

REGULAR CITY COUNCIL MEETING – AGENDA #11

Si usted necesita esta información en español: 763-424-8000. Yog xav tau kev pab, thov hu rau 763-424-8000 lawv mam li nrhiav ib tus neeg txhais lus rau koj. If you need this information in another language or alternative format, email access@brooklynpark.org or call 763-424-8000.

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

I. ORGANIZATIONAL BUSINESS

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

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

2A. RESPONSE TO PRIOR PUBLIC COMMENT

2B. PUBLIC COMMENT

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

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

3B.1 Metropolitan Mosquito Control Public Presentation

3B.2 Planning Commission Annual Report and 2025 Work Plan

A. 2024 ANNUAL REPORT

B. 2025 WORKPLAN

3B.3 Community Long-range Improvement Commission 2023-2024 Annual Report and 2024 Work Plan

A. 2023-2024 ANNUAL REPORT

B. 2025 WORK PLAN

3B.4 Human Rights Commission Annual Report and 2025 Work Plan

A. WORKPLAN (*TBA Monday*)

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 Appointment to the Recreation and Parks Advisory Commission

4.2 Award the Bid for the 2025 MSA Crack Seal Project to Seal Pros of Hopkins, MN

A. RESOLUTION

B. BID TAB

C. MAP OF STREETS

4.3 Authorize Application for Grant Funding through MN DNR Outdoor Recreation Grant

A. RESOLUTION

4.4 Set a Public Hearing on April 14, 2025, to Consider the Approval of an On-Sale Intoxicating Liquor License for Si Senor Kitchen LLC

A. PUBLIC HEARING NOTICE

4.5 Approve a Temporary On-Sale Liquor License for Brooklyn Park Lions for their Smelt Fry

4.6 Approve a Tetrahydrocannabinol (THC) and Tobacco License for Puff Puff Smokes LLC, dba Puff Puff Smokes

4.7 Intoxicating Liquors Ordinance Amendment

- A. ORDINANCE
 - B. IMMIGRATION POLICY
- 4.8 DEV24-102 Post Zoning Code Update: Minor Text Revisions
 - A. ORDINANCE
 - B. ZONING MAP
- 4.9 Approval of the MOA to the 2024-2025 Collective Bargaining Agreement with the Brooklyn Park Police Federation
 - A. RESOLUTION
- 4.10 Authorize Staff to Issue a Request for Qualifications for Consultant Services to Provide Land Use/Planning, Recreation and Parks and Engineering Services
 - A. DRAFT 2025 REQUEST FOR QUALIFICATIONS
- 4.11 Accept Bids and Award Contract for the Installation of a Permanent Traffic Signal System at the Zane Avenue / 71st Avenue Intersection; CIP #4005-24
 - A. RESOLUTION
 - B. LOCATION MAP
 - C. RECOMMENDATION LETTER FROM S.E.H.
- 4.12 Award the Bid for the 2025 Trinity Gardens Trail Overlay Project to Park Construction Company
 - A. RESOLUTION
 - B. BID TAB
 - C. MAP OF TRAILS
- 4.13 Accept Bids and Award Contract for 2025 Street Reconstruction Project, CIP 4003-25
 - A. RESOLUTION
 - B. LOCATION MAP
- 4.14 Railroad Crossing Installation Agreement
 - A. RESOLUTION
 - B. AGREEMENT
 - C. LOCATION MAP
- 4.15 Approve the Bid Award for the 2025 Street Traffic Centerline Striping project on City Streets to Warning Lites
 - A. RESOLUTION
 - B. MARKING MAP
- 4.16 Resolution of Support for DNR Outdoor Recreation Grant Program for Shingle Creek Brookdale Park Natural Channel Project
 - A. RESOLUTION
 - B. LOCATION MAP

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

5. PUBLIC HEARINGS

None.

6. LAND USE ACTIONS

None.

7. GENERAL ACTION ITEMS

- 7.1 Resolution Ordering the Abatement of Hazardous Property and Public Nuisance Located at 9115 Irving Avenue North
 - A. RESOLUTION
 - B. ABATEMENT ORDER
 - C. MN STATE STATUTE 463.15-463.261

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

Agenda Item:	3B.1	Meeting Date:	March 24, 2025
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Katrina Doshier, Program Assistant
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Alex Carlson, Metropolitan Mosquito Control
Item:	Metropolitan Mosquito Control Public Presentation		

City Manager's Proposed Action:

Alex Carlson from Metropolitan Mosquito Control will provide information on MMCD.

Overview:

Metropolitan Mosquito Control reached out regarding activities in Brooklyn Park this past summer. They will be making a presentation so Council and residents can better understand MMCD and ask any questions they may have.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park

Request for Council Action

Agenda Item:	3B.2	Meeting Date:	March 24, 2025
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Paul Mogush, Planning Director
Ordinance:	N/A		
Attachments:	2	Presented By:	Liam Cavin Planning Commission Chair
Item:	Planning Commission Annual Report and 2025 Work Plan		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO ACCEPT THE PLANNING COMMISSION 2025 WORK PLAN.

Overview:

Planning Commission Commissioner Chair, Liam Cavin, will present the 2024 Planning Commission Annual Report and the 2025 Work Plan.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.2A 2024 ANNUAL REPORT
3B.2B 2025 WORK PLAN



Planning Commission

2024 Annual Report



City of Brooklyn Park

Brooklyn Park, Minnesota

www.Brooklynpark.org (763-424-8000)

Table of Contents

Planning Commission 2024 Annual Report

3	Letter from Chair
4	Snapshot & Cannabis Zoning
5	Zoning Code Update
6	Featured Projects
9	Attendance Record
10	Case Summary Snapshot
11	Planning Case Directory
22	Planning Commission Photo

If you need this information in another language or format or disability accommodations, email access@brooklynpark.org or call **763-424-8000**.

Si usted necesita esta información en español: **763-424-8000**

Yog xav tau kev pab, thov hu rau **763-424-8000** lawv mam li nrhiav ib tus neeg txhais lus rau koj

Letter from the Chair

March 24, 2025



Dear Mayor Winston and Council Members,

I am pleased to present the 2024 Planning Commission Annual report. It was another busy year of reviewing development proposals, considering requests for variances and conditional use permits, and working on policy and ordinance changes to advance City goals. In the past year, the Commission held 11 regular meetings and five work sessions.

The Planning Commission recommended approval of new development that will bring new businesses, jobs, and homes to Brooklyn Park. These projects were all subsequently approved by the City Council and have the potential to result in the construction of 233 units of housing and 62,803 square feet of employment space.

The Planning Commission spent several months working with staff on a major update to the City's Zoning Code and Zoning Map, bringing them into conformance with the Brooklyn Park 2040 Comprehensive Plan and making it easier to use. The City Council accepted the Planning Commission's recommendation and gave final approval to the code updates on July 29, 2024. Going forward, staff and the Planning Commission will be updated the Zoning Code more regularly.

Looking forward to 2025, the Planning Commission will be working with the City Council on the Northwest Growth Area Plan. The Commission also intends to consider ordinance changes that would allow construction of Accessory Dwelling Units.

Sincerely,

Liam Cavin
Planning Commission Chair

2024 Snapshot

In 2024, The Planning Commission reviewed and approved:

- **233** units of housing
- **62,803** SqFt of employment space

Cannabis Zoning



In 2023, Minnesota became the 23rd state in the nation to legalize adult-use cannabis. The new law also created a new state office – the Office of Cannabis Management (OCM). Minnesota Statute Chapter 342 contains all regulations within state law pertaining to cannabis, including licensing by the OCM, and registration and land use requirements for municipalities that declare the desire to oversee the registrations of cannabis businesses.

Local governments are given the option to register cannabis businesses and oversee compliance checks. In the event a city does not decide to partake in the registration process, registration

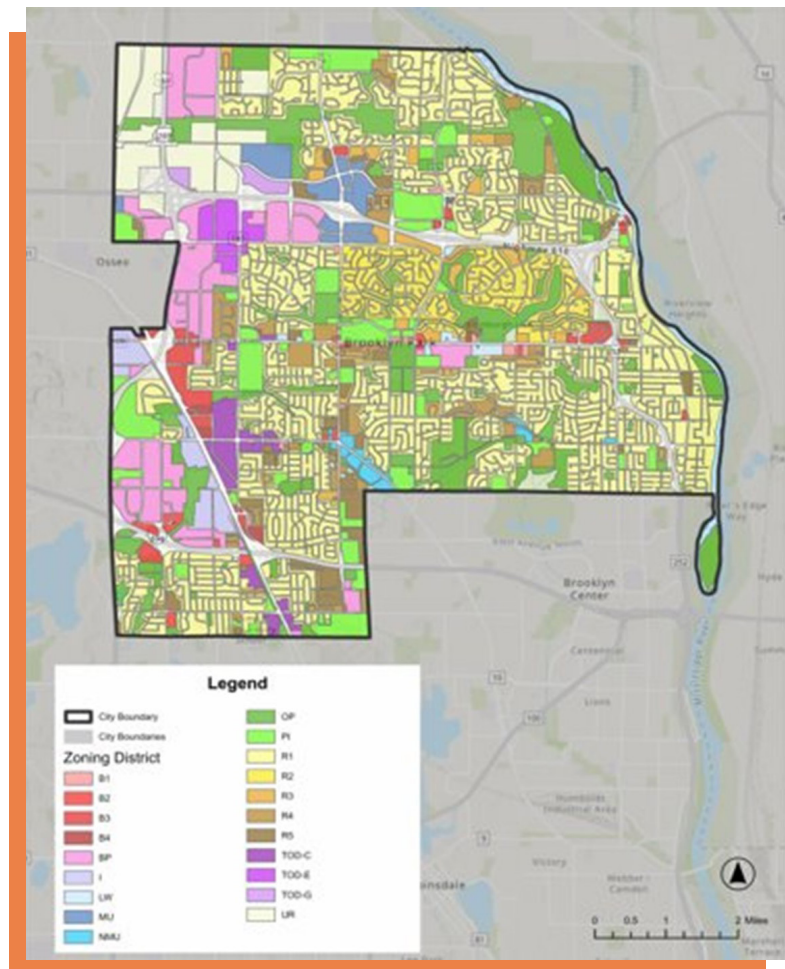
defaults to the county in which the city is located. The Brooklyn Park City Council has determined they want the city to oversee registration, which does not occur until the applicant has undergone vigorous verification processes by the OCM. Local governments are not allowed to ban cannabis businesses, or limit operations in a manner beyond what is allowed in Minnesota Statute Chapter 342.

Local governments are allowed to limit the number of cannabis retailers and businesses with retail endorsements to a minimum of one retail location per 12,500 residents. There is no obligation to seek out businesses if the number is not met by the market, however, the city would not be able to restrict a business if a limit is established, but not yet met. According to the 2020 Census the population of Brooklyn Park was 86,478, which obligates the city to register a minimum of 7 retailers or businesses with retail endorsements.

There are 13 different types of licenses issued by the OCM, all of which have been individually listed on the use tables within the proposed zoning text amendment. Not all cannabis-oriented businesses include retail components.

Zoning Code Updates

The Brooklyn Park City Council (Council) adopted the Brooklyn Park 2025 community plan in February 2017. Roughly 1,000 participants supported this yearlong effort which captured resident and staff input and documented the City's goals. That process involved many public engagement sessions to understand the vision that Brooklyn Park residents had for the city as it grows and changes, including a visioning session in 2016, public open house in 2017, mailed notices, door knocking, and surveys sent to residents. Building upon that work, the Brooklyn Park Planning Commission held a public hearing in 2018 over a two-month period in March and April on the 2040 Comprehensive Plan (2040 Plan). The Council voted on the final draft on May 29, 2018, with the comment period closing on October 26, 2018. The 2040 Plan was approved for submission to the Metropolitan Council (Met Council) for final review on December 10, 2018.



The 2040 Plan looked at the entire community with an emphasis on special planning areas. The City identified a need to address community-wide issues and desires, redevelopment and reinvestment in the older parts of the community, sustainability of new development, and to create a “community of the whole”.

The City Council adopted the 2040 Comprehensive Plan on March 30th, 2020. State law requires that official controls – the Zoning Code – be updated within 9 months of Plan adoption. The consultant firm, WSB, who worked on the 2040 Plan was retained to work on the Zoning Code Update. The challenges associated with the COVID-19 pandemic, staff turnover in the Planning Division, and the 2023 development moratorium all contributed to a delay in completing this work.

Along with the statutorily required changes, technical updates were made to the entire Land Usage Title of the Brooklyn Park Code of Ordinance. City Council approved the second reading on July 29th .

Featured Projects

Redline Athletics



Redline Athletics is an athletic franchise that is planning to occupy a vacant tenant space in an existing building north of Highway 694 on the western border of Brooklyn Park. The application is for a Conditional Use Permit (CUP) for a commercial indoor recreational facility over 2,450 square feet, which is allowed within the zoning district with a CUP (§ 152.342). The applicant is proposing a performance center focused on specialized performance training program.

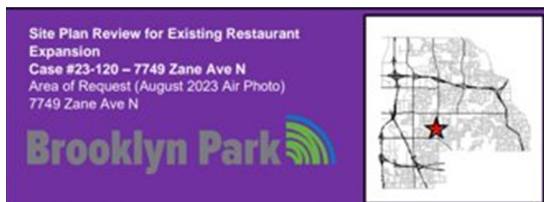
Casa Afrik Lounge

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 use 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.

JJs Fish & Chicken

This request is for the construction of an addition to the existing restaurant located at 7749 Zane Ave N. This addition will include a walk-up patio to serve pedestrian customers as well as customers to be seated inside the restaurant.

The existing structure on the property was constructed in 1962 as a Dairy Queen. At the time of development, the village of Brooklyn Park did not have a zoning ordinance in place.



Waterside Market Expansion



This request is for the construction of an addition to the existing structure located at 7500 Brooklyn Blvd N. This addition will include a 20ft by 100ft dry storage and merchandise addition as well as a 30ft by 100ft freezer addition. Currently the property owner is renting storage space offsite, including freezer space, and this addition is needed to continue business operations. performance training program.

BP Teen and Youth Center

The applicant is proposing a 24,530 square foot addition to the existing Zanewood Recreation Center to accommodate additional programming. This proposal modifies the placement of the existing basketball courts, as well as rearranging the parking lot to maximize the useable parking space upon construction of the new facility.



The Brook



OV Development proposes a 192-unit multiple dwelling at 6001 94th Ave. North. Two land use applications are included with this application, a preliminary plat, and a site plan.

Outlots are not developable, and a preliminary plat is the mechanism used to create a final plat. A final plat is required to create a lot that can be recorded by the county, after which a building permit can be issued. The preliminary plat includes the parcel known as Outlot A, Six Ten Zane Second Addition and proposes to create a single, 5.24 acre lot: Lot 1, Block 1, The Brook.

A site plan application proposes conditions of property development and site design standards within the City. Site plans are reviewed by the Brooklyn Park Planning Commission and a recommendation is made to the City Council which votes to approve or deny the application. The site plan area is within the Mixed Use (MU) Zoning District, is 5.24 acres, and proposes a multiple dwelling development with a single vehicular access point to Colorado Avenue North, a public street that connects 93rd Avenue to 94th Avenue (C.S.A.H. 30).

The MU district permits multiple dwellings by right. In addition to the site plan approval, the use is also required to conform to the Brooklyn Park Comprehensive Plan. Analysis of conformance of this proposal with the Comprehensive Plan are detailed within this report.

Sandgrass Pointe



Woda Cooper proposes a 44-unit development with a 33-unit multifamily dwelling and 11 townhouses at 5800 69h Ave. North. One land use application is included with this application, a site plan review.

A site plan application proposes conditions of property development and site design standards within the City. Site plans are reviewed by the Brooklyn Park Planning Commission and a recommendation is made to the City Council which votes to approve or deny the application. The site plan area is within the Multiple Family District (R4) Zoning District, is 3.67 acres and proposes a multiple dwelling and townhouses that will have a single vehicular access point to 69th Avenue North which is a public street, which is also Hennepin County

The R4 district permits multiple dwellings and townhouses by right. In addition to the site plan approval, the use is also required to conform to the Brooklyn Park Comprehensive Plan. Analysis of conformance of this proposal with the Comprehensive Plan are detailed within this report.



Attendance Record

2024 Planning Commission Attendance

Commissioner	Residing District	Regular Meetings	Work Sessions
Cavin, Liam	East Rep. At-Large	11	4
Wako, Teshite	Central Rep. At-Large	11	1
Borer, Maggie	Central Rep. At-Large	7	3
Korosso, Abdo	Central	4	1
Kiekow, John	Central	3	2
Fraser, Kathy	Central	10	5
Arah, Chukwunedu	West	6	2
Udomah, Christopher	West	8	3
Gaye-Bai, Philip	East	7	3
Turner, Shereese	East	9	3
McGarvey, Tony	City Council	8	2
City staff			
Perdu, Erin	Interim Planning Director	4	1
Mogush, Paul	Planning Director	7	4
Donavan, Cara	Senior Planner	3	1
McDermott, Erin	Senior Planner	10	4
Turnquest, Amber	Senior Planner	4	4
Hayes-Regan, Matt	Associate Planner/Program Assistant III	11	5

Case Summary Snapshot

2024 Planning Case Summary

Type of Cases	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Board of Appeals														
Comprehensive Plan			3	2	2	2	1	1		1		1	1	
Concept Plans	1						1							
Conditional Use Permit	16	7	19	7	16	10	25	14	12	15	14	8	10	6
General Planning							3	1						
House Moving														
Interim Use Permits	1					2	1					1		
Moratoria							1						1	
Plat (preliminary)	8	2	6	8	10	10	13	7	7	7	4	9	3	3
Plats (Final)	7	2	6	8	10	10	13	7	7	7	9	8	1	1
PUD/Planned Development Overlay/Neighborhood Development Plans	1	1	1		1		4			3	1	1		
Rezoning	2					2	4	2	2	4		3		
Site Plan Review	1	1	3	7	5	6	5	2	3	4	13	10	5	11
Variances (Zoning and Sign)	6	2	6	7	9	3	4	3	3	3	7	4	2	2
Waivers of Platting (General)	1	1								1				
Waiver (Other)													1	
Zoning, Sign, and Subdivision Code Amendments	5	6	3	5	6	4	1	3	4	1	1	2	4	4
Ordinance Amendment														1
Total	49	22	47	44	59	49	76	40	38	46	49	47	28	28

Planning Case Directory

Case #	Project	Applicant / Property Owner	Planning Commission Date	City Council Date	Planner
24-101	Clean Freak Car Wash	Applicant: Ashley Pritchett CEI Engineering Associates Inc 3030 LBJ Freeway, Suite 100 Dallas, TX 75234 P: 972-488-3737 apritchett@ceieng.com	02/014/24	02/26/24	Prepared By: Erin McDermott Presented By: Paul Mogush
		Property Owner: N/A BPC Edinburgh Holdings, LLC c/o LS Capital, Inc 13949 Ventura Blvd, Suite 300 Sherman Oaks, CA 91423 P: 214-507-1452 Cindy.vaughn@odysseyservicesgroup.com			
Summary: This request is for the development of a new car wash facility on an undeveloped property in the PCDD zoning district. This request is for development of the final undeveloped lot in the Edinburgh Center development.					
24-102	2040 Comp. Plan ZCU	The City of Brooklyn Park	02/14/24	07/22/24 and 08/26/24	Prepared By: Erin McDermott & Amber Turnquest Presented By: Erin Perdu & Paul Mogush
Summary: The City's development pattern and land use policies have changed since the last major zoning update in 2000. Updates to the ordinance are needed to reflect the desired vision for the City. State law requires that all official controls be updated within nine months of the Comprehensive Plan's adoption. Code changes are necessary for compliance with the					

Comprehensive Plan and to make administering of the ordinance easier. The scope, timeline, and next steps will be discussed. Additionally, the Planning Commission will use their Regular Meetings to hold public hearings and make recommendations for each of the steps detailed in the timeline. Council will receive the Planning Commission's recommendations via a Request for Council Action with the proposed text amendments included as attachments.					
24-103	Maranatha Christian Academy	Applicant: Ron Spoden ATSR Architects, Engineers, and Planners 8501 Golden Valley Rd, Suite 300 Minneapolis, MN 55427 P:763-525-3248 rspoden@atsr.com Property Owner: Deb Larson 9201 75th Avenue Brooklyn Park, MN 55428 P:763-488-7900 Deb.larson@mcamustangs.org	4/10/24	04/22/24	Prepared By: Erin McDermott Presented By: Paul Mogush
Summary: The applicant is seeking to remove the southern portion of the existing parking lot at 9201 75th Avenue to restore this area to greenspace. The removal of the parking lot and re-establishment of grass in this area will expand outdoor space to be used by students as well as patrons to other uses within the building.					
24-104	Precision Dent Removal	Applicant: Sergey Fooks Precision Dent Removal 8557 Wyoming Ave N Brooklyn Park, MN 55445 P: 612-598-2232 Sfooks15@gmail.com Property Owner: Sergey Fooks Wyoming LLC 16160 84th Ave N Maple Grove, MN 55311 P: 6125982232 Sfooks15@gmail.com	04/10/24	04/22/24	Prepared By: Erin McDermott Presented By: Paul Mogush

Summary: Precision Dent Repair is a company specializing in paintless dent repair. The application is for a Conditional Use Permit (CUP) for auto oriented repair services, which is allowed within the Business Park zoning district with a CUP (§ 152.342). The process of paintless dent repair does not involve repainting the vehicles being worked on, and does not utilize chemicals in this process. The applicant is not proposing auto body work, or repair services other than dent removal.					
24-105	Redline Athletics	Applicant: Nicholas Lucca Redline Athletics 6135 Yellowstone Ln N Plymouth, MN 55446 P: 719-641-6785 Nicholas.l.lucca@gmail.com Property Owner: Rob Brass Colliers International 1600 Utica Avenue South, 300 St. Louis Park, MN 55416 P: 952-897-7757 Rob.brass@colliers.com	04/10/24	04/22/24	Prepared By: Erin McDermott Presented By: Paul Mogush
Summary: Redline Athletics is an athletic franchise that is planning to occupy a vacant tenant space in an existing building north of Highway 694 on the western border of Brooklyn Park. The application is for a Conditional Use Permit (CUP) for a commercial indoor recreational facility over 2,450 square feet, which is allowed within the zoning district with a CUP (§ 152.342). The applicant is proposing a performance center focused on specialized performance training programs.					
24-106	Rotation Engineering	Applicant: Earl Gebauer Shaw Construction Company 7685 Corporate Way Eden Prairie, MN 55344 P: 952-937-8214 earl@shawconstruct.com Property Owner: Craig Komschlies Rotation Engineering 8800 Xylon Ave. N Brooklyn Park, MN 55445 P: 763-425-9331 CraigK@rotationengineering.com	04/10/24	04/22/24	Prepared By: Erin McDermott Presented By: Paul Mogush

Summary: This request is for the construction of an addition to the existing structure located at 8800 Xylon Avenue. This addition will expand the existing structure to the north, increasing the footprint of the structure by 26,928 square feet.					
24-107	Waterside Market Expansion	Applicant: John Anderson JDA Design Architects Inc. 901 4 th St. N Hopkins, MN 55343 P: 6128170050 John@jdadesign.com	4/10/24	04/22/24	Prepared By: Erin McDermott Presented By: Paul Mogush
		Property Owner: Molley Kamara 7500 Brooklyn Blvd Brooklyn Park, MN 55443 P: 9529920078 watersideinternationalmarket@gmail.com			
Summary: This request is for the construction of an addition to the existing structure located at 7500 Brooklyn Blvd N. This addition will include a 20ft by 100ft dry storage and merchandise addition as well as a 30ft by 100ft freezer addition. Currently the property owner is renting storage space offsite, including freezer space, and this addition is needed to continue business operations.					
24-108	Casa Afrik Lounge	Applicant: Rodney King Sky Lounge & Bistro 8515 Edinburgh Centre Drive Brooklyn Park, MN 55444 P: 763-347-9697 Info@skyloungeandbistro.com	05/08/24	05/28/24	Prepared By: Erin McDermott Presented By: Paul Mogush
		Property Owner: Tamer Alpagot EfcB P.O. Box 361303 Milpitas, CA 95036 P: 650-906-1980 Alpagot1@gmail.com			
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.					
24-109	BP Teen and Youth Center	Applicant: Damaris Hollingsworth Design by Melo 30 S 9th Street, Suite 600 Minneapolis, MN 55402 P:612-280-8419 damaris@designbymelo.com Property Owner: Brad Tullberg City of Brooklyn Park Recreation & Parks 7100 Zane N Brooklyn Park, MN 55429 P: 763-493-8344 Brad.tulberg@brooklynpark.org	06/12/24	06/24/24	Prepared By: Erin McDermott Presented By: Paul Mogush
Summary: The applicant, Design by Melo, on behalf of the City of Brooklyn Park Recreation & Parks Department, has applied for a site plan review for improvements to the City-owned property located at 7100 Zane Avenue. A site plan review is required prior to the construction of buildings. The proposal is for the construction of a two-story teen and youth center, which is in conformance with the Comprehensive Plan. The proposed Teen & Youth Center will add approximately 24,530 square feet to the existing Zanewood Recreation Center and will be attached to the existing building by a breezeway. This building will include a gymnasium, tech center, workforce development space, game lounge, art facilities and many other services to the City's youth					
24-111	Graleske Addition	Applicant: Robert Molstad Sathre-Bergquist, Inc. 14000 25th Avenue North, Suite 120 Plymouth, MN 55447 P: 952-476-6000 molstad@sathre.com Property Owner: Deborah Kelleher 340 North Street, #144 Bergland, MI 49910 P: 612-363-4570 Deborah.Kelleher@infor.com	07/10/24	07/22/24	Prepared By: Erin McDermott Presented By: Paul Mogush

24-112					
	Summary: The subject property is 0.68 acres. There is an existing house on the north portion of the property, which will be located on proposed Lot 1. There is open space on the southern portion of the property at the corner of 89 th Avenue and Irving Avenue, which would become proposed Lot 2..				
	The Brook	Applicant: Della Kolpin OV Development LLC 6600 France Avenue South, 550 Edina, MN 55435 P: 612-840-9801 dkolpin@olympusventures.com Property Owner: Dan Mueller Ryan Companies US Inc. 533 4rd Street, 100 Minneapolis, MN 55415 P: 612-206-1400 Dan.mueller@ryancompanies.com	07/10/24	08/26/24	Prepared By: Erin McDermott Presented By: Erin Perdu
Summary: OV Development proposes a 192-unit multiple dwelling at 6001 94 th Ave. North. Two land use applications are included with this application, a preliminary plat, and a site plan. Outlots are not developable, and a preliminary plat is the mechanism used to create a final plat. A final plat is required to create a lot that can be recorded by the county, after which a building permit can be issued. The preliminary plat includes the parcel known as Outlot A, Six Ten Zane Second Addition and proposes to create a single, 5.24 acre lot: Lot 1, Block 1, The Brook. A site plan application proposes conditions of property development and site design standards within the City. Site plans are reviewed by the Brooklyn Park Planning Commission and a recommendation is made to the City Council which votes to approve or deny the application. The site plan area is within the Mixed Use (MU) Zoning District, is 5.24 acres, and proposes a multiple dwelling development with a single vehicular access point to Colorado Avenue North, a public street that connects 93 rd Avenue to 94 th Avenue (C.S.A.H. 30). The MU district permits multiple dwellings by right. In addition to the site plan approval, the use is also required to conform to the Brooklyn Park Comprehensive Plan. Analysis of conformance of this proposal with the Comprehensive Plan are detailed within this report.					

24-113	Sandgrass Pointe	Applicant/Property Owner Parker Zee Woda Cooper Companies 500 S. Front St., 10 th Floor Columbus, OH 43215 P: 540-351-7877 pzee@wodagroup.com	08/14/24	08/26/24	Prepared By: Erin McDermott Presented By: Erin Perdu
		Summary: Woda Cooper proposes a 44-unit development with a 33-unit multifamily dwelling and 11 townhouses at 5800 69th Ave. North. One land use application is included with this application, a site plan review. A site plan application proposes conditions of property development and site design standards within the City. Site plans are reviewed by the Brooklyn Park Planning Commission and a recommendation is made to the City Council which votes to approve or deny the application. The site plan area is within the Multiple Family District (R4) Zoning District, is 3.67 acres and proposes a multiple dwelling and townhouses that will have a single vehicular access point to 69th Avenue North which is a public street, which is also Hennepin County The R4 district permits multiple dwellings and townhouses by right. In addition to the site plan approval, the use is also required to conform to the Brooklyn Park Comprehensive Plan. Analysis of conformance of this proposal with the Comprehensive Plan are detailed within this report			
24-114	Brooklyn Park Pet Hospital Addition	Applicant: Jeff Smith Tyree & D'Angelo Partners 111 E Wacker Drive, Suite 1200 Chicago, IL 60601 P: 312-940-5660 jsmith@tdpfund.com Property Owner: Jami Stromberg Brooklyn Park Pet Hospital 5815 80 th Avenue North Brooklyn Park, MN 55443 P: 763-566-6000 Jami@Bppethospital.com	09/11/24	09/23/24	Prepared By: Cara Donovan Presented By: Erin Perdu
		Summary: This request is for the construction of an addition to the existing structure located at 5815 80th Ave N and parking lot expansion. The addition will expand a portion of the existing structure to the east, increasing the footprint of the structure by 900 square feet. The parking lot expansion will construct 8 additional parking stalls by expanding the existing parking lot to the south with a proposed 10.3-foot setback from the adjacent property.			

24-115	6301 Welcome Ave - CUP	Applicant/Property Owner: Reshal Malik Caspian/Brait 7401 Brush Lake R Edina, MN 55439 P: 952-797-9999 Reshal@braitcapital.com	09/11/24	09/23/24	Prepared By: Erin McDermott Presented By: Erin Perdu
	Summary: Staff outlines a compliance plan in the background and next steps sections of this report, including the recommendation of denial of the sitewide request in favor of individual Conditional Use Permits (CUPs) for individual tenancies in line with current standard operating procedure for multi-tenant developments. Staff wants to affirm that the denial of this request does not revoke the right to auto oriented repair on this property as CUP #1989-3442 will remain in effect until an action is taken to revoke the existing CUP.				
24-117	Prairie Seeds Academy	Applicant: Deborah Rathman Rivera Architects 775 Fairmount Ave. St. Paul, MN 55105 P: 651-222-3245 Drathman.riveraarch@qwestoffice.net Property Owner: Crystal Vang Prairie Seeds Academy 6200 W Broadway Ave N Brooklyn Park, MN55428 P: 651-895-0650 CrystalVang@psak12.org	10/09/24	10/14/24 & 10/28/24	Prepared By: Cara Donovan Presented By: Erin Perdu
	Summary: This request is for the construction of an addition to the existing structure (school) located at 6200 W Broadway. Three land use applications are included with this application: a preliminary plat, a zoning ordinance text and map amendment (rezoning), and a site plan. The applicant has purchased four formerly single-family lots which the applicant intends to combine with the existing lot at 6200 W Broadway. The plat proposes combining five parcels to create a single, 12.17-acre lot. The final plat has been reviewed by Hennepin County, and the applicant has made all necessary modifications to the plat as presented. Upon approval, the applicant will file the plat with Hennepin County, after which building permits may be issued and the project may begin construction. This is the second reading of the request is for the rezoning of four single-family parcels from R1 (Detached Single-Family Estate District) to PI (Public Institution).				

The subject properties include four lots totaling 2.41 acres in the Sunny Lanes neighborhood. The existing structures on these properties are in the process of being demolished. The property to the north is zoned R1, properties to the west, beyond West Broadway, are zoned R-5 (Multiple Family District) and the property to the south, Prairie Seeds Academy, is zoned PI (Public Institution). These properties were purchased by Prairie Seeds Academy and the applicant proposes the properties be replatted and combined with the existing Prairie Seeds Academy for site plan changes which will include the expansion of the existing school. The future land use of these properties is designated as Low Density Residential in the 2040 Comprehensive Plan. It is proposed the future land use of these properties be redesignated as Institutional. The current zoning of these properties is R1 (Detached Single-Family Estate District). The proposed zoning of these properties is PI (Public Institution). The Public Institution (PI) zoning district allows schools as a conditional use. Prairie Seeds Academy was approved as a conditional use when it was constructed in 1972.					
24-118	7820 Lakeland Ave N - CUP	Applicant/Property Owner: Thelma Harris KJ's Windows Tint LLC 78200 Lakeland Ave N Brooklyn Park, MN 55445 P: 763-339-8815 Harristhelma35@gmail.com	10/09/24	10/28/24	Prepared By: Asma Jihad/ Erin McDermott Presented By: Erin Perdu
Summary: The property owner, KJ's Windows Tint has been operating auto repair services out of this property but is now strictly doing window tinting services in the structure previously utilized as a car wash. Per our ordinance, window tinting is considered an auto repair service, which requires a CUP. This application is to bring the subject property into compliance, as there has never been a Conditional Use Permit issued to this site for the operation of a window tinting service. There is no development proposed at this time. The existing structure is sufficient for the intended use of auto repair services for window tinting services provided by the applicant. Future intensification of auto repair services will require additional review per Section 152.305.					

24-119	Cannabis Zoning	City of Brooklyn Park	10/09/24	10/28/24	Prepared By: Erin McDermott & Keith Julie Presented By: Erin Perdu & Keith Jullie
Summary: In 2023, Minnesota became the 23rd state in the nation to legalize adult-use cannabis. The new law also created a new state office – the Office of Cannabis Management (OCM). Minnesota Statute Chapter 342 contains all regulations within state law pertaining to cannabis, including licensing by the OCM, and registration and land use requirements for municipalities that declare the desire to oversee the registrations of cannabis businesses. Local governments are given the option to register cannabis businesses and oversee compliance checks. In the event a city does not decide to partake in the registration process, registration defaults to the county in which the city is located. The Brooklyn Park City Council has determined they want the city to oversee registration, which does not occur until the applicant has undergone vigorous verification processes by the OCM. Local governments are not allowed to ban cannabis businesses, or limit operations in a manner beyond what is allowed in Minnesota Statute Chapter 342. Local governments are allowed to limit the number of cannabis retailers and businesses with retail endorsements to a minimum of one retail location per 12,500 residents. There is no obligation to seek out businesses if the number is not met by the market, however, the city would not be able to restrict a business if a limit is established, but not yet met. According to the 2020 Census the population of Brooklyn Park was 86,478, which obligates the city to register a minimum of 7 retailers or businesses with retail endorsements. There are 13 different types of licenses issued by the OCM, all of which have been individually listed on the use tables within the proposed zoning text amendment. Not all cannabis-oriented businesses include retail components.					
23-	QT	Applicant: Charlie Traynor Harry S. Johnson Co, Inc. 9063 Lyndale Avenue South Bloomington, MN 55420 P: 950-884-5341 Charlie@hsjsurveyors.com	11/13/24	11/25/24	Prepared By: Cara Donovan Presented By:

121	Addition	Property Owner: Will Tansey 6845 Winnetka Circle MN LLC c/o Felhaber Larson 220 South 6 th Street, 2200 Minneapolis, MN 55402 P: 612-373-8430 WTansey@felhaber.com			Paul Mogush
	Summary: The property owner, Q.T. Holdings, LLC, is requesting preliminary plat approval to increase the size of their parcel. The current lot size is inadequate to support the needs of the business, so they have sought an agreement from the neighboring property owner to buy a portion of the vacant adjacent lot. The preliminary plat proposes two lots. Lot 1, Block 1, QT Addition will expand the parcel where 6909 Winnetka Ave N is located. The final plat will not be authorized until which time the property owners reach an agreement to transfer the portion of 6908 Winnetka Cir N to the applicant at 6909 Winnetka Ave N.				

Planning Commission



Left to right: Sherese Turner, Kathy Fraser, Phillip Gaye-Bai, Liam Cavin, Teshite Wako, and Chukwunedu Arah
Not pictured: Maggie Borer, Abdo Korosso, and Christopher Udomah

MEMORANDUM

Date: February 12th, 2025
To: Planning Commission Members
From: Paul Mogush, Planning Director
Subject: Planning Commission 2025 Work Plan



City of Brooklyn Park
City Hall
5200 85th Ave. N.
Brooklyn Park, MN 55443
763-424-8000
www.brooklynpark.org

Summary:

Each year Brooklyn Park boards and commissions develop and approve an annual work plan. In recent years, staff have brought the work plan to a regular meeting early in the year for approval by the commission. This year, staff would like to give the commission some time to discuss the work plan at a work session prior to approval at the next regular meeting.

The following are the priorities that staff have identified for 2025:

Process land use applications and provide recommendations to the City Council:

This is the core and ongoing work of the Planning Commission.

Planning Commission Training:

Staff would like to provide periodic training to the commission on long range planning, zoning, land use law, and other applicable topics that would aid in the work of the commission in advising the City Council. Staff are very open to hearing from the commission on topics of interest.

Zoning code update:

The Planning Commission devoted a substantial amount of time in 2024 working with staff to make changes to the zoning code and map, to bring them into conformance with the 2040 Comprehensive Plan and making improvements to organization and readability. This was a first phase of code updates, with the intent of continuing to update the code on a regular basis. The running list of planned code updates is as follows:

- Administrative Lot Split
- Alternative Compliance
- Architectural Standards
- Bonding and Escrow Reform
- Camping
- Drive-throughs
- Greenspace
- Home Occupations
- Infill Development
- Lighting
- Missing Middle Housing
- Parking Standards
- Public Art Incentives
- Simplify Procedures
- Small Batch Manufacturing*
- Sustainability
- Variances
- Subdivision Ordinance - Variance and street design



City of Brooklyn Park
City Hall
5200 85th Ave. N.
Brooklyn Park, MN 55443
763-424-8000
www.brooklynpark.org

Northwest Growth Area Plan:

Work began in Fall 2024 on the Northwest Growth Area Plan, with public engagement beginning in January 2025. During the planning process, the Planning Commission and City Council will meet jointly to review draft plan materials and provide direction to staff on the plan content. Later in the year, the Planning Commission will make a recommendation to the City Council on the completed plan document.

Accessory Dwelling Units (ADUs):

In 2024 both the Planning Commission and the Community Long-Range Improvement Commission (CLIC) began discussing the possibility of allowing Accessory Dwelling Units on residential properties as a strategy for increasing housing options in Brooklyn Park. In 2025 Planning staff will be drafting zoning code text changes that for consideration by the Planning Commission and City Council that would allow ADUs.

Workplan | Planning Commission

Time Frame	Project or Task(s)	BP2025	Purpose (see next page for info)	Outcome (fill in after completed)
On-going	Process land use applications and provide recommendations to the City Council	United Community, Beautiful Places, Thriving Economy, Healthy & Safe People, Increased Equity, and Effective & Engaging Government	Recommend	
On-going	Planning Commission Training	United Community, Beautiful Places, Thriving Economy, Healthy & Safe People, Increased Equity, and Effective & Engaging Government	Recommend	
On-going	Zoning Code Updates	United Community, Beautiful Places, Thriving Economy, Healthy & Safe People, Increased Equity, and Effective & Engaging Government	Recommend	
On-going	Northwest Growth Area Plan	United Community, Beautiful Places, Thriving Economy, Healthy & Safe People, Increased Equity, and Effective & Engaging Government	Recommend	
On-going	Accessory Dwelling Units (ADUs)	United Community, Beautiful Places, Thriving Economy, Healthy & Safe People, Increased Equity, and Effective & Engaging Government	Recommend	

Workplan Projects: What's the purpose?

Commissions can either initiate a project themselves OR be asked by the Council or City Manager to do one of the following:

Report/Comment

- Commission studies a specific issue or topic and **reports its findings or comments to the Council**, either in writing or in a Council meeting.
- Commission does not vote.
- No direct action is taken.

Example: Charter Commissioner provided a memo on the topic of Council Members being employed by the City part-time, at the Council's request.

Recommend

- Commission reviews a specific policy issue and **makes a formal recommendation** to City Council on what action to take.
- A recommendation requires a majority of the Commissioners' support.
- Individual member comments are not included.

Examples: Planning Commission recommends approval on land use actions; RPAC made a recommendation on amplified sound policy.

Act

- Commission **initiates or takes on a project**, approved by Council through their workplan.

Example: HRC partnered with a community organization on an event; City Manager requests that HRC coordinate the "All Are Welcome" sign contest.

Brooklyn Park 2025 Community Goals

**Working together to make Brooklyn Park a thriving community
inspiring pride where opportunities exist for all.**

We asked and you answered! Our community wants to accomplish these goals by the year 2025:

Unified Community

A united and welcoming community, strengthened by our diversity.

- We have connected neighbors who understand and celebrate our unique cultures.
- Brooklyn Park is unified with a strong positive identity and image.
- Our community's activities, events and services are inclusive, multi-cultural, and accessible.
- We have places and spaces for diverse communities to gather.
- Residents of every age contribute to our community.

Beautiful Places

Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination.

- Modern transportation options (drive, ride, walk, bike) connect people to education, jobs, and recreation.
- Quality recreation and park amenities inspire activity for all ages and interests.
- Our rich diversity is showcased through our vibrant music, art, food, entertainment, and cultural scene.
- Attractive key corridors, corners, and city centers create destinations that meet community needs.
- Neighborhoods are well-maintained with quality housing for all ages and incomes integrated throughout the community.

Thriving Economy

A balanced economic environment that empowers businesses and people to thrive.

- People of all ages and backgrounds enjoy financial stability.
- Residents and visitors support an abundance of retail stores, restaurants, and entertainment venues.
- Our business environment inspires private investment and job growth.
- Business and organizations of all types, sizes and specialties start, stay and grow here.
- We are a leader in environmental sustainability, benefiting our economy and community.

Healthy and Safe People

People of all ages have what they need to feel healthy and safe.

- Neighborhoods are empowered and supported by strengthened positive relationships with police.
- Youth are engaged in positive and quality experiences.
- Aging adults have services and amenities to thrive and age in place.
- Everyone has access to quality healthy food options.
- People have access to quality medical and emergency care.

Increased Equity

Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper.

- Each resident has access to the training and support needed to get and keep a living wage job.
- Each student graduates high school with a pathway to college or career.
- Aging neighborhoods and commercial centers are revitalized through continuous investment.
- The community provides necessary supports and services for community members to overcome life challenges such as hunger, mental illness, and homelessness.

Effective, Engaging Government

Effective and engaging government recognized as a leader.

- The City provides quality services at a reasonable cost.
- Elected officials, commissions, and City staff reflect the diversity of the community and are culturally competent.
- City information is clear, accessible, and delivered in ways that meet the community's needs.
- City laws are understandable, equitably enforced, and relevant to the community.
- The City is well-managed and recognized as a great place to work.

City of Brooklyn Park

Request for Council Action

Agenda Item:	3B.3	Meeting Date:	March 24, 2025
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Operations and Maintenance Engineering Services Division
Resolution:	N/A	Prepared By:	Marc Culver, City Engineer
Ordinance:	N/A		
Attachments:	2	Presented By:	Tekoa Cochran, Community Long-range Improvement Commission Chair
Item:	Community Long-range Improvement Commission 2023-2024 Annual Report and 2025 Work Plan		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO ACCEPT THE COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION 2025 WORK PLAN

Overview:

Tekoa Cochran, Community Long-range Improvement Commission Chair, will present the Community Long-range Improvement Commission's Annual Report and Work Plan.

The Community Long-range Improvement Commission (CLIC) is required to submit and have accepted by Council written and verbal reports consisting of review of work from the previous year and proposed work plan for the current year.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.3A 2023-2024 ANNUAL REPORT
3B.3B 2025 WORK PLAN

ANNUAL REPORT TO COUNCIL

2024-2025

Presented by Tekoa Cochran, Chair

CLIC 2024-2025 ANNUAL REPORT TO COUNCIL

CLIC 2024-2025 OVERVIEW

1. Reporting period: April 2024–March 2025
2. Fifteen Commissioners, 1 Council Member, 1 Staff Liaison, 0 Youth Members
3. 11 monthly meetings – 10 quorums – average attendance = 9

CLIC 2024-2025 HIGHLIGHTS

1. **Friendly and Safe City for All Ages**

- Researched youth programming available in Brooklyn Park and surrounding communities
- Connecting with Brooklyn Bridge Alliance for the Youth to observe their work

2. **Housing**

- Discussed and researched Accessory Dwelling Units in other cities
- Ensure the outcomes of the CURA Housing Study are implemented

3. **Mobility**

- Provided recommendation to City Council on the need for a Complete Streets Policy

4. **Future Planning**

- Reviewed/Commented on Capital Improvement Plan (CIP)/ Capital Equipment Plan (CEP)

5. **Racial Equity Principles**

- Received a presentation reviewing CLIC's contributions to the recently established Racial Equity Principles

CLIC 2024-2025 ANNUAL REPORT TO COUNCIL

CLIC 2024-2025 ACTIONABLE ITEMS

1. 2024- 2028 CIP-CEP Recommendation Approvals.
2. 2025- 2026 Work Plan completed.
3. 2025 Elections: Tekoa Cochran (Chair), Jorge Martinez (Vice Chair), Brenda Reeves (Secretary)

CLIC 2025-2026 WORK PLAN (SEE ATTACHMENT)

1. **Friendly and Safe City For All Ages** - Review/Comment/Recommend/Act
 - Keep in front of the Council and continue to monitor progress of recommendations.
 - Participate in planning of Senior Center and Park System Plan Projects.
 - Recommend educational programs in conjunction with cannabis legislation
 - Identify ways to stay engaged in state programs
 - Incorporate best practices outlined in the AARP Age Friendly guidelines.
 - Youth Wellbeing – improve existing programs and explore new ones.
 - Create ways to celebrate all cultures in BP
2. **Housing** - Ongoing Review/Comment/Recommend
 - Review Housing Study recommendations (CURA) and City Policy on housing.
 - Work with the HRC to ensure policies / programs are included in the housing study to promote home ownership that reflects the community.
 - Research and define HOA issues
 - Collaborate and Support the HRC in their Housing efforts.
 - Continue to explore long term housing for life transitions.
 - Look for ways to ensure safe housing for all.
3. **Mobility**– Ongoing Updates/Review/Comment/Recommend
 - Make recommendations for improved East-West Mobility (Transit, trails, & sidewalks).
 - Engage Development / transportation improvement (LRT and 252 projects) impacts on gentrification, rent levels, property taxes, & housing policy.
 - Identify best practices for bike and ped safety.
4. **Future Planning** - Ongoing Review/Comment/Recommend
 - Promote progress for increasing steps in the GreenStep program

CLIC 2024-2025 ANNUAL REPORT TO COUNCIL

- Review, comment, and question how the CIP / CEP supports CLIC's work plan.
 - 2026 CLIC work plan.
 - Use results of the Census to inform future recommendations and decisions.
 - Provide input on the City's Cannabis legalization process
 - Provide input on the City's Electric Mobility project
 - Keep informed about new Community Engagement strategies and provide recommendations
 - Encourage Environmental Justice outreach for planning projects
5. **Strategic Planning** - Ongoing Review/Comment/Recommend
- Provide input on the future goal planning for the City
 - BP Goals Refresh Steering Committee
 - Work with community engagement on outreach to residents/contractors to ensure equitable access in decision making process

COMMISSION INFORMATION

COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION (CLIC)

City of Brooklyn Park
5200 85th Avenue North
Brooklyn Park, MN 55443

763-424-8000

<http://www.brooklynpark.org/commissions/citizen-long-range-improvement/>

Community Long-range Improvement Commission (CLIC) members study long-term trends and make recommendations to the City Council on improvements to Brooklyn Park's future. CLIC is the only commission specifically mentioned in the City Charter (9.04).

Issues range from promoting business development, making transit connections, use of social media and mobile technology and partnering with groups in the community. The Community Long-range Improvement Commission also reviews the City's infrastructure planning (streets, sewers, and public buildings) where public funds will be involved.

The Community Long-range Improvement Commission studies city departments, initiatives and processes to see if anything can be improved. This committee works with all the departments.

- Make recommendations to the City Council if there are improvements that should be made to better meet the needs of the community

CLIC 2024-2025 ANNUAL REPORT TO COUNCIL

- When improvements are brought to the table, help the City Council determine which improvements are done first

TEKOA COCHRAN CHAIR	JORGE MARTINEZ VICE CHAIR	MITCH ROBINSON STAFF LIAISON
Tel tekoacochran@gmail.com	Tel jymbpmn@gmail.com	Tel 763-493-8291 Mitchell.robinson@brooklynpark.org

Workplan | Community Long-Range Improvement Commission

April 2025 - March 2026

Time frame	Project or Task(s)	BP2025	Purpose (see next page for info)	Outcome (fill in after completed)
Ongoing	Friendly and Safe City For all Ages <u>Purpose Statement</u> People of all ages have the resources they need to feel healthy and safe.	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6	☒ Report/Comment ☒ Recommend ☒ Act Initiated by: ☒ Commission ☒ Council ☐ City Manager	- Research projects and programs that promote safety and security for all ages - Educational programs in conjunction with cannabis legalization - Intergenerational and intercultural programming to bring different groups together - Senior wellbeing and education around existing programs/mobility (Adopt A Senior)
Ongoing	Strategic Planning <u>Purpose Statement</u> Support City Council in development of future long term plan/community goals	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6	☒ Report/Comment ☒ Recommend ☐ Act Initiated by: ☒ Commission ☒ Council ☒ City Manager	- Provide input on the upcoming future planning for the City - Work with community engagement on outreach to residents/contractors to ensure equitable access in decision making process
Ongoing	Housing <u>Purpose Statement</u> Advocate for creating and maintaining habitable and affordable housing for all residents.	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6	☒ Report/Comment ☒ Recommend ☒ Act Initiated by: ☒ Commission ☐ Council ☐ City Manager	- Research and define HOA issues - Research the establishment of a Housing Commission - Improvement on reporting tenant rights violations - Accessible and affordable housing for seniors
Ongoing	Mobility <u>Purpose Statement</u> To improve the pedestrian environment and infrastructure to encourage walking, biking, and transit as a safe and accessible mode of transportation in BP.	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6	☒ Report/Comment ☒ Recommend ☒ Act Initiated by: ☒ Commission ☐ Council ☐ City Manager	- Make recommendations for improved East-West Mobility (Transit, trails, & sidewalks). - Engage Development / transportation improvement (BLE and 252 projects) impacts on gentrification, rent levels, property taxes, & housing policy. - Identify best practices for bike and ped safety including PlacesForBikes City Ratings program, Walk Friendly Communities, etc.
2024	Future Planning	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6	☒ Report/Comment ☒ Recommend ☐ Act Initiated by: ☒ Commission ☐ Council ☐ City Manager	- Promote progress for increasing steps in the GreenStep program - Review, comment, and question how the CIP / CEP supports CLIC's work plan. 2026 CLIC work plan. - Environmental justice outreach for planning projects

Workplan | Community Long-Range Improvement Commission

April 2025 - March 2026

- Provide input on organics recycling program
- Provide input on the Northwest Area Growth Plan

1: *United Community* 2: *Beautiful Places* 3: *Thriving Economy* 4: *Healthy & Safe People* 5: *Increased Equity* 6: *Effective & Engaging Gov't*

Notes:

-

Main topics of concern. Sub-committees on the following projects:

1. Housing
 - a. Tekoa, Brenda, Cindy, Jorge, Nailah
2. Friendly and Safe City for All Ages
 - a. Mary, Umebe, Patrick C, Patrick H, Theo
3. Mobility
 - a. Shelley, Edna, Nicholas

Workplan Projects: What's the purpose?

Workplan | Community Long-Range Improvement Commission

April 2025 - March 2026

Commissions can either initiate a project themselves OR be asked by the Council or City Manager to do one of the following:

Report/Comment

- Commission studies a specific issue or topic and **reports its findings or comments to the Council**, either in writing or in a Council meeting.
- Commission does not vote.
- No direct action is taken.

Example: Charter Commissioner provided a memo on the topic of Council Members being employed by the City part-time, at the Council's request.

Recommend

- Commission reviews a specific policy issue and **makes a formal recommendation** to City Council on what action to take.
- A recommendation requires a majority of the Commissioners' support.
- Individual member comments are not included.

Examples: Planning Commission recommends approval on land use actions; RPAC made a recommendation on amplified sound policy.

Act

- Commission **initiates or takes on a project**, approved by Council through their workplan.

Example: HRC partnered with a community organization on an event; City Manager requests that HRC coordinate the "All Are Welcome" sign contest.

Workplan | Community Long-Range Improvement

Brooklyn Park 2025 Community Goals

**Working together to make Brooklyn Park a thriving community
inspiring pride where opportunities exist for all.**

We asked and you answered! Our community wants to accomplish these goals by the year 2025:

United Community

A united and welcoming community, strengthened by our diversity.

- We have connected neighbors who understand and celebrate our unique cultures.
- Brooklyn Park is unified with a strong positive identity and image.
- Our community's activities, events and services are inclusive, multi-cultural, and accessible.
- We have places and spaces for diverse communities to gather.
- Residents of every age contribute to our community.

Beautiful Places

Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination.

- Modern transportation options (drive, ride, walk, bike) connect people to education, jobs, and recreation.
- Quality recreation and park amenities inspire activity for all ages and interests.
- Our rich diversity is showcased through our vibrant music, art, food, entertainment, and cultural scene.
- Attractive key corridors, corners, and city centers create destinations that meet community needs.
- Neighborhoods are well-maintained with quality housing for all ages and incomes integrated throughout the community.

Thriving Economy

A balanced economic environment that empowers businesses and people to thrive.

- People of all ages and backgrounds enjoy financial stability.
- Residents and visitors support an abundance of retail stores, restaurants, and entertainment venues.
- Our business environment inspires private investment and job growth.
- Business and organizations of all types, sizes and specialties start, stay and grow here.
- We are a leader in environmental sustainability, benefiting our economy and community.

Healthy and Safe People

People of all ages have what they need to feel healthy and safe.

- Neighborhoods are empowered and supported by strengthened positive relationships with police.
- Youth are engaged in positive and quality experiences.
- Aging adults have services and amenities to thrive and age in place.
- Everyone has access to quality healthy food options.
- People have access to quality medical and emergency care.

Increased Equity

Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper.

- Each resident has access to the training and support needed to get and keep a living wage job.
- Each student graduates high school with a pathway to college or career.
- Aging neighborhoods and commercial centers are revitalized through continuous investment.
- The community provides necessary supports and services for community members to overcome life challenges such as hunger, mental illness, and homelessness.

Effective, Engaging Government

Effective and engaging government recognized as a leader.

- The City provides quality services at a reasonable cost.
- Elected officials, commissions, and City staff reflect the diversity of the community and are culturally competent.
- City information is clear, accessible, and delivered in ways that meet the community's needs.
- City laws are understandable, equitably enforced, and relevant to the community.
- The City is well-managed and recognized as a great place to work.

City of Brooklyn Park

Request for Council Action

Agenda Item:	3B.4	Meeting Date:	March 24, 2025
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Marcellus Davis Racial Equity Diversity, Inclusion Manager (REDI)
Ordinance:	N/A		
Attachments:	1	Presented By:	Andrea Pérez Maikkula Commissioner
Item:	Human Rights Commission Annual Report and 2025 Work Plan		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO ACCEPT THE HUMAN RIGHTS COMMISSION 2025 WORK PLAN.

Overview:

Human Rights Commission Chair, Andrea Pérez-Maikkula, will present the 2023 Human Rights Commission Annual Report and the 2024 Work Plan.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.4A WORK PLAN (*TBA Monday*)

City of Brooklyn Park Request for Council Action

Agenda Item:	4.1	Meeting Date:	March 24, 2025
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Katrina Doshier, Program Assistant
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Mayor Hollies Winston
Item:	Appointment to the Recreation and Parks Advisory Commission		

City Manager's Proposed Action:

Appoint commissioners to serve on the Recreation and Parks Advisory.

Recreation and Parks Advisory (RPAC)

West District (One Appointment)

MOTION _____, SECOND _____, TO APPOINT **LONG DANG** TO THE RECREATION AND PARKS ADVISORY COMMISSION REPRESENTING THE WEST DISTRICT EFFECTIVE APRIL 1, 2025, FOR THE BALANCE OF A THREE-YEAR TERM TO EXPIRE APRIL 1, 2028. (REPLACING DWAIN ERICKSON)

Overview:

On March 11, 2025, one of the newly appointed commissioners from the West District declined the appointment to RPAC. There was one candidate that interviewed on February 24, 2025 from the West District that expressed an interest in serving on RPAC as a second choice, but did not list it on their original application.

Since the Council has held interviews within the last 90 days, these seats can be filled by Council with candidates that were not appointed to other seats or have expressed interest in serving on more than one commission.

Primary Issues/Alternatives to Consider:

Selection and appointment of commissioners.

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park

Request for Council Action

Agenda Item:	4.2	Meeting Date:	March 24 th , 2025
Agenda Section:	Consent	Originating Department:	Operations and Maintenance
Resolution:	X	Prepared By:	Mark Becker, Street/Fleet Manager
Ordinance:	N/A		
Attachments:	3	Presented By:	Marc Culver, City Engineer
Item:	Award the Bid for the 2025 MSA Crack Seal Project to Seal Pros of Hopkins, MN		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2025-_____ TO AWARD THE BID FOR THE 2025 MSA CRACK SEAL PROJECT TO SEAL PROS OF HOPKINS, MN AND TO AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE THE CONTRACT.

Overview:

The proposed MSA Crack Sealing project is a continuation of the street maintenance and rehabilitation program, which began in 1993 to preserve/increase street life. The street studies by IMS, Braun-Intertec and staff and research by APWA, MnDOT, Mn Local Road Research Board, counties and other cities have shown a benefit if crack sealing is performed when streets are in relatively good condition.

The crack sealing projects are necessary to extend the useful life of existing streets in good condition in Street/Utilities Maintenance Districts. The streets recommended for crack sealing were selected by condition study, review of other related infrastructure items and other relevant input. Approximately 8 miles of Municipal State Aid (MSA) streets in the city are shown on the map.

The 2025 MSA Crack Seal Project O&M-SM-25-02 was advertised on February 27th, 2025, in the Brooklyn Park Sun-Post. On March 14th, 2025, five (5) bids were received. The lowest responsible bid meeting specifications was from Seal pros of Hopkins, MN in the amount of \$125,000.00.

Primary Issues/Alternatives to Consider:

This project is necessary to meet the goal of providing continuous infrastructure preservation and is recommended for contract award.

Operations & Maintenance Staff recommend approval.

Budgetary/Fiscal Issues:

The recommended bid proposal cost of \$125,000.00 is included in the 2025-2029 Capital Improvement Plan as project #4002-25. This project is budgeted in the Special Assessment Construction Fund and will be reimbursed at the end of the year by franchise fee revenue.

Attachments:

- 4.2A RESOLUTION
- 4.2B BID TAB
- 4.2C MAP OF STREETS

RESOLUTION #2025-

RESOLUTION TO AWARD THE BID
FOR THE 2025 MSA CRACK SEAL PROJECT TO SEAL PROS OF HOPKINS, MN AND TO AUTHORIZE
THE MAYOR AND CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, the 2025 MSA Crack Seal Project was advertised in the Sun Post and Quest CDN #9535645 bid site on February 27th, 2025, and

WHEREAS, on March 14th, 2025, five (5) bids were received; and

WHEREAS, the lowest responsible bid meeting specifications is from Seal Pros in the amount of \$125,000.00; and

WHEREAS, the construction project, CIP #4002-25, is budgeted in the 2025 Special Assessment Construction Fund and will be reimbursed by franchise fee revenue at the end of the year; and

WHEREAS, the MSA Crack Seal Program is necessary to preserve/increase the useful life of existing streets.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to award the bid for the 2025 MSA Crack Seal Project to Seal Pros in the amount of \$125,000.00.

2025 Crack Sealing of MSA Streets

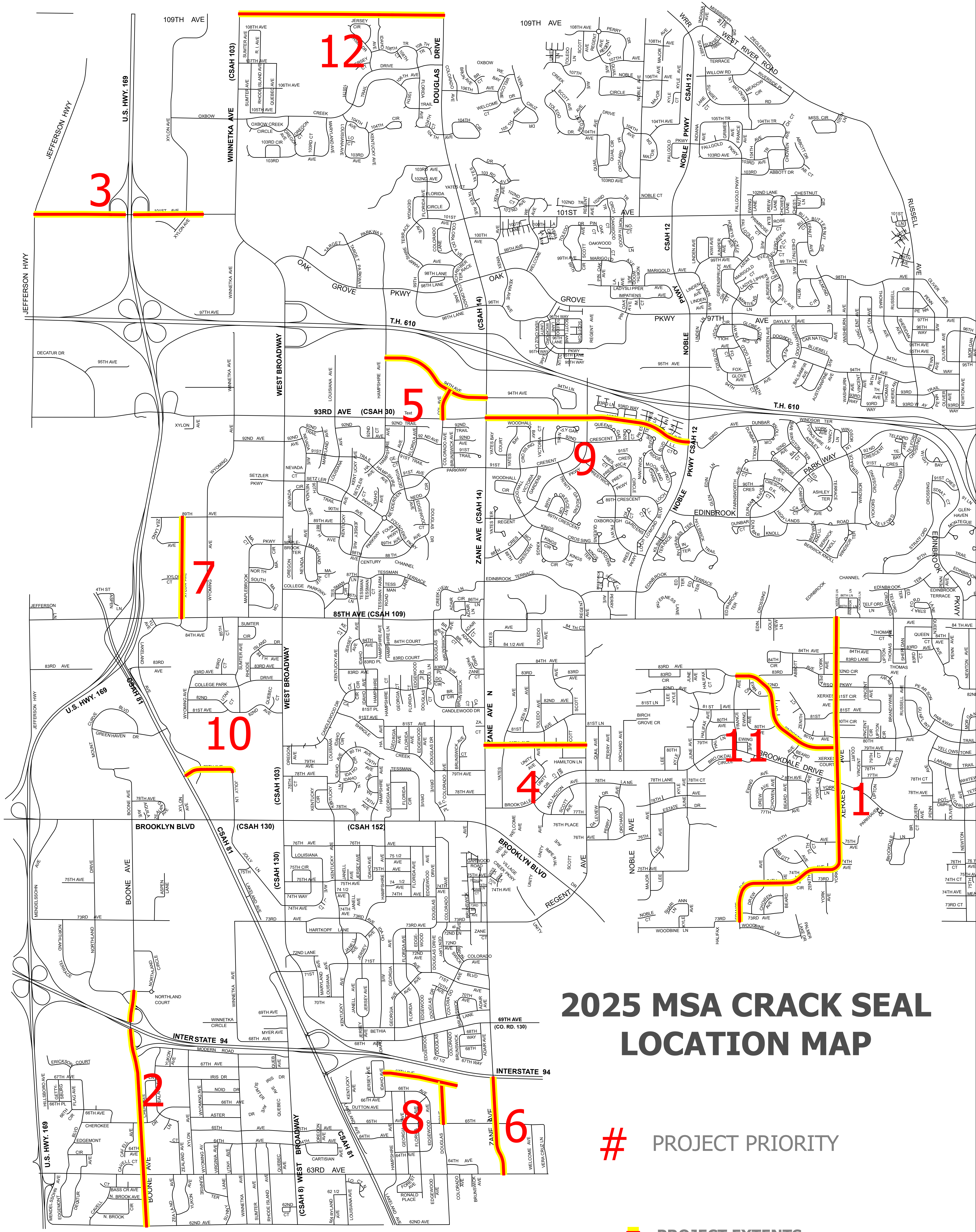
Quest Number: 9535645

Owner Number: CIP4001-25a
Closing Date: Fri, 03/14/2025 11:00 AM CDT
Posting Type: Construction Project
Owner: Brooklyn Park MN, City of
Solicitor: Brooklyn Park MN, City of

Owner Name:	Brooklyn Park MN, City of
Owner Contact:	Mr. Mark Becker
Owner Phone:	763-493-8009
Solicitor Name:	Brooklyn Park MN, City of
Contact:	Mr. Craig Runnakko, P.E.
Email:	craig.runnakko@brooklynpark.org
Phone:	763-493-8109
Award Date:	
Comments:	
Award Status:	Pending

Letting Bid Tabulation: [View on vBid](#)

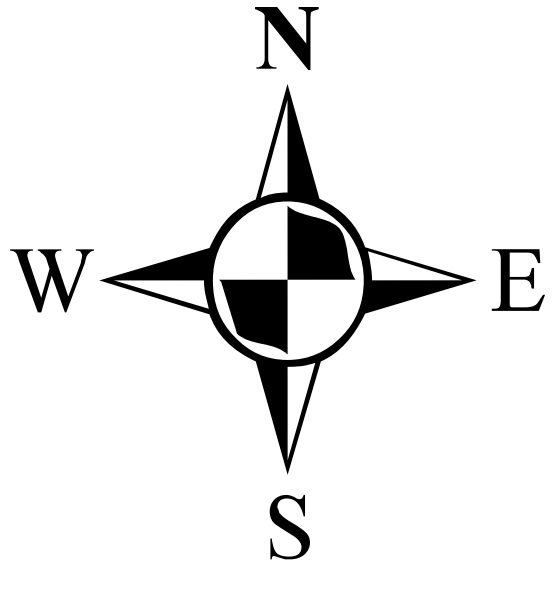
Company	Contact	Phone	E-mail	Amount	Awarded	Comment
SEALPROS	Andrei Branitski	612-221-3064	andrei@sealpros.com	\$ 125,000.00		
Allied Blacktop Company	Matt Dolecki	763 425-0575	m.dolecki@alliedblacktopmn.com	\$ 138,000.00		
Asphalt Surface Technologies Corp.	Dale Strandberg	320-363-8500	astechquotes@gmail.com	\$ 220,000.00		
Fahrner Asphalt Sealers, LLC	Jeff Sheehan	715.874.6070	jeff.sheehan@fahrnerasphalt.com	\$ 235,000.00		
Northwest Asphalt & Maintenance	Jared Peterick	218-681-7581	jared@nwamaintenance.com	\$ 400,000.00		



2025 MSA CRACK SEAL LOCATION MAP

PROJECT PRIORITY

PROJECT EXTENTS



DATE: 2/5/2025

City of Brooklyn Park

Request for Council Action

Agenda Item:	4.3	Meeting Date:	March 24, 2025
Agenda Section:	Consent	Originating Department:	Recreation and Parks
Resolution:	X	Prepared By:	Brad Tullberg, Recreation and Parks Director
Ordinance:	N/A		
Attachments:	1	Presented By:	Brad Tullberg
Item:	Authorize Application for Grant Funding through MN DNR Outdoor Recreation Grant		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2025-_____ TO AUTHORIZE THE APPLICATION FOR GRANT FUNDING THROUGH THE MN DNR OUTDOOR RECREATION GRANT FOR HISTORIC EIDEM FARM.

Overview:

The Minnesota Department of Natural Resources (DNR) Outdoor Recreation Grant Program assists local governments in acquiring parkland and developing or redeveloping outdoor recreation facilities in local and community parks throughout the state. There are two sources of funding for the Outdoor Recreation Grant Program: federal and state funds. Federal funds come from the Land and Water Conservation Fund (LWCF), provided by the National Park Service (NPS). Federal funding available for FY 2026 has not yet been allocated but should be at least \$2.5 million for the Outdoor Recreation Grant Program and the Natural and Scenic Areas Grant Program. Grants are reimbursed up to 50 percent of the total eligible costs. The maximum grant award is \$350,000 (for a total project of \$700,000).

As part of the 2018 Park Bond Referendum, a program support building with bathrooms was identified as a priority project for Historic Eidem Farm. The proposed project will add an indoor program space with bathrooms, picnic shelter, accessible raised garden beds, and an accessible trail.

Staff have reviewed grant requirements and agree to be bound by MN DNR Outdoor Recreation Grant Agreement and are prepared to be the fiscal agent for the award, to disburse the funds, and ensure the funds are used as listed in the application.

Primary Issues/Alternatives to Consider:

Staff recommend authorization to submit application for the MN DNR Outdoor Recreation Grant to support the addition of a program building with bathrooms, picnic shelter, accessible raised community garden plots and accessible trail.

Budgetary/Fiscal Issues:

Staff is requesting up to \$350,000 in MN DNR Outdoor Recreation Grant funds to be used to support the addition of a program building with bathrooms, picnic shelter, accessible raised community garden plots and accessible trail.

Attachments:

4.3A RESOLUTION

RESOLUTION #2025-

RESOLUTION TO AUTHORIZE THE APPLICATION FOR GRANT FUNDING
THROUGH THE MN DNR OUTDOOR RECREATION GRANT FOR HISTORIC
EIDEM FARM

WHEREAS, the Minnesota Department of Natural Resources (DNR) Outdoor Recreation Grant Program assists local governments in acquiring parkland and developing or redeveloping outdoor recreation facilities in local and community parks throughout the state; and

WHEREAS, The City of Brooklyn Park desires to develop indoor program space with bathrooms, picnic shelter, accessible raised garden beds, and an accessible trail at Historic Eidem Farm.

BE IT RESOLVED that the City of Brooklyn Park act as legal sponsor for the project contained in the Outdoor Recreation Grant application to be submitted on March 31, 2025 and that the Recreation and Parks Director is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of the City of Brooklyn Park.

BE IT FURTHER RESOLVED that the applicant maintains an adequate Conflict of Interest Policy and, throughout the term of the contract, will monitor and report any actual or potential conflicts of interest to the State, upon discovery.

BE IT FURTHER RESOLVED that the City of Brooklyn Park has the legal authority to apply for financial assistance, and it has the financial capability to meet the match requirement (if any) and ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of Brooklyn Park has not incurred any development costs and has not entered into a written purchase agreement to acquire the property described in the Cost Breakdown section on this application.

BE IT FURTHER RESOLVED that the City of Brooklyn Park has or will acquire fee title or permanent easement over all the land described in the boundary map or recreational site plan included in the application.

BE IT FURTHER RESOLVED that, upon approval of its application by the State, the City of Brooklyn Park may enter into an agreement with the State for the above-referenced project, and that the City of Brooklyn Park certifies that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for uses consistent with the funding grant program into perpetuity.

NOW, THEREFORE BE IT RESOLVED that the city manager is hereby authorized to execute such agreements as necessary to implement the project on behalf of the applicant.

City of Brooklyn Park

Request for Council Action

Agenda Item:	4.4	Meeting Date:	March 24, 2025
Agenda Section:	Consent	Originating Department:	Rental and Business Licensing Division
Resolution:	N/A	Prepared By:	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	1	Presented By:	Keith Jullie, Rental and Business Licensing Manager
Item:	Set a Public Hearing on April 14, 2025, to Consider the Approval of an On-Sale Intoxicating Liquor License for Si Senor Kitchen LLC, Doing Business as Si Senor Kitchen, Located at 8582 Edinburgh Centre Drive North		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO SET A PUBLIC HEARING TO CONSIDER THE APPROVAL OF AN ON-SALE INTOXICATING LIQUOR LICENSE FOR SI SENOR KITCHEN LLC, DOING BUSINESS AS SI SENOR KITCHEN, LOCATED AT 8582 EDINBURGH CENTRE DRIVE NORTH

Overview:

This action is to set a public hearing for a new On-Sale Intoxicating Liquor License for Si Senor Kitchen LLC doing business as Si Senor Kitchen, located at 8582 Edinburgh Centre Drive North. This location was previously licensed under the previous business owner as Tacos el Paraiso and did not hold a liquor license at this location.

Pursuant to state statute, the business must comply with state laws, local laws, and procedures. To comply with state laws, a public hearing must be held prior to City Council approval of the license required. The results of the inspections and investigations will be available at the public hearing on April 14, 2025.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.4A NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING
CITY OF BROOKLYN PARK, MINNESOTA**

NOTICE IS HEREBY GIVEN that the Brooklyn Park City Council will hold a public hearing in the City Hall Council Chambers, 5200 85th Avenue North, on Monday, April 14, 2025, at 6:00 p.m. or soon thereafter to consider the issuance of an On-Sale Intoxicating Liquor License for Si Senor Kitchen LLC doing business as Si Senor Kitchen, located at 8582 Edinburgh Centre Dr North.

All people desiring to be heard are invited to attend. Written comments will be received by the Licensing Division prior to the hearing.

Devin Montero
City Clerk

Published in the Brooklyn Park Sun Post on April 3, 2025.

