

## REGULAR CITY COUNCIL MEETING – AGENDA #22

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*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 Brooklyn Park residents and business owners in Brooklyn Park to address the Council about matters relating to City business not otherwise on the agenda. Public Comment may not be used to make personal attacks, to air personality grievances, to make political endorsements, or for political campaign purposes. Council Members will not engage in a dialogue with speakers. 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 informational purposes only. Public Comment will be limited to 15 minutes and individual comments are limited to three minutes.

#### 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 Winston's Proclamation of June 1 – June 30, 2024, as "Pride Month" in the City of Brooklyn Park

#### A. PROCLAMATION

## 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** Development Bond and Escrow Reductions/Releases

**4.2** Sky Lounge & Bistro Conditional Use Permit #24-108 for a Class II restaurant at 8515 Edinburgh Center Drive North

**A.** RESOLUTION

**B.** LOCATION MAP

**C.** APPLICANT'S SUBMITTAL

**D.** PLANNING COMMISSION MINUTES

**E.** PLAN SET

**4.3** Approve a Temporary On-Sale Liquor License for the Brooklyn Park Lions at the Recreation Jazz in July event held July 19, 2024, at the Community Activity Center Lawn, 5600 85<sup>th</sup> Avenue North

**4.4** Approve a Tetrahydrocannabinol (THC) and Tobacco License for MAM Company dba BP Smoke Shop, Located at 7642 Brooklyn Boulevard, Brooklyn Park, MN 55443

- 4.5 Assignment of Council Liaison to the Recreation and Parks Advisory Commission
- 4.6 Approval of Mutual Aid/Automatic Aid Agreements with surrounding Fire Departments – Coon Rapids & West Metro Fire District
  - A. RESOLUTION
  - B. APPROVED MUTUAL AID AGREEMENTS
  - C. DRAFT AUTOMATIC AID AGREEMENTS

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**

- 5.1 NorthPark Business Center Alternative Urban Area-wide Review (AUAR) Update
  - A. RESOLUTION
  - B. PUBLIC COMMENTS
  - C. PUBLIC COMMENTS AND RESPONSES
  - D. TRAFFIC ENGINEER COMMENTS
- 5.2 Hold Public Hearing and Consider Authorizing the Submittal of an Application to the Minnesota Department of Employment and Economic Development Under the Minnesota Investment Fund (MIF) Program for the Expansion of Rotation Engineering
  - A. RESOLUTION

**6. LAND USE ACTIONS**

None.

**7. GENERAL ACTION ITEMS**

- 7.1 Motion to Present a Letter of Reprimand to Councilmember Maria Tran for Violating the City's Respectful Workplace Policy and the Brooklyn Park Elected Officials Code of Conduct Policy
  - A. LETTER OF REPRIMAND
- 7.2 First Reading of an Ordinance Amending the City Code Associated with the Sale of Cannabis
  - A. ORDINANCE
- 7.3 First Reading Ordinance Prohibiting Cannabis and Hemp Use in Public Places
  - A. ORDINANCE

**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>	May 28, 2024
<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>	Marcellus Davis REDI Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Mayor Hollies Winston
<b>Item:</b>	Mayor Winston's Proclamation of June 1 – June 30, 2024, as "Pride Month" in the City of Brooklyn Park		

## City Manager's Proposed Action:

The Mayor Hollies Winston shall proclaim June 1 – June 30, 2024, as "Pride Month" by one of the following:

1. "I, Hollies Winston, Mayor of the city of Brooklyn Park, Minnesota do hereby proclaim June 1 – June 30, 2024, to be "Pride Month" in the city of Brooklyn Park.

OR

2. By reading the proclamation.

## Overview:

Pride Month takes place June 1 to June 30 every year as a time to commemorate the events of June 1969 and works to achieve equal justice and equal opportunity for LGBTQ Americans. Beginning in 1999, President Bill Clinton issued a declaration for Gay and Lesbian Pride Month. In 2009, President Barack Obama expanded the observance by declaring June Lesbian, Gay, Bisexual, Transgender Pride Month.

Since then, the month has been celebrated nationwide through festivals, art shows, conferences, community gatherings, and much more. The month of June commemorates the courageous group of Americans who resisted harassment and mistreatment at the Stonewall Inn in New York City, setting in motion a chain of events that would become known as Stonewall Uprising and the birth of modern gay and lesbian civil rights.

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

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

## Attachments:

3B.1A PROCLAMATION

# PROCLAMATION

## PROCLAIMING THE MONTH OF JUNE 2024, AS PRIDE MONTH IN THE CITY OF BROOKLYN PARK, MINNESOTA

WHEREAS, the city of Brooklyn Park supports a diverse community made up of all races, cultures, religions, sexual orientation, and gender identities; and

WHEREAS, Minnesota's population is made up of 4.1 percent LGBT+ according to LGBT Demographic Data Interactive; and

WHEREAS, more than 135,000 employed in Minnesota identify as LGBT+ according to LGBT Demographic Data Interactive; and

WHEREAS, the city of Brooklyn Park vehemently denounces all hate and oppression; and

WHEREAS, more than 50 years ago in June, there was a courageous group of Americans, led by a Black trans woman by the name of Marsha P. Johnson, who resisted police-orchestrated violence and mistreatment at the Stonewall Inn in New York City. This set in motion a chain of events that would become known as the Stonewall Uprising and the birth of modern gay and lesbian civil rights movement; and

WHEREAS, beginning in 1999, President Bill Clinton issued a declaration for Gay and Lesbian Pride Month; and

WHEREAS, in 2009, President Barack Obama expanded the observance by declaring June Lesbian, Gay, Bisexual, Transgender Pride Month; and

WHEREAS, Brooklyn Park strives to be a United Community that understands and celebrates our unique cultures; and

WHEREAS, the city works to increase equity that empowers residents and neighborhoods to prosper.

NOW, THEREFORE, I, Hollies Winston, on behalf of the City Council, city staff, residents, and the community at-large, do hereby proclaim June as Pride Month in Brooklyn Park to recognize and celebrate the many contributions, diverse cultures, and extensive histories of the LGBT+ 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>	4.1	<b>Meeting Date:</b>	May 28, 2024
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Matt Hayes-Regan, Planning Program Assistant
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Paul Mogush, Planning Director
<b>Item:</b>	Development Bond and Escrow Reductions/Releases		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO FULLY RELEASE THE DEVELOPERS' ESCROW (\$389.43) FOR COMPLETION OF THE "CHANSOMARY ESTATES" PROJECT #23-117.

## Overview:

City Code requires performance bonds and developer's escrows be established as part of the development process. As projects progress, staff works with developers on the release of financial securities. For many large projects the City requires performance bonding as well as escrows be filed with the City. The performance bonds are established at the time of site plan review. The City staff feels it is appropriate to release either the full or a portion of the performance bonds and developer's escrows at this time.

**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>	4.2	<b>Meeting Date:</b>	May 28, 2024
<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>	5	<b>Presented By:</b>	Paul Mogush, Planning Director
<b>Item:</b>	Sky Lounge & Bistro Conditional Use Permit #24-108 for a Class II restaurant at 8515 Edinburgh Center Drive North		

## City Manager’s Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2024 \_\_\_\_\_ APPROVING A CONDITIONAL USE PERMIT FOR A CLASS II RESTAURANT AT 8515 EDINBURGH CENTER DRIVE NORTH, SUBJECT TO CONDITIONS CONTAINED IN THE RESOLUTION.

## Overview:

## Planning Commission:

The Brooklyn Park Planning Commission held a public hearing for, and considered this request at the May 8, 2024 regular meeting. The Planning Commission voted unanimously in favor of the recommendation of approval for this request.

## Summary:

The subject property is located at 8515 Edinburgh Centre Drive North and is zoned Planned Community Development District (PCDD). Within the PCDD district, uses are determined by an adopted General Plan of Development, or by the Comprehensive Plan. As there is no General Plan of Development adopted for this site, the uses for this property is determined by the Future Land Use as guided by the Comprehensive Plan. The Future Land Use for this property is guided Community Commercial, which designates the General Business “B-3” District (§ 152.342.01) as the governing zoning for this property. The application is for a Conditional Use Permit (CUP) for a Class II Restaurant. Class II restaurants serve food and are eligible for an intoxicating liquor license without a cover charge. A brewery and taproom had previously operated in the same tenant space.

Figure 152.342.01 Uses in Business Districts

<i>Figure 152.342.01 Uses in Business Districts</i>						
<i>“P” = Permitted Use “C” = Conditional Use “NP” = Not Permitted</i>						
<i>Principal Use</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>BP</i>	<i>I</i>
Restaurants, Class II	NP	C	C	C	C	C

The application before the Planning Commission is only for a Conditional Use Permit at this location. An application for and approval of a liquor license is a separate process that is not being considered with this application. The Planning Commission’s recommendation will be presented to the City Council for consideration.

## Previous Approvals:

This property was developed in 1996 as a multi-tenant retail building with the anchor of a grocery store. The property is zoned Planned Community Development District (PCDD), and the use is listed as conditional within Business Districts and is therefore entitled to review under §152.035 (§152.415(C)).

This tenancy was granted CUP2017-117 for the operation of a brewery and taproom.

### Current Conditions:

The subject property is 7.7 acres and is located west of Edinburgh Centre Drive.

Future Land Use Plan	Community Commercial
Current Zoning	Planned Community Development District (PCDD)
Proposed Zoning	Planned Community Development District (PCDD)
Neighborhood	Edinburgh
Site Area	7.7 Acres
<b>Conforms to:</b>	
Land Use Plan	Yes
Zoning Code	Yes
Notification	Legal notice was published in the Sun Post, Proposed Development Sign placed on the property, A neighborhood email will be sent to the Edinburgh neighborhood, 66 Public Hearing Notices mailed
Timeline (MN §15.99)	
60-day	May 28, 2024
120-day	July 27, 2024

### Land Use/Zoning and Overlay:

The site is zoned Planned Community Development District (PCDD) and is within the Edinburgh neighborhood. The future land use for the property is Community Commercial. The surrounding properties are zoned PCDD.

### Conditional Use Permit:

A Class II restaurant is listed as a conditional use in the General Business “B-3” District (§ 152.342.01), which is the zoning district used to evaluate permitted and conditional uses for properties guided Community Commercial within the PCDD. Conditional uses must be reviewed against the standards of the Zoning Code (§ 152.035). The proposed use is evaluated below:

**(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 Community Commercial. A Class II restaurant is consistent with the Comprehensive Plan.

**(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.**

City Transportation staff have reviewed the parking and traffic submittals and has determined that no additional conditions are necessary.

- (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.

City Transportation staff have reviewed the parking plan and has determined that no additional conditions are necessary. The Zoning Code requires 1 space for each 40 square feet of gross floor area of dining and bar plus 1 space for each 80 square feet of kitchen area, which is available on site through the shared parking lot of this property.

- (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.

Additional demands on City service are not anticipated. Any Met Council requirements of additional SAC and WAC charges must be met prior to permitting.

- (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.

The project is proposed in an existing structure which meets the requirements of the Zoning Code. Screening and landscaping standards are not applicable to the CUP application.

- (6) ***Architectural standards.*** The degree that the site or building associated with the proposed use meets or exceed 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.

The project is proposed in an existing structure which meets the requirements of the Zoning Code. Architectural standards are not applicable to the CUP application.

- (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.

Existing conditions of the site are consistent with City Code requirements.

Staff finds that the proposal meets the review standards of the Zoning Code, §152.035. Staff recommends approval of the Conditional Use Permit for a Class II restaurant.

#### **Conditions of Approval:**

Staff recommends adopting a resolution approving a Conditional Use Permit for a Class II Restaurant at 8515 Edinburgh Centre Drive with the following conditions:

1. Signage must comply with all requirements of City Code Chapter 150: Signs.
2. This resolution must be recorded with the Hennepin County Recorder's office.
3. Per applicant plans dated February 9, 2024, the occupancy is limited to 56 people. An increase in occupancy will require a new Conditional Use Permit.

4. The applicant must obtain a liquor license approved by the Brooklyn Park City Council prior to the sale of alcohol on the premises.
5. If the holder of the conditional use permit fails to comply with the terms and conditions of this resolution, the city may impose penalties or discipline for noncompliance, which may include revocation of the permit in accordance with § 152.035(H)(1) of the Municipal Code.

**Primary Issues/Alternatives to Consider:**

1. Approve the Conditional Use Permit as presented.
2. Approve the Conditional Use Permit with modifications.
3. Deny the Conditional Use Permit based on certain findings.

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

**Attachments:**

- 4.2A RESOLUTION
- 4.2B LOCATION MAP
- 4.2C APPLICANT'S SUBMITTAL
- 4.2D PLANNING COMMISSION MINUTES
- 4.2E PLAN SET

RESOLUTION #2024-\_\_\_

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR  
A CLASS II RESTAURANT AT 8515 EDINBURGH CENTER DRIVE NORTH, SUBJECT TO CONDITIONS  
CONTAINED IN THE RESOLUTION

Planning Commission File #24-108

WHEREAS, Rodney King on behalf of Sky Lounge & Bistro has made application for a Conditional Use Permit under the provisions of Chapter 152 of the City Code on property legally described as:

*Lot 2, Block 1, Edinburg Centre 2<sup>nd</sup> Addition, Hennepin County, Minnesota.*

WHEREAS, the proposed development is consistent with the purposes of the Zoning District and the Comprehensive Plan; and

WHEREAS, the matter has been referred to the Planning Commission, who held a public hearing and 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 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 is hereby approved for a Class II restaurant on the above-described parcel, subject to the following:

1. Signage must comply with all requirements of City Code Chapter 150: Signs.
2. This resolution must be recorded with the Hennepin County Recorder's office.
3. Per applicant plans dated February 9, 2024, the occupancy is limited to 56 people. An increase in occupancy will require a new Conditional Use Permit.
4. The applicant must obtain a liquor license approved by the Brooklyn Park City Council prior to the sale of alcohol on the premises.
5. If the holder of the conditional use permit fails to comply with the terms and conditions of this resolution, the city may impose penalties or discipline for noncompliance, which may include revocation of the permit in accordance with § 152.035(H)(1) of the Municipal Code.

This resolution expires one year from the date of approval unless all conditions are met. This resolution must be recorded with the Hennepin County Recorder's office within one year of the date of approval. The approvals can be revoked if not in compliance with the conditions stated above.



**Conditional Use Permit Application for Class II Restaurant**  
**Case #24-108 – Sky Lounge & Bistro**  
Area of Request (August 2023 Air Photo)  
8515 Edinburgh Center Drive





# SKY LOUNGE & BISTRO

8515 EDINBURGH CENTER DRIVE, BROOKLYN PARK, MN 55445

☎ 763-347-9697

✉ info@skyloungeandbistro.com

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## FROM THE OFFICE OF RODNEY KING

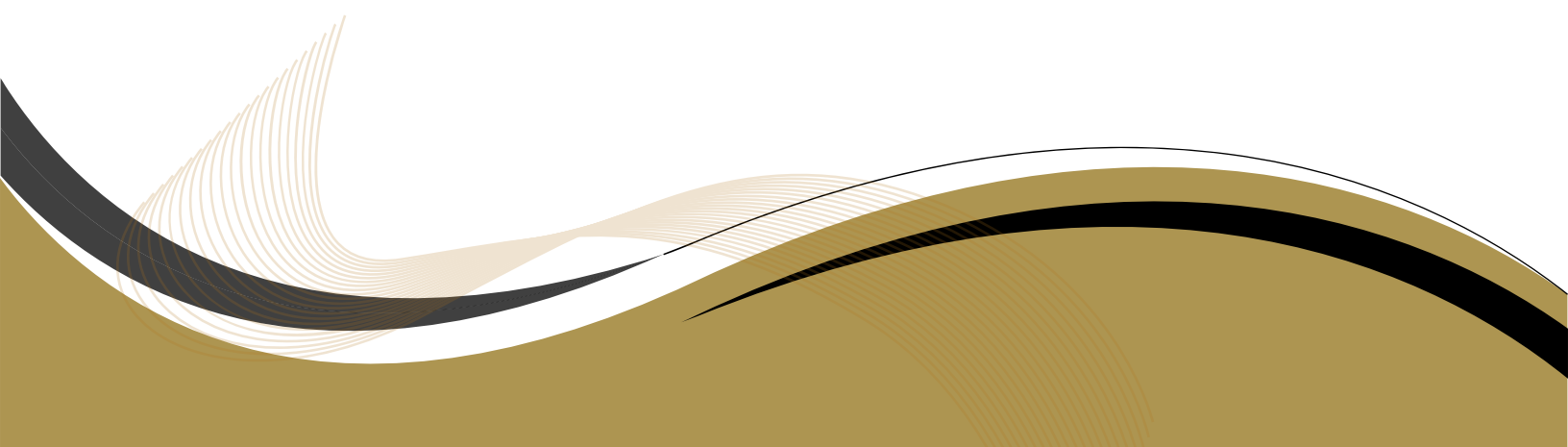
**To:** City of Brooklyn Park  
5200 85th Avenue N,  
Brooklyn Park, MN 55443

**DATE:** MARCH 29, 2024

**RE: LETTER OF REQUEST**

### TO WHOM IT MAY CONCERN:

IN PURSUIT OF A CONDITIONAL USE PERMIT TO FACILITATE ON-SITE LIQUOR SERVICE WITHIN A RESTAURANT SETTING, SKY LOUNGE & BISTRO LLC ENDEAVORS TO ALIGN ITS OPERATIONS WITH THE STRATEGIC OBJECTIVES OUTLINED IN THE CITY'S COMPREHENSIVE PLAN. AS A CULINARY ESTABLISHMENT POISED TO OFFER A SOPHISTICATED DINING EXPERIENCE COUPLED WITH BEVERAGE SERVICE, SKY LOUNGE & BISTRO CONTRIBUTES TO THE CITY'S OVERARCHING VISION IN THE FOLLOWING MANNER.



CONDITIONAL USE PERMIT &  
THE COMPREHENSIVE PLAN



SKY L●UNGE & BISTRO

CONDITIONAL USE PERMIT &  
THE COMPREHENSIVE PLAN

Meet: Rodney King

Rodney King, in his capacity as Owner and President, brings forth an extensive background spanning over a decade in entrepreneurship across diverse business ventures. With a demonstrated track record of success, Rodney excels in the intricate management of day-to-day operations with precision. His proficiencies extend across key areas such as marketing, sales, and operations, underscoring his deep understanding of the nuances inherent in running a sophisticated restaurant and lounge establishment.

As the enterprise embarks on a trajectory of expansion, Rodney's strategic vision prioritizes the strategic recruitment of top-tier talent and the seamless assimilation of new team members. Under his astute leadership, the organization remains steadfast in its commitment to excellence, consistently surpassing the expectations of its clientele.

Rodney's journey into entrepreneurship traces back to his childhood aspirations rooted in a family tradition of business acumen. Beginning with a fashion boutique venture in downtown Minneapolis alongside a partner, Rodney swiftly transitioned to establish an African grocery store within the Brooklyn Center and New Hope vicinity. Imbued with a keen understanding of the diverse demographic landscape in Crystal and North Minneapolis, Rodney recognized the unmet demand for health-conscious Afro, International, and Traditional cuisine with a modern twist. This insight paved the way for the inception of Sky Lounge & Bistro, following meticulous research and adherence to the regulatory framework governing food service operations in the city.

CONDITIONAL USE PERMIT &  
THE COMPREHENSIVE PLAN

Meet: Bruce Knutson

Bruce Knutson, a seasoned architect with over 40 years of experience in the field. Specializing in both residential and commercial projects, Bruce has dedicated half of his career to custom residential design, encompassing remodeling and new construction projects. His commercial portfolio includes a diverse array of ventures such as restaurants, office buildings, shopping centers, and other small-scale commercial endeavors.

Bruce is passionate about translating his clients' dreams into reality, ensuring that each project is delivered on time, within budget, and infused with a zest for life. With a keen eye for detail and a commitment to excellence, he strives to make the design and construction process as seamless as possible for his clients.

Utilizing cutting-edge technology including computers, software, and 3D printers, Bruce empowers his clients to visualize every aspect of their project before it comes to fruition. His expertise lies not only in bringing innovative designs to life but also in ensuring that they stand the test of time, exuding authenticity, and timelessness.

Bruce's outstanding work has earned him recognition in the industry, with his projects being featured and published in numerous publications. With decades of experience and a passion for delivering exceptional results, Bruce Knutson is the architect you can trust to transform your vision into reality.

CONDITIONAL USE PERMIT &  
THE COMPREHENSIVE PLAN

Transforming Brooklyn Park's Culinary Landscape:

The Vision of Sky Lounge & Bistro

As we embark on a journey aligned with The City of Brooklyn Park's Comprehensive Plan, Sky Lounge & Bistro (Sky) emerges as a beacon of cultural refinement and communal enrichment, poised to redefine the city's culinary narrative while honoring its diverse tapestry.

BP 2025 Goal #1: Cultivating Unity through Diversity

In harmony with Brooklyn Park's aspiration for a united and inclusive community, Sky Lounge & Bistro stands as a bastion of cultural celebration. As a Black-owned establishment, Sky is dedicated to showcasing the rich tapestry of Afro American, International, and American Traditional culinary. Sky will be known for its enticing atmosphere where patrons enjoy watching televised broadcasts of High Skys and captivating waterfalls from various corners of the globe. Complemented by a meticulously crafted drink menu, these aspects will serve as the magnetic force, attracting diverse individuals who share a passion for communal social experiences. Beyond mere sustenance, Sky becomes a nexus where neighbors converge, fostering connections over elevated fine dining experience.

BP 2025 Goal #2: Crafting Distinctive Destinations

Sky Lounge & Bistro epitomizes Brooklyn Park's ambition to cultivate unique destinations. Within its walls, from a German brewery to a 56-seat fine dining experience, Sky will marry culinary artistry with its sophisticated ambiance, offering patrons an immersive journey into the heart of upscale and elegance. Through meticulously curated menus and bespoke libations, Sky elevates the city's cultural scene, affirming its status as a cherished culinary landmark.

BP 2025 Goal #3: Nurturing Economic Vitality

As a cornerstone of Brooklyn Park's economic landscape, Sky Lounge & Bistro catalyzes growth and opportunity. By providing employment opportunities and investing in the revitalization of its locale, Sky invigorates the city's entrepreneurial spirit. Moreover, Sky's commitment to excellence inspires confidence in the local business ecosystem, fostering a climate conducive to sustained prosperity.

CONDITIONAL USE PERMIT &  
THE COMPREHENSIVE PLAN

BP 2025 Goal #4: Safeguarding Health and Well-being

At Sky, the well-being of guests and staff takes precedence above all else. Through a commitment to culinary innovation and menu diversity, Sky empowers patrons to make informed, health-conscious choices. With a steadfast focus on safety protocols and community collaboration, Sky ensures a haven where all can indulge in culinary delights without compromise.

BP 2025 Goal #5: Championing Equity and Empowerment

Sky Lounge & Bistro serves as a catalyst for social equity and economic empowerment within Brooklyn Park. Through equitable employment practices and strategic partnerships, Sky fosters an environment where all residents can thrive. By revitalizing existing infrastructure and contributing to the city's economic vibrancy, Sky exemplifies a commitment to collective progress and prosperity.

In summary, Sky Lounge & Bistro transcends the confines of a mere dining establishment, embodying Brooklyn Park's collective vision for a vibrant, inclusive, and prosperous community. With each culinary creation and communal gathering, Sky reaffirms its dedication to unity, diversity, and the enduring spirit of Brooklyn Park.



March 22, 2024

City of Brooklyn  
Community Development  
Building & Construction Management  
6301 Shingle Creek Pkwy.  
Brooklyn Center, MN 55430

Re: Letter of Consent for use of the space, 8515 Edinburgh Centre Dr, Brooklyn Park, MN.

To Whom It May Concern:

We currently leased the space at 8515 Edinburgh Centre Dr., Brooklyn Park, MN to Sky Lounge & Bistro, and we are giving our consent for conversion of the space from brewery into Sky Lounge & Bistro. Tenant shall use the Premises solely for the purpose of conducting therein a West African bistro and lounge and for no other purpose and subject to compliance with Applicable Law, as part of its Permitted Use, Tenant shall be permitted to sell beer, wine and liquor to its customers for on-Premises consumption only.

If you need additional information, please do not hesitate to contact me.

Sincerely,

Tamer Alpagot  
Managing Member, EfcB LLC  
PO Box 361303  
Milpitas, CA 95036  
Ph: (650) 906-1980

cc. Tony Robinson, Project Manager, Sky Lounge & Bistro.

## UNAPPROVED MINUTES

### MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION Regular Meeting – MAY 8, 2024

#### 6. PUBLIC HEARING

##### A. Planning Case #24-108 – Sky Lounge & Bistro – 8515 Edinburgh Centre Drive North – Conditional Use Permit.

Associate Planner McDermott introduced the application for a Conditional Use Permit (CUP) for Sky Lounge and Bistro. They identified the subject property, which is 7.7 acres and contains a multi-tenant development. They reviewed the PCDD (Planned Community Development District) zoning, and future land use of Community Commercial, as well as the zoning of adjacent property. They provided additional details on access, parking, and traffic control. They stated that staff recommends approval of the request.

Commission Chair Cavin opened the public hearing.

Seeing no one approach the podium, Commission Chair Cavin closed the public hearing.

Commission Chair Cavin asked the previous use in this space.

Associate Planner McDermott replied that there was a brewery and taproom in this space, which also used a CUP. They confirmed that this CUP would allow the service of alcohol.

Commissioner Chair Cavin asked the type of food that would be on the menu.

Associate Planner McDermott commented that they do have a sample menu, but that was not included in the report. They stated that she could forward that to the Commission.

Commissioner Gaye-Bai asked the what the surrounding tenants are currently.

Associate Planner McDermott reviewed the different tenants in this area, which include office, restaurant and grocery.

Commissioner Wako asked if this would be an increase to the seating of the previous occupant.

Associate Planner McDermott replied that the occupancy would remain the same because that is set by the size of the space by the Fire Code.

Commissioner Gaye-Bai asked for details on the parking available.

Associate Planner McDermott commented that the parking available is underutilized and therefore there is more than adequate parking for all uses at the same time, but not all the uses have their highest occupancy time at the same time of day.

Commissioner Udomah thanked the applicants for bringing this restaurant to the community. He asked if there would be outdoor seating, as the previous tenant had some outdoor seating that was created by blocking off a few parking spaces.

Associate Planner McDermott replied that the applicant did not apply for that, but there would be an opportunity to apply for a Special Event Permit for that type of use.

MOTION FRASER, SECOND WAKO TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT FOR A CLASS II RESTAURANT AT 8515 EDINBURGH CENTRE DRIVE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

*MOTION CARRIED UNANIMOUSLY.*

Planning Director Mogush stated the public hearing item is scheduled to be reviewed at the City Council meeting on May 28, 2024.

**CODE REVIEW:**  
Minnesota Building Code

**A. JOB ADDRESS - BUILDING**

8515 EDINBURGH CIR.

**B. PROPOSED WORK -**

CONVERT EXISTING BREWERY  
TO BAR & RESTURANT

**C. OCCUPANCY CATEGORY -**  
A-2 DINING & DRINKING

**B. TYPE OF CONSTRUCTION -**  
V-B (Non-rated)

**C. SPRINKLED**

**E. ALLOWABLE HEIGHT AND TOTAL BUILDING AREA**

Existing height.. 1 Story  
Existing Building TOTAL area.....1688 sf  
Dining, TOTAL area ..... 847 sf

**F. OCCUPANT LOAD -**

847 sf. At 15 sf/occupant  
Occupant load = 56 - 2 exits

**E. PARKING**

Existing mail parking lot

**General notes:**

1. All interior doors shall have lever handles
2. Signage at entrance door shall say;  
**THIS DOOR SHALL BE UNLOCKED DURING BUSINESS HOURS**
3. Emergency lighting shall be installed as part of the electrical installation.
4. A fire extinguisher shall be installed in the tenant space.
5. Signage at the rest rooms(with tactile information) shall be installed as per code requirements at the frame of rest room doors.



EXTERIOR PHOTO

DATE: 2/9/2024

**REVISIONS:**

ISSUED 2024-02-14



LOCATION MAP

SHEET INDEX

- 100. COVERSHEET
- 200. EXISTING PLAN
- 201. EXISTING PHOTOS
- 202. EXISTING PHOTOS
- 300. PROPOSED FLOOR PLAN
- 301. BATHROOM ELEVATIONS
- 302. KITCHEN ELEVATIONS
- 400. REFLECTED CEILING PLAN
- 500. EXIT PLAN



**BROOKLYN PARK, MN**

Enter address here

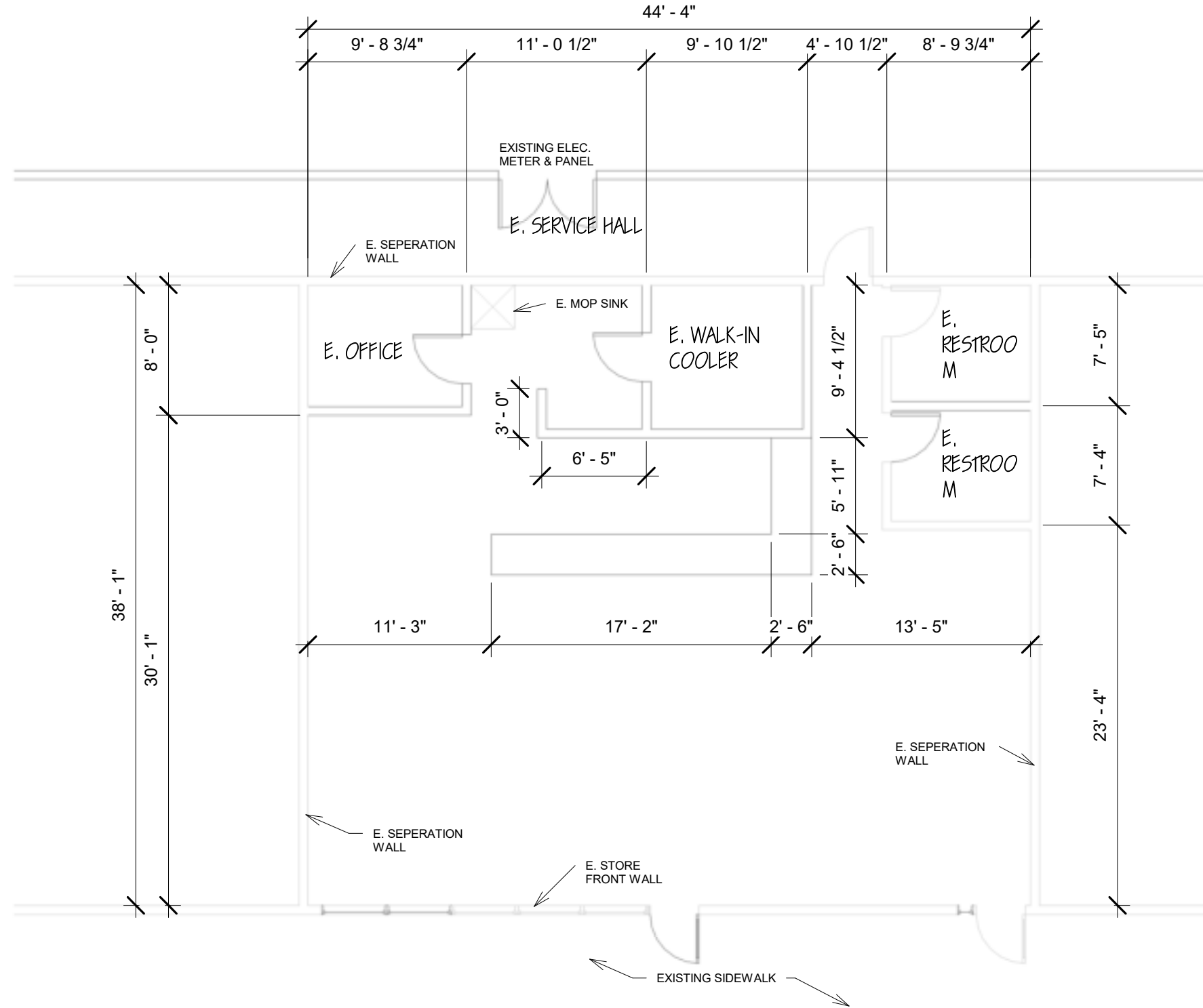
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the state of Minnesota.  
Signature: *Bruce Knutson*  
Bruce Knutson  
Date: 2024-02-14  
Lic. No. 11789

SHEET NO:

**100**

COVERSHEET

DATE: 2/9/2024  
 REVISIONS:  
 ISSUED 2024-02-14



① EXISTING FLOOR PLAN  
 1/8" = 1'-0"

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 Bruce Knutson  
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 Lic. No. 11789

SHEET NO:  
**200**  
 EXISTING FLOOR PLAN





DATE: 2/9/2024  
REVISIONS:  
ISSUED 2024-02-14

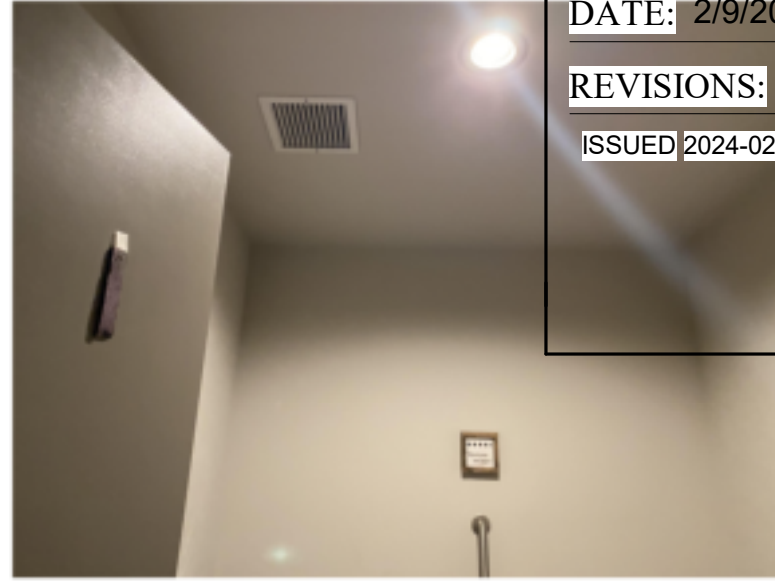
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SHEET NO:  
**201**  
EXISTING PHOTOS



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REVISIONS:  
ISSUED 2024-02-14

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Lic. No. 11789

SHEET NO:  
**202**  
EXISTING PHOTOS  
II



DATE: 2/9/2024

REVISIONS:

ISSUED 2024-02-14

BROOKLYN PARK, MN

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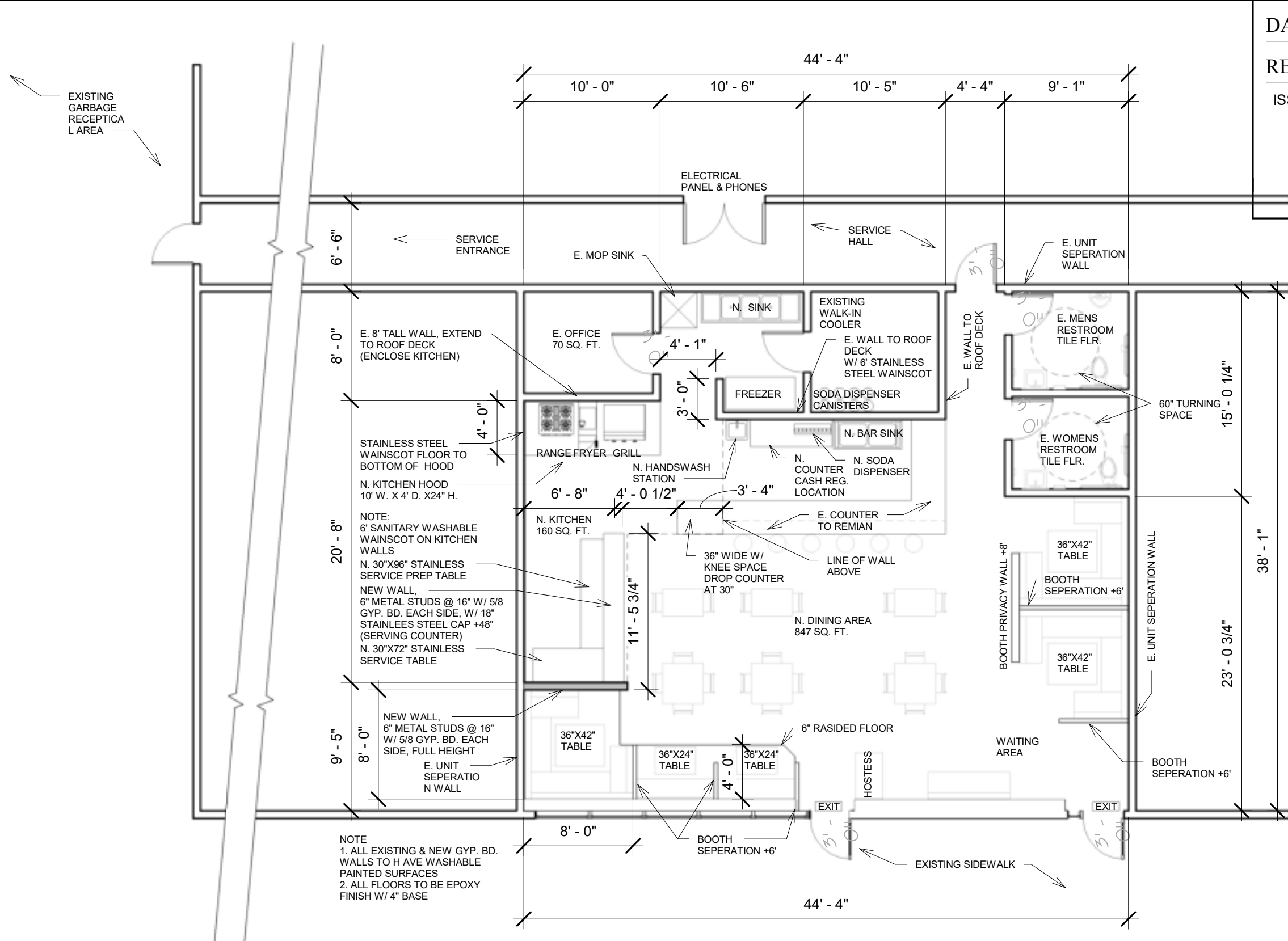
Signature: *Bruce Knutson*  
 Bruce Knutson  
 Date: 2024-02-14  
 Lic. No. 11789

SHEET NO:

**300**  
FLOOR PLAN



2/14/2024 11:46:56 AM



NOTE:  
 6" SANITARY WASHABLE WAINSCOT ON KITCHEN WALLS  
 N. 30"X96" STAINLESS SERVICE PREP TABLE  
 NEW WALL, 6" METAL STUDS @ 16" W/ 5/8 GYP. BD. EACH SIDE, W/ 18" STAINLESS STEEL CAP +48" (SERVING COUNTER)  
 N. 30"X72" STAINLESS SERVICE TABLE

