

*(Meeting to follow the Reconvened Board of Appeals and Equalization Meeting)*

## REGULAR CITY COUNCIL MEETING – AGENDA #17

If you need these materials in an alternative format or need reasonable accommodations for a City Council meeting, please provide the City with 72-hours' notice by calling 763-424-8000 or emailing Josie Shardlow at [josie.shardlow@brooklynpark.org](mailto:josie.shardlow@brooklynpark.org).  
Para asistencia, 763-424-8000; Yog xav tau kev pab, 763-424-8000.

***Our Vision: Brooklyn Park, a thriving community inspiring pride where opportunities exist for all.***

### ***Our Brooklyn Park 2025 Goals:***

***• A united and welcoming community, strengthened by our diversity • Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination • A balanced economic environment that empowers businesses and people to thrive • People of all ages have what they need to feel healthy and safe • Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper • Effective and engaging government recognized as a leader***

## I. ORGANIZATIONAL BUSINESS

### 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

**2. PUBLIC COMMENT AND RESPONSE 6:00 p.m.** Provides an opportunity for the public to address the Council on items which are not on the agenda. Public Comment will be limited to 15 minutes (*if no one is in attendance for Public Comment, the regular meeting may begin*), and it may not be used to make personal attacks, to air personality grievances, to make political endorsements or for political campaign purposes. Individuals should limit their comments to three minutes. Council Members will not enter into a dialogue with residents. Questions from the Council will be for clarification only. Public Comment will not be used as a time for problem solving or reacting to the comments made, but rather for hearing the residents for informational purposes only.

#### 2A. RESPONSE TO PRIOR PUBLIC COMMENT

#### 2B. PUBLIC COMMENT

**3A. APPROVAL OF AGENDA** (Items specifically identified may be removed from Consent or added elsewhere on the agenda by request of any Council Member.)

### 3B. PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

**3B.1** Mayor's Proclamation of May 4, 2023, as a Day of Prayer in the City of Brooklyn Park

**A.** PROCLAMATION

**3B.2** Asian Pacific American Heritage Month Proclamation

**A.** PROCLAMATION

**3B.3** Mayor's Proclamation Declaring the Month of May as "Mental Health Month" in the City of Brooklyn Park Mental Health Awareness Month Proclamation

**A.** PROCLAMATION

**3B.4** Women's History Proclamation

**A.** PROCLAMATION (*Proclamation to be provided Monday, April 24, 2023*)

## II. STATUTORY BUSINESS AND/OR POLICY IMPLEMENTATION

**4. CONSENT** (All items listed under Consent, unless removed from Consent in agenda item 3A, shall be approved by one council motion.) Consent Agenda consists of items delegated to city management or a commission but requires council action by State law, City Charter or city code. These items must conform to a council approved policy, plan, capital improvement project, ordinance or contract. In addition, meeting minutes shall be included.

**4.1** Conditional Use Permit #23-104 for a Farmers Market at 7411 85th Ave N

**A.** RESOLUTION

- B. LOCATION MAP
- C. APPLICANT SUBMISSION
- D. PLANS
- 4.2 Approval of Minutes
  - A. SPECIAL CITY COUNCIL MEETING MINUTES, MARCH 29, 2023 (CLOSED SESSION)
  - B. CITY COUNCIL WORK SESSION, APRIL 3, 2023
  - C. BOARD OF APPEAL AND EQUALIZATION MEETING MINUTES, APRIL 10, 2023
- 4.3 Approve the Bid Award for the 2023 Street Traffic Centerline Striping project on City Streets to Warning Lites
  - A. RESOLUTION
- 4.4 Approve an Agreement with InControl, Inc. for SCADA Operational Improvements at the Water Treatment Plant
  - A. RESOLUTION
  - B. PROPOSAL
- 4.5 Accept Bids and Award Contract for the Rehabilitation of Russell Lift Station to Pember Companies
  - A. RESOLUTION
  - B. LETTER OF RECOMMENDATION FROM BOLTON & MENK ENGINEERS
  - C. PROJECT LOCATION MAP
- 4.6 Tetrahydrocannabinol (THC) License for Lifted
- 4.7 Tetrahydrocannabinol (THC) License for Speedy Market
- 4.8 Tobacco License for Speedy Market
- 4.9 Tetrahydrocannabinol (THC) License for A & J Tobacco
- 4.10 Tobacco License for A & J Tobacco
- 4.11 Approve Joint Powers Agreement for Pets Under Police Security (PUPS)
  - A. RESOLUTION
  - B. AGREEMENT
- 4.12 Resolution Designating the Edge Christian Worship Center as the Polling Place for Precinct C-5 for the Elections to be Held in 2023 in the City of Brooklyn Park
  - A. RESOLUTION
  - B. 2023 POLLING PLACE MAP
  - C. RESOLUTION #2022-147
- 4.13 Second Reading of a Zoning Text and Map Amendment at the Northeast Quadrant of Jefferson Highway North and Decatur Drive North for an Application Made by Real Estate Equities
  - A. REZONING ORDINANCE
  - B. CITY COUNCIL MINUTES
  - C. TRANSPORTATION ENGINEER MEMO
  - D. LOCATION MAP
- 4.14 Environmental Health Enforcement Priorities
  - A. RESOLUTION
  - B. WORK SESSION PRESENTATION

The following items relate to the City Council's long-range policy-making responsibilities and are handled individually for appropriate debate and deliberation. (Those persons wishing to speak to any of the items listed in this section should fill out a speaker's form and give it to the City Clerk. Staff will present each item, following in which audience input is invited. Discussion will then be closed to the public and directed to the council table for action.)

- 5. PUBLIC HEARINGS  
None.
- 6. LAND USE ACTIONS  
None.
- 7. GENERAL ACTION ITEMS  
None.

III. DISCUSSION – These items will be discussion items but the City Council may act upon them during the course of the meeting.

- 8. DISCUSSION ITEMS  
None.

**IV. VERBAL REPORTS AND ANNOUNCEMENTS**

**9A. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS**

**9B. CITY MANAGER REPORTS AND ANNOUNCEMENTS**

**V. ADJOURNMENT**

Since we do not have time to discuss every point presented, it may seem that decisions are preconceived. However, background information is provided for the City Council on each agenda item in advance from city staff and appointed commissions, and decisions are based on this information and past experiences. If you are aware of information that has not been discussed, please raise your hand to be recognized. Please speak from the podium. Comments that are pertinent are appreciated. Items requiring excessive time may be continued to another meeting.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	3B.1	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Public Presentations/ Proclamations/Receipt of General Communications	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Mayor Hollies Winston
<b>Item:</b>	Mayor's Proclamation of May 4, 2023, as a Day of Prayer in the City of Brooklyn Park		

## City Manager's Proposed Action:

The Mayor shall proclaim May 4, 2023, as a "Day of Prayer" by one of the following:

1. "I, Hollies Winston, Mayor of the city of Brooklyn Park, Minnesota do hereby proclaim May 4, 2023, to be a "Day of Prayer" in the city of Brooklyn Park.

OR

2. By reading the proclamation.

## Overview:

The National Day of Prayer observance was created in 1952 by a joint resolution of Congress and signed into law by President Truman. Each year since then our president has called upon the citizens of our nation to pray, and in 1988 President Reagan established this day of prayer to be the First Thursday of May. The significance for us as a nation is that it enables us to recall and to teach the way in which our founders sought the wisdom of God when faced with critical challenges and decisions. It stands as a call for us to humbly come before God, seeking His guidance for our leaders and His grace upon us as a people.

Bishop Lee Brosius, Coordinator, Brooklyn Park National Day of Prayer, will be in attendance to receive the proclamation.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

3B.1A PROCLAMATION

**PROCLAMATION**

**PROCLAIMING MAY 4, 2023, AS  
A “DAY OF PRAYER”  
IN THE CITY OF BROOKLYN PARK**

WHEREAS, Prayer has been part of the American Heritage since the First Continental Congress in 1775; and

WHEREAS, a Public Law by the United States Congress in 1952 by a Joint Resolution and amended by Congress and President Ronald Reagan by public law 100-307 in 1988 affirmed it is essential to pray as a nation. It directed the United States President to set aside and proclaim the first Thursday of May annually as a “National Day of Prayer”; and

WHEREAS, May 4, 2023, has been set for the annual National Day of Prayer for our nation to express faith and exercise freedom to pray in public gatherings throughout our state and nation.

NOW, THEREFORE, BE IT RESOLVED that I, Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim May 4, 2023, as a “DAY OF PRAYER” in the City of Brooklyn Park and commend this observance to our citizens.

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Hollies Winston, Mayor



# City of Brooklyn Park

## Request for Council Action

<b>Agenda Item:</b>	3B.2	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Public Presentations/ Proclamations/Receipt of General Communications	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Dr. Marcellus Davis, Racial Equity Diversity, and Inclusion (REDI) Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Mayor Hollies Winston
<b>Item:</b>	Mayor's Proclamation of May 1-May 31, 2023, as "Asian Pacific American Heritage Month" in the City of Brooklyn Park		

### City Manager's Proposed Action:

The Mayor shall proclaim May 1-May 31, 2023, as "Asian Pacific American Heritage Month" by one of the following:

1. "I, Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota do hereby proclaim May 1- May 31, 2023, to be "Asian Pacific American Heritage Month" in the City of Brooklyn Park.

OR

2. By reading the proclamation.

### Overview:

Asian Pacific American Heritage Month takes place May 1 to May 31 every year as a time to recognize and celebrate the many contributions, diverse cultures, and extensive histories of the Asian Pacific American community. Beginning in 1978, Asian Pacific American Heritage Month was originally observed as "Asian Pacific American Heritage Week" under President Jimmy Carter, but it was later extended to a month during President George H.W. Bush's term in 1990.

Since then, the month has been celebrated nationwide through festivals, art shows, conferences, community gatherings, and much more. The month of May commemorates the arrival of the first Japanese immigrants to the United States on May 7, 1843, and to mark the anniversary of the completion of the transcontinental railroad on May 10, 1869. The majority of the workers who laid the tracks were Chinese immigrants. In 2013, Governor Mark Dayton proclaimed May 14 as Minnesota's Hmong American Day. These holidays also recognize the contributions from Asian Americans and Pacific Islanders who have helped shape the history of the United States.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

### Attachments:

3B.2A PROCLAMATION

# PROCLAMATION

## PROCLAIMING MAY 1 THROUGH MAY 31, 2023, AS “ASIAN PACIFIC AMERICAN HERITAGE MONTH” IN THE CITY OF BROOKLYN PARK, MINNESOTA

WHEREAS, nearly 19 percent of Brooklyn Park residents are of Asian or Pacific Islander descent, according to the July 2020 United States Census Bureau; and

WHEREAS, more than 20 million people of Asian or Pacific Islander descent live in the United States, according to the 2021 American Community Survey; and

WHEREAS, the history of North America is shaped by the stories of immigrants from Asia and the Pacific and the native people of the Pacific Islands; and

WHEREAS, some of the earliest Asian immigrants arrived from China, Japan, India, and Korea; immigration reforms tied to U.S. civil rights legislation brought even more groups to the United States—such as Vietnamese, Cambodians, Laotians, Indonesians, Hmong and other people from South and Central Asia; and

WHEREAS, Asian immigrants contributed significantly to the history of American nation-building and westward expansion; and

WHEREAS, the month of May commemorates the arrival of the first Japanese immigrants to the United States on May 7, 1843; and

WHEREAS, beginning in 1978, Asian Pacific American Heritage Month was originally observed as “Asian Pacific American Heritage Week” under President Jimmy Carter, but it was later extended to a month during President George H.W. Bush’s term in 1990.

WHEREAS, in 2013, Governor Mark Dayton proclaimed May 14 as Minnesota’s Hmong American Day.

NOW, THEREFORE, I, Hollies Winston, on behalf of the City Council, city staff, residents, and the community at-large, do hereby proclaim May 1 through May 31, 2023, as Asian Pacific American Heritage Month in Brooklyn Park to recognize and celebrate the many contributions, diverse cultures, and extensive histories of the Asian Pacific American community.



5200 85<sup>th</sup> Avenue North  
Brooklyn Park, MN 55443

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Hollies Winston, Mayor

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	3B.3	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Public Presentations/ Proclamations/Receipt of General Communications	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Kari Kraft, HR Specialist – Workforce Development, Human Resources Division, Administration Department
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Hollies Winston, Mayor
<b>Item:</b>	Mayor’s Proclamation Declaring the Month of May as “Mental Health Month” in the City of Brooklyn Park		

## City Manager’s Proposed Action:

The Mayor shall proclaim the Month of May as “Mental Health Month” in the City of Brooklyn Park by one of the following:

1. “I, Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim the Month of May 2023 as “Mental Health Month” in the City of Brooklyn Park.”

OR

2. By reading the proclamation.

## Overview:

In May 2023, communities throughout the United States will join with Mental Health America to proclaim the month of May “Mental Health Month.” The focus of this year’s mental health awareness and education campaign is to “Look Around and Look Within” as we consider every part of our environment and its effect on our mental health and overall well-being. From your neighborhood to genetics, many factors come into play when it comes to mental health conditions. What we know for sure is that there are many factors that contribute to mental well-being, and we all benefit from:

- Having safe, stable, and healthy home conditions
- A strong sense of community within our neighborhoods
- Spending time in nature
- Having ready access to needed services

A formal proclamation is one of the ways the City of Brooklyn Park can show its support for our community of employees.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

3B.5A PROCLAMATION

# **PROCLAMATION**

## **DECLARING THE MONTH OF MAY “MENTAL HEALTH MONTH 2023” IN THE CITY OF BROOKLYN PARK**

WHEREAS, the area that someone lives in plays a significant role in their overall health and well-being; and

WHEREAS, surroundings can impact if, how, and when a person’s needs are met, which in turn affects mental health; and

WHEREAS, having safe, stable, and healthy home conditions set the foundation for achieving and maintaining good mental health; and

WHEREAS, with early and effective interventions, those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, each business, school, government agency, health care provider, organization, and citizen shares the burden of mental health problems and has a responsibility to promote mental wellness and support prevention efforts.

NOW, THEREFORE, I, Hollies Winston, Mayor of the City of Brooklyn Park, do hereby proclaim May 2023 as Mental Health Month in the City of Brooklyn Park.

BE IT FURTHER RESOLVED that the Mayor and Council Members urge the citizens, government agencies, public and private institutions, businesses, and schools in the State of Minnesota to recommit our community to increasing awareness and understanding of mental health, the steps our employees can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.

\_\_\_\_\_  
Hollies Winston, Mayor



5200 85<sup>th</sup> Avenue North  
Brooklyn Park, MN 55443

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	3B.4	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Public Presentations/ Proclamations/Receipt of General Communications	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Dr. Angel Smith, Assistant City Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Mayor Hollies Winston
<b>Item:</b>	Mayor's Proclamation to recognize and honor the Month of March 2023, as a Women's History Month in the city of Brooklyn Park		

## City Manager's Proposed Action:

The Mayor shall recognize and proclaim the Month of March, 2023, as a "Women's History Month" by one of the following:

1. "I, Hollies Winston, Mayor of the city of Brooklyn Park, Minnesota do hereby recognize and proclaim the month of March 2023, to be a "Women's History Month" in the city of Brooklyn Park.

OR

2. By reading the proclamation.

## Overview:

Women's History Month had its origins as a national celebration in 1981 when Congress passed Public Law 97-28 which authorized and requested the President to proclaim the week beginning March 7, 1982, as "Women's History Week." Throughout the next five years, Congress continued to pass joint resolutions designating a week in March as "Women's History Week." In 1987 after being petitioned by the National Women's History Project, Congress passed Public Law 100-9 which designated the month of March 1987 as "Women's History Month." Between 1988 and 1994, Congress passed additional resolutions requesting and authorizing the President to proclaim March of each year as Women's History Month. Since 1995, presidents have issued a series of annual proclamations designating the month of March as "Women's History Month." These proclamations celebrate the contributions women have made to the United States and recognize the specific achievements women have made over the course of American history in a variety of fields.

Following a conversation with the city council at the April Work Session where a discussion took place on what holidays and events the city should recognize a decision was made to recognize Women's History Month going forward.

The Mayor and Council recognized this event was in March, however, they felt a public proclamation should be made given the importance of Women's History Month.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:**

3B.4A PROCLAMATION (*Proclamation to be provided Monday, April 24, 2023*)

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.1	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	X	<b>Prepared By:</b>	Erin McDermott, Associate Planner
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	4	<b>Presented By:</b>	Paul Mogush, Planning Director
<b>Item:</b>	Conditional Use Permit #23-104 for a Farmers Market at 7411 85 <sup>th</sup> Ave N		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE RESOLUTION 2023 - \_\_\_\_\_ FOR THE APPROVING A CONDITIONAL USE PERMIT FOR A FARMERS MARKET AT 7411 85<sup>TH</sup> AVENUE NORTH.

## Overview:

The City of Brooklyn Park's Recreation and Parks Department is requesting approval of a Conditional Use Permit (CUP) to operate a farmers market in the southwestern parking lot of North Hennepin Community College. There are two potential locations. Both are located on the western side of the parking lot to increase visibility along West Broadway. Option 1 is in the northwest quadrant of the parking lot, with space for 15 farmers market vendors, and 16 non-food community members. Option 2 is in the southwest quadrant of the parking lot, with space for 12 farmers market vendors and 12 non-food community members.

With the sustainability improvement to City Code in 2012, farmers markets are now a conditional use in all non-residential zoning districts. This year the market would operate from 2:00-6:00 p.m. every Wednesday from July 12 to October 11. The applicant is proposing a maximum of 25 vendors/booths. Staff is proposing a condition to allow the operation of this use from June 1 to October 31 every year, as the dates may vary slightly from year to year.

Each vendor will work with the Parks Department and Environmental Health to ensure proper licensing and sale practices. The Recreation and Parks Department will provide trash cans and has a Memorandum of Understanding in place with the property owner, North Hennepin Community College, to provide for the operations of the farmers market and to make the building available for restrooms.

Vendors are provided with a market stall space that is approximately 5 standard parking spaces wide to park a vehicle and have a produce table. There are two potential locations, each taking up approximately a quarter of the parking lot. This will allow for event parking, as well as student parking in most of the parking lot. The operator in partnership found this to be adequate based on the estimated volume of vehicles anticipated on site, including possible traffic for live music anticipated on site as part of a NHCC program. No parking is allowed on West Broadway.

## Planning Commission

The Brooklyn Park Planning Commission heard this request and held a public hearing at the April 8, 2023 Planning Commission Regular Meeting. There was one member of the public present to speak in favor of this application. The Planning Commission voted unanimously (7-0) in favor of recommending approval of this request.

**Previous Approvals**

The City has been operating a farmer’s market since 2007, which was operated for the past 3 seasons in the old library and operated at the Zane Sports Park for the 13 seasons previous. The farmers market was operated with a CUP in the previous locations, however, with the plans for the old library to be demolished with a fire station anticipated to be built in its place a new location was needed to continue to operate this program.

**Current Conditions**

The subject property is 74.98 acres and is located west of West Broadway. The site is developed with the North Hennepin Community College Campus. The subject property is bordered on both the east and west sides by single family residential neighborhoods, with Tessman Park to the south. This site is accessible by pedestrians and will be adjacent to the planned light rail station planned for the intersection at 85<sup>th</sup> Avenue and West Broadway.

Future Land Use Plan	Institution and Light Rail Station Area
Current Zoning	PI – Public Institution
Neighborhood	Candlewood
Site Area	74.98 Acres
<b>Conforms to:</b>	
Land Use Plan	Yes
Zoning Code	Yes
Notification	235 Public Hearing Notices mailed ¼ mile radius
Timeline (MN §15.99)	
60-day	May 1, 2023
120-day	June 30, 2023

**Land Use/Zoning and Overlay**

The site is zoned PI – Public Institution and is within the Candlewood neighborhood. The future land use for the property is Institution and Light Rail Station Area. The subdivision to the west beyond West Broadway is zoned R4 – Detached Single and Attached Two-Family Residential District, the property to the south is zoned PI – Public Institution, and the subdivision to the east is zoned R3 – Detached Single-Family Residential.

**Conditional Use Permit**

Farmer’s markets are considered conditional uses in non-residential districts (§ 152.361.01). Conditional uses must be reviewed against the standards of the Code as reviewed below (§ 152.035):

**(D) Review Standards. The request may address the following factors, although the City Council, the Planning Commission, and city staff has the authority to request additional information from the applicant concerning operational factors pertaining to the proposed use or to retain experts with the consent and at the expense of the applicant concerning operational factors, when necessary to establish performance conditions to effect the intent of this chapter.**

**(1) Comprehensive Plan. Compliance with the Comprehensive Plan, public facilities and capital improvement plans, and all sections of the City Code.**

The Future Land Use of the Brooklyn Park 2040 Comprehensive Plan guides the property as Institutional, and Light Rail Station Area. The proposed farmers market is a City run program open to the public to benefit the residents of the City and is consistent with the Comprehensive Plan. This use will bring affordable produce to a location that will be serviced by the light rail in the future, making locally sourced produce more accessible to the community.

- (2) ***Traffic.*** The generation and characteristics of the traffic associated with the use and its impact on the traffic volumes of and safety associated with driveway location on adjacent roads, sidewalks, and trail connections.

This request is located at the corner of 85<sup>th</sup> Avenue and West Broadway. Vehicular access to the site will be from two locations along West Broadway. The application was reviewed against the City's traffic standards, and the City's transportation engineer determined at there will be no substantial impact as this use will generate less traffic than the site was designed for during the school year.

- (3) ***Parking.*** The characteristics of the parking area of the use, including the number and design of parking spaces, landscaping, traffic circulation, drainage, and lighting. The city may require additional parking above that required in § 152.140 through 152.146.

No additional parking is required for this use. The existing parking on this site is adequate for all uses on the property to run concurrently without the risk of not having enough parking. Vendors and customers will be able to park adjacent to the proposed locations for the farmer's market, allowing for easy access to the market by automotive traffic.

- (4) ***City services.*** The provision of adequate public facilities and services to the site where the use is proposed and the ability of the existing infrastructure to absorb the additional demand for city services.

No additional city services are required by this use.

- (5) ***Screening and landscaping.*** The ability to screen and buffer incompatible off-site impacts of the proposed use on adjacent property and the surrounding neighborhood. The city may require additional landscaping or screening above that required in the specific zoning district.

Screening for this site is appropriate for the zoning and use, as approved at the time of development. The farmer's market is a seasonal temporary use, for which there is no permanent screening required by code.

- (6) ***Architectural standards.*** The degree that the site or building associated with the proposed use meets or exceeds the architectural design and landscaping standards for the district in which it is located. The city may require additional architectural standards above those required in the specific zoning district.

Buildings are not proposed with this CUP.

- (7) ***Other sections of the city code.*** The applicant may be required to submit additional information demonstrating that the development is able to comply with any other applicable section of this chapter or the city code.

Additional standards for farmers markets are established in City Code 152.362 (G). Staff has reviewed the application against these standards and determined this request meets all applicable standards specific to farmers markets as adopted. The standards are as follows:

- No portion of the use or event shall take place within 200 feet, as measured in a straight line from the closest point of the property line of the property upon which the farmers market is located, to the property line of any R-1 zoned property with residential buildings.
- A farmer's market shall be conducted only within a parking lot that has a minimum of 200 off-street parking spaces. It is not required that all 200 spaces be used for the market.
- Parking and display areas associated with the sale shall not distract or interfere with existing operations or traffic circulation patterns.
- Display areas and parking spaces shall use those parking lot spaces that are in excess of the minimum required parking for the primary use of that property.
- A farmer' market shall provide one and one-half parking stalls per producer and one-half parking stalls per producer.
- Sales merchandise trailers, temporary stands, etc., shall be located on an asphalt or concrete surface.
- The owner/operator shall have the written permission of the current property owner to locate on a specific site.
- No uses or displays shall be permitted in required green areas, parking setback areas, or any right-of-way or other public property.
- Signage shall be limited to one sign not to exceed 32 square feet. The sign may be a banner, shall have a professional appearance, and shall be mounted in an appropriate location. The sign may be illuminated but must comply with all requirements of Chapter 30 of this title.
- All lighting shall comply with the lighting standards of Chapter 150 of the City Code.
- All producer merchandise shall be unloaded prior to the opening of the market and confined to the off-street parking lot area. No on-street parking or unloading shall be allowed.
- No public address system or speakers shall be used.
- The site shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk, or other waste, which results in offensive odors or unsightly conditions.
- Display of items shall be arranged in as compact a manner as reasonably practicable with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
- All products, materials, quantities to be sold or displayed, and the dates, times and duration of the market must be approved by the City Council.
- If the farmers market is operated by a person other than the property owner, the property owner must notify the city of the full name, address, date of birth and telephone number of the operator in writing. The property owner is responsible for the actions of the operator and for compliance with the conditions of this section.

The required findings of § 152.035 have been addressed and Staff recommends approval of both CUPs.

### **Pedestrian Connections**

This site has pedestrian access from West Broadway, 85<sup>th</sup> Avenue, and from walking trails to the south from Tessman Park

### **Conditions of Approval**

Staff recommends the adoption of Resolutions #23-\_\_\_ Approving a Conditional Use Permit for a Farmer's Market at 7411 85<sup>th</sup> Avenue North with the following conditions:

1. The farmer's market is authorized to operate from the hours of 12pm to 6:45pm, with the public sales on site operating from 2pm – 6pm, from June 1<sup>st</sup> to October 31<sup>st</sup> each year.

2. The farmer's market may operate from the proposed locations as needed to accommodate the number of vendors on site.
3. The restrooms inside North Hennepin Community College must be accessible to the public during market hours.
4. Accessible parking spaces must be provided.
5. Trash cans must be provided, and the site must be kept clean.
6. All sales and displays must be on a paved surface.
7. All temporary signs must follow City Code.

Staff recommends the adoption of Resolutions 23-\_\_\_\_ Approving a Conditional Use Permit for a farmer's market at 7411 85<sup>th</sup> Avenue North.

**Primary Issues/Alternatives to Consider:**

1. Approve the CUP as presented.
2. Approve the CUP with modifications.
3. Deny the CUP based on certain findings.

**Budgetary/Fiscal Issues:** None

**Attachments:**

- 4.1A RESOLUTION
- 4.1B LOCATION MAP
- 4.1C APPLICANT SUBMISSION
- 4.1D PLANS

RESOLUTION #2023-\_\_\_\_

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A FARMERS MARKET AT  
7411 85<sup>TH</sup> AVENUE

Planning Commission File #23-104

WHEREAS, the Brooklyn Park Recreation and Parks Department, with permission from North Hennepin Community College, made an application for a Conditional Use Permit for a farmers' market on property legally described as:

*Unplatted 20 119 21 East Half of the Northwest Quarter  
Except Roads*

; and

WHEREAS, the matter has been referred to the Planning Commission who have given their advice and recommendation to the City Council; and

WHEREAS, the effect of the proposed use upon the health, safety and welfare of surrounding lands, existing and anticipated traffic conditions and its effect on properties in the neighborhood have been considered.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that a Conditional Use Permit be granted for a farmers' market, subject to the following conditions:

1. The farmer's market is authorized to operate from the hours of 12pm to 6:45pm, with the public sales on site operating from 2pm – 6pm, from June 1<sup>st</sup> to October 31<sup>st</sup> each year.
2. The farmer's market may operate from the proposed locations as needed to accommodate the number of vendors on site.
3. The restrooms inside North Hennepin Community College must be accessible to the public during market hours.
4. Accessible parking spaces must be provided.
5. Trash cans must be provided, and the site must be kept clean.
6. All sales and displays must be on a paved surface.
7. All temporary signs must follow City Code.

This Conditional Use Permit expires one year from the date of approval unless all conditions are met. This resolution must be recorded with Hennepin County Taxpayer Services (County Recorder) before the area can be used.



Site  
Location

**Conditional Use Permit**  
**Case #23-104 – NHCC Farmers Market**  
 Area of Request (Spring 2018 Air Photo)  
 7411 85<sup>th</sup> Ave North



**Brooklyn Park** 

## Erin McDermott

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**From:** Kelly Becker  
**Sent:** Thursday, March 2, 2023 10:04 AM  
**To:** Erin McDermott; Amber Turnquest  
**Subject:** CUP Farmers Market Location Change

Hi Erin & Amber,

Below is what I sent to NHCC for the Farmers Market location proposal – just sent another email this morning letting them know that we need the official – YES – from them to move this forward – sounds like all parties are on board on the NHCC end from the conversations we've had.

Is there anything else that you need as far as info for the CUP for the planning commission?

Thanks for your help / guidance!

~ Kelly

The City of Brooklyn Park Farmers Market is looking to host vendors and community shoppers in a new location for the 2023 market. The market has been held in the old library parking lot for the past 3 seasons and prior to that was held in the Zane Sports Park parking lot for 13 seasons. Although the old library parking lot has met logistical needs, it lacks visibility from a main road and parking can be challenging at times due to activities within the Community Activity Center and a shared parking lot. There are plans to be made to the old library site that include tearing down the existing structure and building a new fire station in that location. This would displace the farmers market and the timeline for this proposed project is unknown.

For the 2023 Farmers Market season Recreation & Parks staff would like to move the market to the North Hennepin Community College parking lot off of West Broadway. There are several benefits to NHCC and the City by making this move.

### Brooklyn Park Farmers Market

- Wednesdays, July 12 – October 11, 2023
- 2 – 6 pm
- Vendor set-up 12:30 pm, take-down by 6:45 pm
- Proposal for up to 25 vendors – produce & cottage food license
- MN Grown Licensed
- Food Trucks on site
- Community groups sharing resources at the market – set-up through BP Community Engagement
- Music on-site at NHCC after the market at 6 pm

### Who Provides What...

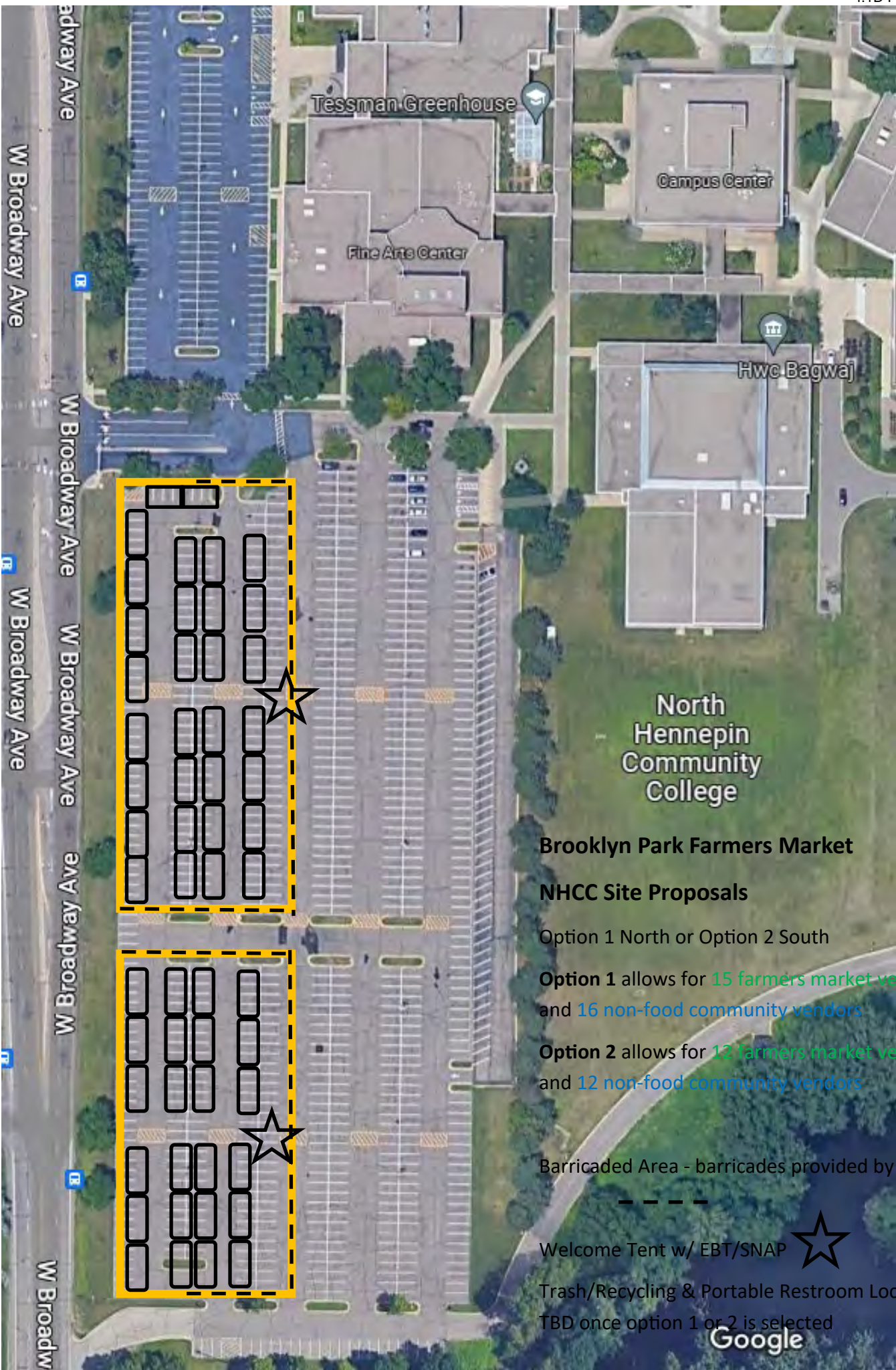
City of Brooklyn Park	North Hennepin Community College	Market Vendors
<ul style="list-style-type: none"> <li>▪ Marketing &amp; Signage</li> <li>▪ Street Sweep Parking Lot</li> <li>▪ Mark Vendor Stalls</li> <li>▪ Garbage &amp; Recycling Cans &amp; Wkly Removal</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parking Lot Space</li> <li>▪ Increase Community Awareness of Offerings at NHCC</li> <li>▪ Possible Nutrition Demonstrations</li> </ul>	<ul style="list-style-type: none"> <li>▪ Tent with Weights</li> <li>▪ Tables</li> <li>▪ Chairs</li> <li>▪ Product</li> </ul>

<ul style="list-style-type: none"><li>▪ Barricade Lot</li><li>▪ 2 On-Site Staff Weekly</li><li>▪ Host Tent with Weights</li><li>▪ Tables &amp; Chairs</li><li>▪ EBT/SNAP Program</li><li>▪ Market Bucks Program</li><li>▪ Book Food Trucks</li></ul>	<ul style="list-style-type: none"><li>▪ Possible Health Sciences Dept Demos</li></ul>	
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**Kelly Becker** (Mertes), **CPRP**  
Recreation and Parks | Recreation Supervisor  
763-493-8254 | [kelly.becker@brooklynpark.org](mailto:kelly.becker@brooklynpark.org)



5600 85th Avenue N, Brooklyn Park, MN 55443



North Hennepin Community College

**Brooklyn Park Farmers Market  
NHCC Site Proposals**

Option 1 North or Option 2 South

**Option 1** allows for 15 farmers market vendors and 16 non-food community vendors

**Option 2** allows for 12 farmers market vendors and 12 non-food community vendors

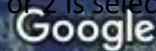
Barricaded Area - barricades provided by CoBP

Welcome Tent w/ EBT/SNAP



Trash/Recycling & Portable Restroom Location

TBD once option 1 or 2 is selected



# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.2	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	3	<b>Presented By:</b>	Devin Montero
<b>Item:</b>	Approval of Minutes		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF MARCH 29, 2023, AS PRESENTED BY THE CITY CLERK.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION OF APRIL 3, 2023, AS PRESENTED BY THE CITY CLERK.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE THE MINUTES OF THE BROOKLYN BOARD OF APPEAL AND EQUALIZATION MEETING OF APRIL 10, 2023, AS PRESENTED BY THE CITY CLERK.

**Overview:** N/A

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

## Attachments:

- 4.2A SPECIAL CITY COUNCIL MEETING MINUTES, MARCH 29, 2023 (CLOSED SESSION)
- 4.2B CITY COUNCIL WORK SESSION, APRIL 3, 2023
- 4.2C BOARD OF APPEAL AND EQUALIZATION MEETING MINUTES, APRIL 10, 2023

SPECIAL BROOKLYN PARK CITY COUNCIL MEETING

Wednesday, March 29, 2023  
4:30 p.m.

Brooklyn Park City Hall  
Council Chambers  
5200 85th Avenue North

CALL TO ORDER – Mayor Hollies Winston

PRESENT: Mayor Hollies Winston; Council Members Christian Eriksen, Maria Tran, Xp Lee and Boyd Morson, Nichole Klonowski; City Manager Jay Stroebel; Assistant City Manager Dr. Angel Smith and Facilitators Kari Kraft and Josie Shardlow.

ABSENT: None.

II TEAM BUILDING

From 4:30 p.m. to 6:30 p.m. Facilitator Kari Kraft conducted Insights Discovery activities for the Mayor and Council.

At 6:30 p.m. Council Members ate dinner.

III GENERAL DISCUSSION OF CITY GOALS AND PRIORITIES

At 7:18 Zack Zembra presented the BP 2025 Story Map.

At 7:24 pm to 9:30 pm,

Also Present: City Manager Jay Stroebel; Assistant City Manager Dr. Angel Smith, Police Chief Mark Bruley, Fire Chief Shawn Conway Finance Director LaTonia Green, Operations and Maintenance Director Dan Ruiz, Community Development Director Kim Berggren, Recreations and Parks Director Brad Tullberg, Communications Manager Risikat Adesaogun; Racial Equity Diversity and Inclusion Manager Marcellus Davis, HR Director Sarah Kriewall; IT Manager Keith Ehrlichman, City Clerk Devin Montero.

At 7:24 p.m. the Council/SMT prioritization discussion was facilitated by Josie Shardlow. She briefed on the next part of the council retreat with council and staff.

- Retreat Goals, background on SMT retreat, agenda, agreements
- SOCA (strengths, opportunities, current circumstances, aspirations) conversations
- Goal conversations – getting input from Council on priorities
- Group prioritization dotmocracy

At 7:31 Facilitator Shardlow conducted the SOCA (strengths, opportunities, current circumstances, aspirations) conversations with the council and staff.

**Strengths:** Diversity; Size & growth; Parks; Transparency; United; Public safety strategy; Staff reputation; Community Engagement/engaged residents;

**Opportunities:** NW corridor and Brooklyn Blvd development/re-development opportunities; Regain public trust; Interdisciplinarity; Retail and restaurants; Leading on youth; Push legislative

BROOKLYN PARK SPECIAL COUNCIL MEETING; MARCH 29, 2023...Page 2

agenda; Build destinations; Public input on BLRT and 252

**Current Circumstances:** Inflation; Growing pains and racial undercurrent; HP and aging apartments; Pandemic recovery; Competing financial needs; Bureaucrats—outdated system; ARPA; High housing costs; Violent crime—limited resources; Misconception of diversity; Rumor mill—lack of funding; New Council; Lack of infrastructure south of 85<sup>th</sup>

**Aspirations:** Procurement diversity; Getting it right & doing it right; Juvenile continuum of care; Lower crime and increased sense of safety; Revisiting ordinances; Increased community involvement; Violence Prevention Manager; REDI River Map; Spend \$ here; All problems are our problems (culture change); BP leads NW suburbs; Improved image

At 7:44 p.m. Ms. Shardlow conducted a Goal Prioritization with the staff and council. Designated staff were assigned to the 6 goals and asked questions to council members visiting each goal and wrote answers on a flipchart.

- 1. Which strategies/projects are you glad to see listed that you want to affirm or show support for? (Underline/circle on the inventory)*
- 2. Which strategies/projects do you have questions or concerns about? (Answer the questions/concerns as you can, note outstanding pieces on the inventory or here)*
- 3. What's missing? What current or potential strategies/projects would be impactful that you don't see on the list?*
- 4. When thinking about the community's needs in this goal area, with which strategies/projects can we make the biggest impact as a city? These could be from the inventory list or new items.*

At 8:45 p.m. staff and council returned to their chairs and staff reported on their conversations with the council and their top 2 items written on the flip chart.

Subgoal/Project/Initiatives:

Reimagining public safety; International food hub and entertainment destination; Promote positive image through centralized communication; Increase tax revenue through development REDI Initiative; Allocate money for cultural media; Residents and visitors support an abundance of retail, restaurants, and entertainment venues; Employee belonging, wellness, and retention; Inclusive and intentional support of all areas of diversity; Intentional, on purpose and with purpose customer service to residents and visitors; Language accessibility; Build bridges that allow people to access opportunities and resources; without being judged  
Park improvement projects; Water quality; Apartment Action Plan; Small Business Center Food industry and public health connection; Address homeownership disparities; (lessen restrictions on EDA homeowner programs); CEI Trust participation; Prevailing wage

At 9:02 p.m. staff and council members placed dots on items written on the flip charts as a final prioritization.

## BROOKLYN PARK SPECIAL COUNCIL MEETING; MARCH 29, 2023...Page 3

	NUMBER OF DOTS
Reimagining public safety	10
International food hub and entertainment destination	8
Promote positive image through centralized communication	6
Increase tax revenue through development	6
REDI Initiative	6
Allocate money for cultural media	3
Residents and visitors support an abundance of retail, restaurants, and entertainment venues	3
Employee belonging, wellness, and retention	3
Inclusive and intentional support of all areas of diversity	2
Intentional, on purpose and with purpose customer service to residents and visitors	2
Language accessibility	2
Build bridges that allow people to access opportunities and resources without being judged	1
Park improvement projects	1
Water quality	1
Apartment Action Plan	1
Small Business Center	1
Food industry and public health connection	1
Address homeownership disparities (lessen restrictions on EDA homeowner programs)	1
CEI Trust participation	1
Prevailing wage	1

At 9:20p.m. discussions were held on the rankings.

At 9:26 p.m. City Manager Stroebel on the retreat and thank everyone for their participation and engagement in the retreat activities.



## REGULAR BROOKLYN PARK CITY COUNCIL WORK SESSION

Monday, April 3, 2023

Brooklyn Park City Hall  
Room A203  
5200 85th Avenue North

6:00 p.m.

CALL TO ORDER – Mayor Hollies Winston

PRESENT: Mayor Hollies Winston, Council Members Christian Eriksen, Boyd Morson, Xp Lee, , Boyd Morson; Nichole Klonowski; City Manager Jay Stroebel; Director LaTonia Green; Community Development Director Kim Berggren; Recreation and Parks Director Brad Tullberg; Communications Manager Risikat Odesaogun, City Assessor Tracy Bauer-Anderson; and City Clerk Devin Montero

ABSENT: None.

### **C. DISCUSSION ITEMS/GENERAL ACTION ITEMS:**

#### **C.1 Newspaper Designation**

Risikat Adesaogun, Communications Manager briefed the council on the newspaper designation with a PowerPoint presentation. She gave a background related to the January 9 Council meeting; gave highlights from Minnesota Statute 331A.04; gave examples of official notices in the Sun Post; information about the Sun Post, Sun Post drop sites, Factors to consider when selecting an official newspaper; Reminders of the official newspaper designation process; Outlet comparisons, and Staff Recommendation.

Council Member Morson referred to the Factors slide and stated they failed 3 out of the 5 factors, Cultural Relevance, Reach, and Demographics. He stated that on staff's recommendation, mentioned the city sharing with the Sun Post and partnering with them to reach other demographics. He stated that was not the city's business and was their business. If they chose not to do that, the city was not there to run their business. He stated if they chose not to be involved with any cultural aspect of the community that's what the Sun Post had chosen to do for last 7 years. He stated he did not find relevancy in the staff's recommendation. He didn't see how staff saw them run their paper. He stated if the city was just there for legal publications all the other things put up in the slide was irrelevant. He stated the city trying to hand hold them to do something was not the city's position to do because they chose to do what they chose to do and the input on expanding reach to them was helping them promote their business and was what they were failing to do once again.

Communications Manager Adesaogun stated he should consider the bottom line costs and did the city want to potentially triple the amount of money spent to place legal notices. She stated right now the city had a contracted rate with the Sun Post and was more than fair.

Council Member Morson asked if those things were considered when they were chosen as the paper all the things they were reaching out to, as well as the cultural, demographics. If they were considered, then they didn't meet those needs over the past 7 years. He stated people had different publications and always baffled him when people of color had extended more costs in their charging that it became problematic for people to pay for. He stated he found it excuse driven because they were in the business of making money just as well as anyone else. He stated he appreciated sharing with the council the least amount of paper's costs on the city's

behalf. He stated the city also had to assume creative ways to make things happen to reach out to the demographics the city served in the community.

Mayor Winston stated the council would discuss the costs and how they would weigh the different factors.

Council Member Eriksen stated he would encourage the council not to spend too much energy debating something that very few people ever consider using. He stated he was intrigued by the bottom right box and maybe getting Community Engagement and Communications, at the last council meeting someone said building out the events calendar more elaborately so a lot of community events were available there every month and being intentional about sharing that with all of the news outlets, Asian American press, women's press and the others, and encouraging them to know the city better and encouraging the people get to know them better as a strong cultural marketing tool. He stated the top left box to do the legal thing that no one cares about and then being intentional about the sharing of the events calendar.

Mayor Winston stated Council member Lee brought that up at the Council Retreat and talked about a centralized approach to communications. He stated that was elevated because the departments would have to put that information in there. He stated there was a strategy portion to it but was the operations and management element to it on that aspect.

Council Member Klonowski stated if it was a cost issue, thought it made sense to put more money into, not the legal things that didn't really matter but more into, publishing the calendar better or big events that were happening and have advertisements in the other cultural newspapers around the city and spend the money intentionally. She also agreed on building better relationships with the other news organizations when there are great stories to celebrate the would be the first ones talking to the city. She asked what was meant about the cultural factor.

Communications Manager Adesaogun stated the city had many cultural groups and while the Sun Post was very easily accessible, it might not be the first thing that someone picks up if they were of a different cultural background. She stated it was the same thing with the Insight News, if the official newspaper was Insight News, what was going to be picked up by the largest number of people who would benefit from seeing that information.

Mayor Winston referred to the Outlet Comparison slide. He stated he was not thrilled with how the Sun Post did in terms of the overall representative diversity in the city. He stated he knew they looked at the newspaper for local information and didn't think the others were necessarily, even the Star Tribune, didn't think they would go to them as local as what they saw in the city; He stated his recommendation for the remainder of the year to go with the Sun Post, however, what Council Member Eriksen was talking about expanding other ways to engage. He thought having the centralized calendar, but he thought having another work session where they got a better understanding of how dollars were being spent now and what were the opportunities for the council to build out some greater presence according to the demographics within the city. He thought a work session on it would be great, where they could say, they would like to move in a strategic direction, in terms of how the dollars were spent. He thought it would get more at getting the word out to everyone. He stated his understanding was that it was a legal notice issue and didn't know the \$20K they were giving was drastically going to change things for any of the newspapers. He didn't think the legal portion was going to boost or push down a paper at

all. He thought they could take the time to consider it and strategically say, how could the city help the others. He stated they would take it from the perspective of, was less about what they covered, even though it was critically important because they didn't get to dictate, and it was more about who they could reach. He stated if they could take it from the angle of who they could reach, then they would end up where they wanted to end up in terms of reaching the communities, like African American, Hmong, southeast Asian, Latino, and there were so many different ones. He thought they could take a look and say, how did they reach folks in ways that were more easier for them and go at it from that angle. He stated that would be his recommendation to go in that angle. He stated the city legally had to do it and if they kept pushing it down the road, they would end up in a situation where they would be talking about in November, and have the final two months, and had the whole year.

Council Member Lee stated his point was trying to align the spending. He stated for him was about spending so much money and was like throwing it away and were going to spend other money on other things. He agreed the Sun Post could do a better job of representing the city but that was more work and the Insights Newspaper would have to do more work too and better represent the city too. He liked the idea of looking into that and trying to align on what the official and legal paper was for the city. He stated he didn't want to spend money on legal notices without aligning it with the rest of the communications plan. He stated whatever newspaper was used, did want them to be as representative as possible, knowing there were challenges such as staffing and resources. He agreed with going with the Sun Post for now and stated they were doing an okay job and then they could take a look at the broader package.

Mayor Winston thought the issue historically for the Sun Post and newspapers like it, there were papers such as Insights, Hmong, Mshale, Latino America Today. They were like a lot of businesses out there; they knew what was around them and should have taken the time to invest in them and didn't want to. Now the situation is because they were a legacy newspaper, they were more accessible to everyone and more cost effective and that was the situation the council was dealing with now. It was a cost effective decision, it would reach more of the demographics, however, making sure to align it with the communications strategy, making sure getting the word out to more people. He stated he didn't think the Sun Post understood their customers and if they hadn't figured out their customers, to let it be known there was some competition out there. If other people were willing to move more strategically and effectively with their competition, it was what it was and what America was built on. He stated he was not interested in helping them with the drop sites, they would know the local restaurants and the local stores to get to. He stated that maybe it was their business model and were allowed to have their business model. He stated the council was making it known today that it was something they valued because it was not about just trying to reach folks they always reached, for the city it was much better policy if a Hmong woman could read her notice in her language or could be reached to get that information and could become a better resident. He stated the council was looking for the best partner that could do that to say they were official and until that time they would do the strategies and the other portion was to use the outlet of choice and could have that at the other work session to start considering what that looked like culturally when they get aligned.

## **C.2 Holiday Conversation**

Risikat Adesaogun, Communications Manager briefed the council on the method by which the city acknowledged holidays with each administration. She gave a background, levels of

acknowledgement, who decided what was recognized, and federal holidays.

Council Member Tran suggested doing something for International Women's Day. She stated this year was the first year America recognized that day and asked if it was too late to recognize it. She stated they could use that day to educate the people about how American women began in history and present it to inspire the girls. She stated another suggestion was Memorial Day and should do something on that day, like Veterans Day. She stated that day they should do some activity in the community with all races, all people with ancestors who served America in the past, even if they were not in the veteran system they could come and tell a story. She stated at the end of slavery they joined the civil war and served and came back home and saw it was no different than before. She stated it was not inclusive in the veteran system.

Council Member Klonowski asked what currently was being celebrated with the veterans on proclamations, social media and would help with what the city was already doing.

Communications Manager Adesaogun stated she could get that information to the council. She stated there were some internal challenges because there were things the city celebrated in the past that were no longer moving forward with. She stated it went to the larger conversation of what did the council want to acknowledge and in what way.

Council Member Klonowski stated Columbus Day was not a day to be celebrated. She stated it was a missing a big piece to even have the discussion which was what was the city doing now. On the federal holidays she stated she didn't know what the city was doing for half of federal holidays. She asked if the council would say something or was there a proclamation for Memorial Day and having a big party. She stated it was hard to have the discussion when the council didn't know what the city was doing.

Communications Manager Adesaogun stated currently there were no proclamations planned for any of the federal holidays except for Juneteenth and the first time it happened was last year because it was the first one. She stated that was the question, did the council want to do a proclamation every year like Juneteenth because it was official now. She stated there weren't other planned events and everything was just a social media posting to keep it moving and asked if the council wanted to do more.

Council Member Klonowski asked if they traditionally did a proclamation and events for Black History Month because the ones they had were great. She asked if that was the one designated to do events for.

Communications Manager Adesaogun the Black History month showcase and Hmong new year, which was newer, were the two holiday events that got significant city investment and weren't too many that got the level of activity or investment.

Council Member Klonowski asked if they were budgeting in prior years for those events and if there was money in the budget moving forward because the council would be looking at the budget at some point this year. She asked if they were doing events for anything else was the budget being pulled from somewhere else in the budget. She asked if they had roughly \$10,000 a year to do the Cultural events.

Communications Manager Adesaogun stated the reason they were having the conversation

now was by the time they got to 2024 and if the council wanted to significantly change what was being done, staff was ready for that conversation. Especially with the new council and those decisions should have been made like last fall.

Council Member Klonowski stated they just had the arbor day recognition proclamation and was upsetting to her. She stated being a woman with daughters and granddaughters, that half the population if not more, were women, did not even acknowledging their struggles, across cultures, what women had been through up until this point including having their rights being taken away currently. She stated she would like whatever they could do to recognize roles of women in the city, state, and families.

Council Member Eriksen suggested making a raw mapping plate, showing 51% of the population was women, 20% was African American, Juneteenth, and then the indigenous events, like Ebofest, Hmong New Year that burst in the local community. He stated at the same time they could also say 10% still identified as Norwegian.

Council Member Tran agreed on Women's Day and to inspire with education on women's history to them. She stated the reason why there was domestic abuse and sexism because some cultures educated sexism with their children and needed to use Women's Day to fight back, educate the females, daughters and didn't need to be under a man's control and why the domestic abuse and sexism went up.

Council Member Eriksen stated there were community organization grants people could apply for to do a park clean up and asked if the city could apply for those grants that already exist locally for those events. He gave an example, a Kenyan church doing a Kenyan event festival, they could apply for a community grant. He stated the Palmer Lake VFW did things on Veteran's Day and Flag Day and they applied for grant to support their community event. He stated the city was not investing in labor and organizing it but could be supportive of things that were growing locally.

Communications Manager Adesaogun stated they had a mini campaign in the works from their neighborhood activity fund and was more at the neighborhood level getting people out to connect with their neighbors. She stated the possibilities were endless and thought tonight's conversation would go on for some time. She stated the main point was what they could do to build strategy in, so they were not at the whims of whatever and they could let the community know as well on what the city was doing and why.

Council Member Eriksen stated that unless they did something mathematical, they were always going to get the question of what was missing and were they being fair and the reason to have a rubric.

City Manager Stroebel stated, 3 years ago at a council work session in October 2020, and similar to tonight's discussion where a recommendation from holiday committee was discussed. He stated in terms of by month which holidays to recognize, which ones to put on social media, website, emails, and the approach, that had been the foundation by which staff had been doing it and then COVID hit. He stated some of the in-person events were backed off in terms of the investment, the council reduced the budget and there were not a lot of in-person events. He stated the holidays they had been recognizing had been informed to the council in October 2020 and he recognized with the new council members, had different priorities, different areas of

interest and focus too. He stated in terms of proclamations there were times when it did not originate from staff or council interest, but the mayors got asked for proclamation that come in randomly. He stated there might be a proclamation about something they had never considered and those things came up from time to time and were not always driven by council interest or staff recommendations.

Council Member Morson stated all were significant days and to remove one would remove that particular population of people celebrating their event. He stated how the city celebrated it was important and didn't know how much investment they put into those. He stated one thing they should keep in mind was somebody was doing those celebrations already. He stated it did not take them that much to partner with someone already doing it and didn't see how they couldn't be proactive and extending out a hand to someone already doing it and get behind them because the city didn't have to create it. He stated that minimized the investment, showed the city's support for any one of those holidays by reaching out to someone already doing it. He stated he didn't see why the city couldn't acknowledge that event on the city website whatever the holiday might be. He stated that brought value and respect to that particular population for those celebrating those events.

Communications Manager Adesaogun stated social media and website did not cost much and took up much time. She stated social media and websites were the ground floor at minimum acknowledged all of that. She stated in terms of what the city was doing didn't mean they had to continue but would see historically what had gotten a proclamation versus community events. She showed the community events that the city owned, planned and what kind of staff work went into them. She stated there were other things the city could partner on and worth the conversation too.

Council Member Lee stated sometimes they do internal educational workshops like the one for Asian Heritage Month and brought in a speaker and a way to recognize it internally. He stated he would like to see the rubric and expanded to allow the council to give input on it. He stated that way the council could give notes and thoughts on it. It could be in a worksheet format to give feedback. He stated on staff time, if the council elevated things for events, maybe a couple more proclamation was not bad but if they were saying, they were going to do a dozen proclamations, someone had to write them and work on them. He stated if the council was going to support more events, that would need funds. He stated that would also be to have on the worksheet in terms of a budget, if they did 3 more events a year, it would be an extra \$15,000 and would need to look at that for next year. He stated that was the kind of information needed to help inform some decisions.

Communications Manager Adesaogun stated she liked the work sheet idea to allow council members to noodle around that topic. She stated the holiday information hadn't been brought to the council in a while and was pleased no one was advocating to remove some but there were real questions. She stated she could follow up and perhaps see how closely the council members were aligned in the direction they wanted to go.

Mayor Winston stated he liked the idea of the worksheet and thought there should be some type of committee because some of those holidays had a committee that could partner with the city but didn't know how to contact staff like the Juneteenth holiday. He stated they could do a lot more, maybe not this year but next year could have a \$20,000 to \$30,000 event. He stated the committee needed to be in place, so people had something visual to reach out to when they

wanted to give out dollars and when they wanted to give support and didn't have that committee now.

Council Member Eriksen asked if the GIS staff could, from the census data, come up with a list of groups that were above 5% or 10% threshold. He thought the census included much more details like the LGBTQ identifying by nationality, so they got to see what the council was working with in terms of national holidays or special interest.

Council Member Tran stated another holiday to celebrate was Immigrant Heritage Month in June.

Council Member Klonowski stated April was autism awareness month too.

Council Member Lee stated that in terms of census information and threshold, there might be communities that might be smaller in populations and should be highlighted more. He stated he knew there were websites that had lists of days and if they could find a way to integrate those days for the calendar, that way when people clicked on a day or a link on the calendar like an RSS feed, people could get that information and the city was not responsible for it and just plug it in from another website.

Mayor Winston stated he had three things on the discussions. Come up with the GIS data, there was going to be a worksheet sent out to the council and what it looked like to establish the committee and was representative of the city.

City Manager Stroebel clarified the committee was made up of staff.

Mayor Winston stated something the council could reach out to and maybe the staff committee could have a special email for the committee where people can reach out to if they wanted to write out a check for an event and get a response.

### **C.3 Assessing Valuation Process Overview**

Tracy Bauer-Anderson, City Assessor gave the council an overview of the Assessing Valuation process. She briefed with a PowerPoint presentation and covered: Assessing Division, Purpose of Local Board of Appeal and Equalization, Board Compliance and Certification, Boards Power and Limits, Board Tips/Suggestions, Board Process, Reconvening the Board and Adjournment Continuing the Appeal, Property Type Value changes, 2022 Sales, and 2022 north and west metro homes sales.

Council Member Morson was concerned about not reviewing a previous year's assessment and asked how someone could gain accurate assessments to argue their current value if they didn't bring what they paid last year. He stated if last year, he paid \$2,000 and now asking him to pay \$4,000 this year, he couldn't bring what he paid last year. He stated he didn't understand you cannot include last years to give us a visual of the argument we are trying to justify and not have something to compare with.

City Assessor Bauer-Anderson clarified they set values as of January 2 annually, that was the assessment. She stated a person could bring up sales that occurred because they were looking at sales from October 1, 2021, through September 30, 2022, and those were different. She

stated she was not asking not to discuss sales for market, but saying they were unable to make changes to the assessment set on January 2, 2022. She stated they could bring data and ask the Assessors to review it, bring appraisals that were after that time and could review it, they could not by state statute change the value that was set as of January 2, 2022.

City Attorney Thomson stated Council Member Morson's question was directed at taxes and using the example of \$2,000 to \$4,000 to keep in mind, they were not setting taxes were just assessing the property. He stated it was true the council would know what the assessed value was for the previous year and that information was available to them but just couldn't change that information. He stated Council Member Morson's point was it improper for the council to know what the assessed value was for the previous year and that was public data and could know that but couldn't change it was what the city assessor said.

Council Member Lee stated some people might not understand the lag when they come and were upset and or have information. He stated their assessment for this year was already set last year and tonight were talking about the assessment this year for next year. He asked if they would get the full list of people appealing in the packet.

City Assessor Bauer-Anderson stated those were for taxes payable next year. She thought some of the confusion was going on with property owners now because they were seeing their tax statements and not happy with the changes in taxes but that was set off of the values from 2022.

She stated if they were able to resolve any appeals between now and the night of the board, they would give the council a list of all the ones discussed, what the values were and what they were changed to. She stated they could make one vote based on that if they agreed with their recommendations. She stated if anyone had appealed and staff had not had a chance to look at the property or appealed the night of board, then they would use the time between the local board and reconvened board to look at it. She stated they would have the property owners provide Assessing some information to do the inspections and would get that packet before the reconvened board meeting and get the list the night of the local board.

#### **C.4 Discussion on Environmental Health Code Inspection Priorities**

Jason Newby, Inspections and Environmental Health Manager and Michelle Peterson, Neighborhood Health Supervisor, updated the council on the Environmental Health code priorities with a PowerPoint presentation.

Inspections and Environmental Health Manager Newby briefed on Policy, Current procedure, Background, How do we prioritized our Work, Option 1 adjust response times based on Risk, Option 2 Adjust response times based on risk and focus on sweeps.

Supervisor Peterson briefed on: Prioritizing Staff Proposal, Examples, Abatements High.

Inspections and Environmental Health Manager Newby briefed on: Comparisons, Current Process, Option 1, Option 2, Potential Ordinance Amendments, Proactive Sweeps 2016-2022.

Council Member Tran suggested a message to the resident when a resident complained on the website, to take the feedback and thank them for contributing so the person didn't think they

were being ignored by the city. She stated that angered people when they complained and not hearing back. She stated last week there was a resident, who was active in complaining and did a good job for the city and was mad because he felt ignored. She suggested providing information on how to put the complaint in and the solution depended on the options and to be patient.

Inspections and Environmental Health Manager Newby thought it was a great idea. He stated they built some of that in the complaint portal and could change some of the language when someone submits a complaint and would get an email on the complaint and could have that language.

Council Member Eriksen stated that looking at those options, he was leaning to Option #2 and looking at some of the pictures. He stated he walked most of East District recently and there was a lot of ugly houses out there. He stated he was assuming they were benefiting from having neighbors not being activists. He stated that on the folks they were receiving daily emails about issues, were basically living in a penal system based on a nosy neighbor. He stated his hope would be going a step beyond it and looking at everything considered low risk and asking themselves if those were equitably enforceable at all. He stated he was thinking about garbage cans outside of garages and at some point, those become less about health and more about subjective sensibilities. He stated that given the choice to make ordinances against subjective sensibilities, he would choose loud motorcycles or ugly mailboxes. He stated that to penalize someone because they had a nosy neighbor, and they were engaging in subjective activist behaviors, thought it was fundamentally wrong. He stated he would like it to go further beyond Option #2 and look at what could be equitably enforced in the city.

Council Member Lee stated he liked Option 1 more and thought it was a checks and balance between hitting the designated; areas but also left enough space to deal with issues not in the designated areas. He asked how they came up with 25.

Inspections and Environmental Health Manager Newby stated it was an arbitrary number and staff also thought 25 was high but landed at 25 which was 5%.

Council Member Lee asked if they could tie it to staff time. He stated they had 3,000 cases a year and each staff had a certain number of cases. He asked if they could find a number where a number was too much based on staff time of how many combinations of staff it would take and took much time away from other things.

Mayor Winston stated if a resident made a complaint, how much time it took for them to look in to it, investigate it and to follow up. He asked if they had an estimate of hours.

Inspections and Environmental Health Manager Newby stated it depended on the violation, and the factors contributing to the noncompliance. He stated generally the first inspection was going to be 3 to 5 business days, make contact, door knock, engage, and find out why there was no compliance, such as, was it lack of information.

Mayor Winston stated from an operations perspective, knew it took 3-5 days and then not working on it the 3-5 days. He stated the complaint came int, staff looks at it, maybe isolate, respond, and visit the location. He stated in terms of hours, if there was someone making 150 complaints and it took an average of 2-3 hours to look into it, that was a problem. He stated

from an operations perspective what were they looking at in terms of that time and it was not 3-5 hours and asked what the actual times were.

Neighborhood Health Supervisor Peterson stated when they have a case on schedule, they would go out expecting a 15-minute contact and sometimes were shorter or longer. She stated it depended on the type of violation, how many times they had been out there, what specifically they were discussing, and how many questions did they person have. She stated sometimes when doing the outreach for the first time; they owner would have questions about the ordinance, a question on how to be in compliance and staff were hoping they would share what the challenges were coming into compliance especially when it came to property maintenance violations because they could spend a significant amount of money to provide an upgrade. She stated they would like to know at the front end what their needs were to get them connected with resources. She stated he each type of violation and the type of outreach varied and sometimes they would set up follow up appointments at city hall or at their house again for the more complex cases. She stated on a trash can, they should be able to make that contact in 15 minutes or less and take another 15 minutes for correction order if that was the route they were going to go. She stated more time would be taken to make sure they accurately documented what happened when having that conversation or what they observed in our software.

Mayor Winston stated if it was 15 minutes, that would be the nice scenario and 150 complaints would be 2,250 minutes or 37.5 hours, if it was 15 minutes for each one.

Community Development Director Berggren stated it was an average of 3 hours a case and a case ranged from 30 minutes, the shortest they could have, and 3 days was the longest case.

Mayor Winston stated it was bordering on 30 minutes and was almost a two-week work period per employee. He stated if they reasoned back for it, felt 20 to 25 was reasonable, especially when having a repeat violation. He stated when having someone doing 150 cases, thought 20 to 25 made sense. He stated if 30 minutes was the best-case scenario, 3 hours being the worst-case scenario, seemed reasonable to him. He stated it could end up being 30 hours and one person would still be taking up almost a week of employee's time away from the high risk areas. He stated 20 contacts made sense as 25 seemed like a whole week given their limited resources. He stated that given the limited resources and population of 90,000, people, he was hesitant to say we should be doing any more than 20 because he didn't want people to get in the habit of thinking it could take a whole week of staff's time when they had to serve so many people. He stated that was his recommendation, to bring it back to 20 versus 25.

Council Member Lee stated that on the signs, if their improperly blocking visions at the intersections, should be increased to medium. He stated on the repeat offenders, even though their low risk and 20 throughout the year it was still affecting the quality of life for that resident and had to balance it. He stated he knew they were trying to connect certain people who needed resources to other organizations and asked how could they flag or elevate certain residents that needed more assistance.

Neighborhood Health Supervisor Peterson stated they had in the code compliance procedure what a chronic violator was and was two confirm violations within a 12-month period. She stated it was an immediate citation and must be issued for the 3<sup>rd</sup> confirmed same violation type and there was an exception. As part of that outreach, they might go out on the 3<sup>rd</sup> violation on a trash can and find out they were in a hospital for a week. She stated they were not going to

issue an immediate fine for that. She stated that was something the inspectors would talk with the supervisors and document the reason why they didn't issue them a citation and why they did not find them to be a chronic violator at that point. She stated they did have a certain number of properties at the chronic violator point and stayed at that and did look at them as a problem property. She stated it was not necessarily a trash cans as the trash cans were situational, on why someone did not get it back, and seasonal sometimes. She stated when they were looking at repeat junk and debris and not have garbage service, some of the real extreme violations would fall within that chronic violator definition. She stated that was why the staff came to the supervisors to discuss why it wouldn't fit as a chronic violator at that time, otherwise the process was there to be followed for everything, but there would always be an exception.

Council Member Lee asked if they were tracking them. He stated the issue came up with the garbage cans, in terms of residents with disabilities and their ability to move trash cans. He stated it also made him think of the seniors not able to get out and cut their grass and asked if they were tracking those types of incidents, in terms of accessibility and maybe they could start connecting them with other community resources.

Neighborhood Health Supervisor Peterson stated with new senior resources that were available, they were looking to be able to use that compiled list to help people make those connections, especially those people having difficulty mowing their lawns.

Council Member Klonowski asked if the city offered resources, when it was clear there was a mental health issue, disability issue, or someone needed a level of resource.

Neighborhood Health Supervisor Peterson stated they did and, in some cases, they were able to reach out to the police department mental health unit and work with them and the residents. She stated they also had some residents that have adult protection and got them the resources they needed. She stated sometimes it was financial or mental health and a fine line staff walked on and they wanted to know what those barriers were. She stated sometimes they didn't always have all the possible resources to get them where they needed to be and did their best to set them up with the resources and they could choose not to use them.

Council Member Klonowski stated that looking at 30% of calls were from one resident if those were significantly reduced, thought it would have more staffing hours to pursue other violations and asked if that would put them where they needed to be.

Inspections and Environmental Health Manager Newby stated the way it was positioned now, it geographically aligned with the council districts and CDBG areas and using an intern in those areas. He stated their work last year, and showed a pie chart, and said they wanted to be more on the proactive side because the more proactives they did, the less complaints they got and that was the goal. He stated that had been the theory throughout their work they had been doing for the last 15 to 20 years. He stated being fully staffed with some adjustments based on the risks and response times, freed them to do more. He stated that on the citations and violations, the repeat rate of that, again they would get into that cycle of noncompliance because there was an active resident in that area that kept them in that cycle. He stated if they were in there proactively doing door to door, then it was more equitable. If someone called about trash cans and staff went out there and there were 4 or 5 cans along the block, they would sweep the entire block, and added more cases just by that one can complain. He stated to put that into perspective, they tried to be as equitable as they could by making sure people were not picking

on neighbors and using other motivators to single out their neighbors. He stated on the outreach engagement, they wanted to connect the neighbors to help each other and gave an example, if a person was not mowing their lawn because they didn't have a lawn mower and get them to talk to the neighbor maybe they could help. He stated those were the things they were doing, connecting people versus being that hurdle to compliance.

Council Member Klonowski asked about the low/medium/high levels if they were established internally, and if they got any resident input in them. She asked if anything was done to bring in the residents and didn't know how many staff lived in the city when talking about cultural things and how it impacted people living in the city if they felt about the high, medium or low levels. She stated that was something to consider if they were looking to using those levels.

Inspections and Environmental Health Manager Newby stated those were established internally.

Council Member Morson referred to Council Member Eriksen's walk in the east district and saw an array of ugly homes. He stated that was a problem; because people in that neighborhood had not voiced their concerns, yet the problems existed. He stated on the 25 per year he was not against it. He stated if someone complained about all the issues that Council Member Eriksen saw, was making valid complaints. If one person made those complaints and doing it because it was allowed by the code and didn't know why they were penalizing them for making complaint within their rights. He stated that person was making the council more aware and by not paying attention to it, that was why its 150. He stated if they stopped it 10 maybe it would not be 150 and if it was not in the code, they would not have 1. He stated they had to look at all those basic formulas that caused a person to do those things. He was concerned what Council Member Eriksen saw and how that impacted the city and neighborhood, regarding they health, welfare and livability if all those things the council was supposed to be concentrating on. He stated if that impacted a child in their neighborhood, who saw the blighted community all the time and nothing was done to it, they would grow up with the same mentality knowing it was okay to live that way.

Mayor Winston stated if they had all those issues and had a particular person pointing out those things and taking the time, his understanding they were not always high level. He stated if they were taking the capacity away from them to be proactive to address those issues that was basic business best practice on capacity and operation. He stated it was an issue it had to be dealt with because that capacity was taking away from proactively addressing those issues. He stated when there were 150 complaints averaging an hour, that was 150 hours. Conservatively, they could 150 hours was 2.5 weeks. He stated at least one of those weeks could of been used by an employee to be proactively addressing those issues assuming that other week was used to address low level complaints. He stated his understanding there were more trash can related incidents than high level incidents. He thought it was a capacity issue of saying, for the issues that were dangerous, most pressing, with limited staff they had a time where they could budget, and the budget was where they put their priorities. He stated if they wanted to drastically add a bunch of people so they could get to everything within a day, the council had the ability to do that, however, they would be taking away from other areas, like public safety, recreation and parks, and operations and maintenance. He stated it was more of a capacity issue where the city had said, it was going to budget "X" amount of dollars for the issues. He stated that given all the other priorities the council had, doubt they could stray too much for that when it came to the next budget. He stated he was impressed with the work done by staff and what best practices was saying, the had to find a way to limit some of those complaints so they could get ahead of

the high priority issues so they could be proactively addressing it. He stated that way had a huge assumption that everything they were addressing was high risk and would be assuming that person did was high risk. He stated to get ahead of the high risk and medium when they looked at Option 1 and 2, there was still room for individuals to make those complaints but there was more capacity to address medium and high risks and that was what the conversation tonight was is about and not about penalizing any one individual or someone who liked to tell all the time. He stated it was much about how did they create more capacity for staff to address high risk and medium risk issues so they could have a safer city that didn't have the blight properties. He stated if it was just as easy getting ahead of the low risk, staff would have done it and was a capacity issue and had to be addressed. He stated the council was there to make that decision, on how to get ahead of those issues and free up that capacity.

Council Member Morson stated a high risk took priority over everything, but did it mean the low risk did not require attention. He stated the low risk situation did not take precedent over a high risk situation. If it was deemed a high risk, they applied the appropriate staff's attention that requires the capacity to address that high risk. He stated the low risk only became problematic when no high risk existed. He stated they all agreed it was not occupying staff time for the low risk, if high risk situation it would be the first thing taken care of. He stated the low risk would fall into place after all high-risk complaints had been resolved and now there would be a plethora of low risk that was still there they now had to pay attention to.

Council Member Lee thought Council Member Morson was talking about setting goals or parity between risk levels. He stated if they were adopting high/medium/low, they needed to focus on all the highs and the mediums as much as possible and spend time on the low as well.

Council Member Tran stated the complaints needed to be looked at differently, if a person had high number of complaints or looked at the way they complained to see if there was a problem. She stated it could be different than a regular complaint because a person could be stressed or have a medical problem and didn't know what to do.

Community Development Director Berggren stated they were asking the council to consider, that instead of sending staff to do low risk complaint follow ups that came in through the complaint portal, they would redirect their time on proactive sweeps that identified new high risk and medium risk items. She stated the tradeoff was where did they want staff's energy to be because now the energy was spending on as many hours on low-risk complaints versus going out and finding the new high risks, the ones they were saying no one was complaining about, so they were just there. She stated they knew they couldn't do all the complaints in the city and didn't have enough capacity to do all the complaints and asked the council where they wanted staff to spend their time on.

Council Member Eriksen stated his point when seeing those homes assumed those houses were there because staff did not have enough time covering that turf because they were busy responding to one persons' 150 low risk complaints. He stated he wanted to get most bang for the buck in terms of resolving the most dangerous situations rather than responding to one- or two-people's plethora of garbage can complaints. That was his concern. He stated no one's health concern was impacted by garbage cans sitting next to the garage, however someone's health was being impacted if their facia was rotten or had squirrels in the attic and that was a problem.

Mayor Winston stated he wanted to leave tonight with staff having a recommendation from the council and asked if it was something to vote on.

City Manager Stroebel stated staff wanted input tonight and would bring it back formally at a regular council meeting.

Mayor Winston stated he was inclined to do Option 2 and add the language from the potential ordinance amendment. He stated Option 2 was the most aggressive to get ahead of high and medium levels and also took away some capacity for targeting by certain residents. He stated it gave staff most tools to make it safer for the city and be more aggressive with that plan. He stated the prioritization would do the low levels as they had the capacity and do it but would spend the majority of the time on the most egregious cases. He stated that as they got to the medium and high levels, believed it would raise a standard to where people were more aggressively, saying they needed to take care of their areas because the city was more proactively looking into the issues and would spread the word out and affect the low level more over time in a positive manner.

Council Member Eriksen asked if they could do a hybrid with Options 2 and say low risks as time permitted unless in a designated sweep area and no more than 20 low risk complaints per resident per year.

Council Member Lee stated he was hung up on Option 2, unless in designated area, because it would take seven years for staff to rotate. He stated he knew they wanted to prioritize and get to high and medium risk but thought it made it too narrow. He stated in terms of the low risk, why he preferred Option 1, low risk was 5 to 10 business days and allowed for prioritization in areas outside of the designated sweep area with limitation. He stated if the council wanted Option 2, he was okay with it, but for Option 2, he recommended the limit for 20 per year.

Council Member Eriksen stated, the language suggested, said low risk as time permits unless in a designated sweep area. He asked if it said people could make complaints and respond to them as time permitted unless in a designated sweep area, then it was saying they would jump on it.

Inspections and Environmental Health Manager Newby stated then they would respond to it immediately.

Council Member Eriksen stated it was not saying no response but saying as time permits.

Mayor Winston asked about the language, as time permits. He asked if they felt, gave an example, of 400 or 500 low risk complaints in Option 2 model if it would allow staff time to work through the low risk in reasonable time.

Community Development Director Berggren stated the point of Option 2, they would not do low risks, and would focus on sweeps. She stated if the council wanted them to do low risk, then they should be under Option 1. She stated Option 2 was more of an extreme option and saying to the residents, the city was not doing low risk complaint-based inspections and would be doing the lower risk inspections with the sweep program. She stated if they wanted to have a limited number per person that was Option 1. They could not commit to business days if the council wanted to give staff more flexibility under Option 1.

Neighborhood Health Supervisor Peterson stated if they did Option 2, by pairing an inspector with an intern in the fully staffed model, they could have the inspector work on those sweeps and have the interns look at some of the low risks, the illegal signs, long grass, and trash cans. She stated that worked during the summer but did not work as well in the spring and fall, as the snow melted and got an influx of cases and had to prioritize them. She stated in the winter was different and was not out doing sweeps as much and could get to the low risk faster than they would in the spring and fall if they were fully staffed.

Community Development Director Berggren stated what they described was more of a hybrid between Option 1 and Option 2 but without a commitment but would try to do them. She stated in Option 2, the theory was, not do the low risk and instead do sweeps and they could do a hybrid between Option 1 and Option 2 if that was where the energy was from the council.

Mayor Winston stated he was open to what the council thought. He stated there was kind of a hybrid because he felt there had been an abuse for some time, even on his block, there were people that left out their trash cans and never got cited. He stated there were other people that did it a certain way, got cited and they got calls from their Homeowners Association, and got harassed. He stated he was looking for something between Option 1 and Option 2. He felt there had been an abuse and his concern were the high and medium risk. He thought Option 1 or 2 would be a drastic improvement over what they were currently doing right now.

Mayor Winston stated it seemed the overall consensus was to do the hybrid approach, high risk 1 to 2 days; medium 3 to 5 days, low risk 10 to 15 days and limit the response to low risk complaints by a resident to 20 low risk per year and add the ordinance language. He stated that would give staff more flexibility to be more proactive.

City Manager Stroebel stated the police department did that today and didn't have to change the ordinance. He stated the police department allocated their resources to the highest priority issue and many of the department did it today too. He stated the fire department, if they got an apartment fire versus someone needing a lift assist, obviously they will be sending the fire department to the higher priority issue.

Mayor Winston stated for this case, it was to help people understand that the city was changing and adding that language, when they looked up the official ordinance, that backed up the policy the council was putting forward. He stated they could read that language and connect it back to the understanding of they were only allowed 20 low levels.

#### **C.5 Culture of Efficiency in Council/EDA meetings**

Council Member Eriksen stated before being elected and sitting in a number of council meetings, he was seeing how sometimes residents would be left sitting for their area of concern until 10 p.m. at night and the meetings in general were going on later. He thought if they council wanted a participatory democracy and meetings running until 11 pm was not the way to get there. He stated he was thinking of ways to make it more manageable.

He stated that on Item #1, by moving items of public interest to the top of the agenda, because awards and public hearings were expected to draw a big number of people and controversial issues. He remembered the Nigerian neighbors sitting around until late waiting for the sister city discussion, ordinance discussions, so the council could get the residents heard and home

before the council got into the boring stuff, they were elected and paid to sit through. He stated on the time efficiencies, he noticed a number of times, they had a presentation as the EDA and the same presentation was given to them as the council. He stated there was a staff presentation at the first reading and repeated it at the second reading. He asked if they could poll the council for items in their packet, if they needed a staff presentation. He stated there were several ways they could save time for the meeting based on consensus. He stated in Bloomington in the evening there was a point where they no longer started new agenda items and got automatically moved to the next meeting. He stated if Item 6.3 started at 8:55 p.m. that would be the last item.

Mayor Winston thought that if they instituted the items of public interest and some of times efficiencies, they would have gotten through the most important items up front. He stated out of these 3, he didn't think it was a priority. He thought the top two bullet points, Items of public interest and time efficiencies were important, and it was a long meeting, last time and why the moved up the violence interrupters and Chief's proclamation.

Council Member Eriksen stated the City Manager made a point on the consent agenda, when they approved the agenda, if a staff member's agenda item stayed on consent, they didn't need to stick around.

Council Member Klonowski asked if the council could quarterly see a broad outline of what was coming on the agenda because she felt she was reacting and had no time to be proactive. She stated knowing was coming up would be helpful and could also balance some of those items, so the council didn't the huge hot button items and a work session right before the meeting and didn't need to make their nights horrendous.

Council Member Eriksen suggested using a working google document, if a resident would ask about an item, the council could see the future agenda items and let them know when it was scheduled and the council was not chasing the items. He stated as the agenda was being built, they council could see the items.

Council Member Klonowski stated the council could see broadly what was going to the council and have it quarterly for review and have an idea what was coming up for the council. She stated she didn't know what was coming next and didn't like that.

City Manager Stroebel stated they had an agenda master sheet; staff went over every Tuesday morning at 11am for review and discussion of the prior council meeting and have a discussion on the agenda for the upcoming 4 to 6 weeks. He showed the spreadsheet and said staff had a clearer sense of what was happening within the next 2 to 4 weeks but beyond that it was hard to project He stated the one exception was the work session items as the council had identified item, and gave an example, about hearing about an item in two months on a certain topic. He showed the spreadsheet items for tonight's work sessions items and some notes. He stated tomorrow morning at 11am he would have a meeting and look at tentative items where they were and organize them. He stated the city clerk would lead the meeting and get the items in agenda order. He stated they could incorporate what the council was talking about into it. He stated when Council Member Eriksen sent his document to share tonight, made him about some of what was on the agenda, which was what they were supposed to be doing during the meeting. He stated the council did not take votes during the Item 3 Presentation section, and during consent, which was consent unless pulled off, there were public hearings, land use

actions, and general action items, things council took action on. He stated the general discussions items, typically not required votes but sometimes the council chose to take votes.

He stated if the council want to do more prioritize based on what they envisioned the resident's interest might be and how many peopled might showed up, they might have to scrap the headings and come up with something that was more flexible. He stated they had the discretion to do that and might come up with based on your input a pilot on a different way of doing it. He stated that on Tuesday morning staff would be guessing what the level of interest was going to be the following Monday. He stated on April 24 the were only two items and would love to tell everyone what was going to happen.

Council Member Klonowski stated, maybe do a monthly review for the council to see even if they were scrolling through it and could see what was done every June because a lot of them were new.

Council Member Eriksen stated if the council had access to that document, tomorrow morning they could look at it. He gave an example of the April 10 meeting, that one of the council members heard a bunch of people upset about the purchasing of the vehicles and they could make a note of that, anticipating interest, to give staff a heads up as they were building the agenda.

City Manager Stroebel stated he could send the council the next two council meetings what was tentatively there, and gave an example, of the board of appeals meeting on April 10, they knew that meeting for a few months would be happening. He stated some things they knew ahead of time. He stated the spreadsheet gave a glimpse of how much they don't know and how much came about within a week of a council meeting. He stated things bounced around a fair amount based on the availability of speakers, development projects, if they the developers were available and their timing.

Council Member Eriksen stated that even if they could see it on Monday, instead of Thursday would give the council an outline of what was on the agenda.

Council Member Klonowski stated it would give them time to do research and think about it. On the presentation and the packets, she stated she would like the presentations attached along with data because she researched and read everything. She stated the conversation tonight they had about the newspaper, she wanted to see that presentation ahead of time to know what they would be talking about.

Community Development Director Berggren stated the tried it during the COVID and required it for a while but was hard on staff because of the volume and speed they were happening. She stated they were usually doing their presentations on Monday as Manager Newby finished his presentation at 5 pm today.

Council Member Klonowski stated it made sense and the council was given a decent amount of information but when they are trying to prepare for a meeting like a work session, didn't have any information and sometimes didn't have enough.

Community Development Director Berggren stated if they told staff, if the presentation was done, to include it in the packet, was different than saying it was a requirement.

Council Member Klonowski stated some presentations were long and dry and suggested they be concise and to the point. She stated if there were things to be voted on to make sure and make it part of the presentation to help for the culture of efficiency.

Council Member Morson stated on Item #2 of the memo, some of our required readings had to have second readings for public information and should not omit them.

Council Member Eriksen stated in the CDBG discussion they had, it had to two readings. They got the presentation and first reading and go the exact same presentation at the second reading and wasn't short. He stated the TIF District item was presented at EDA meeting and then next week the TIF District was presented again at the council.

City Attorney Thomson stated the second readings were required but not the presentation.

Mayor Winston suggested the presentations have 4 or 5 bullet points and 4-5 bullets the second time to remind the council would be helpful and it would save them time and the public's time.

Community Development Director Berggren stated the feedback was helpful and would revisit that process. She stated it was hard to know the level of redundancy the council wanted but they could adjust.

Mayor Winton stated the takeaway from the discussion tonight was it seemed like it was not something they could roll out in 2 weeks. It seemed like they needed to come up with a new structure and titles. He stated they could ask staff to provide a sample one that had areas of interest in terms of times and efficiencies where they did not have to repeat presentations. He stated the council was asking to use bullet points that fits in with the items of public interest and the city manager where he could, give the council access to a google spreadsheet and have a column in there where the council could add comments and maybe initial it to give input to staff. He stated the area he was struggle with and thought the recommendations made sense but he thought about the beginning of the meeting they would have the most important items and after that asked if they would go back to the typical structure and what did that look like.

City Manager Stroebel stated they could do a pilot and could test some things and go from there.

City Attorney Thomson stated the council did their approval of agenda, then the consent, they could get the consent out of the way. If someone pulled an item off the agenda, it could be moved to later on the agenda. He stated reorganizing the agenda would help and could work with the city manager to come up with a different structure on the agenda.

City Manager Stroebel stated, maybe do action items first with the presentations and with the discussion items, they could prioritize them.

Mayor Winston stated they would need to let the residents know they were piloting the new structure to save extra time for everyone.

Council Member Lee stated that on Item #3 of the memo, he would not be for a cutoff time. He thought the council discussion and debate was needed even if they had a packed agenda. He

stated they should try to get as much done as possible. He appreciated the Mayor's commitment to efficiency and time limits but suggested not cut the meeting off at 9pm.

Council Member Klonowski stated they knew they would not have another agenda item after 9 pm and still discussing one item, they won't feel pressured to stop the debate on it and could resolve it properly.

Council Member Lee stated they could make that motion anytime if they were 10 pm and stuck in the middle of the agenda, they could tell the city manager to move the items around because no one would feel pressured to finish the agenda.

#### D. VERBAL REPORTS AND ANNOUNCEMENTS

##### D.1 COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Lee stated he wanted to get back to the International Women's Day discussion and maybe not do a proclamation but should put out a statement. He stated it was still early April and they could say something about reflecting on Women's History month or something like that.

Council Member Klonowski stated March was Women's History month and there was a date for International Women's Day.

Mayor Winston stated they could always be humble as a city and say they missed it and should not have and going forward that was a top priority and working to do better.

City Manager Stroebel stated Women's History month was not one of those events to be recognized and showed the council what was previously identified and adopted. He stated what they could say, the council had a conversation and identified they needed to recognize that event going forward and why the council was bringing it for recognition at the meeting.

##### D.2 CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel thanked the council for their participation at the council retreat last Wednesday.

He stated tomorrow at 10:30 a.m. at Edinburgh USA, Representative Phillips was in the city and doing a business round table. He stated there were 30 businesses planning to attend and a great opportunity to hear from Representative Phillips and hear from the business community on what was going well, not going well and areas for improvement. He stated it was great to hear from federal level but also local level.

#### E. ADJOURNMENT

ADJOURNMENT – With consensus of the Council, Mayor Jacobson adjourned the meeting at 8:54 p.m.

HOLLIES WINSTON, MAYOR

DEVIN MONTERO, CITY CLERK

DRAFT

## BOARD OF APPEAL AND EQUALIZATION MEETING

Monday, April 10, 2023  
6:00 p.m.

Brooklyn Park Council Chambers  
5200 85th Avenue North

CALL TO ORDER – Chair Winston

PRESENT: Mayor Hollies Winston, Council Members Christian Eriksen, Boyd Morson, Xp Lee, Boyd Morson; Maria Tran, Nichole Klonowski; City Manager Jay Stroebel; Finance Director LaTonia Green; City Assessor Tracy Bauer-Anderson; County Assessor Janene Hebert and City Clerk Devin Montero

ABSENT: None.

### B. ASSESSOR'S REPORT

#### B.1 Assessor's Presentation

City Assessor Bauer-Anderson briefed the council on the 2022 Property Valuation with a PowerPoint presentation. She briefed on: Assessing Division, Board Power and Limits, Appraising vs Assessing, Factors that make up the valuation, Estimated Market Value, Mass appraisal sales analysis, Why mass appraisal is used, Where assessors get sales info, Sales Verification, What isn't Arms-Length, Ratio Study Guidelines, Sales Ratio Analysis, Ratio Study Application, The Quintile Inspection, Us Vs Them, Time Trends, Property Value and Property Tax, Explaining the Effect of Assessed Value Changes on Budget Driven Systems Table 1, Explaining the Effect of Assessed Value Changes on Budget Driven Systems Table 2, What does the data tell us, Who is involved in Process, Why are my taxes so high, EMV vs TMV, Outline of the process, Continuing the Appeal, Most Common Question, Property Type Value Change, 2022 Sales, 2022 North and west metro home sales, Residential value growth.

Chair Winston stated the board would hear from residents appealing their valuations and the Board would reconvene on April 24, 2023.

### C. PROPERTY OWNER'S TESTIMONY WITH DOCUMENTATION

City Assessor Bauer-Anderson stated the list they provided to the Board would be part of the owners' testimony and documentation. The list provided to the Board outlined each of the property owners that wanted to appeal their properties. She stated they also asked them whether they would be addressing the Board. She read the property addressed and asked if the property owner was present to address the Board.

1. 8878 Zealand Avenue-Bill Feist addressed the Board.
2. 9749 Thomas Ave N.-Ravi Limkar.
3. 3927 Globeflower Ct.-Ravi Limkar.
4. 6409 88<sup>th</sup> Ave N.- Ravi Limkar.
5. 7200 90<sup>th</sup> Ave N.- Ravi Limkar.

6. 10460 Vera Cruz- Ravi Limkar.
7. 8501 Wyoming-Clint Carlson.
8. 9325 Winnetka Avenue-TDS Holdings LLC
9. 9495 Noble Pkwy-Convenience Store Investment
10. 5801 96<sup>th</sup> Avenue N.-Convenience Store Investment
11. 7601 Northland Drive-MNJV, Northland V LLC
12. 7115 Northland Terrace-MNJV, Northland V LLC
13. 9401 Zane Avenue-Hurd Brooklyn LLC
14. 7601 Zane Avenue-BP Partners LP
15. 4700 Oxborough Gardens-Ravi Gupta addressed the Board.
16. 4600 85<sup>th</sup> Avenue-Emile Nguimfack addressed the Board.
17. 7924 Mississippi Lane-Rebecca Risler
18. 3100 Brookdale Drive- Nguimfack addressed the Board.
19. 7908 Mississippi Lane-Anthony Raj
20. 7624 Brooklyn Boulevard-Krista Rogers/Angel addressed the Board.
21. 8920 Yates Terrace-Daniel Pilon addressed the Board.
22. 8926 Yates Terrace
23. 104 75<sup>th</sup> Avenue-Daryoosh Tirandaz addressed the Board.
24. 1015 80<sup>th</sup> Avenue
25. 9515 Oliver Avenue.

#### D. APPROVAL OF VALUATION AGREEMENTS

City Assessor Bauer-Anderson stated the following properties had valuation agreements made within the 10-day window and read the properties and recommendations into the record.

1. 6324 Virginia Avenue, valued at \$285,500 and reduced to \$249,900.
2. 6771 Boone Avenue, valued at \$2,693,600 and reduced to \$2,400,000.
3. 7340 Willow Lane, valued at \$470,000 and reduced to \$418,100.
4. 8961 Windsor Terrace, valued at \$551,700 and reduced to \$529,700.
5. 7349 Logan Court, valued at \$246,400 and reduced to \$205,500.
6. 10331 Quail Avenue, valued at \$570,100 and reduced to \$549,500.
7. 1335 84<sup>th</sup> Lane, valued at \$360,200 and reduced to \$344,900.
8. 7825 June Avenue, valued at \$268,900 and reduced to \$258,500.
9. 9925 Butternut Avenue, valued at \$448,300 and reduced to \$425,000.

D.1 MOTION MORSON, SECOND KLONOWSKI TO ACCEPT THE CITY ASSESSOR'S VALUATION AGREEMENTS BETWEEN APRIL 1, 2023 AND APRIL 11, 2023. MOTION PASSED UNANIMOUSLY.

Chair Winston stated the next process was staff would get information on the properties that appealed. The information on the properties would be presented to the Board in two weeks when the Board reconvened.

E. SET DATE FOR RECONVENED BOARD OF APPEAL AND EQUALIZATION MEETING.

E.1 MOTION MORSON, SECOND KLONOWSKI TO RECONVENE THE BOARD OF APPEAL AND EQUALIZATION MEETING ON APRIL 24, 2023. MOTION PASSED UNANIMOUSLY.

F. RECESS MEETING TO RECONVENED DATE

RECESS – at 7:02 p.m. with consensus of the Board, Chair Winston recessed the meeting to April 24, 2023.

\_\_\_\_\_  
HOLLIES WINSTON, CHAIR

\_\_\_\_\_  
DEVIN MONTERO, CITY CLERK

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.3	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Operations and Maintenance
<b>Resolution:</b>	X	<b>Prepared By:</b>	Mark Becker, Street/Fleet Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Dan Ruiz, Director of Operations & Maintenance
<b>Item:</b>	Approve the Bid Award for the 2023 Street Traffic Centerline Striping project on City Streets to Warning Lites		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023--\_\_\_\_ TO APPROVE THE BID AND AWARD A CONTRACT FOR THE 2023 STREET TRAFFIC CENTERLINE STRIPING PROJECT ON CITY STREETS TO WARNING LITES.

## Overview:

This request is to approve the bid and award the contract for the 2023 Street Traffic Centerline Striping Project on city streets. The benefits of this annual project include increased vehicle and pedestrian safety. This allows the city to adhere to guidelines in the Minnesota Manual on Traffic Control to avoid liability issues.

On April 11, 2023, two (2) bids were received. The lowest responsible bid meeting specifications is from Warning Lites, who has worked for the City of Brooklyn Park in the past and the work has been satisfactory.

## Primary issues/alternatives to consider:

- Should the Council award the bid as recommended?  
Operations & Maintenance staff recommends approval as presented.

## Budgetary/Fiscal Issues:

The recommended bid proposal of \$51,406.00 is within the 2023 Street Signs and Markings Project expenditure budget in the general fund. The project preliminary estimated cost was \$55,000.00.

## Attachments:

4.3A RESOLUTION

RESOLUTION #2023-

RESOLUTION TO APPROVE THE BID AND AWARD A CONTRACT FOR THE 2023 STREET TRAFFIC CENTERLINE STRIPING PROJECT ON CITY STREETS TO WARNING LITES.

WHEREAS, the annual city street traffic centerline striping project is necessary to provide increased vehicle and pedestrian safety and adhere to guidelines in the MN Manual on Traffic Control; and

WHEREAS, on April 11, 2023, two (2) bids were received as follows:

<u>Contractor</u>	<u>Total</u>
Warning Lites	\$ 51,406.00
Sir Lines-A-Lot	\$ 58,254.00

; and

WHEREAS, the 2023 Street Traffic Centerline Striping Project O&M-SM-23-04 is recommended to be awarded to the lowest responsible bidder meeting specifications, Warning Lites, for the amount of \$51,406.00; and

WHEREAS, the recommended bid proposal of \$51,406.00 is within the 2023 Street Maintenance Signs and Markings program expenditures budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve the bid and award the contract for the 2023 Street Traffic Centerline Striping Project on city streets to Warning Lites, in the amount of \$51,406.00 and to authorize the City Manager and Operations and Maintenance Director to execute the contract.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.4	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Operations and Maintenance
<b>Resolution:</b>	X	<b>Prepared By:</b>	Richard Luckow, Public Utilities Superintendent
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	Dan Ruiz, O&M Director
<b>Item:</b>	Approve an Agreement with InControl, Inc. for SCADA Operational Improvements at the Water Treatment Plant		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-\_\_\_\_\_ TO APPROVE AN AGREEMENT WITH INCONTROL FOR SCADA OPERATIONAL IMPROVEMENTS AT THE WATER TREATMENT PLANT

## Overview:

The replacement of major equipment at the water treatment plant was included in the 2023-2027 Capital Improvement Plan as CIP Project 3004. This request is to approve an agreement with InControl in the amount of \$174,058.00 for the engineering, furnishing, installation and configuring of upgrades to the SCADA system located within the Brooklyn Park water treatment plant. SCADA is the integrated system of hardware and software which controls the operational systems of the treatment plant. The control systems of the treatment plant are integral to the safe and efficient production of quality potable water.

The accepted service life of the equipment included in this proposal is 10-15 years. Much of the equipment being replaced on this project has been in service since 1997. The manufacturer no longer produces, stocks, or supports the existing equipment.

InControl is the current Systems Integrator for the City of Brooklyn Park Utilities Division. They have written, programmed, and maintained the SCADA operation network and devices for the Utilities Division including water plant operations, water distribution monitoring and sanitary sewer lift station operations. With increased awareness and federal oversight concerning cyber security they have worked with Brooklyn Park Utilities to harden cyber defenses and to limit cyber threats to the SCADA system.

## Primary Issues/Alternatives to Consider:

Operations and Maintenance staff recommend approval as presented.

## Budgetary/Fiscal Issues:

The recommended bid proposal of \$174,058.00 is within the approved 2023 Public Utilities Water Fund expenditures program budget and capital improvement plan.

## Attachments:

4.4A RESOLUTION  
4.4B PROPOSAL

RESOLUTION #2023-

RESOLUTION TO APPROVE AN AGREEMENT WITH INCONTROL FOR SCADA OPERATIONAL IMPROVEMENTS AT THE WATER TREATMENT PLANT

WHEREAS, safe and abundant potable water is necessary for domestic and industrial consumption; and

WHEREAS, safe and abundant water is necessary for fire suppression; and

WHEREAS, safe, efficient, and reliable operation of the water treatment plant is necessary to produce water for consumption and fire suppression; and

WHEREAS, water treatment plant control systems have a predictable life span; and

WHEREAS, the equipment recommended to be upgraded in this project has been in service beyond its expected lifespan; and

WHEREAS, failure of this SCADA equipment would cause severe operational and supply challenges to potable water production; and

WHEREAS, cyber security is a real and present threat to Utility operations; and

WHEREAS, Brooklyn Park Utilities has a duty to provide potable water without interruption; and

WHEREAS, On April 5, 2023 a proposal was received from InControl Incorporated, Fridley MN, in the amount of \$174,058.00; and

WHEREAS, the project is funded with Public Utility Water Supply Funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Brooklyn Park to approve an agreement with InControl for SCADA operational improvements at the water treatment plant in the amount of \$174,058.00.



In Control, Inc.  
5301 E River Rd, Suite 108  
Fridley, MN 55421

## PROPOSAL # QN23040401-02

**To:** City of Brooklyn Park Water Treatment Plant  
5100 Edinbrook Terrace  
Brooklyn Park, MN 55443

**Date:** April 10, 2023

**From:** Cory Welsh

**Valid:** 30 days

**Page:** 1 of 6

**Attn:** Rick Luckow

**Re:** Water Treatment Plant Controls Upgrade

In Control, Inc. is pleased to provide our proposal for materials and services as part of the project referenced above.

This proposal is based upon discussions with Rick Luckow and Mitch Zweg, our meeting and visit on 01/09/2023, and In Control's experience with the existing Control System.

In Control, Inc. is providing this proposal to upgrade the existing City of Brooklyn Park Water Treatment Plant control system. The existing control system has surpassed its lifecycle and certain components have been discontinued and/or are not supported by their manufacturers. Consequently, some replacement parts are no longer available, and failure of a critical component could adversely affect operations for an extended period. Additionally, there exist limited current drawings or schematics of the system to assist in servicing or act as a basis for future improvements. In Control proposes to provide a modern, fully documented, and supportable control system to replace the existing outdated controls.

### PLCs

The existing system consists of Allen-Bradley SLC5/05 PLC processors and (1) Allen-Bradley PLC5/40E PLC processor, with discrete and analog I/O within fixed-size chassis, mounted inside Control Panels throughout the facility. We propose retaining the existing enclosures and replacing the controllers and I/O with a new Allen-Bradley CompactLogix PLC system with expandable I/O. I/O modules will be functionally matched to the existing, ensuring signal compatibility. The SLC and PLC5 programs will be converted to Logix, ensuring that all existing Plant functions are retained in the new programming.

### SCADA Interface

The existing Wonderware SCADA HMI will be retained, with only required database modifications made to communicate with the new PLCs.

The Filter Console Control Panels contain Allen-Bradley PanelView 600 Operator Interface Terminals (OIT). We propose replacement with new PanelView Plus 7 color touchscreen terminals.



### System Drawings

The existing Control Panel drawing set consists of a mixture of electronic and scanned paper drawings from Automatic Systems and In Control. This proposal includes all new electronic drawings generated in AutoCAD and provided in pdf format.

### Materials and Services Proposed

#### 1. Professional Engineering

- a. A project manager will be assigned as a primary point of contact through project completion.
- b. A project team consisting of up to (3) engineers will be assigned to the project.
- c. An Engineer will perform a pre-design (preliminary engineering) visit to the WTP to thoroughly document existing system specifics, including field connections, panel dimensions, PLC and SCADA program copies where possible, existing manual operations and Plant operating procedures.
- d. Engineering planning and review meetings will be conducted on a timely basis as required.
- e. Industry best practices, proven control approaches and standardized objects will be implemented in the design, configuration, and development of the system.
- f. Existing logic will be functionally retained to ensure that all existing Plant functions are retained in the new programming
- g. All hardware and software will be fully configured and tested at In Control prior to installation at the Water Treatment plant.
- h. A complete design and documentation package for the new system will be provided, including panel mechanical drawing, schematics, recommended spare parts list and computer software backups.
- i. Field Services include:
  - i. Pre-engineering field visits to document current Panel conditions, wiring circuits, dimensions
  - ii. Demo of existing and installation / wiring of new components within the Panels
  - iii. Identification of unused circuits (may require occasional assistance), cap and coil wires in Panel
  - iv. Checkout and Startup services

## 2. MCC Room Panel 127

Control Panel 127 consists of a 2-door free-standing enclosure located in the MCC room, installed in 1997. We propose retaining the existing enclosure shell, along with all conduit penetrations and required field wiring, and replacing the full backpanel. One of the existing side panels may be retained. We anticipate the existing sub-door relay panel will not be required and will be removed.

In Control will document the existing wire runs including which wires need to remain and which can be removed / demo'ed, along with a full final Panel drawing set. The City's Electrician will perform the disconnection and removal (where required) of the field wiring, and disassembly and reassembly of the enclosure inner panels. The In Control Engineer will be on-site during this time to assist the Electrician.

In Control shall furnish, install, and configure the following hardware:

1. Full steel backpanel: Relays, Terminals, Fuseblocks, Wire tray, etc. as required
2. Incoming Power circuit breaker, ground bus, Surge Protector
3. Convenience Receptacle with circuit breaker
4. DC Power Supply
5. An Allen-Bradley CompactLogix PLC system will replace the existing controller:
  - a. (1) Compact5380 - L320 Processor, 2MB memory, with SD card program backup
  - b. (2) CompactLogix Power Supplies, AC Input
  - c. (2) CompactLogix IO, Ethernet IO Adapters
  - d. (8) Discrete Input Modules, 16-channel, 120vAC
  - e. (5) Discrete Output Modules, 16-channel, Relay
  - f. (6) Analog Input Modules, 8-channel, 4-20mA
  - g. (4) Analog Output Modules, 8-channel, 4-20mA

## 3. 1988 North Filter Console

The North Filter Console consists of a console operator enclosure located in the Filter room, updated by In Control in 2010. We propose retaining the existing enclosure shell and backpanel, along with all conduit penetrations and associated field wiring and replacing the PLC in-situ.

In Control shall furnish, install, and configure the following PLC and Operator Interface Terminal (OIT) hardware:

1. An Allen-Bradley CompactLogix PLC system will replace the existing controller:
  - a. (1) Compact5380 - L320 Processor, 2MB memory, with SD card program backup
  - b. (1) CompactLogix Power Supply, AC Input
  - c. (1) CompactLogix IO, Ethernet IO Adapter
  - d. (4) Discrete Input Modules, 16-channel, 120vAC
  - e. (3) Discrete Output Modules, 16-channel, Relay
  - f. (1) Analog Input Module, 8-channel, 4-20mA
  - g. (1) Analog Output Module, 4-channel, 4-20mA
  - h. (1) PanelView Plus 7 Color Touchscreen Operator Interface Terminal

#### 4. 1988 South Filter Console

The South Filter Console consists of a console operator enclosure located in the Filter room, updated by In Control in 2010. We propose retaining the existing enclosure shell and backpanel, along with all conduit penetrations and associated field wiring and replacing the PLC in-situ.

In Control shall furnish, install, and configure the following PLC and Operator Interface Terminal (OIT) hardware:

1. An Allen-Bradley CompactLogix PLC system will replace the existing controller:
  - a. (1) Compact5380 - L320 Processor, 2MB memory, with SD card program backup
  - b. (1) CompactLogix Power Supply, AC Input
  - c. (1) CompactLogix IO, Ethernet IO Adapter
  - d. (4) Discrete Input Modules, 16-channel, 120vAC
  - e. (3) Discrete Output Modules, 16-channel, Relay
  - f. (1) Analog Input Module, 8-channel, 4-20mA
  - g. (1) Analog Output Module, 4-channel, 4-20mA
  - h. (1) PanelView Plus 7 Color Touchscreen Operator Interface Terminal

# Proposal Summary

The following prices apply to the proposed materials and services:

(Items 1-4) \$ 174,058

Sales and Use Taxes: Excluded  
Freight: Included, FOB shipping point

**TERMS:** 30% upon order, 10% upon drawings submittal, 50% upon new equipment installation and startup.

**EXCLUSIONS:**

Our proposal does not include the following:

- Bonding, Permits, Licenses, or Fees of any kind
- Removal, demolition, or disposal of existing equipment other than what is required within the control panels
- Electrical Studies, Tests, or Inspections that are not detailed in this proposal
- Network Media or Testing that are not defined in the scope of work detailed in this proposal
- Any equipment or services that are not defined in the scope of work detailed in this proposal
- Shipping costs to locations other than the primary project site

Thank you in advance for the consideration of our offer and for the opportunity to work together. Should you have any questions regarding this proposal, please contact me directly at your convenience. I look forward to hearing from you soon to secure and coordinate this project.

Best Regards,

**Cory Welsh, PE**  
 Senior Engineer, Project Manager  
 Mobile: 651.492.0691  
 Office: 763.783.9500  
 E-Mail: [cory.welsh@incontrol.net](mailto:cory.welsh@incontrol.net)

**Butch Schneider**  
 Senior Estimator  
 Mobile: 612.799.9017  
 Office: 763.783.9500 x2003  
 E-Mail: butch.schneider@incontrol.net

**ACCEPTANCE:** To accept this proposal please return a signed copy with purchase order. Thank you!

<b>Signature:</b> _____	<b>Purchase Order:</b> _____
<b>Print Name:</b> _____	<b>Date:</b> _____
<b>Title:</b> _____	<b>Proposal Number: QN23040401-02</b>

## Standard Terms and Conditions of Sale

These terms and conditions are in effect between the party (“Purchaser”) issuing the purchase order (“Order”) and In Control, Inc. (“In Control”).

1. **ACCEPTANCE** – Acceptance of this Order will be in writing within 30 days of Order receipt, subject to approval of the Purchaser’s credit by In Control and compliance with the acceptance criteria set forth herein. Upon acceptance, this Order will constitute the entire agreement between In Control and Purchaser, supersede all prior negotiations and discussions, and may not be modified or terminated except in writing signed by both Purchaser and In Control.
2. **TERMINATION** – Notification of termination of this Order shall be made in writing with 14 days notice. If Purchaser terminates this Order at no fault of In Control, Purchaser shall pay for services rendered at In Control’s published rates, reimbursable expenses, and equipment ordered through the date of termination. This payment will also include a fee of 10% of the Order value to cover the expense of terminating the contract.
3. **ATTORNEY FEES** - If either party commences or is made a party to an action or proceeding to enforce or interpret this Order, the prevailing party in such action or proceeding will be entitled to recover from the other party all reasonable attorneys’ fees, costs and expenses incurred in connection with such action or proceeding or any appeal or enforcement of any judgment.
4. **INDEMNIFICATION** - Purchaser will indemnify and hold harmless In Control from and against any and all claims, actions, proceedings, costs, expenses, losses and liability, including all reasonable attorneys’ fees, costs and expenses, arising out of or in connection with or relating to any goods or services not furnished by In Control pursuant to this Order, including without limitation all product liability claims and any claims involving personal injury, death or property damage. The obligations set forth in this Section will survive the termination or fulfillment of this Order.
5. **LIMITATIONS OF LIABILITY** - In no event will In Control be liable in contract, tort, strict liability, warranty or otherwise, for any special, incidental or consequential damages, such as delay, disruption, loss of product, loss of anticipated profits or revenue, loss of use of the equipment or system, non-operation or increased expense of operation of other equipment or systems, cost of capital, or cost of purchase or replacement equipment systems or power. In particular, unless otherwise agreed to in writing between the Purchaser and In Control, In Control will not accept liquidated damages.
6. **FORCE MAJEURE** – In no event shall In Control be responsible or liable for any failure or delay in the performance of its obligations hereunder arising out of or caused by, directly or indirectly, forces beyond its control, including, without limitation, strikes, work stoppages, supply chain disruptions, accidents, acts of war or terrorism, civil or military disturbances, health crises, nuclear or natural catastrophes or acts of God, and interruptions of utilities, communications or computer services. It being understood that In Control shall use all commercially reasonable efforts to resume performance as soon as practicable under the circumstances.
7. **WARRANTY** - In Control warrants that the goods and services furnished will be of good quality, free from defects in material, design and workmanship will conform to the specifications and drawings and be suitable for their intended purpose. This warranty will be in force for eighteen (18) months after shipment or twelve (12) months from startup, whichever is shorter. Any remaining allotments for Purchaser or end owner/engineer-initiated changes and call-back expire with the warranty period and are not refundable. In Control reserves the right to terminate warranty should the Purchaser’s account be in arrears.
8. **TRANSPORTATION** - Unless otherwise specified, all deliveries from In Control will be F.O.B. factory, freight prepaid.
9. **ESCALATION** – This Order is conditioned upon the ability of In Control to complete the work at present prices for material and at the existing scale of wages for labor. If In Control is, at any time during the term of the Order, unable to complete the work at the present prices and wages, then the Order sum shall be equitably adjusted by change order to compensate In Control for significant price increases, where a significant price increase is defined as a change of 10% or more between the date of quote and the date of applicable work.
10. **PAYMENT TERMS** - The payment terms are due upon invoice receipt. Any balance remaining over 31 days beyond the invoice date will be subject to a 2.0% monthly service fee until paid. Debit or credit card payment is accepted and subject to a 3.0% surcharge of the payment amount. Should a payment default occur In Control reserves the right to stop all work, including but not limited to startup of equipment. All reasonable attempts will be made between both parties to resolve the disputed portions of any invoice within the payment terms.  

Order value will be invoiced in full upon shipment unless specific terms are described in the proposal. No retainage is allowed.
11. **NONWAIVER** - The failure by In Control to enforce at any time, or for any period of time, any of the provisions hereof will not be a waiver of such provisions nor the right of In Control thereafter to enforce each and every such provision.
12. **REMEDIES** - Remedies herein reserved to In Control will be cumulative and in addition to any other or further remedies provided in law or equity.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.5	<b>Meeting Date:</b>	April 24,2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Operations and Maintenance
<b>Resolution:</b>	X	<b>Prepared By:</b>	Richard Luckow, Public Utilities Superintendent
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	3	<b>Presented By:</b>	Dan Ruiz, Director
<b>Item:</b>	Accept Bids and Award Contract for the Rehabilitation of Russell Lift Station to Pember Companies		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-\_\_\_\_\_ TO ACCEPT BIDS AND AWARD CONTRACT FOR THE REHABILITATION OF RUSSELL LIFT STATION TO PEMBER COMPANIES, INC. AND AMEND THE 2023 PUBLIC UTILITIES BUDGET BY INCREASING REVENUES USE OF FUND BALANCE BY \$91,300 AND AMEND THE 2023-2027 CAPITAL IMPROVEMENT PLAN BY \$91,300 IN 2023 TO COMPLETE THE PROJECT.

## Overview:

The lift station was constructed in 1986 and serves many residential properties and the future Mississippi Gateway Regional Park in the City of Brooklyn Park. It is located on the west side of Russell Avenue in the northeast quadrant of the city. In 2022, the Utility Division staff observed deterioration of the concrete interior wet well wall. An evaluation determined that the damage should be addressed and corrected to prevent further deterioration of the lift station wet well structure. Additionally, after the original Capital Improvement Plan was submitted, it was recommended to install a new valve vault to address safety for maintenance.

The consulting engineering firm of Bolton & Menk Inc. was hired to produce plans and specifications for the rehabilitation of the lift station. The project was advertised in the Sun-Post on March 22, 2023, and in the Consultant's electronic (Quest CDN) bulletin board. On April 6, 2023, three bids were received with the lowest responsible bid being from Pember Companies, Inc in the amount of \$266,300.00.

<u>Company</u>	<u>City</u>	<u>Bid</u>
• Pember Companies	Menominee, WI	\$266,300.00
• Northdale Construction	Albertville, MN	\$275,750.00
• R&R Excavating Inc.	Hutchinson, MN	\$355,311.29

The approved 2023 budget for this project was \$175,000 and it is listed as project #3401 in the approved 2023-2027 Capital Improvement Plan (CIP). As mentioned above, the addition of installing a new valve vault added to the project cost and a 2023 budget amendment and CIP amendment are necessary to complete this project.

## Primary Issues/Alternatives to Consider:

Operations and Maintenance staff recommend approval as presented.

## Budgetary/Fiscal Issues:

This project is included in the 2023-2027 Capital Improvement Plan and Capital Budget as project CIP #340123 in the amount of \$175,000. A 2023 budget amendment and CIP amendment is needed to complete the project. The bid amount is \$266,300 and can be accommodated in the public utilities fund.

**Attachments:**

4.5A RESOLUTION

4.5B LETTER OF RECOMMENDATION FROM BOLTON & MENK ENGINEERS

4.5C PROJECT LOCATION MAP

RESOLUTION #2023-

ACCEPT BIDS AND AWARD CONTRACT FOR THE REHABILITATION OF RUSSELL LIFT STATION TO PEMBER COMPANIES, INC. AND AMEND THE 2023 PUBLIC UTILITIES BUDGET BY INCREASING REVENUES USE OF FUND BALANCE BY \$91,300 AND AMEND THE 2023-2027 CAPITAL IMPROVEMENT PLAN BY \$91,300 IN 2023 TO COMPLETE THE PROJECT

WHEREAS, a lift station provides the means for safe and efficient conveyance of sewage; and

WHEREAS, concrete degradation and failures are becoming present in the lift station; and

WHEREAS, it is important to keep the lift stations at a good level of service; and

WHEREAS, the project is in the 2023 Capital Improvement Plan as Project #340121; and

WHEREAS, it was determined that a new valve vault was also needed to address safety for maintenance; and

WHEREAS, plans and specifications were produced Bolton & Menk; and

WHEREAS, the project was advertised in the Sun-Post and on Quest CDN electronic bidding on March 22, 2023; and

WHEREAS, on April 6, 2023, three bids were received as follows:

<u>Contractor</u>	<u>Total</u>
Pember Companies, Inc., Menomonie, WI	\$266,300.00
Northdale Construction, Inc., Albertville, MN	\$275,750.00
R & R Excavating, Inc., Hutchinson, MN	\$355,311.29

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to accept bids and award the contract for the Rehabilitation of Russell Lift Station to Pember Companies Inc., in the amount of \$266,300.00 and amend the 2023 Public Utilities Fund budget by increasing expenses \$91,300, increasing revenues use of fund balance by \$91,300 and amend the 2023-2027 Capital Improvement Plan by \$91,300 in 2023 to complete the project.



Real People. Real Solutions.

12224 Nicollet Avenue  
Burnsville, MN 55337-1649

Ph: (952) 890-0509  
Fax: (952) 890-8065  
Bolton-Menk.com

April 7, 2023

Mr. Richard Luckow  
Public Utilities Superintendent  
City of Brooklyn Park  
5200 85<sup>th</sup> Avenue North  
Brooklyn Park, MN 55443

Re: Bid Results  
Russell Lift Station Rehabilitation  
BMI Project No. 0M2.128589

Dear Mr. Luckow,

Three (3) bids were submitted for the Russell Lift Station Rehabilitation project on April 6, 2023. The base bids ranged from \$266,300.00 to \$355,311.29. The Engineer's Estimate for this project was \$250,000. The low bid price is from Pember Companies, Inc.

The following is a bid summary:

<u>Contractor</u>	<u>Total Base Bid</u>
Pember Companies, Inc.	\$266,300.00
Northdale Construction Company, Inc.	\$275,750.00
R&R Excavating, Inc.	\$355,311.29

Based on the summary above, if the City Council wishes to award the project to the lowest bidder, then Pember Companies, Inc. should be awarded the project on the Total Base Bid amount of **\$266,300.00**.

Sincerely,

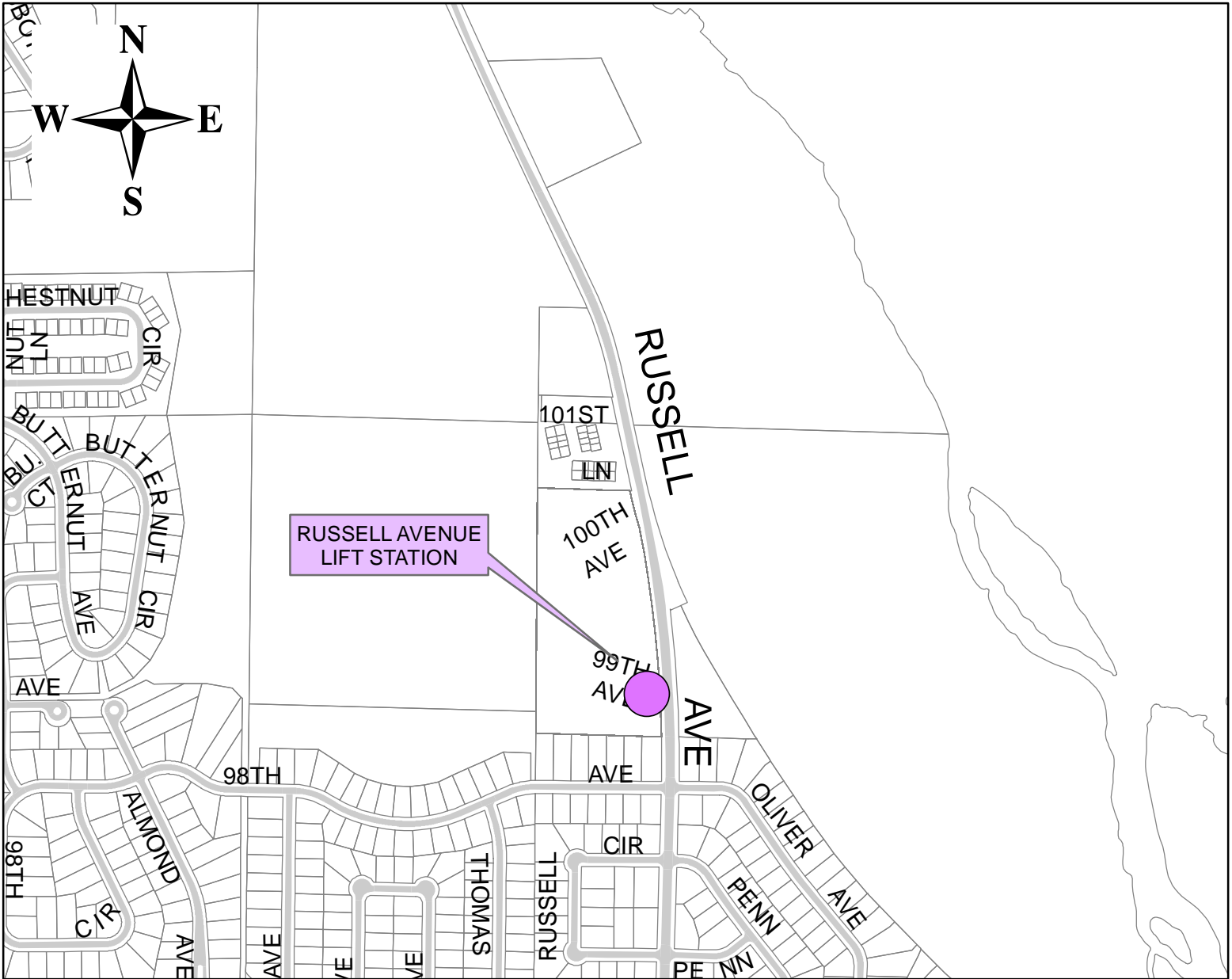
**Bolton & Menk, Inc.**

Jacob E. Humburg, P.E.  
Environmental Project Engineer

# PROJECT LOCATION MAP

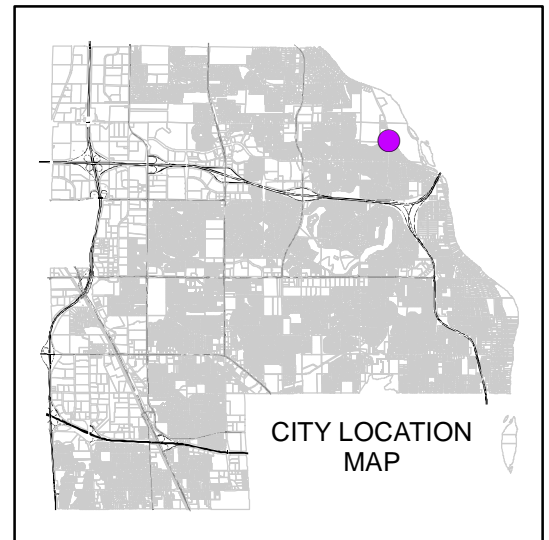
## RUSSELL LIFT STATION REHABILITATION PROJECT

### CIP 3401-23



### LEGEND

 LIFT STATION



# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.6	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Keith Jullie, Rental and Business Licensing Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Keith Jullie
<b>Item:</b>	Tetrahydrocannabinol (THC) License for Lifted		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE A THC LICENSE FOR LIFTED INC., DBA LIFTED, LOCATED AT 8470 XERXES AVENUE N., BROOKLYN PARK, MN 55444

## Overview:

At the December 5, 2022 City Council meeting, the City Council passed the second and final reading of a new ordinance Chapter 126, which creates licensing requirements and regulations for the sales of THC in Brooklyn Park. The code limits the total number of THC licenses to 15 per City Council district and 45 total city-wide. The annual licensing fee is \$1,000 plus a one-time background check fee of \$500. The applicant has completed the application and background process to obtain a license to sell THC products.

## Background:

On July 1, 2022, the Minnesota legislature legalized the sale of limited amounts of Tetrahydrocannabinol (THC), which is the intoxicating component within the hemp plant. THC can be extracted from the plant and added to edibles and beverages for consumption. State law requires that these products contain no more than 0.3% of any THC total, no more than five milligrams of THC per serving, and no more than 50 milligrams of THC per package. The law prohibits the sale of edible THC products to anyone under the age of 21 and contains several requirements regarding labeling and packaging.

## Ordinance Requirements:

The ordinance and licensing requirements include regulations from State law and City code including:

- Business must have a license approved by the City Council to sell THC products effective March 1, 2023.
- Customers must be 21 years old to purchase THC products, and it is a petty misdemeanor violation for anyone under 21 to possess licensed products.
- Customers must provide a valid government issued photo identification for purchase upon request.
- Products must be located behind a counter or in a locked case requiring store employees to access.
- License applicants must pass a background check prior to license approval.
- Compliance checks and business inspections are required to ensure compliance with regulations.
- Annual license fee is \$1,000 and background check fee of \$500.
- The total number of THC licenses allowed in the city proposed at 15 per each of three City Council districts (east, central, west) and 45 total licenses allowed in the city based on discussion with the City Council during the first reading.
- THC licenses are allowed in all retail areas except within 300 feet of a school and exclusive liquor stores are ineligible.
- Penalties for violations and appeal processes are comparable to tobacco compliance processes.

The application has been approved and the Police Department has completed their investigation of the owner and manager. There are no known code violations currently and staff recommends approval of this THC Sales license.

THC Business Locations:

Business Name	Location	Council District	Total in District		
			Central	East	West
E-Vapor and Tobacco	4658 85 <sup>th</sup> Avenue N.	Central	X		
Neighborhood Gas and Tobacco	7416 Brooklyn Blvd N.	East		X	
Winner Gas	1500 Brookdale Drive N.	East		X	
Love is an Ingredient	6276A Boone Avenue N.	West			X
Love is an Ingredient	8505 Jefferson Lane N.	West			X
New Superette	6290 Boone Avenue N.	West			X
A&J Tobacco (new)	8058 Brooklyn Blvd N.				X
Speedy Market (new)	7401 Regent Ave N.			X	
Lifted (new)	8470 Xerxes Ave N.			X	
		<b>TOTALS</b>	1	4	4

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:**

THC License fees totaling \$1,000 will be added to the general fund.

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.7	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Keith Jullie, Rental and Business Licensing Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Keith Jullie
<b>Item:</b>	Tetrahydrocannabinol (THC) License for Speedy Market		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE A THC LICENSE FOR SPEEDY GAS LLC, DBA SPEEDY MARKET, LOCATED AT 7401 REGENT AVENUE N., BROOKLYN PARK, MN 55443

## Overview:

At the December 5, 2022 City Council meeting, the City Council passed the second and final reading of a new ordinance Chapter 126, which creates licensing requirements and regulations for the sales of THC in Brooklyn Park. The code limits the total number of THC licenses to 15 per City Council district and 45 total city-wide. The annual licensing fee is \$1,000 plus a one-time background check fee of \$500. The applicant has completed the application and background process to obtain a license to sell THC products.

## Background:

On July 1, 2022, the Minnesota legislature legalized the sale of limited amounts of Tetrahydrocannabinol (THC), which is the intoxicating component within the hemp plant. THC can be extracted from the plant and added to edibles and beverages for consumption. State law requires that these products contain no more than 0.3% of any THC total, no more than five milligrams of THC per serving, and no more than 50 milligrams of THC per package. The law prohibits the sale of edible THC products to anyone under the age of 21 and contains several requirements regarding labeling and packaging.

## Ordinance Requirements:

The ordinance and licensing requirements include regulations from State law and City code including:

- Business must have a license approved by the City Council to sell THC products effective March 1, 2023.
- Customers must be 21 years old to purchase THC products, and it is a petty misdemeanor violation for anyone under 21 to possess licensed products.
- Customers must provide a valid government issued photo identification for purchase upon request.
- Products must be located behind a counter or in a locked case requiring store employees to access.
- License applicants must pass a background check prior to license approval.
- Compliance checks and business inspections are required to ensure compliance with regulations.
- Annual license fee of \$1,000 and background check fee of \$500.
- The total number of THC licenses allowed in the city proposed at 15 per each of three City Council districts (east, central, west) and 45 total licenses allowed in the city based on discussion with the City Council during the first reading.
- THC licenses are allowed in all retail areas except within 300 feet of a school and exclusive liquor stores are ineligible.
- Penalties for violations and appeal processes are comparable to tobacco compliance processes.

The application has been approved and the Police Department has completed their investigation of the owner and manager. There are no known code violations currently and staff recommends approval of this THC Sales license.

THC Business Locations:

Business Name	Location	Council District	Total in District		
			Central	East	West
E-Vapor and Tobacco	4658 85 <sup>th</sup> Avenue N.	Central	X		
Neighborhood Gas and Tobacco	7416 Brooklyn Blvd N.	East		X	
Winner Gas	1500 Brookdale Drive N.	East		X	
Love is an Ingredient	6276A Boone Avenue N.	West			X
Love is an Ingredient	8505 Jefferson Lane N.	West			X
New Superette	6290 Boone Avenue N.	West			X
A&J Tobacco (new)	8058 Brooklyn Blvd N.				X
Speedy Market (new)	7401 Regent Ave N.			X	
Lifted (new)	8470 Xerxes Ave N.			X	
		<b>TOTALS</b>	1	4	4

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:**

THC License fees totaling \$1,000 will be added to the general fund.

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.8	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Megan Bookey, Program Assistant III
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Keith Jullie, Rental and Business Licensing Manager
<b>Item:</b>	Tobacco License for Speedy Market		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE A TOBACCO LICENSE FOR SPEEDY GAS LLC, DBA SPEEDY MARKET, LOCATED AT 7401 REGENT AVENUE N., BROOKLYN PARK, MN 55443.

## Overview:

This is a new tobacco license for Speedy Gas LLC, dba Speedy Market located at 7401 Regent Avenue N. The previous business was Nice African Family Market who held a tobacco license at this location. The application has been approved and the Police Department has completed their investigation of the owner and manager. There are no known code violations currently and staff recommends approval of this Tobacco Sales license.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.9	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Keith Jullie, Rental and Business Licensing Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Keith Jullie
<b>Item:</b>	Tetrahydrocannabinol (THC) License for A & J Tobacco		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE A THC LICENSE FOR A & J TOBACCO LLC, DBA A & J TOBACCO, LOCATED AT 8058 BROOKLYN BLVD N., BROOKLYN PARK, MN 55445

## Overview:

At the December 5, 2022 City Council meeting, the City Council passed the second and final reading of a new ordinance Chapter 126, which creates licensing requirements and regulations for the sales of THC in Brooklyn Park. The code limits the total number of THC licenses to 15 per City Council district and 45 total city-wide. The annual licensing fee is \$1,000 plus a one-time background check fee of \$500. The applicant has completed the application and background process to obtain a license to sell THC products.

## Background:

On July 1, 2022, the Minnesota legislature legalized the sale of limited amounts of Tetrahydrocannabinol (THC), which is the intoxicating component within the hemp plant. THC can be extracted from the plant and added to edibles and beverages for consumption. State law requires that these products contain no more than 0.3% of any THC total, no more than five milligrams of THC per serving, and no more than 50 milligrams of THC per package. The law prohibits the sale of edible THC products to anyone under the age of 21 and contains several requirements regarding labeling and packaging.

## Ordinance Requirements:

The ordinance and licensing requirements include regulations from State law and City code including:

- Business must have a license approved by the City Council to sell THC products effective March 1, 2023.
- Customers must be 21 years old to purchase THC products, and it is a petty misdemeanor violation for anyone under 21 to possess licensed products.
- Customers must provide a valid government issued photo identification for purchase upon request.
- Products must be located behind a counter or in a locked case requiring store employees to access.
- License applicants must pass a background check prior to license approval.
- Compliance checks and business inspections are required to ensure compliance with regulations.
- Annual license fee of \$1,000 and background check fee of \$500
- The total number of THC licenses allowed in the city proposed at 15 per each of three City Council districts (east, central, west) and 45 total licenses allowed in the city based on discussion with the City Council during the first reading.
- THC licenses are allowed in all retail areas except within 300 feet of a school and exclusive liquor stores are ineligible.
- Penalties for violations and appeal processes are comparable to tobacco compliance processes.

The application has been approved and the Police Department has completed their investigation of the owner and manager. There are no known code violations currently and staff recommends approval of this THC Sales license.

THC Business Locations:

Business Name	Location	Council District	Total in District		
			Central	East	West
E-Vapor and Tobacco	4658 85 <sup>th</sup> Avenue N.	Central	X		
Neighborhood Gas and Tobacco	7416 Brooklyn Blvd N.	East		X	
Winner Gas	1500 Brookdale Drive N.	East		X	
Love is an Ingredient	6276A Boone Avenue N.	West			X
Love is an Ingredient	8505 Jefferson Lane N.	West			X
New Superette	6290 Boone Avenue N.	West			X
A&J Tobacco (new)	8058 Brooklyn Blvd N.				X
Speedy Market (new)	7401 Regent Ave N.			X	
Lifted (new)	8470 Xerxes Ave N.			X	
		<b>TOTALS</b>	1	4	4

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:**

THC License fees totaling \$1,000 will be added to the general fund.

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.10	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Megan Bookey, Program Assistant III
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Keith Jullie, Rental and Business Licensing Manager
<b>Item:</b>	Tobacco License for A & J Tobacco		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE A TOBACCO LICENSE FOR A & J TOBACCO LLC, DBA A & J TOBACCO, LOCATED AT 8058 BROOKLYN BLVD N, BROOKLYN PARK, MN 55445.

## Overview:

This is a new tobacco license for A & J Tobacco LLC, dba A & J Tobacco located at 8058 Brooklyn Blvd N. The application has been approved and the Police Department has completed their investigation of the owner and manager. There are no known code violations at this time and staff recommends approval of this Tobacco Sales license.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.11	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Police
<b>Resolution:</b>	X	<b>Prepared By:</b>	Stephanie Heiberger, Administrative Assistant
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	Mark Bruley, Police Chief
<b>Item:</b>	Approve Joint Powers Agreement for Pets Under Police Security (PUPS)		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-\_\_\_\_\_, APPROVING THE JOINT POWERS AGREEMENT FOR PETS UNDER POLICE SECURITY.

## Overview:

In December 1990, the City of Brooklyn Park entered into a Joint Powers Agreement with the cities of Brooklyn Center, Crystal, Plymouth, Maple Grove, and New Hope for Pets Under Police Security (PUPS). The partner cities utilize PUPS for animal-control-related boarding and management. Through this agreement, the city of Maple Grove serves as the owner, operator, and fiscal agent of PUPS. The partner cities have representation on the PUPS board and contribute to the management and maintenance of the facility through cost sharing.

The purpose of bringing forward this agreement for renewal is to add Champlin and Robbinsdale as member cities. The period for this agreement is January 1, 2023, through December 31, 2053. The agreement does allow for termination of membership upon written notice no later than June 30 in any year specifying an effective date no earlier than January 1 of the subsequent year.

**Primary Issues/Alternatives to Consider:** N/A

## Budgetary/Fiscal Issues:

The PUPS Joint Powers Agreement is a line item in the 2023 budget, as approved by the Council in December.

## Attachments:

4.11A RESOLUTION  
4.11B AGREEMENT

RESOLUTION #2023-

RESOLUTION APPROVING THE JOINT POWERS AGREEMENT FOR  
PETS UNDER POLICE SECURITY

WHEREAS, in December 1990 the City of Brooklyn Park entered into a Joint Powers agreement for Pets Under Police Security; and

WHEREAS, the partner cities utilize PUPS for animal-control-related boarding and management; and

WHEREAS, the partner cities have representation on the Pets Under Police Security board and contribute to the management and maintenance of the facility through cost sharing; and

WHEREAS, the renewal of this agreement adds Champlin and Robbinsdale as member cities; and

WHEREAS, the period of this agreement is January 1, 2023, through December 31, 2053, unless otherwise terminated per the agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the City approve the joint powers agreement for Pets Under Police Security.

**JOINT POWERS AGREEMENT  
for  
PETS UNDER POLICE SECURITY (“PUPS”)**

This JOINT POWERS AGREEMENT (“Agreement”) is made and entered into pursuant to Minn. Stat. § 471.59 by the cities of Maple Grove, Brooklyn Center, Brooklyn Park, Champlin, Crystal, New Hope, Plymouth, and Robbinsdale (“Members”) as of the Effective Date specified herein.

WHEREAS, the Members acknowledge that in the course of operations of their respective municipal animal control efforts, they encounter animals that require safe, efficient, and economical impoundment;

WHEREAS, the Members desire and intend to maintain an organization by which they may jointly and cooperatively provide for the impoundment of such animals in a jointly operated animal control impound facility (“PUPS Facility”);

WHEREAS, the Members desire to provide for the joint use and shared financial responsibilities of operation of the PUPS Facility;

WHEREAS, the PUPS Facility is located at 11350 89th Ave N, Maple Grove, MN 55369;

BASED UPON AND IN CONSIDERATION OF THE FOREGOING, the Members agree as follows:

1. **Term.** This Agreement shall commence on January 1, 2023 (“Effective Date”) and expire on December 31, 2053 unless earlier terminated as specified herein. Upon expiration of the initial term, the Members may negotiate and may agree to extend this Agreement.
2. **Membership**
  - a. *Initial membership.* By executing this Agreement, municipalities noted above are the initial Members of PUPS and are subject to the terms and conditions of this Agreement.
  - b. *Additional members.* Any governmental unit may make application to become a member of PUPS. In order to apply, a governmental unit must contact the Board and inform the Board of the governmental unit’s intent to join. Applications will be considered in the sole discretion of the Board and according to terms and conditions set by the Board in accordance with this Agreement. The terms and conditions of additional membership shall be documented in an addendum to this Agreement.
  - c. *Withdrawal.* Members may elect to withdraw from PUPS upon written notice to the Board no later than June 30 in any year specifying an effective date no earlier than January 1 of the subsequent year. All obligations of the withdrawing Member continue through the effective date of withdrawal.

### 3. Board

- a. *Composition and voting.* The governing body of PUPS shall be a Board of Directors ("Board") consisting of one board member from each Member city. Each Member has one vote and proxy voting shall not be allowed. Maple Grove's representative shall be the board chair.
- b. *Meetings.* Except as otherwise provided in this Agreement, the Board shall meet either virtually or in person as often as it is deemed necessary and keep minutes, in either electronic or written form, of the substance of each meeting. Minutes of the Board meetings shall be made available to Members for their review.
- c. *Board authority.* The Board by majority vote of its members must approve the annual operation budget and any significant budgetary impacts or changes, any capital improvements, and any new members. The Maple Grove City Administrator may overturn any decision by the Board resulting in additional building maintenance expenditures, modification of the PUPS Facility, or increased capital improvement needs.

### 4. Management and Use

- a. *Animal Containment Coordinator.* Maple Grove will appoint, employ, and supervise an Animal Containment Coordinator for the PUPS Facility. The Animal Containment Coordinator will be employed by Maple Grove, the costs of which, including wages, benefits, and other related expenses, shall be proportionally paid for by the Members.
- b. *PUPS Facility Use.* The Animal Containment Coordinator, in consultation with the Board, will be responsible for setting the hours of operation, public hours, records management, and animal care subject to the rights and obligations of the Members.
- c. *Use by non-Members.* The Board will establish guidelines, policies, rates, and fees for any use of the PUPS Facility by non-Members.
- d. *Maintenance.* Maple Grove shall be responsible for all maintenance, repair, replacement, and upkeep of the PUPS Facility necessary to keep it in good repair and clean condition, the costs for which will be paid by the Members in proportion to their share set forth herein. If the Board determines that Maple Grove has failed to perform the maintenance or make any of the repairs or changes required by this Agreement, the Board shall notify Maple Grove in writing of the required maintenance, repairs, or changes. Maple Grove has 30 days after receipt of such notice to perform or make the required maintenance, repairs, or changes, after which time upon authorization by the Board any other Member may but are not obligated to perform or make the required maintenance, repairs, or changes, the costs of which shall be shared among all Members in proportion to their share set forth herein. In such event, Maple Grove shall allow reasonable access to the PUPS Facility to any person authorized by the Board to perform maintenance, repairs, or changes. If Maple Grove fails to timely cure under this Article, it shall be liable for any damage to property or loss sustained by the other Members, except damage or loss caused by any other Members' negligent or willful conduct. Maple Grove's failure to

timely cure under this Article shall not constitute a default of this Agreement unless such failure significantly impairs the other Members' use of PUPS.

## 5. Operations

- a. *Owner-Operator.* Maple Grove shall be the owner, operator, and fiscal agent of PUPS, subject to the rights and obligations of the Members set forth in this agreement. Maple Grove shall control all PUPS operations including but not limited to staffing and billing. No Member shall take any action to install equipment or modify the PUPS Facility or the real property on which the PUPS Facility is located without express, written, advance approval from the Board.
- b. *Operating Costs.* Operating Costs include all expenses and costs incurred and normally required with respect to repair, replacement, maintenance, and operation of the PUPS Facility and equipment, improvements, sidewalk, driveways, and parking facilities. Operating costs shall include but are not limited to the following:
  - i. Wages, salaries, benefits, and related expenses of all employees engaged in the operation, management, maintenance, and care of animals within the PUPS Facility, including, without limitation, the Animal Containment Coordinator;
  - ii. All supplies and materials used in the operation and maintenance of the PUPS Facility;
  - iii. Cost of utilities, including but not limited to water, sewer, heating, lighting, electricity, air conditioning, and ventilation for the PUPS Facility;
  - iv. Maintenance and service agreements for PUPS and the maintenance, service, and replacement of the equipment in the PUPS Facility or parking facilities;
  - v. Costs of all insurance for PUPS, including but not limited to premiums, deductibles, and the costs to purchase and maintain fire, property, casualty, and liability insurance;
  - vi. Any and all common area maintenance costs related to public areas of the PUPS Facility, including but not limited to all bathrooms, sidewalks, landscaping, drives, and, service areas;
  - vii. Capital expenditures including but not limited to the cost to maintain, repair, or replace all structural components of the PUPS Facility, fixtures, equipment, and site improvements.
- c. *Operating Budget.* Maple Grove shall provide Members and the Board a copy of the proposed budget of the estimated Revenue and Operating Costs for PUPS (the "Operating Budget") by June 1 for the following calendar year. The Board shall approve the operating budget on or before August 31 of each year.
- d. *Cost Sharing.* Members shall share in all Operating Costs for PUPS. The Board must adopt an annual Operating Budget by June 1 of each year and provide each Member a reasonable opportunity to comment on the proposed budget before adoption. Notification of the adopted budget must be provided promptly to the chief administrative officer of each member. Cost sharing shall be determined

based on the actual number of impounded animals per Member or according to other methodology adopted by a 2/3 majority of the Board. Each Member shall pay Maple Grove the Member's share of Operating Costs in two equal installments due on May 31 and August 31. The final operations bill back will be due on February 28 of the following year. Maple Grove shall submit an invoice to the Members approximately 30 days in advance to assure timely payment. If a Member ceases to be a Member at any time other than the end of a calendar year, the exiting Member's portion of Operating Costs shall be reallocated to the remaining Members according to their Percentage Share.

- e. *Unanticipated Expenses.* An "unanticipated expense" is an expenditure that is not included in an approved Operating Budget but is necessary for the continued operation of PUPS. Maple Grove shall have discretion in consultation with the Board to approve and incur any unanticipated expense.
- f. *Reconciliation and Reserve Account.* On or before June 30 of each year, Maple Grove shall provide the other Members documentation of the net surplus or deficit of Operating Costs in relation to payments made in the preceding year. Any such surplus or deficit in payments shall be treated as follows:
  - i. If there is an actual deficit, each Member will be responsible for its Percentage Share of the deficit.
  - ii. If there is an actual surplus, the amount overpaid by the Members shall be deposited into a PUPS account to be maintained by Maple Grove (the "PUPS Capital") and used by Maple Grove for PUPS-related expenses. If Maple Grove cancels this Agreement as provided in Paragraph 12, any funds remaining in the PUPS Account at the time of such cancellation or termination shall be distributed to all Members in accordance with their Percentage Share determined at that time. Upon any other termination or cancellation of this Agreement, Maple Grove shall retain all funds in the PUPS Account.
- g. *Capital Contribution.* All Members shall by June 30 of each year make a collective annual capital investment in the PUPS Facility of \$25,000, or in a different amount as may be determined by the Board, divided among membership according to the following percentage formula: the total annual number of animal impounds attributable to the Member divided by the total annual number of all PUPS animal impounds in the prior year. Partial year capital contributions will be prorated.
  - e.g. PUPS impounds 900 animals in a given year, including 100 animals from Maple Grove. Maple Grove is responsible for 11.1% of the total impounds. Maple Grove's capital contribution for that year would be \$2,775 (11.1% of \$25,000).
- h. *Inspection.* Maple Grove agrees that Members, at their own expense and through their duly authorized representatives, at any time during normal business hours and as often as reasonably necessary, shall have the right to examine, audit, excerpt, and transcribe any books and records which are pertinent to or involve transactions relating to this Agreement, including

verification of amounts and types of expenses which appear on the Operating Budget or statements of actual Operating Costs.

6. **Compliance with Rules and Regulations.** The Members agree to comply with all applicable federal, state, municipal, and local laws, ordinances, and regulations while occupying PUPS. The Members shall comply with Maple Grove's reasonable rules for the safety, care, cleanliness, and preservation of good order of PUPS, provided that the rules are submitted to them in writing and do not conflict with the terms of this Agreement.
7. **Insurance.** Maple Grove will, at all times during the Term and any renewal period of this Agreement, either self-insure or have and keep in force a single limit or excess umbrella commercial general liability insurance policy of an amount not less than \$500,000 per claimant for death, bodily injury, personal injury, property loss and/or damages and \$1,500,000 for total personal injury, bodily injury, property loss and/or damages arising from any one occurrence or greater limits which may be subsequently allowed under Minn. Stat. §§ 466.02 and 466.04, as amended. Maple Grove will furnish Members with Certificates of Insurance documenting the insurance coverage required by this Agreement upon request. All Certificates shall provide that the insurance company shall give 10 days written notice to the Members of cancellation, non-renewal, or any material change in the policy.
8. **Liability.**
  - a. *Cooperative Activity.* Pursuant to Minn. Stat. § 471.59, subd. 1a(a), as amended, this Agreement is intended to be and shall be construed as a "cooperative activity" and it is the intent of the Members that they shall be deemed a "single governmental unit" for the purposes of liability; provided, however, that each Member expressly declines responsibility for the acts or omissions of the other Member. Nothing in this Agreement shall be construed to waive or limit any immunity from, or limitation on, the liability of either Member as provided by law.
  - b. *Third Party.* To the extent that tort damages or other related costs or fees become payable to a third party as a result of this Agreement or the activities carried out pursuant to this Agreement, the Members shall each pay an amount equal to their respective percentage of liability. Notwithstanding the foregoing, this Agreement is solely for the benefit of the Members, it being the express intent of the Members that no other entity or person shall have any right, claim, or interest in this Agreement.
  - c. *Employee Liability Limitation.* No Member shall be responsible or liable for injuries or death of the other Members' employees or officers. Each Member will maintain worker's compensation coverage to the extent required by law on its employees and officers who perform work or use the PUPS Facility pursuant to this Agreement.
  - d. *No Immunity Waiver.* Nothing in this Agreement is intended or should be construed in any manner as a waiver of any Member's immunities or of the tort limits contained in Minnesota Statutes chapter 466.

9. **Indemnification.** Subject to the limitations, immunities, and defenses in Minnesota Statute chapter 466, each Member shall defend, indemnify, and hold harmless the other Members and their officers and employees from and against any and all liability, loss, damages, costs, and expenses which it or its employees or agents may hereafter sustain, incur, or be required to pay arising out of or resulting from the performance of this Agreement, provided that any such claim, damage, loss, or expense is (1) attributable to personal or bodily injury, sickness, disease, or death or to injury to or destruction of tangible property including the loss of use therefrom; and (2) caused by any negligent acts or omissions of the indemnifying Member or its employees, agents, or any other person or entity for whose actions it may be liable.
10. **Dispute Resolution; Applicable Law; Venue.** In the event some or all of the Members are unable to reach agreement regarding interpretation of their rights and obligations under this Agreement, the disagreeing Members shall participate in mediation pursuant to the Minnesota Civil Mediation Act, as amended (currently codified at Minn. Stat. § 572.31 et seq.) prior to initiating any other form of dispute resolution, including legal action. This Agreement is created under and shall be read and construed according to Minnesota law. Any legal action between the Members related to this Agreement shall be venued in a court of competent jurisdiction in Hennepin County, Minnesota.
11. **Default.** If any payment by a Member required by this Agreement remains unpaid for 30 days after written notice or a Member fails to comply with any of the terms and conditions of this Agreement and such failure continues for 30 days after written notice, such Member shall be deemed in default. Upon the occurrence of such default, Maple Grove may in its discretion in consultation with the Board terminate the defaulting Member's membership in this Agreement and recover damages from the defaulting Member including but not limited to all unpaid amounts due and owing under this Agreement plus any sum of money as may be determined fair and equitable by a court having jurisdiction over this matter, plus interest at the maximum rate allowed by law.
12. **Termination By Maple Grove.** Maple Grove may, in its sole discretion, elect to terminate this Agreement upon written notice to the Members. Such notice shall provide for no less than one full budget year (January 1 – December 31) prior to its effective date of termination e.g. if notice under this provision were provided on March 1, 2026, the effective date of termination could be no earlier than January 1, 2028.
13. **Miscellaneous Provisions**
- a. *Waiver.* Failure by any Member to insist, in any one or more instances, upon strict performance of any term, covenant, or condition of this Agreement or to exercise any option contained in this Agreement shall not be construed as a waiver or a relinquishment for the future of such term, covenant, condition, or option, but the same shall continue and remain in full force and effect. The Members shall not be deemed to have waived any provision of this Agreement until expressed in a signed writing.
  - b. *Counterparts.* This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

- c. *No Assignment.* This Agreement may not be assigned except by the advance, express written consent of all other Members.
- d. *Entire Agreement; Modification.* This Agreement shall constitute the entire agreement among the Members as to the subject matter and any understandings or representations of any kind preceding the execution of this Agreement shall not be binding upon the Members. This Agreement may not be amended or modified except by a written instrument executed by all Members.
- e. *Authority.* Each Member represents and warrants that it has the power and authority to enter into this Agreement. Each Member further represents and warrants that the person or persons executing this Agreement on its behalf have full and complete legal authority to do so, and thereby bind the Member and, to the extent permitted by this Agreement, its successors and assigns.
- f. *Notices.* Any notice or demand, which may or must be given or made by any Member under the terms of this Agreement or any statute or ordinance shall be in writing and be sent registered or certified mail to the other Members addressed as follows:

To: Maple Grove  
City Clerk  
City of Maple Grove  
12800 Arbor Lakes Parkway  
Maple Grove, MN 55369

To: Brooklyn Park  
Police Chief  
City of Brooklyn Park  
5400 85th Ave. N  
Brooklyn Park, MN 55443

To: Brooklyn Center  
Police Chief  
City of Brooklyn Center  
6645 Humboldt Ave  
Brooklyn Center, MN 55430

To: Champlin  
Police Chief  
City of Champlin  
11955 Champlin Drive  
Champlin, MN 55316

To: Crystal  
Police Chief  
City of Crystal  
4141 Douglas Drive N  
Crystal, MN 55427

To: New Hope  
Police Chief  
City of New Hope  
4401 Xylon Ave N  
New Hope, MN 55428

To: Plymouth  
City Clerk  
City of Plymouth  
3400 Plymouth Blvd.  
Plymouth, MN 55447-1448

To: Police Chief  
City of Robbinsdale  
4101 Hubbard Ave N  
Robbinsdale, MN 55442

Each Member may designate a different addressee or form of accepting notice at any time by giving written notice to the other Members as provided in this paragraph. Notice delivered by hand shall be deemed received upon delivery.

- g. *Acknowledgement.* Each of the Members affirms and acknowledges that it has fully read, appreciates, and understands the words, terms, conditions, and provisions of this Agreement and is fully satisfied with the same. Each Member affirms and acknowledges that it has been, or had the opportunity to be, represented by legal counsel of its choice.

IN WITNESS WHEREOF, each party to this Agreement has caused it to be executed on the date indicated below:

[Signature Pages to Follow]

**CITY OF MAPLE GROVE**

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By: Mark Steffenson

Its: Mayor

Dated: \_\_\_\_\_, 2023

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By: Heidi Nelson

Its: City Administrator

Dated: \_\_\_\_\_, 2023

**CITY OF BROOKLYN CENTER**

\_\_\_\_\_  
By:  
Its: Mayor  
Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
By:  
Its: City Manager  
Dated: \_\_\_\_\_, 2023

**CITY OF BROOKLYN PARK**

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By:

Its: Mayor

Dated: \_\_\_\_\_, 2023

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By:

Its: City Manager

Dated: \_\_\_\_\_, 2023

**CITY OF CHAMPLIN**

\_\_\_\_\_  
By:  
Its: Mayor  
Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
By:  
Its: City Administrator  
Dated: \_\_\_\_\_, 2023

**CITY OF CRYSTAL**

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By:  
Its: Mayor  
Dated: \_\_\_\_\_, 2023

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By:  
Its: City Manager  
Dated: \_\_\_\_\_, 2023

**CITY OF NEW HOPE**

\_\_\_\_\_  
By:  
Its: Mayor  
Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
By:  
Its: City Manager  
Dated: \_\_\_\_\_, 2023

**CITY OF PLYMOUTH**

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By:  
Its: Mayor  
Dated: \_\_\_\_\_, 2023

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By:  
Its: City Manager  
Dated: \_\_\_\_\_, 2023

**CITY OF ROBBINSDALE**

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By:  
Its: Mayor  
Dated: \_\_\_\_\_, 2023

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By:  
Its: City Manager  
Dated: \_\_\_\_\_, 2023

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.12	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	X	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	3	<b>Presented By:</b>	Devin Montero
<b>Item:</b>	Resolution Designating the Edge Christian Worship Center as the Polling Place for Precinct C-5 for the Elections to be Held in 2023 in the City of Brooklyn Park		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-\_\_\_\_\_ TO DESIGNATE THE EDGE CHRISTIAN WORSHIP CENTER AS THE POLLING PLACE FOR PRECINCT C-5 FOR THE ELECTIONS TO BE HELD IN 2023 FOR THE CITY OF BROOKLYN PARK.

## Overview:

In November 2022, representatives from the Church of Jesus Christ Latter Day Saints notified me they were no longer participating as a polling place for elections due to a change in the church's policies. This church served as a polling place for Precinct C-5 in the Central District.

At the December 12, 2022 council meeting, the Council approved a resolution for designated polling places for elections to be held in 2023. This resolution did not have a polling place designated for Precinct C-5.

In March 2023, representatives from the Edge Christian Worship Center agreed to be a polling place for the years 2023 and 2024.

## Primary Issues/Alternatives to Consider:

Tonight's action is to approve a resolution to designate the Edge Christian Worship Center as a polling place for Precinct C-5 in the Central District. Hennepin County will send out postcards to all registered voters in Precinct C-5 notifying the voters of the polling place change.

**Budgetary/Fiscal Issues:** N/A

## Attachments:

- 4.12A RESOLUTION
- 4.12B 2023 POLLING PLACE MAP
- 4.12C RESOLUTION #2022-147

RESOLUTION #2023-

RESOLUTION DESIGNATING THE EDGE CHRISTIAN WORSHIP CENTER AS THE POLLING PLACE FOR PRECINCT CENTRAL 5 FOR THE ELECTIONS TO BE HELD IN 2023 FOR THE CITY OF BROOKLYN PARK

WHEREAS, Minnesota State Statute 204B.16 states that by December 31 of each year, the governing body of each municipality and of each county with precincts in unorganized territory must designate by ordinance or resolution a polling place for each election precinct. The polling places designated in the ordinance or resolution are the polling places for the following calendar year, and

WHEREAS, In November 2022, representatives from the Church of Jesus Christ Latter Day Saints, notified the city they were no longer participating as a polling place for Precinct C-5 due to a change in the church’s policies; and

WHEREAS, at the December 12, 2022, council meeting, the Council approved Resolution #2022-147 designating polling places for elections to be held in 2023. This resolution did not have a polling place designated for Precinct C-5; and

WHEREAS, in March 2023, representatives from the Edge Christian Worship Center, agreed to be a polling place for the years 2023 and 2024.

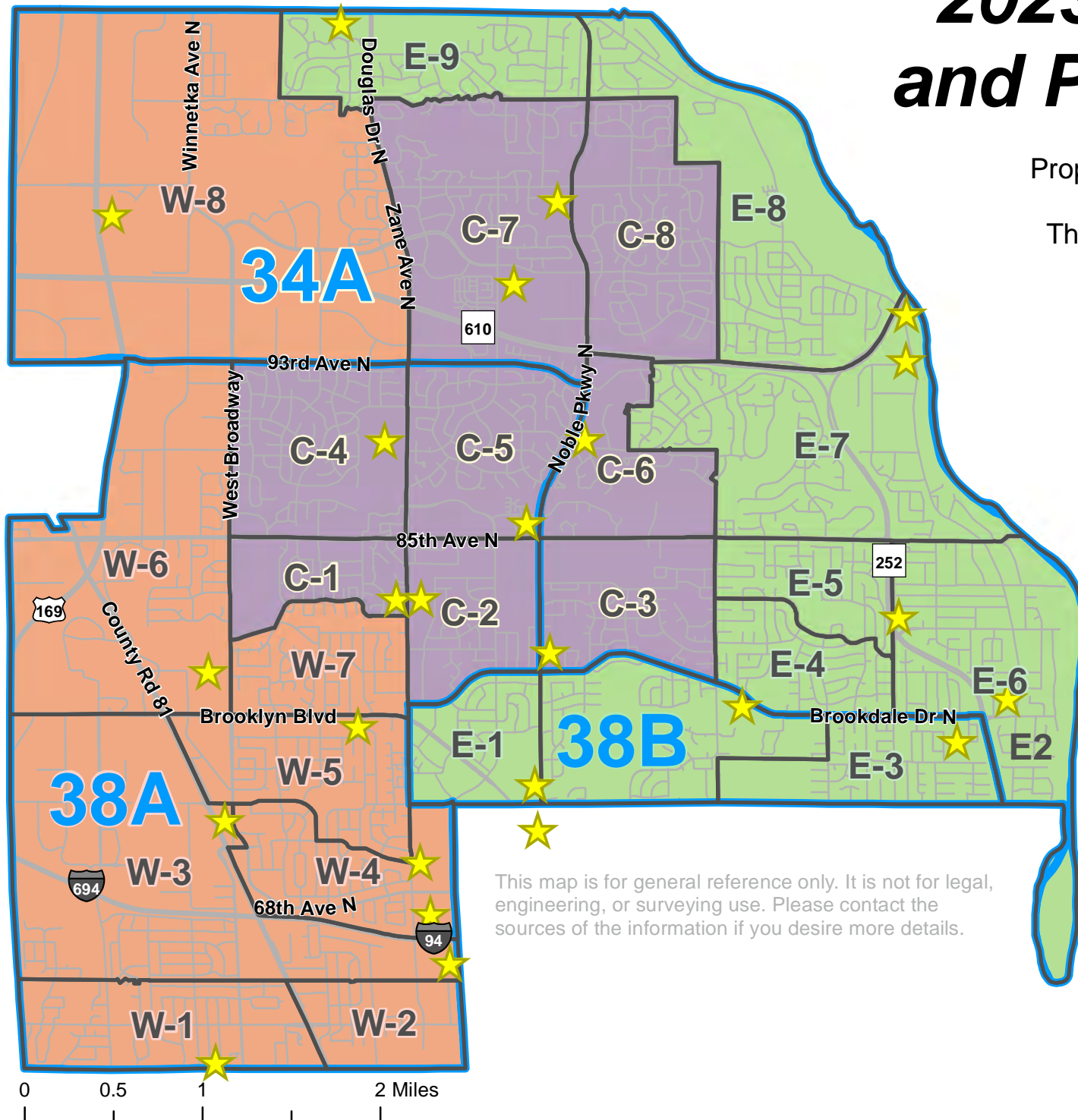
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park, to designate the Edge Christian Worship Center as the polling place for Precinct C-5 for the elections to be held in 2023 in the City of Brooklyn Park.






**(Central District)**

Precinct	Polling Place	Address	Zip
C-5	The Edge Christian Worship Center	4707 Edinbrook Terrace	55443

# 2023 Legislative and Precinct Map

Proposed change of C5 polling place from Latter Day Saints Church to The Edge Christian Worship Center



-  *Polling Place*
-  *House Districts*
-  *West Ward*
-  *Central Ward*
-  *East Ward*

This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details.



## RESOLUTION #2022-147

RESOLUTION DESIGNATING POLLING PLACES IN THE CITY  
OF BROOKLYN PARK FOR THE ELECTIONS TO BE HELD IN 2023

WHEREAS, Minnesota State Statute 204B.16 states that by December 31 of each year, the governing body of each municipality and of each county with precincts in unorganized territory must designate by ordinance or resolution a polling place for each election precinct. The polling places designated in the ordinance or resolution are the polling places for the following calendar year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the following be the designated polling places for each precinct in the City of Brooklyn Park for the elections to be held in 2023.

**(Central District)**

Precinct Zip	Polling Place	Address	
C-1	Our Saviors Reformed Church	8209 Zane Ave N.	55443
C-2	Crestview Elementary School	8200 Zane Ave N.	55443
C-3	Birch Grove Elementary School	4690 Brookdale Drive N.	55443
C-4	Edinbrook Elementary School	8925 Zane Ave N.	55443
C-5	<b>TO BE DETERMINED</b>		
C-6	Edinbrook Church	4300 Edinbrook Parkway N.	55443
C-7	Church of St. Gerard	9600 Regent Ave N.	55443
C-8	Salvation Army Noble Worship	10011 Noble Parkway N.	55443

**(East District)**

Precinct Zip	Polling Place	Address	
E-1	Brooklyn Middle School	7377 Noble Ave N.	55443
E-2	Brooklyn United Methodist Church	7200 Brooklyn Blvd.	55429
E-3	Monroe Elementary School	901 Brookdale Drive N.	55444
E-4	Palmer Lake VFW	2817 Brookdale Drive N.	55429
E-5	Discover Church	1400 81 <sup>st</sup> Ave N.	55444
E-6	Way Cross Evangelical Church	7733 West River Road	55444
E-7	Riverview Early Childhood Center	1400 93 <sup>rd</sup> Ave N.	55444
E-8	Leopold's Mississippi Gardens	9500 West River Road	55444
E-9	Oxbow Creek Elementary School	6505 109 <sup>th</sup> Ave N.	55316

**(West District)**

Precinct Zip	Polling Place	Address	
W-1	First Lutheran Church of Crystal	7708 62 <sup>nd</sup> Ave N.	55428
W-2	Fair Oaks Elementary School	5600 65 <sup>th</sup> Ave N.	55429
W-3	Prince of Peace Lutheran Church	7217 West Broadway	55428
W-4	Northview Middle School	5869 69 <sup>th</sup> Ave N.	55429
W-5	Zanewood Community School	7000 Zane Ave N.	55429

W-6	Revive Brooklyn Park Church	7849 West Broadway	55445
W-7	Redeemer Covenant Church	7801 Brooklyn Blvd	55445
W-8	Grace Fellowship Church	8601 101 <sup>st</sup> Ave N.	55445

The foregoing resolution was introduced by Council Member West-Hafner and duly seconded by Council Member Russell.

The following voted in favor of the resolution: West-Hafner, Pha, Lee, Jacobson, Russell, and Parks.

The following voted against: None.

The following were absent: Morson.

Where upon the resolution was adopted.

ADOPTED: December 12, 2022



LISA JACOBSON, MAYOR

CERTIFICATE  
STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
CITY OF BROOKLYN PARK

I, the undersigned, being the duly qualified City Clerk of the City of Brooklyn Park, Minnesota, hereby certify that the above resolution is a true and correct copy of the resolution as adopted by the City Council of the City of Brooklyn Park on December 12, 2022.

WITNESS my hand officially as such Clerk and the corporate seal of the city this 13<sup>th</sup> day of December 2022.

(SEAL)



DEVIN MONTERO, CITY CLERK

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.13	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Land Use Actions	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Amber Turnquest, Principal Planner
<b>Ordinance:</b>	SECOND READING		
<b>Attachments:</b>	4	<b>Presented By:</b>	Paul Mogush, Planning Director
<b>Item:</b>	Second Reading of a Zoning Text and Map Amendment at the Northeast Quadrant of Jefferson Highway North and Decatur Drive North for an Application Made by Real Estate Equities		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2023-\_\_\_\_AMENDING ORDINANCE #2017-1226 FOR ZONING TEXT AND MAP AMENDMENT FOR PROPERTY LOCATED AT THE NORTHEAST QUADRANT OF JEFFERSON HIGHWAY NORTH AND DECATUR DRIVE NORTH.

## Overview:

### City Council

At the April 10, 2023 City Council regular meeting, the Council unanimously approved the first reading of a zoning text and map amendment along with a preliminary plat, conditional use permit (CUP), and site plan. Preliminary plats, CUPs, and site plans are final after a first vote, whereas the rezoning is an ordinance requiring a second reading . Approval of this second reading would adopt the zoning text and map amendment upon approval.

### Planning Commission

At the March 8, 2023 Planning Commission regular meeting, the commission unanimously (6-0) recommended approval of the zoning text and map amendment, preliminary plat, conditional use permit, and site plan. No members of the public were present to speak at the public hearing. The Commission requested a memorandum from the Transportation Engineer detailing the impact of the site. The memo is attached.

## Summary

The applicant, Real Estate Equities, has applied for four land use applications on Lot 1, Block 1, Gateway 6th Addition: a zoning ordinance text and map amendment (rezoning), a conditional use permit, a preliminary plat, and a site plan review.

Lot 1, Block 1, of Gateway 6th Addition is currently zoned General Business District (B-3). The B-3 zoning district permits residential only when there is a commercial component, however the density is restricted to 25 units per acre. The applicant has requested to rezone the parcel to the Town Center (TC) District. The TC district allows residential uses with a conditional use permit at densities which conform to the Comprehensive Plan. The Comprehensive Plan became effective on March 30, 2020 and guides the future land use of this parcel as Mixed Use, which allows medium- to high-density residential (12-50 units per acre).

The preliminary plat is the third land use application for this project. The applicant proposes to subdivide the 7.8-acre lot, to create Lots 1 and 2, Block 1, Gateway 7th Addition.

A site plan review is required prior to the construction of buildings. The proposal is for two multifamily dwellings on the lots created through approval of the preliminary plat. The project will have 350 units for a density of 45 units per acre which is in conformance with the Comprehensive Plan. This development is in compliance with the City of Brooklyn Parks Mixed Income Housing Policy.

**Budgetary/Fiscal Issues:** Park dedication will be collected with the final plat.

**Alternatives to consider:**

1. Approve the rezoning as presented.
2. Approve the rezoning with modifications.
3. Deny the request based on certain findings.

**Attachments:**

- 4.13A REZONING ORDINANCE
- 4.13B CITY COUNCIL MINUTES
- 4.13C TRANSPORTATION ENGINEER MEMO
- 4.13D LOCATION MAP

ORDINANCE #2023-\_\_\_

ORDINANCE AMENDING ORDINANCE #2017-1226 FOR ZONING TEXT AND MAP  
AMENDMENT FOR PROPERTY LOCATED AT THE NORTHEAST QUADRANT OF  
JEFFERSON HIGHWAY NORTH AND DECATUR DRIVE NORTH.

The City of Brooklyn Park does Ordain that Ordinance 2017-1226 is amended as follows:

**Section 1.** The following described properties are hereby zoned Business Park with Planned Development Overlay (BP/PD):

***Lots 2 and 3, Block 1, Gateway 6<sup>th</sup> Addition and Outlots B and D, Gateway 3rd Addition, Hennepin County, Minnesota; and Unplatted Minnesota Department of Transportation property at the southwest corner of Highways 169 and 610***

The Planned Development Overlay has the following requirements for Outlots B and D, Gateway 3<sup>rd</sup> Addition and Unplatted Minnesota Department of Transportation property at the southwest corner of Highways 169 and 610 as described below and depicted in the “610 Junction” development plan dated 9/20/2017:

1. Uses on the property shall promote a strong full-time employment base with high quality and landmark buildings consistent with the Comprehensive Plan:
  - a. Office
  - b. Manufacturing, processing, or research.
  - c. Ancillary warehousing to the above uses must be used primarily for goods or materials that have been or will be manufactured or processed on the property.
  - d. Warehousing and distribution centers as primary uses are prohibited.
  - e. Outdoor storage is prohibited.
2. The Site Plan (page A1) dated 9/20/2017 showing the general location of the following items:
  - a. Shared driveways, access, truck courts, and parking lots.
  - b. Building placement, especially narrower building sides fronting 93<sup>rd</sup> Avenue.
  - c. Shared stormwater management basins.
3. The following items must be included in site plans for individual buildings and sites:
  - a. Connected internal walkways between building entrances and Decatur Drive.
  - b. Shared monument or area identification signs.
4. A private shared access easement must be in place with the property to the east including both vehicular (cars and trucks) and pedestrian access (sidewalk).
5. The minimum standards of development for all buildings and sites shall include:
  - a. A uniform style of parking lot lighting.
  - b. High-quality building materials.
  - c. An office or professional appearance of building design as opposed to a warehouse appearance.

- d. The appearance of the north and east buildings visible to Highway 610 must be that of a two-story building.

4.13A Rezoning Ordinance  
Page 4

6. A site plan review or conditional use permit application before the Planning Commission and City Council, as described in City Code, is required for each site prior to its construction.
7. Other provisions of the City Code not modified here shall apply.
8. Curb cuts on Decatur Drive shall be finalized with each site's site plan review.
9. Sewer service shall be extended to gain access to the St. Vincent de Paul property west of Decatur Drive.

**Section 2.** The following described properties are rezoned from ~~Neighborhood Retail- General Business District with Planned Development Overlay (B2 B3/PD)~~ to ~~General Business Town Center~~ with Planned Development Overlay (B3 TC/PD):

***Lot 1, Block 1, Gateway 6th Addition, Hennepin County, Minnesota***

This Planned Development Overlay has the following requirements for the "610 Junction" development plan shown on Site Plan dated 9/20/2017:

1. Uses on the site shall conform to those listed on the Site Plan or a similar use allowed in the B3 TC Zoning District.
2. The following uses are prohibited on the site:
  - a. Auto Repair
  - b. Car Washes
  - c. Currency Exchanges
  - d. Pawn Shops
  - e. Sexually-oriented Businesses
  - f. Outdoor Storage
  - g. Transient Sales
3. At least one building adjacent to Highway 610 must have a four-story component, and other buildings on sites adjacent to Highway 610 must have at least two stories.
4. Any self-storage facility must be integrated into adjacent development in design and construction.
5. A Site Plan Review or Conditional Use Permit application before the Planning Commission and City Council, as described in City Code, is required for each site prior to its construction.
6. Site plans for individual users must include pedestrian connections to adjacent roadways.

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, April 10, 2023

7:07 p.m. (Followed the Board of Appeals and Equalization meeting)

Brooklyn Park Council Chambers

5200 85th Avenue North

CALL TO ORDER - Mayor Hollies Winston

PRESENT Mayor Hollies Winston; Council Members Christian Eriksen, Boyd Morson, Xp Lee, Nichole Klonowski, and Maria Tran; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green; Operations and Maintenance Director Dan Ruiz; Recreation and Parks Director Brad Tullberg; Police Chief Mark Bruley and City Clerk Devin Montero.

ABSENT: None.

Mayor Winston opened the meeting with the Pledge of Allegiance.

6.2 Decatur North and South Apartments – An Application by Real Estate Equities for a Zoning Text and Map Amendment, a Preliminary Plat, a Conditional Use Permit, and Site Plan at the Northeast Quadrant of Jefferson Highway North and Decatur Drive North.

Planning Director Paul Mogush briefed the council on the Application by Real Estate Equities for a Zoning Text and Map Amendment, a Preliminary Plat, a Conditional Use Permit, and Site Plan at the Northeast Quadrant of Jefferson Highway North and Decatur Drive North.

6.2 MOTION ERIKSEN, SECOND MORSON TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING ORDINANCE #2017-1226 FOR ZONING TEXT AND MAP AMENDMENT FOR PROPERTY LOCATED AT THE NORTHEAST QUADRANT OF JEFFERSON HIGHWAY NORTH AND DECATUR DRIVE NORTH. MOTION PASSED UNANIMOUSLY.

6.2 MOTION ERIKSEN, SECOND MORSON TO WAIVE THE READING AND ADOPT RESOLUTION #2023-56 APPROVING A PRELIMINARY PLAT FOR “GATEWAY 7TH ADDITION” AT THE NORTHEAST QUADRANT OF JEFFERSON HIGHWAY NORTH AND DECATUR DRIVE NORTH. MOTION PASSED UNANIMOUSLY.

6.2 MOTION ERIKSEN, SECOND MORSON TO WAIVE THE READING AND ADOPT RESOLUTION #2023-57 APPROVING A CONDITIONAL USE PERMIT ALLOWING RESIDENTIAL USES AT THE NORTHEAST QUADRANT OF JEFFERSON HIGHWAY NORTH AND DECATUR DRIVE NORTH, SUBJECT TO CONDITIONS IN THE RESOLUTION. MOTION PASSED UNANIMOUSLY.

6.2 MOTION ERIKSEN, SECOND MORSON TO WAIVE THE READING AND ADOPT RESOLUTION #2023-58 APPROVING A SITE PLAN FOR TWO MULTIPLE FAMILY DWELLINGS AT THE NORTHEAST QUADRANT OF JEFFERSON HIGHWAY NORTH AND DECATUR DRIVE NORTH, SUBJECT TO CONDITIONS IN THE RESOLUTION. MOTION PASSED UNANIMOUSLY.

## MEMORANDUM

**DATE:** March 15, 2023  
**TO:** Amber Turnquest, City Principal Planner  
**FROM:** Jeff Holstein, City Transportation Engineer  
**SUBJECT:** Proposed Decatur North and South Apartments (DEV 23-102)

---

The purpose of this memorandum is to estimate when a traffic signal should be considered for installation at the Jefferson Highway / Decatur Drive intersection. The following points summarize my analyses, conclusions and recommendations.

- 1) The Decatur apartments proposal is part of the overall Gateway Development Area, which was originally studied as an Alternative Urban Area Review (AUAR) and approved in 2009, then updated in 2015 and again in 2020/2021. The Mitigation Plan for all the AUAR's recommended roadway and traffic control improvements to adequately service the expected traffic demands through the long-range build-out conditions. The roadway improvements included the construction of Decatur Drive and other roadway improvements. These roadway improvements are essentially completed. The mitigation also included the installation of traffic control signals at the Jefferson Highway / Decatur Drive and 93<sup>rd</sup> Avenue / Decatur Drive intersections if and when the signals are needed.
- 2) The Gateway Area includes the Noble Academy (constructed in 2015/2016), 610 Junction (recently constructed), 610 Junction West (recently approved) and Decatur Apartments Developments. These sites encompass the vast majority of the Gateway Area development.
- 3) The AM and PM weekday peak period traffic demands were determined by recent traffic counts conducted by the City Engineering Division. The data indicate the AM peak hour is from 7-8 AM and the PM peak hour is from 4-5 PM.
- 4) The expected vehicular traffic generation to and from the build out and 100% occupancy of the Gateway Area was determined through use of the trip rates documented in the Institute of Transportation Engineers (ITE) Trip Generation Manual (11<sup>th</sup> Edition). This generation estimate is based on the current expectations for land use type and intensity for the Gateway Area and are documented in the attached Table. The data indicate the entire Gateway Area is expected to generate approximately 6500 weekday vehicle trips, including 470 inbound and 260 outbound trips during the AM peak hour and 214 inbound and 422 outbound trips during the PM peak hour. The proposed Decatur Apartments are included in the Gateway totals. The apartments portion is expected to generate roughly

- 5) 1700 weekday vehicle trips, including 35 inbound and 91 outbound trips during the AM peak hour and 95 inbound and 67 outbound trips during the PM peak hour.
- 6) The directional orientation of the site generated trips is expected to remain consistent with the earlier traffic impact studies with roughly 50% of the traffic oriented to the south and east (ie. 93<sup>rd</sup> Avenue/Decatur Drive intersection) and 50% oriented to the north and west (Jefferson Highway/Decatur Drive intersection).
- 7) The existing Jefferson Highway / Decatur Drive intersection is through/stop controlled with Jefferson Highway free flow and stop signs posted on the Decatur Drive approaches. The intersection geometry includes exclusive left, through and right turn lanes on the north and south approaches, a single lane on the west approach and a shared left/through and exclusive right turn lane on the east approach.
- 8) A capacity analysis is an objective measure of the quality of traffic through an intersection or along a roadway segment. The basic output from a Capacity Analysis is a letter grade (A-F) similar to a report card, where level of service (LOS) A represents little or no delay and congestion and LOS F reflects significant delay and congestion. In the Twin Cities area, the minimum desirable LOS is typically assumed as LOS D, which relates to 35 seconds of average delay per stopped vehicle.

A Capacity Analysis was conducted to determine the expected LOS of the short term (existing + 5 years of background growth + full build out of Gateway site) AM and PM peak hour traffic conditions at the Jefferson Highway / Decatur Drive intersection. The capacity analysis was conducted using the Synchro computer software program which is one of the standard programs for traffic engineering analyses. The analysis indicated all traffic movements would be expected to operate at LOS C or better (WB to SB left turn at LOS C), which is acceptable.

- 9) The recent crash history at the Jefferson Highway / Decatur Drive intersection indicated there were no crashes reported over the past five years (2018-present).
- 10) All public agencies within the State of Minnesota must adhere to the policies documented in the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD) when installing signs, striping, traffic control signals and work zone traffic control devices on public roadways. The MMUTCD specifies nine traffic signal warrants, most of which include major and minor street volume requirements, for signal installation. At least one of these warrants must be met before a traffic signal can be installed. However, a traffic signal does not have to be installed if a warrant is met.

A signal warrant analysis was conducted for the Jefferson Highway / Decatur Drive intersection using the AM and PM peak hour short range (existing + 5 years of background growth + full build out of Gateway site) traffic forecasts. The analysis

indicated the expected short range traffic conditions are not expected to meet the MMUTCD requirements to allow for a signal to be installed.

### Conclusions

- 11) The expected short range (2028) traffic conditions are not expected to meet the MMUTCD requirements to allow for a signal to be installed at the Jefferson Highway / Decatur Drive Intersection. A cursory traffic analysis of the 93<sup>rd</sup> Avenue / Decatur Drive Intersection also indicated the short-range conditions are not expected to warrant the installation of a traffic signal.
- 12) There is currently no crash issue at the Jefferson Highway / Decatur Drive intersection.
- 13) Capacity analyses indicate there is currently only minor congestion and delay during the peak weekday traffic periods at the Jefferson Highway / Decatur Drive intersection. Capacity analyses of the expected short range (existing + 5 years of background growth + full build out of the Gateway site) indicate the level of traffic operations during the weekday AM and PM peak hours should remain acceptable (LOS C or better) under the existing through / stop traffic control.

### Recommendations

- 14) The city should continue to monitor the traffic conditions at the Jefferson Highway / Decatur Drive Intersection and the 93<sup>rd</sup> Avenue / Decatur Drive Intersection and consider signalization if and when the conditions meet the MMUTCD warrant requirements and signals are needed. The Gateway development should fund the signal installations.



**Rezoning, Conditional Use Permit, Plat, and Site Plan**

**Case #23-102 – Decatur North and South Apartments**

Area of Request (Spring 2018 Air Photo)



# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.14	<b>Meeting Date:</b>	April 24, 2023
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	X	<b>Prepared By:</b>	Jason Newby, Inspections and Environmental Health Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	2	<b>Presented By:</b>	Jason Newby
<b>Item:</b>	Environmental Health Enforcement Priorities		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2023-\_\_\_\_\_ ESTABLISHING ENVIRONMENTAL HEALTH ENFORCEMENT PRIORITIES.

## Overview:

On April 3, 2023 staff presented to the City Council during a work session options to prioritize enforcement of violations that increases equity and ensures reasonable response times to violations based on risk levels.

## Background:

The current complaint-driven process tends to be less equitable because it forces staff to focus only on a few neighborhoods each year. This process removes staff from other areas where resources may be needed more to respond to life safety, complex housing conditions, unsafe structures and concerns impacting livability.

The Environmental Health division responds to approximately 3,000 cases each year. A large percentage of these cases relate to violations that do not impact imminent health and safety concerns. The remainder of the cases opened each year (40-50%) are proactive or staff initiated. This process provides a more equitable delivery of our resources across the city.

## Primary Issues/Alternatives to Consider:

During the work session, staff proposed two options for the City Council to consider. The City Council directed staff to proceed with the following hybrid option:

- Complaints:
  - High risk violations: staff response within 1-2 business days
  - Medium risk violations: staff response within 3-5 business days
  - Low risk violations: staff response within 10-15 business days
- Limit the number of responses to low-risk complaints by each resident to twenty (20) per year.
- Proactive Sweeps
  - Continue sweeps in designated neighborhoods as time permits each year.
  - Dependent on seasonal interns and staffing capacity

In addition, staff recommended, and the City Council affirmed prioritizing violation types based on the following risk levels. The methodologies used to define each type are informed by similar risk levels currently in building, rental, health, and property maintenance codes.

- High Risk
  - Life safety concerns, complex housing, unsafe structures, health issues.
  - Could result in immediate harm to occupants or adjacent properties.
- Medium Risk
  - Impacts livability and quality of life
  - If left in place or not corrected could potentially cause harm or become a high risk
- Low
  - Aesthetics and appearance (“curb appeal”)
  - Do not impact health and safety.
  - Examples include - trash cans stored within public view, parking off pavement, expired tabs on vehicles, temporary sign violations, small amounts of peeling paint, and setback violations.

This proposed strategy will reduce staff time responding to repeat low risk complaints within the same neighborhoods, provide flexibility when scheduling and responding to high and medium risk violations, and prioritize proactive sweeps in neighborhoods throughout the city.

**Budgetary/Fiscal Issues:**

This action has no impact on the city budget.

**Attachments:**

4.14A RESOLUTION

4.14B WORK SESSION PRESENTATION

RESOLUTION #2023-

RESOLUTION ESTABLISHING ENVIRONMENTAL HEALTH ENFORCEMENT PRIORITIES

WHEREAS, at a work session on April 3, 2023, the Brooklyn Park City Council expressed interest in establishing Environmental Health enforcement priorities; and

WHEREAS, the Brooklyn Park City Council recognizes the resources needed to respond to complaints and requests for service is limited; and

WHEREAS, a complaint-based response is less equitable than proactive sweeps because complaints tend to be focused within a few neighborhoods; and

WHEREAS, prioritizing violations based on risk or life safety will reduce violations that could cause immediate harm to occupants or neighbors; and

WHEREAS, high risk or life safety violations could result in immediate harm to occupants or adjacent properties, medium risk violations impact livability and quality of life and if left in place or not corrected could potentially cause harm or become a high risk violation, and low risk violations impact aesthetics and appearance, but do not impact health or safety; and

WHEREAS, the City Council finds it is in the public interest and consistent with the adopted *Brooklyn Park 2025* goals to demonstrate its commitment to beautiful spaces, safe and healthy people, and the environment through the implementation of policies that increase equity and reasonable response to violations based on risk levels.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Brooklyn Park that the environmental health enforcement priorities are approved; and

BE IT FURTHER RESOLVED that the city staff is authorized and directed to respond to environmental health code violation complaints by allocating the City's limited resources in a manner that prioritizes higher risk violations and considers geographic equity across the city.

# Environmental Health Enforcement Priorities

Jason Newby

Inspections & Environmental Health Manager

Michelle Peterson

Neighborhood Health Supervisor

# Policy/Procedure – Current

- Shifted approach in 2015
- Voluntary Compliance Rate over 90% since
  - \$300,000 in enforcement actions to \$30,000
- Program recognized locally and nationally
- Featured in Government Alliance Racial Equity (GARE) Newsletter and Regional Trainings
- Finalist for Program of the Year MN Association of Housing Code Officials (MAHCO)

# Background

- Repeat resident complaints
  - Since the complaint portal launched in early 2023 (30% complaints are from 1 resident)
- Complaint-driven work tends to be less equitable and focused in a few neighborhoods
- Staff recommends modifying approach to reallocate staff time toward proactive sweeps (more equitable)
- Proposed options for adjustments to prioritize violations and case workload based on risk levels

# How do we prioritize our work?

## **Complaints**

- Council complaints – first inspection within 1-2 business days
- General complaints – first inspection within 3 days (5 days depending on staffing)

## **Proactive Sweeps**

- Identify neighborhoods each year during staff retreat (6 each year)
- Schedule according to current case loads
- Ongoing as times permits

# Option 1 – Adjust response times based on risk

Reduces staff time responding to repeat complaints within the same neighborhoods. Provides additional response time for low-risk violations.

## ○ **Complaints**

- High risk: 1-2 business days
- Medium risk: 3 business days
- Low risk: 5-10 business days
  - Limit the number of responses to low-risk complaints by a resident to twenty-five (25) per year

## ○ **Proactive Sweeps**

- Ongoing as time permits
- Dependent on seasonal interns and staffing capacity

# Option 2 – Adjust response times based on risk and focus on sweeps

Reduces staff time responding to repeat complaints within the same neighborhoods. Provides additional flexibility responding to low-risk violations and prioritizes sweeps in neighborhoods.

## ○ **Complaints**

- High risk: 1-2 business days
- Medium risk: 3 business days
- Low risk: As time permits, unless in designated sweep area

## ○ **Proactive Sweeps**

- Prioritize over low risk violation types outside sweep area
- Ongoing and as time permits
- Dependent on seasonal interns and staffing capacity

# Prioritizing – Staff Proposal

## Prioritize violation type based on risk

### ○ High

- Life safety concerns, complex housing, unsafe structures, health issues
- Could result in immediate harm to occupants or adjacent properties.

### ○ Medium

- Impacts livability and quality of life
- If left in place or not corrected could potentially cause harm or become a high risk

### ○ Low

- Aesthetics and appearance (“curb appeal”)
- Do not impact health and safety
- Examples include: trash cans stored within public view, parking off pavement, expired tabs, sign violations, small amounts of peeling paint, setback violations

# Examples

**Trash can in view – Low**



**Trash can over-flowing – Medium**

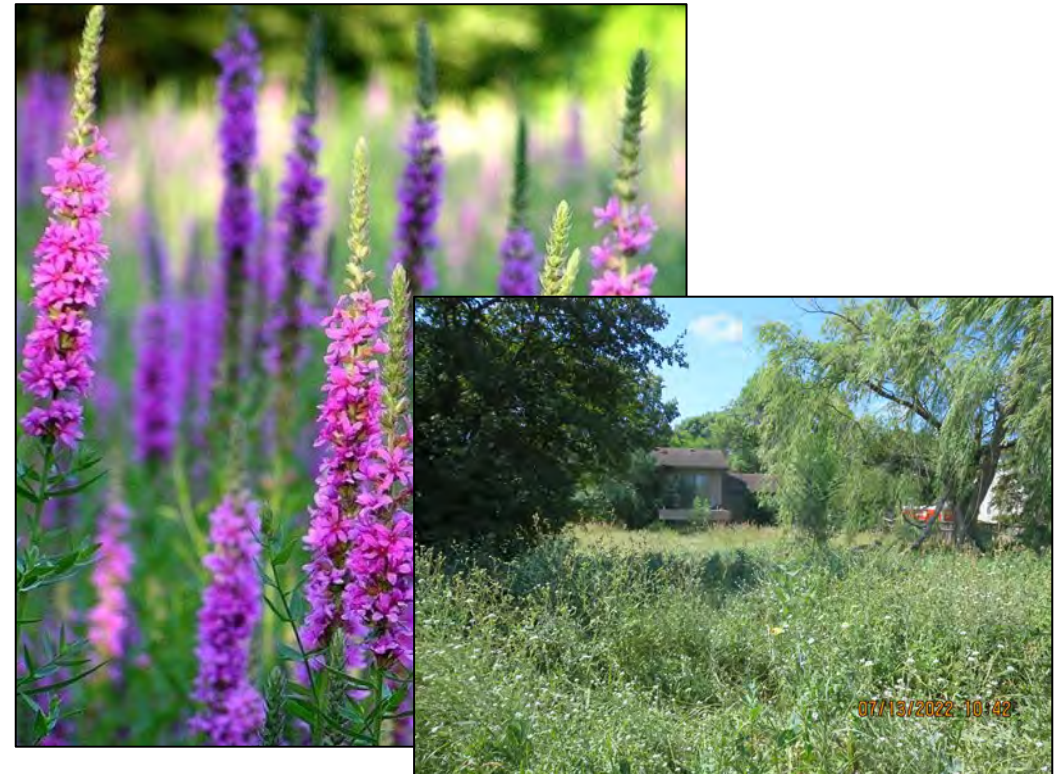


# Examples

**Long grass – Medium**



**Noxious weeds – High**



# Examples

**No garbage service – High**



**Junk and debris – High**



# Examples

**Junk/inoperable vehicle – Medium**



**Unlicensed or expired tabs – Low**



# Examples

**Commercial vehicle –  
Low/Medium**



**Exterior storage – Medium**

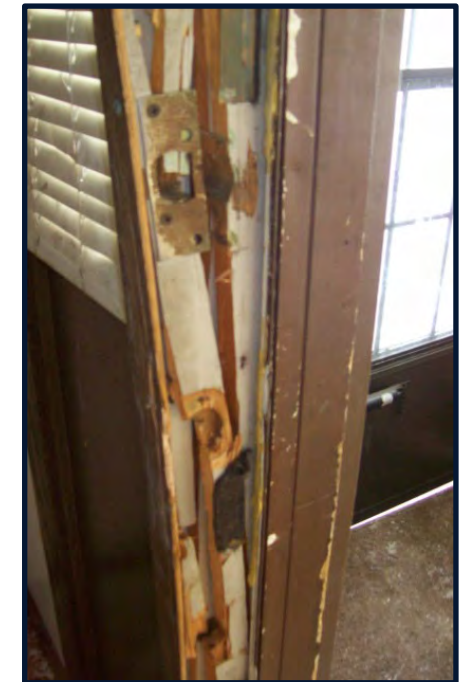


# Examples

**Unsafe structure – High**



**Unsecure vacant home – High**



# Examples

**Complex housing – High**

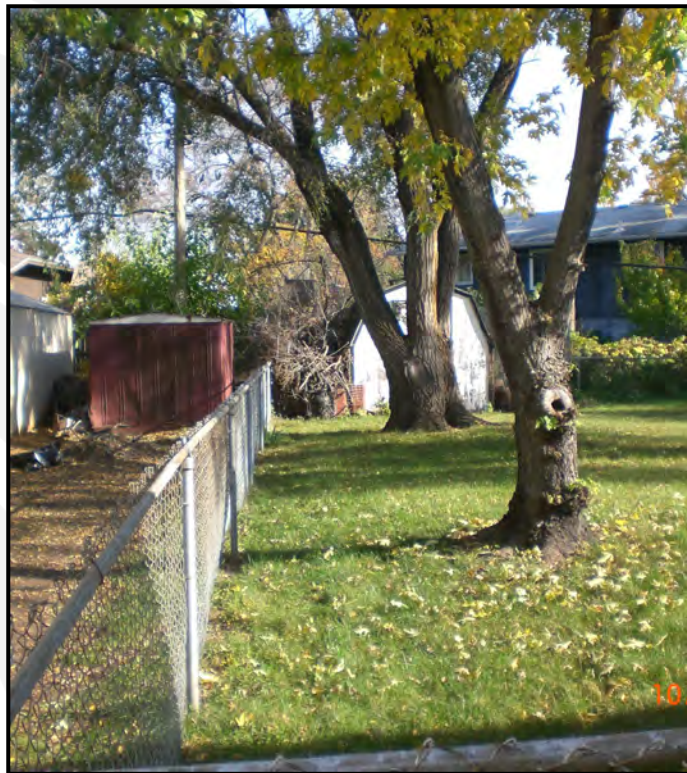


**Property maintenance – Medium**



# Examples

**Setbacks – Low**



**Parking off pavement – Low**



# Examples

**Graffiti – High**



**Commercial Dumpsters –  
Low/Medium**



# Examples

**Pools – High**



**Temporary signs – Low**



# Abatelements - High



**BEFORE**



**AFTER**



# Comparison

## Current Process

### Complaints

- Council complaints: 1-2 business days
- General complaints: 3 days (5 days depending on staffing)

### Proactive Sweeps

- Ongoing as time permits

## Option 1

### Complaints

- High risk: 1-2 business days
- Medium risk: 3 business days
- Low risk: 5-10 business days
  - Limit the number of responses to low-risk complaints by a resident to twenty-five (25) per year

### Proactive Sweeps

- Ongoing as time permits

## Option 2

### Complaints

- High risk: 1-2 business days
- Medium risk: 3 business days
- Low risk: As time permits, unless in designated sweep area

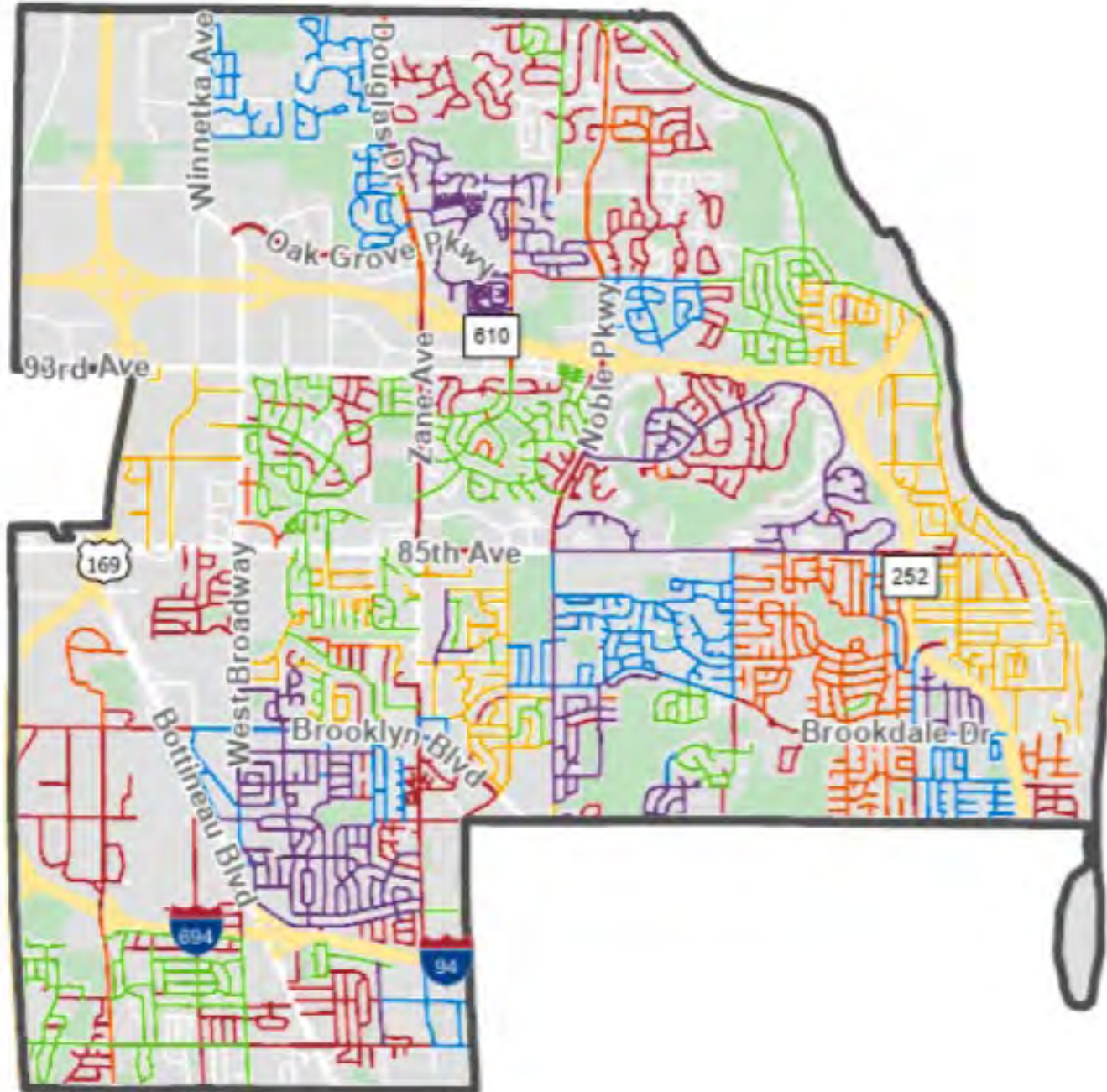
### Proactive Sweeps

- Prioritize sweeps over low-risk violation types outside of sweep area
- Ongoing as time permits

# Potential Ordinance Amendments

Option to add specific language to the city ordinance:

- *The City Manager and their designees will respond to city code violation complaints by allocating the City's limited resources in a manner that prioritizes higher risk violations and considers geographic equity across the city.*

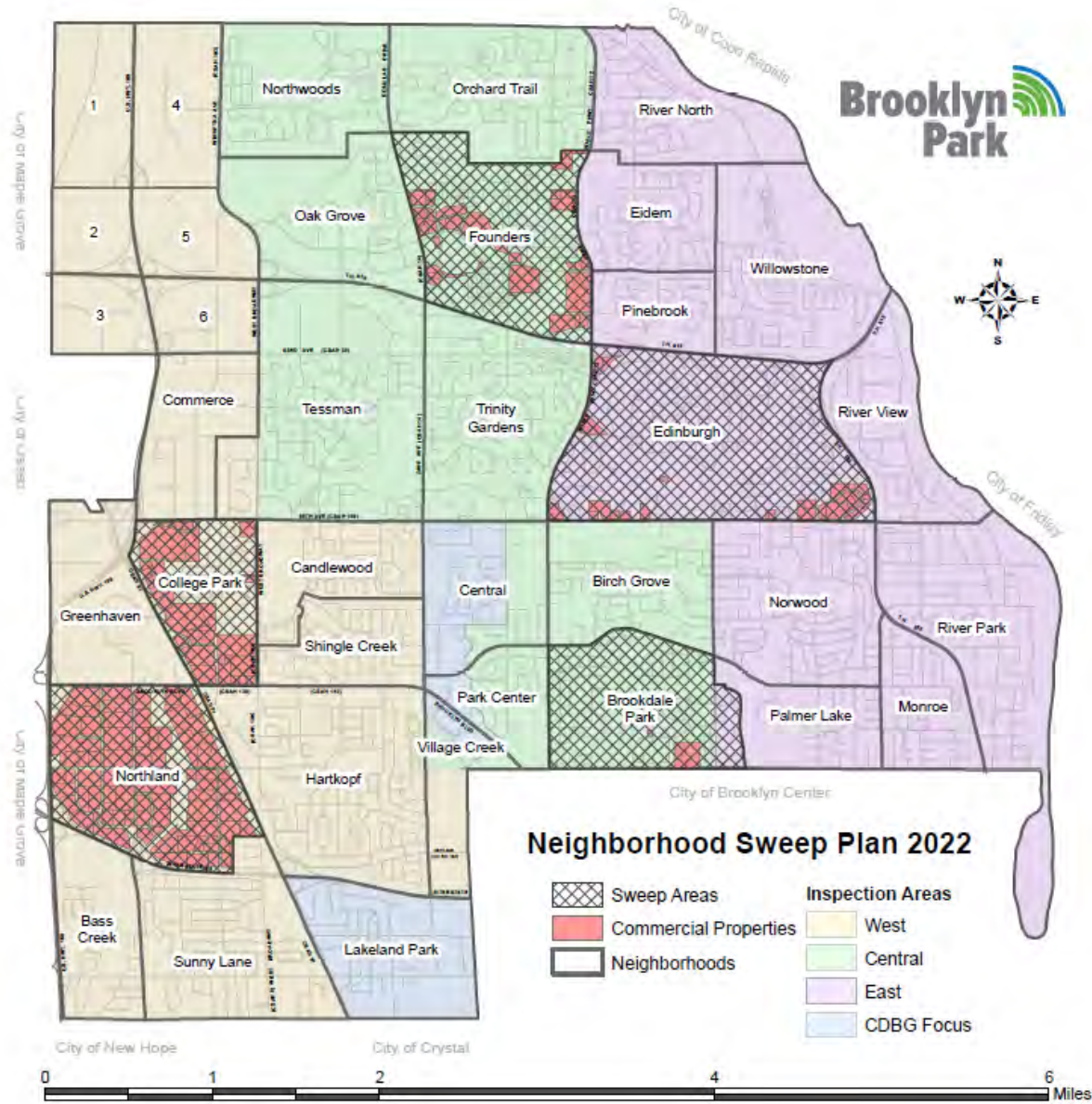


## Proactive Sweeps 2016-2022

- Current pace: 8 years
- 600 cases per year for FT inspector
- Some cases need multiple inspections
- Some inspections do not result in a case

### Key

- 2022 - Purple
- 2021 - Blue
- 2020 - NA
- 2019 - Green
- 2018 - Yellow
- 2017 - Orange
- 2016 - Red



## 2022 Sweep Neighborhoods

This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details.

Created 3/25/22

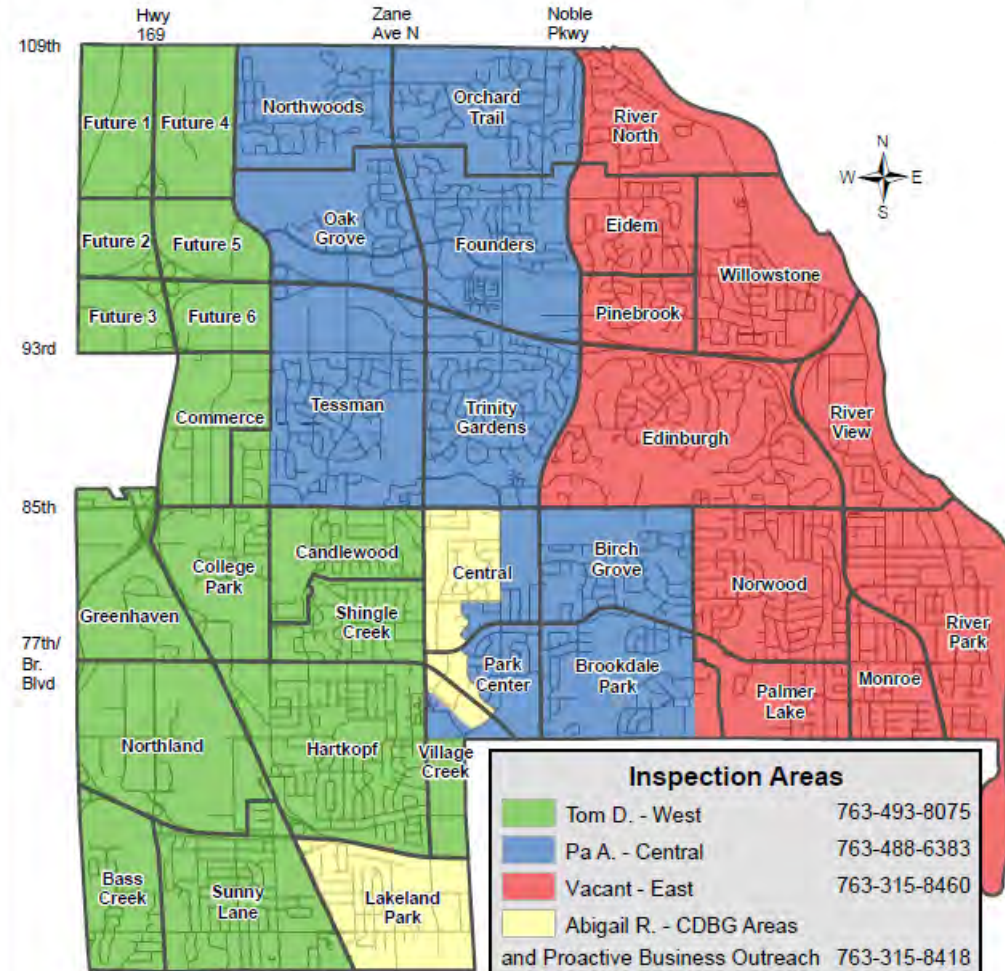
# Programs

- Environmental Health
  - **Neighborhood Health** (complaints and proactive inspections)
  - Environmental/Public Health (food, pools, lodging, and complex housing investigations)
- Our Mission
  - Long-term voluntary compliance through outreach, engagement, education and enforcement

# Work Distribution

- Inspector Territory Map
- Seasonal Interns
- Total Cases
- Complaints vs. Proactive Sweeps
- Top 10 Violations
- Procedure & Continuous Improvement

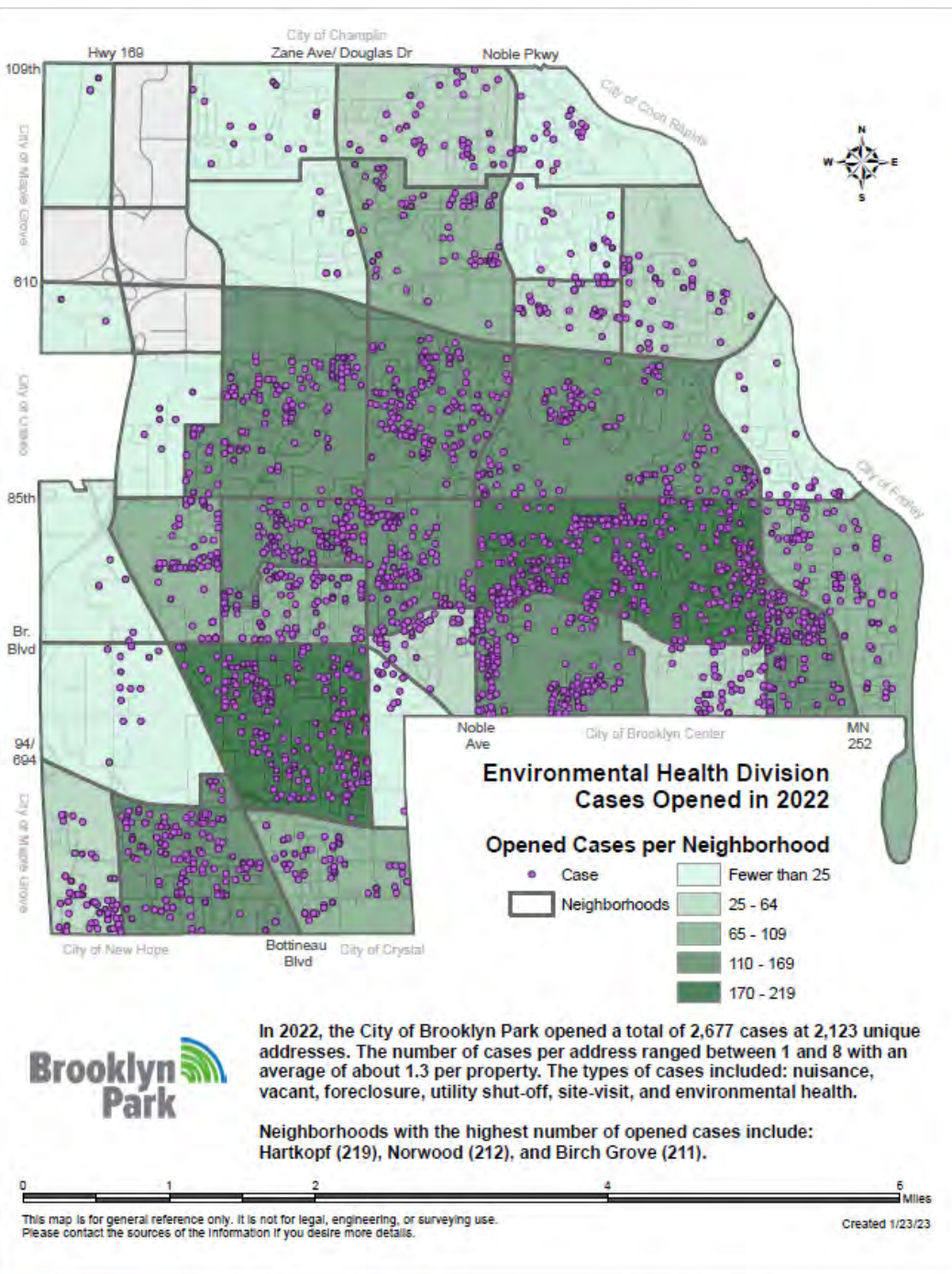
## Environmental Health Division (EH)



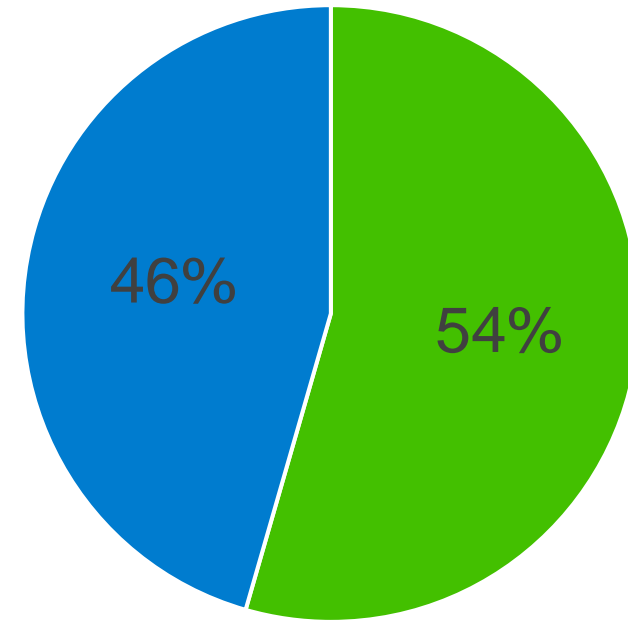
0 0.25 0.5 1 1.5 2 Miles

Date Updated: 4/3/2023

Inspection Areas	
Tom D. - West	763-493-8075
Pa A. - Central	763-488-6383
Vacant - East	763-315-8460
Abigail R. - CDBG Areas	
and Proactive Business Outreach	763-315-8418
EH Manager: Jason N. 763-493-8072	
Neighborhood Health Supervisor:	
Michelle P.	763-493-8116
EH Program Assistant: Pang Y.	763-488-6487
Licenced Facilities - (Food/Beverage, Lodging, Group Homes, Pools, Tattoo, & Massage)	
Alex K.	763-493-8397
Teegan W.	763-488-6382

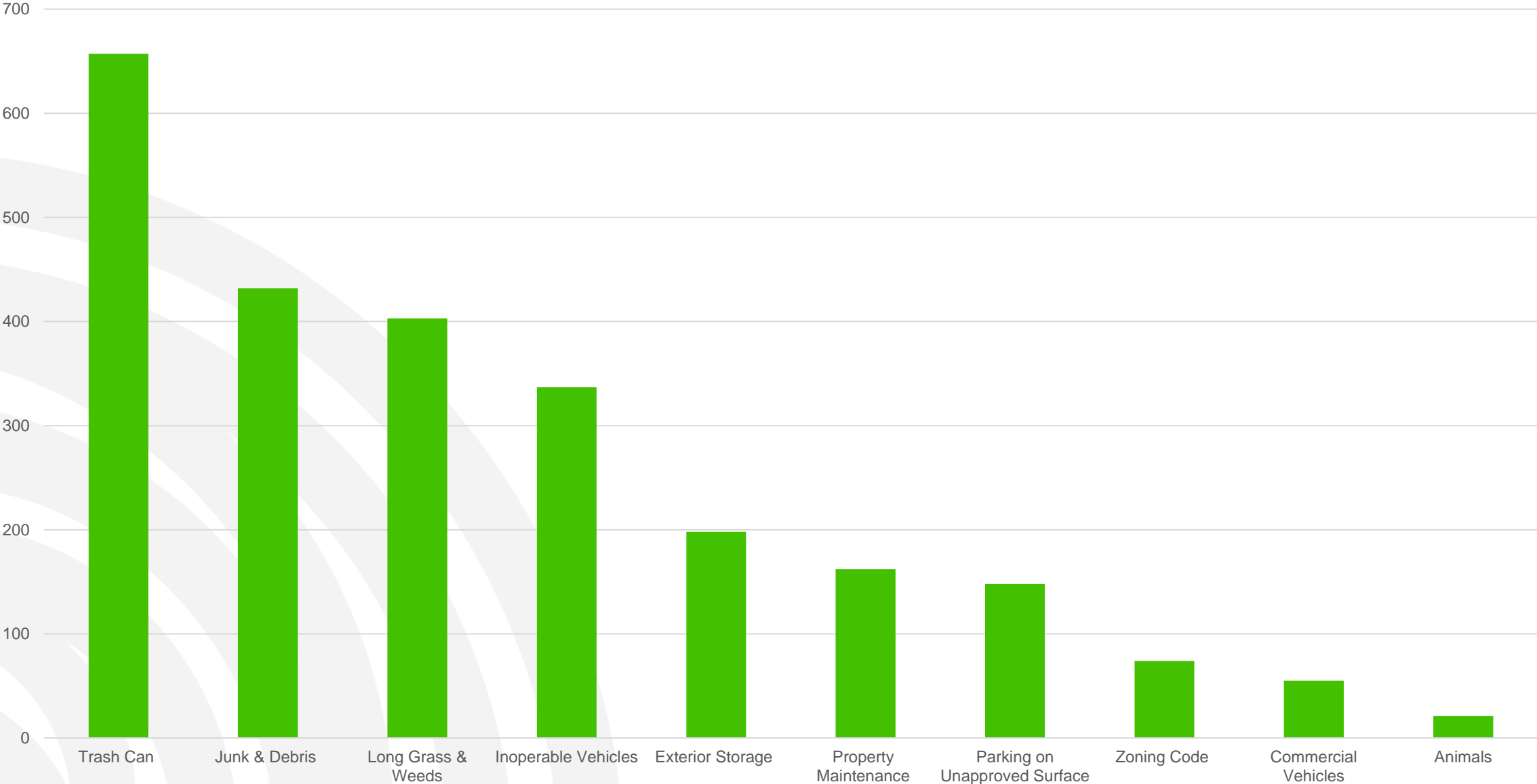


2022



■ Complaints ■ Proactive

### 2022 Top 10 Code Violations



# Code Compliance Procedure



**Administrative Steps:**

- Create a case
- Origination type (CC, CS, AN, CM)
- Is it a rental property?
- Is there an active case?
- Is the property vacant?
- Is there a stayed case?
- Record any repeat violations within past 12 months
- Call complainant if more info is needed
- Schedule inspection


**Chronic Violator:**  
Two confirmed violations within a 12-month period. Immediate citation must be issued for third confirmed (same) violation type. \*Unless the exception above is determined.

**Next Steps:**

- Schedule follow-up inspections
- Repeat Steps 7 & 8 until compliance is achieved.
- Send hearing request insert with the 3<sup>rd</sup> fine for the same violation.
- If resident does not schedule a hearing within 14 days, refer to the *Request a Formal Complaint Procedure* for next steps.

# Outreach Resources

- Door hangers
- Common code brochures
- Know the Code video
- Informational flyers
  - Translation services
  - Home improvement programs
  - Emergency assistance



**Sorry we missed you!**

Brooklyn Park's Code Enforcement and Public Health Division is currently conducting inspections in your neighborhood.

**Corrections needed**  
These code items were observed during our visit:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

You will get a correction order in the mail.

**Please correct by** \_\_\_\_\_

**Why do we have city codes?**  
We have city codes to keep Brooklyn Park a safe and healthy community where residents, visitors and workers can experience a sense of pride and well-being.


**More information on city codes**  
For more information, please call the inspector listed below or visit our website at [www.brooklynpark.org](http://www.brooklynpark.org).

Si usted necesita asistencia en español, llame  
763-493-8103

Yog koj tsis tau tau es yuav lub  
Hmoob hu  
763-488-6487

<https://www.youtube.com/user/BrooklynParkMNCity>

**Brooklyn Park Community Development**



**WASTE CONTAINER NOTICE**

We recently noticed you are storing your waste containers improperly and in violation of city ordinances. We would like you to help us in making sure Brooklyn Park looks the best it can be.

**You need to...**

- Store your waste containers out of public view, which includes from the street or neighboring front yards.
- Put your containers inside your garage or behind an approved screened enclosure. Note: Vegetation is not an approved screening material.

Please comply by \_\_\_\_\_

**Why do we require this?**  
We have city codes to keep Brooklyn Park a safe and healthy community where residents, visitors and workers can experience a sense of pride and well-being.

**More information on city codes**  
For more information, please call the inspector listed below or visit our website at [www.brooklynpark.org](http://www.brooklynpark.org).

Si usted necesita asistencia en español, llame  
763-493-8070 oprima cinco (5)

Yog koj tsis tau tau es yuav lub  
Hmoob hu  
763-493-8070 nias xoom (0)

<https://www.youtube.com/user/BrooklynParkMNCity>

**Brooklyn Park Community Development**

# Brochures

### Report a concern

For animal complaints, noisy parties, on-street parking violations, suspicious activities or immediate health or safety concerns, contact the Police.

**Police Department**  
911

For all other neighborhood and business complaints that cannot be resolved through neighbor cooperation, contact Code Enforcement and Public Health.

**Code Enforcement and Public Health**  
City Hall, 5200 85th Ave. N.  
Brooklyn Park, MN 55443  
763-493-8070  
www.brooklynpark.org/codeenforcement

Si usted necesita asistencia en español, llame  
763-493-8103  
Yog koj tsis tau tau es yuav lub Hmoob hu  
763-488-6487

Information to provide when filing a concern:

- Your name and how we can reach you. We may need to contact you for more information or to give you updates. Your information is private.
- The address where your concern is at. Include the house number and street name.
- Details of your concern. Tell us where to find the problem and what it is. This information is very helpful for our investigation.

### Received a notice

If you receive a notice from the city, do not ignore it!

Please correct the issues listed on the notice. If you do not understand or need more time to complete a project, call the city employee listed on the notice immediately.

Failure to meet City regulations and standards may result in enforcement actions such as fines, costs of city-facilitated corrections, eviction, or court actions.

### About city codes

Our goal is voluntary compliance through education.

## Safe, Healthy and Thriving Neighborhoods



### Licensing

#### Home businesses

You need a license to run a business from your home. Auto repair, retail and food sales are not allowed as a home business or hobby. The sale of products made somewhere else is also not allowed.

Outdoor storage is not allowed. One sign no larger than two (2) square feet and located twenty (20) feet back from the property line is allowed. One non-relative employee is allowed.

#### Rental property

All rental property must be licensed by the City. If the property owner lives at the home or if the home is registered with a Relative Homestead classification, a license is not needed. No more than four (4) unrelated people may live in the home.

The property owner is responsible for meeting all City rules.

A license may be denied, suspended or revoked for residents who engage in the following activities:

- Animal noise
- Noisy parties
- Illegal drugs
- Criminal behavior
- Alcohol sales
- Prostitution
- Weapons
- Assault
- Lack of safety towards minors

#### Rental Inspections and Licensing

City Hall, 5200 85th Ave. N.  
Brooklyn Park, MN 55443  
763-493-8153  
www.brooklynpark.org/renting

### Recreation



#### Campfires and outdoor burning

You cannot burn trash, leaves, brush or similar items.

Campfires are allowed if all requirements are met.

#### Garage sales

You may have four garage sales per year. Each garage sale may last up to three days long.

#### Events at parks

City parks are open from 6 a.m. to 10 p.m. Permits may be required for special events at the park with entertainment, food, or loud music.

### Waste management



#### Containers

Store your waste container out of public view which includes from the street or neighboring yards. Put your containers inside your garage or behind an approved screened enclosure after pick-up.

Vegetation is not an approved screening material.

#### Junk piles

Piles of junk, debris, garbage, litter, or hazardous waste is not allowed. This includes yard waste and animal waste. All garbage must be kept inside a container with a tight-fitting lid at all times.

#### Tree debris

Large branches, trees, logs, stumps, Christmas trees, etc. may be disposed of at the following locations. Fees may be charged.

**Elk River Landfill**  
22460 Hwy. 169 NW  
Elk River, MN 55330  
763-441-2464

**RRT**  
630 Malcolm Ave. SE  
Minneapolis, MN 55414  
612-331-4610

#### Yard waste

Check with your trash hauler to pick up leaves, grass clippings, small bundles of branches (10 inches or less in diameter).

These items can also be dropped off between April 1 through November 30, weather permitting at the Maple Grove Yard Waste drop-off site.

**Maple Grove Yard Waste Site**  
14796 101st Ave. N.  
Maple Grove, MN 55369  
763-420-4886



The collage displays a variety of informational brochures from the City of Brooklyn Park. Visible titles include:

- Vehicles & Equipment:** Discusses rules for vehicles and equipment parked on city streets.
- Waste Container Storage:** Provides information on where and how to store waste containers.
- Fences:** Details regulations regarding fence heights and materials.
- Pets & Animals:** Covers licensing for dogs and cats, and rules for animal care.
- Property Maintenance:** Lists requirements for keeping properties well-maintained.
- Home Business:** Offers guidance on starting and operating a business from home.
- Temporary Signs:** Explains the rules for placing signs on public property.
- Lawn & Landscape:** Provides tips on lawn care and landscaping regulations.

# Technology Improvements

- Complaint Portal
  - <https://survey123.arcgis.com/share/bb2ad44021d84e39b0aae257a1969e84>
- CityView
  - <https://gis.brooklynpark.org/CityView/EH/>
- Interactive EH Case Map
  - <https://brooklynpark.maps.arcgis.com/apps/webappviewer/index.html?id=4ec95526cb1849748879437d77afe78b>

# Brooklyn Park

Unique. United. Undiscovered.