City of Brooklyn Park

Request for Council Action

Agenda Item:	4.5	Meeting Date:	March 24, 2025
Agenda Section:	Consent	Originating Department:	Community Development, Rental and Business Licensing
Resolution:	N/A		Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	N/A		
Item:	Approve a Temporary On-Sale Liquor License for Brooklyn Park Lions for their Smelt Fry to be Held April 23-25, 2025, at the Armory Gymnasium, 5500 85 th Avenue North		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR BROOKLYN PARK LIONS FOR THEIR SMELT FRY TO BE HELD APRIL 23-25 2025, AT THE ARMORY GYMNASIUM, 5500 85TH AVENUE NORTH.

Overview:

The annual Smelt Fry put on by the BP Lions is scheduled for April 23, 24, and 25, 5:00-8:00 p.m., at the Armory at 5500 85th Avenue North. The Smelt Fry started back in 1962 as a unique way to raise funds for the Lions. Their tradition continues as their most successful fundraiser and is promoted as the World's Largest Smelt Fry. More information can be found at www.brooklynparklions.org

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

Agenda Item:	4.6	Meeting Date:	March 24, 2025
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A		Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Keith Jullie, Rental and Business Licensing Manager
Item:	Approve a Tetrahydrocannabinol (THC) and Tobacco License for Puff Puff Smokes LLC, dba Puff Puff Smokes, Located at 7642 Brooklyn Blvd N, Brooklyn Park, MN 55443		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE A TETRAHYDROCANNABINOL (THC) LICENSE FOR PUFF PUFF SMOKES LLC, DBA PUFF PUFF SMOKES, LOCATED AT 7642 BROOKLYN BLVD N, BROOKLYN PARK, MN 55443

MOTION _____, SECOND _____, TO APPROVE A TOBACCO LICENSE FOR PUFF PUFF SMOKES LLC, DBA PUFF PUFF SMOKES, LOCATED AT 7642 BROOKLYN BLVD N, BROOKLYN PARK, MN 55443

Overview:

This is a new THC and tobacco license for this location and has previously been licensed for THC and tobacco sales. Puff Puff Smokes LLC is purchasing the business and will operate as Puff Puff Smokes. MAM Company LLC dba BP Smoke Shop was the previous owner and license holder of the THC and tobacco licenses.

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 March 17, 2025. The Police and Community Development Departments recommend the 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:

Business Name	Location	Council District	West	Central	East
A&J Tobacco	8058 Brooklyn Blvd	West	X		
A1 Smokes and Vapes	3015 85th Ave	East			X
Boone Tobacco	6284 Boone Ave	West	X		
Fast N Fresh	6321 Zane Ave N	West	X		
Cellar's Wine & Spirits	7944 Brooklyn Blvd	West	X		
E-Cig Market	8413 W Broadway	West	X		
E-Vapor and Tobacco	4658 85th Ave	Central		X	
Go For It Gas	7820 Lakeland Ave	West	X		
Good Zen	8509 Jefferson Ln	West	X		
High Cloud	8521 Zane Ave	Central		X	
Ike's Wine & Spirits	9682 Colorado Ln	West	X		
Kwik Trip	5801 96 th Ave	Central		X	
Kwik Trip	9495 Noble Pkwy	Central		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		
Pixie Liquor	1512 Brookdale Dr	East			X
Puff-Puff Tobacco (new)	7642 Brooklyn Blvd	East			X
Speedy Market & Tobacco	7401 Regent Ave	East			X
Tobacco for Less	9334 Zane Ave	Central		X	
Tobacco Plus	1436 - 85th Ave	East			X
Up North Liquor	9570 Noble Pkwy	Central		X	
Winner Gas	1500 Brookdale Dr	East			X
		Totals	11	6	6

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

THC license fee of \$1000 will be added to the general fund.
Tobacco license fee of \$200 will be added to the general fund.

Attachments: N/A

City of Brooklyn Park

Request for Council Action

Agenda Item:	4.7	Meeting Date:	March 24, 2025
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Keith Jullie, Rental and Business Licensing Manager
Ordinance:	FIRST READING		
Attachments:	2	Presented By:	Keith Jullie
Item:	Intoxicating Liquors Ordinance Amendment		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE REMOVING SECTION 112.032, PARAGRAPH (D) (1) OF THE BROOLYN PARK CITY CODE PERTAINING TO US CITIZENSHIP REQUIREMENTS

Overview:

At its regular meeting on February 24, 2025, the City Council adopted the Employee Authority in Immigration Matters Policy. The purpose of the policy is to clarify the city's relationship with the United States Department of Homeland Security and other federal agencies with respect to the enforcement of federal immigration laws and to provide direction to city employees in matters related to immigration while providing general city services and public safety services.

Review of the city's various business licensing ordinances found the citizenship language within Chapter 112: Intoxicating Liquors. This code amendment will bring the city into compliance with the Council's immigration policy.

Primary Issues/Alternatives to Consider:

- Approve the ordinance as presented
- Amend and approve the ordinance
- Make no changes to the ordinance

Budgetary/Fiscal Issues: N/A

Attachments:

4.7A ORDINANCE
4.7B IMMIGRATION POLICY

ORDINANCE 2025-

AN ORDINANCE AMENDIING SECTION 112.0322, PARAGRAPH (D)(1) OF THE
BROOKLYN PARK CITY CODE PERTAINING TO US CITIZENSHIP REQUIREMENTS

~~Text with strikeout is proposed for deletion~~
Underlined text is proposed for insertion

The City of Brooklyn Park does ordain:

Section 1. Section 112.032, Paragraph (D)(1) of the City Code is amended to read as follows:

(D) The Council, in its sole discretion and for any reasonable cause, may refuse to grant any license. Licenses will not be issued to a person who has any of the following:

~~—(1) Is not a United States citizen;~~

~~(2)~~ (1) Has a felony conviction;

~~(3)~~ (2) Who has previous convictions in the past five years of illegal sales of alcohol or alcoholic beverages, including but not limited to sales to minors;

~~(4)~~ (3) Has not properly filed personal and/or business tax returns;

~~(5)~~ (4) Has had a liquor license from any city, county, or state revoked within five years of the pending license application.

7.19 Employee Authority in Immigration Matters Policy

Purpose and Policy

This purpose of this policy is to clarify the city's relationship with the United States Department of Homeland Security and other federal agencies with respect to the enforcement of federal immigration laws and to provide direction to our employees in matters related to immigration while providing general city services and public safety services.

The city works cooperatively with all state and federal agencies, but the city does not operate its general city services and public safety services for the purpose of enforcing federal immigration laws. The Department of Homeland Security has the legal authority to enforce immigration laws in the United States, in Minnesota and in the city.

City employees shall not discriminate against any current or potential service users based on immigration status. All residents are equally entitled to protection, and all residents should be able to access city services to which they are entitled, without regard to their immigration status under federal law.

General City Services

In determining eligibility for, and providing general city services, city employees should not inquire into the immigration status of any person or request any documents or information verifying immigration status unless specifically required to do so by law or program guidelines as a condition of eligibility for the service.

Where presentation of a state driver's license is accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or consulate-issued document, or a photo identity document issued by any Minnesota county, shall not subject the person to an inquiry into their immigration status. This paragraph does not apply to I-9 forms.

The Human Resource Division must complete I-9 forms as required by federal law and may question a person regarding the I-9 form and documents supporting the I-9 form and may allow homeland security to audit the I-9 forms as allowed by law.

Information about immigration status in the possession of or known to city employees, shall not be maintained or recorded except as otherwise required by law. The confidentiality of such information shall be maintained in compliance with the laws of the United States and the Minnesota Government Data Practices Act.

City employees shall not use city resources for the purpose of detecting or apprehending persons whose only violation of law is or may be being undocumented, being out of status, or illegally residing in the United States (collectively "undocumented").

Nothing in this policy prohibits city employees from responding to a properly issued subpoena.

Public Safety Services

When providing public safety services, employees in the police and fire departments are accountable to the operations policies established by the Police Chief and the Fire Chief.

Complaints and Discipline

All employees are expected to comply with this policy, violation of this policy may result in disciplinary action up to and including termination of employment.

City of Brooklyn Park

City Council Approved 2/24/2025

City of Brooklyn Park Request for Council Action

Agenda Item:	4.8	Meeting Date:	March 24, 2025
Agenda Section:	CONSENT	Originating Department:	Community Development
Resolution:	N/A		
Ordinance:	SECOND READING		
Attachments:	1		
Item:	DEV24-102 Post Zoning Code Update: Minor Text Revisions		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2025-_____ AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN.

Overview:

The first reading of the Zoning Code Update took place on May 28, 2024. The City Council adopted Ordinance 2024-1304 on second reading at the July 29, 2024 Regular Meeting, which replaced the Zoning Code in its entirety. Over the last 6 months staff has been keeping track of inconsistencies and omissions from the previous code. This amendment is intended to fix these technical issues, as well as address an omission from the 610 Corridor Study in which an expectation for higher density development was established by City Council. The 610 Corridor Study resulted in the establishment of a minimum Floor Area Ratio (FAR) for the Mixed Use District (MU) of 0.75. A more in depth explanation can be found below the table indicating the text changes to the Zoning Code. The Zoning Map is attached as reference to the location of the Mixed Use zoning districts, there are no Zoning Map Amendments proposed with this amendment.

The following Code Sections were overlooked in the compilation of work and need to be readed or amended for consistency with other code sections:

Section	Title	Text
152.107	Definitions	FENCE. A barrier, railing, or other upright structure, enclosing an area of ground to mark a boundary, control access, or prevent intrusion. COMMERCIAL VEHICLES. A vehicle that meets one or more of the following: (1) A dump truck, step van, construction vehicle or equipment (bobcats, backhoes and the like), semi-tractor, semitrailer, or trailer, tank truck, tow truck, tractor, bus, cargo truck, <u>mobile food unit</u>, or any vehicle that has a registered gross weight of more than <u>125,000</u> pounds, except the following: (a) A vehicle that is used for private, personal, or recreational use; is not defined as a commercial vehicle in division (1) above; and is not altered with commercial equipment, such as a 1-ton pickup truck. (b) A properly licensed recreational vehicle

		or recreational equipment with sole and consistent use for private recreational purposes. (2) A vehicle that has commercial equipment added to the vehicle such as a snow plow or other externally attached equipment, except recreational vehicles or recreational equipment used only for private, recreational and residential use. (3) A limousine or taxi. (4) A trailer loaded with a commercial vehicle(s) or commercial equipment.
152.303	Site Plan Review	(G)(3) Expansions of no more than 10% of the floor area of an existing building, and/or affect no more than 10% of the site. ~~G(3)(d) Religious institutions, either free-standing or within a multi-tenant building.~~ ~~(e) Projects that received a conditional use permit or are in a special zoning overlay.~~
152.706.2	Minimum Floor Area Ratio	LW: 0.5 NMU: 0.5 MU: 0.75 TOD-C: 0.75 TOD-E: 0.5 TOD-G: Low: 0.3 Med: 0.5 High: 0.75
152.1004.1	Mixed Use Architectural Standards	Table noting Class I and Class II materials
152.1013.1	Minimum required open space	Total Development Site: • B-2: 25% • BP: 15% • I: 15%
152.1018.01	Outdoor storage requirements	Area limit on storage allowed: • B-1: 15% of building footprint • B-2: 15% of building footprint • LW: 15% of building footprint • NMU: 15% of building footprint • MU: 15% of building footprint • TOD-C: 15% of building footprint • TOD-E: 15% of building footprint • TOD-G: 15% of building footprint Setbacks: From ROW: • B-1: 15ft • B-2: 15 ft • LW: 30 ft • NMU: 30 ft • MU: 30 ft • TOD-C: 30 ft • TOD-E: 30 ft • TOD-G: 30 ft From Rear and Side: • B-1: 15 feet • LW: 15 feet • NMU: 12 feet • MU: 12 feet • TOD-C: 30 feet • TOD-E: 16 feet • TOD-G: Low: 20 feet; Med: 16 feet; High: 12 feet Adjacent to residential uses: • B-1: 35 feet • B-2: 35 feet

		• LW: N/A • NMU: N/A • MU: N/A • TOD-C: N/A • TOD-E: N/A • TOD-G: N/A
152.1019	Parking	(M) Parking of motorized vehicles outside of driveway locations is only allowed on areas paved with a continuous impervious surface or approved pervious surface, or on legal non-conforming parking areas.

Planning Commission:

At the February 12, 2024 Regular Planning Commission Meeting, the Planning Commission considered this Zoning Text Amendment and unanimously (5-0) recommended approval.

Explanation of Changes

Definitions: There was no definition of “fence” within the code, which required clarification due to the requirements for fences within the Mississippi River Critical Corridor Area (MRCCA) zoning overlay.

Site Plan Review: The update unintentionally removed the mechanism for minor site improvements for all properties with Conditional Use Permits or that underwent formal Site Plan Review. This would require all minor site plan modifications such as the addition of an entryway or minor parking lot expansions or reductions to receive formal Site Plan Review approvals and would necessitate a public hearing. Exempting Religious Institutions from administrative site plan review, and requiring formal Site Plan Review is also inconsistent with Federal Law as established in the Religious Land Use and Institutionalized Persons Act (RLUIPA) as this requires different treatment of Religious Institutions from other assembly uses.

Minimum Floor Area Ratio: The 610 Corridor Study established a minimum expectation of development within all Mixed-Use zoning districts, and at the completion of that study a zoning text and map amendment was adopted establishing the Mixed Use District (MU) as well as the Pedestrian Priority Overlay District (PPOD). Both new zoning districts were adopted with a minimum FAR.

This code section sets minimum expectations for development on all Mixed-Use zoning districts to also ensure that the goals established in the 2040 Comprehensive Plan are being met. During the study many conversations were had around the contributions that denser development can make to increasing the City’s tax base. This resulted in a minimum expectation of a 0.75 FAR for MU developments, and 0.5 FAR with a retail component in the PPOD. Language pertaining to expansions of legal nonconformities and sites under one acre was originally adopted and is being reintroduced.

This new text amendment applies the same approach to the remainder of the mixed use zoning districts:

District	Proposed FAR	Description of District
Live Work (LW)	0.3	The Live/Work district accommodates a range of compatible small-scale, low intensity residential and employment uses. Housing is desired but optional for new development and should be in the density range of 3-12 units per acre. Uses may be mixed horizontally (on the same site, but not in the same building) or vertically (in the same building). Non-residential uses should include offices and limited businesses that have low impact with the residential uses. Buildings shall be scaled appropriately to the surrounding neighborhood, reflecting a low-to-mid-rise profile
Neighborhood Mixed Use (NMU)	0.5	The Neighborhood Mixed Use District is intended to provide for compact, pedestrian-oriented mixed-use areas of limited size designed for use in existing or potential pedestrian and

		transit nodes. Buildings shall be scaled appropriately depending on the type of street frontage (arterial, collector, neighborhood, etc). Higher profile buildings will be located along arterial or collector streets, with the scale, density and intensity of development scaling down as it approaches surrounding neighborhoods. The mix of uses should include residential at densities between 9 and 50 units per acre as well as retail, office and personal service establishments that are oriented to residents of the immediate neighborhood areas that anticipate high pedestrian traffic. Development in these areas shall follow a traditional neighborhood design where buildings are within a close proximity to the street and pedestrian connections are abundant. Both horizontal and vertical mixed use are encouraged in this district.
Transit Oriented Development – Center (TOD-C)	0.75	The LRT Overlay district is located along the LRT corridor, and affects the mapped Development/Redevelopment Areas within a half-mile of LRT stations. Underlying primary zoning districts will govern land uses in these locations, except that any residential development occurring in the overlay must be at a minimum of 20 dwelling units per acre. Residential development should be well-connected to and accessible by those traveling by LRT line transit.
Transit Oriented Development – Employment (TOD-E)	0.5	The LRT Overlay district is located along the LRT corridor, and affects the mapped Development/Redevelopment Areas within a half-mile of LRT stations. Underlying primary zoning districts will govern land uses in these locations. The TOD-E focuses on employment uses with a mix of business park and commercial uses.
Transit Oriented Development – Greenfield (TOD-G)	Low: 0.3 Med: 0.5 High: 0.75	This zoning designation only exists in the LRT Station Area that is impacted by the Northwest Growth Area plan, and will be replaced by new zoning requirements upon the completion on the ongoing Northwest Growth Area Plan.

Mixed Use Architectural Standards: This table was overlooked, and is necessary for development. It is being reintroduced. As a result of this being added back to the code, all figures within this section required renumbering for consistency.

Minimum required open space: The percentages adopted were inconsistent with the impervious surface maximums. The amendment of these percentages reconciles these two calculations.

Outdoor storage requirements: Outdoor storage was adopted as an accessory use in all districts permitting commercial uses. No development standards were adopted for the B-1, B-2 or Mixed-Use districts at the adoption of the use tables, this remedies the lack of clarification of standards for outdoor storage in these districts. Intermodal Storage Container language was previously adopted and has been reintroduced.

Parking: This section was unintentionally removed, and is a common violation enforced by the Environmental Health Division. This code preserves the health and safety of the City by ensuring that vehicles do not leak fluids directly into the soil, as well as preserving ground cover.

Primary Issues/Alternatives to Consider:

1. Approve the amendments as presented.
2. Approve the amendments with modifications.
3. Decline to approve the amendments.

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.8A ORDINANCE
- 4.8B ZONING MAP

ORDINANCE 2025-

AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE FOR CONSISTENCY
WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN

~~Text with strikeout is proposed for deletion~~
Underlined text is proposed for insertion

The City of Brooklyn Park does ordain:

Section 1. Section 152.107 of the City Code, titled "DEFINITIONS" is amended to read as follows:

§ 151.107 DEFINITIONS.

FENCE. A barrier, railing, or other upright structure, enclosing an area of ground to mark a boundary, control access, or prevent intrusion.

COMMERCIAL VEHICLES. A vehicle that meets one or more of the following:

(1) A dump truck, step van, construction vehicle or equipment (bobcats, backhoes and the like), semi-tractor, semitrailer, or trailer, tank truck, tow truck, tractor, bus, cargo truck, mobile food unit, or any vehicle that has a registered gross weight of more than 125,000 pounds, except the following:

(a) A vehicle that is used for private, personal, or recreational use; is not defined as a commercial vehicle in division (1) above; and is not altered with commercial equipment, such as a 1-ton pickup truck.

(b) A properly licensed recreational vehicle or recreational equipment with sole and consistent use for private recreational purposes.

(2) A vehicle that has commercial equipment added to the vehicle such as a snow plow or other externally attached equipment, except recreational vehicles or recreational equipment used only for private, recreational and residential use.

(3) A limousine or taxi.

(4) A trailer loaded with a commercial vehicle(s) or commercial equipment.

Section 2. Section 152.303 of the City Code, titled "SITE PLAN REVIEW" is amended to read as follows:

§ 151.303 SITE PLAN REVIEW.

(G) Administrative site plan review. Sites plans shall be reviewed by the City Manager in lieu of City Council approval if they meet the following criteria, except as otherwise expressly provided in this chapter:

(1) Residential properties with one dwelling unit per parcel that comply with the approved plan.

(2) Modifications or expansions of parking lots or driveways.

(3) Expansions of no more than 10% of the floor area of an existing building, and/or affect no more than 10% of the site.

(4) (3) Sites, buildings and uses that are permitted in the zoning district and do not require variances from this chapter or any other city code, except for the following:

(a) Nonresidential uses in or adjacent to a residential district.

(b) Uses with drive-through service.

(c) Uses in the Public Institution District (PI).

~~(d) Religious institutions, either free standing or within a multi-tenant building.~~

~~(e) Projects that received a conditional use permit or are in a special zoning overlay.~~

(f) Public and private elementary and secondary schools, including charter schools.

Section 3. Section 152.706 of the City Code, titled "MIXED USE DISTRICT LOT AREA AND DIMENSIONAL REQUIREMENTS" is amended to read as follows:

§ 151.706 MIXED USE DISTRICT LOT AREA AND DIMENSIONAL REQUIREMENTS.

(E) The following standards are established for the following districts: LW, NMU, MU, TOD-C, TOD-E, and TOD-G.

Figure 152.706.2

	LW	NMU	MU	TOD-C	TOD-E	TOD- G
Maximum Building Setbacks						
From public right-of-way	None	12 feet	12 feet	12 feet	16 feet	Low: 20 ft Med: 16 ft High: 12 ft
Side (interior)	None	None	None	6 feet	6 feet	Low: 6 ft Med: 16 ft High: 6 feet
Side (street)	None	None	12 feet	12 feet	16 feet	Low: 20 ft Med: 16 ft High: 12 ft
Minimum Building Setbacks						
Front (abutting public right-of-way)	1 foot	1 foot	1 foot	1 foot	2 feet	Low: 8 ft Med: 1 ft High: 1 ft
Side (interior)	None	None	None	None	None	None
Side (street)	2 feet	2 feet	2 feet	2 feet	2 feet	Low: 5ft Med: 2 ft High: 2 ft
Rear (interior)	3 feet	3 feet	3 feet	3 feet	3 feet	3 feet
Minimum Parking Setbacks						
Front (abutting public right-of-way)	30 feet	30 feet	30 feet	30 feet	30 feet	30 feet
Side (interior)	0 feet if shared, or 5 feet	0 feet if shared, or 5 feet	0 feet	0 feet if shared, or 5 feet	0 feet	0 feet
Side (street)	12 feet	12 feet	12 feet	30 feet	12 feet	12 feet
Rear (interior)	0 feet if shared, or 5 feet	0 feet if shared, or 3 feet	3 feet	0 feet if shared, or 5 feet	3 feet	3 feet
Side or rear if abutting a residential district property line	10ft	10ft	N/A	N/A	N/A	N/A
Maximum Allowable Building Footprint and Impervious Surface						
	LW	NMU	MU	TOD-C	TOD-E	TOD- G
Maximum Impervious Surface	70%	80%	80%	100%	80%	Low: 70% Med: 80% High: 100%

	LW	NMU	MU	TOD-C	TOD-E	TOD- G
Building Coverage and Building Width						
Minimum Frontage Buildout	None	80%	80%	80%	70%	Low: 60% Med: 70% High:80%
Side Frontage Buildout from Front Street	None	40 feet	50 feet	50 feet	40 feet	Low: 40 ft Med: 40ft High: 50ft
Maximum building width	400 feet	400 feet	400 feet	400 feet	400 feet	Low: 80 ft Med: 100 ft High: 400 feet
<u>Minimum Floor Area Ratio</u>	<u>0.3</u>	<u>0.5</u>	<u>0.75</u>	<u>0.75</u>	<u>0.5</u>	<u>Low: 0.3</u> <u>Med: 0.5</u> <u>High: 0.75</u>
Building Height						
Principal structure maximum stories	3 stories	4 stories	8 stories	6 stories	4 stories	Low: 3 stories Med: 4 stories High: 8 stories
Residential Density						
Minimum dwelling units per acre	3	9	12	12	N/A	9
Maximum dwelling units per acre	12	50	100	100	N/A	100
Glazing/Window Coverage						
Front street (minimum)	30%	30%	30%	30%	30%	30%
Side street (minimum)	30%	30%	30%	30%	30%	30%
Upper floors (minimum)	10%	10%	10%	10%	10%	10%
Lot width						
Minimum			20 feet			20 feet
Maximum			400 feet			Low: 100 feet Med: 180 feet High: 300 feet

(F) Minimum floor area ratio. Minimum floor area ratio requirements of principal buildings are set forth within Table 25. Floor area devoted to parking or loading shall not be counted toward compliance with the minimum floor area ratio. Floor area devoted to any other habitable space, including spaces below grade, may be used for the purpose of determining compliance with the minimum floor area ratio requirement. Minimum floor area ratio regulations shall not apply to the expansion of buildings existing on the effective date of this ordinance. Minimum floor area ratio requirements shall not apply on lots existing on the effective date of

this ordinance with less than one acre of area

Section 4. Section 152.1004 of the City Code, titled "BUILDING AND SITE DESIGN, MIXED USE" is amended to read as follows:

§ 152.1004 BUILDING AND SITE DESIGN, MIXED USE.

(A) Architectural Materials.

- (1) Classes of materials. For the purpose of this section, acceptable exterior materials are divided into Class I and Class II categories as shown in the following figure:

<u>Figure 152.1004.1 Classes of Materials</u>	
<u>Class 1</u>	<u>Class 2</u>
<u>Brick</u> <u>Natural or cementitious stone</u> <u>Glass, or other glazing materials</u> <u>Masonry stucco</u> <u>Architectural metal panels</u> <u>Specialty concrete block (including textured, burnished block or rock faced block)</u> <u>Other materials not listed elsewhere as approved by the City Manager or as recommended by the Planning Commission</u>	<u>Architecturally textured concrete precast panels</u> <u>Wood</u> <u>Tile (masonry, stone or clay), ceramic</u> <u>Other materials not listed elsewhere as approved by the City Manager or as recommended by the Planning Commission</u> <u>EFIS in conformance with the ICC ES report</u>

- (2) Required combination of materials. Buildings must incorporate classes of materials for each façade in the following manner:

(a) Front facades and side and rear facades visible from public right(s)-of-way, the public view from adjacent properties, parks, civic areas, or residential uses or districts must be composed of at least two or more Class 1 materials totaling 65% of the facade.

(b) Side and rear facades not visible from public right(s)-of-way, parks, public view from adjacent properties or residential uses or districts must use a combination of Class 1 or 2 materials.

(c) Facades visible from public right(s)-of-way must include windows, doors, canopies, balconies or other visual elements that help mitigate the appearance of blank walls.

(B) Building entries.

- All main building entrances shall face a public street.
- Canopies and awnings may encroach into the public right-of-way over a sidewalk.

(C) Ground-floor residential.

(1) Permanent ground-floor residential uses fronting a public street or walkway, where present, shall be separated from the street by landscaping, steps, porches, grade changes, and low ornamental fences or walls in order to create a private yard area between the sidewalk and the front door.

(2) In mixed-use buildings with a ground floor ultimately intended for non-residential uses, those standards required per division (C)(1) above, are not required, however, the first floor shall be built to accommodate future nonresidential uses with a height of not less than 14 feet.

(D) Height transition to residential districts. Where abutting a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed three stories. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45 degree angle) up to the maximum allowed height.

(E) Surface parking.

(1) Parking lots shall be located in the side or rear of the principal structure.

(2) *Non-vehicular access.*

(a) A separate pedestrian access shall connect the principal building to the public street or a public trail, on all sides of the lot which front on a public right-of-way or public trail.

(b) Sidewalks shall be provided along all sides of the lot that abut a public or private street.

(c) Pedestrian/bicycle accesses shall be separated from parking areas by curbed, landscaped islands which have a minimum width of 20 feet inclusive of sidewalk.

(F) If an existing transit stop is located on any adjacent public street, pedestrian/bicycle access shall be located convenient to that transit stop.

(G) *TOD-G Transit Oriented Greenfield District- low, medium and high intensities, greenfield neighborhood building, site, and public realm standards.*

(1) *Purpose and applicability.* The structure of the TOD-G District provides the city and future development groups with the regulations and guidelines needed to develop a comprehensive, resilient and pedestrian-oriented TOD. The subdivision regulations in division (D) provide the following:

(a) A network of connected streets and blocks that reflect an approved station area plan;

(b) General block sizes and configurations that support zoning and land use goals;

(c) Maximum block perimeters that foster attractive, safe and walkable environments, while enhancing circulation through the site;

(d) Guidance on meeting regional stormwater requirements as detailed in the Brooklyn Park Subarea Stormwater Master Plan.

(2) *Regulating plan.* The TOD-G District is implemented through a regulating plan, approved with the rezoning to TOD- G, which includes a combination of at least two of the three intensities described below and regulated by Table 152.1004.1 below. TOD-G areas must be divided into neighborhoods by the introduction of a primary thoroughfare network, and then into blocks by the completion of the streets and open spaces. As the area is subdivided to generate blocks, parcels and individual building sites, the regulating plan assigns intensities that may be refined with approval by the City Manager according to § 152.201. Regulating plans, consisting of one or more maps, must show the following:

(a) District boundaries;

(b) Existing infrastructure including streets, parks and open space;

(c) Thoroughfare network according to division (G)(4) with thoroughfare assignments according to Tables 152.1004.2 and 152.1004.3; and

(d) Civic area in compliance with §152.1006.

(3) *Intensities.* TOD-G intensities are comprised of:

(a) *Low intensity.* Consists of medium density residential areas, with a mix of uses, home occupations, and accessory buildings. It contains a wide range of building types: houses, courtyard housing, townhouses, duplexes, triplexes, small apartment buildings, and neighborhood commercial uses. This area must be more than 1,500 feet from a high frequency transit service station.

(b) *Medium intensity.* Consists of a mix of uses but is primarily medium to high density residential and neighborhood commercial uses.

(c) *High intensity.* Consists of high density mixed-use buildings that accommodate retail, offices, institutions, and multi-family housing.

TABLE 152.1004.2 REGULATING PLAN REQUIREMENTS

Area in acres	Civic space	Intensity % of area		
		Low	Medium	High
40 min.	Percentage of Area	Low	Medium	High
	5-10%	20% max.	50-70%	10-30%

(4) *Subdivision regulations.* The provisions of this section will be used upon rezoning to Transit Oriented Greenfield (TOD-G) and subdivision within any TOD zoning district.

(a) The thoroughfare network must be laid out according to Table 152.1004.2 below and comply with the standards below.

TABLE 152.1004.3 SUBDIVISION AND BLOCK STANDARDS	
Block Dimensions	Dimensions
Block length	400 ft. max.
Block perimeter	1,600 ft. max.
Alley width	16 ft. min.
Mid-block Pedestrian Passages	
Pedestrian passage width	12 ft. min., 24 ft. max.

1. *Thoroughfare standards.*

a. All thoroughfares must connect to other thoroughfares, forming a network.

b. New thoroughfares must connect wherever possible to thoroughfares on adjacent sites. Cul-de-sacs may only be permitted by approval of the City Council at time adoption of the regulating plan to accommodate specific site conditions.

c. New thoroughfares must implement the approved station area plan street network and use street section options from division (G)(4)(a)4. below.

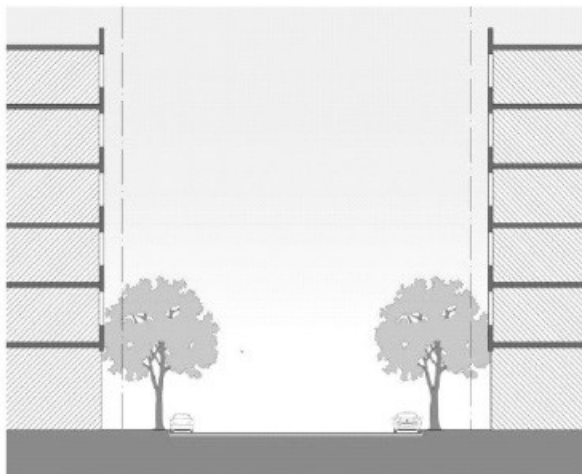
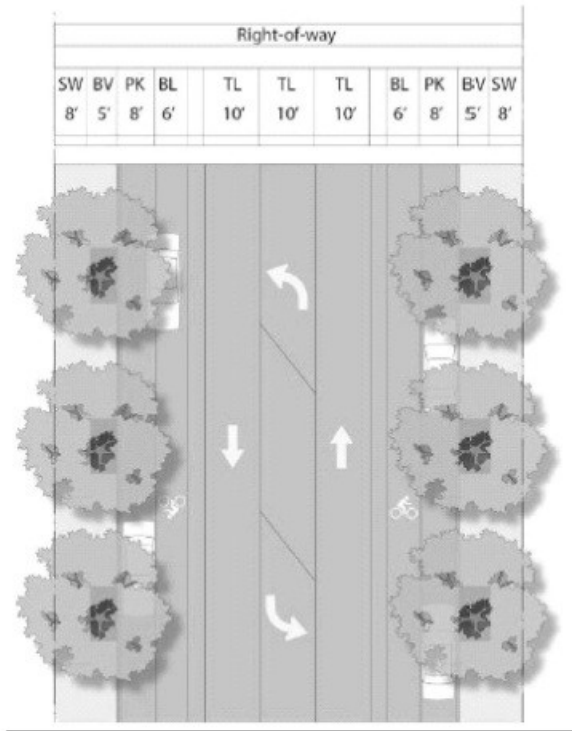
d. A section may be chosen according to right-of-way width and functional classification. New thoroughfare sections may be created using the standards in Table 152.1004.4.

2. *Block dimensions.* Block length and perimeter may be adjusted up to 20% with approval from the City Manager due to topography, existing development conditions, or if the block is at the perimeter of the TOD regulating plan. Block lengths up to 800 feet may be approved if a mid-block pedestrian passage is provided.

3. *Mid-block pedestrian passages.* In areas with adequate vehicular capacity, pedestrian-only connections may be used mid-block and will count as a new edge in block perimeter calculations.

4. *Parking lot layout.* In addition to the parking regulations of §152.1020(5)(a), parking lots in TOD-G must be laid out as blocks per Table 152.1004.2, with utilities located in the drive aisles. Drive aisles must have adequate width to redevelop with rights-of-way required by one or more of the thoroughfare sections in Table 152.1004.3.

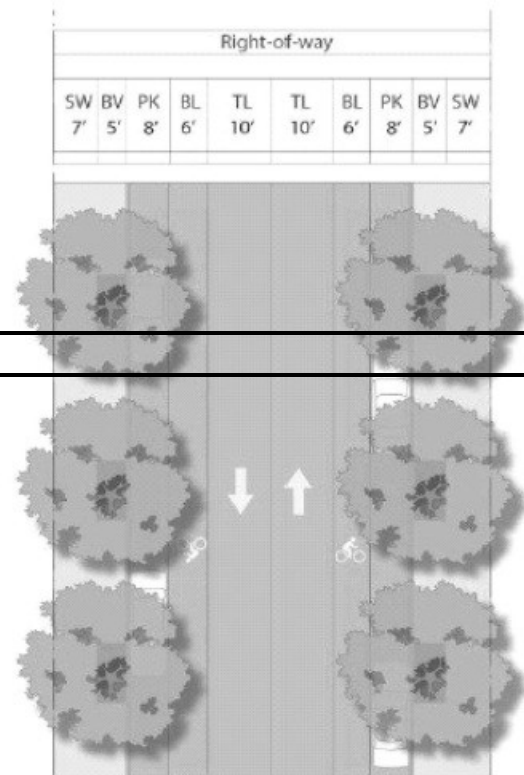
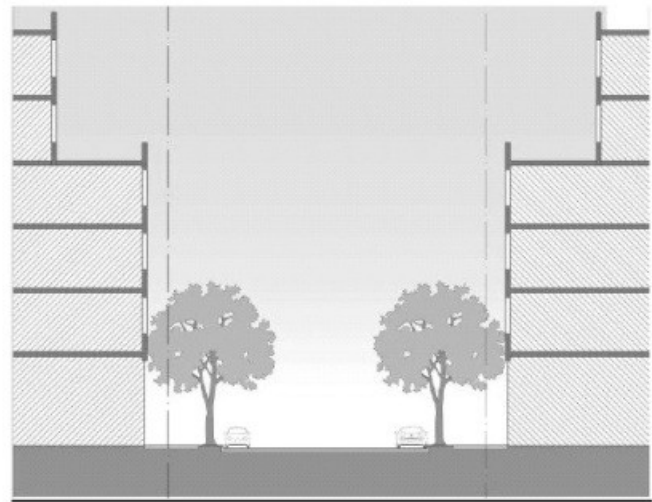
TABLE 152.1004.4 THOROUGHFARE SECTIONS

Street ST 98-72		Illustration
TABLE 152.1004.3 THOROUGHFARE SECTIONS		
Street ST 98-72		Illustration
Functional class	Arterial	
Right-of-way	98 ft. min.	
Design, target speed	30-35 mph	
Traveled Way		
(TL) Vehicle lanes	3	
Vehicle lane width	10 ft. ¹	
Movement	Two-way	
(PK) Parking lanes	2	
Parking lane width	8 ft.	
(BL) Bicycle facility	Buffered lane	
Bicycle facility width	6 ft. + 3ft. buffer	
(MD) Median	N/A	
Turning lanes	At arterial intersections only	
Streetscape		
(SW) Sidewalk width	7 ft. min.	
(BV) Boulevard width	5 ft. min., 7 ft. max.	
Boulevard type	Long tree well, 5 ft. by 14 ft. min.	
Tree spacing	30 ft. on center	
1 Subject to MNDOT approval.		
Street ST 70-46		
Functional class	Primary local, local street	
Right-of-way	74 ft. min. primary local 70 ft. min. local street	
Design, target speed	25 mph	
Traveled Way		
(TL) Vehicle lanes	2	
Vehicle lane width	10 ft. 2	
Movement	Two-way	
(PK) Parking lanes	2	
Parking lane width	8 ft.	

(BL) Bicycle facility	Lane (local street), buffered lane (primary local)
-----------------------	--

Bicycle facility width	6 ft. + 2 ft. buffer (primary local)
(MD) Median	N/A
Turning lanes	N/A
<i>Streetscape</i>	
(SW) Sidewalk width	7 ft. min.
(BV) Boulevard width	5 ft. min., 7 ft. max.
Boulevard type	Long tree well, 5 ft. by 14 ft. min.
Tree spacing	30 ft. on center

2Subject to MNDOT approval.



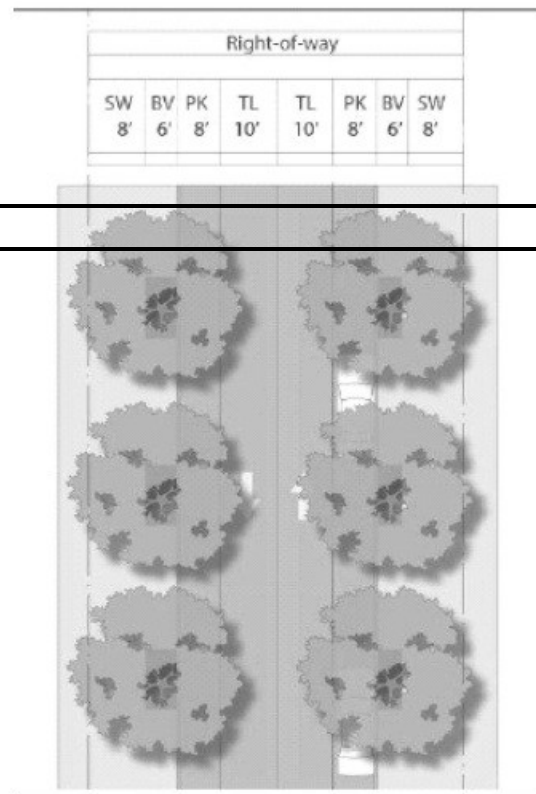
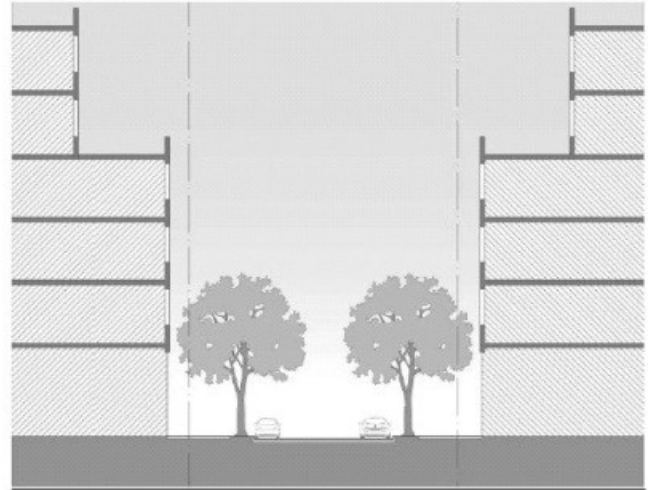
Street ST 58-30

Functional class	Primary local, local street
Right-of-way	60 ft. min. primary local 58 ft. min. local street
Design, target speed	25 mph
<i>Traveled Way</i>	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft. primary local3
Movement	Two-way
(PK) Parking lanes	2
Parking lane width	8 ft.
(BL) Bicycle facility	Sharrow optional
Bicycle facility width	N/A
(MD) Median	N/A
Turning lanes	N/A

Streetscape

(SW) Sidewalk width	8 ft. min.
(BV) Boulevard width	6 ft. min., 7 ft. max.
Boulevard type	Long tree well, 6 ft. by 14 ft. min.
Tree spacing	30-35 ft. on center

3Subject to MNDOT approval



Street ST 49-27

Functional class	Local street
Right-of-way	49 ft. min.
Design, target speed	20 mph
<i>Traveled Way</i>	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft 4
Movement	Two-way
(PK) Parking lanes	1
Parking lane width	8 ft.
(BL) Bicycle facility	Sharrow optional
Bicycle facility width	N/A
(MD) Median	N/A
Turning lanes	N/A
<i>Streetscape</i>	
(SW) Sidewalk width	6 ft. min.
(BV) Boulevard width	5 ft. min., 7 ft. max.
Boulevard type	Long tree well, 5 ft. by 14 ft.

Tree spacing	30 ft. on center
4 Subject to MNDOT approval	

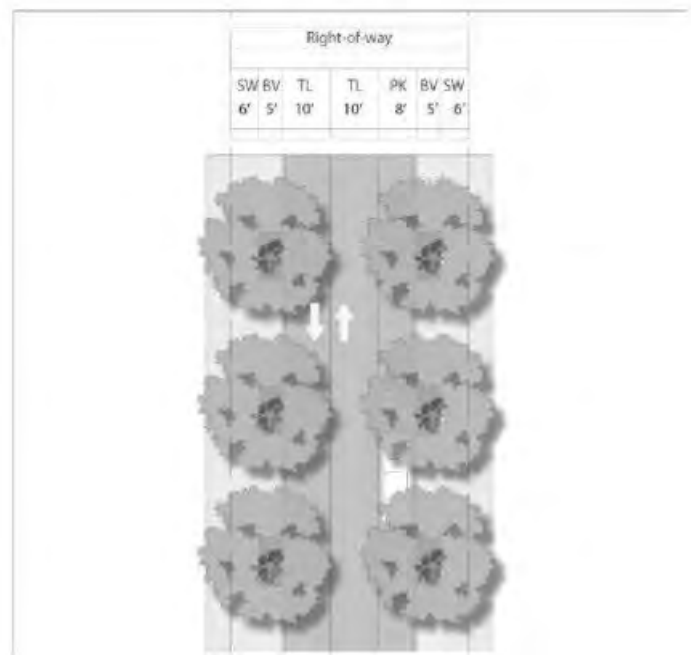
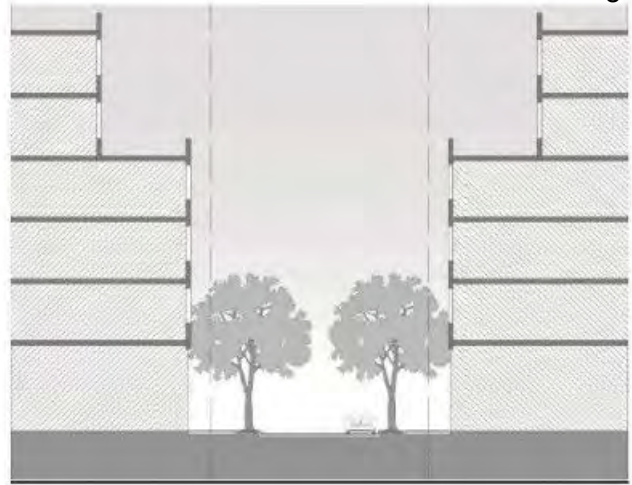


TABLE 152.1004.5 STREET DESIGN CRITERIA

Criteria	Local Street	Primary Local	Arterial
TABLE 152.1004.5 STREET DESIGN CRITERIA			
Criteria	Local Street	Primary Local	Arterial
Sidewalk	5 ft. min. plus boulevard width	6 ft. min. plus boulevard width	8 ft. min. plus boulevard width
Boulevard	6 ft. wide by 6 ft. long min.	7 ft. wide by 14 ft. long min.	7 ft. wide by 14 ft. long min.
Parking lane width	8 ft. min.	8 ft. min.	8 ft. min.
Parking lanes required	0-2	2 min.	0-2
Travel lane width	9 ft. min. 10 ft. max.	10 ft. min., 11 ft. max.	10 ft. min., 11 ft. max.
Travel lanes required	1-2	2-4	4+ median
Movement types	One-way, two-way	Two-way	Two-way
Median	N/A	Optional, 8 ft. min.	Optional, 10 ft. min.
Design speed, target speed	20 mph	25 mph	30 mph
Bike facility required	Optional	Required	Required
Bike facility type	Sharrow, lane, route	Buffered lane, protected lane	Buffered lane, protected lane
Bike lane width	5 ft. min.	6 ft. min.	6 ft. min.

Bike lane buffer	N/A	2 ft. min.	3 ft. min.	Page 19
------------------	-----	------------	------------	---------

(H) MU Mixed Use building, site and public realm standards.

(1) *Purpose and applicability.* The structure of the MU District provides the city and future development groups with the regulations and guidelines needed to develop a comprehensive, resilient and pedestrian-oriented neighborhood. The subdivision regulations in division (H)(4) provide the following:

- (a) A network of connected streets and blocks that reflect an approved station area plan;
- (b) General block sizes and configurations that support zoning and land use goals;
- (c) Maximum block perimeters that foster attractive, safe and walkable environments, while enhancing circulation through the site; and
- (d) Guidance on meeting regional stormwater requirements as detailed in the Brooklyn Park Subarea Stormwater Master Plan.

(2) *Regulating plan.* The MU District is implemented through a regulating plan, to be submitted prior to or in conjunction with other required applications. Areas zoned MU must be divided into neighborhoods by the introduction of a primary thoroughfare network, and then into blocks by the completion of the streets and open spaces. Regulating plans must be recorded against all properties governed by the plan and must show the following:

- (a) District boundaries;
- (b) Existing infrastructure including streets, parks and open space;
- (c) Thoroughfare network according to division (3) with thoroughfare assignments according to Tables 152.1004.6 or 152.1004.7; and

(3) Civic area in compliance with §152.1006.

(4) *Subdivision regulations.*

- (a) The provisions of this section will be used upon subdivision within the MU Zoning District.
- (b) The thoroughfare network must be laid out according to Table 152.1004.5 and comply with the standards of division (4)(b)1. below.

TABLE 152.1004.6 SUBDIVISION AND BLOCK STANDARDS

Block Dimensions	Dimensions
Block length	400 ft. max.
Block perimeter	1,600 ft. max.
Alley width	16 ft. min.
Mid-block Pedestrian Passages	
Pedestrian passage width	12 ft. min., 24 ft. max.

1. *Thoroughfare standards.*

- a. All thoroughfares must connect to other thoroughfares, forming a network.
- b. New thoroughfares must connect wherever possible to thoroughfares on adjacent sites. Cul-de-sacs may only be permitted by approval of the City Manager to accommodate specific site conditions.
- c. New thoroughfares must implement any approved small area plan street network and use street section options from Table 152.1004.6.
- d. A section may be chosen according to right-of-way width and functional classification. New thoroughfare sections may be created using the standards in Table 152.1004.7.

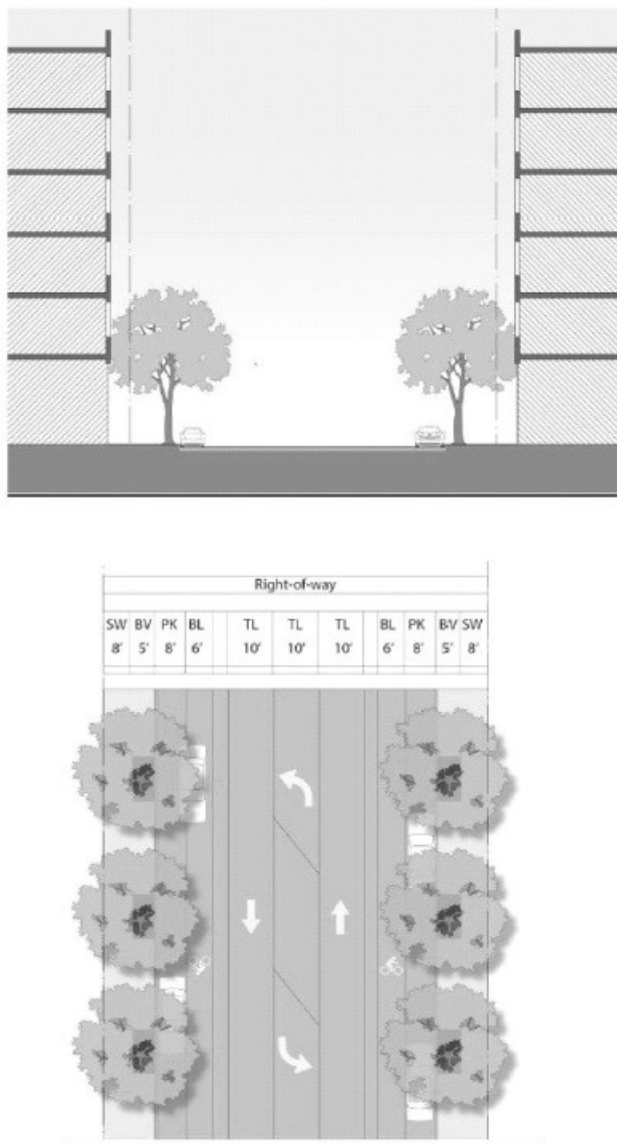
2. *Block dimensions.* Block length and perimeter may be adjusted up to 20% with approval from the City Manager due to topography, existing development conditions, or if the block is at the perimeter of the regulating plan. Block lengths up to 800 feet may be approved if a mid-block pedestrian passage is provided.

3. *Mid-block pedestrian passages.* In areas with adequate vehicular capacity, pedestrian-only connections may be used mid-block and will count as a new edge in block perimeter calculations.

4. *Parking lot layout.* In addition to the parking regulations of §152.1020(5)(a), parking lots in ~~the~~ must be laid out as blocks per Table 152.1004.5, with utilities located in the drive aisles. Drive aisles must have adequate width to redevelop with rights-of-way required by one or more of the thoroughfare sections in Table 152.1004.6.

TABLE 152.1004.7 THOROUGHFARE SECTIONS

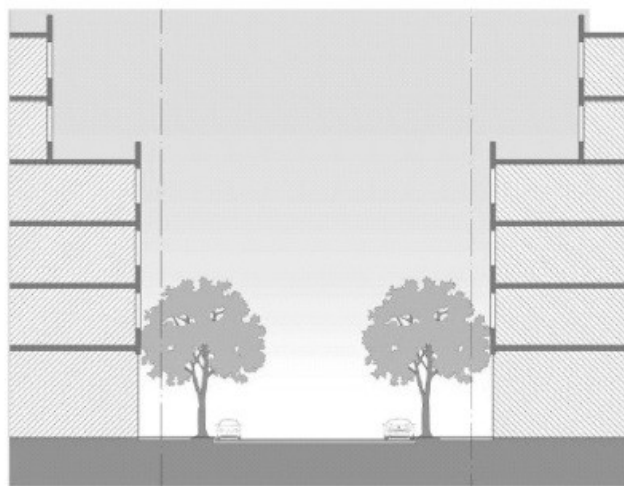
TABLE 152.1004.7 THOROUGHFARE SECTIONS

Street ST 98-72		Illustration
Functional class	Arterial	
Right-of-way	98 ft. min.	
Design, target speed	30-35 mph	
Traveled Way		
(TL) Vehicle lanes	3	
Vehicle lane width	10 ft. ¹	
Movement	Two-way	
(PK) Parking lanes	2	
Parking lane width	8 ft.	
(BL) Bicycle facility	Buffered lane	
Bicycle facility width	6 ft. + 3 ft. buffer	
(MD) Median	N/A	
Turning lanes	At arterial intersections only	
Streetscape		
(SW) Sidewalk width	8 ft. min.	
(BV) Boulevard width	5 ft. min., 7 ft. max.	
Boulevard type	Long tree well, 5 ft. by 14 ft. min.	
Tree spacing	30 ft. on center	
1 Subject to MNDOT approval.		
Street ST 49-27		
4 Subject to MNDOT approval		
Street ST 70-46		
Functional class	Primary local, local street	
Right-of-way	74 ft. min. primary local 70 ft. min. local street	
Design, target speed	25 mph	
Traveled Way		
(TL) Vehicle lanes	2	
Vehicle lane width	10 ft. 2	
Movement	Two-way	
(PK) Parking lanes	2	
Parking lane width	8 ft.	
(BL) Bicycle facility	Lane (local street), buffered lane (primary	

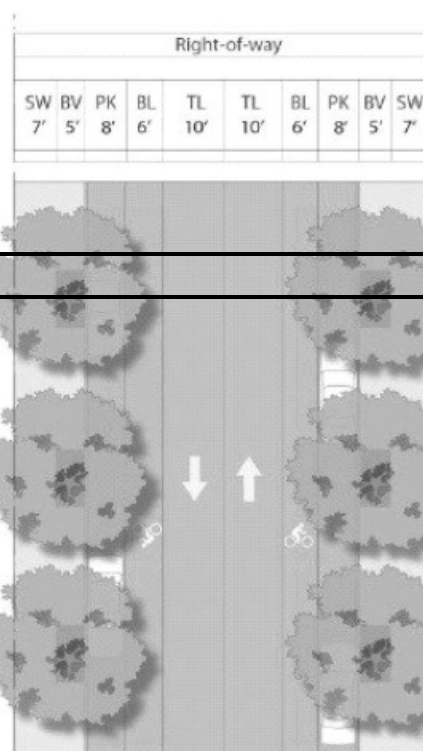
	local)
Bicycle facility width	6 ft. + 2 ft. buffer (primary local)

(MD) Median	N/A
Turning lanes	N/A
<i>Streetscape</i>	
(SW) Sidewalk width	7 ft. min.
(BV) Boulevard width	5 ft. min., 7 ft. max.
Boulevard type	Long tree well, 5 ft. by 14 ft. min.
Tree spacing	30 ft. on center

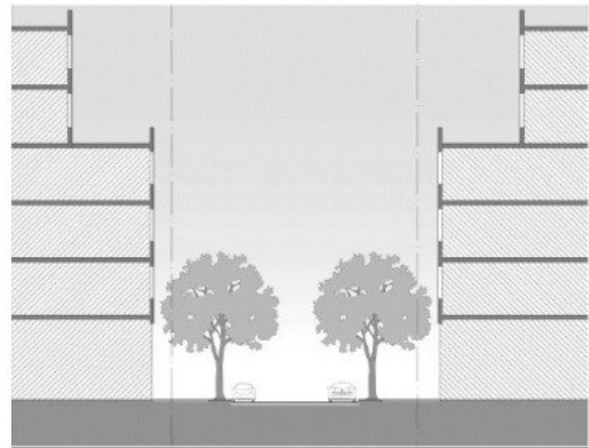
2Subject to MNDOT approval.



Street ST 58-30	
Functional class	Primary local, local street
Right-of-way	60 ft. min. primary local 58 ft. min. local street
Design, target speed	25 mph
<i>Traveled Way</i>	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft. primary local ³
Movement	Two-way
(PK) Parking lanes	2
Parking lane width	8 ft.
(BL) Bicycle facility	Sharrow optional
Bicycle facility width	N/A
(MD) Median	N/A
Turning lanes	N/A
<i>Streetscape</i>	
(SW) Sidewalk width	8 ft. min.
(BV) Boulevard width	6 ft. min., 7 ft. max.
Boulevard type	Long tree well, 6 ft. by 14 ft. min.
Tree spacing	30-35 ft. on center



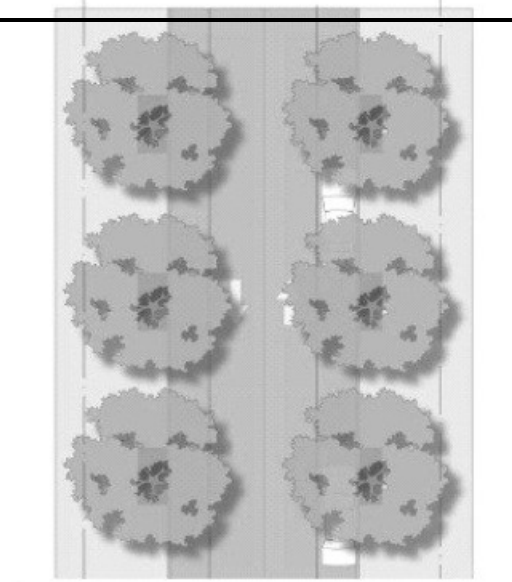
3Subject to MNDOT approval



Right-of-way								
SW	BV	PK	TL	TL	PK	BV	SW	
8'	6'	8'	10'	10'	8'	6'	8'	

Street ST 49-27

Functional class	Local street
Right-of-way	49 ft. min.
Design, target speed	20 mph
<i>Traveled Way</i>	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft 4
Movement	Two-way
(PK) Parking lanes	1
Parking lane width	8 ft.
(BL) Bicycle facility	Sharrow optional
Bicycle facility width	N/A
(MD) Median	N/A
Turning lanes	N/A
<i>Streetscape</i>	
(SW) Sidewalk width	6 ft. min.
(BV) Boulevard width	5 ft. min., 7 ft. max.
Boulevard type	Long tree well, 5 ft. by 14 ft.



Tree spacing	30 ft. on center	
4 Subject to MNDOT approval		

TABLE 152.1004.8 STREET DESIGN CRITERIA			
Criteria	Local Street	Primary Local	Arterial
TABLE 152.1004.8 STREET DESIGN CRITERIA			
Criteria	Local Street	Primary Local	Arterial
Sidewalk	5 ft. min. plus boulevard width	6 ft. min. plus boulevard width	8 ft. min. plus boulevard width
Boulevard	6 ft. wide by 6 ft. long min.	7 ft. wide by 14 ft. long min.	7 ft. wide by 14 ft. long min.
Parking lane width	8 ft. min.	8 ft. min.	8 ft. min.
Parking lanes required	0-2	2 min.	0-2
Travel lane width	9 ft. min., 10 ft. max.	10 ft. min., 11 ft. max.	10 ft. min., 11 ft. max.

Travel lanes required	1-2	2-4	4+ median
Movement types	One-way, two-way	Two-way	Two-way
Median	N/A	Optional, 8 ft. min.	Optional, 10 ft. min.
Design, speed, target speed	20 mph	25 mph	30 mph
Bike facility required	Optional	Required	Required
Bike facility type	Sharrow, lane, route	Buffered lane, protected lane	Buffered lane, protected lane
Bike lane width	5 ft. min.	6 ft. min.	6 ft. min.
Bike lane buffer	N/A	2 ft. min.	3 ft. min.

(Ord. 2024-1304, passed 7-29-2024)

Section 5. Section 152.1013 of the City Code, titled "LANDSCAPING STANDARDS, NONRESIDENTIAL" is amended to read as follows:

§ 151.1013 LANDSCAPING STANDARDS, NONRESIDENTIAL.

Figure 152.1013.1 Minimum required open space

	B-1	B-2	B-3, B-4,	BP	I	PI	OP
Total development site	30%	<u>25%</u>	20%	<u>15%</u>	<u>15%</u>	30%	40%

Section 4. Section 152.1018 of the City Code, titled "OUTDOOR STORAGE" is amended to read as follows:

§ 151.1018 OUTDOOR STORAGE.

Figure 152.1018.01 Outdoor storage requirements, Nonresidential

	<u>B1</u>	<u>B2</u>	B3	B4	BP	I
Area Limit on storage Allowed	<u>15% of building footprint</u>	<u>15% of building footprint</u>	50% of site	70% of site	15% of building footprint	80% of site
Right-of-way Setback	<u>15 feet</u>	<u>15 feet</u>	15 feet	15 feet	75 feet	35 feet
Side and rear setback	<u>15 feet</u>	<u>15 feet</u>	5 feet	5 feet	50 feet	15 feet
Adjacent to Residential District	<u>35 feet</u>	<u>35 feet</u>	35 feet	35 feet	NP	5 feet
Location Restriction	<u>Rear yard</u>	<u>Rear yard</u>	Side or rear yard	Side or rear yard	Must be located to the rear of the front entrance	Side or rear yard

Figure 152.1018.02 Outdoor storage requirements, Mixed Use

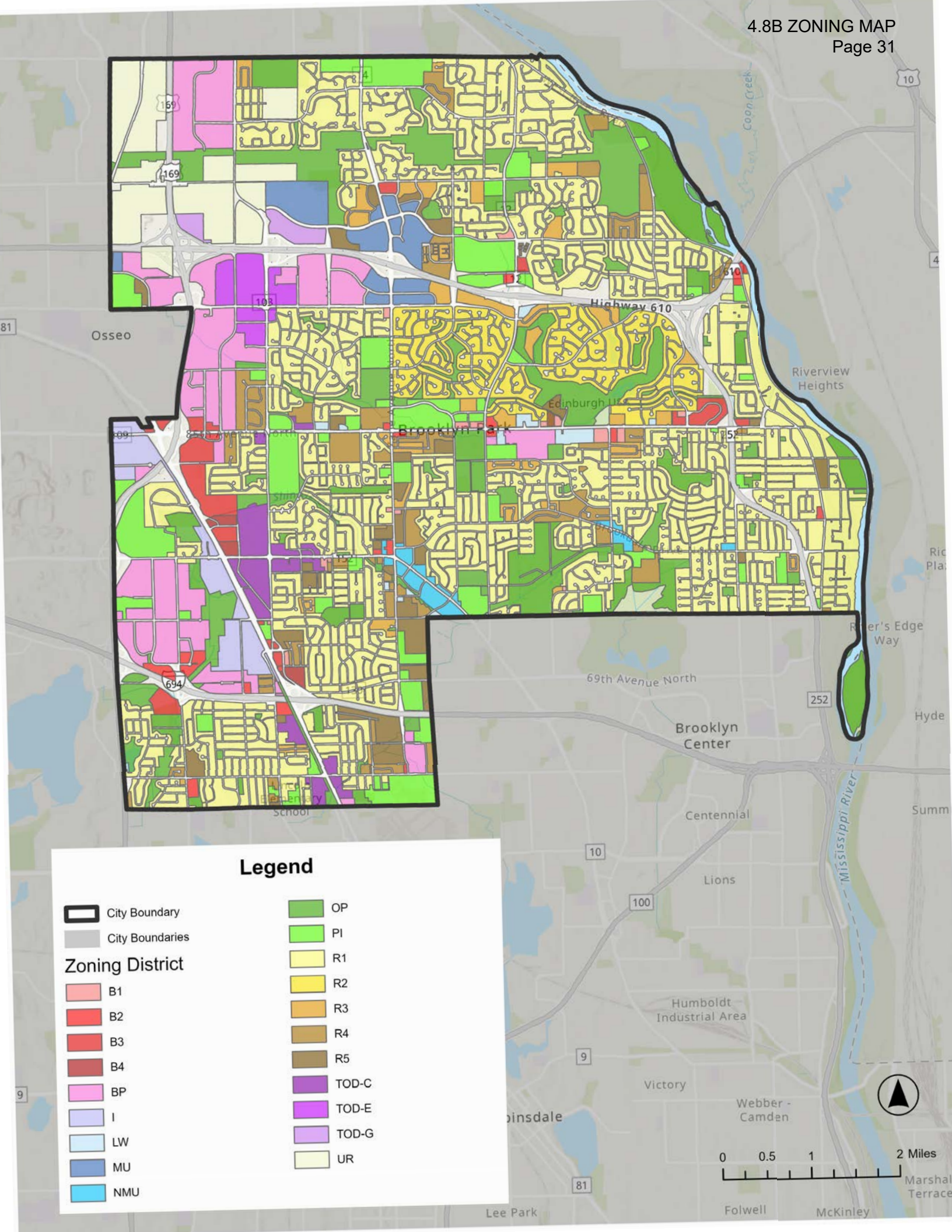
	<u>LW</u>	<u>NMU</u>	<u>MU</u>	<u>TOD-C</u>	<u>TOD-E</u>	<u>TOD-G</u>
<u>Area Limit on storage Allowed</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>
<u>Right-of-way Setback</u>	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>
<u>Side and rear setback</u>	<u>15 feet</u>	<u>12 feet</u>	<u>12 feet</u>	<u>30 feet</u>	<u>16 feet</u>	<u>Low: 20 feet</u> <u>Med:16 feet</u> <u>High:12 feet</u>
<u>Location Restriction</u>	<u>Rear yard</u>	<u>Rear yard</u>	<u>Rear yard</u>	<u>Rear yard</u>	<u>Rear yard</u>	<u>Rear yard</u>

(F) Intermodal shipping containers.

- (1) Two intermodal shipping containers are permitted for outdoor storage on nonresidential properties.
- (2) Shipping containers utilized for permanent storage must be located in the designated outdoor storage area of a property, in compliance with this section.
- (3) Shipping containers used for temporary storage are limited to 90 days per calendar year and must be located in a staging area.
- (4) The maximum dimensions of an intermodal shipping container are 40 feet long, ten feet wide, and ten feet tall.

Section 6. Section 152.1019 of the City Code, titled "Parking" is amended to read as follows:
§ 151.1019 PARKING.

(M) Parking of motorized vehicles outside of driveway locations is only allowed on areas paved with continuous impervious surface or approved impervious surface, or on legal non-conforming parking areas.



Legend

- City Boundary
- City Boundaries

Zoning District

- | | |
|--|--|
| B1 | OP |
| B2 | PI |
| B3 | R1 |
| B4 | R2 |
| BP | R3 |
| I | R4 |
| LW | R5 |
| MU | TOD-C |
| NMU | TOD-E |
| | TOD-G |
| | UR |

0 0.5 1 2 Miles

City of Brooklyn Park

Request for Council Action

Agenda Item:	4.9	Meeting Date:	March 24, 2024
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	X	Prepared By:	Mike Freske, Employment Attorney
Ordinance:	N/A		
Attachments:	1	Presented By:	Jay Stroebe, City Manager
Item:	Approval of the MOA to the 2024-2025 Collective Bargaining Agreement with the Brooklyn Park Police Federation		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2025-_____ APPROVING STAFF TO ENTER INTO A MEMORANDUM OF AGREEMENT TO AMEND THE COLLECTIVE BARGAINING AGREEMENT WITH THE BROOKLYN PARK POLICE FEDERATION FOR 2024-2025.

Overview:

City staff and union representatives from the Brooklyn Park Police Federation, were able to come to a tentative memorandum of agreement to the collective bargaining agreement for the period of January 1, 2024, through December 31, 2025. Terms of the agreement were included under separate cover with Council packet materials for the March 24, 2025, Council meeting. Union membership voted to approve the agreement on February 26, 2025.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

Funds are available in the 2025 general fund budget.

Attachments:

4.9A RESOLUTION

RESOLUTION #2025-

RESOLUTION APPROVING STAFF TO ENTER INTO A MEMORANDUM OF AGREEMENT TO AMEND THE
COLLECTIVE BARGAINING AGREEMENT
WITH THE BROOKLYN PARK POLICE FEDERATION FOR 2024-2025

WHEREAS, the City of Brooklyn Park has reached a negotiated memorandum of agreement with the Brooklyn Park Police Federation; and

WHEREAS, section 4.02 of the Employee Handbook, dated September 2013, gives City Council sole authority to enter into a collective bargaining agreement covering City employees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the memorandum of agreement to amend the collective bargaining agreement between the City of Brooklyn Park and the Brooklyn Park Police Federation is hereby approved for the years 2024 and 2025, and the City Manager is hereby authorized to execute the same on behalf of the City.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.10	Meeting Date:	March 24, 2025
Agenda Section:	Consent	Originating Department:	Operations and Maintenance – Engineering Division
Resolution:	N/A	Prepared By:	Jeff Holstein, Transportation Engineer
Ordinance:	N/A		
Attachments:	1	Presented By:	Marc Culver, City Engineer
Item:	Authorize Staff to Issue a Request for Qualifications for Consultant Services to Provide Land Use/Planning, Recreation and Parks and Engineering Services		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO AUTHORIZE STAFF TO ISSUE A REQUEST FOR QUALIFICATIONS FOR CONSULTANT SERVICES TO PROVIDE LAND USE/PLANNING, RECREATION AND PARKS AND ENGINEERING SERVICES.

Overview:

The City of Brooklyn Park currently has consultant services agreements with Bolton and Menk, Inc., and WSB Associates, Inc. The agreements allow the City to retain either of these two firms to help the City with planning and/or engineering issues. Both firms offer full-service planning and engineering expertise, including knowledge pertaining to issues and technologies outside that of City staff. The agencies also can provide these resources quickly when adequate City staff time is unavailable. These agreements were approved on June 14, 2021 and last for four years. Thus, they will be expiring on June 14, 2025.

The use of consultant service agreements allows the City to save staff time to retain a qualified consultant by not having to go through the request for proposal (RFP) or request for qualifications (RFQ) process for consultant help for all projects over \$50,000. It also allows the city to retain a consultant more quickly which is useful when there is an urgent need of consulting expertise. Projects are processed individually by a supplemental letter of agreement that references the master consulting services agreement. This process does not preclude the City from retaining other consultants.

Staff proposes the following tentative schedule to retain a consultant(s) under a new consulting services agreement.

- March 2025: Staff preparation of RFQ (expected to be very similar to 2021 RFQ).
- April 2025: RFQ sent to six to ten metro area consulting firms capable of providing the full range of planning, recreation and parks and engineering services.
- Early to Mid-May 2025: Staff reviews and scores RFQ's.
- May 27, 2025: Council authorizes execution of consultant services agreement(s) effective starting June 15, 2025.
- May 28 to June 15, 2025: City and consultant(s) agree and execute contract(s).

It is recommended that the City Council authorize staff to issue a RFQ for consultant services to provide land use/planning, parks and recreation and engineering services for the city.

Primary Issues/Alternatives to Consider:

The vast majority of work expected to be completed under these agreements would be anticipated in the northwest portion of the city and /or necessary as part of the pending BLRT project. However, the agreements would allow work to occur on issues in all portions of the city. The City used the consultant services agreement process for several projects over the past decade, most notably for issues relating to the Highway 169 / 101st Avenue interchange, the Safe Routes to School Project, the 109th Avenue Reconstruction Project, the 2040 Comprehensive Plan and to help prepare funding applications.

Budgetary/Fiscal Issues:

Most tasks would be expected to be funded with participation from other governmental agencies, EDA, the Special Assessment Construction Fund, and state and federal grants. There are no immediate expenditure issues. Each project will be approved by an individual Supplemental Letter of Agreement utilizing approved funding from various sources. In accordance to the City's Procurement Policy, the City Council will need to approve all tasks expected to exceed \$50,000.

Attachments:

4.10A DRAFT 2025 REQUEST FOR QUALIFICATIONS

CITY OF BROOKLYN PARK

REQUEST FOR QUALIFICATIONS

DUE DATE: May 2, 2025 4:00 p.m.

Engineering Division of Operations and Maintenance Department
&
Planning and Economic Development & Housing Divisions of
Community Development
&
Recreation and Parks Department

PURPOSE OF REQUEST

The City of Brooklyn Park seeks to enter into a contract with a consultant team to provide professional services in providing general engineering, project management, land use/planning services, services associated with recreation and parks and conducting transportation and planning studies for Brooklyn Park. The work will provide a service or information which will help the City proactively respond to potential developments/projects as well as plan for public infrastructure investments that are needed to support the development or redevelopment of areas within the city. Potential to provide light rail transit design or studies and/or Economic Development Authority/Housing Redevelopment Authority (EDA) related work will be considered advantageous. The City is looking for responses from a diverse team of consultants who can easily and seamlessly respond to dynamic engineering, planning, and project management needs. The City encourages the submission of responses from respondents with local, small business teaming partners.

STUDY BACKGROUND AND SERVICES REQUESTED

Many of the projects under this contract would fall within the primary study area (PSA) that includes approximately 700 acres of currently undeveloped property in the northwest corner of the city. The vast majority of this undeveloped property is currently envisioned for higher intensity types of land uses. These uses are expected to generate a substantial number of trips. The City is intent upon working with other public agencies, existing landowners and future developments in the area to ensure that high level recreation and parks facilities and multi-modal transportation systems, transportation demand management measures and intelligent transportation systems components are provided and/or upgraded to support the expected traffic demands and optimally position this area within the marketplace.

The PSA involves two major transportation corridors – TH 610 and TH 169, and several other secondary supporting roadways. TH 610 has recently been completed to I-94 and the City has worked extensively with MnDOT and Hennepin County over the past twenty years to upgrade the TH 169 corridor. These efforts included the Triangle Area Project, the TH 169/TH 610 Interchange upgrade, the CSAH 30 Interchange Project and the 101st Avenue Interchange Project. The PSA is also expected to include a major transit line, the Blue Line LRT Extension (BLE) within the

2027-2030 timeframe. The BLE is expected to align along CSAH 81 (Bottineau Boulevard) from Minneapolis to 73rd Avenue and then up West Broadway into the study area. The plans for the BLE include an end of the line station/park-n-ride and an Operations and Maintenance Facility (OMF) in the PSA. These planned regional improvements will continue to drive development of the area.

The City is home to the Target North Campus (TNC) which is located immediately north of TH 610 and east of CSAH 103 (West Broadway). The City has recently experienced many new developments in the TH 610 Corridor and continues to receive new development proposals on a frequent basis as well as opportunities for several redevelopment areas throughout the City. The City needs to identify the necessary supporting roadway infrastructure for these development areas and how this infrastructure interfaces with the regional systems; including the BLE, CSAH 103 north of the BLE, 109th Avenue between Jefferson Highway and CSAH 103, the Rush Creek Regional Trail, etc. The City also desires assistance in land use/planning analysis and recreation and parks facilities planning and design to determine how best to provide a mix of uses and facilities that meet the desires of the community in a manner that can be sustained over time.

The city is currently working on a land use study for the PSA to determine the optimal land use types, densities and locations within this area. This city vision includes a substantial bio-tech component and recreation and parks facilities in this area. This study is expected to go through an AUAR process and be completed by the end of 2025.

Outside of the PSA, the City is also working with MnDOT, Hennepin County and the Cities of Brooklyn Center and Minneapolis to upgrade Highway 252. This project has potential to generate other local improvement projects in this area. The City is also interested in working to upgrade the remaining rural portions of CSAH 30 and upgrading some other city and county arterial roadways within the city to improve multi-modal facilities and connections. Lastly, the City wishes to take advantage of all available funding sources to help offset costs while working towards the goals of our 2040 Comprehensive Plan.

The consultant team and its partners should have significant experience providing the following services to address the City's needs in the study area and the City as a whole:

- Developing transportation system plans on a community and/or local sub-area level

- Evaluating traffic and transportation needs for a variety of large complex land uses
- Conducting planning level intersection and freeway operations analysis
- Identifying roadway and interchange design concepts
- Preparing conceptual, preliminary and final design plans for all roadway classifications, interchanges, traffic signals, roundabouts and public utilities
- Providing general engineering design and construction engineering services including all municipal items involved in reconstruction and rehabilitation projects.
- Knowledge of available funding sources and significant experience preparing funding applications.
- Evaluating environmental issues
- Knowledge of LRT corridor operations and needs for facilities
- Working with a broad range of public and private stakeholders, including adapting to the various needs of cultural communities
- Developing and conducting effective and innovative public involvement processes
- Land use, planning and place making
- Evaluation of existing land uses, master plans and market studies to determine the best solutions for long term development viability
- Familiarity with the City of Brooklyn Park
- Preparing Recreation and Parks facilities and design plans and identifying / preparing grants to fund and implement facilities

RFQ SUBMITTAL REQUIREMENTS

General Information:

1. Qualifications shall be limited to a cover letter plus fifteen (15) single sided pages covering project understanding/approach, project team (and subconsultants), and similar project experience.
 - Proposals shall be prepared on 8-1/2" x 11" format, exhibits may include 11" x 17" size pages; pages should be numbered sequentially. All text and exhibits should be succinct and relevant to the RFQ requirements.

- The City shall not, in any event, be liable for any pre-contractual expenses incurred by the consultant in the preparation of their proposals. Consultants shall not include any such expenses as part of their proposals. Pre-contractual expenses are defined as expenses incurred by the consultant in:
 - Preparing its proposal in response to this RFQ;
 - Submitting that proposal to the City;
 - Negotiating with the City on any matter related to this RFQ;
 - Any other expenses incurred by the consultant prior to the date of execution of the proposed agreement.
2. Submission of Proposal. The proposals shall be submitted via email: (jeff.holstein@brooklynpark.org) to Jeff Holstein, on or before 4:00 PM, local time, on Friday, May 2, 2025. Questions concerning this RFQ can be emailed to Jeff Holstein or Marc Culver (City Engineer) at: marc.culver@brooklynpark.org
- Late proposals may be accepted at the City's discretion.
3. Addenda/Clarifications. Any changes to this RFQ will be made by the City through a written addendum. No verbal modification will be binding.
4. Contract Award. Issuance of this RFQ and receipt of proposals do not commit the City to the awarding of the contract. The City reserves the right to postpone opening for its own convenience, to accept or reject any or all proposals received in response to this RFQ, to negotiate with other than the selected consultant, should negotiations with the selected consultant be terminated, to negotiate with more than one consultant simultaneously, or to cancel all or part of this RFQ.
5. City Rights. The City may investigate the qualifications of any consultant under consideration, require confirmation of information furnished by the consultant, and require additional evidence of qualifications, to perform the work described in this RFQ. The City reserves the right to:
- a. Reject any or all proposals if such action is in the public interest;

- b. Cancel the entire Request for Qualifications;
 - c. Issue a subsequent Request for Qualifications;
 - d. Remedy technical errors in a Request for Qualifications process;
 - e. Appoint evaluation committees to review the proposals;
 - f. Negotiate with any, all, or none of the RFQ consultants; and
 - g. Reject and replace one or more subcontractors.
6. Independent Contractor Status. The consultant will be an independent consultant. Nothing contained in any contract awarded shall be construed to create the relationship of employer and employee between City and the consultant. The consultant is not entitled to receive any of the benefits by City employees and is not eligible for workers' or unemployment compensation benefits. The consultant understands that no withholding or deduction for state or federal income taxes, FICA, FUTA, or otherwise, will be made from payments due the consultant and that it is the consultant's sole obligation to comply with the applicable provisions of all federal and state tax laws.
7. Contract Type. A contract will be executed between the City and a prime consultant firm. In the case of a project team of multiple consultants, a prime consultant firm shall be responsible for subcontracting with the other consultant firms. There will be no legal relationship with the City and the subcontracting consultant firms. The prime and subcontracting consultant firms shall be responsible in providing the required submission information via a single proposal.

Letter of Submittal Inclusions:

- 1. Acknowledgement of receipt of RFQ addenda, if any;
- 2. Name, title, address, telephone, and email address, of contact person during the period of evaluation;
- 3. Signature of a person authorized.

Minimum Proposal Requirements:

1. Briefly describe the project understanding and approach used by your firm. Give a brief description of issues you believe significant on this project and your approach to address those issues.
2. Key Personnel:
 - a. Project Manager: Provide a description of the expected Project Managers and their qualifications for these types of projects and a detailed list of previous project work that is relevant to these types of projects.
 - b. Key Support Personnel: Provide a brief list of key personnel that will be assigned to these projects. Identify their area of expertise and how they have worked with the expected Project Managers on previous projects.
 - c. Sub-consultants. Describe the name and location of other sub-consultants that may be used by the firm. Identify the approximate percentage of the work that would be performed by each of these firms.
3. Previous general engineering/municipal engineering design and construction engineering service experience, transportation system planning studies, transportation facilities operations and design (including LRT) and experience and success in preparing grant funding applications. Include description of public involvement processes the expected Project Teams have utilized for similar projects.
4. Previous land use and planning study and design experience and knowledge/experience with EDA/HRA issues.
5. Previous experience preparing Parks and Recreation facilities plans and designing said facilities. Knowledge and prior success associated with preparing and acquiring Parks funding grants.
6. Conflict of Interest. The Consultant must identify any potential conflict of interest it may have providing the services contemplated by this RFQ.

7. Standard Hourly Rates. The Consultant must provide current position classifications and standard hourly rates for likely Project Managers and key personnel for both transportation and land use/planning projects.
8. Other information you believe may be valuable in reviewing the qualifications of your firm and team.

EVALUATION REQUIREMENTS

A review of each proposal by the City will identify those consultant firms that most clearly meet the needs for the project. Factors to be considered by the selection committee will include, but not limited to the following:

1. Qualifications, experience and pricing of the firm relating to previous similar projects.
2. Project Team – qualifications and experience of the expected Project Managers and key staff proposed to work on the projects, experience on previous similar projects, and availability of the key team members.
3. Grasp of project requirements – the team's understanding and knowledge of the diverse community and project area.
4. Approach/methodology – technical alternatives, creativity and problem-solving ability.
5. Responsiveness – compatibility between consultant and the member agencies, general attitude, ability to communicate with each of the agencies.
6. Diversity of Team and Subconsultants – ability to show the meaningful inclusion of team members representing a variety of racial, ethnic, and/or cultural backgrounds.

Proposals will be evaluated by a Consultant Selection Team that may consist of Jeff Holstein (City Transportation Engineer), Marc Culver (City Engineer), Greg Hoag (Acting Director of Operations and Maintenance), Paul Mogush (Planning Director), the Economic Development and Housing Director, Tim Gladhill (Director of Community Development), Brad Tullberg (Director of Parks and Recreation) and possibly others. Interviews are not expected, but may be requested, if necessary.

PROCESS AND SCHEDULE

The City can retain a consultant team in this manner for a period of four years. The expected process would generally involve the City requesting a specific work task to be completed by the consultant, preparation of a detailed work plan and cost estimate by the consultant and either acceptance and notice to proceed from the City, decision not to proceed from the City or decision to proceed with a different consultant by the City.

The City is expected to make a decision to retain one or more consultants in early May of 2025 and execute an agreement with City Council approval in either late May or early June of 2025.

City of Brooklyn Park

Request for Council Action

Agenda Item:	4.11	Meeting Date:	March 24, 2025
Agenda Section:	Consent	Originating Department:	Operations and Maintenance – Engineering Services Division
Resolution:	X	Prepared By:	Jeff Holstein, City Transportation Engineer
Ordinance:	N/A		
Attachments:	3	Presented By:	Marc Culver, City Engineer
Item:	Accept Bids and Award Contract for the Installation of a Permanent Traffic Signal System at the Zane Avenue / 71 st Avenue Intersection; CIP #4005-24		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2025-_____ ACCEPTING BIDS AND AWARDING THE CONTRACT TO PEMBER COMPANIES, INC., OF MENOMONIE, WI IN THE AMOUNT OF \$371,884.24, FOR THE INSTALLATION OF A PERMANENT TRAFFIC SIGNAL SYSTEM AT THE ZANE AVENUE / 71ST AVENUE INTERSECTION; CIP #4005-24.

Overview:

The Operations and Maintenance Department conducted a review of the twelve city owned traffic signals in 2023. The review recommended immediate, short-term, long-term and replacement items and schedules. The review recommendations, coupled with the recommendations from the 2023 Safe Routes to School Plan, and continued maintenance issues, including structural sufficiency and ADA compliance, lead to the conclusion that the city needs to start reconstructing/replacing some of our older traffic signal systems. The Zane Avenue/71st Avenue signal, which was installed in 1989, is nearing the end of its design life (typically 30-40 years). It is desirable to reconstruct this traffic signal as soon as possible in 2025 to improve the safety of schoolchildren walking to Zanewood Elementary and the operations along Zane Avenue.

The City Council approved the advance ordering of the signal poles for the signal system on December 9, 2024. The design of the signal system was completed and the city advertised for bids for this project in February and early March 2025.

Bids were opened for CIP 4005-24 on Wednesday, March 12, 2025. The nine bids ranged from a high of \$437,813.00 to a low of \$371,884.24 submitted by Pember Companies, Inc. The low bid is approximately \$142,000 less than the Engineer's Estimate. The city's consultant has worked with Pember Companies, Inc., in the past and found their work to be excellent.

Staff recommends that the contract for the permanent traffic signal system installation at the Zane Avenue/71st Avenue Intersection be awarded to Pember Companies, Inc., from Menomonie, WI as the lowest responsible bidder.

Primary Issues/Alternatives to Consider:

The project is included in the City's 2025-2029 C.I.P. for a 2025 installation. The signal system will include ADA compliant pedestrian ramps, Emergency Vehicle Pre-emption (EVP), pedestrian countdown indications and Accessible Pedestrian Signal (APS) components.

Budgetary/Fiscal Issues:

The current expected cost of installing a permanent traffic signal system at this location is approximately \$560,000. This includes approximately \$370,000 of contractor construction cost, \$160,000 of city furnished construction materials and \$30,000 of design/construction engineering cost. The city would pay for these costs using funds from the Street/Signal and Streetlight Utility Fund and Municipal State Aid funds.

Attachments:

4.11A RESOLUTION

4.11B LOCATION MAP

4.11C RECOMMENDATION LETTER FROM S.E.H.

RESOLUTION #2025

RESOLUTION ACCEPTING BIDS AND AWARDING THE CONTRACT TO PEMBER COMPANIES, INC., OF MENOMONIE, WI IN THE AMOUNT OF \$371,884.24, FOR THE INSTALLATION OF A PERMANENT TRAFFIC SIGNAL SYSTEM AT THE ZANE AVENUE / 71ST AVENUE INTERSECTION; CIP #4005-24

WHEREAS, pursuant to an advertisement for bids for the following improvements, to wit:

CIP 4005-24 – Zane Avenue / 71st Avenue Traffic Signal

bids were received, opened and tabulated according to law and the following bids were received complying with the advertisement:

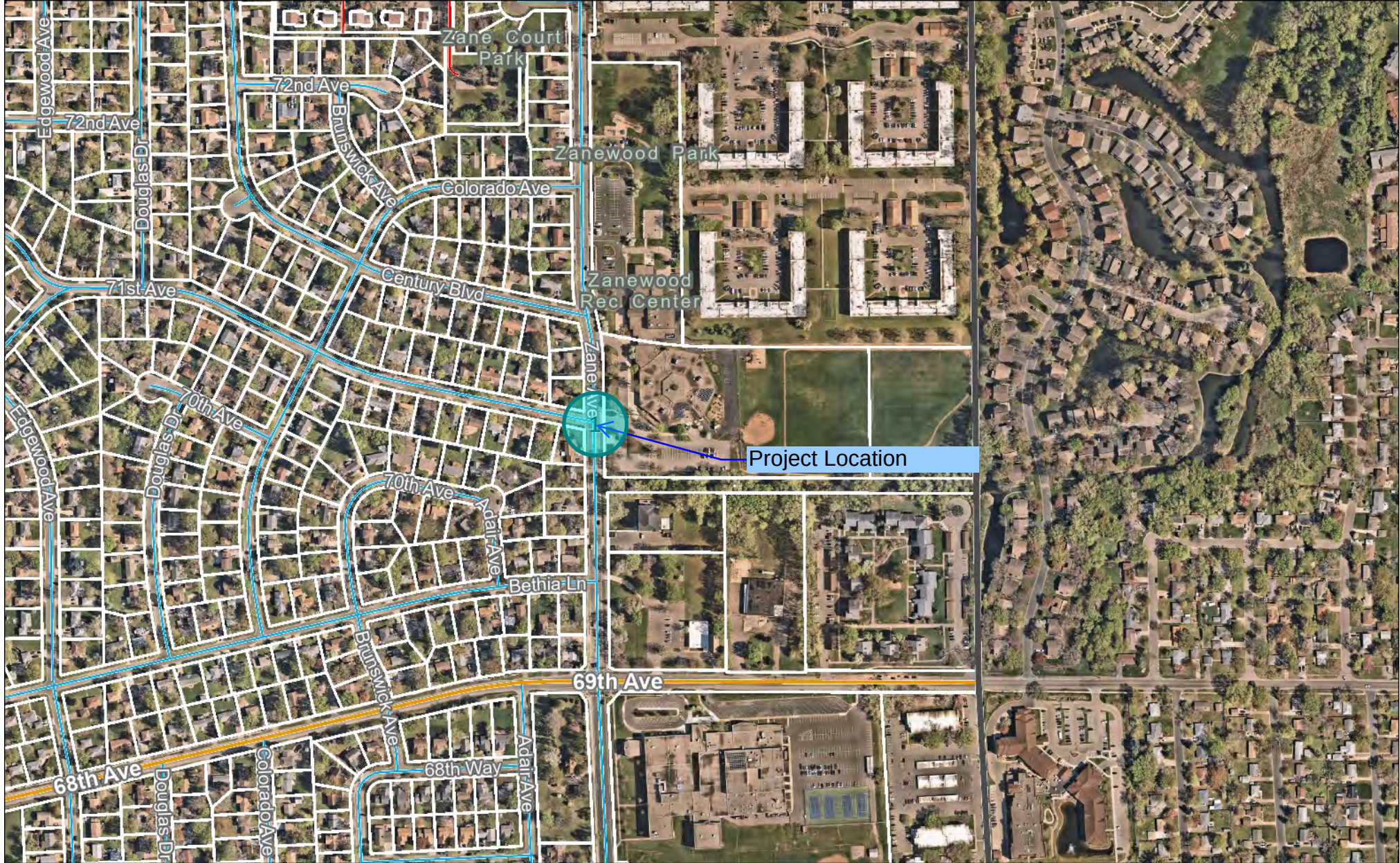
<u>BIDDER</u>	<u>TOTAL AMOUNT OF BID</u>
Pember Companies, Inc.	\$371,884.24
Thomas and Sons Construction	\$374,661.50
Create Construction, LLC	\$382,121.50
JL Theis, Inc.	\$399,457.65
Forest Lake Contracting, Inc.	\$409,598.00
Urban Companies	\$422,183.50
Collins Electrical Construction Company	\$423,655.40
New Look Contracting, Inc.	\$436,505.00
Boulder Creek, Inc.	\$437,813.00
Engineer's Estimate	\$513,811.00

and

WHEREAS, the City Manager recommends award of contract to Pember Companies, Inc., Menomonie, WI as the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park.

1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with Pember Companies, Inc., Menomonie, WI in the name of the City of Brooklyn Park for the improvements aforesaid according to the plans and specifications thereof approved by the Council and on file in the office of the City Clerk.



Map Scale = 1: 5,333

444 ft  1 in

Map provided by the City of Brooklyn Park, MN. This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details. www.brooklynpark.org



Building a Better World
for All of Us®

March 12, 2025

RE: Brooklyn Park, Minnesota
Traffic Signal System and ADA Curb
Ramp Improvements
Zane Avenue North at 71st Avenue North
City Improvement 4005-24
SEH No. BROPK 179674

Mr. Jeff Holstein, PE, PTOE
City Transportation Engineer
City of Brooklyn Park
5200 85th Avenue North
Brooklyn Park, Minnesota 55443-4300

Dear Jeff:

On Wednesday, March 12, 2025, the City of Brooklyn Park opened bids for the installation of one (1) new traffic signal system and ADA pedestrian curb ramp improvements, under City Improvement No. 4005-24. Work is to be completed on this project at the intersection of Zane Avenue North and 71st Avenue North. Nine (9) bids were received, with Pember Companies Inc. being the apparent low bidder. The total bids and Engineer's estimate are shown below:

	<u>Total Bid</u>
1. Pember Companies Inc.	\$371,884.24
2. Thomas and Sons Construction	\$374,651.50
3. Create Construction LLC	\$382,121.50
4. JL Theis, Inc.	\$399,457.65
5. Forest Lake Contracting Inc.	\$409,598.00
6. Urban Companies	\$422,183.50
7. Collins Electrical Construction Company	\$423,655.40
8. New Look Contracting, Inc.	\$436,505.00
9. Boulder Creek, Inc.	\$437,813.00
Engineer's Estimate	\$513,811.00

For your information, the Engineer's estimate for this project was compiled by tabulating the amount of materials and labor needed to complete this work. These quantities were then multiplied by estimated unit costs for each item, based on recent bid costs and MnDOT cost summaries for these items to obtain an estimate for the project work. The total Engineer's estimate of \$513,811.00 is the summary of the bid items for the project work.

Jeff Holstein, PE, PTOE

March 12, 2025

Page 2

Recent bids for traffic signal related projects this spring have been coming in much lower than our estimates and costs that we were seeing in 2024 for similar projects. For this project, the bid price for the "Traffic Control Signal System" pay item came in well over \$100,000 lower than estimated construction costs, while the remaining road and sidewalk work generally came in around \$30,000 higher than estimate for these bid items. Traffic signal material and construction costs appear to have stabilized and returned to levels closer to what we saw before COVID.

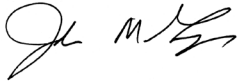
Pember Companies Inc. (out of Menomonie, Wisconsin) has a great deal of experience in the construction of similar projects. Our experiences with Pember Companies Inc. (including recent projects for the Cities of Eagan and Golden Valley, as well as for Washington County over the past 5 years) have been positive, and their work has proven to be acceptable.

We therefore recommend that the City Council award the contract for the installation of one (1) new traffic signal system and ADA pedestrian curb ramp improvements under City Improvement No. 4005-24 to Pember Companies Inc. in the amount of \$371,884.24.

Please feel free to contact me at 651.402.4383 if you have any questions on the above information, or on the project in general.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.

A handwritten signature in black ink, appearing to read "John M. Gray", with a stylized flourish at the end.

John M. Gray, PE

Senior Professional Traffic Engineer/Project Manager

City of Brooklyn Park

Request for Council Action

Agenda Item:	4.12	Meeting Date:	March 24, 2025
Agenda Section:	Consent	Originating Department:	Operations and Maintenance
Resolution:	X	Prepared By:	Mark Becker, Street/Fleet Manager
Ordinance:	N/A		
Attachments:	3	Presented By:	Marc Culver, City Engineer
Item:	Award the Bid for the 2025 Trinity Gardens Trail Overlay Project to Park Construction Company		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2025-_____ TO AWARD THE BID FOR THE 2025 TRINITY GARDENS TRAIL OVERLAY PROJECT TO PARK CONSTRUCTION COMPANY AND TO AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE THE CONTRACT.

Overview:

The proposed trail overlay project is necessary to extend the useful life of existing trails in fair condition in Maintenance District Six. The trails recommended for overlay were selected by condition study, review of other related infrastructure items and other relevant input. Approximately 2 miles of trails will be overlaid.

The 2025 Trinity Gardens Trail Overlay Project CIP #2005-25 was advertised on February 20, 2025, in the Brooklyn Park Sun-Post. On March 14, 2025, eleven (11) bids were received. The lowest responsible bid meeting specifications is from Park Construction Company.

Primary Issues/Alternatives to Consider:

This project is necessary to meet the goal to provide continuous infrastructure preservation and improvement.

Operations & Maintenance staff recommend approval as presented.

Budgetary/Fiscal Issues:

The recommended bid proposal cost of \$119,792.86 is included in the 2025-2029 Capital Improvement Plan as projects 2005-25 Trail and Pedestrian Program with a budget of \$250,000.00. Funding source is the Heritage Infrastructure Fund.

Attachments:

- 4.12A RESOLUTION
- 4.12B BID TAB
- 4.12C MAP OF TRAILS

RESOLUTION #2025-

RESOLUTION TO AWARD THE BID AWARD FOR THE 2025 TRINITY GARDENS PARK TRAIL OVERLAY
PROJECT TO PARK CONSTRUCTION COMPANY, AND TO AUTHORIZE THE MAYOR AND CITY
MANAGER TO EXECUTE THE CONTRACT

WHEREAS, the 2025 Trinity Gardens Park Trail Overlay Project was advertised in the Brooklyn Park Sun-Post on February 20, 2025; and

WHEREAS, on March 14, 2025, eleven (11) bids were received; and

WHEREAS, the lowest responsible bid meeting specifications is from Park Construction Company in the amount of \$119,792.86; and

WHEREAS, the construction project, CIP #2005-25, is budgeted to be funded by the Heritage Infrastructure Fund for a cost of \$250,000.00 ; and

WHEREAS, the Trail Overlay Program is necessary to preserve/increase the useful life of existing trails.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to award the bid for the 2025 Trinity Gardens Trail Overlay Project to Park Construction Company in the amount of \$119,792.86 and authorize the Mayor and City Manager to execute the contract.

CIP2005-25 Bituminous Overlays on Trinity Gardens Trails

Quest Number: 9541426

Owner Number: CIP2005-25
Closing Date: Fri, 03/14/2025 10:00 AM CDT
Posting Type: Construction Project
Owner: Brooklyn Park MN, City of
Solicitor: Brooklyn Park MN, City of

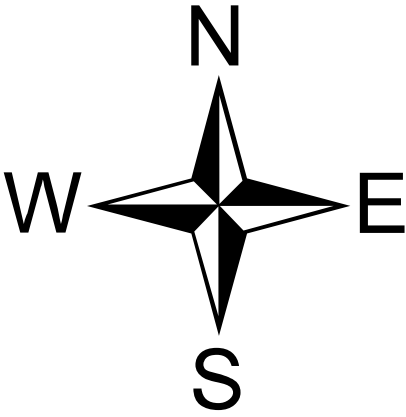
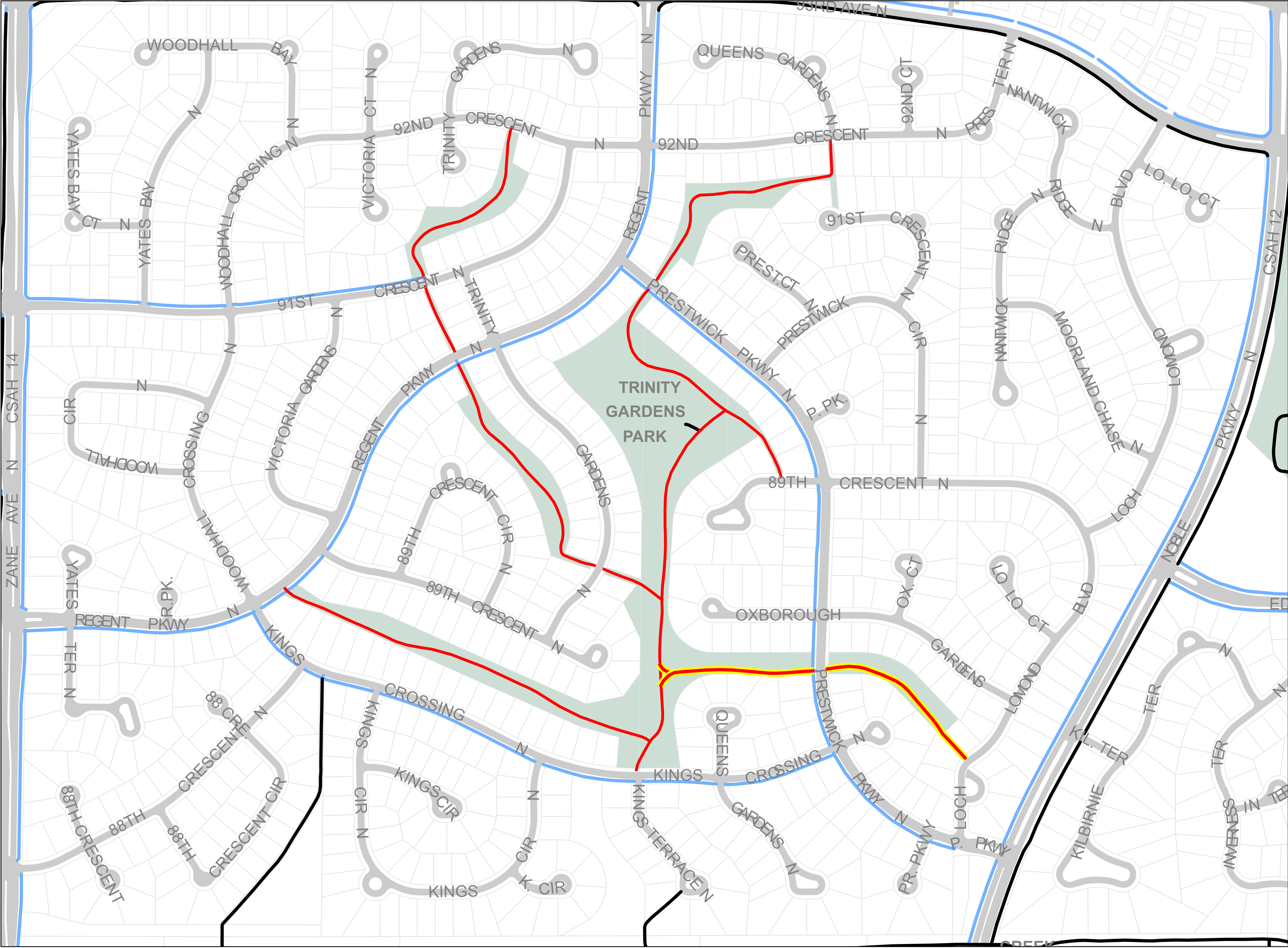
Owner Name:	Brooklyn Park MN, City of
Owner Contact:	Mr.Mark Becker
Owner Phone:	763-493-8009
Solicitor Name:	Brooklyn Park MN, City of
Contact:	Mr. Craig Runnakko, P.E.
Email:	craig.runnakko@brooklynpark.org
Phone:	763-493-8109
Award Date:	
Comments:	
Award Status:	Pending

Letting Bid Tabulation: [View on vBid](#)

Company	Contact	Phone	E-mail	Amount	Awarded	Comment
Park Construction Company	Park Construction - Paving	763-786-9800	estimating@parkconstructionco.com	\$ 119,792.86		
North Valley, Inc.	Les Bloom	763-274-2580	estimating@northvalleyinc.net	\$ 128,653.14		
Diversified Paving	Paul Reinert	763-421-4120	paul@dpipaving.com	\$ 130,906.76		
Bituminous Roadways Inc.	Estimating Department	651-686-7001	estimating@bitroads.com	\$ 133,994.00		
C. S. McCrossan Construction, Inc.	Estimator	763-425-4167	estimating@mccrossan.com	\$ 147,476.00		
Aslakson's Services Inc.	Aaron Aslakson	1 (651) 388-3330	aaron@aslaksons.com	\$ 148,157.60		
Allied Blacktop Company	Matt Dolecki	763 425-0575	m.dolecki@alliedblacktopmn.com	\$ 152,741.60		
Valley Paving, Inc	VPI Estimating	952-445-8615	estimating@valleypaving.com	\$ 156,666.00		
Minnesota Roadways Company	Estimator	952-496-2651	estimator@mnroadways.com	\$ 160,283.50		
Northwest	Estimator	952-445-1003	estimating@northwest-totalsite.com	\$ 182,177.58		
Asphalt Surface Technologies Corp.	Dale Strandberg	320-363-8500	astechquotes@gmail.com	\$ 182,984.00		

TRAIL OVERLAY

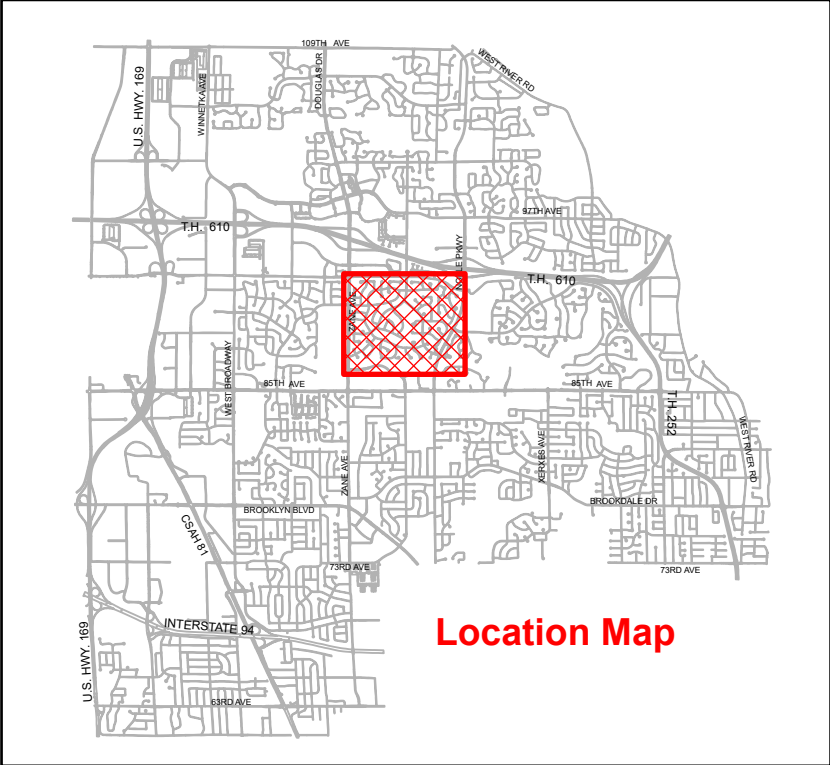
TRINITY GARDENS PARK



Date: 2/13/2025

- Trail (Overlay scheduled)
- Trail (3" Overlay scheduled)
- Trail (No work scheduled)
- Sidewalk (No work scheduled)
- Streets

Overlay Area: 10,219 SY



Location Map



City of Brooklyn Park Request for Council Action

Agenda Item:	4.13	Meeting Date:	March 24, 2025
Agenda Section:	Consent	Originating Department:	Operations and Maintenance Engineering Services Division
Resolution:	X	Prepared By:	Jason Ives, Senior Project Manager
Ordinance:	N/A		
Attachments:	2	Presented By:	Marc Culver, P.E. City Engineer
Item:	Accept Bids and Award Contract for 2025 Street Reconstruction Project, CIP 4003-25		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2025-_____, ACCEPTING BIDS AND AWARDING CONTRACT IN THE AMOUNT OF \$4,162,549.97 TO NORTHDAL CONSTRUCTION COMPANY, INC. OF ALBERTVILLE, MINNESOTA FOR 2025 STREET RECONSTRUCTION PROJECT, CIP 4003-25.

Overview:

Operations and Maintenance (O&M) staff rate the condition of city roadways on an annual basis. Based on these ratings, O&M has an extensive pavement rehabilitation program that utilizes seal coating, overlays, and mill and overlay methods to extend the life of the city's roads. Unfortunately, even with proper maintenance, roadways eventually need to be reconstructed.

Based on the annual street condition assessments, an area in the Greenhaven neighborhood and the Birch Grove neighborhood needs rehabilitation beyond the city's normal maintenance plan. The adopted 2025-2029 Capital Improvement Plan (CIP) includes this area to be reconstructed.

City staff have prepared plans that address deficiencies in existing utilities and show proposed design considerations and alternatives. A neighborhood meeting was held that was orientated toward listening to residents' concerns (drainage, sight lines, etc.). A second meeting will be held soon which will allow staff the opportunity to communicate with the residents about the proposed plans and impacts to properties. There are concerns throughout the project with watermain breaks and road grade issues. Staff has analyzed the project and determined a full replacement of the road section along with watermain, sanitary sewer and storm sewer improvements are necessary, cost-effective, and feasible from an engineering standpoint.

Bids were opened on March 13, 2025, with seven bids received. Bids ranged from \$4,162,549.97 to a high of \$5,194,737.25. The lowest responsible bidder is Northdale Construction Company, Inc. in the amount of \$4,162,549.97. They have been a prime contractor and subcontractor on numerous projects within the City of Brooklyn Park, most recently on CIP 4003-19. The 2025-2029 Capital Improvement Plan includes \$6,925,000 for a reconstruction project.

Staff recommends the City Council award the contract to Northdale Construction Company, Inc.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

This project is scheduled for a 2025 completion and, in accordance with City policies, these costs will be paid for utilizing the Franchise Fee Funds, Water Utility Funds, Sanitary Sewer Utility Funds and Storm Sewer Utility Funds.

Attachments:

- 4.13A RESOLUTION
- 4.13B LOCATION MAP

RESOLUTION #2025-

RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT IN THE AMOUNT OF \$4,162,549.97 TO
NORTHDALE CONSTRUCTION COMPANY, INC. OF ALBERTVILLE, MINNESOTA FOR 2025 STREET
RECONSTRUCTION PROJECT, CIP 4003-25

WHEREAS, the City Engineer has prepared plans and specifications for the following improvements to
wit:

CIP 4003-25: Street and Utility Reconstruction in the Greenhaven and Birch Grove neighborhoods.

Bids were received, opened, and tabulated according to law and the following bids were received complying with
the advertisement:

<u>BIDDER</u>	<u>TOTAL AMOUNT OF BID</u>
NORTHDALE CONSTRUCTION COMPANY, INC.	\$4,162,549.97
NORTHWEST	\$4,258,091.07
RL LARSON EXCAVATING INC.	\$4,392,402.47
VALLEY PAVING, INC	\$4,572,005.96
PARK CONSTRUCTION COMPANY	\$4,829,296.25
S R WEIDEMA, INC.	\$4,999,068.60
NEW LOOK CONTRACTING, INC.	\$5,194,737.25
Engineer's Estimate	\$5,725,729.42

and;

WHEREAS, the City Manager recommends award of contract to Northdale Construction Company, Inc.
of Albertville, MN as the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park.

1. The Mayor and Manager are hereby authorized and directed to enter into a contract with Northdale
Construction Company, Inc. of Albertville, MN in the name of the City of Brooklyn Park for the
improvements aforesaid according to the plans and specifications thereof approved by the Council and
on file in the office of the Clerk.

CityView map
3/18/2025

Greenhaven Neighborhood:
 Boone Avenue - Brooklyn Blvd to 78th Avenue
 78th Avenue - Boone Avenue to Zealand Avenue
 Zealand Avenue - 78th Avenue to Brooklyn Blvd
 Aquila Ave - Cul-de-sac to Brooklyn Blvd
 Brooklyn Blvd - Boone Ave to Zealand Avenue

Brooklyn Park
 Unique.
 United.
 Undiscovered.



Map Scale = 1: 2,400

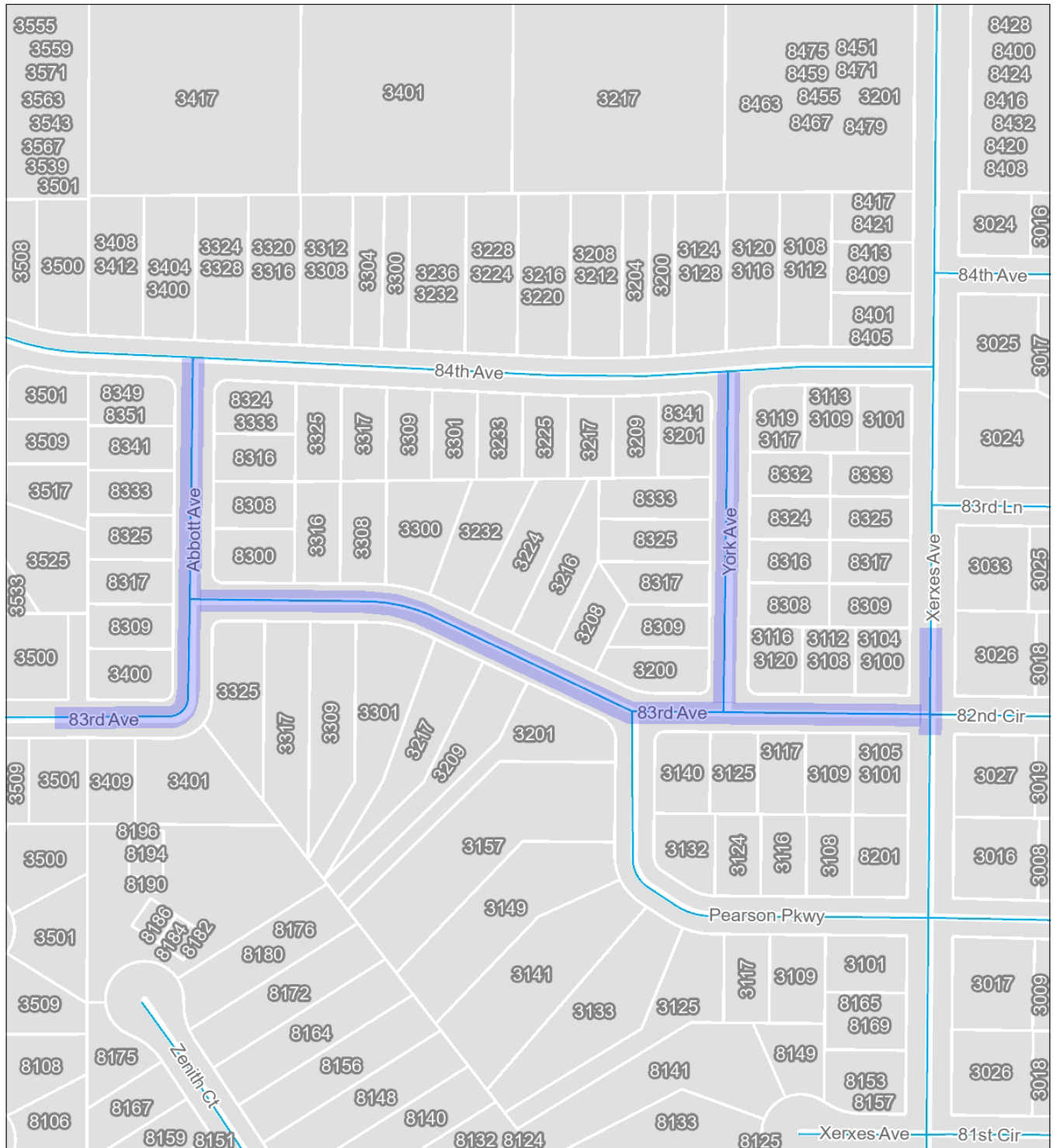
200 ft 1 in

Map provided by the City of Brooklyn Park, MN. This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details. www.brooklynpark.org

CityView map
3/18/2025

Birch Grove Neighborhood:
 Abbott Avenue - 84th Avenue to 83rd Avenue
 York Avenue - 84th Avenue to 83rd Avenue
 83rd Avenue - Abbott Avenue to Xerxes Avenue

Brooklyn Park
 Unique.
 United.
 Undiscovered.



Map Scale = 1: 2,400

200 ft 1 in

Map provided by the City of Brooklyn Park, MN. This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details. www.brooklynpark.org

City of Brooklyn Park Request for Council Action

Agenda Item:	4.14	Meeting Date:	March 24, 2025
Agenda Section:	Consent	Originating Department:	Operations and Maintenance
Resolution:	X		
Ordinance:	N/A		
Attachments:	3	Presented By:	Marc Culver, City Engineer
Item:	Railroad Crossing Installation Agreement		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2025-_____ TO APPROVE THE RAILROAD CROSSING AGREEMENT BETWEEN THE CITY OF MAPLE GROVE, THE CITY OF BROOKLYN PARK AND BNSF RAILROAD

Overview:

BNSF Railroad has been working with the City of Maple Grove on the replacement of a railroad crossing surface across Jefferson Highway south of 85th Ave. This crossing is a spur crossing serving only two properties in the City of Maple Grove. Maple Grove has been working with those property owners to assess the costs of this crossing replacement to those benefiting properties.

As Jefferson Highway serves as the border of Maple Grove and Brooklyn Park in this area, half of the crossing is located within the City limits of Brooklyn Park. Therefore, BNSF Railroad has requested that Brooklyn Park be added to the agreement in order to provide approval of the work and also to specifically allow BNSF to redirect stormwater into the City's stormwater system.

Primary Issues/Alternatives to Consider:

This agreement provides BNSF authority from the City of Brooklyn Park to perform the work and to drain water into the City's stormwater system. There is no cost to Brooklyn Park. Maple Grove is administering the project.

Operations & Maintenance Staff recommend approval.

Budgetary/Fiscal Issues:

There is no cost to the City of Brooklyn Park.

Attachments:

- 4.14A RESOLUTION
- 4.14B AGREEMENT
- 4.14C LOCATION MAP

RESOLUTION #2025-

RESOLUTION TO APPROVE THE RAILROAD CROSSING AGREEMENT BETWEEN THE CITY OF MAPLE GROVE, THE CITY OF BROOKLYN PARK AND BNSF RAILROAD

WHEREAS, BNSF Railroad has indicated their desire and need to upgrade the concrete crossing surface at the spur railroad crossing across Jefferson Highway south of 85th Ave; and

WHEREAS, the City of Maple Grove has coordinated with BNSF on this project and will be assessing all costs to the benefiting property owners in Maple Grove; and

WHEREAS, an agreement is warranted to define project responsibilities, scope and costs; and

WHEREAS, the City of Brooklyn Park is a party to this agreement as the crossing is partially located within the city limits of the City of Brooklyn Park.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve the Railroad Crossing Agreement between the City of Maple Grove, the City of Brooklyn Park and BNSF Railroad.

Be it further resolved that the Mayor and City Clerk are authorized to execute this agreement and any subsequent amendments upon the approval of the City Attorney and City Engineer.

CROSSING SURFACE INSTALLATION AGREEMENT

BNSF File No.: BF-20548128
Mile Post 11.31
Line Segment 202
U.S. DOT Number 075784M
Hib-Tac Subdivision

This Crossing Surface Installation Agreement (hereinafter called, this "Agreement") is entered into effective as of _____, by and between **City of Maple Grove** (hereinafter called, "**AGENCY**"), the **City of Brooklyn Park** (hereinafter called, "**CITY**"), and BNSF Railway Company (hereinafter called, "**BNSF**").

WHEREAS, BNSF operates a freight transportation system by rail with operations throughout the United States and Canada; and

WHEREAS, AGENCY desires to replace the existing concrete crossing surface at Jefferson Hwy DOT # 075784M with a new concrete crossing surface;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1) **BNSF Work.** BNSF will install one new concrete crossing surface for a width of 64 feet from the edge of the pavement on the East side of the tracks to the edge of the pavement on the West side of the tracks. The new crossing surface will adequately cover all vehicular driving lanes at Jefferson Hwy DOT # 075784M. BNSF will perform all necessary track upgrades to accommodate the new crossing surface.
- 2) **AGENCY Work.** AGENCY must construct the Project as shown on the attached Exhibit A and do all work ("AGENCY's Work") provided for in the plans and specifications for the Project, except railroad work that will be performed by BNSF hereunder. AGENCY must furnish all labor, materials, tools and equipment for the performance of AGENCY's Work. The principal elements of AGENCY's Work are as follows:
 - A. Design and Construction of Jefferson Hwy;
 - B. Installation of a pavement marking stop bar in accordance with the Manual on Uniform Traffic Control Devices (hereinafter called, "MUTCD");
 - C. Installation of advance warning signs in accordance with the MUTCD;
 - D. Perform all necessary grading and paving, including backfill of excavations and restoration of disturbed vegetation on BNSF's right-of-way;

- E. Provide suitable drainage, both temporary and permanent;
- F. Provide all barricades, lights, flagmen or traffic control devices as necessary, during the installation of the concrete pedestrian crossing surfaces;
- G. Construct concrete sidewalk surface on approaches to each track, if desired; and
- H. Job site cleanup including removal of all construction materials, concrete debris, surplus soil, refuse, contaminated soils, asphalt debris, litter and other waste materials to the satisfaction of BNSF.

- 3) **Payment; Invoicing.** Upon execution of this Agreement by both parties hereto, BNSF will send Agency an invoice detailing the total amount owed by Agency for the new crossing surface. BNSF shall send to Agency a final invoice upon completion and Agency shall pay the final invoice within 30 days of receipt.

Agency agrees to pay BNSF One Thousand and No/100 Dollars (\$1,000.00) per foot for the new crossing surface. Agency's **ESTIMATED** total cost for the new crossing surface is Sixty Four Thousand and No/100 Dollars (\$64,000.00).

- 4) **Maintenance of the Crossing Surface.** After installation of the new crossing surface is completed, BNSF will maintain, at its own cost and expense, the crossing surface, against normal wear and tear, in a satisfactory manner for the expected life of the crossing surface. Notwithstanding the preceding sentence, BNSF shall be entitled to receive any contribution toward the cost of such maintenance made available by reason of any existing or future laws, ordinances, regulations, orders, grants, or other means or sources.
- 5) **Vehicular Traffic during Installation.** The AGENCY shall provide, at its own cost and expense, all necessary barricades, lights or traffic control devices for detouring vehicular/pedestrian traffic at the Jefferson Hwy DOT # 075784M Street crossing during installation of the new crossing surface.
- 6) **Drainage.** The AGENCY and CITY agree to allow BNSF to drain water from the Jefferson Hwy DOT # 075784M Street crossing area into existing AGENCY and CITY storm sewers, if such storm sewers are available. Drain pipes and filter fabric necessary for such drainage will be furnished and installed by BNSF.
- 7) **Roadway Surfacing Work.** The AGENCY agrees to provide, at its sole cost and expense, enough asphalt to cover the distance between the existing roadway surface at Jefferson Hwy DOT # 075784M and the new crossing surface on both sides of the track.
- 8) **Contractor Requirements:** AGENCY must require its contractor to comply with the obligations set forth in this Agreement, including Exhibit C and Exhibit C-1, and incorporate in each prime contract for construction of the Project, or the specifications therefor, the provisions set forth in Exhibit C and Exhibit C-1, attached hereto and by reference made a part hereof.

No work shall be commenced within BNSF's right of way until the AGENCY's contractor shall have (i) executed and delivered to BNSF an agreement in the form of said Exhibit C-1 and (ii) delivered to and secured BNSF's approval of the required insurance.

- 9) **Term.** This Agreement begins on the effective date set forth above and remains in effect until completion of all work contemplated in this Agreement and AGENCY's payment of the amounts set forth in Section 3 above.



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by its duly qualified and authorized officials as of the day and year first written above.

BNSF Railway Company:

By: _____

Printed Name: _____

Title: _____

AGENCY:

City of Maple Grove Mayor

By: _____

Printed Name: _____

Title: _____

City of Maple Grove Clerk

By: _____

Printed Name: _____

Title: _____

CITY:

City of Brooklyn Park Mayor

By: _____

Printed Name: _____

Title: _____

City of Brooklyn Park Clerk

By: _____

Printed Name: _____

Title: _____

Exhibit A



EXHIBIT "C"

CONTRACTOR REQUIREMENTS

1.01 General:

- **1.01.01** The Contractor must cooperate with **BNSF RAILWAY COMPANY**, hereinafter referred to as "**Railway**" where work is over or under on or adjacent to Railway property and/or right-of-way, hereafter referred to as "Railway Property", during the reconstruction of the railroad crossing surface approaches and associated traffic control at Jefferson Hwy (DOT # 075784M) in Maple Grove, MN.
- **1.01.02** The Contractor must execute and deliver to the Railway duplicate copies of the Exhibit "C-1" Agreement, in the form attached hereto, obligating the Contractor to provide and maintain in full force and effect the insurance called for under Section 3 of said Exhibit "C-1". Questions regarding procurement of the Railroad Protective Liability Insurance should be directed to **Rosa Martinez** at Marsh, USA, 214-303-8519.
- **1.01.03** The Contractor must plan, schedule and conduct all work activities so as not to interfere with the movement of any trains on Railway Property.
- **1.01.04** The Contractor's right to enter Railway's Property is subject to the absolute right of Railway to cause the Contractor's work on Railway's Property to cease if, in the opinion of Railway, Contractor's activities create a hazard to Railway's Property, employees, and/or operations. Railway will have the right to stop construction work on the Project if any of the following events take place: (i) Contractor (or any of its subcontractors) performs the Project work in a manner contrary to the plans and specifications approved by Railway; (ii) Contractor (or any of its subcontractors), in Railway's opinion, prosecutes the Project work in a manner which is hazardous to Railway property, facilities or the safe and expeditious movement of railroad traffic; (iii) the insurance described in the attached Exhibit C-1 is canceled during the course of the Project; or (iv) Contractor fails to pay Railway for the Temporary Construction License or the Easement. The work stoppage will continue until all necessary actions are taken by Contractor or its subcontractor to rectify the situation to the satisfaction of Railway's Division Engineer or until additional insurance has been delivered to and accepted by Railway. In the event of a breach of (i) this Agreement, (ii) the Temporary Construction License, or (iii) the Easement, Railway may immediately terminate the Temporary Construction License or the Easement. Any such work stoppage under this provision will not give rise to any liability on the part of Railway. Railway's right to stop the work is in addition to any other rights Railway may have including, but not limited to, actions or suits for damages or lost profits. In the event that Railway desires to stop construction work on the Project, Railway agrees to immediately notify the following individual in writing:

- **1.01.05** The Contractor is responsible for determining and complying with all Federal, State and Local Governmental laws and regulations, including, but not limited to environmental laws and regulations (including but not limited to the Resource Conservation and Recovery Act, as amended; the Clean Water Act, the Oil Pollution Act, the Hazardous Materials Transportation Act, CERCLA), and health and safety laws and regulations. The Contractor hereby indemnifies, defends and holds harmless Railway for, from and against all fines or penalties imposed or assessed by Federal, State and Local Governmental Agencies against the Railway which arise out of Contractor's work under this Agreement.
- **1.01.06** The Contractor must notify **The City of Maple Grove** and Railway's Manager Public Projects, telephone number 763-782-3476 at least thirty (30) calendar days before commencing any work on Railway Property. Contractor's notification to Railway must refer to Railway's file BF-20548128.
- **1.01.07** For any bridge demolition and/or falsework above any tracks or any excavations located with any part of the excavations located within, whichever is greater, twenty-five (25) feet of the nearest track or intersecting a slope from the plane of the top of rail on a 2 horizontal to 1 vertical slope beginning at eleven (11) feet from centerline of the nearest track, both measured perpendicular to center line of track, the Contractor must furnish the Railway five sets of working drawings showing details of construction affecting Railway Property and tracks. The working drawing must include the proposed method of installation and removal of falsework, shoring or cribbing, not included in the contract plans and two sets of structural calculations of any falsework, shoring or cribbing. For all excavation and shoring submittal plans, the current "BNSF-UPRR Guidelines for Temporary Shoring" must be used for determining the design loading conditions to be used in shoring design, and all calculations and submittals must be in accordance with the current "BNSF-UPRR Guidelines for Temporary Shoring". All submittal drawings and calculations must be stamped by a registered professional engineer licensed to practice in the state the project is located. All calculations must take into consideration railway surcharge loading and must be designed to meet American Railway Engineering and Maintenance-of-Way Association (previously known as American Railway Engineering Association) Coopers E-80 live loading standard. All drawings and calculations must be stamped by a registered professional engineer licensed to practice in the state the project is located. The Contractor must not begin work until notified by the Railway that plans have been approved. The Contractor will be required to use lifting devices such as, cranes and/or winches to place or to remove any falsework over Railway's tracks. In no case will the Contractor be relieved of responsibility for results obtained by the implementation of said approved plans.
- **1.01.08** Subject to the movement of Railway's trains, Railway will cooperate with the Contractor such that the work may be handled and performed in an efficient manner. The Contractor will have no claim whatsoever for any type of damages or for extra or additional compensation in the event his work is delayed by the Railway.

1.02 Contractor Safety Orientation

- **1.02.01** No employee of the Contractor, its subcontractors, agents or invitees may enter Railway Property without first having completed Railway's Engineering Contractor Safety Orientation, found on the web site www.BNSFContractor.com. The Contractor must ensure that each of its employees, subcontractors, agents or invitees completes Railway's Engineering Contractor Safety Orientation through internet sessions before

Monday, March 24, 2025
6:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

REGULAR CITY COUNCIL MEETING – AGENDA #11

Si usted necesita esta información en español: 763-424-8000. Yog xav tau kev pab, thov hu rau 763-424-8000 lawv mam li nrhiav ib tus neeg txhais lus rau koj. If you need this information in another language or alternative format, email access@brooklynpark.org or call 763-424-8000.

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

I. ORGANIZATIONAL BUSINESS

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

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

2A. RESPONSE TO PRIOR PUBLIC COMMENT

2B. PUBLIC COMMENT

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

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

3B.1 Metropolitan Mosquito Control Public Presentation

3B.2 Planning Commission Annual Report and 2025 Work Plan

A. 2024 ANNUAL REPORT

B. 2025 WORKPLAN

3B.3 Community Long-range Improvement Commission 2023-2024 Annual Report and 2024 Work Plan

A. 2023-2024 ANNUAL REPORT

B. 2025 WORK PLAN

3B.4 Human Rights Commission Annual Report and 2025 Work Plan

A. WORKPLAN (*TBA Monday*)

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 Appointment to the Recreation and Parks Advisory Commission

4.2 Award the Bid for the 2025 MSA Crack Seal Project to Seal Pros of Hopkins, MN

A. RESOLUTION

B. BID TAB

C. MAP OF STREETS

4.3 Authorize Application for Grant Funding through MN DNR Outdoor Recreation Grant

A. RESOLUTION

4.4 Set a Public Hearing on April 14, 2025, to Consider the Approval of an On-Sale Intoxicating Liquor License for Si Senor Kitchen LLC

A. PUBLIC HEARING NOTICE

4.5 Approve a Temporary On-Sale Liquor License for Brooklyn Park Lions for their Smelt Fry

4.6 Approve a Tetrahydrocannabinol (THC) and Tobacco License for Puff Puff Smokes LLC, dba Puff Puff Smokes

4.7 Intoxicating Liquors Ordinance Amendment

- A. ORDINANCE
 - B. IMMIGRATION POLICY
- 4.8 DEV24-102 Post Zoning Code Update: Minor Text Revisions
 - A. ORDINANCE
 - B. ZONING MAP
- 4.9 Approval of the MOA to the 2024-2025 Collective Bargaining Agreement with the Brooklyn Park Police Federation
 - A. RESOLUTION
- 4.10 Authorize Staff to Issue a Request for Qualifications for Consultant Services to Provide Land Use/Planning, Recreation and Parks and Engineering Services
 - A. DRAFT 2025 REQUEST FOR QUALIFICATIONS
- 4.11 Accept Bids and Award Contract for the Installation of a Permanent Traffic Signal System at the Zane Avenue / 71st Avenue Intersection; CIP #4005-24
 - A. RESOLUTION
 - B. LOCATION MAP
 - C. RECOMMENDATION LETTER FROM S.E.H.
- 4.12 Award the Bid for the 2025 Trinity Gardens Trail Overlay Project to Park Construction Company
 - A. RESOLUTION
 - B. BID TAB
 - C. MAP OF TRAILS
- 4.13 Accept Bids and Award Contract for 2025 Street Reconstruction Project, CIP 4003-25
 - A. RESOLUTION
 - B. LOCATION MAP
- 4.14 Railroad Crossing Installation Agreement
 - A. RESOLUTION
 - B. AGREEMENT
 - C. LOCATION MAP
- 4.15 Approve the Bid Award for the 2025 Street Traffic Centerline Striping project on City Streets to Warning Lites
 - A. RESOLUTION
 - B. MARKING MAP
- 4.16 Resolution of Support for DNR Outdoor Recreation Grant Program for Shingle Creek Brookdale Park Natural Channel Project
 - A. RESOLUTION
 - B. LOCATION MAP

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

5. PUBLIC HEARINGS

None.

6. LAND USE ACTIONS

None.

7. GENERAL ACTION ITEMS

- 7.1 Resolution Ordering the Abatement of Hazardous Property and Public Nuisance Located at 9115 Irving Avenue North
 - A. RESOLUTION
 - B. ABATEMENT ORDER
 - C. MN STATE STATUTE 463.15-463.261

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.

any work is performed on the Project. Additionally, the Contractor must ensure that each and every one of its employees, subcontractors, agents or invitees possesses a card certifying completion of the Railway Contractor Safety Orientation before entering Railway Property. The Contractor is responsible for the cost of the Railway Contractor Safety Orientation. The Contractor must renew the Railway Contractor Safety Orientation annually. Further clarification can be found on the web site or from the Railway's Representative.

1.03 Railway Requirements

- **1.03.01** The Contractor must take protective measures as are necessary to keep railway facilities, including track ballast, free of sand, debris, and other foreign objects and materials resulting from his operations. Any damage to railway facilities resulting from Contractor's operations will be repaired or replaced by Railway and the cost of such repairs or replacement must be paid for by the Agency.
- **1.03.02** The Contractor must notify the Railway's Division Engineer Tyrel Antonich at (406) 672-9242 and provide blasting plans to the Railway for review seven (7) calendar days prior to conducting any blasting operations adjacent to or on Railway's Property.
- **1.03.03** The Contractor must abide by the following temporary clearances during construction:
 - 15'-0" Horizontally from centerline of nearest track
 - 21'-6" Vertically above top of rail
 - 27'-0" Vertically above top of rail for electric wires carrying less than 750 volts
 - 28'-0" Vertically above top of rail for electric wires carrying 750 volts to 15,000 volts
 - 30'-0" Vertically above top of rail for electric wires carrying 15,000 volts to 20,000 volts
 - 34'-0" Vertically above top of rail for electric wires carrying more than 20,000 volts
- **1.03.04** Upon completion of construction, the following clearances shall be maintained:
 - 25' Horizontally from centerline of nearest track
 - 23' 6" Vertically above top of rail
- **1.03.05** Any infringement within State statutory clearances due to the Contractor's operations must be submitted to the Railway and to **The City of Maple Grove** and must not be undertaken until approved in writing by the Railway, and until **The City of Maple Grove** has obtained any necessary authorization from the State Regulatory Authority for the infringement. No extra compensation will be allowed in the event the Contractor's work is delayed pending Railway approval, and/or the State Regulatory Authority's approval.
- **1.03.06** In the case of impaired vertical clearance above top of rail, Railway will have the option of installing tell-tales or other protective devices Railway deems necessary for protection of Railway operations. The cost of tell-tales or protective devices will be borne by the Agency.
- **1.03.07** The details of construction affecting the Railway's Property and tracks not included

in the contract plans must be submitted to the Railway by **The City of Maple Grove** for approval before work is undertaken and this work must not be undertaken until approved by the Railway.

- **1.03.08** At other than public road crossings, the Contractor must not move any equipment or materials across Railway's tracks until permission has been obtained from the Railway. The Contractor must obtain a "Temporary Construction Crossing Agreement" from the Railway prior to moving his equipment or materials across the Railways tracks. The temporary crossing must be gated and locked at all times when not required for use by the Contractor. The temporary crossing for use of the Contractor will be constructed and, at the completion of the project, removed at the expense of the Contractor.
- **1.03.09** Discharge, release or spill on the Railway Property of any hazardous substances, oil, petroleum, constituents, pollutants, contaminants, or any hazardous waste is prohibited and Contractor must immediately notify the **Railway's Resource Operations Center at 1(800) 832-5452**, of any discharge, release or spills in excess of a reportable quantity. Contractor must not allow Railway Property to become a treatment, storage or transfer facility as those terms are defined in the Resource Conservation and Recovery Act or any state analogue.
- **1.03.10** The Contractor upon completion of the work covered by this contract, must promptly remove from the Railway's Property all of Contractor's tools, equipment, implements and other materials, whether brought upon said property by said Contractor or any Subcontractor, employee or agent of Contractor or of any Subcontractor, and must cause Railway's Property to be left in a condition acceptable to the Railway's representative.

1.04 Contractor Roadway Worker on Track Safety Program and Safety Action Plan:

- **1.04.01** Each Contractor that will perform work within 25 feet of the centerline of a track must develop and implement a Roadway Worker Protection/On Track Safety Program and work with Railway Project Representative to develop an on track safety strategy as described in the guidelines listed in the on track safety portion of the Safety Orientation. This Program must provide Roadway Worker protection/on track training for all employees of the Contractor, its subcontractors, agents or invitees. This training is reinforced at the job site through job safety briefings. Additionally, each Contractor must develop and implement the Safety Action Plan, as provided for on the web site www.BNSFContractor.com, which will be made available to Railway prior to commencement of any work on Railway Property. During the performance of work, the Contractor must audit its work activities. The Contractor must designate an on-site Project Supervisor who will serve as the contact person for the Railway and who will maintain a copy of the Safety Action Plan, safety audits, and Material Safety Datasheets (MSDS), at the job site.
- **1.04.02** Contractor shall have a background investigation performed on all of its employees, subcontractors and agents who will be performing any services for Railroad under this Agreement which are determined by Railroad in its sole discretion **a)** to be on Railroad's property, or **b)** that require access to Railroad Critical Infrastructure, Railroad Critical Information Systems, Railroad's Employees, Hazardous Materials on Railroad's property or is being transported by or otherwise in the custody of Railroad, or Freight in Transit involving Railroad.

The required background screening shall at a minimum meet the rail industry background screening criteria defined by the e-RAILSAFE Program as outlined at www.eRailsafe.com, in addition to any other applicable regulatory requirements.

Contractor shall obtain written consent from all its employees, subcontractors or agents screened in compliance with the e-RAILSAFE Program to participate in the Program on their behalf and to release completed background information to Railroad's designee. Contractor shall be subject to periodic audit to ensure compliance.

Contractor subject to the e-RAILSAFE Program hereunder shall not permit any of its employees, subcontractors or agents to perform services hereunder who are not first approved under e-RAILSAFE Program standards. Railroad shall have the right to deny entry onto its premises or access as described in this section above to any of Contractor's employees, subcontractors or agents who do not display the authorized identification badge issued by a background screening service meeting the standards set forth in the e-RAILSAFE Program, or who in Railroad's opinion, which may not be unreasonable, may pose a threat to the safety or security of Railroad's operations, assets or personnel.

Contractors shall be responsible for ensuring that its employees, subcontractors and agents are United States citizens or legally working in the United States under a lawful and appropriate work VISA or other work authorization.

1.05 Railway Flagger Services:

- **1.05.01** The Contractor must give Railway's **Roadmaster Jeff Sinnott (telephone 218-391-7286)** a minimum of thirty (30) calendar days advance notice when flagging services will be required so that the Roadmaster can make appropriate arrangements (i.e., bulletin the flagger's position). If flagging services are scheduled in advance by the Contractor and it is subsequently determined by the parties hereto that such services are no longer necessary, the Contractor must give the Roadmaster five (5) working days advance notice so that appropriate arrangements can be made to abolish the position pursuant to union requirements.
- **1.05.02** Unless determined otherwise by Railway's Project Representative, Railway flagger will be required and furnished when Contractor's work activities are located over, under and/or within twenty-five (25) feet measured horizontally from centerline of the nearest track and when cranes or similar equipment positioned beyond 25-feet from the track centerline could foul the track in the event of tip over or other catastrophic occurrence, but not limited thereto for the following conditions:
 - **1.05.02a** When, upon inspection by Railway's Representative, other conditions warrant.
 - **1.05.02b** When any excavation is performed below the bottom of tie elevation, if, in the opinion of Railway's representative, track or other Railway facilities may be subject to movement or settlement.
 - **1.05.02c** When work in any way interferes with the safe operation of trains at timetable speeds.

- **1.05.02d** When any hazard is presented to Railway track, communications, signal, electrical, or other facilities either due to persons, material, equipment or blasting in the vicinity.
- **1.05.02e** Special permission must be obtained from the Railway before moving heavy or cumbersome objects or equipment which might result in making the track impassable.
- **1.05.03** Flagging services will be performed by qualified Railway flaggers.
 - **1.05.03a** Flagging crew generally consists of one employee. However, additional personnel may be required to protect Railway Property and operations, if deemed necessary by the Railways Representative.
 - **1.05.03b** Each time a flagger is called, the minimum period for billing will be the eight (8) hour basic day.
 - **1.05.03c** The cost of flagger services provided by the Railway will be borne by **The City of Maple Grove**. The estimated cost for one (1) flagger is approximately between \$1,200.00-\$2,000.00 for an eight (8) hour basic day with time and one-half or double time for overtime, rest days and holidays. The estimated cost for each flagger includes vacation allowance, paid holidays, Railway and unemployment insurance, public liability and property damage insurance, health and welfare benefits, vehicle, transportation, meals, lodging, radio, equipment, supervision and other costs incidental to performing flagging services. Negotiations for Railway labor or collective bargaining agreements and rate changes authorized by appropriate Federal authorities may increase actual or estimated flagging rates. **THE FLAGGING RATE IN EFFECT AT THE TIME OF PERFORMANCE BY THE CONTRACTOR HEREUNDER WILL BE USED TO CALCULATE THE ACTUAL COSTS OF FLAGGING PURSUANT TO THIS PARAGRAPH.**
 - **1.05.03d** The average train traffic on this route is 1 freight trains per 24-hour period at a timetable speed 10 MPH and N/A passenger trains at a timetable speed of N/A MPH.

1.06 Contractor General Safety Requirements

- **1.06.01** Work in the proximity of railway track(s) is potentially hazardous where movement of trains and equipment can occur at any time and in any direction. All work performed by contractors within 25 feet of any track must be in compliance with FRA Roadway Worker Protection Regulations.
- **1.06.02** Before beginning any task on Railway Property, a thorough job safety briefing must be conducted with all personnel involved with the task and repeated when the personnel or task changes. If the task is within 25 feet of any track, the job briefing must include the Railway's flagger, as applicable, and include the procedures the Contractor will use to protect its employees, subcontractors, agents or invitees from moving any equipment adjacent to or across any Railway track(s).

- **1.06.03** Workers must not work within 25 feet of the centerline of any track without an on track safety strategy approved by the Railway's Project Representative. When authority is provided, every contractor employee must know: (1) who the Railway flagger is, and how to contact the flagger, (2) limits of the authority, (3) the method of communication to stop and resume work, and (4) location of the designated places of safety. Persons or equipment entering flag/work limits that were not previously job briefed, must notify the flagger immediately, and be given a job briefing when working within 25 feet of the center line of track.
- **1.06.04** When Contractor employees are required to work on the Railway Property after normal working hours or on weekends, the Railway's representative in charge of the project must be notified. A minimum of two employees must be present at all times.
- **1.06.05** Any employees, agents or invitees of Contractor or its subcontractors under suspicion of being under the influence of drugs or alcohol, or in the possession of same, will be removed from the Railway's Property and subsequently released to the custody of a representative of Contractor management. Future access to the Railway's Property by that employee will be denied.
- **1.06.06** Any damage to Railway Property, or any hazard noticed on passing trains must be reported immediately to the Railway's representative in charge of the project. Any vehicle or machine which may come in contact with track, signal equipment, or structure (bridge) and could result in a train derailment must be reported immediately to the Railway representative in charge of the project and to the Railway's Resource Operations Center at 1(800) 832-5452. Local emergency numbers are to be obtained from the Railway representative in charge of the project prior to the start of any work and must be posted at the job site.
- **1.06.07** For safety reasons, all persons are prohibited from having pocket knives, firearms or other deadly weapons in their possession while working on Railway's Property.
- **1.06.08** All personnel protective equipment (PPE) used on Railway Property must meet applicable OSHA and ANSI specifications. Current Railway personnel protective equipment requirements are listed on the web site, www.BNSFContractor.com, however, a partial list of the requirements include: a) safety glasses with permanently affixed side shields (no yellow lenses); b) hard hats; c) safety shoe with: hardened toes, above-the-ankle lace-up and a defined heel; and d) high visibility retro-reflective work wear. The Railway's representative in charge of the project is to be contacted regarding local specifications for meeting requirements relating to hi-visibility work wear. Hearing protection, fall protection, gloves, and respirators must be worn as required by State and Federal regulations. **(NOTE – Should there be a discrepancy between the information contained on the web site and the information in this paragraph, the web site will govern.)**
- **1.06.09 THE CONTRACTOR MUST NOT PILE OR STORE ANY MATERIALS, MACHINERY OR EQUIPMENT CLOSER THAN 25'-0" TO THE CENTER LINE OF THE NEAREST RAILWAY TRACK. MATERIALS, MACHINERY OR EQUIPMENT MUST NOT BE STORED OR LEFT WITHIN 250 FEET OF ANY HIGHWAY/RAIL AT-GRADE CROSSINGS OR TEMPORARY CONSTRUCTION CROSSING, WHERE STORAGE OF THE SAME WILL OBSTRUCT THE VIEW OF A TRAIN APPROACHING THE CROSSING. PRIOR TO BEGINNING WORK, THE CONTRACTOR MUST ESTABLISH A STORAGE AREA WITH CONCURRENCE OF THE RAILWAY'S REPRESENTATIVE.**

- **1.06.10** Machines or vehicles must not be left unattended with the engine running. Parked machines or equipment must be in gear with brakes set and if equipped with blade, pan or bucket, they must be lowered to the ground. All machinery and equipment left unattended on Railway's Property must be left inoperable and secured against movement. (See internet Engineering Contractor Safety Orientation program for more detailed specifications)
- **1.06.11** Workers must not create and leave any conditions at the work site that would interfere with water drainage. Any work performed over water must meet all Federal, State and Local regulations.
- **1.06.12** All power line wires must be considered dangerous and of high voltage unless informed to the contrary by proper authority. For all power lines the minimum clearance between the lines and any part of the equipment or load must be; 200 KV or below - 15 feet; 200 to 350 KV - 20 feet; 350 to 500 KV - 25 feet; 500 to 750 KV - 35 feet; and 750 to 1000 KV - 45 feet. If capacity of the line is not known, a minimum clearance of 45 feet must be maintained. A person must be designated to observe clearance of the equipment and give a timely warning for all operations where it is difficult for an operator to maintain the desired clearance by visual means.

1.07 Excavation:

- **1.07.01** Before excavating, the Contractor must determine whether any underground pipe lines, electric wires, or cables, including fiber optic cable systems are present and located within the Project work area. The Contractor must determine whether excavation on Railway's Property could cause damage to buried cables resulting in delay to Railway traffic and disruption of service to users. Delays and disruptions to service may cause business interruptions involving loss of revenue and profits. Before commencing excavation, the Contractor must contact **BNSF's Field Engineering Representative Jeff Sinnott (218-391-7286)**. All underground and overhead wires will be considered HIGH VOLTAGE and dangerous until verified with the company having ownership of the line. **It is the Contractor's responsibility to notify any other companies that have underground utilities in the area and arrange for the location of all underground utilities before excavating.**
- **1.07.02** The Contractor must cease all work and notify the Railway immediately before continuing excavation in the area if obstructions are encountered which do not appear on drawings. If the obstruction is a utility and the owner of the utility can be identified, then the Contractor must also notify the owner immediately. If there is any doubt about the location of underground cables or lines of any kind, no work must be performed until the exact location has been determined. There will be no exceptions to these instructions.
- **1.07.03** All excavations must be conducted in compliance with applicable OSHA regulations and, regardless of depth, must be shored where there is any danger to tracks, structures or personnel.
- **1.07.04** Any excavations, holes or trenches on the Railway's Property must be covered, guarded and/or protected when not being worked on. When leaving work site areas at night and over weekends, the areas must be secured and left in a condition that will ensure that Railway employees and other personnel who may be working or passing through the area are protected from all hazards. All excavations must be back filled as soon as possible.

1.08 Hazardous Waste, Substances and Material Reporting:

- **1.08.01** If Contractor discovers any hazardous waste, hazardous substance, petroleum or other deleterious material, including but not limited to any non-containerized commodity or material, on or adjacent to Railway's Property, in or near any surface water, swamp, wetlands or waterways, while performing any work under this Agreement, Contractor must immediately: (a) notify the Railway's Resource Operations Center at 1(800) 832-5452, of such discovery: (b) take safeguards necessary to protect its employees, subcontractors, agents and/or third parties: and (c) exercise due care with respect to the release, including the taking of any appropriate measure to minimize the impact of such release.

1.09 Personal Injury Reporting

- **1.09.01** The Railway is required to report certain injuries as a part of compliance with Federal Railroad Administration (FRA) reporting requirements. Any personal injury sustained by an employee of the Contractor, subcontractor or Contractor's invitees while on the Railway's Property must be reported immediately (by phone mail if unable to contact in person) to the Railway's representative in charge of the project. The Non-Employee Personal Injury Data Collection Form contained herein is to be completed and sent by Fax to the Railway at 1(817) 352-7595 and to the Railway's Project Representative no later than the close of shift on the date of the injury.

**NON-EMPLOYEE PERSONAL INJURY DATA COLLECTION**

(If injuries are in connection with rail equipment accident/incident, highway rail grade crossing accident or automobile accident, ensure that appropriate information is obtained, forms completed and that data entry personnel are aware that injuries relate to that specific event.)

Injured Person Type:

- ☐ Passenger on train (C) ☐ Non-employee (N)
(i.e., emp of another railroad, or, non-BNSF emp involved in vehicle accident, including company vehicles)
- ☐ Contractor/safety sensitive (F) ☐ Contractor/non-safety sensitive (G)
- ☐ Volunteer/safety sensitive (H) ☐ Volunteer/other non-safety sensitive (I)
- ☐ Non-trespasser (D) - to include highway users involved in highway rail grade crossing accidents who did not go around or through gates
- ☐ Trespasser (E) - to include highway users involved in highway rail grade crossing accidents who went around or through gates
- ☐ Non-trespasser (J) - Off railroad property

If train involved, Train ID:

Transmit attached information to Accident/Incident Reporting Center by:

Fax 1-817-352-7595

or by Phone 1-800-697-6736

or email to: Accident-Reporting.Center@BNSF.com

Officer Providing Information:

(Name)

(Employee No.)

(Phone #)

**REPORT PREPARED TO COMPLY WITH FEDERAL ACCIDENT REPORTING REQUIREMENTS AND PROTECTED FROM
DISCLOSURE PURSUANT TO 49 U.S.C. 20903 AND 83 U.S.C. 490**



NON-EMPLOYEE PERSONAL INJURY DATA COLLECTION

INFORMATION REQUIRED TO BE COLLECTED PURSUANT TO FEDERAL REGULATION. IT SHOULD BE USED FOR COMPLIANCE WITH FEDERAL REGULATIONS ONLY AND IT IS NOT INTENDED TO PRESUME ACCEPTANCE OF RESPONSIBILITY OR LIABILITY.

I. Accident City/St:	_____	2. Date:	_____	Time:	_____
County:	_____	3. Temperature:	_____	4. Weather:	_____
(if non BNSF location)					
Mile Post / Line Segment:	_____				
5. Driver's License No (and state) or other ID:	SSN (required): _____				
6. Name (last, first, mi):	_____				
7. Address:	_____	City:	_____	St:	_____
	_____		_____		_____
8. Date of Birth:	_____	and/or Age:	_____	Gender:	_____
		(if available)			
Phone Number:	_____	Employer:	_____		
9. Injury:	_____		10. Body Part:	_____	
	(i.e., Laceration, etc.)			(i.e., Hand, etc.)	
11. Description of Accident (To include location, action, result, etc.):					

12. Treatment:					
☐ First Aid Only					
☐ Required Medical Treatment					
☐ Other Medical Treatment					

13. Dr. Name: _____ Date: _____					
14. Dr. Address:					
Street: _____ City: _____ St: _____ Zip: _____					
15. Hospital Name: _____					
16. Hospital Address:					
Street: _____ City: _____ St: _____ Zip: _____					
17. Diagnosis: _____					



EXHIBIT "C-1"

Agreement Between BNSF RAILWAY COMPANY and the CONTRACTOR

Railway File: _____

Agency Project: _____

_____(hereinafter called "Contractor"), has entered into an agreement (hereinafter called "Agreement") dated _____, with the **CITY OF MAPLE GROVE** for the performance of certain work in connection with the following project: reconstruction of the railroad crossing surface approaches and associated traffic control at Jefferson Hwy (DOT # 075784M) in Maple Grove, MN. Performance of such work will necessarily require Contractor to enter **BNSF RAILWAY COMPANY** (hereinafter called "Railway") right of way and property (hereinafter called "Railway Property"). The Agreement provides that no work will be commenced within Railway Property until the Contractor employed in connection with said work for the **CITY OF MAPLE GROVE** (i) executes and delivers to Railway an Agreement in the form hereof, and (ii) provides insurance of the coverage and limits specified in such Agreement and Section 3 herein. If this Agreement is executed by a party who is not the Owner, General Partner, President or Vice President of Contractor, Contractor must furnish evidence to Railway certifying that the signatory is empowered to execute this Agreement on behalf of Contractor.

Accordingly, in consideration of Railway granting permission to Contractor to enter upon Railway Property and as an inducement for such entry, Contractor, effective on the date of the Agreement, has agreed and does hereby agree with Railway as follows:

1) RELEASE OF LIABILITY AND INDEMNITY

Contractor hereby waives, releases, indemnifies, defends and holds harmless Railway for all judgments, awards, claims, demands, and expenses (including attorneys' fees), for injury or death to all persons, including Railway's and Contractor's officers and employees, and for loss and damage to property belonging to any person, arising in any manner from Contractor's or any of Contractor's subcontractors' acts or omissions or any work performed on or about Railway's property or right-of-way. **THE LIABILITY ASSUMED BY CONTRACTOR WILL NOT BE AFFECTED BY THE FACT, IF IT IS A FACT, THAT THE DESTRUCTION, DAMAGE, DEATH, OR INJURY WAS OCCASIONED BY OR**



CONTRIBUTED TO BY THE NEGLIGENCE OF RAILWAY, ITS AGENTS, SERVANTS, EMPLOYEES OR OTHERWISE, EXCEPT TO THE EXTENT THAT SUCH CLAIMS ARE PROXIMATELY CAUSED BY THE INTENSIONAL MISCONDUCT OR GROSS NEGLIGENCE OF RAILWAY.

THE INDEMNIFICATION OBLIGATION ASSUMED BY CONTRACTOR INCLUDES ANY CLAIMS, SUITS OR JUDGMENTS BROUGHT AGAINST RAILWAY UNDER THE FEDERAL EMPLOYEE'S LIABILITY ACT, INCLUDING CLAIMS FOR STRICT LIABILITY UNDER THE SAFETY APPLIANCE ACT OR THE LOCOMOTIVE INSPECTION ACT, WHENEVER SO CLAIMED.

Contractor further agrees, at its expense, in the name and on behalf of Railway, that it will adjust and settle all claims made against Railway, and will, at Railway's discretion, appear and defend any suits or actions of law or in equity brought against Railway on any claim or cause of action arising or growing out of or in any manner connected with any liability assumed by Contractor under this Agreement for which Railway is liable or is alleged to be liable. Railway will give notice to Contractor, in writing, of the receipt or dependency of such claims and thereupon Contractor must proceed to adjust and handle to a conclusion such claims, and in the event of a suit being brought against Railway, Railway may forward summons and complaint or other process in connection therewith to Contractor, and Contractor, at Railway's discretion, must defend, adjust, or settle such suits and protect, indemnify, and save harmless Railway from and against all damages, judgments, decrees, attorney's fees, costs, and expenses growing out of or resulting from or incident to any such claims or suits.

In addition to any other provision of this Agreement, in the event that all or any portion of this Article shall be deemed to be inapplicable for any reason, including without limitation as a result of a decision of an applicable court, legislative enactment or regulatory order, the parties agree that this Article shall be interpreted as requiring Contractor to indemnify Railway to the fullest extent permitted by applicable law. **THROUGH THIS AGREEMENT THE PARTIES EXPRESSLY INTEND FOR CONTRACTOR TO INDEMNIFY RAILWAY FOR RAILWAY'S ACTS OF NEGLIGENCE.**

It is mutually understood and agreed that the assumption of liabilities and indemnification provided for in this Agreement survive any termination of this Agreement.

2) TERM

This Agreement is effective from the date of the Agreement until (i) the completion of the project set forth herein, and (ii) full and complete payment to Railway of any and all sums or other amounts owing and due hereunder.

3) INSURANCE



Contractor shall, at its sole cost and expense, procure and maintain during the life of this Agreement the following insurance coverage:

A. Commercial General Liability insurance. This insurance shall contain broad form contractual liability with a combined single limit of a minimum of \$2,000,000 each occurrence and an aggregate limit of at least \$4,000,000 but in no event less than the amount otherwise carried by the Contractor. Coverage must be purchased on a post 2004 ISO occurrence form or equivalent and include coverage for, but not limit to the following:

- ◆ Bodily Injury and Property Damage
- ◆ Personal Injury and Advertising Injury
- ◆ Fire legal liability
- ◆ Products and completed operations

This policy shall also contain the following endorsements, which shall be indicated on the certificate of insurance:

- ◆ The definition of insured contract shall be amended to remove any exclusion or other limitation for any work being done within 50 feet of railroad property.
- ◆ Waiver of subrogation in favor of and acceptable to Railway.
- ◆ Additional insured endorsement in favor of and acceptable to Railway.
- ◆ Separation of insureds.
- ◆ The policy shall be primary and non-contributing with respect to any insurance carried by Railway.

It is agreed that the workers' compensation and employers' liability related exclusions in the Commercial General Liability insurance policy(s) required herein are intended to apply to employees of the policy holder and shall not apply to **Railway** employees.



No other endorsements limiting coverage as respects obligations under this Agreement may be included on the policy with regard to the work being performed under this agreement.

B. Business Automobile Insurance. This insurance shall contain a combined single limit of at least \$1,000,000 per occurrence, and include coverage for, but not limited to the following:

- ◆ Bodily injury and property damage
- ◆ Any and all vehicles owned, used or hired

The policy shall also contain the following endorsements or language, which shall be indicated on the certificate of insurance:

- ◆ Waiver of subrogation in favor of and acceptable to Railway.
- ◆ Additional insured endorsement in favor of and acceptable to Railway.
- ◆ Separation of insureds.
- ◆ The policy shall be primary and non-contributing with respect to any insurance carried by Railway.

C. Workers Compensation and Employers Liability insurance including coverage for, but not limited to:

- ◆ Contractor's statutory liability under the worker's compensation laws of the state(s) in which the work is to be performed. If optional under State law, the insurance must cover all employees anyway.
- ◆ Employers' Liability (Part B) with limits of at least \$500,000 each accident, \$500,000 by disease policy limit, \$500,000 by disease each employee.

This policy shall also contain the following endorsements or language, which shall be indicated on the certificate of insurance:

- ◆ Waiver of subrogation in favor of and acceptable to Railway.



A. Railroad Protective Liability insurance naming only the **Railway** as the Insured with coverage of at least \$2,000,000 per occurrence and \$6,000,000 in the aggregate. The policy Must be issued on a standard ISO form CG 00 35 12 04 and include the following:

- ◆ Endorsed to include the Pollution Exclusion Amendment
- ◆ Endorsed to include the Limited Seepage and Pollution Endorsement.
- ◆ Endorsed to remove any exclusion for punitive damages.
- ◆ No other endorsements restricting coverage may be added.
- ◆ The original policy must be provided to the **Railway** prior to performing any work or services under this Agreement
- ◆ Definition of "Physical Damage to Property" shall be endorsed to read: "means direct and accidental loss of or damage to all property owned by any named insured and all property in any named insured' care, custody, and control arising out of the acts or omissions of the contractor named on the Declarations.

In lieu of providing a Railroad Protective Liability Policy, Licensee may participate (if available) in Railway's Blanket Railroad Protective Liability Insurance Policy.

Other Requirements:

Where allowable by law, all policies (applying to coverage listed above) shall contain no exclusion for punitive damages.

Contractor agrees to waive its right of recovery against **Railway** for all claims and suits against **Railway**. In addition, its insurers, through the terms of the policy or policy endorsement, waive their right of subrogation against **Railway** for all claims and suits. Contractor further waives its right of recovery, and its insurers also waive their right of subrogation against **Railway** for loss of its owned or leased property or property under Contractor's care, custody or control.

Allocated Loss Expense shall be in addition to all policy limits for coverages referenced above.



Contractor is not allowed to self-insure without the prior written consent of **Railway**. If granted by **Railway**, any self-insured retention or other financial responsibility for claims shall be covered directly by Contractor in lieu of insurance. Any and all **Railway** liabilities that would otherwise, in accordance with the provisions of this Agreement, be covered by Contractor's insurance will be covered as if Contractor elected not to include a deductible, self-insured retention or other financial responsibility for claims.

Prior to commencing services, Contractor shall furnish to **Railway** an acceptable certificate(s) of insurance from an authorized representative evidencing the required coverage(s), endorsements, and amendments. The certificate should be directed to the following address:

BNSF Railway Company
c/o CertFocus
P.O. Box 140528
Kansas City, MO 64114
Toll Free: 877-576-2378
Fax number: 817-840-7487
Email: BNSF@certfocus.com
www.certfocus.com

Contractor shall notify **Railway** in writing at least 30 days prior to any cancellation, non-renewal, substitution or material alteration.

Any insurance policy shall be written by a reputable insurance company acceptable to **Railway** or with a current Best's Guide Rating of A- and Class VII or better, and authorized to do business in the state(s) in which the service is to be provided.

If coverage is purchased on a "claims made" basis, Contractor hereby agrees to maintain coverage in force for a minimum of three years after expiration, cancellation or termination of this Agreement. Annually Contractor agrees to provide evidence of such coverage as required hereunder.

Contractor represents that this Agreement has been thoroughly reviewed by Contractor's insurance agent(s)/broker(s), who have been instructed by Contractor to procure the insurance coverage required by this Agreement.

Not more frequently than once every five years, **Railway** may reasonably modify the required insurance coverage to reflect then-current risk management practices in the railroad industry and underwriting practices in the insurance industry.



If any portion of the operation is to be subcontracted by Contractor, Contractor shall require that the subcontractor shall provide and maintain insurance coverage(s) as set forth herein, naming **Railway** as an additional insured, and shall require that the subcontractor shall release, defend and indemnify **Railway** to the same extent and under the same terms and conditions as Contractor is required to release, defend and indemnify **Railway** herein.

Failure to provide evidence as required by this section shall entitle, but not require, **Railway** to terminate this Agreement immediately. Acceptance of a certificate that does not comply with this section shall not operate as a waiver of Contractor's obligations hereunder.

The fact that insurance (including, without limitation, self-insurance) is obtained by Contractor shall not be deemed to release or diminish the liability of Contractor including, without limitation, liability under the indemnity provisions of this Agreement. Damages recoverable by **Railway** shall not be limited by the amount of the required insurance coverage.

In the event of a claim or lawsuit involving **Railway** arising out of this agreement, Contractor will make available any required policy covering such claim or lawsuit.

These insurance provisions are intended to be a separate and distinct obligation on the part of the Contractor. Therefore, these provisions shall be enforceable and Contractor shall be bound thereby regardless of whether or not indemnity provisions are determined to be enforceable in the jurisdiction in which the work covered hereunder is performed.

For purposes of this section, **Railway** shall mean "Burlington Northern Santa Fe LLC", "BNSF Railway Company" and the subsidiaries, successors, assigns and affiliates of each.

4) SALES AND OTHER TAXES

In the event applicable sales taxes of a state or political subdivision of a state of the United States are levied or assessed in connection with and directly related to any amounts invoiced by Contractor to Railway ("Sales Taxes"), Railway shall be responsible for paying only the Sales Taxes that Contractor separately states on the invoice or other billing documents provided to Railway; *provided, however*, that (i) nothing herein shall preclude Railway from claiming whatever Sales Tax exemptions are applicable to amounts Contractor bills Railway, (ii) Contractor shall be responsible for all sales, use, excise, consumption, services and other taxes which may accrue on all services, materials, equipment, supplies or fixtures that Contractor and its subcontractors use or consume in the performance of this Agreement, (iii) Contractor shall be responsible for Sales Taxes



(together with any penalties, fines or interest thereon) that Contractor fails to separately state on the invoice or other billing documents provided to Railway or fails to collect at the time of payment by Railway of invoiced amounts (except where Railway claims a Sales Tax exemption), and (iv) Contractor shall be responsible for Sales Taxes (together with any penalties, fines or interest thereon) if Contractor fails to issue separate invoices for each state in which Contractor delivers goods, provides services or, if applicable, transfers intangible rights to Railway.

Upon request, Contractor shall provide Railway satisfactory evidence that all taxes (together with any penalties, fines or interest thereon) that Contractor is responsible to pay under this Agreement have been paid. If a written claim is made against Contractor for Sales Taxes with respect to which Railway may be liable for under this Agreement, Contractor shall promptly notify Railway of such claim and provide Railway copies of all correspondence received from the taxing authority. Railway shall have the right to contest, protest, or claim a refund, in Railway's own name, any Sales Taxes paid by Railway to Contractor or for which Railway might otherwise be responsible for under this Agreement; provided, however, that if Railway is not permitted by law to contest any such Sales Tax in its own name, Contractor shall, if requested by Railway at Railway's sole cost and expense, contest in Contractor's own name the validity, applicability or amount of such Sales Tax and allow Railway to control and conduct such contest.

Railway retains the right to withhold from payments made under this Agreement amounts required to be withheld under tax laws of any jurisdiction. If Contractor is claiming a withholding exemption or a reduction in the withholding rate of any jurisdiction on any payments under this Agreement, before any payments are made (and in each succeeding period or year as required by law), Contractor agrees to furnish to Railway a properly completed exemption form prescribed by such jurisdiction. Contractor shall be responsible for any taxes, interest or penalties assessed against Railway with respect to withholding taxes that Railway does not withhold from payments to Contractor.

1) EXHIBIT "C" CONTRACTOR REQUIREMENTS

The Contractor must observe and comply with all provisions, obligations, requirements and limitations contained in the Agreement, and the Contractor Requirements set forth on Exhibit "C" attached to the Agreement and this Agreement, including, but not be limited to, payment of all costs incurred for any damages to Railway roadbed, tracks, and/or appurtenances thereto, resulting from use, occupancy, or presence of its employees, representatives, or agents or subcontractors on or about the construction site. Contractor shall execute a Temporary Construction Crossing Agreement or Private Crossing Agreement (<http://www.bnsf.com/communities/faqs/permits-real-estate/>), for any temporary crossing requested to aid in the construction of this Project, if approved by BNSF.



2) TRAIN DELAY

Contractor is responsible for and hereby indemnifies and holds harmless Railway (including its affiliated railway companies, and its tenants) for, from and against all damages arising from any unscheduled delay to a freight or passenger train which affects Railway's ability to fully utilize its equipment and to meet customer service and contract obligations. Contractor will be billed, as further provided below, for the economic losses arising from loss of use of equipment, contractual loss of incentive pay and bonuses and contractual penalties resulting from train delays, whether caused by Contractor, or subcontractors, or by the Railway performing work under this Agreement. Railway agrees that it will not perform any act to unnecessarily cause train delay.

For loss of use of equipment, Contractor will be billed the current freight train hour rate per train as determined from Railway's records. Any disruption to train traffic may cause delays to multiple trains at the same time for the same period.

Additionally, the parties acknowledge that passenger, U.S. mail trains and certain other grain, intermodal, coal and freight trains operate under incentive/penalty contracts between Railway and its customer(s). Under these arrangements, if Railway does not meet its contract service commitments, Railway may suffer loss of performance or incentive pay and/or be subject to penalty payments. Contractor is responsible for any train performance and incentive penalties or other contractual economic losses actually incurred by Railway which are attributable to a train delay caused by Contractor or its subcontractors.

The contractual relationship between Railway and its customers is proprietary and confidential. In the event of a train delay covered by this Agreement, Railway will share information relevant to any train delay to the extent consistent with Railway confidentiality obligations. The rate then in effect at the time of performance by the Contractor hereunder will be used to calculate the actual costs of train delay pursuant to this agreement.

Contractor and its subcontractors must give Railway's representative Jeff Sinnott (4) weeks advance notice of the times and dates for proposed work windows. Railway and Contractor will establish mutually agreeable work windows for the project. Railway has the right at any time to revise or change the work windows due to train operations or service obligations. Railway will not be responsible for any additional costs or expenses resulting from a change in work windows. Additional costs or expenses resulting from a change in work windows shall be accounted for in Contractor's expenses for the project.

Contractor and subcontractors must plan, schedule, coordinate and conduct all Contractor's work so as to not cause any delays to any trains.



IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be executed by its duly authorized officer the day and year first above written.

Contractor Legal Name

BNSF Railway Company

By: _____

By: _____

Printed Name: _____

Name: _____

Manager Public Projects

Title: _____

Accepted and effective this _____ day of 20__.

Contact Person: _____

Address: _____

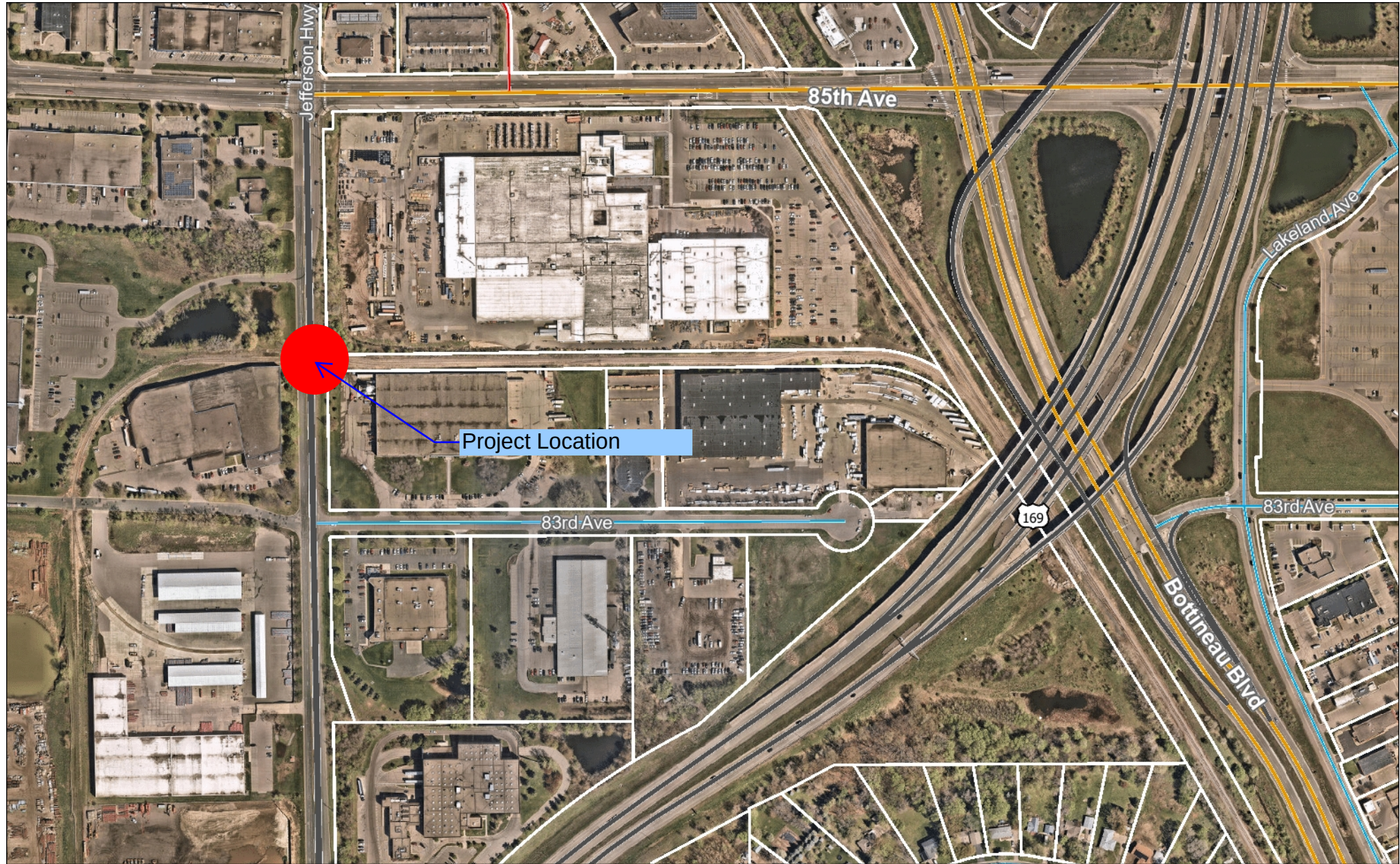
City: _____

State: _____ Zip: _____

Fax: _____

Phone: _____

E-mail: _____



Map Scale = 1: 4,800

400 ft  1 in

Map provided by the City of Brooklyn Park, MN. This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details. www.brooklynpark.org

City of Brooklyn Park Request for Council Action

Agenda Item:	4.15	Meeting Date:	March 24, 2025
Agenda Section:	Consent	Originating Department:	Operations & Maintenance
Resolution:	X	Prepared By:	Mark Becker, Street/Fleet Manager
Ordinance:	N/A		
Attachments:	2	Presented By:	Marc Culver, City Engineer
Item:	Approve the Bid Award for the 2025 Street Traffic Centerline Striping Project on City Streets to Warning Lites		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2025-_____ TO APPROVE THE BID AWARD FOR THE 2025 STREET TRAFFIC CENTERLINE STRIPING PROJECT ON CITY STREETS TO WARNING LITES.

Overview:

This request is to approve the bid and award the contract for the 2025 Street Traffic Centerline Striping Project on city streets. The benefits of this annual project include increased vehicle and pedestrian safety. This allows the city to adhere to guidelines in the Minnesota Manual on Traffic Control to avoid liability issues.

On March 14, 2025 two (2) bids were received. The lowest responsible bid meeting specifications is from Warning Lites, who has worked for the City of Brooklyn Park in the past and the work has been satisfactory.

Primary issues/alternatives to consider:

Operations & Maintenance staff recommends approval as presented.

Budgetary/Fiscal Issues:

The recommended bid proposal of \$62,666.80 is within the 2025 Street Signs and Markings Project expenditure budget in the General Fund. The project preliminary estimated cost was \$65,000.00.

Attachments:

4.15A RESOLUTION
4.15B MARKING MAP

RESOLUTION #2025-

RESOLUTION TO APPROVE THE BID AWARD FOR THE 2025 STREET TRAFFIC CENTERLINE STRIPING
PROJECT ON CITY STREETS TO WARNING LITES

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

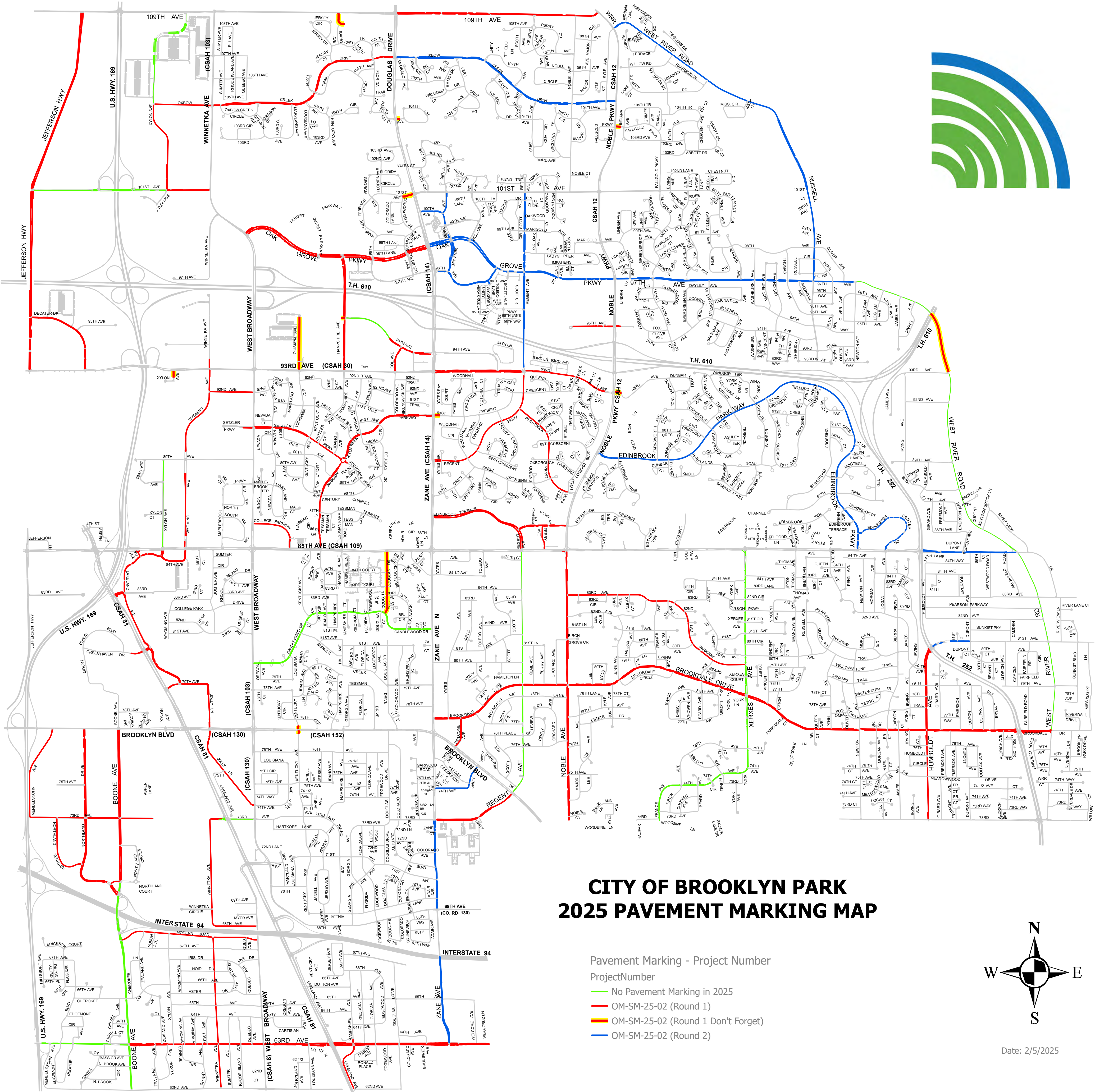
WHEREAS, on March 14th, 2025. two (2) bids were received as follows:

<u>Contractor</u>	<u>Total</u>
Warning Lites	\$ 62,666.80
Sir Lines-A-Lot	\$ 70,523.59

WHEREAS, the 2025 Street Traffic Centerline Striping Project O&M-SM-25-04 is recommended to be awarded to the lowest responsible bidder meeting specifications, Warning Lites, for the amount of \$62,666.80 and

WHEREAS, the recommended bid proposal of \$62,666.80 is within the 2025 Street Maintenance Signs and Markings program expenditures estimated budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve the bid and award the contract for the 2025 Street Traffic Centerline Striping Project on city streets to Warning Lites, in the amount of \$62,666.80.



City of Brooklyn Park

Request for Council Action

Agenda Item:	4.16	Meeting Date:	March 24, 2025
Agenda Section:	Consent	Originating Department:	Operations and Maintenance
Resolution:	X		
Ordinance:	N/A		
Attachments:	2	Prepared By:	Marc Culver, City Engineer
Item:	Resolution of Support for DNR Outdoor Recreation Grant Program for Shingle Creek Brookdale Park Natural Channel Project		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2025 _____ TO SUPPORT DNR OUTDOOR RECREATION GRANT PROGRAM APPLICATION FOR CIP 3713 SHINGLE CREEK BROOKDALE PARK NATURAL CHANNEL PROJECT

Overview:

The City has partnered with the Shingle Creek Watershed Management Commission to identify areas of Shingle Creek in need of restoration. The project consists of two segments of Shingle Creek upstream and downstream of Xerxes Avenue for stream restoration purposes. Segment 1, is approximately 5,500-feet in length and starts 700-ft downstream of Noble Avenue to Xerxes Avenue whereas Segment 2, is approximately 2,000-feet in length and runs from Xerxes Avenue to the pedestrian bridge north of Palmer Lake.

The primary project objectives for Segment 1 are to re-meander a previously straightened segment of the creek using natural channel design techniques, reduce soil loss to improve water quality and fish and wildlife habitat through biological enhancements and integrate proposed improvements within the park for user educational and recreational opportunities. The primary project objectives for Segment 2 are to develop feasible solutions for bank stabilization and fishing access improvements within this reach.

City and Watershed staff have held two public meetings in 2023 to gather information and feedback regarding this project. The feedback gathered will be incorporated into the design for the project moving forward.

Staff is working with the Shingle Creek Watershed Management Commission to apply for grant funding for this project. Council previously approved an agreement and letter of support to apply for a Legislative-Citizen Commission on Minnesota Resources (LCCMR) grant and we are now asking the Council to support an application to the Minnesota DNR for their Outdoor Recreation Grant Program.

The Outdoor Recreation Grant Program assists local governments in acquiring parkland and developing or redeveloping outdoor recreation facilities in local and community parks throughout the state. Brookdale Park is a City community park that connects local area schools, neighbors, and community facilities to park recreation amenities, surrounding neighborhoods, trail networks, Shingle Creek and the Palmer Lake Nature Area and surrounding natural environment.

The project area includes four local public schools: Park Brook Elementary, Park Center High School, Brooklyn Middle STEAM School, and Palmer Lake Elementary School. These schools regularly take advantage of their proximity to Shingle Creek and utilize the resource for educational lessons, hands-on studies, and experiential projects. Park Center High School students have conducted water quality monitoring since the 1990s through Hennepin County's RiverWatch program, offering a baseline to compare the restorations' effect on macroinvertebrates.

An enhanced environmental corridor with improved trail system and new fishing access will offer ecosystem benefits and improved access that can be highlighted in educational lessons as well as provide a multitude of health and wellness benefits garnered from time spent in outdoor spaces, resulting in a stronger personal connection to the natural environment and an overall increase in quality of life.

