

**Youth In Government Day**  
Council/Commission  
Conference Room  
August 13, 2018

## **AGENDA**



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- 1. Agenda Items -**
  - 2. Tour of Facilities - 3:20 p.m.**
    - 3:25 - West Fire Station
    - 3:50 - Public Works
    - 4:15 - Police
  - 3. City Council welcome & Introductions 5 p.m.**
    - 5:15 - Mock Council
    - 5:35 - Debrief
  - 4. Facilitated Conversation - 6 p.m.**
  - 5. Adjourn to Study Session at 6:30 p.m.**

## **AGENDA**



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**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 13, 2018

**AGENDA**



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**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:

- July 23, 2018 Study Session
- July 23, 2018 Regular Session
- July 23, 2018 City Council/EDA Work Session
- July 30, 2018 City Council/Financial Commission Joint Work Session

**b. Licenses**

It is recommended that the City Council consider approval of the following licenses on August 13, 2018.

**c. Amending the 2018 City Council Meeting Schedule**

*- Motion to amend the 2018 City Council Meeting Schedule*

**d. Resolution Ordering the Abatement of Conditions Creating a Nuisance and a Hazardous Property Existing at 6842 West River Rd in the City of Brooklyn Center**

*- Motion to approve resolution*

**e. Resolution Calling for a Public Hearing on Proposed Special Assessments**

for Delinquent Nuisance Abatement Costs and Delinquent Administrative Fines/Citations

- *Motion to approve resolution*

- f. Resolution Calling for a Public Hearing on Proposed Special Assessments for Delinquent Public Utility Service Accounts

- *Motion to approve resolution*

- g. Resolution Declaring Public Nuisance and Ordering the Removal of Dead Trees

- *Motion to approve resolution*

- h. Resolution Authorizing Payment of Settlement Amounts for Easements for Brooklyn Boulevard Corridor Project, Phase 1, Project No. 2018-05

- *Motion to approve resolution*

- i. Resolution Accepting Bid and Awarding Contract, Improvement Project No. 2018-05, Brooklyn Boulevard Corridor Project Phase 1 and Improvement Project No. 2018-06, 51st Avenue/Frontage Improvements

- *Motion to approve resolution*

## **7. Presentations/Proclamations/Recognitions/Donations**

- a. Youth in Government Day

## **8. Public Hearings**

## **9. Planning Commission Items**

## **10. Council Consideration Items**

- a. Resolution 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 to approve resolution*

- b. Type IV 6-Month Provisional Rental License for 6761 Humboldt Ave N

- *Motion to approve a Type IV 6-Month Provisional Rental License*

- c. Resolution for a Type IV 6-Month Provisional Rental License for 5420 Emerson Ave N

- *Motion to approve a resolution for a Type IV 6-Month Provisional Rental License*

- d. Resolution for a Type IV 6-Month Provisional Rental License for 3000 62nd Ave N

- *Motion to approve a resolution for a Type IV 6-Month Provisional Rental License*

## **11. Council Report**

## **12. Adjournment**

# COUNCIL ITEM MEMORANDUM

DATE: 8/13/2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

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:

- July 23, 2018 Study Session
- July 23, 2018 Regular Session
- July 23, 2018 City Council/EDA Work Session
- July 30, 2018 City Council/Financial Commission Joint 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

STUDY SESSION  
JULY 23, 2018  
CITY HALL – COUNCIL CHAMBERS

**CALL TO ORDER**

The Brooklyn Center City Council met in Study Session called to order by Mayor Tim Willson at 6:00 p.m.

**ROLL CALL**

Mayor Tim Willson and Councilmembers, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present. Councilmember Marquita Butler was absent and excused. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Deputy Director of Building and Community Standards Jesse Anderson, Business and Workforce Development Specialist Brett Angell, City Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

**CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS**

City Manager Curt Boganey requested discussion on Item 7a, in particular he stated that it will be removed from the agenda. He explained he was notified prior to the meeting that Twin West Chamber of Commerce President/CEO Shannon Fuller cannot make the meeting this evening.

Councilmember Graves requested the following correction to the Joint Work Session minutes of July 9, 2018:

Page 6, Paragraph 2, Line 3

“She stated she has defended markets on social media because she didn’t like that it was identified as ‘black – owned food trucks...’ Change to “She stated she has defended markets on social media when residents stated they don’t like that it was identified as ‘black – owned food trucks....’

It was the majority consensus of the City Council to accept the correction to the July 9, 2018, Joint Work Session minutes.

Councilmember Ryan requested discussion on Item 6d, in particular he wanted to get clarification on the term “Mandamus.” City Attorney Troy Gilchrist addressed his question and explained the meaning of the term.

## **MISCELLANEOUS**

Councilmember Lawrence-Anderson stated a resident who was struck by a car while biking recently at the University of Minnesota is a good friend of her daughters and stated he is a really nice man and she has gotten know him well over the years. She stated his medical condition has moved from grave to critical and asked if anyone prays, that if they could keep him in their prayers it would be great, he can use thoughts and prayers anyone wants to send his way.

Councilmember Graves asked if the parking issue previously discussed has been resolved yet. Mr. Boganey stated they are working on it and it will come back to the City Council once it is ready for their review.

Councilmember Graves also asked if the resident who recently complained about their water issue had been contacted and if the issue was resolved. Director of Public Works Doran Cote stated they reached out to the resident a few times to set a time to test their water and they haven't heard back.

Councilmember Graves stated she may be gone from the City Council for a while and wants to follow-up on the few items that were put aside for further review. She noted she appreciates the work staff does and knows they are busy.

## **DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS**

### **YOUTH IN GOVERNMENT DAY**

Deputy City Manager Reggie Edwards discussed this item. Joining Mr. Edwards was Janelle Crossfield who has provided a lot of help and organization for this event in the past and will do so again this year. Mr. Edwards reviewed the presentation and stated the day they are planning for this event is August 13, 2018.

Ms. Crossfield stated this year they are having BrookLynk interns come as well. She addressed the goals of the event and noted they plan to have a mock City Council meeting as one of the events.

Mr. Edwards stated they are proposing another date for the Planning Commission meeting which is currently scheduled for the same day as the Youth in Government Day so there is no conflict.

Councilmember Graves asked if they have specific questions in mind they would like to ask the students, who should those be directed to. Mr. Edwards stated if the Councilmembers have any thoughts or questions they would like to ask the students, they could send those to Mr. Edwards or Ms. Crossfield ahead of time.

Councilmember Ryan stated he would like to have the PowerPoint on hand that shows the engagement and what are the top issues the City Council is looking at now so they can follow that as a source of discussion. Mr. Edwards stated that they will have that prepared to share that evening.

Councilmember Graves asked if the City Council can attend the tour the youth will be taking around City Hall. Mr. Edwards stated they are all welcome and stated it will start at 3 p.m.

Mr. Edwards stated right now they are looking to get consensus on the date and agenda for the Youth in Government Day as outlined by staff.

It was the majority consensus of the City Council to have staff move forward with the recommendations for Youth In Government Day.

### **RENTAL LICENSING PROGRAM REVIEW**

Deputy Director of Building and Community Standards Jesse Anderson reviewed the purpose of this item and discussed the recommendations provided by staff for the City Council to review.

Mayor Willson stated he assumes making these changes would increase in the fees for rental licenses due to the fact that it will be increasing staff's time on this topic. Mr. Anderson stated it will occasionally require extra staff time but they are reviewing it to get a better idea of what the numbers may look like.

Councilmember Ryan stated he appreciates the work staff did on this issue.

It was the majority consensus of the City Council to have staff move forward with the recommendations provided.

### **ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL**

Mayor Willson adjourned to Study Session to informal open forum at 6:45 p.m.

### **RECONVENE STUDY SESSION**

Mayor Willson reconvened the Study Session at 6:47 p.m.

### **RENTAL LICENSING PROGRAM REVIEW (continued)**

The discussion continued on the Rental Licensing Program Review. Mayor Willson stated he agrees with the recommendations for updates to the program provided by staff. He noted that he thinks that Type 4 licenses could be put under the Consent Agenda due to the fact that the public usually doesn't attend to speak on those license types.

Councilmember Ryan stated he agrees with Mayor Willson and think as long as the landlord has an opportunity to be heard if they have an issue at another point that should appease everyone.

Councilmember Graves asked how the issues are being followed up on for any mitigation plans. She stated she agrees with the recommendations but would like to see the program be more

tenants focused. Mr. Anderson stated they are following the same process they have done for the Type III.

### **ADJOURNMENT**

Mayor Willson adjourned the Study Session at 7:00 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  
JULY 23, 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, Kris Lawrence-Anderson, and Dan Ryan were present. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Director of Community Activities, Deputy Director of Building and Community Standards Jesse Anderson, Business and Workforce Development Specialist Brett Angell, 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.

No one wished to address the City Council.

Councilmember Ryan moved and Councilmember Graves seconded to close the Informal Open Forum at 6:47 p.m.

Motion passed unanimously.

**2. INVOCATION**

Councilmember Graves read a poem she wrote titled *Frame of Mind* 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, Kris Lawrence-Anderson, and Dan Ryan were present. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Director of Community Activities, Deputy Director of Building and Community Standards Jesse Anderson, Business and Workforce Development Specialist Brett Angell, 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 Lawrence-Anderson seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the Joint Meeting of City Council and Planning Commission minutes of July 9, 2018, and the following consent items were approved:

### **6a. APPROVAL OF MINUTES**

1. July 9, 2018 – Joint Meeting of City Council and Planning Commission
2. July 9, 2018 – Regular Session
3. July 9, 2018 – Work Session
4. July 16, 2018 – Executive Special Meeting
5. July 16, 2018 – Joint Meeting of City Council and Financial Commission

### **6b. LICENSES**

#### **MECHANICAL**

|                                                                         |                                           |
|-------------------------------------------------------------------------|-------------------------------------------|
| Air Mechanical Inc.                                                     | 16411 Aberdeen St. NE, Ham Lake           |
| Kline Corp. DBA Practical Systems;<br>DBA Ductworks Heating and Cooling | 3230 Gorham Ave Ste. 1, St. Louis<br>Park |
| Wencl Services Inc.                                                     | 8148 Pillsbury Ave. S, Bloomington        |

#### **GARBAGE HAULER**

|                  |                                |
|------------------|--------------------------------|
| Waste Management | 10050 Naples Street NE, Blaine |
|------------------|--------------------------------|

#### **RENTAL**

*INITIAL (TYPE II – two-year license)*  
2812 Mumford Rd

Randall Kraft

*RENEWAL (TYPE III – one-year license)*  
2918 65<sup>th</sup> Avenue North

Hong Yang  
(Missing ARM)  
Yi Lin/Khai Hong Lim Properties

6614 Bryant Avenue North

6706 Drew Avenue North  
5739 James Avenue North

6706 Drew Ave LLC  
Douglas Allen Wahl

*RENEWAL (TYPE II – two-year license)*  
904 53<sup>rd</sup> Avenue North

Moshe Vorotinov/Istoki Sources  
Mekorot  
Mark Sibilev  
Geri Lynn Williams  
Tom Prasky

1330 67<sup>th</sup> Lane North  
6912 Unity Avenue North  
3801 Woodbine Lane

*RENEWAL (TYPE I – three-year license)*

1320 68<sup>th</sup> Lane North  
7044 Drew Avenue North  
2406 Ericon Drive

Rachel Omao and Cyrus Keri  
Jennifer Lenhart/Jan Morhfeld  
Crystal Brummer/Brummer Realty,  
LLC  
Jerilou Wiedmeyer  
Crystal Brummer/Brummer Realty,  
LLC

5931 Halifax Place  
5819 Knox Avenue North

**6c. RESOLUTION NO. 2018-139 AMENDING SPECIAL ASSESSMENT  
LEVY ROLL NOS. 19775 AND 19776 TO PROVIDE FOR THE  
DEFERMENT OF SPECIAL ASSESSMENTS**

**6d. AN INTERIM ORDINANCE NO. 2018-10 AUTHORIZING A STUDY  
AND PLACING A MORATORIUM ON THE SEARS PROPERTY**

Motion passed unanimously.

**7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS**

**7a. PRESENTATION BY SHANNON FULL, PRESIDENT/CEO OF TWIN WEST  
CHAMBER OF COMMERCE**

This item was considered as Agenda Item 7a.

**8. PUBLIC HEARINGS**

- None.

**9. PLANNING COMMISSION ITEMS**

**9a. RESOLUTION NO. 2018-140 REGARDING THE RECOMMENDED  
DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2018-012  
SUBMITTED BY VON PETERSEN OF TSP, INC. ON BEHALF OF BROOKLYN  
CENTER SCHOOL DISTRICT, REQUESTING SITE AND BUILDING PLAN  
APPROVAL (LOCATED AT 6500 HUMBOLDT AVENUE NORTH)**

Planner and Zoning Administrator Ginny McIntosh provided an overview of Planning Commission Application No. 2018-012 and advised the Planning Commission recommended approval of the applications at its July 12, 2018 meeting.

Von Petersen, of TSP Inc. and applicant on behalf of Brooklyn Center School District, addressed the City Council. He stated the front entry addition is the biggest change they are making. He stated they are including updates and safety precautions such as, having the glass where the administration area is that allows them to see outside and maintain good visibility but doesn't allow outside people to see inside.

Councilmember Lawrence-Anderson asked if the entrances will be separate for middle and high schoolers. Mr. Petersen stated yes, they will have different entrances.

Councilmember Lawrence-Anderson asked whether the doors of the classrooms lock from the inside.

Jim Langevin, Operator of the Brooklyn Center School District approached the podium to address Councilmember Lawrence-Anderson's question. He stated it has been difficult due to fire code restrictions to get locking classroom doors from the inside approved. He stated they have found options that they could use that would work and are working on getting those approved.

Councilmember Graves asked when the construction will start and how will it affect the students. Mr. Petersen stated they plan to relocate the high school to a temporary location so they can do construction on one wing and once completed the middle school will be move into the new wing while the second wing construction is completed. He noted they want to ensure as much stability for the younger children as possible that is why they choose to move the older students. another He stated they are planning to start construction in January 2019 and hope to wrap it up within 18 months.

Councilmember Graves asked if dust and contaminants are a concern for the children still in the building while construction is going on. Mr. Petersen stated they are going to properly block off the areas where the construction is taking place to avoid any exposure to the students.

Mr. Langevin stated they are also updating the drinking fountains, installing bottle filling stations, adding private showers in the locker rooms, and much more. He stated all fine arts programs will continue in the building for the year as the auditorium is going to be open.

Councilmember Ryan asked who did the risk assessment that helped them decide which security precautions and measure to make on the new updates. Mr. Petersen stated they have reviewed a lot of security projects with other schools around the area and got feedback about how things are working for them. He stated it is about finding the best balance that allows for student safety and overall well-being.

Mr. Langevin stated updating the access control points for people coming and going is a big precaution to maintain security in the building. He stated at the beginning of the day they will have two entrances for students; one for high schoolers and one for middle schoolers and then after the school day commences they will close those entrances and only have one main entrance which will be secure and controlled for anyone dropping items off to a student or people coming into the school for any reason.

The Councilmembers were in agreement that the updates will provide security and new life to the school.

Councilmember Ryan moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2018-140, Approving Planning Commission Application No. 2018-012, Submitted by Von Petersen of TSP, Inc. on behalf of Brooklyn Center School District, Requesting Site and Building Plan Approval (Located at 6500 Humboldt Avenue North)

Motion passed unanimously.

**9b. RESOLUTION NO. 2018-141 REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2018-013 SUBMITTED BY CASEY'S RETAIL COMPANY FOR APPROVAL OF A SITE AND BUILDING PLAN AND ISSUANCE OF A SPECIAL USE PERMIT FOR A GAS STATION AND CONVENIENCE STORE IN THE C2 (COMMERCE) DISTRICT (LOCATED AT 2101 FREEWAY BOULEVARD)**

Planner and Zoning Administrator Ginny McIntosh provided an overview of Planning Commission Application No. 2018-013 and advised the Planning Commission recommended approval of the applications at its July 12, 2018 meeting.

Andy Berg, Kimley Horn, addressed the City Council to answer any questions they may have.

Councilmember Graves stated due to its proximity to the creek, she would like to know what actions are in place to prevent any gasoline or oil contamination into the creek. Mr. Berg stated there will be a bio-filter on the west side that filters the water and there will also be a liner to prevent anything from leaking out that could run off.

Councilmember Lawrence-Anderson stated she is happy to see something going in there and thinks it will fit the site well. Councilmember Ryan echoed her sentiments.

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2018-141, Approving Planning Commission Application No. 2018-013, submitted by Casey's Retail Company for Approval of a Site and Building Plan and Issuance of a Special Use Permit for a Gas Station and Convenience Store in the C2 (Commerce) District (Located at 2101 Freeway Boulevard)

Motion passed unanimously.

## **10. COUNCIL CONSIDERATION ITEMS**

### **10a. CONSIDERATION OF TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSES**

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 10a1.

#### **10a1. RESOLUTION NO. 2018-142 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 7018 BROOKLYN BOULEVARD**

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2018-142 Approving a Type IV Rental License for 7018 Brooklyn Boulevard, 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.

## **11. COUNCIL REPORT**

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

- July 16, 2018: Metro Cities Transportation and Policy Committee Meeting
- July 16, 2018: Joint Meeting with Planning Commission and Joint Meeting with Financial Commission.
- July 18, 2018: Metro Cities Regional Committee Meeting
- July 19, 2018: Neighborhood Meeting in the Park.

Councilmember Lawrence-Anderson reported on her attendance at the following and provided information on the following upcoming events:

- July 18, 2018: Music in the Park Event
- July 19, 2018: Neighborhood Meeting in the Park

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

- July 12-15, 2018: Local Progress Meeting of Local Elected Officials
- July 16, 2018: Birch Grove Voting Rights Meeting
- July 16, 2018: Joint Meeting with Planning Commission and Joint Meeting with Financial Commission.
- July 17, 2018: Think Again Community Forums on MN Human Rights
- July 23, 2018: Freedom School Event at Birch Grove School

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

- July 10, 2018: Rotary Luncheon
- July 13, 2018: Meeting with City Manager
- July 13, 2018: Drove the Meals on Wheels vehicle
- July 16, 2018: Joint Meeting with Planning Commission and Joint Meeting with Financial Commission.
- July 17, 2018: Rotary Luncheon
- July 17, 2018: Mayors Minute Taping with Dave Kiser
- July 19, 2018: Neighborhood Meeting in the Park
- July 21, 2018: KMOJ speaking engagement on African Roots with Brooklyn Park Mayor
- July 24, 2018: Out of town at FBI Facility in Washington, DC

## **12. ADJOURNMENT**

Councilmember Ryan moved and Councilmember Graves seconded adjournment of the City Council meeting at 8:03 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  
JULY 23, 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 8:34 p.m.

**ROLL CALL**

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

**COMPREHENSIVE PLAN SCHEDULE DISCUSSION**

Community Development Director Meg Beekman introduced the item, discussed the history, and stated its purpose. She stated they are hoping to move the next Joint Planning Commission and City Council Meeting on August 16, 2018. She asked if anyone has a conflict if they could let her know and she can look at alternative dates.

The majority consensus of the City Council/EDA was that August 16, 2018 would work for the next Joint Planning Commission and City Council Meeting.

**2040 COMPREHENSIVE PLAN DISCUSSION**

Ms. Beekman addressed this item and reviewed its purpose. She stated they planned to review what they went over at the Joint meeting with the Planning Commission regarding the Comprehensive Plan. She stated the City Council/EDA had homework sent to them to help provide some answers on their goals for the Comprehensive Plan.

Mayor/President Willson stated he cannot open any attachments sent; including the homework sheet. Ms. Beekman stated she will send it out again and asked that the City Council/EDA answer the questions and return it to her at their earliest convenience but prior to the August 16, 2018 work session. She noted it is important they get the input back to her so she can complete a

draft that is needed for the August 16, 2018 Joint Planning Commission and City Council Meeting.

### **ADJOURNMENT**

Councilmember/Commissioner Ryan moved and Councilmember/Commissioner Graves seconded adjournment of the City Council/Economic Development Authority Work Session at 8:54 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

JOINT WORK SESSION WITH FINANCIAL COMMISSION  
JULY 30, 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 6:38 p.m.

Mayor Tim Willson, Councilmembers Marquita Butler, April Graves, and Dan Ryan were all present. Also present: City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Public Works Director Doran Coate, and Deputy City Clerk Rozlyn Tousignant. Councilmember Kris Lawrence-Anderson was absent and excused.

Others present were Financial Commissioners David Dwapu, Tia Hedenland, and Dean Van Der Werf. Commissioners Jeffrey Dobbs, James Schultz, and Abate Terefe were absent and unexcused; Commissioner Teneshia Kragness was absent and excused.

**II. APPROVAL OF AGENDA**

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

Motion passed unanimously.

**III. 2019 BUDGET OVERVIEW**

City Manager Curt Boganey introduced the Budget Overview and Levy Adjustment process. He explained that tonight's meeting was to address two main issues. Staff is asking the Council to confirm that the proposed budget is addressing the priorities of the City and asking to determine the maximum levy.

Mayor Willson mentioned that the Budget Policies of the City are things the Council has discussed and that they would like to see implemented, he also noted that there appeared to be no changes in the Policies. Mr. Boganey responded that the Budget Policies have been in place in the City for several years now and are the result of the diligent work of the Financial Commission as well as the City Council. Councilmember Ryan agreed that the Budget Policies serve the City well and hold decision-makers accountable.

Councilmember Graves inquired as to whether the City has a Discretionary Fund or a process to allow citizens to have a direct voice in particular programs they would like funded within the community. Mr. Boganey responded that the City does not currently have a fund for that purpose in place, but that the City Council would be able to establish one.

Commissioner Van Der Werf inquired about the \$120,000 adjustment in the revenue and whether that was one specific item or several. Mr. Reinhardt explained that it is primarily due to

the rate change of the Tax Increment Financing, which then is redistributed to the cities and counties that utilize TIF financing. Councilmember Ryan followed-up by asking about the Impact of Revenue Adjustments and whether the figure of 7% in the presentation materials meant a decrease of revenue; Mr. Reinhardt confirmed that a decrease was the case.

Mayor Willson asked for clarification of approximately how much 1% in revenue is worth in the City. Mr. Reinhardt responded that 1% is about \$170,000.

Councilmember Graves asked about the BrookLynk internship program and follow-up with interns to ensure future success. Mr. Boganey responded by explaining BrookLynk's Alumni Network program.

Councilmember Butler addressed home-ownership educational program within the City to educate residents on City Codes and home-maintenance.

Councilmember Graves shared that maintaining a housing stock in compliance with City Code depends on resident education on codes, personal incentive, and programs to assist residents in repairing and maintaining housing issues.

Mayor Willson addressed the \$16.16 minimum wage for City employees and how the implementation of that wage may affect employees that will not receive the increase in the first year of implementation. Mr. Boganey responded that the initiative is being introduced and that staff will provide all of the specific details of how a \$16.16 minimum wage would look upon implementation once those details are finalized.

Councilmember Graves shared a desire that the Community Engagement Specialist would be able to build relationships with partner organizations within the City.

Councilmember Graves addressed resident concern regarding policies and fees for Amphitheater use. Mr. Boganey discussed the current policy for park facility rentals on a first come basis; Mr. Boganey added that discounted fees for residents could be a deterrent for some non-residents.

Mayor Willson mentioned that the same concerns have been shared regarding fees for Constitution Hall as well.

Commissioner Dwapu asked if there is a timeframe to implement new playground equipment. Mr. Boganey responded that there is a plan and a process for updating playground equipment within the City, which includes an inspection by City staff and a review by the Parks and Recreation Commission.

Councilmember Butler mentioned that the appearance of garbage and litter contributes to the City's image; she went on to stress the importance of holding businesses within the City accountable. Mr. Boganey explained that there will be an upcoming Work Session discussion on Community Beautification.

Mayor Willson addressed excessive speeding on City streets.

Councilmember Graves asked if the City has an existing Emergency Operations Center and if so, where it is located; Mr. Boganey replied that the existing site is on the second floor of the Police Department.

Councilmember Graves also asked about body-worn cameras and transparency. Mr. Boganey responded that the cost benefit of gathering enough data to show the effectiveness of the body-worn cameras would be extraordinary; Mr. Boganey went on to explain that there is an ongoing conversation between the Chief of Police and himself regarding the most effective way to assess how well the body-worn cameras perform.

Councilmember Ryan mentioned that there is not money in the State Bonding Bill for the Bus Rapid Transit (BRT) D-Line. Mr. Boganey acknowledged this fact and added that the City continues to support the Blue Line.

#### **IV. “TARGET LEVY” INTERACTIVE ACTIVITY**

An interactive activity was held for Councilmembers and Commissioners, which comprised of polling the group on a target levy. The group was asked a series of questions on which they were polled. A discussion was held afterwards. Collectively the group decided on a willingness to consider up to an 8% levy increase.

#### **IV. CIP WORK SESSION – FOLLOW-UP**

Mr. Boganey and Mr. Reinhardt discussed a need for an additional Work Session to be decided at the following Work Session on August 8, 2018.

#### **V. FUTURE BUDGET DISCUSSIONS**

- a. AUGUST 8, 2018 – GENERAL FUND BUDGET REQUESTS**
- b. AUGUST 20, 2018 - GENERAL FUND BUDGET REQUESTS CONTINUED**
- c. SEPTEMBER 17, 2018 – RECOMMENDED PRELIMINARY LEVY & BUDGET**
- d. SEPTEMBER 24, 2018 (REGULAR CITY COUNCIL MEETING) – CITY COUNCIL ADOPTS PRELIMINARY BUDGET AND LEVY**

#### **VI. ADJOURNMENT**

Councilmember Ryan moved and Councilmember Butler seconded to adjourn the Work Session at 9:23 p.m.

Motion passed unanimously.

# COUNCIL ITEM MEMORANDUM

DATE: 8/13/2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Rozlyn Tousignant, Deputy City Clerk

SUBJECT: Licenses

## **Requested Council Action:**

It is recommended that the City Council consider approval of the following licenses on August 13, 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**

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

## **MECHANICAL**

All American Heating & Air Inc.      3600 72<sup>nd</sup> Ave N, Brooklyn Center, MN 55429

Metro Sheet Metal Inc.      3260 Fanum Road, St Paul, MN 55110

Minnesota Heating & AC Inc.      10701 93<sup>rd</sup> Ave N, Maple Grove, MN 55428

Musel Heating and Cooling LLC      311 East S Street, Amboy, MN 56010

Optimum Mechanical Systems, Inc.      3030 Centerville Road, Little Canada, MN 55117

Pioneer Power      2500 Ventura Dr., Woodbury, MN 55125

Sedgwich Heating      1408 Northland Dr., Suite 310, Mendota Heights, MN 55120

## **TOBACCO RELATED PRODUCTS**

Jammin' Wings      2590 Freeway Blvd

## **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<br>(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<br>(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 13, 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 |
|----------------------------------------|--------------------|--------------------|--------------------------------------------------------------------|--------------------------|--------------|--------------|-----------------------|---------------------------|------------------|--------------|
| 6143 Regent Ave N                      | Single Family      | Initial            | Patricio Angamarca-Romero                                          | 6                        | III          | N/A          | III                   |                           | OK               | OK           |
| Basswood Apartments<br>4450 58th Ave N | 1 Bldg<br>11 Units | Renewal            | Halverson and Blaiser Group LTD                                    | 10<br>(.9/Unit)          | II           | 0            | II                    | IV                        | OK               | OK           |
| 2329 55th Ave N                        | Single Family      | Initial            | Sara Corbin                                                        | 0                        | I            | 0            | I                     | II                        | OK               | OK           |
| 3912 61st Ave N                        | Single Family      | Initial            | Nazneen Khatoon                                                    | 7                        | III          | 0            | III                   | I                         | OK               | OK           |
| 3218 64th Ave N                        | Single Family      | Initial            | Nicholas Standal                                                   | 0                        | I            | 0            | I                     | II                        | OK               | OK           |
| 6336 Beard Ave N                       | Single Family      | Renewal            | Chen Xuan Zhou/Lancelot Properties                                 | 1                        | I            | 0            | I                     | IV                        | OK               | OK           |
| 6000 Bryant Ave N                      | Single Family      | Renewal            | Shirzad Raimi                                                      | 3                        | II           | 0            | II                    | II                        | OK               | OK           |
| 6107 Bryant Ave N                      | Single Family      | Renewal            | Daniel Yesnes                                                      | 1                        | I            | 0            | I                     | I                         | OK               | OK           |
| 5408 Colfax Ave N                      | Single Family      | Renewal            | Su Feng Zheng/Khai Hong Lim Properties<br>(Missing 2 ARM meetings) | 2                        | II           | 0            | III                   | III                       | OK               | OK           |
| 6607 Drew Ave N                        | Single Family      | Renewal            | Jeffrey Davis                                                      | 1                        | I            | 0            | I                     | III                       | OK               | OK           |
| 6757 Humboldt Ave N                    | Single Family      | Renewal            | Saleem Raza                                                        | 1                        | I            | 0            | I                     | II                        | OK               | OK           |
| 5310 Knox Ave N                        | Single Family      | Renewal            | Douglas Allen Wahl                                                 | 1                        | I            | 0            | I                     | III                       | OK               | OK           |
| 6437 Kyle Ave N                        | Single Family      | Renewal            | Sheng Lee                                                          | 6                        | III          | 0            | III                   | II                        | OK               | OK           |
| 4207 Lakeside Ave #140                 | Single Family      | Renewal            | Joseph Drechsler                                                   | 7                        | III          | 0            | III                   | I                         | OK               | OK           |
| 4207 Lakeside Ave #220                 | Single Family      | Renewal            | Matthew Blackler                                                   | 1                        | I            | 0            | I                     | II                        | OK               | OK           |
| 4207 Lakeside Ave #323                 | Single Family      | Renewal            | Douglas Hollman                                                    | 0                        | I            | 0            | I                     | II                        | OK               | OK           |
| 4207 Lakeside Ave #339                 | Single Family      | Renewal            | Madeline Greiner                                                   | 2                        | II           | 0            | II                    | II                        | OK               | OK           |
| 5431 Logan Ave N                       | Single Family      | Renewal            | Chen Xuan Zhou/Lancelot Properties                                 | 1                        | I            | 0            | I                     | III                       | OK               | OK           |
| 5532 Logan Ave N                       | Single Family      | Renewal            | Ira Kovalsky                                                       | 2                        | II           | 0            | II                    | III                       | OK               | OK           |
| 7225 Major Ave N                       | Single Family      | Renewal            | Kin Chew                                                           | 5                        | III          | 0            | III                   | III                       | OK               | OK           |
| 2913 Nash Rd                           | Single Family      | Renewal            | Chen Xuan Zhou/Lancelot Properties                                 | 4                        | II           | 0            | II                    | IV                        | OK               | OK           |
| 4501 Woodbine La                       | Single Family      | Renewal            | Jerad Morey                                                        | 2                        | II           | 0            | II                    | IV                        | 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

**Rental Licenses for Council Approval on August 13, 2018**

| Property Address | Dwelling<br>Type | Renewal<br>or Initial | Owner | Property<br>Code<br>Violations | License<br>Type | Police<br>CFS * | Final<br>License<br>Type ** | Previous<br>License<br>Type *** | Unpaid<br>Utilities | Unpaid<br>Taxes |
|------------------|------------------|-----------------------|-------|--------------------------------|-----------------|-----------------|-----------------------------|---------------------------------|---------------------|-----------------|
|------------------|------------------|-----------------------|-------|--------------------------------|-----------------|-----------------|-----------------------------|---------------------------------|---------------------|-----------------|

# COUNCIL ITEM MEMORANDUM

DATE: 8/13/2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Amending the 2018 City Council Meeting Schedule

## **Requested Council Action:**

*- Motion to amend the 2018 City Council Meeting Schedule*

## **Background:**

The 2018 City Council meeting schedule was approved at the December 11, 2017, City Council meeting. When creating the meeting schedule, the observance of Veteran's Day wasn't taking into consideration. In 2018, Veteran's Day, Sunday, November 11, will be observed on Monday, November 12. City offices will be closed on that Monday.

Therefore, staff is proposing to move the City Council meeting from Monday, November 12 to Tuesday, November 13, 2018.

## **Strategic Priorities and Values:**

Operational Excellence



City of Brooklyn Center  
2018 City Council Meeting Schedule

UPDATED 08/13/2018

| Regular City Council Meetings<br>Council Chambers<br>City Hall                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <b>Study/Work Session</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>6:00 p.m.</b>                                   |
| <b>Informal Open Forum</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>6:45 p.m.</b>                                   |
| <b>Regular Session</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>7:00 p.m.</b>                                   |
| <b>Work Session</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | continued<br>immediately following Regular Session |
| <p>Brooklyn Center City Council regularly meets the 2nd and 4th <b>Monday</b> each month, unless Monday is a holiday.</p> <p><b>January 8</b><br/> <b>January 22</b><br/> <b>February 12</b><br/> <b>February 26</b><br/> <b>March 12</b><br/> <b>March 26</b><br/> <b>April 9</b><br/> <b>April 23</b><br/> <b>May 14</b><br/> <b>May 29 (Tuesday)</b><br/> <b>June 11</b><br/> <b>June 25</b><br/> <b>July 9</b><br/> <b>July 23</b><br/> <b>August 13</b><br/> <b>August 27</b><br/> <b>September 10</b><br/> <b>September 24</b><br/> <b>October 8</b><br/> <b>October 22</b><br/> <b>November 13</b><br/> <b>November 26</b><br/> <b>December 10</b></p> |                                                    |

| Special City Council Meetings                                            |                  |
|--------------------------------------------------------------------------|------------------|
| All dates are <b>Monday</b> unless otherwise noted.                      |                  |
| <b>February 20 (Tuesday)</b>                                             | <b>5:00 p.m.</b> |
| Special Session                                                          | CC               |
| <b>April 4 (Wednesday)</b>                                               | <b>6:00 p.m.</b> |
| Joint Session w/Commissions                                              | CH               |
| <b>April 16</b>                                                          | <b>7:00 p.m.</b> |
| Board of Appeal & Equalization                                           | CC               |
| <b>April 30</b>                                                          | <b>6:00 p.m.</b> |
| Board of Appeal & Equalization Reconvene                                 | CC               |
| <b>June 4</b>                                                            | <b>6:30 p.m.</b> |
| Work Session w/Auditor and Budget Work Session<br>w/Financial Commission | CC               |
| <b>July 9</b>                                                            | <b>5:00 p.m.</b> |
| Work Session for 2040 Comprehensive Plan<br>with Planning Commission     | CC               |
| <b>July 16</b>                                                           | <b>6:30 p.m.</b> |
| Work Session w/Financial Commission                                      |                  |
| <b>July 30</b>                                                           | <b>6:30 p.m.</b> |
| Work Session w/Financial Commission                                      |                  |
| <b>August 8 (Wednesday)</b>                                              | <b>6:30 p.m.</b> |
| Work Session w/Financial Commission                                      |                  |
| <b>August 13</b>                                                         | <b>5:00 p.m.</b> |
| Youth In Government                                                      |                  |
| <b>August 16 (Thursday)</b>                                              | <b>7:00 p.m.</b> |
| Work Session for 2040 Comprehensive Plan<br>with Planning Commission     | CC               |
| <b>August 20</b>                                                         | <b>6:30 p.m.</b> |
| Work Session w/Financial Commission                                      |                  |
| <b>September 17</b>                                                      | <b>6:30 p.m.</b> |
| Work Session w/Financial Commission                                      |                  |
| <b>October 15</b>                                                        | <b>6:30 p.m.</b> |
| Work Session w/Financial Commission                                      |                  |
| <b>October 29</b>                                                        | <b>6:30 p.m.</b> |
| Work Session w/Financial Commission                                      |                  |
| <b>November 13</b>                                                       | <b>5:45 p.m.</b> |
| Canvass Returns of Municipal General Election                            | CC               |
| <b>December 3</b>                                                        | <b>7:00 p.m.</b> |
| 2019 Budget Hearing and Special Meeting                                  | CC               |

All dates are subject to change. Call City Hall at 763-569-3300 to verify dates and times.  
Strikethrough indicates meeting has been CANCELED.

- CC** – Council Chambers located in upper level City Hall
- CR** – Council/Commission Conference Room located in lower level City Hall
- CH** – Constitution Hall located at Community Center
- EBHC** – Earle Brown Heritage Center, 6155 Earle Brown Drive
- AA** – All America Conference Room located in lower level City Hall

# COUNCIL ITEM MEMORANDUM

DATE: 8/13/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Jesse Anderson, Deputy Director of Community Development

SUBJECT: Resolution Ordering the Abatement of Conditions Creating a Nuisance and a Hazardous Property Existing at 6842 West River Rd in the City of Brooklyn Center

## **Requested Council Action:**

*- Motion to approve resolution*

## **Background:**

The property at 6842 West River Rd N currently has a partially constructed, unfinished, new single family home and an existing accessory building. The house is in the process of being rebuilt due to a fire that occurred in 2000. The owner began constructing the house in 2007.

Staff have been pursuing code violations at the property through several criminal actions. These have resulted in charges, convictions and the owner serving various sentences. A detailed history of the property is included in the attached Inspection Report, dated June 22, 2018. The property remains in violation of several City ordinances.

After many attempts to meet with the owner were unsuccessful, the City obtained an administrative search warrant through the courts to allow inspectors onto the property to inspect the premises and grounds.

The inspection was conducted on June 22, 2018, at 9:00 am. Dan Jerzak and Jesse Anderson conducted the inspection of the property and were accompanied by the Brooklyn Center Police Commander Gabler, Sgt. Colleen Fricke and Officer Sara Fry. The complete Inspection Report is attached. The owner did answer the door and appeared to have been awoken by the visit. The owner walked staff around the outside of his property where numerous storage and inoperable vehicles along with several other violations were noted. The owner also provided inspectors access to inside the house. The home is unfinished with the framing and shell of the building mostly complete. The house does not have plumbing, electrical, mechanical, and flooring, drywall, or insulation. Nor are there any finishes such as trim or carpet. The majority of the floor area was covered with items and debris approximately 5 feet high with narrow paths through the home. The owner did admit to inspectors that he sleeps at the property. The home has temporary electrical wiring running throughout the house that is not compliant with Code and poses an electrical hazard.

On June 27, 2018, the property was posted as unfit for occupancy and staff reported concerns regarding the owner to Hennepin County Adult Protection.

On June 29, 2018, the City sent and delivered a letter to the owner detailing the violations and stating that the violations needed to be fixed and the owner needed to contact the City by July 23, 2018, with evidence that corrections have been made.

On July 23, 2018 the City Inspector Dan Jerzak visited the property and spoke with the owner. The property remained in violation and the owner did not allow the inspector inside of the property.

Based on findings, staff recommends the City Council adopt the findings of the City Inspectors regarding the hazardous conditions, and authorize the City Manager to abate the nuisance by removing all inoperable vehicles, removing any remaining junk and debris, and repairing the house and property, subject to approval of such action by the District Court. If declared a hazardous property, the City will follow requirements as established by Minnesota Statutes, including but not limited to, notification and court actions as indicated in the attached Resolution.

**Budget Issues:**

The estimated direct cost of the clean-up and repairs is \$25,000 – \$35,000 depending on bids obtained from contractors. A record of costs associated with enforcement of this order will be kept including administrative time, attorneys' fees, and all other related costs. The property owners of record will be billed for all associated costs of abatement, and if unpaid, the costs will be specially assessed against the property.

**Strategic Priorities and Values:**

Safe, Secure, Stable Community

Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

CITY OF BROOKLYN CENTER

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ORDERING THE ABATEMENT OF CONDITIONS CREATING A  
NUISANCE AND A HAZARDOUS PROPERTY EXISTING AT 6842 WEST RIVER  
ROAD IN THE CITY OF BROOKLYN CENTER**

**WHEREAS**, the property located at 6842 West River Road, legally described on Exhibit A, attached hereto, which contains a partially built, single-family dwelling (the “Subject Property” or “Property”); and

**WHEREAS**, David W. Berg is the owner (“Owner”) of the Subject Property; and

**WHEREAS**, the City has previously pursued criminal actions against the Owner for the condition of the Subject Property over the course of many years, none of which have conclusively resolved the issues surrounding the condition of the Subject Property; and

**WHEREAS**, on June 27, 2017, the Subject Property was inspected and the following violations were noted: no stairs to the door on the partially constructed house, incomplete driveway, bolts sticking out approximately six inches from house where a deck/porch would attach, no permit applied for or issued for work at the Subject Property, inoperable vehicles, and multiple temporary structures in the yard;

**WHEREAS**, on May 22, 2018, the City received a complaint regarding the condition of the exterior of the Subject Property;

**WHEREAS**, on May 22, 2018, the City’s Deputy Director of Community Development viewed the Subject Property from the right of way and noted the following violations: no active building permit for the construction of the house, bolts sticking out approximately six inches from house where a deck/porch would attach, electrical meter box on outside of house inoperable, temporary stairs do not meet code requirements, accumulation of construction debris on property, temporary tents and tarp covered structures do not meet code requirements for load or materials used, dead/diseased trees, drainage and erosion issues, and uncovered ground; and

**WHEREAS**, in May 2018, the City’s Deputy Director of Community Development made numerous attempts to contact the Owner via telephone to obtain consent from him to inspect the Subject Property and no calls were answered nor voicemails returned; and

**WHEREAS**, on June 4, 2018 the City sent a letter to the Owner requesting an inspection of the Subject Property pursuant to City Code 03-103 and 15-506 and requesting a response or the City would seek an administrative search warrant; and

**WHEREAS**, the Owner did not respond to the June 4, 2018 letter or the phone calls; and

**WHEREAS**, the City applied for and obtained an administrative search warrant to inspect the Subject Property on June 14, 2018; and

**WHEREAS**, on June 22, 2018, the City executed the administrative search warrant to inspect the Subject Property; and

**WHEREAS**, during the June 22, 2018 inspection of the Subject Property, the City's Deputy Director of Community Development observed multiple violations of the City's Code of Ordinances including: bolts sticking out from the partially constructed house six inches where a deck/porch would attach, an inoperable electrical meter box, live electrical wires throughout the interior of the house, temporary stairs do not meet code, accumulation of construction debris such as scrap wood and deteriorated equipment, temporary tents lacking ability to meet load requirements and not made out of weather-resistant materials, dead trees in the yard, uncovered ground in the yard, erosion and drainage issues, and twenty-five (25) inoperable vehicles many filled with debris, have expired tabs, and have flat tires; and

**WHEREAS**, as a result of the June 22, 2018 inspection, the City's Deputy Director of Community Development determined the Subject Property constituted a hazardous property under Minn. Stat. § 463.15 and deemed the partially-built house unfit for human habitation; and

**WHEREAS**, on June 29, 2018, the City sent a letter to the Owner via certified mail detailing the violations observed during the June 22, 2018 inspection and stating that the violations needed to be fixed and the Owner needed to contact the City by July 23, 2018 with evidence of the corrections, as shown in Exhibit B, or the City would proceed with corrective actions such as a hazardous property abatement order; and

**WHEREAS**, the Owner has not fixed the violations or taken any steps to abate the hazardous conditions of the structures on the Subject Property; and

**WHEREAS**, the City has communicated its intent to the Owner of the Subject Property that if he failed to comply with the applicable City codes, the City would institute a hazardous property and hazardous building action; and

**WHEREAS**, Minnesota Statutes, Section 463.161 authorizes the governing body of any city or town to order the owners of any hazardous property or building within the municipality to correct or remove the hazardous condition; and

**WHEREAS**, Minnesota Statutes, Section 463.15, subdivision 3 defines a "hazardous building or hazardous property" as "any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment, constitutes a fire hazard or a hazard to public safety or health;" and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Brooklyn Center as follows:

1. The partially-built house and accessory structures located on the Subject Property are hazardous as defined by Minnesota Statutes, Section 463.15 and City Code Section 12-1103.
2. The Subject Property is hazardous as defined by Minnesota Statutes, Section 463.15.
3. The partially-built house is unfit for human habitation pursuant to City Code Section 12-1101.
4. The condition of the Subject Property violates City Code Sections 12-406 (exterior steps), 12-504 (electrical violations), 12-702 (exterior walls), 12-707 (accessory buildings), 19-103 (accumulation of rubbish/brush/debris and inoperable vehicles), 19-711 (yard maintenance), and 20-301 (dead/diseased tree).
5. An Abatement Order substantially similar to that attached as Exhibit C shall be served upon all parties with an interest in the Subject Property in order to effectuate this Resolution.
6. The City Attorney and City staff are authorized to take all necessary legal steps to secure compliance with the Abatement Order and to obtain authority to remove and abate the hazardous conditions on the Subject Property by court order and assess the costs thereof against the Subject Property.

Passed and duly adopted this \_\_\_\_\_ day of August 2018, by the City Council of the City of Brooklyn Center, Minnesota.

\_\_\_\_\_, Mayor

ATTEST:

\_\_\_\_\_, City Clerk

## **EXHIBIT A TO RESOLUTION**

### **Legal Description**

Lot 2, "Auditor's Subdivision Number 310, Hennepin County, Minnesota"; EXCEPT:

That part of Lot 2, "Auditor's Subdivision Number 310, Hennepin County, Minnesota", Lying Easterly of the 50 foot road running through said Lot 2, the center line of said road being described as follows: Beginning at a point on the South line of said Lot 2, a distance of 362 feet East of the Southwest corner of said Lot 2 as measured along said South line; Thence Northerly to a point on the North line of said Lot 2, said point being a distance of 387 feet East of the Northwest corner of said Lot 2, as measured along said North line, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

Abstract Property



## **EXHIBIT B TO RESOLUTION**

### **Letter to Owner**

---



June 29, 2018

David W. Berg  
6842 West River Road  
Brooklyn Center, MN 55430

RE: Property Maintenance—IMMEDIATE ACTION REQUIRED

Dear Mr. Berg,

As I explained in my letter to you dated June 4, 2018, the City received a complaint from a citizen regarding the condition of your property located at 6842 W River Road. I viewed your property from the right of way on the same date we received the complaint, May 22, 2018. At that time, I observed a number of code violations. You did not respond to my June 4 letter requesting an inspection so the City obtained an administrative search warrant to inspect the property for code violations.

Pursuant to the administrative search warrant, on June 22, 2018, I inspected the property along with Dan Jerzak and police escort. You were present during the inspection.

The following violations were observed during our inspection of your property along with references to the relevant sections of City Code:

1. Exterior walls (Chapter 12-702): Walls, roof, exterior- The exterior of the building does not have deck/porch and bolts are sticking out approximately 6" from the dwelling at the locations of where the deck/porch would attach to the house. The locations of the bolts are at both top and bottom of the deck/porch location and are every 24"-36". The exterior siding has been stained. The property does not have an active building permit for the construction of the new dwelling.
2. Electrical Violations (Chapter 12-504): The electrical meter boxes on the outside of the dwelling are required to be operable. This violation would require a permit and a permit has not been applied for. There are live electrical wires throughout the interior of the home in violation and is an electrical hazard.
3. Exterior Steps (Chapter 12-406): The temporary stairs that are being used do not meet code. This structure does not meet 12-406 of the Brooklyn Center Code of Ordinances. In order to complete the steps, a building permit must be obtained and the plans must be approved by the Building Official.
4. Accumulation of Rubbish/Brush/Debris (Chapters 19-103.11 and 19-103.4): The property is in violation of 19-103.11 and 19-103.4 of the Brooklyn Center Code of Ordinances. Construction debris is stored throughout the property. Items such as car batteries, scrap



wood, deteriorated equipment, fallen down temporary tents, and tools are present throughout the property.

5. Accessory Buildings (Chapters 12-702 and 12-707): The temporary tents on the property are in violation of 12-702 & 12-707 of the Brooklyn Center Code of Ordinances. The tent does not meet wind and snow load requirements and is not made of a decay resistant material. The tent was to be removed previously by court order. There tarp covered structures in the backyard of the property.
6. Dead/Diseased Tree (Chapter 20-301): There are multiple dead trees in the yard of the property.
7. Yard Maintenance (Chapter 19-711): The property has a great deal of uncovered ground on the property. There are drainage and erosion issues throughout the property. These conditions violate 19-711 of the Brooklyn Center Code of Ordinances. Some areas remain without yard cover.
8. Inoperable Vehicles (Chapter 19-1303): All vehicles are required to be operable and must have current license tabs. The following vehicles are in violation of city code with expired tabs, flat tires, filled with debris or other conditions that make the vehicle inoperable.
  - i. RV-C5229 White and Tan RV with expired tabs and flat tires
  - ii. 357123 Dark Green Pick up
  - iii. Red Station wagon with flat tires and filled with debris no plate
  - iv. Black SUV Isuzu with no plates flat tire
  - v. 35782 Tan Jeep filled with debris
  - vi. White SUV Isuzu with no plates, tires in poor condition and filled with debris
  - vii. Red Subaru Station wagon with no plates, tires in poor condition and filled with debris
  - viii. 35781 White Van with tires in poor condition
  - ix. 216 GWG vehicle with expired tabs and tires in poor condition
  - x. Red SUV on a trailer with no plate and in poor condition
  - xi. 400 XTH White/Silver Sedan with no plates, tires in poor condition and filled with debris
  - xii. MN 0516fz Blue/White/Red Boat in poor condition and flat tires on trailer
  - xiii. Green and White Boat in poor condition and flat tires on trailer
  - xiv. Small wood utility trailer with flat tires and has a wheel barrow on top.
  - xv. 658-AZV Trans sport van with tires in poor condition and expired tabs.
  - xvi. 900-BRJ Trans sport van with tires in poor condition and expired tabs.
  - xvii. Blue hoarse trailer in poor condition and flat tires.
  - xviii. White RV trailer in poor condition and flat tires.
  - xix. White Covered trailer with flat tires
  - xx. Boat and trailer ACBX-978 in poor condition under tarp with flat tires.
  - xxi. Boat and trailer ABRH-423 in poor condition under tarp with flat tires.
  - xxii. Yellow boat trailer without boat and flat tires

- xxiii. ABGV-222 trailer in poor condition with flat tires
- xxiv. 366-DCP with expired tabs and flat tires.
- xxv. Trailer with green hitch and silver cover with flat tires

Additionally, there are currently no open permits on the property at this time. All permits related to the construction of the home have expired and do not have final inspections.

With respect to the primary structure, during our inspection, we noted evidence to indicate that you have been living in the structure. As you are aware, the main structure on the property is a house that has not been issued a certificate of occupancy because it remains only partially built. The structure is not connected to a water supply or sanitary sewer service. The structure has temporary electrical wiring running throughout that poses an electrical hazard. Further, the structure appears to be used for storage with very narrow walking paths. Due to its unfinished construction, the lack of a certificate of occupancy, and the code violations listed above, the structure is not fit for human habitation. Accordingly, on June 27, 2018, the City posted the property as unfit for human occupancy.

This property has multiple life-safety and health concerns. **Based on our inspection, we have determined this property constitutes a hazardous property and contains hazardous buildings under Minn. Stat. § 463.15.**

**If the conditions outlined above are not corrected by July 23, 2018 the City will proceed with corrective actions including but not limited to a hazardous property abatement order to remove or remedy the hazardous conditions on the property.**

If you correct any of the violations listed in this notice, please contact me with evidence demonstrating the corrections. Please contact me with any questions regarding this correspondence. My number is (763) 569-3420 or Dan Jerzak at 763-569-3312. Thank you.

Sincerely,



Jesse Anderson  
Deputy Director of Community Development  
City of Brooklyn Center

**EXHIBIT C TO RESOLUTION**

**Abatement Order**

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Other Civil

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In the Matter of the Hazardous  
Building Located at 6842 West River Road,  
Brooklyn Center, Minnesota

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**ORDER FOR ABATEMENT OF  
A HAZARDOUS PROPERTY**

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

The City Council of the City of Brooklyn Center orders that within 20 days of service of this Order that you abate the hazardous conditions which exist on the property located at: 6842 West River Road, in the City of Brooklyn Center, which property is legally described on Exhibit A attached hereto.

The City of Brooklyn Center, pursuant to Minnesota Statutes Sections 463.15 to 463.261, finds that the building and accessory structures located at the above-referenced address constitute hazardous buildings within the meaning of Minnesota Statutes Section 463.15 subdivision 3 and City Code Section 12-1103, specifically due to the bolts sticking out from the partially constructed house six inches where a deck/porch would attach, an inoperable electrical meter box, live electrical wires throughout the interior of the partially constructed house, temporary stairs do not meet code, and temporary tents lacking ability to meet load requirements and not made out of weather-resistant materials.

The City of Brooklyn Center, pursuant to Minnesota Statutes Section 463.15 to 463.261, finds the property located at the above-referenced address constitutes a hazardous property

within the meaning of Minnesota Statutes Section 463.15 subdivision 3 and City Code Section 12-1103, specifically due to the accumulation of construction debris such as scrap wood and deteriorated equipment, dead trees in the yard, uncovered ground in the yard, erosion and drainage issues, and twenty-five (25) inoperable vehicles, many of which are filled with debris, have expired tabs, and have flat tires.

Pursuant to the above-referenced statutes and ordinances, it is hereby ORDERED that you abate the hazardous property conditions within 20 days of the date of service of this Order by either removing the building or repairing the property by completing the following:

1. Remove or cover the bolts extending from the partially-built house;
2. Ensure the electrical box is operable and meets code;
3. Properly cover or otherwise make safe the live electrical wires inside the partially-built house;
4. Repair or replace stairs to partially-built house to meet code;
5. Remove all temporary tents;
6. Remove all excess junk, garbage, construction debris, equipment, and other items from outside the partially-built house;
7. Remedy erosion and drainage issues on property;
8. Cover ground in yard of property to comply with the code; and
9. Remove all inoperable vehicles including cars, trucks, trailers, and boats from the property.

You must apply for and obtain any appropriate permit(s), if applicable, for the work you intend to perform from the appropriate City offices before abating the hazardous conditions. This Order is not a permit. Further, all work completed is subject to inspection by the City's

building inspector, Fire inspector, and other staff as required to ensure compliance with applicable rules and law.

You are further advised that unless such corrective action is taken or an Answer is served on the City and filed with the Hennepin County District Court Administrator within 20 days of the date of service of this Order upon you, a motion for summary enforcement of this Order will be made to the Hennepin County District Court.

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

Dated \_\_\_\_\_, 2018

**KENNEDY & GRAVEN, CHARTERED**

By: \_\_\_\_\_  
Troy J. Gilchrist (#0228849)  
Elizabeth C. Brodeen-Kuo (#391949)  
470 U.S. Bank Plaza  
200 South Sixth Street  
Minneapolis, MN 55402  
(612) 337-9300

**ATTORNEYS FOR THE  
CITY OF BROOKLYN CENTER**

## **EXHBIT A TO ABATEMENT ORDER**

### **Legal Description**

Lot 2, "Auditor's Subdivision Number 310, Hennepin County, Minnesota"; EXCEPT:

That part of Lot 2, "Auditor's Subdivision Number 310, Hennepin County, Minnesota", Lying Easterly of the 50 foot road running through said Lot 2, the center line of said road being described as follows:  
Beginning at a point on the South line of said Lot 2, a distance of 362 feet East of the Southwest corner of said Lot 2 as measured along said South line; Thence Northerly to a point on the North line of said Lot 2, said point being a distance of 387 feet East of the Northwest corner of said Lot 2, as measured along said North line, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

Abstract Property



## Inspection Record

Date: 6/22/2018

Property Address: 6842 West River Rd

Name: David W Berg

Date of Birth: 06-15-1938

**The following violation were noted during an inspection of the property on 5/22/2018**

### **Criminal Court Summary**

Mr. Berg was charged with 3 housing maintenance violations and one count of public nuisance in 2013. He failed to make numerous appearances and his case remained in bench warrant status for long stretches of multiple months. He eventually appeared and we negotiated a phased abatement plan, which he failed to complete.

On January 28, 2015 he pled guilty to one of the housing maintenance violations. As a part of his sentence, he was ordered to abate all code violations on his property and was given six months by the court to do so (deadline 6/29/15). He again failed to abate and we filed a probation violation. When he finally appeared on that, he eventually admitted to the violation on 2/10/16.

He would continue to fail to comply with City and court directives to abate and eventually had 5 days of his sentence revoked in May of 2016, and was ordered to comply again. His property was re-evaluated for compliance in November of 2016. Again, it was not in compliance and he was ordered to serve an additional 5 days of jail. A new review hearing was set for April 2017 and 10 additional days were then revoked due to his continued non-compliance, but he was given a June 2017 review date to complete all remaining items and he was to be given the opportunity to avoid additional jail if he complied.

He appeared in June of 2017 and still was not in compliance. He was taken into custody that day to serve the previously ordered additional 10 days and our office believed that his probation would be extended (by agreement in lieu of execution of all remaining time) as it had been at each of the previous appearances, but the judge declined to do so at that hearing, for some reason. We subsequently wrote to the judge and requested reconsideration, providing a procedural history for the matter. The judge declined to change her mind and decided that his probation would not be extended any further and that the case would be closed after he completed the most recently ordered 10 days of jail.

### **Recent Inspection Activities:**

February 9, 2016: Mr. Bergs agreed to correct the violations by May 2, 2016. After the court appearance Jesse Anderson, Deputy Director of Building and Community Standards met with Mr. Berg to discuss the progress. The inspector advised Mr. Berg to apply for a permit and focus on completing the project. He was also advised that constructing a gate on his driveway would not correct the violations.





February 16, 2016: Mr. Anderson called and spoke to Mr. Berg and asked if there was progress and if he had hired a contractor. Mr. Anderson informed him the he should promptly begin working on the home.

February 23, 2016: Mr. Anderson called and left a message for Mr. Berg. The message asked for an update on the progress, asked if any help was needed, and also provided the phone number of a non-profit agency that provides construction consultation service.

March 23, 2016: Mr. Anderson called and left a message for Mr. Berg asking him to call back with an update and also offered help with the project.

April 29, 2016: The property was inspected and the violations weren't corrected. The yard, stairs, driveway and exterior of the home remained uncompleted. Also, items remained stored outside. It was noted that there had been some excavation work completed and post installed along side of the driveway.

July 25, 2016: The property is still in violation. There are no stairs to doors, the driveway has not been completed, the bolts are still on the outside of the property, and there is starting to be some yard cover due to weeds growing in. Also, there has been no permit applied for or issued for the work at the property.

October 18, 2016. Mr. Anderson called and spoke to Mr. Berg and informed him that he had missed his court date and a warrant had been issued. He stated that he missed court because he had downed tree at his property up north, so he wanted to take care of that 1<sup>st</sup>.

November 28, 2016. The property is still in violation. There are no stairs to doors, the driveway has not been completed, the bolts are still on the outside of the property, and there is starting to be some yard cover due to weeds growing in. There are sign of erosion on the driveway due to recent rain. Also, there has been no permit applied for or issued for the work at the property.

January 31, 2017. Mr. Anderson called all 3 phone numbers known for Mr. Berg. Left message requesting a call back to schedule a meeting to discuss violations at property.

April 3, 2017. The property is still in violation. There are no stairs to door, the driveway has not been completed, the bolts are still on the outside of the property, and there is starting to be some yard cover due to weeds growing in. There are sign of erosion on the driveway. Also, there has been no permit applied for or issued for the work at the property. Further, there was some view of the fenced portion of the yard due to damaged section of fencing. There are inoperable vehicles and multiple temporary structures in the backyard of the property.

June 27, 2017. The Property was inspected and remains in violation.

May 22, 2018. A complaint was received from a citizen regarding the condition of the property. Numerous calls we made in an attempt to speak with Mr. Berg regarding his property. He is not answering his call or returning voicemails. Dan Jerzak and Jesse Anderson visited the property and noted the home remains unfinished with no active permits. There were multiple violations noted including vehicles that appeared to have flat tires, a fence in disrepair, driveway in disrepair, no stairs to the doors that access the home and outside storage. See Attached photos.

June 4, 2018. A letter was sent to Mr. Berg requesting an inspection. The letter stated that the City would be looking to obtain an administrative search warrant.

June 14, 2018. The administrative search warrant was signed by a judge.

June 15, 2018. A voicemail was left for Mr. Berg stating that an inspection was to be conducted on June 22, 2018.





June 22, 2018. At 9:00 am Dan Jerzak and Jesse Anderson conducted an inspection of the property. We were accompanied by the Brooklyn Center Police officers Colleen Fricke. Mr. Berg did answer the door partially dressed and appeared to have been awoken by our visit. Mr. Berg walked us around the outside of his property where numerous storage and inoperable vehicle violations were noted. Mr. Berg also provided access to inside the house. The home is unfinished with the framing and shell of the building mostly complete. The house does not have plumbing, electrical, mechanical, and flooring, drywall, etc. The majority of the floor area was covered with storage approximately 5 feet high with narrow paths through the home. Mr. Berg did admit that he sleeps at the property at times and refers to it as camping. Mr. Berg has clothing in the property as well as food, a refrigerator, tv, toaster oven and a microwave. The home has temporary electrical wiring running throughout the house that does pose to be an electrical hazard. There were bottles with urine on the second level of the home that the owner stated he reuses when he is upstairs. There was a toilet in the basement that was not connected to water. Mr. Berg stated that he fills a bucket with water from the main water line to flush the toilet. The main water line into the home did not have a water meter.

June 27, 2018. Jesse Anderson and Dan Jerzak visited the property. The property was posted as unfit for occupancy. The owner did not answer the door; however it did appear that the vehicle he drives was at the property.

#### **Violations:**

1. Exterior walls: (Chapter 12-702 Walls, roof, exterior) The exterior of the building does not have deck/porch and bolts are sticking out approximately 6" from the dwelling at the locations of where the deck/porch would attach to the house. The locations of the bolts are at both top and bottom of the deck/porch location and are every 24"-36". The exterior siding has been stained.
  - This violation remains. The property does not have an active building permit for the construction of the new dwelling.
2. Electrical Violations: (12-504)
  - The electrical meter boxes on the outside of the dwelling are required to be operable. This violation would require a permit and a permit has not been applied for.
  - Further there are live electrical wires throughout the interior of the home in violation and is an electrical hazard.
3. Exterior Steps: The temporary stairs that are being used do not meet code. This structure does not meet 12-406 of the Brooklyn Center Code of Ordinances. In order to complete the steps, a building permit must be obtained and the plans must be approved by the Building Official.
4. Accumulation of Rubbish/Brush/Debris: The property is in violation of 19-103.11 and 19-103.4 of the Brooklyn Center Code of Ordinances. Construction debris is stored throughout the property.
  - Items such as car batteries
  - Scrap wood
  - Deteriorated equipment



Fallen down temporary tents  
Tools

5. Accessory Buildings: The temporary tents on the property are in violation of 12-702 & 12-707 of the Brooklyn Center Code of Ordinances. The tent does not meet wind and snow load requirements and is not made of a decay resistant material. The tent was to be removed previously by court order.
  - There tarp covered structures in the backyard of the property.
6. Dead/Diseased: Tree Chapter 20-301: There are multiple dead trees in the yard of the property.
7. Yard Maintenance: The property has a great deal of uncovered ground on the property. There are drainage and erosion issues throughout the property. These conditions violate 19-711 of the Brooklyn Center Code of Ordinances. Some areas remain without yard cover.
8. 19-1303 Inoperable Vehicles: All vehicles are required to be operable and must have current license tabs. The following vehicles are in violation of city code with expired tabs, flat tires, filled with debris or other conditions that make the vehicle inoperable.
  - RV-C5229 White and Tan RV with expired tabs and flat tires
  - 357123 Dark Green Pick up
  - Red Station wagon with flat tires and filled with debris no plate
  - Black SUV Izuzu with no plates flat tire
  - 35782 Tan Jeep filled with debris
  - White SUV Izuzu with no plates, tires in poor condition and filled with debris
  - Red Subaru Station wagon with no plates, tires in poor condition and filled with debris
  - 35781 White Van with tires in poor condition
  - 216 GWG vehicle with expired tabs and tires in poor condition
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  - Yellow boat trailer without boat and flat tires
  - ABGV-222 trailer in poor condition with flat tires
  - 366-DCP with expired tabs and flat tires.
  - Trailer with green hitch and silver cover with flat tires



**Building Permit**

There are currently no open permits on the property at this time. All permits related to the construction of the home have expired and do not have final inspections.

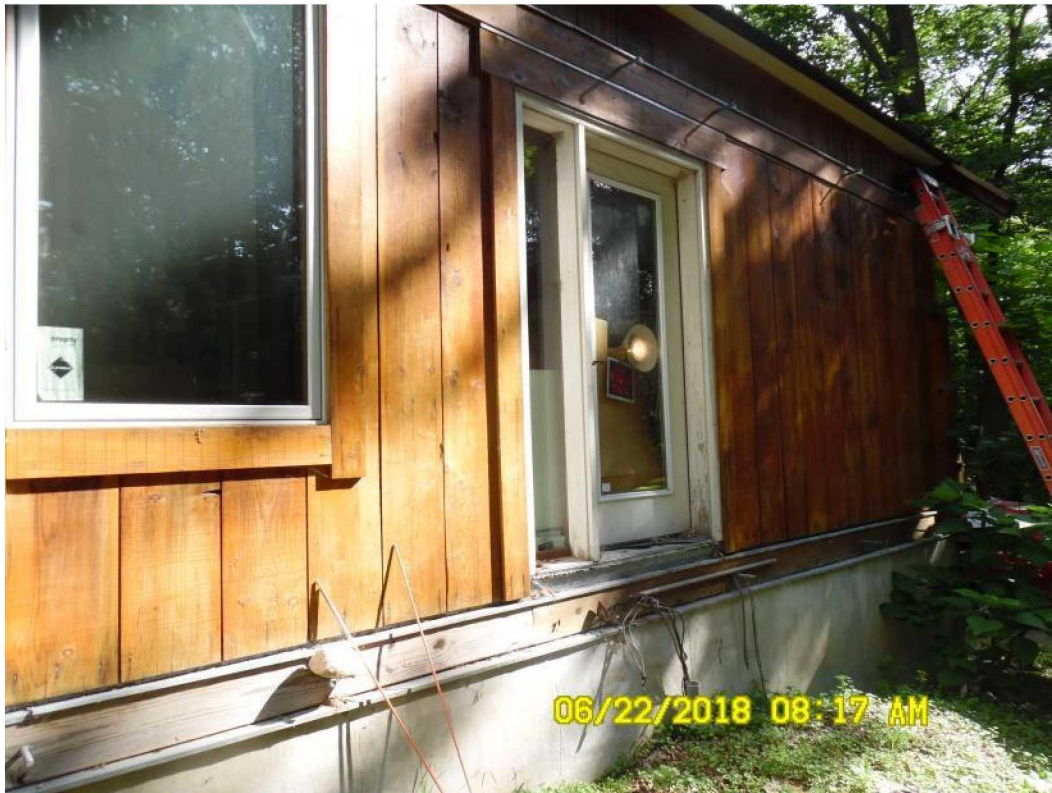
Jesse Anderson

Deputy Director of Community Development

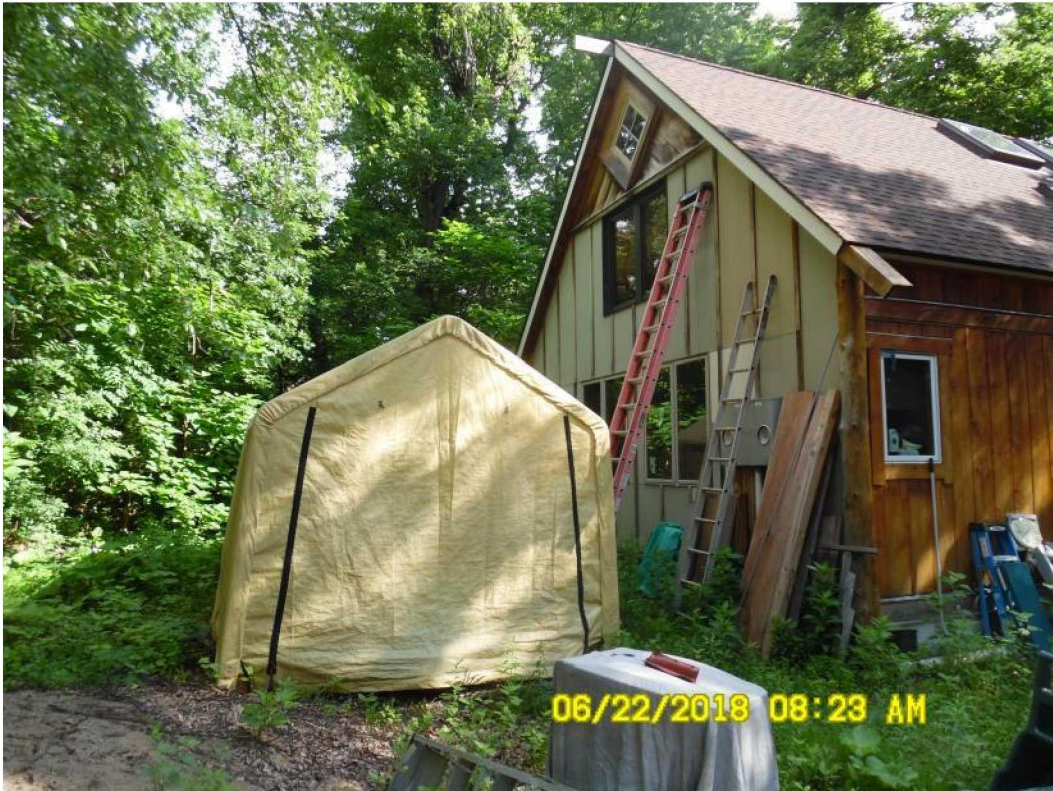












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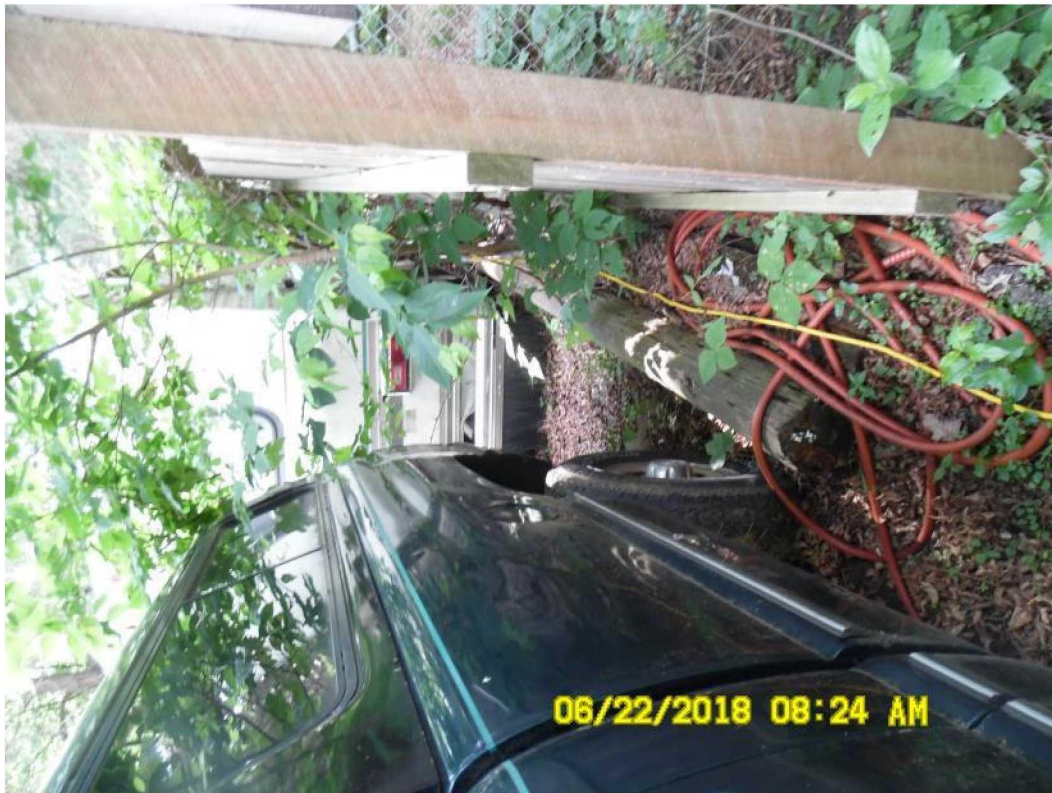
















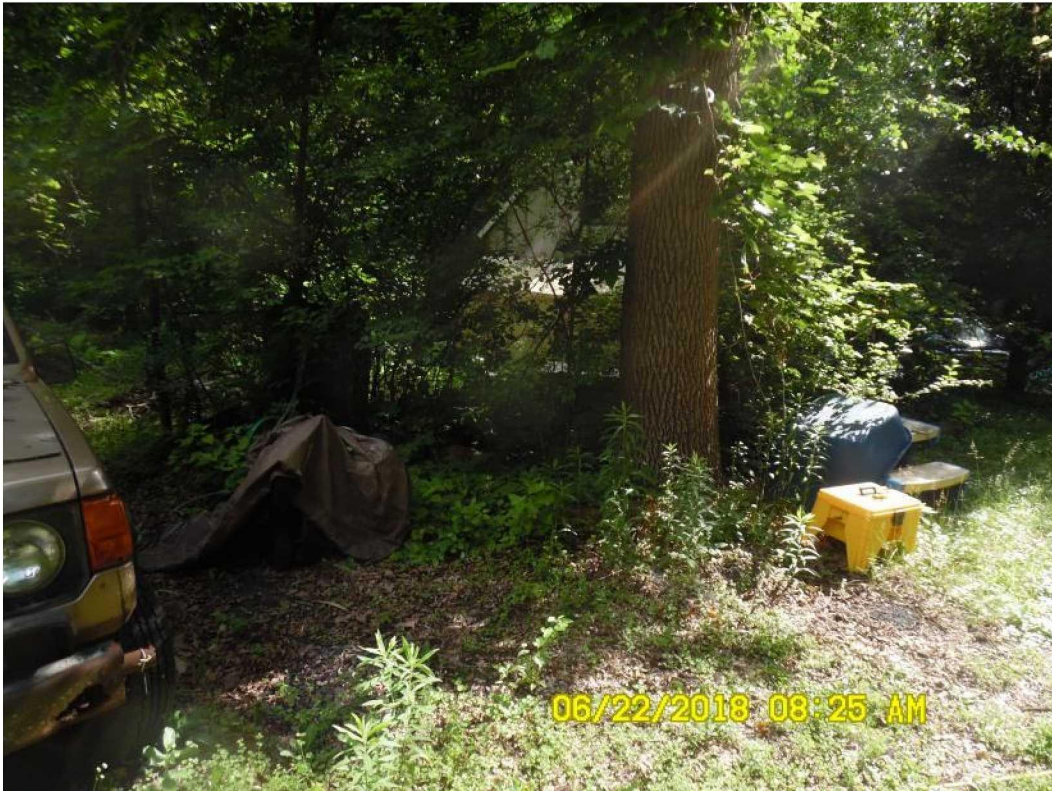








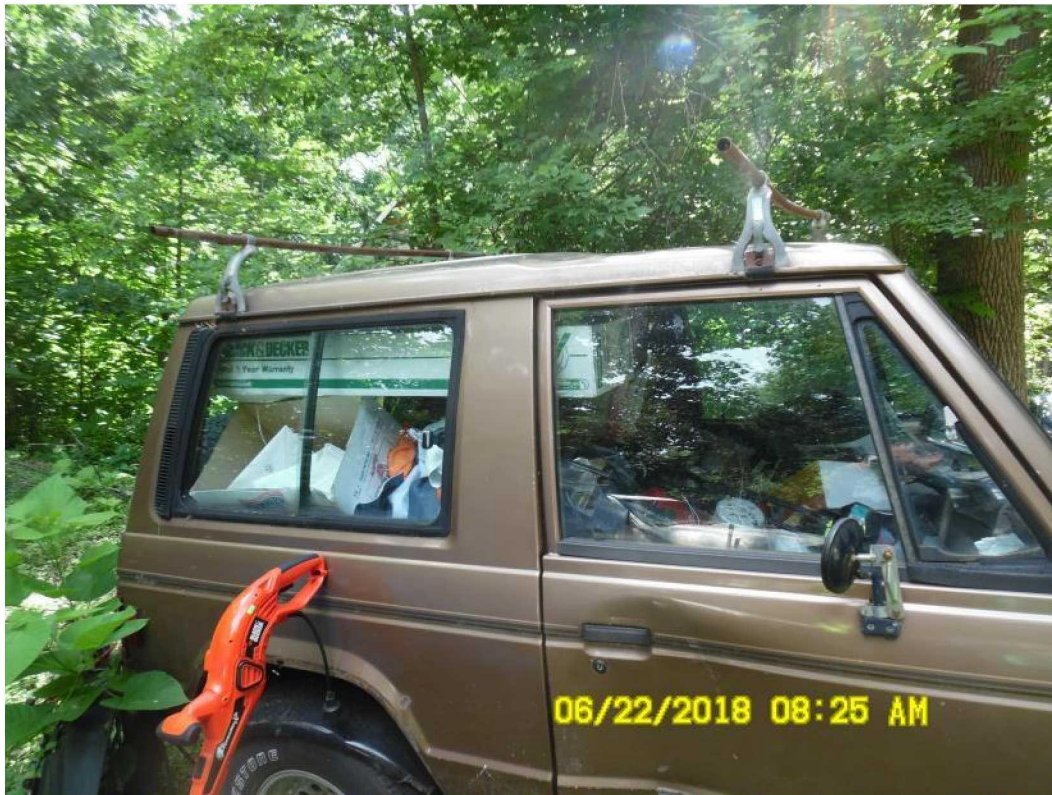




















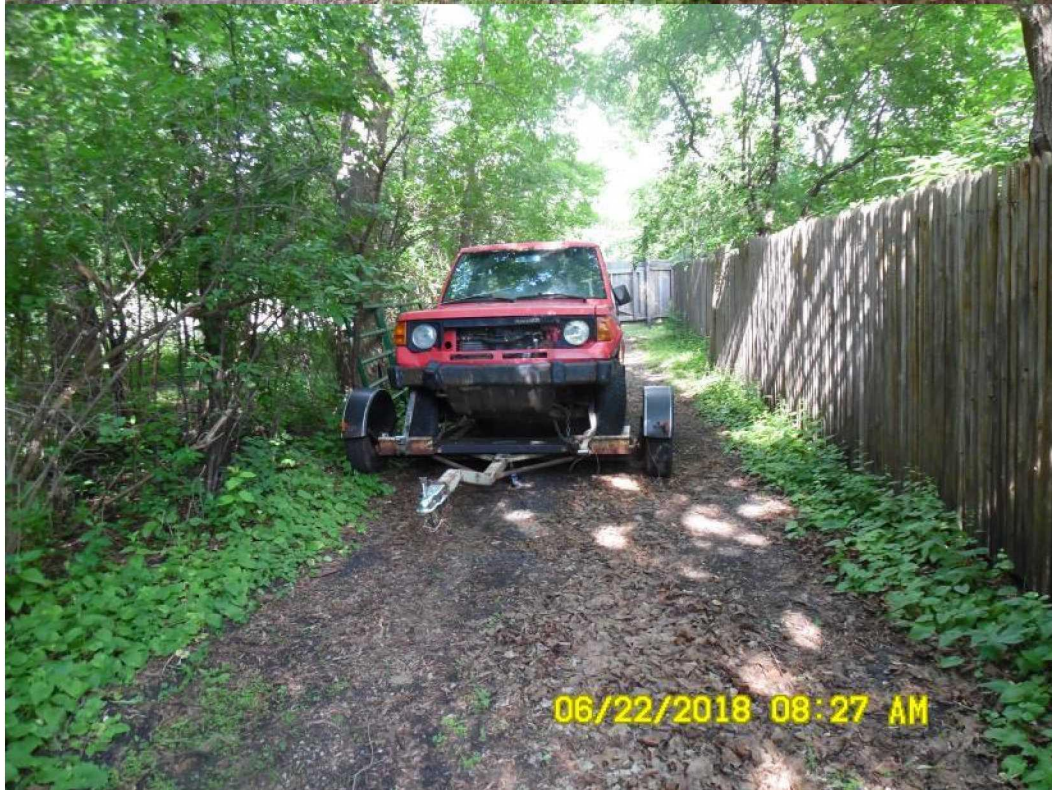








































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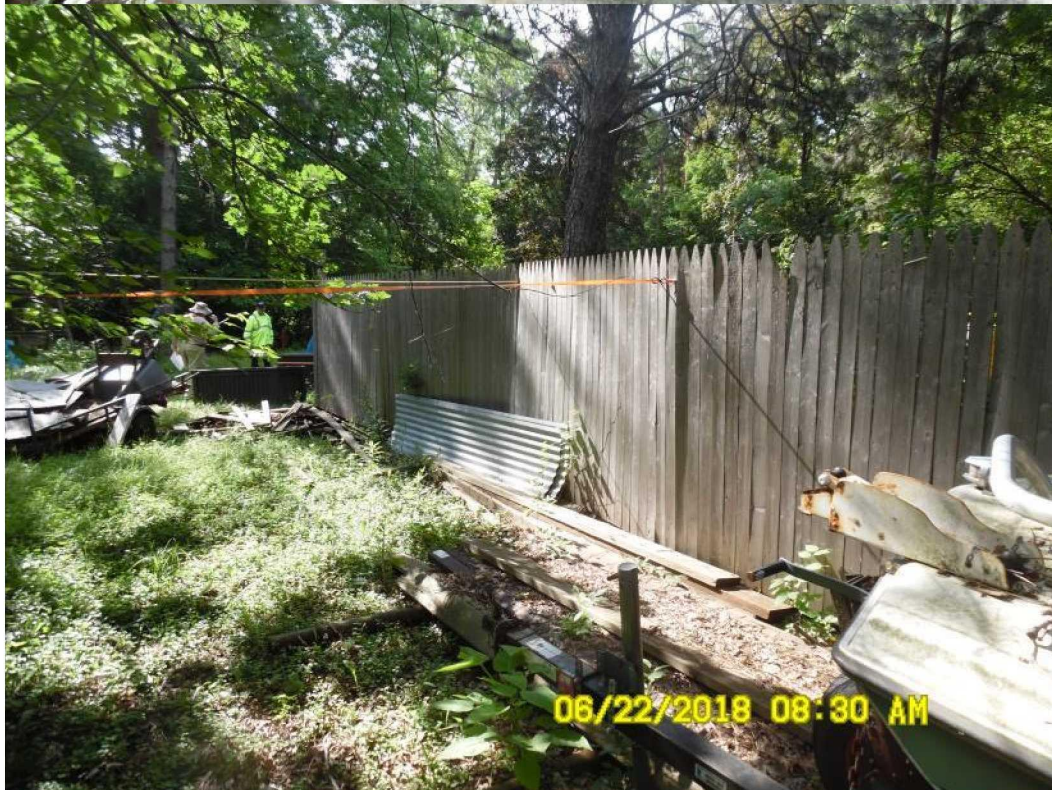




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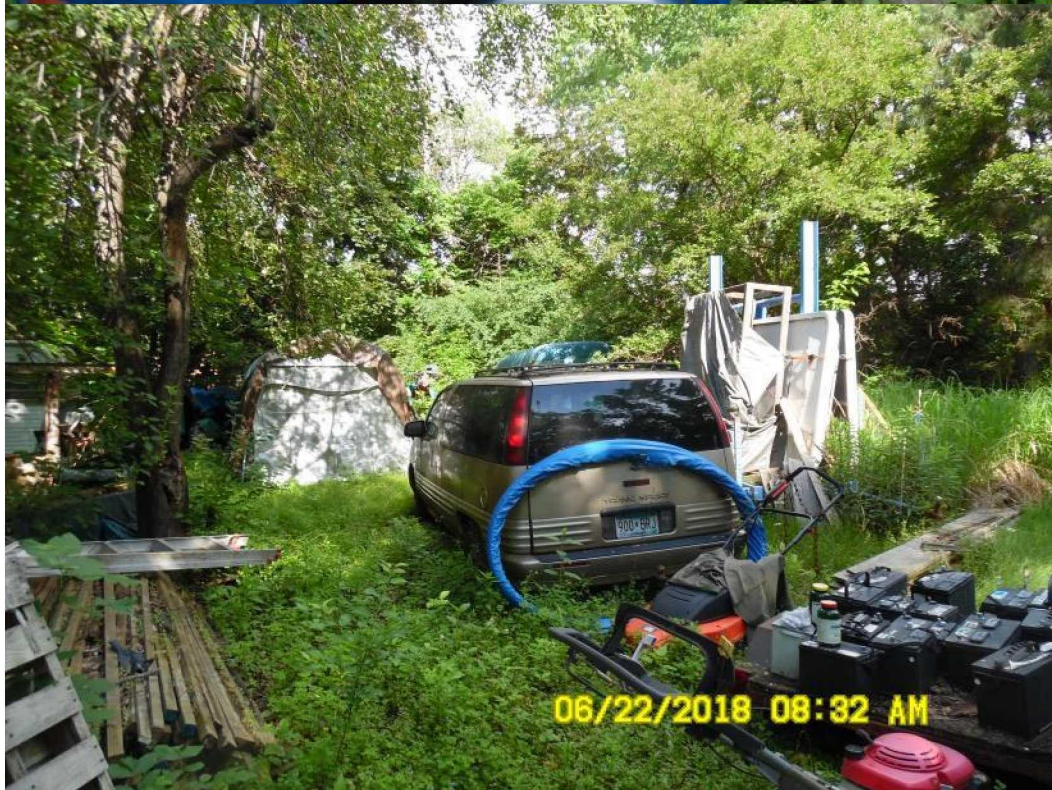












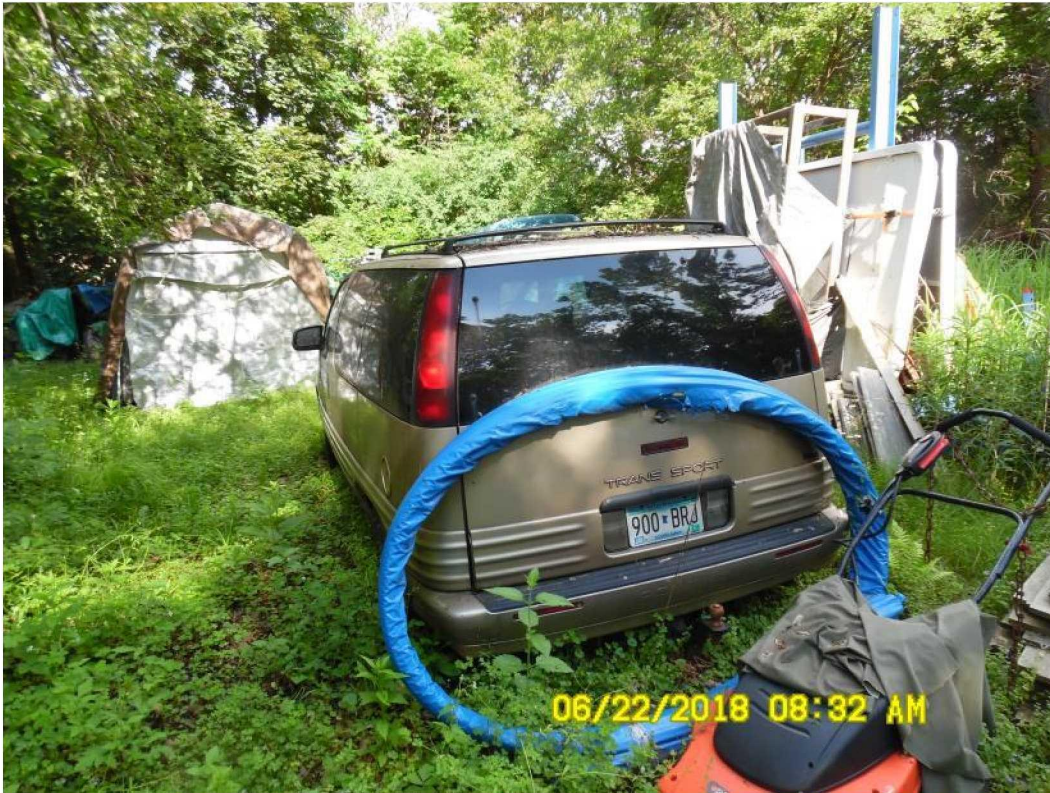




































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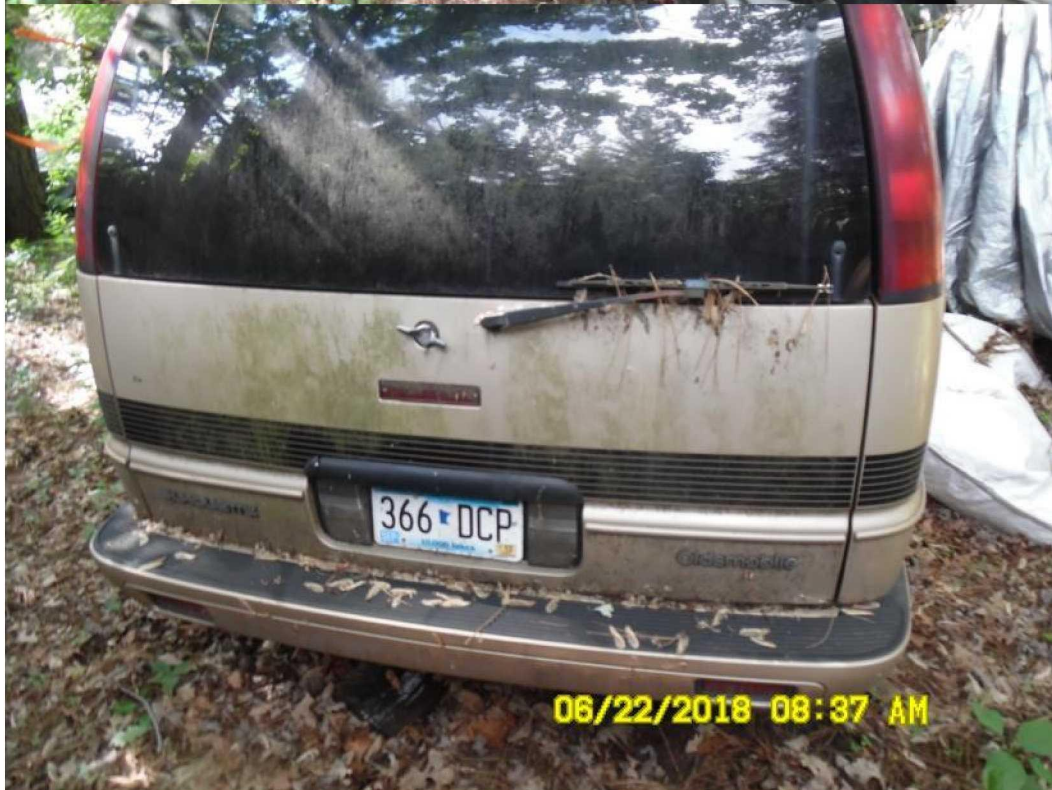
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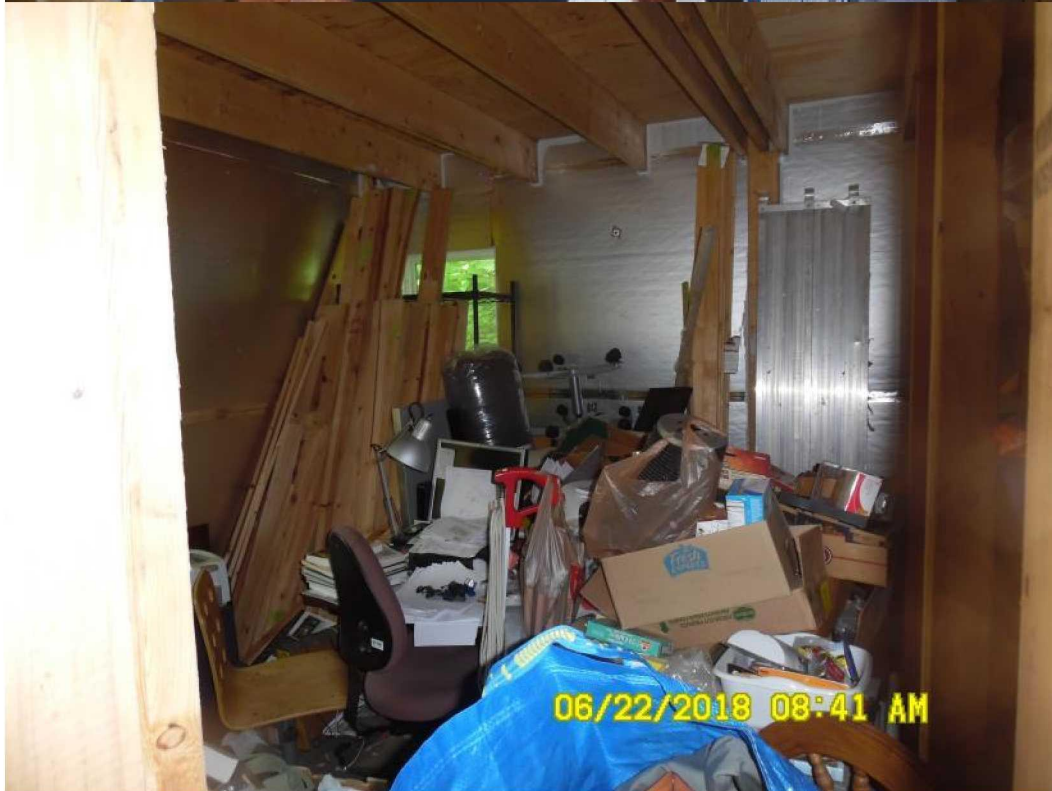






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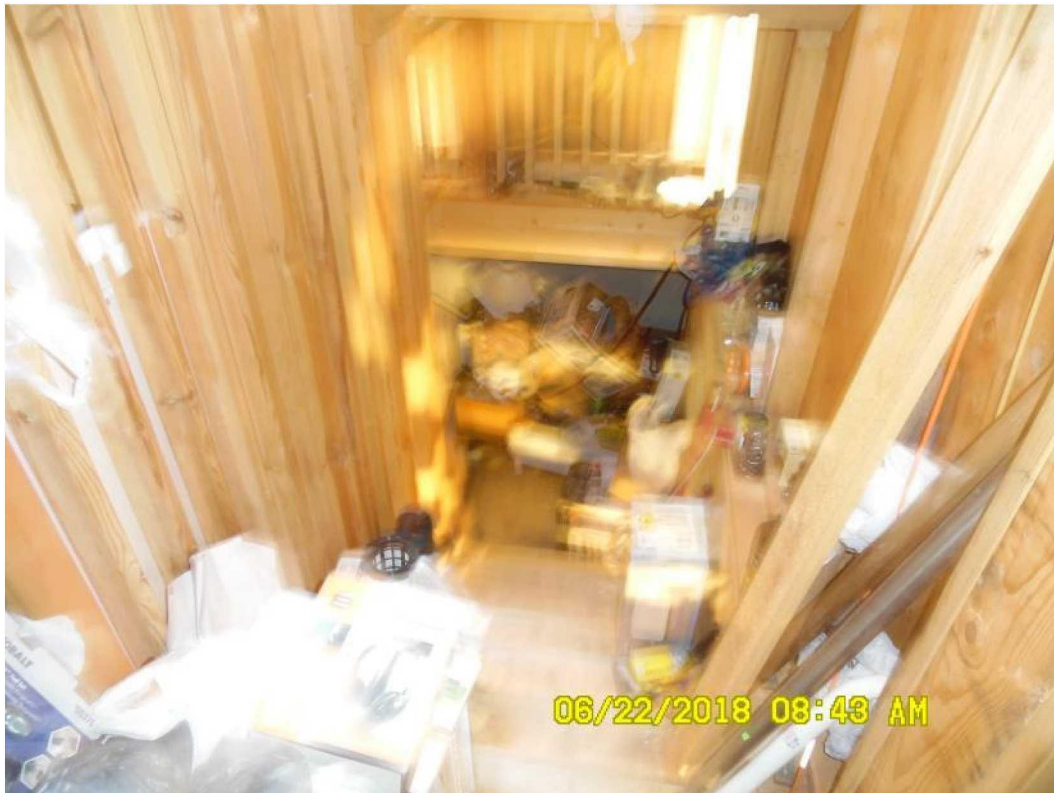


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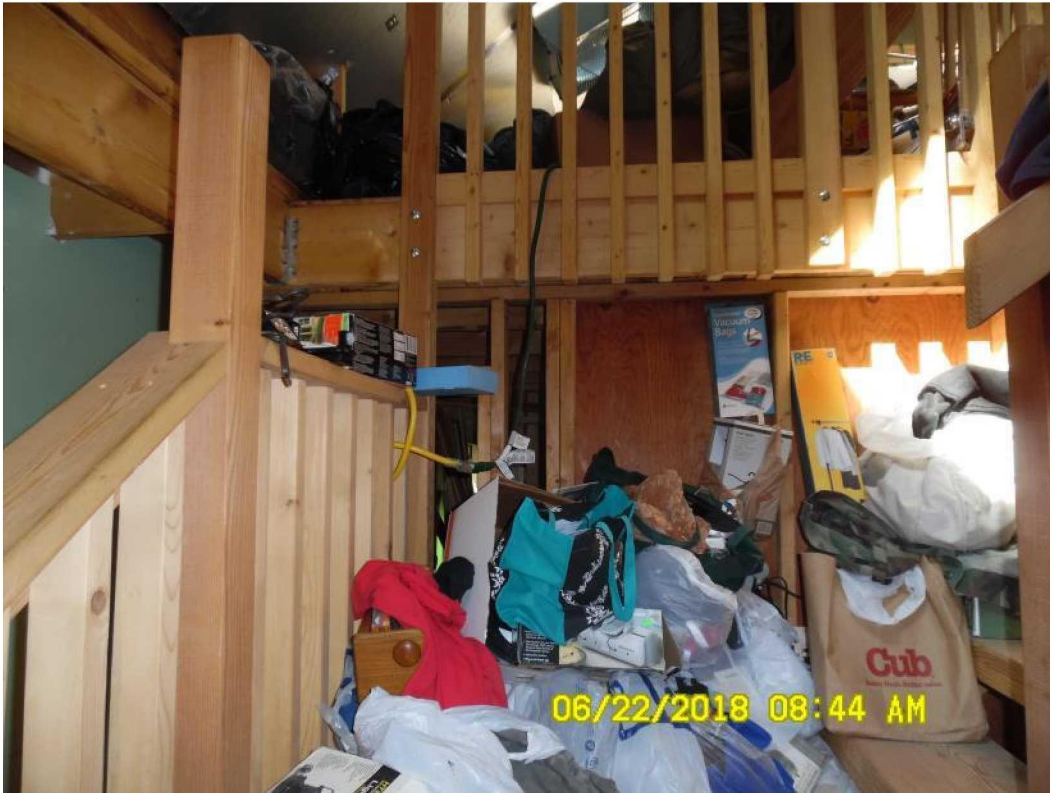




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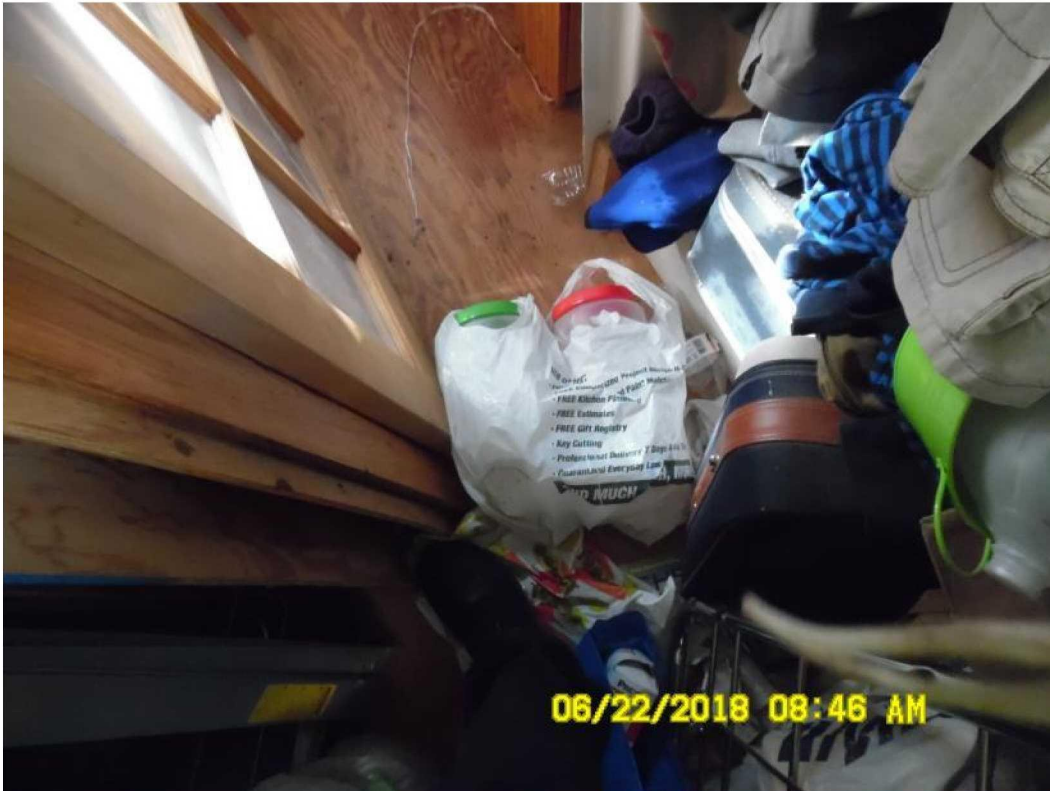


















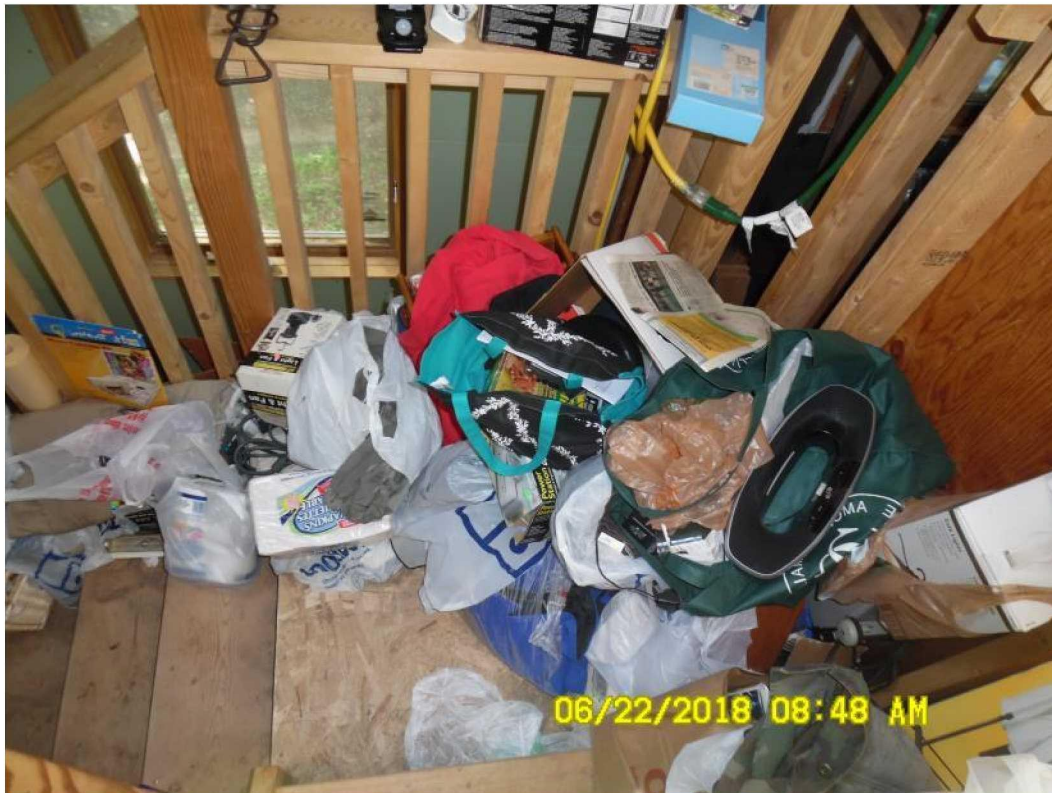






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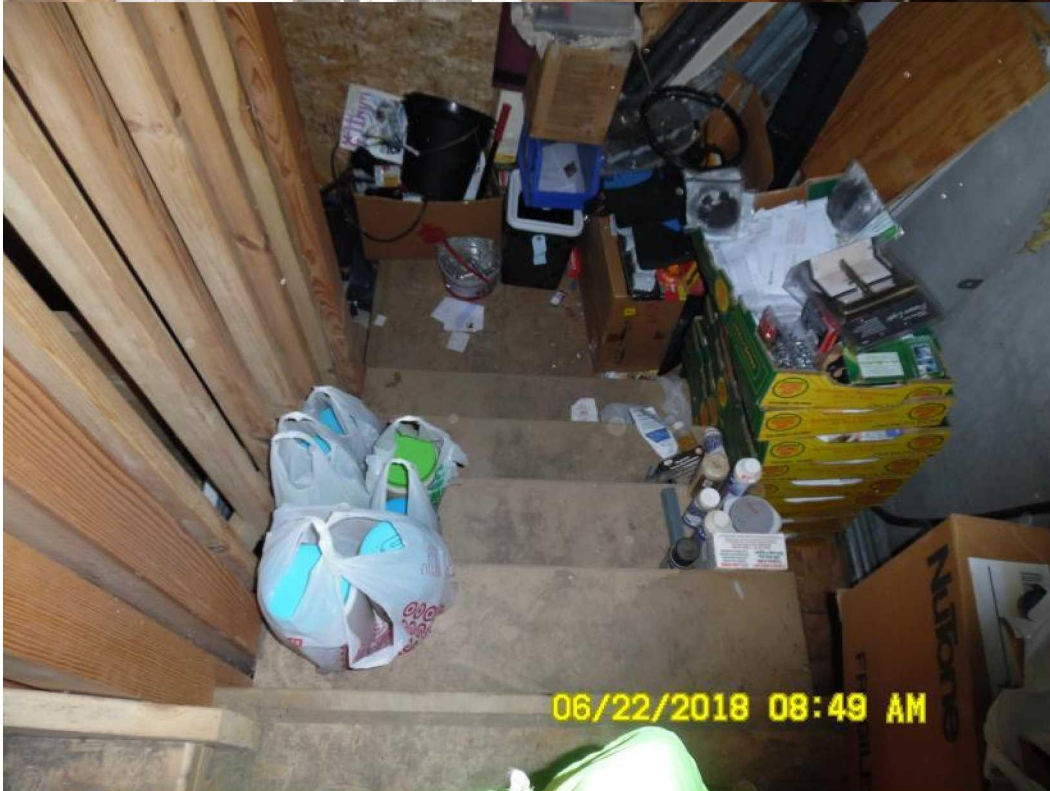
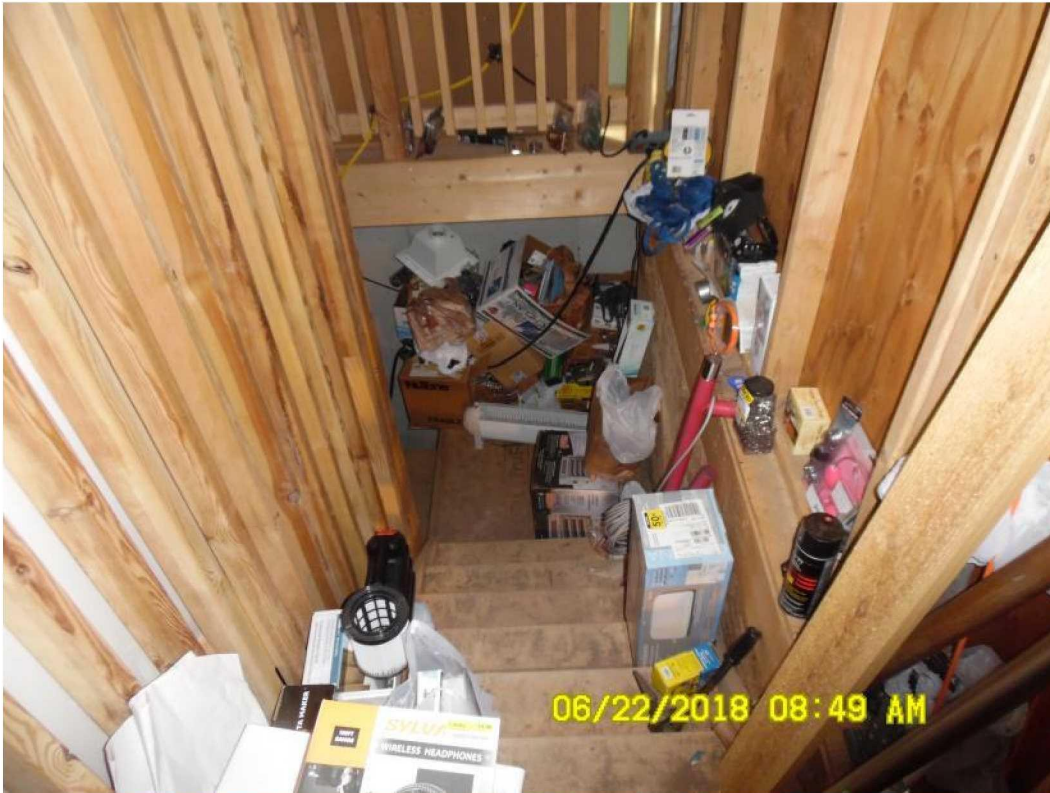
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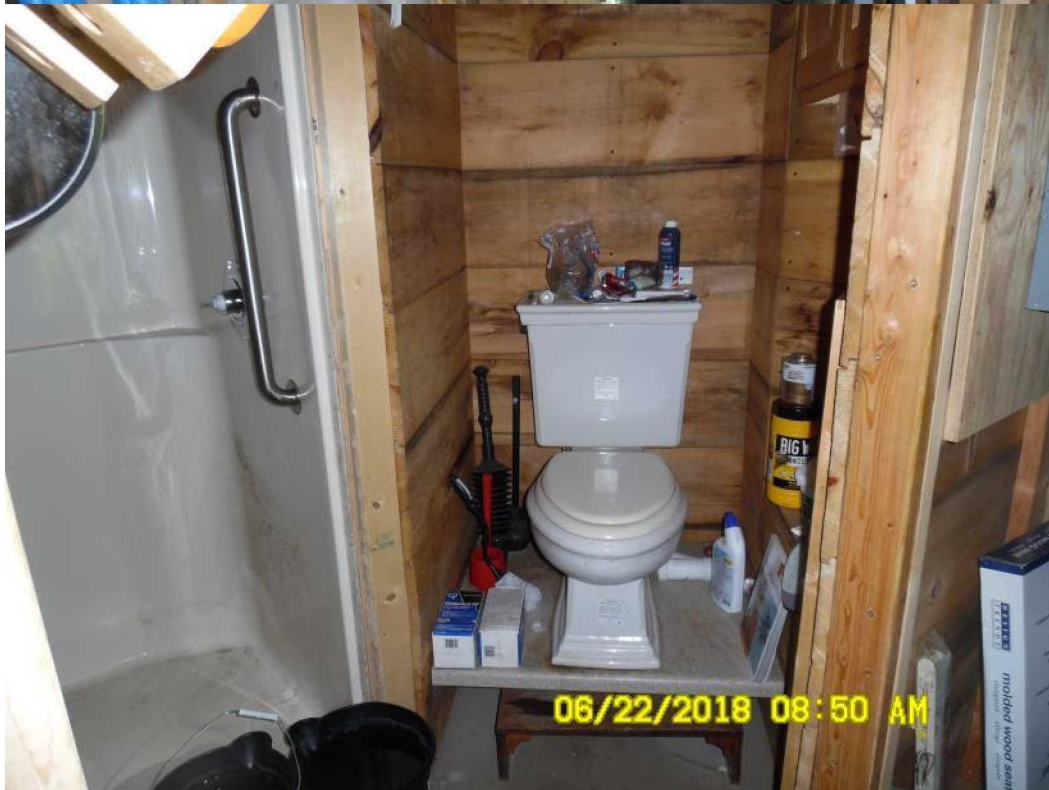




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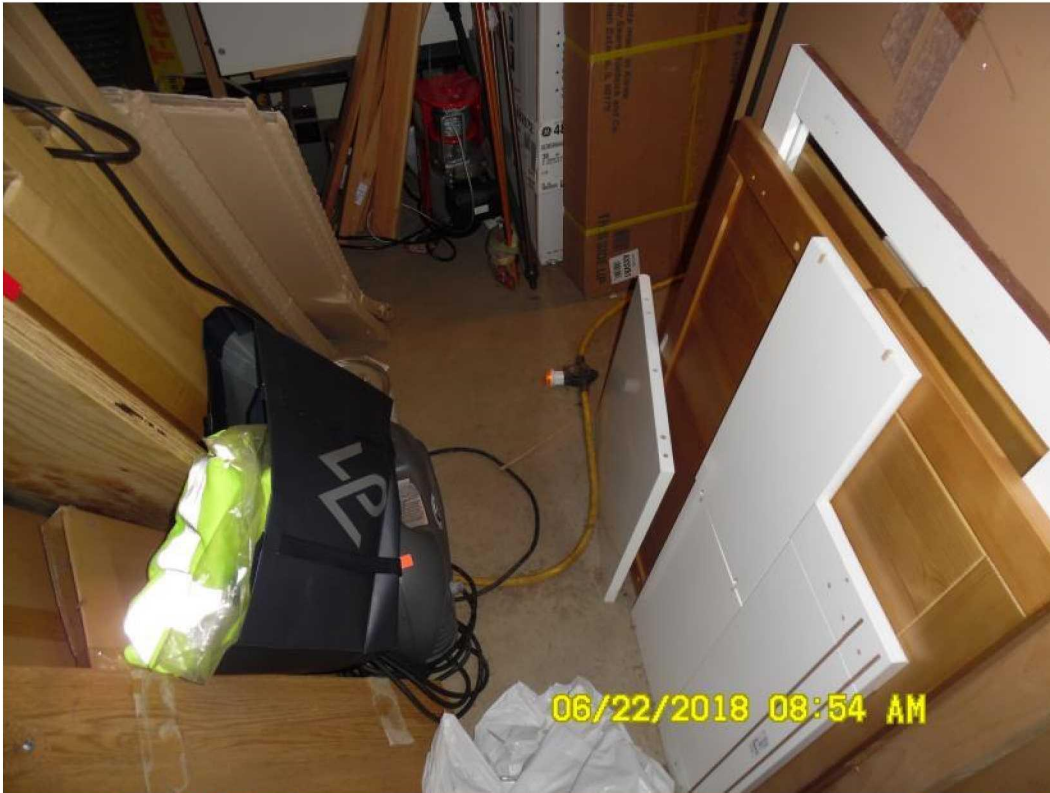




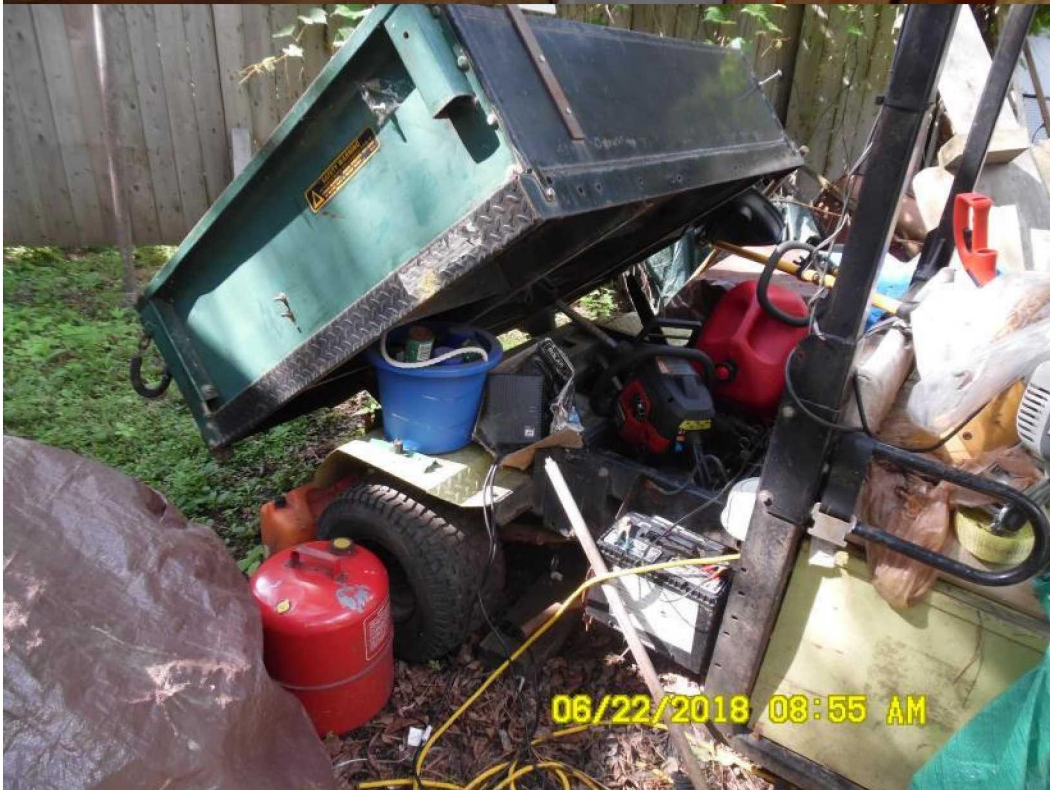












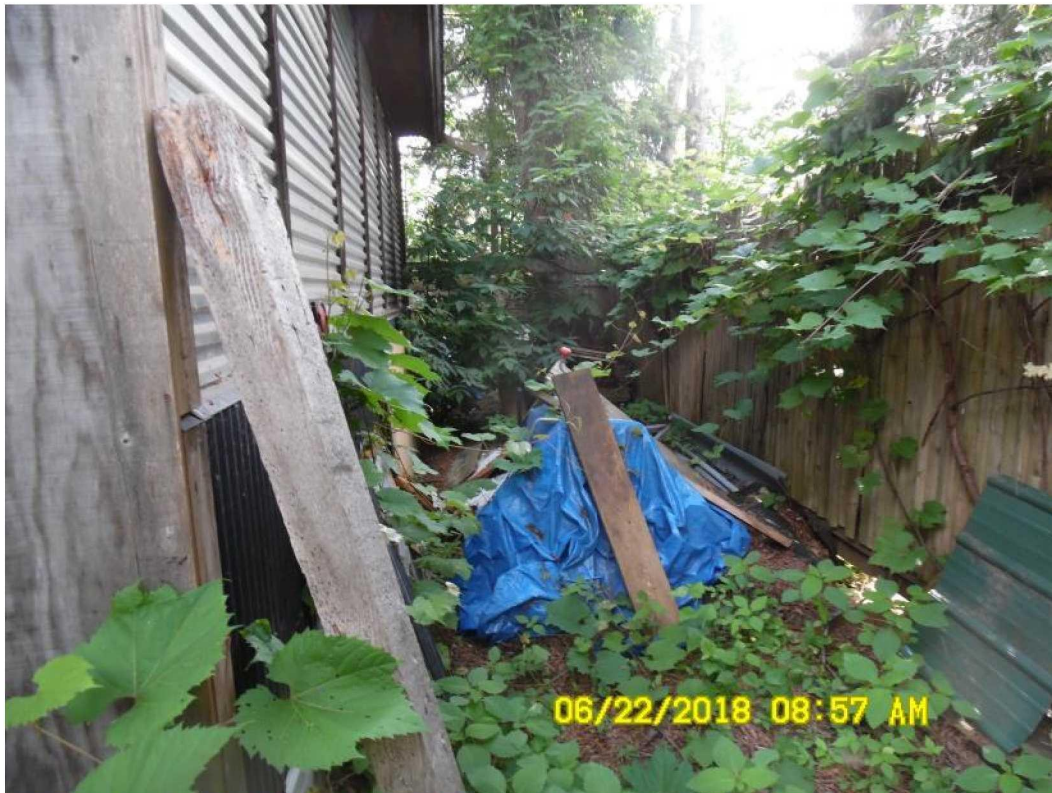
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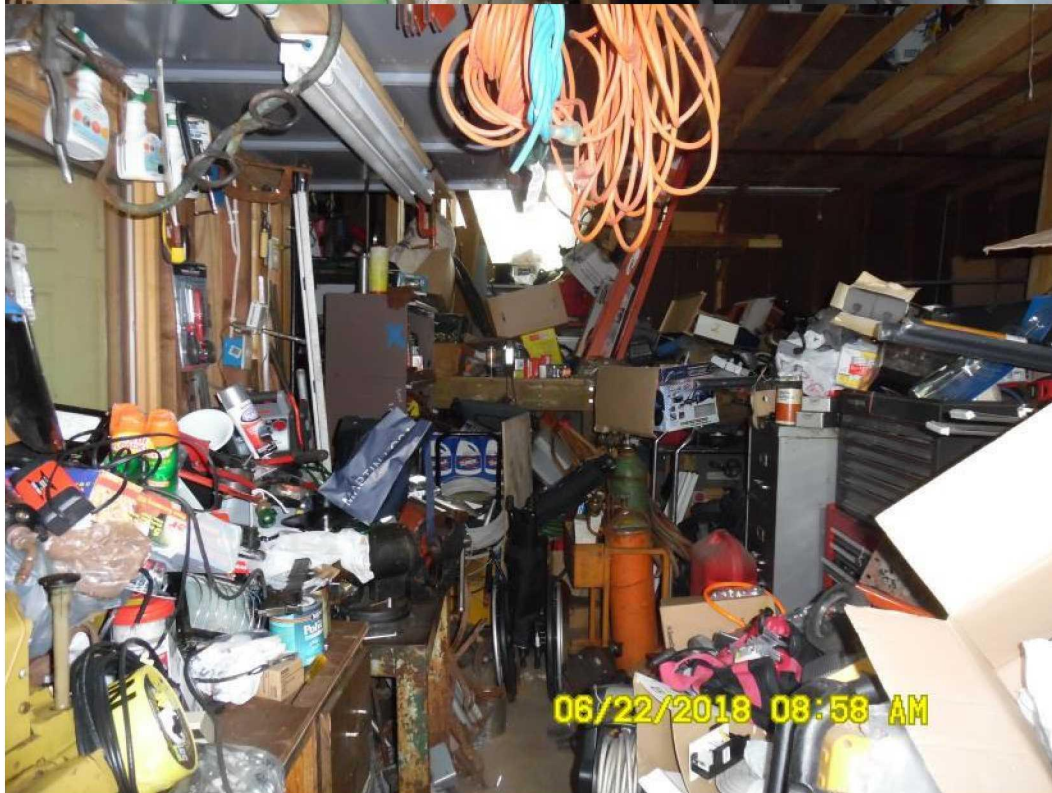










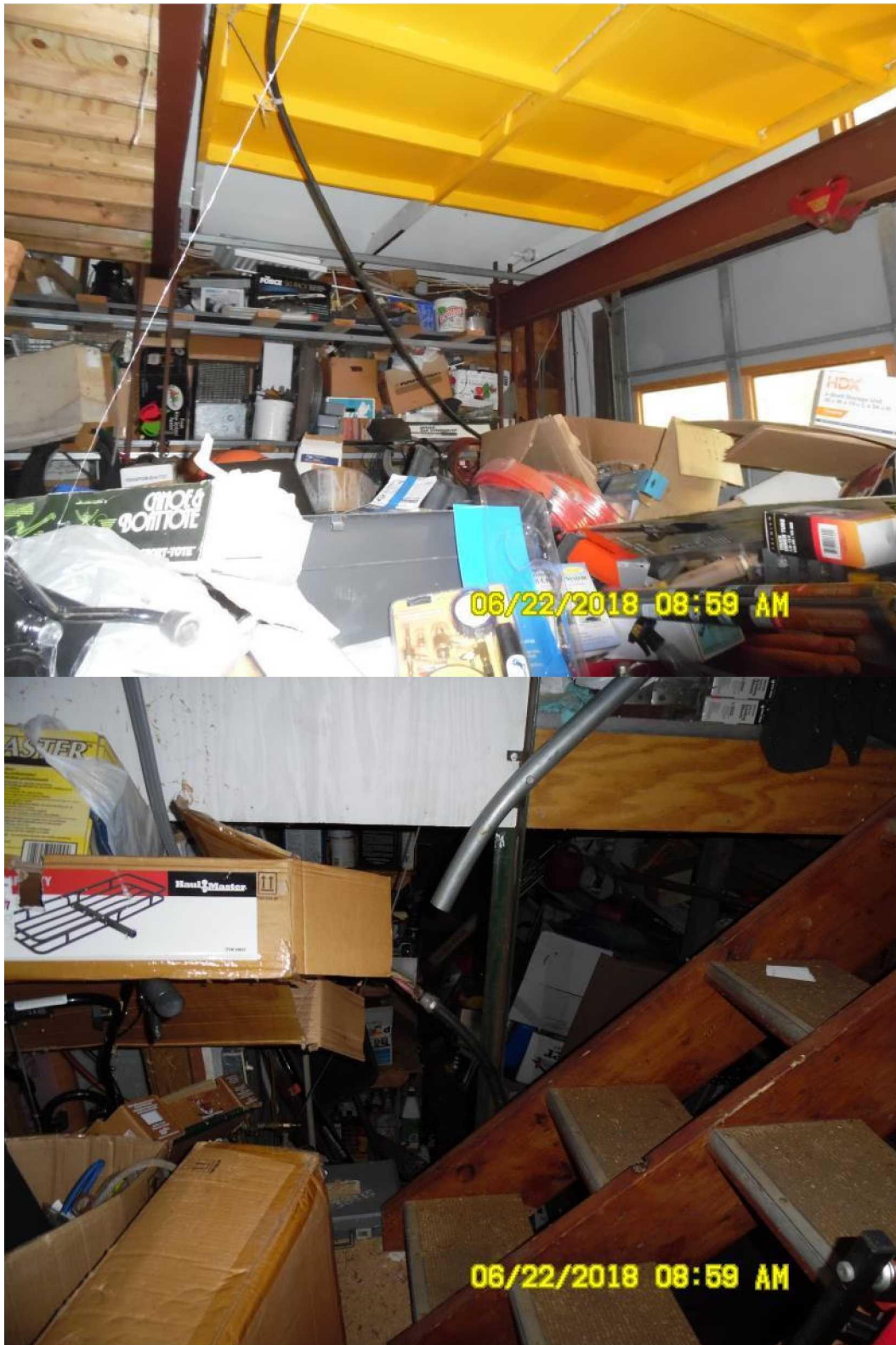






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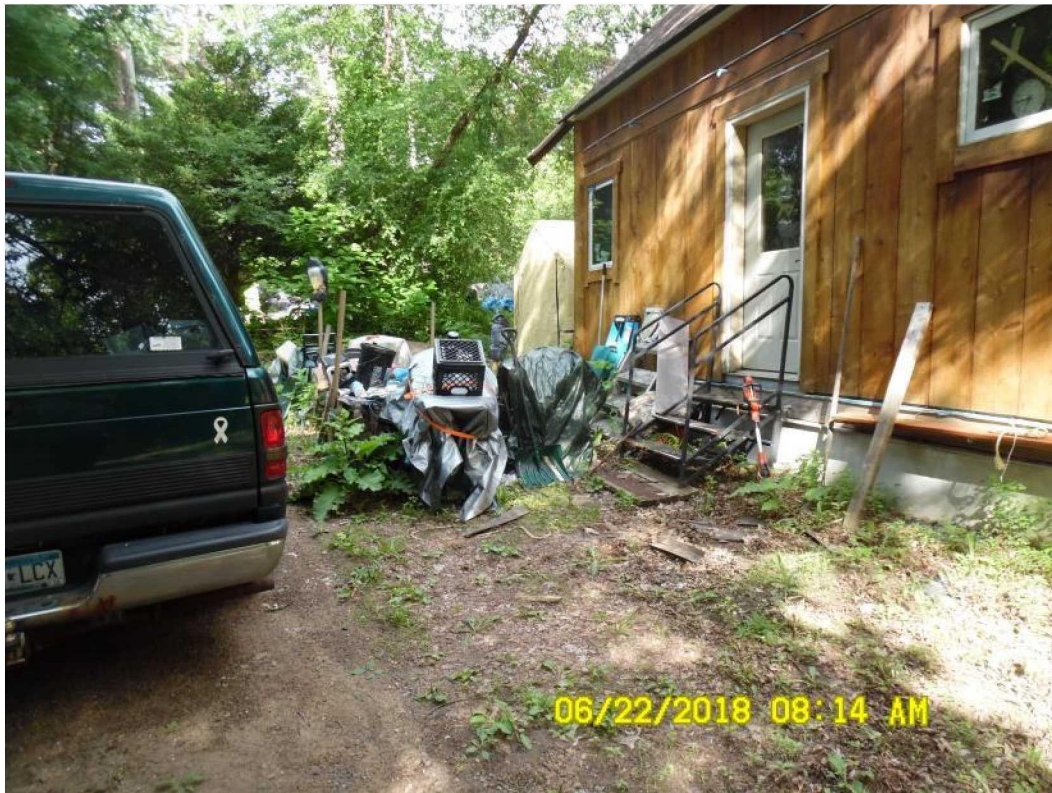
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# COUNCIL ITEM MEMORANDUM

DATE: 8/13/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Jesse Anderson, Deputy Director of Community Development

SUBJECT: Resolution Calling for a Public Hearing on Proposed Special Assessments for Delinquent Nuisance Abatement Costs and Delinquent Administrative Fines/Citations

## **Requested Council Action:**

*- Motion to approve resolution*

## **Background:**

The attached resolution calls for a public hearing for Monday, September 10, 2018 at 7 p.m. or as soon thereafter as the matter may be heard. The purpose of the public hearing is to receive public testimony and comments regarding the proposed special assessments for delinquent nuisance abatement accounts, delinquent administrative fines/citations, and delinquent administrative vacant building registrations generally for the period July 1, 2017 to June 30, 2018. The special assessment amounts are specified in the attached preliminary assessment rolls and are summarized as follows;

- Delinquent nuisance abatement property owners have received notice of delinquent accounts in accordance with the established collection policy and have not made payments.
- Delinquent administrative fines/citations have been issued to property owners in accordance to established policy and have not been paid.

At the scheduled Public Hearing, the City Council would consider adoption of the resolution to certify the special assessment levy rolls with Hennepin County. The 2018 interest rate for special assessments is 4 percent, as previously established by the Council. A copy of the special assessment pending levy roll is attached.

## **Budget Issues:**

The proposed levy roll for delinquent nuisance abatement costs totals \$13,387.38. The proposed levy roll for delinquent administrative fines/citations costs totals \$47,055.00. New proposed level rolls will be provided at the Public Hearing to reflect any payments made.

## **Strategic Priorities and Values:**

Safe, Secure, Stable Community

Member \_\_\_\_\_ introduced the following resolution and moves its adoption:

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CALLING FOR A PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS FOR DELINQUENT NUISANCE ABATEMENT COSTS, AND DELINQUENT ADMINISTRATIVE FINES/CITATIONS

WHEREAS, the City performs and incurs costs for certain neighborhood maintenance services to protect public health, safety and welfare; and

WHEREAS, Minnesota Statutes Chapter 429, provides for a public hearing process to recover the costs through special assessments; and

WHEREAS, the City has performed neighborhood maintenance services, billed the property owners, and has not been reimbursed by certain property owners.

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

1. A hearing shall be held on the 10th day of September, 2018, in City Hall at 7 p.m. or as soon thereafter as the matter may be heard, to pass upon the proposed assessments for the following charges:
  - Delinquent Nuisance Abatement Costs
  - Delinquent Administrative Fines/Citations
2. The City Clerk with the assistance of the Deputy Director of Community Development shall forthwith prepare assessment rolls for the above charges, and shall keep them on file and open to inspection by any interested persons.
3. The City Clerk is directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing.
4. The City Clerk shall cause mailed notice to be given to the owner of each parcel described in such assessment rolls not less than two weeks prior to the hearing.

BE IT FURTHER RESOLVED BY THE City Council of the City of Brooklyn Center that this resolution shall be effective immediately.

\_\_\_\_\_  
August 13, 2018

Date

\_\_\_\_\_

Mayor

RESOLUTION NO. \_\_\_\_\_



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.

**CITY OF BROOKLYN CENTER**  
**NOTICE OF PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS**

Notice is hereby given that the City Council of the City of Brooklyn Center, Minnesota, will meet in the Council Chambers of Brooklyn Center City Hall at 6301 Shingle Creek Parkway, on Monday, September 10, 2018 at 7 p.m. or as soon thereafter as the matter may be heard, to hear and pass upon any objections to the proposed assessments for the following:

**DELINQUENT PUBLIC UTILITY ACCOUNTS**

Special Assessments are proposed for public utility charges to those tracts or parcels where such charges were delinquent as of June 30, 2018, and, after due notice to the property owner, remain unpaid, pursuant to City Ordinances, Section 4-105 and Section 4-201.

**DELINQUENT NUISANCE ABATEMENT ACCOUNTS**

It is proposed to assess the costs of delinquent abatement costs to those tracts or parcels where, pursuant to City Ordinance Section 12-1101, 12-1206, 12-1504 and in accordance with MS 429 and 463.251, abatement procedures were performed by order of City Inspectors and the cost for such abatement remains unpaid.

**DELINQUENT ADMINISTRATIVE FINES/CITATIONS**

It is proposed to assess the costs of delinquent administrative fines/citations to those tracts or parcels where, pursuant to City Ordinance Section 18-204, 18-210 and in accordance with MS 429, delinquent administrative fines/citations were issued and the cost for such fines remains unpaid.

**PROCEDURAL INFORMATION FOR OBJECTIONS TO SPECIAL ASSESSMENTS**

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or City Clerk within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or City Clerk. No such appeal as to the amount of an assessment for a specific parcel of land may be made unless the owner has filed a written objection to that objection to that assessment, signed by the affected property owner, with the City Clerk prior to the hearing or has presented such a written objection to the presiding officer at the hearing.

These assessments are now on file at City Hall and open to public inspection. Written or oral objections to the proposed assessments will be considered at this meeting, but the City Council may consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

**AUXILIARY AIDS AVAILABLE UPON REQUEST**

Auxiliary aids for persons with disabilities are available upon request at least 96 hours (4 days) in advance of the hearing. Please contact the City Clerk at 763-569-3300 to make arrangements.

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Barbara Suci, City Clerk  
By order of the City Council