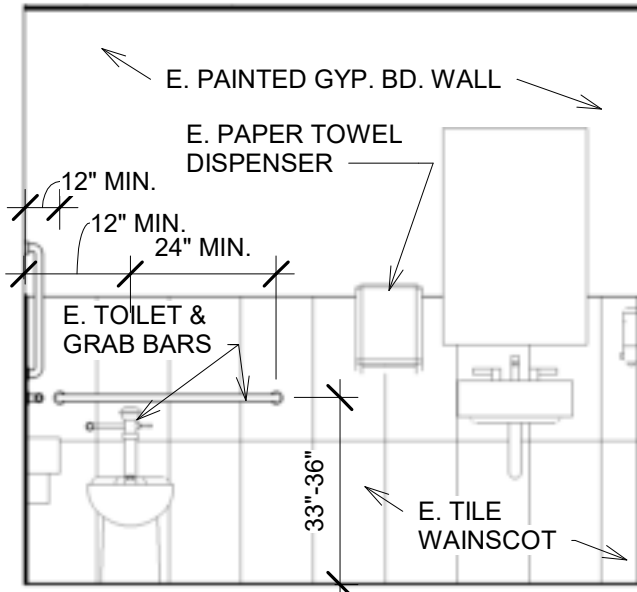
NOTE  
 1. ALL EXISTING & NEW GYP. BD. WALLS TO HAVE WASHABLE PAINTED SURFACES  
 2. ALL FLOORS TO BE EPOXY FINISH W/ 4" BASE

1 FLOOR PLAN  
 1/8" = 1'-0"  
 SPACE SQ. FT. 1688

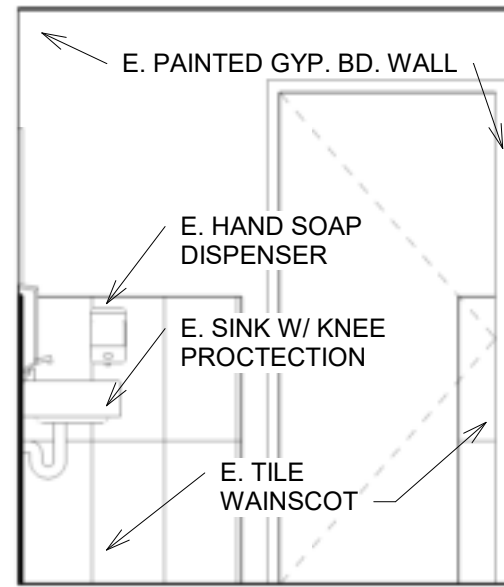
DATE: 2/9/2024

REVISIONS:

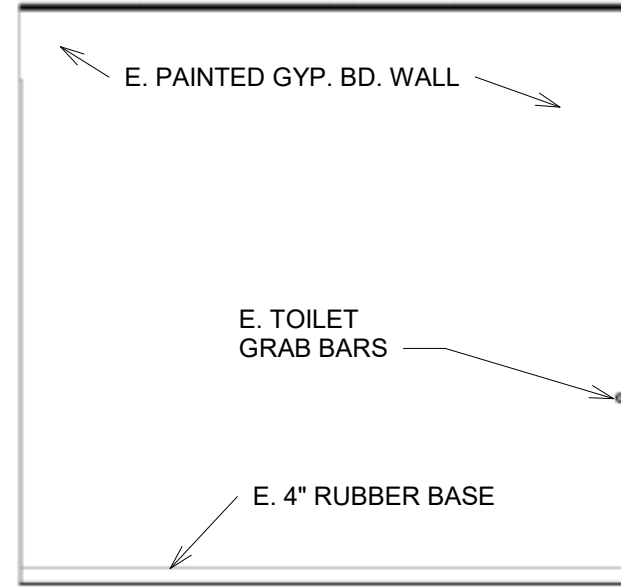
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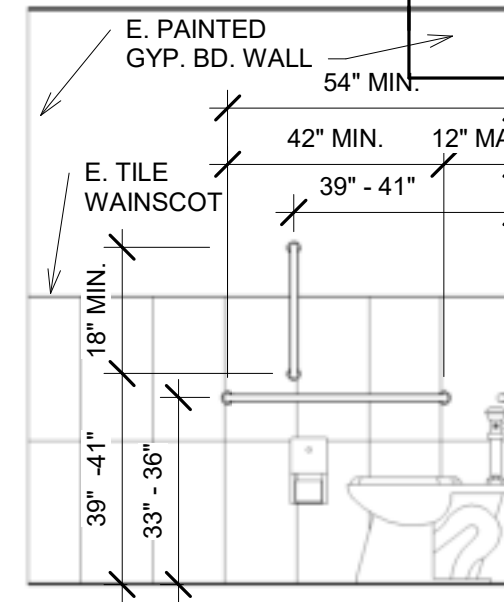
1 W. RESTROOM A  
3/8" = 1'-0"



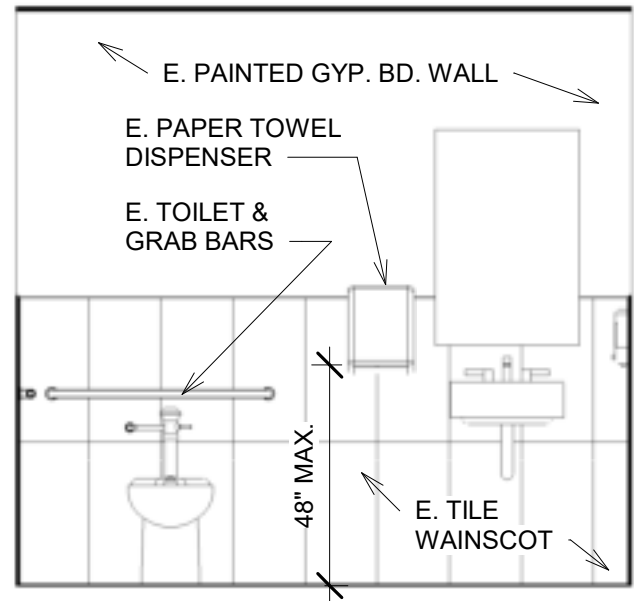
2 W. RESTROOM B  
3/8" = 1'-0"



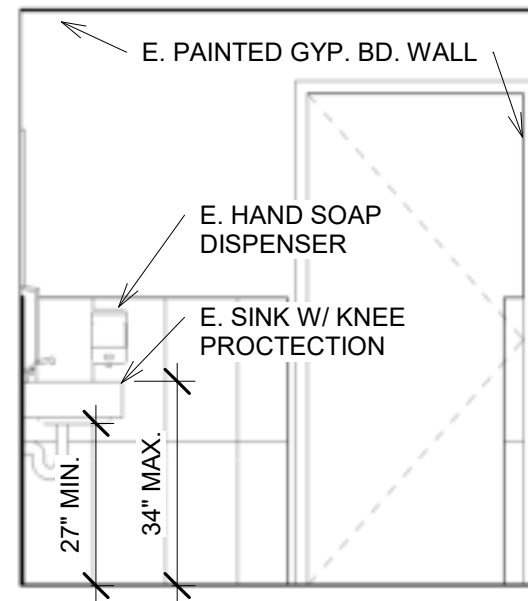
3 W. RESTROOM C  
3/8" = 1'-0"



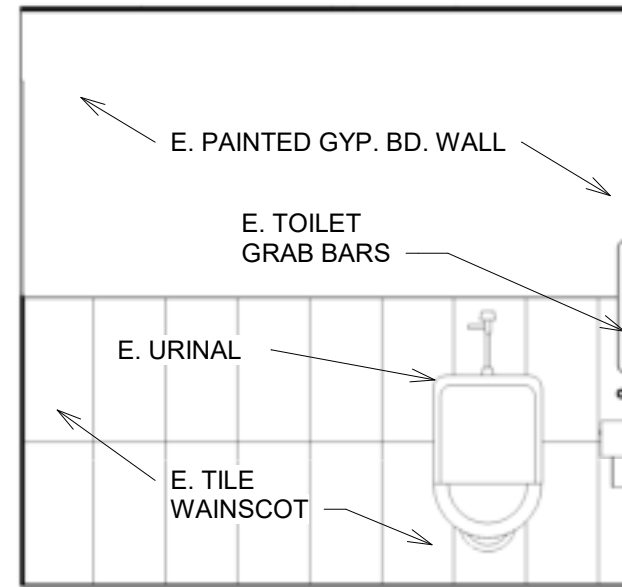
4 W. RESTROOM D  
3/8" = 1'-0"



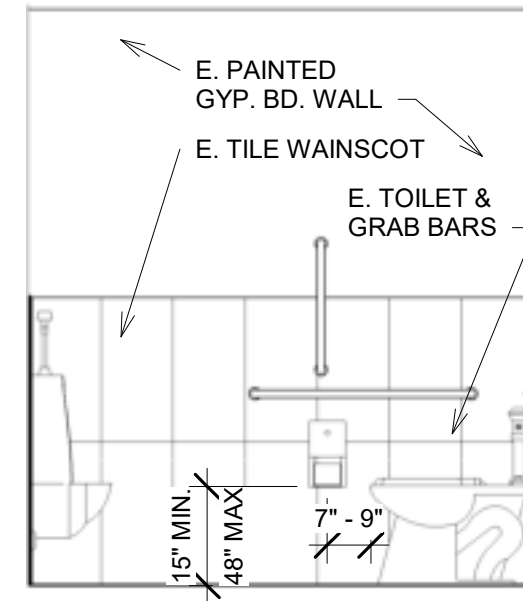
5 M. RESTROOM A  
3/8" = 1'-0"



6 M. RESTROOM B  
3/8" = 1'-0"



7 M. RESTROOM C  
3/8" = 1'-0"



8 M. RESTROOM D  
3/8" = 1'-0"

NOTE:  
VERIFY EXISTING RESTROOMS  
CURRENT ADA REQUIREMENTS



BROOKLYN PARK, MN

Enter address here

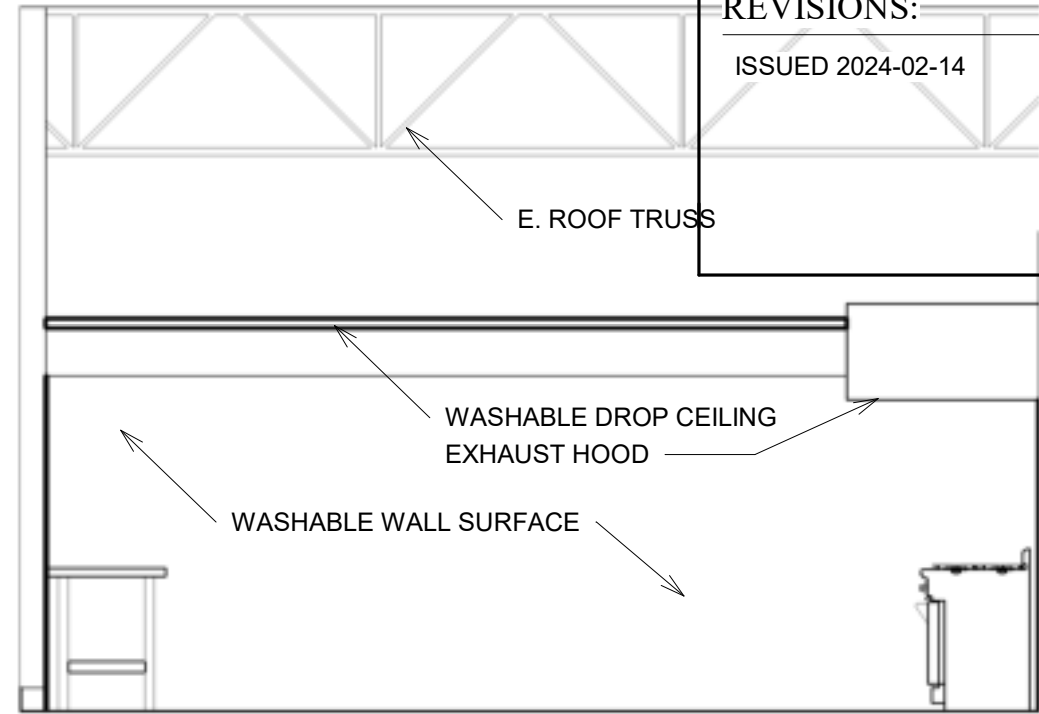
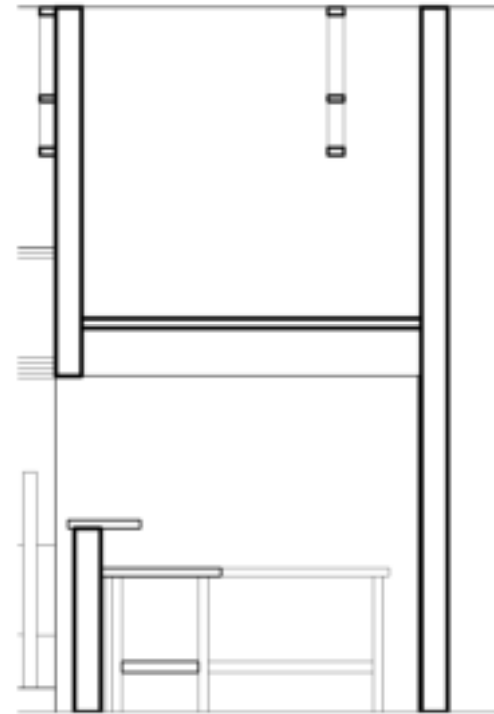
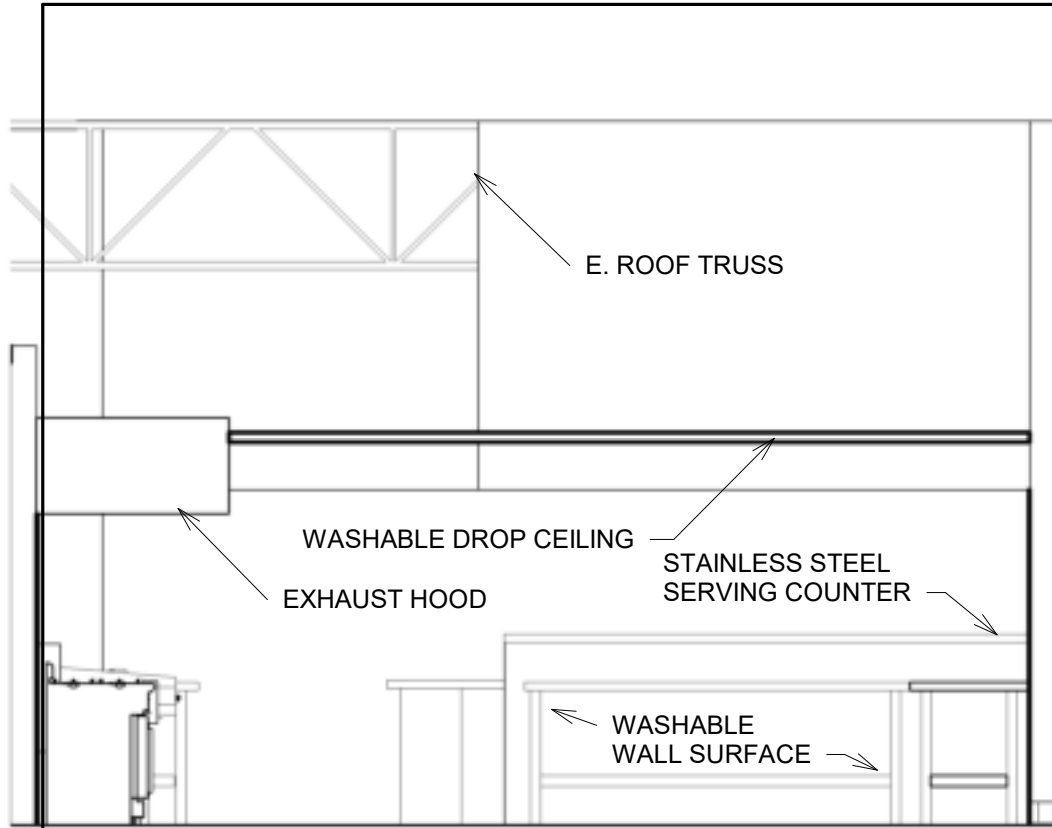
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the state of Minnesota.

Signature: *Bruce Knutson*  
Bruce Knutson  
Date: 2024-02-14  
Lic. No. 11789

SHEET NO:

301  
EXISTING  
BATHROOM  
ELEVATIONS

DATE: 2/9/2024  
REVISIONS:  
ISSUED 2024-02-14



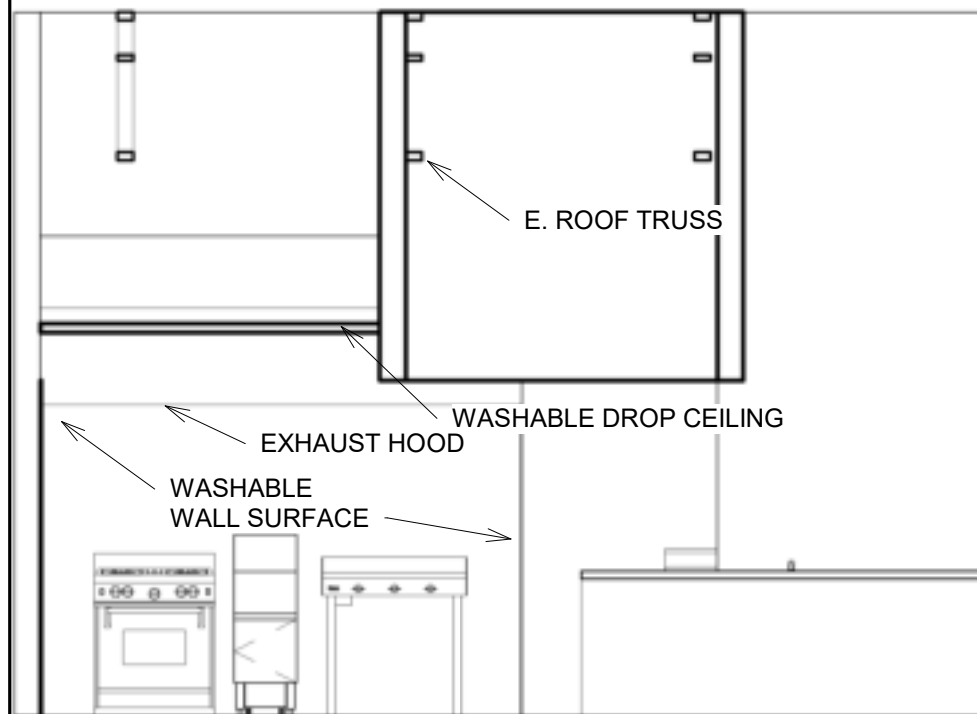
BROOKLYN PARK, MN

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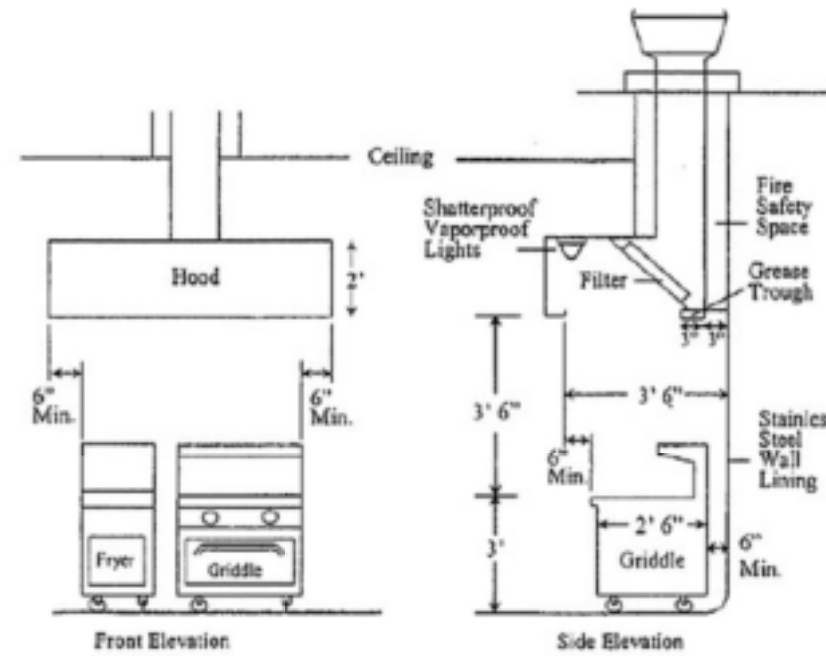
1 KITCHEN A  
1/4" = 1'-0"

2 KITCHEN B  
1/4" = 1'-0"

3 KITCHEN C  
1/4" = 1'-0"



4 KITCHEN D  
1/4" = 1'-0"



5 HOOD DETAIL  
N.T.S.

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Bruce Knutson  
Date: 2024-02-14  
Lic. No. 11789

SHEET NO:  
**302**  
KITCHEN  
ELEVATIONS

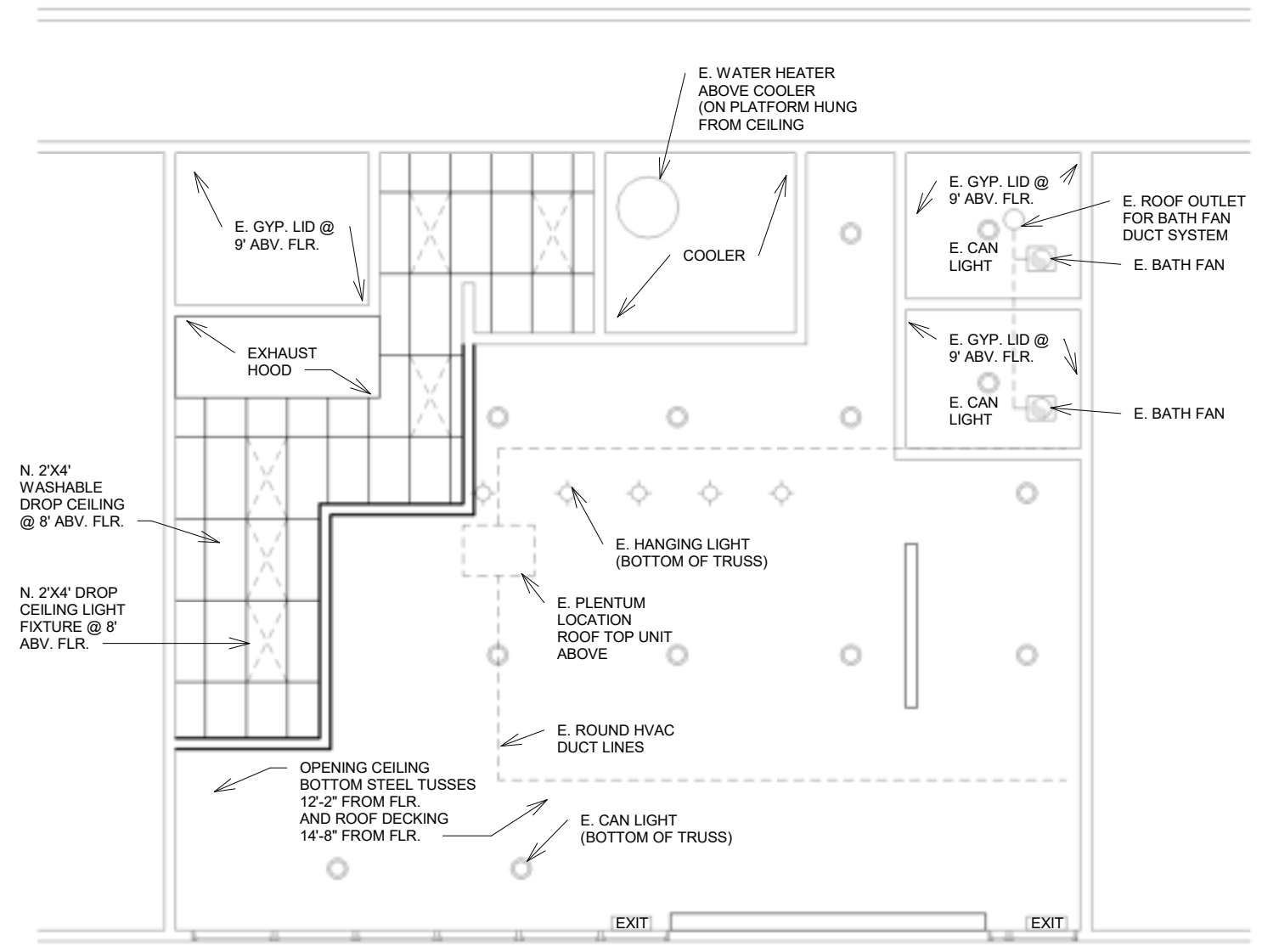


2/14/2024 11:46:57 AM

DATE: 2/9/2024

REVISIONS:

ISSUED 2024-02-14



1 REFLECTED CEILING PLAN  
1/8" = 1'-0"

BROOKLYN PARK, MN

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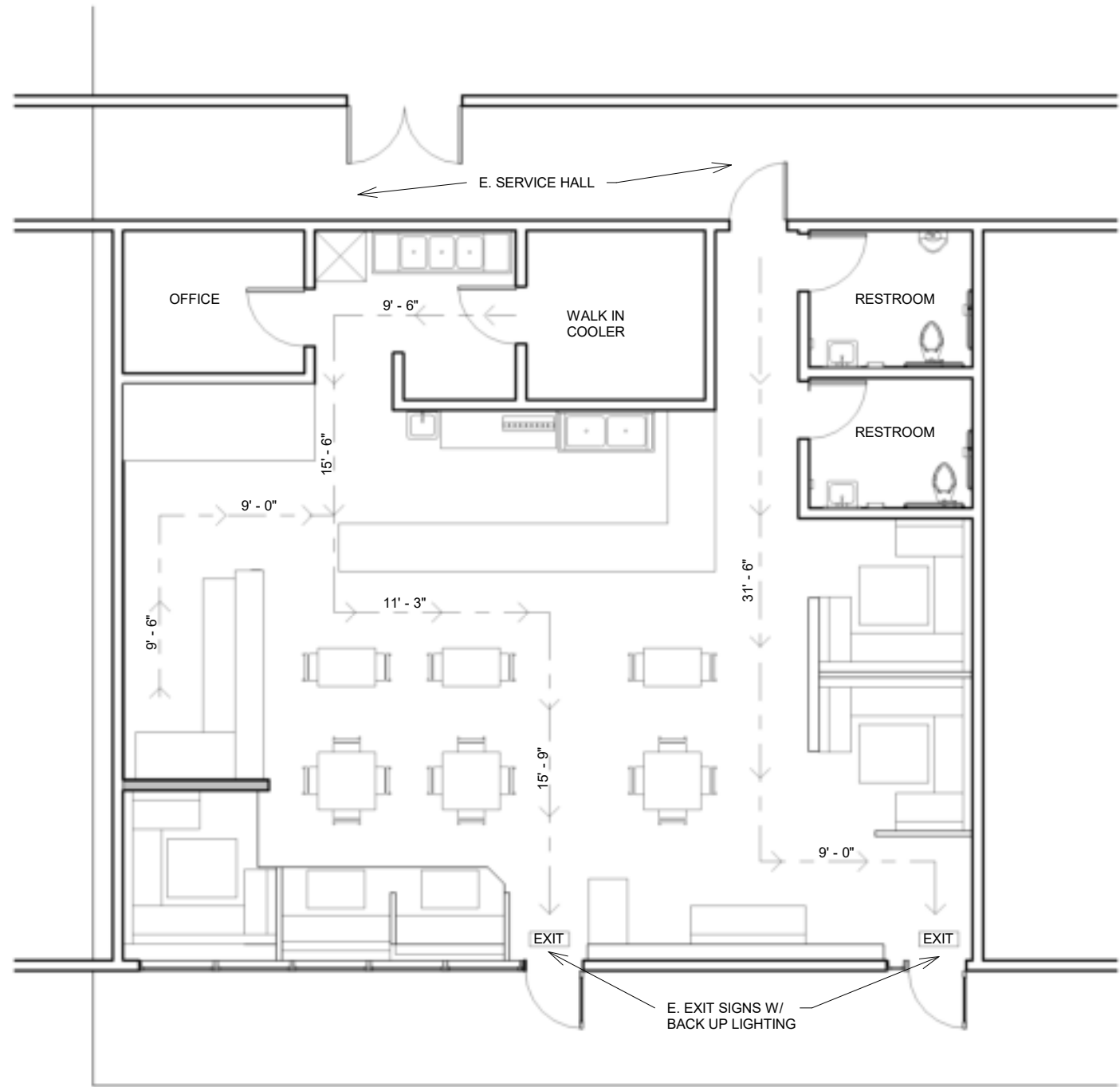
Signature: *Bruce Knutson*  
 Bruce Knutson  
 Date: 2024-02-14  
 Lic. No. 11789

SHEET NO:

**400**  
REFLECTED  
CEILING PLAN



DATE: 2/9/2024  
REVISIONS:  
ISSUED 2024-02-14



1 EXIT PLAN  
1/8" = 1'-0"

**BROOKLYN PARK, MN**  
Enter address here

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Signature: *Bruce Knutson*  
Bruce Knutson  
Date 2024-02-14  
Lic. No. 11789

SHEET NO:  
**500**  
EXITING ROUTE  
PLAN



# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.3	<b>Meeting Date:</b>	May 28, 2024
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development, Rental and Business Licensing
<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>Item:</b>	Approve a Temporary On-Sale Liquor License for the Brooklyn Park Lions at the Recreation Jazz in July event held July 19, 2024, at the Community Activity Center Lawn, 5600 85 <sup>th</sup> Avenue North		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR THE BROOKLYN PARK LIONS AT THE PARKS AND RECREATION JAZZ IN JULY EVENT HELD JULY 19, 2024, AT THE COMMUNITY ACTIVITY CENTER LAWN, 5600 85<sup>TH</sup> AVENUE NORTH

## Overview:

The Jazz in July event is scheduled as an event through the Brooklyn Park Parks and Recreation for July 19th, 2024, from 5:00-9:00 p.m., at the Brooklyn Park Community Center lawn at 5600 85<sup>th</sup> Avenue North. The Brooklyn Park Lions will be serving liquor as part of the happy hour service for the event and have attended training for liquor service.

The background investigation of the applicant has been completed and the application has been approved. There are no current code violations at the property and staff recommends approval of this temporary liquor license. The license must be approved by the State of Minnesota, Alcohol and Gambling Enforcement Division once the City of Brooklyn Park has approved the 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>	4.4	<b>Meeting Date:</b>	May 28, 2024
<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>	Approve a Tetrahydrocannabinol (THC) and Tobacco License for MAM Company dba BP Smoke Shop, Located at 7642 Brooklyn Boulevard, Brooklyn Park, MN 55443		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE A TETRAHYDROCANNABINOL (THC) LICENSE FOR MAM COMPANY DBA BP SMOKE SHOP, LOCATED AT 7642 BROOKLYN BOULEVARD, BROOKLYN PARK, MN 55443

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE A TOBACCO LICENSE FOR MAM COMPANY DBA BP SMOKE SHOP, LOCATED AT 7642 BROOKLYN BOULEVARD, BROOKLYN PARK, MN 55443

## Overview:

This is a new THC and tobacco license for this location and has not previously been licensed for THC or tobacco sales. MAM Company dba BP Smoke Shop currently has a tobacco and THC license at 7654 Brooklyn Boulevard.

The first action is for approval of a new THC license at 7642 Brooklyn Boulevard. The THC license application has been approved and the police department has completed their investigation of the applicant. The second action is for approval of a new tobacco license at 7642 Brooklyn Boulevard. The tobacco license application has been approved and the police department has completed their investigation of the applicant. The Community Development Department approved the application on May 22, 2024. There is an active Environmental Health case at this location regarding the external waste enclosures. The property owner is cooperating with staff to gain compliance. The Police and Community Development Departments recommend approval of THC and Tobacco Sales licenses.

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

- Businesses 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.
- Penalties for violations and appeal processes are comparable to tobacco compliance processes.

THC Business Locations:

<b>Business Name</b>	<b>Location</b>	<b>Council District</b>	<b>West</b>	<b>Central</b>	<b>East</b>
A&J Tobacco	8058 Brooklyn Blvd	West	X		
A1 Smokes and Vapes	3015 85th Ave	East			X
Boone Tobacco	6284 Boone Ave	West	X		
BP Smoke Shop	7654 Brooklyn Blvd	East			X
BP Smoke Shop	7642 Brooklyn Blvd	East	X		X
Brooklyn Grocery	6321 Zane Ave N	West	X		
Cellar's Wine & Spirits	7944 Brooklyn Blvd	West	X		
Cub Liquor	7555 W Broadway	West	X		
E-Cig Market	8413 West Broadway	West	X		
E-Vapor and Tobacco	4658 85th Ave	Central		X	
Fast N Fresh	6321 Zane Ave N	West	X		
Good Zen	8509 Jefferson Ln	West	X		
Ike's Wine & Spirits	9682 Colorado Ln	West	X		
Love is an Ingredient	6276A Boone Ave	West	X		
Love is an Ingredient	8505 Jefferson Ln	West	X		
New Superette	6290 Boone Ave	West	X		
Palmer Lake VFW	2817 Brookdale Drive	East			X
Pixie Liquor	1512 Brookdale Dr	East			X
Speedy Market & Tobacco	7401 Regent Ave	East			X
Tobacco for Less	9334 Zane	Central		X	
Tobacco Plus	1436 - 85th Ave	East			X
Up North Liquor	9570 Noble Pkwy N	Central		X	
Winner Gas	1500 Brookdale Dr	East			X

		Totals	13	3	8

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

**Budgetary/Fiscal Issues:**

THC prorated license fee of \$750 will be added to the general fund.  
Tobacco prorated license fee of \$150 will be added to the general fund.

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.5	<b>Meeting Date:</b>	May 28, 2024
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Jay Stroebel, City Manager
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A		
<b>Item:</b>	Assignment of Council Liaison to the Recreation and Parks Advisory Commission		

**City Manager’s Proposed Action:**

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPOINT TONY MCGARVEY AS THE COUNCIL LIAISON TO THE RECREATION AND PARKS ADVISORY COMMISSION EFFECTIVE IMMEDIATELY FOR THE REMAINDER OF 2024.

**Overview:**

Tony McGarvey will serve as the Council Liaison to the Recreation and Parks Advisory Commission for the remainder of 2024.

**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>	4.6	<b>Meeting Date:</b>	May 28, 2024
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Fire Department
<b>Resolution:</b>	X	<b>Prepared By:</b>	Shawn Conway, Fire Chief
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	3	<b>Presented By:</b>	Shawn Conway, Fire Chief
<b>Item:</b>	Approval of Mutal Aid/Automatic Aid Agreements with surrounding Fire Departments – Coon Rapids & West Metro Fire District		

## City Manager’s Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2024 \_\_\_\_\_ TO AUTHORIZE THE FIRE CHIEF TO ENTER INTO MUTUAL AID AND AUTOMATIC AID AGREEMENTS WITH THE COON RAPIDS FIRE DEPARTMENT AND THE WEST METRO FIRE DISTRICT AND APPROVE THE PROPOSED TERMS AND CONDITIONS AS OUTLINED IN THE ATTACHED AGREEMENTS.

## Overview:

Mutual aid and automatic aid agreements are collaborative arrangements between neighboring fire departments to assist each other during emergencies. Mutual aid involves a request for assistance after an incident occurs, while automatic aid is a pre-arranged agreement that dispatches aid automatically based on predetermined criteria, such as specific types of incidents or locations.

Currently, our fire department operates under these two definitions without formal agreements in place. While we are equipped to handle a range of emergencies, there are situations, particularly large-scale incidents or simultaneous emergencies, where additional resources are crucial. The proposed agreements will ensure that our department can call upon and provide aid to neighboring departments, improving our collective ability to respond to emergencies effectively.

## Key Points:

- Enhanced Emergency Response:** The agreements will provide immediate access to additional resources, including personnel, apparatus, and specialized equipment, during major incidents.
- Resource Optimization:** Shared resources and coordinated efforts can prevent the duplication of services and optimize the use of available assets, leading to cost savings.
- Training and Coordination:** Regular joint training exercises with neighboring departments will improve coordination and efficiency during actual emergencies, to include improving our ISO rating.
- Community Safety:** Improved response times and capabilities will directly contribute to the safety and protection of our community.
- Legal and Financial Framework:** The agreements will outline the legal responsibilities of each party, ensuring clarity and fairness in mutual aid situations.

## Benefits:

- Increased Capacity:** Access to additional firefighting and emergency medical services during critical incidents.
- Improved Safety:** Faster and more effective emergency response, reducing potential loss of life and property damage.
- Cost Efficiency:** Shared use of resources and collaborative training can lead to financial savings.

- **Strong Community Relationships:** Building stronger ties with neighboring communities and their emergency services.

Approving these mutual aid and automatic aid agreements is a proactive step towards ensuring the safety and resilience of our community. It reflects a commitment to collaboration, efficiency, and the well-being of our residents. I request the Council support this request and approve the proposed agreements.

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

**Budgetary/Fiscal Issues:**

The initial implementation of the agreements may require a modest increase in the budget to cover joint training and potential additional equipment. However, the long-term benefits and cost savings from shared resources and improved emergency response efficiency are expected to outweigh these initial costs.

**Attachments:**

- 4.6A RESOLUTION
- 4.6B APPROVED MUTUAL AID AGREEMENTS
- 4.6C DRAFT AUTOMATIC AID AGREEMENTS

RESOLUTION #2024-

RESOLUTION TO AUTHORIZE THE FIRE CHIEF TO ENTER INTO MUTUAL AID AND AUTOMATIC AID AGREEMENTS WITH THE COON RAPIDS FIRE DEPARTMENT AND THE WEST METRO FIRE DISTRICT  
APPROVE THE PROPOSED TERMS AND CONDITIONS AS OUTLINED IN THE ATTACHED AGREEMENTS

WHEREAS, collaborative arrangements between neighboring fire departments to assist each other during emergencies; and

WHEREAS, mutual aid involves a request for assistance after an incident occurs, while automatic aid is a pre-arranged agreement that dispatches aid automatically based on predetermined criteria, such as specific types of incidents or locations; and

WHEREAS, the proposed agreements will ensure that our department can call upon and provide aid to neighboring departments, improving our collective ability to respond to emergencies effectively.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the City authorize the Fire Chief to enter into mutual aid and automatic aid agreements with the Coon Rapids Fire Department and the West Metro Fire District.

## **AUTOMATIC AID AGREEMENT**

### **RECITAL**

This Automatic Aid Agreement (“Agreement”) is made between the **City of Brooklyn Park and the West Metro Fire-Rescue District** pursuant to Minnesota Statutes, section 471.59 which authorizes the joint and cooperative exercise of powers common to contracting parties. The intent of this Agreement is to make equipment, personnel and other resources available to political subdivisions from other political subdivisions for fire, rescue, and other emergency services.

### **AGREEMENT**

In exchange for the mutual promises made herein, the Parties hereby agree as follows:

#### **I. DEFINITION OF TERMS**

1. “Party” or “Parties” means the City of Brooklyn Park or the West Metro Fire-Rescue District or both.
2. “Requesting Official” means the person designated by a Party who is responsible for requesting Assistance from other Parties.
3. “Requesting Party” means a party that requests assistance from other parties.
4. “Responding Official” means the person designated by a party who is responsible to determine whether and to what extent that party should provide assistance to a Requesting Party.
5. “Responding Party” means a party that provides assistance to a Requesting Party.
6. “Assistance” means fire and/or emergency medical services personnel and/or associated equipment.
7. “Specialized Activities” means non-emergency Assistance including, but not limited to, the following: fire investigators, fire inspectors, fire educators, fire instructors, training personnel, and associated equipment and facilities.

#### **II. AUTHORIZATION**

Each City/Fire District participating in this agreement hereby authorize their respective fire agencies to respond to and receive Automatic Aid services pursuant to the terms of this

Agreement and to otherwise take such actions as are needed to provide and receive assistance as provided herein.

### **III. AUTOMATIC AID PROCEDURE**

1. Request for Assistance.  
Whenever, in the opinion of a Requesting Official, there is a need for assistance from the other party, the Requesting Official may call upon the Responding Official of the other party to furnish assistance.
2. Response to request.  
Upon the request for assistance from the Requesting Party, the Responding Official may authorize and direct his/her party's personnel to provide assistance to the Requesting Party. This decision will be made after considering the needs of the responding party and the availability of resources.
3. Recall of Assistance.  
The Responding Official may at any time recall such assistance when in his or her best judgment or by an order from the governing body of the Responding Party, when it is considered to be in the best interests of the Responding Party to do so.
4. Command of Scene.  
The Requesting Party shall be in command of the Automatic Aid scene. The personnel and equipment of the Responding Party shall be under the direction and control of the Requesting Party until the Responding Official withdraws assistance.
5. Charges for Assistance.  
No charges will be levied by a Responding Party to this Agreement for assistance rendered to a Requesting Party under the terms of this Agreement unless that assistance provided for a single incident response, or a group of associated incidents continues for a period of more than eight hours. If assistance provided under this Agreement continues for more than eight hours, the Responding Party may submit to the Requesting Party an itemized bill for the actual cost of assistance provided after the initial eight-hour period, including salaries, overtime, materials and supplies, and other necessary expenses, and the Requesting Party will reimburse the party providing the assistance for that amount. Such charges are not contingent upon the availability of federal or state government funds.

### **IV. LIABILITY AND INDEMNIFICATION**

For the purposes of the Minnesota Municipal Tort Liability Act (Minn. Stat. Ch. 466), the employees and officers of the Responding Party are deemed to be employees (as defined in Minn. Stat. § 466.01, subd. 6) of the Requesting Party.

The Requesting Party agrees to defend and indemnify the Responding Party against any claims brought or actions filed against the Responding Party or any officer, employee, or volunteer of the Responding Party for injury to, death of, or damage to the property of any third person or persons, arising from the performance and provision of assistance in responding to a request for assistance by the Requesting Party pursuant to this Agreement.

For purposes of determining total liability for damages pursuant to Minn. Stat. § 471.59, subd. 1a(b), the Parties are considered a single governmental unit, and the total liability of the Parties shall not exceed the limits on governmental liability for a single governmental unit as specified in Minn. Stat. § 466.04, subd. 1.

Under no circumstances, however, shall a party be required to pay on behalf of itself and other parties, any amounts in excess of the limits on liability established in Minnesota Statutes, Chapter 466 applicable to any one party. The limits of liability for both of the parties may not be added together to determine the maximum amount of liability for either party. Neither Party waives any immunities or limits on liability it enjoys under Minnesota Statutes or common law.

The intent of this provision is to impose on each Requesting Party a limited duty to defend and indemnify a Responding Party for claims arising within the Requesting Party's jurisdiction. The purpose of creating this duty to defend and indemnify is to simplify the defense of claims by eliminating conflicts among defendants, and to permit liability claims against multiple defendants from a single occurrence to be defended by a single attorney.

No party to this Agreement nor any officer of any party shall be liable to any other party or to any other person for failure of any party to furnish assistance to any other party, or for recalling assistance, both as described in this Agreement.

Each party shall be responsible for injuries or death of its own personnel. Each party will maintain workers' compensation insurance or self-insurance coverage, covering its own personnel while they are providing assistance pursuant to this Agreement. Each party waives the right to sue any other party for any workers' compensation benefits paid to its own employee or volunteer or their dependents, even if the injuries were caused wholly or partially by the negligence of any other party or its officers, employees, or volunteers.

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## **V. MISCELLANEOUS**

1. This Agreement may be amended by written agreement of all the Parties.
2. This Agreement is made under the law of the State of Minnesota.



## **AUTOMATIC AID AGREEMENT**

### **RECITAL**

This Automatic Aid Agreement (“Agreement”) is made between the **City of Brooklyn Park and the City of Coon Rapids** pursuant to Minnesota Statutes, section 471.59 which authorizes the joint and cooperative exercise of powers common to contracting parties. The intent of this Agreement is to make equipment, personnel and other resources available to political subdivisions from other political subdivisions for fire, rescue, and other emergency services.

### **AGREEMENT**

In exchange for the mutual promises made herein, the Parties hereby agree as follows:

#### **I. DEFINITION OF TERMS**

1. “Party” or “Parties” means the City of Brooklyn Park or the City of Coon Rapids or both.
2. “Requesting Official” means the person designated by a Party who is responsible for requesting Assistance from other Parties.
3. “Requesting Party” means a party that requests assistance from other parties.
4. “Responding Official” means the person designated by a party who is responsible to determine whether and to what extent that party should provide assistance to a Requesting Party.
5. “Responding Party” means a party that provides assistance to a Requesting Party.
6. “Assistance” means fire and/or emergency medical services personnel and/or associated equipment.
7. “Specialized Activities” means non-emergency Assistance including, but not limited to, the following: fire investigators, fire inspectors, fire educators, fire instructors, training personnel, and associated equipment and facilities.

#### **II. AUTHORIZATION**

Each of the Cities participating in this agreement hereby authorize their respective fire agencies to respond to and receive Automatic Aid services pursuant to the terms of this Agreement and to otherwise take such actions as are needed to provide and receive assistance as provided herein.

### **III. AUTOMATIC AID PROCEDURE**

1. Request for Assistance.  
Whenever, in the opinion of a Requesting Official, there is a need for assistance from the other party, the Requesting Official may call upon the Responding Official of the other party to furnish assistance.
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The Requesting Party shall be in command of the Automatic Aid scene. The personnel and equipment of the Responding Party shall be under the direction and control of the Requesting Party until the Responding Official withdraws assistance.
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### **IV. LIABILITY AND IMDEMNIFICATION**

For the purposes of the Minnesota Municipal Tort Liability Act (Minn. Stat. Ch. 466), the employees and officers of the Responding Party are deemed to be employees (as defined in Minn. Stat. § 466.01, subd. 6) of the Requesting Party.

The Requesting Party agrees to defend and indemnify the Responding Party against any claims brought or actions filed against the Responding Party or any officer, employee, or volunteer of the Responding Party for injury to, death of, or damage to the property of any third person or

persons, arising from the performance and provision of assistance in responding to a request for assistance by the Requesting Party pursuant to this Agreement.

For purposes of determining total liability for damages pursuant to Minn. Stat. § 471.59, subd. 1a(b), the Parties are considered a single governmental unit, and the total liability of the Parties shall not exceed the limits on governmental liability for a single governmental unit as specified in Minn. Stat. § 466.04, subd. 1.

Under no circumstances, however, shall a party be required to pay on behalf of itself and other parties, any amounts in excess of the limits on liability established in Minnesota Statutes, Chapter 466 applicable to any one party. The limits of liability for both of the parties may not be added together to determine the maximum amount of liability for either party. Neither Party waives any immunities or limits on liability it enjoys under Minnesota Statutes or common law.

The intent of this provision is to impose on each Requesting Party a limited duty to defend and indemnify a Responding Party for claims arising within the Requesting Party's jurisdiction. The purpose of creating this duty to defend and indemnify is to simplify the defense of claims by eliminating conflicts among defendants, and to permit liability claims against multiple defendants from a single occurrence to be defended by a single attorney.

No party to this Agreement nor any officer of any party shall be liable to any other party or to any other person for failure of any party to furnish assistance to any other party, or for recalling assistance, both as described in this Agreement.

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## **V. MISCELLANEOUS**

1. This Agreement may be amended by written agreement of all the Parties.
2. This Agreement is made under the law of the State of Minnesota.
3. This Agreement is entered into for the benefit of the Parties and is not intended to provide any rights to any third parties.

- 4. This Agreement is not exclusive and is not intended to replace any other Automatic Aid agreements any of the Parties may have in place.

**VI. DURATION AND TERMINATION**

This Agreement will be effective from the date of execution by each Party. Any party may withdraw from this Agreement upon thirty (30) days written notice to the other Party or Parties to the Agreement.

**VII. EXECUTION**

Each party hereto has read, agreed to and executed this Automatic Aid Agreement on the date indicated.

IN WITNESS WHEREOF, the undersigned, have executed this Agreement on behalf of the respective Parties.

CITY OF BROOKLYN PARK

By \_\_\_\_\_, its Mayor Date \_\_\_\_\_

By \_\_\_\_\_, its City Manager Date \_\_\_\_\_

By \_\_\_\_\_, its Fire Chief Date \_\_\_\_\_

CITY OF COON RAPIDS

By \_\_\_\_\_, its Mayor Date \_\_\_\_\_

By \_\_\_\_\_, its City Manager Date \_\_\_\_\_

By \_\_\_\_\_, its Fire Chief Date \_\_\_\_\_

## MUTUAL AID AGREEMENT

### RECITAL

This Mutual Aid Agreement (“Agreement”) is made between the **City of Brooklyn Park and the City of Coon Rapids** pursuant to Minnesota Statutes, section 471.59 which authorizes the joint and cooperative exercise of powers common to contracting parties. The intent of this Agreement is to make equipment, personnel and other resources available to political subdivisions from other political subdivisions for fire, rescue, and other emergency services.

### AGREEMENT

In exchange for the mutual promises made herein, the Parties hereby agree as follows:

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7. “Specialized Activities” means non-emergency Assistance including, but not limited to, the following: fire investigators, fire inspectors, fire educators, fire instructors, training personnel, and associated equipment and facilities.

#### II. AUTHORIZATION

Each of the Cities participating in this agreement hereby authorize their respective fire agencies to respond to and receive mutual aid services pursuant to the terms of this Agreement and to otherwise take such actions as are needed to provide and receive assistance as provided herein.

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For purposes of determining total liability for damages pursuant to Minn. Stat. § 471.59, subd. 1a(b), the Parties are considered a single governmental unit, and the total liability of the Parties shall not exceed the limits on governmental liability for a single governmental unit as specified in Minn. Stat. § 466.04, subd. 1.

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By \_\_\_\_\_, its Mayor Date \_\_\_\_\_

By \_\_\_\_\_, its City Manager Date \_\_\_\_\_

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By \_\_\_\_\_, its Fire Chief Date \_\_\_\_\_

## MUTUAL AID AGREEMENT

### RECITAL

This Mutual Aid Agreement (“Agreement”) is made between the **City of Brooklyn Park and the West Metro Fire-Rescue District** pursuant to Minnesota Statutes, section 471.59 which authorizes the joint and cooperative exercise of powers common to contracting parties. The intent of this Agreement is to make equipment, personnel and other resources available to political subdivisions from other political subdivisions for fire, rescue, and other emergency services.

### AGREEMENT

In exchange for the mutual promises made herein, the Parties hereby agree as follows:

#### I. DEFINITION OF TERMS

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6. “Assistance” means fire and/or emergency medical services personnel and/or associated equipment.
7. “Specialized Activities” means non-emergency Assistance including, but not limited to, the following: fire investigators, fire inspectors, fire educators, fire instructors, training personnel, and associated equipment and facilities.

#### II. AUTHORIZATION

Each City/Fire District participating in this agreement hereby authorize their respective fire agencies to respond to and receive mutual aid services pursuant to the terms of this Agreement

and to otherwise take such actions as are needed to provide and receive assistance as provided herein.

### **III. MUTUAL AID PROCEDURE**

1. **Request for Assistance.**  
Whenever, in the opinion of a Requesting Official, there is a need for assistance from the other party, the Requesting Official may call upon the Responding Official of the other party to furnish assistance.
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## **V. MISCELLANEOUS**

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# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	5.1	<b>Meeting Date:</b>	May 28, 2024
<b>Agenda Section:</b>	Public Hearing	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	X	<b>Prepared By:</b>	Amber Turnquest, Principal Planner
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	4	<b>Presented By:</b>	Paul Mogush, Planning Director
<b>Item:</b>	NorthPark Business Center Alternative Urban Areawide Review (AUAR) Update		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2024 \_\_\_\_\_ TO ADOPT THE 2024 NORTH PARK BUSINESS CENTER ALTERNATIVE URBAN AREA-WIDE REVIEW (AUAR) UPDATE.

## Overview:

The public hearing for this agenda item was opened at the April 22, 2024 City Council meeting and continued until May 28, 2024. Since then, City Staff received an additional public comment from a Champlin resident. The comment has been supplemented in Attachment B.

The NorthPark Business Center Alternative Urban Areawide Review (AUAR) study area is bounded to the west, north, and east by U.S. Highway 169, 109th Avenue, and Winnetka Avenue N respectively. The 227-acre area extends southward to the Three Rivers Park District's Rush Creek Regional Trail Corridor. The initial AUAR was adopted in 2013 and updated in 2018 to comply with state regulations requiring AUAR updates every five years until all development has received final approval. AUARs are used for large properties where development is expected to be phased over several years and studies multiple development scenarios that anticipate the total development, roadway networks, surrounding land uses, and mitigation strategies for impacts.

The Minnesota Environmental Quality Board (EQB) describes AUARs as a planning tool for cities to:

“...Understand how different development scenarios will affect the environment of their community before the development occurs. The process is designed to look at the cumulative impacts of anticipated development scenarios within a given geographic area.”

Approval of an AUAR does not confer approval of a specific development proposal. Development applications must follow the City's standard development review process with the Planning Commission holding a public hearing and a vote by the City Council.

A notice of the AUAR was published in the State's official publication, *EQB Monitor*, on February 13, 2024 (Volume 48, Number 7); the City sent a notification through GovDelivery, which is designated as an official publication for public notices; and the full text of the AUAR was made available on the City's website for public review and comment.

A public hearing notification was published in the Sun Post on April 11, 2024.

Comments received are provided as Attachment B.

**Primary Issues/Alternatives to Consider:**

1. Approve the AUAR as recommended by staff.
2. Reject the AUAR and order an Environmental Impact Statement based on certain findings.

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

**Attachments:**

- 5.1A RESOLUTION
- 5.1B PUBLIC COMMENTS
- 5.1C PUBLIC COMMENTS AND RESPONSES
- 5.1D TRAFFIC ENGINEER COMMENTS

2024 NORTH PARK BUSINESS CENTER AUAR UPDATE (AVAILABLE ONLINE)

RESOLUTION #2024-\_\_\_

RESOLUTION TO ADOPT THE 2024 NORTH PARK BUSINESS CENTER ALTERNATIVE  
URBAN AREA-WIDE REVIEW (AUAR) UPDATE

WHEREAS, an Alternative Urban Area-Wide Review (AUAR) for the NorthPark Business Center (Project) was completed in 2013 and is required to be updated every five years until all development in the study area has received final approval; and

WHEREAS, the proposed development site is situated in the southwest quadrant of the Trunk Highway 610 and Trunk Highway 169 intersection, with the western and southern study area boundaries defined by Jefferson Highway North and 93rd Avenue N respectively; and

WHEREAS, an AUAR Update for the Project has been completed pursuant to Minnesota Rules, part 4410.3610, subpart 7; and

WHEREAS, notice of the availability of the AUAR Update was published in the EQB Monitor on February 13, 2024, posted on the City's website at [www.brooklynpark.org/2024-northpark-business-center-alternative-urban-areawide-review-auar-update/](http://www.brooklynpark.org/2024-northpark-business-center-alternative-urban-areawide-review-auar-update/), and emailed through GovDelivery to the City's distribution lists; and

WHEREAS, the 2040 Comprehensive Plan is within the assumptions of the above scenario for the study area; and

WHEREAS, the NorthPark Business Center AUAR Update was distributed for one 10-day comment review; and

WHEREAS, the comments received on the NorthPark Business Center AUAR Update have generated information adequate to determine mitigation measures associated with the potential development in this area, and

WHEREAS, the comments received are included in the public record for the NorthPark Business Center AUAR Update; and

WHEREAS, comments received on the AUAR Update were addressed in accordance with Minnesota Rules, part 4410.3610.

WHEREAS, no objections were received to the AUAR Update; and

NOW, THEREFORE, BE IT RESOLVED that the City of Brooklyn Park hereby adopts the AUAR Update for the NorthPark Business Center dated February 2024.

**Matt Hayes-Regan**

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**From:** Colleen Curtis <wadecurtis5048@comcast.net>  
**Sent:** Sunday, May 12, 2024 3:12 PM  
**To:** Planning  
**Subject:** NorthPark Business Center (AUAR)

Planning division,

As a Champlin resident I would like to state a few concerns for the retail and gas station development by 109th and HWY 169.

Concerns have to do with more traffic, noise and lighting projected on the houses backed up to 109th Ave. Air quality is a concern with the gas station.

Off and on over the development of NorthPark a gas station has been mentioned. Those of us who live close have mentioned not needing another gas station. There is an abundance of gas stations within a 3-mile radius of the one proposed.

109th East 1-2 miles are 3 gas stations.

Hwy 169 North .9-3 miles are 3 gas stations.

Osseo 3 miles or less 3 gas stations.

Zane Ave and HWY 610 has 3 or more gas stations

The retail and restaurants aren't really needed either since by most of the gas stations mentioned above there are restaurants or retail.

A gas station really is NOT needed. If the retail or restaurant(s) get approved. Please do not do fast food or approve restaurants that are within a 5 miles radius of NorthPark Business Center.

Thank you for taking time to read this.

I hope you take this into consideration when approving the plans.

Colleen Curtis

## Amber Turnquest

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**From:** Riley, Stephen Anthony (Steve) CIV USARMY CEMVP (USA) <Stephen.A.Riley@usace.army.mil>  
**Sent:** Wednesday, February 21, 2024 9:31 AM  
**To:** Roess, Madeline  
**Cc:** Amber Turnquest; Brown, Meghan J CIV USARMY CEMVP (USA)  
**Subject:** RE: MVP-2015-00890-KBH [Non-DoD Source] Notice of Availability for the Northpark Business Center AUAR Update - City of Brooklyn Park, Hennepin County, MN

Hello,

The Corps of Engineers St. Paul District Regulatory Division (the Corps) recently received a request for a Alternative Urban Areawide Review (AUAR) for the Northpark Business Center.

Our office is committed to efficient, helpful service. It is unclear if your project will have impacts to jurisdictional waters. If your project will have impacts to aquatic resources, please submit a permit application with the impacts clearly identified and we can assist you through our permit review process if authorization is required.

You may also request a pre-application meeting to discuss your project prior to submitting a permit application. You can find more information on our permit program and our joint application here: <https://www.mvp.usace.army.mil/Missions/Regulatory/Permitting-Process-Procedures/>. *\*Be sure to select the pre-application box on the joint application.*

Please note this recommendation is only pertaining to the Corps process and does NOT indicate whether a review is required from the state or local authorities.

If we do not receive a response from you within 3 business days we will assume nothing further is needed from our office.

Thanks,  
 Steve Riley  
 Environmental Protection Technician  
 U.S. Army Corps of Engineers  
 10867 East Gull Lake Drive  
 Brainerd, MN 56401

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**From:** Roess, Madeline <Madeline.Roess@kimley-horn.com>  
**Sent:** Monday, February 12, 2024 11:27 AM  
**Cc:** Amber Turnquest <Amber.Turnquest@brooklynpark.org>  
**Subject:** SEND EAW EMAIL CC MJB (update to be AUAR rather than EAW) 2015-00890-KBH No action needed? D/L saved to Y [Non-DoD Source] Notice of Availability for the Northpark Business Center AUAR Update - City of Brooklyn Park, Hennepin County, MN

Good morning,

On behalf of the City of Brooklyn Park, please find the link here <https://www.brooklynpark.org/2024-northpark-business-center-alternative-urban-areawide-review-auar-update/> for the Alternative Urban Areawide Review (AUAR) Update for the Northpark Business Center development. The City will accept comments on the AUAR Update through **February 28, 2024 at 4:00 PM**, directed to:

Amber Turnquest  
Principal Planner, City of Brooklyn Park  
[Amber.Turnquest@brooklynpark.org](mailto:Amber.Turnquest@brooklynpark.org)

The AUAR Update will be published in the **February 13** publication of the EQB monitor.

Thank you,  
Madeline Roess

**Madeline Roess**  
**Kimley-Horn** | 767 Eustis St., Suite 100, St. Paul, MN 55114  
Direct: 612 315 1076

**Amber Turnquest**

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**From:** Johnny Hoang <jblaze1801@gmail.com>  
**Sent:** Wednesday, February 21, 2024 2:12 PM  
**To:** Amber Turnquest; Xp Lee; Jeffrey Lunde  
**Subject:** CR 103 & Oxbow Creek Drive - Brooklyn Park 2024 NorthPark Business Center Alternative

Dear Commissioner Lunde, Councilmember XP Lee, Planner Turnquest.

According to the Northpark AUAR updates there will be a significant amount of traffic on Winnetka with a potential of 19,900 daily trips.

We along with approximately 300 households live to the immediate east of Winnetka (CR 103.)

There have been multiple accidents on this road within the past couple years since the completion of Northland Business Park.

Are there any plans for traffic and accidents mitigation at CR 103 on Oxbow Creek?

According to MnDOT studies, having a round-a-bout significantly reduces congestions and accidents. If that is not feasible, a stop light would be a much safer at controlling traffic than the current stop sign.

Thank you,



February 27, 2024

Amber Turnquest, Principal Planner  
 City of Brooklyn Park  
 5200 85th Ave N.  
 Brooklyn Park, MN 55443

**RE: City of Brooklyn Park – Alternative Urban Areawide Review Update (AUAR) –NorthPark Business Center**  
 Metropolitan Council Review File No. 21068-5  
 Metropolitan Council District No. 2

Dear Amber Turnquest:

The Metropolitan Council received the City of Brooklyn Park's NorthPark Business Center AUAR Update on February 12, 2024. The AUAR represents the 5-year update required under environmental rules for a study area of approximately 227 acres located south of 109th Avenue North, between U.S. Highway 169 (US 169) and Winnetka Avenue North in Brooklyn Park. Metropolitan Council staff completed its review of the NorthPark Business Center AUAR Update to determine its accuracy and completeness in addressing regional concerns. Staff concludes that the AUAR Update is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. However, staff offers the following comments for your consideration:

**Transportation** (*Joe Widing, 651-602-1822*)

The AUAR Mitigation Summary notes an in-progress Travel Demand Management (TDM) plan for the site. The TDM plan should consider future nearby transit service, specifically the planned Oak Grove Parkway Blue Line LRT station to be located at County Road 103 and Oak Grove Parkway. This station area should be accessible to the AUAR site with non-motorized connections to enable employee access to the site from the future Blue Line LRT service.

**Forecasts** (*Todd Graham, 651-602-1322*)

The development scenarios from 2018 include 3.0 million to 4.1 million square feet of mostly industrial/office/warehousing space. Scenario C adds a high-density residential development as well. The 2024 AUAR Update adds a new Scenario D that recognizes the AUAR area is now mostly developed. Scenario D includes 2.6 million square feet of mostly industrial/office/warehousing space and no residential uses.

The Council may need to adjust Transportation Analysis Zone (TAZ) forecast allocations. TAZ forecasts were included in the City's 2040 Comprehensive Plan. The City expects TAZ #845 to gain +970 households, +2,600 population, and +2,570 jobs (employment) during 2020-2040. TAZ #845 expands from the City's northern boundary to Highway 610.

If Scenarios A or B are pursued, the Council finds the households and population allocations in TAZ #845 can be lowered, and the difference re-allocated to other parts of Brooklyn Park. If Scenario D is pursued, the households, population and employment allocations in TAZ #845 can be lowered. These adjustments are being deferred until a later time.

**Climate** (*MacKenzie Young-Walters, 651-602-1373*)

Metropolitan Council staff encourages the project proposer to explore using native plants and trees to reduce the stormwater runoff from the development and minimize impervious surfaces' contribution to the urban heat island effect.

Council staff also encourages the project proposer to consider utilizing EV ready design to facilitate the transition to electric vehicles and help offset the greenhouse gas emissions from the proposed commercial development and motor vehicle fuel station covered by the AUAR update.

The Council will not take formal action on the AUAR Update. If you have any questions or need further information, please contact Eric Wojchik, Principal Reviewer, at 651-602-1330 or via email at [eric.wojchik@metc.state.mn.us](mailto:eric.wojchik@metc.state.mn.us).

Sincerely,

 *Roya Esmacidi* for:

Angela R. Torres, AICP, Senior Manager  
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division  
Reva Chamblis, Metropolitan Council District No. 2  
Judy Sventek, Water Resources Manager  
Eric Wojchik, Sector Representative/ Principal Reviewer  
Reviews Coordinator



Division of Ecological and Water Resources  
Region 3 Headquarters  
1200 Warner Road  
Saint Paul, MN 55106

Transmitted by Email

February 28, 2024

Amber Turnquest  
City of Brooklyn Park  
5200 85<sup>th</sup> Ave. N.  
Brooklyn Park, MN 55443

Dear Amber Turnquest,

Thank you for the opportunity to review the NorthPark Business Center Alternative Urban Areawide Review (AUAR) Update located within the City of Brooklyn Park in Hennepin County. The DNR respectfully submits the following comments for your consideration:

1. Section 3.2.2. Water Quality – Stormwater Runoff. The project area is located within a Wellhead Protection Area and a Drinking Water Supply Management Area that is extremely sensitive to pollution due to the excessively drained sandy soils in the area. The planned increase in impervious surfaces will also increase the amount of road salt used in the project area. Chloride released into local lakes, streams, and groundwater does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic wildlife and plants. Consider promoting local business and city participation in the Smart Salting Training offered through the Minnesota Pollution Control Agency. There are a variety of classes available for road applicators, sidewalk applicators, and property managers. More information and resources can be found at this [website](#). Many winter maintenance staff who have attended the Smart Salting training — both from cities and counties and from private companies — have used their knowledge to reduce salt use and save money for their organizations.

We encourage the City of Brooklyn Park to consider requiring that developments significantly increasing impervious surfaces develop a chloride management plan that outlines what BMP's and strategies will be used to reduce chloride use within the project area and include this plan within Operations and Maintenance Agreements. We also encourage cities and counties to consider how they may participate in the [Statewide Chloride Management Plan](#) and provide public outreach to reduce the overuse of chloride. Here are some [educational resources](#) for residents as well as a [sample ordinance](#) regarding chloride use.

2. Section 5, Mitigation Summary and Update:
  - a. Please note that a Natural Heritage Review to determine if a project is likely to impact state-listed species is only considered current for 12 months because the Natural

Heritage Information System (NHIS) is constantly being updated as we obtain more data regarding rare features. Therefore, a new query of the NHIS database is necessary to determine if the remaining project yet to be completed is likely to impact state-listed species that are protected by law. This may be done using a current NHIS license or by submitting the project to [Minnesota Conservation Explorer](#).

Please be aware that the status of some federally-listed species has changed since 2018. To ensure compliance with federal law, please conduct a federal regulatory review using the U.S. Fish & Wildlife Service's online [Information for Planning and Consultation \(IPaC\) tool](#).

- b. We recommend that the developer utilize native, pollinator-friendly vegetation in landscaping and stormwater ponds as much as possible. The Board of Water and Soil Resources' Lawns to Legumes [website](#) has many excellent resources related to selecting seed mixes and establishing pollinator habitat. Please also see this statewide [Pollinator Plan](#) and consider how the City of Brooklyn Park can incorporate pollinator-friendly practices and ordinances into local projects. Stormwater features provide an excellent opportunity to replace standard turf with a diverse plant mix that provides greater wildlife and water quality benefits.
- c. Please note that a DNR Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year. The DNR General Permit for Temporary Appropriation, with its lower permit application fee and reduced time for review, may be used for the dewatering if the dewatering volume is less than 50 million gallons and the time of the appropriation is less than one year.

Thank you again for the opportunity to comment on this document. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Melissa Collins". The signature is written in a cursive style and is set against a light blue rectangular background.

Melissa Collins  
Regional Environmental Assessment Ecologist | Ecological and Water Resources  
Minnesota Department of Natural Resources  
1200 Warner Road  
St. Paul, MN 55106

*Equal Opportunity Employer*

February 28, 2024

Amber Turnquest  
Principal Planner, City of Brooklyn Park  
5200 85th Avenue N  
Brookly Park, MN 55443

Re: Northpark Business Center AUAR update

Ms. Turnquest:

Please consider the following county staff comments regarding the AUAR update for the Northpark Business Center. This AUAR update focused on development that has occurred to date, updated development scenarios, environmental analysis and mitigation. The Northpark Business Center directly abuts the County State Aid Highway (CSAH) 103 (Winnetka Avenue).

**General**

The AUAR refers to Winnetka Avenue as CSAH 103 and CR 103 interchangeably. The AUAR should be updated to reflect Winnetka Avenue as CSAH 103 throughout the document.

**Section 3.2.2**

*Water Quality – Stormwater Runoff*

Please confirm whether the water quality and stormwater runoff has been reviewed and approved by the local watershed management organization. If approval is needed, the letter or approval or the completed permit should be included in the appendix.

**Attachment B NorthPark Business Center Traffic Analysis Report**

***Section 4.2 Future Traffic Forecasting***

*2040 No-Build Volume Development*

Please confirm whether all buildings were in use when the daily traffic generation forecasts data was collected for the updated traffic volumes.

***Section 5.3 Existing Conditions Level of Service Analysis***

*Table 9*

Please update Table 9 to include intersections that the AUAR lists as mitigation no longer needed, including Winnetka Avenue (CSAH 103) and 114th Avenue, Winnetka Avenue, north of TH 610 and south of Oak Grove Parkway.

**Section 5.6 Year 2028 Mitigation Level of Service Analysis**

*Table 13*

Please confirm which leg of the Winnetka Avenue and Oxbow Creek Drive intersection has a LOS E as this will impact mitigation measures.

**Section 5.9 Year 2040 Mitigation Level of Service Analysis**

*CSAH 103 & Oxbow Creek Drive*

County staff recommend completing a traffic signal warrant analysis for the Winnetka Avenue and Oxbow Creek Drive intersection. The results of the analysis should be included in the AUAR update.

*CSAH 103 & Oak Grove Parkway*

Please review mitigations proposed. Oak Grove Parkway has dual left turn lanes. Please confirm whether the analysis reflects both the development as well as the BLRT.

**Section 6.2 Trip Generation & Traffic Development**

The text states that overall trip generation is anticipated to be lower than shown in the 2018 and 2013 AUAR traffic analyses. Please include a table confirming these values. Please provide context explaining why the AM and PM peak hours have less trips anticipated. Also please confirm whether buildings were occupied and in use for the analysis and the percentage of vacant buildings.

**Section 6.7 Mitigation Plan**

*2021 No-Build Conditions (Recommendations for the 2018 AUAR)*


The Winnetka Avenue and 114th Avenue northbound left-turn lane is identified as a mitigation needed, but the intersection was not included in the Intersection Analysis (page 11). The intersection analysis should be incorporated into the updated AUAR and include necessary mitigation measures.

*2021 Build Conditions (Recommendations for the 2018 AUAR)*

The BLRT project and related impacts should be included in in Table 6 in the main document of the AUAR.

Please contact me at 612-596-0359, [ashley.morello@hennepin.us](mailto:ashley.morello@hennepin.us) for any further discussion of these items.

Sincerely,



Ashley Morello  
Transportation Planner  
Hennepin County Public Works

March 4, 2024

Amber Turnquest  
Principal Planner  
City of Brooklyn Park  
5200 85th Ave. N.  
Brooklyn Park, MN 55443

SUBJECT: MnDOT Review #**AUAR24-002**  
**NorthPark Business Center AUAR**  
SE Quad US 169 & 109th Avenue North  
Brooklyn Park, Hennepin County

Dear Ms. Turnquest:

Thank you for the opportunity to review the **NorthPark Business Center AUAR**. MnDOT has reviewed the documents and has the following comments:

***Water Resources:***

A drainage permit will be necessary for this development. There is a known flooding and capacity issue to the north. The drainage permit will need to demonstrate that the new development will not make the drainage issue worse. Any projects adjacent to MnDOT ROW or connecting to MnDOT drainage facilities will require a MnDOT drainage permit to ensure that current drainage rates to MnDOT right-of-way will not be increased. The drainage permit application, including the information below, should be submitted online to:

<https://dotapp7.dot.state.mn.us/OLPA/>.

The following information must be submitted with the drainage permit application:

- 1) A grading plan showing existing and proposed contours.
- 2) Drainage area maps for the proposed project showing existing and proposed drainage areas. Any off-site areas that drain to the project area should also be included in the drainage area maps. The direction of flow for each drainage area must be indicated by arrows.
- 3) Drainage computations for pre and post construction conditions during the 2, 10, 50 and 100 year rain events.
- 4) Time of concentration calculations.
- 5) An electronic copy of any computer modeling used for the drainage computations.
- 6) See also the attached Drainage Permits Checklist for more information.

Once a drainage permit application is submitted, a thorough review will be completed and additional information may be requested. Water Resources Engineering will work with the applicant to ensure acceptable outlets to the ROW.

An equal opportunity employer

Please direct questions concerning drainage issues to Jason Swenson, MnDOT Metro Water Resources at 651-234-7539 or [Jason.Swenson@state.mn.us](mailto:Jason.Swenson@state.mn.us).

***Permits:***

In addition to any permits mentioned above, any use of, or work within or affecting, MnDOT right of way will require a permit.

Permits can be applied for at this site: <https://olpa.dot.state.mn.us/OLPA/>. Please upload a copy of this letter when applying for any permits.

Please direct questions regarding permit requirements to Buck Craig of MnDOT's Metro Permits Section at 651-775-0405 or [Buck.Craig@state.mn.us](mailto:Buck.Craig@state.mn.us).

***Review Submittal Options***

MnDOT's goal is to complete reviews within 30 calendar days. Review materials received electronically can be processed more rapidly. Do not submit files via a cloud service or SharePoint link. In order of preference, review materials may be submitted as:

1. Email documents and plans to [metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us). Attachments may not exceed 20 MB (megabytes) per email. Documents can be zipped as well. If multiple emails are necessary, number each email.
2. Files over 20 MB can also be uploaded to MnDOT's Web Transfer Client site: <https://mft.dot.state.mn.us>. Create an account and folder, upload documents to that folder, then check the folder and share to [metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us). Please send an accompanying email with a narrative for the development.

If you have any questions concerning this review, please contact me at (651) 234-7797.

Sincerely,



Cameron Muhic  
Senior Planner

**Copy sent via E-Mail:**

Buck Craig, Permits  
Jason Swenson, Water Resources  
Ryan Wilson, Area Manager  
Michael D. Nelson, Surveys  
Amrish Patel, Transit  
Sara Dunlap, Ped/Bike

Lance Schowalter, Design  
Eric Lauer-Hunt, Traffic  
Ben Klismith, Area Engineer  
Doug Nelson, Right-of-Way  
Mike Kowski, Maintenance  
Joe Widing, Metropolitan Council

## 1. Hennepin County

Comment	Response
<b>General</b>	
The AUAR refers to Winnetka Avenue as CSAH 103 and CR 103 interchangeably. The AUAR should be updated to reflect Winnetka Avenue as CSAH 103 throughout the document.	Comment noted. The AUAR update has been updated to reflect Winnetka Avenue as CSAH 103.
<b>Section 3.2.2. Water Quality</b>	
Please confirm whether the water quality and stormwater runoff has been reviewed and approved by the local watershed management organization. If approval is needed, the letter or approval or the completed permit should be included in the appendix.	This has been added as a mitigation item to <b>Table 7</b> . Approval letters from the Shingle Creek/West Mississippi Watershed Management Commission for buildings 8-11 of the development have been added to the attachments.
<b>Attachment B NorthPark Business Center Traffic Analysis Report</b>	
<b>Section 4.2 Future Traffic Forecasting</b> <b>2040 No-Build Volume Development</b> Please confirm whether all buildings were in use when the daily traffic generation forecasts data was collected for the updated traffic volumes.	See <b>Table 2</b> in the Traffic Study attachment of the AUAR update. Most buildings are fully occupied but two (2) buildings totaling 277,000 SF were completed recently and were not in use. Trips to these buildings were considered when developing the 2028 No-Build traffic volumes.
<b>Section 5.3 Existing Conditions Level of Service Analysis</b> <b>Table 9</b> Please update Table 9 to include intersections that the AUAR lists as mitigation no longer needed, including Winnetka Avenue (CSAH 103) and 114th Avenue, Winnetka Avenue, north of TH 610 and south of Oak Grove Parkway.	These intersections were studied in the traffic study for the 2018 AUAR but were not included in the scope of the 2023 AUAR Traffic Study due to the anticipated impacts being lower than was initially anticipated.

Comment	Response
<p><b>Section 5.6 Year 2028 Mitigation Level of Service Analysis</b></p> <p><b>Table 13</b></p> <p>Please confirm which leg of the Winnetka Avenue and Oxbow Creek Drive intersection has a LOS E as this will impact mitigation measures.</p>	<p>The westbound left turn movement operates at LOS E in this scenario during the AM Peak period.</p>
<p><b>Section 5.9 Year 2040 Mitigation Level of Service Analysis</b></p> <p><b>CSAH 103 &amp; Oxbow Creek Drive</b></p> <p>County staff recommend completing a traffic signal warrant analysis for the Winnetka Avenue and Oxbow Creek Drive intersection. The results of the analysis should be included in the AUAR update.</p>	<p>Since this mitigation is recommended as a long-term (2040) improvement, it is recommended that this warrant analysis should be completed further in the future, possibly in conjunction with the completion of the BLRT project.</p>
<p><i>CSAH 103 &amp; Oak Grove Parkway</i></p> <p>Please review mitigations proposed. Oak Grove Parkway has dual left turn lanes. Please confirm whether the analysis reflects both the development as well as the BLRT.</p>	<p>Two left turn lanes currently exist but the proposed layout for the BLRT project shows only one. A more detailed analysis utilizing Vissim for multi-modal consideration is being conducted at this intersection as part of the BLRT Traffic Study.</p>
<p><b>Section 6.2 Trip Generation &amp; Traffic Development</b></p> <p>The text states that overall trip generation is anticipated to be lower than shown in the 2018 and 2013 AUAR traffic analyses. Please include a table confirming these values. Please provide context explaining why the AM and PM peak hours have less trips anticipated. Also please confirm whether buildings were occupied and in use for the analysis and the percentage of vacant buildings.</p>	<p>See <b>Tables 5 and 6</b> of the Traffic Study attachment of the AUAR update. Added text references to those tables for clarity purposes.</p>
<p><b>Section 6.7 Mitigation Plan</b></p> <p><b>2021 No-Build Conditions (Recommendations for the 2018 AUAR)</b></p> <p>The Winnetka Avenue and 114th Avenue northbound left-turn lane is identified as a mitigation needed, but the intersection was not included in the Intersection Analysis (page 11). The intersection analysis should be incorporated into the updated AUAR and include necessary mitigation measures.</p>	<p>This intersection was studied in the traffic study for the 2018 AUAR but was not included in the scope of the 2023 AUAR Traffic Study due to the anticipated impacts of the project being lower than was initially anticipated.</p>

Comment	Response
<p><b>2021 Build Conditions (Recommendations for the 2018 AUAR)</b></p> <p>The BLRT project and related impacts should be included in in Table 6 in the main document of the AUAR.</p>	<p>The BLRT Traffic study is currently ongoing, and the full extent of its impacts are not yet known.</p>

2. Metropolitan Council

Comment	Response
<b><i>Transportation</i></b>	
<p>The AUAR Mitigation Summary notes an in-progress Travel Demand Management (TDM) plan for the site. The TDM plan should consider future nearby transit service, specifically the planned Oak Grove Parkway Blue Line LRT station to be located at County Road 103 and Oak Grove Parkway. This station area should be accessible to the AUAR site with non-motorized connections to enable employee access to the site from the future Blue Line LRT service.</p>	<p>Comment noted.</p> <p>The City and the Northpark Developer have constructed Xylon Avenue from 101st Avenue to 109th Avenue with pedestrian accommodations on both sides. This work also included construction of a new grade separation at the Xylon Avenue / Rush Creek Regional Trail (RCRT) junction. The City is working with Hennepin County and the Met Council to upgrade the roadway system in the Oak Grove (end of planned BLRT line) Parkway Station area to include pedestrian accommodations along both sides of all roadways, including 101st Avenue between CSAH 103 and TH 169. The City is also working with Hennepin County to construct a new grade separation of CSAH 103 at the RCRT junction. This work coupled with the BLRT project work will result in multiple pedestrian connections between Northpark Business Center and the BLRT Oak Grove Station Area. Lastly, the City and Hennepin County are planning to add pedestrian accommodations along both sides of CSAH 103 from the RCRT to 109th Avenue in the future as CSAH 103 is reconstructed.</p>

Comment	Response
<b>Forecasts</b>	
<p>The development scenarios from 2018 include 3.0 million to 4.1 million square feet of mostly industrial/office/warehousing space. Scenario C adds a high-density residential development as well. The 2024 AUAR Update adds a new Scenario D that recognizes the AUAR area is now mostly developed. Scenario D includes 2.6 million square feet of mostly industrial/office/warehousing space and no residential uses.</p> <p>The Council may need to adjust Transportation Analysis Zone (TAZ) forecast allocations. TAZ forecasts were included in the City's 2040 Comprehensive Plan. The City expects TAZ #845 to gain +970 households, +2,600 population, and +2,570 jobs (employment) during 2020-2040. TAZ #845 expands from the City's northern boundary to Highway 610.</p> <p>If Scenarios A or B are pursued, the Council finds the households and population allocations in TAZ #845 can be lowered, and the difference re-allocated to other parts of Brooklyn Park. If Scenario D is pursued, the households, population and employment allocations in TAZ #845 can be lowered. These adjustments are being deferred until a later time.</p>	<p>Comment noted. The City will coordinate with the Metropolitan Council to modify TAZ allocations, if needed.</p> <p>Noted</p>
<b>Climate</b>	
<p>Metropolitan Council staff encourages the project proposer to explore using native plants and trees to reduce the stormwater runoff from the development and minimize impervious surfaces' contribution to the urban heat island effect.</p>	<p>Comment noted.</p>
<p>Council staff also encourages the project proposer to consider utilizing EV ready design to facilitate the transition to electric vehicles and help offset the greenhouse gas emissions from the proposed commercial development and motor vehicle fuel station covered by the AUAR update.</p>	<p>Comment noted.</p>

3. Minnesota DNR

Comment	Response
<b>Section 3.2.2. Water Quality</b>	
<p>Water Quality – Stormwater Runoff. The project area is located within a Wellhead Protection Area and a Drinking Water Supply Management Area that is extremely sensitive to pollution due to the excessively drained sandy soils in the area. The planned increase in impervious surfaces will also increase the amount of road salt used in the project area. Chloride released into local lakes, streams, and groundwater does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic wildlife and plants. Consider promoting local business and city participation in the Smart Salting Training offered through the Minnesota Pollution Control Agency. There are a variety of classes available for road applicators, sidewalk applicators, and property managers. More information and resources can be found at this website. Many winter maintenance staff who have attended the Smart Salting training — both from cities and counties and from private companies — have used their knowledge to reduce salt use and save money for their organizations.</p> <p>We encourage the City of Brooklyn Park to consider requiring that developments significantly increasing impervious surfaces develop a chloride management plan that outlines what BMP's and strategies will be used to reduce chloride use within the project area and include this plan within Operations and Maintenance Agreements. We also encourage cities and counties to consider how they may participate in the Statewide Chloride Management Plan and provide public outreach to reduce the overuse of chloride. Here are some educational resources for residents as well as a sample ordinance regarding chloride use.</p>	<p>Comment noted.</p>

Comment	Response
<b>Section 5. Mitigation Summary and Update</b>	
<p>Please note that a Natural Heritage Review to determine if a project is likely to impact state-listed species is only considered current for 12 months because the Natural Heritage Information System (NHIS) is constantly being updated as we obtain more data regarding rare features. Therefore, a new query of the NHIS database is necessary to determine if the remaining project yet to be completed is likely to impact state-listed species that are protected by law. This may be done using a current NHIS license or by submitting the project to <a href="https://mce.dnr.state.mn.us/">https://mce.dnr.state.mn.us/</a></p> <p>Please be aware that the status of some federally-listed species has changed since 2018. To ensure compliance with federal law, please conduct a federal regulatory review using the U.S. Fish &amp; Wildlife Service’s online Information for Planning and Consultation (IPaC) tool.</p>	<p>A review of the NHIS database (LA 1074) was completed and a natural heritage review request was submitted to the DNR in March 2024.</p>
<p>We recommend that the developer utilize native, pollinator-friendly vegetation in landscaping and stormwater ponds as much as possible. The Board of Water and Soil Resources’ Lawns to Legumes website has many excellent resources related to selecting seed mixes and establishing pollinator habitat. Please also see this statewide Pollinator Plan and consider how the City of Brooklyn Park can incorporate pollinator-friendly practices and ordinances into local projects. Stormwater features provide an excellent opportunity to replace standard turf with a diverse plant mix that provides greater wildlife and water quality benefits.</p>	<p>Comment noted. Incorporation of pollinator-friendly vegetation and landscaping will be evaluated in further design stages.</p>
<p>Please note that a DNR Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year. The DNR General Permit for Temporary Appropriation, with its lower permit application fee and reduced time for review, may be used for the dewatering if the dewatering volume is less than 50 million gallons and the time of the appropriation is less than one year.</p>	<p>A DNR Water Appropriation Permit has not been required for the development to date. The permit will be applied for if water appropriation exceeds the threshold amount.</p>

## 4. Minnesota Department of Transportation (MnDOT)

Comment	Response
<p>A drainage permit will be necessary for this development. There is a known flooding and capacity issue to the north. The drainage permit will need to demonstrate that the new development will not make the drainage issue worse. Any projects adjacent to MnDOT ROW or connecting to MnDOT drainage facilities will require a MnDOT drainage permit to ensure that current drainage rates to MnDOT right-of-way will not be increased. The drainage permit application, including the information below, should be submitted online to: <a href="https://dotapp7.dot.state.mn.us/OLPA/">https://dotapp7.dot.state.mn.us/OLPA/</a>.</p> <p>The following information must be submitted with the drainage permit application:</p> <ol style="list-style-type: none"> <li>1) A grading plan showing existing and proposed contours.</li> <li>2) Drainage area maps for the proposed project showing existing and proposed drainage areas. Any off-site areas that drain to the project area should also be included in the drainage area maps. The direction of flow for each drainage area must be indicated by arrows.</li> <li>3) Drainage computations for pre and post construction conditions during the 2, 10, 50 and 100 year rain events.</li> <li>4) Time of concentration calculations.</li> <li>5) An electronic copy of any computer modeling used for the drainage computations.</li> <li>6) See also the attached Drainage Permits Checklist for more information.</li> </ol> <p>Once a drainage permit application is submitted, a thorough review will be completed and additional information may be requested. Water Resources Engineering will work with the applicant to ensure acceptable outlets to the ROW.</p> <p>MnDOT Metropolitan District, Waters Edge Building, 1500 County Road B2 West, Roseville, MN 55113</p> <p>Please direct questions concerning drainage issues to Jason Swenson, MnDOT Metro Water Resources at 651-234-7539 or <a href="mailto:Jason.Swenson@state.mn.us">Jason.Swenson@state.mn.us</a>.</p>	<p>Comment noted. A drainage permit will be submitted for future development.</p>

Comment	Response
<p>In addition to any permits mentioned above, any use of, or work within or affecting, MnDOT right of way will require a permit.</p> <p>Permits can be applied for at this site: <a href="https://olpa.dot.state.mn.us/OLPA/">https://olpa.dot.state.mn.us/OLPA/</a>. Please upload a copy of this letter when applying for any permits.</p> <p>Please direct questions regarding permit requirements to Buck Craig of MnDOT's Metro Permits Section at 651-775-0405 or <a href="mailto:Buck.Craig@state.mn.us">Buck.Craig@state.mn.us</a>.</p>	Comment noted.

## 5. US Army Corps of Engineers

Comment	Response
<p>Hello,</p> <p>The Corps of Engineers St. Paul District Regulatory Division (the Corps) recently received a request for an Alternative Urban Areawide Review (AUAR) for the Northpark Business Center.</p> <p>Our office is committed to efficient, helpful service. It is unclear if your project will have impacts to jurisdictional waters. If your project will have impacts to aquatic resources, please submit a permit application with the impacts clearly identified and we can assist you through our permit review process if authorization is required.</p> <p>You may also request a pre-application meeting to discuss your project prior to submitting a permit application. You can find more information on our permit program and our joint application here:  <a href="https://www.mvp.usace.army.mil/Missions/Regulatory/Permitting-Process-Procedures/">https://www.mvp.usace.army.mil/Missions/Regulatory/Permitting-Process-Procedures/</a>.            *Be sure to select the pre-application box on the joint application.</p> <p>Please note this recommendation is only pertaining to the Corps process and does NOT indicate whether a review is required from the state or local authorities.</p> <p>If we do not receive a response from you within 3 business days we will assume nothing further is needed from our office.</p>	<p>Comment noted, thank you for your review.</p>

6. Public Comments

Comment	Response
<b><i>Johnny Hoang</i></b>	
<p>According to the Northpark AUAR updates there will be a significant amount of traffic on Winnetka with a potential of 19,900 daily trips.</p> <p>We along with approximately 300 households live to the immediate east of Winnetka (CR 103.)</p> <p>There have been multiple accidents on this road within the past couple years since the completion of Northland Business Park.</p> <p>Are there any plans for traffic and accidents mitigation at CR 103 on Oxbow Creek?</p> <p>According to MnDOT studies, having a round-a-bout significantly reduces congestions and accidents. If that is not feasible, a stop light would be a much safer at controlling traffic than the current stop sign.</p>	<p>See <b>Exhibit 15</b> of the Traffic Study. A traffic signal is being proposed as a long-term mitigation at this intersection due to poor side-street operations which are anticipated in the future. Alternative forms of traffic control such as all-way stop or roundabouts could also be considered, pending further analysis.</p> <p>The February 2024 Northpark Business Center AUAR Update includes Table 3, which shows the previously (2018) expected amount of vehicle trips (19,900 daily) to and from the Business Center under a certain land use development scenario (B) for the Center. This scenario is no longer valid and included roughly 4 million square feet of development within the center. The current estimate of total development is approximately 2.6 million square feet, which results in significantly less traffic generation to and from the site (see Table 5 of the AUAR update). Please note the traffic generation numbers documented in Table 5 do not mean all of the traffic to and from the site will use Winnetka Avenue. The vast majority of site traffic is expected to use Xylon Avenue and access Highway 169 via the new interchange. The city required the development to pay for the construction of all roadways within the Center (including Xylon Avenue and Oxbow Creek Drive west of Winnetka Avenue), the left and right turning lanes on Winnetka Avenue and 109<sup>th</sup> Avenue and a portion of the interchange costs. Please see the expected directional orientation of traffic to and from the site (Exhibit 4) of the Traffic Impact Study appended to the AUAR. The data indicate only 10% of the site traffic to and from the Center is expected to use Winnetka Avenue south of Oxbow Creek Drive, which will bring the total traffic demand on Winnetka Avenue from roughly 7,000 vehicles per day to 9,000 vehicles per day. Winnetka Avenue is currently a two lane arterial roadway designed to accommodate up to 12,000 vehicles per day, including some heavy truck traffic.</p>

	<p>The crash data show there have been 10 reported vehicle crashes at the Winnetka Avenue / Oxbow Creek Drive intersection over the past five years. This equates to a crash rate of 0.61 crashes per million vehicles entering the intersection. This rate is slightly higher than an average rate for four legged intersections with side street stop control. However, it is not indicative of a crash problem. The signalized intersection of Douglas Drive and Oxbow Creek Drive also has a crash rate higher than the average rate. The plan for this intersection is to continue to monitor and install a traffic signal when the conditions meet the requirements of the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD) and a signal is allowed by the County. Note that Hennepin County owns, operates and maintains Winnetka Avenue as County State Aid Highway #103 and the current traffic volumes and recent crash experience at the intersection does not meet the requirements of the MMUTCD to allow for a signal to be installed. If you or your neighbors do not feel comfortable turning left from Oxbow Creek Drive to go south on Winnetka Avenue during peak traffic demand periods, then I would encourage you to consider either turning right onto northbound Winnetka Avenue, left onto 109th Avenue and then left at either Xylon Avenue or Highway 169 or diverting to the Douglas Drive / Oxbow Creek Drive intersection.</p> <p>For your information, please know Hennepin County will be overlaying and restriping Winnetka Avenue between 101st and 109th Avenues this summer, so the pavement conditions should significantly improve and the striping should be more consistent in this segment, including the Oxbow Creek Drive intersection. The City, County and Three Rivers Park District are also planning to upgrade the Rush Creek Regional Trail crossing of Winnetka Avenue to a grade separation (trail underpass) in 2025.</p>
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**MEMORANDUM**

**DATE:** February 23, 2024

**TO:** Amber Turnquest, City Principal Planner

**FROM:** Jeff Holstein, City Transportation Engineer

**SUBJECT:** Northpark Business Center 2023 / 2024 AUAR Update – December 2023 Traffic Analysis

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The purpose of this memorandum is to summarize my comments relative to the above Subject document prepared by Kimley-Horn Associates. The following points outline my conclusions and recommendations.

- 1) The study contains all the required elements of a traffic impact study. The overall conclusion is the expected traffic to and from the site should be adequately mitigated if the improvements outlined in the study are implemented. Note that several of the roadway and traffic control improvements have already been constructed.
- 2) The study analyzes a single land use scenario as most of the business center is currently constructed or approved and pending construction. The study is an update from the previous 2018 Northpark AUAR, which analyzed three land use scenarios, including one from the original AUAR and traffic study in 2013. The study is based on the most intense land use expectations for the undeveloped northwest portion of the site, which results in higher expected traffic generation and greater impacts. The forecasts also do not assume internal vehicle trips within the site. Thus, the resulting traffic forecasts and analyses should be conservative.
- 3) The currently proposed overall land use scenario includes 2,461,000 s.f. of light industrial space, 140,000 s.f. of commercial retail and a 10 pump gas station. The total square footage of development is less than earlier assumed in all previous scenarios from both the 2013 and 2018 AUAR's. The resulting traffic generation to and from the current development scenario is also significantly less than what was forecast in 2013 and 2018. The current land use results in peak hour forecasts of 1071 AM peak hour trips and 1602 PM peak hour trips. The 2018 Scenario B (most likely land use) forecast 2275 AM peak hour trips and 3775 PM peak hour trips and the 2013 Scenario 2 (most likely land use) forecast 2661 AM peak hour trips and 3321 PM peak hour trips.

- 4) The traffic forecasts are also conservatively high because they do not account for trip generation reductions due to internal trips or Transportation demand management (TDM) measures such as carpooling, flexible work hours, telecommuting, bike, bus, or the future BLRT project to the nearby south. The TDM measures are a requirement for this development.
- 5) The resulting traffic impacts and necessary mitigating roadway and traffic control improvements are similar to the earlier 2013 and 218 AUAR traffic analyses, but less due to the reduced traffic generation.
- 6) The majority of the traffic impacts identified in the study are the result of the general growth of traffic in this area and would be needed with or without the development. However, the development should contribute, and as noted below has already contributed, towards the following:
  - 100% of a future signal at 109<sup>th</sup> Avenue / Xylon Avenue (expected in 2025)
  - 50% of a future signal at Winnetka Avenue / Oxbow Creek Drive
  - 25% of future signal modifications at the Winnetka Avenue / 109<sup>th</sup> Avenue intersection (expected in 2025)
  - 25% of future signal modifications at the TH 169 / 109<sup>th</sup> Avenue intersection (expected in 2026)
  - Exclusive right turn lanes off 109<sup>th</sup> Avenue at Xylon Avenue and any other site access along 109<sup>th</sup> Avenue (already constructed by the development)
  - Exclusive left turn lane off 109<sup>th</sup> Avenue to Xylon Avenue (already constructed by the development)
  - Dedication of Right of Way for future improvements to 109<sup>th</sup> Avenue and Winnetka Avenue (already provided by the development)
  - All costs associated with constructing Xylon Avenue from 101<sup>st</sup> Avenue to 109<sup>th</sup> Avenue, including right of way dedication and utilities, and over the Rush Creek Regional Trail (already provided by the development)
  - All costs associated with constructing Oxbow Creek Drive from Winnetka Avenue to Xylon Avenue, including right of way and utilities (already provided by the development).
  - The addition of left and right turn lanes at the Winnetka Avenue intersections with Oxbow Creek Drive (with the exception of the NB RTL) and 107<sup>th</sup> Avenue (already provided by the development).
  - The addition of a Southbound right turn lane at the Winnetka Avenue / 101<sup>st</sup> Avenue intersection (already provided by the development).

It should be noted the development and the city have already processed a Traffic Signal Assessment Agreement to legally require development participation for the first four traffic signal related points noted above.

## 5.1D TRAFFIC ENGINEER COMMENTS

- 7) The development should also be required to execute an access modification assessment agreement with the city to cover any future costs that MAY arise if a new access drive to the NW corner of the development is allowed and this access results in safety and/or operational issues along 109<sup>th</sup> Avenue. The agreement would require the development to fund the necessary improvements to mitigate the safety or operational issues. The City Engineer would make the decision on if an issue would need to be resolved.
- 8) The development will also benefit significantly from the recently constructed TH 169 / 101<sup>st</sup> Avenue interchange and has been assessed for its fair share.
- 9) The development should be required to implement TDM measures and strategies, such as carpooling, transit incentives, bike storage facilities, telecommuting opportunities, flexible work hours and schedules and off-peak truck and service scheduling.
- 10) The proposed Northpark Business Center should be required to do whatever they can to direct trucks to and from the center to use Xylon Avenue and the TH 169 / 101<sup>st</sup> Avenue Interchange for access.
- 11) The recommended mitigation is dependent upon several key assumptions. Future travel demand may vary significantly from the forecasts due to emerging technologies, telecommuting, changes in travel behavior or land use and network changes different from those assumed.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	5.2	<b>Meeting Date:</b>	May 28, 2024
<b>Agenda Section:</b>	Public Hearing	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	X	<b>Prepared By:</b>	Malcolm Hicks, Business Development Coordinator
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Malcolm Hicks, Business Development Coordinator
<b>Item:</b>	Public Hearing to Consider Authorizing the Submittal of an Application to the Minnesota Department of Employment and Economic Development Under the Minnesota Investment Fund (MIF) Program for the Expansion of Rotation Engineering.		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-\_\_\_\_ AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT UNDER THE MINNESOTA INVESTMENT FUND (MIF) PROGRAM FOR THE EXPANSION OF ROTATION ENGINEERING

## Overview:

In November 2023, Rotation Engineering, approached the City of Brooklyn Park to request the submittal of an application to the Minnesota Department of Employment and Economic Development (DEED) for funding through the Minnesota Investment Fund (MIF) program. The resolution being considered authorizes City staff to complete and submit the MIF application to DEED for review and approval. DEED is offering up to \$640,000 of MIF money to be used to their current facility in Brooklyn Park.

With 30 years of experience in the metal stamping business Craig Komschlies purchased Rotation Engineering in 2010. Their current business is focused on mid-volume and mid-sized metal stampings and fabrications for Tier 2 supplier companies and Original Equipment Manufacturers (OEMs) in a variety of industries.

The project is a 26,800-square-foot addition to their current 38,000-square-foot manufacturing facility and will be expanded to the north for a total of 64,800 square feet. Rotation Engineering also plans to purchase an additional 400-ton punch press as they approach capacity for their our current 400-ton press and do not have a contingency plan for the current 400-ton press if it fails. Rotation also plans to make investments in automation to take advantage of advances in our industry and to stay competitive.

MIF provides dollars to local units of government to provide low interest or forgivable loans to help businesses retain and create high-quality jobs with a focus on industrial, manufacturing, and technology-related industries. MIF dollars can be used to assist in the purchase of any fixed assets. In this application, DEED's preliminary approval indicated the award will be structured as a forgivable loan.

Rotation Engineering has done a comprehensive review of the productivity, capacity, and cost differentials of potential facilities in Minnesota, Wisconsin, and Iowa. The MIF financing is necessary to compete with the costs at other sites. They are developing a lean operational footprint that would fully support the business in a way that allows for growth and allows it to be quick to market to meet customer demands.

A public hearing notification was published in the Sun Post on May 9th, 2024.

**Primary Issues/Alternatives to Consider:**

- How much money is being requested?

The application requests \$640,000 from the MIF program. The final award amount will be determined after DEED does a more thorough review of the company's financial statements and project plans.

- How will the award be structured?

Currently, the award is structured as a \$640,000 fully forgivable loan at 0% interest. The City has the option, as the original recipient of the State funds, to not forgive a portion of the loan and retain the loan payments for its own revolving loan funds. In the past, the City has fully forgiven its portion of MIF loans as an additional incentive for new and expanding businesses. The City still intends to forgive its portion of the loan. However, it is expected that the company will host BrookLynk interns and utilize the new BrookLynk job board to recruit new employees in order for the loan to be forgiven.

If the company meets its job creation and wage goals after a two-year period, the interest rate will remain 0% and the term of the loan will be seven years. However, if the company fails to meet its stated job and wage goals in that time period, the company must pay back a portion of the loan at an accelerated rate and term. The amount of the accelerated repayment will be determined by the number of jobs at a given wage level the business fails to create in the two-year period.

Rotation Engineering is expected to host BrookLynk interns during the project period. Failure to do so could result in a financial penalty for the business. The company has been made aware of this new requirement. Staff continues to work with the City attorney and Workforce Development staff to draft an agreement with job hosting expectations that outline the BrookLynk hosting requirements.

- Why is the City involved?

MIF is structured as a pass-through program meaning that the funds are awarded to the City as a grant and then passed on to the company as a forgivable loan. The City will enter into a grant agreement with the State and a loan agreement with the company that details ongoing obligations as they relate to the MIF dollars. The company then has two years to fulfill the job creation obligations stated in the loan agreement. The City will be responsible for submitting an annual report detailing the progress the company has made toward job creation goals. This report is completed in partnership with the company.

- How many jobs have been created by MIF projects in the City?

The City of Brooklyn Park has been involved in several MIF projects. Recent projects include Biomerics, Switchback Medical, Cirtec, Takeda, and Project Nucleus Micro-Fulfillment Facility. Since 2015, the City of Brooklyn Park has leveraged the MIF program to help companies create and retain over 1,200 jobs all earning at least \$15/hour with benefits.

- What are next steps?

If this resolution is passed, staff will complete the application to the state, which includes a financial analysis, project background, and preliminary project budget. Once the funds are awarded, staff will work with the State and company to create the necessary legal documents associated with this loan.

**Budgetary/Fiscal Issues:**

The administration of this action will use budgeted staff time and will have no impact on the city and EDA budget.

**Attachments:**

5.2A RESOLUTION

RESOLUTION #2024 –

RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT UNDER THE MINNESOTA INVESTMENT FUND (MIF) PROGRAM FOR THE EXPANSION OF ROTATION ENGINEERING

BE IT RESOLVED that Craig Komschlies act as the legal sponsor for the project contained in the Minnesota Investment Fund Application to be submitted on or about June 1, 2024 and that the Business Development Coordinator and City Manager are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of Craig Komschlies.

BE IT FURTHER RESOLVED that Craig Komschlies has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to administer the proposed project.

BE IT FURTHER RESOLVED that Craig Komschlies has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the State, Craig Komschlies may enter into a Grant Contract with the State of Minnesota for the approved project, and that Craig Komschlies certifies that it will comply with all applicable laws, statutes, regulations, and rules as stated in the Grant Contract and described in the Project Compliance Certification of the Application.

AS APPLICABLE, BE IT FURTHER RESOLVED that Craig Komschlies has obtained credit reports and credit information on Rotation Engineering and Craig Komschlies. Upon review by Craig Komschlies and his Legal Counsel, no adverse findings or concerns regarding, but not limited to, tax liens, judgments, court actions, and filings with state, federal and other regulatory agencies were identified. Failure to disclose any such adverse information could result in revocation or other legal action.

NOW, THEREFORE BE IT RESOLVED that the Business Development Coordinator and City Manager, or their successors in office, are hereby authorized to execute the Grant Contract and amendments, thereto, as are necessary to implement the project on behalf of the Craig Komschlies.

I CERTIFY THAT the above resolution was adopted by the City Council of BrooklyIn Park on \_\_\_/\_\_\_/\_\_\_.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	7.1	<b>Meeting Date:</b>	May 28, 2024
<b>Agenda Section:</b>	General Action Items	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Jim Thomson, City Attorney
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Jim Thomson, City Attorney
<b>Item:</b>	Motion to authorize a Letter of Reprimand to Councilmember Maria Tran for Violating the City's Respectful Workplace Policy and the Brooklyn Park Elected Officials Code of Conduct Policy		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO AUTHORIZE A LETTER OF REPRIMAND TO MARIA TRAN FOR VIOLATING THE CITY'S RESPECTFUL WORKPLACE POLICY AND THE BROOKLYN PARK ELECTED OFFICIALS CODE OF CONDUCT POLICY.

## Overview:

On January 31, 2024, the mayor and city manager received a complaint from a city employee regarding Council Member Maria Tran.

Pursuant to the procedures set forth in the Code of Conduct for Elected Officials, the mayor and city manager reviewed the complaint and consulted with the city attorney. An independent investigation was completed on April 19, 2024. On May 20, 2024, the City Council met in closed session to consider the allegations against Councilmember Tran.

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

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

## Attachments:

7.1A LETTER OF REPRIMAND



City of Brooklyn Park  
City Hall  
5200 85th Ave. N.  
Brooklyn Park, MN 55443  
763-424-8000  
[www.brooklynpark.org](http://www.brooklynpark.org)

May 28, 2024

Maria Tran  
Brooklyn Park City Council Member  
West District

RE: Written Reprimand

Council Member Tran:

On January 31, 2024, the City received a complaint from a City employee alleging that certain actions by you violated the Elected Officials Rules of Procedures and Code of Conduct and created a hostile work environment for the employee. As required by the Code of Conduct, I consulted with the City Manager and City Attorney. As authorized by the Code of Conduct, I determined that the matter should be referred to an outside investigator to conduct an independent fact finding.

The investigator issued her report on April 19, 2024. The investigator concluded that the employee's complaint was substantiated. The investigator determined that your actions violated provisions in the Code of Conduct and the City Respectful Workplace Policy dealing with: (1) treating City employees as professionals; (2), working through the City Manager to address employee matters; and (3) publicly criticizing an employee. The City Council met in closed session on May 20, 2024 to discuss the results of the investigation with you.

You have acknowledged that your actions were not consistent with the applicable provisions in the Code of Conduct and Respectful Workplace Policy. You have also indicated that going forward you will work through the City Manager if you have issues regarding City employees. You appear to now understand how a council member's conduct can have an adverse impact on employee morale and can create potential liability for the city.

Based on your self-awareness of the situation, the City Council believes that a written reprimand is the appropriate way to address the matters that gave rise to the employee's complaint. The other City Council members and I are optimistic that similar incidents will not reoccur. We look forward to working collaboratively with you on future matters that come before the City Council.

Sincerely,

Hollies Winston  
Mayor

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	7.2	<b>Meeting Date:</b>	May 28, 2024
<b>Agenda Section:</b>	General Action Items	<b>Originating Department:</b>	Police
<b>Resolution:</b>	X	<b>Prepared By:</b>	Deputy Chief Shane DuPaul
<b>Ordinance:</b>	FIRST READING		
<b>Attachments:</b>	1	<b>Presented By:</b>	Chief Mark Bruley
<b>Item:</b>	First Reading of an Ordinance Amending the City Code Associated with the Sale of Cannabis		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CHAPTERS 126 AND 95 OF THE BROOKLYN PARK CITY CODE PERTAINING TO CRIMINAL PENALTIES ASSOCIATED WITH THE SALE OF UNAUTHORIZED PRODUCTS CONTAINING TETRAHYDROCANNABINOL

## Overview:

City Council is asked to consider amending Chapter 126, Tetrahydrocannabinol (THC) Products, and Chapter 95, Park Regulations, related to the sale and use of cannabis.

Cannabis is no longer a controlled substance under Minnesota state law. The proposed ordinance change under Chapter 126 is designed to address misdemeanor prosecution for any alleged sales violation within the chapter. The proposed ordinance change under Chapter 95 of the City Code is designed to regulate the use, sale, and distribution of cannabis products in city parks.

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

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

## Attachments:

7.2A ORDINANCE

ORDINANCE 2024-

ORDINANCE AMENDING CHAPTERS 126 AND 95 OF THE BROOKLYN PARK CITY CODE  
PERTAINING TO CRIMINAL PENALTIES ASSOCIATED WITH THE SALE OF  
UNAUTHORIZED PRODUCTS CONTAINING TETRAHYDROCANNABINOL

Underlined text is proposed to be added

Text with strikethrough is proposed for deletion

The City Council of Brooklyn Park does ordain:

**Section 1.** Title XI, Chapter 126.99 (A) (6) of the City Code is amended to read as follows:

§ 126.99 VIOLATIONS AND PENALTY.

(6) *Misdemeanor prosecution.* Nothing in this section prohibits the city or any other legitimate jurisdiction from seeking criminal prosecution for an alleged violation of this chapter or any other state or federal law regulating licensed products. This includes seeking misdemeanor prosecution for any alleged violation of this Chapter under City Code, section 10.99.

**Section 2** Title IX, Chapter 95.03 (A) (4) of the City Code is amended to read as follows:

(A) *Drug, cannabis, and alcohol use and sales.* It shall be unlawful for any person to:

(1) Use, possess or sell any alcoholic beverage in violation of state statutes or City Code § 112.047 and unless expressly approved by city permit or license.

(2) Consume or display any alcoholic beverage at sites where the city or its agent is a licensed vendor of alcoholic beverages, unless purchased at that site, or authorized by special permit.

(3) Possess or bring beer or wine into a park in kegs, barrels, or other bulk tap quantities, except by city permit.

(4) Use, manufacture, possess, constructively possess, sell, give away, barter, exchange, distribute, or otherwise transfer any controlled substance, except on a lawful prescription by a person licensed by law to prescribe and administer controlled substances as specifically defined in City Code Chapter 135.

(5) Inhale, breathe, or drink or be or become intoxicated by reason of inhaling, breathing, or drinking any substance defined as "glue."

(6) Sell, furnish or deliver intoxicating liquor for any purpose to any minor or to any person obviously intoxicated or to any other person to whom sale is prohibited by state statute or by the City Code.

(7) Sell, give away, barter, exchange, distribute, or otherwise transfer any product or substance containing or consisting of cannabis flower or any cannabinoid, synthetic cannabinoid, or artificially derived cannabinoid, including by not limited to tetrahydrocannabinol (THC), unless specifically allowed under Minnesota Statutes, section 342.09, subdivision. 1 (6), or authorized by city permit.

**Section 3** Title IX, Chapter 95.04 (A) (1) of the City Code is amended to read as follows:

(1) Solicit, sell, or in any manner charge admission, or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a park except by authorized concessionaire with a city permit and the required licenses from the city. Including any product or substance containing or consisting of cannabis flower or any cannabinoid, synthetic cannabinoid, or artificially derived cannabinoid, including by not limited to tetrahydrocannabinol (THC).

**Section 4** Title IX, chapter 95.08 of the City Code is amended by adding a new subdivision (F) to read as follows:

(F) Misdemeanor prosecution. Nothing in this section prohibits the city or any other legitimate jurisdiction from seeking criminal prosecution for an alleged violation of this chapter unless a different penalty is explicitly set in this Chapter. This includes seeking misdemeanor prosecution for any alleged violation of this Chapter under City Code, section 10.99.

**Section 5.** Effective Date. This ordinance shall be effective on \_\_\_\_\_ following passage and publication.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	7.3	<b>Meeting Date:</b>	May 28, 2024
<b>Agenda Section:</b>	General Action Item	<b>Originating Department:</b>	Recreation and Parks
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Brad Tullberg, Director of Recreation and Parks
<b>Ordinance:</b>	FIRST READING		
<b>Attachments:</b>	1	<b>Presented By:</b>	Brad Tullberg, Director of Recreation and Parks
<b>Item:</b>	First Reading Ordinance Prohibiting Cannabis and Hemp Use in Public Places		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE ADDING A SUBCHAPTER TO CHAPTER 133 OF THE BROOKLYN PARK CITY CODE PROHIBITING SMOKING OF CANNABIS OR HEMP IN PUBLIC PLACES AND AMENDING SECTION 95.03 OF THE BROOKLYN PARK CITY CODE REGARDING TOBACCO USE RESTRICTIONS IN PUBLIC PLACES.

## Overview:

In 2011 the City of Brooklyn Park adopted a Tobacco-Free Parks policy prohibiting use of tobacco at city-owned parks including playgrounds, athletic fields, trails, parks, spectator areas and excluding the two golf courses and designated smoking area outside of the Community Activity Center.

The City of Brooklyn Park recognizes that the second-hand effects of smoking tobacco, vaping and cannabis in public spaces pose a threat to public health and safety. The purpose of this section is to protect the public health, safety, and welfare of citizens, especially vulnerable populations including children, the elderly, those with chronic health conditions and employees.

With the adult-use cannabis law in effect August 1, 2023, the City of Brooklyn Park is proposing changes to two sections of the City Code.

- Section 1 applies to smoking or vaporizing cannabis and hemp products in defined public places.
- Section 2 applies to smoking or vaporizing any substance in city parks.

The term "public place" is used in Section 1 because the statute (Minnesota Statutes, section 152.0263) related to prohibiting cannabis use allows a city to define "public place" and then make cannabis use within that defined public place a petty misdemeanor. This ordinance defines "public place" to only include smoking or vaporizing cannabis and hemp products in:

- Inside any building owned by a government entity, aligning with the Minnesota Indoor Clean Air Act.
- All parks
- All trails
- Parking lots of city owned facilities
- Within 100 feet of the public entrance of city-owned buildings

Section 2 applies to smoking or vaporizing of any substance in city parks. There is some overlap between Section 1 and Section 2 (smoking and vaporizing cannabis and hemp is prohibited in parks by both sections) but since each, Section 1 includes land outside of parks (e.g., within 100 feet of city buildings) and Section 2 applies to other substances besides cannabis and hemp (e.g., tobacco), the ordinance was drafted to include both sections.

These changes do not apply to cannabis or hemp products that are not smoked or vaporized (e.g., edibles and beverages).

**Primary Issues/Alternatives to Consider:**

The Recreation and Parks Advisory Commission recommended approval of an update to the City Code 95 prohibiting smoking or vaporizing of any substance in city parks at the October 2023 meeting.

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

**Attachments:**

7.3A ORDINANCE

**CITY OF BROOKLYN PARK**  
**ORDINANCE NO. \_\_\_\_\_.**

**AN ORDINANCE ADDING A SUBCHAPTER TO CHAPTER 133 OF THE BROOKLYN PARK CITY CODE PROHIBITING SMOKING OF CANNABIS OR HEMP IN PUBLIC PLACES AND AMENDING SECTION 95.03 OF THE BROOKLYN PARK CITY CODE REGARDING TOBACCO USE RESTRICTIONS IN PUBLIC PLACES**

**The City of Brooklyn Park does ordain:**

**Section 1.** Chapter 133 of the City Code is amended by adding a new Subchapter to read:

**SMOKING OF CANNABIS OR HEMP IN PUBLIC PLACES**

**§ 133.20 DEFINITIONS.**

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

- (A) “Cannabis flower,” “cannabis products,” and “hemp-derived consumer products” shall have the meanings given to them in Minnesota Statutes, section 342.01, as it may be amended from time to time.
- (B) “Public place” means the following locations when owned or operated by a governmental entity:
  - (1) Places where smoking is prohibited under the Minnesota Indoor Clean Air Act; and
  - (2) Parks, trails, the parking lots of city-owned facilities, and locations within 100 feet of the public entrance(s) of city-owned or operated buildings, but does not include the driving range, practice areas, and course area of city-owned golf courses.

**§ 133.21 PROHIBITED CONDUCT.**

No person shall consume by means of smoking, vaporizing, or otherwise consuming smoke or vapor produced by heating or igniting cannabis flower, cannabis products, or hemp-derived consumer products in a public place.

**§ 133.22 PENALTY.**

Notwithstanding any other penalty provision in the city code, a violation of this subchapter shall be considered a petty misdemeanor punishable by a maximum fine of \$100.

**Section 2.** Section 95.03 of the City Code is amended by adding Paragraph (G) to read as follows:

(G) *Smoking Prohibited.* It shall be unlawful for any person to consume any substance by means of smoking, vaporizing, igniting, or otherwise heating the substance to produce smoke or vapor which is then inhaled. Notwithstanding any other penalty provision in the city code, a violation of this section shall be considered a petty misdemeanor punishable by a maximum fine of \$100.