mixed-Use) District.

(3) Motion to approve a resolution approving a Summary Publication for Ordinance No. 2021-006.

9. Planning Commission Items

10. Council Consideration Items

a. Resolution Authorizing the City Manager to Execute a Minnesota Opioids State-Subdivision Memorandum of Agreement, the Distributor Subdivision Settlement Participation Form and the Janssen Subdivision Settlement Participation Form on Behalf of the City of Brooklyn Center

- Approve resolution authorizing the city manager to execute a Minnesota Opioids State-Subdivision Memorandum of Agreement, The Distributor Subdivision Settlement Participation Form and The Janssen Subdivision Settlement Participation Form on behalf of the City of Brooklyn Center.

11. Council Report

12. Adjournment

We Agree To

Internal Council Relations – Norms for 2021 – Practiced for next 90 days

- Seek to not repeat or re-iterate points that were already shared
- Engage in discussion and sharing alternate perspectives *without* weaponizing other people's words
- Recognize others with "What I heard you say is _____, with your permission, I'd like to move forward now."
- Call for consensus when it's time to make a discussion
- Allow new solutions in a time of dynamic change, process: (1) name the problem (2) find the process to resolve (3) have the discussion (4) make a decision.
- After open discussion, close down the chat during council chamber discussion (*need to vote on it).

Council Regular Meeting

DATE: 1/10/2022

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

SUBJECT: Approval of Minutes

Requested Council Action:

- Motion to approve the following minutes:

- *12.2.21-Special Session Meeting*
- *12.6.21-Special Session Meeting*
- *12.9.21-Special Session Meeting*
- *12.13.21-Study Session Meeting*
- *12.13.21-Regular Session Meeting*

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:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
12.2 Special Session	1/3/2022	Backup Material
12.6 Special Session	1/5/2022	Cover Memo
12.9 Special Session	1/3/2022	Backup Material
12.13 Study Session	1/3/2022	Backup Material
12.13 Regular Session	1/3/2022	Backup Material

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

SPECIAL SESSION
DECEMBER 2, 2021
VIA ZOOM

CALL TO ORDER

The Brooklyn Center City Council reconvened a Special Meeting called to order by Mayor Mike Elliott at 6:09 p.m.

ROLL CALL

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

MISCELLANEOUS

CONTINUED DISCUSSION OF 2022 BUDGET

Mayor Elliott summarized the need for continued discussion about the 2022 budget. He had asked City Attorney Troy Gilchrist to create a comparison chart of the two proposed budgets. Additionally, an excel spreadsheet was created to depict the current positions, both filled and opened, within the Police Department.

City Manager Reggie Edwards stated Council directed Staff to prepare a compromised budget, and Dr. Edwards had a presentation prepared for the Council. Mayor Elliott stated that was not his understanding of the direction from the Council.

Councilmember Graves stated she did ask Staff to consider the presentations from the previous meeting as she noticed a gap between the proposed budgets and the community presentation budget estimations. She explained she had asked for the presentation so the Council would have something to work off of and noted she was unaware that Mayor Elliott was going to ask Mr. Gilchrist to create a comparison document.

Councilmember Ryan agreed his understanding was the same as Councilmember Graves and was anticipating for Staff to create a presentation that would tie together the loose ends. Therefore, it seems appropriate to hear from the Staff. He added he would like to see what Mr. Gilchrist put together. Additionally, there are housekeeping issues that need to be addressed. The last meeting was six hours, and it was not properly adjourned. He explained he would like to set better ground rules for muting attendees and create a time limit for public comment.

Councilmember Graves noted her agreement with Councilmember Ryan's concerns about decorum. She hoped the meeting at hand could be more similar to a work session for the Council. The public may not understand the Council does not discuss these issues outside of the public meetings. There is an opportunity for the public to speak again on Monday, so she would like the current meeting to be a time for Council to nail down some details.

Councilmember Butler stated they listened to the public extensively at the last meeting and will listen again at the next meeting. Therefore, the current meeting should only be for Council discussion and consensus.

Councilmember Lawrence-Anderson noted she agrees with the other members of the Council. She has received around 80 emails, and she is trying to respond to them all. The Council needs to discuss the budget amongst themselves, and the public can listen in.

Mayor Elliott stated his intention for the meeting was primarily Council discussion. If they do allow for public comment, then they should put a time limit on it. If there is a time, in the end, he would be fine with public comment since some members of the public expressed interest in speaking. He explained Dr. Edwards would present followed by Mr. Gilchrist.

Dr. Edwards explained the purpose of the presentation was to present a budget compromise that addresses the funding gaps and a set of adjusted budget principles. Based upon the public safety act, adopted preliminary budget, and proposed budget change primarily to the Police Department's budget, Staff has attempted to develop and propose a viable and agreeable adjusted budget while addressing the gap of approximately $267,000 to more fully fund a community response model service.

Dr. Edwards stated Michelle Gross, a representative with Communities United Against Police Brutality, presented a potential cost of $517,000 for a community response unit model. Additionally, Ms. Gross presented a potential cost of $251,000 for a civilian traffic response unit. The adopted preliminary budget allocated $250,000 to each of those units for 2022 and an additional $250,000 to each of those units for 2023. Therefore, there is an approximate gap of $267,000 between the preliminary budget and the proposed additional units.

Dr. Edwards explained the adjusted budget principles lay the foundation for co-creation, meet the spirit of the public safety Resolution, promote fiscal prudence, keep the proposed tax levy, incorporate several external resources and funding avenues, create bold and fundamental change by implementing alternative public safety services, maintain a high quality of police services, create a path to structural sustainable funding, and ultimately allow the City to act, learn, and adjust.

Dr. Edwards stated the adjusted proposal includes the creation of the Office of Prevention, Health, and Safety. The Office would support the vision of Brooklyn Center as a thriving, diverse community with a full range of housing, business, cultural and recreational offerings and as a safe and inclusive place that people of all ages love to call home, and visitors enjoy due to its convenient location and commitment to a healthy environment. The mission of the Office of Prevention, Health, and Safety would be to provide leadership, programming coordination, and evaluation of

prevention, health, and safety across the enterprise and in the community. Additionally, coordination of efforts within the enterprise shall focus principally on all public safety-related departments.

Dr. Edwards stated the adjusted budget proposal includes an increase of $366,957 for each 2022 and 2023. The funding would address the gap between the preliminary budget and the presentation by Ms. Gross. To do that, they would see an increase in the lodging tax, a slight increase in vacancy savings, and the freezing of three Police Department positions.

Dr. Edwards stated there would be a $3.6 million investment toward the spirit of the Daunte Wright and Kobe Dimock-Heisler. Community Safety and Violence Prevention Resolution. There would be less money allocated toward the efforts in 2023 as the external funding for the FUSE fellows, the Implementation Committee Project Manager, and related office expenses would no longer be available. The previously proposed programming would still be funded, and the change in funding is only directed to the civilian traffic enforcement unit and the alternative community response unit.

Dr. Edwards stated they want to lay a foundation for co-creation and continue to work with the Police Department and local organizations. It was critical to fully fund the gap in the 2022 budget. The plan includes freezing three Police Department positions and conducting a labor study. They will implement program pilots for traffic enforcement and the community response model. Down the line, they will review the labor study and the impact of pilots on the Police Department workload and police service quality. The reviews would happen in six months, twelve months, and eighteen months. From there, they will determine to reinstate the three Police Department positions, freeze the positions for an additional year, or permanently eliminate the positions before the 2023 fiscal year.

Dr. Edwards reiterated the adjusted budget principles: lay the foundation for co-creation, meet the spirit of the public safety resolution, promote fiscal prudence, keep the proposed tax levy, utilize several external resources and funding avenues, create bold and fundamental change by implementing alternative public safety services, maintain a high quality of police services, create a path to structural sustainable funding, and ultimately act, learn, and adjust. Dr. Edwards offered to answer questions from the Council.

Mayor Elliott thanked Dr. Edwards for the presentation and noted it moves the City closer to where they need to go. However, the proposed adjusted budget still needs further compromise. It is important for the Council to fully support the budget moving forward. He noted Ms. Gross presented a good model for alternative responses. They do need to take into account the proposals made by Law Enforcement Action Partnership (LEAP). He stated Amos Irwin was on the call to provide further input.

Councilmember Graves asked Mayor Elliott who Mr. Irwin was. Mayor Elliott stated Mr. Irwin was a representative from LEAP.

Councilmember Graves asked for Council to have an opportunity to ask Dr. Edwards questions about the adjusted proposal. Mayor Elliott stated he was fine with that, but considering the issue

at hand is the alternative response model, he would like Mr. Irwin to provide input as well. Mayor Elliott noted he is running the meeting and would like the Council to respect his role in doing that.

Councilmember Graves stated she was confused because Mr. Irwin was not on the agenda, Mayor Elliott did not clarify who he was before asking Mr. Irwin to speak, and Dr. Edwards already offered to answer questions from the Council. Additionally, the Council agreed upon keeping the meeting discussion within the Council. Councilmember Graves stated she was not opposed to hearing from Mr. Irwin and explained it was a confusing introduction.

Mayor Elliott stated hearing from Mr. Irwin or Ms. Gross is not a form of public comment but rather as accessing resources available to them. He stated he was open to having Council ask questions of Dr. Edwards but noted it would be helpful for Mr. Irwin to provide additional information and context.

Councilmember Graves stated she was fine with comments from Mr. Irwin now that it has been explained who he is. She pointed out Dr. Edwards moved forward with Ms. Gross' presentation because she received numbers specific to Brooklyn Center. Councilmember Graves asked if Mr. Irwin had numbers specific to Brooklyn Center for his proposal. Mayor Elliott stated Mr. Irwin has accessed some preliminary 911 data from Brooklyn Center.

Dr. Edwards asked to speak. Mayor Elliott stated he was going to exercise his prerogative and call on someone else.

Councilmember Ryan asked to speak. Mayor Elliott stated he was going to exercise his prerogative and call on someone else.

Mr. Irwin stated he had another member of his team present to speak to the proposal. Mr. Irwin stated the budget proposal covers 12 hours per day and asked his colleague for his take on that. Neil Franklin, past Executive Director of LEAP and former police officer, stated it is important to have responders available 24 hours each day. The reason law enforcement has become the default is that they are always available. If an alternative response is not available all day long, then people will lose trust in the alternative response.

Mr. Franklin shared while he was a police officer, he had to put handcuffs on a young girl who had run away because they were the default response. He explained he should not have been put in that position, and there should have been another option to respond to her. Other jurisdictions have asked for expanded response hours for alternative response programs so the police can consistently rely upon him. On the other hand, no jurisdiction has scaled back its alternative response programs.

Mr. Franklin stated the cost of responders to be available 24 hours a day for seven days a week would be $800,000 rather than the adjusted proposal of $500,000. Because community responders are specially trained to respond to low-risk calls, research shows they can handle the calls more effectively and at a lower cost. There is no reason to start a program with a limited budget as it would limit the public's trust in the program. Mr. Franklin explained each jurisdiction LEAP has

worked with has found both law enforcement and dispatch want the program to be consistently reliable, as does the public. Mr. Irwin thanked Mr. Franklin for his comments.

Councilmember Ryan asked if the responders would be mental health specialists. Mr. Franklin stated it would be a combination of mental health specialists and other designated civilians. Councilmember Ryan noted his appreciation of Mr. Franklin's anecdote. Councilmember Ryan stated his concern is that several other jurisdictions are trying to set up the programs. Therefore, they may be competing with a smaller pool of well-trained people. Councilmember Ryan stated he would ask Dr. Edwards to share more information about the costs for individualized personnel.

Councilmember Graves asked what information the Staff has about the County response program. The County has provided information about the co-responder model they are launching via email and through the County Commissioner, but she would like more information.

Dr. Edwards noted the City had received a presentation from the County about models they are considering. The County explained a model they are doing in Brooklyn Park, and they stated there was potential to add Brooklyn Center to the model in Brooklyn Park. The Deputy Fire Chief also shared models they are considering. Staff will be traveling to Denver to learn more about their response model. The role of the Implementation Committee is to formulate those ideas to bring back to the Council, as articulated in the city Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. He added Interim Police Chief Tony Gruenig may have additional information.

Chief Greunig added Hennepin County is about to start a pilot program, and their recommendations are to move slowly to ensure the success of the program. Chief Greunig noted Hennepin County District 1 Commissioner Jeffrey Lunde was on the call and would have additional information.

Commissioner Lunde stated the County program is launching with seven embedded social workers. Brooklyn Park is adding three social workers, one of which is dedicated to group homes. There is money allocated to fund 36 social workers across the County, and it is not considered a pilot program anymore. The social worker would be embedded within a city's police department. Commissioner Lunde explained the County spent a lot of time traveling around the country studying different models. and they came back with the best practices and localized them. There are great plans out there, but they have to be consistent with existing State law and programs. The embedded social worker program is meant to respond to and connect people back to County services. Oftentimes people who are experiencing mental health challenges are also facing other issues. The County prioritizes offering a continuum of care.

Commissioner Lunde added he will be in Denver with Brooklyn Center's Fire Chief next week to tour the 911 facility there. The County is looking at having embedded social workers within the dispatch center to triage issues immediately. Commissioner Lunde noted it is very important to have the responses available seven days a week, 24 hours a day. The County faced a similar challenge when their assessment facility was only available during regular business hours. Lastly, it may be advantageous to do a tour with Brooklyn Park or another jurisdiction with the embedded social workers. There are multiple types of programs being rolled out.

Ms. Gross, a representative with Communities United Against Police Brutality, stated embedded social workers have traditionally been a follow-up option. She has attended meetings with Hennepin County regarding the social workers, and she hadn't been told the social workers would be primary responders. However, that would be a welcome change.

Ms. Gross explained her initial proposal included a 24 hours per day, seven days per week response. Under State statute, there must be mental health professionals to respond to mental health calls, and there are requirements for their education. Ms. Gross stated Brooklyn Center had around 540 mental health crisis calls in 2020, which is not enough to keep a full-time person busy doing just that work. Her proposed hybrid model included a licensed clinical social worker to supervise a team and also provide the mental health responses as required by statute. Then regular social workers, emergency medical services, and peer counselors could respond to the community response calls at a lower cost.

Ms. Gross stated the Council thought the initial proposal was too expensive, so Ms. Gross later recommended the City partner with Hennepin County's Community Outreach for Psychiatric Emergencies (COPE) for all-day everyday services. Ultimately, it would be the Implementation Committee who would make those decisions.

Mayor Elliott stated the Council has a lot of decisions to make. They spend a lot of money on public safety. If they look at the difference between $517,000 and $800,000 and consider they have spent $800,000 on a single lawsuit before, the investment in an alternative response program would pay back huge dividends for the community. Mayor Elliott stated they should allocate $800,000 to allow for a total response, 24-hour model if that is what the Implementation Committee chooses to move forward with.

Councilmember Graves asked if Ms. Gross' second proposal included a 24-hour model. Ms. Gross stated the second model was based on a 12-hour model. However, she does not think a 12-hour model is an ideal solution. State statute says mental health response must be a 24-hour model.

Councilmember Graves asked what the cost is to be part of COPE and how the current embedded social worker compares to other City's embedded social workers. Chief Greunig stated Brooklyn Center's embedded social worker just started, and they are trying to fine-tune how they receive reports. They are hoping for a 90 percent referral rate to the social worker, but his last presentation showed they were at a 60 percent referral rate. He noted their first social worker moved into a different program, so there were some time setbacks to hiring and training a new social worker.

Chief Greunig stated COPE will not respond to calls without a police officer. Brooklyn Center has tried to get COPE to respond to other situations, and they weren't able to do so. As part of the 2022 budget, the Police Department has a person to respond to barricaded situations. The responder will have access to the barricaded person's medical records, as they would be a trained therapist or social worker. The embedded social worker currently stays in the office. He stated it is important for the responding social worker to be connected to the County as the County provides the majority of mental health referrals and services for the community.

Mike Risvold, Hennepin County Suburban Community Engagement Liaison, stated most of the County's responses are based on data. The County is looking for a countywide approach. They wouldn't have an alternative response in every city for the entire day as that is expensive for everyone. Instead, they would like to develop a program with teams positioned throughout the County. The collected data will inform the staffing needs.

Mr. Risvold explained the embedded social worker is one layer and is designed to be a follow-up service after law enforcement responded to a situation. Brooklyn Park identified that the calls from their 25 most frequent 911 callers decreased by 85 percent thanks to the embedded social worker. Additionally, there is a social worker embedded in the 911 dispatch portion of the response. They are entered phase two of the pilot in 2022 by hiring more embedded social workers for dispatch.

Mr. Risvold stated another layer of the County's approach is modeled after Denver's Support Team Assisted Response (STAR) program. Hennepin County is going to have a community paramedic paired with a licensed social worker. Denver piloted that in 2020, and they are ramping it up in the coming months. Mr. Risvold noted someone mentioned a co-response option. He pointed out Hennepin County piloted a co-response option in Minneapolis, but the pandemic got in the way of that. They are working on that program down the road.

Mr. Risvold stated people want change today. He agrees with that, but since they want it to be countywide they are taking it slowly. It is important to have a behavioral health response available all day every day, and they are working toward that.

Councilmember Lawrence-Anderson asked what the time frame is to add cities to the program Hennepin County program mentioned by Commissioner Lunde. She stated she does not understand if they are looking at an independent entity program or if it would be more cost-effective to utilize Hennepin County resources and avoid duplication of efforts. That is a question the Council needs to answer for themselves. They need to decide what would be most cost-effective and just effective in the long term.

Ms. Gross stated there was a recent law passed called Travis' Law which requires that 911 calls for mental health crisis response be deflected to mental health crisis response teams. Those teams are available in every single county in Minnesota. Additionally, COPE has traditionally visited people in their homes, although they have currently paused that service due to COVID-19. Some services can be handled via telephone, but there are instances where there needs to be a response to the residence. Best practice says a trained mental health professional should respond to the scene and comport with the law. Ultimately, the Council has to decide on how to provide 24-hour service.

Mayor Elliott stated if they use COPE for the mental health response, they could still provide around-the-clock service to the community. The Implementation Committee has to work through the details, but the Council must set aside funds to allow them to make those decisions specific to Brooklyn Center. He noted Brooklyn Center is almost 70 percent people of color while the County is closer to 25 percent people of color. The City has a foreign-born population of 25 percent. The County may be creating a model that will be great for Hennepin County, but Brooklyn Center has

a unique community with unique needs. Investing $800,000 can have a very big impact on the community and allow for the Implementation Committee to explore all possible options.

Councilmember Ryan stated it is very logical to consider Travis' Law. The Council should know what assistance the State is going to provide to cities without a rich property base such as Brooklyn Center. Mr. Risvold stated Travis' Law was covered in a recent presentation to the City. The Hennepin County Director of Emergency Communications Tony Martin chairs a statewide working group that addresses Travis' Law. The statute does require a mental health response where available. It is the interpretation of the County Attorney's Office that Hennepin County is still in compliance with that law even though they are in the building process of such a response. The County, however, has not received a response from the Attorney General's Office on the matter.

Mr. Risvold stated Denver STAR and Portland's Crisis Assistance Helping Out On The Streets (CAHOOTS) are completely different. Denver's STAR program uses a licensed clinician to respond, and that is the model Hennepin County is trying to use along with a community paramedic.

Councilmember Lawrence-Anderson asked what the time frame is to add cities to the program Hennepin County program mentioned by Commissioner Lunde. Mr. Risvold stated there are eight cities in the County that will be adding embedded social workers to their response programs. Commissioner Lunde was not referring to an alternative response option.

Mr. Irwin stated it is important to remember the majority of calls that would be handled by community responders are not mental health calls. Some calls may have a mental health aspect to them such as calls focused on addiction and homelessness. They would also respond to noise complaints or juvenile issues. LEAP has found that 75 percent of the calls are not mental health calls. Therefore, mental health services would not respond to 75 percent of the calls.

Mayor Elliott asked if LEAP has worked with other cities to build alternative community response options. Mr. Irwin stated that information is not yet public from a collaboration with Amherst, Massachusetts, but they will be able to give more details later. There is a public report about percentages of calls that fall into different categories from work with jurisdiction in Ohio.

Councilmember Ryan asked if the County has a policy decision that is still awaiting concrete appropriations. Commissioner Lunde stated his understanding is the Attorney General would not give an opinion, so that is why the statewide working group was formed. At this point, the County's dispatch center complies with Travis' Law. Councilmember Ryan stated it would be important to seek further clarification from the State level. Commissioner Lunde stated the issue is on the list to be addressed in the upcoming legislative session.

Mr. Gilchrist showed a chart comparing the proposed budgets. He explained it was meant to be a starting point for the Council's discussion. Additionally, there is a different language being used between the two budgets. The language is within the realm of the Council's authority, and the Council has already acted to name a new office during the passing of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. The language needs to

be consistent with the language in the Resolution unless they decide to change the Resolution. Mr. Gilchrist stated the City Manager's proposed budget and the Mayor's proposed budget have a difference of $357,193.

Councilmember Butler asked if the numbers on the slide were from the City Manager's first presentation or the presentation from that evening. Mr. Gilchrist stated the typed numbers are from the original presentation, and the handwritten numbers are from the adjusted budget that Dr. Edwards proposed that evening.

Mayor Elliott asked if the $357,000 is the difference between the two most recently proposed budgets. Mr. Gilchrist confirmed Mayor Elliott's question was correct.

Mayor Elliott asked how much money is allocated for each of the three proposed police officer salary freezes. He stated his math showed about $100,000 per position. Dr. Edwards stated the money depends on the position, and he left that up to the Police Department to decide which three positions would be frozen. He confirmed he estimated a little over $100,000 per frozen position.

Councilmember Graves stated the Resolution was passed rather quickly, and they didn't talk about the structure of the new department or what should or shouldn't be included. She wishes she would have taken more time to talk about the details. Now that they are talking about the details, they may decide they may need fewer departments or to combine the departments. They are trying to build an office and a program without looking at data or tailoring it to the needs of the City. Being chained to the language in the Resolution may inhibit their progress on implementing it. She asked how they could make the document more fluid.

Mr. Gilchrist stated the Council enacted specific language, and they need to be consistent with it until they change it. The Council could use a fluid approach and make adjustments to the Resolution by creating another resolution.

Councilmember Graves noted Mr. Gilchrist's chart was helpful to decipher the differences. There were line items in the City Manager's budget that are not captured in the presented chart. Dr. Edwards stated Mr. Gilchrist's chart does not include Health On The Go, Cities United, the new health focus embedded in the Parks and Recreation Department, the Inclusion, Equity, and Antiracism Office. Over $2 million would be allocated for the efforts in the spirit of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution in 2022, and just under $2 million would be allocated in 2023. Dr. Edwards' proposal exceeds the amount shown in Mr. Gilchrist's chart.

Dr. Edwards stated the Resolution called for the creation of the Implementation Committee and for the Committee to present the Council with recommendations. The proposal included pilot programs with sustainable funding. The language being used in the Resolution does not match up with his proposed budget because the entire Resolution will not be implemented in 2022. They have not gotten to the point of final implementation because the Implementation Committee has yet to be formed and has yet to create recommendations.

Mr. Gilchrist confirmed the chart does not include all of the items in Dr. Edwards' presentation. Mr. Gilchrist's thinking was to keep it to the provisions specific to those listed in the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. Mr. Gilchrist assumed that the other efforts would move forward regardless of the specific numbers presented in his chart.

Councilmember Graves thanked Dr. Edwards and Mr. Gilchrist for their clarification. She noted the efforts not listed in the chart are complementary to one another. Community programming as proposed by Dr. Edwards addresses social determinants of health and its effects on public safety. The other funded programming does apply to the community programming line on Mr. Gilchrist's chart. Public safety and violence prevention looks a lot of different ways. For example, BrookLynk could even be considered on Mr. Gilchrist's chart as additional community programming.

Mayor Elliott noted the $150,000 for the Implementation Committee was intended for them to visit with other cities and pay for technical assistance, data modeling software, and the likes. Those items are not included in the City Manager's proposed budget. The youth and community programming are similar to the community transformational change and innovation process. The youth programming in his proposal allows youth to have a place to build skills such as finances, health, or coding. Both are needed, and the two do not compete. All of the line items represent collective transformation for the community.

Councilmember Graves stated the youth programming specified by the Mayor is near to her heart. Mayor Elliott explained he learned those things from Councilmember Graves.

Councilmember Graves noted her appreciation of those efforts but explained she does not see which specific programs are going to be implemented. Some of the programming mentioned by Mayor Elliott is available in the City through other organizations. She asked if the youth programming would be partnerships with community organizations or if it would just leave space for the Implementation Committee to decide. She understands and is on board with the vision, but she doesn't understand the plan. She asked how does he know how much funding to allocate to that programming and if that is something the Implementation Committee should guide the Council on. A guiding body such as the Implementation Committee has to have the knowledge, expertise and lived experiences to steer the City in the right direction. There also needs to be buy-in from the community and build upon the work that is already being done.

Mayor Elliott noted his agreement with Councilmember Graves and explained the dollar amount is a placeholder for the Implementation Committee to work with.

Councilmember Butler asked how soon will they have an Implementation Committee and how often they will be meeting. She wants to make sure the Council does not design too much. Sometimes community is invited into a space where things have already been created rather than presenting them with a blank canvas. She noted there are currently 14 open positions in the Police Department. Councilmember Butler asked if they are partially through the year and they have open positions still, could those funds be reallocated to support the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution.

Mayor Elliott stated they had a round of interviews already, and they have a final interview round next week for the Implementation Committee Manager. Once that position is in place, they can move forward with filling the Committee. After they have appointments to the Committee, it will depend on the plan of the Manager for the start and frequency of meetings, but hopefully, it will happen early on in the new year. The Committee will work through the alternative response models and tailor them to Brooklyn Center. The projection is they will have a model within the first two months of 2022. LEAP has done similar work with other cities, and they have experience with timelines. As for reallocating Police Department funds, he would like to see something like that happen as well.

Councilmember Ryan noted his appreciation for Councilmember Graves' remarks about language in the Resolution and fluidity of the offices. He looks forward to hearing from the Implementation Committee about their thoughts on the language and possible departments or offices. Mayor Elliott stated if the recommendation of the Implementation Committee is to change the structure or language in the Resolution, then it would come back to the Council to be considered.

Councilmember Ryan stated one percent of the levy is $184,000. If there is only a $367,000 difference between the two potential budgets, they could make that up with two points on the property taxes. His concern about Travis' Law is if the State legislature gave them an unfunded mandate, and he wouldn't want to financially harm the people they are seeking to help.

Ms. Gross stated the legislature did allocate $13 million towards the implementation of Travis' Law and strengthening 911 response teams. While the Council cannot budget on maybes, there are several funding opportunities for starting alternative response teams. The Implementation Committee could look at those potential opportunities to fund the gap between the two plans.

Mayor Elliott stated the Implementation Committee Manager and the Implementation Committee will be pursuing alternative funding services. However, this is an investment in the community to address the conditions that lead to public safety issues and to create culturally-responsive resources. It is a net benefit for the community to make the investment. Additionally, it would yield savings for the City with a lower cost to respond to the calls. CAHOOTS' reports show savings of roughly $8.5 million each year.

Councilmember Butler asked if they are partially through the year and they have open positions in the Police Department still, could those funds be reallocated to support the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. She noted the reallocation could be dependent upon the studies on the effectiveness of the alternative responses mentioned by Dr. Edwards.

Dr. Edwards stated they can make adjustments to the allocations at any given time. His adjusted budget details they would implement the freeze, begin the pilot program, then do the workload study to assess the effects of the pilot. He anticipates being at the point of presenting those findings to the Council in 2023.

Dr. Edwards noted Councilmember Graves mentioned letting the Implementation Committee speak to the creation of programs and avoiding overdosing before their input. The Implementation Committee will have to get to know one another, learn more about the needs of the community, and look into various options for a model. The likelihood of that happening in two months is low. By the time a program would be up and running and exist long enough to make an impact for a workload study, they could adjust for the results in the 2023 budget.

Mayor Elliott stated LEAP and Ms. Gross have engaged in the implementation of similar programs and worked with data in other cities before. The Council can hold space for the Implementation Committee to make the decisions on how to use the allocated funds. Brooklyn Center is extremely unique and faces unique challenges. Working with the Council and the community, they can build a unique model for the City.

Councilmember Graves asked if the interviews the City has been having would be for the position to oversee the Implementation Committee. Mayor Elliott confirmed they have been interviewing for the Implementation Committee Manager. Councilmember Graves asked if that position reports directly to the Mayor in the Mayor's proposed budget. Mayor Elliott confirmed the position reports directly to him in his proposed budget. Councilmember Graves asked if the Implementation Committee would then make recommendations to the Council. Mayor Elliott confirmed the Implementation Committee would then make recommendations to the Council.

Councilmember Graves stated the hiring of the position to oversee the Implementation Committee and appointing members of the Implementation Committee needs to move along. Mayor Elliott stated they are working on that process. They will have the Implementation Committee Manager hired by the end of the following week, and they will begin to appoint members to the Committee. They are working with the FUSE fellows to move the process forward. Councilmember Graves stated she will be meeting with the FUSE fellows soon. The Council talks about theories and ideas, but it is people like the FUSE fellows and the Implementation Committee who do the legwork.

Councilmember Graves asked if Dr. Edwards increased the budget for the Implementation Committee in his adjusted budget. Dr. Edwards confirmed he increased the budget for the Implementation Committee in his adjusted budget. He explained there was an initial gap of $267,000, and Staff identified $366,000 in additional resources. They spread out the additional money throughout the various offices and committees. Councilmember Graves noted she was happy to see Dr. Edwards address the gap in the budget. She added she looks forward to hearing about the hiring of the Implementation Committee Manager.

Councilmember Graves stated she believes LEAP's presentation laid out implementation in three- or six-month steps. What they have in the budget is sufficient to get the implementation started. After hiring the Implementation Committee Manager and appointing the Committee members, they could secure more funding for the work, especially considering the funding opportunities mentioned by Ms. Gross. They would have a very strong application and would have support from various communities. She stated she feels confident about the adjusted budget proposed by Dr. Edwards. There are other avenues open to them once the Implementation Committee moves forward.

Mr. Irwin stated Brooklyn Center is further ahead than where most jurisdictions start in the timeline. The fact that there is imminent hiring for a Manager decreases the timeline. Six months is a reasonable amount of time to allow for the training and hiring of responders.

Mayor Elliott stated his understanding is that there is sufficient money available for the community response model and the Implementation Committee. Councilmember Graves stated it is enough to at least get started. The decisions are supposed to be informed by the police assessment, the pilot programs, and the pilot programs evaluation. The Implementation Committee Manager and Staff can continue to apply for additional funding. The Council cannot ensure what every detail will look like at this time.

Mayor Elliott asked what Dr. Edwards' revised budget includes from the Mayor's proposed budget. Dr. Edwards stated in January they will be hiring Staff, and, therefore, the capacity of Staff will increase once that happens. The Office Manager and its operations would have $200,000 and the pilot civilian traffic response has $260,000. Mayor Elliott asked how much money would go toward the Implementation Committee. Dr. Edwards stated the Implementation Committee didn't have a specific line item, but the money from the other lines would include funding of the Committee.

Mayor Elliott stated if the $150,000 for the Implementation Committee from the Mayor's proposed budget is not included in Dr. Edwards' adjusted budget, then they need to add funding for the Implementation Committee, especially for technical assistance. Dr. Edwards stated the Office of Violence Prevention, Health, and Safety budget of $200,000 which includes Staff for $104,000 and then programming. Since they would not be prepared to implement that right away, the City could use some of those funds for technical assistance for the Implementation Committee. There are more enough resources to provide $150,000 for the Implementation Committee.

Councilmember Graves asked if Mayor Elliott was looking for the difference of $70,000 between the proposed budgets. Mayor Elliott confirmed that was correct and noted it should be a line item to make it clearer.

Mayor Elliott stated they should be in alignment with the Resolution until the names are officially changed. The Office of Violence Prevention, Health, and Safety would mean the same thing as the Resolution's Department of Community Safety and Violence Prevention. There are important responsibilities laid out in the Resolution that is critical in moving forward, as is having a Director for that Department.

Councilmember Graves stated the Resolution calls for three departments and, therefore, three new directors. That would require more money and would be preemptive because they do not know if they need three departments. The Implementation Committee and the pilots would inform that decision. As previously discussed, they did not have a lot of time to go over the details in the Resolution. Councilmember Graves asked how long it would take to hire three directors and if that would benefit the pilot programs. There is enough capacity for one new department, then the process could inform if they need more. The Council nor too many people from Brooklyn Center helped Mayor Elliott draft the Resolution. She explained that she was in favor of the Resolution,

but they need to diligently process the details. The Implementation Committee may say they should follow everything in the Resolution, but they may not. At that time, they could change the title of the office to the department. Councilmember Graves stated Mayor Elliott was getting too caught up in the language of the Resolution rather than making and acknowledging progress.

Mayor Elliott stated they are making progress. Mayor Elliott stated he brought the Resolution forward, but the Council passed it. It is the same amount of money whether they use the term office or department. He noted he would like support to follow the Resolution's language. Mayor Elliott added he is not asking to hire three directors immediately but to start with one. It also upholds trust with the public to follow through with what they have said. The Council committed to the department and the responsibilities that go along with a director. He added he is willing to be flexible on the funding question.

Councilmember Graves noted she does not care if someone has the title of manager or director. However, not everything has to be laid out exactly as written in the Resolution as that may inhibit progress. She asked if title matters in terms of finances or written policy. Dr. Edwards stated the title does matter. There cannot be a director that reports to another director. There are already directors in the current departments, and the new director cannot report to a current director. The pay is different and is based upon responsibility. If they had a director report to another director, it would mean the pay is not based upon skill and responsibility. There are ramifications of titles, pay scales, and who reports to whom. Councilmember Graves thanked Dr. Edwards for his clarification.

Mayor Elliott stated he has spoken with Dr. Edwards about this topic before and has since researched the topic. Numerous organizations have directors report to other directors. It is important to tie the responsibilities of the role in the Resolution to the title. If they have the agreement to create the role as designed in the Resolution, then they are making progress. The names are semantics, and it is ultimately about responsibilities. If the Council agrees that the position will fulfill the responsibilities as written in the Resolution then the Implementation Committee could provide input on the title.

Councilmember Graves stated her impression was the role would carry out the responsibilities as written in the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution as well as overseeing pilot programs and collaborating with the Implementation Committee. The difference is only in the name. She noted her respect for the City Manager's perspective, and multiple directors could create confusion of hierarchy in the City until the Implementation Committee informs the decisions. She stated it would make more sense to amend the Resolution than to change the City's operating structure to align with the Resolution. Mayor Elliott stated there seemed to be consensus about the role of fulfilling the responsibilities of the Resolution and to change the name if needed at the direction of the Implementation Committee.

Councilmember Ryan noted his appreciation of Mr. Gilchrist's input on language and departments. The Resolution specifies departments and directors, and those titles have meaning. He asked if they could amend the Resolution to rename the departments and directors so they would align with the current structure and allow the Council as policymakers to meet the scale and operational needs

of the City. If they have a Director of Public Safety over the Fire Department, Police Department, community response, and traffic enforcement, they inherently have to pay the Director more than any other chief or director.

Mr. Gilchrist stated the Resolution allows the City Manager and the City Attorney to raise issues with the Resolution, which is exactly what the City Manager is doing. Additionally, Mr. Gilchrist did the same by encouraging the Council to follow the language of the Resolution. Mr. Gilchrist stated the Council can make changes. As stated by Dr. Edwards, the City Manager can also raise the issues with the Implementation Committee. From there, the Implementation Committee could provide input on such issues. They are projecting a lot of what the programs and departments could look like, but it is ultimately the role of the Implementation Committee to exercise its discretion to make those decisions.

Councilmember Ryan stated it seems logical and reasonable to wait to create units until the responsibilities and organizational structure is determined. Mr. Gilchrist stated budgeting for a position doesn't necessarily create the position. If they start to label things differently than in the Resolution, then it creates a disconnect and confusion. Additionally, it could place the City in a position where they are not following their documents. Councilmember Ryan stated it would be prudent on the part of the City leaders to change the document before creating the organizational units. It would allow the Council flexibility while Mayor Elliott's concerns about responsibilities would be addressed.

Mayor Elliott stated he has spent time in Fridley, and he toured their City Hall, Fire Department, and Police Department. They have a Director of Public Safety, a Police Chief, a Police Department, a Fire Department, and a Fire Division. It would appear they have a Public Safety Department with two departments under it. They also use the terms department and division interchangeably. The Council has to look at their City. Mayor Elliott agreed with Mr. Gilchrist about maintaining consistency with the Resolution.

Dr. Edwards explained he would not like to duplicate Fridley. He added he hopes the Council can trust him in his role as City Manager. Dr. Edwards noted he has experience throughout the country and at various levels of government, and he explained he is trying to be better than other places. He added he would like to clear up the titles, roles, and organizations before implementation as it would be cleaner, more effective, and simpler. Mayor Elliott stated it is important they stay consistent with the Resolution, and the Implementation Committee can report back to the Council with recommendations on structure and titles.

Councilmember Lawrence-Anderson stated she agrees with Dr. Edwards that they should be more concerned about the duties performed than the titles assigned. She asked what number they are starting at when implementing a freeze of police officer positions. Councilmember Lawrence-Anderson asked what dollar increase is reflected by the latest adjusted budget for evolving their public safety and mental health model for 2022.

Dr. Edwards stated they have 14 vacant positions currently in the Police Department. Throughout 2022, they would authorize the Department to hire 11 police officers. They will hear back from the labor study, receive feedback about the pilot programs, and look at the impact on crime in the

City by the end of 2022 to inform the 2023 budget and the freezing of positions. Councilmember Lawrence-Anderson asked what would happen in the case of additional attrition in the Police Department. Dr. Edwards stated they would fill those roles.

Councilmember Lawrence-Anderson stated they need to consider the additional services from Hennepin County that are not in the contract for the current year. Dr. Edwards agreed with Councilmember Lawrence-Anderson. He noted it will take the course of the year to assess their efforts. Additionally, they can typically only hire 12 police officers in a year, so allowing for only 11 additional officers is not a large change. The Police Department will decide which roles will have the smallest impact in providing a high level of service to the community. He added he had conversations with police staff on the topic. Councilmember Lawrence-Anderson noted her support of the six-month increments of reassessing the efforts.

Mayor Elliott stated Dr. Edwards also needs to find $70,000 for technical assistance for the Implementation Committee. Dr. Edwards confirmed they could find $70,000. Mayor Elliott stated the $250,000 for the traffic enforcement unit was already in the budget. Dr. Edwards stated Staff increased that item to $260,000. Mayor Elliott stated the Resolution asked for $950,000 for the community response unit. He noted Ms. Gross recommended $517,000 for a 12-hour model, but she agreed with LEAP it should be a 24-hour model at $800,000. Mayor Elliott asked if the adjusted budget covered the full $800,000. Dr. Edwards explained the original budget allocated $267,000 for the community response unit, and the adjusted budget added $366,000. Overall, over $2 million is committed. Mayor Elliott asked how much is specifically allocated to the community response unit. Dr. Edwards stated it would be $518,000 for the community response unit. Mayor Elliott noted Ms. Gross agreed with LEAP it should be a 24-hour model at $800,000. Dr. Edwards stated it will take at least six months to start the programs, so the $500,000 will cover the programming for 2022.

Mayor Elliott stated he wants to make sure the budget covers all of the Resolution components and added they will keep the titles the same until the Implementation Committee provides input to the Council.

Councilmember Lawrence-Anderson asked what is the increase is reflected by the latest adjusted budget for evolving their public safety and mental health model from 2021 to 2022. Mayor Elliott stated it depends on what they consider public safety. For example, they could argue down payment assistance is a public safety effort. If they define it as traffic enforcement, community response, mental health, and other 911 responders, then it would be $1.05 million-plus the Police Department budget at around $9 million. Councilmember Lawrence-Anderson asked how much money they are putting toward enhancing public safety in 2022 in comparison to 2021. Mayor Elliott stated Dr. Edwards could come back to the Council with that information. Health On The Go would be a public safety effort moving forward where they wouldn't have considered that a public safety measure in the past. Councilmember Lawrence-Anderson stated that is the point: things that they are doing to promote public safety that they haven't done before.

Councilmember Ryan stated they are planning to allocate $250,000 toward civilian traffic enforcement. They already have community service officers that are already used to writing parking tickets and things of that nature. It was somewhat misleading for outside people to predict

how much money they would be saved by police officers not writing parking tickets when they haven't been doing that. There have been City complaints about parking enforcement. Councilmember Ryan asked if there could be savings to ramp up the community service officers to respond to traffic incidents at a lower cost.

Dr. Edwards stated they have had conversations around that, but he hopes the Implementation Committee could influence that decision. The community service officers are unarmed personnel that could be transitioned to other roles. Additionally, the Fire Department could respond to more medical calls as they are already trained for that. It would reduce the number of calls that police are needed for. The City has spoken with local hospitals and emergency medical responders about options for responding without any armed personnel. They are simply waiting for the Implementation Committee to further engage in those conversations.

Councilmember Ryan asked if the fourteen open positions in the Police Department include the three police officers on long-term medical disability leave and the officer on limited duty due to an injury. Dr. Edwards stated if someone on long-term disability were to leave, then the Police Department could fill that position. They would only freeze currently unfilled positions. Dr. Edwards noted he discussed the freeze of the police positions with the Police Department staff. Councilmember Ryan thanked Dr. Edwards for his clarification.

Mayor Elliott stated the City looks for savings everywhere, and the Implementation Committee will look at all of the options. Minneapolis has traffic control personnel, for example, and there are several opportunities to look through. Mayor Elliott noted Council and Staff have several areas of agreement.

Councilmember Graves noted the gap in funding was smaller than Mayor Elliott thought it was, and Dr. Edwards found funds to fill most of that gap. He also got buy-in from the Police Department. Therefore, Mayor Elliott's proposed budget is not needed. Councilmember Graves asked how they address the Mayor's proposal in terms of procedure. Mayor Elliott stated there hasn't been a motion on his proposal, so they don't have to do anything to respond to it.

Mayor Elliott stated they have all done some compromising. Mayor Elliott's budget included $100,000 more for community programming than Dr. Edwards' budget, so there is still a gap there.

Councilmember Graves stated she agrees there is still a gap. Therefore, the new positions, the Implementation Committee Manager, and the Implementation Committee can seek out additional funding to fill the gap.

Mayor Elliott stated they can amend the budget Resolution to what they have all agreed upon. Councilmember Graves asked if that was necessary for light of Dr. Edwards adjusted budget and the small changes he will make after their discussion.

Mr. Gilchrist stated the process doesn't necessarily require the adoption of a resolution. The Resolution may provide findings of a wider context for the numbers, but it is up to the discretion of the Council. Councilmember Graves asked if they can ignore the Mayor's proposed budget as there was not a motion for it. Mr. Gilchrist confirmed the Mayor's budget is not officially before

the Council for action. Councilmember Graves noted she is confident with the information she has received.

Councilmember Ryan stated he sees no need for the Mayor's proposed budget.

ADJOURNMENT

Councilmember Ryan moved and Councilmember Graves seconded to adjourn the meeting at 9:23 p.m.

Motion passed unanimously.

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

SPECIAL SESSION
DECEMBER 6, 2021
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in a Special Meeting called to order by Mayor Mike Elliott at 6:35 p.m.

ROLL CALL

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

2022 BUDGET

CONSIDERATION OF 2022 BUDGET AND PUBLIC HEARING

City Manager Reggie Edwards introduced the item and explained the meeting was meant for truth in taxation. This type of meeting started about 25 years ago when it became required by State law. The intent was to ensure the people would be informed, to promote public participation, and to increase transparency. Dr. Edwards introduced Interim Finance Director Andy Splinter to continue the presentation.

Mr. Splinter explained the purpose of the meeting was to discuss the proposed budget and levy, hear input from the public, and for the Council to consider the adoption of the levy and budget. The budget process began in July with a Capital Improvement Plan and Capital Funds. August 2 included a 2022 Budget Overview presentation. In September, the City Manager recommended a property tax levy of 6.93%. There were several budget study sessions held with the Financial Commission in October. On September 27, 2021, the City Council adopted the preliminary levy, and, on November 22, the Council adopted the 2022 utility rates.

Dr. Edwards explained the decisions were made with particular strategic priorities in mind. Resident economic stability was a factor as the economic stability of residents is essential to vibrant neighborhoods and retail, restaurant, and business growth. The City will lead by supporting collaborative efforts of education, business, and government sectors to improve income opportunities for residents. The City prioritized targeted redevelopment by redeveloping properties to the highest value and best use to further accomplish goals regarding housing, job creation, and growth of the City's tax base. The City will appropriately prepare sites and provide the necessary supporting infrastructure investments to guide the redevelopment of publicly- and privately-owned properties.

Dr. Edwards noted they strived for an enhanced community image, meaning the City's ability to attract and retain residents and businesses is influenced by the perception of the City. Staff and Council will take specific actions to ensure that Brooklyn Center is recognized by residents, businesses, stakeholders, and visitors as a high-quality, attractive, and safe community. The priority of inclusive community engagement intends to provide effective and appropriate services, to clearly understand and respond to community needs. The City will consistently seek input from a broad range of stakeholders from the general public, non-profit, and for-profit sectors. Efforts to engage the community will be transparent, responsive, deliberately inclusive, and culturally sensitive.

Dr. Edwards stated for residents and visitors to fully appreciate and enjoy a great quality of life, all neighborhoods must be safe, secure, and stable. Brooklyn Center is committed to ensuring compliance with neighborhood conditions and building safety standards, providing proactive and responsive public safety protection, wise stewardship of City resources, and policies that promote safety, security, and a lasting stable environment. Additionally, the City prioritized proactively maintaining an efficient and effective infrastructure to meet the high level of community expectations. They will plan for and invest in critical infrastructure improvements that enhance safety, improve life quality, and support opportunities for redevelopment, while sustaining the natural environment.

Mr. Splinter stated the 2022 budget includes a reduction in property tax bills despite a 6.93 percent levy increase and 62.3 percent of properties will see their City tax liability decrease. There was a decertification of Tax Increment Financing (TIF) District Number 3, and the increase in the taxable market was six percent but tax capacity increased 19.4 percent. The utility rate increased 6.7 percent on water, sewer, and storm. However, the City remains 15 percent lower than the peer group average. Cities contracting for purchased water are seeing significantly higher bills, so building Brooklyn Center's treatment plant is saving residents from significantly higher increases.

Mr. Splinter showed a chart with more details on the property tax levy. The total levy increases 6.93 percent, and the Housing and Redevelopment Authority will increase 6.47 percent. He noted a property tax increase or decrease of one percent is approximately $200,000 in revenue. He showed a summary of the 2022 general fund revenues. There is a significant increase in lodging tax, licenses and permits, and intergovernmental revenue. The intergovernmental revenue is due to the grants they have received for public safety efforts. Overall, the general funds are increasing by about 10 percent.

Mr. Splinter showed a pie chart depicting the sources of revenue. 76 percent of the general fund is sourced through property taxes, but it is down from 2021's 77 percent. As for expenditures, there are an increase in public safety efforts, fire, and community and recreation services. There is a 1.62 percent expenditure decrease to police. Dr. Edwards asked Mr. Splinter to speak more about the increase in community and recreation services. Mr. Splinter stated certain services used to be considered under "other services", so that increased the community and recreation services line and a large decrease in other services.

Mr. Splinter stated the major changes driving the levy increase are due to a 1.26 percent levy change in debt service, a 0.78 percent increase in public safety efforts, 1.73 percent increase in cost-of-living adjustment and cafeteria, a 0.78 percent increase in livable wages for part-time employees, 1.07 percent increase for reduced charges for services and fines, and 1.32 percent increase due to excess increment and aid loss. Mr. Splinter showed a slide with public expenditures by function. Police are down from 41 percent to 37 percent in 2022, but there were not a lot of other major changes.

Mr. Splinter stated the 15-year Capital Improvement Plan (CIP) is also up for discussion. The projects include public utilities, street improvements, park improvements, and capital maintenance building improvements. 2022 capital improvements total $14.4 million. The Woodbine Area is allotted $9.4 million, the capital building maintenance projects are budgeted for $1.3 million, and there will be $605,000 used for park playground equipment replacement. There is a proposed $8.25 million debt issue, funded through water utility fees, sanitary sewer utility fees, storm sewer fees, and property taxes. There is also a special assessment component to the Woodbine Area project, however, the cash available in that fund is sufficient that bonding for that portion in 2022 is not considered necessary. The levy impact for 2023 is estimated at $213,000 to finance repayment of first-year principal and interest.

Mr. Splinter explained the property tax bills for residents may change for a variety of reasons such as a change in property value, change in the relative proportion of one's property to the total property value in Brooklyn Center, an increase in property taxes requested for operations of the general fund activities and programs, or the four different school districts in Brooklyn Center with different levies and property tax implications. Mr. Splinter showed a pie chart depicting a sample residential property within School District 279. 37 percent of their taxes would be paid to the City, which is down three percent. 27 percent would be paid to Hennepin County and 31 percent would be paid to school districts. He noted the taxes to Hennepin County and the various school districts have increased slightly in comparison with the Brooklyn Center property taxes.

Mr. Splinter stated there was an overall six percent increase in market values from 2021 to 2022. The largest increase was due to the increased value of apartment properties followed by the increased value of residential properties. Commercial properties saw a decrease in their value. Mr. Splinter showed a slide with pie charts depicting the change in tax capacity from 2021 to 2022.

Mr. Splinter stated the change in market value for the median residential home was 7.7 percent, and the increase in estimated taxable value was 9.3 percent. The median residential value estimated for 2022 was $223,000. He showed a slide with a graph showing the increase in home values with tax values from 2014 through 2022. The tax rates are estimated to decrease. If the levy increase was zero, the median value home would see an $84 or 6.56 percent property tax decrease. Each one percent levy increase or decrease is approximately $10 per year of the median value home in Brooklyn Center.

Mr. Splinter showed a table from Hennepin County with the distribution of total property tax amount changes by the number of properties in each category. 61.6 percent of residential properties will see a decrease in property taxes. Additionally, 99.4 percent will increase by $300 or less. The largest proportion of residents will be seeing a decrease.

Councilmember Lawrence-Anderson asked if the purpose of the public hearing is for taxpayers to ask questions. Mayor Elliott asked Mr. Gilchrist to answer the question regarding who can speak in the public hearing.

Dr. Edwards stated the purpose of the hearing is for residents to hear about the budget and ask questions about the property taxes or the budget.

Mayor Elliott asked Ms. Suciu why people are still in the waiting room. Ms. Suciu stated there are no people in the waiting room. Mayor Elliott stated some people have reached out to him saying they were in the waiting room of the meeting.

Mayor Elliott asked Mr. Gilchrist to speak to Councilmember Lawrence-Anderson's question. City Attorney Troy Gilchrist stated the public hearing is open to anyone who would like to comment. In principle, the hearing is focused on taxpayers as they are impacted by the budget. However, the City cannot limit who speaks because it is a public hearing.

Mayor Elliott asked if the Council is ever able to limit who can speak at a public hearing. Mr. Gilchrist stated a public hearing is an opening for folks to speak on whatever topic. The Council should, however, place time limits on speaking to ensure everyone has an opportunity to speak and so that no perspective dominates the hearing. The best approach is to set strict time limits. Mayor Elliott stated he would like all speakers to keep their comments to two minutes.

Councilmember Lawrence-Anderson asked if they could hear from residents before hearing from the general public as a courtesy. Mayor Elliott stated he would ask the residents to speak first, but they have no way of verifying residency. Anyone is allowed to speak, and they will run into issues if they try to limit it to Brooklyn Center residents first.

Dr. Edwards stated the public hearing is a comment period rather than a question and answer time. Mayor Elliott stated they have maintained members of the Council are welcome to comment at their discretion.

Councilmember Butler stated there was a budget line for the Office of Prevention, Health, and Safety in the proposed budget. She asked why it was called that instead of the Department of Community Safety and Violence Prevention, as named in the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. Dr. Edwards stated the proposed budget includes the Office of Community Prevention, Health, and Safety rather than the creation of a department.

Councilmember Butler asked if the funds allocated to the Office are meant to support the Resolution. Dr. Edwards stated it is money to start doing the work from the Resolution.

Councilmember Butler stated the last meeting the Council came to a consensus to freeze the three positions from the Police Department. She asked how that is reflected in the budget. Dr. Edwards stated the freezes are a line item within the Police Department budget.

Mayor Elliott asked how the budget reflects the money allocated to the community response team. Dr. Edwards stated there was a detailed budget and spreadsheet distributed. The Office of Community Prevention, Health, and Safety have $517,000 budgeted for it. When they found money to cover the gap in funding, it was through lodging tax and freezing Police Department positions. They identified $366,000 to cover the gap, so it permitted them to increase the community response team budget to $517,000.

Mayor Elliott asked for Staff to show the budget line item. Mr. Splinter stated the funds are within the Office of Prevention, Health, and Safety budgeted at $1.3 million. Mayor Elliott stated the Council received the budget document, but he had not had the time to go through the line items. He asked Mr. Splinter to pull up the line item they are referencing.

Dr. Edwards stated the budget the Council received was based on the last Council meeting. Mr. Splinter stated they are treating the budget similar to the supplemental budget from 2021. The new office is listed under Other Contractual Services. Dr. Edwards stated they have not done a line-item budget for the Office of Community Prevention, Health, and Safety, but that will be forthcoming. The dollars, however, are set aside for the Office.

Mr. Splinter stated the code 42010 for Prevention, Safety, and Health includes the Office of Community Prevention, Health, and Safety. The code 6449 showed other contractual services under the Office for $1.16 million. He showed a chart breaking down the distributions of the services that add up to the $1.16 million include mental health, civilian traffic response, community transformational change efforts, and the Implementation Committee. The total money allocated for 42010 Prevention, Safety, and Health are $1.31 million.

Mayor Elliott stated there is not a listed item for an alternative community response. Mr. Splinter stated the community response team is reflected in the budget item for $517,000. He explained they can reallocate the funds within the Office as needed.

Mayor Elliott asked why the funds are listed under contractual services. Mr. Splinter stated it is a placeholder, similar to how they added the supplemental budget to the 2021 budget. Mayor Elliott stated they are not going to be contracting the services. The Implementation Committee is ultimately going to decide how the funds are going to be used and the contracts may come from there.

Mayor Elliott stated Dr. Edwards has said the Office of Community Prevention, Health, and Safety is in the spirit of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. They have created a coordinator position while the Resolution calls for a director to a full department. Those terms are relevant to accountability and responsibility in the public safety system. Mayor Elliott stated they need to make sure they are in line with the terminology used in the Resolution to maintain consistency, as recommended by the City Attorney. They have some legal obligations to do that.

Dr. Edwards stated there are no legal obligations. The Council is determining the budget as they see fit. The budget does not include a proposed department as it is not fiscally responsible to create the three departments as outlined in the Resolution. The proposed budget includes the Office of

Community Prevention, Health, and Safety which would hire a manager to coordinate the efforts, including the pilot programs. Mayor Elliott stated they are talking about $150,000 for the position created by the Resolution. Dr. Edwards stated there is $100,000 for the manager and upwards of $200,000 total for the operations of the Implementation Committee.

Mayor Elliott stated he implores the Council to support his comments. They have laid out a vision in the Resolution. Mayor Elliott explained he wrote and presented the Resolution, and he is someone who cares passionately about the issue. He stepped in to provide leadership at a time when it was needed. The Council had the opportunity to review the Resolution. He added he is a Black male, and the issue impacts him directly and deeply. The Council has committed to the community, and the community has spoken passionately in support of the Resolution. Moving forward with a structure that is not outlined in the structure undermines the trust of the public. The City Attorney also recommended they stay in line with the language of the Resolution. They need to stick with the original language until the Implementation Committee says otherwise.

Councilmember Butler asked if the Council can revisit items in the budget. As indicated by Dr. Edwards, some things are not necessarily specified in a budget line. Dr. Edwards asked Councilmember Butler to clarify her question. For example, if funds were meant to hire someone, could they later change the function. Or if they could adjust the funds set aside to carry out the work of the Resolution. Councilmember Butler stated Dr. Edwards had mentioned in a previous meeting that was not a budget line for a certain item that could later be funded by pulling money from other sources.

Dr. Edwards explained there was a conversation at a previous meeting about allocating $150,000 for the work of the Implementation Committee when there was already $80,000 budgeted for it. Council asked if they could find more money to budget $150,000 for the Implementation Committee, and Dr. Edwards had confirmed they could find the additional $70,000 to further fund the Implementation Committee and the manager. They have also talked about freezing the positions from the Police Department. The question at hand was if they could freeze additional positions or unfreeze the positions down the line. The answer depends on the work-study and looking at crime rates. If there is a change needed in the frozen positions, the Council could propose a budget amendment.

Councilmember Ryan moved and Mayor Elliott seconded to open the public hearing.

Motion passed unanimously.

Lori B. noted she is angry because it seemed like the last meeting there was progress on moving forward with the Resolution. She noted she liked Councilmember Graves' side-by-side comparison, and the Council was listening to the residents. Lori B. stated one of the problems with Dr. Edwards' proposal is that it redirects control from the Mayor and the Council into the hands of the City Manager. The fiscal responsibility of the City Manager has to be separate from the policies and the decisions set forth by the City Council as a system of checks and balances. The language is very important and should not be changed.

Lori B. stated Dr. Edwards' plan does not fully fund the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution, and the 12-hour day sets them up for failure. The ex-police officer at a previous meeting agreed with her concern. They need to look at models of other cities where alternative responses are working.

Lori B. stated the $350,000 going toward youth and community programs was not being covered in the City Manager's plan. They need to address crime from a community approach, which starts with supporting children and providing them with the resources they need to succeed. If they don't address the root of the problem, they are missing the point. Lori B. stated they should rely on Councilmember Graves' expertise to support youth.

Lori B. stated the biggest problem is accountability. The language in the budget needs to follow the language in the Resolution. They need a community-based police oversight committee, but the proposed budget gives more power to the City Manager. It is the role of the City Council to create the policy, and it is the role of the City Manager to fund it. Lori B. stated it is wrong how Dr. Edwards is approaching the budget.

Jean L. stated he agrees with Lori B. He noted he has been part of the Resolution process and organized people throughout the community. The public has always called for an entire department because they want robust accountability to the director of the department. The community knows the City needs transformational change, and they want the alternative responses and youth programming efforts to be fully funded. Mayor Elliott has responded to the needs with a promise. Anything short of a new department betrays the department. Real human lives are at stake, so they need to be specific. Minneapolis has an Office of Violence Prevention, and the Minneapolis Police Department is not accountable to that Office at all. Black and brown people have been demanding accountability, and everyone, regardless of skin color, deserves police accountability.

Samie B. stated the community response team needs to be fully funded, and there should be a Department of Community Safety and Violence Prevention. There needs to be a director, and the police need to be held accountable. The Council should stick with the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution, or else they will be breaking the trust of the community. The Resolution needs to be fully funded as earlier passed. She stated it is very important to her as a resident of Brooklyn Center and family member that police are held accountable.

Brihanna S. stated the way Dr. Edwards is introducing the changes to the bill does not sit right with her. It does not create trust between the community and police officers. It does not give her hope. It does not seem like there are any actual changes. There is no accountability for officers to respond to future incidents. The police are meant to protect the community not put people on trial in the streets. The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution should be fully funded as written. Then the community can see changes are being made and that they are being heard. Law enforcement is supposed to be serving the community rather than their interest. The vocabulary that is being put forth is not creating trust within the community. The new language is meant to placate the community.

Sierra stated she is a 21-year-old resident of Brooklyn Center. She moved to the City when she was 12 and attended Earle Brown. As a student, she participated on the swim team for two years and graduated at age 17. Throughout those five years, she was taught by her mom how to use public transportation, manage a budget, build credit, find a job, keep a job, and the importance of homeownership. Not many people in the community get that. Other children's parents are uneducated, abused, or absent. Instead of building their futures, the youth resort to reliable forms of income such as selling drugs. Youth need a place to go to grow and develop beyond school.

Sierra suggested they used the unused Target building for an after-school program for youth to attend. It could include a study room for those who cannot study at home or a gym for those who cannot afford after-school activities. There could be a life skills class about public transportation, budgeting, finding and maintaining a job, and homeownership. It could be another community center funded by the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. Sierra noted she has a full-time job in Brooklyn Center but will soon be moving to Osseo. She bought her car in Brooklyn Center. She asked how many people in Brooklyn Center have had the opportunities she has had and what the Council is going to do about it.

Amity D. noted she does not want to cry in front of them again. She asked the Council to fully pass the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution.

Joy noted her agreement with previous sentiments of the public. She added she hopes the Council hears the voice of the young person that spoke previously. Joy explained the community voted for the Council to represent them. The Council needs to fully fund the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution, including the line items that are not included in the current proposed budget. Joy noted Mr. Splinter explained there were placeholders in the budget. Having a finance background, Joy explained she would never present a budget without such details. The budget does not fund youth programming, and the $517,000 only partially funds the mental health response. The budget sets them up for failure.

Joy explained she is a resident and taxpayer of Brooklyn Center. Thinking about her black and brown children on the streets, she wants to make sure alliances are not clouding the judgments of the Council. They need to focus on the future of the community. She does not like the idea of redirecting any more control to the City Manager. Dr. Edwards was not voted to be in his position, and it is a job for him. The community is asking the Council to care about their constituents.

Lori Best stated the City is doing great, and they are trying to compromise to help the City from every angle. The proposed budget starts the process off and allows the Implementation Committee to work on the programming. As stated by Dr. Edwards, the funds can be rearranged at a later date.

Shanna W. stated she is heartened to see the increased political awareness and participation. There are people across many walks of life coming together. Moving toward a department is not a democratic measure as the process has been led by the people. They want people to utilize the democratic process, contact their Council, and express their needs. Shifting would be a detriment

to the work of the community. The mothers of Daunte Wright and Kobe Dimock-Heisler have greatly contributed to the process, and they want to see Brooklyn Center improve for other youth.

Shanna W. added it is important to continue with the language from the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. The department supports accountability in the community. Prevention sometimes promotes the quelling of certain voices, but the best way to improve public safety is to support people's basic needs with good intentions.

Harmony K. stated she has multiple residential therapy centers and does 24-hour services all over the State. She has worked in the field as a mental health practitioner for 25 years and is from Stearns County. Stearns County has made several efforts to address mental health. It may be different from how Brooklyn Center wants to approach it, but they could be a resource for the City in determining how to build their program. She noted it is a work in progress, but there is room for error in a 12-hour model. If the alternative response model is only partially funded, there would be massive errors. Several mental health practitioners would be willing to provide input and support to the City. There are services available to them to assist in reforming the current response model. Stearns County works directly with law enforcement to respond to mental health concerns, and it needs to be a team effort.

Randy stated the City and Council have done a great job. The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution needs to comply with the City Charter. The Resolution was pushed through without proper public outreach or financial details. There are plenty of places to take money from to fund the Resolution other than the Police Department. The Resolution states they are going to put together the Implementation Committee to make determinations about what needs to be created and funded. It is irritating to people in the community that the Council is leaving an open checkbook for the Implementation Committee.

Randy added the Charter is set up with a City Manager. There is a lot of distrust with that system, but if there are problems with that, then they need to change the Charter. There is the chance to obtain more grant funding to further fund the Resolution. Many people want all of the details for the budget, but that didn't happen in the initial Resolution either.

Tanya J. stated she was present when the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution was passed. Seven months later, they are still talking about its implementation. She added the permanent fence outside of the Police Department is unnecessary. It is not as scary as it sounds to take money away from the Police Department. Change is scary, but it is necessary. Tanya J. asked how many more mothers have to cry. They need to fully fund the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution sooner than later. She noted Randy does not even live in Brooklyn Center. Tanya J. implored the Council to keep the name of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution and to fully fund it.

Arvid S. noted he is a 49-year resident of Brooklyn Center. He stated the proposed budget makes progress toward the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence

Prevention Resolution as well as many other goals of the Council. He recommended the Council vote in favor of the budget.

JJ stated she is a young adult of color. She noted her agreement with several previous commenters and their support of fully funding the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. If they do not stick with the Resolution, they are breaking trust with the community. Today's youth will become Brooklyn Center's adults, and the Resolution was passed for a reason.

JJ noted as an elementary student, she had the opportunity to interact with firefighters who visited her school. A couple of years ago, she had a positive interaction with police officers. She noted she wishes Duante Wright could have experienced the same kindness from law enforcement. The youth will become adults who will care for the City. Her younger siblings have not had the same experiences as her and current adults may not understand the experiences of the current youth.

Randy asked to speak again. Mayor Elliott stated Randy had already had his opportunity to speak.

Julie B. stated she has been disheartened. She noted her appreciation of the clarification about who could speak at the public hearing. It is amiss that several of the people who have been speaking are not from Brooklyn Center. As a resident of and employee in Brooklyn Center, the changes are very near and dear to her heart. It is upsetting to see people not support the Resolution. She noted she left the last meeting so hopeful.

Julie B. stated the Mayor has asked for order in the meetings, and people such as Randy who have been un-muting themselves, should not be able to speak or should not be allowed to attend. It is not fair for people to speak out of turn.

Alfreda D. echoed the comments of Julie B. With all due respect to the Staff, they do not live in Brooklyn Center anyways. Alfreda D. noted her confusion on what changed between the previous meeting and the current meeting. It seems like there is something secretive happening, and it is increasing distrust within the community. She left the previous meeting feeling hopeful, but something changed between the two meetings. Alfreda D. stated she was disappointed in Council for not asking detailed questions about the change in the budget since the last meeting. She explained she is an organizer and property owner in the City, and it is concerning to see how the process has panned out. There needs to be more trust in the process.

Mark A. noted his agreement with several of the commenters. He was present at the passing of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. At that meeting, he told the Mayor that the Resolution was a step in the right direction but was far from perfect and would take years to implement. Mark A. stated he still agrees with that statement. They need to proceed cautiously if they want the Resolution to be successful.

Mark A. added the Council needs to stop putting the cart before the horse. For example, the process needs an Implementation Committee to define what they need to support the Resolution. He asked if the Implementation Committee has been formed. He noted he applied to be on the Implementation Committee, but he has not heard back about his application. The funds are being

set aside, and the Implementation Committee will address all of the aspects of the Resolution. They will decide if they need a director or if they need more funds. He was unsure how the proposed responders from the Resolution would be able to handle all of the calls. The City rolled back the hours of the response, but the Implementation Committee needs to decide what the best option is.

Mark A. explained the Council needs to pass the budget. If not, the issue needs to be put on the ballot rather than to continue the ranting. They are supposed to be talking about the entire budget, but the community is making everything about the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. The City needs to focus more on community development than it has been. Brooklyn Center needs to keep making forward progress. There is a good compromise in the proposed budget, and the Council needs to move forward with it.

Katie W. stated the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution is important not for her son or Kobe Dimock-Heisler but for other young people that look like them. It is hell to go through what she and Amity D. have gone through. Katie W. contemplated asking for her son's name to be taken off the Resolution. She does not want her son's name on a Resolution that is not going to be effective and causes so much division within the community. Instead, she decided to continue asking the Council to fully fund the Resolution as written. It will save lives and allow people of color to drive safely in Brooklyn Center despite expired tabs and air fresheners. Katie W. asked the Council to fully fund the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. If not, she will call the City to have her son's name removed from it.

Jason stated the facts are that safety isn't being met in Brooklyn Center. The police may not be qualified. The residents are not as safe as they should be in the year 2021. Several studies have shown adding police does not deter violent crime, and the police are not trained to address the problems they are being asked to respond to. They need to improve their public safety system. Being a small city, they can make a change. They can implement resources for the youth and alternative responses. Brooklyn Center has the rare opportunity to make a change.

Jason noted the forum is unfair, and the arena is strange. The Council was elected by the people, and they have the authority to make a change. There is a debate across the country to reform the police or defund the police. Every year of his life, people have talked about reforming the police. All of the reforms have failed. The Minneapolis Police Department has been proven to be affiliated with white supremacy groups, and that does not end at the border of Minneapolis and Brooklyn Center. The police do not serve the community equally. He is not suggesting they eliminate the police, but they have the opportunity to be at the forefront of fixing things. There have been multiple people shot throughout Minneapolis when police were present on the scene. It is clear police do not deter crime. The only place that has reformed police is in Austin, Texas, and they can do something similar to that.

Han stated she would like the Council to fully fund the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution and to remove Duante Wright's name

from the title as requested by the family. Han stated the community supports Daunte Wright's and Kobe Dimock-Heisler's families.

Mayor Elliott moved and Councilmember Butler seconded to close the public hearing.

Motion passed unanimously.

Mayor Elliott stated the Council has had several discussions about the budget with the most recent being the meeting on Thursday, December 2. They have come to a compromise and reflected on the compromise. It is incredibly important the line items appear in the respective categories and are designated for the purposes. It is also important to fully fund the Council's priorities. He noted those priorities are not clearly articulated in the budget. He asked how Dr. Edwards and Mr. Splinter propose to properly earmark the budget as discussed in the previous meeting.

Dr. Edwards stated the budget is exactly what the Council agreed to on Thursday, December 2. The budget with every line item was provided to the Council. There is not a spelled-out line item for supplies, personnel, travel, or equipment because they were only discussed on Thursday. They have not developed the specifics because they have not had the time or the direction. In short, the money is assigned to different categories as discussed by the Council in the previous meeting.

Mayor Elliott asked if the itemization of the funds will be listed. Dr. Edwards stated the Council already has that. Mr. Splinter showed the Office of Prevention, Health, and Safety budget and the description of those dollars. It showed where the dollars are allocated and the purpose of the allocation. They do not have a completely delineated budget because that has not been developed or designed.

Councilmember Lawrence-Anderson stated the December 2 meeting ended in consensus, and everything discussed is reflected in the proposed budget. She noted it is not the first time the City has had a placeholder in the budget. They do not know what the expenses will be because they are brand new expenditures. Councilmember Lawrence-Anderson stated, considering she has looked through the detailed budget and engaged in the previous discussions, she is comfortable that the money has been allocated for appropriate areas as discussed in the previous meeting. She asked Dr. Edwards if she was correct.

Dr. Edwards confirmed there was direction and consensus at the end of the last meeting for Staff to create a budget based on the discussion and final consensus. The items have been put into the budget, and line items have been created to reflect the consensus from Thursday, December 2. There is the option to move money down the line within the Office. There is money allocated in many line items to carry out the directives specified by Council.

Councilmember Ryan stated Dr. Edwards is the City's chief administrative officer and he understands the notion of the placeholder is to set aside funds for functions with details to be later determined. The discussions by the Council are reflected in the budget. He noted he is ready to move forward.

Councilmember Butler noted there is a coordinator in the budget rather than a director. She stated

Dr. Edwards explained the person couldn't be called a director due to hierarchy. She asked why they call the position a coordinator when they have agreed they need a director in that position. Dr. Edwards stated the proposed budget includes what could work within the existing framework and meet the spirit of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution in a fiscally responsible way. They chose the coordinator role so a department would not be reporting to another department. The office would report to the City Manager, as all staff does. The coordinator would work with the City Manager to ensure the responsibilities of the office are carried out. The coordinator would not be directing the Police Chief or the Fire Chief because those positions are accountable to the City Manager. The City Manager and the coordinator would carry out the intention of the Resolution and provide direction to the Police Chief and Fire Chief.

Mayor Elliott stated there were many listening sessions with the community about the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. There was never a moment where there were any legal questions raised about establishing departments. It went under legal review, and the City Attorney has never stated they cannot create such a department. The City Manager is making that call, but he is not an attorney. The department is not only a name but has responsibilities attached to it. The community of Brooklyn Center has been engaged, and they have supported the establishment of a department. Changing the name, trying to do something despite the engagement, and saying the department is illegal is a huge mistake.

Mayor Elliott stated he will not accept it, and Brooklyn Center will not accept it either. They need to fully fund the Resolution as passed until there is direction otherwise from the Implementation Committee. The community has expressed there will be mistrust if the Resolution is changed. Mayor Elliott implored the Council to support the Resolution as passed rather than the version proposed by the City Manager. The oversight and accountability are incredibly important and central to the work they are doing. There needs to be systemic change. To move forward, Mayor Elliott proposed they fund the Director of Community Safety and Prevention with the $150,000 that is outlined in the budget rather than a position that has been made up by the City Manager.

Mayor Elliott moved to fund the Director of Community Safety and Prevention with the funds that are allocated in the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution.

Councilmember Ryan asked if Mayor Elliott was suggesting they use the same money allocation with a different title. Mayor Elliott confirmed he proposed they use the same money allocation with a different title.

Councilmember Ryan stated the discussion of director versus coordinator was based on the issue of creating an organizational unit that could accomplish the same things. There is an issue of creating another layer of bureaucracy with people of the same rank and title to be giving orders to others with the same rank and title. Councilmember Ryan stated Mayor Elliott made the observation that Fridley has a Director of Public Safety over the Fire Chief and Police Chief. Dr. Edwards commented it doesn't work very well functionally. They need to decide if they are going to be hung up organizational charts and titles or if they can focus on functionality and delivery of

quality services at the point of need.

Mayor Elliott stated they are not merely talking about the names of a position. They are talking about the responsibilities as laid out in the Resolution. Transformational, systemic changes are difficult to make, and there are always attempts to subvert them. This is such an attempt because what Dr. Edwards is proposing is not in the Resolution, and it does not carry out the abilities as outlined in the Resolution. The Resolution was passed by the City Council. If they are merely talking about not calling the position a director because it may cause conflict and is illegal, that is a different story. If it is the position as outlined in the Resolution, then-Mayor Elliott is fine with it. The position proposed by Dr. Edwards seems to be entirely different, and it is not okay. It is wrong. The City Attorney spoke to that last time. They need to keep the language in line with the Resolution. If they want the Office of Safety and Violence Prevention to become closer to the language in the Resolution and the position is the same as the Director of Community Safety and Violence Prevention, then-Mayor Elliott is fine with it. He stated it is not about the name, but it is about the duties. They are talking about transforming the system, and it is important to make sure everyone is on the same page when creating a position.

Dr. Edwards stated the issue was never a legal matter. He explained he is charged with executing the operation and function of the City to the best of his ability. It was not a matter of legal opinion; rather, it was the best way to functionally execute his charges. Dr. Edwards stated he is not subverting systemic changes. Change is a lifelong passion, hope, and drive of his as a Black man. He is not in a position to subvert change. He explained he is using all of his skills and knowledge to move for change and address issues of systemic racism and inequalities.

Dr. Edwards noted before the adoption of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution, he expressed his concerns with the structure and names. There is a sound reason for his concern. It is the Council's decision, but Dr. Edwards is providing input and information. He provided the budget from a functional and operational perspective. The Council ultimately decides the budget. The budget is by no means subversion of change.

Dr. Edwards stated there are a couple of communities in Minnesota that have public safety jurisdictions. In Fridley, the Director of Public Safety is the Police Chief. In Mankato, they have a Director of Public Safety who is the Police Chief. When they speak of other examples, it is important to be clear about what it means. Dr. Edwards stated he has attempted to present the best model for Brooklyn Center based on its resources.

Dr. Edwards stated anyone who has worked in his field would look at the structure of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution and know it was designed for a much larger jurisdiction. There are currently six departments in Brooklyn Center, and the Resolution called for three more departments. The Council is not necessarily calling for the creation of those departments because it is not operationally feasible. The community response team is one element that will be fully funded. The Council can choose which areas of the Resolution they want to focus on. The City does not have the fiscal capacity for three additional departments as they would have to eliminate an existing department to accomplish that. Dr. Edwards stated he is not recommending it, and the Council is not

recommending it. It is disingenuous to say he is subversive because he is explaining they don't have the resources to fund three departments. He explained he has provided a recommendation for how to best move forward.

Mayor Elliott stated he visited Fridley and met their Director of Public Safety. His point was not the personnel but that they had two other departments reporting to one director, and he maintains that point. They have not had any listening sessions on the coordinator position or office to replace the director and department, so there has been no community engagement. Mayor Elliott noted he takes issue with it.

Mayor Elliott added Dr. Edwards stated at the previous meeting it would be illegal for a director to report to a director or to have a department underneath a department. Dr. Edwards stated when there is a position that reports to another position, there is a distinguished difference in the name to reflect the differences in experience and ability to comply with pay equity. They cannot have pay equity if they are paying a subordinate the same thing, they are paying a supervisor. The City has a step system and a pay scale. There is a ranking and analysis based on duties and skills.

Mayor Elliott stated his point is not the names but the responsibilities of the role. He asked if he is calling it something different because it is creating internal conflict. Mayor Elliott explained his concern is funding the position to carry out the responsibilities as outlined in the Resolution. Dr. Edwards stated the coordinator would oversee an office, report to the City Manager, and ensure the efforts of the Resolution. They would not be a director over the Police Chief or Fire Chief. The intent is the reform will come from the combined efforts of the coordinator and the City Manager.

Mr. Gilchrist stated the discussion is getting ahead of itself. Adopting a budget that supports a position does not dictate the title of the position. The original Resolution does call it a director, so that is the current City position. Maintaining the language of the Resolution is important, but it is not so important as to further derail the budget discussion. This discussion needs to be informed by the Implementation Committee. Mr. Gilchrist stated Dr. Edwards has raised several good points about the titles. Mr. Gilchrist noted he did not see anything legally wrong with the director title, but he has not researched that. If Dr. Edwards has pay equity issues that need to be recognized, Mr. Gilchrist stated he would be happy to look into that and bring it to the Implementation Committee. It can be brought to the Council from there for further discussion and decision. Overall, it is an important discussion, but they need to start with setting the budget.

Councilmember Graves thanked the public for comments on the budget. She asked Dr. Edwards if the new intention is to secure additional funding for initiatives. Dr. Edwards stated the plan in the budget intends to garner external resources along with some internal resources to get started. As they obtain results, then they will look for sustainable funding sources. External funds can help buffer the use of taxpayer dollars, so it is a matter of building the capacity over time. Councilmember Graves stated the Staff will look for additional grants to fund the efforts, but they are also looking at ways to make the funding sustainable.

Councilmember Graves noted there were no meetings since the December 2 meeting. The budget that is being presented is what Council reached a consensus on. She thanked the staff for working

on the budget so quickly.

Councilmember Graves asked Mayor Elliott if there are specific duties of the director in the Resolution. Mayor Elliott explained the Resolution stated the City will create a new Department of Community Safety and Violence Prevention that will be responsible for overseeing all city agencies and city efforts regarding community health and public safety, and ensuring a well-coordinated, public health-oriented approach throughout our city that relies upon a diversity of evidence-based approaches to public safety, and with a director who has appropriate credentials and experience including public health expertise, and that at minimum the following existing and to-be-created City agencies will all report directly to the department and be subject to the authority of its Director: the Police Department, the Fire Department, the Traffic Enforcement Department, and the Community Response Department.

Councilmember Graves asked if Mayor Elliott's concern is Dr. Edwards has not created a department, so there will not be the level of accountability needed because the new position would report to Dr. Edwards. Mayor Elliott confirmed that was his concern. Councilmember Graves stated she doesn't disagree with Mayor Elliott, but they do not need to have that discussion to get the work started. She noted Dr. Edwards is trying to move forward with a budget to get the work started and has done an amazing job as City Manager under a lot of pressure.

Councilmember Graves added there were listening sessions about the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act after it was passed, but there were no listening sessions before it. Councilmember Graves asked if there were listening sessions to craft it. Mayor Elliott confirmed he had listening sessions before presenting the Resolution to the Council. Councilmember Graves asked why the Council or Staff was not involved in the listening sessions.

Mayor Elliott stated the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act was written after listening sessions at the Heritage Center and the High School. Councilmember Graves stated the Resolution was not created based on some collaborative effort. Mayor Elliott stated it was a result of the listening sessions the Council was present at.

Councilmember Graves asked why the Council was not involved in crafting the Resolution. Mayor Elliott stated the Resolution was drafted based on community input, and it was presented to the Council. The Council had the opportunity to comment on it and provide input. Councilmember Graves stated they had to provide input the next day. Mayor Elliott stated it was not the next day.

Councilmember Graves stated they were given the draft one evening and they were at a public event with the press the next day. At that event, Mayor Elliott stated they could make a change that day bypassing the Resolution. Councilmember Graves explained she walked out of the meeting at that time because she felt they were being rushed into a Resolution. While the members of the Council may have been present at the listening sessions, they did not know Mayor Elliott was creating a resolution for them to vote on within one day. They held another press conference and then voted on it in one week. By that time, the City Attorney had a chance to look at it and make some changes due to state law. They did not discuss directors or departments. It wasn't

until the last few meetings that they got into the details of the Resolution and what it would mean for their budget.

Councilmember Graves stated Dr. Edwards is knowledgeable and moving them forward in the right direction. She stated she is prepared to vote on the budget prepared by the City Manager after the Council's consensus at the last meeting. They can have a discussion of the departments and directors at a later meeting.

Mayor Elliott stated the Council had a week to review the Resolution before voting on it. It was not out of thin air, but it was created after he listened to the young people. Councilmember Graves stated the public did not give input about directors and departments. Mayor Elliott stated the public shared what they wanted to see in terms of change and transformation through at least four community listening and community engagement events. There was an opportunity for the public to come forward and share their vision of public safety. The Resolution is a reflection of community engagement.

Councilmember Graves stated she was at all of the listening sessions. Resolutions are generally a vision or a resolve for a body to move forward on. The listening sessions did not include community feedback specifically asking for three departments or a certain director. They wanted alternatives to typical policing, and the Resolution provides alternative policing options. However, there was not one structure proposed to the Council during those sessions. After Mayor Elliott presented the Resolution as a possible structure, Dr. Edwards has done his best to move them forward on that trajectory.

Councilmember Graves noted she understands concerns about mistrust, but everyone on the Council is on board with the Resolution. She stated Mayor Elliott is creating confusion and more distrust when there isn't anything to be distrustful about. They should continue to put more resources toward the Resolution as they develop the Implementation Committee, coordinators, and FUSE fellows. The Council does need to move forward with a budget. By addressing the titles, Mayor Elliott is creating more confusion and making the public think something changed between the December 2 meeting and the current meeting. They are running in circles.

Katie W. stated Councilmember Graves would be upset if her black son was murdered on the corner of a street in Brooklyn Center. She wouldn't be worried about budgets or asking so many questions.

Councilmember Graves asked why people are talking about the resolution not being passed.

Councilmember Butler stated the conversation is unproductive. There was an issue with how things were done, and they have talked about that several times. The Council has talked about holding each other accountable when things are getting off track, so she is trying to do that. Considering the hour, Councilmember Butler suggested they move forward.

Councilmember Butler stated if the funds are in the budget, they can have a discussion about the titles at another time. She noted her excitement for the Implementation Committee and looks forward to processing the applications at a future meeting.

Councilmember Ryan noted his agreement that the Council should move on. He asked Mr. Gilchrist if the following was correct: if the debate continues at a considerable length and if a member wants to terminate said debate, the member can make a motion to terminate the debate. If the motion receives a second, then the item is up for a vote. If the motion is seconded, there cannot be debate about the termination. However, the motion to terminate the debate can only be made if another motion is on the table. He noted he hopes the Chair can move forward without the need for said motion.

Mr. Gilchrist stated the Council's policy does allow for that process to terminate debate. However, it is not usually needed, and it seems as though the Council is moving in the direction to continue the agenda.

Mayor Elliott stated they are moving forward with the agenda, so Councilmember Ryan's point is moot.

CITY MANAGER'S BUDGET TRANSMITTAL LETTER FOR 2022 FISCAL YEAR

Councilmember Ryan moved and Councilmember Graves seconded to receive the City Manager recommended budgets and transmittal letter for the fiscal year 2022 and 2022-2036 Capital Improvement Plan.

Dr. Edwards stated there was an indication by Mayor Elliott about a preferred way of voting alphabetically rather than what they have historically done by seniority.

Mr. Gilchrist stated Mayor Elliott had previously brought up an issue about the order of voting. According to Council rules, there is not anything specific about the order of voting. However, there is a rule about the adoption of *Robert's Rules of Order*. *Robert's Rules of Order* says the vote should be taken in alphabetical order with the presiding officer being called last.

Dr. Edwards asked if Council could vote or make a motion to change the order, they vote in. Mr. Gilchrist stated the Council has arguably already made that decision in defaulting to *Robert's Rules of Order* to make that decision. In the future, that could be changed by the adoption of a resolution to insert a rule about the order of the vote. Dr. Edwards asked if the past practice can affect the order. Mr. Gilchrist stated past practices establish a practice, not a rule.

Motion passed unanimously.

RESOLUTION ADOPTING THE 2022 ANNUAL CITY BUDGET

Mayor Elliott moved to adopt Resolution No. 2021-151 adopting the 2022 Budget.

Mayor Elliott noted there has been extensive discussion about aligning the budget with the Resolution, and the Implementation Committee will come back with recommendations for structure. The budget allocation does not mean they are changing the titles of the positions, but

Mr. Gilchrist stated they can make that determination at a later date. The amounts allocated to the initiatives derived from the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution shown by Mr. Splinter are appropriate for the outlined programs including the $517,000 for the community response team, $250,000 for the traffic enforcement team, $150,000 for the Implementation Committee, and others.

Councilmember Ryan asked the City Attorney if the exposition from the Mayor with so many details about the budget made after the motion to pass the budget would require someone to make a motion and for someone else to make a friendly amendment. On the agenda, it is simply a matter of adopting the annual budget and its accompanying resolution. Mayor Elliott noted people often make motions with clarifications or amendments.

Mr. Gilchrist stated he stepped off the call for a moment and asked for the question to be repeated. Mayor Elliott stated he made a motion with clarifications based on the discussion and explained Councilmember Ryan asked if the motion is in order or if they need to make a friendly amendment to the motion. Mayor Elliott noted the comments he made included the amounts of money allocated for initiatives outlined in the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act and the clarification the budget allocations are not designating the positions but that the Implementation Committee will return to the Council with recommendations.

Mr. Gilchrist stated he sees Mayor Elliott's motion as providing context to the adoption rather than amendments to the adoption. Therefore, the motion is in order. If there were any changes to the budget itself, it would require an amendment. It is a motion that stands if seconded.

Councilmember Butler seconded the motion.

Councilmember Ryan noted the Mayor's comments are pertinent. In the interest of clarity, the comments are welcome after a motion has been seconded.

Councilmember Lawrence-Anderson asked if they are approving the budget, they received this evening and if Mayor Elliott was highlighting his desire to reiterate the specific amounts within the budget. Mayor Elliott confirmed his comments were not a part of the motion.

Motion passed unanimously.

RESOLUTION APPROVING THE 2022 –2036 CAPITAL IMPROVEMENT PLAN AND ADOPTING THE 2022 CAPITAL PROGRAM

Councilmember Graves moved and Councilmember Ryan seconded to adopt Resolution No. 2021-152 adopting the 2022-2036 Capital Improvement Plan.

Motion passed unanimously.

RESOLUTION APPROVING FINAL TAX CAPACITY LEVIES FOR THE GENERAL FUND AND DEBT SERVICE FUNDS AND MARKET VALUE TAX LEVY FOR THE HOUSING AND REDEVELOPMENT AUTHORITY FOR PROPERTY TAXES PAYABLE IN 2022

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded to adopt Resolution No. 2021-153 Approving Final Tax Capacity Levies for the General Fund and Debt Service Funds and Market Value Tax Levy for the Housing and Redevelopment Authority for Property Taxes Payable in 2022.

Motion passed unanimously.

ADJOURNMENT

Councilmember Graves moved and Councilmember Ryan seconded to adjourn the meeting at 9:47 p.m.

Motion passed unanimously.

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

SPECIAL SESSION
DECEMBER 9, 2021
VIA ZOOM

CALL TO ORDER

The Brooklyn Center City Council met in a Special Meeting called to order by Mayor Mike Elliott at 6:30 p.m.

ROLL CALL

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

EMERGENCY ORDINANCE REGARDING MASK MANDATE FACE COVERINGS

Mayor Mike Elliott stated the only item to address was the emergency ordinance regarding the mask mandate. He asked City Manager Reggie Edwards to introduce the item. City Manager Reggie Edwards stated the Fire Chief Emergency Manager was present to update the Council on the happenings of COVID-19.

Mayor Elliott asked if there was much of a difference between the upcoming presentation and the previous presentation on COVID-19. Fire Chief Todd Berg stated the presentation he prepared was shorter with updated statistics. Chief Berg stated he compiles daily COVID-19 trends and emails them to directors weekly. For Minnesota, there were an additional 3,754 cases on December 8, 2021. There are over 40,000 currently positive cases. Brooklyn Center and Hennepin County are still high transmission areas. They are averaging around 40 deaths each day due to COVID-19, and it is primarily affecting older people. The hospitals are at their highest occupancy rate, and the majority of the people in the hospitals are unvaccinated.

Chief Berg stated there were 559 new cases and four new deaths in Hennepin County on December 8, 2021. One teenager and one person in their 30s died from COVID-19 in the past week in Minnesota. The vaccinations are still increasing. Seventy-five percent of people in Hennepin County have one shot. Sixty-one percent of Minnesotans have completed their full COVID-19 vaccinations, and 69 percent of Hennepin County residents have completed their vaccinations.

Chief Berg added Brooklyn Center has had 43 new cases and zero deaths over the last week. From October 12 to November 29, Brooklyn Center has a higher 14-day average than most of the Hennepin County cities. There were 3.3 million people in Minnesota aged 12 and up are vaccinated as of October 31, 2021. Three percent of the vaccinated have gotten COVID-19. 4,300 of the 3.3 million vaccinated Minnesotans have been hospitalized, which is 0.100%. 737 of the

3.3 million vaccinated Minnesotans have died from COVID-19, which is 0.022% of the total vaccinated population. He noted Hennepin County has one person with the Omicron variant of COVID-19. Recent news out of South Africa has shown the variant is more contagious but has less serious symptoms. Pfizer representatives have said their vaccine protects against the Omicron variant. Chief Berg recommended the City continue its mask mandate.

Chief Berg noted there is guidance from the Center for Disease Control (CDC) about what constitutes a close contact, which is being within six feet of someone with COVID-19 for more than 15 minutes. The liquor stores are going through 1,000-1,500 masks each week for their customers, and many of those masks end up in the parking lot after being used. The liquor stores are also receiving some pushback from customers. Brooklyn Center is unique to have masks in the liquor stores. However, if Brooklyn Center would like to dial back the mandate in the future, they could start with the liquor stores. Considering the CDC's guidelines about close contact, the liquor store would not likely result in close contact.

Mayor Elliott moved and Councilmember Ryan seconded to adopt the Emergency Ordinance No. 2021-04 Renewing the Mask Mandate in City Buildings in the City of Brooklyn Center.

Mayor Elliott asked City Attorney Troy Gilchrist if the Ordinance was any different from the previous one they voted on. Mr. Gilchrist stated there was no difference. He summarized the previous ordinances addressing the mask mandate. The Ordinance at hand would carry the mandate forward as it has been.

Councilmember Ryan asked if the vote needed to be unanimous. Mr. Gilchrist stated the Charter requires a unanimous vote of all present members of the Council.

Motion passed unanimously.

ADJOURNMENT

Mayor Elliott moved and Councilmember Ryan seconded to adjourn the special meeting at 6:44 p.m.

Motion passed unanimously.

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

STUDY SESSION
DECEMBER 13, 2021
VIA ZOOM

CALL TO ORDER

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

ROLL CALL

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

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Dr. Edwards requested to remove item 10a. Resolution Approving Allocation of American Rescue Plan Act Funds as he would be presenting that item in January.

Councilmember Lawrence-Anderson requested to move 6l. Public Safety Act - Professional Service Contract (LEAP) from the Consent Agenda to Council Consideration item 10a.

Mayor Elliott stated he will have to step away at some point during the meeting and Acting Mayor Butler will take over at that point.

Hearing no objections, it was the majority consensus of the City Council to accept the changes to the December 13, 2021 agenda.

MISCELLANEOUS

City Manager Reggie Edwards noted Councilmember Graves was ill and unable to attend the meeting.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

OPPORTUNITY SITE PILOT PROJECT - CONCEPT PLAN REVIEW

Dr. Edwards introduced the item and invited Community Development Director Meg Beekman to make the presentation.

Ms. Beekman explained a concept plan review is an opportunity for the City Council to review a development concept, ask any questions, and provide input before a formal application from the developer. This provides the City Council an early opportunity to weigh in on a project and indicate what their priorities are during the City's negotiation process. It is a critical step for Staff and developers to gauge the Council's level of interest and goals while the project is still being developed. Concept plan reviews are an informal step in the process. They are considered advisory and are non-bonding for the City and the application. No Council action is being requested as part of the concept review process. Instead, the developer will receive the input from the Council, and, based on that, determine whether to proceed with a full formal application and review process.

Ms. Beekman stated the Opportunity Site Study Area is approximately 80 acres north of Bass Lake Road and West of State Highway 100. The City has been thinking about the area for 20 years. In the early 2000s, there was a study done in partnership with the Metropolitan Council. It intended to look at how aging retail was a challenge for the community and introduce value-adding opportunities. The 2002 Calthorpe Study introduced a concept of a mixed-use walkable town center as a vision for the area.

Ms. Beekman explained the plan was further refined in 2006 as the City created a master plan for the area. The master plan identified a series of redevelopment concepts and design guidelines. The 2006 plan continued to support the vision of the area as an opportunity for a cohesive mixed-use neighborhood and City center.

Ms. Beekman stated the Council updated the 2030 Comprehensive Plan in 2007 and included the Opportunity Site Master Plan and Development Guidelines. They acknowledged the fiscal challenges of land assemblage and the economic viability of implementing the plan given the current market conditions. The planning stalled out in 2008 during the recession. During that time, the Economic Development Authority began assembling land in the area. The City has been able to acquire 44 acres of the Opportunity Site.

Ms. Beekman stated there have been several development concepts brought forward. Those have not moved forward for various reasons, such as financial feasibility or misalignment with the City's vision of a mixed-use town center. In 2018, the City invited master developers to propose concepts for the 35 acres of City-owned land on the south half of the Opportunity Site. Three concepts were received, and, in April 2018, the City entered into a Preliminary Development Agreement with developer Alatus that would allow them time to develop a master plan for the EDA-owned 35 acres within the Opportunity Site and to conduct due diligence on an initial phase of that development.

Ms. Beekman noted the development of the 2040 Comprehensive Plan included the creation of guided land use of transit-oriented development. The land-use policy is driving the conversation of introducing more housing types, more density for more walkability, and connection to existing facilities.

Ms. Beekman stated by early 2019, Alatus had refined their overall concept for the site, and the City took the lead on the master planning work and expanded the focus to the full 80 acres. Altus

began to hone in on implementing an initial phase of development. The City engaged Bolton & Menk and the Cunningham Group to update the 2006 Master Plan.

Ms. Beekman stated in June 2021, the Council adopted the Opportunity Site Master Plan Infrastructure Framework which set the overall vision for the area and outlined four major areas of the overall plan: transportation and access network, parks and open space network, land use plan, and stormwater plan. Once the current phase of community engagement is completed, the work will be incorporated into an Opportunity Site implementation phase, which will complete the Opportunity Site master planning work.

Ms. Beekman explained the Master Plan is significantly different than development applications. A master plan is a big picture, the values-driven plan that will inform the development of a future downtown Brooklyn Center. It is a guiding vision for community goals, principles, and benefits that future development should support. It does not grant permission to build on the site, nor does it specify developers. Approving a master plan means the community agrees to a shared vision for the area that will guide future development. A development application includes much more detail and required City documents covering what a developer would build on a site if approved.

Ms. Beekman stated the community engagement process has revealed several themes for the project reflecting the values of the community: diversity and inclusivity, affordability, health and wellness, fiscal responsibility, flexibility, community pride, environmental sustainability, local benefit, and counteracting displacement.

Ms. Beekman explained the Master Plan is a walkable, mixed-use neighborhood built out through multiple phases of development. The plan includes mixed-density housing, community-driven, affordable incubator markets for local entrepreneurs, outdoor recreation, pocket parks, playgrounds, a park and trail network, public infrastructure, and civic spaces. Earlier versions showed a theater or hotel with the point being entertainment opportunities as driven by the market. There will be opportunities for new retail, restaurants, and grocery with an emphasis on local, smaller-scale establishments and sports and recreation. There is also the potential for some office and light industrial spaces depending on the market. There are goals around the number of units and a certain percentage of affordable housing with further refined affordability bands. Additionally, there is a focus on affordable commercial spaces.

Ms. Beekman stated the concept review up for discussion is a smaller portion of the Opportunity Site at the corner of Shingle Creek Parkway and Bass Lake Road. The project team has expanded since the last presentation. Over the last year, Alatus has formally partnered with Project for Pride in Living and Resurrecting Faith World Ministries on the development project. Design by MELO and BKV Group is working on the design portion of the project.

Ms. Beekman explained the Pilot Site Development Plan includes 744 housing units, 289 being market-rate, 205 designated as mixed-income units, meaning a little over half of the units would be income-restricted, and 250 units would be affordable where the units would be restricted for those earning 30 to 60 percent of the City's area median income. There is an emphasis on family housing and units with three or four bedrooms. Also included is a community event center, a childcare center, mental health and therapy suites, barbershop and small business suites,

entrepreneurial incubator controlled by the Economic Development Authority, a partnership with Three Rivers Park District for a multi-acre park, a public plaza, and a flex street to allow for more gathering.

Ms. Beekman stated NEOO Partners leading the work of community engagement, and African Career, Education & Resource has been overseeing the Citizen Advisory Taskforce. Currently, they are working on round two of engagement, which was somewhat paused due to COVID-19. The Citizen Advisory Taskforce is receiving the community engagement information.

Ms. Beekman stated as for the next steps, they will continue to engage with community partners. The development team will host a series of community-wide events, further collaborate with the Citizen Advisory Taskforce on negotiated community benefits agreements, and develop a site plan. There will also be an environmental review done. The entrepreneurial incubator implementation plan is in the works, and there is an upcoming formal land-use review that will go through the Planning Commission and City Council. Finally, a financing plan and a public subsidy application will be reviewed.

Chris Osmundson, Director of Development with Alatus, explained they have tried to incorporate input from the community feedback. He noted the Opportunity Site is in a federal mandate zone. In 2018, Alatus created a potential plan. Since then, they changed the development partnership team to include Resurrecting Faith World Ministries. Resurrecting Faith World Ministries has promoted a campus-style development with goals to gather a diverse community together in a safe and pleasurable environment, to unify a diversified community with services and entertainment, to meet the affordable housing needs of the Brooklyn Center community, to provide an affordable and excellent 24-hour child care and learning center for Brooklyn Center, and to provide affordable services in the campus-style community development. It would serve residents of the Opportunity Site and the greater Brooklyn Center community. The core focus was overall wellness.

Mr. Osmundson added they have also been partnering with Project for Pride in Living, an organization that specializes in affordable housing developments around the Twin Cities. The organization's mission is to build the hope, assets, and self-reliance of individuals and families who have lower incomes by providing transformative affordable housing and career readiness services. The three organizations have since been working together to gather community feedback.

Mr. Osmundson noted in 2019, there were four community workshops with discussions. Since then and as different development sponsors have been brought on, they have had regular virtual meetings. They have talked about the plan, safety, and accountability on the site, how it can be a better place, and involving those that have not been engaged in the past. The developers have also had meetings with community stakeholders such as the Liberian Business Association and Minnesota Zej Zog. They have been introduced to the Citizen Advisory Task Force and hosted a recent in-person event at the Community Center for the public. Both Brooklyn Center and Alatus have websites with more information about the forthcoming development for the public to access.

Mr. Osmundson noted benefits of the project such as an increased tax base, benefit to community schools, new parks, and recreation amenities, increased shopping, dining and entertainment options, more housing options, spaces for local businesses, and water quality improvements to

Shingle Creek. Four guiding principles emerged over several community workshops that reinforce a sense of community pride in Brooklyn Center. The principles include embracing the growing diversity of the community, producing places that bring the community together, creating a vibrant and distinctive destination for the community and region, and considering sustainability in the design of the development. As noted by Ms. Beekman, the community engagement process has revealed several themes for the project reflecting the values of the community such as diversity and inclusivity, affordability, health and wellness, fiscal responsibility, flexibility, community pride, environmental sustainability, local benefit, and counteracting displacement.

Mr. Osmundson explained the developer team has worked through the feedback to translate it into action items. Alatus LLC was originally the sole developer sponsor, but it became clear they would not be able to provide the diverse and specialized project needed for Brooklyn Center without additional sponsors. They decided to partner on the Pilot Site with Project for Pride in Living and Resurrecting Faith World Ministries. The original proposal was predominantly market-rate housing, but feedback showed a desire for a housing spectrum that is more representative of community standards. The new plan is to include housing that is one-third market rate, one-third mixed-income units, meaning a little over half of the units would be income-restricted, and one-third affordable units where the units would be restricted by 30 to 60 percent of the City's area median income.

Mr. Osmundson noted there was an initial emphasis on hospitality and theater entertainment district. Community feedback revealed that local businesses have been priced out by larger entities, and that showed the need for an entrepreneurial business incubator to be owned and programmed via community stakeholders, the City, and the Citizen Advisory Task Force. Alatus and Brooklyn Center were engaged in a development agreement, and they needed a document that holds development sponsors accountable to the needs and requests of the community so long as feasible. This led to the creation of the Citizen Advisory Task Force, a community benefits framework, and a community benefits agreement for the Opportunity Site.

Mr. Osmundson explained the original vision of the Opportunity Site was a downtown destination center. The Pilot Site and Opportunity Site need to create tangible benefits and opportunities for all community members. The campus-oriented development proposal responds to the need and includes complimentary uses such as housing, gathering, and event space with daycare, wellness, and therapy offerings, and a focus on local businesses.

Mr. Osmundson noted they have done outdoor peacemaking and have partnered with the Three Rivers District to create a multi-acre green space. In addition to the things they have already integrated, there are more items to discuss with the Citizen Advisory Task Force related to the level of affordability, contracting choices, the target population for housing, incorporation of urban agriculture component, and a community-led design process for the incubator and plaza spaces.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Hearing no objections, the Study Session adjourned at 6:48 p.m.

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

REGULAR SESSION
DECEMBER 13, 2021
VIA ZOOM

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Mike Elliott at 6:48 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, Kris Lawrence-Anderson, and Dan Ryan. Councilmember April Graves was absent and excused. Also present were City Manager Reggie Edwards, Acting Finance Director Andy Splinter, City Engineer Mike Albers, Community Development Director Meg Beekman, Planner/Zoning Administrator Ginny McIntosh, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

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

No one wished to address the City Council.

Mayor Elliott moved and Councilmember Lawrence-Anderson seconded to close the Informal Open Forum at 6:50 p.m.

Motion passed unanimously.

RECESS AND RECONVENE

Mayor Elliott called for a short recess of the meeting at 6:51 p.m. The meeting was reconvened at 6:57 p.m.

2. INVOCATION

Councilmember Butler wished everyone a happy holiday. She explained her quote was related to the Council's approach to offering innovative services in the City. Councilmember Butler quoted Dr. Martin Luther King Jr., "We may have all come on different ships, but we're in the same boat now."

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 6:59 p.m.

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, Kris Lawrence-Anderson, and Dan Ryan. Councilmember April Graves was absent and excused. Also present were City Manager Reggie Edwards, Acting Finance Director Andy Splinter, City Engineer Mike Albers, Community Development Director Meg Beekman, Planner/Zoning Administrator Ginny McIntosh, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

City Clerk Barb Suciu explained Item 10a, Resolution Approving Allocation of American Rescue Plan Act Funds, was removed from the agenda and Item 6l, Public Safety Act - Professional Service Contract (LEAP), was pulled from the Consent Agenda and will be considered as Council Consideration Item 10a.

Councilmember Ryan stated a resident's name was misspelled in a previous set of minutes. He explained he would contact City Clerk. Suciu to provide the proper spelling to correct the minutes.

Mayor Elliott moved and Councilmember Ryan seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the Work Session Minutes of November 15, 2021, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. November 15, 2021 – Work Session Meeting
2. November 22, 2021 – Study Session Meeting
3. November 22, 2021 – Regular Session Meeting
4. November 29, 2021 – Work Session Meeting
5. November 29, 2021 – Special Session Meeting

6b. LICENSES

GASOLINE SERVICE STATION

AM PM Corner Market	6501 Humboldt Avenue North
DBA Winner Gas	Brooklyn Center, MN 55430
Two Rivers Investment Inc.	6840 Humboldt Avenue North
dba Van's Automotive	Brooklyn Center, MN 55430

LIQUOR LICENSE OFF-SALE 3.2%

Casey's Retail Company	2101 Freeway Boulevard

DBA Casey's General Store	Brooklyn Center, MN 55430
Kabalan Co.	1505 69th Avenue North
dba Pump N Munch	Brooklyn Center, MN 55430

LIQUOR LICENSE ON-SALE INTOXICATING

FLIK International Corp	6155 Earle Brown Drive Brooklyn Center, MN 55430
Topgolf USA Brooklyn Center	6420 Camden Avenue North Brooklyn Center, MN 55430

LIQUOR LICENSE ON-SALE INTOXICATING SUNDAY

FLIK International Corp	6155 Earle Brown Drive Brooklyn Center, MN 55430
Topgolf USA Brooklyn Center	6420 Camden Avenue North Brooklyn Center, MN 55430

MECHANICAL

ACI Plumbing LLC	6217 West Lake Street St. Louis Park, MN 55416
All Pride Plumbing	21930 Heidelberg Street Northeast Stacy MN, 55079
C P H Investment Co dba Dryer Vent Wizard of St Paul	19456 Ellington Trail Farmington, MN 55024
C & M Heating & Air Conditioning Inc.	13862 Wintergreen Street Andover, MN 55304
J-Berd Mechanical	1 Industrial Boulevard Sauk Rapids, MN 56379
Liberty Comfort Systems	627 East River Road Anoka, MN 55303
Recher HVAC	1125 Mississippi Drive North Champlin, MN 55316
SPI Mechanical LLC	1116 Lincoln Street Northeast Minneapolis, MN 55413
Three Rivers Mechanical	1147 5th Avenue Anoka, MN 55303
Weld & Sons Plumbing	3410 Kilmer Lane North Plymouth, MN 55441
Wencl Services	8148 Pillsbury Avenue South Bloomington, MN 55420
Wenzel Heating & A/C 4	145 Old Sibley Memorial Highway Eagan, MN 55112
A M Brothers dba Cloud Nine Smokeshop	66th Avenue North Suite 5 Brooklyn Center, MN 55430
AM PM Corner Market dba Winner Gas	6501 Humboldt Avenue North Brooklyn Center, MN 55430

Diamond Lake 1994 LLC dba Cub	3245 County Road No. 10 Brooklyn Center, MN 55430
Two Rivers Investment Inc. dba Van's Automotive	840 Humboldt Avenue North Brooklyn Center, MN 55430

RENTAL

INITIAL (TYPE IV – six-month license)

1107 57th Avenue North	Alexander Irwin / Irwin Properties
5245-47 Drew Avenue North	Jesse Forsell

INITIAL (TYPE II – two-year license)

1501 Amy Lane	HP Minnesota I / Pathlight Management
6835 Colfax Avenue North	HP Minnesota I / Pathlight Management
6807 Quail Avenue North	Tai Pham

RENEWAL (TYPE IV – six-month license)

3813 61st Avenue North	Dhaneshwarie Himrah
2208 69th Avenue North	3511 Fremont LLC
5606 Bryant Avenue North	MNSF II W1 LLC / Michael Atwood
3007 Ohenry Road	IH3 Properties / Invitation Homes
3012 Thurber Road	Angelique Papilla / Risen Home Care

RENEWAL (TYPE III – one-year license)

6407 Orchard Avenue North	HP Minnesota I / Pathlight Management

RENEWAL (TYPE II – two-year license)

3349 49th Avenue North	Isaac Obi
3213 62nd Avenue North	Sara Brang

RENEWAL (TYPE I – three-year license)

4220 Lakeside Avenue North	Richard Arnston
3813 58th Avenue North	Xian Lin / Prosperous Property
5351 71st Circle	Ghulan Abbas Pyarali
1300 72nd Avenue North	Marinela and Scott Selseth
3834 Oak Street	Xian Lin / Prosperous Property

6c. APPROVE THE 2022 CITY COUNCIL MEETING SCHEDULE

6d. RESOLUTION NO. 2021-154 DESIGNATING POLLING PLACES FOR THE 2022 ELECTION

6e. RESOLUTION NO. 2021-155 SETTING SALARIES FOR CALENDAR YEAR 2022

6f. RESOLUTION NO. 2021-156 APPROVING THE 2022 FEE SCHEDULE

6g. RESOLUTION NO. 2021-157 APPROVING AN AMENDMENT TO THE CITY PERSONNEL POLICY OFFICIALLY RECOGNIZING AND DESIGNATING THE NATIONAL HOLIDAY OF JUNETEENTH AS AN OFFICIAL CITY HOLIDAY

6h. RESOLUTION NO. 2021-158 PROVIDING FOR THE REDEMPTION OF CERTAIN OUTSTANDING GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2013B OF THE CITY

6i. RESOLUTION NO. 2021-159 APPROVING CHANGE ORDERS 1 AND 2 AND ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, IMPROVEMENT PROJECT NO. 2018-14, 2018 BRIDGE REHABILITATION PHASE 2

6j. RESOLUTION NO. 2021-160 AUTHORIZING EXECUTION OF A CONVEYANCE AND LEASE TERMINATION AGREEMENT BETWEEN THE CITY OF BROOKLYN CENTER AND THE MOUND CEMETERY ASSOCIATION OF BROOKLYN CENTER

6k. RESOLUTION NO. 2021-161 ACCEPTING BID AND AWARDING CONTRACT, IMPROVEMENT PROJECT NO. 2021-22, CONNECTIONS II SHINGLE CREEK RESTORATION PROJECT

6l. PUBLIC SAFETY ACT – PROFESSIONAL SERVICES CONTRACT (LEAP) This item moved to 10a.

6m. RESOLUTION NO. 2021-162 ACCEPTING STREET IMPROVEMENTS FOR CONTINUAL MAINTENANCE FOR EASTBROOK ESTATES 2ND ADDITION

6n. EXTENSION OF CIVIL AND CRIMINAL LAW SERVICES RFP TIMELINE ONE YEAR

6o. RESOLUTION NO. 2021-163 APPROVING THE EXECUTION OF THE JOINT POWERS AGREEMENT SUPERCEDED THE EXISTING AGREEMENT, FOR THE BROOKLYN BRIDGE ALLIANCE FOR YOUTH EFFECTIVE JANUARY 1, 2022, AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE DOCUMENT

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

None.

8. PUBLIC HEARINGS

8a. ADOPTING AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCE REGARDING TENANT PROTECTIONS AND APPROVE A RESOLUTION TO ALLOW A SUMMARY PUBLICATION OF THE ORDINANCE

City Manager Reggie Edwards introduced the item and invited Ms. Beekman to make the staff presentation.

Community Development Director Meg Beekman stated this was the second reading and public hearing for an Ordinance that would protect tenants. The Twin Cities Metro Area is currently experiencing record low vacancy rates, which is driven by high demand for rental housing combined with unmet supply. There is a very significant housing shortage, and it is a national trend. Rent is climbing faster than incomes, there is increased interest from outside investors, landlords are in a position to be choosier about their tenants, and there has been a reduction in the number of landlords accepting Section 8 vouchers. The 2020 Census Report identified the cities with the lowest vacancy rates in the country and Minneapolis/St. Paul was the only large city in the top ten cities with the lowest vacancy rates.

Ms. Beekman stated 37 percent of Brooklyn Center's housing stock is rental, which includes 829 properties and 4,340 units. Only about 8 percent of single-family properties are rented. Nearly all of it is considered naturally occurring affordable housing due to its age and condition. The average rent in Brooklyn Center is affordable at between 50 and 60 percent area median income (AMI). Nearly all of the rental housing in the City was constructed between 1961 and 1979 and are largely homogenous with one- and two-bedroom units. There are very few three- and four-bedroom units. Six percent of all housing units, or 17.1% of rental housing, are legally-binding affordable.

Ms. Beekman noted the City has been conversing with residents and tenants in the community about rental housing. Many renters are on month-to-month leases, making their housing situations more tenuous. Tenants report frequent rent increases, meaning more than one increase per year. As earlier stated, rent and incomes are not increasing at the same rates. Capital improvements in buildings typically coincide with rent increases, so they see deferred maintenance in some cases. Tenants report concerns over retaliation, such as non-renewals or maintenance fee chargebacks, if they complain about maintenance issues. Furthermore, there is a lack of clarity on how to report maintenance complaints, which has been exacerbated due to the COVID-19 pandemic, and inconsistent parking policies resulting in towing. Lastly, residents have expressed concerns about safety and security.

Ms. Beekman explained State law limits the authority of cities to regular private leases between landlords and tenants. In December 2018, the City adopted a Tenant Protection Ordinance that applies protections when a rental property sells to a new owner, provides a three-month advance notice before a new owner can make major changes to lease agreements or non-renew leases, and provides relocation assistance if the new owner chooses not to follow the notice period. In March 2020, the City began working on a housing policy work plan, which includes updating the rental licensing program to strengthen tenant protection.

Ms. Beekman added the City began a citywide housing study in January 2021 with the Center for Urban and Regional Affairs (CURA) and Research in Action (RIA) on a citywide housing study. That work has completed its engagement phase, and the Housing Advisory Council is being reconvened to begin reviewing that work and identifying policy recommendations for the City. The housing study is anticipated to be completed in early 2022. The deliverables from the study will be used to complete a Housing Policy Action Plan to address the housing priorities in the city. Staff is anticipating moving forward with programs and policies based on the results of that study.

Ms. Beekman stated as a result of extensive input from the community, Staff have been working with the City Attorney's Office to draft an ordinance relating to tenant protections. This ordinance was to include multiple areas of concern from tenants such as just cause non-renewal, pre-eviction notices, maintenance fees, damage deposits, material changes to the lease, and discrimination relating to public assistance status. Based on the current low vacancy rates and the urgency created by the phasing out of the Eviction Moratorium, staff thought it to be necessary to expedite portions of the ordinance relating specifically to items addressing evictions and non-renewals.

Ms. Beekman explained the Ordinance presented that evening includes a pre-eviction filing notice, which requires a 30-day written notice before filing an eviction and allows for the parties to work out the issue. Once an eviction is filed on someone's record, it is more difficult for them to find housing in the future, and the proposed Ordinance would help to alleviate concern.

Ms. Beekman stated the Ordinance also includes a just cause non-renewal, which establishes a just cause requirement to be met to prevent a property owner or property manager from non-renewing an existing tenant's lease. Just causes could be nonpayment of rent, material noncompliance, tenant non-renewal, occupancy by a family member of a property owner, building, demolishing, conversion, rehabilitation, renovation, complying with a government order to vacate, or occupancy dependent on employment.

Ms. Beekman stated the Ordinance declares a waiver is not allowed by a tenant to waive their rights and allows for private enforcement, where a person harmed by an owner in violation of the Ordinance may bring action against the owner in District Court.

Ms. Beekman explained the Ordinance did go to the Housing Commission, and the Housing Commission received feedback from multiple housing advocacy groups such as African Career, Education & Resource (ACER), Homeline, and the Housing Justice Center, as well as numerous Brooklyn Center tenants. It was strongly recommended by all agencies and tenants to expedite and approve the ordinance specifically relating to evictions and non-renewals. The Housing Commission unanimously approved a recommendation to approve the proposed Ordinance.

Ms. Beekman stated they have also received feedback from landlords. In regards to the eviction notice requirement, there would be more time where a landlord may or may not be collecting rent, landlords may increase income and credit score requirements if evictions are more difficult, and landlords will be quicker to provide notice of eviction rather than accepting late payments or working out payment plans. As for the just case non-renewal, it could increase evictions as non-renewals are often used instead of an eviction, and landlords may become stricter on minor lease

infractions. An alternative solution offered was to require a 75- to 90-day notice for non-renewals instead of a 30-day notice. Ms. Beekman offered to answer any questions the Council may have.

Mayor Elliott thanked Ms. Beekman for the presentation. He noted the heightened interest in the topic from the community, and the Council has not acted as quickly as they should have. It has been the work of many organizations and residents to create the Ordinance. Additionally, Ms. Beekman and the City Attorney have put a lot of work into the writing of the Ordinance.

Councilmember Ryan stated he found some information from the Attorney General's Office on the topic of retaliation. Councilmember Ryan quoted a memorandum from the Attorney General, "A landlord may not evict a tenant or end a tenancy in retaliation for the tenant's "good faith" attempt to enforce the tenant's rights, nor can a landlord respond to such an attempt by raising the tenant's rent, cutting services, or otherwise adversely changing the rental terms. For instance, if a tenant has reported the landlord to a governmental agency for violating health, safety, housing, or building codes, the landlord cannot try to "get even" by evicting the tenant. If within 90 days of a tenant's action, the landlord starts an Eviction Action or gives the tenant a notice to vacate, the law presumes that the landlord is retaliating. It will then be up to the landlord to prove the eviction is not retaliatory. However, if the landlord's notice to vacate comes more than 90 days after a tenant exercises the tenant's rights, it will be up to the tenant to prove the eviction is retaliatory. These provisions also apply to oral rental agreements." Councilmember Ryan stated his concern is that the Council understands the implications of the Ordinance and the changes it could create.

Councilmember Lawrence-Anderson stated she would like to defer comments until after the public comment period.

Hearing no objections, Mayor Elliott opened the Public Hearing.

Bob G. stated he owns and operates 86 rental units in Brooklyn Center, and his largest property is on Willow Lane. He explained he has spent his life providing reliable, safe, clean housing. He originally purchased a duplex at the University of Minnesota while he was in college, so he has been involved in renting for a long time. Bob G. explained he was asking the Council to vote against the Ordinance as there are other tenant protection ordinances and laws in place at other levels of government.

Bob G. stated while he agrees with the idea of protecting tenants from scrupulous landlords, this Ordinance creates major loopholes for bad actors that will make housing in the community worse off. Proving a just cause for a lease violation is next to impossible. He has had over 1000 tenants, but he has not had a just cause eviction, except for six or so nonpayment of rent as those is easy to prove.

Bob G. asked the others to think of themselves as housing providers. It takes a lot of money, at least $200,000 or more, to create a single unit. There is a huge time and money investment in providing housing. Most of the time, a tenant will treat a property well. Every once in a while, a tenant will be disrespectful to the property, neighbors, or the community as a whole. He asked the Council to consider someone living in their home and being disrespectful to the property and the neighbors. For example, maybe a tenant is dealing drugs in the hallway, routinely harasses

neighbors, or vandalizes other tenants' vehicles. There could be a boyfriend that shows up in the late hours to throw rocks at windows. Bob G. noted he has someone who canceled garbage service and kept six months' worth of garbage in their garage resulting in a mouse infestation for multiple units.

Bob G. stated all of those scenarios are just cause violations. However, none are provable in a court of law. By being unable to manage certain people, it creates a negative environment for all renters. They should not make a wholly bad environment due to a few bad actors. Bob G. stated he has spent 33 years investing his time and money into providing safe, reliable, clean, affordable housing. If the City wants a cleaner, safer, more reliable, more affordable housing environment, then it is vital to receive input from housing providers. Making it more difficult for housing providers to provide housing will ultimately decrease housing availability. More vacancies would give much more power to tenants naturally. He asked the Council to oppose the Ordinance and offered to provide input to improve the Ordinance that will help the community.

Fadumo M., Housing Organizer at ACER, explained she was there to share a story related to the lack of protection for non-renewals. During the pandemic, a friend of hers and a mother of nine did not have her lease renewed. She was unable to find a place for over a month. During that time, the woman and her nine children lived at their grandmother's one-bedroom apartment. Fadumo M. stated non-renewals are used to displace people silently, especially when there is not a reason for eviction and the landlord wants to make more money. Renters need an actual reason, other than profit, for why they are losing their homes.

Fadumo M. added non-renewals have been especially devastating during the pandemic. For example, someone lived in a rental property for 11 years and was forced to move, risking their physical health. Some people are put into precarious month-to-month leases where they don't know what their future holds. Tenants should be given adequate notice before an eviction so they are not in danger of losing their housing stability. The notice helps the tenant and landlord to resolve issues. Fadumo M. noted she only shared a few of many stories of tenants in Brooklyn Center.

Fadumo M. stated all of the feedback from landlords shared by Ms. Beekman was essentially retaliation. Landlords are saying they will retaliate by making it more difficult to access housing if the Ordinance passes. Fadumo M. pointed out it must be extremely difficult for tenants to make requests of their landlords.

Randy stated he has been a resident of Brooklyn Center for about 50 years. He owned a condo previously and became a reluctant landlord. He explained the Ordinance would make people on both sides angrier and cause landlords to force people out long before they should. Landlords will say they have to do an eviction or non-renewal whether or not they want the tenant to leave because of the timing constraints and threat of the tenant claiming retaliation. It seems backward in trying to resolve issues and makes the process more difficult for everyone. There is the potential for people to get thrown out of housing for no reason.

Lovetee P. stated she has experienced retaliation, non-renewals, evictions, and security issues. Some people live in her area that has been on month-to-month leases for three years. The tenants

have asked for renewals multiple times, and they have wanted renewals even more due to the pandemic. The month-to-month leases were due to a previous landlord that instated the month-to-month leases for no reason. The tenants don't know what their futures will look like.

Lovetee P. asked why landlords are evicting tenants when there is a huge amount of sick and jobless people. The country is going to crash. Eviction should not even be a concern, and people should be kept safe. If they give people more notice for evictions, it does not help the issue of eviction. Tenants are also applying for rental assistance and not being approved. The country is going through a crisis, and they should be talking about lease renewals rather than evictions and non-renewals.

Lovetee P. added there are security issues at her residence, and there need to be cameras in the parking lot. There are additional expenses incurred when someone steals or tows a resident's car. For example, one of her neighbors with a handicapped parking pass had her car towed, and it took over 40 days to get it back. They even had to protest to have the vehicle returned. It is not right for landlords to evict residents for speaking up for what is right.

Lovetee P. stated the Council needs to listen to her concerns. She asked how long it would take for something to change. Lovetee P. showed a notice she just received from her landlord notifying her of a rent increase. The landlords are using their words and actions against their tenants. If the City wants people to be safe and happy, they need to protect the rights of tenants. Lovetee P. explained the rent assistance is moving slowly, and they cannot request maintenance anymore in fear of retaliation. Leases should always be renewed unless the tenant wants to leave. People are resorting to shelters due to non-renewals and evictions. The issue is very serious.

Cecil S., President, and CEO of the Minnesota Multi-Housing Association (MHA) stated his organization is opposed to the Ordinance. The policies are detrimental to the rental housing market of Brooklyn Center and should be rejected. The members of MHA, along with himself, are in the business of making homes for people. They take great pride in their work as it is meaningful and important. It is the best business practice to keep people housed. Evictions and other displacement are costly for the resident and the property owner. Therefore, evictions are rare. Minnesota has one of the lowest eviction rates in the country. The State has not reached its pre-pandemic eviction rate despite predictions that evictions would increase after the moratorium ended.

Cecil S. stated the Ordinance is a solution to a problem that doesn't exist. Problems need to be defined, and targeted solutions need to be identified to respond to those problems. MHA did not engage in the development of the Ordinance, which is remarkable considering it is an Ordinance that will regulate the housing industry in Brooklyn Center. The housing providers were not engaged meaningfully in the development of the Ordinance, and the Council does not understand the negative side effects and damaging potential. MHA urges the Council to fully engage with housing providers in the community to properly understand the implications of the potential regulations.

Cecil S. suggested they look at the individual problems at the properties with problems instead of imposing a broad-sweeping policy. The City could offer specific tools and remedies to address

the real issues, particularly those that already exist in State law and City Code. Cecil S. reiterated his opposition to the Ordinance.

Erik F. stated the issue is very complex that requires complex solutions. He agrees that housing providers were not asked to provide input on the Ordinance. He works with Soderbergh Apartment Specialists, a company that owns and manages about 25 percent of the rental housing in Brooklyn Center. In speaking with Ms. Beekman and some Councilmembers, he learned the company's properties were not a source of complaints. Soderbergh Apartment Specialists take pride in the quality, safe housing at or below the 60 percent AMI.

Erik F. stated the Ordinance is going to have drastic effects on the community, especially because housing providers were not consulted. He noted he sent a detailed email to the Council and could expand on it if need be. There are unintended consequences for the well-intended Ordinance. An eviction is a tool of last resort, and housing providers in his network are acutely aware of the damage eviction does. It is also difficult and expensive for property owners. Everyone would prefer to work out the issues apart from the eviction process.

Erik F. explained he has multiple examples of situations where the Ordinance would have a negative effect. His tenants facing economic insecurity are usually in the situation due to something catastrophic, and a 30-day notice does not provide sufficient time to support a tenant through a catastrophe. The Ordinance creates a timing issue. The Ordinance ultimately deters housing providers from entering into negotiations because the risk of default gets pushed out. When there is more flexibility, housing providers are incentivized to work out an alternative solution.

Erik F. noted Soderbergh Apartment Specialists have grace periods on their leases because they understand people do not always get paid on the first day of the month. However, if the Ordinance passes, they will have to reevaluate that policy. It is heartbreaking to hear from residents that are experiencing the consequences of poor owners. Erik F. explained he has a tenant who smokes marijuana very regularly, and they lost a great resident who lived next door to the tenant who smoked. The second tenant chose to move out because of marijuana use. Additionally, there is a single mother with a wonderful child who lives above the unit with the marijuana smoker that is trying to exit the lease because she does not believe the apartment is a safe environment. Under the proposed Ordinance, there are no tools to remedy the aforementioned situation. Erik F. reiterated his opposition to the Ordinance and suggested the City engage with property owners to develop a better solution.

Nancy S. stated she has been on a month-to-month lease for about a year and a half. When she got home today, she saw her rent increase again. She stated all of her requests go ignored. They have given her an eviction notice twice before, but she explained she had nowhere to go so they worked something else out. She does not know why she is on a month-to-month lease. Nancy S. asked if the landlord has the right to increase her rent if she is on a month-to-month lease.

Marie V. explained she lives at Georgetown Homes, and she agrees with previous speakers. The office of Georgetown Homes is always trying to increase the rent. They do not update the units, and everything is falling apart. Paying rent should allow them to live in a nice place. They do not

have anywhere to go, so they are putting up with it. Additionally, they are afraid to speak up in fear of retaliation. If a tenant goes to the office, they respond with a non-renewal of lease or eviction. It is not right. Marie V. stated her unit is falling apart, and the carpet smells. She asked how long it will be before a change. She urged the Council to fight for them and speak for them.

Tilee D. noted she lives in Georgetown. She stated people should have a longer notice for eviction. Housing providers should not retaliate against tenants with evictions. If the tenant is damaging the property or disrespecting the property, it is one thing. If someone is having financial difficulty or lost their job due to the pandemic, that is another thing. People that are unable to get on the rental assistance list are evicted. It is hard to find housing in the case of an eviction. Georgetown will give an eviction notice with only 30-days' notice, and that is not enough time to find proper housing.

Tilee D. explained Minnesota housing depends on credit, and a majority of people do not have good enough credit to get a second place. If they do have good credit, it still takes a long time. If housing providers were in their shoes, they would treat them differently. The majority of people living in Georgetown Homes are black and African. Georgetown gets away with things they do to the Africans that they would not do to Americans. Foreigners do not like to retaliate or stand up because they are afraid and many foreigners do not know their rights so they hold back for the sake of peace.

Tilee D. explained if she was evicted, she and her child would have nowhere to go because she does not have family in Minnesota. 30 days of notice is not sufficient time to find another place to live. It is not fair to use eviction as retaliation. Some people try their best to pay their rent, and some people have lost hours at their jobs. Tilee D. noted she is speaking on behalf of many people facing the same issues. She added shelter is not a safe alternative.

Roger K. asked if he could address the Woodbine Street project. Mayor Elliott stated it was a public hearing related to the Tenant Protection Ordinance. He explained open forum, the opportunity to speak on any matter, was held earlier that night. Roger K. stated the letter he received stated there would be time to speak about the project during the meeting that evening. Mayor Elliott stated there would be time to speak about the project, but they are currently discussing the Tenant Protection Ordinance. Roger K. asked to speak after the Tenant Protection Ordinance discussion was completed. Mayor Elliott stated he could speak during the fourth public hearing.

Cassandra B. stated those in disagreement with the Ordinance do not understand the feelings and perspectives of the renters. Some housing providers may run their properties differently than other landlords. Cassandra B. explained they have the right to care about the property, and they want the same respect. The 30-day notice for eviction does help a tenant because it allows the tenant to figure out what they need to do.

Cassandra B. noted the opponents disagree with the Ordinance because it gives them less power. Currently, landlords have all of the power. Even the good tenants are being walked on by some landlords. Cassandra B. explained she cares about where she lives and her surroundings. She respects her neighbors and wants respect from her neighbors. She also respects people in the

office. The eviction notices will help tenants and give them time to speak to the landlord. It is a process for property owners to file evictions. Tenants don't have great credit, and the evictions put them back even further.

Cassandra B. stated they are still in a pandemic, and many people are still trying. Not all tenants can be put in the same basket. Similarly, there are good landlords and bad landlords. Tenants need to have a say in the happenings of where they live. She explained she is a good tenant, and the landlord does not respond to her concerns about the residence, such as people smoking marijuana. Instead, the landlord retaliates against people that want to live in a better environment. Tenants are giving their money, so they should have a say in what happens in the residences.

Joy stated she has worked as a housing provider, and the Ordinance does not bind the property owner. Instead, the Ordinance allows tenants to take corrective action. Once an eviction is filed, it is on someone's record. Even if a tenant were to win their eviction case, it stays on their record. Evictions work against a tenant in the present and the future. The housing options become even more limited, and tenants have to find a landlord that will accept their evictions. Tenants do not feel like they can hold their property owners accountable for repairs or other maintenance because they have limited housing options.

Joy recommended the attendees think about the proposed Ordinance from the perspective of tenants. The community should be supporting one another. Some people do not want to own a home, and that is okay. She asked how they foster positive relationships between property owners and tenants.

Martina S. stated she lives at Georgetown. A few months ago, her neighbor had bed bugs. It was treated, but the landlord said it was not management's fault. The tenant with the original case of bed bugs had to pay for the treatment of all affected units. However, the management still charged Martina S. for bed bugs. Martina S. explained it was unfair.

Another resident from Georgetown stated the policies are not working. People checked if there were bed bugs in his unit last April. His neighbor had bed bugs. Around that time, he left for military duty. When the neighbor's unit was cleaned, the bed bugs migrated to his unit. His fiancé had to take their kids to his parents' home. The previous manager acknowledged it was not his fault because it was cleaned. When the resident returned, he received bills for the bed bugs. If they keep saying he owes money for the bed bugs, he will take out a lawsuit against the management because the management cannot charge him for something he does not owe to them.

The resident explained when he highlights problems, they retaliate. He stated management's treatment of tenants is highly racially influenced as there are a lot of people of color that live in Georgetown. It is an issue of racial equality. Brooklyn Center needs to improve its policies as they do not currently support the daily life of the residents. The City should take a holistic approach to improve housing conditions. Another example of the bad management at Georgetown is they told him he owes late rent. He showed them a receipt of the transaction but still had to pay additional money.

Mayor Elliott thanked him for his comments and stated they are taking note of their concerns. The concerns are not new to the Council, and they are working on the issues. Housing is fundamental, and they will follow up on his comments.

Beatrice A. stated she has lived at Georgetown Park since 2011. In recent years, the tenants have not been treated well. There have been cars stolen. If tenants go to the management and report a car is missing a part, the manager says it is not the property owner's fault. The tenant then is responsible to get it fixed. Her brother's car has been stolen twice, and the management did not provide a good answer. They had to replace the car with their own money, but they are still respectful to the office.

Beatrice A. added the property owner wanted to create an extra parking space and had the tenants pay for it. When they billed her for the extra space, she said she did not ask for an extra parking space. It is the responsibility of the property owner to pay for their property. She stated her role is to pay her rent and keep her property clean. It is not right for the management to treat them that way as they are taking care of their property, but the management is not caring for the tenants' property at all. There were even lockdowns in the area at one point, and it was very scary.

Beatrice A. stated for the money the tenants spend, especially on the parking cost, the property owners should repay them for costs incurred related to their cars. If tenants speak up for their rights, the owners will retaliate. Beatrice A. told the property managers if they want her to leave, then they should help pack up her belongings and find another place for her to go. The management doesn't care about the property of Africans, and they only care about their property.

Jayme stated she lives in Victoria Townhomes and was speaking on behalf of several residents. She explained her brother Randall Smith was just murdered on the 17th. On the 18th, she received a letter from the property managers that they were not renewing her lease. They did not provide her with a reason why. In talking to other residents, 14 residents received non-renewals of their leases. Jayme noted she understands the concerns of the property owners that have spoken, but some good renters are being mistreated. If there are people that are mistreating property or smoking marijuana, they should not have their lease renewed. However, there are people like herself that are respectful, quiet tenants who are being put out.

Jayme explained a lot of people at Victoria Townhomes have received COVID-19 assistance, and that is part of the reason why their leases are not being renewed. Additionally, sewers and tubs are backing up, the management doesn't keep the property clean, there are no screens on windows, and closet doors have fallen on children. Even if they are receiving COVID-19 assistance, renters should be able to live in a place that is safe and secure. She noted she has been working with ACER in the last few weeks. Jayme stated she received a 60-day notice, but the official notice didn't come for a couple of weeks after the 18th. She asked the City to protect the tenants that are not destroying property and for the City to speak to management to improve conditions.

Jerry S. stated he strongly suggests the Council passes the Tenant Protection Ordinance. The landlords that oppose the Ordinance do not want to be regulated. If the Ordinance passes, the property owners will have to provide more reasoning before removing someone from their housing. Jerry S. explained he lives in a unit that was built in 1964. Almost every year, there has

been a rent increase of around $100. The owners should have gotten enough profit by now. He asked the Council to pass the Ordinance.

Mayor Elliott asked what Erik F.'s specific concerns with the Ordinance are. Erik F. thanked Mayor Elliott for the question and noted his appreciation for the dialogue. It is difficult to hear about the negative experiences of the tenants living in other properties, and it angers him to hear about how other landlords operate. The proposed Ordinance, however, does not address the concerns they have with their landlords.

Erik F. stated his concern with the Ordinance is the unintended consequences. His business operates according to the rules, and they are highly regulated by City and State law. The residents that have spoken have not been represented by organizations or advocates that can address their issues, but there are resources out there to assist them. The Ordinance does not address their concerns.

Erik F. stated the issue with the Ordinance is timing. He prefers to settle things outside of court. When there are stricter regulations, it makes the process more difficult. The Ordinance will increase mental health concerns on both sides of the issue as it will make the process more frustrating. A side effect of the Ordinance will be increased evictions, which have a substantial impact on mental health.

Erik F. explained all of the quality housing operators support protections for tenants. They want them to feel cared for and heard. The Ordinance creates problems that will have implications on residents and operators that are not facing issues currently. Most of the residents are wonderful people, and operators have great relationships with them. Unfortunately, the just cause non-renewal portion of the Ordinance makes it more difficult for the property owners to support their good tenants. It is very difficult to prove many of the just causes in the court of law outside of nonpayment.

Erik F. stated there is a way to fulfill the goals of the Ordinance and address the concerns of the residents. The licensing policies in Brooklyn Center are some of the best in the country and provide a targeted approach to some of the bad property managers. Those can be used to remedy some of the issues. St. Louis Park and Minneapolis have notice provisions on an intent to file, and 30 days is the longest he has ever seen. Timing is a concern. Erik F. explained he would like to work with the City Council and Staff to create an ordinance that would help everybody.

Mayor Elliott stated the Ordinance seems unnecessary for Erik F. because he works with his tenants. He noted not every tenant has the luxury of a landlord with similar practices. If they do nothing, it affects the tenants with a worse landlord.

Erik F. noted he shares the Council's concerns regarding the landlords with predatory practices. However, the Ordinance itself will affect how all landlords operate. While the tenants of quality landlords are not currently experiencing problems, they will begin to experience issues if the Ordinance passes. The 30-day notice provision would be very cumbersome for the grace periods that work around people's pay days and finances. Erik F. stated they would typically call a tenant to address those issues, but the Ordinance may force landlords to file a notice to get the long

process started in the case that issues cannot be resolved. There are tools already in place to protect the residents that have been commenting, and the Ordinance in question may have negative broad-reaching impacts on the whole community.

Mayor Elliott stated if someone fell behind on their rent, the Ordinance would be enacted to give the tenant notice. Although they wouldn't be required to, the landlords may send a notice after a missed payment. Mayor Elliott asked how that would be detrimental to the tenant.

Bob G. asked to speak to that question. Mayor Elliott asked if Bob G. was with Erik F. Bob G. stated he was not with Erik F. and explained he is a landlord himself, so he has an answer to the question. Mayor Elliott asked to hear from Erik F.

Erik F. stated the notice of intent to file is alarming. It would discourage landlords from entering into an extended payment plan because the provisions are so long. The landlord would have to file a 30-day notice or hold stricter to their existing guidelines. As earlier stated, most of the tenants that are falling behind on rent are in the position because of something catastrophic. That catastrophe will not be remedied in 30 days, so it puts an undue burden on landlords when the payments require an extremely long window of notice. If the payment isn't completed in the window, the landlord would have to file another notice, which pushes the process out another 45 to 60 days, or they don't enter into a payment agreement because it would be difficult for the parties. He noted that is a hypothetical scenario.

Erik F. noted in St. Louis Park, the 7-day notice encourages landlords to work with the tenants because there is the ability to move quickly. Most of the time, the issues are settled outside of evictions. However, defaulting on a payment or moving out with money owed affects future rental verification processes. Eviction is not the only harm to come out of the process, and most landlords would prefer to avoid the eviction process. An agreement between parties would not negatively affect a tenant down the line.

Erik F. suggested a longer notice period of non-renewal such as 75- or 90-day which accommodates time for the tenant to find housing. He added he does not know any landlords who would like to remove a good tenant.

Mayor Elliott asked if Erik F. would prefer a non-renewal notice period. Erik F. confirmed he would prefer a 75- or 90-day notice period instead of a just cause for non-renewal. It accomplishes some of the goals such as 30 days being a short time for someone to find alternative housing. When there is a just cause situation, it is difficult to prove and disrupts other residents in the process.

Bob G. stated one of the most common issues is the nonpayment of rent. His tenants know rent is due on the first day of the month. They send out a letter reminding people rent is past due on the seventh day of the month asking them to pay. On the fifteenth, they send out a letter telling the tenant to enter into a payment plan within three days or the landlord will file an eviction notice. That gets to the seventeenth of the month. If they spend time working out a payment plan, that may take them through the end of the month. If there is still no payment of rent, it would then be

time for the landlord to file for notice of eviction. With the 30-day notice requirement, the landlord would be out two months of rent before they can start the eviction process.

Bob G. stated the Ordinance, on the other hand, would encourage property owners to file for notice of eviction on the second day of nonpayment because there would be at least 30 days before the eviction process. Bob G. explained he sees renters that normally don't pay until the 3rd, 4th, or 5th of the month. Those tenants may receive eviction notices which cause undue stress on multiple parties. Bob G. stated he has given a five-day grace period for his entire career, but the Ordinance forces sooner and sooner notices.

Bob G. stated he has never evicted a tenant within 30 days of the 1st of the month, and it seems impossible with all of the steps involved. The Ordinance will create a lot more notices for eviction. He explained he does not want to send out notices, and his tenants do not want to receive notices.

Samuel S., an Attorney and Research Director with Homeline, explained Homeline provides free, confidential legal advice to tenants through their hotline. He noted Homeline supports the Ordinance. The pre-eviction notice will help them remain in their homes by allowing them to address the underlying process. Alternatively, it allows the tenant to seek legal advice about how to protect their housing. It is good for both tenants and landlords and will result in fewer eviction processes, saving everyone time.

Samuel S. stated the 30-day notice period would not speed up the eviction process. While landlords may have to give notice a few days earlier, but tenants would rather receive a notice a few days earlier if it provides them an additional 30 days to handle the eviction. Homeline has not looked at the specifics for Brooklyn Center, but it has for Minneapolis. In Minneapolis, the vast majority of evictions are filed within 30 days, so it will not speed up evictions. Samuel S. explained the notice will not affect landlords that are already working with their tenants.

Samuel S. stated the just cause for non-renewal will help people to stay in their homes. Tenants have expressed a strong fear of retaliation. Minnesota does prevent retaliatory notices to vacate, but proving the notice is retaliatory falls on the tenant. One landlord mentioned it is difficult to prove a tenant is smoking marijuana. Similarly, it is difficult for a tenant to prove a notice is retaliatory. The only way they can prove it is retaliatory is by forcing the eviction. If the court decides against them, they have less time to leave their housing. The Ordinance will help residents stay in their homes, stay in their homes longer, and allow them to assert their rights as tenants. Samuel S. added the COVID-19 protections have most ended, but the conditions caused by the pandemic have not ended.

Agnes O., a representative with ACER, stated she was not a tenant, but she has rented in Brooklyn Center. She explained she favored the Ordinance. Some of the things mentioned by landlords seem retaliatory, as noted by Fadumo M. A landlord stated it was difficult to prove just cause with the example of the smell of marijuana or damages. Smoking recreational marijuana is illegal in Minnesota, so that should protect the landlord because the tenant is engaging in illegal activities. Similarly, damages are illegal. There is usually a recording of the unit before someone rents it, so it would be easy to prove if there were damages done by the tenant.

Agnes O. noted her agreement with Joy that evictions have a devastating impact on tenants. A history of evictions make it difficult to rent in the future and forces individuals into subpar housing. The landlords that have expressed concerns for residents should also be concerned about evictions. The landlords also mentioned evictions are rare. If that is true, then the Ordinance wouldn't impact landlords very much.

Agnes O. added there were comments about existing laws that could allegedly do the same thing as the Ordinance or provide protections for the concerns brought up by tenants. She asked what those specific laws were.

Mayor Elliott thanked the commenters for sharing.

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

Motion passed unanimously.

Mayor Elliott stated the Council has heard a lot of testimony and asked if the Council had any questions or comments.

Councilmember Butler thanked the commenters and those who have worked on the Ordinance. The Staff would not bring something to the Council without it being vetted. She stated she fully supports the Ordinance.

Mayor Elliott stated City Attorney Troy Gilchrist could comment on the discussion and what the provisions allow for.

Mr. Gilchrist stated they have heard from people on both sides of the issue. Over the months, they have heard from several tenants about their struggles. They originally started with a much broader ordinance, but they pared it down to address more specific issues. The City has worked with advocacy organizations to fine-tune the wording.

Mr. Gilchrist explained the law on the topic is still developing, so there is a degree of uncertainty. It is up to the Council to decide what they would like to do considering the uncertainty. The Council can continue the matter to a future hearing to allow Staff the time to reach out to folks that felt they were not engaged as a part of the development process. While it may not change the approach or the Ordinance, that is an option.

Mr. Gilchrist agreed with Councilmember Butler that the Ordinance would not be presented to the Council without a lot of work going into it. However, Staff can continue to gather information and revise the Ordinance as directed by the Council.

Mayor Elliott asked if Mr. Gilchrist had any thoughts on if the 30-day notice would limit landlords. The Ordinance intends to create parameters for the landlords to protect the tenants. He asked if Mr. Gilchrist had any thoughts on the period.

Mr. Gilchrist stated some of the commenters suggested the Ordinance would cause the landlords to file a notice earlier to get the 30-day process started before even reaching out to the tenants. That is not necessary from a legal perspective, and that would be a practice chosen by the landlords. They would be using the 30 days to work out a payment agreement with the notice in place. The Ordinance does not require landlords to file a notice before working on a payment agreement nor does it prohibit landlords from entering into a payment agreement with tenants. The landlord could try to come to an agreement with the tenant right away and later file the 30-day notice. Even if the 30-day notice was filed, later on, it would not preclude the parties from working out an agreement.

Mayor Elliott thanked Mr. Gilchrist for his comments. Mayor Elliott stated he fully supports the Ordinance as it does a great deal of good to address a lot of the concerns the Council has heard from tenants. The Ordinance has been crafted in a way that provides flexibility to landlords to be able to evict tenants if there is a need to do so.

Councilmember Ryan stated he was distressed to read the minutes of the Housing Commission meeting where they took public comment on October 19, 2021. The issues raised by tenants of a certain property disturbed and angered him. Some issues could be better addressed through a rental license ordinance. Additionally, the tenants were speaking about one property. The commenter who operates 25 percent of the units in the City had the fewest complaints against him. The landlords on the call pointed out they have not been engaged in the process.

Councilmember Ryan noted his appreciation of Mr. Gilchrist's comments that there is not a legal requirement for landlords to issue notice on the second of the month. However, because of the 30-day notice provision, landlords will take a position to minimize their risk. In practicality, it is what operators will do. There was a suggestion that a better means for a non-renewal is to do a 75- or 90-day notice for the problematic tenants.

Councilmember Ryan added the issue is very serious. When the City undertakes regulation, they must keep in mind the law is a blunt instrument. The Council has to be clear on ways a regulation may have unintended consequences and recognize that not everyone has been engaged in the development of the Ordinance. Councilmember Ryan stated he would like to see the matter continued but for it to still be handled expeditiously. He is concerned about the impact on all of their neighbors and renters. He wants renters to be treated fairly, and he wants the landlords to operate the properties effectively so they can guarantee the maximum amount of affordable housing. It is a practical matter, so he is advocating for an expeditious continuance.

Councilmember Ryan moved for a continuance. Motion failed for lack of a second.

Councilmember Lawrence-Anderson stated she is empathetic to the concerns of the tenants and noted she wants quality housing for all residents of Brooklyn Center. There are repeated bad situations and testimony from tenants of only a couple of properties. She asked what they can do from the licensing structure to remedy the issues and improve the expertise and the quality of housing providers in the City.

Councilmember Lawrence-Anderson explained she would like to know about more potential unintended consequences before voting on the Ordinance. She suggested they have a work session with Homeline, MHA, the Minneapolis Realtors, ACER, and other apartment operators in the City. Everyone wants the same thing, which is good quality living conditions for everyone. She asked what the best way is to achieve those results. She noted she is not convinced the Ordinance is the best solution at the current time. Councilmember Lawrence-Anderson would like to have a conversation with all stakeholders and all members of the Council present.

Mayor Elliott stated two members of the Council commented the issues at hand could be addressed through licensing. He asked Ms. Beekman and Mr. Gilchrist if that has been considered or if it is viable.

Ms. Beekman stated Staff has spent an enormous about of time working on the provisions after hearing from the community. Staff believes the proposed Ordinance is the most effective way to deal with the concerns. However, if there is more that the Council would like for Staff to consider, then they can do that. The concerns shared that evening is not new to Staff.

Mr. Gilchrist noted his agreement with Ms. Beekman. The staff has put a lot of work into the Ordinance, but the Council is welcome to hear from more people on the matter. As mentioned by Councilmember Ryan, it is important to measure twice and cut once when it comes to the law. It is ultimately up to the Council on how they would like to proceed.

Mayor Elliott stated, given the interest from the Council, it would be proper to continue the matter until January 24, 2022, which would allow Staff to speak with landlords and property owners and return with their comments. He asked Ms. Beekman if that would provide enough time for Staff. Ms. Beekman stated they can do outreach and think creatively about the Ordinance before then.

Mayor Elliot asked Dr. Edwards if Councilmember Graves will be present that day. Dr. Edwards stated he did not know the answer to his question.

Mayor Elliott asked Mr. Gilchrist if they needed to continue the discussion to a particular date. Mr. Gilchrist stated there is not a need to choose a certain date because the public hearing has been closed, and there is not a need to notice for a future hearing. If the idea is for Staff to reach out to property owners, then it would make more sense for it to be at the end of January or the beginning of February to allow time for outreach.

Mayor Elliott stated there is a consensus of the Council to continue the discussion of the Ordinance amending Chapter 12 of the City ordinance regarding tenant protection to January 24, 2022, with a backup date of February 7, 2022.

Councilmember Ryan thanked Mayor Elliott and members of the Council for their collaborative effort. He stated his mind is not closed on the Tenant Protection Ordinance. He merely heard contradictory testimony from people that are experts. His idea to go through licensing to protect tenants was specific to the properties with the majority of the complaints. The residents have shared terrible things that have been happening in Brooklyn Center due to low-quality housing operators.

Mayor Elliott asked Staff to bring ideas back around issues, such as bad carpet, and if that could be addressed through licensing. The eviction issues cannot be addressed through licensing, but perhaps some of the other comments could be.

Mayor Elliott noted his support of the Ordinance, and there are tenants in the meeting that will be hurting as a result of the Ordinance not passing at the time. The situation will be tenuous for another month or two, and it is especially difficult during the holiday season. He implored residents to ask questions of the Staff so the Council can act on the Ordinance at a future meeting. It is incumbent for the City Council to address the issues at hand. Mayor Elliott asked members of the Council if they needed further information from Staff to aid in their decision-making process.

Councilmember Lawrence-Anderson agreed the Council needs to solve the problems at hand. She explained the Council is doing the best they can to solve the issues they have in the very best way. If possible, she would like a work session to include organizations and other stakeholders to engage in a thorough conversation. A work session could help everyone to get on the same page. She noted she would be prepared to vote on the Ordinance once there was a complete conversation in-person rather than emails back and forth. That way they can address any unintended consequences and answer more questions.

Hearing no objections, Mayor Elliott directed Staff to schedule a Work Session regarding the Tenant Protection Ordinance. Dr. Edwards noted there is not a regular meeting on February 7, 20202. Instead, the first regular meeting in February is February 14, 2022. He asked if the Work Session would be before January 24, 2022. Mayor Elliott confirmed the Work Session would be before January 24, 2022. Dr. Edwards stated Staff would find a date for a Work Session.

Discussion of Remaining Agenda Items

Councilmember Butler stated it is 9:50 p.m. and asked what else on the agenda is necessary. She stated she was tired, and they have consistently been going late on Mondays.

Mayor Elliott asked Staff what was necessary throughout the rest of the agenda. Dr. Edwards stated there are public hearings that have been noticed, and there are time-sensitive matters that need to be addressed.

Mayor Elliott asked which departments are involved. Dr. Edwards stated there is a presentation on tax increment financing (TIF) which is time-sensitive. He stated they can come back to the item on events at another time. The presentation on transportation is time-sensitive because of the special assessment.

Ms. Beekman agreed the special events ordinance is not time-sensitive. It has been noticed, however, so she would defer to the City Attorney. Ms. Beekman suggested they continue that item. The TIF plan is time-sensitive, as is the business center topic because there's a State time limit on that item.

Dr. Edwards stated the Woodbine item was also on the agenda. City Engineer Mike Albers stated the Woodbine discussion can be continued to the January 10 meeting so they will be able to have the certified assessments in place before looking at the next steps in the process at the end of January. Dr. Edwards asked if that would affect anyone's abilities to do partial payments. Mr. Albers stated it would not affect anyone's abilities to do partial payments. They just need to complete certified assessments before moving on to the next steps.

Mayor Elliott asked Mr. Gilchrist if they have to open the public hearing on the special events ordinance or if it could be continued. He also asked if they needed to select a particular date to continue it too. Mr. Gilchrist stated they could continue the topic, but it would have to be continued to a certain date.

Mayor Elliott asked Staff if there was a specific date they needed to complete the item. Ms. Beekman and Dr. Edwards stated they did not have a specific date in mind. Ms. Beekman suggested they move the special events ordinance to the January 10, 2022 meeting.

Mayor Elliott moved and Councilmember Ryan seconded to continue Item 8b, Approving an Ordinance Amending Chapter 23 to Allow and Regulate Special Events and Approve a Resolution to Allow a Summary Publication of the Ordinance, and Item 8d, Resolution Certifying Special Assessments for Improvement Project No.2022-01, Woodbine Area Street Improvements to the Hennepin County Tax Rolls, to the January 10, 2022 meeting.

Motion passed unanimously.

8b. APPROVING AN ORDINANCE AMENDING CHAPTER 23 TO ALLOW AND REGULATE SPECIAL EVENTS AND APPROVE A RESOLUTION TO ALLOW A SUMMARY PUBLICATION OF THE ORDINANCE

This item was continued to the January 10, 2022 meeting.

Continued Discussion of Remaining Agenda Items

Mayor Elliott asked if they needed to act on item 10b. Resolution Approving an Amendment to the City Manager's Agreement, that instead of the city providing a vehicle for use by the Manager, the Manager will receive an annual car allowance for $6,000 annually. Dr. Edwards stated it would not take much time, but they could also move it to a later date. Mayor Elliott stated they could get that done quickly that evening.

Extension of the Rules

Mayor Elliott moved and Councilmember Ryan seconded to allow the meeting to extend beyond 10:00 p.m.

Motion passed unanimously.

8c. RESOLUTION NO. 2021-164 APPROVING THE ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT NO. 9

Dr. Edwards introduced the item and asked Ms. Beekman to make the presentation.

Ms. Beekman stated Aeon has made an application and received approval from the City, to construct a 49-unit addition to their existing multi-family property at 6221 Shingle Creek Parkway, known as the Crest. As part of the project, Aeon intends to renovate the existing units and building, construct an addition to the building, and complete certain site and parking lot improvements.

Ms. Beekman explained City Council has approved the land use request, as well as the use of conduit bonding, which will be used as the primary mechanism to finance the project. The Council originally reviewed the plan at April 26, 2021, Concept Plan Review work session. At their April 26, 2021 meeting, the City Council discussed a concept plan submitted by Aeon. One of the questions asked by Aeon at that meeting was about the use of tax increment financing funding to achieve more deeply affordable units in the project. The Council indicated their support of the use of up to $1,400,000 in TIF to achieve a reduction in the average rents for the project.

Ms. Beekman stated Aeon is now requesting the establishment of Tax Increment Financing District No. 9, the use of increment generated by the district to support the project, and the proposed rent structure. The use of TIF would allow additional three-bedroom units to be provided at a more deeply affordable rate. She noted a table detailing the rent structure for the project included in the meeting packet.

Ms. Beekman stated, based on the final financial analysis, Aeon is requesting up to $1,100,000 in tax increment financing from the City to achieve the project rents. It is anticipated that the TIF note would be paid within 15 years. The District is set up to begin in 2024 and may be open for up to 26 years. The Council may choose to close the District once the TIF note is paid, or may opt to keep it open. One hundred percent of any excess increment collected, once the TIF note is paid, would be collected by the City and must be used to support the preservation or creation of affordable housing units.

Ms. Beekman explained it is estimated that the district would collect a total of $6,833,786 during its 26-year collection period. The City Council is being asked to approve the establishment of Tax Increment Financing District No. 9 and approve a Tax Increment Financing Plan for the district. Once the District is established and the plan approved, the Brooklyn Center Economic Development Authority will be asked to approve a TIF Assistance Plan between the EDA and the developer, which outlines the conditions for the use of the increment. Ms. Beekman offered to answer any questions on the proposal.

Mayor Elliott moved and Councilmember Ryan seconded to open the public hearing.

Motion passed unanimously.

No one appeared to comment.

Mayor Elliott moved and Councilmember Ryan seconded to close the public hearing.

Motion passed unanimously.

Councilmember Ryan asked Mr. Gilchrist if they could act on the TIF and have an Economic Development Authority meeting to work out the details. Mr. Gilchrist stated Ms. Beekman would be in a better position to answer the question.

Ms. Beekman stated the Council has to approve the Resolution, and the EDA has the opportunity to ask questions during the EDA meeting. Councilmember Ryan thanked her for the clarification.

Councilmember Ryan moved and Mayor Elliott seconded to adopt RESOLUTION NO. 2021-164 approving a modification to the Redevelopment Plan for a Housing Development and Redevelopment Project No. 1, establishing Tax Increment Financing District No. 9 therein and approving a Tax Increment Financing Plan, therefore.

Motion passed unanimously.

8d. RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR IMPROVEMENT PROJECT NO.2022-01, WOODBINE AREA STREET IMPROVEMENTS TO THE HENNEPIN COUNTY TAX ROLLS

This item was continued to the January 10, 2022 meeting.

9. PLANNING COMMISSION ITEMS

9a. PLANNING COMMISSION APPLICATION NO. 2021-006, FOR THE REZONING AND ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT TO ALLOW FOR AN APPROXIMATELY 64,000-SQUARE FOOT MIXED OFFICE/LIGHT INDUSTRIAL BUILDING AND RELATED SITE IMPROVEMENTS (6440 JAMES CIRCLE NORTH)

Dr. Edwards introduced the topic and invited Ms. Beekman to continue on the topic. Ms. Beekman stated Planner and Zoning Administrator Ginny McIntosh would be making the presentation.

Mayor Elliott asked if the matter was time-sensitive. Ms. Beekman stated there was a State statutory requirement for timing on the topic.

Ms. McIntosh stated the request at hand includes a site and building plan, rezoning, and planned unit development (PUD). The subject property was formerly home to the AMF Earle Brown Lanes, which was closed in 2015. The applicant McGlynn Partners LLC is requesting review and consideration of a proposal to redevelop the former AMF Earle Brown Lanes property, located at 6440 James Circle North, to an approximately 64,000-square foot mixed office and light industrial building with related site improvements on an approximately 4.03-acre site.

Ms. McIntosh explained the building was originally built in 1978 for a bowling alley. Before that, it had been zoned as an industrial park. The building and site subsequently sat vacant until 2017, when the property was purchased by Tashitaa Tufaa, ODAA Center LLC. While the Property Owner successfully brought through a request for issuance of a Special Use Permit in 2018 to operate an event center with an ancillary restaurant and bar and requested a re-issuance of the permit in 2019 to allow additional time to initiate the project, the plans were never realized within the appropriate time frame yet again. The permit subsequently expired in January 2020.

Ms. McIntosh noted the property owner kept City Staff up-to-date and discussed potential redevelopment opportunities for the subject property as they came up. However, it was not until this past year when a relationship was formed between the property owner, McGlynn Partners LLC, and Endeavor Development, and the new proposal was created. A concept review ultimately went before City Council on May 24, 2021, for the proposed approximately 64,000-square foot mixed office and light industrial building. Based on the feedback provided, the applicant applied for review and consideration under Planning Commission Application No. 2021-006.

Ms. McIntosh showed photos of the current conditions of the site. She noted the site in question is near a site owned by the EDA. She added the City is undertaking a major update to the Zoning Code to ultimately align with the 2040 Comprehensive Plan. The City's 2040 Comprehensive Plan guides the Subject Property as "Business Mixed-Use", meaning it would encourage redevelopment or development of commercial, office, general business, and light industrial uses.

Ms. McIntosh noted a PUD allows for flexibility in the Zoning Code for developments that would not be allowed under existing regulations. They are used to achieve high-quality development or to achieve other City goals in exchange for zoning flexibility. As the request by the applicant includes a request to re-zone the Subject Property from C-2 (commerce) District to Planned Unit Development-Neighborhood/Business Mixed-Use (PUD/BM-U) District, City Code dictates that the City Zoning Ordinance be amended to reflect the rezoning. The City's 2040 Comprehensive Plan guides the Subject Property as "Business Mixed-Use" and would therefore not require an amendment.

Ms. McIntosh showed a site and building plan submitted by the applicant with an entirely new building. City Staff reviewed the setback requirements based on the current zoning and the potential new zoning. The proposal would meet the minimum green strip requirement and parking numbers. As for the building materials, the proposal indicates use composed primarily of precast concrete and glazing. With that said, City Staff has requested the submitted plan set be revised to provide enhanced architectural features and address screening concerns. They are looking for four-sided architecture, additional glazing and design elements, enhancements around the entrances, and the installation of fencing along the rear property line to provide screening.

Ms. McIntosh added the proposal identifies five curb cuts. City Staff requested the removal of the proposed new curb cut off Freeway Boulevard as both ends of James Circle North are full access but uncontrolled. City Staff does not anticipate traffic lights will be installed on either end of James Circle North. Additionally, James Circle North provides direct access to Interstates 94, 694, 100, and 252. Submitted plans meet drive aisle and parking space dimensional requirements. City

Staff looked at newer speculative developments in Maple Grove and Brooklyn Park in determining overall parking needs and requirements.

Ms. McIntosh stated City Staff is requesting that as part of any approval, distribution facilities would be prohibited as a use, except for cases where it is an accessory use and then only when it occurs from a manufacturing facility or warehouse where a product is made or packaged on-site. City Staff also requested diagrams be provided showing turn radius for large trucks such as dump trucks or semi-trucks. In looking at parking, City Staff looked at the number of offices and warehouse spaces. There is a different amount of required stalls depending on the eventual building use, but City Staff is not currently concerned with the parking requirements. Ms. McIntosh showed a slide of a diagram with parking spots and curb cuts.

Ms. McIntosh stated a photometric was provided, which generally indicated compliance with City Zoning Code and lighting requirements, except the cast portion fronting along with Quality Inn. It was requested the applicant review opportunities for pedestrian level lighting at the requested sidewalk connection between Freeway Boulevard and the west parking area. All lighting shall be concentrated downward and shall be cohesive in color and complementary to the building.

Ms. McIntosh stated a new trash enclosure is indicated, but it did not provide clear detail. Applicant should provide updated details pending any approval and confirmation of proposed tenants and needs for trash and recycling. All ground-mounted or roof-mounted equipment shall still be screened for Code requirements. Also, one of the conditions of approval is that no outside storage or display of materials, equipment, or products accessory and necessary principal and permitted use to be allowed. The proposed landscaping would meet and exceed requirements, and no signage was included in the proposal.

Ms. McIntosh noted the Assistant City Engineer, other City Staff, and other agencies reviewed the proposal. As there are nearby busses for public transportation, it was requested to include pedestrian paths and bike racks. The Assistant City Engineer requested a realignment of one of the entrances to align with a neighboring property and a detailed tracking movement diagram. Certain permits and a watershed plan would be required. There is a stormwater pond on the property, and there is a requirement for a Utility Facilities Easement Agreement and Construction Management Plan and Agreement to be submitted. The Fire Inspector and Building Official stated the application would have to incur a sewer access charge as designated by the Council, comply with Minnesota accessibility code, and comply with the 2020 Minnesota fire and building code requirements.

Ms. McIntosh added a public hearing notice was published in the newspaper on November 4, 2021, and mail notifications were sent out to properties, both taxpayer and occupants, in the vicinity. To date, the Staff has not received any public comments. A City sign was installed on the property along Freeway Boulevard and the west portion of James Circle North noting that a development proposal was under review and to contact the City with any questions.

Ms. McIntosh noted the Planning Commission held a public hearing for the aforementioned application at their meeting on November 18, 2021, and the Commission was generally supportive of the proposed improvements to the subject property. The Commissioners asked several

questions about previous attempts to redevelop the property into an event center, appropriate fire access, and City Staff requests to prohibit distribution facilities as a primary use.

Ms. McIntosh stated no public comments were received either in advance of or at the public hearing, although two members of the public were in attendance, including a representative of neighboring CES Imaging, located at 1701 James Circle North, who had a general interest in the development proposal but no immediate concerns or questions. Representatives of the applicant, including Endeavor Development, who is co-developing the project with applicant McGlynn Partners LLC, were present and provided background on the proposal, the market need for this type of development in Brooklyn Center and across the Twin Cities, and their company. Following the close of the public hearing, the Planning Commission elected to unanimously recommend City Council approval of the requested site and building plan, rezoning, and establishment of a Planned Unit Development.

Ms. McIntosh stated the request by the applicant includes a request to re-zone the Subject Property from C-2 District to Planned Unit Development-Neighborhood/Business Mixed-Use (PUD/BMU) District, City Code dictates that the City Zoning Ordinance be amended to reflect the rezoning. Should the City Council proceed with the rezoning, a motion to approve the first reading of an ordinance amending Chapter 35 of the Zoning Code of Ordinances regarding the Subject Property located at 6440 James Circle North would be needed. Following the motion, a second reading and public hearing would be scheduled for January 10, 2022. Ms. McIntosh offered to answer any questions.

Councilmember Lawrence-Anderson thanked Ms. McIntosh for her thorough presentation.

Mayor Elliott moved and Councilmember Butler seconded to adopt a RESOLUTION No. 2021-165 approving Planning Commission Application No. 2021-006 for approval of a site and building plan, rezoning, and establishment of a Planned Unit Development (PUD) for the Subject Property located at 6440 James Circle North based on the findings of fact and submitted plans, and as amended by the conditions of approval in the resolution.

Motion passed unanimously.

Mayor Elliott moved and Councilmember Ryan seconded to approve the first reading of an ordinance amending Chapter 35 of the Zoning Code of Ordinances regarding the zoning classification of the Subject Property located at 6440 James Circle North and set the second reading and public hearing for January 10, 2022.

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION APPROVING ALLOCATION OF AMERICAN RESCUE PLAN ACT FUNDS

This item was removed upon adoption of the agenda.

10a. RESOLUTION NO. 166 APPROVING AND RATIFYING A PROFESSIONAL SERVICES AGREEMENT WITH THE LAW ENFORCEMENT ACTION PARTNERSHIP INC.

Mayor Elliott noted Councilmember Lawrence-Anderson had questions on the service contract with LEAP.

Councilmember Lawrence-Anderson asked Dr. Edwards if the item was in the 2022 budget they recently approved. Dr. Edwards confirmed the $150,000 for the Implementation Committee could be used for professional service contracts such as the one with LEAP.

Councilmember Lawrence-Anderson asked who negotiates the contracts. Dr. Edwards stated Staff reviews and negotiates all contracts. The Implementation Committee may review and negotiate future professional service contracts through the Mayor.

Councilmember Lawrence-Anderson stated she wants to be certain the contracts going through the Implementation Committee are also reviewed by Staff and legal personnel before being presented to the Council. She noted the Implementation Committee is different than other commissions as the other commissions have chairpersons that already work with contracts. She explained there needs to be checks and balances in place. Dr. Edwards stated that will be the practice in working with the Implementation Committee.

Mayor Elliott moved and Councilmember Lawrence-Anderson seconded to approve a professional service agreement with Law Enforcement Action Partnership (LEAP) to assist the Public Safety Act Implementation Committee.

Mayor Elliott moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2021-166 approving and ratifying a professional services agreement with the law enforcement action partnership, Inc.- Councilmember Ryan voted against the same. Motion passed 3-1.

10b. RESOLUTION NO. 2021-167 APPROVING AN AMENDMENT TO THE CITY MANAGER'S AGREEMENT THAT IN LIEU OF THE CITY PROVIDING A VEHICLE FOR USE BY THE MANAGER, THE MANAGER WILL RECEIVE AN ANNUAL CAR ALLOWANCE FOR $6,000 ANNUALLY

Dr. Edwards stated Staff decided providing a vehicle to the City Manager is not in the best interest of the City. Dr. Edwards noted Acting Finance Director Andy Splinter was at the meeting to provide more information as needed. Providing a vehicle for the City Manager to use would create more costly taxes for the City, the garage maintenance would be tenuous, and having human resources track the mileage would be extremely inefficient. Instead, it is more efficient to provide an annual car allowance, as included in the budget for previous City Managers. Mr. Splinter added he discussed the topic with Dr. Edwards when it was approved, and the driving of the car between work and home would add an enormous about of tax to both Dr. Edwards and the City.

Mayor Elliott asked if they were voting on an annual car allowance instead of providing a vehicle

for the City Manager's use. Mr. Splinter confirmed that was the Resolution in question. He noted the amount of money was the same as in previous contracts.

Mayor Elliott moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2021-167 approving an amendment to the City Manager's employment agreement.

Motion passed unanimously.

11. COUNCIL REPORT

None.

12. ADJOURNMENT

Mayor Elliott moved and Councilmember Ryan seconded adjournment of the City Council meeting at 10:33 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 1/10/2022

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

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve the licenses as presented.*

Background:

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

Gasoline Service Station

Boulevard Enterprises DBA Christy's Auto Service	5300 Dupont Ave N Brooklyn Center MN 55430

Liquor License On-sale Intoxicating

Irie Vybz Jamaican Restaurant	6056 Shingle Creek Pkwy Brooklyn Center MN 55430

Liquor License On-Sale Intoxicating Sunday

Irie Vybz Jamaican Restaurant	6056 Shingle Creek Pkwy Brooklyn Center MN 55430

Mechanical Licenses

BNC Heating & Cooling LLC	22600 Co Rd 30 Rogers MN 55374
GR Mechanical	12401 Ironwood Circle Rogers MN 55374
Sowada & Barna PLBG	PO Box 188 Cedar MN 55024
Yale Mechanical	220 W 81st St Bloomington MN 55420

Tobacco Related Products

Royal Tobacco	5625 Xerxes Ave N Brooklyn Center MN 55430

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	3/16/2021	Backup Material
1-10-2022 Rental Licenses	1/6/2022	Backup Material

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval on January 10, 2022								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
2401 54th Ave N	2 Family 2 Units	Initial	Mike Tulkki	3	II	N/A	II	
5340 Russell Ave N	2 Family 1 Unit	Initial	Cloeshette King Torbah	2	II	N/A	II	
7225 Kyle Ave N	Single	Initial	Onyeka Oakwe / Bikona Ontime Services	11	IV	N/A	IV	
2818 Nash Rd	Single	Initial	JamiBran Home Health / Tom Eyong	6	III	N/A	III	
6413 Toledo Ave N	Single	Initial	SFR Acquisitions / Raquel Morales	5	II	N/A	II	
7124 West River Rd	Single	Initial	Segun Olatayo	14	IV	N/A	IV	
5001 Ewing Ave N	Multi 1 Bldg 3 Units	Renewal	Mary Ann Neil/Bartholomew F Dabrowski - met requierments	I	I	0	I	III
6825 Noble Ave N	2 Family 2 Units	Renewal	Robert Gardner Jr	17	IV	0	IV	I
5447 4th St N	Single	Renewal	Prosperous Property/Xian Lin	4	II	0	II	II
3807 61st Ave N	Single	Renewal	IH3 Property IL / Mai Thao - met requirements	4	II	0	II	III
3000 62nd Ave N	Single	Renewal	Daniel & Susan Soffa	2	I	0	I	I
4309 63rd Ave N	Single	Renewal	Nathan Erickson / Azingo LLC	14	IV	0	IV	1
3501 72nd Ave N	Single	Renewal	Chen Zhou / Cosco Property I	4	II	0	II	I
501 Bellvue La	Single	Renewal	Zoe & Bret Hildreth / Dragon Property Mgt	3	II	0	II	II
6626 Camden Dr	Single	Renewal	Xifeng Zhang	5	II	0	II	II
3612 Commodore Dr	Single	Renewal	Invitation Homes / Mai Thao	8	III	0	III	II
5856 Dupont Ave N	Single	Renewal	Jack Froelke & Jessica Gianina Froelke	0	I	0	I	I
5410 Girard Ave N	Single	Renewal	Douglas Wahl / Cel Monton	5	II	1 Valid call 6/21/2021 Burglary	II	I
5415B Girard Ave N	Single	Renewal	Vinson Carlson / Carls Cache	2	I	0	I	II
5800 Girard Ave N	Single	Renewal	Cassia N & Todd C Bardal	2	I	0	I	II
7136 Halifax Ave N	Single	Renewal	Cynthia & David Lehrner-Smith	3	II	0	II	II
4201 Lakeside Ave N #117	Single	Renewal	Becca Jones/Jacqeline M Landerd	0	I	0	I	II
5024 Lilac Dr N	Single	Renewal	Melanie Tapelt & Carlos Balibrera	3	II	0	II	I
5301 Logan Ave N	Single	Renewal	MNSF II W1 LLC/ Michael Atwood - met requirements	14	IV	0	IV	IV
7049 Regent Ave N	Single	Renewal	Home SFR Borrower / Scott Beck - met requirements	21	IV	0	IV	IV
6718 Scott Ave N	Single	Renewal	IH3 Property IL / Mai Thao	1	I	0	I	I

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

** License Type Being Issued

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

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 1/10/2022

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

SUBJECT: Resolution Designating Official Newspaper

Requested Council Action:

Approve resolution Designating Official Newspaper for 2022

Background:

Section 12.01 of the Brooklyn Center City Charter requires the City Council to annually designate a legal newspaper of general circulation of the City as its official newspaper in which the City will publish ordinances, bids, public hearing notices, advertising for proposals, assessments, bonds, financial reports, and other matters as required by law. Sun Media has once again requested that the City Council consider designating Brooklyn Center Sun-Post to be the official newspaper for 2022. Brooklyn Center Sun-Post meets all necessary requirements of a qualified newspaper under MN Statutes 331A.02, Subd. 1. The rate structure is as follows:

- $11.90 per column inch (9 lines per inch= $1.32 per line).

Budget Issues:

Legal publications are a budgeted item.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/21/2021	Resolution Letter
Sun Post 2022 Quote	12/22/2021	Backup Material

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DESIGNATING OFFICIAL NEWSPAPER

WHEREAS, Section 12.01 of the Brooklyn Center City Charter requires the City Council to annually at its first meeting of the year designate a legal newspaper of general circulation in the city as its official newspaper in which shall be published such ordinances and other matters as are required by law to be so published and such other matters as the council may deem it advisable and in the public interest to have published in this manner; and

WHEREAS, the *Brooklyn Center Sun-Post* has previously been so designated; and

WHEREAS, the *Brooklyn Center Sun-Post* meets all necessary requirements for designation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the *Brooklyn Center Sun-Post* is hereby designated as the official newspaper for the City of Brooklyn Center for the year 2022.

January 10, 2022
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.

December 1, 2021

City of Brooklyn Center
City Council
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

Dear City Council Members:
Please accept the following bid from the ***Brooklyn Center Sun-Post*** for legal newspaper designation for the City of Brooklyn Center. This newspaper is qualified by the State of Minnesota as a legal newspaper under Minnesota Statutes Section 331A.02, Subd. 1.

The following rate structure for legals is effective January 1, 2022:

First insertion:	**$11.90** per column inch
Subsequent insertions:	**$7.00** per column inch
Characters per inch:	**320**
Lines per inch:	**9**

A notarized affidavit will be provided for each notice published. A $20 charge will be assessed on legal notices that require typing. All published legal notices are posted on the *Sun-Post* website at no additional charge.

The *Sun-Post* is published weekly on Thursdays. The deadline is 2:00 p.m. on Thursday for publication the following Thursday. Please email legal notices to publicnotice@apgecm.com.

Thank you for considering the *Sun-Post* as the official newspaper for the City of Brooklyn Center for the upcoming year. We appreciate the opportunity to serve the needs of your community.

Sincerely,

Tonya Orbeck
Legal Notice Manager
Adams Publishing Group
763-691-6001

Council Regular Meeting

DATE: 1/10/2022

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

SUBJECT: Resolution Declaring Commitment to the Brooklyn Center City Charter

Requested Council Action:

Approve resolution Declaring Commitment to the Brooklyn Center City Charter

Background:

The City Manager is directed to place this resolution for re-adoption on the agenda for the first meeting of the City Council each January as information as and reminder of Council/Manager responsibilities.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/4/2022	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DECLARING COMMITMENT TO THE BROOKLYN CENTER CITY CHARTER

WHEREAS, Brooklyn Center voters in 1966 adopted a City Charter creating a Council/Manager form of government; and

WHEREAS, said Charter provides that the City Council shall determine all matters of policy, and the City Manager shall be the head of the administrative branch of the City Government; and

WHEREAS, the Charter provides that there be no separate administrative boards or commissions other than advisory boards or commissions; and

WHEREAS, numerous advisory commissions have served the City since adoption of the Charter; and

WHEREAS, the Charter provides that the City Manager shall control and direct all departments and divisions of the City and shall have the right to take part in Council discussion and shall recommend such measures as deemed necessary; and

WHEREAS, the Charter prohibits Council members from dictating the appointment of any person to office or employment by the City Manager except as provided in Chapter 6 of this Charter; and

WHEREAS, the Charter requires the Council to deal with and control the administrative service solely through the City Manager and prohibits any Council member from giving orders to any subordinate of the City Manager, either publicly or privately; and

WHEREAS, the City Manager is charged by the Charter to see that the City Charter and the laws and resolutions of the City are enforced; and

WHEREAS, the Council as a whole also has an obligation to ensure that its business is conducted pursuant to the City Charter and the norms of acceptable and courteous business behavior; and

WHEREAS, Council members must depend upon the City Manager and staff to provide them with a great amount of background information, data, and expertise to aid in deliberating issues, developing policy, and administering the Council's responsibilities; and

RESOLUTION NO._____

WHEREAS, the effectiveness of the services provided by the staff is in large part determined by a relationship of trust and mutual respect between the staff and the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council:

1. To rededicate itself to the spirit and letter of the City Charter and to commit itself to ensuring compliance by the City Council collectively and individually with that spirit and letter of the City Charter.

2. To rededicate itself to the checks and balances of the City Charter that keep City government accountable.

3. To pledge that in its dealings with citizens and City staff, that the City Council will treat such citizens and staff with respect and courtesy. The Council shall deal with staff in accordance with the City Charter through the City Manager.

4. To discharge its responsibilities as intended and established by federal, state, and local laws and the City Charter, and to do so in a fair and impartial manner for the good of the whole City and without regard for personal gain or interests.

5. To direct the City Manager to place this resolution for re-adoption on the agenda for the first meeting of the City Council each January hereafter, as information and reminder of Council/Manager responsibilities.

January 10, 2022 _____
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: 1/10/2022

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

SUBJECT: Resolution Recognizing the Contributions of Ethnic Populations and Heritage Celebrations

Requested Council Action:

- Approve a resolution Recognizing the Contributions of Ethnic Populations and Heritage Celebrations

Background:

Since 2003, as part of the City Council's goal of inclusiveness, one of the aspects was to recognize the various ethnic populations and their contributions as well as heritage celebrations. The proposed resolution implements that Council policy by an inclusive list of celebrations and contributions in one resolution. By adopting this resolution, the City acknowledges these many events that occur throughout the course of the year. This list is reviewed and amended annually.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image, Inclusive Community Engagement, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/4/2022	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF ETHNIC POPULATIONS AND HERITAGE CELEBRATIONS

WHEREAS, the City Council has established a goal to promote the inclusion of all residents in Brooklyn Center's community life by emphasizing opportunities to include all residents in the community's activities and plans; and

WHEREAS, the City Council recognizes that its cultural composition has changed significantly over the past two decades, with its ethnic population over half of its total population; and

WHEREAS, Brooklyn Center is strengthened by the rich cultural diversity of its people, and welcomes individuals of all races, religions, and cultural backgrounds; and

WHEREAS, each individual brings a part of his or her own heritage and over time each heritage becomes part of our common heritage, leading us to become a more united people; and

WHEREAS, the City Council recognizes the vital contributions ethnic populations have made to the strength and diversity of our community and recognizes their rich legacy of ingenuity, perseverance, and achievement; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the following heritage celebrations and all other heritage celebrations reflected in Brooklyn Center's population are recognized for the purpose of encouraging our citizens to learn more about the history of ethnic populations and how they have contributed to the culture and heritage of our community:

February	African American History Month
March	Irish-American Heritage Month
March 25	Greek Independence Day
April 14	Pan American Day
May	Asian and Pacific American Heritage Month
May	Jewish American Heritage Month
May 17 (Syttende Mai)	Norwegian Constitution Day
May 21	World Day for Cultural Diversity
June	Caribbean-American Heritage Month
June 6	Swedish National Day
September 15-October 15	Hispanic Heritage Month
October	Italian American Heritage Month
October 6	German-American Day
November	American Indigenous Heritage Month

RESOLUTION NO. _____

January 10, 2022 _____
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: 1/10/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Todd Berg, Fire Chief

SUBJECT: Resolution for the Annual Appointment of Municipal Trustees to the Brooklyn Center Fire Relief Association Board of Trustees

Requested Council Action:

- *Appoint municipal trustees to the Brooklyn Center Fire Relief Association board of trustees.*

Background:

Annually, the Council approves the three Municipal Officials to serve on Brooklyn Center Fire Relief Association Board. It has to be the current Fire Chief, an elected official, and either another elected official or the City Finance Director. Traditionally, it has been the Fire Chief, Mayor and Finance Director.

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/4/2022	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPOINTING MUNICIPAL TRUSTEES TO THE BROOKLYN CENTER FIREFIGHTERS RELIEF ASSOCIATION BOARD OF TRUSTEES

WHEREAS, Article V of the Brooklyn Center Firefighters Relief Association Bylaws states that the Board of Directors shall consist of three (3) officials drawn from the Municipality; and

WHEREAS, the three (3) Municipal Officials must be one (1) elected municipal official and one (1) elected or appointed municipal official who are designated as municipal representatives by the municipal governing board annually, and the chief of the municipal fire department.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the following appointments are hereby approved for 2022:

Elected Municipal Official	Mike Elliott
Elected or Appointed Municipal Official	Andrew Splinter
Fire Chief	Todd Berg

January 10, 2022
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: 1/10/2022

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

SUBJECT: Resolution Selecting Presiding Officers-Mayor Pro Tem and President Pro Tem

Requested Council Action:

- Appoint the Mayor Pro Tem and Acting President Pro Tem for 2022

Background:

Section 2.06 of the City Charter requires the Council to choose from its members a President Pro Tem who shall hold office at the pleasure of the council and shall serve as President in the Mayor's absence and as Mayor in case of the Mayor's disability or absence from the City.

City Council Resolution No. 92-262, Establishing and Designating an Acting President Pro Tem of the City Council, states the most senior Council member shall preside in the absence of both the Mayor and Mayor Pro Tem, and that in the event two or more members have equal seniority, then that member shall preside who received the most votes in their most recent election.

- Dan Ryan (first elected November 7, 2006)
- Kris Lawrence-Anderson (first elected November 6, 2012)
- April Graves (first elected November 4, 2014)
- Marquita Butler (first elected November 8, 2016)

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Res 92-262	1/11/2019	Backup Material
City Charter	1/11/2019	Backup Material

Resolution	1/4/2022	Resolution Letter

Member Dave Rosene introduced the following resolution and moved its adoption:

COPY

RESOLUTION NO. 92-262

RESOLUTION ESTABLISHING AND DESIGNATING AN ACTING PRESIDENT PRO TEM OF THE CITY COUNCIL

WHEREAS, Section 2.06 of the Brooklyn Center City Charter designates the Mayor as presiding officer of the City Council and a president pro tem who serves as president in the Mayor's absence; and

WHEREAS, the presence of three City Council members at a City Council meeting constitutes a quorum; and

WHEREAS, it is possible that both the Mayor and the president pro tem may be absent from such a meeting, consequently leaving no designated presider of the meeting; and

WHEREAS, the City Council desires to provide for an acting president pro tem who shall serve in the absence of the Mayor and president pro tem.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the most senior Councilmember shall preside in the absence of both the Mayor and Mayor pro tem.

BE IT FURTHER RESOLVED that in the event two or more members have equal seniority, then that member shall preside who received the most votes in their most recent election.

November 23, 1992
Date

Todd Paulson, Mayor

ATTEST: Patricia A. Page
Deputy Clerk

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

Todd Paulson, Celia Scott, Jerry Pedlar, Dave Rosene, and Philip Cohen; and the following voted against the same: none,
whereupon said resolution was declared duly passed and adopted.

b. A uniform list of initial questions to be asked of all applicants shall be made available to the public and the applicants in advance of interviews. To the extent reasonably practicable, questions asked of all applicants at the interviews shall be uniform.

4. Selection Process. Upon completion of the interview process, the Council may call for a vote to appoint an applicant. Each Council member may cast only one vote for a preferred applicant on each called-for vote to appoint. No vote, which does not result in a majority vote for one candidate, shall result in elimination from consideration of any candidate. Written ballots listing the applicant(s) shall be used. Each Council member's vote shall be recorded. A simple majority of the Council votes shall appoint that applicant to the City Council.

5. If the Council pursues the appointment process but then fails to fill a vacancy within forty-five (45) days from the occurrence of the vacancy, the City Clerk shall call a special election to fill the vacancy. The special election will be held not sooner than one hundred five (105) days and not later than one hundred thirty-five (135) days following the occurrence of the vacancy and to be otherwise governed by the provisions of Section 4.03, Special Elections. If more than two candidates file for the unexpired term, a primary election shall be held.

6. The City shall comply with the Minnesota Data Practices Act in all respects in the collection, management, and dissemination of data on applicants for City Council vacancies.

Section 2.06. THE MAYOR. The Mayor shall be the presiding officer of the Council, except that the Council shall choose from its members a president pro tem who shall hold office at the pleasure of the Council and shall serve as president in the Mayor's absence and as Mayor in case of the Mayor's disability or absence from the City. The Mayor shall have a vote as a member of the Council and shall exercise all powers and perform all duties conferred and imposed upon the Mayor by this charter, the ordinances of the City, and the laws of the State. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purposes of martial law. The Mayor shall study the operations of the City government and shall report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In time of public danger or emergency the Mayor may, with the consent of the Council, take command of the police, maintain order and enforce the law.

Section 2.07. SALARIES. The Mayor and the members of the Council shall receive payment as set by ordinance. No change in salary shall take effect until the January 1 following the next succeeding general municipal election. The City Manager and all the subordinate officers and employees of the City shall receive such salaries or wages as may be fixed by the Council.

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPOINTING PRESIDING OFFICERS – MAYOR PRO TEM AND ACTING MAYOR PRO TEM

BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that for 2022 the Mayor Pro Tem be Councilmember Butler and the Acting Mayor Pro Tem be the most senior councilmember present in accordance with Resolution 92-262.

January 10, 2022
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: 1/10/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Michael Marsh, Public Works Director Mike Albers, City Engineer
BY: Cynthia Majors, Public Works Admin Technician

SUBJECT: Resolution Declaring a Public Nuisance and Ordering the Removal of Diseased Trees at Certain Properties in Brooklyn Center, Minnesota

Requested Council Action:

- Motion to approve a resolution Declaring a Public Nuisance and Ordering the Removal of Diseased Trees for Certain Properties as listed in the resolution

Background:

The attached resolution represents the official City Council action required to expedite removal of diseased trees that were recently marked by the City Tree Inspector. The City has maintained a policy of removing and properly disposing of diseased trees in order to prevent tree diseases from spreading throughout the community. The removal of diseased trees is defined in City Ordinance Chapter 20-301 to 20-306. Although the City has historically focused on Dutch Elm disease, other transmissible diseases and infestations are addressed as well.

Property owners are given the opportunity to remove the diseased tree on their own or enter into an agreement to allow the City to remove the diseased tree. Where an agreement with the property owner is executed, a minimal administrative charge of $50 is applied to the costs associated with the tree removal.

After a diseased tree is declared a public nuisance by the City Council, another Compliance Notice will be provided to the property owner allowing additional time, at least five (5) days, for voluntary correction, again providing an option for an agreement with the City. If the property owner does not correct the violation or enter into an agreement, the City will remove the diseased tree. An administrative abatement service charge will be imposed based on the cost of the abatement, with a minimum charge of $150.

Budget Issues:

The City's share of the cost of removal for diseased trees within the public right-of-way and on City property is included in the 2022 budget under the Public Works Forestry operating budget. The cost of removal for diseased trees located on private property is the responsibility of the respective property owner, and if unpaid, is specially assessed to the property.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/15/2021	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION DECLARING A PUBLIC NUISANCE AND ORDERING THE REMOVAL OF DISEASED TREES AT CERTAIN PROPERTIES IN BROOKLYN CENTER, MINNESOTA

WHEREAS, Brooklyn Center City Code Section 20-301 declares any diseased tree a public nuisance and provides for abatement by the City if not corrected by the property owner; and;

WHEREAS, removal of diseased trees and abatement of the public nuisances is necessary to prevent the spread of tree diseases and to protect the environmental quality and desirability of neighborhoods; and

WHEREAS, a Notice to Abate Nuisance and a Diseased Tree Removal Agreement has been issued to the owners of certain properties in the City allowing the owners twenty (20) days to remove diseased trees on the owners' property; and

WHEREAS, the City can expedite the removal of these diseased trees by declaring them a public nuisance.

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

1. The diseased tree at the following address is hereby declared to be a public nuisance.

Property Address	Tree Type	Tree Number
5200 70th Ave N	Ash	68
7142 France Ave N	Ash	72
6931 Ewing Ave N	Ash	73

2. After twenty (20) days from the date of the initial notice, the property owner(s) will receive a second written notice providing five (5) business days in which to contest the determination of the City Council by requesting, in writing, a hearing. Said request shall be filed with the City Clerk.

3. After five (5) days, if the property owner fails to request a hearing, the tree(s) shall be removed by the City. The cost of abatement shall be recorded and become the personal responsibility of the owner of record. If unpaid, the costs shall be specially assessed to the property in accordance with City codes and Minnesota Statutes Chapter 429.

RESOLUTION NO._____

_____ _____

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: 1/10/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Andy Splinter, Finance Director

SUBJECT: Resolution Designating Depositories of City Funds for 2022

Requested Council Action:

- *Motion to approve a resolution designating depositories of City funds for the 2022 fiscal year.*

Background:

At the beginning of each fiscal year, in accordance with Minnesota Statutes 118A.02 and City Council Policy 2.22.4.A, the City Council considers a resolution authorizing depositories for City funds. The resolution includes banks with a presence in Brooklyn Center as well as any banks with whom the City deals on a regular basis throughout the year. The attached resolution designates banks which may not currently hold City funds but which may during the fiscal year, become a depository for City funds. Other financial depositories, such as the 4M Funds, are included because we are members of those depositories. Not all investment dealers/brokers are part of the City's current program but are authorized, after filing the appropriate Broker Certification Form, a requirement of Minnesota Statutes 118A, to transact business with the City of Brooklyn Center. If the City has no contact or activity with a dealer/broker during the previous fiscal year, that firm is removed not included in the succeeding year's list. All banks, depositories, investment dealers and brokers, with the exception of the Federal Reserve Bank of Minneapolis, are checked for certification by FDIC, SIPC or other certification as required by Minnesota Statutes 118A. All of this documentation is reviewed by the City's auditors during the financial statement audit each year.

Budget Issues:

- There is no direct financial impact on the City.

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution Designating Depositories of City Funds for 2022	1/6/2022	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DESIGNATING DEPOSITORIES OF CITY FUNDS

WHEREAS, Section 7.01 of the City Charter provides the City Council with authority over City funds that includes the safekeeping and disbursement of public monies; and

WHEREAS, Section 7.10 of the City Charter provides that City funds shall be disbursed by check bearing the actual or facsimile signature of the City Manager and City Treasurer.

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

1. That US Bank, NA is hereby designated as a depository for funds of the City of Brooklyn Center for operational banking and investment purposes.

2. That the following named bankers and brokers are hereby designated as additional depositories to be used for investment purposes:

   Federal Reserve Bank of Minneapolis

   Wells Fargo Bank, N.A.

   Minnesota Municipal Money Market Fund (4M Fund)
   Minnesota Municipal Money Market Plus Fund (4M Plus Fund)
   Minnesota Municipal Money Market Time Series Pools (4M Time Series)

   Oppenheimer & Co., Inc
   Wells Fargo Securities, LLC
   Moreton Capital Markets, LLC

   The City Treasurer is hereby authorized to deposit funds in accounts guaranteed by the Federal Deposit Insurance Corporation (FDIC), the Securities Insurance Protection Corporation (SIPC), successors of the FDIC or SIPC or other governmental institutions insuring the safety and liquidity of public monies. Funds deposited with designated depositories in excess of the insurance limits available through FDIC, SIPC or its successor institutions shall be covered by collateral in the form of government securities held in the City's name or other collateral proposed by the institution and approved by the City of not less than 110% of the value of the uninsured deposits.

RESOLUTION NO. _____

3. That the following named clearinghouses for credit card transactions are hereby designated for accepting payments:

   Wells Fargo Merchant Services
   Elavon Incorporated
   Sage Payment Solutions
   Chase Paymentech

4. Wells Fargo Institutional Trust Services is hereby designated as the safekeeping depository for investment instruments in the City's investment portfolio and as clearinghouse for the City's investment portfolio transactions.

5. That the City Council authorizes the City Manager, the City Treasurer, or the Deputy City Treasurer to act for the City in all of its business activities with these designated depositories.

January 10, 2022
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: 1/10/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Andrew Splinter, Finance Director

SUBJECT: Resolution Opting not to Waive Limited Tort Liability for 2022

Requested Council Action:

- Motion to approve a resolution adopting the no waiver option for statutory tort liability insurance.

Background:

Each year the City must choose whether to waive tort liability limit protections of Minnesota Statutes 466.04 as part of the insurance policy renewal application process. M.S. 466.04 states that the maximum liability for a city for any claim is $500,000 with an aggregate maximum of $1,500,000 per incident. In past years the City Council has chosen not to waive the liability limits and the regular premium for insurance has covered all claims.

If the City were to waive the limits set by statute, it would be prudent to purchase additional insurance coverage to cover possible higher awards in liability claims. Premiums for such insurance would be approximately $6,700 per year.

Budget Issues:

The 2022 budget anticipates leaving the no waiver option in place for 2022 and has anticipated insurance premiums based on that no waiver option. Waiving the statutory limits would require that at approximately $6,700 in additional premium costs be allocated for 2022 and in each succeeding year.

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Non-Waiver of Liability Limits Resolution	1/6/2022	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION OPTING NOT TO WAIVE LIMITED TORT LIABILITY FOR 2022

WHEREAS, the City of Brooklyn Center has an option to waive its protection under the tort liability limitation contained in Minnesota Statutes 466.04; and

WHEREAS, the statutory tort limit for 2022 is $500,000 per individual with an aggregate of $1,500,000 per incident; and

WHEREAS, the City of Brooklyn Center has not opted to waive its rights to limited tort liability in past years and is required to make a declaration of its intention every year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the City does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04 for 2022.

January 10, 2022
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: 1/10/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Andy Splinter, Finance Director

SUBJECT: Resolution Granting Corporate Authority for Signing of Checks and Transactions of Financial Business Matters

Requested Council Action:

Motion to approve a resolution granting corporate authority for signing checks and transactions of financial business matters to the City Manager and Finance Director for the City of Brooklyn Center.

Background:

Many investment firms require the adoption of a resolution by the corporate board, in this case the City Council, authorizing specific officers to transact financial business involving treasury notes, certificates of deposit and other securities. The attached resolution fulfills that requirement by appointing the City Manager, and the Finance Director, who serves as the City Treasurer, as the officers authorized to transact such business.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution Granting Corporate Authority	1/6/2022	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION GRANTING CORPORATE AUTHORITY FOR SIGNING OF CHECKS AND TRANSACTIONS OF FINANCIAL BUSINESS MATTERS

WHEREAS, the City Treasurer must be a signatory to any and all checks issued by the City in payment of obligations of the City; and

WHEREAS, specific individuals must be designated by the City Council as authorized to sell, assign and endorse for transfer various financial instruments in the regular conduct of City business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that Dr. Reggie Edwards, City Manager, and Andrew Splinter, Finance Director, are hereby authorized to sell, assign and endorse for transfer certificates representing treasury notes, bonds, or other securities now registered or hereafter registered in the name of this municipality.

January 10, 2022 _____
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: 1/10/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Mike Marsh, Acting Public Works Director
BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Establishing Parking Restrictions for Segments on 53rd Avenue North from Logan Avenue North to Lyndale Avenue North

Requested Council Action:

- Motion to approve a resolution establishing no-parking restrictions along the north side of 53rd Avenue North from Logan Avenue North to Fremont Avenue North and the north side of 53rd Avenue North from 4th Street North to Lyndale Avenue North, in accordance with Municipal State Aid (MSA) requirements.

Background:

Street improvements are currently being coordinated and considered for 53rd Avenue North from Penn Avenue North to Lyndale Avenue North in accordance with the 2022 Capital Improvements Program (CIP). 53rd Avenue North is the border between Brooklyn Center and Minneapolis and is designated as a Municipal State Aid (MSA) Route which allows the City to expend MSA gas tax funding for a portion of the construction costs for this project.

The CIP calls for 53rd Avenue North to be improved with a mill and overlay of the pavement which was last reconstructed in 1985. Minneapolis's Public Works Transportation Planning and Programing department is recommending the installation of a bikeway facility on 53rd Avenue North between Penn Avenue North and Lyndale Avenue North. Implementing this connector bikeway on this segment of 53rd Avenue North will fill an important gap in Minneapolis' existing Bicycle network as identified in the All Ages and Abilities Network in Minneapolis's 10-year Transportation Action Plan. This recommendation would change 53rd Avenue North from a two-lane configuration with parking lanes that alternates between the north and south side of the road to a two-lane configuration with eastbound and westbound bike lanes between Penn Avenue North and Lyndale Avenue North.

The MSA approval process includes certain standards for street widths, bikeway facilities and on-street parking that must be followed as prescribed in Minnesota Rule 8820.9951. The two-lane configuration with eastbound and westbound bike lanes does not provided sufficient street width to allow on-street parking on the north and south side of the street based on MSA design standards. Minneapolis recently established No-Parking Zones along 53rd Avenue North between Penn Avenue North and Lyndale Avenue North on the south side of the street. The proposed resolution would officially establish No-Parking Zones along 53rd Avenue North between Penn Avenue North and Lyndale Avenue North on the north side of the street (see attached figure). This action is required as a condition of plan approval from the Minnesota Department of Transportation.

Budget Issues:

Installation of new No-Parking signs is included in the project cost for the street improvement project. Routine replacement of the new signs that occurs approximately every 14 years will be input into our asset management system and will be included in future operating budgets. No additional budget issues are involved with officially adopting the current parking restrictions.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/4/2022	Cover Memo
Parking Restrictions Map	1/4/2022	Cover Memo
Proposed Design Layout	1/4/2022	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING PARKING RESTRICTIONS FOR SEGMENTS ON 53RD AVENUE NORTH FROM LOGAN AVENUE NORTH TO LYNDALE AVENUE NORTH

WHEREAS, the City of Brooklyn Center and the City of Minneapolis have planned the improvement of 53rd Avenue North between Penn Avenue North and Lyndale Avenue North within the City of Brooklyn Center, Minnesota in 2022; and

WHEREAS, the City of Brooklyn Center may expend Municipal State Aid Funds on the future improvements of said streets; and

WHEREAS, the proposed street improvements do not provide adequate width for parking on both sides of the street on 53rd Avenue North; and

WHEREAS, approval of the planned construction improvements as a Municipal State Aid Street project must therefore be conditioned upon certain parking restrictions to meet the minimum roadway design standards in accordance with Minnesota Rule 8820.9951.

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

1. That the City shall ban the parking of motor vehicles at all times on the following street segments:
   a. The north side of 53rd Avenue North from Logan Avenue North to Fremont Avenue North
   b. The north side of 53rd Avenue North from 4th Street North to Lyndale Avenue North

2. These regulations shall become effective upon completion of the 53rd Avenue Mill and Overlay, SAP 109-113-002.

January 10, 2022
Date

_____
Mayor

ATTEST: _____
City Clerk

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

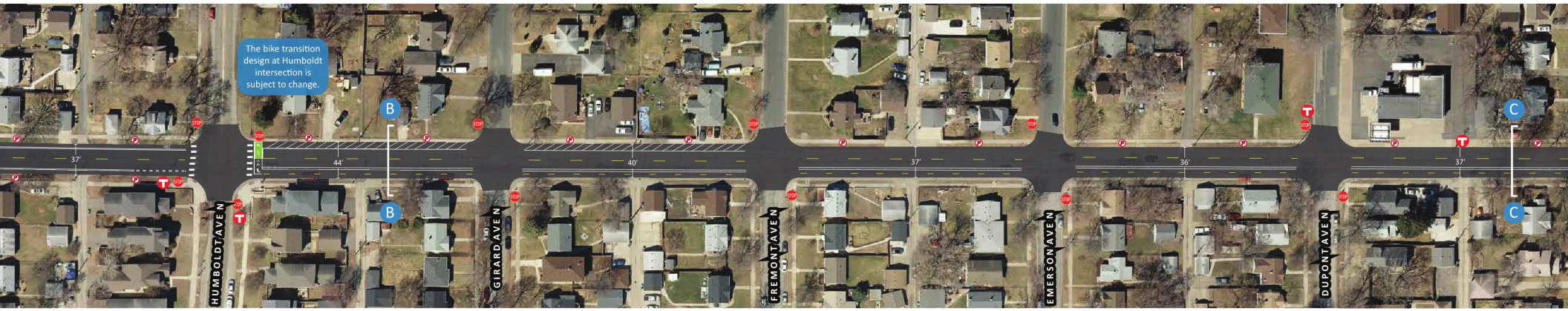
and upon vote being taken thereon, the following voted in favor thereof:

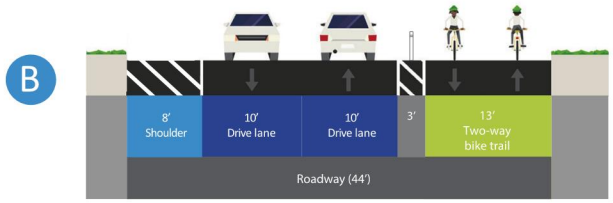
RESOLUTION NO. _____

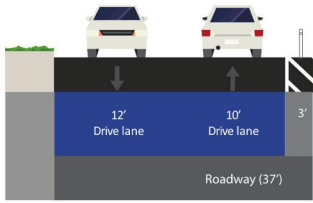
and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.


DUPONT AVE N
COLFAX AVE N
BRYANT AVE N
ALDRICH AVE N
CAMDEN AVE N
6TH ST N
4TH ST N
LYNDALE AVE N
53RD AVE N
BELLVUE LN N
4TH ST N
INTERSTATE 94
INTERSTATE 94
NEWTON AVE N
MORGAN AVE N
LOGAN AVE N
JAMES AVE N
IRVING AVE N
HUMBOLDT AVE N
KNOX


HUMBOLDT AVE N
GIRARD AVE N
FREMONT AVE N
EMERSON AVE N
DUPONT AVE N


The bike transition design at Humboldt intersection is subject to change.
B
B
C
C
37'
44'
40'
37'
36'
37'
HUMBOLDT AVE N
GIRARD AVE N
FREMONT AVE N
EMERSON AVE N
DUPONT AVE N


B
8'
Shoulder
10'
Drive lane
10'
Drive lane
3'
13'
Two-way
bike trail
Roadway (44')


C
12'
Drive lane
10'
Drive lane
3'
Roadway (37')

Council Regular Meeting

DATE: 1/10/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Mike Marsh, Acting Public Works Director
BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Approving the Land Exchange Agreement between the City of Brooklyn Center, the Economic Development Authority in and for the City of Brooklyn Center, and Independent School District No. 281, Robbinsdale Area Schools

Requested Council Action:

- Motion to approve a resolution approving the land exchange agreement between the City of Brooklyn Center, the Economic Development Authority in and for the City of Brooklyn Center, and Independent School District No. 281, Robbinsdale Area Schools.

Background:

On May 9, 2016, the City Council directed staff to proceed with the preliminary design, environmental documentation, easement acquisition and final design work for the Brooklyn Boulevard Corridor Project Phase 1 (49th Avenue to Bass Lake Road), Project No. 2018-05, SP 109-020-013. The proposed reconstruction and streetscape improvements will improve roadway and intersection safety, enhance traffic operations and provide improved bicycle and pedestrian facilities. The project was constructed in 2018-2020.

As part of the Brooklyn Boulevard Corridor Project Phase 1, proposed improvements such as a the re-alignment of the Brooklyn Boulevard Frontage Road in the vicinity of 55th Avenue North and other stormwater and streetscape elements have been identified that fall outside of existing public easement areas. The attached map (Exhibit 1) shows the extent of the easements needed for proposed improvements within the City of Brooklyn Center, the Economic Development Authority of Brooklyn Center and Independent Robbinsdale School District No. 281 owned parcels located along west of Brooklyn Boulevard.

The City of Brooklyn Center would like re-plat approximately 3.1 acres of land that includes a portion of Registered Land Survey No. 0040, Hennepin County, Minnesota; and lands contained within Auditor's Subdivision No. 216, Hennepin County, Minnesota, and under varying ownership by the City of Brooklyn Center, Economic Development Authority of Brooklyn Center, and Robbinsdale School District No. 281, as well as the dedication of certain right of way.

The Planning Commission heard this matter under Planning Commission Application No. 2019-016 on November 14, 2019 and, after the public hearing, acted to forward the Application to the City Council with a recommendation that it approve the preliminary and Final plat for BROOKLYN CENTER EDA FIRST ADDITION. On November 25, 2019 the City Council adopted Resolution No. 2019-167 to approve the preliminary and final plat with certain conditions.

In consideration of the mutual agreements contained in the Land Exchange Agreement, the City and the EDA offer and agree to convey any interest that they have in the New District Parcel to the District and the City and the District offer and agree to convey any interest that they may have in the New EDA Parcel to the EDA, see attached map (Exhibit 2). The District and the EDA accepts the parcels so offered.

The City Attorney has reviewed and concurs to the purpose and form of the Land Exchange Agreement, which once approved will allow for the City to move forward to complete the land transfer.

Budget Issues:

The amended budget per the bid award for the Brooklyn Boulevard Corridor Project Phase 1 including construction costs, contingencies, easement acquisition, administration, engineering and legal is $17,842,438.05. The remaining steps to completed the Land Exchange Agreement are included within the easement acquisition budget for the project.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/4/2022	Resolution Letter
Exhibits	1/4/2022	Cover Memo
Land Exchange Agreement	1/4/2022	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING THE LAND EXCHANGE AGREEMENT BETWEEN THE CITY OF BROOKLYN CENTER, THE ECONOMIC DEVELOPMENT AUTHORITY IN AND FOR THE CITY OF BROOKLYN CENTER, AND INDEPENDENT SCHOOL DISTRICT NO. 281, ROBBINSDALE AREA SCHOOLS

WHEREAS, a Land Exchange Agreement (the "Agreement") was drafted by and between the City of Brooklyn Center, a Minnesota municipal corporation (the "City"), the Economic Development Authority in and for the City of Brooklyn Center, a Minnesota body corporate and politic (the "EDA"), and Independent School District No. 281, Robbinsdale Area Schools, a Minnesota body corporate and politic (the "District"); and

WHEREAS, the City owns certain property ("City Parcel") located in Brooklyn Center, Minnesota, legally described as:

Tract F, Registered Land Survey No. 40, Hennepin County, Minnesota; and

WHEREAS, the EDA owns certain property ("EDA Parcel") located in Brooklyn Center, Minnesota, legally described as:

The North 100 feet of that part of Lot 35, AUDITOR'S SUBDIVISION NO. 216, lying westerly of the center line of Minnesota State Highway No. 152; also the North 100 feet of the East 33 feet of Lot 34, in AUDITOR'S SUBDIVISION NO. 216, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

And

That part of the South 200 feet of the North 300 feet of Lots 34 and 35, AUDITOR'S SUBDIVISION NO. 216, Hennepin County, Minnesota lying north of the following described line: Commencing at a point in the west line of Lot 34 distant 256 feet south from the northwest corner thereof; thence easterly on a curve to the right having a radius 498.97 feet a distance of 127.17 feet; thence easterly on a tangent to said curve distant 35.68 feet to the east line of Lot 35, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

And

The North 95 feet of the South 230 feet of the North 755 feet of Lots 34 and 35, AUDITOR'S SUBDIVISION NO. 216, according to the plat thereof on file or of record in the Office of the County Recorder in and for Hennepin County,

RESOLUTION NO. _____

Minnesota.

And

The South 150 feet of the North 450 feet of Lots 34 and the South 150 feet of the North 450 feet of Lot 35 as measured on a line parallel with the west line of said Lot 35 all in AUDITOR'S SUBDIVISION NO. 26, Hennepin County, Minnesota EXCEPTING that part lying north of the following described line: Beginning at the point of intersection of southeasterly line of Lot 1, Block 3, BALFANY'S NORTHPORT 1ST ADDITION with the northeasterly line of Northport Drive as platted adjacent to Lots 1 and 2, Block 3, BALFANY'S NORTHPORT 1ST ADDITION; thence running northeasterly along the extension of the southeasterly line of said Lot 1 226.84 feet to the point of beginning of a curve to right having a radius of 438.97 feet and an arc length of 196.64 feet; thence running northeasterly along said curve to the right to its point of intersection with the west line of said Lot 34, said point of intersection being the actual point of beginning of the line to be described; thence continuing northeasterly along the arc of said curve to the end of said curve, said end of curve being a point in the south line of said North 300 feet of said Lots 34 and 35 and there terminating.

And

The South 75 feet of the North 525 feet of Lot 34 and the South 75 feet of the North 525 feet of Lot 35 as measured on a line parallel with the west line of said Lot 35, all in AUDITOR'S SUBDIVISION NO. 216, Hennepin County, Minnesota; and

WHEREAS, the District owns certain property ("District Parcel") located in Brooklyn Center, Minnesota, legally described as:

That part of Lots 34 and 35 lying northerly of the following described line: Commencing at the southeast corner of Lot 1, Block 3, BALFANY'S NORTHPORT 1ST ADDITION; thence northeasterly along the extension of the southeasterly line of said lot distance 256.84 feet; thence northeasterly on a tangential curve to the right having a radius of 438.97 feet a distance of 196.64 feet; thence easterly along tangent to said curve to the east line of Lot 35 and southerly of the following described line: Commencing at a point in the west line of Lot 34 distant 256 feet south from the northwest corner thereof; thence easterly on a curve to the right having a radius 498.97 feet a distance of 127.17 feet; thence easterly on a tangent to said curve a distance of 35.68 feet to the east line of Lot 35, AUDITOR'S SUBDIVISION NO. 216, Hennepin County, Minnesota; and

WHEREAS, the preliminary plat of "Brooklyn Center EDA First Addition" (the "Plat") has been approved by the Brooklyn Center City Council which includes platting of the City Parcel, the EDA Parcel, and the District Parcel into two lots subject to right-of-way being dedicated

RESOLUTION NO. _____

to the City for Brooklyn Boulevard; and

WHEREAS, under the Agreement, among other things, the City and the District will convey any interest that they each have with respect to Lot 1, Block 2 of the Plat to the EDA; and

WHEREAS, under the Agreement, among other things, the EDA and the City will convey any interest that they each have with respect to Lot 1, Block 1 of the Plat to the District; and

WHEREAS, the City finds and determines that the exchange of land under the Land Exchange Agreement is in the public interest.

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

1. The City Council hereby approves the Agreement in substantially the form presented to the Council, including the exchange by the City of land as described above and, in the Agreement, subject to modifications that do not alter the substance of the transaction and that are approved by the City Manager, provided that execution of the Agreement by those officials shall be conclusive evidence of their approval.

2. City staff and officials are authorized to take all actions necessary to perform the City's obligations under the Agreement as a whole, including without limitation execution of any documents to which the City is a party referenced in or attached to the Agreement, and other documents necessary to exchange the land as described above to and from the City, all as described in the Agreement.

January 10, 2022 _____
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:

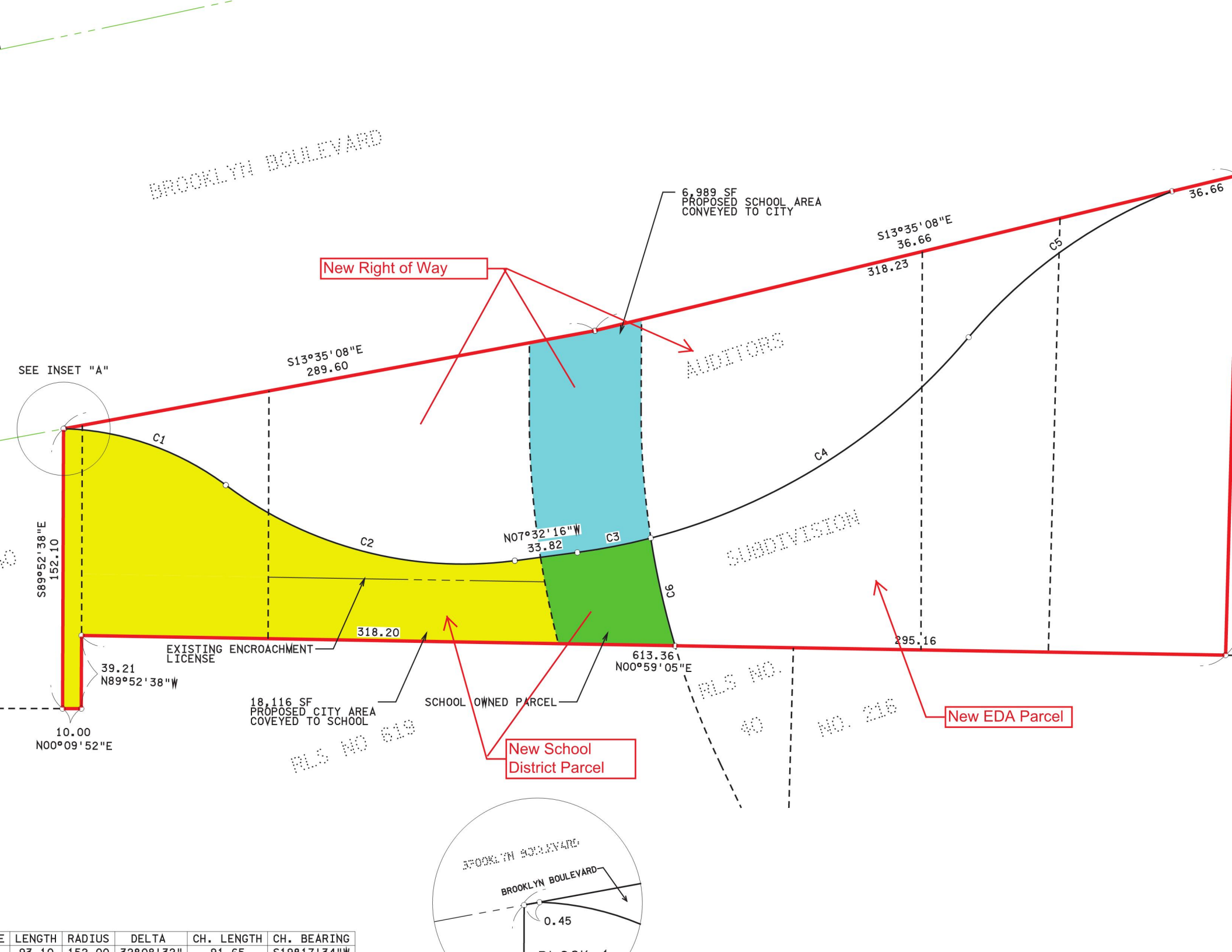
and the following voted against the same:

RESOLUTION NO. _____

whereupon said resolution was declared duly passed and adopted.



E	LENGTH	RADIUS	DELTA	CH. LENGTH	CH. BEARING
	93.10	153.00	33°08'32"	91.65	S12°17'34"W



E	LENGTH	RADIUS	DELTA	CH. LENGTH	CH. BEARING
	93.10	153.00	33°08'32"	91.65	S12°17'34"W

LAND EXCHANGE AGREEMENT

This Land Exchange Agreement (**"Agreement"**) is made this 10th day of January, 2022, by and between the City of Brooklyn Center, a Minnesota municipal corporation (the **"City"**), the Economic Development Authority in and for the City of Brooklyn Center, a Minnesota body corporate and politic (the **"EDA"**), and Independent School District No. 281, Robbinsdale Area Schools, a Minnesota body corporate and politic (the "**District**").

RECITALS

WHEREAS, the City owns certain property located in Brooklyn Center, Minnesota, which is legally described on Exhibit A attached hereto (the "**City Parcel**"); and

WHEREAS, the EDA owns certain property located in Brooklyn Center, Minnesota, which is legally described on Exhibit B attached hereto (the "**EDA Parcel**"); and

WHEREAS, the District owns certain property located in Brooklyn Center, Minnesota, which is legally described on Exhibit C attached hereto (the "**District Parcel**"); and

WHEREAS, the preliminary plat of "Brooklyn Center EDA First Addition" has been approved by the Brooklyn Center City Council which includes platting of the City Parcel, the EDA Parcel, and the District Parcel into two lots subject to right-of-way being dedicated to the City for Brooklyn Boulevard, with said plat being attached to this Agreement as Exhibit D (the **"Plat"**); and

WHEREAS, the City and the EDA wish to convey any interest that they have with respect to Lot 1, Block 1 of the Plat to the District (the **"New District Parcel"**); and

WHEREAS, the City and the District wish to convey any interest that they have with respect to Lot 1, Block 2 of the Plat to the EDA (the **"New EDA Parcel"**).

AGREEMENT

1. OFFER/ACCEPTANCE. In consideration of the mutual agreements herein contained, the City and the EDA offer and agree to convey any interest that they have in the New District Parcel to the District and the City and the District offer and agree to convey any interest that they may have in the New EDA Parcel to the EDA. The District and the EDA accepts the parcels so offered.

2. PLAT. The parties agree to cooperate in facilitating the recording of the Plat.

3. VALUE FOR STATE DEED TAX PURPOSES. For purposes of determining values for State Deed Tax, the parties agree that the value of the New District Parcel is $_____ and the value of the New EDA Parcel is $_____.

4. DEED/MARKETABLE TITLE: Subject to performance by the EDA, the District and the City agree to execute and deliver Quit Claim Deeds following the recording of the Plat conveying marketable title to the New EDA Parcel, as shown as Lot 1 Block 2 on the Plat, to the EDA, subject only to the following exceptions:

A. Building and zoning laws, ordinances, state, and federal regulations.

B. Reservation of minerals or mineral rights to the State of Minnesota, if any.

C. Right-of-way, utility, and drainage easements that do not interfere with EDA's intended use of the property as shown on the Plat.

Subject to performance by the District, the City and the EDA agree to execute and deliver Quit Claim Deeds following the recording of the Plat conveying marketable title to the New District Parcel , as shown as Lot 1 Block 1 on the Plat, to the District, subject only to the following exceptions:

A Building and zoning laws, ordinances, state, and federal regulations.

B. Reservation of minerals or mineral rights to the State of Minnesota, if any.

C. Right-of-way, utility, and drainage easements that do not interfere with the District's intended use of the property as shown on the Plat.

5. DOCUMENTS TO BE DELIVERED AT CLOSING. In addition to the Quit Claim Deed required by paragraph 4 above, the District and the City shall deliver to the EDA:

A. Standard form Affidavit of Seller.

B. Well disclosure certificate.

C. Such other documents as may be reasonably required by the EDA's title examiner or title insurance company.

D. Certified copies of the District's Board resolution and the City Council resolution approving this Agreement.

In addition to the Quit Claim Deed required by paragraph 4 above, the EDA and the City shall deliver to the District:

A. Standard form Affidavit of Seller.

B. Certified copies of the City Council resolution and EDA resolution approving this Agreement.

C. Well disclosure certificate.

D. Such other documents as may be reasonably required by District's title examiner or title insurance company.

6. MARKETABILITY OF TITLE. Within a reasonable time after approval and execution of this Agreement by all parties, the EDA and the District may order a title insurance commitment for their respective new parcels at their expense. Each party shall have 10 business days after receipt of its title commitment to examine the same and to deliver written objections to title, if any, to the other party. Each party shall have 20 days after receipt of written objections to cure title defects, at the transferor's cost. In the event, that title to either parcel cannot be made marketable by the transferor by the Closing Date, then, at the option of the transferee, this Agreement shall be null and void.

7. ENVIRONMENTAL MATTERS.

A. Each Party warrants that its property has not been used for production, storage, deposit, or disposal of any toxic or hazardous waste or substance, petroleum product or asbestos product during the period of time the Party has owned the property. The Parties further warrant that the Parties have no knowledge or information of any fact that would indicate its property was used for production, storage, deposit, or disposal of any toxic or hazardous waste or substance, petroleum product or asbestos product prior to the date the Party purchased its property.

B. Each Party and its agents shall have the right to enter upon the other's property after the date of this Agreement for the purpose of inspecting and the property it will acquire and conducting such environmental examination and tests as it deems necessary. Each Party agrees to indemnify the other, to the extent such indemnification is legally authorized, against any liens, claims, losses, or damage occasioned by the other Party's exercise of its right to enter and work on the property. Each Party agrees to provide the other Party with a copy of any report as a result of such examination and tests. If such environmental examination results in a finding that there are or may be pollutants or contaminants on the property, either Party may terminate this Agreement, at any time prior to the Closing Date.

8. CLOSING DATE. The closing of the exchange of the properties shall take place on a date to be mutually agreed upon by the Parties, but no later than _____, 2022. The closing shall take place at City's offices, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota, or such other location as mutually agreed upon by the parties.

9. CLOSING COSTS AND RELATED ITEMS. The EDA will be responsible for:

A. Payment of fees charged in connection with the title commitment for the New EDA parcel;
B. Recording fees of instruments required to establish marketable title in the New District Parcel;

C. The premium for title insurance on the New EDA Parcel if the EDA elects to purchase such insurance;
D. Recording fee for the deed for the New EDA Parcel;
E. State Deed Tax and conservation fee attributable to the New EDA Parcel Deed; and
F. The cost to plat the properties, including survey costs and any application and recording fees associated with the Plat.

The District will be responsible for:

A. Recording fees of instruments required to establish marketable title in the New EDA Parcel;
B. The premium for title insurance on the New District Parcel if the District elects to purchase such insurance;
C. Recording fee for the deed for the New District Parcel; and
D. State Deed Tax and conservation fee attributable to the New District Parcel Deed.

Each party shall be responsible for its own attorneys' fees and costs.

10. POSSESSION/CONDITION OF PROPERTY.

A. **Possession**. The Parties agree to deliver possession not later than date of Closing ("Date of Possession").

B. **Condition of Property/No Personal Property**. Each Party shall deliver possession of its respective Parcel to the other Party on the Date of Possession in the same condition as the Parcel existed on the date of this Agreement. Each Party acknowledges the parcels are vacant land and there is no personal property included in this exchange.

11. DISCLOSURE; INDIVIDUAL SEWAGE TREATMENT SYSTEM. Each Party certifies to the other that it does not know of any individual sewage treatment systems on the property it will transfer.

12. WELL DISCLOSURE. Each Party certifies to the other Parties that it does not know of any wells on the property it will transfer.

13. SELLER'S WARRANTIES. Each Party warrants that there have been no labor or material furnished to the property for which payment has not been made. Each Party warrants that there are no present violations of any restrictions relating to the use or improvement of its respective property. These warranties shall survive the closing of this transaction.

14. RELOCATION BENEFITS. Each Party represents and asserts to the other that the transactions set forth in this Agreement will not cause the Party to be a displaced person within the meaning of Minnesota Statutes, Section 117.50, Subd. 3, and that it is therefore not entitled to any relocation assistance, services, payments or benefits under Minnesota Statutes, Section 117.52.

15. BROKER COMMISSIONS. Each Party represents and warrants to other that there is no broker involved in this transaction with whom the Party has negotiated or to whom the Party has agreed to pay a broker commission.

16. NO MERGER OF REPRESENTATIONS, WARRANTIES. All representations and warranties contained in this Agreement shall not be merged into any instruments or conveyance delivered at Closing, and the parties shall be bound accordingly.

17. ENTIRE AGREEMENT; AMENDMENTS. This Agreement executed herewith constitutes the entire agreement between the Parties and no other agreement prior to this Agreement shall be effective except as expressly set forth or incorporated herein. Any purported amendment shall not be effective unless it shall be set forth in writing and executed by all Parties or their respective successors or assigns.

18. BINDING EFFECT; ASSIGNMENT. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns. The Parties shall not assign its rights and interest hereunder without notice to the other Parties.

19. NOTICE. Any notice, demand, request, or other communication which may or shall be given or served by the parties shall be deemed to have been given or served on the date the same is deposited in the United States Mail, registered or certified, postage prepaid and addressed as follows:

a. If to the City:
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
Attn: City Manager

b. If to the EDA:
Economic Development Authority of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
Attn: Executive Director

with a copy to:
Sarah J. Sonsalla
Kennedy & Graven, Chartered
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402

c. If to the District:
Robbinsdale Area Schools
4148 Winnetka Avenue N.
New Hope, MN 55427
Attn: Superintendent

20. SPECIFIC PERFORMANCE. This Agreement may be specifically enforced by the parties, provided that any action for specific enforcement is brought within six months after the date

of the alleged breach. This paragraph is not intended to create an exclusive remedy for breach of this agreement; the parties reserve all other remedies available at law or in equity.

21. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall constitute one and the same instrument.

22. RECITALS. The Recitals set forth in the preamble to this Agreement and the Exhibits attached to this Agreement are incorporated into this Agreement as if fully set forth herein.

IN WITNESS WHEREOF, the parties have executed this agreement as of the above date.

CITY OF BROOKLYN CENTER

By: _____
Mike Elliott
Its: Mayor

By: _____
Reginald Edwards
Its: City Manager

ECONOMIC DEVELOPMENT AUTHORITY IN AND FOR THE CITY OF BROOKLYN CENTER

By: _____
Mike Elliott
Its: President

By: _____
Reginald Edwards
Its: Executive Director

INDEPENDENT SCHOOL DISTRICT NO. 281,
ROBBINSDALE AREA SCHOOLS

By: _____

Its: Board Chair

By: _____

Its: Board Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE "CITY PARCEL"

Tract F, Registered Land Survey No. 40, Hennepin County, Minnesota.

EXHIBIT B

LEGAL DESCRIPTION OF THE "EDA PARCEL"

The North 100 feet of that part of Lot 35, AUDITOR'S SUBDIVISION NO. 216, lying westerly of the center line of Minnesota State Highway No. 152; also the North 100 feet of the East 33 feet of Lot 34, in AUDITOR'S SUBDIVISION NO. 216, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

And

That part of the South 200 feet of the North 300 feet of Lots 34 and 35, AUDITOR'S SUBDIVISION NO. 216, Hennepin County, Minnesota lying north of the following described line: Commencing at a point in the west line of Lot 34 distant 256 feet south from the northwest corner thereof; thence easterly on a curve to the right having a radius 498.97 feet a distance of 127.17 feet; thence easterly on a tangent to said curve distant 35.68 feet to the east line of Lot 35, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

And

The North 95 feet of the South 230 feet of the North 755 feet of Lots 34 and 35, AUDITOR'S SUBDIVISION NO. 216, according to the plat thereof on file or of record in the Office of the County Recorder in and for Hennepin County, Minnesota.

And

The South 150 feet of the North 450 feet of Lots 34 and the South 150 feet of the North 450 feet of Lot 35 as measured on a line parallel with the west line of said Lot 35 all in AUDITOR'S SUBDIVISION NO. 26, Hennepin County, Minnesota EXCEPTING that part lying north of the following described line: Beginning at the point of intersection of southeasterly line of Lot 1, Block 3, BALFANY'S NORTHPORT 1ST ADDITION with the northeasterly line of Northport Drive as platted adjacent to Lots 1 and 2, Block 3, BALFANY'S NORTHPORT 1ST ADDITION; thence running northeasterly along the extension of the southeasterly line of said Lot 1 226.84 feet to the point of beginning of a curve to right having a radius of 438.97 feet and an arc length of 196.64 feet; thence running northeasterly along said curve to the right to its point of intersection with the west line of said Lot 34, said point of intersection being the actual point of beginning of the line to be described; thence continuing northeasterly along the arc of said curve to the end of said curve, said end of curve being a point in the south line of said North 300 feet of said Lots 34 and 35 and there terminating.

And

The South 75 feet of the North 525 feet of Lot 34 and the South 75 feet of the North 525 feet of Lot 35 as measured on a line parallel with the west line of said Lot 35, all in AUDITOR'S SUBDIVISION NO. 216, Hennepin County, Minnesota.

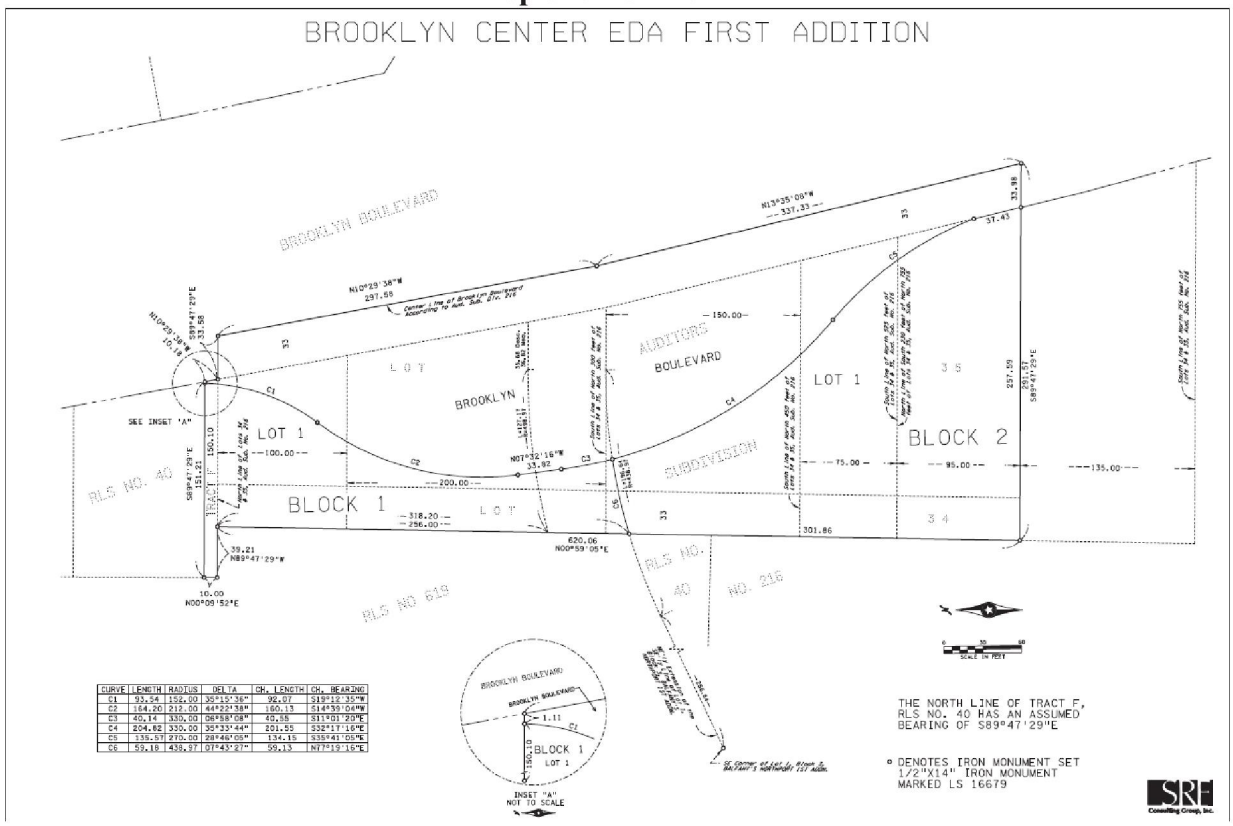
EXHIBIT C

LEGAL DESCRIPTION OF THE "DISTRICT PARCEL"

That part of Lots 34 and 35 lying northerly of the following described line: Commencing at the southeast corner of Lot 1, Block 3, BALFANY'S NORTHPORT 1ST ADDITION; thence northeasterly along the extension of the southeasterly line of said lot distance 256.84 feet; thence northeasterly on a tangential curve to the right having a radius of 438.97 feet a distance of 196.64 feet; thence easterly along tangent to said curve to the east line of Lot 35 and southerly of the following described line: Commencing at a point in the west line of Lot 34 distant 256 feet south from the northwest corner thereof; thence easterly on a curve to the right having a radius 498.97 feet a distance of 127.17 feet; thence easterly on a tangent to said curve a distance of 35.68 feet to the east line of Lot 35, AUDITOR'S SUBDIVISION NO. 216, Hennepin County, Minnesota.

EXHIBIT D

Depiction of the Plat



CURVE	LENGTH	RADIUS	DELTA	CH. LENGTH	CH. BEARING
C1	93.54	152.00	35°15'36"	92.07	S19°12'35"W
C2	164.20	212.00	44°22'38"	160.13	S14°59'04"W
C3	40.14	330.00	06°58'08"	40.55	S11°01'29"E
C4	204.62	330.00	35°33'44"	201.55	S32°17'16"E
C5	135.57	270.00	28°46'05"	134.15	S35°41'05"E
C6	59.18	438.37	07°43'37"	59.13	N17°19'15"E

Council Regular Meeting

DATE: 1/10/2022

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

SUBJECT: Motion to Adopt the 2021 General Records Retention Schedule for Minnesota cities

Requested Council Action:

Motion to adopt the 2021 General Records Retention Schedule for Minnesota Cities

Background:

The City of Brooklyn Center's office of the City Clerk is tasked with managing government records and continuing authority to dispose of records under Minnesota Statutes section 138.17. The city has been operating under the 2018 Records Retention Schedule.

In March 2021, the schedule was amended and adopted by the State of Minnesota. The changes that were adopted are attached for your review.

Tonight, staff is requesting the city council to adopt the 2021 Records Retention Schedule for the City of Brooklyn Center.

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Operational Excellence

Council Regular Meeting

DATE: 1/10/2022

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

SUBJECT: Resolution 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

Requested Council Action:

- Motion to approve the resolution 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

Background:

The City of Brooklyn Center has entered into several Joint and Cooperative Agreements with various organizations. Each of the joint powers agreements have been reviewed and the organizations whose agreements provide that appointment of directors be made by the governing body or by City Council resolution have been identified.

Some of the agreements require annual appointment, some provide that a director is appointed until succeeded, and some provide that a certain position serve as the representative.

Here is the purpose for each Joint Powers Agreement:

<u>Brooklyn Bridge Alliance for Youth</u>
The purpose is to create a collaborative initiative through which the parties may cooperatively create a community-wide vision that will focus on developing a detailed action plan to collaborate in support of positive youth development opportunities for all you in Brooklyn Center and Brooklyn Park. The Alliance will concentrate on encouraging community partnerships that will improve the factors building positive youth development and diminish or eliminate influences that limit healthy youth development.

<u>Hennepin Recycling Group</u>
The purpose is for the parties jointly and cooperatively provide for the efficient and economical collection, recycling and disposal of solid waste within and without their respective corporate boundaries, all in compliance with the Minnesota Waste Management Act, Minnesota Statutes, Chapter 115A.

Local Government Information Systems
The purpose is to provide for an organization through which the parties may jointly and cooperatively provide for the establishment, operation and maintenance of data processing facilities and management information systems for the use and benefit of the parties and others.

Minneapolis Northwest Convention& Visitors Bureau
The government and policy-making responsibilities of Minneapolis Northwest shall be vested in the Board of Directors, which shall control its property, be responsible for its finances, direct its affairs and establish policy. It shall be the obligation of the Board of Directors to insure representation on the Board and its committees from all appropriate stakeholders within its service area.

North Metro Mayors Association
The purpose of the Coalition is to promote transportation and economic development and to assist governmental units in providing government services and conducting government functions effectively and efficiently.

Northwest Suburbs Cable Communications Commission
The general purpose is to establish an organization to study, prepare, adopt, grant, transfer, renew, administer and enforce a cable commission franchise(s), and to study and make recommendations as necessary, regarding other telecommunications issues, in member municipalities in the Northwest Suburbs of Hennepin County, Minnesota.

Pets Under Police Security
The purpose is to create an organization by which the parties may jointly and cooperatively provide for the efficient and economical impoundment of animals coming into their possession in the course of the conduct of municipal animal control programs in a jointly owned and operated animal control impound facility.

Twin Lake Joint Powers Organization
The purpose is for all parties find that there is a need for local regulation of activities on Twin Lakes and for coordinated and cooperative law enforcement on the Lakes.

The appointments for 2021 will be forthcoming.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/4/2022	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION 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 LAKES JOINT POWERS ORGANIZATION

WHEREAS, the City of Brooklyn Center entered into a Joint Powers Agreement for the establishment of the Brooklyn Bridge Alliance for Youth on November 24, 2008, and Article III, Section 3.2, of the joint powers agreement states that each member appoints one member of its governing body as a voting Director, one Alternate Director, one Director from the City's Police Department, and one Director from the City's Parks and Recreation Department; and

WHEREAS, the City of Brooklyn Center entered into a Joint and Cooperative Agreement for the establishment of Hennepin Recycling Group on August 1, 1988, and Article IV, Section 2, of the joint powers agreement states that the governing body of a member appoints directors; and

WHEREAS, the City of Brooklyn Center entered into a Joint and Cooperative Agreement for the establishment of Local Government Information Systems (LOGIS), on May 1, 1972, and Article IV, Section 1, of the joint powers agreement states that the governing body of a member appoints directors; and

WHEREAS, the City of Brooklyn Center entered into a Joint and Cooperative Agreement for the establishment of the North Metro Convention and Tourism Bureau, now known as Minneapolis Northwest Convention & Visitors Bureau, on September 8, 1986, and Article IV, Section 2, of the bylaws states that each member City may appoint one Director and one Alternate Director to the Board of Directors.

WHEREAS, the City of Brooklyn Center entered into a Joint Powers Agreement for the establishment of the North Metro Mayors Association on June 26, 1989, and the joint powers agreement states that the governing body of a member appoints two directors, one of whom shall be the City Manager or other designee; and

WHEREAS, the City of Brooklyn Center entered into a Joint and Cooperative Agreement for the establishment of the Northwest Suburbs Cable Communications Commission on September 24, 1979, and Article VI, Section 1, of the joint powers agreement states that the City Council of a member appoints Commissioners; and

WHEREAS, the City of Brooklyn Center entered into a Joint and Cooperative Agreement for the establishment of Pets Under Police Security (PUPS) on September 10, 1990, and Article IV, Section 2, of the joint powers agreement states that the governing body of a member appoints directors; and

RESOLUTION NO._____

WHEREAS, the City of Brooklyn Center entered into a Joint and Cooperative Agreement for the establishment of the Twin Lakes Joint Powers Organization on January 14, 1991, and Article IV, Section 2, of the joint powers agreement states that the governing body of a member appoints directors; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the following appointments are hereby approved:

Brooklyn Bridge Alliance for Youth, Member	Mike Elliott
Brooklyn Bridge Alliance for Youth, Alternate Member	Marquita Butler
Brooklyn Bridge Alliance for Youth, Police	Tony Gruenig
Brooklyn Bridge Alliance for Youth, Parks and Recreation	Cordell Wiselman
Hennepin Recycling Group, Director	Reggie Edwards
Hennepin Recycling Group, Alternate Director	Andrew Hogg
Local Government Information Systems (LOGIS), Director	Reggie Edwards
Local Government Information Systems (LOGIS), Alternate Director	Kao Yang
Minneapolis Northwest Convention & Visitors Bureau, Director	Mike Elliott
Minneapolis Northwest Convention & Visitors Bureau, Alternate Director	Dan Ryan
North Metro Mayors Association, Director – City Manager	Reggie Edwards
North Metro Mayors Association, Director	Mike Elliott
Northwest Suburbs Cable Communications Commission, Council	Mike Elliott
Northwest Suburbs Cable Communications Commission, Resident	Darryl Sannes
Pets Under Police Security, Director	Richard Gabler
Pets Under Police Security, Alternate Director	Garett Flesland
Twin Lakes Joint Powers Organization, Director	Tony Gruenig
Twin Lakes Joint Powers Organization, Alternate Director	Rick Gabler

January 10, 2022
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: 1/10/2022

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

SUBJECT: Resolution Appointing Council Members to Commissions and Outside Organizations

Requested Council Action:

- Approve a resolution appointing City Council Members to Serve as Liaisons to City Advisory Commissions and as City Representatives/Voting Delegates for Other Organizations for 2022

Background:

Historically this action is completed at first meeting of the year. City Council Members are appointed to serve as Council Liaisons to City Advisory Commissions and as Council representatives or voting delegates/alternates for boards, committees, or organizations in which the City participates.

This item was postponed from the first meeting of the year to allow the new Mayor additional time to review the information and make the appointments.

2019 Council Appointments were are as follows:

Commission/Organization	**Council Member**
Financial Commission	Marquita Butler
Housing Commission	Kris Lawrence-Anderson
Park & Recreation Commission	April Graves
Brooklyns Youth Council	April Graves
Crime Prevention Program	Kris Lawrence-Anderson
League of Minnesota Cities	Dan Ryan; Mike Elliott Alternate
Metro Cities	Mike Elliott; Dan Ryan Alternate

The resolution for the 2021 appointments will be forthcoming.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/4/2022	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPOINTING CITY COUNCIL MEMBERS TO SERVE AS LIAISONS TO CITY ADVISORY COMMISSIONS AND AS CITY REPRESENTATIVES/VOTING DELEGATES FOR OTHER ORGANIZATIONS FOR 2022

WHEREAS, the City of Brooklyn Center City Council members are appointed to serve as liaisons to City Advisory Commissions and to serve as City Representatives/Voting delegates for other organizations annually; and

WHEREAS, this resolution will ratify the appointments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the following appointments are hereby approved:

Commission/Organization	**Council Member**
Financial Commission	Marquita Butler
Housing Commission	Kris Lawrence-Anderson
Park & Recreation Commission	April Graves
Brooklyns Youth Council	April Graves
Crime Prevention Program	Dan Ryan & Kris Lawrence-Anderson
League of Minnesota Cities	Mayor Elliott
Metro Cities	Mayor Elliott
252 Project Advisory Committee	Marquita Butler

January 10, 2022
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: 1/10/2022

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

SUBJECT: An Ordinance Amending Chapter 23 to Allow and Regulate Special Events and Approve a Resolution to allow a Summary Publication of the Ordinance

Requested Council Action:

- *Motion to reopen the public hearing, hear testimony, and close the public hearing*

- *Motion to approve a Resolution approving the second reading of an ordinance amending Chapter 23 of the City Code of Ordinances regarding special events and summary publication of the ordinance.*

Background:

At present, there is no single process for individuals to inform the City of events that are occurring, whether on public or private property. Depending on the location of an event, and the types of activities occurring at it (food trucks, liquor sales, road closures, etc.), there may be several permits and department reviews that an individual event organizer has to get in order to get approval to hold an event or large gathering. The City receives requests for special events on private as well as public property throughout the year and these requests come to the city through all different departments. This makes the process confusing both for staff, as well as for individuals trying to plan events. Staff has determined that there is not currently an effective process to ensure that all affected departments are aware of events occurring in the city, as well as allowing for a streamlined review and approval for the event holder.

At the October 11 work session, City Council reviewed a draft ordinance for a special event process and directed staff to move forward with a first reading.

At the November 8, 2021, City Council meeting, the Council approved a first reading of the ordinance and called for a pubic hearing and second reading for December 13.

If approved this evening, the ordinance would go into effect 30 days following a summary publication of the ordinance.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

Staff spoke with several organizations within the City that hold special events to get feedback on the proposed process. Their comments were incorporated into the ordinance.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/6/2021	Resolution Letter
Ordinance	12/13/2021	Cover Memo
Powerpoint	1/11/2022	Presentation

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-____

CITY OF BROOKLYN CENTER, MINNESOTA

A RESOLUTION APPROVING THE SECOND READING OF AN ORDINANCE AMENDING CHAPTER 23 OF THE CITY CODE OF ORDINANCES REGARDING SPECIAL EVENTS AND SUMMARY PUBLICATION OF THE ORDINANCE

WHEREAS, the City of Brooklyn Center ("City") desires to adopt regulations to establish a comprehensive and uniform method for regulating and permitting special events in the City; and

WHEREAS, City staff developed a proposed ordinance titled "An Ordinance Amending Chapter 23 to Allow and Regulate Special Events" ("Ordinance"), which creates new sections 23-600 through Section 23-2616 to regulate special events, including those which require support services from the City; and

WHEREAS, the City Council discussed this issue at its October 11, 2021 work session and acted by resolution on November 8, 2021 to approve its first reading and set a second reading and hearing in accordance with Section 3.04 of the City Charter; and

WHEREAS, the City Council conducted a public hearing and a second reading of the Ordinance at its December 13, 2021 meeting in accordance with Section 3.04 of the City Charter; and

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

WHEREAS, the City Council determines publishing the entire text of the Ordinance is not in the best interests of the City as the Ordinance is readily available to the public on the City's website and by contacting City Hall; and

WHEREAS, the City Council determines the following summary clearly informs the public of the intent of Ordinance and where to obtain a copy of the full text.

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

1. A second reading has been conducted and the Ordinance is hereby adopted.

2. The City Clerk is hereby authorized and directed to publish the following notice and summary of the Ordinance, which is hereby approved, once in the City's official newspaper:

City of Brooklyn Center

AN ORDINANCE AMENDING CHAPTER 23
TO ALLOW AND REGULATE SPECIAL EVENTS

Please take notice that the City Council of the City of Brooklyn Center acted at its December 13, 2021 meeting to adopt an ordinance to amend Chapter 23 of the City Code by adding new Sections 23-2600 through 23-2616 to establish regulations on special events in the City and to require special event permits. The ordinance contains definitions, requires a special event permit be obtained, establishes permitting procedures, provides certain exceptions to the permitting requirement, sets out requirements for those organizing special events, and provides a process to charge for City supports services requested or needed related to special events. A copy of the full ordinance is available on the City's website or by contacting the City.

3. City staff and consultants are authorized to take such other actions as may be needed to incorporate the Ordinance into the City Code and to otherwise carry out the intent of this Resolution.

December 13, 2021
Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2021, at 7:00 p.m. or as soon thereafter as the matter may be heard to consider an ordinance related to tenant protections. City Council meetings are being conducted by electronic means under Minnesota Statutes, section 13D.021 and information on how to connect to the meeting is provided on the City's website. Please notify the City Clerk at 763-569-3306 if there are any questions about how to connect to the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 23 TO ALLOW AND REGULATE SPECIAL EVENTS

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

ARTICLE I. Brooklyn Center City Code Chapter 23 is hereby amended by adding Sections 23-2600 through Section 23-2616 as follows:

SPECIAL EVENTS

Section 23-2600. PURPOSE. The purpose of these Sections 23-2600 through 23-2616 (collectively, these "Sections") is to set forth procedures required to be followed by organizers of special events within the City. Special events can be disruptive to neighboring properties and place a strain on City resources, particularly if they are conducted on City parks or streets. These Sections impose reasonable regulations on special events to address the impacts such events can have on the City and its residents. Persons wishing to sponsor or hold a special event in the City are required to obtain a special event permit from the City and to comply with the requirements of these Sections and the City Code generally.

Section 23-2601. DEFINITIONS. For the purposes of these Sections, the following terms shall have the meaning given them in this section.

A. "Activity" means a parade, event, procession, carnival, community picnic, celebration, dance, promotional or fundraiser event, performance, entertainment or amusement event, party, dance, market, concert, large assembly, or other similar event.

B. "Ancillary activities" means the use or presence of any of the following at a special event: mobile food unit; commercial tent or stand; inflatable device; search or spot light; live music or a band; or sales of food, beverages, or merchandise.

C. "City" means the City of Brooklyn Center, Minnesota.

D. "City property" means any property owned or controlled by the City including, but not limited to, City parks, City rights-of-way, or other real property in which the City has a property interest.

E. "Inflatable device" means an amusement device that employs a high strength fabric or other material that achieves its strength, shape, and stability by tensioning from internal air pressure. The term includes, but is not limited to, bounce houses, slides, obstacle courses, movie screens, pools, and other devices that need to be inflated for proper use.

F. "Event organizer" means any person or entity who conducts, manages, promotes, presents, sponsors, organizes, aids, or solicits attendance at a special event.

G. "Preapproved event" means a special event the City has agreed to provide some support services to without a charge. The preapproved events currently include the following, but the City Council may designate others by resolution:

1. Dudley Softball Tournament;

2. Brooklyn Center Community Celebration;

3. Music in the Park;

4. Movies in the Park; and

5. National Night Out.

H. "Right-of-way" means all portions of a city street, including the traveled surface, parking areas, sidewalks, ditches, and all other portions in which the City has an interest.

I. "Special event" or "event" means a temporary, organized activity sponsored by an event organizer involving the gathering of people to attend, participate in, or observe an activity occurring entirely or partly outside on City property or private property, and which is reasonably anticipated to involve one or more of the following:

1. Support services from the City;

2. Obstruct, delay, or interfere with the free and normal use of a right-of-way;

3. Attendance of 50 or more people;

4. Ancillary activities; or

5. Sound amplification, public address system, loud speaker, or other audio devices likely to result in noise levels that will unreasonably disturb others in the immediate area or that constitutes a nuisance in violation of Chapter 19.

This term does not include activities occurring entirely within an enclosed building.

J. "Special event permit" or "permit" means the permit that must be obtained from the City to conduct a special event in the City.

K. "Support services" means City services or equipment requested by the event organizer or that is otherwise reasonably needed to support the special event that exceeds the normal level of service provided by the City in conducting its regular service duties. Support services include, but are not limited to, additional services provided by the City police, fire, public works, or parks departments to perform activities such as closing streets, crowd control, security, or traffic control. Support services also includes City equipment used to support the event, such as barricades to close streets and related signage.

Section 23-2602. SPECIAL EVENT PERMIT REQUIRED.

A. An event organizer is required to obtain a special event permit from the City at least 45 days prior to holding a special event in the City.

B. If a special event requires more than one permit from the City, the City Manager, or designee, is authorized, but not required, to:

1. Waive the requirement to obtain a special event permit if the other required permit or permits are obtained. The City Manager, or designee, may add conditions to the permits issued for the event to address the purpose of the special event permit.

2. Waive the requirement to obtain one or more other permits if a special event permit is obtained. The City Manager, or designee, may add conditions to the special event permit as needed to address the purpose of the other permits.

The waiver of the requirement to obtain one or more permits is not valid unless the waiver is specifically noted in the permit issued for the event.

C. Special events occurring on the same property shall not extend for more than three consecutive days unless the City Manager, or designee, determines the event organizer has demonstrated as part of the application process that special circumstances exist to justify allowing an event to extend beyond three days. The special event permit must indicate the allowed period of the event. An event exceeding the specifically allowed period shall constitute a violation of the City Code.

D. Special events that are scheduled to occur on a regular basis, or continuously, throughout an entire season or other extended period of time may seek a single special event permit for the entire period, not exceeding 12 months. The event organizer must specifically identify the extended period being requested and the City Manager, or designee, shall determine the actual length of the special event permit. The City Manager is not obligated to grant a special event permit for the entire period requested by the event organizer. The special event permit must indicate the allowed period of the event. An event exceeding the specifically allowed period shall constitute a violation of the City Code.

Section 23-2603. EXCEPTIONS. A special events permit is not required for any of the following, but all such activities shall be conducted in accordance with the City Code and all applicable laws.

A. Expressive Activities. Rallies, marches, demonstrations and picketing which take place on public sidewalks, crossing streets only at pedestrian crosswalks in accordance with traffic regulations and laws applicable to use of public sidewalks.

B. Outdoor Demonstrations on Public Property. Demonstrations on publicly owned property (other than public rights-of-way), unless:

1. The activity is likely to obstruct, delay, or interfere with the free and normal use of such public property or the public rights-of-way; or

2. The activity is likely to result in the need for the City to provide support services in response to or arising out of the special event.

C. Block Parties. A block party occurring with a permit issued pursuant to Sections 25-901 through 25-908 and conducted in compliance with those sections.

D. City Activities. An event conducted by or at the request of the City. The City agreeing to cosponsor an event does not exempt the event from the requirements of these Sections.

E. Funeral Processions. Funeral processions by a licensed mortuary or funeral home.

F. Wedding Processions. Wedding processions conducted on public rights-of-way in compliance with applicable traffic regulations, laws, and controls.

G. Regularly Scheduled Athletic Events. Regularly scheduled outdoor athletic events conducted on property where such events are normally held.

H. Governmental Activities. Activities conducted by a governmental entity acting within the scope of its authority.

Section 23-2604. APPLICATION. An application for a special event permit is available from the City Clerk's office and, if approved, the application shall become a part of the permit. Incomplete applications will be returned without processing.

Section 23-2605. PERMIT FEE. The event organizer is required to pay the permit fee determined by the City to obtain a special event permit for the event. The permit fee includes the administrative costs, support services costs, and the other costs required to be prepaid by the event organizer under these Sections. The City Council shall establish all such rates and costs as part of the City's fee schedule. The City will determine the amount of the required permit fee within 10 business days of the submission of a complete application based on the information provided in the application. The City will provide the event organizer written notice of the permit fee amount, which shall be paid in full to the City within 10 days of the notice. Failure to timely submit the required permit fee shall be deemed an automatic denial of the requested special event permit. The City will provide the event organizer written notice of denial for failure to submit the required permit fee.

Section 23-2606. INSURANCE. Except for marches, demonstrations, and other events protected by the First and Fourteenth Amendments of the U.S. Constitution, the event organizer must secure and maintain in full force and effect throughout the duration of the event the types and amounts of insurance coverages required in this section.

A. Commercial General Liability Insurance. Commercial general liability insurance or equivalent special event coverage protecting it from claims for damages for bodily injury and property damage which may arise from or in connection with the event and the use of any City property. The policy shall be written on an occurrence basis and provide not less than $1,000,000 per occurrence, combined single limits, and $2,000,000 aggregate, unless waived by the City. The insurance policy shall be written on an occurrence basis and shall be written for a period not less than 24 hours prior to the event and extending for a period not less than 24 hours following the completion of the event. The City shall be named as an

additional insured on the policy if any portion of the event is conducted on City property.

B. Automobile Insurance. If automobiles will be used during the event, automobile liability insurance with a minimum combined single limit of $1,000,000 per occurrence. Coverage shall include liability for owned, non-owned, and hired automobiles.

C. Alcohol Liability. If alcohol will be sold or served as part of the event, liquor liability (dram shop) insurance in the minimum amount of $1,000,000 per occurrence.

D. Certificate of Insurance. The event organizer must submit to the City a certificate of insurance showing the required coverages and the additional insured endorsement if applicable. The certificate of insurance shall require written notice be provided to the City for at least the same period of notice required to the insured of cancellation or nonrenewal.

E. Modifications. The City reserves the right to modify these insurance requirements depending on the nature and scope of the event.

Section 23-2607. SUPPORT SERVICES. The event organizer is responsible for identifying in the application materials any support services it is requesting from the City related to its event. The event organizer is strongly encouraged to contact the City prior to submitting an application to help determine the needed amount and availability of support services for a proposed event. The rates for support services are set out in the City's fee schedule. The City shall review the request and determine if it has sufficient resources to provide the requested support services or if the amount of support services actually needed for the event will likely exceed those requested. The City may deny a permit if it determines it does not have sufficient resources available to provide the needed support services for the event. The City will identify the support services it intends to provide and the costs of such services as part of the permit fee notice. The City does not guarantee it will be able to provide the identified support services for the event if those services are needed to respond to an emergency or other incident requiring an immediate response from the City.

Section 23-2608. CITY SUPPORT SERVICES FOR PREAPPROVED EVENTS. The City will provide basic support services to preapproved events without charge. Any additional support services that may be needed, as determined by the City, will be charged as part of the permit fee. The City will notify the event organizer of a preapproved event in the permit fee notice if it determines more than basic support services will be needed for the event and the associated costs.

Section 23-2609. CITY SUPPORT SERVICES FOR CO-SPONSORED EVENTS. The City may agree to co-sponsor certain events with other organizations if the City Council determines the proposed event is in the general interest of the public and

advances the City's public image. The City may provide financial support to these events as determined in the annual budget appropriation. These events must meet the other requirements of these Sections and the event organizer is required to pay as part of the permit fee any City costs in excess of the support level authorized by the budget appropriation. Approval of an event does not require the City to approve similar events or a repeat of the same event. Each event will be reviewed separately.

Section 23-2610. CITY SUPPORT SERVICES FOR NON-PROFIT EVENTS. The City may provide support services to assist a special event conducted by a non-profit organization without charge up to the amount established in the City's fee schedule. The event must comply with the requirements of these Sections and the event organizer is required to pay as part of the permit fee any City costs in excess of this support level. An event organizer submitting an application for a non-profit event submit a current IRS 501(c)(3) statement with its application. Approval of an event does not require the City to approve similar events or a repeat of the same event. Each event will be reviewed separately.

Section 23-2611. CITY SUPPORT SERVICES FOR FOR-PROFIT EVENTS. The City may allow a special event operated by a for-profit event organizer that are beneficial to the City and the public. The event is subject to an additional use charge per day for the use of the public property as established in the City's fee schedule, must pay 100% of all City costs related to the event, and shall comply with all other requirements of these Sections. The costs will be set out in the permit fee notice. Approval of an event does not require the City to approve similar events or a repeat of the same event. Each event will be reviewed separately.

Section 23-2612. FEES FOR SUPPORT SERVICES.

A. Hourly Rates. The event organizer shall be responsible for paying the City for any support services for which it is responsible under these Sections based on an hourly rate associated with the type of support services provided. The hourly rates are established by the City Council in the City's fee schedule and are subject to change without notice. The hourly rates shall include expenses related to the City's employee, including any applicable benefits.

B. Purchased or Rental Materials. The event organizer shall be responsible for paying the City for the actual costs of all materials purchased or rented by the City for use at the event.

C. Equipment Charges. The event organizer shall be responsible for paying the City for all equipment used by the City for the event at the current equipment usage rates as established by the City.

D. Replacement Costs. The event organizer shall be responsible for paying the City for any of its equipment or supplies that end up missing or damaged as a result of the event.

Section 23-2613. ISSUANCE. The City Manager, or designee, shall determine whether to issue a special event permit based on criteria identified in the following section. Approval of a permit is at the City's sole discretion. The City may impose conditions on the permit and the event organizer shall be responsible for ensuring compliance with all such conditions, the requirements of these Sections, and of all other applicable laws, rules, regulations, and ordinances. Issuance of a permit in no way indicates City sponsorship of the event and does not obligate the City to approve similar events in the future. Each application for an event will be reviewed and acted on separately.

Section 23-2614. CRITERIA. The City Manager, or designee, shall consider the following criteria with respect to the proposed special event and any ancillary activities to determine whether to issue a special event permit. The City Manager, or designee, must determine with respect to the special event and any ancillary activities that they:

A. Will not be detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the immediate vicinity of the special event;

B. Will not cause noise, light, or glare which unreasonably impacts surrounding uses;

C. Will not endanger the participants, spectators, or the public;

D. Will not unreasonably interfere with rights-of-way or vehicular or pedestrian traffic flow at the proposed location;

E. Are supported by adequate plans for parking that meet the need generated by the proposed special event;

F. Are supported by adequate plans for sanitation and refuse facilities that meet the need generated by the proposed special event;

G. Are supported by adequate plans to return the area or routes to the same condition or cleanliness as existed prior to the event;

H. Are supported by adequate proof of insurance; and

I. Do not exceed the resources available for the City to provide the support services requested by the event organizer or that the City determines are otherwise needed for the special event.

Section 23-2615. REGULATIONS AND PROCEDURES.

A. Legal Compliance. The event must be conducted in compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances. The event organizer is responsible for obtaining all other permits or permissions that may be required related to the event.

B. Traffic Control Measures. The event organizer is required to pay all costs for traffic control measures and traffic control personnel.

C. Traffic Barricades. The event organizer shall, through a bona fide contractor, provide, install, and remove all equipment required by the City's public works department. The installation and removal of barricades by the public works department is subject to the hourly rates established by the City.

D. Notice to Property Owners. The event organizer may be required to provide notice to surrounding owners about a special event as stipulated by the City Manager or designee.

E. Indemnification. The event organizer shall indemnify, defend, and hold the City harmless against any claims, demands, actions, causes of action, charges, and expenses, including reasonable attorney fees, arising out of the event or by reason of conducting the event. This obligation shall not apply to claims arising solely from the City's own negligence.

F. Damages. The event organizer shall be responsible for reimbursing the City for all damages that may result to any real or personal property of the City as a result of an event.

G. Supervision. The event organizer is required maintain adult supervision of the event at all times. The event organizer shall provide security for the event as stipulated by the City's Chief of Police or designee. Any security provided by the City as part of its support services will be billed at the established hourly rate.

H. Clean-up. The event organizer shall, at no cost to the City, immediately clean up, remove, and properly dispose of all litter or material of any kind, which is placed or left on City property because of the event. If the event organizer neglects or fails to proceed with clean up of City property within a two-hour period immediately following the end of the event, or if the cleanup is done in an inadequate manner, the City may conduct the cleanup and charge event organizer at the established hourly rate.

I. Trash Disposal. The event organizer will provide plans for trash disposal including the company contracted for trash disposal as part of the special event permit application.

J. Restrooms. The event organizer shall provide plans for providing restrooms including the company contracted for supplying restrooms as part of the special event permit application.

K. Use of City Utilities. The event organizer shall not use City utilities for any event, unless permission has been granted by the City.

L. Food Permits. If required, the event organizer shall obtain a Minnesota Department of Health food license and shall comply at all times with the applicable health codes and regulations. Proof of license shall be provided to the City Clerk at least seven days before the event and kept on site for immediate inspection.

M. Mobile Food Units. If one or more mobile food units will be used at the event, the event organizer shall provide a mobile food unit license to the City prior to the event.

N. Alcoholic Beverages on Public Property. The sale of alcohol at an event may only occur if approved as part of the permit and then only if all required liquor licenses are in place. The event organizer shall obtain a temporary liquor license for the sale of any alcohol in accordance with Section 11-111. The event organizer is required to follow the City's procedures and policies regarding the use of City property. All of the following apply to any special events involving the sale of alcohol:

1. Fencing surrounding the defined area for the service of alcoholic beverages will be secured to establish the outdoor event area. All liquor sales and containers used for consumption must remain in the defined space.

2. There should be controlled access to the event with event security personnel to identify and wrist band those of legal age to consume. The gate/emergency exit of the fenced area will need to be continuously staffed to prevent patrons from leaving with alcoholic beverages.

3. Events are "21 and over" after 9 p.m. when alcohol is being served.

4. All alcohol service will cease at 10 p.m. All patrons must exit the defined space by 10:30 p.m.

5. Event security will assist the police department in clearing the event at closing time. The closing time should be prominently displayed throughout so there is no confusion at the end of the evening when patrons are asked to leave.

6. Event organizers may be required to hire uniformed police officers to supplement their security staff. Monitoring of those consuming alcohol will be done by the event organizer and the City's police officers who have been hired to assist with the oversight of the event.

O. Outdoor Music. No outdoor music or amplified sound is allowed during the hours of 10 p.m. and 7 a.m. The City's Police Chief or designee has the ability to direct the event organizer to control the level of noise and/or terminate the event at any time. Any plans for outdoor music or amplified sound must be described in the special event permit application.

P. Outdoor Tents. A building permit must be obtained for any tents exceeding 200 square feet. Erection of tents, canopies, or similar structures as part of the event is allowed; however, the event organizer cannot drive stakes, nails, screws, posts, or otherwise disturb paved City parking lots, or either paved or unpaved surfaces within a right-of-way to secure such features.

Q. Waivers. The event organizer may request a waiver from the strict application of one or more requirements of these Sections. The event organizer shall submit the waiver request in writing, identify the specific requirement to be modified, describe the requested modification, and the factors that the City Manager, or designee, should consider when determining the proposed waiver. The City Manager, or designee, is authorized to deny, approve, or approve with modifications the requested waiver. Waiver requests must be submitted with the special event permit application. Approval of a waiver does not require the City to approve similar waivers for any future events. Each waiver will be reviewed separately.

R. Cancellation. The event organizer may cancel an event by giving at least 10 days written notice to the City. The City will refund the unused portion of permit fee to the event organizer. If less than 24 hours' notice is given to cancel an event that required support services, staff will be compensated for a 2-hour minimum charge. City staff has the authority to cancel or stop an event, or place additional restrictions on the event, in order to protect public health, safety, or welfare. The City will notify the event organizer as soon as is practically possible if it cancels the event or if it modifies the conditions imposed on the event. The City may also immediately terminate an event in an emergency if needed to protect public safety. Any

such cancellation or termination of an event by the City constitutes a revocation of the permit. It is a violation of these Sections to conduct, or continue to conduct, the event once it is cancelled or terminated by the City.

S. Additional Requirements. City staff may place any additional requirements on any event. These requirements may include specific staff levels for police, fire, public works, or other personnel. Expenses for any additional support services will be invoiced to the event organizer as additional costs as provided in these Sections.

Section 23-2616. ADDITIONAL COSTS.

A. Addition Costs. The event organizer shall be responsible for reimbursing the City for any additional costs the City incurs related to a special event. Additional costs are any costs the City incurs that exceed the permit fee and include, but are not limited to the following:

1. Damage to or loss of any City equipment or property related to the event;

2. Support services exceeding the planned for level of support; and

3. Clean up costs if the event organizer fails to clean up and restore City property to its pre-event condition.

B. Invoicing. The City will provide an itemized invoice for the additional costs the event organizer is required to pay the City. The invoice will identify the specific types and amounts of additional costs. The event organizer shall pay the full amount of the additional costs within 15 days of the date of the invoice. Failure to timely pay the additional costs may result in the denial of any future special event permit applications for the same or similar event or submitted by the same event organizer.

C. Collection. All amounts the event organizer is required to pay the City under these Sections shall constitute a service charge collectable by the City under Minnesota Statutes, section 366.012, which is available to the City under Minnesota Statutes, section 415.01, subdivision 1, on any property the event organizer owns in the state. Any portion of the service charge not paid, including collection costs, may be certified for collection on the property taxes of the event organizer. The City may also pursue any other options available to it under law to recover the amounts owed by the event organizer, including the costs of collection.

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

Adopted this ___ day of _____ 2021.

_____
Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

Special Event Ordinance
2nd Reading and Public Hearing

City Council Meeting: January 10, 2022
Meg Beekman, Community Development Director

Background

- The City receives requests for many different types of special events throughout the year
  - Private use of park property
  - Public events on park property
  - Private events on private property
  - Public events on private property
  - Use of public rights of way

Background

- At present there is no single process for special events
- Depending on the type of event, its location, and the activities that will occur at it, an event organizer may need to go through several departments and receive more than one permit (ex. Liquor sales, food trucks, tents, signage, road closures)
- The process is confusing for both staff and event organizers

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Background

- The zoning code has a process for administrative permits, which addresses certain types of special events on private property, but does not address other types of events.
- As part of the zoning code rewrite, this section is being revised
- CD staff has been working with the City Clerks office to establish a more streamlined and centralized process for all types of special events in the City – would replace existing processes
- Staff from all affected departments have met twice to discuss the process and provide input on a draft special event ordinance

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Ordinance Proposal

Definition of Special Event:

A temporary, organized activity sponsored by an event organizer involving the gathering of people to attend, participate in, or observe an activity occurring entirely or partly outside on City property or private property, and which is reasonably anticipated to involve one or more of the following:

- Support services from the City;
- Obstruct, delay, or interfere with the free and normal use of a right of-way
- Attendance of 50 or more people;
- Ancillary activities;
- Sound amplification, public address system, loud speaker, or other audio devices likely to result in noise levels that will unreasonably disturb others in the immediate area or that constitutes a nuisance in violation of Chapter 19. REVISED DRAFT 7-26-21 3 BR291-4-675635.v4 This term

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Ordinance Proposal

- Language borrowed from other cities which hold multiple special events throughout the year
- Permit required for special events
- Provides for a streamlined review and notification process – centralizes process
- Provides a consistent method to recoup city costs associated with a special event
- Exemptions:
  - Expressive activities on public sidewalks or crossing streets at crosswalks (rallies, marches, demonstrations, etc)
  - Expressive activities on public property (other than public rights-of-way), that do not interfere with the use of the public rights-of-way and do not require additional city support services
  - Funeral and wedding processions
  - Regularly scheduled athletic events
  - Governmental activities

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Ordinance Proposal

- Limits duration to three consecutive days
  - Longer events covered by new "temporary use" section in zoning code
- After talking with organizations that hold special events, a provision was added to stream line process for holding recurring events, like a farmer's market
- Application process
  - Identifies details about the event (ex. Size, duration, associated activities)
  - Assists with navigating event organizers through county pubic health process if necessary
  - Identifies requests for city services (ex. Road closures, additional police, use

Ordinance Proposal

- City support services
  - Identifies fee schedule for city support services – adopted in January
  - Allows support service fees to be waived for city sponsored, or co-sponsored events, subject to the approval of the City Council
  - Allows support service fees to be waived for non-profit-hosted events
- Identifies criteria for permit approval: site plan review, parking impacts, signage
- Identifies regulations and procedures
  - Clean-up
  - Adequate facilities
  - Requirements for providing alcoholic beverages
  - Process for road closures
  - Notices to surrounding property owners

Requested Action

- *Motion to open public hearing, take public comment, and close public hearing*
- *Motion to approve a resolution approving of the second reading of an ordinance amending Chapter 23 of the City of ordinances regarding special events and summary publication of the ordinance.*

Council Regular Meeting

DATE: 1/10/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Mike Marsh, Acting Public Works Director
BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Certifying Special Assessments for Improvement Project No. 2022-01, Woodbine Area Street Improvements to the Hennepin County Tax Rolls

Requested Council Action:

- Motion to reopen the public hearing, hear testimony, and close the public hearing

- Motion to approve a resolution certifying special assessments for Improvement Project No. 2022-01, Woodbine Area Street Improvements to the Hennepin County Tax Rolls.

Background:

A public hearing is scheduled on December 13, 2021 to consider certification of proposed special assessments for street improvements for Improvement Project No. 2022-01, Woodbine Area Street Improvements. All potentially affected property owners have been notified by mail of the date of the assessment public hearing and the amount of proposed special assessments.

I. Explanation of Improvements

The proposed project includes roadway, storm drainage and utility improvements for the area commonly referred to as the Woodbine Area Improvements. The project was previously established by the City Council on July 12, 2021, by Resolution 2021-85. On September 27, 2021, the City Council received a Feasibility Report regarding the proposed improvements. An Improvement Public Hearing to consider ordering the improvements was held on October 25, 2021 and City Council authorized preparation of project plans and specifications. On November 8, 2021, the City Council declared certain project costs to be assessed for the Woodbine Area Street and Utility Improvements and called for a public hearing on the proposed special assessments to be held on December 13, 2021.

The project feasibility report provides a description of recommended improvements for the neighborhood and an estimated project budget. The proposed improvements are as follows:

1. **Street Improvements** – Partial street reconstruction which includes full depth pavement replacement, miscellaneous repairs of concrete curb and gutter and driveway aprons, miscellaneous repairs of sidewalk and boulevard restoration. The existing concrete sidewalks within the project area on 72nd Avenue, Halifax Avenue, Noble Ave and Woodbine Lane will be repaired as needed or as impacted by utility replacements. A new 6 foot wide sidewalk is proposed along the north side of 71st Avenue from Halifax Avenue to France Avenue. New 6 foot wide sidewalks are proposed along the west side of Halifax Avenue from Woodbine Lane to 73rd Avenue, the north side of 73rd Avenue from Halifax Avenue to France Avenue, and the east side of Noble Avenue from Woodbine Lane to Noble Court is being considered conditioned on agreement with the City of Brooklyn Park.

2. **Storm Drainage Improvements –** Includes replacing catch basin castings as necessary within the project areas.
3. **Water Main Improvements** – Includes replacement of all of the existing valves and hydrants, adjusting gate valve castings as impacted, replace all of the curb stops within the project area and insulating 6 water services that have been susceptible to freezing in the past.
4. **Sanitary Sewer Main Improvements** – Includes lining all the existing vitrified clay pipe (VCP) sanitary sewer trunk lines and replacing manhole castings and lids as necessary within the project areas.

II. Summary of Assessments

Special assessments are proposed as one of several funding sources for the improvements located within the Woodbine Area. On November 8, 2021, the City Council adopted the 2022 special assessment rates for street and storm drainage improvements for residential zoned properties. The 2022 rates were established in accordance with the City's Special Assessment Policy.

The feasibility report includes a preliminary assessment roll identifying approximately 243 residential properties that are zoned "R1" and 3 church properties that are zoned "R1". See attached revised Appendix B–Final Assessment Roll and Figure 8–Assessment Map from the project feasibility report.

Assessments for Partial Street Reconstruction

The 2022 special assessment rate for partial street reconstruction is $3,692 for non-subdividable single-family residential properties that are zoned R1. Assessments for subdividable R1 zoned properties that are larger than the standard single-family lot including 4111 71st Avenue, 7200 Brooklyn Blvd and PID 2711921320004 were based on computing a maximum number of subdividable lots times the full R1 unit assessment amount for street improvements.

Public Comments

Public comments received prior to the approval of the feasibility report were included in the Feasibility Report (Appendix A). Subsequently, additional public comments received including a letter from 7201 Halifax Avenue received on 10/14/21 were provided prior to the Improvement Public Hear as Amended Appendix A-Resident Comments and included all additional comments received subsequent to the October 25, 2021, council meeting, see attached. Staff also received another letter from 7201 Halifax Avenue on 12/6/21, see attached.

A property owner may choose to appeal or object to a special assessment. If an owner files an appeal with the City Clerk prior to public hearing, or should any person appear at the public hearing and object to an assessment, staff recommends that the City Council refer any substantive objections to staff for a report back to the City Council at a continued public hearing for that property. An example might be an issue whereby staff would need to research the history of a particular complaint and assemble documentation. The City Council should consider removing the objection related assessment from the proposed levy roll and adopting the remaining proposed assessments.

If an appeal for a specific property is actually filed with district court, the City Attorney will advise the City Council of options for handling the dispute and potential litigation issues. Currently, staff is not aware of any substantive objection and recommends approval accordingly.

Payment Options Available to Property Owners

Once an assessment roll is adopted by the City Council, the owner of each property has the following payment options:

1. Pay the entire amount of the special assessment, without interest, between March 1 and September 30,

2022.

2. From October 1, 2022, to the end of the business day on November 18, 2022, a property owner may pay the total assessment, with interest calculated from October 1, 2022, to the date of payment.
3. A property owner may pay the assessment over a 10-year period. The first payment will be due with taxes in 2023. The total principle will be payable in annual installments. Interest at 3.5 percent is paid on the unpaid balance.
4. Partial prepayments (such as paying half now and certifying the balance) are allowed.

III. Recommended Council Procedure

Public Hearing for Special Assessments: Staff recommends that a presentation be provided to the City Council prior to holding the assessment public hearing. Following the presentation, a public hearing to consider certification of proposed special assessments for street improvements should be conducted to receive public comments. The attached resolution certifying special assessments for street improvements for Improvement Project No. 2022-01 to the Hennepin County tax rolls is provided for City Council consideration upon closing of the public hearing.

Budget Issues:

The proposed street and utility improvements are included in the 2021 Capital Improvement Program. The total project cost is estimated to be $7,000,000. Funding sources for the project are budgeted from sources as described in the project feasibility report previously accepted by the City Council on September 27, 2021. The special assessment rates were adopted by the City Council on November 8, 2021, and funding source amounts that are included in the feasibility report are amended as follows as a result of minor special assessment revisions:

	Feasibility Report (9/27/21)	Amended (11/8/21)
Special Assessments	$959,358.00	$937,768.00
Sanitary Sewer Utility Fund	$990,000.00	$990,000.00
Water Utility Fund	$1,700,000.00	$1,700,000.00
Storm Drainage Utility Fund	$850,000.00	$850,000.00
Street Light Utility Fund	$20,000.00	$20,000.00
Street Reconstruction Fund	$2,280,642.00	$2,302,232.00
Municipal State Aid Fund	$200,000.00	$200,000.00
Total	$7,000,000.00	$7,000,000.00

Inclusive Community Engagement:

A questionnaire and letter were distributed to residents and property owners located within the project area as part of the project evaluation process. All public comments have been provided to the City Council in the Feasibility Report (Appendix A). Staff conducted a public informational meeting with residents and property owners on September 16, 2021. An Improvement Public Hearing was held on October 25, 2021 to receive public comments pertaining to the proposed improvements.

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/3/2022	Resolution Letter
Assessment Map	12/7/2021	Cover Memo
Final Levy Roll	12/7/2021	Cover Memo
Feasibility Report - Questionnaire Summary	12/7/2021	Cover Memo
5A 7201 Halifax Notice of Objection to Project	12/7/2021	Backup Material
Woodbine Power Point Presentation	12/7/2021	Cover Memo
5B 7201 Halifax Ave Notice of Objection	12/7/2021	Backup Material
Presentation	1/11/2022	Presentation

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR IMPROVEMENT PROJECT NO. 2022-01, WOODBINE AREA STREET IMPROVEMENTS TO THE HENNEPIN COUNTY TAX ROLLS

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met, heard and passed upon all objections to the proposed Special Assessment Levy No. 22001; and

WHEREAS, assessment rolls, copies of which are attached hereto and part hereof by reference, have been prepared by the City Engineer and City Clerk, tabulating those properties where street improvement costs are to be assessed.

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

1. Such proposed assessments, Special Assessment Levy No. 22001 for street improvements, made a part hereof, are hereby accepted and shall constitute special assessments against lands named therein, and each tract of land therein included is hereby found to be benefited by the improvement in the amount of the assessments levied against it.

2. Such assessments shall be payable in equal annual installments extending over a period of ten (10) years as indicated on the assessment roll. The first of the installments shall be payable with ad valorem taxes in 2023, and shall bear interest on the entire assessment at the rate of 3.5 percent per annum from October 1, 2022, through December 31, 2023. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

3. The owner of any property so assessed may at any time prior to certification of assessment to the County Auditor pay the whole assessment, to the City Treasurer, without interest, if entire assessment is paid on or before September 30, 2022. After September 30, 2022, he or she may pay the total assessment, plus interest. Interest will accumulate from October 1, 2022, through the date of payment. Such payment must be made by the close-of-business November 18, 2022, or interest will be charged through December 31 of the succeeding year. If the owner wishes to pay off the balance at some point in the future, such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

RESOLUTION NO. _____

4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the proper tax lists of the county, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

January 10, 2022
Date

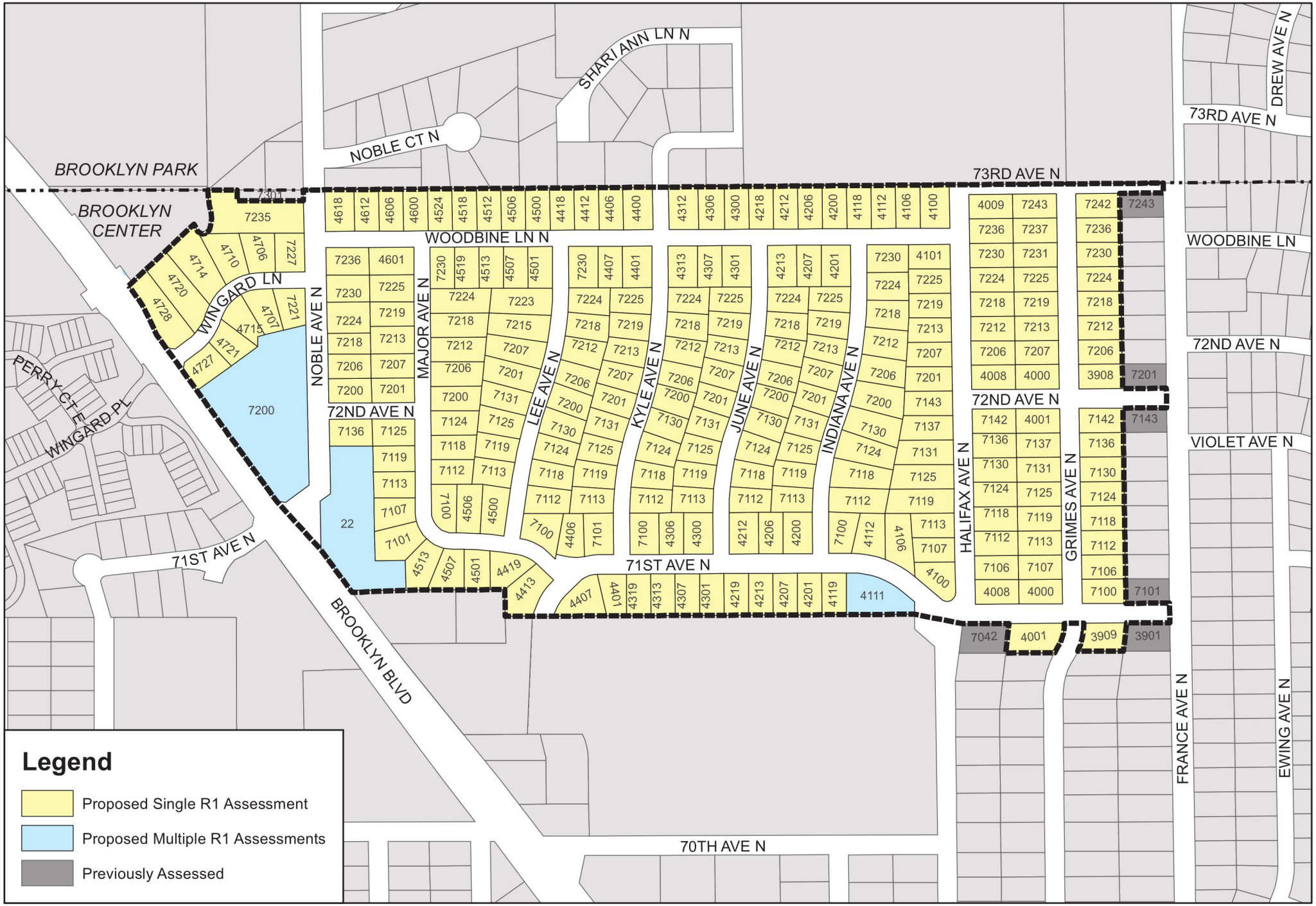
_____
Mayor

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.



Assessment Map
Woodbine Area Street and Utility Improvements

December 2021

CITY OF BROOKLYN CENTER FINAL ASSESSMENT ROLL
December 13, 2021
2022 WOODBINE AREA IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2022-01

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
2711921340081	3909	71st AVE N	22001	$ 3,692.00	R1
2711921310040	4000	71st AVE N	22001	$ 3,692.00	R1
2711921340023	4001	71st AVE N	22001	$ 3,692.00	R1
2711921310041	4008	71st AVE N	22001	$ 3,692.00	R1
2711921310078	4100	71st AVE N	22001	$ 3,692.00	R1
2711921310099	4106	71st AVE N	22001	$ 3,692.00	R1
2711921310121	4111	71st AVE N	22001	$ 7,384.00	Subdividable R1 = 2 equivalent parcels
2711921310098	4112	71st AVE N	22001	$ 3,692.00	R1
2711921310122	4119	71st AVE N	22001	$ 3,692.00	R1
2711921310112	4200	71st AVE N	22001	$ 3,692.00	R1
2711921310123	4201	71st AVE N	22001	$ 3,692.00	R1
2711921310113	4206	71st AVE N	22001	$ 3,692.00	R1
2711921310124	4207	71st AVE N	22001	$ 3,692.00	R1
2711921320102	4212	71st AVE N	22001	$ 3,692.00	R1
2711921310125	4213	71st AVE N	22001	$ 3,692.00	R1
2711921320118	4219	71st AVE N	22001	$ 3,692.00	R1
2711921320116	4300	71st AVE N	22001	$ 3,692.00	R1
2711921320119	4301	71st AVE N	22001	$ 3,692.00	R1
2711921320117	4306	71st AVE N	22001	$ 3,692.00	R1
2711921320120	4307	71st AVE N	22001	$ 3,692.00	R1
2711921320121	4313	71st AVE N	22001	$ 3,692.00	R1
2711921320122	4319	71st AVE N	22001	$ 3,692.00	R1
2711921320123	4401	71st AVE N	22001	$ 3,692.00	R1
2711921320016	4406	71st AVE N	22001	$ 3,692.00	R1
2711921320124	4407	71st AVE N	22001	$ 3,692.00	R1
2711921320062	4413	71st AVE N	22001	$ 3,692.00	R1
2711921320061	4419	71st AVE N	22001	$ 3,692.00	R1
2711921320031	4500	71st AVE N	22001	$ 3,692.00	R1
2711921320060	4501	71st AVE N	22001	$ 3,692.00	R1
2711921320032	4506	71st AVE N	22001	$ 3,692.00	R1
2711921320059	4507	71st AVE N	22001	$ 3,692.00	R1
2711921320058	4513	71st AVE N	22001	$ 3,692.00	R1
2711921310009	3908	72nd AVE N	22001	$ 3,692.00	R1
2711921310024	4000	72nd AVE N	22001	$ 3,692.00	R1
2711921310033	4001	72nd AVE N	22001	$ 3,692.00	R1
2711921310025	4008	72nd AVE N	22001	$ 3,692.00	R1
2711921310032	4009	73rd AVE N	22001	$ 3,692.00	R1
2811921410221	7200	BROOKLYN BLVD	22001	$ 22,152.00	Subdividable R1 = 6 equivalent parcels
2711921320004		Address Unassigned	22001	$ 11,076.00	Subdividable R1 = 3 equivalent parcels
2711921310057	7100	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310058	7106	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310039	7107	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310059	7112	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310038	7113	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310060	7118	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310037	7119	GRIMES AVE N	22001	$ 3,692.00	R1

CITY OF BROOKLYN CENTER FINAL ASSESSMENT ROLL
December 13, 2021
2022 WOODBINE AREA IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2022-01

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
2711921310061	7124	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310036	7125	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310062	7130	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310035	7131	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310063	7136	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310034	7137	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310064	7142	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310010	7206	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310023	7207	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310011	7212	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310022	7213	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310012	7218	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310021	7219	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310013	7224	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310020	7225	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310014	7230	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310019	7231	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310015	7236	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310018	7237	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310016	7242	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310017	7243	GRIMES AVE N	22001	$ 3,692.00	R1
2711921310042	7106	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310077	7107	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310043	7112	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310076	7113	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310044	7118	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310075	7119	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310045	7124	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310074	7125	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310046	7130	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310073	7131	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310047	7136	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310072	7137	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310048	7142	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310071	7143	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310070	7201	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310026	7206	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310069	7207	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310027	7212	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310068	7213	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310028	7218	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310067	7219	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310029	7224	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310066	7225	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310030	7230	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310031	7236	HALIFAX AVE N	22001	$ 3,692.00	R1
2711921310097	7100	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310096	7112	INDIANA AVE N	22001	$ 3,692.00	R1

CITY OF BROOKLYN CENTER FINAL ASSESSMENT ROLL
December 13, 2021
2022 WOODBINE AREA IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2022-01

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
2711921310111	7113	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310095	7118	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310110	7119	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310094	7124	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310109	7125	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310093	7130	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310108	7131	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310092	7200	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310107	7201	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310091	7206	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310106	7207	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310090	7212	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310105	7213	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310089	7218	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310104	7219	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310088	7224	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310103	7225	INDIANA AVE N	22001	$ 3,692.00	R1
2711921310087	7230	INDIANA AVE N	22001	$ 3,692.00	R1
2711921320103	7112	JUNE AVE N	22001	$ 3,692.00	R1
2711921320115	7113	JUNE AVE N	22001	$ 3,692.00	R1
2711921320104	7118	JUNE AVE N	22001	$ 3,692.00	R1
2711921320114	7119	JUNE AVE N	22001	$ 3,692.00	R1
2711921310114	7124	JUNE AVE N	22001	$ 3,692.00	R1
2711921320113	7125	JUNE AVE N	22001	$ 3,692.00	R1
2711921310115	7130	JUNE AVE N	22001	$ 3,692.00	R1
2711921320112	7131	JUNE AVE N	22001	$ 3,692.00	R1
2711921310116	7200	JUNE AVE N	22001	$ 3,692.00	R1
2711921320111	7201	JUNE AVE N	22001	$ 3,692.00	R1
2711921310117	7206	JUNE AVE N	22001	$ 3,692.00	R1
2711921320110	7207	JUNE AVE N	22001	$ 3,692.00	R1
2711921310118	7212	JUNE AVE N	22001	$ 3,692.00	R1
2711921320109	7213	JUNE AVE N	22001	$ 3,692.00	R1
2711921310119	7218	JUNE AVE N	22001	$ 3,692.00	R1
2711921320108	7219	JUNE AVE N	22001	$ 3,692.00	R1
2711921310120	7224	JUNE AVE N	22001	$ 3,692.00	R1
2711921320107	7225	JUNE AVE N	22001	$ 3,692.00	R1
2711921320097	7100	KYLE AVE N	22001	$ 3,692.00	R1
2711921320017	7101	KYLE AVE N	22001	$ 3,692.00	R1
2711921320096	7112	KYLE AVE N	22001	$ 3,692.00	R1
2711921320086	7113	KYLE AVE N	22001	$ 3,692.00	R1
2711921320095	7118	KYLE AVE N	22001	$ 3,692.00	R1
2711921320085	7119	KYLE AVE N	22001	$ 3,692.00	R1
2711921320094	7124	KYLE AVE N	22001	$ 3,692.00	R1
2711921320084	7125	KYLE AVE N	22001	$ 3,692.00	R1
2711921320093	7130	KYLE AVE N	22001	$ 3,692.00	R1
2711921320083	7131	KYLE AVE N	22001	$ 3,692.00	R1
2711921320092	7200	KYLE AVE N	22001	$ 3,692.00	R1
2711921320082	7201	KYLE AVE N	22001	$ 3,692.00	R1

CITY OF BROOKLYN CENTER FINAL ASSESSMENT ROLL
December 13, 2021
2022 WOODBINE AREA IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2022-01

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
2711921320091	7206	KYLE AVE N	22001	$ 3,692.00	R1
2711921320081	7207	KYLE AVE N	22001	$ 3,692.00	R1
2711921320090	7212	KYLE AVE N	22001	$ 3,692.00	R1
2711921320080	7213	KYLE AVE N	22001	$ 3,692.00	R1
2711921320089	7218	KYLE AVE N	22001	$ 3,692.00	R1
2711921320079	7219	KYLE AVE N	22001	$ 3,692.00	R1
2711921320088	7224	KYLE AVE N	22001	$ 3,692.00	R1
2711921320078	7225	KYLE AVE N	22001	$ 3,692.00	R1
2711921320015	7100	LEE AVE N	22001	$ 3,692.00	R1
2711921320014	7112	LEE AVE N	22001	$ 3,692.00	R1
2711921320030	7113	LEE AVE N	22001	$ 3,692.00	R1
2711921320013	7118	LEE AVE N	22001	$ 3,692.00	R1
2711921320029	7119	LEE AVE N	22001	$ 3,692.00	R1
2711921320012	7124	LEE AVE N	22001	$ 3,692.00	R1
2711921320028	7125	LEE AVE N	22001	$ 3,692.00	R1
2711921320011	7130	LEE AVE N	22001	$ 3,692.00	R1
2711921320027	7131	LEE AVE N	22001	$ 3,692.00	R1
2711921320010	7200	LEE AVE N	22001	$ 3,692.00	R1
2711921320026	7201	LEE AVE N	22001	$ 3,692.00	R1
2711921320009	7206	LEE AVE N	22001	$ 3,692.00	R1
2711921320025	7207	LEE AVE N	22001	$ 3,692.00	R1
2711921320008	7212	LEE AVE N	22001	$ 3,692.00	R1
2711921320024	7215	LEE AVE N	22001	$ 3,692.00	R1
2711921320007	7218	LEE AVE N	22001	$ 3,692.00	R1
2711921320023	7223	LEE AVE N	22001	$ 3,692.00	R1
2711921320006	7224	LEE AVE N	22001	$ 3,692.00	R1
2711921320005	7230	LEE AVE N	22001	$ 3,692.00	R1
2711921320033	7100	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320057	7101	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320056	7107	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320034	7112	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320055	7113	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320035	7118	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320054	7119	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320036	7124	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320053	7125	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320037	7200	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320047	7201	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320038	7206	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320046	7207	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320039	7212	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320045	7213	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320040	7218	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320044	7219	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320041	7224	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320043	7225	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320018	7230	MAJOR AVE N	22001	$ 3,692.00	R1
2711921320002	7136	NOBLE AVE N	22001	$ 3,692.00	R1

CITY OF BROOKLYN CENTER FINAL ASSESSMENT ROLL
December 13, 2021
2022 WOODBINE AREA IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2022-01

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
2711921320048	7200	NOBLE AVE N	22001	$ 3,692.00	R1
2711921320049	7206	NOBLE AVE N	22001	$ 3,692.00	R1
2711921320051	7218	NOBLE AVE N	22001	$ 3,692.00	R1
2811921410145	7221	NOBLE AVE N	22001	$ 3,692.00	R1
2711921320050	7224	NOBLE AVE N	22001	$ 3,692.00	R1
2811921410139	7227	NOBLE AVE N	22001	$ 3,692.00	R1
2711921320001	7230	NOBLE AVE N	22001	$ 3,692.00	R1
2811921410005	7235	NOBLE AVE N	22001	$ 3,692.00	R1
2711921320052	7236	NOBLE AVE N	22001	$ 3,692.00	R1
2811921410140	4706	WINGARD LN	22001	$ 3,692.00	R1
2811921410146	4707	WINGARD LN	22001	$ 3,692.00	R1
2811921410141	4710	WINGARD LN	22001	$ 3,692.00	R1
2811921410207	4714	WINGARD LN	22001	$ 3,692.00	R1
2811921410147	4715	WINGARD LN	22001	$ 3,692.00	R1
2811921410206	4720	WINGARD LN	22001	$ 3,692.00	R1
2811921410148	4721	WINGARD LN	22001	$ 3,692.00	R1
2811921410149	4727	WINGARD LN	22001	$ 3,692.00	R1
2811921410205	4728	WINGARD LN	22001	$ 3,692.00	R1
2711921310079	4100	WOODBINE LN	22001	$ 3,692.00	R1
2711921310065	4101	WOODBINE LN	22001	$ 3,692.00	R1
2711921310080	4106	WOODBINE LN	22001	$ 3,692.00	R1
2711921310081	4112	WOODBINE LN	22001	$ 3,692.00	R1
2711921310082	4118	WOODBINE LN	22001	$ 3,692.00	R1
2711921310083	4200	WOODBINE LN	22001	$ 3,692.00	R1
2711921310102	4201	WOODBINE LN	22001	$ 3,692.00	R1
2711921310084	4206	WOODBINE LN	22001	$ 3,692.00	R1
2711921310101	4207	WOODBINE LN	22001	$ 3,692.00	R1
2711921310085	4212	WOODBINE LN	22001	$ 3,692.00	R1
2711921310100	4213	WOODBINE LN	22001	$ 3,692.00	R1
2711921310086	4218	WOODBINE LN	22001	$ 3,692.00	R1
2711921320099	4300	WOODBINE LN	22001	$ 3,692.00	R1
2711921320105	4301	WOODBINE LN	22001	$ 3,692.00	R1
2711921320100	4306	WOODBINE LN	22001	$ 3,692.00	R1
2711921320106	4307	WOODBINE LN	22001	$ 3,692.00	R1
2711921320101	4312	WOODBINE LN	22001	$ 3,692.00	R1
2711921320087	4313	WOODBINE LN	22001	$ 3,692.00	R1
2711921320063	4400	WOODBINE LN	22001	$ 3,692.00	R1
2711921320076	4401	WOODBINE LN	22001	$ 3,692.00	R1
2711921320064	4406	WOODBINE LN	22001	$ 3,692.00	R1
2711921320077	4407	WOODBINE LN	22001	$ 3,692.00	R1
2711921320065	4412	WOODBINE LN	22001	$ 3,692.00	R1
2711921320066	4418	WOODBINE LN	22001	$ 3,692.00	R1
2711921320067	4500	WOODBINE LN	22001	$ 3,692.00	R1
2711921320022	4501	WOODBINE LN	22001	$ 3,692.00	R1
2711921320068	4506	WOODBINE LN	22001	$ 3,692.00	R1
2711921320021	4507	WOODBINE LN	22001	$ 3,692.00	R1
2711921320069	4512	WOODBINE LN	22001	$ 3,692.00	R1
2711921320020	4513	WOODBINE LN	22001	$ 3,692.00	R1

CITY OF BROOKLYN CENTER FINAL ASSESSMENT ROLL
December 13, 2021
2022 WOODBINE AREA IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2022-01

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
2711921320070	4518	WOODBINE LN	22001	$ 3,692.00	R1
2711921320019	4519	WOODBINE LN	22001	$ 3,692.00	R1
2711921320071	4524	WOODBINE LN	22001	$ 3,692.00	R1
2711921320072	4600	WOODBINE LN	22001	$ 3,692.00	R1
2711921320042	4601	WOODBINE LN	22001	$ 3,692.00	R1
2711921320073	4606	WOODBINE LN	22001	$ 3,692.00	R1
2711921320074	4612	WOODBINE LN	22001	$ 3,692.00	R1
2711921320075	4618	WOODBINE LN	22001	$ 3,692.00	R1
	Total Assessments			$ 937,768.00	

Woodbine Area Street and Utility Improvements 2022
Survey Summary Results

Sanitary (2)	Storm (3)	Sprinkler System (4)	Water (5)	Sump Pump (6)	Draintile (7)	Sidewalk (8)	If yes, where? (8a)	Streetlights (10)	If yes, where? (10a)	Respiratory illness, health concerns, etc. (11)	Comments/Concerns/Issues re: streets, sidewalks, utilities, etc. (12)
71st Avenue N											
No, not after we lost our big trees when the tornado went through.	No	No	Odor when they flush I guess. It's brown.	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	None
Had continual problems. Out land line had collapsed where it tied into the main. Had it replaced and haven't had any problems in the last 4 years.	No	No	Odor - seems to be getting better. Taste - stopped drinking unfiltered water from tap.	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	
Had it replaced a few years ago.	No	No	Odor yes, sometimes smells like chlorine or bleach, sometimes sulfur?	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	
No	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	NA
No	End of driveway and street floods in the winter and then freezes because the road was not installed properly, making it dangerous for walking, etc.	No	Smells and tastes like chlorine	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	flooding in the street and end of the driveway
72nd Avenue N											
When we moved in a year ago we had to get it cleaned and we haven't had a problem since then.	No problems	No	No	Unknown	Unknown	No		Yes	My neighborhood needs more lights because at night I don't feel safe for my kids, pets, neighbors.	NA	NA
No	No problems	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	None
Brooklyn Blvd											
Yes, we have two different lines going to the main. The one line backs up almost yearly and the other one every 2 to 3 years.	No problems with water coming in the building, but during heavy down pours our back parking lot between Brooklyn Blvd and Noble has been 6" or higher.	Yes	We have had small black debris from time to time.	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		Since this is the Methodist Church, we have members who attend that will have these conditions.	If work is done on the Brooklyn Blvd side of our property, we would like the entrance to be narrower. It would help reduce cars cutting through the parking lot.
Grimes Avenue N											
No clogs. We have the line cleaned yearly due to tree in front yard.	No	Yes	No but we don't drink water straight out of the tap. It is filtered.	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No	Absolutely not!	No		No	
No	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	None - don't have sidewalks
Roto Rutter - about 1.5 years ago.	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	I have none.
No	No	Yes	No - we do have a kinetico softener and drinking water system	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	Don't change the elevation of the street - our driveway has been sloped from garage to street for good drainage.
No problems	No problems	No	No problems	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No problems	None
Yes, I have to get it cleaned from tree roots. I had pipe replaced from curb.	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No answer		No	
Well it happened one a year cause it has some roots.	None	No	No	Uknown	Uknown	No		Yes	72nd and Grimes	No	NA
No	No	Yes	No	No, I do not have a sump pump or do not use my sump pump.	Uknown	No		Yes	Mid block	No	

Sanitary (2)	Storm (3)	Sprinkler System (4)	Water (5)	Sump Pump (6)	Draintile (7)	Sidewalk (8)	If yes, where? (8a)	Streetlights (10)	If yes, where? (10a)	Respiratory illness, health concerns, etc. (11)	Comments/Concerns/Issues re: streets, sidewalks, utilities, etc. (12)
Halifax Avenue N											
No	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	
No	No	No	Yes - odor	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	None
No	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	They have done a good job keeping our streets clean.
No	No	Yes	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	None
No	Water build up at the end of the driveway especially in winter	Yes	No	No, I do not have a sump pump or do not use my sump pump.	Unknown	No		No		No	The block I live on loses power frequently during storms where the blocks around us do not. Utilities we are on a different grid - this gets very frustrating.
No, not since street were done in the 80's.	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No answer	It seems that it wasn't that long ago that everything was torn up.
Indiana Avenue N											
No - our neighbors have had frequent problems, but we have not had a problem.	No	No	Not usually, but we did have a couple of days this summer when the water came out kind of orange-brown.	No, I do not have a sump pump or do not use my sump pump.	Unknown	No		No		No	None
Once	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	None
No	No	No	No	Unknown	Unknown	No		Yes	We need street lighting on the street I live on.	No	
None	None	No	None	No, I do not have a sump pump or do not use my sump pump.	Uknown	Yes		No	None	None	
June Avenue N											
No	No	Yes	Yes. Water still has strong odor of chlorine out of the tap. We are aware this will likely always be the case, but are letting you know since you asked.	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	
No	Yes - flooding at driveway apron to gutter/curb.	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	
Rarely - less than every 3 years.	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	Yes	on 71st Ave N	No		No	None
Kyle Avenue N											
No	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	
Yes, service cleaned out to the street about 7 years ago and about a year ago.	No	No	Not that I know of	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		Yes, asthma	In backyard I have an evergreen tree that is grown into the cable and telephone lines that are putting stress on them. I have two driveways. I'm thinking about getting rid of one. What would I do about ten feet of curve cost?
about every 3 years - it blocks I've been told where the 6" pipe connects to 4" pipe to the house - connection was never properly encapsulated back when the streets were redone around 1996 or so.	Water comes in basement in NE corner.	Yes	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	

Sanitary (2)	Storm (3)	Sprinkler System (4)	Water (5)	Sump Pump (6)	Draintile (7)	Sidewalk (8)	If yes, where? (8a)	Streetlights (10)	If yes, where? (10a)	Respiratory illness, health concerns, etc. (11)	Comments/Concerns/Issues re: streets, sidewalks, utilities, etc. (12)
Lee Avenue N											
Not yet	Yes, in basement at times.	Yes - sprinkler system	All of the above	No, I do not have a sump pump or do not use my sump pump.	Unknown	No		No		Allergies	Streets are in bad shape, some crumbling at times.
Yes, years ago	No	No	No it's good	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	None
No	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	Going south on Noble, the curve by the Church at Brooklyn Blvd is too sharp. Woodbine Lane from Noble to France is NOT wide ENOUGH!
Major Avenue N											
Once	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No	Just brighter bulbs	Yes, my husband has asthma	None
Yes we did have that problem many years ago but we do a preventative sewer cleaning every two years and that prevents a problem.	No	Yes	No	No, I do not have a sump pump or do not use my sump pump.	Unknown	No		No		No	No
None	None	No	NA	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	Just keeping up with resurfacing the roads. My neighborhood is fine - don't need any of this!
Noble Avenue N											
No	No	No	No	Unknown	Unknown	No		No		No	
Four times in the last year - to the main 2 times. 2 others were frozen pipes under the road. Had our main scoped was advised to replace or complete including 30+ feet in the road.	NA	No	Yes - lots of sediment. Must clear faucet aerators monthly.	No, I do not have a sump pump or do not use my sump pump.	Unknown	Yes	East side of noble - 2 lots do not have sidewalks, north and south of them do.	No	Light at the end of my driveway shines into my windows - could be adjusted towards the street better.	NA	Noble should have a painted shoulder. Middle and high school kids crossing at Woodbine nearly get hit daily by people going around vehicles turning or stopping for pedestrians.
No	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	Yes	On Wingard	Yes		No	Side walk snow plow put his blade down more. I always finish cleaning.
Wingard Lane											

Sanitary (2)	Storm (3)	Sprinkler System (4)	Water (5)	Sump Pump (6)	Draintile (7)	Sidewalk (8)	If yes, where? (8a)	Streetlights (10)	If yes, where? (10a)	Respiratory illness, health concerns, etc. (11)	Comments/Concerns/Issues re: streets, sidewalks, utilities, etc. (12)
Woodbine Lane N											
No	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	None
No	No	No	Yes - taste and odor	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No	New lights are not as bright as the old ones.	No	4-way stop at Woodbine and Kyle. Eliminate Woodbine stop signs.
No	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	None
No	No	Yes	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	None - we would like quote for driveway replacement.
Sewer line gets plugged every year. We have it cleaned out every fall. Roots snag debris and block it.	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	
We had hero check our line. They have a video where blvd tree roots came thru where the City replaced pipe years ago connect to our line - not good seal. Hero showed City employee when he was here after that.	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No	The lighting is not bright enough. Go back to use the old bulbs. Maybe cars would not be hitting people.	No	No
On two occasions, the water/sewer backed up into the shower downstairs and flooded the basement (in 20 years).	No	No	sometimes the water smells like bleach/chlorine. I have seen black flecks floating in a glass of water.	No, I do not have a sump pump or do not use my sump pump.	Unknown	No		No		Not in my home. My brother-in-law who lives on Major has COPD.	The streets look bad with all the patches but they are still workable/useable.
No	No	No	No	No, I do not have a sump pump or do not use my sump pump.	Unknown	No		N		No	
Yes, 2 times in 8 years.	Yes, flooding in basement.	No	Yes, water is cloudy and tastes/smells like chlorine.	No, I do not have a sump pump or do not use my sump pump.	Yes, it drains to the yard.	Yes	On Major Ave and on the E. side of Noble between Woodbine and Shingle Creek.	No		No	None
No, we have not had any problems since we had a rooter service come out around 2015.	Yes, there are routinely problems with the drainage system where Lee Ave intersects with Woodbine Lane. This is a problem twice a year... 1) in the late summer or early fall when the leaves have fallen and then there is a large storm. The leaves clog the drainage and the water backs up onto the street until someone comes along and clears the drain (often me). 2) in the winter, when the water goes through freeze cycles and the drain freezes over. This happens 2-3 times per winter on average.	No	No. The hardness is pretty high though.	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	We have a sidewalk that runs down Woodbine for school walkers. It's fine.		They are good.		No	Is the City going to remove boulevard Elm trees infested with Emerald Ash borers? If so, will they be replaced? If not, what mitigation will be made to combat the known infestation in our area? Thank you for the Zoom invite to the planning meeting.
Every two years	No	No	No	No, I do not have a sump pump or do not use my sump pump.	No, I do not have draintile on my property.	No		No		No	

Received 10/14/21

To the City of Brooklyn Center in Regards to the careful 7 million dollars project you want to do:

NO! We are completely against having to pay $4,000.00 of our own money for a project we did not ask for and do Not want! This should be against the law that you could ever charge us for Construction!

We are Super low income. We barely make our house payments. We have had deaths in the family from Covid with funeral expenses. We have thousands of dollars in medical Bills ourselves because of health issues. I am not well and can only work part time and have had to take "unpaid leave" due to illness. We owe the dentist, the vet for our special needs dog, the eye doctor, the chiropractor and we have two broken down vehicles we struggle to pay repairs for. We have a broken down house that needs work inside and out that we can't afford.

There are so many more reason's we are saying NO! to this Bullshit Project!

If Brooklyn Center wants it then Brooklyn Center Should be responsible to pay for it!!

Chris + Chris Pfenning
7201 Halifax Ave N
Brooklyn Center, MN 55429

One more Reason for "NO":

The construction blocking our Roads and houses and driveways and having to put up and suffer with all the noise while battling major health issues! Plus our Special Needs dog would never-

Be able to take the noise, the People (Strangers) around our house or the vibration's!

NO! I do Not - We do Not Support the Project and will not pay $4000.00 for it! We do Not have $4000.00!! You do!!

Sincerely,
Christy Christina Penning

Public Hearing on Special Assessments

Woodbine Area
Street and Utility Improvements (2022)

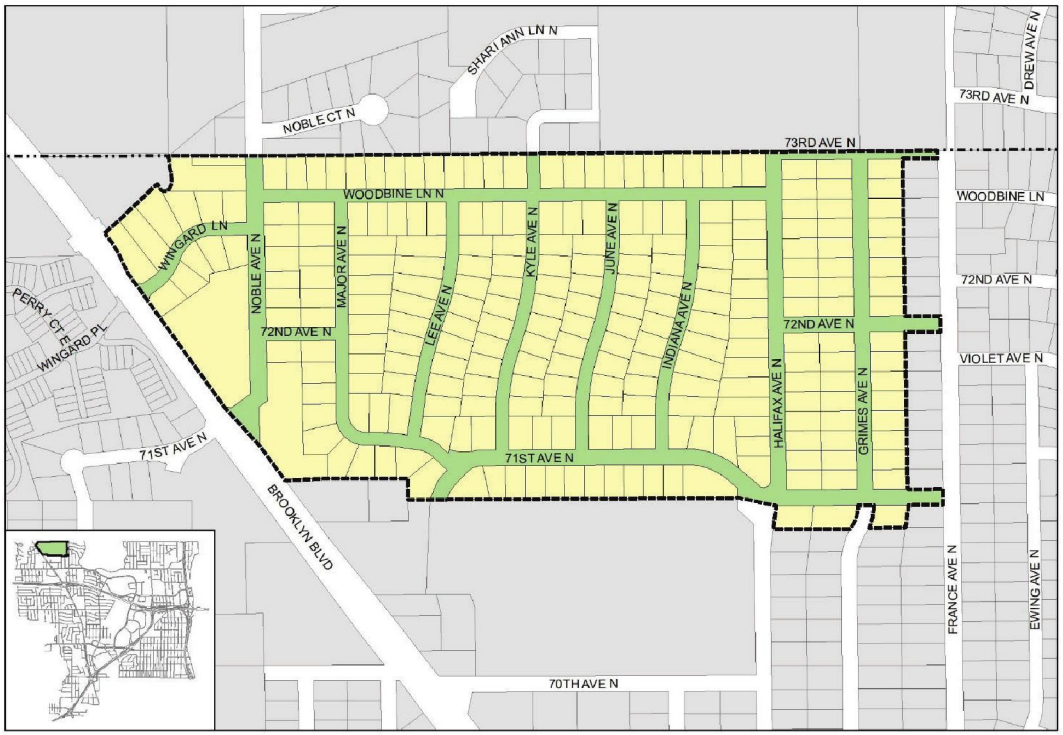
City Council Meeting, December 13, 2021
Mike Albers, City Engineer

Public Hearing on Special Assessments

- Woodbine Area Street Improvements, Improvement Project No. 2022-01

- Local public improvements to the City's infrastructure based on State of Minnesota Statute Chapter 429

Woodbine Area Street and Utilities Improvements



Project Area
Woodbine Area Street and Utility Improvements

Figure 1

Summary of Recommended Improvements

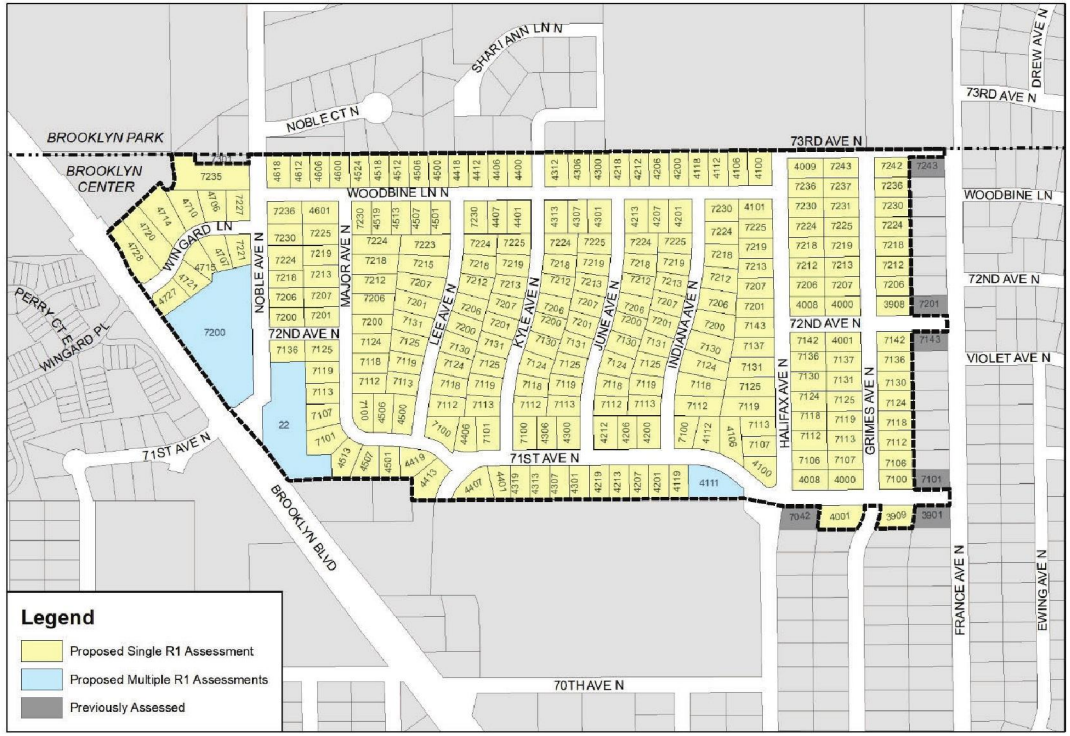
- Sanitary Sewer
  - Spot repairs on trunk sanitary sewer mains
  - Line VCP trunk sanitary sewer mains
  - Replace sanitary sewer castings
  - Sanitary sewer services are privately owned by the homeowner and will not be replaced/repaired as part of the project
- Water Main
  - Replace valves and hydrants throughout project area
  - Replace curb stops throughout the project area
  - Insulate services with previous freezing history
- Storm Drainage
  - Replace storm castings as needed
- Street Lighting
  - Existing Lights on Multi-Use Poles or Free Standing Fiberglass Poles to Remain
  - Replace 1 Free-Standing Street Lights with Fiberglass Poles and LED light fixtures
- Street Improvements
  - Full depth pavement replacement
  - Spot repairs for curb & gutters and sidewalks
- Sidewalk Improvements
  - Spot repairs on existing sidewalks
  - Pedestrian Curb Ramps will be reconstructed at all cross streets with the Project
  - New 6’ concrete sidewalk on north side of 71st Ave from Halifax Ave to France Ave
  - Sidewalks which may be considered and coordinated with Brooklyn Park
    - Evaluate New 6’ concrete sidewalk along the north side of 73rd Ave from Halifax Ave/Woodbine Ln to France Ave.
    - Evaluate New 6’ concrete sidewalk along the east side of Noble Ave from Woodbine Ln to Noble Ct
- Restoration
  - Driveways that are disturbed due to the street and utility repairs will be replaced.
  - Disturbed boulevard areas will be restored with topsoil and sod
  - Tree replacement on 1:1 ratio in fall

Preliminary Project Budget

	CIP – Est. Project Amount	Percent Total
Special Assessments	$ 937,768.00	13.4%
Sanitary Sewer Utility	$ 990,000.00	14.1%
Water Utility	$ 1,700,000.00	24.3%
Storm Drainage Utility	$ 850,000.00	12.1%
Street Reconstruction Fund	$ 2,302,232.00	32.9%
MSA Fund	$ 200,000.00	2.9%
Street Light Utility	$ 20,000.00	0.3%
Total	$ 7,000,000.00	100%

Note: These are only preliminary estimated amounts – these amounts will change. Costs and funding will be further updated and revised in the final design stage and bidding of the project.

Preliminary Assessment Area



Assessment Map
Woodbine Area Street and Utility Improvements

Figure 8

Special Assessments - Estimated Amounts & Payment Options

The City has an Assessment Policy that outlines how street improvement projects are funded. The proposed assessments were calculated in accordance with the City's Special Assessment Policy. The assessment and interest rates were adopted by the City Council at the November 8, 2021 Council Meeting.

Assessment Rate for Partial Street Reconstruction (Full Depth Pavement Replacement):

- 2022 Assessment Rates for R1 properties: Street assessment =**$3,692 Per Property***
- 2022 Interest Rate: 3.5% (0.5% increase from 2021)

*For properties which may be legally subdivable into two or more lots, the assessment to be applied shall equal the maximum number of lots allowable times the unit R1 assessment

Payment Options:

1. Pay in full - No interest between April 15 & Sept. 30, 2022
2. Pay in full from Oct. 1 to Nov. 18, 2022 with interest from Oct. 1
3. Pay in installments with property taxes over a 10-year period starting in 2022

- Partial prepayments can be accepted
- If the assessments are approved an Assessment Reminder Letter will be sent to property owners
- Deferment Questions: Contact Engineering at 763-569-3340

Estimated Payment Amount

Assessment Amount:	$3,692.00	Partial Street Reconstruction, R1
Assessment Interest Rate:	3.50%	(Full Depth Pavement Replacement)
Assessment Term:	10 Years	

Year	Annual Payment	Principle	Interest	Balance
1	$530.73	$369.20	$161.53	$3,322.80
2	$485.50	$369.20	$116.30	$2,953.60
3	$472.58	$369.20	$103.38	$2,584.40
4	$459.65	$369.20	$90.45	$2,215.20
5	$446.73	$369.20	$77.53	$1,846.00
6	$433.81	$369.20	$64.61	$1,476.80
7	$420.89	$369.20	$51.69	$1,107.60
8	$407.97	$369.20	$38.77	$738.40
9	$395.04	$369.20	$25.84	$369.20
10	$382.12	$369.20	$12.92	$0.00
Totals:	**$4,435.02**	**$3,692.00**	**$743.02**	

Note: These are only preliminary estimated amounts – these amounts will change dependent on when interest starts accruing. Approximate monthly payment ranges from $32 - $44.

Preliminary Project Schedule

• Neighborhood Informational Meeting	September 16, 2021
• City Council Receives Feasibility Report	September 27, 2021
• Improvement Public Hearing/Order Plans	October 25, 2021
• Establish 2021 Assessment Rates	November 8, 2021
• **Assessment Public Hearing/Certify Assessment Roll**	**December 13, 2021**
• Approve Plans/Advertise for Bids	January 2022
• Accept Bids/Award Project	February/March 2022
• Begin Construction	Spring/Summer 2022
• Tree Replacements	Fall 2022
• Substantial Completion	October 2022

Recommended Action

Public Hearing on Special Assessments – Simple Majority

- Motion to open Public Hearing on Special Assessments
- Take public input on the special assessments
- Motion to close Public Hearing
- Consideration of comments and motion to adopt resolution Certifying Special Assessments for Improvement Project No. 2022-01, Woodbine Area Street Improvements to the Hennepin County Tax Rolls

Received 12/6/21

Please Read entire 2 pages!

We are terribly afraid of paying our house payment - Not affording it and Losing our house! You will be putting us on the street! Food and gas have gone up in price, Pet food went up, our electric, water and heat Bills went up - we have a car payment for a crappy car that is no longer under warranty - Needs repairs! Our house is literally falling apart Inside and out and we Have No money to fix any of this! NO To The Project →

unless You Pay our So-called Portion of $4000 rediculous Dollar's!

I am Not sorry So No! Covid killed us and laid me off and we have Not recovered since then. Covid 19 has done bad things for many people financially!

Christina
Pfenning
9701 Halifax Ave N
B. Center, MN 55429

Public Hearing on Special Assessments

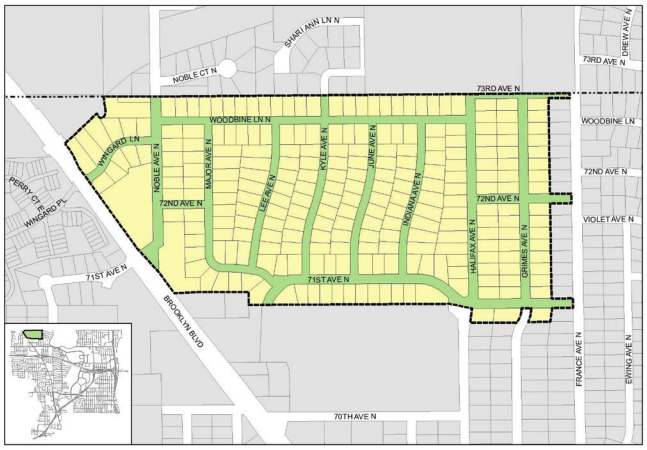
Woodbine Area
Street and Utility Improvements (2022)

City Council Meeting, January 10, 2022
Mike Albers, City Engineer

Public Hearing on Special Assessments

- Woodbine Area Street Improvements, Improvement Project No. 2022-01
- Local public improvements to the City's infrastructure based on State of Minnesota Statute Chapter 429

Woodbine Area Street and Utilities Improvements



Project Area
Woodbine Area Street and Utility Improvements

Figure 1

Summary of Recommended Improvements

- Sanitary Sewer
  - Spot repairs on trunk sanitary sewer mains
  - Line VCP trunk sanitary sewer mains
  - Replace sanitary sewer castings
  - Sanitary sewer services are privately owned by the homeowner and will not be replaced/repaired as part of the project
- Water Main
  - Replace valves and hydrants throughout project area
  - Replace curb stops throughout the project area
  - Insulate services with previous freezing history
- Storm Drainage
  - Replace storm castings as needed
- Street Lighting
  - Existing Lights on Multi-Use Poles or Free Standing Fiberglass Poles to Remain
  - Replace 1 Free-Standing Street Lights with Fiberglass Poles and LED light fixtures
- Street Improvements
  - Full depth pavement replacement
  - Spot repairs for curb & gutters and sidewalks
- Sidewalk Improvements
  - Spot repairs on existing sidewalks
  - Pedestrian Curb Ramps will be reconstructed at all cross streets with the Project
  - New 6' concrete sidewalk on north side of 71st Ave from Halifax Ave to France Ave
  - Sidewalks which may be considered and coordinated with Brooklyn Park
    - Evaluate New 6' concrete sidewalk along the north side of 73rd Ave from Halifax Ave/Woodbine Ln to France Ave.
    - Evaluate New 6' concrete sidewalk along the east side of Noble Ave from Woodbine Ln to Noble Ct
- Restoration
  - Driveways that are disturbed due to the street and utility repairs will be replaced.
  - Disturbed boulevard areas will be restored with topsoil and sod
  - Tree replacement on 1:1 ratio in fall

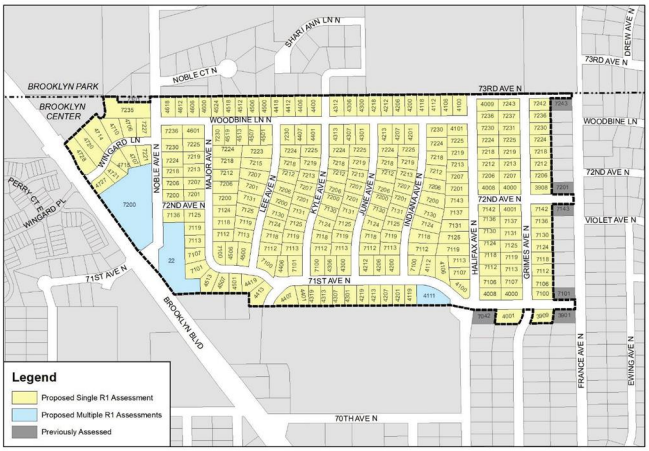
Preliminary Project Budget

	CIP – Est. Project Amount	Percent Total
Special Assessments	$ 937,768.00	13.4%
Sanitary Sewer Utility	$ 990,000.00	14.1%
Water Utility	$ 1,700,000.00	24.3%
Storm Drainage Utility	$ 850,000.00	12.1%
Street Reconstruction Fund	$ 2,302,232.00	32.9%
MSA Fund	$ 200,000.00	2.9%
Street Light Utility	$ 20,000.00	0.3%
Total	$ 7,000,000.00	100%

Note: These are only preliminary estimated amounts – these amounts will change. Costs and funding will be further updated and revised in the final design stage and bidding of the project.

5

Preliminary Assessment Area



Assessment Map
Woodbine Area Street and Utility Improvements

Figure 8

6

Special Assessments - Estimated Amounts & Payment Options

The City has an Assessment Policy that outlines how street improvement projects are funded. The proposed assessments were calculated in accordance with the City's Special Assessment Policy. The assessment and interest rates were adopted by the City Council at the November 8, 2021 Council Meeting.

Assessment Rate for Partial Street Reconstruction (Full Depth Pavement Replacement):

- 2022 Assessment Rates for R1 properties: Street assessment =**$3,692 Per Property***
- 2022 Interest Rate: 3.5% (0.5% increase from 2021)

*For properties which may be legally subdivable into two or more lots, the assessment to be applied shall equal the maximum number of lots allowable times the unit R1 assessment

Payment Options:

1. Pay in full - No interest between April 15 & Sept. 30, 2022
2. Pay in full from Oct. 1 to Nov. 18, 2022 with interest from Oct. 1
3. Pay in installments with property taxes over a 10-year period starting in 2022

- Partial prepayments can be accepted
- If the assessments are approved an Assessment Reminder Letter will be sent to property owners
- Deferment Questions: Contact Engineering at 763-569-3340

7

Estimated Payment Amount

Assessment Amount:	$3,692.00	Partial Street Reconstruction, R1
Assessment Interest Rate:	3.50%	(Full Depth Pavement Replacement)
Assessment Term:	10 Years	

Year	Annual Payment	Principle	Interest	Balance
1	$530.73	$369.20	$161.53	$3,322.80
2	$485.50	$369.20	$116.30	$2,953.60
3	$472.58	$369.20	$103.38	$2,584.40
4	$459.65	$369.20	$90.45	$2,215.20
5	$446.73	$369.20	$77.53	$1,846.00
6	$433.81	$369.20	$64.61	$1,476.80
7	$420.89	$369.20	$51.69	$1,107.60
8	$407.97	$369.20	$38.77	$738.40
9	$395.04	$369.20	$25.84	$369.20
10	$382.12	$369.20	$12.92	$0.00
Totals:	**$4,435.02**	**$3,692.00**	**$743.02**	

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8

Preliminary Project Schedule

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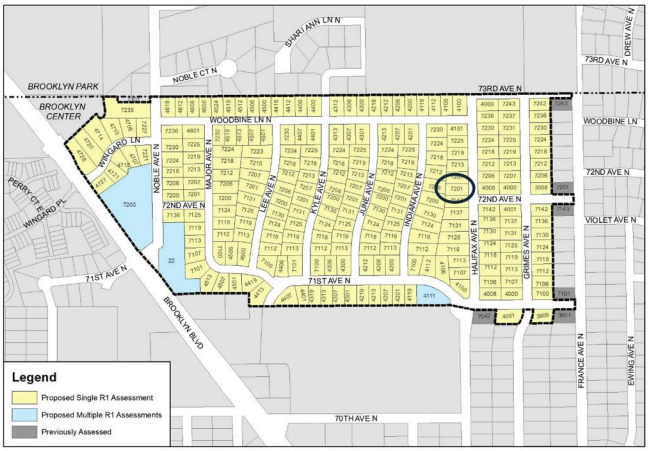
7201 Halifax Avenue North

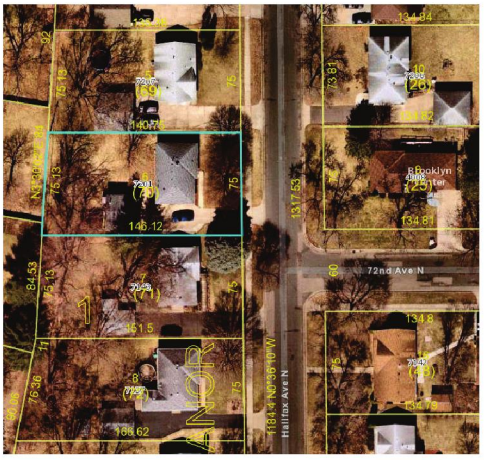


Assessment Map
Woodbine Area Street and Utility Improvements

Figure 8

7201 Halifax Avenue North

- Resident objected to the special assessment amount
- Residential property zoned R1
- Mid-block property
  - 75' frontage of Irving Avenue
- Assessed in 1995 for improvements to Halifax Avenue
  - $1,700 for street improvements
  - $725 for storm drainage
  - Total special assessment of $2,425



13

7201 Halifax Avenue North

- In accordance with the City's Assessment Policy, this property also remains responsible for its share of assessments due to the benefits that will be received from the proposed street improvements for the Woodbine Area Street Improvements.
- Assessment Rate for Partial Street Reconstruction:
  - The 2022 special assessment for street improvements for this residential property zoned R1 is $3,692 which is the minimum per lot assessment amount per the special assessment policy.
- *Staff recommends that this property remain on the assessment roll and approved accordingly.*

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Next Steps for Residents

- If a property owner continues to object to the special assessment should the Council certify the special assessment, the property owner may choose to appeal the City Council's decision.
  - An owner may appeal a special assessment to district court pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or City Clerk within 30 days after adoption of the special assessment and filing such notice with the district court within ten days after service upon the Mayor or City Clerk.

15

Street Improvements

- Roadway reconstructed in 1995. Most streets have concrete curb and gutter
- Subgrade (Foundation) Condition – good condition
- Some minor drainage issues
- Pavement Material Deterioration
- <u>Proposed Improvements</u>
  - Full depth pavement replacement
  - Spot repairs for curb & gutters and sidewalks



16

Council Regular Meeting

DATE: 1/10/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Meg Beekman, Community Development Director
BY: Ginny McIntosh, City Planner / Zoning Administrator

SUBJECT: An Ordinance Amending Chapter 35 of the City Code of Ordinance Regarding the Zoning Classification of Certain Land Located at 6440 James Circle North (Second Reading / Public Hearing)

Requested Council Action:

(1) Motion to:

- *Open the public hearing;*
- *Take public input; and*
- *Close the public hearing.*

(2) Motion to approve a second reading, and adopt an ordinance amending Chapter 35 of the City Code of Ordinances regarding certain land located at 6440 James Circle North from C2 (Commerce) District to PUD/MX-B (Planned Unit Development/Business Mixed-Use) District.

(3) Motion to approve a resolution approving a Summary Publication for Ordinance No. 2021-006.

Background:

The Subject Property, located at 6440 James Circle North, was formerly home to the AMF Earle Brown Lanes, which closed in 2015. The building and site subsequently sat vacant until 2017, when the property was purchased by Tashitaa Tufaa/ODAA Center LLC ("the Property Owner"). While the Property Owner successfully brought through a request for issuance of a Special Use Permit in 2018 to operate an event center with ancillary restaurant and bar, and requested a re-issuance of the permit in 2019 to allow additional time to initiate the project, the plans were never realized. The Property Owner subsequently partnered with McGlynn Partners, LLC as well as Endeavor Development to redevelop the Subject Property.

On November 18, 2021, the Planning Commission conducted a public hearing on Planning Commission Application No. 2021-006, submitted by McGlynn Partners, LLC ("the Applicant") for consideration of requests that would allow for the redevelopment of the former AMF Earle Brown Lanes property, located at 6440 James Circle North ("the Subject Property"), to an approximately 64,000-square foot mixed office and light industrial building with related site improvements on an approximately 4.03-acre site. The City's 2040 Comprehensive Plan guides the Subject Property as "Business Mixed-Use (B-MU)" and would therefore not require a comprehensive plan amendment.

Following close of the public hearing, the Planning Commission elected to unanimously (5-0) recommend City Council approval of the requests for the establishment of a Planned Unit Development (PUD), rezoning, and site and building plan approvals.

On December 13, 2021, City Council unanimously approved (4-0) the aforementioned requests as contemplated under Planning Commission Application No. 2021-006. City Council also approved a first

reading of an ordinance amending Chapter 35 of the City Code of Ordinances regarding the zoning classification of the Subject Property and set the second reading and public hearing for this evening (January 10, 2021).

A public hearing notice was published in the Brooklyn Center *Sun Post* on December 23, 2021 for proposed Ordinance No. 2021-006. It should be noted that City staff incorrectly abbreviated the proposed zoning district for the Subject Property on the published public hearing notice—the published notice notes that the Subject Property would be rezoned to PUD/B-MU (Planned Unit Development/Business Mixed-Use); however, the correct abbreviation is PUD/**MX-B** (Planned Unit Development/Business Mixed-Use) District.

A copy of the notice has been attached to the memo highlighting the correction along with a copy of the staff report dated November 18, 2021 and the published Sun Post notice. City staff is requesting that any motion to approve the second reading and adoption of the ordinance be made to reflect the corrected district abbreviation of PUD/MX-B.

Budget Issues:

None to consider at this time.

Inclusive Community Engagement:

Not applicable.

Antiracist/Equity Policy Effect:

Not applicable.

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Staff Report and Exhibits - 6440 James Circle North (694 Business Center)	1/4/2022	Backup Material
Published Notice - Ordinance Amending Chapter 35 of the City Code of Ordinances (6440 James Circle North)	1/4/2022	Ordinance
Amended District Abbreviation-Public Notice-Ordinance Amending Chapter 35 of the City Code of Ordinances (6440 James Circle North)	1/4/2022	Ordinance
Powerpoint	1/11/2022	Presentation

Planning Commission Report

Meeting Date: November 18, 2021

- Application Filed: 10/19/2021
- Review Period (60-day) Deadline: 12/18/2021
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No.	2021-006
Applicant | Property Owner:	McGlynn Partners LLC | ODAA Center LLC
Location:	6440 James Circle North
Request:	(1) Site and Building Plan, (2) Establishment of a Planned Unit Development, and (3) Rezoning

INTRODUCTION

McGlynn Partners LLC ("the Applicant") is requesting review and consideration of a proposal to re-develop the former Earle Brown Bowl property, located at 6440 James Circle North ("the Subject Property"), to an approximately 64,000-square foot mixed office and light industrial building with related site improvements on an approximately 4.03-acre site—**refer to Exhibit A**. The City's 2040 Comprehensive Plan guides the Subject Property as "Business Mixed-Use."

The Subject Property was formerly home to the AMF Earle Brown Lanes, which closed in 2015. The building and site subsequently sat vacant until 2017, when the property was purchased by Tashitaa Tufaa/ODAA Center LLC ("the Property Owner"). While the Property Owner successfully brought through a request for issuance of a Special Use Permit in 2018 to operate an event center with ancillary restaurant and bar, and requested a re-issuance of the permit in 2019 to allow additional time to initiate the project, the plans were never realized.

Although the site and building plan request does not require a public hearing, the request for the establishment of a Planned Unit Development (PUD) and re-zoning requires that a public hearing be scheduled. A public hearing notice was published in the Brooklyn Center *Sun Post* on November 4, 2021 **(Exhibit B)**. Mail notices were also sent out to those taxpayers and occupants with property falling within the designated notification area, and the City of Brooklyn Center Public Works installed two "Development Proposal Under Review" signs on the Subject Property and facing Freeway Boulevard and the west portion of James Circle North for additional visibility.

2040 COMPREHENSIVE PLAN AND ZONING STANDARDS

Land Use Plan:	Business Mixed-Use (BM-U)
Neighborhood:	Shingle Creek
Existing Zoning:	C2 (Commerce) District
Surrounding Zoning:	North: I1 (Industrial Park) District East: C2 (Commerce) District South: C2 (Commerce) District West: C2 (Commerce) District

Site Area: Approximately 4.03 acres

Setback Standards:
The proposal requests establishment of a Planned Unit Development (PUD), as well as a rezoning. As the Subject Property is located on a loop road (James Circle North), with one side fronting Freeway Boulevard, and two sides fronting James Circle North, this property would be considered a "triple frontage" lot. If viewing the Subject Property as having three frontages, the setbacks would be:

Front Yard #1: 25 feet **Front Yard #2:** 62 feet **Front Yard #3:** 25 feet **Side Interior Yard:** 115 feet

Although the Subject Property is zoned C2 (Commerce) District, the proposed use is light industrial in nature. With the current Zoning Code underway with a major update, City staff reviewed the proposal against the existing setback standards for the I1 (Industrial Park) District, which are:

Front Yard: 50 feet **Corner Side Yard:** 50 feet **Interior Side Yard:** 10 feet **Rear Yard:** 25 feet

Based on the proposed setbacks, the Applicant will need to obtain flexibility from the existing Zoning Code with regard to minimum building setbacks.

Additionally, no parking shall be permitted within 15 feet of the street right-of-way (ROW), and this area shall be maintained as a "green strip" under the City's Zoning Code. This area is reflected on the submitted site plan (Sheet C-2.0) and the provided parking layout appears to meet the minimum green strip standards.

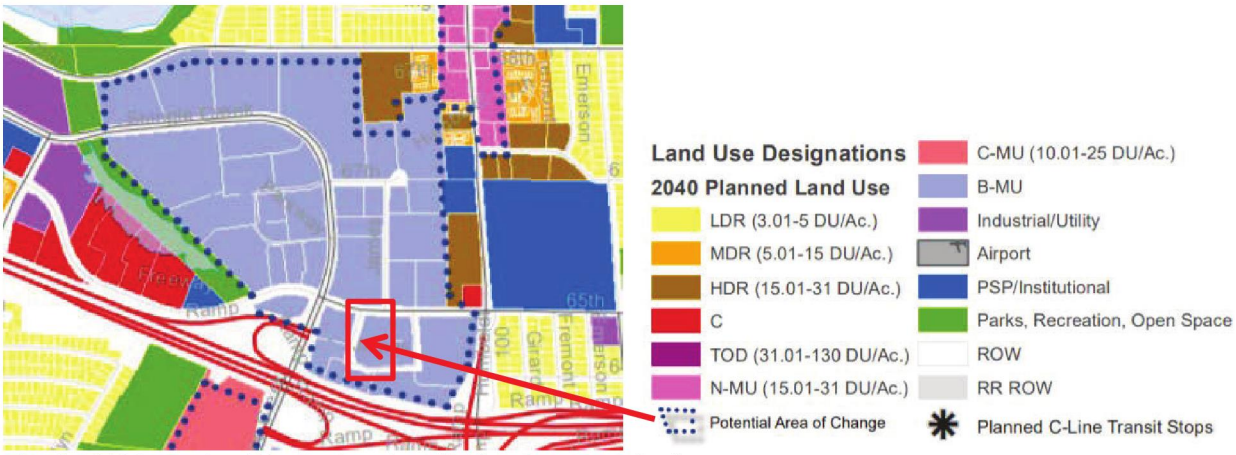
Conformity to:

2040 Land Use Plan:	Yes
Zoning Ordinance:	No—would require a re-zoning, but in line with 2040 Comprehensive Plan Future Land Use Designation
Subdivision Ordinance:	Existing—no alterations proposed (Tract F, Registered Land Survey #1482, Hennepin County, MN)
Sign Ordinance:	No requests under consideration at this time

The Subject Property is currently zoned C2 (Commerce) District; however, the 2040 Comprehensive Plan Future Land Use designates the property as, "Business Mixed-Use":

Business Mixed-Use (B-MU)	None	The B-MU is a new land use designation and guides land for a mix of business, light industrial and supporting retail/service uses. This designation encourages redevelopment or development of commercial, office, general business and light industrial uses in coordination with supporting retail/commercial uses to encourage a more dynamic and connected experience for workers. This land use does not plan for residential uses but may include limited live-work opportunities as established through supporting official controls.

Table 1. Business Mixed-Use (B-MU) Designation Description under 2040 Comprehensive Plan.

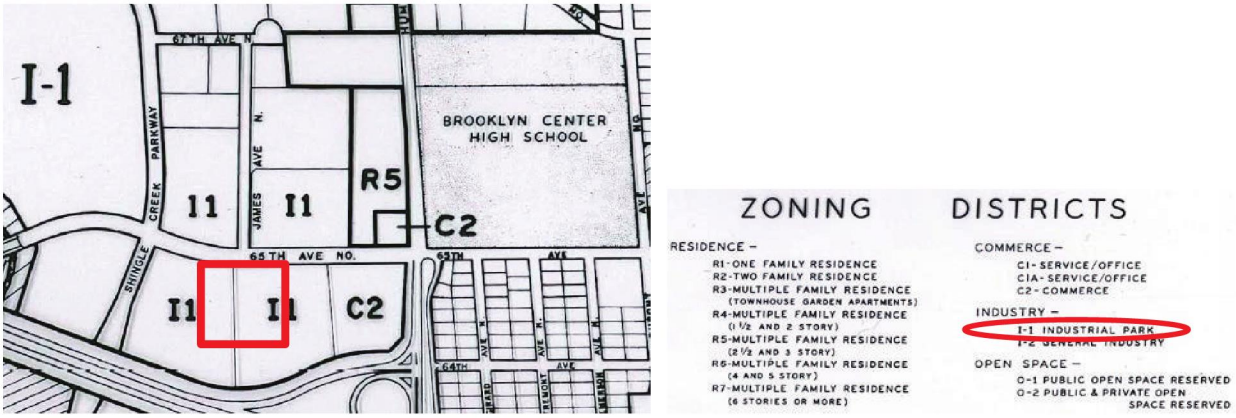


Map 1. 2040 Future Land Use Designations (Subject Property in Red).

As noted in Map 1 above, the 2040 Comprehensive Plan, which was adopted in January 2020, identifies the Subject Property and surrounding area as a "potential area of change," and the Business Mixed-Use land use designation, which is a new designation, is generally a flexible land use intended to accommodate manufacturing, warehouse, office, and other uses typically considered under the existing adjacent I1 District properties to the north, but also supporting retail and other commercial uses that would allow for a more dynamic business park area.

BACKGROUND

The existing approximately 35,462-square foot building was originally approved for and constructed in 1978 for use as the Earle Brown Bowl (bowling alley) under Planning Application Nos. 78023 and 78024 following site and building plan and Special Use Permit approvals by the City Council. The approval of Special Use Permits under these applications allowed for live entertainment and a bowling alley in an area that was previously zoned I1 (Industrial Park) District. This allowed for the Subject Property to function as a bowling alley, restaurant, and game room/recreational facility.



Map 2. 1975 City of Brooklyn Center Zoning Map—approximate location of Subject Property (Highlighted in Red).

The bowling alley and restaurant closed in April 2015 and sat vacant until 2017 when the current Property Owner purchased the property. The Property Owner subsequently brought through a request to renovate the bowling alley into an event center with ancillary restaurant and bar. City Council ultimately granted approval of the site and building plan and issued a Special Use Permit, which were contemplated under Planning Commission Application No. 2018-002 in 2018.

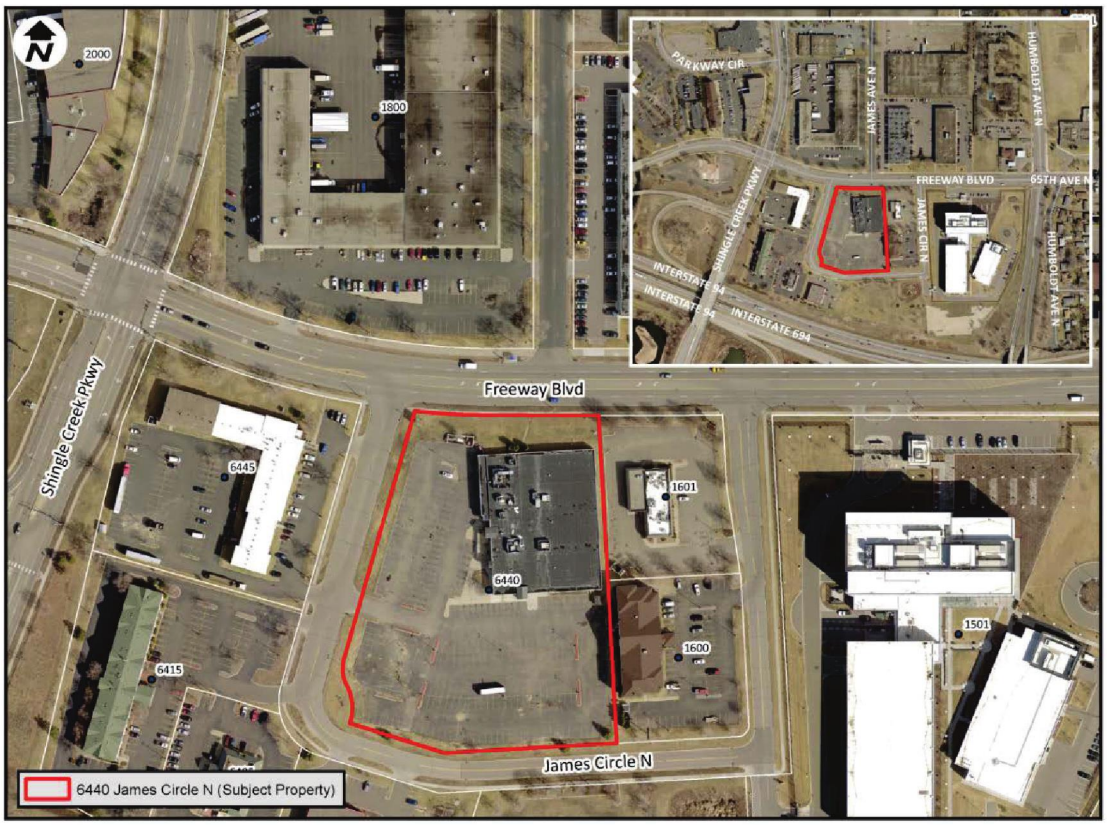
Special Use Permits require work to commence on the use within one (1) year of issuance of said permit, unless a request for extension is approved prior to expiration of the one year period. The Property Owner requested an extension under Planning Commission Application No. 2019-018; however, no work was undertaken or permits pulled to move the event center use forward and the Special Use Permit extension has since expired. It should be further noted that the building's interior was substantially cleared out a couple years ago following water damage and the building is now effectively a shell.

The Property Owner remained in contact with City staff and discussed potential redevelopment opportunities for the Subject Property as they came up. The Property Owner eventually partnered with Applicant Patrick McGlynn (McGlynn Partners LLC) and through their discussions determined that an industrial-type product might be better suited for the Subject Property. A concept review ultimately went before City Council on May 24, 2021 for the proposed approximately 64,000-square foot mixed office and light industrial building. Refer to **Exhibit C** for an excerpt of the meeting minutes.

SITE AND BUILDING PLAN REVIEW

Building

The proposal calls for the construction of a mixed office and light industrial building on the Subject Property located at 6440 James Circle North. The Subject Property is approximately 4.03-acres in size and would be in close proximity to freeway access via Interstates 94 and 694, as well as Trunk Highways 252 and 100. A civil set, containing site, utility, grading and drainage, landscaping, and photometric plans, have been provided by the Applicant and are attached as **Exhibit A**.



Map 3. Subject Property Location (Highlighted in Red).

As proposed, the existing former bowling alley building and site improvements would be razed to accommodate the new building. A demolition and removals plan was not provided as part of the submittal, but would need to be provided as part of any construction set submitted for any permit issuance.

The west elevation fronting the Super 8 (6445 James Circle North) and Travelodge (6415 James Circle North) hotels would be designated office space, while the rear portion of the building, which backs along Jambo Africa (1601 Freeway Boulevard) and the Quality Inn (1600 James Circle North), would be designated industrial/warehouse space. The architectural set provided outlines interior, floor, and exterior elevations and renderings of the new building, which would feature 28-foot clear heights and an overall 36-foot height, but does not provide a detailed breakdown of the building material composition. It appears the majority of the building would be comprised of tip up walls (precast concrete) and glazing.



Image 1. *Proposed 694 Business Center—North and West Elevations (6440 James Circle North).*

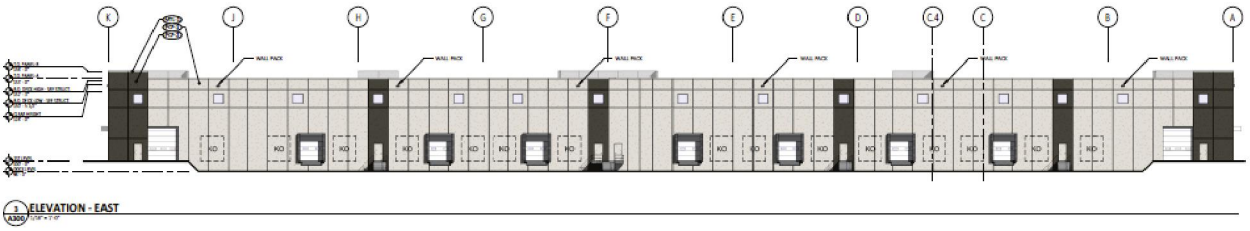


Image 2. *Proposed 694 Business Center—East Elevation (6440 James Circle North).*

The City does reference a set of design guidelines when reviewing site and building plan applications, and more so in cases where a Planned Unit Development (PUD) is to be established. These guidelines are based on the *Shingle Creek Crossing Architectural Design Guidelines*, which were approved in 2011. These guidelines strive to have *at least* 50-percent of all four sides (wall surfaces) of new buildings constructed with Class I materials, with the remaining surfaces to be constructed of Class II materials. In certain cases, buildings may be allowed to have two of its elevation faces (typically front and back faces) with at least 50% of Class I and 50% Class II; with the remaining side faces of 25% Class I and 75% Class II materials. It should be noted that this location is highly visible from not only Freeway Boulevard and James Circle North, but also Interstate 694/94.

Class I materials include: brick or acceptable brick-type material, marble; granite; other natural stone or acceptable natural looking stone; textured cement stucco; copper; porcelain, glass; architectural textured concrete pre-cast panels; and other materials including masonry units with enhanced detailing such as patterns, textures, color, dimension, banding, and brick inlay, as approved by the City Planning Commission and City Council.

Class II materials include: exposed aggregate concrete panels; burnished concrete block; integral colored split face (rock face) and exposed aggregate concrete block; cast-in-place concrete; artificial stucco (e.g., E.I.F.S., Drivit); artificial stone; fiber-reinforced cement board siding with a minimum thickness of ¼ inch; canvas or vinyl awnings; prefinished metal; and other materials not listed elsewhere, as approved by the City Planning Commission and City Council.

Following a review by City staff of the proposal, and in consideration of the request for establishment of a Planned Unit Development (PUD) and the existing adjacent uses, City staff had requested that the following alterations be made to the plan set:

- Push 4-sided architecture, with articulation and architectural consideration on all four sides;
- Additional glazing, particularly focused around entrances and the building front;
- Additional/enhanced design elements around entrances: metal canopies, architectural ornamentation attached to exterior panels;
- Fencing along rear (east) property line between loading area and adjacent properties – enhanced fencing materials such as cedar, or ornamental metal; and
- Enlarged glazing along rear of property, in the upper area over the loading bays

The Applicant updated their architectural set; however, did not address a number of the above items. The Applicant had initially submitted their application for review at the October 2021 Planning Commission meeting, but as City staff was still waiting for the outstanding architectural revisions, along with signature pages, and the payment of the application fee/escrow, the application was determined to be incomplete and a letter was sent to the Applicant, informing of this decision, on September 30, 2021.

The Applicant ultimately re-submitted their application but only addressed revisions to the north elevation of the proposed building in the revised architectural set. As part of any approval, City staff is requesting that the above items be included as conditions of approval, and particularly as the general area surrounding the Subject Property is designated under the 2040 Comprehensive Plan as "Business Mixed-Use" has been identified as an area of potential change. This area also has good visibility from adjacent roadways and Interstate 694/94, and pending any approval, would be the first major redevelopment in the area, with the exception of the FBI Regional Headquarters (2010).

As the proposed building's loading docks would face a restaurant (Jambo Africa) and hotel (Quality Inn), City staff is requesting that this area provide enhanced screening, as well as attention to detail in terms of offering additional glazing in the upper areas above the loading bays. Similarly, as the building will front multiple streets, City staff is requesting revisions to the materials and ornamentation (e.g. metal canopies) at the building corners. An example of this would be the recently approved Arbor Lakes Phase II project in Maple Grove, which provided a series of metal canopies and stonework to break up the overall flatness of the tip up panels. Endeavor Development, who has been working in conjunction with Applicant McGlynn Partners, LLC on this project is also involved with the Arbor Lakes Phase II project.

ACCESS AND PARKING

Vehicular Access

The site plan submitted identifies the addition of a new curb cut along the north end of the Subject Property and fronting Freeway Boulevard. Per City staff discussions, there was concensus that this curb cut should not be necessary given there are already two access points off Freeway Boulevard via James Avenue North. Both access points provide full access and allow quick access to I-694, 94, 100, and 252. City staff has, in general, taken an approach to minimizing additional curb cuts, both through consolidation and elimination. Given that there are already a number of curb cuts along this portion of Freeway Boulevard, the fact that neither end of James Avenue North is a controlled intersection, and discussions about the intensity of use, the proposed curb cut should not be necessary. Section 35-600 of the City's Zoning Code also specifies that berth access "shall be located as to provide convenient access to a public street or alley in a manner that will least interfere with traffic."

With the removal of the curb cut off Freeway Boulevard, the Subject Property would still provide two access points off James Circle North for those utilizing the west parking lot, and a 30-foot wide curb cut would be maintained off James Circle North along the south portion of the site for both vehicular and truck traffic.

Parking

The proposed driveway aisles would meet the minimum two-way, 90-degree drive aisle requirement of 24-feet in width, and the proposed 90-degree parking spaces along the west and east portions of the Subject Property would meet the City's minimum requirements as the site plan notes a typical width of nine (9) feet wide by 18 feet deep.

In reviewing the potential overall parking needs, and specifically, in reviewing parking for a speculative industrial development, City staff looked to other neighboring communities who have brought through similar type development—specifically, Brooklyn Park and Maple Grove. As part of the submittal, the Applicant offered the following assumptions with regard to use:

Provided # of Stalls	Square Feet of Use	Minimum Parking Language	Minimum Parking	Provided # of Stalls
Office (9.3%)	±6,000 SF	Office buildings, exclusive of those specific uses otherwise listed (20,000 SF and under): Gross Floor Area ÷ 200	**30 stalls**	40 stalls
Warehouse (90.6%)	±57,900 SF	1 space for every 2 employees based on max planned employment during any work period **OR** 1 space for each 800 square feet of Gross Floor Area—whichever requirement is greater.	*Assumption:* 1 space for each 800 SF of GFA **73 stalls**	73 stalls
Total (100%)	±63,900 SF		103 stalls	117 stalls (noted)

Table 2. Submitted Parking Requirement Breakdown (Refer to Section 35-704).

As part of the conditions for any approval, City staff is requesting that a minimum 20-percent finish level be maintained at full lease up. Assuming a minimum of 20-percent office space and 80-percent industrial/warehouse, the following would need to be provided for under typical Code requirements:

Provided # of Stalls	Square Feet of Use	Minimum Parking Language	Minimum Parking
Office (20%)	±12,780 SF	Office buildings, exclusive of those specific uses otherwise listed (20,000 SF and under): Gross Floor Area ÷ 200	**64 stalls**
Warehouse (80%)	±51,120 SF	1 space for every 2 employees based on max planned employment during any work period **OR** 1 space for each 800 square feet of Gross Floor Area—whichever requirement is greater.	*Assumption:* 1 space for each 800 SF of GFA **64 stalls**
Total (100%)	±63,900 SF		128 stalls

Table 3. Parking Requirement Breakdown –Assuming 20-Percent Office Use | 80-Percent Warehouse (Refer to Section 35-704).

With the existing City Zoning Code currently underway with a major update and all sections under review, including parking, City staff is comfortable with the proposed 117 parking stalls, as outlined in the submitted site plan. Should it be determined that additional parking is required, the Applicant would need to revise the site plan set to allocate additional parking—likely along the east portion of the building, near the proposed loading berths.

Loading Berths

A series of loading berths are provided along the east portion of the Subject Property. The City's Zoning Code requires a minimum of three (3) berths for those retail commerce, wholesale commerce, manufacturing, and warehousing uses with between 40,000 to 100,000-square feet of aggregate Gross Floor Area. These berths are to be located a minimum of 25 feet from the intersection of any two street right-of-way lines and no loading berths are to occupy any yard requirements bordering a street. As proposed, the plans meet this requirement.

Section 35-600 (*Off-Street Loading*) specifies that the first berth required not be less than 12 feet in width and 50 feet in length. Additional berths shall not be less than 12 feet in width and 25 feet in length. Per a review of the site plan, the depth requirement would be met. Although not indicated on the plan set, City staff is not concerned about the Applicant meeting the width requirement.

LIGHTING | TRASH | SCREENING

Lighting

Per the City Zoning Code, "all exterior lighting shall be provided with lenses, reflectors, or shades, so as to concentrate illumination on the property of the owner or operator of said illumination devices." Additionally, glare shall not emanate from or be visible beyond the boundaries of the illuminated premises. Section 35-712 (*Lighting*) of the City Zoning Ordinance further specifies that lighting shall not exceed ten (10) foot candles when measured at the property lines abutting the street right-of-way or

non-residentially zoned properties, or three (3) foot candles for residentially-zoned properties.

The Applicant furnished a photometric plan of the Subject Property (Sheet P-1.0), which indicates maximum foot candles on-site and along the property lines. Although the property is commercially-zoned, the Applicant should verify that the overall foot candle maximums along the Quality Inn (hotel) are three (3) foot candles or below at property line as the plans currently reflect maximums slightly above this range. This request is due to there being hotel rooms along the portion facing the proposed truck court/loading area. All lighting is proposed to be at a height of 30 feet. Per the City's Architectural Guidelines, lighting should not exceed 28 feet at entry points and the Applicant should review opportunities for pedestrian level lighting at the requested sidewalk connection between Freeway Boulevard and the west parking area.

Per the unofficial City architectural design guidelines, light poles, fixtures, and bases should maintain a consistent in color and feature dark sky-friendly or cutoff style fixtures. The Applicant should revise their plans to ensure all lighting that abuts the Quality Inn is concentrated towards the ground and provide shields if necessary to minimize light spray. The Applicant should also review opportunities to ensure lighting is concentrated along the west portion of James Avenue North, although City staff recognizes the importance of lighting for safety and security. As part of the building permit submittal, the Applicant will need to provide imagery of the proposed lighting, as well as fixture specifications.

Trash

The existing on-site trash enclosure, which is in poor condition, would be removed as part of any redevelopment. A new trash enclosure is proposed along the southeast end of the proposed building—near the loading berths. The civil plan set references the architectural set for details on the trash enclosure; however, City staff was unable to find any additional information. The Applicant will need to provide specifications as part of any approval and building permit submittal.

As City staff is not aware of the overall trash and recycling needs for the proposed building and future tenants, an updated detail sheet would be requested at time of submittal for building permits.

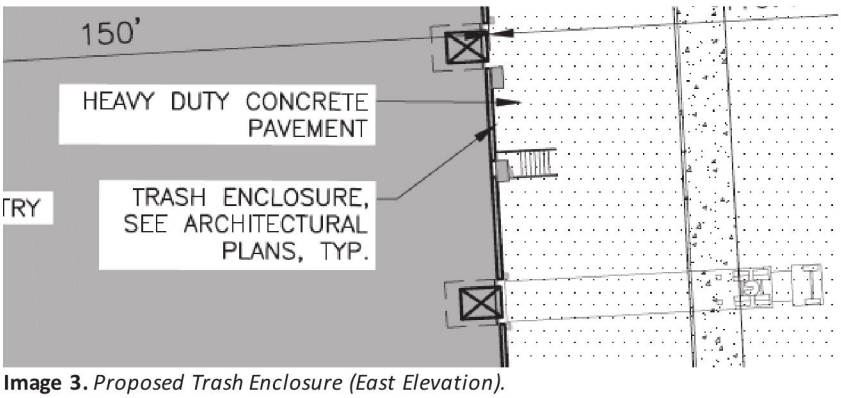


Image 3. *Proposed Trash Enclosure (East Elevation).*

Screening

Trash enclosures and any other ground mounted equipment (e.g., transformers, mechanical) shall be effectively screened from adjacent public rights-of-way and adjacent properties by a solid wall or opaque fence constructed of wood, masonry, or other durable materials that are complementary to the materials used on the primary building. Any roof-mounted equipment shall also be screened from view

through use of parapets, wall/fencing materials, or paint to match surrounding colors when visible from the public right-of-way.
As noted earlier in the report, City staff is requesting the Applicant revise their plan sets to account for fencing along the rear (east) property line, between the loading area and adjacent properties. The fencing material should be enhanced through use of a higher quality wood or ornamental metal.

LANDSCAPING

The project submittal includes a landscape plan, schedule, and details sheet. Although City Code does not have any specific requirements for landscape plantings, the City has operated under and held new and redeveloped areas to complying with the City's adopted Landscape Point System policy, which assigns points to a given site based on the acreage of a development. The Point System requires light industrial type sites to provide a specific amount or number of landscaping units, and is based on a maximum percentage of certain materials (i.e., 50% shade trees; 40% coniferous trees; 35% decorate trees, and 25% shrubs).

As the proposed mixed office/warehouse building would be located on approximately four (4) acres, the development would need to achieve a minimum of 270 points, assuming a development use category of "Light Industrial."

Planting Type	Minimum Size	Points Per Planting	Maximum Points (%)	Points Accrued
Shade Trees	2 ½" diameter	10	50% or 135 points	**135 points (MAX)** (15 trees * 10 points)
Coniferous Trees	5' height	6	40% or 108 points	**48 points** (8 trees * 6 points)
Decorative Trees	1" diameter	1.5	35% or 94.5 points	**25.5 points** (17 trees * 1.5 points)
Shrubs	12" diameter	0.5	25% or 67.5 points	**77.5 points** (155 shrubs * 0.5 points)
Total			100% = 270 points (minimum)	**286 points accrued**

Table 4. Landscape Point System Policy Breakdown for Subject Property.

The Applicant provided a landscape plan (Sheet L-1.0) that depicts the planting of deciduous, ornamental (decorative), evergreen and flowering shrubs; As summarized in Table 4 above, the Applicant will need to accrue the minimum number of points and factor for a diversity of planting types to meet the City's Landscape Point System Policy requirements. Based on a review of the planting schedule, the Applicant would meet and exceed the minimum requirements under this policy. As an added note, the Applicant intends to provide plantings that are greater than the minimum sizing/caliper required. This would assist in "establishing" the site more quickly.

The Applicant should reference the City's unofficial *Architectural Design Guidelines* regarding overall landscaping and site treatment. As part of any approval, the Subject Property will require an irrigation system to be installed and a plan to be submitted to the City.

CITY ENGINEER REVIEW

Assistant City Engineer Andrew Hogg conducted a review of the application submittal and documents. Comments regarding this application can be found in the memorandum to city staff dated November 10, 2021, and attached hereto **(Exhibit D)**. It should be noted that some of the outlined conditions may be

applicable at time of approval for future land disturbance (alteration) or building permits.

The entirety of the site (4.03 acres) would be disturbed as part of the proposal and all existing improvements on site (e.g. former Earle Brown Bowl, trash enclosure, parking areas) would be demolished and removed. A demolition and removals plan would be required as part of any approvals. As the total disturbed area is greater than one (1) acre, an NPDES (National Pollutant Discharge Elimination System) permit will be required.

The submitted grading and erosion control plan (Sheet C-3.0) indicates a proposed stormwater pond and the southwest corner of the Subject Property. A stormwater narrative was submitted to City staff as part of the application submittal. Per City staff comments, easements should be identified on the submitted utility plan, and a Utility Facilities Easement Agreement is required. The Applicant will also need to complete a Construction Management Plan and Agreement.

The installation or revision of all utility services and lines, and the finished grading of the Subject Property are to be reviewed and conducted under issuance of a separate Land Disturbance (Alteration) permit, which is reviewed and approved by City engineers, and inspected for completeness by the City Engineering and Building Official staff.

The Applicant will also need to address requests to align the northwest entrance to match the centerline of the entrance on the west side of James Circle North, remove the proposed new north curb cut along Freeway Boulevard, and provide a detailed vehicle turning and tracking movement diagram for delivery and semi-truck vehicles, garbage trucks, etc.

Unless otherwise approved by the City Engineer, the perimeters of all driving and parking areas shall be bounded by type B6-12 curb and gutter.

BUILDING OFFICIAL REVIEW

Building Official Dan Grinsteinner conducted a review of the application submittal and documents and an on-site review of the site and building and provided his initial comments in a memorandum dated November 12, 2021 **(Exhibit E)**. The Applicant will need to apply for a SAC (Sewer Access Charge) determination from the Metropolitan Council. This determination and any charges will be due upon issuance of any building permit. The building will also require installation of a fire sprinkler system, and fire access shall be provided. As this is not an all-encompassing list of requirements or a review of construction plan sets, the Applicant shall work with the Fire Inspector and Building Official to ensure all aspects of the site meet Fire Code and Building Code requirements.

SIGNAGE

Although wall signage is identified in the submitted architectural renderings, no formal requests for approval were made as part of the application submittal. Any new signage, including wall and monument signs, would require conformance with City Code requirements. Any requests beyond the allowances identified under the City's sign provisions would require that the Applicant apply for and receive approval to deviate from the outlined requirements. The Applicant will need to file a separate application with the City for any proposed signage.

Based on staff findings, staff recommends Planning Commission recommendation of the requested site and building plans for the Subject Property, located at 6440 James Circle North; subject to the

Applicant receiving approval of a rezoning and establishment for a Planned Unit Development at the Subject Property and complying with all conditions of approval.

REZONING AND ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT

Section 35-355 (*Planned Unit Development*) of the City's Zoning Code notes that upon the rezoning for a PUD, the district shall be designated by the letters "PUD" followed by the alphanumeric designation of the underlying zoning district, which may be either the prior zoning classification or a new classification. Given that the major update to the City Zoning Code is currently underway and changes to districts are anticipated in order to align with the 2040 Comprehensive Plan, the request would be to re-zone following guidance from the 2040 Comprehensive Plan future land use designations for the Subject Property. This allows for flexibility within the Zoning Code for developments which would not be allowed under the existing regulations. PUDs are often used to achieve a higher quality development, or achieve other City goals, in exchange for zoning flexibility from the City Code.

PUDs may only contain uses consistent with the City's Comprehensive Plan and the uniqueness of each PUD requires that specifications and standards for streets, utilities, public facilities, and the approval of a land subdivision may be subject to modifications from the City ordinances generally governing them—essentially the City Council may approve plans that are not in compliance with the usual specifications or ordinance requirements where it is found that such are not required in the interests of residents or the City, although plans shall comply with all watershed, state, and federal storm water, erosion control, and wetlands requirements.

In this particular case, the Applicant would be requesting flexibility from the City's existing Zoning Code to allow for lesser building setbacks—and specifically, the north and south front yard setbacks (approximately 25 feet each from property line).

As approval of any development plan for the Subject Property shall constitute a re-zoning to PUD, approvals to establish a PUD require the City Council to base its actions on the re-zoning under the following criteria:

1. Compatibility of the plan with the standards, purposes, and intent of this section (Section 35-355);
2. Consistency of the plan with the goals and policies of the Comprehensive Plan;
3. The impact of the plan on the neighborhood in which it is to be located; and
4. The adequacy of internal site organization, uses, densities, circulation, parking facilities, public facilities, recreational areas, open spaces, and buffering and landscaping.

With regard to the intended rezoning, Section 35-208 (*Rezoning Evaluation Policy and Review Guidelines*), outline that it is the City's policy that:

a. Zoning classifications must be consistent with the Comprehensive Plan; and
b. Rezoning proposals shall not constitute "spot zoning," defined as a zoning decision which discriminates in favor of a particular landowner, and does not relate to the Comprehensive Plan or to accepted planning principles.

Furthermore, requests for rezonings should be assessed against a series of guidelines outlined under the City's Zoning Code:

a. Is there a clear and public need or benefit?

b. Is the proposed zoning consistent with and compatible with surrounding land use classifications?
c. Can all permitted uses in the proposed zoning district be contemplated for development of the Subject Property?
d. Have there been substantial physical or zoning classification changes in the area since the Subject Property was zoned?
e. In the case of City-initiated rezoning proposals, is there a broad public purpose evident?
f. Will the Subject Property bear fully the ordinance development restrictions for the proposed zoning districts?
g. Is the Subject Property generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography, or location?
h. Will the rezoning result in the expansion of a zoning district, warranted by:
    1. Comprehensive Planning;
    2. The lack of developable land in the proposed zoning district; or
    3. The best interests of the community?
i. Does the proposal demonstrate merit beyond the interests of an owner or owners of an individual parcel?

As proposed, the request would be to re-zone the Subject Property from C2 (Commerce) District to Planned Unit Development/Business Mixed-Use (PUD/B-MU). The Subject Property has been zoned C2 since the late 1970s. Prior to this, the area encompassing the Subject Property was zoned I1 (Industrial Park) District. The 2040 Comprehensive Plan guides the Subject Property under a future land use designation of "Business Mixed-Use," which, as noted earlier in the report, is a new designation.

This future land use designation is generally a flexible land use intended to accommodate manufacturing, warehouse, office, and other uses typically considered under the existing adjacent I1 District properties to the north, but also supporting retail and other commercial uses that would allow for a more dynamic business park area. Residential uses, with the exception of some limited live-work opportunities, are not permitted under this land use designation.

As has been noted earlier in the report, the 2040 Comprehensive Plan identifies this property, as well as the immediate surrounding area, as an area of likely proposed changes to the uses that exist today, and City staff has long viewed this area as an area waiting to transition. The entire area located north of Freeway Boulevard is currently zoned I1 District and shares a future land use designation of "Business Mixed-Use" under the 2040 Comprehensive Plan. While there has been some redevelopment and construction of newer style industrial/office buildings in the south portion of Brooklyn Center (e.g. Caribou Headquarters), the majority of industrial buildings located in proximity to the Subject Property are of 1960s to 1980s vintage and often do not possess the clear heights desired in today's industrial market.

On November 8, 2021, Julie Kimble of KimbleCo presented her findings to City Council following a review of market demand and regional market trends affecting Brooklyn Center. Her overview noted that a typical clear height for distribution product types is often greater than 28 feet in height, whereas office/warehouse products are typically 24 feet in height or more. The clear heights for flex, research and development, and office showrooms range between 14 and 20 feet—this is what is more often seen in the City's I1 District. Although this space is still valuable, the City more often sees these spaces remaining vacant for longer periods of time. The City also fields contacts with a number of interested parties seeking non-typical industrial uses in these areas (e.g. autism centers, medical clinics, churches,

non-profits). These uses are often at odds with industrial spaces given the parking needs and requirements to retrofit buildings for their usage (e.g. additional fireproofing, panic hardware, inadequate parking).

As proposed, the clear height of the approximately 64,000-square foot building would be 28-feet, with an overall height of 36-feet. Although the clear height borders on the minimum clear heights necessary for a distribution facilities, City staff is requesting that as a condition of approval distribution facilities not be permitted except in cases where there is a manufacturing facility or a warehouse where a product is made or packaged on-site. In those situations, the distribution facility could only be accessory in nature. Pending approval, City staff is also requesting a minimum 20-percent finish level be maintained upon full lease-up. These requests are intended to address City staff concerns regarding overall truck traffic generation and the transition and overall impact of this use on the adjacent properties.

Industrial space is generally in high demand with a current market demand of 15-million square feet and a vacancy across the Twin Cities of 4.2-percent. The City often receives inquiries for industrial space that the City cannot accommodate—this is both due to the fact that the stock available in the adjacent I1 District is majority-wise of lower clear heights (under 20 feet), and the fact that the City is fairly built out. In reviewing recent approvals for industrial products in Brooklyn Park and Maple Grove, both Cities have received applications for and approved numerous speculative industrial developments.

Given the location of the Subject Property, it is understandable why this location would be of interest to an industrial user as these types of uses depend on access to freeway infrastructure. Although the Subject Property is in proximity to a number of hotels, the majority of the City's hotels are actually in proximity to industrial users and in some cases are actually zoned I1 District. The nearest residential neighborhood is located to the east—across the on/off ramps for Highway 100. The nearest multi-family residential property (Pines Apartments—located at 6511 Humboldt Avenue North) is located to the northeast, across Freeway Boulevard and behind Winner Gas Station (6501 Humboldt Avenue North).

Although the entirety of the James Circle North loop is currently zoned C2 (Commerce) District, the last development in this area was the FBI Regional Headquarters (2010). The City's EDA had previously acquired the property prior to its redevelopment and the City's EDA also owns 1601 James Circle North, which was formerly the site of a Cracker Barrel and Olive Garden restaurant. The remaining properties within this loop are three hotels (two constructed in 1980 and one in 1995), CES Imaging and print shop (constructed in 1996), and two restaurants (constructed in 1989 and 1996).

Assuming the Applicant can meet the outlined conditions of approvals, of which address usage and requests to provide enhanced architectural design and site elements to minimize impacts to adjacent permitted uses, City staff believes the proposed redevelopment could successfully bring the Subject Property back online at a higher use that will provide new business and jobs in the City.

Based on staff findings, staff recommends Planning Commission recommendation of the requested establishment of a Planned Unit Development (PUD) and rezoning of the Subject Property, located at 6440 James Circle North from C2 (Commerce) District to PUD/BM-U (Planned Unit Development/Business Mixed-Use); subject to the Applicant receiving approval of the aforementioned site and building plan and complying with all conditions of approval.

APPROVAL CONDITIONS:
Staff recommends the following conditions be attached to any positive recommendation on the approval of Application No. 2021-006 for 6440 James Circle North (Subject Property):

1. The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants or other fire-related building code items shall be reviewed and approved by the Fire Inspector.
    a. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site and Building Plan as approved by the City Council. Per City staff comment, the following shall be revised:
        i. Update the submitted civil set to remove the proposed new curb cut along Freeway Boulevard;
        ii. Provide and maintain sidewalk access from Freeway Boulevard and identify opportunities to provide pedestrian level lighting along this connection;
        iii. Provide space for installation of a bike rack/bike facilities given Subject Property proximity to the Shingle Creek Regional Trail as well as bus stops located just off-site along Freeway Boulevard;
        iv. Provide clear, internal crosswalk connections for those parking spaces indicated along the east portion of the Subject Property;
        v. Provide four-sided architecture, with articulation and architectural consideration on all four sides and in consideration of the City's Architectural Design Guidelines;
        vi. Provide additional glazing, and enhanced design elements, particularly focused around entrances and the building front, including, but not limited to: metal canopies, architectural ornamentation attached to exterior panels;
        vii. Provide enlarged glazing along rear of property, in the upper area over the loading bays; and
        viii. Install fencing along rear (east) property line between loading area and adjacent properties using enhanced materials such as cedar, ornamental metal, or other product as approved by the City.

    b. Compliance with all conditions or provisions noted in the City Engineer's Review memorandum and redlined plan set dated November 10, 2021.
    c. Compliance with all conditions or provisions noted in the City Building Official's Building Review dated November 12, 2021.
    d. The Applicant shall verify that the proposed building and site has met all City Code requirements and specifications.
    e. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit.

2. Distribution facilities are not a permitted use. For the purposes of this Planned Unit Development (PUD), a distribution facility is defined as a business that receives packages, sorts, and delivers them without product storage. Distribution as an accessory use is permitted only when it occurs from a manufacturing facility or a warehouse where a product is made or packaged on-site.

3. No outdoor storage or display of materials, equipment, or products accessory and necessary to

a principal and permitted use is permitted.

4. The Applicant shall enter into a PUD agreement with the City of Brooklyn Center. This agreement is to be reviewed and approved by the City Attorney prior to the issuance of building permits. The agreement shall further assure compliance with the development plans submitted with this application.

5. The Property Owner/Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards comprehended under this site and building plan.

6. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements and with materials complementary to the principal building, and an updated details sheet provided.
7. Provide a revised photometric plan that reduces the maximum foot candles along the east portion of the property to three (3) foot candles or below, and furnish fixture specifications and imagery of proposed light installations as part of the Building Permit submittal.

8. An irrigation system shall be installed on-site and irrigation shop drawings shall be provided to the City for review and approval prior to installation.

9. A sign permit application shall be submitted for any proposed signage as part of the development proposal. Signage is subject to the provisions of the City Code.

RECOMMENDATION

Based on the above-noted findings, Planning Staff recommends the Planning Commission recommends City Council approval of the requested site and building plan, rezoning, and establishment of a Planned Unit Development for the Subject Property located at 6440 James Circle North, and as contemplated under Planning Commission Application No. 2021-006, subject to the Applicant complying with the outlined conditions of approval.

ATTACHMENTS

Exhibit A – Submitted Application Narrative, Documents, and Plans for 6440 James Circle North, prepared by McGlynn Partners, LLC, Mohagen Hansen, and Alliant Engineering, Inc.
Exhibit B – Published Notice for 6440 James Circle North, published on November 4, 2021 in the *Brooklyn Center Sun Post*.
Exhibit C – Select City Council Work Session Meeting Minutes, dated May 24, 2021.
Exhibit D – Review Memorandum, prepared by Assistant City Engineer Andrew Hogg, dated November 10, 2021.
Exhibit E – Review Memorandum, prepared by Building Official Dan Grinsteinner, dated November 12, 2021.

Brooklyn Center Industrial

Submitted By: McGlynn Partners LLC.
September 14, 2021

Introduction

The development site is a 4.03 acre parcel located on the southeast corner of the intersection of Freeway Boulevard and James Circle North. We are proposing to construct a mixed office and light industrial building which will cover approximately 63,780 square feet. The site is bounded on the north by Freeway Boulevard, on the west and south by James Circle North, and on the east by two commercial parcels.

Comprehensive Guide Plan Designation

The site is currently a Commercial Land Use but is guided for Business Mixed-Use (B-MU) in the 2040 Comprehensive Plan. Per the 2040 Plan, B-MU is a new designation which guides land for a mixture of uses including commercial, office, general business and light industrial uses. No Land Use designation change is requested.

Zoning Classification

The property has a current zoned as Commerce (C2). A zoning change to Industrial Park (I1) is requested.

Surrounding Sites & History:

The site's previous use was as a bowling alley, Earle Brown Lanes, originally constructed in 1978 and closed in the summer of 2015. While the site was considered for redevelopment as an event center and granted a permit in 2017 and again in 2020, the site has ultimately remained vacant since 2015.

Surrounding Property Designations:

Land Use (Per 2040 Comprehensive Plan)

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

Zoning

The site is surrounded by two uses, Industrial Park (I1) and Commerce (C2)

North – Freeway Boulevard and Industrial Park (I1)

East – Commerce (C2)

South – James Circle Road and Commerce (C2)

West – James Circle Road and Commercial (C2)

Stormwater & Utilities

The site is located in the Brooklyn Center Regional Treatment credit area, thus the project will provide treatment for the 1.1 inch “first flush” rainfall event on-site. We are required to have a reduction in stormwater rates. Additionally, stormwater must be treated prior to discharge to remove 60 percent of phosphorus and 85 percent of total suspended solids. Treatment may be provided by one or more permanent sedimentation and water quality ponds or a combination of BMPs that together will meet removal requirements. We anticipate the on-site stormwater will be treated via a pond in the southwest portion of the site.

The site is currently served by existing utilities on the north side of the site. Existing utilities will be reused to the greatest extent possible.

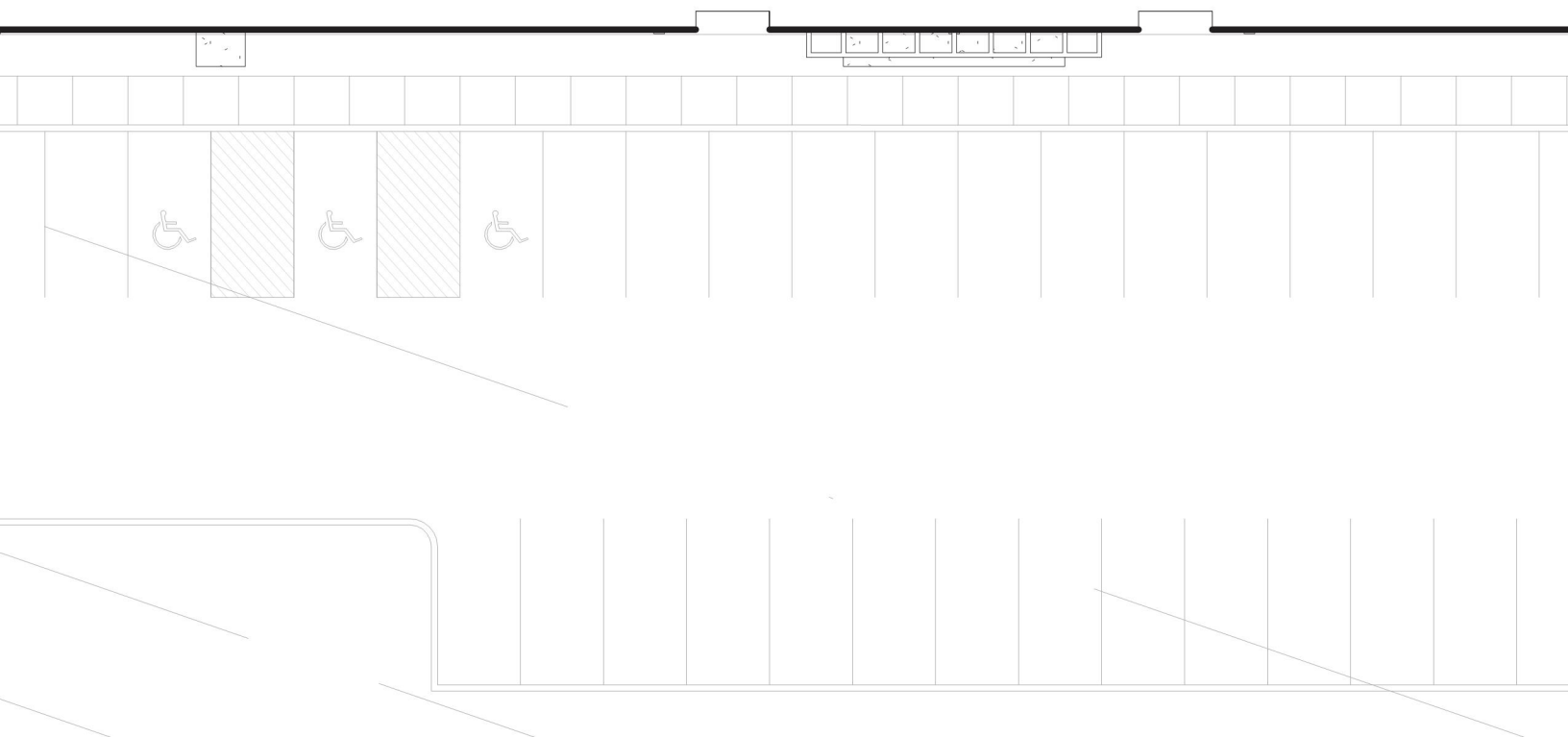
Traffic

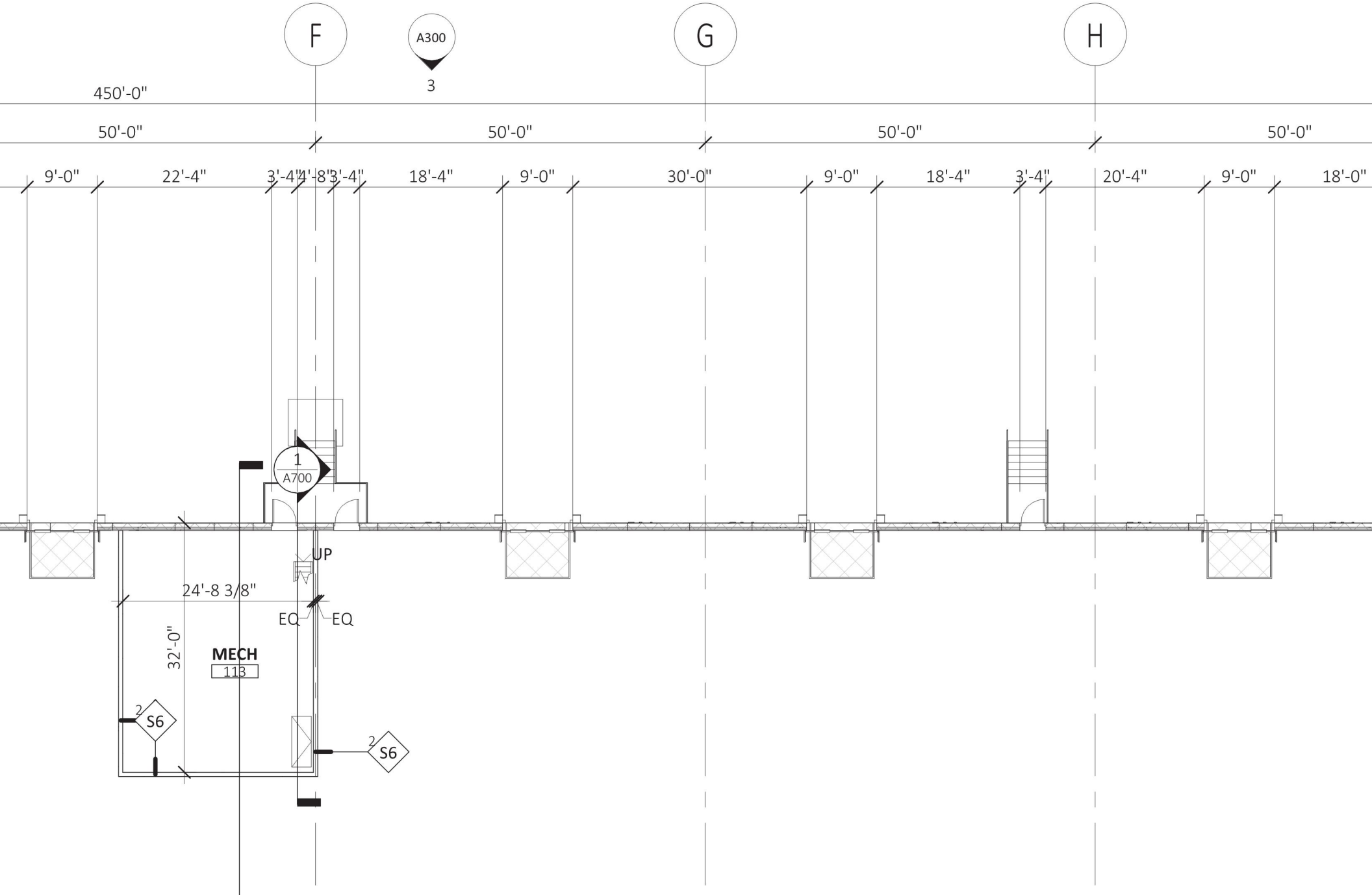
The site has two primary parking areas. The west lot will serve office users and has two access points on to James Circle North, one to the north west and one to the south. The east lot provides access to truck docks and has two access points as well. The north access from Freeway Boulevard is intended for entry only and will be signed and enforced with a “Do Not Enter” sign facing toward the lot. The second truck access, to the south of the east lot, is to James Circle North.

Conclusion

McGlynn Partners LLC seeks to revitalize a vacant underutilized site with good highway access, but which has remained vacant since 2015. The project is environmentally conscious in redeveloping a parcel currently served by existing utilities and roadway infrastructure. The proposed office and light industrial building is in keeping with the City’s vision for the area, as articulated in the 2040 Comprehensive Plan, and with a diversity of users will contribute to the vitality of the area.



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DOCK LEVEL
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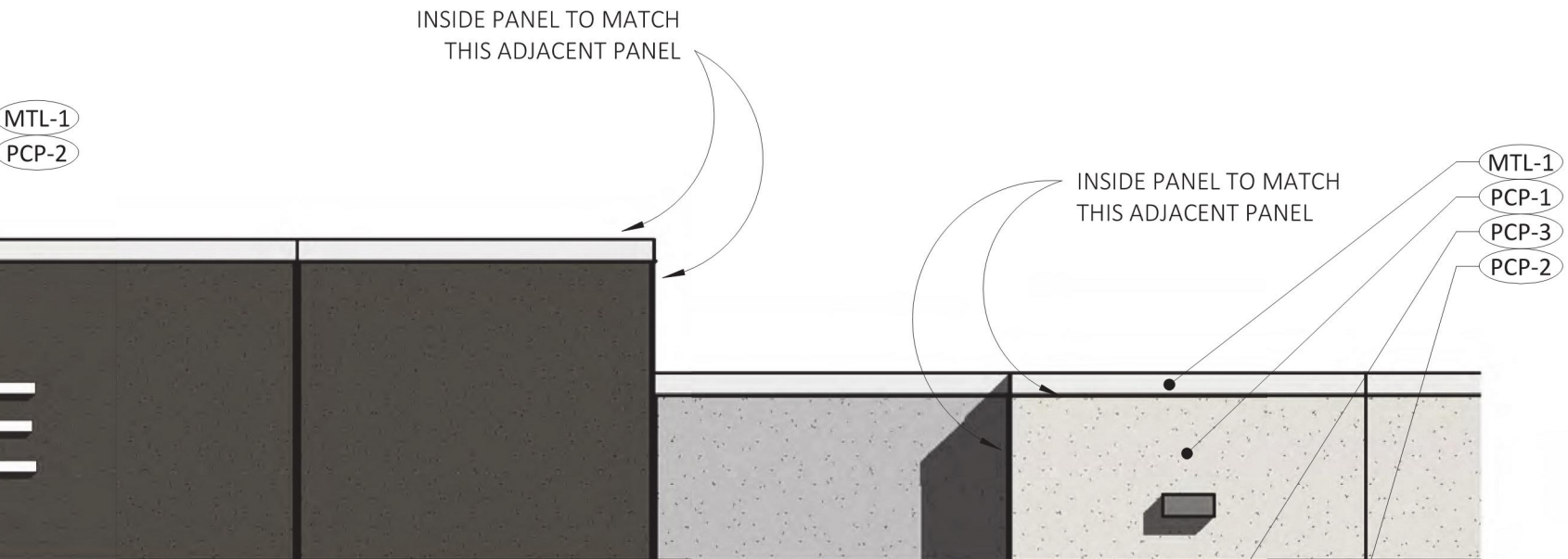
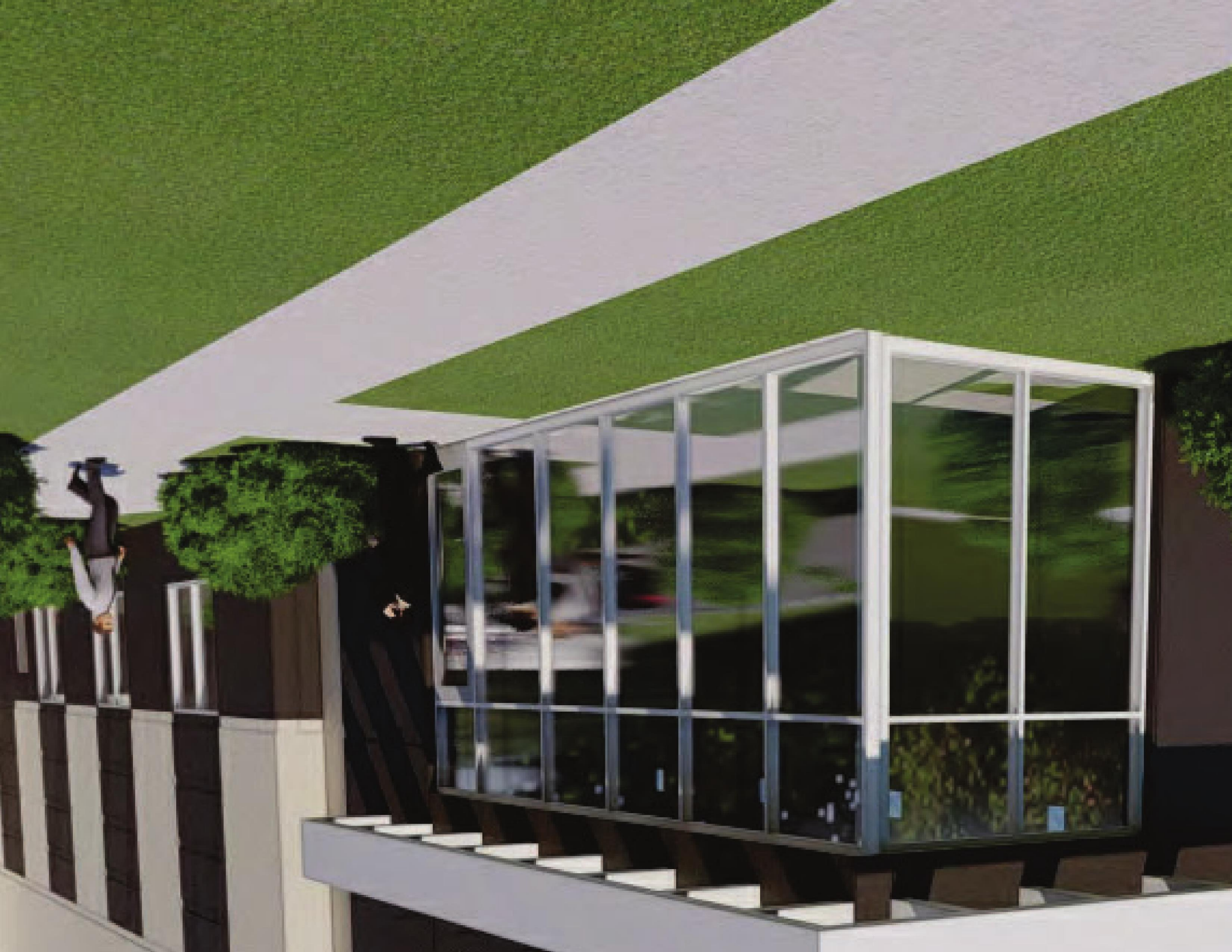
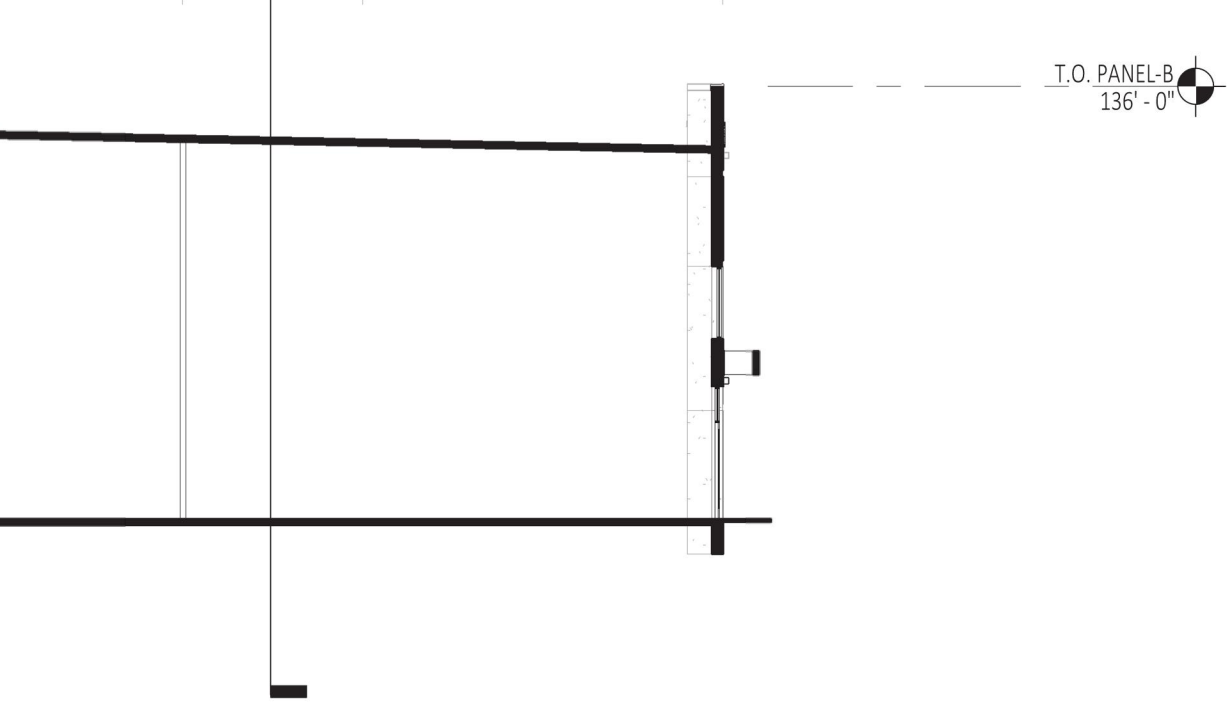
METAL SUNSHADE

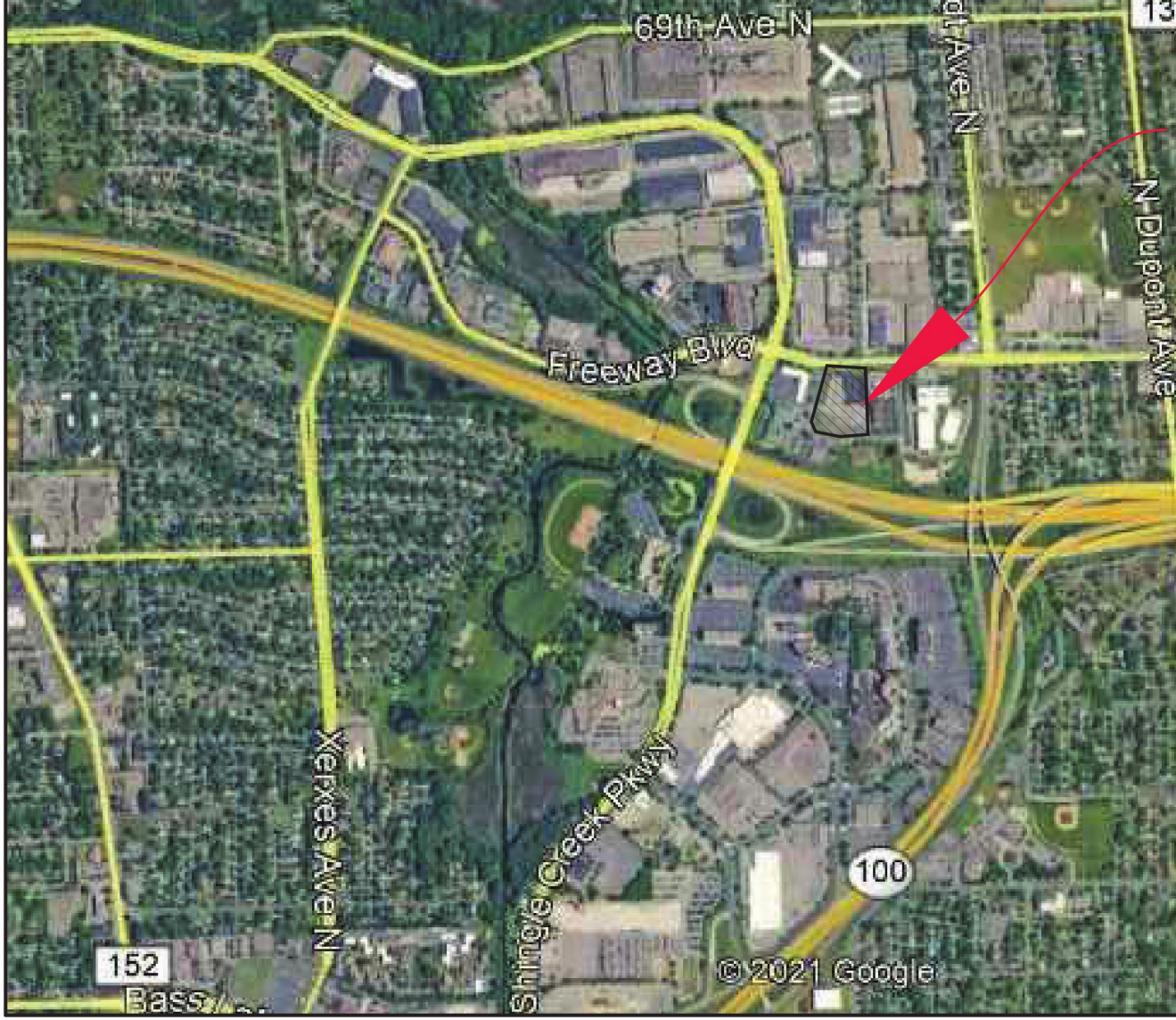
VATION - ENTRY CORNER 2





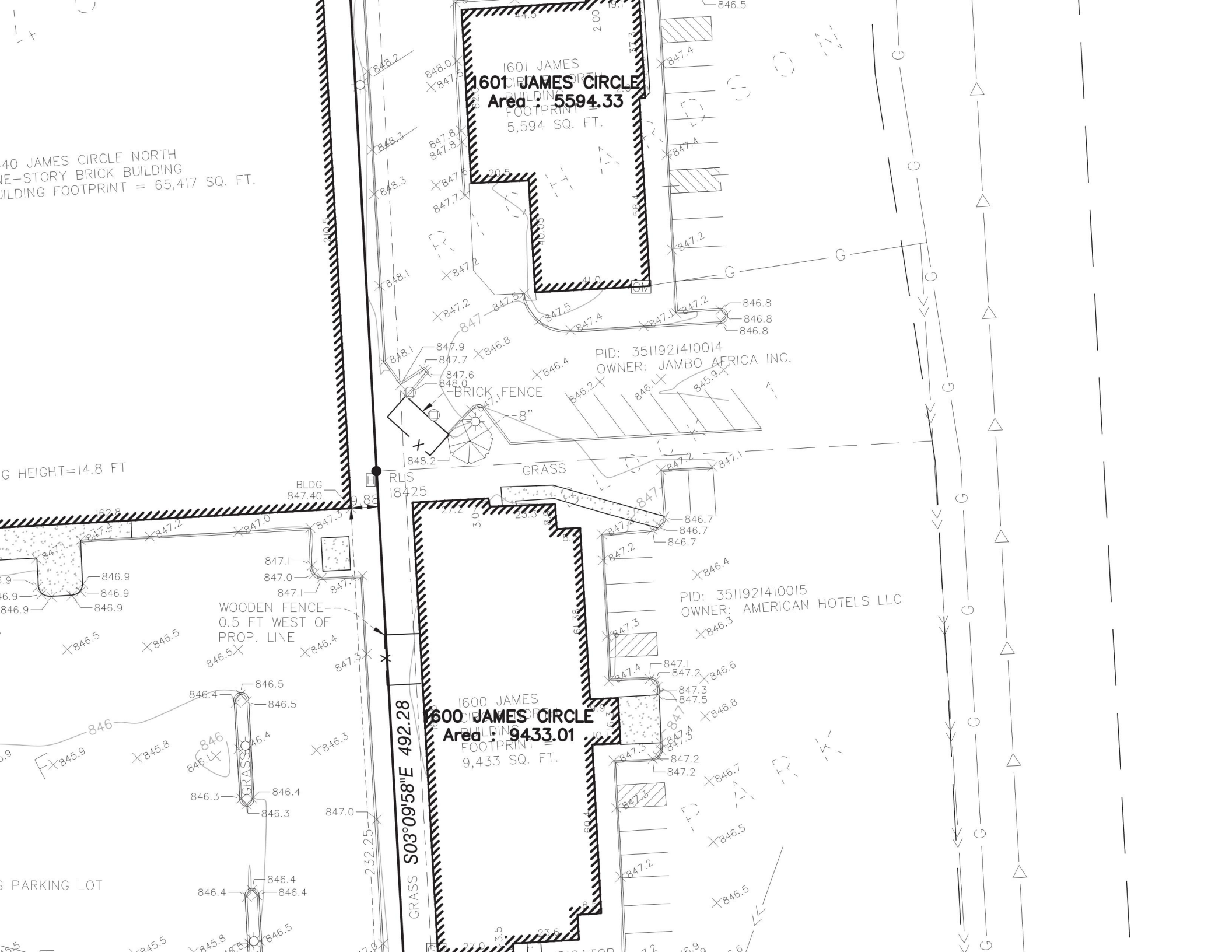



T.O. PANEL-B
136' - 0"

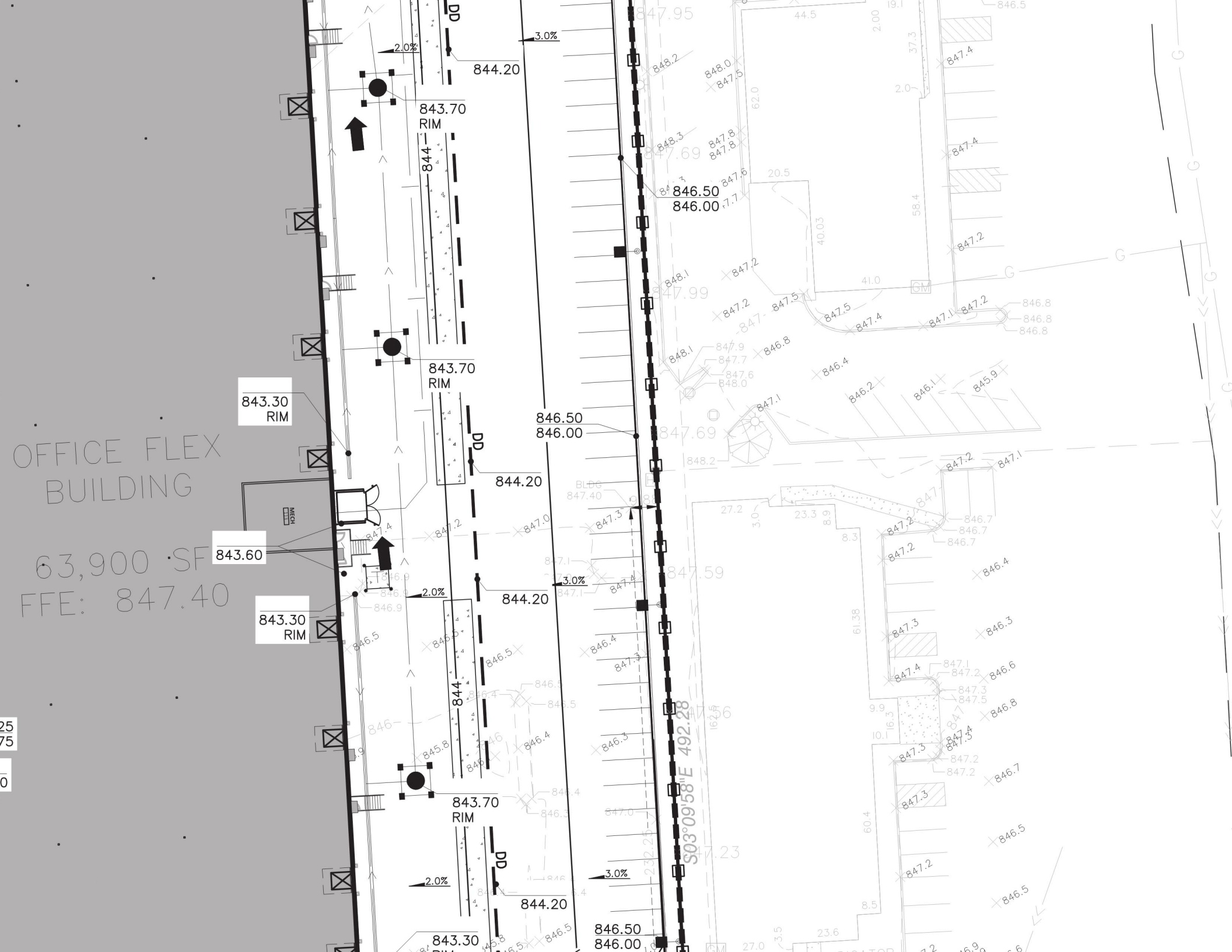


VICINITY MAP

N


1601 JAMES CIRCLE
Area : 5594.33
1601 JAMES CIRCLE NORTH
BUILDING FOOTPRINT =
5,594 SQ. FT.
1600 JAMES CIRCLE
Area : 9433.01
1600 JAMES CIRCLE NORTH
BUILDING FOOTPRINT =
9,433 SQ. FT.
640 JAMES CIRCLE NORTH
ONE-STORY BRICK BUILDING
BUILDING FOOTPRINT = 65,417 SQ. FT.
PID: 3511921410014
OWNER: JAMBO AFRICA INC.
PID: 3511921410015
OWNER: AMERICAN HOTELS LLC
BRICK FENCE
WOODEN FENCE--
0.5 FT WEST OF
PROP. LINE
GRASS
S03°09'58"E 492.28
232.25
RLS
18425
BLDG
847.40
G HEIGHT=14.8 FT
S PARKING LOT

S03°09'58"E 492.28
5' PARKING SETBACK
25' BUILDING SETBACK
18'
9' TYP.
62'
10'
450'
37'
110.4'
MECH


OFFICE FLEX
BUILDING
63,900 SF
FFE: 847.40
MECH
843.30
RIM
843.60
843.30
RIM
843.70
RIM
843.70
RIM
843.70
RIM
843.30
RIM
844.20
844.20
844.20
844.20
846.50
846.00
846.50
846.00
846.50
846.00
2.0%
3.0%
2.0%
3.0%
2.0%
3.0%
DD
844
S03°09'58"E 492.28



IMPERVIOUS SUMMARY:

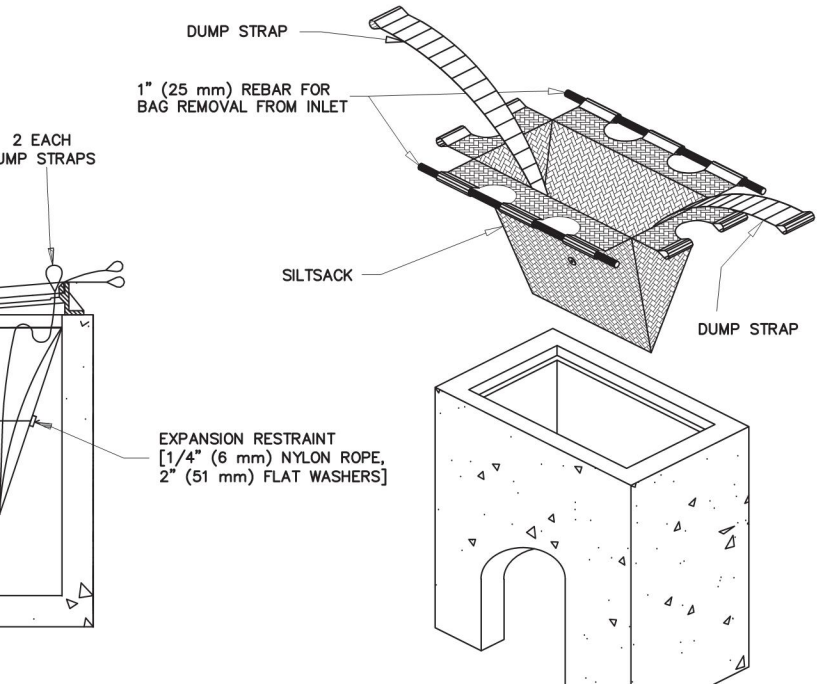
DISTURBED AREA	4.03 AC
EXISTING IMPERVIOUS	3.43 AC
PROPOSED IMPERVIOUS	3.18 AC
NET CHANGE IMPERVIOUS	−0.25 AC

SWPPP BMP QUANTITIES (APPROXIMATE):

SILT FENCE	2,040 LF
INLET PROTECTION	10 EA
ROCK CONSTRUCTION ENTRANCE	1 EA
EROSION CONTROL BLANKET	4,200 SF

SILT FENCE		
TEMPORARY MULCH COVER		
TEMPORARY HYDROMULCH		
EROSION CONTROL BLANKET		
ROCK DRIVEWAY / ROCK PADS		
INLET PROTECTION DEVICES		
PAVEMENT (DRIVEWAY/ROADS)		
SOD		
STOCKPILES		

NOTE: CONTRACTOR, C



ANY PART OF THE SITE (OR ONTO PAVED ROADS WITHIN THE SITE):

TALL A VEHICLE TRACKING BMP TO MINIMIZE THE TRACK OUT OF
RUCTION SITE. EXAMPLES OF VEHICLE TRACKING BMPS INCLUDE (BUT
PADS, MUD MATS, SLASH MULCH, CONCRETE OR STEEL WASH
TEMS.

STREET SWEEPING IF SUCH VEHICLE TRACKING BMPS ARE NOT
MENT FROM BEING TRACKED ONTO THE STREET (SEE PART IV.E.5.D.).

TEMPORARY SEDIMENTATION BASINS AS REQUIRED IN PART III.C. OF

SOIL COMPACTION AND, UNLESS INFEASIBLE, PRESERVE TOPSOIL.
NOT REQUIRED WHERE THE FUNCTION OF A SPECIFIC AREA OF THE
ACTED.

VE A 50 FOOT NATURAL BUFFER OR (IF A BUFFER IS INFEASIBLE ON
SEDIMENT CONTROLS WHEN A SURFACE WATER IS LOCATED WITHIN
TH DISTURBANCES AND STORMWATER FLOWS TO THE SURFACE
NOT REQUIRED ADJACENT TO ROAD DITCHES, JUDICIAL DITCHES,
CONVEYANCE CHANNELS, STORM DRAIN INLETS, AND SEDIMENT
E NOT REQUIRED TO ENHANCE THE QUALITY OF THE VEGETATION
UFFER OR PROVIDE VEGETATION IF NONE EXIST. HOWEVER,
NATURAL BUFFER WITH VEGETATION.

USE POLYMERS, FLOCCULANTS, OR OTHER SEDIMENTATION
PROJECT SITE, THE CONTRACTOR MUST COMPLY WITH THE
TS:

CONVENTIONAL EROSION AND SEDIMENT CONTROLS PRIOR TO
RE EFFECTIVE TREATMENT. CHEMICALS MAY ONLY BE APPLIED
R IS DIRECTED TO A SEDIMENT CONTROL SYSTEM WHICH ALLOWS
ENT OF THE FLOC PRIOR TO DISCHARGE.

ED THAT ARE APPROPRIATELY SUITED TO THE TYPES OF SOILS
NG CONSTRUCTION, AND TO THE EXPECTED TURBIDITY, PH, AND
FLOWING INTO THE CHEMICAL TREATMENT SYSTEM OR AREA.

N ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICES, AND WITH
SEDIMENT REMOVAL DESIGN SPECIFICATIONS PROVIDED BY THE
R/SUPPLIER OF THE APPLICABLE CHEMICALS.

ON:

NTS IN THE CASE WHERE THE ONSET OF WINTER DOES NOT
GRADING AND FINAL SOIL STABLIZATION IN THE FALL:
ALL BE PLANNED AND PHASED IN A MANNER TO AVOID ANY
NCE PRIOR TO WINTER SHUT DOWN.

ALL BE STABILIZED PERMANENTLY BY GRADING CONTRACTOR
NKET, ETC. IN ACCORDANCE WITH PLANS PRIOR TO
E AT WINTER SHUT DOWN.

RESPONSIBLE TO ENSURE THAT ALL TEMPORARY OR

BE SUSPENDED. THE REQUIRED INSPECTIONS AND MAINTENANCE SCHEDULE MUST BEGIN WITHIN 24 HOURS AFTER RUNOFF OCCURS AT THE SITE OR 24 HOURS PRIOR TO RESUMING CONSTRUCTION, WHICHEVER COMES FIRST. CONTRACTOR MAY REDUCE FREQUENCY UPON CITY APPROVAL

4. THE CONTRACTOR IS/ARE RESPONSIBLE FOR THE INSPECTION AND MAINTENANCE OF TEMPORARY AND PERMANENT WATER QUALITY MANAGEMENT BMPS, AS WELL AS ALL EROSION PREVENTION AND SEDIMENT CONTROL BMPS, UNTIL ANOTHER PERMITTEE HAS OBTAINED COVERAGE UNDER THIS PERMIT ACCORDING TO PART II.B.5. OR THE PROJECT HAS UNDERGONE FINAL STABILIZATION, AND AN NOT HAS BEEN SUBMITTED TO THE MPCA.

5. THE CONTRACTOR MUST INSPECT ALL EROSION PREVENTION AND SEDIMENT CONTROL BMPS AND POLLUTION PREVENTION MANAGEMENT MEASURES TO ENSURE INTEGRITY AND EFFECTIVENESS DURING ALL ROUTINE AND POST-RAINFALL EVENT INSPECTIONS. ALL NONFUNCTIONAL BMPS MUST BE REPAIRED, REPLACED, OR SUPPLEMENTED WITH FUNCTIONAL BMPS BY THE END OF THE NEXT BUSINESS DAY AFTER DISCOVERY, OR AS SOON AS FIELD CONDITIONS ALLOW ACCESS UNLESS ANOTHER TIME FRAME IS SPECIFIED BELOW. THE CONTRACTOR MUST INVESTIGATE AND COMPLY WITH THE FOLLOWING INSPECTION AND MAINTENANCE REQUIREMENTS:

   a. ALL PERIMETER CONTROL DEVICES MUST BE REPAIRED, REPLACED, OR SUPPLEMENTED WHEN THEY BECOME NONFUNCTIONAL OR THE SEDIMENT REACHES ONE-HALF (1/3) OF THE HEIGHT OF THE DEVICE. THESE REPAIRS MUST BE MADE BY THE END OF THE NEXT BUSINESS DAY AFTER DISCOVERY, OR THEREAFTER AS SOON AS FIELD CONDITIONS ALLOW ACCESS.

   b. TEMPORARY AND PERMANENT SEDIMENTATION BASINS MUST BE DRAINED AND THE SEDIMENT REMOVED WHEN THE DEPTH OF SEDIMENT COLLECTED IN THE BASIN REACHES ONE-HALF (1/2) THE STORAGE VOLUME. DRAINAGE AND REMOVAL MUST BE COMPLETED WITHIN 72 HOURS OF DISCOVERY OR AS SOON AS FIELD CONDITIONS ALLOW ACCESS (SEE PART IV.D.).

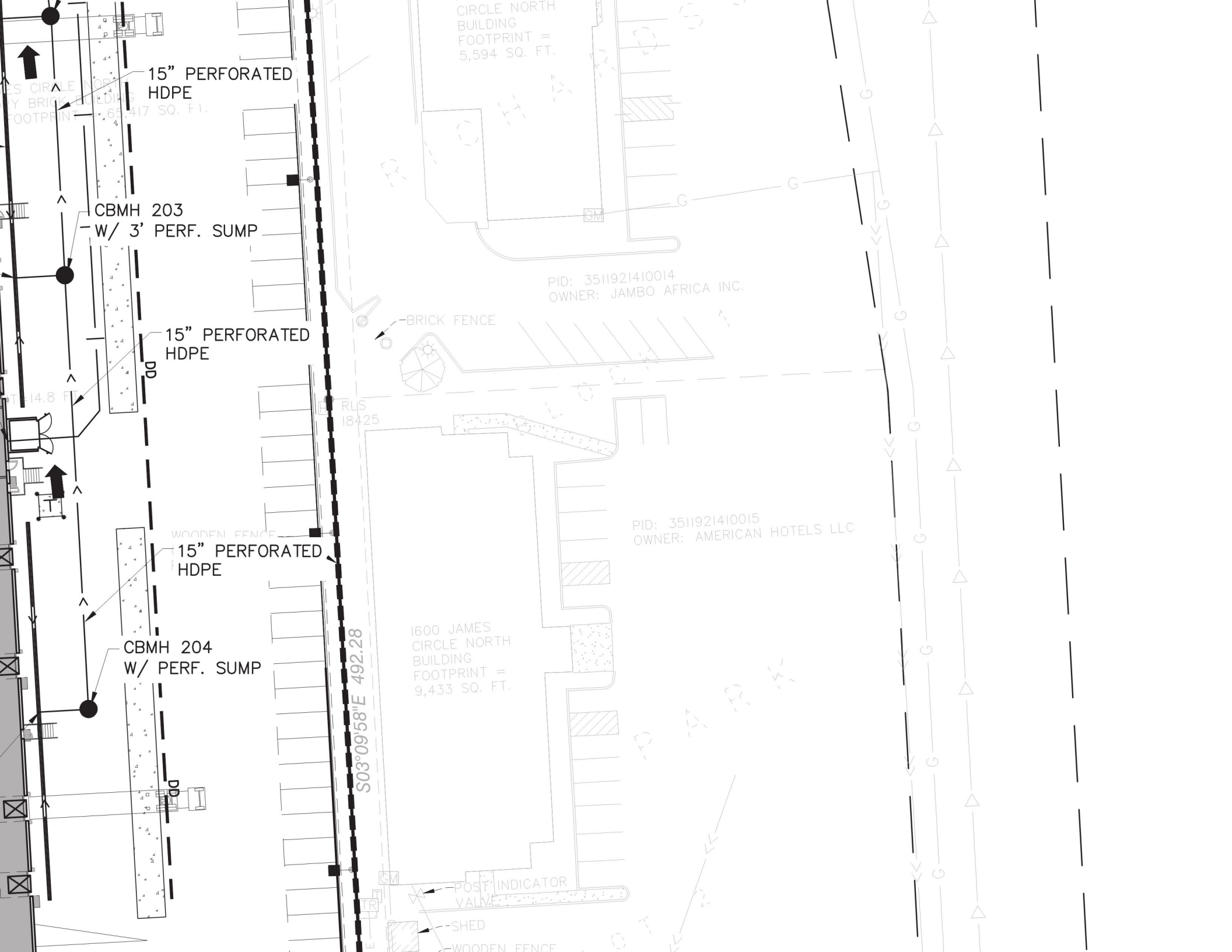
   c. SURFACE WATERS, INCLUDING DRAINAGE DITCHES AND CONVEYANCE SYSTEMS, MUST BE INSPECTED FOR EVIDENCE OF EROSION AND SEDIMENT DEPOSITION DURING EACH INSPECTION. THE CONTRACTO MUST REMOVE ALL DELTAS AND SEDIMENT DEPOSITED IN SURFACE WATERS, INCLUDING DRAINAGE WAYS, CATCH BASINS, AND OTHER DRAINAGE SYSTEMS, AND RESTABILIZE THE AREAS WHERE SEDIMENT REMOVAL RESULTS IN EXPOSED SOIL. THE REMOVAL AND STABILIZATION MUST TAKE PLACE WITHIN SEVEN (7) DAYS OF DISCOVERY UNLESS PRECLUDED BY LEGAL, REGULATORY, OR PHYSICAL ACCESS CONSTRAINTS. THE CONTRACTOR SHALL USE ALL REASONABLE EFFORTS TO OBTAIN ACCESS. IF PRECLUDED, REMOVAL AND STABILIZATION MUST TAKE PLACE WITHIN SEVEN (7 CALENDAR DAYS OF OBTAINING ACCESS. THE CONTRACTOR IS/ARE RESPONSIBLE FOR CONTACTING ALL LOCAL, REGIONAL, STATE AND FEDERAL AUTHORITIES AND RECEIVING ANY APPLICABLE PERMITS PRIOR TO CONDUCTING ANY WORK IN SURFACE WATERS.

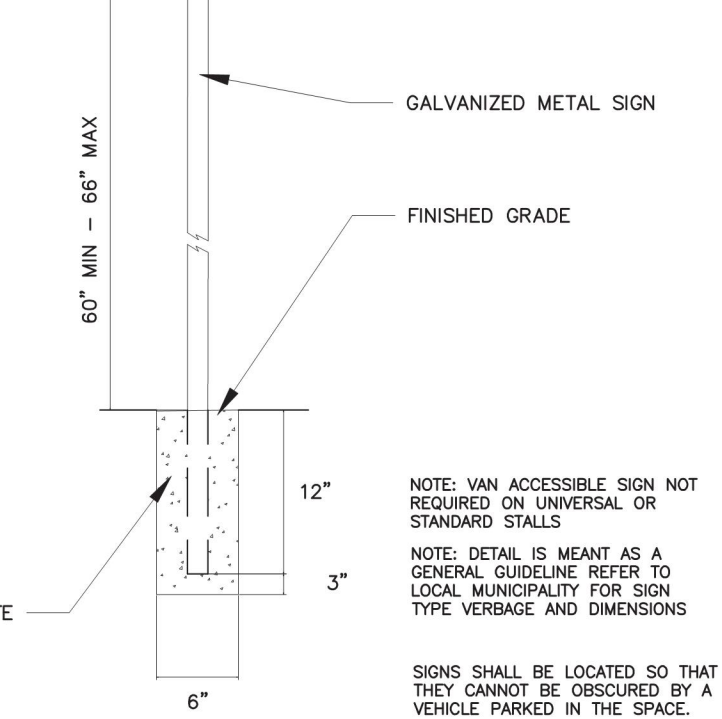
   d. CONSTRUCTION SITE VEHICLE EXIT LOCATIONS MUST BE INSPECTED FOR EVIDENCE OF OFF-SITE SEDIMENT TRACKING ONTO PAVED SURFACES. TRACKED SEDIMENT MUST BE REMOVED FROM ALL PAVED SURFACES BOTH ON AND OFF SITE IMMEDIATELY.

   e. STREETS AND OTHER AREAS ADJACENT TO THE PROJECT MUST BE INSPECTED FOR EVIDENCE OF OFF-SITE ACCUMULATIONS OF SEDIMENT. IF SEDIMENT IS PRESENT, IT MUST BE REMOVED IN A MANNER AND AT A FREQUENCY SUFFICIENT TO MINIMIZE OFF-SITE IMPACTS (E.G., FUGITIVE SEDIMEN IN STREETS COULD BE WASHED INTO STORM SEWERS BY THE NEXT RAIN AND/OR POSE A SAFETY HAZARD TO USERS OF PUBLIC STREETS).

6. ALL INFILTRATION AREAS MUST BE INSPECTED TO ENSURE THAT NO SEDIMENT FROM ONGOING CONSTRUCTION ACTIVITY IS REACHING THE INFILTRATION AREA. ALL INFILTRATION AREAS MUST BE INSPECTED TO ENSURE THAT EQUIPMENT IS NOT BEING DRIVEN ACROSS THE INFILTRATION AREA.

CONSTRUCTION SEQUENCE


15" PERFORATED HDPE
CBMH 203 W/ 3' PERF. SUMP
15" PERFORATED HDPE
15" PERFORATED HDPE
CBMH 204 W/ PERF. SUMP
DD
DD
S03°09'58"E 492.28
1600 JAMES CIRCLE NORTH BUILDING FOOTPRINT = 9,433 SQ. FT.
1600 JAMES CIRCLE NORTH BUILDING FOOTPRINT = 5,594 SQ. FT.
PID: 3511921410014
OWNER: JAMBO AFRICA INC.
PID: 3511921410015
OWNER: AMERICAN HOTELS LLC
BRICK FENCE
WOODEN FENCE
POST INDICATOR VALVE
SHED
GM
G



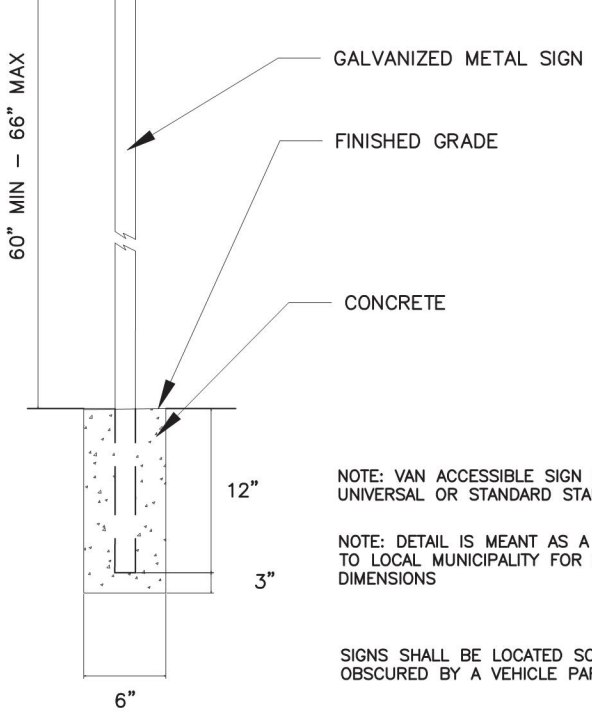
NOTE: VAN ACCESSIBLE SIGN NOT REQUIRED ON UNIVERSAL OR STANDARD STALLS

NOTE: DETAIL IS MEANT AS A GENERAL GUIDELINE REFER TO LOCAL MUNICIPALITY FOR SIGN TYPE VERBAGE AND DIMENSIONS

SIGNS SHALL BE LOCATED SO THAT THEY CANNOT BE OBSCURED BY A VEHICLE PARKED IN THE SPACE.

ACCESSIBLE PARKING SIGN

NO SCALE



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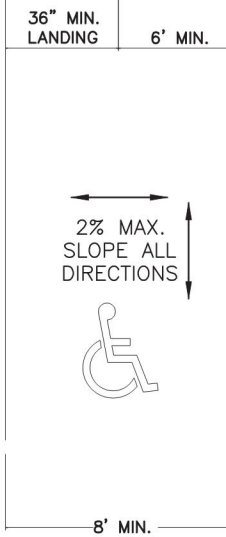
SIGNS SHALL BE LOCATED SO THAT THEY CANNOT BE OBSCURED BY A VEHICLE PARKED IN THE SPACE.

11 NO PARKING SIGN AND COMPACT PARKING SIGN MOUNTING

NO SCALE



NOTE:
DETECTABLE WARNING SURF
ARE NOT TO BE INSTALLED
RAMPS AND ARE NOT REQU
DEVELOPMENTS, PER 2010
ACCESSIBLE DESIGN.

12 ACCESS

G LIDS
ORM SEWER"

CONE
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EEL

D BY
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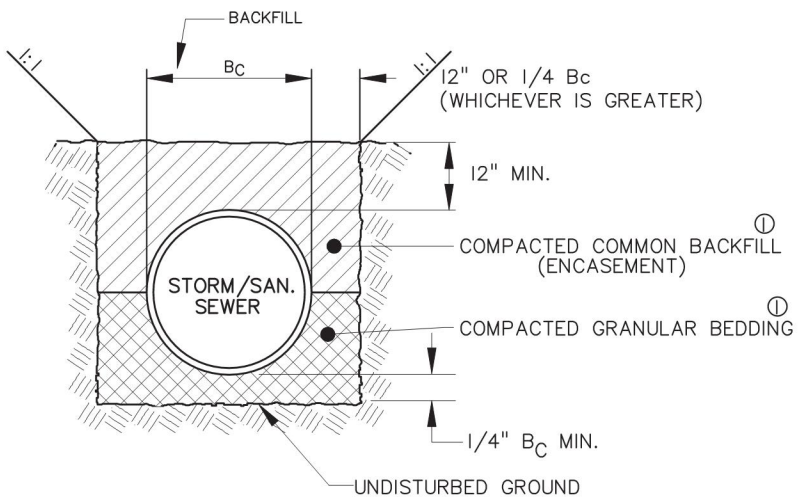
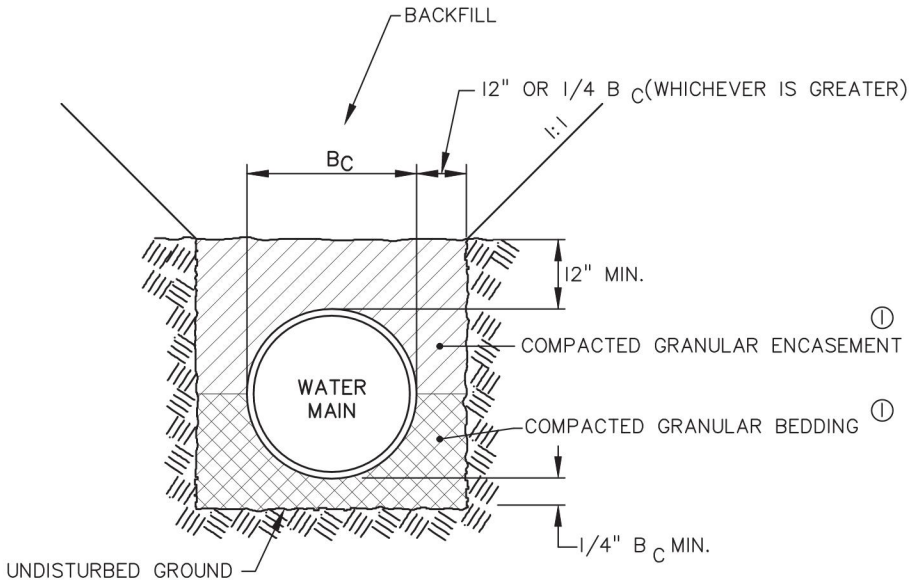
RE 27"
HE
ANHOLE

OF
CK OR
UNITS



① GRANULAR BEDDING AND BACKFILL MATERIALS SHALL BE APPROVED BY THEN ENGINEER PRIOR



- SLOPE SHALL BE BETWEEN
UM IN THE DIRECTION SHOWN
NOT EXCEED 2.0%.

- SLOPE SHALL BE GREATER
0% IN THE DIRECTION SHOWN
EXCEED 2.0%.

' X 5' MIN. PREFERRED) DIMENSIONS AND MAX
S. LANDING SHALL BE FULL WIDTH OF INCOMING PARS.

AN CURB RAMP DETAILS

AN 5-297.250	1 OF 6

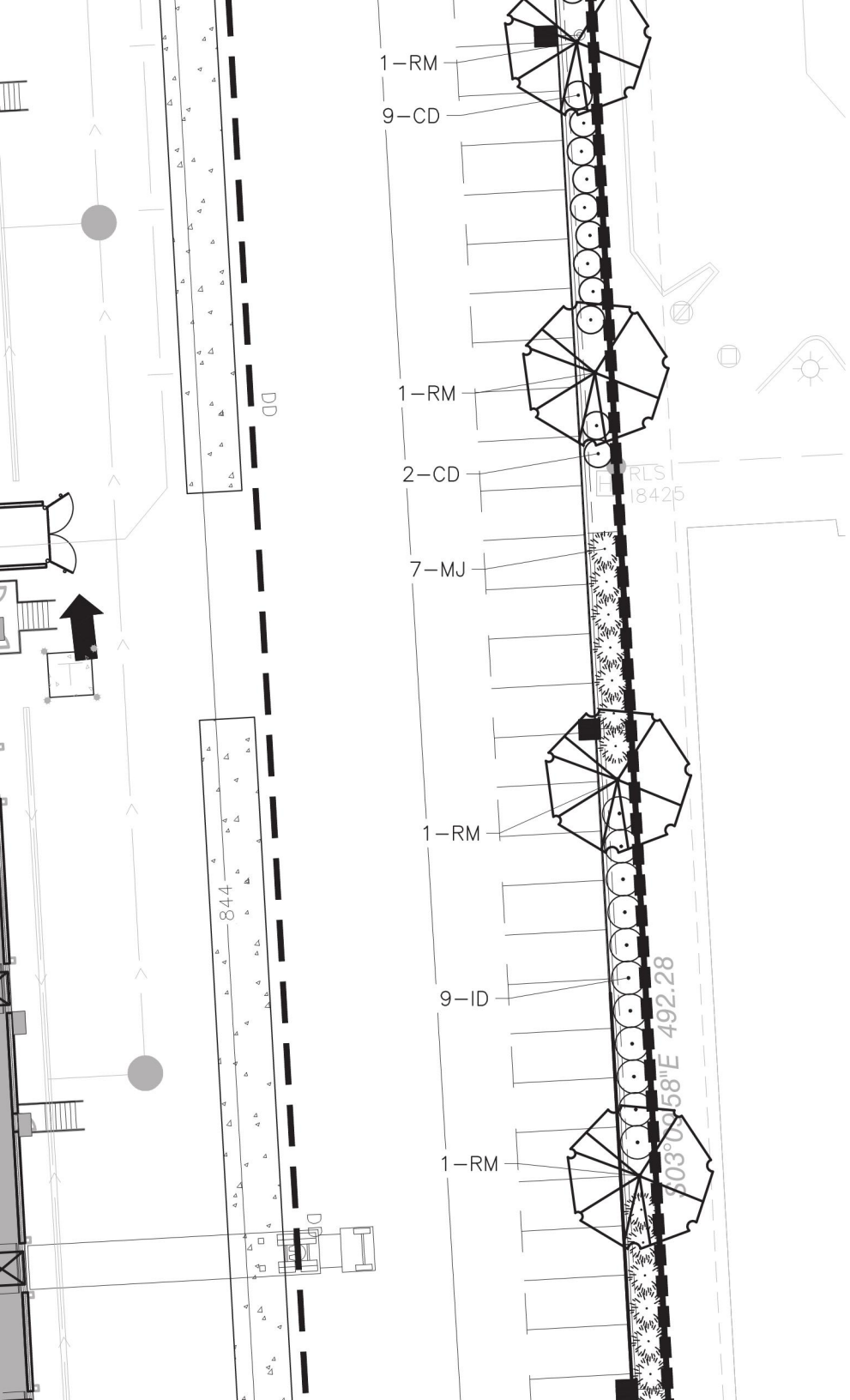
3
C-6.1

TREE PROTECTION FENCE

NOT TO SCALE

ZONES. DESIGN TO INCLUDE DRIP IRRIGATION IN SHRUB AREAS ADJACENT TO BUI
SHALL NOT COME IN CONTACT WITH BUILDING AND SIDEWALKS. THE IRRIGATION
RAIN/FREEZE SENSOR SHUTOFF. USE RAINBIRD OR APPROVED EQUAL COORDINA
WORK OF OTHER SECTIONS.

16. CONTRACTOR IS RESPONSIBLE FOR CONTACTING THE CITY FOR A LANDSCAPE INS
OF ALL PLANTINGS.



SEEDING NOTES

DRY SWALE POND MIX: MN STATE SEED MIX 33–262 (DRY SWALE / POND). SEEDING RA
LBS/ACRE (PURE LIVE SEED).

WET PRAIRIE MIX: SHOOTING STAR MIX 34–262 (WET PRAIRIE MIX). SEEDING RATE TO BE
(PURE LIVE SEED).

APPLY SEED PER THE FOLLOWING: MULCH SEEDED AREAS WITH Mn/DOT EROSION CONTR
3 WITHIN 48 HOURS OF SEEDING. MULCH SHOULD THEN BE DISC ANCHORED TO KEEP I
AWAY.

SEEDING SHALL BE APPLIED FROM APRIL 1 – JUNE 30 OR NOV. 1 – FREEZE UP. IF H
APPROXIMATELY 500 GALLONS OF WATER PER ACRE. REFER TO MN/DOT SPEC 3884 FOR
INSTALLATION OF HYDRO–SEED. ALL NATIVE SEEDS USED ON THIS PROJECT SHALL BE CE
MINNESOTA ORIGIN BY THE MINNESOTA CROP IMPROVEMENT ASSOCIATION (MCIA). SITE TO
LOOSENING TOPSOIL TO A MINIMUM DEPTH OF 3 INCHES. THE SITE TO BE HARROWED OR
SEEDING, AND THEN PACKED USING A CULTI–PACKER OR EQUIVALENT. SEE MNDOT SEEDI
REFERENCE.

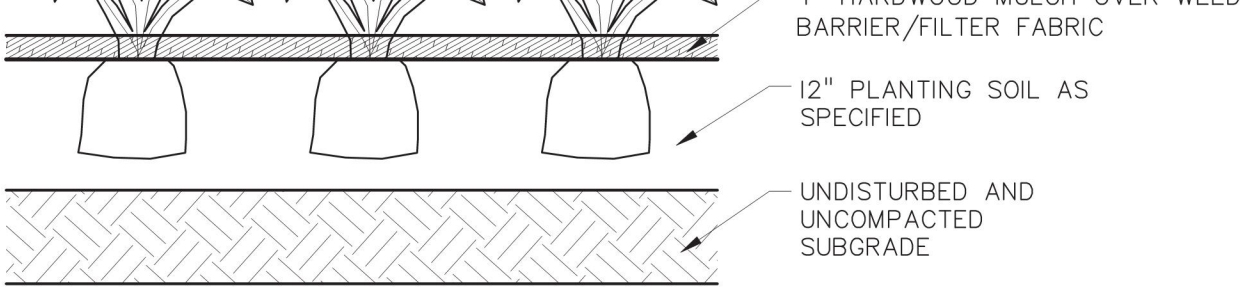
MAINTAIN SEEDED AREAS BY WATERING, REMULCHING AND REPLANTING AS NECESSARY TO
UNIFORMLY DENSE STAND OF THE SPECIFIED GRASSES UNTIL ACCEPTED. ANY AREAS FAIL
STAND SHALL BE RESEEDED, REFERTILIZED AND REMULCHED (UNLESS OTHERWISE SPECIFI
VEGETATIVE COVER IS NOT ACHIEVED. RESEEDING SHALL CONFORM IN ALL RESPECTS TO
THE CONTRACTOR SHALL REPAIR ANY DAMAGE TO THE WORK AREAS RESULTING FROM ER
EQUIPMENT. THE CONTRACTOR SHALL REPAIR DAMAGE, INCLUDING REGRADING, RESEEDIN
NECESSARY, BEFORE SIGNIFICANT DAMAGE OCCURS.

REFER TO MN STATE SEED MIX MANUAL. REFER TO O&M DOCUMENT FOR FURTHER DETAI
INSPECTION AND MAINTENANCE PRACTICES.

4" DEPTH WOOD MULCH OVER LANDSCAPE FABRIC

PLANTING SOIL, SEE PLANTING NOTES

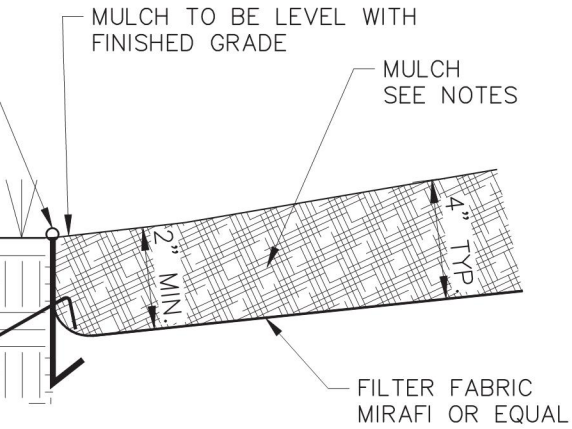
DRAINAGE MOUND



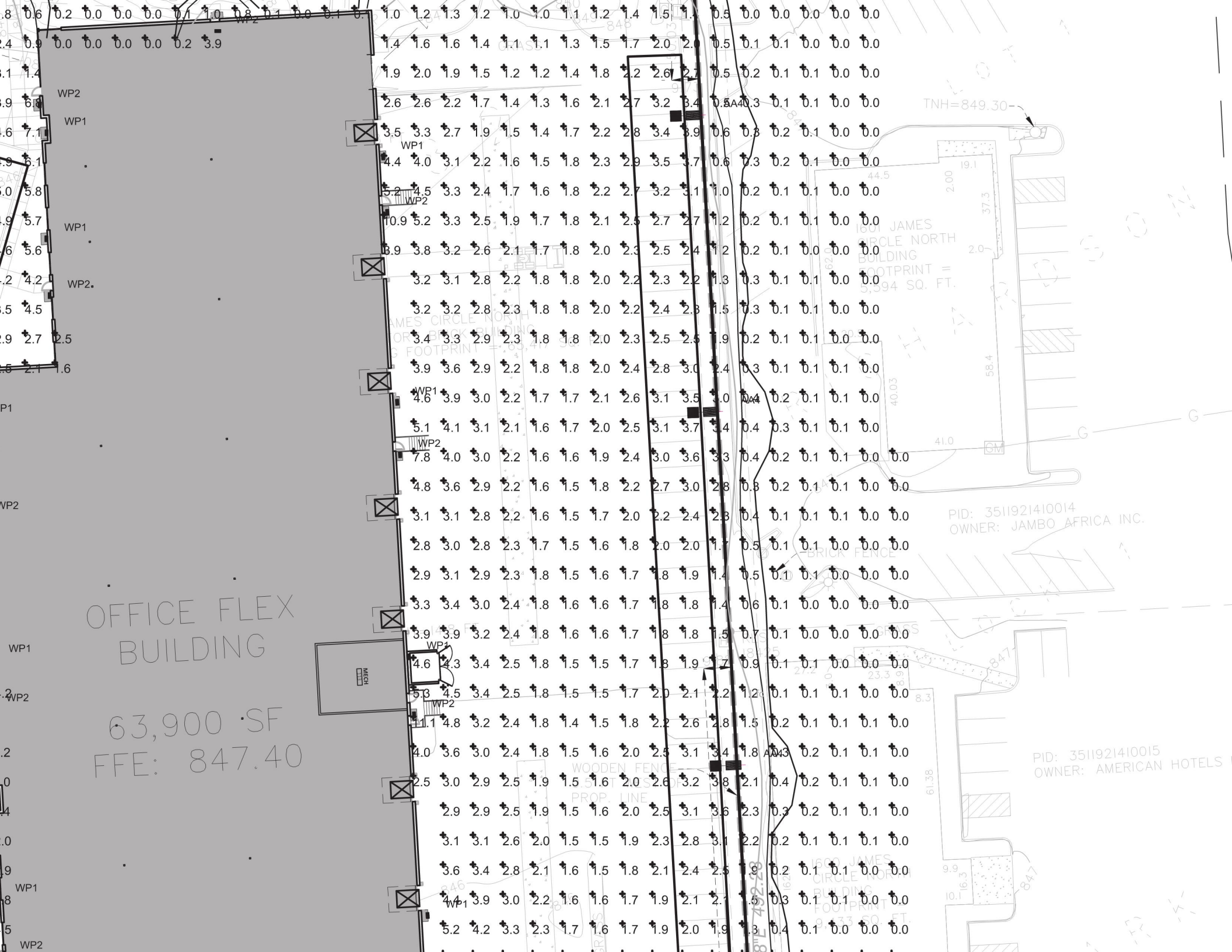
NG DETAIL

3 PERENNIAL PLANTINGS

NOT TO SCALE



T SOD DETAIL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63,900 SF
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5,594 SQ. FT.
PID: 3511921410014
OWNER: JAMBO AFRICA INC.
PID: 3511921410015
OWNER: AMERICAN HOTELS
BRICK FENCE
WOODEN FENCE
PROP. LINE
MECH
WP1
WP2

Exhibit B

CITY OF BROOKLYN CENTER NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Planning Commission of the City of Brooklyn Center will hold a public hearing on **Thursday, November 18, 2021**, at approximately 7:00 p.m. via WebEx. To join the meeting https://logis.webex.com/logis/j.php?MTID=mb20c808eecce583fd1703eb3f6cc0357 or you can join by dialing 1-312-535-8110; Meeting ID: 24556926416#; Passcode: BCPC11182021#. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: https://www.ci.brooklyn-center.mn.us/. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST:
Site and Building Plan, Establishment of a Planned Unit Development (PUD), and Re-zoning

APPLICANT/PROPERTY OWNER:
McGlynn Partners LLC / ODAA Center LLC

PROPERTY ADDRESS:
6440 James Circle North, Brooklyn Center, MN 55430

PROPERTY ID:
35-119-21-41-0008

BRIEF STATEMENT OF CONTENTS OF PETITION:
The Applicant is requesting review and consideration of a proposal to re-develop the former Earle Brown Bowl property, located at 6440 James Circle North, to an approximately 63,780-square foot mixed office and light industrial building with related site improvements on an approximately 4.03 acre site. The City's 2040 Comprehensive Plan guides the Subject Property as "Business Mixed-Use."

Public comment can be submitted to gmcintosh@ci.brooklyn-center.mn.us or by phone at (763) 569-3319 up until 4:30 p.m. on November 18, 2021. Your comments will be included in the record and addressed as part of the meeting.

Respectfully,
Ginny McIntosh
City Planner/Zoning Administrator

Published in the
Sun Post
November 4, 2021
1179552

The City Council consensus was reached to start the City Council retreat on June 26, 2021, at 8:30 a.m. or 9 a.m.

INFRASTRUCTURE FRAMEWORK FOR THE OPPORTUNITY SITE DISCUSSION

Dr. Edwards introduced the item and stated this item relates to the Opportunity Site infrastructure, sewer, and streets that can be moved forward. He asked if the City Council is available to meet on June 14, 2021, at 5 o'clock to provide information and move forward with this item. He noted this item has been delayed several times and is now time-sensitive in the context of all of the other items related to the Opportunity Site.

Mayor Elliott polled the Council Members on availability on June 14, 2021. Councilmember Ryan stated he is available at 5 p.m. for a briefing on the Opportunity Site before the regular June 14, 2021, City Council meeting. Councilmember Lawrence-Anderson stated she is also available. Councilmember Butler stated she will not be available to attend the June 14, 2021 meetings.

Mayor Elliott asked whether it is known if Councilmember Graves is available at 5 p.m. Dr. Edwards stated he does not know at this time and can update the City Council once her schedule is confirmed.

Mayor Elliott stated in his view, it is a meeting that all or a majority of the City Council should be present and asked staff to follow up with Councilmember Graves. Dr. Edwards suggested if Councilmember Graves is not available at 5 p.m., he present potential dates that would not be the same night as a regular Council meeting.

The City Council agreed with the suggestion of Dr. Edwards.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

CONCEPT DEVELOPMENT PROPOSAL FOR 6440 JAMES CIRCLE

Acting City Manager Reggie Edwards introduced the item and invited Ms. Beekman to present the staff report.

Community Development Director Meg Beekman displayed a PowerPoint presentation and stated this is a concept proposal for a 694 business center on the property at 6441 James Circle, the former Earle Brown bowling site that has been vacant for some time. She stated the interior of the building has been largely demolished and removed and the shell of the building remains with the rest of the site being vacant.

Ms. Beekman stated this review is an opportunity for the City Council to ask questions and offer comments on a specific concept proposal before it comes as a formal land use application to the Planning Commission and City Council. The City Council could indicate if they are open to this concept and staff encourages questions by the developer and Council Members but this is a non-binding conversation. The City Council is not being asked to take formal action but, rather,

provide feedback and give direction to staff and the developer as they continue to work on the project.

Ms. Beekman displayed a map of the subject 4-acre site, noting it is zoned C2 and guided for Business Mixed Use, which is a new land use designation created in the 2040 Comprehensive Plan to identify a base for what has historically been considered a light industrial district with broader land uses to create a business center-type of the environment to accommodate manufacturing, warehouse, and distribution, office, as well as hotels, restaurants, and other types of services that businesses within a business center might rely on or want to have. Residential is not a permitted use within the Business Mixed Use district but generally is a flexible land use otherwise.

Ms. Beekman stated this site was acquired by Toushouta Tupra in 2017 and subsequently has gone through a Special Use Permit (SUP) approval process to allow for an event center. That SUP was renewed in 2019 but to date, that use has not come forward due to challenges with financing and identifying the right use for this property. The proposal is to demolish the existing structure and construct a 64,000 sq. ft. flex office light industrial building. She displayed an exterior building elevation, noting generally it would be thought these uses are conducive to office space, manufacturing, distribution, and warehousing. A similar development would be the Caribou headquarters that has a wide variety of flexible uses.

Ms. Beekman stated the stormwater, parking, and truck circulation would be contained on-site without shared stormwater and parking as had been proposed previously. This project would be developed speculatively with tenants identified after approval and construction commenced. While the tenants are not known at this time, we can surmise what they might be based on market demands and what is being built in other communities.

Ms. Beekman displayed a site plan, noting the 50-foot front setback from James Circle and 25-foot rear and side setbacks. The Zoning Code requires front yard setbacks on all sides fronting on major roadways. But in this case, to make the site work, one of the flexibilities would be around allowing lesser setbacks at the rear and side. It would also require a rezoning to PUD Business Mixed Use. The parking shows 80 stalls. She explained the parking demand is difficult to calculate as the parking requirement is based on use and we don't yet know the tenant mix. Also, over time, tenants can change. Ms. Beekman explained how staff calculated the parking requirement at 122 stalls, meaning that as proposed there would be a parking deficiency. One of the factors playing into this is the need to understand what the land uses will be and a parking study would be required to understand that. She stated this may include some land-use obstructions as part of the development agreement. She noted the City's current parking restrictions were established in the 1960s and are currently under review as part of the Zoning Code update.

Ms. Beekman stated about financing, the developer has indicated an initial project gap of $1.4 million so Ehlers has been asked to review that documentation. Ehlers indicated they don't feel a 26-year TIF district would be supported by the project. The City knows the funds generated by a TIF district can only be applied to TIF eligible expenditures so the City needs to better understand what those eligible expenditures are to understand how the amount of TIF generated will pair with what might be eligible for costs. As part of a public subsidy application request, the amount of the subsidy has to be warranted in addition to those costs for eligible uses. The public subsidy

application will need to be fully analyzed and Ehlers will identify a recommendation regarding that. TIF will need to be found warranted by the City Council and then the City's public subsidy policy would apply.

Ms. Beekman explained that based on tonight's discussion, the developer can proceed with a formal review process. In this case, it would be a Planning Case application for a PUD, rezoning, and a site and building plan review. These applications will go through the Planning Commission for the official public hearing and recommendation to the City Council. If a public subsidy is pursued, it would go through a formal review by the City's financial consultants to identify the warrants and pair those with eligible costs to assure there is a need for TIF and the subsequent use is appropriate. Any application for TIF would receive a formal review by both the City Council and EDA and require a public hearing.

Ms. Beekman stated the discussion this evening is for City Council questions or comments directly related to the proposed concept including land use and site layout and if the City Council is open to TIF if found to be warranted in this case. She noted this site has been vacant for several years and struggled to find the best use. She stated the developer is available to make a further presentation and answer questions of the City Council.

Mayor Elliott stated he would like to wait to see what the Planning Commission comes back with.

Councilmember Ryan stated when we consider the range and types of commercial development, retail is pretty much dead and we don't see demand for office, but in conversations, he has had with the Development Director, speculative light industrial buildings are attracting interest in a lot of places. He stated he would be favorably disposed to the concept and should it go forward, then the City Council and EDA may have a conversation about what types of restrictions should be placed in the zoning to ensure certain undesirable uses don't go into the property. He stated he is open to TIF if it is determined to be warranted.

Mayor Elliott stated on the retail sector, his thoughts are that retail for part of the market may be experiencing retraction but it depends on the part of the market you are talking about. He asked who we are building retail for, noting as an example, retail-like the Somali mall is bursting at the seams and they need more space. He stated it depends who you are building retail for as it could be dead or very much alive. Mayor Elliott stated he is interested in seeing what they come back with in terms of the financial package or the uses might be. Generally speaking, he thinks the City Council should look away from speculative markets in some cases and be more intentional in terms of the vision the City is building out for Brooklyn Center and how to go about building and specifically identifying the needs of the community.

Patrick McGlynn, the developer, stated he is a multi-family developer that Mr. Tupra has brought on board to help develop this site he purchased three years ago. Mr. McGlynn stated he advised Mr. Tupra that doing an office-type or retail-type building in this market was probably not a great idea. They decided the industrial market was growing at an incredible rate, there is quite a demand for that product demand, and they have already fielded several calls from interested tenants for this project type. He stated they are looking forward to getting something new and fresh on a site

that has been underutilized, poorly maintained, and carries a connotation that the City of Brooklyn Center no longer wants to see, and neither do they.

Mr. McGlynn stated they are excited to create some jobs for the City and deal with some of the environmental impacts of new construction. They have already applied for some programs with Xcel Energy and Center Point Energy to do their green building initiative and solar programs. They are working closely together to design the industrial building of the future that will be a transition into what new construction becomes. He stated he greatly appreciates the City Council taking the time to fit them into their agenda, noting the City Council has more pressing matters. He offered to answer questions of the City Council.

Councilmember Ryan asked Mr. McGlynn to elaborate on his comment that retail and conventional office is probably not a good idea right now. He noted one concern of the City Council is how much market-rate development the City needs to have both in terms of relieving homestead property taxpayers so there is a tax base and financial wherewithal to do other types of development. He also asked Mr. McGlynn if he has experience with building this type of green building.

Mr. McGlynn stated he has never done an industrial building but his partner, Josh Budish with Endeavor Development, spent the last number of years with Duke Realty, a nationally run company that focuses entirely on industrial property in the Midwest market. Mr. Boodish spearheaded their Minneapolis market so they have partnered with him on this project since he has intimate knowledge of what tenants are looking for, type of demand, aspects of construction that are important to tenants, and what brings businesses to certain areas. Mr. McGlynn stated the location of this site is very positive for industrial as it is easy to access, close to major highways, and feeds the demand for that type of product. He stated he does not think retail is necessarily dead and there is a need for well-placed retail.

Councilmember Ryan stated Mr. McGlynn had mentioned that Brooklyn Center, in his opinion, is over retailed during a discussion on a different project. He noted some people may be put off by the term 'speculative industrial' but in this market, it would be far more speculative to build retail unless it is extremely well placed and well-positioned, such as in Edina in a higher-income area. And to say nothing of the office where the trend is more people working from home. He stated when constructing an industrial building that does not have committed tenants is where the term 'speculative industrial' comes from but considering this is a growing segment of the real estate redevelopment market, he thinks it is probably a better bet than the other two options.

Mr. McGlynn stated if you look at speculative buildings proposed and under construction now, 90% of the time before those buildings are completed, they are fully leased and committed. He explained they call it 'speculative' to leave it open to multiple users to then tailor it to their specific needs, whether a larger office component and smaller manufacturing component or a larger manufacturing component and a smaller office component. That is where the term comes from. He stated they intend that this building will be fully committed before they even start construction since they have already had an interest in this location before they even have government approvals or architectural drawings completed.

ADJOURNMENT

Mayor Elliott adjourned the Study Session at 6:48 p.m.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss. Certification of Minutes
CITY OF BROOKLYN CENTER)

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. That attached hereto is a full, true, and complete transcript of the minutes of a Study Session of the City Council of the City of Brooklyn Center held on May 24, 2021.

2. That said meeting was held pursuant to due call and notice thereof and was duly held at Brooklyn Center City Hall.

3. That the City Council adopted said minutes at its June 14, 2021, Regular Session.

City Clerk

Mayor

M E M O R A N D U M

DATE: November 10, 2021

TO: Ginny McIntosh, City Planner/Zoning Administrator

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Preliminary Site Plan – Crest Phase II

Public Works staff reviewed the following documents submitted for review for the proposed Crest Phase II:

- Preliminary Plans dated August 8, 2021

Subject to final staff Site Plan approval, the referenced plans must be revised in accordance with the following comments/revisions and approved prior to issuance of Land Alteration permit.

C1.0 – Existing Conditions

1. Provide demo and removals plan.
2. Protect existing sidewalk and utilities along Freeway Boulevard.

C2.0 – Grading Plan

3. Align NW entrance to match centerline of entrance on west side of James Circle N.
4. Shift SE to allow for truck/trailer parking on ramp.
5. Remove North entrance on to Freeway Boulevard.
6. Provide detailed vehicle turning and tracking movement diagrams for delivery vehicles, garbage trucks, bus, etc. demonstrating specific and actual routes.
7. Meet zoning code green space requirements.

C3.0 – Grading Plan

8. Review parking lot flooding in 100-yr event.
9. Clean up text and provide additional elevation.

C5.0, – Utility Plan & Stormwater Details

10. Provide easements as noted on utility plan.
11. Utility Facilities Easement Agreement is required.

C6.0, 6.1 – Detail Sheets

12. All work performed and materials used for construction of public utilities must conform to the City standard specifications and details. The City's standard details must be included in the plan.
13. Update to use current City plates.

Miscellaneous

14. See redlines for additional Site Plan comments.
15. Provide irrigation plan.

16. Upon project completion the applicant must submit an as-built survey of the property, improvements and utility service lines and structures; and provide certified record drawings of all project plan sheets depicting any associated private and/or public improvements, revisions and adjustments prior to issuance of the certificate of occupancy. The as-built survey must also verify that all property corners have been established and are in place at the completion of the project as determined and directed by the City Engineer.
17. Inspection for the private site improvements must be performed by the developer's design/project engineer. Upon project completion, the design/project engineer must formally certify through a letter that the project was built in conformance with the approved plans and under the design/project engineer's immediate and direct supervision. The engineer must be certified in the State of Minnesota and must certify all required as-built drawings (which are separate from the as-built survey).
18. The total disturbed area exceeds one acre, an NPDES permit is required. The total disturbed area is less than five acres; the City of Brooklyn Center will review the plans per the Shingle Creek Watershed Commission rules. Applicant must meet requirements from the watershed's rules review.
19. Applicant must apply for a Land Disturbance permit.

Prior to Issuance of a Land Alteration

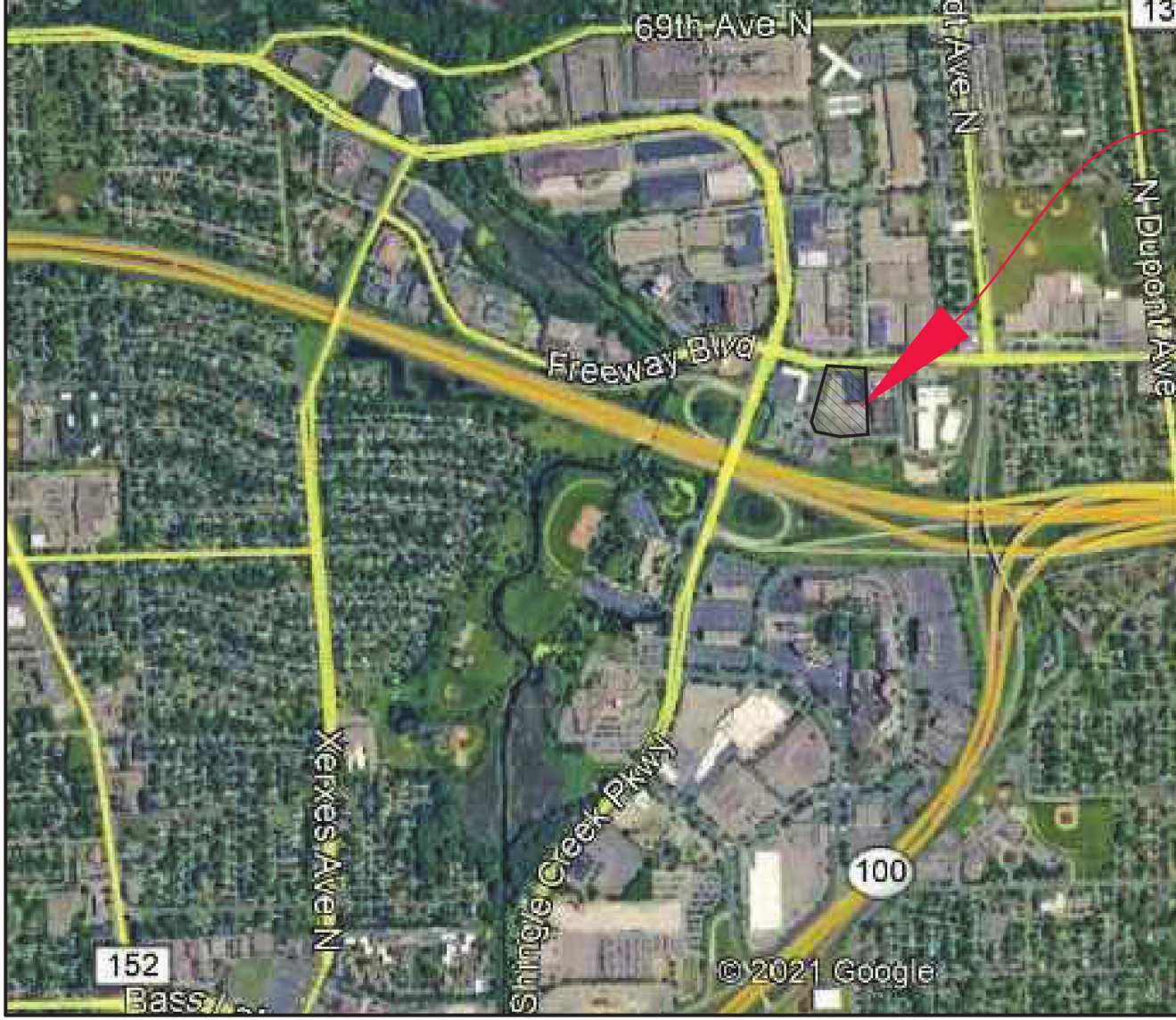
20. Final construction/demolition plans and specifications need to be received and approved by the City Engineer in form and format as determined by the City. The final plan must comply with the approved preliminary plan and/or as amended, as required by the City Engineer.
21. A letter of credit or a cash escrow in the amount of 100 percent of the estimated cost as determined by City staff shall be deposited with the City.
22. During construction of the site improvements and until the permanent turf and plantings are established, the developer will be required to reimburse the City for the administration and engineering inspection efforts. Please submit a deposit of $2,500 that the City can draw upon on a monthly basis.
23. A Construction Management Plan and Agreement is required that addresses general construction activities and management provisions, traffic control provisions, emergency management provisions, storm water pollution prevention plan provisions, tree protection provisions, general public welfare and safety provisions, definition of responsibility provisions, temporary parking provisions, overall site condition provisions and non-compliance provisions. A separate $2,500 deposit will be required as part of the non-compliance provision.

Anticipated Permitting

24. A City Land Disturbance permit is required.
25. Watershed plan review is required.
26. A MPCA NPDES permit is required.
27. Other permits not listed may be required and is the responsibility of the developer to obtain and warrant.
28. Copies of all required permits must be provided to the City prior to issuance of applicable building and land disturbance permits.

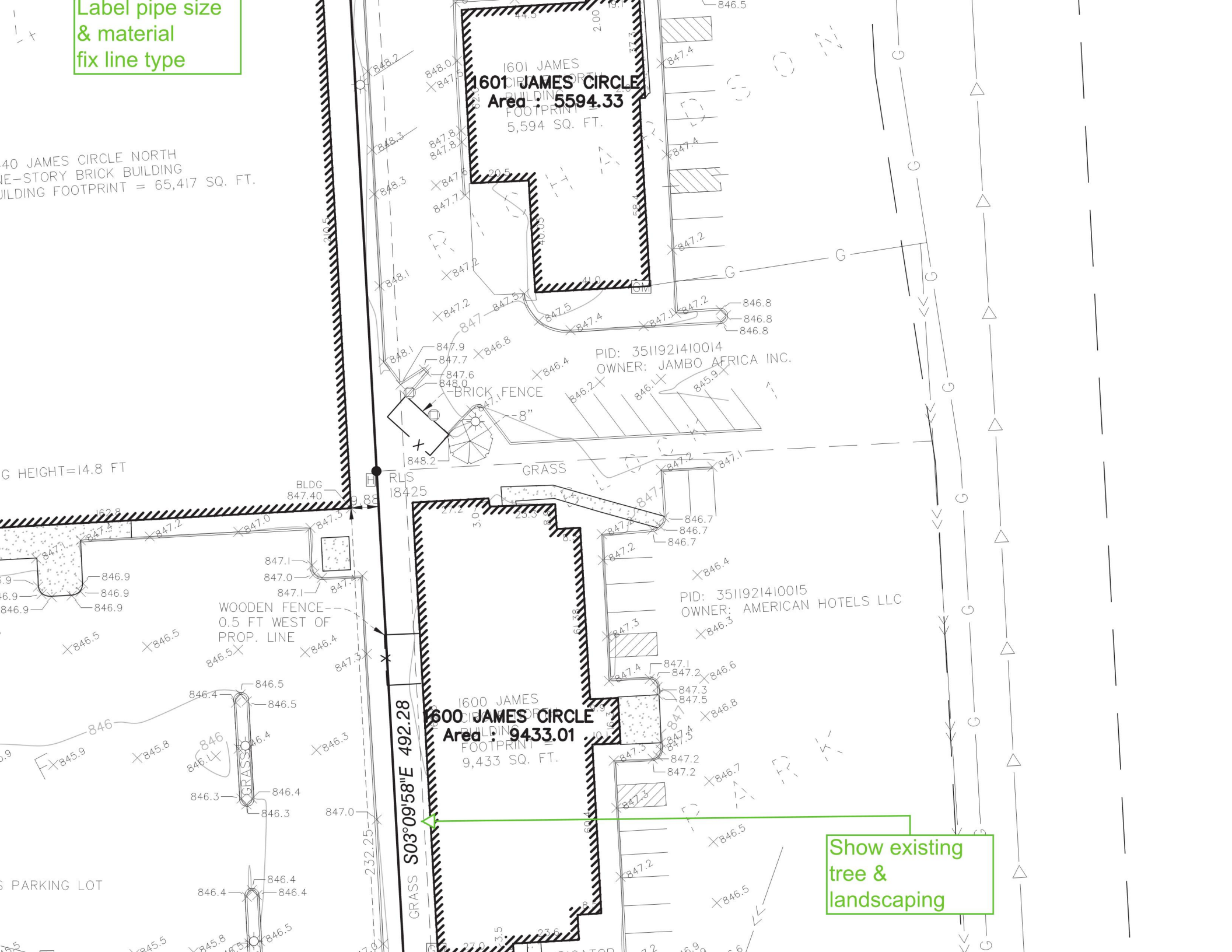
29. A preconstruction conference must be scheduled and held with City staff and other entities designated by the City.

The aforementioned comments are provided based on the information submitted by the applicant at the time of this review. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City.

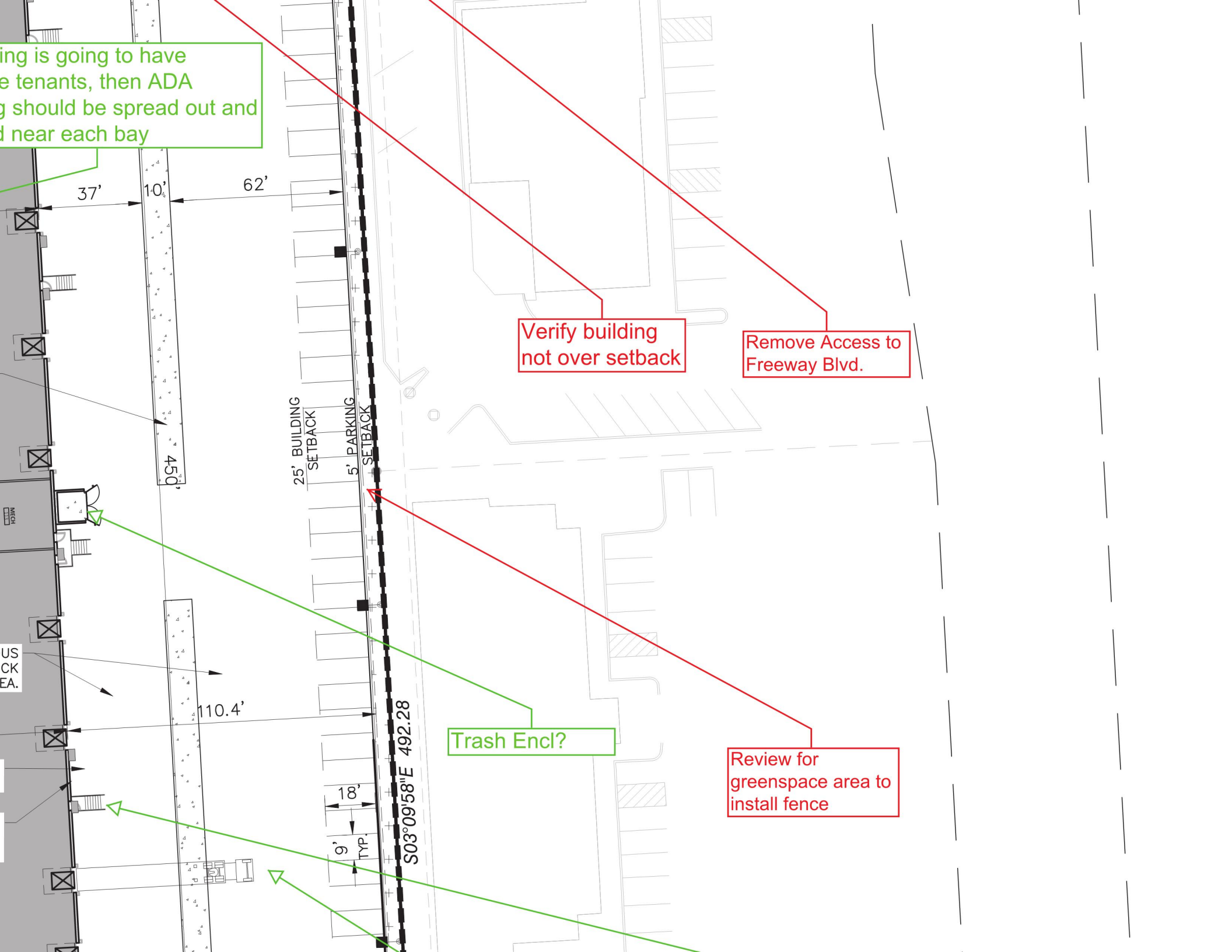


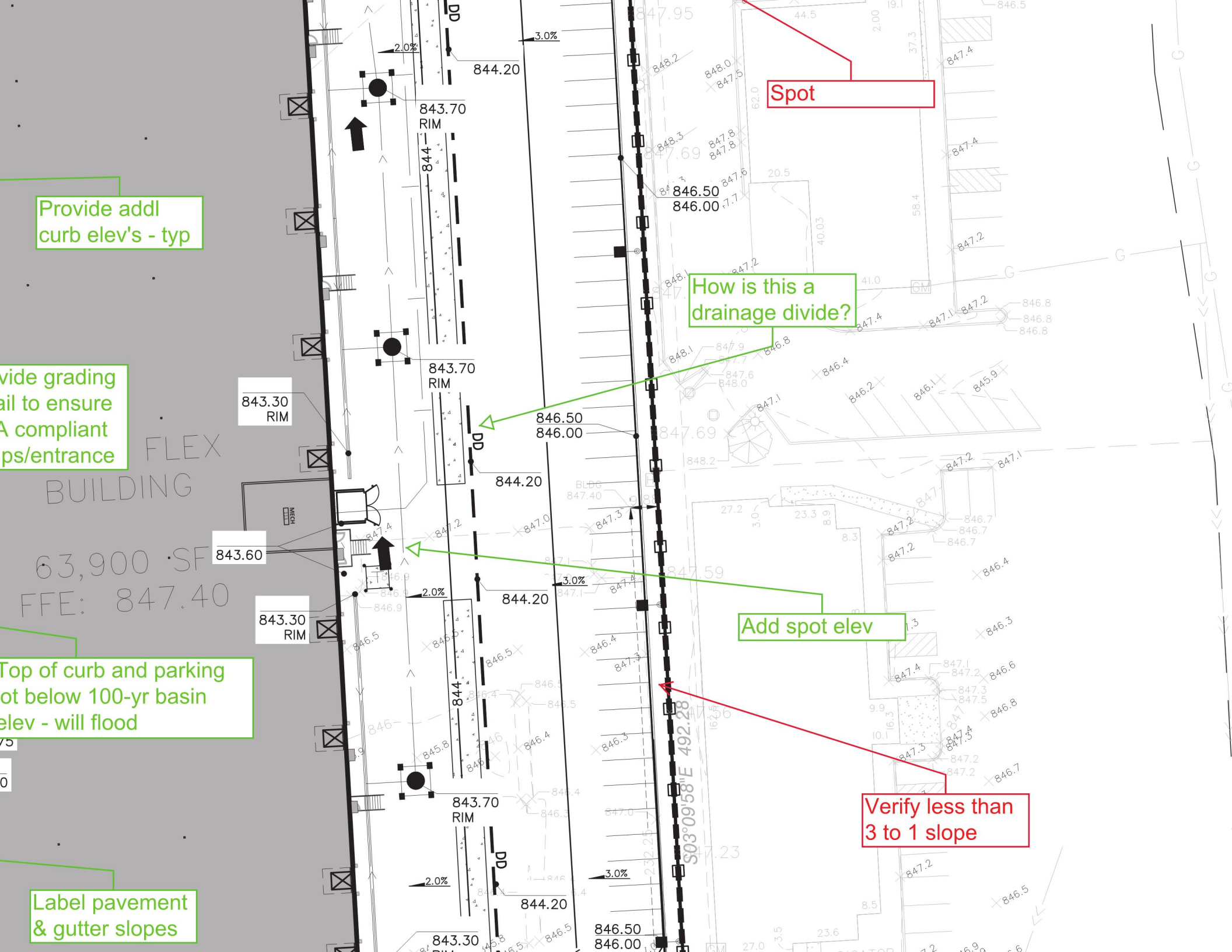
VICINITY MAP

N



Label pipe size
& material
fix line type
1601 JAMES CIRCLE
Area : 5594.33
1601 JAMES CIRCLE NORTH BUILDING FOOTPRINT = 5,594 SQ. FT.
40 JAMES CIRCLE NORTH
NE-STORY BRICK BUILDING
UILDING FOOTPRINT = 65,417 SQ. FT.
PID: 3511921410014
OWNER: JAMBO AFRICA INC.
BRICK FENCE
GRASS
RLS 18425
G HEIGHT=14.8 FT
BLDG 847.40
WOODEN FENCE
0.5 FT WEST OF
PROP. LINE
PID: 3511921410015
OWNER: AMERICAN HOTELS LLC
1600 JAMES CIRCLE
Area : 9433.01
1600 JAMES CIRCLE NORTH BUILDING FOOTPRINT = 9,433 SQ. FT.
S03°09'58"E 492.28
GRASS
S PARKING LOT
Show existing
tree &
landscaping


ing is going to have
e tenants, then ADA
g should be spread out and
d near each bay
37'
10'
62'
450'
25' BUILDING SETBACK
5' PARKING SETBACK
Verify building not over setback
Remove Access to Freeway Blvd.
Trash Encl?
Review for greenspace area to install fence
110.4'
18'
9' TYP.
S03°09'58"E 492.28
MECH
US
CK
EA.


Spot
Provide addl curb elev's - typ
How is this a drainage divide?
vide grading ail to ensure A compliant ps/entrance
Add spot elev
Top of curb and parking ot below 100-yr basin elev - will flood
Verify less than 3 to 1 slope
Label pavement & gutter slopes
FLEX BUILDING
63,900 SF
FFE: 847.40
843.70 RIM
843.30 RIM
843.60
844.20
846.50
846.00
2.0%
3.0%
DD
844
S03°09'58"E 492.28



IMPERVIOUS SUMMARY:

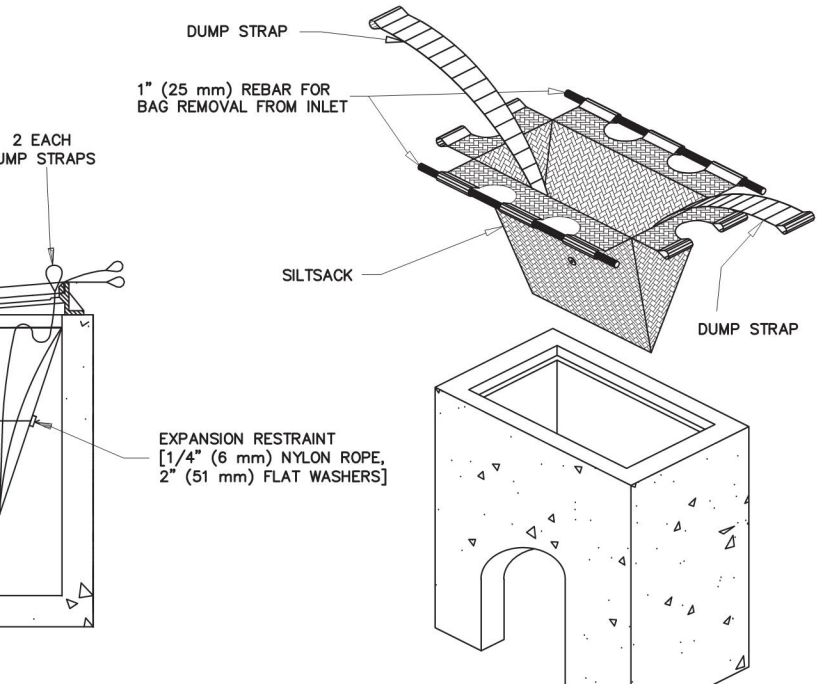
DISTURBED AREA	4.03 AC
EXISTING IMPERVIOUS	3.43 AC
PROPOSED IMPERVIOUS	3.18 AC
NET CHANGE IMPERVIOUS	−0.25 AC

SWPPP BMP QUANTITIES (APPROXIMATE):

SILT FENCE	2,040 LF
INLET PROTECTION	10 EA
ROCK CONSTRUCTION ENTRANCE	1 EA
EROSION CONTROL BLANKET	4,200 SF

SILT FENCE		
TEMPORARY MULCH COVER		
TEMPORARY HYDROMULCH		
EROSION CONTROL BLANKET		
ROCK DRIVEWAY / ROCK PADS		
INLET PROTECTION DEVICES		
PAVEMENT (DRIVEWAY/ROADS)		
SOD		
STOCKPILES		

NOTE: CONTRACTOR, C



ANY PART OF THE SITE (OR ONTO PAVED ROADS WITHIN THE SITE):

TALL A VEHICLE TRACKING BMP TO MINIMIZE THE TRACK OUT OF
RUCTION SITE. EXAMPLES OF VEHICLE TRACKING BMPS INCLUDE (BUT
PADS, MUD MATS, SLASH MULCH, CONCRETE OR STEEL WASH
TEMS.

STREET SWEEPING IF SUCH VEHICLE TRACKING BMPS ARE NOT
MENT FROM BEING TRACKED ONTO THE STREET (SEE PART IV.E.5.D.).

TEMPORARY SEDIMENTATION BASINS AS REQUIRED IN PART III.C. OF

SOIL COMPACTION AND, UNLESS INFEASIBLE, PRESERVE TOPSOIL.
NOT REQUIRED WHERE THE FUNCTION OF A SPECIFIC AREA OF THE
ACTED.

VE A 50 FOOT NATURAL BUFFER OR (IF A BUFFER IS INFEASIBLE ON
SEDIMENT CONTROLS WHEN A SURFACE WATER IS LOCATED WITHIN
TH DISTURBANCES AND STORMWATER FLOWS TO THE SURFACE
NOT REQUIRED ADJACENT TO ROAD DITCHES, JUDICIAL DITCHES,
CONVEYANCE CHANNELS, STORM DRAIN INLETS, AND SEDIMENT
E NOT REQUIRED TO ENHANCE THE QUALITY OF THE VEGETATION
UFFER OR PROVIDE VEGETATION IF NONE EXIST. HOWEVER,
NATURAL BUFFER WITH VEGETATION.

USE POLYMERS, FLOCCULANTS, OR OTHER SEDIMENTATION
PROJECT SITE, THE CONTRACTOR MUST COMPLY WITH THE
TS:

CONVENTIONAL EROSION AND SEDIMENT CONTROLS PRIOR TO
RE EFFECTIVE TREATMENT. CHEMICALS MAY ONLY BE APPLIED
R IS DIRECTED TO A SEDIMENT CONTROL SYSTEM WHICH ALLOWS
ENT OF THE FLOC PRIOR TO DISCHARGE.

ED THAT ARE APPROPRIATELY SUITED TO THE TYPES OF SOILS
NG CONSTRUCTION, AND TO THE EXPECTED TURBIDITY, PH, AND
FLOWING INTO THE CHEMICAL TREATMENT SYSTEM OR AREA.

N ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICES, AND WITH
SEDIMENT REMOVAL DESIGN SPECIFICATIONS PROVIDED BY THE
R/SUPPLIER OF THE APPLICABLE CHEMICALS.

ON:

NTS IN THE CASE WHERE THE ONSET OF WINTER DOES NOT
GRADING AND FINAL SOIL STABLIZATION IN THE FALL:
ALL BE PLANNED AND PHASED IN A MANNER TO AVOID ANY
NCE PRIOR TO WINTER SHUT DOWN.

ALL BE STABILIZED PERMANENTLY BY GRADING CONTRACTOR
NKET, ETC. IN ACCORDANCE WITH PLANS PRIOR TO
E AT WINTER SHUT DOWN.

RESPONSIBLE TO ENSURE THAT ALL TEMPORARY OR

BE SUSPENDED. THE REQUIRED INSPECTIONS AND MAINTENANCE SCHEDULE MUST BEGIN WITHIN 24 HOURS AFTER RUNOFF OCCURS AT THE SITE OR 24 HOURS PRIOR TO RESUMING CONSTRUCTION, WHICHEVER COMES FIRST. CONTRACTOR MAY REDUCE FREQUENCY UPON CITY APPROVAL

4. THE CONTRACTOR IS/ARE RESPONSIBLE FOR THE INSPECTION AND MAINTENANCE OF TEMPORARY AND PERMANENT WATER QUALITY MANAGEMENT BMPS, AS WELL AS ALL EROSION PREVENTION AND SEDIMENT CONTROL BMPS, UNTIL ANOTHER PERMITTEE HAS OBTAINED COVERAGE UNDER THIS PERMIT ACCORDING TO PART II.B.5. OR THE PROJECT HAS UNDERGONE FINAL STABILIZATION, AND AN NOT HAS BEEN SUBMITTED TO THE MPCA.

5. THE CONTRACTOR MUST INSPECT ALL EROSION PREVENTION AND SEDIMENT CONTROL BMPS AND POLLUTION PREVENTION MANAGEMENT MEASURES TO ENSURE INTEGRITY AND EFFECTIVENESS DURING ALL ROUTINE AND POST-RAINFALL EVENT INSPECTIONS. ALL NONFUNCTIONAL BMPS MUST BE REPAIRED, REPLACED, OR SUPPLEMENTED WITH FUNCTIONAL BMPS BY THE END OF THE NEXT BUSINESS DAY AFTER DISCOVERY, OR AS SOON AS FIELD CONDITIONS ALLOW ACCESS UNLESS ANOTHER TIME FRAME IS SPECIFIED BELOW. THE CONTRACTOR MUST INVESTIGATE AND COMPLY WITH THE FOLLOWING INSPECTION AND MAINTENANCE REQUIREMENTS:

   a. ALL PERIMETER CONTROL DEVICES MUST BE REPAIRED, REPLACED, OR SUPPLEMENTED WHEN THEY BECOME NONFUNCTIONAL OR THE SEDIMENT REACHES ONE-HALF (1/3) OF THE HEIGHT OF THE DEVICE. THESE REPAIRS MUST BE MADE BY THE END OF THE NEXT BUSINESS DAY AFTER DISCOVERY, OR THEREAFTER AS SOON AS FIELD CONDITIONS ALLOW ACCESS.

   b. TEMPORARY AND PERMANENT SEDIMENTATION BASINS MUST BE DRAINED AND THE SEDIMENT REMOVED WHEN THE DEPTH OF SEDIMENT COLLECTED IN THE BASIN REACHES ONE-HALF (1/2) THE STORAGE VOLUME. DRAINAGE AND REMOVAL MUST BE COMPLETED WITHIN 72 HOURS OF DISCOVERY OR AS SOON AS FIELD CONDITIONS ALLOW ACCESS (SEE PART IV.D.).

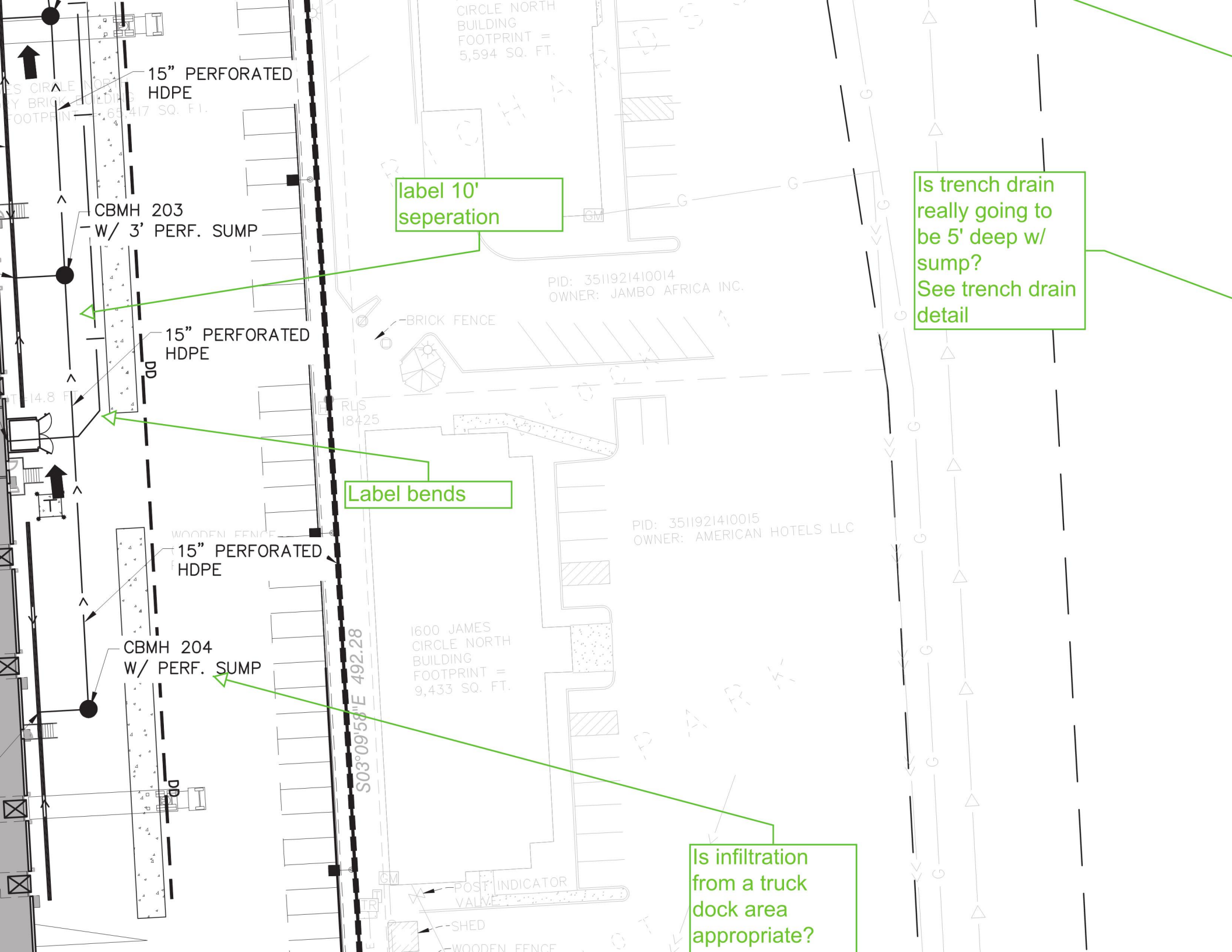
   c. SURFACE WATERS, INCLUDING DRAINAGE DITCHES AND CONVEYANCE SYSTEMS, MUST BE INSPECTED FOR EVIDENCE OF EROSION AND SEDIMENT DEPOSITION DURING EACH INSPECTION. THE CONTRACTO MUST REMOVE ALL DELTAS AND SEDIMENT DEPOSITED IN SURFACE WATERS, INCLUDING DRAINAGE WAYS, CATCH BASINS, AND OTHER DRAINAGE SYSTEMS, AND RESTABILIZE THE AREAS WHERE SEDIMENT REMOVAL RESULTS IN EXPOSED SOIL. THE REMOVAL AND STABILIZATION MUST TAKE PLACE WITHIN SEVEN (7) DAYS OF DISCOVERY UNLESS PRECLUDED BY LEGAL, REGULATORY, OR PHYSICAL ACCESS CONSTRAINTS. THE CONTRACTOR SHALL USE ALL REASONABLE EFFORTS TO OBTAIN ACCESS. IF PRECLUDED, REMOVAL AND STABILIZATION MUST TAKE PLACE WITHIN SEVEN (7 CALENDAR DAYS OF OBTAINING ACCESS. THE CONTRACTOR IS/ARE RESPONSIBLE FOR CONTACTING ALL LOCAL, REGIONAL, STATE AND FEDERAL AUTHORITIES AND RECEIVING ANY APPLICABLE PERMITS PRIOR TO CONDUCTING ANY WORK IN SURFACE WATERS.

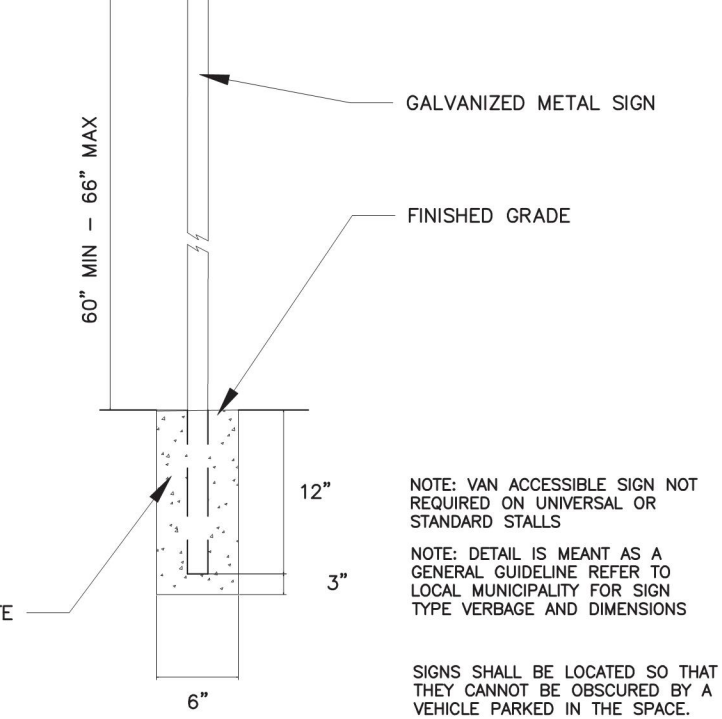
   d. CONSTRUCTION SITE VEHICLE EXIT LOCATIONS MUST BE INSPECTED FOR EVIDENCE OF OFF-SITE SEDIMENT TRACKING ONTO PAVED SURFACES. TRACKED SEDIMENT MUST BE REMOVED FROM ALL PAVED SURFACES BOTH ON AND OFF SITE IMMEDIATELY.

   e. STREETS AND OTHER AREAS ADJACENT TO THE PROJECT MUST BE INSPECTED FOR EVIDENCE OF OFF-SITE ACCUMULATIONS OF SEDIMENT. IF SEDIMENT IS PRESENT, IT MUST BE REMOVED IN A MANNER AND AT A FREQUENCY SUFFICIENT TO MINIMIZE OFF-SITE IMPACTS (E.G., FUGITIVE SEDIMEN IN STREETS COULD BE WASHED INTO STORM SEWERS BY THE NEXT RAIN AND/OR POSE A SAFETY HAZARD TO USERS OF PUBLIC STREETS).

6. ALL INFILTRATION AREAS MUST BE INSPECTED TO ENSURE THAT NO SEDIMENT FROM ONGOING CONSTRUCTION ACTIVITY IS REACHING THE INFILTRATION AREA. ALL INFILTRATION AREAS MUST BE INSPECTED TO ENSURE THAT EQUIPMENT IS NOT BEING DRIVEN ACROSS THE INFILTRATION AREA.

CONSTRUCTION SEQUENCE


15" PERFORATED HDPE
CBMH 203 W/ 3' PERF. SUMP
15" PERFORATED HDPE
15" PERFORATED HDPE
CBMH 204 W/ PERF. SUMP
label 10' seperation
Label bends
Is trench drain really going to be 5' deep w/ sump? See trench drain detail
Is infiltration from a truck dock area appropriate?
1600 JAMES CIRCLE NORTH BUILDING FOOTPRINT = 5,594 SQ. FT.
1600 JAMES CIRCLE NORTH BUILDING FOOTPRINT = 9,433 SQ. FT.
PID: 3511921410014
OWNER: JAMBO AFRICA INC.
PID: 3511921410015
OWNER: AMERICAN HOTELS LLC
BRICK FENCE
WOODEN FENCE
POST INDICATOR VALVE
SHED
S03°09'58"E 492.28
DD
GM
G



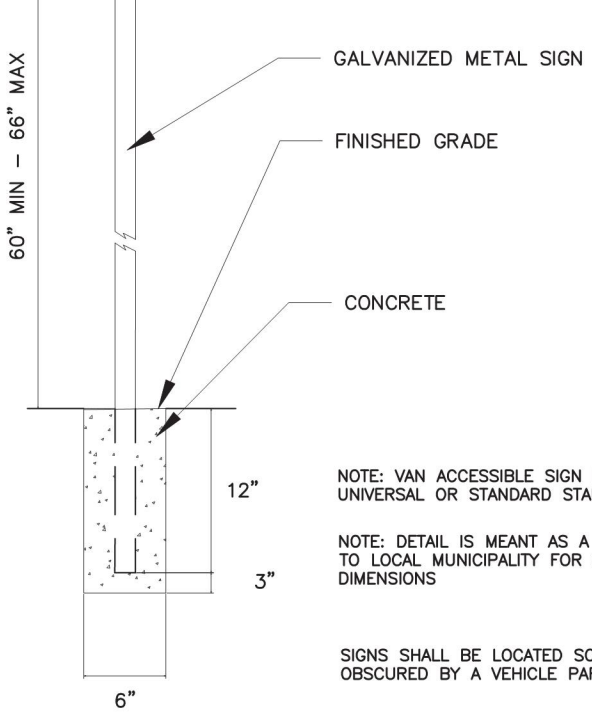
NOTE: VAN ACCESSIBLE SIGN NOT REQUIRED ON UNIVERSAL OR STANDARD STALLS

NOTE: DETAIL IS MEANT AS A GENERAL GUIDELINE REFER TO LOCAL MUNICIPALITY FOR SIGN TYPE VERBAGE AND DIMENSIONS

SIGNS SHALL BE LOCATED SO THAT THEY CANNOT BE OBSCURED BY A VEHICLE PARKED IN THE SPACE.

ACCESSIBLE PARKING SIGN

NO SCALE



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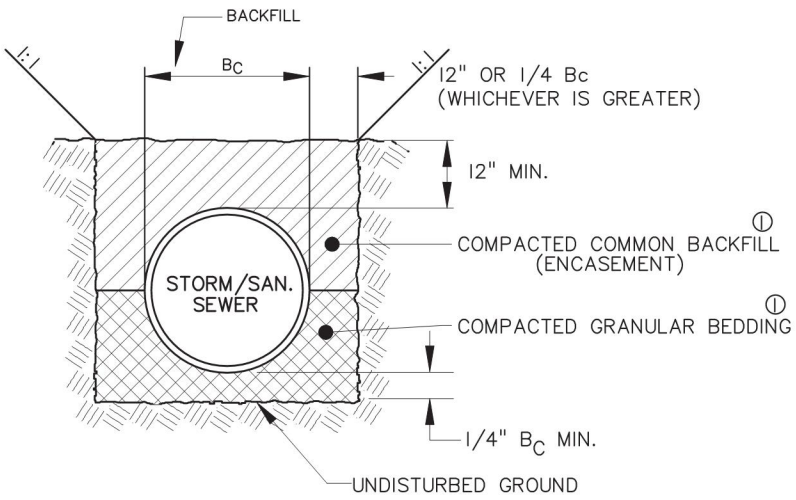
NOTE: DETAIL IS MEANT AS A GENERAL GUIDELINE REFER TO LOCAL MUNICIPALITY FOR SIGN TYPE VERBAGE AND DIMENSIONS

SIGNS SHALL BE LOCATED SO THAT THEY CANNOT BE OBSCURED BY A VEHICLE PARKED IN THE SPACE.

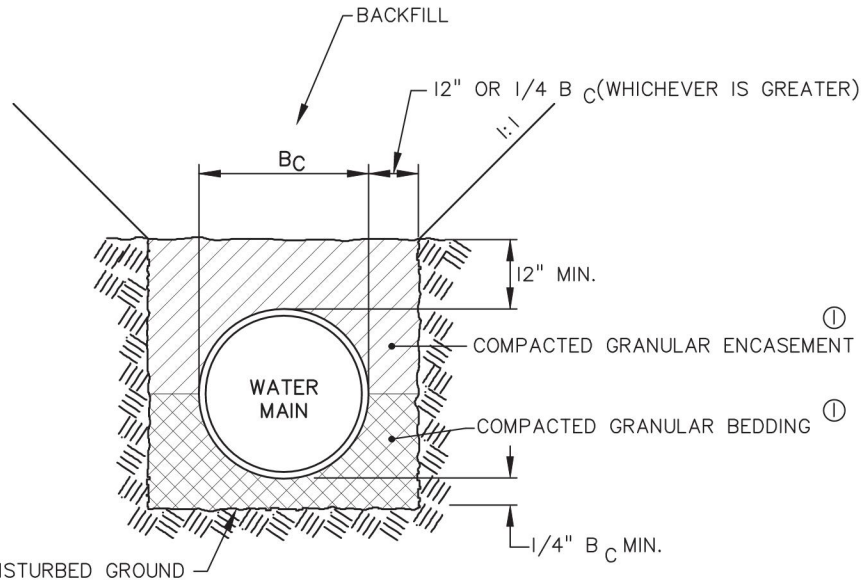
11 NO PARKING SIGN AND COMPACT PARKING SIGN MOUNTING

NO SCALE

Where used



① GRANULAR BEDDING AND BACKFILL MATERIALS SHALL BE APPROVED BY THEN ENGINEER PRIOR





NOTE:
DETECTABLE WARNING SURF
ARE NOT TO BE INSTALLED
RAMPS AND ARE NOT REQU
DEVELOPMENTS, PER 2010
ACCESSIBLE DESIGN.

12 ACCESS

- SLOPE SHALL BE BETWEEN
UM IN THE DIRECTION SHOWN
NOT EXCEED 2.0%.

- SLOPE SHALL BE GREATER
0% IN THE DIRECTION SHOWN
EXCEED 2.0%.

' X 5' MIN. PREFERRED) DIMENSIONS AND MAX
S. LANDING SHALL BE FULL WIDTH OF INCOMING PARS.

AN CURB RAMP DETAILS

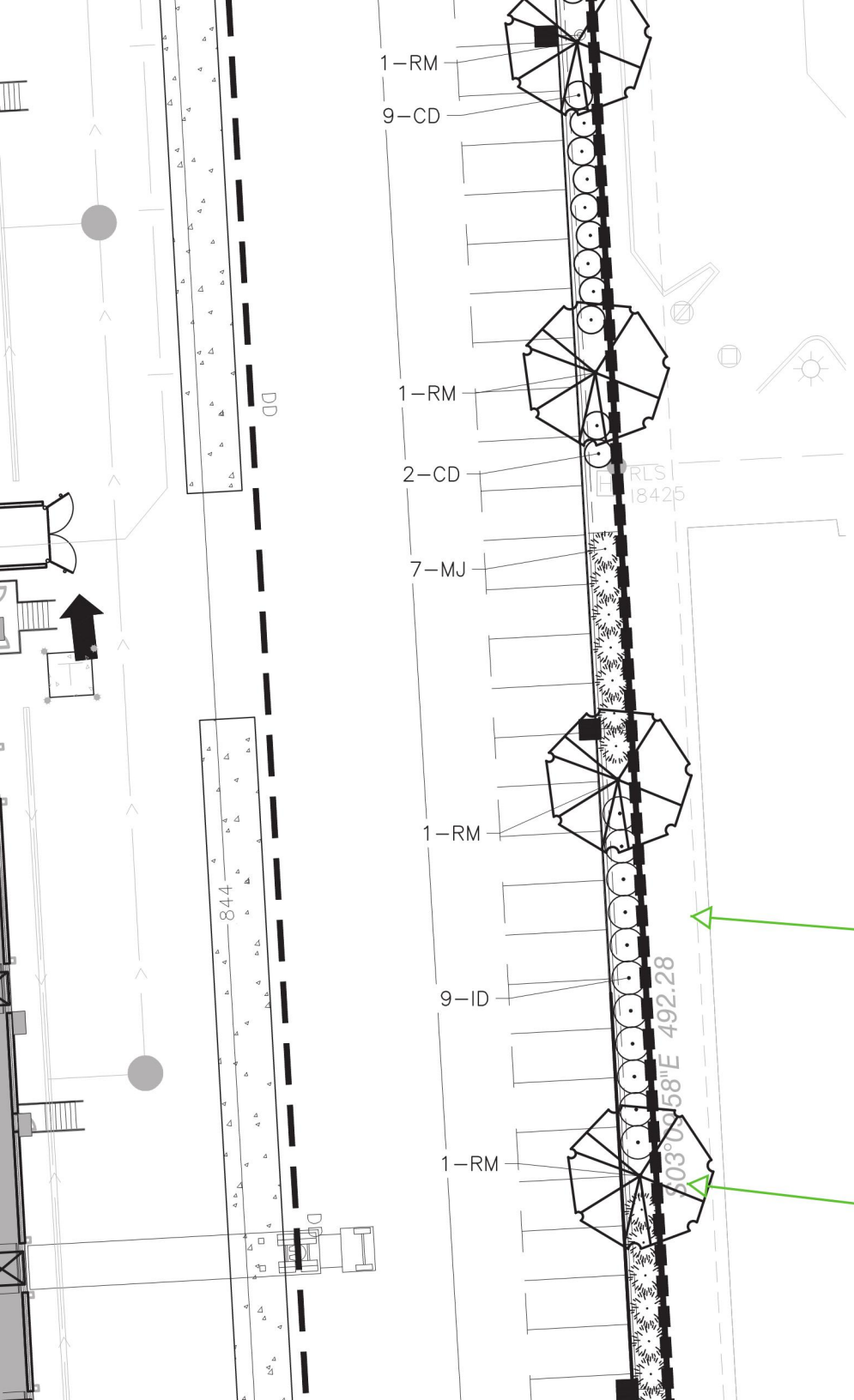
AN 5-297.250	1 OF 6

3
C-6.1

TREE PROTECTION FENCE

NOT TO SCALE

d



ZONES. DESIGN TO INCLUDE DRIP IRRIGATION IN SHRUB AREAS ADJACENT TO BUI
SHALL NOT COME IN CONTACT WITH BUILDING AND SIDEWALKS. THE IRRIGATION
RAIN/FREEZE SENSOR SHUTOFF. USE RAINBIRD OR APPROVED EQUAL COORDINA
WORK OF OTHER SECTIONS.

16. CONTRACTOR IS RESPONSIBLE FOR CONTACTING THE CITY FOR A LANDSCAPE INST
OF ALL PLANTINGS.

5 canes min?

SEEDING NOTES

DRY SWALE POND MIX: MN STATE SEED MIX 33–262 (DRY SWALE / POND). SEEDING RA
LBS/ACRE (PURE LIVE SEED).

WET PRAIRIE MIX: SHOOTING STAR MIX 34–262 (WET PRAIRIE MIX). SEEDING RATE TO BE
(PURE LIVE SEED).

APPLY SEED PER THE FOLLOWING: MULCH SEEDED AREAS WITH Mn/DOT EROSION CONTR
3 WITHIN 48 HOURS OF SEEDING. MULCH SHOULD THEN BE DISC ANCHORED TO KEEP I
AWAY.

SEEDING SHALL BE APPLIED FROM APRIL 1 – JUNE 30 OR NOV. 1 – FREEZE UP. IF H
APPROXIMATELY 500 GALLONS OF WATER PER ACRE. REFER TO MN/DOT SPEC 3884 FOR
INSTALLATION OF HYDRO–SEED. ALL NATIVE SEEDS USED ON THIS PROJECT SHALL BE CE
MINNESOTA ORIGIN BY THE MINNESOTA CROP IMPROVEMENT ASSOCIATION (MCIA). SITE TO
LOOSENING TOPSOIL TO A MINIMUM DEPTH OF 3 INCHES. THE SITE TO BE HARROWED OR
SEEDING, AND THEN PACKED USING A CULTI–PACKER OR EQUIVALENT. SEE MNDOT SEEDI
REFERENCE.

MAINTAIN SEEDED AREAS BY WATERING, REMULCHING AND REPLANTING AS NECESSARY TO
UNIFORMLY DENSE STAND OF THE SPECIFIED GRASSES UNTIL ACCEPTED. ANY AREAS FAIL
STAND SHALL BE RESEEDED, REFERTILIZED AND REMULCHED (UNLESS OTHERWISE SPECIFI
VEGETATIVE COVER IS NOT ACHIEVED. RESEEDING SHALL CONFORM IN ALL RESPECTS TO
THE CONTRACTOR SHALL REPAIR ANY DAMAGE TO THE WORK AREAS RESULTING FROM ER
EQUIPMENT. THE CONTRAC IAGE, INCLUDING REGRADING, RESEEDIN
NECESSARY, BEFORE SIGNI .

Show ex. tree & landscaping

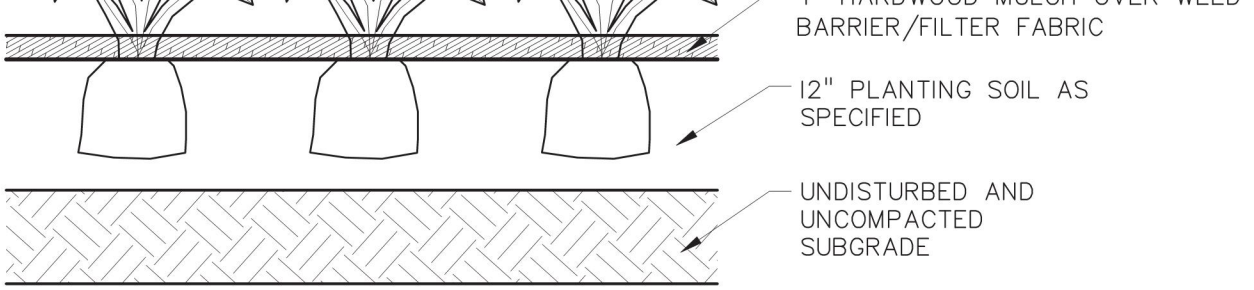
REFER TO MN STATE SEED MIX MANUAL. REFER TO O&M DOCUMENT FOR FURTHER DETAI
INSPECTION AND MAINTENANCE PRACTICES.

Verify that there is enough room for fully grown

4" DEPTH WOOD MULCH OVER LANDSCAPE FABRIC

PLANTING SOIL, SEE PLANTING NOTES

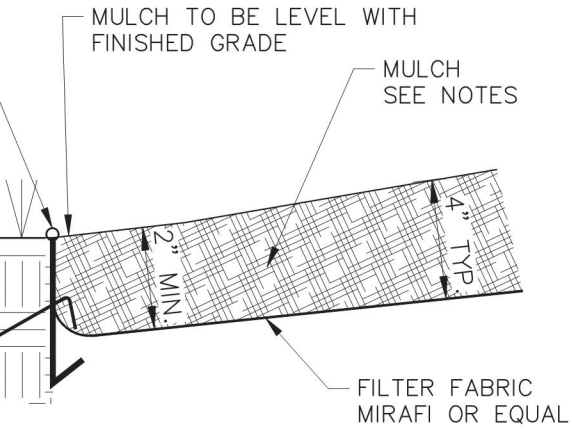
DRAINAGE MOUND



NG DETAIL

3 PERENNIAL PLANTINGS

NOT TO SCALE



T SOD DETAIL

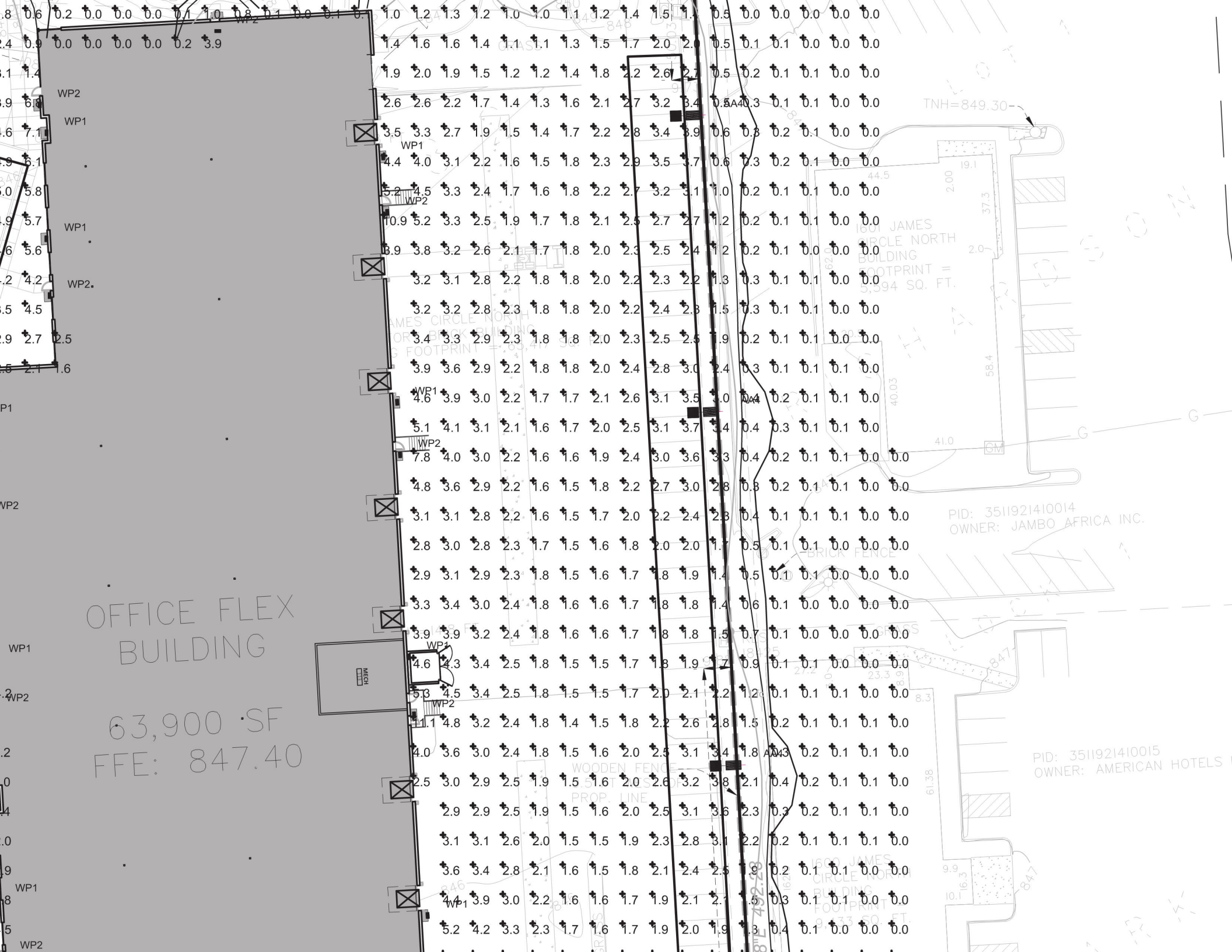

OFFICE FLEX
BUILDING
63,900 SF
FFE: 847.40
TNH=849.30
1601 JAMES
CIRCLE NORTH
BUILDING
FOOTPRINT =
5,594 SQ. FT.
PID: 3511921410014
OWNER: JAMBO AFRICA INC.
PID: 3511921410015
OWNER: AMERICAN HOTELS
BRICK FENCE
WOODEN FENCE
PROP. LINE
MECH
WP1
WP2

Exhibit E

Community Development
763-569-3300

November 12, 2021

6440 James Circle

Building review comments for newly proposed Flex office building to be located at 6440 James Circle.

1. A SAC Demo determination letter and review by MET Council is required prior to a building Demolition permit being issued.

2. The building will be required to have a sprinkler system installed. City of Brooklyn Center zoning ordinance 3-101 B. (2) as adopted by the Minnesota State Building code 1306 Special Fire Protection system 1306.0020 Subp. 2, Existing and New buildings.

3. If there is no access from the outside of the building into the Sprinkler riser room. A Post PIV, Wall PIV or OS & Y valve shall be provided per City Fire Inspector.

4. Prior to a Building permit being issued. A SAC determination for the new building will need to be done by MET Council and SAC determination letter received.

Sincerely,

Dan Grinsteinner
Building Official
City of Brooklyn Center
763-569-3313

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 10th day of January, 2022, at 7:00 p.m. or as soon thereafter as the matter may be heard via Zoom, to consider an Ordinance amending Chapter 35 of the City Ordinances regarding the zoning classification of certain land located at 6440 James Circle North. To join the meeting use this link https://us06web.zoom.us/j/89746014857 or dial 1-312-626-6799; Meeting ID: 89746014857#

ORDINANCE NO. 2021-06

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE OF ORDINANCES REGARDING THE ZONING CLASSIFICATION OF CERTAIN LAND LOCATED AT 6440 JAMES CIRCLE NORTH

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

Section 1. Rezoning. Chapter 35, Section 35-1240 of the City Ordinances of the City of Brooklyn Center is hereby amended as follows:

Section 35-1240. PLANNED UNIT DEVELOPMENT DISTRICT (PUD). The following property is hereby established as being within a (PUD) Planned Unit Development District Zoning Classification:

14. The Following properties are designated as PUD/BM-U (Planned Unit Development/Business Mixed-Use) District:

Tract F, Registered Land Survey No. 1482, according to the duly recorded registered land survey thereof, Hennepin County, Minnesota.

Mike Elliott
Mayor
ATTEST: Barb Suciu
City Clerk

Published in the
Sun Post
December 23, 2021
1190530

Amended Zoning District Abbreviation – Public Notice

CITY OF BROOKLYN CENTER

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

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Tract F, Registered Land Survey No. 1482, according to the duly recorded registered land survey thereof, Hennepin County, Minnesota.

Adopted this _____ day of _____, 2022.

_____
Mike Elliott, Mayor

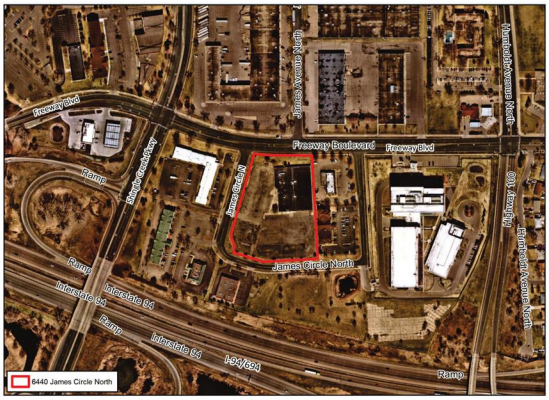
ATTEST:_____
City Clerk

Date of Publication _____

Effective Date _____

(Note: ~~Strikeout~~ text indicates matter to be delete, double underline text indicates new matter.)

SECOND READING | PUBLIC HEARING



REQUEST:
Amend Chapter 35 Regarding Zoning Classification of 6440 James Circle North

City Council Meeting| January 10, 2022
Ginny McIntosh, City Planner/Zoning Administrator

Background

McGlynn Partners LLC submitted Planning Commission Application No. 2021-006, for consideration of requests that would allow:

1. Site and Building Plan approval that would redevelop the former AMC Earle Brown Lanes property located at 6440 James Circle North into an approximately 64,000-square foot mixed office/light industrial building with related site improvements on approximately 4.03 acres.
2. Rezoning and Establishment of a Planned Unit Development (C2 → PUD/MX-B)

Note: *Subject Property is guided under the 2040 Comprehensive Plan as "Business Mixed-Use," which would allow for the proposed development/use.*

2

Background

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2. Rezoning and Establishment of a Planned Unit Development (C2 → PUD/MX-B)

Note: *Subject Property is guided under the 2040 Comprehensive Plan as "Business Mixed-Use," which would allow for the proposed development/use.*

3

Background (Cont.)

- The Planning Commission reviewed the requests for the Subject Property at their meeting on November 18th and following close of the public hearing, elected to unanimously (5-0) recommend City Council approval.
- The City Council reviewed the requests at their meeting on December 13, 2021 and unanimously (4-0) recommended approval of the aforementioned requests, along with a motion to approve the first reading of the request to re-zone the Subject Property and set the second reading and public hearing to this evening (January 10th).
- A public hearing notice was published in the Brooklyn Center Sun Post on December 23, 2021 for proposed Ordinance No. 2021-006.

4

Planned Unit Development – Re-zoning

Re-zone Subject Property from C2 (Commerce) District to PUD/MX-B (Planned Unit Development/Business Mixed-Use)

- Reflective of 2040 Comprehensive Plan future land use designation, which is guided as "Business Mixed-Use"

PUDs grant flexibility in Zoning Code to allow for developments that would not be allowed under existing regulations.

- Often used to achieve higher quality development or achieve other City goals in exchange for flexibility with Code.
- PUDs may only contain uses consistent with City's Comprehensive Plan
- Despite flexibility, plans shall comply with all watershed, state, and federal storm water, erosion control, and wetlands requirements.

5

Planned Unit Development – Re-zoning (Cont.)

City staff is requesting any motion to approve the second reading/adoption of ordinance be made to reflect the corrected zoning district abbreviation of **PUD/MX-B** (*not* PUD/BM-U)

- Zoning Code update has multiple "mixed use" districts and being organized by "MX-___"

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→

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14. The following properties are designated as PUD/MX-B (Planned Unit Development/Business Mixed-Use) District:

6

Requested Action

(i) Motion to:
-Open the public hearing
-Take public input
-Close the public hearing

(ii) Motion to approve a second reading and adopt an ordinance amending Chapter 35 of the City Code of Ordinances regarding certain land located at 6440 James Circle North from C2 (Commerce) District to PUD/**MX-B** (Planned Unit Development/Business Mixed-Use) District.

(iii) Approve a resolution for a Summary Publication for Ordinance No. 2021-006.

Council Regular Meeting

DATE: 1/10/2022

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

SUBJECT: Resolution Authorizing the City Manager to Execute a Minnesota Opioids State-Subdivision Memorandum of Agreement, the Distributor Subdivision Settlement Participation Form and the Janssen Subdivision Settlement Participation Form on Behalf of the City of Brooklyn Center

Requested Council Action:

- *Approve resolution authorizing the city manager to execute a Minnesota Opioids State-Subdivision Memorandum of Agreement, The Distributor Subdivision Settlement Participation Form and The Janssen Subdivision Settlement Participation Form on behalf of the City of Brooklyn Center.*

Background:

Minnesota has joined a broad multistate coalition in reaching nationwide settlements with the three largest opioid distributors – AmerisourceBergen, Cardinal Health, and McKesson – and opioid manufacturer Johnson & Johnson.

The settlements resolve investigations and lawsuits against these companies for their role in the opioid crisis. If the settlements are fully adopted nationally, the distributors will pay $21 billion over 18 years and Johnson & Johnson will pay $5 billion over 10 years. Most states have already joined the settlements, but for the agreements to become effective, a critical mass of cities and counties must sign onto the settlements by January 2, 2022 (extended deadline to January 26, 2022).

Minnesota will be eligible to receive more than $296 million over 18 years. Up to $222 million of that will be paid directly to Minnesota cities and counties. The total amount of payments to Minnesota will be determined by the overall degree of participation by cities and counties. The more cities and counties that join, the more money everyone in Minnesota will receive.

Each state's share of the funding was determined by agreement among the states using a formula that takes into account the impact of the crisis on the state—the number of overdose deaths, the number of residents with substance use disorder, and the number of opioids prescribed—and the population of the state.

Payments will begin to flow to the state and cities and counties as soon as April 2022. The Johnson & Johnson settlement provides for payments to be accelerated if cities and counties sign on early.

The vast majority of the settlement funds must be used to support any of a wide variety of strategies to fight the opioid crisis. The Attorney General's Office convened an expert panel of local, state, and community providers with experience and expertise in public health and delivery of health care services to

determine the best and most effective use of the settlement funds. The panel selected a comprehensive list of future opioid abatement and remediation programs that will benefit all regions of the state (see attached MOA).

Minnesota has been preparing for these settlements and the opportunity they present to deliver substantial funding to needed abatement and remediation programs. In 2019, the Legislature passed the Opiate Epidemic Response bill, creating a special opioid abatement account and the Opioid Epidemic Response Advisory Council, which will oversee the spending of the state's share of settlement funds. Additionally, a months-long partnership between the state and cities and counties has resulted in a state-subdivision agreement (or "Minnesota Memorandum of Agreement") that is designed to maximize the settlement funds coming to the State of Minnesota and get them to where they are needed most.

The state-subdivision agreement details how the settlement money will be allocated within the state and also sets out a structure for the distribution of opioid abatement funds. Pursuant to the state-subdivision agreement—and assuming maximum payments— approximately $296 million in funds paid to Minnesota and its cities and counties.

Seventy-five percent (75%) of the abatement funds will be paid directly to counties and certain municipalities that participate in the settlement. Local government funds will be directly allocated to all participating counties, and all participating municipalities that: (a) have populations of 30,000 or more, (b) have filed lawsuits against the settling defendants, or (c) have public health departments.

To promote efficiency in the use of abatement funds and limit the administratively burdensome disbursements of amounts that are too small to add a meaningful abatement response, smaller, non-litigating municipalities will not receive a direct allocation of settlement funds.

The allocation percentages for each county and municipality were determined by counsel for the subdivisions negotiating the national settlement agreements and were calculated using data reflect the impact of the opioid crisis on the subdivision. Tribal nations are conducting separate settlement negotiations with the opioid companies.

Twenty-five percent (25) of the abatement funds will be paid directly to the State. Pursuant to state law, these funds will go into the special opioid abatement account to be overseen and distributed by the Opioid Epidemic Response Advisory Council. Under current law, after certain appropriations are made, approximately 50% of the funds paid into the opioid abatement account are distributed to county social service agencies to 3 provide child protection services to children and families who are affected by addiction.

The state-subdivision agreement anticipates a change to this law to allow counties to receive their share of the settlement funds directly. The agreement requires the state and subdivisions to work together to achieve this change in law during the 2022 legislative session, and includes a provision changing the allocation between state and local governments if the statutory change is not accomplished. S

Very high levels of subdivision participation nationally are necessary for the companies to move forward with the settlements and for everyone to benefit from them. Cities or counties cannot receive any portion of the direct settlement funds if they do not sign on to the settlements. In order to maximize the settlement payments that come to Minnesota, full joinder by certain categories of counties and cities is needed.

Budget Issues:

Approximately:

- Minnesota Settlement $296M ($16.44M Annually over 18 Years)
- Local Government Settlement $222M ($12.3M Annually over 18 Years - 75% of Total Minnesota Settlement)
- Brooklyn Center Settlement $313,863 ($17,436 Annually over 18 Years - .14138% of Total Local Government Settlement)

Inclusive Community Engagement:

Funding may be used to further City "Community Centered City" efforts in areas of health and public safety. Engaging community residents will be a critical part of the determination and use of funds.

Antiracist/Equity Policy Effect:

Funding may be used to address health and public safety issues that have negatively and disproportionally impacted BIPOC communities. Engaging BIPOC community residents will be a critical part of the determination and use of funds.

Strategic Priorities and Values:

Enhanced Community Image, Resident Economic Stability, Inclusive Community Engagement, Safe, Secure, Stable Community, Customer Intimacy , Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
MINNESOTA OPIOIDS STATE-SUBDIVISION MEMORANDUM OF AGREEMENT	1/6/2022	Cover Memo
Minnesota Opioid Settlement Executive Summary	1/6/2022	Cover Memo
Minnesota Opioid State-Subdivision Agreement Overview	1/6/2022	Cover Memo
Frequently Asked Questions	1/6/2022	Cover Memo
Resolution	1/6/2022	Cover Memo

The Office of
Minnesota Attorney General Keith Ellison
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Minnesota Opioid State-Subdivision Agreement Overview

What It Is

The Minnesota Memorandum of Agreement (MN MOA) governs how Minnesota will distribute settlement funds from two national settlements with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen and opioid manufacturer Johnson & Johnson. These settlements could bring more than $296 million to Minnesota over an 18-year period to support state and local efforts to fight the opioid epidemic.[1]

How It Works

Enables Minnesota to maximize resources to fight the epidemic. For Minnesota to receive the maximum payout under the two national settlements, cities and counties must join the state and sign on to the MN MOA and the settlement agreements. To maximize resources flowing to communities on the front lines of the epidemic, the MN MOA directs settlement funds as follows:

- 75 percent to local governments, including all counties and 33 cities.
- 25 percent to the state, to be overseen and distributed by the Opioid Epidemic Response Advisory Council.

Dedicates funds to addressing the opioid epidemic. The Attorney General's Office convened an expert panel of local, state, and community providers with experience and expertise in public health and delivery of health care services to determine the best and most effective use of the settlement funds. The panel selected a comprehensive list of future opioid abatement and remediation programs to which these settlement funds must be dedicated.

Why It Matters

Personal Cost. More than 5,400 Minnesotans have died of opioid overdoses since 2000. The epidemic has torn families apart and ravaged communities, particularly American Indian populations and communities of color. Individuals, families, and communities continue to suffer, as the COVID-19 pandemic has caused a surge in both fatal and nonfatal overdose deaths.

Accountability. Opioid manufacturers and distributors created and fueled the opioid epidemic with irresponsible and misleading marketing and inadequate monitoring of these dangerous products. In addition to potentially over $296 million to fight the epidemic, settlements with the three largest drug distributors in the country, as well as one of the largest manufacturers, will shine a light on these companies' conduct and help make sure nothing like this ever happens again.

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[1] The MN MOA also governs how opioid abatement funds from the bankruptcy resolutions with Purdue Pharma and Mallinckrodt are distributed within Minnesota. The $296 million figure does not include payments from the Purdue Pharma and Mallinckrodt bankruptcies, which are not yet finalized.

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Minnesota Opioid Settlement Executive Summary

Minnesota has joined a broad multistate coalition in reaching nationwide settlements with the three largest opioid distributors – AmerisourceBergen, Cardinal Health, and McKesson – and opioid manufacturer Johnson & Johnson. The settlements resolve investigations and lawsuits against these companies for their role in the opioid crisis. If the settlements are fully adopted nationally, the distributors will pay $21 billion over 18 years and Johnson & Johnson will pay $5 billion over 10 years. Most states have already joined the settlements, but for the agreements to become effective, a critical mass of cities and counties must sign onto the settlements by January 2, 2022.

Settlement Structure

If a critical mass of subdivisions sign on and the settlements become effective:

- Minnesota will be eligible to receive more than $296 million over 18 years. Up to $222 million of that will be paid directly to Minnesota cities and counties. The total amount of payments to Minnesota will be determined by the overall degree of participation by cities and counties. The more cities and counties that join, the more money everyone in Minnesota will receive. Distribution within Minnesota will be determined by the state-subdivision agreement (see below).
    - Each state's share of the funding was determined by agreement among the states using a formula that takes into account the impact of the crisis on the state—the number of overdose deaths, the number of residents with substance use disorder, and the number of opioids prescribed—and the population of the state.
- Payments will begin to flow to the state and cities and counties as soon as April 2022. The Johnson & Johnson settlement provides for payments to be accelerated if cities and counties sign on early.
- The vast majority of the settlement funds must be used to support any of a wide variety of strategies to fight the opioid crisis. The Attorney General's Office convened an expert panel of local, state, and community providers with experience and expertise in public health and delivery of health care services to determine the best and most effective use of the settlement funds. The panel selected a comprehensive list of future opioid abatement and remediation programs that will benefit all regions of the state.
- In addition to the financial components, the settlements also require the companies to make changes in how opioids are distributed and sold. The companies will be subject to far more oversight and accountability throughout that process to prevent deliveries of opioids to pharmacies where diversion and misuse occur. The distributors will be required to establish and fund a centralized, independent clearinghouse using detailed data analytics to keep close track of opioid distribution throughout the country and raise red flags for

suspicious orders. Johnson & Johnson will be prohibited from selling or promoting opioids for ten years.

Minnesota Framework

Minnesota has been preparing for these settlements and the opportunity they present to deliver substantial funding to needed abatement and remediation programs. In 2019, the Legislature passed the Opiate Epidemic Response bill, creating a special opioid abatement account and the Opioid Epidemic Response Advisory Council, which will oversee the spending of the state's share of settlement funds.

Additionally, a months-long partnership between the state and cities and counties has resulted in a state-subdivision agreement (or "Minnesota Memorandum of Agreement") that is designed to maximize the settlement funds coming to the State of Minnesota and get them to where they are needed most. The state-subdivision agreement details how the settlement money will be allocated within the state and also sets out a structure for the distribution of opioid abatement funds from pending bankruptcy plans with Purdue Pharma and Mallinckrodt. A copy of the state-subdivision agreement can be found on the Attorney General's website at www.ag.state.mn.us/opioids.

Pursuant to the state-subdivision agreement—and assuming maximum payments—approximately $296 million in funds paid to Minnesota and its cities and counties from the Distributor and Johnson & Johnson settlements, as well as tens of millions of additional dollars from the Purdue Pharma and Mallinckrodt bankruptcies, will be allocated as follows:

- **Local Government Abatement Fund.** Seventy-five percent (75%) of the abatement funds will be paid directly to counties and certain municipalities that participate in the settlement. Local government funds will be directly allocated to all participating counties, and all participating municipalities that: (a) have populations of 30,000 or more, (b) have filed lawsuits against the settling defendants, or (c) have public health departments. To promote efficiency in the use of abatement funds and limit the administratively burdensome disbursements of amounts that are too small to add a meaningful abatement response, smaller, non-litigating municipalities will not receive a direct allocation of settlement funds. The allocation percentages for each county and municipality were determined by counsel for the subdivisions negotiating the national settlement agreements and were calculated using data reflect the impact of the opioid crisis on the subdivision. Tribal nations are conducting separate settlement negotiations with the opioid companies.

- **State Fund.** Twenty-five percent (25) of the abatement funds will be paid directly to the State. Pursuant to state law, these funds will go into the special opioid abatement account to be overseen and distributed by the Opioid Epidemic Response Advisory Council. Under current law, after certain appropriations are made, approximately 50% of the funds paid into the opioid abatement account are distributed to county social service agencies to

provide child protection services to children and families who are affected by addiction. The state-subdivision agreement anticipates a change to this law to allow counties to receive their share of the settlement funds directly. The agreement requires the state and subdivisions to work together to achieve this change in law during the 2022 legislative session, and includes a provision changing the allocation between state and local governments if the statutory change is not accomplished.

Some municipalities in Minnesota retained attorneys on a contingency fee basis to file lawsuits against the opioid companies. The national settlements establish an Attorney Fee Fund for attorneys representing cities and counties that join the settlements. The settlements require attorneys who recover from this fund to waive enforcement of their contingency fee agreements. The state-subdivision agreement includes a Backstop Fund, which will be overseen by a Special Master, that will allow for the payment of reasonable attorney fees to private attorneys to make up for the difference between what they receive from the national fund and their contingency fee agreements, which are capped at 15%. Any funds that remain in the Backstop Fund after payment of reasonable attorney fees will revert to cities and counties for abatement.

Subdivision Participation

It is vital for subdivisions to join the settlements during the initial sign-on period, which ends January 2, 2022. First, very high levels of subdivision participation nationally are necessary for the companies to move forward with the settlements and for everyone to benefit from them. Second, cities or counties cannot receive any portion of the direct settlement funds if they do not sign on to the settlements. Third, in order to maximize the settlement payments that come to Minnesota, full joinder by certain categories of counties and cities is needed. Finally, joinder during the initial sign-on period maximizes the amount of funds available to an individual city or county.

Next Steps

Now: Cities and counties should have received a settlement notice with additional information about the sign on process, which begins by registering on the national settlement website: www.nationalopioidsettlement.com. Registering is a necessary step toward participation in the settlements. The notice each subdivision received by mail and email provides its unique subdivision registration code, which must be used to register. Registering does not mean that the subdivision has accepted the terms of the national settlement agreements or the state-subdivision agreement.

Next: Each subdivision, via its local legislative body, should adopt a resolution that authorizes a representative of the subdivision to execute Minnesota's state-subdivision agreement and *both* subdivision settlement participation forms (Distributors and Johnson & Johnson), which are required to join the settlements. Cities and counties can obtain model resolutions by contacting the Association of Minnesota Counties or the League of Minnesota Cities. The resolutions should be submitted to the subdivisions' legislative body (*i.e.*, county commission or city council) for approval.

By January 2, 2022: After the appropriate resolution is passed by each subdivision, the authorized representative should sign the Minnesota Memorandum of Agreement, the Distributor Agreement, and the Johnson & Johnson Agreement. The Distributor and Johnson & Johnson agreements can be signed electronically via DocuSign. Subdivisions should receive an email with a link to sign electronically upon registering at www.nationalopioidsettlement.com. Subdivisions are encouraged to sign onto the Minnesota Memorandum of Agreement and the settlement agreements as soon as possible to avoid scheduling challenges and to ensure that we meet the national subdivision participation threshold for the settlements to become effective.

Additional information about the settlements and how they are implemented in Minnesota can be found on the Attorney General's website: www.ag.state.mn.us/opioids. Subdivisions that are represented by an attorney with respect to opioid claims should consult with their attorney. Additionally, specific questions for the Attorney General's Office can be emailed to opioids@ag.state.mn.us, or left via voicemail at (612) 429-7126.

The Office of
Minnesota Attorney General Keith Ellison
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Minnesota Opioid State-Subdivision Agreement Overview

What It Is

The Minnesota Memorandum of Agreement (MN MOA) governs how Minnesota will distribute settlement funds from two national settlements with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen and opioid manufacturer Johnson & Johnson. These settlements could bring more than $296 million to Minnesota over an 18-year period to support state and local efforts to fight the opioid epidemic.[1]

How It Works

Enables Minnesota to maximize resources to fight the epidemic. For Minnesota to receive the maximum payout under the two national settlements, cities and counties must join the state and sign on to the MN MOA and the settlement agreements. To maximize resources flowing to communities on the front lines of the epidemic, the MN MOA directs settlement funds as follows:

- 75 percent to local governments, including all counties and 33 cities.
- 25 percent to the state, to be overseen and distributed by the Opioid Epidemic Response Advisory Council.

Dedicates funds to addressing the opioid epidemic. The Attorney General's Office convened an expert panel of local, state, and community providers with experience and expertise in public health and delivery of health care services to determine the best and most effective use of the settlement funds. The panel selected a comprehensive list of future opioid abatement and remediation programs to which these settlement funds must be dedicated.

Why It Matters

Personal Cost. More than 5,400 Minnesotans have died of opioid overdoses since 2000. The epidemic has torn families apart and ravaged communities, particularly American Indian populations and communities of color. Individuals, families, and communities continue to suffer, as the COVID-19 pandemic has caused a surge in both fatal and nonfatal overdose deaths.

Accountability. Opioid manufacturers and distributors created and fueled the opioid epidemic with irresponsible and misleading marketing and inadequate monitoring of these dangerous products. In addition to potentially over $296 million to fight the epidemic, settlements with the three largest drug distributors in the country, as well as one of the largest manufacturers, will shine a light on these companies' conduct and help make sure nothing like this ever happens again.

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[1] The MN MOA also governs how opioid abatement funds from the bankruptcy resolutions with Purdue Pharma and Mallinckrodt are distributed within Minnesota. The $296 million figure does not include payments from the Purdue Pharma and Mallinckrodt bankruptcies, which are not yet finalized.

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FREQUENTLY ASKED QUESTIONS ABOUT SETTLEMENTS WITH OPIOID DISTRIBUTORS AND JOHNSON & JOHNSON

This document is intended to assist Minnesota subdivisions evaluating the settlement agreements resolving opioid claims with the three largest opioid distributors—McKesson, Cardinal Health, and AmerisourceBergen ("Distributors")—and opioid manufacturer Janssen Pharmaceuticals, and its parent company, Johnson & Johnson ("J&J") (collectively, the "Settlements"). This document is subject to being updated as additional information is gathered. The terms of the Settlements and the Minnesota Opioids State-Subdivision Memorandum of Agreement ("MN MOA") are controlling and are not amended or in any way affected by this document. Copies of these settlements, agreement, and other materials can be found at the Attorney General's website: www.ag.state.mn.us/opioids.

1. **My city or county received a notice in the mail and by email about two opioid settlements. What do we do with this and how do we join the Settlements?**

   The notice your city or county received relates to two Settlements resolving opioid claims against the country's three largest drug distributors, McKesson, Cardinal Health, and AmerisourceBergen, and opioid manufacturer Johnson & Johnson for their role in the opioid epidemic. The notice went out to all Minnesota counties, as well as cities that have a population greater than 10,000 and those that have filed lawsuits against these companies.

   Under the Settlements, Minnesota and its cities and counties stand to receive up to $296 million in Opioid Settlement Funds to fight the opioid crisis over the next 18 years, starting in early to mid-2022. The more cities and counties that join, the more the Distributors and J&J will pay under the Settlements.

   The Notice you received should have a unique subdivision registration code. The Attorney General's Office also sent your city or county a letter attaching this same registration code. Cities or counties must visit www.nationalopioidsettlement.com and use that code to register to receive participation agreements for the Settlements. You will then receive information about how to submit your Subdivision Settlement Participation Forms electronically via DocuSign. **You must submit two forms, one for each Settlement.**

2. **How large are the Settlements?**

   Under the terms of the Settlements, the Distributors and J&J will provide up to $26 billion to states, cities, and counties throughout the country. The Distributors will make payments over a period of 18 years, and J&J will make payments over nine years.

3. **Is there a deadline for cities and counties to join the Settlements?**

   Yes. Cities and counties should complete their Subdivision Settlement Participation Forms by **January 2, 2022**. Cities and counties that join after that date risk reducing the entire amount that goes to the State of Minnesota as well as having their own payments reduced.

4. **How many Minnesota cities and counties are engaged in litigation against the Distributors and J&J?**

   Twenty-six counties and seven cities have filed lawsuits against the Distributors and/or J&J. Under the MN MOA (see additional information below), all 87 counties and every city that meets the eligibility criteria would receive settlement payments regardless of whether they filed lawsuits, but they must join the Settlements. The Settlements prohibit payments to counties or cities that do not join the Settlements.

5. **What is the status of these cases?**

   All Minnesota city and county cases have been consolidated for pretrial proceedings into a Multi-District Litigation (MDL) in federal court in Cleveland, Ohio. The opioid MDL has roughly 3,000 lawsuits from nearly every state. The lawsuits allege that opioid manufacturers misrepresented the risks associated with prescription opioids; that opioid distributors did not properly monitor shipments of prescription opioids to pharmacies across the country; and that these actions contributed to the opioid epidemic that continues to ravage Minnesota and the rest of the country. Until the Settlements are finalized, these cases will remain pending.

6. **Has the State of Minnesota joined the Settlements?**

   Yes. The Minnesota Attorney General's Office, together with the majority of state Attorneys General across the country, has signed on to the Settlements. Those Attorneys General, lawyers representing thousands of municipalities in the national opioid litigation, and the Association of Minnesota Counties, League of Minnesota Cities, and the Coalition of Greater Minnesota Cities strongly encourage cities and counties to join. Cities and counties that join will be helping to bring additional abatement resources to communities and families throughout the state for substance use prevention, harm reduction, treatment, and recovery.

7. **How much will Minnesota receive from the Settlements?**

   Minnesota is eligible to receive a maximum payment of approximately $296 million under the Settlements with the Distributors and J&J. The settlement funds are allocated among states based on population and the impact of the opioid crisis on each state, taking into account several public health measures. The precise amount of settlement funds Minnesota as a whole receives is highly dependent on the level of city and county participation and the avoidance of penalties that would result from cities or counties filing new lawsuits.

8. What is the Minnesota Opioids State-Subdivision Memorandum of Agreement?

The MN MOA governs how Minnesota will distribute settlement funds from the Settlements with Distributors and J&J. It also governs how opioid abatement funds from the bankruptcy resolutions with Purdue Pharma and Mallinckrodt are distributed within Minnesota. The Purdue Pharma and Mallinckrodt bankruptcies are not yet finalized, and it is not yet known how much money will be coming to the state from these bankruptcies, although the Attorney General's Office expects the figure to be in the tens of millions.

9. Why is it so important to join the Settlements and the MN MOA?

The opioid epidemic has taken the lives of more than 5,400 Minnesotans since 2000. The epidemic has torn families apart and ravaged communities, particularly American Indian populations and communities of color. Individuals, families, and communities continue to suffer, as the COVID-19 pandemic has caused a surge in both fatal and nonfatal overdose deaths.

The epidemic was fueled by irresponsible marketing and inadequate monitoring on the part of opioid makers and distributors. In addition to potentially over $296 million to fight the epidemic, settlements with the Distributors and J&J will shine a light on these companies' conduct and help make sure nothing like this ever happens again. The MN MOA is an important step forward in holding these companies accountable and directing much-needed resources to communities across the state.

10. What are the most important features of the MN MOA?

The Settlements require state and local governments to use the vast majority of settlement funds to address the opioid epidemic. Consistent with this principle, the MN MOA dedicates funds to that purpose. The Attorney General's Office convened an expert panel of local, state, and community providers with experience and expertise in public health and delivery of health care services to determine the best and most effective use of the settlement funds (the "Advisory Panel to the Attorney General on Distribution and Allocation of Opioid Settlement Funds" or the "panel"). The panel selected a comprehensive list of future opioid abatement and remediation programs to which these settlement funds must be dedicated, whether those funds are received by the State, cities, or counties.

The MN MOA also enables Minnesota to maximize resources to fight the epidemic. The MN MOA was designed to incentivize cities and counties to join in order to earn the maximum amount of payments from the Settlements. To maximize resources flowing to communities on the front lines of the epidemic, the MN MOA directs settlement funds as follows:

- 75 percent to local governments, including all counties and 33 cities.
- 25 percent to the state, to be overseen and distributed by the Opioid Epidemic Response Advisory Council.

11. How does my city or county sign onto the MN MOA?

The county board, city council, or equivalent legislative body can pass a resolution stating its intent to sign onto the MOA and directing the appropriate county or city official to execute the MOA. Sample resolutions are available from the Association of Minnesota Counties and the League of Minnesota Cities.

12. If my city or county signs onto the MN MOA, does that mean it automatically signs onto the Settlements with the Distributors or J&J?

No. A city or county that signs the MN MOA is agreeing to a framework for how settlement funds will flow in the event the Settlements become effective. However, the city or county must separately sign on to the Settlements in order to receive payments pursuant to the MN MOA.

13. If my city or county joins the Settlements, will we receive direct payments?

It depends. All counties that join are set to receive direct allocation under the terms of the MN MOA, as well as all cities that join and meet the following eligibility criteria:

- Have a population of 30,000 or more, based on the U.S. Census Bureau's Vintage 2019 population totals;
- Have funded or otherwise managed an established health care or treatment infrastructure (*e.g.*, health department or similar agency); or
- Have initiated litigation against the Distributors or J&J as of December 3, 2021.

The population threshold for non-litigating cities to receive a direct allocation of funds recognizes that the efficient delivery of opioid abatement services is hindered if the funds are divided into hundreds of small allocations. Even with potentially upwards of $300 million coming into Minnesota, allocating funds among several hundred smaller cities and towns would result in minimal payments for most subdivisions, in many cases less than a few dollars a year. For that same reason, under the MN MOA cities allocated a share may elect to have their full share or a portion of their share instead directed to the county in which the city is located.

Although not all cities will receive a direct allocation of opioid abatement funds, those cities will still benefit from the opioid remediation efforts that take place in their communities. Moreover, under the MN MOA, each county receiving opioid settlement funds must consult annually with the cities in the county regarding use of the settlement funds. Finally, cities that are not eligible for a direct share may also request grants for opioid remediation programs from the state's opioid remediation fund, which are distributed via the Opioid Epidemic Response Advisory Council and the Department of Human Services.

14. If my city or county joins, how much money will we receive?

Under the terms of the MN MOA, local governments (including cities and counties) that join the Settlements will directly receive 75% of the total abatement funds, divided among the counties and eligible cities in the percentages reflected in Exhibit B to the MN MOA. The percentages reflected in Exhibit B are based upon the MDL's Opioid Negotiation Class Model. Experts and attorneys representing local governments in the MDL developed the allocation model based on nationally available federal data on opioid use disorder, overdose deaths, and opioid shipments into Minnesota, by region and community.

15. When will my city or county get payments?

Payments from the Settlements will begin to flow to the state and directly to cities and counties as soon as April 2022. The Distributors will make payments over a period of 18 years, and J&J will make payments over nine years. The J&J settlement provides for payments to be accelerated if cities and counties sign on early.

16. How much money will the State receive, and where will it go?

Under the terms of the MN MOA, the statewide abatement share is 25% of the total abatement funds. By statute, these funds will go into a special opioid abatement account and are designated to be used solely for opioid abatement purposes pursuant to the Approved Uses in the MN MOA, overseen and distributed by the Opioid Epidemic Response Advisory Council.[1]

17. What about attorney fees?

The state's investigation and litigation against the opioid industry is handled by government lawyers in the Attorney General's Office. No money from these Settlements will go to pay any state lawyers. Some cities and counties in Minnesota retained attorneys on a contingency fee basis to file lawsuits against the opioid companies. The national settlements establish an Attorney Fee Fund for attorneys representing cities and counties that join the settlements. The settlements require attorneys who recover from this fund to waive enforcement of their contingency fee agreements. The MN MOA includes a Backstop Fund, which will be overseen by a Special Master, that will allow for the payment of reasonable attorney fees to private attorneys to make up for the difference between what they receive from the national fund and their contingency fee agreements, which are capped at 15%. The Backstop Fund is funded by a percentage of the local government share of

[1] Under current law, after certain appropriations are made, approximately 50% of the funds paid into the opioid abatement account are distributed to county social service agencies to provide child protection services to children and families who are affected by addiction. The state-subdivision agreement anticipates a change to this law to allow counties to receive their share of the settlement funds directly. The agreement requires the state and subdivisions to work together to achieve this change in law during the 2022 legislative session, and includes a provision changing the allocation between state and local governments if the statutory change is not accomplished.

settlement funds, and any funds that remain in the Backstop Fund after payment of reasonable attorney fees will revert to cities and counties for abatement.

18. How will the money coming into Minnesota be tracked?

The Advisory Panel to the Attorney General on Distribution and Allocation of Opioid Settlement Funds agreed upon a set of reporting and compliance recommendations to make sure that the abatement money coming into Minnesota is effectively tracked and spent on strategies and programs that have a real impact in the state. The MN MOA will be supplemented to include provisions that will be mutually agreed upon by the State and cities and counties utilizing the panel's recommendations.

19. Can a city join the Settlements even if it does not receive a direct allocation of abatement funds?

Yes. The Settlements allow for all cities and counties to join, even ones that are not directly allocated amounts from the 75% local government share. For cities with populations greater than 10,000, joining the Settlements will assist Minnesota in earning the maximum amount possible.

Non-litigating cities with populations under 10,000 were not sent notices and are not able to use the DocuSign process, but may still want to join the Settlements. If such cities want to join the settlements, they can contact the Attorney General's Office to receive the subdivision joinder forms by emailing opioids@ag.state.mn.us.

20. Does the MN MOA apply to matters other than the Distributor and J&J Settlements?

Yes. The MN MOA replaces default provisions in the Purdue Pharma L.P. and Mallinckrodt plc bankruptcy plans. The Attorney General's Office anticipates that the Purdue Pharma and Mallinckrodt bankruptcy proceedings will provide tens of millions of additional dollars to Minnesota to support state and local efforts to address the opioid epidemic across the state. These funds will be distributed throughout the state according to the provisions MN MOA, just like the settlement funds from the Distributor and J&J Settlements.

21. Do the Settlements require the companies to do more than pay money?

Yes. In addition to paying billions of dollars, the companies are also required to make changes in how opioids are distributed and sold. The companies will be subject to far more oversight and accountability throughout that process to prevent deliveries of opioids to pharmacies where diversion and misuse occur. The Distributors will be required to establish and fund a centralized, independent clearinghouse using detailed data analytics to keep close track of opioid distribution throughout the country and raise red flags for suspicious orders. J&J will be prohibited from selling or promoting opioids for ten years.

22. How do the Settlements and the MN MOA relate to the McKinsey settlement that was announced in February?

The McKinsey settlement is separate from the Settlements with the Distributors and J&J, and from the Purdue and Mallinckrodt bankruptcy proceedings.

In February 2021, Attorney General Keith Ellison and other attorneys general from across the country reached a $573 million settlement with one of the world's largest consulting firms, McKinsey & Company, over the company's role in advising opioid companies how to promote their drugs and profit from the opioid epidemic.

As part of the settlement with McKinsey, Minnesota will receive nearly $8 million, $6.6 million of which has already been paid. The remainder will be paid over four years. The entire settlement sum will be placed into the special opioid abatement account and used to abate the opioid crisis in the state.

23. Apart from the Distributors and J&J Settlements, the Purdue and Mallinckrodt bankruptcy proceedings, and the recent McKinsey settlement, is there other opioid-related litigation brought by state and local governments?

Yes. In addition to these cases, the Attorney General's Office continues to be engaged in multistate investigations and settlement negotiations with numerous other pharmaceutical manufacturers and distributors for violations of state consumer protection laws. The Office is leading nationwide efforts to ensure public disclosure of opioid-related documents, which are designed to achieve accountability, transparency, and prevention of future harm. The Office is also coordinating with the Opioid Epidemic Response Advisory Council to ensure any potential settlement funds are used as effectively as possible throughout Minnesota to remedy the ongoing opioid crisis.

24. Where can I get more information about the Settlements?

Cities or counties that hired attorneys to file opioid litigation should consult their attorneys. Additional information on the Settlements can be found at the national settlement website, www.nationalopioidsettlement.com, or the Attorney General's website: www.ag.state.mn.us/opioids. To speak with someone on the Attorney General's opioids team, email opioids@ag.state.mn.us or call (612) 429-7126 and leave a voicemail.

RESOLUTION NO._____

APPROVE RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MINNESOTA OPIOIDS STATE-SUBDIVISION MEMORANDUM OF AGREEMENT, THE DISTRIBUTOR SUBDIVISION SETTLEMENT PARTICIPATION FORM AND THE JANSSEN SUBDIVISION SETTLEMENT PARTICIPATION FORM ON BEHALF OF THE CITY OF BROOKLYN CENTER.

WHEREAS, the State of Minnesota, Minnesota counties and cities, and their people have been harmed by misconduct committed by certain entities that engage in or have engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic;

WHEREAS, certain Minnesota counties and cities, through their counsel, and the State, through its Attorney General, are separately engaged in ongoing investigations, litigation, and settlement discussions seeking to hold opioid manufacturers and distributors accountable for the damage caused by their misconduct;

WHEREAS, the State and Local Governments share a common desire to abate and alleviate the impacts of the misconduct described above throughout Minnesota;

WHEREAS, while the State and Local Governments recognize the sums which may be available from the aforementioned litigation will likely be insufficient to fully abate the public health crisis caused by the opioid epidemic, they share a common interest in dedicating the most resources possible to the abatement effort;

WHEREAS, the investigations and litigation with Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson have resulted in National Settlement Agreements with those companies, which the State has already committed to join;

WHEREAS, Minnesota's share of settlement funds from the National Settlement Agreements will be maximized only if all Minnesota counties, and cities of a certain size, participate in the settlements;

WHEREAS, the National Settlement Agreements will set a default allocation between each state and its political subdivisions unless they enter into a state-specific agreement regarding the distribution and use of settlement amounts;

WHEREAS, a Memorandum of Agreement was drafted to facilitate compliance by the State and by the Local Governments with the terms of the National Settlement Agreements and is intended to serve as a State-Subdivision Agreement under the National Settlement Agreements;

WHEREAS, the Memorandum of Agreement is also intended to serve as a State-Subdivision Agreement under resolutions of claims concerning alleged misconduct in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic entered in bankruptcy court that provide for payments (including payments through a trust) to both the State and Minnesota counties and cities and allow for the allocation between a state and its political subdivisions to be set through a state-specific agreement; and

WHEREAS, specifically, the Memorandum of Agreement is intended to serve under the Bankruptcy Resolutions concerning Purdue Pharma and Mallinckrodt as a qualifying Statewide Abatement Agreement

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, approve resolution authorizing the City Manager to execute a Minnesota Opioids State-Subdivision Memorandum of Agreement, The Distributor Subdivision Settlement Participation Form and The Janssen Subdivision Settlement Participation Form on behalf of the City of Brooklyn Center.

RESOLUTION NO._____

January 10, 2022
Date

_____
Mike Elliott, Mayor

ATTEST: _____
Barbara Suciu, 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/EDA Work Session
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 89746014857#
January 10, 2022

AGENDA

ACTIVE DISCUSSION ITEMS

1. Concept Opportunity Site Pilot Project - Concept Plan Review

   Staff request that the City Council review the Concept Opportunity Site Pilot Project, ask questions, and provide input prior to a formal application.

2. 1601 James Circle Development Concept Proposal

   Staff request that the City Council to review a development concept, provide comments, ask questions, and indicate whether or not the City would be open to the project.

PENDING LIST FOR FUTURE WORK SESSIONS

1. Upcoming

Council/EDA Work Session

DATE: 1/10/2022

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

SUBJECT: Concept Opportunity Site Pilot Project - Concept Plan Review

Requested Council Action:

Staff request that the City Council review the Concept Opportunity Site Pilot Project, ask questions, and provide input prior to a formal application.

Background:

A concept plan review is an opportunity for the City Council to review a development concept, ask questions, and provide input prior to a formal application. This provides the City Council an early opportunity to weigh-in on a project and indicate what their priorities are, during the City's negotiation process. It is a critical step for staff and developers to gauge the Council's level of interest and goals while the project is still being developed.

Concept plan reviews are an informal step in the process. They are considered advisory and are non-bonding for the City and the application. No Council action is being requested as part of the concept review process. The developer will receive the input from the Council, and based on that determine whether to proceed with a full formal application and review process.

Background

In April 2018, the City entered into a Preliminary Development Agreement with developer Alatus that would allow them time to develop a master plan for the EDA-owned 35 acres within the Opportunity Site and to conduct due diligence on an initial phase of that development.

Prior to this, the City Council had solicited interest from developers to propose their vision for the site. Three developers came forward with concepts and after meeting with two of them, the Council selected Alatus because their vision aligned with the City’s 2006 master plan vision to create a mixed use, walkable town center that existing residents could bene?t from and utilize.

By early 2019, Alatus had re?ned their overall concept for the site and were moving forward with early planning for an initial phase of development that would include approximately 300 units of housing and a mix of commercial on the ground ?oor. The concept was presented to Council and direction was made to renew the Preliminary Development Agreement with Alatus.

A full summary of the planning and engagement on the Opportunity Site is attached.

Community Engagement and Benefits Plan Update

Over the last year, Alatus has formally partnered with Project for Pride in Living and Resurrecting Faith World Ministries on the development project. As a collective partnership the development team has been working closely with the city and the community partners working on engagement to create and refine their business and concept plan. The development team has been meeting regularly with the community partners to get input on their project, as well as participating in community meetings hosted by the various community partners.

At their November 22, 2021 meeting the City Council received a presentation from Christina Berry, NEOO Partners, and Nelima Sitati Munene, ACER, on the community engagement process to date. The contracted community partners have been meeting regularly for several months and out in community conducting their engagement activities. The formal engagement from the community partners is expected to wrap up by the end of January.

The Citizen Advisory Taskforce has been meeting as well. Their role is to receive and distill the engagement results from the community partners and to work with the developer to establish a community benefits plan. The development team is committed to working with this group, and has begun conversations with them and building in a community benefits framework into the concept plan. This work is anticipated to continue through the end of March.

The development team presented their concept plan to the Citizen Advisory Taskforce and the community partners to get feedback. They then hosted a community-wide meeting at the community center on December 8. The meeting was an opportunity for community to see the plan so far and provide input on it.

The development team will be hosting a series of community engagement sessions in January and February to continue to share the site plan as it evolves.

Other formal engagement dates will be as follows:

- Neighborhood Meeting – Preliminary Concept Site Plan – Wednesday, December 8th, 2021
- Open Comments & Questions Period – Environmental Assessment Worksheet – Mid-January to Mid-February
- Neighborhood Meeting – Final Concept Site Plan – Wednesday, February 9th, 2022
- Neighborhood Meeting – Final Concept Site Plan #2 – Wednesday, February 23rd, 2022

They have established a project website to share information and receive feedback: https://www.pilotsiteatbrooklyncenter.com/

Concept Plan

The concept plan consists of approximately 15 acres of land at the northeast corner of Shingle Creek Parkway and Bass Lake Road. The concept layout would create five new urban blocks with six buildings of housing, an event center campus with childcare center and additional commercial space, as well as the Entrepreneurial Market Plaza incubator, and new roads, plazas and infrastructure.

The proposed housing mix will include the creation of a gateway 4 to 6-story market-rate multi-family rental housing development with shared plaza a public spaces with the Entrepreneurial Market Plaza incubator. Next to this would be a mixed-income multi-family project with shared pedestrian and vehicular infrastructure. On the

east side would be a phased low-income housing tax credit development in four buildings. The site includes the integration of the Gathering and Event Space, a community event space, and its campus concept, all woven together with permeable pedestrian infrastructure, public art and traffic calming vehicular access points.

Project goals include:

- Providing a full spectrum of housing affordability
- Provide wholistic community enhancing spaces and places
- Be environmentally and fiscally sustainable
- Catalyze future equitable development opportunities

The City has been leading the work on the Entrepreneurial Market Plaza. An implementation study has just begun with ACER and NEOO Partners leading that work, and Design by MELO leading the design and architecture of the incubator and entrepreneurial plaza. The space is envisioned as a 25,000 square foot building for incubator and co-working space and attached 10,000 square foot plaza to serve local entrepreneurs and businesses. The incubator would also house a new small business resource center.

The concept includes new roadways, anticipated to be a mix of public and private roads. Roadways are designed to provide a more urban, walkable, experience, with on-street parking, streetscaping, and pedestrian infrastructure. Parking is primarily provided underground, with a mix of some surface and on-street parking. A new shared stormwater pond is shown, designed to provide public amenity space for the new development area.

Three Rivers Park District is planning a new regional "bridging" park in their 2024 funding year. This four-acre amenity will anchor the development and provide high quality public greenspace in the heart of the Opportunity Site.

The concept plan anticipates 744 new housing units as follows:

BUILDING NAME	STORIES	GROSS AREA (INCLUDES PARKING)	UNITS	AVG. UNIT
INCUBATOR	2	19,110		
EVENT CENTER, CHILDCARE CENTER, THERAPY SUITES, & BARBER SUITES	1	58,453		
MARKET RATE RESIDENTIAL	4 - 6	401,541	289	730
MIXED INCOME RESIDENTIAL	2 - 6	314,394	205	777
AFFORDABLE RESIDENTIAL				
FAMILY 1 (NW CORNER)	5	83,432	60	908
FAMILY 2 (SW CORNER)	4	83,432	60	908
FAMILY 3 (NE CORNER)	4	83,432	60	908
WORKFORCE (SE CORNER)	4	76,482	70	713
		1,120,276	**744**	

Next Steps

The development team will continue to work with the community partners and citizen advisory taskforce over the coming months to finalize their project plan and the community benefits plan.

The anticipated timeline for the project is as follows:

December - January - Continue meeting regularly with the community partner groups to share the project, get input, and receive engagement reports

December - March - Work with the Citizen Advisory Taskforce to incorporate a community benefits plan into the project and continue to refine the site and project plan.

January - February - Host 30-day public comment period for EAW

March - May - City considers formal land use application and public subsidy request for the project

June - July - Closing and construction start

Budget Issues:

There are no budget issues to consider at this time

Inclusive Community Engagement:

The community engagement process for this project has been the most extensive in the City's history and has included a pilot engagement process to work directly with community leaders and organizations to deliver a deep and meaningful engagement process. The deliverables from the process will be distilled through a Citizen Advisory Taskforce that is tasked with establishing recommendations for a community benefits plan to be incorporated into the development project.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Concept Plan _ Narrative	12/7/2021	Backup Material
Concept Plan _ Site Plan	12/7/2021	Backup Material
Concept Plan _ Elevations	12/7/2021	Cover Memo
Concept Plan _ Elevations2	12/7/2021	Backup Material
Planning and Engagement Process and History	12/7/2021	Backup Material

ALATUS LLC

City of Brooklyn Center
Community Development Director
Attn: Ms. Meg Beekman
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

Delivered via Email – Monday, November 8th, 2021

Ms. Meg Beekman,

Alatus LLC ("Alatus"), Project for Pride in Living ("PPL"), and Resurrecting Faith World Ministries ("RFWM") are pleased to present the following Concept Site Plan Review application for the proposed redevelopment of the parcels located at 2500 CO and 5900 Shingle Creek Parkway, Brooklyn Center, MN 55430. The proposed project, the "Pilot Site", will encompass a significant area of the land on the tax parcels PID #0211821240019 and PID #0211821240019, both currently owned by the City of Brooklyn Center Economic Development Authority.

Project goals and public benefits envisioned for the Pilot Site are as follows:

- Spectrums of Housing & Affordability – Market-rate, mixed-income, and low-income rental opportunities will allow for diverse demographic and socioeconomic populations to live and occupy the same spaces. Development sponsor PPL will be creating phased development of family oriented low-income housing tax credit properties with rent and income thresholds from 30% AMI to 60% AMI and with 2, 3, and 4 BDR offerings. These types of units are tremendously undersupplied in the Twin Cities metropolitan area and will be very valuable to the Brooklyn Center community.

- Wholistic Community Enhancing Spaces and Places – Development sponsor RFWM is proposing a ~27,500 sqft Gathering and Event Space focused on a campus orientation development proposal that includes the aforementioned housing spectrum and other offerings to wholistically help communities grow and thrive. The Pilot Site will also include the development of a community-based Business Incubator as a focal point for the entire development staging. This Business Incubator will be programmed and owned by the City of Brooklyn Center and will help to advance equitable outcomes for entrepreneurs and business owners in and around the city of Brooklyn Center. The programming of this space will be informed by input sessions crafted by NEOO and the City of Brooklyn Center and the spatial programming will be further enhanced by Design by Melo and their robust engagement initiatives.

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- Environmentally and Fiscally Sustainable – the Pilot Site will be both fiscally and economically sustainable. Residential developments within the Pilot Site will achieve LEED Certifications and/or Well Built Certifications to ensure a high threshold of livability for all resident populations. The Pilot Site's location next to a strong retail hub with two value oriented grocers and a Metro Transit Bus Rapid Transit Line C facility with direct access to Downtown Minneapolis should help to minimize car dependency and allow for cheaper multi-modal last-mile trips.

- Future Equitable Development Opportunities – the Pilot Site is an initial opportunity to craft a business plan and scope and ultimately physical programming that touches on many of the development processes that have often been lacking in diverse communities. Inevitably, there will be ideas that cannot be incorporated, missed opportunities, or process breakdowns. As the Pilot Site is just a small portion of the total amount of land owned by the City of Brooklyn Center Economic Development Authority, the engagement, entitlement, and development processes can be refined and modified moving forward for a more complete process with respect to the next phase of development on the larger Opportunity Site.

The nature of the proposed development is concentrated on creating a spectrum of opportunities for community members of all different backgrounds. The proposed housing mix will include the creation of a gateway 4 to 6-story market-rate multi-family rental housing development with shared plaza a public spaces with the Business Incubator, next to a mixed-income multi-family project with shared pedestrian and vehicular infrastructure, phased low-income housing tax credit properties as further defined below, the integration of the Gathering and Event Space and its campus concept, all woven together with permeable pedestrian infrastructure and traffic calming vehicular access points. At this time the Concept Site Plan estimates the following unit types and counts for housing options on the development site:

- **Area B + D, Building C**: Public Plaza, ~20,000 sqft Community Business Incubator, and Flex Street / Woonerf

- **Building F**: 4 to 6-story market-rate multi-family rental community with 289 units and 441 parking stalls (below grade, podium, and parallel surface); Building F will also host the shared fitness, remote working facility, training, and locker room facilities that will be accessible to all residents in the Pilot Site

- **Building E**: ~27,500 sqft Gathering & Event Space with mental health and therapy suites, private event spaces, 24/7 childcare, and barber shop spaces

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- **Building G**: 2 to 6-story mixed-income* multi-family rental community with 205 units and 286 parking stalls (below grade, podium, and parallel surface)
    - * – Note – Mixed-income refers to 51% of the total units, or 103 units, being at or less than 80% AMI rental and income restricted; it should also be noted that a majority of these affordable units will be 2 and 3 BDR units

- **Building(s) H**: 4 phased low-income housing tax credit developments; 3 phases will consist of 4 to 5-story low-income housing tax credit multi-family rental communities with 60 units and ~55 parking stalls (below grade, and parallel surface)**; 4th phase will consist of a 4-story low-income housing tax credit multi-family rental community with 70 units and ~55 parking stalls (below grade, and parallel surface)***
    - ** – Note – these first three phases will consist of a majority of family unit sizes from 2 to 4 BDR offerings at 30% to 60% AMI rental and income restrictions
    - *** – Note – this final phase will consist of workforce housing with smaller unit types

It is very important to note that Area B + D, and Building C, as well as portions of Building E will continue to be investigated and shaped as the respective development sponsors continue engagement with the community of Brooklyn Center. Even at the time of this submission, the development sponsors have been considering other programming additions such as an autonomous EV bus-circulator to and from the Shingle Creek Crossing Retail Center, the inclusion of a commercially scaled community garden or greenhouse, community commercial kitchens for start-up food enterprises, and the ability to create commercial space ownership opportunities for community business proprietors.

There will be numerous engagement opportunities moving forward from this point on in formal and informal settings. The development sponsors will make every effort to make recordings available for viewing and comment or questions for those that cannot physically participate or would prefer to give feedback in a different medium. Materials will be shared at the following URL with re-direction to various other site planning materials and documents:

https://clients.bolton-menk.com/brooklyncenter2019/opportunitysite/

Other formal engagement dates will be as follows:

- Neighborhood Meeting – Preliminary Concept Site Plan – Wednesday, December 8th, 2021
- Open Comments & Questions Period – Environmental Assessment Worksheet – Mid-January to Mid-February
- Neighborhood Meeting – Final Concept Site Plan – Wednesday, February 9th, 2022
- Neighborhood Meeting – Final Concept Site Plan #2 – Wednesday, February 23rd, 2022

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ALATUS LLC

These dates are subject to change and advance notice on times, dates, locations, and other opportunities for engagement will be communicated over the website and via various communication channels including social media platforms. The development sponsors will also be facilitating meetings with community organizations, including, but not limited to, ACER, Brooklyn Bridge Alliance for Youth, Empire Smile, Liberian Business Association, MN African Coalition, MN Africans United, Paadio, and MN Zej Zog.

The development sponsors of Alatus LLC, Project for Pride in Living, and Resurrecting Faith World Ministries are looking forward to partnering with the City of Brooklyn Center and other community stakeholders on this tremendous once in a generation redevelopment opportunity in one of the most diverse cities in the state of Minnesota.

Sincerely,

Chris Osmundson
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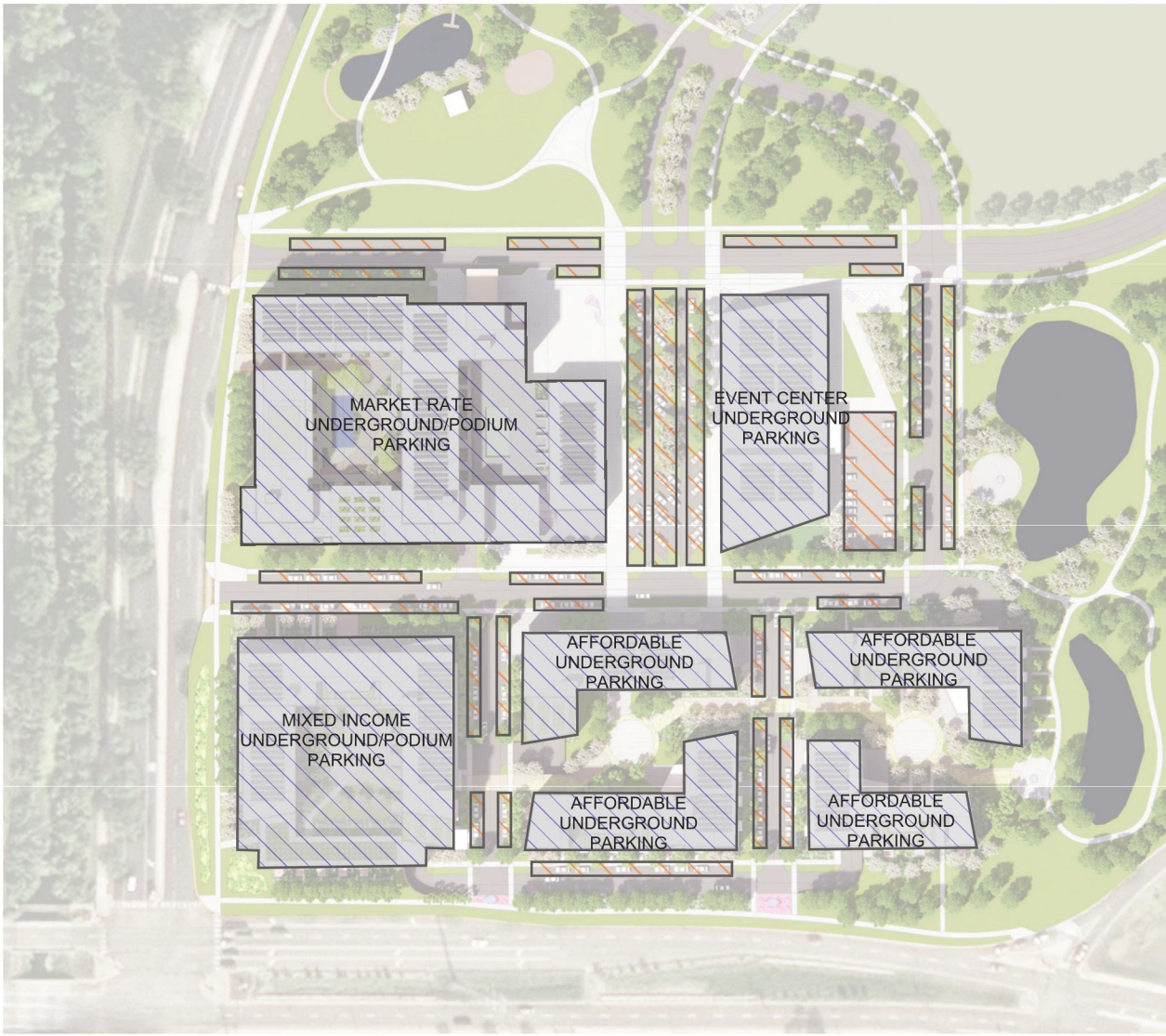
- A THREE RIVERS PARK
- B PUBLIC PLAZA
- C INCUBATOR
- D FLEX STREET
- E EVENT CENTER, CHILDCARE CENTER, THERAPY SUITES, & BARBER SUITES
- F MARKET RATE RESIDENTIAL
- G MIXED INCOME RESIDENTIAL
- H AFFORDABLE RESIDENTIAL
- I COMMUNITY GARDENS
- J PUBLIC ART OPPORTUNITY
- K [STORM WATER PARK]
- COMMUTER BIKE LANES
- SHINGLE CREEK TRAIL
- TWIN LAKES TRAIL
- METRO TRANSIT STOP

LDING NAME	STORIES	GROSS AREA (INCLUDES PARKING)	UNITS	AVG. UNIT
R	2	19,110		
NTER, CHILDCARE HERAPY SUITES, & UITES	1	58,453		
ATE RESIDENTIAL	4 - 6	401,541	289	730
OME RESIDENTIAL	2 - 6	314,394	205	777
LE RESIDENTIAL				
Y 1 (NW CORNER)	5	83,432	60	908
Y 2 (SW CORNER)	4	83,432	60	908
Y 3 (NE CORNER)	4	83,432	60	908
ORCE (SE CORNER)	4	76,482	70	713
		1,120,276	**744**	



PROJECT FOR PRIDE IN LIVING

	EVENT CENTER, CHILDCARE CENTER, THERAPY SUITES, & BARBER SUITES	FLEX STREET	MARKET RATE	MIXED INCOME	AFFORDABLE	**OVERALL SITE**
	36	39				
	75		280	187	180	
			134	83		
	29	8	27	16	41	
TOTAL	140	47	441	286	221	1135
PER UNIT)			1.53	1.40	0.88	



UNDERGROUND/PODIUM PARKING

PARALLEL/SURFACE PARKING

0 100 200 N



OT SITE WITHIN MASTER PLAN



PILOT SITE – COMMUNITY FEATURES

VIEW LOOKING NORTHWEST



VIEW LOOKING SOUTHWEST



PROJECT FOR PRIDE IN LIVING

VIEW LOOKING NORTHEAST



PROJECT FOR PRIDE IN LIVING

VIEW LOOKING NORTHEAST



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January 26, 2021

TO: Meg Beekman, Community Development Director

FROM: Haila Maze, Principal Urban Planner

RE: Brooklyn Center Opportunity Site Engagement Summary to Date

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Background and Purpose



Pre-2018 Opportunity Site Planning

The Opportunity Site is an approximately 80-acre area west of Hwy 100 and east of Shingle Creek Parkway, between Bass Lake Road and Summit Drive.

The City first began planning for redevelopment of this area in the early 2000s. In partnership with the Metropolitan Council, the area was included in a regional study designed to examine how aging retail centers could redevelop to better serve the communities they are in. The resulting study introduced the concept of a mixed-use, walkable, town center as a vision for the area.

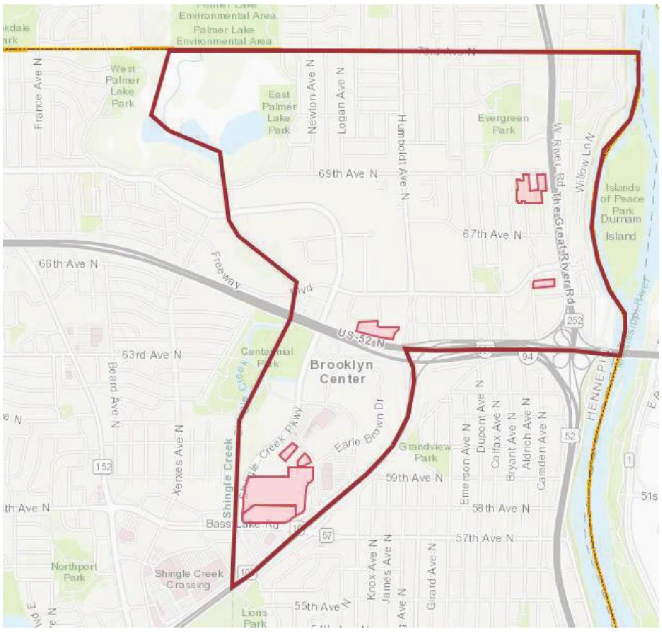
In 2006, the City commissioned Damon Farber and Associates to prepare a master plan for the area that is now known as the "Opportunity Site". The plan identified a series of redevelopment concepts as well as created design guidelines for the new development. The 2006 plan continued to support the vision of the area as a cohesive mixed-use neighborhood and city center and proposed a mix of housing types and densities as well as new commercial development.

The Great Recession stalled the City's redevelopment plans; however, reduced property values allowed the City's EDA to acquire 31 acres of property within the Opportunity Site between 2008 and 2013.

Additional acquisitions occurred after that and by 2018, the City's EDA owned approximately 35 acres of the 80-acre Opportunity Site area. The rest of the parcels are privately owned by various entities.

In early 2018, the Treasury Department rolled out the Opportunity Zone program, asking Governors of each state to submit census tracts into the program. The program was designed to provide capital gains tax relief on investment capital that supported development within

Brooklyn Center Opportunity Zone



designated Opportunity Zones. Minnesota Counties were tasked with identifying eligible census tracts for the program and submitting them to the Governor's office. Hennepin County provided eligibility criteria to its municipalities, which included low-moderate income census tracts with redevelopment opportunities. Brooklyn Center submitted two census tracts, but only one was selected. The selected census tract includes much of the northeast quadrant of the City as well as the area the City had been referring to as the "Opportunity Site". In May 2018, the Governor's office submitted the selected census tracts to the Treasury Department.

Alatus Development Plan

In April 2018, the City entered into a Preliminary Development Agreement with developer Alatus that would allow them time to develop a master plan for the EDA-owned 35 acres within the Opportunity Site and to conduct due diligence on an initial phase of that development.

Prior to this, the City Council had solicited interest from developers to propose their vision for the site. Three developers came forward with concepts and after meeting with two of them, the Council selected Alatus because their vision aligned with the City's 2006 master plan vision to create a mixed use, walkable town center that existing residents could benefit from and utilize.

By early 2019, Alatus had refined their overall concept for the site and were moving forward with early planning for an initial phase of development that would include approximately 300 units of housing and a mix of commercial on the ground floor. The concept was presented to Council and direction was made to renew the Preliminary Development Agreement with Alatus.

City-Led Master Plan

This agreement redirected control of the vision for the city, with the City taking the lead on master planning for the site, in partnership with Alatus, and incorporating the larger 80-acre Opportunity Site into the master plan. Alatus for their part in the agreement was tasked with implementing an initial phase of development and continuing their work to bring a development forward.

Throughout 2019, the City, along with its consultant team, worked to develop the Opportunity Site Master Plan. This was a multi-phased approach that involved a combination of technical assessment, initial community engagement, feasibility analysis, and further community engagement to continue to refine the plan.

In November 2019, the City purchased the 9-acre former Target site, within the Opportunity Site master planning area. The property was purchased soon after the store's closure, in order to hold it for redevelopment that aligned with the master plan.

Approach to Engagement

The scale and reach of community engagement on this project has exceeded that of any past effort in the City's history; however, the intent with this project is to ensure that the outcomes truly benefitted the residents of Brooklyn Center, and this necessitates a much deeper, more inclusive engagement strategy.

From the beginning, the engagement approach was intended to support this vision through an in-depth, inclusive process that connected with diverse groups and views throughout the city. Principles guiding this approach included:

- Consistency with city goals and policies, including the new city comprehensive plan.
- Ensuring the development provided direct access and benefits for city residents.
- Authentic engagement to connect people with the decision-making process.
- Meaningful opportunities to influence outcomes for the plan and the site.
- Transparency in decision making, to build trust and accountability.

While these principles have remained, the approach to engagement has evolved and changed since then, in response to feedback on effectiveness, and changes in external conditions.

Initial Engagement Plan: Spring-Fall 2019

Approach

With the many topics and issues to be considered, it was decided that an in-depth learning experience would be an appropriate way to bring the public into the planning process. As a result, the engagement process began with a series of hands-on workshops facilitated by LISC, which educated participants on the development process and explored options for the site. The outcomes of this process included a list of recommended community priorities and benefits to be included in the project. The final report, which was produced through a consensus-building process by the community, is attached to this summary.

Subsequent events, outlined in an engagement plan developed in Spring 2019, built upon this work by sharing out these ideas for review, input, and further comment.

Communicating About Opportunities

Strategies to communicate about opportunities for engagement included:

- Event flyers and mailed postcards
- Social media updates
- Website postings
- Media advisories and press releases
- Information shared through community-based groups
- Email updates via City systems and lists
- Information available in public buildings
- Updates shared through neighborhood association networks and meetings
- On-site signage
- Joint communications with other partners working in the area
- Direct invitations to key stakeholders

In-Person Engagement Activities

A focus of the engagement approach was to provide multiple opportunities for people who may not otherwise know about this project to participate, learn, and provide input. This included:

- Corridor Development Initiative Workshops, March 20, April 3, April 17, and May 1, 2019

- Brooklyn Center Health Fair Pop-up, April 27, 2019
- Multicultural Advisory Committee Workshop, May 28, 2019
- Earle Brown Days Pop-up, June 22, 2019
- City Council Presentation, July 1, 2019
- Second Saturday Market Pop-up, July 13, 2019
- APA Minnesota Brown Bag Lunch, July 16, 2019
- Youth in Governance Day with Brooklynk Interns, July 22, 2019
- National Night Out with Brooklynk Interns, August 6, 2019
- Second Saturday Market Pop-up, September 14, 2019
- Empire Media Podcast, Voice of Hope with Pastor Loveth, September 17, 2019
- Becoming Brooklyn Center Open House, Opportunity Site focus, September 19, 2019
- CEAP Farm Fresh Fest, September 20, 2019
- Community Band & BBQ, September 21, 2019

Online Engagement

In addition to the events, an online poll was circulated on the City's Polco survey platform throughout July 2019. Project information was shared via a newly developed project website and social media. This resulted in numerous online social media postings (on both city and neighborhood social media accounts), and an additional 80+ people signing up for project updates.

Youth Engagement

The city's Brooklynk interns, a cohort of local high school students paired with city departments, were used at several events to both provide input and collect input from others. The hiring of a temporary intern, also focusing on youth outreach, followed the conclusion of these internships. This involvement resulted in the recruitment and participation of youth in engagement, including their perspectives about what is important for the project.

Results of Engagement

By the end of this stage, there were over 1,000 direct engagements with residents and other community stakeholders. While participants were not asked to identify themselves directly, around one third to one half of participants were estimated to be people of color. By comparison, approximately 57% of the total population in Brooklyn Center, and 45% of the adult (18+) population, are people of color (Source: US Census 2013-2017 American Community Survey).

How This Impacted Plan

The following general themes have emerged from the engagement to date. More specifics are available in individual event summaries. Below is a summary of these themes and how they are addressed in the master plan.

- **Create indoor and outdoor spaces for community activities.** The plan envisions a series of attractive and inviting public spaces and facilities that would be available to all residents for formal and informal activities. This includes walkable downtown area district and a connected series of parks and open space amenities.
- **Make housing options and small business spaces accessible and affordable to the public.** The plan provides for a range of housing and small business spaces, with a focus on affordability. This includes specific goals for housing affordability, as well as prioritizing accommodation of small local businesses via an entrepreneurial market.
- **Build upon the asset of the city's cultural, ethnic, and racial diversity.** The plan envisions open, accessible, safe, and welcoming spaces that include elements reflecting diverse identities. Multicultural event spaces, markets, and public art were also identified as priorities.

- **Counteract disinvestment to strengthen the city's economic and tax base.** The plan is designed to be economically feasible, to attract and leverage private investment on the condition it is consistent with other project goals.
- **Connect this to the community, physically and socially.** The site design in the master plan includes connectivity to existing area sidewalks, trails, and transit networks, to make it part of the larger community. The plan also supported a vision of a site in which all residents could take pride.
- **Support environmental sustainability.** Improvements to the site consistent with the plan would create a much greener, more sustainable space. This includes more trees and landscaping, district stormwater amenities, a walkable neighborhood area, and mix of uses.

Feedback on Process

While effort was made to ensure a diverse representation of participants in the engagement process, concerns were raised that the engagement process had not been extensive or inclusive enough. The city wished to go further to ensure that all voices are heard. To this end, the City and its partners met to develop a subsequent stage of public engagement for the Opportunity Site, described below.

Revised Engagement Approach: Winter 2019- Spring 2020

Approach

This stage of engagement was designed not only to broaden outreach but to put more control of the process in the hands of the community. The intent was to ensure the plan was designed to be truly accountable to the public in terms of delivering on benefits.

To provide more focused guidance for this effort, the Opportunity Site Working Committee was formed. Comprised of a range of community partners (including ACER, CAPI, OLM, LIBA, Alliance for Metropolitan Stability, Brooklyn Bridge Alliance, and others), this group was focused on informing and facilitating the public engagement process. These groups were chosen to reflect the broad diversity of the city, via groups that work directly in the community.

Working Committee Outcomes

This group met regularly – as frequently as weekly – from September 2019 to February 2020, advising on both the plan itself and the engagement process. Needs identified by the working group, and how they were addressed by the process, included:

- **The need for clear understanding of the impacts of the project, particularly potential for gentrification and displacement**. Based on this, the project added a new housing study process to inform the plan and broader city policy on a range of housing policies and priorities. This is currently underway, along with studies of traffic, stormwater, and financial impacts.
- **The need to communicate information about the plan to the community clearly and consistently, so people can understand what they are engaging about**. This was addressed through the development of plan summary documents to help explain plan concepts to the public. A "meeting in a box" tool was designed to put this in a format that was useful to community partners in sharing about the project.
- **The need to ensure the language of the plan is inclusive and reflects community values**. The working group reviewed the plan together, section by section, via a series of facilitated workshops. This resulted in numerous changes to plan language and direction – particularly focused on identified desired community benefits.

- **The need for an ongoing accountability framework through plan implementation.** This was addressed through the development of a community benefits section of the plan, and the initiation of a plan to develop an equity checklist (described further below).
- **The need for more and deeper engagement.** It was determined that partners who know the community best were the ones situated most ideally to do community-based engagement. This resulted in the proposed approach described below.

Partner-Led Engagement

To refocus and expand engagement, an offer was extended to working committee participants to facilitate community-based engagement activities. The format of this was designed to be flexible, so that they could be customized to the specific style that was most accessible, welcoming, and relevant to the targeted populations. As identified by the Working Committee, these populations included youth, renters, communities of color, and low-income communities – including West African, Latinx, African American/Black, and Hmong/Lao communities.

City staff extended an invitation to lead community engagement to all organizations in the working committee. While not all were positioned to do this work, the City contracted with several of them to assist with deepening the community engagement work and reaching out to residents who have historically been marginalized in planning and development processes. Results included:

- Brooklyn Bridge Alliance for Youth completed engagement work with young people in the community and presented their findings to the City Council. Engagement method included a series of facilitated small group focus groups, which included 81 youth. Participants ranged from 14-18 years of age, and reflected the broad diversity of the community's youth and were predominantly people of color.
- Paadio Consulting/Jude Nnadi elected to engage with African-born former and current residents of Brooklyn Center. The purpose was to outreach to various African ethnic and country-specific groups, attend in-person events to connect with residents in their own spaces and places, and administer a survey to gather input. Jude Nnadi attended 15 meetings/events and engaged with 300 participants; 127 participants filled out a survey.
- An OLM representative organized two in-person focus group sessions with renters in the community that allowed staff to have deep and meaningful dialogue with people currently residing in Brooklyn Center. All participants were people of color, with a significant proportion identifying as African.

Other community partner organizations, such as ACER, CAPI and LIBA, also entered into engagement contracts, but their work was largely disrupted by the COVID-19 pandemic and unable to be completed.

Equity Development Scorecard

Through their conversations, the Working Committee recommended that the City utilize the Equity Development Scorecard to evaluate future development projects on the site. The scorecard is a tool that can be customized for each community and is designed to evaluate and score development. The tool could be customized to reflect the values and goals of the master plan, thus creating a method of accountability to the master plan that would last into the future.

When the Working Committee completed its meetings in February 2020, the intention was to transition that group to an Equity Development Scorecard Taskforce, which would be facilitated by the Alliance for Metropolitan Stability, focused on developing the Equity Scorecard.

Pandemic Era Engagement: Spring-Winter 2020

Impact of COVID-19

By January 2020, a draft Master Plan was completed based on the community engagement that had been done, along with the technical assessment work. An engagement strategy to evaluate the draft plan was developed, the beginnings of which began to be implemented.

Just at the time the partner-led engagement was getting started in February-March 2020, the COVID-19 pandemic hit. This disrupted planned events significantly due to the crisis state it brought upon many city residents – and the readjusted priorities of both the city and community partners as they sought to address urgent needs.

As a result, much of the originally planned engagement was cancelled or modified. Working committee partners individually met with City staff in Spring 2020, discussing the need to extend the engagement period to accommodate the fact that people were unavailable to engage in the short term. As a result, while the original intention had been to complete the master planning work by Summer 2020, it became clear that this was no longer possible. The timeline for completing the work has been extended and now a final draft is anticipated no sooner than Spring 2021.

Likewise, the transition into the equity scorecard process was delayed. The Alliance stated that it was no longer able to lead the process, and the City began a search for a suitable replacement to lead the effort so that it could continue based on the Working Committee's recommendation. Brooklyn Bridge Alliance was initially identified as an alternative to serve in this role, though that is currently on hold given the need to further consider options (as described below).

Engagement Results

Due to the pandemic, 2020 engagement was significantly scaled back from the original plan. All in-person engagement attempts were halted for safety reasons. Regardless, some limited engagement continued, including:

- Partner-led engagement identified above via BBA, Paadio, and OLM – largely based on what was achievable when in-person meetings were still feasible
- An expanded visual story map website, to make the plan's online presence more accessible and inviting for comments
- An online comment map hosted on the website, allowing people to review and add comments to various plan elements
- Development of online surveys and meeting in a box tools, for people to review and engage remotely on their own time
- Communications about online engagement opportunities, distributed via direct mailers to residents, social media updates, emails to the community and project partners, and flyer distribution – including at a drive-in movie night.

The project website received significant traffic during this time, resulting around 140,000 total visits. While it was not possible to track all the people who participated during this phase, those who were identifiable brought the total involvement to over 2,500 individuals though the end of this period. This estimate is likely low, because it does not account for anonymous web visitors and those interacting on social media or via informal networks.

Feedback on Process

As heard at the January 4, 2021 City Council meeting, there were significant concerns about the engagement process raised. This included the extensiveness, quality, and validity of the engagement done to date – and the need to refocus the approach going forward. Given this critique, the city is now pursuing plans for a refocused approach to engagement.

Next Steps

City staff has been in communication with the community-based organizations that were involved with the Engagement Working Committee. The intent has been to determine what a community engagement strategy might look like moving forward and when the appropriate time to initiate it would be.

Major considerations identified at this point include:

- **Determining community-based leadership for next stage engagement.** As noted above, the process to do this has been challenged both by lack of capacity for some organizations to take on the role, as well as by the much-larger impact of the pandemic. Community-based engagement leadership has been identified repeatedly as a priority however, so the city will continue to explore options. This will likely be a team effort, since different groups have unique advantages in reaching specific populations.
- **Building and maintaining trust in the city as a partner with community.** Feedback and critiques throughout the planning process point to a stark reality: there are many in the community who do not trust power structures, including the City itself. While there are many justifiable reasons for this distrust, it should not be accepted as a matter of course. Inclusive, transparent, and accountable processes are needed to help build and maintain this – including accountability that extends well into the implementation phase.
- **Building community capacity to understand and influence the plan and future city actions.** This process has pointed to the need to build up the community's capacity to understand and engage effectively in decision-making processes. As with the lack of trust, this reflects the impact of historic and structural issues that extend well beyond the scope of this specific project. While not all of this can be solved in the short term, this should be kept in mind and worked towards.
- **Keeping the project moving forward.** Without some forward momentum in terms of developing the site (including approval of future private development projects), no benefits will be achieved for the community if the site remains empty. Indeed, the result will be worse than zero, as the site's vacancy, blight, and absence from the tax rolls means it is a drain on the city's financial resources and community fabric. While this does not mean the process should be rushed, it also means that delaying the project indefinitely is an undesirable option.

Council/EDA Work Session

DATE: 1/10/2022

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

SUBJECT: 1601 James Circle Development Concept Proposal

Requested Council Action:

Staff request that the City Council to review a development concept, provide comments, ask questions, and indicate whether or not the City would be open to the project.

Background:

The concept review process is an opportunity for the City Council to review a development concept prior to a formal proposal from an applicant, and provide comments, ask questions, and indicate whether or not the City would be open to the project. Concept reviews are helpful for projects that would involve EDA-owned land or public subsidy, as it provides insight to staff and the developer as to the City Council's level of interest, and any specific concerns, related to a project. A concept review is considered advisory and is nonbinding to the City and the applicant. No formal action can be taken at a work session, and the Council is not being asked to vote on the proposal. If the developer chooses to submit a formal application to the City to proceed, it would be subject to the full review process, as with any other development application.

Project Concept
Carvana has submitted a Letter of Intent to purchase 1601 James Circle as well as a concept plan for how they would intend to use the property.

Carvana is an online car dealership. All vehicles sold by Carvana are sold online. Vehicles are then either delivered to buyers from a centralized location or buyers can choose to pick-up their vehicle from one of Carvana's car vending fulfillment centers. The car vending machine is a unique structure and experience for buyers to pick-up vehicles quickly and efficiently. It is intended to offer an additional experience beyond simply having the vehicle dropped off.

Carvana currently operates 30 Vending Machines across the country in Arizona, California, Florida, Georgia, Indiana, Illinois, Kentucky, Maryland, Michigan, Missouri, Nevada, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, and Texas (and coming soon to Colorado, New York, Utah, and Virginia). The nearest car vending machine is in Illinois, and Carvana is seeking a location with high visibility and freeway access to locate one in the Twin Cities area.

A more detailed description of the function of the site and images can be found in the attached concept narrative.

Carvana is proposing to purchase a roughly 3.5 acre portion of 1601 James Circle North to locate a Carvana

Vending Machine. The site would primarily function as a destination for customers to pick up vehicles they already had purchased. No vehicle repair, maintenance or detailing would occur on site, with the exception of an area to wipe down vehicles after arriving on site. Vehicles would be delivered by truck to the site.

The building would consist of a prominent glass structure up to ten stories in height which would house vehicles. The balance of the site would be parking for employees, customers, and circulation for loading and unloading vehicles. The use would provide approximately 10 jobs.

A site plan of the concept is attached to this report.

1601 James Circle North
1601 James Circle North is an oddly shaped 4.93 acre parcel which is encumbered by a large publicly owned stormwater pond and drainage and utility easement. The location and size of the pond and the shape of the parcel make it difficult to site a structure on. This in part is the reason for the long vacancy of the site.

The City first acquired and combined two parcels, the former Olive Garden and former Cracker Barrell, in 2006. The EDA acquired both parcels for $2,893,295 and then demolished the structures on site. A portion of the properties were subdivided off and sold when the FBI building was constructed, leaving the current 4.93 acre configuration.

The property is zoned C-2 and guided for Business Mixed Use. Both the zoning and the underlying future land use guidance allows car sales as a permitted use.

If the sale to Carvana occurs, the EDA would retain a roughly 1.5 acre parcel on the west side of the site for future use as a standalone redevelopment, or to combine with the adjacent parcel for a larger redevelopment. The City would also retain the existing stormwater pond.

Letter of Intent
Carvana has submitted a letter of intent to purchase roughly 3.4 acres of the 4.93 acre site for $2,000,000. This equates to $13.5 per square foot for land, which is a fair market value. By comparison, the EDA acquired the Target property for $9.1 per square foot and Top Golf acquired the former Regal Theater for $10 per square foot of land.

The Letter of Intent identifies the following terms:

- $25,000 earnest money
- 90 days due diligence to study the site
- An additional 180 day approval period to seek City approvals for the use. This will include a Preliminary and Final Plat and Site and Building Plan Review.
- Seller pays 4 percent commission to buyers broker

Next Steps
If the Council wishes to proceed, the EDA and Carvana will execute the Letter of Intent. Carvana will begin their due diligence of the site and start to prepare a land use application. The land use application will go through a full review with staff, the Planning Commission and City Council. As part of that process staff will negotiate a purchase agreement for the site which will go to the EDA for a public hearing and consideration.

Carvana is not seeking public subsidy as part of their proposal.

Budget Issues:

There are no budget issues to consider. Any proceeds from the sale of this property would go to TIF 3 and could be used for future redevelopment opportunities.

Antiracist/Equity Policy Effect:

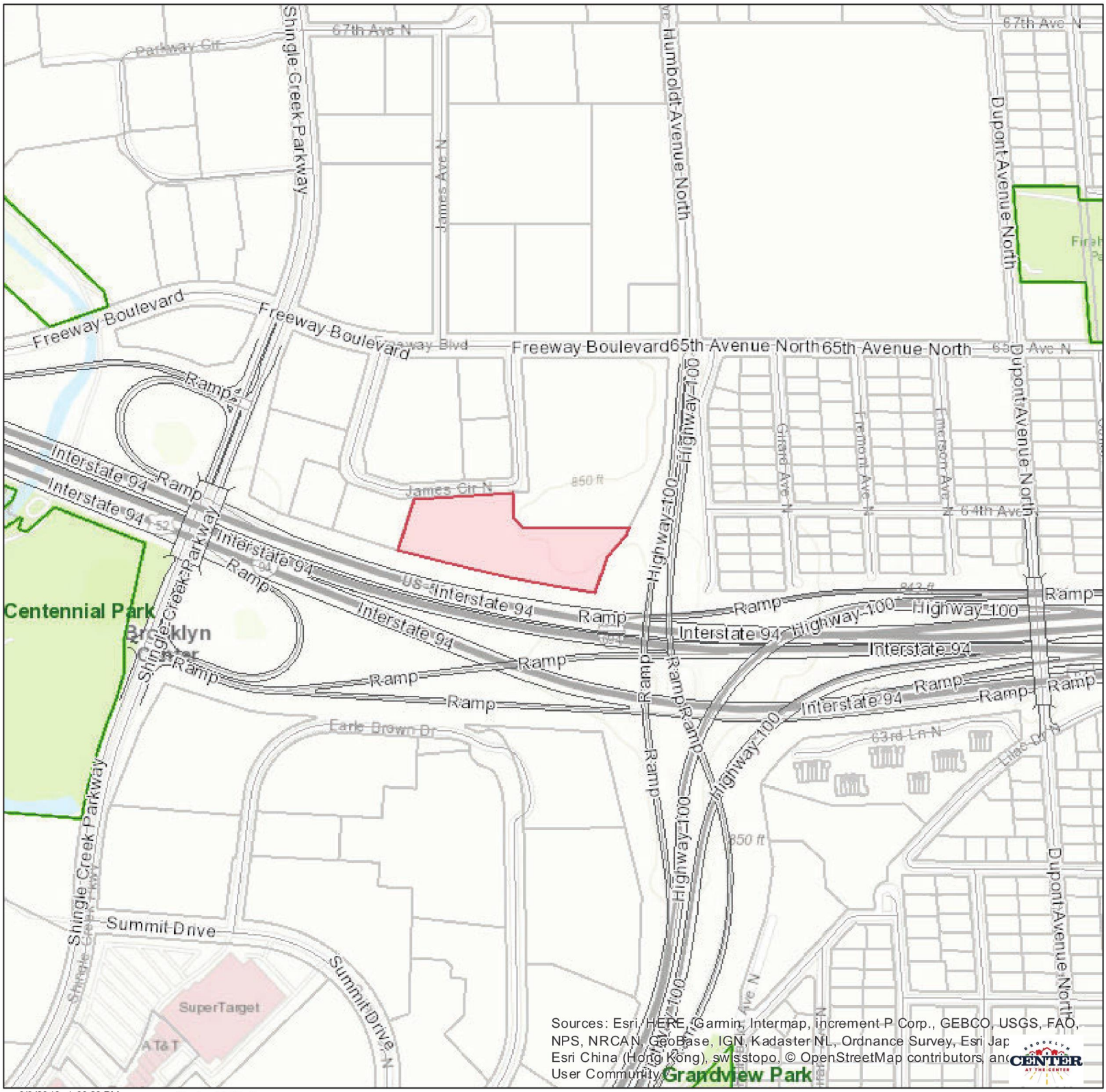
Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Location Map	3/19/2019	Backup Material
Concept Narrative	1/4/2022	Backup Material
Concept Site Plan	1/4/2022	Backup Material
Concept Elevation	1/4/2022	Backup Material
Letter of Intent	1/4/2022	Backup Material
Powerpoint	1/11/2022	Presentation

Locational Map: 1601 James Circle North



3/3/2019, 1:09:23 PM 1 inch = 752 feet

Residential
Labels

Highways

Streets

City Parks

Parcels

CARVANA

CARVANA FULFILLMENT CENTER

Introduction to Carvana

Carvana, the fastest-growing auto retailer in the U.S., saves customers valuable time and money with The New Way to Buy a Car™ by allowing them to skip the dealership and shop online at Carvana.com.

On Carvana.com, in as little as five minutes, customers can shop an inventory of more than 20,000 vehicles, finance, purchase, and schedule as-soon-as-next-day delivery or pick-up at a Carvana location. Customers can also sell their current vehicle to Carvana and receive a real offer in just minutes – even without purchasing a vehicle. The Carvana experience saves customers valuable time and money by skipping the dealership and shopping online.

All pre-owned vehicles in Carvana's national inventory are photographed in 360 degrees, so customers get a high-definition virtual tour, along with the peace of mind of a 7-day return policy. This upgrade to the traditional test drive gives customers the time to ensure their vehicle meets their expectations and fits their lifestyle.

Carvana currently operates 30 Vending Machines across the country in Arizona, California, Florida, Georgia, Indiana, Illinois, Kentucky, Maryland, Michigan, Missouri, Nevada, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, and Texas (and coming soon to Colorado, New York, Utah, and Virginia).

The Carvana Fulfillment Center is simply the latest innovation and evolution of the delivery of goods and services. The Carvana Vending Machine is part customer experience, part entertainment, part e-commerce fulfillment, and a display of technological art through its iconic architecture.

Fulfillment Center / Vending Machine

Carvana's Car Vending Machine offers car buyers a one-of-a-kind experience. Carvana customers who choose Touchless Pickup at a Carvana Fulfillment Center can enjoy the unique experience Carvana is known for, from a safe, comfortable distance providing area residents with a fun and safe option for getting their next vehicle.

A Carvana Vending Machine is a Fulfillment Center for customer pick-up and interaction. There are no "for-sale" vehicles located on-site as all vehicles on display in the tower have already been purchased online. Only cars that have been inspected and fully reconditioned for delivery are placed in the tower for pick-up by Carvana customers.



Carvana's 8-Tier Display Tower

Vending Machine Structure

Because the Vending Machine is Carvana's "visual representation of the company", the building itself employs a uniquely iconic signature architecture that visually illustrates an innovative technology company. The tower is comprised of a mechanical elevator and racking system, making it an exciting experience for final pick-up of a vehicle. Our unique signage is considered our Branding Package.

The welcome center features seating, flat screen displays, and a glass viewing area where customers experience the operation of the tower's automation system from behind an insulated glass enclosure. The tower consists of four metal vehicle pallets per level where pre-sold vehicles are stored and displayed. Access is controlled such that the only time the tower would be accessed by people is for annual maintenance by skilled professionals.

The Carvana Experience

By appointment only, customers can select a day and time convenient for them, at which time they will be the only customer inside the Vending Machine/Fulfillment Center. They will be greeted by a Carvana Customer Advocate and receive a commemorative, oversized Carvana token to activate the automated vehicle vending process. Car buyers can then get an immersive, central view of their vehicle descending through the structure from the heart of the all-glass tower.



Music and lights heighten the excitement as the customer watches the mechanical conveyor system spin and place the target car into the middle of the tower where it is slowly lowered to the ground floor. The vehicle pallet is then placed into one of two delivery bays by another horizontal conveyor system. Once all the mechanisms have ceased to operate, the door of the bay opens and the customer is able to inspect their vehicle. This “vending” process takes approximately 4 to 5 minutes. After completing the sales transaction and accepting delivery, the customer drives away happy and satisfied to begin their 7-day test drive.

All vehicle pick-up appointments are pre-scheduled with customers following their online purchase. Our operations allow us to meet with 3 to 4 customers per hour depending upon scheduling and order fulfillments.

E-Commerce

In addition to selling vehicles online, Carvana also purchases vehicles from customers online via our “Sell To Carvana” portal, which allows customers to sell and/or trade in their vehicle to Carvana “in just a few easy steps”.

CARVANA



Following Carvana's purchase of a vehicle, Carvana customers have the option of having their vehicle picked up or dropping it off at a Carvana location, including our Fulfillment Centers.

Vending Machine Operations

On-site operations include 100-plus parking spaces. These spaces are utilized by customers and employees for parking, with the surplus being utilized for temporary storage (typically less than 48 hours) of vehicles that have been delivered to the location waiting to be loaded into the tower, as well as vehicles that have been purchased through our "Sell To Carvana" program.

Carvana has a fleet of multi-car haulers that make deliveries to the site 4 to 5 times each day on average during non-peak hours. The Carvana-branded hauler can deliver and pick up 9 vehicles per visit. It takes our drivers approximately 60 to 90 minutes to fully unload and reload the hauler truck and exit the site.

Approximately 20 people will be employed at this location. These employees, called Customer Advocates, typically work in shifts such that no more than 10-12 employees are on-site at any given time. Their activities include scheduling appointments with customers, welcoming customers to the facility, assisting in the on-loading and off-loading of vehicles from the delivery trucks, inspecting and accepting "Sell To Carvana" vehicles, finalizing purchase paperwork, and presenting them with their new car.

CARVANA

The Carvana Difference

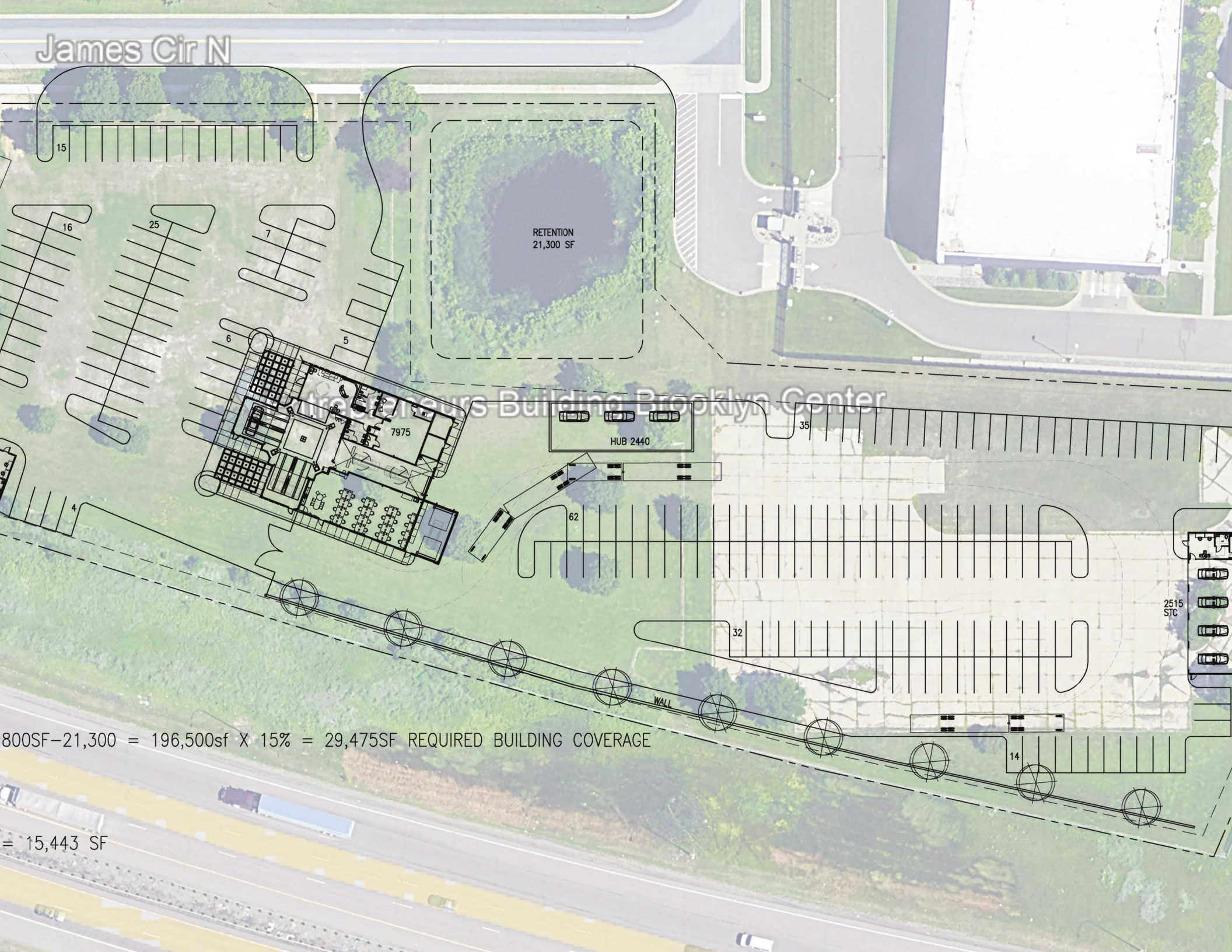
Carvana has disrupted the auto dealership industry with The New Way to Buy a Car™ by differentiating ourselves in the following ways:

The Carvana Difference	
Traditional Automobile Dealers	**Carvana**
10 to 20 Acres	2 to 5 Acres
650± Parking Spaces	100+ Parking Spaces
Vehicle Inventory On Display	Only Pre-Sold Vehicles Stored Temporarily
Business Generated by Drop-In Customers	Vehicles Picked Up by Appointment Only
Outdoor Intercom Speaker Noise	No Outdoor Speakers
Promotional Advertising Signage / Props	Carvana Brand Signage on Building
Service and Parts Center	No Service or Parts Center
Environmental Waste Products	No Environmental Waste Products
Test Drives	No Test Drives (7-day return policy)
Fuel Pumps	No Fuel Pumps

Center A Carvana Vending Machine is more than just a Fulfillment Center for an e-commerce-oriented retailer of used vehicles. The draw of an iconic Carvana Tower will increase visitors to the Village of Skokie for the Vending Machine experience and will in turn spend time and money patronizing local businesses, attractions, and entertainment venues.

GOODBYE DEALERSHIP, HELLO HAPPY!

CARVANA


James Cir N
15
16
25
7
6
5
RETENTION
21,300 SF
7975
HUB 2440
35
62
4
32
2515
STC
WALL
14
800SF−21,300 = 196,500sf X 15% = 29,475SF REQUIRED BUILDING COVERAGE
= 15,443 SF



January 4, 2022

Meg Beekman
Economic Development Authority of Brooklyn Center
6301 Shingle Creek Pkwy
Brooklyn Center, MN, 55430

Delivered via Email

Re: 1601 James Cir N, Brooklyn Center, MN 55430 ("Property")

Dear Ms. Beekman:

On behalf of Carvana, LLC, the terms below express the general business terms to be more fully negotiated and resolved in a purchase and sale agreement (the **"PSA"**) between Carvana, LLC and/or Assignee (as **"Buyer"**) and City of Brooklyn Center (as **"Seller"**). This letter of intent (**"LOI"**) is not a binding agreement, but is the foundation for an agreement the parties intend to negotiate in good faith.

Seller:	City of Brooklyn Center
Buyer:	Carvana, LLC, an Arizona limited liability company, and/or Assignee
Property:	Located at **1601 James Cir N, Brooklyn Center, MN 55430**, and consisting of +/- 3.40 acres of land. The Property includes parcel number 3511921410021 in Hennepin County and is legally described and depicted on the attached **Exhibit A** and **Exhibit A-1**, respectively.
Purchase Price:	$2,000,000
Earnest Money, Escrow and Title Agent:	• Earnest Money: $25,000, due to Escrow and Title Agent (defined below) 5 days after PSA execution. • The Earnest Money is refundable during the Diligence and Approval Period (defined below), as may be extended, and is applicable to the Purchase Price. • Escrow and Title Agent: First American Title Insurance Company (Attn: Jad J. Johnson)
Due Diligence, Inspections and Right of Entry:	Buyer shall have a "**Diligence Period**" of 90 days after Buyer and Seller execute the PSA to conduct investigations, studies or tests desired by Buyer to determine the feasibility of acquiring the Property ("**Inspections**"). Buyer may terminate the PSA for any reason during the Diligence Period, as may be extended. Buyer shall also have an "**Approval Period**" of 180 days after Buyer and Seller execute the PSA to seek approvals and permits Buyer requires for Buyer's intended development and use of the Property ("**Governmental Approvals**"). Seller, at no cost to Seller, shall reasonably cooperate with Buyer's efforts to obtain the Governmental Approvals. If Buyer is unable to obtain all Governmental Approvals, Buyer may terminate the PSA during the Approval Period. Buyer, upon notice to Seller and Escrow and Title Agent, may extend the Diligence and Approval Period for up to 2 periods of 30 days each (each, an **"Extension Period"**). Seller shall provide to Buyer the information set forth on the attached **Exhibit B** within the timeframes set forth in the exhibit.

	In addition, Seller grants to Buyer, upon Seller's execution of this LOI, the right to enter the Property to conduct the Inspections at Buyer's sole expense. Buyer shall not, without further approval of Seller, be permitted to perform any intrusive testing or otherwise damage the Property. Any damage caused or occasioned by Buyer shall be promptly restored by Buyer.
PSA:	Buyer shall draft a Purchase and Sale Agreement (**"PSA"**) consistent with this LOI. Both parties agree to act in good faith and to extend best efforts to negotiate and execute the PSA within 45 days of the initial draft being delivered to Seller.
Title:	At Closing, Seller agrees to convey good, marketable and insurable title of the Property to Buyer free of all monetary liens and adverse claims, leases and purchase options.
Closing Date and Costs:	The "**Closing**" of this transaction shall occur on the date 10 days after the Diligence and Approval Period expires or is waived in writing by Buyer, or on such earlier date as Buyer may elect by written notice to Seller and Escrow and Title Agent ("**Closing Date**"). All closing costs shall be split in a manner customary to real estate transactions that take place where the Property is located. Seller shall be responsible for transfer taxes and title insurance to provide Buyer with standard coverage and curative endorsements as applicable. Buyer and Seller shall each bear their respective closing costs, professional fees, etc.
Closing Date Condition:	Seller shall deliver the Property in "**Closing Date Condition**", which requires the Property be subdivided, free of fuel and storage distribution facilities, all underground tanks and pipes, hazardous materials, waste and other debris, and with all utilities (Electricity, Water & Sewer) stubbed and ready for connection to the Property, with no unrecorded easements, covenants or restrictions.
Brokerage:	The Seller recognizes no agents other than Matthew Friday of CBRE as the exclusive Buyer representative. (the **"Broker"**). Seller shall pay to Brokers, per separate agreement, a commission that is based upon the final Purchase Price that will be equally split between the Brokers upon the Closing Date.

If this proposal is acceptable, please acknowledge the above general business terms by returning an acknowledged copy of this proposal within 5 days of receipt, at which point we will promptly prepare a PSA draft for your review. Please contact Jack Horton at 520-904-3198 if you have any questions.

Cordially,

Jack Horton
Associate, Real Estate Acquisitions

Acknowledged and approved _____, 2021

Seller: _____

By: _____

Name: _____

Title: _____

Acknowledged and approved _____, 2021

Buyer: Carvana, LLC, and/or Assignee

By: _____

Name: Bret Sassenberg

Title: Senior Director, Real Estate

EXHIBIT A

PROPERTY LEGAL DESCRIPTION

[SELLER TO ADD LEGAL DESCRIPTION FROM VESTING DEED OR EXISTING TITLE POLICY.]

EXHIBIT A-1

PROPERTY DEPICTION

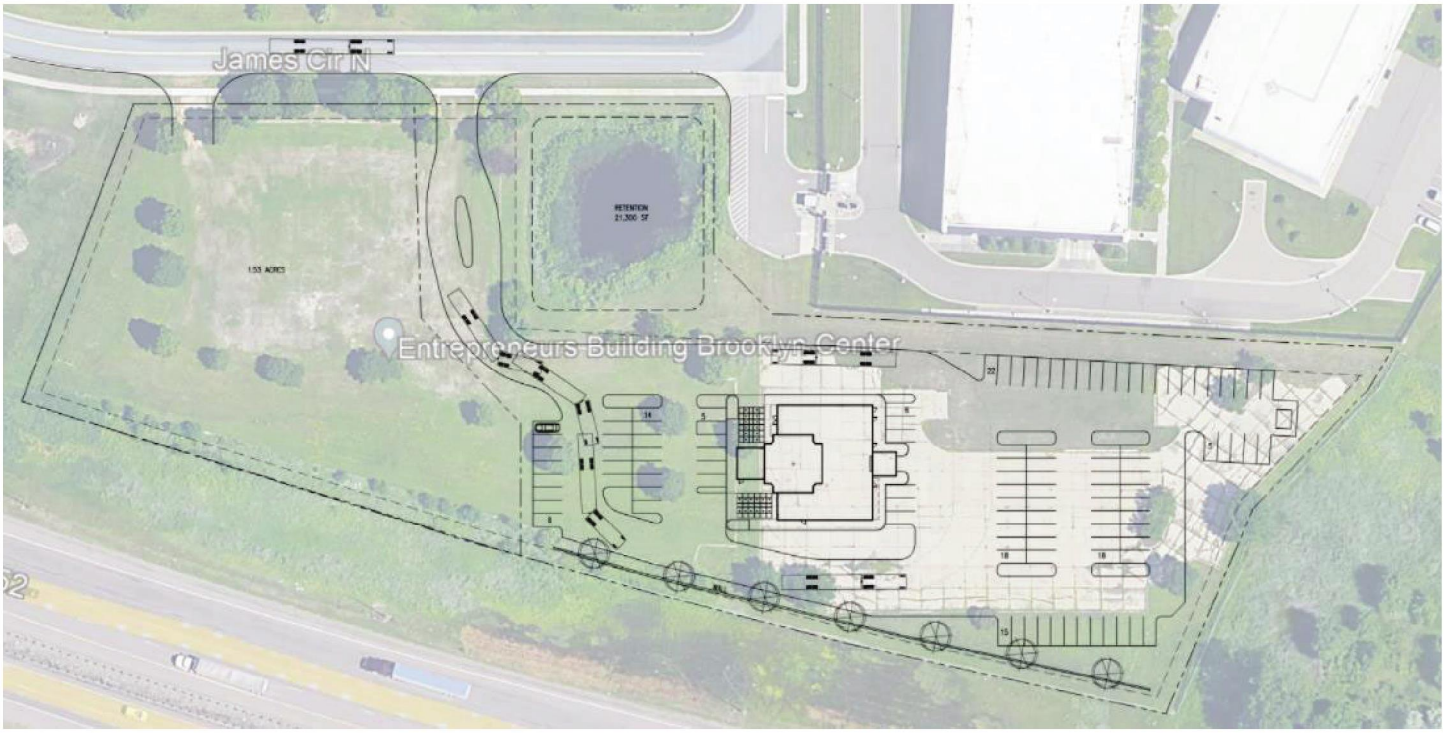


EXHIBIT B

SELLER'S INFORMATION

[SELLER TO COMPLETE BASED ON INFORMATION IN SELLER'S POSSESSION]

Information	**Provided on or before LOI execution**	**To be provided on or before PSA execution**	**Not Available**
Existing Surveys: • ALTA • Boundary • Plat • Topographical • Other: _____	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐
Existing Property Condition Reports: • Phase I Environmental Report • Other: _____	☐ ☐	☐ ☐	☐ ☐
Existing Title Reports/Commitments/Policies (list specific document(s) below): • _____ • _____ • _____	☐ ☐ ☐	☐ ☐ ☐	☐ ☐ ☐
Existing Leases Affecting the Property (list specific lease(s) below): • _____ • _____ • _____	☐ ☐ ☐	☐ ☐ ☐	☐ ☐ ☐
Unrecorded Encumbrances: • CC&Rs • Easements • Licenses/Permits • Other: _____	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐
Other Information: _____	☐	☐	☐

Concept Plan Review and Letter of Intent to Purchase: 1601 James Circle

EDA Work Session – January 10, 2022
Meg Beekman, Community Development Director

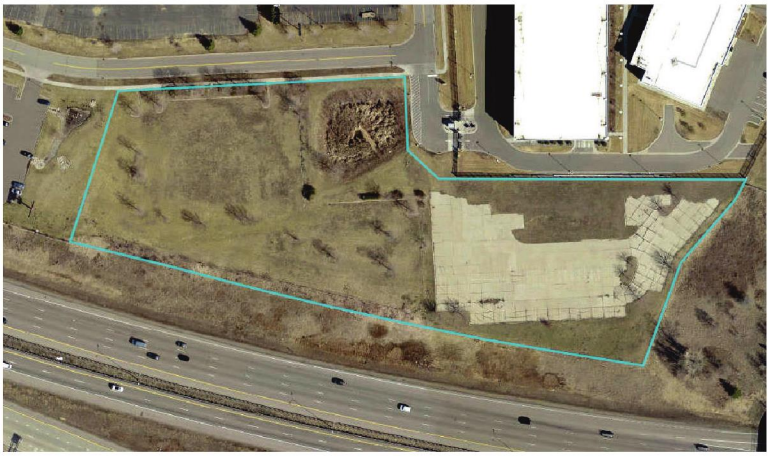
1601 James Circle

- Size: 4.93 Acres (214,718 sq ft)
- Zoning: C2 Commerce
- Land Use Guidance: Business Mixed Use
- Current Use: Vacant
- Former Use: Restaurants
- Neighboring Land Uses:
  - Office, Hotel, Restaurant, Commercial



2

1601 James Circle - Aerial Image



3

1601 James Circle – Additional Info

- Oddly shaped parcel encumbered by public stormwater pond
- Total amount invested in the property: $2,893,295
- Properties were re-platted with the FBI office and combined into 1 lot.
- Median land value of neighboring properties: $8.20/sf
  - Ranges from $6.15 to $9.98/sf based on Hennepin County assessments

4

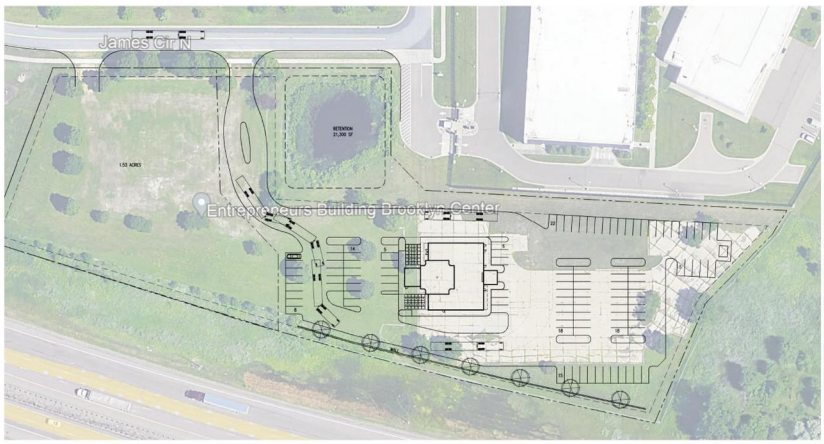
Background and Request

- Applicant is requesting :
  - **Concept Review**
    - Opportunity for Council to review and provide comments and ask questions
    - Council may indicate whether they are open to the concept
    - Nonbinding for both Council and Developer
  - **Consideration of Letter of Intent to Purchase**
    - Opportunity for Council to review and consider offer
    - Council may indicate if they are open to the sale of the property for this use
    - If Council provides direction, staff will enter into LOI

5

Concept

- Carvana vehicle "Vending Machine"
- Parking for onsite staff, customers, truck delivery circulation and loading and unloading of vehicles
- Offer for approximately 3.5 acres of 5 acre site – balance of site to remain with EDA



6

Concept

- Unique architecture – glass structure houses sold vehicles
- Fulfillment center for online vehicle sales – no sales occur on site
- By appointment only visits
- Approximately 10 onsite employees
- No onsite vehicle repair or service



7

Offer Details

- Offer Amount: $2,000,000 for 3.4 acres
- Approximately $13.5 per square foot
  - EDA acquired the former Target for $9.1/sf
  - Topgolf acquired Regal Theater for $10/sf
- The Letter of Intent identifies the following terms:
  - $25,000 earnest money
  - 90 days due diligence to study the site
  - An additional 180 day approval period to seek City approvals for the use. This will include a Preliminary and Final Plat and Site and Building Plan Review.
  - Seller pays 4 percent commission to buyers broker
  - Buyer responsible for obtaining city approvals and conducting due diligence

8

EDA Action Requested

- Applicant is requesting to enter into an LOI with the EDA for the purchase of a portion of the property.
- If the concept and offer are agreeable:
  - Enter into LOI
  - Applicant begins due diligence period
  - Applicant submits for land use approvals
    - Site and Building Plan Review and Preliminary and Final Plat
  - City and applicant negotiate purchase agreement

Policy Issues

- Does the proposed concept forward the City's strategic priorities?
- Is the proposed concept in keeping with the goals the City has for the property and the 2040 Comprehensive Plan?
- Is there additional information the EDA needs prior to making a decision?
- Does the EDA wish to enter into an LOI with the applicant?

Discussion

- Receive developer presentation
- Ask any questions of Staff
- Ask any questions of Developer
- Policy issues discussion
- Provide direction to Staff and Developer on how to proceed

Council/EDA Work Session

DATE: 1/10/2022

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

SUBJECT: Upcoming

Requested Council Action:

- Earle Brown Name Change for Public Property - 1/24
- Overnight Parking - 1/24
- Council Policy for City Charter requirement of Mayor's signature on all contracts
- Strategic Plans for years 2018-2020 and 2021-2023
- Review Special Assessment Policy
- Tobacco Ordinance
- Emerald Ash Borer Policy Review
- Community-Wide Survey
- Attorney RFP Process
- Franchise Fees

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Economic Development Authority
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 89746014857#
January 10, 2022

AGENDA

1. Call to Order

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

2. Roll Call

3. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

- Approve the meeting minutes from:

- *December 6, 2021*
- *December 13, 2021*

b. Resolution Approving the Third Amendment to Lease Agreement and Relocation Assistance Agreement with Sheng Zheng, Wang Lin, Lin, Inc., Operating Under the Trade Name "Ocean Buffet" and Alatus Brooklyn Center

- Motion to authorize approval of a Resolution Approving the Third Amendment to Lease Agreement and Relocation Assistance Agreement with Sheng Zheng, Wang Lin, Lin, Inc., Operating Under the Trade Name "Ocean Buffet" and Alatus Brooklyn Center

c. Resolution Opting not to Waive Limited Tort Liability for 2022

- Motion to approve the attached resolution adopting the no waiver option for statutory tort liability insurance.

d. Resolution Approving the Land Exchange Agreement of Certain Property Located in Brooklyn Center, MN

- Motion to approve a resolution approving the land exchange agreement of certain property located in Brooklyn Center, MN between the City of Brooklyn Center, the Economic Development Authority of Brooklyn Center, and Independent School District No. 281, Robbinsdale Area Schools.

4. Commission Consideration Items

a. Resolution Electing Officers for the Economic Development Authority in and for the City of Brooklyn Center

- Approve Resolution Electing Officers for the Economic Development Authority in and for the City of Brooklyn Center

5. Adjournment

Economic Development Authority

DATE: 1/10/2022

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

SUBJECT: Approval of Minutes

Requested Council Action:

- Approve the meeting minutes from:

- *December 6, 2021*
- *December 13, 2021*

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:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
12.6 EDA	1/5/2022	Backup Material
12.13 EDA	1/3/2022	Backup Material

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

REGULAR SESSION
DECEMBER 6, 2021
CITY HALL – COUNCIL CHAMBERS

1. CALL TO ORDER

The Brooklyn Center Economic Development Authority (EDA) met in Regular Session called to order by President Mike Elliott at 9:53 p.m.

2. ROLL CALL

President Mike Elliott and Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were Executive Director Reggie Edwards and City Clerk Barb Suciu.

3. APPROVAL OF AGENDA AND CONSENT AGENDA

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

3a. APPROVAL OF MINUTES

1. September 27, 2021 – Regular Session

Motion passed unanimously.

4. COMMISSION CONSIDERATION ITEMS

4a. RESOLUTION NO. 2021-17 APPROVING THE FINAL BUDGET FOR THE ECONOMIC DEVELOPMENT AUTHORITY OF BROOKLYN CENTER, MINNESOTA, FOR FISCAL YEAR 2022

Commissioner Ryan moved and Commissioner Lawrence-Anderson seconded to adopt EDA RESOLUTION No. 2021-17 Approving the Final Budget for the Economic Development Authority of Brooklyn Center, Minnesota, for Fiscal Year 2022

Motion passed unanimously.

5. ADJOURNMENT

Commissioner Graves moved and Commissioner Ryan seconded adjournment of the Economic Development Authority meeting at 9:55 p.m.

Motion passed unanimously.

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

REGULAR SESSION
DECEMBER 13, 2021
VIA ZOOM

1. CALL TO ORDER

The Brooklyn Center Economic Development Authority (EDA) met in Regular Session called to order by President Mike Elliott at 10:33 p.m.

2. ROLL CALL

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

3. APPROVAL OF AGENDA AND CONSENT AGENDA

President Mike Elliott moved and Commissioner Butler seconded to approve the Agenda and Consent Agenda as presented.

Motion passed unanimously.

4. COMMISSION CONSIDERATION ITEMS

4a. RESOLUTION NO. 2021-18 APPROVING THE ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT NO. 9 AND AUTHORIZING THE EXECUTION OF A TIF ASSISTANCE AGREEMENT

President Elliott stated the item at hand was covered earlier in the regular meeting.

President Elliott asked for questions on the item.

Commissioner Ryan stated it is a late hour and the EDA should not conduct business in that way as there are several details in question for the commissioners to consider. Additionally, it is abusive to Staff to keep them so late. He stated he trusts the Development Director has created a sound plan, and, therefore, the EDA should follow her lead on the matter.

President Elliott stated they will be addressing meeting flow and agenda items to make adjustments in the future. He noted his appreciation of Commissioner Ryan's comments.

President Elliott moved and Commissioner Ryan seconded to adopt RESOLUTION NO. 2021-18 approving a modification to the Redevelopment Plan for Housing Development and Redevelopment Project No. 1 establishing Tax Increment Financing District No. 9 therein, approving a Tax Increment Financing Plan, therefore, and authorizing the execution of a TIF Assistance Agreement related thereto.

Motion passed unanimously.

5. ADJOURNMENT

Commissioner Lawrence-Anderson asked if they were going to continue the discussion of the Opportunity Site Pilot Project from the Study Session. President Elliott stated they would allow Council to think about the topic, and they would reconvene on the topic at a later date.

Dr. Edwards stated Staff will place a continued discussion of the Opportunity Site in the next meeting. President Elliott suggested they look at the upcoming agendas to decide when they continue the discussion. He noted some meetings are packed, so they should spread out the discussions.

City Clerk. Suciu suggested they use the January 3, 2022 date for a special Work Session. President Elliott stated he would be unavailable on that date, and Staff can figure out a date that works best. President Elliott stated they will make sure the topic is covered in a future Work Session.

Mayor Elliott noted it was a challenging year for Brooklyn Center, and he looks forward to seeing everyone in the new year.

President Elliott moved and Commissioner Ryan seconded adjournment of the Economic Development Authority meeting at 10:37 p.m.

Motion passed unanimously.

Economic Development Authority

DATE: 1/10/2022

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

SUBJECT: Resolution Approving the Third Amendment to Lease Agreement and Relocation Assistance Agreement with Sheng Zheng, Wang Lin, Lin, Inc., Operating Under the Trade Name "Ocean Buffet" and Alatus Brooklyn Center

Requested Council Action:

- Motion to authorize approval of a Resolution Approving the Third Amendment to Lease Agreement and Relocation Assistance Agreement with Sheng Zheng, Wang Lin, Lin, Inc., Operating Under the Trade Name "Ocean Buffet" and Alatus Brooklyn Center

Background:

On November 12, 2013, the EDA adopted Resolution No. 2013-17, which authorized the acquisition of certain parcels to facilitate redevelopment opportunities within the Opportunity Site of the former Brookdale Square Shopping Center.

On December 23, 2013, the EDA closed on the properties and became the owner of the 23.2 acre commercial site which included a number of leases, including the Ocean Buffet stand alone restaurant. The city worked with existing businesses within the center to negotiate voluntary terminations of leases and ultimately demolished the shopping center, leaving only the Ocean Buffet restaurant remaining on site.

In February 2021, the EDA approved a lease amendment and relocation agreement with Ocean Buffet that would allow them to extend their option agreement for one year, receive a one-time non-refundable relocation payment of $40,000 from the EDA, and waive the base rent for up to one year while Alatus worked to get approval for an initial development on the site and clos on the site.

The purpose of structuring the agreement in this way allowed Ocean Buffet to operate their business in a way that is financially feasible for them until a closing might occur. It also provided the city with a maximum liability in terms of relocation obligation. In the event that the closing doesn't occur and the project doesn't proceed the city's relocation obligation will have been met by this agreement.

Due in part to the pandemic, as well as a desire to conduct deeper community engagement, the project has not proceeded on the originally anticipated timeline. The development was delayed by approximately eight months, and the closing did not occur by December 31, 2021 as originally estimated. Ocean Buffet and Alatus are requesting an eight month extension of the agreement to August 31, 2022. All other terms of the agreement would remain the same.

The terms previously agreed to and encompassed in the attached agreement are as follows:

1. The EDA has paid Ocean Buffet a fixed payment in an amount of $40,000.
2. Alatus would pay Ocean Buffet a lease termination payment amount of $300,000 at the time of closing on the property.
3. Ocean Buffet agrees to terminate the lease and waive their extension at closing of the sale of the property, provided that occurs on or before August 31, 2022.
4. The EDA would agree to waive rent payments during the remaining term of the lease. Ocean Buffet will continue to be responsible for any real estate taxes, utility payments, or additional payments above and beyond the minimum annual rent being waived while they remained in business.
5. In the event that Alatus does not acquire the EDA property and the project does not proceed, Ocean Buffet retains the right to exercise their lease extension under the current terms of the lease; however, the EDA's relocation obligation will have been met by this agreement an would not need to be paid again to facilitate a future redevelopment.

The Third Amendment to Lease Agreement and Relocation Assistance Agreement would be a three-party agreement between the EDA, Ocean Buffet's owners, and Alatus. The agreement is attached to this memo. The agreement does not obligate the City or EDA in any way to Alatus or the development project; however, it does obligate Alatus to pay Ocean Buffets Lease buy-out in the event that the project moves forward.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/3/2022	Resolution Letter
Third Amendment to the Lease and Relocation Agreement	1/3/2022	Backup Material
Presentation	2/16/2021	Presentation

Commissioner_____introduced the following resolution and moved its adoption:

EDA RESOLUTION NO. **2022-____**

RESOLUTION APPROVING THE THIRD AMENDMENT TO LEASE AGREEMENT AND RELOCATION ASSISTANCE AGREEMENT WITH SHENG ZHENG, WANG LIN, LIN, INC., OPERATING UNDER THE TRADE NAME "OCEAN BUFFET" AND ALATUS BROOKLYN CENTER

WHEREAS, the Economic Development Authority of Brooklyn Center, Minnesota (the "Authority") is the owner of certain premises known as Store #5810 consisting of 8,100 rental square feet located at 5810 Shingle Creek Parkway, Brooklyn Center, Minnesota (the "Premises"); and

WHEREAS, the Authority leases the Premises to Sheng Zheng, individually, Wang Lin, individually, and Lin, Inc., operating under the trade name "Ocean Buffet" (collectively, the "Tenant"); and

WHEREAS, the Authority and the Tenant's predecessors in interest entered into a Lease Agreement for the Premises on March 10, 2011 (the "Lease") and the Lease was amended in March of 2016 by the Authority and the Tenant; and

WHEREAS, the Authority intends to sell property that includes but may not be limited to the Premises to Alatus Brooklyn Center, a Minnesota limited liability company (the "Purchaser") for the purpose of redevelopment, including the demolition of the Premises; and

WHEREAS, the Tenant is eligible to receive relocation services and assistance from the Authority provided under the Minnesota Uniform Relocation Act, Minnesota Statutes, Section 117.52 if it is required to relocate due to the redevelopment of the Premises; and

WHEREAS, the Authority contracted with a relocation consultant to provide relocation services to the Tenant; and

WHEREAS, the Authority's consultant has provided relocation services to the Tenant and advised the Tenant of its rights under the Minnesota Uniform Relocation Act; and

WHEREAS, the Authority and the Tenant reached an agreement and Tenant was paid a one-time non-refundable Relocation Payment in the amount of $40,000; and

WHEREAS, the Tenant has also agreed to terminate the Lease early and the Purchaser has agreed to pay the Tenant an early termination payment of $300,000 if the sale of the Premises to the

Purchaser occurs; and

WHEREAS, during the remaining term of the Lease (until August 31, 2022), the Authority has agreed that Tenant does not need to pay any Minimum Annual Rent under Section 4.01(a) of the Lease, but shall remain obligated to pay Additional Rent and Percentage Rent; and

WHEREAS, in the event that the sale of the Premises does not occur by August 31, 2022, the Tenant shall have the right to notify Landlord, by email, of its exercise of the Option Term under the terms of the Lease up until August 31, 2022, but no further relocation payments will be due to the Tenant because the Tenant's continued occupancy of the Premises after it has received the relocation payment is an occupancy that begins after the date of the property's acquisition for the project under 49 C.F.R. 24.2(a)(9)(ii)(B); and

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

1. The EDA hereby approves the Second Amendment to Lease Agreement and Relocation Assistance Agreement substantially in accordance with the terms set forth in the form presented to the Board, together with any related documents necessary in connection therewith (collectively, the "Lease Amendment and Relocation Documents") and hereby authorizes the President and Executive Director to negotiate the final terms thereof and, in their discretion and at such time as they may deem appropriate, to execute the Lease Amendment and Relocation Documents on behalf of the Authority, and to carry out, on behalf of the Authority, the Authority's obligations thereunder.

2. The approval hereby given to the Lease Amendment and Relocation Documents includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by legal counsel to the Authority and by the officers authorized herein to execute said documents prior to their execution; and said officers are hereby authorized to approve said changes on behalf of the Authority. The execution of any instrument by the appropriate officers of the Authority herein authorized shall be conclusive evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of the officers, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the Board by any duly designated acting official, or by such other officer or officers of the Board as, in the opinion of the City Attorney, may act in their behalf.

3. Upon execution and delivery of the Lease Amendment and Relocation Documents, the officers and employees of the Authority are hereby authorized and directed to take or cause to be taken such actions as may be necessary on behalf of the Authority to implement the Lease Amendment and Relocation Documents.

4. The Board hereby determines that the execution and performance of the Lease Amendment and Relocation Documents will help realize the public purposes of the Economic Development Authority Act.

_____ _____

Date President

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

THIRD AMENDMENT TO LEASE AGREEMENT

This Third Amendment to Lease Agreement ("Third Amendment") is entered by and between Economic Development Authority of Brooklyn Center ("Landlord" or "City") and Sheng Zheng, individually, Wang Lin, individually, and Lin Inc., operating under the trade name Ocean Buffet (collectively "Tenant") and Alatus Brooklyn Center, a Minnesota Limited Liability Corporation, its subsidiaries and assignees (collectively referred to as "Purchaser") (collectively, the "Parties").

RECITALS

A. On March 10, 2011, Centro Saturn Holdings SPE, LLC, a Delaware limited liability company, Landlord's predecessor in interest, and Zheng Asian, Inc., a Minnesota corporation, Tenant's predecessor interest, entered into a Lease Agreement ("Lease") whereby Tenant's predecessor in interest leased, for a term of one hundred twenty (120) full calendar months beginning on the Commencement Date, from Landlord's predecessor in interest that certain premises known as Store #5810 consisting of 8,100 rentable square feet located at 5810 Shingle Creek Parkway, Brooklyn Center, Minnesota 55430 (the "Premises").

B. In March 2016, Landlord and Tenant entered an Amendment to Lease ("First Amendment").

C. Landlord intends to sell the property that includes but may not be limited to the Premises ("Property") to Purchaser for the purpose of the Property's redevelopment, including the demolition of the Premises.

D. On January 22, 2021, the Parties entered into a Second Amendment to Lease Agreement and Relocation Assistance Agreement ("Second Amendment"), extending the Lease to December 31, 2021 and incorporating a number of provisions related to the potential redevelopment of the Property.

E. Pursuant to the Second Amendment, Tenant was paid a one-time non-refundable Relocation Payment in the amount of $40,000 ("Relocation Payment").

F. Pursuant to the Second Amendment, the termination of the Lease, the options to extend the same, and the payment of the Early Termination Payment, as defined therein were contingent upon the closing of the sale of the Property by December 31, 2021.

G. Pursuant to the Second Amendment, Tenant was given the right to exercise its five-year Option Term as defined in and under the terms of the Lease by email notice up until December 31, 2021, with such notice becoming effective upon transmission of the email notice to Landlord notwithstanding any notice requirements to the contrary under the terms of the Lease.

H. The closing of the Property did not occur prior to December 31, 2021, and likely will not occur until August 31, 2022.

I. Tenant provided notice to the City by December 31, 2021, exercising its Option on the Lease, with the understanding that the Parties will execute this document in early January 2022, extending the Lease and the right to exercise a five-year Option as described herein.

J. The Parties desire to extend the substantive provisions of the Second Amendment to August 31, 2022, as described herein through the execution of this Third Amendment, with such substantive provisions replacing those contained in the Second Amendment.

AGREEMENT

1. Recitals. All recitals are incorporated by reference as terms of this Third Amendment.

2. Lease Termination and Early Termination Payment. The Lease, and the options to extend the same, shall terminate upon and merge into the closing of the sale of the Property, provided such sale and closing occurs on or before August 31, 2022. In exchange for the early termination of the lease and extinguishment of the options to extend the term, and contingent upon the closing of the Property to Purchaser on or before August 31, 2022, at closing Purchaser shall pay Tenant $300,000.00 ("Early Termination Payment"). The Early Termination Payment is conditioned upon Tenant's timely vacancy of the Premises, as provided under the Lease.

   In the event the closing of the sale of the Property does not occur by August 31, 2022, then the Lease and its amendments shall remain in full force and effect, including Tenant's options to extend the same, notwithstanding any provision to the contrary in the Lease, the First Amendment, the Second Amendment, or any other document. For the avoidance of doubt, until the closing of the Property on or before August 31, 2022, the Lease, and the Tenant's right to extend the same beyond August 31, 2022, shall remain in full force and effect and is and will be extended to August 31, 2022, notwithstanding any expiration of the Lease under its terms or the terms of any Amendment to the same, modified as described herein.

   If the closing of the sale of the Property does not occur on or before August 31, 2022, Tenant shall have the right to notify Landlord, by email, of its exercise of the full five-year Option Term under the terms of the Lease up until August 31, 2022, notwithstanding any notice requirements to the contrary under the terms of the Lease, with such notice becoming effective upon transmission of email notice to Landlord. The five-year Option Term shall commence upon Tenant's sending of the notice described herein.

3. Rent. During the remaining term of the Lease, including the extension to August 31, 2022 under the terms of this Third Amendment, but excluding any exercised Option Term, and provided that Tenant continues to operate its business at the Premises, Tenant shall pay $0.00 in Minimum Annual Rent under Section 4.01(a) of the Lease, but shall remain obligated to pay Additional Rent and Percentage Rent.

   In the event that Tenant ceases operations of its business at the Premises during the remaining term of the Lease as herein extended to August 31, 2022, but excluding any exercised Option Term, then during the time in which Tenant is not operating, Tenant shall pay $0.00 in Rent, as that term is defined in Article IV of the Lease, including but not limited Minimum Annual Rent, Percentage Rent, and Additional Rent. Tenant shall notify Landlord in writing or via email at least 30 days in advance of ceasing operations in order to allow adequate time for proper building close up and transfer of payment obligations.

4. Governing Law. This Third Amendment is governed and controlled as to validity, enforcement, interpretation, construction, effect and in all other respects by the statutes, laws and decisions of the State of Minnesota.

5. Counterparts/.pdf Signatures. This Third Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one agreement. Signatures sent by .pdf via e-mail may be used in place of original signatures.

6. Entire Agreement. This Third Amendment is the entire agreement of the Parties with respect to the extension of the substantive provisions contained in the Second Amendment. The terms and conditions of this Third Amendment shall be and are binding on each of the party's assignees and/or subsidiaries, including but not limited to the payment obligations of Landlord and Purchaser.

   Except as expressly provided in this Third Amendment, all other provisions of the Lease, First Amendment, and Second Amendment are not modified and remain in effect. The Parties recognize that the Relocation Fee was paid in accordance with the provisions of the Second Amendment and no further relocation fee is required.

7. Effectiveness. The submission of a draft or copy of this Third Amendment for review or signature is not an offer to enter into a legally binding agreement and may not be relied on for legal or equitable rights or obligations. The Parties shall be bound by the terms of this Third Amendment only upon its execution by the Parties.

   By executing the Third Amendment, Purchaser is obtaining no rights or obligations under, nor does it become a party to, the Lease or First Amendment.

8. Assignment. This Third Amendment may not be assigned without the City's prior written consent.

9. Recording. The Parties agree that a Memorandum of Lease may be filed with the County Recorder or Registrar of Titles for the purposes of providing notice concerning the existence of this Agreement and lease for the Premises.

The Parties have executed this Third Amendment on the dates specified under their respective signatures.

[signature page follows]

[Signature Page to Third Amendment to Lease Agreement]

TENANT:

_____
Sheng Zheng

_____, 2022

_____
Wang Lin

_____, 2022.

Lin Inc., a Minnesota corporation

_____
By:
Its:

_____, 2022.

LANDLORD/CITY:

Economic Development Authority
of Brooklyn Center

_____
By: Reggie Edwards
Its: Executive Director

_____, 2022.

PURCHASER:

Alatus Brooklyn Center LLC

_____
By:
Its:

_____, 2022.

Second Amendment to the Lease Agreement and Relocation Assistance Agreement with Ocean Buffet

EDA Meeting, January 11, 2021
Meg Beekman, Community Development Director

Background

- November 12, 2013 – EDA authorized acquisition of certain parcels to facilitate redevelopment of the Opportunity Site, including Brookdale Square Shopping Center
- December 23, 2013 – EDA closed on the properties and became the owner of the 23.2 acre site, including a number of leases
- Among them, Ocean Buffet, a stand along restaurant
- EDA worked with existing businesses to negotiate voluntary terminations of leases and demolish the shopping center
- Ocean Buffet remained

Background

- Ocean Buffet's current lease expires in November 2021
- They have a five year option which they can exercise at that time if they choose
- Base rent: $9,281.25/month, plus CAM and utilities
- City and Ocean Buffet's ownership have been in communication over the years regarding redevelopment of the site
- No formal negotiations had occurred until now.

3

Background

- When a government entity acquires property owned or leased by a private business, relocation benefits are required to be paid under state law.
- Relocation benefits can be paid in one of two ways.
  - 1) The actual cost of relocation, up to a certain maximum amount under state law, is reimbursed for the business to move into a new location; or
  - 2) the business receives a fixed payment amount in lieu of relocation as an up front payment. The amount of the fixed payment is determined based on the past three years income of the business and is capped at $40,000.

4

Background

- Alatus has continued with their pre-development and identified the southwest corner of the Opportunity Site as the preferred location
- Alatus has initiated an Environmental Assessment Worksheet (EAW) process which will take 4-6 months to complete
- Before a redevelopment could occur on the site, Ocean Buffet's lease would need to be amended to allow termination in the event of a redevelopment and the EDA's relocation obligations would need to be fulfilled
- Recently discussions began with Ocean Buffet related to this topic

5

Proposed Terms

- Three-party agreement
- The EDA agrees to pay Ocean Buffet a fixed payment within 30 days of executing this agreement in an amount of $40,000
- Alatus would pay Ocean Buffet a lease termination payment amount of $300,000 at the time of closing on the property
- Ocean Buffet agrees to terminate the lease at closing of the sale of the property or on December 31, 2021, whichever occurs first
- The EDA would agree to waive rent payments during the remaining term of the lease. Ocean Buffet will continue to be responsible for any real estate taxes, utility payments, or additional payments above and beyond the minimum annual rent being waived if they choose to remain open for business.

6

Proposed Terms

- Allows Ocean Buffet to continue operating if they choose under current difficult financial times
- Provides the EDA with a maximum liability for relocation that is a known quantity regardless of whether the development moves forward or not
- In the event that the project does not move forward, Ocean Buffet current lease would continue to be in effect and they would retain their right to exercise an extension.
- If that occurs, the EDA may have to negotiate a lease buy-out in the future if another redevelopment occurs
- The agreement does not obligate the EDA in any way to Alatus or a redevelopment on the site. It does obligate Alatus to pay for Ocean Buffet's lease buy-out in the event that a redevelopment does move forward.

Requested Action

- Motion to authorize approval of a Resolution Approving the Second Amendment to Lease Agreement and Relocation Assistance Agreement with Sheng Zheng, Wang Lin, Lin, Inc., Operating Under the Trade Name "Ocean Buffet" and Alatus Brooklyn Center

Economic Development Authority

DATE: 1/10/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Andy Splinter, Finance Director

SUBJECT: Resolution Opting not to Waive Limited Tort Liability for 2022

Requested Council Action:

- Motion to approve the attached resolution adopting the no waiver option for statutory tort liability insurance.

Background:

Each year the EDA must choose whether to waive tort liability limit protections of Minnesota Statutes 466.04 as part of the insurance policy renewal application process. M.S. 466.04 states that the maximum liability for a city for any claim is $500,000 with an aggregate maximum of $1,500,000 per incident. In past years the EDA has chosen not to waive the liability limits and the regular premium for insurance has covered all claims.

If the EDA were to waive the limits set by statute, it would be prudent to purchase additional insurance coverage to cover possible higher awards in liability claims. Premiums for such insurance would be approximately $135 per year.

Budget Issues:

The 2022 budget anticipates leaving the no waiver option in place for 2022 and has anticipated insurance premiums based on that no waiver option. Waiving the statutory limits would require that approximately $135 in additional premium costs be allocated for 2022 and in each succeeding year.

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type

Commissioner introduced the following resolution and moved its adoption:

EDA RESOLUTION NO. _____

RESOLUTION OPTING NOT TO WAIVE LIMITED TORT LIABILITY FOR 2022

WHEREAS, the Economic Development Authority of the City of Brooklyn Center has an option to waive its protection under the tort liability limitations contained in Minnesota Statutes 466.04; and

WHEREAS, the statutory tort limit for 2022 is $500,000 per individual with an aggregate limit of $1,500,000 per incident; and

WHEREAS, the Economic Development Authority of the City of Brooklyn Center has not opted to waive its rights to limited tort liability in past years and is required to make a declaration of its intention every year.

NOW, THEREFORE, BE IT RESOLVED by the Economic Development Authority of the City of Brooklyn Center, Minnesota, that the Authority does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.02 for 2022.

January 10, 2022
Date

_____
President

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

and upon vote being taken thereon, the following voted in favor thereof:
and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

Economic Development Authority

DATE: 1/10/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Mike Marsh, Acting Public Works Director
BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Approving the Land Exchange Agreement of Certain Property Located in Brooklyn Center, MN

Requested Council Action:

- Motion to approve a resolution approving the land exchange agreement ob certain propertw located in Crooylwn f enterB Mk , etE een the f itw ob Crooylwn f enterB the Dconomic Aevelopment I uthoritw ob Crooylwn f enterBand Sndependent Nchool Aistrict k o. 281BRo, , insdale I rea Nchools.

Background:

On May 9, 2016, the City Council directed staff to proceed with the preliminary design, environmental documentation, easement acquisition and final design work for the Brooklyn Boulevard Corridor Project Phase 1 (49th Avenue to Bass Lake Road), Project No. 2018-05, SP 109-020-013. The proposed reconstruction and streetscape improvements will improve roadway and intersection safety, enhance traffic operations and provide improved bicycle and pedestrian facilities. The project was constructed in 2018-2020.

As part of the Brooklyn Boulevard Corridor Project Phase 1, proposed improvements such as a the re-alignment of the Brooklyn Boulevard Frontage Road in the vicinity of 55th Avenue North and other stormwater and streetscape elements have been identified that fall outside of existing public easement areas. The attached map (Exhibit 1) shows the extent of the easements needed for proposed improvements within the City of Brooklyn Center, the Economic Development Authority of Brooklyn Center (EDA) and Independent Robbinsdale School District No. 281 owned parcels located along west of Brooklyn Boulevard.

The City of Brooklyn Center would like re-plat approximately 3.1 acres of land that includes a portion of Registered Land Survey No. 0040, Hennepin County, Minnesota; and lands contained within Auditor's Subdivision No. 216, Hennepin County, Minnesota, and under varying ownership by the City of Brooklyn Center, Economic Development Authority of Brooklyn Center, and Robbinsdale School District No. 281, as well as the dedication of certain right of way.

The Planning Commission heard this matter under Planning Commission Application No. 2019-016 on November 14, 2019 and, after the public hearing, acted to forward the Application to the City Council with a recommendation that it approve the preliminary and Final plat for BROOKLYN CENTER EDA FIRST ADDITION. On November 25, 2019 the City Council adopted Resolution No. 2019-167 to approve the preliminary and final plat with certain conditions.

In consideration of the mutual agreements contained in the Land Exchange Agreement, the City and the

EDA offer and agree to convey any interest that they have in the New District Parcel to the District and the City and the District offer and agree to convey any interest that they may have in the New EDA Parcel to the EDA, see attached map (Exhibit 2). The District and the EDA accepts the parcels so offered.

The City Attorney has reviewed and concurs to the purpose and form of the Land Exchange Agreement, which once approved with allow for the City and EDA to move forward to complete the land transfer.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/4/2022	Cover Memo
Exhibits	1/4/2022	Cover Memo
Land Exchange Agreement	1/4/2022	Cover Memo

Commissioner _____ introduced the following resolution and moved its adoption:

EDA RESOLUTION NO. 2022- ___

RESOLUTION APPROVING THE LAND EXCHANGE AGREEMENT OF CERTAIN PROPERTY LOCATED IN BROOKLYN CENTER, MN

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

Section 1. Recitals.

1.01. The Authority is authorized pursuant to Minnesota Statutes, Sections 469.090 to 469.1081 (the "EDA Act"), to acquire and convey real property and to undertake certain activities to facilitate the development of real property by private enterprise.

1.02. To facilitate development of certain property in the City of Brooklyn Center, Minnesota (the "City"), the Authority proposes to enter into a Land Exchange Agreement (the "Agreement") between the Authority, the City, and Independent School District No. 281, Robbinsdale Area Schools (the "District").

1.03. The City owns certain property ("City Parcel") located in Brooklyn Center, Minnesota, legally described as:

Tract F, Registered Land Survey No. 40, Hennepin County, Minnesota.

1.04. The Authority owns certain property ("Authority Parcel") located in Brooklyn Center, Minnesota, legally described as:

The North 100 feet of that part of Lot 35, AUDITOR'S SUBDIVISION NO. 216, lying westerly of the center line of Minnesota State Highway No. 152; also the North 100 feet of the East 33 feet of Lot 34, in AUDITOR'S SUBDIVISION NO. 216, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

And

That part of the South 200 feet of the North 300 feet of Lots 34 and 35, AUDITOR'S SUBDIVISION NO. 216, Hennepin County, Minnesota lying north of the following described line: Commencing at a point in the west line of Lot 34 distant 256 feet south from the northwest corner thereof; thence easterly on a curve to the right having a radius 498.97 feet a distance of 127.17 feet; thence easterly on a tangent to said curve distant 35.68 feet to the east line of Lot 35, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

And

The North 95 feet of the South 230 feet of the North 755 feet of Lots 34 and 35, AUDITOR'S SUBDIVISION NO. 216, according to the plat thereof on file or of record in the Office of the County Recorder in and for Hennepin County, Minnesota.

And

The South 150 feet of the North 450 feet of Lots 34 and the South 150 feet of the North 450 feet of Lot 35 as measured on a line parallel with the west line of said Lot 35 all in AUDITOR'S SUBDIVISION NO. 26, Hennepin County, Minnesota EXCEPTING that part lying north of the following described line: Beginning at the point of intersection of southeasterly line of Lot 1, Block 3, BALFANY'S NORTHPORT 1ST ADDITION with the northeasterly line of Northport Drive as platted adjacent to Lots 1 and 2, Block 3, BALFANY'S NORTHPORT 1ST ADDITION; thence running northeasterly along the extension of the southeasterly line of said Lot 1 226.84 feet to the point of beginning of a curve to right having a radius of 438.97 feet and an arc length of 196.64 feet; thence running northeasterly along said curve to the right to its point of intersection with the west line of said Lot 34, said point of intersection being the actual point of beginning of the line to be described; thence continuing northeasterly along the arc of said curve to the end of said curve, said end of curve being a point in the south line of said North 300 feet of said Lots 34 and 35 and there terminating.

And

The South 75 feet of the North 525 feet of Lot 34 and the South 75 feet of the North 525 feet of Lot 35 as measured on a line parallel with the west line of said Lot 35, all in AUDITOR'S SUBDIVISION NO. 216, Hennepin County, Minnesota.

1.05. The District owns certain property ("District Parcel") located in Brooklyn Center, Minnesota, legally described as:

That part of Lots 34 and 35 lying northerly of the following described line: Commencing at the southeast corner of Lot 1, Block 3, BALFANY'S NORTHPORT 1ST ADDITION; thence northeasterly along the extension of the southeasterly line of said lot distance 256.84 feet; thence northeasterly on a tangential curve to the right having a radius of 438.97 feet a distance of 196.64 feet; thence easterly along tangent to said curve to the east line of Lot 35 and southerly of the following described line: Commencing at a point in the west line of Lot 34 distant 256 feet south from the northwest corner thereof; thence easterly on a curve to the right having a radius 498.97 feet a distance of 127.17 feet; thence easterly on a tangent to said curve a distance of 35.68 feet to the east line of Lot 35, AUDITOR'S SUBDIVISION NO. 216, Hennepin County, Minnesota.

1.06. The preliminary plat of "Brooklyn Center EDA First Addition" (the "Plat") has been approved by the Brooklyn Center City Council which includes platting of the City Parcel, the Authority Parcel, and the District Parcel into two lots subject to right-of-way being dedicated to the City for Brooklyn Boulevard.

1.07. Under the Agreement, among other things, the City and the District will convey any interest that they each have with respect to Lot 1, Block 2 of the Plat to the Authority.

1.08. Under the Agreement, among other things, the Authority and the City will convey any interest that they each have with respect to Lot 1, Block 1 of the Plat to the District.

1.09. The Authority finds and determines that the exchange of land under the Land Exchange Agreement is in the public interest and will further the objectives of its general plan of economic development.

Section 2. Authority Approval; Further Proceedings.

2.01. The Board hereby approves the Agreement in substantially the form presented to the Board, including the exchange and acceptance by the Authority of land as described above, subject to modifications that do not alter the substance of the transaction and that are approved by the President and Executive Director, provided that execution of the Agreement by those officials shall be conclusive evidence of their approval.

2.02. Authority staff and officials are authorized to take all actions necessary to perform the Authority's obligations under the Agreement as a whole, including without limitation execution of any documents to which the Authority is a party referenced in or attached to the Agreement, and other documents necessary to exchange the land as described above to and from the Authority, all as described in the Agreement.

January 10, 2022
Date

_____
President

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

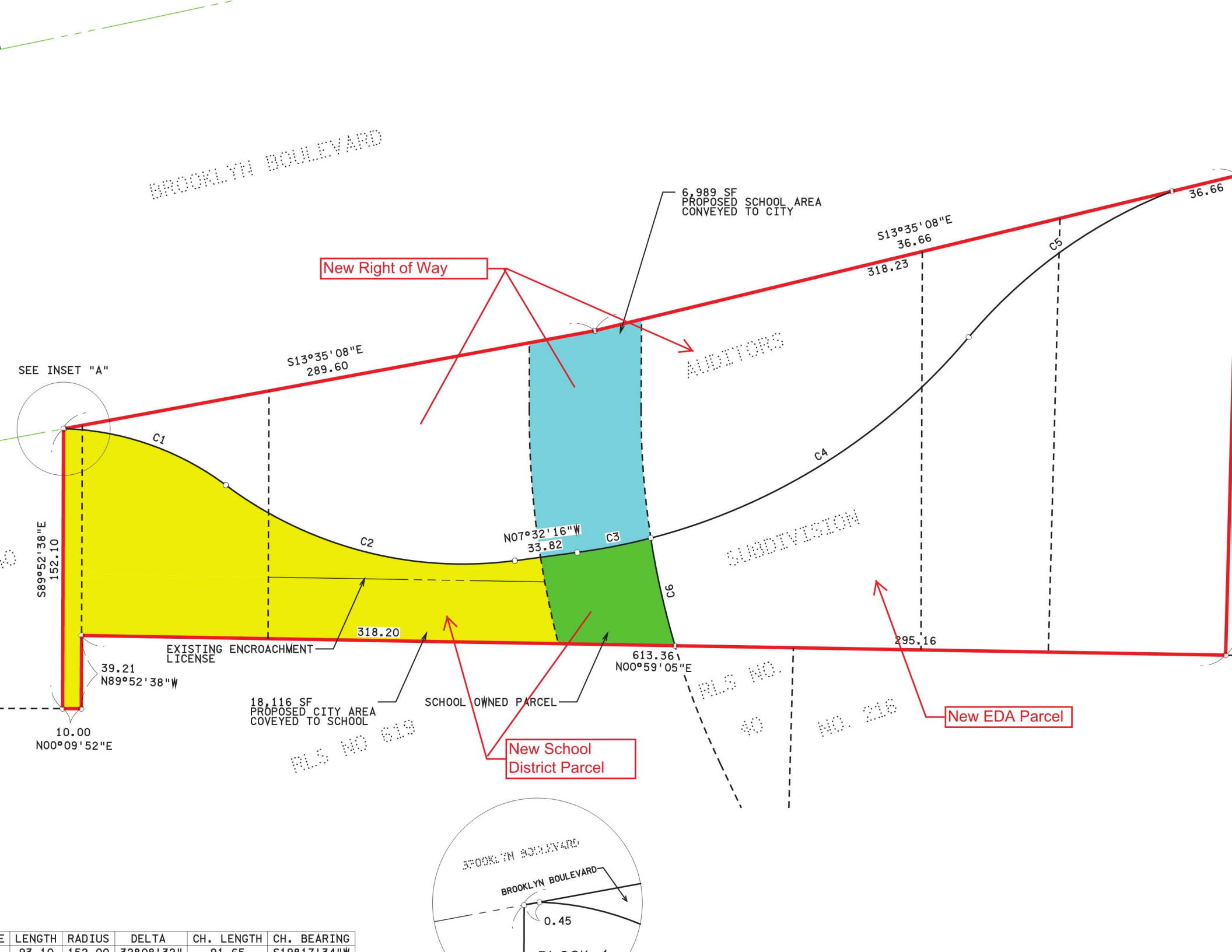
and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.



E	LENGTH	RADIUS	DELTA	CH. LENGTH	CH. BEARING
	93.10	153.00	33°08'32"	91.65	S12°17'34"W



E	LENGTH	RADIUS	DELTA	CH. LENGTH	CH. BEARING
	93.10	153.00	33°08'32"	91.65	S12°17'34"W

LAND EXCHANGE AGREEMENT

This Land Exchange Agreement (**"Agreement"**) is made this 10th day of January, 2022, by and between the City of Brooklyn Center, a Minnesota municipal corporation (the **"City"**), the Economic Development Authority in and for the City of Brooklyn Center, a Minnesota body corporate and politic (the **"EDA"**), and Independent School District No. 281, Robbinsdale Area Schools, a Minnesota body corporate and politic (the "**District**").

RECITALS

WHEREAS, the City owns certain property located in Brooklyn Center, Minnesota, which is legally described on Exhibit A attached hereto (the "**City Parcel**"); and

WHEREAS, the EDA owns certain property located in Brooklyn Center, Minnesota, which is legally described on Exhibit B attached hereto (the "**EDA Parcel**"); and

WHEREAS, the District owns certain property located in Brooklyn Center, Minnesota, which is legally described on Exhibit C attached hereto (the "**District Parcel**"); and

WHEREAS, the preliminary plat of "Brooklyn Center EDA First Addition" has been approved by the Brooklyn Center City Council which includes platting of the City Parcel, the EDA Parcel, and the District Parcel into two lots subject to right-of-way being dedicated to the City for Brooklyn Boulevard, with said plat being attached to this Agreement as Exhibit D (the **"Plat"**); and

WHEREAS, the City and the EDA wish to convey any interest that they have with respect to Lot 1, Block 1 of the Plat to the District (the **"New District Parcel"**); and

WHEREAS, the City and the District wish to convey any interest that they have with respect to Lot 1, Block 2 of the Plat to the EDA (the **"New EDA Parcel"**).

AGREEMENT

1. OFFER/ACCEPTANCE. In consideration of the mutual agreements herein contained, the City and the EDA offer and agree to convey any interest that they have in the New District Parcel to the District and the City and the District offer and agree to convey any interest that they may have in the New EDA Parcel to the EDA. The District and the EDA accepts the parcels so offered.

2. PLAT. The parties agree to cooperate in facilitating the recording of the Plat.

3. VALUE FOR STATE DEED TAX PURPOSES. For purposes of determining values for State Deed Tax, the parties agree that the value of the New District Parcel is $_____ and the value of the New EDA Parcel is $_____.

4. DEED/MARKETABLE TITLE: Subject to performance by the EDA, the District and the City agree to execute and deliver Quit Claim Deeds following the recording of the Plat conveying marketable title to the New EDA Parcel, as shown as Lot 1 Block 2 on the Plat, to the EDA, subject only to the following exceptions:

A. Building and zoning laws, ordinances, state, and federal regulations.

B. Reservation of minerals or mineral rights to the State of Minnesota, if any.

C. Right-of-way, utility, and drainage easements that do not interfere with EDA's intended use of the property as shown on the Plat.

Subject to performance by the District, the City and the EDA agree to execute and deliver Quit Claim Deeds following the recording of the Plat conveying marketable title to the New District Parcel , as shown as Lot 1 Block 1 on the Plat, to the District, subject only to the following exceptions:

A Building and zoning laws, ordinances, state, and federal regulations.

B. Reservation of minerals or mineral rights to the State of Minnesota, if any.

C. Right-of-way, utility, and drainage easements that do not interfere with the District's intended use of the property as shown on the Plat.

5. DOCUMENTS TO BE DELIVERED AT CLOSING. In addition to the Quit Claim Deed required by paragraph 4 above, the District and the City shall deliver to the EDA:

A. Standard form Affidavit of Seller.

B. Well disclosure certificate.

C. Such other documents as may be reasonably required by the EDA's title examiner or title insurance company.

D. Certified copies of the District's Board resolution and the City Council resolution approving this Agreement.

In addition to the Quit Claim Deed required by paragraph 4 above, the EDA and the City shall deliver to the District:

A. Standard form Affidavit of Seller.

B. Certified copies of the City Council resolution and EDA resolution approving this Agreement.

C. Well disclosure certificate.

D. Such other documents as may be reasonably required by District's title examiner or title insurance company.

6. MARKETABILITY OF TITLE. Within a reasonable time after approval and execution of this Agreement by all parties, the EDA and the District may order a title insurance commitment for their respective new parcels at their expense. Each party shall have 10 business days after receipt of its title commitment to examine the same and to deliver written objections to title, if any, to the other party. Each party shall have 20 days after receipt of written objections to cure title defects, at the transferor's cost. In the event, that title to either parcel cannot be made marketable by the transferor by the Closing Date, then, at the option of the transferee, this Agreement shall be null and void.

7. ENVIRONMENTAL MATTERS.

A. Each Party warrants that its property has not been used for production, storage, deposit, or disposal of any toxic or hazardous waste or substance, petroleum product or asbestos product during the period of time the Party has owned the property. The Parties further warrant that the Parties have no knowledge or information of any fact that would indicate its property was used for production, storage, deposit, or disposal of any toxic or hazardous waste or substance, petroleum product or asbestos product prior to the date the Party purchased its property.

B. Each Party and its agents shall have the right to enter upon the other's property after the date of this Agreement for the purpose of inspecting and the property it will acquire and conducting such environmental examination and tests as it deems necessary. Each Party agrees to indemnify the other, to the extent such indemnification is legally authorized, against any liens, claims, losses, or damage occasioned by the other Party's exercise of its right to enter and work on the property. Each Party agrees to provide the other Party with a copy of any report as a result of such examination and tests. If such environmental examination results in a finding that there are or may be pollutants or contaminants on the property, either Party may terminate this Agreement, at any time prior to the Closing Date.

8. CLOSING DATE. The closing of the exchange of the properties shall take place on a date to be mutually agreed upon by the Parties, but no later than _____, 2022. The closing shall take place at City's offices, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota, or such other location as mutually agreed upon by the parties.

9. CLOSING COSTS AND RELATED ITEMS. The EDA will be responsible for:

A. Payment of fees charged in connection with the title commitment for the New EDA parcel;
B. Recording fees of instruments required to establish marketable title in the New District Parcel;

C. The premium for title insurance on the New EDA Parcel if the EDA elects to purchase such insurance;
D. Recording fee for the deed for the New EDA Parcel;
E. State Deed Tax and conservation fee attributable to the New EDA Parcel Deed; and
F. The cost to plat the properties, including survey costs and any application and recording fees associated with the Plat.

The District will be responsible for:

A. Recording fees of instruments required to establish marketable title in the New EDA Parcel;
B. The premium for title insurance on the New District Parcel if the District elects to purchase such insurance;
C. Recording fee for the deed for the New District Parcel; and
D. State Deed Tax and conservation fee attributable to the New District Parcel Deed.

Each party shall be responsible for its own attorneys' fees and costs.

10. POSSESSION/CONDITION OF PROPERTY.

A. **Possession**. The Parties agree to deliver possession not later than date of Closing ("Date of Possession").

B. **Condition of Property/No Personal Property**. Each Party shall deliver possession of its respective Parcel to the other Party on the Date of Possession in the same condition as the Parcel existed on the date of this Agreement. Each Party acknowledges the parcels are vacant land and there is no personal property included in this exchange.

11. DISCLOSURE; INDIVIDUAL SEWAGE TREATMENT SYSTEM. Each Party certifies to the other that it does not know of any individual sewage treatment systems on the property it will transfer.

12. WELL DISCLOSURE. Each Party certifies to the other Parties that it does not know of any wells on the property it will transfer.

13. SELLER'S WARRANTIES. Each Party warrants that there have been no labor or material furnished to the property for which payment has not been made. Each Party warrants that there are no present violations of any restrictions relating to the use or improvement of its respective property. These warranties shall survive the closing of this transaction.

14. RELOCATION BENEFITS. Each Party represents and asserts to the other that the transactions set forth in this Agreement will not cause the Party to be a displaced person within the meaning of Minnesota Statutes, Section 117.50, Subd. 3, and that it is therefore not entitled to any relocation assistance, services, payments or benefits under Minnesota Statutes, Section 117.52.

15. BROKER COMMISSIONS. Each Party represents and warrants to other that there is no broker involved in this transaction with whom the Party has negotiated or to whom the Party has agreed to pay a broker commission.

16. NO MERGER OF REPRESENTATIONS, WARRANTIES. All representations and warranties contained in this Agreement shall not be merged into any instruments or conveyance delivered at Closing, and the parties shall be bound accordingly.

17. ENTIRE AGREEMENT; AMENDMENTS. This Agreement executed herewith constitutes the entire agreement between the Parties and no other agreement prior to this Agreement shall be effective except as expressly set forth or incorporated herein. Any purported amendment shall not be effective unless it shall be set forth in writing and executed by all Parties or their respective successors or assigns.

18. BINDING EFFECT; ASSIGNMENT. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns. The Parties shall not assign its rights and interest hereunder without notice to the other Parties.

19. NOTICE. Any notice, demand, request, or other communication which may or shall be given or served by the parties shall be deemed to have been given or served on the date the same is deposited in the United States Mail, registered or certified, postage prepaid and addressed as follows:

a. If to the City:
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
Attn: City Manager

b. If to the EDA:
Economic Development Authority of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
Attn: Executive Director

with a copy to:
Sarah J. Sonsalla
Kennedy & Graven, Chartered
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402

c. If to the District:
Robbinsdale Area Schools
4148 Winnetka Avenue N.
New Hope, MN 55427
Attn: Superintendent

20. SPECIFIC PERFORMANCE. This Agreement may be specifically enforced by the parties, provided that any action for specific enforcement is brought within six months after the date

of the alleged breach. This paragraph is not intended to create an exclusive remedy for breach of this agreement; the parties reserve all other remedies available at law or in equity.

21. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall constitute one and the same instrument.

22. RECITALS. The Recitals set forth in the preamble to this Agreement and the Exhibits attached to this Agreement are incorporated into this Agreement as if fully set forth herein.

IN WITNESS WHEREOF, the parties have executed this agreement as of the above date.

CITY OF BROOKLYN CENTER

By: _____
Mike Elliott
Its: Mayor

By: _____
Reginald Edwards
Its: City Manager

ECONOMIC DEVELOPMENT AUTHORITY IN AND FOR THE CITY OF BROOKLYN CENTER

By: _____
Mike Elliott
Its: President

By: _____
Reginald Edwards
Its: Executive Director

INDEPENDENT SCHOOL DISTRICT NO. 281,
ROBBINSDALE AREA SCHOOLS

By: _____

Its: Board Chair

By: _____

Its: Board Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE "CITY PARCEL"

Tract F, Registered Land Survey No. 40, Hennepin County, Minnesota.

EXHIBIT B

LEGAL DESCRIPTION OF THE "EDA PARCEL"

The North 100 feet of that part of Lot 35, AUDITOR'S SUBDIVISION NO. 216, lying westerly of the center line of Minnesota State Highway No. 152; also the North 100 feet of the East 33 feet of Lot 34, in AUDITOR'S SUBDIVISION NO. 216, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

And

That part of the South 200 feet of the North 300 feet of Lots 34 and 35, AUDITOR'S SUBDIVISION NO. 216, Hennepin County, Minnesota lying north of the following described line: Commencing at a point in the west line of Lot 34 distant 256 feet south from the northwest corner thereof; thence easterly on a curve to the right having a radius 498.97 feet a distance of 127.17 feet; thence easterly on a tangent to said curve distant 35.68 feet to the east line of Lot 35, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

And

The North 95 feet of the South 230 feet of the North 755 feet of Lots 34 and 35, AUDITOR'S SUBDIVISION NO. 216, according to the plat thereof on file or of record in the Office of the County Recorder in and for Hennepin County, Minnesota.

And

The South 150 feet of the North 450 feet of Lots 34 and the South 150 feet of the North 450 feet of Lot 35 as measured on a line parallel with the west line of said Lot 35 all in AUDITOR'S SUBDIVISION NO. 26, Hennepin County, Minnesota EXCEPTING that part lying north of the following described line: Beginning at the point of intersection of southeasterly line of Lot 1, Block 3, BALFANY'S NORTHPORT 1ST ADDITION with the northeasterly line of Northport Drive as platted adjacent to Lots 1 and 2, Block 3, BALFANY'S NORTHPORT 1ST ADDITION; thence running northeasterly along the extension of the southeasterly line of said Lot 1 226.84 feet to the point of beginning of a curve to right having a radius of 438.97 feet and an arc length of 196.64 feet; thence running northeasterly along said curve to the right to its point of intersection with the west line of said Lot 34, said point of intersection being the actual point of beginning of the line to be described; thence continuing northeasterly along the arc of said curve to the end of said curve, said end of curve being a point in the south line of said North 300 feet of said Lots 34 and 35 and there terminating.

And

The South 75 feet of the North 525 feet of Lot 34 and the South 75 feet of the North 525 feet of Lot 35 as measured on a line parallel with the west line of said Lot 35, all in AUDITOR'S SUBDIVISION NO. 216, Hennepin County, Minnesota.

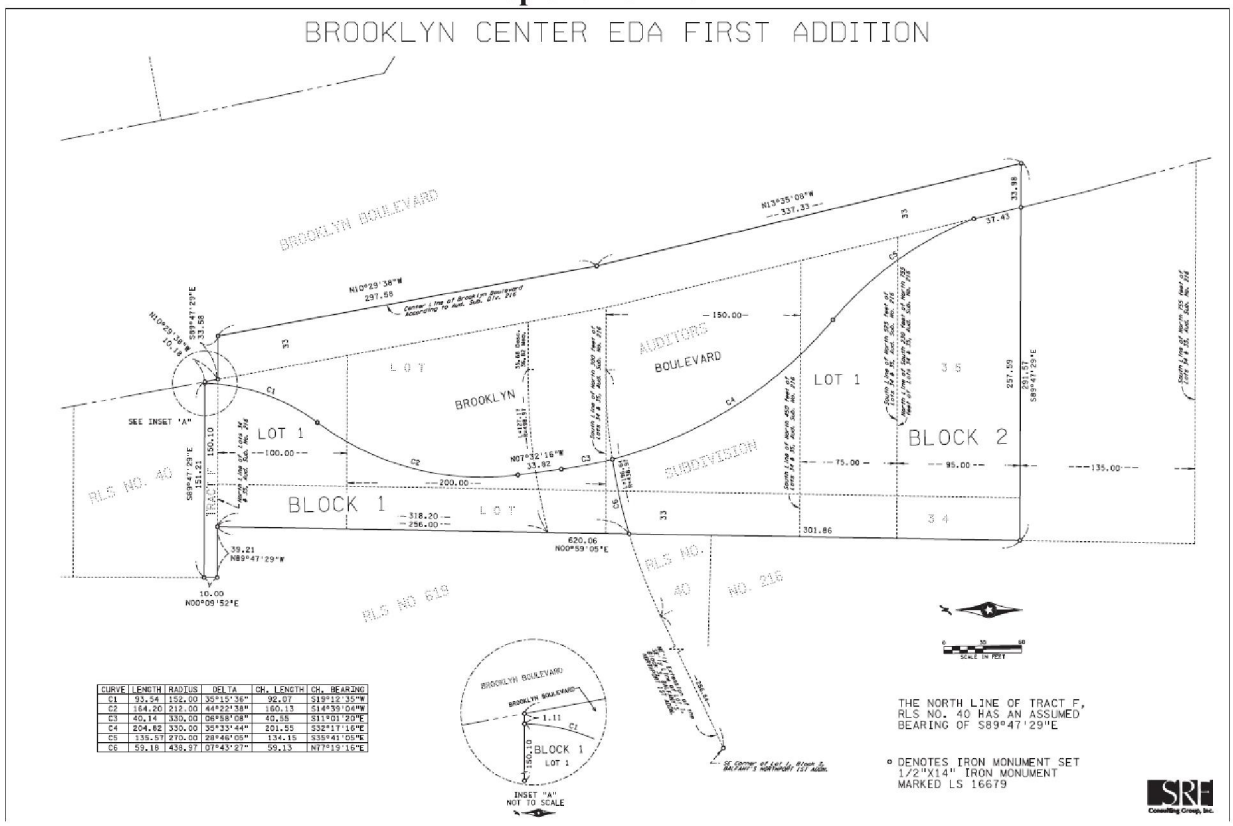
EXHIBIT C

LEGAL DESCRIPTION OF THE "DISTRICT PARCEL"

That part of Lots 34 and 35 lying northerly of the following described line: Commencing at the southeast corner of Lot 1, Block 3, BALFANY'S NORTHPORT 1ST ADDITION; thence northeasterly along the extension of the southeasterly line of said lot distance 256.84 feet; thence northeasterly on a tangential curve to the right having a radius of 438.97 feet a distance of 196.64 feet; thence easterly along tangent to said curve to the east line of Lot 35 and southerly of the following described line: Commencing at a point in the west line of Lot 34 distant 256 feet south from the northwest corner thereof; thence easterly on a curve to the right having a radius 498.97 feet a distance of 127.17 feet; thence easterly on a tangent to said curve a distance of 35.68 feet to the east line of Lot 35, AUDITOR'S SUBDIVISION NO. 216, Hennepin County, Minnesota.

EXHIBIT D

Depiction of the Plat



CURVE	LENGTH	RADIUS	DELTA	CH. LENGTH	CH. BEARING
C1	93.54	152.00	35°15'36"	92.07	S19°12'35"W
C2	164.20	212.00	44°22'38"	160.13	S14°59'04"W
C3	40.14	330.00	06°58'08"	40.55	S11°01'29"E
C4	204.62	330.00	35°33'44"	201.55	S32°17'16"E
C5	135.57	270.00	28°46'05"	134.15	S35°41'05"E
C6	59.18	438.37	07°43'37"	59.13	N17°19'15"E

Economic Development Authority

DATE: 1/10/2022

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

SUBJECT: Resolution Electing Officers for the Economic Development Authority in and for the City of Brooklyn Center

Requested Council Action:

- *Approve Resolution Electing Officers for the Economic Development Authority in and for the City of Brooklyn Center*

Background:

Minnesota Statute 469-096 provides that an Economic Development Authority shall elect a president, treasurer, and secretary on an annual basis.

EDA Resolution No. 87-06 also states in Article II, Section 7, that the president, vice-president, secretary, treasurer, and assistant treasurer shall be elected at the annual meeting of the Authority and shall hold office for one year or until successors are elected and qualified.

The attached resolution elects such positions for the Economic Development Authority.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
EDA Bylaw Resolution	1/8/2020	Backup Material
Resolution	1/4/2022	Resolution Letter

Member Gene Lhotka introduced the following resolution and moved its adoption:

EDA RESOLUTION NO. 87-06

RESOLUTION ADOPTING BYLAWS OF THE BROOKLYN CENTER ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, the Economic Development Authority of Brooklyn Center, Minnesota is organized and operates pursuant to Minn. Stat., Chapter 458C.

NOW, THEREFORE, BE IT RESOLVED that the Economic Development Authority of Brooklyn Center, Minnesota, hereby adopts and approves the following bylaws:

ARTICLE I - THE AUTHORITY

Section 1. Name of Authority. The name of the Authority is the "Economic Development Authority of Brooklyn Center, Minnesota."

Section 2. Seal of Authority. The seal of the Authority shall be in the form of a circle and shall bear the name of the Authority.

Section 3. Office of Authority. The offices of the Authority are at City Hall in the City of Brooklyn Center, State of Minnesota, or at such other place as the Authority may designate by resolution.

ARTICLE II - OFFICERS

Section 1. Officers. The officers of the Authority are the President, Vice-President, Secretary, Treasurer, and Assistant Treasurer.

Section 2. President. At the annual meeting, the President shall submit to the Authority a report summarizing the activities and programs of the Authority for the past year and containing the President's recommendation for Authority activities for the ensuing year.

Section 3. Vice-President. The Vice-President shall perform the duties of the President in the absence or incapacity of the President; and in case of the resignation or death of the President, the Vice-President shall perform such duties as are imposed on the President until such time as the Authority shall select a new President.

Section 4. Secretary and Treasurer. The Secretary and Treasurer shall perform the duties of a Secretary and Treasurer, respectively, for the Authority. The Treasurer shall sign all orders and checks for the payment of money and shall pay out and

disburse such monies under the direction of the Authority. Except as otherwise authorized by resolution of the Authority, all such orders and checks shall also be counter-signed by the President. The Treasurer shall be responsible for the care and custody of all funds of the Authority, and he shall be responsible for the keeping of accounts showing receipts and expenditures of the Authority. The Treasurer shall render to the Authority an account of financial condition of the Authority as may be requested by the Authority. Once each year on or before the last day of June, the Treasurer shall submit an audited detailed financial statement to the Authority covering the entire financial operations of the Authority for the preceding fiscal year hereby defined as the calendar year. The Secretary shall keep in safe custody the seal of the Authority and shall have the power to affix such seal to all contracts and instruments authorized to be executed by the Authority.

Section 5. Executive Director. The Brooklyn Center city manager shall serve as Executive Director of the Authority and shall have general supervision over the administration and management of its business and affairs subject to the direction of the Authority. The Executive Director shall keep a record of the proceedings of the Authority. The Executive Director shall cosign all contracts, deeds, and similar instruments to which the Authority is a party.

Section 6. Additional Duties. The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Authority or the bylaws or rules and regulations of the Authority.

Section 7. Election or Appointment. The President, Vice-President, Secretary, Treasurer, and Assistant Treasurer shall be elected at the annual meeting of the Authority and shall hold office for one year or until successors are elected and qualified.

Section 8. Vacancies. Should the office of the President, Vice-President, Secretary, Treasurer, or Assistant Treasurer become vacant, pursuant to Minn. Stat. Section 351.02 or by other provisions of law, the Authority shall elect a successor from its membership at the next regular meeting, and such election shall be for the unexpired term of the office.

Section 9. Additional Personnel. The Authority may from time to time employ or contract for such personnel as it deems necessary to exercise its powers, duties, and functions as prescribed by Minn. Stat., Chapter 458C, applicable thereto. Such personnel may be employees of the Authority, employees of other governmental organizations, or independent contractors. The selection and compensation of such personnel shall be determined by the Authority subject to the laws of the State of Minnesota.

EDA RESOLUTION NO. 87-06

ARTICLE III - MEETINGS

Section 1. Annual Meeting. The annual meeting of the Authority shall be held on the first business day of January.

Section 2. Meeting Schedule. The meeting schedule of the Authority shall be developed by the Executive Director.

Section 3. Special Meetings. Special meetings of the Authority may be called by the President, or two members of the Authority for the purpose of transacting any business designated in the call. The call for a special meeting may be delivered at any time prior to the time of the proposed meeting to each member of the Authority or may be mailed to the business or home address of each member of the Authority at least two days prior to the date of such special meeting. At such special meeting no business shall be considered other than as designated in the call, but if all of the members of the Authority are present at a special meeting, any and all business may be transacted at such special meeting by unanimous vote.

Section 4. Quorum. Three members of the Authority shall constitute a quorum to do business, but a smaller number may adjourn from time to time. When a quorum is in attendance, action may be taken by the Authority upon a vote of a majority of the members present.

Section 5. Manner of Voting. The voting on all questions coming before the Authority shall be by roll call and the yeas and nays shall be entered upon the minutes of such meetings.

ARTICLE IV - AMENDMENTS

Section 1. Amendments to Bylaws. The bylaws of the Authority may be amended only with the approval of at least three members of the Authority.

November 9, 1987
Date

Chairman

The motion for the adoption of the foregoing resolution was duly seconded by member Bill Hawes, and upon vote being taken thereon, the following voted in favor thereof: Dean Nyquist, Gene Lhotka, Celia Scott, Bill Hawes, and Rich Theis; and the following voted against the same: none, whereupon said resolution was declared duly passed and adopted.

Commissioner introduced the following resolution and moved its adoption:

EDA RESOLUTION NO. _____

RESOLUTION ELECTING OFFICERS FOR THE ECONOMIC DEVELOPMENT AUTHORITY OF BROOKLYN CENTER, MINNESOTA

WHEREAS, *Minnesota Statutes* Section 469.096 provides that an economic development authority shall elect a president, treasurer, and secretary on an annual basis.

NOW, THEREFORE, BE IT RESOLVED by the Economic Development Authority of Brooklyn Center, Minnesota, that the Authority hereby elects the following officers to serve through December 31, 2022, or such later date as their successors are elected and qualified:

President/Treasurer
Vice-President
Assistant Treasurer
Secretary

January 12, 2022
Date

_____
President

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

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

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