

AGENDA



1. Call to Order

The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

2. Miscellaneous

3. Discussion of Work Session Agenda Item as Time Permits

4. Adjourn

**CITY COUNCIL
MEETING**

City Hall Council Chambers
August 27, 2018

AGENDA



1. Informal Open Forum with City Council - 6:45 p.m.

Provides an opportunity for the public to address the Council on items which are not on the agenda. Open Forum will be limited to 15 minutes, it is not televised, and it 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 enter into a dialogue with citizens. Questions from the Council will be for clarification only. Open Forum will not be used as a time for problem solving or reacting to the comments made but, rather, for hearing the citizen for informational purposes only.

2. Invocation - 7 p.m.

3. Call to Order Regular Business Meeting

The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the consent agenda and considered at the end of Council Consideration Items.

a. Approval of Minutes

- It is recommended that the City Council consider approval of the minutes for:

- August 8, 2018 City Council/Financial Commission Joint Work Session

- August 13, 2018 Regular Session

- August 13, 2018 City Council/EDA Work Session

b. Approval of Licenses

It is recommended that the City Council consider approval of the following licenses on August 27, 2018.

c. Resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project No. 2016-17, Contract 2016-K, City Hall, Community Center and Public Works Parking Lot Improvements

- It is recommended that the City Council approve the resolution

accepting work performed and authorizing final payment for Improvement

Project No. 2016-17, Contract 2016-K, City Hall, Community Center and Public Works Parking Lot Improvements.

- d. Resolution Accepting Work Performed and Authorizing Final Payment, Project No. 2018-07, 2018 Pond Maintenance
 - *It is recommended that the City Council approve the resolution accepting work performed and authorizing final payment, Project No. 2018-07, 2018 Pond Maintenance.*

7. Presentations/Proclamations/Recognitions/Donations

- a. Resolution Accepting American Legion Post No. 630 and Sons of the American Legion Donations
 - *It is recommended that the City Council consider approval of a resolution accepting American Legion Post No. 630 and Sons of the American Legion Donations.*

8. Public Hearings

9. Planning Commission Items

10. Council Consideration Items

- a. An Ordinance Amending Chapter 27 of City Code of Ordinances Regarding Parking
 - *It is recommended that the City Council approve the first reading of the Ordinance Amending Chapter 27 of the City Code of Ordinance Regarding Parking and call for a second reading with public hearing.*
- b. Type IV 6-Month Provisional License for 5308 Lilac Dr
 - *Motion to approve a Type IV 6-month Provisional Rental License*
- c. Type IV 6-Month Provisional Rental License for 6835 Colfax Ave N
 - *Motion to approve a Type IV 6-month Provisional Rental License.*

11. Council Report

12. Adjournment

COUNCIL ITEM MEMORANDUM

DATE: 8/27/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *It is recommended that the City Council consider approval of the minutes for:*
 - *August 8, 2018 City Council/Financial Commission Joint Work Session*
 - *August 13, 2018 Regular Session*
 - *August 13, 2018 City Council/EDA Work Session*

Background:

Strategic Priorities and Values:

Operational Excellence

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

JOINT WORK SESSION WITH FINANCIAL COMMISSION
AUGUST 8, 2018
CITY HALL - COUNCIL CHAMBERS

I. CALL TO ORDER

The Brooklyn Center City Council met in Joint Work Session with the Financial Commission and the session was called to order by Mayor Tim Willson at 6:29 p.m.

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present: City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Community Activities, Recreation & Services Director Jim Glasoe, Community Development Director Meg Beekman, and Deputy City Clerk Rozlyn Tousignant.

Others present were Financial Commissioners David Dwapu, Tia Hedenland, Abate Terefe, and Dean Van Der Werf.

Financial Commissioners Jeffrey Dobbs, and Teneshia Kragness were absent.

II. APPROVAL OF AGENDA

Councilmember Ryan moved and Councilmember Graves seconded to approve the agenda.

Motion passed unanimously.

III. 2019 GENERAL FUND DEPARTMENT BUDGET REQUESTS

a. FINANCE/MISCELLANEOUS

Mr. Reinhardt provided a presentation regarding the Finance Department's budget request for 2019.

Mayor Willson address the small cell infrastructure and the ability to remotely read water meters. Mr. Reinhardt shared the plan to start with the Water Towers so that the City can GIS map the readings in order to analyze whether the City should add more gateways throughout the City.

Mr. Boganey updated and confirmed the City of Brooklyn Center's contribution for the BrookLynk internship program for the following year will be approximately \$55,000.

Councilmember Graves expressed an interest in receiving more information about the North Star Diversion program for youth. Mr. Boganey responded that staff would gather information for Council.

Mayor Willson addressed the budget cuts from Hennepin County that may affect programs like CEAP.

b. COMMUNITY ACTIVITIES, RECREATION & SERVICES

Mr. Glasoe provided an overview of CARS proposed 2019 budget.

Councilmember Graves relayed some complaints received by residents regarding a water fountain near the sauna in the Community Center. Mr. Glasoe responded that Mr. Boganey had informed Community Center staff about the issue. Mr. Glasoe continued to share that eventually the Community Center will upgrade all of the drinking fountains; however, the humidity of the area in question may require a different kind of fountain.

Councilmember Butler inquired as to whether there was a demographic breakdown of who the Community Center/recreation programs typically serve. Mr. Glasoe responded that staff could gather that information if the Council would have interest in it. Mr. Glasoe also addressed the challenges in programming for teenagers.

A discussion was held regarding part-time employees within the CARS department.

c. COMMUNITY DEVELOPMENT

Mrs. Beekman provided information on the proposal for the Community Development 2019 budget.

A brief discussion was held regarding the staffing levels of the Saturday Pop-up Markets.

Mayor Willson addressed the level of staffing in the inspection division.

IV. FUTURE BUDGET DISCUSSIONS

- a. AUGUST 20, 2018 - GENERAL FUND BUDGET REQUESTS CONTINUED
- b. SEPTEMBER 17, 2018 – RECOMMENDED PRELIMINARY LEVY & BUDGET
- c. SEPTEMBER 24, 2018 (REGULAR CITY COUNCIL MEETING) – CITY COUNCIL ADOPTS PRELIMINARY BUDGET AND LEVY

V. ADJOURNMENT

Councilmember Lawrence-Anderson moved and Councilmember Butler seconded to adjourn the Work Session at 9:10 p.m.

Motion passed unanimously.

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
AUGUST 13, 2018
CITY HALL – COUNCIL CHAMBERS

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 Tim Willson at 6:45 p.m.

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, and Dan Ryan were present. Councilmember Kris Lawrence-Anderson was absent and excused. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, City Engineer Mike Albers, Community Development Director Meg Beekman, Communication Coordinator Angel Smith, Deputy Director of Building and Community Standards Jesse Anderson, City Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

Mayor Tim Willson opened the meeting for the purpose of Informal Open Forum.

Karen Beelen, 7120 Logan Avenue N, addressed the City Council. She stated she would like City Codes to be created to protect Brooklyn Center resident's property. She stated her neighbor of 23 years put up a make shift wooden fence a while ago, while she was sick and in the hospital for a year. When she was released from the hospital she asked her neighbor to remove the fence so she could have access to her other neighbors and so that children wouldn't be cutting through her flower beds to get around it and play with each other. She noted she would like to find out how to ask her to remove the fencing. She left notes and City Codes referencing the issue she is addressing for the City Council to review at a later time.

Paul Yang, 5925 Pearson Drive, addressed the City Council. He stated he is having issues with his rental license that are unwarranted. He stated there have been repeated inspections and accusations about police calls to the property he owns that are not happening. He stated he wants the rental licenses to be based on the facts, not fiction.

Kathy Czech, 1313 44th Avenue N #204, addressed the City Council. She stated she would like to introduce the concept of Police Embedded Mental Health Escorts. She noted the number of mental health issues being addressed at regular police calls is very high. She stated this program is one where a mental health professional accompanies police to calls. She provided some information for the City to review at a later time.

Dianne Sannes, 7006 Willow, addressed the City Council. She thanked Mn/DOT for the work on Highway 252 and welcomed the Youth in Government participants. She asked that the City Council not approve the tobacco license on the agenda this evening and noted she has already called 4 Councilmembers about this issue asking the same of them all. She handed out a document which showed a warning label on a piece of playground equipment that says its only for children 13 years and older but, like in the picture she showed the City Council, there is often very young children on the equipment. She suggested they address this dangerous situation so no one gets hurt or sued.

Lennie Chism, Minneapolis, addressed the City Council. He thanked them for allowing the Pop Up Market to get started. He stated they have had 61 vendors show up for the events so far. He stated for September there are 18 booths from the City so far signed up. He stated an elderly woman who is 85-years-old is hoping to bring her crocheting pieces to the market but if the weather is too warm, sadly she will not be able to attend. He stated the events have been positive for the most part so far with exception to one negative incident. He stated a person addressed him at the market and stated “the only reason you have a market place is because you are black”. He noted it was a terrible thing to have happen at such a nice event and he wanted to make the City Council aware of this incident and the negativity being conveyed that is not acceptable.

Councilmember Butler moved and Councilmember Ryan seconded to close the Informal Open Forum at 7:01 p.m.

Motion passed unanimously.

2. INVOCATION

Mayor Willson requested a moment of reflection and said a prayer about gratitude as the Invocation.

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Tim Willson at 7:02 p.m.

4. ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, and Dan Ryan were present. Councilmember Kris Lawrence-Anderson was absent and excused. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, City Engineer Mike Albers, Community Development Director Meg Beekman, Communication Coordinator Angel Smith, Deputy Director of Building and Community Standards Jesse Anderson, City Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved and Councilmember Graves seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the Regular Session minutes of July 23, 2018, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. July 23, 2018 – Study Session
2. July 23, 2018 – Regular Session
3. July 23, 2018 – City Council/EDA Work Session
4. July 30, 2018 – City Council/Financial Commission Joint Work

6b. LICENSES

Considered as agenda item 10e.

6c. APPROVAL TO AMEND THE 2018 CITY COUNCIL MEETING SCHEDULE

6d. RESOLUTION NO. 2018-144 ORDERING THE ABATEMENT OF CONDITIONS CREATING A NUISANCE AND HAZARDOUS PROPERTY EXISTING AT 6842 WEST RIVER ROAD IN THE CITY OF BROOKLYN CENTER

6e. RESOLUTION NO. 2018-145 APROVING PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS FOR DELINQUENT NUISANCE ABATEMENT COSTS AND DELINQUENT ADMINISTRATIVE FINES/CITATIONS

6f. RESOLUTION NO. 2018-146 APPROVING A PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS FOR DELINQUENT PUBLIC UTILITY SERVICE ACCOUNTS

6g. RESOLUTION NO. 2018-147 DECLARING PUBLIC NUISANCE AND ORDERING THE REMOVAL OF DEAD TREES

6h. RESOLUTION NO. 2018-148 AUTHORIZING PAYMENT OF SETTLEMENT AMOUNTS FOR EASEMENTS FOR BROOKLYN BOULEVARD CORRIDOR PROJECT, PHASE 1, PROJECT NO. 2018-05

6i. RESOLUTION NO. 2018-149 ACCEPTING BID AND AWARDDING CONTRACT, IMPROVEMENT PROJECT NO. 2018-05, BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 1 AND IMPROVEMENT PROJECT NO. 2018-06, 51ST AVENUE/FRONTAGE IMPROVEMENTS

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. YOUTH IN GOVERNMENT DAY

Mayor Willson read in full a Proclamation Declaring August 13, 2018 as “Youth in Government Day” in the City of Brooklyn Center and acknowledged the 2018 participants:

Lammi Ali, Champlin Park High School
Fatou Bah, Park Center High School
Alexander Gelhaye, Park Center High School
Darius Jackson, Osseo High School
Connor Janostin, Champlin Park High School
Ubaad Mohamud, Champlin Park High School
Lisa Nyenie-Wea, DeLaSalle High School
Everline Ondieki, Champlin Park High School
Tran Pham, Champlin Park High School
Saihou Sissoho, Park Center High School
La'Bri Williams, Park Center High School

Mayor Willson presented each participant with a certificate and thanked them all for their hard work and participation. He noted he really appreciated that they shared their opinions in the mock City Council meeting held earlier in the evening. The Councilmembers echoed his sentiments.

Motion passed unanimously.

8. PUBLIC HEARINGS

- None.

9. PLANNING COMMISSION ITEMS

- None.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2018-150 GRANTING APPROVAL TO THE HENNEPIN COUNTY HOUSING AND REDEVELOPMENT AUTHORITY TO PROVIDE A DIRECT CONTRIBUTION AND FILE AN AFFORDABILITY COVENANT ON THE CARRINGTON DRIVE APARTMENT COMPLEX PID NUMBERS: 25-119-21-33-0045, 25-119-21-33-0046, 25-119-21-33-0047, AND 25-119-21-33-0048

Deputy Director of Building and Community Standards Jesse Anderson provided a presentation, background and purpose of this resolution.

Councilmember Ryan stated the concern is always maintenance on multifamily property so the property owners should not be able to increase rents to maintain the property. Mr. Anderson stated that is correct, they would have to maintain affordable.

Councilmember Graves stated she is in favor of the affordable housing but she wants to make sure the properties would be safe and healthy. Mr. Anderson stated specifics weren't addressed in the documents but they would have to meet the City standards.

Mayor Willson stated he agrees with Councilmember Graves.

Councilmember Ryan stated he agrees but he would like the City to go to the Legislature in the future to have them address it so the issue doesn't only fall on the City. He noted this is a regional problem, not only a City problem, and everyone needs to be helping and partnering together with the State and other cities.

Councilmember Graves moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2018-150 Granting Approval to the Hennepin County Housing and Redevelopment Authority to Provide a Direct Contribution and File an Affordability Covenant on the Carrington Drive Apartment Complex PID Numbers: 25-119-21-33-0045, 25-119-21-33-0046, 25-119-21-33-0047, AND 25-119-21-33-0048.

Motion passed unanimously.

10b. TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 6761 HUMBOLDT AVENUE N.

10c. RESOLUTION NO. 2018-151 FOR A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 5420 EMERSON AVENUE N.

10d. RESOLUTION NO. 2018-152 FOR A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 3000 62ND AVENUE N.

Mayor Willson explained the streamlined process that will now be used to consider Type IV 6 - Month Provisional Rental Licenses.

Mayor Willson polled the audience and asked whether anyone was in attendance to provide testimony on any of the rental licenses as listed on tonight's meeting agenda. Seeing no one coming forward, Mayor Willson called for a motion on Agenda Item 10b through 10d.

Councilmember Graves moved and Councilmember Ryan seconded to approve the issuance of a Type IV six-month provisional rental license and mitigation plan and adoption of the following: Approving Type IV Rental License for 6761 Humboldt Avenue N; RESOLUTION NO. 2018-151 Approving a Type IV Rental License for 5420 Emerson Avenue N; RESOLUTION NO. 2018-152 Approving a Type IV Rental License for 3000 62nd Avenue N, with the requirement

that the mitigation plans and all applicable ordinances must be strictly adhered to before renewal licenses would be considered.

Motion passed unanimously.

10e. LICENSES

GARBAGE HAULER

Walters Recycling & Refuse	2830 101st Avenue NE, Blaine, MN 55449
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MECHANICAL

All American Heating & Air Inc.	3600 72nd Ave N, Brooklyn Center
Metro Sheet Metal Inc.	3260 Fanum Road, St Paul
Minnesota Heating & AC Inc.	10701 93rd Ave N, Maple Grove
Musel Heating and Cooling LLC	311 East S Street, Amboy
Optimum Mechanical Systems, Inc.	3030 Centerville Road, Little Canada
Pioneer Power	2500 Ventura Dr., Woodbury
Sedgwich Heating	1408 Northland Dr., Suite 310, Mendota Heights

TOBACCO RELATED PRODUCTS

Jammin' Wings	2590 Freeway Blvd
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RENTAL

INITIAL (TYPE III – one-year license)

6143 Regent Avenue N	Patricio Angamarca-Romero
3912 61st Avenue N	Nazneen Khatoon

INITIAL (TYPE I – three-year license)

2329 55th Avenue N	Sara Corbin
3218 64th Avenue N	Nicholas Standal

RENEWAL (TYPE III – one-year license)

5408 Colfax Avenue N	Su Feng Zheng/Khai Hong Lim Properties (Missing 2 ARM Meetings)
6437 Kyle Avenue N	Sheng Lee
4207 Lakeside Avenue #140	Joseph Drechsler
7225 Major Avenue N	Kin Chew
2913 Nash Road	Chen Xuan Zhou/Lancelot Properties
4501 Woodbine Lane	Jerad Morey

RENEWAL (TYPE II – two-year license)

Basswood Apartments	
4450 58th Avenue N	Halverson and Blaiser Group LTD
6000 Bryant Avenue N	Shirzad Raimi
4207 Lakeside Avenue #339	Madeline Greiner
5532 Logan Avenue N	Ira Kovalsky

RENEWAL (TYPE I – three-year license)

6336 Beard Avenue N	Chen Xuan Zhou/Lancelot Properties
6107 Bryant Avenue N	Daniel Yesnes
6607 Drew Avenue N	Jeffrey Davis
6757 Humboldt Avenue N	Saleem Raza
5310 Knox Avenue N	Douglas Allen Wahl
4207 Lakeside Avenue #220	Matthew Blackler
4207 Lakeside Avenue #323	Douglas Hollman
5431 Logan Avenue N	Chen Xuan Zhou/Lancelot Properties

Councilmember Butler explained she had requested pulling agenda item 6b from the consent agenda and added for discussion, specifically tobacco license application for Jamin Wings.

City Manager Boganey stated the license applications are reviewed by staff for any conflicts with the City Codes and to see if there are any issues with permitting the license. He stated if there are violations of any Codes or Ordinances, their application will not be put through for City Council approval.

Councilmember Butler stated she recalls the applicant for Jamin Wings addressing the City Council in the past and that it was mentioned he was hoping to create a club-like atmosphere. She noted the City Council was not in favor of that at that time either. She stated she is concerned that this tobacco license is a contributing factor to creating that club atmosphere.

Mayor Willson stated the City has no grounds at this time to deny the tobacco application because the City Ordinance allows it.

City Attorney Gilchrist stated the current Ordinances do allow for this type of license so unless they had some citations or criminal history as listed in the ordinance, the City can't prohibit the issuance of a license.

Councilmember Butler moved and Councilmember Ryan seconded to approve all license applications in agenda item 10e.

Motion passed unanimously.

11. COUNCIL REPORT

Councilmember Ryan reported on his attendance at the following and provided information on the following upcoming events:

- July 24, 2018: Brooklyn Center Lions Club Meeting with Community Center Programs President, Rachel Hitchcock
- August 4, 2018: First Saturday Pop-up Market
- August 6, 2018: National Night Out Kick Off
- August 7, 2018: Ride along with Police Commander
- August 9, 2018: Lioness Club Event
- August 13, 2018: Youth in Government Day at City Hall and Mock City Council Meeting

Councilmember Graves reported on her attendance at the following and provided information on the following upcoming events:

- July 30, 2018: Budget Work Session with Financial Commission Meeting
- August 6, 2018: National Night Out Kick Off
- August 7, 2018: National Night Out Art Is My Weapon Event
- August 8, 2018: Budget Work Session with Financial Commission Meeting
- August 9, 2018: North Side Council Meeting
- August 13, 2018: Youth in Government Day at City Hall and Mock City Council Meeting

Councilmember Graves stated a reminder that she instructs free yoga for women Sundays at 12 p.m. at Curves for Women.

Councilmember Butler reported on her attendance at the following and provided information on the following upcoming events:

- July 30, 2018: Budget Work Session with Financial Commission Meeting
- August 4, 2018: Hmong Church Egg Roll Sale
- August 6, 2018: National Night Out Kick Off
- August 7, 2018: Ride along with BC Police Officer
- August 8, 2018: Budget Work Session with Financial Commission Meeting
- August 13, 2018: Youth in Government Day at City Hall and Mock City Council Meeting

Mayor Willson reported on his attendance at the following and provided information on the following upcoming events:

- July 24-27, 2018: At Quantico Facility and FBI headquarters Visit in D.C.
- July 30, 2018: Budget Work Session with Financial Commission Meeting budget meeting
- July 31, 2018: Rotary Luncheon
- July 31, 2018: Dangerous Dog Appeal Hearing
- August 5, 2018: Hmong Church Egg Roll Sale
- August 6, 2018: National Night Out Kick Off
- August 7, 2018: National Night Out with City Manager and Police Chief Gannon
- August 13, 2018: Youth in Government Day at City Hall and Mock City Council Meeting

12. ADJOURNMENT

Councilmember Graves moved and Councilmember Butler seconded adjournment of the City Council meeting at 7:49 p.m.

Motion passed unanimously.

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL/ECONOMIC
DEVELOPMENT AUTHORITY OF THE CITY OF BROOKLYN CENTER
IN THE COUNTY OF HENNEPIN AND
THE STATE OF MINNESOTA

WORK SESSION
AUGUST 13, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Tim Willson at 7:50 p.m.

ROLL CALL

Mayor/President Tim Willson and Councilmembers/Commissioners Marquita Butler, April Graves, and Dan Ryan were present. Kris Lawrence-Anderson was absent and excused. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Community Development Director Meg Beekman, Deputy Director of Building and Community Standards Jesse Anderson, City Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

ORGANIC RECYCLING

City Manager Boganey introduced Tim Pratt, the Administrator of Recycling for the City, noting Mr. Pratt was before the City Council/EDA about a year ago to discuss recycling options. He provided a presentation on what changes the County has made in their ordinances regarding recycling and composting, reviewed what organic recycling includes, and explained why they should be recycled.

Mr. Pratt stated the City has a few years to determine what they want to use for recycling.

Councilmember/Commissioner Graves asked if there are facilities that are collecting manure from farms. Mr. Pratt stated yes, there are some farms doing this already. Mayor Willson stated there are domes that collect the methane to keep it from harming people as well.

City Manager Boganey stated if the City Council/EDA doesn't have any opposition to what is being proposed, then they don't need to do anything at the moment.

Councilmember/Commissioner Graves asked what options are there if you don't want to use Randy's service. Mr. Pratt stated people can self-compost in their yard but they are limited to only composting some items, and then they would bring it to a drop-off site.

Councilmember/Commissioner Butler stated the hurdle is having another container in addition to regular garbage and recycling to worry about.

Councilmember/Commissioner Ryan stated he agrees with Councilmember/Commissioner Graves and noted the customer experience would be better if they came up with a comprehensive way to make it more efficient for people.

Connor Janostin, Youth in Government participant, stated the intention is noble but the convenience factor will be an issue for people. He suggested they need to think about simplicity and using the blue bag to put inside the garbage is easier than taking a bag to the compost site.

BROOKLYN CENTER BEAUTIFICATION AND PUBLIC ART PLAN

Deputy Manager Edwards provided a presentation on this topic. He stated the main things they are addressing are the issues and concerns that were expressed about the image of the City.

Mayor/President Willson stated one thing that he would really like corrected is that the zip code doesn't come up correctly and shows as Minneapolis. He would like to find out how to get that corrected to show Brooklyn Center. He noted the other thing that he would like to have changed, but acknowledges it is an issue to be dealt with on other government levels, is to have the 4 different school districts combined.

Councilmember/Commissioner Graves stated creative place making comes to mind when she thinks about art in the city. She stated it is a good thing to look into and incorporating as it brings safety and art in the community. She noted St. Paul has a poetry contest on the sidewalks, and that would be fun to bring into the community.

Councilmember/Commissioner Ryan stated doing a few modest things that create a big impact can really enhance the community.

Councilmember/Commissioner Butler stated she likes involving the other schools in the district because there are so many children in Brooklyn Center attending different schools.

Dr. Edwards stated he wanted to recognize Community Development Director Meg Beekman and Communication Coordinator Angel Smith for all their hard work and help with this initiative.

ADJOURNMENT

Councilmember/Commissioner Graves moved and Councilmember/Commissioner Ryan seconded adjournment of the City Council/Economic Development Authority Work Session at 8:46 p.m.

Motion passed unanimously.

COUNCIL ITEM MEMORANDUM

DATE: 8/27/2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Rozlyn Tousignant, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

It is recommended that the City Council consider approval of the following licenses on August 27, 2018.

Background:

The following businesses/persons have applied for City licenses as noted. Each business/person has fulfilled the requirements of the City Ordinance governing respective licenses, submitted appropriate applications, and paid proper fees. Applicants for rental dwelling licenses are in compliance with Chapter 12 of the City Code of Ordinances, unless comments are noted below the property address on the attached rental report.

GARBAGE HAULER

Sanimax USA LLC 505 Hardman Ave S, South St. Paul, MN 55075

MECHANICAL CONTRACTOR

General Heating & Air Conditioning 11081 Chaparral Ave, Shakopee, MN 55379

J Dubs LLC 11703 River Hills Dr., Burnsville, MN 55337

Matty V's Heating & Cooling 1052 93rd Lane NW, Coon Rapids, MN 55433

TOBACCO RELATED PRODUCTS

Two Rivers Investment, Inc. 6840 Humboldt Ave N, Brooklyn Center, MN 55430

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Safe, Secure, Stable Community

COUNCIL ITEM MEMORANDUM

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	Number of Units	Property Code Violations per Inspected Unit
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

License Category	Number of Units	Validated Calls for Disorderly Conduct Service & Part I Crimes (Calls Per Unit/Year)
No Category Impact	1-2	0-1
	3-4 units	0-0.25
	5 or more units	0-0.35
Decrease 1 Category	1-2	Greater than 1 but not more than 3
	3-4 units	Greater than 0.25 but not more than 1
	5 or more units	Greater than 0.35 but not more than 0.50
Decrease 2 Categories	1-2	Greater than 3
	3-4 units	Greater than 1
	5 or more units	Greater than 0.50

Budget Issues:

There are no budget issues to consider.

Rental Licenses for Council Approval on August 27, 2018

Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***	Unpaid Utilities	Unpaid Taxes
Granite City Apartments 3407 65th Ave N	6 Bldgs 72 Units	Initial	Chris D. Kohler	55 (.76/Unit)	II	2 (.03/Unit)	II	I	OK	OK
Ewing Square 6220 France Ave N	6 Bldgs 23 Units	Initial	Juanita Pekay	64 (2.8/Unit)	III	0	III	I	OK	OK
4307 66th Ave N	Single Family	Initial	RHA 3, LLC	0	I	0	I	II	OK	OK
4700 68th Ave N	Single Family	Initial	Chufeng Xiong	4	II	0	II	II	OK	OK
1300 72nd Ave N	Single Family	Initial	Marinela & Scott Selseth	1	I	0	I	II	OK	OK
7200 Dallas Rd	Single Family	Renewal	Brian Natzel	6	III	0	III	IV	OK	OK
6800 Dupont Ave N	Single Family	Renewal	Yi Lin/Khai Hong Lim Properties	3	II	0	II	II	OK	OK
5528 Humboldt Ave N	Single Family	Renewal	Bruce Alan Goldberg	0	I	1	I	I	OK	OK
5301 Logan Ave N	Single Family	Renewal	MNSF II, LLC (Missing 2 ARM meetings)	6	III	0	III	III	OK	OK
6443 Marlin Dr	Single Family	Renewal	Trevor Tjlmeland (Missing cpted follow-up)	0	I	0	III	III	OK	OK
7006 Morgan Ave N	Single Family	Renewal	Hesham Abdel Hakim	5	III	0	III	IV	OK	OK
7024 Oliver Cir	Single Family	Renewal	Juliana Koe	3	II	0	II	I	OK	OK
7217 Unity Ave N	Single Family	Renewal	Ghulam Pyarali	3	II	0	II	II	OK	OK

* CFS = Calls For Service for Renewal Licenses Only (Initial Licenses are not applicable to calls for service and will be listed N/A.)

** License Type Being Issued Type I = 3 Year Type II = 2 Year Type III = 1 Year

*** Initial licenses will not show a previous license type

All properties are current on City utilities and property taxes

COUNCIL ITEM MEMORANDUM

DATE: 8/27/2018

TO: Curt Boganey, City Manager

THROUGH: Doran Cote, Public Works Director

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project No. 2016-17, Contract 2016-K, City Hall, Community Center and Public Works Parking Lot Improvements

Requested Council Action:

- It is recommended that the City Council approve the resolution accepting work performed and authorizing final payment for Improvement Project No. 2016-17, Contract 2016-K, City Hall, Community Center and Public Works Parking Lot Improvements.

Background:

On June 6, 2017, the City Council awarded Project 2016-17, Contract 2016-K, to Bituminous Roadways, Inc. for the parking lot improvements at City Hall, Community Center and Public Works facilities. Bituminous Roadways, Inc. has successfully completed the work and is requesting final payment for the project.

Budget Issues:

The original contract amount with Bituminous Roadways, Inc. for the improvements was \$699,479.15. The total value of work certified for final payment is \$722,008.00. The total project cost including contingencies/administration/engineering/legal is \$780,408.83 and was over budget in the amount of \$33,929.68. There were project overages from the estimated quantities for sod work in the upper parking lot area and around the amphitheater. Additionally there were project overages in the amount of material used for the fog seal and sealcoat due to the pavement age and condition. The attached resolution provides a summary of the final amended costs and funding sources for the project.

Strategic Priorities and Values:

Key Transportation Investments

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK PERFORMED AND AUTHORIZING
FINAL PAYMENT, PROJECT NO. 2016-17, CONTRCT 2016-K, CITY HALL,
COMMUNITY CENTER AND PUBLIC WORKS PARKING LOT
IMPROVEMENTS

WHEREAS, pursuant to a written contract signed with the City of Brooklyn
Center, Minnesota, Bituminous Roadways, Inc. of Mendota Heights, Minnesota has completed
the following improvements in accordance with said contract:

Project No. 2016-17, Contract 2016-K City Hall, Community Center and Public
Works Parking Lot Improvements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Brooklyn Center, Minnesota that:

1. Final payment shall be made on Project No. 2016-17, Contract 2016-K
City Hall, Community Center and Public Works Parking Lot
Improvements, taking the contractor's receipt in full. The total amount to
be paid for said improvements under said contract shall be \$722,008.
2. The estimated project costs and revenues are hereby amended as follows:

<u>COSTS</u>	<u>Estimated</u>	<u>Amended per Low Bid</u>
Base Contract	\$564,699.12	\$590,936.84
<u>Alternate 1</u>	<u>\$134,780.03</u>	<u>\$131,071.16</u>
Subtotal Construction Cost	\$699,479.15	\$722,008.00
 <u>Admin/Legal/Engr.</u>	 \$ 47,000	 \$ 58,400.83
Total Estimated Project Cost	\$746,479.15	\$780,408.83
 <u>REVENUES</u>	 <u>Original Award</u>	 <u>Final</u>
<u>Capital Projects Fund</u>	<u>\$746,479.15</u>	<u>\$780,408.83</u>
Total Estimated Revenue	\$746,479.15	\$780,408.83

RESOLUTION NO. _____

August 27, 2018

Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

COUNCIL ITEM MEMORANDUM

DATE: 8/27/2018

TO: Curt Boganey, City Manager

THROUGH: Doran Cote, Public Works Director

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Resolution Accepting Work Performed and Authorizing Final Payment, Project No. 2018-07, 2018 Pond Maintenance

Requested Council Action:

- It is recommended that the City Council approve the resolution accepting work performed and authorizing final payment, Project No. 2018-07, 2018 Pond Maintenance.

Background:

On January 8, 2018, the City Council awarded Project 2018-07 to New Look Contracting, Inc. of Rogers, Minnesota for the work of the 2018 Pond Maintenance project. New Look Contracting, Inc. has successfully completed the work and is requesting final payment for the project.

Budget Issues:

The original contract amount with New Look Contracting, Inc. for the improvements was \$237,601.00. The total value of work certified for final payment is \$242,562.32. The total project cost including contingencies/administration/engineering/legal is \$291,757.76 and was completed 0.3 percent under budget in the amount of \$843.24. The attached resolution provides a summary of the final amended costs and funding sources for the project.

Strategic Priorities and Values:

Enhanced Community Image

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, PROJECT NO. 2018-07, 2018 POND MAINTENANCE

WHEREAS, pursuant to a written contract signed with the City of Brooklyn Center, Minnesota, New Look Contracting, Inc. of Rogers, Minnesota has completed the following improvements in accordance with said contract:

Project No. 2018-07, 2018 Pond Maintenance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota that:

1. Final payment shall be made on Project No. 2018-07, 2018 Pond Maintenance Project, taking the contractor's receipt in full. The total amount to be paid for said improvements under said contract shall be \$242,562.32.
2. The estimated project costs and revenues are hereby amended as follows:

	<u>Estimated</u>	<u>Amended per Low Bid</u>
COSTS		
Construction Cost	\$ 237,601.00	\$ 242,562.32
Engineering and Administrative	\$ 50,000.00	\$ 49,013.65
Contingency	\$ 5,000.00	\$ 181.79
TOTAL	\$ 292,601.00	\$ 291,757.76
REVENUES	<u>Original Award</u>	<u>Final</u>
Storm Drainage Utility Fund	\$ 292,601.00	\$ 291,757.76

August 27, 2018

Date

Mayor

ATTEST: _____

City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

COUNCIL ITEM MEMORANDUM

DATE: 8/27/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Doran Cote, Public Works Director

SUBJECT: Resolution Accepting American Legion Post No. 630 and Sons of the American Legion Donations

Requested Council Action:

- It is recommended that the City Council consider approval of a resolution accepting American Legion Post No. 630 and Sons of the American Legion Donations.

Background:

The City currently has 3-800 MHz radios for Public Works supervisors. Staff would like to add six additional radios for the Public Works Director, dispatch and four Public Works Crew Leaders. The radios would be programmed for interoperability with Police and Fire and our neighboring community Public Works Departments. The total price of six additional radios is \$16,624.14.

In June, 2018, the City requested a donation from American Legion Post No. 630 and Sons of the American Legion Donations to assist with the purchase of the six 800 MHz radios. In July, 2018, the City was advised that donations in the amount of \$2,000 was provided to the City for the radio purchase.

Budget Issues:

The total price of six additional radios is \$16,624.14. The American Legion Post No. 630 and Sons of the American Legion donations is for \$2,000. The Emergency Preparedness budget also has \$3,000 for this type of equipment. The remaining funding would come from savings in other Public Works budgets.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING AMERICAN LEGION POST NO. 630 AND SONS OF THE AMERICAN LEGION DONATIONS

WHEREAS, in June, 2018, the City requested a donation from American Legion Post No. 630 and Sons of the American Legion to assist with the purchase of six 800 MHz radios; and

WHEREAS, in July, 2018, the City was advised that a donation in the amount of \$2,000 had been awarded to the City for the radio purchase.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the \$2,000 American Legion Post No. 630 and Sons of the American Legion donations are hereby accepted.

August 27, 2018
Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

COUNCIL ITEM MEMORANDUM

DATE: 8/27/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Tim Gannon, Police Chief and Doran Cote, Public Works Director

SUBJECT: An Ordinance Amending Chapter 27 of City Code of Ordinances Regarding Parking

Requested Council Action:

- It is recommended that the City Council approve the first reading of the Ordinance Amending Chapter 27 of the City Code of Ordinance Regarding Parking and call for a second reading with public hearing.

Background:

Routinely, Police and Public Works staff is contacted by residents concerned about individuals parking overnight in violation of current City parking regulations. Overnight parking is rarely an issue for Public Works staff except during snow plowing operations. There are often times in excess of 130 vehicles that staff has to plow around and come back to clean up after the vehicle leaves. Unfortunately, current parking regulations allow for daytime parking even if we are actively involved in snow plowing operations.



At the January 22, 2018, Work Session staff presented the following three options to address overnight parking related issues. Option 1 was no change to the current ordinance including police enforcement. Option 2 was no change to the current ordinance but with enhance police enforcement. Option 3 was to modify the current ordinance to include seasonal restrictions (no parking 2:00 a.m. to 6:00 a.m. November 1 through April 30), no on-street parking during any event of 2 ½ inches or more until roads are plowed curb to curb, no parking for more than 12 continuous hours, enhanced seasonal enforcement and towing during snow events with enhanced public education and outreach. The City Council did not direct proceeding with any new options.

Upon further review City staff has developed an amended version of the parking ordinance that addresses snow related parking restrictions specifically. The proposed amended ordinance prohibits on-street parking after a snow fall of 2.5 inches. Within that amendment there is a provision which allows for the removal of vehicles in violation of the ordinance in accordance with Section 27.121. That provision would provide for an enhanced enforcement option not previously utilized.

Budget Issues:

The 26 existing City limit entry signs that display the current overnight parking restrictions will all have to be changed out with the new parking restrictions identified. The existing signs will be resurfaced with the new restrictions and reinstalled. The cost to perform this work will be negligible and can be done in the normal course of business.

Strategic Priorities and Values:

Safe, Secure, Stable Community

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2018, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an ordinance related to parking.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please notify the City Clerk at 763-569-3306 to make arrangements.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 27 OF CITY CODE OF ORDINANCES
REGARDING PARKING

THE CITY COUNCIL OF THE CITY OF BROOKLYN CENTER DOES ORDAIN AS
FOLLOWS:

Article I. Brooklyn Center City Code, Section 27-120 is amended as follows:

Section 27-120. PARKING RESTRICTED AND PROHIBITED.

1. No person in charge of any vehicle shall park or permit such vehicle to stand upon the roadway of any highway or street in the City of Brooklyn Center between the hours of 2 a.m. and 6 a.m., nor for more than 6 consecutive hours at any other time. No person in charge of any vehicle shall park or permit such vehicle to stand upon any alley in the City of Brooklyn Center at any time.
2. Snow Emergency. After a snowfall of at least 2.5 inches in the City, parking is prohibited on any public street or alley until and after that particular street or alley has been plowed and the snow removed to the curb line. It is unlawful to deposit snow or ice, plowed or removed from private property, onto the traveled portion of a street, alley or public way. Vehicles parked in violation of this section may be removed in accordance with Section 27-121.
3. No person in charge of any vehicle shall park or permit such vehicle to stand upon any street, highway, parking lot or other area within the City of Brooklyn Center in violation of posted traffic control devices.
4. No person in charge of any vehicle shall park or permit such vehicles or any part thereof, to stand upon a public sidewalk or upon the non-roadway area of any public street right of way.
5. The Chief of Police or his/her designee may allow short-term exceptions to the above stated parking restrictions under certain circumstances if requests for such exceptions are submitted to the Police Department at least two hours prior to the time period for

which the exception is requested, and if he/she determines that the granting of such exceptions will not create problems affecting the health and safety of the citizens or unduly affect traffic movements or street maintenance operations.

Specific examples of events for which exceptions may be granted if all conditions are met include but are not limited to: a.) family gatherings for special events such as weddings, graduations, anniversaries, and funerals in residential areas. b.) civic events such as community celebrations and parades. c.) reconstruction or resurfacing of driveways. d.) out of state visitors with large R.V.'s.

Section 27-121. REMOVAL OF ILLEGALLY PARKED VEHICLES. Any vehicle parked in violation of the ordinance of the City or in violation of any State law may be removed by towing at the direction of the City police to a suitable place for storage until claimed by the owner or his agent, and the owner or other person responsible for such parking of the vehicle shall be liable for the reasonable cost of such towing and storage.

Article III. Effective Date. This Ordinance shall become effective after adoption and upon thirty (30) days following its legal publication.

Adopted this ____ day of _____, 2018.

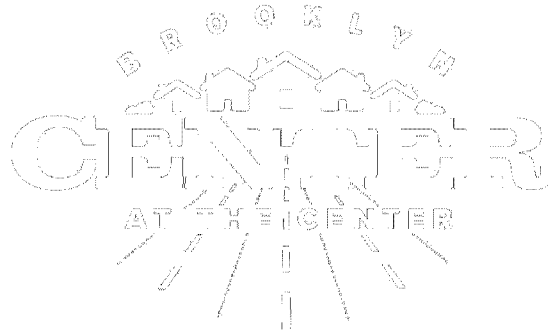
Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

(~~Strikeout~~ indicates matter to be deleted, double underline indicates new matter.)



**CITY COUNCIL
ORDINANCE PROPOSAL**

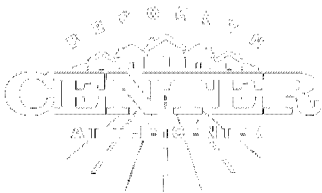
**SNOW EVENT PARKING
RESTRICTIONS**

AUGUST 27, 2018

PARKING ENFORCEMENT – STATE STATUTE

2-8.01.02 Local Authority – Local authorities may also restrict parking by ordinance or resolution.

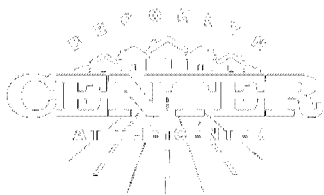
2-8.02 Limited Time Parking – Limited time parking is a local concern, which is controlled by local authorities. It is Mn/DOT's policy to give considerable latitude to local communities in setting parking time limits.



PARKING ENFORCEMENT – CITY ORDINANCE

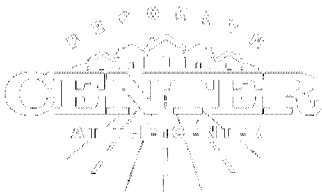
Section 27-120. PARKING RESTRICTED AND PROHIBITED –

No person in charge of any vehicle shall park or permit such vehicle to stand upon the roadway of any highway or street in the City of Brooklyn Center between the hours of 2 a.m. and 6 a.m., nor for more than six consecutive hours at any other time. No person in charge of any vehicle shall park or permit such vehicle to stand upon any alley in the City of Brooklyn Center at any time.



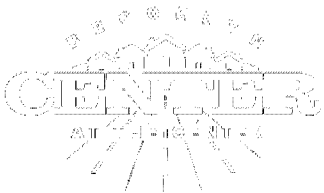
ADDITIONAL PARKING PROVISION

- No on-street parking during any snow event of 2 ½ inches or more until the roads are plowed curb to curb.
- Enforcement actions would include the issuance of a citation and the towing of any vehicle in violation.
- Snow parking restrictions would be enforceable whenever the amount of snow is 2 ½ inches or more.



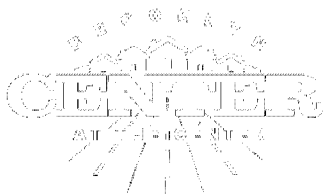
BENEFITS

- Easier for Public Works staff to maintain roadways.
- Keeps the streets clean/open for emergency personnel.
- Easier for Police staff to identify suspicious vehicles in neighborhoods.
- Citizen complaints the past few years have included “plow-arounds,” which would be eliminated by this provision.



FEEDBACK FROM PUBLIC WORKS

- The last snow event of 2017 included 135 vehicle violations from 3:00 a.m. – 6:00 a.m. and 145 from 6:00 a.m. – 8:00 a.m.
- There has not been a snow event this year to count snow bird residents.
- A poll of surrounding cities conducted by Public Works in 2014, showed snowbirds are a significant issue for most cities (see handout).
- Suggestion – add language to the ordinance that reflects if snowfall is over 2 ½ inches, no parking until the streets have been plowed curb to curb.









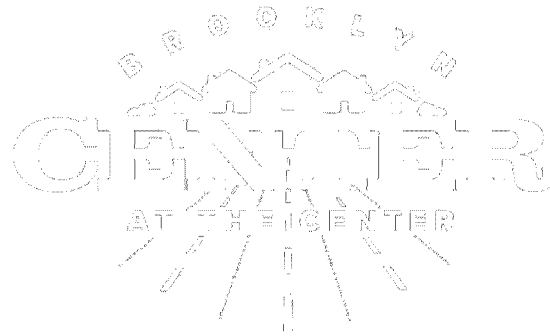












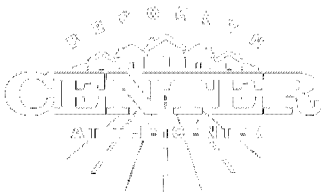
CITY COUNCIL

SNOW EVENT PARKING RESTRICTION ORDINANCE

ORDINANCE PROPOSAL



- No on-street parking during any snow event of 2 ½ inches or more until the roads are plowed curb to curb.
- Enforcement of the ordinance would include issuance of a citation as well as towing the vehicle to allow for snow plowing.
- The provision is in effect whenever snow fall meets or surpasses 2 ½ inches.





COUNCIL ITEM MEMORANDUM

DATE: 8/27/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing & Community Standards Supervisor

SUBJECT: Type IV 6-Month Provisional License for 5308 Lilac Dr

Requested Council Action:

- Motion to approve a Type IV 6-month Provisional Rental License

Background:

This owner is applying for a renewal rental license. This is single family property. The previous rental license was a Type I Rental License. This property qualifies for a Type IV Rental License based on twenty (20) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

Staff from Administration, Community Development, and Police Departments worked with the property owner regarding a mitigation plan, which requires Phase I, II and III of the Crime Free Housing Program, and other items included by City ordinance for a Type IV Rental License. A Mitigation Plan has been developed addressing the requirements of the ordinance and any issues specific to the property.

Therefore, staff is recommending approval of the Type IV Rental License on condition of adherence to the Mitigation Plan. Please refer to the attached copy of the Mitigation Plan for more information.

Current rental license approval activities for license expires on 09/30/2018:

01-02-2018 The Owner, Paul Baird, applied for renewal of the rental dwelling license for 5308 Lilac Dr, a single family dwelling.

01-19-2018 An initial rental license inspection was conducted and failed. 20 property code violations were cited, see attached rental criteria.

03-01-2018 A second rental inspection was conducted and failed. 2 corrections were not made. A weather deferral was granted for the yard waste. A \$100 re-inspection fee was charged to the property.

03-15-2018 A third rental inspection was conducted and failed. Property Manager called to reschedule. A \$100 re-inspection fee was charged to the property.

03-29-2018 A fourth rental inspection was conducted and failed. No access granted. A \$100 re-inspection fee was charged to the property. There is a total of \$ 300 in re-inspection fees.

03-31-2018 The previous rental license expired.

04-11-2018 A fifth rental inspection was conducted and failed. Additional violations were found during the inspection. A \$100 re-inspection fee was charged to the property. There is a total of \$400 in re-inspection fees.

04-12-2018 Property Manager called to re-schedule the inspection.

04-26-2018 A 6th rental inspection was conducted. All corrections have been made. \$400 in

re-inspection fees still owed.

05-10-2018 The \$400 in re-inspection fees were paid.

06-11-2018 City records indicate 0 validated police nuisance incidents occurred in the past twelve months.

08-21-2018 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.

07-17-2018 A Mitigation Plan was submitted.

07-30-2018 The Mitigation Plan was finalized.

08-21-2018 A letter was sent to the owner notifying that the hearing before the Council will be held August 27, 2018.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Safe, Secure, Stable Community

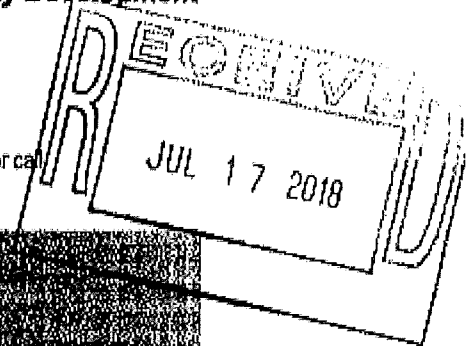


Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.



☒ ☐

5308 Lilac Dr

ADS LLC / Paul Beird

950 County RD 10 Suite 120
Spring lake Park MN 55432

612-328-2580

housesmn@gmail.com

3/31/18 JB 9/30/18 JB

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property is required to submit an Action (Type III) or Mitigation Plan (Type IV). In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions. otherwise your plan will not be approved.



Community Development

PROPERTY ADDRESS

Phase I - Read and check each box.

- ☒ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.
- ☒ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.
- ☒ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.
- ☒ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mnrcpa.net. If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.
 - ☒ Crime Free Housing training is completed
 - ☐ Crime Free Housing training is scheduled for _____
Date
 - ☐ Owner or agent plans to attend training at : _____
Name of City
- ☒ 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

- ☒ 1) Complete a Security Assessment and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 669-3344.
- ☒ 2) A follow-up assessment must be completed before the license expiration date to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 669-3344.
 - ☒ Security Assessment is completed
 - ☐ Security Assessment is scheduled for _____



Community Development

PROPERTY ADDRESS

Phase III - A.R.M Meeting Requirement

- ☒ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. The A.R.M. meetings must be completed within the rental license period and before the License expiration date.
- AT* ☒ 2) Registration is not required to attend, however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.
- PT* ☒ 3) Write two months the owner or agent plans to attend.
Owner or agent will attend A.R.M. meetings scheduled for: July and Sept *AT*

The following actions are required for Multi-Family properties with four (4) or more units.

- ☐ 1) Conduct resident training annually to include crime prevention techniques.
- ☐ 2) Conduct regular resident meetings.



Community Development

PROPERTY ADDRESS

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items must have a date under the *Estimated Replacement Date*. Plans will not be approved if writing "unsure", "don't know", or leaving it blank. If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	May 2010	F	May 2020

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	2004	G	2024
Water Heater	2010	G	2020
Kitchen Appliances	2018	G	2027
Laundry Appliances	2018	G	2027
Smoke Alarms/ Carbon Monoxide Alarms	2018	G	2019

Exterior Items

Paint/Siding		F	2020 XT
Windows		F	2023 XT
Roof		F	2023 AT
Garage		F	2023 XT
Driveway		F	2023
Fence		F	2023 XT
Sidewalks		F	2023 XT
Shed		F	2023 XT

*Condition Abbreviations:

New=N

Good=G

Fair=F

Needs Replacement=R



Community Development

PROPERTY ADDRESS

Sections C—Steps to Improve Management and Conditions of Property

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- UB ☒ 1) Check-in with tenants every 30-days.
- UB ☒ 2) Drive by property to check for possible code violations.
- UB ☒ 3) Evict tenants in violation of the lease or any addendums.
- UB ☒ 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- UB ☒ 5) Have no repeat code violations previously documented with the past year.
- UB ☒ 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- ☐ 7) Other: _____

The following actions are optional unless required by the City.

- ☐ 1) Provide lawn/snow service.
- ☐ 2) Provide garbage service.
- ☐ 3) Install security system.
- ☐ 4) Provide maintenance service plan for appliances.
Name of service company: _____
- ☐ 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.



Community Development

PROPERTY ADDRESS

Declaration

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Dani Araya
Owner or Agent Name and Title (Please Print)

[Signature]
Owner or Agent Signature

5-20-18
Date

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

[Signature] CPS
Police Department

7/26/2018
Date

[Signature] HSE + Comm 5454
Community Development

7/30/18
Date

COUNCIL ITEM MEMORANDUM

DATE: 8/27/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing & Community Standards Supervisor

SUBJECT: Type IV 6-Month Provisional Rental License for 6835 Colfax Ave N

Requested Council Action:

- Motion to approve a Type IV 6-month Provisional Rental License.

Background:

This owner is applying for a renewal rental license. This is single family property. The previous rental license was a Type II Rental License. This property qualifies for a Type IV Rental License based on seventeen (17) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

Staff from Administration, Community Development and Police Departments worked with the property owner regarding a mitigation plan, which requires Phase I, II and III of the Crime Free Housing Program, and other items included by City ordinance for a Type IV Rental License. A Mitigation Plan has been developed addressing the requirements of the ordinance and any issues specific to the property.

Therefore, staff is recommending approval of the Type IV Rental License on condition of adherence to the Mitigation Plan. Please refer to the attached copy of the Mitigation Plan for more information.

Current rental license approval activities for license expires on 09/30/2018:

02-23-2018 The Owner, Adeyinka Badewa, applied for renewal of the rental dwelling license for 6835 Colfax Ave N, a single family dwelling.

03-30-2018 An initial rental license inspection was conducted and failed. 17 property code violations were cited, see attached rental criteria.

03-31-2018 The previous rental license expired.

04-30-2018 A second rental inspection was conducted and failed. Additional violations were found during the re-inspection, all previous items have been corrected.

05-14-2018 A third rental inspection was conducted and passed.

05-23-2018 A \$300 Administrative Citation was issued for renting without a license.

05-24-2018 City records indicate 0 validated police nuisance incidents occurred in the past twelve months.

05-24-2018 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.

07-03-2018 A \$600 Administrative Citation was issued for renting without a license.

07-27-2018 A Mitigation Plan was submitted.

08-03-2018 The Mitigation Plan was finalized.

08-17-2018 A letter was sent to the owner notifying that the hearing before the Council will be held August 27, 2018.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

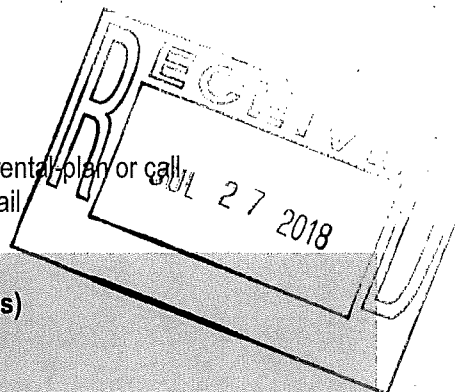
Safe, Secure, Stable Community



Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email

☐ Action Plan—Type III (1 Year)☒ Mitigation Plan—Type IV (6 Months)

Property Address:

6835 Colfax Avenue N,
Brooklyn Center, MN 55330

Owner's Name(s):

Adeyinka & Afolake Badewa

Local Agent:

Owner's Address:

11022 Sweetwater Path
Woodbury, MN 55129

Agent Address:

Owner's Phone:

612-423-5825

Agent's Phone:

Owner's Email:

abadewas@yahoo.com

Agent's Email:

Current Expiration Date:

03/31/2018

Pending Expiration Date:

09/30/2018

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property **is required to submit an Action (Type III) or Mitigation Plan (Type IV)**. In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.



Community Development

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Sections A—Crime Free Housing Program Requirements

Phase I - Read and check each box.

- ☒ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**
- ☒ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.
- ☐ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.
- ☒ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**
- ☐ Crime Free Housing training is completed
- ☒ Crime Free Housing training is scheduled for 09/13/18
Date
- ☒ Owner or agent plans to attend training at: Brooklyn Center
Name of City
- ☒ 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

- ☒ 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.
- ☒ 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.
- ☒ Security Assessment is completed
- ☐ Security Assessment is scheduled for _____



Community Development

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Sections A—Crime Free Housing Program Requirements (continued)

Phase III - A.R.M Meeting Requirement

- ☒ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**
- ☐ 2) **Registration is not required to attend**, however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.
- ☒ 3) Write two months the owner or agent plans to attend.
Owner or agent will attend A.R.M. meetings scheduled for: 09/13/2018 and 11/08/2018

The following actions are required for **Multi-Family properties with four (4) or more units.**

- ☐ 1) Conduct resident training annually to include crime prevention techniques.
- ☐ 2) Conduct regular resident meetings.



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Sections B—Long Term Capital Improvement Plan

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items **must** have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing “unsure”, “don’t know”, or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
<i>Example: Water Heater</i>	<i>May 2010</i>	<i>F</i>	<i>May 2020</i>
Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	May 2016	F	May 2021
Water Heater	May 2016	F	May 2021
Kitchen Appliances	May 2016	F	May 2021
Laundry Appliances	May 2016	F	May 2021
Smoke Alarms/ Carbon Monoxide Alarms	March 2018	F	May 2021
Exterior Items			
Paint/Siding	May 2016	F	May 2021
Windows	May 2016	G	May 2036
Roof	May 2016	G	May 2036
Garage	May 2016	G	May 2036
Driveway	May 2016	G	May 2021
Fence	May 2016	G	May 2021
Sidewalks	May 2016	F	May 2021
Shed	No shed		

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R



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Sections C—Steps to Improve Management and Conditions of Property

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- ☒ 1) Check-in with tenants every 30-days.
- ☒ 2) Drive by property to check for possible code violations.
- ☒ 3) Evict tenants in violation of the lease or any addendums.
- ☒ 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- ☒ 5) Have no repeat code violations previously documented with the past year.
- ☒ 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- ☐ 7) Other: _____

The following actions are optional unless required by the City.

- ☐ 1) Provide lawn/snow service.
- ☐ 2) Provide garbage service.
- ☐ 3) Install security system.
- ☒ 4) Provide maintenance service plan for appliances.
Name of service company: _____
- ☐ 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.



Community Development

PROPERTY ADDRESS

Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Adele / Mrs. Badewse (Owner)

Owner or Agent Name and Title (Please Print)

[Signature]

Owner or Agent Signature

7/27/18

Date

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

[Signature] CRS

Police Department

8/1/2018

Date

[Signature] HJB + Laura Stal Rep

Community Development

8/3/18

Date

**Council/EDA Work
Session**

City Hall Council Chambers
August 27, 2018

AGENDA



The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

ACTIVE DISCUSSION ITEMS

1. T-21 Issue Response

PENDING LIST FOR FUTURE WORK SESSIONS

1. Future Ongoing Items
 - Cities United Membership
 - ADA Transition Plan
 - Liquor/Public Dance Ordinance- September
 - Hennepin County Library
 - Rental License - September
 - BC Liquor Market Study - September
 - Livable Wage
 - Prevailing Wage
 - Chicken Ordinance - September
 - Semi Truck Parking Ordinance - September
 - Transient Accommodations - September

MEMORANDUM- COUNCIL WORK SESSION

DATE: 8/27/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Reggie Edwards, Deputy City Manager

SUBJECT: T-21 Issue Response

Recommendation:

It is recommended that the City Council consider providing direction to staff regarding the issue of T-21 tobacco.

Background:

In 2014, the City of Brooklyn Center took a leadership stance in the metro region by adopting an ordinance increasing the purchasing price for cigars to \$2.10 cents, which was the first jurisdiction in the region to take such action.

In 2017, the Council adopt a new strategic plan and priorities for the years 2018 - 2020. Two related strategic priorities adopted by the Council were “Safe, Secure, Stable Community” and “Resident Economic Stability.” The deliberation of the issue of “they use of tobacco by youth” is a health, safety and economic issue.

On Monday, May 10, 2018, the Brooklyn Youth Council and the Hennepin County Public Health Department presented the City Council with a report and recommendations regarding the issue of T-21 tobacco in Brooklyn Center.

Key findings from the research conducted by the Brooklyn Youth Council and Hennepin County Public Health included:

- Youth tobacco use behavior
- Exposure to tobacco products and marketing
- Youth awareness to tobacco and perceptions of tobacco marketing
- The effects of tobacco

The recommendations presented by the Youth Council were:

1. Reduce youth access and exposure to flavored tobacco products
2. Increase the cost of tobacco products
3. Raise the minimum legal sells age to 21
4. Reduce the density of tobacco retailers
5. Restrict the sale of tobacco near youth serving facilities
6. Increase tobacco retail compliance with age verification to purchase tobacco products

In preparation for drafting a City response to the recommendations, a multi-departmental team (i.e. Department of Administration, Department of Community Development, Police Department and the City Attorney) took

the following steps:

- Review all presented material and associated research
- Interviewed the leadership of the Association for Nonsmokers-Minnesota
- Interviewed the leadership of the Hennepin County Public Health Department
- Conducted (to take place on Tues. Aug. 21st) listening session with the 21 tobacco licensed establishments located in Brooklyn Center
- Reviewed tobacco related ordinances passed by other Minnesota cities (i.e. Bloomington, Minneapolis, Plymouth, Richfield, Robbinsdale, St. Louis Park, Falcon Heights, Mendota Heights, St. Paul, and Shoreview)

The discovery process afforded staff the chance to view the issue from the various perspectives including:

- Youth
- Businesses and Economic Impact
- Community Health
- Public Safety
- Legal/Regulatory
- Rights

Given the research provided, interviews and information presented to the Council staff puts forth the following six T-21 Options (see attached report for details):

- 1. Support all recommendations presented by the Brooklyn Youth Council
 2. Support a combination of recommendations presented by the Brooklyn Youth Council
 3. Take no action on the recommendations
 4. Partnering with the schools in Brooklyn Center, Hennepin County and the Brooklyn Youth Council to develop and fund a program to curtail peer pressure and
 5. Establish continued city research and benchmarking in order to better access behavior and changes of behavior with regard to youth and the use of tobacco in the City of Brooklyn Center.
 6. Collaborating with cities to seek statewide legislation to raise age limit of the sale of all tobacco related products from 18 years of age to 21.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Brooklyn Center to T-21



City of Brooklyn Center
August 27, 2018

Report by:

Tim Gannon, Policy Chief
Meg Beekman, Community Development Director
Troy Gilchrist, City Attorney
Barb Suci, City Clerk
Reggie Edwards, Deputy City Manager

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Overview

In 2017, the Council adopt a new strategic plan and priorities for the years 2018 - 2020. One of the strategic priorities adopted was “Safe, Secure, Stable Community”. It is this priority, which primarily covers the issue of use of tobacco by youth in the City of Brooklyn Center. A secondary, but related City strategic priority is “Resident Economic Stability”. Resident economic stability is influenced by employment opportunities or jobs and wages. Subsequently, the success of businesses in Brooklyn Center is vital. The deliberation of the issue of “they use of tobacco by youth” is a health, safety and economic issue.

In 2017, the Brooklyn Youth Council undertook an effort titled, “the 2018 Tobacco Prevention Project”. The purpose of the project was to understand the effect of tobacco on their community. In May of 2018, the Brooklyn Youth Council presented the results of their project including findings and recommendations for the Brooklyn Center City Council for consideration. Following the presentation the City Council directed staff to research, review and prepare a response for the consideration by the Council.

Staff (i.e., Police Chief, Tim Gannon; Community Development Director, Meg Beekman; City Clerk, Barb Suci; City Attorney, Troy Gilchrist, and Deputy City Manager, Reggie Edwards) conducted research, interviews and reviewed reports on the subject matter in order to prepare a City response for consideration by City Council.

Based upon staff’s findings there were six options developed, which are included in this document, for consideration by the City Council. Each of the options include a brief description and a listing of pros and cons.

Should the Council desire to move forward with adopting any of the developed options a draft outline of steps and timeline is shown in this report, which includes a November 3, 2018 effective date.

The purpose of this report is to provide a framework or options that the Brooklyn Center City Council may consider in response to the recommendations set forth by the Brooklyn Youth Council on Monday, May 14, 2018.

This report includes the following sections:

- Overview
- Issue
- Charge
- Background
- Key Findings
- Response Options
- Recommendation
- Ordinance Change Timeline (If Needed)
- Appendices

Issue

The mission of the Brooklyn Youth Council is “to represent youth in Brooklyn Center and Brooklyn Park by providing a voice in collaboration with the community and local government in order to positively raise awareness of problems facing youth”.

The Brooklyn Youth Council believe that “Young people are an essential part of their community and have a unique perspective to bring to planning and decision-making processes. Young people bring unique voices to the table because our voice matters and is just as important”.

The Brooklyn Youth Council conducted the 2018 Tobacco Prevention Project to gain better understanding of the effect of tobacco use by youth on the community.

Based upon the findings in the 2018 Tobacco Prevention Project the Brooklyn Youth Council presented a set of proposal recommendations to the Brooklyn Center City Council to prevent the use of tobacco by young people living and visiting the City.

Charge

Upon hearing the set of proposed recommendations related to preventing young people from using tobacco, the City Council directed staff to research, review and prepare a City response for consideration by the Council.

Background

In the past (2014), the City of Brooklyn Center took an historic leadership stance in the metro region by adopting an ordinance increasing the purchasing price for cigars to \$2.10 cents. That was a strategy to restrict or hamper the purchasing of tobacco by youth and Brooklyn Center was first in the region to do so at that time. Today several cities have modeled their tobacco ordinance and pricing policy after Brooklyn Center; however, several have moved beyond the price of \$2.10 cents for cigars to \$2.60 cents.

In 2017, the Council adopt a new strategic plan and priorities for the years 2018 - 2020. Two related strategic priorities adopted by the Council were “Safe, Secure, Stable Community” and “Resident Economic Stability.” The deliberation of the issue of “they use of tobacco by youth” is a health, safety and economic issue.

In 2017, the Brooklyn Youth Council undertook the 2018 Tobacco Prevention Project. The purpose of the project was to gain better understanding of the effect of tobacco use by youth in the community. The project included elements such as training and research with Hennepin County, research information gathering from 8 focus groups of 38 youth in Brooklyn Center and Brooklyn Park, and education and awareness activities.

The Brooklyn Youth Council developed a report including research findings and recommendations.

Key findings from the research conducted by the Brooklyn Youth Council and Hennepin County Public Health included (see attachment):

- A. Youth tobacco use behavior - City of Brooklyn Center Summary of Tobacco Environmental Scan, by Hennepin County Public Health and Statewide Improvement Partnership or SHIP, April 17, 2018 (see attachment):
 - Many youth expressed that tobacco was very easy to obtain
 - Cigarillos, menthol cigarettes, and flavored e-cigarettes are the most prominent tobacco products youth use.
 - Youth view E-cigarettes as a healthy alternative to cigarettes.
 - Many youth expressed that stress and peer pressure were the primary reason they chose to use tobacco.
- B. Exposure to tobacco products and marketing - City of Brooklyn Center Summary of Tobacco Observational Visits, June 2016 by Hennepin County Public Health and Statewide Improvement Partnership or SHIP, April 17, 2018 (see attachment):
 - Youth frequent tobacco retailers on a daily basis
 - Corner stores, convenience stores and gas stations are the stores youth shop at the most.
- C. Youth awareness to tobacco and perceptions of tobacco marketing:
 - Youth are aware that tobacco marketing is more prominent in low-income and communities of color.
 - Young people realize that the marketing of flavored tobacco products is directed at them.
 - Marketing of e-cigarettes as a healthier alternative is effective among youth.
- D. The effects of tobacco:
 - Youth felt tobacco is a gateway to other drugs.
 - Using tobacco affects youth's physical, emotional, and mental health.

The Brooklyn Youth Council developed six recommendations for the consideration by the Brooklyn Center's City Council, which included the following:

1. Reduce youth access and exposure to flavored tobacco products
 - Restrict the sale of flavored tobacco products (including menthol) to tobacco shops that restrict minors
2. Increase the cost of tobacco products
 - Require that cigars sold in packages of 3 or fewer be sold at a minimum prices of \$2.60 per cigar contained in package; and packages of 4 or more sold for no less than \$10.40/package
 - Increase product costs through non-tax approaches such as prohibiting coupon redemption or other price discounting
3. Raise the minimum legal sells age to 21

4. Reduce the density of tobacco retailers
 - Reduce the number of tobacco retailers to 15 retail stores
5. Restrict the sale of tobacco near youth serving facilities
 - Restrict the proximity of new tobacco retailers to within 1,000 feet of youth serving facilities, such as schools/educational facilities, parks, community centers, and libraries
6. Increase tobacco retail compliance with age verification to purchase tobacco products
 - Require retailer employee training on youth access laws
 - Increase the number of annual compliance checks
 - Require re-inspections after failed compliance check(s) and/or FDA violation(s)
 - For additional cost of administering the compliance checks, increase the licensing fee so that the license holder absorbs the costs
 - Signage – Require the notice of legal sales age and age verification requirements be posted at each retail store
 - Increase penalties for license violations

On Monday, May 14, 2018, the Brooklyn Youth Council with Hennepin County Public Health Department presented the findings and recommendations from the 2018 Tobacco Prevention Project to the Brooklyn Center City Council for consideration.

Following the presentation the City Council directed staff to research, review and prepare a response for the consideration by the Council.

Process

In preparation of drafting a City response to the recommendations, a multi-departmental team (i.e. Department of Administration, Department of Community Development, Police Department and the City Attorney) took the following steps:

- Review all presented material presented by the Brooklyn Youth Council
- Staff conducted secondary research by reviewing associated research, data, material and reports on the subject matter
- Interviewed the leadership of the Association for Nonsmokers-Minnesota
- Interviewed the leadership on the related subject of the Hennepin County Public Health Department
- Interviewed the leadership on the related subject of the Public Health Law Center
- Conducted listening session with the 21 tobacco licensed establishments located in Brooklyn Center
- Reviewed tobacco related ordinances passed by other Minnesota cities including: Bloomington, Minneapolis, Plymouth, Richfield, Robbinsdale, St. Louis Park, Falcon Heights, Mendota Heights, St. Paul, and Shoreview - Tobacco Retail Sales Ordinance Restrictions, SHIP, July 2018 and Tobacco Prevention Policies – Hennepin County and the Surrounding Area Cigar Minimum Price/Package, Flavored Product Restriction, Tobacco 21, Hennepin County Public Health and SHIP, May 21, 2018 (see attachment)

Key Findings

After reviewing numerous documents, and conducting interviews and listening sessions the findings of: perspective and recommendation rationale, youth, business and economic influence, community health, public safety, and rights were reviewed.

A. Perspective and Recommendation Rationale

The focus of the recommendations presented to the City Council and similar positions by tobacco prevention advocates revolve around two factors including 1) access to tobacco and 2) restrictions of the purchase of tobacco. The recommendations may be strategically grouped or viewed in the following two ways:

Reducing access to tobacco by youth

- Reduce youth access and exposure to flavored tobacco products
- Reduce the density of tobacco retailers
- Restrict the sale of tobacco near youth serving facilities

Restricting the purchasing of tobacco by youth

- Increase the cost of tobacco products
- Raise the minimum legal sells age to 21
- Increase tobacco retail compliance with age verification to purchase tobacco products

B. Youth

The City conducted a youth mock city council meeting. The youth mock council meeting provided youth with the opportunity to review, deliberate and vote with their peers on the issue of T-21 tobacco. The exercise also provided the City Council with an opportunity to hear views on the issue from a second group of youth. The second group of seven (7) youth was smaller sample size of youth than that of the 38 youth who participated in the focus groups facilitated by the Brooklyn Youth Council. The participating youth from the mock council meeting expressed a variety of thoughts on the subject including:

- Youth are capable of making decisions for themselves with appropriate education
- The City acting alone is insufficient to address the problem of youth using tobacco, because youth will travel to the next city to purchase tobacco products
- While youth are capable of making decisions, at the ages below 21 it may not be the case due to maturity of youth. Making healthy decisions for youth who are not mature, enough to do so is a “good thing”.

- Education and programming was important, because it could address underlining issues that cause youth to use tobacco (i.e. stress and peer pressure), as well as, equip youth to make their own choices about whether or not to purchase tobacco products.

C. Businesses and Economic

There was limited information provided or known regarding the economic effect of the recommendations on local businesses in Brooklyn Center. City staff researched comments or positions taken by businesses during the process of other cities in Minnesota that were considering the T-21 tobacco issue. In addition, the City held a listening session with BC tobacco-licensed establishment and interviewed at least one tobacco-licensed establishment located outside of the City of Brooklyn Center.

According to Menthol Smokers Will Shop at Convenience Stores, The Association for Nonsmokers-Minnesota and ClearWay Minnesota, 2017, states, “61% of menthol smokers buy other item when they buy cigarette. Beverages, snacks, and gas are most common purchases.” Retailers may view smokers in terms of foot-traffic for larger purchases. Thereby, an economic assessment of changes in tobacco sells policy would include the impact of purchasing or revenue losses of other products. However, according to National Association Convenient Stores, State of the Industry Summit, Convenience Store Petroleum Daily News, August 2017, customers go to convenience stores 49% of the time purchase a drink, 35% to purchase food or a snack and 17% for other reasons including tobacco, ATM and restroom during the year of 2015. In the following year, 2016 percentage of in-store profits attributed to the other category was 13%.

Arguments at the national level by business friendly associations have been that of opposition to restrictions on the sale of menthol-flavored tobacco. According to ClearWay Minnesota, 3/18/2015, adolescents smoke menthol at higher rates than any other age group including:

- 44% of Minnesota teen smokers
- 83% of U.S. African Americans youth smokers
- 70% of U.S. LGBTQ youth smokers

There are currently 21 tobacco-licensed establishments in Brooklyn Center (see-attached list). Those businesses were invited to a listen session on Tuesday, August 21, 2018 to discuss the T-21 tobacco issue and related business implications. Several of the 21 tobacco-licensed establishments participated (i.e. Holiday Stationstores, Winner Gas and Premier Tobacco, Pump-N-Munch, and Brooklyn BP) in a robust discussion of the issue.

Key takeaways from the listening session include:

- The combination of both an increased age restriction and restriction on flavored tobacco products would negatively affect their businesses.

- Raising the age limit from 18 to 21 for tobacco purchases would not significantly affect their business; however, those customers would simply go to the next city to purchase tobacco products.
- Restriction on menthol products was viewed as being the most harmful to the businesses.
- The businesses were willing and open to the idea of increasing compliance, as recommended by the Brooklyn Youth Council.
- The businesses felt that the key way to reducing youth tobacco usage is through education. Additional outreach regarding the dangers would be more helpful than punishing the retailers.
- If this were a statewide proposal, it would be more helpful, because there would be an even or level playing field.
- Businesses with multiple stores located across the region or state are particularly challenged with training staff and having staff work in different stores that are located in different cities. It becomes a challenge for retailers to keep up with different city policies and appropriately cross-train staff.

In interviewing a business owner of a tobacco-licensed establishment located outside of the City of Brooklyn Center, the business owner made the following comments:

- There would be very limited effect on business if the purchasing age were raised from 18 to 21.
- Adoption of a policy raising the purchasing age from 18 to 21 years of age could have a negative effect on business if, a city adopts such a policy alone within their competitive market. The negative affect would be due to customers simply traveling to the next city to purchase the same products legally. This scenario would place a business at business disadvantage.
- Adopting a policy of permitting the sale of tobacco or tobacco-flavored products to any one type of establishment (i.e. adult tobacco store) would create a business disadvantage or uneven playing field for other businesses competing within the market.
- Adopting a policy statewide would cure any problems because there would be a level playing field across the state or from city to city.

D. Community Health

Community health involved understanding the effect of tobacco use by youth both in the short-term and long-term. According to the Institute of Medicine of the National Academies, Advising the Nation Improving Health, 2015, “Nearly all tobacco users start before the age of 21. Also, that over the past 50 years, tobacco control in the United States has led to an estimated 8 million fewer premature deaths.”

According to the City of Brooklyn Center Tobacco Environmental Scan, Hennepin County Public Health and SHIP, April 4, 2018 (see attached), from the years 2010 to 2016, the use of conventional

tobacco for youth for the combined four school districts in Brooklyn Center declined by 7% down to 3% for the entire youth survey population of 7th grade students. From 2013 – 2016, the use declined by 7% down to 8% for 11th grade student respondents, respectively. While there is little to no longitudinal data for use of electronic cigarettes for youth, electronic cigarettes are used by 10% of 7th grade youth and 17% of 11th grade youth, respectively (Minnesota Student Survey, 2018 – see attached).

E. Public Safety

Public safety involved understanding effect on anti-social or unlawful behavior and regulatory violations.

A key finding from the research conducted by the Brooklyn Youth Council focus group sessions involving youth ranging in ages 12 – 20 was that *“youth felt tobacco is a gateway for other drugs.”*

Retailers that possess a tobacco license are subject to compliance inspection checks conducted by the City’s police department, as well as, the Federal Drug Administration (FDA). Review of the FDA Website

(https://www.accessdata.fda.gov/scripts/oc/inspections/oc_insp_searching.cfm, 2018), revealed that the FDA conducted 31 compliance checks and issued two civil penalties for violations in 2015. One involved sales to a minor and one did not. In 2016, they conducted 20 checks and found no violations. In 2017, they conducted 24 checks and found three violations, which were sales to a minor.

According to the City of Brooklyn Center Tobacco Environmental Scan by Hennepin County Public Health and Statewide Improvement Partnership or SHIP, April 17, 2018 (see attached), indicated that approximately two (2) local compliance checks are made in the City. In the years 2015, 2016, and 2017 City inspections registered zero infractions or inspection failures.

City ordinance (see attached) stipulates that compliance checks be made for each tobacco-licensed establishment at least once per year. The city may choose to conduct additional compliance checks.

F. Legal/Regulatory

A view of issue from legal and regulatory perspective involved understanding ordinances and policies such as that of fees and zoning. In the report of “Using Licensing and Zoning to Regulate Tobacco Retailers” report by the Tobacco Control Legal Consortium, 2011 identified four elements as tips for effective licensing and zoning including:

- Clear definitions and concise language – Carefully avoid vague or ambiguous language.
- Well-crafted implementation process – Specify the means by which a retailer applies for, receives, and maintains permission to sell tobacco products.
- Appropriate fees – the fees assessed to a tobacco retailer should be set at an amount that takes into account the cost of administering the law.
- Robust enforcement options – The law should clearly describe the type of conduct it prohibits.

Another legal and regulatory issue that of punishment for violation of local policies and laws. More specifically is the issue of the burden accountability and responsibility for such violations. The City ordinance (see attached) states, nothing prohibits the City from seeking prosecution as a misdemeanor for alleged violation of the ordinance (BC Ord. 23-101 through 23-108). For example, violations of sell of tobacco products to minors, which is against the law currently has consequences for both the business establishment and the minor. Penalties for purchasing of tobacco products by a minor are:

- Business establishment – Current City ordinance stipulates violation of the Youth Access Regulations in Brooklyn Center incur the following penalties:
 - 1st violation = \$100
 - 2nd violation within a 24 month period = \$200
 - 3rd violation within a 24 month period = \$250 plus a 7-day license suspension
- Youth – Current City ordinance penalizes persons under the age of 18 for purchase or attempt to purchase, use, and possession of tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices. Subject to administrative fine or other penalty, that the City believes will be appropriate and effective. The administrative fine or other penalty shall be established by the City Council ordinance upon the City Council’s consultation with interested parties of the courts, educators, parents and children to determine an appropriate penalty for minors in the City.

G. Individual Right

As advocates of greater tobacco restrictions articulate to harm of tobacco to individuals and public, others argue individual rights. In researching testimonies and issues raised during deliberations by other cities considering the T-21 tobacco issue an argument of *“if the age of 18 is good enough to fight and die for your country, it ought to be good enough to purchase cigarettes or tobacco”* periodically arose. The balance of individual rights versus broader public right remains an issue of the tobacco debate. Years ago, before public places and restaurants banned smoking second-hand smoking was of great debate. The issue of balancing individual rights versus broader public rights too, challenged the tobacco issue at that time.

As mentioned in the section of “youth from the mock city council meeting”, one of the participating youth articulated that youth are capable of making decisions for themselves with appropriate education. A tobacco-licensed establishment owner also raised this issue during the business listening session.

Response Options

Given the research provided, interviews and information presented to the Council staff puts forth the following six T-21 Options:

Options Related to Recommendations Presented

1. Support all recommendations presented by the Brooklyn Youth Council

Note – there is limited local data that show the recommendations will have the intended affect. Anecdotal information gathered by the Brooklyn Youth Council and associated research suggest that employing such recommendations could positively affect or curtail the behavior of youth regarding tobacco.

Brooklyn Youth Council Recommendations

- 1. Reduce youth access and exposure to flavored tobacco products**
 - Restrict the sale of flavored tobacco products (including menthol) to tobacco shops that restrict minors
- 2. Increase the cost of tobacco products**
 - Require that cigars sold in packages of 3 or fewer be sold at a minimum prices of \$2.60 per cigar contained in package; and packages of 4 or more sold for no less than \$10.40/package
 - Increase product costs through non-tax approaches such as prohibiting coupon redemption or other price discounting
- 3. Raise the minimum legal sells age to 21**
- 4. Reduce the density of tobacco retailers**
 - Reduce the number of tobacco retailers to 15 retail stores
- 5. Restrict the sale of tobacco near youth serving facilities**
 - Restrict the proximity of new tobacco retailers to within 1,000 feet of youth serving facilities, such as schools/educational facilities, parks, community centers, and libraries
- 6. Increase tobacco retail compliance with age verification to purchase tobacco products**
 - Require retailer employee training on youth access laws
 - Increase the number of annual compliance checks
 - Require re-inspections after failed compliance check(s) and/or FDA violation(s)
 - For additional cost of administering the compliance checks, increase the licensing fee so that the license holder absorbs the costs
 - Signage – Require the notice of legal sales age and age verification requirements be posted at each retail store
 - Increase penalties for license violations

Pro

- Continued City leadership in altering the behavior and access to tobacco by youth
- Alter the opportunity to be exposed and purchase of tobacco
- Successful implementation may contribute toward the City’s strategic priority of “Safe, Secure, Stable Community”
- Successful implementation may contribute toward healthier youth and eventually adults; thereby, reducing health care cost and other associated social cost.

Con

- There is limited data that indicate that such measures will affect local behavior of youth regarding the use of tobacco.
- Local tobacco-licensed establishments may perceive or believe these measures would negatively affect their business.

- Local tobacco-licensed establishments may perceive some of the recommendations create an uneven or unfair competitive market. They may result in creating business winners and losers.
- Increased regulatory and enforcement measures by staff

2. Support a combination of recommendations presented by the Brooklyn Youth Council

Note – there is limited local data that show the recommendations will have the intended. Anecdotal information gathered by the Brooklyn Youth Council and associated research suggest that employing such recommendations could positively affect or curtail the behavior of youth regarding tobacco.

Brooklyn Youth Council Recommendations

- 1. ~~Reduce youth access and exposure to flavored tobacco products~~**
 - ~~○ Restrict the sale of flavored tobacco products (including menthol) to tobacco shops that restrict minors~~
- 2. Increase the cost of tobacco products**
 - Require that cigars sold in packages of 3 or fewer be sold at a minimum prices of \$2.60 per cigar contained in package; and packages of 4 or more sold for no less than \$10.40/package
 - Increase product costs through non-tax approaches such as prohibiting coupon redemption or other price discounting
- 3. Raise the minimum legal sells age to 21**
- 4. ~~Reduce the density of tobacco retailers~~**
 - ~~○ Reduce the number of tobacco retailers to 15 retail stores~~
- 5. ~~Restrict the sale of tobacco near youth serving facilities~~**
 - ~~○ Restrict the proximity of new tobacco retailers to within 1,000 feet of youth serving facilities, such as schools/educational facilities, parks, community centers, and libraries~~
- 6. Increase tobacco retail compliance with age verification to purchase tobacco products**
 - Require retailer employee training on youth access laws
 - Increase the number of annual compliance checks
 - Require re-inspections after failed compliance check(s) and/or FDA violation(s)
 - For additional cost of administering the compliance checks, increase the licensing fee so that the license holder absorbs the costs
 - Signage – Require the notice of legal sales age and age verification requirements be posted at each retail store
 - Increase penalties for license violations

The fundamental difference between Options 1 and 2 is the degree of aggressiveness of the City pursuing the behavior of youth using tobacco. This option takes into consideration the viewpoints and discussion points of tobacco-licensed establishment.

Pro

- Continued City leadership in altering the behavior and access to tobacco by youth
- Alter the opportunity to be exposed and purchase of tobacco
- Successful implementation may contribute toward the City's strategic priority of "Safe, Secure, Stable Community"
- Successful implementation may contribute toward healthier youth and eventually adults; thereby, reducing health care cost and other associated social cost.
- Recommendations not included in this option may show limited affect or less of an affect. For example there are .65% retailers per 1,000 residents which is lower than the national average of 1.5% or 14% of the retail stores are within 1,000 feet, or a

couple of blocks, of schools, compared to 23% of Hennepin County stores, according to observational visits conducted in June 2016 by Hennepin County Public Health and SHIP – City of Brooklyn Center Summary of Tobacco Observational Visits, June 2016 (see attachment).

- Local tobacco-licensed establishments may perceive there is a preservation of a level playing field.
- Local tobacco-licensed establishments may perceive recommendations to be less draconian and harmful to the success of their business.

Con

- There is limited data that indicate that such measures will affect local behavior of youth regarding the use of tobacco.
- Local tobacco-licensed establishments may perceive or believe these measures would negatively affect their business.
- Increased regulatory and enforcement measures by staff

3. Take no action on the recommendations

Pro

- Retain the expenditure of staff and financial resources on a matter that may have little effect on the behavior on youth using tobacco in Brooklyn Center one way or the other or return-on-investment (ROI).
- No operational interruptions for tobacco-licensed establishments or lose of revenues

Con

- Anti-social behavior of tobacco use by youth may grow and accelerate in perniciousness of the behavior, cost of remedying the behavior in the future, and negative affect of the overall social environment of the city.

Additional Options Beyond to Recommendations Presented by the Brooklyn Youth Council

4. Partnering with the schools in Brooklyn Center, Hennepin County and the Brooklyn Youth Council to develop and fund a program to curtail peer pressure and stress that lead to tobacco use as found in the Brooklyn Youth Council research as the primary factor for tobacco use by youth.

The City would add to the tobacco license fee, which is currently is a total of \$300 including a \$150 administrative and \$150 inspection fee. Two hundred dollars (\$200) could be added to the tobacco license fee, which would equate to approximately \$4,200 annual programming funding. If leverage with Hennepin County and the four school districts in the City sufficient funding for an robust program could be designed, implemented and sustained. Engage both youth and business owners.

The authority to license the retail sale of tobacco is set out in Minn. Stat. § 461.12. As a licensing authority, the City is required to consult with educators and children to address the use of tobacco by minors, including the option to provide tobacco free education programs:

Subd. 4. Minors. The licensing authority shall consult with interested educators, parents, children, and representatives of the court system to develop alternative penalties for minors who purchase, possess, and consume tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products. The licensing authority and the interested persons shall consider a variety of options, including, but not limited to, tobacco free education programs, notice to schools, parents, community service, and other court diversion programs.

Should the City choose to increase the tobacco license fee for educational purposes the increase itself must be focused on what the city is required to do and be reasonable for educational programming purposes and not necessarily hiring staff.

Note – A key finding in the research conducted by the Youth Council was that the use of tobacco by youth was primarily because of stress and peer pressure. While on the strategy of access to tobacco and restrictions of purchase have been to focal points, they are not the root causes or driving forces of tobacco use.

Pro

- Continued City leadership in altering the behavior and access to tobacco by youth
- May affect reducing the use of tobacco by youth more by preventing the anti-social behavior.
- The ability to leverage resources in partnership to create a greater effect on the issue.
- May be mutually agreed upon and create a win/win/win scenario among youth, businesses and health advocates.

Con

- Expands the actions and complexity by the City
- Upfront cost to seed partnership efforts
- Increased engagement of staff resources

5. Establish continued city research and benchmarking in order to better access behavior and changes of behavior with regard to youth and the use of tobacco in the City of Brooklyn Center. Engage both youth and business owners.

Pro

- Leverage and build upon the Brooklyn Bridge Alliance and Brooklyn Youth Council social infrastructure of the City.
- Increase opportunity to structurally engage youth (Brooklyn Youth Council) in policy development and implementation measures
- Increase measure to achieve the City Strategic Priority of “Enhance Inclusive Engagement”

Con

- Require additional investment

6. Partnering with cities to seek statewide legislation to raise age limit of the sale of all tobacco related products from 18 years of age to 21.

Note – During the 2018, legislative session bi-partisan legislation was introduced to raise the age limit; however, it did not make it through the legislative session or there was no final action taken on the bill.

Pro

- Continued City leadership in altering the behavior and access to tobacco by youth
- May affect reducing the use of tobacco by youth more by preventing the anti-social behavior.
- The ability to leverage resources in partnership in order to create a greater effect on the issue.
- Mutually agreed upon need by youth and businesses.

Con

- Expands the actions and complexity by the City
- Increased (limited) engagement of staff resources and Council members (i.e. testifying, information gathering in support of legislation)

Ordinance Change Timeline (If Needed)

Should the City Council desire to move forward with amendment of the City Tobacco Ordinance outlined below is a tentative timeline of sequential steps for approval.

TOBACCO ORDINANCE AMENDMENT

Council Date	Action
August 27	Work Session presentation regarding Ordinance Amendment for Tobacco regulations
September 10	1 st Reading of Ordinance Amendment for Tobacco regulations (on agenda as a consent item)
September 13	Publish Public Hearing Notice for Ordinance Amendment for Tobacco regulations
September 24	2 nd Reading – Public Hearing of Ordinance Amendment for Tobacco regulations (and adoption)
October 4	Publish Adopted Ordinance Amendment
November 3	Effective date of Adopted Ordinance (30 days after publication)

Appendices

i.	City of Brooklyn Center Summary of Tobacco Observational Visits, June 2016	Page 5
ii.	Introduction Summary.....	Page 5
iii.	City of Brooklyn Center Tobacco Environmental Scan... ..	Page 5,9,10
iv.	Tobacco Retail Sales Ordinance Restrictions.....	Page 6
v.	The Surrounding Area Cigar Minimum Price/Package, Flavored Product Restriction, Tobacco 21.....	Page 6
vi.	City of Brooklyn Center Tobacco License Establishments.....	Page 8
vii.	Current Brooklyn City Tobacco Ordinance.....	10,11
viii.	Minnesota Student Survey.....	11

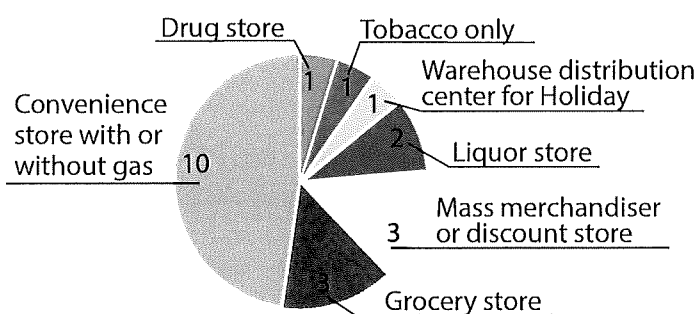


City of Brooklyn Center Summary of tobacco observational visits, June 2016

This summary provides key information and data on the City of Brooklyn Center's tobacco retail environment. By bringing education and awareness to concerns about places where tobacco is sold, we can work towards strategies that reduce youth exposure to tobacco products and marketing.

In the City of Brooklyn Center, observational visits were completed at 20 of 21 businesses licensed to sell. One business was not visited as it is a warehouse distribution center for Holiday and tobacco is not sold tobacco directly to the public from this facility.

Tobacco retailers by store type and location



- There are 21 tobacco retailers in Brooklyn Center, or 0.65 retailers per 1,000 residents, which is lower than the national average of 1.5. Half of the retailers are convenience stores, but other stores are also accessible to youth.
- 14% of the retail stores are within 1,000 feet, or a couple of blocks, of schools, compared to 23% of Hennepin County stores. 48% are within 1,000 feet of parks, which youth frequent.

Why it is significant: Researchers define "tobacco swamps" as any area that is double the national average (3+ retailers/1,000 residents). Brooklyn Center would not be considered a tobacco swamp. Location of retailers near areas that youth frequent increases their exposure to tobacco advertising and promotion. In addition, adolescents are frequent shoppers in convenience stores, with 70% of adolescents visiting a convenience store at least once a week. Research shows that the more cigarette marketing teens are exposed to in retail stores, the more likely they are to smoke.¹ Drug stores and pharmacies are a trusted source of health information, a place people go to buy products for their health, or to help them get better when they are sick. Selling tobacco products is inconsistent with this role.

Advertising, product placement, and price promotions

- **10** stores have exterior advertisements.
 - Products most often advertised were cigarettes (menthol and non-menthol) and chew/snuff/dip/snus.
- **4** stores have tobacco ads within 3 feet of the floor.
 - In some cases, there are multiple ads at this level in a store.
- **3** stores have tobacco products placed within 12 inches of toys, candy, or soda machines.
- **45%** of stores have price promotions for cigarettes (menthol and non-menthol), and **20%** of stores have price promotions for chew/snuff/dip/snus inside the store.

Why it is significant: Even if youth do not enter the store, they are likely to be exposed to tobacco marketing through outdoor advertising at tobacco retailers. When inside, there is often an abundance of tobacco products, ads, and price promotions. Children and youth are more likely to see ads and products that are placed near items they are interested in, such as candy and toys, or when they are placed at their sight level. This begins the process of familiarizing children and youth with products, which normalizes tobacco. Tobacco point-of-sale advertising encourages youth initiation, causes their progression, and discourages cessation.¹¹

Flavored products

All tobacco retailers sell menthol-flavored cigarettes, and **85%** of the stores sell at least one other flavored tobacco product.

Tobacco product	# of stores selling product	# of stores selling menthol flavored	# of stores selling other flavor (e.g., candy, fruit)
Cigarettes	20	20	NA*
Cigarillos, little cigars	9	5	6
Large cigars	16	15	15
Chew, snuff, dip, snus	12	12	7
E-cigarette products	10	10	9

*Not applicable

Why it is significant: The 2017 Minnesota Youth Tobacco Survey (MYTS) reports that over 60% of students who use tobacco use menthol or other flavored products.ⁱⁱⁱ In 2009, the Federal Tobacco Control Act prohibited flavored cigarettes, except menthol, as they are a gateway for children and youth to become regular smokers. Subsequently, the tobacco industry developed other flavored tobacco products that are not cigarettes. Those products are increasingly popular among youth. Fruit, candy, and alcohol-flavored products with brightly colored packaging appeal to youth. The flavors mask the harshness and taste of tobacco. Once youth start using one tobacco product, they are more likely to experiment with others. Restricting flavored products to adult-only tobacco shops will reduce youth exposure to these products and prevent youth from starting.

Price

- The price of a pack of cigarettes ranges from **\$5.29-\$12.90** in Brooklyn Center. The average price is, \$8.16, yet over half (27) of stores sell them for less than the average.
- 14** stores sell single cigar products.
 - 36%** of the single cigar products are flavored (menthol or non-menthol).
 - Price range of cigars in a single pack/item: **\$0.89-\$6.29**.
 - 2** stores have single cigarillos/little cigars advertised for less than \$1.
 - 5** stores sell single cigars below \$2.10, which is the minimum price for cigars that licensed tobacco retailers are permitted to sell in the City of Brooklyn Center, and **11** stores sell single cigars below Minneapolis' and some other metro cities' \$2.60 minimum cigar price.

Why it is significant: Teens are especially sensitive to price. Every 10% increase in the price of a tobacco product reduces the number of youth who smoke by 6-7%.^{iv} Because cigar products are sold in smaller packages, they are cheaper. Raising the prices of tobacco products by requiring a minimum pack size or pricing, or restricting the redemption of coupons, will prevent youth from starting.

E-cigarette and e-cigarette products

- 10** stores sell e-cigarette products, and each of these retailers sell at least one flavored or menthol tobacco product.
 - The cheapest single disposable e-cigarette is \$7.99.
- 9** stores sell e-juice.
 - It was difficult for auditors to determine if e-juice packaging was child resistant, which is required by Minnesota state law.

Why it is significant: Statewide, one in five high-schoolers uses e-cigarettes, nearly a 50% increase since 2014.^v The 2017 MYTS reports that 64% of students who currently use e-cigarettes used menthol or other flavored e-cigarettes in the past 30 days.^{vi} In Brooklyn Center, Robbinsdale, and Osseo School Districts (combined), 9th and 11th graders now use e-cigarettes at a much greater rate than conventional tobacco. 9th graders use e-cigarettes three times more, and 11th graders use e-cigarettes two times more, than conventional tobacco. Products like e-cigarettes often contain liquid nicotine, which is highly addictive, and can harm adolescent brain development. These products are currently unregulated.^{vii}

Sources:

- ⁱ Campaign for Tobacco-Free Kids. Trends in Tobacco Industry Marketing. Update April 28, 2017.
- ⁱⁱ Campaign for Tobacco-Free Kids. Tobacco Company Marketing to Kids. Update April 28, 2017.
- ⁱⁱⁱ Minnesota Department of Health. 2017 Minnesota Youth Tobacco Survey fact sheet. Available at: http://www.health.state.mn.us/tobacco/docs/2017_myts_factsheet.pdf. Accessed on April 4, 2018.
- ^{iv} Campaign for Tobacco-Free Kids. Raising Cigarette Taxes Reduces Smoking, Especially Among Kids (And the Cigarette Companies Know It). Update April 1, 2016.
- ^v Minnesota Department of Health. 2017 Minnesota Youth Tobacco Survey fact sheet. Available at http://www.health.state.mn.us/tobacco/docs/2017_myts_factsheet.pdf. Accessed on April 4, 2018.
- ^{vi} Minnesota Department of Health. Data Highlights from the 2017 Minnesota Youth Tobacco Survey. Available at http://www.health.state.mn.us/tobacco/docs/2017_myts_highlights.pdf. Accessed on April 4, 2018.
- ^{vii} Minnesota Student Survey Interagency Team. (2016). Roseville, MN: Minnesota Department of Education. Minnesota Student Survey.



Brooklyn Bridge
ALLIANCE
FOR YOUTH

ii

Date: May 7, 2018

To: Curt Boganey, City Manager

From: Brooklyn Youth Council (BYC)

Subject: City of Brooklyn Center Tobacco Policy Recommendations

INTRODUCTION AND SUMMARY

The BYC's mission is to represent youth in Brooklyn Center and Brooklyn Park by providing a voice in collaboration with the community and local government in order to positively raise awareness of problems facing youth. We are a team of youth from Brooklyn Center and Brooklyn Park who serve as an advisory, strategic planning, and communicating body in partnership with the Brooklyn Bridge Alliance for Youth, Cities of Brooklyn Center and Brooklyn Park, Hennepin County, Local School Districts and Community Colleges to help us make the most impact for youth in our community. We do a diverse range of projects to represent the issues and hopes of youth in our community such as provide advice and input on policies related to youth that the Alliance partners have.

This year, the BYC partnered with Hennepin County Public Health Department to better understand the effects tobacco has on the youth in Brooklyn Center and Brooklyn Park. Our research consisted primarily of 8 focus groups with youth ages 12-20. In total we interviewed 38 young people, 16 from Brooklyn Center and 22 from Brooklyn Park. Below are key findings from our research.

KEY FINDINGS

Youth tobacco use behavior:

- Many youth expressed that tobacco was very easy to obtain.
- Cigarillos, menthol cigarettes, and flavored e-cigarettes are the most prominent tobacco products youth use.
- E-cigarettes are seen as a healthy alternative to cigarettes.
- Many youth expressed that stress and peer pressure were the primary reasons they chose to use tobacco.

Exposure to tobacco products and marketing:

- Youth frequent tobacco retailers on a daily basis.
- Corner stores, convenience stores and gas stations are the stores youth shop at the most.

Youth awareness and perceptions of tobacco marketing:

- Youth are aware that tobacco marketing is more prominent in low-income and communities of color.
- Young people realize that the marketing of flavored tobacco products is directed at them.
- Marketing of e-cigarettes as a healthier alternative is effective among youth.

The effects of tobacco

- Youth felt tobacco is a gateway for other drugs.
- Using tobacco affects youth's physical, emotional and mental health.



RECOMMENDATIONS

Based on these key findings, the BYC compiled a list of recommendations for the Brooklyn Center City Council.

- **Reduce youth access and exposure to flavored tobacco products.**
 1. Restrict the sale of flavored tobacco products (including menthol) to tobacco shops that restrict minors.
- **Increase the cost of tobacco products.**
 1. Require that cigars sold in packages of 3 or fewer be sold at a minimum price of \$2.60 per cigar contained in package; and packages of 4 or more sold for no less than \$10.40/package
 2. Increase product costs through non-tax approaches (such as prohibiting coupon redemption or other price discounting).
- **Raise the minimum legal sales age to 21.**
- **Reduce the density of tobacco retailers.**
 1. Reduce the number of tobacco retailers to 15 retail stores. This could be done by capping the number of tobacco retailers currently, and gradually reducing the number, as tobacco licenses are not renewed.
- **Restrict the sale of tobacco near youth serving facilities.**
 1. Restrict the proximity of new tobacco retailers to within 1,000 feet of youth serving facilities, such as:
 - i. Schools/educational facilities
 - ii. Parks
 - iii. Community centers
 - iv. Library
- **Increase tobacco retailer compliance with age verification to purchase tobacco products.**
 1. Require retailer employee training on youth access laws. This training can be preventative, a consequence or both.
 2. Increase the number of annual compliance checks.
 3. Require re-inspections after failed compliance check(s) and/or FDA violation(s).
 4. For additional costs of administering the compliance checks, increase the licensing fee so the license holder absorbs the costs.
 5. Signage – Require the notice of the legal sales age and age verification requirement be posted at each retail store.
 6. Increase penalties for license violations – this could be done through increased fines; longer suspension terms; suspensions for first, second, third violations.

NEXT STEPS

The BYC also compiled a list of recommendations for the school districts, Hennepin County Public Health, and Minnesota Department of Health to consider in reducing the impact of tobacco on youth in Brooklyn Center.

- **School districts:** Meet and engage with the school boards to inform them on the rising usage rates and concerns about e-cigarettes in schools, increase awareness of tobacco issues and impacts on youth, and boost mental health/well-being services and programs that schools provide to students to reduce tobacco use.
- **Hennepin County Public Health:** Increase awareness in Hennepin County on tobacco issues and impacts on youth and provide support and technical assistance to boosting mental health/well-being services and programs that schools provide to students to reduce tobacco use.
- **Minnesota Department of Health:** Explore state and federal policy approaches on how to decrease youth access to online sales of e-cigarettes.

This project was completed in partnership with Hennepin County Public Health with support from the Statewide Health Improvement Partnership, Minnesota Department of Health.

City of Brooklyn Center

Tobacco environmental scan

Youth tobacco use is still a problem

- Tobacco kills more Minnesotans than alcohol, homicides, car accidents, AIDS, illegal drugs, and suicide combined.¹
- Nearly all tobacco users start smoking by age 21.²
- 2,500 kids in Minnesota become new daily smokers each year; 102,000 now under age 18 will die prematurely from smoking.³
- The tobacco industry spends over \$300,000 a day marketing tobacco, most of which is spent in retail stores—the most important channel for reaching kids.⁴
- Annual health care costs in Hennepin County directly caused by tobacco exceed \$585 million in excess medical costs. This does not include the cost of lost productivity and other costs indirectly attributed to smoking.⁵

Tobacco retailers (Sources: Brooklyn Center City Clerk; FDA Compliance Checks Inspections database)

Tobacco retailers	21, or 0.65 per 1,000 residents
Tobacco or e-cigarette shops/lounges	1
Frequency of local compliance checks	2 annually
Retailers with compliance check violations in 2015, 2016, 2017	0, 0, 0
Retailers with FDA violations in 2014, 2015, 2016, 2017*	4, 2, 0, 5

* 2014 violations for sale of cigarettes to a minor, failure to check ID, and self-service display; 2015 civil monetary penalties; 2017 violations for sale of cigarettes, cigars, and e-liquid to a minor and failure to check ID.

Youth tobacco use (Sources: Minnesota Student Survey 2010, 2013, and 2016, Brooklyn Center, Osseo, and Robbinsdale School Districts combined)

Percentage of youth who reported using the following products within the past 30 days:	Brooklyn Center, Robbinsdale, & Osseo School Districts, combined				
	9 th Grade			11 th Grade	
	2010	2013	2016	2013	2016
Conventional tobacco**	10%	9%	3%	15%	8%
Any tobacco use***	NA****	NA	12%	NA	20%
Cigarettes	8%	6%	2%	10%	5%
Cigars, cigarillos, little cigars	5%	6%	2%	9%	5%
Electronic cigarettes	NA	NA	10%	NA	17%
Flavored tobacco	NA	NA	5%	NA	8%
Menthol cigarette	NA	NA	3%	NA	6%

*Data is not available for 11th grade in 2010.

**Conventional tobacco use includes cigarettes, chewing tobacco/snuff/dip, or cigars/cigarillos/little cigars.

***Any tobacco use includes conventional tobacco, electronic cigarettes, or hookah/water pipe.

****NA = not asked

Key findings from Brooklyn Center, Osseo, and Robbinsdale School Districts' combined MN Student Survey

- The good news: fewer youth are smoking and using conventional tobacco products.
- The bad news: overall, there is an increase in tobacco use driven by the dramatic increase in e-cigarette use.
- 9th and 11th graders now use e-cigarettes at a much greater rate than conventional tobacco, with 9th graders using e-cigarettes three times more, and 11th graders using e-cigarettes two times more, than conventional tobacco.
- Many youth who use tobacco are using menthol and other flavored tobacco products. Flavored products are considered a starter product, and some, such as menthol, are harder to quit.⁶
 - Over 40% of tobacco users in both 9th and 11th grade use flavored tobacco and one in four tobacco users use menthol.

Sources:

- 1 MN Department of Health. Tobacco Prevention and Control Data and Reports. Available at: <http://www.health.state.mn.us/divs/hpcd/tpc/data.html>. Accessed on 3/29/18.
- 2 Ibid.
- 3 Campaign for Tobacco Free Kids. The Toll of Tobacco in Minnesota. Available at: http://www.tobaccofreekids.org/facts_issues/toll_us/minnesota. Last updated 3/1/18. Accessed on 3/29/18.
- 4 Ibid.
- 5 Blue Cross and Blue Shield of Minnesota Center for Prevention. 2017 Health Care Costs and Smoking in Minnesota and Lost Productivity. Available at: <http://www.centerforpreventionmn.com/newsroom/news-articles/2017-health-care-costs-and-smoking-in-mn>.
- 6 U.S. Department of Health and Human Services. (2012). Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.



Hennepin County
Public Health



Tobacco Prevention Policies – Hennepin County and the Surrounding Area
Cigar minimum price/package, flavored product restriction, Tobacco 21

City	Policy(ies)	Adopted	Implemented	Ordinance link
St. Louis Park Population: 48,927	Tobacco 21	7/17/17	10/1/17	St. Louis Park City Code, Chapter 8, Subdivision X. Tobacco Products and Tobacco Related Devices
	Flavored product restriction, <u>excluding</u> menthol, mint and wintergreen (no retailers exempted)	12/4/17	5/1/18	Same
Surrounding area				
Falcon Heights Population: 5,554	Flavored product restriction, <u>including</u> menthol, mint and wintergreen (some retailers exempted) Tobacco 21	5/9/18	7/1/18	City of Falcon Heights Request for Council Action, Ordinance 18-03 Amending Chapter 14, Article IX Pertaining to Tobacco Regulations
Mendota Heights Population: 11,280	Flavored product restriction, <u>excluding</u> menthol, mint and wintergreen (no retailers exempted)	5/15/18	9/1/18	City of Mendota Heights, Ordinance No. 522 Amending City Code Section 3-2 Tobacco Sales
St. Paul Population: 304,442	Cigar minimum price/package	1/6/16	4/2016	Code of Ordinances of the City of Saint Paul, MN Chapter 324.-Tobacco
St. Paul Population: 304,442	Flavored product restriction, <u>excluding</u> menthol, mint and wintergreen (some retailers exempted)	1/6/16	4/2016	Same
St. Paul Population: 304,442	Flavored product restriction, <u>including</u> menthol, mint and wintergreen (some retailers exempted)	11/1/17	11/1/18	City of St. Paul, Ord 17-28 Amending Chapter 324 of the Legislative Code by adding menthol, mint or wintergreen and fruit to the definition of flavored products
Shoreview T21 Population: 26,548	Flavored product restriction, <u>excluding</u> menthol, mint and wintergreen (some retailers exempted)	11/21/16	2/1/17	City of Shoreview Municipal Code Licensing Section 706 Tobacco Products
Shoreview T21 Population: 26,548	Tobacco 21 Implementation July 2018	5/7/18	7/1/18	City of Shoreview Agenda and packet, Regular City Council Meeting, May 7, 2018, Ordinance No. 963 An ordinance of the city of Shoreview, MN, amending Section 706, Tobacco Products

5/31/18

Tobacco Prevention Policies – Hennepin County and the Surrounding Area
Cigar minimum price/package, flavored product restriction, Tobacco 21

City	Policy(ies)	Adopted	Implemented	Ordinance link
Brooklyn Center Population: 30,870	Cigar minimum price/package	4/28/14	6/7/14	<u>Brooklyn Center City Code, Tobacco Related Products, Section 23-101</u>
Bloomington Population: 88,299	Cigar minimum price/package	11/17/2014	11/17/2014	<u>Bloomington, MN Code of Ordinances, Division W: Sale of Tobacco Related Products (Part II, Chapter 14)</u>
Edina Population: 51,804	Tobacco 21	11/06/2017	11/30/17	<u>Same</u>
	Tobacco 21	5/2/17	7/1/17	<u>City of Edina Code of Ordinances, Chapter 12, Article VI: Sale of Tobacco; Licensing</u>
	▪ Cigar minimum price/package ▪ Flavored product restriction, <u>excluding</u> menthol, mint and wintergreen (some retailers exempted)	7/2015	1/1/16	<u>Minneapolis, MN Code of Ordinances, Chapter 281.- Tobacco Dealers</u>
Plymouth Population: 75,452	Flavored product restriction, <u>including</u> menthol, mint and wintergreen (some retailers exempted)	8/4/17	8/1/18	<u>Same</u>
	Tobacco 21	5/25/18	10/1/18	<u>Minneapolis legislation details, Tobacco 21 ordinance (2018-00367)</u>
	Tobacco 21	11/27/17	7/1/18	<u>City of Plymouth, Ordinance No. 2017-25, An ordinance amending Chapter XI of the Plymouth city code concerning tobacco and related products.</u>
Richfield Population: 36,338	Cigar minimum price/package	11/10/15	12/19/15	<u>Code of Ordinances of the City of Richfield, MN, Section 1146.-Tobacco</u>
	Tobacco 21	Approved first reading 5/22/18	If approved, 8/1/18	<u>Proposed amendment – An ordinance amending section 1146 of the city code pertaining to tobacco sales and the regulation of smoking</u>
	Resolution indicating support for raising legal age for tobacco sales from 18 to 21	11/7/17	NA	<u>City of Robbinsdale, Resolution No. 7604</u>
Robbinsdale Population: 14,704	▪ Cigar minimum price/package ▪ Flavored product restriction, <u>excluding</u> menthol, mint and wintergreen (some retailers exempted)	12/5/17	4/1/18	<u>Robbinsdale City Code, Section 1132-Tobacco and Related Products (Rev. 2017)</u>

5/31/18

City of Brooklyn Center Business Search

ID	Company	DBA	License #	License Type	Status	Issued	Expires	Address	Complex	Council
559	Awad, Antoine	Awad Company	01010043	Tobacco Related Products	A	11/13/2017	12/31/2018	6501 Humboldt Ave N	Winner	11/13/2017
1255	Brooklyn Center Municipal #2	B.C. Municipal #2	01010041	Tobacco Related Products	A	10/23/2017	12/31/2018	6930 Brooklyn Blvd	Brooklyn Center Municipal #2	10/23/2017
1700	Holiday Stationstores, LLC		01010247	Tobacco Related Products	A	12/11/2017	12/31/2018	6890 Shingle Creek Parkway	Holiday Stationstore #2099	12/11/2017
2250	Ku, Leng	Sun Foods	01010044	Tobacco Related Products	A	11/13/2017	12/31/2018	6350 Brooklyn Blvd	Sun Foods	11/13/2017
5612420	Brooklyn Center Municipal #1		01010042	Tobacco Related Products	A	10/23/2017	12/31/2018	5625 Xerxes Ave N A	Brooklyn Center Municipal #1	10/23/2017
5619839	Royalty & Sons, Inc	Brooklyn BP	01010037	Tobacco Related Products	A	11/27/2017	12/31/2018	6044 Brooklyn Blvd	Brooklyn BP	11/27/2017
5662277	Royal Tobacco		01010045	Tobacco Related Products	A	01/22/2018	12/31/2018	5625 Xerxes Ave N	Royal Tobacco	01/22/2018
5693300	Diamond Lake 1994 LLC	Cub Foods	01010040	Tobacco Related Products	A	11/13/2017	12/31/2018	3245 Co Rd No 10	Cub Foods	11/13/2017
8308700	Holiday Stationstores, LLC		01010246	Tobacco Related Products	A	12/11/2017	12/31/2018	420 66th Ave N	Holiday Stationstore #292	12/11/2017
9145037	Walgreen Company		01010038	Tobacco Related Products	A	11/13/2017	12/31/2018	6390 Brooklyn Blvd	Walgreens #04320	11/13/2017
69201741	Brookdale Holiday		01010048	Tobacco Related Products	A	10/23/2017	12/31/2018	5710 Xerxes Ave N	Brookdale Holiday	10/23/2017
69201760	Northern Tier Energy/Retail/SuperAmerica	SuperAmerica	01010034	Tobacco Related Products	A	01/08/2018	12/31/2018	1901 57th Ave N	SuperAmerica	01/08/2018
69201760	Northern Tier Energy/Retail/SuperAmerica	SuperAmerica	01010035	Tobacco Related Products	A	01/08/2018	12/31/2018	6950 Brooklyn Blvd	SuperAmerica	01/08/2018
69201760	Northern Tier Energy/Retail/SuperAmerica	SuperAmerica	01010036	Tobacco Related Products	A	01/08/2018	12/31/2018	6545 West River Rd	SuperAmerica	01/08/2018
69201945	Family Dollar Inc.		01010049	Tobacco Related Products	A	11/13/2017	12/31/2018	2105 57th Ave N	Family Dollar, Inc. #5110	11/13/2017
69201945	Family Dollar Inc.		01010050	Tobacco Related Products	A	11/13/2017	12/31/2018	6211 Brooklyn Blvd	Family Dollar, Inc. #4514	11/13/2017
69201958	Walmart Inc.	Walmart #5625	01010051	Tobacco Related Products	A	11/27/2017	12/31/2018	1200 Shingle Creek Crossing	Walmart #5625	11/27/2017
69202028	Burr St. Market Inc.	Quick Shop	01010052	Tobacco Related Products	A	11/27/2017	12/31/2018	5808 Xerxes Ave N	Quick Shop	11/27/2017
69202315	Kabalan Co.	Pump N Munch	01010165	Tobacco Related Products	A	12/11/2017	12/31/2018	1505 69th Ave N	Pump N Munch	12/11/2017
69202377	Bleu Ocean Inc	Cloud 9 Smokeshop	01010112	Tobacco Related Products	A	11/13/2017	12/31/2018	615 66th Ave N		11/13/2017
69202392	Premier Tobacco		01010432	Tobacco Related Products	A	03/12/2018	12/31/2018	6930 Brooklyn Blvd		03/12/2018

CHAPTER 23 – GENERAL LICENSING REGULATIONS

Section 23-001. APPLICABILITY. The provisions of these Sections shall apply to the application for any issuance and revocation of licenses in the City except as may otherwise be specifically provided in the ordinances pertaining to particular licenses.

Section 23-002. APPLICATION FOR LICENSES. Application for licenses shall be made in writing to the Clerk for presentation to the Council. Such applications shall specify the following:

- a. Name and residence of the applicant(s) and if a corporation, the registered office thereof.
- b. The name and address of the location or place of business or activity for which the license is requested, or in the case of occupational licenses, the location from which the applicant operates.
- c. Such additional information or documents as the ordinance or administrative regulations may require from the applicant.

Section 23-003. REVIEW PRIOR TO COUNCIL ACTIONS. Prior to submitting the application to the Council for approval, the Clerk shall submit the application to the appropriate municipal officer for review and comment. Said official shall assure that all ordinance requirements have been complied with, and shall furnish the Council with such additional information as may be deemed appropriate or as requested. In addition, the officer shall recommend approval or disapproval of the application, and shall when recommending disapproval, furnish the Council in writing his or her reasons therefor. The City Clerk or his/her designee is empowered to conduct any and all investigations to verify the information on the application except as provided in Section 23-003.5.

Section 23-003.5. LICENSE BACKGROUND CHECKS; Applicants for City Licenses

Subdivision 1. Purpose. The purpose and intent of this Section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of licensing background checks.

Subdivision 2. Criminal History License Background Investigations. The Brooklyn Center Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following licenses within the city:

Tobacco Sales, Sections 23-101 through 23-108

Pawnbrokers, Sections 23-601 through 23-630

Secondhand Goods Dealers, Sections 23-650 through 23-678

Taxicabs, Sections 23-701 through 23-712

Saunas or Sauna Baths, Sections 23-1600 through 23-1615

Massage Parlors, Sections 23-1700 through 23-1720

Rap Parlors, Conversation Parlors, Adult Encounter Groups, Adult Sensitivity Groups, Escort Services, Model Services, Dating Services or Hostess Services, Sections 23-1800 through 23-1815

Charitable Gambling, Sections 23-1900 through 23-1904

Currency Exchanges, Section 23-2201 through 23-2205

In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City Manager, or other city staff involved the license approval process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statutes, Chapter 13, regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes, Section 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor for which a jail sentence may be imposed. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

- a. The grounds and reasons for the denial.
- b. The applicant complaint and grievance procedure set forth in Minnesota Statutes, Section 364.06.
- c. The earliest date the applicant may reapply for the license.
- d. That all competent evidence of rehabilitation will be considered upon reapplication.

Section 23-004. NOTICE TO APPLICANT. In the event disapproval of an application is recommended or in the event the Council disapproves or materially qualifies the license, the Clerk shall notify the applicant of:

- a. The nature of the recommendation or action.
- b. The time and place at which the Council will next consider application.
- c. The applicant's right to appear before the Council in support of the application.

Section 23-005. COUNCIL ACTION. The application shall be submitted to the Council for consideration within a reasonable period following submission to the Clerk.

Section 23-006. SUSPENSION: REVOCATION. The Council may suspend or revoke any license issued pursuant to the ordinances if the Council finds that any of the following ever occur; provided, however, that the licensee shall be given notice of the proposed revocation or suspension and be provided an opportunity to appear before the Council and be heard:

1. That the licensee has knowingly made false statements in or regarding his application.

2. That the licensee or his agents have violated or failed to comply with ordinance provisions, statutes, or legal directives pertaining to the regulation of activities authorized by the license.
3. That the licensee has failed to correct or remove, within a reasonable period, ordinance violations after receipt of notice to do so.
4. That the continued effectiveness of the license constitutes a substantial threat to the public peace, health, safety or welfare.
5. That the license was mistakenly issued or renewed to a person or for a premises that is ineligible for the license.

Section 23-006.05. PAYMENT OF PROPERTY TAXES REQUIRED. No license shall be granted or renewed for tobacco related products; bowling alleys; public dancing; filling stations; pawnbrokers; secondhand goods dealers; motor vehicle dealerships; saunas and sauna baths; massage parlors; rap parlors, conversation parlors, adult encounter groups, adult sensitivity groups, escort services, model services, dancing services, or hostess services; transient accommodations; or amusement devices for operation on any property on which taxes, assessments, or other financial claims of the state, county, school district, or city are due, delinquent, or unpaid. In the event a suit has been commenced under Minnesota Statutes, Section 278.01 through 278.03, questioning the amount or validity of taxes, the City Council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one (1) year after becoming due.

Section 23-007. ISSUANCE. Upon approval of the application by the Council, the Clerk shall issue a license to the applicant, stating thereon the name and address of the premises and the activity licensed. The applicant shall so display the license so as to be easily observable by the public, or as required by the specific ordinances requiring the license.

Section 23-008. CERTIFICATE OF OCCUPANCY REQUIRED. When a Certificate of Occupancy is required by Chapter 3 of the Ordinances for the conduct of activities for which a municipal license is required, the required license shall not be valid until said Certificate has been issued by the Building Inspector.

Section 23-009. LICENSES-NONTRANSFERABLE, NO REFUND. Unless otherwise provided by the ordinance requiring a license, a license is nontransferable, and the licensee shall not be entitled to a refund of any license fee upon revocation or voluntarily ceasing to carry on the licensed activity. However, in the event of Council denial of the application, the fee shall be refunded.

Section 23-010. LICENSE FEES. The fees for the various licenses shall be as set forth by City Council resolution.

Section 23-011. FEES PRORATED. Except for intoxicating liquor the fee for initial licenses granted after the expiration date, set forth by City Council resolution, shall be prorated on a monthly basis, with the fee required being in the same proportion to the annual fee as the unexpired term of the license stands to the full license period, but in no instance shall the prorated fee be less than \$5.

Section 23-012. LATE FEES.

23-012.01. All licenses shall be renewed annually prior to the expiration date set forth by City Council resolution. In the event the applicant fails to renew his license before it expires, a fee of 15 percent of the annual license fee for each week or portion thereof that the renewal is overdue shall be added to the license fee, to a maximum of 45 percent of the annual fee; provided, however, that the penalty clause shall not apply to construction licenses.

23-012.02. If an application for license renewal is not submitted within 21 days after expiration of the current license, the licensee shall cease the previously licensed activity. Continued activity after the 21 day period shall be an ordinance violation, and upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution. Each day of such activity shall constitute a separate ordinance violation.

Section 23-013. SUPREMACY CLAUSE. Any conflict between the Sections 23-001 through 23-012 and other provisions of the ordinance shall be resolved in favor of Sections 23-001 – 23-012 of this Chapter.

TOBACCO RELATED PRODUCTS

Section 23-101. LICENSE REQUIRED. No person shall directly or indirectly or by means of any device keep for retail sale, sell at retail, or otherwise dispense any tobacco related product at any place in the city of Brooklyn Center unless a license therefor shall first have been obtained as provided in Sections 23-101 through 23-108.

Section 23-102. DEFINITIONS. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of Sections 23-101 through 23-108, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. “*Cigar*” means any roll of tobacco that is wrapped in tobacco leaf or in any substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minnesota Statutes, Section 297F.01, Subdivision 3, as amended from time to time.
2. “*Compliance checks*” means the system the City uses to investigate and ensure that those authorized to sell tobacco, tobacco products, tobacco-related devices, and nicotine or lobelia delivery devices are following and complying with the requirements of Sections 23-101 through 23-108. Compliance checks shall involve the use of minors as authorized by Sections 23-101 through 23-108. Compliance checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices for educational, research and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to tobacco, tobacco products, tobacco-related devices, and nicotine or lobelia delivery devices.
3. “*Electronic delivery device*” shall mean a product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of the vapor from the product. Electronic delivery devices shall include any component part of such a product whether or not sold separately. Electronic delivery devices shall not include any product that had been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

4. *"Individually packaged"* means the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually-wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single cigars, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually packaged.
5. *"Indoor area"* means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.
6. *"Loosies"* means the common term used to refer to a single or individually-packaged cigarette or any other tobacco product that has been removed from its packaging and sold individually. The term loosies does not include an individual premium cigar, as defined in Minnesota Statutes, Section 297F.01, Subdivision 13a, and as amended from time to time, that can be sold by a licensed retailer as a single cigar to the extent permitted by all applicable state and federal laws.
7. *"Minor"* means any natural person who has not yet reached the age of 18 years.
8. *"Moveable place of business"* means any form of business operated out of a truck, van, automobile or other type of vehicle or transportable shelter and not a fixed-address storefront or other permanent type of structure authorized for sales transactions.
9. *"Retail establishment"* means any place of business where tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices are available for sale to the general public. The phrase shall include, but not be limited to, grocery stores, convenience stores, restaurants, and drug stores.
10. *"Sale"* means any transfer of goods for money, trade, barter or other consideration.

11. *"Self-service merchandising"* means open displays of tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices in any manner where any person shall have access to the tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices, without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, tobacco-related device, or nicotine or lobelia delivery device between the customer and the licensee or employee. Self-service sales are interpreted as being any sale where there is not an actual physical exchange of the product between the clerk and the customer.
12. *"Smoking"* shall mean the inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or tobacco product, or inhaling or exhaling vapor from any electronic delivery device. Smoking shall include carrying a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.
13. *"Tobacco or tobacco products"* means and includes cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
14. *"Tobacco-related devices"* means and includes any tobacco product as well as a pipe, rolling papers, or other device intentionally designed or intended to be used in a manner that enables the chewing, sniffing or smoking of tobacco or tobacco products including electronic delivery devices.
15. *"Vending machine"* means any mechanical, electric or electronic, or other type of device that dispenses tobacco, tobacco products or tobacco-related devices upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product or tobacco-related device.

Section 23-103. LICENSE REQUIRED.

1. *Generally.* No person may directly or indirectly or by means of any device keep for retail sale, sell at retail, offer to sell or otherwise dispose of any tobacco, tobacco products, tobacco-related devices, or electronic delivery device at any place in the city unless a license has first been issued by the City as provided in this Section.
2. *Application.* An application for a license to sell tobacco, tobacco products, tobacco-related devices, and electronic delivery devices shall be made on a form provided by the City. The application shall contain the full name of the applicant, the applicant's residential and business addresses, and telephone numbers, the name of the business for which the license is sought, and any additional information the City deems necessary.
3. *Action.* Upon receipt of a completed application, the City Clerk shall forward the application to the police department for investigation. The police department shall conduct an investigation of the applicant and application regarding the fitness of the applicant to hold a license pursuant to the standards set forth in Sections 23-101 through 23-108, and report the results of its investigation to the City Clerk within 30 days of receipt of the application. The City Clerk shall forward the application for consideration by the City Council.
4. *Fees.* No application for a license under Sections 23-101 through 23-108 shall be accepted until the appropriate license or investigation fee is paid in full. The fee(s) shall be established by the City Council by resolution from time to time.
5. *Sanctions for violation.* Shall be set by the City Council at penalty phase not to be less than state mandated guidelines.
6. *Transfers.* All licenses issued under Sections 23-101 through 23-108 shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued.
7. *Moveable place of business.* No license shall be issued to a moveable place of business. Only fixed-location businesses shall be eligible to be licensed under Sections 23-101 through 23-108.
8. *Display.* All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

9. *Renewals.* Every such license shall expire on December 31 next after its issuance. A fee for the renewal of any license issued under Sections 23-101 through 23-108 shall be paid to the City Clerk with the renewal application. Applications for renewal must be submitted by November 30 of the year prior to the license year.

Section 23-104. RESTRICTIONS.

1. The following shall be grounds for denying the issuance of or renewal of a license under Sections 23-101 through 23-108.
 - a. The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to tobacco products, or tobacco-related devices, or has had a license to sell tobacco products or tobacco-related products revoked or suspended within the past five years.
 - b. The applicant fails to provide any information required on the application, or provides false or misleading information.
2. No license may be issued or renewed:
 - a. To any applicant who is under 18 years of age.
 - b. To any applicant who is prohibited by federal, state, or other local law, ordinance, or regulation from holding such a license.
 - c. To any applicant who has fees or charges to the City or the County that are due and unpaid.
 - d. For any premises for which property taxes or City utility charges are due and unpaid.

Section 23-105. PROHIBITED SALES.

1. It shall be a violation of Sections 23-101 through 23-108 for any person to sell or offer to sell any tobacco, tobacco product, or tobacco-related device:
 - a. To a minor;
 - b. By a vending machine;
 - c. By self-service;
 - d. As loosies;
 - e. If the tobacco or tobacco products contain opium, morphine, jimsonweed, belladonna, strychnos, cocaine, marijuana, or other delirious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process; or
 - f. To any other person, in any other manner or form prohibited by federal or state law or regulation, or by local ordinance.
2. It shall be a violation of Sections 23-101 through 23-108 for any retail establishment to sell, offer for sale, or distribute a single cigar unless the cigar is sold in an original package of at least five cigars, provided that:
 - a. This restriction shall not apply to any sale, offer to sell, or distribution of a single cigar that has a retail sales price of no less than \$2.10 before sales tax.
 - b. Cigars to which price promotions or discounts apply shall not be excluded from this restriction.

Section 23-106. SMOKING PROHIBITED. Smoking shall not be permitted in, and no person shall smoke in, any licensed premises.

Section 23-107. COMPLIANCE CHECKS AND INSPECTIONS. All licensed premises shall be open to inspection by the City police or other authorized City official during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging with the written consent of their parents or guardians, minors over the age of 15 years but less than 18 years to enter the licensed premise to attempt to purchase tobacco, tobacco products or tobacco-related devices. Minors used for the purpose of compliance checks shall be supervised by City designated law enforcement officers or other designated City personnel. Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products or tobacco-related devices when those items are obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked.

Section 23-108. VIOLATION AND PENALTY.

1. *Misdemeanor prosecution.* Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of Sections 23-101 through 23-108.
2. *Administrative penalties.*
 - a) *Licensees.* Administrative Penalties: Licensees. If a licensee or employee of a licensee sells tobacco to a person under the age of 18 years, or violates any other provision of Sections 23-101 through 23-108, the licensee shall be charged an administrative penalty of \$100. An administrative penalty of \$200 shall be imposed for a second violation at the same location within 24 months after the initial violation. For a third violation at the same location within 24 months after the initial violation, an administrative penalty of \$250 shall be imposed, and the licensee's authority to sell tobacco at that location shall be suspended for not less than seven days.
 - b) *Other individuals.* Other individuals, other than minors regulated by Sections 23-101 through 23-108, found to be in violation of Sections 23-101 through 23-108 shall be charged an administrative fine of \$50.00.

- c) *Minors.* Minors found in unlawful possession of or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices, shall be subject to an administrative fine, or may be subject to tobacco-related education classes, diversion programs, community services, or another penalty that the City believes will be appropriate and effective. The administrative fine or other penalty shall be established by City Council ordinance upon the City Council's consultation with interested parties of the courts, educators, parents and children to determine an appropriate penalty for minors in the city. This administrative fine or other penalty may also be established from time to time by the ordinance or resolution establishing fees and charges, as it may be amended from time to time.
 - d) *Statutory penalties.* If the administrative penalties authorized to be imposed by Minnesota Statutes, Section 461.12, as it may be amended from time to time, differ from those established in this Section, then the more severe penalty shall prevail.
3. *License revocation, suspension, or non-renewal.* In addition to misdemeanor prosecution and administrative penalties, violation of Section 23-101 through 23-108 is grounds for revocation or suspension under Section 23-006 or non-renewal under Section 23-104.

Minnesota Student Survey: 2010, 2013, 2016

<i>MN Student Survey data</i>	Brooklyn Center+Robbinsdale+Osseo					Suburban Hennepin County				
	2010	2013		2016		2010	2013		2016	
	9th grade	9th grade	11th grade	9th grade	11th grade	9th grade	9th grade	11th grade	9th grade	11th grade
<i>30 day any conventional tobacco use</i>										
Boys	12%	11%	21%	3%	10%	11%	9%	21%	3%	12%
Girls	9%	7%	10%	3%	5%	7%	5%	9%	3%	6%
Overall	10%	9%	15%	3%	8%	9%	7%	15%	3%	9%
<i>30 day cigarette use</i>										
Boys	9%	7%	11%	2%	5%	7%	5%	9%	2%	6%
Girls	8%	5%	8%	2%	4%	7%	5%	8%	2%	5%
Overall	8%	6%	10%	2%	5%	7%	5%	9%	2%	6%
<i>30 day chewing tobacco, snuff, dip</i>										
Boys	3%	5%	11%	1%	3%	4%	4%	11%	1%	5%
Girls	1%	1%	1%	0%	1%	1%	1%	1%	0%	1%
Overall	2%	3%	6%	<1%	2%	3%	2%	6%	1%	3%
<i>30 day cigars, cigarillos, little cigars</i>										
Boys	7%	8%	12%	2%	7%	7%	6%	14%	2%	8%
Girls	3%	3%	5%	1%	3%	3%	2%	4%	1%	2%
Overall	5%	6%	9%	2%	5%	5%	4%	9%	1%	5%

*Includes Brooklyn Center (5%), Robbinsdale (26%) and Osseo (70%) School Districts for 2016

Note: Conventional tobacco use includes cigarettes, chewing tobacco/snuff/dip, or cigars/cigarillos/little cigars.

Note: * indicates data suppressed due to low N

	Brooklyn Center+ Robbinsdale+ Osseo		Suburban Hennepin County	
	2016		2016	
	9 th grade	11 th grade	9 th grade	11 th grade
30 day electronic cigarette				
Boys	10%	19%	7%	21%
Girls	10%	15%	7%	13%
Overall	10%	17%	7%	17%
30 day hookah or a waterpipe to smoke tobacco				
Boys	2%	4%	1%	3%
Girls	2%	4%	2%	3%
Overall	2%	4%	2%	3.4
30 day menthol cigarette use				
Boys	3%	7%	2%	7%
Girls	3%	5%	3%	5%
Overall	3%	6%	2%	6%
30 day flavored tobacco use				
Boys	5%	10%	3%	11%
Girls	6%	7%	4%	7%
Overall	5%	8%	4%	9%
30 day any tobacco use				
Boys	11%	23%	8%	23%
Girls	12%	18%	8%	15%
Overall	12%	20%	8%	19%
Of those who use any tobacco, proportion who report using menthol products	26%	29%	28%	30%
Of those who use any tobacco, proportion who report using flavored tobacco	46%	42%	40%	42%

Note: Any tobacco use includes cigarettes, chewing tobacco/snuff/dip, or cigars/cigarillos/little cigars, electronic cigarettes; or hookah/waterpipe.

Note: * indicates data suppressed due to low N

How much do you think people risk harming themselves physically or in other ways if they smoke one or more packs of cigarettes per day?				
	Brooklyn Center+ Robbinsdale+ Osseo		Suburban Hennepin County	
	9 th grade	11 th grade	9 th grade	11 th grade
<i>Great risk</i>	61%	66%	65%	67%
<i>Moderate risk</i>	16%	16%	16%	15%
<i>Slight risk</i>	8%	8%	7%	7%
<i>No risk</i>	16%	12%	12%	11%

How wrong do your parents feel it would be for you to smoke cigarettes?				
	Brooklyn Center+ Robbinsdale+ Osseo		Suburban Hennepin County	
	9 th grade	11 th grade	9 th grade	11 th grade
<i>Not at all wrong</i>	5%	5%	4%	4%
<i>A little bit wrong</i>	2%	3%	2%	3%
<i>Wrong</i>	10%	11%	10%	13%
<i>Very wrong</i>	83%	81%	85%	80%

How wrong do your friends feel it would be for you to smoke cigarettes?				
	Brooklyn Center+ Robbinsdale+ Osseo		Suburban Hennepin County	
	9 th grade	11 th grade	9 th grade	11 th grade
<i>Not at all wrong</i>	8%	10%	6%	10%
<i>A little bit wrong</i>	7%	11%	7%	12%
<i>Wrong</i>	25%	26%	23%	25%
<i>Very wrong</i>	60%	53%	65%	54%

How often do you think MOST STUDENTS in your school use tobacco (cigarettes, chew)?				
	Brooklyn Center+ Robbinsdale+ Osseo		Suburban Hennepin County	
	9 th grade	11 th grade	9 th grade	11 th grade
<i>Never</i>	29%	22%	32%	22%
<i>Tried once or twice</i>	25%	21%	29%	25%
<i>Once or twice a year</i>	8%	8%	9%	9%
<i>Once a month</i>	10%	10%	10%	11%
<i>Twice a month</i>	5%	7%	5%	8%
<i>Once a week</i>	11%	14%	8%	13%
<i>Daily</i>	13%	19%	8%	14%

Tobacco use by race/ethnicity

<i>MN Student Survey data</i>	2010	2013		2016	
	9 th grade	9 th grade	11 th grade	9 th grade	11 th grade
<i>30 day any conventional tobacco use</i>					
American Indian	24%	28%	*	*	*
Asian	8%	4%	5%	1%	5%
Black/African American	9%	8%	10%	2%	6%
White	8%	7%	17%	3%	10%
Multiple races	14%	12%	16%	5%	9%
Hispanic	15%	14%	18%	5%	8%
<i>30 day cigarette use</i>					
American Indian	19%	24%	*	*	*
Asian	7%	4%	4%	1%	4%
Black/African American	6%	6%	%	2%	4%
White	6%	4%	9%	2%	6%
Multiple races	10%	9%	11%	3%	6%
Hispanic	15%	11%	12%	3%	6%
<i>30 day chewing tobacco, snuff, dip</i>					
American Indian	11%	10%	*	*	*
Asian	2%	1%	1%	0%	1%
Black/African American	3%	3%	4%	1%	3%
White	3%	2%	6%	1%	3%
Multiple races	3%	3%	4%	1%	2%
Hispanic	3%	5%	4%	1%	2%
<i>30 day cigars, cigarillos, little cigars</i>					
American Indian	17%	17%	*	*	*
Asian	3%	3%	2%	0%	3%
Black/African American	7%	5%	7%	2%	4%
White	4%	4%	10%	1%	6%
Multiple races	6%	7%	10%	3%	4%
Hispanic	11%	8%	12%	3%	5%

Note: * indicates data suppressed due to low N

<i>MN Student Survey data</i>	Suburban Hennepin County	
	9 th grade	11 th grade
<i>30 day electronic cigarette</i>		
Asian	5%	9%
Black/African American	6%	12%
White	6%	19%
Multiple races	11%	17%
Hispanic	12%	18%
<i>30 day hookahs or waterpipe</i>		
Asian	1%	3%
Black/African American	3%	4%
White	1%	3%
Multiple races	3%	5%
Hispanic	4%	5%
<i>30 day menthol cigarette use</i>		
Asian	1%	2%
Black/African American	5%	7%
White	7%	6%
Multiple races	3%	6%
Hispanic	4%	7%
<i>30 day flavored tobacco use</i>		
Asian	3%	4%
Black/African American	3%	8%
White	3%	10%
Multiple races	6%	10%
Hispanic	6%	8%
<i>30 day any tobacco use</i>		
Asian	5%	11%
Black/African American	7%	14%
White	7%	21%
Multiple races	12%	21%
Hispanic	14%	20%

Note: Students who identified as Somali, Hmong, or American Indian are not reported separately due to low sample sizes.

2016 MSS participation rate

District	9 th grade		11 th grade	
	# students	Participate rate	# students	Participate rate
Robbinsdale	606	63%	325	38%
Osseo	1362	82%	1164	75%
Anoka Hennepin	2558	83%	1900	65%
Brooklyn Center	113	76%	49	51%

MEMORANDUM-COUNCIL WORK SESSION

DATE: 8/27/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM:

SUBJECT: Future Ongoing Items

Recommendation:

- Cities United Membership
- ADA Transition Plan
- Liquor/Public Dance Ordinance- September
- Hennepin County Library
- Rental License - September
- BC Liquor Market Study - September
- Livable Wage
- Prevailing Wage
- Chicken Ordinance - September
- Semi Truck Parking Ordinance - September
- Transient Accommodations - September

Background: