

Monday, April 27, 2026

6:00 P.M., immediately following the Board of Appeal and Equalization Meeting

## REGULAR CITY COUNCIL MEETING – AGENDA #21

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](mailto: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 Brooklyn Park residents and business owners in Brooklyn Park to address the Council about matters relating to City business not otherwise on the agenda. Public Comment may not be used to make personal attacks, to air personality grievances, to make political endorsements, or for political campaign purposes. Council Members will not engage in a dialogue with speakers. Questions from the Council will be for clarification only. Public Comment will not be used as a time for problem solving or reacting to the comments made, but rather for informational purposes only. Public Comment will be limited to 15 minutes and individual comments are limited to three minutes.

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

#### 2B. PUBLIC COMMENT

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

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

**3B.1** Mayor's Proclamation Recognizing John Gamache, Founder of KSP Fulfillment, and Rob Walters, Co-owner, as the 2026 Veteran-Owned Small Business of the Year

**A.** PROCLAMATION

**3B.2** Mayor's Proclamation Declaring May 17 - 23, 2026 as "National Public Works Week" in the City of Brooklyn Park

**A.** PROCLAMATION

**3B.3** Mayor's Proclamation Declaring May 3–9, 2026, as "National Small Business Week" in Brooklyn Park, MN

**A.** PROCLAMATION

**3B.4** Presentation of Daughters of the Revolution Eugenia Washington Medal of Heroism

### II. STATUTORY BUSINESS AND/OR POLICY IMPLEMENTATION

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

**4.1** Development Bond and Escrow Reductions/Releases

**4.2** Accept Bids and Award Contract for the Northwest Area Watermain Extension, Project CIP 3005

**A.** RESOLUTION

**B.** RESOLUTION

**C.** PROJECT LAYOUT

**4.3** DEV26-102 (6317 Welcome Ave) – Conditional Use Permit (CUP) Application

- A. RESOLUTION
- B. LOCATION MAP
- C. PLANNING COMMISSION MINUTES
- D. APPLICATION MATERIALS
- 4.4 DEV26-101 (6301 Welcome Ave) – Conditional Use Permit (CUP) Application
  - A. RESOLUTION
  - B. LOCATION MAP
  - C. PLANNING COMMISSION MINUTES
  - D. APPLICATION MATERIALS
- 4.5 Approval of the 2026-2027 Collective Bargaining Agreement with the International Union of Operating Engineers (IUOE), Local No. 49
  - A. RESOLUTION
- 4.6 Approve Cooperative Construction Agreement for 109th Avenue at TH 169
  - A. RESOLUTION
  - B. PROJECT LOCATION
  - C. COOPERATIVE CONSTRUCTION AGREEMENT

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

**5. PUBLIC HEARINGS**

- 5.1 Approve an On-Sale Wine License and 3.2 Malt Liquor License for Tolis Pupuseria LLC dba Tolis Pupuseria, Located at 8419 West Broadway North
  - A. LIQUOR LICENSE LIST

**6. LAND USE ACTIONS**

None

**7. GENERAL ACTION ITEMS**

- 7.1 SECOND READING of an Ordinance to Amend City Code Section 30.01 Mayor and Council Member Salaries
  - A. ORDINANCE
  - B. LETTER FROM CHARTER COMMISSION
  - C. SALARY COMPARISON CHARTS
  - D. RESOLUTION #2026-04 AUTHORIZING SUPPLEMENTAL COMPENSATION
  - E. CITY CODE 30.01
  - F. HEALTH AND DENTAL INSURANCE COST OPTIONS.
- 7.2 Emergency Ordinance & RFCA
  - A. RESIDENTIAL PRE-EVICTION EMERGENCY ORDINANCE
  - B. NONRESIDENTIAL PRE-EVICTION EMERGENCY ORDINANCE

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

**8. DISCUSSION ITEMS**

None

**IV. VERBAL REPORTS AND ANNOUNCEMENTS**

- 9A. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS
- 9B. CITY MANAGER REPORTS AND ANNOUNCEMENTS

**V. ADJOURNMENT**

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

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	3B.1	<b>Meeting Date:</b>	April 27, 2026
<b>Agenda Section:</b>	Public Presentations/ Proclamations/Receipt of General Communications	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Saolia Tucker, Business Development Coordinator
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Hollies Winston, Mayor
<b>Item:</b>	Mayor's Proclamation Recognizing John Gamache, Founder of KSP Fulfillment, and Rob Walters, Co-owner, as the 2026 Veteran-Owned Small Business of the Year		

## City Manager's Proposed Action:

The Mayor shall proclaim, April 27 in recognition of John Gamache and Rob Walters of KSP Fulfillment, as the "2026 Veteran-Owned Small Business of the Year" in the City of Brooklyn Park by one of the following:

1. "I, Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim April 27 in recognition of John Gamache and Rob Walters of KSP Fulfillment, as the "2026 Veteran-Owned Small Business of the Year."

OR

2. By reading the proclamation.

## Overview:

Founded in 2012 and based in Brooklyn Park, KSP Fulfillment is a 100% veteran-owned company. Co-owned by U.S Marine veterans John Gamache and Rob Walters, the company provides e-commerce, B2B, and direct-to-consumer order fulfillment. The company specializes in warehousing, kitting, and assembly. The company operates a 225,000-square-foot warehouse utilizing 60 autonomous mobile robots (AMRs) from Locus Robotics. KSP serves industries from medical devices to pet care, and helps brands scale through reliable, tech-enabled logistics.

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

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

## Attachments:

3B.1A PROCLAMATION

## ***PROCLAMATION***

### **RECOGNIZING JOHN GAMACHE, FOUNDER OF KSP FULFILLMENT, AND ROB WALTERS, CO-OWNER, AS THE 2026 VETERAN-OWNED SMALL BUSINESS OF THE YEAR IN THE CITY OF BROOKLYN PARK, , MINNESOTA**

WHEREAS, every so often, a local business comes along that doesn't just succeed, it serves. And that is exactly what KSP Fulfillment has done for Brooklyn Park; and

WHEREAS, the man behind it all, John Gamache, is a Marine Corps veteran with over 25 years of supply chain leadership. In 2012, he decided to build something of his own right here in our city: a fulfillment company that treats every brand partner like a true teammate, not just a client; and

WHEREAS, if you ask people who know John, they'll tell you he's not just good at logistics, he's great at people. He builds strong teams, earns lasting relationships, and leads with a quiet, steady innovation that comes straight from his military foundation; and

WHEREAS, John doesn't do it alone. His business partner and fellow Marine Corps veteran, Rob Walters, brings more than 35 years of logistics experience to the table. Rob will be the first to tell you that his service taught him discipline, but he's also the one who knows that real results happen when technology and people work together; and

WHEREAS, KSP Fulfillment recently made a bold move into a larger facility, and like any good veteran, they found a smart way forward. By maximizing SBA loan programs to refinance related debt, they cut their monthly payments by more than 60%, giving the company stable cash flow and rock-solid financial health; and

WHEREAS, that's not just good business. That's the kind of steady, resourceful leadership we are proud to call Brooklyn Park's own.

NOW, THEREFORE, BE IT PROCLAIMED THAT the City of Brooklyn Park proudly honors John Gamache, founder of KSP Fulfillment, along with his partner Rob Walters, as our Veteran-Owned Small Business of the Year, with deep gratitude for their service to our country and their continued service to our community. We invite all residents to join us in celebrating this well-earned recognition and in supporting the veteran owned businesses that make Brooklyn Park stronger, kinder, and more resilient.

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Hollies Winston, Mayor



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

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	3B.2	<b>Meeting Date:</b>	April 27, 2026
<b>Agenda Section:</b>	Public Presentations/ Proclamations/Receipt of General Communications	<b>Originating Department:</b>	Public Works
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Marc Culver, Public Works Director
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Hollies Winston, Mayor
<b>Item:</b>	Mayor's Proclamation Declaring May 17 - 23, 2026 as "National Public Works Week" in the City of Brooklyn Park		

## City Manager's Proposed Action:

The Mayor shall proclaim May 17 - 23, 2026 as "National Public Works Week" in the City of Brooklyn Park by one of the following:

1. "I, Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim May 17 - 23, 2026 as "National Public Works Week" in the City of Brooklyn Park."

OR

2. By reading the proclamation.

## Overview:

During "National Public Works Week," communities throughout the United States celebrate the importance of public works services to the everyday lives of our residents. The 2026 theme "Rooted in Service, Powered by Community" highlights the essential role that public works professionals play in fostering sustainable, resilient, and healthy communities. This proclamation serves to publicly acknowledge the dedicated efforts of our maintenance staff, administrative professionals, technicians, engineers and managers who ensure the high quality of life for all Brooklyn Park citizens.

Meeting the needs of people is what gives public works its sense of purpose. Many times, public works professionals will never meet those whose lives have been impacted because when things are going right, no one knows that public works is there. Yet, with or without fanfare, public works is ever present, working in the background to advance quality of life for all.

The City of Brooklyn Park relies on the expertise of more than 80 Public Works staff, in collaboration with regional partners, consultants and contractors, to provide essential community services and to make normal happen in our City. From transportation and utility management to parks and emergency operations, these professionals maintain the infrastructure that makes Brooklyn Park a functional and vibrant place to live. We honor these individuals for their vital, often unseen, contributions to our city.

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

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

## Attachments:

3B.2A PROCLAMATION

## ***PROCLAMATION***

### **DECLARING MAY 17-23, 2026, AS “NATIONAL PUBLIC WORKS WEEK” IN THE CITY OF BROOKLYN PARK, MINNESOTA**

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Brooklyn Park; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are maintenance personnel, technicians, engineers, managers, and support staff at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, park facilities, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the residents, civic leaders and children in the City of Brooklyn Park to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities and how we make normal happen; and

WHEREAS, the year 2026 marks the 66<sup>th</sup> annual National Public Works Week sponsored by the American Public Works Association.

NOW THEREFORE, BE IT RESOLVED, I, Hollies Winston, Mayor of the City of Brooklyn Park, do hereby designate the week May 17-23, 2026, as National Public Works Week; I urge all residents to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life for all.



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

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Hollies Winston, Mayor

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	3B.3	<b>Meeting Date:</b>	April 27, 2026
<b>Agenda Section:</b>	Public Presentations/ Proclamations/Receipt of General Communications	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Saolia Tucker, Business Development Coordinator
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Hollies Winston, Mayor
<b>Item:</b>	Mayor's Proclamation Declaring May 3–9, 2026, as "National Small Business Week" in Brooklyn Park, MN		

## City Manager's Proposed Action:

The Mayor shall proclaim May 3-9 2026, as "National Small Business Week" in the City of Brooklyn Park by one of the following:

1. "I, Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim May 3-9, 2026, as National Small Business Week."

OR

2. By reading the proclamation.

## Overview:

National Small Business Week (NSBW), hosted annually by the U.S Small Business Administration (SBA), is a nationwide celebration that recognizes the critical contributions of America's small businesses, entrepreneurs, and innovators. NSBW was established in 1963, and the initiative highlights the important role that small businesses play in driving economic growth, job creation, and community development across the United States.

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

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

## Attachments:

3B.3A PROCLAMATION

## ***PROCLAMATION***

### **DECLARING MAY 3–9, 2026, AS “NATIONAL SMALL BUSINESS WEEK.” IN THE CITY OF BROOKLYN PARK, MINNESOTA**

WHEREAS, small businesses are the engine of the American economy and the foundation of a free and prosperous nation, accounting for more than 99 percent of all private sector employers and creating nearly two out of every three new jobs nationwide; and

WHEREAS, from our farms and factory floors to the frontiers of technology, small businesses drive innovation, strengthen local economies, and provide the products and services that keep America competitive, secure, and strong; and

WHEREAS, National Small Business Week has been proclaimed by the President of the United States since 1963, honoring the vital role of small businesses in creating jobs, growing the economy, and anchoring our communities; and

WHEREAS, in 2026, the United States will commemorate the 250th anniversary of the signing of the Declaration of Independence, known as Freedom 250, marking a historic opportunity to reflect on our nation’s founding principle of free enterprise.

Now, Therefore, I, Hollies Winston, Mayor of Brooklyn Park, do hereby proclaim May 3–9, 2026, as NATIONAL SMALL BUSINESS WEEK and encourage all citizens to support small businesses and celebrate their many achievements.

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



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

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	3B.4	<b>Meeting Date:</b>	April 27, 2026
<b>Agenda Section:</b>	Public Presentations/ Proclamations/Receipt of General Communications	<b>Originating Department:</b>	Police
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Stephanie Heiberger, Administrative Coordinator
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Chief Mark Bruley
<b>Item:</b>	Presentation of Daughters of the Revolution Eugenia Washington Medal of Heroism		

## City Manager's Proposed Action:

Recognize Sgt. Rielly Nordan with the Eugenia Washington Medal for Heroism.

## Overview:

The Minnesota State Society Daughters of the Revolution (DAR) selected Sgt. Rielly Nordan to receive the Eugenia Washington Medal for Heroism. This medal honors an individual who has displayed the exemplary qualities of courage and valor, recognizing outstanding bravery and self-sacrifice in the face of imminent danger. This medal is intended for acts by civilians, not to exclude, police, firemen, or any other non-military uniformed professionals.

The purpose of this agenda item is to publicly recognize Sgt. Rielly Nordan for his outstanding bravery surrounding the initial response to the Hortman home.

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

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

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.1	<b>Meeting Date:</b>	April 27, 2026
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Asma Jihad, Planning Program Assistant
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	N/A	<b>Presented By:</b>	Paul Mogush, Planning Director
<b>Item:</b>	Development Bond and Escrow Reductions/Releases		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO FULLY RELEASE THE DEVELOPER'S ESCROW (\$851.82) FOR SATISFACTORY COMPLETION OF THE DEV26-103 GREEN LANE EXPRESS.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO FULLY RELEASE THE DEVELOPER'S ESCROW (\$24,215.46) FOR SATISFACTORY COMPLETION OF THE DEV22-117 TESSMAN RIDGE.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO FULLY RELEASE THE DEVELOPER'S ESCROW (\$8,514.95) FOR SATISFACTORY COMPLETION OF THE DEV25-112 ESTHERRA CARE ASSISTED LIVING.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO FULLY RELEASE THE PERFORMANCE DEPOSIT (\$16,682.68) FOR SATISFACTORY COMPLETION OF THE DEV17-003 AMESBURY PLACE 3<sup>RD</sup> ADDITION.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO FULLY RELEASE THE DEVELOPER'S ESCROW (\$1,358.70) FOR SATISFACTORY COMPLETION OF THE DEV26-104 NINJAS UNITED.

## Overview:

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

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

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

**Attachments:** N/A

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.2	<b>Meeting Date:</b>	April 27, 2026
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Public Works
<b>Resolution:</b>	X	<b>Prepared By:</b>	Tim Haugo, Assistant City Engineer
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	3	<b>Presented By:</b>	Mitch Robinson, City Engineer
<b>Item:</b>	Accept Bids and Award Contract for the Northwest Area Watermain Extension, Project CIP 3005		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2026-\_\_\_\_\_, ACCEPTING BIDS AND AWARDING CONTRACT IN THE AMOUNT OF \$1,626,521.00 TO NEW LOOK CONTRACTING OF ROGERS, MINNESOTA FOR THE NORTHWEST AREA WATERMAIN EXTENSION, PROJECT CIP 3005.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2026-\_\_\_\_\_, AMENDING THE CAPITAL IMPROVEMENT PLAN BUDGET FOR PROJECT 3005.

## Overview:

The City is underway with the Northwest Growth Area Plan (NWGAP). At the September 15, 2025 City Council meeting, the preferred land use scenario was presented and approved. In order to support future development as well as construction of water tower in the area in 2026, the extension of utilities is needed. The proposed project would extend utilities from Winnetka Ave just north of TH 610 to Xylon Ave at 101<sup>st</sup> Avenue. City Council further amended the 2025-2029 CIP for CIP 3005 Northwest Area Watermain Extension project authorizing Bolton & Menk, Inc. to prepare plans and specifications at the October 27, 2025, City Council meeting.

Bids were opened on April 23, 2026, with ten bids received. Bids ranged from \$1,626,521.00 to a high of \$2,063,676.50. The lowest responsible bidder is New Look Contracting in the amount of \$1,626,521.00.

Staff recommends the City Council award the contract to New Look Contracting.

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

**Budgetary/Fiscal Issues:**

Total project costs (prior to opening bids) are estimated to be approximately \$3,500,000 with final construction, easement acquisition, and consultant fees. This project is scheduled for a 2026 completion. The 2026 – 2030 Capital Improvement Plan currently shows \$1,000,000 for Project 3005 in 2026 and 2027. City staff and the consultant analyzed the benefit of installing sanitary sewer as well as watermain. It was determined that it would be beneficial to install the sanitary sewer with this project.

A budget amendment is proposed with this project to include \$2,500,000 from the Water Utility Fund and \$1,000,000 from the Sanitary Sewer Utility Fund.

<b>Changes to the GENERAL LEDGER Budget</b>					
<b>Financing Changes</b>					
<u>Fund</u>	<u>Revenue Classification</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Amended Budget</u>
602	Use of Fund Balance	CIP3005	\$ 16,281,061.00	\$ 500,000.00	\$ 16,781,061.00
604	Use of Fund Balance	CIP3005	\$ 3,493,968.00	\$ 1,000,000.00	\$ 4,493,968.00
			\$ -	\$ -	\$ -
		Total	\$ 19,775,029.00	\$ 1,500,000.00	\$ 21,275,029.00
<b>Spending Changes</b>					
<u>Fund</u>	<u>Expense Classification</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Amended Budget</u>
602	Contractual Services	CIP3005	\$ 300,000.00	\$ 500,000.00	\$ 800,000.00
604	Contractual Services	CIP3005	\$ 325,000.00	\$ 1,000,000.00	\$ 1,325,000.00
		Total	\$ 625,000.00	\$ 1,500,000.00	\$ 2,125,000.00

**Attachments:**

- 4.2A RESOLUTION
- 4.2B RESOLUTION
- 4.2C PROJECT LAYOUT

## RESOLUTION #2026-

RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT  
TO NEW LOOK CONTRACTING OF ROGERS, MINNESOTA  
FOR NORTHWEST AREA WATERMAIN EXTENSION, PROJECT CIP 3005

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

CIP 3005: Northwest Area Watermain Extension

and;

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>
New Look Contracting, Inc	\$1,626,521.00
Kuechle Underground, Inc.	\$1,627,451.40
Northern Lines Contracting, Inc.	\$1,677,434.70
S.R. Weidema, Inc..	\$1,735,466.20
LaTour Construction, Inc.	\$1,737,054.65
Geislinger & Sons, Inc.	\$1,758,382.00
Burschville Construction, Inc	\$1,830,650.00
Park Construction Company	\$1,852,148.65
Ryan Contracting	\$1,894,921.00
RL Larson Excavating, Inc.	\$2,063,676.50
Engineers Estimate	\$2,884,275.00

and;

WHEREAS, the City Manager recommends award of contract to New Look Contracting of Rogers, MN as the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park, the Mayor and City Manager are hereby authorized and directed to enter into a contract with New Look Contracting of Rogers, 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 City Clerk.

RESOLUTION #2026-

RESOLUTION AMENDING THE CAPITAL IMPROVEMENT PLAN BUDGET FOR PROJECT 3005

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

CIP 3005: Northwest Area Watermain Extension

WHEREAS, the estimated total project cost prior to opening bids is \$3,500,000; and

WHEREAS, the 2026 – 2030 Capital Improvement Plan allocates \$1,000,000 from the Water Utility Fund in 2026 and 2027; and

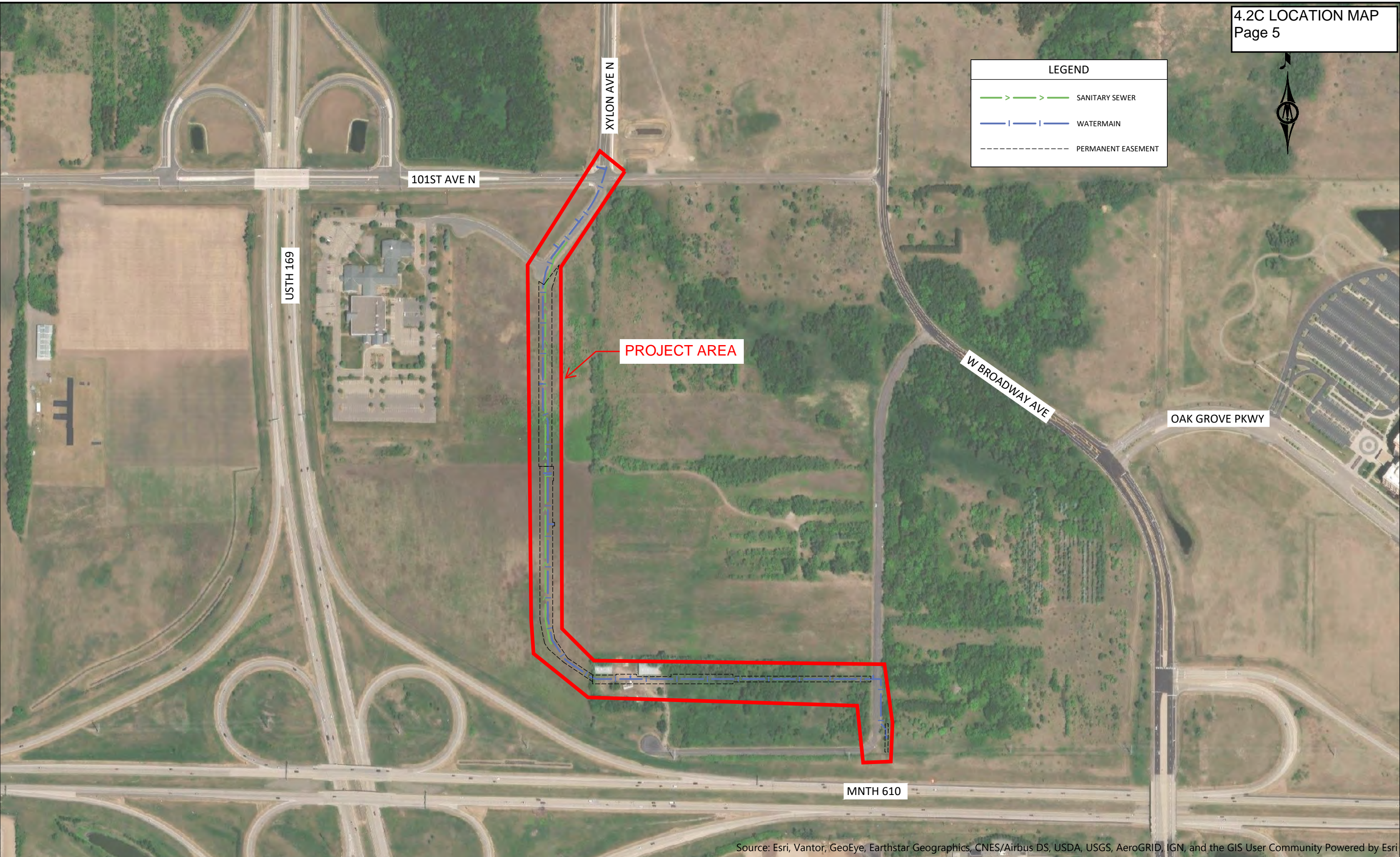
WHEREAS, City staff and its consultants determined it would be beneficial to install sanitary sewer with the project in addition to the watermain; and

WHEREAS, it is therefore necessary and prudent to amend the 2026 Capital Improvement Plan to identify expenses and funding sources of up to \$2,500,000 from the Water Utility Fund and \$1,000,000 from the Sanitary Sewer Fund for Project 3005.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve the 2026 budget amendments as outlined.



LEGEND	
	SANITARY SEWER
	WATERMAIN
	PERMANENT EASEMENT



© Bolton & Menk, Inc. 2026. All Rights Reserved. A:\BMPK\24\132026\CAD\WATERMAIN\PLAN\5\413206102.dwg, 3/30/2026 10:16:44 AM Plotted by Zach Johnston

Source: Esri, Vantor, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community Powered by Esri



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Zach Johnston*  
ZACHARY R. JOHNSTON  
LIC. NO. 60402 DATE 03/30/2026



111 WASHINGTON AVE S, SUITE 650  
MINNEAPOLIS, MN 55401  
Phone: (612) 416-0220  
Email: Minneapolis@bolton-menk.com  
www.bolton-menk.com

DESIGNED	NO.	ISSUED FOR	DATE
ABA			
DRAWN	ABA		
CHECKED	ZJ		
CLIENT PROJ. NO.	CIP 3005-26		

CITY OF BROOKLYN PARK, MINNESOTA  
NORTHWEST AREA WATERMAIN EXTENSION

LOCATION PLAN

SHEET  
G1.02

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.3	<b>Meeting Date:</b>	April 27, 2026
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	X	<b>Prepared By:</b>	Matt Hayes-Regan, Associate Planner
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	4	<b>Presented By:</b>	Paul Mogush, Planning Director
<b>Item:</b>	DEV26-102 (6317 Welcome Ave) – Conditional Use Permit (CUP) Application		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2026-\_\_\_\_\_ GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF AUTO REPAIR BUSINESSES LOCATED AT 6317 WELCOME AVENUE NORTH BROOKLYN PARK, MN 55429.

## Planning Commission:

Staff presented this application to the Planning Commission at the April 8, 2026, Planning Commission Regular Meeting.

Following Staff's presentation, the Planning Commission opened the public hearing. No one from the public spoke about this application and the Planning Commission chair closed the public hearing.

While Planning Commissioners had most of their questions answered following the presentation of the DEV26-102 application, after the public hearing, the applicant answered additional questions about who the entity was that was applying for the CUP. In addition to a response from the applicant, staff also explained to the Commissioners that it is common for another entity to apply on behalf of the property owner. In this instance, the property owner and the applicant are one in the same.

The Commissioners unanimously voted to recommend approval of the CUP application as presented.

## Applicant Overview:

Onyx Strategic Partners has submitted Conditional Use Permit (CUP) applications for the properties at 6301 and 6317 Welcome Avenue North, which together include 30 small-bay units. Uses on the properties range from those permitted by right, such as general warehousing and storage, to conditional uses requiring a CUP, such as auto repair businesses.

The applicant owns and manages similar small-bay industrial properties in Farmington, Golden Valley, Fridley, Ham Lake, and Maple Grove.

The 6317 Welcome Ave property has a building that includes 18 small bays totaling 25,267 square feet and 75 parking spaces. The sizes of the bays range from 1,187 square feet to 2,670 square feet.

## Current Conditions/Previous Approvals:

<b>Future Land Use Plan</b>	Business Park
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<b>Current Zoning</b>	Business Park
<b>Proposed Zoning</b>	No proposed change
<b>Site Area</b>	1.83 acres
<b>Conforms to</b>	
<b>Land Use Plan</b>	Yes
<b>Zoning Code</b>	Yes
<b>Subdivision Ordinance</b>	Yes
<b>Notification</b>	Legal notice was published in the Sun Post. 77 notices were mailed to properties within 500 feet, A Neighborhood email was sent to the Lakeland Park neighborhood.
<b>60- and 120- Days (§15.99)</b>	April 11, 2026; June 10, 2026

6317 Welcome Avenue North was created by the subdivision known as “Coopers Industrial Park” in 1969. The property was developed through site plan review in 1980 and was issued a Certificate of Occupancy on October 14, 1981.

On October 23, 2023, the property was granted a CUP under Resolution #2023-126. The CUP authorized the operation of auto-body repair facilities throughout the property.

Between 1989 and 2024, additional auto-oriented repair businesses operated within other units on the property without a CUP. As a result, the property was subject to joint enforcement efforts involving the City’s Environmental Health Division and the Brooklyn Park Police and Fire Departments to address safety and compliance concerns.

Enforcement actions have addressed site and operational issues. These include: the outdoor storage of inoperable and unlicensed vehicles; parking and storage of vehicles and materials within public rights-of-way; exterior storage of auto-related materials, junk, debris, and litter; and parking occurring outside of designated paved areas.

Additional concerns have included complaints related to chemical odors associated with vehicle painting and auto body work; unpermitted interior improvements such as vehicle lifts and spray booths; dumpsters stored outside; and debris accumulation in adjacent natural areas, including the creek corridor. Site condition issues have also been noted, including deterioration of parking surfaces, drainage concerns, and obstruction of designated fire lanes.

Fire and life safety concerns have also been identified related to the expansion of auto repair uses within the building without corresponding evaluation of fire suppression system capacity.

Staff determined that revocation of the existing CUP should be considered when it became apparent that the property owner was not willing to address ongoing safety and compliance concerns. To minimize disruption to existing businesses, staff engaged individual tenants through formal letters and site visits to explain the potential revocation and to invite tenants to apply for unit-specific CUPs.

While finalizing a timeline for tenant applications and potential Council action on revocation, staff was informed of Onyx Strategic Partners’ intent to purchase the property.

The property was sold and acquired by Onyx Strategic Partners in 2025.

Prior to acquisition, the current property owner engaged City staff to conduct due diligence on the property,

including meetings with Planning, Environmental Health, Building, and the Brooklyn Park Fire Department. Following the transfer of ownership, Environmental Health closed outstanding correction orders associated with the prior owner. As of the date of this staff report, there are no outstanding Environmental Health correction orders associated with the property.

The current owner is working with the Fire Department to address Fire Code compliance and with the Building Department to ensure that units proposed for auto-repair uses meet applicable Building Code requirements. Following consultation with Planning staff, the applicant submitted the current CUP application to demonstrate how the proposed auto-repair use, and other uses on the property, will comply with applicable Zoning Code requirements and, specifically, parking requirements.

#### **Application Overview:**

Staff determined the applicant provided the necessary information that is required for submitting a complete CUP application. That information includes a letter of consent from the property owner, a letter of request for the CUP, an architectural analysis of the building, and payment of an application fee and a review escrow.

At the request of Staff, the applicant also prepared a site plan for the property. Staff requested the site plan to ensure that the existing conditions can adequately support the various uses the applicant is proposing for the property. While a site plan was prepared, this application is limited to a conditional use permit, and a formal site plan review of the plan is not part of this application. The site plan is included as **Exhibit B** to the resolution.

The application was scheduled for a public hearing at the March 11, 2026, Planning Commission Meeting. Because Staff needed additional time to review the applicant's materials before a recommendation could be made on the request, pursuant to Minn. Stat. 15.99, the City used their one-time 60-day extension to act on the application. The Planning Commission voted to continue the agenda item to the April 8, 2026, Planning Commission Meeting.

Members of the public who received public hearing notices attended the March 11, 2026, Planning Commission meeting expecting to provide comments. After staff informed attendees of the continuance, it was determined that additional engagement would be beneficial.

Meetings were subsequently held on March 18 and March 23, 2026, with those who received public hearing notices, the applicant, and City staff. Representatives from the Brooklyn Park Police Department, the City Assessor's Office, and the City's Engineering, Environmental Health, and Planning divisions were present.

At these meetings, those attending from neighboring properties shared concerns and asked questions, staff provided information and resources, and the applicant presented their business model and vision for the property.

#### **Land Use/Zoning and Overlay:**

The property is located within the City's Business Park (BP) Zoning District. The zoning code defines the BP District as:

“Areas in which to locate businesses that enhance the city's tax base, have few customers coming to the site, but may have a large employee base, involve manufacturing, warehousing, office uses, and other accessory retail and service uses offered on site to service the primary use or their employees. The properties and buildings in this district must be designed to promote a campus-like setting that exhibits a landscape theme and high-quality exterior building materials” (§ 152.604(A)).

While auto repair services are listed in Table 152.609.1 (Principal Uses in Nonresidential Districts), the Zoning Code does not define the use. Staff find that the range of uses on the property, including auto repair, aligns with the intent of accessory service uses within the Business Park District.

Based on the applicant's experience operating similar properties, the applicant proposes categorizing auto repair uses into two types: heavy auto repair (auto body) and non-heavy auto repair. Staff recognize this distinction as common in other municipalities and find the approach reasonable.

For the purposes of this CUP, heavy auto body repair is defined as the restoration of a vehicle's exterior structure and/or safety systems to pre-accident conditions.

The property is in the Crystal Airport Zoning overlay. Zoning for adjacent properties include: BP to the north and west; Multiple Family (R-4) District to the east; and Public Institution (PI) to the south where the airport is located.

### **Conditional Use Permit Analysis:**

Pursuant to § 152.305 of the zoning code, the Planning Commission and City Council shall consider the following factors when reviewing a conditional use permit application:

#### **- Consistency with the Comprehensive Plan:**

The 2040 Comprehensive Plan Land Use Designation for the subject property is Business Park (BP). The Plan describes Business Park areas as:

Largely single-use areas that have a consistent architectural style with a mix of employment-oriented use types. These uses may include office, mixed light industrial, limited retail, research and development, and uses of similar impact. With an increased focus on job creation, warehousing and distribution centers will be permitted if approved by the City as a part of a master plan. The scale of development in these areas is commensurate with their proximity to highways and major transportation corridors. Appropriate connections to transit should be included in Business Park developments (2040 Comprehensive Plan, 3-21-22).

By allowing auto-repair as a conditional use in the BP district, the City has determined auto-repair is consistent with the Comprehensive Plan. This determination assumes that the use conforms to the other review standards described in Section 152.305 of the zoning code and outlined below.

#### **- Traffic Generation, Volume, and Safety:**

The applicant is not proposing any site alterations currently and proposes continued utilization of the two existing site access points from Welcome Avenue, the first on the north side of the property, and the second from a shared access point on the adjacent property to the south.

On-street parking is not allowed on the west side of Welcome Ave during certain hours. Staff note the parking violations that have occurred and have reason to believe that work incidental to the businesses located at 6317 Welcome Ave has been a contributing factor to these violations. Since the submission of this application, one such violation has occurred and has been reported to the City and to the applicant. The applicant demonstrated a quick response to the violation by engaging with tenants and advising them of the seriousness of such violations. Title VII: Traffic Code of the City Code will apply to the site, and the CUP conditions will require that any future violations are addressed promptly.

The City's Transportation Engineer has a historical understanding of traffic generation at this property and agrees with the Planning Staff's recommendation to approve the CUP, subject to the conditions in the resolution. Staff's recommendation about traffic generation and volume was determined using the parking analysis below.

#### **- Parking, Site Design, and Circulation:**

As noted, because auto repair businesses are not listed in Table 152.1019.2, Staff requested additional information from the applicant to ensure the proposed tenant mix could be accommodated within the existing parking supply.

Based on the site plan submitted, the 6317 Welcome Avenue building has 25,267 square feet and 75 parking spaces

Table 152.1019.2 of the Zoning Code establishes minimum parking requirements for nonresidential uses. For this application, parking requirements are based on the following components:

- **Offices, including government buildings and other professional offices 6,000 sq. ft. or less:** minimum of 5 spaces, with a maximum of 5.5 spaces per 1,000 sq. ft. of gross floor area.
- **Warehousing (and storage) in structures greater than 6,000 sq. ft.:** 1 space per 2,000 sq. ft. of gross floor area, with a minimum of 10 spaces.
- **Auto repair businesses:** parking standards are not specifically defined in the Zoning Code.

The applicant retained a consultant to review parking requirements for the office and warehouse components of the 6317 Welcome Avenue North building. That analysis is included in the attached applicant materials.

The applicant proposes the following operational parking ratios for auto repair uses:

- **Heavy auto body repair:** 4 spaces per 1,000 sq. ft.
- **Non-heavy auto repair:** 2 spaces per 1,000 sq. ft.

The applicant also proposes the following use percentages for the two operational auto-repair business categories:

- Up to 60% of the building square footage for total auto-repair uses.
- A maximum of 40% of the building square footage for heavy auto-repair businesses.

These standards would apply to the building rather than individual suites, and parking allocations would include both employee and customer parking. Using the 40% maximum cap for heavy auto-repair businesses, the square footage/parking demand allocation for 6317 Welcome Ave is:

Use	Sq. Ft.	Parking Ratio	Spaces Required
Office	2,560	5/1,000	13
Warehousing	7,547	1/2,000	4
Heavy auto body repair (40%)	10,107	4/1,000	40
Non-heavy auto repair	5,053	2/1,000	10

This results in a total parking demand of 67 spaces, leaving a surplus of eight spaces.

Based on this analysis, Staff finds the applicant's proposal and that the site can accommodate the proposed mix of office, warehouse, and auto repair uses while maintaining adequate on-site parking.

- **Public Infrastructure:**

Staff find that adequate public infrastructure exists to serve the site and the proposed uses. No additional public services or infrastructure improvements are anticipated.

**- Screening and Buffering:**

The building and site meet the screening and buffering requirements that were in place at the time of construction.

No permanent waste enclosure is located on the property. Individual tenants are responsible for the maintenance of their own waste enclosures and are required to store their enclosures indoors. It is assumed that individual tenants meet the indoor waste enclosure requirements specified in Section 152.1018(1) of the zoning code.

**- Architectural Design:**

Based on prior approvals, the building and site meet the architectural design standards applicable at the time of construction. No exterior modifications are proposed as part of this application, nor are they required as part of this CUP permit application.

**- Compliance with Other Applicable Code Provisions:**

Although there are no specific performance standards for auto-repair businesses in the zoning code, it is the expectation of the City that the property will remain in full compliance of City Code requirements, as noted in the conditions of approval in the resolution.

**Conclusion:**

The required findings of § 152.305 have been met. Planning staff recommend approval of the conditional use permit, subject to the conditions outlined below.

**Conditions of Approval for the Operation of Auto-Repair Businesses at 6317 Welcome Ave.:**

1. All previously-approved Conditional Use Permits are hereby rescinded and replaced with this Conditional Use Permit.
2. The property shall not exceed 60% auto-repair business usage on the property, totaling 13,602 square feet, as indicated on the **Exhibit B** site plan.
3. Of the 60% auto-repair business usage, the property shall not exceed 40% heavy auto body repair usage on the property, totaling 9,068 square feet. For purposes of this CUP, heavy auto body repair is defined as the process of restoring a vehicle's exterior structure and/or safety systems to pre-accident conditions.
4. All repair, assembly, disassembly or maintenance of vehicles shall occur within an enclosed building.
5. All inoperable vehicles must be kept in an enclosed building or area completely screened from public streets and adjacent property.
6. The property shall not store junk vehicles as defined in Section 90.16 of the City Code.
7. The property shall maintain the following parking standards:

Use	Sq. Ft.	Parking Ratio	Spaces Required
Office	2,560	5/1,000	13

Warehousing	7,547	1/2,000	4
Heavy auto body repair (40%)	10,107	4/1,000	40
Non-heavy auto repair	5,053	2/1,000	10

8. The property and the auto-repair business use shall maintain sufficient on-site parking and storage capacity to accommodate all employee vehicles and all vehicles associated with the business, including those awaiting service, under repair, or completed.  
  
Any use of adjacent public streets, including Welcome Avenue North or 63rd Avenue North, for parking or storage of vehicles associated with the business shall be considered a violation of this permit.
9. No motor vehicles, except those owned by the operators and employees of the principal use, and vehicles awaiting service, shall be parked on the lot occupied by the principal use.
10. Signage shall comply with all requirements of City Code Chapter 150: Signs.
11. The property shall remain compliant with Title VII: Traffic Code of the City's Code
12. The property shall remain compliant with Title IX: General Regulations of the City's Code.
13. The property shall remain compliant with Title XI: Business Regulations of the City's Code.
14. All requirements of the Minnesota State Building Code shall be satisfied prior to occupancy, including obtaining all required permits and a Certificate of Occupancy. Additionally, all units the applicant identifies as auto-repair businesses now or in the future shall be submitted for building permit review.
15. The property shall remain compliant with the Minnesota State Fire Code.
16. This resolution shall be recorded with the Hennepin County Recorder's office.
17. Failure to comply with the terms and conditions of this resolution may result in enforcement action or revocation of the permit pursuant to § 152.035(H)(1).

**Staff Recommendation:**

Staff recommend approval of the conditional use permit as presented, subject to the conditions contained in the resolution.

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

**Alternatives to Consider:**

1. Recommend approval of the CUP with modifications.
2. Recommend denial of the CUP based on certain findings.

**Attachments:**

- 4.3A RESOLUTION
- 4.3B LOCATION MAP
- 4.3C PLANNING COMMISSION MINUTES
- 4.3D APPLICATION MATERIALS

RESOLUTION #2026-

RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF AUTO REPAIR  
BUSINESSES LOCATED AT 6317 WELCOME AVENUE NORTH, BROOKLYN PARK, MN 55429

Planning Commission File # 26-102

WHEREAS, Jessica Houlihan of Onyx Strategic Partners has made an application for a Conditional Use Permit under the provisions of Chapter 152 of the Code of Ordinances on property legally described as:

See EXHIBIT A

WHEREAS, the City Council approved a Conditional Use Permit on the property in 2023 for the operation of auto repair businesses; and

WHEREAS, the zoning of the property is Business Park in which auto-repair businesses are conditional uses; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that a Conditional Use Permit is hereby granted for the operation of auto-repair businesses at 6317 Welcome Avenue North, Brooklyn Park, MN 55429, as legally described in the attached EXHIBIT A, subject to the following conditions:

1. All previously-approved Conditional Use Permits are hereby rescinded and replaced with this Conditional Use Permit.
2. The property shall not exceed 60% auto-repair business usage on the property, totaling 13,602 square feet, as indicated on the EXHIBIT B site plan.
3. Of the 60% auto-repair business usage, the property shall not exceed 40% heavy auto body repair usage on the property, totaling 9,068 square feet. For purposes of this CUP, heavy auto body repair is defined as the process of restoring a vehicle's exterior structure and/or safety systems to pre-accident conditions.
4. All repair, assembly, disassembly or maintenance of vehicles shall occur within an enclosed building-
5. All inoperable vehicles must be kept in an enclosed building or area completely screened from public streets and adjacent property.
6. The property shall not store junk vehicles as defined in Section 90.16 of the City Code.
7. The property shall maintain the following parking standards:

Use	Sq. Ft.	Parking Ratio	Spaces Required
Office	2,560	5/1,000	13
Warehousing	7,547	1/2,000	4
Heavy auto body repair (40%)	10,107	4/1,000	40
Non-heavy auto repair	5,053	2/1,000	10

8. The property and the auto-repair business use shall maintain sufficient on-site parking and storage capacity to accommodate all employee vehicles and all vehicles associated with the business, including those awaiting service, under repair, or completed.

Any use of adjacent public streets, including Welcome Avenue North or 63rd Avenue North, for parking or storage of vehicles associated with the business shall be considered a violation of this permit.

9. No motor vehicles, except those owned by the operators and employees of the principal use, and vehicles awaiting service, shall be parked on the lot occupied by the principal use.
10. Signage shall comply with all requirements of City Code Chapter 150: Signs.
11. The property shall remain compliant with Title VII: Traffic Code of the City's Code
12. The property shall remain compliant with Title IX: General Regulations of the City's Code.
13. The property shall remain compliant with Title XI: Business Regulations of the City's Code.
14. All requirements of the Minnesota State Building Code shall be satisfied prior to occupancy, including obtaining all required permits and a Certificate of Occupancy. Additionally, all units the applicant identifies as auto-repair businesses now or in the future shall be submitted for building permit review.
15. The property shall remain compliant with the Minnesota State Fire Code.
16. This resolution shall be recorded with the Hennepin County Recorder's office.
17. Failure to comply with the terms and conditions of this resolution may result in enforcement action or revocation of the permit pursuant to § 152.035(H)(1).

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

EXHIBIT A

*Lot 5 Block 1 of Coopers Industrial Park, Hennepin County, Minnesota.*

EXHIBIT B

**Onyx**  
**6317 Welcome Avenue - A2**

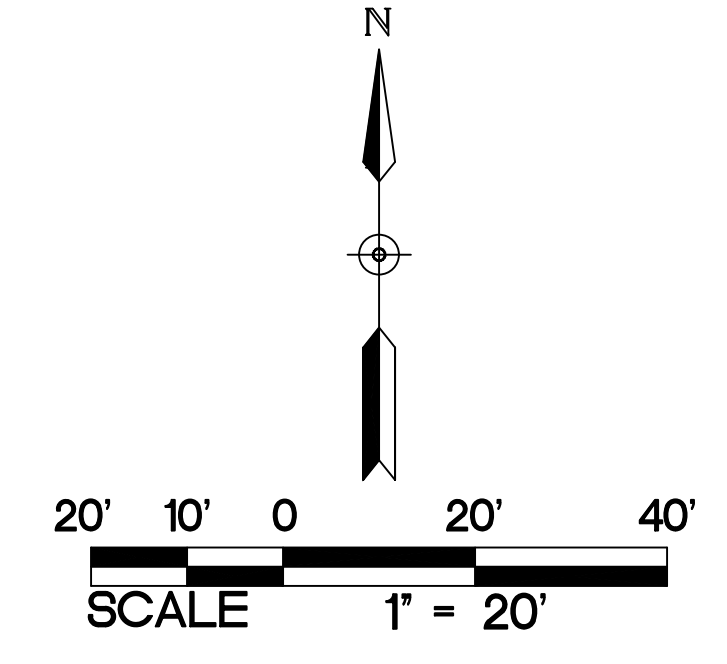
6317 Welcome Ave N  
 Brooklyn Park, MN 55429

**BKBM** 6120 Earle Brown Drive  
 Suite 700 Minneapolis, MN 55410 Phone: 763.843.0420  
 Structural & Civil Engineers bkbm.com

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 BKBM Project No. 26122.5

ABBREVIATIONS	
BLDG	Building
BM	Benchmark
CONC	Concrete
ELEV	Elevation
EX	Existing
R	Radius
TYP.	Typical

PLAN SYMBOLS	
PROPERTY LINE	---
LOT LINE	---
SETBACK LINE	---
BITUMINOUS CURB	---
CONCRETE CURB AND GUTTER	---
IMPERVIOUS AREA	▨
PARKING STALL COUNT	(13)



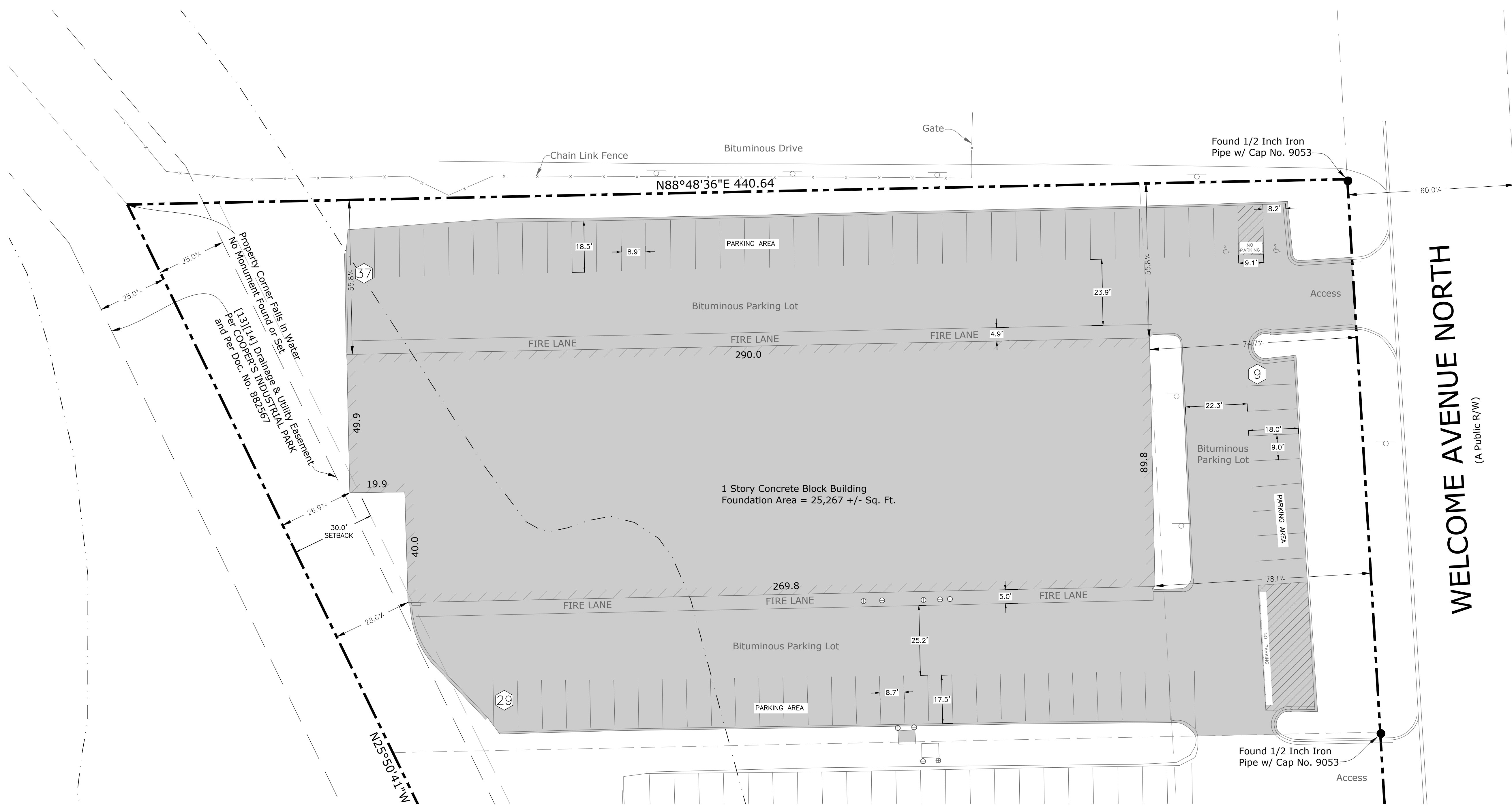
ZONING DISTRICT: BP BUSINESS PARK DISTRICT  
 PROPOSED USE: OFFICE/WAREHOUSE  
 BUILDING SETBACK REQUIREMENTS:  
 - FRONT: 10'  
 - REAR: 30'  
 - SIDE: 15'  
 - SIDE OR REAR ABUTTING RESIDENTIAL DISTRICT: 110'

PERVIOUS AREA: 18,688 SQUARE FEET  
 IMPERVIOUS AREA: 80,982 SQUARE FEET  
 TOTAL AREA: 99,670 SQUARE FEET  
 IMPERVIOUS PERCENTAGE: 77%

MINIMUM B2 LOT SIZE: 25,000 SQUARE FEET  
 MAXIMUM B2 IMPERVIOUS COVERAGE: 85%

PARKING REQUIRED:  
 - WAREHOUSING IN STRUCTURES >6,000 SQUARE FEET: 1 SPACE FOR EACH 2,000 SQUARE FEET OF GROSS FLOOR AREA, WITH A MINIMUM OF 10 SPACES.  
 - OFFICES <6,000 SQUARE FEET OF FLOOR AREA: MINIMUM OF 5 SPACES WITH A MAXIMUM OF 5.5 SPACES PER 1,000 SQUARE FEET.

2,560 SQUARE FEET OFFICE/1,000 SQUARE FEET X 5 = 13 STALLS  
 22,411 SQUARE FEET WAREHOUSE/2,000 SQUARE FEET = 12 STALLS  
 PARKING REQUIRED = 25 STALLS  
 EXISTING PARKING COUNT = 75



1 6317 WELCOME AVENUE SITE PLAN  
 C100 1" = 20'

WELCOME AVENUE NORTH  
 (A Public R/W)

DATE: 12/05/2025  
 PROJECT #: 26122.5  
 PROJECT STATUS: CITY SUBMITTAL

DRAWN BY: WH  
 CHECKED BY: KAB

KEY PLAN

**6317 WELCOME AVENUE SITE PLAN**

**C100**



**Conditional Use Permit**  
**Case #26-102 – 6317 Welcome Ave**  
Area of Request (August 2025 Air Photo)  
6317 Welcome Ave N, Brooklyn Park MN





**UNAPPROVED MINUTES**

**MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION  
Regular Meeting – April 8, 2026**

**5.2 Planning Case 26-102 (6317 Welcome Ave North)**

Associate Planner Hayes-Regan introduced the application for the 6317 Welcome Avenue North property, reviewing the application summary, floor plan, site plan, parking analysis, and key issues and analysis. He recommended approval as presented, subject to the conditions in the draft resolution.

Commission Chair Cavin opened the public hearing.

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

Commission Chair Cavin commented that this is a unique model, and he likes what they are doing to provide the opportunity for people to own small businesses.

Commissioner Wako asked the legal entity that owns the property.

Ms. Houlihan replied that she was unsure of the legal entity, as each property is set up as its own legal entity. She provided additional information on Onyx Strategic Partners and the fund used to purchase the properties.

Planning Director Mogush explained that it is a common thing for a representative of the property owner or developer to apply on behalf of the applicant and provided some examples.

Commissioner Arah thanked Ms. Houlihan for attending the meeting tonight. He asked for more information on her role in the company.

Ms. Houlihan provided additional information on the company and her role within it.

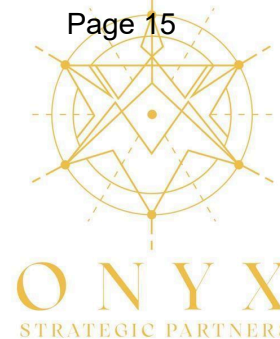
**MOTION ARAH, SECOND ?? TO RECOMMEND APPROVAL OF A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF AUTO REPAIR BUSINESSES LOCATED AT 6317 WELCOME AVENUE NORTH, BROOKLYN PARK, MN 55429, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.**

***MOTION CARRIED UNANIMOUSLY.***

Planning Director Mogush stated the public hearing item is scheduled to be reviewed at the City Council meeting on April 27, 2026.

Wednesday, December 17, 2025

City of Brooklyn Park, MN  
5200 85th Ave. N.  
Brooklyn Park, MN 55443



**RE: Site-wide CUP Application\_6301 and 6317 Welcome Avenue**

To Whom it may concern,

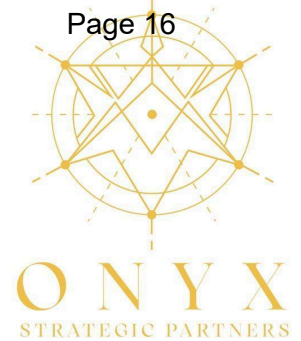
As one of the building owners, on behalf of my partners and our fund, we provide consent for the properties to be reviewed through site-wide CUP processes with the City.

Highest Regards,

Jessica Houlihan  
CEO, Onyx Strategic Partners

Wednesday, December 17, 2025

City of Brooklyn Park, MN  
5200 85th Ave. N.  
Brooklyn Park, MN 55443



**RE: Site-wide CUP Application\_6301 and 6317 Welcome Avenue**

To Whom it may concern,

As one of the building owners and our developer, I am officially submitting our letter of request, looking independently at our two buildings (6301 and 6317) for site-wide CUP application.

These applications arose after the former owners had recurring issues with complaints due to tenants parking blocking other users and nearby residents. Our partner group bought these properties in September 2025 and engaged with the City during the due diligence process to better understand their concerns and develop a plan to study the properties and work toward alignment and compliance.

Through those discussions, it was determined that we could submit each property independently for site-wide CUP application to study the City's concerns and establish the appropriate guidelines. The City requested an additional study on the fire suppression system, in addition to the typical submitted materials, and a breakdown of the tenants in the building currently. All required materials are being submitted through these applications and we are pleased to share that the fire suppression system engineering and parking counts are more than adequate for zoning and our current / intended use.

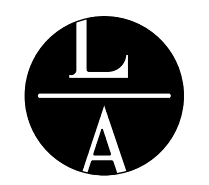
In addition to the application of code and engineering analysis, we wanted to share some of what we've learned by owning properties like this throughout the Twin Cities. We would specifically like to note the difference between types of auto users and their demand on the facilities and parking. While our engineering demonstrates adequate systems and space to support auto users, we have found what we will call "heavier" auto users (auto body shops) require more parking while lighter auto users, including detailing and tinting companies, are very light parking users. Through this process, we request that the City supports separating these users in our analysis of what the building can support where lighter auto users aren't limited in the building and we seek to determine the number of heavier auto users each building can support.

Currently, during the renewal process with tenants, we are working through better understanding their businesses to ensure they comply with City requirements and are working through any necessary repairs. All tenants are being renewed on a short term basis while we're working through the site-wide CUP applications. We can include specificity about how many spaces they have access to, limiting parking use onsite, in their updated lease agreements.

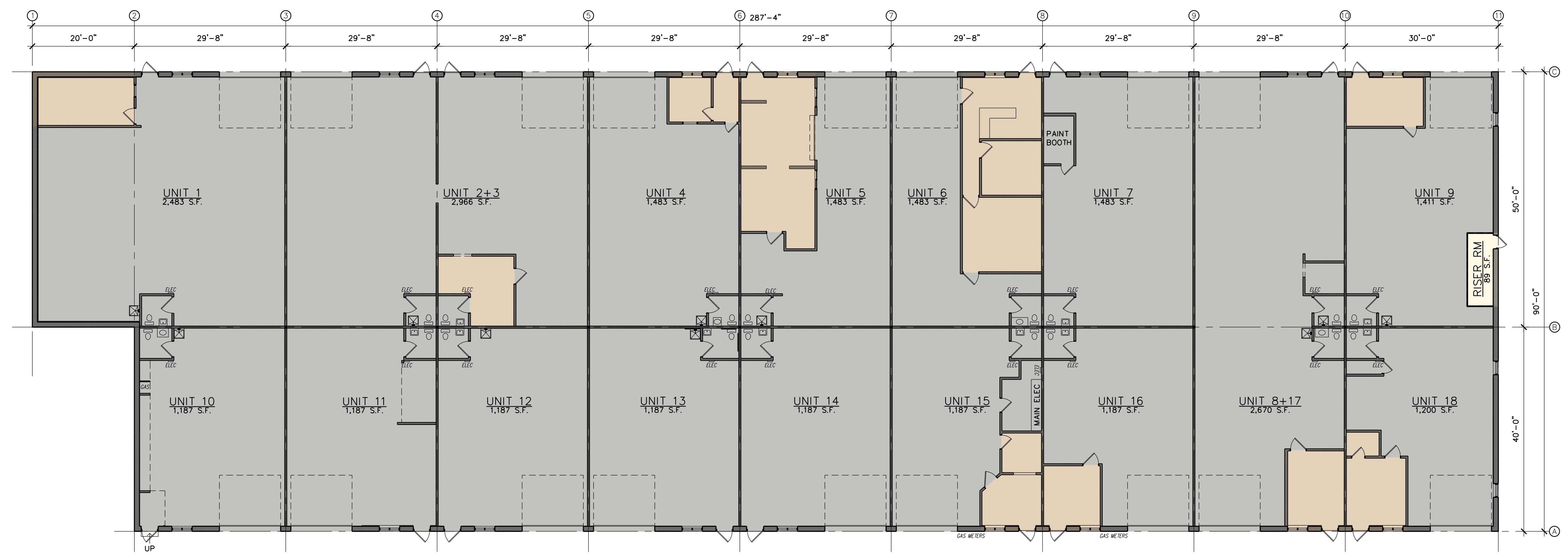
We are pleased to engage in this process and look forward to working through the details with the City.

Highest Regards,

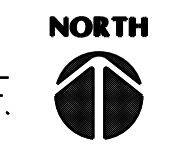
Jessica Houlihan  
CEO, Onyx Strategic Partners



**LAMPERT ARCHITECTS**  
420 Summit Avenue  
St. Paul, MN 55102  
Phone: 763.755.1211 Fax: 763.757.2849  
lampert@lampert-arch.com



**1 FLOOR PLAN**  
SCALE: 3/32" = 1'-0"  
25,060 S.F.



- COMMON  
89 S.F.
- OFFICE  
2,560 S.F.
- WAREHOUSE  
22,411 S.F.

**WELCOME SQUARE**  
**6317 WELCOME AVE**  
Brooklyn Park, Minnesota

Copyright 2025  
Leonard Lampert Architects Inc.  
Project Designer: L. SCHMIDT  
Drawn By: LLS  
Checked By: LL

Revisions

11/7/25	RECORD DRAWING
12/4/25	SQUARE FOOTAGE

**FLOOR PLAN**  
Sheet Number

**A2**  
Project No. 251006-3

NOTE: THIS RECORD DRAWING WAS PREPARED WITH INFORMATION GATHERED FROM THE SITE OCTOBER 2025. THE INFORMATION IN THIS PLAN IS ROUGHLY ACCURATE, BUT SHOULD NOT BE CONSIDERED EXACTLY ACCURATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY IN THE FIELD ALL CONDITIONS PRIOR TO CONSTRUCTION.

Filename:



6120 Earle Brown Drive Suite 700  
Minneapolis, MN 55430

3507 Ringsby Court, Suite 105  
Denver, CO 80216

December 5, 2025

Jessie Houlihan, CEO  
Onyx Strategic Partners  
330 Second Avenue South, #370  
Minneapolis, MN 55401

Re: Welcome Buildings – Parking Discussion  
BKBM Project #26122.50

Dear Jessie,

The following is a review of the required parking vs. parking provided for the two buildings located at 6301 Welcome Avenue and 6317 Welcome Avenue, in Brooklyn Park, Minnesota.

Parking Requirements:

The City of Brooklyn Park details parking requirements in Chapter 152 of the City Code; specifically, Table 152.1019.2 “Minimum Parking Spaces Required for Non-residential Uses”. It is our understanding that the use of the existing Welcome Avenue buildings will consist of both office and warehouse spaces. The following are the code requirements for each use described.

- Offices, including government buildings and other professional offices 6,000 sq. ft. of floor area or less.
  - Minimum of 5 spaces with a maximum of 5.5 spaces per 1,000 square feet of gross floor area.
- Warehousing (and storage) in structures > 6,000 sq. ft.
  - 1 space for each 2,000 square feet of gross floor area, with a minimum of 10 spaces.

Floor Area and Parking Analysis:

Based on the floor areas provided by Lampert Architects, it is our understanding that the following uses are planned for each building;

- 6301 Welcome Avenue
  - Common Use – 83 SF
  - Office Use – 1,816 SF
  - Warehouse Use – 20,948 SF

- 6317 Welcome Avenue
  - Common Use – 89 SF
  - Office Use – 2,560 SF
  - Warehouse Use – 22,411 SF

Based on the parking requirements indicated in the first part of this letter, the required parking for each building is as follows:

- 6301 Welcome Avenue
  - Common Use – 83 SF (No Parking Required)
  - Office Use – 1,816 SF x 5 Spaces/1,000 SF = 10 spaces
  - Warehouse Use – 20,948 SF x 1 Space/2,000 SF = 11 spaces
  - Total Minimum Parking Required = 21 Spaces
  
- 6317 Welcome Avenue
  - Common Use – 89 SF (No Parking Required)
  - Office Use – 2,560 SF x 5 Spaces/1,000 SF = 13 spaces
  - Warehouse Use – 22,411 SF x 1 Space/2,000 SF = 12 spaces
  - Total Minimum Parking Required = 25 Spaces

Based on the survey provided for the site, the total parking count provided for the buildings is 59 spaces for the 6301 building (minimum required is 21) and 75 spaces for the 6317 building (minimum required is 25).

Conclusion:

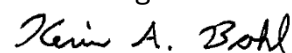
Based on the City of Brooklyn Park code and the information provided regarding the proposed building use, the existing parking provided for the 6301 and 6317 Welcome Avenue buildings appears to meet the minimum number of required parking spaces. In addition, the parking provided for the site appears to be in line with the total parking provided similar facilities in the twin cities area with a similar use.

It is BKBM's opinion that the parking provided at the existing facilities should be adequate for the intended use.

If you have any questions, do not hesitate to contact me at KBohl@BKBM.com or at 651-249-6337.

Sincerely,

BKBM Engineers



Kevin A. Bohl, P.E.

Principal

# ESCAPE

## Fire Protection

**Escape Fire Protection**  
**3500 Willow Lake Blvd #200**  
**Vadnais Heights, MN 55110**  
**Phone: (651) 771-8874**  
**Fax: (651) 771-8875**

12/12/2025

Subject: System compliance

To whom it make concern:

This letter is for the automatic fire sprinkler system located at:

6301 Welcome Ave N and 6317 Welcome Ave N  
 Minneapolis, MN 55402

Site visits to 6301 and 6317 Welcome Ave N were preformed to assess the legitimate use of S-1 Occupancy Classification due to the use of and/or expansion of Automotive Repair tenant spaces within the building(s).

Code Requirements:

Internation building code(IBC): 903.2.9 Group S-1

An Automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406

(item 4 of section 46) "A Group S-1 Area used for the repair of commercial motor vehicles where the fire area exceed 5,000 square feet"

Fire Sprinkler Protection Density required for S-1 Auto Repair Garage: Ordinary Hazard Group II  
 Building Classification IIB

Fully Sprinkler Building increases Allowable S-1 Occupancy use of single story buildings to:  
 Unlimited

Site Posted Fire Sprinkler System Wet system Density protection posted at Base of Riser:

6301 Welcome Ave N:	6317 Welcome Ave N
Ordinary Hazard Group II	Ordinary Hazard Group II
.2/1560 with 250 GPM hose allowance	.2/1560 with 250 GPM hose allowance

Storage limitations of this S-1 Occupancy

Allowable Maximum Storage Height 12'-0 (Class I-IV)

Misc. Storage Applies. Moderate Storage Amounts of higher hazard item allowed for the install and maintenance of Auto Repair, Such as the use of and replacement of Tires, Vehicle Fuels, and lubricants.

S-1 Auto Repair occupancy requirement are found to be within the limits of building and Fire code.

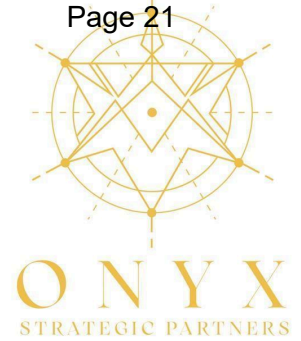
On-site walk-throughs on 10/08/25 and 10/09/25 found the site use, storage, and hazards to be consistent with use and fire sprinkler protection of the building.

The use of S-1 Auto Repair occupancy was found to be acceptable.

Signed: David Schlundt Date 12/12/2025

David Schlundt  
 Project Manager

- Residential Fire Systems ● Commercial Fire Systems ● Service ● Inspections
- 24 hour Emergency Service ● Fire Pump Installation



Monday, February 9, 2026

City of Brooklyn Park, MN  
5200 85th Ave. N.  
Brooklyn Park, MN 55443

**RE: Site-wide CUP Application\_6301 and 6317 Welcome Avenue**

To Whom it may concern,

As one of the building owners, I am writing on behalf of our partnership responding to the notes and questions the City countered to our CUP applications for 6301 and 6317 Welcome Avenue.

In regards to the 6301 comments:

1. In reviewing our other properties and applying the best practices we have developed, we attribute two parking stalls per 1,000 SF of small bay industrial space for all users outside of heavy auto user (auto body repair). For auto body users, we recommend reserving four parking stalls per 1,000 SF of space.

In regards to the 6317 comments:

1. We will list the other small bay industrial properties we own below, for reference. Our recommendations regarding parking come from how we're managing parking on these properties. The tenant mix is similar at all of our properties and primarily comprised of:
  - a. Small residential and commercial contractors
  - b. Insurance and other service-based companies
  - c. Lab and science based technical service providers
  - d. Light auto users (detailing, tinting, mechanical install)
  - e. Transportation, shipping and logistics
  - f. Heavy auto users (auto body)
    - i. We will also send supplemental information regarding our tenants directly via email to Matt Hayes - Regan, as we owe our tenant businesses privacy so he can make his recommendations as staff based on that data without violating our privacy standards
2. Relative to timeframe, I want to note we have not conducted parking studies for our other properties and have observed our tenants do not over utilize parking on our campuses and haven't needed formal study. As noted with these properties, we see parking use vary greatly for our tenants from negligible to heavier users. We tend to quantify and limit parking for heavier users to ensure they don't negatively impact other tenants.
3. Noted. We documented the current site layout / parking space in our site plan. If the City requests amendment to how we have them striped, let us know and we can consider that request.
  - a. We acknowledge the City's desire to potentially install a sidewalk between 63rd and 65th. We believe there is sufficient room for that within the setbacks.
4. At this time, the tenants do not have a designated number of parking spaces per unit. We can amend that as we renew leases and sign new tenant leases in the building and

designate a number, to ensure there aren't parking overflow issues. On a typical weekday at 7 AM, noon and 5 PM, parking use is very volatile, where some users don't visit their space or utilize parking at all and other users have a flux of 2-4 vehicles circulating from the parking lot into the suites.

- a. At this time, we are not aware of our tenants utilizing the street parking at all.
  - b. Of note, since purchasing the properties, we have been able to manage tenant inquiries and reduce conflicts regarding the use of parking onsite so that it isn't an active issue any longer.
    - i. We can commit a number of stalls per suite and manage this more closely going forward as another failsafe to ensure the issue doesn't trickle off campus to affect neighboring properties and the City.
5. In reviewing our other properties and applying the best practices we have developed, we attribute 2 parking stalls per 1,000 SF of small bay industrial space for all users outside of heavy auto body repair. For auto body users, we recommend reserving 4 parking stalls per 1,000 SF of space.

The other small bay industrial properties we currently own are:

1. 701 1st, Farmington MN 55042
  - a. 26,633 total SF divided into 12 suites ranging from 353 to 11,519 SF.
  - b. Tenant mix includes one beverage distribution company and the remainder are contractors.
2. 1200 Mendelssohn, Golden Valley MN 55427
  - a. 53,113 total SF divided into 15 suites ranging from 173 to 18,195 SF suites.
  - b. Tenant mix includes professional and healthcare services, sporting equipment sales, music shop / lessons and contractors.
3. 13-17 77th Avenue NE, Fridley MN 55432
  - a. 18,566 total SF divided into 5 suites ranging from 3,200 to 4,600 SF.
  - b. Tenants are half auto users, then construction services and a food truck business.
4. 15861 Lincoln St NE, Ham Lake MN 55304
  - a. 8,800 SF single occupant small bay industrial building with a commercial construction tenant occupying the building.
5. 15903 Lincoln St NE, Ham Lake MN 55304
  - a. 4,500 SF single occupant small bay industrial building with a signage contractor occupying the building.
6. 10650 County Road 81, Maple Grove MN 55369
  - a. 70,378 total SF building divided into 58 office and industrial suites ranging from 154 to 6,821 SF.
  - b. Tenant mix includes financial, accounting, health care, insurance and real estate professional services, contractors, engineering field office, auto detailing, auto sales and auto body users.
7. 10731 - 10803 93rd Avenue North, Maple Grove MN 55369
  - a. 20,448 total SF divided into 10 units ranging from 2,040 to 4,096 SF per suite.
  - b. Tenant mix includes contractors, HQ for a rescue nonprofit and auto body users.
8. 9274 Wellington Lane, Maple Grove MN 55369
  - a. 20,400 total SF, divided into 6 tenants with uniform suite layouts.
  - b. Tenants are all contractors and heavy auto users.

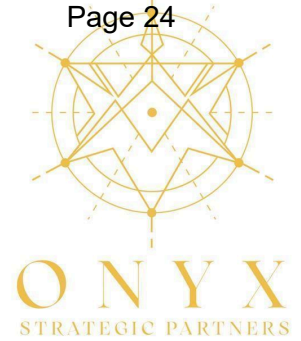
We are sending the redacted rent roll of our space break downs for all of the buildings except 9274 Wellington Lane, which we own with another partner that deeply values privacy, via email to Matt Hayes-Regan for his additional review. The business names are also redacted for tenant security reasons.

Outside of the formal notes from the City, Matt Hayes - Regan also noted the City would like our recommendation on the max number of heavy auto users (auto body) at our two buildings. In applying our own parking requirements to these buildings, we recommend 40% of the total square footage of the combined properties (roughly 48,000 SF) as auto repair tenants, which is around 19,000 SF. Depending on the allocation of the suite sizes, as they vary in size, that would be twelve total users, or six per property. As you will note in the review of our current tenant mix, that aligns with the users we have onsite now. Of note, with this current tenant mix, we are not experiencing parking issues onsite. As noted in our procedural review with the City, the designated auto user suites in the building will be submitted individually for building code review, as a separate but related element of the CUP process.

We appreciate the opportunity to review our properties with you in greater detail and seek greater alignment as we move forward.

Highest Regards,

Jessica Houlihan  
CEO, Onyx Strategic  
Partners



Friday, February 27, 2026

City of Brooklyn Park, MN  
5200 85th Ave. N.  
Brooklyn Park, MN 55443

**RE: Site-wide CUP Application\_6301 Welcome Avenue**

To Whom it may concern,

As one of the building owners, I am writing on behalf of our partnership responding to the notes and questions the City countered to our CUP application for 6301 Welcome Avenue.

In response to the additional questions from staff:

1. We confirm that we are proposing:
  - a. 4 parking stalls per 1,000 sq. ft. for heavy auto-repair businesses.
  - b. 2 parking stalls per 1,000 sq. ft. for small bay industrial spaces (non-heavy auto-repair businesses).
  - c. Both of these parking standards are above the minimum parking standards for office and industrial, when applied to the building overall.
  - d. For non heavy auto users, our parking standard will be above the code minimum.
  - e. Employee parking is included in the total number of spaces being capped for each tenant.
  - f. We can also confirm that we assessed the buildings as entire buildings versus suite by suite, when determining our recommendations.

The City has requested that we include all auto users in a total max percentage onsite (heavy and non heavy auto users) and further designate a lesser minimum for the heavy auto users on the campus. In reviewing that request, we are updating our requested percentage to 60% total auto users allowed in the building (as applied to total building square footage) with the same 40% cap on heavy auto users at the center.

In regards to the original CUP application comments for 6301 Welcome Ave:

2. In reviewing our other properties and applying the best practices we have developed, we attribute two parking stalls per 1,000 SF of small bay industrial space for all users outside of heavy auto user (auto body repair). For auto body users, we recommend reserving four parking stalls per 1,000 SF of space.

The other small bay industrial properties we currently own are:

1. 701 1st, Farmington MN 55042
  - a. 26,633 total SF divided into 12 suites ranging from 353 to 11,519 SF.
  - b. Tenant mix includes one beverage distribution company and the remainder are contractors.
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  - a. 20,400 total SF, divided into 6 tenants with uniform suite layouts.
  - b. Tenants are all contractors and heavy auto users.

We are sending the redacted rent roll of our space break downs for all of the buildings except 9274 Wellington Lane, which we own with another partner that deeply values privacy, via email to [Matt Hayes-Regan](#) for his additional review. The business names are also redacted for tenant security reasons.

As noted above, we request 60% of the total square footage of the property (roughly 24,000 SF) as auto repair tenants (14,000 SF auto users total), with a 40% cap on heavy auto users (9,600 SF total for heavy auto body users). As you will note in the review of our current tenant mix, that aligns with the users we have onsite now. Of note, with this current tenant mix, we are not experiencing parking issues onsite. As noted in our procedural review with the City, the designated auto user suites in the building will be submitted individually for building code review, as a separate but related element of the CUP process.

We appreciate the opportunity to review our properties with you in greater detail and seek greater alignment as we move forward.

Highest Regards,

Jessica Houlihan  
CEO, Onyx Strategic  
Partners

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.4	<b>Meeting Date:</b>	April 27, 2026
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	X	<b>Prepared By:</b>	Matt Hayes-Regan, Associate Planner
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	4	<b>Presented By:</b>	Paul Mogush, Planning Director
<b>Item:</b>	DEV26-101 (6301 Welcome Ave) – Conditional Use Permit (CUP) Application		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2026-\_\_\_\_\_ GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF AUTO REPAIR BUSINESSES LOCATED AT 6301 WELCOME AVENUE NORTH BROOKLYN PARK, MN 55429.

## Planning Commission:

Staff presented this application to the Planning Commission at the April 8, 2026, Planning Commission Regular Meeting.

Following Staff's presentation, the Planning Commission opened the public hearing. No one from the public spoke about this application and the Planning Commission chair closed the public hearing.

After the public hearing, Commissioners asked the applicant questions about their business model for the property, who was contracted for management services on the property, including clarification about services tenants provide for themselves, general property use related items, and parking demands. The applicant was able to address all the Commissioners' questions.

The Commissioners unanimously voted to recommend approval of the CUP application as presented.

## Applicant Overview:

Onyx Strategic Partners has submitted Conditional Use Permit (CUP) applications for the properties at 6301 and 6317 Welcome Avenue North, which together include 30 small-bay units. Uses on the properties range from those permitted by right, such as general warehousing and storage, to conditional uses requiring a CUP, such as auto repair businesses.

The applicant owns and manages similar small-bay industrial properties in Farmington, Golden Valley, Fridley, Ham Lake, and Maple Grove.

The 6301 Welcome Avenue North property includes a building with 12 small-bay units totaling 22,669 square feet and 59 parking spaces. Individual bay sizes range from 1,577 square feet to 3,920 square feet.

## Current Conditions/Previous Approvals:

<b>Future Land Use Plan</b>	Business Park
-----------------------------	---------------

<b>Current Zoning</b>	Business Park
<b>Proposed Zoning</b>	No proposed change
<b>Site Area</b>	1.69 acres
<b>Conforms to</b>	
<b>Land Use Plan</b>	Yes
<b>Zoning Code</b>	Yes
<b>Subdivision Ordinance</b>	Yes
<b>Notification</b>	Legal notice was published in the Sun Post. 64 notices were mailed to properties within 500 feet, A Neighborhood email was sent to the Lakeland Park neighborhood.
<b>60- and 120- Days (§15.99)</b>	April 11, 2026; June 10, 2026

6301 Welcome Avenue North was created by the subdivision known as “Coopers Industrial Park” in 1969. The property was developed through site plan review in 1980 and was issued a Certificate of Occupancy on October 14, 1981.

On July 24, 1989, the property was granted CUP #1989-3442. The CUP authorized the operation of an auto body repair facility within bay units 27 and 28. The approval was limited to those specific units and did not apply site wide.

Between 1989 and 2024, additional auto-oriented repair businesses operated within other units on the property without a CUP. As a result, the property was subject to joint enforcement efforts involving the City’s Environmental Health Division and the Brooklyn Park Police and Fire Departments to address safety and compliance concerns.

Enforcement actions have addressed site and operational issues. These include: the outdoor storage of inoperable and unlicensed vehicles; parking and storage of vehicles and materials within public rights-of-way; exterior storage of auto-related materials, junk, debris, and litter; and parking occurring outside of designated paved areas.

Additional concerns have included complaints related to chemical odors associated with vehicle painting and auto body work; unpermitted interior improvements such as vehicle lifts and spray booths; dumpsters stored outside; and debris accumulation in adjacent natural areas, including the creek corridor. Site condition issues have also been noted, including deterioration of parking surfaces, drainage concerns, and obstruction of designated fire lanes.

Fire and life safety concerns have also been identified related to the expansion of auto repair uses within the building without corresponding evaluation of fire suppression system capacity.

In 2024, the previous property owner submitted a CUP application that would have allowed auto-repair businesses to operate more broadly on the site. Staff advised the owner to resolve existing code violations prior to pursuing amendments to the existing CUP. Those violations were not resolved, and the application was subsequently denied by the City Council on October 28, 2024.

After denial of the property-wide CUP, staff determined that revocation of the existing CUP should be considered when it became apparent that the property owner was not willing to address ongoing safety and compliance concerns. To minimize disruption to existing businesses, staff engaged individual tenants through formal letters and site visits to explain the potential revocation and to invite tenants to apply for unit-specific CUPs.

While finalizing a timeline for tenant applications and potential Council action on revocation, staff was informed of Onyx Strategic Partners' intent to purchase the property.

The property was sold and acquired by Onyx Strategic Partners in 2025.

Prior to acquisition, the current property owner engaged City staff to conduct due diligence on the property, including meetings with Planning, Environmental Health, Building, and the Brooklyn Park Fire Department. Following the transfer of ownership, Environmental Health closed outstanding correction orders associated with the prior owner. As of the date of this staff report, there are no outstanding Environmental Health correction orders associated with the property.

The current owner is working with the Fire Department to address Fire Code compliance and with the Building Department to ensure that units proposed for auto-repair uses meet applicable Building Code requirements. Following consultation with Planning staff, the applicant submitted the current CUP application to demonstrate how the proposed auto-repair uses, and other uses on the property, will comply with applicable Zoning Code requirements and, specifically, parking requirements.

### **Application Overview:**

Staff determined the applicant provided the necessary information that is required for submitting a complete CUP application. That information includes a letter of consent from the property owner, a letter of request for the CUP, an architectural analysis of the building, and payment of an application fee and a review escrow.

At the request of Staff, the applicant also prepared a site plan for the property. Staff requested the site plan to ensure that the existing conditions can adequately support the various uses the applicant is proposing for the property. While a site plan was prepared, this application is limited to a conditional use permit, and a formal site plan review of the plan is not part of this application. The site plan is included as **Exhibit B** to the resolution.

The application was scheduled for a public hearing at the March 11, 2026, Planning Commission Meeting. Because Staff needed additional time to review the applicant's materials before a recommendation could be made on the request, pursuant to Minn. Stat. 15.99, the City used their one-time 60-day extension to act on the application. The Planning Commission voted to continue the agenda item to the April 8, 2026, Planning Commission Meeting.

Members of the public who received public hearing notices attended the March 11, 2026, Planning Commission meeting expecting to provide comments. After staff informed attendees of the continuance, it was determined that additional engagement would be beneficial.

Meetings were subsequently held on March 18 and March 23, 2026, with those who received public hearing notices, the applicant, and City staff. Representatives from the Brooklyn Park Police Department, the City Assessor's Office, and the City's Engineering, Environmental Health, and Planning divisions were present.

At these meetings, those attending from neighboring properties shared concerns and asked questions, staff provided information and resources, and the applicant presented their business model and vision for the property.

### **Land Use/Zoning and Overlay:**

The property is located within the City's Business Park (BP) Zoning District. The zoning code defines the BP District as:

"Areas in which to locate businesses that enhance the city's tax base, have few customers coming to the site, but may have a large employee base, involve manufacturing, warehousing, office uses, and other accessory retail and service uses offered on site to service the primary use or their employees. The properties and buildings in this district must be designed to promote a campus-

like setting that exhibits a landscape theme and high-quality exterior building materials” (§ 152.604(A)).

While auto repair services are listed in Table 152.609.1 (Principal Uses in Nonresidential Districts), the Zoning Code does not define the use. Staff find that the range of uses on the property, including auto repair, aligns with the intent of accessory service uses within the Business Park District.

Based on the applicant’s experience operating similar properties, the applicant proposes categorizing auto repair uses into two types: heavy auto repair (auto body) and non-heavy auto repair. Staff recognize this distinction as common in other municipalities and find the approach reasonable.

For the purposes of this CUP, heavy auto body repair is defined as the restoration of a vehicle’s exterior structure and/or safety systems to pre-accident conditions.

The property is in the Crystal Airport Zoning overlay. Zoning for adjacent properties include: BP to the north and west; Multiple Family (R-4) District to the east; and Public Institution (PI) to the south where the airport is located.

### **Conditional Use Permit Analysis:**

Pursuant to Section 152.305 of the zoning code, the Planning Commission and City Council shall consider the following factors when reviewing a conditional use permit application:

#### **- Consistency with the Comprehensive Plan:**

The 2040 Comprehensive Plan Land Use Designation for the subject property is Business Park (BP). The Plan describes Business Park areas as:

Largely single-use areas that have a consistent architectural style with a mix of employment-oriented use types. These uses may include office, mixed light industrial, limited retail, research and development, and uses of similar impact. With an increased focus on job creation, warehousing and distribution centers will be permitted if approved by the City as a part of a master plan. The scale of development in these areas is commensurate with their proximity to highways and major transportation corridors. Appropriate connections to transit should be included in Business Park developments (2040 Comprehensive Plan, 3-21-22).

By allowing auto-repair as a conditional use in the BP district, the City has determined auto-repair is consistent with the Comprehensive Plan. This determination assumes that the use conforms to the other review standards described in Section 152.305 of the zoning code and outlined below.

#### **- Traffic Generation, Volume, and Safety:**

The applicant is not proposing any site alterations and will continue utilization of the two existing site access points from Welcome Ave, the first on the south side of the property, and the second from a shared access point on the adjacent 6317 Welcome Ave property to the north.

On-street parking is not allowed on the west side of Welcome Ave during certain hours. Staff note the parking violations that have occurred and have reason to believe that work incidental to the businesses located at 6301 Welcome Ave has been a contributing factor to these violations. Since the submission of this application, one such violation has occurred and has been reported to the City and to the applicant. The applicant demonstrated a quick response to the violation by engaging with tenants and advising them of the seriousness of such violations. Title VII: Traffic Code of the City Code will apply to the site, and the CUP conditions will require that any future violations are addressed promptly.

The City's Transportation Engineer has a historical understanding of traffic generation at this property and agrees with the Planning Staff's recommendation to approve the CUP, subject to the conditions in the resolution. Staff's recommendation about traffic generation and volume was determined using the parking analysis below.

**- Parking, Site Design, and Circulation:**

As noted, because auto repair businesses are not listed in Table 152.1019.2, Staff requested additional information from the applicant to ensure the proposed tenant mix could be accommodated within the existing parking supply.

Based on the site plan submitted, the 6301 Welcome Ave building has 22,669 sq. ft. and 59 parking spaces.

Table 152.1019.2 of the Zoning Code establishes minimum parking requirements for non-residential uses. For this application, parking requirements are based on the following components:

- **Offices, including government buildings and other professional offices 6,000 sq. ft. or less:** minimum of 5 spaces, with a maximum of 5.5 spaces per 1,000 sq. ft. of gross floor area.
- **Warehousing (and storage) in structures greater than 6,000 sq. ft.:** 1 space per 2,000 sq. ft. of gross floor area, with a minimum of 10 spaces.
- **Auto repair businesses:** parking standards are not specifically defined in the Zoning Code.

The applicant retained a consultant to review parking requirements for the office and warehouse components of the 6301 Welcome Avenue North building. That analysis is included in the attached applicant materials.

The applicant proposes the following operational parking ratios for auto repair uses:

- **Heavy auto body repair:** 4 spaces per 1,000 sq. ft.
- **Non-heavy auto repair:** 2 spaces per 1,000 sq. ft.

The applicant also proposes the following use percentages for the two operational auto-repair business categories:

- Up to 60% of the building square footage for total auto-repair uses.
- A maximum of 40% of the building square footage for heavy auto-repair businesses.

These standards would apply building-wide rather than tenant specific bays, and parking allocations would include both employee and customer parking. Using the 40% maximum cap for heavy auto-repair businesses, the square footage/parking demand allocation for 6301 Welcome Ave is:

Use	Sq. Ft.	Parking Ratio	Spaces Required
Office	1,816	5/1,000	9
Warehousing	7,252	1/2,000	4
Heavy auto body repair (40%)	9,068	4/1,000	36
Non-heavy auto repair	4,534	2/1,000	9

This results in a total parking demand of 58 spaces, leaving a surplus of one space.

Based on this analysis, Staff finds the applicant's proposal can accommodate the proposed mix of office, warehouse, and auto repair uses while maintaining adequate on-site parking.

- **Public Infrastructure:**

Staff find that adequate public infrastructure exists to serve the site and the proposed uses. No additional public services or infrastructure improvements are anticipated at this time.

- **Screening and Buffering:**

The building and site meet the screening and buffering requirements that were in place at the time of construction.

No permanent waste enclosure is located on the property. Individual tenants are responsible for the maintenance of their own waste enclosures and are required to store their enclosures indoors. It is assumed that individual tenants meet the indoor waste enclosure requirements specified in Section 152.1018(1) of the zoning code.

- **Architectural Design:**

Based on prior approvals, the building and site meet the architectural design standards applicable at the time of construction. No exterior modifications are proposed as part of this application, nor are they required as part of this CUP permit application.

- **Compliance with Other Applicable Code Provisions:**

Although there are no specific performance standards for auto-repair businesses in the zoning code, it is the expectation of the City that the property will remain in full compliance of City Code requirements, as noted in the conditions of approval in the resolution.

**Conclusion:**

The required findings of § 152.305 have been met. Planning staff recommend approval of the conditional use permit, subject to the conditions outlined below.

**Conditions of Approval for the Operation of Auto-Repair Businesses at 6301 Welcome Avenue North:**

1. All previously-approved Conditional Use Permits are hereby rescinded and replaced with this Conditional Use Permit.
2. The property shall not exceed 60% auto-repair business usage on the property, totaling 13,602 square feet, as indicated on the **Exhibit B** site plan.
3. Of the 60% auto-repair business usage, the property shall not exceed 40% heavy auto-body repair usage on the property, totaling 9,068 square feet. For purposes of this CUP, heavy auto body repair is defined as the process of restoring a vehicle's exterior structure and/or safety systems to pre-accident conditions.
4. All repair, assembly, disassembly or maintenance of vehicles shall occur within an enclosed building-
5. All inoperable vehicles must be kept in an enclosed building or area completely screened from public streets and adjacent property.

- 6. The property shall not store junk vehicles as defined in Section 90.16 of the City Code.
- 7. The property shall maintain the following parking standards:

Use	Sq. Ft.	Parking Ratio	Spaces Required
Office	1,816	5/1,000	9
Warehousing	7,252	1/2,000	4
Heavy auto body repair (40%)	9,068	4/1,000	36
Non-heavy auto repair	4,534	2/1,000	9

- 8. The property and the auto-repair business use shall maintain sufficient on-site parking and storage capacity to accommodate all employee vehicles and all vehicles associated with the business, including those awaiting service, under repair, or completed.

Any use of adjacent public streets, including Welcome Avenue North or 63rd Avenue North, for parking or storage of vehicles associated with the business shall be considered a violation of this permit.

- 9. No motor vehicles, except those owned by the operators and employees of the principal use, and vehicles awaiting service, shall be parked on the lot occupied by the principal use.
- 10. Signage shall comply with all requirements of City Code Chapter 150: Signs.
- 11. The property shall remain compliant with Title VII: Traffic Code of the City's Code
- 12. The property shall remain compliant with Title IX: General Regulations of the City's Code.
- 13. The property shall remain compliant with Title XI: Business Regulations of the City's Code.
- 14. All requirements of the Minnesota State Building Code shall be satisfied prior to occupancy, including obtaining all required permits and a Certificate of Occupancy. Additionally, all units the applicant identifies as auto-repair businesses now or in the future shall be submitted for building permit review.
- 15. The property shall remain compliant with the Minnesota State Fire Code.
- 16. This resolution shall be recorded with the Hennepin County Recorder's office.
- 17. Failure to comply with the terms and conditions of this resolution may result in enforcement action or revocation of the permit pursuant to § 152.035(H)(1).

**Staff Recommendation:**

Staff recommend approval of the conditional use permit as presented, subject to the conditions contained in the resolution.

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

**Alternatives to Consider:**

- 1. Recommend approval of the CUP with modifications.
- 2. Recommend denial of the CUP based on certain findings.

**Attachments:**

- 4.4A RESOLUTION
- 4.4B LOCATION MAP
- 4.4C PLANNING COMMISSION MINUTES
- 4.4D APPLICATION MATERIALS

RESOLUTION #2026-

RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF AUTO REPAIR  
BUSINESSES LOCATED AT 6301 WELCOME AVENUE NORTH, BROOKLYN PARK, MN 55429

Planning Commission File # 26-101

WHEREAS, Jessica Houlihan of Onyx Strategic Partners has made an application for a Conditional Use Permit under the provisions of Chapter 152 of the Code of Ordinances on property legally described as:

See EXHIBIT A

WHEREAS, the City Council approved a Conditional Use Permit on the property in 1989 for the operation of auto repair businesses; and

WHEREAS, the zoning of the property is Business Park in which auto-repair businesses are conditional uses; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that a Conditional Use Permit is hereby granted for the operation of auto-repair businesses at 6301 Welcome Avenue North, Brooklyn Park, MN 55429, as legally described in the attached EXHIBIT A, subject to the following conditions:

1. All previously-approved Conditional Use Permits are hereby rescinded and replaced with this Conditional Use Permit.
2. The property shall not exceed 60% auto-repair business usage on the property, totaling 13,602 square feet, as indicated on the EXHIBIT B site plan.
3. Of the 60% auto-repair business usage, the property shall not exceed 40% heavy auto body repair usage on the property, totaling 9,068 square feet. For purposes of this CUP, heavy auto body repair is defined as the process of restoring a vehicle's exterior structure and/or safety systems to pre-accident conditions.
4. All repair, assembly, disassembly or maintenance of vehicles shall occur within an enclosed building-
5. All inoperable vehicles must be kept in an enclosed building or area completely screened from public streets and adjacent property.
6. The property shall not store junk vehicles as defined in Section 90.16 of the City Code.
7. The property shall maintain the following parking standards:

<b>Use</b>	<b>Sq. Ft.</b>	<b>Parking Ratio</b>	<b>Spaces Required</b>
Office	1,816	5/1,000	9
Warehousing	7,252	1/2,000	4
Heavy auto body repair (40%)	9,068	4/1,000	36
Non-heavy auto repair	4,534	2/1,000	9

8. The property and the auto-repair business use shall maintain sufficient on-site parking and storage capacity to accommodate all employee vehicles and all vehicles associated with the business, including those awaiting service, under repair, or completed.

Any use of adjacent public streets, including Welcome Avenue North or 63rd Avenue North, for parking or storage of vehicles associated with the business shall be considered a violation of this permit.

9. No motor vehicles, except those owned by the operators and employees of the principal use, and vehicles awaiting service, shall be parked on the lot occupied by the principal use.
10. Signage shall comply with all requirements of City Code Chapter 150: Signs.
11. The property shall remain compliant with Title VII: Traffic Code of the City's Code
12. The property shall remain compliant with Title IX: General Regulations of the City's Code.
13. The property shall remain compliant with Title XI: Business Regulations of the City's Code.
14. All requirements of the Minnesota State Building Code shall be satisfied prior to occupancy, including obtaining all required permits and a Certificate of Occupancy. Additionally, all units the applicant identifies as auto-repair businesses now or in the future shall be submitted for building permit review.
15. The property shall remain compliant with the Minnesota State Fire Code.
16. This resolution shall be recorded with the Hennepin County Recorder's office.
17. Failure to comply with the terms and conditions of this resolution may result in enforcement action or revocation of the permit pursuant to § 152.035(H)(1).

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

EXHIBIT A

*Lot 6 Block 1 of Coopers Industrial Park, Hennepin County, Minnesota.*

EXHIBIT B

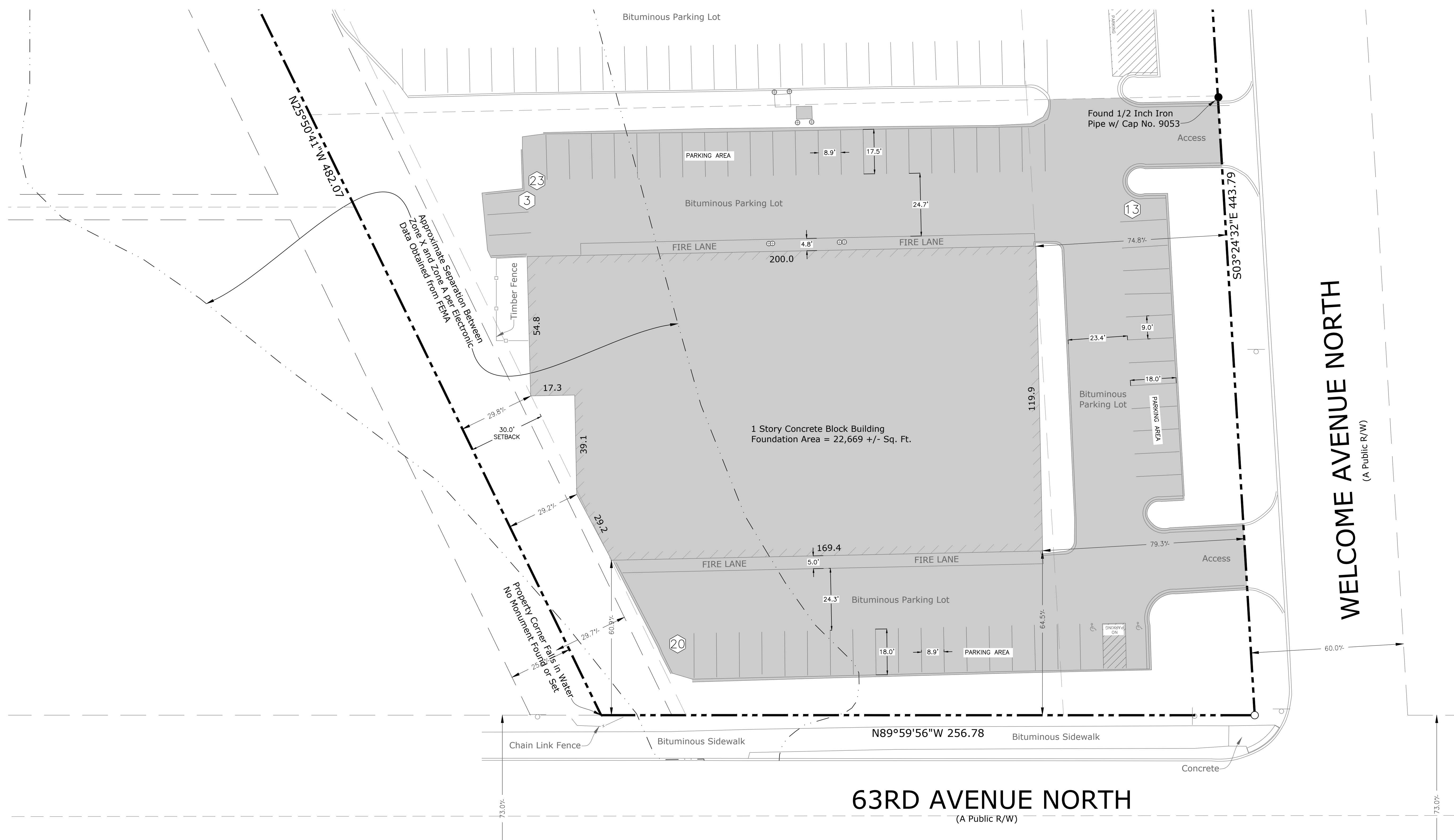
Site Plan

**Onyx**  
**6301 Welcome Avenue - A1**

6301 Welcome Ave N  
Brooklyn Park, MN 55429

**BKBM** 6120 Earle Brown Drive  
Suite 700 Minneapolis,  
MN 55410 Phone:  
763.843.0420  
bkbm.com

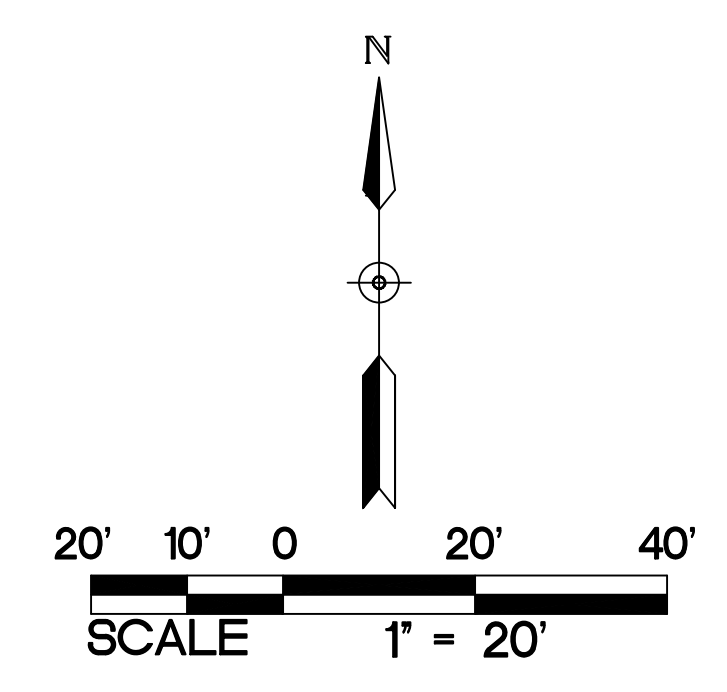
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consent.  
BKBM Project No. 26122.5



ABBREVIATIONS	
BLDG	Building
BM	Benchmark
CONC	Concrete
ELEV	Elevation
EX	Existing
R	Radius
TYP.	Typical

PLAN SYMBOLS	
PROPERTY LINE	---
LOT LINE	- - -
SETBACK LINE	---
BITUMINOUS CURB	=====
CONCRETE CURB AND GUTTER	=====
IMPERVIOUS AREA	▒
PARKING STALL COUNT	(3)



ZONING DISTRICT: BP BUSINESS PARK DISTRICT  
PROPOSED USE: OFFICE/WAREHOUSE  
BUILDING SETBACK REQUIREMENTS:  
- FRONT: 10'  
- REAR: 30'  
- SIDE: 15'  
- SIDE OR REAR ABUTTING RESIDENTIAL DISTRICT: 110'

PERVIOUS AREA: 22,153 SQUARE FEET  
IMPERVIOUS AREA: 51,581 SQUARE FEET  
TOTAL AREA: 73,734 SQUARE FEET  
IMPERVIOUS PERCENTAGE: 70%

MINIMUM B2 LOT SIZE: 25,000 SQUARE FEET  
MAXIMUM B2 IMPERVIOUS COVERAGE: 85%

PARKING REQUIRED:  
- WAREHOUSING IN STRUCTURES >6,000 SQUARE FEET: 1 SPACE FOR EACH 2,000 SQUARE FEET OF GROSS FLOOR AREA, WITH A MINIMUM OF 10 SPACES.  
- OFFICES <6,000 SQUARE FEET OF FLOOR AREA: MINIMUM OF 5 SPACES WITH A MAXIMUM OF 5.5 SPACES PER 1,000 SQUARE FEET.  
1,816 SQUARE FEET OFFICE/1,000 SQUARE FEET X 5 = 10 STALLS  
20,848 SQUARE FEET WAREHOUSE/2,000 SQUARE FEET = 11 STALLS  
PARKING REQUIRED = 21 STALLS

EXISTING PARKING COUNT = 58

1 6301 WELCOME AVENUE SITE PLAN  
C100 1" = 20'

DATE 12/05/2025  
PROJECT # 26122.5  
PROJECT STATUS CITY SUBMITTAL

DRAWN BY WH  
CHECKED BY KAB

KEY PLAN

**6301 WELCOME AVENUE SITE PLAN**

**C100**



**Conditional Use Permit**  
**Case #26-101 – 6301 Welcome Ave**  
Area of Request (August 2025 Air Photo)  
6301 Welcome Ave N, Brooklyn Park MN





**UNAPPROVED MINUTES**

**MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION  
Regular Meeting – April 8, 2026**

**2.1 Planning Case #26-101 (6301 Welcome Ave N)**

Associate Planner Hayes-Regan presented two related Conditional Use Permits (CUPs) for properties at 6301 and 6317 Welcome Avenue North. He provided information on the subject properties, existing buildings and uses, zoning, and site histories. He presented the applicant overview, CUP application requirements, application summary, floor plan, site plan, parking analysis, and key issues and analysis. He recommended approval as presented, subject to the conditions in the draft resolution. He noted that the draft resolution provided tonight includes an additional condition that, if approved, this CUP would replace the previous CUP for the property.

Commission Chair Cavin opened the public hearing.

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

Commission Chair Cavin stated that he understands the concept of 12 bays and asked if those would be leased to individual tenants.

Jessica Houlihan, Onyx Strategic Partners, confirmed that each of the bays would be rented to individual tenants. She provided additional information on her career experience and the work of her business partners. She confirmed that the business has purchased the property.

Commission Chair Cavin thanked the applicant, as there appear to already be changes to the property, which has struggled in the past. He asked if the lease to the tenants would ensure that they maintain the conditions within the CUP.

Ms. Houlihan confirmed that they would hold the tenants to those requirements and conditions. She noted that each business may have different licensures and requirements, and as the landlord, they would enforce those requirements. She recognized that these requests are for auto body repair shops and once they determine the correct mix of tenants, they would submit a building permit to ensure the building bays meet all Code requirements.

Commission Chair Cavin asked if the tenant agreement would limit the number of tenant customer vehicles that can be parked in the parking lot.

Ms. Houlihan commented that when they purchased the building, they had to take the leases as they existed, but as the renewals come forward, they can place additional requirements and limitations in the leases. She stated that if they receive feedback from other parties, such as the City or County, they can hold the tenant accountable for those issues as well.

Commission Chair Cavin asked if there is a property management company that maintains the grounds, such as landscaping.

Ms. Houlihan stated that there is a property management company that handles snow removal and landscaping.

Commissioner Gaye-Bai thanked the applicant for bringing her business to Brooklyn Park. He commented that he previously lived in this area and asked how the applicant intends to address tenant violations.

Ms. Houlihan stated that they specialize in purchasing these types of businesses and therefore have experience in managing these properties. She stated that there are steps that are followed if there are violations and described that process. She stated that if there are complaints, people can reach out to the property manager.

Commissioner Gaye-Bai noted issues that existed from the previous ownership, with vehicles being parked/left on the street.

Commissioner Arah provided a scenario where someone drops a vehicle off at 7 p.m. for a bumper repair early the next morning and asked how the applicant would handle that. He asked if the tenant would need to reach out to the neighbors to let them know there would be noise around 10 p.m. or whether the tenant could not take that job.

Ms. Houlihan replied that their operating agreements are simply written, requiring tenants to comply with the law, such as a noise ordinance. She stated that vehicle work can occur at later times of the day, as long as there are no issues with noise and it does not disturb anyone.

Commissioner Arah stated that he would suggest that a business reach out to neighbors if they are going to be working late. He did not believe there would be any issues if the noise stopped by 10 p.m. He asked how parking would be regulated between tenants and whether vehicles needing repair could be parked in excess of their allowed spaces.

Ms. Houlihan commented that there is plenty of parking on the campus and recognized that some tenants use more parking than others. She noted that typically, the tenants work together to share the parking.

Commissioner Arah asked if the business is allowed to use off-street parking.

Ms. Houlihan replied that the tenants are not supposed to be using off-street parking for their businesses.

Associate Planner Hayes-Regan stated that the conditions were drafted to eliminate off-street parking on Welcome Avenue.

Commissioner Song asked the plan to address environmental hazards that may be used in the auto repair businesses.

Ms. Houlihan replied that they would follow the Building Code requirements for each specific use and provided examples. She stated that for each of the tenants, they would ensure the building meets the specific requirements needed for those uses.

Commissioner Wako asked if there would be any non-compete clauses in the lease to ensure that tenants do not compete against each other.

Ms. Houlihan replied that they do not have that type of clause for these buildings, but they would consider a request from a tenant. She stated that they do have some of those agreements in their commercial and retail buildings in other areas. She stated that if the request made sense, they would do it.

Commissioner Wako asked if the two properties share parking.

Ms. Houlihan replied that there is a row of parking spaces that face the road, which is shared between buildings. She stated that otherwise, the parking is separated between the rows of suites.

Commissioner Wako asked if the properties are gated or open.

Ms. Houlihan replied that the properties are not gated.

Commissioner Wako referenced the residential properties nearby and asked why the properties are not fenced.

Ms. Houlihan commented that there is a desire to place a sidewalk on that side of the road, along with trees, which would make fencing difficult without interfering with those elements. She stated that if the fence was desired, they could consider that, but she would want more information on that request.

**MOTION ARAH, SECOND GAYE-BAI TO RECOMMEND APPROVAL OF A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF AUTO REPAIR BUSINESSES LOCATED AT 6301 WELCOME AVENUE NORTH, BROOKLYN PARK, MN 55429, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.**

*MOTION CARRIED UNANIMOUSLY.*

Planning Director Mogush stated the public hearing item is scheduled to be reviewed at the City Council meeting on April 27, 2026.

d encouraged for returning members. He stated that there will not be a meeting on April 22<sup>nd</sup>, but there will be a joint City Council and Planning Commission worksession on May 4<sup>th</sup> to discuss the four strategic initiatives that are coming to a close.

### **III. ADJOURNMENT**

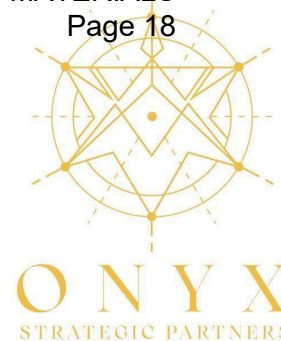
Commission Chair Cavin adjourned the meeting at 8:05 PM.

Respectfully submitted,

Paul Mogush  
Planning Director

Wednesday, December 17, 2025

City of Brooklyn Park, MN  
5200 85th Ave. N.  
Brooklyn Park, MN 55443



**RE: Site-wide CUP Application\_6301 and 6317 Welcome Avenue**

To Whom it may concern,

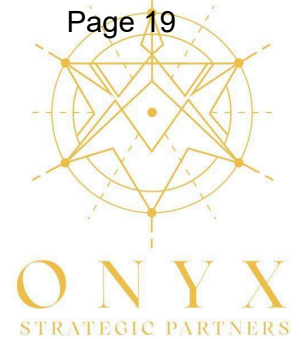
As one of the building owners, on behalf of my partners and our fund, we provide consent for the properties to be reviewed through site-wide CUP processes with the City.

Highest Regards,

Jessica Houlihan  
CEO, Onyx Strategic Partners

Wednesday, December 17, 2025

City of Brooklyn Park, MN  
5200 85th Ave. N.  
Brooklyn Park, MN 55443



**RE: Site-wide CUP Application\_6301 and 6317 Welcome Avenue**

To Whom it may concern,

As one of the building owners and our developer, I am officially submitting our letter of request, looking independently at our two buildings (6301 and 6317) for site-wide CUP application.

These applications arose after the former owners had recurring issues with complaints due to tenants parking blocking other users and nearby residents. Our partner group bought these properties in September 2025 and engaged with the City during the due diligence process to better understand their concerns and develop a plan to study the properties and work toward alignment and compliance.

Through those discussions, it was determined that we could submit each property independently for site-wide CUP application to study the City's concerns and establish the appropriate guidelines. The City requested an additional study on the fire suppression system, in addition to the typical submitted materials, and a breakdown of the tenants in the building currently. All required materials are being submitted through these applications and we are pleased to share that the fire suppression system engineering and parking counts are more than adequate for zoning and our current / intended use.

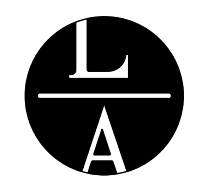
In addition to the application of code and engineering analysis, we wanted to share some of what we've learned by owning properties like this throughout the Twin Cities. We would specifically like to note the difference between types of auto users and their demand on the facilities and parking. While our engineering demonstrates adequate systems and space to support auto users, we have found what we will call "heavier" auto users (auto body shops) require more parking while lighter auto users, including detailing and tinting companies, are very light parking users. Through this process, we request that the City supports separating these users in our analysis of what the building can support where lighter auto users aren't limited in the building and we seek to determine the number of heavier auto users each building can support.

Currently, during the renewal process with tenants, we are working through better understanding their businesses to ensure they comply with City requirements and are working through any necessary repairs. All tenants are being renewed on a short term basis while we're working through the site-wide CUP applications. We can include specificity about how many spaces they have access to, limiting parking use onsite, in their updated lease agreements.

We are pleased to engage in this process and look forward to working through the details with the City.

Highest Regards,

Jessica Houlihan  
CEO, Onyx Strategic Partners



**LAMPERT ARCHITECTS**  
420 Summit Avenue  
St. Paul, MN 55102  
Phone: 763.755.1211 Fax: 763.757.2849  
lampert@lampert-arch.com

**WELCOME SQUARE**  
**6301 WELCOME AVE**  
Brooklyn Park, Minnesota

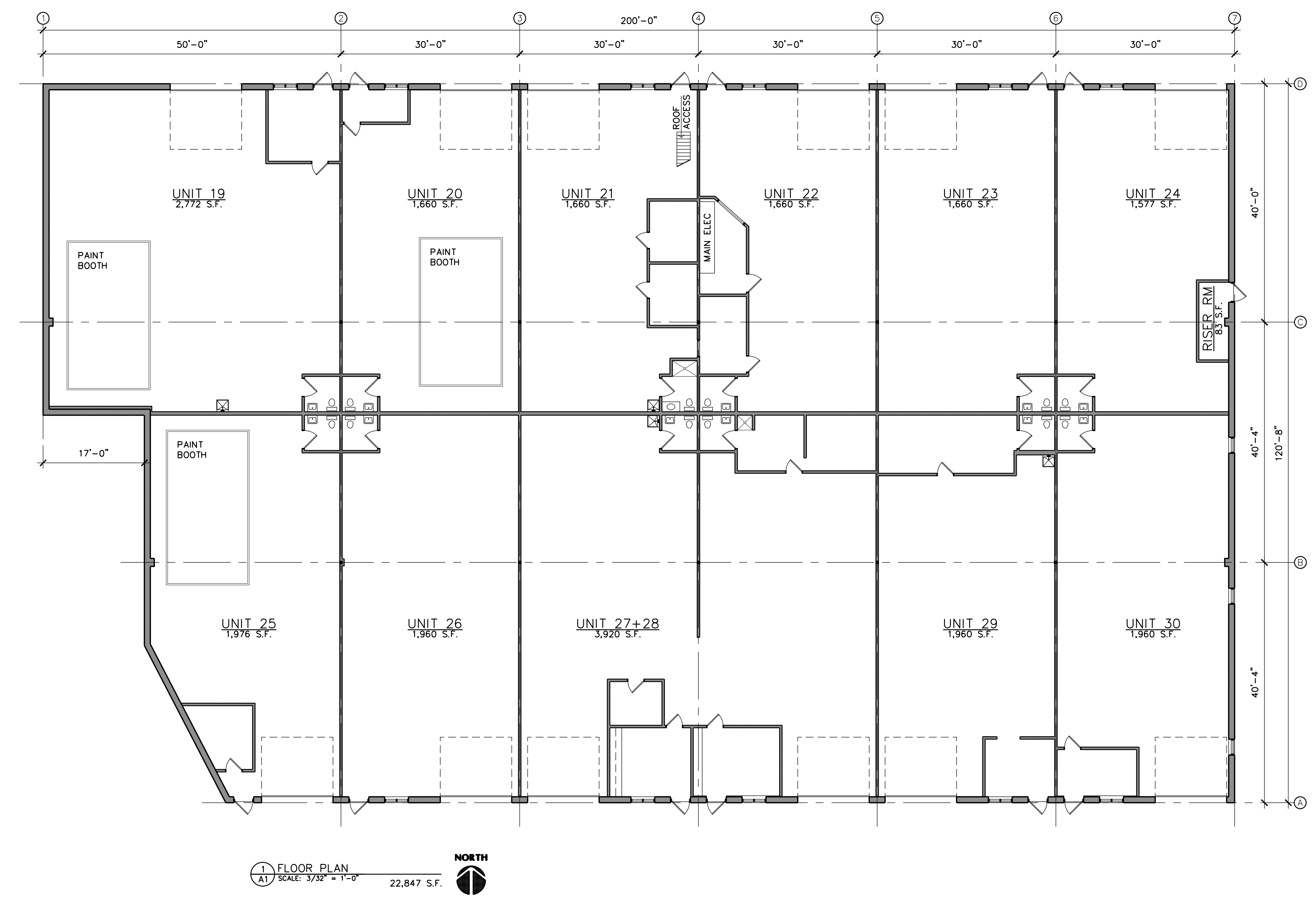
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Leonard Lampert Architects Inc.  
Project Designer: L. SCHMIDT  
Drawn By: LLS  
Checked By: LL

Revisions

10/31/25	RECORD DRAWING
12/4/25	SQUARE FOOTAGE
12/30/25	UPDATE

**FLOOR PLAN**  
Sheet Number

**A1**  
Project No. 251006-2



NOTE: THIS RECORD DRAWING WAS PREPARED WITH INFORMATION GATHERED FROM THE SITE OCTOBER 2025. THE INFORMATION IN THIS PLAN IS ROUGHLY ACCURATE, BUT SHOULD NOT BE CONSIDERED EXACTLY ACCURATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY IN THE FIELD ALL CONDITIONS PRIOR TO CONSTRUCTION.



6120 Earle Brown Drive Suite 700  
Minneapolis, MN 55430

3507 Ringsby Court, Suite 105  
Denver, CO 80216

December 5, 2025

Jessie Houlihan, CEO  
Onyx Strategic Partners  
330 Second Avenue South, #370  
Minneapolis, MN 55401

Re: Welcome Buildings – Parking Discussion  
BKBM Project #26122.50

Dear Jessie,

The following is a review of the required parking vs. parking provided for the two buildings located at 6301 Welcome Avenue and 6317 Welcome Avenue, in Brooklyn Park, Minnesota.

Parking Requirements:

The City of Brooklyn Park details parking requirements in Chapter 152 of the City Code; specifically, Table 152.1019.2 “Minimum Parking Spaces Required for Non-residential Uses”. It is our understanding that the use of the existing Welcome Avenue buildings will consist of both office and warehouse spaces. The following are the code requirements for each use described.

- Offices, including government buildings and other professional offices 6,000 sq. ft. of floor area or less.
  - Minimum of 5 spaces with a maximum of 5.5 spaces per 1,000 square feet of gross floor area.
- Warehousing (and storage) in structures > 6,000 sq. ft.
  - 1 space for each 2,000 square feet of gross floor area, with a minimum of 10 spaces.

Floor Area and Parking Analysis:

Based on the floor areas provided by Lampert Architects, it is our understanding that the following uses are planned for each building;

- 6301 Welcome Avenue
  - Common Use – 83 SF
  - Office Use – 1,816 SF
  - Warehouse Use – 20,948 SF

- 6317 Welcome Avenue
  - Common Use – 89 SF
  - Office Use – 2,560 SF
  - Warehouse Use – 22,411 SF

Based on the parking requirements indicated in the first part of this letter, the required parking for each building is as follows:

- 6301 Welcome Avenue
  - Common Use – 83 SF (No Parking Required)
  - Office Use – 1,816 SF x 5 Spaces/1,000 SF = 10 spaces
  - Warehouse Use – 20,948 SF x 1 Space/2,000 SF = 11 spaces
  - Total Minimum Parking Required = 21 Spaces
- 6317 Welcome Avenue
  - Common Use – 89 SF (No Parking Required)
  - Office Use – 2,560 SF x 5 Spaces/1,000 SF = 13 spaces
  - Warehouse Use – 22,411 SF x 1 Space/2,000 SF = 12 spaces
  - Total Minimum Parking Required = 25 Spaces

Based on the survey provided for the site, the total parking count provided for the buildings is 59 spaces for the 6301 building (minimum required is 21) and 75 spaces for the 6317 building (minimum required is 25).

Conclusion:

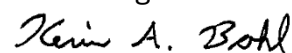
Based on the City of Brooklyn Park code and the information provided regarding the proposed building use, the existing parking provided for the 6301 and 6317 Welcome Avenue buildings appears to meet the minimum number of required parking spaces. In addition, the parking provided for the site appears to be in line with the total parking provided similar facilities in the twin cities area with a similar use.

It is BKBM's opinion that the parking provided at the existing facilities should be adequate for the intended use.

If you have any questions, do not hesitate to contact me at KBohl@BKBM.com or at 651-249-6337.

Sincerely,

BKBM Engineers



Kevin A. Bohl, P.E.

Principal

# ESCAPE

## Fire Protection

**Escape Fire Protection**  
**3500 Willow Lake Blvd #200**  
**Vadnais Heights, MN 55110**  
**Phone: (651) 771-8874**  
**Fax: (651) 771-8875**

12/12/2025

Subject: System compliance

To whom it make concern:

This letter is for the automatic fire sprinkler system located at:

6301 Welcome Ave N and 6317 Welcome Ave N  
 Minneapolis, MN 55402

Site visits to 6301 and 6317 Welcome Ave N were preformed to assess the legitimate use of S-1 Occupancy Classification due to the use of and/or expansion of Automotive Repair tenant spaces within the building(s).

Code Requirements:

Internation building code(IBC): 903.2.9 Group S-1

An Automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406

(item 4 of section 46) "A Group S-1 Area used for the repair of commercial motor vehicles where the fire area exceed 5,000 square feet"

Fire Sprinkler Protection Density required for S-1 Auto Repair Garage: Ordinary Hazard Group II  
 Building Classification IIB

Fully Sprinkler Building increases Allowable S-1 Occupancy use of single story buildings to:  
 Unlimited

Site Posted Fire Sprinkler System Wet system Density protection posted at Base of Riser:

6301 Welcome Ave N:	6317 Welcome Ave N
Ordinary Hazard Group II	Ordinary Hazard Group II
.2/1560 with 250 GPM hose allowance	.2/1560 with 250 GPM hose allowance

Storage limitations of this S-1 Occupancy

Allowable Maximum Storage Height 12'-0 (Class I-IV)

Misc. Storage Applies. Moderate Storage Amounts of higher hazard item allowed for the install and maintenance of Auto Repair, Such as the use of and replacement of Tires, Vehicle Fuels, and lubricants.

S-1 Auto Repair occupancy requirement are found to be within the limits of building and Fire code.

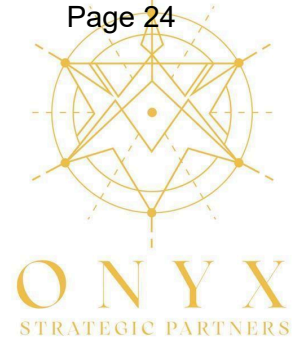
On-site walk-throughs on 10/08/25 and 10/09/25 found the site use, storage, and hazards to be consistent with use and fire sprinkler protection of the building.

The use of S-1 Auto Repair occupancy was found to be acceptable.

Signed: David Schlundt Date 12/12/2025

David Schlundt  
 Project Manager

- Residential Fire Systems ● Commercial Fire Systems ● Service ● Inspections
- 24 hour Emergency Service ● Fire Pump Installation



Monday, February 9, 2026

City of Brooklyn Park, MN  
5200 85th Ave. N.  
Brooklyn Park, MN 55443

**RE: Site-wide CUP Application\_6301 and 6317 Welcome Avenue**

To Whom it may concern,

As one of the building owners, I am writing on behalf of our partnership responding to the notes and questions the City countered to our CUP applications for 6301 and 6317 Welcome Avenue.

In regards to the 6301 comments:

1. In reviewing our other properties and applying the best practices we have developed, we attribute two parking stalls per 1,000 SF of small bay industrial space for all users outside of heavy auto user (auto body repair). For auto body users, we recommend reserving four parking stalls per 1,000 SF of space.

In regards to the 6317 comments:

1. We will list the other small bay industrial properties we own below, for reference. Our recommendations regarding parking come from how we're managing parking on these properties. The tenant mix is similar at all of our properties and primarily comprised of:
  - a. Small residential and commercial contractors
  - b. Insurance and other service-based companies
  - c. Lab and science based technical service providers
  - d. Light auto users (detailing, tinting, mechanical install)
  - e. Transportation, shipping and logistics
  - f. Heavy auto users (auto body)
    - i. We will also send supplemental information regarding our tenants directly via email to Matt Hayes - Regan, as we owe our tenant businesses privacy so he can make his recommendations as staff based on that data without violating our privacy standards
2. Relative to timeframe, I want to note we have not conducted parking studies for our other properties and have observed our tenants do not over utilize parking on our campuses and haven't needed formal study. As noted with these properties, we see parking use vary greatly for our tenants from negligible to heavier users. We tend to quantify and limit parking for heavier users to ensure they don't negatively impact other tenants.
3. Noted. We documented the current site layout / parking space in our site plan. If the City requests amendment to how we have them striped, let us know and we can consider that request.
  - a. We acknowledge the City's desire to potentially install a sidewalk between 63rd and 65th. We believe there is sufficient room for that within the setbacks.
4. At this time, the tenants do not have a designated number of parking spaces per unit. We can amend that as we renew leases and sign new tenant leases in the building and

designate a number, to ensure there aren't parking overflow issues. On a typical weekday at 7 AM, noon and 5 PM, parking use is very volatile, where some users don't visit their space or utilize parking at all and other users have a flux of 2-4 vehicles circulating from the parking lot into the suites.

- a. At this time, we are not aware of our tenants utilizing the street parking at all.
  - b. Of note, since purchasing the properties, we have been able to manage tenant inquiries and reduce conflicts regarding the use of parking onsite so that it isn't an active issue any longer.
    - i. We can commit a number of stalls per suite and manage this more closely going forward as another failsafe to ensure the issue doesn't trickle off campus to affect neighboring properties and the City.
5. In reviewing our other properties and applying the best practices we have developed, we attribute 2 parking stalls per 1,000 SF of small bay industrial space for all users outside of heavy auto body repair. For auto body users, we recommend reserving 4 parking stalls per 1,000 SF of space.

The other small bay industrial properties we currently own are:

1. 701 1st, Farmington MN 55042
  - a. 26,633 total SF divided into 12 suites ranging from 353 to 11,519 SF.
  - b. Tenant mix includes one beverage distribution company and the remainder are contractors.
2. 1200 Mendelssohn, Golden Valley MN 55427
  - a. 53,113 total SF divided into 15 suites ranging from 173 to 18,195 SF suites.
  - b. Tenant mix includes professional and healthcare services, sporting equipment sales, music shop / lessons and contractors.
3. 13-17 77th Avenue NE, Fridley MN 55432
  - a. 18,566 total SF divided into 5 suites ranging from 3,200 to 4,600 SF.
  - b. Tenants are half auto users, then construction services and a food truck business.
4. 15861 Lincoln St NE, Ham Lake MN 55304
  - a. 8,800 SF single occupant small bay industrial building with a commercial construction tenant occupying the building.
5. 15903 Lincoln St NE, Ham Lake MN 55304
  - a. 4,500 SF single occupant small bay industrial building with a signage contractor occupying the building.
6. 10650 County Road 81, Maple Grove MN 55369
  - a. 70,378 total SF building divided into 58 office and industrial suites ranging from 154 to 6,821 SF.
  - b. Tenant mix includes financial, accounting, health care, insurance and real estate professional services, contractors, engineering field office, auto detailing, auto sales and auto body users.
7. 10731 - 10803 93rd Avenue North, Maple Grove MN 55369
  - a. 20,448 total SF divided into 10 units ranging from 2,040 to 4,096 SF per suite.
  - b. Tenant mix includes contractors, HQ for a rescue nonprofit and auto body users.
8. 9274 Wellington Lane, Maple Grove MN 55369
  - a. 20,400 total SF, divided into 6 tenants with uniform suite layouts.
  - b. Tenants are all contractors and heavy auto users.

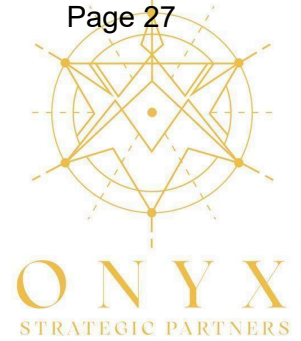
We are sending the redacted rent roll of our space break downs for all of the buildings except 9274 Wellington Lane, which we own with another partner that deeply values privacy, via email to Matt Hayes-Regan for his additional review. The business names are also redacted for tenant security reasons.

Outside of the formal notes from the City, Matt Hayes - Regan also noted the City would like our recommendation on the max number of heavy auto users (auto body) at our two buildings. In applying our own parking requirements to these buildings, we recommend 40% of the total square footage of the combined properties (roughly 48,000 SF) as auto repair tenants, which is around 19,000 SF. Depending on the allocation of the suite sizes, as they vary in size, that would be twelve total users, or six per property. As you will note in the review of our current tenant mix, that aligns with the users we have onsite now. Of note, with this current tenant mix, we are not experiencing parking issues onsite. As noted in our procedural review with the City, the designated auto user suites in the building will be submitted individually for building code review, as a separate but related element of the CUP process.

We appreciate the opportunity to review our properties with you in greater detail and seek greater alignment as we move forward.

Highest Regards,

Jessica Houlihan  
CEO, Onyx Strategic  
Partners



Friday, February 27, 2026

City of Brooklyn Park, MN  
5200 85th Ave. N.  
Brooklyn Park, MN 55443

**RE: Site-wide CUP Application\_6301 Welcome Avenue**

To Whom it may concern,

As one of the building owners, I am writing on behalf of our partnership responding to the notes and questions the City countered to our CUP application for 6301 Welcome Avenue.

In response to the additional questions from staff:

1. We confirm that we are proposing:
  - a. 4 parking stalls per 1,000 sq. ft. for heavy auto-repair businesses.
  - b. 2 parking stalls per 1,000 sq. ft. for small bay industrial spaces (non-heavy auto-repair businesses).
  - c. Both of these parking standards are above the minimum parking standards for office and industrial, when applied to the building overall.
  - d. For non heavy auto users, our parking standard will be above the code minimum.
  - e. Employee parking is included in the total number of spaces being capped for each tenant.
  - f. We can also confirm that we assessed the buildings as entire buildings versus suite by suite, when determining our recommendations.

The City has requested that we include all auto users in a total max percentage onsite (heavy and non heavy auto users) and further designate a lesser minimum for the heavy auto users on the campus. In reviewing that request, we are updating our requested percentage to 60% total auto users allowed in the building (as applied to total building square footage) with the same 40% cap on heavy auto users at the center.

In regards to the original CUP application comments for 6301 Welcome Ave:

2. In reviewing our other properties and applying the best practices we have developed, we attribute two parking stalls per 1,000 SF of small bay industrial space for all users outside of heavy auto user (auto body repair). For auto body users, we recommend reserving four parking stalls per 1,000 SF of space.

The other small bay industrial properties we currently own are:

1. 701 1st, Farmington MN 55042
  - a. 26,633 total SF divided into 12 suites ranging from 353 to 11,519 SF.
  - b. Tenant mix includes one beverage distribution company and the remainder are contractors.
2. 1200 Mendelssohn, Golden Valley MN 55427

- a. 53,113 total SF divided into 15 suites ranging from 173 to 18,195 SF suites.
  - b. Tenant mix includes professional and healthcare services, sporting equipment sales, music shop / lessons and contractors.
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  - a. 18,566 total SF divided into 5 suites ranging from 3,200 to 4,600 SF.
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6. 10650 County Road 81, Maple Grove MN 55369
  - a. 70,378 total SF building divided into 58 office and industrial suites ranging from 154 to 6,821 SF.
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  - a. 20,448 total SF divided into 10 units ranging from 2,040 to 4,096 SF per suite.
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  - a. 20,400 total SF, divided into 6 tenants with uniform suite layouts.
  - b. Tenants are all contractors and heavy auto users.

We are sending the redacted rent roll of our space break downs for all of the buildings except 9274 Wellington Lane, which we own with another partner that deeply values privacy, via email to [Matt Hayes-Regan](#) for his additional review. The business names are also redacted for tenant security reasons.

As noted above, we request 60% of the total square footage of the property (roughly 24,000 SF) as auto repair tenants (14,000 SF auto users total), with a 40% cap on heavy auto users (9,600 SF total for heavy auto body users). As you will note in the review of our current tenant mix, that aligns with the users we have onsite now. Of note, with this current tenant mix, we are not experiencing parking issues onsite. As noted in our procedural review with the City, the designated auto user suites in the building will be submitted individually for building code review, as a separate but related element of the CUP process.

We appreciate the opportunity to review our properties with you in greater detail and seek greater alignment as we move forward.

Highest Regards,

Jessica Houlihan  
CEO, Onyx Strategic  
Partners

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.5	<b>Meeting Date:</b>	April 27, 2026
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	X	<b>Prepared By:</b>	Mike Freske, Employment Attorney
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Jay Stroebel, City Manager
<b>Item:</b>	Approval of the 2026-2027 Collective Bargaining Agreement with the International Union of Operating Engineers (IUOE), Local No. 49		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2026-\_\_\_\_ TO APPROVE STAFF TO ENTER INTO THE 2026-2027 AGREEMENT WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE), LOCAL NO. 49.

## Overview:

City staff and union representatives from the International Union of Operating Engineers (IUOE), Local No. 49, were able to come to a tentative agreement on a collective bargaining agreement for the period of January 1, 2026, through December 31, 2027. Terms of the contract were included under separate cover with Council packet materials for the April 27, 2026, Council meeting. Union membership has voted to approve the agreement.

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

## Budgetary/Fiscal Issues:

Funds are available in the 2026 general fund budget.

## Attachments:

4.5A RESOLUTION

RESOLUTION #2026-

RESOLUTION TO APPROVE STAFF TO ENTER INTO THE 2026-2027 AGREEMENT WITH THE  
INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE), LOCAL NO. 49

WHEREAS, the City of Brooklyn Park has reached a negotiated agreement with the International Union of Operating Engineers (IUOE), Local No. 49; 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 labor agreement between the City of Brooklyn Park and the International Union of Operating Engineers (IUOE), Local No. 49 is hereby approved for the years 2026 and 2027, and the City Manager is hereby authorized to execute the same on behalf of the City.

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.6	<b>Meeting Date:</b>	April 27, 2026
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Operations and Maintenance Engineering Services Division
<b>Resolution:</b>	X	<b>Prepared By:</b>	Mitch Robinson, City Engineer
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	3	<b>Presented By:</b>	Mitch Robinson, City Engineer
<b>Item:</b>	Approve Cooperative Construction Agreement for 109 <sup>th</sup> Avenue at TH 169		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT RESOLUTION #2026-\_\_\_\_ APPROVING THE COOPERATIVE CONSTRUCTION AGREEMENT FOR 109<sup>TH</sup> AVENUE AT TRUNK HIGHWAY 169 BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION, CITY OF CHAMPLIN AND CITY OF BROOKLYN PARK.

## Overview:

The City of Champlin and the City of Brooklyn Park share ownership of 109<sup>th</sup> Avenue. Both communities have been working together since 2015 to develop plans and obtain funds to reconstruct 109<sup>th</sup> Ave from Jefferson Hwy to Winnetka Ave. The communities have been awarded \$2.5 million in regional solicitation grants and \$10 million in State bonding funds.

Phase 2 of the 109<sup>th</sup> Avenue Reconstruction will modify the lane configuration and replace the traffic signal at TH 169. Staff has been coordinating with MNDOT and Champlin on this work. The Cooperative Construction Agreement is a three-party document between the agencies to lay out cost and maintenance obligations for each of the agencies. Brooklyn Park will be responsible for maintenance of the shared use path on the south side of 109<sup>th</sup> Ave, municipal utilities within our city limits, and power supply of the signal at TH 169 and 109<sup>th</sup> Ave.

City staff and our City Attorney have reviewed the agreement and recommend approval.

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

## Budgetary/Fiscal Issues:

Brooklyn Park will make a payment to MNDOT for the State Furnished Materials for the traffic signal in the amount of \$85,473.80. This is a reimbursable amount with the State bonding funds received for the project.

Brooklyn Park will continue supplying power to the signal at TH 169 and 109<sup>th</sup> Avenue.

## Attachments:

- 4.6A RESOLUTION
- 4.6B PROJECT LOCATION
- 4.6C COOPERATIVE CONSTRUCTION AGREEMENT

RESOLUTION #2026-

RESOLUTION APPROVING THE COOPERATIVE CONSTRUCTION AGREEMENT FOR  
109<sup>TH</sup> AVENUE AT TRUNK HIGHWAY 169 BETWEEN THE MINNESOTA DEPARTMENT OF  
TRANSPORTATION, CITY OF CHAMPLIN AND CITY OF BROOKLYN PARK

WHEREAS, Brooklyn Park and Champlin have a Joint Powers Agreement for the Reconstruction of 109<sup>th</sup> Avenue from Jefferson Highway to Winnetka Ave; and

WHEREAS, Project 2 of the 109<sup>th</sup> Avenue Reconstruction project will modify the lane configuration and replace the traffic signal at TH 169; and

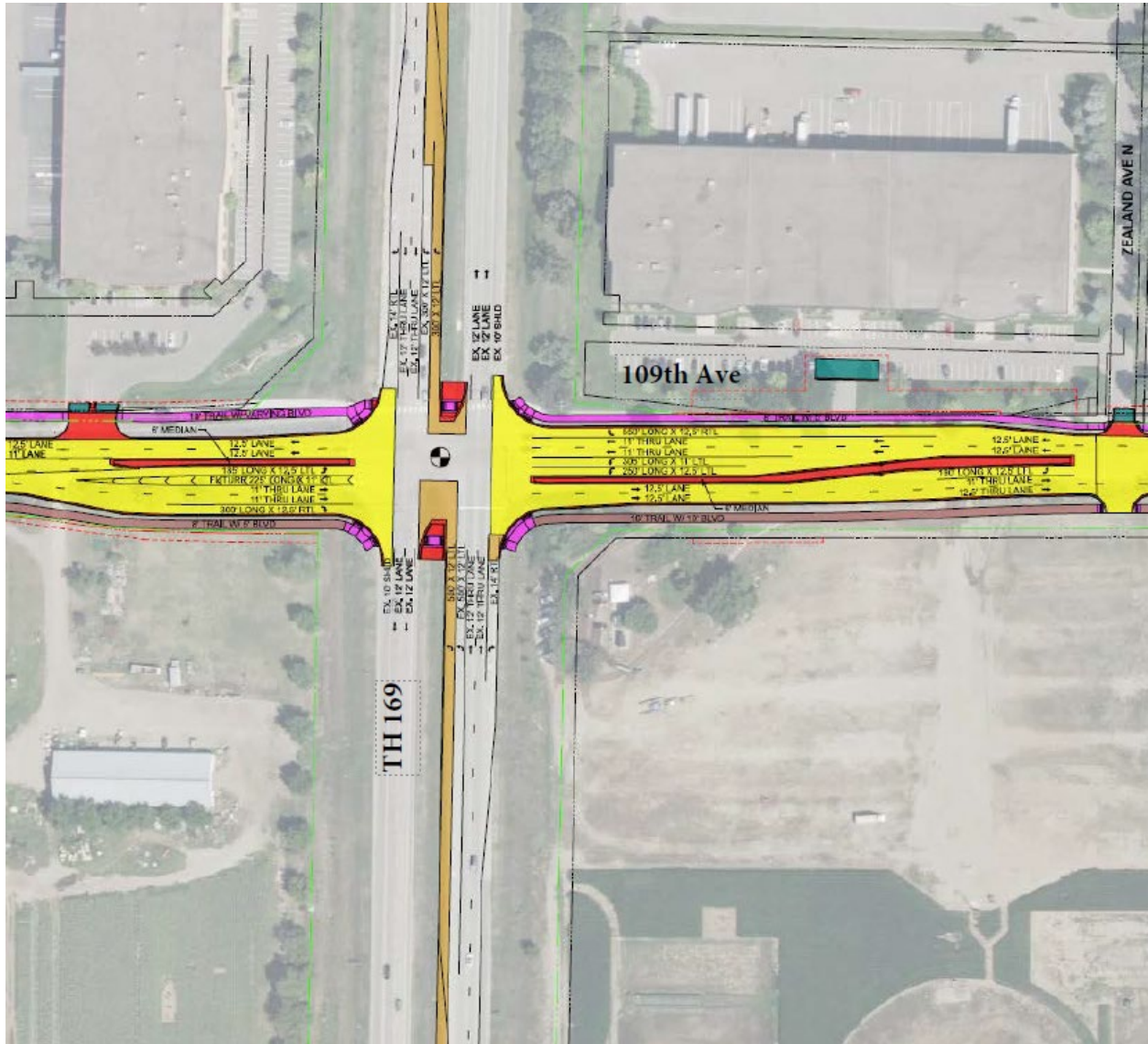
WHEREAS, a Cooperative Construction Agreement is required between the Minnesota Department of Transportation, City of Champlin and City of Brooklyn Park.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the City of Brooklyn Park enter into MnDOT Agreement 1061120 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the City to the State of the City's share of the costs of the State Furnished Materials for signal construction to be performed upon, along, and adjacent to Trunk Highway 169 at 109th Avenue North and on 109th Avenue North at Trunk Highway 169 under State Project 2750-114 (TH 169=003).

BE IT FURTHER RESOLVED, that the Mayor and the City Manager are hereby authorized to execute the Agreement and any amendments to the Agreement.

4.6C PROJECT LOCATION  
Page 3



**STATE OF MINNESOTA  
DEPARTMENT OF TRANSPORTATION  
AND  
CITY OF BROOKLYN PARK  
AND  
CITY OF CHAMPLIN  
COOPERATIVE CONSTRUCTION  
AGREEMENT**

<b>State Project Number:</b>	<u>2750-114</u>	<b>Total Amount Receivable</b>
<b>Trunk Highway Number:</b>	<u>169=003</u>	<u>\$85,473.80</u>
<b>State Project Numbers:</b>	<u>110-010-011, 110-113-018</u>	
	<u>110-594-001, 193-010-013</u>	
	<u>193-106-018</u>	
<b>Federal Project Number:</b>	<u>STBG 2726(117)</u>	
<b>Signal System ID:</b>	<u>23674820</u>	

This Agreement is between the State of Minnesota, acting through its Commissioner of Transportation ("State"), the City of Brooklyn Park, acting through its City Council ("Brooklyn Park"), and the City of Champlin, acting through its City Council ("Champlin").

**Recitals**

1. Brooklyn Park will perform grading, bituminous and concrete surfacing, ADA improvements, signal, lighting, and TMS construction and other associated construction upon, along, and adjacent to Trunk Highway (TH) 169 at 109th Avenue North and on 109th Avenue North at TH 169 according to Brooklyn Park-prepared plans, specifications, and special provisions designated by Brooklyn Park as State Project (SP) 110-010-011, SP 110-113-108, and SP 110-594-001, by Champlin as SP 193-010-103 and SP 193-106-018, and by the State as SP 2750-114 (TH 169=003)("Project"); and
2. The State will cover the difference in cost of a signal using the Traffic Signal (TS) pole and foundation compared to the Pole and Arm (PA) pole and foundation; and
3. Brooklyn Park will participate in the costs of the State Furnished Materials for the signal system construction; and
4. Minnesota Statutes § 161.20, subdivision 2 authorizes the Commissioner of Transportation to make arrangements with and cooperate with any governmental authority for the purposes of constructing, maintaining, and improving the trunk highway system.

**Agreement**

**1. Term of Agreement; Survival of Terms; Plans; Incorporation of Exhibits**

- 1.1. **Effective Date.** This Agreement will be effective on the date the State obtains all signatures required by Minnesota Statutes § 16C.05, subdivision 2.
- 1.2. **Expiration Date.** This Agreement will expire when all obligations have been satisfactorily fulfilled.
- 1.3. **Survival of Terms.** All clauses which impose obligations continuing in their nature and which must survive in order to give effect to their meaning will survive the expiration or termination of this Agreement, including, without limitation, the following clauses: 5. Maintenance by Brooklyn Park; 6. Maintenance by Champlin; 11. Liability; Worker Compensation Claims; 14. State Audits; 15. Government Data Practices;

16. Governing Law; Jurisdiction; Venue; and 18. Force Majeure. The terms and conditions set forth in Article 7. Signal System and EVP System Operation and Maintenance will survive the expiration of this Agreement, but may be terminated by another agreement between the parties.

- 1.4. Plans, Specifications, and Special Provisions.** Plans, specifications, and special provisions designated by Brooklyn Park as SP 110-010-011, SP 110-113-108, and SP 110-594-001, by Champlin as SP 193-010-103 and SP 193-106-018, and by the State as SP 2750-114 (TH 169=003 are on file in the office of the Brooklyn Park City Engineer and incorporated into this Agreement by reference ("Project Plans").
- 1.5. Exhibits.** The Schedule "I" is attached and incorporated into this Agreement. Exhibit A – Shared Use Path Maintenance is attached and incorporated into this Agreement.

## 2. Right-of-Way Use

- 2.1. Limited Right to Occupy.** The State grants to Brooklyn Park (and its contractors and consultants) the right to occupy Trunk Highway Right-of-Way as necessary to perform the work described in the Project Plans. This right is limited to the purpose of constructing the Project, and administering such construction, and may be revoked by the State at any time, with or without cause. Cause for revoking this right of occupancy includes, but is not limited to, breaching the terms of this or any other agreement (relevant to this Project) with the State, failing to provide adequate traffic control or other safety measures, failing to perform the construction properly and in a timely manner, and failing to observe applicable environmental laws or terms of applicable permits. The State will have no liability to Brooklyn Park (or its contractors or consultants) for revoking this right of occupancy.
- 2.2. State Access; Suspension of Work; Remedial Measures.** The State's District Engineer or assigned representative retains the right to enter and inspect the Trunk Highway Right-of-Way (including the construction being performed on such right-of-way) at any time and without notice to Brooklyn Park or its contractor. If the State determines (in its sole discretion) that the construction is not being performed in a proper or timely manner, or that environmental laws (or the terms of permits) are not being complied with, or that traffic control or other necessary safety measures are not being properly implemented, then the State may notify and require Brooklyn Park (and its contractors and consultants) to suspend their operations until Brooklyn Park (and its contractors and consultants) take all necessary actions to rectify the situation to the satisfaction of the State. The State will have no liability to Brooklyn Park (or its contractors or consultants) for exercising or failing to exercise its rights under this provision.
- 2.3. Traffic Control; Worker Safety.** While Brooklyn Park (and its contractors and consultants) are occupying the State right-of-way, they must comply with the approved traffic control plan, and with applicable provisions of the Work Zone Field Handbook (<http://www.dot.state.mn.us/trafficeng/workzone/index.html>). All Brooklyn Park, contractor, and consultant personnel occupying the State's Right-of-Way must be provided with required reflective clothing and hats.
- 2.4. State Ownership of Improvements.** The State will retain ownership of its Trunk Highway Right-of-Way, including any improvements made to such right-of-way under this Agreement, unless otherwise noted. The warranties and guarantees made by Brooklyn Park's contractor with respect to such improvements (if any) will flow to the State. Brooklyn Park will assist the State, as necessary, to enforce such warranties and guarantees, and to obtain recovery from Brooklyn Park's consultants, and contractor (including its sureties) for non-performance of contract work, for design errors and omissions, and for defects in materials and workmanship. Upon request of the State, Brooklyn Park will undertake such actions as are reasonably necessary to transfer or assign contract rights to the State and to permit subrogation by the State with respect to claims against the Brooklyn Park's consultants and contractors.
- 2.5. Utility Relocation.** The State authorizes Brooklyn Park to issue Notices and Orders for utility relocation in accordance with Minnesota Statutes §161.45 and Minnesota Rules Part 8810.3100 through 8810.3600.

### 3. Contract Award and Construction

**3.1. Contract Terms.** Brooklyn Park's contract with its construction contractor(s) must include the following terms:

- A. A clause making the State of Minnesota, acting through its Commissioner of Transportation, an intended third-party beneficiary of the contract with respect to the portion of work performed on the State's Right-of-Way; and
- B. A clause requiring the State to be named as an additional insured on any insurance coverage which the contractor is required to provide; and
- C. A clause stating that any warranties provided by the contractor, for the work performed on the trunk highway, will flow to, and be enforceable by, the State as the owner of such improvements.

**3.2. Direction, Supervision, and Inspection of Construction**

- A. The contract construction will be under the direction of Brooklyn Park and under the supervision of a registered professional engineer. Brooklyn Park will give the State-Aid Agreements Engineer at Roseville five days' notice of its intention to start the contract construction.
- B. Responsibility for the control of materials for the contract construction will be on Brooklyn Park and its contractor and will be carried out according to Specifications No. 1601 through and including No. 1609 in the State's current *Standard Specifications for Construction*.

**3.3. Contaminated Soils and Groundwater within the State's Cost Participation Limits**

- A. **24 Hour Notification.** Brooklyn Park will notify the State District Engineer's authorized representative a minimum of 24 hours prior to the contractor beginning the excavation and removal of any contaminated soils that have been identified within the Project limits.
- B. **Immediate Notification.** Brooklyn Park will notify the State District Engineer's authorized representative immediately upon the contractor encountering contaminated soils and/or groundwater in areas that are within the Project limits. Brooklyn Park will confer with the State as to the handling, disposal, and any other issues related to contaminated materials found on State Right-of-Way or import of materials onto State Right-of-Way.
- C. **Environmental Consultant.** Brooklyn Park will provide for an Environmental Consultant to be on site to observe and document the excavation, handling and disposal of contaminated soils that have been identified within the Project limits. If the contractor encounters contaminated materials in areas not previously identified and upon notification by Brooklyn Park to the State, Brooklyn Park hired Environmental Consultant will be provided to collect and analyze soil and/or groundwater samples to determine contaminant levels, work with the landfill for disposal of the soil waste, and provide oversight of any soil and groundwater handling and disposal. Brooklyn Park will not allow the contractor to excavate any contaminated soil unless the Environmental Consultant is present.

**3.4. Completion of Construction.** Brooklyn Park will cause the contract construction to be started and completed according to the time schedule in the construction contract special provisions. The completion date for the contract construction may be extended, by an exchange of letters between the appropriate Brooklyn Park official and the State District Engineer's authorized representative, for unavoidable delays encountered in the performance of the contract construction.

**3.5. Plan Changes.** All changes in the Project Plans and all addenda, change orders, supplemental agreements, and work orders entered into by Brooklyn Park and its contractor for contract construction must be approved in writing by the State District Engineer's authorized representative.

- 3.6. Compliance with Laws, Ordinances, and Regulations.** Brooklyn Park will comply and cause its contractor to comply with all Federal, State, and Local laws, and all applicable ordinances and regulations. With respect only to that portion of work performed on the State's Trunk Highway Right-of-Way, Brooklyn Park will not require the contractor to follow local ordinances or to obtain local permits.
- 3.7. Construction Documents Furnished by Brooklyn Park.** Brooklyn Park will keep records and accounts that enable it to provide the State, when requested, with the following:
- A. Copies of the Brooklyn Park contractor's invoice(s) covering all contract construction.
  - B. Copies of the endorsed and canceled Brooklyn Park warrant(s) or check(s) paying for final contract construction, or computer documentation of the warrant(s) issued, certified by an appropriate Brooklyn Park official that final construction contract payment has been made.
  - C. Copies of all construction contract change orders, supplemental agreements, and work orders.
  - D. A certification form, provided by the State, signed by Brooklyn Park's Engineer in charge of the contract construction attesting to the following:
    - i. Satisfactory performance and completion of all contract construction according to the Project Plans.
    - ii. Acceptance and approval of all materials furnished for the contract construction relative to compliance of those materials to the State's current *Standard Specifications for Construction*.
    - iii. Full payment by Brooklyn Park to its contractor for all contract construction.
  - E. Copies, certified by Brooklyn Park's Engineer, of material sampling reports and of material testing results for the materials furnished for the contract construction.
  - F. A copy of the "as built" plan sent to the State-Aid Agreements Engineer.

#### 4. Right-of-Way; Easements; Permits

- 4.1. Brooklyn Park will, without cost or expense to the State, obtain all rights-of-way, easements, construction permits, and any other permits and sanctions that may be required in connection with the local and trunk highway portions of the contract construction.
- 4.2. Brooklyn Park will convey to the State by quit claim deed, all newly acquired rights needed for the continuing operation and maintenance of the Trunk Highway, if any, upon completion of the Project, at no cost or expense to the State.
- 4.3. Brooklyn Park will comply with Minnesota Statutes § 216D.04, subdivision 1(a), for identification, notification, design meetings, and depiction of utilities affected by the contract construction.
- 4.4. Brooklyn Park will submit to the State's Utility Engineer an original permit application for all utilities owned by Brooklyn Park to be constructed upon and within the Trunk Highway Right-of-Way. Applications for permits will be made on State form "Application for Utility Permit on Trunk Highway Right-of-Way" (Form 2525).

#### 5. Maintenance by Brooklyn Park

Upon completion of the project, Brooklyn Park will provide the following without cost or expense to the State:

- 5.1. **Municipal Utilities.** Maintenance of any municipal-owned utilities construction, without cost or expense to the State.
- 5.2. **Shared Use Path.** Brooklyn Park will provide routine and minor maintenance of the Shared Use Path on TH 169 Right-of-Way as shown on Exhibit A. Routine and minor maintenance may include, but are not limited to, snow and ice control/removal, sweeping and debris removal, patching, crack repair,

replacement of failing section(s) of pavement, vegetation control, signing, pavement markings, and any other maintenance activities necessary to perpetuate the Shared Use Path in a safe, usable, and aesthetically acceptable condition as determined by the State's District Maintenance Engineer and all applicable laws including, but not limited to, the Americans with Disabilities Act ("ADA"). If Brooklyn Park fails to perform its maintenance services under this Article in compliance with applicable laws, the State will provide Brooklyn Park with a notice of non-compliance. Within three business days of sending the notice of non-compliance, the State's District Maintenance Engineer and the Brooklyn Park engineer will meet to discuss Brooklyn Park's performance of maintenance and decide upon next steps to remedy any non-compliant performance. If the parties cannot agree upon a remedy, the State may perform such obligation and Brooklyn Park shall reimburse the State for the cost thereof, plus 10 percent of such cost for overhead and supervision within 30 days of receipt of the State's invoice. The State and Brooklyn Park agree that full pavement replacement is outside of routine and minor maintenance, and the State and Brooklyn Park will share in the cost of pavement replacement according to the State's Cost Participation and Maintenance Responsibilities with Local Units of Government Manual, as amended or revised.

- A. *Right-of-Way Access.*** The State authorizes Brooklyn Park to enter upon State Right-of-Way to perform the maintenance activities described in this Article. Brooklyn Park must notify and coordinate with the State's District Maintenance Engineer prior to accessing State Right-of-Way. While Brooklyn Park is occupying the State's Right-of-Way, they must comply with the approved traffic control plan, and with applicable provisions of the Work Zone Field Handbook (<http://www.dot.state.mn.us/trafficeng/workzone/index.html>). All Brooklyn Park personnel occupying the State's Right-of-Way must be provided with required reflective clothing and hats.
- B. *Environmental.*** Brooklyn Park shall not dispose of any materials regulated by any governmental or regulatory agency onto the ground, or into any body of water, or into any container on the State's Right-of-Way. In the event of spillage of regulated materials, Brooklyn Park shall immediately notify the State's Authorized Representative in writing and shall provide for cleanup of the spilled material and any materials contaminated by the spillage in accordance with all applicable federal, state and local laws and regulations, at the sole expense of Brooklyn Park.

**5.3. *Additional Drainage.*** No party to this Agreement will drain any additional drainage volume into the storm sewer facilities constructed under the construction contract that was not included in the drainage for which the storm sewer facilities were designed, without first obtaining written permission to do so from the owner of the storm sewer facilities.

## 6. Maintenance by Champlin

Upon completion of the project, Champlin will provide the following without cost or expense to the State:

- 6.1. *Shared Use Path.*** Champlin will provide routine and minor maintenance of the Shared Use Path on TH 169 Right-of-Way as shown on Exhibit A. Routine and minor maintenance may include, but are not limited to, snow and ice control/removal, sweeping and debris removal, patching, crack repair, replacement of failing section(s) of pavement, vegetation control, signing, pavement markings, and any other maintenance activities necessary to perpetuate the Shared Use Path in a safe, usable, and aesthetically acceptable condition as determined by the State's District Maintenance Engineer and all applicable laws including, but not limited to, the Americans with Disabilities Act ("ADA"). If Champlin fails to perform its maintenance services under this Article in compliance with applicable laws, the State will provide Champlin with a notice of non-compliance. Within three business days of sending the notice of non-compliance, the State's District Maintenance Engineer and the Champlin engineer will meet to discuss Champlin's performance of maintenance and decide upon next steps to remedy any non-compliant performance. If the parties cannot agree upon a remedy, the State may perform such obligation and Champlin shall reimburse the State for the cost thereof, plus 10 percent of such cost for overhead and supervision within 30 days of receipt of the State's invoice. The State and Champlin agree that full pavement replacement is outside of routine and

minor maintenance, and the State and Champlin will share in the cost of pavement replacement according to the State's *Cost Participation and Maintenance Responsibilities with Local Units of Government Manual*, as amended or revised.

- A. *Right-of-Way Access.*** The State authorizes Champlin to enter upon State Right-of-Way to perform the maintenance activities described in this Article. Champlin must notify and coordinate with the State's District Maintenance Engineer prior to accessing State Right-of-Way. While Champlin is occupying the State's Right-of-Way, they must comply with the approved traffic control plan, and with applicable provisions of the Work Zone Field Handbook (<http://www.dot.state.mn.us/trafficeng/workzone/index.html>). All Champlin personnel occupying the State's Right-of-Way must be provided with required reflective clothing and hats.
- B. *Environmental.*** Champlin shall not dispose of any materials regulated by any governmental or regulatory agency onto the ground, or into any body of water, or into any container on the State's Right-of-Way. In the event of spillage of regulated materials, Champlin shall immediately notify the State's Authorized Representative in writing and shall provide for cleanup of the spilled material and any materials contaminated by the spillage in accordance with all applicable federal, state and local laws and regulations, at the sole expense of Champlin.

**6.2. *Additional Drainage.*** No party to this Agreement will drain any additional drainage volume into the storm sewer facilities constructed under the construction contract that was not included in the drainage for which the storm sewer facilities were designed, without first obtaining written permission to do so from the owner of the storm sewer facilities.

## 7. Signal System and Emergency Vehicle Preemption System Operation and Maintenance

Operation and maintenance responsibilities will be as follows for the Signal System and Emergency Vehicle Preemption (EVP) System on TH 169 at 109th Avenue and for the Interconnect on TH 169 from 109th Avenue to Hayden Lake Road.

### 7.1. Champlin Responsibilities

- A. *Power.*** Champlin will be responsible for the hook-up cost and application to secure an adequate power supply to the service pad(s) or pole(s) and will pay all monthly electrical service expenses necessary to operate the Signal System, EVP System, Enforcement Lights, and Interconnect.
- B. *Minor Signal System Maintenance.*** Champlin will provide for the following, without cost to the State.
- i. Maintain the signal pole mounted LED luminaires, including replacing the luminaires when necessary. The LED luminaire must be replaced when it fails or when light levels drop below recommended American Association of State Highway and Transportation Officials (AASHTO) levels for the installation.
  - ii. Replace the Signal System LED indications. Replacing LED indications consists of replacing each LED indication when it reaches end of life per the MnDOT Traffic Engineering Manual or fails or no longer meets Institute of Traffic Engineers (ITE) standards for light output.
  - iii. Replace the LED lamps in enforcement lights.
  - iv. Clean the Signal System controller cabinet and service cabinet exteriors.
  - v. Clean the Signal System and luminaire mast arm extensions.
  - vi. Paint and maintain the cross street pedestrian crosswalk markings.

## 7.2. State Responsibilities

- A. Interconnect; Timing; Other Maintenance.** The State will maintain the Interconnect and signing, and perform all other Signal System, Accessible Pedestrian Signals (APS), and signal pole luminaire circuit maintenance without cost to Champlin or Brooklyn Park. All Signal System timing will be determined by the State, and no changes will be made without the State's approval.
- B. EVP System Operation.** The EVP System will be installed, operated, maintained, and removed according to the following conditions and requirements:
- i. All maintenance of the EVP System must be done by State forces.
  - ii. Emitter units may be installed only on authorized emergency vehicles, as defined in Minnesota Statutes § 169.011, Subdivision 3. Authorized emergency vehicles may use emitter units only when responding to an emergency. Champlin and Brooklyn Park will provide the State's District Engineer or their designated representative a list of all vehicles with emitter units, if requested by the State.
  - iii. Malfunction of the EVP System must be reported to the State immediately.
  - iv. In the event the EVP System or its components are, in the opinion of the State, being misused or the conditions set forth in Paragraph ii. above are violated, and such misuse or violation continues after Champlin and Brooklyn Park receive written notice from the State, the State may remove the EVP System. Upon removal of the EVP System pursuant to this Paragraph, all of its parts and components become the property of the State.
  - v. All timing of the EVP System will be determined by the State.

**7.3. Right-of-Way Access.** Each party authorizes the other parties to enter upon their respective public right-of-way to perform the maintenance activities described in this Agreement.

**7.4. Related Agreements.** This Agreement will supersede and terminate the operation and maintenance terms of Agreement 72143, dated August 1, 1994, between the parties, for the intersection of TH 169 at 109th Avenue.

**7.5. Difference in Cost Between a TS Pole and Foundation and a PA Pole and Foundation.** The State will cover the difference in cost of a signal using the TS pole and foundation compared to the PA pole and foundation. The State's lump sum share for the difference between the TS and PA poles and foundations is **\$12,523.00**. The State's lump sum cost share will be subtracted from Brooklyn Park's total lump sum cost share for State Furnished Materials.

**7.6. State Furnished Materials.** The State will furnish an ATC Cabinet 350, Autoscope video detection system with cameras, and fiber ("State Furnished Materials"), according to the Project Plans, to operate the traffic control signal system covered under this Agreement. Brooklyn Park's lump sum share for State Furnished Materials is **\$97,996.80**. Brooklyn Park's lump sum share for State Furnished Materials after the State's lump sum share has been subtracted is **\$85,473.80**.

## 8. Brooklyn Park Cost and Payment by Brooklyn Park

**8.1. Brooklyn Park Cost.** **\$85,473.80** is Brooklyn Park's full and complete lump sum cost for State Furnished Materials after the State's full and complete lump sum cost for the difference in cost between a signal using the TS pole and foundation compared to the PA pole and foundation has been subtracted, as shown on the Preliminary Schedule I.

**8.2. Conditions of Payment.** Brooklyn Park will pay the State Brooklyn Park's full and complete lump sum amount after the following conditions have been met:

- A.** Execution of this Agreement and transmittal to Brooklyn Park.
- B.** Brooklyn Park's receipt of a written request from the State for the advancement of funds.

## 9. Authorized Representatives

Each party's Authorized Representative is responsible for administering this Agreement and is authorized to give and receive any notice or demand required or permitted by this Agreement.

### 9.1. The State's Authorized Representative will be:

Name, Title: Malaki Ruranika, Cooperative Agreements Engineer (or successor)  
 Address: 395 John Ireland Boulevard, Mailstop 682, St. Paul, MN 55155  
 Telephone: (651) 366-4634  
 Email: malaki.ruranika@state.mn.us

### 9.2. Brooklyn Park's Authorized Representative will be:

Name, Title: Mitch Robinson, City Engineer  
 Address: 5200 85th Avenue North, Brooklyn Park, MN 55443  
 Telephone: (763) 493-8114  
 Email: mitchell.robinson@brooklynpark.org

### 9.3. Champlin's Authorized Representative will be:

Name, Title: Heather Nelson, City Engineer  
 Address: 11955 Champlin Drive, Champlin, MN 55316  
 Telephone: (763) 923-7120  
 Email: hnelson@ci.champlin.mn.us

## 10. Assignment; Amendments; Waiver; Contract Complete

**10.1. Assignment.** No party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other parties and a written assignment agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.

**10.2. Amendments.** Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.

**10.3. Waiver.** If a party fails to enforce any provision of this Agreement, that failure does not waive the provision or the party's right to subsequently enforce it.

**10.4. Contract Complete.** This Agreement contains all prior negotiations and agreements between the State, Brooklyn Park, and Champlin. No other understanding regarding this Agreement, whether written or oral, may be used to bind any party.

## 11. Liability; Worker Compensation Claims

**11.1.** Each party is responsible for its own acts, omissions, and the results thereof to the extent authorized by law and will not be responsible for the acts, omissions of others, and the results thereof. Minnesota Statutes § 3.736 and other applicable law govern liability of the State. Minnesota Statutes Chapter 466 and other applicable law govern liability of Brooklyn Park and Champlin. Notwithstanding the foregoing, Brooklyn Park and Champlin will indemnify, hold harmless, and defend (to the extent permitted by the Minnesota Attorney General) the State against any claims, causes of actions, damages, costs (including reasonable attorneys' fees), and expenses arising in connection with the project covered by this Agreement, regardless of whether such claims are asserted by Brooklyn Park's or Champlin's contractor(s) or consultant(s) or by a third party because of an act or omission by Brooklyn Park, Champlin, or their respective contractor(s) or consultant(s).

**11.2.** Each party is responsible for its own employees for any claims arising under the Workers Compensation Act.

**11.3.** Brooklyn Park may require its contractor to carry insurance to cover claims for damages asserted against Brooklyn Park 's contractor.

## **12. Nondiscrimination**

Provisions of Minnesota Statutes § 181.59 and of any applicable law relating to civil rights and discrimination are considered part of this Agreement.

## **13. Title VI/Nondiscrimination Assurances**

Brooklyn Park and Champlin agree to comply with all applicable US DOT Standard Title VI/Non-Discrimination Assurances contained in DOT Order No. 1050.2A, and in particular Appendices A and E, which can be found at: [https://edocs-public.dot.state.mn.us/edocs\\_public/DMResultSet/download?docId=11149035](https://edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=11149035). If federal funds are included in this Agreement, Brooklyn Park and Champlin will ensure the appendices and solicitation language within the assurances are inserted into contracts as required. The State may conduct a review of Brooklyn Park's and Champlin's compliance with this provision. Brooklyn Park and Champlin must cooperate with the State throughout the review process by supplying all requested information and documentation to the State, making Brooklyn Park and Champlin staff and officials available for meetings as requested, and correcting any areas of non-compliance as determined by the State.

## **14. State Audits**

Under Minnesota Statutes § 16C.05, subdivision 5, Brooklyn Park's and Champlin's books, records, documents, accounting procedures, and practices relevant to this Agreement are subject to examination by the State and the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

## **15. Government Data Practices**

Brooklyn Park, Champlin, and the State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by Brooklyn Park and Champlin under this Agreement. The civil remedies of Minnesota Statutes §13.08 apply to the release of the data referred to in this clause by Brooklyn Park, Champlin, or the State.

## **16. Governing Law; Jurisdiction; Venue**

Minnesota law governs the validity, interpretation, and enforcement of this Agreement. Venue for all legal proceedings arising out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

## **17. Termination; Suspension**

**17.1. By Mutual Agreement.** This Agreement may be terminated by mutual agreement of the parties.

**17.2. Termination for Insufficient Funding.** The State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the performance of contract construction under the Project. Termination must be by written or fax notice to Brooklyn Park and Champlin. The State will not be assessed any penalty if this Agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds.

**17.3. Suspension.** In the event of a total or partial government shutdown, the State may suspend this Agreement and all work, activities and performance of work authorized through this Agreement.

**18. Force Majeure**

No party will be responsible to the other for a failure to perform under this Agreement (or a delay in performance) if such failure or delay is due to a force majeure event. A force majeure event is an event beyond a party's reasonable control, including but not limited to, unusually severe weather, fire, floods, other acts of God, labor disputes, acts of war or terrorism, or public health emergencies.

[The remainder of this page has been intentionally left blank.]

**CITY OF CHAMPLIN**

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions, or ordinances.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF BROOKLYN PARK**

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions, or ordinances.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**DEPARTMENT OF TRANSPORTATION**

Recommended for Approval:

By: \_\_\_\_\_  
(District Engineer)

Date: \_\_\_\_\_

Approved:

By: \_\_\_\_\_  
(State Design Engineer)

Date: \_\_\_\_\_

**COMMISSIONER OF ADMINISTRATION**

By: \_\_\_\_\_  
(With Delegated Authority)

Date: \_\_\_\_\_

**INCLUDE COPY OF RESOLUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.**

**PRELIMINARY SCHEDULE "I"**  
**Agreement 1061120**  
**Cities of Brooklyn Park and Champlin**

SP 2750-114

Preliminary: April 9, 2026

SP 110-594-001, SP 110-113-018, SP 110-010-011, SP 193-106-018, and SP 193-010-013

State Funds

Grading, bitumonus and concrete surfacing, ADA improvements, signal, lighting, and TMS construction located on TH 169 at 109th Avenue North to start approximately June 2026 under Brooklyn Park contract with \_\_\_\_\_

<b>BROOKLYN PARK COST PARTICIPATION</b>	
State Furnished Materials From Sheet 2	97,996.80
Difference in Cost for New TS Pole and Foundation Design From Sheet 2	-12,523.00
<b>(1) Total Brooklyn Park Cost</b>	<b>\$85,473.80</b>

(1) Lump sum payment as described in Article 8 of the Agreement

(1) 100% BROOKLYN PARK FUNDS

ITEM NUMBER	SP 2750-114 STATE FURNISHED MATERIALS	UNIT	QUANTITY	UNIT PRICE	COST (1)
	*** LUMP SUM AMOUNT ***				
	ATC CABINET 350	EACH	1.00	58,841.46	58,841.46
	AUTOSCOPE SYSTEM	EACH	1.00	2,583.90	2,583.90
	AUTOSCOPE CAMERA	EACH	4.00	8,823.54	35,294.16
	FIBER	LUMP SUM	1.00	1,277.28	1,277.28
				TOTAL	97,996.80
	(1) 100% BROOKLYN PARK		97,996.80		

(1) 100% STATE FUNDS

ITEM NUMBER	SP 2750-114 DIFFERENCE IN COST FOR NEW TS POLE AND FOUNDATION DESIGN	UNIT	QUANTITY	UNIT PRICE	COST (1)
	*** LUMP SUM AMOUNT ***				
	DIFFERENCE IN COST FOR NEW TS POLE AND FOUNDATION DESIGN	LUMP SUM	1.00	12,523.00	12,523.00
				TOTAL	12,523.00
	(1) 100% STATE		12,523.00		

109th Avenue N

SEE SHEET 64  
MATCHLINE STA. 202+50 NB

OIRE MINNESOTA LLC  
8600 109TH AVE N

- LEGEND
- ➔ TRAFFIC DIRECTION
  - ① CONSTRUCT CONCRETE PEDESTRIAN CURB RAMP WITH TRUNCATED DOMES. SEE PEDESTRIAN RAMP DETAILS.
  - ② CONSTRUCT CONCRETE MEDIAN NOSE PER STANDARD PLAN 7113
  - ③ CONSTRUCT CURB TRANSITION, TRANSITION CURB TYPE OVER 10'
  - ④ CONSTRUCT COMMERCIAL DRIVEWAY PER CITY STANDARD DETAIL STR-14
  - (A) 3" BITUMINOUS WALK
  - (B) 5" CONCRETE WALK
  - (C) CURB & GUTTER DESIGN B424 (MOD)
  - (D) CURB DESIGN V10
  - (E) CURB & GUTTER DESIGN B612
  - (F) CURB & GUTTER DESIGN B418

- 4" CONCRETE WALK (MEDIAN)
- 5" CONCRETE WALK SPECIAL
- SLOPE TRANSITION
- PAVEMENT SLOPE (FT / FT)

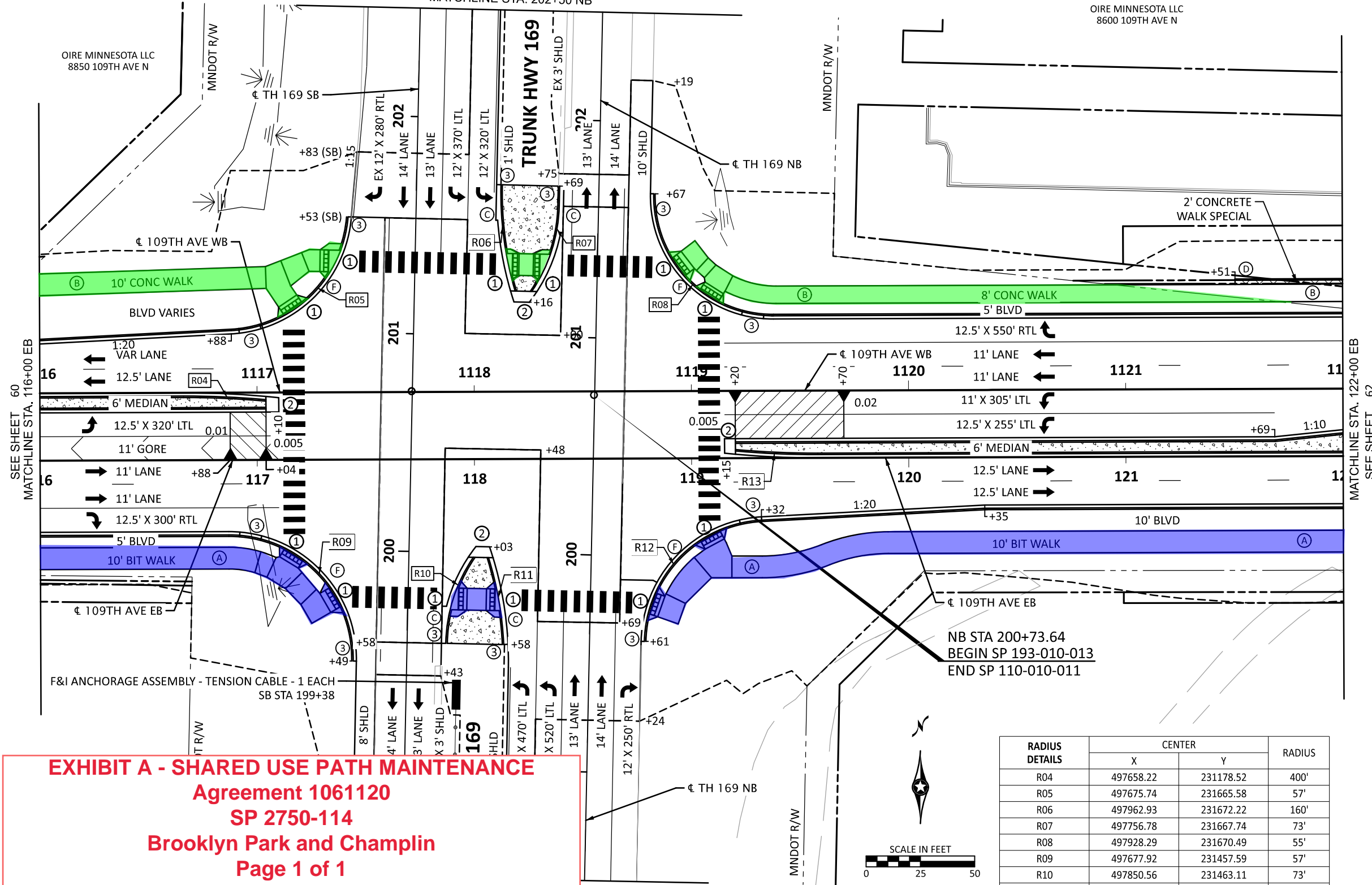
- R00 RADIUS CALLOUT, SEE RADIUS DETAILS TABLE
- CONSTRUCTION LIMITS
- AREA OF ENVIRONMENTAL SENSITIVITY
- INPLACE RIGHT-OF-WAY
- INPLACE EASEMENT

GENERAL NOTES

1. OUTSIDE CURB & GUTTER IS DES. B618 UNLESS OTHERWISE NOTED.
2. ALL MEDIAN CURB & GUTTER IS DES. B618 (MOD) UNLESS OTHERWISE NOTED
3. ALL LANE DIMENSIONS ARE FROM CENTERLINE TO LANE LINE OR FACE OF CURB.
4. SEE DRIVEWAY DETAILS FOR ADDITIONAL INFORMATION AT DRIVEWAYS.
5. SEE ALIGNMENT PLAN FOR CURVE DATA AND STATION EQUATIONS.

RADIUS DETAILS	CENTER		RADIUS
	X	Y	
R04	497658.22	231178.52	400'
R05	497675.74	231665.58	57'
R06	497962.93	231672.22	160'
R07	497756.78	231667.74	73'
R08	497928.29	231670.49	55'
R09	497677.92	231457.59	57'
R10	497850.56	231463.11	73'
R11	497644.40	231456.75	160'
R12	497926.02	231464.48	57'
R13	497947.47	231951.56	400'

NOTE: RADIUS MEASURED TO FACE OF CURB.



**EXHIBIT A - SHARED USE PATH MAINTENANCE Agreement 1061120 SP 2750-114 Brooklyn Park and Champlin Page 1 of 1**

- Champlin Routine and Minor Maintenance
- Brooklyn Park Routine and Minor Maintenance

DRAWN BY: AJF  
DESIGNED BY: NEH  
CHECKED BY: NEH

I HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE:   
PRINTED NAME: NICHOLAS E. VENTIGES, PE  
DATE: 1/29/2026 LIC. NO. 44620



CITIES OF BROOKLYN PARK AND CHAMPLIN  
**109th Avenue N Improvements Project 2**

EB STA 116+00 TO EB STA 122+00  
**CONSTRUCTION PLAN & PROFILE**

SP 2750-114 (TH 169), SP 110-113-018, SP 110-010-011, SP 110-594-001, SP 193-106-018, SP 193-010-013

Sheet No. 61 of 133 Sheets

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	5.1	<b>Meeting Date:</b>	April 27, 2026
<b>Agenda Section:</b>	Public Hearings	<b>Originating Department:</b>	Community Development, Rental and Business Licensing Division
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Megan Bookey, Program Assistant III
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Keith Jullie, Rental and Business Licensing Manager
<b>Item:</b>	Approve an On-Sale Wine License and 3.2 Malt Liquor License for Tolis Pupuseria LLC dba Tolis Pupuseria, Located at 8419 West Broadway North		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO APPROVE AN ON-SALE WINE LICENSE AND 3.2 MALT LIQUOR LICENSE FOR TOLIS PUPUSERIA LLC DBA TOLIS PUPUSERIA, LOCATED AT 8419 WEST BROADWAY NORTH.

## Overview:

This is a new On-Sale Wine License and 3.2 Malt Liquor License for Tolis Pupuseria LLC doing business as Tolis Pupuseria located at 8419 West Broadway North. Holding an on-sale wine license in conjunction with a 3.2 malt liquor license provides authorization to the business to serve wine and strong beer.

The Community Development Department has approved the application. The Police Department has completed their investigation of the restaurant owner. Tolis Pupuseria opened in August 2025, and the applicant holds the necessary food license for the business and meets the requirements to hold a beer and wine license.

The Community Development Department, Fire Department and Police Department find no reason that would preclude the issuance of this license. Their reports are on file in the Business and Rental Licensing Division and are available upon request.

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

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

## Attachments:

5.1A LIQUOR LICENSE LIST

<b>Business Name</b>	<b>Address</b>	<b>Business Type</b>	<b>On / Off Sale</b>	<b>Liquor Type</b>
AMOCO	8050 LAKELAND AVE N	Gas - Food	Off-sale	3.2
HOLIDAY STATIONSTORE	8500 EDINBURGH CTR DR N	Gas - Food	Off-sale	3.2
KWIK TRIP	9495 NOBLE PKWY N	Gas - Food	Off-sale	3.2
KWIK TRIP	5801 96TH AVE N	Gas - Food	Off-sale	3.2
NOBLE MOBIL	9500 NOBLE PKWY N	Gas - Food	Off-sale	3.2
SPEEDWAY	7601 JOLLY LN N	Gas - Food	Off-sale	3.2
SPEEDWAY	9300 ZANE AVE N	Gas - Food	Off-sale	3.2
CUB FOODS	9655 COLORADO LN N	Grocery	Off-sale	3.2
FESTIVAL FOODS	8535 EDINBURGH CTR DR N	Grocery	Off-sale	3.2
HY-VEE FOOD STORE	9409 ZANE AVE N	Grocery	Off-sale	3.2
BIG LIQUOR WAREHOUSE	8022 BROOKLYN BLVD N	Liquor Store	Off-sale	Full
BROOKLYN LIQUORS	6256 BOONE AVE N	Liquor Store	Off-sale	Full
BROOKLYN PARK LIQUOR BARREL	8520 EDINBURGH CTR DR N	Liquor Store	Off-sale	Full
CELLARS WINES & SPIRITS - BROOKLYN PARK	7944 BROOKLYN BLVD N	Liquor Store	Off-sale	Full
CITY LIQUOR	5716 BROOKDALE DR N	Liquor Store	Off-sale	Full
HY-VEE WINE & SPIRITS	9409 ZANE AVE N SUITE B	Liquor Store	Off-sale	Full
IKE'S WINE & SPIRITS	9682 COLORADO LN N	Liquor Store	Off-sale	Full
KELLY'S LIQUOR	3210 BROOKDALE DR N	Liquor Store	Off-sale	Full
PARK LIQUOR OUTLET	6315 ZANE AVE N	Liquor Store	Off-sale	Full
PIXIE LIQUOR	1512 BROOKDALE DR N	Liquor Store	Off-sale	Full
TM LIQUORS	9318 ZANE AVE N	Liquor Store	Off-sale	Full
UP NORTH LIQUOR	9570 NOBLE PKWY N	Liquor Store	Off-sale	Full
BOWLERO	7545 BROOKLYN BLVD N	Bowling Alley	On-sale	Full
HEAVY ROTATION BREWING	9801 XENIA AVE N	Brewery	On & Off sale	Brewery
PALMER LAKE VFW	2817 BROOKDALE DR N	Club	On-sale	Full
SKAALVENN DISTILLERY	8601 73RD AVE N #14	Distillery	On-sale	Distillery

<b>Business Name</b>	<b>Address</b>	<b>Business Type</b>	<b>On / Off Sale</b>	<b>Liquor Type</b>
BUASAVANH	7324 LAKELAND AVE N	Event Center	On-sale	Full
BROOKLAND EXECUTIVE NINE GOLF	8232 REGENT AVE N	Golf	On-sale	3.2
HAMPTON INN	9470 WEST BROADWAY N	Hotel	On-sale	3.2
MINNEAPOLIS MARRIOTT NORTHWEST	7025 NORTHLAND DR N	Hotel	On-sale	Full
BROADWAY PIZZA	8525 EDINBURGH CTR DR N	Restaurant	On-sale	Full
CAM'S BAR & EATERY	8517 63RD AVE N	Restaurant	On-sale	Full
DOS HERMANOS MEXICAN GRILL AND BAR	1408 85TH AVE N	Restaurant	On-sale	Full
HY-VEE MARKET GRILLE	9409 ZANE AVE N SUITE A	Restaurant	On-sale	Full
MAD JACKS SPORTS CAFE	8078 BROOKLYN BLVD N	Restaurant	On-sale	Full
MC'S TAP HOUSE	9690 COLORADO LN N	Restaurant	On-sale	Full
ORO BANQUET - BAR & RESTAURANT	2875 BROOKDALE DR N	Restaurant	On-sale	Full
PLUSH	8578 EDINBURGH CENTER DR N	Restaurant	On-sale	Full
REYES RESTAURANT BAR AND BREAKFAST	7901 BROOKLYN BLVD	Restaurant	On-sale	Full
SI SENOR KITCHEN	8582 EDINBURGH CTR DR N	Restaurant	On-sale	Full
SKY LOUNGE AND BISTRO	8515 EDINBURGH CTR DR N	Restaurant	On-sale	Full
THE TAVERN AT EDINBURGH	8700 EDINBROOK CROSSING N	Restaurant	On-sale	Full
TOKYO SUSHI ALL YOU CAN EAT	9750 SCHREIBER TER N	Restaurant	On-sale	Wine
<b>TOLIS PUPUSERIA</b>	<b>8419 WEST BROADWAY N</b>	<b>Restaurant</b>	<b>On-sale</b>	<b>Wine</b>

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	7.1	<b>Meeting Date:</b>	April 27, 2026
<b>Agenda Section:</b>	General Action Items	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Devin Montero, City Clerk; Jay Stroebe, City Manager
<b>Ordinance:</b>	SECOND READING		
<b>Attachments:</b>	6	<b>Presented By:</b>	Jay Stroebe, City Manager
<b>Item:</b>	SECOND READING of an Ordinance to Amend City Code Section 30.01 Mayor and Council Member Salaries		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND, \_\_\_\_\_, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2026-\_\_\_\_\_ AMENDING CITY CODE SECTION 30.01 MAYOR AND COUNCIL MEMBER SALARIES.

## Overview:

At the June 23, 2025, City Council meeting, the Charter Commission made a recommendation to the City Council regarding adjustments to mayor and council member salaries. The recommendations were based on a review of peer cities (see attachments 7.1B, C).

At the April 6, 2026, City Council work session, the City Council discussed the Charter Commission's recommendation. Based on that discussion a recommendation was made to keep council member compensation flat and adjust the mayoral compensation to \$50,000 starting January 1, 2027. This proposed increase in mayoral compensation reflects the substantial time commitment and responsibilities associated with serving in that role. The increase in compensation was also discussed as a means to reduce the financial barrier of individuals who may have an interest in running for mayor. In addition to the increased compensation, the Council reached a consensus to eliminate the \$50 supplemental compensation previously provided to the Mayor for attending municipal functions.

While not discussed at the April 6 work session, some peer cities also offer members of Council to participate in city health care plans. Brooklyn Park does not offer health coverage for members of the City Council. The total health premium costs range from a low of \$10,611 for single coverage to \$39,948 for family coverage. The city contribution for those low and high plans including an HRA/HSA contribution are \$10,611 and \$30,132, respectively. See the attached document for all plan options.

After further discussion at the April 13 City Council meeting, the City Council approved: 1) a proposed adjustment to the mayoral salary of \$50,000 annually, 2) eliminated the \$50 supplemental compensation for the mayoral role, and 3) in agreement with the Charter Commission, increased the council member salary by three percent. If approved, all these changes would go into effect January 1, 2027.

## Primary Issues/Alternatives to Consider:

If the Council desires to adjust the 2027 compensation for the Mayor and Council, the change needs to be approved prior to the next municipal election, which is scheduled for November 3, 2026.

Minnesota Statute 415.11, Subd. 2 states that, "No change in salary shall take effect until after the next succeeding municipal election." Amending the City Code of Ordinances would adjust the salary amounts for the next sitting City Council.

The last salary change for the Mayor and Council Members was approved in October 2022, which increased salaries for 2023 and 2024. If this code amendment is approved, the increases would be effective January 1, 2027.

The present salary for the Mayor is \$21,995 a year and the present salary for each Council Member is \$12,578 a year.

**Budgetary/Fiscal Issues:** Any additional Council-related compensation approved by the City Council would need to be incorporated into the 2027 budget.

**Attachments:**

- 7.1A ORDINANCE
- 7.1B LETTER FROM CHARTER COMMISSION
- 7.1C SALARY COMPARISON CHARTS
- 7.1D RESOLUTION #2026-04 AUTHORIZING SUPPLEMENTAL COMPENSATION
- 7.1E CITY CODE 30.01
- 7.1F HEALTH AND DENTAL INSURANCE COST OPTIONS

ORDINANCE #2026-

ORDINANCE AMENDING  
CITY CODE SECTION 30.01  
MAYOR AND COUNCIL  
MEMBER SALARIES

~~Text with strikeouts is proposed for deletion.~~

Text with underline is proposed for insertion.

The City of Brooklyn Park does ordain:

Section 1. Section 30.01 of the City Code is amended to read as follows:

§ 30.01 SALARY OF MAYOR AND COUNCIL MEMBERS.

(A) The monthly salary of each Council member shall be \$988.00 per month until January 1, 2023, at which time it shall be \$1,017.64 per month until January 1, 2024, at which time it shall be \$1,048.17 per month, until January 1, 2027 at which time it shall be \$1,079.61 per month, and the monthly salary for the Mayor shall be \$1,483.00 per month until January 1, 2023, at which time it shall be \$1,779.60 per month-until January 1, 2024, at which time it shall be \$1,832.99 per month until January 1, 2027 at which time it shall be \$4,166.66 per month.

(B) The salary schedule referred to in division (A) of this section is established on the basis that the offices of Mayor and Council member in this city are part-time positions. The Mayor and/or Council members are sometimes required to attend municipal functions or to take time from their regular employment to perform services beneficial to the city. Additional compensation is paid to the Mayor or Council members in those cases subject to the following conditions:

(1) The activity and number of days for which a Council member is to be engaged must be approved by the City Council prior to member's participation.

(2) ~~The Mayor and~~ A Council member will be paid \$50 per day as supplemental compensation for each day approved and for which the member is in attendance at the approved activity.

(C) The City Manager shall biennially prepare a compensation report that contains an analysis of the compensation paid to elected officials of the Minneapolis-St. Paul area metropolitan cities similar to the City of Brooklyn Park. The report shall be provided to the City Council for review.



To: City Manager Jay Stroebel  
From: Dennis Secara, Chair, Brooklyn Park Charter Commission  
Date: May 20, 2025  
Subject: Council Compensation

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

At the Charter Commission meeting on May 14, 2025, the Charter Commissioners and Budget Advisory Commissioners reviewed 2025 mayor and council member salary and compensation comparison data for various Twin Cities communities, as provided by the City Manager. Based on this information, the Charter Commission recommends that the City Council approve a 3% annual salary increase for council members from \$12,578.04 to \$12,995.38 in 2027 and a 5% increase for the mayor from \$21,995.88 to \$23,099.67 in 2027. Per statute, if approved by the City Council before the November 2026 general election, these increases would take effect in January 2027.

Upon reviewing compensation data, the Commissioners observed a salary disparity between the mayors of Brooklyn Park and Bloomington. The Mayor of Bloomington receives an annual salary of \$26,400, while the Mayor of Brooklyn Park earns \$21,996. Given the cities' comparable population sizes—89,298 in Bloomington and 86,478 in Brooklyn Park—the Commissioners concluded that the Mayor of Brooklyn Park should receive a salary more in line with, though not exceeding, that of Bloomington's mayor. They also acknowledged the growing demands of the mayoral role, the unique responsibilities it entails, and the significant level of commitment required to serve Brooklyn Park residents.

The Commissioners also noted that in 2022, the city council approved a 20% salary increase for the mayor, while the council members were approved for a 3% increase to align with inflationary trends. These increases took effect on January 1, 2023, and January 1, 2024, respectively.

The Commissioners also requested that the City Council consider the \$50-per-day supplemental compensation allowed for the mayor and council members for approved activities. The mayor is frequently called to testify during legislative sessions or invited to speak at community-related events, often without sufficient time to obtain prior council approval. In such cases, the mayor should be eligible for compensation, with the activities reviewed and approved at the next council meeting.

If requested, I'd be happy to present this recommendation to the city council.

A full text of the charter commission's deliberations is available in the minutes for the April 9 and May 14, 2025 meetings.

Sincerely, -

A handwritten signature in black ink that reads "Dennis Secara".

Dennis Secara, Chair  
Brooklyn Park Charter Commission

Attachment: Mayor and Council Member Salary Comparison Data (2025)

cc: Charter Commission Members  
City Attorney

### Mayor and Council Member Salary Comparison Data (2025)

Form of Government	Organization	Population	Number of Full Time Employees	Total Budget	Number of Council Members	Member Annual Base Salary	Mayor Annual Base Salary	Medical
Statutory B Council MGR	Apple Valley	56,374	210	\$39,524,000	4	\$ 11,340	\$ 15,840	Offered - Same Benefits
Council/Mgr	Blaine	73,774	228	\$39,547,492	6	\$ 13,462	\$ 18,315	Not Offered
Council/Mgr	Bloomington	89,298	618	\$190,549,193	6	\$ 12,396	\$ 26,400	Offered - Same Benefits
Council/Mgr	Brooklyn Park	86,478	384	\$121,500,000	6	\$ 12,578	\$ 21,996	N/A
Statutory B	Burnsville	61,693	266	\$100,568,108	4	\$ 18,000	\$ 24,000	Offered - Same Benefits
Charter Council Mgr	Coon Rapids	63,599	242	\$78,466,766	6	\$ 10,500	\$ 14,000	Not Offered
Council/Mgr	Eden Prairie	64,400	280	\$85,715,538	4	\$ 14,136	\$ 18,260	N/A
Statutory B Council MGR	Edina	52,437	342	\$211,679,069	5	\$ 14,072	\$ 17,689	N/A
Plan A	Lakeville	75,217	261	\$138,515,004	4	\$ 10,000	\$ 15,000	Not Offered
Mayor Council	Maple Grove	70,253	294	\$52,331,800	5	\$ 15,100	\$ 17,400	Offered - Unique Benefits
Executive Mayor Legislative Council	Minneapolis (FT)	422,331	3,250	\$1,700,000,000	13	\$ 109,847	\$ 140,814	Offered - Same Benefits
Council/Mgr	Mnetonka	54,474	233	2025 Budet for all funds is \$126,794,661; General Fund is only \$55,298,661	6	\$ 18,000	\$ 23,500	N/A
Council/Mgr	Plymouth	81,000	331	\$99,090,160	6	\$ 13,409	\$ 21,148	N/A
Strong Mayor	St. Paul (FT)	303,820	3,218	\$897,066,202	7	\$ 76,794	\$ 153,587	Offered - Same Benefits
Weak Mayor; Mayor Council	Woodbury	78,920	293	\$101,048,209	4	\$ 12,726	\$ 17,681	Offered - Unique Benefits
Strong Mayor	Duluth	86,619			10	\$ 29,900	\$ 97,500	
Mayor Council	Rochester	122,191			7	\$ 55,840	\$ 83,760	
Mayor Council	St. Cloud	69,568	475	\$89,808,200	7	\$ 12,500	\$ 50,000	mayor-medical; council -no
Council/Mgr	Mankato	46,130	283	166,778,247	7	12,316	24,632	

\*Note: Data collected from League of MN Cities Survey Report. Some cities may not have updated data in 2025.

<b>NOTES:</b>																			
APPLE VALLEY-2026-Mayor \$16,632; Council Member \$11,904; FTEs-If you include our enterprise accounts (liquor, golf, sports arena, utilities), then it's about 273; Mayor/Council Member also receives \$50/month technology stipend																			
<b>BLAINE</b> -Dental offered as well: Single Annual - \$496.80; Family Annual - \$1477.44																			
<b>BROOKLYN PARK</b> -\$50 Compensation for attending approved functions																			
COON RAPIDS-At Large-\$12,250																			
<b>LAKEVILLE</b> -\$25 Meeting Fee \$25 per committee meeting and Inter-agency assignments																			
<b>MAPLE GROVE</b> -Deferred Compensation, PERA contribution, Health Care Savings Plan																			
<b>MINNETONKA</b> -Complimentary (taxable) Fitness Club Membership																			
50.6M Total Budget?																			
<b>DULUTH</b> -\$45.00/month parking per CBA; \$184.62/pay (\$4800/year) vehicle allowance																			
<b>ROCHESTER</b> -Mileage allowance (\$213/month) and Phone Reimbursement (\$78/month)																			
<b>ST CLOUD</b> -Mayor-CAR ALLOWANCE																			

RESOLUTION #2026-04

RESOLUTION AUTHORIZING SUPPLEMENTAL COMPENSATION FOR  
MAYOR AND COUNCIL MEMBERS WHO ATTEND APPROVED MUNICIPAL FUNCTIONS

WHEREAS, Section 30.01 of the City Code states:

The Mayor and/or Council Members are sometimes required to attend municipal functions or to take time from their regular employment to perform services beneficial to the City. Additional compensation may be paid to the Mayor or Council Members in those cases subject to the following conditions:

1. The activity and number of days for which a Council Member is to be engaged must be approved by the City Council prior to member's participation.
2. The Mayor and Council member will be paid \$50 per day as supplemental compensation for each day approved and for which the member is in attendance at the approved activity.

Historically, many Council members have elected to not receive the additional supplemental compensation, and therefore this supplemental compensation payment option will be made known to Council members but will be provided only upon request.

NOW, THEREFORE, BE IT RESOLVED that upon request, the Mayor and Council Members can receive supplemental compensation of \$50 per day, in addition to reimbursement for expenses incurred consistent with the City Travel for Council policy for approved professional development activities. If travel is required outside of Minnesota, an additional two days of supplemental compensation can be requested.

The foregoing resolution was introduced by Council Member Klonowski and duly seconded by Council Member McGarvey.

The following voted in favor of the resolution: Eriksen, Xiong, Klonowski, Page, McGarvey, Tran, and Winston.

The following voted against: None.

The following were absent: None.

The following abstained: None.

Where upon the resolution was adopted.

ADOPTED January 5, 2026

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HOLLIES WINSTON, MAYOR

CERTIFICATE

STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
CITY OF BROOKLYN PARK

I, the undersigned, being the duly qualified City Clerk of the City of Brooklyn Park, Minnesota, hereby certify that the above resolution is a true and correct copy of the resolution as adopted by the City Council of the City of Brooklyn Park on January 5, 2026.

WITNESS my hand officially as such Clerk and the corporate seal of the city this 6<sup>th</sup> day of January 2026.

(SEAL)

DEVIN MONTERO, CITY CLERK

**GENERAL PROVISIONS****§ 30.01 SALARY OF MAYOR AND COUNCIL MEMBERS.**

(A) The monthly salary of each Council member shall be \$988.00 per month until January 1, 2023, at which time it shall be \$1,017.64 per month until January 1, 2024, at which time it shall be \$1,048.17 per month, and the monthly salary for the Mayor shall be \$1,483.00 per month until January 1, 2023, at which time it shall be \$1,779.60 per month until January 1, 2024, at which time it shall be \$1,832.99 per month.

(B) The salary schedule referred to in division (A) of this section is established on the basis that the offices of Mayor and Council member in this city are part-time positions. The Mayor and/or Council members are sometimes required to attend municipal functions or to take time from their regular employment to perform services beneficial to the city. Additional compensation is paid to the Mayor or Council members in those cases subject to the following conditions:

(1) The activity and number of days for which a Council member is to be engaged must be approved by the City Council prior to member's participation.

(2) The Mayor and Council member will be paid \$50 per day as supplemental compensation for each day approved and for which the member is in attendance at the approved activity.

(C) The City Manager shall biennially prepare a compensation report that contains an analysis of the compensation paid to elected officials of the Minneapolis-St. Paul area metropolitan cities similar to the City of Brooklyn Park. The report shall be provided to the City Council for review.

('72 Code, § 115:00) (Am. Ord. 1996-817, passed 5-13-96; Am. Ord. 1998-880, passed 5-11-98; Am. Ord. 2000-923, passed 4-10-00; Am. Ord. 2002-976, passed 6-10-02; Am. Ord. 2006-1054, passed 1-23-06; Am. Ord. 2018-1233, passed 7-9-18; Am. Ord. 2022-1283, passed 10-24-22)

2026 Health and Dental Insurance Costs				
Health Insurance Employee Only				
HealthPlan Single Deductible \$3,400	Total Monthly Medical Premium Cost	Monthly City Health Insurance Contribution	City Monthly Health Savings Account (HSA) Contribution	Monthly Employee Health Insurance Contribution
HSA Open Access	\$1,040.31	\$936.26	\$125.00	\$104.05
HSA Achieve	\$977.89	\$927.89	\$125.00	\$50.00
HSA Select	\$884.27	\$884.27	\$125.00	\$0.00

Health Insurance Employee + One				
HealthPlan Single/Family Deductible \$3,400/\$6,800	Total Monthly Medical Premium Cost	Monthly City Health Insurance Contribution	City Monthly Health Savings Account (HSA) Contribution	Monthly Employee Health Insurance Contribution
HSA Open Access	\$2,184.64	\$1,749.15	\$125.00	\$435.49
HSA Achieve	\$2,053.57	\$1,713.78	\$125.00	\$339.79
HSA Select	\$1,856.95	\$1,715.00	\$125.00	\$141.95

Health Insurance Family				
Health Plan Single/Family Deductible \$3,400/\$6,800	Total Monthly Medical Premium Cost	Monthly City Health Insurance Contribution	City Monthly Health Savings Account (HSA) Contribution	Monthly Employee Health Insurance Contribution
HSA Open Access	\$3,328.98	\$2,511.03	\$125.00	\$817.95
HSA Achieve	\$3,129.24	\$2,490.11	\$125.00	\$639.13
HSA Select	\$2,829.63	\$2,500.00	\$125.00	\$329.63

Dental Insurance		
Dental Plan	Dental Coverage	Month Employee Dental Premium
Base	Employee Only	\$31.00
Base	Employee + Spouse	\$47.00
Base	Employee + Child(ren)	\$85.00
Base	Family	\$102.00
Buy Up	Employee Only	\$39.00
Buy Up	Employee + Spouse	\$69.00
Buy Up	Employee + Child(ren)	\$109.00
Buy Up	Family	\$139.00

Health Insurance eligibility: minimum 30 hours per week

Dental Insurance eligibility: minimum 40 hours per week

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	7.2	<b>Meeting Date:</b>	April 27, 2026
<b>Agenda Section:</b>	General Action Items	<b>Originating Department:</b>	Community Development
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Cara Donovan, Senior Planner; Erin McDermott, Senior Planner
<b>Ordinance:</b>	FIRST READING		
<b>Attachments:</b>	2	<b>Presented By:</b>	Tim Gladhill, Community Development Director
<b>Item:</b>	Third Reenactment of Emergency Ordinance Requiring 30-days' Notice to Tenants Prior to Initiating Eviction Actions		

## City Manager's Proposed Action:

*The following motion is offered as an option for the City Council to consider. The City Council has previously expressed a desire to limit the scope and duration of this emergency protection. On April 13, Staff committed to providing the City Council the option to review current conditions and make a decision to allow to expire or extend for another two weeks to May 14, 2026. The City Council has the alternative to take no action and the existing emergency ordinance will naturally expire on April 30.*

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT ON FIRST READING ORDINANCE 2026-\_\_\_\_\_ ADOPTING AN EMERGENCY ORDINANCE REENACTING RESIDENTIAL TENANT NOTIFICATION 30-DAYS PRIOR TO INITIATING EVICTION ACTION FOR NON-PAYMENT OF RENT OR OTHER FINANCIAL OBLIGATIONS.

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO WAIVE THE READING AND ADOPT ON FIRST READING ORDINANCE 2026-\_\_\_\_\_ ADOPTING AN EMERGENCY ORDINANCE REENACTING NONRESIDENTIAL TENANT NOTIFICATION 30-DAYS PRIOR TO INITIATING EVICTION ACTION FOR NON-PAYMENT OF RENT OR OTHER FINANCIAL OBLIGATIONS.

## Overview:

### Update:

At the February 17, 2026, City Council Special Meeting, City Council adopted two emergency ordinances requiring 30-days' notice to tenants prior to initiating eviction actions. Emergency ordinances provide pre-eviction notices for residential and non-residential tenants. The regulations in the emergency ordinance were reenacted on March 16 and again on April 13. The ordinances currently in effect will expire on April 30.

The emergency ordinances are enacted to address the emergency situation declared on February 17 and restated and redeclared on March 16 and April 13, 2026. If the emergency still exists, the Council may reenact an emergency ordinance to address the emergency. At the March 16, 2026, Special City Council Meeting extending the Emergency Ordinance, the City Council expressed a desire to keep said Emergency Ordinance limited in time and narrow in scope. A key provision of the extension was additional time to launch the City's EDA Emergency Assistance Programs. Those programs have since been launched in addition to leveraging additional funding opportunities. Of note, the City/EDA is working with Hennepin County to leverage their completed application process.

While Staff believes that there will be some delayed economic impacts of Federal Immigration Enforcement, it is ultimately up to the City Council if it desires to extend these additional eviction protections.

### Residential Pre-Eviction Notification

Effective Jan. 1, 2024, a new [state law requires](#) (*Minn. Stat. § 504B.321 (2024)*) all landlords in Minnesota to issue a 14-day written notice before filing evictions for non-payment of rent.

The proposed emergency ordinance extension expands the protections by requiring a 30-day notice to renters before a landlord files for eviction for non-payment of rent or other financial obligations. Landlords are required to provide the residential tenant(s) with a pre-eviction notice form prepared by the City 30 days before initiating an eviction action for non-payment of rent or other financial obligations.

Landlords are required to comply with the Brooklyn Park emergency ordinance and Minnesota State Statute [504B.321](#).

### Commercial Pre-Eviction Notification

At the February 9, 2026 City Council Regular Meeting, it was proposed that eviction protections be included for commercial tenants in the City of Brooklyn Park. There is currently no notification period required for commercial tenants listed in the Code. The proposed emergency ordinance extension requires notification for commercial tenants is consistent with the notification period of 30 days for residential tenants.

### Primary Issues/Alternatives to Consider:

- What ordinances are proposed?

In order to address short-term protections two emergency ordinances were adopted and reenacted twice to address residential and commercial notification. The residential and commercial pre-eviction notification ordinances are in effect until April 30, 2026. The proposed emergency ordinances would extend protections until May 14, 2026.

An emergency ordinance allows for the immediate preservation of the public peace, health, morals, safety, or welfare during an emergency. In order to provide protections for renters during federal immigration enforcement efforts residential and commercial emergency ordinances are provided for consideration. Emergency ordinances only require one reading. If adopted, the emergency ordinances would be in effect immediately upon adoption. Emergency ordinances are automatically repealed thirty (30) days following the date of adoption. In this case, the ordinances are written to expire on May 14, 2026.

- What are the components of the proposed actions?

Properties Affected	The requirement to deliver a 30-day notice to renters before filing for eviction would be applicable to all rental properties in Brooklyn Park.
Tenant Notification Period	The pre-eviction notice form must be delivered to the tenant at least 30 days before bringing an eviction action.
Notice Requirements	The property management team or landlord would be required to provide a written document entitled "Pre-Eviction Notice" and shall at a minimum include: <ul style="list-style-type: none"> <li>a) The following advisory in English, Hmong, and Spanish: "This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a translation from your landlord." Upon request, the landlord must provide the entire notice in the required language.</li> </ul>

	<p>b) The name, mailing address, and telephone number of the person authorized to receive rent and fees on behalf of the landlord.</p> <p>c) The total amount of money due and owing to the landlord by the tenant including specific accounting of the money due and owing to the landlord by the tenant, including any past due rents, any late fees, and any other charges.</p> <p>d) State that the landlord may file an eviction case if the tenant fails to pay the total amount due or move out within 30 days from the date the notice was delivered, and such dates must be included in the notice.</p> <p>e) Include the following statement: "If you need legal or financial help you may contact the resources listed in this pre-eviction notice."</p> <p>f) Provide a description of how to access legal and financial assistance.</p> <p>At a minimum, the landlord shall deliver the pre-eviction notice personally or by first-class mail to the address of the housing unit.</p>
Penalty	Failure to comply may result in adverse license actions, the imposition of administrative fines, or other penalties as provided in law.
Tenant Complaints	Tenants may submit a notice of violation to the City to aid the City in determining whether to impose an administrative penalty. The City is not required to take action.

After adoption of the emergency ordinances in February and March, staff developed a template pre-eviction notice, sent emails, including to property management teams and community organizations, social media posts were shared, and the City's website was updated:

- <https://www.brooklynpark.org/housing/renting/>
- <https://www.brooklynpark.org/businesses/business-financing-and-resources/>

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

No direct budgetary impacts are anticipated, but this ordinance will require some administration activities by staff including eviction monitoring, follow-up on violations, and owner and tenant education about the program.

**Attachments:**

- 7.2A RESIDENTIAL PRE-EVICTION EMERGENCY ORDINANCE  
7.2B NONRESIDENTIAL PRE-EVICTION EMERGENCY ORDINANCE

ORDINANCE #2026-  
EMERGENCY ORDINANCE

AN EMERGENCY ORDINANCE TO REQUIRE RESIDENTIAL TENANT NOTIFICATION 30-DAYS PRIOR TO INITIATING EVICTION ACTION FOR NON-PAYMENT OF RENT OR OTHER FINANCIAL OBLIGATIONS.

The City of Brooklyn Park does ordain:

SECTION 1. PREAMBLE, PURPOSE, AND INTENT

On February 17, 2026, the Brooklyn Park City Council adopted Ordinance No. 2026-1323 and on March 16, 2026 adopted Ordinance No. 2026-1326 and on April 13 adopted Ordinance N. 2026-1328 each of which is titled AN EMERGENCY ORDINANCE TO REQUIRE RESIDENTIAL TENANT NOTIFICATION 30-DAYS PRIOR TO INITIATING EVICTION ACTION FOR NON-PAYMENT OF RENT OR OTHER FINANCIAL OBLIGATIONS. Pursuant to Brooklyn Park City Charter, Section 3.06, an emergency ordinance shall automatically stand repealed as of the 30th day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance if the emergency still exists. The City Council defines and declares the emergency existing on February 17, 2026 and March 16, 2026 and April 13, 2026, still exists and restates the preamble from Ordinance 2026-1323 and Ordinance 2026-1326 and Ordinance 2026-1328 and reenacts the provisions of Ordinance 2026-1323 and Ordinance 2026-1326 and Ordinance 2026-1328 as provided in this emergency ordinance.

Operation Metro Surge, initiated in December 2025, is a deployment of federal immigration enforcement agents from numerous agencies of the U.S. Department of Homeland Security to the State of Minnesota, including into the City of Brooklyn Park. The operation has created economic hardships in the community. This emergency ordinance is adopted in response to the emergency and in accordance with Section 3.06 of the City Charter to protect the public peace, health, morals, safety and welfare of residents.

SECTION 2. FINDINGS

- 2.01 Operation Metro Surge has resulted in some Brooklyn Park business owners temporarily closing businesses, employees unable to safely work, and residents falling behind on rent.
- 2.02 In recognition of the economic impacts caused by Operation Metro Surge neighboring communities have allocated funding for rental assistance to prevent evictions. The City of Brooklyn Park is considering a similar program. This emergency ordinance is similarly intended to address eviction concerns.

SECTION 3. 30-DAY PRE-EVICTION NOTICE

- 3.01 "Dwelling" has the same meaning as contained in Section 117.42 of the Brooklyn Park City Code.
- 3.02 At least 30 days before bringing an eviction action alleging nonpayment of rent or other unpaid financial obligations relating to the occupancy of a dwelling, a landlord must provide written pre-eviction notice to the tenant specifying the basis for future eviction

action. The pre-eviction notice must be titled "**PRE-EVICTION NOTICE**" and must contain at least the following information:

- (1) The following statement in English, Hmong, and Spanish: "This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a translation from your landlord." Upon request, the landlord must provide the entire notice in the required language.
  - (2) The name, mailing address, and telephone number of the person authorized to receive rent and fees on behalf of the landlord.
  - (3) The total amount of money due and owing to the landlord by the tenant including an accounting of all past due rents, late fees, and any other charges.
  - (4) State that the landlord may file an eviction case if the tenant fails to pay the total amount due or move out of the dwelling within 30 days after the notice was delivered, and such dates must be included in the notice.
  - (5) Include the following statement: "If you need legal or financial help you may contact the resources listed in this pre-eviction notice."
  - (6) Provide a description of how to access legal and financial assistance through information posted on the city's website.
- 3.03 If the tenant fails to either cure the rent delinquency or financial discrepancy or fails to vacate the premises within 30 days after the pre-eviction notice is delivered by the landlord, the landlord may bring an eviction action under Minn. Stat. § 504B.321. subdivision 1 based on nonpayment of rent.
- 3.04 The landlord shall deliver the notice required by this section personally or by first-class mail to the address of the dwelling.
- 3.05 In addition to any other remedy available at equity or law, failure to comply with the provisions of this subsection may result in adverse rental license actions, the imposition of administrative fines, or other penalties as provided in law.
- 3.06 The parties to a written or oral lease of a dwelling must not waive or modify the requirements imposed by this section. Any such waiver provision is invalid and unenforceable.

#### SECTION 4. PENALTY

- 4.01 A violation of this Ordinance is an administrative offense that may be subject to an administrative citation and civil penalties as provided in Section 117.52 of the Brooklyn Park City Code.
- 4.02 A violation of this Ordinance shall constitute a separate offense for each affected dwelling.
- 4.03 Within 30 days after a landlord pays the civil penalty, the city shall pay that amount to the affected tenant.

#### SECTION 5. ENFORCEMENT

- 5.01 This emergency ordinance supersedes inconsistent or conflicting provisions of the City Code and any resolution or ordinance while this emergency ordinance remains in effect.

SECTION 6. EFFECTIVE DATE

- 6.01 This uncodified emergency ordinance adopted pursuant to the Brooklyn Park City Charter Section 3.06, shall take effect when adopted.
- 6.02 The effective and repeal dates of Ordinance 2026-132 do not impact the effective and repeal dates of this emergency ordinance.
- 6.03 Unless reenacted this uncodified emergency ordinance pursuant to the Brooklyn Park City Charter Section 3.06, shall be repealed as of May 14, 2026.

ORDINANCE #2026-  
EMERGENCY ORDINANCE

AN EMERGENCY ORDINANCE TO REQUIRE NON-RESIDENTIAL TENANT NOTIFICATION  
30-DAYS PRIOR TO INITIATING EVICTION ACTION FOR NON-PAYMENT OF RENT OR  
OTHER FINANCIAL OBLIGATIONS.

The City of Brooklyn Park does ordain:

SECTION 1. PREAMBLE, PURPOSE, AND INTENT

On February 17, 2026, the Brooklyn Park City Council adopted Ordinance No. 2026-1324 and on March 16, 2026 adopted Ordinance No. 2026-1327 and on April 13, 2026 adopted Ordinance No. 2026-1329 each of which is titled AN EMERGENCY ORDINANCE TO REQUIRE NON-RESIDENTIAL TENANT NOTIFICATION 30-DAYS PRIOR TO INITIATING EVICTION ACTION FOR NON-PAYMENT OF RENT OR OTHER FINANCIAL OBLIGATIONS. Pursuant to Brooklyn Park City Charter, Section 3.06, an emergency ordinance shall automatically stand repealed as of the 30th day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance if the emergency still exists. The City Council defines and declares the emergency existing on February 17, 2026 and March 16, 2026, and April 13, 2026, still exists and restates the preamble from Ordinance 2026-1324 and Ordinance 2026-1327 and Ordinance 2026-1329 and reenacts the provisions of Ordinance 2026-1324 and Ordinance 2026-1327 and Ordinance 2026-1329 as provided in this emergency ordinance.

Operation Metro Surge, initiated in December 2025, is a deployment of federal immigration enforcement agents from numerous agencies of the U.S. Department of Homeland Security to the State of Minnesota, including into the City of Brooklyn Park. The operation has created economic hardships in the community. This emergency ordinance is adopted in response to the emergency and in accordance with Section 3.06 of the City Charter to protect the public peace, health, morals, safety and welfare of residents.

SECTION 2. FINDINGS

- 2.01 Operation Metro Surge has resulted in some Brooklyn Park business owners temporarily closing businesses, employees unable to safely work, and residents falling behind on rent.
- 2.02 In recognition of the economic impacts caused by Operation Metro Surge neighboring communities have allocated funding for rental assistance to prevent evictions. The City of Brooklyn Park is considering a similar program. This emergency ordinance is similarly intended to address eviction concerns.

SECTION 3. 30-DAY PRE-EVICTION NOTICE

- 3.01 At least 30 days before bringing an eviction action alleging nonpayment of rent or other unpaid financial obligations relating to the occupancy of non-residential space, a landlord must provide written pre-eviction notice to the tenant specifying the basis for future eviction action. The pre-eviction notice must be titled "**PRE-EVICTION NOTICE**" and must contain at least the following information:

- (1) The following statement in English, Hmong, and Spanish: "This is important information. If you do not understand it, have someone translate it for you now, or

request a translation from your landlord.” Upon request, the landlord must provide the entire notice in the required language.

- (2) The name, mailing address, and telephone number of the person authorized to receive rent and fees on behalf of the landlord.
  - (3) The total amount of money due and owing to the landlord by the tenant including an accounting of all past due rents, late fees, and any other charges.
  - (4) State that the landlord may file an eviction case if the tenant fails to pay the total amount due or move out of the rental space 30 days after the notice was delivered, and such dates must be included in the notice.
  - (5) Include the following statement: “If you need legal or financial help you may contact the resources listed in this pre-eviction notice.”
  - (6) Provide a description of how to access legal and financial assistance through information posted on the city’s website.
- 3.02 If the tenant fails to either cure the rent delinquency or financial discrepancy or fails to vacate the premises within 30 days after the pre-eviction notice is delivered by the landlord, the landlord may bring an eviction action under Minn. Stat. § 504B.321, subdivision 1 based on nonpayment of rent.
- 3.03 The landlord shall deliver the notice required by this section personally or by first-class mail to the address of the dwelling.
- 3.04 In addition to any other remedy available at equity or law, failure to comply with the provisions of this subsection may result in the imposition of administrative fines, or other penalties as provided in law.
- 3.05 The parties to a written or oral lease of non-residential rental space must not waive or modify the requirements imposed by this section. Any such waiver provision is invalid and unenforceable.

#### SECTION 4. PENALTY

- 4.01 A violation of this Ordinance is an administrative offense that may be subject to an administrative citation and civil penalties as provided in Section 117.52 of the Brooklyn Park City Code.
- 4.02 A violation of this Ordinance shall constitute a separate offense for each affected non-residential rental space.
- 4.03 Within 30 days after a landlord pays the civil penalty, the city shall pay that amount to the affected tenant.

#### SECTION 5. ENFORCEMENT

- 5.01 This emergency ordinance supersedes inconsistent or conflicting provisions of the City Code and any resolution or ordinance while this emergency ordinance remains in effect.

#### SECTION 6. EFFECTIVE DATE

- 6.01 This uncodified emergency ordinance adopted pursuant to the Brooklyn Park City Charter Section 3.06, shall take effect when adopted.
- 6.02 The effective and repeal dates of Ordinance 2026-1329 do not impact the effective and repeal dates of this emergency ordinance.
- 6.03 Unless reenacted this uncodified emergency ordinance pursuant to the Brooklyn Park City Charter Section 3.06, shall be repealed as of May 14, 2026.