Staff recommends the City Council approve the resolution of support for DNR Outdoor Recreation Grant Program application for this project.

Primary Issues / Alternatives to Consider: N/A

Budgetary / Fiscal Issues:

At their March 10, 2025 meeting, the City Council amended the 2025 budget to support \$150,000 of City funds from the Special Assessment Construction Fund towards this project which represents a cost share for the replacement of the existing trail along the Creek in Brookdale Park. The overall project cost estimate is approximately \$1,600,000.

Attachments:

4.16A RESOLUTION
4.16B LOCATION MAP

RESOLUTION #2025-

RESOLUTION TO SUPPORT DNR OUTDOOR RECREATION GRANT PROGRAM APPLICATION FOR CIP
3713 SHINGLE CREEK BROOKDALE PARK NATURAL CHANNEL PROJECT

WHEREAS, the City of Brooklyn Park seeks to apply for funding from the DNR's Outdoor Recreation Grant Program to fund improvements related to the Shingle Creek Brookdale Park Natural Channel Project; and

WHEREAS, the City of Brooklyn Park is working with the Shingle Creek Watershed Management to design and partner on this above referenced project; and

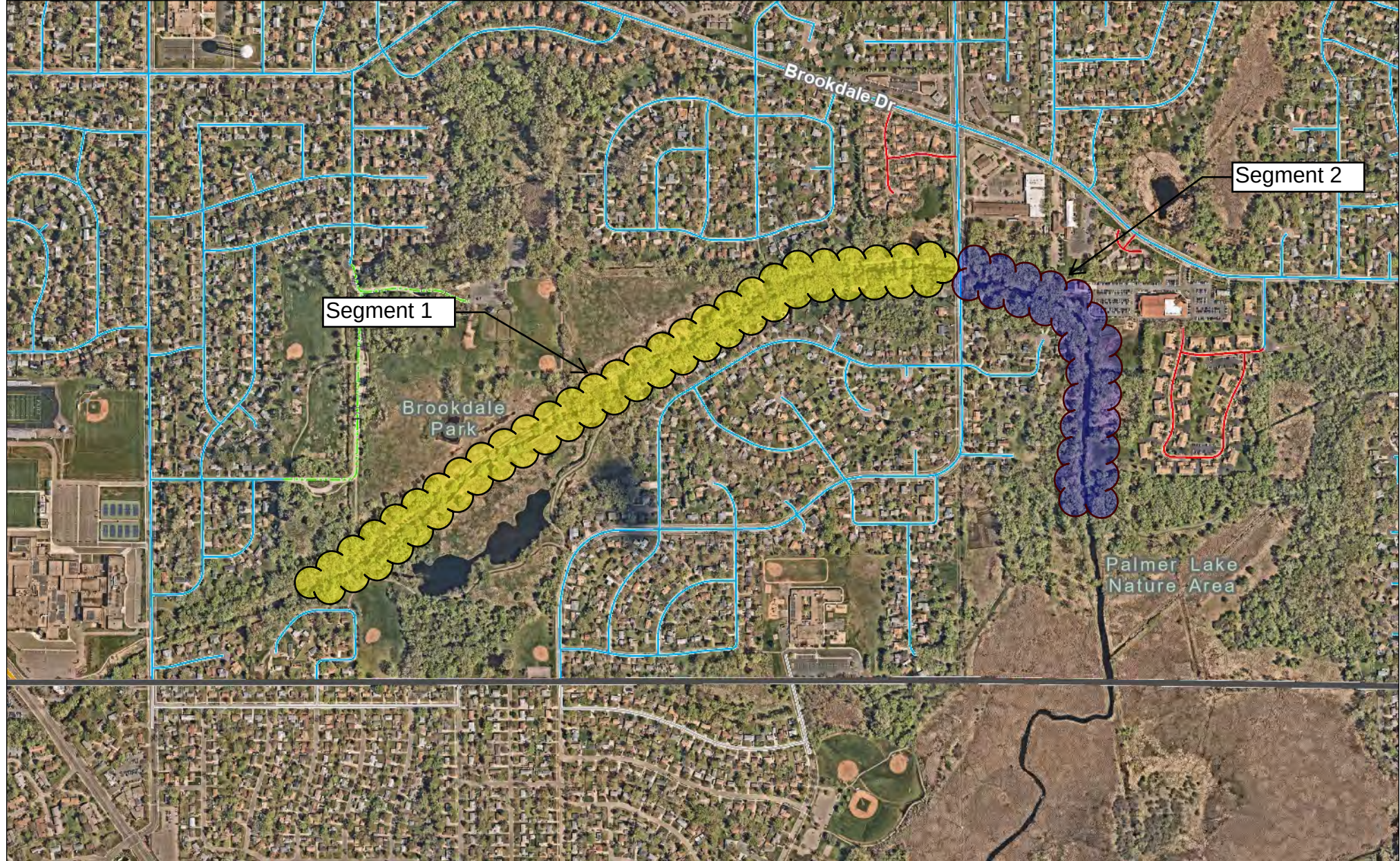
WHEREAS, the City of Brooklyn Park has expressed its willingness to participate in the maintenance and a portion of the trail reconstruction costs of said project; and

WHEREAS, Shingle Creek Watershed Management has levied \$1,450,000 for design and construction of said project; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to support DNR Outdoor Recreation Grant Program Application for CIP 3713 Shingle Creek Brookdale Park Natural Channel Project.

BE IT FURTHER RESOLVED, that:

1. The City of Brooklyn Park act as legal sponsor for the project contained in the Outdoor Recreation Grant application to be submitted on March 31st, 2025 and that Mitchell Robinson, Assistant City Engineer, is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of City of Brooklyn Park.
2. The applicant maintains an adequate Conflict of Interest Policy and, throughout the term of the contract, will monitor and report any actual or potential conflicts of interest to the State, upon discovery.
3. The City of Brooklyn Park has the legal authority to apply for financial assistance, and it has the financial capability to meet the match requirement (if any) and ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.
4. The City of Brooklyn Park has not incurred any development costs and has not entered into a written purchase agreement to acquire the property described in the Cost Breakdown section on this application.
5. The City of Brooklyn Park has or will acquire fee title or permanent easement over all the land described in the boundary map or recreational site plan included in the application.
6. Upon approval of its application by the State, the City of Brooklyn Park may enter into an agreement with the State for the above-referenced project, and that City of Brooklyn Park certifies that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for uses consistent with the funding grant program into perpetuity.
7. That the Assistant City Engineer, or the City Engineer in its absence, is hereby authorized to execute such agreements as necessary to implement the project on behalf of the applicant.



Map Scale = 1: 10,286

857 ft  1 in

Map provided by the City of Brooklyn Park, MN. This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details. www.brooklynpark.org

City of Brooklyn Park Request for Council Action

Agenda Item:	7.1	Meeting Date:	March 24, 2025
Agenda Section:	General Action Items	Originating Department:	Community Development
Resolution:	X	Prepared By:	Michelle Peterson, Neighborhood Health Supervisor
Ordinance:	N/A		
Attachments:	3	Presented By:	Michelle Peterson
Item:	Resolution Ordering the Abatement of Hazardous Property and Public Nuisance Located at 9115 Irving Avenue North		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2025-____ ORDERING THE ABATEMENT OF HAZARDOUS PROPERTY AND PUBLIC NUISANCE LOCATED AT 9115 IRVING AVENUE NORTH

Overview:

The parcel site located at 9115 Irving Avenue is a 1.9-acre property located in the River View Neighborhood. Approximately half of the property has exterior storage violations including an accumulation of junk and debris, expired and inoperable vehicles, commercial vehicles, and a variety of items in exterior storage. This property has a significant history with the city and enforcement actions since 1998. These cases resulted in the issuance of correction orders, citations and formal criminal complaints which were unable to provide long-term resolution of the violations.

The current case began in 2017. Staff have tried several actions outside of our usual process to try to foster voluntary compliance including the use of a Sentence to Serve (STS) crew to help prepare loads for removal from the property and a mediation agreement negotiated through a citation appeal hearing to bring the property into compliance. Staff have also utilized traditional enforcement methods (citations) and a formal criminal complaint process, however, obtaining a guilty verdict will not result in removal of the violations from the property.

Current Status:

In August of 2024, the original criminal charges were dismissed and refiled to correspond with a civil abatement of hazardous or substandard buildings and properties using MN State Statutes 463.15 through 463.261. Use of these statutes provides municipalities a way to address unsafe and hazardous conditions that pose a threat to public health and safety through a court ordered abatement process.

The goal of having the civil and criminal processes move forward together is for the property owners to voluntarily remove the violations and bring the property into compliance or to agree to allow the city to abate the violations to avoid criminal penalties. This process also allowed for the potential of sending this through restorative court via the criminal court process which would have resulted in the assignment of a social worker to assist the owners with voluntary cleanup. The owners did not agree to go through the restorative court, and this is no longer an option.

Two separate notices from Kennedy & Graven were sent on 9/3/2024 and 12/17/2024 giving the property owners the ability to enter into an agreement for the city to complete an abatement and assess the costs to the property. The owners have declined to enter into an agreement and have not complied with the correction orders. The City's goal is for the property to be cleaned up and remain in compliance. Combining the two actions provides the best chance at long-term compliance.

Next Steps:

If this resolution is approved, this will allow Kennedy and Graven to proceed with:

- Issuance of a correction order granting 21 days to comply.
 - The order must be served on the owners and lienholder.
 - The order must be filed in court and filed with the County Recorder.
- The statute gives the owners 20 days to serve an answer with the court to contest the facts in the Order.
 - If no answer is served, a request to the court for a default Order to perform the abatement will be made.
 - If an answer is served, the court will hold a hearing to determine whether an abatement is warranted.
- Once an order to perform the abatement is received, the details of how the abatement will be performed will be determined as follows:
 - Bids will need to be obtained from companies that have the capabilities of completing a clean-up of this size.
 - Additional notices may be required for the removal of any vehicles due to city code/state statute requirements.
 - Determination of items that must be stored (if any) and where they must be stored to meet code and statute requirements will be made.

Primary Issues/Alternatives to Consider:

Approve the resolution to allow the civil court ordered abatement process to continue.

Deny the resolution. This will allow only the criminal court process to continue. This may result in a guilty verdict, but the property will not be brought into compliance.

Budgetary/Fiscal Issues:

A budget amendment to transfer and set aside \$25,000 for this specific abatement action was completed in the fall of 2024 for the 2025 budget. All costs associated with the abatement, including attorney's fees, will be assessed on the property as a special assessment.

Attachments:

- 7.1A RESOLUTION
- 7.1B ABATEMENT ORDER
- 7.1C MN STATE STATUTE 463.15-463.261

RESOLUTION #2025-

RESOLUTION ORDERING THE ABATEMENT OF HAZARDOUS PROPERTY AND PUBLIC NUISANCE
LOCATED AT 9115 IRVING AVENUE NORTH

WHEREAS, the real property located at 9115 Irving Avenue North, Brooklyn Park, Minnesota and legally described in the attached Exhibit A ("Property") consists of a parcel of land and a residence; and

WHEREAS, according to public court records, the Property is owned by Mr. Max Fautsch and Ms. Sherri Dahmann, two individual persons ("Owners"); and

WHEREAS, according to an ownership report performed on January 1, 2025, the following easements and mortgages exist on the property:

1. An easement to the Mississippi River Electric Power Company,
2. An easement to Northern States Power,
3. A mortgage to Wells Fargo Bank; and

WHEREAS, the City of Brooklyn Park ("City") first received a complaint regarding the condition of the Property in April of 2017 and sent the Owners correction orders in May of 2017; and

WHEREAS, the Owners failed to correct the issues on the Property; and

WHEREAS, a hearing was held regarding the condition of the Property in December of 2019; and

WHEREAS, during this hearing Ms. Dahmann and Mr. Fautsch appeared and Ms. Dahmann admitted that there was an accumulation of junk, debris, inoperable vehicles, and commercial vehicles on the Property; and

WHEREAS, during the hearing, Ms. Dahmann entered into an agreement with the City to remedy the existing code violations on the Property. This agreement was not followed; and

WHEREAS, in March of 2022, the Owners were criminally charged with violation of the City Code; and

WHEREAS, between March of 2022 and June of 2024, the City received at least eight additional citizen complaints regarding the conditions of the Property; and

WHEREAS, between March of 2022 and June of 2024, the City conducted 17 inspections of the Property, with the most recent inspection taking place on February 14, 2025; and

WHEREAS, while some minor changes and corrections have been made to the Property, extensive City Code violations and hazardous conditions continue to exist; and

WHEREAS, on September 3, 2024, the City sent the Owners a letter requesting that they abate the hazardous and nuisance conditions on the Property or enter into an abatement agreement to allow the City to abate the conditions on the Property and received no reply; and

WHEREAS, on December 16, 2024, the City sent the Owners a second letter requesting that the Owners abate the hazardous and nuisance conditions on the Property or enter into an abatement agreement to allow the City to abate the nuisance conditions on the Property and received no reply; and

WHEREAS, On February 14, 2025, Neighborhood Health Supervisor Michelle Peterson inspected the Property and found the following nuisance and hazardous conditions on the property:

1. multiple inoperable and junk vehicles,
2. unregistered vehicles,
3. vehicles with expired license tabs,
4. junk and inoperable trailers,
5. commercial vehicles and equipment,
6. tractors,
7. lawnmowers,
8. scrap metal,
9. scrap lumber
10. sheet metal
11. metal frame
12. lawn equipment,
13. gas cans,
14. coolers,
15. ladders,
16. building materials,
17. pieces of wood,
18. bricks,
19. recreational trailers,
20. inoperable boats,
21. PVC pipe structures,
22. Tires and rims,
23. Auto body and auto body parts,
24. grills,
25. bicycles,
26. storage containers,
27. plastic and metal barrels,
28. buckets,
29. broken lawn furniture,
30. interior furniture,
31. fencing material,
32. carpeting,
33. insulation,
34. pallets,
35. appliances,
36. cargo truck boxes, and
37. other rubbish and debris.

WHEREAS, the Property constitutes a nuisance under Brooklyn Park City Code section 94.02; and

WHEREAS, Minnesota Statutes, sections 463.16 and 463.17 authorize the City Council to order the owner of any hazardous property within the municipality to correct or remove the hazardous conditions; and

WHEREAS, Minnesota Statutes, section 463.161 et seq. authorizes a city to correct or remove the hazardous condition of any hazardous property or building if the owner of record fails to do so after a reasonable time and the district court enters a judgment sustaining the city's order; and

WHEREAS, Minnesota Statute 463.15 defines a hazardous property as a "property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health."; and

WHEREAS, based on information presented, the City Council of the City of Brooklyn Park finds that the conditions of the Property, as summarized in the Order and herein, are hazardous, unsafe, a threat to public health and general welfare, and a public nuisance, and therefore, said conditions must be abated in accordance

with applicable State and local laws.

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

1. The City Council adopts, as factual findings, all the above recitals.
2. Based on the findings, the Property is hereby deemed hazardous, as that term is defined by Minnesota Statutes, section 463.15.
3. The Property also constitutes a public nuisance within the meaning of Minnesota Statutes, section 609.74, and City of Brooklyn Park Ordinance section 94.02, which amounts to a threat to public health and general welfare.
4. The city attorney shall prepare an abatement order substantially similar to that attached hereto as Exhibit B. The city attorney shall be authorized to make any revisions to said order that may be necessary or convenient in order to carry out the intent of this Resolution.
5. The city attorney is authorized to take all necessary legal steps to effectuate service of this Resolution and the corresponding abatement order in the manner required by state or local law.
6. City staff, city attorney, and consultants are further authorized to take all necessary and convenient legal steps to secure compliance with the requirements contained in the attached abatement order and, if the abatement order is not complied with, to obtain a court order to abate the hazardous/nuisance conditions on the Property by removing the hazardous conditions, entering into such contracts as may be needed to remove the hazardous conditions, and shall subsequently facilitate assessment of the costs thereof against the Property in accordance with state and local laws.

EXHIBIT A

Legal Description

North 132 feet of the West 1/2 of the Southeast Quarter of the Northeast Quarter of Section 14, Township 119, North, Range 21, West of the 5th Principal Meridian, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota

EXHIBIT B

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Other Civil

In the Matter of the Hazardous
Buildings Located at 9115 Irving Avenue North,
Brooklyn Park, Minnesota

**ORDER FOR ABATEMENT OF
A HAZARDOUS PROPERTY**

TO: All owners, occupants, and lienholders of record.

The City Council of the City of Brooklyn Park (the “City”) orders that within 21 days of service of this Order you abate the hazardous and nuisance conditions which currently exist on the property located at: 9115 Irving Avenue North, Brooklyn Park, Minnesota, Hennepin County, which property is legally described on Exhibit A attached hereto (the “Property”). As further detailed herein, abatement shall occur by removing the full list of items outlined below.

The City of Brooklyn Park, pursuant to Minnesota Statutes, sections 463.15 to 463.261, finds that the condition of the Property located at the above-referenced address constitutes a hazardous property within the meaning of Minnesota Statutes, section 463.15, subdivision 3. Specifically, the outdoor storage of the objects listed below create a hazardous condition:

1. multiple inoperable and junk vehicles,
2. unregistered vehicles,
3. junk and inoperable trailers,
4. vehicles with expired license tabs,
5. commercial vehicles and equipment,
6. tractors,

7. lawnmowers,
8. scrap metal,
9. scrap lumber,
10. sheet metal,
11. metal frames,
12. lawn equipment,
13. gas cans,
14. coolers,
15. ladder,
16. building materials,
17. pieces of wood,
18. bricks,
19. recreational trailers,
20. inoperable boats,
21. PVC pipe structures,
22. tires and rims,
23. auto body and auto body parts,
24. grills,
25. bicycles,
26. storage containers,
27. plastic and metal barrels,
28. buckets
29. broken lawn furniture,

30. interior furniture,
31. fencing materials,
32. carpeting,
33. insulation,
34. pallets,
35. appliances,
36. cargo truck boxes, and
37. and other rubbish and debris

The City, pursuant to section 94 of the Brooklyn Park City Code, along with Minnesota Statutes, sections 145A.05, subdivision 9 and 609.74, finds that the Property located at the above-referenced address also constitutes a public nuisance.

Pursuant to the above-referenced statutes and ordinances, it is hereby ORDERED that you abate the hazardous and nuisance property conditions within 21 days of the date of service of this Order by completing the following:

1. Remove all inoperable vehicles,
2. Remove all junk vehicles,
3. Remove all unregistered vehicles,
4. Remove vehicles with expired license tabs,
5. Remove all junk trailers,
6. Remove all inoperable trailers,
7. Remove all commercial vehicles and equipment,
8. Remove or store tractor(s),
9. Remove or store lawnmowers,

10. Remove scrap metal,
11. Remove scrap lumber,
12. Remove sheet metal,
13. Remove metal frames,
14. Remove or store lawn equipment,
15. Remove gas cans,
16. Remove coolers,
17. Remove or store ladders,
18. Remove building materials,
19. Remove pieces of wood,
20. Remove bricks,
21. Remove recreational trailers,
22. Remove inoperable boats,
23. Remove PVC pipe structures,
24. Remove tires and rims,
25. Remove auto bodies and auto parts,
26. Remove or store grills,
27. Remove or store bicycles,
28. Remove storage containers,
29. Remove plastic and metal barrels,
30. Remove buckets,
31. Remove or store broken lawn furniture,
32. Remove indoor furniture,

33. Remove fencing material,
34. Remove carpeting,
35. Remove insulation,
36. Remove pallets,
37. Remove appliance,
38. Remove cargo truck boxes,
39. Trim and/or remove all noxious weed and overgrown vegetation; and
40. Remove all additional rubbish and debris.

All work completed is subject to inspection by staff members of the City to ensure compliance with applicable rules and law. You are further advised that unless such corrective action is taken or an Answer is served on the City and filed with the Hennepin County District Court Administrator within 21 days of the date of service of this Order upon you, a motion for summary enforcement of this Order may be made to the Hennepin County District Court.

You are further advised that if you do not comply with this Order and the City is compelled to take any corrective action, all necessary costs incurred by the City in taking the corrective action will be collected and assessed against the Property pursuant to Minnesota Statutes, section 463.21 and section 94-15 of the City Code. In connection thereto, the City intends to recover all of its expenses incurred in carrying out this Order, including specifically but not exclusively, filing fees, service fees, publication fees, attorneys' fees, appraisers' fees, witness fees, including expert witness fees and traveling expenses incurred by the City from the time this Order was originally made pursuant to Minnesota Statutes, section 463.22.

Dated: March XX, 2025.

KENNEDY & GRAVEN, CHARTERED

By: /s/ Cristina Cruz-Jennings
Cristina Cruz-Jennings (#0401725)
James Thomson (#0145300)
700 Fifth Street Towers
150 South Fifth Street
Minneapolis, MN 55402
(612) 337-9300

**ATTORNEYS FOR THE
CITY OF BROOKLYN PARK**

EXHIBIT A

Legal Description

North 132 feet of the West 1/2 of the Southeast Quarter of the Northeast Quarter of Section 14, Township 119, North, Range 21, West of the 5th Principal Meridian, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.

2024 Minnesota Statutes

CHAPTER 463. HAZARDOUS OR SUBSTANDARD BUILDINGS

HAZARDOUS OR SUBSTANDARD BUILDINGS

<u>463.15</u>	DEFINITIONS.
<u>463.151</u>	REMOVAL BY MUNICIPALITY; CONSENT; COST.
<u>463.152</u>	EXERCISE OF EMINENT DOMAIN.
<u>463.16</u>	REPAIR OR REMOVE HAZARDOUS PROPERTY CONDITION.
<u>463.161</u>	ABATEMENT.
<u>463.17</u>	ORDER.
<u>463.18</u>	ANSWER.
<u>463.19</u>	DEFAULT CASES.
<u>463.20</u>	CONTESTED CASES.
<u>463.21</u>	ENFORCEMENT OF JUDGMENT.
<u>463.22</u>	STATEMENT OF MONEYS RECEIVED.
<u>463.23</u>	PAYMENT, TENDER, DEPOSIT IN COURT.
<u>463.24</u>	PERSONAL PROPERTY OR FIXTURES.
<u>463.25</u>	HAZARDOUS EXCAVATIONS.
<u>463.251</u>	SECURING VACANT BUILDINGS.
<u>463.26</u>	LOCAL ACTS AND CHARTER PROVISIONS.
<u>463.261</u>	RELOCATION BENEFITS.

463.15 DEFINITIONS.

Subdivision 1. **Coverage.**

For purposes of sections [463.15](#) to [463.26](#) the terms defined in this section have the meanings given them.

Subd. 2. Building.

"Building" includes any structure or part of a structure.

Subd. 3. Hazardous building or hazardous property.

"Hazardous building or hazardous property" means any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

Subd. 3a. Municipality.

"Municipality" means a county, city, or town.

Subd. 4. Owner, owner of record, and lienholder of record.

"Owner," "owner of record," and "lienholder of record" means a person having a right or interest in property described in subdivision 3 and evidence of which is recorded in the office of the county recorder or registrar of titles in the county in which the property is situated.

History:

[1965 c 393 s 1](#); [1967 c 324 s 1](#); [1976 c 181 s 2](#); [1989 c 328 art 6 s 5,6](#); [2004 c 147 s 1](#); [2005 c 4 s 113](#)

463.151 REMOVAL BY MUNICIPALITY; CONSENT; COST.

The governing body of any municipality may remove or raze any hazardous building or remove or correct any hazardous condition of real estate upon obtaining the consent in writing of all owners of record, occupying tenants, and all lienholders of record; the cost shall be charged against the real estate as provided in section [463.21](#), except the governing body may provide that the cost so assessed may be paid in not to exceed five equal annual installments with interest thereon, at eight percent per annum.

History:

[1967 c 324 s 2](#); [1974 c 341 s 1](#); [2004 c 147 s 2](#)

463.152 EXERCISE OF EMINENT DOMAIN.

Subdivision 1. Purpose, public interest.

In order to maintain a sufficient supply of adequate, safe, and sanitary housing and buildings used for living, commercial, industrial, or other purposes or any combination of purposes, it is found that the public interest requires that municipalities be authorized to acquire buildings, real estate on which buildings are located, or vacant or undeveloped real estate which are found to be hazardous within the meaning of section [463.15, subdivision 3](#), and the acquisition of such buildings and real estate is hereby declared to be a public purpose.

Subd. 2. Acquisition; procedure.

In furtherance of the public policy declared in subdivision 1, the governing body of any municipality may acquire any hazardous building, real estate on which any such building is located, or vacant or undeveloped real estate by eminent domain in the manner provided by chapter 117.

History:

[1974 c 341 s 3](#); [1976 c 2 s 140](#); [2004 c 147 s 3](#)

463.16 REPAIR OR REMOVE HAZARDOUS PROPERTY CONDITION.

The governing body of any municipality may order the owner of any hazardous building or property within the municipality to correct or remove the hazardous condition of the building or property or to raze or remove the building.

History:

[1965 c 393 s 2](#); [1973 c 123 art 5 s 7](#); [1989 c 328 art 6 s 7](#); [2004 c 147 s 4](#)

463.161 ABATEMENT.

In the manner prescribed in section [463.21](#) the governing body of any municipality may correct or remove the hazardous condition of any hazardous building or property; the cost of which shall be charged against the real estate as provided in section [463.21](#) except the governing body may provide that the cost so assessed may be paid in not to exceed five equal annual installments with interest therein, at eight percent per annum.

History:

[*1974 c 341 s 2; 1989 c 328 art 6 s 8; 2004 c 147 s 5*](#)

463.17 ORDER.

Subdivision 1. Contents.

The order shall be in writing; recite the grounds therefor; specify the necessary repairs, if any, and provide a reasonable time for compliance; and shall state that a motion for summary enforcement of the order will be made to the district court of the county in which the hazardous building or property is situated unless corrective action is taken, or unless an answer is filed within the time specified in section [463.18](#).

Subd. 2. Service.

The order shall be served upon the owner of record, or the owner's agent if an agent is in charge of the building or property, and upon the occupying tenant, if there is one, and upon all lienholders of record, in the manner provided for service of a summons in a civil action. If the owner cannot be found, the order shall be served upon the owner by posting it at the main entrance to the building or, if there is no building, in a conspicuous place on the property, and by four weeks' publication in the official newspaper of the municipality if it has one, otherwise in a legal newspaper in the county.

Subd. 3. Filing.

A copy of the order with proof of service shall be filed with the court administrator of district court of the county in which the hazardous building or property is located not less than five days prior to the filing of a motion pursuant to section [463.19](#) to enforce the order. At the time of filing such order the municipality shall file for record with the county recorder or registrar of titles a notice of the pendency of the proceeding, describing with reasonable certainty the lands affected and the nature of the order. If the proceeding be abandoned the municipality shall within ten days thereafter file with the county recorder a notice to that effect.

History:

[*1965 c 393 s 3; 1976 c 181 s 2; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1989 c 328 art 6 s 9*](#)

463.18 ANSWER.

Within 20 days from the date of service, any person upon whom the order is served may serve an answer in the manner provided for the service of an answer in a civil action, specifically denying such facts in the order as are in dispute.

History:

[1965 c 393 s 4](#)

463.19 DEFAULT CASES.

If no answer is served, the governing body may move the court for the enforcement of the order. If such a motion is made the court may, upon the presentation of such evidence as it may require, affirm or modify the order and enter judgment accordingly, fixing a time after which the governing body may proceed with the enforcement of the order. The court administrator shall cause a copy of the judgment to be mailed forthwith to persons upon whom the original order was served.

History:

[1965 c 393 s 5; 1Sp1986 c 3 art 1 s 82](#)

463.20 CONTESTED CASES.

If an answer is filed and served as provided in section [463.18](#), further proceedings in the action shall be governed by the Rules of Civil Procedure for the District Courts, except that the action has priority over all pending civil actions and shall be tried forthwith. If the order is sustained following the trial, the court shall enter judgment and shall fix a time after which the building must be destroyed or repaired or the hazardous condition removed or corrected, as the case may be, in compliance with the order as originally filed or modified by the court. If the order is not sustained, it shall be annulled and set aside. The court administrator of the court shall cause a copy of the judgment to be mailed forthwith to the persons upon whom the original order was served.

History:

[1965 c 393 s 6; 1Sp1986 c 3 art 1 s 82; 1989 c 328 art 6 s 10](#)

463.21 ENFORCEMENT OF JUDGMENT.

If a judgment is not complied with in the time prescribed, the governing body may cause the building to be repaired, razed, or removed or the hazardous condition to be removed or corrected as set forth in the judgment, or acquire the building, if any, and real estate on

which the building or hazardous condition is located by eminent domain as provided in section [463.152](#). The cost of the repairs, razing, correction, or removal may be: a lien against the real estate on which the building is located or the hazardous condition exists, or recovered by obtaining a judgment against the owner of the real estate on which the building is located or the hazardous condition exists. A lien may be levied and collected only as a special assessment in the manner provided by Minnesota Statutes 1961, sections [429.061](#) to [429.081](#), but the assessment is payable in a single installment. When the building is razed or removed by the municipality, the governing body may sell the salvage and valuable materials at public auction upon three days' posted notice.

History:

[1965 c 393 s 7](#); [1974 c 341 s 4](#); [1989 c 328 art 3 s 3](#)

463.22 STATEMENT OF MONEYS RECEIVED.

The municipality shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses theretofore incurred in connection with its enforcement, including specifically, but not exclusively, filing fees, service fees, publication fees, attorney's fees, appraisers' fees, witness fees, including expert witness fees, and traveling expenses incurred by the municipality from the time the order was originally made, and shall credit thereon the amount, if any, received from the sale of the salvage, or building or structure, and shall report its action under the order, with a statement of moneys received and expenses incurred to the court for approval and allowance. Thereupon the court shall examine, correct, if necessary, and allow the expense account, and, if the amount received from the sale of the salvage, or of the building or structure, does not equal or exceed the amount of expenses as allowed, the court shall by its judgment certify the deficiency in the amount so allowed to the municipal clerk for collection. The owner or other party in interest shall pay the same, without penalty added thereon, and in default of payment by October 1, the clerk shall certify the amount of the expense to the county auditor for entry on the tax lists of the county as a special charge against the real estate on which the building or hazardous condition is or was situated and the same shall be collected in the same manner as other taxes and the amount so collected shall be paid into the municipal treasury. If the amount received for the sale of the salvage or of the building or structure exceeds the expense incurred by the municipality as allowed by the court, and if there are no delinquent taxes, the court shall direct the payment of the surplus to the owner or the payment of the same into court, as provided in

sections [463.15](#) to [463.26](#). If there are delinquent taxes against the property, the court shall direct the payment of the surplus to the county treasurer to be applied on such taxes.

History:

[1965 c 393 s 8](#); [1974 c 329 s 1](#); [1989 c 328 art 6 s 11](#)

463.23 PAYMENT, TENDER, DEPOSIT IN COURT.

The net proceeds of a sale under section [463.21](#) or [463.24](#) shall be paid to persons designated in the judgment in the proportions as their interests shall appear therein. Acceptance of such payment shall be taken as a waiver of all objections to the payment and to the proceedings leading thereto on the part of the payee and of all persons for whom the payee is lawfully empowered to act. In case any party to whom a payment of damages is made be not a resident of the state, or the place of residence be unknown, or the party be an infant or other person under legal disability, or, being legally capable, refuses to accept payment, or if for any reason it be doubtful to whom any payment should be paid, the municipality may pay the same to the clerk, to be paid out under the direction of the court; and, unless an appeal be taken such deposit with the clerk shall be deemed a payment of the award.

History:

[1965 c 393 s 9](#); [1986 c 444](#)

463.24 PERSONAL PROPERTY OR FIXTURES.

If any building ordered razed, removed, or made safe and sanitary by repairs contains personal property or fixtures which will unreasonably interfere with the razing, removal, or repair of such building, or if the razing or removal of the building makes necessary the removal of such personal property or fixtures, the original order of the governing body may direct the removal of such personal property or fixtures within a reasonable time. If the property or fixtures are not removed by the time specified, and the governing body subsequently desires to enforce a judgment under sections [463.15](#) to [463.26](#), it may sell the same at public auction as provided in section [463.21](#), or if without appreciable value, the governing body may destroy the same.

History:

[1965 c 393 s 10](#)

463.25 HAZARDOUS EXCAVATIONS.

If in any municipality, an excavation for building purposes is left open for more than six months without proceeding with the erection of a building thereon, whether or not completed, or if any excavation or basement is not filled to grade or otherwise protected after a building is destroyed, demolished or removed, the governing body may order such excavation to be filled or protected or in the alternative that erection of a building begin forthwith if the excavation is for building purposes. The order shall be served upon the owner or the owner's agent in the manner provided by section [463.17](#). If the owner of the land fails to comply with the order within 15 days after the order is served, the governing body shall cause the excavation to be filled to grade or protected and the cost shall be charged against the real estate as provided in section [463.21](#).

History:

[1965 c 393 s 11](#); [1973 c 123 art 5 s 7](#); [1986 c 444](#); [2004 c 147 s 6](#)

463.251 SECURING VACANT BUILDINGS.

Subdivision 1. Definitions.

The following terms have the meanings given them for the purposes of this section.

- (a) "City" means a statutory or home rule charter city.
- (b) "Neighborhood association" means an organization recognized by the city as representing a neighborhood within the city.
- (c) "Secure" may include, but is not limited to, installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or other security system.

Subd. 2. Order; notice.

- (a) If in any city a building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the governing body may order the building secured and shall cause notice of the order to be served upon the owner of record of the premises or the owner's agent, the taxpayer identified in the property tax records for that

parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice, by delivering or mailing a copy to the owner or agent, the identified taxpayer, the holder of the mortgage or sheriff's certificate, and the neighborhood association, at the last known address. Service by mail is complete upon mailing.

(b) The notice under this subdivision must include a statement that:

(1) informs the owner and the holder of any mortgage or sheriff's certificate of the requirements of subdivision 3 and that costs may be assessed against the property if the person does not secure the building;

(2) informs the owner and the holder of any mortgage or sheriff's certificate that the person may request a hearing before the governing body challenging the governing body's determination that the property is vacant or unoccupied and hazardous; and

(3) notifies the holder of any sheriff's certificate of the holder's duty under section [582.031, subdivision 1](#), paragraph (b), to enter the premises to protect the premises from waste and trespass if the order is not challenged or set aside and there is prima facie evidence of abandonment of the property as described in section [582.032, subdivision 7](#).

Subd. 3. Securing building by city; lien.

If the owner of the building or a holder of the sheriff's certificate of sale fails to either comply or provide to the governing body a reasonable plan and schedule to comply with an order issued under subdivision 2 or to request a hearing on the order within six days after the order is served, the governing body shall cause the building to be properly secured and the cost of securing the building may be charged against the real estate as provided in section [463.21](#). In the metropolitan area, as defined in section [473.121, subdivision 2](#), the governing body may work with neighborhood associations to develop and implement plans to secure vacant buildings in a timely and cost-effective fashion. The city may use rehabilitation and revitalization funds in implementing this section.

Subd. 4. Emergency securing.

A city may provide by ordinance for emergency securing of a building that presents an immediate danger to the health and safety of persons in the community.

History:

[1973 c 123 art 5 s 7](#); [1973 c 520 s 1](#); [1986 c 444](#); [1996 c 286 s 1](#); [2009 c 123 s 1,2](#); [2010 c 375 s 8](#)

463.26 LOCAL ACTS AND CHARTER PROVISIONS.

Sections [463.15](#) to [463.26](#) are supplementary to other statutory and charter provisions and do not limit the authority of any city to enact and enforce ordinances on the same subject.

History:

[1965 c 393 s 12](#); [1973 c 123 art 5 s 7](#)

463.261 RELOCATION BENEFITS.

Notwithstanding the provisions of section [117.56](#), or any other law to the contrary, all acquisitions of buildings and real estate upon which buildings are located by governmental subdivisions pursuant to the exercise of the power of eminent domain as provided in section [463.152](#) shall be acquisitions for the purposes of sections [117.50](#) to [117.56](#).

History:

[1974 c 341 s 5](#); [1976 c 2 s 141](#)

Official Publication of the State of Minnesota
Revisor of Statutes