

**Council Executive
Session**

City Hall Council Chambers
November 27, 2023

AGENDA



[The City Council may elect to meeting in closed Executive Session under the attorney-client privilege to discuss pending litigation - Minn. Stat. Section 13D.05, subd. 3(b)]

1. Call to Order

2. Roll Call

Items

3. Closed Session Council - Attorney Discussion

- City Council need to hold a Closed Session for the purpose of having an attorney-client privileged discussion with the City's attorneys pursuant to Minnesota Statutes, section 13D.05, subdivision 3(b) regarding PFAS.

4. Reconvene Executive Session Meeting

5. Adjourn

Council Study Session
City Hall Council Chambers
November 27, 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
November 27, 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 is not televised, and 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, rather, 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 and address before speaking.

2. Invocation - Kragness - 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
- 11/13/23 Study Session
- 11/13/23 Regular Session
- 11/13/23 Work Session

b. Approval of Licenses

- Motion to approve the licenses as presented.

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

- Motion to approve a resolution declaring a public nuisance and ordering the removal of diseased trees at certain properties as listed in the resolution.

- d. Resolution Declaring a Public Nuisance and Ordering the Removal of Dead Trees at Certain Properties in Brooklyn Center, Minnesota
 - *Motion to approve a resolution declaring a public nuisance and ordering the removal of dead trees at certain properties as listed in the resolution.*
- e. Resolution Authorizing the Submittal of a Pedestrian Facilities Application Through the Metropolitan Council's 2024 Regional Solicitation Grant Process
 - *Motion to approve a resolution authorizing the submittal of a Pedestrian Facilities application through the Metropolitan Council's 2024 Regional Solicitation grant process.*
- f. Resolution Accepting Work Performed and Authorizing Final Payment, Connections II Shingle Creek, Project No. 2021-22
 - *Motion to approve a resolution accepting work performed and authorizing final payment, for Improvement Project No. 2021-22, Connections II Shingle Creek Restoration Project.*
- g. Resolution Denying Planning Commission Application No. 2023-007 Regarding a Site and Building Plan at 7100 Brooklyn Boulevard
 - *Motion 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.*
- h. 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 to approve a resolution Approving Change Order Nos. 1 - 3 and Accepting Work Performed and Authorizing Final Payment, Improvement Project No. 2022-09, Lift Station 4 Rehabilitation Project.*

7. Presentations/Proclamations/Recognitions/Donations

- a. Workforce Development Update
 - *The Workforce Development staff will provide an update on the current and planned workforce development programs, which serve both Brooklyn Park and Brooklyn Center.*

8. Public Hearings

- a. Charter Amendment
 - *Motion to Approve the First Reading of an Ordinance Amending the Charter Regarding Grant Policy*

9. Planning Commission Items

10. Council Consideration Items

- 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 to approve 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.

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 11/27/2023

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
- 11/13/23 Study Session
- 11/13/23 Regular Session
- 11/13/23 Work Session

Background:

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

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
10.23 Study Session	11/20/2023	Backup Material
10.23 Regular Session	11/20/2023	Backup Material
11.13 Study Session	11/21/2023	Backup Material
11.13 Regular Session	11/21/2023	Backup Material
11.13 Work Session	11/21/2023	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 Suciu, 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 13, 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 6:03 p.m.

ROLL CALL

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

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Mayor Pro Tem Butler asked if there were any questions regarding the agenda or agenda items.

Councilmember Lawrence-Anderson requested the removal of Regular Session Consent Agenda Item 6a—approval of Minutes from the agenda for further review.

Councilmember Jerzak requested Consent Agenda Item 6c. Resolution Regarding 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 restaurant and Bar (Nightclub) and 704-square outdoor Patio (5927 John Martin Drive), be removed from the Consent Agenda and added to Planning Commission Items as 9b. Resolution Regarding 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 restaurant and Bar (Nightclub) and 704-square outdoor Patio (5927 John Martin Drive).

MISCELLANEOUS

Councilmember Jerzak noted his disagreement with correspondence received from Phu Bia. He doesn't believe the Council wanted Staff to negotiate a payment plan. Even if that were true, the Council should have reviewed any payment plan before agreeing.

City Manager Reggie Edwards stated the motion before the Council was to amend the lease

agreement to waive the \$65,000. The Council was opposed to amending the agreement or waiving the \$65,000. Then, staff determined a payment plan was the best option to get the \$65,000. The Council didn't want the business to fail or to receive a payment of less than \$65,000.

Councilmember Kragness stated the business previously said they couldn't come up with any more money. She asked if the \$65,000 was paid. Dr. Edwards explained staff worked with the business to pay the \$65,000 over time.

Councilmember Kragness asked why the Council didn't have an opportunity to approve the payment plan. Dr. Edwards stated the Council denied amending the agreement or waiving the \$65,000. The Council asked staff to obtain a method to receive \$65,000, and there wasn't a policy issue to bring back to the Council. Instead, staff completed the direction of the Council.

Councilmember Jerzak stated he made the original motion, and it was clear. He understood that a legal process would begin if the loan were to default. There is no sense in going after personal guarantees. His expectation was for Phu Bia to be treated like any other business. He asked if the Council was misled to believe the business owner couldn't afford additional monthly payments.

Dr. Edwards stated he listened to the recording of the meeting in question. The motion made by Councilmember Jerzak was specific not to forgive the past due amount and directed staff to reach an agreement with the business owner.

Councilmember Lawrence-Anderson stated her perspective was that the debt would not be forgiven, and the eviction process was to begin. She wants the Council to be involved in whatever payment plan is in place. She asked how the business could afford a payment plan suddenly.

Councilmember Jerzak noted his agreement with Councilmember Lawrence-Anderson. He hoped for the default to be cured and avoid any punitive action.

Councilmember Kragness stated she is concerned for the business and doesn't want the City to set them up to fail. The owner indicated they couldn't afford additional payments, and she didn't want to encourage the owner to pour more money into a failing business.

Councilmember Jerzak explained that although he stands by what he said, he would consider the payment plan if the Council could review the plan.

Councilmember Lawrence-Anderson stated she wants the Council to review the payment plan structure. It was concerning that the business was allowed to default in the amount of \$65,000 under the supervision of staff.

Dr. Edwards suggested staff return to the Council with the payment plan and its details. He requested that the Council allow staff to do the work they are directed to do.

Mayor Pro Tem Butler explained the Council seemed to be on the same page, but she understands how Dr. Edwards could have come to his conclusion. She wants the business to thrive but also to recoup the money. It is unlikely the City would see the money through an eviction process.

Councilmember Lawrence-Anderson stated because the Council was uninformed about missing payments for several months, they must be involved in the payment plan process. The staff didn't perform adequately.

Councilmember Kragness added if there was potential for a payment plan with the business, it should have been done before the issue was brought to the Council for a vote. The Council believed all other options besides eviction had been exhausted. Councilmember Jerzak noted his agreement with Councilmember Kragness. He insisted on the implementation of the consensus of the Council.

Mayor Pro Tem Butler stated the Council wants the Council to approve the payment plan during a public meeting formally and then regular updates on the payment plan. Councilmember Kragness stated the process is abnormal because the ball was dropped multiple times in the process already.

Dr. Edwards stated the business likely felt pressure to consider alternative options they hadn't considered after the Council wasn't willing to forgive the loan. It doesn't mean the Staff wasn't diligent in their responsibilities.

Councilmember Kragness added the business may have come off as disingenuous.

It was the consensus of the Council to approve the payment plan during a public meeting and then regular updates on the payment plan.

Councilmember Jerzak stated he is confused about the staff's ability to make recommendations with variable reasoning. The Council needs to rely on staff's recommendations due to their expertise. He referenced waiving the necessary 59 parking spaces from a development project. He asked for clarity on why Staff cannot make recommendations.

Dr. Edwards explained staff doesn't generally provide recommendations. It is their role to provide options and related pros and cons. The staff doesn't want to bias the procedure in any way to allow the Council to make a decision based on neutral presentations. If the Council asks for recommendations, staff may return to the Council with an additional presentation as appropriate. Dr. Edwards added that staff tries to avoid political spaces as it isn't their role.

Dr. Edwards stated the options related to the parking spots were presented as a way to improve the development process. They wanted the Council to be aware of all options.

City Attorney Jason Hill noted any application received by the City will ultimately be brought up

to the Council. The Planning Commission has a legal obligation to make a recommendation to the Council for items they review. The staff has to bring the item to the Council, whether or not they support the application. Planning Commission items are initially presented to the Council in an informational format before requiring a final yes or no vote. It allows for more discussion and questions to be addressed. The informational formatted item usually results in the Council directing Staff to prepare a resolution approving or denying the application. If unanimous, the resolution may be added to the Consent Agenda. Otherwise, it would be on the Regular Session agenda for discussion.

Councilmember Jerzak stated the item was on the Consent Agenda. Mr. Hill stated it was not a Consent Agenda item.

Councilmember Jerzak stated he is still befuddled with the new process and wishes it was explained more fully to the Council. As for the parking variance, approving the request would set an inappropriate precedent. The lack of parking would ultimately lead to police issues. There were other issues with the application as well.

Councilmember Lawrence-Anderson noted her appreciation that the Staff doesn't want to bias the Council. However, the City hired professionals in their respective fields, and the Council expects to hear their professional recommendations. She has been on the Council for 11 years, and Staff has always given their input when asked. Therefore, she requested Consent Agenda Item 6c. Resolution regarding 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 restaurant and Bar (Nightclub) and 704-square outdoor Patio (5927 John Martin Drive) be removed from the Consent Agenda. They are added to Planning Commission Items as 9b. Resolution regarding 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 restaurant and Bar (Nightclub) and 704-square outdoor Patio (5927 John Martin Drive).

Councilmember Kragness agreed she relies on the expertise of Staff in the voting process. Staff should disclose any potential issues to the Council during presentations.

Mayor Pro Tem Butler agreed she didn't appreciate how the item was handled in the previous meeting. If staff is going to change processes on how they handle presentations, it should first be discussed in a Work Session.

ADJOURNMENT

Mayor Pro Tem Butler adjourned the Study Session at 6:34 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 13, 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 Pro Tem Butler at 6:45 p.m.

ROLL CALL

Mayor Pro Tem Marquita Butler and Councilmembers Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Mayor April Graves was absent. Also present were City Manager Reggie Edwards, Director of Fiscal & Support Services Angela Holm, Community Development Director Jesse Anderson, Planner and Zoning Administrator Ginny McIntosh, Director of the Office of Community Prevention, Health and Safety LaToya Turk, Assistant City Manager/City Clerk Barb Suci, and City Attorney Jason Hill.

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

Isaac C. introduced himself as Director of Governmental Affairs for the National Association of Hispanic Real Estate Professionals. He stated there are 100 chapters throughout the United States, and he is part of the Twin Cities chapter. They champion homeownership for Hispanic folks throughout the Metro area. Participants do not need to be Spanish-speaking or Latinx to be part of the chapter. Instead, they are looking for allies and partners that support the mission. He shared statistics about the growing Hispanic homeownership group. He shared copies of the report with the Council. The Council should consider the statistics when making housing policy and development decisions. Family and economic prosperity are highly valued in the Latinx community, which makes the community so powerful.

Carol L. pointed out she previously spoke to the Council regarding 5936 Fremont Avenue North, which belongs to her son. There were issues with the signed leasing agent, and her son has received fines due to the leasing agent's negligence. He has already had to pay for the rental license independently, and additional charges are added to the property taxes. Her son is working two jobs with open abscesses on his back to afford the additional charges. The leasing agent has been fired, but her son has to work on some repairs to the property before he can make any money on it, be it through a sale or renting.

Jeff L. explained he tried to attend the public meeting on November 9, 2023. However, he was denied entrance by intervenors. He was brought to a separate room with a TV to view the meeting,

but the audio and visual components were poor. The behavior of the intervenors was appalling and aggressive. One of the intervenors wore a face mask and refused to identify himself. The intervenors did not promote a safe environment.

Jeff L. stated he thinks the City violated open meeting laws. He asked if the City employed the intervenors. He asked who gave them the authority to keep people out of an open meeting. He asked who was responsible for overseeing the intervenors. He asked how much the City is paying the intervenors. The intervenors should not be allowed to serve in such a capacity.

Jeff L. pointed out that the City already has limited financial resources, and they should not embark on social experiments with taxpayer money. He read statistics on the property taxes paid in various suburbs, and Brooklyn Center was the highest.

Jeff L. added it is inappropriate for the Council to direct law enforcement to violate State and Federal laws.

Julie B. noted she asked for accommodations for the open forum as standing at the podium isn't a healthy option for her. She thanked Dr. Edwards for his assistance. She offered extra seeds from her garden.

Julie B. explained she wrote a letter to the Council but wanted it to be reflected on the record. She read the letter from her phone. The letter was regarding November 9, 2023. She thanked staff and the Council for creating a safe space for the participants to discuss and get to the heart of the issue. The work has been difficult and scary. She has had to hire private security to attend public meetings with her, and she has had to put her daughter in safe houses since participating in the Implementation Committee.

Julie B. acknowledged she asked for no media to be present at the meeting and for intervenors to be present at the meeting to help her feel safer. People trying to force themselves into the meeting was frightening. If her daughter had been present, it would have also been frightening for her. Many community members have been approached and made to feel unsafe in the community, including in their own homes. Overall, it was one of the first meetings she had attended in the City that she felt safer.

Mayor Pro Tem Butler noted it was 7:02 p.m., but an individual has been waiting to comment since the beginning of the Informal Open Forum. She asked if the Council was comfortable extending the time to allow the commenter to speak. The Council agreed.

Alfreda D. pointed out there is a difference in how different Staff are received by the Council when presenting, particularly Black Staff members. The disrespect is clear to the greater community. She asked if the Council has any accountability measures to address the disrespect issue.

Alfreda D. added she attended a recent Council meeting on behalf of Jambo Africa. A certain Councilmember abstained from the vote. She stated she has a video recording from a few years ago of the same Councilmember vowing to get Jambo Africa shut down and prevent them from

conducting business in the City. The City will be sued if the Councilmember votes against Jambo Africa's application.

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

Motion passed unanimously.

2. INVOCATION

Mayor Pro Tem Butler acknowledged veterans and their service to the Country. The Veteran's Day event was well-received, though she could not attend.

Mayor Pro Tem Butler pointed out it is Native American Heritage Month. She read a statement about Native American history. All year long, the origin of the United States should be considered. She read a quote from Indigenous leader Sharice Davids, "Strong alliances can thrive even where disagreements exist, but they cannot thrive where free and open communication is shut down."

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in a Regular Session called to order by Mayor Pro Tem Butler at 7:04 p.m.

4. ROLL CALL

Mayor Pro Tem Marquita Butler and Councilmembers Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Mayor April Graves was absent. Also present were City Manager Reggie Edwards, Director of Fiscal & Support Services Angela Holm, Community Development Director Jesse Anderson, Planner and Zoning Administrator Ginny McIntosh, Director of the Office of Community Prevention, Health and Safety LaToya Turk, Assistant City Manager/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 Jerzak moved, and Councilmember Kragness seconded to approve the Agenda and Consent Agenda, as amended, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. October 23, 2023 – Study Session
 2. October 23, 2023 – Regular Session
- The meeting minutes were removed from the Consent Agenda.

6b. LICENSES

MECHANICAL

AJ Mechanical LLC

8939 Kirkwood Circle N,
Maple Grove 55369

Vu Pham Inc.

12409 Midway Circle NE,
Blaine 55449

RENTAL

INITIAL (TYPE IV – six-month license)

3815 Oak Street

D & T Properties, LLC

5124 66th Avenue N

Dominic T Minor

INITIAL (TYPE II – two-year license)

1510 69th Avenue N

Julius Cochran

922 53rd Avenue N

CASA VERDE LLC

RENEWAL (TYPE IV – six-month license)

7200 Camden Avenue N

Namaka Evergreen, LLC

707 69th Avenue N

HP MINNESOTA I LLC

5006 France Avenue N

A&M Estate Services Llc

5301 France Avenue N

Juniper Land Trust Llc

5410 Girard Avenue N

Cel Monton Llc

5661 Northport Drive

Allan Kemboi

5949 Vincent Avenue N

Royal Priesthood Llc

6113 Quail Avenue N

SFR ACQUISITIONS 3 LLC

6131 Bryant Avenue N

Jun Wang & Jinxiu Wang

6413 June Avenue N

Cel Monton Llc

6418 Major Avenue N

V Summers & J Summers

6701 Scott Avenue N

Royal Priesthood Llc

6725 Bryant Avenue N

Vong Duong & Ngoc-Kieu Huynh

6800 Quail Avenue N	Emmanuel Williams
6912 Unity Avenue N	Geri L Williams
<i>RENEWAL (TYPE III – one-year license)</i>	
4210 Lakebreeze Avenue N	Simons Revocable Trust
1300 72nd Avenue N	Scott & Marinela Selseth
2806 65th Avenue N	A-jelil Abdella & N Said
3101 61st Avenue N	Janice K Leonard Rev Trust
4506 71st Avenue N	Obafemi Oladeji
5351 Irving Avenue N	Cel Monton Llc
6001 Admiral Place	IH2 PROPERTY BORROWER LP
6116 Aldrich Avenue N	BRIDGE SFR IV SEED BWR LLC
6349 Halifax Avenue N	Qiang K Fang
6912 Logan Avenue N	Hpa Borrower 2017 1 Llc
<i>RENEWAL (TYPE II – two-year license)</i>	
1519 Humboldt Place N	Johnson Organization Inc
1525 Humboldt Place N	Johnson Organization Inc
1543 Humboldt Place N	Peter Imasuen
1549 Humboldt Place N	Johnson Organization Inc
5640 Fremont Avenue N	Cel Monton Llc
6800 Fremont Place N	Sharon McGary
7212 Lee Avenue N	Qiang K Fang
<i>RENEWAL (TYPE I – three-year license)</i>	
2307 54th Avenue N	James J Johnson
4207 Lakeside Avenue N, #339	Nathan J Greiner
1555 Humboldt Place N	Johnson Organization Inc

1600 69th Avenue N	Hieu C Vo
3819 Burquest Lane	Amir Chaboki
5312 Queen Avenue N	Renee Anoje
5348 70th Circle	Xin Zhou
5352 72nd Circle	Alkis Michaelides
5447 4th Street N	Infinite Property LLC
5700 Camden Avenue N	Danmark Properties Llc
5821 Ewing Avenue N	Ih2 Property Illinois Lp
7110 Riverdale Road	Acr Alta Vista Inc

SIGNHANGER

Apparently Graphic, LTD

8870 Zealand Avenue N,
Brooklyn Park 55445

Vision Sign Company LLC

704 11th Avenue SW,
Isanti 55040

- 6d. RESOLUTION NO. 2023-101; DECLARING NOVEMBER 25, 2023, AS SMALL BUSINESS SATURDAY IN THE CITY OF BROOKLYN CENTER**
- 6e. RESOLUTION NO. 2023-102; ESTABLISHING 2024 STREET AND STORM DRAINAGE SPECIAL ASSESSMENT RATES**
- 6f. RESOLUTION NO. 2023-103; ESTABLISHING INTEREST RATE FOR 2024 SPECIAL ASSESSMENTS**
- 6g. RESOLUTION NO. 2023-104; DECLARING COSTS TO BE ASSESSED AND CALLING FOR A PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS FOR IMPROVEMENT PROJECT NO. 2024-01, ORCHARD LANE EAST IMPROVEMENTS**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. 2024 RANDOM ACTS OF KINDNESS CITY COUNCIL PRESENTATION

City Manager Reggie Edwards introduced the item and invited the Office of Community

Prevention, Health and Safety Director LaToya Turk to continue the Staff presentation.

Ms. Turk explained that the Random Acts of Kindness program was established in 1997. In 2021, the City of Brooklyn Center proclaimed and designated October 25th as Random Acts of Kindness Day. The focus is to honor Brooklyn Center community members who make the City a wonderful place to live and work.

Ms. Turk noted the additional nomination options, enhanced media promotion, community engagement efforts, communications efforts, and additional invitations significantly increased the number of nominations received by the City.

Ms. Turk showed a video from the 2022 event. She pointed out nominees will be recognized by the City Council and presented a certificate of appreciation at a separate celebration on Saturday, November 18th, 2023, at the Brooklyn Center Community Center-Constitution Hall from 12:00 p.m. to 3:00 p.m.

Mayor Pro Tem Butler asked if anyone on the Council could attend the event. Councilmember Lawrence-Anderson stated she would be in attendance.

Councilmember Kragness stated that Allan Hancock nominated the Brooklyn Center Lions Club for the Cone with a Cop event. Allan Hancock nominated Mandora Young for teaching Hmong Paj Ntaub to community members. Darryl Sannes was nominated by Allan Hancock for cleaning and gluing storm drains in his neighborhood. Chuck Humke was nominated by Allan Hancock for helping to shovel neighbors' driveways.

Councilmember Kragness stated Christina Jones and Lydia Shields were nominated by Armando Ostr for their work at the Brooklyn Center Community Schools Health Resource Center. Sandy Becker was nominated by Arvid Sorsenson for cleaning the 252 bus shelter weekly, collecting glasses for those in need, serving as a co-chair for a blind dinner club, and planning the annual BC Lions Club potluck. Erwin Heisler was nominated by Arvid Sorenson for doing weekly shopping for a blind person, serving as a co-chair for a blind dinner club, and planning the annual BC Lions Club potluck.

Councilmember Kragness stated Madeline Mork and Wendy Christenson were nominated by Brenda Johnson for their work with the Buy Nothing Project. Michelle Aud was nominated by Darnell Hancock for offering yoga classes at the Thursday Farmer's Market. Joan Schonning was nominated by Darnell Hancock for hosting a Treasure Swap and donating extra items to ARC.

Councilmember Lawrence-Anderson stated Diane Sannes was nominated by Darnell Hancock for delivering bagels to schools instead of allowing them to go to waste. Susan Arneson was nominated by Darnell Hancock for hosting Cones with a Cop.

Councilmember Lawrence-Anderson stated the Igbo Women's League of Minnesota Amrill Okonkwo was nominated by Darryl Sannes for providing free COVID shots to the community. The Yang family was nominated by Darryl Sannes for picking up trash around Palmer Lake. Kim Kenny was nominated by Darryl Sannes for picking up trash in the community.

Councilmember Lawrence-Anderson stated Michael Crenshaw by David Blas for doing yard work for neighbors, even despite medical issues. Pastor Ruth Ann Ramstaed and BUMC Church was nominated by Diane Sannes for their work with the Thursday Farmers Market. Jill Dalton and Jack MacMillian were nominated by Diane Sannes for serving as master recyclers. BC Cub Manager Jamar Hester was nominated by Diane Sannes for providing discounted food for school students. Megan Lindstrom of Doherty Staffing was nominated by Diane Sannes for hosting Cones with a Cop.

Mayor Pro Tem Butler stated Russell Waisanen and Richard Kopf were nominated by Ginny Exel for helping her care for her home. Lois Hattenberger was nominated by Ginny Exel for helping her neighbors and volunteering at church. Kathy and Don Winn were nominated by Ginny Exel for helping her after a medical incident and serving at the church.

Mayor Pro Tem Butler stated Barb Suciú was nominated by John Solomon for going above and beyond her Staff role to serve community members. Kavess'e Wicher was nominated by John Solomon for helping an elderly and ill neighbor. Pamela Solomon was nominated by John Solomon for caring for elderly and ill neighbors. Kim Jones was nominated by John Solomon for going above and beyond her role as a Receptionist at Brooklyn Center High School to get to know and serve students in need.

Mayor Pro Tem Butler stated the Brooklyn Center Garden Club was nominated by John Trautmann for cleaning out weed overgrowth and planting gardens in the community. Mayor Pro Tem Butler stated Rebecca Walker was nominated by Julie Bourque for being a generous neighbor. Diana Bourque was nominated by Julie Bourque for helping elderly neighbors navigate various medical needs.

Councilmember Jerzak stated the whole McDonald's Morning Crew including Melissa Morehouse, Chance Thao, Terrance Tate, Suzy Juarez Perez, Roxana Cruz-Lozano Ariel Ortega Peralta, Sandra Domingo, Silvia Lozano, Alberto Vazquez, Maria Ibarra Carillo, Daniel Miranda, Victor Marquez, Brigida Martinez-Rubio, Cesar Berrera, Marina Olmeda, and Ezequial Aredondo by Julie Bourque for making everyone's days brighter. David Yang was nominated by Julie Bourque for generosity shown toward neighbors.

Councilmember Jerzak stated Jan Tieden was nominated by Karen Jacobson for cleaning up parks, planting gardens, and more with her daycare children. Pastor Jim Verbout was nominated by Kathy Winn for going above and beyond his duties as Outreach Pastor at Lutheran Church of the Master including building relationships with Brooklyn Center's Fire and Police Departments, collecting food and clothing donations, building beds for the homeless, mentoring youth, organizes a food pantry, and more.

Councilmember Jerzak stated Craig Phillips was nominated by Mary Senner for plowing their driveway multiple times. Eddie Chesmer was nominated by Nancy Lundgren for serving his neighbors. Lowell Kpanyor was nominated by Raquel Goutierez for his kindness and engaging presence at the Block Party. Gladys Castellano was nominated by Raquel Goutierez for the work she does that goes unnoticed.

Councilmember Jerzak stated Keevin Miller was nominated by Reese and Denise Fadina for helping out his neighbors. Derrick and Andrea Lanz were nominated by Robin Hall for helping with snow removal.

Councilmember Kragness stated Greg and Donna Jones were nominated by Robin Hall by helping with snow maintenance.

Councilmember Lawrence-Anderson stated Butch Zang and Jeff Foss were nominated by Robin Brisse to help a teenager to repair his bike.

Mayor Pro Tem Butler stated the Brooklyn Center Lady Lions Club was nominated by Susan Arneson for cleaning bus shelters, donating diabetes kits, cleaning parks, hosting Cone with a Cop, driving seniors to appointments, and more.

Councilmember Jerzak stated Soldiers 6 was nominated by Fire Chief Todd Berg and Police Commander Tony Gruening for helping the City get their two compassion dogs.

Councilmember Kragness stated TaLeia “ACE” Thomas was nominated by Tom Agnes for immediately giving the shoes she was wearing off her feet to a homeless man.

Ms. Turk added there is a Community Engagement Connector Award for leaders who engage and connect the Brooklyn Center community to needed resources. The 2023 Award goes to Brooklyn Center Community Schools Health Resource Center and Northwest Family Resource Collaborative.

8. PUBLIC HEARINGS

None.

9. PLANNING COMMISSION ITEMS

9a. PLANNING COMMISSION APPLICATION NO. 2023-007, SUBMITTED BY 7100 BROOKLYN BLVD LLC, FOR CONVERSION OF A FORMER CREDIT UNION AND OFFICE BUILDING INTO A 17-UNIT MULTI-FAMILY RESIDENTIAL BUILDING AND RELATED IMPROVEMENTS (7100 BROOKLYN BOULEVARD)

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

Planner and Zoning Administrator Ginny McIntosh explained 7100 Brooklyn Blvd. LLC is requesting review and consideration of a proposal to convert a former credit union and office building located at 7100 Brooklyn Boulevard into a 17-unit multi-family residential building. According to Hennepin County records, the property was sold to the current owner in March 2023. Section 35-7605 that a significant amendment to an approved site and building plan shall be

triggered under specific outlined scenarios, including a “20 percent or greater change in the number of residential units.” A review of a significant amendment under the City’s Unified Development Ordinance shall follow the procedure for issuing a new site and building plan approval. This threshold is triggered as the proposal would result in a 100-percent change in the number of residential units.

Ms. McIntosh showed images of the site and the views from the site. At one point, the property was the Brooklyn Center City Hall. In 1985, there was approval for a site and building plan and a special use permit for construction of a two-phase office building development. The second building was never built. True mixed-use districts were not in place until the adoption of the City’s UDO, but the former code did allow for limited non-residential uses within its higher-density multi-family residential districts.

Ms. McIntosh stated the office uses were limited to lower intensity C1 uses such as financial, employment, legal offices, and medical offices. The general sense was that limited office uses were permitted through special use permits where their intensities would not conflict with multi-family residential users. The subject property was rezoned in January 2023 for multi-family residential and commercial uses.

Ms. McIntosh pointed out City Staff worked with the former owner and new owner in early 2023 to prepare an access easement and utility facilities agreement to ensure the City had access to the stormwater pond.

Ms. McIntosh stated the proposed 17-unit multi-family residential building would have limited alterations to the property’s exterior. The proposal falls within density allowances and is actually on the lower end. The proposal is in line with the City’s 2040 Comprehensive Plan. The unit mix would include five studios, 11 one-bedroom, and one two-bedroom. She showed an image of the site and building plan.

Ms. McIntosh stated the proposed conversion from the existing office building use to multi-family residential would result in limited impacts on the existing exterior areas of the Subject Property. Although there are plans to remove an existing standalone ATM located at the western edge of the property, re-stripe and remove certain parking within the surface parking lot, and install a new, expanded trash enclosure along the eastern edge of the property, almost all work would be contained to the interior of the building.

Ms. McIntosh added there are no plans to alter the existing curb cut, which is located off the east side of Brooklyn Boulevard and provides full vehicular access to and from the Subject Property. Similarly, there are no significant plans to alter the existing surface parking lot and circulation, given that most work would be contained to the interior of the former office building.

Ms. McIntosh pointed out a multi-use trail currently runs parallel to the property line of the Subject Property and along Brooklyn Boulevard. The 723 Metro Transit bus line provides service at stops just off the property, with service by the 761 line to the north. Following communication with City Staff, the applicant revised their plans to incorporate a bike rack to the east side of the building.

Ms. McIntosh stated the property appears to have 64 parking spaces available to date, although some of the parking spaces appear too narrow for parking purposes. As proposed, the applicant intends to remove five parking spaces located just outside the doors located on the east side of the building to allow for the turning movements necessary for a garbage truck and the bike rack and an additional five parking spaces at the northeast end of the parking lot to accommodate the new trash enclosure. The City's Unified Development Ordinance, as outlined under Section 35-5506, notes a maximum provision of two parking spaces per dwelling unit in multi-family residential situations. Assuming 17 dwelling units, a maximum of 34 parking spaces is required per Code.

Ms. McIntosh noted that the submitted plans denote a total impervious surface coverage of 76 percent, which falls below the City's newly outlined maximum impervious coverage of 80 percent for Neighborhood Mixed- Use District properties. As the property is non-conforming with respect to setback regulations and parking lot placement as outlined under the Neighborhood-Mixed Use District provisions, City Staff would welcome future opportunities to provide residents with additional outdoor amenity space.

Ms. McIntosh pointed out, as demonstrated in the submitted plans, that the minimum drive aisle widths and dimensional standards outlined within Section 35-5504 appear to be met. To manage parking and as part of the plan updates, the Applicant also intends to provide dedicated parking space for each unit and to manage parking.

Ms. McIntosh explained that an original photometric plan submitted as part of the October 12, 2023 report contained a number of deficiencies with the lighting requirements as outlined under the City Code for open-air parking lots, fixture types, and illumination levels concerning the neighboring uses. In response to City Staff comments, the applicant worked with a different lighting contractor to revise the lighting plans per City Code requirements. Any and all lighting and fixtures shall comply with City Code provisions as outlined under Section 35-5400. The revised plans generally fall within the allowable open-air parking lot illumination levels permitted under the City Code. Similarly, the proposed light poles are noted as 20 feet in height, which falls within the maximum allowable pole heights, and the wall fixtures have since been revised from wall packs, which are not permitted except for service/loading areas, to LED wall sconces.

Ms. McIntosh added that the illumination levels along the building have also since been reduced following City Staff concerns regarding excessive lighting and potentially negative impacts on abutting single-family residential properties. Given the proximity of single-family residential to the north, it is important that any and all lighting limits glare and light spill into the backyards of these properties. Although the wall fixtures generally meet the minimum illumination levels for primary entrances and exits, City Staff requests additional illumination levels for the lighting over the exit door located on the north elevation.

Ms. McIntosh noted an existing trash enclosure is located on the east side of the Subject Property; however, the applicant proposes to replace and relocate the trash area further to the east, towards the edge of the parking lot. The existing trash enclosure would be removed, and the area would be re-purposed for snow storage. When City staff first met with the applicant, concerns were raised about a garbage truck's ability to navigate this area as it appeared there were no areas to turn

around. This would have required a garbage truck to pick up trash at the eastern edge of the parking lot and navigate in reverse back towards the Brooklyn Boulevard entrance before turning around.

Ms. McIntosh stated city staff requested the applicant provide a turning diagram showing that a typical garbage truck could make the turning movements. Following this, the applicant's team revised the site plan to make alterations to the east portion of the parking lot and removed the parking located just outside the east doors to allow for maneuvering. A turning movements diagram was provided that demonstrates the ability of a 30-foot-long truck to navigate the trash enclosure and parking lot area. city staff had previously requested striping and signage to ensure no one parked or obstructed this area; the civil plans have since been revised to indicate a painted access aisle with white cross-hatching.

Ms. McIntosh explained that the new, expanded trash enclosure would be constructed of brick or stone to match the existing brick building and with precast concrete caps. The enclosure appears to feature wooden, opaque doors. Although no measurements are provided, the new trash enclosure should be located at least five feet off the interior property line. All ground-mounted equipment over 30 inches in height or greater than 12 cubic feet shall be effectively screened from public view. Similarly, roof-mounted equipment shall be screened from view through parapets, wall/fencing materials, or paint compatible and complementary to the building.

Ms. McIntosh pointed out that city staff noted clear visibility to the neighboring single-family residential to the north in visiting the Subject Property. Although the City approvals noted under Planning Commission Application No. 85011 acknowledged an existing cedar hedge along the north and east property lines as an appropriate method of screening from the residential uses, it was also stipulated that replacement screening would be required were it to fail.

Ms. McIntosh stated although there is an existing chain link fence in place, city staff requested the applicant revise the screening along the north property line to comply with the City's screening standards and specifically to minimize the negative impacts of vehicle lights shining into single-family residential yards as they navigate the parking lot. Following the Planning Commission and public hearing on October 12, 2023, the applicant requested city staff allow for the revision of plans to address comments made by Brooklyn United Methodist Church for a privacy fence along the northern property line and to address City Staff comments.

Ms. McIntosh stated there are no plans to alter the exterior of the building, except for some identified tuckpointing required on the existing brick exterior. A new engineered canopy would be installed over a proposed exterior mailbox area outside the main doors to match the existing main entry canopy. City Code requires no less than 60 percent face brick, natural or colored stone, pre-colored or factory stained or stained on-site textured pre-cast concrete panels, textured concrete block, stucco, glass, fiberglass, or similar materials. Although this requirement appears to have been met, city staff requests a rendering with a schedule breakdown of building materials by percent.

Ms. McIntosh pointed out a previously approved landscape plan on file for the Subject Property, approved in 1985 under Planning Commission Application No. 85011; City Staff requested the applicant work off this plan as a baseline. It should be noted that the approved landscape plan

contemplated the two-phase development; therefore, certain plantings contemplated in the original 1985 plan were never installed.

Ms. McIntosh noted that the applicant provided a preliminary plan schedule and landscape plan, which was reviewed as part of the October 12, 2023 report. At the time, City Staff noted that, while Green Ash trees are native to Minnesota, they have generally been overplanted and are becoming less and less familiar with the presence of Emerald Ash Borer in the State. City Staff requests the applicant determine if there are any opportunities to treat the trees, given their deteriorating condition. If not, city staff requests the applicant work with a City-approved certified arborist to remove the trees to minimize the spread of Emerald Ash Borer.

Ms. McIntosh explained the applicant has since revised the landscape plans to incorporate ten additional Isanti Redosier Dogwoods. An underground irrigation system must be installed in all landscaped areas to help facilitate site maintenance, as noted in the 1985 approvals. The submitted landscape plan identifies existing turf and irrigation lines intended to remain and new drip irrigation to be installed around the building foundation planting areas.

Ms. McIntosh added that in reviewing the submitted initial landscape plans, city staff noted that a considerable area along the northern property line was proposed to install wood mulch, which is considered a temporary ground cover. Although edging can be utilized to help contain the mulch, city staff expressed concern with the proximity of this area to the City's stormwater pond and that a portion of this area is intended for snow storage. With this in mind, city staff requested the applicant identify alternative landscaping measures for this area. The applicant has since revised the landscape plans to reflect the installation of rock mulch in those areas surrounding the trash enclosure and snow storage areas before transitioning to wood mulch along the property line area.

Ms. McIntosh stated the applicant requested reuse of the existing sign cabinet at the top of the building and facing Brooklyn Boulevard, which is approximately 61 square feet. Any new signage would be required to comply with the provisions outlined within Section 35-6000 of the City Code. Although the sign size appears to exceed the City's maximum wall size provisions for multiple family dwelling units, Section 35-6300 stipulates that "nonconformities will generally be permitted to continue under the provisions of this Code;" therefore, it is interpreted that a replacement panel would be permitted. Should the wall sign be majorly altered or the cabinets replaced in the future, the sign would be required to comply with City Code requirements.

Ms. McIntosh confirmed engineering reviewed plans and provided a memo dated October 4, 2023. Existing comments still stand. The applicant will need to revise parking signage as part of ADA compliance and obtain any potential permitting from Hennepin County.

Ms. McIntosh added the Building Official conducted a cursory review on October 9, 2023. The applicant must comply with comments as part of any permitting. A fire sprinkler and monitoring system is required for installation, ADA regulations must be met concerning any building or site improvements, a SAC determination shall be submitted to the Metropolitan Council, and approvals from the Hennepin County Health Department must be approved.

Ms. McIntosh noted a CPTED review is to be completed by city staff, and a rental license must be

applied for and maintained prior to any occupancy.

Ms. McIntosh pointed out that a public hearing notice was published in the Brooklyn Center *Sun Post* and mail notifications were sent to all physical addresses within 350 feet of the subject property.

Ms. McIntosh noted on October 4, 2023, city staff received a voicemail from a business owner located within the Boulevard Plaza office condominiums, located just south of the Subject Property. On October 6, 2023, city staff received a letter with an attached petition of signatures from 31 individuals operating out of the Boulevard Plaza office condominiums. The letter outlined various concerns, such as changing the area's environment to a residential area rather than a business district, safety concerns, increased traffic, dumping concerns, and privacy concerns.

Ms. McIntosh stated on October 11, 2023, city staff received an email from the representation of Brooklyn United Methodist Church, who indicated a “vested interest in the housing proposal because our parking lot abuts the property in question.” They inquired about the proposal and requested the installation of a privacy fence between the subject property and the overflow lot. A follow-up email was sent to city staff following the public hearing.

Ms. McIntosh noted that Pham-Vang Optometry, who initially signed the petition letter presented by the Boulevard Plaza office condominiums, submitted a separate letter of petition following the public hearing on October 13, 2023.

Ms. McIntosh stated the Planning Commission posing questions regarding the availability of outdoor amenity space, safety and security within the building, the types of tenants likely to occupy the building, the availability of on-site management, and opportunities to address concerns addressed by neighboring property owners. Following the close of the public hearing, the Planning Commission recommended denying the requested site and building plan with a 3-2 vote.

Ms. McIntosh added that the Housing Commission reviewed the proposal at their October 17, 2023, meeting and generally favored the proposed conversation. They cited housing diversity and choice as part of the support. They had questions regarding how neighboring business owners' grievances might be addressed.

Ms. McIntosh explained overall, the proposal generally meets the minimum requirements outlined under the City's Unified Development Ordinance and Section 35-7604. There are two proposed options before the Council. The first option is a motion to direct staff to prepare a resolution approving the site and building plan (major amendment) as outlined in Planning Commission Application No. 2023-007, which would convert a former credit union and office building to a 17-unit multi-family residential building, subject to the outlined conditions of approval. The second option is to direct Staff to prepare a resolution denying the site and building plan (major amendment) as outlined in Planning Commission Application No. 2023-007 with outlined findings of fact.

Ms. McIntosh offered to answer any questions of the City Council regarding the request.

Councilmember Lawrence-Anderson asked why the Planning Commission voted in the way they did. Ms. McIntosh stated she tried to get clarity from the Planning Commission. There were some concerns about the form and fit of the building and an amenity space. There were also questions about building code, which isn't under the purview of the Planning Commission. Any building code issues would be resolved as part of the approval process.

Councilmember Lawrence-Anderson noted she attended the Planning Commission meeting, and the Commission primarily appeared neutral on the topic.

Councilmember Jerzak pointed out there seems to be extensive opposition to the project, as seen by the Planning Commission vote and community feedback. He asked where the opposition came from. Ms. McIntosh stated the letter from the neighboring office expressed that this area was a business district and was not a residential area. The new zoning does allow for the use. Other concerns mentioned included safety, increased traffic, dumping, and privacy concerns. The applicant tried to address most of the issues. However, many of the concerns are not within the scope of the Planning Commission review or land use review.

Councilmember Jerzak asked if the City was approached regarding a conversion prior to a purchase. Ms. McIntosh stated the former owner did engage with city staff in January 2023. Staff walked through the new owner about potential space uses, including a multi-family or office use.

Councilmember Jerzak asked what the new owner's initial plan for the space was. Ms. McIntosh stated the new owner didn't indicate a specific preference until after purchasing the building.

Councilmember Kragness asked about the longevity of the businesses who wrote the opposition letters. Ms. McIntosh stated the writer of the initial office letter has been in the space for about 24 years. She stated she is unaware of the length of the other unit occupants' use of the space.

Councilmember Lawrence-Anderson stated she would like to hear the perspectives of her colleagues.

Councilmember Jerzak stated he is inclined to vote in line with the Planning Commission and the opposition letters. He added it doesn't seem to be a good fit for the area. However, he is open to approving the application if the other Councilmembers support it.

Mayor Pro Tem Butler noted parking is a concern because of its proximity to Brooklyn Boulevard.

Councilmember Kragness noted her agreement with Mayor Pro Tem Butler. She added she doesn't want there to be an adverse impact on the long-term business owners in the area. She asked if there is a better location for the plan.

Councilmember Lawrence-Anderson moved, and Councilmember Jerzak seconded to direct staff to prepare a resolution denying the site and building plan (major amendment) as outlined in Planning Commission Application No. 2023-007 with outlined findings of fact.

Motion passed unanimously.

9b. RESOLUTION REGARDING 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) AND 704-SQUARE FOOT OUTDOOR PATIO (5927 JOHN MARTIN DRIVE)

Councilmember Lawrence-Anderson stated she has concerns about the parking variance.

Dr. Edwards introduced the item and invited Planner and Zoning Administrator Ginny McIntosh to respond to any additional questions.

Ms. McIntosh explained on October 23, 2023, the City Council made a motion to direct staff to prepare a resolution approving a variance as outlined in Planning Commission Application No. 2023-006 for a 59-parking space deficiency associated with related site and building plan and conditional use permit requests that would allow for 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 outlined conditions of approval.

Ms. McIntosh stated variances have a higher level of scrutiny, and it is rare to bring variances to Councils due to the height of the criteria standard. Ultimately, the owner cannot be the reason for the variance. They are generally due to topological considerations.

Councilmember Jerzak stated a thriving business needs all possible parking spaces. Any parking issues would overflow to the Police Department. Also, he doesn't want to set a precedent.

Mayor Pro Tem Butler asked what the Council committed to in the previous vote. City Attorney Jason Hill explained City Council made a motion to direct staff to prepare a resolution approving a variance, but it wasn't an approval in and of itself. If the resolution failed, it would then be deemed a denial per the Statute.

Councilmember Lawrence-Anderson added she is concerned about the proposed site and its conflict with the Opportunity Site, similar to her comments at the previous meeting.

Councilmember Jerzak noted his agreement with Councilmember Lawrence-Anderson.

Councilmember Kragness added she supports the project but not the location.

Mr. Hill recommended Councilmember Jerzak clarify why he abstained from the previous vote but is now voting on the matter.

Councilmember Jerzak stated he is not abstaining from the vote because of the policy precedent approving the application would set. He previously abstained due to his past role working for the City.

Mayor Pro Tem Butler added there needs to be a motion and a second for the item regardless of how Councilmembers are going to vote on the item.

Mayor Pro Tem Butler moved, and Councilmember Lawrence-Anderson seconded to adopt a Resolution regarding Planning Commission Application No. 2023-006, submitted by AWC Holdings LLC, for approval of a variance for a 59-space parking deficiency and conditional use permit that would allow for 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, based on the submitted findings fact, and as amended by the conditions of approval in the Resolution.

Mayor Pro Tem Butler stated the Council previously agreed to move forward with the application approval, so she wants to continue with the approval.

Councilmembers Kragness, Lawrence-Anderson, and Jerzak voted against the same. Motion failed.

Dr. Edwards asked if the Council needs to direct staff to write a resolution of denial. Mr. Hill stated Statute only requires that Councilmembers dictate the reason for the denial, which has been done.

10. COUNCIL CONSIDERATION ITEMS

10a. FOLLOW UP FROM SPECIAL ASSESSMENT HEARING FOR PROPOSED SPECIAL ASSESSMENTS FOR ADMINISTRATIVE FINES/CITATION COSTS

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

Mr. Anderson explained at the City Council Meeting on October 23, 2023, that two properties appealed the Administrative Fines/Citation Costs during the Special Assessment Hearing. City Council asked staff to bring back information regarding the properties to the November 13, 2023 City Council meeting. Properties 5936 Fremont Ave N and 5520 James Ave N appealed and attached are the summaries for both properties.

Mr. Anderson stated for 5936 Fremont Ave N; staff found the property during a proactive code enforcement sweep of the City due to property code violations. It was determined to be an unlicensed rental property due to visits to the property. Staff conducted 14 inspections over ten months. Five administrative citations were issued totaling \$6,100, all of which were for renting without a license. The owner's mom brought this item up due to medical issues of the owner. The owner leased his property through a leasing agent, but the agent didn't allow the son to check in on the rental property.

Mr. Anderson noted for 5520 James Ave N, the appellant stated that the other occupants left their inoperable vehicles at the property, and he could not get the vehicles towed. He also stated that he didn't check his mail due to the overwhelming amount of mail he was receiving. Due to his financial situation, he cannot pay the citation amounts.

Mr. Anderson pointed out that the City became aware of the property due to a complaint regarding inoperable vehicles and a fallen tree. Staff conducted 14 inspections over five months. Staff spoke with the resident twice to discuss the violations and made multiple additional attempts. Seven administrative citations were issued, and \$3,125 has been assessed to the property taxes. Citations were for inoperable vehicles, accumulated junk and materials, a fallen tree, and a broken garage door. He showed images of the property, showing it is now in compliance.

Mr. Anderson stated the recommended action for 5936 Fremont Ave N is to dismiss \$4,000 and specially assess \$2,100 plus the \$40 certification fee to the property tax rolls. The owner has applied for a rental license.

Mr. Anderson stated the recommended action for 5520 James Ave N is to dismiss \$6,000 and specially assess \$3,000 plus the \$40 certification fee to the property tax rolls. The property is currently in compliance.

Mr. Anderson added that no action is needed if the City Council would prefer not to reduce the citations. If the City Council prefers to adjust the amount of the reduction, the resolution can be amended with the motion to approve.

Councilmember Jerzak stated this is a difficult topic. He asked why prosecution for renting without a license wasn't sought out. He explained it is a non-biased third-party. As for the other property, he asked why an occupied abatement wasn't completed; it would be a suitable alternative response. Both situations have a mental health component; he asked if the City's social worker was included in the manner. The fines will be prohibitive and promote displacement. The City didn't do well in either situation.

Mr. Anderson stated a prosecution effort is typically done after a \$2,000 citation, which wasn't reached in either scenario. As for an occupied abatement, some of the issues could have been fixed through that process.

Councilmember Kragness asked if a property owner can respond to mail notices to work out a payment plan or alternative resolution. Mr. Anderson stated there can be a hearing officer appointed upon request of the property owner via appeal. That typically results in waiving the fines and a "probationary" period for the property owner to maintain compliance. Staff does try to be flexible with time frames based on the circumstances of the property owner.

Mayor Pro Tem Butler moved, and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2023-105; reducing the certified special assessments for certain properties for administrative fines and citation costs from the Hennepin County Tax Rolls.

Councilmember Jerzak stated the City needs to do better going forward. He thanked staff for their work to find a compromise.

Motion passed unanimously.

10b. RESOLUTION NO. 2023-106; APPROVING THE GRANT ADMINISTRATION POLICY

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

Ms. Holm explained the City Council requested a Grant Administration Policy be established. This was initially given to staff and was later referred to the Finance Commission for completion. The Fiscal and Support Services Department wants to promote accurate financial reporting and clear policies.

Ms. Holm pointed out staff plans to seek out more grants, which requires a grant policy to ensure best practices and that the City is being responsible stewards of the money. Work has been completed to develop, implement, and maintain meaningful grant oversight for the City, EDA, and HRA. The goal is to have a uniform method of applying for and managing grants. Uniform Guidance is applicable to Federal Funds. Procedures represent an implementation of the policy.

Ms. Holm stated The Finance Commission members met in early 2023 to discuss the request and determine the most efficient way to complete the task. City staff had obtained sample grant policies from other local municipalities as well as municipalities in other states. It was determined that each member of the Commission would review one of the policies, and the group would reconvene to discuss the components of their respective policies that best represented the City's priorities. The group attempted to reconvene several times but struggled to secure the necessary quorum to take official action.

Ms. Holm noted one policy that was received by the group was from the City of Bloomington, MN. This policy was a portion of Bloomington's larger comprehensive financial policy. It had been vetted by their legal counsel and their City Council. There were many components that aligned well with Brooklyn Center's priorities. Due to not having a quorum for multiple meetings, city staff elected to proceed forward with a version of the Grant Administration Policy and presented it to the City Council on May 22, 2023.

Ms. Holm explained highlights of the policy include the Council approving all grant awards, all awards requiring a resolution to Council approving grant acceptance and required budget adjustments, grant awards will be subject to the City's purchasing policy, all grant documentation will be stored electronically in accordance with the City's Document Retention Policy, and a grant fund will not be disbursed until a fully executed agreement has been received.

Ms. Holm added departmental grant administrators are the main contact for each grant. Grant review will occur periodically to ensure funds are sufficient or will be fully expended within the grant timelines. A final close-out memo will be prepared by the proper department. Also, the Finance Director will confirm the grant closeout and submit any closing documentation to the granting entity.

Ms. Holm stated there was further discussion about the policy following its submission to the Council. There is a proposed revision on page five. It currently reads, "Ensure that grant-funded

personnel are on a contract basis.” The proposed change is to “ensure that grant-funded personnel will be on a contract basis whenever possible.” The hope is to avoid putting strong restrictions on grant-funded positions. For example, a contract basis for full-time firefighters may not be appropriate. However, the City would still like to seek out funding to support the growth of the Fire Department.

Councilmember Lawrence-Anderson stated she prefers the original language on page five. She suggested it read, “ensure that grant-funded personnel are on a contract basis unless there is proper approval by the Council.” She explained the “whenever possible” portion is vague, and she doesn’t support it.

Councilmember Jerzak noted his agreement with Councilmember Lawrence-Anderson. He explained his distaste for contracted positions being forced onto the levy.

Mayor Pro Tem Butler asked if it is feasible for all grants to come before the Council due to the amount of grants that are applied for. Dr. Edwards stated there aren’t many grants that pay for staffing, so it is not burdensome to staff.

Councilmember Jerzak suggested there be more foresight to build capacity when considering grants and preparing for transitions after the funding subsidies.

Councilmember Kragness stated the policy gives the responsibility back to the Council to determine the sustainability of grant funding. It isn’t fair for staff to be hired on a contractual basis without fully understanding the implications, except for Police and Fire. She noted her agreement with the wording suggestion made by Councilmember Lawrence-Anderson.

Councilmember Lawrence-Anderson pointed out that the Council has been in the dark about previous grant application efforts. It sounds like the proposed policy ultimately goes back to the Purchasing Policy to determine the grant amounts brought before the Council. It would be tedious for every grant to go before the Council, but she wants to know about substantial grants and their implications. She encouraged the Finance Commission to meet to review the Purchasing Policy.

Councilmember Kragness stated some members of the Finance Commission discussed the Purchasing Policy and the Grant Policy was written completely separately from the Purchasing Policy to decrease staff burden and tedious oversight. The proposed Grant Policy is a good balance of various considerations. There wasn’t a quorum, but a consensus among the present Finance Commission.

Councilmember Jerzak asked for the Purchasing Policy to be revisited in a coming Work Session. Dr. Edwards stated staff wouldn’t be able to write a new policy at present due to staffing levels. He suggested the policy be rewritten in the Spring.

Councilmember Lawrence-Anderson suggested a Work Session before the Spring for the Council to provide input regarding what they want to see in the Purchasing Policy in preparation for staff capacity to be available for a thorough rewrite. Dr. Edwards confirmed that the staff could facilitate conversations regarding the Purchasing Policy with the Council.

There was consensus by the Council to have Work Sessions regarding the Purchasing Policy before Spring 2024.

Councilmember Kragness added that the Finance Commission needs to be complete and tasked with reviewing the Purchasing Policy within the same timeline.

Councilmember Jerzak moved, and Councilmember Kragness seconded to adopt RESOLUTION NO. 2023-106, a Resolution adopting the Grant Administration Policy located in the City Code of Policies, Financial Policies Section 2.25, with the language amendment suggested by Councilmember Lawrence-Anderson.

Motion passed unanimously.

Councilmember Lawrence-Anderson reiterated her language amendment was for page five to say, “ensure that grant-funded personnel are on a contract-basis unless approved by the City Council.”

11. COUNCIL REPORT

Council Report was not considered due to the late hour.

12. ADJOURNMENT

Mayor Pro Tem Butler moved, and Councilmember Lawrence-Anderson seconded adjournment of the City Council meeting at 8:56 p.m.

Motion passed unanimously.

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

WORK SESSION
NOVEMBER 13, 2023
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Pro Tem Marquita Butler at 8:56 p.m.

ROLL CALL

Mayor/President Pro Tem Marquita Butler and Councilmembers/Commissioners Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Mayor/President April Graves was absent. Also present were City Manager Reggie Edwards, Fire Chief Todd Berg, Fiscal and Support Services Director Angela Holm, Assistant City Manager/City Clerk Barb Suciu.

FIRE TRUCK PURCHASE PLAN

Dr. Edwards introduced the item and invited Fire Chief Todd Berg to continue the staff presentation.

Fire Chief Todd Berg stated fire trucks are the most expensive vehicle in the City's fleet. The hope is to receive feedback from the City Council/EDA regarding the fire truck replacement plan. Currently, there are four fire engines, all of which need to be replaced in the next few years. Because of emission regulations, the motors of the trucks will be increasing by approximately \$80,000 to \$100,000 by 2026.

Chief Berg explained the current fleet replacement schedule replaces fire engines on a 20-year rotation and aerials on a 25-year rotation. Currently, Engine 2 is 21-years-old, Engine 6 is 16-years-old, Engine 5 is seven-years-old. Ladder 4 is 16 years old and Tower 3 is two years old. The last truck was auctioned after its replacement, but it only fetched \$7,900.

Chief Berg pointed out that fire engines currently cost \$1 to \$1.3 million and offer technology and safety improvements. The lead time is 24 to 48 months, depending on the manufacturer. The trucks that are 20 years or older have little to no value. Engine 5 is valued at \$100,000 to \$150,000. Ladder 4 has a value of \$450,000. The costs of new trucks have increased by upwards of 25 percent each year.

Chief Berg added the item is being brought before the City Council/EDA to avoid the motor emission increase that will come with the newer fire truck chassis due to huge annual increases.

The Central Garage Replacement Funds have not kept up with the increases over the long lives of the fire trucks.

Chief Berg stated as the trucks age, there are more and more repair costs while the resale value decreases. For example, one of the heavily used engines has averaged \$15,000 a year in wear and tear repair charges in each of the last three years. If the City acts now, the Fire Department can have two similar fire trucks built and delivered within 24 months. The cost of each truck would be \$1 to \$1.3 million.

Chief Berg explained if the replacement plan is reduced from 20 or so years to 12 to 15 years, one truck could be eliminated from the fleet. There would have to be a purchase of an additional pickup truck for the fire fleet in order to have enough seats to get firefighters to the scene. It would be a savings of \$1 million or more. The City could bond for three new engines in 2024 and receive two engines in 2026 with the third arriving in 2028. This will impact the General Fund of the Fire Department by an additional \$61,000 annually for replacement charges, not including the lower costs for maintenance and increase in resale value after 12 years.

Chief Berg stated another option is to bond for two new engines in 2024 to receive them in 2026. This will impact the General Fund of the Fire Department by an additional \$89,500 annually for replacement charges, not including the lower costs for maintenance and increase in resale value after 12 years.

Ms. Holm stated an option for funding is internal funding. The current replacement funding has not kept up with the increasing prices. Central Garage charges will have to be increased to adequately fund replacement needs. There is a shorter time frame to accumulate the required funds. Internal funding will require increased revenues to cover the costs, and the most likely source is the property tax levy. There would also have to be deferred replacement for other equipment.

Ms. Holm noted another option is through external funding. For example, equipment certificates operate like bond issuance and have a term of five or ten years. The total cost is dependent on interest rates and the amount of financing needed. The certificates can be issued separately or in conjunction with other bonds. The City will be bonding in 2024 for a street reconstruction project. The debt levy would be increased to make the payments. Replacement costs would be reset and adjusted to accommodate future purchases.

Ms. Holm added Staff plans to follow up the conversation with a long-term proposal for a fire truck replacement strategy with the City Council/EDA in a few months. She explained the documents provided to the City Council/EDA.

Councilmember/Commissioner Kragness asked if the trucks were paid for in advance. Chief Berg stated there are discounts for prepayment.

Councilmember/Commissioner Kragness stated the certificate option doesn't seem to fit as it operates for five or ten years whereas the replacement schedule recommended is 12 to 15 years.

Ms. Holm stated there is a possibility of alternative certificate schedules, though the City typically bonds on a ten-year schedule.

Councilmember/Commissioner Kragness recommended finding the peak spot for a truck value is to save the most money.

Councilmember/Commissioner Kragness asked if the \$61,000 in savings is per truck or per year. Chief Berg stated the \$61,000 mentioned is the yearly cost with the certificate for all three trucks.

Councilmember/Commissioner Jerzak noted Staff seems to prefer the first option. He asked how the levy would be impacted. He asked if the fire truck could be delivered sooner than the approximate 24-month timeline. Chief Berg stated the truck could be done sooner, depending on the capacity of the manufacturer. Lowering the replacement years would ultimately save the City money. It allows for stronger cost estimates and planning.

Councilmember/Commissioner Kragness noted her agreement with Chief Berg's assessment that lowering the replacement years would ultimately save the City money as it allows for stronger cost estimates and planning.

PENDING LIST FOR FUTURE WORK SESSIONS

UPCOMING ITEMS

- Memorial Policy
- Special Assessment Policy/Franchise Fees (referred to Financial Commission)
- Beautification and Public Art Commission
- Liquor Store 2
- 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

ADJOURNMENT

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

Motion passed unanimously.

11/13/23

-3-

DRAFT

Council Regular Meeting

DATE: 11/27/2023

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

North State Mechanical
2283 Sycamore Tr, Woodbury 55125

OT Heating & Cooling LLC
4900 Ferncrot Drive, Excelsior 55331

New Century Systems
20150 75th Ave, Suite B, Corcoran 55340

Sign Hanger's

Scenic Sign Company
PO Box 881, St. Cloud 56302

Tobacco Related Products

Premier Tobacco
3930 Brooklyn Blvd

Casey's General Store
2101 Freeway Blvd

Sun Foods, Inc.
6350 Brooklyn Blvd

Pump N Munch
1505 69th Ave N

Quick Shop
5808 Xerxes Ave N

Cub Foods
3245 County Road 10

AM PM Corner Market Inc
6501 Humboldt Ave N
Holiday Stationstore #292
420 66th Ave N
Holiday Stationstore #2099
6890 Shingle Creek Pkwy
Van's Service Center
6840 Humboldt Ave N
Royalty & Sons Tobacco
6044 Brooklyn Blvd
Speedway #4058
1901 57th Ave N
Jambo Africa
1601 Freeway Blvd
Royalty & Sons, Inc.
6044 Brooklyn Blvd

Liquor - Intoxicating

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

-

Liquor - Intoxicating, Sunday Sales

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

-

Liquor - Off-Sale 3.2

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

-

Liquor - On-Sale 3.2

Davanni's Pizza & Hot Hoagies
5937 Summit Drive

-

Liquor - Wine

50's Grill

5524 Brooklyn Blvd

Davanni's Pizza & Hot Hoagies

5937 Summit Drive

-

Gasoline Service Stations

Holiday Station Store #3808

5710 Xerxes Ave N

Holiday Station Store #292

420 66th Ave E

Two Rivers Investment

6840 Humboldt Ave N

Speedway

6545 West River Rd

Speedway

6950 Brooklyn Blvd

Speedway

1901 57th Ave N

AM PM Corner Market

6501 Humboldt Ave N

Casey's Retail

2101 Freeway Blvd

Royalty & Sons, Inc.

6044 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

11/20/2023

Backup Material

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval 11.27.23

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final License Type**	Previous License Type***	Consecutive Type IV's
700 66th Ave N	Multiple Family 24 Bldgs 92 Units	Renewal	Georgetown-bc Company Llp	440 = 4.78 per unit	Type IV	0	Type IV	Type III	0
1425 55th Ave N	Multiple Family 1 Bldg 4 Units	Renewal	Trung C Duong	13 = 3.25 per unit	Type IV	0	Type IV	Type I	0
2613 65th Ave N	Single	Renewal	Stephen Zekpa/gregory Slah	18	Type IV	0	Type IV	Type IV	2
3006 51st Ave N	Single	Renewal	Naisha Nicole Bell	0	Type I	0	Type I	Type IV	N/A
3512 Woodbine La	Single	Renewal	SFR ACQUISITIONS 6 LLC	2	Type I	0	Type I	Type IV	N/A
3613 Violet Ave N	Single	Renewal	Gao Qiang Liu Met Requirements	0	Type I	0	Type I	Type IV	N/A
5250 Great View Ave N	Single	Renewal	Cosco Property 5 Llc	6	Type III	0	Type III	Type III	N/A
5307 Penn Ave N	Single	Renewal	Ronnet Renay Dossman	7	Type III	0	Type III	Type III	N/A
5416 Fremont Ave N	Single	Renewal	Luisa N Narvaez	4	Type II	0	Type II	Type I	N/A
5506 Judy La	Single	Renewal	Prosperous Property Llc	3	Type II	0	Type II	Type II	N/A
5535 Bryant Ave N	Single	Renewal	E H Mendoza & E C Coto Mejia	7	Type III	0	Type III	Type III	N/A
5550 France Ave N	Single	Renewal	Belinda Gonzalez	4	Type II	0	Type II	Type II	N/A
5706 Camden Ave N	Single	Renewal	Midwest Challenge Inc	8	Type III	0	Type III	Type I	N/A
5913 June Ave N	Single	Renewal	M K Mehdi & B K Mehdi	5	Type II	0	Type II	Type III	N/A
6007 Girard Ave N	Single	Renewal	R&B Management I LLC	10	Type IV	0	Type IV	Type IV	2
6734 France Ave N	Single	Renewal	Xample Renovations Llc	1	Type I	0	Type I	Type II	N/A

6812 Scott Ave N	Single	Renewal	Lankia Lartey	0	Type I	0	Type III	Type III	N/A
6830 Scott Ave N	Single	Renewal	Ih2 Property Illinois Lp	1	Type I	0	Type I	Type III	N/A
7024 Morgan Ave N	Single	Renewal	Mcclure Properties Llc	6	Type III	0	Type IV	Type IV	3
7141 Newton Ave N	Single	Renewal	Ih2 Property Illinois Lp	10	Type IV	0	Type IV	Type IV	2

*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: 11/27/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Liz Heyman Public Works Director

BY: Cynthia Majors, Public Works Admin Assistant

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

Requested Council Action:

- Motion to approve a resolution declaring a public nuisance and ordering the removal of diseased trees at certain properties as listed in the resolution.

Background:

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

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

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

Budget Issues:

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

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Diseased Tree Resolution	10/26/2023	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

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

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

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

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

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

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

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

Property Address	Tree Type	Tree Number
6728 Grimes Ave N	Ash	58
6720 Grimes Ave N	Ash	59
6740 Grimes Pl	Ash	60 – 76
6700 Quail Ave N	Ash	77 & 80

2. After twenty (20) days from the date of the initial notice, the property owner(s) will receive a second written notice providing five (5) business days in which to contest the determination of the City Council by requesting, in writing, a hearing. Said request shall be filed with the City Clerk.
3. After five (5) days, if the property owner fails to request a hearing, the tree(s) shall be removed by the City. The cost of abatement shall be recorded and become the personal responsibility of the owner of record. If unpaid, the costs shall be specially assessed to the property in accordance with City codes and Minnesota Statutes Chapter 429.

RESOLUTION NO. _____

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 11/27/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Liz Heyman Public Works Director

BY: Cynthia Majors, Public Works Admin Assistant

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

Requested Council Action:

- Motion to approve a resolution declaring a public nuisance and ordering the removal of dead trees at certain properties as listed in the resolution.

Background:

The attached resolution represents the official City Council action required to expedite removal of dead trees that were recently marked by the City Tree Inspector and have become a public safety issue due to being a hazard. The removal of dead trees is defined in City Ordinance Chapter 20-202 and 19-101 through 19-106.

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

If the owner does not respond within ten (10) days, they are provided with a second notice notifying them of the City Council meeting where the dead tree is declared a public nuisance. If the property owner does not correct the violation or enter into an agreement, the City will remove the dead tree. A minimum administrative abatement service charge of \$150 will be imposed based on the cost of the abatement.

Budget Issues:

The cost of removal of dead trees located on private property is the responsibility of the respective property owner, and if unpaid, is specially assessed to the property.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Dead Tree Resolution	10/26/2023	Cover Memo

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

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

WHEREAS, Brooklyn Center City Code Section 20-202 and 19-101 thru 19-106,
declares any dead tree a public nuisance and provides for abatement by the City if not corrected by
the property owner; and

WHEREAS, removal of dead trees and abatement of the public nuisance is
necessary to prevent the hazard and to protect the safety of the public in neighborhoods; and

WHEREAS, a Notice to Abate Nuisance and a Dead Tree Removal Agreement has
been issued to the owners of certain properties in the City of Brooklyn Center giving the owners
ten (10) days to remove dead trees on the owners' property; and

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

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

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

Property Address	Tree Type	Tree Number
6700 Quail Ave N	Pine	14 & 16
5447 Emerson Ave N	Maple	85

2. After ten (10) days from the date of the initial notice, the property owner(s) was notified of the council action regarding the determination by the City Council declaring the dead tree a public nuisance.
3. The property owner(s) will receive a final written notice providing five (5) business days in which to contest the determination of the City Council by requesting, in writing, a hearing. Said request shall be filed with the City Clerk.
4. After five (5) days, if the property owner fails to request a hearing, the tree(s) shall be removed by the City. The cost of abatement shall be recorded and become the personal responsibility of the owner of record. If unpaid, the costs shall be specially assessed to the property in accordance with city codes and Minnesota Statutes Chapter 429.

RESOLUTION NO. _____

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 11/27/2023

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 the Submittal of a Pedestrian Facilities Application Through the Metropolitan Council's 2024 Regional Solicitation Grant Process

Requested Council Action:

- Motion to approve a resolution authorizing the submittal of a Pedestrian Facilities application through the Metropolitan Council's 2024 Regional Solicitation grant process.

Background:

City staff recommends applying for a Pedestrian Facilities grant via the Metropolitan Council's Regional Solicitation grant process. The funds would enable the City to augment two street resurfacing projects with pedestrian improvements. The two projects, Humboldt Ave, 65th to 69th, and 65th/66th Ave and Camden Ave, are programmed in the City's Capital Improvement Program (CIP) in 2027 and 2028, respectively. The vision for this project stems from Brooklyn Center Community Schools, who, in spring 2024, collaborated with students to identify transportation challenges while traveling to and from district schools. These challenges were primarily associated with intersections and crossing busy streets.

The grant request for \$2,000,000, matched with \$500,000 in City capital funds, allows the City to maximize resources efficiently and invest in significant pedestrian safety improvements. Utilizing the grant for these projects alleviates pressure on the CIP and makes pedestrian improvements feasible. The grant application requires a resolution from the City Council to apply for the grant funding.

Metropolitan Council Regional Solicitation Program:

The Regional Solicitation program is one way the Metropolitan Council prioritizes and invests in roads, bridges, transit, biking, and walking needs. Whether for existing infrastructure or new improvements, projects focus on outcomes like moving more people more effectively, managing congestion, and improving air quality. The Regional Solicitation happens once every two years and awards about \$180 million in federal funds. The Metropolitan Council's Transportation Advisory Board, comprising local elected officials and resident members, is central to the solicitation process.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Inclusive Community Engagement, Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/20/2023	Resolution Letter
Project Location Map	11/20/2023	Backup Material
Letter of Support from Brooklyn Center Community Schools	11/16/2023	Backup Material

Member _____ introduced the following resolution and move its adoption

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE SUBMITTAL OF A PEDESTRIAN FACILITIES
APPLICATION THROUGH THE METROPOLITAN COUNCIL’S 2024 REGIONAL SOLICITATION
GRANT PROCESS

WHEREAS, the Pedestrian Facilities Grant, via Metropolitan Council’s 2024 Regional Solicitation, provides funds for pedestrian facility projects that focus on increasing the availability and attractiveness of walking or rolling by improving safety and removing gaps in the system, and;

WHEREAS, The City of Brooklyn Center desires to augment two street resurfacing projects with pedestrian improvements. The two street resurfacing projects, Humboldt Ave, 65th to 69th, and 65th/66th Ave and Camden Ave, are programmed in the City’s Capital Improvement Program in 2027 and 2028, respectively.

WHEREAS, Brooklyn Center Community Schools, the local authority of the public school involved in the project, have written a letter of support for the proposed project and grant application.

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

- i. The City of Brooklyn Center authorizes Pedestrian Facilities grant application submittal to the Metropolitan Council’s 2024 Regional Solicitation grant process.
- ii. The City of Brooklyn Center authorizes the commitment of local funds to provide the required 20 percent local match for the federal funding.
- iii. The City of Brooklyn Center documents its acceptance of the responsibility for operating and maintaining the project facilities within the public right-of-way throughout their useful life.
- iv. The Public Works Director is authorized and directed to execute the application for the Metropolitan Council’s 2024 Regional Solicitation Program.

Date

Mayor

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.

CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of the resolution presented to and adopted by the City of Brooklyn Center at a duly authorized meeting thereof held on the _____ day of _____, 2023, as shown by the minutes of said meeting in my possession.

Public Works Director

73RD AVE N

WOODBINE LN

BRYANT AVE N

CAMDEN AVE N

72ND AVE N

70TH AVE N

EMERSON LN N

69TH AVE N

68TH LN N

68TH AVE N

5TH ST N

67TH AVE N

66TH AVE N

65TH AVE N

64TH AVE N

63RD LN N

62ND AVE N

61ST AVE N

60TH AVE N

59TH AVE N

HUMBOLDT AVE N

GIRARD AVE N

FREMONT AVE N

EMERSON AVE N

COLFAX AVE N

BRYANT AVE N

CAMDEN AVE N

LYNDALE AVE N

WILLOW LN

DALLAS RD

RIVER RD W

WILLOW LN

INTERSTATE 94

INTERSTATE 694

HIGHWAY 100

HIGHWAY 252

Pedestrian Project

Mill and Overlay

Humboldt

65th/66th

- ● ● Humboldt Ave (65th to 69th) - 2027
- ● ● 65th/66th Ave and Camden Ave - 2028

65th/66th Ave and Camden Ave - 2028



November 6, 2023

5910 Shingle Creek Parkway
Brooklyn Center MN 55430

To: Met Council
Re: City of Brooklyn Center Pedestrian Grant Letter of Support

I am ecstatic to write this letter of support for the City of Brooklyn Center in their application for the pedestrian grant. I am the proud wellbeing specialist for the Brooklyn Center Community School District (BCCS). We are a district serving 2400 children and their families in the urban core on the Northwest edge of Minneapolis. The students and their family members that we serve make up a diverse community, with 46% identifying as Black, 26% as Latino, 14% as Asian/So. Pacific Islander, 6% as White, 1% as Indigenous, and 7% as two or more races. In addition, 86% of the community of students qualifies for free or reduced meals.

The BCCS mission is, "To become a justice-centered school community who fuels the unique genius of each student". Furthermore, BCCS is a Full-Service Community Schools district, with wellness and equity as foundational pillars. The City of Brooklyn Center pedestrian initiative is an important component of ensuring that all BCCS students have access to learning to safely navigate the neighborhood streets and trails, as well as increasing the amount of outdoor physical activity students receive during and outside of the school day.

Pedestrian and biking access and safety is an important topic in Brooklyn Center Community Schools District. The district has engaged in Safe Routes To Schools (SRTS) programming for over a decade. Central to this programming includes partnering with the City of Brooklyn Center, Brooklyn Center Police Department, Minnesota Department of Transportation, Three Rivers Parks District, and Minnesota Bike Alliance. As the district continues to expand pedestrian and biking opportunities for all students, the need for updated city infrastructure has been identified for safer access for students, families, staff and community members.

Examples of pedestrian and bike programming in BCCS schools are numerous. The district has hosted Minnesota Bike Alliance three times to offer the Walk, Bike, Fun curriculum training for our staff, partners and community organizations, and has more dates scheduled during the 2023-24 school year. BCCS procured its own bike fleet in the spring of 2023 and students use the bikes in Physical Education classes, during family and community engagement events, during Out of School Time programs and more. The district hosts Walk and Roll to School Day events at the schools in the spring and fall, with close to 100% of the middle and high school students participating in activities at the May, 2023 event. All elementary and middle school students had access to pedestrian and bike safety lessons at the start of the 2023-24 school year. In addition, with safer infrastructure and greater access, the City of Brooklyn Center holds multiple city and county trails that offer the potential for BCCS students and community members to explore.

We are a community school district who holds strong and sound beliefs in creating equitable access for marginalized and silenced groups of people. I truly believe that this application for the Met Council pedestrian grant will move our community forward in our pursuits. I am in full support of this application and implore you to choose the City of Brooklyn Center for this grant. Our young people and our community need and deserve it.

Respectfully,

Michelle Auld
Brooklyn Center Community Schools Wellbeing Specialist
mauld@bccs286.org

Council Regular Meeting

DATE: 11/27/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: James Soltis, P.E., Assistant City Engineer

SUBJECT: Resolution Accepting Work Performed and Authorizing Final Payment, Connections II Shingle Creek, Project No. 2021-22

Requested Council Action:

- Motion to approve a resolution accepting work performed and authorizing final payment, for Improvement Project No. 2021-22, Connections II Shingle Creek Restoration Project.

Background:

On December 13, 2021, the City Council awarded Improvement Project No. 2021-22 to Sunram Construction, Inc. of Corcoran, Minnesota for the Connections II Shingle Creek Restoration Project. Sunram Construction, Inc. has successfully completed the construction work and is requesting final payment for the project.

Budget Issues:

The original contract amount was \$183,684.00. The total value of work certified for final payment is \$194,797.65. The total project cost including contingencies/administration/ engineering/legal is \$245,186.28 and was completed 7.7 percent under budget in the amount of \$265,684. 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	Upload Date	Type
Resolution	11/20/2023	Resolution Letter

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK PERFORMED AND AUTHORIZING
FINAL PAYMENT, IMPROVEMENT PROJECT NO. 2021-22,
CONNECTIONS II SHINGLE CREEK RESTORATION PROJECT.

WHEREAS, pursuant to a written contract signed with the City of Brooklyn Center, Minnesota, and Sunram Construction, Inc., Corcoran, Minnesota has completed the following improvements in accordance with said contract:

Improvement Project No. 2021-22, Connections II Shingle Creek Restoration Project

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. 2021-22, Connections II Shingle Creek Restoration Project taking the contractor's receipt in full. The total amount to be paid for said improvements under said contract shall be \$194,797.65.
2. The project costs and revenues are hereby amended as follows:

<u>COSTS</u>	<u>As Original Award</u>	<u>As Final</u>
Construction Cost	\$ 183,684.00	\$ 194,797.65
Engineering and Administrative	\$ 50,000.00	\$ 50,388.63
<u>Contingency</u>	<u>\$ 32,000.00</u>	<u>\$ 0.00</u>
TOTAL	\$ 265,684.00	\$ 245,186.28

<u>REVENUES</u>	<u>As Original Award</u>	<u>As Final</u>
BWSR Grant Funding	\$ 183,684.00	\$ 163,186.28
<u>Commission Funding</u>	<u>\$ 82,000.00</u>	<u>\$ 82,000.00</u>
Total Estimated Revenue	\$ 265,684.00	\$ 245,186.28

RESOLUTION NO. _____

November 27, 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: 11/27/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Ginny McIntosh, City Planner and Zoning Administrator

SUBJECT: Resolution Denying Planning Commission Application No. 2023-007 Regarding a Site and Building Plan at 7100 Brooklyn Boulevard

Requested Council Action:

- Motion 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.

Background:

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.

A copy of the Planning Commission Report for Planning Commission Application No. 2023-007, originally dated October 12, 2023, and last revised for the November 13, 2023 City Council meeting is included, as well as the Council memo provided for the November 13, 2023 meeting. A copy of the draft resolution recommending denial of Planning Commission Application No. 2023-007 is attached for Council consideration.

Budget Issues:

None to consider at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Resolution - Denial of Planning Commission Application No.		

2023-007	11/20/2023	Resolution Letter
Council Memo - Regarding Planning Commission Application No. 2023-007 (11.13.2023)	11/20/2023	Backup Material
Staff Report and Exhibits - 7100 Brooklyn Boulevard (last revised November 13, 2023)	11/20/2023	Backup Material

Member
its adoption:

introduced the following resolution and moved

RESOLUTION NO.

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

WHEREAS, Planning Commission Application No. 2023-007, submitted by 7100 Brooklyn Blvd LLC (“the Applicant”) requested review and consideration for site and building plan approval for a proposed conversion of a former credit union and office building located at 7100 Brooklyn Boulevard (“the Subject Property”) to a 17-unit multi-family residential building with related site improvements; and

WHEREAS, the Subject Property is situated in the City’s MX-N2 (Neighborhood Mixed-Use) District, where multi-family residential with densities between 15 and 31 dwelling units per acre are permitted subject to site and building plan approval; and

WHEREAS, Section 35-7605 (*Amendments*) of the City Code stipulates that a major amendment to an approved site and building plan is triggered in situations where there is a 20-percent (%) or greater change in the number of residential units and the proposal, as contemplated under the submitted application, exceeds this threshold; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on October 12, 2023, whereby a planning staff report was presented and public testimony regarding the site and building plan was received for the approximately 0.99-acre Subject Property; and

WHEREAS, the City was in receipt of a 31-signature petition letter from the adjacent to the south Boulevard Plaza Office Condominiums in which concerns were expressed regarding potential changes to a residential area rather than a business district, ongoing and continued safety concerns, ongoing and increased traffic, dumping, and privacy concerns; and

WHEREAS, the City was also in receipt of communication from neighboring Brooklyn United Methodist Church regarding their overflow lot, which is adjacent to the Subject Property, and concerns relating to potential unauthorized use, potential safety concerns with Brooklyn Boulevard, which the Subject Property fronts, and the desire for a privacy fence to minimize foot traffic between properties; and

WHEREAS, the Applicant requested additional time to address concerns identified at the public hearing, revise plans, and provide responses to concerns raised in advance of City Council review and, pursuant to Minnesota Statutes Section 15.99, subdivision 3(f), City staff issued a 60-day extension to the review period; and

WHEREAS, in light of the staff report received, and utilizing the guidelines and

RESOLUTION NO.

standards for evaluating site and building plans as contained in the City's Unified Development Ordinance, along with consideration of the goals and objectives of the City's 2040 Comprehensive Plan, the Planning Commission elected to recommend denial of the proposed conversion and related application; and

WHEREAS, on November 13, 2023, the City Council of the City of Brooklyn Center, Minnesota reviewed the application, received the Planning Commission's recommendation and staff reports, and considered the request in light of all testimony received, the guidelines and standards for evaluating site and building plans as contained under Section 35-7600 (*Site and Building Plan Approval*), and in consideration of the goals and objectives of the City's 2040 Comprehensive Plan; and

WHEREAS, the City Council finds and determines as follows with regard to Planning Commission Application No. 2023-007 for the Subject Property located at 7100 Brooklyn Boulevard:

1. The proposed site and building plan is inconsistent with the use and character of surrounding properties, which are primarily business and commercial in nature; and
2. Due to its location, the proposed site and building plan is insufficient with regard to providing safe conditions for pedestrians and motor vehicle ways.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, based upon consideration of the record in this matter, including the standards set forth in Section 35-7604 (*Site and Building Plan Criteria*) of the City Code, the recommendation of the Planning Commission, staff reports, public testimony, written submissions, and the goals and objectives of the City's 2040 Comprehensive Plan, are as follows:

1. Planning Commission Application No. 2023-007, for site and building plan approval, based on the findings of fact and the submitted plans, is hereby denied.
2. The City Clerk is hereby authorized and directed to provide the Applicant a copy of this Resolution to serve as written notice of the City Council's denial of its request.

RESOLUTION NO.

November 27, 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: 11/13/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Ginny McIntosh, City Planner and Zoning Administrator

SUBJECT: Planning Commission Application No. 2023-007, Submitted by 7100 Brooklyn Blvd LLC, for Conversion of a Former Credit Union and Office Building into a 17-Unit Multi-Family Residential Building and Related Improvements (7100 Brooklyn Boulevard)

Requested Council Action:

City Council is being asked to consider two alternatives regarding Planning Commission Application No. 2023-007:

1. Approval of Site and Building Plan (Major Amendment) for 7100 Brooklyn Boulevard

Motion to direct staff to prepare a resolution approving the site and building plan (major amendment) as outlined in Planning Commission Application No. 2023-007, which would convert a former credit union and office building to a 17-unit multi-family residential building, subject to the outlined conditions of approval.

2. Approval of Site and Building Plan (Major Amendment) for 7100 Brooklyn Boulevard

Motion to direct staff to prepare a resolution denying the site and building plan (major amendment) as outlined in Planning Commission Application No. 2023-007 with outlined findings of fact.

Background:

7100 Brooklyn Blvd LLC ("the Applicant") is requesting review and consideration of a proposal that would convert a former credit union and office building located at 7100 Brooklyn Boulevard ("the Subject Property"), into a 17-unit multi-family residential building. The Subject Property was sold to the Property Owner and Applicant in March 2023 per Hennepin County records.

Section 35-7605 (*Amendments*) provides that a major amendment to an approved site and building plan shall be triggered under certain outlined scenarios, including a, "20 percent or greater change in the number of residential units." A review of a major amendment under the City's Unified Development Ordinance shall follow the procedure set forth for the issuance of a new site and building plan approval. As the proposal would result in a 100-percent change in the number of residential units, this threshold is triggered.

A public hearing notice for the site and building plan request was published in the Brooklyn Center *Sun Post* on September 28, 2023. Mail notifications were mailed to all physical addresses and tax payers within 350 feet of the Subject Property and the notice posted to the City of Brooklyn Center's website.

The Planning Commission held a public hearing and reviewed the application request at their meeting on October 12, 2023. In advance of the public hearing, City staff received communication from the neighboring Brooklyn United Methodist Church, who owns an overflow parking lot to the north of the Subject Property (PID: 27-119-21-32-0004) and a petition comprised of signatures from 31 individuals operating out of the Boulevard Plaza office condominiums located to the south of the Subject Property.

The author of the petition letter, Jeanette Tuzinski, was also present virtually during the hearing and spoke against the project, expressing that this area was a business district and was not a residential area. She noted that, despite there being 50 or so parking spaces on-site, the credit union only ever used 15 or 20 parking spaces at most and it (Subject Property) was essentially vacant. Later in the hearing, she noted that the proposal was, "a good concept and I like it, just not there."

Tom Foster, Trustee Chair for Brooklyn United Methodist Church, was also present at the meeting and indicated that the only concern they had was a request to extend a privacy fence between the Church and Subject properties and towards Brooklyn Boulevard due to pedestrian traffic and dumpings on their overflow lot. He indicated that, following the presentation provided by City staff and the noted occupancy within the building, the use likely won't be as large of an issue as previously thought, but they still desired the fence.

Resident Diane Sannes inquired on the number of residents who could potentially occupy each of the units and where the residents might recreate. Additional questions were raised regarding the City's stormwater pond and the ability to fence the area and the number of vehicles parked on the Subject Property. She also noted a damaged transformer (later confirmed to be a phone company pedestal) located just off of the Subject Property in the right-of-way and general blight around the property.

Representation of the Applicant and Property Owner were present and addressed questions posed by the Planning Commission, provided an overview of the building code requirements necessary to convert the building, and expressed an overall willingness to work with the City to meet City Code requirements for the proposed use.

As part of the public hearing process, the Planning Commissioners entered into a dialogue regarding the project and concerns identified in the submitted petition letters. The following questions were posed by the Planning Commissioners:

1. Availability for outdoor amenity space (e.g. grilling areas)
2. Safety and security within the building
3. The types of tenants likely to occupy the building (e.g. families, single occupants), unit mix, and proposed rents
4. Availability of on-site management and general questions regarding property owner
5. Opportunities to address concerns addressed by the neighboring property owners and options for a fence adjacent to the Brooklyn United Methodist Church overflow lot and along the City stormwater pond

Following close of the public hearing, the Planning Commission elected to recommend (3-2) City Council denial of the requested site and building plan (major amendment) for the Subject Property located at 7100 Brooklyn Boulevard and as contemplated under Planning Commission Application No. 2023-007.

Following the October 12, 2023 Planning Commission meeting, the Applicant requested additional time to address the concerns identified by Brooklyn United Methodist Church and Boulevard Plaza Office Condominiums and make revisions to their plans in advance of City Council review.

Pursuant to Minnesota Statutes Section 15.99, subdivision 3.f, City staff requested a 60-day extension to the application review to allow the additional time necessary for the Applicant to respond to the concerns presented by the neighboring property owners and for City staff to review the presented revisions. The staff report has been updated to reflect these updates, which include some minor modifications to the east portion of the parking lot, the addition of bike racks, and the extension of privacy fencing along the northern property line. The photometric plan has also been updated per City staff comment, and the Applicant provided responses following the Planning Commission meeting to address concerns outlined by those present at the public hearing.

Although the Applicant expressed a willingness to install a fence along the eastern property line and adjacent to the City's stormwater pond, there are numerous easements running through this area and there were additional complexities in that the City requires access to the area for ongoing maintenance and repair of the pond area.

The Applicant inquired on whether fencing along the southern property line (Boulevard Plaza Office Condominiums) was a possibility; however, City staff expressed concerns with potentially boxing owners in given the limited separation between the Subject Property, neighboring Boulevard Plaza, and their exterior mechanical equipment.

Following the public hearing, Pham-Vang Optometry, who was one of the 31 petitioners from the Boulevard Plaza Office Condominiums, submitted a separate petition letter. Additional email communication was received from Brooklyn United Methodist Church in which Tom Foster noted that they were, "surprised with the disapproval of the proposal." It was further reiterated that they would like to keep the request for the privacy fence and inquired on the next steps for review with City Council. These communications have been included for the record under Exhibit F in the updated staff report.

The City of Brooklyn Center Housing Commission received information regarding the proposal at their meeting on October 17, 2023 and were generally in favor of the proposed conversion of the former Spire (Electrus) Credit Union building to 17-units of multi-family residential and cited housing diversity and choice as part of their support of the proposal. Additional comments were outlined regarding how the neighboring business owner's grievances might be addressed, as well as general questions regarding the former building's use and ADA accessibility. An additional request was made to review the meeting minutes and recording of the Planning Commission meeting on October 12, 2023.

City staff has also been in communication with the Applicant and Property Owner regarding vehicles stored on the Subject Property and their removal. The Applicant noted that they were unaware at the time that the storing of vehicles was not permitted in the district the Subject Property is located within and have since removed vehicles from the property.

A copy of the Planning Commission Report for Planning Commission Application No. 2023-007, originally dated October 12, 2023, and last updated for the City Council meeting on November 13, 2023 meeting, is included. City staff requests City Council review and consideration of the provided materials and the recommended adoption of a motion that would direct City staff to prepare a resolution for final action and adoption at the November 27, 2023 City Council meeting.

Budget Issues:

None to consider at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description

Upload Date

Type

[Staff Report and Exhibits - 7100 Brooklyn Boulevard \(last revised November 13, 2023\)](#)

11/7/2023

Backup Material

Planning Commission Report
Original Meeting Date: October 12, 2023
Last Revised: November 13, 2023

- Application Filed: 09/12/2023
- Review Period (60-day) Deadline: 11/11/2023
- Extension Declared: Yes
- Extended Review Period Deadline: 01/10/2024

Application No. 2023-007
Applicant | Property Owner: 7100 Brooklyn Blvd LLC
Location: 7100 Brooklyn Boulevard, Brooklyn Center, MN 55429
Requests: Site and Building Plan (Major Amendment)



Map 1. Subject Property Location.

Requested Action

7100 Brooklyn Blvd LLC (“the Applicant”) is requesting review and consideration of a proposal that would convert a former credit union and office building located at 7100 Brooklyn Boulevard (“the Subject Property”), into a 17-unit multi-family residential building—refer to Exhibit A. The Subject Property was sold to the Property Owner and Applicant in March 2023 per Hennepin County records.

Section 35-7605 (*Amendments*) provides that a major amendment to an approved site and building plan shall be triggered under certain outlined scenarios, including a, “20 percent or greater change in the number of residential units.” A review of a major amendment under the City’s Unified Development Ordinance shall follow the procedure set forth for the issuance of a new site and building plan approval. As the proposal would result in a 100-percent change in the number of residential units, this threshold is triggered.

A public hearing notice for the site and building plan request was published in the Brooklyn Center *Sun*

App. No. 2023-007

PC 10/12/2023 | Revised CC 11/13/2023

Page 1

Post on September 28, 2023 (Exhibit B). Mail notifications were mailed to all physical addresses and tax payers within 350 feet of the Subject Property and the notice posted to the City of Brooklyn Center's website.

Existing Conditions



Image 1. Existing Site Conditions at Subject Property.

Background

The Subject Property appears to have originally been home to the City of Brooklyn Center City Hall offices before relocation to its current address of 6301 Shingle Creek Parkway. In 1985, under Planning Commission Application No. 85011 (Exhibit C), requests for site and building plan and special use permit approvals were requested by then Applicant Uhde/Nelson, Inc. to allow for the construction of two office buildings of approximately 21,180-square feet total. This was intended to be a two-phase proposal in which access to the sites were to have been via a single driveway off Brooklyn Boulevard, which was where the old City Hall entrance was located.

The first and larger phase (west), which was ultimately constructed, was a two-story, approximately 14,000-square foot office building that was noted for occupancy by Edina Realty and slated for 70 parking spaces. The second phase (east), which was never constructed, was earmarked for a smaller two-story, approximately 7,000-square foot office building with 44 parking spaces. At that time, the Subject Property was collectively zoned R5 (Multiple Family Residence) District, which allowed for limited “office uses” as special uses in the R5 District.

Although true mixed-use districts were not in place until adoption of the City’s Unified Development Ordinance in January 2023, the preceding zoning code did allow for *limited* non-residential uses within its higher density multi-family residential districts through issuance of a special use permit. Special uses at that time and within these districts included nursing homes, religious uses, public and private elementary and secondary schools, and “certain service-office uses” which were demonstrated to be compatible to and of comparable intensity to permitted R5 district land uses.

These office uses were subject to what were then the C1 (Service/Office) District provisions and further restricted in that not all C1 District uses were permitted. An example of this would be the adjacent Boulevard Plaza office condominiums development, which was zoned R3 (Multiple Family Residence) District up until January of this year. This development, like the Subject Property, would’ve been limited to low intensity office uses such as financial, employment, and legal offices, and medical, dental, and chiropractic offices. It can be inferred from the former zoning code provisions that these office uses were specifically permitted through issuance of a special use permit as their intensities and general operations/hours would have minimal impacts on those uses which were permitted within the district (i.e. multi-family residential).

With the adoption of the new Unified Development Ordinance in 2023, which includes the City’s zoning provisions, the Subject Property, along with a number of other properties fronting Brooklyn Boulevard, were re-zoned to the new Neighborhood Mixed-Used District designations of MX-N1 and MX-N2.

With City approval of the two-phase commercial development in 1985, which included the Subject Property, the Subject Property and neighboring parcel to the east, which is unaddressed, were re-platted to 7100 Corporate Plaza Addition, and re-platted again to 7100 Corporate Plaza 2nd Addition. Certain shared access and signage provisions were recorded as part of these approvals given that the second phase would’ve been landlocked and without direct right-of-way access.

In January 2023, and as part of the pending sale, City staff worked with the former property owner and the proposed buyer (Applicant) of the Subject Property to prepare an access easement and utility facilities agreement to ensure the City had a perpetual easement in place for access to certain drainage and utility easements running through the Subject Property and to the City’s stormwater pond, which is located where the second phase would have been located. This storage and treatment pond not only serves the

Subject Property, but the southern half of the City’s Woodbine neighborhood. City staff also worked through the termination of a Declaration of Covenants, Conditions, Restrictions and Maintenance Agreement for a private road intended for the second phase, which was never constructed, and a License Agreement for certain signage to be located on the Subject Property, which was no longer necessary.

The Applicant initially entered into formal communication with City staff regarding plans to submit a Planning Commission application in June 2023. Although initial plans were submitted in July 2023 to City staff, a letter of incomplete was provided to the Applicant on July 24, 2023 as certain information, including project background information, civil and landscape plans, were not provided. It was at this time that City staff asked for revisions to the application materials, and requested a pre-application meeting to walk through the materials in advance of the upcoming Planning Commission application deadlines. City staff met with the Applicant and development team on August 15, 2023 to discuss the required plans and information for the proposal. A revised submittal was provided to City staff on September 12, 2023.

Although the staff report was originally dated for the October 12, 2023 Planning Commission meeting, this staff report has since been updated to reflect revised architectural (October 25, 2023), civil (October 25, 2023), photometric (October 25, 2023), and landscaping (October 25, 2023) plans. The Applicant has also provided a series of responses to concerns raised regarding the Subject Property proposal at the October 12, 2023 Planning Commission meeting—refer to Exhibit A.

Site Data:

2040 Land Use Plan:	Neighborhood Mixed-Use (N-MU) – 15.01-31 DU/Ac.
Neighborhood:	West Palmer Lake
Current Zoning:	Neighborhood Mixed-Use District (MX-N2) – 15-31 DU/Ac.
Site Area:	Approximately 0.99 acres

Surrounding Area:

Direction	2040 Land Use Plan	Zoning	Existing Land Use
North	PSP/Institutional LDR (3.01-5 DU/Ac.)	Neighborhood Mixed-Use District (MX-N2) R1 (Low Density Residential) District	Institutional (Brooklyn United Methodist Church Overflow Lot) Single Family Detached
South	N-MU (15.01-31 DU/Ac.)	Neighborhood Mixed-Use District (MX-N2)	Office (Boulevard Plaza Office Condominiums)
East	Industrial/Utility	Neighborhood Mixed-Use District (MX-N2)	Undeveloped (City Stormwater Pond)
West	PSP/Institutional High Density Residential (15.01-31 DU/Ac.)	PUD/C1 (Planned Unit Development/Commercial 1) District Neighborhood Mixed-Use District (MX-N1)	Institutional (CEAP, Hennepin County Human Service Center, and Osseo Area Schools Offices) Apartments (Willow Lane – 58 Units)

SITE AND BUILDING PLAN REQUEST

The Applicant requests to convert a former credit union and office building, which was initially approved by City Council in 1985 and constructed in 1986, to a 17-unit multi-family residential building.

Section 35-4103 (*Allowed Use Table*) of the City’s Unified Development Ordinance allows for “multiple family dwellings” as a permitted use within the City’s Neighborhood Mixed-Use (MX-N2) District, subject to City Council approval of a site and building plan and in conformance with the City’s density requirements for the aforementioned district (15-31 dwelling units per acre), requirements with respect

to the site (e.g. parking, landscaping, photometric, screening), and as provided for within the City’s 2040 Comprehensive Plan.

Section 35-4103. ALLOWED USE TABLE

P = PERMITTED USE, C = CONDITIONAL USE, I = INTERIM USE, A = ACCESSORY USE													
	Residential					Commercial/ Mixed Use				Nonresidential			
	R1	R2	R3	R4	R5	M X-N1	M X-N2	M X-C	TO D	C	MX-B	I	O
RESIDENTIAL USES													
HOUSEHOLD LIVING													
Dwelling, one family	P	P											
Dwelling, two family		P											
Townhouse or Condominium Single Family Attached Dwelling Units			P			P	P		P				
Dwelling, live/work						C	C	P	P	A	C		35-4301(a)
Dwelling, multiple family				P	P	P	P	P	P				
Accessory dwelling unit (ADU)	A	A											35-4403

Table 1. Excerpt of Section 35-4103 (*Allowed Use Table*) and Proposed Use of Subject Property.

The submitted proposal contemplates a conversion of the building to a 17-unit multi-family residential building, which is in conformance with the MX-N2 District’s density allowances for the 0.99-acre Subject Property. As proposed, the proposed redevelopment would be on the lower end of density permitted within the City’s MX-N Districts. This is reinforced through the City’s 2040 Comprehensive Plan, which denotes the Subject Property’s future land use designation as “Neighborhood Mixed-Use (N-MU)” and again, allows for a density range of 15.01 to 31 dwelling units per acre (DU/Ac.).

A unit mix is provided in the architectural plan set, which indicates the following:

Main Floor		
Unit #	Unit Type	Square Feet (SF)
101	2-Bedroom	706
102	1-Bedroom	686
103	Studio	495
104	Studio	466
105	1-Bedroom	482
106	1-Bedroom	476
107	1-Bedroom	677
Second Floor		
Unit #	Unit Type	Square Feet
201	1-Bedroom	617
202	1-Bedroom	344
203	1-Bedroom	342
204	1-Bedroom	344
205	Studio	302
206	Studio	428
207	1-Bedroom	531
208	Studio	252
209	1-Bedroom	395
210	1-Bedroom	414

Table 2. Unit Mix Breakdown for the Subject Property.

In reviewing the above table, City staff noted that the Applicant should verify unit types and sizes, as it appeared some of the 1-bedroom units are smaller than proposed studio units. As proposed, community amenities within and on the Subject Property would be fairly minimal. A shared laundry room is provided for on the main level and a private residence party room with small kitchenette space is located in the basement level—this space was formerly used as a training room for the former user, Electrus (Spire) Credit Union. The civil plans have been updated to incorporate a bike rack to the east end of the property.

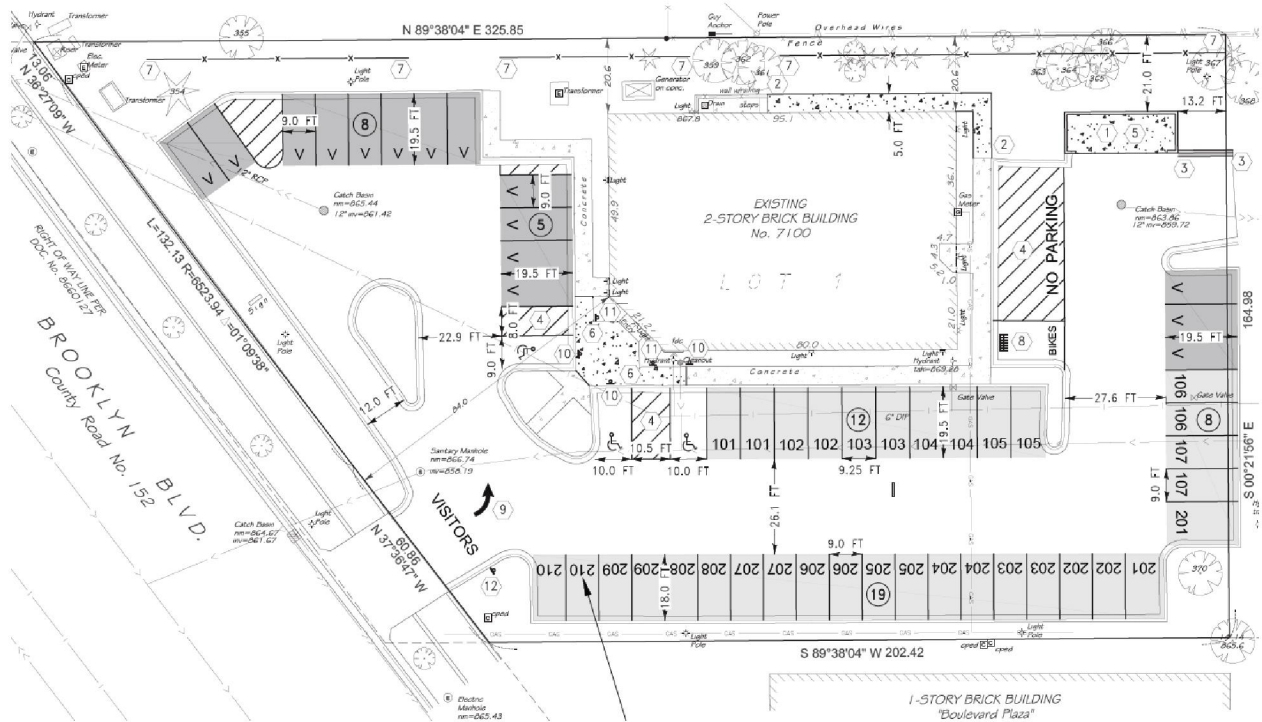


Image 2. Revised Site Plan for Subject Property (October 25, 2023).

Site Design

As proposed, the proposed conversion from the existing office building use to multi-family residential would result in limited impacts to the existing exterior areas of the Subject Property. Although there are plans to remove an existing standalone ATM located at western edge of the property, re-stripe and remove certain parking within the surface parking lot, and install a new, expanded trash enclosure along the eastern edge of the property, almost all work would be contained to the interior of the building.

Traffic | Access | Circulation | Connection

There are no plans to alter the existing curb cut, which is located off the east side of Brooklyn Boulevard and provides full vehicular access to and from the Subject Property. Similarly, there are no major plans to alter the existing surface parking lot and circulation given that the majority of work would be contained to the interior of the former office building.

A multi-use trail currently runs parallel to the property line of the Subject Property and along Brooklyn Boulevard. The 723 (local) Metro Transit bus line provides service at stops located just off the Subject Property, with service by the 761 (express) line located to the north. Following communication with City staff, the Applicant revised their plans to incorporate a bike rack to the east side of the building.



Image 3. Existing Access, Parking, and Circulation on Subject Property.

Parking

The Subject Property appears to have 64 parking spaces available to date, although some of the parking spaces appear too narrow for parking purposes. As proposed, the Applicant intends to remove five (5) parking spaces located just outside the doors located on the east side of the building to allow for the turning movements necessary for a garbage truck and the bike rack and an additional five (5) parking spaces at the northeast end of the parking lot to accommodate the new trash enclosure. The City's Unified Development Ordinance, as outlined under Section 35-5506 (*Required Parking Spaces*), notes a **maximum** provision of two (2) parking spaces per dwelling unit in multi-family residential situations. Assuming 17 dwelling units, a **maximum of 34 parking spaces** is required per Code.

Even with the removal of parking spaces, the Applicant intends to provide 52 on-site parking spaces. Although this results in a surplus of approximately 18 parking spaces, City staff did not push for the removal of existing impervious to fall within Code requirements to provide additional green or amenity space as there are other potential implications to consider with respect to Watershed rules.

As it stands, the submitted plans denote a total impervious surface coverage of 76-percent, which falls below the City's newly outlined maximum impervious coverage of 80-percent for Neighborhood Mixed-Use District properties. As the Subject Property is non-conforming with respect to setback regulations and parking lot placement as outlined under the Neighborhood-Mixed Use District provisions, City staff would welcome future opportunities to provide residents with additional outdoor amenity space.

As is demonstrated in the submitted plans, the minimum drive aisle widths and dimensional standards outlined within Section 35-5504 (*Parking Space Standards*) appear to be met. In order to manage parking and as part of the plan updates, the Applicant also intends to provide dedicated parking space (numbering) for each of the units and as a means to manage parking.

Lighting

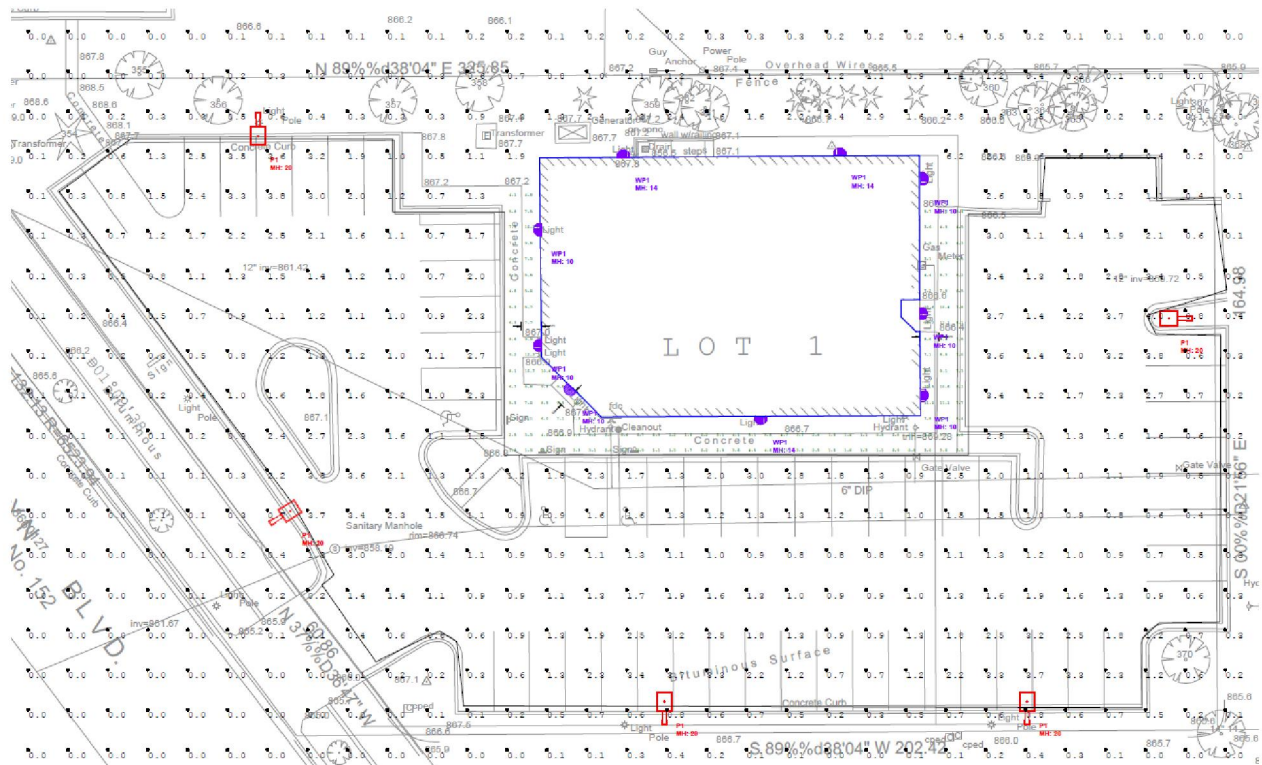


Image 4. Revised Photometric Plan for the Subject Property (October 25, 2023).

An original photometric plan submitted as part of the October 12, 2023 report contained a number of deficiencies with the lighting requirements as outlined under City Code for open air parking lots, fixture types, and illumination levels with respect to the neighboring uses. In response to City staff comments, the Applicant worked with a different lighting contractor to revise the lighting plans per City Code requirements. Any and all lighting and fixtures shall comply with City Code provisions as outlined under Section 35-5400 (*Exterior Lighting*). The revised plans appear to generally fall within the allowable open-air parking lot illumination levels permitted under City Code. Similarly, the proposed light poles are noted as 20 feet in height, which falls within the maximum allowable pole heights, and the wall fixtures have since been revised from wall-packs, which are not permitted except for service/loading areas, to LED wall sconces.

The illumination levels along the building have also since been reduced following City staff concerns regarding excessive lighting levels and potentially negative impacts on abutting single family residential properties. Given the proximity of single-family residential to the north, it is important that any and all lighting limits glare and light spill into the backyards of these properties. Although the wall fixtures appear to generally meet the minimum illumination levels for primary entrances and exits, City staff requests additional illumination levels be provided for the lighting over the exit door located on the north elevation.

Trash | Screening

An existing trash enclosure is located on the east side of the Subject Property; however, the Applicant proposes to replace and relocate the trash area further to the east, towards the edge of the parking lot. The existing trash enclosure would be removed and the area would be re-purposed for snow storage. When City staff first met with the Applicant, concerns were raised as to a garbage truck's ability to

Site plan for the proposed addition to the existing 2-story brick building at No. 7100. The plan shows the building footprint, parking spaces, and a proposed driveway labeled "DRIVE" leading to a "PLANT" area. The driveway is shown with a dashed line and arrows indicating traffic flow. The building is labeled "EXISTING 2-STORY BRICK BUILDING No. 7100". The plan also includes dimensions for various areas and a north arrow.

City staff requested the Applicant provide a turning diagram showing that the turning movements could be made by a typical garbage truck. Following this, the Applicant's team revised the site plan to make alterations to the east portion of the parking lot and removed the parking located just outside the east doors to allow for maneuvering. A turning movements diagram (Sheet C6—Exhibit A and Image 5 above) was provided that demonstrates the ability for a 30-foot long truck to navigate the trash enclosure and parking lot area. City staff had previously requested striping and signage to ensure no one parked or obstructed this area—the civil plans have since been revised to indicate a painted access aisle with white cross hatching.

All ground mounted equipment over 30-inches in height or greater than 12-cubic feet (e.g., transformers, mechanical) shall be effectively screened from public view. Similarly, roof-mounted equipment shall also be screened from view through use of parapets, wall/ fencing materials, or paint compatible and complementary to the building.

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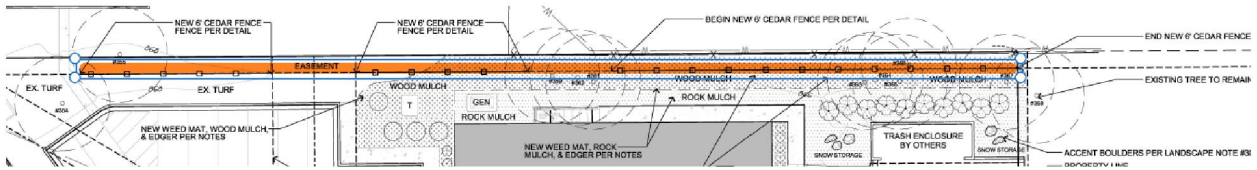
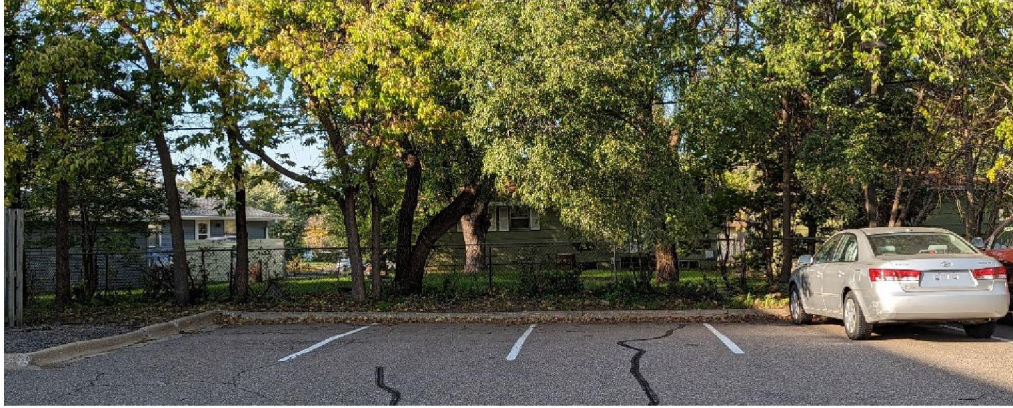


Image 6. Existing Parking Lot (Eastern) at Subject Property and Visibility of Single-Family Residential | Revised Fencing.

Although there is an existing chain link fence in place, City staff requested the Applicant revise the screening along the north property line to comply with the City’s screening standards and specifically to minimize the negative impacts of vehicle lights shining into single-family residential yards as they navigate the parking lot—these provisions are addressed under Section 35-5608 (*Screening*). In reviewing the originally submitted preliminary landscape plan, a new section of 6-foot cedar fence was provided for along the north end of the east parking lot. City staff requested the fence be located outside the identified easement running along the northern property line.

Following the Planning Commission and public hearing on October 12, 2023, the Applicant requested City staff allow for the revision of plans to address comments made by Brooklyn United Methodist Church for a privacy fence along the northern property line and to address City staff comments. Although concerns were also raised regarding the City holding pond, which is to the east of the Subject Property, there are a number of easements running through the Subject Property and the City has an agreement with the Subject Property ownership for continued and unrestricted access to the holding pond via the Subject Property for ongoing maintenance and repair of the pond. This presented challenges and constraints with respect to the type of fencing required and minimum clear access requirements for equipment. The revised plans now reflect a 6-foot cedar fence running almost the entire length of the northern property line. In communication with the Applicant, City staff requested a buffer from the above ground equipment (e.g. transformers) located off Brooklyn Boulevard as Xcel Energy has minimum buffer requirements for equipment walls and doors and to comply with maximum height provisions in the front yard area.

Architectural Materials

There are no plans to alter the exterior of the building, with the exception of some identified tuckpointing required on the existing brick exterior. A new engineered canopy would be installed over a proposed exterior mailbox area located outside the main doors and to match the existing main entry canopy—refer to Image 7 below.

City Code requires no less than 60-percent face brick, natural or colored stone, pre-colored or factory stained or stained on site textured pre-cast concrete panels, textured concrete block, stucco, glass,

fiberglass, or similar materials. Although this requirement appears to have been met, City staff requests a rendering with a schedule breakdown of building materials by percent—this is both for compliance and for record-keeping purposes.

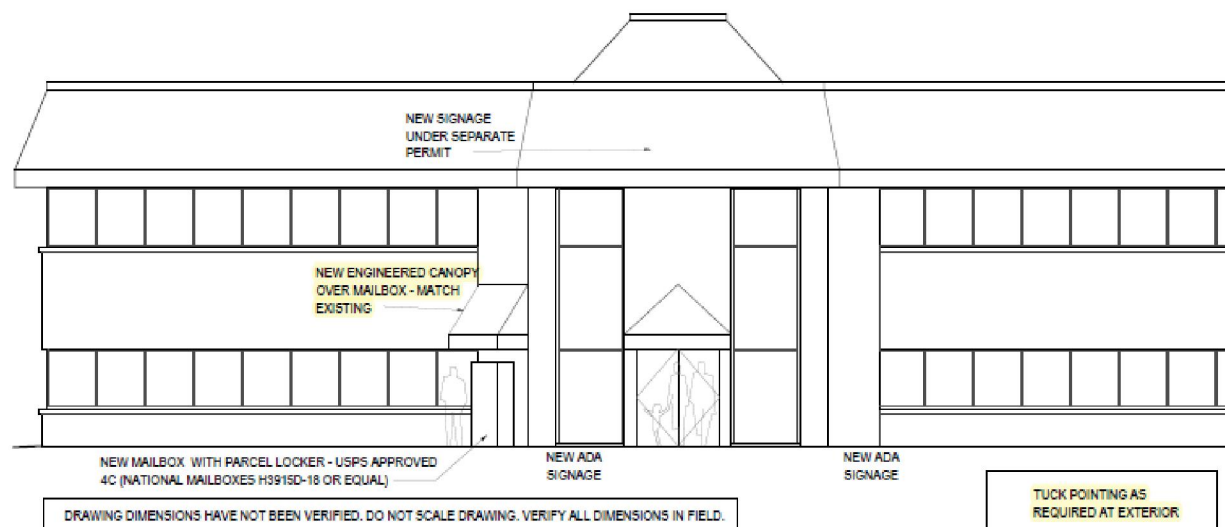


Image 7. Subject Property Exterior with Proposed Minor Alterations and Maintenance.

Landscaping

As there is a previously approved landscape plan on file for the Subject Property, approved in 1985 under Planning Commission Application No. 85011, City staff requested the Applicant work off this plan as a baseline. It should be noted that the approved landscape plan contemplated the two-phase development; therefore, there are certain plantings contemplated in the original 1985 plan that were never installed.

The 1985 plans noted a provision for 13 deciduous trees (i.e. Japanese White Birch, Pin Oak, Green Seedless Ash), 15 Evergreens/Conifers (i.e. Colorado Green Spruce), 190 deciduous shrubs (i.e. Red-twigged Dogwood, Goldflame Spirea, Lilacs), and 29 Evergreen Shrubs (i.e. Mugho Pines, Moppet Junipers, Mint Julep Junipers). Although difficult to read, it appears certain ornamental trees, including Canada Red Cherry and Red Splendor Crab, were to be planted.

The Applicant provided a preliminary plan schedule and landscape plan, which was reviewed as part of the October 12, 2023 report. At the time, City staff noted that, while Green Ash trees are native to Minnesota, they have generally been overplanted and with the presence of Emerald Ash Borer in the state, are becoming less and less common. The provided Field Tree Inventory Log (Table 4—below) denotes a five (5) Green Ash trees present on the Subject Property that are identified as in “poor condition” and noted with “EAB” (Emerald Ash Borer). City staff requests the Applicant determine if there are any opportunities to treat the trees given their deteriorating condition. If not, City staff requests the Applicant work with a City approved certified arborist to remove the trees in a manner that minimizes the spread of Emerald Ash Borer.

In addition, select Hackberry and Siberian Elms were noted as in poor condition as well. These trees, if removed, would ultimately require replacement of similar type. The City’s new provisions surrounding landscaping stress that no more than 40-percent of the total trees should be of the same species—this is to promote species diversity and resilience. Additionally, landscape vegetation should emphasize native and resilient plant types where possible.

The Applicant has since revised the landscape plans (October 25, 2023) to incorporate 10 additional Isanti Redosier Dogwoods (shrubs).

An underground irrigation system is required for install in all landscaped areas to help facilitate site maintenance and was noted in the 1985 approvals—this requirement still stands today and any new areas of landscaping or areas with damaged or missing landscaping would require replacement. The submitted landscape plan identifies existing turf and irrigation lines intended to remain as well as new drip irrigation to be installed around the building foundation planting areas.

In reviewing the originally submitted landscape plans, City staff noted a considerable area along the northern property line was proposed for the installation of wood mulch, which is considered a temporary ground cover. Although edging can be utilized to help contain the mulch, City staff expressed concern with the proximity of this area to the City's stormwater pond and the fact that a portion of this area is intended for snow storage. With this in mind, City staff requested the Applicant identify alternative landscaping measures for this area. The Applicant has since revised the landscape plans to reflect the installation of rock mulch in those areas surrounding the trash enclosure and snow storage areas before transitioning to wood mulch along the property line area. This is generally acceptable to City staff.

PLANT SCHEDULE

<u>LANDSCAPE TREES</u>	<u>CODE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>	<u>CONTAINER</u>	<u>QTY</u>
	GD	Gleditsia triacanthos inermis 'Draves' TM	Street Keeper Honey Locust	2.5" Cal.	B&B	3
<u>ORNAMENTAL TREES</u>	<u>CODE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>	<u>CONTAINER</u>	<u>QTY</u>
	MP	Malus x 'Prairifire'	Prairifire Crab Apple	1.5" Cal.	B&B	4
<u>SHRUBS</u>	<u>CODE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>	<u>CONTAINER</u>	<u>QTY</u>
	Cl	Cornus sericea 'Isanti'	Isanti Redosier Dogwood	3 gal.	Pot	10
	Pa	Potentilla fruticosa 'Absaraka'	Dakota Goldrush Potentilla	5 gal.	Pot	10
	Rg	Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac	5 gal.	Pot	13
	Sm3	Spiraea x bumalda 'Goldmound'	Gold Mound Spirea	3 gal.	Pot	10
<u>ANNUALS/PERENNIALS</u>	<u>CODE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>	<u>CONTAINER</u>	<u>QTY</u>
	Hh	Hemerocallis x 'Happy Returns'	Happy Returns Daylily	1 gal.	Pot	12
	Nw	Nepeta x faassenii 'Walkers Low'	Walkers Low Catmint	1 gal.	Pot	6
<u>GRASSES</u>	<u>CODE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>	<u>CONTAINER</u>	<u>QTY</u>
	Ck	Calamagrostis x acutiflora 'Karl Foerster'	Feather Reed Grass	1 gal.	Pot	16

Table 3. Revised Preliminary Plant Schedule for the Subject Property.

FIELD TREE INVENTORY LOG				
PROJECT NAME: Tree Inventory at 7100 Brooklyn Blvd, Brooklyn Center				
DATE:	8/25/2023	Lot Condition:	Developed	
TIME:	10:30 AM	Sunny	80 Degrees F.	
TAG NO.	TREE DIA. (IN)	SPECIES	CONDITION	NOTES
354	6	Black Hills Spruce	Good	
355	43	Cottonwood	Fair	
356	14	Green Ash	Poor	EAB
357	15	Green Ash	Poor	EAB
358	13	Green Ash	Poor	EAB
359	22	Siberian Elm	Fair	
360	9	Green Ash	Poor	EAB
361	19	Siberian Elm	Fair	
362	13	Siberian Elm	Fair	
363	8	Hackberry	Poor	
364	7	Siberian Elm	Poor	
365	8	Hackberry	Poor	
366	14	Siberian Elm	Poor	2 Trunks: 11,14
367	7	Hackberry	Poor	
368	8	Siberian Elm	Poor	
369	8	Green Ash	Poor	EAB
370	10	Honey Locust	Good	
	17	NO. OF TREES TAGGED		
	224	TOTAL INCHES INVENTORIED		

Table 4. Submitted Field Tree Inventory Log for the Subject Property.

Signs

The Applicant requested reuse of the existing sign cabinet located at the top of the building and facing Brooklyn Boulevard, which is approximately 61-square feet in size. Any new signage would be required to comply with the provisions outlined within Section 35-6000 (*Signs*) of the City Code. Although the sign size appears to exceed the City's maximum wall size provisions for multiple family dwelling units, Section 35-6300 (*Nonconforming Signs*) stipulates that, "nonconformities will generally be permitted to continue under the provisions of this Code;" therefore, it is interpreted that a replacement panel would be permitted. Should the wall sign be majorly altered or the cabinets replaced in the future, the sign would be required to comply with City Code requirements.

Engineering Review

James Soltis, Assistant City Engineer, reviewed the submitted plans and provided a memorandum dated October 4, 2023 (Exhibit D). Although a review of the revised plan sets was conducted, all conditions outlined in the October 4, 2023 memo are still applicable. The memo requests alterations to the ADA (Americans with Disabilities Act) identification signage locations. Further, the proposed sidewalks do not appear to meet ADA regulations with respect to grading and will require revision to meet Section 406 of the 2020 Minnesota Accessibility Code provisions for landings and ramps. The Applicant will also be required to obtain permits from Hennepin County for any potential work in the right-of-way (Brooklyn Boulevard).

Building and Fire Review

Building Official Dan Grinsteinner conducted a cursory review in a memorandum dated October 9, 2023 (Exhibit E) of the proposal for the Subject Property and indicated that fire sprinkler and monitoring systems are required by code and are required to be maintained at all times. Given the proposed conversion, select sprinkler heads and systems may need to be relocated as part of the multi-family buildout.

The Applicant will also need to meet any minimum ADA requirements for any exterior and interior building improvements, and prior to the issuance of building permits, a SAC determination shall be submitted to

the Metropolitan Council given the change of use. Any associated fees shall be paid at time of permit issuance.

Although the work appears to be minimal, the Applicant should coordinate with the Hennepin County Health Department to ensure no approvals are necessary for the private residence party room located in the basement level.

All building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.

CPTED Review

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. Further, the Property Owner (Applicant) will be required to apply for and maintain a rental license with the City of Brooklyn Center, and in advance of any occupancy.

Other Considerations | Public Comment (to date)

As mentioned in the beginning of the report, a public hearing notice was published in the Brooklyn Center *Sun Post*, and mail notifications sent to all physical addresses within 350 feet of the Subject Property. On October 4, 2023 City staff received a voicemail from a business owner located within the Boulevard Plaza office condominiums, located just south of the Subject Property. On October 6, 2023, City staff received a letter with an attached petition comprised of signatures from 31 individuals operating out of the Boulevard Plaza office condominiums. The aforementioned letter is included for the record as Exhibit F—it should be noted that City staff has redacted the email addresses and phone numbers on the petition.

The letter provided outlines a variety of concerns, including but not limited to:

- Changing the environment of the area to one of a residential area rather than business district;
- Ongoing and continued safety concerns;
- Ongoing and increased traffic (both foot and vehicle);
- Dumping concerns; and
- Privacy concerns

On October 11, 2023 City staff received an email from representation of Brooklyn United Methodist Church, who indicated a, “vested interest in the housing proposal because our parking lot abuts the property in question.” They inquired on the proposal and requested installation of a privacy fence between the Subject Property and the overflow lot. A follow-up email was sent to City staff following the public hearing. Pham-Vang Optometry, who initially signed the petition letter presented by the Boulevard Plaza office condominiums submitted a separate letter of petition following the public hearing on October 13, 2023. These letters have been included as part of Exhibit F.

ANTICIPATED PERMITTING AND CONDITIONS

Following a review of the submittal materials and the request, City staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2023-007 for the conversion of the former Electrus (Spire) Credit Union office building, located at 7100 Brooklyn Boulevard, to a 17-unit multi-family residential building:

1. Any major changes or modifications made to this Site and Building Plan, and as outlined

within the City Code, can only be made by an amendment to the approved Site and Building Plan as approved by the City Council.

- i. Photometric Plans and any proposed lighting fixtures are to comply with Section 35-5400 (*Exterior Lighting*).
 - ii. Revise submitted preliminary landscape plan to clearly identify mitigative measures to address existing trees, including Green Ash, that are in “poor condition.” A plan noting proposed tree removals should be provided with proposed replacements. Any landscaping removed shall be replaced with similar planting types and in accordance with Section 35-5600 (*Landscaping, Screening, and Fences*).
2. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements and a detail sheet provided. All trash and recycling shall be contained within the enclosure area and regular trash and recycling pick ups scheduled based upon the needs of residents.
 - i. Per City Code requirements, the proposed trash enclosure shall be located a minimum of five (5) feet from the interior and rear property lines.
3. The building plans are subject to review and approval by the Building Official and as outlined in the memorandum dated October 9, 2023 with respect to applicable codes prior to the issuance of permits.
4. The Applicant shall work to ensure all applicable Minnesota Fire Code requirements have been met as part of any site plan approval and with respect to the proposed modifications to the building.
 - i. A fire sprinkler system is required to be installed and shall be maintained on a consistent basis per City Code requirements.
5. A SAC Determination shall be submitted by the Applicant to the Metropolitan Council for the change of use and any associated fees paid at time of any permit issuance.
6. Application to and approval from the Hennepin County Health Department as needed for the amenity space identified as the private residence party room.
7. The Applicant shall provide any final site and building plans to City staff for a CPTED review and make alterations as necessary prior to permit release.
8. The Applicant shall ensure an irrigation system is in place to facilitate maintenance of new and existing site landscaping and green areas, and irrigation shop drawings for any new systems shall be submitted for review and approval prior to installation.
9. The Applicant agrees to comply with all conditions or provisions noted in the Assistant City Engineer’s review memorandum, dated October 4, 2023.
10. The Applicant shall submit a Sign Permit Application for any proposed signage (e.g., wall, freestanding) and receive issuance of a permit prior to any installation.
11. The Property Owner (Applicant) shall apply for and maintain a City of Brooklyn Center Rental License. No building occupancy shall be granted prior to issuance of a City Rental License.

ALTERNATIVES

1. **Vote to recommend City Council approval of Planning Commission Application No. 2023-007 for approval of a site and building plan for the Subject Property located at 7100 Brooklyn Boulevard with the above-outlined conditions of approval.** By voting to approve this application, the site and building plan would be approved for the conversion of a former credit union and office building to a 17-unit multi-family residential building, subject to the above-noted conditions of approval.

- 2. Vote to recommend City Council denial of Planning Commission Application No. 2023-007 for approval of a site and building plan for the Subject Property located at 7100 Brooklyn Boulevard.** By voting to deny this application, the request to convert the former credit union and office building to a 17-unit multi-family residential building would be denied with outlined findings of fact.

ATTACHMENTS

Exhibit A – Planning Commission Application No. 2023-007 Plans and Documents, submitted September 12, 2023, and last revised October 25, 2023.

Exhibit B – Public Hearing Notice, submitted for publication in the Brooklyn Center *Sun Post*, dated September 28, 2023.

Exhibit C – Report and Documentation for Planning Commission Application No. 85011.

Exhibit D – Review Memorandum, prepared by Assistant City Engineer James Soltis, dated October 4, 2023.

Exhibit E – Review Memorandum, prepared by Building Official Dan Grinsteinner, dated October 9, 2023.

Exhibit F – Boulevard Plaza Office Condominiums Letter of Petition, dated October 6, 2023, Email Communication from Brooklyn United Methodist Church, dated October 11, 2023 and October 13, 2023, and Pham-Vang Optometry LLC Letter of Petition, dated October 13, 2023.

October 24th, 2023

Ginny McIntosh
City Planning and Zoning Administrator
City of Brooklyn Center
6391 Shingle Creek Parkway
Brooklyn Center, MN 55429

RE: Response To Letters Provided As Part Of Public Record For
Planning Commission Application Number 2023-007 For 7100
Brooklyn Boulevard, LLC Site And Building Plan.

Dear Ms. McIntosh,

We are in receipt of the following letters provided as part of the
public record for our application referenced above and wanted to
address the concerns presented as listed below:

1. Dumping Concerns::

In response to Dumping Concerns, an Onsite Trash
Enclosure with Covered Trash Cans and Affix Violation
Instructions Plaque on Trash Enclosure Door to Residents
will be provided in which existing Security Camera on Rear
Elevation Wall will be directed towards Trash Enclosure for
monitoring of debris and trash bags as well as loitering
around or within Trash Enclosure. Trash Cans will be picked

up by Garbage Disposal Truck weekly, Also, there will be a Full Time Property Manager who resides on the property to manage all Tenants activities to ensure security, orderliness and cleanliness of property environment and parking lots (Residential Tenants And Visitors Allocated Parking Lots).

2. Traffic Congestion:

In response to both Vehicles and Pedestrians Traffic Concerns, with Business Hours conducted from 8:00 AM - 5:00 PM Monday through Friday. There will be no Traffic Congestion along Brooklyn Boulevard considering 85% or more Tenants residing in this property will be away from their residence at their various jobs which will be about the same hours of operations as Brooklyn Plaza Office Condominiums. Thus, traffic egress in and out of the residential building will be less during normal business hours.

Moreover, not all 17 units residents or tenants will use all 34 parking stalls as provided per City Ordinance at any given time of the day due to differential work hours at their various jobs, in which their return back to residential building will definitely be after business hours of operations of Brooklyn Plaza office condominiums.

3. Parking Issues:

In response to Parking Concerns on Residential Property, unauthorized parking will not be allowed or accommodated as individual unit numbers will be marked on Parking Stalls in the Parking Lot as assigned to each tenant during rental lease. Each tenant will be provided with a parking space

number to enable onsite full time property management staff who reside on property to monitor parking spaces as designated to individual tenant units.

Visitors Parking Spaces will be designated at Front Elevation of Property as indicated on Site Improvement Plan with directional signage to inform visitors about location allocated for parking upon entry into parking areas of property. Designated Visitors Parking Spaces are allocated away from Brooklyn Plaza Office Condominiums Building to prevent noise disturbance during business hours of operations. Also, there will be enough parking spaces within this property as provided in which No Tenant(s) Or Visitor(s) will invade Brooklyn Plaza Office Condominium Parking Lot or Brooklyn United Methodist Church (BUMC) Overflow Parking Area.

4. Fencing:

In response to Brooklyn United Methodist Church (BUMC) request for a fence to be installed between BUMC Overflow Parking Area and Residential Property. A Six (6) Feet High Cedar Wood Fence will be installed from Northwest to Northeast Side of North Property Line to prevent access between BUMC Overfloor Parking Area and Residential Property in which existing Sidewalk between BUMC Overfloor Parking Area and Residential Property will be eliminated

FYI: Length of Span of New 6 Feet High Cedar Wood Fence will stop at recommended length as recommended by City Engineer due to Existing Easements around Existing Transformer and Telephone Equipments located at Northwest Corner right before existing City Sidewalk and Trail on Brooklyn Boulevard

5. Concerns of Redundant Cars Parked On Property:

In response to Concerns of Redundant Cars parked on property, all parked redundant cars will be removed immediately before commencement of the parking lot site improvement work of the residential building.

6. Environment Change Concerns:

In response to Concerns on Environment Change, per City's Unified Development Ordinance Section 35-2302 which allows 15 - 31 Multiple Family Dwellings per Acre as permitted within the City's Neighborhood Mixed Use MX-N-2 Ordinance in which our property is 0.99 Acre.

Note: Per City's Data Historical Record, Existing Bank Building was granted Special Provisions to be built in 1985 as allowed by City's Ordinance in R-5 District, zoned as Residential Multifamily District which was later revised to Mixed-Use Commercial and Residential District to allow Non-Conforming Office Buildings built in R-3 District of City's Ordinance based on City Unified Development Ordinance establish on January, 2023

Thus, converting existing Bank Building on 0.99 Acre to 17 Residential Units with No Alteration or Modification Work to be done to Existing Building Structure such as Foundation and Perimeter (Exterior) Walls and Roof Structure to keep existing aesthetic elevation views of the building will not violate City's Zoning Ordinance or Building Code Regulations nor create Over-Populated Density as allowed based on number of multiple dwellings per City Ordinance Section 35-2302 for Neighborhood Mixed Use MX-N-2 District.

7. Noise Disturbance Concern:

In response to Noise Disturbance Concerns from Residential Building, Existing Bank Building was built in compliance with Sound Resistance Rating as required by Minnesota Building Energy Code.

Thus, any noise within the Residential Building will not constitute any noise disturbance to adjacent Brooklyn Plaza Office Condominiums during business hours of operations. Moreover, as earlier informed, residents occupying residential units during stated business hours of operations of office condominiums will be minimal during weekdays (Monday through Friday) as most residents will be working at their various jobs.

8. Existing Security Cameras located outside will be used to enforce safety measures and control pedestrian access into the residential building at any given time of the day.

Also, Existing Security Cameras located within the common lobby area across from the front vestibule and at rear exit door will remain active to monitor guests and tenants entering and exiting the residential building.

In addition, Voice Activated Door Buzzing Device will be installed within the Front Vestibule of the Residential Building with Control installed in each tenant unit to prevent unwanted guests into the building and tenant units.

United States Postal Service Approved Mailboxes marked with Tenant Unit Numbers with Lock Compartments for Mails and Parcels will be installed and located close to residential building front entry doors for easy access by tenants.

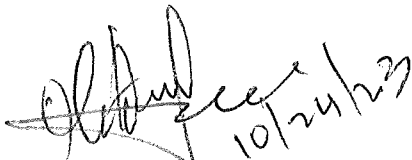
In conclusion, all required revised Civil Site Improvement, Landscape, Photometric and Building Plans as requested by Planning and Zoning City Staff will be submitted for review in preparation for the City Council Meeting scheduled for November 13th, 2023.

Sincerely,



10/24/2023

Adedoja Jinadu
Project Coordinator



10/24/23

Tony Olatayo
Building Owner
7100 Brooklyn Boulevard, LLC

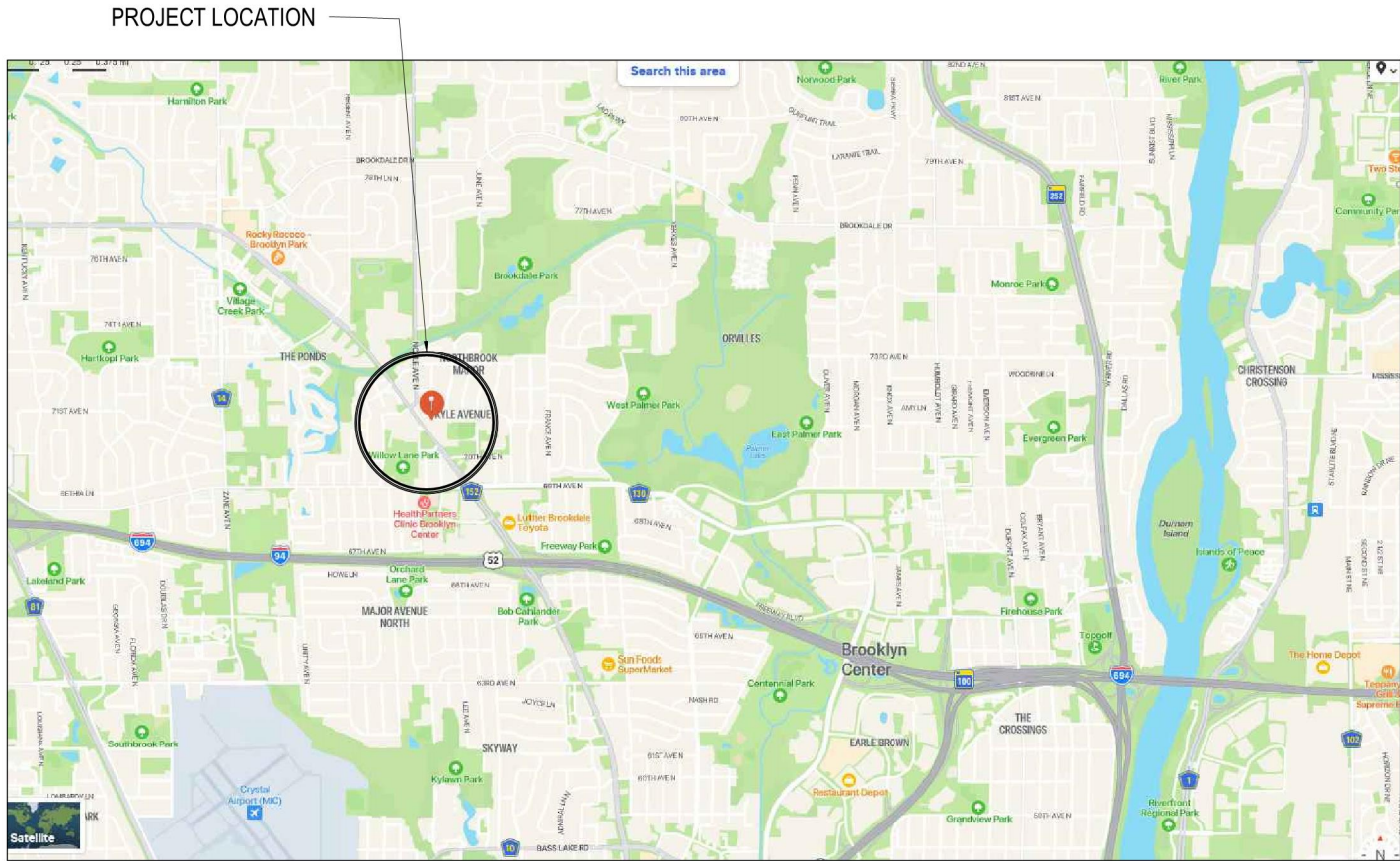
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7100 BOULEVARD PLAZA

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SHEET T-100	TITLE SHEET WITH LOCATION MAP AND SHEET INDEX
SHEET T-101	CODE REVIEW / PROJECT NARRATIVE
SHEET T-102	SECURITY SYSTEM REQUIREMENTS / UNIT BREAKDOWN
SHEET A-001	BASEMENT PLAN
SHEET A-101	MAIN FLOOR PLAN
SHEET A-102	SECOND FLOOR PLAN
SHEET A-201	EXTERIOR ELEVATIONS
SHEET A-202	EXTERIOR PHOTO
SHEET A-301	BUILDING WALL SECTION / INT ELEV / DETAIL
SHEET A-302	ADA BATH PLAN / ELEVS
SHEET A-303	LAUNDRY ROOM ELEVS / BATH DETAILS
SHEET A-304	ADA KITCHEN ELEVATIONS / DETAILS
SHEET A-501	UL DETAIL IIC STC
SHEET A-502	UL DETAIL IIC STC
SHEET A-503	DOOR SCHEDULE
SHEET A-504	DOOR SCHEDULE



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7100 BROOKLYN BOULEVARD REMODEL

Code Review
Code Review by Deborah Everson 612.237.0108
Owner of Project = 7100 Brooklyn Boulevard LLC
Project Location = 7100 Brooklyn Boulevard, Brooklyn Center, MN 55429
Intent = Conversion / Alteration from B office to new apartments R-2
Code Used = 2020 Minnesota Conservation Code for Existing Buildings
301.3.1 Prescriptive Compliance Method which refers to 2020 Minnesota Building Code
Existing Building Height = 2 stories (31'-2") with partial basement
Existing Building Footprint
Main = 6046 sf Gross F (7 Apartments)
2nd = 5533 sf Gross (10 Apartments)
Building Area (to outside of walls / footprint)
Basement = 1927 sf Gross with Small Assembly Room = 735 sf
This Building has an existing sprinkler system, a fire detection system and a fire alarm system. These items will be reviewed and updated by Professionals as required.
This Building has an existing parking lot, ADA parking spaces and ADA way into the building. Parking lot also has pole lighting.
IBC 1004.5 Proposed Occupant Load
Basement Assembly Room = 735sf/15sf/O = 49 Occupants
Main Floor = 4300 sf / 200 sf / O = 22 Occupants
Second Floor = 4315 sf / 200 sf / O = 22 Occupants (Total OL = 93)
Previous Occupancy = B (Bank)
Proposed Occupancy = Non Separated R-2 (17 Apartments) with Accessory Use of B (one small assembly room in basement)
Note MCCE 1011.4.1 R Apartments are a higher means of egress hazard than banks, therefore use IBC Chapter 10.
IBC 601 Fire Resistance Rating Requirements for building elements for Type of Construction = IIIB + Sprinkled throughout
Primary Structural Frame, Interior Partitions, Floor, Roof = 0
Bearing Walls = 2
System required and provided (to be reconfigured by Professional)
IBC 1006.3 Minium Exits
At main and second floor = 2 exits provided with Maximum common path of egress travel distance = 125'
Provided at second floor - exist paths less than 125'
MCCE 1011.7.2 Stairways exception 2 = stair enclosure not required if stairs serve one other floor
IBC 1020.1 All corridors to have ½ Hour Fire Resistance Rating
All doors on corridors to have 20 minute Fire Rating
IBC 1020.2 Minium corridor width 44 inches, provided is minimum 60 inches
IBC1020.6 Corridor Continuity - to include the unenclosed stairways
IBC 1008.2.1 Minimum 1 foot candle at walking surface under emergency power
IBC 1030.1 Emergency Escape and Rescue Exceptions 4.1 and 4.2 = Building has automatic sprinkler system and 2 means of egress
IBC Sound Transmission = Partitions & Floor /Ceilings = Minimum 50 STC & IIC
IBC 1209.2 Finish Materials for walls, floors and showers shall comply
IBC 1206 Interior walls between units to have STC rating of not less than 50
IBC 404.6 exception 3 & 4 Atrium - no smoke control required as atrium is not more than 2 floors high
IBC 420.5 Smoke and Carbon Monoxide Detection Alarms in every Bedroom and Kitchen in every Unit.

1

CODE REVIEW

Project narrative

There are many reason this building works as an apartment building:
The building appears to be in a sale location of the city:

- 7100 Brooklyn Blvd is located across the street from Northwest Human Services Center / Community Emergency Assistance.
- The parking lot wraps the building on three sides for clear visual to the front door
- The building itself is simple and there are no hidden places for trouble to begin

The building has a layout that is conducive to apartment living:

- Only two stories make exiting in case of an emergency very obvious and fast
- Exits on either end of the main corridor make choice of emergency exit simple
- Atrium in main entrance is welcoming and full of daylight. It is a nice building to enter into
- An elevator is helpful for anyone unable to use stairs
- Ribbon windows allow natural light into every unit
- Small number of apartments: 17 units available
- 49 person event room in the lower level is access by stairs or elevator for events, celebrations, parties, etc.

The Building location is advantageous to the tenants - many amenities close by:

- One block to St. Alphonsus Park and Willow Lane Park
- ½ mile north of Hyw 94 / 694
- Only blocks to churches, grocery stores, restaurants, clinics and other important places
- On site laundry (shared)
- On site recycling and garbage (outside)
- Surface parking with 2 parking spaces per apartment and guest parking available

Current rental rates in Brooklyn Center (north side of 94/694 with similar amenities)

Studio Apartments	\$1000
One Bedroom Apartments	\$1200
Two Bedroom Apartments	\$1500

2

PROJECT NARRATIVE

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Per city ordinance chapter 35 section 35-5301 security systems and devices:

- a. For the purposes of providing a reasonable amount of safety and general welfare for persons occupying multiple family dwellings, an approved security system shall be provided to control access at each multiple family building hereafter constructed. The security system shall consist of locked building entrances or foyer doors, and locked doors leading from hallways into individual dwelling units. Dead-latch type locks shall be provided with lever knobs (or door knobs) on the inside of building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of a type that are permanently locked from the outside and permanently unlocked from the inside.
- b. Every door that is designed to provide ingress or egress from a dwelling unit within a multiple family building shall be equipped with an approved lock that has a deadlocking bolt that cannot be retracted by end pressure; provided, however, that such doors shall be openable from the inside without the use of a key or any special knowledge or effort.

1

SECURITY SYSTEM ORDINANCE

MAIN FLOOR	UNIT #	TYPE - TYPE	SQ FT
	101	B - 2 BDRM	706
	102	B - 1 BDRM	686
	103	B - STUDIO	495
	104	B - STUDIO	466
	105	B - 1 BDRM	482
	106	B - 1 BDRM	476
SECOND FLOOR	107	A - 1 BDRM	677
	201	B - 1 BDRM	617
	202	B - 1 BDRM	344
	203	B - 1 BDRM	342
	204	B - 1 BDRM	344
	205	B - STUDIO	302
	206	B - STUDIO	428
	207	B - 1 BDRM	531
	208	B - STUDIO	252
	209	B - 1 BDRM	395
	210	B - 1 BDRM	414

2

UNIT BREAKDOWN

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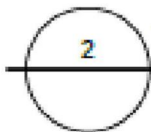
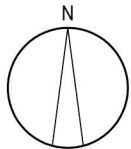
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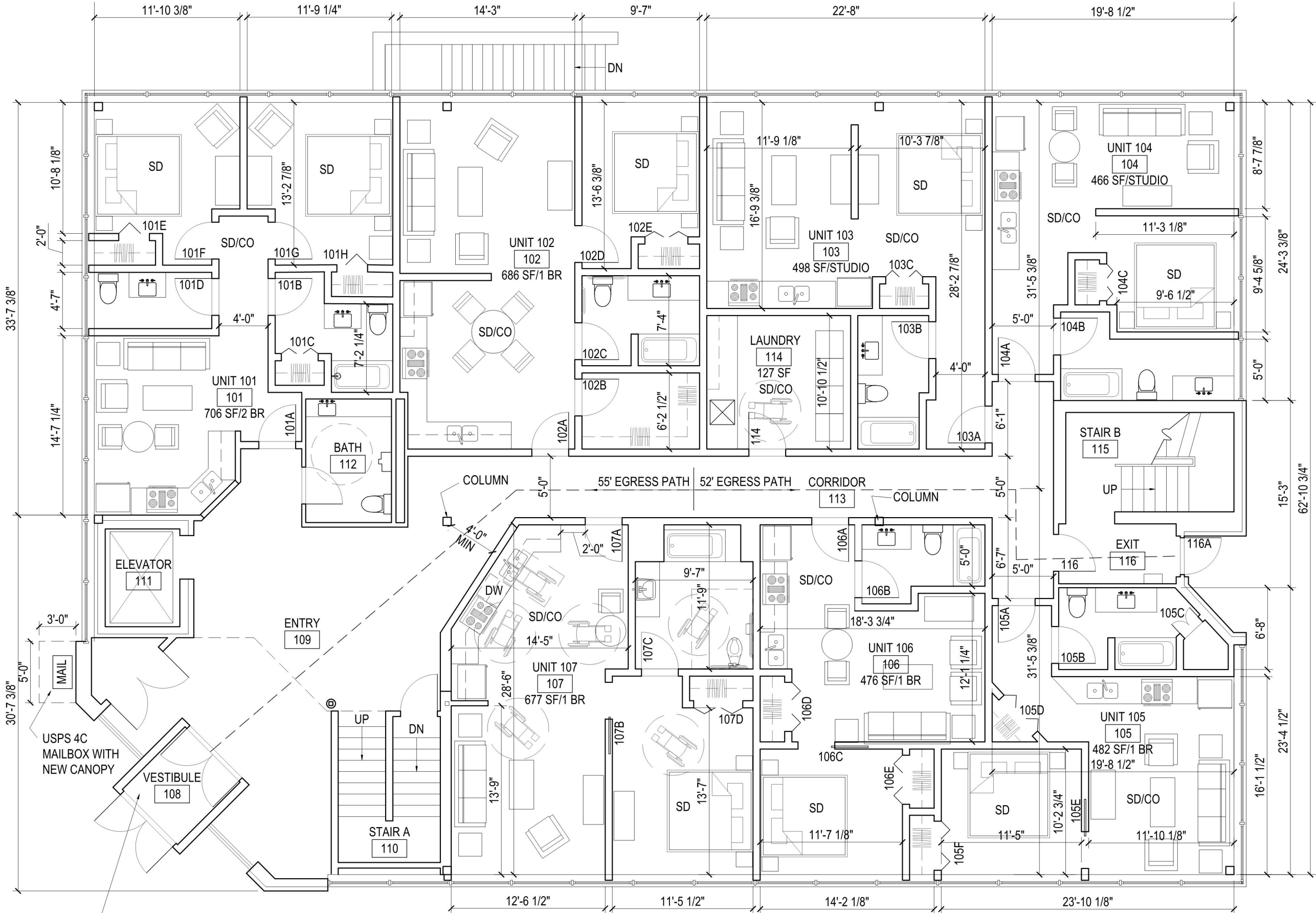
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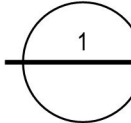
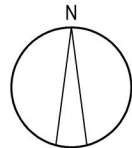
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PER CITY ORDINANCE CHAPTER 35 SECTION 35-5301 SECURITY SYSTEMS AND DEVICES: SEE TEXT ON SHEET T-101

- DRAWING DIMENSIONS HAVE NOT BEEN VERIFIED. DO NOT SCALE DRAWING. VERIFY ALL DIMENSIONS IN FIELD.
- HATCHED AREAS ARE EXISTING TO REMAIN - WITH SOME MINOR MODIFICATIONS OR FINISH UPDATES
 - TEXTURED ADA BARS AT EVERY TOILET, SHOWER AND TUB
 - SMOKE AND CARBON MONOXIDE DETECTION ALARMS IN EVERY BEDROOM AND KITCHEN & LAUNDRY AREA
 - BATH FAN TO EXTERIOR REQUIRED AT EVERY BATHROOM



MAIN FLOOR PLAN

1/8" = 1'-0"

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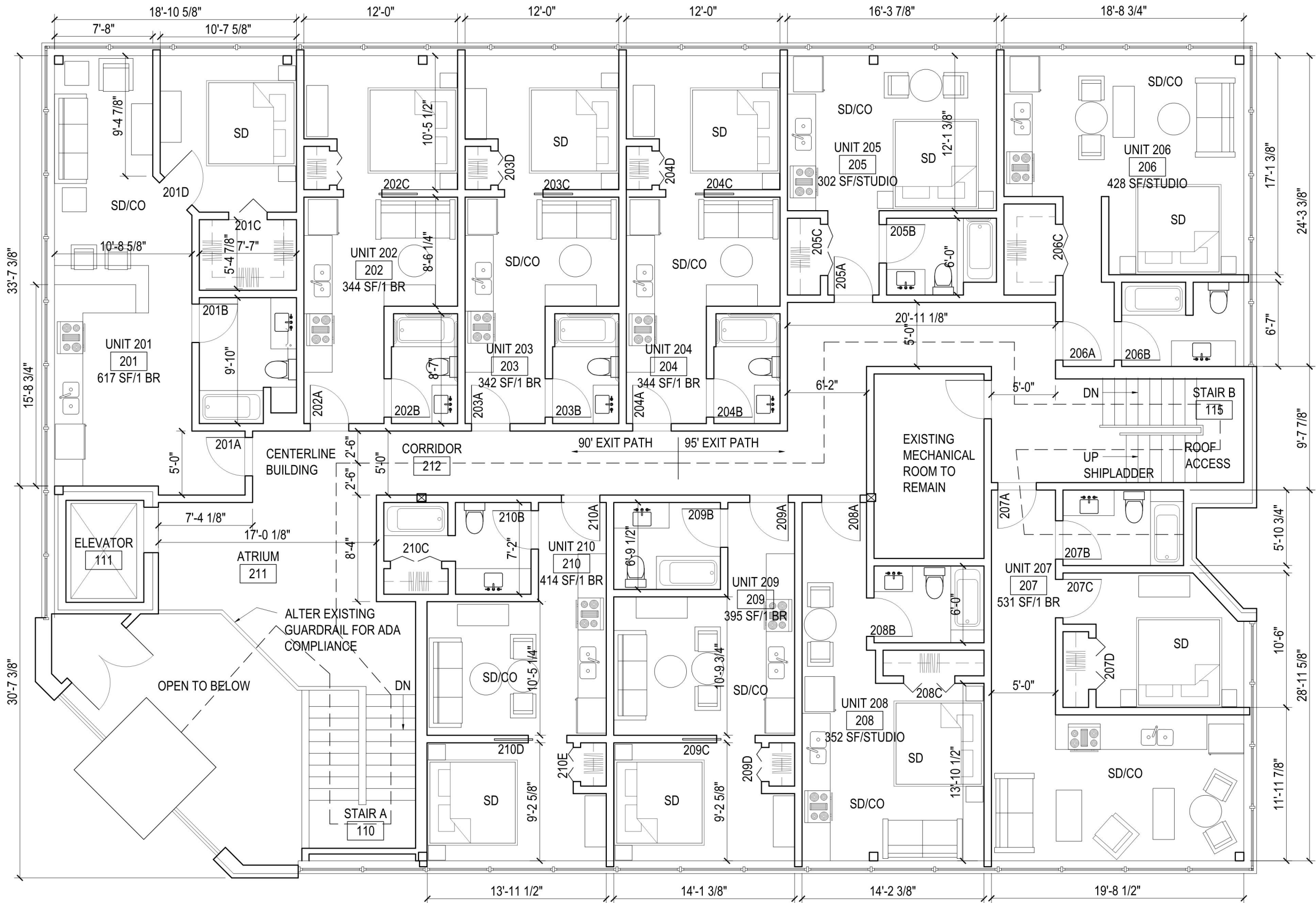
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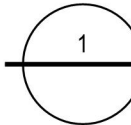
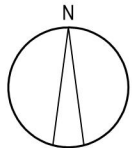
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SECOND FLOOR PLAN

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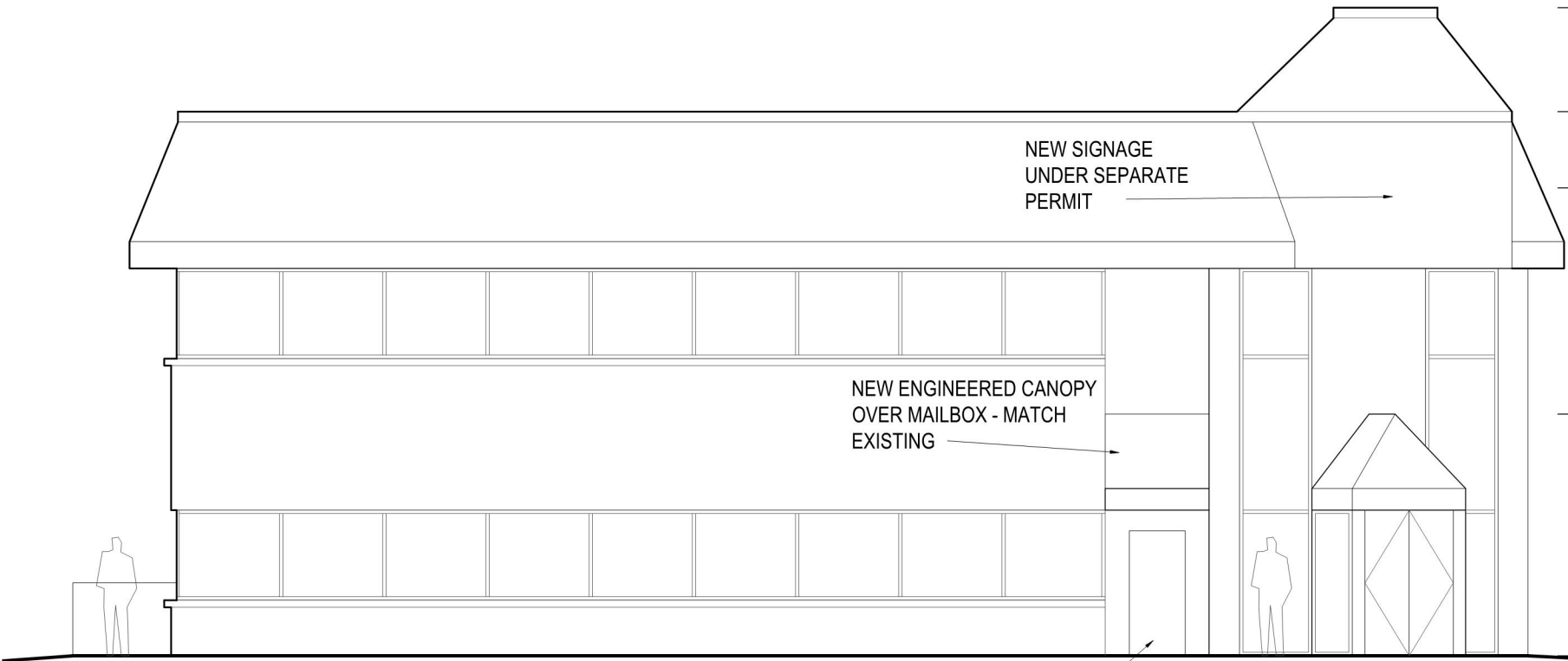
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TUCK POINTING AS
REQUIRED AT EXTERIOR

ADA ACCESS AISLE SIGNAGE TO BE ON
BUILDING PER CODE 502.4.4



31'-2"
ROOF RIDGE ELEV

26'-2"
TOP PARAPET WALL

22'-6"
PERIMETER JOIST BRACING

11'-7 1/2"
SECOND FLOOR ELEVATION

0'-0"
MAIN FLOOR ELEVATION

1 EXTERIOR ELEVATIONS
1/8" = 1'-0"

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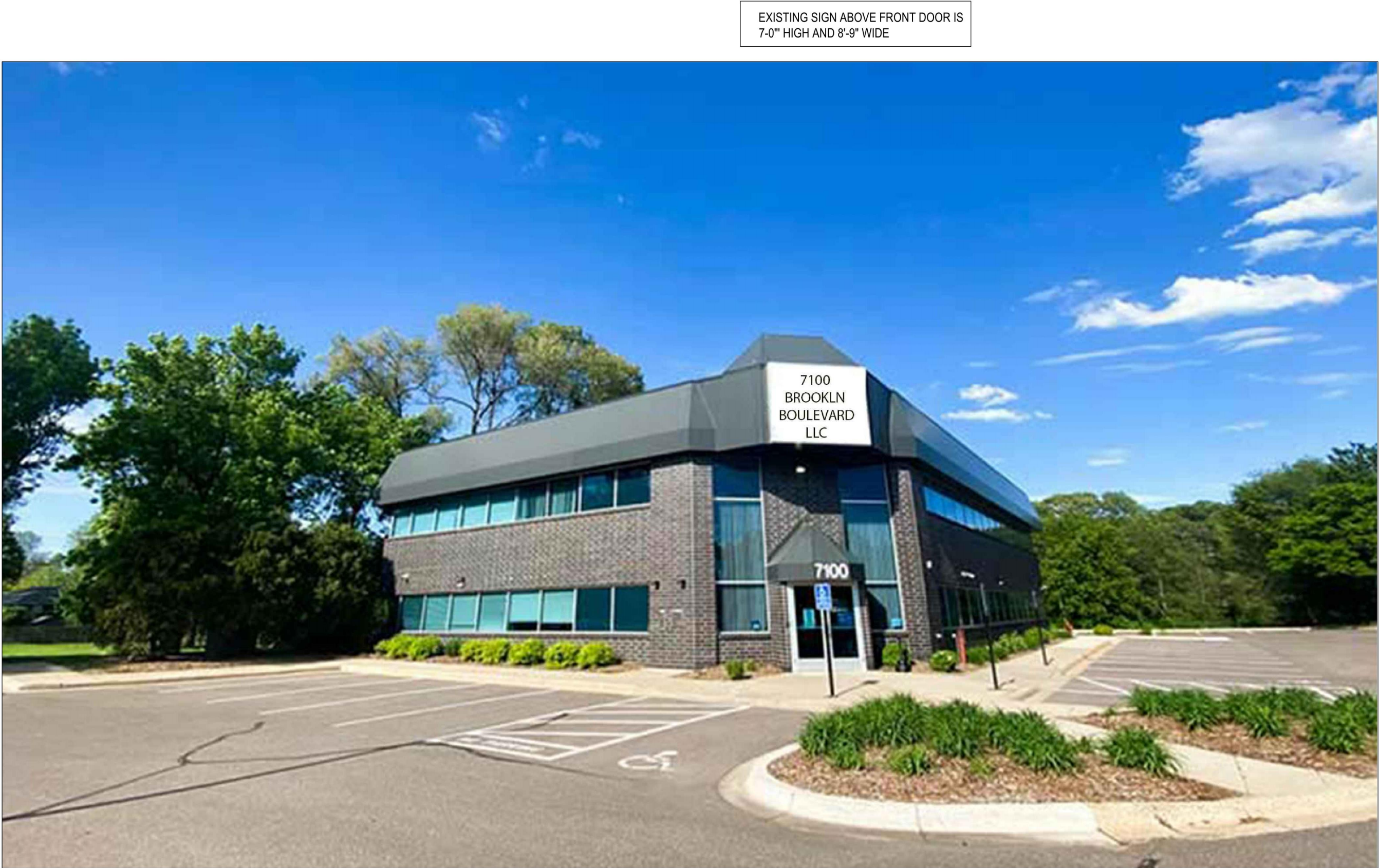
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EXISTING SIGN ABOVE FRONT DOOR IS
7'-0" HIGH AND 8'-9" WIDE

1 EXTERIOR ELEVATION IMAGE

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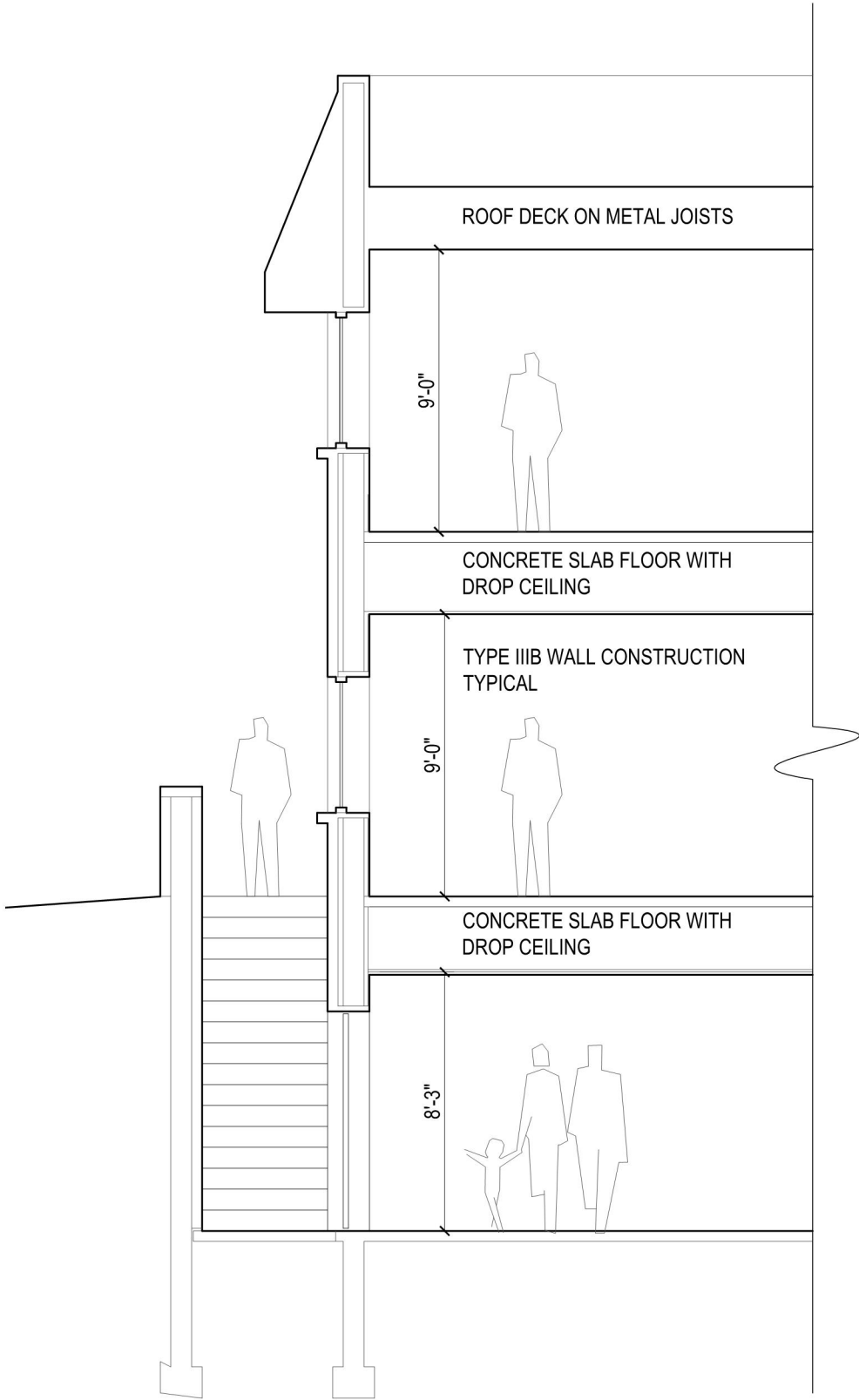
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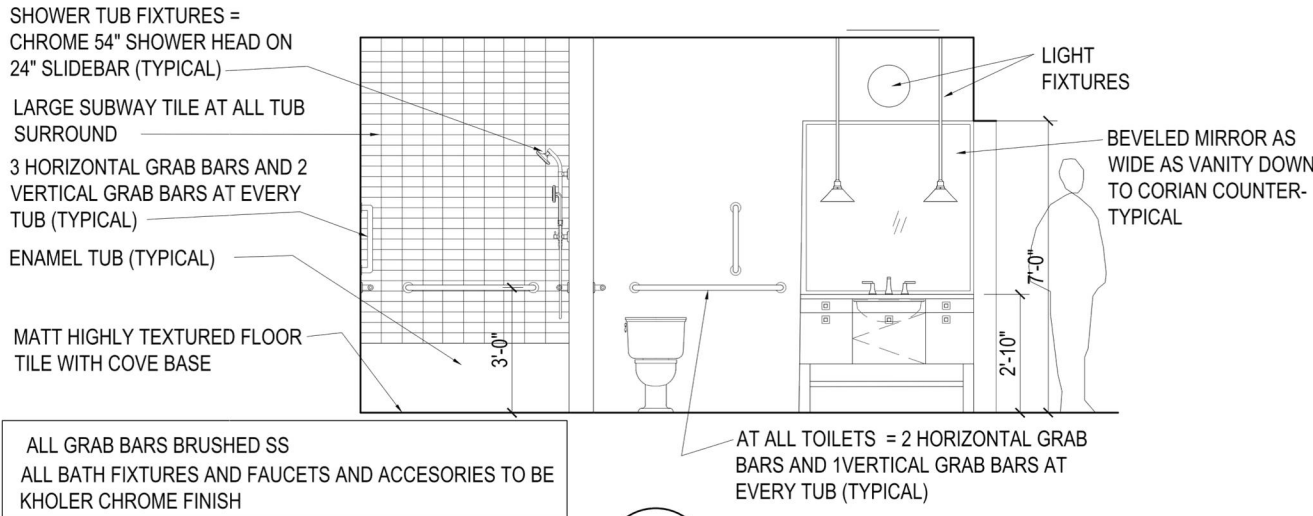
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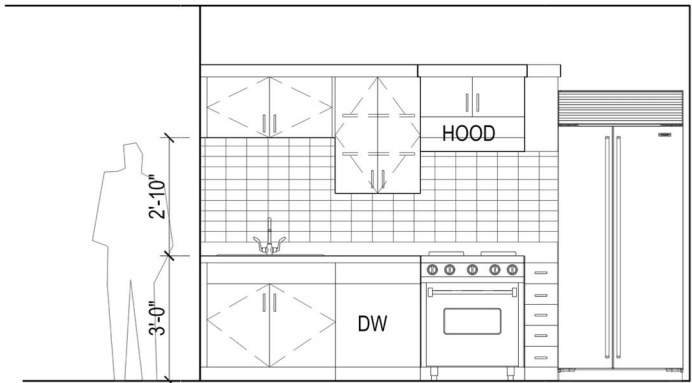


1 WALL SECTION
3/16" = 1'-0"



SHOWER TUB FIXTURES =
CHROME 54" SHOWER HEAD ON
24" SLIDEBAR (TYPICAL)
LARGE SUBWAY TILE AT ALL TUB
SURROUND
3 HORIZONTAL GRAB BARS AND 2
VERTICAL GRAB BARS AT EVERY
TUB (TYPICAL)
ENAMEL TUB (TYPICAL)
MATT HIGHLY TEXTURED FLOOR
TILE WITH COVE BASE

2 TYPICAL BATHROOM ELEVATION
1/4" = 1'-0"



UNIT 106 - TYPICAL KITCHEN ELEVATION
3 TYPICAL KITCHEN ELEVATION
1/4" = 1'-0"

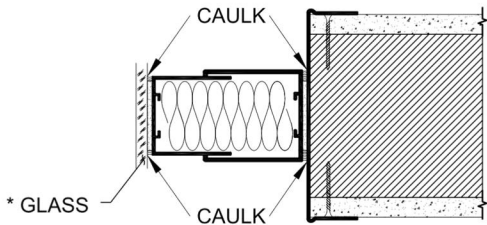
PULL=MOCKETT DP137, SATIN NICKEL
PLUG-MOLD RECEPTALS UNDER CABINETS - NO
WALL OUTLETS AT KITCHEN
UNDER CABINET LIGHTING
ENERGY STAR HOOD

WHITE SUBWAY TILE BACKSPLASH AT
ALL UNITS

ALL CABINETRY: FACE FRAME
MAPLE VENEER CABINETS WITH
MELAMINE INTERIORS WITH WOOD PRINT
SOFT CLOSE DRAWER SLIDES AND DOOR HINGES
CAMBRIA COUNTERS

ALL FIXTURES, FAUCETS AND ACCESSORIES TO BE
KOHLER, CHROME FINISH

WALL-TO-GLASS APPLICATION
*MULLION MATE OR EQUAL CAN BE
INSTALLED AGAINST MINIMUM 1/8"
THICK GLASS. INSTALL THE GASKET
AGAINST THE GLASS SIDE FIRST. CARE
SHOULD BE GIVEN TO PROPERLY
POSITION GASKET
PRIOR TO CONTACTING GLASS.



4 PARTITION GAP CLOSURE
NOT TO SCALE

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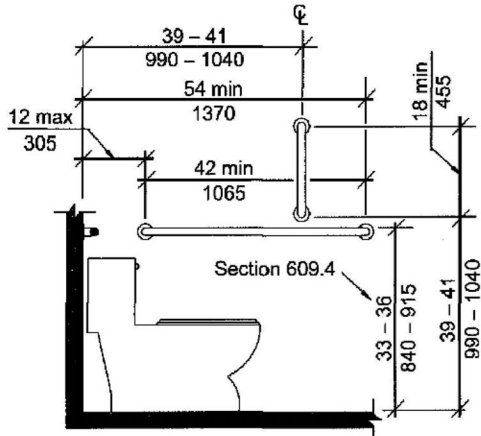
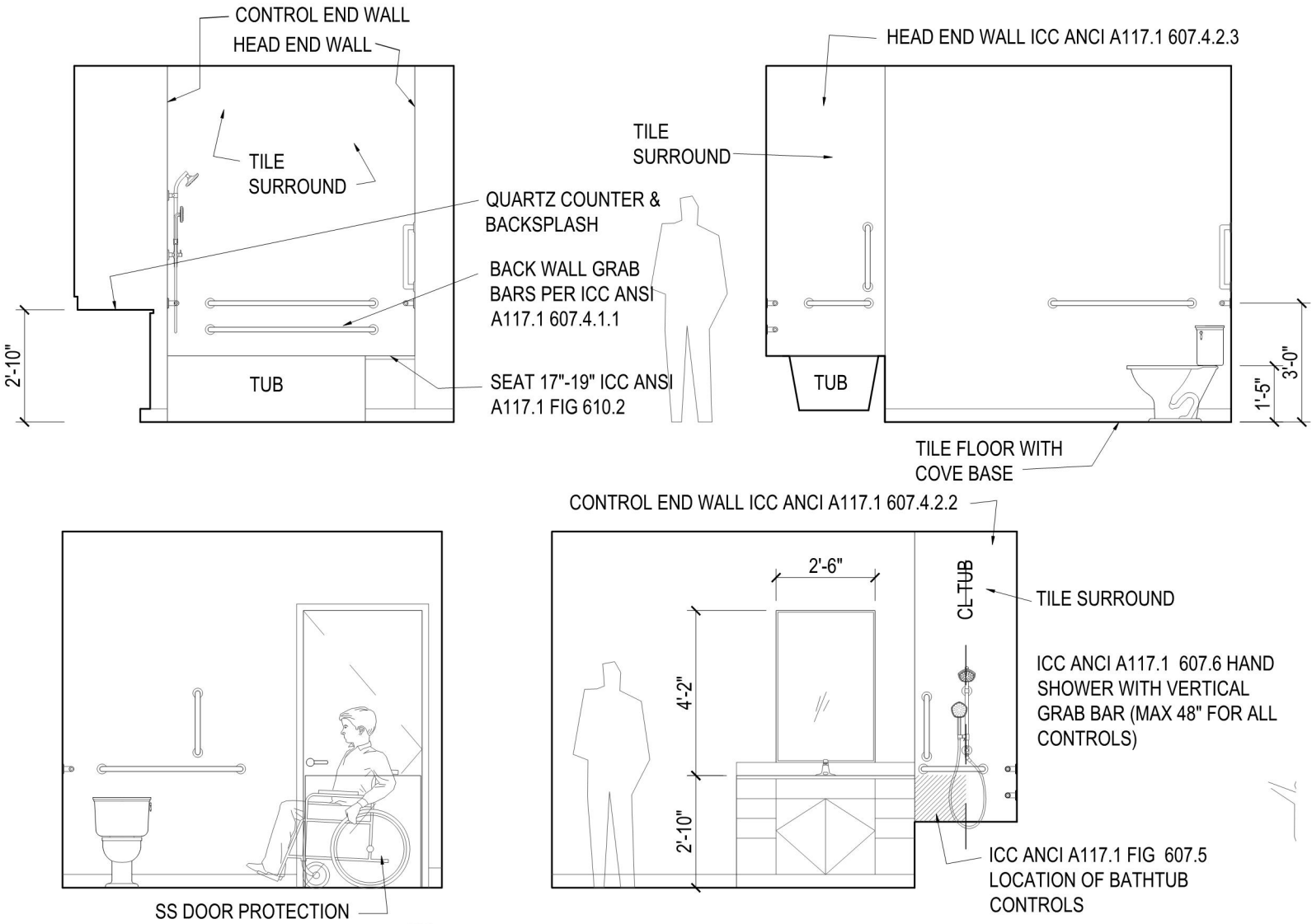
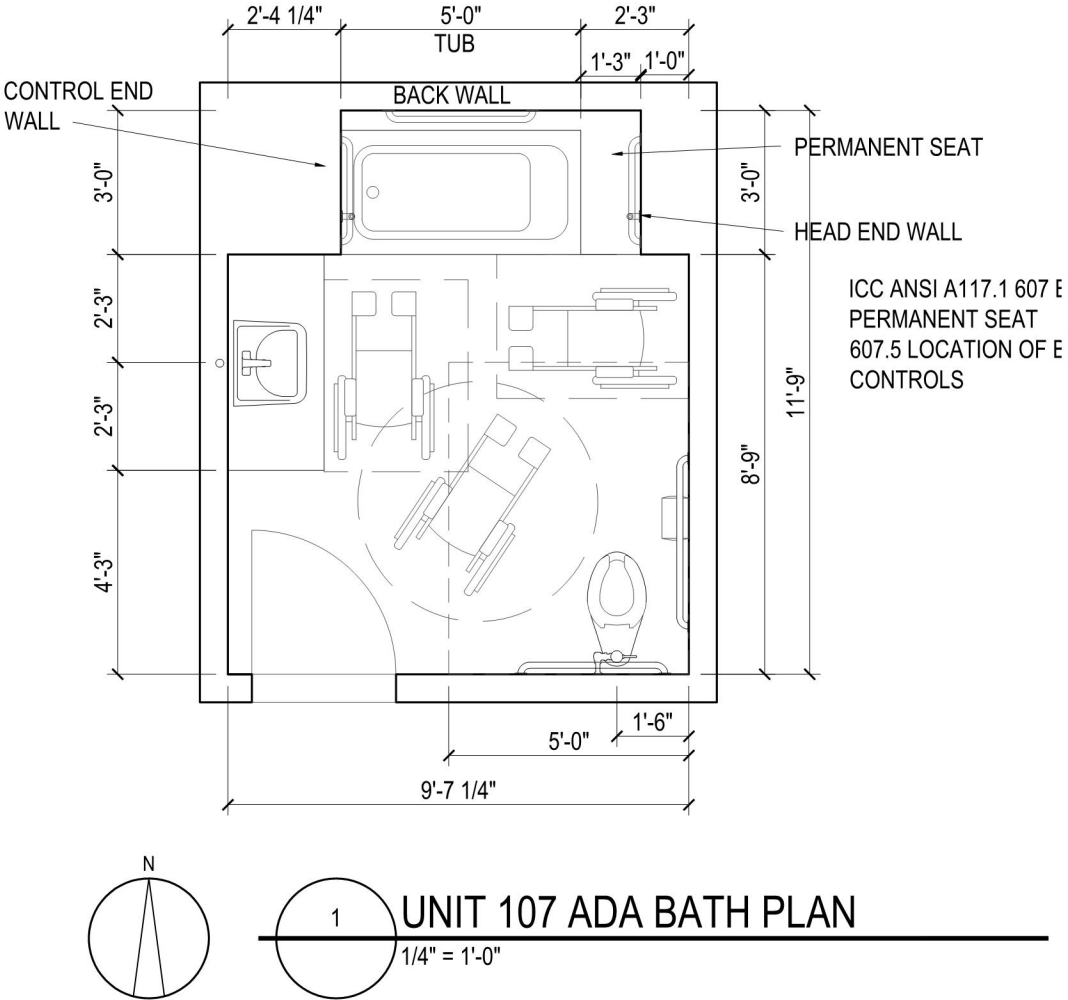
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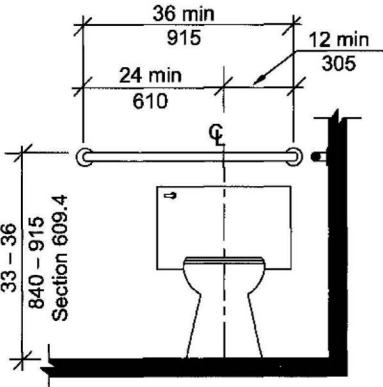
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Note: For children's dimensions see Fig. 609.4.2
FIG. 604.5.1
SIDE WALL GRAB BAR FOR WATER CLOSET



Note: For children's dimensions see Fig. 609.4.2
FIG. 604.5.2
REAR WALL GRAB BAR FOR WATER CLOSET



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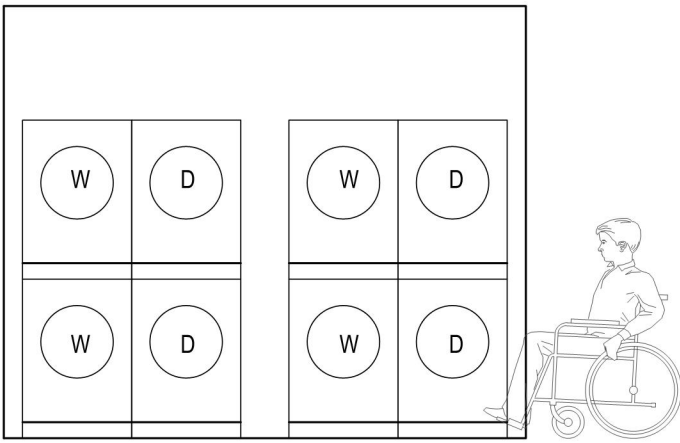
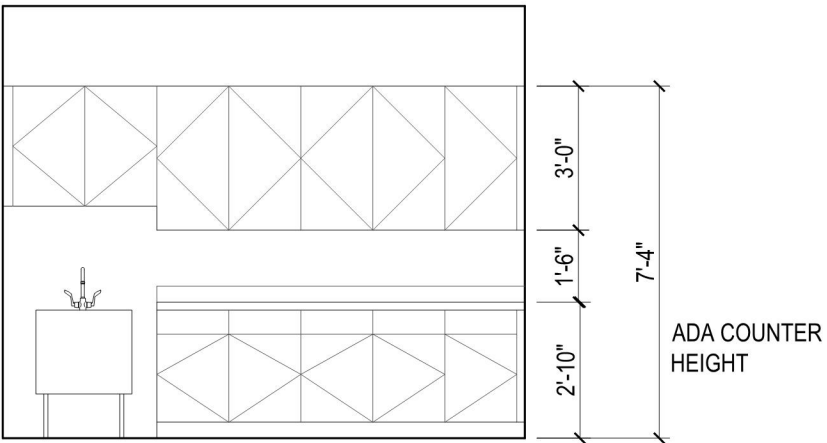
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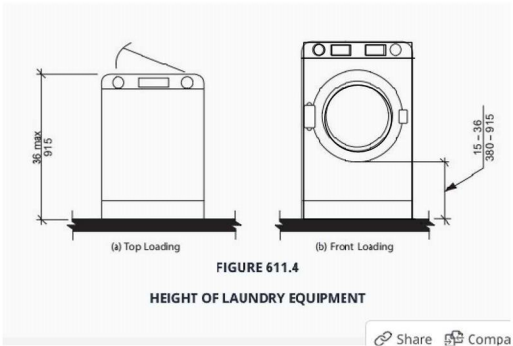
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1

LAUNDRY ROOM ELEVATIONS

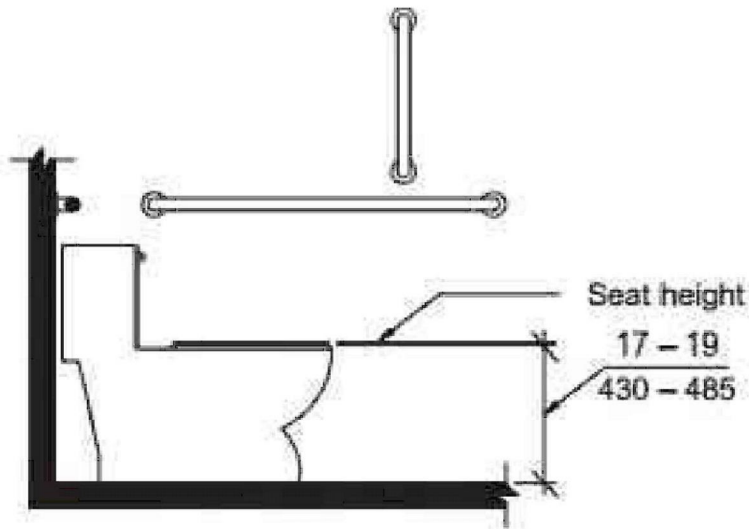
1/4" = 1'-0"



2

CODE REQUIREMENTS

1/4" = 1'-0"



Note: For children's dimensions see Figure 604.11.4

FIGURE 604.4 WATER CLOSET SEAT HEIGHT

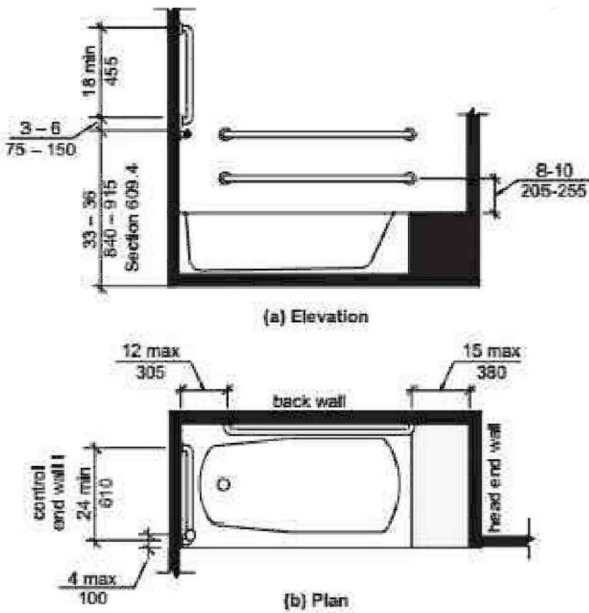


FIGURE 607.4.1 GRAB BARS FOR BATHTUBS WITH PERMANENT SEATS

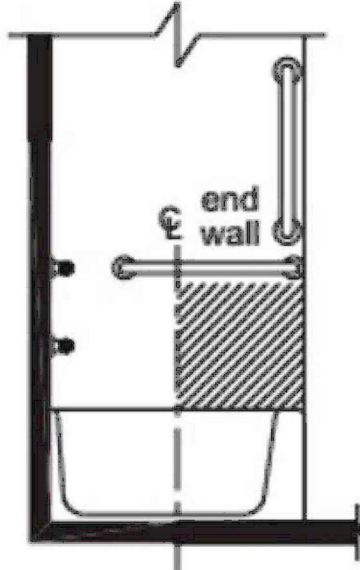


FIGURE 607.5 LOCATION OF BATHTUB CONTROLS

3

CODE REQUIREMENTS

1/4" = 1'-0"

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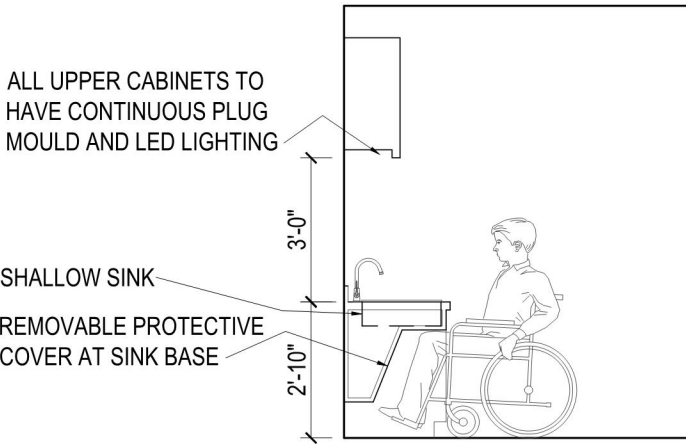
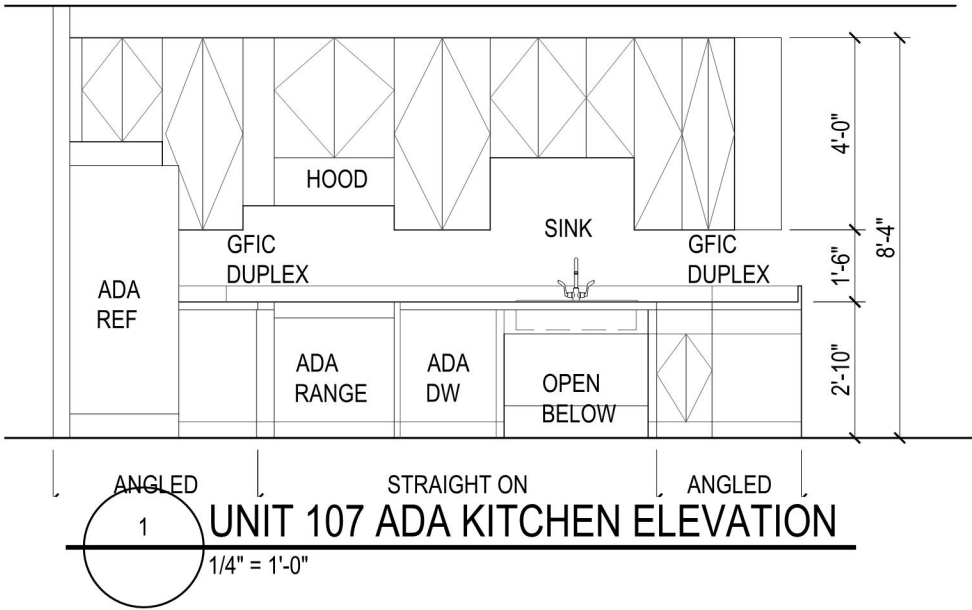
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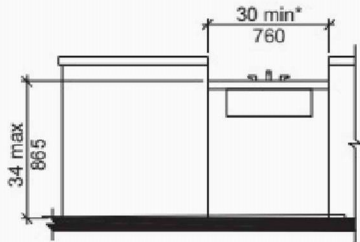
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1003.12.4 Sink

The sink shall comply with Section 1003.12.4.



* 36 min. (915) If part of T-shaped turning space per Sections 304.3.2 and 1003.3.1

FIGURE 1003.12.4

KITCHEN SINK FOR TYPE A UNITS

306.3 Knee Clearance

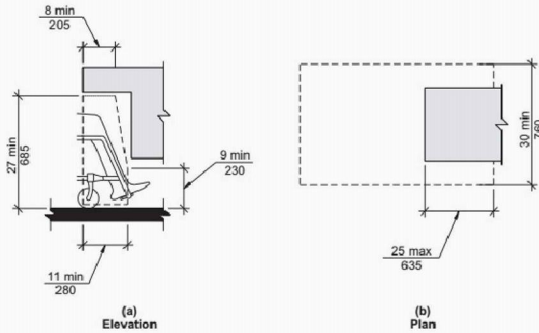


FIGURE 306.3
KNEE CLEARANCE

KITCHEN SINK FOR TYPE A UNITS

1003.12.4.1 Clear Floor Space

A clear floor space, positioned for a forward approach to the sink, shall be provided. Knee and toe clearance complying with Section 306 shall be provided.

Exceptions:

1. The requirement for knee and toe clearance shall not apply to more than one bowl of a multi-bowl sink.
2. Cabinetry shall be permitted to be added under the sink, provided the following criteria are met:
 - (a) The cabinetry can be removed without removal or replacement of the sink,
 - (b) The floor finish extends under the cabinetry, and
 - (c) The walls behind and surrounding the cabinetry are finished.

2 CODE REQUIREMENTS

1/4" = 1'-0"

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DESIGN NO.

UL U419

FIRE RATING:

1 HOUR

STC RATING:

50

SOUND TEST:

USG-151203

SYSTEM THICKNESS:

5-3/8" [137 MM]

LOCATION:

INTERIOR

FRAMING TYPE:

STEEL STUD (NONLOAD-BEARING)

5 3/8"

[137 mm]

24"

[610 mm]

24"

[610 mm]

ASSEMBLY REQUIREMENTS:

GYPSUM PANELS:

ONE LAYER 5/8" [15.9 MM] SHEETROCK® ECOSMART GYPSUM PANEL (UL TYPE ULIX™)

RESILIENT CHANNEL:

1/2" [12.7 MM] RESILIENT CHANNEL, 25 GA. (0.018"), 24" [610 MM] O.C.

STEEL STUDS:

3-5/8" [92 MM] STEEL STUDS, EQ20 (0.018"), 24" [610 MM] O.C.

INSULATION:

3-1/2" [89 MM] FIBERGLASS INSULATION

GYPSUM PANELS:

ONE LAYER 5/8" [15.9 MM] SHEETROCK® ECOSMART GYPSUM PANEL (UL TYPE ULIX™)

GENERAL WALL NOTES:

1. REFER TO APPLICABLE CODES REQUIREMENTS TO ENSURE COMPLIANCE PRIOR TO CONSTRUCTION.

2. FOR THE MOST UP-TO-DATE DETAILS, INCLUDING CONSTRUCTION VARIATIONS, REFER TO THE PUBLISHED DESIGN.

3. WHERE DESIGN NO. INDICATES "PER", THE FIRE RATING IS BASED ON LABORATORY TEST DATA OF THE REFERENCED SIMILARLY CONSTRUCTED ASSEMBLIES.

4. STUD SIZES AND INSULATION THICKNESS ARE MINIMUM UNLESS OTHERWISE STATED IN THE PUBLISHED ASSEMBLY.

5. STUD AND FASTENER SPACINGS ARE MAXIMUM UNLESS OTHERWISE STATED IN THE PUBLISHED ASSEMBLY.

6. PANEL ORIENTATION SHALL BE AS SPECIFIED IN THE PUBLISHED DESIGN.

7. FIRE-RATINGS ARE FROM BOTH SIDES UNLESS OTHERWISE STATED.

8. FIRE-RATINGS ARE MAINTAINED WITH ONE OR MORE OF THE FOLLOWING MODIFICATIONS: INCREASE STUD DEPTH, INCREASE STUD MATERIAL THICKNESS, DECREASE STUD SPACING, DECREASE FASTENER SPACING, INCREASE INSULATION THICKNESS UP TO CAVITY DEPTH.

9. WHERE ACOUSTICAL PERFORMANCE IS PROVIDED IN AN ESTIMATED RANGE, THE VALUES ARE BASED ON LABORATORY TEST DATA OF SIMILARLY CONSTRUCTED ASSEMBLIES.

10. SOUND-RATINGS ARE MAINTAINED WITH ONE OR MORE OF THE FOLLOWING MODIFICATIONS: INCREASE STUD DEPTH, DECREASE STUD MATERIAL THICKNESS, INCREASE STUD SPACING, INCREASE FASTENER SPACING, INCREASE INSULATION THICKNESS UP TO CAVITY DEPTH. MODIFICATIONS MUST NOT EXCEED LIMITATIONS OF FIRE RATING.

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Gypsum Board Floor/Ceilings – Steel Framing

No.	Fire Rating	Ref.	Design No.	Description	STC	Test No.	IIC	
							No Carpet	Carpet & Pad
1	1 hr.	OSU	T-1936	5/8" (15.9 mm) Fire-Shield Gypsum Board screw attached to furring channels spaced 24" o.c. (610 mm) attached to steel bar joists spaced 24" o.c. (610 mm). Concrete floor 2" (51 mm) thick.	53	Based on NGC 4075	21 Based on NGC 5121	67 Based on NGC 5122
	2 hr.	UL	G503	5/8" (15.9 mm) Fire-Shield Gypsum Board or 5/8" (15.9 mm) Fire-Shield Kal-Kore plaster base screw attached to furring channels spaced 12" o.c. (305 mm) attached to or suspended from steel bar joists spaced 24" o.c. (610 mm). Concrete floor 2 1/2" (63.5 mm) thick.	53	(Direct) Based on NGC 4075	21 Based on NGC 5121	67 Based on NGC 5122
					57	(Susp.) Based on NGC 4078	28 Based on NGC 5126	75 Based on NGC 5127

NATIONAL GYPSUM QUICK SELECTOR/GENERAL REFERENCE



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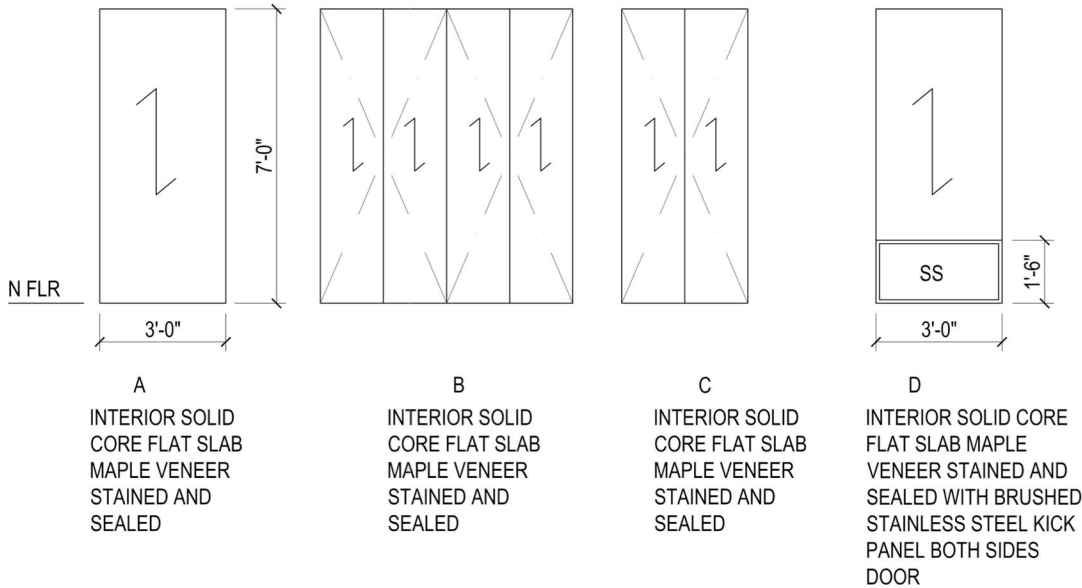
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DOOR SCHEDULE					
MARK	TYPE	SIZE		HARDWARE GROUP	REMARKS
		WIDTH	HEIGHT		
BASEMENT					
001	A	3'-0"	7'-0"	5	PAIR DOORS
MAIN FLOOR					
108	EXIST	6'-0"	7'-0"	5	PAIR GLASS DOORS
116	A	3'-0"	7'-0"	5	
116A	A	3'-0"	7'-0"	5	



DOOR HARDWARE SCHEDULE		
HARDWARE GROUP	LOCK FUNCTION	SCHLAGE BROADWAY LEVER WITH UPLAND TRIM - SATIN NICKLE FINISH - ALL HARDWARE AND HINGES SATIN NICKLE
1	ENTRY	KEYED ENTRY LEVER & SINGLE CYLINDER DEADBOLT
2	PRIVACY	BED & BATH LOCK
3	POCKET PRIVACY	POCKET DOOR EDGE PULL, AUTOMATIC BOUNCE SWITCH, HIDDEN HANDLE,
4	CLOSET / CABINET	BASICS EURO BAR (1/2" DIAMETER X 5.88" LONG SATIN NICKLE PULL
5	PANIC	PAIR DOORS PANIC HARDWARE SELF LOCKING SELF CLOSING
6	PUSH	PUSH/PULL HARDWARE NO LOCKING - SELF CLOSING



DOOR SCHEDULE MAIN FLOOR RESIDENT UNITS					
MARK	TYPE	SIZE		HARDWARE GROUP	REMARKS
		WIDTH	HEIGHT		
101A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
101B	A	3'-0"	7'-0"	2	BATH SWING
101C	B	3'-0"	7'-0"	4	CLOSET BIFOLD
101D	A	3'-0"	7'-0"	2	BATH SWING
101E	C	2'-6"	7'-0"	4	CLOSET BIFOLD
101F	A	3'-0"	7'-0"	2	BEDROOM SWING
101G	A	3'-0"	7'-0"	2	BEDROOM SWING
101H	C	2'-6"	7'-0"	4	CLOSET BIFOLD
102A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
102B	B	3'-0"	7'-0"	4	CLOSET BIFOLD
102C	A	3'-0"	7'-0"	2	BATH SWING
102D	A	3'-0"	7'-0"	2	BEDROOM SWING
102E	B	3'-6"	7'-0"	4	CLOSET BIFOLD
103A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
103B	A	3'-0"	7'-0"	2	BATH SWING
103C	B	3'-0"	7'-0"	4	CLOSET BIFOLD
104A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
104B	A	3'-0"	7'-0"	2	BATH SWING
104C	B	3'-0"	7'-0"	4	CLOSET BIFOLD
105A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
105B	A	3'-0"	7'-0"	2	BATH SWING
105C	C	2'-0"	7'-0"	4	CLOSET BIFOLD IN BATH
105D	B	4'-0"	7'-0"	4	CLOSET BIFOLD
105E	A	3'-0"	7'-0"	3	BEDROOM POCKET
105F	B	4'-0"	7'-0"	4	CLOSET BIFOLD
106A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
106B	A	3'-0"	7'-0"	2	BATH SWING
106C	A	3'-0"	7'-0"	2	BEDROOM POCKET
106D	B	4'-0"	7'-0"	4	CLOSET BIFOLD
106E	B	4'-0"	7'-0"	4	CLOSET BIFOLD
107A	D	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
107B	A	3'-0"	7'-0"	3	BEDROOM POCKET
107C	D	3'-0"	7'-0"	2	BATH SWING
107D	B	4'-0"	7'-0"	4	CLOSET BIFOLD
114	D	3'-0"	7'-0"	6	LAUNDRY ROOM

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DOOR SCHEDULE SECOND FLOOR RESIDENT UNITS

MARK	TYPE	SIZE		HARDWARE GROUP	REMARKS
		WIDTH	HEIGHT		
201A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
201B	A	3'-0"	7'-0"	2	BATH SWING
201C	C	3'-0"	7'-0"	4	CLOSET BIFOLD
201D	A	3'-0"	7'-0"	2	BEDROOM SWING
202A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
202B	A	3'-0"	7'-0"	2	BATH SWING
202C	A	3'-0"	7'-0"	3	BEDROOM POCKET
203A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
203B	A	3'-0"	7'-0"	2	BATH SWING
203C	A	3'-0"	7'-0"	3	BEDROOM POCKET
203D	B	3'-0"	7'-0"	4	CLOSET BIFOLD
204A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
204B	A	3'-0"	7'-0"	2	BATH SWING
204C	A	3'-0"	7'-0"	3	BEDROOM POCKET
204D	B	3'-0"	7'-0"	4	CLOSET BIFOLD
205A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
205B	A	3'-0"	7'-0"	2	BATH SWING
205C	B	4'-0"	7'-0"	4	CLOSET BIFOLD
206A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
206B	A	3'-0"	7'-0"	2	BATH SWING
206C	B	4'-0"	7'-0"	4	CLOSET BIFOLD
207A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
207B	A	3'-0"	7'-0"	2	BATH SWING
207C	A	3'-0"	7'-0"	2	BEDROOM SWING
207D	B	4'-0"	7'-0"	4	CLOSET BIFOLD

DOOR SCHEDULE SECOND FLOOR RESIDENT UNITS

MARK	TYPE	SIZE		HARDWARE GROUP	REMARKS
		WIDTH	HEIGHT		
208A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
208B	A	3'-0"	7'-0"	2	BATH SWING
208C	B	4'-0"	7'-0"	3	CLOSET BIFOLD
209A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
209B	A	3'-0"	7'-0"	2	BATH SWING
209C	A	3'-0"	7'-0"	3	BEDROOM POCKET
209D	B	2'-8"	7'-0"	4	CLOSET BIFOLD
210A	A	3'-0"	7'-0"	1	20 MINUTE FIRE RATED UNIT ENTRY
210B	A	3'-0"	7'-0"	2	BATH SWING
210C	A	3'-0"	7'-0"	4	CLOSET IN BATH
210D	A	3'-0"	7'-0"	3	BEDROOM POCKET
210E	B	2'-8"	7'-0"	4	CLOSET IN BEDROOM

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ARCHITECT LICENSE NO.

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ISSUE DATE

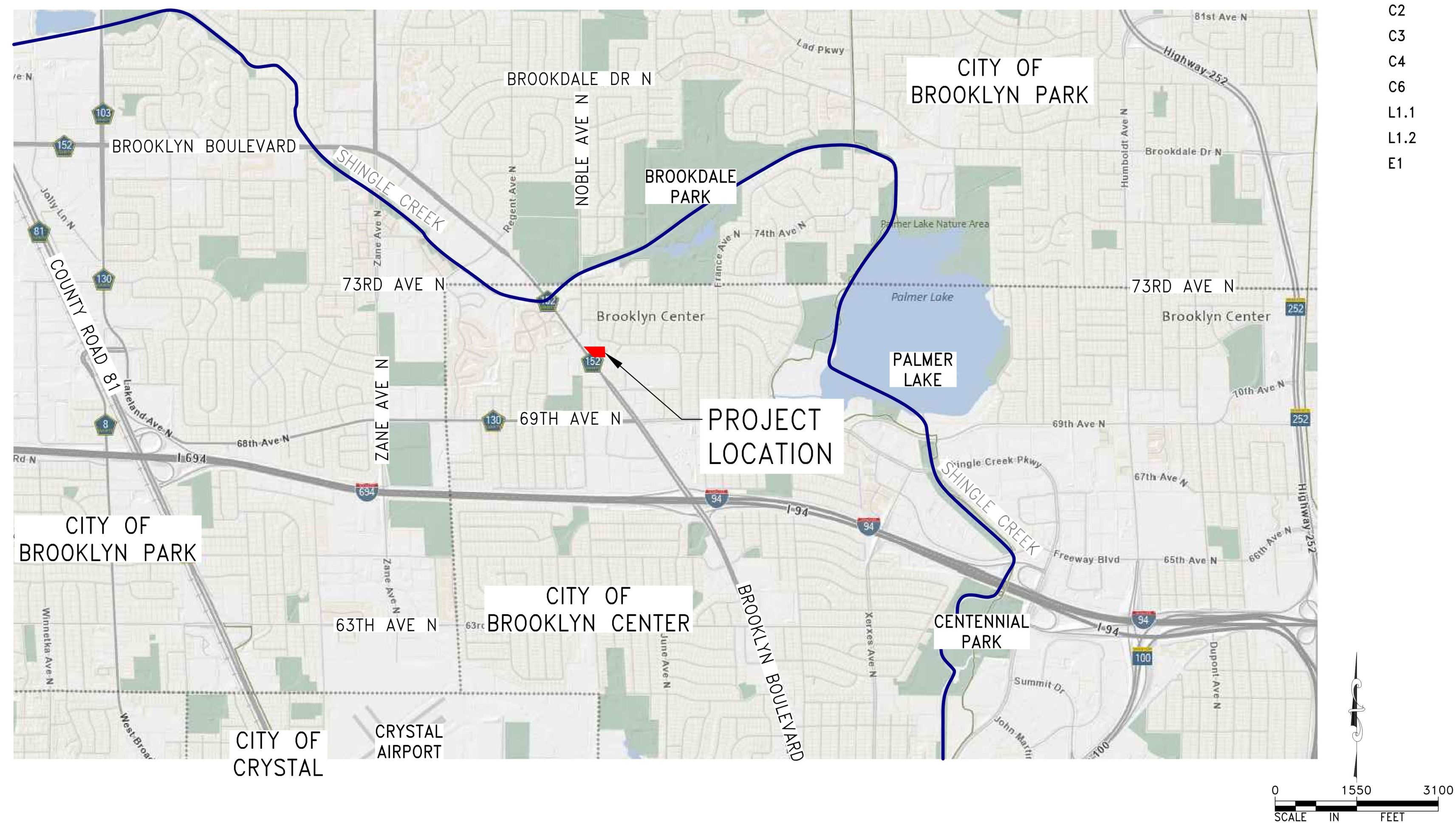
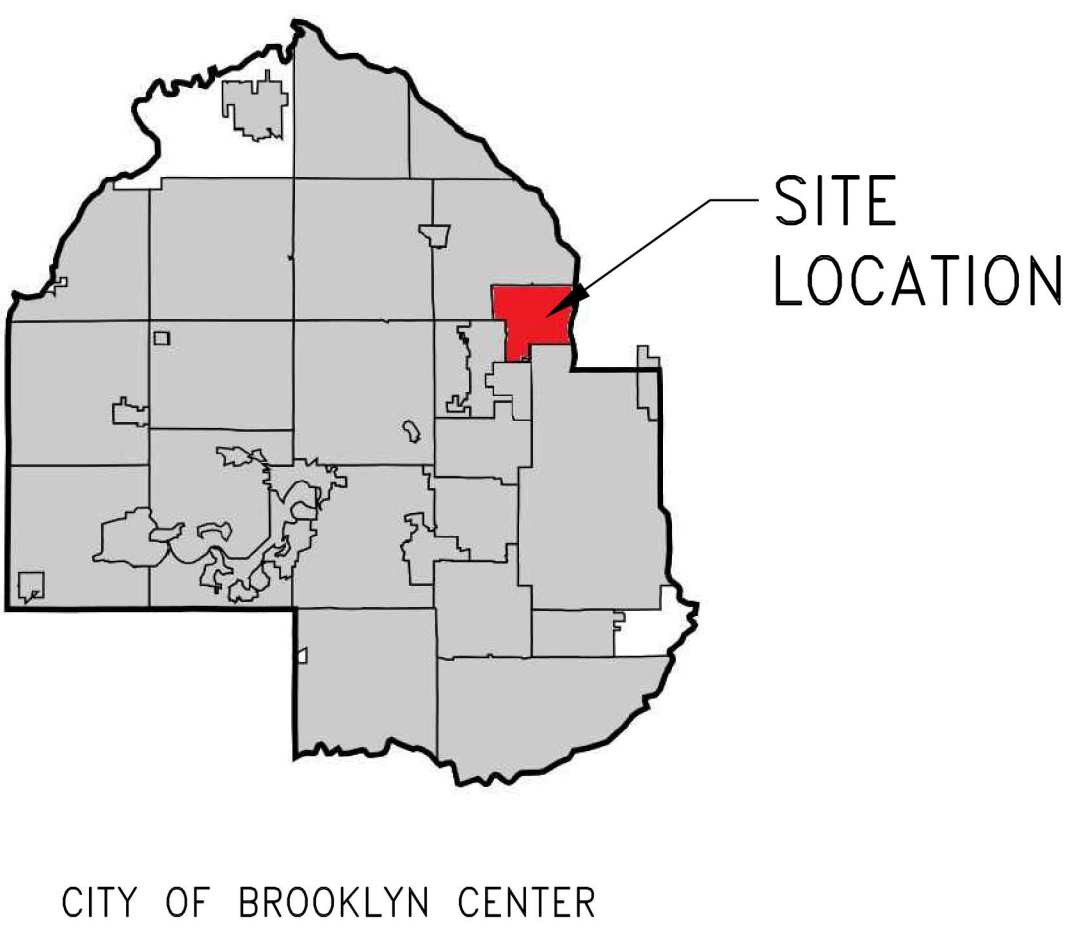
REVIEW	2023 SEPT 9
PERMIT	2023 SEPT 11
RENAME	2023 OCT 9
PERMIT	2023 OCT 25

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DWG NO.

A-504

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CALL BEFORE YOU DIG!

Gopher State One Call

Twin City Area: 651-454-0002
Toll Free: 1-800-252-1166

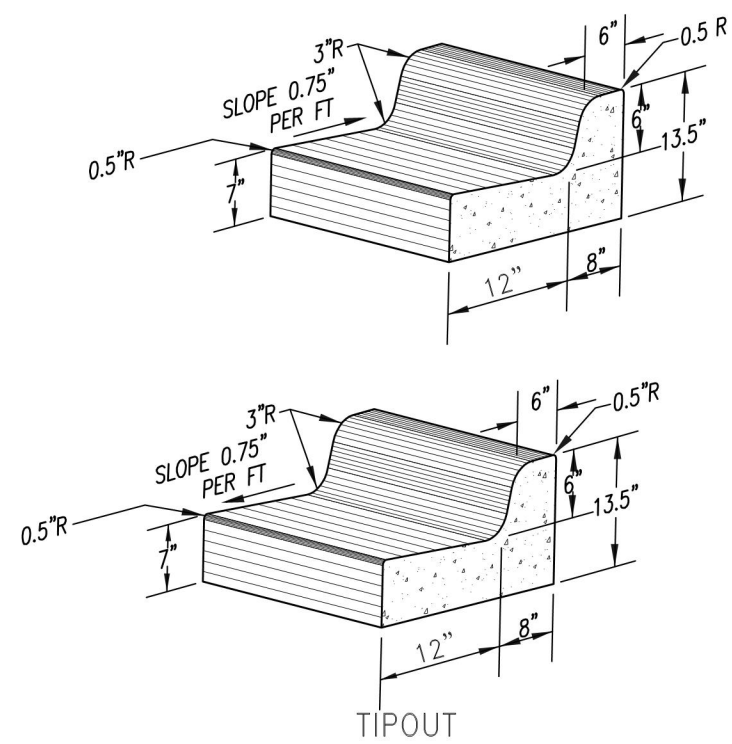
THE SUBSURFACE UTILITY INFORMATION
DEPICTED IN THESE PLANS ARE SHOWN
ACCORDING TO CI/ASCE 38-02, "STANDARD
GUIDELINES FOR THE COLLECTION AND
DEPICTION OF EXISTING SUBSURFACE UTILITY
DATA," LEVEL D STANDARDS.

LEGEND

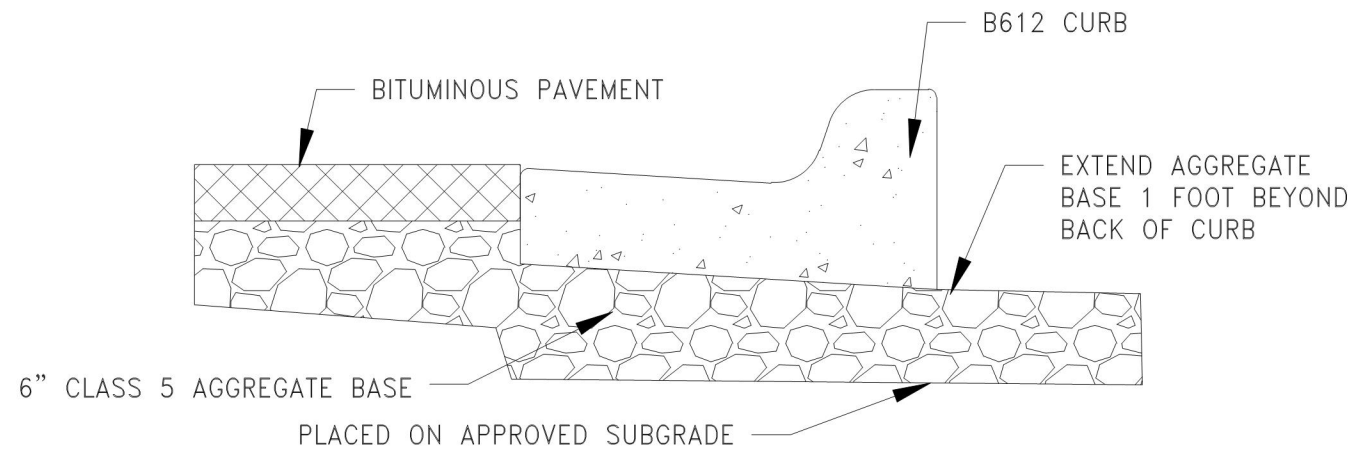
 IMPAIRED WATERS

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DRAWN BY: ABL								SHEET NO.
CHECKED BY: GRP								C1 OF C6

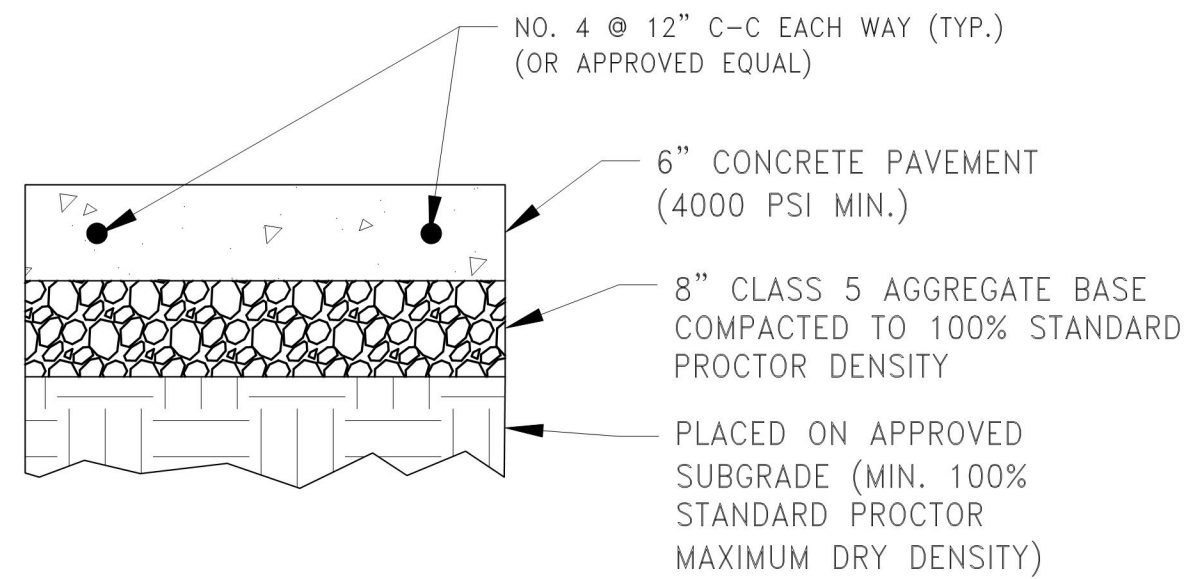
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1
C2 B612 CURB AND GUTTER
NOT TO SCALE

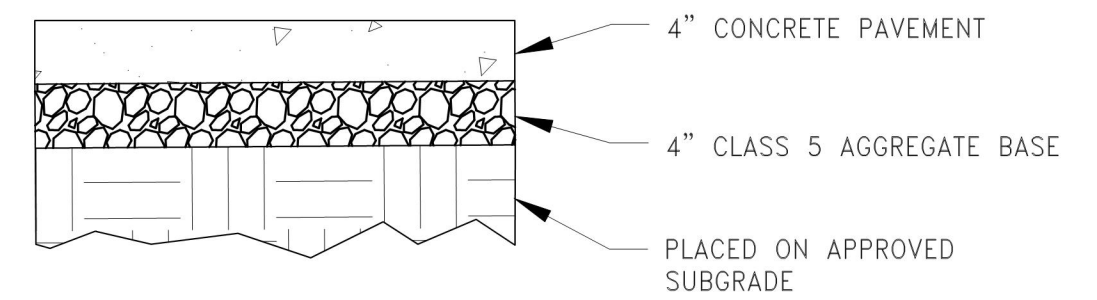


2
C2 BITUMINOUS / CURB TRANSITION
NOT TO SCALE



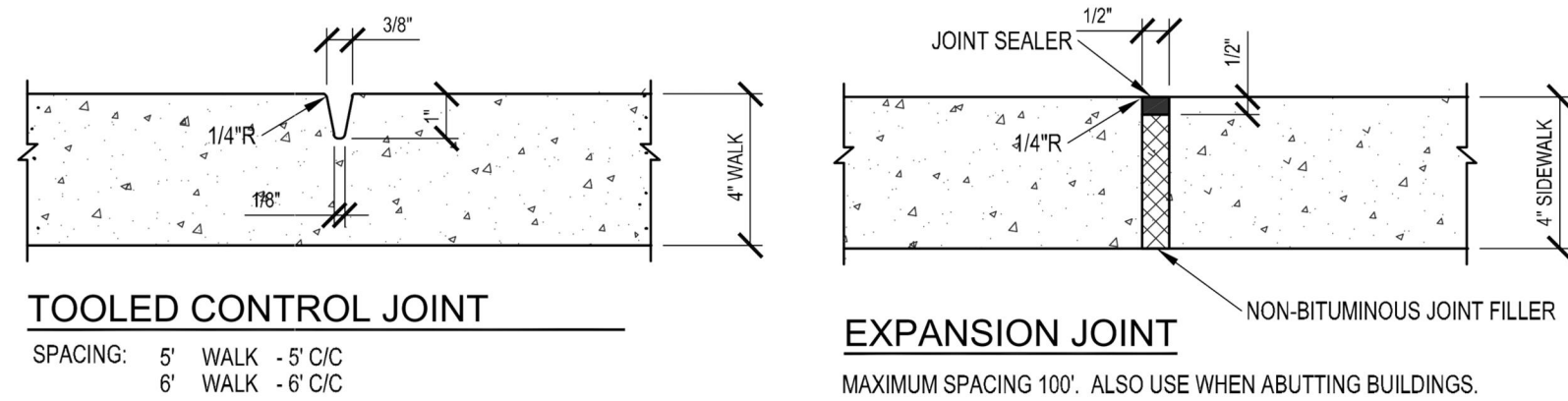
NOTE: CONCRETE COMPRESSIVE STRENGTH SHALL COMPLY WITH ASTM STANDARD C94. MINIMUM 28-DAY STRENGTH = 4,000 PSI

3
C2 CONCRETE PAVEMENT
NOT TO SCALE

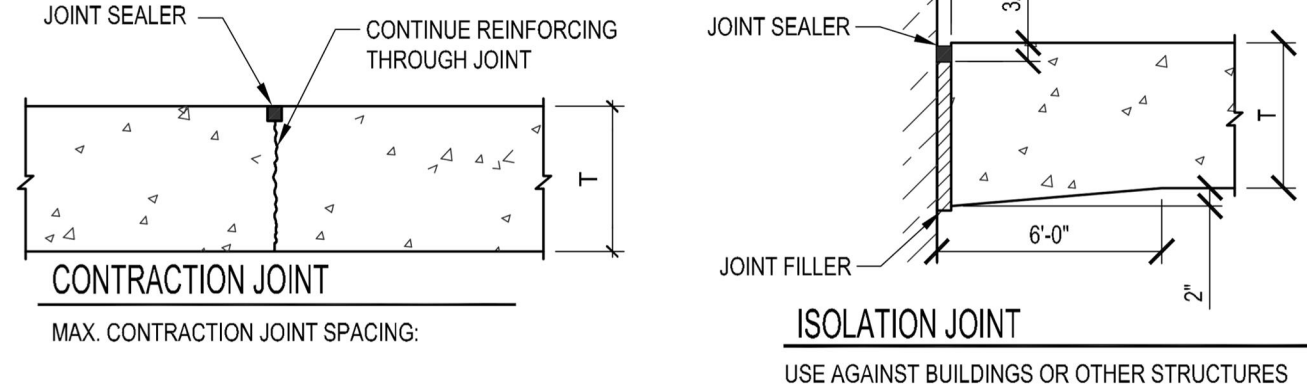


NOTE: SIDEWALK CROSS SLOPES SHALL NOT EXCEED 2%. ANY SIDEWALK EXCEEDING 2% CROSS SLOPE SHALL BE REMOVED AND REPLACED AT THE CONTRACTOR'S EXPENSE.

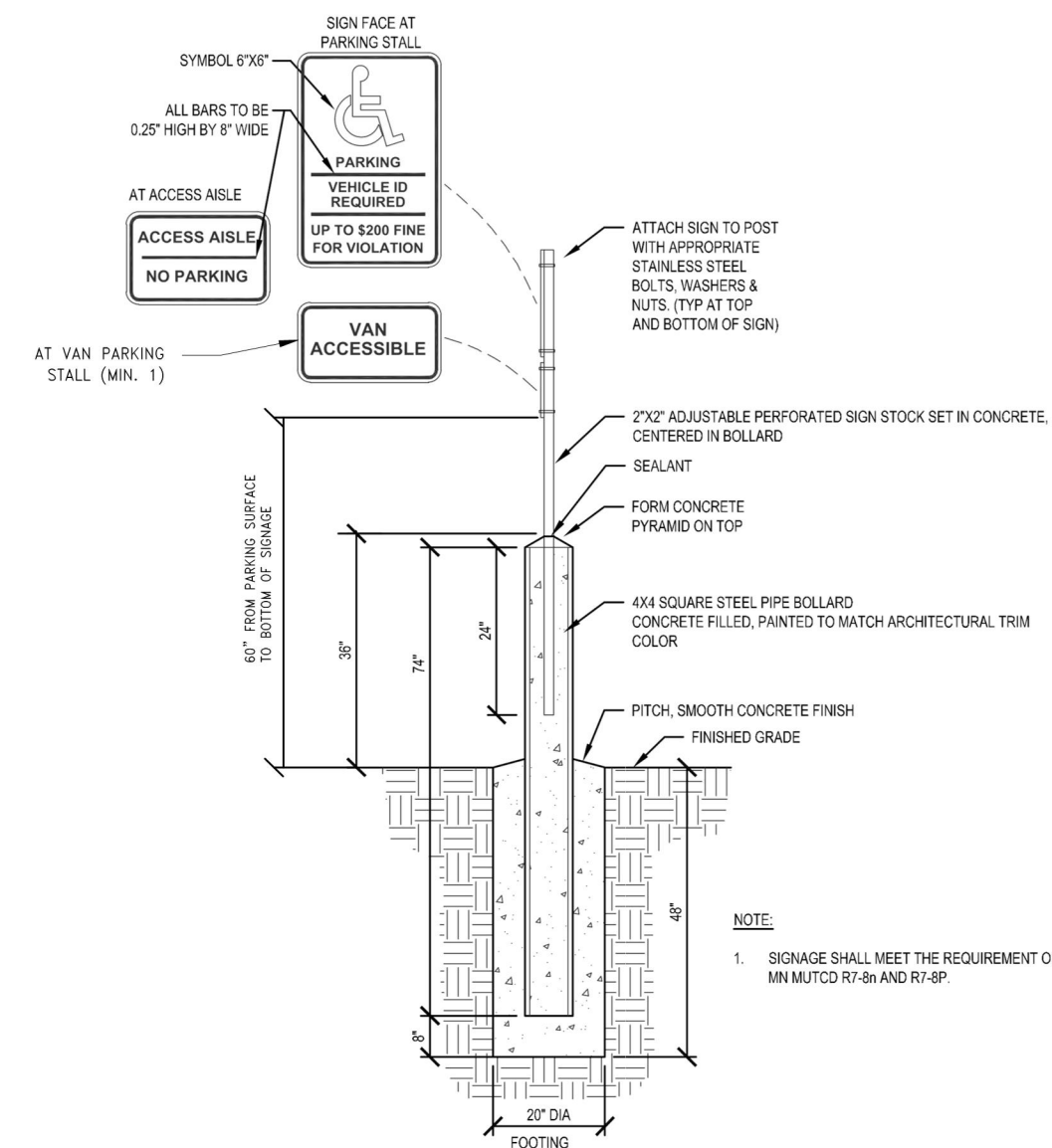
4
C2 CONCRETE SIDEWALK
NOT TO SCALE



5
C2 CONCRETE SIDEWALK JOINT DETAILS
NOT TO SCALE



6
C2 CONCRETE PAVEMENT JOINT DETAILS
NOT TO SCALE



7
C2 ADA SIGN DETAIL
NOT TO SCALE

GENERAL CONSTRUCTION AND SOILS NOTES:

- CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE GOVERNING CODES, LAWS AND ORDINANCES.
- THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL APPLY.
- THE 2018 EDITION OF THE CITY ENGINEERS ASSOCIATION OF MINNESOTA "STANDARD SPECIFICATIONS" SHALL APPLY.
- THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR FOLLOWING ALL APPLICABLE OSHA STANDARDS.
- IF UTILITY RELOCATION IS NECESSARY, THE CONTRACTOR SHALL COORDINATE CONSTRUCTION ACTIVITIES WITH THE APPROPRIATE UTILITY COMPANIES.
- MATERIAL UNSUITABLE FOR CONSTRUCTION (E.G. TOPSOIL, SILTS, ORGANIC MATERIALS, PEATS, DEBRIS, ETC.) ENCOUNTERED DURING EXCAVATION WITHIN THE PARKING LOT AND BUILDING PAD AREAS SHALL BE REMOVED AND PROPERLY DISCARDED.
- GRADING SHALL BE CONSTRUCTED WITH SUITABLE MATERIAL AND IN LOOSE LIFTS NO THICKER THAN TWELVE (12) INCHES. COMPACTION WITHIN THE PARKING LOT AND BUILDING PADS SHALL BE COMPACTED TO 100% OF THE MAXIMUM STANDARD PROCTOR DENSITY.
- TOPSOIL SHALL BE SALVAGED AND STOCKPILED FOR USE AS TOPSOIL IN GREEN SPACES DISTURBED DUE TO CONSTRUCTION.
- THE CONTRACTOR IS RESPONSIBLE FOR DISPOSING OF BITUMINOUS AND CONCRETE MATERIALS DISTURBED BY CONSTRUCTION IN ACCORDANCE WITH MNDOT SPEC 2104.3.
- ANY EXCESS MATERIAL SHALL BE DISPOSED OF OFF-SITE IN A MANNER ACCEPTABLE TO THE OWNER AND ALL GOVERNING REGULATIONS.
- CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES AND CALL GOPHER STATE ONE CALL 48 HOURS PRIOR TO CONSTRUCTION WORK. EXISTING UTILITIES SHOWN ON THESE PLANS ARE ONLY APPROXIMATE AND MAY NOT BE RELIED UPON AS EXACT OR COMPLETE.

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DRAWN BY:		10.25.23	CITY COMMENTS
CHECKED BY:			
GRP			

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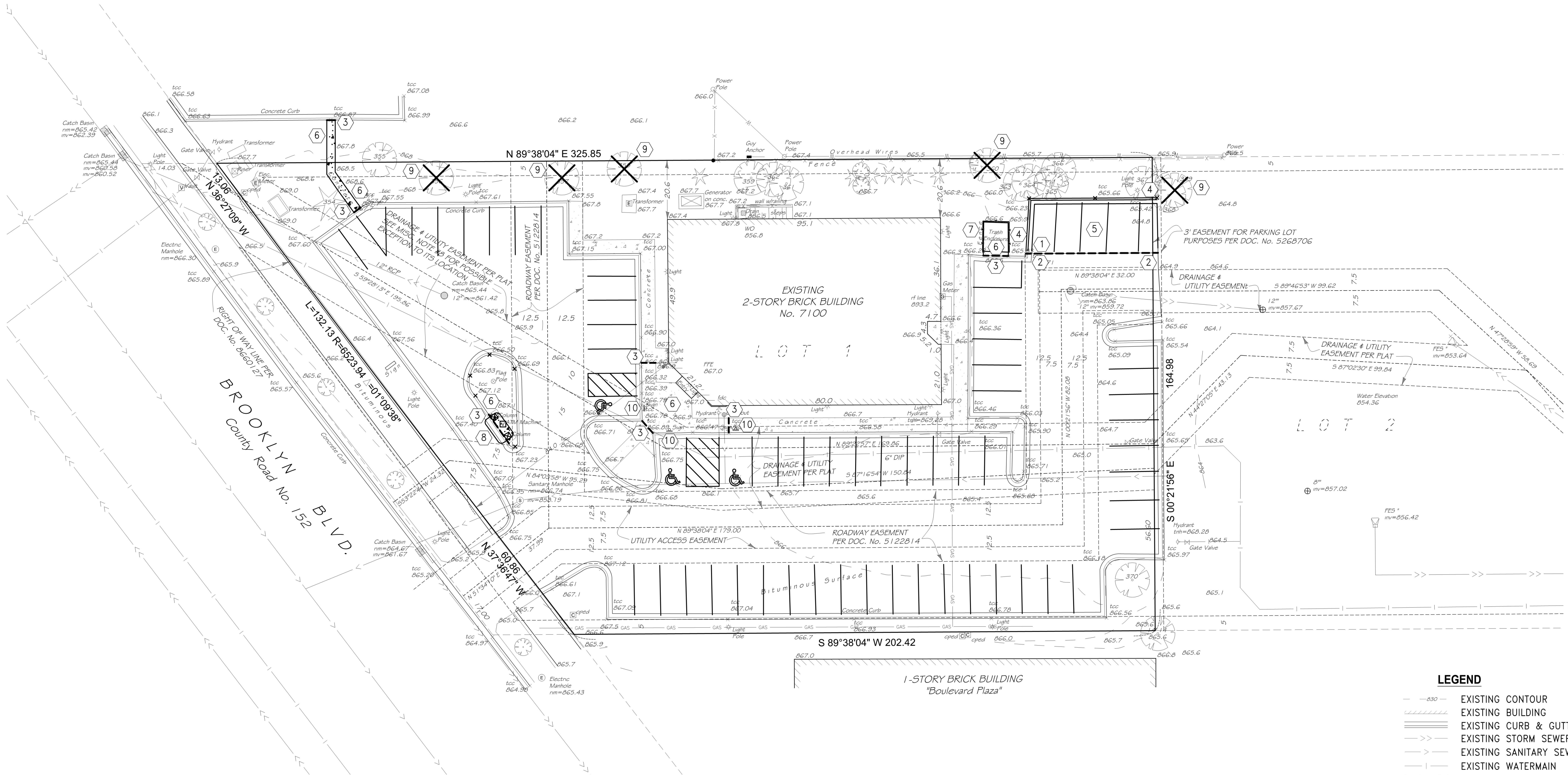
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612.919.9523

7100 BROOKLYN BLVD
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DETAILS

PROJECT: 90468
SHEET NO.
C2 of C6

f:\survey\7100 corporate plaza 2nd - hennepin\1-7 7100 corporate plaza 2nd\02 engineering - 90468\01 CAD\05 Sheet Files\03 Existing Conditions & Removals Plan.dwg



REFERENCE NOTES:

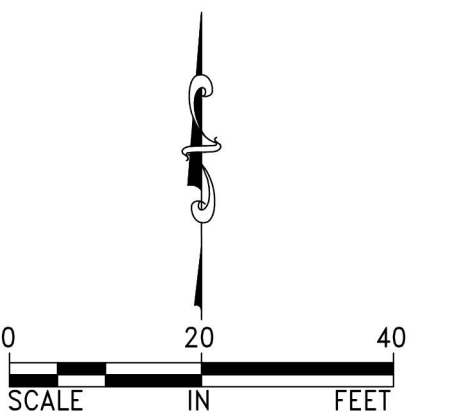
- 1 SAWCUT CONCRETE CURB & GUTTER (FULL DEPTH)
- 2 SAWCUT BITUMINOUS PAVEMENT (FULL DEPTH)
- 3 SAWCUT CONCRETE PAVEMENT (FULL DEPTH)
- 4 REMOVE CONCRETE CURB & GUTTER
- 5 REMOVE BITUMINOUS PAVEMENT (FULL DEPTH)
- 6 REMOVE CONCRETE PAVEMENT (FULL DEPTH)
- 7 REMOVE FENCE
- 8 REMOVE AWNING
- 9 REMOVE TREE (VERIFY WITH LANDSCAPE PLAN)
- 10 SALVAGE ADA SIGN

NOTES:

1. REMOVE ALL EXISTING PARKING LOT STRIPING.

LEGEND

- EXISTING CONTOUR
- EXISTING BUILDING
- EXISTING CURB & GUTTER
- EXISTING STORM SEWER
- EXISTING SANITARY SEWER
- EXISTING WATERMAIN
- EXISTING CONCRETE PAVEMENT
- EXISTING FENCE
- EXISTING SIGN
- EXISTING HYDRANT
- EXISTING STORM MANHOLE
- EXISTING SANITARY MANHOLE
- EXISTING FES
- EXISTING CATCH BASIN
- REMOVE CURB & GUTTER
- REMOVE BOLLARD
- REMOVE BITUMINOUS PAVEMENT
- REMOVE CONCRETE PAVEMENT
- SAWCUT PAVEMENT
- REMOVE TREE (VERIFY WITH LANDSCAPE PLAN)



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DRAWN BY:	ABL	
CHECKED BY:	GRP	JEFFREY A. PRASCH, P.E. DATE: 09.12.23 LIC. NO.: 52706

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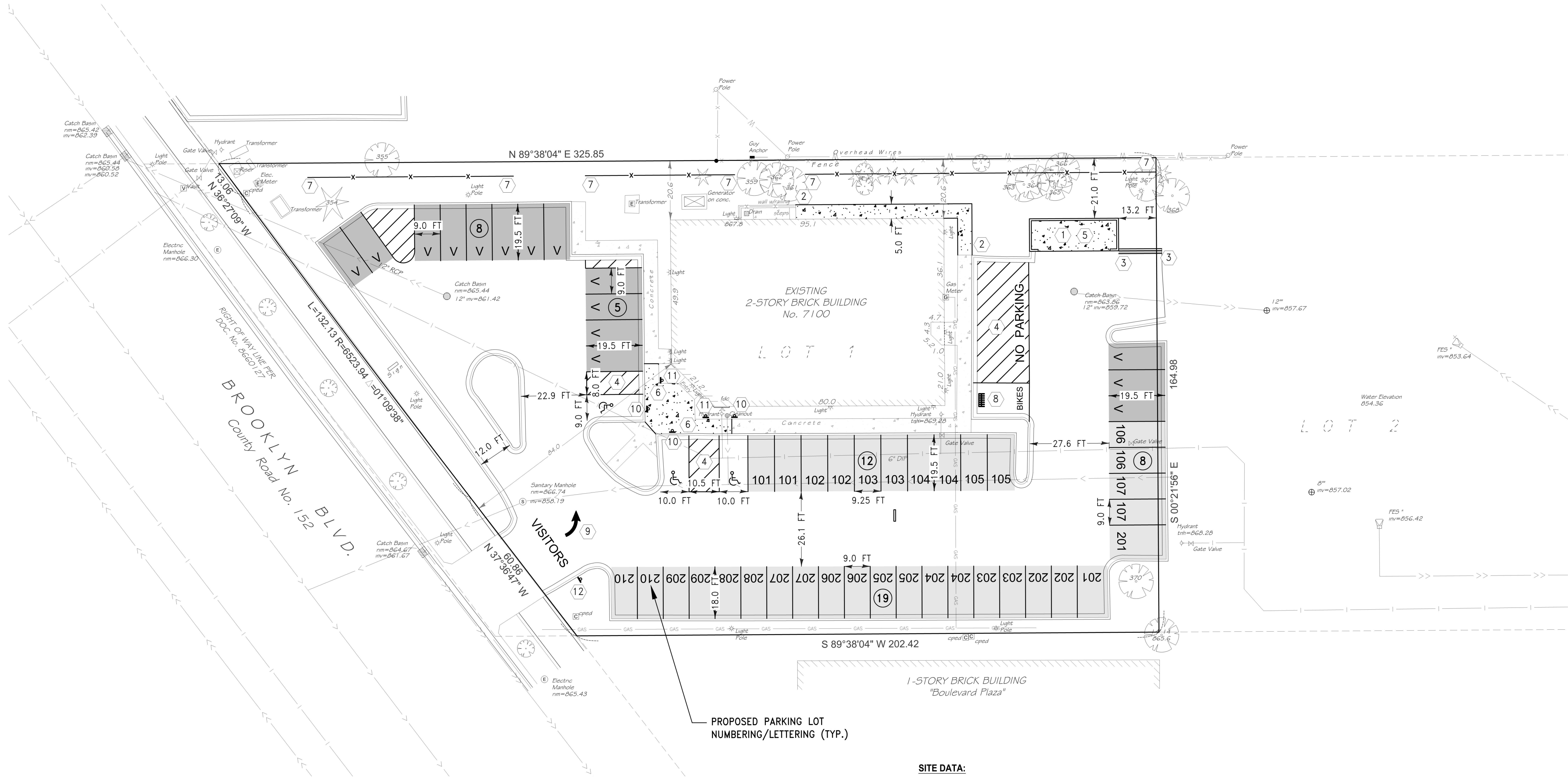
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EXISTING CONDITIONS &
REMOVALS

PROJECT: 90468
SHEET NO.
C3 OF C6

f:\survey\7100 corporate plaza 2nd - hennepin\1-7 7100 corporate plaza 2nd\02 engineering - 90468\01 CAD\05 Sheet Files\04 Site Plan.dwg



REFERENCE NOTES:

- 1 CONCRETE PAVEMENT PER 3/C2 AND 6/C2 (SEE 1/C5 FOR GRADING DETAIL)
- 2 CONCRETE SIDEWALK PER 4/C2 AND 5/C2 (SEE 1/C5 FOR GRADING DETAIL)
- 3 B612 TIPOUT CURB & GUTTER PER 1/C2 AND 2/C2
- 4 PAINTED ACCESS AISLE 45° 4 INCH WHITE CROSS HATCHING
- 5 TRASH ENCLOSURE (SEE ARCHITECTURAL PLANS)
- 6 REMOVE AND REPLACE SIDEWALK AS NECESSARY TO MEET ADA STANDARDS (SEE 2/C5 FOR GRADING DETAIL)
- 7 6 FT CEDAR FENCE (SEE LANDSCAPE PLAN FOR DETAL)
- 8 6-SPACE SECURE BIKE RACK
- 9 LEFT TURN ARROW
- 10 REINSTALL ADA SIGN PER 7/C2
- 11 "ACCESS AISLE NO PARKING" SIGN PER 7/C2
- 12 POST MOUNTED "VISITOR PARKING" WITH LEFT TURN ARROW SIGN

SITE DATA:

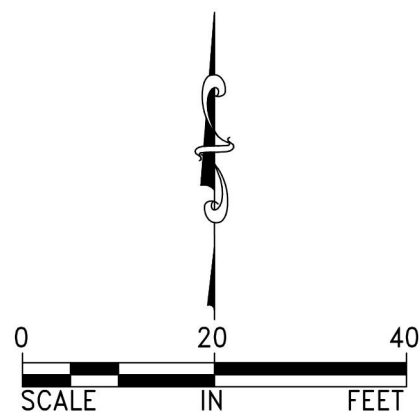
LOT AREA = 1.00 ACRES
DISTURBED AREA = 0.05 ACRES
EXISTING IMPERVIOUS AREA = 33,094 SF = 0.76 ACRES (76.0%)
PROPOSED IMPERVIOUS AREA = 32,891 SF = 0.76 ACRES (76.0%)
PROPOSED GREENSPACE AREA = 0.24 ACRES (24.0%)
BUILDING COVERAGE = 6,090 SF = 0.14 ACRES (14.0%)
PROPOSED PARKING STALLS = 52
- PROPOSED TENANT PARKING STALLS = 34
- PROPOSED VISITOR PARKING STALLS = 15
- PROPOSED HANDICAP PARKING STALLS = 3

NOTES:

1. ALL DIMENSIONS ARE TO FACE OF CURB.
2. ALL PARKING LOT STRIPING SHALL BE 4" WIDE EPOXY IN EITHER WHITE OR YELLOW UNLESS ANOTHER COLOR IS REQUIRED BY STATE LAW (I.E. HANDICAP PARKING).
3. ALL PARKING LOT NUMBERING/LETTERING SHALL BE 8" WIDE WHITE EPOXY.

LEGEND

- EXISTING BUILDING
- EXISTING CURB & GUTTER
- PROPOSED CURB & GUTTER
- PROPOSED TIPOUT CURB & GUTTER
- EXISTING WATERMAIN
- EXISTING SANITARY SEWER
- EXISTING CONCRETE
- PROPOSED CONCRETE
- PROPOSED TENANT PARKING
- PROPOSED VISITOR PARKING
- PROPOSED PARKING STRIPE
- NUMBER OF PARKING STALLS



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CHECKED BY:	JEFFREY A. PRASCH, P.E.
GRP	DATE: 09.12.23 LIC. NO.: 52706

REVISIONS	
10.25.23	CITY COMMENTS

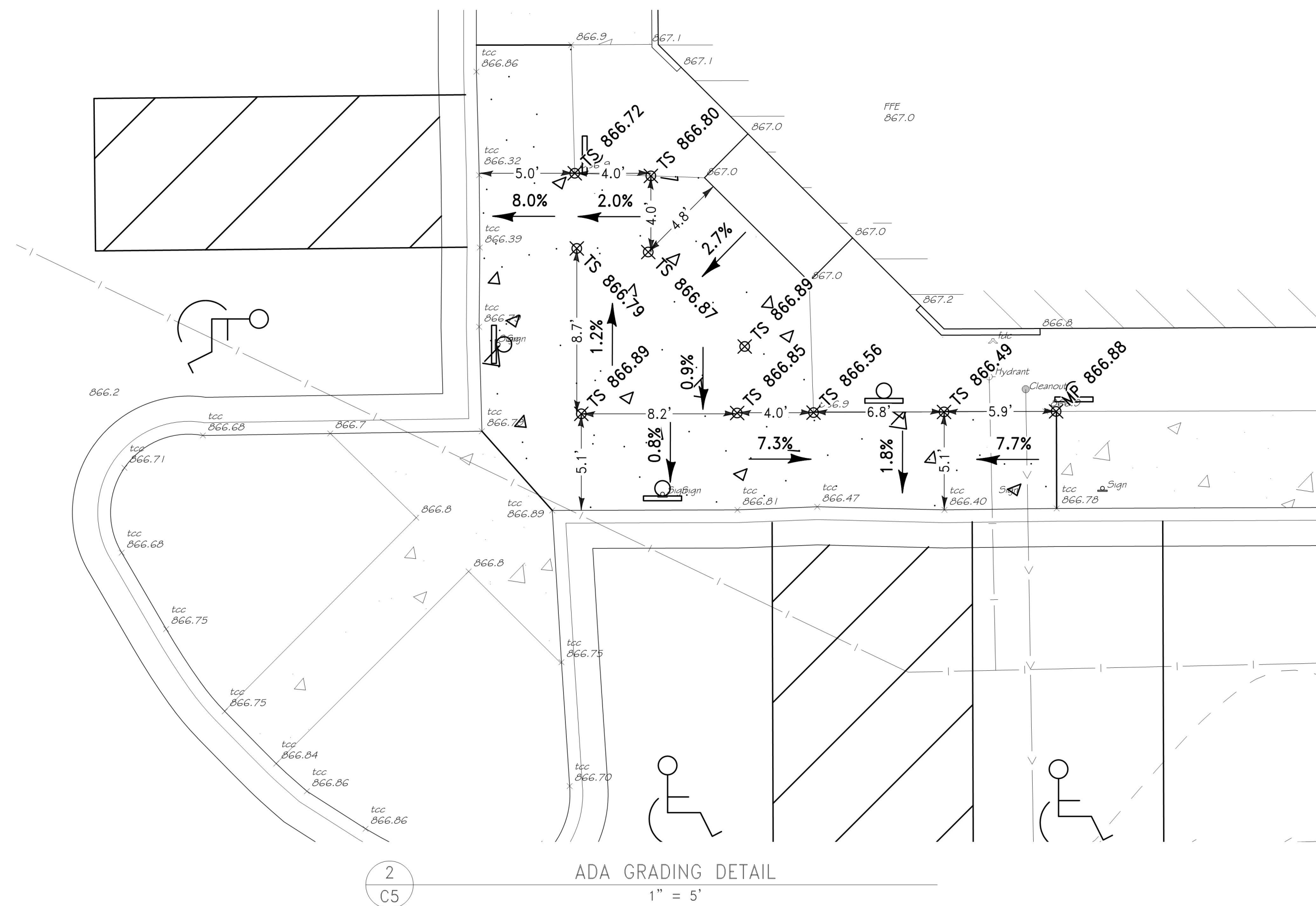
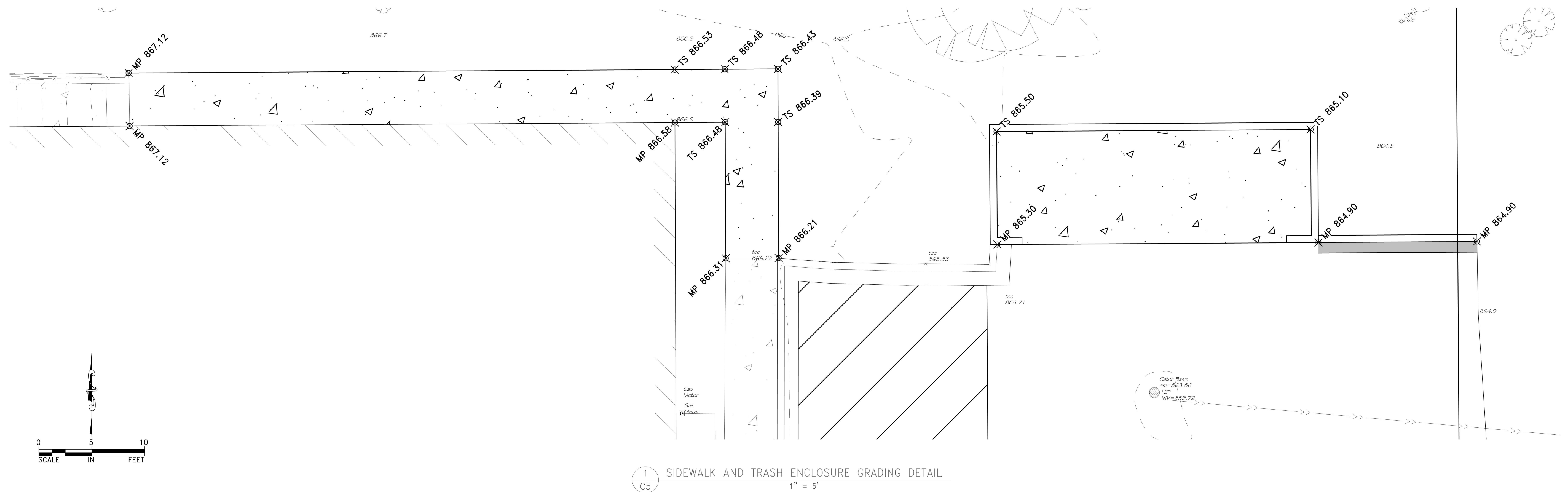
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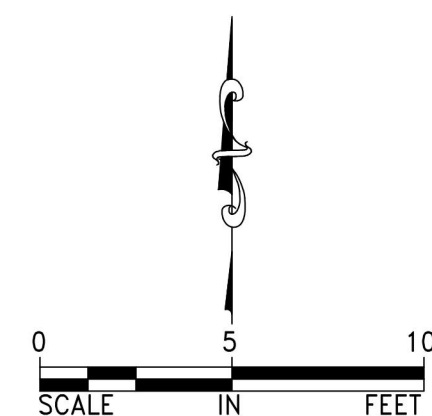
SITE PLAN

PROJECT: 90468
SHEET NO.
C4 OF C6

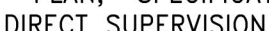


LEGEND

- 830 --- EXISTING CONTOUR
- == 830 == PROPOSED CONTOUR
- ==== EXISTING CURB & GUTTER
- ===== PROPOSED CURB & GUTTER
- ===== PROPOSED TIPOUT CURB & GUTTER
- >> --- EXISTING STORM SEWER
- >>> --- PROPOSED STORM SEWER
- | --- EXISTING WATERMAIN
- x --- EXISTING FENCE
- x --- PROPOSED FENCE
- 2.00% PROPOSED SLOPE
- ⊕ HP 910.00 PROPOSED HIGH POINT
- ⊕ MP 910.00 PROPOSED MATCH POINT
- ⊕ LP 910.00 PROPOSED LOW POINT
- ⊕ TS 910.00 PROPOSED TOP OF SLAB
- ⊕ 910.00 PROPOSED GUTTER LINE OR
FINISHED GROUND ELEVATION



f: survey\7100 corporate plaza 2nd - hennepin\1-7 7100 corporate plaza 2nd\02 engineering - 90468\01 CAD\05 Sheet Files\05 Grading & Drainage Plan.dwg

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	ABL		
	CHECKED BY:		
GRP		 _____ JEFFREY A. PRASCH, P.E.	
	DATE: 09.12.23	LIC. NO.: 52706	

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10.25.23	CITY COMMENTS

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GRADING DETAILS

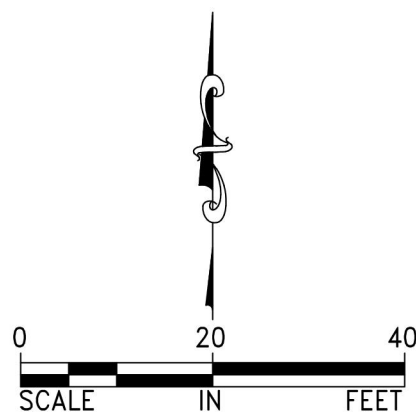
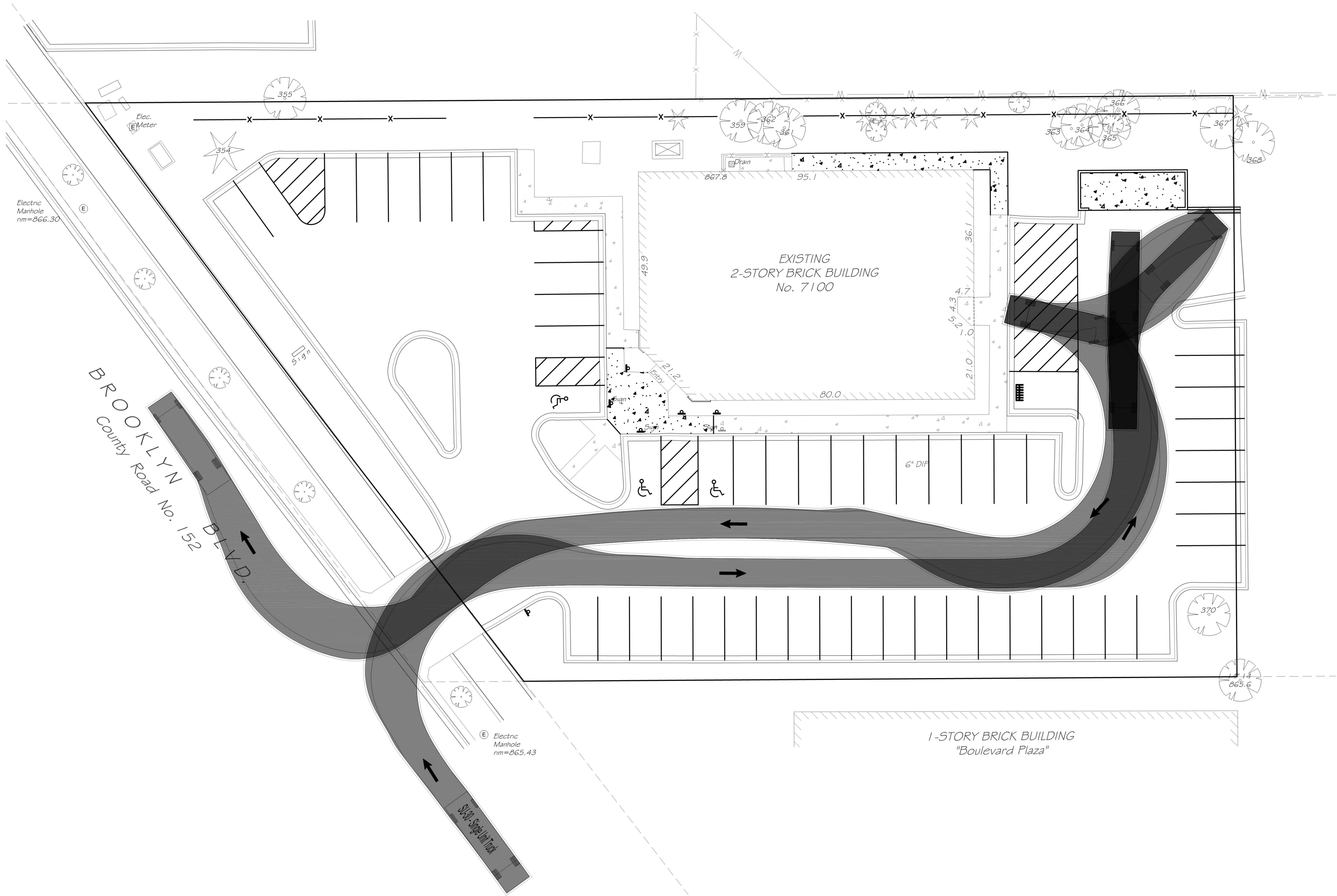
PROJECT: 90468

SHEET NO.

C5 OF C6

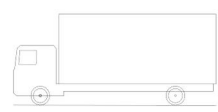
SHEET NO.
C5 OF C6

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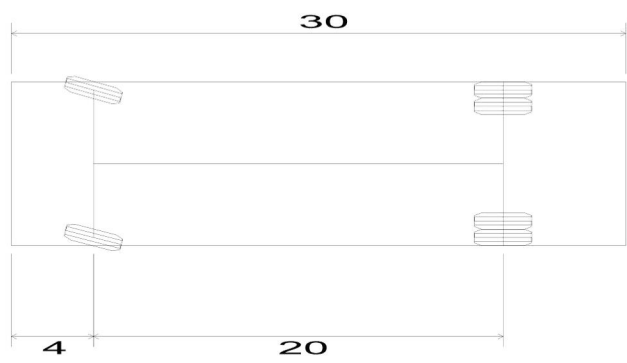


Vehicle Tracking Vehicle Details

Ref: 100012



Vehicle Name: SU-30 - Single Unit Truck
Type: Rigid vehicle
Category: Autodesk
Classification: Autodesk
Source: AASHTO handbook 2011
Description: Design vehicle
Notes:
Unit 1 Name: SU-30 - Single Unit Truck Tractor



SU-30 - Single Unit Truck
Overall Length 30.000ft
Overall Width 8.000ft
Overall Body Height 13.500ft
Min Body Ground Clearance 1.367ft
Track Width 8.000ft
Lock-to-lock time 5.00s
Max Steering Angle (Virtual) 31.80°

Every Effort Has Been Made To Ensure The Accuracy Of This Information
Please Check Data From Your Own Sources

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612.919.9523

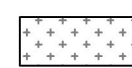
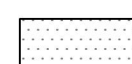
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7100 BROOKLYN BOULEVARD
BROOKLYN CENTER, MINNESOTA

TURNING MOVEMENTS	PROJECT: 90468
	SHEET NO. C6 of C6

General Notes:

1. See Civil Engineer's plans for site plan layout and dimensions.
2. Contractor to coordinate all work in the city right-of-way with City of Brooklyn Center Public Works Department.
3. Place a minimum of 6" topsoil or slope dressing on all areas disturbed by construction, including right-of-way boulevards, unless specified otherwise.
4. See Civil Engineer's Plans for proposed grading & utilities.
5. See Sheet L1.2 for Landscape Details & Notes.
6. Existing site does not contain any significant vegetation.

Landscape Materials Legend:

-  Proposed Wood Mulch & Weed Mat per Landscape Notes
-  Proposed Rock Mulch & Weed Mat per Landscape Notes

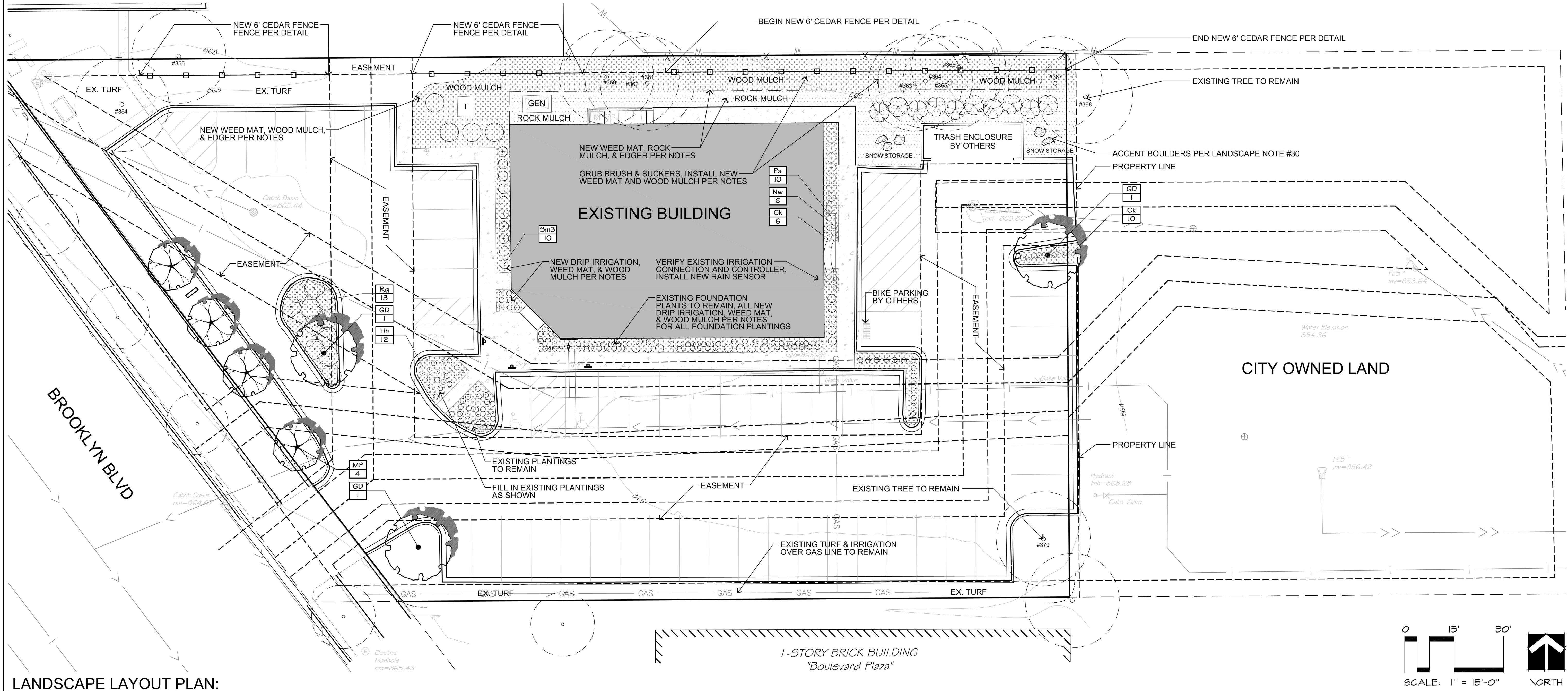
Irrigation Notes:

There is an existing irrigation system on site. The irrigation contractor shall confirm the extents and condition of the existing system and provide a bid to perform any necessary repairs and extend the irrigation system to the newly landscaped areas shown on property. Ensure that the drip irrigation system is providing adequate water to all foundation planting areas. Replace all existing drip tubing with new. Tree Water Bags: Landscape Contractor is required to furnish and install (2) tree watering bags per tree, located outside the irrigation coverage limits. Fill with water upon installation & instruct Owner on re-fill timeline.

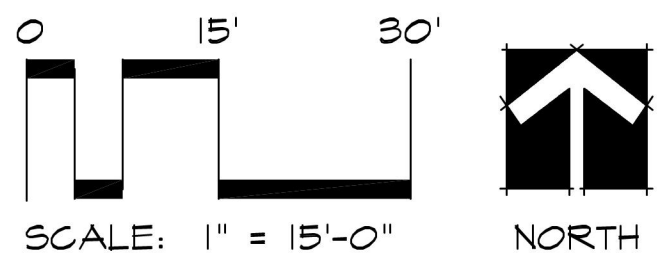
Refer to Civil 'Existing Conditions & Removals' Plan for Tree Removals. Unless otherwise noted on civil plans, grind stumps to a minimum of 30" below grade.

Plant Quantities:

- 1985 Concept Plan
Deciduous Trees: 13
Ornamental Trees: 2
Shrubs / Perennials: 163
- Existing Conditions + Proposed Plantings
Deciduous Trees: 14
Coniferous Trees: 1
Ornamental Trees: 4
Shrubs / Perennials: 205



LANDSCAPE LAYOUT PLAN:



CALYX
DESIGN GROUP
Landscape Architecture & Planning

475 CLEVELAND AVE. N, SUITE 101A, ST PAUL, MN 55104
PHONE: 651.788.9018
www.calyxdesigngroup.com



PRELIMINARY

DATE: xx/xx/xxxx LIC. NO.: 48084

REVISIONS
10.25.2023 REVISED PER CITY COMMENTS

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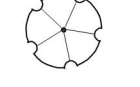
LANDSCAPE PLAN

PROJECT: 23141

SHEET NO.

L1.1

PLANT SCHEDULE

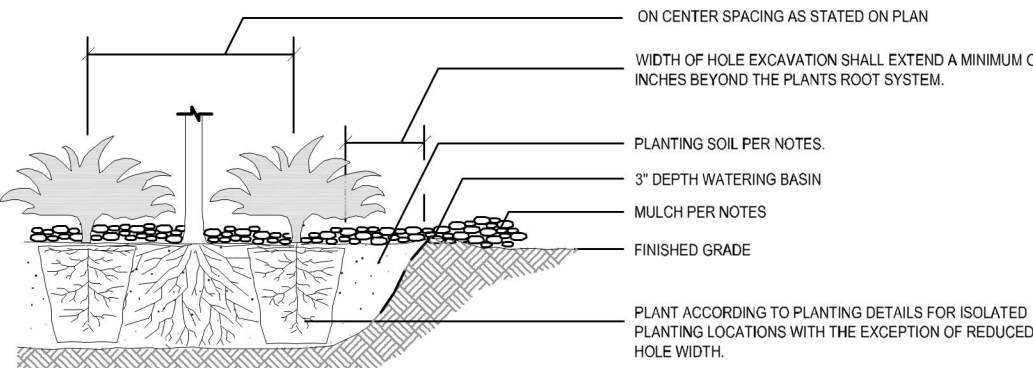
LANDSCAPE TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY
	GD	Gleditsia triacanthos inermis 'Draves' TM	Street Keeper Honey Locust	2.5" Cal.	B&B	3
ORNAMENTAL TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY
	MP	Malus x `Prairifire`	Prairifire Crab Apple	1.5" Cal.	B&B	4
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY
	Ci	Cornus sericea `Isanti`	Isanti Redosier Dogwood	3 gal.	Pot	10
	Pa	Potentilla fruticosa `Absaraka`	Dakota Goldrush Potentilla	5 gal.	Pot	10
	Rg	Rhus aromatica `Gro-Low`	Gro-Low Fragrant Sumac	5 gal.	Pot	13
	Sm3	Spiraea x bumalda `Goldmound`	Gold Mound Spirea	3 gal.	Pot	10
ANNUALS/PERENNIALS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY
	Hh	Hemerocallis x `Happy Returns`	Happy Returns Daylily	1 gal.	Pot	12
	Nw	Nepeta x faassenii `Walkers Low`	Walkers Low Catmint	1 gal.	Pot	6
GRASSES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY
	Ck	Calamagrostis x acutiflora `Karl Foerster`	Feather Reed Grass	1 gal.	Pot	16

FIELD TREE INVENTORY LOG

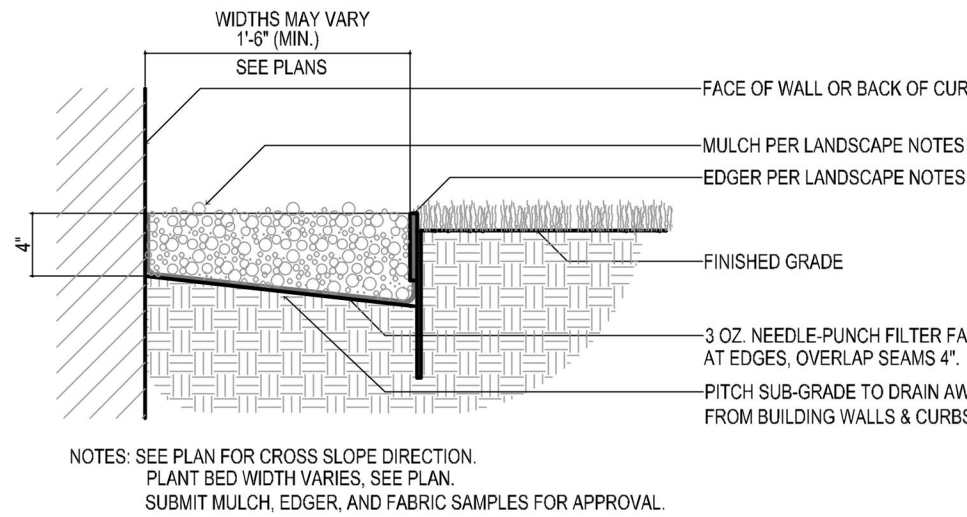
PROJECT NAME:	Tree Inventory at 7100 Brooklyn Blvd, Brooklyn Center			
DATE:	8/25/2023	Lot Condition:	Developed	
TIME:	10:30 AM	Sunny	80 Degrees F	
TAG NO.	TREE DIA. (IN)	SPECIES	CONDITION	NOTES
354	6	Black Hills Spruce	Good	
355	43	Cottonwood	Fair	
356	14	Green Ash	Poor	EAB
357	15	Green Ash	Poor	EAB
358	13	Green Ash	Poor	EAB
359	22	Siberian Elm	Fair	
360	9	Green Ash	Poor	EAB
361	19	Siberian Elm	Fair	
362	13	Siberian Elm	Fair	
363	8	Hackberry	Poor	
364	7	Siberian Elm	Poor	
365	8	Hackberry	Poor	
366	14	Siberian Elm	Poor	2 Trunks: 11,14
367	7	Hackberry	Poor	
368	8	Siberian Elm	Poor	
369	8	Green Ash	Poor	EAB
370	10	Honey Locust	Good	
17	NO. OF TREES TAGGED			
224	TOTAL INCHES INVENTORIED			

Landscape Notes:

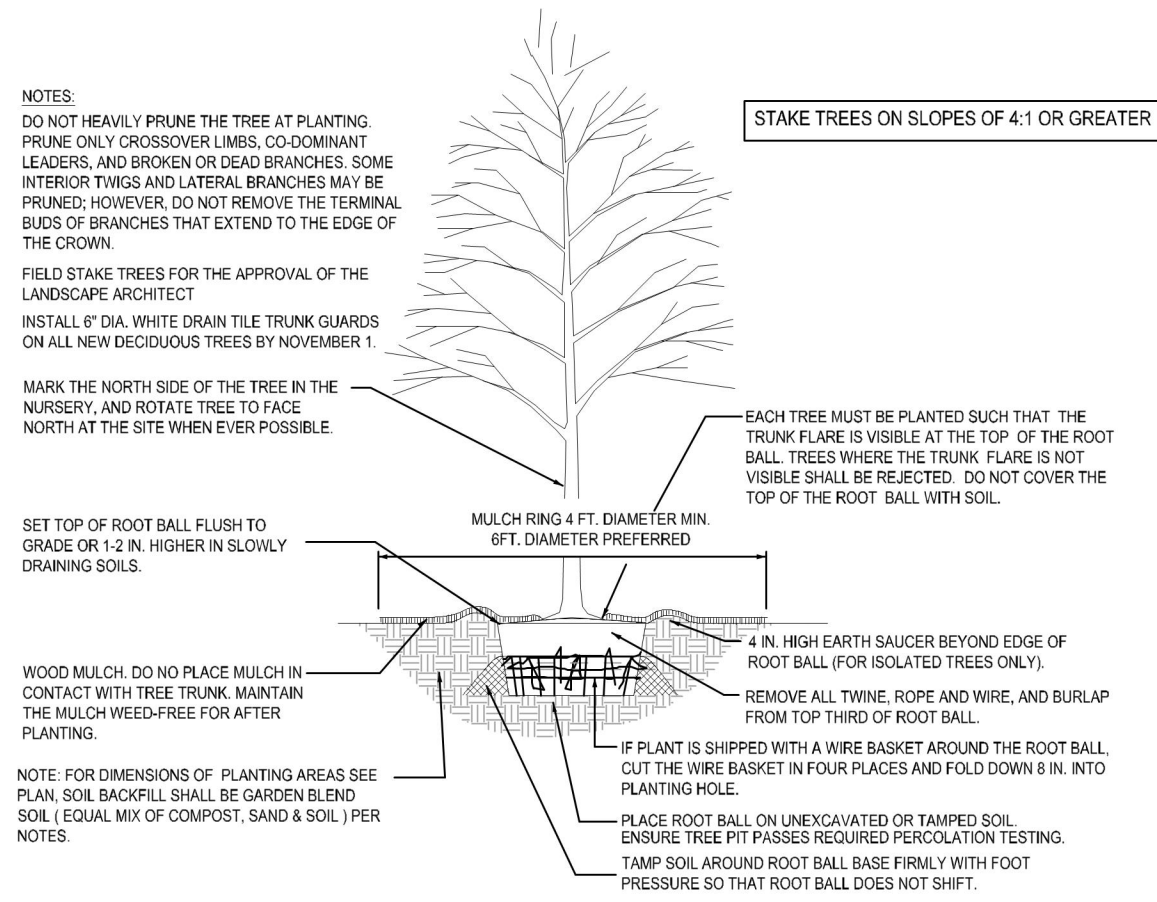
- Tree saucer mulch to be four inches (4") depth single-shred hardwood mulch for trees outside of a plant bed. Install per tree planting detail.
- Refer to civil plan sheets for grading, drainage, site dimensions, survey, tree removal, proposed utilities & erosion control.
- All plant material shall comply with the latest edition of the American Standard for Nursery Stock, American Association of Nurserymen. Unless noted otherwise, deciduous shrubs shall have at least 5 canes at the specified shrub height. Plant material shall be delivered as specified. All deciduous trees are measured at 48" from finished grade to determine tree diameter (DBH). All coniferous trees are measured from finished grade to the top of the central leader. If no central leader is present on coniferous trees, that plant is rejected and must be replaced immediately.
- Plan takes precedence over plant schedule if discrepancies in quantities exist.
- All proposed plants shall be located and staked as shown.
- Adjustment in location of proposed plant material may be needed in field. Should an adjustment be required, the client will provide field approval. Significant changes may require city review and approval.
- The project landscape contractor shall be held responsible for watering and properly handling all plant materials brought on the site both before and after installation. Schedule plant deliveries to coincide with expected installation time within 36 hours.
- All plant materials shall be fertilized upon installation as specified.
- The landscape contractor shall provide the owner with a watering schedule appropriate to the project site conditions and to plant material growth requirements.
- If the landscape contractor is concerned or perceives any deficiencies in the plant selections, soil conditions, drainage or any other site condition that might negatively affect plant establishment, survival or guarantee, they must bring these deficiencies to the attention of the landscape architect & client prior to bid submission.
- Contractor shall establish to his/ her satisfaction that soil and compaction conditions are adequate to allow for proper drainage at and around the building site.
- Contractor is responsible for ongoing maintenance of all newly installed material for the duration of the plant warranty, with the exception of turf sod, which shall be maintained for 30 days after installation or until the first mowing, whichever comes first. Contractor must bag clippings from initial mowing and remove from the job site. Any acts of vandalism or damage which may occur prior to warranty start shall be the responsibility of the contractor. Contractor shall provide the owner with O&M information, including (but not limited to), written instructions on proper lawn mowing height, yearly lawn maintenance recommendations, proper plant pruning information, plant & lawn fertilization schedule, and disease/pest control.
- The contractor shall guarantee newly planted material (including seeding) through ONE calendar year from the date of written owner acceptance. Plants that exhibit more than 15% die-back damage shall be replaced at no additional cost to the owner. The contractor shall also provide adequate tree wrap and deer/rodent protection measures for the plantings during the warranty period.
- This layout plan constitutes our understanding of the landscape requirements listed in the ordinance. Changes and modifications may be requested by the city based on applicant information, public input, council decisions, etc.
- The landscape contractor shall be responsible for obtaining any permits and coordinating inspections as required throughout the work process.
- Plant size & species substitutions must be approved in writing prior to acceptance in the field.
- Replacement and repairs requested by the Owner during the warranty period must be made within 14 business days of the request.
- Landscape Contractor is responsible for coordination with the General Contractor, to protect the new improvements on and off-site during landscape work activities. Report any damage to the General Contractor immediately.
- Turf Sod (if noted per plans) activity shall conform to all rules and regulations as established in the MnDOT Seeding Manual, 2014 edition, for turf bed preparation, installation, maintenance, acceptability, and warranty. Sod installer is to place (2) metal sod staples per roll of sod regardless of slope. On slopes 6:1 or greater, install (4) metal sod staples per roll of sod.
- The Landscape Contractor shall furnish samples of all landscape materials for approval prior to installation.
- The Landscape Contractor shall clear and grub underbrush from within the work limits to remove dead branches, leaves, trash, weeds and foreign materials. Remove trees where noted on the civil plan, including the stump to 30" below grade.
- The landscape contractor shall contact Gopher State One Call no less than 48 hours before digging for field utility locations.
- The landscape contractor shall be responsible for the removal of erosion control measures once vegetation has been established to the satisfaction of the municipal staff. This includes silt curtain fencing and sediment logs placed in the landscape.
- The Landscape Contractor shall establish to his/ her satisfaction that the earthwork is complete, topsoil spread to correct depth, and compaction conditions are adequate to allow for proper drainage at and around the building site. Notify the General Contractor immediately if soil conditions left by the earthwork sub-contractor are not satisfactory. No additional compensation will be paid for discrepancies due to earthwork once the landscape contractor begins plant material installation.
- Topsoil Requirements: All graded areas of the site that are designated on the plan set for turf shall have no less than 6" of imported top soil, areas designated for shrubs, trees, and perennials shall have no less than 12" of imported top soil, meeting MnDOT classifications for planting soil for trees, shrubs, and turf. Slope away from building.
- Landscape contractor must prove the open sub-grade of all planting areas after their excavation is capable of infiltrating a minimum requirement of 1/4-inch of water per hour prior to installation of plant materials, topsoil, irrigation, weed mat, and mulch. Planting areas not capable of meeting this requirement shall have 4" diameter X 48" depth holes augured every 36" on-center and filled with MnDOT Free-Draining Coarse Filter Aggregate. Re-test sub-grade percolation for compliance to infiltration minimum requirement.
- Landscape contractor to provide nursery pull list (bill of lading) including plant species and sizes shipped to the site. Additionally, the landscape contractor shall provide nursery stock traceability, proving none of the materials provided contain or are genetic strains of the neonicotinoid family including acetamiprid, clothianidin, imidacloprid, nitenpyram, nithiazine, thiacloprid and thiamethoxam.
- All edger shall be professional grade black steel perforated edger. Anchor every 18" on-center (minimum). Submit sample.
- Unless otherwise noted, rock mulch shall be 1" dia. washed river rock over free-draining weed barrier. Wood mulch areas shall be a 4" depth of single-shred Western Red Cedar wood mulch over free-draining weed barrier. Trees outside plant beds to receive wood mulch, as noted.
- Seed Areas (if noted per plan): Maintain newly seeded areas per MnDOT Seeding Manual, 2014 edition. Warranty includes seeding contractor on-site maintenance visits for mowing, weeding, spot-spraying invasives, and re-seeding bare areas as noted. Ensure cover crop achieves 80% germination and erosion is not evident. An acceptable stand of seeding is full, lush, and free of invasive plants & weeds.
- Accent Boulders: Where shown per plan, accent boulders to be 3'-0" diameter, fieldstone, irregular shape. Quantity: 5



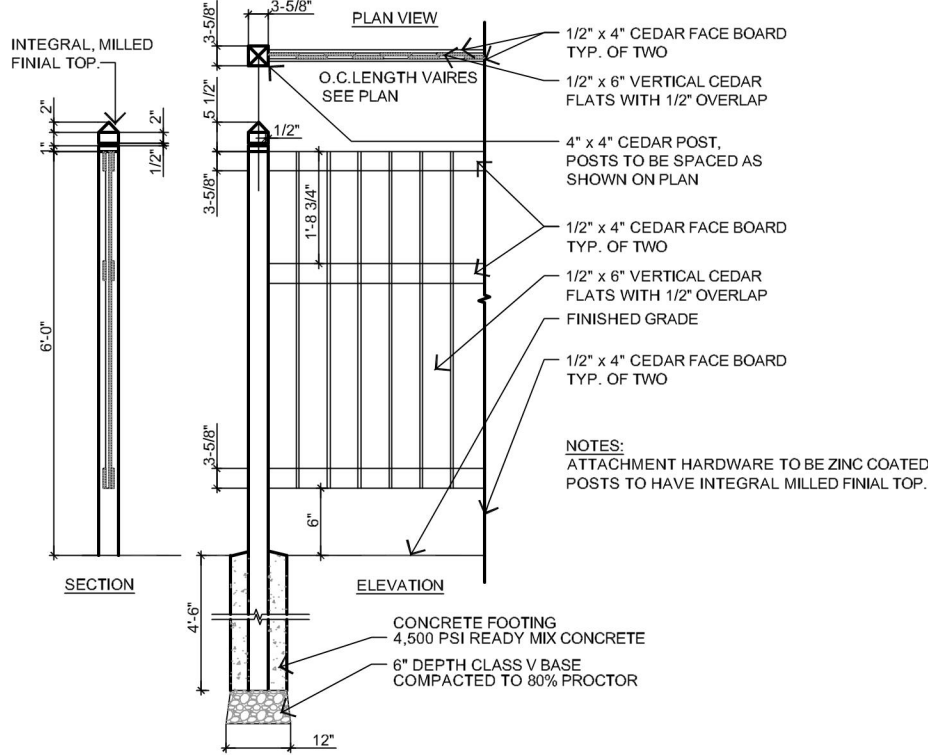
1 TYPICAL SHRUB PLANTING - SECTION
L1.2 NOT TO SCALE



2 TYPICAL MULCH AND EDGER DETAIL
L1.2 NOT TO SCALE



3 DECIDUOUS TREE PLANTING - SECTION
L1.2 NOT TO SCALE



4 6' CEDAR SCREEN FENCE
L1.2 NOT TO SCALE

CALYX
DESIGN GROUP
Landscape Architecture & Planning

475 CLEVELAND AVE. N, SUITE 101A, ST PAUL, MN 55104
PHONE: 651.788.9018
www.calyxdesigngroup.com

PRELIMINARY

ISSUE DATE:	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.	REVISIONS	
DRAWN BY:		10.25.2023	REVISED PER CITY COMMENTS
CHECKED BY:			
BH			

DATE: xx/xx/xxxx LIC. NO.: 48084

DEMARC
LAND SURVEYING & ENGINEERING

7601 73RD AVENUE N. BROOKLYN PARK, MN 55428
PHONE: 763.560.3093 FAX: 763.560.3522
www.Demarclnc.com

7100 BOULEVARD PLAZA, LLC
10230 28TH AVENUE NORTH
PLYMOUTH, MINNESOTA 55441
612.919.9523

7100 BROOKLYN BLVD
7100 BROOKLYN BOULEVARD
BROOKLYN CENTER, MINNESOTA

LANDSCAPE DETAILS,
NOTES, & SCHEDULES

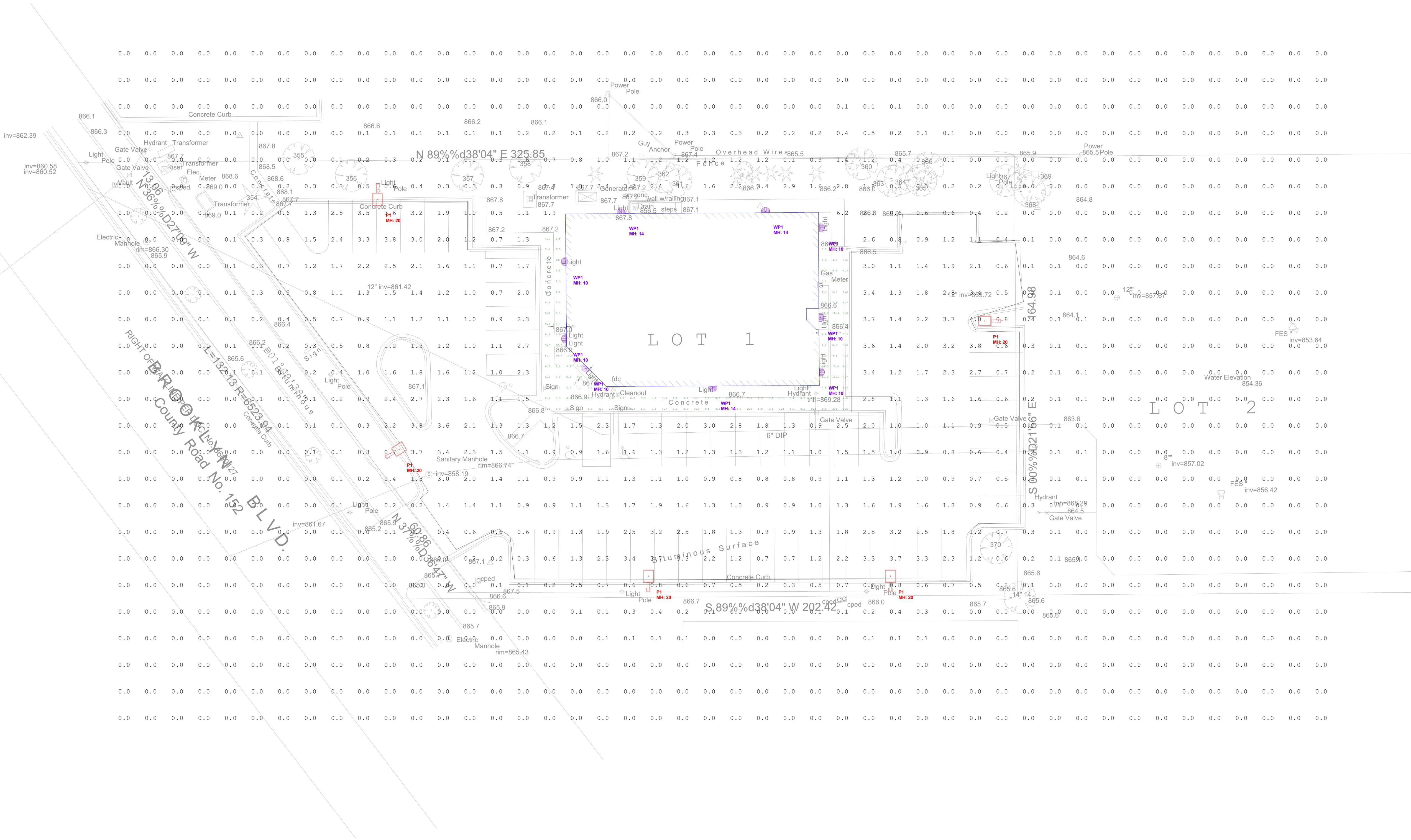
PROJECT: 23141

SHEET NO.

L1.2

Luminaire Schedule						
Symbol	Qty	Label	Mounting Height	Lum. Watts	LLF	Description
	9	WP1	10, 14	34.3	0.900	LPW-16-30-NW-G3-3-2021(CONFIRM COLOR TEMP)
	5	P1	20	63.59	0.900	OPF-S-A03-740-T4M-HIS

Calculation Summary						
Project: CALCULATIONS						
Label	Units	Avg	Max	Min	Avg/Min	Max/Min
Parking Lot	Fc	1.63	4.0	0.3	5.43	13.33



DISCLAIMER: Based on the information provided, all dimensions and luminaire locations shown represent recommended positions. Actual performance of any manufacturer's luminaires may vary due to changes in electrical voltage, tolerance in LEDs and other variable field conditions. Calculations do not include obstructions such as buildings, curbs, landscaping or any other architectural elements unless noted.

Lighting Ordinance:

- 20' Max Pole Height
- .2fc min, 4fc max point, 20:1 Uniformity
- 1fc max property line spill

Fixture nomenclature to be finalized by engineer and/or architect.
This drawings is for photometric evaluation purposes only and should not be used as a construction document or as a final document for ordering product.

STORM WATER MANAGEMENT PLAN

7100 BROOKLYN BOULEVARD, LLC

7100 Brooklyn Boulevard
Brooklyn Center, Minnesota

September 12, 2023

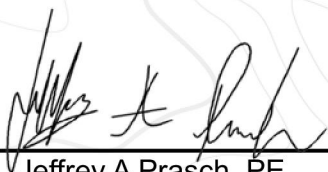
Prepared By:

Demarc Land Surveying & Engineering
7601 73rd Avenue North
Brooklyn Park, Minnesota 55428
763.560.3093

Prepared For:

7100 Brooklyn Boulevard, LLC
10230 28th Avenue North
Plymouth, Minnesota 55441

I hereby certify that this Plan, Specification or Report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.



Jeffrey A Prasch, PE
Project Engineer

52706

License Number

09.12.2023

Date

Table of Contents

Table of Contents..... i

1.0 Project Overview ii

2.0 Design Considerations ii

3.0 Impervious Area ii

Table 3.1 – Impervious Area Calculations ii

Appendix A – Figures

Figure 1 – Drainage Areas Existing Conditions

Figure 2 – Drainage Areas Proposed Conditions

1.0 Project Overview

A building remodel is proposed at 7100 Brooklyn Boulevard in Brooklyn Center, Minnesota. The site is 1.00 acres. The site is currently occupied by a building and vehicle parking lot. There are commercial properties to the south and residences to the north of the property. The lot to the east contains a stormwater pond. Currently, the majority of the stormwater on-site drains via surface flow to a catch basin at the northeast corner of the parking lot and then outlets to the pond to the east. A portion of the site drains via surface flow to a catch basin at the northwest corner of the parking lot which outlets to storm sewer in the street. A small portion of the site drains directly to the adjacent properties to the north and a small portion of the site drains directly to the street. The existing drainage conditions are shown in **Figure 1**.

The proposed improvements include a larger trash enclosure and additional sidewalk. The existing trash enclosure and a portion of the existing parking near the northeast corner of the lot will be removed for the new trash enclosure, which will result in less overall impervious area for the site. The proposed drainage pattern of the site will remain the same. **Figure 2** shows the proposed drainage conditions.

2.0 Design Considerations

The City of Brooklyn Center (City) and the Shingle Creek Watershed Management Commission (SCWMC) dictate the rate, volume, and water quality requirements for this site. Since this is a redevelopment project resulting in less proposed impervious area than existing conditions, the City and SCWMC requirements are met. See **Table 3.1** below for impervious area calculations.

3.0 Impervious Area

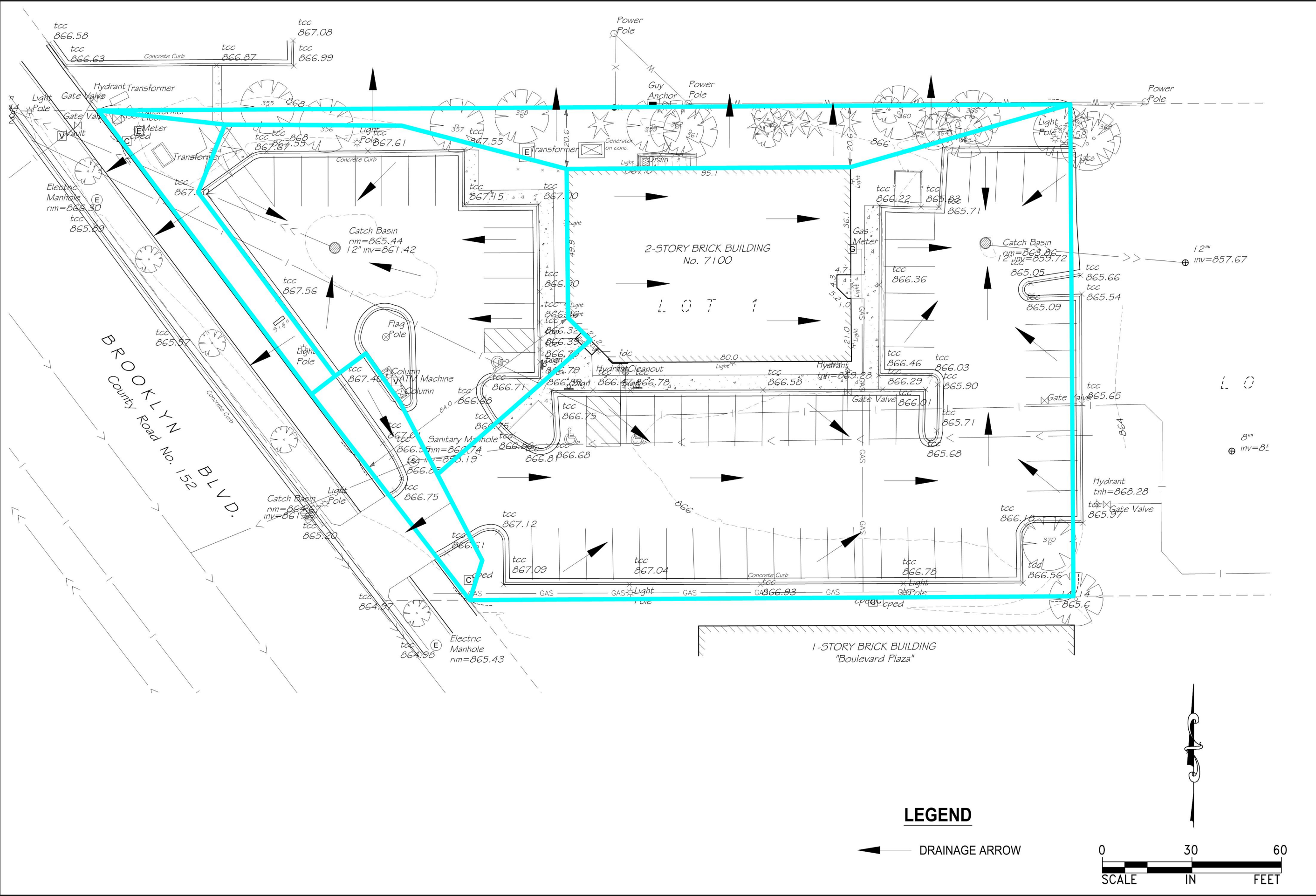
Table 3.1 – Impervious Area Calculations

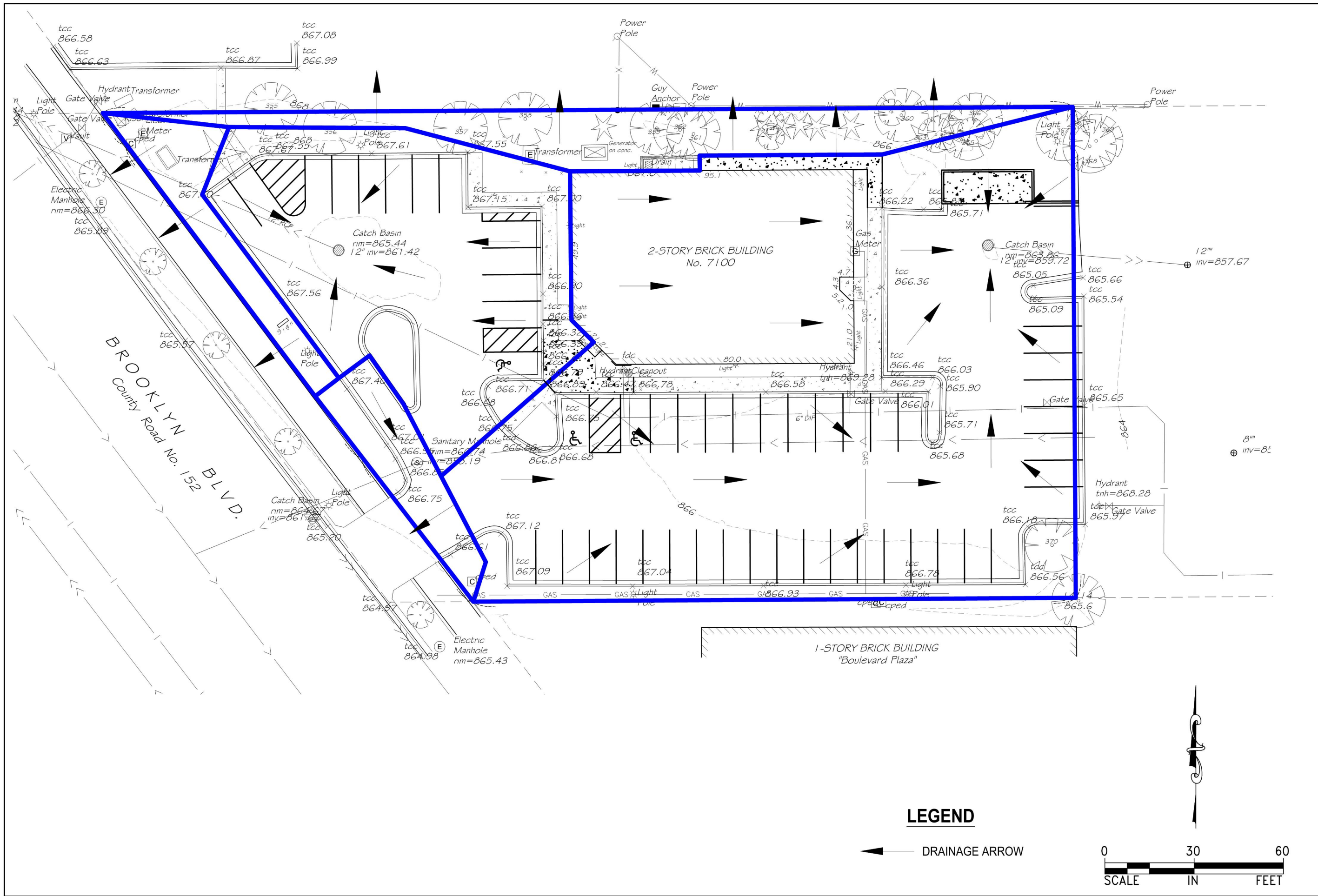
<u>Discharge Point</u>	<u>Existing (sf)</u>	<u>Proposed (sf)</u>
CB East	24,183	24,021
CB West	7,674	7,634
North Property	186	186
Street	1,029	1,029
Total	33,072	32,870

As shown in the table above, the proposed impervious area is less than the existing impervious area.

Appendix A

Figures





**CITY OF
BROOKLYN CENTER
NOTICE OF
PUBLIC HEARING**

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold an in-person public hearing on **Thursday, October 12, 2023** at approximately 7:00 p.m. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.brooklyncentermn.gov/>. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: Site and Building Plan

APPLICANT | PROPERTY OWNER: 7100 Brooklyn Blvd LLC

PROPERTY ADDRESS | PID:
7100 Brooklyn Boulevard,
Brooklyn Center, MN 55429
| 27-119-21-33-0097

BRIEF STATEMENT OF CONTENTS OF PETITION: The Applicant is proposing to convert a former office building into a 17-unit multi-family residential building.

Comments and questions may be forwarded to gmcintosh@brooklyncentermn.gov up until 4:30 pm on the day of the meeting, or by contacting Ginny McIntosh at (763) 569-3319. Your comments will be included in the record and addressed as part of the meeting. Alternatively, you may participate in the Planning Commission meeting via Webex at: logis.webex.com

Meeting Number (Access Code):
2633 772 9306
Password: BCPC10122023
By Phone: 1 (312) 535-8110
(Enter Access Code)

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at (763) 569-3300 to make arrangements.

Respectfully,
Ginny McIntosh
City Planner and Zoning
Administrator

Published in the
Sun Post
September 28, 2023
1343784

PLANNING COMMISSION FILE CHECKLIST

File Purge Date: 3/12/95

FILE INFORMATION

Project Number: 85011 See also 85012, 85013

PROPERTY INFORMATION

Zoning: R5

PLAN REFERENCE

Note: If a plan was found in the file during the purge process, it was pulled for consolidation of all plans. Identified below are the types of plans, if any, that were consolidated.

- Site Plans ✓
- Building Plans ✓
- Other: ✓ landscape
grading
sewer

FILE REFERENCE

Note: The following documents were purged when this project file became inactive. We have recorded the information necessary to retrieve the documents.

Document Type	Date Range	Location
Agendas: Planning Commission		Office

Minutes: Planning Commission	4/12/84 5/9/85	City Vault
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Minutes: City Council	6/24/88 5/20/85 5/14/86	City Vault
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Document Type	Number	Location
Resolutions: Planning Commission		City Vault

Resolutions: City Council	78-40	City Vault
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Ordinances: City Council		City Vault
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COMMERCIAL/INDUSTRIAL PROPERTY FILES CHECKLIST

CITY OF BROOKLYN CENTER
PLANNING COMMISSION APPLICATION

Application No. 85011

Please Print Clearly or Type

Street Location of Property 7100 Brooklyn Blvd., Brooklyn Center, Mn.

Legal Description of Property (See Exhibit A attached for Legal Description)

Owner UHDE / NELSON, inc. David Nelson, Gary Uhde

Address 3825 85th Ave. N. Mpls. 55443 Phone No. 425-5550

Applicant same as above 424-8559

Address _____ Phone No. _____

Type of Request: ☐ Rezoning ☐ Subdivision Approval
☐ Variance ☒ Site & Bldg. Plan Approval
☒ Special Use Permit ☐ Other: _____

Description of Request: approval for Commercial office building development
in R-4 Zoning area.

The applicant requests processing of this application and agrees to pay to the City of Brooklyn Center, within fifteen (15) days after mailing or delivery of the billing statement, the actual costs incurred by the City for Engineering, Planning and Legal expenses reasonably and necessarily required by the City for the processing of the application. Such costs shall be in addition to the application fee described herein. Withdrawal of the application shall not relieve the applicant of the obligation to pay costs incurred prior to withdrawal.

Fee \$ 150.00

Receipt No. _____

UHDE/NELSON
David Nelson
Applicant's Signature
Date: 4-25-85

PLANNING COMMISSION RECOMMENDATION

Dates of P.C. Consideration: _____

Approved ☒ Denied ☐ this 9 day of May 1985, subject to the following conditions: _____

George A. Sudit
Chairman

CITY COUNCIL ACTION

Dates of Council Consideration: _____

Approved ☒ Denied ☐ this 20 day of May 1985, with the following amendment: _____

Geraldyn Barone
Clerk

Lot 7 and commencing at a point in West line of NW 1/4 of SW 1/4 of Section 27, Township 119, Range 21, North a distance of 5 rods North from the SW corner thereof thence East 561 feet thence South 0 degrees, 49 minutes East: distance of 82 5/10 feet to North line of Lot 4 thence West to a point in the North line of said Lot 4 distance 396 feet East from the East line of Lot 7 thence South 92 5/10 feet thence West to NEly line of State Highway 152 thence NWly along said NEly line to South line of Lot 7 thence East to SE corner of Lot 7 thence North to NE corner thereof thence West to West line of NW 1/4 of SW 1/4 of said Section 27 thence North to beginning except State Highway.

Planning Commission Information Sheet

Application No. 85011

Applicant: Uhde/Nelson, Inc.

Location: 7100 Brooklyn Boulevard

Request: Site and Building Plan/Special Use

The applicant requests site and building plan and special use permit approval to construct two office buildings totalling 21,180 sq. ft. on the former City Hall property at 7100 Brooklyn Boulevard. The property in question is zoned R5 and is bounded on the west by Brooklyn Boulevard; on the north by the Brooklyn United Methodist Church parking lot and by single-family residences; on the east by the back yard of a residence and parking area for the Boulevard Plaza office condominiums; and on the south by those office condominiums. Offices are special uses in the R5 zoning district. Access to the site would be from a single driveway at the southwest corner of the site where the old City Hall entrance is located.

The applicant proposes to build the project in two phases. The first and larger phase is a two-storey, 13,920 sq. ft. office building on the westerly side of the property. The expected tenant for that building is Edina Realty which presently offices at 7000 Brooklyn Boulevard and is looking for a larger building. The parking requirement for this building is 70 spaces. Seventy (70) spaces are provided within the area to be completed with phase one. The second phase is to be a two-storey, 7,260 sq. ft. office building on the easterly portion of the property. The parking requirement for the second phase is 36 spaces. The plan provides 44 spaces in the area for phase two. Therefore, some medical use could be allowed in the second building. The second phase area covers approximately the easterly 150' of the property. Until construction proceeds on the second building, this area will be graded and seeded and improvements will be deferred.

The landscape plan for the site calls for 12 shade trees (Japanese White Birch, Pin Oak, or Green Seedless Ash), all within phase one. A 30" diameter oak tree just north of the entrance is to be preserved. There is a dense, existing hedge of cedar trees along the east property line and the easterly half of the north property line. Staff recommend that this hedge be extended somewhat to the west with new plantings to provide complete screening of the end residence to the north from the parking lot. The plan schedules 13 coniferous trees (Colorado Green Spruce) and two ornamental trees (Canada Red Cherry, Red Splendor Crab) on the westerly Phase I area of the site. Seven ornamental trees are scheduled for the easterly Phase II portion of the site. Numerous shrubs are also proposed around the foundation of the buildings, in parking delineators and some in perimeter greenstrip area. A trash enclosure is proposed in the parking lot at the northeast corner of the Phase I (Edina Realty) building. A 3' to 4' berm is indicated in the front 35' greenstrip adjacent to Brooklyn Boulevard. Berming on the grading plan is almost nonexistent and should be augmented to match the landscape plan. However, berming should be kept back about 25' from the access to keep sight lines open.

The grading, drainage and utility plan proposes that most runoff from the parking lot will drain toward the northeasterly portion of the site. One catch basin is to be located on the westerly portion of the site and will be connected to storm sewer in Brooklyn Boulevard. Two catch basins on the easterly portion of the site will convey drainage to a City storm sewer line which runs along the west edge of the St. Alphonsus Church property. The connecting storm sewer line will have to cross the Boulevard Plaza property. An easement will have to be granted for that storm sewer connection and a copy of the easement document should be submitted to the City Engineer prior to the issuance of building permits. A 6" waterline will also extend through the property from Brooklyn Boulevard to the St. Alphonsus property and will be covered by the same easement. This will provide better water pressure by looping the system. Sanitary sewer service for both buildings will be connected to sanitary sewer in Brooklyn Boulevard.

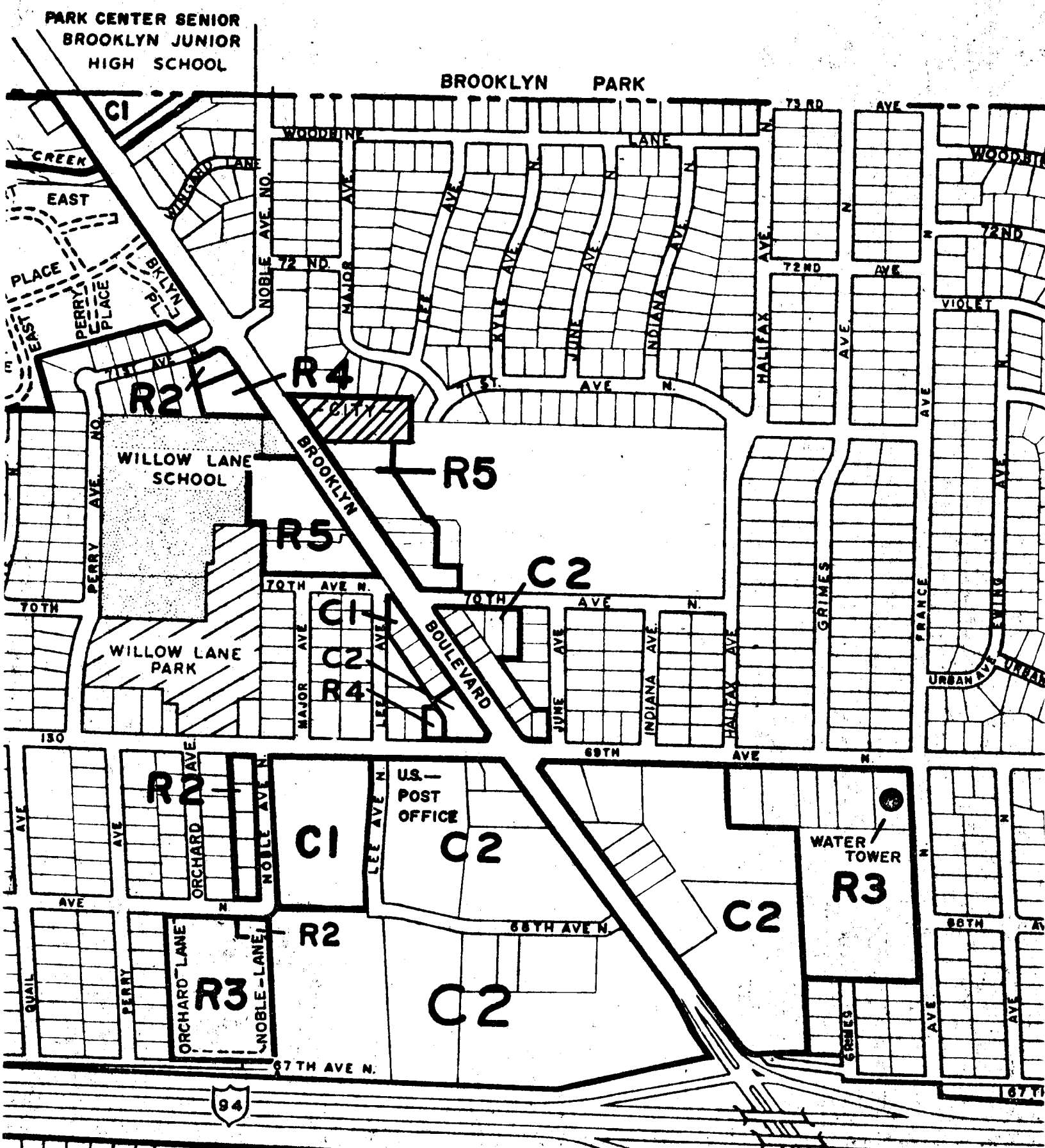
The buildings proposed on the plan meet all setback requirements. The exterior elevations of the Edina Realty building are to be brick with a pre-finished metal mansard around the top of the building. No elevations for the second phase building have been provided, however, we assume that it will be similar and compatible. Approval of the second phase is not final until full information on the building has been provided.

Regarding the Standards for Special Use Permits, the applicant has submitted no letter addressing the standards. Neighboring property owners have been consulted in the past as to preferred use of the property. It was agreed that the preferred use of the old City Hall site would be office rather than a multi-family residential use. Staff certainly agree that an office use is consistent and compatible with surrounding land uses. Traffic generated by the site will add to peak hour traffic volumes on Brooklyn Boulevard, but the size of the development should not actually cause an interruption in the flow of traffic on the public streets.

Altogether, we feel the application is in order and approval is recommended, subject to at least the following conditions:

1. The special use permit is subject to all applicable codes, ordinances, and regulations and any violation thereof shall be grounds for revocation.
2. Building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.
3. Grading, drainage, utility and berming plans are subject to review and approval by the City Engineer, prior to the issuance of permits. Specifically, the applicant should comply with the conditions of the City Engineer's memo of May 2, 1985 to the Director of Planning and Inspection and other conditions as imposed by the City Engineer.
4. A site performance agreement and supporting financial guarantee (in an amount to be determined by the City Manager) shall be submitted prior to the issuance of permits to assure completion of approved site improvements.
5. Any outside trash disposal facilities and rooftop mechanical equipment shall be appropriately screened from view.
6. The building is to be equipped with an automatic fire extinguishing system to meet NFPA standards and shall be connected to a central monitoring device in accordance with Chapter 5 of the City Ordinances.
7. An underground irrigation system shall be installed in all landscaped areas to facilitate site maintenance.
8. Plan approval is exclusive of all signery which is subject to Chapter 34 of the City Ordinances.
9. B612 curb and gutter shall be provided around all parking and driving areas.
10. The plat for the property shall receive final approval and be filed at the County prior to issuance of building permits.

11. Plan approval acknowledges the existing cedar hedge along the north and east property lines as providing appropriate screening from neighboring residential uses as required by City ordinance. If this landscape screening fails, it shall be replaced by comparable landscaping or by a 4' high opaque fence.
12. Absent change in the utility plans acceptable to the City Engineer, the applicant shall provide the City with a copy of a utility easement over the neighboring Boulevard Plaza property prior to the issuance of building permits.
13. The applicant shall submit a \$1,000 cash guarantee to insure proper and timely replacement of the sidewalk along Brooklyn Boulevard.
14. Utility "as-built" information shall be provided to the City prior to release of the performance guarantee cited in Condition No. 4.
15. The applicant shall enter into a standard utility maintenance agreement prior to the issuance of permits.
16. The site and building plans shall be certified by a registered architect prior to the issuance of building permits.

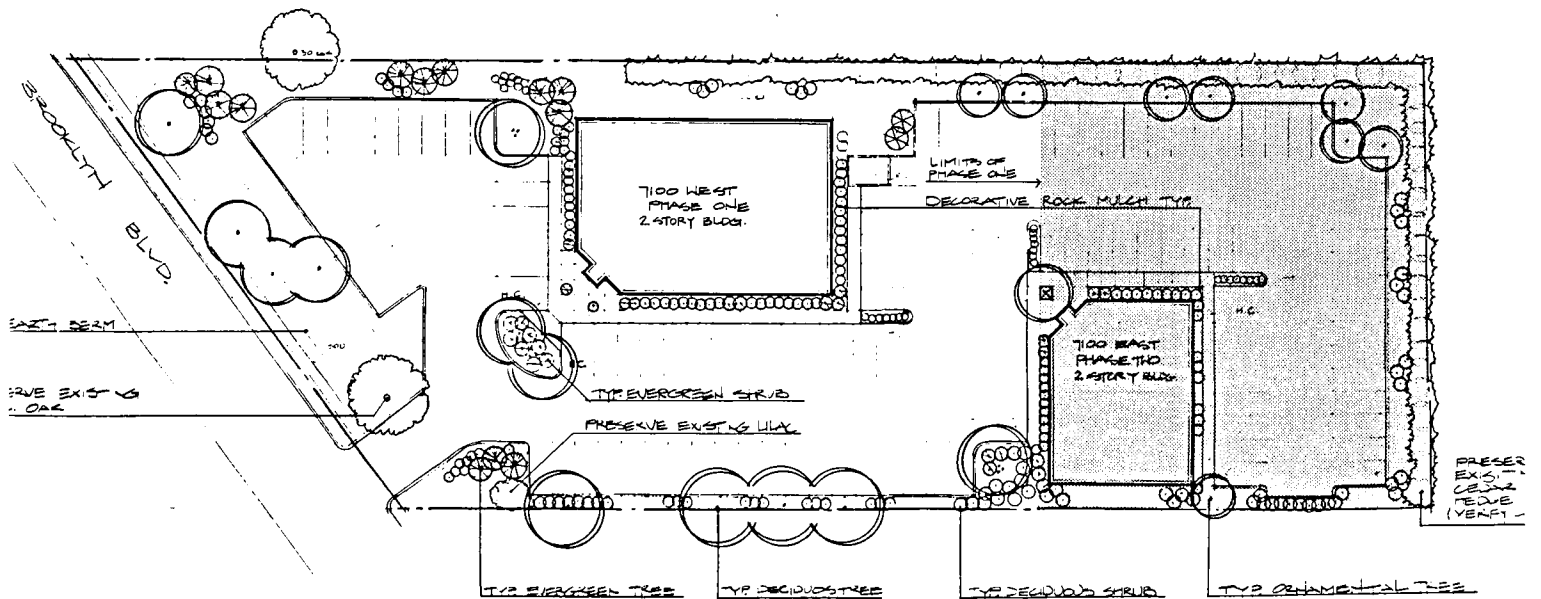


- NOTE: TAKE TWO AREA TO BE HYDRO-SEEDED AFTER PHASE GRADING IS COMPLETED.
TOTAL DECIDUOUS TREES: 3, TOTAL DECIDUOUS SHRUBS: 110
TOTAL ORNAMENTAL TREES: 5, TOTAL EVERGREEN TREES: 15
TOTAL EVERGREEN SHRUBS: 21

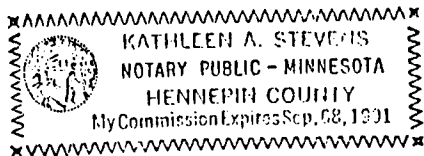


- DECIDUOUS TREES: 2 1/2" CAL. MIN. B & B
JAPANESE WHITE BIRCH, PIN OAK, GREEN SEEDLESS ASH
- DECIDUOUS SHRUBS: 18" - 36" HT. CONTAINER STOCK
REDTWOGEED DOGWOOD, GOLDFLAME SPIREA, LILAC (FR. HYBRIDS)
- EVERGREEN TREES: 8' - 12' HT. B & B
COLORADO GREEN SPRUCE
- EVERGREEN SHRUBS: 24" OVERALL - 48" HT. CONTAINER STOCK
MUGHO PINE, MOPPET JUNIPER, MINT JUMPER JUNIPER
- ORNAMENTAL TREES: 2 1/2" CAL. MIN. B & B
CANADA RED CHERRY, RED SPLENDOR CRAB

NOTE: HAVE TWO AREA TO BE HYDRO-SEEDED AFTER PHASE GRADING IS COMPLETED.
 TOTAL DECIDUOUS TREES: 13, TOTAL DECIDUOUS SHRUB: 190
 TOTAL ORNAMENTAL TREES: 5, TOTAL EVERGREEN TREES: 15
 TOTAL EVERGREEN SHRUBS: 21



PRELIMINARY LANDSCAPE
 1 2 30' NORTH



Norwest Bank Northwest, N.A.

By Barbara Lee

The foregoing instrument was acknowledged before me this 17 day of October, 1985, by Barbara Toy, the Vice President of Norwest Bank Northwest, N.A., a Minnesota corporation on behalf of the corporation.


KATHLEEN A. STEVENS
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
 My Commission Expires Sep. 08, 1991

Kathleen A. Stenz
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Lawrence P. Marofsky
Attorney at Law
7022 Brooklyn Boulevard
Brooklyn Center, MN 55429
(612) 566-4570

MEMORANDUM

DATE: October 4, 2023

TO: Ginny McIntosh, City Planner/Zoning Administrator

FROM: James Soltis, Assistant City Engineer

SUBJECT: Public Works – 7100 Brooklyn Blvd Development Site Plan Review

Public Works staff reviewed the following documents submitted for review for the proposed 7100 Brooklyn Blvd development.

- *Architectural Plans (091123-Permit)*
- *Civil Plans (091223-Preliminary)*
- *Survey (081023)*
- *Photometric Plans (061523-Rev 1)*
- *Landscape Plans (091123-Preliminary)*
- *Stormwater Management Plans (091123)*

Subject to final staff approval, the referenced plans must be revised in accordance with the following comments/revisions and approved prior to issuance of any permits.

Plan Items

L-100

1. Per **MN Administrative Rules 1341.0502 A117.1 Section 502, Parking Spaces** identification signage can not be more than 96 inches from center head of an accessible space. Plan note indicates signage to be mounted on building which appears to be further than 96 inches. Correct or remove note.
2. Parking layout and number of provided parking spots do not match Civil Plans (091223-Preliminary). Revise to match and correct provided parking numbers.

C-5 Grading Details

3. Proposed sidewalk grading does not meet ADA. Please revise per **2020 Minnesota Accessibility Code Section 406** indicating designated landings and ramps including dimensions and slopes. If existing signage is to be replaced please include details for signage and placement.

General Items

4. The final construction plans must be certified by a licensed engineer in the state of Minnesota and forwarded to the City Engineer for approval.
5. Inspection for the private site improvements must be performed by the developer's design/project engineer. Upon project completion, the design/project engineer must formally certify through a letter that the project was built in conformance with the approved plans and under the

design/project engineer's immediate and direct supervision. The engineer must be certified in the state of Minnesota and must certify all required as-built drawings.

6. C4-Site Plan indicates a disturbance area of 0.05 acres with a proposed reduction in impervious area. As the disturbed areas falls below the City and Shingle Creek Watershed Management Commission threshold of 0.5 acres of disturbance no stormwater management review is required.

Anticipated Permitting

7. As the indicated disturbance falls below 10,000 sf this project does not trigger a City Land Disturbance Permit.
8. If applicable, applicant will need to obtain required permits to work in County right-of-way.
9. Other permits not listed herein may be required. It is the Responsibility of the applicant to obtain such permits as warranted.

All aforementioned items, comments and recommendations are provided based on the information submitted by the applicant at the time of this review. The *site plan* must be developed and maintained in substantial conformance with the referenced plans, unless modified by the staff recommended conditions above. Subsequent approval of the final plan may require additional modifications based on engineering requirements associated with final design of the water supply, storm drainage, sanitary sewer, final grading, geometric design and other design elements as established by the City Engineer and other public officials having jurisdiction over approval of the final site plans



Community Development
763-569-3330

October 9, 2023

7100 Brooklyn Blvd

Building review comments for newly proposed apartment building to be located at 7100 Brooklyn Blvd.

1. Prior to a Building permit being issued. A SAC determination for the new building will need to be done by MET Council and SAC determination letter received.
2. Separate permits and signed plans required for Building, Mechanical, Plumbing & Electrical. A Fire sprinkler and Fire alarm permit with plans is required to be submitted to the Building Department for this building review. The Community Development department must be contacted on all proposed signage for this building. Permits are required for all exterior signage.
3. The building will be required to have a sprinkler system installed if not already installed. City of Brooklyn Center zoning ordinance 3-101 B. (2) as adopted by the Minnesota State Building code 1306 Special Fire Protection system 1306.0020 Subp. 2, Existing and New buildings.
4. Hennepin County Health Department shall approve the kitchen area located in the basement prior to any City permits being issued.
5. All plumbing plans shall be reviewed by the Department of Labor and Industry Plumbing Department. All submitted documents shall be signed as required by Minnesota state statutes.
6. Building plans to be submitted to the City Building Department for review. If any items need to be addressed, comments will be provided in a plan review letter addressed to the architect of record.

Sincerely,

Dan Grinsteinner
Building Official
City of Brooklyn Center
763-569-3313

TUZINSKI & ZICK, L.L.C.

Exhibit F

ATTORNEYS AT LAW
7050 BROOKLYN BOULEVARD
MINNEAPOLIS, MINNESOTA 55429
(763) 560-3900 FAX (763) 566-4416
www.tuzinskizicklaw.com

JEANETTE M. TUZINSKI
jmtuzinski@tuzinskizicklaw.com

SANDRA CONNEALY ZICK
sandra.zick@tuzinskizicklaw.com

October 6, 2023

Via US Mail, Email, Fax (763-569-3494)

Ginny McIntosh
City Planner and Zoning Administrator
6301 Shingle Creek Parkway
Brooklyn Center, Minnesota 55430

Re: Site and Building Plan
7100 Brooklyn Boulevard

Dear Ms. McIntosh:

I left a telephone message with you on the morning of October 4, 2023, but to date I have not received a returned call. I called to discuss the proposed conversion of an office building at 7100 Brooklyn Boulevard to a 17-unit multi-family residential building. This proposed site is immediately adjacent to Boulevard Plaza, an 18-unit office condominium unit located at 7022-7086 Brooklyn Boulevard. Each unit is separately owned. All units are office units where business is conducted. There are no residential units at Boulevard Plaza and no one is living here. Business is conducted generally from 8 am until 5 pm, Monday through Friday.

The purpose of this letter is to document our strenuous objection to the proposal to convert the office building at 7100 into a 17-unit multi-family residential building. Attached is a petition from the Boulevard Association members who oppose the City's proposal. There is additional opposition than the attached petition provides; however, due to time constraints it was not possible to obtain access to all Boulevard Plaza members.

Every individual Boulevard Plaza member that I spoke to was opposed to a conversion of the Federal Union commercial building at 7100 Brooklyn Boulevard being converted into a 17-unit multi-family residential building. The concerns expressed included, but were not limited to:

Changing the environment of the area to one of a residential area rather than business district;

Ongoing and continued safety concerns;
Ongoing and increased traffic (both foot and vehicle);
Dumping concerns; and
Privacy concerns.

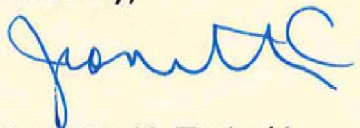
There are existing issues with illegal dumping at our site, together with crime and other issues that we have worked so feverishly to eradicate. The conversion of an office building to a 17-unit multi-family residential building at 7100 will only add to the existing problems we have tried so hard as businesses to ameliorate. The construction of these residential units among a business district will undoubtedly adversely affect the value of our units; the safety of our tenants, owners and customers; increase the levels of traffic; and create other negative ramifications.

The Boulevard Plaza units were all assessed by the Hennepin County Property Tax Assessor with a substantial increase in the value of each unit - \$100,000.00 per unit approximately. Hence, all of our property taxes will increase in 2024 due to the increased value placed on our real estate by the assessor. We all pay taxes and we want our voices heard. This proposed change to the existing use at the 7100 building will ultimately have a negative impact on our units and the aesthetics of the area in general.

We strongly oppose the proposal to modify the existing commercial building into a 17-unit multi-family residential building.

Please consider our opposition to this proposal at the meeting and vote no to the proposed plan to transform what was a Federal Credit Union into a 17-unit multi-family residential building. Please feel free to share our concerns at the meeting and please vote no to this proposal. Please contact me with any questions. Thank you.

Sincerely,



Jeanette M. Tuzinski
Attorney at Law

cc: Boulevard Plaza
Councilmember Marquita Butler
Councilmember Dan Jerzak
Councilmember Teneshia Kragness
Councilmember Kris Lawrence-Anderson

PETITION OPPOSING THE PROPOSED APPLICATION TO CONVERT THE ADJACENT BUILDING AT 7100
BROOKLYN BOULEVARD TO A 17-UNIT MULTI-FAMILY RESIDENTIAL BUILDING

Print Name	Address	Type of Business	Signature/Date	Contact Email	Contact Telephone Number
Jeanette Tuzimire	7050 Brooklyn Blvd	Loges	Jeanette Tuzimire 10/14/23		
Ly Lor	7074 Brooklyn Blvd	Optical	Ly Lor 10/14/23		
Toua Yang	7074 Brooklyn Blvd	Optical	Toua Yang 10/14/23		
SANDY PHAM-VAN	7074 Brooklyn Blvd	Optical	Sandy Pham-Van 10/14/23		
Kao Vans	7074 Brooklyn Blvd	Optical	Kao Vans 10/14/23		
Jacqueline McKing	7070 Brooklyn Blvd	MAG	Jacqueline McKing 10/14/23		
Jaida Adams King	7070 Brooklyn Blvd	MAG	Jaida Adams King 10/14/23		
Dawn Fierman	7083 Brooklyn Blvd	Home Health Care	Dawn Fierman 10/14/23		
Jana Kim	7083 Brooklyn Blvd	Home Health Care	Jana Kim 10/14/23		
Jack Dorn	7078 Brooklyn Blvd	Financial	Jack Dorn 10/14/23		
Michelle Berthiaume	7072 Brooklyn Blvd	Home Health Care	Michelle Berthiaume 10/14/23		
Shelley Flickiger	7082 Brooklyn Blvd	Home Health Care	Shelley Flickiger 10/14/23		

PETITION OPPOSING THE PROPOSED APPLICATION TO CONVERT THE ADJACENT BUILDING AT 7100
BROOKLYN BOULEVARD TO A 17-UNIT MULTI-FAMILY RESIDENTIAL BUILDING

Print Name	Address	Type of Business	Signature/Date	Contact Email	Contact Telephone Number
Windi Willett	7082 Brooklyn Blvd	Health Care	Windi Willett	[REDACTED]	[REDACTED]
Sandra Zick	7050 Brooklyn Blvd	Law Firm	Sandra Zick		
Lor Thor	7042 Brooklyn Blvd	Accounting	DocuSigned by: michaelthor75@gmail.com 100FBD0E307FCADF...		
Mary Ann Fairbanks	7050 Brooklyn Blvd.	Law Firm	Mary Ann Fairbanks 10/5/13		
Tolu Coker	Tolu Brooklyn Blvd	Resto	[Signature]		
Emmanuel Coker	7062 Brooklyn Blvd	Social services	[Signature]		
Yermie Coker	7062 Brooklyn Blvd	Social services	[Signature]		
Kelli Foster	7062 Brooklyn Blvd.	Social services	[Signature]		
Sony Anderson	7026 Brooklyn Blvd	Health Care	[Signature]		
Caleb Anderson	7026 Brooklyn Blvd	Health Care	Caleb Anderson		
Soshae Anderson	7026 Brooklyn Blvd	Health Care	[Signature]		
David Candice	7040 Brooklyn Blvd	Law Firm	[Signature]		

[illegible][illegible]

Pham-Vang Optometry LLC DBA Eye Doc
Sandy Pham-Vang
7074 Brooklyn Blvd
Brooklyn Center MN 55429

October 13, 2023

Re: Site & Building Plan
7100 Brooklyn Blvd

Dear Ms. McIntosh,

I hope this letter finds you well. I am writing on behalf of Pham-Vang Optometry LLC dba Eye Doc, located at 7074 Brooklyn Blvd, Brooklyn Center MN 55429. We recently became aware of the proposed new apartment development at 7100 Brooklyn Boulevard, and I would like to express our concerns and objections to this project. While I understand the importance of urban development and growth, I believe that the construction of new apartments in close proximity to our business could have several negative impacts. Our primary concerns include:

Increased Traffic Congestion: The addition of a residential complex is likely to lead to an increase in traffic in the area. This could potentially make it more challenging for our customers, clients, and employees to access our business.

Parking Issues: The limited parking space available may be further strained with the addition of residents and their vehicles. This could inconvenience both our staff and our customers who rely on accessible parking.

Noise and Disturbance: Construction activities and the subsequent increase in population density may result in elevated noise levels, potentially disrupting the peaceful environment we strive to maintain for our customers and employees.

Impact on Business Operations: The changes in the neighborhood dynamics could affect our business operations, and we are concerned about potential disruptions that may arise as a consequence of the new development.

Illegal Dumping: We are dealing with ongoing issues of illegal garbage dumping at our businesses for some time now. The new apartment/ traffic can potentially add to this problem.

Considering these factors, we kindly request that you reconsider the location of the proposed apartment development. We believe that collaboration between our respective

parties could lead to a more thoughtful and mutually beneficial solution that addresses our concerns while still contributing to the growth and development of the community. I strongly oppose the proposal to modify the existing commercial building into a 17-unit multi-family residential building.

I would greatly appreciate the opportunity to discuss this matter further with you. If you are open to a meeting or discussion, please let us know a convenient time, and I will make the necessary arrangements.

Thank you for your attention to this matter. I look forward to the possibility of finding a solution that is favorable for all parties involved.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandy Pham-Vang", followed by a long horizontal flourish.

Dr. Sandy Pham-Vang
Optometrist
Owner of Eye Doc in Brooklyn Center.

CC: Councilmember Marquita Butler
Councilmember Dan Jerzak
Councilmember Teneshia Kragness
Councilmember Kris Lawrence-Anderson

Ginny McIntosh

From: [REDACTED]
Sent: Wednesday, October 11, 2023 2:50 PM
To: Ginny McIntosh
Subject: Planning Commission 27-119-21-33-0097

7200 Brooklyn Blvd
Brooklyn Center, MN 55429

From: Brooklyn United Methodist Church

12 Oct 2023

To: Ginny McIntosh

City Planner and Zoning Administrator

Brooklyn Center Planning Commission

Subject: Multi Family Housing

PID: 7100 Brooklyn Boulevard, Brooklyn Center MN 55429 | 27-119-21-33-0097

Brooklyn United Methodist Church (BUMC) has a vested interest in the housing proposal because our parking lot abuts the property in question. The parking lot already has a lot of extraneous, unauthorized use. We are concerned that converting this property could increase overflow parking by residents and visitors.

Is there adequate parking space available on the property for the expected occupancy? BUMC would be willing to have a discussion on the lease or sale of a section of our parking lot.

Safety is a grave concern. With increased movement in and out of the housing area, and Brooklyn Blvd. being a very busy street, has the City considered increased accident potential. In conjunction with safety, will the City see a need for any additional streetlights in this area?

If approved, we request that the developer construct a privacy fence between the two properties. Our BUMC board of trustees would expect to be involved in the design and placement of this fence.

Thank you,

Tom Foster

Trustee Chair

[REDACTED]

[REDACTED]

officeadm@bumc.org BUMC Office Administrator email

Ginny McIntosh

From: [REDACTED]
Sent: Friday, October 13, 2023 10:27 AM
To: Ginny McIntosh
Subject: 7100 Brooklyn Blvd Multi-Housing proposal

Hello Ginny,

Diane and I were surprised with the disapproval of the proposal. We understand that it can move forward to the City Counsel. Are there steps they will be required to take prior to presenting to the City Counsel? Since the Chair recommended that a fence would be in the best interest of both parties, will it go forward as a requirement or just a recommendation?

I'd surmise that the owners will want to continue pursuing approval. Will we be notified if and when this will be presented? We want to make sure our request for a privacy fence stays in the package.

Thank you,
Tom Foster
BUMC Trustee Chair

Council Regular Meeting

DATE: 11/27/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

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

SUBJECT: Resolution Approving Change Order Nos. 1-3, Accepting Work Performed and Authorizing Final Payment, Project No. 2022-09, Lift Station No. 4 Rehabilitation Project

Requested Council Action:

- Motion to approve a resolution Approving Change Order Nos. 1 - 3 and Accepting Work Performed and Authorizing Final Payment, Improvement Project No. 2022-09, Lift Station 4 Rehabilitation Project.

Background:

On September 26, 2022, the City Council awarded Project No. 2022-09 to Pember Companies, Inc. for the rehabilitation of Lift Station 4. Pember Companies, Inc. has successfully completed the construction work and is requesting final payment for the project.

Budget Issues:

The original contract amount with Pember Companies, Inc. for the lift station rehabilitation was \$279,305.00. The total value of work certified for final payment including Change Order Nos. 1-3 is \$283,908.34. The total project cost including contingencies/administration/engineering/legal is \$321,227.90 and was completed 7.2 percent under budget in the amount of \$25,077.10. The attached resolution provides a summary of the final amended costs and funding sources for the project.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/20/2023	Resolution Letter

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING CHANGE ORDER NOS. 1 - 3, ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, IMPROVEMENT PROJECT NO. 2022-09, LIFT STATION 4 REHABILITATION PROJECT

WHEREAS, pursuant to a written contract signed with the City of Brooklyn Center, Minnesota, Pember Companies, Inc. of Menomonie, Wisconsin has completed Improvement Project No. 2022-09, Lift Station 4 Rehabilitation Project.

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 Nos. 2022-09, Lift Station 4 Rehabilitation, taking the contractor's receipt in full. The total amount to be paid for said improvements under said contract shall be \$283,908.34.
2. The estimated project costs and revenues are hereby amended as follows:

<u>COSTS</u>	<u>Per Low Bid</u>	<u>As Final</u>
Construction Cost	\$ 279,305.00	\$ 279,305.00
Change Order Nos. 1-3	\$ -0-	\$ 4,603.34
Engineering and Administrative	\$ 40,000.00	\$ 37,319.56
Contingency	\$ 27,000.00	\$ -0-
<u>TOTAL</u>	<u>\$ 346,305.00</u>	<u>\$ 321,227.90</u>

<u>REVENUES</u>	<u>Per Low Bid</u>	<u>As Final</u>
Sanitary Sewer Utility	\$ 346,305.00	\$ 321,227.90

November 27, 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: 11/27/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Catrice O'Neal, Workforce Development Program Director

SUBJECT: Workforce Development Update

Requested Council Action:

- The Workforce Development staff will provide an update on the current and planned workforce development programs, which serve both Brooklyn Park and Brooklyn Center.

Background:

The cities of Brooklyn Park and Brooklyn Center entered into a joint powers agreement in 2022 to provide expanded workforce development programs and initiatives in response to the employment needs of residents caused by the pandemic.

The two cities' workforce development division is an enhancement to the existing BrookLynk program and provides workforce development programs to youth and young adults 14-24. Workforce Development staff work in partnership with school districts, community organizations, and local government to connect with individuals across the community. During the 2023 program year, staff successfully delivered the following programs and services:

- Get Ready! work readiness training and summer internships for youth and young adults ages 16-24 that live and/or attend school in Brooklyn Park or Brooklyn Center.
- Career Pathways that offer training and employment services to adults 18+ Construction & Trades in partnership with MnDOT and Hennepin Technical College.
- Case Management & Job coaching
- Community Partnership Program (CPP), funds awarded to local organization providing workforce development services in the community to Brooklyn Park and Brooklyn Center residents.
- In its sixth year directed by the cities of Brooklyn Park and Brooklyn Center, BrookLynk and the Workforce Development division served over 500 youth and young adults, awarded \$300,000 in funding to community organizations, and provided \$7,500 in microgrants to youth entrepreneurs.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Resident Economic Stability

ATTACHMENTS:

Description	Upload Date	Type
Presentation	11/16/2023	Presentation



Brooklyn
Park

• C •
BROOKLynk



• C •
BROOKLynk

Workforce Development 2023 Impact Report

Catrice O'Neal, MSW, LGSW
Workforce Development Program Director



Shared City Strategies

- ❖ Employment
- ❖ Economic Inclusion
- ❖ Public Safety
- ❖ Racial Equity
- ❖ Economic Advancement & Wealth Building

Mission:

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.



2023 BrookLynk Programs & Services





Our Future Workforce

- 85% participants of color
- 45% low-income
- 36% first- or second-generation immigrant
- 39% live and/or attend school in Brooklyn Park
- 25% live and/or attend school in Brooklyn Center





2023 Summer Internship Program

- 339 youth completed Get Ready! work readiness training
- 123 internships coordinated across 21 employer partners
- 87% of youth matched completed summer internships
- 116 youth participated in paid summer program opportunities
- <\$314,000 in wealth created for youth living in the Brooklyns and their families

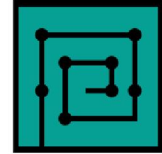




Career Pathways

Technology Training Program...

- 30 participants registered for User Experience Academy (UXA)
- 6 participants completed UXA
- 3 participants were placed into paid internships with the City of Saint Paul's IT department.



PRIME



Preparing Tomorrow's Workforce Today



SAINT PAUL, YOUTH JOBS.



Career Pathways

Construction and Trades...

- 19 participants enrolled for construction and trades training
- 10 participants completed construction and trades training
- 2 participants were hired into seasonal public works positions at the city of Brooklyn Park





Youth Entrepreneurship Program (YEP)

- 87 Youth attended weekly workshops
- 6 Youth matched to small business internships
- 9 Youth participated in the 2nd Annual BrookLynk Shark Tank
- \$13,500 in start up grants were awarded to youth entrepreneurs





2024 Strategic Priorities

Projects:

- **Free College Campaign** – A project led by BrookLynk in partnership with the Brooklyn Bridge Alliance for Youth (BBAY) that provides FAFSA support, Tax preparation, and education on the state of Minnesota's new legislation passed during the 2023 legislative session to provide free college tuition to individuals with annual income below \$80,000/yr.
- **Brooklyn Park Teen Center** - A project led by the Brooklyn Park Recreation & Parks Department.
- **Community Partnership Program** – Funding for local organizations providing workforce development programs and services.
- **Career Pathways** - Expansion of current program to include high tech manufacturing.

Regional Initiatives:

- **Reimagine Black Youth Mental Health** - Initiative led by the Brooklyn Bridge Alliance for Youth (BBAY) to change policies that negatively impact the mental well being of black youth in schools and beyond.
- **ConnexMSP/GreaterMSP** – An inclusive talent network that ensures young professionals of color in the Minneapolis-St. Paul region are recruited, hired, and supported by local employers.



Goals (2022-2024)

Goals:

- **Re-employment** of individuals in the community impacted by the pandemic with emphasis on connecting Black Indigenous Person of Color (BIPOC) job seekers to local jobs.
- **Local Coordination** – Collaboration with community organizations to provide training, certifications, internships, and jobs (ie. Hennepin Technical College, HIRED, North Hennepin Community College, City of Brooklyn Center, City of Brooklyn Park CAPI, LIBA, OLM)
- **Re-imagining Public Safety -**
 - Opportunities for higher barrier youth and young adults ages 16-24 (pregnant/parenting, homeless, juvenile justice involved)
- **Business Coordination** - Connecting local businesses to talent, supporting recruitment and retention, providing workshops and trainings to enhance diversity, equity, and inclusion in the workplace.



2024 Funding

Funding Sources:

- ▶ Grants
 - ▶ MN Department of Employment & Economic Development (DEED)
 - ▶ Hennepin-Carver Workforce Board
 - ▶ MN Department of Transportation (MnDOT)
- ▶ City Investments
 - ▶ Brooklyn Park
 - ▶ Brooklyn Center
- ▶ Leveraged Funds
 - ▶ Employer paid wages
 - ▶ ARPA allocation from Brooklyn Park & Brooklyn Center



Thank You!



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.



Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402

(612) 337-9300 telephone
(612) 337-9310 fax
<http://www.kennedy-graven.com>
Affirmative Action, Equal Opportunity Employer

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 Suci, City Clerk

Council Regular Meeting

DATE: 11/27/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH:

BY: Jesse Anderson, Community Development Director

SUBJECT: 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

Requested Council Action:

- Motion to approve 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.

Background:

At the October 30, 2023 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 make a decision on the payments.

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.

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.

Summary of Payment Agreement:

- 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 6 month grace period on the back due rent and loan payments.
 - The payments from 12/1/2023 to 05/01/2023 will be \$4,375 for rent and \$870.76 for the loan.
 - Starting on 06/01/2023 and ending on 01/31/2027 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 not 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 the lease.

Staff have reviewed the Easements with Covenants and Restrictions Agreement relating to Shingle Creek Crossings and the addition of the Phu Bia Produce is allowed. Only grocery stores over 15,000 square feet are restricted.

Budget Issues:

Inclusive Community Engagement:

Business is woman and BIPOC owned.

Antiracist/Equity Policy Effect:

Business will be a contributor to Brooklyn Center healthy food ecosystem.

Strategic Priorities and Values:

Enhanced Community Image, Resident Economic Stability

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/20/2023	Resolution Letter
Payment Plan	11/20/2023	Backup Material
Lease Amendment	11/20/2023	Backup Material
Oct 27, 2023 City Council Memo	11/16/2023	Backup Material
Letter From Phu Bia Attorney	11/16/2023	Backup Material

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-_____

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

WHEREAS, on or about February 15, 2022, the City of Brooklyn Center (“City”) and Phu Bia Limited Liability Company (“Lessee”) entered into a Commercial Lease Agreement (“Agreement”) with regard to the property located at 1350B Shingle Creek Crossing in the City of Brooklyn Center (“Premises”), which is owned by the City; and

WHEREAS, in conjunction with the Agreement, on February 15, 2022, the Lessee entered into a Loan Agreement with the Economic Development Authority of Brooklyn Center to assist with the costs of renovation and furnishing of certain equipment for the Premises, including a walk-in cooler, restrooms, sidings and polishing of exiting concrete floor, all of which was deemed necessary for the operation of a retail store for the distribution of produce; and

WHEREAS, the Lessee experienced significant difficulties completing the renovation of the Premises and as a result, was unable to commence retail operations on the Premises until October 31, 2023; and

WHEREAS, due to the delay in commencing retail operations, the Lessee was unable to make rent payments under the Agreement, which were to commence on August 1, 2022; and

WHEREAS, the Lessee has agreed to implement a payment plan that would allow the City to recover past due rent and late fees and ensure that all amounts are recovered by the City by the Agreement’s renewal date of January 31, 2027; and

WHEREAS, the City’s review of the Agreement revealed additional terms and conditions requiring amendment and clarification, and the Lessee has agreed to adopt an amendment to the Agreement to provide for such amendment and clarification; and

WHEREAS, the City and the Lessee desire to enter into the Payment Plan Agreement and Amendment to Commercial Lease Agreement to allow the Lessee to continue commercial retail operations and to allow the City to recover all costs due and owing under the Agreement.

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

1. The City Council hereby approves and adopts the Payment Plan Agreement attached hereto and incorporated herein as Exhibit A, in substantially the form presented to the City Council, together with any related documents necessary in

connection therewith, subject to modifications that do not alter the substance of the Payment Plan Agreement.

2. The City Council hereby approves and adopts the Amendment to Commercial Lease Agreement attached hereto and incorporated herein as Exhibit B, in substantially the form presented to the City Council, together with any related documents necessary in connection therewith, subject to modifications that do not alter the substance of the Amendment to Commercial Lease Agreement.
3. The appropriate City officials are authorized to execute all appropriate documents on behalf of the City to facilitate the agreements and to take all steps and actions necessary or convenient to accomplish the intent of this Resolution
4. Upon execution and delivery of the agreements, the officers and employees of the City are hereby authorized and directed to take or cause to be taken such actions as may be necessary on behalf of the City to implement the agreements.

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

EXHIBIT A
Payment Plan Agreement

[attached hereto]

EXHIBIT B
Amendment to
Commercial Lease Agreement

[attached hereto]

PAYMENT PLAN AGREEMENT

This Payment Plan Agreement (the “Agreement”) is made this ____ day of _____, 2023, by Phu Bia Produce Limited Liability Company, a Minnesota limited liability company (the “Payer”), the City of Brooklyn Center, a municipal corporation under the laws of Minnesota (the “City”) and the Economic Development Authority of Brooklyn Center, a public body corporate and politic under the laws of Minnesota (the “EDA”).

RECITALS

- A. The City and the Payer executed a commercial lease agreement (the “Lease”) on February 15, 2022 for a premise located at 1350B Single Creek Crossing, Brooklyn Center, Minnesota (the “Premise”).
- B. Per the Lease, Payer agreed to pay rent in the amount of \$4,375 (four thousand three hundred and seventy-five dollars) once a month for their use of the Premise until expiration of the Lease on January 31, 2027.
- C. The EDA and Payer also executed a Loan Agreement (the “Loan Agreement”) on February 15, 2022, for a loan under the EDA’s Revolving Loan Fund Program. The Payer also executed a Promissory Note (the “Note”) and the Payer and the EDA executed a Security Agreement (the “Security”) related to the loan and as required in the Loan Agreement. Mai Y Lor also executed a Personal Guaranty (the “Guaranty”) related to the loan and as required in the Loan Agreement.
- D. Under the Loan Agreement and the Note, the City lent Payer \$70,000 (seventy thousand dollars) with an annual interest rate of 1.25%.
- E. The Loan Agreement and the Note state that Payer will make monthly payments of \$870.76 (eight hundred and seventy dollars and seventy-six cents) beginning on August 1st, 2022 and finishing 84 months later, on August 1st 2029, once the loan and accrued interest was fully satisfied.
- F. To date, the Payer has not made any rent payments as required by the Lease but continues to use the Premise.
- G. Including the \$150 monthly late fee for failure to pay rent, the Payer is delinquent \$72,400 (seventy-two thousand four hundred dollars) in rental payments.
- H. To date, the Payer has made a single payment of \$6,105 (six thousand one hundred and five dollars) pursuant to the Loan Agreement and the Note.
- I. The Payer is delinquent \$6,959.40 (six thousand nine hundred and fifty-nine dollars and forty cents) in loan repayment pursuant to the Loan Agreement and the Note.
- J. In total, the Payer is delinquent \$79,356.40 (seventy-nine thousand three hundred and fifty-six dollars and forty cents) to the City and the EDA.
- K. The City and EDA agree to temporarily forbear exercising its available remedies for the Payer’s default under the Loan Agreement, the Note, the Security, the Guaranty and the Lease

provided that the Payer continues to make payments following the payment schedule outlined in this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

1. Payer Acknowledges Default. As set forth in the foregoing recitals, Payer hereby acknowledges that it is in default of the Loan Agreement, the Note and the Lease and that the City and the EDA have all rights to exercise their remedies under the Loan Agreement, the Note, the Security, the Guaranty and the Lease.
2. City and EDA's Forbearance Conditioned upon Repayment of the Outstanding Debt. The City and the EDA shall forbear pursuing their remedies under the Loan Agreement, the Note and Lease provided that Payer shall make payments to the City and the EDA on the Outstanding Debt in accordance with the payment plan attached as **EXHIBIT A** to this Agreement. Failure of Payer to timely make any of the foregoing payments shall, automatically and without any required notice to the Payer, release the City and the EDA from the foregoing agreement to forbear and shall permit the City and the EDA to pursue all remedies against Payer set forth in the Loan Agreement, the Note, the Security, the Guaranty and the Lease notwithstanding any provisions contained in this Agreement.
3. Loan Agreement, Note, Security, Guaranty and Lease. Subject to forbearance, the City and EDA retain all rights under the Loan Agreement, Note, Security, Guaranty and Lease including recovery of attorney's fees.

IN WITNESS WHEREOF, this Agreement has been duly executed and delivered by the proper officers thereunto duly authorized on the day and year first written above.

CITY OF BROOKLYN CENTER

By _____
Its Mayor

By _____
Its City Manager

**ECONOMIC DEVELOPMENT AUTHORITY
OF BROOKLYN CENTER**

By: _____

Name: _____

Its: President

By: _____

Name: _____

Its: Executive Director

**PHU BIA PRODUCE LIMITED LIABILITY
COMPANY**

By _____

Its _____

EXHIBIT A

Payment Plan

Payment Plan - Payback by January 31, 2027 Renewal with 6 Month Deferred		
Payment Date Range	12/1/2023 - 05/01/2024	06/01/2024 - 1/31/2027
Monthly Base Rent	\$4,375	\$4,375
Back Pay Payment Plan		\$2,262.50
		\$217.39
Loan Payments	\$870.76	\$870.76
Total Monthly Payment	\$5,246	\$7,726

AMENDMENT TO COMMERCIAL LEASE AGREEMENT

This Amendment to Commercial Lease Agreement ("Amendment") is entered by and between the City of Brooklyn Center, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota ("Lessor") and Phu Bia Produce Limited Liability Company, a Minnesota limited liability company, 1350 Shingle Creek Crossing, Brooklyn Center, Minnesota ("Lessee"). Lessor and Lessee, collectively referred to herein as the "Parties", agree as follows:

RECITALS

- A. On February 15, 2022, the Parties executed a commercial lease agreement (the "Lease") for a premise located at 1350B Single Creek Crossing, Brooklyn Center, Minnesota (the "Premise").
- B. In the interest of clarifying certain terms and conditions of the Lease and avoid any confusion or uncertainty, the Parties desire to enter into this Amendment. Specifically, this Amendment clarifies and confirms the Lessee's monthly expense and insurance obligations.

AGREEMENT

- 1. Recitals. All recitals are incorporated by reference as terms of this Amendment.
- 2. Expenses. Paragraph 6 of the Lease is amended by deleting the ~~stricken~~ language as follows:

6. **EXPENSES:** [~~Check and Initial whether this Lease is Gross, Modified Gross, or Triple Net (NNN)~~]

☐ ~~**GROSS**~~. Tenant's Initials _____ Landlord's Initials _____

~~It is the intention of the Parties that this Lease be considered a "Gross Lease" and as such, the Base Rent is the entirety of the monthly rent. Therefore, the Lessee is not obligated to pay any additional expenses which includes utilities, real estate taxes, insurance (other than on the Lessee's personal property), charges or expenses of any nature whatsoever in connection with the ownership and operation of the Premises. The Lessor shall be obligated to maintain the general exterior structure of the Premises, in addition, shall maintain all major systems such as the heating, plumbing, and electrical. The parking area shall be maintained by the Lessor including the removal of any snow or environmental hazards as well as the grounds and lands surrounding the Premises. The Lessor shall maintain at their expense casualty insurance for the Premises against loss by fire which may or may not include any extended coverage. The Lessee will provide and maintain personal liability and property damage insurance as a lessee, at least to the limits of \$1,500,000.00 per occurrence, that will designate the Lessor as an "also~~

~~named insured", and shall provide the Lessor with a copy of such insurance certification or policy prior to the effective date of this Lease.~~

☐ ~~**MODIFIED GROSS.**~~ Tenant's Initials _____ Landlord's Initials _____

~~It is the intention of the Parties that this Lease shall be considered a "Modified Gross Lease".~~

In addition to the Base Rent, the Lessee shall be obligated to pay the following monthly expenses: Electricity, Gas, Water/Sewer, Plumbing maintenance (grease traps, drainage and pipes maintenance), Electrical maintenance, other minor repairs.

Lessor shall pay the following monthly expenses: Snow removal, Trash service, Parking lot maintenance, HVAC maintenance.

☐ ~~**TRIPLE NET (NNN).**~~ Tenant's Initials _____ Landlord's Initials _____

~~It is the intention of the Parties that this Lease shall be considered a "Triple Net Lease".~~

~~I. Operating Expenses. The Lessor shall have no obligation to provide any services, perform any acts, or pay expenses, charges, obligations or costs of any kind whatsoever with respect to the Premises. The Lessee hereby agrees to pay one hundred percent (100%) of any and all Operating Expenses as hereafter defined for the entire term of the Lease and any extensions thereof in accordance with specific provisions hereinafter set forth. The term "Operating Expenses" shall include all costs to the Lessor of operating and maintaining the Premises, and shall include, without limitation, real estate and personal property taxes and assessments, management fee(s), heating, air conditioning, HVAC, electricity, water, waste disposal, sewage, operating materials and supplies, service agreements and charges, lawn care, snow removal, restriping, repairs, repaving, cleaning and custodial, security, insurance, the cost of contesting the validity or applicability of any governmental acts which may affect operating expenses, and all other direct operating costs of operating and maintaining the Premises and related parking areas, unless expressly excluded from operating expenses.~~

~~II. Taxes. Lessee shall pay, during the term of this Lease, the real estate taxes including any special taxes or assessments (collectively, the "taxes") attributable to the Premises and accruing during such term. Lessee, at Lessor's option, shall pay to Lessor said taxes on a monthly basis, based on one twelfth (1/12) of the estimated annual amount for taxes. Taxes for any fractional calendar year during the term hereof shall be prorated. In the event the Lessee does not make any tax payment required hereunder, Lessee shall be in default of this Lease.~~

~~III. Insurance. Lessee shall maintain, at all times during the Term of this Lease, comprehensive general liability insurance in an insurance~~

~~company licensed to do business in the State in which the Premises are located and that is satisfactory to Lessor, properly protecting and indemnifying Lessor with single limit coverage of not less than~~

~~Dollars (\$) for injury to or
dollars (\$) death of
persons and~~

~~dollars (\$) for
property damage. During the Term of this Lease, Lessee shall furnish the
Lessor with certificate(s) of insurance, in a form acceptable to Lessor,
covering such insurance so maintained by Lessee and naming Lessor and
Lessor's mortgagees, if any, as additional insured.~~

3. Insurance. Paragraph 11 of the Lease is amended by adding the double-underlined language as follows:

11. INSURANCE: Lessee shall maintain, at all times during the Term of this Lease, comprehensive general liability insurance in an insurance company licensed to do business in the State in which the Premises are located and that is satisfactory to Lessor, properly protecting and indemnifying Lessor with single limit coverage of not less than One Million, Five Hundred Thousand Dollars (\$1,500,000) for injury to, or One Million Dollars (\$1,000,000) death of, persons and One Million Dollars (\$1,000,000) for property damage.

During the Term of this Lease, Lessee shall furnish the Lessor with certificate(s) of insurance, in a form acceptable to Lessor, covering such insurance so maintained by Lessee and naming Lessor and Lessor's mortgagees, if any, as additional insured. In the event the Lessee shall fail to obtain insurance required hereunder and fails to maintain the same in force continuously during the term, Lessor may, but shall not be required to, obtain the same and charge the Lessee for same as additional rent. Furthermore, Lessee agrees not to keep upon the Premises any articles or goods which may be prohibited by the standard form of fire insurance policy, and in the event the insurance rates applicable to fire and extended coverage covering the Premises shall be increased by reason of any use of the Premises made by Lessee, then Lessee shall pay to Lessor, upon demand, such increase in insurance premium as shall be caused by said use or Lessee's proportionate share of any such increase

4. Governing Law. This Amendment is governed and shall be interpreted by the laws of the State of Minnesota.
5. Counterparts; Electronic Signatures. This Amendment may be executed in one or more counterparts, each of which is deemed an original, and all of which together constitute one agreement. Electronic signatures may be used in lieu of original signatures.
6. Entire Agreement. This Amendment is the entire agreement of the Parties with respect to

the Amendment. The terms of this Amendment shall be binding on each of the party's assignees and subsidiaries.

Except as expressly provided in this Amendment, all other provisions of the Lease, are not modified and remain in effect.

7. Effectiveness. The submission of a draft or copy of this Amendment for review of signature is not an offer to enter into a legally binding agreement and may not be relied on for legal or equitable rights or obligations. The Parties shall be bound by the terms of this Amendment only upon its execution by the Parties.
8. Assignment. This Amendment may not be assigned without the City's prior written consent.

The Parties have executed this Amendment on the dates specified under their respective signatures.

[signature page follows]

[Signature Page to Amendment to Commercial Lease Agreement]

PHU BIA PRODUCE LIMITED LIABILITY
COMPANY:

By: _____

Name: _____
Its: Chief Manager

CITY OF BROOKLYN CENTER

By: _____

Name: April Graves
Its: Mayor

By: _____

Name: Dr. Reginald Edwards
Its: City Manager

Council Regular Meeting

DATE: 10/23/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Jesse Anderson, Community Development Director

SUBJECT: Resolution Approving an Amendment to the Commercial Lease Agreement with Phu Bia Limited Liability Company for Property Located at 1350 Shingle Creek Crossing

Requested Council Action:

- Motion to approve a resolution approving an amendment to the commercial lease agreement with Phu Bia limited liability company for property located at 1350 Shingle Creek Pkwy

Background:

1350B Shingle Creek Crossing was a vacant shell space the City constructed when the municipal liquor store was built. The intent of the shell space was to provide brick and mortar space for small business owners while maintaining commercial affordable in Brooklyn Center.

The EDA has approved a \$70,000 commercial build out loan to Phu Bia Produce LLC with the condition of executing a lease agreement between Phu Bia Produce LLC and City of Brooklyn Center.

The project scope consisted of new flooring, painted walls, walk in cooler, a brand new bathroom.

Prior to Phu Bia, the shell space was empty and under-utilize.

City of Brooklyn Center is charging a base rate of fifteen dollars (\$15) a square feet. Gross rent area is three thousand five hundred (3,500). Monthly rent collected from Phu Bia Produce LLC is four thousand three hundred and seventy five dollars (\$4,375). Rent payment is due the first of each month. Rent payments were to start on August 1, 2022. In lieu of no build out allowance on the shell space, six and a half months were granted to Phu Bia Produce LLC in order to support cashflow and minimize start up expenses.

Phu Bia was not able to open according to schedule due to equipment availability at that time, contractor issues, limited knowledge of navigating health department and city process. Phu Bia recently received their certificate of occupancy and is now ordering products to their store. They've built out the empty shell space that the City owned and received a certificate of occupancy. Without an operating business they have had a hard time paying rent and loan payments. Now that they are close to opening they anticipate being able to pay for their loan and lease going forward.

However, as of October 17, they owe \$65,625 in back rent, \$2,250 in late fees. They did make a payment of \$6,105 towards there loan. The past due balance on the loan is \$6,956.40.

After recent discussion with Mai Y Lor, they have stated that they do not have the funds to pay the back rent and past due loan payments. Also, she does not foresee the ability to add any additional monthly expenses in the near future. **Therefore, staff have prepared a resolutions modifying the loan and lease in order to address the past due balance. If the items is approved they are to start making lease payments on November 1, 2023.**

Further, City staff spoke with the City Attorney regarding actions that could be taken if the Council would prefer to not amend the lease and loan. According to the City Attorney, the following are potential actions that the City could take if there was no amendment.

- The lessee is in default for not paying rent. The City would provide at least 15 days-notice of default, and if not cured, the City can declare the lease terminated.
- The notice should include notice that personal property, equipment and fixtures must also be removed without damaging the premises.
- The City can immediately take possession of the premises, including personal property, equipment and fixtures.
- The City can commence an eviction action if the tenant remains on the premises.
- The City can bring suit against the lessee for amounts owed.
- The City can immediately make the premises ready for a new tenant, which includes removal of personal property, equipment and fixtures.
- If the City has to commence legal action, the lessee may be required to pay the City's attorney's fees.

With regard to the note and loan agreement, the City Attorneys recommendation would be that the City move forward as follows:

- The borrower is charged a default interest rate of 10% and the entire principal amount outstanding, accrued interest and any other charges due are immediately due and payable, without notice, at the option of the EDA. 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 payment.

- The EDA can cancel the agreement.
- The EDA can pursue remedies under the Personal Guaranty or the Security Agreement, which includes pursuing the individual who executed the Personal Guaranty, assuming the business did not have sufficient assets, or taking possession of the equipment as collateral against the loan.

Budget Issues:

The lease and loan payments were not listed as anticipated revenue in the 2023 budgets.

Inclusive Community Engagement:

Business is woman and BIPOC owned.

Antiracist/Equity Policy Effect:

Business will be a contributor to Brooklyn Center healthy food ecosystem.

Strategic Priorities and Values:

Enhanced Community Image, Inclusive Community Engagement

ATTACHMENTS:

Description	Upload Date	Type
Resolution	10/18/2023	Resolution Letter
Lease Amendment	10/18/2023	Exhibit
Original Lease	10/18/2023	Exhibit

T (612) 337-6100 F (612) 339-6591
100 Washington Ave S | Suite 1300
Minneapolis, MN 55401
siegelbrill.com

**SIEGEL
BRILL PA**
ATTORNEYS AT LAW

November 1, 2023

Jesse Anderson
Community Development Director
6301 Shingle Creek Pkwy
Brooklyn Center, MN 55430

Re: Phi Bia Produce

Dear Mr. Anderson:

This letter is written on behalf of my client, Phi Bia Produce. It is my understanding that the City is seeking rent for the past year. PBP was unable to open until recently due to the failure of the company from which PBP ordered its freezer to deliver the freezer. PBP had to find an alternative source for the freezer so it could open. PBP attempted to negotiate with the company, Back of the House, for the delivery of the freezer which PBP had ordered in March of 2022 and for which it paid Back of the House. PBP was finally forced to commence a lawsuit against Back of the House and that lawsuit is currently pending. PBP had to have the freezer in order to open and so its inability to open was out of its control.

Very truly yours,



Wm. Christopher Penwell

(612) 337-6104 | Direct
chrispenwell@siegelbrill.com

AGENDA



1. Call to Order

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

2. Roll Call

3. Approval of Consent Agenda

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

- a. Approval of Minutes
 - *Motion to approve the October 23, 2023, minutes.*

4. Commission Consideration Items

- a. Resolution Approving a Payment Plan for the Promissory Note for the Loan to Phu Bia Produce Limited Liability Company from the EDA Revolving Loan Fund
 - *A motion to approve a resolution approving a payment plan for the promissory note for the loan to Phu Bia Produce Limited Liability Company from the EDA revolving loan fund.*

5. Adjournment

Economic Development Authority

DATE: 11/27/2023

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 October 23, 2023, minutes.

Background:

Budget Issues:

N/A

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

ATTACHMENTS:

Description	Upload Date	Type
10.23 EDA	11/21/2023	Backup Material

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

REGULAR SESSION
OCTOBER 23, 2023
CITY HALL – COUNCIL CHAMBERS

1. CALL TO ORDER

The Brooklyn Center Economic Development Authority (EDA) met in Regular Session called to order by President April Graves at 10:00 p.m.

2. ROLL CALL

President April Graves and Commissioners Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Assistant City Manager/City Clerk Barb Suci, and City Attorney Jason Hill.

3. APPROVAL OF AGENDA AND CONSENT AGENDA

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

3a. APPROVAL OF MINUTES

1. October 9, 2023 – Regular Session

Motion passed unanimously.

4. COMMISSION CONSIDERATION ITEMS

**4a. RESOLUTION APPROVING AMENDED PROMISSORY NOTE FOR THE
LOAN TO PHU BIA PRODUCE LIMITED LIABILITY COMPANY FROM
THE EDA REVOLVING LOAN FUND**

Executive Director Reggie Edwards introduced the item and Community Development Director Jesse Anderson explained the purpose of the item was to extend the loan to allow more time for Phu Bia to repay the back rent.

Commissioner Jerzak stated he doesn't see the extension as beneficial as it may encourage the owner to spend more money on the venture.

Commissioner Kragness noted the owner has already indicated they are unable to pay additional monthly payments.

Mr. Anderson stated the monthly payment amount would stay the same, and the maturity date of the loan would be extended by eight months. The loan must be repaid whether or not it is extended by the EDA.

Commissioner Kragness asked why the measure wasn't taken earlier. Mr. Anderson stated Staff was working with the owner to help them open.

Commissioner Lawrence-Anderson asked if the measure would force a bankruptcy. Mr. Anderson stated he was unsure. If they cancel the lease and evict them, he is unsure if they will be able to make loan payments.

Commissioner Jerzak stated if the City is going to enter into negotiations with the owner, he would be more than willing to extend the loan. He stated he didn't want the owner to dig the hole any further. There is no sense in going after someone when they are down.

Commissioner Lawrence-Anderson suggested tabling the item for Staff to have a conversation with the owner to see what her preference would be.

Commissioner Lawrence-Anderson moved and Commissioner Butler seconded to table consideration of a resolution approving an amended promissory note for the loan to Phu Bia Produce Limited Liability Company from the EDA revolving loan fund.

Motion passed unanimously.

5. ADJOURNMENT

President Graves moved and Commissioner Butler seconded adjournment of the Economic Development Authority meeting at 10:06 p.m.

Motion passed unanimously.

Economic Development Authority

DATE: 11/27/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH:

BY: Jesse Anderson, Community Development Director

SUBJECT: Resolution Approving a Payment Plan for the Promissory Note for the Loan to Phu Bia Produce Limited Liability Company from the EDA Revolving Loan Fund

Requested Council Action:

- A motion to approve a resolution approving a payment plan for the promissory note for the loan to Phu Bia Produce Limited Liability Company from the EDA revolving loan fund.

Background:

At the October 30, 2023 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 make a decision on the payments.

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.

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.

Summary of Payment Agreement:

- 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 6 month grace period on the back due rent and loan payments.
 - The payments from 12/1/2023 to 05/01/2023 will be \$4,375 for rent and \$870.76 for the loan.
 - Starting on 06/01/2023 and ending on 01/31/2027 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 not 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 the lease.

Staff have reviewed the Easements with Covenants and Restrictions Agreement relating to Shingle Creek Crossings and the addition of the Phu Bia Produce is allowed. Only grocery stores over 15,000 square feet are restricted.

Budget Issues:

Inclusive Community Engagement:

Business is woman and BIPOC owned.

Antiracist/Equity Policy Effect:

Business will be a contributor to Brooklyn Center healthy food ecosystem.

Strategic Priorities and Values:

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/20/2023	Resolution Letter
Payment Plan	11/20/2023	Backup Material
Oct 27, 2023 City Council Memo	11/16/2023	Backup Material
Letter From Phu Bia Attorney	11/16/2023	Backup Material

Commissioner_____introduced the following resolution and moved its adoption:

EDA RESOLUTION NO. 2023-_____

RESOLUTION APPROVING A PAYMENT PLAN FOR THE PROMISSORY
NOTE FOR THE LOAN TO PHU BIA PRODUCE LIMITED LIABILITY
COMPANY FROM THE EDA REVOLVING LOAN FUND

WHEREAS, the Economic Development Authority of Brooklyn Center, Minnesota (the “EDA”) previously approved a Revolving Loan Fund Program (the “Program”), which is administered by the EDA pursuant to its adopted policies, procedures, and guidelines; and

WHEREAS, Phu Bia Produce Limited Liability Company, a Minnesota limited liability company (the “Borrower”), submitted a Program application requesting assistance to help finance certain physical improvements to the building located at 1350 Shingle Creek Crossing, Brooklyn Center, Minnesota, including a walk-in cooler, restrooms, sidings and polishing of exiting concrete floor deemed necessary for the operation of a retail store used for produce distribution (the “Project”); and

WHEREAS, the EDA approved the request and entered into a Loan Agreement with the Borrower in accordance with the Program; and

WHEREAS, the load was secured by a Promissory Note, a Security Agreement from the Borrower and a Personal Guaranty from the owner of the Borrower; and

WHEREAS, in conjunction with the loan, on or about February 15, 2022, the Borrower and the City of Brooklyn Center entered into a Commercial Lease Agreement with regard to the Subject Property, which is owned by the City of Brooklyn Center; and

WHEREAS, the Borrower experienced significant difficulties completing the renovation of the Subject Property and as a result, was unable to commence retail operations on the Subject Property until October 31, 2023; and

WHEREAS, due to the delay in commencing retail operations, the Borrower was unable to make rent payments, which were to commence on August 1, 2022, and has only made a total cumulative payment of \$6,105 toward the payment obligations under the Loan Agreement and Promissory Note; and

WHEREAS, the Borrower has agreed to implement a payment plan that would allow the City to recover past due payment obligations under the Loan Agreement and Promissory Note; and

WHEREAS, the EDA and the Borrower desire to enter into the Payment Plan Agreement to allow the Borrower to continue commercial retail operations on the Subject Property and to allow the City to recover all payments due and owing under the Loan Agreement and Promissory Note.

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 Payment Plan Agreement, attached hereto and incorporated herein as Exhibit A, in substantially the form presented to the Board, together with any related documents necessary in connection therewith, subject to modifications that do not alter the substance of the Payment Plan Agreement and that are approved by the President and Executive Director. The execution of any related documents by those officials shall be conclusive evidence of their approval.
2. The approval hereby given to the Payment Plan Agreement includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by legal counsel to the EDA and by the President and Executive Director; and said officers are hereby authorized to approve said changes on behalf of the EDA. The execution of any instrument by the appropriate officers of the EDA herein authorized shall be conclusive evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of the officers, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the Board by any duly designated acting official, or by such other officer or officers of the Board as, in the opinion of the City Attorney, may act in their behalf.
3. Upon execution and delivery of the Payment Plan Agreement, the officers and employees of the EDA are hereby authorized and directed to take or cause to be taken such actions as may be necessary on behalf of the EDA to implement the Payment Plan Agreement.
4. The Board hereby determines that the execution and performance of the Payment Plan Agreement will help realize the public purposes of the Economic Development Authority Act.

Date

President

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

EXHIBIT A
Payment Plan Agreement

[attached hereto]

PAYMENT PLAN AGREEMENT

This Payment Plan Agreement (the “Agreement”) is made this ____ day of _____, 2023, by Phu Bia Produce Limited Liability Company, a Minnesota limited liability company (the “Payer”), the City of Brooklyn Center, a municipal corporation under the laws of Minnesota (the “City”) and the Economic Development Authority of Brooklyn Center, a public body corporate and politic under the laws of Minnesota (the “EDA”).

RECITALS

- A. The City and the Payer executed a commercial lease agreement (the “Lease”) on February 15, 2022 for a premise located at 1350B Single Creek Crossing, Brooklyn Center, Minnesota (the “Premise”).
- B. Per the Lease, Payer agreed to pay rent in the amount of \$4,375 (four thousand three hundred and seventy-five dollars) once a month for their use of the Premise until expiration of the Lease on January 31, 2027.
- C. The EDA and Payer also executed a Loan Agreement (the “Loan Agreement”) on February 15, 2022, for a loan under the EDA’s Revolving Loan Fund Program. The Payer also executed a Promissory Note (the “Note”) and the Payer and the EDA executed a Security Agreement (the “Security”) related to the loan and as required in the Loan Agreement. Mai Y Lor also executed a Personal Guaranty (the “Guaranty”) related to the loan and as required in the Loan Agreement.
- D. Under the Loan Agreement and the Note, the City lent Payer \$70,000 (seventy thousand dollars) with an annual interest rate of 1.25%.
- E. The Loan Agreement and the Note state that Payer will make monthly payments of \$870.76 (eight hundred and seventy dollars and seventy-six cents) beginning on August 1st, 2022 and finishing 84 months later, on August 1st 2029, once the loan and accrued interest was fully satisfied.
- F. To date, the Payer has not made any rent payments as required by the Lease but continues to use the Premise.
- G. Including the \$150 monthly late fee for failure to pay rent, the Payer is delinquent \$72,400 (seventy-two thousand four hundred dollars) in rental payments.
- H. To date, the Payer has made a single payment of \$6,105 (six thousand one hundred and five dollars) pursuant to the Loan Agreement and the Note.
- I. The Payer is delinquent \$6,959.40 (six thousand nine hundred and fifty-nine dollars and forty cents) in loan repayment pursuant to the Loan Agreement and the Note.
- J. In total, the Payer is delinquent \$79,356.40 (seventy-nine thousand three hundred and fifty-six dollars and forty cents) to the City and the EDA.
- K. The City and EDA agree to temporarily forbear exercising its available remedies for the Payer’s default under the Loan Agreement, the Note, the Security, the Guaranty and the Lease

provided that the Payer continues to make payments following the payment schedule outlined in this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

1. Payer Acknowledges Default. As set forth in the foregoing recitals, Payer hereby acknowledges that it is in default of the Loan Agreement, the Note and the Lease and that the City and the EDA have all rights to exercise their remedies under the Loan Agreement, the Note, the Security, the Guaranty and the Lease.
2. City and EDA's Forbearance Conditioned upon Repayment of the Outstanding Debt. The City and the EDA shall forbear pursuing their remedies under the Loan Agreement, the Note and Lease provided that Payer shall make payments to the City and the EDA on the Outstanding Debt in accordance with the payment plan attached as **EXHIBIT A** to this Agreement. Failure of Payer to timely make any of the foregoing payments shall, automatically and without any required notice to the Payer, release the City and the EDA from the foregoing agreement to forbear and shall permit the City and the EDA to pursue all remedies against Payer set forth in the Loan Agreement, the Note, the Security, the Guaranty and the Lease notwithstanding any provisions contained in this Agreement.
3. Loan Agreement, Note, Security, Guaranty and Lease. Subject to forbearance, the City and EDA retain all rights under the Loan Agreement, Note, Security, Guaranty and Lease including recovery of attorney's fees.

IN WITNESS WHEREOF, this Agreement has been duly executed and delivered by the proper officers thereunto duly authorized on the day and year first written above.

CITY OF BROOKLYN CENTER

By _____
Its Mayor

By _____
Its City Manager

**ECONOMIC DEVELOPMENT AUTHORITY
OF BROOKLYN CENTER**

By: _____

Name: _____

Its: President

By: _____

Name: _____

Its: Executive Director

**PHU BIA PRODUCE LIMITED LIABILITY
COMPANY**

By _____

Its _____

EXHIBIT A

Payment Plan

Payment Plan - Payback by January 31, 2027 Renewal with 6 Month Deferred		
Payment Date Range	12/1/2023 - 05/01/2024	06/01/2024 - 1/31/2027
Monthly Base Rent	\$4,375	\$4,375
Back Pay Payment Plan		\$2,262.50
		\$217.39
Loan Payments	\$870.76	\$870.76
Total Monthly Payment	\$5,246	\$7,726

Council Regular Meeting

DATE: 10/23/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Jesse Anderson, Community Development Director

SUBJECT: Resolution Approving an Amendment to the Commercial Lease Agreement with Phu Bia Limited Liability Company for Property Located at 1350 Shingle Creek Crossing

Requested Council Action:

- Motion to approve a resolution approving an amendment to the commercial lease agreement with Phu Bia limited liability company for property located at 1350 Shingle Creek Pkwy

Background:

1350B Shingle Creek Crossing was a vacant shell space the City constructed when the municipal liquor store was built. The intent of the shell space was to provide brick and mortar space for small business owners while maintaining commercial affordable in Brooklyn Center.

The EDA has approved a \$70,000 commercial build out loan to Phu Bia Produce LLC with the condition of executing a lease agreement between Phu Bia Produce LLC and City of Brooklyn Center.

The project scope consisted of new flooring, painted walls, walk in cooler, a brand new bathroom.

Prior to Phu Bia, the shell space was empty and under-utilize.

City of Brooklyn Center is charging a base rate of fifteen dollars (\$15) a square feet. Gross rent area is three thousand five hundred (3,500). Monthly rent collected from Phu Bia Produce LLC is four thousand three hundred and seventy five dollars (\$4,375). Rent payment is due the first of each month. Rent payments were to start on August 1, 2022. In lieu of no build out allowance on the shell space, six and a half months were granted to Phu Bia Produce LLC in order to support cashflow and minimize start up expenses.

Phu Bia was not able to open according to schedule due to equipment availability at that time, contractor issues, limited knowledge of navigating health department and city process. Phu Bia recently received their certificate of occupancy and is now ordering products to their store. They've built out the empty shell space that the City owned and received a certificate of occupancy. Without an operating business they have had a hard time paying rent and loan payments. Now that they are close to opening they anticipate being able to pay for their loan and lease going forward.

However, as of October 17, they owe \$65,625 in back rent, \$2,250 in late fees. They did make a payment of \$6,105 towards there loan. The past due balance on the loan is \$6,956.40.

After recent discussion with Mai Y Lor, they have stated that they do not have the funds to pay the back rent and past due loan payments. Also, she does not foresee the ability to add any additional monthly expenses in the near future. **Therefore, staff have prepared a resolutions modifying the loan and lease in order to address the past due balance. If the items is approved they are to start making lease payments on November 1, 2023.**

Further, City staff spoke with the City Attorney regarding actions that could be taken if the Council would prefer to not amend the lease and loan. According to the City Attorney, the following are potential actions that the City could take if there was no amendment.

- The lessee is in default for not paying rent. The City would provide at least 15 days-notice of default, and if not cured, the City can declare the lease terminated.
- The notice should include notice that personal property, equipment and fixtures must also be removed without damaging the premises.
- The City can immediately take possession of the premises, including personal property, equipment and fixtures.
- The City can commence an eviction action if the tenant remains on the premises.
- The City can bring suit against the lessee for amounts owed.
- The City can immediately make the premises ready for a new tenant, which includes removal of personal property, equipment and fixtures.
- If the City has to commence legal action, the lessee may be required to pay the City's attorney's fees.

With regard to the note and loan agreement, the City Attorneys recommendation would be that the City move forward as follows:

- The borrower is charged a default interest rate of 10% and the entire principal amount outstanding, accrued interest and any other charges due are immediately due and payable, without notice, at the option of the EDA. 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 payment.

- The EDA can cancel the agreement.
- The EDA can pursue remedies under the Personal Guaranty or the Security Agreement, which includes pursuing the individual who executed the Personal Guaranty, assuming the business did not have sufficient assets, or taking possession of the equipment as collateral against the loan.

Budget Issues:

The lease and loan payments were not listed as anticipated revenue in the 2023 budgets.

Inclusive Community Engagement:

Business is woman and BIPOC owned.

Antiracist/Equity Policy Effect:

Business will be a contributor to Brooklyn Center healthy food ecosystem.

Strategic Priorities and Values:

Enhanced Community Image, Inclusive Community Engagement

ATTACHMENTS:

Description	Upload Date	Type
Resolution	10/18/2023	Resolution Letter
Lease Amendment	10/18/2023	Exhibit
Original Lease	10/18/2023	Exhibit

T (612) 337-6100 F (612) 339-6591
100 Washington Ave S | Suite 1300
Minneapolis, MN 55401
siegelbrill.com

**SIEGEL
BRILL PA**
ATTORNEYS AT LAW

November 1, 2023

Jesse Anderson
Community Development Director
6301 Shingle Creek Pkwy
Brooklyn Center, MN 55430

Re: Phi Bia Produce

Dear Mr. Anderson:

This letter is written on behalf of my client, Phi Bia Produce. It is my understanding that the City is seeking rent for the past year. PBP was unable to open until recently due to the failure of the company from which PBP ordered its freezer to deliver the freezer. PBP had to find an alternative source for the freezer so it could open. PBP attempted to negotiate with the company, Back of the House, for the delivery of the freezer which PBP had ordered in March of 2022 and for which it paid Back of the House. PBP was finally forced to commence a lawsuit against Back of the House and that lawsuit is currently pending. PBP had to have the freezer in order to open and so its inability to open was out of its control.

Very truly yours,



Wm. Christopher Penwell

(612) 337-6104 | Direct
chrispenwell@siegelbrill.com

**Council/EDA Work
Session**

City Hall Council Chambers
November 27, 2023

AGENDA



ACTIVE DISCUSSION ITEMS

1. Draft Adjusted Capital Improvement Plan 2024 – 2038

Discuss a draft of the adjusted 2024-2038 Capital Improvement Plan (CIP). The draft has been adjusted in response to the findings of the City's Capital Building Maintenance Program study. It also has been adjusted to reflect where the City will be applying for Metropolitan Council Regional Solicitation grant projects.

PENDING LIST FOR FUTURE WORK SESSIONS

1. Upcoming Items

- 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

Council/EDA Work Session

DATE: 11/27/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Elizabeth Heyman - Director of Public Works

SUBJECT: Draft Adjusted Capital Improvement Plan 2024 – 2038

Requested Council Action:

Discuss a draft of the adjusted 2024-2038 Capital Improvement Plan (CIP). The draft has been adjusted in response to the findings of the City's Capital Building Maintenance Program study. It also has been adjusted to reflect where the City will be applying for Metropolitan Council Regional Solicitation grant projects.

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

ATTACHMENTS:

Description	Upload Date	Type
Draft Adjusted 2024-2038 CIP	11/20/2023	Exhibit
Draft CMBP Adjustments	11/20/2023	Backup Material

DRAFT Capital Improvement Program (2024 - 2038)

Project	Special Assessments	Street Reconst. Fund	MSA Fund	Storm Drainage Utility	Sanitary Sewer Utility	Water Utility	Street Light Utility	Capital Projects Funds	Outside Funds		Total Project Cost
2024											
Orchard Lane East Improvements	\$1,496,129	\$3,443,871	\$0	\$884,000	\$1,990,000	\$3,978,000	\$0	\$0	\$0		\$11,792,000
Park Capital Planning Study	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$300,000	\$0		\$300,000
Hazardous Tree Management and Reforestation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	\$0		\$150,000
Park Playground Equipment Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$313,000	\$0		\$313,000
Basketball Courts Pavement Replacements	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$148,000	\$0		\$148,000
65th Avenue Trunk Storm Sewer Rehabilitation	\$0	\$0	\$0	\$1,736,000	\$0	\$0	\$0	\$0	\$0		\$1,736,000
Storm Water Pond 48-001 Rehab	\$0	\$0	\$0	\$368,000	\$0	\$0	\$0	\$0	\$0		\$368,000
Lift Station No. 5 Rehabilitation	\$0	\$0	\$0	\$0	\$363,000	\$0	\$0	\$0	\$0		\$363,000
Lift Station No. 9 Rehabilitation	\$0	\$0	\$0	\$0	\$806,000	\$0	\$0	\$0	\$0		\$806,000
Lift Station No. 9 Force Main Replacement	\$0	\$0	\$0	\$0	\$418,000	\$0	\$0	\$0	\$0		\$418,000
Well Nos. 6 and 8; Water Treatment Plant HSP No. 4	\$0	\$0	\$0	\$0	\$0	\$202,000	\$0	\$0	\$0		\$202,000
I694/Dupont Ave Water Main Crossing Replacement	\$0	\$0	\$0	\$0	\$0	\$1,931,000	\$0	\$0	\$0		\$1,931,000
Capital Maintenance Building Plan (CMBP) Evaluation Study	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$64,000	\$0		\$64,000
Cascade System Replacement (Fire)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$91,000	\$0		\$91,000
CMBP: Police - HVAC / Electrical Systems	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$371,250	\$0		\$371,250
CMBP: Public Works - Lighting System Upgrade	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$35,000	\$75,000		\$110,000
CMBP: City Hall - Elevator 2	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$206,250	\$0		\$206,250
CMBP: West Fire - Roof Replacement / HVAC System	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$728,550	\$0		\$728,550
2024 Subtotal	\$1,496,129	\$3,443,871	\$0	\$2,988,000	\$3,577,000	\$6,111,000	\$0	\$2,407,050	\$75,000		\$20,098,050
2025											
53rd and Xerxes Avenue Improvements	\$80,000	\$500,000	\$0	\$130,000	\$0	\$0	\$50,000	\$0	\$0		\$760,000
Hazardous Tree Management and Reforestation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	\$0		\$150,000
Earle Brown/Opportunity Area Street Light Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$391,000	\$0	\$0		\$391,000
Storm Water Pond 17-001 Rehab	\$0	\$0	\$0	\$166,000	\$0	\$0	\$0	\$0	\$0		\$166,000
Well Nos. 2 and 3; Water Treatment Plant HSP (BW)	\$0	\$0	\$0	\$0	\$0	\$208,000	\$0	\$0	\$0		\$208,000
Well No. 11: Well and Pumphouse	\$0	\$0	\$0	\$0	\$0	\$2,700,000	\$0	\$0	\$0		\$2,700,000
Water Treatment Plant Redundant Water Main Connection	\$0	\$0	\$0	\$0	\$0	\$1,014,000	\$0	\$0	\$0		\$1,014,000
CMBP: Public Works Garage - Roof Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$948,853	\$0		\$948,853
CMBP: Public Works Garage - Doors, windows, and other equipment upgrades	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$151,074	\$0		\$151,074
CMBP: Community Center- Air Handlers No. 4 & 5	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$110,000	\$0		\$110,000
CMBP: East/West Fire - Parking Lot Mill & Overlay	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$416,067	\$0		\$416,067
CMBP: Police - Roof Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$528,275	\$0		\$528,275
CMBP: Police - Exterior and Interior Capital Replacements	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$261,044	\$0		\$261,044
2025 Subtotal	\$80,000	\$500,000	\$0	\$296,000	\$0	\$3,922,000	\$441,000	\$2,565,313	\$0	\$0	\$7,804,313

Project	Special Assessments	Street Reconst. Fund	MSA Fund	Storm Drainage Utility	Sanitary Sewer Utility	Water Utility	Street Light Utility	Capital Projects Funds	Outside Funds	Total Project Cost
2026										
Orchard Lane West Area Improvements	\$2,060,000	\$4,560,000	\$0	\$1,770,000	\$2,450,000	\$190,000	\$200,000	\$0	\$0	\$11,230,000
67th Avenue and James Avenue Mill and Overlay	\$190,000	\$120,000	\$0	\$130,000	\$10,000	\$60,000	\$20,000	\$0	\$0	\$530,000
68th Avenue and Lee Avenue Mill and Overlay	\$130,000	\$120,000	\$0	\$110,000	\$10,000	\$70,000	\$20,000	\$0	\$0	\$460,000
John Martin Drive Mill and Overlay	\$130,000	\$0	\$260,000	\$40,000	\$10,000	\$50,000	\$60,000	\$0	\$0	\$550,000
St. Alphonses Area Mill and Overlay	\$380,000	\$300,000	\$0	\$280,000	\$40,000	\$160,000	\$50,000	\$0	\$0	\$1,210,000
Hazardous Tree Management and Reforestation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	\$0	\$150,000
Dog Park Project	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$260,000	\$0	\$260,000
Hockey Rink Rehabilitation/Replacements	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$329,000	\$0	\$329,000
Irrigation Systems Rehabilitation/Replacements	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$148,000	\$0	\$148,000
61st & Perry Avenues Storm Sewer Improvement	\$0	\$0	\$0	\$215,000	\$0	\$0	\$0	\$0	\$0	\$215,000
Storm Water Ponds 41-001, 41-002 & 53-001 Rehab	\$0	\$0	\$0	\$168,000	\$0	\$0	\$0	\$0	\$0	\$168,000
Lift Station Nos. 3 Rehabilitation	\$0	\$0	\$0	\$0	\$363,000	\$0	\$0	\$0	\$0	\$363,000
Well No. 5 and Water Treatment Plant HSP No. 3	\$0	\$0	\$0	\$0	\$0	\$118,000	\$0	\$0	\$0	\$118,000
CMBP: City Hall - Community Development Office Remodel	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$276,000	\$0	\$276,000
CMBP: Community Center - Water Slide Skylight	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$60,000	\$0	\$60,000
CMBP: Public Works Cold - Roof Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$128,000	\$0	\$128,000
CMBP: Public Works Salt - Roof Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$61,000	\$0	\$61,000
2026 Subtotal	\$2,890,000	\$5,100,000	\$260,000	\$2,713,000	\$2,883,000	\$648,000	\$350,000	\$1,412,000	\$0	\$16,256,000
2027										
Meadowlark Gardens Area Improvements	\$560,000	\$960,000	\$660,000	\$510,000	\$120,000	\$390,000	\$120,000	\$0	\$0	\$3,320,000
Humboldt Avenue (CR 57) Reconstruction (53rd to 57th)	\$370,000	\$770,000	\$0	\$225,000	\$620,000	\$730,000	\$20,000	\$0	\$2,985,000	\$5,720,000
Humboldt Avenue Mill and Overlay (65th to 69th)	\$120,000	\$0	\$640,000	\$80,000	\$30,000	\$20,000	\$10,000	\$0	\$0	\$900,000
Humboldt Avenue Improvements (69th to 73rd)	\$160,000	\$0	\$680,000	\$140,000	\$470,000	\$250,000	\$30,000	\$0	\$0	\$1,730,000
Traffic Sig Sys Rehab (Shingle Creek Pkwy/Summit)	\$0	\$154,000	\$461,000	\$0	\$0	\$0	\$0	\$0	\$0	\$615,000
Traffic Sig Sys Rehab. (Shingle Creek Pkwy/John Martin)	\$0	\$154,000	\$461,000	\$0	\$0	\$0	\$0	\$0	\$0	\$615,000
Soccer Project	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$200,000	\$800,000	\$1,000,000
Hazardous Tree Management and Reforestation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	\$0	\$150,000
Park Name Sign Replacements	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$79,000	\$0	\$79,000
Softball/Baseball Fence Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$67,000	\$0	\$67,000
69th Avenue Trail Reconstruction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$227,000	\$0	\$227,000
69th Avenue Landscape Rehabilitation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$152,000	\$0	\$152,000
Evergreen, Firehouse & Northport Park Security Improvements	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$269,000	\$0	\$269,000
Well No. 10 and Water Treatment Plant HSP No. 1	\$0	\$0	\$0	\$0	\$0	\$121,000	\$0	\$0	\$0	\$121,000
Freeway and Highway Utility Crossing Replacement	\$0	\$0	\$0	\$0	\$249,000	\$551,000	\$0	\$0	\$0	\$800,000
CMBP: Civic Center - Cooling Replace (Chillers/condensers)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$141,000	\$0	\$141,000
CMBP: West Fire - Generator/Transfer Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$200,000	\$0	\$200,000
CMBP: Police - Condenser Jail	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$70,000	\$0	\$70,000
2027 Subtotal	\$1,210,000	\$2,038,000	\$2,902,000	\$955,000	\$1,489,000	\$2,062,000	\$180,000	\$1,555,000	\$3,785,000	\$16,176,000
2028										
Garden City Central Area Mill and Overlay	\$710,000	\$2,120,000	\$340,000	\$1,160,000	\$440,000	\$110,000	\$0	\$0	\$0	\$4,880,000
Earle Brown Drive Area Improvements	\$700,000	\$1,090,000	\$530,000	\$150,000	\$20,000	\$20,000	\$0	\$0	\$0	\$2,510,000
Shingle Creek Pkwy and Xerxes Ave Mill and Overlay	\$540,000	\$0	\$1,240,000	\$310,000	\$30,000	\$480,000	\$90,000	\$0	\$0	\$2,690,000
65th/66th Avenue and Camden Avenue Mill and Overlay	\$110,000	\$310,000	\$730,000	\$180,000	\$320,000	\$20,000	\$0	\$0	\$0	\$1,670,000
73rd Avenue Mill and Overlay (Humboldt to Camden)	\$30,000	\$95,000	\$130,000	\$75,000	\$20,000	\$10,000	\$0	\$0	\$330,000 (D)	\$690,000
Hazardous Tree Management and Reforestation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	\$0	\$150,000
Park Trail and Parking Lot Lighting Improvements	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$420,000	\$0	\$420,000
Community Center: Phase 1	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$10,000,000	\$5,000,000	\$15,000,000
Centennial Park Improvements	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$154,000	\$0	\$154,000

DRAFT Capital Improvement Program (2024 - 2038)

Project	Special Assessments	Street Reconst. Fund	MSA Fund	Storm Drainage Utility	Sanitary Sewer Utility	Water Utility	Street Light Utility	Capital Projects Funds	Outside Funds		Total Project Cost
Centennial Park Softball Field Improvements	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$614,000	\$0		\$614,000
Water Meter Full System Replacement	\$0	\$0	\$0	\$0	\$596,000	\$1,894,000	\$0	\$0	\$0		\$2,490,000
Well No. 7 and Water Treatment Plant HSP No. 2	\$0	\$0	\$0	\$0	\$0		\$0	\$0	\$0		\$0
Emergency Responder Radio Replacement (Police/Fire/PW)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$600,000	\$0		\$600,000
2028 Subtotal	\$2,090,000	\$3,615,000	\$2,970,000	\$1,875,000	\$1,426,000	\$2,534,000	\$90,000	\$11,938,000	\$5,330,000		\$31,868,000
NOTES: (D) 50% Cost sharing of street & storm with City of Brooklyn Park (\$295k) per 1999 agreement											
2029											
69th Ave (CSAH 130) Reconstruction (Unity to Brooklyn Blvd)	\$0	\$946,000	\$0	\$228,000	\$900,000	\$1,140,000	\$10,000	\$0	\$4,696,000		\$7,920,000
Retaining Wall Replacement (miscellaneous locations)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$132,000	\$0		\$132,000
TH 252/66th Interchange and 70th Pedestrian Overpass	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$35,000,000	(C)	\$35,000,000
Hazardous Tree Management and Reforestation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	\$0		\$150,000
Storm Water Ponds 11-001, 59-003, 60-003, 63-001, 63-002 & 64-001 Rehab	\$0	\$0	\$0	\$124,000	\$0	\$0	\$0	\$0	\$0		\$124,000
Lift Station Nos. 7 and 10 Rehabilitation	\$0	\$0	\$0	\$0	\$1,256,000	\$0	\$0	\$0	\$0		\$1,256,000
Well Nos. 4 and 9 and Water Treatment Plant HSP No. 4	\$0	\$0	\$0	\$0	\$0	\$234,000	\$0	\$0	\$0		\$234,000
CMBP: City Hall - Ribbon Window Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$94,000	\$0		\$94,000
CMBP: Community Center - Ribbon Window Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$112,000	\$0		\$112,000
2029 Subtotal	\$0	\$946,000	\$0	\$352,000	\$2,156,000	\$1,374,000	\$10,000	\$488,000	\$39,696,000		\$45,022,000
2030											
Garden City North Area Mill and Overlay	\$640,000	\$2,890,000	\$0	\$2,940,000	\$860,000	\$720,000	\$0	\$0	\$0		\$8,050,000
Garden City South Area Mill and Overlay	\$490,000	\$2,760,000	\$1,170,000	\$1,580,000	\$870,000	\$1,890,000	\$10,000	\$0	\$0		\$8,770,000
Hazardous Tree Management and Reforestation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	\$0		\$150,000
Sanitary Sewer Lining (Miss. River Trunk N. of I-694 to 70th/Willow)	\$0	\$0	\$0	\$0	\$1,777,000	\$0	\$0	\$0	\$0		\$1,777,000
Lift No. 2 Forcemain Lining (Under I-94)	\$0	\$0	\$0	\$0	\$293,000	\$0	\$0	\$0	\$0		\$293,000
Well Nos. 6 and 8; Water Treatment Plant HSP (BW)	\$0	\$0	\$0	\$0	\$0	\$241,000	\$0	\$0	\$0		\$241,000
CMBP: City Hall - Main Switch Gear Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$297,000	\$0		\$297,000
CMBP: Community Center - Carpet Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$76,000	\$0		\$76,000
2030 Subtotal	\$1,130,000	\$5,650,000	\$1,170,000	\$4,520,000	\$3,800,000	\$2,851,000	\$10,000	\$523,000	\$0		\$19,654,000

DRAFT Capital Improvement Program (2024 - 2038)

Project	Special Assessments	Street Reconst. Fund	MSA Fund	Storm Drainage Utility	Sanitary Sewer Utility	Water Utility	Street Light Utility	Capital Projects Funds	Outside Funds	Total Project Cost
2031										
Southwest Area Mill and Overlay	\$560,000	\$1,530,000	\$1,350,000	\$1,180,000	\$610,000	\$1,330,000	\$60,000	\$0	\$0	\$6,620,000
Hazardous Tree Management and Reforestation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	\$0	\$150,000
Park Bleacher Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$69,000	\$0	\$69,000
Storm Water Pond 57-004, 57-005 & 70-002 Rehab	\$0	\$0	\$0	\$76,000	\$0	\$0	\$0	\$0	\$0	\$76,000
Lift Station No. 1 Generator Replacement	\$0	\$0	\$0	\$0	\$240,000	\$0	\$0	\$0	\$0	\$240,000
Well Nos. 2 and 3 and Water Treatment Plant HSP No. 3	\$0	\$0	\$0	\$0	\$0	\$245,000	\$0	\$0	\$0	\$245,000
CMBP: City Hall - Brick Veneer Restoration	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$148,000	\$0	\$148,000
CMBP: Community Center - Brick Veneer Restoration	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$231,000	\$0	\$231,000
2031 Subtotal	\$560,000	\$1,530,000	\$1,350,000	\$1,256,000	\$850,000	\$1,575,000	\$60,000	\$598,000	\$0	\$7,779,000
2032										
Happy Hollow Mill and Overlay	\$310,000	\$1,430,000	\$380,000	\$920,000	\$230,000	\$410,000	\$60,000	\$0	\$0	\$3,740,000
Southeast Alleys Improvements	\$1,450,000	\$0	\$0	\$0	\$0	\$0	\$10,000	\$0	\$0	\$1,460,000
Hazardous Tree Management and Reforestation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	\$0	\$150,000
Park Bleacher Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$92,000	\$0	\$92,000
Brooklyn Blvd Street Light Replacement (65th to BP Border)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$990,000	\$0	\$990,000
Storm Water Pond 12-002, 12-003, 12-004, 12-005 & 18-001 Rehab		\$0	\$0	\$712,000	\$0	\$0	\$0	\$0	\$0	\$712,000
Well No. 5 and Water Treatment Plant HSP No. 1	\$0	\$0	\$0	\$0	\$0	\$137,000	\$0	\$0	\$0	\$137,000
CMBP: East Fire - Epoxy Floor Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$56,000	\$0	\$56,000
CMBP: West Fire - Epoxy Floor Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$76,000	\$0	\$76,000
CMBP: Public Works - Exterior Paint	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$120,000	\$0	\$120,000
CMBP: Public Works - Make Up Air (2) Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$188,000	\$0	\$188,000
2032 Subtotal	\$1,760,000	\$1,430,000	\$380,000	\$1,632,000	\$230,000	\$547,000	\$70,000	\$1,672,000	\$0	\$7,721,000
2033										
Northport Area Mill and Overlay	\$360,000	\$1,200,000	\$690,000	\$690,000	\$120,000	\$60,000	\$0	\$0	\$0	\$3,120,000
Traffic Sig Sys Rehab.(65th Avenue/Dupont Ave)	\$0	\$0	\$702,000	\$0	\$0	\$0	\$0	\$0	\$0	\$702,000
Traffic Sig Sys Rehab.(66th Ave/Camden Ave)	\$0	\$351,000	\$351,000	\$0	\$0	\$0	\$0	\$0	\$0	\$702,000
Hazardous Tree Management and Reforestation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	\$0	\$150,000
Evergreen Park Football/Soccer Field Improvements	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$151,000	\$0	\$151,000
Well No. 10 and Water Treatment Plant HSP No. 2	\$0	\$0	\$0	\$0	\$0	\$139,000	\$0	\$0	\$0	\$139,000
Self Contained Breathing Apparatus (SCBA) Replacement (Fire)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$612,500	\$0	\$612,500
CMBP: Public Works - Main Switch Gear Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$263,000	\$0	\$263,000
CMBP: Public Works - Generator/Transfer Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$205,000	\$0	\$205,000
2033 Subtotal	\$360,000	\$1,551,000	\$1,743,000	\$690,000	\$120,000	\$199,000	\$0	\$1,381,500	\$0	\$6,044,500
2034										
Lions Park South Mill and Overlay	\$390,000	\$1,760,000	\$0	\$860,000	\$110,000	\$60,000	\$0	\$0	\$0	\$3,180,000
73rd Avenue (Penn to Humboldt) Mill and Overlay	\$40,000	\$195,000	\$0	\$95,000	\$150,000	\$220,000	\$0	\$0	\$330,000 (E)	\$1,030,000
Well No. 7 and Water Treatment Plant HSP No. 4	\$0	\$0	\$0	\$0	\$0	\$141,000	\$0	\$0	\$0	\$141,000
CMBP: Public Works - Make Up Air (2) Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$113,000	\$0	\$113,000
CMBP: East/West Fire - Overhead Door Replacements	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$253,000	\$0	\$253,000
CMBP: Community Center - Sauna Reconstruction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$115,000	\$0	\$115,000
2034 Subtotal	\$430,000	\$1,955,000	\$0	\$955,000	\$260,000	\$421,000	\$0	\$481,000	\$330,000	\$4,832,000
NOTES: (E) 50% Cost sharing of street & storm with City of Brooklyn Park (\$285k) per 2004 agreement										
2035										
Centerbrook Area Mill and Overlay	\$280,000	\$1,440,000	\$0	\$660,000	\$90,000	\$50,000	\$0	\$0	\$0	\$2,520,000
Shingle Creek Pkwy/Summit Dr/Earle Brown Mill and Overlay	\$490,000	\$540,000	\$2,720,000	\$540,000	\$540,000	\$1,310,000	\$0	\$0	\$0	\$6,140,000
Well Nos. 4 and 9 and Water Treatment Plant HSP (BW)	\$0	\$0	\$0	\$0	\$0	\$260,000	\$0	\$0	\$0	\$260,000

Project	Special Assessments	Street Reconst. Fund	MSA Fund	Storm Drainage Utility	Sanitary Sewer Utility	Water Utility	Street Light Utility	Capital Projects Funds	Outside Funds		Total Project Cost
CMBP: Community Center - RTU #1 & #2	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$322,000	\$0		\$322,000
2035 Subtotal	\$770,000	\$1,980,000	\$2,720,000	\$1,200,000	\$630,000	\$1,620,000	\$0	\$322,000	\$0		\$9,242,000
2036											
Freeway Blvd Area Improvements	\$760,000	\$1,860,000	\$3,490,000	\$320,000	\$610,000	\$1,030,000	\$0	\$0	\$0		\$8,070,000
Riverwood Area Improvements	\$1,100,000	\$4,394,000	\$0	\$1,840,000	\$1,700,000	\$1,820,000	\$0	\$0	\$186,000	(F)	\$11,040,000
Storm Water Pond 46-001, 50-001, 52-001, 60-001 & 63-006 Rehab		\$0	\$0	\$694,000	\$0	\$0	\$0	\$0	\$0		\$694,000
Well Nos. 6 and 8 and Water Treatment Plant HSP No. 3	\$0	\$0	\$0	\$0	\$0	\$264,000	\$0	\$0	\$0		\$264,000
2036 Subtotal	\$1,860,000	\$6,254,000	\$3,490,000	\$2,854,000	\$2,310,000	\$3,114,000	\$0	\$0	\$186,000		\$20,068,000
NOTES: (F) 50% Cost sharing of 73rd Avenue street improvements with City of Brooklyn Park (\$177k)											
2037											
Twin Lake North Area Mill and Overlay	\$540,000	\$2,570,000	\$0	\$1,250,000	\$160,000	\$1,820,000	\$0	\$0	\$0		\$6,340,000
Xerxes and Northway Area Improvements	\$1,540,000	\$1,410,000	\$2,300,000	\$480,000	\$1,140,000	\$1,780,000	\$0	\$0	\$0		\$8,650,000
Well Nos. 2 and 3 and Water Treatment Plant HSP No. 1	\$0	\$0	\$0	\$0	\$0	\$268,000	\$0	\$0	\$0		\$268,000
2037 Subtotal	\$2,080,000	\$3,980,000	\$2,300,000	\$1,730,000	\$1,300,000	\$3,868,000	\$0	\$0	\$0		\$15,258,000
2038											
69th Ave and Shingle Creek Pkwy	\$70,000	\$0	\$6,050,000	\$330,000	\$540,000	\$550,000	\$10,000	\$0	\$0		\$7,550,000
Willow Lane Project Area	\$950,000	\$3,290,000	\$0	\$980,000	\$130,000	\$650,000	\$0	\$0	\$0		\$6,000,000
Well No. 5 and Water Treatment Plant HSP No. 2	\$0	\$0	\$0	\$0	\$0	\$135,000	\$0	\$0	\$0		\$135,000
2038 Subtotal	\$1,020,000	\$3,290,000	\$6,050,000	\$1,310,000	\$670,000	\$1,335,000	\$10,000	\$0	\$0		\$13,685,000
TOTALS	\$17,736,129	\$43,262,871	\$25,335,000	\$25,326,000	\$21,701,000	\$32,181,000	\$1,221,000	\$25,342,863	\$49,402,000		\$241,507,863

June Draft CMBP Items		Revised per CMBP Study	
2024	Capital Project Funds	2024	Capital Project Funds
1 Capital Maintenance Building Plan (CMBP) Evaluation Study	\$64,000	1 Capital Maintenance Building Plan (CMBP) Evaluation Study	\$64,000
2 CMBP: West Fire - Rooftop Unit Replacement	\$63,000	2 CMBP: West Fire - Roof Replacement / HVAC System	\$728,550
3 Cascade System Replacement (Fire)	\$91,000	3 Cascade System Replacement (Fire)	\$91,000
4 CMBP: City Hall/CC Addition - Roof Replacement	\$441,000	4 <i>In Fair condition: project moved out to 2026</i>	-
5 CMBP: City Hall - Community Development Office Remodel	\$276,000	5 <i>Moved to 2026</i>	-
6 CMBP: East/West Fire - Roof Replacement	\$409,000	6 <i>Rescoped - see project No. 2</i>	-
7 CMBP: Police - Generator/Transfer Replacement	\$197,000	7 CMBP: Police - HVAC / Electrical Systems	\$371,250
8 CMBP: PW Garage - Roof Replacement	\$540,000	8 <i>Moved to 2025</i>	-
9 CMBP: Public Works - Lighting System Upgrade	\$109,000	9 CMBP: Public Works - Lighting System Upgrade	\$110,000
		10 CMBP: City Hall - Elevator 2	\$206,250
2024 Total	\$2,190,000	2024 Total	\$1,571,050

2025		2025	
1 CMBP: Community Center - Cooling Replace (Chillers/condensers)	\$141,000	1 <i>In Fair condition: project moved out to 2027</i>	-
2 CMBP: Community Center - Air Handlers #4, #5 Replace	\$77,000	2 CMBP: Community Center - Air Handlers Replace	\$110,000
3 CMBP: East/West Fire - Parking Lot Mill & Overlay	\$128,000	3 CMBP: East/West Fire - Parking Lot Mill & Overlay	\$416,067
4 CMBP: Police - Roof Replacement	\$291,000	4 CMBP: Police - Roof Replacement	\$528,275
		5 CMBP: Police - Exterior and Interior Capital Replacements	\$261,044
		6 CMBP: Public Works Garage - Roof Replacement	\$948,853
		7 CMBP: Public Works Garage - Doors, windows, and other equipment upgrades	\$151,074
2025 Total	\$637,000	2025 Total	\$2,415,313

Council/EDA Work Session

DATE: 11/27/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Dr. Reggie Edwards, City Manager

SUBJECT: Upcoming Items

Requested Council Action:

- 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

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: