**Council Study Session**
City Hall Council Chambers
September 26, 2022

# AGENDA

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

**CITY COUNCIL MEETING**
City Hall Council Chambers
September 26, 2022

# AGENDA

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

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

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

## 2. Invocation - Elliott - 7 p.m.

## 3. Call to Order Regular Business Meeting

The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

## 4. Roll Call

## 5. Pledge of Allegiance

## 6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

*- Motion to approve the following minutes:*

- *6/1 - Work Session*
- *6/6 - Joint Work Session*
- *8/11 - Canvassing Board*
- *8/15 - Jt CC/FC Meeting*
- *8/22 - Canvassing Board*
- *8/22 - Study Session*
- *8/22 - Regular Session*
- *8/29 - Jt CC/FC Meeting*
- *9/12 - Study Session*
- *9/12 - Regular Session*

- *9/12 - Work Session*

b. Approval of Licenses

*- Motion to approve the licenses as presented.*

c. 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.*

d. Resolution Accepting Feasibility Report and Calling for an Improvement Public Hearing for Improvement Project No. 2023-01, Knox, James, and 54th Area Improvements

*- Motion to approve a resolution accepting feasibility report and calling for an improvement public hearing for Improvement Project No. 2023-01, Knox, James, and 54th Area Improvements.*

e. Resolution Accepting Feasibility Report and Calling for an Improvement Public Hearing for Improvement Project No. 2023-02, 50th Avenue Improvements

*- Motion to approve a resolution accepting feasibility report and calling for an improvement public hearing for Improvement Project No. 2023-02, 50th Avenue Improvements.*

f. Resolution Accepting Feasibility Report and Calling for an Improvement Public Hearing for Improvement Project No. 2023-03, 51st Avenue Improvements

*- Motion to approve a resolution accepting feasibility report and calling for an improvement public hearing for Improvement Project No. 2023-03, 51st Avenue Improvements.*

g. Resolution Approving Change Order Nos. 13-16, Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2 Improvements

*- Motion to approve the attached resolution authorizing Change Order Nos. 13-16 in the amount of $158,919.38 for Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2 Improvements.*

h. Resolution Accepting Bid and Awarding a Contract, Improvement Project No. 2022-09, Lift Station 4 Rehabilitation Project

*- Motion to approve the resolution accepting the lowest responsible bid and award a contract to Pember Companies, Inc. for Improvement Project No. 2022-09, Lift Station 4 Rehabilitation Project.*

i. Approve the Members of the Audit Review Committee

*- Motion to approve the members of the Audit Review Committee*

j. An Ordinance Vacating Storm Sewer, Drainage and Utility Easements within Lot 1, Block 1 of the Plat of Brookdale Square 2nd Addition, and Lot 1 and Lot 2, Block 2 of the Plat of Brookdale Square (1st Reading)

- Motion to approve a first reading of the requested ordinance vacating certain storm sewer, drainage and utility easements located on the City's Opportunity Site and generally located on certain real property commonly addressed as

2500 County Road 10 and 5900 Shingle Creek Parkway, and set a second reading and public hearing for October 10, 2022

k. Amendment to the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act - New Committee Appointment

*- Motion to amend The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act and Appointing members to the Implementation Committee.*

**7. Presentations/Proclamations/Recognitions/Donations**

a. Resolution Expressing Recognition and Appreciation to Bruce Ballanger, General Manager of The Heritage Center of Brooklyn Center formerly known as Earle Brown Heritage Center for over 31 Years of Service to the City of Brooklyn Center

*- Motion to approve a resolution recognizing Bruce Ballanger, General Manager of The Heritage Center of Brooklyn Center formerly known as Earle Brown Heritage Center*

b. Community Safety and Violence Prevention Implementation Committee Traffic Vehicle Stop and Consent Search Policy Recommendations

*- Motion to accept a presentation by the Community Safety and Violence Prevention Implementation Committee regarding traffic vehicle stop and consent to search policy recommendation.*

**8. Public Hearings**

**9. Planning Commission Items**

**10. Council Consideration Items**

a. Resolutions Approving the Preliminary 2023 Property Tax Levy and Preliminary Budget

*- It is recommended that the City Council consider approval of two resolutions setting the 2023 preliminary property tax levy and Preliminary budget.*

b. Resolution Approving and Entering into a Joint Powers Agreement with the City of Brooklyn Park Regarding Workforce Development Initiatives

*- Motion to approve a resolution approving and Entering into a Joint Powers Agreement with the City of Brooklyn Park Regarding Workforce Development initiatives using ARPA Funds*

**11. Council Report**

**12. Adjournment**

# Council Regular Meeting

DATE: 9/26/2022

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

SUBJECT: Approval of Minutes

**Requested Council Action:**

*- Motion to approve the following minutes:*

- *6/1 - Work Session*
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- *8/11 - Canvassing Board*
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- *8/22 - Study Session*
- *8/22 - Regular Session*
- *8/29 - Jt CC/FC Meeting*
- *9/12 - Study Session*
- *9/12 - Regular Session*
- *9/12 - 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:**

None

**Inclusive Community Engagement:**

None

**Antiracist/Equity Policy Effect:**

None

**Strategic Priorities and Values:**

Operational Excellence

**ATTACHMENTS:**

| Description | Upload Date | Type |
| --- | --- | --- |
| 6.1 Work Session | 9/22/2022 | Backup Material |
| 6.6 Jt Work Session | 9/22/2022 | Backup Material |
| 8.15 Jt CC/FC | 9/7/2022 | Backup Material |
| 8.22 Canvassing Board Minutes | 9/7/2022 | Backup Material |
| 8.22 Study Session | 9/7/2022 | Backup Material |
| 8.22 Regular | 9/23/2022 | Backup Material |
| 8.29 Jt CC/FC | 9/22/2022 | Backup Material |
| 9.12 Study Session | 9/21/2022 | Backup Material |
| 9.12 Regular Session | 9/21/2022 | Backup Material |
| 9.12 Work Session | 9/23/2022 | Backup Material |

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
JUNE 1, 2022
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 Pro Tem/President Pro Tem Marquita Butler at 6:13 p.m.

## ROLL CALL

Mayor/President Mike Elliott (arrived at 6:118 p.m.), Mayor Pro Tem/President Pro Tem Marquita Butler, and Councilmembers/Commissioners April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Reggie Edwards, Community Development Director Meg McMahan, Associate Planner Olivia Boerschinger, City Planner Ginny McIntosh, City Attorney Jason Hill, and City Clerk Barb Suciu.

## ZONING CODE UPDATE

City Manager Reggie Edwards introduced the item and invited Ms. McMahan to continue the Staff presentation.

Community Development Director Meg McMahan stated the Zoning Code is a huge project, and Staff has been working on it for two years. It is State law to update the Zoning Code to align with the City's 2040 Comprehensive Plan. She invited the consultants from Bolton & Menk to continue the presentation. Mike Thompson, Senior Urban Planner with Bolton and Menk, provided an overview of the presentation's agenda.

Ms. McMahan stated zoning has contributed to systemic racism over time and led to disparities seen today. She noted there were many times when Staff interacted with the local community throughout the process.

Ms. McMahan stated planning emerged at the beginning of the 1900s as a response to industrialization, overpopulation, and diseases. Early zoning valued sprawl to address issues. It was also primarily white people.

Ms. McMahan noted two major cases that impacted zoning. First, there was one that prohibited racialized language in the zoning code. A lot of hidden languages came out of that decision. The second one allowed the City to regulate land use based on certain boundaries which separated residential settings from industrial ones. Ultimately, the outcome was exclusionary zoning.

Ms. McMahan stated zoning is meant to balance public and private goods. Race- and class-based language was used to segregate areas. President Woodrow Wilson was a segregationist and created a committee to develop model zoning laws. The model laws included a lot of exclusionary languages.

Ms. McMahan explained redlining was a federal measure used to approve mortgages. Within areas that were redlined, individuals could not get mortgages. By comparing redlining maps to today's demographic maps of Minneapolis, there is a very strong alignment. Redlining exacerbated segregation issues. There were also deed restrictions driven by real estate and developers rather than planners.

Ms. McMahan stated in the 1960s, there was federal action used to counter the effects of segregation that had occurred through redlining. Fair housing laws were developed which allowed for some improvements. However, less direct ways to promote segregation began. Some examples include areas with excessive setbacks, zoned for single-family housing, and restrictions on affordable housing types in certain land use.

Ms. McMahan stated housing discrimination still exists, and there are significant housing shortages that marginalize communities of color. Each city is facing a different combination of issues, so each city needs its zoning codes to address its community characters. There are issues of affordability, accessibility, gentrification, and housing stability. However, zoning is not a tool to fix all of those issues.

Ms. McMahan noted Brooklyn Center saw its growth peak in the 1950s and 1960s. It was not impacted by earlier issues such as redlining. The GI Bill did have some impact on the City, which created some disparate outcomes in the early times of Brooklyn Center. It was not developed with large lots or setbacks, as was typical for exclusionary zoning. Early residents were predominantly, but not exclusively, white.

Ms. McMahan stated Brooklyn Center is a suburban auto-oriented community with large roadway infrastructure. It had largely separated land uses, and there is very little mixing of land uses and emphasis on transit. Transit is adjacent to but not embedded in neighborhoods. There are also limited industrial zones. A majority of the jobs in Brooklyn Center are retail and are not very high-paying.

Ms. McMahan pointed out the Comprehensive Plan originated mixed-use zoning in Brooklyn Center. The mixed districts are meant to create more walkable communities. The Comprehensive Plan also aims to embrace public transit. Additionally, it introduced residential areas with commercial nodes.

Ms. McMahan explained the current Zoning Code is nearly unusable. It dates back to the 1960s and is not user-friendly. Many components are out of touch with current laws and reinforce old land patterns. Therefore, it does not serve the future vision of the community.

Ms. McMahan noted looking at opportunities for equity in zoning, they aim to reduce racial disparities by adopting mixed-use zoning districts, introducing commercial nodes, organizing land uses around transit, making homeownership more affordable, increasing sustainable and environmentally-friendly solutions, and encouraging more inexpensive housing options. Accommodating multigenerational families and allowing for more home-based businesses will also benefit the community.

Dr. Edwards added Woodrow Wilson is considered the father of public administration. The design of government and how it functions was also developed during Woodrow Wilson's time as a politician. Therefore, there are some interconnections between zoning, public administration, and segregation.

Councilmember/Commissioner Ryan stated it would be useful to have a graphic to better explain the reasons for the Zoning Code update. He added public administration was also created to alleviate political corruption, but it was a double-edged sword with some negative side effects.

Mr. Thompson explained there are several reasons for the Zoning Code update, some of which were mentioned by Ms. McMahan. As it stands, the City is open to lawsuits due to some of the current Zoning Code. Mr. Thompson explained there is no such thing as a perfect code, but it is a living, breathing document. It is meant to be adapted as need be over time.

Councilmember/Commissioner Lawrence-Anderson asked if the Zoning Code made sense when it was developed. Ms. McMahan stated by looking at the layout of the City, it did make sense at the time. The houses are laid out with similar lot sizes with a centralized retail area. It is a very traditional suburban pattern. It served the purpose of the time. The 2040 Comprehensive Plan aims to maintain single-family neighborhoods while creating opportunities to include other types of housing styles to better serve the greater community.

Councilmember/Commissioner Ryan noted he interned with an organization that was working to relocate salvage yards from North Minneapolis. There were single-family homes next to dumps. The City was growing very quickly and could not keep up with zoning issues.

Mr. Thompson pointed out that the phrase Unified Development Ordinance (UDO) is an umbrella term for zoning code, which he may use from time to time in the presentation.

City Planner Ginny McIntosh explained there are three separate standalone codes currently. The proposed Code would set up a single section with all things related to zoning. The Zoning Code regulates land use and development. The subdivision ordinance regulates the division of land. The sign portion is self-explanatory.

Mr. Thompson noted there has been a large amount of community engagement. There have been nine info sheets, and there was a Zoning Task Force comprised of residents. There is a draft of the Code available online for the public to access. Three open houses were advertised to the public and are available on the website. There are also narrative videos with details on each of the sections

in the Zoning Code. Additionally, there were preference surveys. The website includes an interactive map as well.

Councilmember/Commissioner Graves asked if the Task Force would continue to be part of the process. Ms. McMahan stated their role is mostly complete. They set the priorities and goals and did some of the equity work. From there, it went to the Planning Commission and Housing Commission for review over the last eight months.

Mayor/President Elliott asked if they could have access to the input from the Task Force. Ms. McMahan stated the information from the Task Force is available on the Zoning Code website. Mayor/President Elliott stated he would prefer a hard copy.

Ms. McMahan added they mailed a postcard to every house that would be impacted by the Zoning Code change with a link to the interactive map on the website. Remote owners were also notified of the impact. Mr. Thompson showed the interactive map and how to use it.

Mr. Thompson explained there are nine sections to the Zoning Code. The first is the general division that provides a legal framework and affirms the authority of the Code. Second is the section that most people interact with. It includes setbacks, uses, and the ultimate framework for how the land can be used in the City.

Mr. Thompson stated the third section includes protections of natural resources that comply with State laws. It also establishes overlay for properties near bodies of water. Ms. McMahan noted the third section will be new for Brooklyn Center as there are not currently shoreline protections. For the most part, residents are understanding and supportive of the addition. It is primarily a State-mandated requirement, so they have pulled model language from the Department of Natural Resources.

Mayor/President Elliott asked if some of the shorelines would become public domain and grant public access. He added a lot of homes on the shoreline are likely to experience erosion. Ms. McMahan stated the Zoning Code does not take land, and it would be against the law. There are instances of public domain where people could be paid for their property. The types of regulations are things such as setbacks for structures, what types of things can encroach on the setbacks, and other things that impact the built environment. In short, it regulates the use of private property. The goal is to protect the shoreline and water quality.

Mayor/President Elliott noted there have been previous conversations about preventing erosion. Ms. McMahan stated she is not familiar with those conversations.

Councilmember/Commissioner Lawrence-Anderson asked if some of the current buildings a would be grandfathered in under the new Zoning Code. She asked if that would be written in the Zoning Code. Mr. Thompson stated almost all current buildings would be grandfathered in.

Ms. McMahan pointed out there is a State law that allows for uses to be repaired, replaced, or approved after a Zoning Code change. The building could not further encroach upon any new Zoning Codes.

Mr. Thompson stated the fourth section addresses use regulations intending to establish a legal framework of allowable uses. The fifth section includes further development standards which include aesthetics and parking. It has elevated the landscaping and created more flexibility for Staff and the community.

Mr. Thompson added the next session addresses signs. He noted the First Amendment does apply, but the City can regulate the size, location, condition, and lighting of the sign without impacting the statement. Next, there is a section addressing subdivision processes and responsibilities.

Mr. Thompson noted there is a section that sets the procedures of the approval process with the Planning Commission, City Council, public hearings, public notices, and the like. It also addresses amending the Zoning Code and includes more robust language to allow for wider public notice of hearings. The final section covers definitions and interpretations of language throughout the Zoning Code.

Councilmember/Commissioner Lawrence-Anderson asked if the definitions are agreed upon by a larger body. Mr. Thompson stated the State has written definitions of certain things while the City can make other definitions, as long as the definitions do not conflict with State definitions. Ms. McMahan pointed out they tried to remove specificity to allow for future flexibility.

Councilmember/Commissioner Lawrence-Anderson asked if the International Property Maintenance Code has been adopted. Ms. McMahan confirmed the International Property Maintenance Code has been adopted, but there is no established international zoning code. It would likely promote inequity.

Councilmember/Commissioner Ryan noted there are some value judgments included in the creation of definitions, and that will be interesting to see going forward.

Mr. Thompson stated one of the biggest changes is the consolidation of districts. There is also an allowance for home-operating businesses that consider issues such as residency requirements and traffic generation.

Councilmember/Commissioner Lawrence-Anderson asked how commercial vehicles play into home occupations. Ms. McMahan stated the new Zoning Code allows for one commercial vehicle per lot with some size limits. It would allow for a food box or box truck but not a semi-truck or a dump truck.

Councilmember/Commissioner Lawrence-Anderson stated some neighbors are not going to like looking at a food truck. Ms. McMahan stated there are calls from both sides that do and do not want commercial vehicles. The Zoning Code is a balance between property rights and being able to enjoy one's neighborhood.

Mr. Thompson noted they were very careful in their classification of families and de-coupled families needing to be defined as a family to live in a household. Mayor/President Elliott asked if the household size is restricted. Mr. Thompson stated the size of a household is also not restricted.

Ms. McMahan pointed out the Building Code has a regulating factor for occupancy requirements. The occupancy depends on the egress and square footage of the space. The Building Code also defines what a bedroom is. The Zoning Code is meant to address how a building impacts others in the area rather than addressing what happens on the inside.

Mayor/President Elliott explained they cannot limit people's households because there are different cultural standards. Ms. McMahan stated the City Code creates rules to allow for a safe number of people to escape a burning home. The number is extremely high and is approximately 1 person per 40 square feet.

Mr. Thompson provided a summary of the next steps.

Mayor/President Elliott stated he would like to hear more details about the community engagement process. He would like to seek out input and leadership from the residents for the Zoning Code updates as a way to focus on equity and community ownership. He asked if there are technical experts that could be brought in to provide an equity lens on the changes.

Councilmember/Commissioner Ryan thanked Mr. Thompson and Ms. McMahan for their work on the updates. Ms. McMahan stated the new framework for the Zoning Code will make customer service so much better and allow for easier changes down the line. They can always go back and dive deeper into certain areas as needed.

Mayor/President Elliott agreed he likes many of the changes, but there needs to be intentionality and conversations regarding the specific changes and consideration of the potential consequences of the changes.

## RECESS TO CLOSED SESSION

Mayor/President Elliott asked for a motion to adjourn the meeting. City Clerk Barb Suciu stated the City Council/Economic Development Authority is moving into a Closed Session so there is no need to adjourn the meeting at this point.

The City Council/Economic Development Authority Work Session recessed to Closed Session at 7:23 p.m.

## ATTORNEY-CLIENT PRIVILEGE – CLOSED SESSION – METROPOLITAN COUNCIL CONCILIATION

The City Council/Economic Development Authority Work Session met in Closed Session to discuss 7:27 p.m. and provided direction to staff.

## RECONVENE AND ADJOURNMENT

The City Council/Economic Development Authority Work Session reconvened at 8:45 p.m.

Councilmember/Commissioner Elliott moved and Councilmember/Commissioner Ryan seconded adjournment of the City Council/Economic Development Authority Work Session at 8:49 p.m.

Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss. Certification of Minutes
CITY OF BROOKLYN CENTER)

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. That attached hereto is a full, true, and complete transcript of the minutes of the Special Work Session of the City of Brooklyn Center held on June 1, 2022.

2. That said meeting was held pursuant to due call and notice thereof and was duly held at Brooklyn Center City Hall.

3. That the City Council adopted said minutes at its September 26, 2022, Regular Session.

_____ _____

City Clerk Mayor

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

JOINT WORK SESSION
JUNE 6, 2022
CITY HALL – COUNCIL CHAMBERS

## 1. CALL TO ORDER

The Brooklyn Center City Council/Financial Commission Joint Work Session was called to order by Mayor Elliott at 6:40 p.m.

## 2. ROLL CALL

Mayor Mike Elliott and Councilmembers Kris Lawrence-Anderson, Dan Ryan, and April Graves (arrived at 7:08 p.m.) were present. Councilmember Butler was absent and excused.

Also present were Financial Commission Chair Taneshia Kragness, Emmanuel Kpaleh, and Dean Van Der Werf. Financial Commissioners David Dwapu and Taofeek Ishola were absent.

Also present were City Manager Reggie Edwards, Finance Director Andy Splinter, Interim Police Chief Tony Gruenig, Fire Chief Todd Berg, Recreation Director Cordell Wiseman, Office of Community Prevention, Health, and Safety Interim Manager LaToya Turk, Liquor Operation Manager Tom Agnes, and City Clerk/Interim Assistant City Manager Barb Suciu.

## 3. PRESENTATION OF AUDIT REPORT AND MANAGEMENT LETTER

## 3a. AUDIT REPORT AND MANAGEMENT LETTER

City Manager Reggie Edwards introduced the topic and invited auditors Jim Eichten and Jackie Huegel to continue the presentation.

Ms. Huegel stated their role is to provide an opinion on financial statements. Financial statements are fairly presented following accounting principles generally accepted in the United States of America. They also test internal controls and compliance. They comply with the Minnesota Legal Compliance Audit, and there is a separate single audit of Federal dollars due to the amount of Federal money the City used. A majority of Federal funds were used on the Brooklyn Bridge project.

Ms. Huegel explained they have an unmodified financial report to present. There were no findings for internal controls over financial reporting, legal compliance audit findings, and single audit of Federal awards. She showed a slide with a graph depicting the increasing taxable market value over the last ten years. Overall it was a clean audit.

Ms. Huegel showed a slide with a table depicting the tax rates for Brooklyn Center over the past three years. She showed a slide summarizing governmental funds revenue per capita and governmental funds expenditure per capita.

Ms. Huegel showed a chart with the governmental fund financial position including fund balance, cash, and expenditures over the past five years. She then showed a slide with the general fund revenue by source, broken down into the sources of taxes, intergovernmental, and others for the past five years. She also showed the general fund expenditures by function broken down into general government, public safety, public works, parks and recreation, and others for the last five years.

Ms. Huegel showed a slide of the water fund over the last five years, which increased due to an increased water rate. As for the sanitary sewer fund, the operating revenues saw a slight increase due to a rate increase in conjunction with a decrease in use. The liquor fund had a slight increase in sales and operational expenses. There was an overall loss of about $330,000, which does not include the non-operating revenue dollars. Lastly, there was a decrease in the Earle Brown Heritage Center Fund's operating expenses and revenue due to COVID-19. It did receive about $300,000 in relief which is not reflected in the graph. There was an overall deficit of over $1.2 million.

Ms. Huegel stated overall, there was a clean opinion of the City's financial statements. No findings were reported, and there will be a continued ongoing assessment of financial projections and results including general, other operational, and enterprise fund activities.

**RECESS AND RECONVENE**

Mayor Elliott recessed the meeting at 6:57 p.m. Mayor Elliott reconvened the meeting at 7:05 p.m.

## 4. COUNCIL / COMMISSION QUESTIONS

Councilmember Ryan noted the City gave a lot of money to nonprofits to help with the effects of the civil unrest. He asked what accounting was done to ensure the money was properly spent and who audited those reports as it was a substantial amount of money.

Dr. Edwards stated there was no independent audit completed. The contracts for purchased services were handled as all contracts and services are stipulated in the contract. As indicated in the audit, there is some accountability with intergovernmental funds for the money to be used as purposed. If they are grant funds such as Pohlad, these funds need to be accounted for.

Mayor Elliott asked what the $130 per capita increase was referring to. Ms. Huegel stated the increase was for capital outlay and construction, which was related to the Brooklyn Boulevard improvement project.

Mayor Elliott asked what the fund balance was at the end of the year. Ms. Huegel stated the fund

balance was at 51 percent at the end of the year.

Mayor Elliott asked how much the police budget was under. Ms. Huegel stated the police budget was $170,000 under.

Mayor Elliott asked what the $470,000 increase for the Police Department was for. Ms. Huegel stated there was a $470,000 increase in expenditures from the current year in comparison to the previous year. Mayor Elliott asked if the increases were budgeted for or due to the increase from the uprising. Ms. Huegel stated the increase was in the Police Department and the Fire Department. Finance Director Splinter stated the increase in actual expenditure was related to the civil unrest and was not budgeted for.

Mayor Elliott asked how the budget could be $170,000 under with a $470,000 increase in expenditures. Commissioner Kragness stated the numbers are referring to two different things. The expenses increased due to the civil unrest, but the budget was under because of open positions in the Departments.

Ms. Huegel noted the $170,000 was for all public safety efforts, but a majority of it was in the Police Department. Mayor Elliott stated he would like to see the number parsed out more.

Dr. Edwards stated the measures in response to civil unrest might not necessarily be coded under the Police Department. It was applied toward "other" expenditures. Mr. Splinter stated a lot of these were coded in unallocated expenses.

Mayor Elliott asked if the $145,000 was due to increased operations at the water plant. Ms. Huegel stated the $145,000 increase in water fund operations was due to personal services and personnel. Mayor Elliott asked if they hired more people to take care of the water plant. Mr. Jim Eichten stated it could have been a variety of things such as increased benefits or raises.

Mayor Elliott asked if the $550,000 increase was the operating income for the water fund. Ms. Huegel confirmed the water fund had an operating fund of $550,000. Mayor Elliott asked how that number balances in comparison to expenditures. Ms. Huegel stated the $550,000 is profit.

Mayor Elliott stated there was an increase in the water bill. He asked if the $550,000 operating fund was typical or unusual. Mr. Splinter stated the operation was up. Mr. Jim Eichten stated the increase could be due to several causes such as consumption or the weather.

Councilmember Lawrence-Anderson asked how much the City spent in 2021 on private security in comparison to the public safety officers or where the information could be found. Dr. Edwards stated they didn't necessarily have private security, but they had organizations the City contracted with to provide services. Staff could find the specific information and provide it to the Council. He noted any contracted services were presented to the Council previously.

Councilmember Lawrence-Anderson stated she would like to know the expected budget for those services for 2023. Dr. Edwards stated that 2023 is a different landscape, and they won't expect to spend money on additional services for the upcoming year, barring any civil unrest.

Mayor Elliott asked what happens to the unused Police Department funds for the unfilled positions. In 2021, it was probably allocated to the uprising, but they don't have those funds in 2022. Dr. Edwards stated any department with a lull in staff uses additional funds to balance out the overall budget.

Mayor Elliott asked if they track the reduction in the department's use of budgeted funds. Mr. Splinter stated those numbers are tracked in much more detail than what was presented. The additional funds are coming from the tax levy. Mayor Elliott asked if they know where the funds will be used. Mr. Splinter stated the additional funds are not budgeted for and depend on the circumstances.

Councilmember Lawrence-Anderson stated if a department is budgeted for a certain amount, there may be a placeholder implemented to use the funds. At the end of the year, they can't be in the red and may place hold any unanticipated expenses.

Mayor Elliott asked when they move funds to be used in other departments without a budget amendment and when do we do it with a budget amendment. Dr. Edwards stated it happens with some fluidity. He added staff may hold off on certain expenditures in response to unprecedented events with the hope of balancing the budget by the end of the year.

Mayor Elliott asked when do we flow funds and is there a process for the flow of funds and if there is a budget amendment required for the flow of funds. Dr. Edwards stated the funds have a latitude flow as needed. Mayor Elliott stated if there is department that has unfilled positions, let's take the police department, what is the process for moving the funds to balance out other departments and is there a budget amendment required.

Councilmember Graves stated she is hearing two questions from Mayor Elliott. First, he is asking what the process is to determine the use of leftover funds at the end of the year and if there is a way of tracking the allocation. Second, he is asking how the funds would be shifted to another department and if that would require a budget amendment. Mayor Elliott stated they would cover the topic more thoroughly at a future meeting.

Dr. Edwards noted the Staff did a remarkable job to end the year with no issues, especially in the light of civil unrest and continued issues related to COVID-19.

## 5. STAFF OVERVIEW OF COMPREHENSIVE ANNUAL FINANCIAL REPORT

Mr. Splinter stated there were negative operating budget results of $649,092. There was a net decrease in the fund balance of $1,045,729 as the City budgeted for the use of $396,637. The general fund unassigned fund balance represents 51 percent of next year's budgeted expenditures. Relief funds were used to balance the budget. Any fund balance of about 52 percent for capital projects would be transferred based on policy.

Mr. Splinter explained for general fund revenues, were under budget by $276,236. They had to forgo some police contracts. There was a reduction in building in 2021, which impacted licenses

and permits. There was a decrease in property taxes due to a reduction in excess Tax Increment Funding. Investment earnings came in under budget due to net fair value adjustment. Lodging taxes exceeded the budget because the industry came back faster than anticipated, and there was an excess in intergovernmental money and grants due to American Rescue Plan Act (ARPA) dollars.

Mr. Splinter stated general fund expenditures were over by about $700,000. There was an increased cost in non-departmental funding, largely due to civil unrest costs, and communications and engagement. Police protection was short of their budget. The convention bureau budget was over, as was the public works budget.

Mr. Splinter noted municipal liquor had an operating loss of $329,877 which was offset by insurance proceeds in nonoperating revenues of $349,276, compared to an operating loss of $89,083 in 2020. Both stores were closed for some time following civil unrest. As for Earle Brown Heritage Center, there was an operating loss of $1,273,967 compared to an operating loss of $1,721,203 in 2020. A $300,000 DEED grant was received to support operations. There was continued reduced activity due to COVID-19 restrictions.

Mr. Splinter stated the water fund received $1.9 million in bond proceeds to pay its portion of neighborhood improvement project costs. Sanitary sewer received $1.4 million in bond proceeds as a result of planned project costs. Storm drainage received $2.2 million in bond proceeds to pay its portion of Brooklyn Boulevard Phase Two costs.

Mr. Splinter stated completed work on Interstate Area Improvements was $1.3 million, continued work on Brooklyn Boulevard improvements was $1.4 million, Grandview South Area Improvements was $8.2 million, mill and overlay projects - $780,000, the Ryan Lake Area cost $1.2 million, adding playground equipment was$287,919.

Mr. Splinter added Central Garage added or replaced 17 pieces of equipment totaling $2,723,988, primarily public works, fire, and police vehicles. The City retired $7,192,000 of principal on previously issued bonds and issued $8,010,000 in new debt for infrastructure projects.

Mr. Splinter noted there was a net investment loss of $150,980, compared to an investment gain of $1,452,728 in 2020. Net investment loss includes investment income of $544,056, unrealized loss on investments of $695,035 unrealized paper loss due to increasing interest rates. Investments are anticipated to be held to maturity. The City/EDA owned $18.0 million in assets held for resale at year-end.

## 6. COUNCIL / COMMISSION QUESTIONS

Mayor Elliott asked what the current trend line is for 2022, particularly in terms of losses. Mr. Splinter stated the licenses for the Opportunity Site are projected to be about $450,000, which is a large portion of projections for 2022. They reduced a lot of contract items for 2022 as they saw they wouldn't be able to do security contracts, so that should be more in line with estimates. The excess TIF receipt was eliminated and will allow for a more accurate estimated property tax revenue.

Mayor Elliott asked how much more they budgeted for licenses and permits. Mr. Splinter stated he does not know off the top of his head.

Commissioner Van Der Werf asked if the expenses over budget go directly to the general fund. Mr. Splinter confirmed he was correct. He stated the CARES funding offset some fund balance in 2020. They are still in line with previous fund balances. They used some of the money to spend and decrease the levy.

Councilmember Ryan stated both the CARES and ARPA have restrictions on the use of the funds. However, at least one of the funds was eligible to use for public safety. They are general fund money and go into the general fund pot and take the heat off of them for the hit to licenses and whatnot.

Councilmember Graves asked what the main takeaways were for the past couple of years in terms of budget. Mr. Splinter stated the goal of the CARES Act was to get money to the cities as quickly as possible to be spent as quickly as possible. Therefore, there were a lot of leeways. The ARPA dollars are much more specific for rules with more time to decide how to spend it. The plan is due in 2024 for implementation in 2026. The CARES was more of a quick injection.

Councilmember Graves asked if there is anything the City should be doing differently moving forward. Mr. Splinter stated the City has taken a good approach by being thoughtful with the ARPA dollars. The staff has been working closely with their financial advisors.

Councilmember Graves stated they have an emergency response plan for operational issues. She asked if it would be helpful to have a financial emergency response plan. Mr. Splinter stated Brooklyn Center has healthy reserves in various funds, and the City would be good in the short term. Of course, the money is not liquid as much is being held in investments. They would have some losses if they had to sell quickly. It is important to consider such an event, similar to what St. Louis Park is experiencing with water lines breaking.

Councilmember Ryan noted his appreciation of Councilmember Graves' comments and concerns. As they go into the budget process, they will need to consider the commitments they have made, such as those related to the receipt of external funding. They need plans in place to replace grant funding down the line.

Councilmember Ryan asked if the City would lose money due to interest rates on bond deals but would gain it back in terms of lower borrowing costs. The interest rates movement tends to be a wash for the City. Mr. Splinter stated the interest rates look good for the City currently, but they will be reassessed in the budget process.

Councilmember Lawrence-Anderson agreed sustainability is a key consideration. She asked if the fund balance is adequate, what number the Finance Director would like to see, and what are scenarios where the City would have to tap into the reserve.

Mr. Splinter stated the reserve fund is plenty accurate. The State recommends a balance between

38 and 50 percent. The goal is to shoot for 50 percent because the City wouldn't receive an addition to the funds until June. The general fund has heavily been tax levy funded. Now that they have brought in more grants and funding sources, they need to consider if the reserve fund should be 52 percent of the following year's levy or the total expenditures.

Dr. Edwards noted there is a tipping point where the State views the reserve fund as a negative because they are taxing people on what they might spend rather than what they would spend. They don't want to sit on it. Many cities have a large fund balance to save for fund expenditures down the road.

Mayor Elliott stated there is a community that saves the money upfront so they aren't paying interest on the projects.

Councilmember Ryan stated Crystal tries to operate on a cash basis, but it has created some issues for them because they don't have cash resources. It is not very smart. They keep going to the Legislature to try to put levies on the ballot but Brooklyn Center's Charter wouldn't allow for that.

Mayor Elliott stated the interest is sometimes double what is paid toward the investment.

Councilmember Ryan stated the interest allows you to spend money elsewhere because less money is tied up in the investment.

Dr. Edwards stated they need to fix things when needed rather than saving up to fully pay for a fix. It may save money on interest to do so, but it is not always safe or feasible.

Mayor Elliott added he has concerns about bringing in grant funds and being able to sustain the programming after the grant ends, especially when it comes to public safety. Launching some initiatives sooner than later would also allow the City to save more money in the long run.

Councilmember Ryan noted a significant number of mature trees were torn down during the tornado in 2004. The City ground up the fallen trees, and they were able to afford it due to a contingency. They were able to do that because they spent and borrowed and had money set aside for such an emergency.

## 7. PRESENTATION ON LIQUOR STORE NO. 2 PROJECT

Mr. Splinter stated Municipal Liquor allows the City to limit the number of liquor stores within the City and dictate their location. The profits from the Liquor store provide property tax relief through reduced capital project bonding.

Mr. Splinter stated the design phase will take approximately four months. It must be underway by September 1, 2022, to capitalize on the 2023 construction season. The bid would be awarded in January or February of 2023, and the project should be completed by January or February 2024. The current lease expires on December 31, 2023.

Tom Agnes, Liquor Operation Manager, stated in 2018, Shenehon conducted a consulting analysis. They identified three trade sectors for our liquor stores: the southern sector contains Store Number 1 with per capita liquor spending of $400-$500, the northwest sector contains Store Number 2 with per capita liquor spending of $200-$300, and northeast sector future store with per capita spending $750-$1000.

Mr. Agnes explained the main concern for the new store was visibility as the current location is a setback from Brooklyn Boulevard and somewhat hidden due to the location of Culvers, Speedway, and surrounding businesses. There were also security concerns due to lighting issues.

Mr. Agnes explained they reviewed sites on Brooklyn Boulevard owned by the Economic Development Authority (EDA) for any opportunities to utilize existing City assets. The site at 70th Avenue North and Brooklyn Boulevard is ideal for visibility and access. To maximize the EDA investment, they could leverage liquor store construction to meet other EDA goals of creating more commercial space for local businesses and wealth-building.

LaToya Turk, Office of Community Prevention, Health, noted St. Alphonsus Catholic school, church, and community playground are approximately 588 feet from Liquor Store Number 2. A parking lot and a residential street separate the building structures. About two-thirds of residents in the immediate area of Liquor Store Number Two are non-white community members, per the 2010 Census tract.

Ms. Turk pointed out that within the past year 118 incidents that required police assistance occurred in the immediate area of Liquor Store Number 2. There were 24 police responses to Liquor Store #2 in comparison to surrounding residences and establishments. Prior installed standard lighting requirements most likely do not meet current community standard recommendations proposed by Crime Prevention Through Environmental Design, Lighting for Safety (CPTED). Also, outdoor garage removal and poor sewage drainage pose a health risk for Staff and the community.

Community Development Director Meg Beekman stated the three parcels up for consideration will become mixed-use. The goal of the 2040 Comprehensive Plan is to create neighborhood nodes. The Zoning Code allows for mixed-use, but it doesn't require it. The site is 1.6 acres and would be a small housing site. There has been interest from the neighboring church in the past.

Ms. Beekman stated there are no other EDA-owned parcels in the market share area. There are also not any commercial properties for sale in the area. The property was assembled for several reasons. The City has had a long history of obtaining single-family homes on Brooklyn Boulevard. Also, there is a goal for high-intensity land uses which requires larger sections of land.

Ms. Beekman added a recent market study conducted for Brooklyn Boulevard study found that office condominiums would be a desired and feasible product type along the corridor. The EDA has a strategic priority around Business Economic Stability which includes providing stable bricks and mortar opportunities for local businesses and wealth-building. The site offers an opportunity to develop six to eight office condo units that can be sold by the EDA with a scoring system that favors local entrepreneurs. Due diligence is underway to determine the financial feasibility of the

office condo concept. The goal of the initiative would be for the EDA to recoup any development expenses through the sale of the units.

Mr. Splinter concluded City Staff is seeking approval to proceed with seeking proposals for architectural and engineering services related to the construction of new Liquor Store Number 2 and additional office condominium space at the corner of Brooklyn Boulevard and 70th Avenue North.

Mayor Elliott asked what the church thinks about the project. Ms. Turk confirmed she spoke to church administrators. They were concerned about the liquor store being expanded but not about the addition of the condos.

Ms. Beekman added she has been in contact with church administrators regarding easements. The church is open to selling the City the land they would need to access the site. Mayor Elliott shared he received a call on behalf of the church with concerns about the proposal.

Councilmember Ryan asked if the easement refers to the parcel on the east side. Ms. Beekman stated there is an existing easement from a single-family home that is available to the EDA for drainage and utility. The easement is old and would need to be updated for proper access. The project wouldn't be able to go forward without the church's support because of the need for the easement.

Councilmember Graves noted the report from 2018. The northeast quadrant has the opportunity to make more money. She asked if there are any properties available in that quadrant. Ms. Beekman stated the EDA owns a parcel in the northeast quadrant near Top Golf and Super America. It is valued at about $650,000 and is a similar size to the area in question.

Ms. Beekman stated it is a viable option in terms of land use. However, there has been hesitation because it is unclear what will happen on 66th and Hwy 252. Therefore, it may be unwise to invest in that area until the roadway changes are clear. Councilmember Graves stated she likes the northeast area better, but the consideration of the future road changes is understandable.

Councilmember Graves stated a reason for building a new store is because it would be more affordable in the long run than leasing. She asked what the cost or benefit would be for having no liquor store for one year.

Mr. Agnes stated Liquor Store Number 2 primarily competes with Brooklyn Park, which has several options. Most of the business would be lost to Brooklyn Park rather than be rerouted to Liquor Store Number 1. Closing it down hasn't been considered yet because of the EDA-owned land opportunity.

Councilmember Ryan stated they are considering putting off a decent location while hoping for a perfect one. It would be the wisest to continue gaining revenue from a new store and create a new business location. Brooklyn Boulevard would be a very successful location.

Mayor Elliott noted there is a large difference in potential profit between the sectors. He asked what the projected income would be for the next five years if they were to close the store for one year. The long-term benefit of building in the northeast quadrant would likely far outweigh the short-term benefit of building at the proposed site.

Ms. Beekman stated the market study didn't suggest moving the liquor store. Instead, it suggested opening a third store in the northeast quadrant. She asked if Mayor Elliott is suggesting they abandon Liquor Store Number 2 entirely and seek out a potential liquor store in the northeast quadrant.

Mayor Elliott stated there is a lot of potential revenue in the northeast quadrant, and they should focus on revenue. If the church isn't on board, they wouldn't be able to move forward with the site. He suggested they work with the church to gauge their willingness before making a decision.

Ms. Beekman agreed that would be wise. However, there are pursuit costs to continue going down the road. For example, starting the design process would require monetary commitment as would an appraisal. She asked if Council supports continued efforts towards the proposed site.

Commissioner Kragness asked if the church only had concerns with the liquor store being expanded. Ms. Turk explained the church didn't originally understand the larger build included the condos, so they thought the liquor store was getting much larger.

Mr. Agnes pointed out the consultants recommended right-sizing the store. Liquor Store Number 1 is the primary store while the additional store is meant to be smaller. The current space is too large for its purpose.

Councilmember Lawrence-Anderson stated she has also had conversations regarding the proximity to the church. There is already a liquor store next to the church, so they are not adding a liquor store out of the blue. She asked what the difference in distance to the church is between the two sites. Ms. Beekman stated the proposed location is about 200 feet further than the current Liquor Store.

Councilmember Lawrence-Anderson stated she would like to utilize EDA-owned land and add lighting, cameras, and fencing. She asked what the proposed site is next to. Ms. Beekman noted the adjacent land was called "excess land" by the church.

Councilmember Lawrence-Anderson asked if they could have some kind of a boundary line such as a fence at the edge of the property. Fencing, camera, lighting, and security are very important. She added she isn't concerned about the proximity to the church because it is already near the church.

Councilmember Lawrence-Anderson pointed out that the EDA owns land near 66th and Brooklyn Boulevard across from the Fire Station. Ms. Beekman stated the EDA sold the site to the City to be used for stormwater for the Brooklyn Boulevard project. It will likely be a pocket park. The EDA owns a piece on the south side, but it is too small for a liquor store.

Mayor Elliott asks what kind of investments would be made if the Council were to direct Staff to move forward with the project. Ms. Beekman stated the next step would be hiring an architecture firm to design something. The design package would cost $100,000 to $150,000 which would later be used to be put out for bid. Also, Staff would work on land use approvals that would be brought to the Planning Commission and the Council. Additionally, an engineer would need to deal with stormwater. All in all, it would cost $130,000 to $200,000.

Mayor Elliott stated the City would be wasting money if they moved forward without the support of the church. Ms. Beekman stated they would confirm everything with the church administration before spending more money on the project. As it stands, she has not heard anything but support for the project. Mayor Elliott stated it would make the most sense to get assurances from the church before voting to move forward.

Dr. Edwards stated Staff wouldn't proceed without an agreement with the church. No money would be spent before that is complete. Mayor Elliott stated Staff should have confirmed with the church before bringing the proposal to the Council. He asked if an agreement with the church could be made in the next week. From there, they could consider approving the liquor store project.

Councilmember Graves agreed the church should be on board before spending money, which Staff has confirmed. She noted she doesn't know who has been opposing the project, and there may be some disconnect within the actual church.

Councilmember Graves asked if the building would be two stories. Ms. Beekman stated it is currently one story, and they haven't considered two stories.

Councilmember Lawrence-Anderson stated Staff can't go to the church to make sure they are on board without showing the City is on board. Someone has to take the initiative and take the first step. Staff needs to know if there is enough agreement from the Council before getting a final agreement from the church.

Commissioner Kragness stated the Mayor is saying Staff should get all of the church decision-makers together in a room and get everyone on the same page. Right now, different people are hearing different things, so it is difficult to have a consensus.

Councilmember Ryan stated the church is in the position to decide their approval. The Council needs to give the go-ahead and show they are committed to the project. The Liquor Store has been in the church's backyard for quite some time. The new building wouldn't be very different than the current one. He added he would be surprised if the church declined the easement. Also, the Council needs to let Staff do their job instead of receiving input from various people.

Councilmember Graves pointed out that some people representing the church may not be aware of the potential project as that is not their purview.

Mayor Elliott stated when people call, he talks to them. Also, just because the Liquor Store is currently close to the church, it doesn't mean it needs to stay close to the church. There is an opportunity for another decision to be made. If the Council is going to approve the project, it

presents an opportunity for a conversation with the church. It would be fiscally responsible to agree with the church before taking any further steps.

Councilmember Lawrence-Anderson stated Staff would get an agreement from the church before spending any money. Staff needs to know if the Council supports the location and if the church is on board.

Mayor Elliott asked if they are authorizing Staff to spend money with the vote.

Councilmember Lawrence-Anderson stated Staff needs the approval to move forward before they can go to the church for an official agreement.

Mayor Elliott asked if the spending would be held off until the church agrees to the easement. Dr. Edwards stated Staff needs consensus from the Council to move forward with speaking to the church for a final agreement. If they agree to grant an easement, then they would take the next steps to move the project forward, including spending money.

It was the consensus of the Council to proceed with confirming an easement agreement with the church and then seeking proposals for architectural and engineering services related to the construction of new Liquor Store Number 2 and additional office condominium space at the corner of Brooklyn Boulevard and 70th Ave North.

## 8. ADJOURN

There was a motion by Mayor Elliott and seconded by Councilmember Ryan to adjourn the meeting. Motion passed unanimously. The Brooklyn Center City Council/Financial Commission adjourned at 8:56 p.m.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss. Certification of Minutes
CITY OF BROOKLYN CENTER)

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. Attached hereto is a full, true, and complete transcript of the minutes of the City Council/Financial Commission Joint Work Session of the City of Brooklyn Center held on June 6, 2022.

2. That said meeting was held pursuant to due call and notice thereof and was duly held at Brooklyn Center City Hall.

3. That the City Council adopted said minutes at its September 26, 2022, Regular Session.

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| City Clerk | Mayor |

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

JOINT WORK SESSION
AUGUST 15, 2022
VIA ZOOM

## 1. CALL TO ORDER

The Brooklyn Center City Council/Financial Commission Joint Work Session was called to order by Mayor Elliott at 6:09 p.m.

## 2. OVERVIEW/INTRODUCTIONS

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present.

Also present were Financial Commissioner Chair Teneshia Kragness and Commissioners, Taofeek Ishola, and Emmanuel Kpaleh.

Also present were City Manager Reggie Edwards, City Clerk/Interim Assistant City Manager Barb Suciu, Director of Finance and Fiscal Services Angela Holm, Community Development Director Meg McMahan, City Engineer Mike Albers, and Director of Public Works Elizabeth Heyman.

## 3. 2023 GENERAL FUND DEPARTMENT BUDGET REQUESTS

## 3a. PUBLIC WORKS

City Manager Reggie Edwards introduced the item and invited Director of Finance and Fiscal Services Angela Holm to continue the Staff presentation.

Ms. Holm stated there will be three preliminary departmental requests along with updates on the general fund. She invited Ms. Heyman to continue the Staff presentation.

Director of Public Works Elizabeth Heyman explained Public Works is responsible for the maintenance and operations of the City's infrastructure and facilities in a quality, cost-effective manner. There are six functional divisions including administration/engineering, street maintenance, park maintenance and forestry, public utilities, central garage, and facilities maintenance. Ms. Heyman added there are 34 funded Staff members with Public Works.

Ms. Heyman explained administration/engineering includes Public Works administration and Budgeting, infrastructure improvement, planning and projects, traffic engineering, mapping/GIS, site plan and subdivision plat reviews, and water resources. Street maintenance and traffic control

include street, sidewalk, and trail maintenance, repair and patching, street sweeping, snow and ice control operations, boulevard tree trimming, streetscape maintenance, and traffic control maintenance.

Ms. Heyman stated park facilities and forestry includes maintenance of turf, park buildings, City facilities, picnic shelters, playgrounds, and athletic fields, overseeing winter operations such as ice rinks and snow plowing within park areas, and reforestation and diseased tree inspection. Facilities maintenance maintains all City-owned facilities such as the Community Center, Public Works, Fire Stations, and the Police Department.

Ms. Heyman stated there is a planned Park Capital Planning Study in 2023 with a projected cost of $300,000. 2023 also has a project Capital Maintenance building Plan Evaluation Study for about $150,000. There is a ten-year plan for hazardous tree management and reforestation, which would cost around $150,000 per year.

Ms. Heyman pointed out there are certain performance objectives with target values, and almost all of the objectives were met last year. There was an issue with one snow plot event near the holidays that increased the response time.

Mayor Elliott noted the City is exceeding standards for pothole improvements. Ms. Heyman confirmed the City responds to pothole improvements quickly. Sidewalks, trails, and roads are cleared within 10 hours on average.

Councilmember Lawrence-Anderson noted people are very happy with how quickly streets are plowed.

Mayor Elliott added he has gotten calls from other cities pointing out how quickly Brooklyn Center clears the streets.

Ms. Heyman stated the percent change between 2022 and 2023 is due to inflation for materials and fuel costs. In 2022, road salt was purchased at $72.80 per ton. The City is proposing the purchase of the additional salt because they almost ran out in 2022. The additional salt on top of the inflation would cost $135,392, which is about $40,000 more than the previous year. She added the cost for a replacement snowplow truck in 2018 was $132,000. However, inflation in future years was not accounted for. In 2030, the same truck would cost $211,000. Every year they need to go back and adjust for inflation.

Ms. Heyman pointed out there is an additional Maintenance Worker II and Technical Position for 2023. Brooklyn Center is running pretty light in comparison to past staffing numbers. In 1980, there was 22 Staff. As it stands, there is only 16 Staff. After moving some things around, the financial impact for the additional Maintenance Worker II would cost the City $50,000. The additional Technical Position would require an additional $40,000. The purpose of the technical role is to take on new initiatives and policy analysis and address strategic priorities set by the Council.

Commissioner Kragness asked where the additional money was pulled from for the additional

maintenance worker. Ms. Heyman stated there was some money from the previous funds that had not been spent down and it made sense to move it to assist in affording an additional employee.

Dr. Edwards pointed out they were trying to create a more livable wage for the employees. The staff has even done orientation and training for an individual who is Spanish-speaking. Staff is trying to plan with the human condition in mind. The upcoming year will focus on health and the impact of services on residents. The goal is to create a unique plan specific to the needs of Brooklyn Center, and it will be unlike any other policy.

Councilmember Lawrence-Anderson asked how they are seeking feedback from the public. Newsletters and surveys are important. The City doesn't have a social media presence, and only some portions of the City services are engaging with the public. There is much to learn in the coming budget cycle, and Staff should reach out to residents in a way they want to be engaged.

Councilmember Graves stated having entry-level programs in Public Works would be beneficial for the community. Minneapolis has a similar program. She asked if Brooklyn Center could budget for something similar in the future.

Ms. Heyman stated she has been in contact with BrookLynk regarding the program. It was funded through the American Rescue Plan Act. Brooklyn Center hires far fewer folks than Minneapolis but partnering with BrookLynk increases opportunities. As it stands, the City has a very high Staff retention rate.

Dr. Edwards noted Staff is doing some work in the area with American Rescue Plan Act funds. They are trying to create pipeline opportunities. There are some issues they have worked through with unions as there are union contract implications.

Mayor Elliott noted he would be leaving the meeting at 7:30 p.m.

## 3b. COMMUNITY DEVELOPMENT

Community Development Director Meg McMahan stated the mission of the Community Development Department is to preserve and enhance the quality of life for the residents and businesses of Brooklyn Center by guiding the development of the City with effective measures of planning, design review, construction plan approval, code compliance, housing, and business assistance. She showed a slide of the organizational structure of the Community Development Department.

Ms. McMahan explained that Building and Community Standards cover the Building Construction Regulatory Program, Rental Licensing Program, Property Maintenance, and Code Enforcement, Vacant Building Program, and HRA/Housing Programs. Business and Development include Planning and Zoning Services, Long Range Strategic Planning, EDA/Economic Development Programs, Business Retention, and Expansion programs, and Workforce Development.

Ms. McMahan noted permitting has been significantly lower, but they expect an increase in permits in 2023. Permitting peaked in 2019. Upcoming construction includes The Crest 2, Value

Foods, Burlington Coat Factory, Phu Bia Produce, Starbucks remodel, Palm Grove, and C-Alan Homes. Endurable Solutions is under review. New businesses in the City include Pops Car Wash, All Furniture, Fraiser School for the Autistic, Marco, Dean's Home Service, and BP Gas Station.

Ms. McMahan pointed out there is a Performance-based Rental Licensing Program which includes, process, tracking, and performing rental inspections, a bi-monthly newsletter to Rental Property owners, a City-wide resource packet to all renters, investigation, and resolution of property complaints, investigation of unlicensed rental properties, accepting, processing, and issuing rental licenses, ensuring compliance with all regulations, conducting CPTED inspections, negotiating mitigation plans for Type III and Type IV licenses, resumed inspection of 100% of units, and increased group home and related enforcement.

Mayor Elliott asked which units are inspected. Ms. McMahan stated it depends on the rental license type. Four types in Brooklyn Center dictate how long the license lasts without inspection. More problematic properties get more frequent inspections.

Councilmember Ryan noted there were issues with inspections due to COVID-19 and Staffing levels. He asked how Staff is doing on inspections. Ms. McMahan confirmed Staff is caught-up with inspections.

Councilmember Ryan explained he has received a lot of complaints regarding group homes. He asked if the only authority the City has is through zoning. Ms. McMahan explained group homes are a protected class under State statute, so the City cannot regulate them any differently. She added there is a lack of communication from the State, so the City is doing its best with what it can do. There isn't a lot of oversight from the State to ensure the group homes are staffed and maintained properly. This has created an increased number of group homes in areas with more affordable housing. Brooklyn Center has the highest rate of group homes per capita than any other city in the State because the housing is affordable.

Councilmember Ryan requested a work session on group homes. In one neighborhood, there are three group homes on one block.

Mayor Elliott asked what the issue is with group homes. Ms. McMahan stated group homes are classified as assisted living. Group homes are essentially commercial businesses in residential property. Staff may find illegal bedrooms or management issues in the facility. Both of which create an unsafe environment for vulnerable folks. Medical facilities such as sober housing have another set of rules outside of the State.

Ms. McMahan stated there are 11,903 housing units in the City, and about 38 percent of those are rental units. In comparison to neighboring cities, Brooklyn Center has a low number of single-family rentals. There are 737 rental licenses. A majority of the rental licenses are two- and three-year licenses.

Ms. McMahan noted Property Maintenance and Code Enforcement includes a complaint-based program, proactive code enforcement, code enforcement engagement, and administration of citations and abatements. In 2021, there were 1,734 code enforcement cases. So far in 2022, there

have been 1901 code enforcement cases. On average, there are about 11 hoarding or unsafe living conditions per year in the City. There has been an increase in illegal dumping as well.

Ms. McMahan stated the Vacant Building Program registers vacant buildings, and there is a rigorous inspection process required before the buildings can be inhabited. There are currently 37 active vacant properties with 12 vacant building registrations and renewals in 2021. There are a lot of concerns about the Sears property and people trespassing there. The Fire Department is particularly worried about the break-ins. Earle Brown Bowl, Brown College, and Target are also vacant buildings.

Mayor Elliott asked what the breakdown is of housing stock in Brooklyn Center. Ms. McMahan stated she could provide a detailed breakdown to the Council.

Mayor Elliott left the meeting.

Ms. McMahan stated there have been several planning cases in 2021. The most notable one has been the Opportunity Site. There is an ongoing Zoning Code update that will be complete soon. There has been a lot of work done on the Housing Study and the adoption of the Tenant Protection Ordinance.

Councilmember Ryan asked if there are any metrics regarding the Tenant Protection Ordinance. Ms. McMahan stated the most helpful data point will be tracking non-renewals. That hasn't been tracked in the past, but the new data point will be very revealing. Councilmember Ryan stated he would like to see protections for all entities.

Councilmember Lawrence-Anderson asked if there is an estimated comparison for previous years for non-renewals. Ms. McMahan agreed it would be helpful to collect some information from landlords on the topic. Councilmember Lawrence-Anderson stated any comparison data would be valuable. It is important to collect the data in the long-term, but it is useless without comparison for the first round of collection.

Councilmember Graves pointed out they would have to adjust for the period when evictions were under a moratorium. The point of the Tenant Protection Ordinance is to decrease evictions. They could look at eviction numbers from before the pandemic. There might be an increase in evictions after COVID-19 due to the long-term moratorium and financial struggles faced by people. If the change isn't significant, then the Ordinance should be reconsidered.

Ms. McMahan noted a strategic priority set by the Council has targeted redevelopment. The Economic Development Department is overseeing the Opportunity Site and its ongoing planning and implementation. The Sears site is also underway. The EDA also acquired three properties over the past year for potential redevelopment.

Ms. McMahan added another strategic priority is business economic stability. Staff established and funded a low-interest loan program, a façade improvement program, and a Hennepin BDI grant, and has continued to provide technical support and resources. Most notably, there is a micro revolving loan fund with LIBA where up to 40 businesses have been served.

Ms. McMahan pointed out another strategic priority is resident economic stability. The Economic Development Department supports BrookLynk, has expanded workforce development programs and pathways, coordinated with local human resources to advance local hiring, implemented a local procurement policy for City expenditures and projects receiving a public subsidy, conducted a housing study, increased food security adopted a tenant protection ordinance, connected residents with housing assistance supported the down payment assistance program for first-time homebuyers and managed a housing rehabilitation program. The goal is to stabilize housing and income.

Ms. McMahan stated the Department will continue working on the Opportunity Site redevelopment and strategic acquisition and redevelopment of EDA-owned land. The Department will continue to focus on resident economic stability by promoting job pathways, workforce development, job retention and expansion, and housing stability.

