

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

REGULAR SESSION
JANUARY 10, 2022
VIA ZOOM

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Mike Elliott at 6:51 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present. Also present were City Manager Reggie Edwards, City Engineer Mike Albers, Community Development Director Meg Beekman, Planner, Zoning Administrator Ginny McIntosh, City Clerk Barb Suci, and City Attorney Troy Gilchrist.

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

Melissa C. wished everyone a Happy New Year and noted her hope that 2022 would be a year of healing for the City. Last year Melissa C. brought up a concern that the City spent money to get snowshoes for community events. The purchase was not communicated to the community, so the snowshoes were only used twice. She stated it was a waste of taxpayer money. The goal of the community events should be to get as many people as possible to participate.

Melissa C. recently looked up opportunities for her and her family to snowshoe. The City's Facebook page shows a few winter events, but it does not specify snowshoe activities. Melissa C. noted Minneapolis has also done a poor job marketing their snowshoes. That morning, the City's Facebook page showed the snowshoe event was canceled due to weather. However, that was the first time she had heard about the event. She commented on the Facebook post that it would have been nice to know about the event before it was canceled. Melissa C. stated she had to scroll to the middle of December to see that the snowshoe event was only posted about once.

Melissa C. explained she has emailed every City Councilmember about her concerns regarding the City's communication. The Facebook posts are difficult to find, and the City website is difficult to navigate. It takes several clicks and sorting through documents to find information about snowshoeing. If someone does not know the City even offers events with snowshoes, there is no way they would find that information.

Melissa C. stated the City is wasting taxpayer money by hosting events without communicating about them. The City could also promote the events through Facebook ads with only a few dollars.

People that are subscribed to the page want to hear the information about events. Melissa C. added that she asked two Parks and Recreation Commissioners about the snowshoe events, and they didn't know about the events.

Melissa C. stated she has lived in Minnesota for 30 years, and the first time she was able to use snowshoes was last year. She wants all of her neighbors to know about the events and access the City resources. She asked the City to show some accountability.

Alfreda D. noted her appreciation for community members and City Manager Reggie Edwards for the work that was put in before the Kim Potter trial. Alfreda D. stated last year she asked for the Council to look into accountability processes for how they engage with community members at the meetings. The City has asked the community to engage for several years. Alfreda D. explained she has been one of the people to recruit people to attend the meetings, and her interactions with City Council have been less than comfortable. She noted she has seen progress, but she would like to see the progress in policy. Additionally, she has not received an update about her request.

Mayor Elliott stated the Council has not taken up the issue, but it will be on their agenda soon. He noted the issue is important to address, and the Council must be held accountable for how they are dealing with members of the public. He explained there have been other issues that have come up that have been more pressing. Mayor Elliott thanked Alfreda D. for her comments.

Councilmember Graves moved and Mayor Elliott seconded to close the Informal Open Forum at 6:06 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Lawrence-Anderson noted Martin Luther King Jr. Day will be observed the following Monday. She read a quote of his, "I believe that unarmed truth and unconditional love will have the final word in reality. This is why right, temporarily defeated, is stronger than evil triumphant." She noted the City offices will be closed.

Mayor Elliott thanked Councilmember Lawrence-Anderson for the quote and asked her to share it with the Council via email.

3. CALL TO ORDER REGULAR BUSINESS MEETING

Mayor Elliott stated he would like to introduce the new Project Manager under agenda item 7. Presentations/Proclamations/Recognitions/Donations to become item 7a. Introduction of Project Manager. Hearing no objection, City Clerk Barb Suci added the item to the agenda.

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 7:10 p.m.

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present. Also present were City Manager Reggie Edwards, City Engineer Mike Albers, Community Development Director Meg Beekman, Planner, Zoning Administrator Ginny McIntosh, City Clerk Barb Suci, and City Attorney Troy Gilchrist.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Mayor Elliott noted he added agenda item 7a. Introduction of Project Manager to 7. Presentations/Proclamations/Recognitions/Donations. He asked if there were more changes to the agenda. Ms. Suci noted there was a clarification about the continuation of appointments. Mayor Elliott added Councilmember Lawrence-Anderson requested a slight wording change to one set of minutes.

Mayor Elliott moved and Councilmember Lawrence-Anderson seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the Regular Session minutes of December 13, 2021, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. December 2, 2021 – Special Session Meeting
2. December 6, 2021 – Special Session Meeting
3. December 9, 2021 – Special Session Meeting
4. December 13, 2021 – Study Session Meeting
5. December 13, 2021 – Regular Session Meeting

6b. LICENSES

GASOLINE SERVICE STATIONS

Boulevard Enterprises	5300 Dupont Avenue North
DBA Christy's Auto Service	Brooklyn Center, MN 55430

LIQUOR LICENSE ON-SALE INTOXICATING

Irie Vybz Jamaican Restaurant	6056 Shingle Creek Parkway
	Brooklyn Center, MN 55430

LIQUOR LICENSE ON-SALE INTOXICATING SUNDAY

Irie Vybz Jamaican Restaurant	6056 Shingle Creek Parkway
	Brooklyn Center, MN 55430

MECHANICAL

BNC Heating & Cooling LLC	22600 County Road 30
	Rogers, MN 55374

GR Mechanical

12401 Ironwood Circle
Rogers, MN 55374

Sowada & Barna

PLBG PO Box 188
Cedar, MN 55024

Yale Mechanical

220 W 81st St
Bloomington, MN 55420

TOBACCO-RELATED PRODUCTS

Royal Tobacco

5625 Xerxes Avenue North
Brooklyn Center, MN 55430

RENTAL

INITIAL (TYPE IV – six-month license)
7225 Kyle Avenue North

Onyeka Oakwe / Bikona Ontime
Services

7124 West River Road

Segun Olatayo

INITIAL (TYPE III – one-year license)
2818 Nash Road

JamiBran Home Health / Tom Eyong

INITIAL (TYPE II – two-year license)
2401 54th Avenue North

Mike Tulkki

5340 Russell Avenue North

Cloeshette King Torbah

6413 Toledo Avenue North

SFR Acquisitions / Raquel Morales

RENEWAL (TYPE IV – six-month license)
6825 Noble Avenue North

Robert Gardner Jr.

4309 63rd Avenue North

Nathan Erickson / Azingo LLC

5301 Logan Avenue North

MNSF II W1 LLC / Michael Atwood

7049 Regent Avenue North

Home SFR Borrower / Scott Beck

RENEWAL (TYPE III – one-year license)
3807 61st Avenue North

IH3 Property IL / Mai Thao

3612 Commodore Drive

Invitation Homes / Mai Thao

RENEWAL (TYPE II – two-year license)

5447 4th Street North	Prosperous Property / Xian Lin
3501 72nd Avenue North	Chen Zhou / Cosco Property I
501 Bellvue Lanue	Zoe & Bret Hildreth / Dragon Property Mgt
6626 Camden Drive	Xifeng Zhang
5410 Girard Avenue North	Douglas Wahl / Cel Monton
7136 Halifax Avenue North	Cynthia & David Lehrner-Smith
5024 Lilac Drive North	Melanie Tapelt & Carlos Balibrera
<i>RENEWAL (TYPE I – three-year license)</i>	
5001 Ewing Avenue North	Mary Ann Neil / Bartholomew F Dabrowski
3000 62nd Avenue North	Daniel & Susan Soffa
5856 Dupont Avenue North	Jack Froelke & Jessica Gianina Froelke
5415B Girard Avenue North	Vinson Carlson / Carls Cache
5800 Girard Avenue North	Cassia N & Todd C Bardal
4201 Lakeside Avenue North #117	Becca Jones / Jacqueline M Landerd
6718 Scott Avenue North	IH3 Property IL / Mai Thao

6c. RESOLUTION NO. 2022-01 DESIGNATING OFFICIAL NEWSPAPER

**6d. RESOLUTION NO. 2022-02 DECLARING COMMITMENT TO THE
BROOKLYN CENTER CITY CHARTER**

**6e. RESOLUTION NO. 2022-03 RECOGNIZING THE CONTRIBUTIONS OF
ETHNIC POPULATIONS AND HERITAGE CELEBRATIONS**

**6f. RESOLUTION NO. 2022-04 FOR THE ANNUAL APPOINTMENT OF
MUNICIPAL TRUSTEES TO THE BROOKLYN CENTER FIRE RELIEF
ASSOCIATION BOARD OF TRUSTEES**

**6g. RESOLUTION NO. 2022-05 SELECTING PRESIDING OFFICERS-
MAYOR PRO TEM AND PRESIDENT PRO TEM**

- 6h. RESOLUTION NO. 2022-06 DECLARING A PUBLIC NUISANCE AND ORDERING THE REMOVAL OF DISEASED TREES AT CERTAIN PROPERTIES IN BROOKLYN CENTER, MINNESOTA**
- 6i. RESOLUTION NO. 2022-07 DESIGNATING DEPOSITORIES OF CITY FUNDS FOR 2022**
- 6j. RESOLUTION NO. 2022-08 OPTING NOT TO WAIVE LIMITED TORT LIABILITY FOR 2022**
- 6k. RESOLUTION NO. 2022-09 GRANTING CORPORATE AUTHORITY FOR SIGNING OF CHECKS AND TRANSACTIONS OF FINANCIAL BUSINESS MATTERS**
- 6l. RESOLUTION NO. 2022-10 ESTABLISHING PARKING RESTRICTIONS FOR SEGMENTS ON 53RD AVENUE NORTH FROM LOGAN AVENUE NORTH TO LYNDALE AVENUE NORTH**
- 6m. RESOLUTION NO. 2022-11 APPROVING THE LAND EXCHANGE AGREEMENT BETWEEN THE CITY OF BROOKLYN CENTER, THE ECONOMIC DEVELOPMENT AUTHORITY IN AND FOR THE CITY OF BROOKLYN CENTER, AND INDEPENDENT SCHOOL DISTRICT NO. 281, ROBBINSDALE AREA SCHOOLS**
- 6n. MOTION TO ADOPT THE 2021 GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES**
- 6o. RESOLUTION NO. 2022-12 APPOINTING BROOKLYN CENTER REPRESENTATIVES TO EXECUTIVE COMMITTEE AND/OR BOARD OF DIRECTORS OF THE BROOKLYN BRIDGE ALLIANCE FOR YOUTH, HENNEPIN RECYCLING GROUP, LOCAL GOVERNMENT INFORMATION SYSTEMS, MINNEAPOLIS NORTHWEST CONVENTION & VISITORS BUREAU, NORTH METRO MAYORS ASSOCIATION, NORTHWEST SUBURBS CABLE COMMUNICATIONS COMMISSION, PETS UNDER POLICE SECURITY, AND TWIN LAKE JOINT POWERS ORGANIZATION**
- 6p. RESOLUTION NO. 2022-13 APPOINTING COUNCIL MEMBERS TO COMMISSIONS AND OUTSIDE ORGANIZATIONS**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. INTRODUCTION OF PROJECT MANAGER

Mayor Elliott introduced David Zaffrann as the new Project Manager. He explained they had a robust interview process with several excellent candidates, but Mr. Zaffrann rose to the top. He added Mr. Zaffrann will be scheduling time to meet with Councilmembers.

Mr. Zaffrann introduced himself as the new Public Safety Implementation Committee Manager. He explained he looks forward to working with community members and staff to implement the Daunte Wright & Kobe Dimock-Heisler Community Safety & Violence Prevention Resolution. For the last four years, he served as a Senior Policy Aide to previous Minneapolis Councilmember Fletcher who served as Vice-Chair to Minneapolis' Public Safety Committee. In that role, he worked with many people to fund alternative public safety responses, including the Office of Violence Prevention and the Behavioral Health Crisis Response Teams. Before that, his roles have focused on community engagement and working with public policy. He encouraged people to reach out to him.

Mayor Elliott stated Mr. Zaffrann's experience will lend to the work they are doing. Councilmember Graves stated she has met former Minneapolis Councilmember Fletcher and noted her excitement for Mr. Zaffrann to be on their team.

Councilmember Lawrence-Anderson stated she looks forward to meeting with Mr. Zaffrann and encouraged him to reach out anytime.

Councilmember Butler welcomed Mr. Zaffrann and stated she looks forward to meeting with him one-on-one.

Mayor Elliott thanked Mr. Zaffrann for introducing himself and noted it was his first day on the job.

8. PUBLIC HEARINGS

8a. AN ORDINANCE NO. 2021-04 AMENDING CHAPTER 23 TO ALLOW AND REGULATE SPECIAL EVENTS AND APPROVE A RESOLUTION NO. 2022-14 TO ALLOW A SUMMARY PUBLICATION OF THE ORDINANCE

City Manager Reggie Edwards explained it was the second hearing on the matter and invited Community Development Director Meg Beekman to make the staff presentation.

Community Development Director Meg Beekman stated at present, there is no single process for individuals to inform the City of events that are occurring, whether on public or private property. The City receives requests for special events on private as well as public property throughout the year and these requests come to the city through all different departments. Depending on the location of an event, and the types of activities occurring at it such as food trucks, liquor sales, or road closures, there may be several permits and department reviews that an individual event organizer has to get to get approval to hold an event or large gathering. This makes the process confusing both for Staff, as well as for individuals trying to plan events.

Ms. Beekman explained the zoning code has a process for administrative permits, which addresses certain types of special events on private property, but it does not address other types of events. As part of the zoning code rewrite, the section is being revised. City Staff has been working with the City Clerk's office to establish a more streamlined, centralized process for all types of special events in the City. Staff from all affected departments have met to discuss the proposed Ordinance.

Ms. Beekman noted the definition of the special event in the proposed Ordinance is a temporary, organized activity sponsored by an event organizer involving the gathering of people to attend, participate in, or observe an activity occurring entirely or partly outside on City property or private property and is reasonably anticipated to involve one or more of the following: support services from the City, obstruct, delay, or interfere with the free and normal use of a right-of-way, attendance of 50 or more people, ancillary activities, or sound amplification, public address system, loudspeaker, or other audio devices likely to result in noise levels that will unreasonably disturb others in the immediate area.

Ms. Beekman explained the language was borrowed from other cities which hold multiple special events throughout the year. The Ordinance includes that a permit is required for special events, provides for a streamlined review and notification process, and provides a consistent method to recoup City costs associated with the special event. There are some exemptions for the permit such as expressive activities on public sidewalks or property, funeral or wedding processions, regularly scheduled athletic events, and governmental activities.

Ms. Beekman stated the Ordinance limits duration to three consecutive days and noted other events covered by the new "temporary use" section in the zoning code. After talking with organizations that hold special events, a provision was added to streamline the process for holding recurring events, like a farmer's market. The application process identifies details about the event assists with navigating event organizers through the county public health process if necessary and identifies requests for city services.

Ms. Beekman added Ordinance identifies a fee schedule for city support services, allows support service fees to be waived for City-sponsored, or City co-sponsored events, subject to the approval of the City Council, and allows support service fees to be waived for nonprofit-hosted events. The Ordinance identifies criteria for permit approval: site plan review, parking impacts, signage as well as regulations and procedures such as clean-up, adequate facilities, requirements for providing alcoholic beverages, a process for road closures, and notices to surrounding property owners. Ms. Beekman explained the requested actions and offered to answer any questions the Council may have.

Councilmember Lawrence-Anderson asked why the Ordinance is changing. Ms. Beekman stated it has been on her radar for four years because the current administrative process doesn't fit as it was intended for signs rather than events. The triggering event was rewriting the zoning code. The different City departments each have different processes, and this would streamline and compile the processes.

Councilmember Lawrence-Anderson stated they are basically tidying up the existing Ordinance. Ms. Beekman confirmed the Ordinance is meant to tidy up. Councilmember Lawrence-Anderson

stated she anticipates more similar ordinances will come up as they change the zoning code. Ms. Beekman confirmed the new zoning code will require changes to other ordinances to match the new language.

Councilmember Graves thanked Ms. Beekman, Ms. Suciu, and Staff for streamlining the process. She added she hopes it makes it easier for community members to plan large events.

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

Motion passed unanimously.

Diane S. stated the Ordinance is about active organization within the City. She asked how the various civic organizations will know about the new Ordinance. She explained communication is key as it involves the grassroots in the community. Dr. Edwards thanked Diane S. for her comment. He stated Staff will talk about her concern to determine how they will communicate about the new Ordinance. Diane S. asked how she know that will be accomplished.

Mayor Elliott asked Staff to follow up with Diane S. Dr. Edwards confirmed staff would follow up with her about her concerns.

Alfreda D. asked if there is a place to see the updates and changes that have been made to the zoning codes. Ms. Beekman stated there is a website with the presentations that have been made. There have been no changes formally made to the zoning code, but there have been minor changes drafted. She explained they are about three-quarters of the way through refining the zoning code.

Mayor Elliott moved and Councilmember Lawrence-Anderson seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Graves stated streamlining the process will make the operations clearer for Staff, but it is important to communicate the changes to organizations and the communities it will impact. It is a way for the City to do a better job serving the community. She thanked the staff for their work.

Councilmember Graves moved and Councilmember Butler seconded to approve the second reading and adopt ORDINANCE NO. 2021-04 amending Chapter 23 of the City Code of Ordinances regarding special events and adopt RESOLUTION NO. 14 approving Summary Publication of Ordinance.

Motion passed unanimously.

8b. RESOLUTION NO. 2022-15 CERTIFYING SPECIAL ASSESSMENTS FOR IMPROVEMENT PROJECT NO. 2022-01, WOODBINE AREA STREET IMPROVEMENTS TO THE HENNEPIN COUNTY TAX ROLLS

City Manager Reggie Edwards introduced the item and invited City Engineer Mike Albers to make the staff presentation.

City Engineer Mike Albers stated the Woodbine Area Street Improvements is Improvement Project No. 2022-01. The proposed project includes roadway and utility improvements. He showed a slide with an aerial view of the property. The overall project is just under three miles of roadway.

Mr. Albers explained the project was previously established by the City Council on July 12, 2021, by Resolution 2021-85. On September 27, 2021, the City Council received a Feasibility Report regarding the proposed improvements. An Improvement Public Hearing to consider ordering the improvements was held on October 25, 2021, and the City Council authorized the preparation of project plans and specifications. On November 8, 2021, the City Council declared certain project costs to be assessed for the Woodbine Area Street and Utility Improvements and called for a public hearing on the proposed special assessments to be held on December 13, 2021, which was continued to the current meeting.

Mr. Albers stated public comments included a letter from 7201 Halifax Avenue received on October 14, 2021, which was provided before the Improvement Public Hear as Amended Appendix A-Resident Comments and included all additional comments received after the October 25, 2021, Council meeting. Staff also received another letter from 7201 Halifax Avenue on December 16, 2021. Staff recommends removing the property from the levy roll and continuing with the rest of the project.

Mr. Albers noted an Improvement Public Hearing to consider ordering the improvements was held on October 25, 2021, and the City Council authorized the preparation of project plans and specifications. The sanitary sewer main improvements include lining all the existing vitrified clay pipe sanitary sewer trunk lines and then replacing manhole castings and lids as necessary within the project areas. Water main improvements include the replacement of all of the existing valves and hydrants, adjusting gate valve castings as impacted, replacing all of the curb stops within the project area and insulating six water services that have been susceptible to freezing in the past.

Mr. Albers noted Staff is recommending storm drainage improvements to include replacing catch basin castings as necessary within the project areas. Additionally, they would like to replace one free-standing street light with fiberglass poles and LED light figures. As for street improvements, the Staff is recommending partial street reconstruction which includes full-depth pavement replacement, miscellaneous repairs of concrete curb and gutter and driveway aprons, miscellaneous repairs of the sidewalk, and boulevard restoration. The existing concrete sidewalks within the project area on 72nd Avenue, Halifax Avenue, Noble Ave, and Woodbine Lane will be repaired as needed or as impacted by utility replacements. A new six-foot-wide sidewalk is proposed along the north side of 71st Avenue from Halifax Avenue to France Avenue. New 6 foot wide sidewalks are proposed along the west side of Halifax Avenue from Woodbine Lane to 73rd Avenue, the north side of 73rd Avenue from Halifax Avenue to France Avenue, and the east side of Noble Avenue from Woodbine Lane to Noble Court is being considered conditioned on agreement with the City of Brooklyn Park.

Mr. Albers showed a slide with the preliminary project budget. The overall budget for the project is \$7 million. He showed a slide depicting the preliminary assessment area. Special assessments are proposed as one of several funding sources for the improvements located within the Woodbine Area. On November 8, 2021, the City Council adopted the 2022 special assessment rates for street and storm drainage improvements for residential zoned properties. The 2022 rates were established following the City's Special Assessment Policy. The 2022 assessment rates for the R1 properties are \$3,692 per property. The 2022 interest rate is 3.5 percent, a 0.5 percent increase from 2021.

Mr. Albers stated once an assessment roll is adopted by the City Council, the owner of each property has the following payment options: pay the entire amount of the special assessment, without interest, between March 1 and September 30, 2022, or from October 1, 2022, to the end of the business day on November 18, 2022, a property owner may pay the total assessment, with interest calculated from October 1, 2022, to the date of payment or a property owner may pay the assessment over ten years. Partial prepayments can be accepted. If the assessments are approved, an assessment reminder will be sent to the property owners. There are options for people to defer payments based on their needs. Mr. Albers stated the estimated payment amount is \$3,692. Over ten years, the annual payment would decrease yearly and result in \$743.02 paid in interest.

Mr. Albers stated they anticipate plan approval within the month. In late February or early March, they will accept bids and award the project. In Spring or Summer, they will begin the projects and have substantial completion by October 2022.

Councilmember Ryan thanked Mr. Albers for his presentation. In the past when a property owner has objected, the Council has made the motion, except for the address subject to appeal. Mr. Albers explained Staff's recommendation is the property remains on the assessment roll.

Dr. Edwards stated if someone contests an assessment, then Staff will address the issue and bring it up at the next Council meeting. Councilmember Ryan thanked Mr. Albers and Dr. Edwards for the clarifications.

Councilmember Lawrence-Anderson noted the resident that has contested the special assessments has written the City twice. She asked if Staff has had conversations with the resident. Dr. Edwards stated Staff has tried to communicate with the resident, but they have not had a chance to speak directly with the resident. However, they will continue to reach out.

Mr. Albers confirmed Staff has been unable to connect with the Resident. Councilmember Lawrence-Anderson acknowledged it is difficult to work around one home. She asked how many homes are impacted by the project. Mr. Albers stated there are 243 residential properties and three church properties in the neighborhood, and only one individual has contested the special assessments.

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

Motion passed unanimously.

Roger K. stated he has lived in Brooklyn Center for 53 years. He recalled the last time they did the project approximately 20 years ago, and there was a lot of underground work done. A portion of Noble Avenue is included in the project, which is a straight shot to Anoka, and, consequently, gets a lot of traffic in comparison to other streets in the neighborhood. Roger K. suggested the Council request financial assistance from the County for repairs on Noble Avenue. Noble Avenue is a two-lane street, but it becomes a three-lane street at a certain point and, needs remodeling.

Roger K. added Woodbine Lane is too narrow. When there are cars parked on both sides of the street, two cars cannot pass one another. Woodbine Lane is also a bus route, which further complicates the matter. Therefore, Woodbine Lane needs to be widened. If it cannot be widened, then the parking should be restricted on one side of the street.

Roger K. stated the project that happened approximately 20 years ago was laid too late in the year and was too cold. The summer after it was laid, the asphalt had to be patched. The City continues patching the asphalt every summer. He asked if there will be a financial consideration for seniors and retirees. He asked what formula will be used to determine how much people need to pay for the improvements.

Mayor Elliott asked if Roger K. was suggested Noble Avenue needed to be widened. Roger K. confirmed it should be widened and the whole street should be redone.

Bill D. stated he lives on Woodbine Lane. He agreed on the traffic on Noble Avenue has increased significantly. Additionally, the traffic on Woodbine Lane is heavy because it is a through street and on a bus route. He asked if the City gets any funding from the Metropolitan Council for bus routes and street maintenance.

Mr. Albers stated Noble Avenue does receive portions of gas taxes from the State for improvements. Woodbine Lane, however, is a local City street, so they use City funds to improve that roadway. Bill D. thanked Mr. Albers for his response.

Bill D. stated the sidewalk on Woodbine Lane is fairly uneven and would not be ADA-compliant. He asked if those sidewalks would be improved as part of the project. Mr. Albers stated the project will include spot replacements of the sidewalks where there are tripping hazards or slopes.

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

Motion passed unanimously.

Councilmember Lawrence-Anderson asked for City Staff to follow up with Bill D. about the specific portions of the sidewalk that are not ADA-compliant.

Mayor Elliott moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 15 certifying special assessments for Improvement Project No. 2022-01, Woodbine Area Street Improvements to the Hennepin County Tax Rolls.

Motion passed unanimously.

8c. AN ORDINANCE NO. 2021-06 AMENDING CHAPTER 35 OF THE CITY CODE OF ORDINANCE REGARDING THE ZONING CLASSIFICATION OF CERTAIN LAND LOCATED AT 6440 JAMES CIRCLE NORTH (SECOND READING / PUBLIC HEARING)

Dr. Edwards introduced the item and invited Planner and Zoning Administrator Ginny McIntosh to continue the presentation.

Planner and Zoning Administrator Ginny McIntosh showed a slide with an aerial view of 6440 James Circle North. On November 18, 2021, the Planning Commission conducted a public hearing on Planning Commission Application No. 2021-006, submitted by McGlynn Partners, LLC for consideration of requests that would allow for the redevelopment of the former AMF Earle Brown Lanes property, located at 6440 James Circle North, to an approximately 64,000-square foot mixed office and light industrial building with related site improvements on an approximately 4.03-acre site. The Staff is requesting rezoning and establishment of a Planned Unit Development (C2 PUD/MX-B). The property is guided under the 2040 Comprehensive Plan as “Business Mixed-Use,” which would allow for the proposed development and use.

Ms. McIntosh stated the building and site subsequently sat vacant until 2017 when the property was purchased by Tashitaa Tufaa/ODAA Center LLC. While the Property Owner successfully brought through a request for issuance of a Special Use Permit in 2018 to operate an event center with an ancillary restaurant and bar and requested a re-issuance of the permit in 2019 to allow additional time to initiate the project, the plans were never realized. The owner of the property subsequently partnered with McGlynn Partners, LLC as well as Endeavor Development to redevelop the Subject Property.

Ms. McIntosh explained the Planning Commission reviewed the requests for the Subject Property at their meeting on November 18, 2021, and following the close of the public hearing, elected to unanimously (5-0) recommend City Council approval. The City Council reviewed the requests at their meeting on December 13, 2021, and unanimously recommended approval of the aforementioned requests, along with a motion to approve the first reading of the request to rezone the Subject Property and set the second reading and public hearing to the current evening. A public hearing notice was published in the Brooklyn Center Sun Post on December 23, 2021, for proposed Ordinance No. 2021-006.

Ms. McIntosh noted Staff recommends rezoning the subject property from C2 (Commerce) District to PUD/MX-B (Planned Unit Development/Business Mixed-Use), which is effective for 2040 Comprehensive Plan future land use designation, which is guided as “Business Mixed-Use”. PUDs grant flexibility in Zoning Code to allow for developments that would not be allowed under existing regulations. PUDs are often used to achieve higher quality development or achieve other City goals in exchange for flexibility with Code. PUDs may only contain uses consistent with City’s Comprehensive Plan. Despite the flexibility, plans shall comply with all watershed, state, and federal stormwater, erosion control, and wetlands requirements.

Ms. McIntosh explained City staff is requesting any motion to approve the second reading and adoption of the ordinance be made to reflect the corrected zoning district abbreviation of PUD/MXB (not PUD/BM-U). Zoning Code update has multiple “mixed-use” districts and is being organized by “MXB”.

Mayor Elliott moved and Councilmember Graves seconded to open the public hearing.

No one appeared to address the Council.

Mayor Elliott moved and Councilmember Graves seconded to close the public hearing.

Motion passed unanimously.

Councilmember Graves moved and Mayor Elliott seconded to approve a second reading, and adopt ORDINANCE NO. 2021-006 amending Chapter 35 of the City Code of Ordinances regarding certain land located at 6440 James Circle North from C2 (Commerce) District to PUD/MX-B (Planned Unit Development/Business Mixed-Use) District.

Motion passed unanimously.

No9. PLANNING COMMISSION ITEMS

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2022-16 AUTHORIZING THE CITY MANAGER TO EXECUTE A MINNESOTA OPIOIDS STATE-SUBDIVISION MEMORANDUM OF AGREEMENT, THE DISTRIBUTOR SUBDIVISION SETTLEMENT PARTICIPATION FORM AND THE JANSSEN SUBDIVISION SETTLEMENT PARTICIPATION FORM ON BEHALF OF THE CITY OF BROOKLYN CENTER

Dr. Edwards stated the Assistant Attorney General is on the call to answer questions from Council. In the editorial section of the *Star Tribune*, there is an article about funding Minnesota will receive to address the opioid problem. Minnesota will be eligible to receive more than \$296 million over 18 years. Up to \$222 million of that will be paid directly to Minnesota cities and counties. The total amount of payments to Minnesota will be determined by the overall degree of participation by cities and counties. The more cities and counties that join, the more money everyone in Minnesota will receive.

Dr. Edwards explained Minnesota has joined a broad multi-state coalition in reaching nationwide settlements with the three largest opioid distributors, AmerisourceBergen, Cardinal Health, McKesson, and opioid manufacturer Johnson & Johnson. The settlements resolve investigations and lawsuits against these companies for their role in the opioid crisis. If the settlements are fully adopted nationally, the distributors will pay \$21 billion over 18 years and Johnson & Johnson will pay \$5 billion over 10 years.

Dr. Edwards noted the issue matters because more than 5,400 Minnesotans have died of opioid overdoses since 2000. The epidemic has torn apart families and ravaged communities, particularly American Indian populations and communities of color. Individuals, families, and communities continue to suffer as the COVID-19 pandemic has caused a surge in both fatal and nonfatal overdose deaths.

Dr. Edwards added accountability is important. Opioid manufacturers and distributors created and fuel the opioid epidemic with irresponsible and misleading marketing and inadequate monitoring of dangerous products. There is a potential for over \$296 million to be used to fight the epidemic, shine a light on the companies' conduct, and prevent future epidemics. He noted the information is from the Attorney General's office.

Dr. Edwards explained each state's share of the funding was determined by agreement among the states using a formula that takes into account the impact of the crisis on the state such as the number of overdose deaths, the number of residents with substance use disorder, the number of opioids prescribed, and the population of the state. Payments will begin to flow to the state and cities and counties as soon as April 2022.

Dr. Edwards stated seventy-five percent of the abatement funds will be paid directly to counties and certain municipalities that participate in the settlement. Local government funds will be directly allocated to all participating counties, and all participating municipalities that have populations of 30,000 or more, have filed lawsuits against the settling defendants, or have public health departments.

Dr. Edwards explained the vast majority of the settlement funds must be used to support a wide variety of strategies to fight the opioid crisis. Remediation efforts include treating opioid use disorder, supporting people in treatment and recovery, connecting people who need help to the help they need, addressing the needs of criminal justice-involved persons, addressing the needs of the perinatal population, caregivers, and families, including babies with neonatal opioid withdrawal syndrome, preventing overprescribing and ensuring the appropriate prescribing and dispensing of opioids, preventing the misuse of opioids, and preventing deaths and other harms through harm reduction.

Dr. Edwards stated Minnesota will receive \$296 million over the next 18 years. Local government will receive \$222 million. Brooklyn Center will receive \$313,863 over the next 18 years, meaning \$17,436 yearly. Brooklyn Center accounts for 0.14138 percent of the total local government settlement. The intent is to coordinate the use of the dollars with other entities to have a broader impact.

Evan Romanoff, a representative from the Minnesota Attorney General's Office, explained he has been working on the opioid issue for years. The investigations and settlements have been years in the making. The more states that join, the more the companies will pay. Similarly, the more cities that join, the more companies will pay. He noted Dr. Edwards' presentation was very thorough, but he would be happy to answer any questions Council may have.

Councilmember Ryan thanked Mr. Romanoff for being at the meeting and noted the moral failure on behalf of the companies for promoting drugs while prioritizing money over health. Councilmember Ryan asked how the funds would be distributed and what the requirements of the funding would be.

Mr. Romanoff stated the companies must improve safety in distribution and distributors will need to use analytics to track distribution and identify alarming orders. Additionally, Johnson and Johnson has agreed to stop manufacturing, promotion, or sale of drugs over the next ten years. Mr. Romanoff noted settlements are lengthy and complex, but he would provide them to the Council if they were interested.

Mr. Romanoff stated the counties do the bulk of the prevention work through public health departments. There are very few cities with public health departments in Minnesota. Cities will more likely use the funds for first responders to distribute naloxone or to further train first responders. There is a long list of uses and strategies that are approved for use of the funds. The Attorney General's Office has also seen cities allocate their portions of the funds to their respective county.

Dr. Edwards stated the County is the principal authority in administering public health services. However, the funding received by Brooklyn Center could be used for several areas within the City to leverage other public health efforts. The City could use the funding for prevention, trauma and mental health, or training first responders. Mr. Romanoff noted the funds are significantly front-loaded, so Brooklyn Center may receive a bulk payment toward the beginning of the payment schedule.

Councilmember Ryan thanked Dr. Edwards and Mr. Romanoff for their clarifications. Councilmember Ryan noted how difficult implementation processes can be. Opioids have a massive impact on public safety and, in partnership with the county, the funds can be used to have a significant effect. He added they need to have a nuanced approach to using the allocated funds.

Councilmember Graves moved and Mayor Elliott seconded to adopt RESOLUTION NO. 2022-16 authorizing the City Manager to execute a Minnesota Opioids State-Subdivision Memorandum of Agreement, The Distributor Subdivision Settlement Participation Form, and The Janssen Subdivision Settlement Participation Form on behalf of the City of Brooklyn Center.

Motion passed unanimously.

11. COUNCIL REPORT

12. ADJOURNMENT

Mayor Elliott moved and Councilmember Graves seconded adjournment of the City Council meeting at 9:03 p.m.

Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)
CITY OF BROOKLYN CENTER)

ss. Certification of Minutes

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

1. That attached hereto is a full, true, and complete transcript of the minutes of the Regular Session of the City of Brooklyn Center held on January 10, 2022.
2. That said meeting was held pursuant to due call and notice thereof and was duly held at Brooklyn Center City Hall.
3. That the City Council adopted said minutes at its January 24, 2022, Regular Session.

City Clerk

Mayor