

Council Study Session
City Hall Council Chambers
December 11, 2023

AGENDA



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

**CITY COUNCIL
MEETING**

City Hall Council Chambers
December 11, 2023

AGENDA



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

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

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

2. Invocation - Graves - 7 p.m.

3. Call to Order Regular Business Meeting

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

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

- Motion to approve the following meetings:

- 10/23/23 Study Session
- 10/23/23 Regular Session
- 11/27/23 Study Session
- 11/27/23 Regular Session

b. Approval of Licenses

- Motion to approve the licenses as presented.

c. Approve the 2024 City Council Meeting Schedule

- Motion to approve the 2024 City Council meeting schedule as presented

d. Resolution Designating Polling Places for the 2024 Election

- It is recommended that the City Council consider approving a resolution

designating polling places for the City of Brooklyn Center for the 2024 Elections

- e. Resolution Approving the 2024 Fee Schedule
 - *Motion to approve a resolution adopting the 2024 Fee Schedule*
- f. Approval of a Minor Amendment to the November 13, 2023, City Council Minutes
 - *Motion to approve a minor amendment to the November 13, 2023, City Council minutes*
- g. Resolution Authorizing Execution of a Professional Services Agreement, Project No. 23-26, Brooklyn Center Park Investment Plan
 - *Motion to approve a resolution authorizing the execution of a Professional Services Agreement, Project No. 23-26, Brooklyn Center Park Investment Plan*
- h. Resolution Accepting Work Performed and Authorizing Final Payment, Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05
 - *Motion to approve a resolution accepting work performed and authorizing final payment, Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05*
- i. Accepting Grant funds from the Transportation and Economic Development Infrastructure (TEDI) Grant, to Support Phase 1 of the Opportunity Site
 - *Motion to approve a resolution acknowledging the awarded funds for the Transportation and Economic Development Infrastructure (TEDI) program and authorizing acceptance of grant funds*

7. Presentations/Proclamations/Recognitions/Donations

8. Public Hearings

- a. Resolution Certifying Special Assessments for Improvement Project No. 2024-01, Orchard Lane East Improvements to the Hennepin County Tax Rolls
 - *Motion to approve a resolution certifying special assessments for Improvement Project No. 2024-01, Orchard Lane East Improvements to the Hennepin County Tax Rolls*
- b. Resolutions Approving Utility Rates for 2024
 - *Motion to:*
 - *Open the public hearing;*
 - *Take public input; and*
 - *Close the public hearing*
 - *Motion to approve:*
 - *Resolution for 2024 Water Utility Rates*
 - *Resolution for 2024 Sanitary Sewer Utility Rates*
 - *Resolution for 2024 Storm Sewer Utility Rates*
 - *Resolution for 2024 Street Light Rates*
 - *Resolution for 2024 Recycling Rates*

9. Planning Commission Items

10. Council Consideration Items

- a. An Ordinance Amending Chapter 6 of the Brooklyn Center City Charter
- *Second reading and voting of an Ordinance Amending the City Charter Regarding a Grant Policy*
- b. Resolution Terminating the Agreement for Professional Services with North Metro Minneapolis Convention & Visitors Bureau (D.B.A. Minneapolis Northwest Tourism)
- *Consider Resolution Terminating the Agreement for Professional Services with North Metro Minneapolis Convention & Visitors Bureau (D.B.A. Minneapolis Northwest Tourism)*

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 12/11/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Motion to approve the following meetings:*

- 10/23/23 Study Session
- 10/23/23 Regular Session
- 11/27/23 Study Session
- 11/27/23 Regular Session

Background:

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

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
10.23 Study Session	11/20/2023	Backup Material
10.23 Regular Session	11/20/2023	Backup Material
11.27 Study Session	12/5/2023	Backup Material
11.27 Regular Session	12/5/2023	Backup Material

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

STUDY SESSION
OCTOBER 23, 2023
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor April Graves at 6:05 p.m.

ROLL CALL

Mayor April Graves, Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Director of Fiscal and Support Services Angela Holm, Director of Public Works Elizabeth Heyman, Community Development Director Jesse Anderson, Planner and Zoning Administrator Ginny McIntosh, Police Chief Kellace McDaniel, Director of Community Prevention, Health and Safety LaToya Turk, Assistant City Manager/City Clerk Barb Suci, and City Attorney Jason Hill.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Jerzak inquired about the discussion of the proposed Public Safety Act Meeting dates prior to the proposed resolution adoption of the traffic stop and consent search policies.

Mayor Graves noted that the dates are focused on the permanent advisory committee rather than the resolution.

Councilmember Jerzak noted that he believes there was a misunderstanding as it was his impression the resolution would be reviewed before discussing the passing of it.

Mayor Graves stated she didn't believe it was the best use of time to go over the Daunte Wright and Kobe Dimock-Heisler Community Safety & Violence Prevention Act line by line. Some of the items have already been implemented. The fifth item from the Daunte Wright and Kobe Dimock-Heisler Community Safety & Violence Prevention Act has not been implemented, so staff has put together recommendations based on the recommendations of the Implementation Committee regarding traffic stop and consent search policies.

Councilmember Jerzak noted his understanding was the Council needed to discuss the second item as well. Mayor Graves stated there could be more discussion on the second item of the Act, but it won't change the recommendations the Council has already received.

Councilmember Lawrence-Anderson stated she hasn't received a document from the League of Minnesota Cities and the City Attorney to ensure Brooklyn Center is in compliance with everything. She pointed out she was also under the impression the Council would meet with the Implementation Committee before voting on anything. Also, the Council hasn't heard anything from the Police Chief on the traffic stops and consent searches.

Mayor Graves stated Police Chief Kellace McDaniel presented on consent searches and traffic stops with Director of Community Prevention, Health and Safety LaToya Turk a few months ago, which accounted for the staff presentation. Dr. Edwards confirmed staff was instructed to return to Council with a policy reflecting the staff recommendations made during the presentation by Chief McDaniel and Ms. Turk, which is Council Consideration Item 10. Resolution Directing the Adoption of Traffic Stop and Consent Search Policies for the Brooklyn Center Police Department on the Regular Session agenda.

Councilmember Lawrence-Anderson requested the two policies be separated for voting consideration. Mayor Graves asked Dr. Edwards why the policies were in one motion when it was the recommendation of staff to have two separate policies.

Dr. Edwards stated there are two separate policies, but there is one resolution to adopt the two policies. Mayor Graves asked if the Council only wanted to approve one of the policies. Dr. Edwards stated the resolution can be separated if that is the preference of the Council.

Councilmember Jerzak pointed out that the Council isn't allowed to talk about the settlement related to the Daunte Wright and Kobe Dimock-Heisler Community Safety & Violence Prevention Act. He asked how that can be reconciled with the policies.

Dr. Edwards stated the Daunte Wright and Kobe Dimock-Heisler Community Safety & Violence Prevention Act came before the settlement, so the settlement is not the final decider on the outcome of the Daunte Wright and Kobe Dimock-Heisler Community Safety & Violence Prevention Act. There are separate decisions made for each document.

Councilmember Lawrence-Anderson noted the Council hasn't discussed the consent search and traffic stops as a body. Mayor Graves stated they discussed the topic after the staff presentation. Councilmember Lawrence-Anderson stated there are some aspects of each policy she is uncomfortable with. Mayor Graves stated the Council can discuss the policies after the presentation on the agenda.

Mayor Graves explained the Council has received a presentation from the Implementation Committee and had a discussion, received a presentation from staff and had a discussion, and will receive another staff presentation. Also, each Councilmember has had the opportunity to review the policies and meet with Staff on their own time.

Councilmember Lawrence-Anderson pointed out that two members of the Council didn't vote on the Daunte Wright and Kobe Dimock-Heisler Community Safety & Violence Prevention Act originally and have requested to review the document.

Mayor Graves asked why the Daunte Wright and Kobe Dimock-Heisler Community Safety & Violence Prevention Act is more important than the subsequent policies. Councilmember Lawrence-Anderson stated the policies are a product of the Daunte Wright and Kobe Dimock-Heisler Community Safety & Violence Prevention Act. The traffic stops and consent searches are part of the Daunte Wright and Kobe Dimock-Heisler Community Safety & Violence Prevention Act, and all stakeholders need to be in consensus.

Mayor Graves stated Councilmember Lawrence-Anderson could make a motion to remove the item from the agenda if she wished.

Councilmember Jerzak stated not all parties have had everyone at the table and had a robust discussion. There needs to be consensus in order for there to be buy-in. It is unsettling to be forced into a vote that he is uncomfortable with.

Mayor Graves stated she thought the Council was ready to vote on it. She asked who else the Council wants to hear from. Councilmember Jerzak stated he wants to hear from law enforcement about any hesitations they have, particularly from the Police Chief.

Dr. Edwards pointed out Chief Kellace will be presenting Council Consideration Item 10. Resolution Directing the Adoption of Traffic Stop and Consent Search Policies for the Brooklyn Center Police Department on the Regular Session agenda.

Mayor Graves stated the item about the traffic stops and consent searches is on the agenda, and it is the policy that public commenters don't comment on Council Consideration Items from the agenda. She asked the Council for their opinion on waiving the policy for the evening.

Councilmember Lawrence-Anderson stated she isn't opposed to public comment as long as there are time restrictions. She noted her preference for removing the item from the agenda due to the lengthy agenda.

Councilmember Jerzak noted his agreement with Councilmember Lawrence-Anderson. Council Consideration Item 10. Resolution Directing the Adoption of Traffic Stop and Consent Search Policies for the Brooklyn Center Police Department on the Regular Session agenda deserves robust discussion.

Councilmembers Butler and Kragness agreed they were open to public comment on the item. Councilmember Kragness added she would have liked more information on Council Consideration Item 10. Resolution Directing the Adoption of Traffic Stop and Consent Search Policies for the Brooklyn Center Police Department on the Regular Session agenda and would like to hear directly

from the Police Chief. As it stands, she is not comfortable voting on the item with the current information available to her.

Mayor Graves pointed out the staff recommendations have been reviewed and approved by the Police Chief. Councilmember Kragness stated she hasn't heard directly from the Police Chief, although he did co-present previously.

Mayor Graves stated she wants to keep the item on the agenda as it is the same set of staff recommendations just in policy form. The Police Chief has already presented the item, and the Council has already had opportunities to ask questions of the Police Chief, both at the aforementioned presentation and outside of Council meetings. She asked what questions remain unanswered for the rest of the Council.

Councilmember Lawrence-Anderson stated the Council has not discussed the different types of traffic stops nor the conflicting language with the settlement the Council is unable to openly discuss. Mayor Graves pointed out, as did Dr. Edwards, that the settlement is separate from the Daunte Wright and Kobe Dimock-Heisler Community Safety & Violence Prevention Act.

Councilmember Lawrence-Anderson stated she has read the settlement and understands its differences from the Daunte Wright and Kobe Dimock-Heisler Community Safety & Violence Prevention Act. However, the language used in the proposed policies is different from the language used in the settlement.

Councilmember Jerzak stated he wants to hear directly from the Chief that police officers have provided input into the policies and are committed to the process. He wants to hear the information from Chief Kellace alone without a co-presenter. Councilmember Jerzak stated he wants the policies to pass, but he cannot make a well-informed decision without hearing the potential concerns of the parties who will enforce the policies.

Mayor Graves asked if the Council could table the item after the planned presentation. City Attorney Jason Hill confirmed the item can be tabled after the presentation and prior to any vote approving or opposing the item.

Mayor Graves noted it was the consensus of the Council to allow public comment regarding Council Consideration Item 10. Resolution Directing the Adoption of Traffic Stop and Consent Search Policies for the Brooklyn Center Police Department. She stated the public comment period would begin at 6:30 p.m. to allow for more commenters.

ADJOURNMENT

Mayor Graves called for a brief recess prior to the Regular Meeting. Hearing no objection, Mayor Graves adjourned the Study Session at 6:26 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
OCTOBER 23, 2023
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in an Informal Open Forum called to order by Mayor April Graves at 6:33 p.m.

ROLL CALL

Mayor April Graves, Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Director of Fiscal and Support Services Angela Holm, Director of Public Works Elizabeth Heyman, Community Development Director Jesse Anderson, Planner and Zoning Administrator Ginny McIntosh, Police Chief Kellace McDaniel, Director of Community Prevention, Health and Safety LaToya Turk, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Jason Hill.

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

Lori B. stated research has shown consent searches are not beneficial. She explained her two sons are of driving age and have similar demographics as Duante Wright and Kobe Dimock-Heisler. Complying with law enforcement doesn't ensure safety for people of color. She read a poem about taking other people's perspectives into consideration and violence against people of color, particularly at the hands of law enforcement.

Amity D. thanked the Council for allowing for comments on traffic stops and consent searches. A majority of people supported the initial passing of the Daunte Wright and Kobe Dimock-Heisler Community Safety & Violence Prevention Act. People from all over applauded Brooklyn Center and its efforts. In the time since then, many parties have wasted their time and been met with barriers by the City. The Council cannot say they don't have enough information after two years of discussions and presentations. She encouraged the Council to approve the proposed policies as the City cannot continue to shut down the Dimock family, the Wright family, and the Brooklyn Center community.

John T. noted his best friend, Philando Castille, was murdered in 2016 by law enforcement, and there was a community response asking for change. However, the same things keep happening even in 2021 with Duante Wright. Kim Potter has already gotten out of jail, but the City hasn't

made any significant changes. He addressed Councilmembers Lawrence-Anderson and Jerzak and noted he remembered who pointed out Emmett Till and who hung him.

Katie W. pointed out she was optimistic coming into the meeting. However, the discussion by the Council during the Study Session was discouraging. The Implementation Committee has done immense work and research in recent years. They have answered every question asked of them while maintaining their full-time jobs and lives. Even the new Councilmembers cannot claim they don't know what's happening in the community.

Katie W. listed several people of color who have been murdered by law enforcement during traffic stops. She stated that there should be more than enough information for the Council to make a change.

Toshira G. shared a story of a loved one's experience with St. Paul law enforcement in 2009. The person is a man of color named Justin Teigen, who was brutally beaten by law enforcement and found in a dumpster. Katie Wright and Amity Dimock lost their sons but still dedicated time to the Implementation Committee and making changes in the community. She called for the Council and Staff to consider the Black men of color in each of their lives that could be the next Duante Wright or Kobe Dimock-Heisler.

Michelle G. introduced herself as the president of Communities United Against Police Brutality and stated the organization sent a letter to the Council. She noted that following up on such emotional commentary is difficult but would stick to policy recommendations. As for the consent search policy proposal, it must be noted that asking for a consent search means that there isn't probable cause. However, law enforcement is not on equal footing as the people they are asking consent from, which doesn't make it legitimate consent.

Michelle G. pointed out that the Brooklyn Center Police Department is the deadliest law enforcement entity in the State based on its size. The Minnesota Department of Human Rights decree with Minneapolis bans consent searches. The consent decree also bans equipment stops entirely.

Zoe C. noted she had been stopped for driving while Black multiple times. Her car is tinted and is stopped regularly for that as well. It is insulting to see Brooklyn Center moving backward rather than forward. She added the police need to be educated on how to interact with people of color rather than the other way around.

Julie B. explained when she applied to be part of the Implementation Committee; she had no idea how long the process would take. It took extensive research, collaboration, time, and discussions to develop a response everyone could support.

Councilmember Butler returned to the meeting at 7:00 p.m.

Julie B. pointed out everyone wants to be safe in the community. One way is to decrease interactions between law enforcement and the public, particularly with traffic stops. The

Implementation Committee has worked diligently with law enforcement and other Staff to create a shared concept to move forward with related to traffic stops and consent searches. Chief McDaniel has previously expressed concerns with certain recommendations made by the Implementation Committee, but those have been removed. Chief Kellace McDaniel is in full support of the proposed policies.

Julie B. added community members have shown their concern for public safety time and time again. She implored the Council to approve the policies to promote community safety. The decision process isn't easy, but the Council has the responsibility to show up for what is right and do better.

Councilmember Jerzak moved, and Councilmember Lawrence-Anderson seconded to close the Informal Open Forum at 7:02 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Lawrence-Anderson shared a quote from William Faulkner, "Never be afraid to raise your voice for honesty and truth and compassion against injustice and lying and greed. If people all over the world would do this, it would change the earth."

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in a Regular Session called to order by Mayor April Graves at 7:02 p.m.

4. ROLL CALL

Mayor April Graves, Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Director of Fiscal and Support Services Angela Holm, Director of Public Works Elizabeth Heyman, Community Development Director Jesse Anderson, Planner and Zoning Administrator Ginny McIntosh, Police Chief Kellace McDaniel, Director of Community Prevention, Health and Safety LaToya Turk, Assistant City Manager and City Clerk Barb Suci, and City Attorney Jason Hill.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6a. APPROVAL OF MINUTES

1. October 9, 2023 – Study Session
2. October 9, 2023 – Regular Session
3. October 9, 2023 – Work Session

6b. LICENSES

MECHANICAL

Season Control Mechanical Division, Inc. 6225 Cambridge St. #29,
St. Louis Park 55416

RENTAL

INITIAL (TYPE IV – six-month license)

6220 France Avenue N

Ewing Square Acquisition
Partners, LP

INITIAL (TYPE II – two-year license)

7218 Oliver Avenue N

Na Vang

RENEWAL (TYPE IV – six-month license)

5112 70th Avenue N

Ih3 Property Minnesota Lp

6225 Unity Avenue N

HPA CL2 LLC

6749 Humboldt Avenue N

Patrick Nguyen

RENEWAL (TYPE III – one-year license)

201 65th Avenue N

Riverwood LLC

6331 Beard Avenue N

Ccfi Holdings Llc

6915 Humboldt Avenue N

Lynwood Pointe Llc

3312 64th Avenue N

Buildup Assets 64th Ave Llc

3800 Burquest Lane

HENNEPIN RP FUNDING LLC

3906 Janet Lane

E Anderson & K Knoepke

5207 Boulder Lane

Herman Capt Partners V Llc

6000 Bryant Avenue N

Rto Investments Llc

6218 Unity Avenue N

ISHMAEL KOMARA

6800 Bryant Avenue N	Peter Nguyen
<i>RENEWAL (TYPE II – two-year license)</i>	
4819 Azelia Avenue N	Third Street/Azelia Prop Llc
5415 69th Avenue N	Phs Maranatha Inc
509 61st Avenue N	Timothy Martin Daniel
2812 Ohenry Road	Patrick Meier
3125 65th Avenue N	Hp Minnesota I Llc
3819 61st Avenue N	Fred Hanus Llc
5333 Bryant Avenue N	Badikambudi Helene Kazadi
5336 Sailor Lane	T J Agene & O E Agene
5415 Emerson Avenue N	Mnsf Ii W1 Llc
5443 Logan Avenue N	Imani Rock Group Llc
5814 Pearson Drive	Ih2 Property Illinois Lp
5937 Vincent Avenue N	Jack Johnson
7148 Morgan Avenue N	FRED HANUS LLC
<i>RENEWAL (TYPE I – three-year license)</i>	
6012 Kyle Avenue N	James R Hager
7037 Humboldt Avenue N	Gao Qiang Liu

6c. RESOLUTION NO. 2023-94; AUTHORIZING THE AMENDMENT TO EASEMENTS FOR LOT 1, BLOCK 1, JOSLYN SECOND ADDITION, HENNEPIN COUNTY, MINNESOTA

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

8. PUBLIC HEARINGS

8a. RESOLUTION NO. 2023-95, 2023-96, 2023-97, 2023-98; CERTIFYING SPECIAL ASSESSMENTS FOR NUISANCE ABATEMENT COSTS, ADMINISTRATIVE FINES/ CITATIONS, TALL GRASS AND WEED ABATEMENT COSTS, AND DEAD DISEASE TREE ABATEMENT COSTS

City Manager Reggie Edwards introduced the item and invited Community Development Director Jesse Anderson to make the staff presentation.

Community Development Director Jesse Anderson explained that Minnesota law allows cities to recover costs of certain types of services through a special property assessment. The City incurs costs associated with these public service programs and activities. If unpaid, the costs may be specially assessed to the property. A public hearing is required.

Mr. Anderson noted four Public Hearings scheduled for October 23, 2023, to consider certification of proposed special assessments. The Notice of Public Hearing was posted in the City's official newspaper, *Sun Post*, on September 28, 2023. All potentially affected property owners have been notified by mail of the date of the Public Hearing and the amount of the proposed special assessments. As of October 16, 2023, no formal appeals have been received by City staff.

Mr. Anderson stated that when properties are found to be violating the code, a written compliance notice is provided to the owner of record. In addition to notifying the record owner, properties may be posted in some instances, or other responsible parties may be notified. A follow-up inspection is conducted to verify that the property was brought into compliance with the code. If compliance has not been achieved, the City will send additional notices, or Staff take corrective actions to remove the public nuisance or hazard, depending on the nature of the issue.

Mr. Anderson pointed out that in the case of an abatement, the City bills the owner of record for the portion of costs the City incurred directly related to the abatement action. A service charge is applied to help recover administrative costs associated with the abatement process, such as time spent on inspections, notifications, invoicing, overhead, and the like. The costs of the abatements are recorded as pending special assessments, and this information is available to the public.

Mr. Anderson pointed out there is an increased enforcement on unlicensed rental properties. Administrative citations were issued for operating without a rental license. For administrative citations and fines, an appeal process is prescribed by City Ordinance Chapter 18. Information about the appeal process and timeframes is provided with the citation.

Mr. Anderson explained once an assessment roll is adopted by the Council, the owner of each property has two options. The first is to pay the entire amount of the special assessment, without interest, between October 24, 2023 and November 27, 2023. If payments are made with property taxes, the first payment will be due with taxes in 2024. The total principal will be payable in annual installments for the period stated on the levy roll, as indicated below. Interest of 3.5 percent is accrued on the unpaid balance. Based on feedback from the City Council, Staff discussed partial payments with Hennepin County staff. The County has stated that partial payments aren't accepted after an assessment is certified. However, they have granted Brooklyn Center permission to accept

partial payments before the assessments are certified to Hennepin County.

Mr. Anderson noted these fees help recover some costs the City incurs related to services provided to specific properties. Special assessment fees are included in the general fund as revenue for accounting purposes. It is anticipated that these costs recovered through special assessments will be received in 2024, and are therefore included in the 2023 budget. The levy roll for administrative fines/citations totals \$183,050. The levy roll for weed destruction totals \$15,410. The levy roll for dead/diseased tree removal totals \$27,157. Also, the levy roll for abatements totals \$47,982.36.

Mayor Graves moved, and Councilmember Jerzak seconded to open the Public Hearings concurrently.

Motion passed unanimously.

Carol L. explained he was speaking on behalf of her ill son. She and her family have always lived in Brooklyn Center. Her son leased his property through his ex-fiancé's mom and went to live with Carol L. The leasing agent isn't allowing the son to check in on the rental property. Since then, Carol L.'s son has been assessed with administrative and weed abatement. The leasing agent has been hiding the notices from Carol L.'s son. She asked the Council why Brooklyn Center and its Staff are being unhelpful. Ultimately, it is unfair for her son to be responsible for the abatements.

Mayor Graves asked Carol L. to provide her contact information to Dr. Edwards. Carol L. noted she had left a voicemail for Mayor Graves that was unreturned. She thanked the Council for their time.

Matt F. stated he has a special assessment for tall grass and an inoperable vehicle. The fine doubles if the violation isn't handled after the first violation. He explained he was having difficulty due to debt, and his house was foreclosed. The home was inherited from his mother after she passed. He acknowledged that he understood the initial citation and had been saving to address the concerns. However, doubling fines is burdensome, and his fines are around \$9,000.

Matt F. added an ex-girlfriend had left the inoperable car in his driveway. He has been unable to get in touch with her to obtain the title to do anything with the vehicle. He is still trying to find a solution to address the inoperable car. As for the grass, it has been maintained in recent months. Mayor Graves asked Matt F. to provide his contact information to the Staff.

An attorney on behalf of Matt F. pointed out that the assessed amount tripled in 23 days. October 3, 2023, there was a fee of \$3,000. The next citation was for \$6,000; it is unclear if the total fee was \$6,000 or \$9,000.

Mayor Graves asked if the tripling of the fine is a common practice. Mr. Anderson explained fees typically start at \$125 or \$300. A citation would follow two letters. After 30 days, the fee increases. The fees increase up to \$2,000 per violation.

Mayor Graves asked for the Council to send a list of the fees and a Work Session to be scheduled to review the citation process. Mr. Anderson stated that the fines are part of the fee schedule, and the new fee schedule will be up for discussion before approval in the coming weeks.

Councilmember Kragness asked if there is a way to stop the additional citations if the recipient contacts staff after receiving an earlier one to set up a payment plan. Mr. Anderson stated the citations aren't issued due to nonpayment, and there aren't any late fees. The citation is issued if the violation is still occurring. Staff typically grants extensions if requested.

Alfreda stated she has heard concerns from other community members regarding the financial burden of the fees. COVID-19 has further crippled resident's financial capacity. Also, businesses have been unable to afford the required maintenance. People are calling Staff daily for help and not receiving any assistance. She asked if the City offers resources to help with the cost burden or if Staff could sit down with residents to explain the process and help.

Councilmember Kragness moved, and Councilmember Jerzak seconded to close the concurrent Public Hearings.

Motion passed unanimously.

Mayor Graves pointed out the City has a program regarding home maintenance. She asked the Staff if there were other resources available. Mr. Anderson stated the City offers a grant program to help with home maintenance, but it has a long waiting list. Another program is where the City partners with an agency to offer a home repair loan with a lower interest rate. External organizations offer assistance such as handyman repairs. The information is all available on the City's website.

Councilmember Lawrence-Anderson moved, and Councilmember Jerzak seconded to adopt Resolution No. 2023-95, Certifying Special Assessments for Administrative citations to the Hennepin County Property Tax Rolls.

Motion passed unanimously.

Councilmember Jerzak moved, and Councilmember Butler seconded to adopt Resolution No. 2023-96, Certifying Special Assessments for Diseased Tree Removal Costs to the Hennepin County Property Tax Rolls.

Motion passed unanimously.

Councilmember Kragness moved, and Mayor Graves seconded to adopt Resolution No. 2023-97, Certifying Special Assessments for Weed Removal Costs to the Hennepin County Property Tax Rolls.

Motion passed unanimously.

Councilmember Butler moved, and Councilmember Jerzak seconded to adopt Resolution No. 2023-98, Certifying Special Assessments for Abatements Costs to the Hennepin County Property Tax Rolls.

Motion passed unanimously.

Councilmember Lawrence-Anderson asked for the City Council to be updated on conversations with Carol L. and Matt F.

8b. RESOLUTION NO. 2023-99; CERTIFYING SPECIAL ASSESSMENTS FOR DELINQUENT 2023 PUBLIC UTILITY SERVICE ACCOUNTS TO THE HENNEPIN COUNTY PROPERTY TAX ROLLS

City Manager Reggie Edwards introduced the item and invited Director of Fiscal & Support Services Angela Holm to make the staff presentation.

Director of Fiscal & Support Services Angela Holm explained that Minnesota law allows cities to recover costs of certain types of services through special property assessment. The City incurs costs of providing public utilities, typically recovered through user charges. If the user charges remain unpaid, the costs may be assessed to the property. A public hearing is required for the assessment.

Ms. Holm pointed out that the City of Brooklyn Center certifies delinquent utility bills to Hennepin County annually. The certified bills become assessments on the property owner's property tax bill for the following year.

Ms. Holm stated this process starts with a letter to the customer notifying them that their account is past due and that the amount will be certified against their property taxes. Bills of \$400 or more are past due as of July 12, 2023. The letter details the process and the legal authority for certification. Recipients of this letter are advised they may dispute the charges at a public hearing. The public hearing's date, time, and location were published in the City's official newspaper. Customers who have not paid by the cut-off date in the letter, which is November 22, 2023, are included in the final assessment roll submitted to the County.

Ms. Holm noted once the Council adopts an assessment roll, the owner has two options. First, the customer can pay the entire assessment amount without interest by November 22, 2023. Alternatively, the customer can pay the assessment with taxes in 2024 with interest accrued from December 1, 2023. The total principal and total interest is due in 2024.

Current unpaid charges amount to \$582,021.22. There are 597 unpaid accounts. Eighty-six percent of certifications are under \$1,000. The amount is similar to the numbers in 2021. 2022 was much higher in terms of unpaid charges and accounts.

Councilmember Jerzak moved, and Councilmember Lawrence-Anderson seconded to open the Public Hearing.

Motion passed unanimously.

Melissa T. explained she has been facing economic issues since COVID-19 and is a single parent of children who are also struggling with financial and mental health issues. She asked if resources were available similar to those for heat utilities. Mayor Graves asked Melissa T. to provide her contact information to Staff for them to follow up.

Devon W. asked if he could speak directly with Staff regarding his concerns. Mayor Graves asked the commenter to provide his contact information to Staff for them to follow up.

Councilmember Jerzak moved, and Councilmember Kragness seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Lawrence-Anderson moved, and Mayor Graves seconded to adopt Resolution No. 2023-99, Certifying Special Assessments for Delinquent Public Utility Service Accounts to the Hennepin County Property Tax Rolls.

Motion passed unanimously.

8c. RESOLUTION NO. 2023-100; ORDERING IMPROVEMENTS AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS FOR IMPROVEMENT PROJECT NO. 2024-01, ORCHARD LANE EAST IMPROVEMENTS

City Manager Reggie Edwards introduced the item and invited Director of Public Works Elizabeth Heyman to make the staff presentation. Director of Public Works Elizabeth Heyman introduced Principal Engineer Lydia Ener to continue the presentation.

Principal Engineer Lydia Ener showed a slide with the process schedule thus far and an image of the project area. The projects include partial street reconstruction, which includes full-depth pavement replacement, miscellaneous repairs of concrete curb and gutter and driveway aprons, boulevard restoration, replacing catch basin castings as necessary within the project areas, and replacing or repairing catch basins and laterals where deteriorated or impacted by other utility work, replacing most of the main, along with the valves and hydrants, and lining of the sanitary sewer main, with spot replacements as necessary.

Ms. Ener showed images of some of the streets. The pavement was last reconstructed in 1996. Roadway widths will remain at 30 feet. The curb was inspected, and there will be spot replacement as necessary. The existing storm sewer pipes are six to 12 inches and were constructed between 1956 and 1996. Xcel owns the existing lighting and exists at intersections and mid-blocks at approximately every 700 feet.

Ms. Ener stated water main components were installed between 1956 and 1996, and existing pipes are six to 12 inches. Proposed improvements for the water main are replacing the older sections and hydrant and gate valve replacement.

Ms. Ener noted that the sanitary sewer was installed between 1956 and 1996, and existing pipes are eight to 12 inches, with some larger collector pipes. Condition surveys were taken of sewers and manholes. The recommended sanitary sewer improvements include lining the main with spot replacements as necessary.

Ms. Ener pointed out there will be some tree impacts from the project. The City's forester has reviewed the impacts. There will be removals of diseased trees and ash trees, some impacted by utility construction. Root cutting will be done where possible. Otherwise, there will be a one-to-one replacement of all removed trees.

Ms. Ener added other impacts, including driveway impacts. Utility improvements and curb replacement will determine this. There will be saw-cutting for bituminous driveways and removal to the nearest joint for concrete. Also, sodding will be added to impacted areas.

Ms. Ener explained to gather information from the public on the project before feasibility, a neighborhood open house was held on August 3, 2023. Invitations for the meeting were mailed to properties, and signboards were placed in the neighborhood before the meeting. The goal of the meeting was to provide project information to property owners and residents and gain input from the public on potential project upgrades. Each attendee was able to discuss how the project would impact their home. Some voiced concerns about driveway access during construction. Miscellaneous questions were asked about private utilities and the assessment process. All attendees seemed satisfied with having their questions answered, and many expressed interest in personal follow-up when construction begins.

Ms. Ener stated in addition to the neighborhood meeting, surveys regarding the project and existing conditions were mailed to residents and made available online. Most survey responses indicated the properties had no flooding, sanitary, or water services issues. Overall, the resident responses did not favor additional sidewalks or street lighting.

Ms. Ener pointed out that the second neighborhood meeting was scheduled for Thursday, October 19. Property owners were mailed invitations to the meeting. This meeting was a presentation style and provided additional information on action taken by the Council approving the Feasibility Report, the current progress of design, and will be an opportunity to provide more specific property impacts. In addition, the assessments included in the Feasibility Report were available to discuss with residents or answer questions. Questions were primarily on the assessment process, construction access, impacts, and timing.

Ms. Ener stated the preliminary project is estimated to cost \$11.8 million. About \$1.5 million will come from assessments. The remaining funding is from utility fees and the street reconstruction plan. She noted corner lots are not assessed twice.

Ms. Ener stated that most properties fall under R1 and R2, and the assessment rate will be set at the November 13, 2023 meeting. The rate is based on the construction cost index. A typical R1 and R2 property will be assessed at approximately \$4,015 per property. This was a 5.5 percent increase from the 2023 rate, accounting for \$35 to \$56 monthly payments. The interest rate will be 5.5 percent, based on the City bonding.

Ms. Ener added R4, R5, R6, R7, commercial, and industrial properties costs are determined by project costs. The interest rate will be 5.5 percent, based on the City bonding.

Ms. Ener pointed out options are to pay in full before September 30, 2024, pay in full or partial payment from October 1, 2024, to November 17, 2024, with interest starting on October 1, 2024, or to pay in installments with property taxes over a ten-year period starting in 2025, which would be with a 5.5 percent interest rate.

Councilmember Butler asked what the City's responsibility is for the sod. Ms. Ener stated a sod letter will be sent to the homeowner with more information and best practices. The City is responsible for the first 30 days of the sod. There is an inspection of the sod at the end of the 30 days to ensure the installation was done correctly.

Mayor Graves noted Brooklyn Boulevard looks very terrible due to the dead sod. She asked who was responsible for that sod. Ms. Ener offered for Staff to look into the warrant period.

Ms. Heyman noted Brooklyn Boulevard is a County road. The City did take on maintenance responsibilities with the reconstruction project. She offered for Staff to look into options.

Councilmember Lawrence-Anderson asked if someone could pay a partial amount and then choose to have the rest added to the tax roll. Ms. Ener confirmed that was correct. The partial payment option is new to the process.

Councilmember Lawrence-Anderson asked what the previous interest rate was. Ms. Ener stated the previous interest rate was 3.5 percent.

Councilmember Jerzak moved, and Councilmember Lawrence-Anderson seconded to open the Public Hearing.

Motion passed unanimously.

Adam stated everyone would like a copy of the presentation to review. He asked if the assessment could be higher than the \$4,015 projection. Ms. Ener stated it is a conservative assessment so that it won't exceed \$4,015. Once the amount is set, it won't be changed based on bids received or market conditions. She added she would add the presentation to the project website.

Councilmember Lawrence-Anderson asked for the presentation to be added to the City website. Ms. Ener stated the project website is within the City website. Councilmember Lawrence-Anderson asked for information on accessing the project website to be included in future

notification letters. Ms. Ener stated the letters have and will continue to have a QR code to access the project website.

Councilmember Jerzak read an email from concerned parties, Carl and Morgan K., as they could not attend the Council meeting. They disagreed with assessments for basic City infrastructure as the tax dollars should already be allotted for such critical updates. They pointed to poor financial planning and urged the Council to find funding within the budget.

Mayor Graves asked for the presentation to be sent to Carl and Morgan K.

Councilmember Jerzak moved, and Councilmember Kragness seconded to close the Public Hearing.

Mayor Graves moved, and Councilmember Jerzak seconded to adopt Resolution No. 2023-100, Ordering the Orchard Lane East Improvements, Improvement Project No. 2024-01, and Authorizing Preparation of Project Plans and Specifications.

Motion passed unanimously.

RECESS AND RECONVENE

Mayor Graves called for a short recess at 8:13 p.m. The meeting reconvened at 8:22 p.m.

9. PLANNING COMMISSION ITEMS

9a. RESOLUTION FOR PLANNING COMMISSION APPLICATION NO. 2023-006, SUBMITTED BY AWC HOLDINGS LLC, FOR CONVERSION OF AN EXISTING TWO-TENANT BUILDING TO AN APPROXIMATELY 10,200-SQUARE FOOT RESTAURANT AND BAR (NIGHTCLUB) WITH 704-SQUARE FOOT OUTDOOR PATIO (5927 JOHN MARTIN DRIVE)

Dr. Edwards introduced the item and invited Planner and Zoning Administrator Ginny McIntosh to continue the staff presentation.

City Planner Ginny McIntosh reviewed a request for review and consideration of a proposal to convert the existing New King Buffet and former Tires Plus located at 5927 John Martin Drive into an approximately 10,200-square-foot restaurant and bar with approximately 1,200-square foot outdoor patio. The applicant is associated with Jambo Africa, a restaurant and bar located at 1601 Freeway Boulevard in Brooklyn Center, specializing in African cuisine. Their narrative notes that they will transfer "all restaurant operations from the current location, 1601 Freeway Blvd, to the new location, 5927 John Martin Drive."

Ms. McIntosh showed images of the site. The site is approximately 1.36 acres and is currently zoned for transit-oriented development.

Ms. McIntosh stated the property received site and building plan approval in 1979 under Planning

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

Ms. McIntosh noted that in 1991, the formerly single-use retail building received a proposal to convert into a two-tenant building when Tires Plus auto shop expressed interest in locating on the Subject Property and following the closure of Berger Brothers. Tires Plus ultimately took approximately 3,700 square feet of the property's west side, with the remaining 6,500 square feet available for a new user. The current Property Owner, Lin Shuang LLC, purchased the property in 2007. Tires Plus closed its location at the site last year, and the property was listed for sale shortly after that.

Ms. McIntosh stated the property is centrally located within the City's designated approximately 80-acre Opportunity Site. A draft Opportunity Site Master Plan has been underway for several years, and the plans are to move toward a final adoption by the end of this year. In July 2021, the City of Brooklyn Center City Council adopted an Infrastructure Framework for the Opportunity Site, intended to serve as a proactive, guiding document focused on four core components within the 80-acre Opportunity Site. While the framework is intended to help inform decision-making, it was also designed to provide certain flexibilities dependent upon market conditions.

Ms. McIntosh noted in 2022 that the City Council approved an approximately 16-acre Phase I redevelopment of the Opportunity Site under Planning Commission Application No. 2022-003—this phase is located south of the property. A proposed Garden Street is contemplated to run approximately between the property and 5939 John Martin Drive, which is owned by the City's Economic Development Authority (EDA), and south through additional lands owned by the City's EDA before connecting to a proposed public roadway extension approved as part of Phase I.

Ms. McIntosh pointed out that the Infrastructure Framework specifically denotes John Martin Drive, which the Subject Property fronts, as a future "Main Street." While dependent on market conditions and receptivity of existing landowners, the Infrastructure Framework calls out a potential future road running near the driveway curb cut, which serves both the Subject Property and 5939 John Martin Drive, which the EDA owns.

Ms. McIntosh stated that Staff initially met with the applicant in July 2023, when the building reflected a restaurant and bar use. Conversion triggers a Major Site and Building Plan Amendment process under Section 35-7605 because there would be a 25 percent or greater change in the floor area of the structure.

Ms. McIntosh noted the Staff had a follow-up meeting with the applicant to discuss the application and planned submittal materials. Following the submittal of plans, City Staff determined the building to be a nightclub use, which requires a CUP. On August 16, 2023, the applicant's architect confirmed the use and began the CUP process.

Ms. McIntosh stated on September 9, 2023, Staff formally requested the applicant apply for a parking variance, address concerns and revisions, and a 60-day application extension. Staff received the variance application, fee, and supplemental information on September 13, 2023. On September 14, 2023, a public hearing was held for the building plan and CUP, but there was a request to continue the public hearing to October 12. Proper publishing was completed for the public hearing, which was held on October 12, 2023.

Ms. McIntosh stated that the applicant outlines in their narrative that they would remodel the approximately 10,200-square-foot building for a restaurant and bar with a nightclub. There are no plans to alter the exterior of the building other than the removal of an existing loading door on the south elevation and the existing overhead bay doors used previously by Tires Plus on the west elevation, but those would be replaced with glass. This elevation would also feature an approximately 1,200-square-foot outdoor patio that would project approximately 17 feet out and be located just under 8 feet from the property line shared with 5939 John Martin Drive, which the City's EDA owns.

Ms. McIntosh pointed out that access to the Subject Property is limited to the single shared curb cut located off John Martin Drive. As proposed, the existing curb cut and parking layout would remain. The only area proposed for modification, which would impact the existing site circulation, is the west elevation where the bay doors to the former Tires Plus are located. Installing the permanent patio would ultimately shift any vehicular traffic onto neighboring 5939 John Martin Drive, which the City's EDA owns. City Code outlines a minimum of 24 feet in width for drive aisles accommodating two-way traffic, and a minimum of 20 feet is required under the Minnesota Fire Code for fire access.

Ms. McIntosh noted that determining the use and overall business function is crucial as it informs peak parking demands. Section 35-5502 (Off-Street Parking Requirements) provides that "off-street parking and loading spaces shall be provided in all multi-family residential, mixed-use, commercial, and industrial districts in accordance with the requirements of this Unified Development Ordinance." City Staff relayed concerns early on as to whether all minimum parking needs would be met on-site given the use and size of the establishment, and the applicant inquired about potential options for parking off-site, including surrounding EDA-owned property.

Ms. McIntosh stated there are provisions within the City Code that allow for a development to reduce the required off-street parking spaces by up to fifty percent when it can be demonstrated in a parking-traffic study and prepared consistent with City standards and through the use of transit or demand management programs, noted unique characteristics, etc. A parking traffic study was not provided as part of the submittal. Section 35-5503 allows for a portion of required parking spaces to be located on an adjacent property if the parking area complies with the standards and as authorized in accordance with the approval of a Conditional Use Permit (CUP). Although shared parking is encouraged in instances where it may be mutually beneficial for multiple users, the City Code requires a burden of proof for a reduction in the total number of parking spaces.

Ms. McIntosh added the property is surrounded on three sides by City EDA-owned property (5939 and 5915 John Martin Drive and approximately 5.5 acres of 5910 Shingle Creek Parkway).

HealthPartners Dental Clinic is located to the south; however, most of its on-site parking is located on yet another City EDA-owned property at 5900 Shingle Creek Parkway via a driveway and parking easement.

Ms. McIntosh noted the applicant inquired as to whether off-site parking might be an option at the strip mall located to the northwest of the site and located at 6000 and 6050 Shingle Creek Parkway; however, these properties are part of a Reciprocal Easement Agreement with the neighboring former Target, located at 6100 Shingle Creek Parkway and also owned by the City's EDA. Said agreement provides shared parking and access between parcels with most parking on the Target site.

Ms. McIntosh explained, as proposed, that no alterations would be made to the existing parking lot other than select re-striping. The submitted plans denote 80 available on-site parking spaces on the Subject Property. The original site and building plan approvals, as contemplated under Planning Commission Application No. 79035, identified 85 parking spaces; however, it appears five parking spaces were removed to accommodate a trash enclosure located at the southeast corner of the building and intended for the current restaurant use.

Ms. McIntosh noted that City staff and the applicant disagreed regarding determining minimum parking needs for the Subject Property. The applicant's architect had operated under the assumption that the entirety of the use would have parking calculated assuming an "Assembly" calculation, which would assume a minimum of one parking space for every three seats per person, including any staff. In reviewing the provided occupancy load calculations for the space, a maximum occupant load of 240 persons would indeed require a minimum of 80 parking spaces; however, the occupant load numbers were adjusted with respect to the dining, patio, and dance floor areas to calculate occupancy based off the provided layout of the tables and seating, as opposed to the occupant load as calculated under Minnesota Building Code.

Ms. McIntosh concluded assuming 80 on-site parking spaces, City staff ultimately determined that the property is likely deficient by 74 parking spaces and would, therefore, require a parking variance. A site plan is provided; however, no dimensions include parking space dimensions, drive aisle widths and alterations. As noted in the Assistant City Engineer's memo, it also appears that ADA parking is insufficient. Should additional ADA loading spaces be required, this may increase the overall parking deficiency.

Ms. McIntosh pointed out that the photometric plan was submitted with the application submittal; however, the originally provided plan does not provide the detailing necessary to determine whether it meets the code provisions outlined under Section 35-5400. In response to a request for revised plans, the applicant provided an updated photometric plan and fixture specification on September 13, 2023.

Ms. McIntosh noted that any photometric plan should demonstrate consistent illumination levels across the existing open-air parking lot and avoid pockets of very high or low illumination levels. Spot illuminations shall be provided to clearly demonstrate adherence to minimum and maximum illumination levels and uniformity, and a fixture schedule will be provided.

Ms. McIntosh added City staff had previously conveyed to the applicant that the existing pole and wall lighting on the property is non-conforming with respect to City Code requirements. Detail sheets were also requested of the applicant to demonstrate enhanced illumination overall primary building entrances or exits and any pedestrian pathways as outlined under Section 35-5401.m.2.

Ms. McIntosh stated there are no plans to alter the exterior of the building except for adjustments to openings on the west and south elevations. As proposed and noted above, an existing loading dock door would be removed and patched to match the existing exterior. While the provided site plan notes this removal and patching, a detail sheet would be required for submittal as part of any building permit process.

Ms. McIntosh pointed out that the west elevation currently features a series of garage bay doors that formerly served Tires Plus. As proposed, four garage bay doors would be removed and replaced with smaller, transom-style windows. The remaining sections below will be patched. Although this elevation notes the use of a "squared" concrete block to match the existing material, it appears the building material this elevation predominates is split rib or fluted concrete. City staff would request confirmation as it appears there is a squared or scored concrete block located in the section of the south elevation of the building.

Ms. McIntosh explained that the remaining two garage bay doors would be replaced with operable glass doors leading out onto a proposed 1,200-square-foot outdoor patio. Said an eight-foot-high fence would surround the patio. City staff question the functionality of the proposed outdoor patio, as it appears the only access would be via the garage door. Additional safety concerns were raised in the letter addressed to the applicant on September 9, 2023, regarding the identified gates for exiting, as they would open out onto the parking lot and drive aisles.

Ms. McIntosh stated the project submittal includes a landscape plan and detail sheet; however, no inventory of existing plantings and species or types was provided, and City staff could not conduct a full review. City Staff did make a formal request to the applicant for this additional information as part of a letter dated September 9, 2023. City staff provided the applicant with copies of the original and last revised landscape plans on file, as included with the preceding Planning Commission and City approvals on record from 1979 and 1991.

Ms. McIntosh explained following a review of these plantings, which were all outlined on the original 1979 landscape plan schedule, City staff requested the applicant replace the Japanese green leaf barberry with an alternate shrub, as the Minnesota DNR notes "Japanese Barberry" as a restricted planting with the propagation and sale of its numerous cultivars, including green barberry, noted as prohibited within the State of Minnesota.

Ms. McIntosh added no specific signage requests were made as part of the Application submittal. Any new signage would be required to comply with the provisions outlined within Section 35-6000.

Ms. McIntosh stated James Soltis, Assistant City Engineer, reviewed the submitted site plan and provided a memorandum dated September 5, 2023. The memo was most recently revised on

October 5, 2023. There were questions regarding MN ADA compliance, potential impacts on the overall site circulation, and safety considerations for safely exiting the patio.

Ms. McIntosh added Building Official Dan Grinstein conducted a cursory review of the proposal and worked with City staff to determine outlined and expected occupancy loads for the building and patio and with respect to the minimum required parking. A fire sprinkler and monitoring system is required for installation and must be maintained at all times, and sufficient fire hydrants shall be provided. Additional detailing will be required to provide access to a fire sprinkler room or wall connections.

Ms. McIntosh pointed out City staff requests that, as part of any construction set review and in advance of any permit release, a CPTED (Crime Prevention through Environmental Design) review be completed by City staff.

Ms. McIntosh stated they need to coordinate with the Minnesota Pollution Control Agency (MCPA) to address the abandonment of flammable interceptors and any potential regulations for conversion of use. City staff noted open permitting for above-ground tanks, per the MPCA website.

Ms. McIntosh reiterated when City staff initially met with the applicant, where it was conveyed that the applicant intended to open a restaurant and bar at the property; however, the applicant's architect has come to agree with City staff's interpretation that there was a "nightclub" component and clarifying that, under building code, restaurants and nightclubs were in the same occupancy type category. They further agreed to apply for a Conditional Use Permit.

Ms. McIntosh explained Conditional Use Permits, as outlined under Section 35-7700, are those uses that have been identified because of their nature, operation, location, special requirements or characteristics, and that may only be allowed in a particular zoning district after submittal of an application, review, and recommendation by the Planning Commission, and approval by the City Council. The Conditional Use Permit process regulates the location, magnitude, and design of conditional uses consistent with the Comprehensive Plan and this Unified Development Ordinance's regulations, purposes, and procedures.

Ms. McIntosh pointed out that to qualify for a CUP, the conditional must be in accordance with the general objectives, or with any specific objective, of the City's Comprehensive Plan and this UDO. The site is within Transit-Oriented Development (TOD) and meets the objectives.

Ms. McIntosh stated that the establishment, maintenance, or operation of the conditional use must promote and enhance the general public welfare and will not harm or endanger the public health, safety, morals, or comfort of other establishments. Similarly, the conditional use can not be detrimental to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

Ms. McIntosh added that the CUP requires that the use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. Adequate measures must be taken to provide ingress, egress, and parking to minimize street traffic

congestion. Impacts such as noise, hours of activity, and exterior light must be sufficiently addressed to mitigate adverse impacts on nearby uses. Lastly, the conditional use must confirm the applicable regulations of the district.

Ms. McIntosh explained variances may only be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Pursuant to Minnesota Statutes Section 462.357, subdivision 6, the City Council may only approve a variance where "practical difficulties" exist regarding strict compliance with the City's Unified Development Ordinance (UDO), and each criterion is satisfied.

Ms. McIntosh pointed out that the criteria include that the variance is in harmony with the general purposes and intent of the City's Unified Development Ordinance, is consistent with the Comprehensive Plan, the property owner proposes to use the property in a reasonable manner not permitted by this Unified Development Ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, variance if granted, will not alter the essential character of the locality.

Ms. McIntosh noted the public hearing notice was published in the Sun Post on August 31, 2023, for the site and building plan and conditional use permit requests and September 28, 2023, for the variance requests. Mail notifications were sent to taxpayers and physical properties within 350 feet of the property. The public hearing notice was also published on the City website as a link.

Ms. McIntosh stated, based on the findings and given the request by City staff in a letter to the applicant dated September 9, 2023, to apply for a parking variance, provision of additional information and revised plans, and the requested application extension.

Ms. McIntosh pointed out that the applicant and project supporters were present at the October 12, 2023, public hearing. City staff did not receive other public comments. The Planning Commission engaged in a lengthy discussion of the proposed use. First, there was concern about aligning the proposed use with the City's Opportunity Site plans and adopted Infrastructure Framework, as the property is centrally located within the designated area. General inquiries were presented as to whether the applicant is on the same page with where the City is headed and if the applicant considered other locations. The Planning Commission expressed concerns about the proposed use already being technically beyond capacity and the inability for future expansion.

Ms. McIntosh stated next that there were concerns about ADA parking deficiencies, as identified by Staff, and the justification for using Uber and Lyft to offset parking needs. There weren't details about where the services would be staged. Although Staff noted the 58-spot parking space deficiency, it was later determined the provided site plan falls short of minimum ADA-required parking. MN Accessibility Code requires a minimum of four ADA spaces rather than the two spaces presented. Ultimately, this results in a deficiency of 59 spots to accommodate a shared ADA loading space.

Ms. McIntosh added the Planning Commission had concerns about snow removal and storage plans for the property, given the property is built out. The winter months would only exacerbate

the parking deficiencies. Also, there was a lack of any proposed investment into the exterior of the existing building other than some wall patching and two glass garage doors. The building is more than 40 years old, and there needs to be consideration for the accelerated deterioration of the building in the last few years.

Ms. McIntosh stated safety concerns related to the egress and the proposed outdoor patio. Commissioner comments referenced past instances of restaurants and nightclubs where stampeding occurred during an emergency and if proper egress was provided. The Commission made inquiries to Staff as to whether they were comfortable with the plans.

Ms. McIntosh noted there were inquiries on categorizing the "nightclub" use and whether the proposed use would confirm the City's noise regulations. Questions were also raised about the two glass doors needing to remain open to allow patio access.

Ms. McIntosh pointed out the Planning Commission had concerns about the overall business operations and considerations for trash, safety, security, and sufficient lighting. Lastly, the Commissioners asked the City Attorney how tedious a revocation process would be for a CUP.

Ms. McIntosh stated following the close of the public hearing, the Planning Commission elected to recommend (3-2) City Council approval of the requested site and building plan, DUP, and parking variance.

Ms. McIntosh stated there are three options for the Council to consider. First is approval of the variance, CUP, and site and building plan. Second is the approval of the variance but denial of the CUP and site and building plan. Lastly, the Council can deny all components.

Mayor Graves asked why the process was different than normal. City Attorney Jason Hill stated that the Staff wanted to avoid the need to prepare a resolution of approval and a resolution of denial, particularly in these instances where it is a tight vote. Also, to avoid any indication of what the Council would do, a decision has been made beforehand. He noted he had done a similar process in other cities not unique to Brooklyn Center. The Planning Commission will hold a public hearing and make a recommendation. The Council may direct Staff to prepare the appropriate resolution as long as the application is will within the 60-day time frame or the extension. The Council has already discussed the item and decided it will return to the next agenda as a consent item. There may be other language that needs to be added to the resolution. In short, the alternative process is for efficiency and clarity. Mr. Hill stated he recommends this process from now on for Planning Commission items.

Mr. Hill stated the reason for the variances first is if the variance is denied, then the Conditional Use and Site and Building Plan become mute. If you don't grant the variance, you won't comply with the City Code for both of those. If you deny the variance, the other two items also go away.

Mayor Graves asked what would happen alternatively with option number two. Mr. Hill stated denying the CUP and site and building plan would trigger a variance to be denied. Mr. Hill stated there are three applications for the Council to consider. There is a difference between the second

and third options for creating a record and for legal purposes, although the outcome is similar. Mayor Graves stated that options two and three are the same. Mayor Graves stated options two and three are basically the same thing. Mr. Hill stated they are not, and they are actually quite different. Mr. Hill stated there are three applications that you are looking at: A request for a Variance, a Request for a Conditional Use Permit, and a Request for a Site and Building Plan. You can approve or deny any of those. However, they are all contingent on each other.

Councilmember Butler stated the Planning Commission approved the item with a 3-2 vote. It is a little unnerving as a City Council member as it is a new process, and we haven't done this with other applications that have come before the Council. She added a lot of the comments that were extracted from the Planning Commission were negative comments. Some Commissioners voted for this, and where are the positive comments? She stated she felt like the Staff was preparing the Council for what Staff wanted to be done and not giving the applicant a fair shake. She asked if we worked with the applicant to get the application in a better place and what the rush was.

Ms. McIntosh stated that the Staff first became aware of the project when the applicant was applying for a plumbing permit. The first initial discussion took place in July 2023. Through that discussion, Initially, it was proposed as a restaurant and bar use, which triggered a site and building plan requirement. Once Staff reviewed the interior layout of the site, it turned more into a nightclub use, the CUP process was triggered. Throughout that process, Staff was trying to pull additional information from the applicant. Specifically, what is the business plan operation? Staff cannot assume how this business is going to function.

Ms. McIntosh pointed out during this discussion process the applicant reduced the patio's size, improving the parking deficiency. There isn't room to add more parking unless a trash enclosure is removed, allowing for five more spots.

Ms. McIntosh agreed she shared the concerns of the Planning Commission, but she also shared the consistently positive comments during the public hearing. There is a lot of reliance on Staff figuring out issues along the way. For example, the lighting plan is lacking, but Staff would work with the applicant to bring the lighting in alignment with the code.

Ms. McIntosh added it is extremely unusual to have such a close vote.

Councilmember Jerzak summarized his previous professional experience working with the applicant and the building owner. He requested that he abstain from the vote in the interest of fairness. Mr. Hill stated there is no legal or financial obligation for Councilmember Jerzak to abstain from the vote, but it is his prerogative to abstain. Councilmember Jerzak confirmed he would abstain from the vote and the discussion.

Councilmember Lawrence-Anderson asked what the purpose of the glass door was. Ms. McIntosh stated the glass garage door is for patio access. Councilmember Lawrence-Anderson stated the door is concerning due to the climate of Minnesota.

Councilmember Lawrence-Anderson pointed out two Commissioners were absent. Ms. McIntosh pointed out six Commissioners were present throughout the discussion, but only five were present for the vote.

Councilmember Lawrence-Anderson asked if the item could be returned to the Planning Commission to allow for a full commission vote. Mr. Hill stated it is not recommended the item be returned to the Planning Commission meeting. Still, the Council can table the item for further consideration by the Council.

Councilmember Lawrence-Anderson would like to review the Planning Commission recording to understand the discussion better. She asked how many restrooms are in the facility. Ms. McIntosh stated the bathrooms must meet Code requirements for the proper capacity.

Councilmember Lawrence-Anderson stated she is typically in favor of promoting businesses. Still, she had concerns about the proposal's alignment with the Opportunity Site, similar to the concern expressed by the Planning Commission.

Councilmember Kragness asked if the Staff recommendation was in line with the vote of the Planning Commission. Mayor Graves stated that the Staff is not making a clear recommendation. Councilmember Kragness asked if all the items needed to be figured out were completed. Ms. McIntosh indicated they have not been completed. She noted that photometric plans and landscape plans are typically missing. Staff pointed out that the Conditional Use Permit for the nightclub use will open until 2 a.m., providing sufficient lighting for the front entrance space, the patio, and the back entrance space, which should be listed as conditions of approval.

Mayor Graves asked what the issues are with the lighting. Ms. McIntosh stated two photometric plans have been submitted, but the Staff has not seen this type of photometric before. Therefore, the Staff doesn't understand the lighting plan well. Additionally, there are newer lighting requirements in Brooklyn Center due to recent Code changes. It calls out consistent and even lighting—a certain number of footcandles for entrances and exits for commercial and residential properties. This is a safety precaution as well.

Mayor Graves moved, and Councilmember Butler seconded to

Mayor Graves moved, and Councilmember Butler seconded to direct Staff to prepare a resolution approving a variance as outlined in Planning Commission Application No. 2023-006 for the 59-space parking deficiency associated with the conversion of an existing two-tenant building to an approximately 10,200-square foot restaurant and bar (nightclub) with 704-square foot outdoor patio at 5927 John Martin Drive, and subject to the outlined conditions of approval.

Councilmember Lawrence-Anderson pointed out she doesn't want to interfere with the vision of the Opportunity Site.

Councilmember Lawrence-Anderson voted against the same. Councilmember Jerzak abstained from the vote. Motion passed.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION APPROVING AN AMENDMENT TO THE COMMERCIAL LEASE AGREEMENT WITH PHU BIA LIMITED LIABILITY COMPANY FOR PROPERTY LOCATED AT 1350B SHINGLE CREEK CROSSING

Dr. Edwards introduced the item and invited Community Development Director Jesse Anderson to make the staff presentation.

Mr. Anderson stated that 1350B Shingle Creek Crossing was a vacant shell space the City constructed when the municipal liquor store was built. The shell space is intended to provide brick-and-mortar space for small business owners while maintaining commercial affordability in Brooklyn Center. The EDA has approved a \$70,000 commercial buildout loan to Phu Bia Produce LLC with the condition of executing a lease agreement between Phu Bia Produce LLC and the City of Brooklyn Center. The project scope included new flooring, painted walls, a walk-in cooler, and a brand-new bathroom. Before Phu Bia, the shell space was empty and under-utilized.

Mr. Anderson stated the City of Brooklyn Center charges a base rate of fifteen dollars a square foot. The gross rent area is 3,500. The monthly rent collected from Phu Bia Produce LLC is \$4,375, and the rent payment is due on the first of each month. Rent payments were to start on August 1, 2022. In lieu of no buildout allowance on the shell space, six and a half months were granted to Phu Bia Produce LLC to support cash flow and minimize startup expenses.

Mr. Anderson pointed out Phu Bia faced many challenges relating to the store opening, including equipment availability, contractor issues, and limited knowledge of navigating the health department and city processes. Phu Bia recently received its certificate of occupancy and is now ordering products for its store. They have had difficulty paying rent and loan payments without an operating business. Now that they are close to opening, they anticipate being able to pay for their loan and lease going forward.

Mr. Anderson noted as of October 17, Phu Bia has a lease with the City in which the business owes \$65,625 in back rent and \$2,250 in late fees. They also have a loan with the City and have paid \$6,105 towards their loan. The past-due balance on the loan is \$6,956.40. During a recent discussion with Mai Y Lor, the business owner, she stated she did not have the funds to pay the back rent and past-due loan payments. Also, Ms. Lor does not foresee the ability to add any additional money as a mitigation plan to the monthly expenses in the near future. However, she stated she would be able to start paying rent and the loan payments beginning November 1, 2023. Therefore, Staff has prepared a resolution modifying the loan and lease, stating their loan and lease payment would resume on November 1, 2023. The loan is not as far behind as their lease. It is a smaller dollar amount, and they did make a payment.

Mr. Anderson stated alternative actions against the lease would include a 15-day notice of default,

and if not cured, the City can declare the lease terminated. The City could then immediately possess the premises, including personal property, equipment and fixtures. The City could commence an eviction action if the tenant remains on the premises. Also, the City could bring suit against the lessee for the amounts owed.

Councilmember Jerzak stated he understands all the delays, some of them out of control of the business owner, but has several concerns about it being an ongoing business, and the word that comes to mind is a fragile business. There isn't a lot of room for error. Also, I am concerned that they anticipate being able to pay the rent, and although there is no guarantee for any of us and hope that we are not prolonging the inevitable. If we forego the \$65,000 that goes into the Revolving Loan Fund that provides loans to small businesses in the City. He stated it would be unfair to forego this amount of money as they are in a for-profit business.

Councilmember Jerzak pointed out there has been staff turnover, and there may be an issue with the City not intervening sooner or offering more resources to the business. He cited issues with requirements due to the proximity to the Walmart building and the covenants of other like businesses. Has this been ironed out? This building is attached to the liquor store and was business to ultimately offset expenses for the new store because the money goes into the General Fund. Ultimately, it is a non-performing asset for the City. The business owner indicated there is no room to move this forbearance to the lease to make up some kind of payment so the City could get its money back. But if she is not open to that, he would have to make a hard decision to vote no. He stated he doesn't like carve-outs, meaning separate agreements every time. The business owner entered into a good faith legal agreement, and what are our expectations for anyone else with one?

Councilmember Lawrence-Anderson asked what the build was for the shell. Dr. Edwards stated the shell was an opportunity for micro-enterprise businesses at that time. It was part of a plan to subsidize startup businesses.

Councilmember Lawrence-Anderson stated that the shell was built to offset the costs of building the liquor store under Mayor Wilson. Mayor Graves noted her agreement with Councilmember Lawrence-Anderson.

Councilmember Lawrence-Anderson stated she is uncomfortable forgiving \$65,000 of taxpayer money.

Dr. Edwards clarified subsidizing startup micro BIPOC businesses doesn't mean the revenue won't benefit the prior construction costs of the Liquor Store. Councilmember Lawrence-Anderson stated we were creating a significant investment in our Liquor Stores, and while we were at this, we tacked on another building where we could rent it and make money.

Councilmember Lawrence-Anderson noted she would consider a forbearance but not outright forgiveness.

Councilmember Butler noted her agreement with Dr. Edwards' recollection of the purpose of the shell building. It seems like the City is setting the business up for failure, and it would be

irresponsible of the City to move forward with the current tenant and try to get some revenue from that space. It sounds like we have tried to work with them for a while without success.

Councilmember Kragness pointed out there is no ensured positive outcome if the City retains the current tenant, which concerns her.

Councilmember Jerzak asked if the business can stop investing more money. He doesn't want to set them out for failure, and rather than going any farther, perhaps there is a negotiated settlement of exiting the lease amicable to both parties. Mr. Anderson stated there are products on the shelves, but he isn't sure what they can or cannot get out of purchasing. The owner also has a sign permit and has purchased coolers.

Mayor Graves agreed this is a difficult issue, and she received a number of emotional calls from the owner several months ago. The mayor has discussed the issues with Staff a little. There may have been some issues with language barriers and understanding the business opening process. There were also issues where the owner was taken advantage of throughout the construction process by third parties. She indicated she felt bad because she was very excited about the space and the opportunity for the City.

Mayor Graves stated the shell space is a great idea and a wonderful opportunity for the City to promote small businesses. She added the City can do more to better support small businesses, such as Phu Bia, and noted Brooklyn Center had lost Staff, which could have helped in the situation.

Councilmember Jerzak moved, and Councilmember Lawrence-Anderson seconded not to adopt a resolution approving an amendment to the commercial lease agreement with Phu Bia limited liability company for property located at 1350B Shingle Creek Crossing and enter into negotiations to make good on the outstanding debt.

Motion passed unanimously.

10b. RESOLUTION DIRECTING THE ADOPTION OF TRAFFIC STOP AND CONSENT SEARCH POLICIES FOR THE BROOKLYN CENTER POLICE DEPARTMENT

Dr. Edwards introduced the item and invited the Director of the Office of Community Prevention, Health and Safety, LaToya Turk and Police Chief Kellace McDaniel to make the staff presentation.

Ms. Turk explained in May 2021, the City Council of the City of Brooklyn Center adopted Resolution No. 2021-73, a resolution adopting the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act. Since February 28, 2022, the Implementation Committee has conducted regular meetings and worked with experts to gather data and consider City Code amendments, ordinances, resolutions, policies, and guidelines concerning public health-oriented approaches to community safety. In September 2022, the Committee developed and prepared policy recommendations regarding traffic stops and consent searches.

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

Ms. Turk stated it was the consensus of Staff to separate traffic stops and consent searches in the subject matter. Also, it was determined that regulation for traffic stops and consent searches was controlled by policy rather than ordinance.

Ms. Turk noted the traffic stop policy states law enforcement officers will use alternative traffic enforcement for original causes as the sole reason for minimum and moderate safety risk traffic stops. However, officers may stop a vehicle for original causes as the sole reason alone that they are high-risk traffic stops.

Chief McDaniel showed a table of traffic stop safety ratings. He stated when the police department was given this exercise, he and the Commanders put them in categories and talked about the minimum, moderate, and maximum safety ratings.

Chief McDaniel stated it is difficult for a Chief to tell his officers not to enforce certain State laws, as this policy would force him to do. He added he does discipline every day based on the actions of the officers. He would continue the presentation, but he is not comfortable implementing these policies. He added there are ways to do a teaching aspect for alternative traffic enforcement, but the ultimate training of law enforcement is to keep the community safe.

Mr. Hill stated that based on findings and studies conducted by the Committee and City staff, the recommended regulation of the initiation of traffic stops and consent searches is in accordance with the goals of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act. The regulations should be enacted through the adoption of policies rather than ordinances, and standalone policies should be incorporated into the Brooklyn Center Police Department Policy Manual. In order to allow for training and education timing, the effective policy date would begin in March 2024. The proposed resolution also requires the Council to make any amendments to the policy.

Councilmember Lawrence-Anderson stated she would like Chief McDaniel to be present when the Council meets with the Implementation Committee. She explained she supports most of the components, but a joint conversation with all parties is required for negotiations. She would like the City Council, Implementation Committee, Community, and Police Department. The Implementation Committee has worked very hard, and she wants to make sure the policies are properly written and implemented.

Councilmember Jerzak noted his agreement with Councilmember Lawrence-Anderson. He noted his preference to table the item until the Council meets with the Implementation Committee and to allow the Council to better understand the concerns of the Police Chief.

Councilmember Jerzak pointed out he would prefer the restrictions be made at the State level to allow for consistency in conduct by all law enforcement agencies.

Councilmember Butler stated she isn't opposed to allowing Councilmembers more time to consider the recommendation, though it is disappointing to hear that some Councilmembers aren't ready to implement the recommendation. She noted her appreciation of the comments made by Chief Kellace. Brooklyn Center has the opportunity to reimagine what public safety looks like. At the start of the process, the City was praised for its innovation, but it has failed to come to fruition thus far. Growing pains are expected, but the Council must make the tough calls. The process has already taken too long.

Councilmember Kragness stated she isn't comfortable with the recommendations due to the hesitancy noted by Chief McDaniel. She added that she has empathy for the community but does not want to be forced into making a decision that she doesn't feel is the right decision.

Councilmember Jerzak asked if the Council could have a consensus on a hard date of when the decision is going to be made. The process has taken a long time, and the Council needs to respect the Implementation Committee. Mayor Graves stated the present meeting was meant to be the hard date for a decision.

Mayor Graves pointed out there are some things the Council isn't going to agree upon. Similarly, the community likely has a very different perspective on policies than law enforcement does. She explained how the consent decree was implemented in Minneapolis. She would like to see a pretextual stop policy more similar to the one created in Minneapolis in conjunction with the Department of Human Rights.

Mayor Graves read a quote from the *Stanford Law Review* regarding pretextual stops and racial profiling. Pretextual stops are not a violation of the Fourth Amendment. Data shows a statistically significant disparity in pretextual stops between White people and BIPOC. However, the burden of proof is on the victim to show that law enforcement targeted someone based on race rather than traffic violations.

Mayor Graves asked if it is generally safer for someone with a broken taillight to drive around or for someone to potentially be racially profiled. She stated she and her loved ones have experienced racial profiling. The City has the opportunity to do better.

Mayor Graves stated some law enforcement may be hesitant, but that is to be expected when people are told to do something they are not used to. It seems as though the argument may be about power and control rather than safety.

Mayor Graves read the Fourth Amendment aloud. The presentation by Staff was a compromise between multiple parties. The policy prohibits people from being harassed, and it doesn't prohibit law enforcement from enforcing actual safety concerns.

Mayor Graves read another quote about warrants, probable cause, and consent to expose one's privacy. Many people do not know they have a Constitutional right to deny consent searches. Consent searches are very likely to be coerced. Probable cause gives permission for law enforcement to search based on the likelihood of productivity. Consent searches have no well-founded justifications for a search. Law enforcement should be promoting the Fourth Amendment rather than trying to get around it.

Mayor Graves stated she isn't going to call for a vote because it doesn't sound like the policy will pass based on the previous comments of the Council. It is unlikely that law enforcement will compromise more than they already have. The Staff's presentation is the product of countless conversations among Staff, Council, and community members.

Dr. Edwards noted the consensus of the Council was to not take a vote. He suggested tabling the item until after the Council has an opportunity to meet with the Implementation Committee.

Mayor Graves pointed out the community is clear on its preference. The lack of clarity is due to law enforcement's support of the policy. She stated the Council needs to speak directly with law enforcement leadership.

Dr. Edwards stated that Staff can vet the policy more and bring it back to the Council, but the Staff feels it has already completed that step.

Councilmember Lawrence-Anderson stated she wants to be present in the room where the discussions are happening because she is a decision-maker.

Councilmember Jerzak noted his agreement with the comments of Councilmember Lawrence-Anderson. He stated he was taken aback by the comments made by Chief Kellace during that evening's meeting. Councilmember Jerzak pointed out he has no desire to kill the policy, but he needs to hear the concerns of law enforcement directly.

Mayor Graves pointed out she has consistently kept her door open to meet with law enforcement. She hasn't felt welcome to do the same with law enforcement. The matter is meant to improve safety for all and not be adversarial.

Dr. Edwards stated there is a process for the Council to engage with the various Departments, which is for the Council to make requests of Staff and for Staff to return to the Council with the request completed. He offered to facilitate a conversation between the Council and all relevant Staff. He would gather the availability of the Staff and Implementation Committee and return to the Council with potential meeting dates. He pointed out the entire Council won't be back together again until mid-December.

Mayor Graves requested the meeting have proper representation from law enforcement leadership.

Mayor Graves moved, and Councilmember Butler seconded to table consideration of a resolution adopting traffic stop and consent search policies for the Brooklyn Center police department.

Motion passed unanimously.

11. COUNCIL REPORT

None.

12. ADJOURNMENT

Councilmember Lawrence-Anderson moved, and Mayor Graves seconded the adjournment of the City Council meeting at 10:00 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
NOVEMBER 27, 2023
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in a Study Session called to order by Mayor Pro Tem Marquita Butler at 6:04 p.m.

ROLL CALL

Mayor Pro Tem Marquita Butler and Councilmembers Dan Jerzak and Teneshia Kragness. Mayor April Graves and Councilmember Lawrence-Anderson were absent and excused. Also present were City Manager Reggie Edwards, Director of Public Works Elizabeth Heyman, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Jason Hill.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Jerzak pointed out that Councilmember Lawrence-Anderson previously requested edits to minutes, which are set to be approved on the Regular Session Consent Agenda Item 6a. Approval of Minutes. He suggested the item be tabled until Councilmember Lawrence-Anderson is present to vote on them.

Mayor Pro Tem Butler stated that she was comfortable pulling the October 23 minutes to be reviewed at the next meeting.

Councilmember Jerzak pointed out that Regular Session Public Hearing Item 8a., Charter Amendment, requires a unanimous vote. He suggested tabling this until the meeting in January to allow for a full Council.

City Attorney Jason Hill stated there is a strict statutory timeline for Charter amendments, so it cannot be pushed back. He advised this item is just for a first reading and doesn't require a unanimous vote. The second reading is scheduled for the first December meeting, where all Council will be present.

Mayor Pro Tem Butler noted the applicant is present for Regular Session Consent Agenda Item 6g. Resolution Denying Planning Commission Application No. 2023-007 Regarding a Site and Building Plan At 7100 Brooklyn Boulevard. She suggested the item be moved to allow the applicant to speak.

City Manager Dr. Edwards added the owner of Phu Bia also requested to speak to the Council, referring to item Regular Session Council Consideration Item 10a. Resolution Approving a Payment Plan and an Amendment to the Commercial Lease Agreement with Phu Bia Limited Liability Company for Property Located At 1350 Shingle Creek Crossing.

Mayor Pro Tem Butler requested Regular Session Consent Agenda Item 6g. Resolution Denying Planning Commission Application No. 2023-007 Regarding a Site and Building Plan At 7100 Brooklyn Boulevard become Regular Session Council Consideration Item 10b. Resolution Denying Planning Commission Application No. 2023-007 Regarding a Site and Building Plan At 7100 Brooklyn Boulevard to allow the applicant to speak to the Council. She added the comments should have a time limit.

Councilmember Kragness stated she would be okay with receiving comments from the applicant on the item. Councilmember Jerzak stated he doesn't want the Council to have to defend every one of their decisions on an appeal basis. However, he believes the two items have some unique circumstances.

It was the consensus of the Council to allow the two individuals to speak for a limited time on their respective items.

MISCELLANEOUS

Councilmember Jerzak referenced Regular Session Consent Agenda Item 6f. Resolution Accepting Work Performed and Authorizing Final Payment, Connections II Shingle Creek, Project No. 2021-22 came in under budget. He thanked the Staff for their work on the item.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

DRAFT ADJUSTED CAPITAL IMPROVEMENT PLAN 2024 – 2038

City Manager Reggie Edwards introduced the item and explained that the draft has been adjusted in response to the City's Capital Building Maintenance Program study findings. It also has been adjusted to reflect where the City will apply for Metropolitan Council Regional Solicitation grant projects. He invited Public Works Director Elizabeth Heyman to continue the Staff presentation.

Public Works Director Elizabeth Heyman explained that Staff received project recommendations for 2024 and 2025 regarding the Capital Maintenance Building Plan Study. There is a solid direction on transportation grant opportunities. The goal of the presentation is to receive feedback from the Council on the adjusted Capital Improvement Plan (CIP) so it can be included in the recommended budget.

Ms. Heyman stated the CIP is a plan for significant capital investments over the next 15 years. It was developed by prioritizing a list of capital projects based on anticipated year needed and anticipated funding opportunities. Fluidity is expected. The focus is on the first few years.

Ms. Heyman noted that the Capital Maintenance Building Plan (CMBP) projects presented to the Council in the summer are considered placeholder projects. They received recommendations for critical 2024 and 2025 projects. Staff is still digging into a highly comprehensive dataset and can return to present a full report in early 2024.

Ms. Heyman stated that the Staff is attempting to rightsize projects to available funds. There are no transfers from liquor stores or operating funds; the final numbers are from 2022 capital projects. The CIP presented in June was for \$2.1 million in 2024 CMBP and \$637,000 in 2025 CBMP. However, the adjusted CIP is for \$1.6 million in the 2024 CBMP and \$2.4 million in the 2025 CBMP, including the Public Works Garage roof. She showed a table representing a detailed draft of the adjusted CIP.

Ms. Heyman explained that a Regional Solicitation Grant Program supports significant transportation. The City was part of a Pedestrian Safety Application in collaboration with Brooklyn Center High School. This would replace the Safe Routes to School placeholder in 2027 and request \$2 million in grant funding. The "unique project" listed for 2027 would be removed as the City didn't fit the category well. She showed a map of pedestrian facility project locations.

Ms. Heyman added there is a dog park anticipated for 2026. The concept level estimates are \$120,000 to \$140,000 for a one-quarter acre park or \$340,000 to \$360,000 for a three-quarter acre park. Size is the most significant cost driver, and the City needs community input to help make decisions. Staff plans to run community engagement concurrent with Park Capital Investment Plan community engagement events. Moving the project to 2025 during next year's budget process is flexible.

Councilmember Jerzak asked why nearly \$2 million would be spent on the roof of a facility built in the 1960s. The building is dangerous and due for a complete upgrade. He asked if there had been any research into the feasibility of a new Public Works building. If not, he would like Staff to look into the option as it is a need for the community. He added that getting information on bonding related to the plan for the next five years of capital projects would be helpful.

Councilmember Jerzak noted that \$276,000 was allotted for a community development project in 2026. There doesn't seem to be high enthusiasm for the project, so he asked if the project is still a priority.

Ms. Heyman stated that Staff received the first draft of research into the feasibility of a new Public Works building. The cost is in the range of \$35 to \$40 million. Staff asked the consultant for more details on a risk analysis. As for financing, the City is in a good spot regarding utilities and is looking toward prioritizing resurfacing. However, Staff needs to consider financing options beyond that to allow for larger projects. Ms. Heyman added she has been working with the Community Development Director regarding a future project, and the conversations are still underway.

Ms. Heyman noted it is unlikely the City will be able to get two projects out of a local sales tax option, referring to the Community Center project.

Councilmember Jerzak pointed out the Community Center has a similar, if not higher, price tag than the Public Works Facility. However, the Community Center is currently functional and wants an update. However, the Public Works Facility is a need. He cited a conversation with Representative Vang where the sales tax money could be reallocated for a different project.

Councilmember Kragness asked about the decision process to put the Community Center project four years out. She asked what the City is doing with the \$5 million.

Ms. Heyman explained that the \$5 million question would be more appropriate for the finance director regarding investments. The placeholder was put in 2028, as that is the final year, and the City has to have its ducks in a row by then. Also, a 2028 construction year is a reasonable timeline for a 2024 ballot item.

Mayor Pro Tem Butler pointed out a few roof replacements are listed beyond the one Councilmember Jerzak mentioned. She asked how the roof replacement schedule is determined. Ms. Heyman stated the timeline is based on advice received from consultants.

Councilmember Butler asked if the City always uses the same contractors for the roofs or if the City receives bids for the process. Ms. Heyman stated Staff follows the purchasing policy for roofing contractors.

Councilmember Jerzak asked if the City could not get the grants, if the projects would fall out of the CIP. Ms. Heyman stated that Staff would determine how the City could layer in capital and other projects without the grant funding and present it to the Council. The original CIP doesn't include details of the project that the grant would allow.

Councilmember Jerzak asked if the Parks and Recreation Commission would be included in the community engagement efforts regarding the dog park. The Commission had previously worked on the idea. Ms. Heyman confirmed the Commission would be included in the process.

Councilmember Jerzak suggested that staff consider the target site as a location option for future projects.

PENDING LIST FOR FUTURE WORK SESSIONS

- Liquor Store 2
- Memorial Policy
- Special Assessment Policy/Franchise Fees (referred to Financial Commission)
- Beautification and Public Art Commission
- Organizational Chart-Budget work sessions
- New and Repeat Type IV Rental License Review (referred to Housing Commission)

- Food Truck Ordinance/License
- Emerald Ash Borer Policy Review (referred to Park & Rec Commission November)
- Opioid Settlement
- ARPA Funds
- Grants: Revenues & Expenses
- Purchasing Policy
- Interveners Impact
- Revisit Resolution 2021-73
- Planning Application Process
- Level IV Rentals

ADJOURNMENT

Mayor Pro Tem Butler adjourned the Study Session at 6:41 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
NOVEMBER 27, 2023
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

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

ROLL CALL

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

Mayor Pro Tem Butler opened the meeting for the purpose of an Informal Open Forum.

Jeff L. stated the police have dash cameras and body cameras, so any misconduct should be captured on video or audio. This should address any issues about who is or is not being pulled over. He stated the Implementation Committee shows great bias and does not represent the entire community. Driving is a privilege, not a right, and requires keeping the car in safe working condition. Issues with the affordability of repairs can be addressed with vouchers.

Jeff L. pointed out some car safety issues have been deemed as non-issues. However, the original laws were written by safety professionals. The Police Chief is highly respected by the community, and he has expressed a lack of support regarding new traffic safety policies.

Kevin S. explained his right to move about a public space has been infringed upon. In early November, he attended a public meeting, as he had multiple times previously. He felt seriously unwelcome. There is value in a structured, low-interruption meeting environment. However, it was poorly implemented. There were protective parties present filming. He sat in a sterile overflow room with poor sound quality. He suggested better preparation or better-trained protective parties. He asked who hired the personnel and who paid the personnel. The change underway through the Implementation Committee is important, but the process was unapproachable and not done well.

Reggie E. suggested teaching community members to obey the laws rather than changing laws to suit alternative standards.

Mayor Pro Tem Butler moved and Councilmember Jerzak seconded to close the Informal Open Forum at 6:54 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Kragness read a poem called “This Woman” and changed the wording to refer to Brooklyn Center.

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Pro Tem Butler at 7:01 p.m.

4. ROLL CALL

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

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Jerzak moved and Councilmember Kragness, seconded to approve the Agenda and Consent Agenda, as amended, to remove Item 6g, Resolution Denying Planning Commission Application No. 2023-007 Regarding a Site and Building Plan at 7100 Brooklyn Boulevard, for consideration as 10b, and the following consent items were approved:

6a. APPROVAL OF MINUTES

3. November 13, 2023 – Study Session
4. November 13, 2023 – Regular Session
5. November 13, 2023 – Work Session

6b. LICENSES

GASOLINE SERVICE STATIONS

Holiday Station Store #3808

5710 Xerxes Avenue N

Holiday Station Store #292

420 66th Avenue E

Two Rivers Investment	6840 Humboldt Avenue N
Speedway	6545 West River Road
Speedway	6950 Brooklyn Boulevard
Speedway	1901 57th Avenue N
AM PM Corner Market	6501 Humboldt Avenue N
Casey's Retail	2101 Freeway Boulevard
Royalty & Sons, Inc.	6044 Brooklyn Boulevard

LIQUOR – INTOXICATING

Embassy Suites	6300 Earle Brown Drive
Jambo Africa	1601 Freeway Boulevard
Duoos Bros. American Legion Post 630	6110 Brooklyn Boulevard
Heritage Center	6155 Earle Brown Drive

LIQUOR – INTOXICATING, SUNDAY SALES

Embassy Suites	6300 Earle Brown Drive
Jambo Africa	1601 Freeway Boulevard
Duoos Bros. American Legion Post 630	6110 Brooklyn Boulevard
Heritage Center	6155 Earle Brown Drive

LIQUOR – OFF SALE 3.2

Cub Foods	3245 County Road 10
Pump N Munch	1505 69th Avenue N
Family Dollar	2105 57th Avenue N

LIQUOR – ON SALE 3.2

Davanni's Pizza & Hot Hoagies	5937 Summit Drive
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LIQUOR – WINE

50's Grill

5524 Brooklyn Boulevard

Davanni's Pizza & Hot Hoagies

5937 Summit Drive

MECHANICAL

North State Mechanical

2283 Sycamore Trail
Woodbury 55125

OT Heating & Cooling LLC

4900 Ferncrot Drive
Excelsior 55331

New Century Systems

20150 75th Ave, Suite B
Corcoran 55340

RENTAL

RENEWAL (TYPE IV – six-month license)
700 66th Avenue N

Georgetown-bc Company Llp

1425 55th Avenue N

Trung C Duong

2613 65th Avenue N

Stephen Zekpa/Gregory Slah

6007 Girard Avenue N

R&B Management I LLC

7024 Morgan Avenue N

Mcclure Properties Llc

7141 Newtown Avenue N

Ih2 Property Illinois Lp

RENEWAL (TYPE III – one-year license)
5250 Great View Avenue N

Cosco Property 5 Llc

5307 Penn Avenue N

Ronnet Renay Dossman

5535 Bryant Avenue N

E H Mendoza & E C Coto Mejia

5706 Camden Avenue N

Midwest Challenge Inc

6812 Scott Avenue N

Lankia Lartey

RENEWAL (TYPE II – two-year license)
5416 Fremont Avenue N

Luisa N Narvaez

5506 Judy Lane

Prosperous Property Llc

5550 France Avenue N

Belinda Gonzalez

5913 June Avenue N	M K Mehdi & B K Mehdi
<i>RENEWAL (TYPE I – three-year license)</i>	
3006 51 st Avenue N	Naisha Nicole Bell
3512 Woodbine Lane	SFR ACQUISITIONS 6 LLC
3613 Violet Avenue N	Gao Qiang Liu
6734 France Avenue N	Xample Renovations Llc
6830 Scott Avenue N	Ih2 Property Illinois Lp
<u>SIGNHANGER</u>	
Scenic Sign Company	PO Box 881, St. Cloud 56302
<u>TOBACCO RELATED PRODUCTS</u>	
Premier Tobacco	3930 Brooklyn Boulevard
Casey's General Store	2101 Freeway Boulevard
Sun Foods, Inc.	6350 Brooklyn Boulevard
Pump N Munch	1505 69th Avenue N
Quick Shop	5808 Xerxes Avenue N
Cub Foods	3245 County Road 10
AM PM Corner Market Inc	6501 Humboldt Avenue N
Holiday Stationstore #292	420 66th Avenue N
Holiday Stationstore #2099	6890 Shingle Creek Pkwy
Van's Service Center	6840 Humboldt Avenue N
Royalty & Sons Tobacco	6044 Brooklyn Boulevard
Speedway #4058	1901 57th Avenue N
Jambo Africa	1601 Freeway Boulevard
Royalty & Sons, Inc.	6044 Brooklyn Boulevard

- 6c. RESOLUTION DECLARING A PUBLIC NUISANCE AND ORDERING THE REMOVAL OF DISEASED TREES AT CERTAIN PROPERTIES IN BROOKLYN CENTER, MINNESOTA**
- 6d. RESOLUTION DECLARING A PUBLIC NUISANCE AND ORDERING THE REMOVAL OF DEAD TREES AT CERTAIN PROPERTIES IN BROOKLYN CENTER, MINNESOTA**
- 6e. RESOLUTION AUTHORIZING THE SUBMITTAL OF A PEDESTRIAN FACILITIES APPLICATION THROUGH THE METROPOLITAN COUNCIL'S 2024 REGIONAL SOLICITATION GRANT PROCESS**
- 6f. RESOLUTION ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, CONNECTIONS II SHINGLE CREEK, PROJECT NO. 2021-22**
- 6g. RESOLUTION DENYING PLANNING COMMISSION APPLICATION NO. 2023-007 REGARDING A SITE AND BUILDING PLAN AT 7100 BROOKLYN BOULEVARD** This item was considered as Agenda Item 10b.
- 6h. RESOLUTION APPROVING CHANGE ORDER NOS. 1-3, ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, PROJECT NO. 2022-09, LIFT STATION NO. 4 REHABILITATION PROJECT**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. WORKFORCE DEVELOPMENT UPDATE

Dr. Edwards introduced the item and invited Workforce Development Program Director Catrice O'Neal to continue the presentation.

Workforce Development Program Director Catrice O'Neal explained BrookLynk was launched in 2015 and serves Brooklyn Center and Brooklyn Park with workforce development efforts. She introduced Chriony Bagana as a graduate of Brooklyn Center High School, former BrookLynk intern, and former Brooklyn Ambassador.

Chriony Bagana explained he grew up in Africa and came to the United States to learn new things. During his internship, he learned about communicating with different types of people and acting as an ambassador for the BrookLynk program. The program has a positive impact on young people in the community. He had the opportunity to shadow various types of jobs and has found an interest in carpentry thanks to the program.

Ms. O’Neal noted BrookLynk’s mission is to coordinate partnerships that prepare employers to engage the next generation of workers and to connect young people in the Brooklyns facing barriers to employment with the skills, experiences, and professional social networks needed to develop their pathway to college and career.

Ms. O’Neal pointed out that the program provides programming year-round such as work readiness training, summer internships, online training series, an entrepreneurship program, career pathways, an alumni network, job coaching, and case management.

Ms. O’Neal stated that 85 percent of the participants are people of color. 45 percent are from low-income households and 36 percent are first- or second-generation immigrants. Also, 43 percent of the participants live in or attend school in Brooklyn Center.

Ms. O’Neal pointed out that 339 youth completed work readiness training, 35 percent of whom live in Brooklyn Center. 128 youth participated in paid summer program opportunities, 50 percent of whom live or attend school in Brooklyn Center. Also, more than \$314,000 in wealth was created for youth living in the Brooklyns.

Ms. O’Neal added that 43 youths completed weekly workshops, 21 percent of whom live in Brooklyn Center. Six youths were matched to small business internships. Nine youths participated in the 2nd Annual BrookLynk Shark Tank. Lastly, \$13,5000 in start-up grants were awarded to youth entrepreneurs.

Ms. O’Neal noted there has been an emphasis on construction and trades as a career pathway. Nineteen participants enrolled for construction and trades training at Hennepin Technical College, and one participant from Brooklyn Center was hired into seasonal public works employment by the City. Ten youths were hired into construction and trade internships with the MN Trades Academy.

Ms. O’Neal stated there are several 2024 strategic priorities. As for projects, BrookLynk is working on the Free College Campaign, which is a project that provides support to accessing free college tuition, a Brooklyn Park Teen Center, a community partnership program to offer funding for local organizations providing workforce development programs and services, and expanding current career pathways to include high-tech manufacturing.

Ms. O’Neal added regional initiatives including Reimagine Black Youth Mental Health, which is an effort to change policies that negatively impact the mental well-being of black youth in schools and beyond, and ConnexMSP or GreaterMSP, which is an inclusive talent network that ensures young professionals of color in the Minneapolis-St. Paul region is recruited, hired, and supported by local employers.

Ms. O’Neal showed a slide with details of funding for 2024. There are grants from the MN Department of Employment & Economic Development (DEED), the Hennepin-Carver Workforce Board, and the MN Department of Transportation (MnDOT). Both Brooklyn Center and Brooklyn Park invest in the program. Also, there are leveraged funds through employer-paid wages and

ARPA allocation from Brooklyn Park and Brooklyn Center.

Mayor Pro Tem Butler noted her appreciation of the BrookLynk program and shared her personal experience with program participants. She noted other programs have income requirements and asked if there are similar criteria for BrookLynk. Ms. O'Neal confirmed there are 13 criteria required for participants to be part of the program.

Mayor Pro Tem Butler asked if the program has had issues with Staff retention. Ms. O'Neal agreed there is an issue with retention, which is not uncommon in youth work. The program is almost fully staffed going into 2024.

Councilmember Jerzak thanked Ms. O'Neal and the program for their work in the community. Councilmember Kragness noted her agreement with Councilmember Jerzak.

Councilmember Jerzak moved and Councilmember Kragness seconded to accept the presentation.

Motion passed unanimously.

8. PUBLIC HEARINGS

8a. CHARTER AMENDMENT

City Manager Reggie Edwards introduced the item and invited City Attorney Jason Hill to continue the Staff presentation.

City Attorney Jason Hill explained the amendment is rather straightforward and is to add a requirement for the Council to abide by a grant policy. There are strict guidelines regarding the timeline for Charter amendments. He explained the details of the timeline requirements. The item is on the agenda for a first reading and a public hearing. It wouldn't be considered for adoption until the first December meeting.

Mayor Pro Tem Butler asked why the Charter Commission thought the item was important enough to add it to the Charter.

Councilmember Jerzak, a member of the Charter Commission, explained the measure was introduced before the grant policy was presented to the Council. The purpose of the Charter is to maintain functions of government outside of the ebb and flow of politics. Future Councils may come in and edit the grant policy, but this measure requires one be followed. The Charter Commission had a robust discussion and the vote was close to unanimous.

Mr. Hill pointed out the item is merely to approve a first reading. By voting in favor of the item, it does not reflect the Council's wishes regarding the Charter amendment itself.

Councilmember Jerzak added if the second reading's vote is not unanimous, the item will return to the Charter Commission.

Councilmember Kragness moved and Councilmember Jerzak seconded to open the Public Hearing.

Motion passed unanimously.

Peter H. stated the measure ensures a process to allow for grants to be considered and accepted by the City. Therefore, he would support a set grant policy.

Julie B. noted the whole process has been about politics. There isn't a policy in place for who can serve on what Commissions or Committees. However, there is a duality of roles in that two people serve on both the Charter Commission and the City Council. The Charter has been used to combat new initiatives in the City. The Charter is longstanding and shouldn't be edited for political reasons.

Mayor Pro Tem Butler moved and Councilmember Kragness seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Kragness moved and Councilmember Jerzak seconded to approve the first reading of an ordinance amending the Charter regarding grant policy.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

None.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION APPROVING A PAYMENT PLAN AND AN AMENDMENT TO THE COMMERCIAL LEASE AGREEMENT WITH PHU BIA LIMITED LIABILITY COMPANY FOR PROPERTY LOCATED AT 1350 SHINGLE CREEK CROSSING

Dr. Edwards introduced the item and invited Community Development Director Jesse Anderson to make the Staff presentation.

Community Development Director Jesse Anderson explained that 130B Shingle Creek Crossing was a vacant shell space the City constructed along with the municipal liquor store. The Economic Development Authority (EDA) had approved a \$70,000 commercial build-out loan to Phu Bia Produce LLC with the condition of executing the lease agreement. The lease monthly payment is \$4,375, and the loan payments are \$870.76.

Mr. Anderson noted at the October 30, 2023 meeting, the City Council approved a motion to deny the forgiveness of past due rents and to work in good faith negotiations to make them good. At the

October 30, 2023, EDA Meeting, the Commission voted to table the maturity date adjustment to the Revolving loan. On October 31, 2023, Staff visited the property and informed the business owner Mai Lor that the Council denied the forgiveness, but offered a negotiation on a payment plan. At this time the business was open and there were coolers/freezers partially installed but not yet functioning or in use. Mai Lor requested a week to decide on the payments.

Mr. Anderson stated on November 1, 2023, Staff received a letter from an attorney representing Phu Bia Produce providing documentation relating to the ongoing lawsuit regarding the cooler/freezers that had been ordered in March of 2022 and not delivered. The new coolers/freezers that had already been partially installed at the site were the 2nd set of coolers/freezers that were ordered.

Mr. Anderson stated on November 6, 2023 Staff met with the Mai Lor and a tentative payment plan was accepted. Mai Lor was informed that the agreement would likely require a vote from the City Council. Staff then asked the City Attorney to draft the agreement and determine what necessary approvals were required. At the November 13, 2023 City Council meeting the City Council requested that they review and approve the payment agreement.

Mr. Anderson explained Phu Bia has faced many challenges related to the store opening. They recently received their certificate of occupancy in early October. Without an operating business, they have had a hard time making the rent and loan payments. The store opened on October 1, 2023. The new coolers are partially installed, and there is potential for funds to become available due to the pending lawsuit.

Mr. Anderson pointed out a payment plan has been agreed upon. The lease has a renewal date of January 31, 2027. Staff used this as a goal to set the payoff date of all past-due rent and loan payments. The payment structure provides a six-month grace period on the back-due rent and loan payments. The payments from December 1, 2023, to May 1, 2023, will be \$4,375 for rent and \$870.76 for the loan. Starting on June 1, 2023, and ending on January 31, 2027, the payment will be \$6,638 for rent and \$1,088 for the loan. The agreement maintains the lease condition that if the lease is unpaid the City can terminate the lease with a 15-day notice. The agreement also stipulates that if the payor doesn't make payments, the city can immediately be released from the payment agreement. Also, Staff have reviewed the original lease and determined that additional clarification would improve the lease.

Mr. Anderson added there is a loan alternative to the payment plan. The first action would be a demand letter to the borrower. The EDA has the right to take possession of the business equipment, as that is defined in the Uniform Commercial Code. The EDA can take other legal action to procure the payment, can cancel the agreement, or can pursue remedies under the Personal Guaranty or the Security Agreement.

Councilmember Kragness pointed out the payment plan dates are written incorrectly. Mr. Anderson confirmed it was written incorrectly in his presentation, but the loan document itself is accurate. He clarified the payments from December 1, 2023, to May 1, 2024, will be \$4,375 for

rent and \$870.76 for the loan. Starting on June 1, 2024, and ending on January 31, 2027, the payment will be \$6,638 for rent and \$1,088 for the loan.

Councilmember Kragness asked if the late fees are included in the listed amounts. Mr. Anderson confirmed the late fees are included in the payment plan.

Councilmember Jerzak stated the best interest in supporting a BIPOC-owned small business is to move forward with the payment plan. The likely alternative is bankruptcy, and the City doesn't want that. The renegotiation of the terms should not set a precedent. It is an effort to protect taxpayer dollars while supporting the community, both of which are circumstances unique to the particular situation.

Mai Lor, the owner of Phu Bia, introduced herself through the use of an interpreter. She expressed her frustration with the process. There are many reasons the business didn't start in a timely manner. When she entered the agreement with the City, she received the keys and began working with an architect to submit plans to the City. Her rent payments started in 2022, but she couldn't open until the City approved the plans for the space. In September, she received approval to start construction. The inspector said certain items needed to be approved before moving on to the next project. In January and February 2023, the plumbing plans were approved, so they were finally able to move forward with construction. She noted she had been working with Vong, a City employee, because he could communicate with her in Hmong.

Ms. Lor pointed out there were delays with the installation of the coolers. In May 2023, they were almost done with construction, and she talked to the Mayor about issues with the front door. Then two City inspectors came out to address the issue with the front door, but then she had to submit new architecture plans. The City prioritized approving applications from larger businesses, which resulted in a slow approval process for her requests. She then spoke to the Mayor who helped to secure funds to install a new front door.

Ms. Lor added she spoke with Vong regarding the rent payments back in August 2022 and she was working with him on the back payments. She was under the impression the Council already knew about the difficult situation. She continued to update Vong and the two inspectors regularly. Then she used the remaining money she had to buy the coolers, which resulted in her inability to pay recent rent payments.

Ms. Lor asked for an understanding of her situation. She is also working through a lawsuit related to the coolers. She is a woman, BIPOC entrepreneur who believes Brooklyn Center is a safe, good place for her business. She tries to keep the products affordable for community members. She opened her business in Brooklyn Center hoping to offer more affordable grocery options to Brooklyn Center and nearby cities such as Minneapolis. Much of the produce is bought from local farmers to support other local businesses. She has only been open for a few weeks, but many customers have shown their appreciation for the business.

Ms. Lor added she has been very stressed about the business, and it is hard for her to sleep at night. She thanked the Council for their time and consideration in the matter.

Councilmember Kragness stated she wants to make sure the business succeeds and that the payment arrangement is plausible and understood by Ms. Lor. Ms. Lor stated she understands the arrangement.

Councilmember Jerzak thanked Ms. Lor for sharing her experience with the Council. Mayor Pro Tem Butler apologized for her negative experience.

City Attorney Jason Hill pointed out that the Charter requires a resolution to have three of five votes, regardless of how many Councilmembers are present.

Councilmember Jerzak moved and Councilmember Kragness seconded to adopt a Resolution Approving a Payment Plan and an Amendment to the Commercial Lease Agreement with Phu Bia Limited Liability Company for Property Located at 1350 Shingle Creek Crossing.

Motion passed unanimously.

10b. RESOLUTION DENYING PLANNING COMMISSION APPLICATION NO. 2023-007 REGARDING A SITE AND BUILDING PLAN AT 7100 BROOKLYN BOULEVARD

Dr. Edwards introduced the item and invited City Planner and Zoning Administrator Ginny McIntosh to make the Staff presentation.

City Planner and Zoning Administrator Ginny McIntosh explained on November 13, 2023, City Council made a motion to direct staff to prepare a resolution of denial for Planning Commission Application No. 2023-007, which contemplated the conversion of a former credit union and office building located at 7100 Brooklyn Boulevard to a 17-unit multi-family residential building and related improvements, and based upon the submitted findings of fact. Ms. McIntosh stated the property owner was present and requested to address the Council.

Adedoja Jinadu introduced herself and explained she was there representing the property owner. She explained the proposed project meets the minimum zoning requirements and the Comprehensive Plan expectations. She noted she previously sent an email to the Council, and she read a few excerpts from the email.

Ms. Jinadu pointed out Staff has been very helpful in the process. The building owner was able to provide comment at the November 13, 2023 meeting. However, she wanted to further explain some concerns. They are mindful of the noise impacts. To address the density concern, the apartment building is primarily one-bedroom and studio units with only one two-bedroom unit. The zoning allows for a density of up to 31 units per acre. However, the project is closer to 17 units on just about one acre.

Ms. Jinadu stated the units will likely only occupy one or two residents per unit. There is a minimum of 34 parking stalls required for the units with 18 additional visitor parking spots. That results in 52 spots. The parking was arranged to decrease noise impacts and exceeds parking

requirements per the City Code. There is also an agreement with the church regarding a fence between the current property and the church's lot that is in line with the numerous easements.

Ms. Jinadu noted about 85 percent of the residents are expected to be working class. Therefore, there would be very little traffic during typical business hours. Also, the property owner made an agreement with Staff to have a building manager available at all hours and will maintain the cleanliness of the parking lot. Additionally, the property owner has offered to add a trash enclosure with signage regarding proper dumping. Any improper dumping will result in a fine for the resident.

Ms. Jinadu explained the property includes security cameras and technology access perimeters. Also, there will be parking spots assigned to units to restrict random parking. Any violators will be towed. She doesn't foresee any issue with noise related to the parking lot due to the low density and location of the site.

Ms. Jinadu stated the property owner included a bike rack even though it wasn't a requirement as a way to promote alternative modes of transportation and accessing the parks the City has to offer. Due to the location and its original use, there isn't an opportunity to add amenities. The unit sizes make it unlikely for children to live in the building. There can't be a green space near the pond due to concerns around erosion. There also can't be a fence around the pond due to Code restrictions.

Ms. Jinadu added the owner has made every effort to follow City guidelines while promoting additional housing options in the City. She pointed out research shows Brooklyn Center has more and more young people and students joining the community. The proposed use would be attractive to that growing sector of the population. They redesigned the parking layout to minimize noise and have improved the lighting plan. They are committed to continue to working with the City to make a plan that works for all parties.

Councilmember Jerzak asked the Council if they found that any new information was presented for the Council to consider changing their original determination.

Councilmember Kragness stated she didn't hear new information, and her primary concern is the impact on surrounding businesses.

Ms. Jinadu stated some businesses had concern about noise, but there wouldn't be any external construction, and the existing building is very sound proof. Also, there is more than enough parking available to avoid any potential conflicts regarding parking. The building itself won't have much changes beyond converting the units from office to residential. The sprinkler and ADA requirements are already met.

Mayor Pro Tem Butler stated her position on the item hasn't changed.

Councilmember Jerzak moved and Councilmember Kragness seconded to adopt a resolution for denial of Planning Commission Application No. 2023-007, submitted by 7100 Brooklyn Blvd LLC

that would allow for the conversion of a former credit union and office building to a 17-unit multi-family residential building and related improvements at 7100 Brooklyn Boulevard, and based upon the submitted findings of fact.

11. COUNCIL REPORT

None.

12. ADJOURNMENT

Mayor Pro Tem Butler moved and Councilmember Kragness seconded adjournment of the City Council meeting at 8:32 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 12/11/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Barb Suciu, Assistant City Manager/City Clerk

BY: Shannon Pettit, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- Motion to approve the licenses as presented.

Background:

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

Mechanical

Kraft Contracting LLC
2415 Ventura Drive, Suite 100, Woodbury 55125

Vector Services
712 Vista Blvd, Suite 102, Waconia 55387

Tobacco Related Products

Family Dollar #25110
2105 57th Ave N

Speedway #4162
6545 West River Rd

Speedway #4058
1901 57th Ave N

Speedway #3192
6950 Brooklyn Blvd

Liquor - Intoxicating

Topgolf
6420 Camden Ave N

Captain Crab Shack Inc.
1360 Shingle Creek Crossing #202

Liquor - Off-Sale 3.2

Casey's General Store #3823
2101 Freeway Blvd

Speedway #4162
6545 West River Rd
Speedway #4058
1901 57th Ave N
Speedway #3192
6950 Brooklyn Blvd

-

Liquor - On-Sale 3.2

50's Grill
5524 Brooklyn Blvd

-

Liquor - On-Sale Sunday

Topgolf
6420 Camden Ave N
Captain Crab Shack Inc.
1360 Shingle Creek Crossing #202

Liquor - Club

Duoos Bros. American Legion Post 630
6110 Brooklyn Blvd

Entertainment

Jambo Africa, Inc.
1601 Freeway Blvd

Gasoline Service Station

Speedway #4162
6545 West River Rd
Speedway #4058
1901 57th Ave N
Speedway #3192
6950 Brooklyn Blvd

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
Rental Criteria	6/20/2023	Backup Material
Rental Properties	12/5/2023	Backup Material

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval 12.11.23

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final License Type**	Previous License Type***	Consecutive Type IV's
1100 69th Ave N	Multiple Family 1 Bldg 7 Units	Initial	TYLER NASH	19 = 2.71 per unit	Type III	N/A	Type III	N/A	N/A
5260 Twin Lake Blvd E	Single	Initial	HERON VERDE LLC	7	Type III	N/A	Type III	N/A	N/A
5637 Emerson Ave N	Single	Initial	TOBI AGENE/OSETOHAMEN AGENE	6	Type III	N/A	Type III	N/A	N/A
6312 France Ave N	Single	Initial	O OLADEJI & O OLADEJI	13	Type IV	N/A	Type IV	N/A	N/A
6224 Quail Ave N	Single	Initial	Adetarami Aruna	4	Type II	N/A	Type II	N/A	N/A
6721 Perry Ave N	Single	Initial	Ababayehu Wordofa	9	Type III	N/A	Type III	N/A	N/A
5547 Lyndale Ave N	Multiple Family 1 Bldg 4 Units	Renewal	Zoe M Hildreth	2	Type I	0	Type I	Type I	N/A
6101 Beard Ave N	Multiple Family 1 Bldg 24 Units	Renewal	6939 Baird Llc Et Al C/o Rtg Did not meet requirements	56 = 2.3 per unit	Type III	0	Type III	Type III	N/A
2001 54th Ave N	Single	Renewal	Serendipity Investment Llc Met requirements	2	Type I	0	Type I	Type IV	N/A
2806 66th Ave N	Single	Renewal	Thown Va Thor	8	Type III	0	Type III	Type I	N/A
2912 69th La N	Single	Renewal	Lydia S Kim	4	Type II	0	Type II	Type I	N/A
3301 Mumford Rd	Single	Renewal	Christina Duong & Danny Vo	3	Type II	0	Type II	Type I	N/A
3501 72nd Ave N	Single	Renewal	Cosco Property I LLC	0	Type I	0	Type I	Type II	N/A
5101 63rd Ave N	Single	Renewal	Adedamola O Ogundipe	0	Type I	0	Type I	Type I	N/A
5144 Ewing Ave N	Single	Renewal	Gracelands Llc Did not meet requirements	16	Type IV	0	Type IV	Type III	0
5201 Ewing Ave N	Single	Renewal	Infinite Property Llc	1	Type I	0	Type I	Type I	N/A

5500 Knox Ave N	Single	Renewal	MNSF LI W1 LLC Did not meet requirements	8	Type III	0	Type III	Type III	N/A
5501 Brooklyn Blvd	Single	Renewal	Mains'l Properties Llc	2	Type I	0	Type I	Type I	N/A
5555 Dupont Ave N	Single	Renewal	Maria Magdalena Velez Velez Did not meet requirements	0	Type I	0	Type IV	Type IV	2
5913 Upton Ave N	Single	Renewal	Rosebella Nyaboke Ogoro Did not meet requirements	2	Type I	0	Type III	Type III	N/A
5924 Dupont Ave N	Single	Renewal	J Miller & D Miller	6	Type III	0	Type III	Type II	N/A
6213 Chowen Ave N	Single	Renewal	Nazneen H Khatoon Did not meet requirements	7	Type III	0	Type IV	Type IV	2
6325 Xerxes Ave N	Single	Renewal	Linus N Amajuoyi	13	Type IV	0	Type IV	Type I	0
6430 Indiana Ave N	Single	Renewal	Omolola Akinsoji	6	Type III	0	Type III	Type II	N/A
6430 Toledo Ave N	Single	Renewal	Touchstone Properties LLC Did not meet requirements	14	Type IV	0	Type IV	Type IV	2
6437 Kyle Ave N	Single	Renewal	United Hmong Investment Llc Did not meet requirements	9	Type III	0	Type IV	Type IV	3
6618 Colfax Ave N	Single	Renewal	Dhanraj Khemraj	12	Type IV	0	Type IV	Type I	0
6806 Perry Ave N	Single	Renewal	Matrix Asset Solutions Llc	2	Type I	0	Type I	Type I	N/A
6820 Fremont Pl N	Single	Renewal	Sharon Mcgary	1	Type I	0	Type I	Type II	N/A
6919 France Ave N	Single	Renewal	Benjamin P A Hermantin Et Al Met Requirements	10	Type IV	0	Type IV	Type III	N/A
7025 Quail Ave N	Single	Renewal	EDWARD E LAUDAT Met requirements	5	Type II	0	Type II	Type IV	N/A
7119 Girard Ave N	Single	Renewal	Pearsall Properties LLC Did not meet requirements	2	Type 1	0	Type III	Type III	N/A

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

**License type being issued

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

All properties are current on City Utilities and property taxes

Council Regular Meeting

DATE: 12/11/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Approve the 2024 City Council Meeting Schedule

Requested Council Action:

- Motion to approve the 2024 City Council meeting schedule as presented

Background:

Annually, the City Council meeting schedule is set for the upcoming year. Attached for your approval is the schedule for 2022.

Budget Issues:

N/A

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
2024 Meeting Calendar	12/5/2023	Backup Material



2024 City Council Meeting Schedule

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

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

CC - Council Chambers

CCR - Council Commission room located on main level City Hall

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

Council Regular Meeting

DATE: 12/11/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Resolution Designating Polling Places for the 2024 Election

Requested Council Action:

- It is recommended that the City Council consider approving a resolution designating polling places for the City of Brooklyn Center for the 2024 Elections

Background:

In 2017, legislation was passed that added a requirement for cities to designate polling places annually by December 31 for elections to be held in the following year. Even if a city does not have a scheduled election for the following year, a resolution or ordinance must be passed to cover any special elections that may occur the following year. A resolution has been drafted and is attached for Council consideration. An excerpt from Minnesota Statutes 204B.16 has been attached for your reference.

Budget Issues:

None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community, Customer Intimacy , Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Excerpt from MN Statutes 204B.16	12/8/2020	Backup Material
Resolution	11/30/2023	Resolution Letter

Excerpt from Minnesota State Statute 204B.16

204B.16 POLLING PLACES; DESIGNATION.

Subdivision 1. **Authority; location.** By December 31 of each year, the governing body of each municipality and of each county with precincts in unorganized territory must designate by ordinance or resolution a polling place for each election precinct. The polling places designated in the ordinance or resolution are the polling places for the following calendar year, unless a change is made:

(1) pursuant to section [204B.175](#);

(2) because a polling place has become unavailable; or

(3) because a township designates one location for all state and federal elections and one location for all township only elections.

Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a city or in a school district located in whole or in part in the metropolitan area defined by section [200.02, subdivision 24](#), shall be located within the boundaries of the precinct or within one mile of one of those boundaries unless a single polling place is designated for a city pursuant to section [204B.14, subdivision 2](#), or a school district pursuant to section [205A.11](#). The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within a town or within a school district located outside the metropolitan area defined by section [200.02, subdivision 24](#), then the polling place for a town or school district may be located outside the town or school district within five miles of one of the boundaries of the town or school district.

Member Butler introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DESIGNATING POLLING PLACES FOR THE CITY OF
BROOKLYN CENTER FOR 2024 ELECTIONS

WHEREAS, the City of Brooklyn Center is currently constituted into six election precincts; and

WHEREAS, Minnesota Statutes, Section 204B.16, Subd. 1, requires that by December 31 of each year, the governing body of a municipality must designate a polling place for each election precinct for the upcoming year; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the polling places meet the statutory requirements and are hereby designated for 2024 elections as follows:

- Precinct 1 – The Heritage Center of Brooklyn Center, 6155 Earle Brown Drive
- Precinct 2 – The Heritage Center of Brooklyn Center, 6155 Earle Brown Drive
- Precinct 3 – Evergreen Park Elementary School, 7020 Dupont Avenue North
- Precinct 4 – Brooklyn Center Community Center, 6301 Shingle Creek Parkway
- Precinct 5 – Brooklyn Center Community Center, 6301 Shingle Creek Parkway
- Precinct 6 – Northport Elementary School, 5421 Brooklyn Boulevard

December 11, 2023
Date

Mayor

ATTEST: _____
City Clerk

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

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

Council Regular Meeting

DATE: 12/11/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Resolution Approving the 2024 Fee Schedule

Requested Council Action:

- Motion to approve a resolution adopting the 2024 Fee Schedule

Background:

Before you, tonight for approval is the 2024 Fee Schedule. This is a comprehensive document that entails all of the fees for the city and is approved annually. The schedule has been amended to include all council-approved (resolution or ordinance) fee adjustments. There are adjustments in licenses. These adjustments were based on our ten comparative cities' fees and then taking the average of the fees. There were just a few licenses that required an amendment.

The Minnesota State Legislature added assisted living facilities and assisted living facilities with dementia care to the group of State Licensed Facilities as defined in M.S. Statute 326. 103 subp.13. Due to the statute amendment, all buildings, including existing residential homes that are to be licensed for assisted living or assisted living with dementia care, must obtain plan review and permits from the City Building Department. (a detailed explanation is attached)

Community Development made minor adjustments to Administrative Penalty System Fees, Inspections and Vacant Building Registration. All changes are listed below and highlighted in red throughout the document.

The changes to the 2024 Fee Schedule include:

- Filling Stations - last adjusted 1997
\$100 (first nozzle) plus \$15 for each additional nozzle
- Garbage Collection - last adjusted 1997
\$250 for the company plus \$50 per vehicle
- Hospitality Accommodations - last adjusted 2017
Level I - \$200; Level II - \$250; Level III - \$350
- Tobacco Products - last adjusted 2014
\$300
- Residential Conversion to Assisted Living - \$150

- Administrative Penalty System Fees

The maximum fine amount per violation per day cannot exceed \$1,000

Level 1 - \$50

Level 2 - \$100

Level 3 –

Single-family: \$300;

2-4 units - \$500;

5+ units - \$1000

- Inspections

Properties with 4 or more units: \$50 for each common area; \$100 for each unit

- Vacant Building Registration

The below will apply to residential properties 5 or more units and all commercial properties.

Less than 10,000 sq ft - \$1,000

Less than 10,000 sq ft and vacant for more than 1 year - \$2,000

Less than 10,000 sq ft and vacant for more than 2 years - \$3,000

More than 10,001 sq ft - \$2,000

More than 10,001 sq ft and vacant for more than 1 year - \$5,000

More than 10,001 sq ft and vacant for more than 2 years - \$7,500

Budget Issues:

No budget issues related to this item

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/7/2021	Resolution Letter
2024 Fee Schedule	12/5/2023	Backup Material
Change of Occupancy	12/5/2023	Backup Material

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING THE 2022 FEE SCHEDULE

WHEREAS, the City of Brooklyn Center has a comprehensive fee schedule that is used by staff during the year; and

WHEREAS, this this fee schedule has been amended for the fees for 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the 2022 Fee Schedule be adopted.

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.



2024 FEE SCHEDULE

Licenses, Permits, Miscellaneous Services

Introduction

In March 1987, the Brooklyn Center City Council approved an amendment to the City Ordinances that removed the fees for licenses and permits from the City Ordinances and established fees by Council resolution. The resolutions establishing fees for licenses and permits were collated into the following fee schedule, and it is updated whenever fees are amended or new fees are established. It provides a means by which fees for permits, licenses, and miscellaneous services are incorporated into one document to aid employees who need to collect fees or provide public information regarding fees. Fees for licenses and permits are set forth by Council resolution. Fees for copies, research projects, maps, and ordinances are generally set by the City Manager.

Fees relating to the Community Center and Centerbrook Golf Course can be obtained directly from the Recreation Department, and are not included in this fee schedule.

Fees relating to the Heritage Center of Brooklyn Center can be obtained directly from the Heritage Center and are not included in this fee schedule.

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Miscellaneous Services 11-19

Licenses

License Type	Annual Fee	Expiration	City Code Reference
Amusement Device Operator Kiddie Ride	\$15/location, plus \$15/machine Res. 87-31 \$10/ride	June 30	23-2101 Minn. Stat. 449.15
Animals (Cats and Dogs) Commercial Kennel	Res. No. 97-180 \$100	September 30	1-102
Bowling Alley	Res. No. 97-180 \$20/alley	December 31	23-209.01
Christmas Tree Sales Deposit	Res. No. 97-180 \$60/lot \$100/lot	January 5	23-1301
Edible Cannabinoid Sales License Background Check	\$450 \$200		23-2701
Entertainment	Res. No. 2020-17 \$300	December 31	23-301
Filling Station First Nozzle/Hose Each Additional Nozzle/Hose	Res. No. 97-180 \$90 \$100 \$10 \$15	December 31	23-402
Filming & Photography	\$400		23-2500 Ord. No. 2017-02
Fireworks Temporary Stand Permanent Structure	Res. No. 2004-65 \$350/location \$100/location	December 31	19-403
Garbage and/or Rubbish Collection Company Vehicle	Res. No. 97-180 \$100 \$250 \$25 \$50	June 30	7-103
Hospitality Level I Level II Level III	Res. No. 2017-19 \$150 \$200 \$200 \$250 \$300 \$350	April 30	23-2401
Liquor – Civil Penalties Offense Civil Fine Suspension/Rev 1 st Offense.....\$ 500..... None 2 nd Offense..... \$1,000.....1 day Suspension 3 rd Offense..... \$1,500..... 3 day Suspension 4 th Offense..... \$2,000..... 5 day Suspension 5 th Offense..... \$2,000.....Revocation	Res. No. 2019-116		11-107
Liquor – Consumption and Display Temporary (maximum 10 days for City)	Res. No. 2017-203 \$300 \$25	December 31 N/A	11-106
Liquor – Off-Sale 3.2 Malt Liquor	Res. No. 2017-203 \$100	December 31	11-106
Liquor – Off-Sale Brew Pub	Res. No. 2017-203 \$200	December 31	11-106
Liquor – Off-Sale Microdistillery	Res. No. 2017-203 \$200	December 31	11-106

Licenses

License Type	Annual Fee	Expiration	City Code Reference
Liquor – Off-Sale Small Brewer License	Res. No. 2017-203 \$200	December 31	11-106
Liquor – On-Sale 3.2 Malt Liquor Temporary	Res. No. 2017-203 \$500 \$10/day	December 31 N/A	11-106
Liquor – On-Sale Brew Pub On-Sale Intoxicating On-Sale 3.2 Percent Malt Liquor	Res. No. 2017-203 \$6,500 \$500	December 31	11-106
Liquor – On-Sale Brewer Taproom	Res. No. 2017-203 \$600	December 31	11-106
Liquor – On-Sale Club Up to 200 members 201-500 members 501-1,000 members 1,001-2,000 members 2,001-4,000 members 4,001-6,000 members Over 6,000 members	\$300 \$500 \$650 \$800 \$1,000 \$2,000 \$3,000	December 31	11-106
Liquor – On-Sale Intoxicating Hotels & Clubs The Heritage Center of Brooklyn Center Culinary Class	Res. No. 2017-203 \$6,500 \$5,000 \$100	December 31	11-106
Liquor – On-Sale Microdistillery Cocktail Room	Res. No. 2017-203 \$600	December 31	11-106
Liquor – On-Sale Sunday Sales	Res. No. 2017-203 \$200	December 31	11-106
Liquor – On-Sale Temporary Maximum 3 consecutive days; no more than 12 days per year Special Event Permit Maximum 10 consecutive days; no more than 40 days per year	\$25/per day \$25/per day		11-106
Liquor – On-Sale Wine	Res. No. 2017-203 \$2,000	December 31	11-106
Massage Establishment Establishment Investigation – Establishment Masseur or Masseuse Investigation – Masseur/Masseuse	Res. No. 87-31 \$3,000 \$1,500 \$50 \$100	December 31	23-1703
Mechanical Systems	Res. No. 97-180 \$60	April 30	23-1500
Motor Vehicle Dealer Class A Class B	Res. No. 97-180 \$250 \$75	April 30	23-1202

Licenses

License Type	Annual Fee	Expiration	City Code Reference
Pawnbroker Establishment Investigation	Res. No. 2004-101 \$3,000 \$1,500	December 31	23-603
Rap Parlors, Conversation Parlors, Adult Encounter Groups, Adult Sensitivity Groups, Escort Services, Model Services, Dancing Services, or Hostess Services Investigation	Res. No. 87-31 \$1,500 \$1,500	December 31	23-1804
Rental Single Family Dwelling Initial License/New Owner Renewal License (no change in license holder) Two Family Dwelling Each Rental Unit Multiple Family Dwelling Each Building Each Unit Minimum Base Fee License Reinstatement Conversion to Rental A residential property converted to a rental property or a registered residential vacant building re- occupied as a rental property. This applies to lawful single-family and Single-family attached dwellings.	Res. No. 2005-152 \$400 \$300 \$200 \$200 \$18 \$450 Res. No. 2011-65 \$100 Res. No. 2008-150 \$500	Varies	12-901 12-910 12-902
Saunas or Sauna Baths Establishment Investigation	Res. No. 87-31 \$3,000 \$1,500	December 31	23-1602
Secondhand Goods Dealer Investigation	Res. No. 98-227 \$750, plus \$1.50 per reportable transaction \$1,500	December 31	23-652
Sign Hanger	Res. No. 97-180 \$60	April 30	34-160
Taxicab	Res. No. 2004-101 \$100/vehicle	December 31	23-702
Tobacco Related Products License Fee Investigation	Res. No. 2014-57 \$150 \$300 \$150	December 31	23-101

Permits

Permit Type	Fee	City Code Reference
Alarm Fire Police	1/No Charge 2/\$150 3+/\$300 1-4/No Charge 5/\$50; after 5, each alarm increased by \$25	23-2006 Res. No. 93-233
Special Events	\$100 application fee Additional fees may be charged	23-2600 Res. No. 2022-25

Permits

Permit Type	Fee	City Code Reference
Building and Fire Protection		3-103 Res. No. 2018-09
Valuation \$1 to \$1,000 Valuation \$1,001 to \$2,000	\$49.50 \$49.50 for the first \$1,000 plus \$3.25 for each additional \$100 or fraction thereof, to and including \$2,000	
Valuation \$2,001 to \$25,000	\$82.00 for the first \$2,000 plus \$14.85 for each additional \$1,000 or fraction thereof, to and including \$25,000	
Valuation \$25,001 to \$50,000	\$423.55 for the first \$25,000 plus \$10.70 for each additional \$1,000 or fraction thereof, to and including \$50,000	
Valuation \$50,001 to \$100,000	\$691.05 for the first \$50,000 plus \$7.45 for each additional \$1,000 or fraction thereof, to and including \$100,000	
Valuation \$100,001 to \$500,000	\$1,063.55 for the first \$100,000 plus \$6 for each additional \$1,000 or fraction thereof, to and including \$500,000	
Valuation \$500,000 to \$1,000,000	\$3,463.55 for the first \$500,000 plus \$5.10 for each additional \$1,000 or fraction thereof, to and including \$1,000,000	
Valuation \$1,000,001 and up	\$6,013.55 for the first \$1,000,000 plus \$4 for each additional \$1,000 or fraction thereof	
Plan Check Fee	65% of the amount of the permit fee	
Investigation Fee	Same amount as building permit fee	
Residential Siding Replacement up to 4 units	\$150	
Residential Family Roof Replacement up to 4 units, not including flat roofs	\$150	
Residential Solar Panel Installation Egress Window	\$200 \$100 up to two windows; \$150 for 3 or more	
Window or Door Replacement	\$100 up to two windows; \$150 for 3 or more	
Residential Deck up to 4 units	\$200	
Residential Driveway (non-ROW)	\$25	
Residential Fence	\$25	
Residential Dwelling Conversion to Assisted Living	\$150	M.S. 326B.103

Permits

Permit Type	Fee	City Code Reference
Cesspool Cleaning Permit	\$18.75	7-502 Res. No. 87-32
Courtesy Bench Permit Inspection	\$50/bench \$50/bench	23-902 23-903 Res. No. 2007-47
Demolition Permit	\$50	23-1501 Res. No. 2005-65
Electrical Minimum Fee for one inspection trip Two trip fee (Every job where wiring will be covered needs a rough-in and final inspection. Examples: remodel or new bath, kitchen, porch, basement, laundry, detached garage, swimming pool, etc.) Service changeout Temporary service Service changeout with one or two remodeled or added rooms Subpanel change out New or major remodel of apartment or condominium (this includes main service, feeders, house panel, circuit breakers, and temp power) Residential maximum (includes new houses, townhouses, remodels with 50% or more of the lights, receptacles and switches being replaced) Outside electrical reinstalled after siding replacement, house, duplex, triplex, four-plex, attached townhouses, and apartments Electronic inspection fee for these items only: furnace, air conditioning, bath fan, fireplace, or receptacle for water heater vent. Must email required pictures. Solar fees for PV System: Residential & Commercial 0 – 5,000 watts 5,001 – 10,000 watts 10,001 – 20,000 watts 20,001 – 30,000 watts 30,001 – 40,000 watts	\$50 per trip \$100 (includes two inspections) \$110 \$55 \$160 includes two inspections \$50 \$100 per unit \$190 includes three inspections \$50 first unit plus \$25 each additional unit \$40 \$90 \$150 \$225 \$300 \$375 plus \$25 for each additional	3-103 Res. No. 2020-20

Permits

Commercial Electrical Fees		
<u>Description</u>	<u>Fee Calculation</u>	
Valuation \$1 to \$1,000	\$50.00	
Valuation \$1,001 to \$2,000	\$50 for the first \$1,000 plus \$3.25 for each additional \$100 or fraction thereof, to and including \$2,000	
Valuation \$2,001 to \$25,000	\$82.00 for the first \$2,000 plus \$14.85 for each additional \$1,000 or fraction thereof, to and including \$25,000	
Valuation \$25,001 to \$50,000	\$423.55 for the first \$25,000 plus \$10.70 for each additional \$1,000 or fraction thereof, to and including \$50,000	
Valuation \$50,001 to \$100,000	\$691.05 for the first \$50,000 plus \$7.45 for each additional \$1,000 or fraction thereof, to and including \$100,000	
Valuation \$100,001 to \$500,000	\$1,063.55 for the first \$100,000 plus \$6.00 for each additional \$1,000 or fraction thereof, to and including \$500,000	
Valuation \$500,001 to \$1,000,000	\$3,463.55 for the first \$500,000 plus \$5.10 for each additional \$1,000 or fraction thereof, to and including \$1,000,000	
Valuation \$1,000,001 to \$1,000,000 and up	\$6,013.55 for the first \$1,000,000 plus \$4 for each additional \$1,000 or fraction thereof	
Valuation \$1,000,000 and up	\$50	
Re-inspection Fee (in addition to all other fees)		
Investigation Fee (working without a permit) the fee is doubled	\$1	
Refunds issued only for permits over		

Permits

Permit Type	Fee	City Code Reference
Flood Plain Use Up to 1 acre 1 acre to 5 acres Over 5 acres	\$50 \$50/acre \$250 plus \$37.50 per acre for each acre or fraction thereof over 5 acres	35-2182 Res. No. 2005-65
House moving Permit Code Compliance Review Prior to Moving Structure into City	\$200 \$100	23-1501 Res. No. 2005-65
Land Disturbing Activities Permit	Res. No. 2005-162 \$50	35-235
Mechanical Systems Valuation \$0 to \$500 Valuation \$501 to \$50,000 Valuation Over \$50,000 Mechanical Plan Review (only when submitted without a building permit) 2" and less diameter pipe 1-3 fixtures Additional openings 2" and over diameter pipe 1-3 fixtures Additional opening Residential Air Conditioner Installation Residential Air Conditioner & Furnace Installation Residential Boiler or Fireplace up to 4 units Residential Furnace Installation Residential Gas Stove or Dryer up to 4 units	Res. No. 2018-09 \$25 \$25 plus 2% of value of any amount in excess of \$500 \$1,012.50 plus 1% of value of any amount in excess of \$50,000 65% of base permit fee \$5.75 each \$2.50 each \$15 each \$3.25 each \$60 \$60 \$60 \$60 \$60	3-103
Planning Commission Fees* Zoning Code Text Amendment Rezoning Site and Building Plan and Major Amendments Preliminary Plat Final Plat Variance Interim Use Permit (IUP) IUP Extension/Amendment Conditional Use Permit (CUP) CUP Amendment- Extension of Existing Special Use Permit Appeal Planned Unit Development (PUD) PUD Amendment - Major Comprehensive Plan Amendment	Res. No. 2019-03 \$500 \$1,050 \$750 \$400 \$200 \$200 \$250 \$150 \$250 \$250 \$100 \$200 \$1,800 \$700 \$1,050	35-210 35-230 15-104 35-240 35-310 35-310 35-220 35-220 35-220 35-251 35-355 35-355
* For all Planning Commission Applications, a refundable escrow of \$1,000 will be added to the fee to cover any additional costs associated with the review of the application. Additional escrow may be required subject to the determination of the City Planner.		

Permits

Permit Type	Fee	City Code Reference
Plumbing Minimum Fee Repair or alteration of existing system New residential or commercial building Plumbing Plan Review (only when submitted without a building permit) Residential Water Heater up to 4 units Residential Water Softener up to 4 units Residential Water Heater and Softener up to 4 units Plumbing Fixtures	Res. No. 2018-09 \$25 2% of estimated cost 2% of estimated cost 65% of base permit fee \$60 \$60 \$60 \$60 up to 3 fixtures; \$10 for each additional	3-103
Right-Of-Way Administration Fee Excavation Fee Obstruction Fee Pole Attachment Fee Extension Delay Penalty	Res. No. 2018-42 \$100 per permit \$250 per permit \$200 per permit \$1,500 per site \$50 per permit \$50/day for pavement; \$25/day for boulevard/turf	25-1009
Sewer and Water Sewer or water connection Sewer or water disconnection Sewer and water disconnection New commercial sewer and water connection New residential sewer and water connection Commercial/Industrial fire line Water/Sewer repair Storm Water Minimum Fee	Res. No. 2005-65 \$50 \$50 \$90 \$150 \$100 \$50 \$50 \$50 \$50	3-103
Sign 50 sq. ft in area or less Over 50 sq. ft in area Minimum Fee Footing inspection, when required Temporary Sign	Res. No. 2005-65 \$50 \$50/1st 50 sq. ft and \$15.00 for each additional 50 sq. ft or fraction \$50 \$50 \$25	34-150

Miscellaneous Services

Service	Fee
Abatement Application (Assessing) Taxpayer caused only (others no charge)	\$45
Abatement (City-Facilitated)/Administrative Service Charge \$999 or less \$1,000 or Higher	Res. No. 2008-150 \$75 \$150
Accident Reports (Police)	< 10 pages no charges \$0.25 per page \$0.15 per page, if subject of data \$0.50 per report, commercial user [defined as a user who requests access to more than five reports per month M.S. § 169.09, Subd. 13(5) (f)]
Administrative Penalty System Fees Level 1 Level 2 Level 3 - Single Family - 2 - 4 Units - 5 plus Units Violation Type (Ordinance reference) Waste container setback violation (7-102) Local Traffic and Parking (27) Parking Surface violation (12-316) All other city code violations, designated as a misdemeanor or petty misdemeanor Animal (10) Failure to register a vacant property (12-1500) Failure to obtain a permit or license Tenant protection violation (12-912D)	 \$60 \$50 \$125 \$100 \$300 \$500 \$1,000 Maximum fine amount per violation per day cannot exceed \$1,000 Level 1 1 2 2 2 2 3 4
Appeal Filing Fee – Chapters 12 and 19	\$50 Res. No. 2005-65
Accessory Dwelling Unit (ADU) Administrative Review	\$100
Beekeeping Registration	\$40 Res No. 2019-26
Public Subsidy Application Fee Escrow for consulting services related to review of application	\$3,000 \$10,000
Hearing Request Deposit	\$50
Special Assessment Charge for unpaid fine amounts that are specially assessed	\$30

Miscellaneous Services

Service	Fee
Copy Charges for Public Government Data Requests Not from the Data Subject 100 Pages or Fewer Black and White Photocopies 8.5 x 11 or 8.5 x 14 Two-Sided Copy (8.5 x 11 or 8.5 x 14) All Other Public Government Data Requests The City will charge the requester actual costs of <i>searching</i> for and <i>retrieving</i> the data, including the cost of employee time, and for <i>making, certifying, compiling, and transmitting</i> copies of the data or the data themselves Exception: There will be no charges for searching, retrieving, compiling, and electronically transmitting readily available data	Minn. Stat. 13.03, Subd. 3 (c) < 10 pages no charge \$0.25 \$0.50 Actual Costs Labor – \$0.40 per minute Paper – \$0.01 per sheet Black/White Photocopier – \$0.01 per page Color Photocopier - \$0.07 per page Black/White Printer – \$0.02 per page Color LaserJet Printer – \$0.09 per color page Other Actual Costs that may or may not be included – refer to the document <i>Fees for Providing Copies of Public Government Data</i> compiled by the State of Minnesota, Department of Administration, Information Policy Analysis Division at www.ipad.state.mn.us or 651-296-6733 Total Actual Costs require that you add labor cost at \$0.40 per minute to the supply and materials costs to establish total actual costs
Copy Charges for Public Government Data Requests by the Subject of Data When the requester is the subject of the data, the City <i>will not charge for searching for and retrieving data</i> . The requester will be charged the actual costs associated with <i>making, certifying, compiling, or transmitting</i> copies of the data themselves. Exception: There will be no charge for compiling and electronically transmitting readily available data.	Actual Costs <10 pages no charge \$0.15 per page
Dogs Registration – Dangerous and Potentially Dangerous Contest Declaration Hearing Fee Review Declaration Hearing Fee Contest Sterilization Requirement for Potentially Dangerous Boarding Fee Impounding Penalty	\$35/annual Res. No. 2004-132 \$250 Res. No. 2014-43 \$100 Res. No. 2014-43 \$250 Res. No. 2015-31 Joint & Cooperative Agreement with PUPS \$31/day
Fingerprinting (Police) Brooklyn Center resident or Brooklyn Center business owner and/or owner's employees (Saturday 1:00 pm to 7:00 pm)	\$10/card

Miscellaneous Services

Service	Fee
Franchise (Natural Gas)	Ord. No. 2019-03
Residential	\$1.66/month
Commercial A	\$1.74/month
Commercial Industrial B	\$5.63/month
Commercial C	\$22.50/month
SVDF A	\$56.23/month
SVDF B	\$107.96/month
LVDF	\$107.96/month
Franchise (Electric)	Ord. No. 2023-08
Residential	\$1.65/month
Small Commercial & Industrial – Non-Demand	\$4.25/month
Small Commercial & Industrial – Demand Large	\$22.75/month
Commercial & Industrial	\$103.00/month
Public Street Lighting	\$13.50/month
Municipal Pumping – Non-Demand	\$13.50/month
Municipal Pumping – Demand	\$13.50/month
Inspections	Res. No. 2011-55
Fire Inspection, Commercial	No Charge
Initial Inspection	No Charge
First Re-Inspection	\$100
Second Re-Inspection	\$150
Third Re-Inspection	\$200
Fourth and Subsequent Re-Inspections Fire	\$50/each Res. No. 2009-130
Inspection, Daycare Re-inspection	Res. No. 2008-150
A re-inspection fee for the second re-inspection and each subsequent re-inspection shall be collected from the applicant, owner, or responsible party.	\$100
Properties with 1 to 3 units	\$100 for each common area, plus
Properties with 4 or more units	\$50 for each unit/Res. No. 2008-151
Re-Occupancy Inspection - A property maintenance re-occupancy inspection fee is required for registered vacant buildings.	\$115
Apartment/Condo	\$195
Townhome	\$195
Single Family	\$275
Duplex (same owner)	\$415 Res. No. 2009-29
Triplex (same owner)	\$550 Res. No. 2009-29
Fourplex (same owner)	
Intoxilyzers Logs (Police)	\$5/page
Lot Combination	\$100
Maps	\$3
8 1/2 x 11	\$5
8 1/2 x 11 with Imaging (aerials)	\$4
11 x 17	\$6
11 x 17 with Imaging (aerials)	\$10
24 x 24	\$15
24 x 24 with Imaging (aerials)	\$15
23 x 36	\$25
23 x 36 with Imaging (aerials)	
NSF Check (Finance)	\$30

Miscellaneous Services

Service	Fee
Opportunity Site Stormwater Fee (per acre of developable property) See Appendix A for map	\$97,250.18
Police Reports (Police)	< 10 pages no charge \$0.25 per page \$0.15 per page, if subject of data \$0.50 per page, commercial user
PUD Amendment (Minor)	\$350
Recycling Utility Minimum charge per household per quarter Certification for collection with property taxes	Res. No. 2023-21 \$12.34/quarter \$50
Right of Way Registration	\$1,000/New \$25/Renewal
Sanitary Sewer Utility Base Rate Quarterly Residential Single Family Apartment Senior Citizen Non-Residential Rate SAC charge set by MCES Certification for collection with property taxes Line cleaning charge Sanitary Sewer Connection	Res. No. 2023-18 \$103.19 \$72.22 \$56.74 \$4.35 per 1,000 gallons Fee established by MCES \$50 Labor, materials, equipment, and overhead Established annually by resolution
Site and Building Plan Amendment (minor)	\$375
Special Assessment Interest Rate	Res. No. 2023-103 3.5 Percent
Special Computer Search (Police)	\$7/each address
Storm Sewer Utility (quarterly rates) Base Rate Cemeteries and Golf Courses Parks Single Family, Duplex, Townhouse School, Government Buildings Multiple Family, Churches Commercial, Industrial Vacant Land Certification for collection with property taxes Private facility cleaning charge	Res. No. 2023-19 \$73.17/acre \$18.29/acre \$36.59/acre \$18.30/lot \$91.47/acre \$219.54/acre \$365.90/acre As assigned \$50 Labor, materials, equipment, and overhead

Miscellaneous Services

Service	Fee
Street Light Utility (quarterly rates) Single, Double, and Multiple Family Residential Parks Schools, Government Buildings, Churches Retail and Service-Office Commercial and Industrial Vacant Land and Open Space Certification for collection with property taxes	Res. No. 2023-20 \$6.88/dwelling unit \$10.90/acre \$21.80/acre \$32.69/acre \$32.69/acre As Assigned \$50
Street and Storm Drainage Special Assessment Rates R-1 zoned, used as one-family site that cannot be subdivided R-2 zoned, or used as a two-family site that cannot be subdivided R-3 zoned (per unit) Partial Street Reconstruction R-1 zoned, used as one-family site that cannot be subdivided R-2 zoned, or used as a two-family site that cannot be subdivided R-3 zoned (per unit) Pavement Rehabilitation R-1 zoned, used as one-family site that cannot be subdivided R-2 zoned, or used as a two-family site that cannot be subdivided R-3 zoned (per unit) The residential assessment rates for street and storm drainage construction and pavement rehabilitation shall not apply to R-4, R-5, R-6, or R-7 zoned districts. The assessment rates for street reconstruction and pavement rehabilitation for R-4, R-5, R-6, or R-7 zoned property shall be based on an evaluation of the project cost and project benefit for each project.	Res. No. 2023-102 \$5,138 per lot (street) \$1,541 per lot (storm drainage) \$68.5067 per front foot with a \$5,138 per lot minimum (street) \$20.5467 per front foot with a \$1,541 per lot minimum (storm drainage) <u>Assess. frontage x \$68.5067</u> (street) Number of residential units <u>Assess. frontage x \$20.5467</u> (storm) Number of residential units \$3,852 per lot (street) \$51.3600 per front foot with a \$3,852 per lot minimum (street) <u>Assess. frontage x \$51.3600</u> (street) Number of residential units \$1,698 per lot (street) \$22.6400 per front foot with a \$1,698 per lot minimum (street) <u>Assess. frontage x \$22.6400</u> (Street) Number of residential units The residential assessment rates for street and storm drainage construction and pavement rehabilitation shall not apply to R-4, R-5, R-6, or R-7 zoned districts. The assessment rates for street reconstruction and pavement rehabilitation for R-4, R-5, R-6, or R-7 zoned property shall be based on an evaluation of the project cost and project benefit for each project.
Subdivision (Minor)	\$300
Tow to City Property (Police)	Tow charge plus \$15 admin fee
Tree Contractor Registration	Res. No. 2000-09 \$35

Miscellaneous Services

Service	Fee
Tree Removal Each non-assessed diseased tree/stump removal (by agreement) Special Assessments Service Charge Capitalized Interest Charge (assessed trees only)	\$50 \$30/parcel on which a special assessment is levied \$30/per tree
Vacant Building Registration An annual registration fee shall be collected from the applicant, owner, or responsible party. The categories shall apply to residential properties of 4 or fewer units: <u>Category 1</u> – property vacant for less than 1 year and does not have any code violation or has not been issued a compliance notice for code violations <u>Category 2</u> – property vacant for less than 1 year and has a code violation(s) or has been issued a compliance notice for code violations <u>Category 3</u> – property vacant for 1 year or more <u>Category 4</u> – property vacant for 3 years or more Below will apply to residential properties of 5 or more units and all commercial properties: Less than 10,000 sq ft Less than 10,000 sq ft and vacant for more than 1 year Less than 10,000 sq ft and vacant for more than 1 year More than 10,001 sq ft - \$2,000 More than 10,001 sq ft and vacant for more than 1 year More than 10,001 sq ft and vacant for more than 2 years	Res. No. 2008-151 \$100 \$400 \$1,000 \$3,000 \$1,000 \$2,000 \$3,000 \$2,000 \$5,000 \$7,500
Vacation – Street, Alley, Easement (Engineering)	\$125 Res. No. 92-132
Video Tape Duplicating (Police)	\$20
Water and Sanitary Sewer Connection Commercial/Industrial Water > 5 Acres Commercial/Industrial Sewer > 5 Acres Commercial/Industrial Water < 5 Acres Commercial/Industrial Sewer < 5 Acres Retail/Office Water > 5 Acres Retail/Office Sewer > 5 Acres Retail/Office Water < 5 Acres Retail/Office Sewer < 5 Acres Multi Family Water > 5 Acres Multi Family Sewer > 5 Acres Multi Family Water < 5 Acres Multi Family Sewer < 5 Acres Water per connection Single Family Sewer per connection	Res. No. 2001-161 \$10,000 \$5,000 \$5,000 \$3,000 \$5,000 \$3,000 \$3,000 \$1,500 \$5,000 \$3,000 \$3,000 \$1,500 \$1,000 \$1,000

Miscellaneous Services

Service	Fee
Water Utility	Res. No. 2023-17
Water Conservation	
Rate 5/8" and 3/4" Meter	\$20.53 Quarterly Base Charge
0-30,000 gallons per quarter	\$3.42 per 1,000 gallons
30,001-60,000 gallons per quarter	\$4.27 per 1,000 gallons
60,001 or more gallons per quarter	\$6.37 per 1,000 gallons
Base Rate	\$ 4.51
Quarterly Minimum Rate	\$ 59.65
1" Meter	\$ 76.70
1 1/2" Meter	\$ 149.10
2" Meter	\$ 298.33
3" Meter	\$ 502.90
4" Meter	\$1,150.71
6" Meter	\$2,179.38
8" Meter	\$2,905.85
10" Meter	\$149.00
Water Meter Charge 5/8" or 3/4"	Actual cost + \$2.00
Water Meter Charge Larger than 3/4"	\$50
Certification for collection with property taxes	\$12.50/Res. No. 2007-140
Quarterly Fire Service Line Charge	\$52
Fire protection inspection	Labor, materials, equipment, and overhead
Private hydrant maintenance	\$31
Service Restoration, Monday through Friday (except holidays) Between the hours of 7:30 AM and 3:00 PM	\$83
Service Restoration, Saturday, Sunday, and Holidays Between the hours of 3:00 PM and 7:30 AM	\$45 per hour, 1 hour minimum
Assistance with Seasonal Shut-down and Restoration of Commercial Irrigation Systems, Monday through Friday (except holidays) Only Between the hours of 3:00 PM and 7:30 AM	
Hydrant Meters (water use will be paid in addition to the rental fee at the Commercial Rate)	Res. No. 2020-80
5/8" or 3/4" Meter	\$250
Deposit	\$25
Rental Fee (per month or portion thereof)	
3" Meter	\$2,500
Deposit	\$150
Rental Fee (per month or portion thereof)	\$25
Penalty for violation of odd-even sprinkling	
Water Conservation Violations (based on preceding 12-month period)	Res. No. 2020-80
First Offense	Warning
Second Offense	\$25
Subsequent Offenses	\$50

Miscellaneous Services

Service	Fee
Weed Inspection/Removal Weed Cutter's Fee Special Assessments Service Charge Capitalized Interest Charge (assessed weeds only)	Res. No. 2000-09 \$60/hour \$30 per parcel on which a special assessment is levied \$10 per notice
Well Water Test	\$10
Zoning Letters (Community Development)	\$75



Residential Dwelling Conversation To Assisted Living Use Permit Fee - \$150.00

Effective August 1st, 2023, the Minnesota State Legislature has added assisted living facilities and assisted living facility with dementia care to the group of State Licensed Facilities as defined in MN Statue 326B.103 Subp. 13. Sec. 326B.103 MN Statutes (amended by Chapter 53, Article 1 Section 28).

All buildings including **existing residential homes** that are to be licensed for assisted living or assisted living with dementia care **must obtain plan review and permits from the City Building Department** as they have a Delegation Agreement. New construction or a change of use to an assisted living facility or an assisted living facility with dementia care will require a **New Certificate of Occupancy** in accordance with MN Rule 1300.0220 and IEBC 1001.3 from the City Building Department prior to final MDH inspection of the facility.

Application for plan review and permitting includes:

1. All documents to be signed by a certified architect licensed in Minnesota for the proposed new construction, alteration, addition or change of use per MN Rules part 1800.5200.
2. A construction Code analysis:
 - Project Scope/Description: (ex. Conversion of a single-family residential home to assisted living facility, change of use only).
 - Applicable codes: (ex. 2020 Minnesota Building Code, 2020 Minnesota Accessibility code, 2020 Minnesota Conservation Code, 2020 Minnesota Plumbing Code, 2020 Minnesota State Fire Code) etc.
 - Construction type:
 - Occupancy Classification:
 - Building Square Footage:
 - Sprinklered:
 - Building height/Stories:
3. A site plan showing existing structures and parking spaces. (3 parking spaces 9'x18', for every 5 beds per City Zoning Ordinance 35-5506).
4. Floor plans showing all floors with room identification, measurements and window locations.
5. Change of use certificate Building fee: **\$150 plus state surcharge.**

Council Regular Meeting

DATE: 12/11/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Approval of a Minor Amendment to the November 13, 2023, City Council Minutes

Requested Council Action:

- Motion to approve a minor amendment to the November 13, 2023, City Council minutes

Background:

At the November 27, 2023, the council approved the November 13, 2023 minutes. Since the approval, it has been discovered that there was an error regarding the agenda item 2024 Random Acts of Kindness. it should be 2023 Random Acts of Kindness. Staff is asking to change the date in the minutes as well as the agenda to reflect the correct event.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

Council Regular Meeting

DATE: 12/11/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Kory Andersen, Public Works Planner

SUBJECT: Resolution Authorizing Execution of a Professional Services Agreement, Project No. 23-26, Brooklyn Center Park Investment Plan

Requested Council Action:

- Motion to approve a resolution authorizing the execution of a Professional Services Agreement, Project No. 23-26, Brooklyn Center Park Investment Plan

Background:

City staff solicited proposals and received four consultant submissions. The staff evaluated and ranked the proposals and made a recommendation to the Public Works and Parks and Recreation directors for approval. Based on project understanding, work plan, experience, team, and fees, SRF Consulting Group, Inc., is recommended to provide professional services. SRF Consulting Group, Inc. can immediately proceed with the Brooklyn Center Parks Capital Investment Plan in January 2024.

The plan will identify the city's most pressing park needs and disparities, devise strategies for maintaining existing park assets, shape a visionary outlook for the city's parks, and actively engage the community through public outreach in collaboration with local partners, ensuring that the city's residents inform every step of the plan.

The project will take a year to complete and will set the park investment strategy for the next ten years.

Budget Issues:

Brooklyn Center Park Investment Plan is identified in the City's Capital Improvement Program for 2024. The CIP lists the plan as costing \$300,000. SRF's bid and contract estimate is \$229,506.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community, Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
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Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL
SERVICES AGREEMENT, PROJECT NO. 2023-26, BROOKLYN CENTER
PARK INVESTMENT PLAN

WHEREAS, the City's Capital Improvement Program identifies the Brooklyn
Center Park Investment Plan to be carried out in 2024; and

WHEREAS, a professional services agreement has been negotiated with SRF
Consulting Group, Inc., to provide the professional services needed to perform said project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Brooklyn Center, Minnesota, that the Mayor and City Manager are hereby authorized to execute
an agreement with SRF Consulting Group, Inc., in the amount of up to \$229,506 to provide
professional services for the Park Investment Plan.

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: 12/11/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Ahmed, P.E., City Engineer

SUBJECT: Resolution Accepting Work Performed and Authorizing Final Payment, Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05

Requested Council Action:

- Motion to approve a resolution accepting work performed and authorizing final payment, Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05

Background:

On May 10, 2021, the City Council awarded Improvement Project No. 2021-05 to Park Construction Company, of Minneapolis, Minnesota for construction of the Brooklyn Boulevard Corridor Project Phase 2 Improvements. Park Construction Company has successfully completed the construction work and is requesting final payment for the project.

Budget Issues:

The original contract amount was \$12,222,880.30. Change Orders 1-7, approved by the City Council on October 4, 2021, increased the contract amount to \$12,270,997.51. Change Orders 8-12, approved by the City Council on May 23, 2022, increased the contract amount to \$12,285,008.72. Change Orders 13-16, approved by the City Council on September 26, 2022, which increased the contract amount to \$12,443,928.10. Change Orders 17-18, approved by the City Council on February 13, 2023 increased the contract amount to \$12,469,776.84.

The total value of work certified for final payment is \$12,550,323.26. The total estimated project cost including contingencies/administration/engineering/legal is \$17,355,411.92 and was completed 2.6 percent under budget in the amount of \$449,193. The attached resolution provides a summary of the final amended costs and funding sources for the project.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description
Resolution

Upload Date
12/4/2023

Type
Resolution Letter

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK PERFORMED AND AUTHORIZING
FINAL PAYMENT, IMPROVEMENT PROJECT NO. 2021-05, BROOKLYN
BOULEVARD CORRIDOR PROJECT PHASE 2

WHEREAS, pursuant to a written contract signed with the City of Brooklyn Center, Minnesota, Park Construction Company, Minneapolis, Minnesota has completed the following improvements in accordance with said contract:

Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2 Improvements

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

1. Final payment shall be made on Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2 Improvements, taking the contractor's receipt in full. The total amount to be paid for said improvements under said contract shall be \$12,550,323.26.
2. The estimated project costs and revenues are hereby amended as follows:

COSTS	As Original Award + Change Orders	<u>As Final</u>
Contract + Change Order Nos. 1-18	\$12,469,776.84	\$12,550,323.26.
Xcel Overhead Utility Undergrounding	\$ 376,000.00	\$ 376,000.00
Xcel Street Lights	\$ -0-	\$ 31,860.00
Misc. Henn Co Supplied Items	\$ 123,700.00	\$ 112,409.68
Contingency	<u>\$ 1,222,288.00</u>	<u>\$ 70,000.00</u>
Subtotal Construction Cost	\$14,191,764.84	\$13,140,592.94
Admin/Legal/Engr.	\$ 2,586,416.15	\$ 2,586,416.15
Admin/Legal/Engr. Contingency	\$ 150,000.00	\$ 209,576.23
Easement Acquisition	<u>\$ 1,123,320.00</u>	<u>\$ 1,418,826.60</u>
Total Estimated Project Cost	\$18,051,500.99	\$17,355,411.92

RESOLUTION NO. _____

<u>REVENUES</u>	<u>As Original Award</u>	<u>As Final</u>
Federal Funds	\$ 6,616,000.00	\$ 6,614,686.25
Hennepin County Funds	\$ 4,500,000.00	\$ 4,500,000.00
Sanitary Sewer Utility	\$ 377,555.63	\$ 322,229.45
Water Utility Fund	\$ 423,830.98	\$ 517,923.40
Storm Drainage Utility Fund	\$ 1,704,904.03	\$ 1,704,904.03
Street Light Utility	\$ 1,025,914.84	\$ 1,044,037.36
Xcel Utility Surcharge	\$ 376,000.00	\$ 376,000.00
Capital Projects Fund	\$ 2,628,655.16	\$ 2,113,370.72
Municipal State Aid (MSA) Fund	<u>\$ 151,743.81</u>	<u>\$ 162,260.71</u>
Total Estimated Revenue	\$17,804,604.45	\$17,355,411.92

December 11, 2023

Date

Mayor

ATTEST: _____
City Clerk

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

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

Council Regular Meeting

DATE: 12/11/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Jesse Anderson, Community Development Director

SUBJECT: Accepting Grant funds from the Transportation and Economic Development Infrastructure (TEDI) Grant, to Support Phase 1 of the Opportunity Site

Requested Council Action:

- Motion to approve a resolution acknowledging the awarded funds for the Transportation and Economic Development Infrastructure (TEDI) program and authorizing acceptance of grant funds

Background:

Since 2019, City staff have been working with Alatus LLC and their development partners Project for Pride in Living and Resurrecting Faith World Ministries, on build out of Phase 1 of the Opportunity Site. The proposed 15-acre mixed use development is to include over 700 units of mixed income housing, a small business incubator, and a conference center with associated service retail.

Phase 1 will also include the delivery of public infrastructure critical to the immediate, and long term buildout of the broader 80-acre Opportunity Site.

Phase 1 public infrastructure encompasses a new approximately 1800' multimodal roadway segment with quality streetscaping, connecting Shingle Creek Crossing to John Martin Drive, and a regional stormwater pond system to provide the required stormwater management for approximately 60% of the Opportunity Site, and the entirety of the Phase 1 development site.

Without these public infrastructure elements, the community-derived vision of both Phase 1 and the Opportunity Site becomes effectively infeasible.

Anticipated funding for Phase 1 includes a mix of private financing, TIF financing, a collection of grants from Hennepin County and the Metropolitan Council, and, pending final financing. In effort to secure project funding while reducing the fiscal burden to the City of Brooklyn Center, City staff and the Alatus development team regularly seek out eligible grant programs to support the Phase 1 development project and its public infrastructure.

The Transportation Economic Development Infrastructure (TEDI) program was created to foster interagency coordination between the Departments of Transportation (MnDOT) and Employment and Economic Development (DEED) to finance infrastructure to create economic development opportunities, jobs, and improve all types of transportation systems statewide. The TEDI grant program appropriates funds to local governments for predesign, design, acquisition of land, construction, reconstruction, and infrastructure improvements that promote economic development, increase employment, and improve transportation systems to facilitate private investment and job creation.

Total available funding for the 2023 TEDI grant program is \$1,962,400. While there is no funding request limit for the TEDI program, funding is balanced across the metropolitan and greater Minnesota areas. Traditionally, the TEDI program has funded around six projects at a range of amounts. Applications for the 2023 TEDI program were due on September 22, 2023, and the projects were selected for approval in December 2023. Selected applicants must complete awarded projects within three years of execution of the funding agreement.

On May 24, 2024 The City Council authorized an application to to the TEDI program.

On November 30, 2023 City Staff was notified that our application for the grant program was approved at \$500,000.

Budget Issues:

This item will have no immediate effect on the budget.

Inclusive Community Engagement:

This item will support the community-driven development vision of the Opportunity Site, allowing for ongoing alignment with intended development goals.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Grant Details	7/14/2023	Backup Material
Award Letter	12/5/2023	Backup Material
Grant Application	12/5/2023	Backup Material
Resolution	12/5/2023	Resolution Letter

Transportation Economic Development Infrastructure (TEDI) Application

2023 Instructions and Application

Authorizing Legislation

Minn. Stat. 116J.436

Background/Purpose

The Transportation Economic Development Infrastructure (TEDI) program is created to foster interagency coordination between the Departments of Transportation and Employment and Economic Development to finance infrastructure to create economic development opportunities, jobs, and improve all types of transportation systems statewide.

Eligible Projects

Funds appropriated for the program must be used to fund predesign, design, acquisition of land, construction, reconstruction, and infrastructure improvements that will promote economic development, increase employment, and improve transportation systems to accommodate private investment and job creation.

Money in the program shall not be used on trunk highway improvements, but can be used for needed infrastructure improvements and nontrunk highway improvements in coordination with trunk highway improvement projects undertaken by the Department of Transportation.

Eligible Applicants

Eligible Applicants for the Transportation Economic Development Infrastructure (TEDI) Program are local units of government.

Types of Funding Available

DEED provides funds as a grant.

Application Deadline

September 22, 2023

Funds Available

TEDI - \$1,962,400

DEED has other public infrastructure grant programs such as the [Greater Minnesota Business Development Public Infrastructure \(BDPI\) program \(/deed/government/financial-assistance/business-funding/infrastructure/index.jsp\)](#) available through a separate application.

The Department of Transportation has additional funds available for trunk highway costs. Those funds and funding are coordinated with the TEDI program. The MnDOT Transportation Economic Development program (TED) funds are awarded through a separate application.

Maximum Award

There are no funding limits for proposals requesting funds from the TEDI Program. However, program funding must find appropriate geographical balance between the metropolitan area and greater Minnesota.

Match Requirement

There is no match requirement, however major components of scoring in the competitive process are the level of private investment and the leverage of nonstate funds. Applications with little or no leverage will likely be uncompetitive.

A local governmental unit's resolution certifying that the match being pledged in the application is in place is required. A sample resolution is attached.

Selection Criteria

The TEDI Program applications will be evaluated on the following criteria:

1. job creation (25 points)
2. increase in local tax base (20 points)
3. level of private investment (15 points)
4. leverage of nonstate funds (15 points)
5. improvement to the transportation system to serve the project area (25 points)
6. appropriate geographical balance between the metropolitan area and greater Minnesota (lower scoring applications can bump high scoring applications if DEED deems it necessary for geographic balance)

Please note, an application must receive a minimum of 50 points in order to be eligible for funding.

The most competitive applications are those that can demonstrate within their request the following:

- A strong, well-documented need and an effective solution. This would include documented financial costs, reasonable budgets, secured leverage resources;

- How the proposal addresses the goal of the application;
- Committed business(es), number of full-time jobs created or being created and their salaries;
- Project Readiness – will the project be started soon after DEED approval;
- Evidence that the Eligible Applicant is able to perform and complete the tasks stated within the application.

DEED Disbursement Requirements

When requesting payments, grantees can only request up to the percentage of funds that matches the percentage of TEDI funding in the project. Supporting documentation (including invoices and canceled checks) for all incurred costs (including the required match) must be included with each pay request in order for DEED to process payment. DEED will only reimburse for completed work that has been paid for by the grantee.

Time Table for Completion of Awards

Projects should be completed within three (3) years of execution of the funding agreement, unless an extension is requested by the awarded community in writing and approved by DEED. If the project has not proceeded in a timely manner (i.e., within six (6) months of scheduled construction start date), DEED has the authority to cancel the award.

Application Requirements/Time Table

Please submit an electronic application to DEED (/deed/assets/tedi-application_tcm1045-580035.docx), the approving authority.

The tentative schedule for selecting projects will be as follows:

- **June 15, 2023:** Solicitation announcement distributed
- **June 15 - September 22, 2023:** Applications prepared (DEED and MnDOT offer guidance)
- **July 10, 2023:** TED/TEDI informational session (see information below)
- **September 22, 2023:** Applications due to DEED for TEDI and MnDOT for TED
- **December 2023:** Projects selected and approved

Program/Application Informational Session

An informational session was held via Microsoft Teams

- Presentation (/deed/assets/2023-tedi-presentation_tcm1045-583937.pdf)

Reporting Requirements

DEED will provide each grantee with the necessary annual reporting documents. Reports must be provided to DEED upon request.

Application Submittal

Eligible applicants must email their application to Jeremy.lacroix@state.mn.us (<mailto:Jeremy.lacroix@state.mn.us>). Application format should meet the following requirements:

- One PDF file for application and attachments
- All pages in application should be 8.5" x 11"
- Maximum file size of under 5MB

Applications must be received by DEED by **4:00 pm on September 22, 2023**. You will receive an email confirmation that your application was received. If you do not receive a confirmation, you should assume the application was not received.

Contacts

Jeremy LaCroix

651-259-7457

jeremy.lacroix@state.mn.us (<mailto:jeremy.lacroix@state.mn.us>)

Patrick Armon

651-259-7457

partick.armon@state.mn.us (<mailto:partick.armon@state.mn.us>)

Application Instructions

Eligible Applicants may apply for assistance from the TEDI Grant Program using the TEDI Application if they have an Eligible Project.

DEED Community Finance staff, with the assistance of MnDOT staff, shall analyze all applications and base their funding decision on the information provided within each application. There may be instances when staff will require additional information prior to making a funding decision. The DEED Commissioner will provide final approval.

Please do not submit Program Concept and Application Instructions with your application.

Please answer all questions. Failure to do so will affect application scoring.

If the proposal submitted is not eligible for DEED's funding, DEED may recommend alternative funding resources.

EMPLOYMENT AND ECONOMIC DEVELOPMENT

November 30, 2023

The Honorable April Graves
Mayor, City of Brooklyn Center
5900 Shingle Creek Parkway
Brooklyn Center, MN 55430

Dear Mayor Graves:

I am pleased to inform you that the City of Brooklyn Center's application for the Transportation Economic Development Infrastructure (TEDI) Program grant has been approved in the amount of \$500,000. We are pleased to provide this financial assistance to the city for the Brooklyn Center Opportunity Site – Phase 1 Infrastructure Improvements project. All parties involved in the preparation of the city's application can be proud of this award.

DEED's Community Finance staff will follow up with details of your DEED funding award and will assist you and your staff in achieving your business and community development goals. Please note that a grant agreement needs to be executed before the project may begin.

For additional information, please contact Jeremy LaCroix at 651.259.7457 or by e-mail at jeremy.lacroix@state.mn.us.

Finally, let me extend my congratulations to you and your staff for developing an approach that will effectively address your business and community development needs.

Regards,



Matt Varilek
Commissioner

C: Senator Susan Pha
Representative Samantha Vang



Transportation Economic Development Infrastructure (TEDI) Program Application Cover Sheet

The Cover Sheet must be completed by all applicants requesting financial assistance.

Project Name:

**Project Address
Or Location:**

DEED TEDI Request	\$500,000	MN House District	MN-38B
Total Project Costs (not trunk highway)	\$6,900,800	MN Congressional District	MN-05

Applicant: City of Brooklyn Center	
Project Contact Person: Jesse Anderson	
Title: Community Development Director	Email address: janderson@brooklyncentermn.gov
Address: 6301 Shingle Creek Parkway	Phone: 763-569-3420
City: Brooklyn Center	MN, Zip Code: 55430
Minnesota Tax Identification Number: 8020866	
Federal Tax Identification Number: 41-6005011	

Are trunk highway funds being requested for a correlated trunk highway project through the Minnesota Department of Transportation (MnDOT) Transportation Economic Development (TED) Program?



Transportation Economic Development Infrastructure (TEDI) Program Application

Project Summary

The 80-acre Opportunity Site redevelopment area is the most significant development opportunity within the City of Brooklyn Center. Following three years of engagement, visioning, and design, new comprehensive public infrastructure is needed to realize the future vision of a new downtown that benefits residents and businesses of today, and tomorrow. Encompassing a new multimodal roadway and semi-regional stormwater system ponds, Phase 1 of the Opportunity Site's public infrastructure is critical to anchor and support both immediate and future development. Due to a lack of and/or insufficient existing infrastructure, without Phase 1 Infrastructure elements, the community-driven vision for the Opportunity Site becomes effectively infeasible.

TEDI funding is being requested for the construction costs of a new multimodal roadway – referred to as the "Parkway" – necessary to establish foundational transportation infrastructure for both the adjacent 15-acre Phase 1 private development, and the surrounding Opportunity Site as a whole. This first portion of the Parkway will be an approximately 1,800-foot segment (0.35 miles) of a new multimodal roadway, to include sidewalks, a shared-use trail, and generous landscaped boulevards. The Parkway will offer direct access to Phase 1 while establishing the central multimodal "spine" to the broader Opportunity Site. Other Phase 1 public infrastructure also includes stormwater ponding as part of a semi-regional stormwater management system, to sufficiently manage the stormwater needs of 60% of the Opportunity Site. The ponding area is designed for improved aesthetic quality to serve a dual function as a recreational amenity. Working in tandem, the Parkway will offer connectivity of people, while the stormwater ponds offer a visible connectivity of water.

The proposed public infrastructure is essential to capture near-term private development of Phase 1 and to leverage the interest and investment of future developers within the Opportunity Site. Within Phase 1 of the Opportunity Site, approximately 770 mixed income dwelling units are planned along with a 26,500-square-foot conference center and a 20,000-square-foot business incubator. These residential, community, and commercial spaces will provide for and support built-in amenities, a skilled workforce, and a consumer market for new businesses looking to develop in Brooklyn Center. A robust public realm with the infrastructure described here is critical to establishing Phase 1 as its own complete neighborhood and catalyzing development across other areas in the Opportunity Site. TEDI funds are being sought for the construction of these facilities.

This project is not feasible without public funding from the TEDI Program. For our development partners—both for-profit and non-profit entities, interest rates have risen significantly, making it more difficult to achieve favorable financing. Additionally, construction costs have risen by 30-50 percent for a range of items and services critical for development. Under these conditions, development partners have a diminishing capacity to contribute to financing the design and construction of new public infrastructure. While the City of Brooklyn Center and its partners continue to pursue financing and are close to achieving sufficient funds, the awarding of grant funding will significantly aid in realizing the transformative development, public realm, and infrastructure goals of the project despite the currently unfavorable lending and construction markets.



Job Creation

Phase 1 of the Brooklyn Center Opportunity Site will include the Entrepreneurship Market Plaza (EMP) business incubator—a community-envisioned, vibrant marketplace being designed to provide space and resources, particularly for BIPOC, women, and immigrant-owned businesses with an opportunity for the broader community to discover and support these businesses. Brooklyn Center is the most diverse city in Minnesota, with over 60% of residents being from BIPOC communities, and more than 100 languages spoken by its residents. In addition to the historic economic and social inequities experienced by these groups, the COVID-19 pandemic hit these communities hardest – in May 2022 Brooklyn Center had the 2nd highest COVID case and mortality rate in Hennepin County. The historic lack of access to capital, jobs that can be done remotely, and high rates of preexisting conditions led to increased risk factors and disparities throughout the pandemic.

Further, amid the pandemic, the Twin Cities, and Brooklyn Center specifically, were forced to navigate two high profile killings of black men by police. The second of these occurred in Brooklyn Center with the killing of Daunte Wright. The subsequent regional and local unrest, paired with generational community racial trauma, has furthered an avalanche of disproportionate impacts on the City and its residents that existed well beyond the pandemic.

Recognizing all this, a foundational goal of the EMP is to provide an inclusive, high-quality space, particularly for BIPOC-, women-, and immigrant-owned businesses, while creating a representational market space for customers to experience. The market style business center will allow customers to experience an ethnically diverse space designed to elevate and celebrate the cultural tapestry of the City. The indoor/outdoor EMP plaza and outdoor elements will also provide unique spaces to blend the retail experiences, presenting a much-needed community amenity place in which to gather and celebrate. The site and attendant programming will create economic opportunities for entrepreneurs to seed their businesses in an environment that is progressive and sustainable, with access to shared technical assistance services from culturally competent, professional advisors. It is estimated that the EMP will result in 20-30 new businesses and as many as 113 new employment opportunities for Brooklyn Center residents.

The EMP cannot function without the proposed transportation or stormwater infrastructure improvements. The 1,800-foot Parkway, included as part of this application, will provide direct access to the EMP and the anticipated 20-30 small businesses that will reside in it. In addition to vehicle access, the Parkway will provide safe and accessible connections to future businesses for those walking, biking, and rolling into and within the Opportunity Site. The Parkway will include sidewalks, a shared-use trail, a generous planted landscape with pedestrian-scale lighting, and ADA-compliant facilities. Without the proposed infrastructure improvements, patrons and potential customers would not be able to access the EMP, delaying and potentially eliminating private investment in EMP, Phase 1, and the Opportunity Site.

Informed by data collected during COVID impact relief efforts and NAICS industry data, the EMP will focus on providing entrepreneurial support services for businesses with high rates of local BIPOC ownership, and who were hit hardest during the COVID pandemic: retail trade; professional, scientific, and technical services; and healthcare and social assistance. The mission of the EMP is to provide a unique local business ecosystem that fosters a cultural experience that is innovative, supportive, and inclusive to the communities that call the City home.

City of Brooklyn Center
Opportunity Site – Phase 1 Improvements
Transportation Economic Development Infrastructure (TEDI) Grant



The EMP will serve two key audiences. The first is the approximately 20-30 local micro and small tenant businesses that will be provided business support and/or physical space, at any one time. Towards this end, programming and support services will be tailored towards diverse cultures, and the EMP will result in both new and relocated jobs.

The second audience the EMP will support is visiting customers who will purchase and experience the goods, foods, services, and events provided by businesses residing in the EMP. Many of these customers lack a place to purchase goods and services from businesses that look like them, speak their language, or share their culture. In addition to customers traveling from the City and surrounding region, the Phase 1 development of which the EMP is centrally located will bring over 700 residential units no further than 1000 ft from the EMP itself. As subsequent development occurs across the remaining acres of the Opportunity Site, more residential and workforce development is anticipated to bring more potential customers to the EMP and its business clients. Further, critical design and programming elements of the EMP are public-facing retail spaces that can "spill out" into a conjoined outdoor plaza and street, each designed to host year-round entrepreneurial events such as pop-up markets.

Future EMP job estimates, displayed in **Table A – Job Creation Data**, were conservatively assumed, with each of the anticipated 30 full-capacity tenants creating 1.5 Full-Time Equivalent (FTE) jobs. Those tenant count breakdowns were estimated in relation to the percent square footage delineations between each listed use; 30% Office, 30% Social Assistance, and 40% Retail. For Office and Social Assistance tenants, .5 FTEs were estimated per original tenant. For Retail- based tenants, 2.5 FTEs were estimated per original tenant. Project partners are confident that the future EMP will bring at least 20 small businesses to the Brooklyn Center Opportunity Site. These businesses, and the employment opportunities created by the businesses, are anticipated to locate and begin EMP operations in 2026. In addition to the 20-30 small businesses, the EMP will employ approximately eight full-time management staff at any given time. Management staff is necessary for the operational functionality of the EMP, and business incubation support.

Phase 1 of the Opportunity Site will also include a 26,500-square-foot Event Center. This community-oriented facility will include counseling services (2 FTEs), a barber shop (4 FTEs), and a 24-hour childcare center (6 FTEs). Professional management staff (4 FTEs) will also be necessary in the operation of the Event Center.

TABLE A – JOB CREATION DATA

Company	# of Jobs (FTEs) in 2021	# of Jobs (FTEs) by 2026	# of Jobs (FTEs) long-term	Types of Positions added	Avg. Wages	Building & Equipment Cost	Building & Equipment Completion Timing
Local micro and small tenant businesses (EMP)	30	89	89	Office, Social Assistance, and Retail	\$25/hour	<i>The EMP cost and operations are financed as part of an attached market rate apartment and surrounding private</i>	Jan. 2025
Management Staff (EMP)	0	8	8	Office	\$30/hour		Jan. 2025

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						<i>infrastructure. Total costs for the projects are currently estimated at \$88,800,000. Conference</i>	
Management Staff (Conference Center)	0	4	4	Office	\$30/hour	\$11,800,000	Jan. 2025
Therapy Staff (Conference Center)	0	2	2	Social Services	\$45/hour		Jan. 2025
Barber Shop (Conference Center)	0	4	4	Retail	\$20/hour		Jan. 2025
Childcare Center (Conference Center)	0	6	6	Education	\$20/hour		Jan. 2025
TOTALS	26	89	89				

Improvement to the Transportation System to Serve the Project Area

Today, the footprint of Phase 1 of the Opportunity Site includes little more than the remnant of a parking lot. There is minimal building development, one 8,000-square-foot restaurant is the sole occupant of the site, and no pedestrian or bicycle facilities present throughout the Phase 1 site. The planned Parkway and private internal roadways, sidewalks, and pedestrian paths will introduce the first multimodal facilities to the Opportunity Site, creating a significant anchor within the larger bike/pedestrian network. This network will provide safe, efficient access to daily needs within walking/biking distance and comfortable first/last mile connections from adjacent transit infrastructure for residents and visitors of all ages and abilities.

The southern half of the Opportunity Site, which includes Phase 1, has been rezoned as a Transit Oriented Development (TOD) district, allowing for a mix of uses, residential densities of up to 130 units/acre, parking maximums, pedestrian-oriented frontage requirements, and incentives to establish shared parking and connections to transit. The public infrastructure package for the Opportunity Site is designed accordingly.

The Parkway design includes features that align with expressed community goals and the intention of the TOD zoning district described above. These include generous 10-foot boulevards, elevated pedestrian and bicycle crossings at intersections, intersection bump outs, grade-separated shared use paths, and on-street parking to slow vehicle speeds and promote business access. With a focus on attractive, safe, and comfortable facilities, careful attention is given to unique streetscape and public plaza elements. These will elevate the public and private realms and establish the Opportunity Site as a destination unique to Brooklyn Center. The design also encourages pedestrian activity, interaction, and connectivity to the adjacent Shingle Creek Regional Trail, nearby shopping areas, and the Brooklyn Center Transit Station. The stormwater ponds, while principally a utility feature, are designed with public-facing amenities such as recreational walking paths that connect to the Parkway, and private Phase 1 development.

As a transit-oriented community, the Opportunity Site will rely heavily on public infrastructure that encourages walking, rolling, and biking and provides access to transit. The Brooklyn Center Transit Center, located less than ½ mile from the center of Phase 1 (less than ¼ mile from the nearest property lines), provides daily access to eleven local, express, and rush hour bus routes, and the C Line and D Line bus

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rapid transit (BRT). Additionally, Phase 1 infrastructure will provide multimodal access to local transit service along Bass Lake Rd to the south, and Shingle Creek Parkway to the west.

As interior development occurs for the Opportunity Site, the City intends to coordinate with Metro Transit to explore future route adjustments that will provide interior transit access. To accommodate possible future shelter and stop elements, the 10-foot boulevards along the Parkway are transit-ready with sufficient area for local bus shelters, per Metro Transit guidelines.

The Opportunity Site will have multiple access points to the existing roadway network. A Traffic and Transportation Analysis was prepared by Bolton & Menk in 2020 and was utilized for the Opportunity Site Master Plan and Phase 1 area EAW. No adverse disruption to area traffic operations is expected with Phase 1. The Traffic and Transportation Analysis report presented trip generation estimates for the Brooklyn Center Opportunity Site Phase 1. These are provided below:

- AM trip peaks totaling 231 entering and 332 exiting, and
- PM peaking at 304 trips entering and 293 trips exiting), and
- Total weekday trips totaling 2587 entering and 2587 exiting).

Increase in Local Tax Base

Phase 1 of the Brooklyn Center Opportunity Site will include 770 units of market rate and affordable housing, the EMP, and 20,000 square feet of commercial space. **This is estimated to result in a 2,230% tax increase for the 15-acre Phase 1 area, by 2028.** The table provided below is based on existing and proposed conditions in the Brooklyn Center Opportunity Site. Please see the application attachments for the County Assessor letter supporting the table below.

TABLE B – PROPERTY VALUATION AND TAX IMPACT RESULTING FROM PHASE 1 OF THE BROOKLYN CENTER OPPORTUNITY SITE DEVELOPMENT

Total Market Value Redevelopment Area	\$7,885,880
New Development Market Value	\$172,698,270
Percent Increase of Market Value	2,090%
Total Tax Capacity of Redevelopment Area	\$74,493
Tax Capacity of New Development	\$1,735,663
Percent Increase in Tax Capacity	2,230%
Total City Property Tax of Redevelopment Area	\$41,693
Total City Property Tax from New Development	\$971,433
Percent Increase in Property Tax	2,230%

Private Investment

In 2019, the City began the process of re-envisioning the future of the Opportunity Site. Since then, the City has partnered with several organizations, including Alatus LLC, Ehlers Financial Advisory Firm, and Bolton & Menk, Inc. to develop a master plan and infrastructure framework (adopted by City Council in July 2021), conduct comprehensive public engagement, and coordinate with interested developers toward realizing the City's vision.

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The site is currently owned by the City of Brooklyn Center EDA; however, in March 2018 the City approved a Preliminary Development Agreement with Alatus for their 15-acre site, with subsequent amendments to formally include Project for Pride in Living (PPL) and Resurrecting Faith World Ministries (RFWM) in the Preliminary Development Agreement. In August 2022, the development team received approval from the City of Brooklyn Center City Council for the proposed Phase I development. A Term Sheet was approved for the Phase I development in September 2022, and a Purchase and Development Agreement is currently in negotiations.

The scale, complexity, and ambition of this project require multiple partners – ranging from input from local small BIPOC businesses to investment by large institutional partners. Hennepin County has already been involved in other elements of the broader project, including funding for infrastructure and the public realm. In 2019 and 2023, Hennepin County awarded the City a total of \$995,000 in grant funding for the development of transportation and stormwater infrastructure in the Opportunity Site. The EMP project can leverage this further to support broader community benefits within one of the most diverse and disadvantaged areas within the county.

After the initial investment to implement infrastructure improvements to Phase I of the Brooklyn Center Opportunity Site, the City anticipates developer investment that will contribute to future infrastructure needs, such as additional roadways, streetscape improvements, landscaping, and pedestrian and bicycle facilities. It is also estimated that completion of the proposed project will result in a mix of uses and over \$250M invested by the private industries in building construction.

Leverage of Nonstate Funds

The City of Brooklyn Center has committed \$30.2 million in Tax Increment Financing (TIF) proceeds for the development of the Opportunity Site Phase 1 site. The City has also aggressively pursued state and non-state funding throughout the past four years. To date, the City has been successful in securing four non-state grants. The City was awarded two Hennepin County Transit-Oriented Development (TOD) Grants in 2019 for \$595,000 and in 2023 for \$400,000. The 2019 grant is expected to be expended by the end of 2023. Brooklyn Center also received \$1,500,000 in Met Council Livable Community Development Account (LCDA) grants which will be completed in Q3 of 2025 and \$750,000 in Hennepin County Community Investment Initiative (CII) grants.

As demonstrated in the Brooklyn Center City Council resolution, the City of Brooklyn Center is prepared to meet the required federal match to fill the remaining \$5.5 million funding gap. The match will be funded with a combination of committed grants funds, and city bonding. The City of Brooklyn Center is committed to filling this gap with nonstate funds.

Project Budget

Great care has been taken to reaffirm the project's cost-effectiveness, while maximizing the potential of the infrastructure to contribute to all realms of community life, including connectivity, aesthetics, health, safety, and sustainability. To that end, the design of this project includes the full project cost estimates provided below.



TABLE C – NON-TRUNK HIGHWAY PROJECT BUDGET

Phase 1 Public Infrastructure Costs	Amount	Source	Committed
Parkway Roadway and Streetscape	\$2,820,000	City Bonding Commitment, Requested TEDI Grant	Yes (bonding)
Utility Removal and Replace (sanitary, storm, water)	\$1,310,000	City Bonding Commitment, Requested TEDI Grant	Yes (bonding)
Semi-regional Stormwater Pond system	\$2,070,000	City Bonding Commitment	Yes
TOTAL	\$6,200,000		

Evidence of Community Support/Permitting

Community Engagement

Engagement and planning of the Entrepreneurship Market Plaza (“EMP”) unknowingly began when the community was participating in station area planning associated with the METRO Blue Line Extension Light Rail Transit. During those meetings community organizations, residents, and businesses identified the need to develop an ethnic market for the City of Brooklyn Center to address inequities of BIPOC business support and growth. In 2019 the City initiated visioning sessions around the Opportunity Site Master Plan, with the parallel goal of addressing this needed business support.

Both the Opportunity Site and Phase 1 have since been guided by a four-year, multi-phased engagement effort. The scale and reach of engagement on this project have exceeded that of any past effort in the City’s history. From the beginning, the City and its partners intended to support this vision through an in-depth, inclusive process that connected with diverse groups and views across the City. The engagement approach was guided by a series of city-wide principles including authenticity, transparency, and trust building.

The City and its partners facilitated three phases of engagement:

- 1) **Spring 2019 – Spring 2020:** The initial phase of engagement centered on creating a foundation for the goals and priorities of the Opportunity Site by identifying community existing conditions, concerns, opportunities, and desired development benefits. This phase included more than 1000 direct engagements related to the Opportunity Site Master Plan goals, principles, and vision via four facilitated stakeholder workshops, several event pop-ups, the establishment of a multicultural advisory committee, a podcast, open houses, social media, online survey, use of local student liaisons, and updates to city leadership.
- 2) **Spring 2020 – Winter 2021:** The second phase of engagement unveiled and vetted the draft Master Plan to ensure it aligned with community desires and sought to proactively mitigate unintended consequences of future development. A series of community-convened, city-convened, and community-organization convened meetings, use of a custom-made “meeting in

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a box” toolkit for public-facilitate meetings, open houses, social media, online and paper surveys, interactive online maps, and updates to city leadership. Each sought to vet the Master Plan alignment with community desires and proactively mitigate unintended consequences of future development.

- 3) **Winter 2021 – Summer 2022:** The third engagement phase pivoted from the Master Plan to specific development projects, specifically the Phase 1 Development Site and the Entrepreneurial Marketplace (“EMP”). Unlike the prior two phases, this engagement phase was rooted in a community-based participatory engagement approach, in which eight local organizations facilitated outreach within their respective communities. Each organization self-determined how they should conduct outreach to be more responsive to the needs and expectations of their community members. Through this third phase, the design and program of the Entrepreneurial Market Place started to take shape and is expected to be entitled in the Spring or Summer of 2023.

Specific to the EMP, Juxtaposition Arts was hired in 2020 to conduct arts-based outreach related to a future small business marketplace to be incorporated with the Alatus Site. The youth-based team installed a series of sculptures at the future development site and collected over 200 survey responses asking about the need for a future market, desired programming, and design ideas. A supportive online open house was also hosted to discuss public safety, culturally sensitive entrepreneurial spaces, and preliminary design ideas.

Progressing these ideas, in 2020 a feasibility study was commissioned by the City to examine the viability and operational strategies for a small business incubator. The project team engaged nine partner entities, led by ACER and NEOO Partners, who facilitated outreach and engagement efforts towards developing the vision, purpose, and brand voice for the market while conducting research and analysis on potential clients for the EMP. Their efforts included market analysis, comparative research, and targeted stakeholder outreach.

To complete the EMP design and programming details, in late 2021 an architect firm was hired by the development team to develop a task force towards guiding the final design effort of the EMP. The architect team has since completed meetings with the task force and has begun its architectural design process. The architect intends to utilize the task force in a review manner throughout the design process.

Permitting

The 80-acre Opportunity Site was initially envisioned as a transit-oriented development district in the City’s 2040 Comprehensive Plan with zoning guidance being developed to support this vision. This guidance was affirmed in 2021 by a City Council resolution and codified in 2022 through the adoption of a citywide zoning code update.

Since the start of this re-envisioning process, the Phase 1 private development team has partnered with the City to support the planning process and pursue development within the Opportunity Site. In 2021, the development team commissioned an Environmental Assessment Worksheet (EAW) for their 15-acre Phase 1 development site. The EAW was officially approved by the City in June 2022, and it was determined that no Environmental Impact Statement would be needed.

City of Brooklyn Center
Opportunity Site – Phase 1 Improvements
Transportation Economic Development Infrastructure (TEDI) Grant



The following is a summary of Cumulative Potential Effects for the development as identified in the EAW. A full copy of the EAW can be found here: <https://clients.bolton-menk.com/brooklyncenter2019/wp-content/uploads/sites/61/2022/04/Brooklyn-Center-Opportunity-Site-Alatus-EAW.pdf>.

- Full site development, including the EMP, will increase infiltration at the site, mitigating stormwater runoff and contaminants;
- There are minimal-to-no flood risks in the area, and flooding is not anticipated to be a concern even accounting for climate change;
- The adjacent Shingle Creek is identified as an impaired Water; however, the Parkway and EMP will be connected to a planned regional stormwater system which will aid in addressing water quality conditions;

In March 2022, the City Council authorized a Preliminary Development Agreement for the 15-acre Phase 1 area to be developed as a TOD mixed-use site. In August 2022 the development team’s entitlement and land use applications for their site development were approved by the City Council. In September 2022 a Preliminary Development Agreement was also approved, and a final Development Agreement and TIF note agreement are currently in negotiation while final financing and design are completed.

At this time, Phase 1 of the Opportunity Site is appropriately zoned to accommodate the development and infrastructure described in this application. In January 2023, the City adopted comprehensive updates to both its zoning code and zoning map. The public infrastructure package for the Opportunity Site is designed accordingly.

Project Timetable

TABLE D – PROJECT TIMETABLE

Activity	Start (mm/yy)	Finish (mm/yy)
Initial Engineering	01/2023	06/2024
Easements Acquired	N/A	
Resolution Approved	09/2022	06/2024
Declaration for Public Property	N/A	
Permits Acquired	06/2024	09/2024
Project Specifications	01/2023	06/2024
Bidding	09/2024	10/2024
Project Construction	10/2024	12/2025

Member Jerzak introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-77

RESOLUTION APPROVING AUTHORIZING A TRANSPORTATION ECONOMIC DEVELOPMENT INFRASTRUCTURE (TEDI) PROGRAM APPLICATION

WHEREAS, the Transportation Economic Development Infrastructure (TEDI) program was created to finance infrastructure to enhance economic development opportunities, create jobs, and improve all types of transportation systems statewide; and

WHEREAS, the City of Brooklyn Center will submit an application to the TEDI program to fund infrastructure improvements to Phase 1 of the 80 Opportunity Site, which is the most significant development opportunity within the City of Brooklyn Center; and

WHEREAS, Phase 1 will establish the preliminary, foundational transportation and stormwater infrastructure, and include an approximately 1800ft new multimodal roadway, referred to as the "Parkway", which includes sidewalks, shared use trail, and boulevard; and

WHEREAS, Phase 1 public infrastructure is critical to anchor and support both immediate and future development. Due to a lack of and/or insufficient existing infrastructure, without Phase 1 infrastructure elements, the community-driven vision for the Opportunity Site because effectively infeasible.

WHEREAS, that, the City of Brooklyn Center, has established a TIF district to support Phase 1 redevelopment, and that the City has committed to being a fiscal partner and supporter of the Phase 1 redevelopment project.

WHEREAS, that the City of Brooklyn Center has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance, and replacement of the proposed project for its design life.

WHEREAS, that the City of Brooklyn Center has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest, or other unlawful or corrupt practice.

NOW, THEREFORE, BE IT RESOLVED that, after appropriate examination and due consideration, the governing body of the City:

1. That upon approval of its application by the state, the City of Brooklyn Center may enter into an agreement with the State of Minnesota for the above-referenced project, and that it will comply with all applicable laws and regulations as stated in all contract agreements, that the City of Brooklyn Center will repay the grant if milestones are not realized by the completion date identified in the Application.
2. Authorizes the City Manager to act as the legal sponsor for the project contained in the TEDI Program Application to be submitted on September 22, 2023, and that the City Manager is hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Brooklyn Center, and is hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project(s) on behalf of the applicant.

RESOLUTION NO. 2023-77

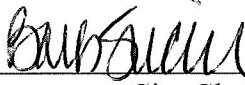
July 24, 2021

Date



Mayor

ATTEST:



City Clerk

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

Butler

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

Butler, Graves, Jerzak, Kragness, Lawrence-Anderson

and the following voted against the same: None

whereupon said resolution was declared duly passed and adopted.

Conflict of Interest Disclosure Form

This form gives applicants and grantees an opportunity to disclose any actual or potential conflicts of interest that may exist when receiving a grant. It is the applicant/grantee's obligation to be familiar with the Office of Grants Management (OGM) Policy 08-01, Conflict of Interest Policy for State Grant-Making and to disclose any conflicts of interest accordingly.

All grant applicants must complete and sign a conflict of interest disclosure form.

☒ I or my grant organization do NOT have an ACTUAL or POTENTIAL conflict of interest.

If at any time after submission of this form, I or my grant organization discover any conflict of interest(s), I or my grant organization will disclose that conflict immediately to the appropriate agency or grant program personnel.

☐ I or my grant organization have an ACTUAL or POTENTIAL conflict of interest. (*Please describe below*):

If at any time after submission of this form, I or my grant organization discover any additional conflict of interest(s), I or my grant organization will disclose that conflict immediately to the appropriate agency or grant program personnel.

Printed Name of Mayor: April Graves

Signature: April Graves

Name of City/County: Brooklyn Center, MN

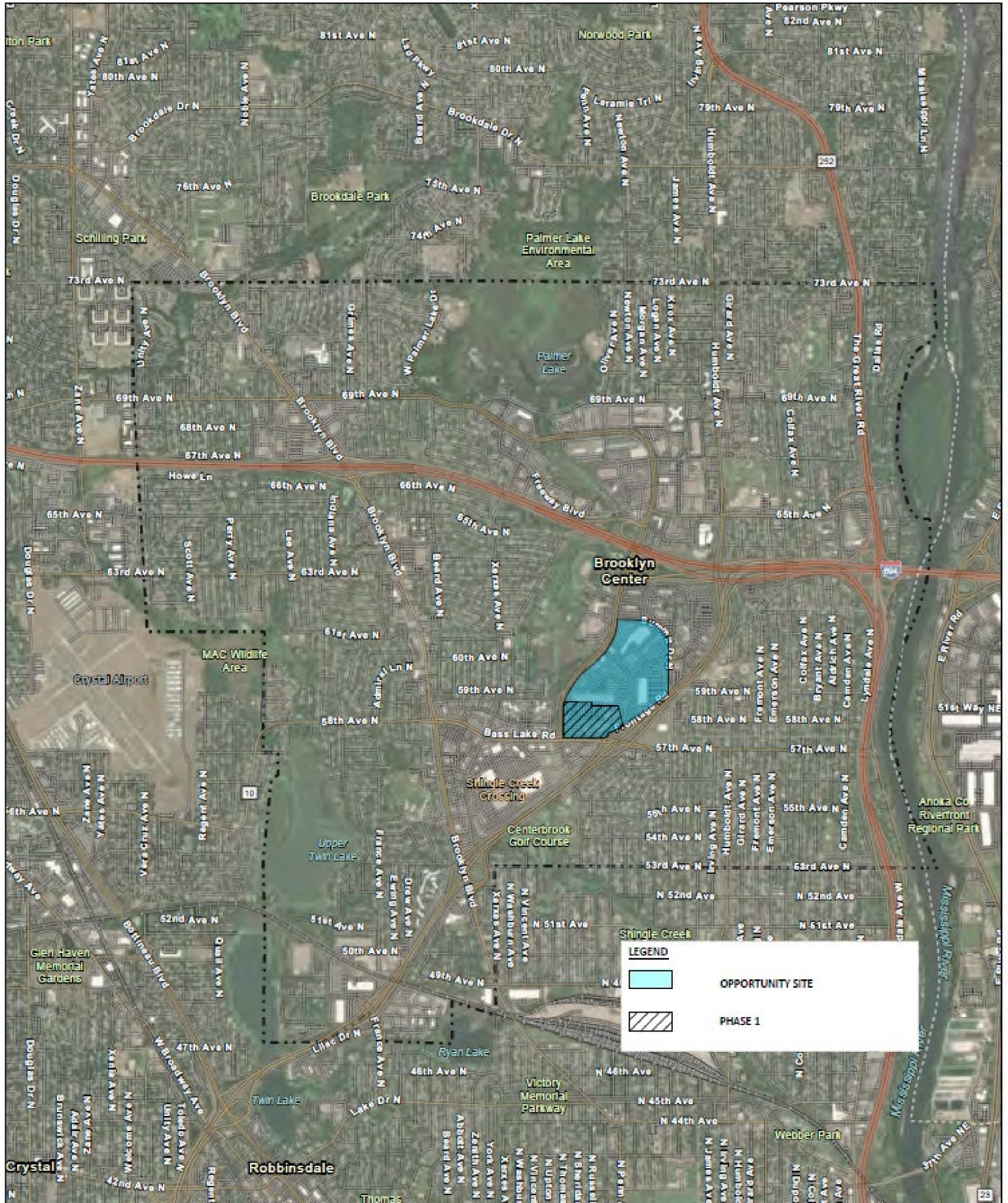
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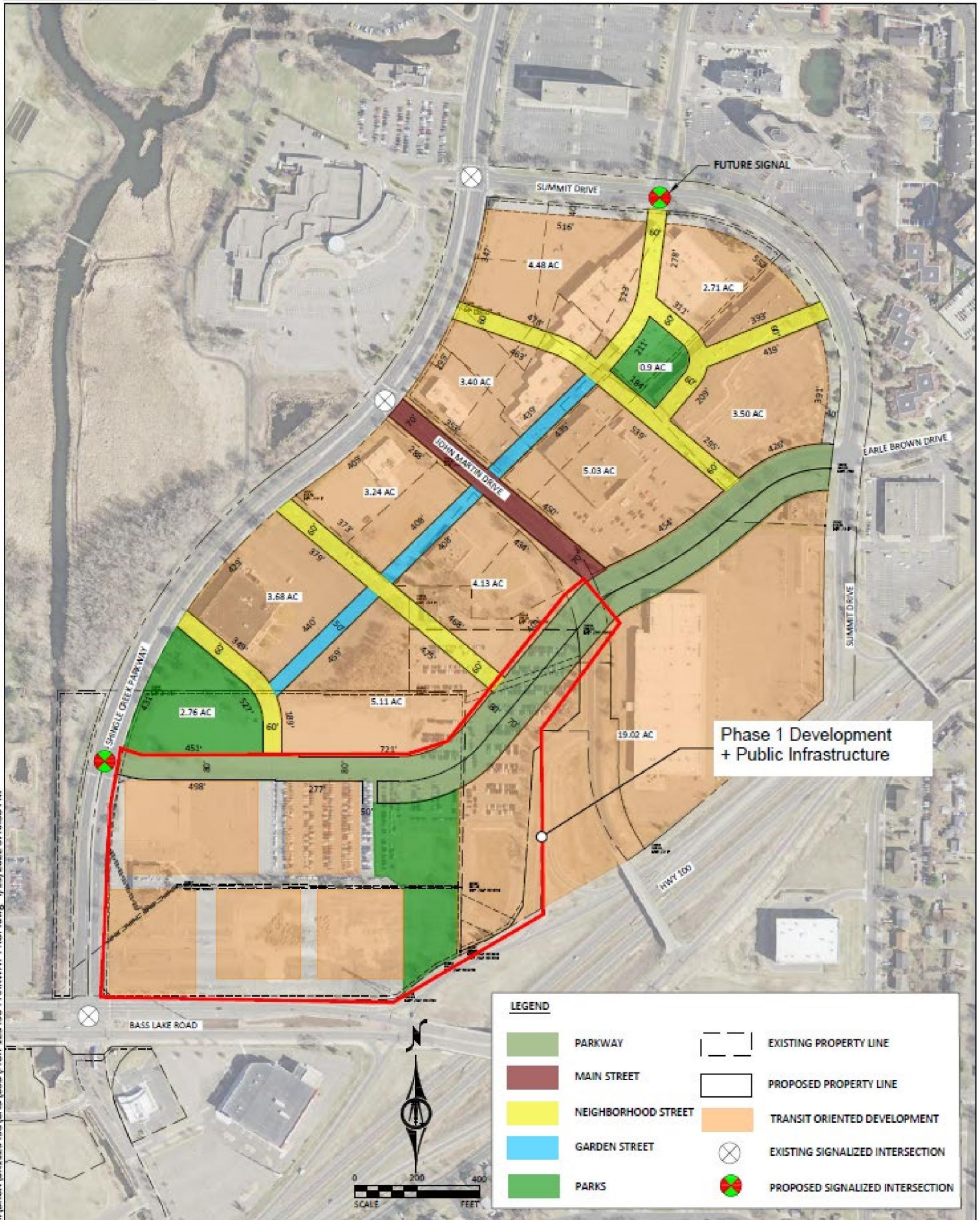


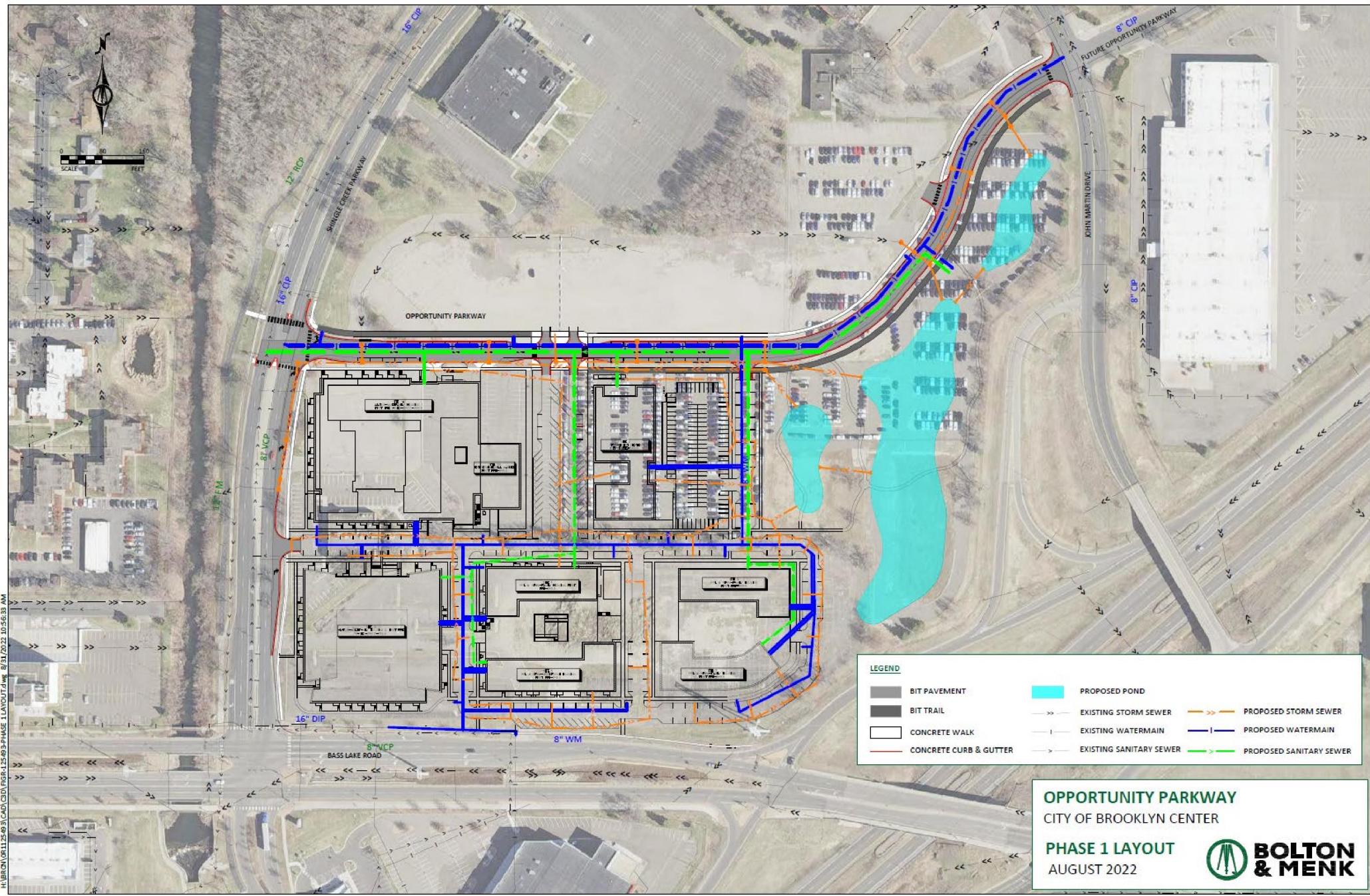
OPPORTUNITY SITE
CITY OF BROOKLYN CENTER

FIGURE 1
LOCATION MAP

APRIL 2022





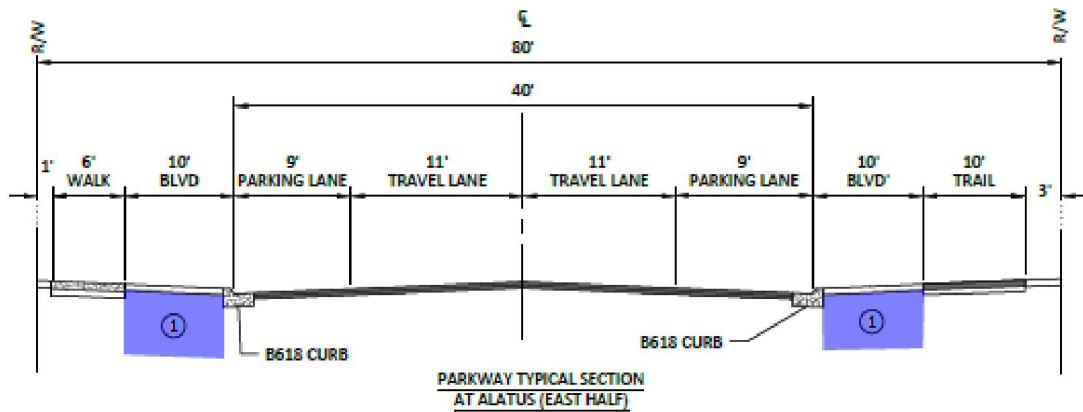
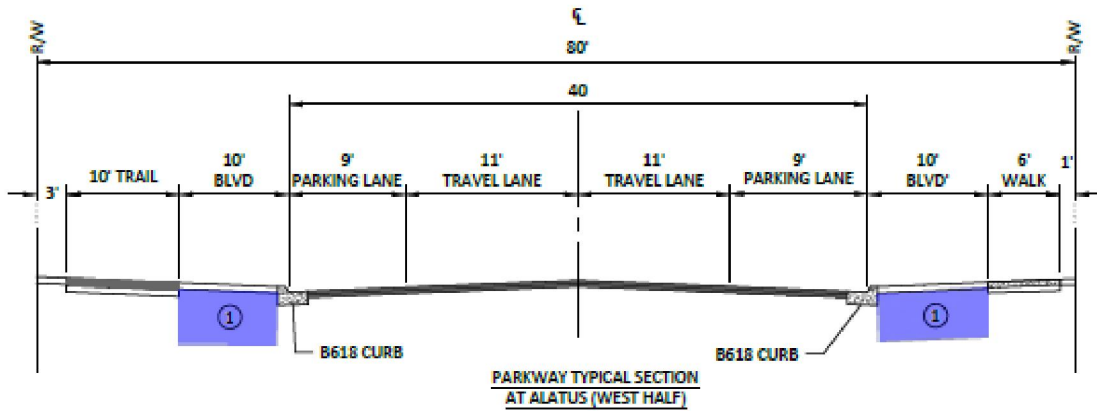


LEGEND			
	BIT PAVEMENT		PROPOSED POND
	BIT TRAIL		PROPOSED STORM SEWER
	CONCRETE WALK		PROPOSED WATERMAIN
	CONCRETE CURB & GUTTER		PROPOSED SANITARY SEWER
	EXISTING STORM SEWER		EXISTING WATERMAIN
	EXISTING SANITARY SEWER		

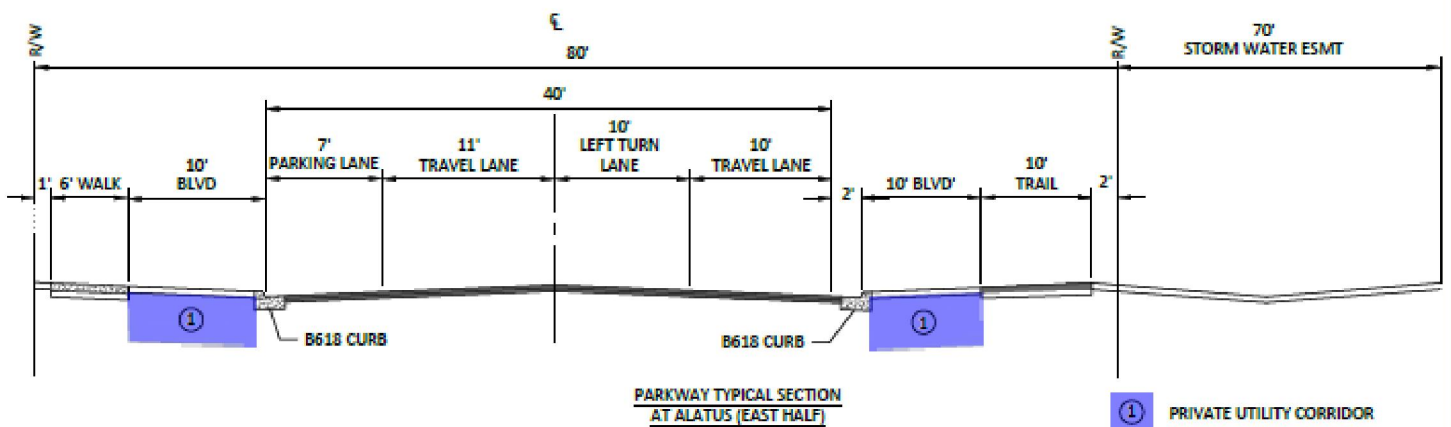
OPPORTUNITY PARKWAY
CITY OF BROOKLYN CENTER

PHASE 1 LAYOUT
AUGUST 2022

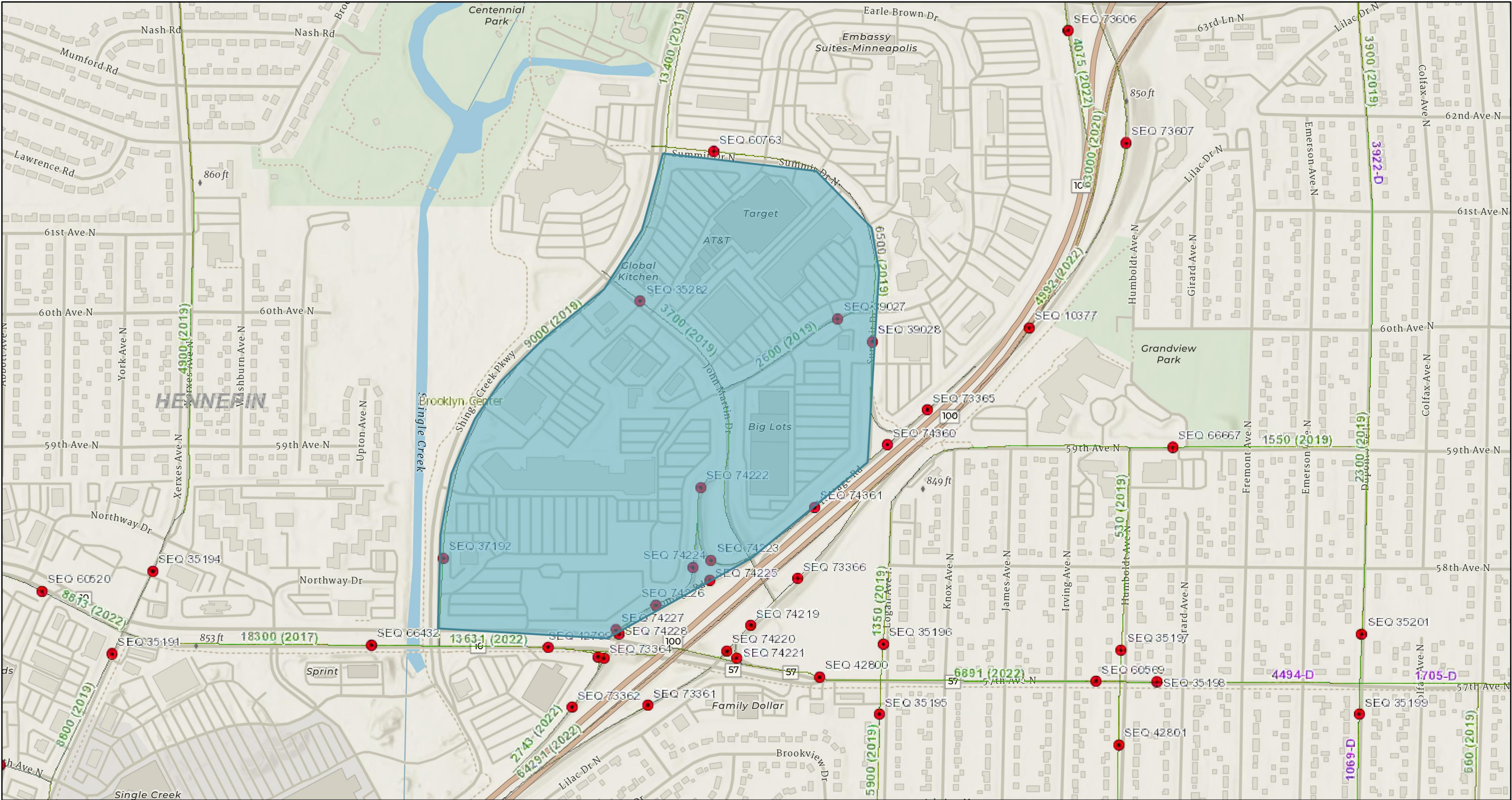
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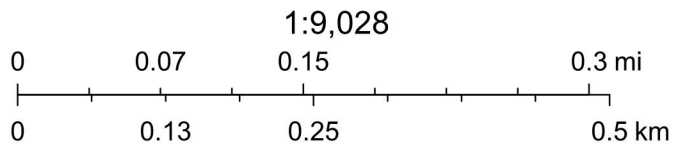


ArcGIS Web Map

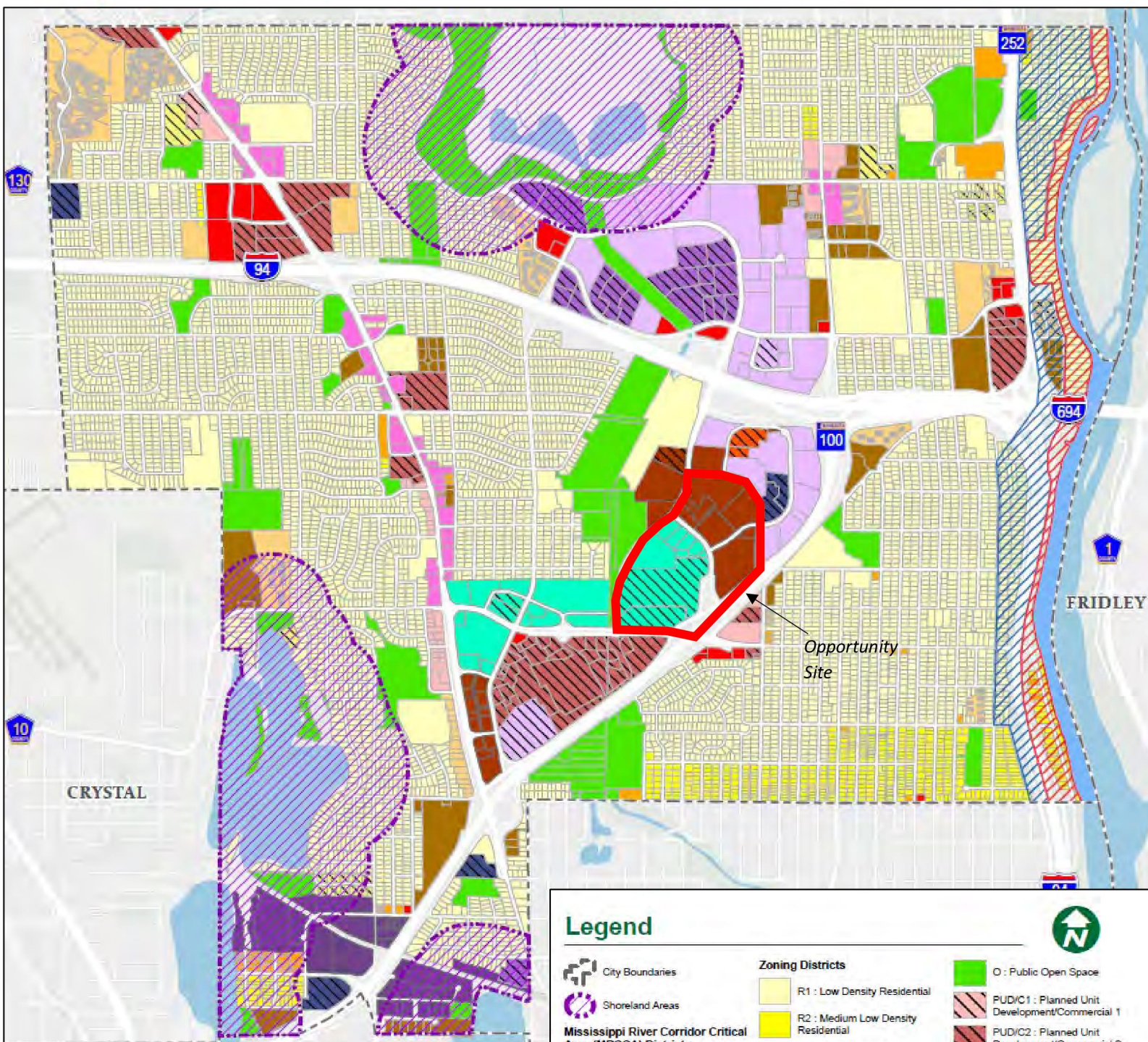


8/22/2023, 2:12:00 PM

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|--|--|--|
|  Counties |  Traffic Count Locations (Active) |  Inactive |
| City Labels | Automatic Traffic Recorder | Weigh in Motion |
|  Draft AADT |  ATR Volume |  Active |
|  Official AADT |  ATR Volume, Speed, Class |  Inactive |
| |  ATR Volume, Speed, Length | |



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Legend

City Boundaries

Shoreland Areas

Mississippi River Corridor Critical Area (MRCCA) Districts

District Description (District Code)

River Neighborhood District (CA-RN)

Separated from River District (CA-SR)

Water

Zoning Districts

- R1 : Low Density Residential
- R2 : Medium Low Density Residential
- R3 : Medium Density Residential
- R4 : Medium High Density Residential
- R5 : High Density Residential
- MX-N1 : Neighborhood Mixed-Use
- MX-N2 : Neighborhood Mixed-Use
- MX-B : Business Mixed Use
- I : General Industrial
- MX-C : Commercial Mixed-Use
- C : Commerce - Service/Office
- TOD : Transit Oriented Development

O : Public Open Space

PUD/C1 : Planned Unit Development/Commercial 1

PUD/C2 : Planned Unit Development/Commercial 2

PUD/C1A : Planned Unit Development/Office-Service

PUD/I1 : Planned Unit Development/Industrial 1

PUD/R1 : Planned Unit Development/Residential 1

PUD/R3 : Planned Unit Development/Residential 3

PUD/MX-C : Planned Unit Development/Commercial Mixed-Use

PUD/MX-B : Planned Unit Development/Business Mixed Use

PUD/MIXED : Planned Unit Development/Mixed

PUD/TOD : Planned Unit Development/Transit Oriented Development



September 12, 2023

Attn: Jeremy LaCroix
Minnesota Department of Employment & Economic Development
332 Minnesota St, Suite E200
St Paul, MN 55101

RE: Property Valuation for Transportation Economic Development Infrastructure (TEDI) Funding –
City of Brooklyn Center Opportunity Site, Phase 1

Dear Mr. LaCroix,

The purpose of this letter is to confirm the projected tax base increase from the Brooklyn Center Opportunity Site Project – Phase 1. Based on consultation with Hennepin County Assessors about anticipated assessed project value, Ehlers estimates that Phase 1 of the Opportunity Site will increase the Brooklyn Center tax base by 2,230% by 2028. Below is a table detailing the expected changes.

Total Market Value Redevelopment Area*	\$7,885,880
New Development Market Value	\$172,698,270
Percent Increase of Market Value	2,090%

Total Tax Capacity of Redevelopment Area*	\$74,493
Tax Capacity of New Development	\$1,735,663
Percent Increase in Tax Capacity	2,230%

Total City Property Tax of Redevelopment Area*	\$41,693
Total City Property Tax from New Development	\$971,433
Percent Increase in Property Tax	2,230%

*Property within the Opportunity Site – Phase 1 is currently exempt and has no value or tax capacity. This analysis assumes the exempt land is valued at market rate.

Transportation Economic Development Infrastructure (TEDI) Funding will allow the City of Brooklyn Center to construct foundational transportation and stormwater infrastructure for Phase 1 of the Opportunity Site. This development will increase the tax base of Brooklyn Center and Hennepin County overall. If you have questions, please feel free to contact me at 651-697-8512

Sincerely,



Jason Aarsvold
Senior Municipal Advisor, Ehlers



September 21, 2023

Attn: Jeremy LaCroix
Minnesota Department of Employment & Economic Development
332 Minnesota St, Suite E200
St Paul, MN 55101

RE: Property Valuation for Transportation Economic Development Infrastructure (TEDI) Funding – City of Brooklyn Center Opportunity Site, Phase 1

Dear Mr. LaCroix,

The purpose of this letter is to confirm the projected tax base increase as a result of the Brooklyn Center Opportunity Site Project – Phase 1. We have reviewed the property valuation and tax impact provided by Ehlers Public Finance Advisors and can confirm its accuracy.

Transportation Economic Development Infrastructure (TEDI) Funding will allow the City of Brooklyn Center to construct foundational transportation and stormwater infrastructure for Phase 1 of the Opportunity Site. This development will increase the tax base of Brooklyn Center and Hennepin County, allowing each agency to provide more quality services to its residents. If you have questions, please feel free to contact me at 763-569-3345.

Sincerely,

Angela J Holm
Finance Director



September 19, 2023

Attn: Jeremy LaCroix
Minnesota Department of Employment & Economic Development
332 Minnesota St, Suite E200
St Paul, MN 55101

RE: Support for Transportation Economic Development Infrastructure (TEDI) Funding – City of Brooklyn Center Opportunity Site, Phase 1

Dear Mr. LaCroix,

The City of Brooklyn Center is pursuing funding through the Transportation Economic Development Infrastructure (TEDI) administered by the Minnesota Department of Employment & Economic Development. If awarded, this funding will be used to construct transportation and stormwater infrastructure for Phase 1 of the Brooklyn Center Opportunity Site.

This funding award, if granted, would allow for the City of Brooklyn Center to construct a 1,800-foot multimodal road, known as the "Parkway", which will contain a shared-use trail and sidewalks. The construction of this infrastructure is fundamental to the later phases of the project and the success of the Brooklyn Center Opportunity Site.

The Opportunity Site project will improve connectivity, promote economic development, and encourage the use of green public space in downtown Brooklyn Center. Planned trail connections will link the site to the greater regional trail system, and community spaces and parklets will create a desirable atmosphere for residents and patrons of downtown Brooklyn Center.

Over 100,000 square feet of non-residential space for businesses has been planned in the area, along with a 20,000-square-foot entrepreneurial marketplace. In addition, over 700 new housing units are set to be developed, both at market rates and affordable rates. Pedestrian infrastructure improvements will make it easier to access these residences, as well as businesses and amenities in the area through non-motorized transportation modes.

The City of Brooklyn Center looks forward to the implementation of Phase I of the Brooklyn Center Opportunity Site. I thank you for your consideration of the city's TEDI application. If you have questions, please feel free to contact me at (763) 910-1783 or mayorgraves@brooklyncentermn.gov.

Sincerely,

A handwritten signature in cursive script that reads "April Graves".

April Graves
Mayor, City of Brooklyn Center

City of Brooklyn Center | Community Development Department



September 19, 2023

Attn: Jeremy LaCroix
Minnesota Department of Employment & Economic Development
332 Minnesota St, Suite E200
St Paul, MN 55101

RE: Support for Transportation Economic Development Infrastructure (TEDI) Funding – City of Brooklyn Center Opportunity Site, Phase 1

Dear Mr. LaCroix,

On behalf of the Brooklyn Center Economic Development Authority (EDA), I am pleased to offer my support of the City of Brooklyn Center's pursuit of Transportation Economic Development Infrastructure (TEDI) funding for Phase I of the Brooklyn Center Opportunity Site Project. If successful, this funding will allow the city to construct fundamental transportation and stormwater infrastructure that is necessary for the development of future project stages.

The planned Brooklyn Center Opportunity Site will provide many benefits for the city and bring necessary improvements and changes to the project area. Economic development is one of three major goals for the project, with planned changes including over 100,000 square feet of non-residential mixed-use and commercial space as well as a 20,000-square-foot entrepreneurial marketplace.

In addition to the planned square footage for businesses, over 700 new housing units are set to be developed, both at market rates and affordable rates. Live-work spaces are encouraged, with the ultimate aim to create neighborhoods where people can live, work, and play within the Brooklyn Center Opportunity Site.

The EDA of Brooklyn Center has been heavily involved in the development of the Brooklyn Center Opportunity Site Master Plan and is in full support of the pursuit of funding to implement the Plan. TEDI funds will allow for the construction of fundamental infrastructure that will provide many economic opportunities for Brooklyn Center residents.

Sincerely,

Dr. Reggie Edwards
City Manager, Executive Director Brooklyn Center Economic Development Authority



September 19, 2023

Attn: Jeremy LaCroix
Minnesota Department of Employment & Economic Development
332 Minnesota St, Suite E200
St Paul, MN 55101

**RE: Support for Transportation Economic Development Infrastructure (TEDI) Funding –
City of Brooklyn Center Opportunity Site, Phase 1**

Dear Mr. LaCroix,

Alatus, LLC would like to express support for the City of Brooklyn Center's pursuit of funding through the Transportation Economic Development Infrastructure (TEDI) Program for the Brooklyn Center Opportunity Site. This funding, if awarded, would allow for the construction of key stormwater and roadway infrastructure for Phase 1 of the Brooklyn Center Opportunity Site. This infrastructure is essential to the implementation of future project phases.

If awarded, this funding would allow for the City of Brooklyn Center to construct foundational transportation and stormwater infrastructure. This would include a 1,800-foot multimodal road known as the "Parkway", which would contain a shared-use trail and sidewalks. This infrastructure would support the construction of housing, retail spaces, public greenspace, and trail connections in and around the project area.

The City of Brooklyn Center has been working with Alatus since 2018 to develop a vision for the Brooklyn Park Opportunity Site. After a robust public engagement campaign, this vision includes a vibrant, mixed-use downtown area that contains both housing and business space. Over 700 housing units, both market-rate and affordable, are intended to be constructed within our Phase 1 development site. In addition, a conference center and small business incubator are planned for the area.

Alatus fully supports Brooklyn Center's pursuit of funding for the development of infrastructure for Phase I of the Brooklyn Center Opportunity Site. TEDI funding would be key in the development of the Brooklyn Center Opportunity Site, which will provide many economic and housing opportunities for Brooklyn Center residents.

Sincerely,

Robert Lux
Robert Lux (Sep 19, 2023) 1:49 PM

Sep 19, 2023

Bob Lux
Alatus, LLC

Commissioner Graves introduced the following resolution and moved its adoption:

EDA RESOLUTION NO. 2022-08

RESOLUTION APPROVING A PRELIMINARY DEVELOPMENT AGREEMENT WITH ALATUS, LLC, PROJECT FOR PRIDE IN LIVING, LLC AND RESURRECTING FAITH WORLD MINISTRIES

WHEREAS, the Economic Development Authority of Brooklyn Center, Minnesota (the "Authority") has received a proposal from Alatus, a Minnesota limited liability company ("Alatus"), Project for Pride in Living, a Minnesota limited liability company ("PPL"), and Resurrecting Faith World Ministries ("RFWM"), collectively referred to as the "Developer" regarding the development of a portion of land owned by the Authority ("Authority Property") for the construction of a mixed use development together with related improvements including centralized park area, new roads and storm water ponding (the "Development"), which proposal contemplates the Authority's conveyance of the Authority Property to the Developer; and

WHEREAS, Alatus and Authority entered into a previous preliminary development agreement on March 26, 2018 for the Authority Property which expired on April 1, 2019; and

WHEREAS, the previous preliminary development agreement was renewed in April 2019, and subsequently expired on April 1, 2020; and

WHEREAS, Alatus has since expanded the development team to include PPL and RFWM to lead various aspects of the overall development plan; and

WHEREAS, Authority's Board of Commissioners and the Developer intend to enter into another Preliminary Development Agreement ("Agreement") to allow the Developer and the Authority time to further refine master PUD plan for the Development, conduct due diligence on the property, negotiate the purchase of the Authority Property, determine financial feasibility of the development plan, and seek approval for a master PUD plan for the Redevelopment Property; and

WHEREAS, the Agreement will allow the Developer time to refine its plans for the Development, which it intends to seek approval for during the term of this Agreement; 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 Preliminary Development 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 "Preliminary Development 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 Preliminary Development 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 Preliminary Development Documents includes approval of such additional details therein as may be necessary and appropriate and such modifications

RESOLUTION NO. 2022-08

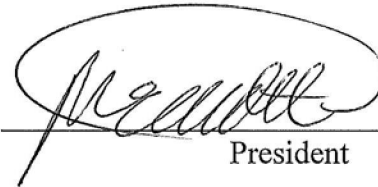
thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by legal counsel to the Authority and by the officers authorized herein to execute said documents prior to their execution; and said officers are hereby authorized to approve said changes on behalf of the Authority. The execution of any instrument by the appropriate officers of the Authority herein authorized shall 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 Preliminary Development 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 Preliminary Development Documents.

4. The Board hereby determines that the execution and performance of the Preliminary Development Documents will help realize the public purposes of the Act.

February 14, 2022

Date



President

ATTEST: 
City Clerk

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

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

Butler, Elliott, Graves, Lawrence-Anderson, Ryan

and the following voted against the same: None

whereupon said resolution was declared duly passed and adopted.

FINDINGS OF FACT AND RECORD OF DECISION

ENVIRONMENTAL ASSESSMENT WORKSHEET

For Brooklyn Center Opportunity Site #1

Location: 2500 CO and 5900 Shingle Creek Parkway, Brooklyn Center, Minnesota

Responsible Governmental Unit: City of Brooklyn Center

Responsible Governmental Unit

Contact Person	City of Brooklyn Center
Title	Meg Beekman
Address	Community Development Director
City, state, ZIP	6301 Shingle Creek Parkway
Phone	Brooklyn Center, MN 55430
E-mail	763.569.3305
	mmcmahan@ci.brooklyn-center.mn.us

Proposer

Contact person	Alatus, LLC
Title	Chris Osmundson
Address	Director of Development
City, state, ZIP	80 S 8 th Street, Suite 4155
Phone	Minneapolis, MN 55402
E-mail	612.455.0712
	cbosmundson@alatusllc.com

Final action: Based on the Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision,” and related documentation for the above project, the City of Brooklyn Center concluded the following on June 13, 2022:

1. The Environmental Assessment Worksheet, including public comments and responses to comments, this “Findings of Fact and Record of Decision” document, and related documentation for the “Brooklyn Center Opportunity Site #1” were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700.
2. The Environmental Assessment Worksheet, including public comments and responses to comments, this “Findings of Fact and Record of Decision” document, and related documentation for the project have satisfactorily addressed all the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.4300 Subp. 3):
 - Type, extent, and reversibility of environmental effects.
 - Cumulative effects of related or anticipated future projects.
 - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.

- Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of environmental reviews previously prepared on similar projects.
4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the project by the City and cannot be relied upon as an indication of such approval. This finding allows Alatus, LLC to formally initiate the City's and other agencies' processes for considering the specific permits and approvals necessary for development and operation of the project, and for the City in this process, informed by the record of the EAW, to identify and encourage conditions for compatible project construction, and assure their implementation at the project site.

Consequently, the City makes a Negative Declaration and does not require the preparation of an Environmental Impact Statement for the project.

I. ENVIRONMENTAL REVIEW AND RECORD OF DECISION

The City of Brooklyn Center prepared a Mandatory Environmental Assessment Worksheet (EAW) for the Brooklyn Center Opportunity Site #1 according to the Environmental Review Rules administered by the Minnesota Environmental Quality Board (EQB) under Rule 4410.4300 Subpart 14 Industrial, Commercial, and Institutional Facilities; and Subpart 19 Residential Development. The proposed project is a mixed-use site redevelopment in Brooklyn Center, Minnesota. The site would be developed with the construction of eight commercial and residential buildings; public plazas; park area; and stormwater ponds.

II. EAW NOTIFICATION AND DISTRIBUTION

On April 19, 2022, the City provided public notice of the EAW and distributed it to the EQB mailing list and to the project mailing list. The EQB published notice of availability in the *EQB Monitor* on April 19, 2022.

A notice was also posted on the city website and in the Sun Post. These notices provided information on where copies of the EAW were available, notified the public of a virtual community meeting, and invited the public to provide comments during the 30-day comment period, which ended on May 19, 2022.

III. COMMENT PERIOD, PUBLIC MEETING, AND RECORD OF DECISION

The official comment period on the EAW extended for 30 days, from April 19, 2022, to May 19, 2022.

During the public notice period 6 distinct comments were received from the public and agencies. A Response to Comment document was prepared. Appendix A includes a list of all the comments received. Appendix B contains the distinct comments received.

The Brooklyn Center City Council considered the EAW and "Findings of Fact and Record of Decision" during its June 13, 2022, meeting. Notification of this public meeting was distributed via the City's standard notification methods.

IV. COMMENTS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENTS

The City received 6 distinct comments during the public comment period. A list of the comments received is attached to the Response to Comment document as Appendix A.

The City analyzed the comment letters to identify individual comments that were substantive in nature and required a specific response. Responses were prepared for all comments in the Response to Comment document. The complete comments can be found as Appendix B to the Response to Comment document.

V. ISSUES IDENTIFIED IN THE EAW

The following factual discrepancies or impact issues were either identified during the EAW process, either during its development or public review. They are listed by the EAW item number.

6. The proposed project is listed in the incorrectly in the EAW as 25.7 acres. The total project size is 19.45 acres.
6. The EAW did not include the number of parking spaces for the Event Center. A total of 87 parking spaces are planned for the Event Center.

None of the comments received requested an EIS or additional analysis of specific impacts. The comments received are addressed in detail in the Responses to Public Comments and did not result in any change to the text of the EAW.

VI. COMPARISON OF POTENTIAL IMPACTS WITH EVALUATION CRITERIA

In deciding whether a project has the potential for significant environmental effects and whether an Environmental Impact Statement (EIS) is needed, the Minnesota Environmental Quality Board rules (4410.1700 Subp. 6 & 7) require the responsible governmental unit, the City in this case, to compare the impacts that may be reasonably expected to occur from the project with four criteria by which potential impacts must be evaluated. The following is that comparison:

A. Type, Extent, and Reversibility of Environmental Effects

The city finds that the analysis completed during the EAW process is adequate to determine whether the project has the potential for significant environmental effects. The EAW describes the type and extent of impacts anticipated to result from the proposed project. In addition to the information in the EAW, the public/agency comments received during the public comment period (see the Response to Comment document) were taken into account in considering the type, extent and reversibility of project impacts. None of the impacts considered raised to the level of significant and none of the environmental effects are irreversible.

B. Cumulative Effects of Related or Anticipated Future Projects

Cumulative effects of related or anticipated future projects include the development of the rest of the Brooklyn Center Opportunity Site. An AUAR or individual EAWs would be required for future development.

C. Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

Alatus, LLC will acquire any required permit and approvals that may be required by federal, state and local agencies and implement any required conditions necessary, including those

that will reduce impacts and further protect the environment. Table 9-1 in the EAW lists the permits or approvals that may be required for project construction and operation. Depending on final design, it is expected that not all these permits will be required.

Alatus, LLC will be required to obtain a building permit from the City for the construction of the project. The city would be able to access the property during construction to determine if conditions are being met.

As discussed in the EAW, the proposed project will also require a Construction Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program and develop a Stormwater Pollution Prevention Plan (SWPPP) before starting construction. The project will adhere to the SWPPP to prevent stormwater runoff during construction of the project including the implementation of erosion and sediment control best management practices.

Other permits may be required once the project design is complete. These permits and approvals necessary to construct and operate the project will require enforceable measures and conditions that will further reduce environmental effects.

D. Extent to which Environmental Effects Can be Anticipated and Controlled as a Result of other Environmental Studies Undertaken by Public Agencies or the Project Proposer, or of Environmental Reviews Previously Prepared on Similar Projects.

Although not exhaustive, the City reviewed the following documents as part of the environmental analysis for the Project:

- Data presented in the EAW and their associated references
- Permits and environmental review of similar projects

The project is not to the final design stage and project elements would be reconsidered during further development to minimize impacts. The environmental effects of the Project have been assessed and the list of permits and approvals identified in Table 9-1 I in the EAW will require Alatus, LLC, to obtain approvals prior to construction. Alatus, LLC, would also be required to conform with regional and local plans. There are no elements of the Project that pose the potential for significant environmental effects.

VII. DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision,” and related documentation for this project, the City of Brooklyn Center, the responsible governmental unit (RGU) for this environmental review, concludes the following:

1. The Environmental Assessment Worksheet, this “Findings of Fact and Record of Decision” document, and related documentation for the Frontier Project were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700.
2. The Environmental Assessment Worksheet, this “Findings of Fact and Record of Decision” document, and related documentation for the project have satisfactorily addressed all the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):

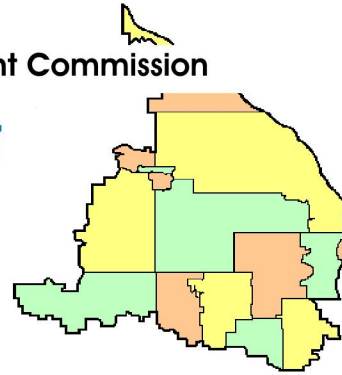
- Type, extent, and reversibility of environmental effects.
- Cumulative effects of related or anticipated future projects.
- Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
- Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of environmental reviews previously prepared on similar projects.

VIII. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the project by the City and cannot be relied upon as an indication of such approval. This finding allows Alatus, LLC to formally initiate the City's process for considering the specific permits and approvals necessary for development and operation of the project, and for the City in this process, informed by the record of the EAW, to identify and encourage conditions for compatible project construction, and assure their implementation at the project site.

Consequently, the City makes a Negative Declaration and does not require the preparation of an Environmental Impact Statement for the project.



3235 Fernbrook Lane N • Plymouth, MN 55447
Tel: 763.553.1144 • Fax: 763.553.9326
Email: judie@jass.biz • Website: www.shinglecreek.org



REGULAR MEETING

MINUTES - **CORRECTED** (See Item V.A.2.)

December 8, 2022

(Action by the SCWMC appears in blue, by the WMWMC in green and shared information in black.

*indicates items included in the meeting packet.)

I. A joint meeting of the Shingle Creek Watershed Management Commission and the West Mississippi Watershed Management Commission was called to order by Shingle Creek Chairman Andy Polzin at 12:46 p.m. on Thursday, December 8, 2022, in the Aspen Room, Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN.

Present for Shingle Creek were: David Mulla, Brooklyn Center; Burt Orred, Jr., Crystal; Karen Jaeger, Maple Grove; Ray Schoch, Minneapolis; Bill Wills, New Hope; John Roach, Osseo; Andy Polzin, Plymouth; Wayne Sicora, Robbinsdale; Diane Spector, Katie Kemmitt, and Todd Shoemaker, Stantec; Troy Gilchrist, Kennedy & Graven; and Judie Anderson, JASS. Not represented: Brooklyn Park.

Present for West Mississippi were: David Mulla, Brooklyn Center; Melissa Collins, Brooklyn Park; Karen Jaeger, Maple Grove; Harold Johnson, Osseo; Diane Spector, Katie Kemmitt, and Todd Shoemaker, Stantec; Troy Gilchrist, Kennedy & Graven; and Judie Anderson, JASS. Not represented: Champlin.

Also present were: Kim Wahl, Brooklyn Center; Mitchell Robinson, Brooklyn Park; Heather Nelson, Champlin; Mark Ray, Crystal; Mark Lahtinen, Maple Grove; Bob Grant and Nick Macklem, New Hope; Leah Gifford and Amy Riegel, Plymouth; and Richard McCoy and Mike Sorensen, Robbinsdale.

II. Agendas and Minutes.

Motion by Schoch, second by Wills to approve the **Shingle Creek agenda**.* *Motion carried unanimously.*

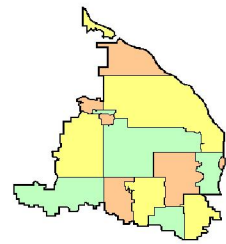
Motion by Jaeger, second by Johnson to approve the **West Mississippi agenda**.* *Motion carried unanimously.*

Motion by Schoch, second by Jaeger to approve the **minutes of the November 10, 2022, regular meeting**.* *Motion carried unanimously.*

Motion by Collins, second by Mulla to approve the **minutes of the November 10, 2022, regular meeting**.* *Motion carried unanimously.*

III. Finances and Reports.

A. Motion by Jaeger, second by Schoch to approve the Shingle Creek **December Treasurer's Report* and claims** totaling \$27,346.30. Voting aye: Mulla, Orred, Jaeger, Schoch, Wills, Roach, Polzin, and Sicora; voting nay: none; absent: Brooklyn Park.



B. Motion by Collins, second by Mulla to approve the **West Mississippi December Treasurer's Report* and claims** totaling \$20,491.63. Voting aye: Mulla, Collins, Jaeger, and Johnson; voting nay: none; absent – Champlin.

IV. Open Forum.

Riegel provided an update on the **Four Season Mall** in Plymouth. After sitting vacant for more than a decade, the City of Plymouth purchased the site in 2021. Together the city and the developer, Wellington Management, have created a concept plan which proposes a 411-unit apartment complex, office building, retail buildings and a Plymouth Metrolink park-and-ride location for the site. This property is located at the intersection of Highway 169 and Rockford Road and is in the Bassett Creek watershed.

V. Project Reviews.

A. [REDACTED], **Brooklyn Center.*** Redevelopment of approximately 16 acres into residential, entrepreneurial spaces, and an event center within a larger 68-acre redevelopment area. The site is located at the northeast corner of Bass Lake Road and Shingle Creek Parkway. Following development, the site will be 80 percent impervious with 12.8 acres of impervious surface, a decrease of 1.4 acres. Phase 1 is a portion of the larger 68-acre Opportunity Site. Development of future phases within the Opportunity Site will be subject to Commission review and conformance with the overall Opportunity Site stormwater management plan. The complete project application was received on June 24, 2022. The applicant requested a 60-day review extension on August 4, 2022, and a second extension on October 12, 2022. To comply with the 60-day review requirement, the Commission must approve or deny this project no later than this meeting.

To comply with the Commission's water quality treatment requirement, the site must provide ponding designed to NURP standards with dead storage volume equal to or greater than the volume of runoff from a 2.5" storm event, or BMPs providing a similar level of treatment - 85% TSS removal and 60% TP removal. Infiltrating 1.3-inches of runoff, for example, is considered sufficient to provide a similar level of treatment. If a sump is used the MnDOT Road Sand particle size distribution is acceptable for 80% capture.

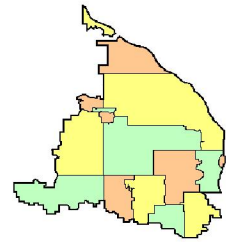
No stormwater practices are proposed on the Phase 1 site. Runoff will be routed off-site to a sedimentation pond and two infiltration basins as part of the regional stormwater system for the 68-acre site. The applicant submitted a water quality model (P8) showing the system provides 95% TSS and 64% TP removal for the Opportunity Site. The applicant meets Commission water quality treatment requirements.

Commission rules require that site runoff be limited to predevelopment rates for the 2-, 10-, and 100-year storm events. Runoff from the site is routed to a sedimentation pond and two infiltration basins. The applicant meets Commission rate control requirements.

Commission rules require the site to infiltrate 1.0 inch of runoff from new impervious area within 48 hours. The applicant proposes to meet the abstraction requirement for the 68-acre Opportunity Site (including the Phase 1 site). The new impervious area on this site is 51.4 acres, requiring infiltration of 186,600 CF within 48 hours. The applicant proposes two infiltration basins. The basins have a combined volume of 222,700 CF to infiltrate the required volume within 48-hours. The applicant meets Commission volume control requirements.

The erosion control plan includes rock construction entrances, silt fence surrounding detention ponds/infiltration basins, inlet protection, rip rap at inlets, slope checks, and native seed specified on the pond slopes. The erosion control plan meets Commission requirements.

The National Wetlands Inventory does not identify any wetlands on site. There are no Public Waters on this site. The applicant meets Commission wetland and Public Waters requirements.



There is no FEMA-regulated floodplain on this site. The low floor elevations of the proposed buildings (849') are at least two feet higher than the high-water elevation of the sedimentation pond and infiltration basins (844.24') according to Atlas 14 precipitation. The applicant meets Commission floodplain requirements.

The site is in a Drinking Water Management Area but is outside of the Emergency Response Area. Therefore, infiltration is permitted, but infiltrated water must first filter through 1 foot of soil, the top four inches of which are amended topsoil, and the bottom 8 inches of which are tilled. The applicant proposes using 30 inches of 80% Sand, 10% organic compost, 10% topsoil (Mix E in the MN Stormwater Manual). The applicant meets Commission drinking water protection requirements.

A public hearing on the project was conducted on July 14, 2022, as part of the Planning Commission and City Council review of this project, meeting Commission public notice requirements.

A draft Operations & Maintenance (O&M) agreement between the applicant and the City of Brooklyn Center was not provided.

Motion by Schoch, second by Mulla to advise the City of Brooklyn Center that Project SC2022-06 is approved with the following conditions:

1. After construction of the infiltration basins, demonstrate by double-ring infiltrometer or witness test that the site can meet the design infiltration rate of 4.25 inches/hour for Infiltration Basins 1 & 2.
2. Provide a complete O&M agreement including a chloride management plan between the applicant and the City of Brooklyn Center for all stormwater facilities associated with the project.

Motion approved unanimously.

B. Rules and Standards for Linear Projects.*

During the November 10, 2022, meetings, the TAC and Commissions discussed implementation of new thresholds for linear projects that became effective on October 1, 2022. Both groups agreed that review of linear projects would be conducted by the Commissions for projects that create one or more acres of new impervious surface. Member cities would review projects that fully reconstructed one or more acres of new impervious surface. This is consistent with past implementation of Commission project reviews.

At their meeting today, TAC members discussed in more depth the definition of "fully reconstructed" and how the Commission standards may apply, specifically related to project disturbance area, disconnected project locations, mill and overlay projects, and full depth reclamation projects. Staff has reviewed Commission rules, definitions, and available guidance and notes the following considerations and recommendations.

1. **Considerations.** The "Project Review Thresholds" document serves as a "cheat sheet" for the Commission rules. That document had not been updated based on the new rules, and, therefore, still referenced using disturbed area as the threshold for linear projects. An updated version,* attached to Staff's memo, specifically identifies that linear project review thresholds are based on impervious area.

Staff also reviewed definitions stated in the October rules. They have suggested a few refinements to improve clarity regarding linear projects: fully reconstructed impervious; full depth reclamation; and a figure to better show the differences between mill & overlay, full depth reclamation, and full reconstruction.

Hennepin County awards \$10 million to 18 projects to accelerate equitable economic recovery

Hennepin County, Minnesota sent this bulletin at 08/17/2022 02:09 PM CDT



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FOR IMMEDIATE RELEASE

Media contact: [Kyle Mianulli](#), 612-596-9875

Hennepin County awards \$10 million to 18 projects to accelerate equitable economic recovery

Funding will support 13 affordable commercial and business incubator projects, 5 nonprofit community asset projects

Project awards made Tuesday, August 16, by the Hennepin County Board of Commissioners provide capital funding for the development, redevelopment, or expansion of affordable commercial space, business incubators, and nonprofits delivering critical services to support people in gaining economic stability and opportunity.

The 18 projects will produce more than 315,000 square feet of affordable commercial space, and 161,000 square feet of nonprofit space. They will also support more than 550 local businesses or entrepreneurs and create or retain 970 jobs. The total investment value of these projects is approximately \$273 million. Many of the projects will specifically serve Black, Indigenous and People of Color entrepreneurs, and several projects are led by local BIPOC developers.

"The communities most impacted by the pandemic are the same communities that have experienced historic disinvestment and that continue to experience some of the starkest racial disparities of anywhere in the country. Those disparities were only exacerbated by the pandemic. Three quarters of this funding is being invested in these low-income communities and it will produce transformational compounding benefits for decades to come. I'm also thrilled that many of these projects are led by members of the communities they will serve," said Hennepin County Board Chair and District 3 Commissioner Marion Greene.

District 3 Commissioner Angela Conley added, "The projects and organizations receiving these awards represent the resilience and strength of our communities as we continue to rebuild and recover from the devastation of both the pandemic and the social uprising following the murder of George Floyd. There are some incredible projects that will help diverse entrepreneurs, businesses and residents from across Hennepin County build a better future for our communities. After two hard years, I'm especially grateful for projects on and around East Lake Street that will flourish as grantees. This work is setting a precedent across the country. With the knowledge that the nation is watching, I'm proud that Hennepin County is acting with resolve in supporting the innovative work happening in our communities to rebuild, recover, and thrive."

The awards are provided through the Hennepin County Community Investment Initiative (CII), a one-time, place-based program made possible by federal pandemic recovery funding.

13 affordable commercial and business incubator projects

- **City of Bloomington Business Incubator:** will turn a former city-owned fire station into a business incubator, creating 6,600 square feet of affordable commercial space and supporting 15 businesses
- **Entrepreneurship Market Plaza, Brooklyn Center:** will build a 19,100 square foot indoor-outdoor marketplace and business incubator to provide affordable spaces for up to 30 entrepreneurs
- **Brooklyn Park Small Business Center:** will rehab a formerly vacant commercial site, creating 27,000 square feet of affordable commercial space for up to 60 businesses
- **3030 Nicollet, Minneapolis:** will redevelop a former Wells Fargo Bank site for mixed-use and build four commercial condo spaces totaling 15,200 square feet of affordable commercial space to be sold to local small businesses
- **Abyssinia Cultural Center, Minneapolis:** will expand affordable office space to create start-up suites and event space for nine small businesses and emerging BIPOC entrepreneurs
- **The Coliseum Building, Minneapolis:** will redevelop the historic Coliseum building, providing 70,000 square feet of affordable commercial space for 25 local BIPOC professionals and firms
- **Midtown Global Market, Minneapolis:** will renovate nearly 40,000 square feet of commercial space benefiting over 35 neighborhood businesses, including new production bays, full interior renovation, and build out of vacant space
- **Northrup King Building Campus, Minneapolis:** will redevelop the building to provide 8,100 square feet of affordable commercial space for BIPOC nonprofits, artist entrepreneurs, and creative businesses to lease

- **Regional Apprenticeship Training Center, Minneapolis:** will renovate a vacant facility to include 19,800 square feet of affordable office and training space for businesses and nonprofits engaged in clean energy and sustainable technology
- **TAP IN, Minneapolis:** will redevelop a long-vacant gas station into a food and beverage incubator program with 2,700 square feet of commercial space for four businesses
- **The Resolute, Minneapolis:** will create a new mixed-use housing and commercial development, including four first-floor commercial units with Black and women-owned businesses, totaling 14,100 square feet of commercial space
- **ZaRah, Minneapolis:** will include 23,600 square feet of affordable commercial space in the wellness and retail hub for 20 businesses that provide a range of cultural and wellness services
- **Louis Park Affordable Commercial Space Initiative:** will convert 8,300 square feet of vacant retail space into seven commercial condominium spaces to be sold to local, low-income business owners at affordable prices using the land trust model

Five nonprofit community asset projects

- **Build JXTA: A Capital & Legacy Campaign, Juxtaposition Arts, Minneapolis:** will renovate two existing buildings, construct a new art center, and expand public space that will provide 40,000 square feet of commercial and community space and create or retain 31 jobs
- **Mikwanedun Audisookon Center for Art and Wellness, Indigenous Peoples Task Force:** will create a modern multi-service center with 12,600 square feet of commercial and community space to enhance and expand services related to health education, youth employment in the arts, and entrepreneurship
- **Minneapolis American Indian Center All Roads Campaign, Minneapolis American Indian Center, Minneapolis:** will renovate and expand 65,000 square feet of commercial and community space, and develop a community center for job training, workforce development, family and youth services, and health and wellness services
- **Studio Arts Technical Campus, Pillsbury United Communities, Minneapolis:** will create 5,200 square feet of commercial and community space for job skills and entrepreneurship training, paid internships, and job placement for BIPOC artists in high wage technical arts positions
- **Seed the Change, Perspectives, Inc., St. Louis Park:** will renovate and expand the existing Family Center, providing 38,100 square feet of community space for employment training and support services to women with children emerging from homelessness

Look for more news on the Hennepin County website at hennepin.us/news.

Learn more about the awards: [Community Investment Initiative funding](#)

Learn more about the program: <https://www.hennepin.us/economic-development/programs/Community-Investment-Initiative>



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Private Investment Response Question

Q: What amount of private investment is being made by the businesses locating or expanding (not including investment in public infrastructure project)? These figures should match those from TABLE A.

A: Due to the size and scale of the Phase 1 private development, and associated public infrastructure, the City and development team have aggressively pursued grant, public, and municipal funding sources to offset the total project cost. To date, over \$5.5 million has been secured from public grant sources, and is being leveraged alongside City TIF funds, City bonding, and land cost write downs. For the EMP (and attached market rate housing, which carries interrelated costs and financing), an estimated \$75 million is currently anticipated to be privately funded of the \$88,800,000 project cost estimate. For the Conference Center, an estimated \$9 million is currently anticipated to be privately funded of the \$11,800,000 project cost estimate.

TABLE A – JOB CREATION DATA

Company	# of Jobs (FTEs) in 2021	# of Jobs (FTEs) by 2026	# of Jobs (FTEs) long-term	Types of Positions added	Avg. Wages	Building & Equipment Cost	Building & Equipment Completion Timing
Local micro and small tenant businesses (EMP)	30	89	89	Office, Social Assistance, and Retail	\$25/hour	<i>The EMP cost and operations are financed as part of an attached market rate apartment and surrounding private infrastructure. Total costs for the projects are currently estimated at \$88,800,000.</i>	Jan. 2025
Management Staff (EMP)	0	8	8	Office	\$30/hour		Jan. 2025
Management Staff (Conference Center)	0	4	4	Office	\$30/hour		Jan. 2025
Therapy Staff (Conference Center)	0	2	2	Social Services	\$45/hour		Jan. 2025
Barber Shop (Conference Center)	0	4	4	Retail	\$20/hour		Jan. 2025
Daycare (Conference Center)	0	6	6	Education	\$20/hour	\$11,800,000	Jan. 2025
TOTALS	26	89	89			\$100,600,000	

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

RESOLUTION ACKNOWLEDGING AWARDED FUNDS FOR THE
TRANSPORTATION ECONOMIC DEVELOPMENT INFRASTRUCTURE
(TEDI) PROGRAM AND AUTHORIZING ACCEPTANCE OF GRANT FUNDS

WHEREAS, the Transportation Economic Development Infrastructure (TEDI) program was created to finance infrastructure to enhance economic development opportunities, create jobs, and improve all types of transportation systems statewide; and

WHEREAS, the City of Brooklyn Center submitted an application on September 22, 2023 to the TEDI program to fund infrastructure improvements to Phase 1 of the 80 Opportunity Site, which is the most significant development opportunity within the City of Brooklyn Center; and

WHEREAS, Phase 1 will establish the preliminary, foundational transportation and stormwater infrastructure, and include an approximately 1800ft new multimodal roadway, referred to as the “Parkway”, which includes sidewalks, shared use trail, and boulevard; and

WHEREAS, Phase 1 public infrastructure is critical to anchor and support both immediate and future development. Due to a lack of and/or insufficient existing infrastructure, without Phase 1 infrastructure elements, the community-driven vision for the Opportunity Site because effectively infeasible.

WHEREAS, that, the City of Brooklyn Center, has established a TIF district to support Phase 1 redevelopment, and that the City has committed to being a fiscal partner and supporter of the Phase 1 redevelopment project.

WHEREAS, that the City of Brooklyn Center City Council approved a resolution on July 24, 2024 supporting an application for the TEDI grant.

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

1. Authorizes its City Manager to accept awarded funds on behalf of the City for the Transportation Economic Development Infrastructure (TEDI) program and to execute such agreements as may be necessary to implement the project on behalf of the City.

December 11, 2023

Date

Mayor

ATTEST: _____

City Clerk

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

RESOLUTION NO. _____

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: 12/11/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

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

SUBJECT: Resolution Certifying Special Assessments for Improvement Project No. 2024-01,
Orchard Lane East Improvements to the Hennepin County Tax Rolls

Requested Council Action:

- Motion to approve a resolution certifying special assessments for Improvement Project No. 2024-01, Orchard Lane East Improvements to the Hennepin County Tax Rolls

Background:

A public hearing is scheduled on December 11, 2023 to consider certification of proposed special assessments for street improvements for Improvement Project No. 2024-01. 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.

To gather information from the public on the project during the early stages of design, a neighborhood open house was held on August 3, 2023. Invitations for the meeting were mailed to properties and large signs announcing the project were placed in the neighborhood prior to the meeting. The goal of the meeting was to provide project information to property owners and residents, and gain input from the public on potential project upgrades. Each attendee was able to discuss how the project would impact their home. Some voiced concerns about driveway access during construction. Miscellaneous questions were asked about private utilities and the assessment process. All attendees seemed satisfied with having their questions answered, and many expressed interest in personal follow-up when construction begins. In addition to the neighborhood meeting, surveys regarding the project and existing conditions were mailed to residents and made available online. The majority of survey responses indicated the properties had not had issues with flooding, sanitary services, or water services. Overall, the resident responses were not in favor of additional sidewalk or street lighting.

A second neighborhood meeting was held on Thursday, October 19th. Property owners were mailed invitations to the meeting. At this meeting a presentation was given providing additional information on action taken by Council approving the Feasibility Report, the progress of design, and the next steps for the project. Attendees were given the opportunity to ask questions, as well as discuss specific property impacts with staff. The primary questions received regarded the assessment process, construction timing, and specific property impacts.

I. Explanation of Improvements

The proposed project includes roadway and utility improvements within the Orchard Lane East neighborhood. On September 25, 2023, the City Council received the project feasibility report on these

improvements. 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, and boulevard restoration.
2. **Storm Drainage Improvements** - The recommended storm sewer improvements include replacing catch basin castings as necessary within the project areas, and replacing or repairing catch basins and laterals where deteriorated or impacted by other utility work.
3. **Water Main Improvements** - The recommended water main improvements include replacing most of the main, along with the valves and hydrants.
4. **Sanitary Sewer Improvements** - The recommended sanitary sewer improvements include lining of the main, with spot replacements as necessary.

II. Summary of Assessments

Special assessments are proposed as one of several funding sources for the improvements located within the Orchard Lane East area. The 2024 special assessment rates for street improvements were established in accordance with the City's Special Assessment Policy by the City Council on November 13, 2023. These set rates apply to the residential zoned properties within the project limits.

The commercial properties, industrial properties and multi-family properties that are zoned R4-R7 within the project area are proposed to be assessed based on an area basis, per the City's Special Assessment Policy. An "A" zone benefit includes the area abutting the street to be improved, extended to the depth of 200-feet and a "B" zone of lesser benefit for the remainder of the property area. The "A" zone rate is based on assessing 70 percent of the total street project cost deemed to benefit the property and the "B" zone rate is based on 30 percent. It should be noted that historically the assessments have been levied based on estimated costs rather than actual costs, understanding that the project costs are levied at a reduced percentage (70 and 30 percent as indicated above).

Appeals Process

If an appeal for a specific property is 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 April 15 and September 30, 2024.
2. From October 1, 2024, to the end of the business day on November 15, 2024, a property owner may pay the total assessment, with interest calculated from October 1, 2024, 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 2025. The total principal will be payable in annual installments. Interest at 5.5

percent is paid on the unpaid balance.

4. The City will accept partial prepayments of special assessments.

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. 2024-01 to the Hennepin County tax rolls is provided for City Council consideration upon closing of the public hearing.

Budget Issues:

The total project cost for the Orchard Lane East Improvements is estimated to be \$11,792,000. The total special assessments for this project are estimated to be \$1,438,753.37 for street improvements.

Funding sources for the project are budgeted from sources as described in the project feasibility report previously accepted by the City Council on September 25, 2023. The special assessment rates are proposed to be adopted by the City Council on November 13, 2023, and funding source amounts that are included in the feasibility report, amended with the rates proposed to be set at the November 13th City Council meeting, are:

Special Assessments	\$ 1,438,753.37
Sanitary Sewer Utility Fund	\$ 1,990,000.00
Water Utility Fund	\$ 3,978,000.00
Storm Drainage Utility Fund	\$ 884,000.00
<u>Street Reconstruction Fund</u>	<u>\$ 3,501,246.63</u>
Total	\$ 11,792,000.00

Inclusive Community Engagement:

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

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/4/2023	Resolution Letter
Proposed Assessment Roll	12/4/2023	Exhibit
Proposed Assessment Map	12/4/2023	Exhibit

Member _____ introduced the following resolution and moved
its adoption:

RESOLUTION NO. _____

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR IMPROVEMENT
PROJECT NO. 2024-01 ORCHARD LANE EAST 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. 25001; 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. 25001 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 2025, and shall bear interest on the entire assessment at the rate of 5.5 percent per annum from October 1, 2024, through December 31, 2025. 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, 2024. After September 30, 2024, they may pay the total assessment, plus interest. Interest will accumulate from October 1, 2024, through the date of payment. Such payment must be made by the close-of-business November 15, 2024, 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.

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 PROPOSED PENDING ASSESSMENT ROLL**December 11, 2023****2024 ORCHARD LANE EAST IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2024-01**

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
3411921320067	4300	63rd Avenue North		\$ 3,852.00	R1
3411921320001	4500	63rd Avenue North		\$ 3,852.00	R1
3411921320056	4518	63rd Avenue North		\$ 3,852.00	R1
3411921320075	4309	64th Avenue North		\$ 3,852.00	R1
3411921320035	4501	64th Avenue North		\$ 3,852.00	R1
3411921320009	4506	64th Avenue North		\$ 3,852.00	R1
3411921320036	4507	64th Avenue North		\$ 3,852.00	R1
3411921320037	4513	64th Avenue North		\$ 3,852.00	R1
3411921320038	4601	64th Avenue North		\$ 3,852.00	R1
3411921320025	4606	64th Avenue North		\$ 3,852.00	R1
3411921320039	4607	64th Avenue North		\$ 3,852.00	R1
3411921320040	4613	64th Avenue North		\$ 3,852.00	R1
3411921320041	4619	64th Avenue North		\$ 3,852.00	R1
3411921310081	3907	65th Avenue North		\$ 35,177.78	R5
3411921310083	4001	65th Avenue North		\$ 3,852.00	R1
3411921310084	4007	65th Avenue North		\$ 3,852.00	R1
3411921310085	4013	65th Avenue North		\$ 3,852.00	R1
3411921310086	4023	65th Avenue North		\$ 3,852.00	R1
3411921310065	4107	65th Avenue North		\$ 3,852.00	R1
3411921240018	4112	65th Avenue North		\$ 3,852.00	R1
3411921240050	4200	65th Avenue North		\$ 3,852.00	R1
3411921310032	4201	65th Avenue North		\$ 3,852.00	R1
3411921240049	4206	65th Avenue North		\$ 3,852.00	R1
3411921240048	4212	65th Avenue North		\$ 3,852.00	R1
3411921240047	4218	65th Avenue North		\$ 3,852.00	R1
3411921230066	4300	65th Avenue North		\$ 3,852.00	R1
3411921230065	4306	65th Avenue North		\$ 3,852.00	R1
3411921230064	4312	65th Avenue North		\$ 3,852.00	R1
3411921230063	4318	65th Avenue North		\$ 3,852.00	R1
3411921230062	4400	65th Avenue North		\$ 3,852.00	R1
3411921320108	4401	65th Avenue North		\$ 3,852.00	R1
3411921230061	4406	65th Avenue North		\$ 3,852.00	R1
3411921230060	4412	65th Avenue North		\$ 3,852.00	R1
3411921230059	4418	65th Avenue North		\$ 3,852.00	R1
3411921230082	4500	65th Avenue North		\$ 3,852.00	R1
3411921230081	4506	65th Avenue North		\$ 3,852.00	R1
3411921320017	4507	65th Avenue North		\$ 3,852.00	R1
3411921230080	4512	65th Avenue North		\$ 3,852.00	R1
3411921230079	4518	65th Avenue North		\$ 3,852.00	R1
3411921230078	4600	65th Avenue North		\$ 3,852.00	R1
3411921230077	4606	65th Avenue North		\$ 3,852.00	R1

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL

December 11, 2023

**2024 ORCHARD LANE EAST IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2024-01**

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
3411921230076	4612	65th Avenue North		\$ 3,852.00	R1
3411921230075	4618	65th Avenue North		\$ 3,852.00	R1
3311921140009	4706	65th Avenue North		\$ 3,852.00	R1
3311921140010	4712	65th Avenue North		\$ 3,852.00	R1
3411921240025	4110	66th Avenue North		\$ 3,852.00	R1
3411921240026	4200	66th Avenue North		\$ 3,852.00	R1
3411921240032	4201	66th Avenue North		\$ 3,852.00	R1
3411921240027	4206	66th Avenue North		\$ 3,852.00	R1
3411921240033	4207	66th Avenue North		\$ 3,852.00	R1
3411921240028	4212	66th Avenue North		\$ 3,852.00	R1
3411921240034	4213	66th Avenue North		\$ 3,852.00	R1
3411921240029	4218	66th Avenue North		\$ 3,852.00	R1
3411921240035	4219	66th Avenue North		\$ 3,852.00	R1
3411921240030	4224	66th Avenue North		\$ 3,852.00	R1
3411921240036	4225	66th Avenue North		\$ 3,852.00	R1
3411921240031	4230	66th Avenue North		\$ 3,852.00	R1
3411921230003	4300	66th Avenue North		\$ 3,852.00	R1
3411921230035	4301	66th Avenue North		\$ 3,852.00	R1
3411921230004	4306	66th Avenue North		\$ 3,852.00	R1
3411921230036	4307	66th Avenue North		\$ 3,852.00	R1
3411921230005	4312	66th Avenue North		\$ 3,852.00	R1
3411921230037	4313	66th Avenue North		\$ 3,852.00	R1
3411921230006	4318	66th Avenue North		\$ 3,852.00	R1
3411921230038	4319	66th Avenue North		\$ 3,852.00	R1
3411921230007	4400	66th Avenue North		\$ 3,852.00	R1
3411921230039	4401	66th Avenue North		\$ 3,852.00	R1
3411921230108	4406	66th Avenue North		\$ 3,852.00	R1
3411921230040	4407	66th Avenue North		\$ 3,852.00	R1
3411921230009	4412	66th Avenue North		\$ 3,852.00	R1
3411921230041	4413	66th Avenue North		\$ 3,852.00	R1
3411921230103	4418	66th Avenue North		\$ 3,852.00	R1
3411921230042	4419	66th Avenue North		\$ 3,852.00	R1
3411921230100	4500	66th Avenue North		\$ 3,852.00	R1
3411921230019	4501	66th Avenue North		\$ 3,852.00	R1
3411921230102	4506	66th Avenue North		\$ 3,852.00	R1
3411921230020	4507	66th Avenue North		\$ 3,852.00	R1
3411921230110	4512	66th Avenue North		\$ 3,852.00	R1
3411921230021	4513	66th Avenue North		\$ 3,852.00	R1
3411921230014	4518	66th Avenue North		\$ 3,852.00	R1
3411921230022	4519	66th Avenue North		\$ 3,852.00	R1
3411921230105	4600	66th Avenue North		\$ 3,852.00	R1

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL

December 11, 2023

2024 ORCHARD LANE EAST IMPROVEMENTS

IMPROVEMENT PROJECT NO. 2024-01

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
3411921230023	4601	66th Avenue North		\$ 3,852.00	R1
3411921230109	4606	66th Avenue North		\$ 3,852.00	R1
3411921230024	4607	66th Avenue North		\$ 3,852.00	R1
3411921230104	4612	66th Avenue North		\$ 3,852.00	R1
3411921230025	4613	66th Avenue North		\$ 3,852.00	R1
3411921230101	4618	66th Avenue North		\$ 3,852.00	R1
3411921230026	4619	66th Avenue North		\$ 3,852.00	R1
3411921310111	6437	Brooklyn Boulevard		\$ 12,516.14	MX-N2
3411921240055	6503	Brooklyn Boulevard		\$ 35,155.45	MX-N2
3311921410012	4700	Eleanor Lane		\$ 3,852.00	R1
3311921410025	4701	Eleanor Lane		\$ 3,852.00	R1
3311921410026	4707	Eleanor Lane		\$ 3,852.00	R1
3411921310099	6306	Indiana Avenue North		\$ 3,852.00	R1
3411921310046	6307	Indiana Avenue North		\$ 3,852.00	R1
3411921310098	6312	Indiana Avenue North		\$ 3,852.00	R1
3411921310045	6313	Indiana Avenue North		\$ 3,852.00	R1
3411921310097	6318	Indiana Avenue North		\$ 3,852.00	R1
3411921310044	6319	Indiana Avenue North		\$ 3,852.00	R1
3411921310096	6324	Indiana Avenue North		\$ 3,852.00	R1
3411921310043	6325	Indiana Avenue North		\$ 3,852.00	R1
3411921310095	6330	Indiana Avenue North		\$ 3,852.00	R1
3411921310042	6331	Indiana Avenue North		\$ 3,852.00	R1
3411921310041	6337	Indiana Avenue North		\$ 3,852.00	R1
3411921310040	6343	Indiana Avenue North		\$ 3,852.00	R1
3411921310039	6401	Indiana Avenue North		\$ 3,852.00	R1
3411921310074	6406	Indiana Avenue North		\$ 3,852.00	R1
3411921310038	6407	Indiana Avenue North		\$ 3,852.00	R1
3411921310075	6412	Indiana Avenue North		\$ 3,852.00	R1
3411921310037	6413	Indiana Avenue North		\$ 3,852.00	R1
3411921310076	6418	Indiana Avenue North		\$ 3,852.00	R1
3411921310036	6419	Indiana Avenue North		\$ 3,852.00	R1
3411921310077	6424	Indiana Avenue North		\$ 3,852.00	R1
3411921310035	6425	Indiana Avenue North		\$ 3,852.00	R1
3411921310078	6430	Indiana Avenue North		\$ 3,852.00	R1
3411921310034	6431	Indiana Avenue North		\$ 3,852.00	R1
3411921310079	6436	Indiana Avenue North		\$ 3,852.00	R1
3411921310033	6437	Indiana Avenue North		\$ 3,852.00	R1
3411921310064	6442	Indiana Avenue North		\$ 3,852.00	R1
3411921240019	6506	Indiana Avenue North		\$ 3,852.00	R1
3411921240020	6512	Indiana Avenue North		\$ 3,852.00	R1
3411921240021	6518	Indiana Avenue North		\$ 3,852.00	R1

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL

December 11, 2023

**2024 ORCHARD LANE EAST IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2024-01**

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
3411921240022	6524	Indiana Avenue North		\$ 3,852.00	R1
3411921240023	6530	Indiana Avenue North		\$ 3,852.00	R1
3411921240024	6536	Indiana Avenue North		\$ 3,852.00	R1
3411921310048	6300	June Avenue North		\$ 3,852.00	R1
3411921310049	6306	June Avenue North		\$ 3,852.00	R1
3411921310050	6312	June Avenue North		\$ 3,852.00	R1
3411921320065	6313	June Avenue North		\$ 3,852.00	R1
3411921310051	6318	June Avenue North		\$ 3,852.00	R1
3411921320064	6319	June Avenue North		\$ 3,852.00	R1
3411921310052	6324	June Avenue North		\$ 3,852.00	R1
3411921320063	6325	June Avenue North		\$ 3,852.00	R1
3411921310053	6330	June Avenue North		\$ 3,852.00	R1
3411921320062	6331	June Avenue North		\$ 3,852.00	R1
3411921310054	6336	June Avenue North		\$ 3,852.00	R1
3411921320061	6337	June Avenue North		\$ 3,852.00	R1
3411921310055	6342	June Avenue North		\$ 3,852.00	R1
3411921320060	6343	June Avenue North		\$ 3,852.00	R1
3411921310056	6400	June Avenue North		\$ 3,852.00	R1
3411921320099	6401	June Avenue North		\$ 3,852.00	R1
3411921310057	6406	June Avenue North		\$ 3,852.00	R1
3411921320098	6407	June Avenue North		\$ 3,852.00	R1
3411921310058	6412	June Avenue North		\$ 3,852.00	R1
3411921320097	6413	June Avenue North		\$ 3,852.00	R1
3411921310059	6418	June Avenue North		\$ 3,852.00	R1
3411921320096	6419	June Avenue North		\$ 3,852.00	R1
3411921310060	6424	June Avenue North		\$ 3,852.00	R1
3411921320095	6425	June Avenue North		\$ 3,852.00	R1
3411921310061	6430	June Avenue North		\$ 3,852.00	R1
3411921320094	6431	June Avenue North		\$ 3,852.00	R1
3411921310062	6436	June Avenue North		\$ 3,852.00	R1
3411921320093	6437	June Avenue North		\$ 3,852.00	R1
3411921310063	6442	June Avenue North		\$ 3,852.00	R1
3411921320092	6443	June Avenue North		\$ 3,852.00	R1
3411921320051	4500	Kathrene Drive		\$ 3,852.00	R1
3411921320052	4501	Kathrene Drive		\$ 3,852.00	R1
3411921320050	4506	Kathrene Drive		\$ 3,852.00	R1
3411921320053	4507	Kathrene Drive		\$ 3,852.00	R1
3411921320049	4510	Kathrene Drive		\$ 3,852.00	R1
3411921320054	4513	Kathrene Drive		\$ 3,852.00	R1
3411921320048	4514	Kathrene Drive		\$ 3,852.00	R1
3411921320047	4518	Kathrene Drive		\$ 3,852.00	R1

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL**December 11, 2023****2024 ORCHARD LANE EAST IMPROVEMENTS****IMPROVEMENT PROJECT NO. 2024-01**

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
3411921320055	4521	Kathrene Drive		\$ 3,852.00	R1
3411921320046	4522	Kathrene Drive		\$ 3,852.00	R1
3411921320045	4526	Kathrene Drive		\$ 3,852.00	R1
3411921320068	6300	Kyle Avenue North		\$ 3,852.00	R1
3411921320083	6301	Kyle Avenue North		\$ 3,852.00	R1
3411921320069	6306	Kyle Avenue North		\$ 3,852.00	R1
3411921320082	6307	Kyle Avenue North		\$ 3,852.00	R1
3411921320070	6312	Kyle Avenue North		\$ 3,852.00	R1
3411921320081	6313	Kyle Avenue North		\$ 3,852.00	R1
3411921320071	6318	Kyle Avenue North		\$ 3,852.00	R1
3411921320080	6319	Kyle Avenue North		\$ 3,852.00	R1
3411921320072	6324	Kyle Avenue North		\$ 3,852.00	R1
3411921320079	6325	Kyle Avenue North		\$ 3,852.00	R1
3411921320073	6330	Kyle Avenue North		\$ 3,852.00	R1
3411921320078	6331	Kyle Avenue North		\$ 3,852.00	R1
3411921320074	6336	Kyle Avenue North		\$ 3,852.00	R1
3411921320077	6337	Kyle Avenue North		\$ 3,852.00	R1
3411921320076	6343	Kyle Avenue North		\$ 3,852.00	R1
3411921320100	6400	Kyle Avenue North		\$ 3,852.00	R1
3411921320115	6401	Kyle Avenue North		\$ 3,852.00	R1
3411921320101	6406	Kyle Avenue North		\$ 3,852.00	R1
3411921320114	6407	Kyle Avenue North		\$ 3,852.00	R1
3411921320102	6412	Kyle Avenue North		\$ 3,852.00	R1
3411921320113	6413	Kyle Avenue North		\$ 3,852.00	R1
3411921320103	6418	Kyle Avenue North		\$ 3,852.00	R1
3411921320112	6419	Kyle Avenue North		\$ 3,852.00	R1
3411921320104	6424	Kyle Avenue North		\$ 3,852.00	R1
3411921320111	6425	Kyle Avenue North		\$ 3,852.00	R1
3411921320105	6430	Kyle Avenue North		\$ 3,852.00	R1
3411921320110	6431	Kyle Avenue North		\$ 3,852.00	R1
3411921320106	6436	Kyle Avenue North		\$ 3,852.00	R1
3411921320109	6437	Kyle Avenue North		\$ 3,852.00	R1
3411921320107	6442	Kyle Avenue North		\$ 3,852.00	R1
3411921320084	6300	Lee Avenue North		\$ 3,852.00	R1
3411921320085	6306	Lee Avenue North		\$ 3,852.00	R1
3411921320059	6307	Lee Avenue North		\$ 3,852.00	R1
3411921320086	6312	Lee Avenue North		\$ 3,852.00	R1
3411921320087	6318	Lee Avenue North		\$ 3,852.00	R1
3411921320088	6324	Lee Avenue North		\$ 3,852.00	R1
3411921320089	6330	Lee Avenue North		\$ 3,852.00	R1
3411921320090	6336	Lee Avenue North		\$ 3,852.00	R1

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL

December 11, 2023

**2024 ORCHARD LANE EAST IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2024-01**

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
3411921320091	6342	Lee Avenue North		\$ 3,852.00	R1
3411921320116	6400	Lee Avenue North		\$ 3,852.00	R1
3411921320008	6401	Lee Avenue North		\$ 3,852.00	R1
3411921320117	6406	Lee Avenue North		\$ 3,852.00	R1
3411921320007	6407	Lee Avenue North		\$ 3,852.00	R1
3411921320118	6412	Lee Avenue North		\$ 3,852.00	R1
3411921320006	6415	Lee Avenue North		\$ 3,852.00	R1
3411921320119	6418	Lee Avenue North		\$ 3,852.00	R1
3411921320005	6419	Lee Avenue North		\$ 3,852.00	R1
3411921320120	6424	Lee Avenue North		\$ 3,852.00	R1
3411921320004	6425	Lee Avenue North		\$ 3,852.00	R1
3411921320121	6430	Lee Avenue North		\$ 3,852.00	R1
3411921320003	6431	Lee Avenue North		\$ 3,852.00	R1
3411921320122	6436	Lee Avenue North		\$ 3,852.00	R1
3411921320002	6437	Lee Avenue North		\$ 3,852.00	R1
3411921320123	6442	Lee Avenue North		\$ 3,852.00	R1
3411921320010	6400	Major Avenue North		\$ 3,852.00	R1
3411921320024	6401	Major Avenue North		\$ 3,852.00	R1
3411921320011	6406	Major Avenue North		\$ 3,852.00	R1
3411921320023	6407	Major Avenue North		\$ 3,852.00	R1
3411921320012	6412	Major Avenue North		\$ 3,852.00	R1
3411921320022	6413	Major Avenue North		\$ 3,852.00	R1
3411921320013	6418	Major Avenue North		\$ 3,852.00	R1
3411921320021	6419	Major Avenue North		\$ 3,852.00	R1
3411921320014	6424	Major Avenue North		\$ 3,852.00	R1
3411921320020	6425	Major Avenue North		\$ 3,852.00	R1
3411921320015	6430	Major Avenue North		\$ 3,852.00	R1
3411921320019	6431	Major Avenue North		\$ 3,852.00	R1
3411921320016	6436	Major Avenue North		\$ 3,852.00	R1
3411921320018	6437	Major Avenue North		\$ 3,852.00	R1
3411921310094	6400	Marlin Drive		\$ 3,852.00	R1
3411921310073	6401	Marlin Drive		\$ 3,852.00	R1
3411921310072	6407	Marlin Drive		\$ 3,852.00	R1
3411921310092	6412	Marlin Drive		\$ 3,852.00	R1
3411921310091	6418	Marlin Drive		\$ 3,852.00	R1
3411921310071	6419	Marlin Drive		\$ 3,852.00	R1
3411921310090	6424	Marlin Drive		\$ 3,852.00	R1
3411921310070	6425	Marlin Drive		\$ 3,852.00	R1
3411921310089	6430	Marlin Drive		\$ 3,852.00	R1
3411921310069	6431	Marlin Drive		\$ 3,852.00	R1
3411921310088	6436	Marlin Drive		\$ 3,852.00	R1

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL**December 11, 2023****2024 ORCHARD LANE EAST IMPROVEMENTS****IMPROVEMENT PROJECT NO. 2024-01**

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
3411921310068	6437	Marlin Drive		\$ 3,852.00	R1
3411921310087	6442	Marlin Drive		\$ 3,852.00	R1
3411921310067	6443	Marlin Drive		\$ 3,852.00	R1
3411921310066	6449	Marlin Drive		\$ 3,852.00	R1
3411921320042	6324	Noble Avenue North		\$ 3,852.00	R1
3311921410011	6331	Noble Avenue North		\$ 3,852.00	R1
3311921410010	6337	Noble Avenue North		\$ 3,852.00	R1
3311921410009	6343	Noble Avenue North		\$ 3,852.00	R1
3411921320026	6400	Noble Avenue North		\$ 3,852.00	R1
3311921410008	6401	Noble Avenue North		\$ 3,852.00	R1
3411921320027	6406	Noble Avenue North		\$ 3,852.00	R1
3311921410007	6407	Noble Avenue North		\$ 3,852.00	R1
3411921320028	6412	Noble Avenue North		\$ 3,852.00	R1
3311921410006	6413	Noble Avenue North		\$ 3,852.00	R1
3411921320029	6418	Noble Avenue North		\$ 3,852.00	R1
3311921410005	6419	Noble Avenue North		\$ 3,852.00	R1
3411921320030	6424	Noble Avenue North		\$ 3,852.00	R1
3311921410004	6425	Noble Avenue North		\$ 3,852.00	R1
3411921320031	6430	Noble Avenue North		\$ 3,852.00	R1
3311921410003	6431	Noble Avenue North		\$ 3,852.00	R1
3411921320032	6436	Noble Avenue North		\$ 3,852.00	R1
3311921410002	6437	Noble Avenue North		\$ 3,852.00	R1
3411921320033	6442	Noble Avenue North		\$ 3,852.00	R1
3311921410001	6443	Noble Avenue North		\$ 3,852.00	R1
3411921320034	6448	Noble Avenue North		\$ 3,852.00	R1
3311921140008	6501	Noble Avenue North		\$ 3,852.00	R1
3311921140007	6507	Noble Avenue North		\$ 3,852.00	R1
3311921140006	6513	Noble Avenue North		\$ 3,852.00	R1
3311921140005	6519	Noble Avenue North		\$ 3,852.00	R1
3311921140004	6525	Noble Avenue North		\$ 3,852.00	R1
3311921410028	6300	Orchard Avenue North		\$ 3,852.00	R1
3311921410046	6301	Orchard Avenue North		\$ 3,852.00	R1
3311921410045	6307	Orchard Avenue North		\$ 3,852.00	R1
3311921410027	6312	Orchard Avenue North		\$ 3,852.00	R1
3311921410044	6313	Orchard Avenue North		\$ 3,852.00	R1
3311921410043	6319	Orchard Avenue North		\$ 3,852.00	R1
3311921410013	6324	Orchard Avenue North		\$ 3,852.00	R1
3311921410042	6325	Orchard Avenue North		\$ 3,852.00	R1
3311921410014	6330	Orchard Avenue North		\$ 3,852.00	R1
3311921410041	6331	Orchard Avenue North		\$ 3,852.00	R1
3311921410015	6336	Orchard Avenue North		\$ 3,852.00	R1

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL

December 11, 2023

**2024 ORCHARD LANE EAST IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2024-01**

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
3311921410040	6337	Orchard Avenue North		\$ 3,852.00	R1
3311921410016	6342	Orchard Avenue North		\$ 3,852.00	R1
3311921410039	6343	Orchard Avenue North		\$ 3,852.00	R1
3311921410017	6400	Orchard Avenue North		\$ 3,852.00	R1
3311921410038	6401	Orchard Avenue North		\$ 3,852.00	R1
3311921410018	6406	Orchard Avenue North		\$ 3,852.00	R1
3311921410037	6407	Orchard Avenue North		\$ 3,852.00	R1
3311921410019	6412	Orchard Avenue North		\$ 3,852.00	R1
3311921410036	6413	Orchard Avenue North		\$ 3,852.00	R1
3311921410020	6418	Orchard Avenue North		\$ 3,852.00	R1
3311921410035	6419	Orchard Avenue North		\$ 3,852.00	R1
3311921410021	6424	Orchard Avenue North		\$ 3,852.00	R1
3311921410034	6425	Orchard Avenue North		\$ 3,852.00	R1
3311921410022	6430	Orchard Avenue North		\$ 3,852.00	R1
3311921410033	6431	Orchard Avenue North		\$ 3,852.00	R1
3311921410023	6436	Orchard Avenue North		\$ 3,852.00	R1
3311921410032	6437	Orchard Avenue North		\$ 3,852.00	R1
3311921410024	6442	Orchard Avenue North		\$ 3,852.00	R1
3311921410031	6443	Orchard Avenue North		\$ 3,852.00	R1
3311921140011	6500	Orchard Avenue North		\$ 3,852.00	R1
3311921140012	6506	Orchard Avenue North		\$ 3,852.00	R1
3311921140013	6512	Orchard Avenue North		\$ 3,852.00	R1
3311921140014	6518	Orchard Avenue North		\$ 3,852.00	R1
3311921140015	6524	Orchard Avenue North		\$ 3,852.00	R1
3311921140002	6530	Orchard Avenue North		\$ 3,852.00	R1
3311921140003	6536	Orchard Avenue North		\$ 3,852.00	R1
3411921240041	4200	Winchester Lane		\$ 3,852.00	R1
3411921240042	4201	Winchester Lane		\$ 3,852.00	R1
3411921240040	4206	Winchester Lane		\$ 3,852.00	R1
3411921240043	4207	Winchester Lane		\$ 3,852.00	R1
3411921240039	4212	Winchester Lane		\$ 3,852.00	R1
3411921240044	4213	Winchester Lane		\$ 3,852.00	R1
3411921240038	4218	Winchester Lane		\$ 3,852.00	R1
3411921240045	4219	Winchester Lane		\$ 3,852.00	R1
3411921240037	4224	Winchester Lane		\$ 3,852.00	R1
3411921240046	4225	Winchester Lane		\$ 3,852.00	R1
3411921230050	4300	Winchester Lane		\$ 3,852.00	R1
3411921230051	4301	Winchester Lane		\$ 3,852.00	R1
3411921230049	4306	Winchester Lane		\$ 3,852.00	R1
3411921230052	4307	Winchester Lane		\$ 3,852.00	R1
3411921230048	4312	Winchester Lane		\$ 3,852.00	R1

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL

December 11, 2023

2024 ORCHARD LANE EAST IMPROVEMENTS

IMPROVEMENT PROJECT NO. 2024-01

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
3411921230053	4313	Winchester Lane		\$ 3,852.00	R1
3411921230047	4318	Winchester Lane		\$ 3,852.00	R1
3411921230054	4319	Winchester Lane		\$ 3,852.00	R1
3411921230046	4400	Winchester Lane		\$ 3,852.00	R1
3411921230055	4401	Winchester Lane		\$ 3,852.00	R1
3411921230045	4406	Winchester Lane		\$ 3,852.00	R1
3411921230056	4407	Winchester Lane		\$ 3,852.00	R1
3411921230044	4412	Winchester Lane		\$ 3,852.00	R1
3411921230057	4413	Winchester Lane		\$ 3,852.00	R1
3411921230043	4418	Winchester Lane		\$ 3,852.00	R1
3411921230058	4419	Winchester Lane		\$ 3,852.00	R1
3411921230034	4500	Winchester Lane		\$ 3,852.00	R1
3411921230067	4501	Winchester Lane		\$ 3,852.00	R1
3411921230033	4506	Winchester Lane		\$ 3,852.00	R1
3411921230068	4507	Winchester Lane		\$ 3,852.00	R1
3411921230032	4512	Winchester Lane		\$ 3,852.00	R1
3411921230069	4513	Winchester Lane		\$ 3,852.00	R1
3411921230031	4518	Winchester Lane		\$ 3,852.00	R1
3411921230070	4519	Winchester Lane		\$ 3,852.00	R1
3411921230030	4600	Winchester Lane		\$ 3,852.00	R1
3411921230071	4601	Winchester Lane		\$ 3,852.00	R1
3411921230029	4606	Winchester Lane		\$ 3,852.00	R1
3411921230072	4607	Winchester Lane		\$ 3,852.00	R1
3411921230028	4612	Winchester Lane		\$ 3,852.00	R1
3411921230073	4613	Winchester Lane		\$ 3,852.00	R1
3411921230027	4618	Winchester Lane		\$ 3,852.00	R1
3411921230074	4619	Winchester Lane		\$ 3,852.00	R1
Total Assessments				\$ 1,438,753.37	



Legend

- | | | | | | |
|---|--|---|--|---|---------------------|
|  | Proposed R1 Assessment (Unit Amount Basis) |  | Proposed Mixed Use Neighborhood Assessment (Acreage Basis) |  | City Owned Property |
|  | Proposed R5 Assessment (Acreage Basis) |  | Previously Assessed | | |



Assessment Map Orchard Lane East Improvement Area



8/2/2023

Council Regular Meeting

DATE: 12/11/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Angela Holm, Finance Director

SUBJECT: Resolutions Approving Utility Rates for 2024

Requested Council Action:

- Motion to:

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

- Motion to approve:

- *Resolution for 2024 Water Utility Rates*
- *Resolution for 2024 Sanitary Sewer Utility Rates*
- *Resolution for 2024 Storm Sewer Utility Rates*
- *Resolution for 2024 Street Light Rates*
- *Resolution for 2024 Recycling Rates*

Background:

At the October 16, 2023, joint work session of the City Council and Financial Commission, staff presented the expected expenditures for operation of the City's utility services for 2024. The expenditures include total direct and indirect costs including depreciation of capital assets and administrative costs. Along with those costs are projections of the revenues needed for 2024 and for the next fifteen years to keep operations running smoothly and fund the infrastructure improvements needed in each of the utility systems. The cash flow analysis for each of the five utilities indicate anticipated rate changes necessary to maintain sufficient cash balances during the construction of the utility improvements associated with the City's 15-year Capital Improvement Plan (CIP).

For 2024, rate increases are proposed Water, Sanitary Sewer, Storm Sewer, Street Light, and Recycling utilities in order to maintain cash reserves, fund normal operations, pay for debt service and finance infrastructure improvements. Rates for the various utilities for 2024 are shown in comparison to 2023 below:

Fund	Description	2023 Rate	2024 Rate	Change
Water	Base Charge - Residential (quarterly)	\$20.53	\$22.79	\$2.26 / quarter
	Tier I (0 - 30 gallons)			\$0.38 / 1,000 gallons

Consumption Charge - Residential Meters	Tier II (31 - 60 gallons) Tier III (61 and greater)	\$3.42 4.27 6.37	\$3.80 4.74 7.07	\$0.47 / 1,000 gallons \$0.70 / 1,000 gallons
Consumption Charge - Non-residential	(Per 1,000 gallons)	\$4.51	\$5.06	\$0.55 / 1,000 gallons
Sanitary Sewer	Base Charge (quarterly)	\$103.19	\$109.38	\$6.19 / quarter
Consumption Charge - Non-residential	(Per 1,000 gallons)	\$4.35	\$4.61	\$0.26 / 1,000 gallons
Storm Sewer	Base Charge (quarterly)	\$18.30	\$19.58	\$1.28 / quarter
Street Light	Base Charge (quarterly)	\$6.88	\$7.91	\$1.03 / quarter
Recycling	Base Charge (quarterly)	\$12.34	\$15.42	\$3.08 / quarter

A comparison of quarterly utility billing rates for a household using 18,000 gallons of water (considered the typical residential user) is shown below:

Fund	2023 Bill	2024 Bill	\$ Change/quarter
Water	\$82.09	\$91.19	\$9.10
Sanitary Sewer	103.19	109.38	6.19
Storm Sewer	18.30	19.58	1.28
Street Light	6.88	7.91	1.03
Recycling	<u>12.34</u>	<u>15.42</u>	<u>3.08</u>
Total	\$222.56	\$243.48	\$20.68

The proposed rates would become effective for billings dated after January 1, 2024.

City Code sections 11.02 and 11.06 require a notice and hearing prior to the City Council setting new utility rates. The Public Hearing Notice was published in the Brooklyn Center Post on November 23, 2023.

Budget Issues:

The rates have been incorporated into the 2024 Budget.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Utility Rate Memorandum	12/5/2023	Cover Memo
Resolution - 2024 Water Rates	12/5/2023	Resolution Letter
Resolution - 2024 Street Light Rates	12/5/2023	Resolution Letter
Resolution - 2024 Storm Sewer Rates	12/5/2023	Resolution Letter
Resolution - 2024 Sanitary Sewer Rates	12/5/2023	Resolution Letter
Resolution - 2024 Recycling Rates	12/5/2023	Resolution Letter

COUNCIL ITEM MEMORANDUM

DATE: December 11, 2023

TO: Dr. Reginald Edwards, City Manager

FROM: Angela Holm, Finance Director

SUBJECT: Public Hearing on Proposed Utility Rates for 2024

Recommendation:

It is recommended that the City Council, following a public hearing, consider approval of the attached resolutions setting rates for City provided utility services for 2024.

Background:

At the October 16, 2023 joint work session of the City Council and Financial Commission, staff presented the expected expenditures for operation of the City's utility services for 2024. The expenditures include total direct and indirect costs including depreciation of capital assets and administrative costs. Along with those costs are projections of the revenues needed for 2024 and for the next fifteen years to keep operations running smoothly and fund the infrastructure improvements needed in each of the utility systems. The cash flow analysis for each of the five utilities indicate anticipated rate changes necessary to maintain sufficient cash balances during the construction of the utility improvements associated with the City's 15-year Capital Improvement Plan (CIP).

For 2024, rate increases are proposed Water, Sanitary Sewer, Storm Sewer, Street Light, and Recycling utilities in order to maintain cash reserves, fund normal operations, pay for debt service and finance infrastructure improvements. Rates for the various utilities for 2024 are shown in comparison to 2023 below:

Fund	Description	2023 Rate	2024 Rate	Change
Water	Base Charge - Residential (quarterly)	\$20.53	\$22.79	\$2.26 / quarter
Consumption Charge - Residential Meters	Tier I (0 - 30 gallons)	\$3.42	\$3.80	\$0.38 / 1,000 gallons
	Tier II (31 - 60 gallons)	4.27	4.74	\$0.47 / 1,000 gallons
	Tier III (61 and greater)	6.37	7.07	\$0.70 / 1,000 gallons
Consumption Charge - Non-residential	(Per 1,000 gallons)	\$4.51	\$5.06	\$0.55 / 1,000 gallons
Sanitary Sewer	Base Charge (quarterly)	\$103.19	\$109.38	\$6.19 / quarter
Consumption Charge - Non-residential	(Per 1,000 gallons)	\$4.35	\$4.61	\$0.26 / 1,000 gallons
Storm Sewer	Base Charge (quarterly)	\$18.30	\$19.58	\$1.28 / quarter
Street Light	Base Charge (quarterly)	\$6.88	\$7.91	\$1.03 / quarter
Recycling	Base Charge (quarterly)	\$12.34	\$15.42	\$3.08 / quarter

COUNCIL ITEM MEMORANDUM

A comparison of quarterly utility billing rates for a household using 18,000 gallons of water (considered the typical residential user) is shown below:

Fund	2023 Bill	2024 Bill	\$ Change/quarter
Water	\$82.09	\$91.19	\$9.10
Sanitary Sewer	103.19	109.38	6.19
Storm Sewer	18.30	19.58	1.28
Street Light	6.88	7.91	1.03
Recycling	<u>12.34</u>	<u>15.42</u>	<u>3.08</u>
Total	\$222.56	\$243.48	\$20.68

The proposed rates would become effective for billings dated after January 1, 2024.

City Code sections 11.02 and 11.06 require a notice and hearing prior to the City Council setting new utility rates. The Public Hearing Notice was published in the Brooklyn Center Post on November 23, 2023.

Strategic Priorities:

- Safe, Secure, Stable Community

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ADOPTING 2024 WATER UTILITY RATES, FEES AND CHARGES

WHEREAS, the City of Brooklyn Center Charter requires that municipal utilities be self-supporting through revenue provided by a uniform schedule of rates, fees and charges; and

WHEREAS, this uniform schedule shall be called the “Public Utility Rate Schedule” and shall be adopted by resolution of the City Council; and

WHEREAS, the City Council has reviewed data provided on delinquent utility charges.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the following Water Utility rates, fees and charges are hereby adopted and shall be effective for all billings issued on or after January 01, 2024.

2024 WATER UTILITY RATE SCHEDULE
Water Rates, Fees and Charges

Base Rate

Year 2024 \$5.06 per 1,000 Gallons

Quarterly Minimum Rate

<u>Meter Size</u>	<u>2024 Quarterly Minimum Charge</u>
1”	\$ 66.21
1 ½”	\$ 85.13
2”	\$ 165.54
3”	\$ 331.14
4”	\$ 558.21
6”	\$ 1,277.28
8”	\$ 2,419.11
10”	\$ 3,225.49

Water Conservation Rate

<u>Meter Size</u>	<u>Base Charge (minimum charge per quarter)</u>
5/8” and 3/4”	\$ 22.79

<u>Thousands of Gallons</u>	<u>Consumption Charge (per 1,000 gallons used)</u>
0 to 30	\$ 3.80
31 to 60	\$ 4.74
61 and greater	\$ 7.07

Fees

RESOLUTION NO. _____

Water Meter Charge 5/8" or 3/4" \$149.00

Water Meter Charge Larger than 3/4" Actual Cost + \$2.00

Other Charges

Delinquent account, quarterly charge No Additional Charge

Certification for collection with property taxes \$50.00
(Utility accounts with an outstanding balance
owed of \$400.00 or greater)

Fire Service Line Charge \$ 12.50 per quarter

December 11, 2024
Date

Mayor

ATTEST: _____
City Clerk

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

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

Member
resolution and moved its adoption:

introduced the following

RESOLUTION NO. _____

RESOLUTION ADOPTING 2024 STREET LIGHT RATES AND CHARGES

WHEREAS, the City of Brooklyn Center Charter requires that municipal utilities be self-supporting through revenue provided by a uniform schedule of rates, fees and charges; and

WHEREAS, this uniform schedule shall be called the “Public Utility Rate Schedule” and shall be adopted by resolution of the City Council; and

WHEREAS, the City Council has reviewed data provided on delinquent utility charges.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the following Street Light Utility rates and charges are hereby adopted and shall be effective for all billings issued on or after January 01, 2024.

2024 STREET LIGHT UTILITY RATE SCHEDULE
Street Light Rates and Charges
Quarterly Rates

<u>Customer</u>	<u>2024 Minimum Quarterly Charge</u>
Per Dwelling Unit:	
Single, Double and Multiple Family Residential	\$7.91
Per Acre:	
Parks	\$12.53
Schools, Government Buildings, Churches	\$25.07
Retail and Service-Office	\$37.59
Commercial and Industrial	\$37.59
Vacant Land and Open Space	As Assigned
Charges	
Delinquent account, quarterly charge	No Additional Charge
Certification for collection with property taxes (Utility accounts with an outstanding balance owed of \$400.00 or greater)	\$50.00

December 11, 2023
Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

**RESOLUTION ADOPTING 2024 STORM SEWER UTILITY RATES, FEES
AND CHARGES**

WHEREAS, the City of Brooklyn Center Charter requires that municipal utilities be self-supporting through revenue provided by a uniform schedule of rates, fees and charges; and

WHEREAS, this uniform schedule shall be called the “Public Utility Rate Schedule” and shall be adopted by resolution of the City Council; and

WHEREAS, the City Council has reviewed data provided on delinquent utility charges.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brooklyn Center that the following Storm Sewer Utility rates and charges are hereby continued and shall be effective for all billings issued on or after January 01, 2024.

**2024 STORM SEWER UTILITY RATE SCHEDULE
Storm Sewer Rates and Charges**

Quarterly Rates per Acre

	<u>2024 Minimum Quarterly Charge</u>
Base Rate	\$ 78.29
Cemeteries and Golf Courses	\$ 19.57
Parks	\$ 39.15
Single Family, Duplex, Townhouse	\$ 19.58/lot
School, Government Buildings	\$ 97.87
Multiple Family, Churches	\$ 234.90
Commercial, Industrial	\$ 391.51
Vacant Land	As Assigned

Charges

Delinquent account, quarterly charge No Additional Charge

Certification for collection with property taxes \$50.00
(Utility accounts with an outstanding balance
owed of \$400.00 or greater)

Private facility cleaning charge Labor, materials, equipment and overhead

December 11, 2023

Date

Mayo

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.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ADOPTING 2024 SEWER UTILITY RATES, FEES AND CHARGES

WHEREAS, the City of Brooklyn Center Charter requires that municipal utilities be self-supporting through revenue provided by a uniform schedule of rates, fees and charges; and

WHEREAS, this uniform schedule shall be called the “Public Utility Rate Schedule” and shall be adopted by resolution of the City Council; and

WHEREAS, the City Council has reviewed data provided on delinquent utility charges.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the following Sewer Utility rates, fees and charges are hereby adopted and shall be effective for all billings issued on or after January 1, 2024.

2024 SEWER UTILITY RATE SCHEDULE
Sewer Rates, Fees and Charges

Base Rate Quarterly Residential

(Minimum quarterly charge)

	Single Family	Apartment	Senior Citizen
Year 2024	\$109.38	\$76.55	\$60.14

Non-Residential Rate

Year 2024	\$4.61 per 1,000 Gallons
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Fees

SAC Charge set by MCES

Fee Established by MCES

Charges

Delinquent account, quarterly charge

No Additional Charge

Certification for collection with property taxes
(Utility accounts with an outstanding balance
owed of \$400.00 or greater)

\$50.00

Line cleaning charge

Labor, materials, equipment and overhead

Sanitary Sewer Connection

Established annually by resolution

December 11, 2023

Date

Mayor

ATTEST: _____
City Clerk

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING 2024 RECYCLING RATES AND CHARGES

WHEREAS, the City of Brooklyn Center is a member of the Hennepin Recycling Group (HRG), which is a joint powers group organized pursuant to Minnesota Statutes Section 471.59 (1987); and

WHEREAS, the purpose of the joint powers agreement is to create an organization by which member cities may jointly and cooperatively provide for the efficient and economical collection, recycling and disposal of solid waste within and without their respective corporate boundaries in compliance with the Minnesota Waste Management Act, Minnesota Statutes Chapter 115A (1987); and

WHEREAS, the HRG has established a curbside recycling program for its member cities to meet the requirements of Hennepin County Ordinance No. 13, Solid Waste Source Separation for Hennepin County; and

WHEREAS, the City of Brooklyn Center must establish rates to fund the City's curbside recycling program and the cost for projected reimbursement of recycling charges from the HRG along with other program operating charges; and

WHEREAS, the recycling program includes a bi-annual curbside cleanup; and

WHEREAS, the City Council has reviewed data provided on delinquent utility charges; and

WHEREAS, Brooklyn Center Ordinance No. 89-11 authorizes the City to establish rates for recycling services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the recycling charges shall be as follows for all billings issued on or after January 1, 2024:

2024 RECYCLING UTILITY RATE SCHEDULE

Recycling Rates and Charges

Minimum Charge per Household per quarter: \$15.42 per quarter

Charges

Delinquent account, quarterly charge No Additional Charge

Certification for collection with property taxes \$50.00
(Utility accounts with an outstanding balance
owed of \$400.00 or greater)

December 11, 2023

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Sunday, October 15, 2023.

Greetings to the Mayor and City Council of the City of Brooklyn Center!

Upon a vote of the Brooklyn Center Charter Commission on October 12, 2023, I am hereby formally transmitting our recommendation for an Amendment to the Brooklyn Center City Charter.

The Charter Commission requests that the City Council seasonably consider and unanimously Approve the following Charter Amendment:

Section 6.07. The City shall maintain a grant policy.

If City Manager Doctor Edwards or City Staff would inform us of the City Council Meeting where this recommendation will be on the Agenda, a representative of the Charter Commission will attend that Meeting to answer any of your questions.

Respectfully submitted,

Stan J. Leino.
Brooklyn Center Charter Commission, Chairman.
(763) 234-6137.



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Minneapolis, MN 55402

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(612) 337-9310 fax
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MEMORANDUM

DATE: November 20, 2023
TO: Brooklyn Center City Council
FROM: Jason M. Hill, City Attorney
RE: Charter Commission Recommended Charter Amendment – Grant Policy

The following memorandum addresses the procedures and timeline for the Brooklyn Center City Charter amendment proposed by the City's Charter Commission.

Charter Commission Recommendation

On October 12, 2023, the City's Charter Commission voted to recommend an amendment to the City's Charter. Specifically, the Charter Commission voted to request that the City Council consider and unanimously adopt the following amendment:

Section 6.07. The City shall maintain a grant policy.

The recommendation was transmitted to the City on October 15, 2023.

Recommendation Review and City Council Action

In accordance with Minnesota Statutes, section 410.12, subd. 7 and Section VIII of the Brooklyn Center Home Rule Charter Commission Rules of Procedure, the recommendation must be reviewed as follows:

- Within one month, the City must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment. Notice of the public hearing was timely and sufficiently published on November 9, 2023.
- A public hearing must be held at least two weeks but not more than one month after the notice is published. The City Council is holding the public hearing, and first reading of the ordinance, on this matter on November 27, 2023, which falls within the window prescribed by statute.

- Within one month of the public hearing, the City Council must vote on the proposed charter amendment ordinance. The ordinance is enacted if it receives an affirmative, unanimous vote of all members of the city council (all councilmembers, not just those who may be present). It is anticipated that all members of the City Council will be present at the City's regular meeting on Monday, December 11, 2023, and therefore, the matter will be voted on at that time.

The proposed amendment would not become effective until 90 days after passage and publication of the ordinance, or at such later date as is fixed in the ordinance.

Within 60 days after passage and publication of the ordinance, a petition requesting a referendum on the ordinance may be filed with the City Clerk. The petition must be signed by registered voters equal in number to at least five percent of the registered voters in the City or 2,000, whichever is less. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by the voters as in the case of Charter amendments submitted by the Charter Commission, the City Council, or by petition of the voters, except that the City Council may submit the ordinance at any general or special election held at least 60 days after submission of the petition, or it may reconsider its action in adopting the ordinance.

If the proposed Charter amendment is not approved, the matter returns to the Charter Commission, and its determination as to whether the proposed amendment will be submitted to the voters of the City.

JMH

**CITY OF BROOKLYN CENTER
NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENT TO THE CITY CHARTER**

NOTICE IS HEREBY GIVEN that the City Council of the City of Brooklyn Center, Minnesota will conduct a public hearing on November 27, 2023, at 7:00 p.m., or as soon as possible thereafter, in the Council Chambers at City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota 55430 to consider oral and written testimony concerning a proposed amendment to the Brooklyn Center City Charter.

The Charter Commission recommends that the amendment be adopted by ordinance of the City Council in the manner prescribed by Minnesota Statutes Section 410.12, subdivision 7. Under that procedure, after the public hearing and the Council conducting the first and second readings of the ordinance, the ordinance is enacted if it receives an affirmative vote of all members of the City Council and published as in the case of other ordinances. The ordinance is effective 90 days after its passage and publication. If within 60 days thereof, a petition requesting a referendum signed by registered voters equal in number to five percent of the registered voters in the City, or 2,000, whichever is less, is filed with the City Clerk, the ordinance is not effective until approved by the voters in a general or special election or the Council may reconsider its action in adopting the ordinance.

The text of the proposed ordinance is as follows:

ORDINANCE ____

**AN ORDINANCE AMENDING CHAPTER 6 OF THE BROOKLYN CENTER
CITY CHARTER**

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

Section 1. The City Council of the City of Brooklyn Center, pursuant to the recommendation of the City of Brooklyn Center Charter Commission, has hereby determined that the following section of the City Charter be amended as follows:

Section 2. Chapter 6 of the Brooklyn Center City Charter is hereby amended by adding a new Section 6.07 as follows:

Section 6.07. GRANT POLICY. The City shall maintain a grant policy.

Section 3. This ordinance shall take effect 90 days after the date of its publication.

Anyone wishing to express an opinion about the proposed amendment orally or in writing will be heard at the public hearing.

Dated: _____, 2023.

Barbara Suciu, City Clerk

CITY OF BROOKLYN CENTER

NOTICE IS HEREBY GIVEN that the City Council of the City of Brooklyn Center, Minnesota will conduct a public hearing on November 27, 2023, at 7:00 p.m., or as soon as possible thereafter, in the Council Chambers at City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota 55430 to consider oral and written testimony concerning a proposed amendment to the Brooklyn Center City Charter.

The Charter Commission recommends that the amendment be adopted by ordinance of the City Council in the manner prescribed by Minnesota Statutes Section 410.12, subdivision 7. Under that procedure, after the public hearing and the Council conducting the first and second readings of the ordinance, the ordinance is enacted if it receives an affirmative vote of all members of the City Council and published as in the case of other ordinances. The ordinance is effective 90 days after its passage and publication. If within 60 days thereof, a petition requesting a referendum signed by registered voters equal in number to five percent of the registered voters in the City, or 2,000, whichever is less, is filed with the City Clerk, the ordinance is not effective until approved by the voters in a general or special election or the Council may reconsider its action in adopting the ordinance.

ORDINANCE ____

AN ORDINANCE AMENDING CHAPTER 6 OF THE BROOKLYN CENTER CITY CHARTER

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

Section 1. The City Council of the City of Brooklyn Center, pursuant to the recommendation of the City of Brooklyn Center Charter Commission, has hereby determined that the following section of the City Charter be amended as follows:

Section 2. Chapter 6 of the Brooklyn Center City Charter is hereby amended by adding a new Section 6.07 as follows:

Section 6.07. GRANT POLICY. The City shall maintain a grant policy.

Section 3. This ordinance shall take effect 90 days after the date of its publication.

Adopted this ____ day of _____, 2023.

April Graves, Mayor

ATTEST: _____
Barbara Suciu, City Clerk

Date of Publication _____

Effective Date _____

Barbara Suci, City Clerk

Council Regular Meeting

DATE: 12/11/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Jason Aarsvold, EDA Project Management - Ehlers

SUBJECT: Resolution Terminating the Agreement for Professional Services with North Metro
Minneapolis Convention & Visitors Bureau (D.B.A. Minneapolis Northwest Tourism)

Requested Council Action:

- Consider Resolution Terminating the Agreement for Professional Services with North Metro Minneapolis Convention & Visitors Bureau (D.B.A. Minneapolis Northwest Tourism)

Background:

Brooklyn Center has been a part of the Minneapolis Northwest Tourism Board (MNTB) for several decades. The primary purpose of the organization is to promote travel and tourism to the northwest metro area. It is funded through a state-authorized lodging tax on hotel room rentals that must be used for the purposes of funding such an organization. Over the years, the organization's membership has morphed and changed. The cities of Brooklyn Park and Brooklyn Center are the only remaining cities in the consortium.

In January 2020, the city of Maple Grove put the MNTB on notice that the city was going to spend one year evaluating its future participation in the organization (they were required per their participation agreement to provide a one year notice before pulling out of the organization). In December 2021, the City of Maple Grove exited the organization and opted to create their own tourism bureau.

Maple Grove had over half the hotel rooms between the three participating cities, and therefore contributed over half the budget to the organization. Removal of Maple Grove's lodging tax revenue significantly altered the MNTB budget in 2022. It should be noted, however, that the MNTB budget had already been significantly altered by COVID for 2020 and 2021 and staffing changes and service delivery had been altered accordingly.

In June 2021, both Brooklyn Center and Brooklyn Park passed resolutions to withdraw from Minneapolis Northwest Tourism. This was done in reaction to Maple Grove's decision to leave the organization and allowed the Cities time understand their options before making a final decision to ultimately stay in the organization or create a new organization.

The City Council directed staff to study the options available and come back for further discussion. Since that time, the Minneapolis Northwest Tourism Board in partnership with the two cities contracted with Clarity of Place, a consulting firm specializing in convention and visitor's bureaus.

In June 2022, Clarity of Place provided an update to the City Council and asked for direction on how to proceed. The recommendation at the June 2022 meeting from the consultant was to continue in

partnership with Brooklyn Park, utilizing the existing framework of the existing MNTB organization to create a new tourism bureau that would better serve the two cities. The Council at that meeting directed staff and the consultant to move forward with that path.

On August 22, 2022, the City Council passed a resolution that outlined the conditions under which the City of Brooklyn Center would remain with MNTB. The resolution laid out the following conditions:

- (1) The MNTB Bylaws must be updated to include a new board structure with additional board seats for city officials.
- (2) Article VII of the MNTB Bylaws must be updated to refer to the full-time executive employee as the CEO.
- (3) Establish a new job description for the CEO position and begin the search for the CEO position.
- (4) Approve a 2023 Work Plan with agreed upon metrics and action steps, including re-branding of MNTB to better reflect its current membership and calling for an election in January 2023 to elect board of directors in accordance with the newly approved bylaws.

Having determined the above conditions were being met, the City Council passed a resolution on December 12, 2022 rescinding withdrawal from the MNTB and approval of a temporary amendment to the existing professional services agreement. The temporary amendment approved on December 12, 2022 provided time through the end of March, 2023 for the parties to work out a final professional services agreement with updated business terms.

The Brooklyn Center City Council approved the final professional services agreement at the March 27, 2023 meeting. The revised agreement included some clarifications and necessary updates from the old agreement. The revision also included the following more substantive changes:

- Greater specificity around the services to be provided.
- Enhanced and detailed requirements around board reporting back to each City.
- The term extends through 12-31-2026 and includes a provision for termination with 9 months' notice, rather than 18 months in the previous agreement.
- City representation is modified to ensure the Board of Directors of the Tourism Bureau consists of a majority of members that are appointed by member cities. Each member city shall appoint at least one elected official from the member city, one staff member of the member city, and one representative from a business paying the lodging tax from each member city. The change must be reflected in a modification of the MNTB by-laws by October 1, 2023.

On November 27, 2023 the Brooklyn Park City Council passed a resolution terminating its agreement with MNTB. In making its decision to terminate the agreement, Brooklyn Park cited concerns about MNTB staff and its board chair acting outside of their powers per the bylaws, and not involving the whole Board in decisions as required per the bylaws.

Brooklyn Park's action also cited a breach of contract and notice to terminate the agreement pursuant to section 4.c. This section of the agreement provides for potential termination with 30 days' written notice.

The current agreement and marketing strategy, as envisioned, was going to be most effective with both cities participating in the organization. Without Brooklyn Park's participation, it is in the best interest of Brooklyn Center to terminate its agreement with MNTB as well.

Passing the attached resolution will terminate the 2023 Agreement pursuant to Section 4.d. Termination is effective nine months after notice is given to the Sitting President/CEO and Board Chair.

As indicated, Brooklyn Park’s notice to terminate may be effective within 30 days instead of the nine months associated with Brooklyn Center’s notice. This disparity may create some logistical challenges, but the parties will work together to resolve these and provide updates to the City Council as necessary.

Next Steps

City staff will provide notice of termination to MNTB and work through the necessary details to wind down the organization. Brooklyn Park and Brooklyn Center will work on a concurrent path to explore options for the creation of a new destination marketing organization to serve the needs of both cities.

Budget Issues:

This action will have no immediate effect on the budget.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/4/2023	Resolution Letter
Brooklyn Park Resolution	12/4/2023	Backup Material

Member
resolution and moved its adoption:

introduced the following

RESOLUTION NO. 2023-

A RESOLUTION TERMINATING THE AGREEMENT FOR PROFESSIONAL
SERVICES WITH NORTH METRO MINNEAPOLIS CONVENTION & VISITORS
BUREAU, D/B/A/ MINNEAPOLIS NORTHWEST TOURISM

WHEREAS, the City of Brooklyn Center (“City”) entered into an agreement (“Original Agreement”) effective August 1, 1986 with a business originally called the North Metro Convention and Tourism Bureau, but which is now identified as North Metro Minneapolis Convention & Visitors Bureau, d/b/a Minneapolis Northwest Tourism (“Business”); and

WHEREAS, in accordance with the Original Agreement, the Business provided marketing and other services promoting its member cities, which also included the City of Maple Grove and the City of Brooklyn Park; and

WHEREAS, in May 2021, the City of Maple Grove declared its intent to withdraw from the Business, leaving the City and the City of Brooklyn Park as the only two remaining members of Business; and

WHEREAS, since May 2021, the City and the City of Brooklyn Park worked with the Business to reorganize operations based on the loss of the City of Maple Grove, which culminated in a new agreement for professional services between the City and the Business effective April 14, 2023 (“2023 Agreement”); and

WHEREAS, concurrently with the City, the City of Brooklyn Park entered into a new agreement to provide similar services concurrently with the marketing and promotion services provided to the City; and

WHEREAS, on November 27, 2023, the City of Brooklyn Park adopted Resolution No. 2023-139 terminating its agreement with the Business, with the termination, at the latest, becoming effective nine months following notice to the Business in accordance with the termination provisions of its agreement with the Business, which is substantially similar to the 2023 Agreement; and

WHEREAS, the City’s 2023 Agreement expressly contemplates concurrent services to the City and the City of Brooklyn Park and includes other structural elements contemplating the City of Brooklyn Park’s participation and membership with the Business; and

WHEREAS, Section 4. d. of the 2023 Agreement provides, “The City may terminate this agreement for any reason, or no reason, upon nine (9) months’ written notice to the Tourism Bureau”; and

WHEREAS, due to the City of Brooklyn Park’s termination of its agreement with the Business, the City Council determines that it is in the best interests of the City to terminate the

2023 Agreement with the Business and pursue new options for promoting the City.

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

1. The City elects to terminate the 2023 Agreement pursuant to Section 4. d. of the 2023 Agreement. The termination is effective nine months after notice is given to the Sitting President/CEO and Board Chair.
2. The City Manager is authorized and directed to provide Notice of Termination to the Business to the Sitting President/CEO and Board Chair in the manner set forth in Section 24 of the 2023 Agreement.
3. The appropriate City officials are authorized to execute all appropriate documents on behalf of the City to take all steps and actions necessary or convenient to accomplish the intent of this Resolution.
4. The City Manager is authorized and directed to prepare and present to the City Council options to replace the services provided by the Business.

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.

RESOLUTION #2023-139

RESOLUTION TERMINATING AGREEMENT WITH
MINNEAPOLIS NORTHWEST TOURISM

WHEREAS, the City of Brooklyn Park ("City") has been a member of the North Metro Convention and Tourism Bureau d/b/a Minneapolis Northwest Tourism ("MNT") since 1986;

WHEREAS, in May 2021, the City of Maple Grove declared its intent to withdraw from the MNT leaving the City and the City of Brooklyn Center as the only two remaining members of MNT;

WHEREAS, since that time the City has worked with MNT to reorganize operations based on the loss of Maple Grove including entering into a new agreement for professional services between the City and MNT effective April 14, 2023 (the "Agreement");

WHEREAS, MNT's Bylaws ("Bylaws") require that the Board of Directors ("Board") hire the CEO of MNT. In December 2022, the Board was asked to approve an employment contract with the Interim CEO for a term of three months without being provided a copy of the contract. When directors requested a copy of the employment agreement, the Chair of the Board ("Chair") failed to provide a copy to directors at the meeting;

WHEREAS, the Interim CEO's three-month employment agreement that was approved by the Board in December 2022 was extended without Board authorization and the Chair has neglected to consider those objections and objections to the process for extending the contract;

WHEREAS, MNT has also failed to follow its Bylaws when conducting meetings and Board actions are not adequately explained leading to confusion and necessitating calling special meetings to conduct Board business;

WHEREAS, directors' concerns and suggestions to the Chair about the CEO search process, the contract with the interim CEO, and the contract with the future CEO were not heeded or brought forward to the Board for discussion;

WHEREAS, the Agreement requires that the City provide notice of any breach of the Agreement and requires that MNT have 30 days to cure the identified instances of breach and also allows termination upon nine-months' written notice for any reason or no reason; and

WHEREAS, the City desires to terminate the Agreement with MNT and provide staff with the authorization to take the next steps to provide notice of this the termination of the Agreement.

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

1. The City elects to terminate the Agreement pursuant to Section 4 (c) of the Agreement. The termination is effective 30 days after notice is given to the Sitting President/CEO and Board Chair if each and every one of the breaches listed below have not been cured by that date.
2. The City further elects to terminate the Agreement pursuant to Section 4(d) of the Agreement. The termination is effective nine months after notice is given to the Sitting President/CEO and Board Chair.

3. Notice of Termination shall be provided to the Sitting President/CEO and Board Chair in the manner set forth in Section 24 of the Agreement.
4. The Notice of Termination shall articulate the of following instances of breach, as provided for in Agreement section 4 (c), as follows:

Breach 1: MNT has diluted, lessened, and eliminated the City's representation on the Board of Directors by failing to bring items necessary under the Bylaws to a Board vote. This is especially egregious as the City's appointed representatives have repeatedly and expressly requested items, including particularly the process for approving the Interim CEO's employment to the Chair and Interim CEO.

Breach 2: MNT has failed to comply with all applicable laws:

- Failing to adhere to Minnesota Statutes, section 317A.201
- Failure to obtain consent of Directors for actions without meeting as required by Minnesota Statutes, section 317A.239
- Failure to allow Board to consider employment agreement of individual appointed as CEO as required by Minnesota Statutes, section 317A.331

Breach 3: Violations of the MNT Bylaws, including inappropriate approval of Interim CEO extensions, failure to obtain Board consent for actions without a meeting, and not providing for Board Action on the employment terms of the appointed CEO and whether those terms should be included in a contract.

5. The appropriate City officials are authorized to execute all appropriate documents on behalf of the City to facilitate termination of the Agreement and to take all steps and actions necessary or convenient to accomplish the intent of this Resolution.

The foregoing resolution was introduced by Council Member Lee and duly seconded by Council Member Winston.

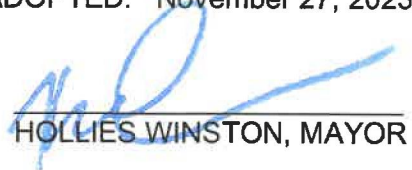
The following voted in favor of the resolution: McGarvey, Klonowski, Lee, Eriksen, and Winston.

The following voted against: Tran.

The following were absent: Morson.

Where upon the resolution was adopted.

ADOPTED: November 27, 2023



HOLLIES WINSTON, MAYOR

CERTIFICATE

STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF BROOKLYN PARK

I, the undersigned, being the duly qualified City Clerk of the City of Brooklyn Park, Minnesota, hereby certify that the above resolution is a true and correct copy of the resolution as adopted by the City Council of the City of Brooklyn Park on November 27, 2023.

WITNESS my hand officially as such Clerk and the corporate seal of the city this 28th day of November 2023.

(SEAL)


DEVIN MONTERO, CITY CLERK