Ms. McMahan explained the Staff plan to promote homeownership, create a housing coordinator position to design and implement housing policies and programs, implement a NOAH Preservation Program, create a Housing Trust Fund, explore amendments to expand tenant protections, and partner with outside agencies to provide housing assistance to residents.

Ms. McMahan noted the Economic Development Department will promote business economic stability by continuing to offer technical assistance and resources, access to capital, and affordable bricks-and-mortar space. More information on those efforts will be provided during the EDA budget presentation at a later date.

Ms. McMahan added the Department also seeks to enhance community image and promote a safe, secure, and stable community. There is an ongoing Zoning Code Update, code enforcement is focused to develop relationships with property owners and managers, and Staff is exploring programs to incentivize businesses to invest in beautification.

Ms. McMahan stated the requested Staffing changes for 2023 are the addition of a Housing Coordinator position and moving an Associate Planner to half EDA and half General Fund to be fully focused on the General Fund. Tax Increment Financing (TIF) Number 3 has been a workhorse for the City and helped fund a lot of redevelopment. The EDA would usually do more of that funding, but EDA has been funding more Staffing. The goal is to move the Staffing away from the EDA because TIF 3 has been decertified.

Councilmember Lawrence-Anderson asked what the current hourly wage is for an entry-level employee. Dr. Edwards stated the lowest rate paid by Brooklyn Center is $16.16 hourly.

Councilmember Lawrence-Anderson asked if there is a standard Cost of Living Adjustment (COLA) for all positions each year. Dr. Edwards stated there are union negotiations, but all non-unionized employees are budgeted for a three percent COLA increase for 2023.

Councilmember Lawrence-Anderson asked how similar cities compare. Dr. Edwards stated similar cities are also looking at a three percent COLA increase. Councilmember Lawrence-Anderson asked how Brooklyn Center compares to other cities in terms of livable wages.

Dr. Edwards stated Brooklyn Center was one of the first to work towards a living wage, but they are now the middle to bottom of the pack in comparison to other cities because it has been a while since a market study has been done. As it stands, Brooklyn Center is not competitive as it needs to be.

Councilmember Graves asked if there could be a discussion about Airbnbs at a future Work Session. Ms. McMahan stated Staff has been looking at ordinances in other cities regarding Airbnbs, and it will be brought back to the Council once the report is complete.

Councilmember Graves asked if there is an attempt to connect families with resources when there are dilapidated residences or other Code Enforcement issues addressed by Staff. That would be particularly important if certain residences are consistently being contacted by Staff.

Ms. McMahan stated the dilapidated properties take up a lot of Staff time, and they do tend to connect residents with relevant resources. Oftentimes, there are several entities involved in the process such as Hennepin County Social Services, Hennepin County Community Health, local law enforcement, and more.

Councilmember Graves noted she is excited about the Housing Coordinator position and how it will positively impact the community.

**3c. FINANCE**

Director of Finance and Fiscal Services Angela Holm explained the mission of the Finance Division is to provide accurate and timely information to administrative and professional support in financial matters to all Departments and Divisions of the City. Its efforts include accounting, accounts payable, accounts receivable, assessing, banking and investments, budget and financial planning, debt management, financial reporting, utility billing, and safety and risk management through insurance renewals. The liquor stores also operate under the Finance Division umbrella, but reports on its operations will be provided at another time.

Ms. Holm stated there are currently 5.5 Staff in the Finance Division. There is one occupancy. In 2023, it is requested for a total of a two percent increase in both finance and assessing. It is slightly higher than the three percent COLA increase, but there was a new Deputy Director brought on that required more funding. There is also a need for supplies throughout the office.

Commissioner Kragness pointed out an adding error in the budget chart. Ms. Holm stated she will look into the numbers and address the issue in future documents.

Ms. Holm showed a slide with the 2021 performance objectives in comparison to 2019 and 2020. In each of the years listed, Brooklyn Center received a Certificate of Achievement for financial reporting. The availability of monthly financial data to all users was 25 days in 2021, which was an improvement from 2020. However, the target value is 21 days. The date of audit opinion was on time each year, and the City bond credit rating has consistently been AA. Also, the rate of investment return on all cash and investments is getting closer to the target value each year. Staff

is hopeful the City will meet the one percent target value in 2022.

Ms. Holm showed a slide with a table depicting the 2023 Non-Departmental Budget.

Mayor Pro Tem Butler asked about the reasoning for the $60,000 increase in legal funds. Ms. Holm stated there were contractual increases. For example, more legal counsel will be needed to address the Opportunity Site.

Councilmember Ryan noted a previous discussion revealed that a significant portion of the City's obligation to civil suits would be from the contingency line item. He asked what the budgetary implications would be to handle that payment and replenish the fund. Ms. Holm stated the lawsuit was anticipated to be paid out of the capital contingency fund and to also take municipal State aid to replenish the fund.

Councilmember Ryan asked if there is more than one contingency fund. Ms. Holm stated the capital fund is considered similarly but not completely the same. There was a significant balance in the capital fund that served the unprecedented situation.

Ms. Holm noted the joint powers payments handle the community relationships held by the City such as BrookLynk, domestic violence resources, mediation services, and the like. Councilmember Graves asked if there is ever a time that the Brooklyn Bridge Alliance would be self-sustaining. Ms. Holm stated both grants and budgetary items fund the Brooklyn Bridge Alliance.

Dr. Edwards stated the creation of the Brooklyn Bridge Alliance Board would have to go seek more money from other members of the consortium. Brooklyn Center helped to create the Brooklyn Bridge Alliance, so there is an obligation for funding. Councilmember Graves pointed out Minneapolis has a different system for a similar effort.

Dr. Edwards noted the vacancy line item has historically been a generous estimate, and that was refined and decreased by $200,000 to be more conservative. There is a hope to bring people on and promote consistency.

**3d. GENERAL FUND REVENUE**

Ms. Holm showed a slide with estimated 2023 revenues for the General Fund. She explained they don't know the levy yet as that hasn't been decided by the Council. In the meantime, they use the previous year's levy for estimates.

Ms. Holm noted an increase in lodging taxes and a decrease in licensing and permits. Those numbers will continue to be monitored. The State money consists of local government aid that aids the Police and Fire Departments among other expenditures. There is an increase in general government revenue and a decrease in public safety. Dr. Edwards pointed out the City is no longer contracting with venues such as Wal-Mart and Top Golf, so there is a decrease in revenue for public safety.

Ms. Holm explained there is a prediction for recreational revenue to decrease due to year-to-date measures currently available. There is then a slight estimated increase in Community Center revenue. In anticipation of rebounding after the pandemic, there will likely be increases in investment earnings and miscellaneous revenues. There is an estimated decrease in special assessments.

Ms. Holm stated the overall General Fund revenue will likely see a four percent decrease. It is anticipated that the total change in revenue will become positive once the 2023 levy is set by the Council.

Councilmember Lawrence-Anderson stated she would like to see grant income for the City. There are lots of grants received by Brooklyn Center, and she would like to know the total financial impact of those monies.

Councilmember Ryan noted his agreement with Councilmember Lawrence-Anderson. He added he would also like to see the terms and conditions of the grants.

Councilmember Lawrence-Anderson added she would like a Work Session to cover the topic of grants. Also, the Council should decide on a monetary amount in which the grant would require their involvement to review the parameters of the grant.

Councilmember Lawrence-Anderson asked if the revenue from public safety was decreased due to Staffing issues. Dr. Edwards stated the focus of the Police Department was on civil unrest, and there were also Staffing issues.

**4. 2023 BUDGET OVERVIEW – FOLLOW-UP**

**4a. AUGUST 29, 2022 – 2023 GENERAL FUND DEPARTMENT BUDGET REQUESTS**

**4b. SEPTEMBER 12, 2022 – RECOMMEND PRELIMINARY LEVY AND BUDGET**

**4c. SEPTEMBER 26, 2022 – ADOPTION OF PRELIMINARY LEVY AND BUDGET**

**5. FUTURE GENERAL FUND BUDGET DISCUSSIONS**

Dr. Edwards summarized the upcoming meetings and deadlines related to the budget. He noted there will be input received from some folks regarding the budget on September 10, 2022.

Councilmember Lawrence-Anderson asked how the people were selected for the discussions and what the context for the dialogue is. Dr. Edwards stated anyone is welcome to join the conversation, and the meeting will be promoted across the City through various communication avenues. Before the input portion begins, there will be an educational portion to explain the budget.

## 6. ADJOURN

There was a motion by Mayor Pro Tem Butler and seconded by Councilmember Ryan to adjourn the meeting. Motion passed unanimously. The Brooklyn Center City Council/Financial Commission adjourned at 7:57 p.m.

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

SPECIAL SESSION
AUGUST 22, 2022
CITY HALL – COUNCIL CHAMBERS

## CALL TO ORDER

The Brooklyn Center City Council met in Special Session called to order by Mayor Elliott at 5:37 p.m.

## ROLL CALL

Mayor Elliott and Councilmembers Kris Lawrence-Anderson and Dan Ryan. Councilmembers April Graves and Marquita Butler were absent. Also present were City Manager Reggie Edwards and City Clerk and Interim Assistant City Manager Barb Suciu.

## CANVASS THE RECOUNT FOR CITY COUNCIL

## CANVASS RESULTS OF THE 2022 PRIMARY ELECTION CITY COUNCIL RECOUNT

City Clerk and Interim Assistant City Manager Barb Suciu explained the election was on August 9, 2022, and Hennepin County notified the Staff of the potential for a publicly funded recount for the fourth candidate for City Council. On August 11, 2022, the 2022 Primary Election was canvassed, which triggered the five days that the candidate could request the recount. On Tuesday, August 16, 2022, the City received notification from the candidate asking for the recount. The recount was conducted on August 18, 2022.

Ms. Suciu stated the recount results were the same as Election Night where Andrew Johnson received 549 votes, and Joylenna Garcia received 535 votes.

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded to approve the results for the 2022 Primary Election City Council Recount.

Motion passed unanimously.

Councilmember Lawrence-Anderson noted she attended the recount and she thanked the election judges and the County for their efforts. The Staff also did a great job and it was handled very professionally.

Councilmember Ryan thanked the election judges and Staff for their work conducting a fair election.

## ADJOURNMENT

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded adjournment of the City Council Special Session at 5:41 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
AUGUST 22, 2022
CITY HALL – COUNCIL CHAMBERS

## CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Pro Tem Marquita Butler at 6:06 p.m.

## ROLL CALL

Mayor Mike Elliott (arrived at 6:09 p.m.), Mayor Pro Tem Marquita Butler, and Councilmembers April Graves (arrived at 6:15 p.m.), Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Reggie Edwards, Community Development Director Meg McMahan, and City Clerk Barb Suciu.

## CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Ryan stated he had a correction to the minutes of August 14, 2022, City Council Meeting Minutes, specifically on page 14 and paragraph 3. He stated he provided an edited version of his statements.

It was the majority consensus of the City Council to accept the corrections to the August 14, 2022, City Council Regular Session Meeting minutes.

Councilmember Lawrence-Anderson added she would like to make a minor edit to July 25, 2022, Work Session on page 3 and paragraph 2. She requested a word change from "not elected" to "a non-elected."

It was the majority consensus of the City Council to accept the corrections to the July 25, 2022, City Council Work Session Meeting minutes.

Mayor Mike Elliott arrived at 6:09 p.m.

## MISCELLANEOUS

## IMPLEMENTATION COMMITTEE DISCUSSION

Mayor Elliott explained there is an upcoming presentation for the Council regarding changes to the Implementation Committee.

Councilmember Lawrence-Anderson stated she is anxious to receive the presentation. She asked if the presentation or changes would be available to the Council before the meeting. Mayor Elliott confirmed they could have information in advance of the presentation.

Councilmember Ryan added he has several questions and concerns regarding the Implementation Committee. He would like the information in advance of the next meeting as well.

Councilmember Lawrence-Anderson asked if Mayor Elliott has discussed the changes with Staff. Mayor Elliott confirmed he has had conversations with Staff.

Councilmember Butler asked if items from previous Work Sessions will be brought back to the Council. City Manager Reggie Edwards stated Staff is prepared for a discussion regarding upcoming proposals to address issues from previous Work Sessions.

## DISCUSSION OF REGULAR SESSION AGENDA ITEMS

Councilmember Graves arrived at 6:15 p.m.

Councilmember Lawrence-Anderson asked if Regular Session Public Hearing Item 8c., An Ordinance Amending Chapter 35 of the City Code of Ordinances Regarding the Zoning Classification of Certain Land Located at 1297 Shingle Creek Crossing (Second Reading/Public Hearing), was referring to the Sears development. Dr. Edwards confirmed that was correct. Councilmember Lawrence-Anderson asked if the item is time-sensitive. She explained she is meeting with a concerned resident the following day regarding the matter. Dr. Edwards stated the item is time-sensitive.

Mayor Elliott asked what is time-sensitive about the item. Community Development Director Meg McMahan stated the City has had the Sears site on track for approval for quite some time. From a legal perspective, they could delay the item for two weeks, but they would have to table the public hearing. There are some significant delays on the project and there are already time constraints moving forward. Ms. McMahan added she is aware of the email from the resident mentioned by Councilmember Lawrence-Anderson, and Staff provided a lengthy response for the resident. The concerns can be addressed in the presentation as the concerns seem to be rooted in misunderstanding the project.

Mayor Elliott added he received an email from the resident just before the meeting, and the resident had not received a response from Staff.

Councilmember Lawrence-Anderson stated she has articulated her position to the resident regarding the traffic. The zoning for the site has been discussed for two years, and she is prepared to move forward on the item. She does not discount constituent feedback, but it is the eleventh hour and there is an obligation to the developer.

Councilmember Ryan noted his agreement with Councilmember Lawrence-Anderson and confirmed he would pass along the response to the resident as he is the one who notified the Staff of the concerns.

Mayor Elliott noted he was not feeling well, but he will stay in the meeting for as long as he can.

## ADJOURNMENT

Mayor Elliott adjourned the meeting at 6:22 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
AUGUST 22, 2022
CITY HALL – COUNCIL CHAMBERS

## 1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in the Informal Open Forum called to order by Mayor Mike Elliott at 6:45 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Reggie Edwards, Community Development Director Meg McMahan, Planner, and Zoning Administrator Ginny McIntosh, City Clerk/Interim Assistant City Manager Barb Suciu, Communications/Interim Assistant City Manager Angel Smith, and City Attorney Jason Hill.

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

Carmina M. stated she didn't know Brooklyn Center didn't have a Fire Department. At her apartment complex, there is a fire almost weekly. It takes 20-30 minutes for the Brooklyn Park Fire Department to respond, and the firefighters lack urgency once they arrive.

Carmina M. added Verizon Wireless has been visiting their complex to give them 5G internet. However, some apartments do not have the capabilities for the 5G internet. She has been trying to return the device since February, and she keeps getting the run around from customer service. She cannot get a new phone until the issue is resolved.

Carmina M. noted she attended an event at Centennial Park, but there are no public restrooms. The park is amazing, and she has rented out the space. If there is no way to access public restrooms, there should not be an option to rent the space. There have been excellent public events held, and the residents should attend the events more.

Carmina M. added it is nice to have a PowerPoint presentation about picking up the trash, but she hasn't seen what they are talking about. There are grants for businesses to clean up, but that is preposterous. Her apartment complex doesn't have enough garbage or cigarette disposals. The tenants pay for the apartment to maintain a clean environment. Instead of proving them with grants, the City should fine businesses if they are not maintaining cleanliness.

Nahid K. noted she read a recent newspaper article about the construction of business parks, and she is opposed to the buildings and their industrial uses. They are inappropriate and out of place for the area as it is currently an area for retail. The new builds would be out of scale and unappealing to shoppers.

Mayor Elliott stated there is a public hearing on the item that evening. He asked if the rest of her comments could be saved for that portion of the meeting. Nahid K. confirmed she could continue her comments during the public hearing.

Laurie M. stated she also has comments that would be more appropriate for the public hearing.

Councilmember Graves moved and Councilmember Ryan seconded to close the Informal Open Forum at 7:00 p.m.

## 2. INVOCATION

Councilmember Lawrence-Anderson stated they must never lose sight of their hopes, dreams, and vision. It is the dreamers who see what they can be. She shared a quote from James Allen, "The greatest achievement was at first and for a time a dream. The oak sleeps in the acorn, the bird waits in the egg, and, in the highest vision of the soul, the angel stirs. Dreams are seedlings of reality."

Councilmember Lawrence-Anderson shared a quote from Gloria Steinem, "Without imagination or dreaming, we lose the excitement of possibility. Dreaming, after all, is a form of planning."

Councilmember Lawrence-Anderson added Michael Jackson said, "In a world filled with hate, we must still dare to hope. In a world filled with anger, we must still dare to comfort. In a world filled with despair, we must still dare to dream. In a world filled with distrust, we must still dare to believe."

Councilmember Lawrence-Anderson read a quote from Dr. Seuss, "Nonsense wakes up the brain cells and helps develop a sense of humor, which is important in this day and age. Humor has a tremendous place in this sordid world. It is more than just a matter of laughing. If you can see things out of whack, you can see how things can be in whack."

## 3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in a Regular Session called to order by Mayor Mike Elliott at 7:03 p.m.

## 4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Reggie Edwards, Community Development Director Meg McMahan, Planner and Zoning Administrator Ginny McIntosh, City

Clerk/Interim Assistant City Manager Barb Suciu, Communications and Community Engagement/Assistant City Manager Angel Smith, and City Attorney Jason Hill

## 5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

## 6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Butler summarized the changes to the minutes as discussed in the Study Session.

Mayor Elliott tabled the Council Consideration Item 10e., City Commission Appointments, and move it to the next Council meeting.

Councilmember Ryan asked if they needed a motion and second to table the item. City Attorney Jason Hill clarified the item would be removed from the agenda rather than tabled.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to approve the Agenda and Consent Agenda, as amended, and the following consent items were approved:

### 6a. APPROVAL OF MINUTES

1. July 25, 2022 – Work Session
2. August 8, 2022 – Regular Session
3. August 11, 2022 – Canvassing Board

### 6b. LICENSES

**MECHANICAL**

| | |
|---|---|
| Genz-Ryan Plumbing & Heating Co | 2200 W Hwy 13<br>Burnsville, MN 55337 |
| MN Plumbing and Home Services | 12040 Riverwood Circle<br>Burnsville, MN 55337 |
| Otsego Heating and Air Conditioning Inc DBA Comfort Solutions Heating and Cooling | 11 1st Street NW<br>Maple Grove, MN 55369 |

**RENTAL**

*INITIAL (TYPE IV – six-month license)*

| | |
|---|---|
| 1107 57th Avenue North | Alexander Irwin |
| 6113 Quail Avenue North | SFR Acquisitions 3 LLC |

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

| | |
|---|---|
| 3900 51st Avenue North | Callaway Helbraun Fam Rev Tr \| David Helbraun |
| *RENEWAL (TYPE IV – six-month license)* | |
| 3401 47th Avenue North | Bmw Holding LLC Et Al |
| 6915 Humboldt Avenue North | Lynwood Pointe LLC |
| 2006 Brookview Drive | Mnsf Ii W1 LLC |
| 2023 Brookview Drive | Fyr Sfr Borrower LLC |
| 3100 Thurber Road | Tyler Henderson |
| 3301 Lawrence Road | Mnhomes2go LLC |
| 5820 Logan Avenue North | Farnaz Toussi |
| 6012 York Avenue North | MNHOMES2GO LLC |
| *RENEWAL (TYPE III – one-year license)* | |
| 2406 Ericon Drive | G B Homes LLC |
| 3818 Burquest Lane | Ayan I Yusuf |
| 7101 France Avenue North | Kris Kienzie |
| 7148 Morgan Avenue North | FRED HANUS LLC |
| *RENEWAL (TYPE II – two-year license)* | |
| 5207 Xerxes Avenue North | Dabco Properties LLC |
| 4908 Abbott Avenue North | Aaron Burmeister |
| 5636 Humboldt Avenue North | Gao Qiang Liu |
| 5827 Ewing Avenue North | Juan Carlos Quito-villa |
| 7193 Unity Avenue North | Mary R Turcotte |
| *RENEWAL (TYPE I – three-year license)* | |
| 5306 Russell Avenue North | John & Donna Reinarz |
| 6706 Drew Avenue North | 6706 Drew Ave LLC |

**6c. RESOLUTION NO. 2022-79; APPROVING THE ACCEPTANCE OF GRANT FUNDS FROM THE PROTECT COMMUNITY FORESTS BY MANAGING ASH FOR EAB PROGRAM**

Motion passed unanimously.

**7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS**

**7a. PROCLAMATION OF APPRECIATION TO THE CITY EMPLOYEES FOR SERVICE TO THE CITY OF BROOKLYN CENTER**

Councilmember Graves read in full a Resolution expressing appreciation to the City Employees for their service to the City of Brooklyn Center.

Dr. Edwards thanked the Council on behalf of the Staff for the kind words. He explained he chose to work in Brooklyn Center due to the great Staff and excellent residents.

Councilmember Ryan moved and Councilmember Graves seconded to accept the proclamation of appreciation to the City Employees for their Service to the City of Brooklyn Center

Motion passed unanimously.

**8. PUBLIC HEARINGS**

**8a. AN INTERIM ORDINANCE NO. 2022-02 AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE ESTABLISHMENT OF NEW USES OR THE EXPANSION OF EXISTING USES RELATED TO THE SALE OF THC PRODUCTS (SECOND READING/PUBLIC HEARING)**

City Manager Reggie Edwards explained this is the second reading/public hearing for an interim ordinance authorizing a study and imposing a moratorium on the establishment of new uses or the expansion of existing uses related to the sale of THC products. The first reading was at the July 25, 2022, City Council and passed unanimously.

Councilmember Graves asked how long the moratorium is in effect for. City Attorney Jason Hill stated the moratorium would be for one year. The Council previously passed an emergency ordinance for a more short-term moratorium. After the study, the Council can decide what to do with the moratorium.

Mayor Elliott moved and Councilmember Graves seconded to open the Public Hearing.

Motion passed unanimously.

Lori B. stated she is in favor of the products being sold in Brooklyn Center. The amount is very low and doesn't pose a threat to anyone. It is an opportunity for the City to generate tax income.

Councilmember Graves noted her agreement with the comments by Lori B. It could bring more business to the City or help grow small businesses.

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

Motion passed unanimously.

Councilmember Ryan stated he is in support of the moratorium as various issues have been raised regarding health and distribution of THC products. There is a concern about THC being dispensed at the proper threshold and its regulation. The State legislation is somewhat ambiguous, which poses a concern for law enforcement.

Mr. Hill added another concern is sale to minors. Some licensing procedures are being considered to determine where THC can be sold. Many cities are going the route of moratorium as it is a great option to study and choose the best options for regulations and revenues.

Councilmember Ryan noted he hopes the State would create a more uniform policy rather than a mismatch of rules and procedures throughout different cities.

Mayor Elliott asked what considerations and discussions were had at the State level when the law was passed. Mr. Hill stated he was no privy to the discussions, but it is his understanding that there wasn't much discussion.

Community member Laurie M. stated she would like to comment. Mayor Elliott stated the public hearing is closed. Laurie M. stated she would like to provide input. Mayor Elliott confirmed she could speak. Laurie M. stated the legislature is not doing their job. Businesses have been licensed to sell alcohol or vape pens, but some still sell to minors. There are plenty of people abusing alcohol or providing substances to minors. The issue with THC is the same.

Councilmember Lawrence-Anderson asked how long the study will take. Dr. Edwards stated they do not have a timeline for the study currently.

Mayor Elliott stated some other jurisdictions now allow the sale of THC. Mr. Hill confirmed some cities have already adopted policies to allow the sale of THC. The purpose of the study is to see what would be the best for Brooklyn Center.

Dr. Edwards noted the City recently did a study regarding the sale of tobacco, so they will use a similar format for THC. They may also learn from the studies done by other cities. From there, the information will be brought back to Council for further consideration.

Mayor Elliott stated it is important to look at what other cities have done and talk with Brooklyn Center residents.

Councilmember Lawrence-Anderson stated she would like information on the topic be provided to the public. She noted she hasn't received any resident feedback yet, but it is important to gather input from the community.

Councilmember Ryan moved and Councilmember Graves seconded to approve the Second Reading and adopt INTERIM ORDINANCE 2022-02; authorizing a study and imposing a moratorium on the establishment of new uses or the expansion of existing uses related to the sale of THC products.

Mayor Elliott asked if Staff would provide an update to Council about a study timeline and what the study would look like. Dr. Edwards confirmed it would be on the next agenda.

Mayor Elliott asked if Staff anticipates the study will take the full length of the moratorium. Dr. Edwards stated he doesn't anticipate the study itself will take an entire year. Then the timeline would rest more on the Council than Staff as they would consider the information from the study and decide the direction.

Motion passed unanimously.

Councilmember Ryan moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2022-80 approving a Summary Publication for the aforementioned ordinance in the Brooklyn Center *Sun Post*.

Motion passed unanimously.

Mayor Elliott left the meeting at 7:37 p.m. Mayor Pro Tem Butler chaired the remainder of the meeting.

**8b. PLANNING COMMISSION APPLICATION NO. 2022-005, SUBMITTED BY JOSLYN MANUFACTURING COMPANY LLC FOR ISSUANCE OF A SPECIAL USE PERMIT TO CONDUCT A SOIL REMEDIATION PROJECT WITHIN THE 100-YEAR FLOODPLAIN FOR OPERABLE UNIT 5 OF THE JOSLYN SITE (PROPERTY IDS: 10-118-21-23-0007, 10-118-21-32-0058, AND 10-118-21-32-0059)**

City Manager Reggie Edwards introduced the item and invited City Planner Ginny McIntosh to make the staff presentation.

City Planner Ginny McIntosh explained the applicant Representative Barr Engineering Company, on behalf of Joslyn Manufacturing Company LLC is requesting issuance of a Special Use Permit for a planned soil remediation project within the designated 100-year floodplain, and as part of continued clean-up efforts for the Joslyn Superfund site. The properties are generally located to the south and west of the industrial property commonly known as 4837 Azelia Avenue North, and east of Middle Twin Lake.

Ms. McIntosh noted from 1920 until 1980, the Joslyn Site was used for wood-treating operations.

Evidence of contamination was observed as early as 1961, and several investigations by the Joslyn Manufacturing Company identified a need for abatement and remediation of the hazardous substances on the Joslyn site. Remedial actions were selected for the entirety of the site, but were broken down into units, and the subject property is the last remaining remedial action to occur.

Mc. McIntosh stated the largest parcel of the property is comprised of wetland and wooded uplands, with the majority of the site located within both the 100-year flood plain and the ordinary high-water level of Middle Twin Lake. Two smaller residentially-zoned lots of the property are comprised of wetlands, trees, and shrubs. Due to the high levels of soil contamination in the largest parcel, a permanent fence was installed around the perimeter to minimize potential exposure to hazardous contaminants. Ms. McIntosh showed an overview of the site in question and existing condition photos.

Ms. McIntosh stated Federal law expects remedial action and treatment will be used to address principal threats when possible. The applicant is proposing excavation of contaminated shallow soils to be consolidated on-site or transported to an off-site facility for disposal. Soils to remain on-site will be capped with fabric and covered with clean soil and landscaped.

Ms. McIntosh added there was some community engagement done in the past, and there were changes made in conjunction with the feedback. Native seed mixes were added along with additional screening.

Ms. McIntosh pointed out a majority of the work would be done over the winter. Due to certain site constraints, the Applicant has indicated plans for temporary access rights via 4837 Azelia Avenue North (MSP Industrial) from October 2022 to June 2023 to conduct the proposed work.

The property falls within the City's designated Flood Fringe District, which requires a Special Use Permit for any placement of fill over 1,000 cubic yards. The proposed remediation work on the property includes excavation of approximately 30,000 cubic yards of soil, with roughly 10,000 cubic yards of the soil consolidated on-site.

Ms. McIntosh stated as part of the review, Staff provided responses to the individual criteria and found each criterion was satisfied. There was a scheduled public hearing at the Planning Commission meeting, but quorum was not met. Therefore, the notice was resubmitted for public hearing at the Council meeting. There has also been communication received from a resident near the site.

Eric Blodgett, Senior Environmental Engineer at Barr Engineering, explained dioxin is a chemical that is in sediment and soil that is a byproduct of the wood treatment process.

Councilmember Ryan noted dioxins are one of the more potent biotoxins.

Councilmember Graves asked why the process has taken so long if it is a superfund site. Mr. Blodgett confirmed the process started in 1985, and is a great example of a superfund redevelopment. The final piece of the site has been more difficult to get access to because it is

bound by water, residences, a railroad, and developed land.

Councilmember Graves asked if the space will be healthy if only a couple of layers of dirt are being removed and there is still a fence. She asked if the lake was impacted by the soil conditions. Mr. Blodgett stated the lake has been studied and have decided the lake has not been impacted. There is an ongoing groundwater collection system with consistent monitoring that is treated as needed. The groundwater flows away from the lake.

Mr. Blodgett pointed out the fence is a component of the remedy. There is a large spectrum of ways to handle the site that balances cost along with remediation. It is not feasible to remove 100 percent of the contaminated soil due to the lake. Instead, there will be a clean cover and fence to prevent contact.

Councilmember Graves asked if the site could ever be built on. Mr. Blodgett stated it cannot be built upon because of the wetland and because of the soil.

Dr. Edwards asked if the trail would be safe for walking. Mr. Blodgett stated walking would be fine, but it is a different consideration if the City encourages the public to use the site.

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

Motion passed unanimously.

Ken R. stated his house backs up to the site, and they are in favor of cleaning up the site. He explained he is an artist and he gets inspiration from the trees and animals that live there. Completely clearing the site would be heartbreaking for him. It should be cleaned up, but it needs to be done responsibly. He asked how it would impact their property value.

Kevin S. asked how contaminated the lake is. He asked if the lake should be swam in or fished in. Most cities take advantage of lakes and set up beaches. In Brooklyn Center, it is basically privatized. The lake is very inaccessible. He added the animals may be more likely to run into traffic if their homes are destroyed in the process. The dioxins should be studied as much as cannabinoids.

Gretchen E. noted she lives on Upper Twin Lake. She thanked Councilmember Graves for asking so many questions. She stated she was involved in the community input process in 2017. She asked why it has taken so long to get to this point in the process. The remediation is necessary, and the new soil will help the environment. There is a neighboring wetland that many of the animals will migrate to.

Gretchen E. stated all three lakes in the chain have public landings, and there are beaches and picnic shelters near the site that is used often. The site in question is behind an industrial building and next to a railroad track, so it is unlikely to be a place to for people to hang out. Also, it would be difficult to anchor a boat near the site. Therefore, the fence would be welcomed.

Gretchen E. added replanting native seed mixes is a part of the remediation plan, so the site won't be left barren. She has lived on the lake for many years, and she has never gotten sick from swimming in the lake. She asked if the remediation process would stir up some toxins that could impact the lake or the groundwater.

Ms. McIntosh stated the site has ongoing monitoring, and there will be ongoing monitoring after the remediation is complete. The project has taken so long because the only option to access the site was through 4837 Azelia Avenue North which has required long-term discussions.

Gretchen E. asked if the plantings would be seedlings. Ms. McIntosh explained that there has been a request for more mature trees to be planted, so the planted trees will be around six to eight feet in height.

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

Motion passed unanimously.

Councilmember Lawrence-Anderson stated it breaks her heart to lose such mature trees. It is likely for efficiency, but that may not be the best answer. She asked if there is a remediation option that saves more trees. Ms. McIntosh stated the animals and trees on the site are already contaminated. The soil removal and remediation process will damage root systems which would cause the trees to die.

Mr. Blodgett noted they are saving as many trees as they can, and they have done a robust sampling effort to keep as many trees as possible. Some trees will remain and some will be removed. The suggested remediation is the best solution found from years of studying the site.

Councilmember Graves asked if the City can partner with other organizations to monitor the impact on the other lakes in the chain. Ms. McIntosh stated she was planning on reaching out to the Crystal City Planner to provide a sort of notification. She offered to speak with the applicant and the DNR to determine other monitoring options.

Mayor Pro Tem Butler asked if the Council was amenable to receiving another public comment although the public comment portion was closed. There were no objections from the Council.

Julie B. noted there was monitoring of Ryan Lake after the fertilizer fire. She asked how that is related to Twin Lake and how cleanup is happening. Ms. McIntosh stated the fertilizer incident predates her time with Brooklyn Center, so she would have to look up the information at a later time.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2022-81 approving Planning Commission Application No. 2022-005 for issuance of a Special Use Permit to conduct a soil remediation project within the 100-year floodplain for Operable Unit 5 of the Joslyn Site, based upon the findings of fact and submitted application, and as amended by the conditions of approval in the resolution.

Motion passed unanimously.

**8c. AN ORDINANCE NO. 2022-05 AMENDING CHAPTER 35 OF THE CITY CODE OF ORDINANCES REGARDING THE ZONING CLASSIFICATION OF CERTAIN LAND LOCATED AT 1297 SHINGLE CREEK CROSSING (SECOND READING/PUBLIC HEARING)**

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

Ms. McIntosh explained on August 8, 2022, the City Council of the City of Brooklyn Center unanimously approved Planning Commission Application No. 2022-004, which contemplated the re-plat, re-zoning, and establishment of a Planned Unit Development (PUD), and an amendment to the City's Zoning Code that would allow for the redevelopment of the former Sears Department Store and Auto Center to approximately 230,000-square feet of business park type use across two separate buildings of approximately 120,000-square feet and 110,000-square feet, respectively, and related site improvements on the approximately 15-acre subject property.

Ms. McIntosh reviewed the timeline of the process that has been completed. Given the request to establish a new Planned Unit Development for the property and remove the property from the Central Commerce Overlay District, the August 8, 2022, City Council meeting also contained a motion to approve the first reading of the requested ordinance amendment and schedule the second reading and public hearing for August 22, 2022. A public hearing notice was published in the Brooklyn Center Sun Post on August 11, 2022.

Ms. McIntosh stated the request is to rezone the property from commerce to business mixed use. PUDs grant flexibility in Zoning Code to allow for developments that would not be allowed under existing regulations. Additionally, the request is to remove the property from the Central Commerce Overlay District. The Overlay District is to be replaced with the Zoning Code update underway, and similar requests have been made and approved by City Council.

Councilmember Lawrence-Anderson asked what the difference between commerce and business mixed use zoning is. Ms. McIntosh explained the commerce district has been in place for years and is the bulk of retail users. Business mixed-use is a designation that is part of the new Zoning Code that is meant to replace the commerce zoning. The purpose of the business mixed-use is intended to accommodate land for a mix of businesses and light industrial uses for a mix of retail uses. It encourages development of office, retail, and light industrial meant to encourage cross-use by the users. The new Zoning Code includes a number of mixed uses, a commercial district, and reformatting of the residential zones. The current light industrial zoning is probably the closest to the new mixed-use zoning. The difference is intentionally putting workers near where things are happening.

Councilmember Lawrence-Anderson asked if the new zoning is consistent with other cities. She asked if the goal is more synergy. Ms. McIntosh stated synergy is a goal. The zoning will still be

different from city to city. The primary goal of the zoning was to minimize traffic impacts. Distribution centers are prohibited in the new zoning. The proposed project has a number of restrictions on use to alleviate traffic such as no outdoor storage and no more than 80 percent of warehousing or wholesaling. It is an amenity for workers to have access to transportation as well as proximity to services and goods.

Councilmember Ryan has heard the existing Zoning Code is difficult for developers. Ms. McIntosh stated it is difficult even for her to use, and she is the Zoning Administrator. Councilmember Ryan stated he looks forward to see the improvements and community benefit of updating the Zoning Code. The project itself will also provide benefits and jobs to the community.

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

Motion passed unanimously.

Kevin S. stated most people he has talked to is in support of the project. It will bring jobs and provide more retail. There will need to be more police to monitor the area. If employees don't feel safe, they will not stay in their jobs.

Gretchen E. agreed she supports any development in Brooklyn Center because the City needs it. The community has seen portions of Shingle Creek Crossing come and go quickly and many unfilled spaces. There isn't a lot of attractive retail and services in Shingle Creek currently to encourage employment at the proposed site. Updating the archaic Code could help to bring more life to Brooklyn Center.

Nahid K. read a statement she had written. She noted she read a recent newspaper article about construction of business parks, and she is opposed to the buildings and its industrial uses. They are inappropriate and out of place for the area as it is currently an area for retail. The new builds would be out of scale and be unappealing to shoppers.

Nahid K. added there is a large impact on the environment from industrial uses as trucks leave their engines running among other things. The trucks will also have an impact on traffic and the surrounding neighborhood. The City needs to establish plans to address issues of pollution. The Minnesota Department of Health has found significant health issues in Brooklyn Center due to traffic and pollution.

Laurie M.stated her understanding was that there would be no large trucks such as semi-trucks as it is mixed-use instead of industrial. The property has looked blighted for quite some time and is an eyesore. Most people are still grieving the era of Brookdale Mall. Also, this is the only developer interested in eliminating the eyesore, so the project should be supported. It will be appealing to people from all over.

Ms. McIntosh stated the existing property is all loading docks, so it was having semi-trucks access it. There will be limitations to ensure any trucks will not go into the residential area and ill be routed in a different direction. Most any business would require access by semi-trucks.

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

Motion passed unanimously.

Mayor Pro Tem Butler agreed the current site is an eyesore. While she would prefer a restaurant, such a proposal has not come forward.

Councilmember Lawrence-Anderson stated she sees the project as a positive. Staff has received ample input from Council, and green spaces will be utilized. The site will be much more attractive. She noted her appreciation of the comments shared by the public.

Councilmember Ryan agreed he would like to see the project going forward. He explained he saw the rise and fall of Brookdale. He has been concerned about what could replace Sears, and the proposed project seems to be a good fit with the surrounding businesses.

Councilmember Ryan moved and Councilmember Graves seconded to approve a Second Reading, and adopt ORDINANCE NO. __-2022 amending Chapter 35 of the City Code of Ordinances regarding the zoning classification of certain land located at 1297 Shingle Creek Crossing from PUD/C2 (Planned Unit Development/Commerce) District to PUD/MX-B (Planned Unit Development/Business Mixed-Use) District, and removing said property from the Central Commerce Overlay District.

Motion passed unanimously.

Mayor Pro Tem Butler moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2022-05 approving a Summary Publication for the aforementioned ordinance amendment in the Brooklyn Center *Sun Post*, and to adopt RESOLUTION NO. 2022-82 approving a Planned Unit Development Agreement for 1297 Shingle Creek Crossing.

Motion passed unanimously.

**8d. AN ORDINANCE NO. 2022-06 AMENDING CHAPTER 35 OF THE ZONING CODER OF ORDINANCE REGARDING THE ZONING CLASSIFICATION OF THE SUBJECT PROPERTY AT 2500 SHINGLE CREEK PARKWAY**

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

Ms. McIntosh explained the public hearing is also a second reading related to the last property. On August 8, 2022, the City Council of the City of Brooklyn Center approved (4-0) Planning Commission Application No. 2022-003, which was submitted by Alatus LLC, Project for Pride in Living, and Resurrecting Faith World Ministries and contemplated the re-plat, re-zoning, and establishment of a Planned Unit Development, and an amendment to the City's Zoning Code that would allow for the redevelopment of the former Brookdale Ford (2500 County Road 10) and

Square (5900 Shingle Creek Parkway) sites to an approximately 16-acre Phase I redevelopment of the City's larger 80-acre "Opportunity Site."

Ms. McIntosh stated full City approvals were ultimately granted under the aforementioned application for the re-plat of approximately 32-acres, the construction of 543 dwelling units across three multi-family residential buildings on Sites 1A, 3, and 4 (278, 205, and 60 units, respectively), as contemplated in the submittal documentation, an event center, 24-hour childcare center, wellness, and barber suites (Site 2), and certain shared improvements and amenities. Also approved were the flexibilities necessary to advance a proposed entrepreneurial market (Site 1B), and three smaller multi-family residential developments on Sites 5, 6, and 7 (70, 60, and 70 units, respectively). Separate site and building plan approvals will be required by City Council to advance these projects.

Ms. McIntosh noted due to the request to re-zone the Subject Property from C2 (Commerce) District to PUD/TOD (Planned Unit Development/Transit-Oriented Development) District, and removal of the Subject Property from the Central Commerce Overlay District, City Code dictates that the City's Zoning Code be amended to reflect these changes. The August 8, 2022 City Council meeting contained a motion approving a first reading of the requested ordinance amendment and requested that a second reading and public hearing be scheduled for August 22, 2022. A public hearing notice was published in the Brooklyn Center Sun Post on August 11, 2022.

Ms. McIntosh reiterated that PUDs grant flexibility in Zoning Code to allow for developments that would not be allowed under existing regulations. PUDs may only contain uses consistent with the City's Comprehensive Plan. TOD accommodates mixed-use developments in a format not currently realized in the City's dated Code. TOD allows for incorporation of community priorities and amenities based on extensive engagement and planning with community stakeholders and receiving public feedback.

Ms. McIntosh added TODs often incorporate multi-family residential and commercial uses with densities that can support public and alternative transit opportunities, and located within close proximity to existing transit center. The increased intensity of uses requires certain flexibilities and deviations such as increased densities, reduced setbacks, modified parking ratios, and a mix of uses to optimize and activate the development and surrounding public amenities. Ms. McIntosh pointed out there is also a request to remove the Overlay District.

Councilmember Ryan agreed PUDs allow for flexibility to create a site with highest and best use. He noted the proposal does not yet detail the proportion of each unit style. However, the exact numbers will return to Council at a later time. Ms. McIntosh confirmed that Councilmember Ryan's statement was correct.

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

Motion passed unanimously.

Kevin S. stated not a lot of people understand the religious component. He asked if they are using public money to support nonprofits and if they will be part of the tax base. The campus style seems like it would be its own separate area. The public would like more information on the project.

Ms. McIntosh stated Resurrecting Faith Ministries has a for-profit entity, so it would pay taxes. The event center is not associated with any religion or ministries.

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

Motion passed unanimously.

Mayor Pro Tem Butler moved and Councilmember Ryan seconded to approve Second Reading and adopt ORDINANCE NO.2022-06 amending Chapter 35 of the City Code of Ordinances regarding the zoning classification of certain lands located at 5900 Shingle Creek Parkway and 2500 County Road 10 from C2 (Commerce) District to PUD/TOD (Planned Unit Development/Transit-Oriented Development) District, and removal of the aforementioned property from the Central Commerce Overlay District.

Motion passed unanimously.

Councilmember Ryan moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2022-06 approving a Summary Publication for the aforementioned ordinance amendment in the Brooklyn Center *Sun Post*.

Motion passed unanimously.

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2022-84 regarding the approval of a Planned Unit Development Agreement for the properties located at 5900 Shingle Creek Parkway and 2500 County Road 10.

Motion passed unanimously.

## 9. PLANNING COMMISSION ITEMS

None.

## 10. COUNCIL CONSIDERATION ITEMS

### 10a. RESOLUTION NO 2022-86 RECEIVING PROPOSED CHARTER AMENDMENT, ADOPTING TITLE AND BALLOT QUESTION LANGUAGE PERTAINING TO PROPOSED AMENDMENT TO THE CITY OF BROOKLYN CENTER CITY CHARTER AND ORDERING SPECIAL ELECTION (EMERGENCY POWERS)

Dr. Edwards introduced the item and explained the item was brought to the Council and did not receive a unanimous vote. Therefore, it will be on the ballot.

City Attorney Jason Hill stated the amendments were proposed by the Charter Commission. The item must pass the City Council unanimously to be implemented. The charter amendment Ordinance 2022-01 Emergency Powers was before the City Council on April 25, 2022 for a first reading and the vote of the amendments was three ayes, and one nay. The second reading and public hearing for this was May 23, 2022, and the vote was two ayes, two nays, and one abstained.

Mr. Hill stated it is the role of the Council to vote on the language. The question for the ballot reads, "Should the Brooklyn Center City Charter be amended to remove the authority of the Mayor to take command of the police, with the consent of the City Council, in times of public danger or emergency; and instead authorize the Mayor to coordinate with the City Manager, Police Chief, Fire Chief, and others City leaders in times of public danger or emergency, which could include requesting assistance from local, state, and federal agencies?"

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2022-86 receiving proposed charter amendment, adopting title and ballot question language pertaining to proposed amendment to the City of Brooklyn Center City Charter and ordering special election.

Motion passed unanimously.

**10b. RESOLUTION NO. 2022-87 RECEIVING PROPOSED CHARTER AMENDMENT, ADOPTING TITLE AND BALLOT QUESTION LANGUAGE PERTAINING TO PROPOSED AMENDMENT TO THE CITY OF BROOKLYN CENTER CITY CHARTER AND ORDERING SPECIAL ELECTION (CONTRACTS)**

Dr. Edwards introduced the item and invited Mr. Hill to make the Staff presentation.

Mr. Hill explained the item is similar to the previous one in that it did not pass unanimously at the previous meeting. The proposed question for the ballot addresses issue of who can sign contracts for the City and how the contracts are signed. Currently, the proposed question reads, "Should the Brooklyn Center City Charter be amended to remove the requirement that the Mayor and the City Manager sign all City contracts, bonds and other instruments; and instead require that City contracts, bonds and other instruments be signed as required by the purchasing policy adopted by the City Council?"

Councilmember Lawrence-Anderson explained she supports the Charter amendment. The Council has discussed how critical transparency and efficiency are to the City. The Council will review the purchasing policy in an upcoming Work Session.

Councilmember Ryan noted his appreciation of the comments made by Councilmember Lawrence-Anderson. He pointed out State statutes that guide the signing and contracts process for cities. The proposal ensures the better functioning of City administration and improves checks and balances.

Mr. Hill agreed the point is to make the purchasing process more streamlined. The proposed change would not impact the purchasing process as much as the signatory rules. Councilmember Ryan added there is a policy that puts a number on the purchasing limit of the signatory.

Councilmember Ryan moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2022-87 receiving proposed charter amendment, adopting title and ballot question language pertaining to proposed amendment to the City of Brooklyn Center City Charter and ordering special election.

Motion passed unanimously.

**10c. RESOLUTION NO. 2022-88 RECEIVING PROPOSED CHARTER AMENDMENT, ADOPTING TITLE AND BALLOT QUESTION LANGUAGE PERTAINING TO PROPOSED AMENDMENT TO THE CITY OF BROOKLYN CENTER CITY CHARTER AND ORDERING SPECIAL ELECTION (SIGNATURES)**

Dr. Edwards introduced the item and invited Mr. Hill to make the Staff presentation.

Mr. Hill explained the item was brought to the Council, but it was not passed unanimously. The question on the ballot reads, "Should the Brooklyn Center City Charter be amended to add language requiring the Mayor or Acting Mayor to sign all ordinances and resolutions passed by the City Council within 48 hours?" It would only apply to items already passed by the Council. It merely adds a time frame to the action.

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2022-88 receiving proposed charter amendment, adopting title and ballot question language pertaining to proposed amendment to the City of Brooklyn Center City Charter and ordering special election.

Councilmember Lawrence-Anderson asked when the Council will know how the items are numbered on the ballot. City Clerk Barb Suciu pointed out the question was raised previously, so she has talked to the County about it. The order that the questions are submitted to the County are the same order they will be on the ballot. She was going to submit the item chronologically. Therefore, they will be in the same order as addressed that evening.

Motion passed unanimously.

**10d. RESOLUTION NO. 2022-89 AUTHORIZING STAFF TO COORDINATE WITH THE CITY OF BROOKLYN PARK AND THE MINNEAPOLIS TOURISM BUREAU TO CONSIDER MAINTAINING MEMBERSHIP IN THE MINNEAPOLIS NORTHWEST TOURISM BUREAU**

Dr. Edwards introduced the item and invited Ms. McMahan to make the Staff presentation.

Community Development Director Ms. McMahan stated Brooklyn Center has been a part of the

Minneapolis Northwest Tourism Board (MNTB) for several decades. In January 2020, Maple Grove put the MNTB on notice that the city was going to spend one year evaluating its future participation in the organization. She noted they were required to do so per their participation agreement to provide a one-year notice before pulling out of the organization. In December 2021, the City of Maple Grove exited the organization and opted to create their own tourism bureau.

Ms. McMahan stated the primary purpose of the organization is to promote travel and tourism to the northwest metro area. It is funded through a state-authorized lodging tax on hotel room rentals that must be used for the purposes of funding such an organization. Over the years, the organization's membership has morphed and changed. The cities of Brooklyn Park and Brooklyn Center are the only remaining cities in the consortium.

Ms. McMahan explained Maple Grove had over half the hotel rooms between the three participating cities, and therefore contributed over half the budget to the organization. Removal of Maple Grove's lodging tax revenue significantly altered the MNTB budget in 2022.

Ms. McMahan added in June 2021, both Brooklyn Center and Brooklyn Park passed resolutions to withdraw from Minneapolis Northwest Tourism. This was done in reaction to Maple Grove's decision to leave the organization, and allowed the City's time understand their options before making a final decision to ultimately stay in the organization or create a new organization.

Ms. McMahan noted the City Council directed Staff to study the options available and come back for further discussion. Since that time, the Minneapolis Northwest Tourism Board in partnership with the two cities contracted with Clarity of Place, a consulting firm specializing in convention and visitor's bureaus.

Ms. McMahan stated Clarity of Place have been working with the two communities over the last six months. In June 2022, they provided an update to the City Council and asked for direction on how to proceed. The recommendation at the June meeting from the consultant was to continue in partnership with Brooklyn Park, utilizing the existing framework of the existing Minneapolis Northwest Tourism Board organization to create a new tourism bureau that would better serve the two cities. The Council at that meeting directed staff and the consultant to move forward with that path.

Ms. McMahan stated a resolution has been prepared by the City Attorney that essentially outlines the conditions under which the City of Brooklyn Center would remain with Minneapolis Northwest Tourism Board. As was discussed at the June presentation by the consultant, Clarity of Place, utilizing the framework of the existing organization is far more efficient than creating a new organization from scratch.

Ms. McMahan pointed out the resolution lays out four such conditions such as the MNTB Bylaws must be updated to include a new board structure with additional board seats for city officials, Article VII of the MNTB Bylaws must be updated to refer to the full-time executive employee as the CEO, the establishment of a new job description for the CEO position and begin the search for the CEO position, and to approve a 2023 Work Plan with agreed upon metrics and action steps,

including re-branding of MNTB to better reflect its current membership and calling for an election in January 2023 to elect board of directors in accordance with the newly approved bylaws.

Ms. McMahan added Brooklyn Park will consider this same resolution at their August 22 meeting as well. The resolution provides a path forward for the two cities to gain greater control over the organization to ensure that it better serves the needs of both communities. She pointed out the consultant from Clarity of Place is available to answer questions.

Councilmember Lawrence-Anderson asked if Brooklyn Park approved. Ms. McMahan stated she would try to find out.

Councilmember Lawrence-Anderson noted there is a two-part payment plan. It has been the consensus of the Council that the Staff does not have the capacity to do what MNTB does. The $30,000 from Brooklyn Center along with the money from Brooklyn Park will go along way. Ms. McMahan agreed the proposal up for consideration is the most cost-effective way to serve the communities and promote tourism.

Councilmember Ryan stated he has been involved with MNTB for several years. A broad representation of stakeholders provided insight into the process. Staff does not have the capacity to do it on their own, and Brooklyn Park and Brooklyn Center have great synergy together. Therefore, he is in support of the item.

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2022-89 authorizing staff to coordinate with the City of Brooklyn Park and the Minneapolis Tourism Bureau to consider maintaining membership in the Minneapolis Tourism Bureau.

Motion passed unanimously.

## 11. COUNCIL REPORT

Mayor Pro Tem Butler noted she attended an event on Saturday called Health In Her HUE. Brooklyn Center was one of the event sponsors. It was intended to connect women of color to health care services and providers. The event was underattended, but it was very well-done. She thanked the partners for their work on the event.

Councilmember Ryan asked Dr. Edwards to arrange for a ride-along with a police officer. Councilmember Ryan noted it would be his seventh.

Councilmember Graves stated she attended the second in a series of healing circles on August 11, 2022 at the Community Center. There was difficult conversation, but it was a step in the right direction.

Councilmember Graves added the schools hosted a community block party recently, and it was very fun. The same night was the Brooklyn Center Health Fair. She went to an event by the Rotary Club where they fed football players after a practice.

Councilmember Graves noted she would be out of the Country from August 28, 2022 through September 4, 2022. She explained she would miss one budget meeting.

## 12. ADJOURNMENT

Mayor Pro Tem Butler moved and Councilmember Graves seconded adjournment of the City Council meeting at 9:42 p.m.

Motion passed unanimously.

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

JOINT WORK SESSION
AUGUST 29, 2022
CITY HALL - COUNCIL CHAMBERS

## 1. CALL TO ORDER

The Brooklyn Center City Council/Financial Commission Joint Work Session was called to order by Mayor Elliott at 6:35 p.m.

## 2. OVERVIEW/INTRODUCTIONS

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present.

Also, present were Financial Commissioner Chair Teneshia Kragness, Commissioners Taofeek Ishola, and Emmanuel Kpaleh.

Also present were City Manager Reggie Edwards, City Clerk/Interim Assistant City Manager Barb Suciu, Communications and Community Engagement Manager/Interim Assistant City Manager Angel Smith, Fire Chief Todd Berg, Director of Recreation Cordell Wiseman, and Director of Finance and Fiscal Services Angela Holm.

## 3. 2023 GENERAL FUND DEPARTMENT BUDGET REQUEST

## 3a. FIRE DEPARTMENT

Fire Chief Todd Berg stated the mission of the Brooklyn Center Fire Department is to protect lives and property from the adverse effects of fire and other dangerous conditions, whether manmade or acts of nature. This will be accomplished through public education and a commitment to excellence in training and superior customer service.

Chief Berg explained there are five divisions within the Fire Department. The Administration Division is responsible for the management of the department. Functions in this division include budgeting, implementation, and development of policies and procedures and ensuring that all records are maintained and updated. The Fire Prevention Division offers a variety of public education opportunities that focus on fire prevention so people have the knowledge and skills they need to lead safer lives. Additionally, the Fire Department conducts building inspections within the community making the community a safer place.

Chief Berg added the Operations Division provides fire suppression, emergency medical services,

mitigation of hazardous materials spills and leaks, and other rescue services to the citizens and visitors who transverse our community. The Training Division is responsible for making sure all firefighters are trained to the appropriate certification level by offering weekly, monthly, and yearly training opportunities. Finally, Emergency Management helps identify and mitigate risks within the community through individual and organizational preparedness. This is accomplished through planning, training, conducting emergency management drills, and responding to disasters.

Chief Berg showed a slide with a table depicting the current Department Staff levels. In 2022, there was 33 total personnel. In 2022, the Deputy Fire Chief was restructured into the Deputy Fire Marshall. There has consistently been one full-time inspector and one administrative coordinator. There are two on-call Assistant Fire Chiefs, four on-call Captains, and 23 on-call firefighters. The Charter allows for 40 on-call firefighters. In 2023, Chief Berg is asking for a full-time Fire Inspector/Community Liaison.

Chief Berg stated the goal of the budget is to increase the safety of the community by offering Home Safety Surveys, Hands-Only CPR, and the installation of Smoke and Carbon Monoxide Detectors. They would like to visit all elementary schools during Fire Prevention Week and educate approximately 1250 school-aged children on fire safety. Continue Fire and Fall safety for older adults. In the future, the Department is looking to retain a compassion dog for internal and external use. It is a low cost with a large impact.

Chief Berg stated in 2023, he is looking to recruit at least five additional paid-on-call firefighters. He hopes to continue to be the resource for other City departments and the community in dealing with COVID-19. As earlier stated, the Department is also looking to add a full-time Fire inspector/Community Liaison to help increase the rotation of fire inspections and focus more on the community engagement of the fire department.

Chief Berg showed a slide with the Fire Department Budget by program and object code. Overall, the budget for 2023 is $2.3 million. Some of the biggest expenditures in 2023 will be personnel services. In 2022, there was a lot of worker's compensation to deal with.

Chief Berg stated the compassion dog is included in the supplies budget for a one-time cost of $15,000 to buy the dog, train the dog, and outfit a vehicle. In the future, it would only be about $2,000 each year for the dog. There is also a one-time expense to replace the office chairs as they have been ripping employees' pants. He added there is also the consideration of inflation for supplies.

Chief Berg stated the large jump in central garage charges is meant to keep up with the past outdated budgets for vehicles. There is no budget for capital outlay in 2023.

Councilmember Lawrence-Anderson asked what hands-only CPR is. Chief Berg stated the technique is used to assist someone without breathing assistance. The program teaches groups of ten or so people the technique. Recently, the medical community has learned there is enough oxygen in a person's blood to keep the brain going with only chest compressions. He added the Fire Department trained the entire high school before COVID-19, and many youth groups are

interested in the training. Councilmember Lawrence-Anderson stated she would like to participate in the training sometime.

Councilmember Lawrence-Anderson asked what type of dog the Fire Department is looking to get. Chief Berg stated the dog is a compassion therapy dog. It would be trained to approach people and allow them to be a pet. Research has shown health and anxiety improvements. Councilmember Lawrence-Anderson asked what the breed of dog would be. Chief Berg stated the dog is traditionally a Golden Retriever or a Labrador.

Commissioner Kragness asked how the $15,000 for the dog works out. Chief Berg stated the purchase of the dog, the multiple training sessions for the dog, the vet bills, the outfitting of a vehicle for the dog, a space at the fire station for the dog, and the cost of supplies such as food or a leash.

Mayor Elliott asked where the dog would sleep. Chief Berg stated the dog would go home with his handler each day. Mayor Elliott asked who the handler is. Chief Berg stated he would be the handler because he is consistently at the Fire Department, and he is committed to staying at the Fire Department for the years to come.

Councilmember Ryan thanked Chief Berg for the presentation and explanations.

Councilmember Lawrence Anderson asked what positions would change for 2023. Chief Berg stated there would be four more on-call firefighters and one full-time inspector to be added. The Department has lost six firefighters for on-call, three are in training, and one has been added.

Councilmember Lawrence-Anderson asked what is attributing to the need for more on-call firefighters. Chief Berg stated in 2022, there were 29 on-call firefighters. It works better for scheduling when there are at least 30 on-call folks. It helps to avoid burnout and better serves the employees. In 2021, 29 people responded to 717 calls for service.

Commissioner Kragness asked what the cost difference would be between a compassion therapy dog and a police dog. Commander Gruenig stated the two dogs would require similar car outfitting, training costs, and supply needs. There hasn't been a canine unit in Brooklyn Center. A police dog would likely be more expensive for the need for high-level training and a particular breed needed. The training for a police dog is closer to 16 weeks rather than a few sessions and would be about double the cost of a compassion therapy dog.

Commission Kpaleh as the significance with the dog. Chief Berg stated when they go to people's homes after a fire, it is likely the worst day of their entire life. The impact of a therapy dog has shown to be extremely positive. He noted several of his recent calls have included children, and he tries to get their minds off the event. Also, there would be a positive impact on the Staff.

Chief Berg noted there was a large fire recently at the Crest. People are very lost after such a tragedy and need compassion. The Fire Department rescued a service dog for a man living in the Crest. He added there was another experience he had when he worked with two people who had lost someone in a car accident, and it would have been a great time for a dog to be present.

Commissioner Kragness asked if Chief Berg would always have to be present when the dog is at an incident. Chief Berg stated as the Fire Chief, he responds to all major incidents anyways. His position is salary, and it makes the most sense for him to be the handler.

City Clerk Barb Suciu noted there was a comment in the chat which pointed out dogs are used in a variety of mental health settings. There is a lot of research supporting the benefits. The comment was made by Julie B.

Kevin S. stated he would like to know more about the differences between the dogs for police and fire. He added he would see the positive impacts of a dog in the Fire Department.

Mayor Elliott asked how response times are doing and what the goals are. Chief Berg stated the Department has goals each year. There is a national standard called NFPA for firefighters to respond to a structure fire within nine minutes with 15 responders for 90 percent of the time. New York City and Brooklyn Center and any rural town all strive for that standard.

Chief Berg noted in 2021, for ten of the 25 major fire events, both the personnel and time components were met. In 72 percent of the cases, the time component was met. In 15 of the cases, the personnel component was met. The NFPA categorizes a structure fire as an entire house is on fire or where there was a stove fire where some cabinets were charred.

Chief Berg added another standard is to contain a fire within the room of origin. That was met in 13 of the 25 events. However, the Fire Department usually gets the call several minutes after a fire is noticed because the person making the call has tried to put the fire out themselves.

Mayor Elliott asked how the 2021 response rates compare with previous years. Chief Berg stated he doesn't have the numbers available, but he could compile the data. However, it is likely to be rather similar. It ultimately depends on when a fire occurs and when a fire is noticed.

Commissioner Kpaleh asked how many people can be on-duty. Chief Berg stated the Fire Department has two people on duty every day from 10:00 a.m. to 10:00 p.m. When the pagers go off, up to 29 people respond to the call. The on-call folks drive from their homes to the Fire Station and then to the scene. In the meantime, there is a truck dispatched from the Station.

Mayor Elliott pointed out that some cultures would not see dogs as a benefit. He asked if that has been considered. Chief Berg stated that concern has been considered. The dog will always be on a leash, and it is easy to tell if people are uncomfortable with a dog.

Mayor Elliott asked what other comfort techniques have been considered. He explained that Muslim people won't touch a dog. Chief Berg stated he has looked into other options, but he would look into more alternatives.

Dr. Edwards noted four new directors are presenting to the Council for the first time for the rest of the meeting.

## 3b. RECREATION

Director of Recreation Cordell Wiseman explained the mission of the Department is to foster a safe and healthy community and enrich the quality of life for all. Their values include inclusion, equity, quality, innovativeness, and adaptability.

Mr. Wiseman pointed out there are several divisions within the Department. Community Recreation Services includes the programs of public health, Beautification and Public Art, Brooklyn Center Food Collective, Community Events (Citywide focused events), and Youth Development. Special Enterprises includes the Brooklyn Center Heritage Center and Centerbrook Golf Course. Community Center Services includes pool and swimming, fitness center, and membership development and relations

Mr. Wiseman noted Recreation Program Services includes family programs, adult programs, youth programs, youth sports senior programs, and special events. Recreation Administration includes front desk and customer service, department evaluation and data analysis, shelter/room rentals and permits, and marketing/outreach. Finally, Recreation Facility and Property Program Services include parks coordination with Public Works, trail coordination, tournament and leagues, and recreational facilities.

Mr. Wiseman showed a table with Department Staffing numbers. They are looking to have 26 Staff members in both 2022 and 2023. Budget highlights include increasing resident utilization of the Community Center, utilizing the new Division which includes health programs, youth engagement and empowerment, beautification and public art program, BC Community Food Collective, multi-cultural programming, and evaluation of programs.

Mr. Wiseman showed a slide of the Department budget broken up by program and object code. He noted there is an increase in the 2023 budget to allow for a living wage for part-time employees, which costs about $225,000. Additionally, there is a proposed $150,000 study for the new Community Center. There are wages for a part-time artist resident funded by American Rescue Plan Act (ARPA). There are other initiatives funded by ARPA. He added there is a cost of $80,000 for the cost of electricity and gas after issues during COVID-19.

Mr. Wiseman pointed out there are three Divisions that operate seven days a week. Therefore, he did some restructuring and hired a new manager. The positions are not new. The Department has been operating at a deficit, which is likely due to the lack of living wages.

Mr. Wiseman stated the 29 percent increase in the budget also includes some new positions to address issues the Department has with rentals and other things in the parks. The goal is to be proactive and preventative rather than reactive. There are some other restructuring changes to be made, such as adding a supervisor. There is also a goal to address accessibility issues at the Community Center. There are some new sports programs to promote inclusivity.

Mr. Wiseman added membership is a big project to take on. He would like to provide free access to residents. 60 percent of the membership is non-residents. They opened up more hours on Fridays and Saturdays for free use, and the use has gone up. The Department wants to make sure

more residents have access and barriers such as cost and transportation are addressed. Rentals and money recouped from programming could be utilized to create free memberships for residents. It is currently about $36 per month to have a membership. Another option would be to offer a one-time cost for residents to use the space for $25 or $50 just to cover the administrative costs.

Mr. Wiseman noted they provided the option of two free weeks of swimming lessons to communities of color. There was a maximum of 50 kids that could sign up. People of color have a high rate of drowning, and the goal was to make them more comfortable with water. They hope to continue offering similar opportunities to better support various cultures.

Mayor Elliott thanked Mr. Wiseman for the presentation. He pointed out some residents have expressed concerns about being able to afford a membership. The free or more affordable options offered by the Community Center make a big impact on those who may not be able to afford access otherwise.

Councilmember Ryan noted his agreement with Mayor Elliott. The core mission of the local government is to offer services such as recreation. The costs for services revert to property taxpayers due to the tax base. The City could look for additional ways to support the Parks and Recreation Department without relying on property tax because it is a regressive tax. With commercial development and outside grants, they could increase their revenue.

Mr. Wiseman stated the Recreation Supervisor has been looking at grants and partnership options to continue offsetting costs and offering more affordable programming. Councilmember Ryan pointed out some health insurance plans offer discounts and free health memberships because it would reduce costs for health insurance. That is another option to help support the community and accessibility.

Councilmember Lawrence-Anderson asked who the two weeks of free swimming were for. Mr. Wiseman stated it was for children in the Black, Indigenous, and People of Color (BIPOC) community. Councilmember Lawrence-Anderson stated there should be free swimming for all children. If there is free swimming, it should be offered to everyone that lives in the City. She noted she is white and doesn't know how to swim.

Mayor Elliott stated that no children have been turned away. Mr. Wiseman reiterated staff has not turned any children away from the program.

Councilmember Lawrence-Anderson asked about which Departments are funded by American Rescue Plan Act (ARPA). She asked if the money is sustainable and if the programs that are being funded through ARPA are sustainable.

Director of Finance and Fiscal Services Angela Holm stated ARPA may be used in the Department of Parks and Recreation for arts programs. Mr. Wiseman stated the funds have been considered for the resident artist and health and wellness. Ms. Holm stated the ARPA is a unique pot of money. There are always discussions about the longevity of a program when discussing fund sources such as ARPA.

Councilmember Lawrence-Anderson stated they should be budgeting for consistent, long-term needs, and ARPA funds should be used for programs that go above and beyond the normal function and services.

Councilmember Ryan asked when ARPA funds run out. Ms. Holm stated the funds run out in 2024. There are qualifications for use of the funding. Councilmember Ryan agreed ARPA funds should be used to maximize results. There are several needs in the community, and the Council and Staff need to decide how to create sustainable services and benefits.

Dr. Edwards stated they don't use ARPA or other grant funds for long-term or administrative needs as a principle. It is used for a one-time program typically. He pointed out that 60 percent of the Community Center members are not residents of Brooklyn Center. They are looking for ways to offer free services to the 40 percent of users that are Brooklyn Center residents and considering how to increase revenue to be able to afford that option.

Commissioner Kragness noted she loves the idea of free Community Center access for residents. The City is trying to be intentional about the benefits and services offered to the community. She added she appreciates the internal promotion that happened in the Parks and Recreation Department. Mr. Wiseman summarized some of the internal promotions that have taken place in the Department. The promotions include additional responsibilities for the individuals.

Mayor Elliott asked what the increase in the supplies budget is for. Mr. Wiseman stated the increase in supplies has always had a small budget. Some of the Divisions were combined, so there are decreases in other line items. The Divisions didn't all have a set supplies budget previously, so the money was relocated to the supplies line item.

Carmina P. pointed out there was a large increase in the supply budget. She explained she doesn't see where much of the programming happens. There aren't a lot of options for regular participation by youth and families. She asked what is being done about the issue of a lot of money being spent without a lot of programming offered.

Carmina P. added she doesn't understand how the State can have such a surplus while the Fire Department and Parks and Recreation Department need more and require an increase in taxes. It is the responsibility of the Council, Commissioners, and Staff to address the issue of the State not distributing its surplus.

Carmina P. stated she understands the increase in wages for employees. People deserve a livable wage. However, several employees make too much money. For example, law enforcement earns too much money.

Julie B. thanked the City for continuing to consider vulnerable populations and those that don't have as much access to the Community Center. There are families in the community that needs programming such as free swimming lessons, and the City is being very intentional.

Kevin S. thanked the Council for following Robert's Rules of Order. He added he and his children have learned how to swim at the Community Center.

Lori M. thanked Mr. Wiseman for the presentation. She asked if Centennial Park Ballfields can be rented and who can rent them. Mr. Wiseman stated they are rented out for games but are also available for public use. Lori M. asked how many acres of the open field are at Centennial Park. Mr. Wiseman stated he doesn't know the answer off the top of his head.

Lori M. noted that Centennial Park is used for many events. Also, there is adequate parking. She pointed out the presentation didn't present the option of a farmer's market at Centennial Park. However, it may be under consideration to be held at the Opportunity Site. Centennial Park would be a more convenient location for many residents.

Lori M. asked how many incidents law enforcement was called to respond to parks for service calls. Mr. Wiseman stated he didn't know the number, but he could connect with the Police Department.

Lori M. stated Centennial Park is a central location for the community. She asked if one of the speakers pointed out a cultural group that has a fear of water. She explained the speakers have been difficult to hear. Mr. Wiseman stated the two-week free lessons were offered to the BIPOC community, but no children would have been turned away from the opportunity.

Lori M. asked if Brooklyn Center has considered a splash pad to complement other amenities at Centennial Park, similar to Crystal. Community members need to have the opportunity to play.

Mayor Elliott stated questions should be addressed to him and he would allow Staff to answer as needed.

Mr. Wiseman stated there has been a study conducted regarding water features such as a pool or splash pad.

Mayor Elliott stated Councilmember Ryan would continue presiding over the meeting as Mayor Pro Tem Ryan.

Mayor Elliott left at 8:12 p.m. to pick up his daughter.

**3c. ADMINISTRATION**

City Manager Reggie Edwards explained there have been previous discussions with the Council regarding budget, levy, and programming. The Departments are presenting their requests to the Council. Not everything presented to the Council will be approved.

Dr. Edwards pointed out that the Department of Administration works closely with all other Departments. The mission of the Department of Administration is to provide citywide support and leadership to internal and external customers. The Council sets policy, and it is the role of the City Manager to implement that. The Council also serves as the Economic Development Authority and the Canvassing Board.

Dr. Edwards stated there will be two new Councilmembers come the first of the year so funds are requested for training and supplies. Also, there is a small compensation set aside for Councilmembers. There isn't much change in the Council's budget. There is an increase of three percent for salaries, some supply increases specifically for council computer replacements, professional services for meeting minutes and Common Sense, and an increase in dues and memberships.

Dr. Edwards noted there are five Divisions within the Department. The Department of Administration is composed of the City Manager's Office, Office of the City Clerk, Office of Equity and Human Resources, Division of Information Technology, and Division of Communication and Community Engagement. He added there was some restructuring so the Office of Community Health, Prevention, and Safety is separate from the Department of Administration but this department will continue to report to the City Manager.

Dr. Edwards stated the City Manager's Office is composed of the City Manager and two Interim Assistant City Managers. The primary responsibility of the City Manager is organizational leadership. The Interim Assistant City Managers assist the City Manager and lead in citywide projects. Note the City Manager's budget still isn't funding the Deputy City Manager. The Office of the City Clerk is composed of the City Clerk, Deputy Clerk, and Customer Service Specialist. The Clerk's Office manages City records, administers elections, issues business licenses, leads customer service, and responds to public inquiries.

Dr. Edwards stated the Office of Equity and Human Resources is composed of the Director, two HR Specialists, and Payroll Technician. This division manages human resource activities including labor relations, equity and inclusion, employee training and development, payroll and benefits administration, and employee recruitment. The Division of Information Technology is composed of the IT Director, IT/GIS Specialist, and an IT Technician. This division plans, manages, and supports the City's technology infrastructure and helps lead city operational efficiency.

Dr. Edwards added, finally, the Division of Communication and Community Engagement is composed of a Communication Manager and Community Engagement Specialist, Communication Graphics Specialist, Community Engagement Specialist (part-time), and Neighborhood Engagement Liaisons (part-time). This division manages both internal and external communications, branding and marketing efforts, media relations, and resident and community engagement.

Dr. Edwards noted the Community Engagement Liaison changed from four part-time positions to two part-time positions with more hours. Overall, there are about 16 full-time employees. There is not currently a Deputy City Manager, and there is not a plan to bring one on in 2023 either. There is hope to add another Human Resources employee.

Dr. Edwards explained there has been a lot of turnover and changes amongst Staff over the past couple of years. There are multiple new Directors, and it has had significant effects on the organization and the culture. It is his goal to remain community-centered. For example, the community was engaged in the hiring process for all of the Directors.

Dr. Edwards noted the increases in the budget for the Department of Administration include a three percent increase in pay and also an increase in the cost of supplies. There was a reduction in the elections budget for 2023 because it is not an election year. Some of the Information Technology services have been rearranged that require an additional cost in 2023. However, it will save money for the City in the long term.

Commissioner Kragness asked if the City has not had a Deputy City Manager in the past. Dr. Edwards stated they have had Assistant City Managers. There have only been two Deputy City Managers in the past.

Commissioner Kragness pointed out Dr. Edwards had an easy transition from Deputy City Manager to City Manager. Therefore, the lack of a Deputy City Manager may be a risk area should there be a transitory need in the future.

Dr. Edwards stated he was in a City Manager position before working for Brooklyn Center. He added the role of a City Manager is not very diverse. He intends to create opportunity and develop two capable individuals and the City Council could choose one of those. He explained in the State of Minnesota with County Managers, City Managers, and Township Managers which is over 2400 units of government, he is the only African American City Manager. The numbers are better for females within the pipeline across the United States, but there is still a disparity. It was fairly intentional to create opportunity both in gender and ethnicity. It does create some challenges but believes the City could operate at a higher level and create opportunities.

Mayor Pro Tem Ryan noted he has high regard for both Interim Assistant City Managers. He asked if Dr. Edwards is objectively looking at their capacity to fill the role of Interim Assistant City Manager apart from their regular duties. Every two years the City Clerk has an expeditiously increased workload with elections. In the same manner, the last two years have had tremendous stress on communications with COVID-19 and civil unrest. Overall, there is a concern about not having a Deputy City Manager to take over the role of the Interim Assistant City manager from the City Clerk and the Communications and Community Engagement Manager. He has received comments regarding the responsiveness of the organization and hopes with will continue to be a priority for the organization overall.

Dr. Edwards stated at the forefront of his job every day is the responsiveness of the organization and that is something he wouldn't jeopardize at the expense of trying to create opportunity. There is always a balance between creating opportunities and providing services. If there is a need for transitions, there will be a plan to handle that situation.

Commissioner Kpaleh asked if the new Councilmember will be in addition to the current Council and if they will receive training. Dr. Edwards stated there will be two new Councilmembers on the first of the year. If they haven't served on the Brooklyn Center City Council previously, they will receive training from Staff.

Mayor Pro Tem Ryan noted he would be leaving the Council at the end of the year, and a replacement will be chosen by vote.

Councilmember Lawrence-Anderson asked if the legal budget presented is only for the Administrative Department or for all Departments. Dr. Edwards stated the legal budget is for all Departments. Councilmember Lawrence-Anderson asked Staff to provide a breakdown of legal services by Department.

Councilmember Lawrence-Anderson explained each Councilmember meets with the City Manager once a month. However, she and Dr. Edwards have not found a common time to meet in recent months. She stated a year ago she agreed to have two Interim Assistant City Managers but is wondering how long they will be interims and how many cities of similar size have the same structure as Interim City managers. She asked who would be able to step into the shoes of Dr. Edwards tomorrow if something happened to Dr. Edwards. She stated she disagrees with the two interims and is concerned with stringing two employees along during this time.

Dr. Edwards stated there is the potential for one of the two Interim Assistant City Managers to become a permanent Assistant City Manager.

**3d. POLICE DEPARTMENT**

Brooklyn Center Police Department Commander Tony Gruenig stated the mission of the Police Department is to protect and serve in a manner that preserves the public trust. He explained there are multiple Divisions within the Department.

Commander Gruenig stated the Administration Division provides the overall leadership and management oversight of the Department and ensures that proper funds and resources are allocated as efficiently as possible to aid in the reduction of crime and life safety
issues.

Commander Gruenig noted the Investigative Division handles approximately 1,000 felony-level cases that need an advanced level of police investigation beyond field-level information gathering. The work includes advanced-level evidence recovery and applying those results to aid in suspect identification, such as DNA and physical property evidence. The Division also moves the investigation from probable cause to beyond a reasonable doubt. The Investigative Division also works in direct partnership with Hennepin County Attorney's Office, Hennepin County Child Protection Services, Hennepin County Adult Protection, and CornerHouse Child Advocacy and Interview Services.

Commander Gruenig explained the Patrol Division is the primary responder to 911 and emergency calls for service. Each year, the police department handles nearly 37,000 public safety incidents, which amounts to about 100 calls in 24 hours. The Patrol Division has three part-time units that work together with the patrol officers to ensure that the best quality of
service is delivered for each call: Domestic Abuse Response Team (DART), the Emergency Operations Unit (EOU), and Hostage Negotiation Team (HNT).

Commander Gruenig stated the Community Services Division has seven primary approaches to building partnerships within the community and promoting a city-wide collaborative approach to eliminating crime including the Crime Prevention Program, the Multicultural Community Liaison,

and Joint Community Police Partnership (JCPP), an Embedded Social Worker from Hennepin County, a Juvenile Unit, the Commercial Area Street Crimes Unit, the Police Cadet Program, and Crime Analysis. He pointed out there are several open positions in the previously listed programs.

Commander Gruenig added the Support Services Division prepares all police reports in a format that can be used for review and dissemination of crime information and reports accurate crime data to the state of Minnesota from the records that are generated by our agency. Each year, the Police Department processes nearly 5,000 detailed reports. The Support Services Division fulfills all data requests made by the public, media, or other public safety partners.

Commander Gruenig stated the Police Department has been authorized for 64.64 Staff, 49 of which are sworn, officers. In 2022, three positions were frozen. They were not funded in 2022 or 2023. There are currently 35 police officers, including both the Chief and the officer that was sworn in last week.

Mayor Pro Tem Ryan stated he thought there was a placeholder in the budget for the three positions. Dr. Edwards stated Staff froze the positions by not funding the three positions because that is how the Council directed the Staff. It would cost about $300,000 to unfreeze the roles.

Mayor Pro Tem Ryan asked if money could be in a contingency should there be candidates. His priority is community safety. A recent presentation from the Police Department showed that crime rates are higher than ever. Mayor Pro Tem Ryan explained when he started working with the local City government, there was also a high crime rate. He worked with colleagues to get four more positions and an additional federally funded position and also promoted neighborhood watch groups, which improved the crime rates.

Mayor Pro Tem Ryan pointed out public safety has to be addressed. It is the role of the Council to provide a safe community for its residents. There are not many candidates because police work has an image issue. Brooklyn Center should continue to incentive potential employees with programming and lateral hires. Some people believe police officers are paid too much, but the salaries have to be competitive to get the best candidates.

Commander Gruenig added there was a slight budget increase for the social worker due to some changes in the County's program.

Commander Gruenig noted there were several highlights for the Department in 2022. Benchmark Analytics software has been set up to streamline the process of reporting and sharing the use of force, pursuit, and complaint information. The program has allowed police to be more efficient and transparent in those areas. The Police Department continues to ensure mandates are met and officers receive the training required by the MN POST Board. The standards set forth have to be met annually for our officers to be POST licensed and certified by the State of Minnesota. Due to low numbers, it has been difficult to provide additional training.

Commander Gruenig added diversity training has been incorporated into the subject matter presented at the biannual department in-service training. Brooklyn Center is a very diverse city

and this type of training would reflect how we build trusting relationships with the community that we serve. Brooklyn Center continues to have success with our embedded social worker which was established in 2021. There have been some issues with consistent staffing from the County. The current social worker has made a lot of progress and created alternative options for law enforcement to respond to all calls. Lastly, the Department continues to reach out to the Department of Justice (DOJ) and Collaborative Reform Initiative Technical Assistance Center (CRI-TAC) to assist with improving community trust, data analysis, retention, and diversity recruiting.

Commander Gruenig stated budget highlights for 2023 include body-worn camera replacement and interview room camera replacements. It will be paid for over five years. Currently, about 20 percent of cameras are not working. Fixing or replacing cameras costs around $1000 for each camera. Also, the battery life of the cameras has deteriorated, and the cameras are over five years old. Therefore, it is necessary to replace the cameras.

Commander Gruenig stated they are trying to work with the other Departments to better utilize funds. The Police Department is collaborating with the Fire Department to obtain a communications van. It will be a salvage truck with an emergency operations command post. Also, some other police equipment needs to be replaced.

Commander Gruenig noted there are several Departmental goals for 2023. The Department hopes to stabilize department staffing levels and address diversity and equity in hiring. Actions include continuing to offer a lateral incentive but include making it competitive with other agencies, continuing to keep the job application city and Post Board sites open longer to attract good solid applicants, expedite the hiring process due to surrounding agencies competing with a faster process to attract applicants, and go out to High Schools and Colleges to educate and attract individuals that still want a career in law enforcement and promote Brooklyn Center.

Commander Gruenig stated more Staff training is also a goal for the upcoming year. There are plans to incorporate Diversity Training into the annual in-service curriculum, increase Staff knowledge and training related to crisis intervention, and educate the community with Public Service Announcements (PSAs) at community events and or speaking engagements.

Commander Gruenig stated the Police Department has a goal of increased neighborhood engagement. They plan to engage with local watch captains to address neighborhood issues and promote city resources, continue to host small neighborhood area meetings with the assistance of City Funds and continue to a partnership with other departments to continue to come up with response plans in emergencies, and to add members to create a Community Engagement Team. This team will help build a trusting relationship between the Community and the Police Department.

Commander Gruenig added the final goal for 2023 is increased transparency. The Department will implement a data dashboard on the City website, continue to reinitiate and expand department social media accounts, and utilize other social media outlets to address incidents to the public and city council promptly.

Commander Gruenig stated the body-worn cameras are a pretty big ask, so that is a decent portion of the budget. The capital outlay line item is for the joint vehicle with the Fire Department. There is a need for new computers as a supply category.

Commissioner Kragness asked what other challenges the Department faces due to Staffing issues. Commander Gruenig stated the Department has trouble filling shifts and responding to 911 calls for service. There are minimum Staffing levels that have been lowered to allow for officers to have time off. When an officer goes to training, it creates an even larger deficit. The Department also can't continue to offer overtime as that is not beneficial for the mental health and well-being of the officers.

Commissioner Kragness asked if the response times have increased. Commander Gruenig confirmed response times have gone up.

Councilmember Lawrence-Anderson noted there was a labor study that needs to be completed and then there will be a possibility of unfreezing the positions. She added the Department is authorized for 49 sworn officers. She asked how many officers the proposed budget allows for.

Commander Gruenig stated the labor study is almost complete. The preliminary report shows calls for service have gone up significantly and the Staffing levels have gone down consistently since 2017. There should be another report within 60 days.

Councilmember Lawrence-Anderson stated what she has heard from community members and Staff that there have been more calls for service and slower response times. She asked how many sworn officers the proposed budget allows for. Dr. Edwards stated the proposed budget funds 46 positions.

There was a question from the audience. Mayor Pro Tem Ryan asked for the community member to share their question with him after the meeting due to the late hour and out of respect to Staff. He explained the community member would receive a response within a day or two.

Julie B. stated there is a lot of speculation and concern from community members regarding the frozen police positions and what it means. If the three additional positions were funded, the Department is not at a place to take on more than the ten openings throughout the next year because the training process takes a long time.

Commander Gruenig stated the Police Department can hire and train about four police officers every four months. That means in 2023, the Department could take on 12 more officers. There are ten funded positions unfilled and three frozen positions, two of which could likely be filled in 2023.

Julie B. asked if that many positions could have been filled in 2022. Commander Gruenig stated they can train four officers in four months.

Mayor Pro Tem Ryan asked for the community member to share their question with him after the meeting due to the late hour and out of respect to Staff. He explained the community member would receive a response within a day or two.

## 3e. COMMUNITY PREVENTION HEALTH AND SAFETY

Office of Community Prevention, Health, and Safety Interim Manager LaToya Turk showed a slide with the organizational structure of the Office of Community Prevention, Health, and Safety. The mission is to ensure a coordinated public health-oriented approach that relies on diversity and an evidence-based approach to public safety, health, and economics for residents and business owners in the City. Additionally, the Office provides leadership, support, coordination, and evaluation throughout the Enterprise and community in the areas of health, prevention, and public safety.

Ms. Turk stated the Office of Community Prevention, Health and Safety have Divisions to address each of the key focus areas: prevention, health, and safety. The Department uses a culturally-aware approach with a diversity lens. The Office promotes community-led safety solutions.

Ms. Turk stated the Office is new, and there will be a benchmarking guide developed as a new analyst Staff member is brought on. The Office will pilot the grant-funded alternative response models and implement a community-based youth intervention pilot model. The goals for 2023 include seeking out equitable initiatives. The Office will also work to fill the permanent committee as called for in the Duante Wright and Kobe Dimock-Heisler Community Violence Prevention and Safety Act.

Dr. Edwards added there is a contingency line of $125,000 to start building the capacity to sustain the grant-funded programs by year three. By the time the grant is over, there should be $300,000 available to continue the programming. The amount of money saved and budgeted in the future will determine what programs the City can afford.

Mayor Pro Tem Ryan stated he doesn't want to get into too much discussion at the late hour. There will be several recommendations from the Implementation Committee. Staff could evaluate the suggestions to help determine the fiscal constraints.

Councilmember Lawrence-Anderson asked what coordination is happening. Ms. Turk stated the Office is working with Police and Fire Departments to address the increase in service calls. The Office of Community Prevention, Health and Safety is also working with public works with planning and with Recreation to connect with youth and Health on the Go. There is coordination with the Communications Team to ensure information is available to diverse communities.

Carmina P. stated since the program is funded for two years through grants, she asked if it is possible to seek out more grant funding down the line. Dr. Edwards pointed out Staff sought out the current grants, and they are continuing to seek out grant funding to continue the programming. There are some leads for future grants and the possible extension of upcoming grants.

Councilmember Lawrence Anderson asked if there is another budget meeting before it is voted on.

She noted concerns about the levy. Dr. Edwards stated he considered the levy opinions of the Council.

**4. 2023 BUDGET OVERVIEW – FOLLOW UP**

**5. FUTURE BUDGET DISCUSSIONS**

**5a. SEPTEMBER 12 – RECOMMENDED PRELIMINARY LEVY AND BUDGET**

**5b. SEPTEMBER 26 – ADOPT PRELIMINARY BUDGET**

**6. ADJOURN**

There was a motion by Mayor Pro Tem Ryan to adjourn the meeting. There was not a quorum present, so the motion was unable to be voted on. Mayor Pro Tem Ryan adjourned the meeting at 9:42 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

STUDY SESSION
SEPTEMBER 12, 2022
CITY HALL – COUNCIL CHAMBERS

## CALL TO ORDER

The Brooklyn Center City Council met in a Study Session called to order by Mayor Mike Elliott at 6:10 p.m.

## ROLL CALL

Mayor Mike Elliott and Councilmembers April Graves, Kris Lawrence-Anderson, and Dan Ryan. Councilmember Marquita Butler was absent and excused. Also present were City Manager Reggie Edwards, City Attorney Jason Hill, and City Clerk Barb Suciu.

## CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Ryan noted he had a question regarding Regular Session Approval of Agenda and Consent Agenda Item 6d., Dissolution of the MOU Between the City Manager and Council Establishing Management of the Implementation Coordinator by the Mayor. He asked if that means all City Staff related to or functioning with the Implementation Committee will now report to the City Manager.

City Manager Dr. Reggie Edwards stated there is only one Staff involved in the Implementation Committee, and one person will report to the City Manager. Councilmember Ryan explained he had concerns about the treatment of Staff at a previous Implementation Committee meeting, and it is good for the structure to align with the Charter by having the Staff person report to the City Manager.

Councilmember Lawrence-Anderson stated there was a consensus of the Council to add two items to the agenda that are not listed. The Council has expressed interest in learning more about grants and the processes. Additionally, there is interest to learn about the purchasing process. Councilmember Lawrence-Anderson asked for an update on Liquor Store #2.

Councilmember Lawrence-Anderson added she didn't have the time to review all of the minutes for corrections. However, she has a few minor changes she would like to make to the previous minutes. Mayor Elliott asked for Councilmember Lawrence-Anderson to make a motion to modify the minutes at a later time.

Councilmember Ryan agreed there was consensus from the Council to have a Work Session

regarding grants at a previous meeting.

Dr. Edwards stated Staff will schedule Work Sessions on the topics of purchasing processes and grants. As for the minutes, he asked if the minutes will be pulled from the agenda meeting.

Mayor Elliott asked City Attorney Jason Hill if they should pull the minutes from the current meeting and move them to the following meeting. Mr. Hill confirmed that would be the best option.

Mayor Elliott added he would like to table the Regular Session Agenda Council Consideration Item 10a., City Commission Appointments, to a later meeting as Councilmember Lawrence-Anderson, has a few questions on the applicants.

Councilmember Graves noted she would also like the answers to Councilmember Lawrence-Anderson's questions. Councilmember Lawrence-Anderson pointed out she will figure out a way to communicate her questions and concerns with the Council without breaking open meeting laws. Councilmember Graves added some of the applications are completed poorly, so she has questions regarding that.

Councilmember Lawrence-Anderson suggested each of the Councilmembers provide input regarding the applicants individually to the Mayor for consideration. The Council has been negligent in appointments recently, so a few more weeks won't hurt to ensure the best applicants are appointed.

Mayor Elliott agreed several applications were incomplete, and he provided the opportunity for applicants to answer more questions during the interview process.

Councilmember Ryan noted there were several applicants with solid backgrounds suited for the Finance Commission that were passed over. It may be reasonable to change the process where if the Mayor doesn't make the nominations within 60 days, then Councilmembers can make the nominations and ensure the process moves forward. There is a backlog of appointments which is very time-consuming for the Mayor. Mayor Elliott agreed reviewing the process could be beneficial.

Mayor Elliott stated almost every open position is filled with the current list of recommended applicants. He asked for the Councilmembers to provide their input on each of the applicants to him.

Dr. Edwards stated there would need to be an amended agenda for Regular Agenda 2. Invocation as Councilmember Lawrence-Anderson is currently listed on the agenda, but Councilmember Graves will be doing the invocation.

**MISCELLANEOUS**

## IC COMMITTEE DISCUSSION

Mayor Elliott stated he has had a conversation with Dr. Edwards, members of the Implementation Committee, and Law Enforcement Action Partnership (LEAP) associates. They have all agreed to make adjustments. He explained he would take a step back and become a co-chair along with a new co-chair. A resolution will be brought to the Council at the next Council meeting and the transition will take place after that.

Mayor Elliott added there will be a conversation between Staff and members of the Implementation Committee facilitated by Dr. Raj. There may also be some additional changes in the process that may be brought to the Council for review. The Implementation Committee has done a lot of great work, and it may require a different approach to take it across the finish line.

Councilmember Lawrence-Anderson asked how the co-chair is being selected. She has stressed a co-chair is a non-elected person.

Mayor Elliott stated it is important that the work continues, and the co-chair should be familiar with the work. The co-chair is Dr. Julia Gibson. She is a minister and was on the interview panel for the Implementation Committee. She has gotten to know many of the members and is aware of the members' strengths. Additionally, her church has participated in the engagement efforts for the Implementation Committee.

Councilmember Ryan noted his interpretation of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act is that Implementation Committee is temporary and has the function of providing advice to the Council. Then it is the role of the Council to make policy. Within 180 of the Act passing, it was the duty of the Implementation Committee to provide input to the Council. He asked Dr. Edwards if his understanding of the Act was correct.

Dr. Edwards confirmed Councilmember Ryan was correct in his understanding. There is supposed to be a follow-up Committee that is permanent and ensures the ongoing implementation of the recommendations and policies.

Councilmember Ryan added the Act charged the Implementation Committee with providing input on a limited number of things such as organizational units for community response and nonmoving traffic. There was also a possible recommendation for the organizational structure of the City where the Act called for a Director. Councilmember Ryan stated he would like the basic recommendations from the Implementation Committee and then establish the permanent committee.

Mayor Elliott stated the 180 days deadline was an initial report. The Act did not say the Committee couldn't continue working beyond 180 days. The scope is public safety, and it was designed to look at the points shared by Councilmember Ryan. But there is also the intention of an overall policy review. The review takes time, so that is why the 180 days were only referring to an initial

report.

Councilmember Graves asked when the Implementation Committee will be ready to bring recommendations to the Council. Mayor Elliott stated the Committee is ready to come forward with the recommendations. The timeline is for the recommendations to be presented on September 26, 2022, or the following meeting depending on logistics.

Councilmember Graves noted she had some questions regarding the makeup of the advisory group when the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act was initially introduced. The Implementation Committee should be allowed to apply for the permanent committee, but there also needs to be a more diverse group of stakeholders. She explained the steering committee she works with in Minneapolis is made up of community members, business owners, criminal legal system personnel, and Minneapolis staff.

Councilmember Graves asked what the reasoning is behind the change of who the Implementation Committee Staff reports to. She asked if that was a recommendation from the Implementation Committee members, from Staff, or a decision by Mayor Elliott. Mayor Elliott stated he is taking a step back from the Implementation Committee, so it didn't make sense for the Staff supervision to be done by him.

Councilmember Graves asked if LEAP is still working with the Implementation Committee. Mayor Elliott stated LEAP is not doing active research and facilitation, but they are still available for advice and resources. LEAP also works with the implementation of the recommendations, but that is something the Council will need to decide on.

Councilmember Graves asked how much more time is left on the contracts for the FUSE fellows and the Implementation Committee Manager. Mayor Elliott stated the Implementation Committee Manager role is an employee rather than a contract. The current Manager knew it would be a short-term role for a year or two, but there is an opportunity to morph it into another role. The FUSE fellows will be done at the end of October.

Dr. Edwards clarified the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act specifies the process for the permanent committee entails the Office of Community Prevention, Health and Safety Interim Manager making recommendations to the Mayor. From there, the Mayor would make recommendations to the Council for the permanent committee. However, there can be time scheduled for the Council to further discuss the permanent committee.

Councilmember Lawrence-Anderson asked if LEAP funding was from a grant or from the General Fund. Dr. Edwards stated LEAP was a contract and the money came from the American Rescue Plan Act funds. The same was true for the Implementation Committee Manager. Once those dollars are expended, there will not be funding available for the Implementation Committee Manager.

Councilmember Lawrence-Anderson asked who the Implementation Committee Manager is. Dr. Edwards stated the Implementation Committee Manager is Amina Dedefu. Councilmember Lawrence-Anderson asked if there is funding in 2023 for the role. Dr. Edwards stated there is no budgeted money for the role in 2023.

**ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL**

Councilmember Graves moved and Councilmember Ryan seconded to close the Study Session at 6:45 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

REGULAR SESSION
SEPTEMBER 12, 2022
CITY HALL – COUNCIL CHAMBERS

## 1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

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

ROLL CALL

Mayor Mike Elliott and Councilmembers April Graves, Kris Lawrence-Anderson, and Dan Ryan. Councilmember Marquita Butler was absent and excused. Also present were City Manager Reggie Edwards, Finance Director Angela Holm, City Clerk Barb Suciu, and City Attorney Jason Hill.

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

No one wished to address the City Council.

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded to close the Informal Open Forum at 6:48 p.m.

Motion passed unanimously.

Mayor Elliott recessed the meeting at 6:48 p.m. He readjourned the meeting at 7:07 p.m.

## 2. INVOCATION

Councilmember Graves noted the recent anniversary of September 11, 2001. She read a quote from George W. Bush, “One of the worst days in America's history saw some of the bravest acts in Americans' history. We'll always honor the heroes of 9/11. And here at this hallowed place, we pledge that we will never forget their sacrifice.”

Councilmember Graves then read a quote from Bill Clinton, “With almost no time to decide, they gave the entire country an incalculable gift. They saved the capitol from attack. They saved God knows how many lives. They saved the terrorists from claiming the symbolic victory of smashing the center of American government. And they did it as citizens. They allowed us to survive as a country that could fight terror and still maintain liberty and still welcome people

from all over the world from every religion and race and culture as long as they shared our values, because ordinary people given no time at all to decide did the right thing."

Councilmember Graves read a quote from Barack Obama, "Even the smallest act of service, the simplest act of kindness, is a way to honor those we lost, a way to reclaim that spirit of unity that followed 9/11." She requested a moment of silence.

## 3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 7:09 p.m.

## 4. ROLL CALL

Mayor Mike Elliott and Councilmembers April Graves, Kris Lawrence-Anderson, and Dan Ryan. Councilmember Marquita Butler was absent and excused. Also present were City Manager Reggie Edwards, Finance Director Angela Holm, 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

Mayor Elliott moved and Councilmember Graves seconded to approve the Agenda and Consent Agenda, as amended, moving Council Consideration Item 10a., City Commission Appointments, and Approval of Agenda and Consent Agenda Item 6a., Approval of Minutes, to the following meeting, and the following consent items were approved:

### 6b. LICENSES

**MECHANICAL**

| | |
|---|---|
| Genz-Ryan Plumbing & Heating Co | 2200 W Hwy 13<br>Burnsville MN 55337 |
| MN Plumbing and Home Services | 12040 Riverwood Cir<br>Burnsville MN 55337 |
| Otsego Heating and Air Conditioning Inc<br>DBA Comfort Solutions Heating and Cooling | 11 1st St. NW<br>Maple Grove MN 55369 |

**RENTAL**

*INITIAL (TYPE IV – six-month license)*

| | |
|---|---|
| 4110 Lakebreeze Avenue North | Jakai Taylor |
| 3013 Quarles Road | ABU ANAKO |

| | |
|---|---|
| 5006 Howe Lane | AUX FUNDING LLC |
| 6213 Lee Avenue North | Emmanuel Benson & Kaibeh Benson |
| *INITIAL (TYPE II – two-year license)* | |
| 5327 Queen Avenue North | Myrka Zambrano |
| 3000 Quarles Road | HENNEPIN RP FUNDING LLC |
| *INITIAL (TYPE I – three-year license)* | |
| 5137-39 France Avenue North | Ricardo Noubleau & Myriam Noubleau |
| 5206 Paul Drive | SFR Acquisitions 3, LLC |
| 5936 Zenith Avenue North | S Banks & D J Banks |
| 6029 Bryant Avenue North | Herman Capital PR VII, LLC |
| 6100 Bryant Avenue North | Kurt & Mary Templin |
| 6219 Regent Avenue North | Good Domus Sub IX LLC |
| *RENEWAL (TYPE IV – six-month license)* | |
| 3100 Thurber Road | Tyler Morgan Henderson |
| 4200 Winchester Lane | Obafemi Oladeji |
| 7025 Logan Avenue North | Summit Properties, LLC |
| 5357 71st Circle | Randy & Augusta White |
| 5432 Bryant Avenue North | Christopher Michael Raisch |
| 6106 Aldrich Avenue North | Home Sfr Borrower LLC |
| 6130 Scott Avenue North | 2017 1 Ih Borrower L P |
| 6324 Scott Avenue North | Sayndee Sando |
| 6501 Beard Avenue North | Fyr Sfr Borrower LLC |
| 6501 Brooklyn Drive | Dawn M Araya & Danilo Araya |
| 6724 France Avenue North | Jessica J Stoll |

| | |
|---|---|
| 7049 Regent Avenue North | Home Sfr Borrower LLC |
| 7119 Halifax Avenue North | Hpa Jv Borrow 2019-1 Ath LLC |
| *RENEWAL (TYPE III – one-year license)* | |
| 3407 65th Avenue North | Soderberg Investments LLC |
| 1513 Humboldt Place North | Johnson Organization Inc |
| 5307 Penn Avenue North | Ronnet Renay Dossman |
| 5310 Knox Avenue North | Cel Monton LLC |
| 5330 Girard Avenue North | C Bright/Wagner Prop Rnt LLC |
| *RENEWAL (TYPE II – two-year license)* | |
| 7019 Morgan Avenue North | Candlewood Home Buyers |
| 5655 Northport Drive | Raymond & Cindy Scherbing |
| 5819 Knox Avenue North | Crystal Clear Investments Crystal Brummer |
| 6800 Fremont Place North | Sharon McGary |
| *RENEWAL (TYPE I – three-year license)* | |
| 1304 68th Lane North | Crystal A Dopp |
| 1531 Humboldt Place North | Johnson Organization Inc |
| 1537 Humboldt Place North | Johnson Organization Inc |
| 3906 52nd Avenue North | Randy L Hammond |
| 5331 70th Circle | Jazz Properties MN, LLC |
| 5532 Logan Avenue North | Irina & Igor Kovalsky |
| 5400 Queen Avenue North | Prosperous Property LLC |
| 5607 Halifax Avenue North | Kane M Buss |

**6c. RESOLUTION AUTHORIZING EXECUTION OF SITE LEASE AGREEMENT WITH DISH WIRELESS L.L.C ON WATER TOWER NO. 1**

**6d. DISSOLUTION OF THE MOU BETWEEN THE CITY MANAGER AND COUNCIL ESTABLISHING MANAGEMENT OF THE IMPLEMENTATION COORDINATOR BY THE MAYOR.**

Motion passed unanimously.

## 7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

### 7a. 2023 PRELIMINARY BUDGET

City Manager Dr. Reggie Edwards summarized the timeline for upcoming budget meetings. He explained the 2023 budget continues to be driven by recent unprecedented times related to COVID-19, the shooting death of Duante Wright, and the ensuing civil unrest. Additionally, there are considerations with the economic condition including high inflation, Council strategic priorities, organizational stability, and ensuring a community-centered City.

Dr. Edwards stated the proposed budget was developed recognizing unprecedented events and challenges faced by residents and Staff. Additionally, the proposed budget was developed with an intent balance the needs for economic growth, health and well-being of people, longer-term fiscal stability, pursuit of City Council direction and providing City services at an affordable cost for residents.

Dr. Edwards showed a Brooklyn Center organizational chart. At the top are the residents who share their input with Council. From there, the Council directs the City Manager to implement certain strategies. Brooklyn Center also includes the Office of Inclusion, Equity, and Diversity, the Office of Community Prevention, Health, and Safety, the Public Works Department, the Community Development Department, the Financial Services Department, the Administration Department, the Recreation Department, the Fire Department, the Police Department, and multiple advisory committees.

Dr. Edwards stated the vision of Brooklyn Center is to envision Brooklyn Center as a thriving, diverse community with a full range of housing, business, cultural and recreational offerings. It is a safe and inclusive place that people of all ages love to call home, and visitors enjoy due to its convenient location and commitment to a healthy environment. The mission of the City of Brooklyn Center is to ensure an attractive, clean, safe, and inclusive community that enhances the quality of life for all people and preserves the public trust.

Dr. Edwards stated Brooklyn Center has values of customer intimacy, meaning a commitment to serving each customer with dignity and respect which requires seeking to understand the needs of each customer and deliver quality service that will be understood and appreciated, and operational excellence, which is a commitment to delivering quality services in a cost effective and efficient manner and to be good stewards of the limited resources made available by the citizens.

Dr. Edwards explained City outcomes include the existence of a healthy and safe residence, a healthy and safe youth and their environment for seven generations to come, equitable and diverse

businesses, equitable stable and diverse tax base, a public trust, people feeling welcomed, residents feeling a sense of community pride, equitably diverse housing without gentrification or displacement, an increased household median income without harm, and a clean and safe human environment.

Dr. Edwards added the strategic priorities of the City are an enhance community image, resident economic stability, inclusive community engagement, inclusive community engagement, targeted redevelopment, safe, secure, and stable community, and key transportation investments.

Dr. Edwards stated the proposed budget has a number of highlights. There is $50,000 assigned for market competitiveness to ensure they are keeping and attracting the best Staff. It is a phased funding process. $409,447 is for a three percent salary adjustment toward a livable wage. Almost $50,000 was budgeted for natural gas inflation. Central Garage requires replacements in the amount of $389,254. Also, general inflation was considered in the proposed budget.

Dr. Edwards stated if they want certain outcomes met, they must consider budget allotments. The proposed budget includes a Performance Measurement Analyst for $100,000. It is the only new position for 2023. Several positions were requested by Departments, but there is not the funding available.

Dr. Edwards noted three Police Staff positions are still frozen pending a labor study and the recommendations from the Implementation Committee. Neither of those items have been completed. It is a phased funding process that accounts for $100,000 which would unfreeze one police officer. Councilmember Ryan stated the salary for an entry-level police officer is not $100,000. Dr. Edwards stated it would cost $120,000 to cover salary, benefits, and training for a police officer.

Councilmember Ryan noted the minimum number of required officers on a shift was reduced from five to four. Dr. Edwards confirmed that was correct.

Councilmember Ryan stated the intent was to allow for breaks having worked many additional hours in recent months. However, it is concerning to have so few officers available for backup due to safety and burnout concerns. He explained he would like to unfreeze all three positions.

Councilmember Ryan added there is not an officer handling auto thefts, and the Police Department is down detectives. There are only four detectives when there can be up to seven. Both of those considerations are also concerning. A safe, secure community should be the top priority for the Council and asked for the Councilmembers to provide reasons why a safe, secure community shouldn't be the main focus.

Dr. Edwards stated there is currently the option of 26 police officers, but there are only 22 positions filled. There is hope for another one to be added by the end of the month with a couple more in the pipeline. The funding suggested only pertains to one patrol officer, and there is currently room for more officers to be hired. The Police Department also wants to fill the detective openings.

Dr. Edwards added the proposed budget also allots $75,000 to sustain public safety alternatives through phased funding. The strategy was to fund new public safety alternatives with grant dollars, which has been secured. Then each year, a portion of the required funding is allocated to the make the program more sustainable long-term.

Dr. Edwards noted the proposed budget includes an allotted $100,000 for youth violence prevention and response strategy, which is yet another phase funding. This work is done with the Violence Interrupters. The goal is to have multiple strategies to address public safety.

Dr. Edwards pointed out there are a number of items requested by the Departments that were unfunded. The total requested levy increase would be 17.1 percent. The proposed budget is a levy of 5.9 percent. Unfunded requests include four part-time park liaisons at $91,000, new split community engagement in the Recreation Department at $109,000, a new full-time park maintenance worker at $101,000, a new full-time fire inspector at $97,000, and election off-year funding stabilization at $50,000.

Mayor Elliott asked what election off-year funding stabilization is. Dr. Edwards stated elections happen every other year. On election years, the budget and levy spikes. It would levy out peaks and valleys.

Mayor Elliott asked if the $50,000 would be saved and spent another year. Dr. Edwards stated that was correct.

Finance Director Angela Holm explained the City's current budget policies provide basic framework and assists in the decision-making process. Policies include a balanced budget, current revenue should pay for current expenses, contingency of up to five percent of budget, providing adequate funding for capital replacement & maintenance, budget should describe goals, services and programs, and a targeted unassigned General Fund balance of 50 – 52 percent of the next year's General Fund budget.

Ms. Holm noted there are also revenue policies which direct how the City maintains the ability to pay for services it provides its customers. The policies include maintaining a diversified and stable revenue system, an annual revenue estimates completed through an objective conservative analytical process, user fees should be reviewed and revised on an annual basis, fees and user charges for Enterprise Funds should fully support total direct and indirect costs, and user fees for City services will generally be established at a level which will recover the full cost of providing the service.

Ms. Holm showed a table depicting the property tax levy adopted in 2022 and the proposed 2023 levy. The total City levy is proposed at 5.9 percent, and the HRA levy is 17.4 percent, which is completely separate. The debt service levy is 0.09 percent. From 2022 to 2023, there would be a proposed change of $1.24 million in the General Budget.

Ms. Holm showed a graph comparing nearby similar nearby cities with the proposed 2023 levy. Brooklyn Center was second lowest after New Hope. Fridley has a proposed levy that is more than double of Brooklyn Center.

Ms. Holm explained General Fund revenues by source are a majority from property taxes. The percentage from property taxes would go down by one percent from 2022. She showed a pie chart of the General Fund broken up by funding source, Department, and object. Police Department has the largest portion of the General Fund. Personnel services account for a large majority of what the General Fund is spent on.

Ms. Holm stated overall the taxable market value has increased by 16.9 percent. Industrial and residential properties have increased the most, both of which have increased by almost 20 percent. The increases provide a larger tax base. The tax capacity for residential properties still accounts for over half of the City's tax capacity. For 2023, it is 54.5 percent, which is a few percentage points higher than 2022.

Ms. Holm noted the median home value in Brooklyn Center for 2023 is $259,000. Since 2009, the lowest median home value was $114,200 in 2014. Since then, there has been a steady increase in median home values. Since 2022, there has been an increase of about $35,000 in the median home value.

Ms. Holm showed a slide that showed the City property tax rates for year since 2015 compared with the percentage. The percentages have decreased over time because the property values have increased.

Ms. Holm stated a single-family residential home with an average home value would be impacted by a 5.9 percent levy increase with an additional $137 dollars in property taxes for 2023. Each incremental one percent levy impact would be an additional $13.

Councilmember Ryan stated the more businesses lost in Brooklyn Center, the greater the tax capacity relies on homeowners. Mayor Elliott stated if there are the same number of businesses with a decrease in value, the same scenario would happen.

Dr. Edwards pointed out the intent of the diversified tax base would be to shift the slices of the tax capacity pie. For example, in the case of a housing bubble, the City couldn't completely rely on residential properties.

Mayor Elliott stated they didn't lose any apartments or industrial buildings, and they are still receiving taxes on empty buildings. Dr. Edwards explained the State sets tax rates and could modify the tax rates. Then the tax capacity could change.

Councilmember Ryan asked if Staff has looked at potential impacts on property taxes if certain reforms go forward that are being considered by the Legislature that would reduce property tax rates for apartment buildings to decrease rental costs. Ms. Holm stated Staff hasn't reviewed the possibility.

Councilmember Lawrence-Anderson stated the final levy is being voted on at the September 26, 2022 meeting. Mayor Elliott noted the levy can go down from the vote, but it cannot increase.

Councilmember Lawrence-Anderson explained the reality of Brooklyn Center is that there is an increase of crimes and more weapons on the street. She doesn't want to focus on pilot programs. Instead, the Police Department should be fully funded. After the labor study, she would prefer to be providing too many services than too few. There needs to be a street crimes unit. Local businesses are paying for private security on top of property taxes. There has been a loss of revenue from businesses that have wanted to hire law enforcement for security.

Councilmember Lawrence-Anderson added she would like to learn more about the unfunded Fire Inspector role. There is both high inflation and high crime, so essential services need to be funded. After things are under control, then the Council can consider performing other services and programs.

Councilmember Graves asked how the first mock budget discussion went with residents. Ms. Holm stated it went well. The community members were very engaged, and there was a good turnout. There were almost 20 non-Staff folks at the meeting.

Councilmember Graves asked what stood out from the discussions. Ms. Holm stated the community members were very thoughtful and had good questions. The opinions were in favor of an equitable budget. Councilmember Graves asked for a summary or notes that came from the discussion.

Councilmember Graves pointed out there is a need to weigh organizational capacity and being a community-centered City. The one new position proposed by Dr. Edwards aligns with strategic priorities set by the Council and would create a logic model to set the City up for the future.

Councilmember Graves noted two of the positions that were frozen include a detective in training and a school-based police officer. The capacity issue with the Police Department is not a result of the three frozen positions. Instead, it is related to Staff retention and not being able to hire people enough.

Councilmember Graves added doing youth violence prevention work could easily take over the role of the frozen school-based officer. She noted an example from a Minneapolis high school where it has been successful.

Councilmember Graves stated the Council should increase the levy by one percent which creates the potential to hire another position such as the Fire Inspector or the role to assist with community engagement and communications. Alternatively, the extra one percent levy could fund the election off-year.

Councilmember Ryan asked how the organizational functionality works out with the Office of Inclusion, Equity, and Diversity and the Office of Community Prevention, Health, and Safety.

There needs to be accountability. The public elects the Council, the Council hires a City Manager, and the City Manager administers the directions of the Council. He asked what authority the managers of the two Offices have and how they differ from the role of a director of a Department.

Dr. Edwards stated the City Manager is in charge of all Departments and Offices. The Offices are placed on the organizational chart above the Departments because the Offices are involved in all of the Departments. The Offices do not have the authority to hire or fire, but their purpose is to influence culture.

Councilmember Graves asked what the other Councilmembers think about increasing the maximum levy by one percent, as she suggested.

Councilmember Lawrence-Anderson stated she is responsible to the taxpayers, and public safety is her priority. If the Police Department is fully funded, she would not be opposed to raise the levy. Councilmember Ryan noted his agreement with Councilmember Lawrence-Anderson's statement on the matter.

Mayor Elliott stated he is generally not in favor of increasing the levy unless Staff thought it was crucial to do so.

Councilmember Graves noted she wasn't trying to prescribe how the additional one percent was used. Instead, she would rely on the expertise of the Staff. The suggestion was intended to create space for considering more services or offerings by the City. The average single-family home would pay an additional $13 per year with a one percent levy increase.

Mayor Elliott moved and Councilmember Ryan seconded to receive the presentation 2023 Preliminary Budget.

Motion passed unanimously.

## 8. PUBLIC HEARINGS

None.

## 9. PLANNING COMMISSION ITEMS

None.

## 10. COUNCIL CONSIDERATION ITEMS

None.

## 11. COUNCIL REPORT

None.

## 12. ADJOURNMENT

Mayor Elliott moved and Councilmember Graves seconded adjournment of the City Council meeting at 8:24 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
SEPTEMBER 12, 2022
CITY HALL – CITY COUNCIL/EDACHAMBERS

## CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Mike Elliott at 8:25 p.m.

## ROLL CALL

Mayor/President Mike Elliott and Councilmember/Commissioner Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Reggie Edwards, Community Development Director Meg McMahan, Planner and Zoning Administrator Ginny McIntosh, City Attorney Jason Hill, and City Clerk Barb Suciu.

## ZONING CODE/UDO UPDATE DISCUSSION

City Manager Reggie Edwards introduced the item and invited Community Development Director Meg McMahan to continue the Staff presentation.

Ms. McMahan pointed out the Zoning Code update began in 2018 and has taken longer than expected due to COVID-19, civil unrest, and the Department's focus on the Opportunity Site. The City has been working in partnership with consultant Bolton & Menk to update the City's Zoning Code, as well as the sign code and platting code. These three sections of the City Code are being rewritten and combined under a Unified Development Ordinance (UDO). As part of adoption of a new UDO, many properties within the City will be rezoned to align with the new regulations and new zoning districts. In addition, some existing zoning districts will be updated with new, more modern, regulations.

Bolton & Menk representative Mike Thompson explained zoning and land use policies have historically contributed to systemic racism, and the legal separation of people and uses. Redlining, restrictive covenants, large lot sizes, and segregating land uses are all policy examples of how this has manifested. Brooklyn Center's history is not as explicit in this regard, but its traditionally auto-oriented design patterns has created issues of job access and transportation equity.

Mr. Thompson stated he Zoning Code is addressing steps outlined by the 2040 Comprehensive Plan including mixed-use districts, neighborhood commercial nodes, organize around transit, zoning flexibility in exchange for identified goals of sustainability, housing affordability, and affordable commercial spaces, multi-generational housing needs, home-based businesses, and

supporting more housing options and more affordable home ownership, through strategies like ADU's, Duplex's, and mixed-use zoning.

Mr. Thompson noted the code is being updated to align the code with the city's 2040 Comprehensive Plan, bring the City zoning code into compliance with state law, reorganize the code so it is clearer and easier to use, modernize regulations to ensure they meet community needs and promote equity, and improve customer service and regional competitiveness. The overall goal is to create a strong Zoning Code for city adoption, with the understanding it is to be a living document to be revised over time.

Mr. Thompson pointed out there has been a lot of community engagement efforts including info sheets, full drafts sections online, a taskforce, recorded webinars, online open houses, surveys, an interactive map, and online resources. Mr. Thompson showed a sign with a list of current districts in comparison to the proposed districts with corresponding colors.

Councilmember/Commissioner Lawrence-Anderson asked if PUD-mixed would be a catchall. Mr. Thompson stated PUD-mixed is an existing district that is grandfathered in but would fall under a new categorization.

Councilmember/Commissioner Ryan explained he has heard the purpose of the new mixed-use district allows for a lot of flexibility and creativity. He asked if the district has specifics of what is not allowed. Mr. Thompson confirmed there are several details pertaining what is allowed and what is not allowed in the new mixed-use district. Councilmember/Commissioner Ryan noted his appreciation of making the Code more accessible and understandable.

Mr. Thompson explained single-family housing will remain largely as it is today, with minimal changes to siting, heights, or lot sizes. The draft Code proposes reducing minimum lot size in R2 District from 6500 square feet to 5000 square feet. R1 remains the main residential district for much of the city, whereas R2 is concentrated along the Minneapolis border. The primary difference between the two districts is that R2 allows for smaller lot sizes, duplexes, and higher unit density. Density in R1 districts is 3-5 units per acre and 3-10 units per acre in R2 districts.

Councilmember/Commissioner Graves asked what the purpose is of R2. Mr. Thompson stated R2 is reflective of the historic pattern of overflow from Minneapolis and is allows for current conditions to continue.

Dr. Edwards asked if the reduction in the land size correlates with cost. One of the historic issues with land development is related to making larger lot sizes to make properties cost-prohibitive. Mr. Thompson confirmed the Code allows for smaller lots to allow for more affordability.

Ms. McMahan pointed out the City is largely platted. The reduction in lot size increases the number of lots where a duplex would be admissible. The intent is to create more homeownership opportunities.

Mayor/President Elliott stated they are not likely to see a flood of duplexes. Mr. Thompson stated it is not guaranteed, but the opportunity is created. Mayor/President Elliott stated there is a higher likelihood to see more duplexes rather than creating smaller lots. Mr. Thompson confirmed Mayor/President Elliott's statement was correct.

Mr. Thompson noted it seems like the City Council/EDA believes the Code is on the right track. Mayor/President Elliott stated that he didn't mean that with his comments.

Councilmember/Commissioner Ryan pointed out the change would allow for more opportunities to change a single-family home. If the Code doesn't encourage substandard construction, then Councilmember/Commissioner Ryan supports it. Mr. Thompson stated any building would have to go through regular permitting and inspections, so there would not be substandard construction.

Mr. Thompson stated Accessory Dwelling Units allow for conversion or construction of ADUs within the R1 and R2 districts. The allowable ADU height maximum of 16 feet must be more than 200 square feet but less than the primary structure. There may only be one ADU unit per lot. The property owner must live in either the principal structure or ADU, and file a deed restriction requiring the property to remain homesteaded. An ADU must comply with all applicable building codes.

Mayor/President Elliott stated the illustration shows a house got taller. He asked if the addition is the blue roof area. He asked how that is an ADU. Mr. Thompson stated it has entirely separate living space, utilities, entrance, and kitchen. Mayor/President Elliott asked if the current Code allows for such a change. Mr. Thompson stated it doesn't.

Ms. McMahan stated only single-family homes are permitted on such lots currently. A residence cannot have two kitchens according to current Code. Folks can add a kitchenette, but there isn't another oven allowed.

Mayor/President Elliott asked if the changes would allow for someone to have a commercial space at a residence. Ms. McMahan stated there is an upcoming slide on home occupations, so they can answer the question then. It ultimately depends on exterior impacts.

Councilmember/Commissioner Lawrence-Anderson stated she has a detached garage. She asked if the garage could be plumbed for a kitchen, then build a new garage and also have a shed on the property. Ms. McMahan stated each property is allowed two accessory structures, so there could be a shed and a garage with setback limitations.

Mayor/President Elliott stated the ADU is limited to one with a certain square footage of less than the primary structure. He asked if two ADUs could be built on one property. Mr. Thompson stated the proposed Code only allows for one ADU.

Mayor/President Elliott stated someone could have a 2200 square foot home with a 2100 square foot ADU. It may make more sense to have a 2200 square foot home with two ADUs, both of which could be under 1000 square feet.

Ms. McMahan stated they wanted to work within the existing Code. While a home may be 2200 square feet, the footprint isn't likely 2200 square feet. The rationale is that if a garage can be a certain size, the ADU could be a similar size. The size of the ADU must be less than the footprint square footage of the existing residence. Hopefully, the new ADU would make homeownership more affordable and create opportunities in the City.

Mayor/President Elliott stated more ADUs could be built for more housing, because it may even make less of an impact than a single ADU. Ms. McMahan stated a Code could be drafted to allow for that, but there are considerations to be made such as parking. She noted she doesn't know of anywhere in the Country that allows for more than one ADU. Mayor/President Elliott stated he would like Staff to complete more research on the topic.

Mr. Thompson stated Accessory Dwelling Units allow for conversion or construction of ADUs within the R1 and R2 districts. There is a question if any single-family home would be allowed an ADU or if the property owner must live on-site. Homesteading is proposed in the Code, but it is up to the Council.

Councilmember/Commissioner Ryan stated other residential districts with a single-family home should allow for ADUs, and the property owner should live on-site.

Councilmember/Commissioner Graves agreed with Councilmember/Commissioner Ryan. She asked if the homesteading could be reviewed later on. Mr. Thompson confirmed the Code could be changed later on.

Councilmember/Commissioner Lawrence-Anderson asked if she could have a physical copy of the report provided to her. She added she agrees other residential districts with a single-family home should allow for ADUs, and the property owner should live on-site. She asked if both properties would be homesteaded and how would that impact property taxes. Mr. Thompson stated only one unit could be homesteaded.

Ms. McMahan stated one person homesteads their personal property, and the homeowner can live in either the primary unit or the ADU. The property just has to remain homesteaded, and there isn't a need for a renter's license. There is one address.

Mr. Thompson stated as for driveways, the new Code proposes that all new driveways be constructed of hard surface and not gravel. Driveways must be connected to an accessory structure that can store a vehicle. Vehicles parked on side- and rear-yards must be parked on a approved hard surface. One- and two-family homes are limiting to one driveway per parcel. A driveway permit is required prior to any work commencing.

Councilmember/Commissioner Lawrence-Anderson noted some driveways include a third stall of sorts made of gravel. Mr. Thompson stated the current code would grandfather in the gravel, but it could not be expanded.

Mayor/President Elliott asked what the rationale is for the driveway Code. Ms. McMahan stated the current Code doesn't define the material of driveway, and it has been a Code enforcement issue. Gravel can be any number of materials, even a few rocks on some grass. Some vehicles end up parking in the yard because there is no definition of driveway materials which results in calls from neighbors.

Mayor/President Elliott asked if it is more environmentally friendly to have permeable surfaces such as gravel. Ms. McMahan stated gravel is not permeable, and it has less of an environmental advantage because it erodes and can enter the stormwater or sewer system. Pavers would also be a permissible use, and some are permeable.

Mayor/President Elliott asked if underground parking is allowed under the proposed Code. Ms. McMahan stated underground parking is not mentioned in the Code.

Councilmember/Commissioner Graves noted when she moved into her house, the garage was already set up as a workshop rather than a garage. After moving in, she had to redo her driveway. She asked if she would have had to convert the garage into a place to store her car under the proposed Code to have been able to redo the driveway. Ms. McMahan stated the intention of the Code is that a building to store a vehicle must have access to a driveway to connect to the street. Councilmember/Commissioner Graves stated the proposed wording is problematic.

Councilmember/Commissioner Graves asked if a looped driveway would count as one driveway per parcel. Ms. McMahan stated the number of curb cuts is what matters. The lots in Brooklyn Center are predominantly small. The number of curb cuts also impact traffic, pedestrians, construction, and more.

Mayor/President Elliott pointed out there are U-shaped driveways. Mr. Thompson stated the U-shaped driveways would be grandfathered in. Mayor/President Elliott stated he doesn't like not allowing U-shaped driveways.

Mayor/President Elliott added he would like to discuss large families. Family structures are cultural, and the houses are primarily designed for the nuclear family. Mr. Thompson explained the family definition was removed from the Code and reworded to be more flexible and widely applicable. Family doesn't necessarily mean related. The definition will be shared with the City Council/EDA at a later time.

Mr. Thompson stated fences may be no more than four feet in height at the front property line, and no more than six feet in height along the rear and side property lines. Allowable materials include wood, metal, bricks, masonry or other similar materials designed for fencing. A fence may only use two different materials as currently proposed. The finished side of the fence must be facing out. A fence permit is required prior to any work commencing, regardless of the district.

Mayor/President Elliott asked if the fence was previously eight feet in the back. Mr. Thompson confirmed the current code is eight feet.

Mayor/President Elliott asked why the Code was changed to six feet from eight feet for rear and side property lines. Ms. McMahan stated an eight-foot fence is a structural build, but the City doesn't require a permit to build a fence. The eight-foot fence would have to be engineered, and there have been issues with that. Also, six-foot fences are standard and predominant throughout the community.

Councilmember/Commissioner Lawrence-Anderson stated the finished side facing out makes sense, but her neighbor recently put the finished side facing in. She asked if a building permit would be required by the proposed Code. Mr. Thompson confirmed the fence building permit would be required. Councilmember/Commissioner Lawrence-Anderson stated permits can be costly.

Councilmember/Commissioner Ryan asked if the Code could include a requirement that the fence be one color. He explained he has received complaints previously about fences of multiple colors or lacking upkeep. Ms. McMahan stated it is within the purview of the City Council/EDA to implement a singular color requirement.

Mayor/President Elliott stated it would be tough because two different materials may be used in the fencing. It could eliminate creativity in homemaking.

Councilmember/Commissioner Graves noted she is bothered by the six-foot height, especially since the permit would now be required. Mayor/President Elliott agreed with Councilmember/ Commissioner Graves. Councilmember/Commissioner Graves stated the eight-foot fence allows for more privacy.

Councilmember/Commissioner Lawrence-Anderson stated her neighbors have a high deck, so they can easily see over a six- or eight-foot fence. She pointed out they installed a fence to keep their children in.

Councilmember/Commissioner Graves added an eight-foot fence is safer to surround a pool. Councilmember/Commissioner Lawrence-Anderson added her neighbors that installed the fence backwards also have a hot tub. It basically encouraged other people to climb the fence.

Mr. Thompson explained the new Code allows for home occupations, which is any gainful occupation or profession, carried on within a dwelling unit. Types of home occupation must have no exterior impact. The exterior impact requires conditional use and must go through the Planning Commission and City Council. Home occupation is regulated primarily based on impact, rather than use occurring within building. Intent is to make process less complicated, and more flexible. There may be no more than three employees, one of whom must live in the home. Also, all home occupations must conform to applicable building codes.

Mayor/President Elliott asked for clarification on the employee regulations. Mr. Thompson explained there may be no more than three employees, at least one of whom must live in the home. Mayor/President Elliott asked if it is three employees on the premises or employed at all. Mr. Thompson stated there can only be three employees on the premises.

Mayor/President Elliott asked for more information on exterior impact. Mr. Thompson stated exterior impact could include traffic considerations, signage, or things of that nature. A more detailed list can be provided to the Council.

Mayor/President Elliott asked if a hair salon or coffee shop would have to go the Planning Commission. Ms. McMahan stated only having one or two salon chairs, there wouldn't be much exterior impact. A coffee shop or boutique where there could be a dozen customers per day that can show up multiple at a time, then there would be an exterior impact.

Mayor/President Elliott asked if someone could request an addition to create a home occupation space. Ms. McMahan confirmed someone could get a permit for an addition to create a home occupation space if the other Code regulations such as setbacks or materials.

Mayor/President Elliott asked if the determination of exterior impact would be based on neighbor calls. Ms. McMahan stated neighbors may call in on their neighbors, and Staff responds to see if there is a violation. There is action taken based on the finding. There is more detail in the proposed Code that better defines the number of customers, number of cars, and more.

Mayor/President Elliott stated a sign could be a clear violation whereas a home occupation with ten customers would only be noticed by neighbors. Therefore, it would rely on neighbors for enforcement. Ms. McMahan stated the language in the Code has a threshold of vehicles that can park. Most Code enforcement cases are gray. Behaviors may be bothersome but not a violation of the Code. Zoning is not a perfect science, and it is impossible to address every possible scenario. Staff will provide a more detailed copy of the proposed Code to see if the City Council/EDA is comfortable.

Councilmember/Commissioner Graves stated if she wanted to have a yoga business out of her house, having two or three people come by isn't an issue. However, if she were to host three classes each day with 20 customers, then she would have to seek out an appropriate permit from the Planning Commission.

Mr. Thompson added as for commercial vehicle parking, only Class 1-4 vehicles may park in residential districts. These include motorcycles, cars, trucks and vans, and buses and trucks with trailers. The proposed code intends to allow food truck parking. While food truck classification varies on truck type, they are generally a Class 4. Only one licensed commercial vehicle may be parked in a residential driveway at one time, and must be operated by a resident of the property. Under no circumstances shall a semi-truck or tractor-trailer combination be parked or stored off-street in a residential district.

Mayor/President Elliott asked why the line was drawn at Class 4. Mr. Thompson explained there needs to be a line somewhere. Also, the majority of commercial trucks that would relate to home occupations fall within the Class 1 to Class 4 range.

Ms. McMahan added the Class 5 is considered heavy industrial and likely used for shipping materials. That would not be necessary for a home occupation.

Councilmember/Commissioner Ryan pointed out the current standard in the Code cuts off at a certain vehicle height. The notion of restricting commercial vehicles is for aesthetic and preserving the quality of life in a neighborhood. Class 4 vehicles can be up to 16,000 pounds, and vehicles such as busses are too large. The City Council/EDA could instead consider a larger van or camper van as the maximum vehicle size.

Mayor/President Elliott noted he agrees with the Class 4 vehicles at 16,000 pounds. He noted electric vehicles are heavier than gas vehicles. Councilmember/Commissioner Ryan explained he is more concerned with size than weight.

Ms. McMahan added Staff has considered ease of enforcement. Determining the weight of the vehicle is difficult, but the Class is mandated by the State. Also, residential roads are not designed for truck traffic. The aesthetic of a neighborhood is an important component to consider. Mayor/President Elliott stated he appreciates the balance.

Councilmember/Commissioner Ryan pointed out height is easily measured and enforceable.

Councilmember/Commissioner Lawrence-Anderson explained her understanding of a food truck would likely fall into Class 5. Mr. Thompson confirmed food trucks fall under Class 4 according to the Minnesota Department of Transportation standards.

## UPCOMING ITEMS

- Zoning Code Update
- Strategic Plans for years 2018-2020 and 2021-2023
- Review Special Assessment Police/Franchise Fees
- Emerald Ash Borer Policy Review
- Community-Wide Survey
- Attorney RFP Process
- Franchise Fees
- Audit RFP Process

## ADJOURNMENT

Councilmember/Commissioner Ryan moved and Councilmember/Commissioner Graves seconded adjournment of the City Council/Economic Development Authority Work Session at 9:43 p.m.

Motion passed unanimously.

# Council Regular Meeting

DATE: 9/26/2022

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

SUBJECT: Approval of Licenses

**Requested Council Action:**

- *Motion to approve the licenses as presented.*

**Background:**

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

-

**Mechanical Licenses**

| | |
|---|---|
| Genz-Ryan Plumbing & Heating Co | 2200 W Hwy 13<br>Burnsville MN 55337 |
| MN Plumbing and Home Services | 12040 Riverwood Cir<br>Burnsville MN 55337 |
| Otsego Heating and Air Conditioning Inc<br>DBA Comfort Solutions Heating and Cooling | 11 1st St. NW<br>Maple Grove MN 55369 |

**Budget Issues:**

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Operational Excellence

**ATTACHMENTS:**

| Description | Upload Date | Type |
| --- | --- | --- |
| Rental Criteria | 3/16/2021 | Backup Material |
| Rental Licenses 9-26-2022 | 9/20/2022 | Backup Material |

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

**b. Police Service Calls.**

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

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

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

# Rental Licenses for Council Approval 9/26/22

| Location Address | License Subtype | Renewal/Initial | Owner | Property Code Violations | License Type | Police CFS* | Final License Type** | Previous License Type*** |
|---|---|---|---|---|---|---|---|---|
| 3906 Janet Ln | Single | Initial | Lateef Adeleke | 12 | Type IV | | Type IV | N/A |
| 5913 Upton Ave N | Single | Initial | Rosebella Nyaboke Ogoro | 6 | Type III | | Type III | N/A |
| 7119 Girard Ave N | Single | Initial | PEARSALL PROPERTIES LLC | 6 | Type III | | Type III | N/A |
| 7213 Grimes Ave N | Single | Initial | Bong Xiong | 8 | Type III | | Type III | N/A |
| 1302 69th Ave N | Multiple Family<br>4 Bldgs 127 Units | Renewal | Aeon Holdings Llc | 419 = 3.29 per unit | Type IV | 1/25/22 Disturbance<br>4/5/22 Burglary<br>4/7/22 Burglary<br>4/15/22 Disturbance<br>4/17/22 Disturbance<br>4/22/22 Burglary<br>7/18/22 Disorderly Conduct<br>9/1/22 Burglary | Type IV | Type III |
| 4200 Lakebreeze Ave N | Multiple Family<br>1 Bldg 4 Units | Renewal | Todd M Bertelson | 13 = 3.25 per unit | Type IV | 0 | Type IV | Type II |
| 7015 Brooklyn Blvd | Multiple Family<br>2 Bldgs 58 Units | Renewal | Willow Lane Estates LLC<br>Did not meet requirements | 54 = 0.93 per unit | Type II | 4/22/22 Robbery<br>4/25/22 Robbery | Type III | Type III |
| 3012 51st Ave N | Two Family<br>2 units | Renewal | Sri Lakshmi Valiveti<br>Met requirements | 16 = 8 per unit | Type III | 0 | Type III | Type III |
| 5319 Queen Ave N | Two Family<br>1 Unit | Renewal | Karen Pelak Trust | 1 | Type I | 0 | Type I | Type I |
| 5349 Penn Ave N | Two Family<br>1 Unit | Renewal | AM Abdullahi & YM Noor<br>Did not meet requirements | 9 | Type IV | 0 | Type IV | Type IV |
| 1330 67th La N | Single | Renewal | Sibilev Holdings, LLC<br>Mark Sibilev | 4 | Type II | 0 | Type II | Type II |
| 3141 49th Ave N | Single | Renewal | CCF3 LLC<br>Met requirements | 13 | Type IV | 0 | Type IV | Type III |
| 3318 Mumford Rd | Single | Renewal | Beng Thao & Xong Thao | 0 | Type I | 0 | Type I | Type I |
| 5012 65th Ave N | Single | Renewal | East And West Llc | 6 | Type III | 0 | Type III | Type III |
| 5207 Boulder La | Single | Renewal | Herman Capt Partners V Llc<br>Met requirements | 7 | Type III | 0 | Type III | Type IV |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 5218 Paul Dr | Single | Renewal | Sj & Olas Properties Llc | 8 | Type III | 0 | Type III | Type II |
| 5325 70th Cir | Single | Renewal | Jazz Properties Mn Llc | 2 | Type I | 0 | Type I | Type II |
| 5834 Camden Ave N | Single | Renewal | Fyr Sfr Borrower Llc | 17 | Type IV | 0 | Type IV | Type II |
| 5842 Washburn Ave N | Single | Renewal | Pryde Real Estate Solutions | 4 | Type II | 0 | Type II | Type I |
| 5913 York Ave N | Single | Renewal | Jefferson Dennis<br>Did not meet requirements | 1 | Type I | 0 | Type III | Type III |
| 5927 Aldrich Ave N | Single | Renewal | Yue Liu<br>Did not meet requirements | 0 | Type I | 0 | Type IV | Type IV |
| 5931 Zenith Ave N | Single | Renewal | Ih3 Property Minnesota Lp | 9 | Type IV | 0 | Type IV | Type IV |
| 6106 Quail Ave N | Single | Renewal | Almamy Momo Toure<br>Did not meet requirements | 3 | Type II | 0 | Type IV | Type IV |
| 6243 France Ave N | Single | Renewal | FYR SFR Borrower LLC<br>Did not meet requirements | 2 | Type I | 0 | Type IV | Type IV |
| 6243 France Ave N | Single | Renewal | Fyr Sfr Borrower Llc<br>Met requirements | 2 | Type I | 0 | Type I | Type IV |
| 6407 Orchard Ave N | Single | Renewal | SFR Borrower 2021-2 LLC | 15 | Type IV | 0 | Type IV | Type III |
| 6601 Unity Ave N | Single | Renewal | Cel Monton, LLC<br>Doug Wahl | 4 | Type II | 0 | Type II | Type I |
| 6614 Bryant Ave N | Single | Renewal | CAML LLC<br>Did not meet requirements | 6 | Type III | 0 | Type IV | Type IV |
| 6706 Toledo Ave N | Single | Renewal | Stephen Burson<br>Met requirements | 6 | Type III | 0 | Type III | Type IV |
| 7007 Morgan Ave N | Single | Renewal | Lin Shuang Llc | 4 | Type II | 0 | Type II | Type I |
| 7124 West River Rd | Single | Renewal | Segun Olatayo<br>Met requirements | 8 | Type III | 0 | Type III | Type IV |

*CFS = Calls for Service for Renewal Licenses Only (Initial licenses are not applicable to calls for service and will be listed N/A
**License type being issued
***Initial licenses will not show 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: 9/26/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Elizabeth Heyman, Public Works Director Mike Albers, City Engineer
BY:

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:**

Enhanced Community Image

**ATTACHMENTS:**

| Description | Upload Date | Type |
| --- | --- | --- |
| Dead Tree Memo | 9/1/2022 | Cover Memo |
| Dead Tree Resolution | 9/1/2022 | Cover Memo |

# COUNCIL ITEM MEMORANDUM

DATE: February 28,2022

TO: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Public Works Director

FROM: 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

**Recommendation:**
- 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.

**Strategic Priorities:**
- Enhanced Community Image

Member introduced the following resolution and moved its adoption:

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 |
|---|---|---|
| 5113 WINCHESTER LA | SPRUCE | 01 |

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: 9/26/2022

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

SUBJECT: Resolution Accepting Feasibility Report and Calling for an Improvement Public Hearing for Improvement Project No. 2023-01, Knox, James, and 54th Area Improvements

**Requested Council Action:**

*- Motion to approve a resolution accepting feasibility report and calling for an improvement public hearing for Improvement Project No. 2023-01, Knox, James, and 54$^{th}$ Area Improvements.*

**Background:**

This project was established by the City Council on July 25, 2022, by Resolution 2022-69, for the area commonly referred to as the Knox, James, and 54$^{th}$ Area Improvements. This action was taken in accordance with the Capital Improvement Program (CIP), which identifies the Knox, James, and 54$^{th}$ Area for improvements during the 2023 construction season.

The attached feasibility report provides a summary of the project evaluation process and preliminary street and utility improvements. A public informational meeting was conducted on September 15, 2022, to provide project information to property owners and tenants within the project area and gain additional input from the public. The informational meeting was positive in nature with the majority of questions and concerns relating to utility replacements and special assessments. A formal presentation of the feasibility for the project is planned at the public hearing.

The attached resolution declares certain project costs to be assessed for the Knox, James, and 54$^{th}$ Area Improvements and calls for an improvement public hearing on October 24, 2022. If approved by the City Council, legal notice would be published, and all property owners who could potentially be assessed for improvements would receive a Notice of Improvement Public Hearing via mail. Staff recommends that the City Council consider establishing the 2023 special assessment rates in November 2022, and holding the special assessment public hearing in December 2022.

**Budget Issues:**

The total project cost for the Knox, James, and 54$^{th}$ Area Improvements is estimated to be $1,170,000. Funding sources for the project are proposed from a variety of sources as described in the feasibility report. The Draft Special Assessment Levy Roll for Improvement Project No. 2023-01 are included in Appendix A of the feasibility report.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Key Transportation Investments

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution | 9/19/2022 | Resolution Letter |
| Feasibility Report | 9/19/2022 | Backup Material |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ACCEPTING FEASIBILITY REPORT AND CALLING FOR AN IMPROVEMENT PUBLIC HEARING FOR IMPROVEMENT PROJECT NO. 2023-01; KNOX, JAMES, AND 54TH AREA IMPROVEMENTS

WHEREAS, the Brooklyn Center City Council, by Resolution No. 2022-69, directed the preparation of a feasibility report regarding proposed improvements to the streets, storm drainage system and public utilities in the Knox, James, and 54th Area; and

WHEREAS, the City Engineer has prepared said report and recommends that the proposed improvements be considered; and

WHEREAS, a portion of the cost of street improvements for said project is proposed to be assessed against properties within the project area; and

WHEREAS, the total project cost for the Knox, James, and 54th Area Improvements is estimated to be $1,170,000; the total cost of the street improvement portion of said project is estimated to be $790,000 and the project funding sources are currently estimated to be:

| | |
|---|---|
| Special Assessments | $ 266,152.00 |
| Sanitary Sewer Utility Fund | $ 30,000.00 |
| Water Utility Fund | $ 100,000.00 |
| Storm Drainage Utility Fund | $ 250,000.00 |
| Street Reconstruction Fund | $ 523,848.00 |
| Total | $ 1,170,000.00 |

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

1. The Engineer's Feasibility Report for the Knox, James, and 54th Area Improvements is received and accepted.

2. Notice is hereby given that an improvement public hearing will be held on the 24th day of October, 2022, at 7:00 p.m. or as soon thereafter as part of the regular City Council meeting as the matter may be heard to pass upon said improvement project and at such time and place all persons owning property affected by said improvements will be given the opportunity to be heard with reference to said improvements.

3. The City Clerk is directed to cause a notice of the improvement public hearing to be published in the official newspaper at least two weeks prior to the public

RESOLUTION NO. _____

hearing, and shall state in the notice the total cost of the improvement.

September 26, 2022
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

**Public Works Dept**
**Engineering Division**
**Phone: 763-569-3340**
**FAX: 763-569-3440**

# FEASIBILITY REPORT

FOR

# *KNOX, JAMES, AND 54TH AREA IMPROVEMENTS*

IMPROVEMENT PROJECT NO. 2023-01

***CITY OF BROOKLYN CENTER, MINNESOTA***

September 19, 2022

*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*

Michael Albers

*Michael J Albers, P.E.*
*Reg. No. 47074*
*September 19, 2022*

# I. BACKGROUND

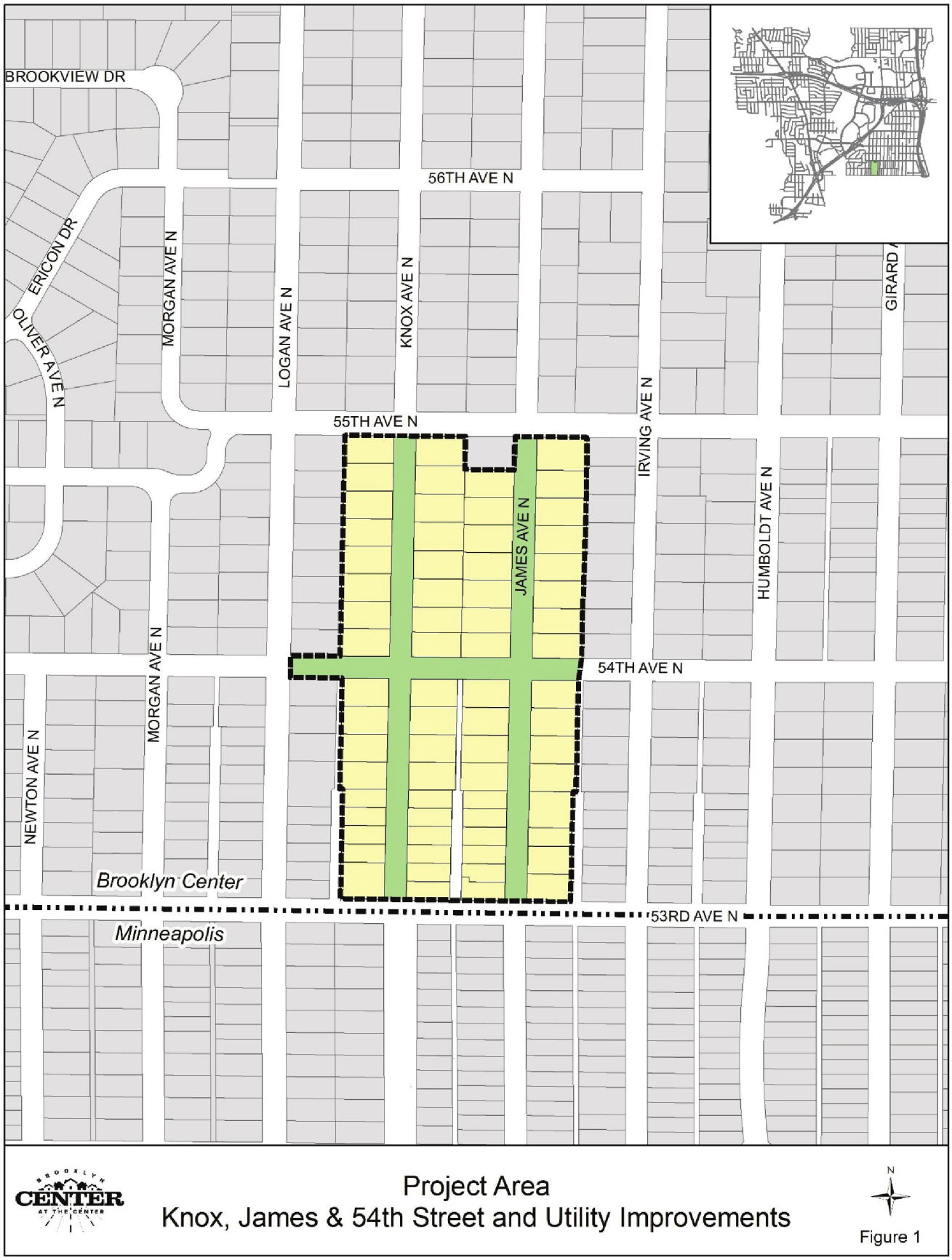
In 2023, the City of Brooklyn Center will be entering the 30th year of its long-range infrastructure rehabilitation program often referred to as the Neighborhood Street and Utility Improvement Program. This program has consisted of a systematic rehabilitation and/or replacement of the City's aging streets, water main, sanitary sewer, storm sewers, sidewalks, trails and street lights.

The City's Capital Improvement Program identifies the Knox, James, and 54th Area Neighborhood for reconstruction in 2023. The proposed project includes roadway and utility improvements within the project limits shown on Figure 1. The Knox, James and 54th project area extends from Logan Avenue James Avenue, and from 53rd Avenue to 55th Avenue.

This report was prepared in response to City Council Resolution No. 2022-69 dated July 25, 2022, directing staff to prepare a feasibility report and collect public input for the proposed project. Staff conducted a public informational meeting with residents and property owners located within the project area on September 15, 2022.

The 2023 project area consists of approximately 3,485 feet of streets and utilities. The neighborhood consists of approximately 68 residential properties that are zoned "R1 and R2" and 1 multi-family property zoned "R2".

Figure 1: Project Area



# II. STREET IMPROVEMENTS

## A. EXISTING CONDITIONS

The roadways in the Knox, James, and 54th Area were most recently improved in 1994 resulting in the existing street pavement being in service for approximately 28 years. The existing streets are 30 feet wide with curb and gutter, which is typical for most low volume residential streets in Brooklyn Center.

An existing pavement evaluation was conducted resulting with the road surface showing signs of deterioration such as some lateral cracking throughout the project area and potholes have occurred in some locations. The existing low volume pavement section within the project area generally consists of 3 inches of bituminous pavement and 6 inches of aggregate base per the typical section in 1994. Additionally, limited sections of deteriorated concrete curb and gutter were identified within the project area.

A geotechnical investigation will be performed within the project area to obtain and analyze soil samples below the street pavement. The geotechnical evaluation report will contain information regarding the subsurface soil and groundwater conditions and includes appropriate design and construction recommendations.

Traffic within the project area is generally limited to local traffic access to residential properties within the neighborhood. Traffic volumes on streets within the project area are generally low volume and typical for local roadways in Brooklyn Center, expected to be less than 600 in most instances.

## B. PROPOSED STREET IMPROVEMENTS

Based on the age and condition of the existing bituminous asphalt pavement surfaces and the proposed replacement of underlying utilities in certain locations, complete replacement of the street surface is warranted. Proposed street improvements include partial reconstruction with full depth pavement replacement for the existing streets. The existing concrete curb and gutter throughout the project area has not exceed its life expectancy and can be suitably rehabilitated with spot repairs. Approximately 20 percent of the concrete curb and gutter and concrete driveway aprons are estimated to be replaced due to heaving/settling issues and as warranted or impacted by other construction (e.g. public utility repairs).

In accordance with the Complete Streets Policy adopted by the City in 2013, all streets and trail projects, including design, planning, reconstruction, rehabilitation, maintenance or operations by the City of Brooklyn Center shall be designed and executed in a responsible, equitable and financially reasonable way to accommodate and encourage travel by bicyclists, pedestrians, public transportation, emergency and commercial vehicles in a balanced manner. Implementation of the City's Complete Streets Policy ensures that the needs and safety of pedestrians, bicyclists, motorists and transit riders of all ages and abilities are considered in the design and operation of roads.

Additionally, the Safe Routes to School Planning (SRTS) Assistance Memorandum prepared by MnDOT in June 2013 and the Pedestrian & Bicycle Plan (P&BP) adopted in March 2014 are used to plan additional sidewalk and trail routes. The SRTS and the P&BP do not identify missing sidewalk/trail connects and no additional pedestrian or bicycle facilities were identified within the project area.

Other improvements include the repair of concrete driveway aprons, landscaping elements and irrigation systems that are impacted by the construction. Disturbed boulevard areas will be restored with topsoil and sod.

It should also be noted that in-depth property surveys are not performed and when constructing the new driveway aprons, the determined location generally matches existing driveway locations and widths. It is not the intent under this project to verify and fix driveway-property line issues, which sometimes exist. Rather, the construction under this project generally occurs within City right-of-way.

# III. STREET LIGHTING SYSTEM

## A. EXISTING CONDITIONS

The street improvement program has historically included the replacement of free-standing street lights located within the project area. Free-standing street lights are defined as lights mounted on poles which do not contain any other overhead utilities attached to them. The existing street light system throughout the project generally consists of fiberglass free-standing lights that have underground power service with a rectilinear light fixture. Other street lights in the neighborhood exist on multiuse-style poles, which are unable to be removed and therefore are not planned to be replaced. The existing street lights on multiuse poles within the project area have overhead power service with a cobra-head type LED light fixture.

The City's Street Light Policy states that street lights may be provided at street intersections and at mid-block locations where the distance between intersections exceeds 700 feet. Street lights are currently located at all intersections and at most of the longer blocks that exceed 700 feet.

## B. PROPOSED STREET LIGHTING IMPROVEMENTS

No street light improvements are included within the scope of this project.

# IV. STORM DRAINAGE AND TREATMENT SYSTEM

## A. EXISTING CONDITIONS

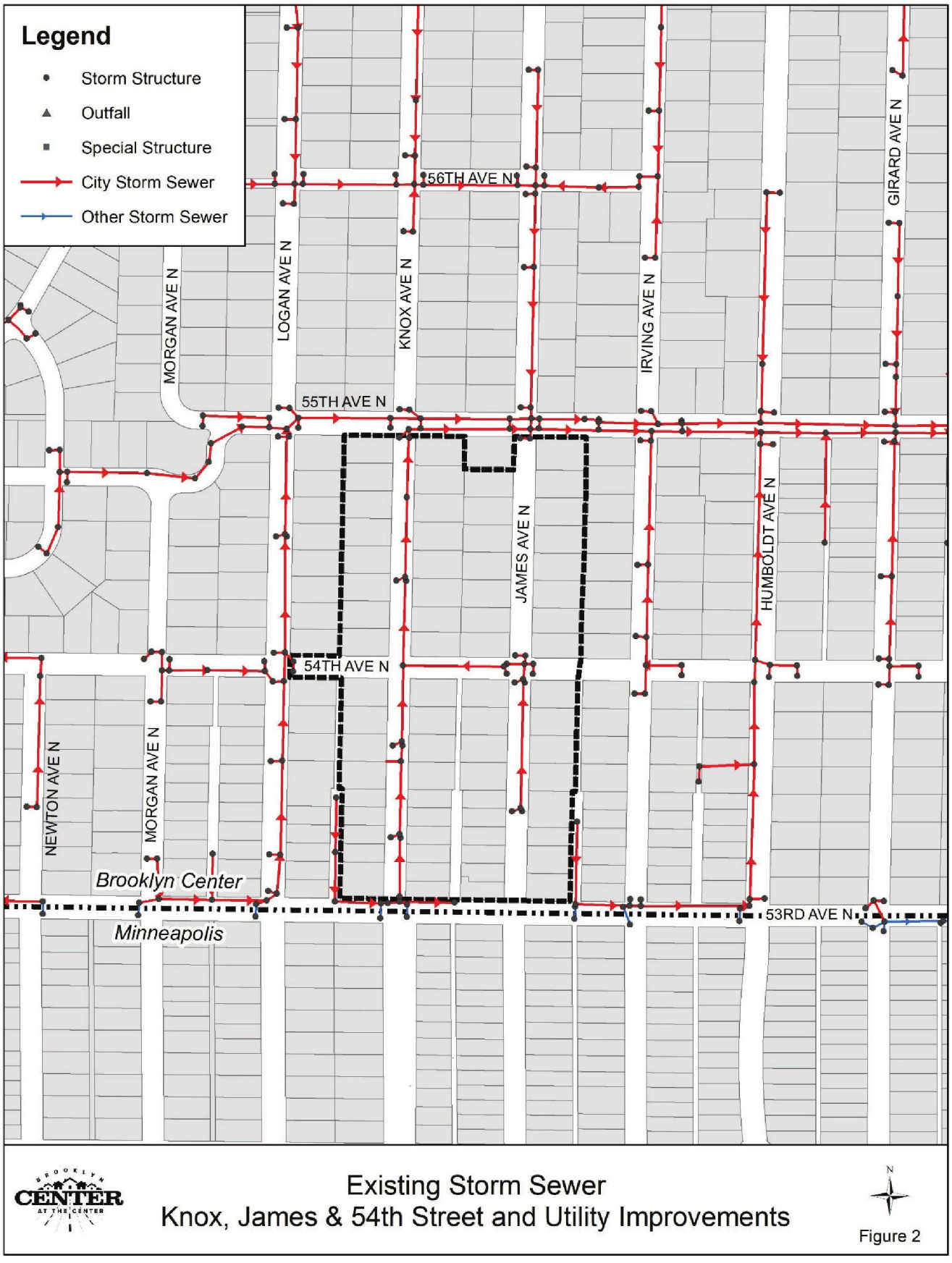
The project area is located within the West Mississippi Watershed Management Commission area and ultimately flows to the Mississippi River. The existing storm drainage system in the project area consists of a network of storm sewer pipes installed in 1994 and range in size from 12-inch to 18-inch diameter reinforced concrete storm sewer pipes (see Figure 2). A televising of the storm sewer in this area was conducted in the summer of 2022 and it was found to be in good condition.

## B. PROPOSED DRAINAGE IMPROVEMENTS

Storm sewer improvements will be made to the existing system that includes replacing catch basins casting and adjustments as necessary within the project area.

There are no indicators or comments regarding significant ponding or flooding issues within the neighborhood and expansion of the existing storm sewer system is not being planned. No additional stormwater quality facilities are being planned for the project.

Figure 2: Storm Sewer



# V. SANITARY SEWER SYSTEM

## A. EXISTING CONDITIONS

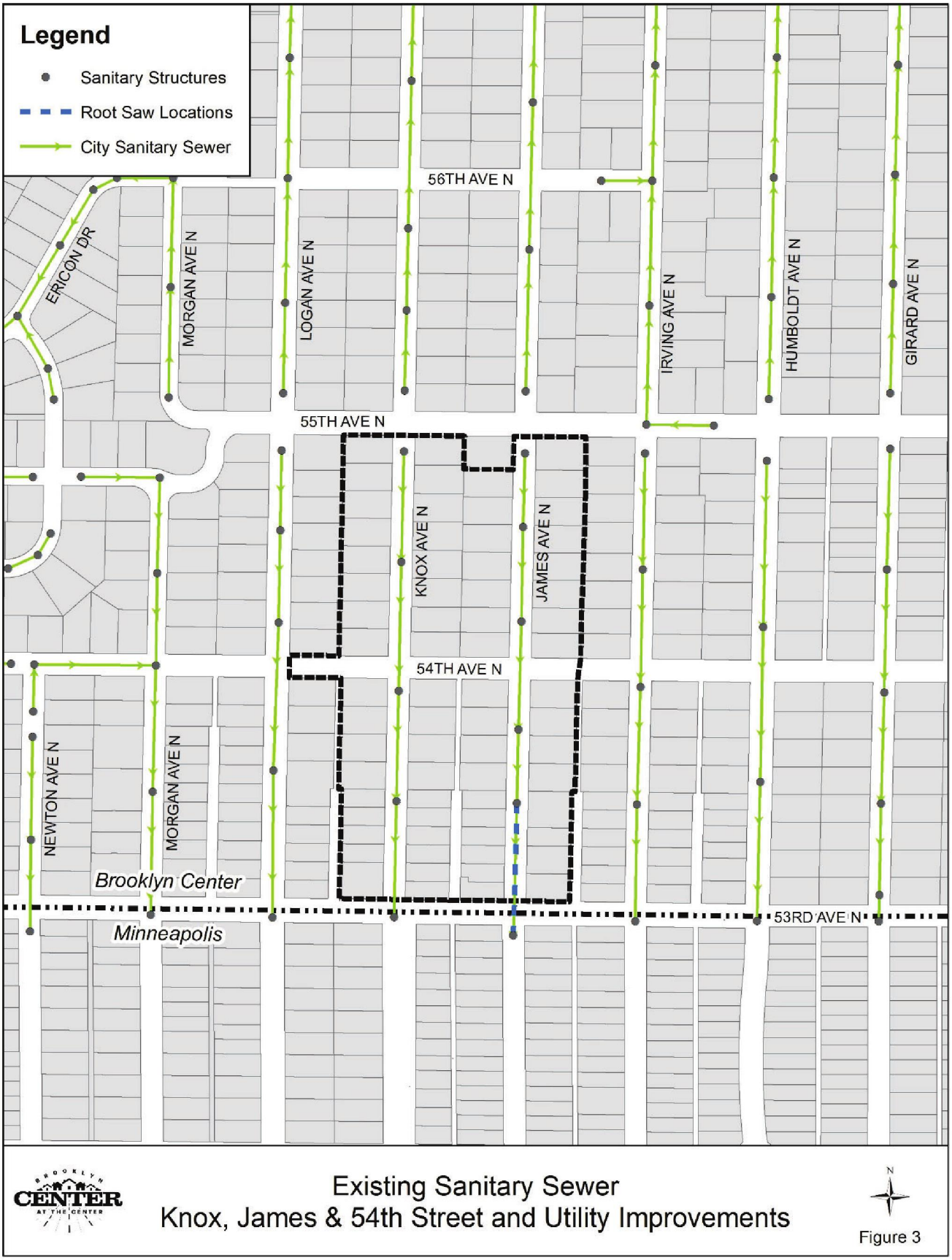
The existing sanitary sewer collection system within the project area consists ten-inch diameter polyvinyl chloride (PVC). The sanitary sewer system was installed in 1994. Some of the sanitary sewer mains within the project area is subjected to issues with root intrusion and inflow and infiltration. Public Works crews must perform root sawing and jetting on an annual basis to maintain the system conveyance capacity and avoid sewer back-ups in many locations (see Figure 3).

During the project planning phase, all public sanitary sewer pipes were inspected with remote televising equipment. These inspections confirmed that the sanitary sewer system is in good condition.

## B. PROPOSED SANITARY SEWER IMPROVEMENTS

Sanitary sewer improvements planned for this project include replacing sanitary manhole castings and lids. The replacement of the castings with external seals will help minimize inflow and infiltration of rainwater into the sanitary sewer system.

Figure 3: Sanitary Sewer



# VI. WATER SYSTEM

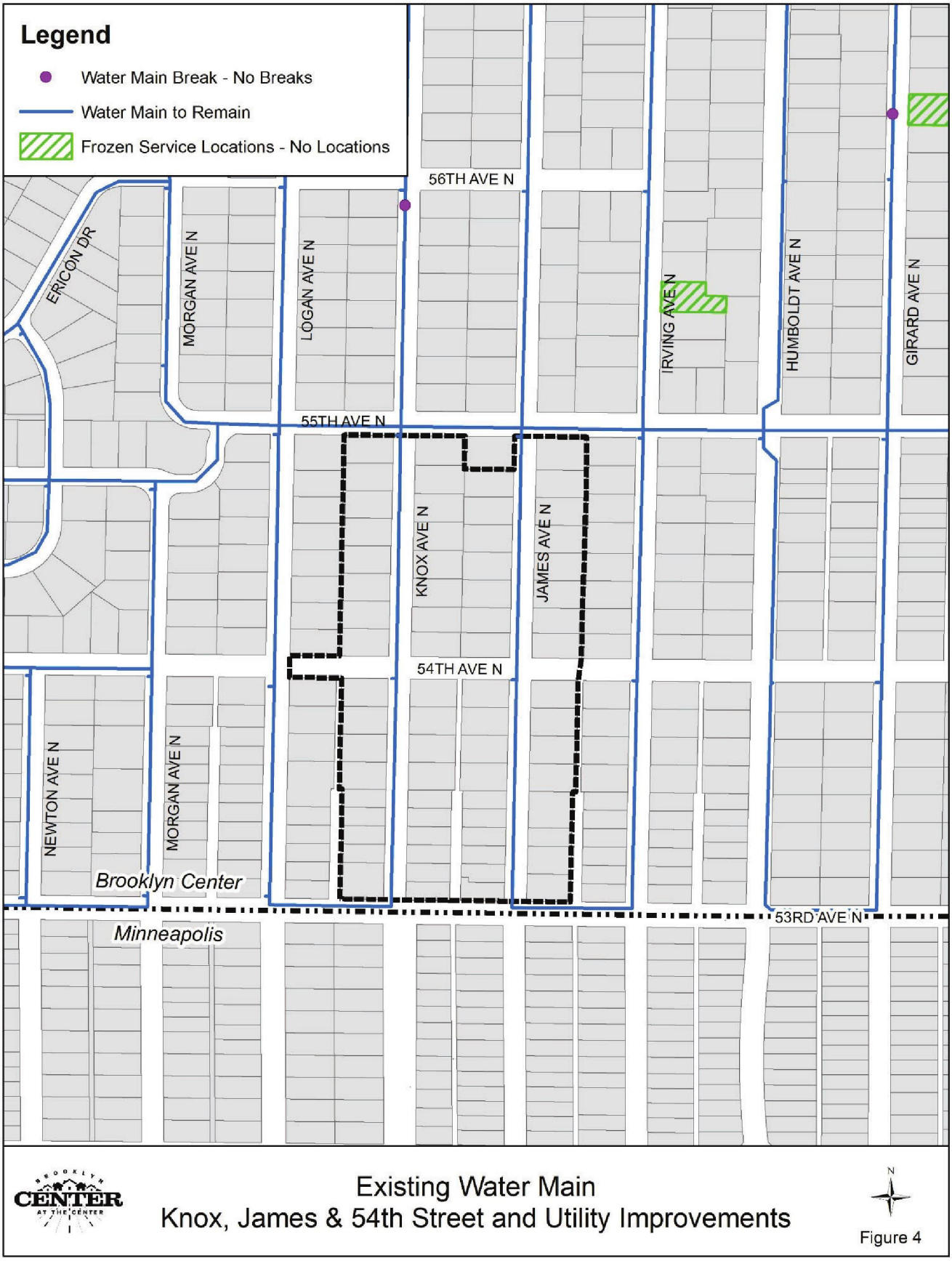
## A. EXISTING CONDITIONS

The water main within the project area consists of 6-inch diameter ductile iron pipe (DIP) installed in 1994. The water main pipe velocities in this project area are adequate as confirmed by water distribution modeling. There is no history of water main breaks within the project area, and no properties were identified to have had frozen service issues (see figure 4). The water main is in good condition and has not approached the end of its life cycle.

## B. PROPOSED WATER MAIN IMPROVEMENTS

Recommended water main improvements include replacement of valves and hydrants (the moving parts) of the water main system as these parts tend to wear and fail prior to the remainder of the water main system.

Figure 4: Water Main



## VIII. RIGHT-OF-WAY AND EASEMENTS

Generally, all public infrastructure owned, maintained and operated by the City throughout the project area is located within City easements and/or right-of-way. It is not anticipated that the City will need to obtain any additional easements for any existing or proposed improvement located within the roadway.

## IX. ESTIMATED COSTS AND FUNDING CONSIDERATIONS

The total estimated cost of the proposed project is $1,170,000.00. Table 1 provides a summary of the estimated project costs and recommended funding amounts from the various sources as indicated. Funding for the project is further described below.

### A. FUNDING FOR STREET IMPROVEMENTS

The estimated project cost of roadway improvements for all streets in this project area is $790,000.00. This preliminary estimate includes the cost for project administration, legal, engineering and construction contingency. Special assessments for street improvements are proposed in accordance with the 2023 rates which are expected to be considered for adoption by the City Council on November 14, 2022. The standard 2023 residential street assessment rate is estimated to be $3,914 per R1 zoned residential property. This rate would be assessed to all benefitting single family residential properties within the project area (see Figure 5).

The properties that are zoned R2 would be assessed based on a frontage basis with a $3914 per lot minimum in accordance with the 2023 assessment rates. Staff recommends that the assessment rate for all R2 properties within the project should be capped at $3,914 because the benefits from the street improvement for R2 properties are similar to the single family R1 residential properties within the project area.

A total estimated special assessment amount of $266,152.00 would be levied for street improvements. The remaining street construction costs would be funded from the Street Reconstruction Fund. A summary of the proposed special assessments for street improvements is provided in Appendix A.

### B. FUNDING FOR STORM DRAINAGE IMPROVEMENTS

The total estimated cost for storm drainage improvements within the project area is $250,000.00. This preliminary estimate includes the cost for project administration, legal, engineering and construction contingency. The City has not historically assessed storm sewer improvement costs as part of a partial reconstruction project. The storm sewer improvement costs would be funded from the Storm Drainage Fund.

### C. FUNDING FOR UTILITY IMPROVEMENTS

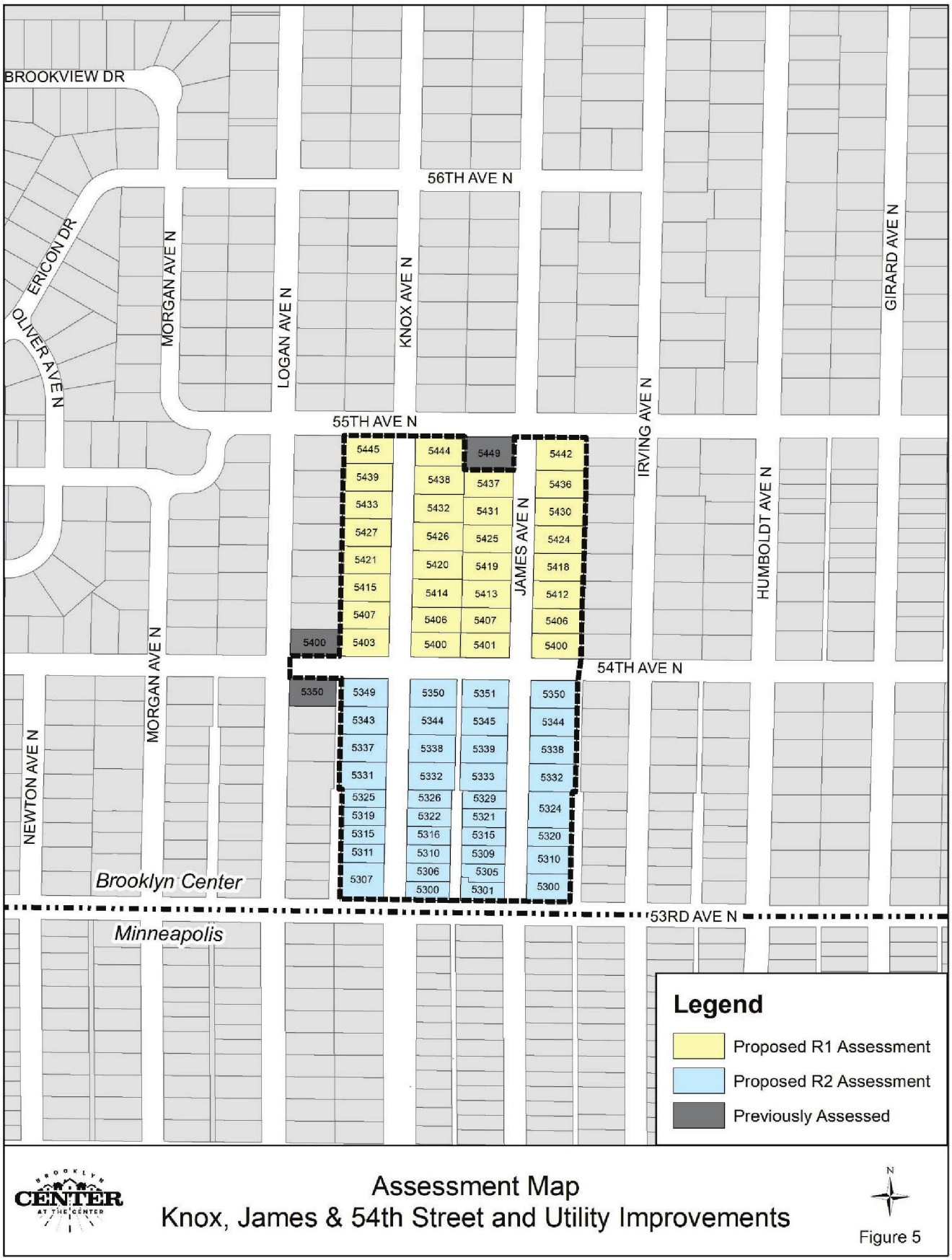
The estimated cost of sanitary sewer improvements is $30,000.00, and the estimated cost for water main improvements is $100,000.00. As previously noted, these total cost estimates include the costs for project administration, engineering, legal and construction contingency. All costs for water and sanitary sewer improvements will be funded by their respective utility funds in accordance with established policy for such improvements.

## Table 1. Cost and Funding

### Improvement Project No. 2023-01
### 2023 Knox, James and 54th Avenues Area Improvements
Feasibility Report, September 19, 2022

| | Streets | Storm Drainage | Sanitary Sewer | Water Main | Street Lights | Estimated Total |
|---|---|---|---|---|---|---|
| **Estimated Expenditures** | | | | | | |
| Estimated Construction Cost Street & Utility | $598,000.00 | $189,000.00 | $23,000.00 | $75,300.00 | $0.00 | $885,300.00 |
| Contingencies (10%) | $60,000.00 | $19,000.00 | $2,000.00 | $8,000.00 | $0.00 | $89,000.00 |
| Administration, Engineering, Legal (20%) | $132,000.00 | $42,000.00 | $5,000.00 | $16,700.00 | $0.00 | $195,700.00 |
| **Total Estimated Project Costs (Feasibility)** | $790,000.00 | $250,000.00 | $30,000.00 | $100,000.00 | $0.00 | $1,170,000.00 |
| **Estimated Revenue** | | | | | | |
| Street Special Assessments | $266,152.00 | | | | | $266,152.00 |
| Storm Drainage Special Assessments | | | | | | $0.00 |
| Sanitary Sewer Utility Fund | | | $30,000.00 | | | $30,000.00 |
| Water Utility Fund | | | | $100,000.00 | | $100,000.00 |
| Storm Drainage Utility Fund | | $250,000.00 | | | | $250,000.00 |
| Street Light Utility Fund | | | | | $0.00 | $0.00 |
| Street Reconstruction Fund | $523,848.00 | | | | | $523,848.00 |
| **Total Estimated Revenue (Feasibility)** | $790,000.00 | $250,000.00 | $30,000.00 | $100,000.00 | $0.00 | $1,170,000.00 |

Figure 5: Assessment Map



## X. RECOMMENDED PROJECT SCHEDULE

Table 2 is the preliminary schedule for the project.

Table 2. Knox, James, and 54th Area Improvements – Schedule

| Action | Target Date |
|---|---|
| City Council Receives Feasibility Report and Calls for an Improvement Public Hearing | September 26, 2022 |
| City Council Holds Improvement Public Hearing, Authorizes the Project and Orders Preparation of Plans and Specifications | October 24, 2022 |
| City Council Establishes 2023 Assessment Rates, Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Special Assessments | November 14, 2022 |
| City Council Holds Assessment Public Hearing and Certify Assessment Roll | December 12, 2022 |
| City Council Approves Plans and Specs, and Authorizes Advertisement for Bids | January 2023 |
| City Receives and Opens Project Bids | February/March 2023 |
| City Council Considers Award of Contract | March 2023 |
| Start Project Construction | Spring/Summer 2023 |
| Construction Substantially Complete | October 2023 |

## XI. CONCLUSIONS AND RECOMMENDATIONS

The overall condition of the City's street and utility infrastructure systems is critical to the operation, safety, welfare and economic health of the entire community. As a result of the infrastructure needs described and the proposed solutions and estimated costs provided in this report, the proposed project is considered to be necessary, cost effective and feasible.

# Appendix A

DRAFT Proposed Pending Assessment Roll

**CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL**
**September 19, 2022**
**2023 KNOX, JAMES & 54TH AREA IMPROVEMENTS**
**IMPROVEMENT PROJECT NO. 2023-01**

DRAFT

| PROPERTY ID | HOUSE | STREET NAME | LEVY# | STREET | NOTES |
|---|---|---|---|---|---|
| 0211821440050 | 5300 | James Ave N | | $ 3,914.00 | R2 - Corner |
| 0211821440054 | 5301 | James Ave N | | $ 3,914.00 | R2 - Corner |
| 0211821440055 | 5305 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440056 | 5309 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440051 | 5310 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440057 | 5315 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440052 | 5320 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440058 | 5321 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440053 | 5324 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440059 | 5329 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440108 | 5332 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440099 | 5333 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440109 | 5338 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440098 | 5339 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440110 | 5344 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440097 | 5345 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440111 | 5350 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440096 | 5351 | James Ave N | | $ 3,914.00 | R2 |
| 0211821440090 | 5400 | James Ave N | | $ 3,914.00 | R1 |
| 0211821440093 | 5401 | James Ave N | | $ 3,914.00 | R1 |
| 0211821440091 | 5406 | James Ave N | | $ 3,914.00 | R1 |
| 0211821440092 | 5407 | James Ave N | | $ 3,914.00 | R1 |
| 0211821440125 | 5412 | James Ave N | | $ 3,914.00 | R1 |
| 0211821440131 | 5413 | James Ave N | | $ 3,914.00 | R1 |
| 0211821440124 | 5418 | James Ave N | | $ 3,914.00 | R1 |
| 0211821440130 | 5419 | James Ave N | | $ 3,914.00 | R1 |
| 0211821440123 | 5424 | James Ave N | | $ 3,914.00 | R1 |
| 0211821440129 | 5425 | James Ave N | | $ 3,914.00 | R1 |
| 0211821440122 | 5430 | James Ave N | | $ 3,914.00 | R1 |
| 0211821440128 | 5431 | James Ave N | | $ 3,914.00 | R1 |
| 0211821440121 | 5436 | James Ave N | | $ 3,914.00 | R1 |
| 0211821440127 | 5437 | James Ave N | | $ 3,914.00 | R1 |
| 0211821440120 | 5442 | James Ave N | | $ 3,914.00 | R1 - Corner |
| 0211821440060 | 5300 | Knox Ave N | | $ 3,914.00 | R2 - Corner |
| 0211821440061 | 5306 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440066 | 5307 | Knox Ave N | | $ 3,914.00 | R2 - Corner |
| 0211821440062 | 5310 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440067 | 5311 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440068 | 5315 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440063 | 5316 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440069 | 5319 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440064 | 5322 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440070 | 5325 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440065 | 5326 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440006 | 5331 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440100 | 5332 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440005 | 5337 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440101 | 5338 | Knox Ave N | | $ 3,914.00 | R2 |

**CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL**
**September 19, 2022**
**2023 KNOX, JAMES & 54TH AREA IMPROVEMENTS**
**IMPROVEMENT PROJECT NO. 2023-01**

DRAFT

| PROPERTY ID | HOUSE | STREET NAME | LEVY# | STREET | NOTES |
|---|---|---|---|---|---|
| 0211821440004 | 5343 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440102 | 5344 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440003 | 5349 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440103 | 5350 | Knox Ave N | | $ 3,914.00 | R2 |
| 0211821440094 | 5400 | Knox Ave N | | $ 3,914.00 | R1 |
| 0211821440022 | 5403 | Knox Ave N | | $ 3,914.00 | R1 |
| 0211821440095 | 5406 | Knox Ave N | | $ 3,914.00 | R1 |
| 0211821440023 | 5407 | Knox Ave N | | $ 3,914.00 | R1 |
| 0211821440015 | 5414 | Knox Ave N | | $ 3,914.00 | R1 |
| 0211821440021 | 5415 | Knox Ave N | | $ 3,914.00 | R1 |
| 0211821440014 | 5420 | Knox Ave N | | $ 3,914.00 | R1 |
| 0211821440020 | 5421 | Knox Ave N | | $ 3,914.00 | R1 |
| 0211821440013 | 5426 | Knox Ave N | | $ 3,914.00 | R1 |
| 0211821440019 | 5427 | Knox Ave N | | $ 3,914.00 | R1 |
| 0211821440012 | 5432 | Knox Ave N | | $ 3,914.00 | R1 |
| 0211821440018 | 5433 | Knox Ave N | | $ 3,914.00 | R1 |
| 0211821440011 | 5438 | Knox Ave N | | $ 3,914.00 | R1 |
| 0211821440017 | 5439 | Knox Ave N | | $ 3,914.00 | R1 |
| 0211821440010 | 5444 | Knox Ave N | | $ 3,914.00 | R1 - Corner |
| 0211821440016 | 5445 | Knox Ave N | | $ 3,914.00 | R1 - Corner |
| | **Total Assessments** | | | $ 266,152.00 | |

# Council Regular Meeting

DATE: 9/26/2022

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

SUBJECT: Resolution Accepting Feasibility Report and Calling for an Improvement Public Hearing for Improvement Project No. 2023-02, 10th Avenue Improvements

**Requested Council Action:**

*- Motion to approve a resolution accepting feasibility report and calling for an improvement public hearing for Improvement Project No. 2023-02, 50th Avenue Improvements.*

**Background:**

This project was established by the City Council on July 21, 2022, by Resolution 2022-K0, for the area commonly referred to as the 10th Avenue Improvements. This action was taken in accordance with the Capital Improvement Program xCIP5, which identi4es 10th Avenue for improvements during the 2023 construction season.

The a( ached feasibility report provides a summary of the project evaluation process and preliminary street and utility improvements. A public informational meeting was conducted on September ) 1, 2022, to provide project information to property owners and tenants within the project area and gain additional input from the public. The informational meeting was positive in nature with the majority of fiuestions and concerns relating to utility replacements and special assessments. A formal presentation of the feasibility for the project is planned at the public hearing.

The a( ached resolution declares certain project costs to be assessed for the 10th Avenue Improvements and calls for an improvement public hearing on October 2tt, 2022. If approved by the City Council, legal notice would be published, and all property owners who could potentially be assessed for improvements would receive a Notice of Improvement Public Hearing via mail. Staq recommends that the City Council consider establishing the 2023 special assessment rates in November 2022, and holding the special assessment public hearing in December 2022.

**Budget Issues:**

The total project cost for the 10th Avenue Improvements is estimated to be fftt) 0,000. Funding sources for the project are proposed from a variety of sources as described in the feasibility report. The Dra$ Special Assessment 7evy Roll for Improvement Project No. 2023-02 is included in Appendift A of the feasibility report.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Ley Transportation Investments

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution | 9/) 9/2022 | Resolution 7e( er |
| Feasibility Report | 9/) 9/2022 | Backup Material |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ACCEPTING FEASIBILITY REPORT AND CALLING FOR AN IMPROVEMENT PUBLIC HEARING FOR IMPROVEMENT PROJECT NO. 2023-02, 50TH AVENUE IMPROVEMENTS

WHEREAS, the Brooklyn Center City Council, by Resolution No. 2022-70, directed the preparation of a feasibility report regarding proposed improvements to the streets, storm drainage system and public utilities in the 50th Avenue improvement area; and

WHEREAS, the City Engineer has prepared said report and recommends that the proposed improvements be considered; and

WHEREAS, a portion of the cost of street improvements for said project is proposed to be assessed against properties within the project area; and

WHEREAS, the total project cost for the 50th Avenue Improvements is estimated to be $410,000; the total cost of the street improvement portion of said project is estimated to be $190,000 and the project funding sources are currently estimated to be:

| | | |
|---|---|---|
| Special Assessments | $ | 52,265.67 |
| Sanitary Sewer Utility Fund | $ | 20,000.00 |
| Water Utility Fund | $ | 160,000.00 |
| Storm Drainage Utility Fund | $ | 40,000.00 |
| Street Reconstruction Fund | $ | 137,734.33 |
| Total | $ | 410,000.00 |

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

1. The Engineer's Feasibility Report for the 50th Avenue Improvements is received and accepted.

2. Notice is hereby given that an improvement public hearing will be held on the 24th day of October, 2022, at 7:00 p.m. or as soon thereafter as part of the regular City Council meeting as the matter may be heard to pass upon said improvement project and at such time and place all persons owning property affected by said improvements will be given the opportunity to be heard with reference to said improvements.

3. The City Clerk is directed to cause a notice of the improvement public hearing to be published in the official newspaper at least two weeks prior to the public hearing, and shall state in the notice the total cost of the improvement.

RESOLUTION NO. _____

September 26, 2022 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Public Works Dept
Engineering Division
Phone: 763-569-3340
FAX: 763-569-3440

# FEASIBILITY REPORT

FOR

## *50th AVENUE IMPROVEMENTS*

IMPROVEMENT PROJECT NO. 2023-02

***CITY OF BROOKLYN CENTER, MINNESOTA***

September 19, 2022

*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*

Michael Albers

*Michael J Albers, P.E.*
*Reg. No. 47074*
*September 19, 2022*

# I. BACKGROUND

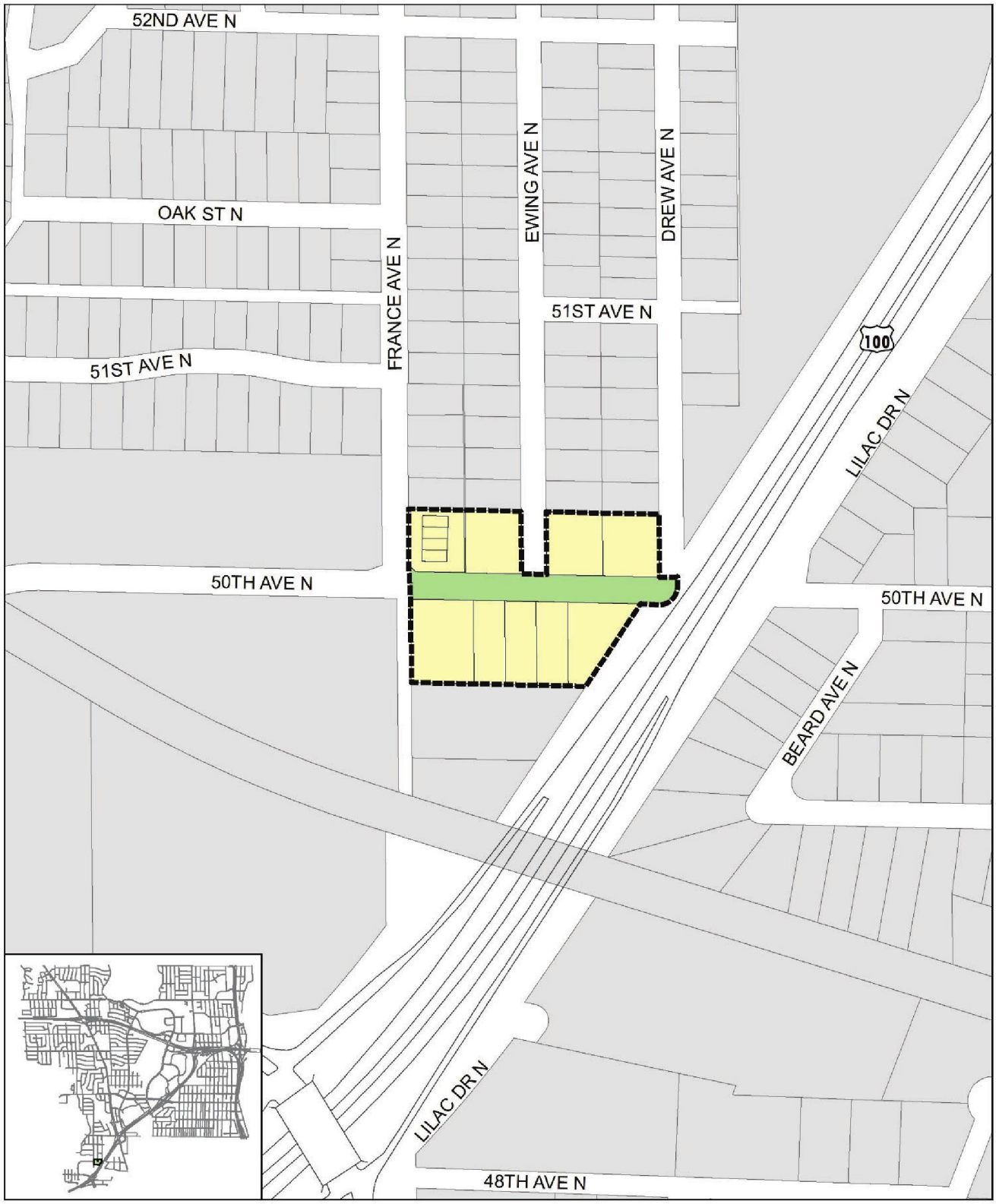
In 2023, the City of Brooklyn Center will be entering the 30th year of its long-range infrastructure rehabilitation program often referred to as the Neighborhood Street and Utility Improvement Program. This program has consisted of a systematic rehabilitation and/or replacement of the City's aging streets, water main, sanitary sewer, storm sewers, sidewalks, trails and street lights.

The City's Capital Improvement Program identifies 50th Avenue for partial reconstruction in 2023. The proposed project includes roadway, utility and trail improvements within the project limits shown on Figure 1. The 50th Avenue project area extends from France Avenue to Drew Avenue.

This report was prepared in response to City Council Resolution No. 2022-70 dated July 25, 2022, directing staff to prepare a feasibility report and collect public input for the proposed project. Staff conducted a public informational meeting with residents and property owners located within the project area on September 15, 2022.

The 2023 project area consists of approximately 665 feet of streets and utilities. The neighborhood consists of approximately 6 residential properties that are zoned "R4", 5 industrial properties, and 1 commercial property.

Figure 1: Project Area




Project Area
50th Avenue Street and Utility Improvement Project

Figure 1

# II. STREET IMPROVEMENTS

## A. EXISTING CONDITIONS

A majority of 50th Avenue was originally constructed between 1951 and 1956 with the Brooklyn Manor and Twin Lake Woods 2nd Additions. The street was most recently improved in 1988 resulting in the existing street pavement being in service for approximately 35 years. The existing street is 36 feet wide with curb and gutter.

An existing pavement evaluation was conducted resulting with the road surface showing signs of deterioration such as some lateral cracking and potholes have occurred in some locations. The existing low volume pavement section within the project area generally consists of 4 inches of bituminous pavement and 6 inches of aggregate base per the typical section in 1988. Additionally, limited sections of deteriorated concrete curb and gutter were identified within the project area.

The existing trail on 50th Avenue is located in the north boulevard the entire length of the project area. The trail is showing signs of deterioration. See Figure 2 for existing sidewalk and trail locations.

A geotechnical investigation will be performed within the project area to obtain and analyze soil samples below the street pavement. The geotechnical evaluation report will contain information regarding the subsurface soil and groundwater conditions and includes appropriate design and construction recommendations.

Traffic on 50th Avenue is generally limited to local traffic access to residential and commercial properties within the neighborhood with traffic volumes of approximately 420 vehicles per day.

## B. PROPOSED STREET IMPROVEMENTS

Based on the age and condition of the existing bituminous asphalt pavement surfaces and the proposed replacement of underlying utilities in certain locations, complete replacement of the street surface is warranted. Proposed street improvements include partial reconstruction with full depth pavement replacement for the existing streets. The existing concrete curb and gutter throughout the project area has not exceed its life expectancy and can be suitably rehabilitated with spot repairs. Approximately 50 percent of the concrete curb and gutter and concrete driveway aprons are estimated to be replaced due to heaving/settling issues and as warranted or impacted by other construction (e.g. public utility repairs).

In accordance with the Complete Streets Policy adopted by the City in 2013, all streets and trail projects, including design, planning, reconstruction, rehabilitation, maintenance or operations by the City of Brooklyn Center shall be designed and executed in a responsible, equitable and financially reasonable way to accommodate and encourage travel by bicyclists, pedestrians, public transportation, emergency and commercial vehicles in a balanced manner. Implementation of the City's Complete Streets Policy ensures that the needs and safety of pedestrians, bicyclists, motorists and transit riders of all ages and abilities are considered in the design and operation of roads.

Additionally, the Safe Routes to School Planning (SRTS) Assistance Memorandum prepared by MnDOT in June 2013 and the Pedestrian & Bicycle Plan (P&BP) adopted in March 2014 are used to plan additional sidewalk and trail routes. The SRTS and the P&BP do not identify missing sidewalk/trail connects and no additional pedestrian or bicycle facilities were identified within the project area.

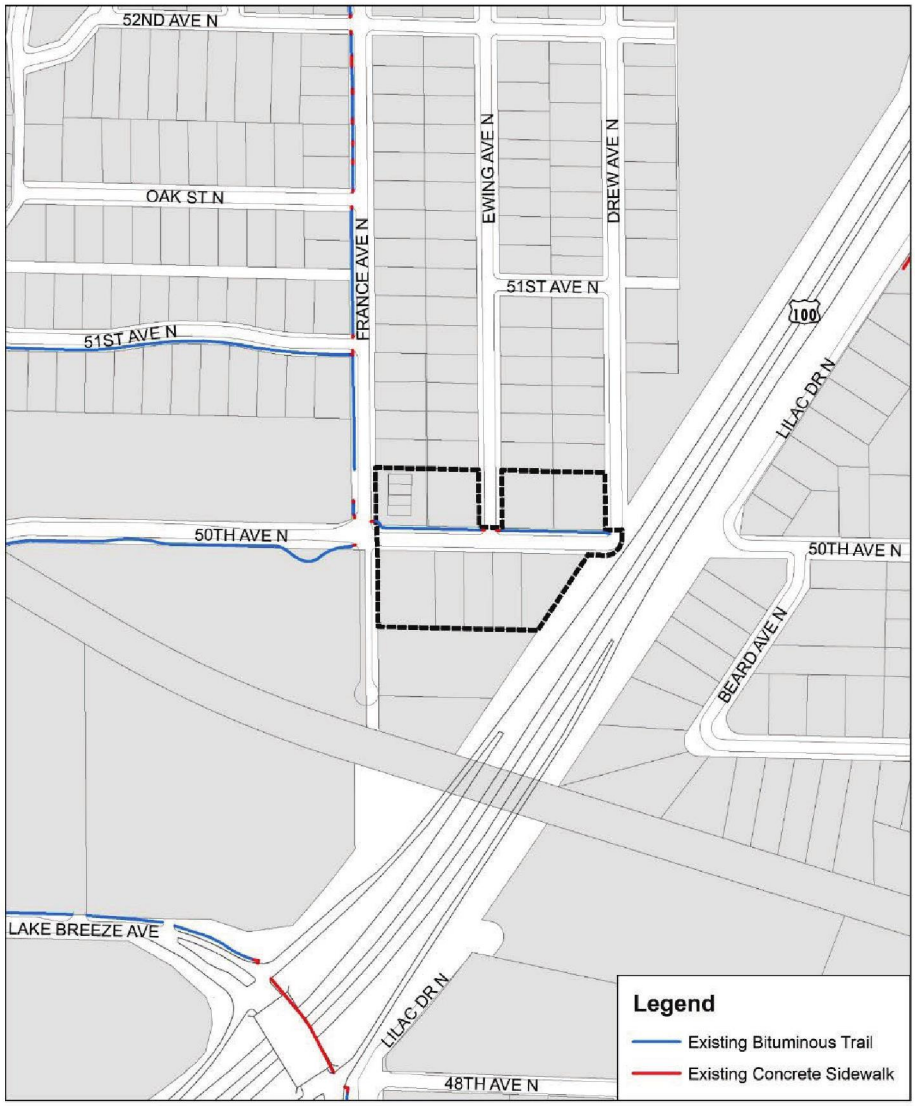
Based on these considerations, the following strategies and improvements are recommended:

- The existing bituminous trail on the north side of 50th Avenue will be reconstructed.
- Pedestrian curb ramps will be reconstructed throughout the project at each crosswalk location with truncated dome detectable warning systems in compliance with the Americans with Disabilities Act (ADA).

Other improvements include the repair of concrete driveway aprons, the replacement of trees, landscaping elements and irrigation systems that are impacted by the construction. Disturbed boulevard areas will be restored with topsoil and sod.

It should also be noted that in-depth property surveys are not performed and when constructing the new driveway aprons, the determined location generally matches existing driveway locations and widths. It is not the intent under this project to verify and fix driveway-property line issues, which sometimes exist. Rather, the construction under this project generally occurs within City right-of-way.

Figure 2: Sidewalks and Trails




Sidewalks and Trails
50th Avenue Street and Utility Improvement Project

Figure 2

# III. STREET LIGHTING SYSTEM

## A. EXISTING CONDITIONS

The street improvement program has historically included the replacement of free-standing street lights located within the project area. Free-standing street lights are defined as lights mounted on poles which do not contain any other overhead utilities attached to them. There are no free-standing streetlights in the project area. The existing street light system throughout the project generally consists of lights on multiuse-style poles, which are unable to be removed and therefore are not planned to be replaced. The existing street lights on multiuse poles within the project area have overhead power service with a cobra-head type LED light fixture.

The City's Street Light Policy states that street lights may be provided at street intersections and at mid-block locations where the distance between intersections exceeds 700 feet. Street lights are currently located at most intersections.

## B. PROPOSED STREET LIGHTING IMPROVEMENTS

No street light improvements are included within the scope of this project.

# IV. STORM DRAINAGE AND TREATMENT SYSTEM

## A. EXISTING CONDITIONS

The project area is located within the Shingle Creek Watershed Management Commission area and ultimately flows to storm water treatment ponds at CenterBrook Golf Course and then to Shingle Creek. The existing storm drainage system in the project area consists of storm sewer pipes installed in 1988 and range in size from 15-inch to 24-inch diameter reinforced concrete storm sewer pipes (see Figure 3). A televising of the storm sewer in this area was conducted in the summer of 2022 and it was found to be in good condition.

## B. PROPOSED DRAINAGE IMPROVEMENTS

Storm sewer improvements will be made to the existing system that includes replacing catch basins casting and adjustments as necessary within the project area. Storm sewer improvements will also include replacing/repairing catch basins and laterals where necessary or impacted by other utility work. There are no indicators or comments regarding significant ponding or flooding issues within the neighborhood and expansion of the existing storm sewer system is not being planned.

The majority of the stormwater is already conveyed to downstream stormwater quality treatment facilities prior to being discharged to Shingle Creek. No additional stormwater quality facilities are being planned for the project.

Figure 3: Storm Sewer

Existing Storm Sewer
50th Avenue Street and Utility Improvement Project

Figure 3

# V. SANITARY SEWER SYSTEM

## A. EXISTING CONDITIONS

The existing sanitary sewer collection system within the project area consists of 30-inch diameter reinforced concrete pipe (RCP) sewer mains (see Figure 4). The sanitary sewer system is owned and maintained by the Metropolitan Council Environmental Services (MCES). The sewer line was installed in 1955 and was relined by MCES in recent years.

## B. PROPOSED SANITARY SEWER IMPROVEMENTS

MCES interceptor pipes generally serve as collectors for the smaller City sewer mains, and several individual property services do connect into the interceptor pipe. It is proposed to replace individual service lines and coordinate with MCES to replace or adjust sanitary manhole castings and lids.

Figure 4: Sanitary Sewer

Existing Sanitary Sewer
50th Avenue Street and Utility Improvement Project

Figure 4

# VI. WATER SYSTEM

## A. EXISTING CONDITIONS

A majority of the water main within the project area consists of 8-inch and 10-inch diameter cast iron pipe (CIP) installed in 1958 and 1966. The water main pipe velocities on 50th Avenue are adequate as confirmed by water distribution modeling. Some of the existing water main in the project area is assumed to not have a cement based internal liner. There is a history of 1 water main break within the project area (see Figure 5). One property has been identified to have past frozen service issues.

## B. PROPOSED WATER MAIN IMPROVEMENTS

Recommended water main improvements include complete replacement of the existing cast iron water main with new ductile iron water main. The proposed improvements also include replacement of valves, hydrants and water services extending from the water main in the street to the water curb stop located at the front property line. As part of this replacement, the service with a freeze history would be insulated. Replacement pipe materials include ductile iron pipe, which is more resistant to corrosion than cast iron pipe, and copper service pipe.

Figure 5: Water Main Break Locations

Water Main Break Locations
50th Avenue Street and Utility Improvement Project

Figure 5

## VIII. RIGHT-OF-WAY AND EASEMENTS

Generally, public infrastructure owned, maintained and operated by the City in the project area is located within City easements and/or right-of-way with the exception of the easterly 50 feet of the project area which falls in MnDOT right-of-way. It is not anticipated that the City will need to obtain any additional easements for any existing or proposed improvement located within the roadway.

## IX. ESTIMATED COSTS AND FUNDING CONSIDERATIONS

The total estimated cost of the proposed project is $410,000.00. Table 1 provides a summary of the estimated project costs and recommended funding amounts from the various sources as indicated. Funding for the project is further described below.

### A. FUNDING FOR STREET IMPROVEMENTS

The estimated project cost of roadway improvements in this project area is $190,000.00. This preliminary estimate includes the cost for project administration, legal, engineering and construction contingency. Special assessments for street improvements are proposed in accordance with the 2023 rates which are expected to be considered for adoption by the City Council on November 14, 2022.

The commercial properties, industrial properties and multi-family properties that are zoned R4 within the project area would be assessed based on an area basis (see figure 6). An “A” zone benefit includes the area abutting the street to be improved, extended to the depth of 200-feet and a “B” zone of lesser benefit for the remainder of the property area. The “A” zone rate is based on assessing 70 percent of the total street project cost deemed to benefit the property and the “B” zone rate is based on 30 percent. Based on cost estimates for full street reconstruction, the full unit rate has been determined to be “A” zone rate of $0.4292 per square foot and a “B” zone rate of $0.1839 per square foot. It should be noted that historically the assessments have been levied based on estimated costs rather than actual costs, understanding that the project costs are levied at a reduced percentage (70 and 30 percents as indicated above).

A total estimated special assessment amount of $52,265.67 would be levied for street improvements. The remaining street construction costs would be funded from the Street Reconstruction Fund. A summary of the proposed special assessments for street improvements is provided in Appendix A.

### B. FUNDING FOR STORM DRAINAGE IMPROVEMENTS

The total estimated cost for storm drainage improvements within the project area is $40,000.00. This preliminary estimate includes the cost for project administration, legal, engineering and construction contingency. The City has not historically assessed storm sewer improvement costs as part of a partial reconstruction project. The storm sewer improvement costs would be funded from the Storm Drainage Fund.

### C. FUNDING FOR UTILITY IMPROVEMENTS

The estimated cost of sanitary sewer improvements is $20,000.00; and the estimated cost for water main improvements is $160,000.00. As previously noted, these total cost estimates include the costs for project administration, engineering, legal and construction contingency. All costs for water and sanitary sewer improvements will be funded by their respective utility funds in accordance with established policy for such improvements.

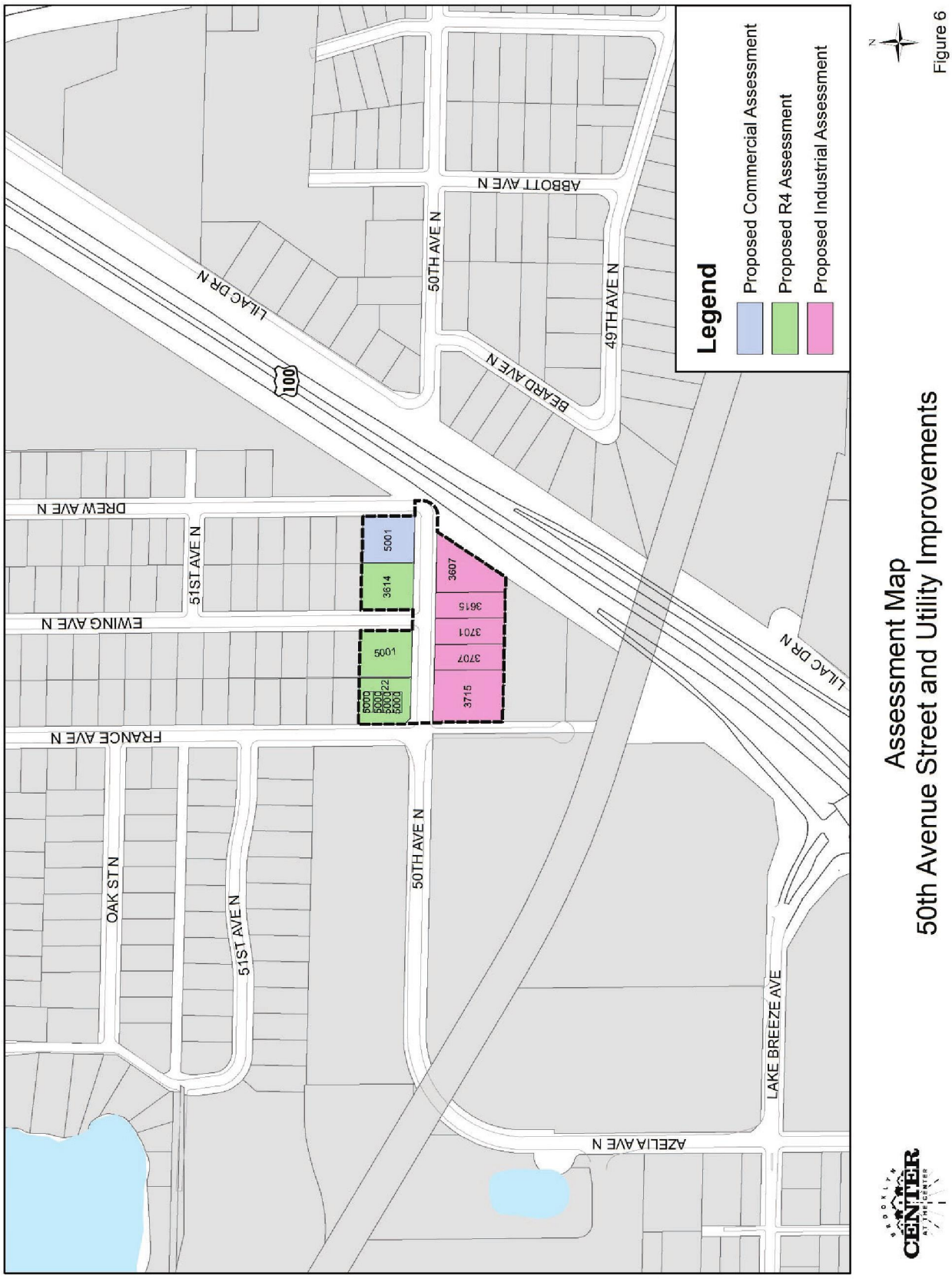
## Table 1. Cost and Funding

### Improvement Project No. 2023-02
### 2023 50th Avenue Improvements (France Ave to Drew Ave)

Feasibility Report, September 19, 2022

| | Streets | Storm Drainage | Sanitary Sewer | Water Main | Street Lights | Estimated Total |
|---|---|---|---|---|---|---|
| **Estimated Expenditures** | | | | | | |
| Estimated Construction Cost Street & Utility | $144,000.00 | $30,000.00 | $15,000.00 | $121,000.00 | $0.00 | $310,000.00 |
| Contingencies (10%) | $14,000.00 | $3,000.00 | $2,000.00 | $12,000.00 | $0.00 | $31,000.00 |
| Administration, Engineering, Legal (20%) | $32,000.00 | $7,000.00 | $3,000.00 | $27,000.00 | $0.00 | $69,000.00 |
| **Total Estimated Project Costs (Feasibility)** | $190,000.00 | $40,000.00 | $20,000.00 | $160,000.00 | $0.00 | $410,000.00 |
| **Estimated Revenue** | | | | | | |
| Street Special Assessments | $52,265.67 | | | | | $52,265.67 |
| Storm Drainage Special Assessments | | | | | | $0.00 |
| Sanitary Sewer Utility Fund | | | $20,000.00 | | | $20,000.00 |
| Water Utility Fund | | | | $160,000.00 | | $160,000.00 |
| Storm Drainage Utility Fund | | $40,000.00 | | | | $40,000.00 |
| Street Light Utility Fund | | | | | $0.00 | $0.00 |
| Street Reconstruction Fund | $137,734.33 | | | | | $137,734.33 |
| **Total Estimated Revenue (Feasibility)** | $190,000.00 | $40,000.00 | $20,000.00 | $160,000.00 | $0.00 | $410,000.00 |

Figure 6: Assessment Map



# X. RECOMMENDED PROJECT SCHEDULE

Table 2 is the preliminary schedule for the project.

Table 2. 50th Avenue Improvements – Schedule

| Action | Target Date |
|---|---|
| City Council Receives Feasibility Report and Calls for an Improvement Public Hearing | September 26, 2022 |
| City Council Holds Improvement Public Hearing, Authorizes the Project and Orders Preparation of Plans and Specifications | October 24, 2022 |
| City Council Establishes 2023 Assessment Rates, Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Special Assessments | November 14, 2022 |
| City Council Holds Assessment Public Hearing and Certify Assessment Roll | December 12, 2022 |
| City Council Approves Plans and Specs, and Authorizes Advertisement for Bids | January 2023 |
| City Receives and Opens Project Bids | February/March 2023 |
| City Council Considers Award of Contract | March 2023 |
| Start Project Construction | Spring/Summer 2023 |
| Construction Substantially Complete | October 2023 |

# XI. CONCLUSIONS AND RECOMMENDATIONS

The overall condition of the City's street and utility infrastructure systems is critical to the operation, safety, welfare and economic health of the entire community. As a result of the infrastructure needs described and the proposed solutions and estimated costs provided in this report, the proposed project is considered to be necessary, cost effective and feasible.

# Appendix A

DRAFT Proposed Pending Assessment Roll

**CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL**
**September 19, 2022**
**2023 50TH AVENUE IMPROVEMENTS**
**IMPROVEMENT PROJECT NO. 2023-02**

DRAFT

| PROPERTY ID | HOUSE | STREET NAME | LEVY# | STREET | NOTES |
|---|---|---|---|---|---|
| 1011821130059 | 3607 | 50th Ave N | | $ 9,308.25 | Industrial I2 (A) 21,687.45 sf (B) 0 sf |
| 1011821130051 | 3614 | 50th Ave N | | $ 4,340.24 | Multi Family R4 (A) 10,112.40 sf (B) 0 sf |
| 1011821130083 | 3615 | 50th Ave N | | $ 6,440.16 | Industrial I2 (A) 15,005.04 sf (B) 0 sf |
| 1011821130061 | 3701 | 50th Ave N | | $ 6,440.25 | Industrial I2 (A) 15,005.04 sf (B) 0 sf |
| 1011821130062 | 3707 | 50th Ave N | | $ 6,440.16 | Industrial I2 (A) 15,005.03 sf (B) 0 sf |
| 1011821130080 | 3715 | 50th Ave N | | $ 6,445.30 | Industrial I2 (A) 15,017.01 sf (B) 0 sf |
| 1011821130073 | 5000 | France Ave N; Unit D | | $ 1,056.47 | Multi Family R4 - Split between 4 units (A) 2,461.49 sf (B) 0 sf |
| 1011821130074 | 5000 | France Ave N; Unit C | | $ 1,056.47 | Multi Family R4 - Split between 4 units (A) 2,461.49 sf (B) 0 sf |
| 1011821130075 | 5000 | France Ave N; Unit B | | $ 1,056.47 | Multi Family R4 - Split between 4 units (A) 2,461.49 sf (B) 0 sf |
| 1011821130076 | 5000 | France Ave N; Unit A | | $ 1,056.47 | Multi Family R4 - Split between 4 units (A) 2,461.49 sf (B) 0 sf |
| 1011821130003 | 5001 | Drew Ave N | | $ 4,343.16 | Commercial C1 (A) 10,119.21 sf (B) 0 sf |
| 1011821130042 | 5001 | Ewing Ave N | | $ 4,282.27 | Multi Family R4 (A) 9,977.32 sf (B) 0 sf |
| | **Total Assessments** | | | $ 52,265.67 | |

# Council Regular Meeting

DATE: 9/26/2022

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

SUBJECT: Resolution Accepting Feasibility Report and Calling for an Improvement Public Hearing for Improvement Project No. 2023-03, 51st Avenue Improvements

**Requested Council Action:**

*- Motion to approve a resolution accepting feasibility report and calling for an improvement public hearing for Improvement Project No. 2023-03, 51st Avenue Improvements.*

**Background:**

This project was established by the City Council on July 25, 2022, by Resolution 2022-71, for the area commonly referred to as the 51st Avenue Improvements. This action was taken in accordance with the Capital Improvement Program (CIP), which identifies 51st Avenue for improvements during the 2023 construction season.

The attached feasibility report provides a summary of the project evaluation process and preliminary street and utility improvements. A public informational meeting was conducted on September 15, 2022, to provide project information to property owners and tenants within the project area and gain additional input from the public. The informational meeting was positive in nature with the majority of questions and concerns relating to utility replacements and special assessments. A formal presentation of the feasibility for the project is planned at the public hearing.

The attached resolution declares certain project costs to be assessed for the 51st Avenue Improvements and calls for an improvement public hearing on October 24, 2022. If approved by the City Council, legal notice would be published, and all property owners who could potentially be assessed for improvements would receive a Notice of Improvement Public Hearing via mail. Staff recommends that the City Council consider establishing the 2023 special assessment rates in November 2022, and holding the special assessment public hearing in December 2022.

**Budget Issues:**

The total project cost for the 51st Avenue Improvements is estimated to be $380,000. Funding sources for the project are proposed from a variety of sources as described in the feasibility report. The Draft Special Assessment Levy Roll for Improvement Project No. 2023-03 is included in Appendix A of the feasibility report.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Key Transportation Investments

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution | 9/19/2022 | Resolution Letter |
| Feasibility Report | 9/19/2022 | Backup Material |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ACCEPTING FEASIBILITY REPORT AND CALLING FOR AN IMPROVEMENT PUBLIC HEARING FOR IMPROVEMENT PROJECT NO. 2023-03, 51ST AVENUE IMPROVEMENTS

WHEREAS, the Brooklyn Center City Council, by Resolution No. 2022-71, directed the preparation of a feasibility report regarding proposed improvements to the streets, storm drainage system and public utilities in the 51st Avenue improvement area; and

WHEREAS, the City Engineer has prepared said report and recommends that the proposed improvements be considered; and

WHEREAS, a portion of the cost of street improvements for said project is proposed to be assessed against properties within the project area; and

WHEREAS, the total project cost for the 51st Avenue Street, Storm Drainage and Utility Improvements is estimated to be $380,000; the total cost of the street improvement portion of said project is estimated to be $270,000 and the project funding sources are currently estimated to be:

| | | |
|---|---|---|
| Special Assessments | $ | 97,850.00 |
| Sanitary Sewer Utility Fund | $ | 10,000.00 |
| Water Utility Fund | $ | 10,000.00 |
| Storm Drainage Utility Fund | $ | 70,000.00 |
| Street Light Utility Fund | $ | 20,000.00 |
| Street Reconstruction Fund | $ | 172,150.00 |
| Total | $ | 380,000.00 |

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

1. The Engineer's Feasibility Report for the 51st Avenue Improvements is received and accepted.

2. Notice is hereby given that an improvement public hearing will be held on the 24th day of October, 2022, at 7:00 p.m. or as soon thereafter as part of the regular City Council meeting as the matter may be heard to pass upon said improvement project and at such time and place all persons owning property affected by said improvements will be given the opportunity to be heard with reference to said improvements.

3. The City Clerk is directed to cause a notice of the improvement public hearing

RESOLUTION NO. _____

to be published in the official newspaper at least two weeks prior to the public hearing, and shall state in the notice the total cost of the improvement.

September 26, 2022 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

**Public Works Dept**
**Engineering Division**
**Phone: 763-569-3340**
**FAX: 763-569-3440**

# FEASIBILITY REPORT

FOR

# *51ST AVENUE*
# *STREET AND UTILITY IMPROVEMENTS*

IMPROVEMENT PROJECT NO. 2023-03

***CITY OF BROOKLYN CENTER, MINNESOTA***

September 19, 2022

*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*

Michael Albers

*Michael J Albers, P.E.*
*Reg. No. 47074*
*September 19, 2022*

# I. BACKGROUND

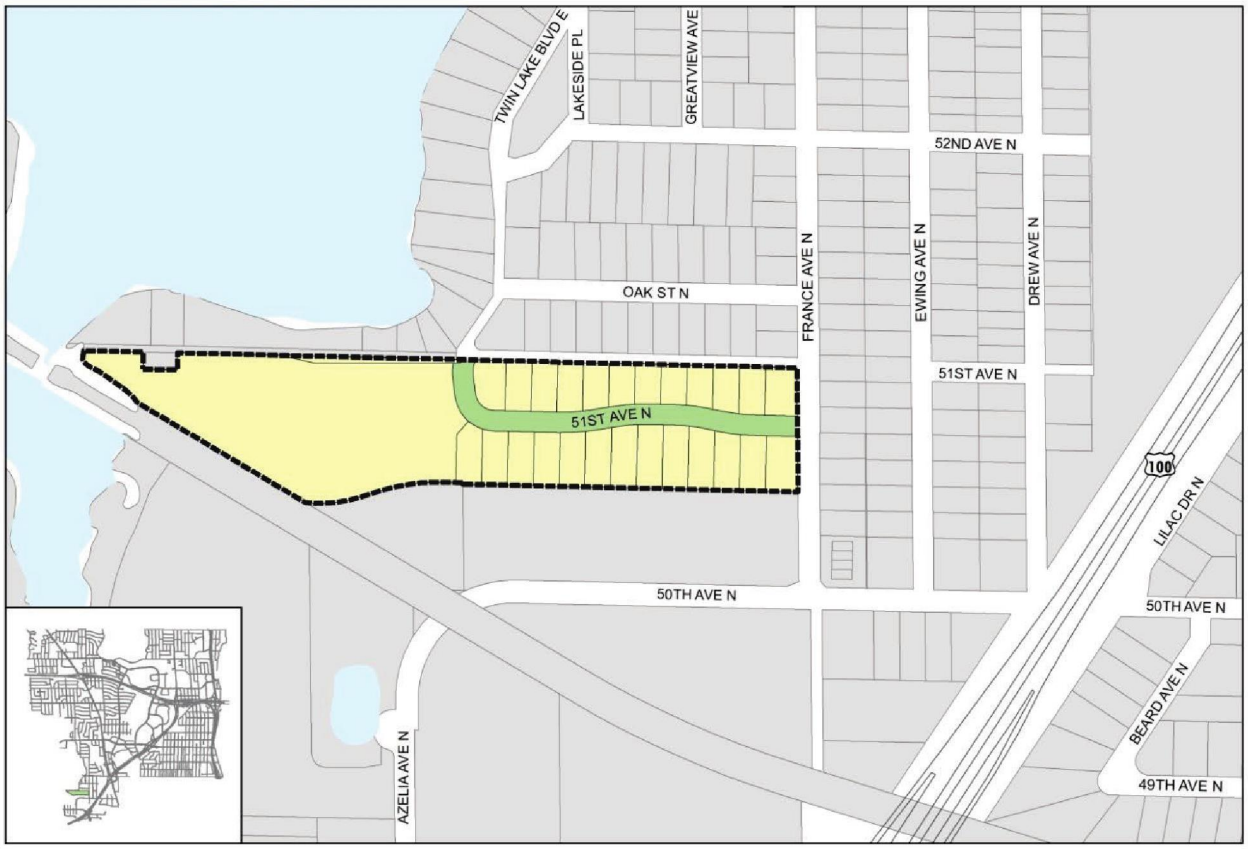
In 2023, the City of Brooklyn Center will be entering the 30th year of its long-range infrastructure rehabilitation program often referred to as the Neighborhood Street and Utility Improvement Program. This program has consisted of a systematic rehabilitation and/or replacement of the City's aging streets, water main, sanitary sewer, storm sewers, sidewalks, trails and street lights.

The City's Capital Improvement Program identifies the 51st Avenue for partial reconstruction in 2023. The proposed project includes roadway, utility and trail improvements within the project limits shown on Figure 1. The 51st Avenue project area extends from 185 feet south of Oak Street on Twin Lake Boulevard to France Avenue.

This report was prepared in response to City Council Resolution No. 2022-71 dated July 25, 2022, directing staff to prepare a feasibility report and collect public input for the proposed project. Staff conducted a public informational meeting with residents and property owners located within the project area on September 15, 2022.

The 2023 project area consists of approximately 1,171 feet of streets and utilities. The neighborhood consists of approximately 25 residential properties that are zoned "R1".

Figure 1: Project Area



# II. STREET IMPROVEMENTS

## A. EXISTING CONDITIONS

The roadway in the 51st Avenue Area was originally constructed in 1990 resulting in the existing street pavement being in service for approximately 32 years. The existing streets are 30 feet wide with curb and gutter, which is typical for most low volume residential streets in Brooklyn Center. The existing street is 30 feet wide with curb and gutter.

An existing pavement evaluation was conducted resulting with the road surface showing signs of deterioration such as some lateral cracking throughout the project area and potholes have occurred in some locations. The existing low volume pavement section within the project area generally consists of 4 inches of bituminous pavement and 6 inches of aggregate base per the typical section in 1990. Additionally, limited sections of deteriorated concrete curb and gutter were identified within the project area.

The existing trail on 51st Avenue is located in the south boulevard the entire length of the project area. The trail is showing signs of deterioration. See Figure 2 for existing sidewalk and trail locations.

A geotechnical investigation will be performed within the project area to obtain and analyze soil samples below the street pavement. The geotechnical evaluation report will contain information regarding the subsurface soil and groundwater conditions and includes appropriate design and construction recommendations.

Traffic on 51st Avenue is generally limited to local traffic access to residential properties within the neighborhood with traffic volumes expected to be less than 500 vehicles per day.

## B. PROPOSED STREET IMPROVEMENTS

Based on the age and condition of the existing bituminous asphalt pavement surfaces and the proposed replacement of underlying utilities in certain locations, complete replacement of the street surface is warranted. Proposed street improvements include partial reconstruction with full depth pavement replacement for the existing streets. The existing concrete curb and gutter throughout the project area has not exceed its life expectancy and can be suitably rehabilitated with spot repairs. Approximately 20 percent of the concrete curb and gutter are estimated to be replaced due to heaving/settling issues and as warranted or impacted by other construction (e.g. public utility repairs).

In accordance with the Complete Streets Policy adopted by the City in 2013, all streets and trail projects, including design, planning, reconstruction, rehabilitation, maintenance or operations by the City of Brooklyn Center shall be designed and executed in a responsible, equitable and financially reasonable way to accommodate and encourage travel by bicyclists, pedestrians, public transportation, emergency and commercial vehicles in a balanced manner. Implementation of the City's Complete Streets Policy ensures that the needs and safety of pedestrians, bicyclists, motorists and transit riders of all ages and abilities are considered in the design and operation of roads.

Additionally, the Safe Routes to School Planning (SRTS) Assistance Memorandum prepared by MnDOT in June 2013 and the Pedestrian & Bicycle Plan (P&BP) adopted in March 2014 are used to plan additional sidewalk and trail routes. The SRTS and the P&BP do not identify missing sidewalk/trail connects and no additional pedestrian or bicycle facilities were identified within the project area.

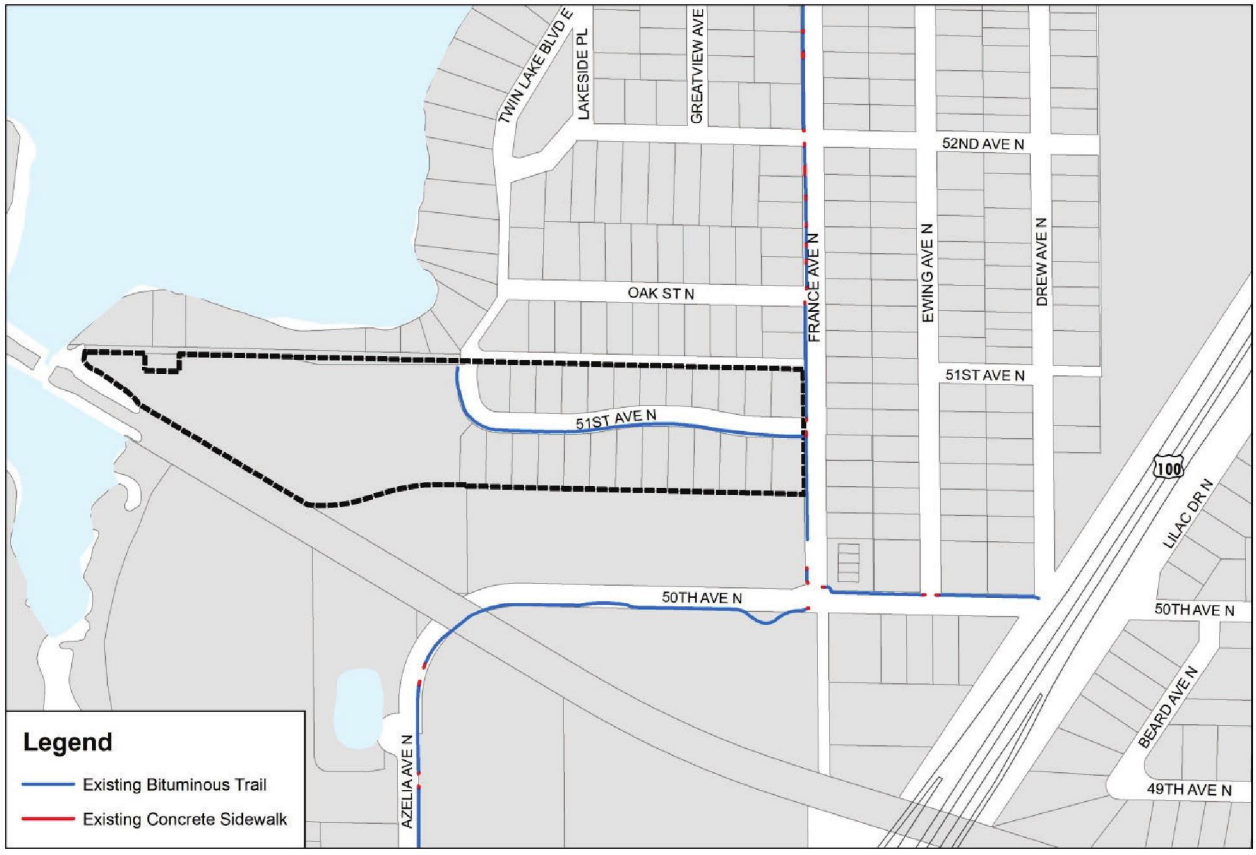
Based on these considerations, the following strategies and improvements are recommended:

- The existing bituminous trail on the south side of 51st Avenue will be reconstructed.
- Pedestrian curb ramps will be reconstructed throughout the project at each crosswalk location with truncated dome detectable warning systems in compliance with the Americans with Disabilities Act (ADA).

Other improvements include the repair of concrete driveway aprons, the replacement of trees, landscaping elements and irrigation systems that are impacted by the construction. Disturbed boulevard areas will be restored with topsoil and sod.

It should also be noted that in-depth property surveys are not performed and when constructing the new driveway aprons, the determined location generally matches existing driveway locations and widths. It is not the intent under this project to verify and fix driveway-property line issues, which sometimes exist. Rather, the construction under this project generally occurs within City right-of-way.

Figure 2: Sidewalks and Trails




Existing Sidewalk
51st Avenue Street and Utility Improvements

Figure 2

# III. STREET LIGHTING SYSTEM

## A. EXISTING CONDITIONS

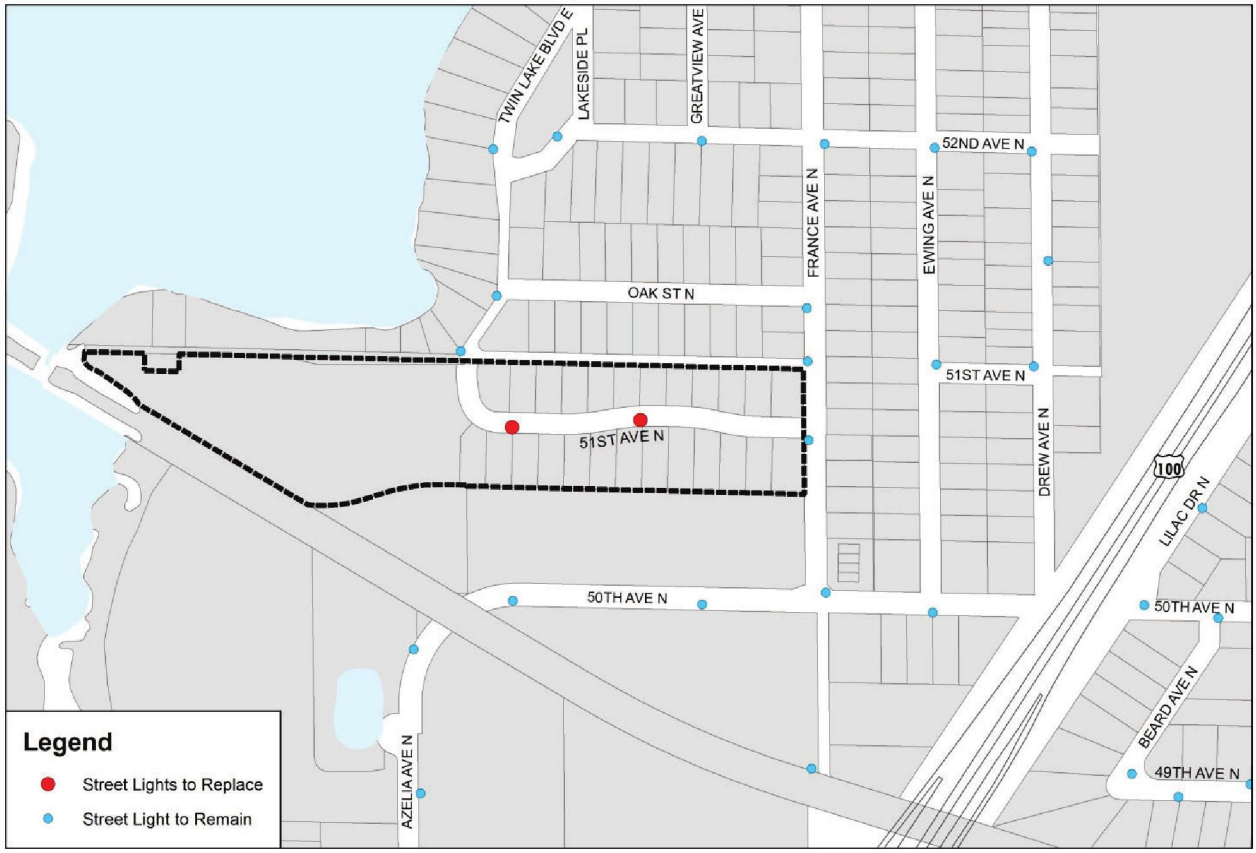
The neighborhood improvement program has historically included the replacement of free-standing street lights located within the neighborhood. Free-standing street lights are defined as lights mounted on poles, which do not contain any other overhead utilities attached to them. There are currently two (2) free-standing street lights within the project area. These lights consist of older style wood utility poles that have been in service for many years, most likely dating back to the original construction of the neighborhood. The existing free-standing street lights have underground power services with cobra-head type light fixtures.

The City's Street Light Policy states that street lights may be provided at street intersections and at mid-block locations where the distance between intersections exceeds 700 feet. Street lights are currently located at all intersections and at most of the longer blocks that exceed 700 feet with minor exceptions.

## B. PROPOSED STREET LIGHTING IMPROVEMENTS

The recommended street light improvements include replacement of the two (2) existing free-standing street lights with fiberglass poles, cut-off type LED light fixtures.

Figure 3: Street Light Exhibit




Street Lights
51st Avenue Street and Utility Improvements

Figure 3

# IV. STORM DRAINAGE AND TREATMENT SYSTEM

## A. EXISTING CONDITIONS

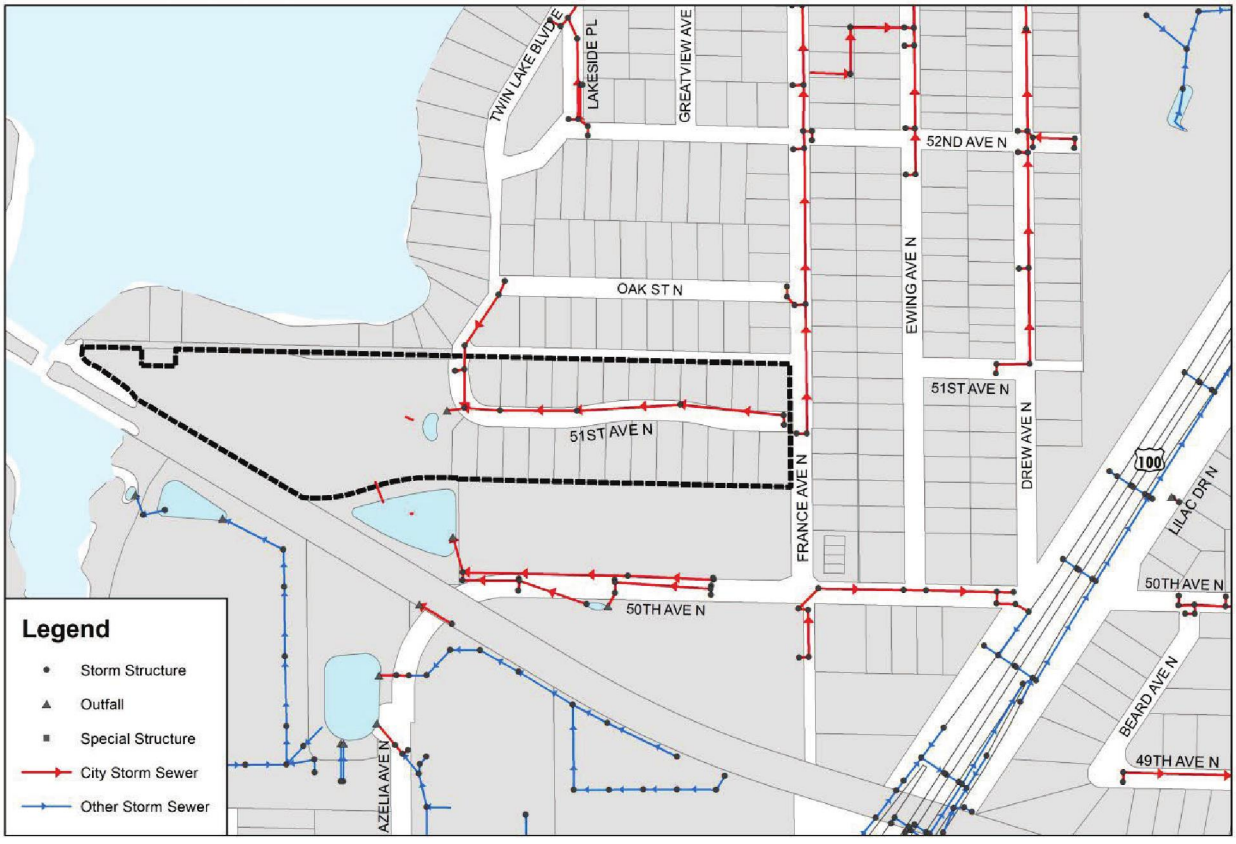
The project area is located within the Shingle Creek Watershed Management Commission area and ultimately flows to nearby storm water treatment ponds and then to Shingle Creek. The existing storm sewer in the project area consists of network of storm sewer pipes installed in 1990 and range in size from 15-inch to 21-inch diameter concrete storm sewer pipes (see Figure 4). A televising of the storm sewer in this area was conducted in the summer of 2022 and it was found to be in good condition.

## B. PROPOSED DRAINAGE IMPROVEMENTS

Storm sewer improvements will be made to the existing system that includes replacing catch basins casting and adjustments as necessary within the project area.

There are no indicators or comments regarding significant ponding or flooding issues within the neighborhood and expansion of the existing storm sewer system is not being planned. No additional stormwater quality facilities are being planned for the project.

Figure 4: Storm Sewer




Existing Storm Sewer
51st Avenue Street and Utility Improvements

Figure 4

# V. SANITARY SEWER SYSTEM

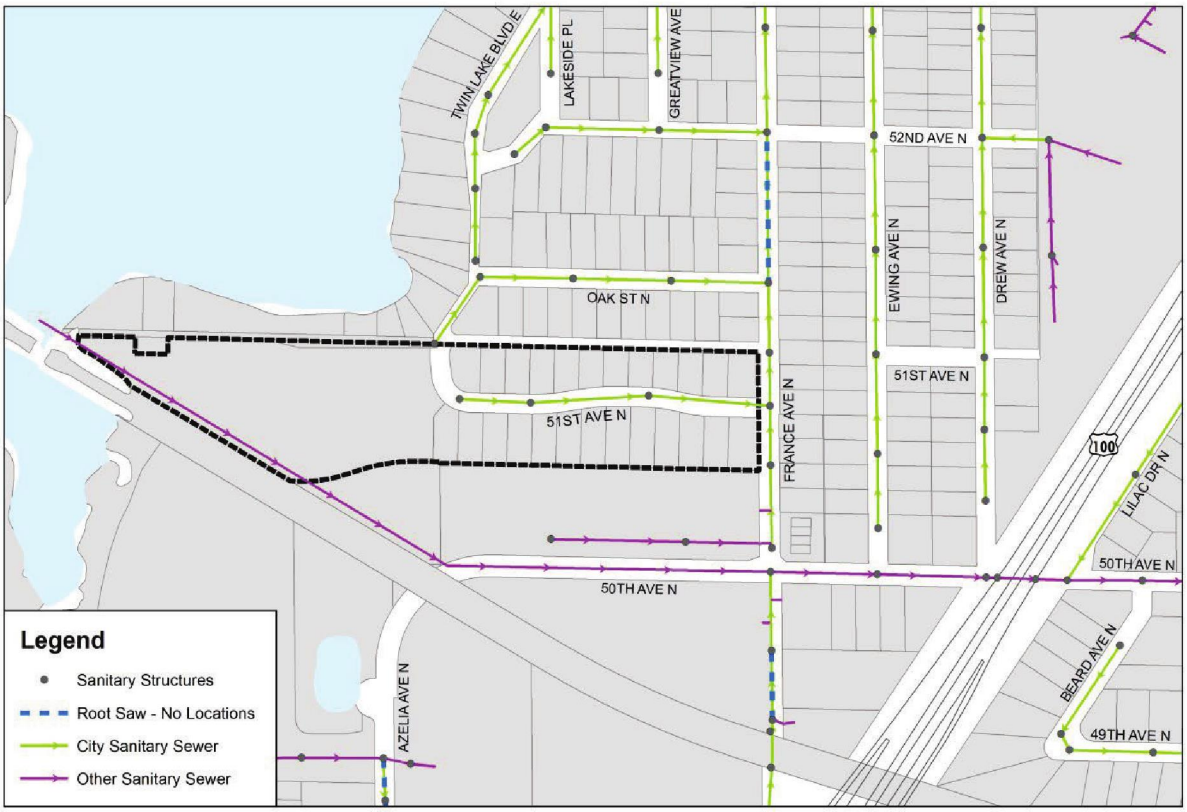
## A. EXISTING CONDITIONS

The existing sanitary sewer collection system within the project area consists of mainly eight-inch diameter polyvinyl chloride (PVC) that was installed in 1990. During the project planning phase, all public sanitary sewer pipes were inspected with remote televising equipment. The condition of the sanitary sewer system within the area is rated as good.

## B. PROPOSED SANITARY SEWER IMPROVEMENTS

Sanitary sewer improvements will be made to the existing system that includes replacing sanitary manhole castings and lids. The replacement of the castings with external seals will help minimize inflow and infiltration of rainwater into the sanitary sewer system.

Figure 5: Sanitary Sewer




Existing Sanitary Sewer
51st Avenue Street and Utility Improvements

Figure 5

# VI. WATER SYSTEM

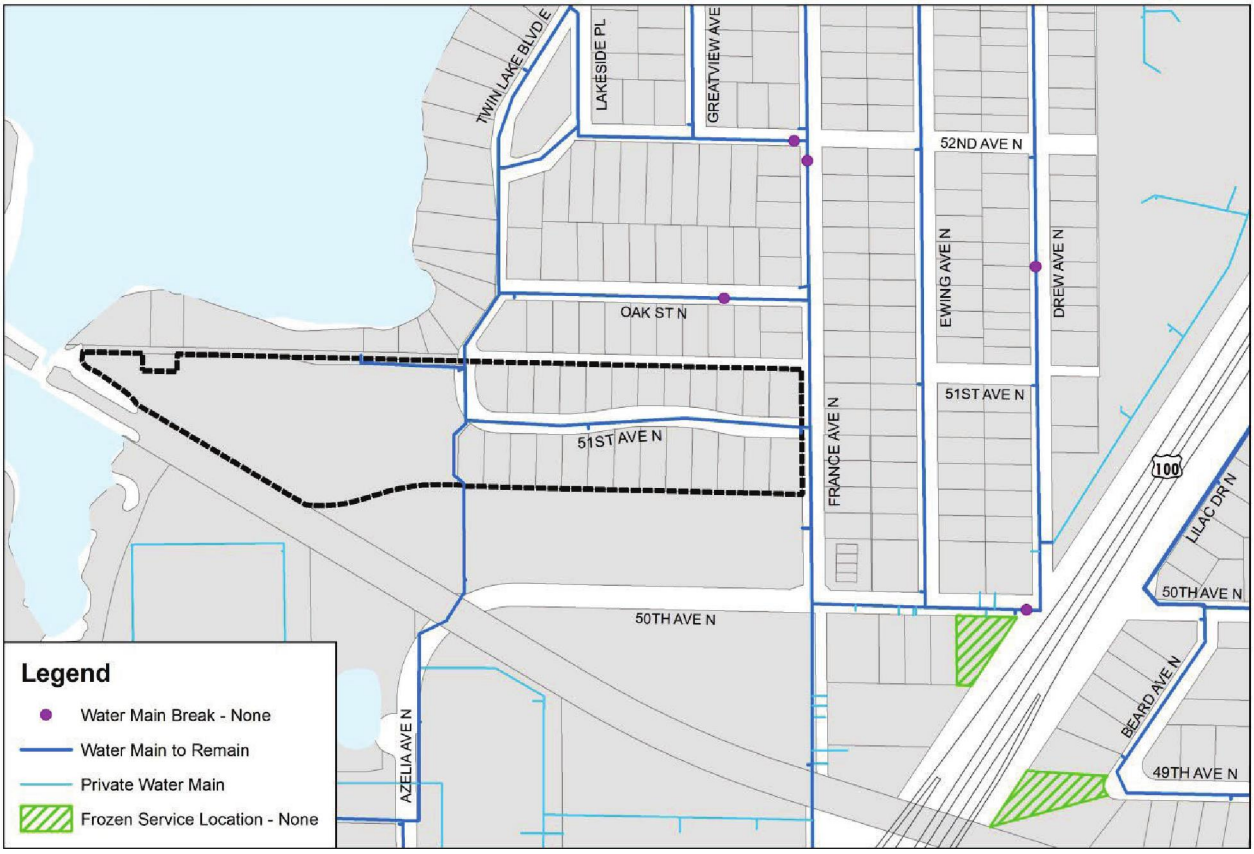
## A. EXISTING CONDITIONS

The water main within the project area consists of 8-inch diameter ductile iron pipe (DIP) installed in 1990. The water main pipe velocities in this project area are adequate as confirmed by water distribution modeling. There is no history of water main breaks within the project area (see Figure 6). The water main is in good condition and has not approached the end of its life cycle.

## B. PROPOSED WATER MAIN IMPROVEMENTS

Recommended water main improvements include replacement the valve and hydrant (the moving parts) of the water main system as these parts tend to wear and fail prior to the remainder of the water main system.

Figure 6: Water Main




Existing Water Main
51st Avenue Street and Utility Improvements

Figure 6

## VIII. RIGHT-OF-WAY AND EASEMENTS

Generally, all public infrastructure owned, maintained and operated by the City throughout the project area is located within City easements and/or right-of-way. It is not anticipated that the City will need to acquire any additional right of way or easements as part of the project.

## IX. ESTIMATED COSTS AND FUNDING CONSIDERATIONS

The total estimated cost of the proposed project is $380,000.00. Table 1 provides a summary of the estimated project costs and recommended funding amounts from the various sources as indicated. Funding for the project is further described below.

### A. FUNDING FOR STREET IMPROVEMENTS

The estimated project cost of roadway improvements for all streets in this project area is $270,000.00. This preliminary estimate includes the cost for project administration, legal, engineering and construction contingency. Special assessments for street improvements are proposed in accordance with the 2023 rates which are expected to be considered for adoption by the City Council on November 14, 2022. The standard 2023 residential street assessment rate is estimated to be $3,914 per R1 zoned residential property. This rate would be assessed to all benefitting single family residential properties within the project area (see Figure 7).

A total estimated special assessment amount of $97,850.00 would be levied for street improvements. The remaining street construction costs would be funded from the Street Reconstruction Fund. A summary of the proposed special assessments for street improvements is provided in Appendix A.

### B. FUNDING FOR STORM DRAINAGE IMPROVEMENTS

The total estimated cost for storm drainage improvements within the project area is $70,000.00. This preliminary estimate includes the cost for project administration, legal, engineering and construction contingency. The City has not historically assessed storm sewer improvement costs as part of a partial reconstruction project. The storm sewer improvement costs would be funded from the Storm Drainage Fund and the Municipal State Aid (MSA) Fund.

### C. FUNDING FOR UTILITY IMPROVEMENTS

The estimated cost of sanitary sewer improvements is $10,000.00; the estimated cost for water main improvements is $10,000.00; and the estimated cost for street light replacement is $20,000.00. As previously noted, these total cost estimates include the costs for project administration, engineering, legal and construction contingency. All costs for water, sanitary sewer and street light improvements will be funded by their respective utility funds in accordance with established policy for such improvements.

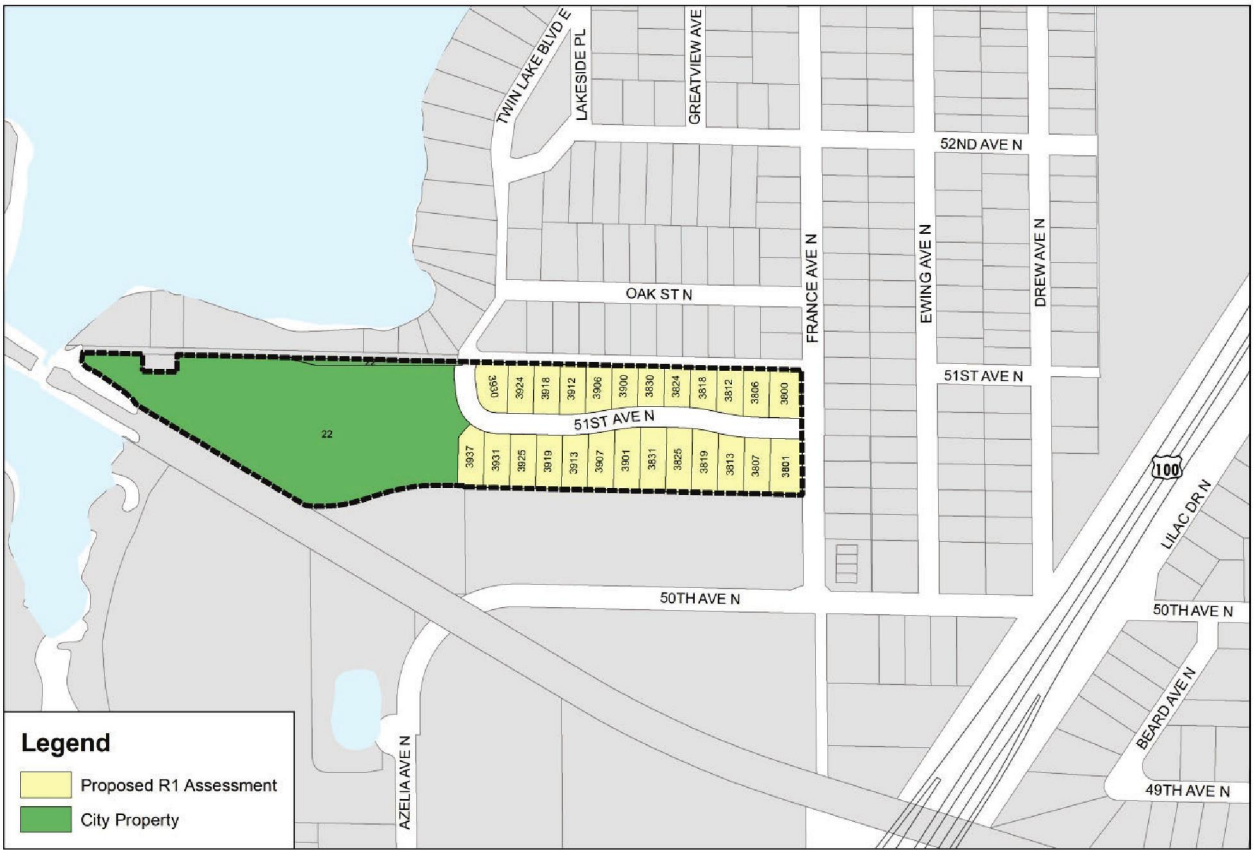
## Table 1. Cost and Funding

### Improvement Project No. 2023-03
### 2023 51st Avenue Improvements (Twin Lake Blvd to France Ave)

Feasibility Report, September 19, 2022

| | Streets | Storm Drainage | Sanitary Sewer | Water Main | Street Lights | Estimated Total |
|---|---|---|---|---|---|---|
| **Estimated Expenditures** | | | | | | |
| Estimated Construction Cost Street & Utility | $204,500.00 | $53,000.00 | $7,300.00 | $7,300.00 | $15,000.00 | $287,100.00 |
| Contingencies (10%) | $20,500.00 | $5,000.00 | $700.00 | $700.00 | $2,000.00 | $28,900.00 |
| Administration, Engineering, Legal (20%) | $45,000.00 | $12,000.00 | $2,000.00 | $2,000.00 | $3,000.00 | $64,000.00 |
| **Total Estimated Project Costs (Feasibility)** | $270,000.00 | $70,000.00 | $10,000.00 | $10,000.00 | $20,000.00 | $380,000.00 |
| **Estimated Revenue** | | | | | | |
| Street Special Assessments | $97,850.00 | | | | | $97,850.00 |
| Storm Drainage Special Assessments | | | | | | $0.00 |
| Sanitary Sewer Utility Fund | | | $10,000.00 | | | $10,000.00 |
| Water Utility Fund | | | | $10,000.00 | | $10,000.00 |
| Storm Drainage Utility Fund | | $70,000.00 | | | | $70,000.00 |
| Street Light Utility Fund | | | | | $20,000.00 | $20,000.00 |
| Street Reconstruction Fund | $172,150.00 | | | | | $172,150.00 |
| **Total Estimated Revenue (Feasibility)** | $270,000.00 | $70,000.00 | $10,000.00 | $10,000.00 | $20,000.00 | $380,000.00 |

Figure 7: Assessment Map




Assessment Map
51st Avenue Street and Utility Improvements

Figure 7

# X. RECOMMENDED PROJECT SCHEDULE

Table 2 is the preliminary schedule for the project.

Table 2. 51st Avenue Improvements – Schedule

| Action | Target Date |
|---|---|
| City Council Receives Feasibility Report and Calls for an Improvement Public Hearing | September 26, 2022 |
| City Council Holds Improvement Public Hearing, Authorizes the Project and Orders Preparation of Plans and Specifications | October 24, 2022 |
| City Council Establishes 2023 Assessment Rates, Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Special Assessments | November 14, 2022 |
| City Council Holds Assessment Public Hearing and Certify Assessment Roll | December 12, 2022 |
| City Council Approves Plans and Specs, and Authorizes Advertisement for Bids | January 2023 |
| City Receives and Opens Project Bids | February/March 2023 |
| City Council Considers Award of Contract | March 2023 |
| Start Project Construction | Spring/Summer 2023 |
| Construction Substantially Complete | October 2023 |

# XI. CONCLUSIONS AND RECOMMENDATIONS

The overall condition of the City's street and utility infrastructure systems is critical to the operation, safety, welfare and economic health of the entire community. As a result of the infrastructure needs described and the proposed solutions and estimated costs provided in this report, the proposed project is considered to be necessary, cost effective and feasible.

# Appendix A

DRAFT Proposed Pending Assessment Roll

**CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL**
**September 19, 2022**
**2023 51ST AVENUE IMPROVEMENTS**
**IMPROVEMENT PROJECT NO. 2023-03**

DRAFT

| PROPERTY ID | HOUSE | STREET NAME | LEVY# | STREET | NOTES |
|---|---|---|---|---|---|
| 1011821240006 | 3800 | 51st Ave N | | $ 3,914.00 | R1 - Corner |
| 1011821240018 | 3801 | 51st Ave N | | $ 3,914.00 | R1 - Corner |
| 1011821240007 | 3806 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240019 | 3807 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240008 | 3812 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240020 | 3813 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240009 | 3818 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240021 | 3819 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240010 | 3824 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240022 | 3825 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240011 | 3830 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240023 | 3831 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240012 | 3900 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240024 | 3901 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240013 | 3906 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240025 | 3907 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240014 | 3912 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240026 | 3913 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240015 | 3918 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240027 | 3919 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240016 | 3924 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240028 | 3925 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240017 | 3930 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240029 | 3931 | 51st Ave N | | $ 3,914.00 | R1 |
| 1011821240030 | 3937 | 51st Ave N | | $ 3,914.00 | R1 |
| | **Total Assessments** | | | $ 97,850.00 | |

# Council Regular Meeting

DATE: 9/26/2022

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

SUBJECT: Resolution Approving Change Order Nos. 13-16, Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2 Improvements

**Requested Council Action:**

*- Motion to approve the attached resolution authorizing Change Order Nos. 13-16 in the amount of $158,919.38 for Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2 Improvements.*

**Background:**

On May 10, 2021, the City Council awarded a Contract to Park Construction Company of Minneapolis, Minnesota for the above referenced improvement. The attached Change Order Nos. 13-16 were necessary during construction of the street and utility improvements for the Brooklyn Boulevard Corridor Project Phase 2 Improvements.

- Change Order 13 in the amount of $71,389.38 is for replacing existing watermain gate valves adjacent to the project area that were determined not to be functional and for additional hydrant extensions within the project area. This included replacement of gate valves adjacent to Brooklyn Blvd at the Fire Station south of 63rd Ave, at 63rd Ave, 65th Ave, and Halifax Dr. Additionally, hydrant extensions were needed due to differences in existing watermain depths than standard along Brooklyn Blvd at 61st Ave and 62nd Ave.
- Change Order 14 in the amount of $13,850.00 is for installation of new concrete footings for the salvaged ornamental fence in the northwest corner of Brooklyn Blvd and 63th Ave.
- Change Order 15 in the amount of $2,930.00 is for directionally boring a 4-inch and 1.5-inch conduit crossings under NB Brooklyn Blvd for the median irrigation system north of 65$^{th}$ Avenue.
- Change Order 16 in the amount of $70,750.00 is for providing a temporary vertical shoring system to safely construct the underground stormwater storage chamber (Const Drainage Structure Design Spec 2) in the northwest corner of Brooklyn Boulevard and 63rd Avenue.

**Budget Issues:**

The original contract amount was $12,222,880.30. Change Orders 1-7, approved by the City Council on October 4, 2021, increased the contract amount to $12,270,997.51. Change Orders 8-12, approved by the City Council on May 23, 2022, increased the contract amount to $12,285,008.72.

The attached resolution authorizes Change Order Nos. 13-16 for the project. The total amount of Change Order Nos. 13-16 is $158,919.38 which increases the contract amount to $12,443,928.10.

The total value of Change Order Nos. 1-16 is $221,047.80 which represents an increase of 1.81 percent to the original contract amount. This falls within the contingency amount of $1,222,288.00 that was included in the project budget for items of this nature.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Key Transportation Investments

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution | 9/19/2022 | Resolution Letter |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION APPROVING CHANGE ORDER NOS. 13-16, IMPROVEMENT PROJECT NO. 2021-05, BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 2 IMPROVEMENTS

WHEREAS, pursuant to a written contract signed with the City of Brooklyn Center, Minnesota, Park Construction Company of Minneapolis, Minnesota, was instructed to complete additional work as itemized on Change Order Nos. 13-16 for Improvement Project No. 2021-05, Brooklyn Boulevard Corridor Project Phase 2 Improvements; and

WHEREAS, Change Order 13 in the amount of $71,389.38 is for replacing existing watermain gate valves adjacent to the project area that were determined not to be functional and for additional hydrant extensions within the project area. This included replacement of gate valves adjacent to Brooklyn Blvd at the Fire Station south of 63rd Ave, at 63rd Ave, 65th Ave, and Halifax Dr. Additionally, hydrant extensions were needed due to differences in existing watermain depths than standard along Brooklyn Blvd at 61st Ave and 62nd Ave; and

WHEREAS, Change Order 14 in the amount of $13,850.00 is for installation of new concrete footings for the salvaged ornamental fence in the northwest corner of Brooklyn Blvd and 63th Ave; and

WHEREAS, Change Order 15 in the amount of $2,930.00 is for directionally boring a 4-inch and 1.5-inch conduit crossings under NB Brooklyn Blvd for the median irrigation system north of 65th Avenue; and

WHEREAS, Change Order 16 in the amount of $70,750.00 is for providing a temporary vertical shoring system to safely construct the underground stormwater storage chamber (Const Drainage Structure Design Spec 2) in the northwest corner of Brooklyn Boulevard and 63rd Avenue.; and

WHEREAS, said additional work was not included in the original contract, but was deemed necessary to properly complete the improvements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Change Order Nos. 13 through 15 in the amount of $88,169.38 for Improvement No. 2021-05 is hereby approved. The revised contract amount is as follows:

| | |
|---|---|
| Original Contract Amount | $12,222,880.30 |
| Change Order Nos. 1-7 | $ 48,117.21 |
| Change Order Nos. 8-12 | $ 14,011.21 |
| Change Order Nos. 13-16 | $ 158,919.38 |
| Revised Contract Amount | $12,443,928.10 |

RESOLUTION NO. _____

September 12, 2022 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

# Council Regular Meeting

DATE: 9/26/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Elizabeth Heyman, Director of Public Works
BY: Michael Weber, Public Utilities Supervisor

SUBJECT: Resolution Accepting Bid and Awarding a Contract, Improvement Project No. 2022-09, Lift Station 4 Rehabilitation Project

**Requested Council Action:**

*- Motion to approve the resolution accepting the lowest responsible bid and award a contract to Pember Companies, Inc. for Improvement Project No. 2022-09, Lift Station 4 Rehabilitation Project.*

**Background:**

Bids for the Lift Station 4 Rehabilitation Project were received and opened on September 1, 2022. Five bids were received and results are tabulated below:

| **Bidder** | **AI ount** |
|---|---|
| Pember Companies, Inc. | $279,305.00 |
| R & R Excavating, Inc. | $325,202.91 |
| Minger Construction Co., Inc. | $328.249.06 |
| Meyer Contracting Inc. | $374,535.52 |
| M. Magnuson Construction, Co., Inc | $426,480.00 |

Of the five bids received, the lowest bid of $279,305.00 was submitted by Pember Companies, Inc. of Menomonie, Wisconsin. This contractor has the experience, equipment and capacity to qualify as the lowest responsible bidder for the project. The city's consultant, Sambatek, recommends awarding a contract to Pember Companies, Inc.

**Budget vssues:**

As shown in the table below, the total estimated budget including contingencies, administration, engineering and legal was $259,000.00 and is amended to $346,305.00, an approximate 33.7 percent increase from the originally budgeted amount (see attached Resolution – Costs and Revenues tables). The 33.7 percent increase was a result of bid items for pumps, piping and electrical components escalating in price more than expected from previous construction years. This project will be funded by the Sanitary Sewer Utility Fund and the fund will be able to cover the 33.7 percent increase.

| Costs | Estimated | Amended per Low Bid |
|---|---|---|
| Construction Cost | $ 184,000 | $ 279,305.00 |
| Engineering and Administrative | $ 48,000 | $ 40,000.00 |
| Contingency | $ 27,000 | $ 27,000.00 |

| | | |
|---|---|---|
| TOTAL | $ 259,000 | $ 346,305.00 |

**vnclusime Col l unity Engagel ent:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Key Transportation Investments

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution | 9/19/2022 | Resolution Letter |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT, IMPROVEMENT PROJECT NO. 2022-09, LIFT STATION 4 REHABILITATION PROJECT

WHEREAS, pursuant to an advertisement for bids for Improvement Project No. 2022-09, bids were received, opened and tabulated on the 1st day of September, 2022. Said bids were as follows:

| **Bidder** | **Amount** |
|---|---|
| Pember Companies, Inc. | $279,305.00 |
| R & R Excavating, Inc. | $325,202.91 |
| Minger Construction Co., Inc. | $328.249.06 |
| Meyer Contracting Inc. | $374,535.52 |
| M. Magnuson Construction, Co., Inc | $426,480.00 |

WHEREAS, the city's consultant, Sambatek, recommends that the contract be awarded based on the total bid;

WHEREAS, it appears that Pember Companies, Inc. of Menomonie, Wisconsin is the lowest responsible bidder.

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

1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with Pember Companies, Inc. of Menomonie, Wisconsin in the name of the City of Brooklyn Center, for Improvement Project No. 2022-09, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Engineer.

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

| COSTS | Estimated | Amended per Low Bid |
|---|---|---|
| Construction Cost | $ 184,000 | $ 279,305.00 |
| Engineering and Administrative | $ 48,000 | $ 40,000.00 |
| Contingency | $ 27,000 | $ 27,000.00 |
| TOTAL | $ 259,000 | $ 346,305.00 |

| REVENUES | Estimated | Amended per Low Bid |
|---|---|---|
| Sanitary Sewer Utility | $ 259,000 | $ 346,305.00 |

RESOLUTION NO._____

September 26, 2022 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

# Council Regular Meeting

DATE: 9/26/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Angela Holm, Director of Fiscal & Support Services

SUBJECT: Approve the Members of the Audit Review Committee

**Requested Council Action:**

- *Motion to approve the members of the Audit Review Committee*

**Background:**

Per City Council Code of Policies Section 2.80; 2 Policy; the city is scheduled to produce a Request for Proposal (RFP) every six year for financial service for auditing services. This was exercise was to be completed in 2020 but was extended in 2020 and 2021 due to the pandemic and civil unrest.

This summer, the city advertised request for proposals (RFP) and have received several proposals. The next step in accordance with City Council Code of Polices is to establish a review committee to evaluate the proposals received.

The following individuals have expressed interest in serving on the review committee:

- Kris Lawrence-Anderson City Council member
- Teneshia Kragness Financial Commission member
- David Dwapu Financial Commission member

In addition to these individuals, City Manager Edwards and Angela Holm, Director of Fiscal & Support Services will also be on the committee. The committee will meet within the next couple of weeks and the City Manager will come back with a recommendation.

Tonight, staff is requesting the City Council to appoint the members for the Audit Review Committee.

**Budget Issues:**

- No impact on the budget

**Inclusive Community Engagement:**

None

**Antiracist/Equity Policy Effect:**

None

**ATTACHMENTS:**

| Description | Upload Date | Type |
| --- | --- | --- |
| Excerpt from the City Council Code of Policies | 9/21/2022 | Backup Material |

*Excerpt from the City Council Code of Policies*

## 2.80 Policy and Procedure on Requests for Proposals for Financial Professional Services

### 1. Need for Policy

The City needs a policy and procedure to provide for the orderly conduct of requesting proposals for professional services for handling financial affairs, to ensure that all services will be periodically reviewed, and that the proper balance will be maintained between cost and quality of services.

### 2. Policy

A. All professional services in the area of City finances will be periodically let out for request for proposals (RFPs) according to an established schedule.

B. Service levels will be monitored by the City Council and Staff and if unsatisfactory service is received, that contract will be re-advertised prior to the year set in the schedule.

C. Quality of service will be the primary factor in awarding a contract for professional service, but cost will also be a determinant.

### 3. Procedure

A. A schedule shall be established for the conduct of RFPs. The schedule should be adhered to unless there is a performance problem or other justification for an earlier RFP. Going to the market too frequently with RFPs expends Staff time, requires extensive orientation of new professionals, and discourages quality firms from submitting proposals at their most attractive price since they will expect to only have the contract for a short time.

B. Specifications tailored to the professional service to be advertised will be prepared by Staff, reviewed by the Financial Commission, and approved by the City Council.

C. A review committee made up of the City Manager and Finance Director shall review proposals for Banking Services, Insurance Agent, Risk Management Consultant, and Custodian for Investment Securities. Proposals for Auditor and Financial Advisor shall be initially screened by Staff, and then reviewed by a committee of City Council Members and Financial Commission Members appointed by the Mayor in consultation with the Chair of the Financial Commission, with the approval of the City Council, which committee shall also include the City Manager and Finance Director.

D. The specifications will emphasize the abilities, qualifications, and experience of the applicant firms to provide high quality service to the City. Price will be considered after one or more applicants have been identified as providing the desired quality of service. When appropriate, the specification shall require prices to be submitted in a separate, sealed envelope to be opened after applicants have been ranked according to quality.

E. The City Manager shall make a recommendation to the City Council of a provider to be appointed to a multi-year engagement. It shall be written in the engagement that the appointment may be terminated earlier.

# Council Regular Meeting

DATE: 9/26/2022

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

SUBJECT: An Ordinance Vacating Storm Sewer, Drainage and Utility Easements within Lot 1, Block 1 of the Plat of Brookdale Square 2nd Addition, and Lot 1 and Lot 2, Block 2 of the Plat of Brookdale Square (1st Reading)

**Requested Council Action:**

- Motion to approve a first reading of the requested ordinance vacating certain storm sewer, drainage and utility easements located on the City's Opportunity Site and generally located on certain real property commonly addressed as 2500 County Road 10 and 5900 Shingle Creek Parkway, and set a second reading and public hearing for October 10, 2022

**Background:**

The City Council of the City of Brooklyn Center approved Planning Commission Application No. 2022-003 at their meeting on August 8, 2022. The requests as contemplated under this application were with respect to the proposed Phase I redevelopment of the City's Opportunity Site and included a request to re-plat the Subject Property, located at 2500 County Road 10 and 5900 Shingle Creek Parkway. As a condition of the application's approval under City Council Resolution No. 2022-78 the Applicant is to comply with all conditions or provisions as noted in the City Engineer's review memorandum, dated July 8, 2022, which includes a provision to submit an application for separate consideration and approval of the vacation of certain existing easements and in advance of recording the new plat (OPPORTUNITY SITE ADDITION).

The Economic Development Authority of the City of Brooklyn Center (EDA) is the fee owner of certain real property located near the intersection of County Road 10 and Shingle Creek Parkway, and legally described in attached Exhibits A, B, and C. City staff determined during review of Planning Commission Application No. 2022-003 that there is no public need to maintain the easements contemplated under this request and that failure to vacate the aforementioned easements would interfere with the proposed Phase I redevelopment of the Opportunity Site and the re-plat of lands necessary to move the project forward.

City staff has been in communication with the Applicant/Developer as to the next steps in terms of vacating the easements, recording the new plat, abandoning infrastructure located within said easements, and addressing infrastructure removal, as necessary.

Consistent with the City's Charter, a first reading of the proposed ordinance to vacate certain easements is requested, with a subsequent request to schedule the second reading and public hearing on October 10, 2022. A public hearing notice was submitted to the Brooklyn Center *Sun Post* for publication on September 22, 2022.

**Budget Issues:**

There are no budget issues to consider.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Targeted Redevelopment

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Ordinance | 9/21/2022 | Ordinance |
| Backup Material | 9/21/2022 | Backup Material |

Of CITY OF BROOKLYN CENTER

Please take notice that the City Council of the City of Brooklyn Center will hold a public hearing on Monday, October 10, 2022 at approximately 7:00 p.m. at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. Said public hearing will include a second reading and proposed adoption of an ordinance vacating portions of storm sewer and drainage and utility easements located within the City's Opportunity Site, including: (1) storm sewer easement being over, under, and across Lot 1, Block 1 of the plat of Brookdale Square 2nd Addition, (2) drainage and utility easement being over, under, and across Lot 1 and Lot 2, Block 2 of the plat of Brookdale Square, and (3) drainage and utility easements being over, under, and across Lot 1, Block 1 of the plat of Brookdale Square 2nd Addition. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: https://www.ci.brooklyn-center.mn.us/. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

ORDINANCE NO. _____

AN ORDINANCE VACATING STORM SEWER, DRAINAGE AND UTILITY EASEMENTS WITHIN LOT 1, BLOCK 1 OF THE PLAT OF BROOKDALE SQUARE 2ND ADDITION, AND LOT 1 AND LOT 2, BLOCK 2 OF THE PLAT OF BROOKDALE SQUARE, IN THE CITY OF BROOKLYN CENTER, HENNEPIN COUNTY, MINNESOTA

**WHEREAS**, the City of Brooklyn Center (the "City") is a municipal corporation, organized and existing under the laws of Minnesota and the City Charter of Brooklyn Center, Minnesota (the "Charter"); and

**WHEREAS**, the Economic Development Authority of the City of Brooklyn Center ("EDA") is the fee owner of certain real property located at or near the intersection of County Road 10 and Shingle Creek Parkway and commonly addressed as 2500 County Road 10 and 5900 Shingle Creek Parkway (PID: 02-118-21-24-0019 and 02-118-21-24-0020) and legally described in the attached Exhibit A (the "Property"); and

**WHEREAS**, as part of the City's Opportunity Site development, Alatus LLC ("Developer") submitted an application to vacate certain storm sewer, drainage and utility easements dedicated to the City in the plats of Brookdale Square and Brookdale Square 2nd Addition ("Easements"), as legally described in the attached Exhibit B and as depicted in the attached Exhibit C; and

**WHEREAS**, the Easements will interfere with the proposed development if not vacated; and

**WHEREAS**, City staff has determined that there is no public need to maintain the Easements; and

**WHEREAS**, the City Council does not object to the vacation of the Vacated Easements; and

**WHEREAS**, after due notice and public hearing, the City Council has determined that the Easements will no longer be needed and it is in the public interest to vacate the Easements.

**NOW, THEREFORE**, the City Council of the City of Brooklyn Center does ordain as follows:

**Section I**. Recitals. The above recitals are hereby adopted as findings and incorporated into this Ordinance.

**Section II**. Easement Vacation. The Easements described above and in Exhibit B and Exhibit C are hereby vacated.

**Section III**. Effective Date. This Ordinance shall be effective after adoption and thirty days following its legal publication.

**Section IV**. Ratification. Vacations of street, right-of-way, storm sewer, drainage and utility easements prior to the adoption of this Ordinance, to the extent they were expressly authorized by the City Council and were in the public interest, are approved and ratified as officials acts of the City by this Ordinance.

**Section V**. Notice of Completion. Upon the Ordinance becoming effective, the City Clerk is directed to prepare a Notice of Completion of Vacation Proceedings and to record it with the Hennepin County Recorder or Hennepin County Registrar of Titles, as appropriate.

Adopted this ___ day of _____, 2022.

_____
Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

**EXHIBIT A**

Legal Description of the Property

PID No. 02-118-21-24-0019:

Lot 2, Block 2, Brookdale Square, Hennepin County, Minnesota.

PID No. 02-118-21-24-0020:

Lot 1, Block 1, Brookdale Square Second Addition, Hennepin County, Minnesota.

**EXHIBIT B**

Legal Description of Vacated Easements

All that part of the 5.0 foot wide storm sewer easement described in Document Number 4640186 being over, under, and across Lot 1, Block 1, BROOKDALE SQUARE 2ND ADDITION, according to the recorded plat and document thereof, Hennepin County, Minnesota,

AND

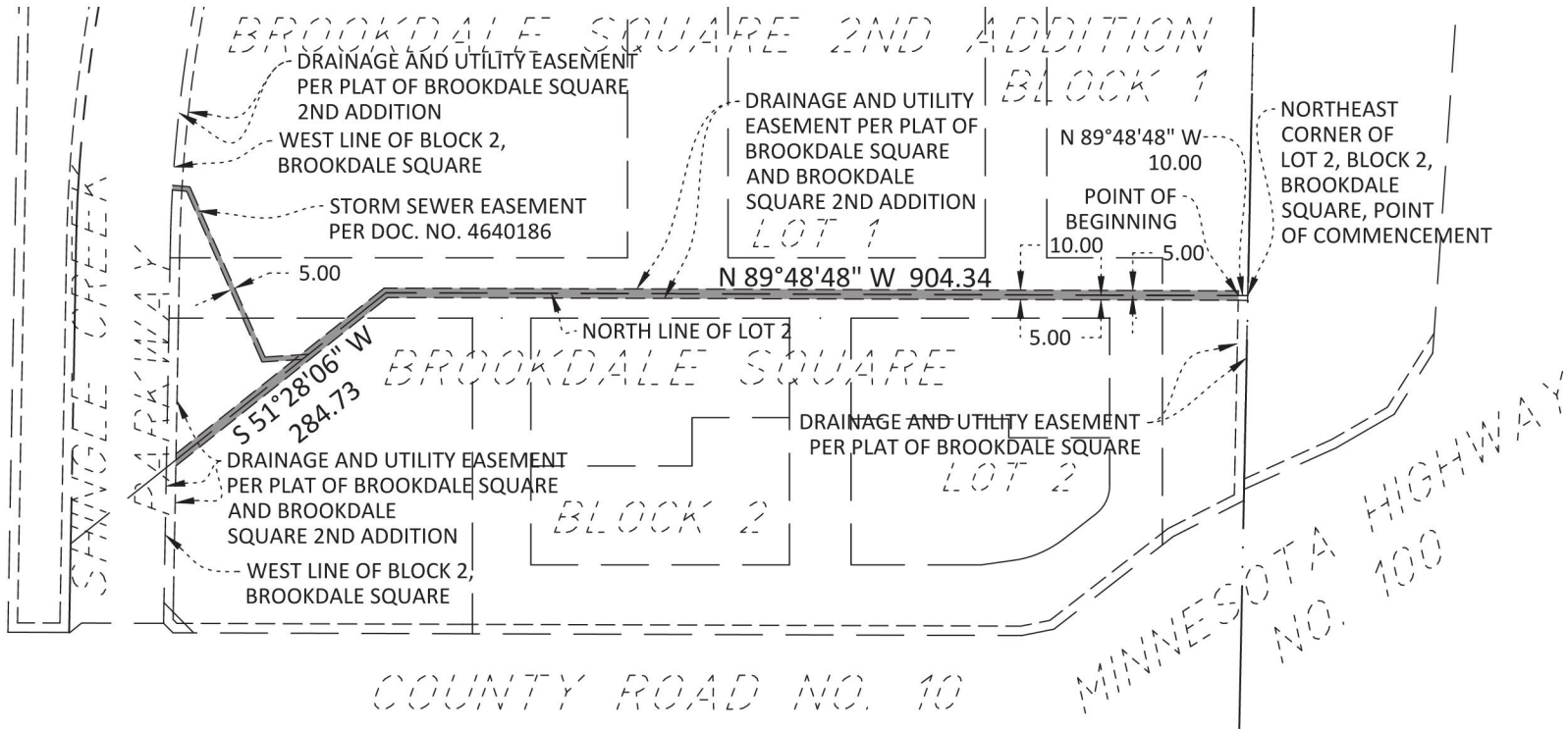
That part of a 10.00 foot wide drainage and utility easement as delineated and dedicated on the plat of BROOKDALE SQUARE, according to the recorded plat thereof, Hennepin County, Minnesota, and that part of a 5.00 foot wide drainage and utility easement as delineated and dedicated on the plat of BROOKDALE SQUARE 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, being over, under and across Lot 1 and Lot 2, Block 2, said BROOKDALE SQUARE, and being over, under and across Lot 1, Block 1, said BROOKDALE SQUARE 2ND ADDITION. The centerline of said 10.00 wide easement to be vacated and the south line of said 5.00 wide easement to be vacated is described as follows:

Commencing at the northeast corner of Lot 2, Block 2, said BROOKDALE SQUARE; thence on an assumed bearing of North 89 degrees 48 minutes 48 seconds West, along the north line of said Lot 2, Block 2, a distance of 10.00 feet to the point of beginning of the line to be described; thence continuing North 89 degrees 48 minutes 48 seconds West, along said north line, a distance of 904.34 feet; thence South 51 degrees 28 minutes 06 seconds West, a distance of 284.73 feet, to a line being 10.00 feet easterly of and parallel with the west line of said Block 2, BROOKDALE SQUARE and said Block 1, BROOKDALE SQUARE 2$^{ND}$ ADDITION, and said line there terminating. The side lines of said easements to be vacated shall be prolonged or shortened to terminate on said line being 10.00 feet easterly of and parallel with the west line of said Block 2, BROOKDALE SQUARE and said Block 1, BROOKDALE SQUARE 2$^{ND}$ ADDITION.

**EXHIBIT C**

Depiction of Vacated Easements

(attached hereto)

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SCALE IN FEET

SHEET 1 OF 2

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# EASEMENT VACATION EXHIBIT

SHINGLE CREEK PARKWAY, BROOKLYN CENTER, MINNESOTA

BOLTON & MENK

7533 SUNWOOD DR NW, SUITE 206
RAMSEY, MINNESOTA 55303
(763) 433-2851

LOT 1, BLOCK 1, BROOKDALE SQUARE SECOND ADDITION AND LOTS 1 AND 2, BLOCK 2, BROOKDALE SQUARE, HENNEPIN COUNTY, MINNESOTA
FOR: ALATUS, LLC

JOB NUMBER: 0R1.127031 FIELD BOOK: DRAWN BY: FRD

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## PROPOSED DESCRIPTION OF EASEMENT TO BE VACATED:

All that part of the 5.0 foot wide storm sewer easement described in Document Number 4640186 being over, under, and across Lot 1, Block 1, BROOKDALE SQUARE 2ND ADDITION, according to the recorded plat and document thereof, Hennepin County, Minnesota,

AND

That part of a 10.00 foot wide drainage and utility easement as delineated and dedicated on the plat of BROOKDALE SQUARE, according to the recorded plat thereof, Hennepin County, Minnesota, and that part of a 5.00 foot wide drainage and utility easement as delineated and dedicated on the plat of BROOKDALE SQUARE 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, being over, under and across Lot 1 and Lot 2, Block 2, said BROOKDALE SQUARE, and being over, under and across Lot 1, Block 1, said BROOKDALE SQUARE 2ND ADDITION. The centerline of said 10.00 wide easement to be vacated and the south line of said 5.00 wide easement to be vacated is described as follows:

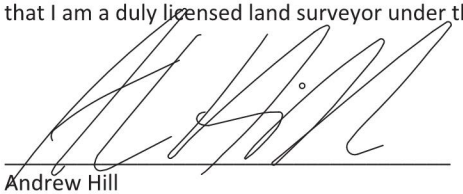
Commencing at the northeast corner of Lot 2, Block 2, said BROOKDALE SQUARE; thence on an assumed bearing of North 89 degrees 48 minutes 48 seconds West, along the north line of said Lot 2, Block 2, a distance of 10.00 feet to the point of beginning of the line to be described; thence continuing North 89 degrees 48 minutes 48 seconds West, along said north line, a distance of 904.34 feet; thence South 51 degrees 28 minutes 06 seconds West, a distance of 284.73 feet, to a line being 10.00 feet easterly of and parallel with the west line of said Block 2, BROOKDALE SQUARE and said Block 1, BROOKDALE SQUARE 2ND ADDITION, and said line there terminating. The side lines of said easements to be vacated shall be prolonged or shortened to terminate on said line being 10.00 feet easterly of and parallel with the west line of said Block 2, BROOKDALE SQUARE and said Block 1, BROOKDALE SQUARE 2ND ADDITION.

## SURVEYOR'S NOTES:

1. This survey was performed, and the survey map prepared, without benefit of either a title insurance commitment or an attorney's title opinion. The record boundary and easement information (if any) shown hereon is based on information provided by the client. Research of documents affecting title to the property surveyed or adjoining properties has been limited to a cursory review of record information and it is recommended that all title matters affecting this property and survey be reviewed by an attorney or other title professional.
2. Distances are in feet.
3. Bearings shown on this survey assume the north line of Lot 2, Block 2, BROOKDALE SQUARE, bears North 89 degrees 48 minutes 48 seconds West.

## SURVEYOR'S CERTIFICATION

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.



07/29/2022

Andrew Hill
License Number 57632

Date



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# EASEMENT VACATION EXHIBIT

SHINGLE CREEK PARKWAY, BROOKLYN CENTER, MINNESOTA

BOLTON & MENK

7533 SUNWOOD DR NW, SUITE 206
RAMSEY, MINNESOTA 55303
(763) 433-2851

LOT 1, BLOCK 1, BROOKDALE SQUARE SECOND ADDITION AND LOTS 1 AND 2, BLOCK 2, BROOKDALE SQUARE, HENNEPIN COUNTY, MINNESOTA
FOR: ALATUS, LLC

JOB NUMBER: 0R1.127031 FIELD BOOK: DRAWN BY: FRD

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Member Graves introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-78

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2022-003 FOR A RE-PLAT, AMENDMENT TO THE CITY'S ZONING CODE TO REMOVE THE SUBJECT PROPERTY FROM THE CENTRAL COMMERCE OVERLAY DISTRICT, REZONING, AND ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT TO ALLOW FOR A PHASE I REDEVELOPMENT OF THE CITY'S OPPORTUNITY SITE (2500 COUNTY ROAD 10 AND 5900 SHINGLE CREEK PARKWAY)

WHEREAS, Planning Commission Application No. 2022-003, submitted by Alatus, LLC, Project for Pride in Living, and Resurrecting Faith World Ministries (Collectively, "the Applicant"), requests review and consideration of requests relating to certain property under the ownership of the Economic Development Authority (EDA) of the City of Brooklyn Center, and located at 2500 County Road 10 and 5900 Shingle Creek Parkway; and

WHEREAS, said requests as contemplated under Planning Commission Application No. 2022-003 include a re-plat of approximately 32 acres, an amendment to the City's Zoning Code to remove the Subject Property from the Central Commerce Overlay District, and the re-zoning and establishment of a Planned Unit Development, which would allow for an approximately 16-acre Phase I redevelopment of the City's larger 80-acre Opportunity Site; and

WHEREAS, the Subject Property is situated in the Central Commerce Overlay District and pursuant to a determination by City staff, the proposed mixed-use development, and specifically the residential component of the project, is not a defined use within the District; and

WHEREAS, given the Zoning Code update currently underway, and guidance from the City's 2040 Comprehensive Plan, a request is made to remove said property from the Central Commerce Overlay District; and

WHEREAS, additional requests are made to re-zone the existing Subject Property, which is currently located within the C2 (Commerce) District, and establish a Planned Unit Development with an underlying designation of Transit-Oriented Development (Planned Unit Development/Transit-Oriented Development), which is in alignment with the identified future land use designation of the Subject Property as outlined in the City's 2040 Comprehensive Plan, and falls within the allowable density range of 31 to 130 dwelling units per acre; and

WHEREAS, the requests, as contemplated under Planning Commission Application No. 2022-003 would provide the full site and building plan approvals necessary to construct a 278-unit multi-family residential building (Site 1A), approximately 27,000-square foot event center with 24-hour childcare center, wellness and barber suites (Site 2), a 205-unit multi-family residential building (Site 3), and a 60-unit multi-family residential building (Site 4), along with their respective site improvements and infrastructure necessary to forward the project; and

WHEREAS, the requests contemplated under the application also account for the lots and flexibilities necessary as part of the re-plat and Planned Unit Development requests to place holder future development and site improvements under the Phase I Opportunity Site redevelopment, including an entrepreneurial market (Site 1B), and three additional phases of multi-family residential on Sites 5 (70-units), 6 (60-units), and 7 (70-units), but of which will require site and building plan approvals under separate application from the City of Brooklyn Center to advance; and

WHEREAS, projects that meet or exceed a threshold as set in Minnesota Rules Part 4410.4300 are mandated to complete an Environmental Assessment Worksheet (EAW), and the size of the proposed project, as contemplated under Planning Commission Application No. 2022-003, and multi-use nature of the project, meets or exceeds these thresholds, which necessitated the completion of an EAW; and

WHEREAS, a draft EAW was submitted to the City of Brooklyn Center for preliminary review and consideration, published, and distributed to affected regional jurisdictions for a 30-day public review and comment period, and a virtual public meeting held; and

WHEREAS, on June 13, 2022, the City Council of the City of Brooklyn Center approved City Council Resolution No. 2022-061, declaring no need for an Environmental Impact Statement (EIS) for the Opportunity Site Phase I development, which finalized said EAW; and

WHEREAS, a public hearing notice was published in the Brooklyn Center *Sun Post* on June 30, 2022, notifications were mailed to property owners and residents within the identified area of notification, as outlined in Minnesota State Statute and City Code requirements, and development proposal signage was installed on the Subject Property by the City of Brooklyn Center; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota failed to meet quorum at the meeting scheduled for July 14, 2022, the public hearing was not held, and a recommendation was unable to be provided; and

WHEREAS, a new public hearing notice was submitted to the Brooklyn Center *Sun Post* for publication on July 28, 2022, and updated notifications were mailed to property owners and residents within the identified area of notification; and

WHEREAS, by allowances granted under Minnesota Statutes Section 15.99, Subd.3(f), a 60-day letter of extension was provided to the Applicant on July 21, 2022, to allow for the additional time necessary for review and consideration of the application, and to conduct the public hearing; and

WHEREAS, on August 8, 2022, the City Council of the City of Brooklyn Center, Minnesota received and reviewed a planning report on the requested re-plat, Zoning Code

amendment, re-zoning, and establishment of a Planned Unit Development, and site and building plan requests for identified Sites 1A, 2, 3, and 4, and related Phase I site improvements, as contemplated within the submittal documentation; and

WHEREAS, the City Council of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on August 8, 2022, whereby a planning report was presented and public testimony regarding the proposal were received; and

WHEREAS, the City Council of the City of Brooklyn Center, Minnesota considered the application requests in light of all testimony received, and the guidelines and standards as outlined under Sections 15 (*Platting*), 35-202 (*Comprehensive Planning*) 35-208 (*Rezoning Evaluation Policy and Review Guidelines*), 35-210 (*Rezoning Application Procedures and Reconsideration*), 35-230 (*Plan Approval*), and 35-355 (*Planned Unit Development*) of the City's Zoning Ordinance, draft provisions City's Zoning Code update and forthcoming Unified Development Ordinance, and specifically the district requirements for Transit-Oriented Development (TOD), and the Opportunity Site Active Living guidelines and associated checklist as approved by City Council Resolution No. 2015-154; and

WHEREAS, the submitted application was further reviewed against the adopted Opportunity Site Infrastructure Framework, approved under City Council Resolution No. 2021-90, and the draft Opportunity Site Master Plan, and the request complies with the general goals and objectives of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota to recommend that Planning Commission Application No. 2022-003, submitted by Alatus, LLC, Project for Pride in Living, and Resurrecting Faith World Ministries, be approved based upon the findings of fact in the July 14, 2022, planning report, last revised for August 8, 2022, and the submitted documents and plans as amended by the following conditions of approval:

1. The building plans for Sites 1A (278-unit multi-family residential building), 2 (approximately 27,000-square foot event center with 24-hour childcare center, wellness, and barber suites), 3 (205-unit multi-family residential building), and 4 (60-unit multi-family residential building), are subject to review and approval by the Building Official as noted in the memorandum dated July 8, 2022, and with respect to applicable codes prior to the issuance of permits; and the final location or placement of fire hydrants, or other fire-related building code items, shall be reviewed and approved by the Fire Inspector.
    a. Any major changes or modifications made to the approved site and building plans and overall PUD plan can only be made by an amendment to the approved site and building plan as approved by the City Council.
    b. Revise plan sets to address comments and requirements as outlined by the Building Official, Fire Inspector, City Planner, and City Engineer. All plan sets shall be consistent in the information provided.

c. The Applicant shall work to ensure all applicable Minnesota Fire Code requirements have been met as part of any site plan approval.
    a. Fire sprinkler systems are required to be installed for all buildings and shall be maintained on a consistent basis per City Code requirements.
    ii. A clearance exhibit is to be provided for all proposed fire hydrants.
d. Turning exhibits shall be provided prior to permit issuance to reflect minimum turning radius for fire, garbage, and delivery trucks on private streets outlined in the Phase I Opportunity Site development.
e. SAC Determinations shall be submitted by the Applicant to the Metropolitan Council and any associated fees paid at time of any permit issuance.
f. A cursory CPTED review was provided for the submittal; however, the Applicant shall work with City to address any outstanding comments and revisions to individual site and building plans prior to permit release.
g. The Applicant shall revise the submitted overall PUD landscape plan per City staff comment to incorporate a Phase I planting schedule, and provide site-specific landscape plans for review and approval in advance of permit release.
h. The Applicant shall install irrigation systems where necessary to facilitate maintenance of site landscaping and green areas, and irrigation shop drawings shall be submitted for review and approval prior to installation.
i. The Applicant shall revise the submitted overall PUD photometric plan to clearly identify all property lines, revise illumination levels, and address provisions of additional lighting, as necessary. Site-specific photometrics are required for submittal in advance of permit release.
    i. The Applicant shall coordinate street lighting for the Phase I development with the City's proposed standards for lighting and streetscaping.
j. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements and with materials complementary to the principal building, and a revised site plan and details sheet provided.
    a. Provide additional detailing for trash pickup for Site 2.
    b. Adequate spacing of trash staging area from all buildings.
k. 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. All signage shall comply with the City's Sign Code provisions.

2. The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's review memorandum and redline comments, and dated July 8, 2022.
    a. Final grading, drainage, utility, and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer for City site and building plan approval and prior to the issuance of permits.
    b. Approval and issuance of an MPCA NPDES permit.
    c. Approval and issuance of a Hennepin County Right-of-Way (ROW) permit.

3. The Applicant shall address any comments and requirements as outlined by Hennepin County, the Minnesota Department of Transportation (MnDOT), and Shingle Creek and West Mississippi Watershed Management Commission.

4. The Applicant shall enter into a Development Agreement with the City of Brooklyn Center, to be reviewed and approved by the City Attorney prior to the issuance of any building permits.
    a. The development agreement shall include provisions for community benefits, based on recommendations by the Citizen Advisory Taskforce. The community benefits shall be incorporated into the Development Agreement as legally enforceable and shall be recorded against the property.
    b. Financial guarantee, to be approved by the City and executed in advance of any building permit release, to ensure the Phase I Opportunity Site development will be constructed, developed, and maintained in conformance with the plans, specifications, and standards.

5. The Applicant shall enter into a PUD agreement with the City of Brooklyn Center. This agreement is to be reviewed and approved by the City Attorney prior to the issuance of any building permits. The agreement shall further assure compliance with the development plans submitted with this application, and future phasing contemplated within the Phase I Opportunity Site development. Said agreement shall acknowledge the various modifications to City ordinances, the framework of the PUD (Development Plans and Exhibits), cross parking, access, easement, and encroachment agreements, responsibilities for private and public infrastructure, improvements, and their continued maintenance, and any conditions of approval to assure compliance with the approved development plans.
    a. Administrative approval to address any necessary revisions and alterations to proposed design and implementation of public infrastructure, including, but not limited to: proposed semi-regional stormwater ponding, roadway extension, sidewalk and trail connections, and alignments, etc.
    b. Public wall art shall be reviewed on a case-by-case basis by City staff for consideration as a Class I building material. In these cases, the Applicant shall work with the City's public art consultant, or other, through selection of an artist to implement said artwork.
    c. Sites 1B, 5, 6, and 7, as identified in the submittal documentation, shall be subject to separate site and building plan approvals by the City.
        1. The Applicant is allowed flexibility in the future development of Site 1B to accommodate a proposed entrepreneurial market of between 20,000 and 30,000-square feet, subject to separate site and building plan approvals by the City.

RESOLUTION NO. 2022-78

6. The Developer shall submit an as-built survey of the property, improvements, and utility service lines prior to release of any Performance Agreement financial guarantee.
7. A Utility Facilities Easement Agreement is required for submittal to the City prior to issuance of any permits.
8. A Construction Management Plan and Agreement and associated escrow are required for submittal prior to the City prior to issuance of any permits.
9. Approval of the preliminary and final plat for the OPPORTUNITY SITE ADDITION are contingent upon the addressing of comments by City Engineer Mike Albers in the memorandum dated July 8, 2022, by Charles Webb, Webb Surveying LLC, in a memorandum dated June 28, 2022, and any comments or requirements provided by the City Attorney's office, and Hennepin County.
    a. The successful recording of said plat (mylar) ~~with Hennepin~~ County.

August 8, 2022
Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member Ryan
and upon vote being taken thereon, the following voted in favor thereof:
Butler, Graves, Lawrence-Anderson, Ryan
and the following voted against the same: None
whereupon said resolution was declared duly passed and adopted.

# Council Regular Meeting

DATE: 9/26/2022

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

SUBJECT: Amendment to the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act - New Committee Appointment

**Requested Council Action:**

*- Motion to amend The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act and Appointing members to the Implementation Committee.*

**Background:**

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

The Act required the City to create a Community Safety and Violence Prevention Implementation Committee ("Implementation Committee"), which was created on February 28, 2022, and which is chaired by the Mayor in accordance with the Act; and

On Monday, September 12, the City Council deliberated on various measures to create a safe and respectful environment for committee members and staff regarding the Community Safety and Violence Prevention Implementation Committee.

There was a consensus of the Council on measures including:

- Co-chair model, which the new co-chair would preside over meetings
- Change of staff supervision
- Healing and establishment of healthy working norms among committee members and staff that would be facilitated by a third-party

Attached is amend Amendment to the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act - New Committee Appointment.

**Budget Issues:**

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**ATTACHMENTS:**

| Description | Upload Date | Type |
| --- | --- | --- |
| Resolution | 9/22/2022 | Cover Memo |

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-___

RESOLUTION AMENDING THE DAUNTE WRIGHT AND KOBE DIMOCK-HEISLER COMMUNITY SAFETY AND VIOLENCE PREVENTION ACT AND APPOINTING A MEMBER TO THE IMPLEMENTATION COMMITTEE

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

WHEREAS, the Act required the City to create a Community Safety and Violence Prevention Implementation Committee ("Implementation Committee"), which was created on February 28, 2022 by Resolution No. 2022-____ and which is chaired by the Mayor in accordance with the Act; and

WHEREAS, Resolution No. 2022-_____ included the confirmation and appointment of Implementation Committee members nominated by the Mayor; and

WHEREAS, since February 28, 2022, the Implementation Committee has been conducting regular meetings and working with experts to gather data and consider City Code amendments, ordinances, resolutions, policies and guidelines with regard to public health-oriented approaches to community safety; and

WHEREAS, the Act required the Implementation Committee to present recommendations to the City Council for initial consideration not later than 180 days from the date of the Act; and

WHEREAS, on August 26, 2022, the Mayor and the City Manager agreed to transfer all supervisory responsibilities related to the management of the Implementation Committee from the Mayor, as chair of the Implementation Committee, to the City Manager; and

WHEREAS, the Mayor and the City Manager also agreed to a restructuring of the Implementation Committee to include the appointment of a co-chair to assist in carrying out the chair's responsibilities, including, presiding over meetings, appointing ad hoc committees, calling special meetings, establishing the regular and special meeting agendas, ensuring the Implementation Committee conducts its activities within its stated mission, monitoring and ensuring the progress of the Implementation Committee, and reporting to the City Council; and

WHEREAS, the Mayor has recommended Julia Gibson be appointed to the Implementation Committee and that she serve in the role of co-chair with the Mayor; and

NOW, THEREFORE, the City Council of the City of Brooklyn Center, Minnesota, resolves as follows:

1. Paragraph 8 of the Act shall be amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

   8. Implementation Committee. The City will create a Community Safety and Violence Prevention Implementation Committee ("Implementation Committee"), including residents from the City and other local, state and national experts in public health-oriented approaches to community safety, to be co-chaired by the Mayor and one other member of the Implementation Committee, and with members recommended by the Mayor and confirmed by the City Council, that will propose amendments, ordinances, resolutions, policies, guidelines or other recommendations for the review, adoption and/or implementation by City Council or City staff, as appropriate, that would fully implement the will and intent of City Council as expressed in this Act. The City Council may appoint City staff to serve as liaisons to the Implementation Committee, but City staff shall not have a vote on the committee. The Implementation Committee shall provide its recommendations directly to the City Council.

2. Julia Gibson is confirmed and appointed as a member of the Implementation Committee and shall serve as the co-chair of the Implementation Committee with the Mayor.

September 26, 2022
Date

Mike Elliott, Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-

RESOLUTION EXPRESSING RECOGNITION AND APPRECIATION TO BRUCE BALLANGER, GENERAL MANAGER OF THE HERITAGE CENTER OF BROOKLYN CENTER FORMERLY KNOWN AS EARLE BROWN HERITAGE CENTER FOR OVER 31 YEARS OF SERVICE TO THE CITY OF BROOKLYN CENTER

WHEREAS, Bruce Ballanger was hired by the City of Brooklyn Center to serve as the Convention Services/Maintenance Supervisor on January 7, 1991; and

WHEREAS, during Bruce Ballanger's early years he was recognized for his ability in the areas of employment relations, budget, maintenance expertise, and development of client services among his staff members as well as serving as the Chair of the Safety Committee and his high understanding of city policies; and

WHEREAS, Bruce Ballanger was praised for his incredible efforts that on the rehab of the Inn by converting and upgrading the space to commercial office space; his efforts in the Embassy Suites/EBHC Link and developing/enhancing the relationship with Embassy Suites; and

WHEREAS, in April 2010, Bruce Ballanger was appointed General Manager of Earle Brown Heritage Center; and

WHEREAS, over Bruce Ballanger's tenure with Earle Brown Heritage Center, they have won numerous awards including 2015 The Knot's Best of Weddings Award, the 2016 Tenth Annual DEED Veterans Career Fair, the 2017 Silver Fork Award, 2019 Wedding Wire Couples Choice Award, 2019 The Knot's Best of Weddings Award, 2020 The Knot's Best of Weddings Award; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, upon recommendation of the City Manager, that we recognize Bruce Ballanger, General Manager of The Heritage Center of Brooklyn Center formerly known as Earle Brown Heritage Center, and express sincere appreciation for his dedicated public service.

September 26, 2022
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

# Council Regular Meeting

DATE: 9/26/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH:
BY: Mayor Mike Elliott, Chair of the Community Safety and Violence Prevention Implementation Committee

SUBJECT: Community Safety and Violence Prevention Implementation Committee Traffic Vehicle Stop and Consent Search Policy Recommendations

**Requested Council Action:**

*- Motion to accept a presentation by the Community Safety and Violence Prevention Implementation Committee regarding traffic vehicle stop and consent to search policy recommendation.*

**Background:**

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

The Act required the City to create a Community Safety and Violence Prevention Implementation Committee ("Implementation Committee"), which was created on February 28, 2022.
Since February 28, 2022, the Implementation Committee has been conducting regular meetings and working with experts to gather data and consider City Code amendments, ordinances, resolutions, policies and guidelines with regard to public health-oriented approaches to community safety.

The Committee has developed and prepared policy recommendations regarding traffic vehicle stop and consent searches. Attached is a copy of the Power Point presentation and ordinance recommendation.

**Budget Issues:**

TBD

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Safe, Secure, Stable Community

**ATTACHMENTS:**

| Description | Upload Date | Type |
| --- | --- | --- |
| Draft Traffic Vehicle Stop Ordinance | 9/21/2022 | Ordinance |
| presentation | 9/26/2022 | Presentation |

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2022, at 7:00 p.m. or as soon thereafter as the matter may be heard during the regular City Council meeting at City Hall, 6301 Shingle Creek Parkway to consider an ordinance related to the initiation of traffic stops by Brooklyn Center law enforcement.

ORDINANCE NO. _____

AN ORDINANCE ADDING NEW CHAPTER _____ TO THE CITY CODE OF ORDINANCES REGARDING THE INITIATION OF TRAFFIC STOPS AND THE USE OF CONSENT SEARCHES BY BROOKLYN CENTER LAW ENFORCEMENT

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

**Article I**. The Brooklyn Center City Code is amended by adding a new Chapter _____ to read in its entirety as follows:

CHAPTER ____ - _____

TRAFFIC STOPS

Section -101. LEGISLATIVE FINDINGS AND PURPOSE. The purpose of these Section -101 through _____ (collectively, these "Sections"), is to protect the public health, safety and the general welfare of the people of the City, to reduce unnecessary, high-risk traffic stops and to build community trust in the activities of Brooklyn Center law enforcement. The ultimate goal of traffic law enforcement is to reduce traffic collisions to protect the general welfare of the traveling public. Violations of certain equipment and other violations, identified herein, generally do not lead to or increase the frequency of traffic collisions. Additionally, traffic stops create a high-risk situation for both the public and law enforcement officers that can lead to unwanted, tragic circumstances. For these reasons, City law enforcement officers will not initiate a traffic stop solely for certain statutory violation as set forth herein and will limit the use of consent searches related to traffic stops.

Section -102. DEFINITIONS. For the purposes of these Sections, the following terms shall have the meaning given them in this section.

A. "City" – The City of Brooklyn Center, Minnesota.

B. "Dangerous Condition" - A condition where an improper or malfunctioning piece of motor vehicle equipment creates a substantial, identifiable risk and imminent threat to public safety.

C. "Department" – the City of Brooklyn Center Police Department.

D. "Motor Vehicle" - Motor vehicle as defined in Minnesota Statutes, section 168.002, subd. 18.

E. "Motorcycle" - Motorcycle as defined in Minnesota Statutes, section 169.011, subd. 44.

F. "Officer" - Licensed police officers of the City of Brooklyn Center Police Department are peace officers pursuant to Minnesota Statutes, section 626.84, subd. 1.

G. "Trailer" - Trailer as defined in Minnesota Statutes, section 168.002, subd. 35.

H. "Vehicle" - Vehicles as defined in Minnesota Statutes, section 168.002, subd. 42.

Section -103. INITIATION OF A TRAFFIC STOP. Subject to the exceptions set forth below, City officers shall not initiate a traffic stop solely for a violation of any single, or any combination of, the following offenses:

A Invalid or expired trailer or motor vehicle registration (Minnesota Statutes, section 168.09);
B. No functioning rear license plate lamp (Minnesota Statutes, section 169.50, subd. 2);
C. No operative muffler (Minnesota Statutes, section 169.69);
D. Exceeding motor vehicle noise rules adopted by the Minnesota Pollution Control Agency (Minnesota Statutes, section 169.693);
E. Objects suspended between the driver and the windshield, including, but not limited to rearview mirror decorations. (Minnesota Statutes, section 169.71, subd. 1);
F. Inoperative windshield wipers (Minnesota Statutes, section 169.71, subd. 2);
G. Excessive window glazing material or tinting on the driver or passenger side windows of the vehicle (Minnesota Statutes, section 169.71, subd. 4);
H. Improperly displayed license plate or registration sticker (Minnesota Statutes, section 169.79);
I. Driving with one operative headlight or rear light (Minnesota Statutes, sections 169.49, 169.63, 169.50, subd. 1, 169.55, subd. 1 and 169.57, subd. 1); and
J. Driving with inoperative turn signals (Minnesota Statutes, section 169.57, subd. 2 and 3).

Section -104. EXCEPTIONS FOR INITIATION OF TRAFFIC STOPS. Officers may initiate a traffic stop for the following, subject to the conditions set forth below:

A. Lights On! Program. Officers may initiate a traffic stop with regard to a motor vehicle or motorcycle with no operative headlights, but they shall issue a Lights On! coupon or voucher in lieu of issuing a traffic citation.

If a Lights On! coupon or voucher is issued, the officer shall advise the driver or recipient of the location in which the repair can be made.

If Lights On! coupons or vouchers are not available, but the incident meets the Lights On! criteria, the officer shall:

1. Advise the driver of the equipment violation; and
2. Advise the driver to contact the Department to get a Lights On! coupon or voucher.

B. Dangerous Conditions. Officers may initiate a traffic stop if a motor vehicle or motorcycle's equipment poses a dangerous condition. Examples of equipment conditions that pose a dangerous condition include, but are not limited to, the following:

1. A cracked or discolored windshield that is so heavily damaged that it poses a dangerous condition. An example of a dangerous condition related to a windshield includes, but is not limited to, (1) a spiderweb crack on the front windshield with a diameter greater than 3 inches that substantially impairs the driver's view, and (2) windshield displaying enough cracks that there is a substantial chance that it could collapse while the car is in operation.
2. A motor vehicle bumper that is damaged in such a way it has the potential to become dislodged or drag on the ground.
3. A motor vehicle or motorcycle exhaust pipe that is releasing smoke at a rate that substantially impairs or obstructs the vision of other drivers.

C. Dangerous Conditions Citations. If a driver or motor vehicle or motorcycle owner is cited for a dangerous condition in violation of Minnesota Statutes, section 169.47, the officer must detail the dangerous condition on the citation.

D. License Plate. Officers may initiate a traffic for the failure to display a visible, legible license plate anywhere on the motor vehicle.

Section -105. TRAFFIC STOPS FOR OTHER VIOLATIONS. Officers may issue citations for the offenses identified above if the operator was stopped for another violation. If the operator of the motor vehicle is issued a citation for a more serious violation, the operator will not also be cited for the violation identified above. Rather, the operator will be given information with regard to the City's Diversion Solutions program and/or the Lights On! program, to the extent available and applicable.

Section -106. ISSUANCE OF CITATIONS BY MAIL OR PLACEMENT ON THE VEHICLE. Officers may issue citations for the violations identified above by U.S. Mail by mailing the citation to the registered address for the vehicle, and if a vehicle is parked and unoccupied, an officer may issue a citation by U.S. Mail or by placing the citation on the windshield of the vehicle.

Section -107. MOTOR VEHICLE SPECIFIC SEARCHES WITHOUT A WARRANT.

A. A search warrant must be obtained whenever it is practical to do so prior to a search of a motor vehicle. Searches of motor vehicles may be conducted without a warrant under the following circumstances:

1. Officers may search a motor vehicle without a warrant if they have probable cause to believe the vehicle is carrying contraband or illegal merchandise.
2. In situations where officers have probable cause to search a motor vehicle for an object, they may conduct a warrantless search of every part of the vehicle and its contents, including all containers and packages that may conceal the object of the search. The scope of the search is not defined by the nature of the container in which the object is secreted. Rather, it is defined by the object of the search and the places in which there is probable cause to believe that it may be found. Officers may even tow the vehicle to a Department station to conduct the search.
3. A probable cause determination must be based on objective facts that could justify the issuance of a warrant by a court, and not merely on the subjective good faith of the officer. It must be grounded on facts known by the officer which, in the judgment of a court, would make his or her faith reasonable.

B. If a lawful search of a motor vehicle is conducted without a search warrant, anything of evidentiary value is admissible whether or not it is related to the arrest, so long as it was found in an area reasonably likely to contain the contraband or illegal merchandise originally sought.

C. No operator or owner-passenger of a motor vehicle shall be requested to consent to a search by an officer of his or her motor vehicle, unless there exists probable cause of criminal activity.

**Article II**. Severability. Should any section or part of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

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

Adopted this ____ day of _____, 2022.

_____
Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

# Policy Workgroup Recommendations

Daunte Wright & Kobe Dimock-Heisler
Community Safety & Violence Prevention Resolution

# Policy Change in Brooklyn Center

The Implementation Committee was created to solve several problems in Brooklyn Center. Specifically, the group was tasked with looking at police policies and providing recommendations to city council to make policing more equitable.

The Policy Working Group has proposed changes to two police policies for Brooklyn Center:

1. Vehicle Stops Policy
2. Consent Search Policy

# Research Related to Vehicle Stop Policies

- An extensive piece from the New York Times details how over 400 unarmed drivers and passengers who were not under pursuit have been killed by police.
  - *Why Many Police Traffic Stops Turn Deadly*, New York Times, October 31, 2021
- An extensive study at Stanford found that black and hispanic drivers were stopped and searched at a higher rate than white drivers.
  - *A large scale analysis of racial disparities in police stops across the United States*, Nature Human Behavior, Vol 4, July 2020

# Research Related to Vehicle Stop Policies (cont.)

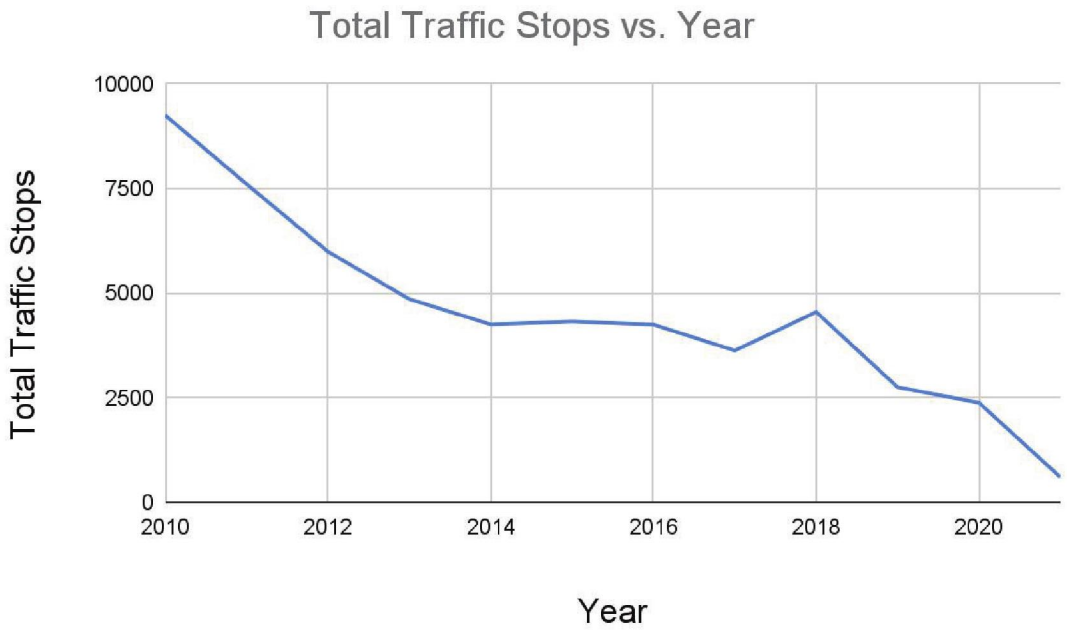
- A Vera Institute report from October 2021 found that:
  - When researchers examined statistics surrounding "must stop" situations that presented a clear danger and lower-level stops that did not, they found that virtually all of the racial disparities in stops could be attributed to the lower-level stops.
  - Non-public safety stops also expose police officers to unnecessary danger. The most common proactive policing activity preceding a fatality is an officer-initiated traffic stop.

# Change in Vehicle Stops Policy Established Elsewhere:

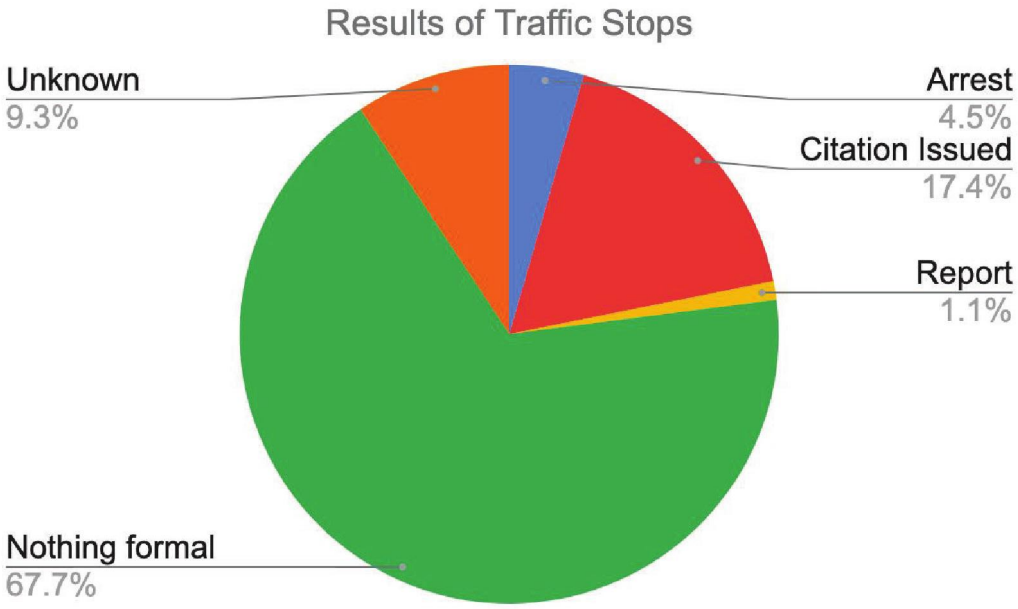
Several cities have already adopted a changed vehicle stop policy, including:

- Minneapolis
- Lansing
- Philadelphia
- Pittsburgh
- Seattle
- Los Angeles
- Virginia (state law)

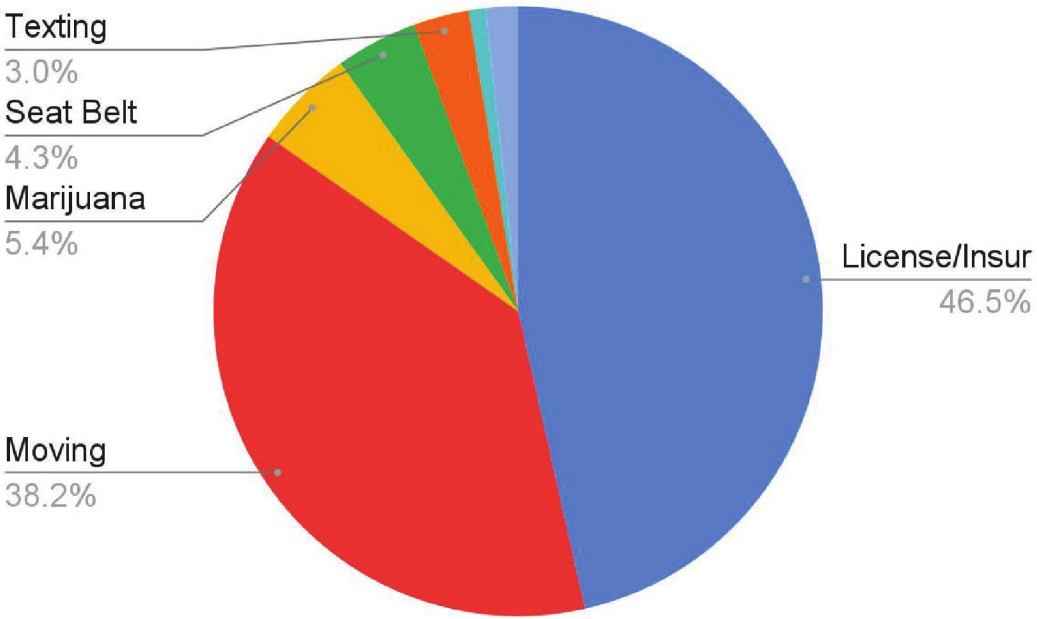
# Total Traffic Stops, 2010-2021



# Results of Traffic Stops, 2019

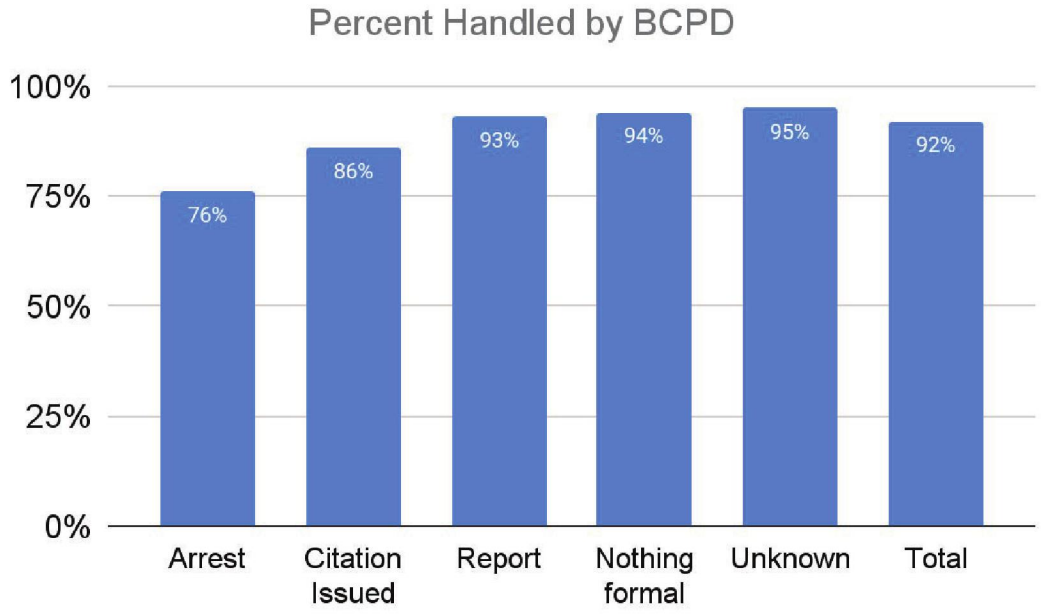


# Traffic Stop Citations, 2019



# Stops by BCPD vs Other Agencies

**Data from Hennepin County dispatch**



## Why Policy Change in Brooklyn Center Is Important: Vehicle Stops

- Excessive stops for minor equipment issues erode community trust in law enforcement
- Minimal Effectiveness in finding evidence of larger crimes
- Racial disparities in enforcement
- Deadly outcomes

## Why Policy Change in Brooklyn Center Is Important: Vehicle Stops (cont.)

- Still allows for stops for dangerous conditions
- Is one of the reasons the Implementation Committee was created
- Helps people avoid cyclical poverty
- Builds community trust

## Vehicle Stop Policy Recommendations:

vehicles would no longer be stopped solely for the following violations:

- Invalid or expired registration
- No functioning license plate light
- No operative muffler
- Exceeding vehicle noise rules of the Pollution Control Agency
- Cracked or discolored windshield or rearview mirror decorations

# Vehicle Stop Policy Recommendations:

**Vehicles would no longer be stopped solely for the following violations (cont.):**

- Inoperative windshield wipers
- Excessive window tinting
- Improperly displayed license plate or permit sticker
- Improper operational condition
- Broken or improperly used headlights, tail lights, or turn signals

**Vehicles can be stopped solely for the above listed offenses under the following conditions:**

- Officers may pull someone over if the windshield is so heavily damaged that it poses a dangerous condition.
- Officers may pull someone over if the car's equipment poses a dangerous condition.

# What is a Consent Search?

- A consent search is a search where the police do not have probable cause to legally search, so they ask the person who they want to search if they will consent to a search.
- Probable cause means that police have a *reasonable* basis for believing that a crime may have been committed (for an arrest) or when evidence of the crime is present in the place to be searched (for a search)

# Research Related to Consent Searches

- An article in Police1 Magazine found “limited effectiveness in identifying evidence of illegal firearms or other serious crimes” in consent vehicle searches
- Racial disparities in stops leading to vehicle consent searches. Minor traffic violations disproportionately made against people of color, leading to more requests to search their vehicles

*LAPD: Verbal consent now a must to search someone during routine stops*, Police1, November 19, 2020

# Research Related to Consent Searches (cont.)

- Officers increased their "hit rate" of finding contraband during vehicle searches of black drivers, indicating that consent searches are disproportionately conducted on black drivers and rarely lead to contraband.
- "Hit rate" of found contraband in searches during the consent search ban increased by 7 percentage points; which represented a 43% increase over the hit rate when consent searches were allowed.

*The use and effectiveness of investigative police stops*, Politics, Groups, and Identity, 2020

# Research Related to Consent Searches (cont.)

- 18% of respondents who police asked to consent to a search viewed the officer's actions as both improper and disrespectful (compared to 6% of respondents who were not asked for consent to search)
- Consent requests were associated with statistically significant reductions in respondents' perceptions of both justice and legitimacy of police

*Consent Searches as a Threat to Procedural Justice and Police Legitimacy: An Analysis of Consent Requests During Traffic Stops*, Criminal Justice Policy Review, November 8, 2012

# Research Related to Consent Searches (cont.)

- Black male drivers were 2 times more likely to have an officer request consent to search them during a stop for a moving violation

*Understanding the role of race, gender and age in request to consent search drivers*, Journal of Ethnicity in Criminal Justice, October 8, 2021

## Why Policy Change in Brooklyn Center Is Important: Consent Searches

- Undermines community trust in police
- Improves quality of searches
- Refusing consent searches is not an option for everyone
- Requests for consent searches show racial disparities

## Consent Search Policies Adopted Elsewhere:

- Rhode Island State Police policy
- Pawtucket Police Department policy
- Providence Police Department policy

# Consent Search Policy Change Effects

- Allows for consent search in some instances
- The policy change will lead to increased police capacity by allowing police to focus on more serious crimes
- Consent searches rarely lead to evidence of larger crimes
- The policy change will build community trust by not asking people to consent and forcing them to invoke their rights when they may not feel safe doing so

## Consent Search Policy Recommendations

No operator or owner-passenger of a motor vehicle shall be requested to consent to a search by a law enforcement officer of his or her motor vehicle, unless there exists probable cause of criminal activity.

# Conclusion

It is the recommendation of the policy working group and the implementation committee that the City Council consider and then adopt the recommended vehicle stop and consent search policy changes. Adoption and implementation of these policies by BCPD will make for equitable, community focused policing in Brooklyn Center, with better outcomes for both police and the community.

# Council Regular Meeting

DATE: 9/26/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Angela Holm, Director of Fiscal & Support Services

SUBJECT: Resolutions Approving the Preliminary 2023 Property Tax Levy and Preliminary Budget

**Requested Council Action:**

*- It is recommended that the City Council consider approval of two resolutions setting the 2023 preliminary property tax levy and Preliminary budget.*

**Background:**

Each year the City is required by State Law to establish a maximum levy and preliminary budget for the use of that levy. Once adopted, the City may not increase the levy but the levy may be decreased. Citizens will receive notice of the maximum levy with their tax notice in the fall. On December 5, 2022 the City Council will hold a public hearing and adopt the final levy and the final spending plan (budget) for all funds.

By City Charter, the City Manager is responsible for presenting a balanced budget to the City Council. The City Council has adopted a set of fiscal policies that provide guidance and parameters for the budget. Additionally, the City Council has adopted strategic priorities and the budget reflects resources allocated to the achievement of those strategic priorities.

Over the last few months the City Council and Financial Commission have met to review and discuss the proposed preliminary budget. Between now and December, additional review will be conducted as we establish final budgets for the General Fund and all other fund budgets.

**Budget Issues:**

City Council will be asked to consider approval of two resolutions. The first resolution establishes the preliminary property tax levy for the 2023 fiscal year. This levy, upon adoption, becomes the maximum levy allowed to the City for the 2023 fiscal year. The second resolution adopts the preliminary budgets for those funds using portions of the property tax levy for operations.

The maximum levy proposed in the attached resolution for the City of Brooklyn Center is $22,795,382 which compares to $21,324,025 in 2022. The proposed dollar increase is $1,471,357, which equates to 6.9%. A portion of this increase, $18,777 is related to the debt service levy, the remaining $1,452,580 is related to the general levy. The preliminary levy approved by the Housing and Redevelopment Authority (HRA) is $566,088 which compares to $482,206 in 2022. The dollar increase in the HRA levy is $83,882 which is equal to 17.40%.

The projected impacts of these levy changes resulted in an $149 annual increase to a median value homes tax liability.

This increase, if adopted will have varying impacts on individual properties based on their change in taxable value. The following chart illustrates changes in taxable values between the classifications of residential, commercial, industrial, and apartments:

| Preliminary Taxable Market Value Estimates | | | |
|---|---|---|---|
| Class | Payable 2022 | Estimated 2023 | Change (%) |
| Commercial | $362,542,100 | $379,696,000 | 4.7% |
| Industrial | 187,365,900 | 223,660,400 | 19.4% |
| Residential | 1,671,790,823 | 1,999,615,520 | 19.6% |
| Apartment | 380,923,270 | 442,314,670 | 16.1% |
| Other | 456,000 | 479,000 | 5.0% |
| **Totals** | 2,617,375,993 | 3,059,933,190 | 16.9% |

**As illustrated by the chart, the City continues to see increases in market values. Most homestead residential properties will see an increase in taxable market value for the ninth consecutive year. Tax Capacity of the City is projected to increase 12.9%. This continued increase in tax capacity across all property types in the City is why the City is able to maintain similar levy increases year over year while also maintaining expected service levels.**

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Enhanced Community Image, Resident Economic Stability, Inclusive Community Engagement, Targeted Redevelopment, Safe, Secure, Stable Community, Operational Excellence

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution - 2023 General Fund Budget | 9/22/2022 | Resolution Letter |
| Resolution - 2023 Preliminary Tax Levy | 9/22/2022 | Resolution Letter |
| 2023 Revenue Summary | 9/22/2022 | Exhibit |
| 2023 Expenditure Summary | 9/22/2022 | Exhibit |
| presentation | 9/26/2022 | Presentation |

Member introduced the following resolution and moved its adoption:
RESOLUTION NO._____

RESOLUTION ADOPTING A PRELIMINARY BUDGET FOR THE 2023 FISCAL YEAR

WHEREAS, the City Council of the City of Brooklyn Center is the governing body of the City of Brooklyn Center; and

WHEREAS, Minnesota Statutes require that a preliminary budget be adopted for funds using property tax revenues along with the adoption of the preliminary property tax levy; and

WHEREAS, a preliminary property tax levy of $22,795,382 has been proposed for adoption the basis for the budget proposed herewith.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the following amounts be adopted as the preliminary budget for property tax supported funds appropriated as follows:

REVENUES:

| | |
|---|---|
| General Fund | |
| Property Taxes (net) | $20,886,995 |
| Sales Tax – Lodging Tax Gross Receipts | 1,100,000 |
| Licenses & Permits | 2,168,475 |
| Local Government Aid | 1,250,185 |
| Other Intergovernmental Revenues | 1,491,300 |
| General Government Service Charges | 84,500 |
| Recreation Fees and Charges | 437,000 |
| Public Safety Service Charges | 9,000 |
| Fines & Forfeitures | 161,000 |
| Miscellaneous Revenues | 305,202 |
| Special Assessments | 40,000 |
| Subtotal General Fund | $27,933,657 |
| Debt Service | |
| 2015A General Obligation Improvement Bond Levy | 256,903 |
| 2016A General Obligation Improvement Bond Levy | 215,775 |
| 2017A General Obligation Improvement Bond Levy | 282,091 |
| 2018A General Obligation Improvement Bond Levy | 251,414 |
| 2019A General Obligation Improvement Bond Levy | 187,861 |
| 2020A General Obligation Improvement Bond Levy | 240,030 |
| 2021A General Obligation Improvement Bond Levy | 209,442 |
| 2022A General Obligation Improvement Bond Levy | 167,023 |
| Subtotal Debt Service | $1,810,539 |
| Housing and Redevelopment Authority | |
| Property Tax Levy | $566,088 |
| TOTAL BUDGETED REVENUES | $30,310,284 |

EXPENDITURE APPROPRIATIONS:

| | |
|---|---|
| General Fund | |
| General Government | $4,497,757 |
| General Government Buildings | 1,221,148 |
| Prevention, Health, and Safety | 1,067,907 |
| Police | 10,686,026 |
| Fire & Emergency Preparedness | 2,130,639 |
| Community Development | 1,952,563 |
| Public Works | 4,801,432 |
| Recreation | 2,524,714 |
| Convention and Tourism | 475,000 |
| Joint Powers | 187,000 |
| Insurance | 283,916 |
| Central Supplies | 327,000 |
| Vacancy & Turnover Savings | (600,000) |
| Reimbursements from Other Funds | (1,801,445) |
| Transfers to Other Funds | 180,000 |
| Subtotal General Fund | $27,933,657 |
| | |
| Debt Service | |
| 2015A General Obligation Improvement Bond Levy | 256,903 |
| 2016A General Obligation Improvement Bond Levy | 215,775 |
| 2017A General Obligation Improvement Bond Levy | 282,091 |
| 2018A General Obligation Improvement Bond Levy | 251,414 |
| 2019A General Obligation Improvement Bond Levy | 187,861 |
| 2020A General Obligation Improvement Bond Levy | 240,030 |
| 2021A General Obligation Improvement Bond Levy | 209,442 |
| 2022A General Obligation Improvement Bond Levy | 167,023 |
| Subtotal Debt Service | $1,810,539 |
| | |
| Housing & Redevelopment Authority | |
| Transfer to Economic Development Authority | $566,088 |
| | |
| TOAL BUDGETED APPROPRIATIONS | $30,310,284 |

September 26, 2022
Date

_____
Mayor

ATTEST:_____
City Clerk

The motion for adoption of the forgoing resolution was duly seconded by member
and upon vote being taken thereon, the following voted in favor thereof:
and the following voted against same:
whereupon said resolution was declared duly passed and adopted.

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION APPROVING A PRELIMINARY TAX CAPACITY LEVY FOR THE GENERAL FUND AND DEBT SERVICE FUNDS AND A MARKET VALUE TAX LEVY FOR THE HOUSING AND REDEVELOPMENT AUTHORITY FOR PROPERTY TAXES PAYABLE IN 2023

WHEREAS, the City Council of the City of Brooklyn Center is the governing body of the City of Brooklyn Center; and

WHEREAS, Minnesota Statutes require that the preliminary property tax levy for property taxes payable in 2023 be provided to the Hennepin County Auditor no later than September 30, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that a tax is hereby levied on all taxable real and personal property within the City of Brooklyn Center for the purpose and sums as follows:

| | |
|---|---|
| General Fund - Tax Capacity Based | |
| General Tax Limited Levy | $20,984,843 |
| Debt Service – Tax Capacity Based | |
| Public Improvement Bond Levy | $1,810,539 |
| **Total City Levy** | **$22,795,382** |
| Housing and Redevelopment Authority – Market Value Based | |
| **HRA Tax Levy** | **$566,088** |

September 26, 2022
Date

_____
Mayor

ATTEST:_____
City Clerk

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

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

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

*City of Brooklyn Center*

## 2023 Budget - General Fund - Revenue Summary

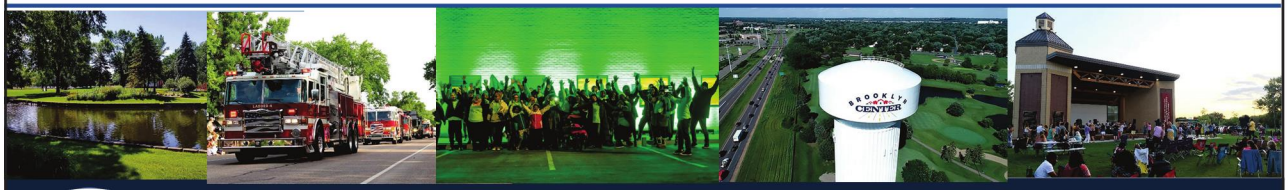
| Object Code / Description | 2021 Actual | 2022 August YTD | 2022 Budget | 2023 Budget | Change |
|---|---|---|---|---|---|
| 10100 GENERAL FUND | | | | | |
| PROPERTY TAXES | $ 18,287,435 | $ 9,928,114 | $ 19,447,394 | $ 20,886,995 | 7.40% |
| TAX INCREMENTS | 145,000 | (12) | - | - | 0.00% |
| LODGING TAXES | 732,538 | 498,118 | 900,000 | 1,100,000 | 22.22% |
| TOTAL TAXES | 19,164,973 | 10,426,220 | 20,347,394 | 21,986,995 | 8.06% |
| LICENSES | 245,859 | 208,492 | 281,250 | 271,975 | -3.30% |
| PERMITS | 528,733 | 384,340 | 1,116,000 | 1,896,500 | 69.94% |
| TOTAL LICENSES & PERMITS | 774,592 | 592,832 | 1,397,250 | 2,168,475 | 55.20% |
| FEDERAL | 93,000 | 1,786,351 | 273,574 | 48,300 | -82.34% |
| STATE | 1,875,721 | 1,226,563 | 1,869,376 | 1,943,185 | 3.95% |
| COUNTY | - | - | - | - | 0.00% |
| LOCAL | 75,000 | 775,000 | 725,000 | 750,000 | 3.45% |
| TOTAL INTERGOVERNMENTAL | 2,043,721 | 3,787,914 | 2,867,950 | 2,741,485 | -4.41% |
| GENERAL GOVERNMENT | 73,236 | 109,890 | 50,000 | 79,500 | 59.00% |
| PUBLIC SAFETY | 31,914 | 8,335 | 91,100 | 9,000 | -90.12% |
| COMMUNITY DEVELOPMENT | 257 | 6,768 | - | 5,000 | 100.00% |
| PARKS & RECREATION | 108,741 | 88,392 | 214,000 | 155,500 | -27.34% |
| COMMUNITY CENTER | 172,923 | 186,464 | 276,000 | 281,500 | 1.99% |
| TOTAL CHARGES FOR SERVICES | 387,071 | 399,849 | 631,100 | 530,500 | -15.94% |
| SPECIAL ASSESSMENTS | 40,766 | 25,181 | 50,000 | 40,000 | -20.00% |
| FINES & FORFEITURES | 161,915 | 100,371 | 161,000 | 161,000 | 0.00% |
| INVESTMENT EARNINGS | (19,201) | 54,136 | 81,500 | 106,600 | 30.80% |
| MISCELLANEOUS | 373,580 | 221,090 | 172,000 | 198,602 | 15.47% |
| TRANSFERS IN | 108,410 | - | - | - | 0.00% |
| 10100 GENERAL FUND REVENUES | $ 23,035,827 | $ 15,607,593 | $ 25,708,194 | $ 27,933,657 | 8.66% |

*City of Brooklyn Center*

## 2023 Budget - General Fund - Expenditure Summary by Function

| Object Code / Description | | 2020 Actual | 2021 Actual | 2022 September YTD | 2022 Budget | 2023 Budget | Change |
|---|---|---|---|---|---|---|---|
| **10100 GENERAL FUND** | | | | | | | |
| 41110 | MAYOR & COUNCIL | $ 137,755 | $ 176,396 | $ 129,427 | $ 167,394 | $ 181,640 | 8.51% |
| 41320 | CITY MANAGER | 372,292 | 276,829 | 152,136 | 233,178 | 238,359 | 2.22% |
| 41410 | ELECTIONS | 181,607 | 109,197 | 94,156 | 186,992 | 148,885 | -20.38% |
| 41430 | CITY CLERK | 220,574 | 242,605 | 164,361 | 242,780 | 282,246 | 16.26% |
| 41520 | FINANCE | 590,402 | 596,757 | 454,674 | 651,945 | 753,285 | 15.54% |
| 41550 | ASSESSING | 239,969 | 258,175 | 132,973 | 260,500 | 275,500 | 5.76% |
| 41610 | LEGAL | 416,521 | 477,689 | 301,432 | 440,000 | 470,000 | 6.82% |
| 41710 | COMMUNICATION & ENGAGEMENT | 275,155 | 480,343 | 299,642 | 593,536 | 605,235 | 1.97% |
| 41810 | HUMAN RESOURCES | 407,482 | 437,606 | 348,684 | 605,150 | 675,426 | 11.61% |
| 41920 | INFORMATION TECHNOLOGY | 636,008 | 724,282 | 512,523 | 717,771 | 867,181 | 20.82% |
| 41940 | GOVERNMENT BUILDINGS | 1,152,247 | 949,291 | 826,518 | 1,110,132 | 1,221,148 | 10.00% |
| | **GENERAL GOVERNMENT** | **4,630,012** | **4,729,170** | **3,416,526** | **5,209,378** | **5,718,905** | **9.78%** |
| **42010** | **PREVENTION HEALTH AND SAFETY** | **-** | **-** | **331,414** | **1,321,807** | **1,067,907** | **-19.21%** |
| 42110 | ADMINISTRATION | 350,699 | 295,234 | 451,339 | 404,852 | 457,467 | 13.00% |
| 42120 | INVESTIGATION | 1,410,237 | 1,178,777 | 550,896 | 1,078,626 | 1,123,327 | 4.14% |
| 42123 | PATROL | 6,247,001 | 6,440,525 | 4,125,750 | 6,921,789 | 7,841,698 | 13.29% |
| 42151 | SUPPORT SERVICES | 949,295 | 935,091 | 626,526 | 1,040,013 | 1,066,684 | 2.56% |
| 42170 | STATION & BUILDINGS | 181,152 | 545,229 | 183,624 | 189,750 | 196,850 | 3.74% |
| | **POLICE** | **9,138,384** | **9,394,856** | **5,938,135** | **9,635,030** | **10,686,026** | **10.91%** |
| 42210 | FIRE | 1,592,343 | 1,752,015 | 1,258,965 | 1,946,128 | 2,094,539 | 7.63% |
| 42510 | EMERGENCY PREPAREDNESS | 47,801 | 15,946 | 18,188 | 34,000 | 36,100 | 6.18% |
| | **FIRE** | **1,640,144** | **1,767,961** | **1,277,153** | **1,980,128** | **2,130,639** | **7.60%** |
| 41910 | PLANNING & ZONING | 283,879 | 389,910 | 180,780 | 233,389 | 300,429 | 28.72% |
| 42410 | BUILDING INSPECTIONS | 66,309 | 27 | - | - | - | 0.00% |
| 42411 | CODE ENFORCEMENT | 133 | 44 | - | - | - | 0.00% |
| 42420 | BUILDING & COMMUNITY STANDARDS | 1,138,845 | 1,197,988 | 876,185 | 1,244,659 | 1,317,026 | 5.81% |
| 46320 | COMMUNITY DEVELOPMENT ADMIN | 366,653 | 278,001 | 371,298 | 317,693 | 335,108 | 5.48% |
| | **COMMUNITY DEVELOPMENT** | **1,855,819** | **1,865,970** | **1,428,263** | **1,795,741** | **1,952,563** | **8.73%** |
| 43110 | ENGINEERING | 1,087,684 | 1,125,936 | 635,839 | 1,137,885 | 1,227,688 | 7.89% |
| 43220 | STREET MAINTENANCE | 1,296,477 | 1,511,450 | 904,499 | 1,510,337 | 1,571,939 | 4.08% |
| 43221 | TRAFFIC CONTROL | 192,874 | 223,383 | 171,814 | 232,144 | 263,503 | 13.51% |
| 45201 | PARK FACILITIES | 1,081,815 | 1,290,671 | 836,054 | 1,339,006 | 1,581,941 | 18.14% |
| 45204 | FORESTRY | 108,862 | 113,531 | 89,913 | 147,000 | 156,361 | 6.37% |
| | **PUBLIC WORKS** | **3,767,712** | **4,264,971** | **2,638,119** | **4,366,372** | **4,801,432** | **9.96%** |
| 45010 | ADMINISTRATION | 274,623 | 220,086 | 136,854 | 261,276 | 1,895 | -99.27% |
| 45100 | PARK AND REC ADMIN | - | - | - | - | 719,171 | 100.00% |
| 45110 | RECREATION ADMINISTRATION | 415,460 | 821,391 | 576,678 | 666,546 | - | -100.00% |
| 45111 | ADULT PROGRAMS | 53,035 | 76,511 | 23,135 | 107,308 | - | -100.00% |
| 45112 | TEEN PROGRAMS | - | - | 190 | 10,941 | - | -100.00% |
| 45113 | YOUTH PROGRAMS | 20,679 | 59,407 | 83,639 | 158,030 | - | -100.00% |
| 45119 | GENERAL RECREATION | 32,037 | 51,006 | 32,590 | 22,127 | - | -100.00% |
| 45120 | RECREATION FACILITIES | - | - | - | - | 878,637 | 100.00% |
| 45122 | COMMUNITY CENTER | 190,983 | 208,941 | 183,367 | 289,897 | 350 | -99.88% |
| 45140 | RECREATION PROGRAMMING | - | - | 314 | - | 483,609 | 100.00% |
| 45124 | POOL | 204,205 | 444,459 | 422,870 | 415,087 | 940 | -99.77% |
| 45218 | HEALTH AND SOCIAL ENVIRONMENT | - | - | 159,878 | 286,176 | 440,112 | 53.79% |
| | **RECREATION** | **1,191,022** | **1,881,801** | **1,619,515** | **2,217,388** | **2,524,714** | **13.86%** |
| 44110 | JOINT POWERS | 171,344 | 210,488 | 39,129 | 187,000 | 187,000 | 0.00% |
| 45310 | CONVENTION & TOURISM | 266,086 | 349,617 | 236,606 | 427,500 | 475,000 | 11.11% |
| 48140 | INSURANCE | 254,618 | 247,455 | 167,769 | 268,788 | 283,916 | 5.63% |
| 48150 | CENTRAL SUPPLIES | 292,782 | 734,215 | 201,918 | 322,879 | 327,000 | 1.28% |
| 48160 | VACANCY AND TURNOVER SAVINGS | - | - | - | (600,000) | (600,000) | 0.00% |
| | **NON-DEPARTMENTAL** | **984,830** | **1,541,775** | **645,422** | **606,167** | **672,916** | **11.01%** |
| 48170 | INTERFUND REIMBURSEMENT | (1,201,027) | (1,579,711) | (982,448) | (1,633,817) | (1,801,445) | 10.26% |
| 48210 | TRANSFERS OUT | 410,374 | 215,000 | 210,000 | 210,000 | 180,000 | -14.29% |
| | **TRANSFERS** | **(790,653)** | **(1,364,711)** | **(772,448)** | **(1,423,817)** | **(1,621,445)** | **13.88%** |
| **10100 GENERAL FUND EXPENDITURES** | | **$ 22,417,270** | **$ 24,081,793** | **$ 16,522,099** | **$ 25,708,194** | **$ 27,933,657** | **8.66%** |

# 2023 Annual Preliminary Budget Presentation



City Council September 12, 2023

Dr. Reggie Edwards, City Manager and Angela Holm, Finance Director

## Presentation Purpose

- Present the 2023 Budget Preliminary Levy Budget
- Provide insight into the factors that guided the development of the 2023 Budget Preliminary Levy Budget
- Provide budget highlights
- Provide fiscal analysis budget highlights and impacts
- Provide next steps in the budgeting process

## 2023 Budget Environment

- COVID-19, Death of Daunte Wright, and Civil Unrest
- Economic Condition
- Council Budget Outcomes and Strategic Priorities
- Organizational Stability
- Community-Centered-City

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## 2023 Budget Guiding Factors

- The proposed budget was developed recognizing unprecedented events and challenges faced by residents and staff.
- The proposed budget was developed with an intent balance the needs for economic growth, health and well-being of people, longer-term fiscal stability, pursuit of City Council direction and providing City services at an affordable cost for residents.

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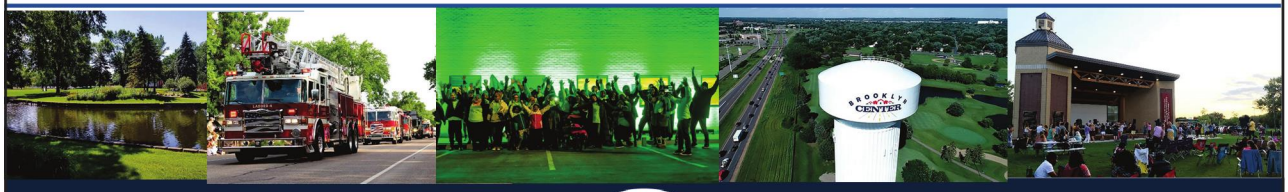
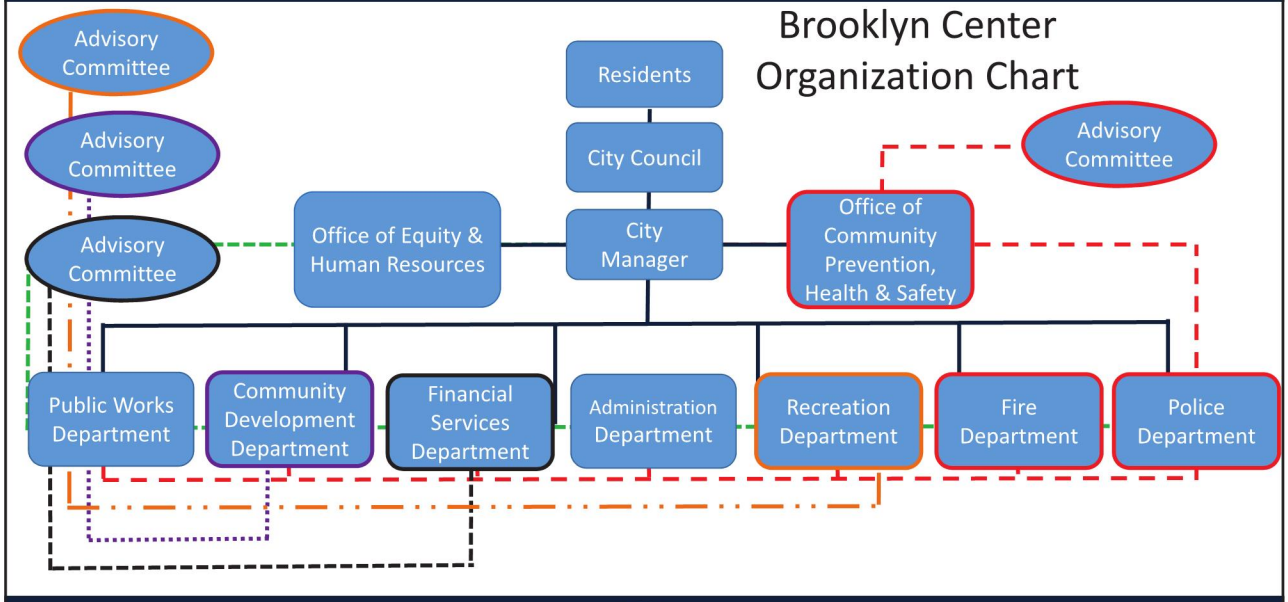
# 2023 Budget Fiscal Direction



## Brooklyn Center Organization Chart



# Brooklyn Center Vision and Mission

**Vision Statement -** We envision Brooklyn Center as a thriving, diverse community with a full range of housing, business, cultural and recreational offerings. It is a safe and inclusive place that people of all ages love to call home, and visitors enjoy due to its convenient location and commitment to a healthy environment.

**Mission Statement -** The mission of the City of Brooklyn Center is to ensure an attractive, clean, safe, and inclusive community that enhances the quality of life for all people and preserves the public trust.

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# Brooklyn Center Values

***Customer Intimacy –*** Our primary value proposition is a commitment to serving each customer with dignity and respect. This requires that we seek to understand the needs of each customer and deliver quality service that will be understood and appreciated.

***Operational Excellence –*** In addition we will commit ourselves to delivering quality services in a cost effective and efficient manner. We will be good stewards of the limited resources made available to us by the citizens we serve.

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# Brooklyn Center Outcomes & Strategic Priorities

## City Outcomes

- Existence of a Healthy and Safe Residence
- Existence of a Healthy and Safe Youth and Their Environment for 7 Generations to come
- Existence of Equitable and Diverse Businesses
- Existence of Equitable Stable and Diverse Tax Base
- Existence of a Public Trust
- Existence of People Feeling Welcomed
- Existence of Residents Feeling a Sense of Community Pride
- Existence of Equitably Diverse Housing without Gentrification or Displacement
- Existence of an Increased Household Median Income without Harm
- Existence of a Clean and Safe Human Environment

## City Strategic Priorities

- *Enhanced Community Image*
- *Resident Economic Stability*
- *Inclusive Community Engagement*
- Targeted Redevelopment
- Safe, Secure, Stable Community
- Key Transportation Investments

# 2023 Budget Highlights - Funded

- Market Competitiveness (Phase Funding) - $50,000
- 3% Salary Adjustments/Livable Wage - $409,447
- Natural Gas Inflation - $49,900
- Central Garage Replace Charges - $389,254
- General Inflation
- New Park Maintenance FTE - $101,000

# 2023 Budget Highlights - Funded

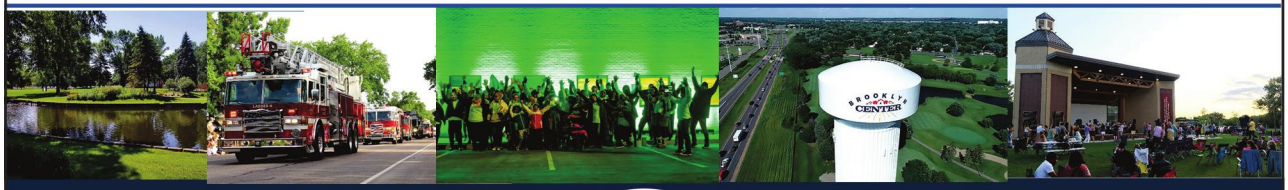
- Outcome base budget and organizational focus – Performance measurement analyst - $100,000
  - ❖ Only 1 new position in 2023 Budget
- Frozen 3 Police Staff (Phase Funding) – $150,000
- New Fire Inspector 1 FTE - $97,000
- Sustain Public Safety Alternatives (Phase Funding) - $75,000
- Youth Violence Prevention and Response Strategy (Phase Funding) – $150,000

# 2023 Budget Highlight – Not Funded

| Total Requested Levy Increase | Proposed Levy Increase |
|---|---|
| 17.1% | 6.9% |

- New Park Liaisons 4 PTE - $91,000
- New Split Community Engagement (Recreation/Communications and Engagement) 1 FTE - $109,000
- Election Off-Year Funding Stabilization - $50,000

# 2023 Budget Fiscal Outlook & Preliminary Levy Proposal



## Budget Policies

Purpose: Provides basic framework and assists in the decision making process

- Balanced Budget
- Current revenue should pay for current expenses
- Contingency of up to five percent of budget
- Provide adequate funding for capital replacement & maintenance
- Budget should describe goals, services and programs
- Targeted unassigned General Fund balance of 50 – 52% of the next year's General Fund budget

# Revenue Policies

Purpose: Direct how the City maintains the ability to pay for services it provides its customers

- Maintain diversified and stable revenue system
- Annual revenue estimates completed through an objective conservative analytical process
- User fees should be reviewed and revised on an annual basis
- Fees and user charges for Enterprise Funds should fully support total direct and indirect costs
- User fees for City services will generally be established at a level which will recover the full cost of providing the service

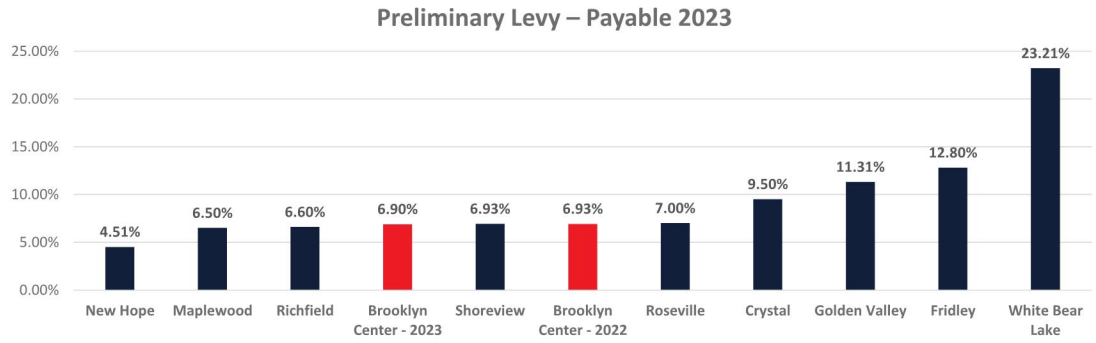


# Property Tax Levy

| Description | 2022 Adopted | 2023 Proposed | $ Change | % Change |
|---|---|---|---|---|
| General Levy | $ 19,532,263 | $ 20,984,843 | $ 1,452,580 | 7.44% |
| Debt Service Levy | 1,791,762 | 1,810,539 | 18,777 | 1.05% |
| **Total City Levy** | **$ 21,324,025** | **$ 22,795,382** | **$ 1,471,357** | **6.90%** |
| | | | | |
| HRA Levy | $ 482,206 | $ 566,088 | $ 83,882 | 17.40% |

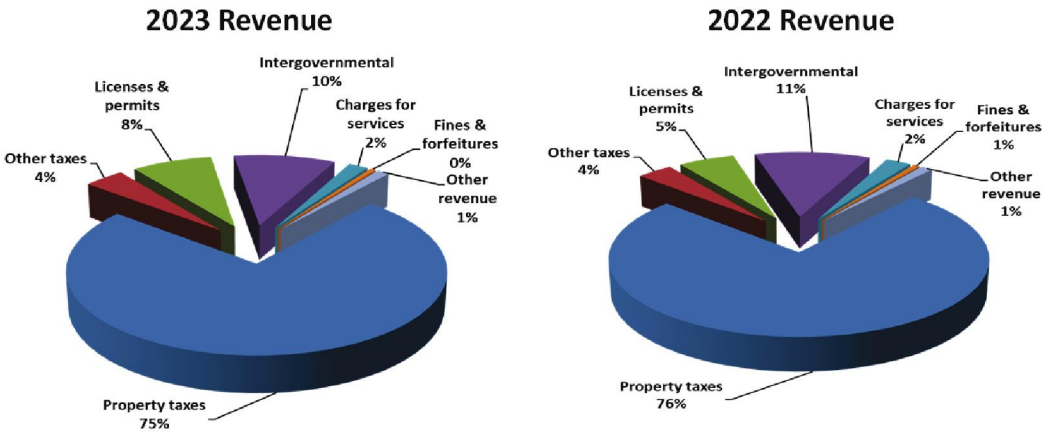
Note: A property tax levy increase/decrease of 1% is approximately $200,000 in revenue.

# Comparable City Levy Rates - 2023



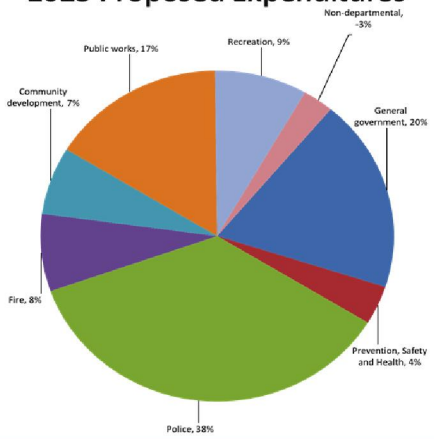

Fridley and White Bear Lake levy increases include increased debt levies for new capital projects

# General Fund Revenues by Source

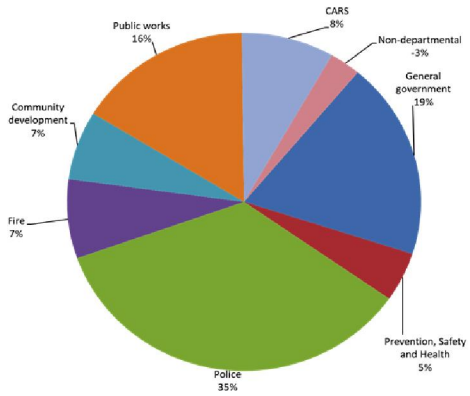


# General Fund Expenses by Function

**2023 Proposed Expenditures**




**2022 Approved Expenditures**




# Taxable Market Value (preliminary estimates)

| | Taxable Market Value | | |
|---|---|---|---|
| | Payable 2022 | Estimated 2023 | Change |
| Commercial | $ 362,542,100 | $ 379,696,000 | 4.7% |
| Farm | | | |
| Industrial | 187,365,900 | 223,660,400 | 19.4% |
| Residential | 1,671,790,823 | 1,999,615,520 | 19.6% |
| Apartment | 380,923,270 | 442,314,670 | 16.1% |
| Other | 456,000 | 479,000 | 5.0% |
| Personal property | 14,297,900 | 14,167,600 | |
| Totals | $ 2,617,375,993 | $ 3,059,933,190 | 16.9% |

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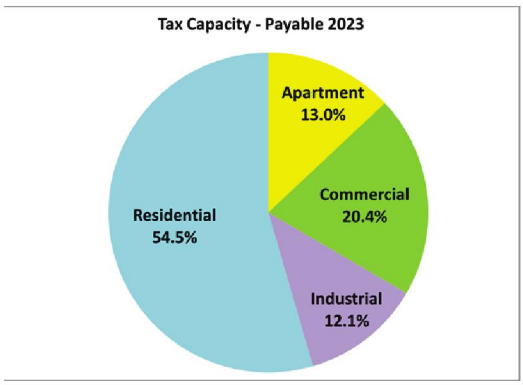
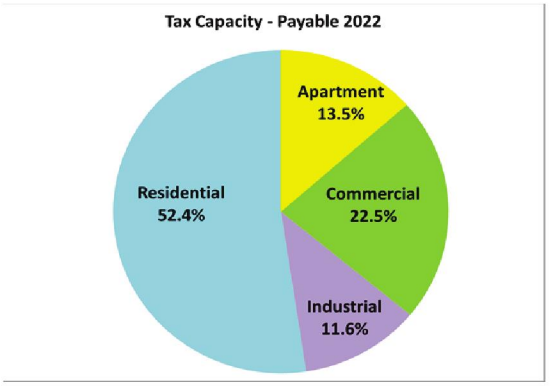
# Tax Capacity Estimates

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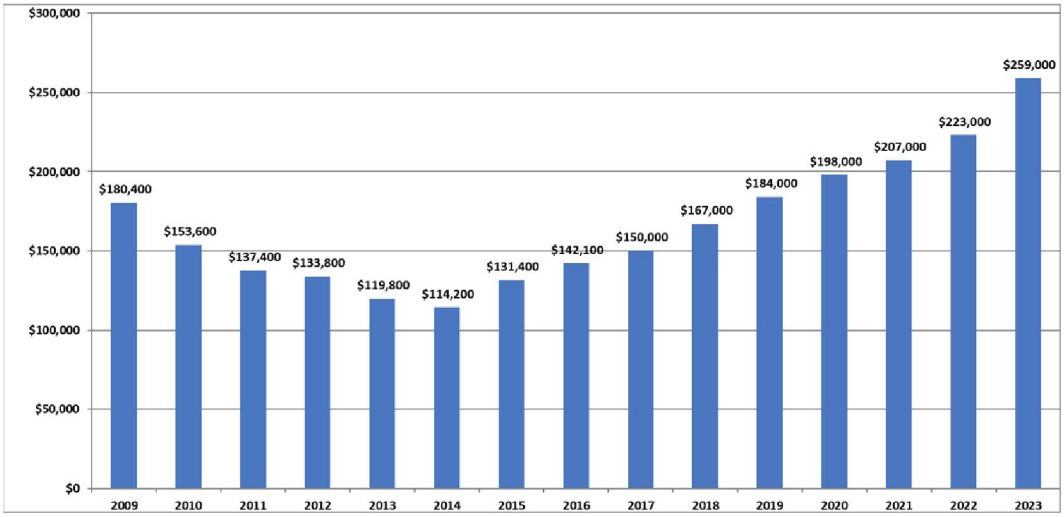
# Median Value Home

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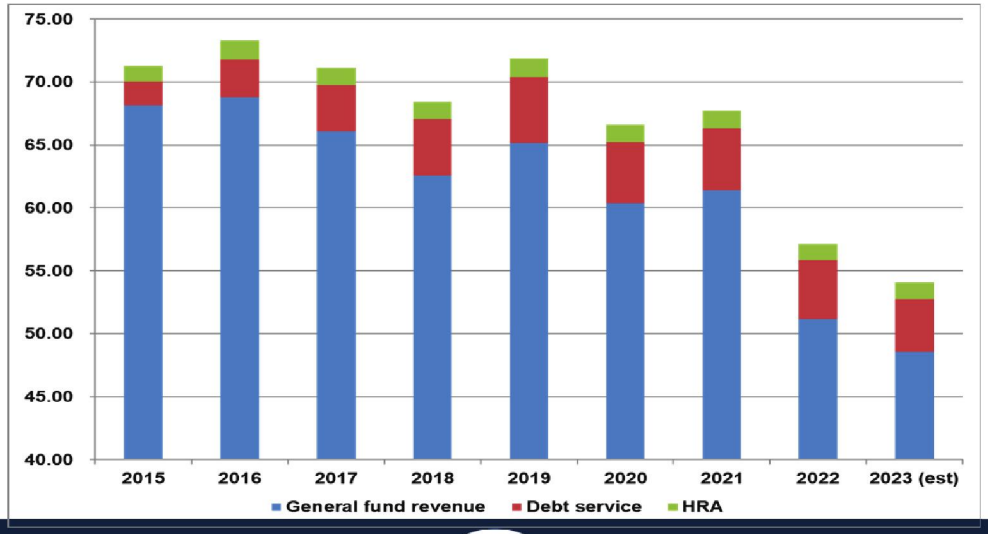
# City Property Tax Rates

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# Projected Property Tax Impacts

Property Tax Changes (Based on 6.9% General Levy Increase & Market Value Changes)

| Classification* | 2022 Taxable Market Value | 2023 Taxable Market Value | $ Change | % Change | 2022 Tax Rate | 2022 City Taxes | 2023 Tax Rate | Impact of 6.9% Levy: 2023 City Taxes | Impact of 6.9% Levy: $ Change | Impact of 6.9% Levy: % Change | Incremental 1% Levy Impact: 2023 Tax Rate | Incremental 1% Levy Impact: 2023 City Taxes | Incremental 1% Levy Impact: $ Change |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Single Family Residential | $ 205,830 | $ 245,070 | $ 39,240 | 19.06% | 57.110 | $ 1,175 | 54.058 | $ 1,325 | $ 149 | 12.70% | 54.528 | $ 1,336 | $ 12 |
| Multi Family Residential | $ 2,200,000 | $ 2,554,562 | $ 354,562 | 16.12% | 57.110 | $ 15,705 | 54.058 | $ 17,262 | $ 1,557 | 9.91% | 54.528 | $ 17,412 | $ 150 |
| Commercial | $ 1,700,000 | $ 1,780,437 | $ 80,437 | 4.73% | 57.110 | $ 18,989 | 54.058 | $ 18,844 | $ (145) | -0.76% | 54.528 | $ 19,008 | $ 164 |
| Industrial | $ 1,900,000 | $ 2,268,047 | $ 368,047 | 19.37% | 57.110 | $ 21,273 | 54.058 | $ 24,116 | $ 2,842 | 13.36% | 54.528 | $ 24,325 | $ 210 |

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# Next Steps

Joint City Council/Financial Commission Work Sessions

October 3, 2022 – Special Revenue Funds

October 17, 2022 – Utility/Enterprise Funds

Public Hearing & Adoption of Budget/Levy

December 5, 2022

# Council Regular Meeting

DATE: 9/26/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Meg McMahan, Community Development Director

SUBJECT: Resolution Approving and Entering into a Joint Powers Agreement with the City of Brooklyn Park Regarding Workforce Development Initiatives

**Requested Council Action:**

*- Motion to approve a resolution approving and Entering into a Joint Powers Agreement with the City of Brooklyn Park Regarding Workforce Development initiatives using ARPA Funds*

**Background:**

On March 11, 2021, President Biden signed the American Rescue Plan Act (ARPA) of 2021 into law. The ARPA provides $1.9 trillion in additional relief to respond to the novel coronavirus (COVID-19). According to the U.S. Department of the Treasury, the Coronavirus State and Local Fiscal Recovery Funds provide a substantial infusion of resources to help turn the tide on the pandemic, address its fallout, and lay the foundation for a strong and equitable recovery.

The City of Brooklyn Center received a total allocation of $3,200,000 with half the funds received earlier in 2021 and another half available to be requested in 2022.

On March 14, 2022, the City Council adopted a funding plan for the use of ARPA funds that was based on a community engagement process that identified priority spending areas. The city coordinated with community partners, residents, local businesses and nonprofit organizations, and city staff to develop an investment plan for ARPA funds.

Based on the program priorities identified by the community stakeholder group, staff prepared a proposed ARPA Investment Plan. The investment plan includes a mix of internal and external funding programs and allows flexibility in terms of what program year the funds will be delivered in.

Out of the community engagement process, and through the work of identifying program funding several themes arose around which ARPA funded initiatives revolved. The funding focuses on programs that:

1. Build capacity. This focus is achieved through leveraging existing assets in the community, strengthening partnerships and investing in community.
2. Center economic development and youth. A majority of the programs and initiatives that were prioritized through the community engagement process involved a focus on multi-generational wealth building and youth engagement.
3. Building community. The process to create the ARPA investment plan was imbedded in community, and involved community-based visioning. The funding centers around strengthening community partnerships and resources.

*Workforce Development Programming*

Through the engagement process, the highest priority identified for the use of ARPA funding was to establish and grow a workforce development program to support job training, youth engagement and career pathways.

City staff have been working closely with the City of Brooklyn Park to design and expand upon programming intended to serve this function. A detailed description of the program is attached to this memo. In addition, Brooklyn Park staff will be providing a presentation of the program to Council as part of this item.

The program would be administered by the City of Brooklyn Park on behalf of the City of Brooklyn Center over the three-year timeframe where ARPA funds are available. In the meantime, the two cities intend to seek out state and county workforce funding to sustain the program into the future.

The City Attorney has drafted a Joint Powers Agreement between the two cities for the delivery of this program (attached).

**Budget Issues:**

The Joint Powers Agreement is for $560,000 of Brooklyn Center ARPA funds to Brooklyn Park to administer and operate workforce development programming on behalf of the City of Brooklyn Center.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

The workforce development programming is specifically targeted towards youth and young adults facing barriers to higher education and job training. The program is designed and intended in particular to serve BIPOC youth and adults.

**Strategic Priorities and Values:**

Resident Economic Stability

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Workforce Development Framework | 9/16/2022 | Backup Material |
| ARPA Funding Plan | 9/16/2022 | Backup Material |
| Joint Powers Agreement | 9/16/2022 | Backup Material |
| Resolution | 9/16/2022 | Resolution Letter |

**2022-2024 Workforce Development Framework**
**Brooklyn Park & Brooklyn Center**

**Objective** (where are we going): Provide programs and services to youth, adults, and businesses that promote economic empowerment and decreases individual, community, and systemic barriers to employment. Respond to workforce development needs caused by the pandemic.

**Outcomes** (how do we know we've gotten there):

- Residents will gain access to training and employment opportunities in in-demand industries.
- Higher barrier youth will receive high touch work readiness services.
- Unemployment rates will decrease, and income will increase, particularly for "BIPOC" residents
- Violence will decrease as residents connect into the economy.
- Local businesses will hire local talent and create workplaces of choice for our residents.

**Shared City Strategies** Employment, Economic Inclusion, Public Safety, Racial Equity, Economic Advancement and Wealth Building

**Workforce Development Programs & Initiatives** (how do we get there):

1) *Youth Workforce Initiatives (age 14-24)*
    - BrookLynk
        - Get Ready!
        - Summer Internships
        - Online Training Series
        - Alumni Engagement
    - Youth Entrepreneurship Program
        - Partnership between Community Development & Recreation
        - Entrepreneurship micro-grants (ages 16+)
        - Small Business Internships
        - Training & Workshops
    - Workforce Innovations Opportunities Act (WIOA)
        - Out of school youth (16-24)
        - Case Management
        - Training & certificates
        - Education
        - Employment
        - Cities United
        - Partner engagement

2) *Young Adult & Adult Workforce Initiatives (18+)*
    - BrookLynk Alumni Network
        - Talent recruitment
        - Job Coaching
        - BrookLynk job board
        - Workshops & Events
    - Career Pathways
        - Construction & Trades
            - Pipeline to seasonal public works & recreation jobs

- MnDot Heavy Highway Construction
- Technology Training Program

3) *Community Workforce Initiatives*
   - Community Partnership Program (workforce development specific)
     - Certified Nursing Assistant (CNA) Certificate program pilot provided by OLM
     - Community grants awarded to local organizations providing workforce development services

4) *Regional Initiatives*
   - CareerForce Relocation (State of MN)
   - ConnextMSP – GreaterMSP (Regional Economic Development Agency)
   - Elevate Futures- Mpls Regional Chamber of Commerce
   - Northwest Education Consortium

5) *Business Engagement*
   - Employer partnerships/pipelining
   - Small business technical assistance and wage subsidy
   - Large business subsidy (State programs -MIF/JCF)
   - Employer/supervisor training
   - Small business centers

**Investment** (what do we need to get there):

*Staffing:*

- **Workforce Development Director (Catrice O'Neal) –** Provides strategic oversite of workforce development programs and initiatives. Manages community contracts, budgets, and grants. Develops new partnerships and funding sources (public and private). Prepares annual and quarterly reports for stakeholders. Co-leads the BrookLynk Advisory committee with the BrookLynk Program Manager and coordination of shared workforce initiatives between the cities of Brooklyn Park & Brooklyn Center.
- **BrookLynk Program Manager (Fred DuBose**)- Manages the day-to-day operations of BrookLynk programs and services. Develops systems to meet program goals. Oversight of data management systems including the states Workforce One database. Coordinates employer engagement. Participates in regional youth workforce development meetings and convenings. Co-leads the BrookLynk Advisory committee with the Workforce Development Director.
- **Career Pathways/Community Programs Manager (Naweed Ahmadzai) -** Manages the day-to-day operations of Career Pathways, WIOA, and Community Partnership programs. Develops systems to meet program goals. Oversight of data management systems including the states Workforce One database. Coordinates employer engagement. Participates in regional workforce development meetings and convenings.
- **BrookLynk Program Coordinator (Open)** – Responsible for the coordination of all BrookLynk program activities. Coordinates the summer internship match process. Provides job coaching and assistance to youth and supervisors. Builds relationships with youth and community partners for youth outreach and engagement. Responsible for entering and maintaining all program data for annual and quarterly reports with guidance from BrookLynk Program Manager.

- **Career Pathways/WIOA Program Coordinator (Madison Hurst)**– Responsible for the coordination of all career pathway program activities and Youth Entrepreneurship Program. Provides case management services to WIOA youth and adult job seekers. Builds relationships with participants and community partners for outreach and engagement. Responsible for entering and maintaining all program data in Workforce One and other data systems for annual and quarterly reports with guidance from the Career Pathways Program Manager.
- **Program Assistant II (Nyoka Ameyaw)**– Supports all workforce development activities - invoices, communications/marketing, technical assistance. Also coordinates the BrookLynk alumni network.
- **Job Coaches –** Seasonal contracted positions during the summer.

*Funding Sources:*

| Source | Amount | Year | Program |
|---|---|---|---|
| **Grants/Donations** | | | |
| DEED – Youth Support Services | $40,000 | 2022-2023 | BrookLynk |
| DEED – Youth at Work | $75,000 | 2022-2023 | BrookLynk |
| Technology Training Pilot | $68,350 | 2022 | Career Pathways |
| Hennepin County – MYP | $110,626 | 2022-2023 | BrookLynk |
| Hennepin County - Gun Violence | $49,999 | 2022 | YEP |
| Hennepin County - WIOA | $206,032 | 2022-2023 | BrookLynk/Career Pathways |
| Brooklyn Park Rotary Foundation | $1,000 | 2022 | BrookLynk |
| MnDot | $99,819 | 2022 | BrookLynk/Career Pathways |
| **City Investments** | | | |
| City of Brooklyn Center | $59,800 | Annual Contribution | BrookLynk |
| Brooklyn Park EDA | $100,000 | Annual Contribution | Brookynk |
| **ARPA** | | | |
| ARPA – Brooklyn Center | $560,000 | 2023-2024 | Career Pathways/YEP/CPP |
| ARPA – Brooklyn Park | $595,000 | 2022-2024 | Career Pathways/YEP/CPP |
| **Total** | **$1,965,626** | | |

| Program item | Key Area | Purpose/description | Cost *(Through 2024)* |
|---|---|---|---|
| **External/Community Partnerships** | | | |
| Workforce Development Program | Economic Development (Resident and Business Economic Stability) | Sub-grants to community parnter organizaitions to deliver workforce development training (Parntership with Brooklyn Park) | $ 560,000 |
| | | Youth Entreprenuership Program - Expansion of Brooklynk Services and programming (Parnterhsip with Brooklyn Park) | |
| | | Connect higher barrier youth and Black Indigenous Person of Color (BIPOC) job seekers to jobs | |
| | | Career Pathways Program - Focused on Adult (24+) workforce development (Partnerhsip with Brooklyn Park) | |
| Youth Outreach and Engagement | Community Life Resources, Public Safety, Public Health, Economic Development | Contract with community partners to establish a Youth Outreach team | $ 158,133 |
| | | Youth onBoards | |
| | | Online and in-person youth outreach to enhance and expand youth and family participation and engagement | |
| Commercial Property Development Fund | Economic Development (Business Economic Stability) | Establish a fund to support local small businesses with the acquisition of bricks and mortar real estate. Funds will be used to provide equity to leverage private lending, and to provide gap financing for commercial development that supports small businesses. | $ 700,000 |
| Food Access | Community Life Resources | Funding to support food distribution operations in the City and expand access through the cretion of a mobile food distribution program in partnership with CEAP and CAPI | $ 125,000 |
| Small Business Resource Hub | Economic Development (Business Economic Stability) | Community-based space to support workforce development, co-working space, innovation lab, and hub for small business technical support | $ 250,000 |
| Humboldt Neighborhood Peace, Harmony and Prosperity Small Area Plan | Community Life Resources | Develop a community-led vision for the future of the Humboldt Neighborhood that includes goals for housing, open space, streetscaping and business development. Identify short and longer-term implementation strategy and support an initial investment in the neighborhood to catalyze the vision. | $ 250,000 |
| Health on the Go | Public Health | Expand upon the partnerships created as part of the pilot Health on the Go program and expand services to residents | $ 225,000 |
| Central Beautification and Business Improvement District | Public Safety and Community Life Resources | Utilize funds to establish a central Business Improvement District to enhane clean-up, snow removal, seasonal lights and greenery, and placemaking (programming to be designed in partnership with district businesses) | $ 75,000 |
| Public Art Matching Fund | Community Life Resources | Funding to cost share public art initiatives on private property | $ 75,000 |

| | | | | |
|---|---|---|---|---|
| Daunte Wright Memorial | Community Life Resources | Commission art memorial | $ | 25,000 |
| **External Total** | | | **$** | **2,443,133** |
| | | | | |
| **Internal Programs/Initiatives/Revenue Replacement** | | | | |
| Digital Message Boards | Public Health, Public Safety | External digital message boards at City facilities to promote better commuication strategies | $ | 122,000 |
| Code Red | Public Health, Public Safety | Revenue replacement to pay for Coe Red services for three years | $ | 24,000 |
| Police labor study | Public Safety | Study to determine number of police officers needed to maintain services | $ | 130,000 |
| Air Filters | Public Health | Installation of clean air filters in the cabs of fire trucks | $ | 12,000 |
| Quantifit2 respirator testing system | Public Health | Purchase a respirator testing system to test respirator fit - testing required annually | $ | 13,000 |
| Front Line Retention and Recognition Incentive | Community Life Resources | Provide a bonus for essential frontline employees who worked in-peson through the pandemic | $ | 28,000 |
| Public Safety Project Manager | Public Safety | New position to assist with coordinating the Public Safety Resolution Implementation Committee. This includes 1 FTE and supplies for 12 months. | $ | 150,000 |
| Police Retention Incentive | Public Safety | This measure was taken as part of negotiations and a means to stabalize and retain police officers during civil unrest. | $ | 192,000 |
| Heritage Center | | Revenue replacement for the Heritage Center - utilize funds to explore ways to expand and enhance the Heritage Center's community benefits | $ | 150,000 |
| **Internal Total** | | | **$** | **821,000** |

| | | |
|---|---|---|
| **Total investment** | **$** | **3,264,133** |

**BROOKLYN CENTER AND BROOKLYN PARK JOINT POWERS AGREEMENT REGARDING WORKFORCE DEVELOPMENT**

THIS JOINT POWERS AGREEMENT (this "Agreement") is entered into as of [DATE], by and between the **CITY OF BROOKLYN CENTER**, a public body corporate and politic under the laws of the State of Minnesota ("Brooklyn Center"), and the **CITY OF BROOKLYN PARK**, a public body corporate and politic under the law of the State of Minnesota ("Brooklyn Center"), collectively (the "Cities").

RECITALS

WHEREAS, the U.S. Department of the Treasury ("Treasury") has allocated to Brooklyn Center $3,353,972 of federal stimulus funding from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Funds under CFDA No. 21.027 ("ARPA Funds") under Section 603(b) of the Social Security Act, as amended by Section 9901 of the American Rescue Plan Act ("ARPA");

WHEREAS, ARPA authorizes the ARPA Funds to be used for the following purposes as outlined in the Final Rule as follows:

(1) To respond to the COVID-l9 public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(2) To respond to workers performing essential work during the COVID-l9 public health emergency by providing premium pay to eligible workers;

(3) For the provision of government services to the extent of the reduction in revenue due to the COVID-l9 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and

(4) To make necessary investments in water, sewer, or broadband infrastructure

WHEREAS, Brooklyn Center has elected to take the "standard allowance" under Treasury's Final Rule, allowing Brooklyn Center to use up to $10,000,000 of its ARPA Funds for the provision of government services;

WHEREAS, the Cities wish to work cooperatively to provide programs and services to youth, adults, and businesses that promote economic empowerment and decreases individual, community, and systemic barriers to employment with the cities of Brooklyn Center and Brooklyn Park as described in Exhibit A: Contracted Services ("Contracted Services"), which is incorporated herein by reference; and

WHEREAS, Brooklyn Center authorized $560,000 of its ARPA Funds accounted for under the standard allowance for the provision of government services, for the purpose of funding the Contracted Services;

WHEREAS, the governing bodies of Brooklyn Center and Brooklyn Park are authorized by Minnesota Statutes, Section 471.59, Subdivision 10, to enter into agreements with each other for the provision of professional services by Brooklyn Park to the residents of Brooklyn Center;

WHEREAS, Brooklyn Center and Brooklyn Park desire to enter into this Agreement so that Brooklyn Center may provide ARPA Funds designated for the provision of government services under the Final Rule's standard allowance, for Contracted Services as allowed under the Final Rule.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Brooklyn Center and Brooklyn Park hereby agree as follows:

1. Effective Date And Term. This Agreement shall govern the performance of the parties for the period commencing on October 1, 2022 through December 31, 2024 unless earlier terminated by either party in accordance with the terms of this Agreement.

2. Funds. Brooklyn Center agrees to provide Brooklyn Park a total sum not to exceed five-hundred and sixty thousand and 00/100ths dollars ($560,000.00) for the provision of the Contracted Services.

3. Description of Services. The Contracted Services, as further described in Exhibit A, shall consist of the administration of programs, including granting of funds, and services to youth, adults, and businesses that promote economic empowerment and decreases individual, community, and systemic barriers to employment and that respond to workforce development needs caused by the pandemic. The Cities anticipate other entities will also contribute funding to the Contracted Services as part of the overall workforce development program being implemented by the Cities ("Contracted Program").

4. Payment for Services. Contracted Services budgets include direct program staff time for the Contracted Services, plus a 10% administrative fee that can be applied to cover related overhead expenses, as provided in Exhibit B. Brooklyn Center agrees to provide payments in the amount reflected in the below payment schedule, as also reflected in Exhibit B:

    a. Annual Payments for Contracted Services:
        i. Upon Execution: $84, 666.00
        ii. January 31, 2023: $234,666.00
        iii. January 31, 2024: $184,666.00

    b. Brooklyn Park shall provide quarterly invoicing to Brooklyn Center, on a form provided by Brooklyn Center, based on the actual expenditures incurred by Brooklyn Park for the previous quarter associated with managing funds from Brooklyn Center for Contracted Services. Reimbursements to Brooklyn Park shall not exceed the following amounts for each year calendar year:
        i. 2022: $14,068.00

ii. 2023: $23,467.00
iii. 2024: $18,467.00

B. Brooklyn Park shall provide year-end reporting on the outcomes of each section of the Contracted Program.

C. Should any dispute arise over this Agreement, Brooklyn Center shall pay for any undisputed charges for the previous three (3) month period when due. Disputed amounts will be addressed by both parties. If no agreeable solution is reached, the dispute will be handled pursuant to Clause 21.

D. Brooklyn Center will make payment within thirty-five (35) days from receipt of the invoice. If the invoice is incorrect, defective, or otherwise improper, Brooklyn Center will notify Brooklyn Park within ten (10) days of receiving the incorrect invoice. Upon receiving the corrected invoice from Brooklyn Park, Brooklyn Center will make payment within thirty-five (35) days.

E. Brooklyn Park shall perform all Contracted Services hereunder to the satisfaction of Brooklyn Center, in accordance with the provisions herein, and in compliance with applicable law. If Brooklyn Center determines that Brooklyn Park has not complied with the foregoing, Brooklyn Center shall not have any obligation to pay Brooklyn Park for the non-complying services.

F. All expenditures and revenues governed by Brooklyn Park's budget as described in Exhibit B and all payments for contracted service costs are made subject to financial review by Brooklyn Center. This financial review shall be the final determination of if expenses meet the requirements under this Agreement and were for Contracted Services.

G. Payments shall be made pursuant to the provisions herein and Brooklyn Center's then applicable payment policies, procedures, rules and directions. Brooklyn Center is not responsible for remedying fraudulent or unauthorized payments requested in Brooklyn Park's name.

H. Failure to comply with the provisions of this Agreement shall be just cause for delaying payment until Brooklyn Park is in compliance. In the event of a decision to withhold payments, Brooklyn Center shall furnish prior written notice to Brooklyn Park.

I. Brooklyn Center may withhold from any payment due to Brooklyn Park any amount which is due and owing Brooklyn Center under this or any other agreement between the parties due to overpayment or as a result of an audit.

J. In the event that Brooklyn Center withholds payment for failure to comply with any of the provisions of this Agreement, then no interest penalty shall accrue against Brooklyn Center. If claims are made by Brooklyn Park that Brooklyn Center did not act in good faith in withholding payments as provided above, then such claims shall be handled as

a dispute pursuant to the Clause 21: Disputes. If an audit is required by Brooklyn Center before payment is to be made, then no interest shall accrue against Brooklyn Center until thirty-five (35) days after the audit is completed by Brooklyn Center.

5. Adjustment Of Payments. This cost reimbursement with settle-up contract is subject to financial adjustment. This adjustment will be completed for each budget period, based on Brooklyn Park's year-end financial reports and/or audit report, subject to audit by Brooklyn Center staff or consultants. All expenditures and revenues governed by Brooklyn Park's budget as described in Exhibit B and all payments for Contracted Service costs are subject to financial review by Brooklyn Center. Any resulting adjustment shall be paid by Brooklyn Park to Brooklyn Center within forty-five (45) days of receipt of billing from Brooklyn Center.

   A. Contract Adjustment. The amount of the contract adjustment to be returned to Brooklyn Center is Brooklyn Center's proportionate share of the total Contracted Program surplus calculated by using Brooklyn Center Contracted Program payments in proportion to total Contracted Program revenue. Categories of the Contracted Program are set forth in Exhibit B.

   B. Financial Accounting Principles:

      i. Financial Reports:

         a. Financial reports for each budget period must be on the accrual basis. Financial reports include a revenue and expense report for the total agency and a contracted program specific line item revenue and expense report.

         b. Brooklyn Park's independent audit must include a supplemental schedule which specifically identifies and itemizes the line item revenues and expenses for each Brooklyn Center contracted program with Brooklyn Park for each budget period as identified in the line item budget attached as Exhibit B.

         c. Brooklyn Park's accounting system and records must be able to specifically identify the revenues and expenses for each contracted program as set forth in Exhibit B and be able to produce the financial reports required in Clause 5.B.i.a.

         d. The accounting system should be capable of segregating expenses by program(s) or service type(s).

      ii. Administrative Allocations:

         a. Administrative (Management & General) expense allocations must be in accordance with the Contracted Services budget. The allocation of General Administrative expenses must be based on a specifically identified methodology which is consistent, verifiable, systematic, and reasonable.

b. The allocations must be in accordance with all applicable federal, state, and local statutes, regulations, rules, ordinances, and Brooklyn Center policies, now in force or as hereafter enacted; identified in the Contracted Services budget and supporting materials; and substantiated by Brooklyn Park's accounting policies and procedures.

c. Fundraising (Development) expenses, if applicable, must be in accordance with the Contracted Services budget. The allocation of fundraising expenses must be based on a method which is verifiable and explained in the line item budget substantiation.

d. Fundraising expenses cannot exceed fundraising revenues for the Contracted Services budget.

iii. Treatment of Other Revenues:

a. Definition: Other revenues are all revenues received (earned), other than Brooklyn Center payment under this Agreement, for the contracted program. Items included as other revenues but not limited thereto, are contributions, grants, fees for services, interest, investment income, and the allocation of indirect revenues per 5.B.iii.c., below.

b. Donor Restrictions: Donors may designate their contributions to be used for a specific purpose. The contribution shall be recorded as specified by the donor and Brooklyn Park must retain substantiation. Unless a donor restricts a contribution for a specific purpose, it will be treated as other unrestricted revenue.

d. Allocation of Indirect Revenues: Other revenues received that are not specifically and directly identifiable with the particular contracted program will be allocated to the contracted program

C. Close-Outs. Brooklyn Park's obligation to Brooklyn Center shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to: Brooklyn Park close-out certifications, submission of final reports, making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and accounts receivable), and determining the custodianship of records.

6. Suspension and Debarment. Brooklyn Park represents that neither it nor any of its principals has been debarred, suspended or determined ineligible to participate in federal assistance awards or contracts. Brooklyn Park further agrees that it will notify Brooklyn Center immediately if it or any of its principals is placed on the list of parties excluded from federal procurement or nonprocurement programs available at www.sam.gov.

7. Records.

A. Brooklyn Park shall maintain the following records:

i. Financial records through an accounting system which sufficiently and properly reflects all revenue received and all direct and indirect costs of any nature incurred in the performance of this Agreement as determined by Brooklyn Center. All financial transactions must have original supporting documentation.

ii. Performance, program and service delivery records, as required by Brooklyn Center and by the State of Minnesota. Such records may include, but not be limited to: demographic information; enrollment, attendance, and/or utilization information; and information about the type and amount of services provided, such as output and outcome information. Performance records shall be consistent with the performance measures contained in Exhibit A of this Agreement.

iii. An Accounting Policy and Procedure Manual as part of a sound financial accounting system.

B. Brooklyn Park shall maintain all program and financial records during the term of the Agreement and for six (6) years after its termination, cancellation or expiration for audit purposes. However, if Brooklyn Center furnishes written notice during this period requesting retention of records to allow completion of an audit by Brooklyn Center or its ultimate sources of funds, Brooklyn Park shall retain records for the period requested.

8. Financial and Other Reports. Brooklyn Park shall submit to Brooklyn Center such reports and back-up data as may be required by Brooklyn Center, Treasury, or any other entity with authority over the reporting of ARPA Funds, including without limitation such reports in accordance with the following schedule:

| REPORT | DEADLINE |
|---|---|
| Monthly Report | 20th day of each month for the preceding month's activity. |
| Annual Report | January 31 of 2023, 2024, and 2025. |
| Final Report | January 31, 2025. |

9. Improper Payments. Any item of expenditure by Brooklyn Park under the terms of this Agreement which is found by auditors, investigators, and other authorized representatives of Brooklyn Center, state of Minnesota, or authorized federal government agency, including but not limited to Treasury to be improper, unallowable, in violation of federal or state law or the terms of this Agreement, or involving any fraudulent, deceptive, or misleading representations or activities of Brooklyn Park, shall become Brooklyn Park's liability, to be paid by Brooklyn Park from funds other than those provided by Brooklyn Center under this Agreement or any other agreements between Brooklyn Center and Brooklyn Park.

10. Termination. Brooklyn Center may terminate this Agreement, if Brooklyn Park defaults under the terms of this Agreement and does not cure the default within thirty (30) days after written notice of the default.

A. If Brooklyn Park fails to perform any of the provisions of this Agreement, fails to administer the work so as to endanger the performance of the Agreement or otherwise breaches or fails to comply with any of the terms of this Agreement, it shall be in default. Unless Brooklyn Park's default is excused in writing by Brooklyn Center, Brooklyn Center may upon written notice immediately cancel or terminate this Agreement in its entirety. Additionally, failure to comply with the terms of this Agreement shall be just cause for Brooklyn Center to delay payment until Brooklyn Park's compliance. In the event of a decision to withhold payment, Brooklyn Center shall furnish prior written notice to Brooklyn Park.

B. Notwithstanding any provision of this Agreement to the contrary, Brooklyn Park shall remain liable to Brooklyn Center for damages sustained by Brooklyn Center by virtue of any breach of this Agreement by Brooklyn Park. Upon notice to Brooklyn Park of the claimed breach and the amount of the claimed damage, Brooklyn Center may withhold any payments to Brooklyn Park for the purpose of set-off until such time as the exact amount of damages due Brooklyn Center from Brooklyn Park is determined. Following notice from Brooklyn Center of the claimed breach and damage Brooklyn Park and Brooklyn Center shall attempt to resolve the dispute in good faith.

C. The above remedies shall be in addition to any other right or remedy available to Brooklyn Center under this Agreement, law, statute, rule, and/or equity.

D. Brooklyn Center's failure to insist upon strict performance of any provision or to exercise any right under this Agreement shall not be deemed a relinquishment or waiver of the same, unless consented to in writing. Such consent shall not constitute a general waiver or relinquishment throughout the entire term of the Agreement.

E. Upon written notice, Brooklyn Center may immediately suspend or cancel/terminate this Agreement in the event any of the following occur: (i) Brooklyn Center does not obtain anticipated funding from an outside source for this project; (ii) funding for this project from an outside source is withdrawn, frozen, shut down, is otherwise made unavailable or Brooklyn Center loses the outside funding for any other reason; (iii) Brooklyn Center determines, in its sole discretion, that funding is, or has become, insufficient; or (iv) if Brooklyn Center's final budget as approved by Brooklyn Center City Council changes the amount budgeted for this particular program or this service area for any portion of the term of this Agreement. Brooklyn Center is not obligated to pay for any services that are provided or costs or expenses or obligations incurred or encumbered after the notice and effective date of the suspension or cancellation/termination. In the event Brooklyn Center suspends, cancels or terminates this Agreement pursuant to this paragraph, Brooklyn Center shall pay any amount due and payable prior to the notice of suspension or cancellation/termination except that Brooklyn Center shall not be obligated to pay any amount as or for penalties, early

termination fees, charges, time and materials for services not then performed, costs, expenses or profits on work done.

F. This Agreement may be canceled/terminated with or without cause by Brooklyn Center upon thirty (30) days' written notice.

G. After receipt of a notice of cancellation/termination, and except as otherwise directed, Brooklyn Park shall:

i. Discontinue provision of Contracted Services under this Agreement on the date, and to the extent specified, in the notice of cancellation/termination.
ii. Cancel all orders and subcontracts to the extent that they relate to the performance of Contracted Services cancelled/terminated by the notice of cancellation/termination.
iii. Settle all outstanding claims and liabilities for orders and subcontracts existing at the time of the notice of cancellation/termination, provided, however, that the claims and liabilities for orders and subcontracts had been approved in writing by Brooklyn Center.

11. Independent Contractor. Brooklyn Park shall be for all purposes under this Agreement be an Independent Contractor. Nothing contained herein will be deemed to create an association, a partnership, a joint venture, or a relationship of principal and agent, or employer and employee between the parties. Brooklyn Park shall not be, or be deemed to be, or act or purport to act, as an employee, agent, or representative of Brooklyn Center for any purpose.

12. Indemnification. Brooklyn Park agrees to defend, indemnify and hold Brooklyn Center, its officers, officials, employees, agents and volunteers harmless from and against any and all claims, injuries, damages, losses or expenses including without limitation personal injury, bodily injury, sickness, disease, or death, or damage to or destruction of property, which are alleged or proven to be caused in whole or in part by an act or omission of Brooklyn Park, its officers, directors, employees, and/or agents relating to Brooklyn Park's performance or failure to perform under this Agreement. The section shall survive the expiration or termination of this Agreement.

13. Insurance. Brooklyn Park hereby agrees to maintain in force its present policy of commercial general liability insurance in compliance with Minnesota Statutes, Section 466, and professional liability coverage in the amount of at least $2,000,000 per occurrence for the term of this Agreement. Said policy shall be with an insurance company authorized to do business in Minnesota. If requested, Brooklyn Park will provide a certificate of insurance evidencing such coverage. Upon request, Brooklyn Center may shall be named as an additional insured on Bloomington's commercial general liability insurance only.

14. Compliance with Laws, Guidelines. Brooklyn Park shall comply with all federal, state, and local laws and all requirements (including debarment and other required certifications and audits) when seeking payment from Brooklyn Center and when performing the Contracted

Services under this agreement. The source of the funds for payment of services under this Agreement is from federal a federal source, Brooklyn Park is bound by and shall comply with applicable law, rules, regulations, applicable documentation, or other Brooklyn Center directives relating to the source and utilization of such funds.

15. Data Privacy And Security. Brooklyn Park, its officers, agents, owners, partners, employees, volunteers and Brooklyn Parks shall, to the extent applicable, abide by the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 ("MGDPA") and all other applicable state and federal laws, rules, regulations and orders relating to data or the privacy, confidentiality or security of data.

16. Maintenance and Audit of Records.

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

    B. Brooklyn Center Contact or other personnel of Brooklyn Center may conduct periodic site visits to determine compliance with this Agreement and evaluate the quality of services purchased under this Agreement. Such visits may be made with or without prior notice at any time within the hours of operation of Brooklyn Park.

    C. Brooklyn Center reserves the right to evaluate, and to authorize independent evaluations of the Contracted Services.

17. Independent Audits.

    A. Brooklyn Center requires Brooklyn Park to hire a Certified Public Accountant annually for the purpose of an Independent External Audit of Brooklyn Park's financial statements.

    B. Any time an independent audit is performed, Brooklyn Park shall provide to Brooklyn Center a full set of audited financial statements containing all disclosures required by Generally Accepted Accounting Principles (GAAP) and a copy of the Management Letter (Report on Internal Controls) from the independent auditor within thirty (30) days of completion, but not later than 180 days after the end of Brooklyn Park's accounting year.

18. Notices and Contacts.

A. Any notice desired or required to be given hereunder shall be in writing, and shall be deemed received three (3) days after deposit with the U.S. Postal Service, postage fully prepaid, certified mail, return receipt requested, and addressed to the party to which it is intended at its last known address, or to such other person or address as either party shall designate to the other from time to time in writing forwarded in like manner:

Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
Attn: _____

Brooklyn Park
5400 85th Avenue North
Brooklyn Park, MN 55443
Attn: Kimberly Berggren, Community Development Director

B. Contacts. Unless specified and agreed to in writing the following individuals shall be the primary point of contact for each party:

Brooklyn Center Contact: _____

Brooklyn Park Contact: Kimberly Berggren, Community Development Director

19. Improper Influence. Each party warrants that it did not and will not employ, retain, or contract with any person or entity on a contingent compensation basis for the purpose of seeking, obtaining, maintaining, or extending this Agreement. Each party agrees, warrants, and represents that no gratuity whatsoever has been or will be offered or conferred with a view towards obtaining, maintaining, or extending this Agreement.

20. Conflict of Interest. The elected and appointed officials and employees of the parties shall not have any personal interest, direct or indirect, which gives rise to a conflict of interest.

21. Disputes. In the event a dispute shall arise between Brooklyn Park and Brooklyn Center under any provision to this Agreement, Brooklyn Center Contact and Brooklyn Park Contact shall meet and negotiate, in good faith, to resolve the differences prior to commencing any legal proceeding. If negotiations fail, the dispute will submitted to non-binding mediation unless the parties mutually agree otherwise. The cost of mediation will be shared equally by the parties. If the parties are unable to resolve the dispute through mediation, the parties may pursue all remedies available under law.

22. Time. Time is of the essence in this Agreement.

23. Survival. The provisions of this Agreement that by their sense and purpose should survive expiration or termination of the Agreement shall so survive. Those provisions include without limitation Indemnification and Maintenance and Audit of Records.

24. Amendment. No amendment or modification to the Agreement will be effective without the prior written consent of the authorized representatives of the parties.

25. Non-Discrimination. Brooklyn Park shall not exclude any person from full employment rights nor prohibit participation in or the benefits of any program, service or activity on the grounds of any protected status or class including but not limited to race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status, or national origin. No person who is protected by applicable federal or state laws against discrimination shall be subjected to discrimination.

26. Governing Law. The Agreement will be governed in all respects by the laws of the state of Minnesota, both as to interpretation and performance, without regard to conflicts of law or choice of law provisions. Any action arising out of or in connection with the Agreement may be instituted and maintained only in a court of competent jurisdiction in Hennepin County.

27. Non-Waiver. No failure on the part of Brooklyn Center to exercise, and no delay in exercising, any right hereunder shall operate as a wavier thereof; nor shall any single or partial exercise by Brooklyn Center of any right hereunder preclude any other or further exercise thereof or the exercise of any other right. The remedies herein provided are cumulative and not exclusive of any remedy available to Brooklyn Center at law or in equity.

28. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors.

29. Assignment. Brooklyn Park shall not assign or transfer any of its interests in or obligations under this Agreement without the prior written consent of Brooklyn Center.

30. Subcontracting.

    A. Brooklyn Park shall not subcontract this Agreement and/or services to be performed, whether in whole or in party, without the prior written consent of Brooklyn Center. Permission to subcontract, however, shall under no circumstances relieve Brooklyn Park of its liabilities and obligations under the Agreement. Further, Brooklyn Park shall be fully responsible for the acts, omissions, and failure of its subcontractors in the performance of the specified contractual services, and of person(s) directly or indirectly employed by subcontractors. Contracts between Brooklyn Park and each subcontractor shall require that the subcontractor's services be performed in accordance with this Agreement. Brooklyn Park shall make contracts between Brooklyn Park and subcontractors available upon request. For clarification and not limitation of the provisions herein, none of the following constitutes assent by Brooklyn Center to a contract between Brooklyn Park and a subcontractor, or a waiver or release by Brooklyn Center of Brooklyn Park's full compliance with the requirements of this clause: (1) Brooklyn Center's request or lack of request for contracts between Brooklyn

Park and subcontractors; (2) Brooklyn Center's review, extent of review or lack of review of any such contracts; or (3) Brooklyn Center's statements or actions or omissions regarding such contracts.

B. As required by Minnesota Statutes, section 471.425, subd. 4a, Brooklyn Park shall pay any subcontractor within ten (10) days of Brooklyn Park's receipt of payment from Brooklyn Center for undisputed services provided by the subcontractor and Brooklyn Park shall comply with all other provisions of that statute.

31. Entire Agreement. This Agreement constitutes the entire agreement between Brooklyn Center and Brooklyn Park for the use of funds received under this Agreement and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written between the parties with respect to this Agreement.

32. No Third Party Beneficiaries. Nothing herein shall or be deemed to create or confer any right, action, or benefit in, to, or on the part of any person or entity that is not a party to this Agreement. This provision shall not limit any obligation which either party has to Treasury in connection with the use of ARPA Funds, including the obligations to provide access to records and cooperate with audits as provided in this Agreement.

33. Severability. In the event that one or more provisions of this Agreement shall be determined to be invalid by any court of competent jurisdiction or agency having jurisdiction thereof, the remainder of the Agreement shall remain in full force and effect and the invalid provisions shall be deemed deleted.

34. Counterparts. This Agreement may be executed in one or more counterparts, any of which shall be deemed an original but all of which together shall constitute one and the same instrument. Authorization. Each party signing below warrants to the other party, that they have the full power and authority to execute this Agreement on behalf of the party for whom they sign.

*[Remainder of page left intentionally blank]*

IN WITNESS WHEREOF, each of the parties has executed this Agreement by its duly authorized officer as of the day and year first written above.

**CITY OF BROOKLYN CENTER**

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

**CITY OF BROOKLYN PARK**

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

## List of Exhibits

**Exhibit A** Contracted Services

**Exhibit B** Financial Information and Budget

## Exhibit A

Contracted Services

Contracted Services shall include Brooklyn Park's administration of the Contracted Program on behalf of Brooklyn Center. This shall include utilizing funds disbursed under the Agreement, in a manner consistent with the Agreement, to accomplish the work and outcomes included in the 2022-2024 Workforce Development Framework included in this Exhibit A.

**Exhibit B**

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-___

**RESOLUTION APPROVING AND ENTERING INTO A JOINT POWERS AGREEMENT WITH THE CITY OF BROOKLYN PARK REGARDING WORKFORCE DEVELOPMENT INITIATIVES USING ARPA FUNDS**

WHEREAS, the city of Brooklyn Center ("City") and the city of Brooklyn Park ("Brooklyn Park") propose to enter into a joint powers agreement to provide for the administration of workforce development initiatives developed by both cities in a coordinated planning process; and

WHEREAS, under the terms of the agreement, the City will contract with Brooklyn Park to provide identified contracted services on behalf of the City to promote workforce development, especially in response to the negative impacts of the pandemic; and

WHEREAS, the cities are authorized by Minnesota Statutes, section 471.59, subdivision 10 to enter into agreement with each other for the provision of professional services; and

WHEREAS, the City received a total of $3,353,972 under the American Rescue Plan Act ("ARPA") and has elected to utilize the standard allowance provided for in the Department of the Treasury's Final Rule on use of ARPA funds; and

WHEREAS, the City has determined that use of a portion of its ARPA Funds to fund the proposed workforce development initiatives is an appropriate use of ARPA Funds as part of the provision of government services under the standard allowance; and

WHEREAS, the City wishes to enter into the proposed agreement to take advantage of both the efficiencies available to the City by coordinating workforce development efforts between the City and Brooklyn Park and the benefits associated with contracting the services out to Brooklyn Park rather than performing them using staff time.

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

1. The City of Brooklyn Center is hereby authorized to enter into the joint powers agreement with the city of Brooklyn Park, a copy of where is attached hereto as Exhibit A ("Agreement").

2. The Agreement presented to the City is hereby in all respects approved, subject to modifications that do not alter the substance of the Agreement and that are approved by the Mayor and the City Manager, provided that execution of any modifications or documents by such officials shall be conclusive evidence of approval.

3. City staff and officials are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to execute the Agreement and to accomplish the intent of this resolution.

_____ _____

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.