AGENDA
CITY COUNCIL STUDY SESSION
June 25, 2018
6:00 p.m.

City Hall Council Chambers

A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

1. City Council Discussion of Agenda Items and Questions

2. Miscellaneous

3. Discussion of Work Session Agenda Items as Time Permits

4. Adjourn

CITY COUNCIL MEETING
City of Brooklyn Center
June 25, 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
      1. June 11, 2018 – Study/Work Session
      2. June 11, 2018 – Regular Session

   b. Licenses

   c. Resolution Appointing Election Judges for the 2018 Elections

   d. Resolution Authorizing the Economic Development Authority to submit a Minnesota Invest Fund Application on behalf of Get Bizzy, Inc.

7. **Presentations/Proclamations/Recognitions/Donations**
   a. Presentation by Shannon Full, President/CEO of Twin West Chamber of Commerce

8. **Public Hearings**

a. An Ordinance Amending Chapter 35 of the City Code of Ordinances to Establish a New Section 35-420 to Allow Automobile Dealership Off-Site Vehicle Storage as an Interim Use in the I-1, I-2, and C-2 Zoning Districts
–This item was first read on May 29, 2018; published in the official newspaper on June 7, 2018; and is offered this evening for second reading and Public Hearing.
Requested Council Action:
–Motion to open Public Hearing.
–Take public input.
–Motion to close Public Hearing.
–Motion to adopt Ordinance.

b. An Ordinance Amending Chapter 25 of the Code of Ordinances Regarding Median Safety
–This item was first read on May 29, 2018; published in the official newspaper on June 7, 2018; and is offered this evening for second reading and Public Hearing.
Requested Council Action:
–Motion to open Public Hearing.
–Take public input.
–Motion to close Public Hearing.
–Motion to adopt Ordinance.

9. **Planning Commission Items**

a. Planning Commission Application No. 2018-009, Submitted by Neal Thao of Noble Academy, Requesting Approval of a Site Plan for a Driveway Expansion (6201 Noble Avenue North)

10. **Council Consideration Items**

a. Consideration of Type IV 6-Month Provisional Rental Licenses
1. Resolution Approving a Type IV 6-Month Provisional Rental License for 7240 West River Rd
2. Resolution Approving a Type IV 6-Month Provisional Rental License for 3106 64th Ave N
3. Resolution Approving a Type IV 6-Month Provisional Rental License 5410 Girard Ave
4. Resolution Approving a Type IV 6-Month Provisional Rental License for 5302 Humboldt Ave N
5. Resolution Approving a Type IV 6-Month Provisional Rental License for 6765 Humboldt Ave N
6. Resolution Approving a Type IV 6-Month Provisional Rental License for 7031 Humboldt Ave
7. Resolution Approving a Type IV 6-Month Provisional Rental License for 6413 June Ave N
8. Resolution Approving a Type IV 6-Month Provisional Rental License for 7030 Regent Ave N

9. Resolution Approving a Type IV 6-Month Provisional Rental License for 6424 Scott Ave N
10. Resolution Approving a Type IV 6-Month Provisional Rental License for 4734 Twin Lake Ave

11. Council Report

12. Adjournment

EDA MEETING
City of Brooklyn Center
June 25, 2018

AGENDA

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1. **Call to Order**
   –The EDA requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet, including EDA (Economic Development Authority), is available to the public. The packet ring binder is located at the podium.

2. **Roll Call**

3. **Approval of Agenda and Consent Agenda**
   –The following items are considered to be routine by the Economic Development Authority (EDA) and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from the consent agenda and considered at the end of Commission Consideration Items.

   a. Approval of Minutes
      1. May 29, 2018 – Regular Session

4. **Commission Consideration Items**
   Public Hearing
   a. Resolution Authorizing the Submission of a Minnesota Investment Fund Application on behalf of Get Bizzy, Inc.

5. **Adjournment**

AGENDA
CITY OF BROOKLYN CENTER
CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY WORK SESSION
June 25, 2018
Immediately Following Regular City Council and EDA Meetings Which Start at 7:00 P.M.

City Hall Council Chambers

A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

ACTIVE DISCUSSION ITEMS

1. Youth Art Contest Discussion
2. Former Jerry's Foods Site Concept Review and Discussion

PENDING LIST FOR FUTURE WORK SESSIONS

Later/Ongoing

1. Beautification and Public Art Initiative – July
2. Cities United Membership
3. Rental Licenses – July
4. ADA Transition Plan

City Council Agenda Item No. 6a

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
JUNE 11, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Pro Tem Dan Ryan at 6:00 p.m.

ROLL CALL

Mayor Pro Tem Dan Ryan and Councilmembers Marquita Butler and April Graves. Mayor Tim Willson was absent and excused. Councilmember Kris Lawrence-Anderson was absent. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Director of Public Works Doran Cote, Director of Community Activities, Recreation and Services Jim Glasoe, Recreation Program Supervisor Kelly Mertes, Recreation Program Supervisor Janelle Crossfield, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Mayor Pro Tem Ryan requested the following correction to the Work Session minutes of May 29, 2018:

> Page 1, Third Paragraph:
> "Councilmember/Commissioner Ryan stated he likes the idea ~~regarding the first reading of an ordinance being sooner~~ of having the new ordinance or ordinance amendment receive a public hearing at the first reading and not placed in the Consent Agenda at first reading where the item is typically passed on for the second reading without comment. And he doesn't think it is necessary to have a 30-day waiting period."

It was the majority consensus of the City Council to accept the correction to the May 29, 2018 Work Session minutes.

MISCELLANEOUS

Cities United Membership
Councilmember Graves stated her interest in joining Cities United. She stated she, Mayor Pro Tem Ryan, and City Manager Curt Boganey had recently attended a two-day Cities United conference. She explained there is no fee to join and it is more about collaboration with others in the network, which includes the Cities of Minneapolis and Brooklyn Park. Councilmember Graves asked that this topic be considered at a future Work Session.

Councilmember Butler stated she is open to that discussion.

Mayor Pro Tem Ryan stated his impression that Cities United was a very effective group with a lot of enthusiastic supporters here and across the country. He stated there is City Council support and asked Mr. Boganey to add this topic to a future Work Session for consideration.

Victoria Townhomes Restraining Order

Councilmember Graves referenced emails she and the City Council had received relating to an elderly woman and her son at Victoria Townhomes. She stated her interest in getting more information about the trespass citation issued to the son by the Police Department and expressed her concern it may be a tactic of the landlord to put the elderly woman out of a subsidized Section 8 housing unit. Councilmember Graves noted the woman's son is still learning to navigate elderly care services and working with ACER in that regard. She asked about the role of the Police Department Cultural Liaison in situations such as this where there may be a cultural or language barrier.

City Manager Curt Boganey stated he copied the City Council on the Police Department's initial response and suggested he ask the Police Chief to provide a more detailed response to the two questions raised by Councilmember Graves for inclusion in the next update. Then, if the City Council has remaining questions, staff will take it from there.

The City Council agreed with the approach suggested by City Manager Boganey.

City of Minneapolis Section 8 Ordinance Court Ruling

Mayor Pro Tem Ryan referenced a recent newspaper article reporting on the District Court ruling on the ordinance passed in 2017 by the City of Minneapolis that prohibited landlords from refusing to accept Section 8 vouchers. Since the Section 8 ordinance was an option presented to the City Council, he felt receiving information to gain a clear understanding may be in order. Mayor Pro Tem Ryan noted Minneapolis has indicated they will appeal that decision in District Court.

Mr. Boganey stated staff and the City Attorney are following this matter and will draft a follow up on what impact, if any, this court ruling may have on the City Council's consideration in the future.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

2018 EARLE BROWN DAYS UPDATE

City Manager Curt Boganey explained this is an informational item relating to 2018 Earle Brown Days and invited staff to make the presentation.

Director of Community Activities, Recreation and Services Jim Glasoe introduced Recreational Program Supervisors Mertes and Crossfield.

Recreation Program Supervisors Kelly Mertes and Janelle Crossfield introduced the topic and provided a PowerPoint presentation detailing the history of Earle Brown Days, 2018 being its 36th year, changes in leadership when the long-serving chair resigned, and eventual disbanding of the committee so the City then took it over. They explained the Lions are unable to provide funding due to loss of its pull tab license so the parade will now be funded by the City. They announced community sponsors and that $6,800 has been raised for the event. The recruitment and public input process was described, noting it takes a lot of manpower to put on a community event like Earle Brown Days. For the parade, the Police Department plays a large role as well as the Public Works and Recreation Departments. The celebration will be held June 21 through June 23, 2018. They described scheduled events including the Red White and Brew Fest, which is new this year. The City Council was asked to spread the word about Earle Brown Days to assure all in the city know about it and can join in the fun.

Councilmember Butler asked if it is too late for her to register for the parade. Staff stated that can be accommodated as long as they can get a vehicle from Luther.

Councilmember Graves asked if this event has been posted to a Facebook page. Staff answered in the affirmative. Councilmember Graves asked how many have signed up for the community market. Staff answered 16 booths and stated they anticipate some additional late entries.

Councilmember Graves asked if there will be a vintage car show. Staff explained they asked the Shriners but they were not available on these days. Councilmember Graves stated the Park and Recreation Commission discussed the Comp Plan at their last meeting and she wondered about utilizing the Youth Council or the Multi-Cultural Advisory Committee (MAC) to gain input, noting a presentation could be made at one of their meetings.

Councilmember Graves asked how the funds raised compared to prior years. Mr. Glasoe stated in years past, the committee raised as much as $8,000 but in recent years, that number had declined so this is a significant increase in funds raised.

Mr. Boganey asked about the direct costs compared to revenue raised. Mr. Glasoe stated the costs will be similar to last year, in the range of $17,000. Mayor Pro Tem Ryan recalled a range of 17,000 to $18,000, noting the City can make up that level of difference without budget dislocation. Mr. Boganey confirmed that was correct.

Mayor Pro Tem Ryan thanked staff for stepping up, noting Luther has been generous in their donation and he looks forward to the Lions Club coming back and being able to support the parade. He thanked staff for the update and stated the City Council will help spread the word.

Staff stated information can be found on the City's Earle Brown Days website and photos and content can be viewed through Brooklyn Center's Recreation Facebook page. Mayor Pro Tem Ryan asked staff to provide that internet link to the City Council.

ADJOURNMENT

Mayor Pro Tem Ryan adjourned the Study Session at 6:33 p.m.

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
JUNE 11, 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 Pro Tem Dan Ryan at 6:45 p.m.

ROLL CALL

Mayor Pro Tem Dan Ryan and Councilmembers Marquita Butler and April Graves. Mayor Tim Willson was absent and excused. Councilmember and Kris Lawrence-Anderson was absent. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Director of Public Works Doran Cote, Director of Community Activities, Recreation and Services Jim Glasoe, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

Mayor Pro Tem Dan Ryan opened the meeting for the purpose of Informal Open Forum.

Diane Sannes, 7006 Willow Lane, addressed the City Council, stating she is anxious to see the new banners, hoping Fast Signs got the contract. She thanked MnDOT and Metro Transit for their work to mow and remove debris in the area of Top Golf. Ms. Sannes expressed concern with the number of Brooklyn Center businesses that have recently closed and the City Council's recent approval of licenses for smoking tobacco product businesses. She reviewed the timeline from her February 12, 2018, request that the City Manager provide information to Council Members so they understood the tobacco licensing requests on the consent agenda. She noted that on March 12, 2018, the City Council unanimously approved another tobacco shop with no discussion. Ms. Sannes stated on May 15, 2018, she asked the City Council to limit the number of new tobacco related product stores and to not approve any more near the high school. However, the most recently approved license is by the middle school. Ms. Sannes asked each Council Member to respond to her directly about when they will address her T-21 concerns.

Ms. Sannes stated the City has planned an event with a popular Hispanic band at City Hall on August 7, which is National Night Out. She asked if the City Council will be stopping by to greet the many Hispanic residents who will be at City Hall instead of their own neighborhood. Ms. Sannes commented on the upcoming District 40B election and stated her concern that the City has planned an event during voting hours on Election Day. Ms. Sannes stated she hopes future pop-up market employees are from Brooklyn Center as it has over 20,000 adults and many want to support the community and get a job.

City Manager Curt Boganey clarified the Sprint store is not closed but relocating within Brooklyn Center. Mayor Pro Tem Ryan stated Sprint preferred the location off the Boulevard as it has higher visibility. Ms. Sannes stated that's a minor detail and her point was that Sprint is no longer in Shingle Creek Crossing or at a Gatlin property.

Councilmember Butler moved and Councilmember Graves seconded to close the Informal Open Forum at 6:54 p.m.

Motion passed unanimously.

2. INVOCATION

Mayor Pro Tem Ryan read *Karma*, a poem by Phillip Appleman, as the Invocation.

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Pro Tem Dan Ryan at 7:00 p.m.

4. ROLL CALL

Mayor Pro Tem Dan Ryan and Councilmembers Marquita Butler and April Graves. Mayor Tim Willson was absent and excused. Councilmember Kris Lawrence-Anderson was absent. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Director of Public Works Doran Cote, Director of Community Activities, Recreation and Services Jim Glasoe, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Butler moved and Councilmember Graves seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the Work Session minutes of May 29, 2018, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. May 29, 2018 – Study/Work Session
2. May 29, 2018 – Regular Session
3. May 29, 2018 – Work Session
4. June 4, 2018 – Joint Work Session with Financial Commission

6b. LICENSES

MECHANICAL

Air Rite Mechanical Systems	6935 146th Street W #3, Apple Valley
Aquarius Home Services	3180 Country Drive., Little Canada
Comfort Matters Heating & AC	18071 Territorial Road, Maple Grove
Henderson Heating and A/C LLC	3515 Dakota Avenue, Woodbury
Master Mechanical	1027 Gemini Road, Eagan
Professional Mechanical Services, LLC	18983 York Street New Suite C, Elk River
Ridler Heating & Cooling Inc. dba: Uptown Heating	3110 Washington Avenue, Mpls.

RENTAL

INITIAL (TYPE II – two-year license)

4207 Lakeside Avenue N #334	Vihn Mai
5218 Paul Drive	Oyejola Azum
5918 Zenith Avenue N	Traci Austin/Dylan DeMarais

RENEWAL (TYPE III – one-year license)

1100 69th Avenue N	Evangelical Lutheran Church of the Master (Missing 2 ARM Meetings)

RENEWAL (TYPE II – two-year license)

Northwest Residence 4408 69th Avenue N	Eugene and Diane Wright
7019 Morgan Avenue N	Candlewood Home Buyers, Inc.

RENEWAL (TYPE I – three-year license)

Crossings at Brookwood Manor 6125 Lilac Drive N	Lang Nelson Associates
Crossings at Brookwood Manor 6201 Lilac Drive N	Lang Nelson Associates
5349 Northport Drive	Paul Ferfon

SIGNHANGER

Trusted Sign Solution, LLC	14505 21st Avenue N, Ste. 221, Plymouth

6c. RESOLUTION NO. 2018-119 ADOPTING COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE CITY OF BROOKLYN CENTER FOR THE CALENDAR YEAR ENDED DECEMBER 31, 2017

6d. APPROVAL OF AN ORDINANCE AMENDING ORDINANCE NO. 2016-08 REGARDING COUNCIL SALARIES FOR 2019-2020

6e. APPROVAL OF AN ORDINANCE AMENDING CHAPTER 1 OF CITY CODE OF ORDINANCES REGARDING ANIMALS

6f. RESOLUTION NO. 2018-120 APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT BETWEEN MINNESOTA DEPARTMENT OF TRANSPORTATION AND CITY OF BROOKLYN CENTER FOR FEDERAL PARTICIPATION IN ADVANCE CONSTRUCTION – MNDOT AGREEMENT NO. 1031036

6g. RESOLUTION NO. 2018-121 ESTABLISHING IMPROVEMENT PROJECT NO. 2019-05, SOUTHEAST AREA MILL AND OVERLAY

6h. RESOLUTION NO. 2018-122 ESTABLISHING PARKING RESTRICTIONS FOR SEGMENTS ON 63RD AVENUE FROM BEARD AVENUE TO 360' EAST OF BEARD AVENUE

6i. RESOLUTION NO. 2018-123 APPROVING SETTLEMENT AGREEMENT AND RELEASE WITH STANTEC CONSULTING SERVICES INC. REGARDING COMMUNITY CENTER HVAC IMPROVEMENTS

MOTION PASSED UNANIMOUSLY.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. RESOLUTION NO. 2018-124 RECOGNIZING THE 100TH ANNIVERSARY OF THE AMERICAN LEGION

Mayor Pro Tem Ryan read in full a Resolution recognizing the 100th anniversary of the American Legion.

Councilmember Graves moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2018-124 Recognizing the 100th Anniversary of the American Legion.

Motion passed unanimously.

8. PUBLIC HEARINGS

- None.

9. PLANNING COMMISSION ITEMS

- None.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2018-125 AWARDING THE SALE OF $8,530,000 GENERAL OBLIGATION IMPROVEMENT AND UTILITY REVENUE BONDS, SERIES 2018A FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR

EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT.

City Manager Curt Boganey introduced the item and provided background information.

Finance Director Nathan Reinhardt noted on May 14, 2018, the City Council adopted a resolution setting the date for the competitive negotiated sale of General Obligation Improvement and Utility Revenue Bonds, Series 2018A to finance the construction of Firehouse Park Area Improvements (70% paid by bond proceeds) and Water Tower No. 2 Reconditioning. He described the projects, project costs, and amount proposed in the bond by repayment sources (property tax levy, special assessments, water charges, and storm drainage charges).

Mr. Reinhardt reported five bids were received and opened today with the low bid being received from Robert W. Baird & Co., Inc. that included a premium so the principal amount was reduced to $8,185,000. The terms are to repay the bonds over a ten-year period at an interest rate of 2.66%, an average maturity of 6.3 years, and adjusted principal amount from $8,530,000 to $8,185,000. The required 2019 debt service property tax levy is $246,953, which equates to a 1.4% increase in the property tax levy.

Mr. Reinhardt reviewed the findings of the Standard & Poor's Credit Rating for the City of Assigned/Affirmed (AA), citing factors of a weak economy, strong management, strong budgetary performance, strong institutional framework, very strong budgetary flexibility, very strong liquidity, adequate debt and contingent liability position, and strong institutional framework. He stated a rating of AA is considered a very high-grade credit rating.

Mayor Pro Tem Ryan noted the bond rating shows Brooklyn Center has strong financial management and procedures in place, which echoes the findings of the comprehensive audit received last Monday showing essentially the same results. He stated this should be reassuring to residents.

Doug Green, Springsted, stated it is a pleasure to be here tonight. He presented the Series 2018A tabulation of the five bids received, noting Robert W. Baird & Company, Inc. is a large agency and works with many firms to sell the bonds. He noted the range in true interest rates from the top to low bidder and explained the calculation of coupons and yields. Mr. Green reviewed the costs for issuing the bonds, projects to be funded, the City's previous bond issue results for improvement projects, and correlation between those bond rates and treasuries.

Mr. Green stated the City is still getting great reception in the market and good interest rates. He reviewed the municipal market data AAA yields for the last 12 months, noting there has not been much change. The same information over the last 25 years was presented identifying historical low and high interest points. Mr. Green noted most municipal bonds are put into bond funds and this also shows strong growth. He presented a spreadsheet looking at $2.5 million with an increase in 1% or 2% par amount paid by the levy and impact on total debt service. He stated a 3% increase from today's rates would equal $4 on a residential home valued at $250,000.

Mayor Pro Tem Ryan noted the City's median home value is about $180,000 so the impact would be even less. He stated generally the City's debt levels are in the average range of peer

group cities. Mr. Green agreed it is average to low. Mayor Pro Tem Ryan stated he is pleased to see these bond results, noting the funds will be used for street and infrastructure improvements.

Councilmember Graves asked about not having to borrow as much and how that impacts repaying. Mr. Boganey explained it has taken 25 years to get to the point of nearly completing the first go around in street reconstruction so projects done 27 years ago are now at the point of needing some renovation. But, there is a difference in the work to be done in three years compared to the work done 27 years ago that included a significant investment in stormwater and utility infrastructure. He explained the overlay asphalt work may be on par but the overall amount of debt will be lower or similar in today's dollars. Mr. Boganey stated the total project costs will go down as will the bond issuance, depending on the level of assessments and work to be done.

Councilmember Graves asked about the budget impact. Mr. Reinhardt stated the 1.4% will go to the bond issue being considered tonight and then staff will split it between debt service and the operational levy to give an idea of the level of increase. He stated the costs have been narrowed as much as possible to assure the project is affordable and does not cause a large increase in the next bond issuance.

Mr. Boganey stated the great news about what the City has done over the last 20 years in implementing the street reconstruction program is getting out of the situation experienced by the State of Minnesota and federal government where deferred maintenance costs have continued to escalate in order to bring infrastructure to a maintainable level. He noted Brooklyn Center has implemented consistence sealcoating and overlay maintenance programs so roads will not be in the shape they were 30 years ago when the City had dramatic expenses to catch up.

Mayor Pro Tem Ryan stated the high cost for deferred maintenance highlights how imperative it is to plan regular maintenance. He noted the draft resolution quotes the sale at $8,530,000 and asked if it should be revised. Mr. Green answered in the affirmative and stated it should be $8,185,000.

Councilmember Graves moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2018-125 Awarding the Sale of $8,185,000 General Obligation Improvement and Utility Revenue Bonds, Series 2018A Fixing Their Form and Specification; Directing Their Execution and Delivery; and Providing for Their Payment.

Motion passed unanimously.

11. COUNCIL REPORT

Councilmember Graves reported on her attendance at the following:

- May 30 – June 1, 2018: Trans National PA Summit
- June 4, 2018: Audit Report with Finance Commission
- June 6, 2018: Youth Policy Forum

Councilmember Butler reported on her attendance at the following:

- June 1, 2018: Former City Clerk Sharon Knutson's Retirement Party
- June 1, 2018: CAPI Open House
- June 4, 2018: Audit Report with Finance Commission
- June 8, 2018: BW Harris Alumni Association Fund Raiser
- June 10, 2018: Iftar Community Dinner Event Masjid Al-Anser

Mayor Pro Tem Ryan reported on his attendance at the following:
- May 31, 2018: Highway 25 Workshop
- June 1, 2018: Former City Clerk Sharon Knutson's Retirement Part
- June 1, 2018: CAPI Open House
- June 2, 2018: Lions Club Food Truck
- June 4, 2018: Audit Report with Finance Commission

12. ADJOURNMENT

Councilmember Butler moved and Councilmember Graves seconded adjournment of the City Council meeting at 7:45 p.m.

Motion passed unanimously.

City Council Agenda Item No. 6b

COUNCIL ITEM MEMORANDUM

DATE: June 21, 2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

FROM: Rozlyn Tousignant, Deputy City Clerk

SUBJECT: Licenses for City Council Approval

Recommendation:
It is recommended that the City Council consider approval of the following licenses on June 25, 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.

AMUSEMENT DEVICE

Mendota Valley Amusement, Inc.	6110 Brooklyn Blvd
Mendota Valley Amusement, Inc.	6845 Shingle Creek Parkway

GARBAGE HAULER

Curbside Waste	4025 85th Ave N, Brooklyn Park
Walz Brothers Sanitation	P.O. Box 627, Maple Grove

MECHANICAL

2 Cool 2 Heat, LLC	852 86th LN NW, Coon Rapids
A ABC Appliance & Heating Inc. dba: Total Comfort	8818 7th Ave N, Golden Valley
Appliance Connections Inc.	12850 Chestnut Blvd, Shakopee
Bonfe Plumbing & Heating & Air Services, Inc.	455 Hardman Ave, South St. Paul
Custom Refrigeration	640 Mendelssohn Ave N, Golden Valley
Freedom Heating & Air	888 County Rd D West, Suite 205, New Brighton
K&S Heating A/C & Plumbing Inc.	4205 HWY 14W, Rochester
Larson Plbg	3095 162nd La NW, Andover
Legacy Mechanical Services	1717 120th St NE, Monticello
McQuillan Bros Plumbing, Heating & AC	1711 MN 36 E, Maplewood
Northern Air Heating and Cooling	888 County Rd D W, New Brighton
OT Heating & Cooling LLC	10020 Dogwood St NW #A3, Coon Rapids
Perfection Heating & Air Inc.	1770 Gervais Ave, Maplewood
Riccar Heating & A/C	2387 Station Parkway NW, Andover
Royalton Heating & A/C	4120 85th Ave N, Brooklyn Park
Select Mechanical	6219 Cambridge Street, St. Louis Park

COUNCIL ITEM MEMORANDUM

Treated Air Company	9954 166th Ct SE, Becker
United Heating & A/C Inc.	1295 Hackamore Road, Medina
Westair Inc.	11184 River Road NE, Hanover

RENTAL
See attached report.

COUNCIL ITEM MEMORANDUM

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

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

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

Budget Issues:

There are no budget issues to consider.

Rental Licenses for Council Approval on June 25, 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
5542 Irving Ave N	Single Family	Initial	Doug Wahl	7	III	N/A	III		OK	OK
3501 47th Ave N	MultiFamily 1 Bldg 11 Units	Renewal	Todd Burmeister	14 (1.27/Unit)	II	4 (.35/Unit)	II	I	OK	OK
1302 69th Ave N	MultiFamily 4 Bldg 128 Units	Renewal	Myra Chazin	242 (1.89/Unit)	III	16 (.13/Unit)	III	III	OK	OK
4216 Lakebreeze Ave	MultiFamily 1 Bldg 4 Units	Renewal	Daniel Tan	10 (2.5/Unit)	III	0 (0/Unit)	III	III	OK	OK
5200 France Ave N	Two Family (2)	Renewal	Christian Knutson	0	I	0	I	I	OK	OK
2012 55th Ave N	Single Family	Renewal	Invitation Homes (Missing cpted)	5	III	0	III	III	OK	OK
3224 62nd Ave N	Single Family	Renewal	Michael Mills	3	II	0	II	IV	OK	OK
1300 68th Ln N	Single Family	Renewal	Grant and Pam Osgood	3	II	0	II	II	OK	OK
5930 Aldrich Ave N	Single Family	Renewal	Lori Kay Stevenson	1	I	0	I	I	OK	OK
5600 Colfax Ave N	Single Family	Renewal	Thai Vang	7	III	0	III	IV	OK	OK
6618 Colfax Ave N	Single Family	Renewal	Khemraj Changrawatie	7	III	0	III	III	OK	OK
5333 Dupont Ave N	Single Family	Renewal	RHA 3, LLC	3	II	0	II	III	OK	OK
6642 Dupont Ave N	Single Family	Renewal	Kevin Motarjemi	1	I	0	I	IV	OK	OK
6001 Emerson Ave N	Single Family	Renewal	Keith Carrico	1	I	0	I	IV	OK	OK
5325 France Ave N	Single Family	Renewal	David Goeske	1	I	0	I	II	OK	OK
6724 France Ave N	Single Family	Renewal	Jessica Stoll	5	III	0	III	I	OK	OK
1549 Humboldt Pl N	Single Family	Renewal	ShoeMiller Properties LLC	0	I	0	I	II	OK	OK
4214 Lakeside Ave	Single Family	Renewal	James & Gloria Shoultz (Missing 1 ARM meeting)	3	II	0	III	III	OK	OK
6424 Marlin Dr	Single Family	Renewal	Charles Jing Bright (Missing cpted)	3	II	0	III	III	OK	OK
7224 Noble Ave N	Single Family	Renewal	Quoc Ai Nguyen	8	III	0	III	III	OK	OK
5740 Logan Ave N	Single Family	Renewal	Lin Shuang LLC	0	I	0	I	II	OK	OK
5712 Northport Dr	Single Family	Renewal	Cindy & Raymond Scherbing	4	II	0	II	II	OK	OK
6900 Quail	Single Family	Renewal	Michael Johnson	5	II	0	II	III	OK	OK
6000 Vincent Ave N	Single Family	Renewal	Patricia Slatosky	1	I	0	I	IV	OK	OK

* CFS = Calls For Service for Renewal Licenses Only (Initia Type II = 2 Year Type III = 1 Year
** License Type Being Issued Type I = 3 Year
*** Initial licenses will not show a previous license type

All properties are current on City utilities and property taxes

City Council Agenda Item No. 6c

COUNCIL ITEM MEMORANDUM

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

DATE: June 25, 2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Resolution Appointing Election Judges for the 2018 Elections

Recommendation:
It is recommended that the City Council consider approval/adoption of a Resolution Appointing Election Judges for the 2018 Election

Background:
Minnesota Statutes, Section 204B.21, subd. 2, requires election judges be appointed by the governing body at least 25 days before the election at which the election judges will serve.

Minnesota Statues, Section 203B.121, provides that the absentee ballot board may include staff trained as election judges. Because the absentee ballot board must accept or reject absentee ballots in such a timely fashion, it is imperative that City Staff be appointed to the absentee ballot board to process the absentee ballots during the 46 days prior to the election.

Budget Issues:
There are no budget issues to consider.

Strategic Priorities:
- Inclusive Community Engagement

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPOINTING ELECTION JUDGES FOR THE 2018 ELECTIONS

WHEREAS, a State Primary Election will be held August 14, 2018, and a State General Election will be held November 6, 2018; and

WHEREAS, *Minn. Stat. 204B.21, subd. 2,* requires that persons serving as election judges be appointed by the Council at least 25 days before the election at which the election judges will serve.

BE IT RESOLVED by the City Council of the City of Brooklyn Center that the individuals named below and on file in the office of the City Clerk be appointed to perform the duties of election judge and/or be appointed as the Brooklyn Center Absentee Ballot Board election judges.

BE IT RESOLVED the City Council also appoints other individuals and all members appointed to the Hennepin County Absentee Ballot Board as authorized under *Minn. Stat. 204B.21, subd. 2*, under the direction of the Election Manager to serve as members of the Brooklyn Center Absentee Ballot Board.

BE IT FURTHER RESOLVED that the City Clerk is with this, authorized to make any substitutions or additions as deemed necessary.

Alhassan Ahmed
Patricia Amundson
Lorraine Anderson
Alyson Arneson
Janet Arntsen
Tamika Baskin
Lavelle Beers
Mawuli Blabuh
Arletha Blanks
Nancy Blexrud
Betty Blouin
Christine Bonovsky
Bill Bruneau
Kenneth Bueckers
Anne C
Charles Calhoun
Jean Carlson
Rebecca Crass
Todd DeBaker
Maria Doron
Kathryn Ellgren
Magdy Elyamany
David Erickson
Mary Gersetich
Mark Goodell
Charice Goude
Carolyn Green
Allan Hancock
Philip Henrichs
Kelly Herrmann
Joyce Hogetvedt
Sara Huffman
Patricia Humphrey
Lori Huot
Felicia Ikebude
Lauren Irwin
Joseph Jablonski
Charlene Johnson
Dave Johnson
Lynne Johnston
Mindy Jost
Mary King
Karen Knutson
Penny Korkki
Mary LaDuke
Stephen Long
Nancy Manson
Gayle Merritt
Sue Minor
Kathleen Nelson
Susan Okerstrom
Riggs Opland
Debbie Paine
John Petersen
Vanissa Peterson
John Polz
Kathleen Pullen
Karen Richter
Thomas Schommer
Peggy Seibert
Elizabeth Sharpe
Ileene Sheeley
Honey Speltz
Charles Steinhaus
Tim Thorbus
Beverly Truran
Diane Visser
Sarah Wilks
Donald Winn
Kathy Winn
Kathryn Worre

Absentee Ballot Board
Marjorie Adkisson
Doris Branch

City Staff
Sharon Knutson
Cynthia Majors
Barb Suciu
Rozlyn Tousignant

RESOLUTION NO. _____

June 25, 2018
Date

_____
Mayor

ATTEST:_____
City Clerk

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

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

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

City Council Agenda Item No. 6d

COUNCIL ITEM MEMORANDUM

DATE: June 25, 2018

TO: Curt Boganey, City Manager

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Brett Angell, Business and Workforce Development Specialist

SUBJECT: Resolution Authorizing the Economic Development Authority to submit a Minnesota Investment Fund Application on behalf of Get Bizzy, Inc.

Recommendation:
It is recommended that the City Council consider the resolution authorizing the Economic Development Authority of Brooklyn Center to submit a Minnesota Investment Fund (MIF) application on behalf of Get Bizzy, Inc.

Background:
Get Bizzy, Inc. (i.e. Bizzy Coffee) is a cold brew coffee concentrate manufacturer currently based out of Minneapolis which was established in 2015. Bizzy Coffee has seen a large increase in sales and will be relocating to a leased spaced within Brooklyn Center. The company plans to add an additional 53 full-time jobs at an average hourly rate of $19.30 within 4 years.

The Minnesota Investment Fund is a program that provides financing to help add new workers and retain high-quality jobs on a statewide basis offered by the Minnesota Department of Employment and Economic Development (DEED). Individuals or businesses are not allowed to apply for funding on their own and it is required that the local government entity submit the application on the businesses behalf.

The Economic Development Authority would be the entity to make application to DEED on behalf of Bizzy Coffee. The City Council is being asked to approve the resolution authorizing the EDA to submit the application. Later this evening, the EDA will be asked to hold a public hearing and approve a resolution authorizing the submission of the Minnesota Investment Fund Application to DEED on behalf of Bizzy Coffee.

Budget Issues:
There are no budget issues to consider.

Strategic Priorities:
- Resident Economic Stability

Attachments:
- Resolution

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-

RESOLUTION REGARDING THE APPROVAL OF A MINNESOTA INVESTMENT FUND APPLICATION IN CONNECTION WITH THE CITY OF BROOKLYN CENTER AND THE ECONOMIC DEVELOPMENT AUTHORITY OF BROOKLYN CENTER FOR THE PROJECT ENTITLED GET BIZZY, INC.

WHEREAS, the City of Brooklyn Center, Minnesota desires to assist the business Get Bizzy, Inc., which is proposing to relocate to the City of Brooklyn Center and acquire additional equipment and employees in the City; and

WHEREAS, the City of Brooklyn Center understands that Get Bizzy, Inc., through and with the support of the Economic Development Authority of Brooklyn Center, wishes to apply or has applied to the Minnesota Department of Employment and Economic Developments' Minnesota Investment Fund Program for project financing; and

WHEREAS, the City of Brooklyn Center held a City Council meeting on June 25, 2018 to consider this matter; and

WHEREAS, the City of Brooklyn Center has identified Resident Economic Stability as a strategic priority, which includes growing opportunities for Brooklyn Center residents to have access to high quality, livable wage jobs; and

WHERES, the City is committed to working with Get Bizzy, Inc. to help connect them with workers in the community, and expect, as part of the Economic Development Authority's application to the Minnesota Department of Employment and Economic Development on their behalf, that Get Bizzy, Inc. will strive to hire residents of Brooklyn Center whenever feasible.

NOW, THEREFORE, BE IT RESOLVED that, after due consideration, the Mayor and City Council of the City of Brooklyn Center, Minnesota, hereby express their approval of the Minnesota Investment Fund application from the Economic Development Authority of Brooklyn Center and authorize the EDA to submit the application, execute any agreements, and administer the loan.

June 25, 2018
Date

Mayor

ATTEST: _____
City Clerk

RESOLUTION NO. 2018-

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 Council Agenda Item No. 7a

COUNCIL ITEM MEMORANDUM

DATE: June 25, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Director of Community Development

SUBJECT: Presentation by Shannon Full, President/CEO of Twin West Chamber of Commerce

Recommendation:

It is recommended that the City Council consider hearing a presentation by Ms. Shannon Full, President and CEO of Twin Cities West Chamber of Commerce regarding the Twin Cities West Chamber of Commerce.

Background:

Shannon Full is the President and CEO of Twin West Chamber of Commerce. She has requested an opportunity to present to the City Council in order to introduce herself, hear the Council's perspective on the Chamber's role, and outline new initiatives the Chamber is working on that may benefit the City.

City Council Agenda Item No. 8a

COUNCIL ITEM MEMORANDUM

DATE: June 25, 2018

TO: Curt Boganey, City Manager

Dr. Reg[illegible] Edwards
Deputy Ci[illegible] Manager
and Acting City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Ginny McIntosh, City Planner / Zoning Administrator

SUBJECT: An Ordinance Amending Chapter 35 of the City Code of Ordinances to Establish a New Section 35-420 to Allow Automobile Dealership Off-site Vehicle Storage as an Interim Use in the I-1, I-2, and C-2 Zoning Districts.
- *Motion to Adopt Ordinance.*

Recommendation:
The Planning Commission recommends a motion to adopt the Ordinance authorizing the amendment of Chapter 35 of the City Code of Ordinance to establish a new Section 35-420 to allow automobile dealership off-site vehicle storage as an Interim Use in the I-1, I-2, and C-2 Zoning Districts.

Background:
Luther Auto approached the City in February, stating that they had a need to store up to 600 new vehicles for a period of up to two years. The impetus for the storage is related to the construction of a new Mazda and Mitsubishi Dealership at 4435 68th Avenue North, which would displace the current storage capacity being used by their adjacent dealerships.

At the March 26th City Council Work Session, Staff brought forward a request from Luther Auto dealership to allow the short term storage of vehicles off-site from the dealership location. Off-site storage is not currently allowed in the Zoning Code. In order to facilitate the temporary off-site storage, Staff proposed an interim use permit process, which would allow off-site storage with an Interim Use Permit for a specific period of time. The City Council directed staff to draft language and conditions that would mitigate any negative impacts from the off-site storage, and bring a draft ordinance back to Council for review and consideration. In addition, the City Council requested a representative from Luther be present to discuss the request and answer any questions the Council might have.

At the April 9, 2018, City Council Work Session, staff brought a draft ordinance to the City Council for review. Council directed staff to bring the ordinance to the Planning Commission for review and consideration. Representatives from Luther Auto were present at the meeting to discuss their request in more detail.

At their April 12, 2018, meeting, staff presented the draft ordinance and topic of discussion to the Planning Commission. The Commission provided input on the draft ordinance, and suggested revisions that may address specific concerns related to screening, distance from residential property, limiting the number of vehicles to the specific needs of the auto dealerships located

within the City, and the orderly placement of vehicles. The topics of signage, dealership staff presence on site, and the location of suitable sites were also discussed. Staff subsequently made revisions to the proposed ordinance language based on the Planning Commission's input.

On May 17, 2018, the Planning Commission considered the proposed ordinance amendment and conducted a public hearing on Planning Commission Application No. 2018-008, for approval of the proposed amendment to Chapter 35 of the City Code of Ordinances to establish a new Section 35-420 to allow automobile dealership off-site vehicle storage as an Interim Use in the I-1, I-2, and C-2 Zoning Districts.

The Planning Commission considered the proposed ordinance and reviewed the language contained therein as part of the public hearing process. The Planning Commission determined that the proposed language would adequately mitigate any potentially negative impacts that may be related to the allowance of temporary off-site storage of vehicles, and voted unanimously (6-0) in favor of the proposed ordinance.

Consistent with the City Charter, City Council unanimously approved the first reading of the attached ordinance at its May 29, 2018, meeting and directed staff to schedule a public hearing for June 25, 2018. No comments or input were offered by City Council or the public at the meeting on May 29, 2018. A public hearing notice was published in the Brooklyn Center *Sun Post* on June 7, 2018. If adopted by City Council, the ordinance would become effective 30 days following legal publication of the public notice.

The Planning Commission Report (dated May 17, 2018), and the proposed ordinance, are attached for the City Council's review.

Budget Issues:
There are no budget issues to consider.

Strategic Priorities:
- Targeted Redevelopment

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2018, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an ordinance related to allowing the automobile dealership off-site storage of new vehicles as an interim use.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please notify the personnel coordinator at 763-569-3303 to make arrangements.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 35 TO ALLOW AUTOMOBILE DEALERSHIP OFF-SITE VEHICLE STORAGE AS AN INTERIM USE

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

Article I. Brooklyn Center City Code, Chapter 35 is hereby amended to establish a new Section 35-420 as follows:

Section 35-420. AUTOMOBILE DEALERSHIP OFF-SITE VEHICLE STORAGE.

1. Interim Use. Notwithstanding anything to the contrary in this Code, the off-site storage of new vehicles by an automobile dealership is allowed in the following zoning districts with the issuance of an interim use permit: I-1, I-2, C-2. No interim use permit for automobile dealership off-site storage shall be issued for a site that abuts or is directly across a city or county right-of-way from a residentially zoned (R1 through R7) property.

2. Application. An application for an interim use permit for the off-site storage of vehicles may only be submitted by an automobile dealership located within the city. Said application shall, in addition to the information required on the application form, include the following information:

   a. A description of the proposed vehicle storage that includes:

      (i) The maximum number of vehicles to be stored at the off-site location;

      (ii) An explanation of the purpose for the number of vehicles needing to be stored at the off-site location;

      (iii) An estimate of how often vehicles will be brought to and removed from the off-site location and the times and days of the week such activities are proposed to occur;

      (iv) The route to be used to transport vehicles between the automobile

dealership and the off-site location, including how the property will be accessed; and

(v) A map showing the portion of the property to be used for vehicle storage and showing how the vehicles are to be parked on the property;

b. The proposed length of time the property will be used for vehicle storage; and

c. Proof of ownership of the property or a copy of the proposed lease allowing use of the property for vehicle storage;

3. Issuance. An application for an interim use permit for the off-site storage of vehicles shall be processed in accordance with Section 35-220, except that the following additional standards shall also be considered:

a. The proposed use must conform to the regulations in this Chapter;

b. The date or event that will terminate the use can be identified with certainty;

c. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

d. The applicant agrees to the conditions the City Council imposes on the use.

4. Conditions. The City Council may impose any conditions on the interim use permits it issues as it deems are necessary or expedient to protect the public health, safety or welfare, or to ensure the use will not impose additional costs on the public if it is necessary or expedient to take the property in the future. Every interim use permit shall identify the date or event that will terminate the permit. The applicant shall either expressly agree in writing to the conditions imposed on the interim use permit or shall be deemed to have agreed to all such conditions without exception or reservation if the applicant undertakes the use allowed by the permit.

5. Performance Standards. In addition to any conditions placed on an interim use permit by the City Council, the following restrictions shall apply to all interim use permits issued to an automobile dealership for off-site vehicle storage:

a. Use of the off-site location shall be limited to the storage of operable new vehicles that are available for sale or lease to customers as part of the automobile dealership's business operations;

b. Any vehicles stored shall be sold or leased at the automobile dealership located in the city;

c. Any off-site location shall conform to Section 35-711 of the Zoning Code, Parking Lot Screening;

d. No vehicle repairs, sales, cleaning or detailing shall occur at the off-site location;

e. Only employees or contractors of the automobile dealership shall be allowed on the off-site location;

f. No signage, other than minimal directional signage internal to the site, shall be permitted on the off-site location;

g. The portion of the storage site designated for vehicle storage shall only be located on an approved paved parking lot;

h. Vehicles shall only be stored in the designated portion of the storage site and according to the parking plan approved as part of the interim use permit;

i. Vehicles shall be stored in an orderly fashion with drive aisles, allowing vehicles to enter and exit the site without having to move other vehicles;

j. The days and hours during which vehicles may be brought to or removed from the site shall be limited to the days and hours approved in the interim use permit;

k. The routes used to transport vehicles to and from the site shall be limited to the routes approved in the interim use permit;

l. An interim use permit issued pursuant to this section is not transferable; and

m. The use must comply with all applicable provisions of this Code.

6. Renewal. Use of the off-site storage site shall cease, and all vehicles shall be immediately removed, upon the termination or revocation of the interim use permit, or the transfer of the automobile dealership. An automobile dealership issued an interim use permit may apply for a renewal interim use permit, which shall be submitted no fewer than 90 days prior to the termination of the existing permit, and processed in the same manner as a new application.

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

Adopted this ____ day of _____, 2018.

_____
Tim Willson, Mayor

ATTEST:_____
City Clerk

Date of Publication _____

Effective Date _____

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

Planning Commission Report

Meeting Date: May 17, 2018

Application No.	2018-008
Applicant:	City of Brooklyn Center
Location:	I-1, I-2, C-2
Request:	Amend Chapter 35 to establish a new Section 35-420 to allow automobile dealership off-site vehicle storage as an Interim Use.

INTRODUCTION

Staff is presenting Planning Commission Application No. 2018-008, which would amend Chapter 35 of the City Code to allow existing auto dealerships in the City to store new vehicles for a temporary period of time off-site via an Interim Use Permit. This amendment would apply in the I-1 (Industrial Park), I-2 (General Industry), and C-2 (Commerce) Zoning Districts. The as proposed ordinance would place further restrictions on the storage of new vehicles, and would allow the Planning Commission and City Council to place conditions on the approval of any new Interim Use Permit for this use.

A Zoning Code amendment requires that a public hearing occur in accordance with Statue Statute. An Affidavit of Publication confirmed publication of the public hearing notice in the Brooklyn Center *Sun Post* on May 3, 2018. Mailed notices are not required when the proposed Zoning Code amendment relates broadly to the City.

BACKGROUND

Luther Auto approached the City in February, stating that they had a need to store up to 600 new vehicles for a period of up to two years. The impetus for the storage is related to the construction of a new Mazda and Mitsubishi Dealership at 4435 68th Avenue North,, which would displace the current storage capacity being used by their adjacent dealerships.

At the March 26th City Council Work Session, Staff brought forward a request from Luther Auto dealership to allow the short term storage of vehicles off-site from the dealership location. Staff proposed an interim use permit process, which would allow for temporary off-site storage. This use is not currently allowed in the Zoning Code. The City Council directed staff to draft language and conditions that would mitigate any negative impacts from the off-site storage, and bring a draft ordinance back to Council for review and consideration. In addition, the City Council requested a representative from Luther be present to discuss the request and answer any questions the Council might have.

At the April 9, 2018, City Council Work Session, staff brought a draft ordinance to the City Council for review. Council directed staff to bring the ordinance to the Planning Commission for review and consideration.

At their April 12, 2018, meeting, staff presented the draft ordinance and topic of discussion to the

Planning Commission. The Commission provided input on the draft ordinance, and suggested revisions that may address specific concerns related to screening, limiting the number of vehicles to the specific needs of the auto dealerships located within the City, and the orderly placement of vehicles. The topics of signage, staff presence on site, and the location of suitable sites were also discussed.

ORDINANCE LANGUAGE

The Zoning Code currently prohibits off-site storage in all zoning districts. This means that businesses are prohibited from storing products or goods on any property other than that which the products or goods are being sold or used. The only exception provided for in the code is related to landscaping materials to allow for tree lots and temporary garden centers.

At present there is no mechanism in the code to allow Luther Auto to use a lot outside of their dealership property to store vehicles; whether that property is owned by the City or not. After discussion with the City Attorney, it was determined that the most effective way to allow this activity would be through an Interim Use Permit process. The Code currently provides for interim uses, but narrowly allows them only for the purpose of providing temporary classrooms on school properties.

Attached to this memo is the proposed Interim Use Permit Ordinance which would allow Luther to apply for an Interim Use Permit. Interim Use Permits are reviewed and approved much the same as a Special Use Permit; certain conditions could be added, and the City would determine the length of time that the interim use would be allowed to continue.

If adopted by the City, Luther Auto would need to apply separately for an Interim Use Permit once a specific site or sites were identified.

The ordinance amendment before you this evening requires that any vehicle stored must be sold or leased at a dealership located in the City of Brooklyn Center. The language outlines under what conditions a business could apply, as well as what information is required as part of that application. In order to apply for an Interim Use Permit an auto dealership would need to first identify what property they propose to use for off-site storage, for how long, and for how many vehicles. They would need to state the reason for the need for additional storage. The vehicles stored would need to be new, operable vehicles, and be stored in a manner that allows vehicles to be taken on and off site without having to move other vehicles. The off-site property would be used for storage only, and not sales, service, repair, detailing, etc. The ordinance language further restricts signage, as well as the proximity in which off-site storage must be from residential properties.

POLICY ISSUES

One of the City's strategic priorities is Targeted Redevelopment. This speaks to the strategic and proactive redevelopment of key areas in the City. Related to this strategic priority is the support of existing businesses that are making investments in the community. As Luther is planning for the construction of a new dealership in the City, accommodating their storage needs on a temporary basis to enable the timely construction of the project is within the goals of the City.

RECOMMENDATION

Staff recommends the Planning Commission recommends:

The Planning Commission recommends approval to the City Council of the as proposed amendment to

Chapter 35 of the City Code to establish a new Section 35-420, which would allow auto dealerships in the City to store new vehicles off-site on site for a specific period of time with an approved Interim Use Permit.

Attachments

Exhibit A- An Ordinance Amendment Chapter 35 to Allow Automobile Dealership Off-Site Vehicle Storage as an Interim Use.

Ordinance Amending Section 35 of the City Code of Ordinances to Establish a New Section 35-420 to Allow Automobile Dealership Off-site Storage as an Interim Use in the I-1, I-2, and C-2 Zoning Districts (Interim Use Permit Ordinance)

Background

- The Planning Commission recommended unanimous (6-0) approval of this Item at its May 17, 2018, meeting

- The first reading was approved at the City Council meeting on May 29, 2018, and a Motion to set the second reading and Public Hearing was set for June 25, 2018 (*Tonight*)

Requested Amendment: Section 35-420 (New)

The requested ordinance amendment, if approved, would allow existing automobile dealerships in the City to apply for an Interim Use Permit to allow off-site storage of new vehicles on property zoned I-1, I-2, or C-2

- The Ordinance lays out the requirements for a complete application, including:
  - Number of vehicles to be stored
  - Purpose of off-site storage
  - Route, frequency, times, and days vehicles will be brought on and off site
  - Requested duration of storage

- As an Interim Use Permit request would require formal approval through Planning Commission and City Council, conditions may be placed on the approval of an Interim Use Permit

- <u>Performance Standards include:</u>
  - Use of the site limited to storage only of operable, new vehicles
  - Vehicles stored must be sold or leased through dealerships located in the City of Brooklyn Center
  - Screening requirements (e.g., parking lot)
  - Signage limitations
  - Storage on approved hard surfaces only
  - Vehicles must be stored in an orderly fashion (e.g., with drive aisles)

Requested Council Action | Next Steps

Requested Council Action:

- **Motion to open Public Hearing**
- **Take public input**
- **Motion to close Public Hearing**
- **Motion to adopt Ordinance amending the City Code of Ordinances to establish new Section 35-420 to allow automobile dealership off-site storage as an interim use in the I-1, I-2, and C-2 Zoning Districts**

Next Steps

- Should the City Council adopt the ordinance amendment, the Luther Group, LLLP has applied for an Interim Use Permit for the off-site storage of new vehicles
  - **Planning Commission Review:** June 28, 2018
  - **City Council Review:** July 9, 2018

- The Luther Group, LLLP would need to enter into a long-term lease with the EDA

City Council Agenda Item No. 8b

COUNCIL ITEM MEMORANDUM

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

DATE: June 25, 2018

TO: Curt Boganey, City Manager

FROM: Tim Gannon, Chief of Police

SUBJECT: An Ordinance Amending Chapter 25 of the Code of Ordinances Regarding Median Safety Public Hearing

Recommendation:
It is recommended that the City Council motion to open the public hearing; take public input, motion to close the public hearing and motion to adopt the ordinance.

Background:
At its May 29, 2018 meeting the City Council approved the first reading of an ordinance that would amend Chapter 25 of the City Code of Ordinances relating to median safety. Changes have been made to the proposed ordinance based on recommendations discussed during the first reading.

The changes made to the proposed amended ordinance include:

- Section 25-1100; Findings and Purpose, received added language which more clearly provides for a basis for the amended ordinance.
- Section 25-1101; Definitions
- Trunk Highway 252 was added to "Arterial roadway"
- Brooklyn Boulevard at 63rd Ave Bass Lake Road and Xerxes , Trunk Highway 252 and 66th Ave N, 70th Avenue and 73rd Ave were added to "High-traffic intersections"
- The definition of "median" was modified to add paved or unpaved area and removed the language related to a width of 6 feet or less

In recent years, Brooklyn Center and other cities throughout the nation have seen a substantial increase in pedestrian occupying medians for extended periods of time. The purpose of occupying medians does vary from protesting, panhandling, or advertising. Regardless of the reason, it has an impact on public safety for both pedestrians and motorists alike. Historically, medians were created to offer a barrier between traffic traveling in opposite directions while supporting a traffic light. They were also created to allow pedestrians a safe temporary resting spot to await a light change if unable to cross a roadway in a single traffic light rotation. Medians were created to be raised above the roadway and usually narrow in width with those original purposes in mind. The recent uses of medians by pedestrians are creating a safety hazard to both pedestrians and motorists alike. Currently, there are no laws or ordinances that can mitigate this documented safety concerns.

Budget Issues:
There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

CITY OF BROOKLYN CENTER

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

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 25 OF THE CITY CODE OF ORDINANCES REGARDING MEDIAN SAFETY

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

Article I. Brooklyn Center City Code, Chapter 25 is hereby amended by adding the following new sections regarding median safety:

MEDIAN SAFETY

Section 25-1100. FINDINGS AND PURPOSE. The city has three high-capacity arterial roadways that are heavily travelled thruways with traffic counts on Brooklyn Boulevard of 17,300 to 30,500 vehicles per day, on Bass Lake Road of 11,400 to 16,100 vehicles per day, and on Trunk Highway 252 of 59,000 to 69,000 vehicles per day. Trunk Highway 252 is also considered an expressway that is one of the most heavily traveled highways with stoplights in Minnesota and has a high number of crashes, including one high-traffic intersection that is ranked the 2nd highest crash cost intersection in the state. These arterial roadways have posted speed limits that range from 35 m.p.h. to 55 m.p.h., contain high-traffic intersections, and have relatively narrow or obstructed medians. The medians on these roadways are traffic separation structures that were not designed, and are not maintained, to accommodate either any pedestrians, or only those who are temporarily crossing at a designated crosswalk. Most of the medians also contain landscaping, traffic control devices, and other obstructions that are inconsistent with use by pedestrians and those who attempt to walk around the obstructions are at an increased risk of being struck by a vehicle. The city has experienced an increase in the number of pedestrians remaining on medians at high-traffic intersections for extended periods. It is not safe for pedestrians to remain on these medians as they are at risk of being struck by the large volume of traffic travelling through these intersections at high rates of speed. Their presence on the medians also distracts drivers focused on not striking them as they navigate through these high-traffic intersections. The purpose of these sections is to establish a narrowly tailored regulation intended to protect public safety related to pedestrians in roadways and drivers passing through high-traffic intersections on the identified arterial roadways within the city.

Section 25-1101. DEFINITIONS. For the purposes of Sections 25-1100 through 25-1104, the following terms shall have the meaning given them in this section.

a. "Arterial roadway" means the following roadways within the city:

1. Brooklyn Boulevard (CSAH 152);

2. Bass Lake Road (CSAH 10), located between the western jurisdictional boundaries of the city and Trunk Highway 100; and

3. Trunk Highway 252.

b. "High-traffic intersection" means the following intersections on arterial roadways controlled by traffic signals:

1. Brooklyn Boulevard and 69th Avenue;

2. Brooklyn Boulevard and 68th Avenue;

3. Brooklyn Boulevard and I-94 Westbound Ramps;

4. Brooklyn Boulevard and I-94 Eastbound Ramps;

5. Brooklyn Boulevard and 63rd Avenue;

6. Brooklyn Boulevard and 65th Avenue;

7. Brooklyn Boulevard and Bass Lake Road;

8. Brooklyn Boulevard and 55th Avenue;

9. Brooklyn Boulevard and TH 100 Southbound Ramps;

10. Brooklyn Boulevard and TH 100 Northbound Ramps;

11. Bass Lake Road and Xerxes Avenue;

12. Bass Lake Road and Northway Drive (eastern most intersection);

13. Bass Lake Road and Shingle Creek Parkway;

14. Bass Lake Road and TH 100 Southbound Ramps;

15. Bass Lake Road and TH 100 Northbound Ramps;

16. Trunk Highway 252 and 66th Avenue;

17. Trunk Highway 252 and 70th Avenue; and

18. Trunk Highway 252 and 73rd Avenue.

c. "Median" means a paved or unpaved area dividing a street or highway that separates lanes of traffic traveling in opposite directions, or, in the case of separated turn lanes, vehicles traveling in the same direction.

d. "Roadway" means the travelled portion and median of a street or highway.

Section 25-1102. PROHIBITION. No person shall be on a median within 300 feet of a high-traffic intersection unless the person is in the process of legally crossing the roadway. This prohibition applies to both the median on the arterial roadway and the median on the intersecting roadway. A person shall not be considered to be in the process of legally crossing a roadway, and it shall be prima facie evidence of a violation of this section, if a person stays on a median through two consecutive opportunities to cross the roadway in accordance with the crossing signal and state law.

Section 25-1103. EXCEPTIONS. The prohibitions in Section 25-1102 shall not apply to any of the following:

a. Any person engaged in law enforcement or rescue activities, including providing assistance to an injured or disabled vehicle or person;

b. Any person engaged in the emergency repair of their vehicle; or

c. Any public works staff or public contractors engaged in the maintenance, repair, or improvement of a roadway or related public facilities, or public utility workers installing, maintaining, repairing, or removing public utilities.

Section 25-1104. PENALTY. A violation of Section 25-1102 is a petty misdemeanor offense and shall also constitute an administrative offense subject to issuance of an administrative citation and civil penalties as provided in Sections 18-201 through 18-212. A person who violates Section 25-1102 may be issued a petty misdemeanor citation or an administrative citation, but not both for the same violation. A person may be charged with a misdemeanor offense if that person violates Section 25-1102 within 12 months of the first of two prior median safety violations. For the purposes of this Section, "prior median safety violation" shall be defined as either: (a) a petty misdemeanor conviction of a violation of Section 25-1102; or (b) the payment of an administrative citation containing a violation of Section 25-1102.

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

Adopted this ___ day of _____, 2018.

_____
Mayor

ATTEST:_____
City Clerk

Date of Publication _____

Effective Date _____

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

MEDIAN SAFETY ORDINANCE

Brooklyn Center City Council Meeting

Public Hearing

June 25, 2018

FINDINGS AND PURPOSE

- Brooklyn Center has three arterial roadways that are defined by volume of traffic, vehicle speeds, and narrow medians.

- The City has experienced an increase in the number of pedestrians occupying those medians for extended periods of time.

FINDINGS AND PURPOSE

- The activity has contributed to driver distractions, a decrease in overall traffic safety, and a public safety concern expressed by citizens and law enforcement.

- The purpose of this amended ordinance is to establish a narrowly tailored regulation intended to protect public safety related to pedestrians in roadways and drivers using those identified arterial roadways.

DEFINITIONS

- ***Arterial roadways*** of concern are as follows:
  - Brooklyn Boulevard (CSAH 152) located between 69th Avenue to the north and Hwy 100 to the south.
  - Bass Lake Road (CSAH 10) located between the western jurisdictional boundaries of the city and Trunk Highway 100.
  - MN State Hwy 252 (MN 252) located between Interstate 694 (I-694) to the south and 73rd Avenue to the north.

Definitions

Continued…

- ***High-traffic intersections*** are intersections on arterial roadways controlled by traffic signals.

- ***A median*** is a paved or unpaved area dividing a street or highway that separates lanes of traffic traveling in opposite directions, or, in the case of separated turn lanes, vehicles traveling in the same direction.

- ***A roadway*** is the travelled portion and median of streets or highways.

HIGH-TRAFFIC INTERSECTIONS

CONTROLLED BY TRAFFIC SIGNALS

The following high-traffic intersections are controlled by traffic signals:

- Brooklyn Boulevard and 69th Avenue;
- Brooklyn Boulevard and 68th Avenue;
- Brooklyn Boulevard and I-94 Westbound Ramps;
- Brooklyn Boulevard and I-94 Eastbound Ramps;

HIGH-TRAFFIC INTERSECTIONS

CONTROLLED BY TRAFFIC SIGNALS

Continued…

- Brooklyn Boulevard and 65th Avenue;
- Brooklyn Boulevard and 63th Avenue;
- Brooklyn Boulevard and Bass Lake Road;
- Brooklyn Boulevard and 55th Avenue;
- Brooklyn Boulevard and TH 100 Southbound Ramps;

HIGH-TRAFFIC INTERSECTIONS

CONTROLLED BY TRAFFIC SIGNALS

Continued…

- Brooklyn Boulevard and TH 100 Northbound Ramps*;
- Bass Lake Road and Xerxes Avenue;
- Bass Lake Road and Northway Drive (eastern most intersection);
- Bass Lake Road and Shingle Creek Parkway;
- Bass Lake Road and TH 100 Southbound Ramps; and

* Will have semaphore in October of 2018

HIGH-TRAFFIC INTERSECTIONS

CONTROLLED BY TRAFFIC SIGNALS

Continued…

- Bass Lake Road and TH 100 Northbound Ramps;
- Trunk Highway 252 and 66th Avenue;
- Trunk Highway 252 and 70th Avenue;
- Trunk Highway 252 and 73rd Avenue;

PROHIBITION

- No person shall be on a median within 300 feet of a high-traffic intersection unless the person is in the process of legally crossing the roadway.

- The prohibition applies to both the median in the arterial roadway and the median on the intersecting roadway.

- A person shall not be considered to be in the process of legally crossing a roadway, and it shall be prima facie evidence if the person stays on a median through two consecutive light changes.

EXCEPTIONS

- Any person engaged in law enforcement or rescue activities, including providing assistance to an injured or disabled vehicle or person.

- Any person engaged in the emergency repair of their vehicle.

- Any public works staff or public contractor engaged in the maintenance, repair, or improvement of a roadway, public facility, or public utility.

PENALTY

- A violation of this section is considered:
  - A petty misdemeanor offense and constitutes as an administrative offense.
  - Chargeable with either an administrative citation or a petty misdemeanor citation but not both.

PENALTY

Continued…

- A person may be charged with a misdemeanor if that person has violated the ordinance within 12 months of the first of two prior median violations.

  - A ***prior median safety violation*** is defined as being charged with either a petty misdemeanor or an administrative citation.

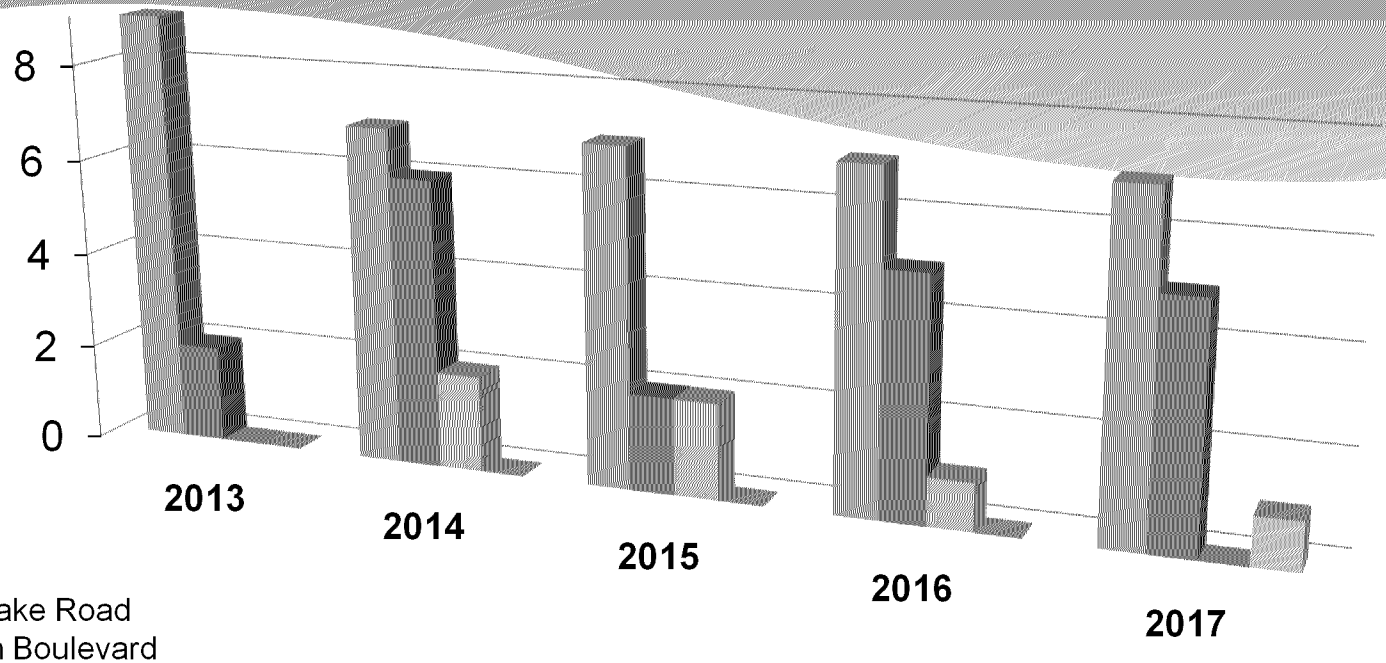
SPEED RELATED TO DEATHS

A study in London and in Australia discovered that increased speeds resulted in an increased risk of pedestrian death.

Relationship of Vehicle Speed to Odds of Pedestrian Death in Collision

VEHICLE RATE OF SPEED	*UNITED KINGDOM* ODDS OF PEDESTRIAN DEATH[1]	*AUSTRALIA* ODDS OF PEDESTRIAN DEATH[2]
20 MPH	5%	5%
30 MPH	45%	37%
40 MPH	85%	83%

CAR VS. PEDESTRIAN ACCIDENTS

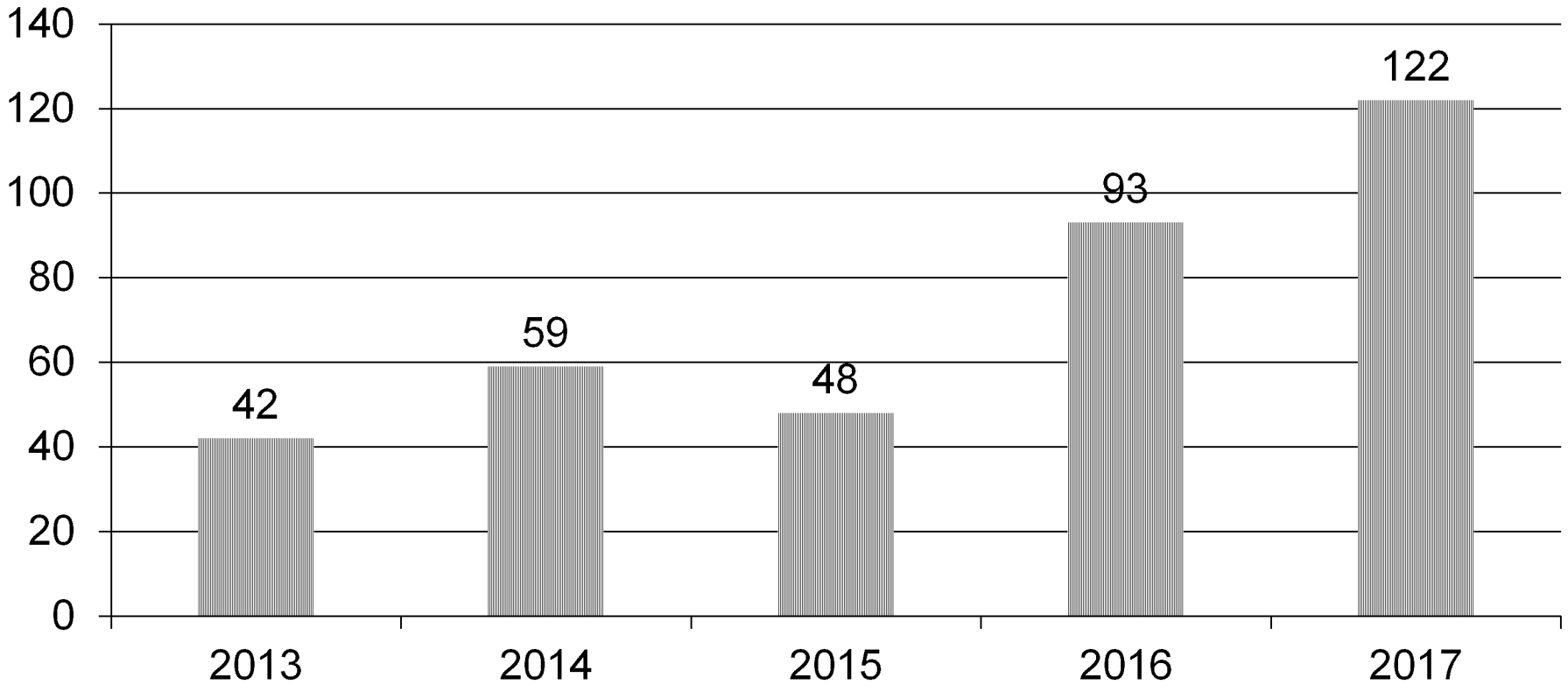


BSL: Bass Lake Road
BB: Brooklyn Boulevard
252: MN-252

	2013	2014	2015	2016	2017
Total Car vs. Pedestrian Accidents	9	7	7	7	7
Occurred on BSL, BB or 252	2	6	2	5	5
Fatal Accidents on BSL, BB or 252	0	2	2	1	0
Victim in the Act of Panhandling	0	0	0	0	1

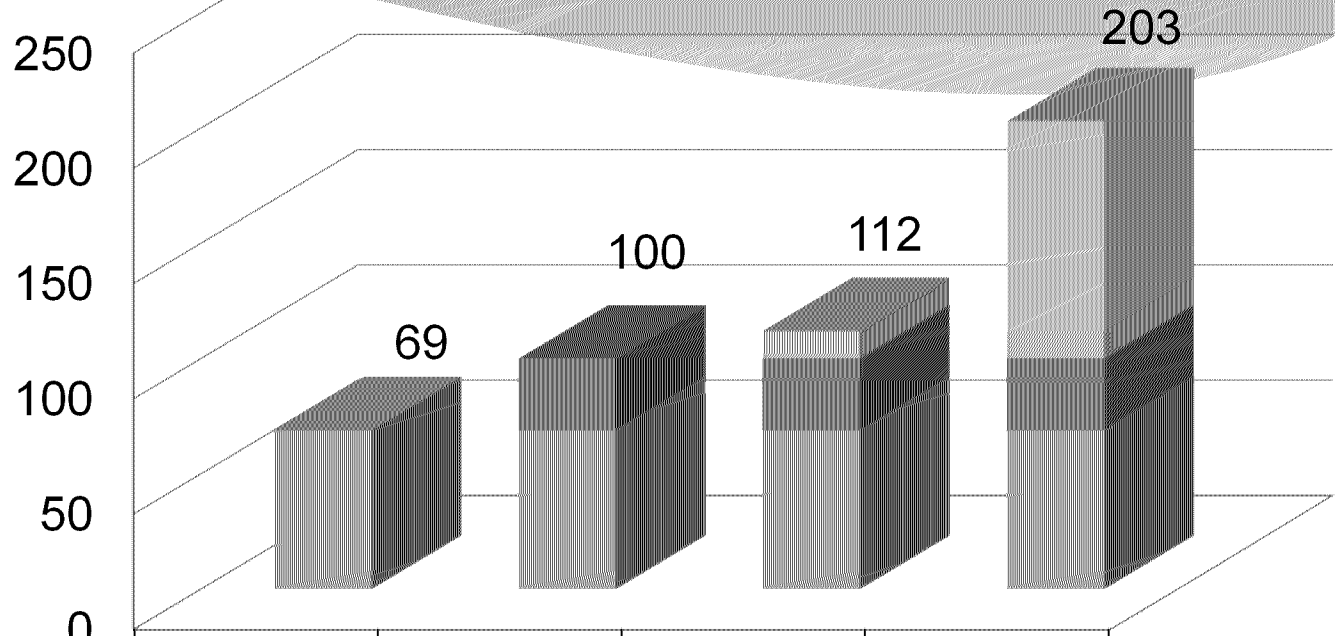
- The 2017 data is not available for MN-252 as of 6/18/18.
- Weren't able to determine if pedestrian victims on MN-252 were in the act of panhandling.

PUBLIC SAFETY CONCERNS/PANHANDLING



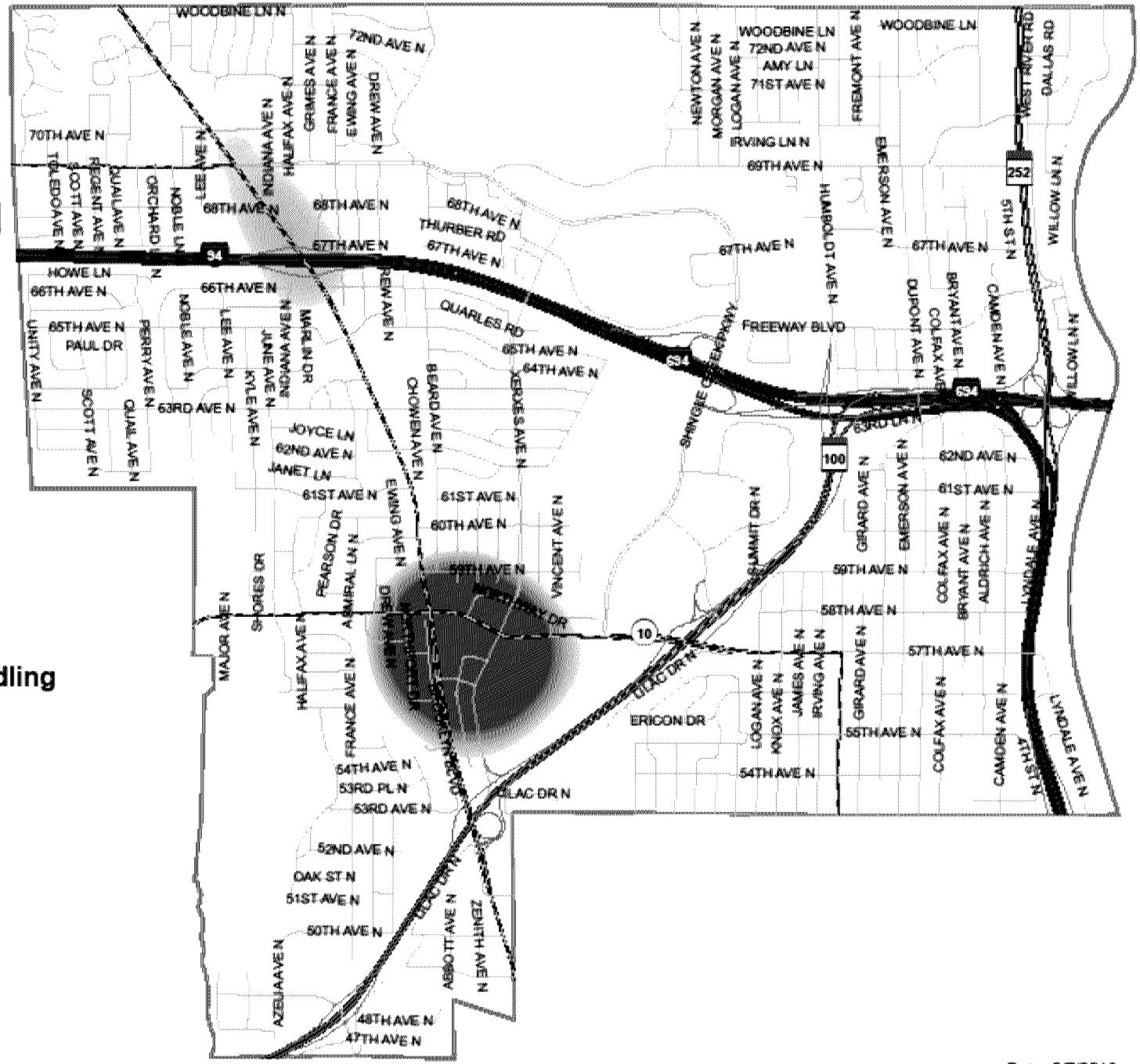
PROXIMITY

Public Safety Concern/Panhandling Locations and Proximity to Bass Lake Road, Brooklyn Boulevard and MN-252 (5-Year History)



	Calls Generated	25'	100'	200'
200' off of BSL, BB or 252				91
100' off of BSL, BB or 252			12	12
25' off of BSL, BB or 252		31	31	31
Calls Generated on BSL, BB or 252	69	69	69	69

2013-2017 Median Safety/ Panhandling Density



Legend

Median Safety/Panhandling

- High
- Low

N

Date: 5/7/2018

QUESTIONS?

City Council Agenda Item No. 9a

COUNCIL ITEM MEMORANDUM

DATE: June 25, 2018

TO: Curt Boganey, City Manager

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Ginny McIntosh, City Planner/Zoning Administrator

SUBJECT: Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2018-009, Submitted by Neal Thao of Noble Academy, Requesting Site Plan Approval for a Driveway Expansion (6201 Noble Avenue North)

Recommendation:
It is recommended that the City Council, following consideration of this Planning Commission Application item, adopt the resolution regarding the disposition of Planning Commission Application No. 2018-009, submitted by Neal Thao of Noble Academy, requesting approval of a revised site plan for the expansion of the bus driveway area of the property located at 6201 Noble Avenue North, along with associated site improvements. Approval is subject to the Applicant/Property Owner complying with the conditions outlined in the Site Plan and Documents Approval Section of the Planning Commission Staff Report last dated June 14, 2018 (attached), with the exception of the noted amendment to the conditions below.

Background:
On April 12, 2018, the Planning Commission reviewed Application No. 2018-005, submitted by Neal Thao of Noble Academy, for the requested approval of a site plan to expand upon the existing parking lot and driveway areas for the property located at 6201 Noble Avenue North. This request is associated with plans to re-open the former Odyssey Academy, which closed in 2017, as Nompeng Academy, and improve the overall site circulation, accommodation, and student safety. As site approvals do not require a public hearing, no notice was published in the Brooklyn Center *Sun Post*, and no mail notices were sent.

The Planning Commission reviewed the aforementioned application and asked questions of City staff and the Applicant. Following discussion, the Planning Commission voted unanimously (6-0) in favor of the requested approval of the site plan, subject to the Applicant working with City staff to identify the minimum drive aisle required to accommodate emergency vehicles (e.g., fire trucks) within the proposed bus-only drive area. A discussion with Fire Inspector Brandon Gautsch and Building Official Dan Grinsteinner determined that, per City Fire Code Section 503.2.1 (*Dimensions*), a minimum 20 foot wide fire apparatus access road was required. This information was relayed to the Applicant who agreed to the revised 20-foot wide bus driveway aisle requirement.

Following a review of the aforementioned staff report and draft resolution, the City Council unanimously approved Planning Commission Application No. 2018-005 on April 23, 2018, under Resolution No. 2018-94.

The Applicant has since updated their plans and is requesting approval of a revised plan that would construct a one-way, bus-only driveway to 63rd Avenue North, rather than Noble Avenue North. As

the April approval would have required the re-circulation of the existing drop-off and angled parking area along the front of the school as a means to minimize the likelihood of traffic backups between the existing northern curb cut to the drop-off area and then proposed bus-only driveway, the Applicant determined that it would be better to relocate the bus driveway in order to retain the existing circulation of the drop-off area. Unless otherwise noted, the plans to expand the parking area, install a dry pond, and conduct other improvements as noted on the approved April 2018 plans would not change.

The Planning Commission reviewed the revised site plans at their meeting on June 14, 2018, and asked questions of City staff and representatives of the Applicant. Four residents from Perry Avenue North, located west and north of the Subject Property, were present at the meeting. The residents asked questions and voiced concerns relating to the project, including the addition of lighting along the revised bus driveway location that would run north to 63rd Avenue North, and the potential for the storage of buses at the Subject Property overnight and for reasons other than pickups, drop-offs, or as part of school activities.

Additional concerns were voiced regarding the removal of the pedestrian sidewalk running west to east from Perry Avenue North to the parking lot on the Subject Property, which is to be replaced, the expansion of the parking lot, and the "boulders" currently located near where the basketball court used to be. It has since been clarified that the "boulders" are in actuality landscaping stones to be located near the school's community garden. Planning Commissioners walked through the submitted site plans with the residents and requested clarification of their concerns. City staff and representatives of the Applicant were present at the Planning Commission meeting to clarify the proposal and answer questions.

Based on these discussions, the Planning Commission unanimously (6-0) approved Planning Commission Application No. 2018-009, subject to an amendment to incorporate an additional condition that would prohibit the overnight storage of school buses, and for other reasons than the pickup and drop off of students, or as part of school activities. It was also requested that the Applicant work with City staff through the building/land alteration permit process as part of any final approval of the proposed bus driveway to 63rd Avenue North to identify whether it would be possible to place the light poles along the revised bus driveway on a timer.

As part of these continued conversations, City staff will be meeting with three Perry Avenue North residents on Friday, June 22, on the Subject Property to walk through the approved site plans and the proposed bus driveway and associated improvements. Representatives of the Applicant have indicated their availability to meeting on site with the residents as well if requested.

Attached for your review are copies of the revised Planning Commission Staff Report and exhibits dated June 14, 2018, City Council Resolution No. 2018-94, which was approved on April 23, 2018, and a copy of the Council resolution related to the revised site plan.

Budget Issues:
There are no budget issues to consider.

Strategic Priorities:
- Targeted Redevelopment

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2018-009, SUBMITTED BY NEAL THAO OF NOBLE ACADEMY, REQUESTING SITE PLAN APPROVAL FOR A DRIVEWAY EXPANSION (6201 NOBLE AVENUE NORTH)

WHEREAS, Planning Commission Application No. 2018-009 was submitted by Neal Thao of Noble Academy requesting consideration of a revised Site Plan approval for the proposed relocation of a bus-only driveway for the Subject Property located at 6201 Noble Avenue North; and

WHEREAS, on April 12, 2018, the Planning Commission received and reviewed a planning report and Assistant City Engineer's memorandum on the proposed Site Plan for a parking lot and bus-only driveway expansion that would have resulted in a third curb cut on Noble Avenue North for the Subject Property to provide egress for school buses under Planning Commission Application No. 2018-005; and

WHEREAS, the Planning Commission unanimously recommended City Council approve Planning Commission Application No. 2018-005; and

WHEREAS, on April 23, 2018, the City Council received and reviewed the planning report and Assistant City Engineer's memorandum and unanimously approved Planning Commission Application No. 2018-005; and

WHEREAS, following approval of Planning Commission Application No. 2018-005, the Applicant contacted City staff and indicated a desire to redirect a portion of the bus-only driveway from Noble Avenue North to 63rd Avenue North, retain the existing traffic circulation along the angled parking and drop-off area at the front of the school, and provide other related site improvements; and

WHEREAS, on June 14, 2018, the Planning Commission received and reviewed Planning Commission Application No. 2018-009, which included a revised planning report and Assistant City Engineer's memorandum on the requested revisions to the proposed Site Plan; and

WHEREAS, in utilizing the guidelines and standards for evaluating site and building plans, as contained in Section 35-230 (Plan Approval) of the City's Zoning Ordinance, along with consideration of the goals and objectives of the City's Comprehensive Plan, the Planning Commission considers this Site Plan an appropriate and reasonable improvement to the subject property.

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota, hereby recommends to the City Council that the revised Site Plan for the proposed driveway expansion, located at 6201 Noble Avenue North, and as comprehended under Planning

RESOLUTION NO.

Commission Application No. 2018-009, may be approved based on the following considerations:

A. The revised Site Plan is compatible with the standards, purposes and intent of the City's Zoning Ordinance;

B. The improvements and utilization of the property as proposed under the planned improvements to this site is considered a reasonable use of the property and will conform with ordinance standards by allowing bus traffic to utilize a bus-only egress off 63rd Avenue North;

C. The Site Plan proposal is considered consistent with the recommendations of the City's Comprehensive Plan for this area of the city as it is designated for a school use;

D. The Site Plan proposal appears to be a good long range use of the existing site, particularly in preparation of their fall 2018 opening, and the proposed bus driveway and other site improvements can be considered an asset to the community; and

E. Based upon the above considerations, it is believed that the guidelines for evaluating and approving a Site Plan, as contained in Section 35-230 (Plan Approval) of the City's Zoning Ordinance, are met and the site plan proposal is, therefore, in the best interest of the community, as its intent is to address safety-related concerns and site space needs in order for the Subject Property to continue its use as a school.

AND WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota, hereby further recommends the City Council approve Planning Commission Application No. 2018-009, subject to the following considerations and conditions:

1. **Building and Site Plan and Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants and other fire related building code items shall be reviewed and approved by the Fire Inspector.
    a. Unless otherwise specifically noted, the site plan approvals adopted as part of City Council Resolution No. 2018-94 and under Planning Commission Application No. 2018-005 are still en force. This includes, but is not limited to the expansion of the parking lot area and installation of a dry pond. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site Plan as approved by the City Council.
    b. A pre-construction conference shall be held with City staff and

other entities designated by the City prior to issuance of a Building Permit/Land Disturbance (Alteration) Permit.

2. **Agreements:**
   a. The owner of the property shall enter into a utility, facilities, and easement agreement for maintenance and inspection of utility and storm drainage systems as approved by the City Engineer prior to the issuance of building permits.
   b. The Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications and standards comprehended under this Site Plan.
   c. The Developer shall submit an as-built survey of the property, improvements and utility service lines prior to release of the performance guarantee.

3. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memo, dated June 11, 2018 (Exhibit E).
   a. A City land disturbance (alteration) permit is required.
   b. Final grading, drainage, utility and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.

4. **Construction Standards:**
   a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Department.
   b. Unless otherwise determined, the Applicant shall obtain an NPDES construction site erosion permit from the Minnesota Pollution Control Agency prior to disturbing the site.
   c. All work performed and materials used for construction of utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.

5. **Facilities and Equipment:**
   a. Any outside trash disposal facilities, roof top or on ground mechanical equipment shall be appropriately screened from view per City requirements.
   b. The proposed approximately 18-foot by 9-foot trash enclosure shall be constructed with building materials that are complementary to the principal building (school building) and fully screen all waste and recycling containers.

c. There shall be no storage of school buses on the Subject Property, located at 6201 Noble Avenue North, except as required for the pickup and drop off of students, and as part of legitimate school activities. School buses shall not be stored overnight at the Subject Property.

6. **Landscaping:** All landscaped areas, including street boulevards, shall include approved irrigation systems to facilitate site maintenance.
   a. The Applicant shall provide a revised landscape plan that will provide screening along parking areas (i.e. front parking lot along Noble Avenue North, main parking area, and bus driveway/parking) as part of any Building Permit/Land Disturbance (Alteration) approval.
   b. Per City requirements, an irrigation system is required.
   c. The contractor shall submit irrigation shop drawings for review and approval prior to installation.

7. **Signage:** Signage for the Subject Property is subject to the Chapter 34 (*Sign Ordinance*) and the approved special use permit provisions for the dynamic messages sign along Noble Avenue North.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Commission Application No. 2018-009, as submitted by Neal Thao of Noble Academy, requesting approval of a revised Site Plan to partially relocate a previously approved bus driveway for the property located at 6201 Noble Avenue North, along with other associated site improvements, is hereby approved subject to the conditions memorialized herein.

June 25, 2018
Date

Mayor

ATTEST: _____
City Clerk

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

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

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

Member April Graves introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-94

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2018-005, SUBMITTED BY NEAL THAO OF NOBLE ACADEMY, REQUESTING SITE PLAN APPROVAL FOR A PARKING LOT AND DRIVEWAY EXPANSION (6201 NOBLE AVENUE NORTH)

WHEREAS, Planning Commission Application No. 2018-005 was submitted by Neal Thao of Noble Academy requesting consideration of Site Plan approval for a proposed expansion of the parking lot and driveway areas for the subject property located at 6201 Noble Avenue North; and

WHEREAS, on April 12, 2018, the Planning Commission received and reviewed a planning report and Assistant City Engineer's memorandum on the proposed Site Plan and improvements for the proposed parking lot and driveway expansion; and

WHEREAS, in utilizing the guidelines and standards for evaluating site plans, as contained in Section 35-230 (Plan Approval) of the City's Zoning Ordinance, along with consideration of the goals and objectives of the City's Comprehensive Plan, the Planning Commission considers this Site Plan an appropriate and reasonable improvement to the subject property.

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota, hereby recommends to the City Council that the Site Plan for the proposed parking lot and driveway expansions, located at 6201 Noble Avenue North, and as comprehended under Planning Commission Application No. 2018-005, may be approved based on the following considerations:

A. The Site Plan is compatible with the standards, purposes and intent of the City's Zoning Ordinance;

B. The improvements and utilization of the property as proposed under the planned improvements to this site is considered a reasonable use of the property and will conform with ordinance standards;

C. The Site Plan proposal is considered consistent with the recommendations of the City's Comprehensive Plan for this area of the city as it is designated for a school use;

D. The Site Plan proposal appears to be a good long range use of the existing site and the proposed parking lot and driveway expansion improvements can be considered an asset to the community; and

E. Based upon the above considerations, it is believed that the guidelines for evaluating and approving a Site Plan, as contained in Section 35-230 (Plan

Approval) of the City's Zoning Ordinance, are met and the site plan proposal is, therefore, in the best interest of the community.

AND WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota, hereby further recommends the City Council approve Planning Commission Application No. 2018-005, subject to the following considerations and conditions:

1. **Building and Site Plan and Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants and other fire related building code items shall be reviewed and approved by the Fire Inspector.
    a. Any major changes or modifications made to this Site Plan can only be made by an amendment to the approved Site Plan as approved by the City Council. Per a review of the submitted plans, staff is recommending that the following changes be incorporated as part of site plan approval and under the building permit process:
        i. The proposed bus-only driveway and driveway apron shall be relocated away from the property line and residential property to the north.
        ii. The proposed three (3) space hammerhead is to be removed.
        iii. The proposed one-way drop off along Noble Avenue North shall be re-directed and the angled parking spaces shall be changed accordingly. Should the three parking spaces proposed at the hammerhead be necessary, these spaces may be shifted to the angled parking along Noble Avenue North.
        iv. The bus-only driveway shall be re-configured and one 90-degree bus parking space removed in order to meet the minimum fire apparatus access road requirements of the City's Fire Code.
    b. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit/Land Disturbance (Alteration) Permit.

2. **Agreements:**
    a. The owner of the property shall enter into a utility, facilities, and easement agreement for maintenance and inspection of utility and storm drainage systems as approved by the City Engineer prior to the issuance of permits.
    b. The Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which

ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications and standards comprehended under this Site Plan.

c. The Developer shall submit an as-built survey of the property, improvements and utility service lines prior to release of the performance guarantee.

3. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memo, dated April 4, 2018 (Exhibit D).
   a. A City land disturbance (alteration) permit is required.
   b. Final grading, drainage, utility and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.

4. **Construction Standards:**
   a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Department.
   b. The Applicant shall obtain an NPDES construction site erosion permit from the Minnesota Pollution Control Agency prior to disturbing the site.
   c. All work performed and materials used for construction of utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.

5. **Facilities and Equipment:**
   a. Any outside trash disposal facilities and roof top or on ground mechanical equipment shall be appropriately screened from view per City requirements.
   b. The proposed 20-foot by 13-foot trash enclosure shall be constructed with building materials that are complementary to the principal building (school building) and fully screen all waste and recycling containers.

6. **Landscaping:** All landscaped areas, including street boulevards, shall include approved irrigation systems to facilitate site maintenance.
   a. The Applicant shall provide a revised landscape plan that will provide screening along parking areas (i.e. front parking lot along Noble Avenue North, main parking area, and bus driveway/parking)as part of any Building Permit/Land Disturbance (Alteration) approval.
   b. Per City requirements, an irrigation system is required.

RESOLUTION NO. 2018-94

c. The contractor shall submit irrigation shop drawings for review and approval prior to installation.

7. **Signage:** Signage for the Subject Property is subject to the Chapter 34 (*Sign Ordinance*) and the approved special use permit provisions for the dynamic messages sign along Noble Avenue North.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Commission Application No. 2018-005, as submitted by Neal Thao of Noble Academy, requesting approval of a Site Plan to expand upon the existing parking and driveway areas for the property located at 6201 Noble Avenue North, is hereby approved subject to the conditions memorialized herein.

April 23, 2018
Date

Tim Willson
Mayor

ATTEST: Barbara Gardner
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member Dan Ryan
and upon vote being taken thereon, the following voted in favor thereof:
Tim Willson, April Graves, Kris Lawrence-Anderson, DAn Ryan
and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

Planning Commission Report

Meeting Date: June 14, 2018

- Application Filed: 05/18/2018
- Review Period (60-day) Deadline: 07/21/2018
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No.	2018-009
Applicant:	Neal Thao (Noble Academy)
Location:	6201 Noble Avenue North
Request:	Site Plan Approval for Driveway Expansion and Related Improvements (Revised)

INTRODUCTION

Neal Thao, Superintendent of the Noble Academy ("the Applicant"), is requesting the revised review and consideration of a site plan that was initially approved by Planning Commission on April 12, 2018, and by City Council on April 23, 2018. This re-submittal would revise the previously approved construction of a one-way, bus-only driveway with egress off Noble Avenue North and relocate its egress off 63rd Avenue North. The Subject Property is the former site of the Odyssey Academy and Orchard Lane Elementary School and is located at 6201 Noble Avenue North.

As part of this request, the Applicant also seeks to retain the existing circulation of the angled parking and drop-off area located along the front of the school. Under the previous approval in April, the Applicant would have been required to circulate traffic in the opposite direction in order to minimize the likelihood of traffic backups. This was due to the relative proximity of the existing drop-off area entrance and the then-proposed bus-only driveway egress. The Applicant still intends to expand the existing parking lot area per the site plans approved in April 2018 and has submitted a building permit application to the City for the construction of the expanded parking lot area, dry pond, trash enclosure, and the segment of bus-only driveway that will remain in the same location along the back of the school building (west elevation). Please refer to Exhibit A.

This request is associated with the Applicant's plans to open Nompeng Academy in the fall of 2018. The school intends to serve students aged kindergarten through eighth grade and would operate as a Noble Academy School. The existing Noble Academy, located in Brooklyn Park, currently serves approximately 1,000 students, and has a waiting list of at least 200 students. This application would facilitate identified site improvements in advance of the proposed fall opening of the Noble Academy's second school site.

COMPREHENSIVE PLAN AND ZONING STANDARDS

Land Use Plan:	S-Schools
Neighborhood:	Kylawn
Current Zoning:	R1 (One Family Residence) District
Surrounding Zoning:	North: R1 (One Family Residence) District

East: R1 (One Family Residence) District
South: Airport Overlay District-City of Crystal (Crystal Mac Wildlife Area)
West: R1 (One Family Residence) District

Site Area: 13.39 acres (per submitted plans)

BACKGROUND

The Subject Property, located at 6201 Noble Avenue North, was constructed in 1965 as the Orchard Lane Elementary School. Orchard Lane was subsequently closed and the Odyssey Academy opened, where it remained for 19 years before closing last year (2017). The existing school building is approximately 54,800-square feet in size and one story in height.

Pursuant to City Zoning Code Section 35-310, Subpart 2, "Public and private elementary and secondary schools offering a regular course of study accredited by the Minnesota Department of Education" are allowed by special use permit in the R1 (One Family Residence) District. The City is unable to determine through historical records if the Property was ever approved with an original special use permit to operate the school. For all intents and purposes, the Subject Property has functioned as a school use since 1965. In 1993, Planning Commission Application No. 93-017 was reviewed and approved by the Planning Commission and City Council for a 2,800-square foot addition, interior remodeling and expansion, and an expansion to the parking area. As part of this Application, a special use permit was issued "ex post facto" for the school use (Exhibit B).



Map 1. Existing Site Configuration of Subject Property (6201 Noble Avenue N).

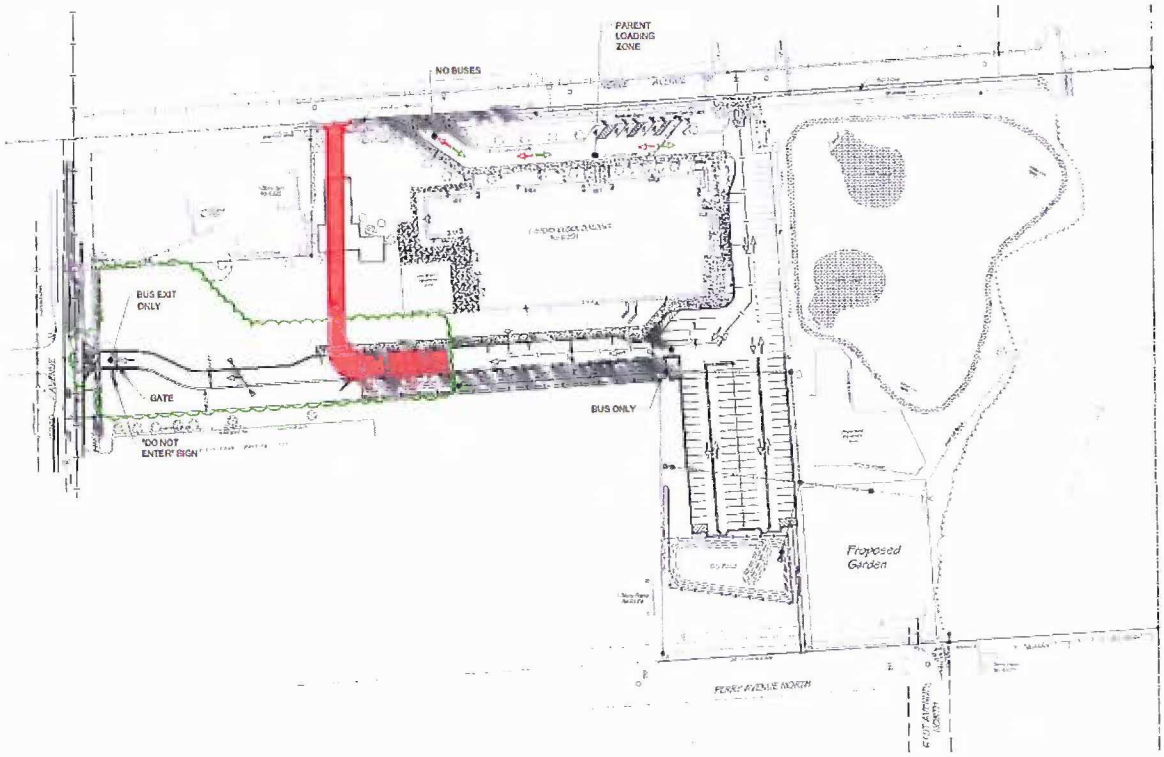
SITE PLAN APPROVAL

In anticipation of the school opening in fall 2018, the Applicant applied for and subsequently received approval for site plan improvements to expand the existing parking lot area and construct a one-way, bus-only driveway with egress off Noble Avenue North, along with other associated site improvements. Installation of the proposed bus driveway would have resulted in a total of three cuts along Noble

Avenue North. As a condition of approval, the existing angled parking and drop-off area along the front of the building would have also required re-circulation of the traffic pattern due to concerns relating to traffic backups in the mornings and afternoons and the proximity of the then-proposed bus driveway to the front drop-off area exit.

Following approval of the as-proposed site plan improvements in April 2018, the Applicant determined that a bus egress off 63rd Avenue North would serve the school better and contacted City staff to request a revised review and approval for this alteration. Other than the relocation of the bus-only driveway, request to maintain the existing circulation along the existing angled parking and drop-off area along the front of the building, and addition of light poles along the bus driveway, all other aspects of the project and prior approvals in April are to remain substantially the same. For clarification, the Applicant has provided a revised site plan that indicates the requested removals, as initially proposed and approved in the April site plan approvals (denoted in red), and requested changes as part of this application (denoted in green) in Image 1 below:

Image 1. Revised Site Plan-Nompeng Academy.



In conversations with the Applicant and other school staff, it was identified that the school would likely have an anticipated maximum enrollment of between 350 and 530 students attending kindergarten through eighth grade. With this in mind, there would be an anticipated 40 to 50 teaching and other school staff on site.

Access and Parking

The Applicant intends to maintain the primary ingress and egress access to the school property via two existing curb cuts along Noble Avenue North. The existing northerly drive, located along the front of the school, allows for one way ingress and limited angled parking. The southerly, full access drive provides

on-site, 90-degree car parking. In total, there are currently 69 parking spaces on site.

As proposed, an additional 41 regular parking spaces would be added to the site, along with 12 bus bays. A third curb cut is proposed for egress off 63rd Avenue North and would serve as a relief for buses from general traffic utilizing the existing egress off Noble Avenue North. This bus driveway would feature seven (7) parallel parking spaces for buses. An additional three (3) 90-degree parking spaces and two (2) parallel spaces along the south elevation of the school building are noted on the submitted plans as reserved for bus parking. The intent of the bus-only driveway and parking is safety-related and intended to provide direct access for students to and from the buses from the sidewalk behind the school, rather than requiring students to cross the parking lot.

As part of the revised plans to run the proposed bus-only driveway straight north to 63rd Avenue North rather than Noble Avenue North (as proposed in the April 2018 plan submittal), the Applicant would be seeking to install a gate that would remain closed between the times of morning drop-off and afternoon pick-ups by the school buses. Signage, in conformance with Chapter 34 (Sign Ordinance), would be utilized as well to notify drivers of the one-way traffic circulation and use of the driveway as a bus egress only.

Upon the request of City staff, the Applicant did provide plans noting the proposed circulation of buses utilizing the bus driveway, as well as an updated traffic flow plan (Exhibit C). In addition, a memo was prepared by J. Kou Vang of JB Vang Construction and submitted to City staff outlining the proposed population of students utilizing bus transportation versus walking, biking, or utilizing parent transportation, as well as Nompeng Academy's estimated drop off and pick up schedules (Exhibit D).

In a conversation with the Applicant and school staff, it was indicated that the existing Noble Academy in Brooklyn Park has 19 buses available for 1,000 students. As the Applicant estimates that nearly all students will rely on the school's bus service at the proposed Nompeng Academy, a minimum of eight to ten buses would be necessary to transport students. As proposed on the site plan, 12 bus parking spaces would be provided.

The proposed bus access driveway would be located 25 feet from the property line shared with Unity Temple Church of God in Christ (4801 63rd Avenue North), and approximately 97 feet from the residential properties located along Noble Avenue North. The bus-only driveway would provide a minimum 20-foot wide driveway aisle, which is the minimum necessary for fire access roads under the Fire Code.

The Applicant will need to adhere to the minimum off-street parking requirements under the City's Zoning Ordinance (Chapter 35). This includes conformance with the minimum width, depth, and drive aisle spacing requirements. In conducting a review of the parking requirements under Planning Commission Application No. 93-017, it was noted that, "there is no established parking formula for schools in the Zoning Ordinance and we have tended to look at the number of full time and part time employees as being a basis for determining adequate onsite parking."

As it is estimated that a maximum of 40 to 50 staff would be located at the school, a minimum of 50 parking spaces would be necessary. As proposed, sufficient parking would be provided for staff given a proposed 110 parking spaces for cars and an additional 12 bus bays. The 2015 Minnesota Accessibility Code requires a minimum of five accessible parking spaces given a range of between 101 to 150 parking spaces. The proposed plans indicate that the minimum five spaces would be provided.

The Applicant shall work with the Fire Inspector to ensure the site plan meets 2015 Minnesota Fire Code provisions, including, but not limited to: maximum distance from fire hydrants, direct emergency access to riser/utility room, and minimum turn radius requirements for fire trucks.

LIGHTING | TRASH | SCREENING

Lighting

The submitted photometric plan notes that all new luminaires will be LED with cutoff style lenses. The Applicant has also indicated that the proposed lighting would meet the requirements of Section 35-712 (*Lighting*) of the City Zoning Code by not exceeding three (3) foot candles measured at property lines abutting residentially zoned property. As is specified, no glare shall emanate from or be visible beyond the boundaries of the illuminated premises.

The photometric plan notes that the maximum number of foot candles for any light poles or wall-pack fixtures would be not more than 0.45 foot candles on average, with a maximum less than one (1) foot candle noted along the property lines. As proposed, 13 wall-pack style fixtures would be installed around all four sides of the school building. Nine 33-foot high light poles would either be replaced or newly installed along the perimeter of the main parking lot and bus-only driveway.

Trash

As revised, the site would feature an approximately 18-foot by 9-foot trash enclosure and a six-foot high masonry wall. This enclosure would be located approximately 75 feet west of the school building, and across the proposed bus-only driveway. The City has normally viewed these areas as "accessory structures," which are permitted with a minimum required setback of three (3) feet from side and rear lot lines. Per City Code, trash containers are to be fully enclosed through use of fence or masonry type materials complementary to the principal building, and which effectively screen any dumpsters or recycling containers within.

Screening

The trash containers and any other ground mounted equipment (e.g., transformers, mechanical) shall be effectively screened from adjacent public rights-of-way and properties by a solid wall or fence constructed of wood, masonry, or other durable materials that are complementary to the materials used on the primary building.

Landscaping

The project submittal includes a revised landscape plan; however, no planting schedule was provided. Although City Code does not have any specific requirements on landscaping types and species, the City has operated under and held new and redeveloped areas to complying with the City's adopted Landscape Point System Policy, which assigns points to a given site based on the acreage of a development.

As "schools" are not specifically outlined as a use under the Landscape Point System Policy, staff reviewed the submitted plans to determine whether adequate screening would be provided for the parking areas. Per Section 35-711 (*Parking Lot Screening*), "such off-street parking and loading areas within any yards which abut along a street which is residentially zoned on the side opposite shall be screened from street view by a screening device as approved by the City Council."

Per the staff report submitted with Planning Commission Application No. 93-017, the then-Applicant

proposed incorporating 17 Globe Arborvitae and five American Dark Green Arborvitae to be interspersed between the existing Ash trees along the front of the school (facing Noble Avenue North) to provide screening for the parking. Additional plantings were placed in strategic locations to camouflage the parking areas. Based on a review of the submitted Landscape Plan, the Ash trees appear to still be in place, but no Arborvitae are noted on the plans.

No landscaping is noted in front of the angled parking spaces along Noble Avenue North and there appear to be no trees or shrubs noted for screening in the main parking area. As proposed, 10 sea green junipers would be installed in strategic locations near the main parking lot and bus-only driveway. Given the residential character of the neighborhood, the Applicant shall work with City staff to revise the landscape plan and install trees or shrubs in front of the parking spaces along Noble Avenue North, along the bus-only driveway, and around the main parking areas.

As part of any approval, the Applicant will need to install an irrigation system and provide shop drawings of the proposed irrigation system for City review. The landscape plan, dated May 23, 2018, notes "underground irrigation to be provided."

ASSISTANT CITY ENGINEER REVIEW

Assistant City Engineer Andrew Hogg conducted a review of the application submittal and documents. Comments regarding this application can be found in the memorandum to City staff and dated June 11, 2018, attached hereto (Exhibit E). It should be noted that some of the outlined conditions may be applicable at time of approval for future land disturbance or building permits.

The installation of all utility services and lines, and the finished grading of the Subject Property are to be reviewed and conducted under issuance of a separate Land Disturbance (Alteration) permit, which is reviewed and approved by City engineers, and inspected for completeness by City engineers and building officials. In addition, an MPCA NPDES permit is required.

As referenced, the Applicant, as part of their review, provided a copy of their completed site Stormwater Management Plan for the original April submittal and updated it for the revised submittal. Given that the proposed parking lot expansion would encroach into an existing floodplain (Flood Zone A), an additional memo was provided to offer justification that the parking lot expansion would not have an impact on the floodplain. Per Section 35-2100 (*Floodplain Management*), permitted uses within the General Floodplain District, which includes Flood Zone A, include both "residential lawns, gardens, parking areas, and play areas," and "industrial-commercial loading areas, parking areas, and airport landing strips."

FIRE INSPECTOR REVIEW

The Applicant shall work to ensure all 2015 Minnesota Fire Code requirements have been met as part of any site plan approval. This includes, but is not limited to, the minimum turn radius necessary for emergency vehicle/fire truck access.

SIGNAGE

No formal requests for approval were made as part of the application submittal. Any new signage, including wall and monument signs, would require conformance with Chapter 34 of the City Code (*Sign Ordinance*). As a note, the Subject Property received approval of a special use permit to install a dynamic messages sign (DMS) as a public use in the residential district per Section 35-140 (*Permitted Signs*). Any requests beyond the allowances identified in the Sign Ordinance and special use permit approval would

require that the Applicant apply for and receive approval to deviate from the Sign Ordinance. The Applicant will need to file a separate Building Permit application for any proposed signage.

Based on staff findings, staff recommends Planning Commission recommend Approval of the revised site plan request to relocate the previously approved bus-only driveway from Noble Avenue North to 63rd Avenue North along with other associate site improvements for the Subject Property located at 6201 Noble Avenue North; subject to the Applicant complying with the comments outlined in the Site Plan and Document Approval Conditions noted below.

SITE PLAN AND DOCUMENTS APPROVAL CONDITIONS

Staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2018-009 for the Subject Property located at 6201 Noble Avenue North:

1. **Building and Site Plan and Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants and other fire related building code items shall be reviewed and approved by the Fire Inspector.
    a. Unless otherwise specifically noted, the site plan approvals adopted as part of City Council Resolution No. 2018-94 and under Planning Commission Application No. 2018-005 are still en force. This includes, but is not limited to the expansion of the parking lot area and installation of a dry pond. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site Plan as approved by the City Council.
    b. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit/Land Disturbance (Alteration) Permit.

2. **Agreements:**
    a. The owner of the property shall enter into a utility, facilities, and easement agreement for maintenance and inspection of utility and storm drainage systems as approved by the City Engineer prior to the issuance of building permits.
    b. The Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications and standards comprehended under this Site Plan.
    c. The Developer shall submit an as-built survey of the property, improvements and utility service lines prior to release of the performance guarantee.

3. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memo, dated June 11, 2018 (Exhibit E).
    a. A City land disturbance (alteration) permit is required.
    b. Final grading, drainage, utility and erosion control plans and any other site engineering related issues are subject to review and approval by the

City Engineer prior to the issuance of permits.

4. **Construction Standards:**
   a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Department.
   b. Unless otherwise determined, the Applicant shall obtain an NPDES construction site erosion permit from the Minnesota Pollution Control Agency prior to disturbing the site.
   c. All work performed and materials used for construction of utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.

5. **Facilities and Equipment:**
   a. Any outside trash disposal facilities, roof top or on ground mechanical equipment shall be appropriately screened from view per City requirements.
   b. The proposed approximately 18-foot by 9-foot trash enclosure shall be constructed with building materials that are complementary to the principal building (school building) and fully screen all waste and recycling containers.

6. **Landscaping:** All landscaped areas, including street boulevards, shall include approved irrigation systems to facilitate site maintenance.
   a. The Applicant shall provide a revised landscape plan that will provide screening along parking areas (i.e. front parking lot along Noble Avenue North, main parking area, and bus driveway/parking) as part of any Building Permit /Land Disturbance (Alteration) approval.
   b. Per City requirements, an irrigation system is required.
   c. The contractor shall submit irrigation shop drawings for review and approval prior to installation.

7. **Signage:** Signage for the Subject Property is subject to the Chapter 34 (*Sign Ordinance*) and the approved special use permit provisions for the dynamic messages sign along Noble Avenue North.

RECOMMENDATION

Based on the above-noted findings, staff recommends the Planning Commission recommends:

The Planning Commission recommends approval to the City Council of the as proposed revised site plan for the Subject Property located at 6201 Noble Avenue North (Subject Property), subject to the Owner/Applicant complying with the conditions outlined in the Site Plan and Documents Approval Conditions of this Staff Report.

Should the Planning Commission accept these recommendations, the Commission may elect to adopt the draft resolution attached as Exhibit F.

Attachments

Exhibit A- Civil Set Plans for the Noble Academy Parking Expansion, prepared by the Gregory Group, Inc., last revised May 23, 2018.

Exhibit B- Planning Commission Application No. 93-017 and staff report, dated December 9, 1993.

Exhibit C- Traffic Flow and Bus Circulation Plans, prepared by the Gregory Group, Inc., dated June 11, 2018.

Exhibit D- Memo, prepared by J. Kou Vang (JB Vang Construction), dated June 10, 2018.

Exhibit E- Memorandum, prepared by Assistant City Engineer Andrew Hogg, dated June 11, 2018.

Exhibit F- Draft Resolution for Nompeng Academy Site Plan.

Exhibit A

SITE DEVELOPMENT PLANS

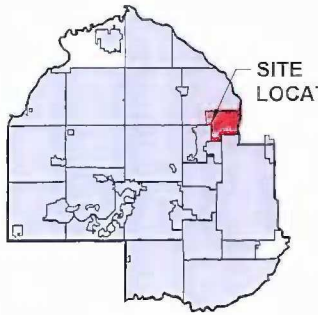
FOR

NOMPENG ACADEMY PARKING EXPANSION

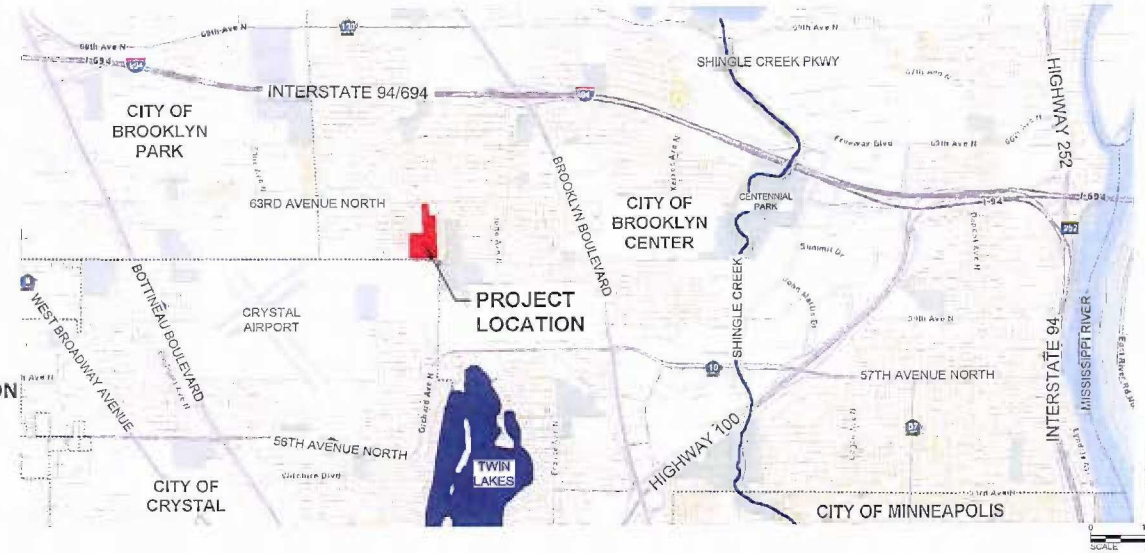
6201 NOBLE AVENUE NORTH
BROOKLYN CENTER, MINNESOTA



HENNEPIN COUNTY



CITY OF BROOKLYN CENTER



SHEET INDEX

THIS PLAN CONTAINS 10 SHEETS

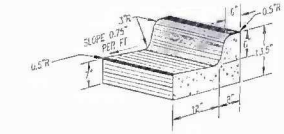
SHEET NO.	DESCRIPTION
C1	TITLE SHEET
C2	DETAILS
C3	DETAILS & CONSTRUCTION NOTES
C4	DETAILS & SWPPP NOTES
C5	SITE PLAN
C6	EXISTING CONDITIONS & REMOVALS PLAN
C7	GRADING & DRAINAGE PLAN
C8	UTILITY PLAN
C9	STORMWATER POLLUTION PREVENTION PLAN
L1	LANDSCAPE PLAN

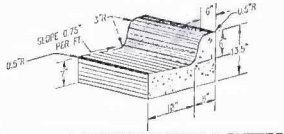
THE SUBSURFACE UTILITY INFORMATION DEPICTED IN THESE PLANS ARE SHOWN ACCORDING TO CI/ASCE 38-02, "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA," LEVEL D STANDARDS.

LEGEND

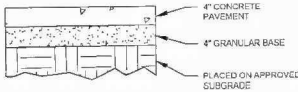
IMPAIRED WATERS

DESIGNED BY: JAP DRAWN BY: JRD CHECKED BY: GRP	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. JEFFREY A. PRASCH, P.E. DATE: 03.13.18 LIC. NO.: 52706	NOMPENG ACADEMY PARKING EXPANSION 6201 NOBLE AVENUE NORTH BROOKLYN CENTER, MINNESOTA	THE GREGORY GROUP, INC. Land Surveyors and Civil Engineers LOT SURVEYS COMPANY, INC. LAND SURVEYING & ENGINEERING 7601 73RD AVENUE N, BROOKLYN PARK, MN 55428 PHONE: (763)-560-3033 FAX: (763)-560-3022 www.lotsurveyscompany.com	NOBLE ACADEMY 9477 DECATUR DRIVE NORTH BROOKLYN PARK, MINNESOTA 55445 (763)-592-7700	REVISIONS	TITLE SHEET	PROJECT: 67357 SHEET NO. C1 OF C9



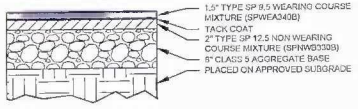


1 / C2 B612 CONCRETE CURB & GUTTER
NOT TO SCALE

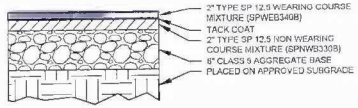


NOTE: SIDEWALK CROSS SLOPES SHALL NOT EXCEED 2%. ANY SIDEWALK EXCEEDING 2% CROSS SLOPE SHALL BE REMOVED AND REPLACED AT THE CONTRACTOR'S EXPENSE.

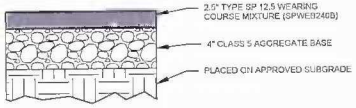
4 / C2 CONCRETE SIDEWALK
NOT TO SCALE



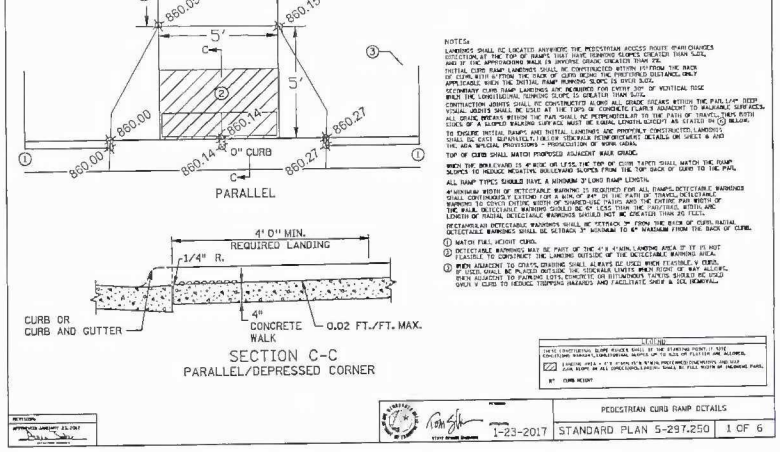
5 / C2 LIGHT DUTY BITUMINOUS PAVEMENT
NOT TO SCALE



9 / C2 HEAVY DUTY BITUMINOUS PAVEMENT
NOT TO SCALE

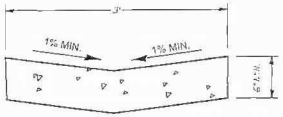


10 / C2 BITUMINOUS PATH
NOT TO SCALE

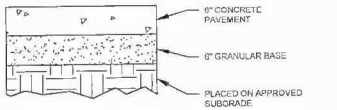


NOTES:
LANDINGS SHALL BE LOCATED ANYWHERE THE PEDESTRIAN ACCESS ROUTE CHANGES DIRECTION, AT THE TOP OF RAMPS THAT HAVE RUNNING SLOPES GREATER THAN 5.0%, AND WHERE APPROACHING WALK IN ANYONE GRADE GREATER THAN 2%.
INITIAL CURB RAMP LANDINGS SHALL BE CONSTRUCTED WITHIN 2'0" FROM THE BACK OF CURB, WITH 6'0" FROM THE FACE OF CURB WHERE THE PREVAILING DISTANCE ONLY APPLICABLE WHEN THE INITIAL RAMP RUNNING SLOPE IS OVER 5.0%.
SECONDARY CURB RAMP LANDINGS ARE REQUIRED FOR EVERY 30" OF VERTICAL RISE WHEN THE LONGITUDINAL RUNNING SLOPE IS GREATER THAN 5.0%.
CONTRACTION JOINTS SHALL BE CONSTRUCTED ALONG ALL GRADE BREAKS WITHIN THE PAVEMENT. EXPANSION JOINTS SHALL BE USED AT THE TOPS OF CONCRETE FLARES ADJACENT TO WALKABLE SURFACES.
ALL GRADE BREAKS WITHIN THE PATH SHALL BE PERPENDICULAR TO THE PATH OF TRAVEL. THE RUNNING SLOPE OF A SLOPED WALKING SURFACE MUST BE EQUAL LENGTH, EXCEPT AS STATED IN ⑤ BELOW.
TO ENSURE INITIAL RAMPS AND INITIAL LANDINGS ARE PROPERLY CONSTRUCTED, LANDINGS SHALL EXIST SEPARATELY, UNLESS SIDEWALK REINFORCEMENT DETAILS ON SHEET 6 AND THE ADA SPECIAL PROVISIONS - PROVISION OF WORK UNDER.
TOP OF CURB SHALL MATCH PROPOSED ADJACENT WALK GRADE.
WHEN THE BOULEVARD IS 4' WIDE OR LESS, THE TOP OF CURB TAPER SHALL MATCH THE RAMP SLOPES TO REDUCE NEGATIVE BOULEVARD SLOPES FROM THE TOP BACK OF CURB TO THE RAIL.
ALL RAMP TYPES SHOULD HAVE A MINIMUM 3' LONG RAMP LENGTH.
4" MINIMUM WIDTH OF DETECTABLE WARNING IS REQUIRED FOR ALL RAMPS. DETECTABLE WARNINGS SHALL CONTINUOUSLY EXTEND THE FULL WIDTH OF PATH OF TRAVEL. DETECTABLE WARNING TO EXTEND THE FULL WIDTH OF RAMP/BASE PATHS AND THE ENTIRE PAVE WIDTH OF TRAVEL. DETECTABLE WARNING SHOULD BE 6" LESS THAN THE PAVEDRAD, WITHIN ARC LENGTH OF RADIAL DETECTABLE WARNINGS SHOULD NOT BE GREATER THAN 25 FEET.
DETECTABLE WARNINGS SHALL BE SETBACK 3" MINIMUM TO 6" MAXIMUM FROM THE BACK OF CURB.
① MATCH FULL HEIGHT CURB.
② DETECTABLE WARNINGS MAY BE PART OF THE 4' X 4' MIN. LANDING AREA IF IT IS NOT FEASIBLE TO CONSTRUCT THE LANDING OUTSIDE OF THE DETECTABLE WARNING AREA.
③ WHEN ADJACENT TO CURBS, SHARING SHALL ALWAYS BE USED WHEN FEASIBLE. V CURB, IF USED, SHALL BE PLACED OUTSIDE THE SIDEWALK LIMITS WHEN RIGHT OF WAY ALLOWS. WHEN ADJACENT TO PARKING LOTS, CONCRETE OR BITUMINOUS TAPERS SHOULD BE USED OVER V CURB TO REDUCE TRIPPING HAZARDS AND FACILITATE SNOW & ICE REMOVAL.

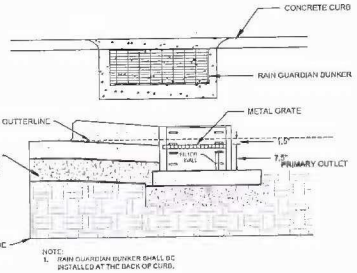
2 / C2 PEDESTRIAN RAMP DETAIL
NOT TO SCALE



6 / C2 CONCRETE VALLEY GUTTER
NOT TO SCALE

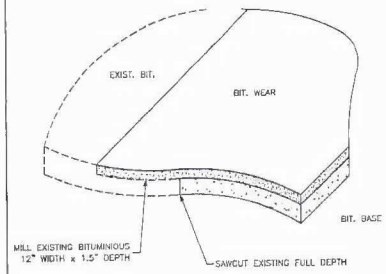


7 / C2 CONCRETE DUMPSTER PAVEMENT
NOT TO SCALE

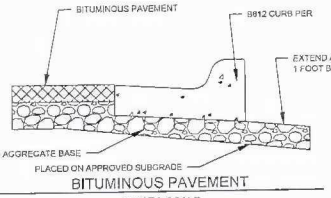


NOTE:
1. RAIN GUARDIAN DUNKER SHALL BE INSTALLED AT THE BACK OF CURB.

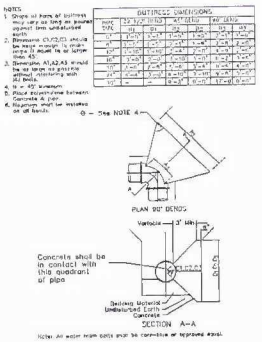
11 / C2 RAIN GUARDIAN
NOT TO SCALE



3 / C2 MATCH EXISTING BITUMINOUS
NOT TO SCALE



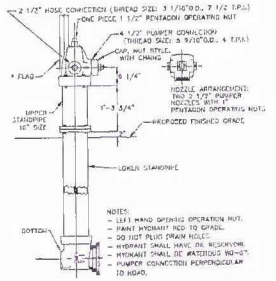
8 / C2 BITUMINOUS PAVEMENT
NOT TO SCALE



Notes:
1. Shape all faces of buttress may vary as long as bearing against undisturbed soil is maintained.
2. Minimum CLOSED ANGLE for major angles is shown in bold type to adjust to or below then 45°.
3. Deviation, A1,A2,A3 should be as shown by grouting with dry mix.
4. N = 45° minimum
5. Place concrete between formsite & pier.
6. Restraint must be installed on all bends.

Notes: All water main work shall be committed or approved work.

12 / C2 CONCRETE THRUST BLOCKING
NOT TO SCALE



13 / C2 HYDRANT
NOT TO SCALE

DESIGNED BY: JAP	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	NOMPENG ACADEMY PARKING EXPANSION 6201 NOBLE AVENUE NORTH BROOKLYN CENTER, MINNESOTA	THE GREGORY GROUP, INC. Land Surveyors and Civil Engineers	LOT SURVEYS COMPANY, INC. LAND SURVEYING & ENGINEERING 7601 73RD AVENUE N, BROOKLYN PARK, MN 55428 PHONE: (763)560-3093 FAX: (763)560-3522 www.lotsurveycompany.com	NOBLE ACADEMY 9477 DECATUR DRIVE NORTH BROOKLYN PARK, MINNESOTA 55445 (763)502-7706	REVISIONS 05.24.18 BUS LANE TO SSRD	DETAILS	PROJECT: 87357 SHEET NO. C2 OF C9
DRAWN BY: JRD								
CHECKED BY: GRP	JEFFREY A. PRASCH, P.E. DATE: 03.19.18 LIC. NO.: 52706							

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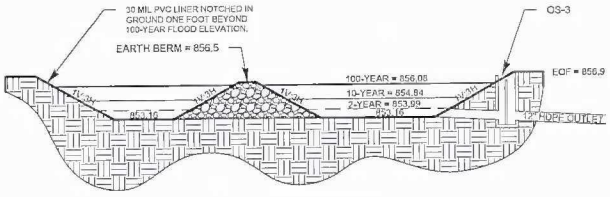
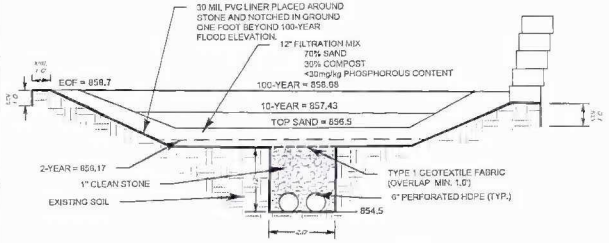


1 C3 DRY POND CROSS SECTION

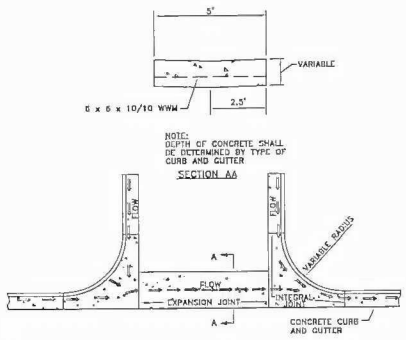
NOT TO SCALE



2 C3 BIOFILTRATION BASIN CROSS SECTION

NOT TO SCALE

NOTES:
1. ALL TOPSOIL SHALL BE REMOVED FROM THE INFILTRATION AREA AND THE REMAINING TOP SIX (6) INCHES SHALL BE SCARIFIED PRIOR TO PLACING FILL.
2. ONLY TRACKED EQUIPMENT SHALL BE ALLOWED IN THE BIOFILTRATION AND FOREBAY AREA.

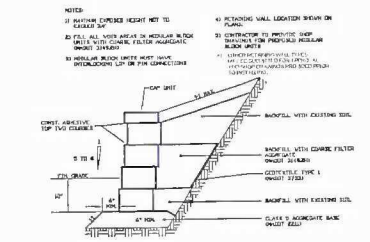


THE BACKFILL MATERIAL SHALL BE CRUSHED STONE OR OTHER GRANULAR MATERIAL MEETING THE REQUIREMENTS OF CLASS I, CLASS II, OR CLASS III MATERIAL AS DEFINED IN ASTM D2321. BEDDING & BACKFILL FOR SURFACE DRAINAGE INLETS SHALL BE PLACED & COMPACTED UNIFORMLY IN ACCORDANCE WITH ASTM D2321.

1 - GRATES/SOLID COVER SHALL BE DUCTILE IRON PER ASTM A536 GRADE 70-50-05.
2 - FRAMES SHALL BE DUCTILE IRON PER ASTM A536 GRADE 70-50-05.
3 - DRAIN BASIN TO BE CUSTOM MANUFACTURED ACCORDING TO PLAN DETAILS. RISERS ARE NEEDED FOR BASINS OVER 84" DUE TO SHIPPING RESTRICTIONS. SEE DRAWING NO. 7001-110-065.
4 - DRAINAGE CONNECTION STUB JOINT TIGHTNESS SHALL CONFORM TO ASTM D3212 FOR CORRUGATED HDPE (ADS N-12/HANCOR DUAL WALL), N-12 HP & PVC SEWER.
5 - ADAPTERS CAN BE MOUNTED ON ANY ANGLE 0° TO 360°. TO DETERMINE MINIMUM ANGLE BETWEEN ADAPTERS SEE DRAWING NO. 7001-110-012.

4 C3 TYPICAL ENTRANCE / CROSS GUTTER DETAIL

NOT TO SCALE



3 C3 NYLOPLAST STRUCTURE

NOT TO SCALE

5 C3 RETAINING WALL

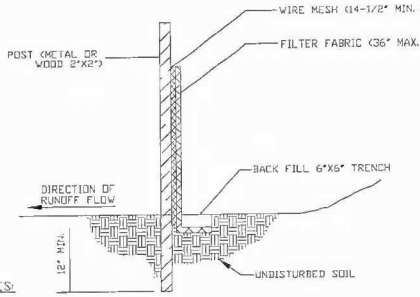
NOT TO SCALE

GENERAL CONSTRUCTION AND SOILS NOTES:

1. CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE GOVERNING CODES, LAWS AND ORDINANCES.
2. THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR FOLLOWING ALL APPLICABLE OSHA STANDARDS.
3. CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES AND CALL GOPHER STATE ONE CALL 48 HOURS PRIOR TO CONSTRUCTION WORK. EXISTING UTILITIES SHOWN ON THESE PLANS ARE ONLY APPROXIMATE AND MAY NOT BE RELIED UPON AS EXACT OR COMPLETE.
4. IF UTILITY RELOCATION IS NECESSARY, THE CONTRACTOR SHALL COORDINATE CONSTRUCTION ACTIVITIES WITH THE APPROPRIATE UTILITY COMPANIES.
5. MATERIAL UNSUITABLE FOR CONSTRUCTION (E.G. TOPSOIL, SILTS, ROOTS ORGANIC MATERIALS, PEATS, DEBRIS, ETC.) ENCOUNTERED DURING EXCAVATION WITHIN THE PARKING LOT AND BUS ONLY LANE SHALL BE REMOVED AND PROPERLY DISCARDED.
6. FILL WITHIN THE PARKING LOT AND BUS ONLY LANE SHALL BE SUITABLE MATERIAL AND PLACED IN LOOSE LIFTS NO THICKER THAN TWELVE (12) INCHES. COMPACTION WITHIN THE PARKING LOT AND BUILDING PADS SHALL BE COMPACTED TO 100% OF THE MAXIMUM STANDARD PROCTOR DENSITY. SUITABLE MATERIAL SHALL CONSIST OF SW, SP, SP-SM, AND SM USCS CLASSIFICATIONS.
7. TOPSOIL SHALL BE SALVAGED AND STOCKPILED FOR USE AS TOPSOIL IN GREEN SPACES DISTURBED DUE TO CONSTRUCTION.
8. THE CONTRACTOR IS RESPONSIBLE FOR DISPOSING OF BITUMINOUS AND CONCRETE MATERIALS DISTURBED BY CONSTRUCTION IN ACCORDANCE WITH MNDOT SPEC 2104.3.
9. ANY EXCESS SUITABLE SOIL SHALL BE DISPOSED OF NORTH OF THE BUS ONLY LANE ON THE PROPERTY. ALL OTHER EXCESS MATERIAL SHALL BE DISPOSED OF OFFSITE.

DESIGNED BY: JAP DRAWN BY: JRD CHECKED BY: CRP	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. JEFFREY A. PRASCH, P.E. DATE: 03.13.18 LIC. NO.: 52706	NOMPENG ACADEMY PARKING EXPANSION 6201 NOBLE AVENUE NORTH BROOKLYN CENTER, MINNESOTA	THE GREGORY GROUP, INC. Land Surveyors and Civil Engineers	LOT SURVEYS COMPANY, INC. LAND SURVEYING & ENGINEERING 7601 73RD AVENUE N, BROOKLYN PARK, MN 55428 PHONE: (763)-566-3033 FAX: (763)-503-3922 www.lotsurveyscompany.com	NOBLE ACADEMY 6477 DECATUR DRIVE NORTH BROOKLYN PARK, MINNESOTA 55445 (763)-592-7700	REVISIONS 05.23.18 RUN LANE TO CURB	DETAILS & CONSTRUCTION NOTES	PROJECT: 87357 SHEET NO. C3 OF C9

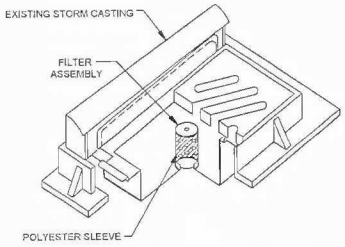
Figures 03.13.18 - Nompeng\SE 55 6201 noble\Engineering\details\87357 Details 3.dwg



NOTES:

1. DIG A 6"X6" TRENCH ALONG THE INTENDED FENCE LINE.
2. DRIVE ALL POSTS INTO THE GROUND AT THE DOWNHILL SIDE OF THE TRENCH.
3. WIRE FENCING PER HENNEPIN COUNTY CONSERVATION DISTRICT EROSION AND SEDIMENT CONTROL MANUAL. WIRE MESH MUST BE A MINIMUM OF 2" INTO THE GROUND AND NO MORE THAN 36" ABOVE THE ORIGINAL GROUND SURFACE.
4. LAY OUT SILT FENCE ON THE UPHILL SIDE ALONG THE FENCE LINE, AND BACK FILL.
5. WOOD POSTS MAY BE SPACED UP TO 4 FEET APART IF WIRE MESH IS NOT USED TO SUPPORT THE FABRIC. IF WIRE MESH IS USED TO SUPPORT THE FABRIC STEEL POSTS MAY BE SPACED UP TO 8 FEET APART.
6. REMOVE SILT FENCE AFTER TURF IS ESTABLISHED.

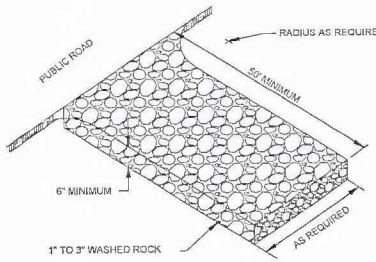
1 / C4 — SILT FENCE
NOT TO SCALE



INSERT TO BE USED SHALL BE A WIMCO. LANGE INDUSTRIES "ROAD DRAIN" STYLE, OR APPROVED EQUAL.

TO BE USED IN CONJUNCTION WITH A NEENAH CASTING NO. R-3067 TYPE DR, DL, OR TYPE V OR APPROVED EQUAL.

3 / C4 — INLET PROTECTION
NOT TO SCALE

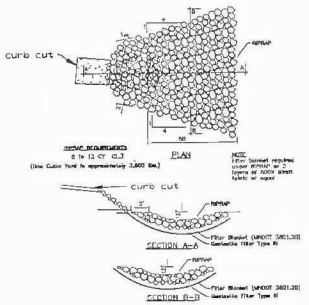


NOTES:

ROCK SHALL BE 1" TO 3" IN SIZE (WASHED AND CRUSHED)

A GEOTEXTILE FABRIC MAY BE USED UNDER THE ROCK TO PREVENT MIGRATION OF THE UNDERLYING SOIL INTO THE STONE.

2 / C4 — ROCK CONSTRUCTION EXIT
NOT TO SCALE



4 / C4 — RIPRAP
NOT TO SCALE

PROJECT INFORMATION:

DISTURBED AREA: 3.12 ACRES
EXISTING IMPERVIOUS AREA: 3.70 ACRES
PROPOSED IMPERVIOUS AREA: 4.52 ACRES
WATERSHED DISTRICT: SHINGLE CREEK & WEST MISSISSIPPI WATERSHED MANAGEMENT COMMISSIONS
EROSION CONTROL SUPERVISOR CONTACT: TO BE DETERMINED
IMPAIRED WATERS WITHIN ONE (1) MILE: UPPER TWIN LAKE.

THIS PROJECT IS LOCATED AT 2601 NOBLE AVENUE NORTH IN THE CITY OF BROOKLYN CENTER, MINNESOTA. THE SITE IS CURRENTLY OCCUPIED BY A SCHOOL, TWO PARKING LOTS, AND PLAYGROUND AREAS. THERE ARE EXISTING RESIDENTIAL HOMES TO THE NORTHEAST, NORTHWEST, AND SOUTHWEST AND A STORM DETENTION POND TO THE SOUTH OF THE SITE. THE LOT IS 13.39 ACRES IN TOTAL WITH THE DISTURBED AREA ACCOUNTING FOR 3.32 ACRES. CURRENTLY ABOUT HALF OF THE ON-SITE STORMWATER DRAINS DIRECTLY TO THE STORM DETENTION POND. ROUGHLY A QUARTER OF THE PARCEL DRAINS TO A LOW AREA WHERE IT IS THEN CONVEYED TO THE STORM DETENTION POND AND THE OTHER QUARTER DRAINS OFFSITE INTO THE CITY STORM SEWER SYSTEM.

THE PROPOSED PROJECT WILL INCLUDE AN EXPANSION OF THE EXISTING PARKING LOT, A NEW PARKING LOT TO THE NORTH OF THE SCHOOL, AND A BUS LANE AND BUS DROP-OFF AREA. THE PROJECT WILL CONSIST OF SITE CLEARING, REMOVALS, BIOFILTRATION AND DRY POND GRADING, STORM SEWER, CURB & GUTTER, PARKING LOT EXPANSION, AND PARKING LOT RESTRIPING. THERE ARE IMPAIRED WATERS WITHIN ONE (1) MILE OF THE SITE. UPPER TWIN LAKE IS IMPAIRED FOR AQUATIC CONSUMPTION AND AQUATIC RECREATION. THE APPROVED TOTAL MAXIMUM DAILY LOAD (TMDL) IS FOR MERCURY IN FISH TISSUE AND NUTRIENT/EUTROPHICATION BIOLOGICAL INDICATORS.

THE PROPERTY OWNER SHALL PROVIDE LONG-TERM MAINTENANCE OF THE STORM WATER FACILITIES FOR THIS PROJECT. THE OWNER SHALL BE RESPONSIBLE FOR INSPECTING THE BIOFILTRATION FACILITIES ON AN ANNUAL BASIS. AN INSPECTION REPORT SHALL BE KEPT FOR RECORDS. MAINTENAINCE SHALL ALSO INCLUDE, BUT IS NOT LIMITED TO, REMOVING ALL LEAVES, SILTS, DEBRIS, GARBAGE, AND ANY CLOGGING MATERIAL THAT MAY COMPROMISE THE PERFORMANCE OF THE BIOFILTRATION BASIN. NO FILL OR MATERIAL SHALL BE PURPOSEFULLY PLACED WITHIN THE BIOFILTRATION BASIN.

STORMWATER POLLUTION PREVENTION PLAN NOTES:

1. PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL ACQUIRE THE NECESSARY MPCA NPDES STORM WATER PERMIT.
2. ALL EROSION AND SEDIMENT CONTROL BMP'S SHALL BE INSTALLED PRIOR TO STARTING ANY CONSTRUCTION ACTIVITIES. BMP'S SHALL BE MAINTAINED UNTIL ALL DISTURBED AREAS HAVE BEEN PERMANENTLY STABILIZED.
3. THE CONTRACTOR SHALL SCHEDULE THEIR OPERATION TO MINIMIZE THE AMOUNT OF DISTURBED AREA AT ANY GIVEN TIME.
4. WATER SHALL BE USED, IF NECESSARY, FOR DUST CONTROL.
5. ALL EROSION CONTROL SHALL CONFORM TO THE MNDOT EROSION CONTROL HANDBOOK AND THE CITY OF BROOKLYN CENTER DETAILS AND SPECIFICATIONS.
6. INLET PROTECTION SHALL BE INSTALLED AT ANY INLET THAT MAY RECEIVE RUNOFF FROM THE DISTURBED AREAS OF THE PROJECT. IF A SPECIFIC SAFETY CONCERN HAS BEEN IDENTIFIED, WRITTEN AUTHORIZATION MUST BE RECEIVED BY THE CITY ENGINEER IN ORDER TO REMOVE THAT PARTICULAR INLET CONTROL.
7. ALL EXPOSED SOILS, INCLUDING STOCKPILES, SHALL BE TEMPORARILY STABILIZED PER MNDOT SPECIFICATION 2575 WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY HAS TEMPORARILY CEASED. STABILIZATION OF ALL EXPOSED AREAS MUST BE INITIATED IMMEDIATELY.
8. STOCKPILES SHALL NOT BE PLACED ON ROADS, DRIVEWAYS, SURFACE WATERS OR SWALES. EFFECTIVE SEDIMENT CONTROL SHALL BE INSTALLED IMMEDIATELY AROUND ALL SOIL STOCKPILES.
9. REMOVE ALL SOILS AND SEDIMENT TRACKED OR OTHERWISE DEPOSITED ONTO PUBLIC ROADS OR PRIVATE DRIVEWAYS ON A DAILY BASIS OR AS NEEDED.
10. AFTER FINAL GRADING HAS BEEN COMPLETED, EXPOSED SOILS SHALL BE PERMANENTLY STABILIZED WITHIN 72 HOURS. PERMANENT STABILIZATION SHALL CONSIST OF 4 INCHES TOPSOIL AS WELL AS MNDOT SEED MIX 25-131, UNLESS OTHERWISE APPROVED, AND MULCH. THE MULCH SHALL BE DISK ANCHORED AND COMMERCIAL GRADE 20-10-10 FERTILIZER SHALL BE USED. METHODS AND RATES SHALL BE IN ACCORDANCE WITH MNDOT SPECIFICATION 2575 AND THE MNDOT SEEDING MANUAL.
11. THE NORMAL WETTED PERIMETER WITHIN 200 LINEAL FEET OF ANY PROJECT DISCHARGE LOCATION SHALL BE STABILIZED WITHIN 24 HOURS OF CONNECTING TO THE DISCHARGE LOCATION.
12. SOLID WASTE SUCH AS COLLECTED SEDIMENT, ASPHALT AND CONCRETE MILLINGS, CEMENT PRODUCT WASTE, FLOATING DEBRIS, PAPER, PLASTIC, CONSTRUCTION DEBRIS AND OTHER WASTES MUST BE DISPOSED OF PROPERLY OFF SITE.
13. HAZARDOUS WASTES SUCH AS OILS, GASOLINE, PAINT, CEMENT BASED PRODUCTS, ETC. SHALL BE PROPERLY STORED WITH SECONDARY CONTAINMENT TO PREVENT SPILLS, LEAKS OR OTHER DISCHARGES. IF STORED ON THE PROJECT SITE, THEY SHALL BE STORED IN RESTRICTED ACCESS AREAS TO PROTECT AGAINST VANDALISM. STORAGE AND DISPOSAL SHALL BE IN COMPLIANCE WITH THE MPCA.
14. CEMENT BASED PRODUCT WASHOUTS ARE NOT PERMITTED ON SITE.
15. IF DEWATERING IS NECESSARY, THE APPROPRIATE PERMITS SHALL BE ACQUIRED PRIOR TO COMMENCING DEWATERING ACTIVITIES. TURBID AND SEDIMENT-LADEN WATERS SHALL BE DIRECTED TO A TEMPORARY SEDIMENT POND PRIOR TO DISCHARGING. A VISUAL CHECK SHALL BE CONDUCTED PRIOR TO DISCHARGING TREATED WATER FROM THE SEDIMENT POND TO ENSURE NUISANCE CONDITIONS WILL NOT RESULT FROM THE DISCHARGE.
16. ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE REMOVED FROM THE SITE WITHIN THIRTY (30) DAYS AFTER PERMANENT STABILIZATION HAS BEEN ACHIEVED.
17. A TRAINED PERSON SHALL INSPECT THE ENTIRE CONSTRUCTION SITE AT LEAST ONCE EVERY SEVEN (7) DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS AFTER A RAINFALL EVENT GREATER THAN 0.5 INCHES IN 24 HOURS. ALL INSPECTIONS MUST BE RECORDED IN WRITING WITHIN 24 HOURS OF CONDUCTING THE INSPECTIONS AND THE RECORDS MUST BE RETAINED WITH THE SWPPP. IF ANY DISCHARGE FROM THE SITE IS OBSERVED THE DISCHARGE MUST BE DESCRIBED AND PHOTOGRAPHED.
18. CORRECTIVE ACTION MUST BE COMPLETED BY THE NEXT BUSINESS DAY AFTER DISCOVERY WHEN PERIMETER CONTROL DEVICES BECOME NONFUNCTIONAL OR THE SEDIMENT REACHES ONE-HALF (1/2) THE HEIGHT OF THE DEVICE.
19. THE CONTRACTOR SHALL FILE A NOTICE OF TERMINATION WITHIN THIRTY (30) DAYS OF ACHIEVING PERMANENT STABILIZATION.

EXPECTED SEQUENCE OF CONSTRUCTION

1. INSTALL EROSION AND SEDIMENT CONTROL BMPs, AND SILT FENCE.
2. COMPLETE REMOVALS AND SALVAGE TOPSOIL.
3. INSTALL UTILITIES.
4. GRADE FOR PAVEMENT INSTALLATION.
5. APPLY BASE COURSE.
6. INSTALL CURB AND GUTTER.
7. PERMANENT STABILIZATION.
8. INSTALL BITUMINOUS AND CONCRETE PAVEMENT.
9. REMOVE EROSION AND SEDIMENT CONTROL BMPs AFTER PERMANENT STABILIZATION IS ACHIEVED.

DESIGNED BY: JAP
DRAWN BY: JRD
CHECKED BY: GRP

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

JEFFREY A. PRASCH, P.E.
DATE: 03.13.18 LIC. NO.: 52706

NOMPENG ACADEMY PARKING EXPANSION
6201 NOBLE AVENUE NORTH
BROOKLYN CENTER, MINNESOTA

THE GREGORY GROUP, INC.
Land Surveyors and Civil Engineers

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NOBLE ACADEMY
5477 DEGATUR DRIVE NORTH
BROOKLYN PARK, MINNESOTA 55445
(763)-592-7700

REVISIONS

DETAILS & SWPPP NOTES

PROJECT: 67357
SHEET NO.
C4 OF C9

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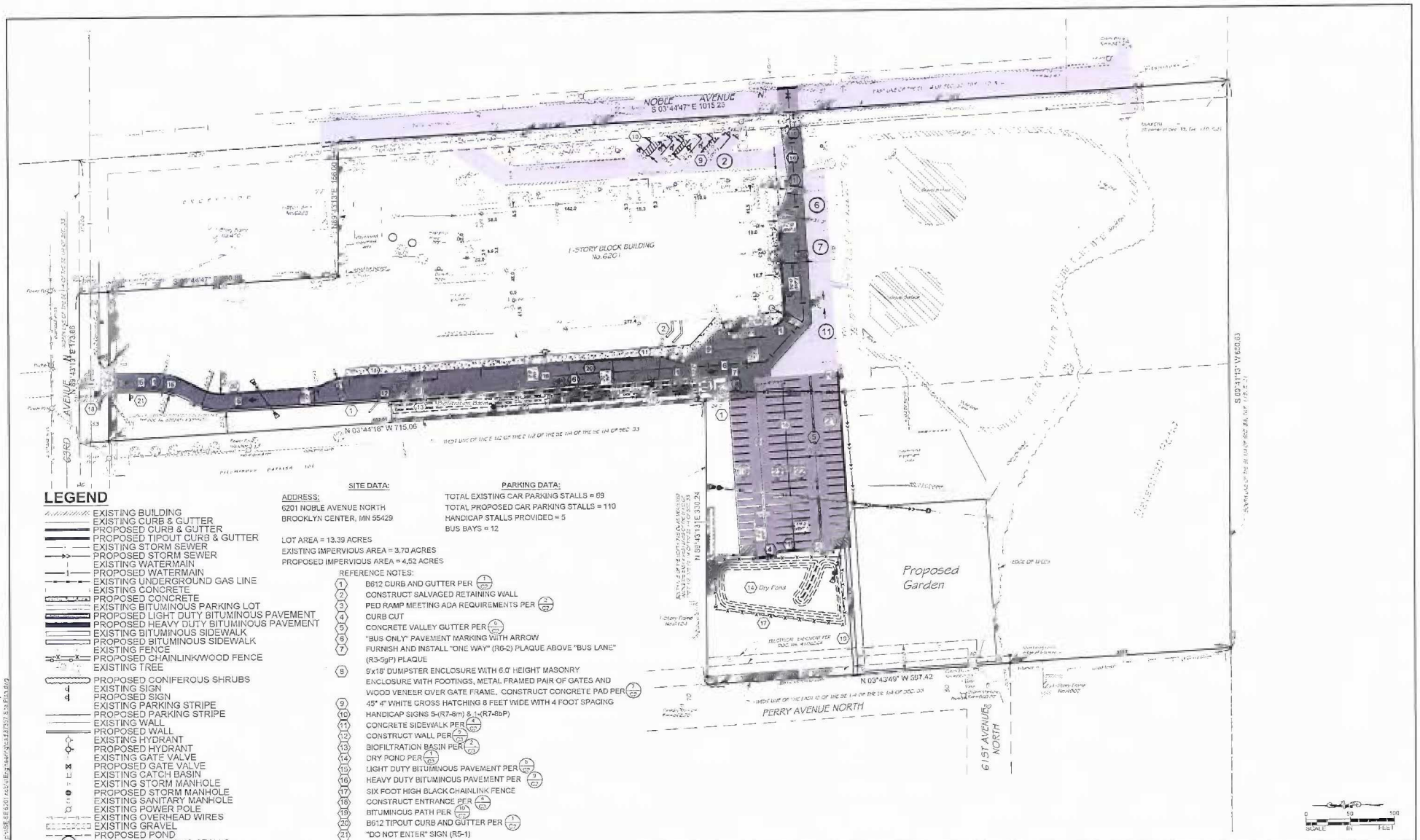

LEGEND

- EXISTING BUILDING
- EXISTING CURB & GUTTER
- PROPOSED CURB & GUTTER
- PROPOSED TIPOUT CURB & GUTTER
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- EXISTING WATERMAIN
- PROPOSED WATERMAIN
- EXISTING UNDERGROUND GAS LINE
- EXISTING CONCRETE
- PROPOSED CONCRETE
- EXISTING BITUMINOUS PARKING LOT
- PROPOSED LIGHT DUTY BITUMINOUS PAVEMENT
- PROPOSED HEAVY DUTY BITUMINOUS PAVEMENT
- EXISTING BITUMINOUS SIDEWALK
- PROPOSED BITUMINOUS SIDEWALK
- EXISTING FENCE
- PROPOSED CHAINLINK/WOOD FENCE
- EXISTING TREE
- PROPOSED CONIFEROUS SHRUBS
- EXISTING SIGN
- PROPOSED SIGN
- EXISTING PARKING STRIPE
- PROPOSED PARKING STRIPE
- EXISTING WALL
- PROPOSED WALL
- EXISTING HYDRANT
- PROPOSED HYDRANT
- EXISTING GATE VALVE
- PROPOSED GATE VALVE
- EXISTING CATCH BASIN
- EXISTING STORM MANHOLE
- PROPOSED STORM MANHOLE
- EXISTING SANITARY MANHOLE
- EXISTING POWER POLE
- EXISTING OVERHEAD WIRES
- EXISTING GRAVEL
- PROPOSED POND
- (10) NUMBER OF PARKING STALLS

SITE DATA:

ADDRESS:
6201 NOBLE AVENUE NORTH
BROOKLYN CENTER, MN 55429

LOT AREA = 13.39 ACRES
EXISTING IMPERVIOUS AREA = 3.70 ACRES
PROPOSED IMPERVIOUS AREA = 4.52 ACRES

PARKING DATA:

TOTAL EXISTING CAR PARKING STALLS = 69
TOTAL PROPOSED CAR PARKING STALLS = 110
HANDICAP STALLS PROVIDED = 5
BUS BAYS = 12

REFERENCE NOTES:

1. B612 CURB AND GUTTER PER (1/C7)
2. CONSTRUCT SALVAGED RETAINING WALL
3. PED RAMP MEETING ADA REQUIREMENTS PER (2/C7)
4. CURB CUT
5. CONCRETE VALLEY GUTTER PER (6/C7)
6. "BUS ONLY" PAVEMENT MARKING WITH ARROW
7. FURNISH AND INSTALL "ONE WAY" (R6-2) PLAQUE ABOVE "BUS LANE" (R3-5gP) PLAQUE
8. 9'x18' DUMPSTER ENCLOSURE WITH 6.0' HEIGHT MASONRY ENCLOSURE WITH FOOTINGS, METAL FRAMED PAIR OF GATES AND WOOD VENEER OVER GATE FRAME. CONSTRUCT CONCRETE PAD PER (7/C7)
9. 45° 4" WHITE CROSS HATCHING 8 FEET WIDE WITH 4 FOOT SPACING
10. HANDICAP SIGNS S-(R7-8m) & 1-(R7-8bP)
11. CONCRETE SIDEWALK PER (4/C7)
12. CONSTRUCT WALL PER (5/C7) (2/C7)
13. BIOFILTRATION BASIN PER (2/C7)
14. DRY POND PER (1/C7)
15. LIGHT DUTY BITUMINOUS PAVEMENT PER (5/C7)
16. HEAVY DUTY BITUMINOUS PAVEMENT PER (3/C7)
17. SIX FOOT HIGH BLACK CHAINLINK FENCE
18. CONSTRUCT ENTRANCE PER (4/C7)
19. BITUMINOUS PATH PER (10/C7)
20. B612 TIPOUT CURB AND GUTTER PER (1/C7)
21. "DO NOT ENTER" SIGN (R5-1)

DESIGNED BY: JAP
DRAWN BY: JRD
CHECKED BY: CRP

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JEFFREY A. PRASCH, P.E.
DATE: 03.13.18 LIC. NO.: 52706

NOMPENG ACADEMY PARKING EXPANSION
6201 NOBLE AVENUE NORTH
BROOKLYN CENTER, MINNESOTA

THE GREGORY GROUP, INC.
Land Surveyors and Civil Engineers

LOT SURVEYS COMPANY, INC.
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9477 DECATUR DRIVE NORTH
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REVISIONS

MARK	DATE	BY

SITE PLAN

PROJECT: 87357
SHEET NO.
C5 OF C9



DESIGNED BY: JAP
DRAWN BY: JRD
CHECKED BY: GRP

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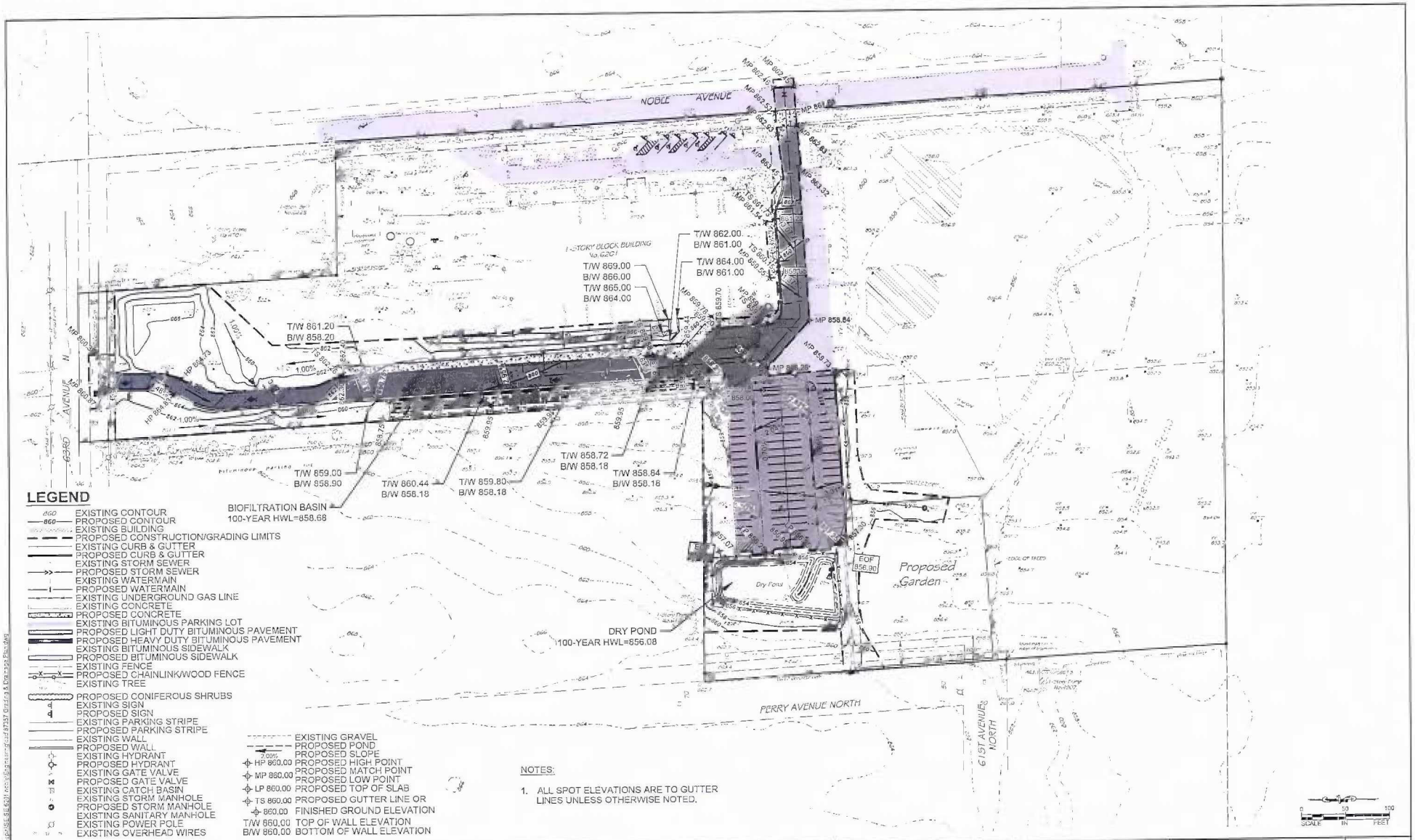
REVISIONS	
05.23.18	BUS LANE TO NSRD

EXISTING CONDITIONS & REMOVALS PLAN

PROJECT: 87357
SHEET NO.
C6 OF C9



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JEFFREY A. PRASCH, P.E.

DATE: 03.13.18 LIC. NO.: 52705

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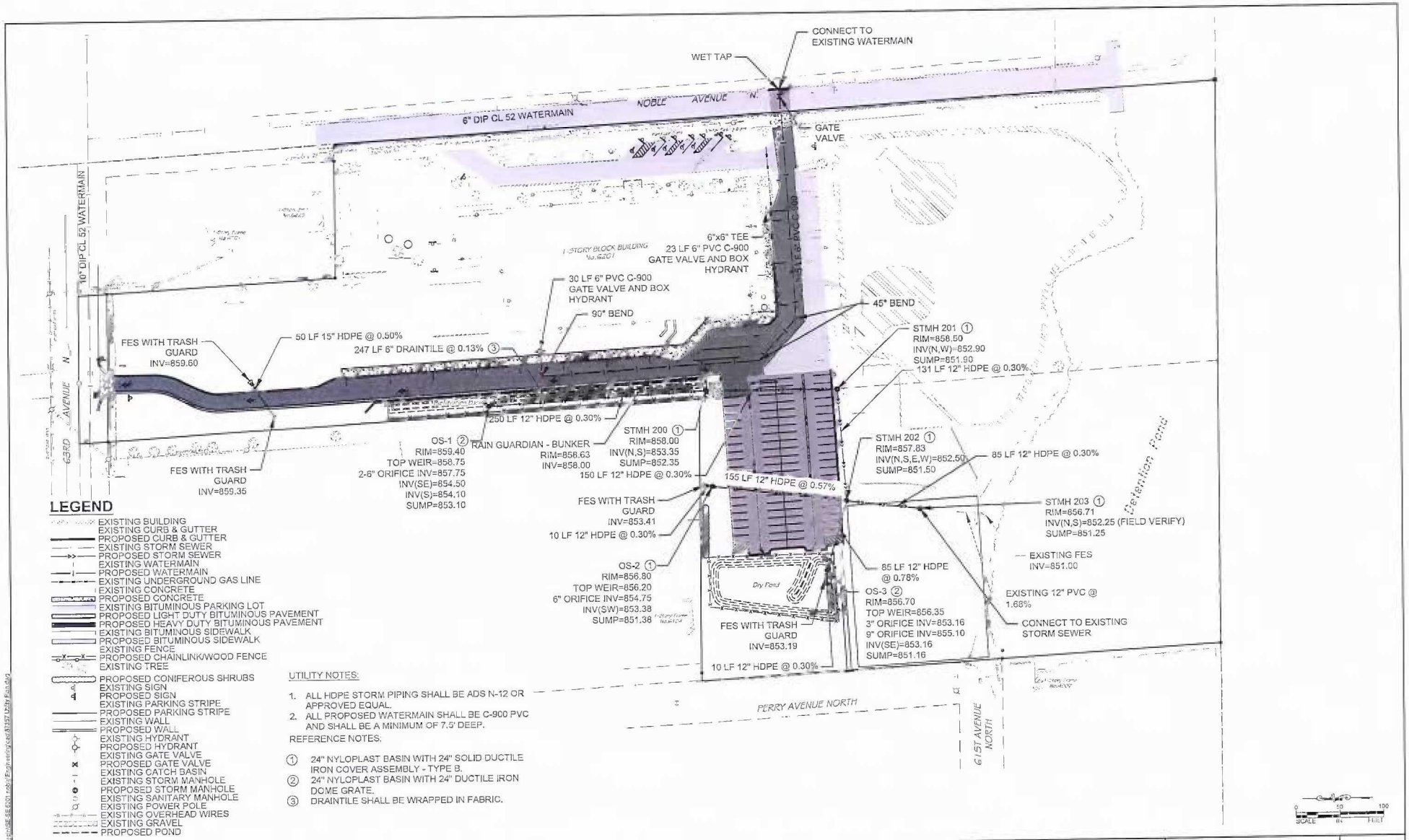
REVISIONS

GRADING & DRAINAGE PLAN

PROJECT: 07357
SHEET NO. C7 OF C9



LEGEND

- EXISTING BUILDING
- EXISTING CURB & GUTTER
- PROPOSED CURB & GUTTER
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- EXISTING WATERMAIN
- PROPOSED WATERMAIN
- EXISTING UNDERGROUND GAS LINE
- EXISTING CONCRETE
- PROPOSED CONCRETE
- EXISTING BITUMINOUS PARKING LOT
- PROPOSED LIGHT DUTY BITUMINOUS PAVEMENT
- PROPOSED HEAVY DUTY BITUMINOUS PAVEMENT
- EXISTING BITUMINOUS SIDEWALK
- PROPOSED BITUMINOUS SIDEWALK
- EXISTING FENCE
- PROPOSED CHAINLINK/WOOD FENCE
- EXISTING TREE
- PROPOSED CONIFEROUS SHRUBS
- EXISTING SIGN
- PROPOSED SIGN
- EXISTING PARKING STRIPE
- PROPOSED PARKING STRIPE
- EXISTING WALL
- PROPOSED WALL
- EXISTING HYDRANT
- PROPOSED HYDRANT
- EXISTING GATE VALVE
- PROPOSED GATE VALVE
- EXISTING CATCH BASIN
- EXISTING STORM MANHOLE
- PROPOSED STORM MANHOLE
- EXISTING SANITARY MANHOLE
- EXISTING POWER POLE
- EXISTING OVERHEAD WIRES
- EXISTING GRAVEL
- PROPOSED POND

UTILITY NOTES:

1. ALL HDPE STORM PIPING SHALL BE ADS N-12 OR APPROVED EQUAL.
2. ALL PROPOSED WATERMAIN SHALL BE C-900 PVC AND SHALL BE A MINIMUM OF 7.5' DEEP.

REFERENCE NOTES:

(1) 24" NYLOPLAST BASIN WITH 24" SOLID DUCTILE IRON COVER ASSEMBLY - TYPE B.
(2) 24" NYLOPLAST BASIN WITH 24" DUCTILE IRON DOME GRATE.
(3) DRAINTILE SHALL BE WRAPPED IN FABRIC.

DESIGNED BY: JAP
DRAWN BY: JRD
CHECKED BY: ORP

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JEFFREY A. PRASCH, P.E.
DATE: 03.13.18 LIC. NO.: 52706

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REVISIONS

UTILITY PLAN

PROJECT: 67357
SHEET NO. C8 OF C9



LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING BUILDING
- PROPOSED CONSTRUCTION/GRADING LIMITS
- EXISTING CURB & GUTTER
- PROPOSED CURB & GUTTER
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- EXISTING WATERMAIN
- PROPOSED WATERMAIN
- EXISTING UNDERGROUND GAS LINE
- EXISTING CONCRETE
- PROPOSED CONCRETE
- EXISTING BITUMINOUS PARKING LOT
- PROPOSED LIGHT DUTY BITUMINOUS PAVEMENT
- PROPOSED HEAVY DUTY BITUMINOUS PAVEMENT
- EXISTING BITUMINOUS SIDEWALK
- PROPOSED BITUMINOUS SIDEWALK
- EXISTING FENCE
- PROPOSED CHAINLINK/WOOD FENCE
- EXISTING TREE
- PROPOSED CONIFEROUS SHRUBS
- EXISTING SIGN
- PROPOSED SIGN
- EXISTING PARKING STRIPE
- PROPOSED PARKING STRIPE
- EXISTING WALL
- PROPOSED WALL
- EXISTING HYDRANT
- PROPOSED HYDRANT
- EXISTING GATE VALVE
- PROPOSED GATE VALVE
- EXISTING CATCH BASIN
- EXISTING STORM MANHOLE
- PROPOSED STORM MANHOLE
- EXISTING SANITARY MANHOLE
- EXISTING POWER POLE
- EXISTING OVERHEAD WIRES
- PROPOSED RIP RAP PER (4/C4)
- EXISTING GRAVEL
- PROPOSED POND
- PROPOSED INLET PROTECTION
- PROPOSED SILT FENCE
- PROPOSED ROCK CONSTRUCTION EXIT
- PROPOSED MNDOT SEED MIX 25-131
- PROPOSED MNDOT SEED MIX 33-261
- DRAINAGE ARROW

ESTIMATED EROSION CONTROL QUANTITIES	
SILT FENCE	2,550 LIN FT
MN/DOT SEED MIXTURE 25-131 (220 LBS/ACRE)	447 LBS
MN/DOT SEED MIXTURE 33-261 (35 LBS/ACRE)	5 LBS
ROCK CONSTRUCTION EXIT	2 EACH
INLET PROTECTION	8 EACH
MULCH MATERIAL TYPE I (2 TON/ACRE)	4 TONS
RANDOM RIPRAP CL III	24 CY
GEOTEXTILE FABRIC TYPE III	70 SY

DESIGNED BY: JAP
DRAWN BY: JRD
CHECKED BY: GRP

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JEFFREY A. PRASCH, P.E.
DATE: 03.13.18 LIC. NO.: 52706

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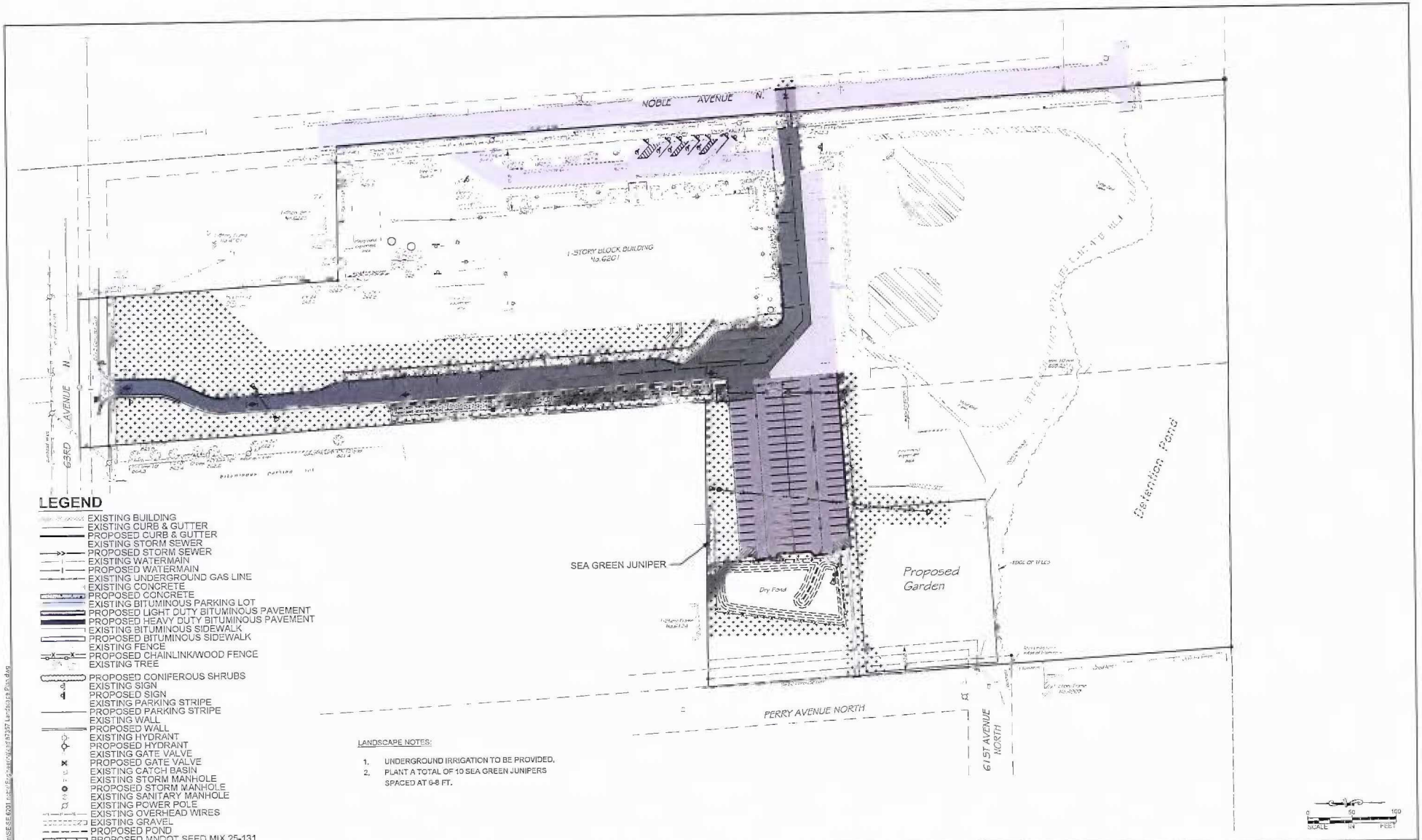
(763)-562-7700

REVISIONS

STORMWATER POLLUTION PREVENTION PLAN

PROJECT: 07357
SHEET NO.
C9 OF C9

File: p:\03\319\2\...\Engineering\dd31357 Stormwater Pollution Prevention Plan.dwg



LANDSCAPE NOTES:

1. UNDERGROUND IRRIGATION TO BE PROVIDED.
2. PLANT A TOTAL OF 10 SEA GREEN JUNIPERS SPACED AT 6-8 FT.

DESIGNED BY: JAP
DRAWN BY: JRD
CHECKED BY: GRP

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JEFFREY A. PRASCH, P.E.
DATE: 03.13.18 LIC. NO.: 52705

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REVISIONS

LANDSCAPE PLAN

PROJECT: 87357
SHEET NO. L1 OF L1



Calculation Summary

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Ground_Planar	Illuminance	Fc	0.45	3.3	0.0	N.A.	N.A.

Luminaire Schedule

Symbol	Qty	Label	Arrangement	LLF	Description	Lum. Lumens
	5	NEW Type 5	SINGLE	0.910	PRV-A60-D-UNV-T5-BZ	19610
	2	NEW Type 4	SINGLE	0.910	PRV-A60-D-UNV-T4-BZ	18935
	2	REPLACED	SINGLE	0.910	PRV-A60-D-UNV-T4-BZ	18935
	13	WP	SINGLE	0.910	WP2LED37N	4387

Page M of 1

Noble / Nompeng Academy

Parking Expansion

Drawn By: Dan Budke
Checked By:
Date: 5/23/2018
Scale:

Revisions	#	Date	Comments

Viking Electric Supply

Exhibit B

Council Meeting Date 12-20-93
Agenda Item Number 9b

CITY OF BROOKLYN CENTER

REQUEST FOR COUNCIL CONSIDERATION

****

ITEM DESCRIPTION: Planning Commission Application No. 93017 - Independent School District No. 279

****

DEPT. APPROVAL:

Ronald A. Warren

RONALD A. WARREN, PLANNING AND ZONING SPECIALIST

****

MANAGER'S REVIEW/RECOMMENDATION: [signature]

No comments to supplement this report _____.Comments below/attached _____.

****

SUMMARY EXPLANATION:(supplemental sheets attached_____)

Planning Commission Application No. 93017 submitted by Independent School District No, 279 is a request for site and building plan and special use permit approval for a 2,800 square foot addition to the Orchard Lane Elementary school which is located at 6201 Noble Avenue North. This application was considered by the Planning Commission at its December 9, 1993 meeting. Attached are minutes and information sheets from that meeting, a map showing the area and various plans related to the proposed addition.

Recommendation

This application was recommended for approval by the Planning Commission at its December 9, 1993 meeting subject to twelve conditions of approval.

Voting in favor: Chair Pro Tem Holmes, Commissioners Hilstrom, Johnson, Mickelson, Reem and Willson. Voting against: none. The motion passed.

There was a brief recess called at 8:30 and the Planning Commission reconvened at 8:46.

APPLICATION NO. 93017 (INDEPENDENT SCHOOL DISTRICT NO. 279)
Chair Pro Tem Holmes introduced the next item of business, a request from Independent School District No. 279 for site and building plan and special use permit approval for a 2,800 square foot addition to Orchard Lane Elementary School located at 6201 Noble Avenue North.

The Secretary reviewed the contents of the staff report (see Planning Commission Information Sheet for Application No. 93017, attached) and offered to answer any questions. Mr. Hamilton and Mr. Hayes also returned to answer questions.

Commissioner Willson asked where the elevator was to be and how much of it will stick up on the roof. Mr. Hayes showed the location of the elevator and explained two feet of the equipment would be visible on the roof, but adequate screening would be provided.

Commissioner Holmes asked about asbestos and was told by Mr. Hamilton any asbestos disturbed would be handled with routine proper abatement.

Mr. Hayes explained Orchard Lane is the only two story elementary school in District 279 and these changes to the school are needed to provide for updated handicap access and to meet NFPA standards.

Commissioner Holmes asked who owns the neighboring property where the pond would go. The Secretary responded it is the Brook Park Baptist Church. He noted the Church and other property in this area would benefit from the addition of the pond as well as the school.

Mr. Hayes pointed out some extra landscaping on the site plan that seemed unnecessary to meet requirements. He suggested that particular part of the plan be eliminated and money diverted to meeting the conditions forthcoming from the Brooklyn Boulevard study as mentioned in Planning Commission Application 93016. The Commission agreed that was acceptable and asked Mr. Hayes to submit a revised plan.

Commissioner Mickelson suggested the same changes to conditions in Application 93016 be made to Application 93017.

PUBLIC HEARING (APPLICATION NO. 93017)
Chair Pro Tem Holmes opened the meeting for the purpose of a public hearing on request for site and building plan and special use permit approval for a 2,800 square foot addition to Orchard Lane Elementary School located at 6201 Noble Avenue North at 9:02 p.m. He

inquired if there was anyone present who wished to address the Commission, no one appeared to speak, and he entertained a motion to close the public hearing.

CLOSE PUBLIC HEARING

There was a motion by Commissioner Mickelson and seconded by Commissioner Hilstrom to close the public hearing at 9:02 p.m. The motion passed unanimously.

ACTION RECOMMENDING APPROVAL OF APPLICATION NO. 93017 (INDEPENDENT SCHOOL DISTRICT NO. 279)

There was a motion by Commissioner Mickelson and seconded by Commissioner Willson to recommend approval of Application No. 93017 submitted by Independent School District No. 279 for site and building plan and special use permit approval for a 2,800 square foot addition to Orchard Lane Elementary School located at 6201 Noble Avenue North subject to the following conditions:

1. The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.

2. Grading, drainage and utility plans are subject to review and approval by the City Engineer, prior to the issuance of permits.

3. A Site Performance Agreement shall be submitted prior to the issuance of permits to assure completion of approved site improvements.

4. Any outside trash disposal facilities and rooftop mechanical equipment shall be appropriately screened from view. The trash enclosure shall contain an opaque wood gate attached to a metal frame rather than a chain link gate with slats.

5. The building is to be equipped with an automatic fire extinguishing system to meet NFPA standards and shall be connected to a central monitoring device in accordance with Chapter 5 of the City ordinances.

6. Plan approval is exclusive of all signery which is subject to Chapter 34 of the City Ordinances.

7. B612 curb and gutter around all parking and driving areas shall be deferred until the parking lot facilities at the school are upgraded based upon the school district's plan for scheduled improvements, which shall be accomplished within the next ten years.

8. The applicant shall submit an as-built survey of the property, improvements and service lines, prior to the release of the Performance Agreement.

9. The property owner shall enter into an easement and agreement for maintenance and inspection of utility and storm drainage systems, prior to the issuance of permits.

10. The storm drainage system shall be approved by and be in compliance with conditions set by the Shingle Creek Watershed Management Commission prior to the issuance of permits for this project.

11. Ponding areas required as part of the storm drainage plan shall be protected by an approved easement. The easement documents shall be executed and filed with Hennepin County prior to the issuance of permits.

12. The landscape plan shall be revised to eliminate extra landscaping so that funds will be diverted to providing additional landscaping along Brooklyn Boulevard at the Garden City Elementary School site.

Voting in favor: Chair Pro Tem Holmes, Commissioners Hilstrom, Johnson, Mickelson, Reem and Willson. Voting against: none. The motion passed.

OTHER BUSINESS

a. 1994 Planning Commission Meeting Schedule

The Secretary submitted a proposed schedule for Planning Commission meetings in 1994 and explained it was a guideline to go by but changes could be made if necessary. All Commissioners agreed the schedule would work well as a guideline, and no action was necessary.

The Secretary gave a brief and informal update on the status of projects that had formerly been before the Planning Commission.

ADJOURNMENT

Motion by Commissioner Mickelson and seconded by Commissioner Hilstrom to adjourn the meeting of the Planning Commission. The motion passed unanimously. The Planning Commission adjourned at 9:30 p.m.

_____

Chairperson

Recorded and transcribed by:
Kathy Stratton
TimeSaver Off Site Secretarial

PLANNING COMMISSION INFORMATION SHEET

Application No:	93017
Applicant:	Independent School District No. 279 (Osseo Area Schools)
Location:	6201 Noble Avenue North
Request:	Site and Building Plan/Special Use Permit

Independent School District No. 279, Osseo Area Schools, is requesting site and building plan and special use permit approval to construct a 2,800 square foot addition to the existing 52,000 square foot Orchard Lane Elementary School, which is located at 6201 Noble Avenue North. The proposed addition, which is to be located at the north side of the building, includes a vocal music room, instrumental music room, small group room and four offices. The project also includes remodeling and expansion of the administration areas, an elevator, and a new fire sprinkler and fire alarm system throughout the school building. A trash enclosure will also be constructed.

The school property is located in an R-1 (single family residence) zoning district and is bounded on the north by 63rd Avenue North and single family homes; on the east by Noble Avenue North with single family homes on the opposite side of Noble Avenue; on the south side by the Brooklyn Center/Crystal boundary line with the Environmental Preserve further to the south; and on the west by Perry Avenue North, single family homes, and the Brook Park Baptist Church. Public and private elementary and secondary schools are listed as special uses in the R-1 zoning district.

ACCESS/PARKING

Access to the school property is gained only from Noble Avenue via two curb cuts. The northerly access is angled to allow for one way access to a drop off and limited angled parking area. The southerly access is a 90 degree access leading to a driving and parking area to the south of the school building. This access also links up with the one way drive lane and serves as the exit for that traffic as well. These areas, including the drive ways, drive lanes and angled parking are bound by curb and gutter. Currently there are 44 on site parking spaces, all but eight of which are located along the south side of the school. The proposed plan calls for 60 on site parking spaces, three of which will be handicapped spaces. Ten new parking spaces will be added to the west end of the existing parking lot. Other spaces will be gained by restriping the parking lot. This should provide enough on site parking to eliminate the parking which is being done on a regular basis along Noble Avenue. The applicant has indicated that there are 54 licensed and non-licensed staff personnel that work out of Orchard Lane School. There is no established parking formula for schools in the zoning ordinance and we have tended to look at the number of full time and part time employees as being a basis for determining adequate on site parking. This number appears to provide enough parking for staff and visitors on a regular day to day basis. Special events at the school may occasionally require some on street parking, which is expected and understood.

LANDSCAPING

The proposed landscape plan calls for some additional landscaping on the east side of the school, to the north of the new addition and some clustering of landscaping along the west property line, northwesterly of the school. Also, two Swamp White Oak are planned for south of the parking lot between the ball fields and the play area. The school currently has a number of mature Ash trees located evenly along the Noble Avenue green strip as well as mature Butternut trees located close to the school. City Ordinances require screening of parking areas containing more than six parking spaces from abutting residential areas, including residential areas that are across the street from such parking lots. In order to comply with this requirement the school district is proposing additional landscaping consisting of 17 Globe Aborvitae and five American Dark Green Arborvitae to be interspersed between the existing Ash trees to provide landscape screening of the angled parking area along Noble Avenue. In addition, four Snowdrift Crabapples are proposed around the south entrance/exit. Two more Snowdrift Crabapples are proposed one on either side of the north entrance. Perimeter plantings of Globe Arborvitae and American Dark Green Arborvitae are proposed for around the new addition. Two Black Hills Spruce and a Yellow Dogwood are proposed by the southwest corner of the neighboring single family home to the north, while two Scotch Pine and a Yellow Dogwood are scheduled for the southeast corner. Along the westerly side of the school property, to the northwest of the school, are various groupings of plantings containing Black Hills Spruce, Scotch Pines, Snowdrift Crabapples and Yellow Dogwoods. The landscape point system does not address schools. However, the proposed new landscaping coupled with existing landscaping including that found to the south of the site by the existing wetland appears to be more than adequate for this site.

GRADING/DRAINAGE/UTILITIES

Because the Orchard Lane Elementary School site is over five acres (13+ acres) review and approval by the Shingle Creek Watershed Management Commission is required pertaining to the quality and rate of site drainage. A storm water detention pond is proposed for west and a little north of the expanded parking area. Watershed Management Commission approval of this proposal is required.

Currently the parking and playground area, south and westerly of the school, is not bound by curb and gutter. The applicant proposes bituminous curb at the edge of the expanded parking lot. We have advised the applicant of the City's requirement for a minimum B612 curb and gutter around all driving and parking areas. As with the Garden City School proposal, Mr. Dale Hamilton, on behalf of the school district, is requesting that the school district be allowed to defer the required curb and gutter improvements at this time until the Orchard Lane parking facility is upgraded on a schedule along with the program proposed for all Independent School District No. 279 schools. Again, this seems like a fair means of accomplishing compliance with current ordinance regulations. We would recommend that these improvements be deferred until that time.

BUILDING

The exterior treatment of the building addition will be a face brick with prefinished metal flashing along the top of the building to match the existing exterior. Wood screening of rooftop mechanical equipment is also proposed. The trash enclosure located along the west side of the building, on the north side of the parking lot, should be of the same face brick with a prefinished metal flashing to match the existing exterior treatment. We also recommend that an opaque wood gate, attached to a metal frame be used for better screening. The location of the building addition along the north side of the existing school building will displace a current play area. This area will be shifted to be located to the west of the new addition and appropriate play equipment will be added.

SPECIAL USE PERMIT STANDARDS

We believe the proposed improvements to Orchard Lane Elementary School meet the standards for Special Use Permits contained in Section 35-220 Subdivision 2 of the City's zoning ordinance. The addition of the vocal and instrument music rooms as well as the remodeling and expansion, plus an elevator and a new fire sprinkler and fire alarm system, we believe, will enhance the public welfare. It certainly will not be injurious to other property in the neighborhood nor impede normal and orderly development. In fact, the additional screening should be of benefit to homes located across Noble Avenue. The expanded parking lot should reduce, if not eliminate, the regular on street parking which has been occurring for some time. These improvements, therefore, seem consistent with the Special Use Permit standards.

A public hearing has been scheduled and notices have been sent.

RECOMMENDATION

Altogether the plans are generally in order and approval is recommended subject, at least, to the following conditions:

1. Building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.

2. Grading, drainage, utility and berming plans are subject to review and approval by the City Engineer, prior to the issuance of permits.

3. A Site Performance Agreement shall be submitted prior to the issuance of permits to assure completion of approved site improvements.

4. Outside trash disposal facilities and rooftop mechanical equipment shall be appropriately screened from view.

5. The building is to be equipped with an automatic fire extinguishing system to meet NFPA standards and shall be connected to a central monitoring device in accordance with Chapter Five of the City Ordinances.

6. Plan approval is exclusive of all signary, which is subject to Chapter 34 of the City Ordinances.

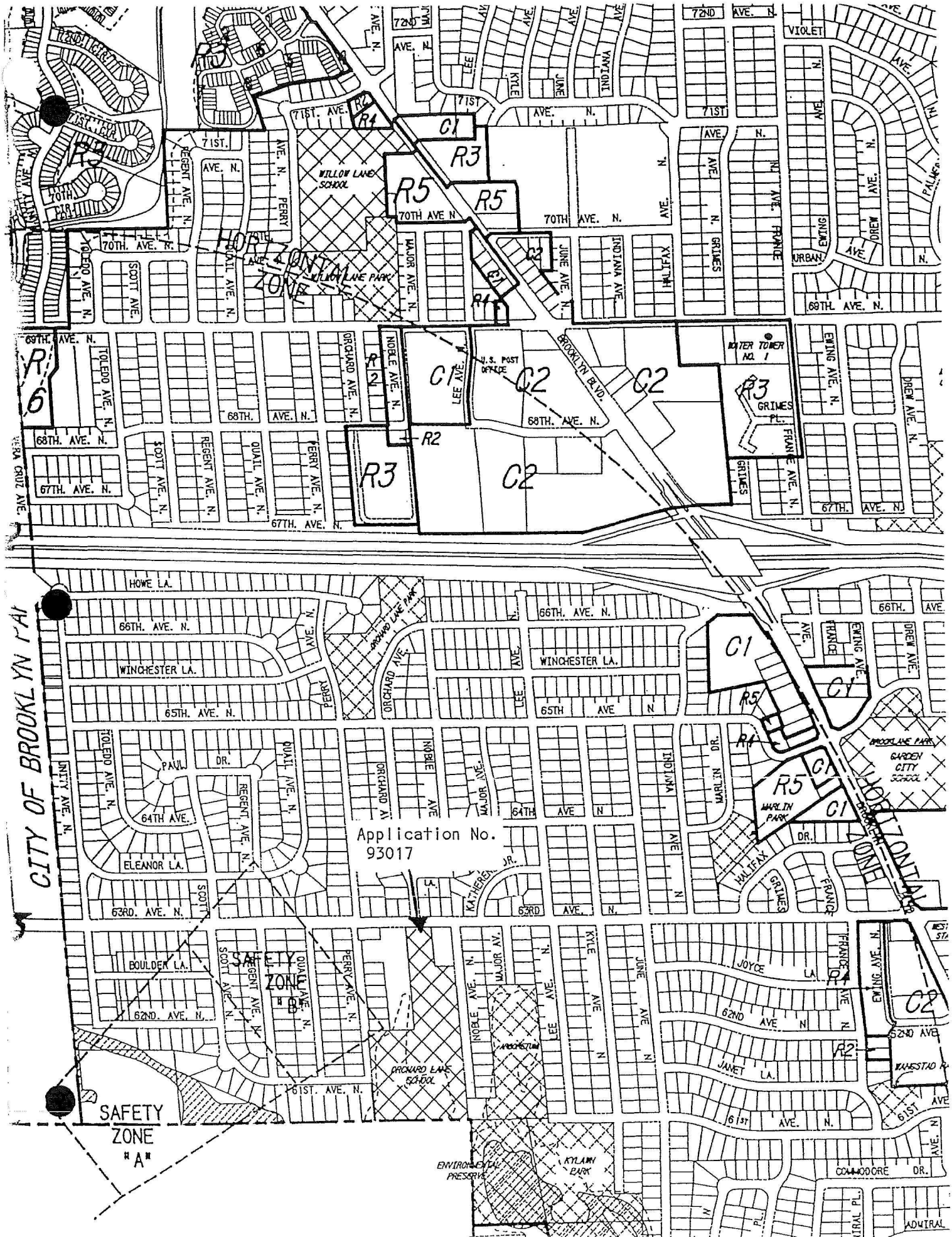
7. B612 curb and gutter may be deferred, but shall be provided at the time parking lot improvements are made to Orchard Lane Elementary School within the next ten years.

8. The applicant shall submit an as built survey of the property, improvements and utility service lines, prior to release of the performance guarantee.

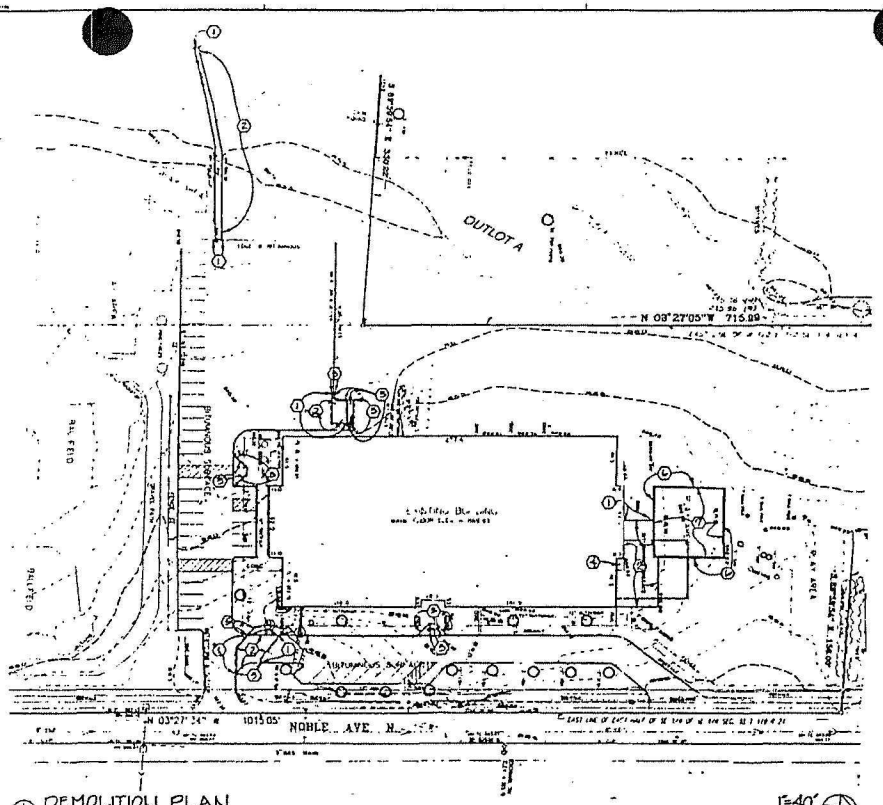
9. The property owner shall enter into an easement and agreement for maintenance and inspection of utility and storm drainage systems, prior to the issuance of permits.

10. The storm drainage system shall be approved by the Shingle Creek Watershed Management Commission prior to the issuance of permits.

11. Ponding areas required as part of the storm drainage plan shall be protected by an approved easement. The easement document shall be executed and file with Hennepin County prior to the issuance of permits.



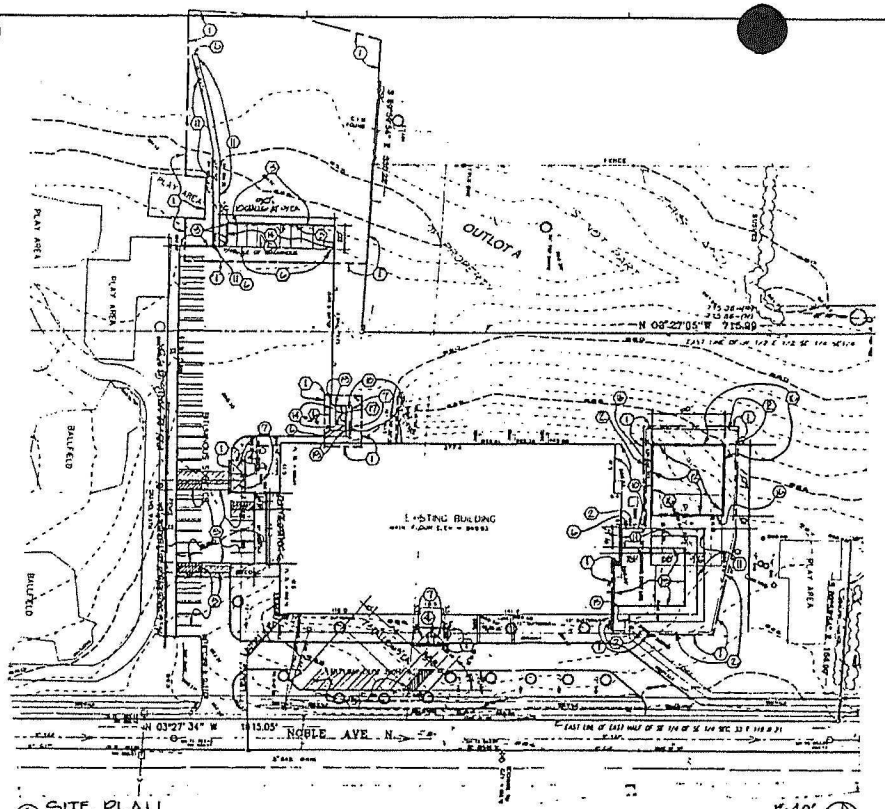
CITY OF BROOKLYN PA
HORIZONTAL ZONE
SAFETY ZONE "A"
SAFETY ZONE "B"
Application No. 93017
WILLOW LANE SCHOOL
WILLOW LANE PARK
U.S. POST OFFICE
WATER TOWER NO. 1
GRIMES PL.
ORCHARD LANE PARK
ORCHARD LANE SCHOOL
MARLIN PARK
GARDEN CITY SCHOOL
KYLAWN PARK
ENVIRONMENTAL PRESERVE
ARBORETUM
HOWE LA.
66TH. AVE. N.
WINCHESTER LA.
65TH. AVE. N.
64TH AVE.
ELEANOR LA.
63RD. AVE. N.
BOULDER LA.
62ND. AVE. N.
61ST. AVE. N.
70TH AVE N
69TH. AVE. N.
68TH. AVE. N.
67TH. AVE. N.
71ST. AVE. N.
72ND AVE. N.
JOYCE LA.
JANET LA.
COMMODORE DR.
ADMIRAL



1/L2 DEMOLITION PLAN 1"=40' NORTH

DEMOLITION NOTES

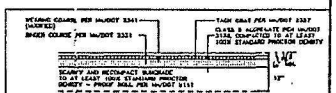
1. SAWCUT EXIST BIT PVMT ALONG CRACKED LINE
2. (E) REMOVE EXIST BIT PVMT
3. REMOVE EXIST CONC PVMT, CURB AND GUTTER
4. (E) REMOVE EXISTING EXIST CONC STOOP & FOUNDATION
5. SAWCUT EXIST CONC PVMT ALONG CRACKED LINE
6. (E) REMOVE EXIST LAND TO RECEIVE
7. SALVAGE PLAY EQUIPMENT AND SALVAGE PLAY AREA SAND



2/L2 SITE PLAN 1"=40' NORTH

SITE PLAN NOTES

1. PROJECT LIMITS
2. (E) EXIST CHAINLINK FENCE
3. (N) PATH - WIDTH AS SHOWN
4. (N) ACCESSIBLE CURB OPENING, RED MIX SLOPE (N) AND NEW PARKING LOT GRADING (MATCH) - 1% MIN SLOPE - 4 PER WEEK GRADE (TYPICAL ALL LOCATIONS) - REASONABLE WATER OPERATIONS
5. MATCH TOP OF NEW PATH PVMT TO TOP OF EXIST CONC PVMT
6. MATCH TOP OF NEW CONC PVMT TO TOP OF EXIST CONC PVMT
7. (E) TREE TO REMAIN
8. NEW CONC STOOP - SEE ARCH PLAN PLANS
9. (E) PATH TO REMAIN
10. (N) PATH WIDENING (N)
11. REMOVE PLAYGROUND BOARD & PLAY AREA MATERIALS, UNLOCKED TO NEW SCHOOL
12. (N) NEW CURB OPENING - SEE ARCH PLAN PLANS
13. (N) ALL NEW PATH PVMT (N)
14. MATCH TOP OF NEW PATH PVMT TO TOP OF EXIST CONC PVMT
15. (N) 6'-0" THERMOPLASTIC (N) CROSSWALK TO BE PAINTED TO SHOULDER LINE
16. TRASH ENCLOSURE - SEE ARCH PLAN PLANS
17. (N) RAMP NEW CONC PVMT (N)
18. (N) NEW CONC CURB (N) MATCH GRADE for EXIST. MATCH TOP OF NEW CONC CURB TO TOP OF EXIST CURB, TIE INTO TRASH ENCLOSURE



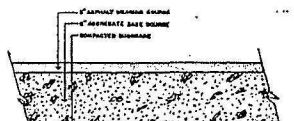
5/L2 LIGHT DUTY BITUMINOUS PAVEMENT 1/2" SCALE

GENERAL NOTES

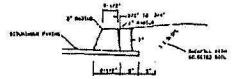
- FOR PROPOSED ELEVATIONS & CHARACTER SEE DRAINAGE/GRADING/UTILITY PLAN

PARKING REQUIREMENTS

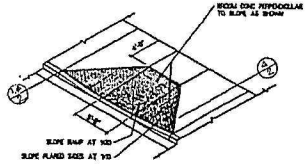
• REQUIRED PARKING SPACES (BASED ON LICENSED & NON-LICENSED STAFF)		54
• PARKING SPACES PROVIDED	HANDICAPPED	3(7)
	STANDARD	+
	TOTAL	50



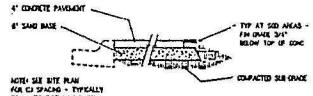
1/L2 5 TON PAVEMENT DESIGN SECTION



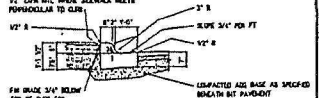
2/L2 BITUMINOUS CURB



2/L2 3/4"=1'-0" ACCESSIBLE CURB OPENING - ISOMETRIC VIEW NO SCALE



3/L2 CONC PAVEMENT SECTION 1"=1'-0" NO SCALE



2/L2 CURB & GUTTER SECTION - EQUIT 1"=1'-0" NO SCALE

Armstrong Torseth Skold and Rydeen Inc.
Architecture Engineering Planning Interior Design Landscape Arch
4901 Olson Memorial Highway
Minneapolis Minnesota 55422 Tel 612-545-3731 Fax 612-525-3280

SITE PLAN / DEMOLITION PLAN

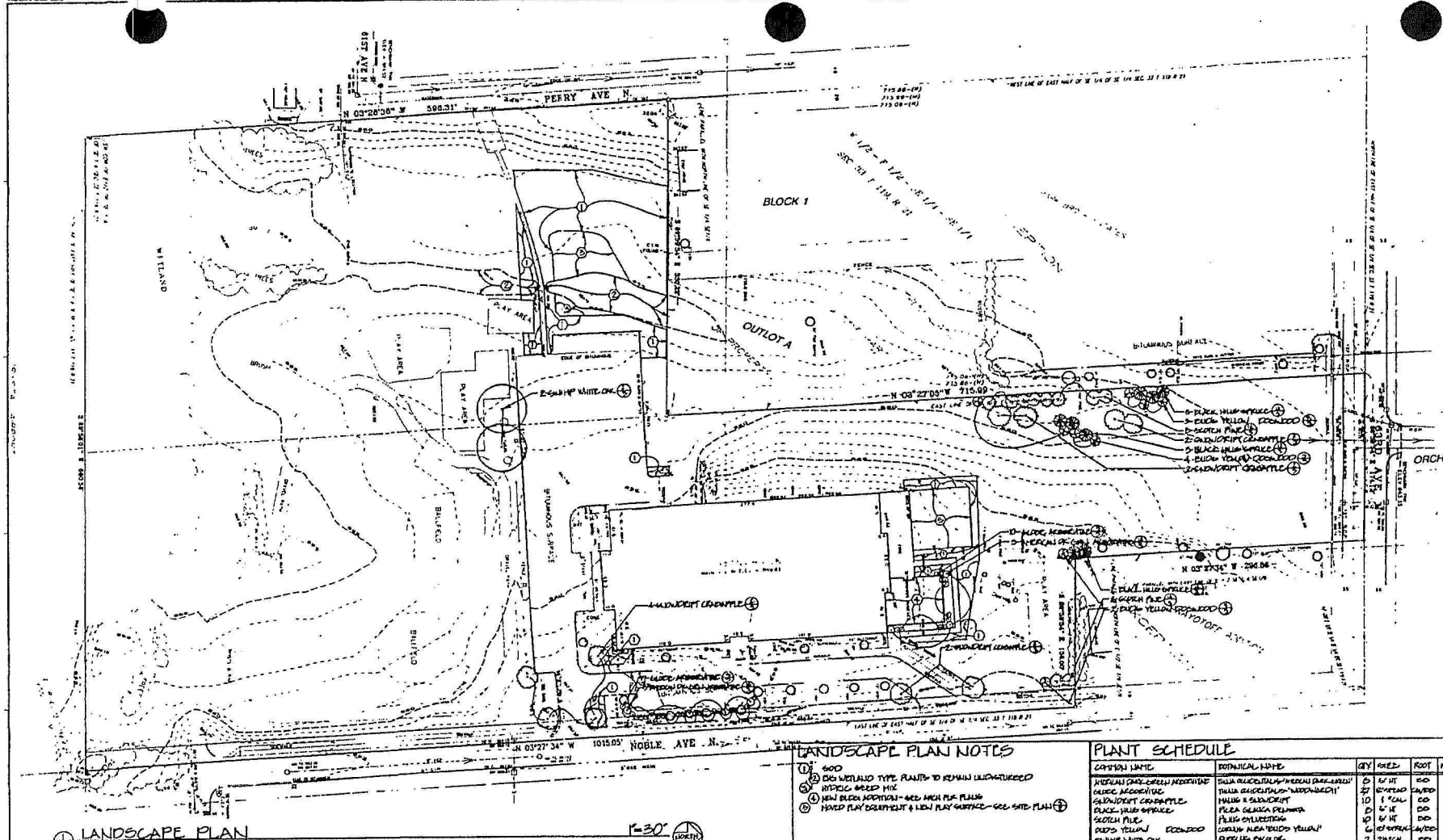
ADDITION AND ALTERATIONS TO
ORCHARD LANE ELEMENTARY SCHOOL
BROOKLYN CENTER, MINNESOTA
INDEPENDENT SCHOOL DISTRICT NO. 279

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

(Certification Available Upon Final Approval)

Date Reg. No.

DRAWN BY LWA
CHECKED BY
PROJECT NO. 95026
DATE 11/24/95
SHEET 2 OF SHEETS



LANDSCAPE PLAN

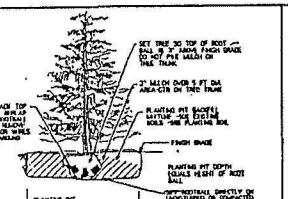
1"=30'

LANDSCAPE PLAN NOTES

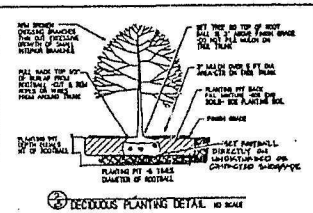
1. SOD
2. DIG WETLAND TYPE PLANTS TO REMAIN UNDISTURBED
3. MYSTIC SEED MIX
4. NEW BERM ADDITION - SEE MNDOT FOR FILLING
5. RAKED PLAY EQUIPMENT & TURF PLAY SURFACE - SEE SITE PLAN

PLANT SCHEDULE

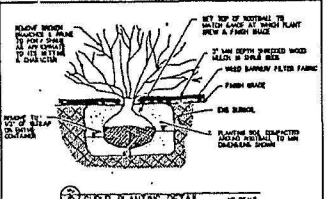
COMMON NAME	BOTANICAL NAME	QTY	SIZE	ROOT	REMARKS
NORWAY SPRUCE/GREEN MOUNTAIN	PICEA ABIES/PICEA ABIES 'GREEN MOUNTAIN'	5	6' HT	BB	
COLORADO SPRUCE	PICEA PUNGENS/PICEA PUNGENS 'HOOPSII'	17	6'-7' HT	B&BED	
SHADBLOW SERVICEBERRY	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE'	10	1" CAL	BB	
BLACK HILLS SPRUCE	PICEA GLAUCA DENSATA	15	6' HT	BB	
SCOTCH PINE	PINUS SYLVESTRIS	10	6' HT	BB	
BLACK YELLOW ROSEWOOD	CORNUS KOUSA 'BLACK YELLOW'	6	1½" CAL	B&BED	
SUGAR WHITE OAK	QUERCUS ALBA	2	2½" CAL	BB	



1A EVERGREEN TREE DETAIL NO SCALE



2 DECIDUOUS PLANTING DETAIL NO SCALE



3 SHRUB PLANTING DETAIL NO SCALE

Armstrong Torseth Skold and Rydeen Inc.
Architecture
Engineering
Planning
Interior Design
Landscape Arch.
4900 Olson Memorial Highway
Minneapolis
Minnesota 55422
Tel 612-545-3731
Fax 612-525-3289

LANDSCAPE PLAN

ADDITION AND ALTERATIONS TO
ORCHARD LANE ELEMENTARY SCHOOL
BROOKLYN CENTER, MINNESOTA
INDEPENDENT SCHOOL DISTRICT NO. 279

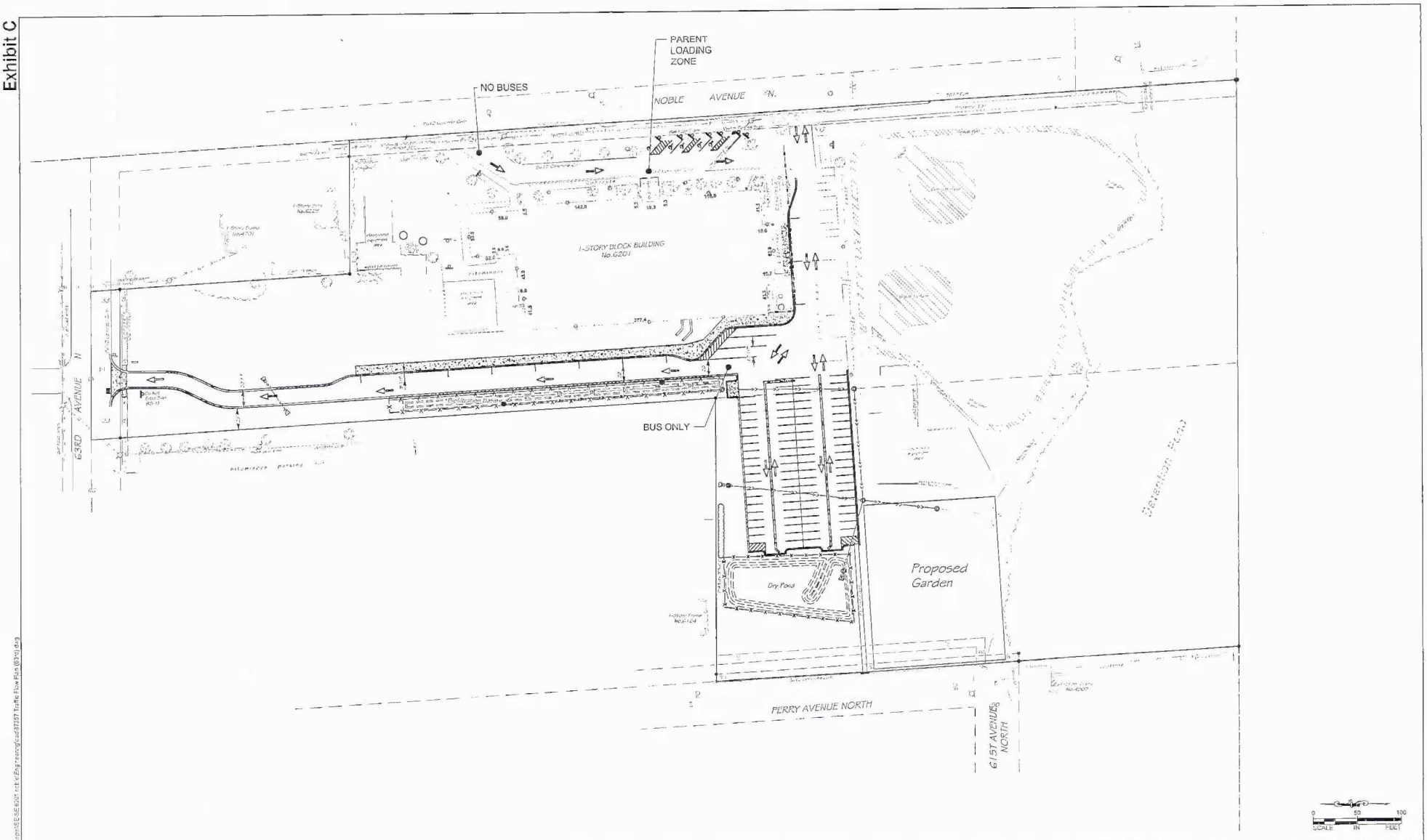
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Architect under the laws of the State of Minnesota.

(Certification Available Upon Final Approval)

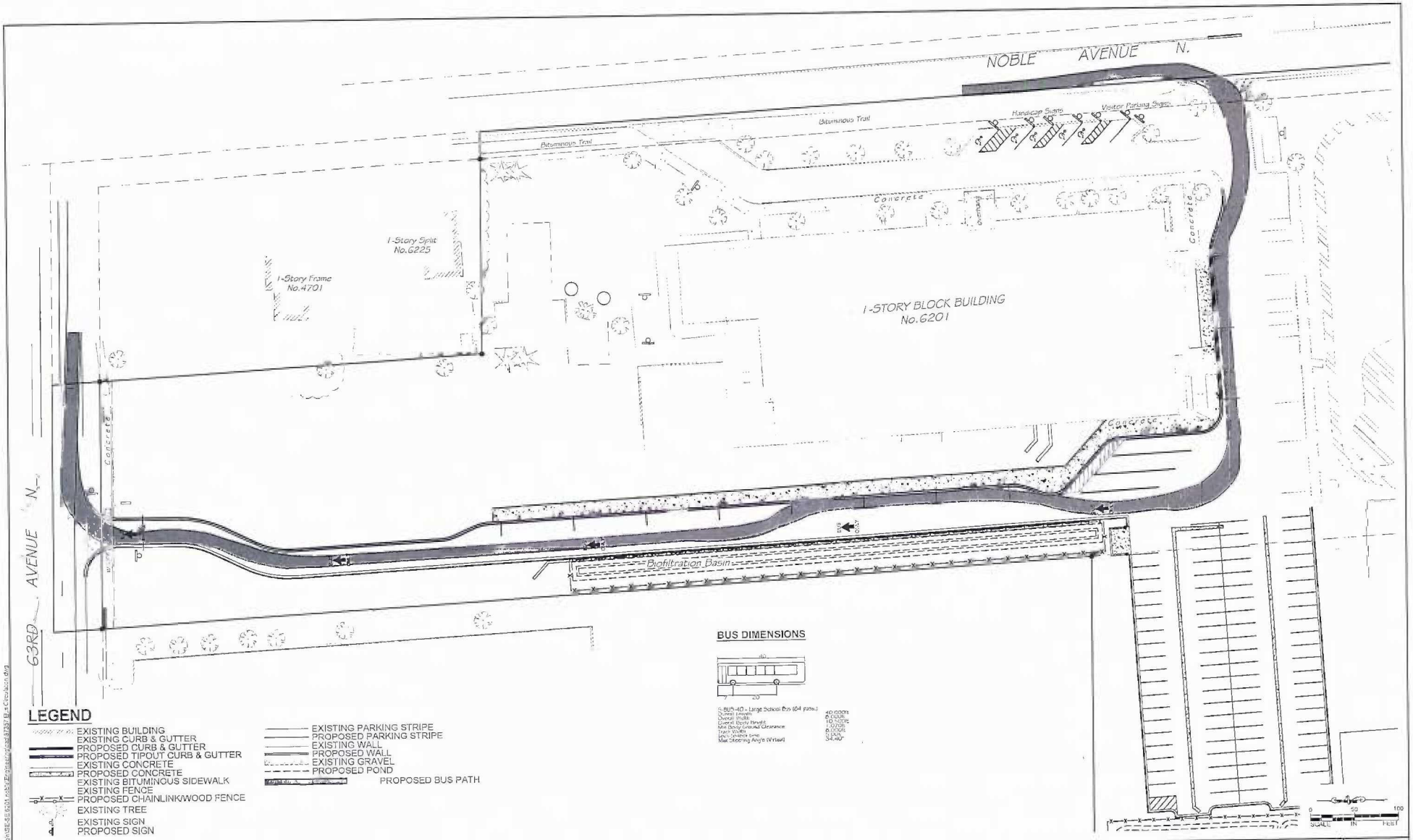
Date Reg. No.

DRAWN BY LMA
CHECKED BY
PROJECT NO. 9-2026
DATE 11/26/99
SHEET 3 OF SHEETS

Exhibit C



DESIGNED BY: JAP DRAWN BY: JRD CHECKED BY: GRP	NOMPENG ACADEMY PARKING EXPANSION 6201 NOBLE AVENUE NORTH BROOKLYN CENTER, MINNESOTA	THE GREGORY GROUP, INC. Land Surveyors and Civil Engineers	LOT SURVEYS COMPANY, INC. LAND SURVEYING & ENGINEERING 7001 73RD AVENUE N, BROOKLYN PARK, MN 55428 PHONE: (763)-560-3093 FAX: (763)-560-3522 www.lotsurveyscompany.com	NOBLE ACADEMY 9477 DECATUR DRIVE NORTH BROOKLYN PARK, MINNESOTA 55445 (763)-582-7706	REVISIONS	TRAFFIC FLOW PLAN - BUS ACCESS TO 63RD AVENUE	PROJECT: 87357 SHEET NO. A OF A 05.16.2018



LEGEND

- EXISTING BUILDING
- EXISTING CURB & GUTTER
- PROPOSED CURB & GUTTER
- PROPOSED TIPOUT CURB & GUTTER
- EXISTING CONCRETE
- PROPOSED CONCRETE
- EXISTING BITUMINOUS SIDEWALK
- EXISTING FENCE
- PROPOSED CHAINLINK/WOOD FENCE
- EXISTING TREE
- EXISTING SIGN
- PROPOSED SIGN
- EXISTING PARKING STRIPE
- PROPOSED PARKING STRIPE
- EXISTING WALL
- PROPOSED WALL
- EXISTING GRAVEL
- PROPOSED POND
- PROPOSED BUS PATH

DESIGNED BY: JAP
DRAWN BY: JRD
CHECKED BY: GRP

NOMPENG ACADEMY PARKING EXPANSION
6201 NOBLE AVENUE NORTH
BROOKLYN CENTER, MINNESOTA

THE GREGORY GROUP, INC.
Land Surveyors and Civil Engineers

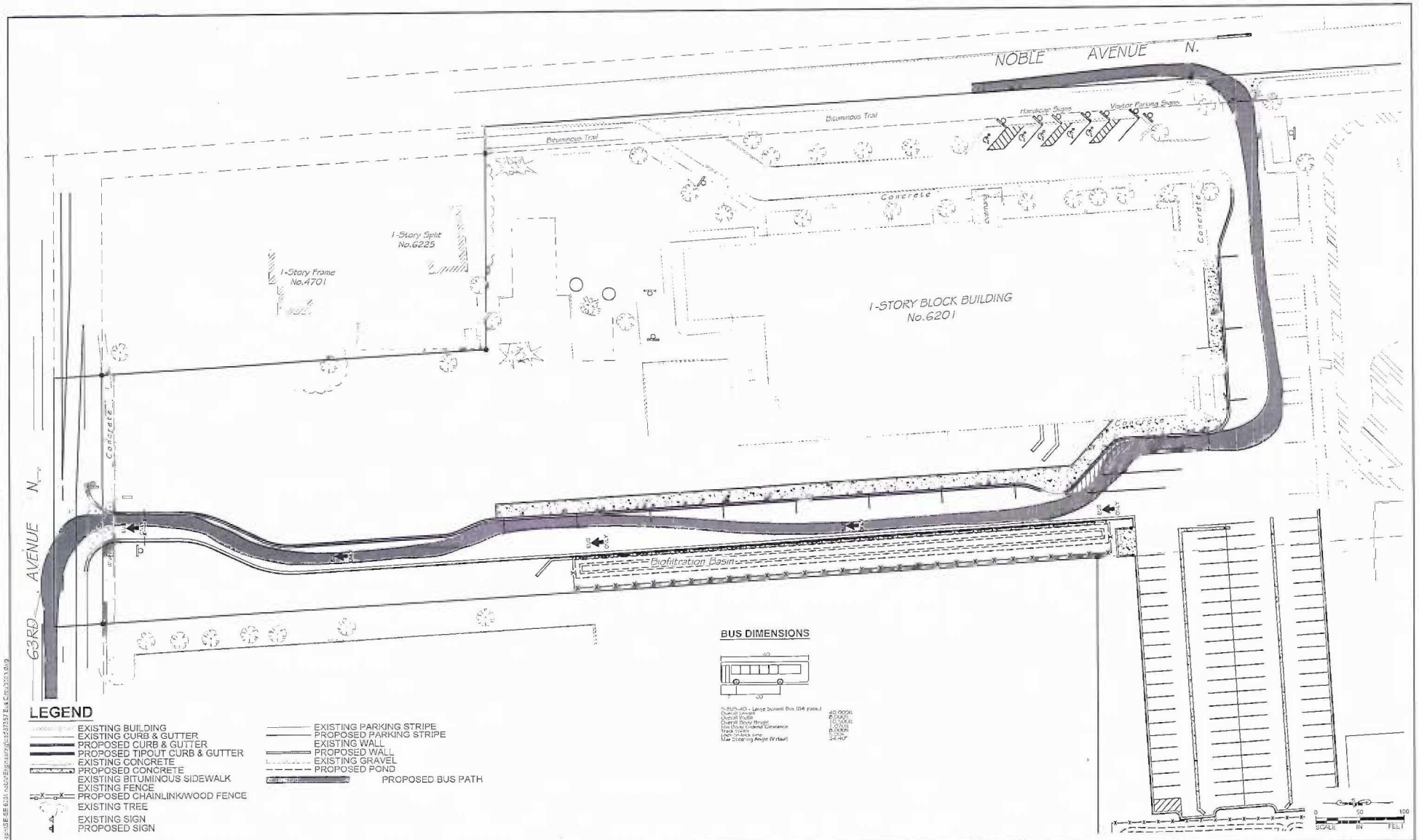
LOT SURVEYS COMPANY, INC.
LAND SURVEYING & ENGINEERING
7901 73RD AVENUE N, BROOKLYN PARK, MN 55428
PHONE: (763)-560-3003 FAX: (763)-560-3522
www.lotsurveyscompany.com

NOBLE ACADEMY
9477 DECATUR DRIVE NORTH
BROOKLYN PARK, MINNESOTA 55445
(763)-592-7700

REVISIONS

EXHIBIT B - BUS CIRCULATION

PROJECT: 67357
SHEET NO.
B OF C
05.11.2018



DESIGNED BY: JAP
DRAWN BY: JRD
CHECKED BY: CRP

NOMPENG ACADEMY PARKING EXPANSION
6201 NOBLE AVENUE NORTH
BROOKLYN CENTER, MINNESOTA

THE GREGORY GROUP, INC.
Land Surveyors and Civil Engineers

LOT SURVEYS COMPANY, INC.
LAND SURVEYING & ENGINEERING
7601 73RD AVENUE N, BROOKLYN PARK, MN 55428
PHONE: (763)-560-3093 FAX: (763)-560-3522
www.lotsurveyscompany.com

NOBLE ACADEMY
9477 DECATUR DRIVE NORTH
BROOKLYN PARK, MINNESOTA 55445
(763)-502-7700

REVISIONS

EXHIBIT C - BUS CIRCULATION

PROJECT: 87357
SHEET NO.
C OF C

Exhibit D

June 10, 2018

To: Ginny Mcintosh, City Planner and Zoning Administrator
From: J. Kou Vang

RE: Nompeng Academy – Traffic Summary
6201 Noble Avenue North, Brooklyn Center, MN

Dear Ms. Mcintosh;

Please accept this as a formal response to the questions that was communicated to us concerning the site improvement plans for Nompeng Academy. This response is summarized by J. Kou Vang of JB Vang on behalf of Mr. Neal Thao, Superintendent of Nompeng Academy. Mr. Thao is on vacation in Europe and can not respond directly, but I have been in contact with Mr. Thao and the following responses are approved by him. Attached to this summary, you will find Superintendent Thao's email.

Exit to 63rd:
This egress onto 63rd Avenue North, will be for exit only during morning drop off and afternoon pick up. During the rest of the day, the access will be gated and shut. Signage will be provided to alert all drivers that this is an EXIT ONLY curb cut.

Parent & Bus Traffic:
Nompeng Academy is projecting that full enrollment for the site will be between 530-550 students from grades Kindergarten to 8th grade. Current enrollment data indicates that about 98% of all students will be utilizing bus services provided by the school with the remaining 2% walking, biking or utilizing parent transportation.

With this information, we anticipate that there will be between 10-12 buses providing transportation for the Students. Current revised site plan shows that the site can stack 12 buses within the school grounds. Nompeng Academy will not be stacking any buses on the street for drop off or pick up.

The 2% of the students that will be walking, biking or being drop off will result is between 7-11 cars. The drop off and pick up area is in front of the school and should accommodate the number of vehicles.

Nompeng Academy's current schedule is as follows:

- Morning Drop Off: 8:30am – 8:45am
- Afternoon Pick Up: 4:00pm – 4:20pm

Please review this and let me know if you have any questions. You can contact me at 651.491.1970 (M) or jkvang@jbvang.com.

Sincerely

J. Kou Vang
President

J. Kou Vang

From: Neal Thao <npthao@nobleacademy.us>
Sent: Friday, June 8, 2018 1:43 PM
To: Mai Yia Chang
Cc: J. Kou Vang
Subject: Nompeng Academy

Projected full enrollment: 530-550
How many are bus: 98 percent
How many are parents drop off: 2 percent
How many buses: approximately 10-12 buses

Morning drop off: 8:30 to 8:45 am
Afternoon pickup: 4:00 pm

Neal P. Thao
Superintendent

9477 Decatur Drive North
Brooklyn Park, MN 55445
(763) 592-7706 Main office
(763) 350-6142 Cell
(763) 592-7707 Fax
npthao@nobleacademy.us



Please do not forward the above email without permission from the author. It was not written for distribution beyond the intended reader. Thank you.

On Jun 8, 2018, at 12:36 PM, Mai Yia Chang <mchang@nobleacademy.us> wrote:

> Suot. T:
>
> Answer.
>
> **Dr. Mai Yia Chang-Schwantes**
> Deputy Superintendent of Academics
>
> 9477 Decatur Drive North
> Brooklyn Park, MN 55445
> (763) 592-7706 Main office
> (763) 688-1124 Cell
> (763) 592-7707 Fax
> mchang@nobleacademy.us
>
> On Jun 8, 2018, at 12:10 PM, J. Kou Vang <jkvang@jbvang.com> wrote:

Per our call this is what I need:

current number of student
How many are bus
How many are parent drop.off
How many buses

Projected student at full enrollment
How many are bus
How many are parent drop off
How many buses

Morning drop off time
Afternoon pick up time

Thank you

J. Kou Vang
President

JB Vang
1335 Pierce Butler Route
St. Paul, MN 55104

This email is sent from my mobile phone. Please excuse any typographical or grammatical errors.

Exhibit E

M E M O R A N D U M

DATE: June 11, 2018

TO: Ginny McIntosh, Planning/Zoning Administrator

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Land Alteration Permit – Noble/Nompeng Academy

Public Works Department staff reviewed the following documents submitted for review on May 18, 2018 for a Site Plan Review of Noble/Nompeng Academy. These plans are associated with site plans initially submitted for review at the Planning Commission meeting on April 12th, 2018, and City Council meeting on April 23rd, 2018. The below memo reviews a requested revision to the recently approved plans that would relocate the installation of a one-way, bus-only driveway from Noble Avenue North to 63rd Avenue North. Other revisions include a request to allow the circulation of the existing angled parking and drop-off area along the front of the school to remain, as the original approval would have required the traffic flow to be re-directed. Unless otherwise noted below or within the subsequent approval conditions, all other conditions of approval, as outlined in City Council Resolution No. 2018-94, apply:

- Civil Site Plans dated May 30, 2018

Subject to final staff Site Plan approval, the referenced plans must be revised in accordance with the following comments/revisions and the approved Site Plan Review, dated April 4, 2018:

C2 & C3 – Detail Sheet

1. Use City details for B618 curb and commercial driveway entrance within the ROW.

C5 – Site Plan

2. Provide turning movements for bus, turning on to 63rd Ave from proposed entrance.
3. Show street striping in 63rd Ave.
4. All City streets are B618.

C8 – Utilily Plan

5. Remove and replace storm structure casting, collar, rings, and Infi-Shield per City detail.
6. Sawcut bituminous pavement near lane line for driveway access onto 63rd Ave.
7. Use City detail for water valve in Noble Ave.
8. Match existing bituminous pavement section in 63rd Ave.
9. The City owned storm sewer may be PVC, if cover meets line MN Dot specs for cover over a PVC pipe.

10. Review OS1 structure. Rim is several feet above grade, ensure numbers are correct.

Miscellaneous

11. See redlines for additional Site Plan comments.

The aforementioned comments are provided based on the information submitted by the applicant at the time of this review. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City.

SITE DEVELOPMENT PLANS

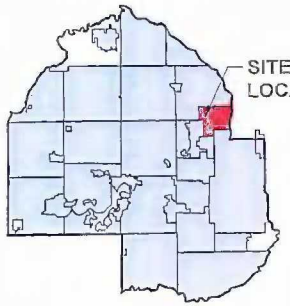
FOR

NOMPENG ACADEMY PARKING EXPANSION

6201 NOBLE AVENUE NORTH
BROOKLYN CENTER, MINNESOTA



HENNEPIN COUNTY



CITY OF BROOKLYN CENTER



SHEET INDEX

THIS PLAN CONTAINS 10 SHEETS

SHEET NO.	DESCRIPTION
C1	TITLE SHEET
C2	DETAILS
C3	DETAILS & CONSTRUCTION NOTES
C4	DETAILS & SWPPP NOTES
C5	SITE PLAN
C6	EXISTING CONDITIONS & REMOVALS PLAN
C7	GRADING & DRAINAGE PLAN
C8	UTILITY PLAN
C9	STORMWATER POLLUTION PREVENTION PLAN
L1	LANDSCAPE PLAN

THE SUBSURFACE UTILITY INFORMATION DEPICTED IN THESE PLANS ARE SHOWN ACCORDING TO CI/ASCE 38-02, "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA," LEVEL D STANDARDS.

LEGEND

IMPAIRED WATERS

DESIGNED BY: JAP
DRAWN BY: JRD
CHECKED BY: GRP

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

JEFFREY A. PRADER, P.E.
DATE: 03.13.18 LIC. NO.: 52706

NOMPENG ACADEMY PARKING EXPANSION
6201 NOBLE AVENUE NORTH
BROOKLYN CENTER, MINNESOTA

THE GREGORY GROUP, INC.
Land Surveying and Civil Engineering

LOT SURVEYS COMPANY, INC.
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7601 73RD AVENUE N, BROOKLYN PARK, MN 55428
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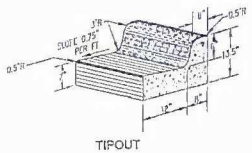
www.lotsurveyscompany.com

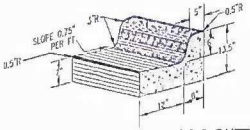
NOBLE ACADEMY
9477 DECATUR DRIVE NORTH
BROOKLYN PARK, MINNESOTA 55445
(763)-502-7706

REVISIONS

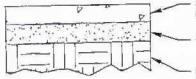
TITLE SHEET

PROJECT: 87357
SHEET NO. C1 OF C9



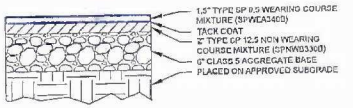


1 C2 B612 CONCRETE CURB & GUTTER
NOT TO SCALE

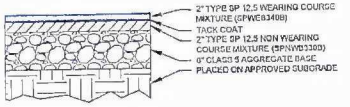


NOTE: SIDEWALK CROSS SLOPES SHALL NOT EXCEED 2%. ANY SIDEWALK EXCEEDING 2% CROSS SLOPE SHALL BE REMOVED AND REPLACED AT THE CONTRACTOR'S EXPENSE.

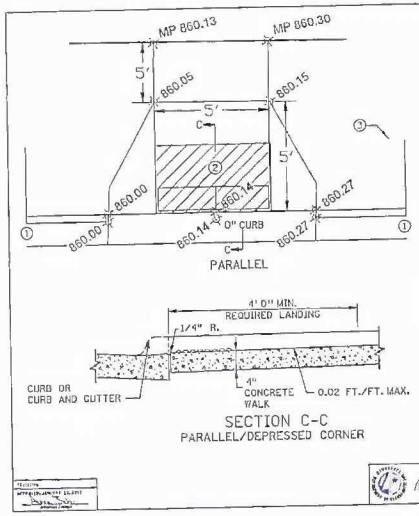
4 C2 CONCRETE SIDEWALK
NOT TO SCALE



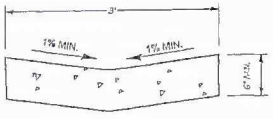
5 C2 LIGHT DUTY BITUMINOUS PAVEMENT
NOT TO SCALE



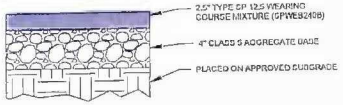
9 C2 HEAVY DUTY BITUMINOUS PAVEMENT
NOT TO SCALE



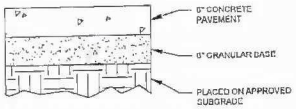
2 C2 PEDESTRIAN RAMP DETAIL
NOT TO SCALE



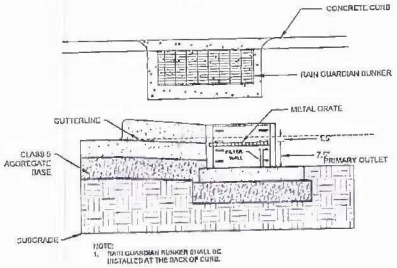
8 C2 CONCRETE VALLEY GUTTER
NOT TO SCALE



10 C2 BITUMINOUS PATH
NOT TO SCALE

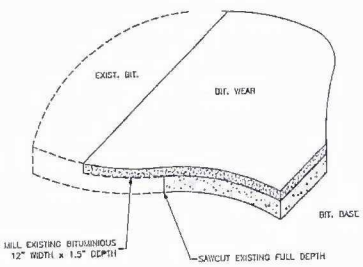


7 C2 CONCRETE DUMPSTER PAVEMENT
NOT TO SCALE

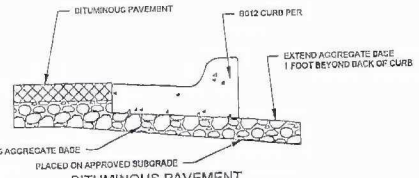


NOTE:
1. RAIN GUARDIAN RUNNER SHALL BE INSTALLED AT THE BACK OF CURB.

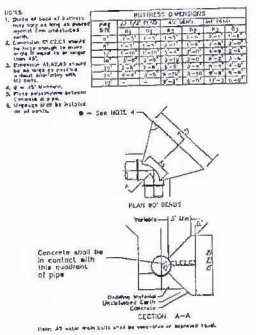
11 C2 RAIN GUARDIAN
NOT TO SCALE



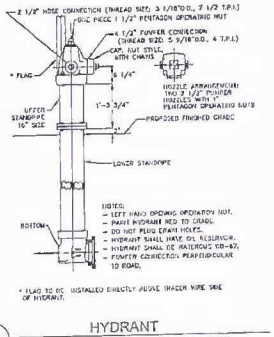
3 C2 MATCH EXISTING BITUMINOUS
NOT TO SCALE



6 C2 BITUMINOUS PAVEMENT
NOT TO SCALE



12 C2 CONCRETE THRUST BLOCKING
NOT TO SCALE



13 C2 HYDRANT
NOT TO SCALE

DESIGNED BY: JAP	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	NOMPENG ACADEMY PARKING EXPANSION 6201 NOBLE AVENUE NORTH BROOKLYN CENTER, MINNESOTA	THE GREGORY GROUP, INC. Land Surveyors and Civil Engineers	LOT SURVEYS COMPANY, INC. LAND SURVEYING & ENGINEERING 7001 73RD AVENUE N. BROOKLYN PARK, MN 55428 PHONE: (763)-560-3000 FAX: (763)-560-3522 www.lotsurveycompany.com	NOBLE ACADEMY 5477 DECATUR DRIVE NORTH BROOKLYN PARK, MINNESOTA 55445 (763)-502-7700	REVISIONS 05.20.19 BUS LANE TO 03RD	DETAILS	PROJECT: 87357 SHEET NO. C2 OF C9
DRAWN BY: JRD								
CHECKED BY: CRP	JEFFREY A. PRAUGH, P.E. DATE: 03.13.18 LIC. NO.: 52706							

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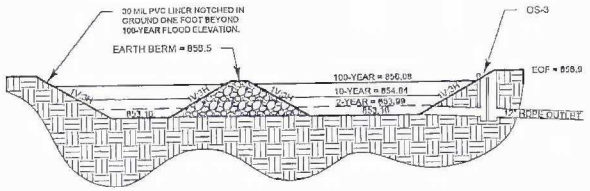
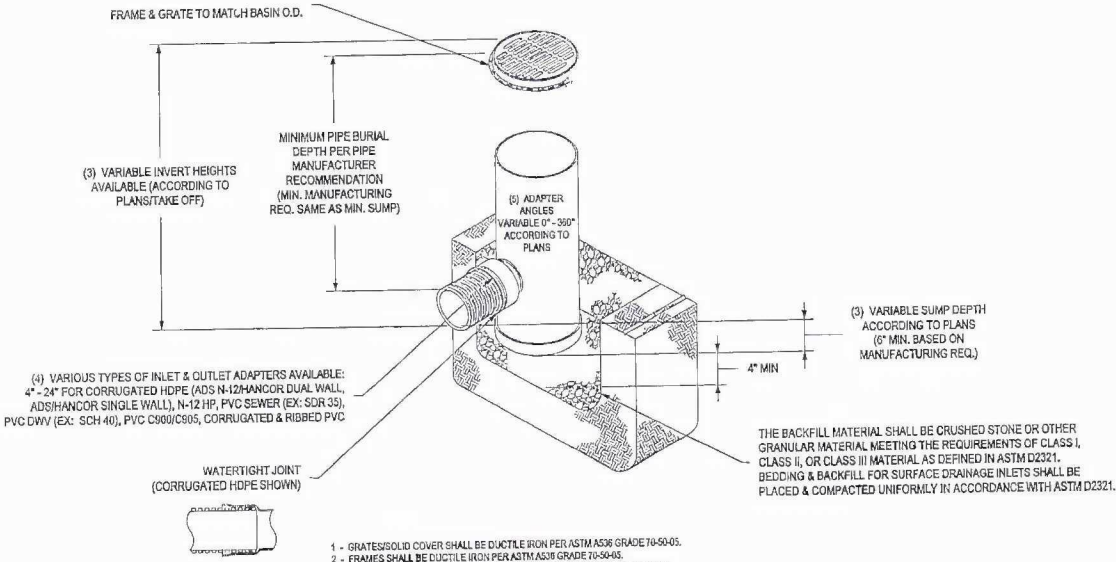
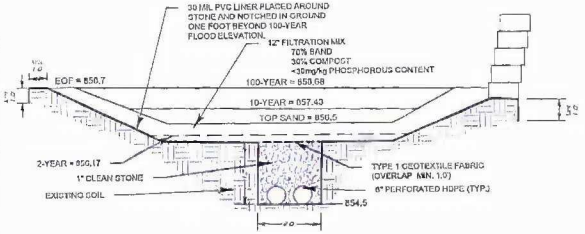


1 C3 DRY POND CROSS SECTION
NOT TO SCALE

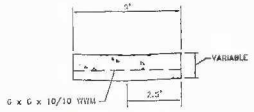


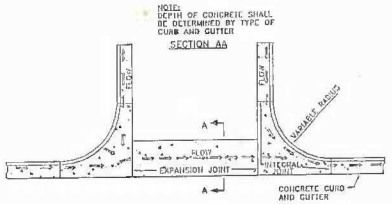
1 - GRATES/SOLID COVER SHALL BE DUCTILE IRON PER ASTM A536 GRADE 70-50-05.
2 - FRAMES SHALL BE DUCTILE IRON PER ASTM A536 GRADE 70-50-05.
3 - DRAIN BASIN TO BE CUSTOM MANUFACTURED ACCORDING TO PLAN DETAILS. RISERS ARE NEEDED FOR BASINS OVER 84" DUE TO SHIPPING RESTRICTIONS. SEE DRAWING NO. 7001-110-005.
4 - DRAINAGE CONNECTION STUB JOINT TIGHTNESS SHALL CONFORM TO ASTM D3212 FOR CORRUGATED HDPE (ADS N-12/HANCOR DUAL WALL), N-12 HP & PVC SEWER.
5 - ADAPTERS CAN BE MOUNTED ON ANY ANGLE 0° TO 360°. TO DETERMINE MINIMUM ANGLE BETWEEN ADAPTERS SEE DRAWING NO. 7001-110-012.



2 C3 BIOFILTRATION BASIN CROSS SECTION
NOT TO SCALE

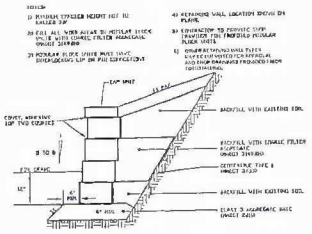
NOTES:
1. ALL TOPSOIL SHALL BE REMOVED FROM THE INFILTRATION AREA AND THE REMAINING TOP SIX (6) INCHES SHALL BE SCARIFIED PRIOR TO PLACING FILL.
2. ONLY TRACKED EQUIPMENT SHALL BE ALLOWED IN THE BIOFILTRATION AND FOREBAY AREA.





4 C3 TYPICAL ENTRANCE / CROSS GUTTER DETAIL
NOT TO SCALE

3 C3 NYLOPLAST STRUCTURE
NOT TO SCALE



5 C3 RETAINING WALL
NOT TO SCALE

GENERAL CONSTRUCTION AND SOILS NOTES:

1. CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE GOVERNING CODES, LAWS AND ORDINANCES.
2. THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR FOLLOWING ALL APPLICABLE OSHA STANDARDS.
3. CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES AND CALL GOPHER STATE ONE CALL 48 HOURS PRIOR TO CONSTRUCTION WORK. EXISTING UTILITIES SHOWN ON THESE PLANS ARE ONLY APPROXIMATE AND MAY NOT BE RELIED UPON AS EXACT OR COMPLETE.
4. IF UTILITY RELOCATION IS NECESSARY, THE CONTRACTOR SHALL COORDINATE CONSTRUCTION ACTIVITIES WITH THE APPROPRIATE UTILITY COMPANIES.
5. MATERIAL UNSUITABLE FOR CONSTRUCTION (E.G. TOPSOIL, SILTS, ROOTS ORGANIC MATERIALS, PEATS, DEBRIS, ETC.) ENCOUNTERED DURING EXCAVATION WITHIN THE PARKING LOT AND BUS ONLY LANE SHALL BE REMOVED AND PROPERLY DISCARDED.
6. FILL WITHIN THE PARKING LOT AND BUS ONLY LANE SHALL BE SUITABLE MATERIAL AND PLACED IN LOOSE LIFTS NO THICKER THAN TWELVE (12) INCHES. COMPACTION WITHIN THE PARKING LOT AND BUILDING PADS SHALL BE COMPACTED TO 100% OF THE MAXIMUM STANDARD PROCTOR DENSITY. SUITABLE MATERIAL SHALL CONSIST OF SW, SP, SP-SM, AND SM USCS CLASSIFICATIONS.
7. TOPSOIL SHALL BE SALVAGED AND STOCKPILED FOR USE AS TOPSOIL IN GREEN SPACES DISTURBED DUE TO CONSTRUCTION.
8. THE CONTRACTOR IS RESPONSIBLE FOR DISPOSING OF BITUMINOUS AND CONCRETE MATERIALS DISTURBED BY CONSTRUCTION IN ACCORDANCE WITH MNDOT SPEC 2104.3.
9. ANY EXCESS SUITABLE SOIL SHALL BE DISPOSED OF NORTH OF THE BUS ONLY LANE ON THE PROPERTY. ALL OTHER EXCESS MATERIAL SHALL BE DISPOSED OF OFFSITE.

DESIGNED BY: JAP DRAWN BY: JRD CHECKED BY: GRP	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. JEFFREY A. PRASCH, P.E. DATE: 03.13.16 LIC. NO.: 52706	NOMPENG ACADEMY PARKING EXPANSION 6201 NOBLE AVENUE NORTH BROOKLYN CENTER, MINNESOTA	THE GREGORY GROUP, INC. Land Surveyors and Civil Engineers	LOT SURVEYS COMPANY, INC. LAND SURVEYING & ENGINEERING 7001 73RD AVENUE N, BROOKLYN PARK, MN 55428 PHONE: (763)-560-3093 FAX: (763)-560-3522 www.lotsurveycompany.com	NOBLE ACADEMY 6477 DECATUR DRIVE NORTH BROOKLYN PARK, MINNESOTA 55445 (763)-502-7700	REVISIONS 05.23.16 BUS LANE TO D&D DETAILS & CONSTRUCTION NOTES PROJECT: 87357 SHEET NO. C3 OF C9

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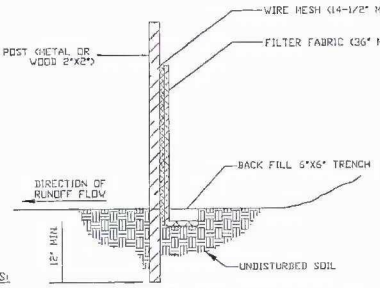
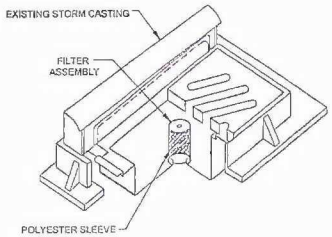


NOTES:

1. DIG A 6"X6" TRENCH ALONG THE INTENDED FENCE LINE.
2. DRIVE ALL POSTS INTO THE GROUND AT THE DOWNHILL SIDE OF THE TRENCH.
3. WIRE FENCING PER HENNEPIN COUNTY CONSERVATION DISTRICT EROSION AND SEDIMENT CONTROL MANUAL. WIRE MESH MUST BE A MINIMUM OF 2" INTO THE GROUND AND NO MORE THAN 36" ABOVE THE ORIGINAL GROUND SURFACE.
4. LAY OUT SILT FENCE ON THE UPHILL SIDE ALONG THE FENCE LINE, AND BACK FILL.
5. WOOD POSTS MAY BE SPACED UP TO 4 FEET APART IF WIRE MESH IS NOT USED TO SUPPORT THE FABRIC. IF WIRE MESH IS USED TO SUPPORT THE FABRIC STEEL POSTS MAY BE SPACED UP TO 8 FEET APART.
6. REMOVE SILT FENCE AFTER TURF IS ESTABLISHED.

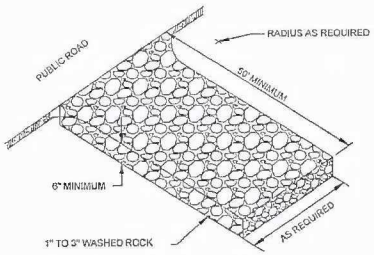
1 / C4 — SILT FENCE
NOT TO SCALE



INSERT TO BE USED SHALL BE A WIMCO, LANGE INDUSTRIES "ROAD DRAIN" STYLE, OR APPROVED EQUAL.

TO BE USED IN CONJUNCTION WITH A NEENAH CASTING NO. R-3067 TYPE DR, DL, OR TYPE V OR APPROVED EQUAL.

3 / C4 — INLET PROTECTION
NOT TO SCALE

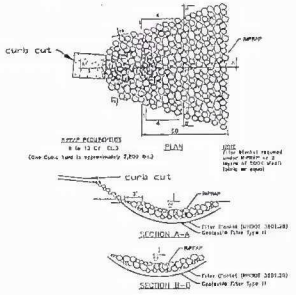


NOTES:

ROCK SHALL BE 1" TO 3" IN SIZE (WASHED AND CRUSHED)

A GEOTEXTILE FABRIC MAY BE USED UNDER THE ROCK TO PREVENT MIGRATION OF THE UNDERLYING SOIL INTO THE STONE.

2 / C4 — ROCK CONSTRUCTION EXIT
NOT TO SCALE



4 / C4 — RIPRAP
NOT TO SCALE

PROJECT INFORMATION:

DISTURBED AREA: 3.12 ACRES
EXISTING IMPERVIOUS AREA: 3.70 ACRES
PROPOSED IMPERVIOUS AREA: 4.52 ACRES
WATERSHED DISTRICT: SHINGLE CREEK & WEST MISSISSIPPI WATERSHED MANAGEMENT COMMISSIONS
EROSION CONTROL SUPERVISOR CONTACT: TO BE DETERMINED
IMPAIRED WATERS WITHIN ONE (1) MILE: UPPER TWIN LAKE.

THIS PROJECT IS LOCATED AT 2601 NOBLE AVENUE NORTH IN THE CITY OF BROOKLYN CENTER, MINNESOTA. THE SITE IS CURRENTLY OCCUPIED BY A SCHOOL, TWO PARKING LOTS, AND PLAYGROUND AREAS. THERE ARE EXISTING RESIDENTIAL HOMES TO THE NORTHEAST, NORTHWEST, AND SOUTHWEST AND A STORM DETENTION POND TO THE SOUTH OF THE SITE. THE LOT IS 13.39 ACRES IN TOTAL WITH THE DISTURBED AREA ACCOUNTING FOR 3.32 ACRES. CURRENTLY ABOUT HALF OF THE ON-SITE STORMWATER DRAINS DIRECTLY TO THE STORM DETENTION POND. ROUGHLY A QUARTER OF THE PARCEL DRAINS TO A LOW AREA WHERE IT IS THEN CONVEYED TO THE STORM DETENTION POND AND THE OTHER QUARTER DRAINS OFFSITE INTO THE CITY STORM SEWER SYSTEM.

THE PROPOSED PROJECT WILL INCLUDE AN EXPANSION OF THE EXISTING PARKING LOT, A NEW PARKING LOT TO THE NORTH OF THE SCHOOL, AND A BUS LANE AND BUS DROP-OFF AREA. THE PROJECT WILL CONSIST OF SITE CLEARING, REMOVALS, BIOFILTRATION AND DRY POND GRADING, STORM SEWER, CURB & GUTTER, PARKING LOT EXPANSION, AND PARKING LOT RESTRIPING. THERE ARE IMPAIRED WATERS WITHIN ONE (1) MILE OF THE SITE. UPPER TWIN LAKE IS IMPAIRED FOR AQUATIC CONSUMPTION AND AQUATIC RECREATION. THE APPROVED TOTAL MAXIMUM DAILY LOAD (TMDL) IS FOR MERCURY IN FISH TISSUE AND NUTRIENT/EUTROPHICATION BIOLOGICAL INDICATORS.

THE PROPERTY OWNER SHALL PROVIDE LONG-TERM MAINTENANCE OF THE STORM WATER FACILITIES FOR THIS PROJECT. THE OWNER SHALL BE RESPONSIBLE FOR INSPECTING THE BIOFILTRATION FACILITIES ON AN ANNUAL BASIS. AN INSPECTION REPORT SHALL BE KEPT FOR RECORDS. MAINTENANCE SHALL ALSO INCLUDE, BUT IS NOT LIMITED TO, REMOVING ALL LEAVES, SILTS, DEBRIS, GARBAGE, AND ANY CLOGGING MATERIAL THAT MAY COMPROMISE THE PERFORMANCE OF THE BIOFILTRATION BASIN. NO FILL OR MATERIAL SHALL BE PURPOSEFULLY PLACED WITHIN THE BIOFILTRATION BASIN.

STORMWATER POLLUTION PREVENTION PLAN NOTES:

1. PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL ACQUIRE THE NECESSARY MPCA NPDES STORM WATER PERMIT.
2. ALL EROSION AND SEDIMENT CONTROL BMP'S SHALL BE INSTALLED PRIOR TO STARTING ANY CONSTRUCTION ACTIVITIES. BMP'S SHALL BE MAINTAINED UNTIL ALL DISTURBED AREAS HAVE BEEN PERMANENTLY STABILIZED.
3. THE CONTRACTOR SHALL SCHEDULE THEIR OPERATION TO MINIMIZE THE AMOUNT OF DISTURBED AREA AT ANY GIVEN TIME.
4. WATER SHALL BE USED, IF NECESSARY, FOR DUST CONTROL.
5. ALL EROSION CONTROL SHALL CONFORM TO THE MNDOT EROSION CONTROL HANDBOOK AND THE CITY OF BROOKLYN CENTER DETAILS AND SPECIFICATIONS.
6. INLET PROTECTION SHALL BE INSTALLED AT ANY INLET THAT MAY RECEIVE RUNOFF FROM THE DISTURBED AREAS OF THE PROJECT. IF A SPECIFIC SAFETY CONCERN HAS BEEN IDENTIFIED, WRITTEN AUTHORIZATION MUST BE RECEIVED BY THE CITY ENGINEER IN ORDER TO REMOVE THAT PARTICULAR INLET CONTROL.
7. ALL EXPOSED SOILS, INCLUDING STOCKPILES, SHALL BE TEMPORARILY STABILIZED PER MNDOT SPECIFICATION 2575 WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY HAS TEMPORARILY CEASED. STABILIZATION OF ALL EXPOSED AREAS MUST BE INITIATED IMMEDIATELY.
8. STOCKPILES SHALL NOT BE PLACED ON ROADS, DRIVEWAYS, SURFACE WATERS OR SWALES. EFFECTIVE SEDIMENT CONTROL SHALL BE INSTALLED IMMEDIATELY AROUND ALL SOIL STOCKPILES.
9. REMOVE ALL SOILS AND SEDIMENT TRACKED OR OTHERWISE DEPOSITED ONTO PUBLIC ROADS OR PRIVATE DRIVEWAYS ON A DAILY BASIS OR AS NEEDED.
10. AFTER FINAL GRADING HAS BEEN COMPLETED, EXPOSED SOILS SHALL BE PERMANENTLY STABILIZED WITHIN 72 HOURS. PERMANENT STABILIZATION SHALL CONSIST OF 4 INCHES TOPSOIL AS WELL AS MNDOT SEED MIX 25-131, UNLESS OTHERWISE APPROVED, AND MULCH. THE MULCH SHALL BE DISK ANCHORED AND COMMERCIAL GRADE 20-10-10 FERTILIZER SHALL BE USED. METHODS AND RATES SHALL BE IN ACCORDANCE WITH MNDOT SPECIFICATION 2575 AND THE MNDOT SEEDING MANUAL.
11. THE NORMAL WETTED PERIMETER WITHIN 200 LINEAL FEET OF ANY PROJECT DISCHARGE LOCATION SHALL BE STABILIZED WITHIN 24 HOURS OF CONNECTING TO THE DISCHARGE LOCATION.
12. SOLID WASTE SUCH AS COLLECTED SEDIMENT, ASPHALT AND CONCRETE MILLINGS, CEMENT PRODUCT WASTE, FLOATING DEBRIS, PAPER, PLASTIC, CONSTRUCTION DEBRIS AND OTHER WASTES MUST BE DISPOSED OF PROPERLY OFF SITE.
13. HAZARDOUS WASTES SUCH AS OILS, GASOLINE, PAINT, CEMENT BASED PRODUCTS, ETC. SHALL BE PROPERLY STORED WITH SECONDARY CONTAINMENT TO PREVENT SPILLS, LEAKS OR OTHER DISCHARGES. IF STORED ON THE PROJECT SITE, THEY SHALL BE STORED IN RESTRICTED ACCESS AREAS TO PROTECT AGAINST VANDALISM. STORAGE AND DISPOSAL SHALL BE IN COMPLIANCE WITH THE MPCA.
14. CEMENT BASED PRODUCT WASHOUTS ARE NOT PERMITTED ON SITE.
15. IF DEWATERING IS NECESSARY, THE APPROPRIATE PERMITS SHALL BE ACQUIRED PRIOR TO COMMENCING DEWATERING ACTIVITIES. TURBID AND SEDIMENT-LADEN WATERS SHALL BE DIRECTED TO A TEMPORARY SEDIMENT POND PRIOR TO DISCHARGING. A VISUAL CHECK SHALL BE CONDUCTED PRIOR TO DISCHARGING TREATED WATER FROM THE SEDIMENT POND TO ENSURE NUISANCE CONDITIONS WILL NOT RESULT FROM THE DISCHARGE.
16. ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE REMOVED FROM THE SITE WITHIN THIRTY (30) DAYS AFTER PERMANENT STABILIZATION HAS BEEN ACHIEVED.
17. A TRAINED PERSON SHALL INSPECT THE ENTIRE CONSTRUCTION SITE AT LEAST ONCE EVERY SEVEN (7) DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS AFTER A RAINFALL EVENT GREATER THAN 0.5 INCHES IN 24 HOURS. ALL INSPECTIONS MUST BE RECORDED IN WRITING WITHIN 24 HOURS OF CONDUCTING THE INSPECTIONS AND THE RECORDS MUST BE RETAINED WITH THE SWPPP. IF ANY DISCHARGE FROM THE SITE IS OBSERVED THE DISCHARGE MUST BE DESCRIBED AND PHOTOGRAPHED.
18. CORRECTIVE ACTION MUST BE COMPLETED BY THE NEXT BUSINESS DAY AFTER DISCOVERY WHEN PERIMETER CONTROL DEVICES BECOME NONFUNCTIONAL OR THE SEDIMENT REACHES ONE-HALF (1/2) THE HEIGHT OF THE DEVICE.
19. THE CONTRACTOR SHALL FILE A NOTICE OF TERMINATION WITHIN THIRTY (30) DAYS OF ACHIEVING PERMANENT STABILIZATION.

EXPECTED SEQUENCE OF CONSTRUCTION

1. INSTALL EROSION AND SEDIMENT CONTROL BMPs, AND SILT FENCE.
2. COMPLETE REMOVALS AND SALVAGE TOPSOIL.
4. INSTALL UTILITIES.
5. GRADE FOR PAVEMENT INSTALLATION.
6. APPLY BASE COURSE.
7. INSTALL CURB AND GUTTER.
8. PERMANENT STABILIZATION.
9. INSTALL BITUMINOUS AND CONCRETE PAVEMENT.
10. REMOVE EROSION AND SEDIMENT CONTROL BMPs AFTER PERMANENT STABILIZATION IS ACHIEVED.

DESIGNED BY: JAP
DRAWN BY: JRD
CHECKED BY: CRP

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

JEFFREY A. PRASCH, P.E.
DATE: 03.13.18 LIC. NO.: 52706

NOMPENG ACADEMY PARKING EXPANSION
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BROOKLYN CENTER, MINNESOTA

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Land Surveyors and Civil Engineers

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NOBLE ACADEMY
2477 DECATUR DRIVE NORTH
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REVISIONS

DETAILS & SWPPP NOTES

PROJECT: 07357
SHEET NO.
C4 OF C9

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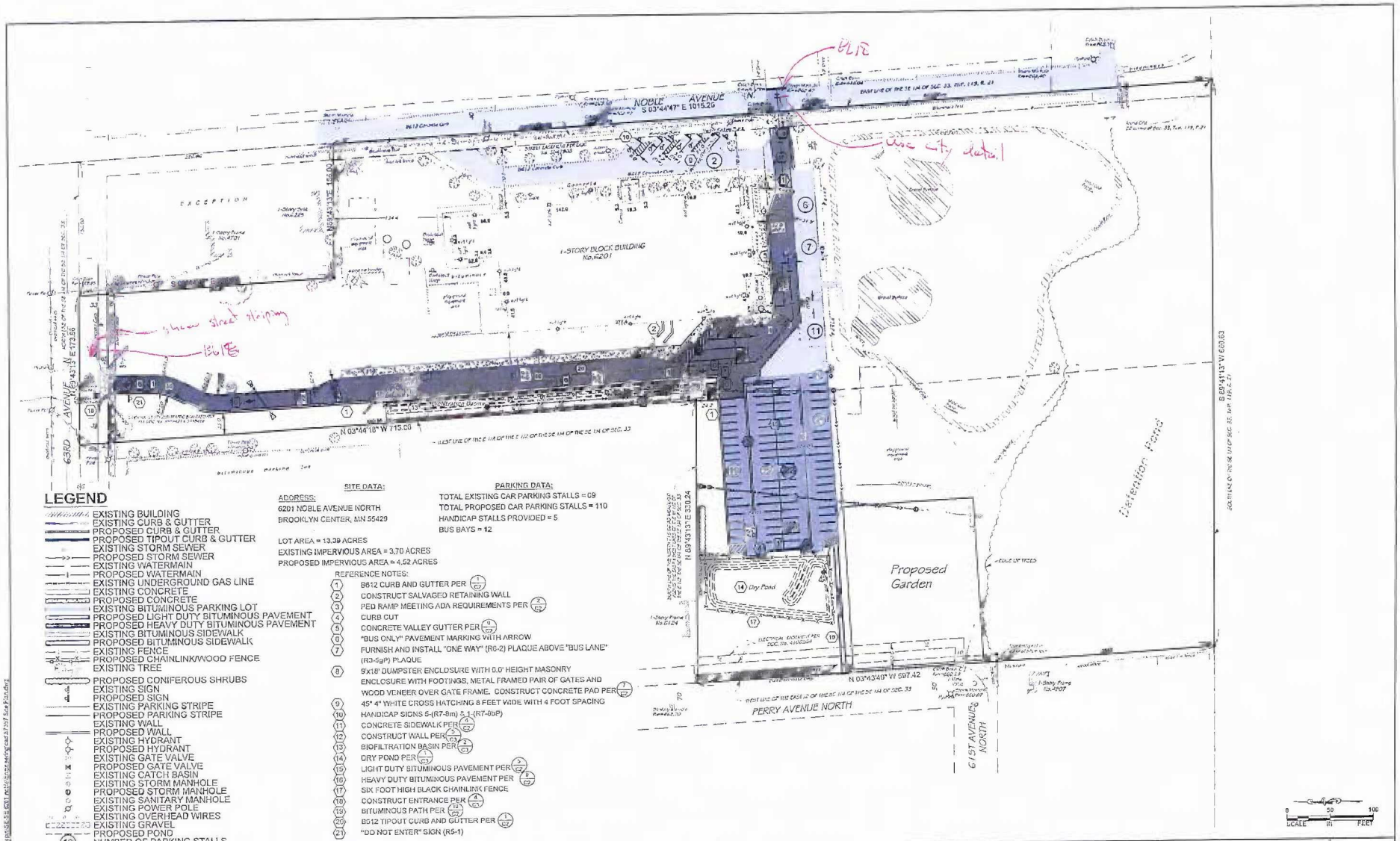

LEGEND

- EXISTING BUILDING
- EXISTING CURB & GUTTER
- PROPOSED CURB & GUTTER
- PROPOSED TIPOUT CURB & GUTTER
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- EXISTING WATERMAIN
- PROPOSED WATERMAIN
- EXISTING UNDERGROUND GAS LINE
- EXISTING CONCRETE
- PROPOSED CONCRETE
- EXISTING BITUMINOUS PARKING LOT
- PROPOSED LIGHT DUTY BITUMINOUS PAVEMENT
- PROPOSED HEAVY DUTY BITUMINOUS PAVEMENT
- EXISTING BITUMINOUS SIDEWALK
- PROPOSED BITUMINOUS SIDEWALK
- EXISTING FENCE
- PROPOSED CHAINLINK/WOOD FENCE
- EXISTING TREE
- PROPOSED CONIFEROUS SHRUBS
- EXISTING SIGN
- PROPOSED SIGN
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- PROPOSED WALL
- EXISTING HYDRANT
- PROPOSED HYDRANT
- EXISTING GATE VALVE
- PROPOSED GATE VALVE
- EXISTING CATCH BASIN
- EXISTING STORM MANHOLE
- PROPOSED STORM MANHOLE
- EXISTING SANITARY MANHOLE
- EXISTING POWER POLE
- EXISTING OVERHEAD WIRES
- EXISTING GRAVEL
- PROPOSED POND
- (10) NUMBER OF PARKING STALLS

SITE DATA:

ADDRESS:
6201 NOBLE AVENUE NORTH
BROOKLYN CENTER, MN 55429

LOT AREA = 13.39 ACRES
EXISTING IMPERVIOUS AREA = 3.70 ACRES
PROPOSED IMPERVIOUS AREA = 4.52 ACRES

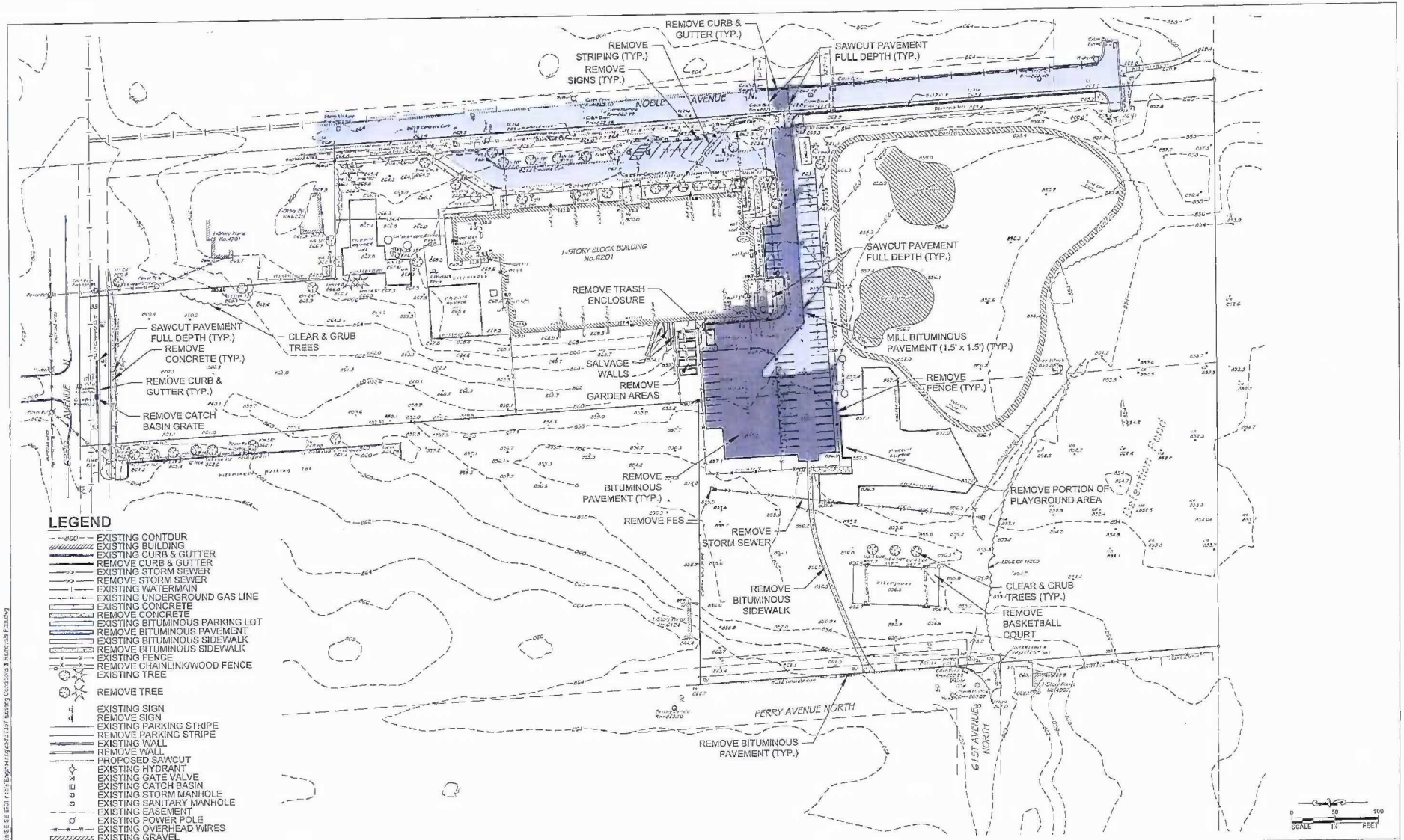
PARKING DATA:

TOTAL EXISTING CAR PARKING STALLS = 09
TOTAL PROPOSED CAR PARKING STALLS = 110
HANDICAP STALLS PROVIDED = 5
BUS BAYS = 12

REFERENCE NOTES:

1. B612 CURB AND GUTTER PER (1/C2)
2. CONSTRUCT SALVAGED RETAINING WALL
3. PED RAMP MEETING ADA REQUIREMENTS PER (2/C2)
4. CURB CUT
5. CONCRETE VALLEY GUTTER PER (9/C2)
6. "BUS ONLY" PAVEMENT MARKING WITH ARROW
7. FURNISH AND INSTALL "ONE WAY" (R6-2) PLAQUE ABOVE "BUS LANE" (R3-5gP) PLAQUE
8. 9'X18' DUMPSTER ENCLOSURE WITH 6.0' HEIGHT MASONRY ENCLOSURE WITH FOOTINGS, METAL FRAMED PAIR OF GATES AND WOOD VENEER OVER GATE FRAME. CONSTRUCT CONCRETE PAD PER (7/C2)
9. 45° 4" WHITE CROSS HATCHING 8 FEET WIDE WITH 4 FOOT SPACING
10. HANDICAP SIGNS 5-(R7-8m) & 1-(R7-8bP)
11. CONCRETE SIDEWALK PER (4/C2)
12. CONSTRUCT WALL PER (5/C2)
13. BIOFILTRATION BASIN PER (3/C2)
14. DRY POND PER (1/C2)
15. LIGHT DUTY BITUMINOUS PAVEMENT PER (5/C2)
16. HEAVY DUTY BITUMINOUS PAVEMENT PER (9/C2)
17. SIX FOOT HIGH BLACK CHAINLINK FENCE
18. CONSTRUCT ENTRANCE PER (4/C1)
19. BITUMINOUS PATH PER (10/C2)
20. B612 TIPOUT CURB AND GUTTER PER (1/C2)
21. "DO NOT ENTER" SIGN (R5-1)

DESIGNED BY: JAP DRAWN BY: JRD CHECKED BY: GRP	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. JEFFREY A. PRASCH, P.E. DATE: 03.13.10 LIC. NO.: 52708	NOMPENG ACADEMY PARKING EXPANSION 6201 NOBLE AVENUE NORTH BROOKLYN CENTER, MINNESOTA	THE GREGORY GROUP, INC. Land Surveyors and Civil Engineers	LOT SURVEYS COMPANY, INC. LAND SURVEYING & ENGINEERING 7001 73RD AVENUE N, BROOKLYN PARK, MN 55429 PHONE: (763)-560-3093 FAX: (763)-560-3522 www.lotsurveyscompany.com	NOBLE ACADEMY 9477 DECATUR DRIVE NORTH BROOKLYN PARK, MINNESOTA 55445 (763)-502-7700	REVISIONS	SITE PLAN	PROJECT: 87357 SHEET NO. C5 OF C9



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CHECKED BY: GRP

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JEFFREY A. PRASCH, P.E.
DATE: 03.13.18 LIC. NO.: 52706

NOMPENG ACADEMY PARKING EXPANSION

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BROOKLYN CENTER, MINNESOTA

THE GREGORY GROUP, INC.
Land Surveyors and Civil Engineers

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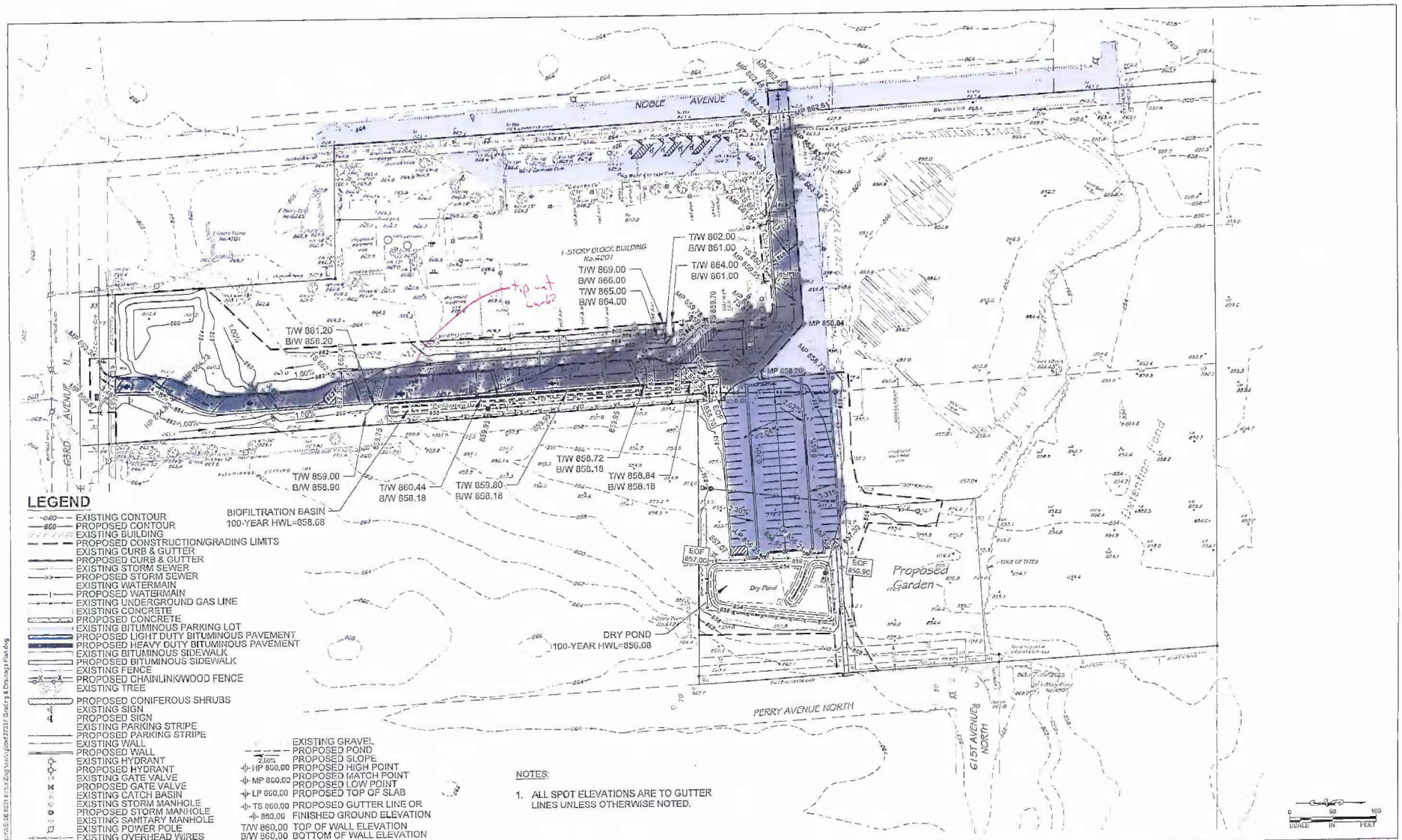
NOBLE ACADEMY
8477 DECATUR DRIVE NORTH
BROOKLYN PARK, MINNESOTA 55445
(763)-592-7700

REVISIONS

05.23.18	BUS LANE TO 63RD

EXISTING CONDITIONS & REMOVALS PLAN

PROJECT: 87357
SHEET NO. C6 OF C9



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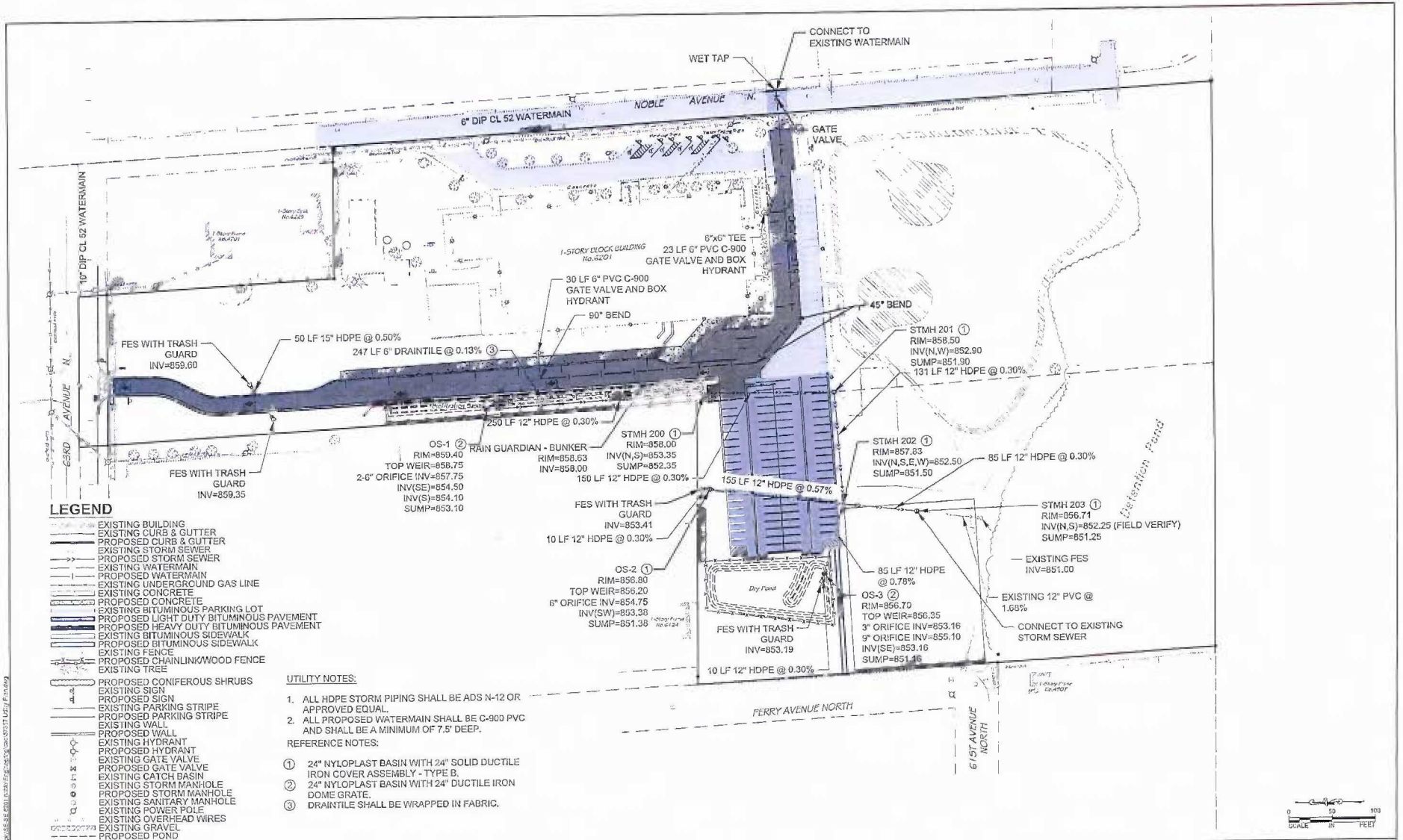

LEGEND

- EXISTING BUILDING
- EXISTING CURB & GUTTER
- PROPOSED CURB & GUTTER
- EXISTING STORM SEWER
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- EXISTING SANITARY MANHOLE
- EXISTING POWER POLE
- EXISTING OVERHEAD WIRES
- EXISTING GRAVEL
- PROPOSED POND

UTILITY NOTES:

1. ALL HDPE STORM PIPING SHALL BE ADS N-12 OR APPROVED EQUAL.
2. ALL PROPOSED WATERMAIN SHALL BE C-900 PVC AND SHALL BE A MINIMUM OF 7.5' DEEP.

REFERENCE NOTES:

① 24" NYLOPLAST BASIN WITH 24" SOLID DUCTILE IRON COVER ASSEMBLY - TYPE B.
② 24" NYLOPLAST BASIN WITH 24" DUCTILE IRON DOME GRATE.
③ DRAINTILE SHALL BE WRAPPED IN FABRIC.

DESIGNED BY: JAP
DRAWN BY: JRD
CHECKED BY: GRP

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JEFFREY A. PRASCH, P.E.
DATE: 03.13.18 LIC. NO.: 52706

NOMPENG ACADEMY PARKING EXPANSION
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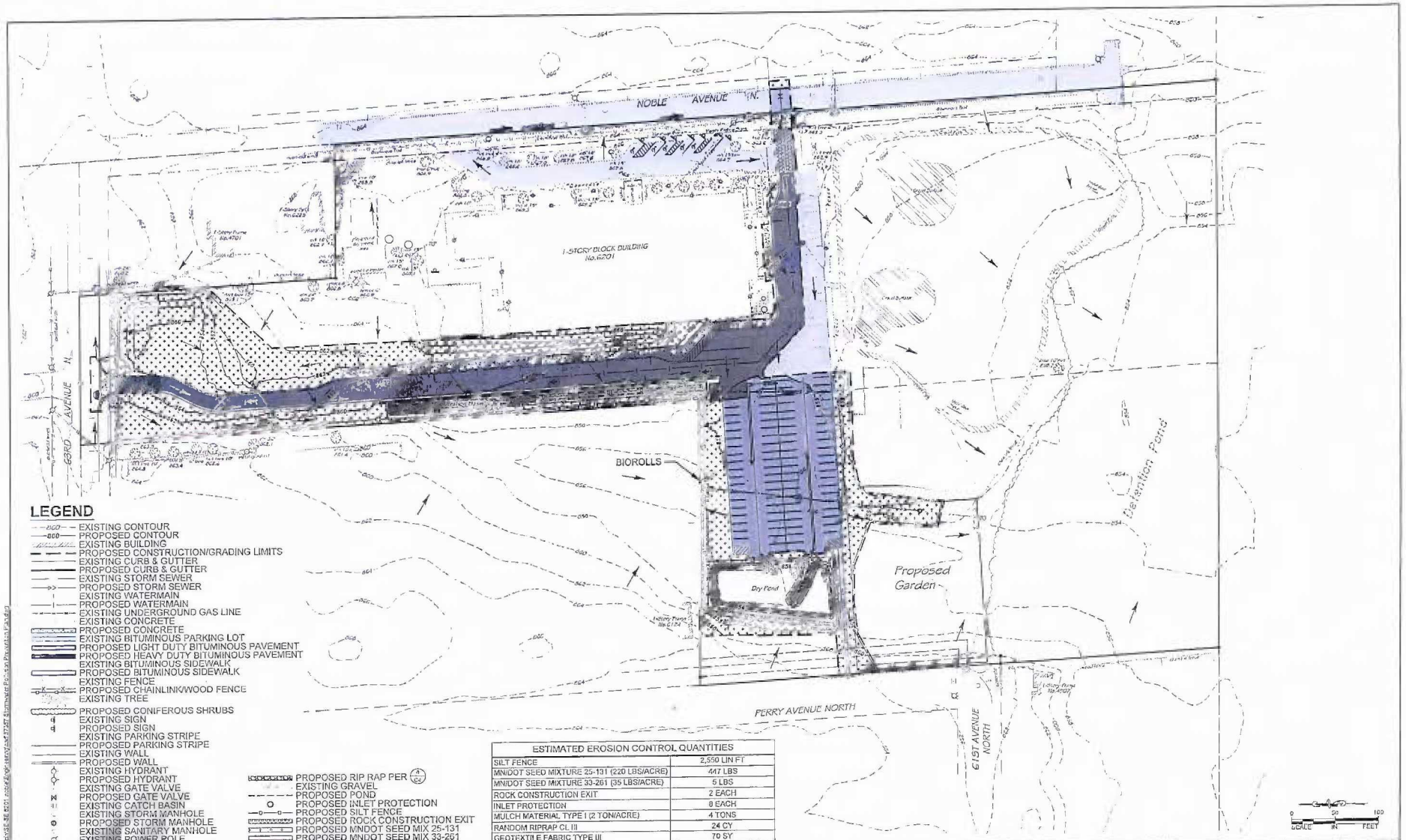
REVISIONS

UTILITY PLAN

PROJECT: 87357
SHEET NO. C8 OF C9



LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING BUILDING
- PROPOSED CONSTRUCTION/GRADING LIMITS
- EXISTING CURB & GUTTER
- PROPOSED CURB & GUTTER
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- EXISTING WATERMAIN
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- PROPOSED GATE VALVE
- EXISTING CATCH BASIN
- EXISTING STORM MANHOLE
- PROPOSED STORM MANHOLE
- EXISTING SANITARY MANHOLE
- EXISTING POWER POLE
- EXISTING OVERHEAD WIRES
- PROPOSED RIP RAP PER (A/CA)
- EXISTING GRAVEL
- PROPOSED POND
- PROPOSED INLET PROTECTION
- PROPOSED SILT FENCE
- PROPOSED ROCK CONSTRUCTION EXIT
- PROPOSED MNDOT SEED MIX 25-131
- PROPOSED MNDOT SEED MIX 33-261
- DRAINAGE ARROW

ESTIMATED EROSION CONTROL QUANTITIES	
SILT FENCE	2,550 LIN FT
MN/DOT SEED MIXTURE 25-131 (220 LBS/ACRE)	447 LBS
MN/DOT SEED MIXTURE 33-261 (35 LBS/ACRE)	5 LBS
ROCK CONSTRUCTION EXIT	2 EACH
INLET PROTECTION	8 EACH
MULCH MATERIAL TYPE I (2 TON/ACRE)	4 TONS
RANDOM RIPRAP CL III	24 CY
GEOTEXTILE FABRIC TYPE III	70 SY

DESIGNED BY: JAP
DRAWN BY: JRD
CHECKED BY: ORP

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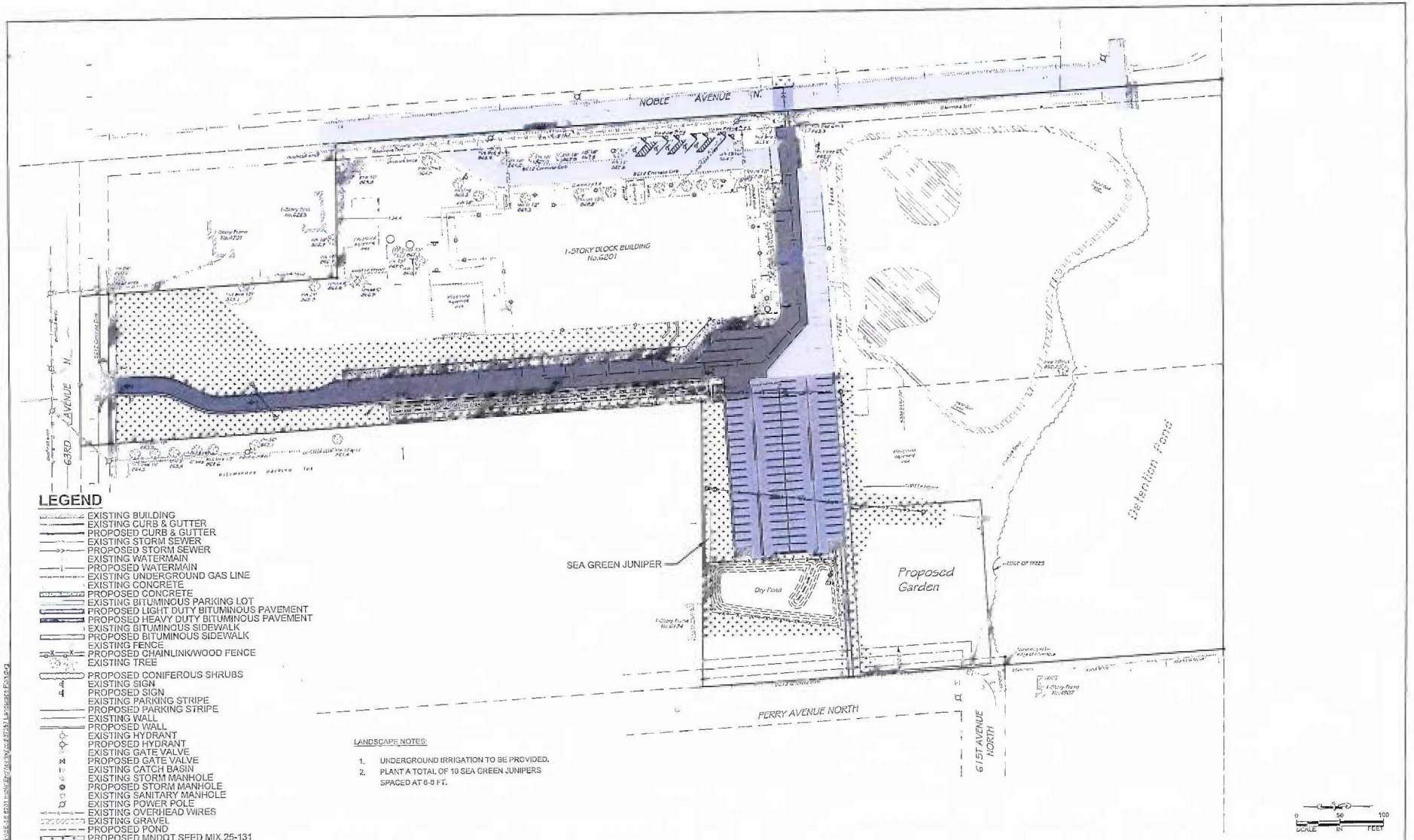
REVISIONS

STORMWATER POLLUTION PREVENTION PLAN

PROJECT: 67357
SHEET NO. C9 OF C9



LEGEND

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- EXISTING OVERHEAD WIRES
- EXISTING GRAVEL
- PROPOSED POND
- PROPOSED MNDOT SEED MIX 25-131
- PROPOSED MNDOT SEED MIX 33-261

LANDSCAPE NOTES:

1. UNDERGROUND IRRIGATION TO BE PROVIDED.
2. PLANT A TOTAL OF 10 SEA GREEN JUNIPERS SPACED AT 6-8 FT.

SCALE: 0 50 100 IN FEET

DESIGNED BY: JAP
DRAWN BY: JRD
CHECKED BY: GRP

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JEFFREY A. PRACHT, P.E.
DATE: 03.13.18 LIC. NO.: 52706

NOMPENG ACADEMY PARKING EXPANSION
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REVISIONS
03.13.18

LANDSCAPE PLAN

PROJECT: 07357
SHEET NO. L1 OF L1

Neal Thao (Noble Academy) | Nompeng Academy



REQUEST:

(1) Revised Site Plan

Item 9.a

City Council Meeting of 06/25/2018

Background & Request

- Applicant is requesting approval of:
  - **(1)** a revised Site Plan to allow for the relocation of a portion of bus-only driveway from the originally approved egress off Noble Avenue North to 63rd Avenue North, along with other associated site improvements
  - **The originally submitted site plan and application <u>received approval</u> from PC and CC in April 2018 under PC Application No. 2018-005**
  - This request is associated with Applicant's plans to open Nompeng Academy in the fall of 2018
    - The site is the location of the former Odyssey School which closed in 2017 after 19 years
    - School would serve students aged kindergarten through eighth grade
      - Nompeng Academy would be the second Noble Academy School to open and would be sponsored by the Audubon Center of the North Woods
        - Existing Noble Academy (Brooklyn Park) has 1,000 students and a waiting list for 200+ students
- Existing school was constructed in 1965 as the Orchard Lane Elementary School
- School is approximately 54,800-square feet in size and one story in height



Source: Google Maps

Background & Request (Cont.)

- Per Section 35-310,
  - Public and private elementary and secondary schools are allowed by **special use permit** in the R1 (One Family Residence) District.
  - The City was unable to determine through historical records if property was ever *originally* approved with a special use permit to operate a school.
    - In 1993, PC Application No. 93-017 was reviewed and approved for a small addition to the school, as well as an expansion to the parking area. As part of the application, a special use permit was issued "ex post facto" for the school use.
- Per Section 35-230, the Plan Approval process is required "before commencing the construction or major alteration of a structure, except one and two family dwellings and buildings accessory thereto…Plan approval may be required in conjunction with special use permit consideration."
  - This request contains no requests to construct or alter any structures, and therefore would only typically require administrative issuance of a Land Alteration Permit through the City. However, due to the proposed site disturbance (e.g., parking lot, dry pond, proposed driveway), and given that there is an approved site plan on file from 1993, City Staff conferred with the City Attorney and determined that City Staff could request that the Applicant formally submit their application for review by Planning Commission and City Council.



Source: Hennepin County

Access and Parking

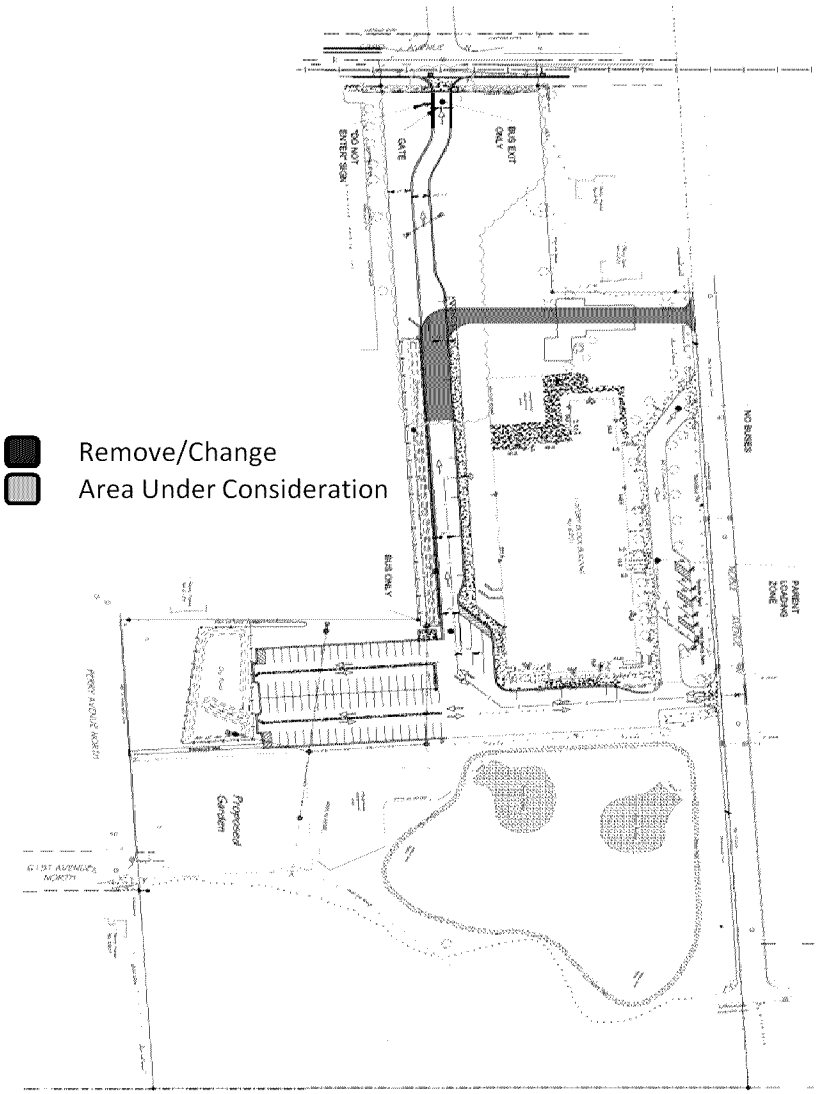
Access

- Existing access points off Noble Avenue North would remain
  - A third curb cut would be relocated from the originally approved location off Noble Avenue North to 63rd Avenue North
  - Addition of bus-only driveway will allow students direct access to bus from back of school, rather than crossing parking lot.

Parking

Note: There is no established parking formula for schools under the City Zoning Ordinance.

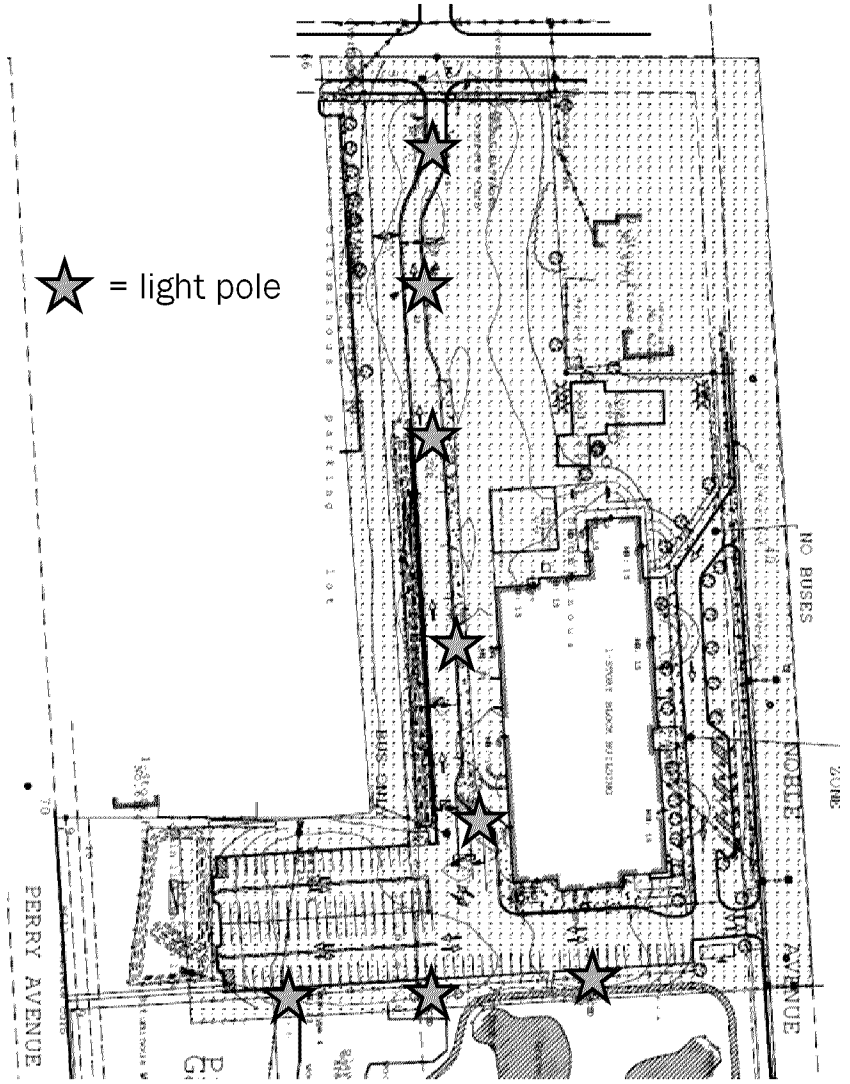
- **Current:** 69 parking spaces
- **New:** 41 new parking spaces + 12 bus bays (53 new spaces)
- Assuming a max student population of 530 students and 100% bus transportation, a **minimum of 8-10 bus spaces would be needed**
  - Existing front drop-off/loading area along front of building (Noble Avenue North) would allow for maximum of 6-7 buses at a time, assuming 50 foot long spacing.
- Applicant is providing sufficient ADA parking per 2015 Minnesota Accessibility Code requirements (5 spaces for between 101-150 parking spaces)



Lighting | Trash | Screening

- **Lighting**
  - **Photometric Plan:** Complies with maximum foot candles allowed along residential properties
    (overall lighting is at 0.45 fc on average)
  - **Lighting Fixture Count (22):**
    - NEW: 13 wall-pack style lights on all four sides of school
    - NEW or REPLACED: 9 33-foot high light poles along perimeter of main parking lot and bus driveway
  - Per City Code, lighting is to be down-cast, with cut-off style fixtures. **The proposed lighting would be LED with cutoff lenses.**

- **Trash and Screening**
  - Approximately 18-foot by 9-foot trash enclosure—to be located approximately 75 feet west of school building
    - Trash enclosure, and any other ground mounted/roof equipment is to be fully screened with materials complementary to building

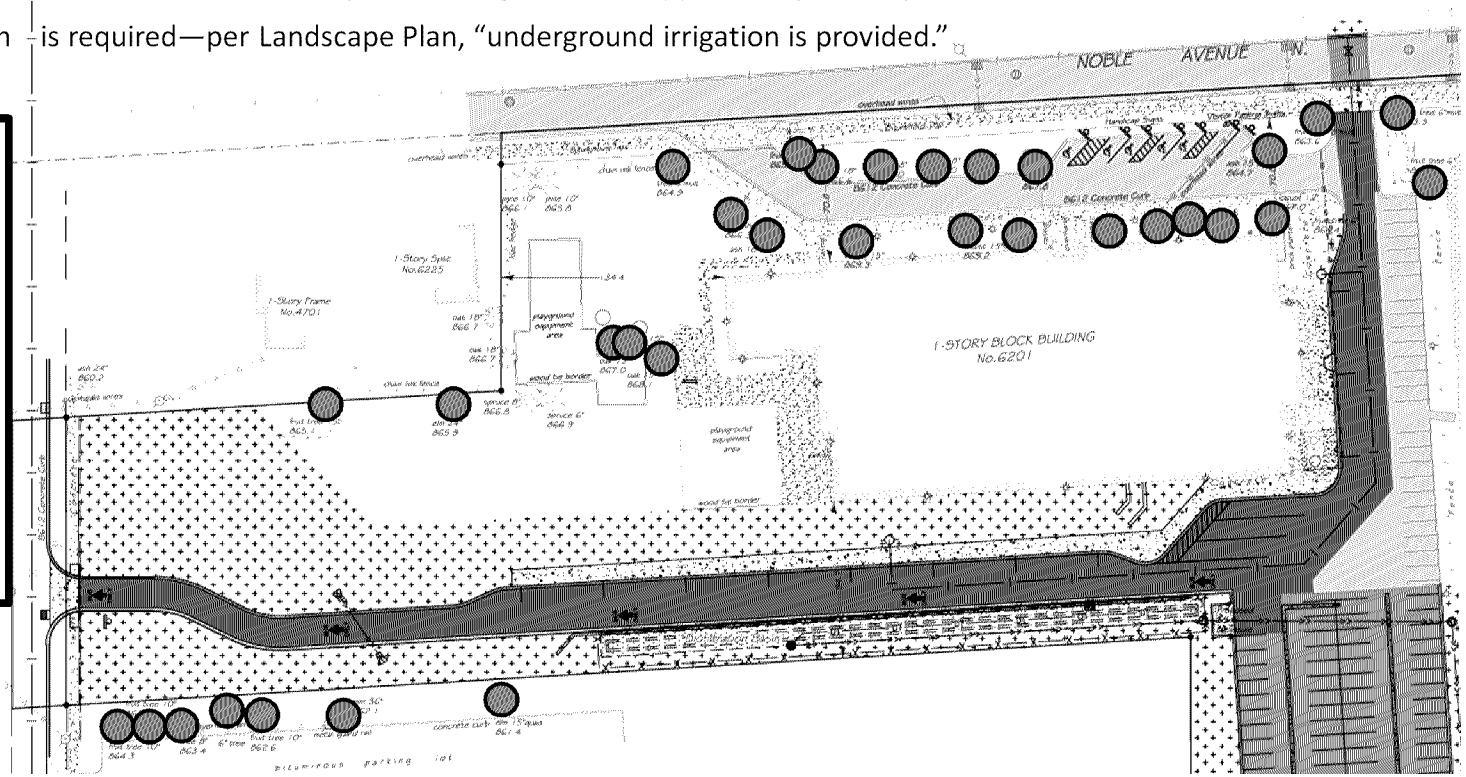


Landscaping

- A Landscape Plan was submitted, however, no planting schedule was provided.
  - The City has no specific requirements on landscaping types and species—operates under use of Landscape Point System Policy
- Schools are not specifically outlined as a "use" under the Landscape Point System Policy
  - Staff reviewed whether adequate screening would be provided for the parking areas per Section 35-711 (*Parking Lot Screening*), which notes that,
    - "such off-street parking and loading areas within any yards which abut along a street which is residentially zoned on the side opposite shall be screened from street view by a screening device as approved by the City Council."
    - An irrigation system is required—per Landscape Plan, "underground irrigation is provided."

Staff Requests

- Installation of screening trees or shrubs along parking area facing Noble Avenue North, bus-only driveway, and main parking area



Staff Reviews

- **Assistant City Engineer**
  - Applicant shall comply with the comments and conditions as noted in the memorandum dated June 11, 2018 (Exhibit E).
  - As referenced, the Applicant, as part of their review, provided a copy of their completed site Stormwater Management Plan (Exhibit E).
  - As the proposed parking lot expansion would encroach into an existing floodplain (Flood Zone A), an additional memo was provided to offer justification that the parking lot expansion would not have an impact on the floodplain.
    - Per Section 35-2100 (*Floodplain Management)*, permitted uses within the General Floodplain District, which includes Flood Zone A, include both "residential lawns, gardens, parking areas, and play areas," and "industrial-commercial loading areas, parking areas, and airport landing strips."
  - Per the Assistant City Engineer,

    "The water quality improvements to the site at 6201 Noble Ave North meet and fulfill the storm water requirements per the Shingle Creek Watershed Management Commission's rules. Site run off is captured on-site and treated either in the bio-swale or the dry pond and from there it drains off site following existing drainage patterns."

- **Fire Inspector**
- The Applicant shall work to ensure all 2015 Minnesota Fire Code requirements have been met as part of any site plan approval. This includes, but is not limited to, the minimum turn radius necessary for emergency vehicle/fire truck access.
- Per Fire Inspector, there is currently one fire hydrant located in proximity to the site—it is located on the east side of Noble Avenue North.

NOTE: The Applicant shall work with the Fire Inspector and Building Official to ensure all aspects of the site meet Fire Code and Building Code requirements.

Comments | Meetings with Residents

- **June 14, 2018: Planning Commission Meeting**
  - Four residents from Perry Avenue North attended the Planning Commission meeting on June 14, 2018.
  - Concerns and questions were raised regarding the project, including the addition of lighting along the revised bus driveway locations that would run north to 63rd Avenue North, and the potential storage of buses at the Subject Property overnight and for reasons other than pick-ups, drop-offs, or as part of school activities.
  - Additional concerns were voices regarding the removal of the pedestrian sidewalk running west to east (Perry Avenue North to the parking lot of the Subject Property), which is to be replaced, the expansion of the parking lot, and the "boulders" currently located near where the basketball court used to be.
  - Following these discussions, the Planning Commission unanimously (6-0) recommended approval of the partially revised site plans for Planning Commission Application No. 2018-009, subject to an amendment to incorporate an additional conditions that would prohibit the overnight storage of school buses, and for other reasons than the pick-up and drop-off of students, or for school activities.
  - Additional requests were made by the Commissioners to have the Applicant work with staff to identify whether the light poles along the bus driveway could be placed on a timer.

- **June 22, 2018: On-Site Meeting with Residents**
  - Assistant City Engineer Andrew Hogg was contacted by one of the Perry Avenue North residents and asked to meet some of the Perry Avenue Residents on-site at Nompeng Academy on Friday, June 22.
  - Topics of conversation included the proposed site improvements and concerns relating to the proposed bus-only driveway along the back of the school, lighting, landscaping, and the community garden.
  - Residents felt that a bus-only driveway was not necessary, as one has never been needed before, and that it would negatively impact the neighborhood and property values.
  - Residents requested that Councilmembers visit the site before making a decision on the requested partial revision to the previously approved site plans for Nompeng Academy.

Recommendation

Based on the aforementioned findings the Planning Commission recommends City Council adopt the resolution regarding the recommended disposition of Planning Application No. 2018-009 submitted by Neal Thao (Noble Academy) for the approval of:

1. A revised site plan to partially relocate the previously approved bus-only driveway from Noble Avenue North to 63rd Avenue North, maintain the existing circulation along the front angled parking and drop-off area, and other associated site improvements at the property located at 6201 Noble Avenue North.

- Approval of the request is subject to the Applicant complying with the conditions of approval as outlined in the City Council resolution.
  - Unless otherwise noted, all other approvals under the approval of Planning Commission Application No. 2018-005 are still en force.

Example Photos | Landscaping (Noble-BP)













City Council Agenda Item No. 10a

City Council Agenda Item No. 10a
#1

COUNCIL ITEM ~~MEMORANDUM~~

DATE: June 25, 2018

TO: Curt Boganey, City Manager

Dr. Regin[illegible]rds
Deputy City [illegible]ger
and Acting City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Type IV 6-Month Provisional Rental License for 7240 West River Rd

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 7240 West River Rd. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is 1 building, 7 unit, multi-family property. The previous rental license was a Type II Rental License. This property qualifies for a Type IV Rental License based on fifty-five (55) property code violations (7.9/unit) found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

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

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

<u>Current rental license approval activities for license expires on 9/30/2018:</u>

02-20-2018	The Owner, Nedzad Ceric, applied for renewal of the rental dwelling license for 7240 West River Rd, a single family dwelling.
03-15-2018	An initial rental license inspection was conducted and failed. 55 property code violations were cited, see attached rental criteria.

COUNCIL ITEM MEMORANDUM

03-31-2018	The previous rental license expired.
04-23-2018	A second rental inspection was conducted and failed. A $400 re-inspection fee was charged to the property.
05-29-2018	A third rental inspection was conducted and failed. Corrections made, but re-inspection fees are still due.
05-30-2018	The $400 re-inspection fee was paid and passed.
05-30-2018	A Mitigation Plan was submitted.
06-11-2018	The Mitigation Plan was finalized.
06-18-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
06-18-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
06-18-2018	A letter was sent to the owner notifying that the hearing before the Council will be held June 25, 2018.

If approved, after six months, a new rental license is required. The license process will begin approximately immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an

opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

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

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification

inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

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

b. <u>Police Service Calls.</u>

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

License Category	**Number of Units**	**Validated Calls for Disorderly Conduct Service & Part I Crimes**

		(Calls Per Unit/Year)
No Category Impact	1-2	0-1
	3-4 units	0-0.25
	5 or more units	0-0.35
Decrease 1 Category	1-2	Greater than 1 but not more than 3
	3-4 units	Greater than 0.25 but not more than 1
	5 or more units	Greater than 0.35 but not more than 0.50
Decrease 2 Categories	1-2	Greater than 3
	3-4 units	Greater than 1
	5 or more units	Greater than 0.50

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan

BROOKLYN CENTER
AT THE CENTER

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

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

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

Property Address:	7240 West River Rd N Brooklyn Center MN 55430		
Owner's Name(s):	Nedzad Cenc	**Local Agent:**	same as owner
Owner's Address:	1304 7th Ave Anoka MN55303	**Agent Address:**	
Owner's Phone:	612-978-3198	**Agent's Phone:**	
Owner's Email:	cenc.nermina@yahoo.com	**Agent's Email:**	
Current Expiration Date:	3/31/18	**Pending Expiration Date:**	9/30/18

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

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

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

City of Brooklyn Center—Community Development www.cityofbrooklyncenter.org
6301 Shingle Creek Parkway, Brooklyn Center, MN 55430-2199 | Phone: (763) 563-3330 | TTY: 711 Fax: (763) 569-3350

BROOKLYN CENTER AT THE CENTER

Community Development

PROPERTY ADDRESS

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

☑ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

☑ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

☑ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

☑ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

☑ Crime Free Housing training is completed

☐ Crime Free Housing training is scheduled for 5/12/11 (Date)

☑ Owner or agent plans to attend training at New Hope (Name of City)

☑ 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

☑ 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

☑ 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

☑ Security Assessment is completed

☐ Security Assessment is scheduled for 3/15/12

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PROPERTY ADDRESS

Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

☑ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date**

☑ 2) **Registration is not required to attend,** however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

☑ 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for 7/12/18 and 9/13/18

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

☑ 1) Conduct resident training annually to include crime prevention techniques

☑ 2) Conduct regular resident meetings

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BROOKLYN CENTER AT THE CENTER

Community Development

PROPERTY ADDRESS

Sections B—Long Term Capital Improvement Plan

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

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

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

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	1988	f	2035
Water Heater	2012	g	2022
Kitchen Appliances	2016-2018	g	2025
Laundry Appliances	2016	g	2026
Smoke Alarms/ Carbon Monoxide Alarms	2017	g	2027
Exterior Items			
Paint/Siding	2014	f	2020
Windows	1978	f	2025
Roof	2015	g	2035
Garage	1978	g	2038
Driveway	1978	f	2025
Fence	1988	f	2020
Sidewalks	1978	g	2035
Shed	no shed		

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

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PROPERTY ADDRESS

Sections C—*Steps to Improve Management and Conditions of Property*

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

The following actions are required:

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

The following actions are optional unless required by the City.

- [x] 1) Provide lawn/snow service
- [x] 2) Provide garbage service
- [x] 3) Install security system
- [x] 4) Provide maintenance service plan for appliances

  Name of service company A1 appliances
- [ ] 5) Other: _____

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

BROOKLYN CENTER
AT THE CENTER

Community Development

PROPERTY ADDRESS

Sign and Verify

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

Nedzad Ceric

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

5/30/18

Date

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

Assistant Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

6/11/2018

Date

Community Development

6/6/18

Date

City Council Agenda Item No. 10a
#2

COUNCIL ITEM MEMORANDUM

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

DATE: June 25, 2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Type IV 6-Month Provisional Rental License for 3106 64th Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 3106 64th Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is single family property. The previous rental license was a Type II Rental License. This property qualifies for a Type IV Rental License based on nine (9) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

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

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

<u>Current rental license approval activities for license expires on 08/31/2018:</u>

12-28-2017	The Owner, Natan Zadik, applied for renewal of the rental dwelling license for 3106 64th Ave N, a single family dwelling.
01-18-2018	An initial rental license inspection was conducted and failed, tenant denied access.

COUNCIL ITEM MEMORANDUM

02-20-2018	A second rental inspection was conducted and failed. 9 property code violations were cited, see attached rental criteria. A $100 re-inspection fee was charged to the property.
02-28-2018	The previous rental license expired.
03-05-2018	The $100 re-inspection fee was paid.
03-06-2018	A third rental inspection was conducted and passed.
04-06-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
04-06-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
05-23-2018	A $300 Administrative Citation was issued for renting without a license.
05-24-2018	A Mitigation Plan was submitted.
06-14-2018	The Mitigation Plan was finalized.
06-18-2018	A letter was sent to the owner notifying that the hearing before the Council will be held June 25, 2018.

If approved, after six months, a new rental license is required. The license process will begin approximately immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the

Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

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

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

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

b. <u>Police Service Calls.</u>

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

COUNCIL ITEM MEMORANDUM

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan

BROOKLYN CENTER AT THE CENTER

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

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

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

Property Address	3106 64th Ave N		
Owner's Name(s):	Invitation Homes	Local Agent:	Mai Thao
Owner's Address	3106 64th Ave N	Agent Address:	
Owner's Phone:	952-563-1936	Agent's Phone:	
Owner's Email:	mai.thao@invitationhomes.com	Agent's Email:	
Current Expiration Date:	2/28/18 KT	Pending Expiration Date	8/31/18 KT

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

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

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

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[X] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

[X] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[X] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided

[X] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

- [X] Crime Free Housing training is completed
- [ ] Crime Free Housing training is scheduled for _____ Date
- [ ] Owner or agent plans to attend training at : _____ Name of City

[ ] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[ ] 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment call (763) 569-3344

[ ] 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

- [X] Security Assessment is completed
- [X] Security Assessment is scheduled for 12/27/16

Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

[X] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

[X] 2) **Registration is not required to attend**, however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[X] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for 6/13/17 and 9/14/17

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

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

Sections B—*Long Term Capital Improvement Plan*

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

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

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

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	10/2013		2035
Water Heater	10/2013		2023
Kitchen Appliances	10/2013	G	2023
Laundry Appliances	10/2013	G	2023
Smoke Alarms/ Carbon Monoxide Alarms	2/2018	G	2025
Exterior Items			
Paint/Siding	n/a		
Windows	10/2013		2038
Roof	n/a		
Garage	10/2013	G	n/a
Driveway	10/2013	G	as needed
Fence	10/2013	G	as needed
Sidewalks	10/2013	G	as needed
Shed	n/a		

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

Sections C—*Steps to Improve Management and Conditions of Property*

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

The following actions are required:

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

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.

  Name of service company _____
- [ ] 5) Other _____

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

Sign and Verify

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

Mai Thao

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

5/23/18

Date

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

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

6/11/2018

Date

Community Development

6/6/18

Date

City Council Agenda Item No. 10a
#3

COUNCIL ITEM MEMORANDUM

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

DATE: June 25, 2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Type IV 6-Month Provisional Rental License for 5410 Girard Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 5410 Girard Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is a single family property. The previous rental license was a Type II Rental License. This property qualifies for a Type IV Rental License based on fourteen (14) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

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

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

<u>Current rental license approval activities for license expires on 10/31/2018:</u>

02-12-2018	The Owner, Douglas Allen Wahl, applied for renewal of the rental dwelling license for 5410 Girard Ave N, a single family dwelling.
03-06-2018	An initial rental license inspection was conducted and failed. Fourteen code violations were cited, see attached rental criteria.

04-06-2018	A second rental inspection was conducted and failed. A $100 re-inspection fee was charged to the property.
04-17-2018	The $100 re-inspection fee was paid and passed.
04-30-2018	The previous rental license expired.
05-31-2018	A Mitigation Plan was submitted.
06-11-2018	The Mitigation Plan was finalized.
06-18-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
06-18-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
06-18-2018	A letter was sent to the owner notifying that the hearing before the Council will be held June 25, 2018.

If approved, after six months, a new rental license is required. The license process will begin in approximately one month. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council

disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

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

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7

and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

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

b. <u>Police Service Calls.</u>

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

License Category	**Number of Units**	**Validated Calls for Disorderly Conduct Service & Part I Crimes** (Calls Per Unit/Year)
No Category	1-2	0-1

Impact	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.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan

BROOKLYN CENTER
AT THE CENTER

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

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

RECEIVED
MAY 31 2018

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

Property Address:	5410 Girard Ave N		
Owner's Name(s):	Cel Monton Douglas Wahl	**Local Agent:**	Maximize Properties
Owner's Address:	1845 Stinson Pkwy #208 Minneapolis, MN 55418	**Agent Address:**	1845 Stinson Pkwy #208 Minneapolis, MN 55418
Owner's Phone:	612 782-8888	**Agent's Phone:**	612 721-8888
Owner's Email:	dwasters@msn.com	**Agent's Email:**	maxmanager@izemail.net
Current Expiration Date:	~~6/3/2018~~ 4/30/18	**Pending Expiration Date:**	~~1/3/2019~~ 10/31/

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

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

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

PROPERTY ADDRESS

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

☑ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

☑ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

☑ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

☑ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

☐ Crime Free Housing training is completed

☑ Crime Free Housing training is scheduled for 6/13/2018
Date

☑ Owner or agent plans to attend training at: Anoka
Name of City

☑ 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

☑ 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

☑ 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

☑ Security Assessment is completed

☐ Security Assessment is scheduled for _____

City of Brooklyn Center—Community Development

www.cityofbrooklyncenter.org

6301 Shingle Creek Parkway, Brooklyn Center, MN 55430-2199 | Phone: (763) 563-3330 | TTY: 711 Fax: (763) 569-3360

Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

☑ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

☑ 2) **Registration is not required to attend,** however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

☑ 3) Write two months the owner or agent plans to attend

Owner or agent will attend A.R.M. meetings scheduled for: ~~Jan~~ July and May

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

☐ 1) Conduct resident training annually to include crime prevention techniques.

☐ 2) Conduct regular resident meetings.

BROOKLYN CENTER
AT THE CENTER

Community Development

PROPERTY ADDRESS

Sections B—*Long Term Capital Improvement Plan*

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

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

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

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	Orig	F	2021
Water Heater	2008	G	2023
Kitchen Appliances	2016	G	2031
Laundry Appliances	2016	G	2031
Smoke Alarms/ Carbon Monoxide Alarms	2016	G	2025
Exterior Items			
Paint/Siding	2015	N	2028
Windows	Orig	F	2025
Roof	2010	F	2035
Garage	ORIGINAL	G	-
Driveway	2000	G	2028
Fence	2005	G	2025
Sidewalks		G	
Shed	N/A		

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

City of Brooklyn Center—Community Development

www.cityofbrooklyncenter.org

6301 Shingle Creek Parkway, Brooklyn Center, MN 55430-2199 | Phone: (763) 563-3330 | TTY: 711 Fax: (763) 569-3360

PROPERTY ADDRESS

Sections C—*Steps to Improve Management and Conditions of Property*

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

The following actions are required:

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

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system
- [ ] 4) Provide maintenance service plan for appliances.

  Name of service company: _____
- [ ] 5) Other. _____

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

BROOKLYN CENTER AT THE CENTER

PROPERTY ADDRESS

Community Development

Sign and Verify

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

Joseph Eberwine Maint. Mgr.

Owner or Agent Name and Title (Please Print)

[signature] 5/31/18

Owner or Agent Signature *Date*

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

Additional Owner or Agent Signature (If Applicable) *Date*

City Staff Only

[signature] 6/11/2018

Police Department *Date*

[signature] HSL + Comm Std Sup 6/6/18

Community Development *Date*

City of Brooklyn Center—Community Development

www.cityofbrooklyncenter.org

6301 Shingle Creek Parkway, Brooklyn Center, MN 55430-2199 | Phone: (763) 563-3330 | TTY: 711 Fax: (763) 569-3360

City Council Agenda Item No. 10a
#4

COUNCIL ITEM MEMORANDUM

DATE: June 25, 2018

TO: Curt Boganey, City Manager

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Type IV 6-Month Provisional Rental License for 5302 Humboldt Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 5302 Humboldt Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is a single family property. The previous rental license was a Type I Rental License. This property qualifies for a Type IV Rental License based on sixteen (16) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

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

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

Current rental license approval activities for license expires on 05/31/2018:

09-22-2017	The Owner, Marc Silverstein, applied for renewal of the rental dwelling license for 5302 Humboldt Ave N, a single family dwelling.
10-09-2017	An initial rental license inspection was conducted and failed. Sixteen code violations were cited, see attached rental criteria.

COUNCIL ITEM MEMORANDUM

11-09-2017	A second rental inspection was conducted and failed. None of the corrections had been made. A $100 re-inspection fee was charged to the property.
11-16-2017	A third inspection was conducted and failed. A $100 re-inspection fee was charged to the property.
11-17-2017	The $100 re-inspection fee was paid.
11-27-2017	The $100 re-inspection fee was paid.
11-28-2017	A fourth inspection was conducted and failed due to new code violations. No re-inspection fees charged.
11-30-2017	The previous rental license expired.
12-14-2017	A fifth inspection was conducted and failed. $100 re-inspection fee.
01-05-2018	A sixth inspection was conducted and failed. Corrections made, fees still owed.
02-08-2018	A $300 Administrative Citation was issued for renting without a license.
02-14-2018	A Mitigation Plan was submitted.
02-23-2018	The Mitigation Plan was finalized.
04-13-2018	The $100 re-inspection fee was paid and passed inspection.
04-24-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
04-24-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
06-18-2018	A letter was sent to the owner notifying that the hearing before the Council will be held June 25, 2018.

If approved, after six months, a new rental license is required. The license process will begin immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in

tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

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

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

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

b. <u>Police Service Calls.</u>

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

COUNCIL ITEM MEMORANDUM

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan

BROOKLYN CENTER AT THE CENTER

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

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

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

Property Address:	5302 Humboldt Ave N		
Owner's Name(s):	MNSF II W1	Local Agent:	Renters Warehouse
Owner's Address:	6386 Morrison Blvd #320 Charlotte, NC 28211	Agent Address:	13200 Pioneer Tr #100 Eden Prairie, MN 55347
Owner's Phone:	704-442-1094	Agent's Phone:	952-470-8888
Owner's Email:	mailverstein@gorelickbrothers.com	Agent's Email:	gorelick@renterswarehouse.com
Current Expiration Date:	11/31/17	Pending Expiration Date:	5/31/18

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

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

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

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[x] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

[x] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[x] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

[x] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpe.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

- [x] Crime Free Housing training is completed
- [ ] Crime Free Housing training is scheduled for _____ Date
- [ ] Owner or agent plans to attend training at: _____ Name of City

[x] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[x] 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

[x] 2) **A follow-up assessment must be completed before the license expiration date to verify the security improvements have been implemented.** To schedule a follow up inspection call (763) 569-3344.

- [x] Security Assessment is completed
- [ ] Security Assessment is scheduled for _____

Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

[x] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

[x] 2) Registration is not required to attend, however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[x] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: March and May

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

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

Sections B—*Long Term Capital Improvement Plan*

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

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

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

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	Oct 2008	F	November 2022
Water Heater	April 2009	F	April 2019
Kitchen Appliances	May 2012	F	May 2022
Laundry Appliances	May 2012	F	May 2022
Smoke Alarms/ Carbon Monoxide Alarms	July 2015	f	July 2020
Exterior Items			
Paint/Siding	June 2015	F	July 2020
Windows	May 2008	F	May 2023
Roof	May 2015	F	May 2025
Garage	Aug 1945	f	Aug 2045
Driveway	May 2016	F	May 2021
Fence	June 2010	F	June 2025
Sidewalks	May 2014	F	May 2024
Shed	May 1970	f	May 2020

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

Sections C—*Steps to Improve Management and Conditions of Property*

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

The following actions are required:

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

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system
- [ ] 4) Provide maintenance service plan for appliances.

  Name of service company: _____
- [ ] 5) Other: _____

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

5302 Humboldt Ave N

Sign and Verify

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

Brandi Stiver Account Executive

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

7/24/18

Date

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

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

2/23/18

Date

HSB + Comm Std Sup

Community Development

2/20/18

Date

City of Brooklyn Center—Community Development

www.cityofbrooklyncenter.org

6301 Shingle Creek Parkway, Brooklyn Center, MN 55430-2199 | Phone: (763) 563-3330 | TTY: 711 Fax: (763) 569-3360

City Council Agenda Item No. 10a
#5

COUNCIL ITEM MEMORANDUM

DATE: June 25, 2018

TO: Curt Boganey, City Manager

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Type IV 6-Month Provisional Rental License for 6765 Humboldt Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 6765 Humboldt Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for renewal of two rental licenses. This is a single family property. The property would qualify for a Type II Rental License based on four (4) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. However, the owner failed to comply with the Mitigation Plan and applicable Ordinances, specifically failed to attend Owners/Managers Association Meetings and turn in monthly updates. According to City Ordinances, if the requirements of the license category and the Mitigation Plan are not met, the license renewal category remains a Type IV. Under this license action, the property owner will receive two successive Type IV Rental Licenses- one that will have expired on February 28, 2018 and one that will expire on August 31, 2018.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental Property to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the continued Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

COUNCIL ITEM MEMORANDUM

The following is a brief history of the license process actions.

Current rental license approval activities for license expires on 08/31/2018:

12-28-2017	The owner, Moeen Ahmad Masood and Shehla Alavi, applied for renewal of the rental dwelling license for 6765 Humboldt Ave N, a single family dwelling.
01-18-2018	An initial rental license inspection was conducted. Four property code violations were cited, see attached rental criteria.
02-01-2018	A second inspection was conducted and failed. A $100 reinspection was charged to the property.
02-15-2018	A third inspection was conducted passed, however, $100 reinspection fee still owed.
02-28-2018	The previous Type IV Rental License expired.
03-19-2018	The $100 reinspection fee was paid.
03-19-2018	A $300 Administrative Citation was issued for operating without a license.
05-23-2018	A $600 Administrative Citation was issued for operating without a license.
05-25-2018	A Mitigation Plan was submitted.
06-14-2018	The Mitigation Plan was finalized.
06-18-2018	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
06-18-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
06-18-2018	A letter was sent to the owner notifying that the hearing before the Council will be held June 25, 2017.

Previous Type IV Rental License approval activities for license expires on 02/28/2018:

08-04-2017	The owner, Moeen Ahmad Masood and Shehla Alavi, applied for renewal of the rental dwelling license for 6765 Humboldt Ave N, a single family dwelling.
08-28-2017	An initial rental license inspection was conducted. Seven property code violations were cited, see attached rental criteria.
08-31-2017	The previous Type IV Rental License expired.09-28-2017 A second inspection was conducted and failed. A $100 reinspection fee was charged to the property.
10-12-2017	A third inspection was conducted and failed. A $100 reinspection fee was charged to the property.
10-26-2017	A fourth inspection was conducted and failed. No reinspection fee was charged due to the inspection of the permitted fence.
11-07-2017	A fifth inspection was conducted and failed. However, no reinspection fee was charged due to the inspection of the permitted fence.
11-27-2017	A sixth inspection was conducted and passed. Total reinspection fee owed is $200.
12-20-2017	A $200 reinspection fee was paid.
12-20-2017	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
12-20-2017	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental

COUNCIL ITEM MEMORANDUM

12-20-2017 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.

01-09-2018 A second letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.

03-16-2018 An email was sent to the owner informing him to submit the mitigation plan.

05-25-2018 A Mitigation Plan was submitted.

06-14-2018 The Mitigation Plan was finalized.

06-18-2018 A letter was sent to the owner notifying that the hearing before the Council will be held June 25, 2018.

Previous Type IV Rental License approval activities:

07-08-2016 The owner, Moeen Ahmad Masood and Shehla Alavi, applied for renewal of the rental dwelling license for 6765 Humboldt Ave N, a single family dwelling.

07-08-2016 A Mitigation Plan was submitted.

07-13-2016 The Mitigation Plan was finalized.

08-02-2016 An initial rental license inspection was conducted. Seven property code violations were cited, see attached rental criteria.

08-31-2016 The previous Type IV Rental License expired.

09-02-2016 A second inspection was conducted and failed. A $100 reinspection fee was charged to the property.

09-21-2016 A third inspection was conducted and corrections complete; however, the $100 reinspection fee was not paid.

10-26-2016 The $100 reinspection fee was paid and rental license passed.

11-14-2016 City records indicate zero validated police nuisance incidents occurred in the past twelve months.

11-14-2016 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.

01-02-2017 A letter was sent to the owner notifying that the hearing before the Council will be held January 09, 2017.

Previous Type IV Rental License approval activities:

02-12-2016 The owner, Moeen Ahmad Masood, applied for renewal of the rental dwelling license for 6765 Humboldt Ave N, a single family dwelling.

02-28-2016 The previous Type IV Rental License expired.

03-01-2016 An initial rental license inspection was conducted. Nine property code violations were cited, see attached rental criteria.

04-19-2016 A second rental inspection was conducted and failed. A $100 reinspection was charged to the property.

05-03-2016 A third inspection was conducted and failed. A $100 reinspection fee was charged to the property.

COUNCIL ITEM MEMORANDUM

05-18-2016	A fourth inspection was conducted and corrections completed. Reinspection fees have not been paid.
05-23-2016	The $200 in reinspection fees was paid.
06-03-2016	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
06-03-2016	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
07-08-2016	A Mitigation Plan was submitted.
07-13-2016	The Mitigation Plan was finalized.
07-18-2016	A letter was sent to the owner notifying that the hearing before the Council will be held July 25, 2016.

Previous Type IV Rental License approval activities:

07-09-2015	The owner, Moeen Masood, applied for renewal of the rental dwelling license for 6765 Humboldt Ave N, a single family dwelling.
08-31-2015	The previous Type IV Rental License expired.
09-11-2015	An initial rental license inspection was conducted. Six property code violations were cited, see attached rental criteria.
10-16-2015	A second inspection was conducted and failed. A $100 reinspection fee was charged to the property.
11-03-2015	A third inspection was conducted and failed. A $100 reinspection fee was charged to the property.
11-18-2015	A fourth inspection was not conducted; no access at time of inspection. A $100 reinspection fee was charged to the property.
01-19-2016	The $300 reinspection fee was paid.
01-28-2016	A fifth inspection was conducted and passed. (The siding and driveway violations are deferred through a previous capital improvement plan)
01-29-2016	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
01-29-2016	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
02-18-2016	A second letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
03-24-2016	A Mitigation Plan was submitted.
04-01-2016	The Mitigation Plan was finalized.
04-18-2016	A letter was sent to the owner notifying that the hearing before the Council will be held April 25, 2016.

COUNCIL ITEM MEMORANDUM

Previous Type IV Rental License approval activities:

11-10-2014	The owner, Moeen Ahmad Masood, applied for renewal of the rental dwelling license for 6765 Humboldt Ave N, a single family dwelling.
12-30-2014	An initial rental license inspection was conducted. 8 property code violations were cited, see attached rental criteria.
01-30-2026	A second inspection was conducted and failed. A $100 reinspection fee was charged to the property.
02-18-2015	A third inspection was conducted and passed.
02-28-2015	The previous rental license expired.
03-02-2015	The $100 reinspection fee was paid.
03-18-2015	A $125 Administrative Citation was issued for not meeting mitigation plan requirements.
03-23-2015	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
03-23-2015	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
04-09-2015	A second letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
05-22-2015	A $125 Administrative Citation was issued for not submitting a mitigation plan.
06-18-2015	A $250 Administrative Citation was issued for not submitting a mitigation plan.
06-18-2015	A $600 Administrative Citation was issued for renting without a license.
07-21-2015	Sent mitigation plan information to complete and return.
07-22-2015	A $500 Administrative Citation was issued for not submitting a mitigation plan. Citation later dismissed.
07-22-2015	A $1200 Administrative Citation was issued for renting without a license. Citation later dismissed.
08-04-2015	A $250 Administrative Citation was issued for not meeting mitigation plan requirements.
08-15-2015	Staff met with the owner regarding requirements for mitigation plan and the ongoing enforcement such as administrative citations.
08-24-2015	A $1000 Administrative Citation was issued for not submitting a plan. Citation later dismissed.
08-24-2015	A $2000 Administrative Citation was issued for renting without a license. Citation later dismissed.
08-27-2015	Staff met with owner to discuss mitigation plan requirements. Based on the meeting with the owner and additional information, some citations were dismissed.
08-31-2015	The previous Type IV Rental License expired.
09-09-2015	The mitigation plan information was sent to the owner in order to complete and return.
09-11-2015	A Mitigation Plan was submitted.
10-01-2015	The Mitigation Plan was finalized.

COUNCIL ITEM MEMORANDUM

10-05-2015 A letter was sent to the owner notifying that the hearing before the Council will be held October 12, 2015.

Previous Type IV Rental License approval activities:

07-22-2014 The Owner, Moeen Masood, applied for renewal of the rental dwelling license for 6765 Humboldt Ave N, a single family dwelling.

07-30-2014 An initial rental inspection was conducted. 16 property code violations were cited, see attached rental criteria.

08-31-2014 The previous rental license expired.

09-03-2014 A second rental inspection was conducted and failed. A $100 reinspection fee was charged to the property.

10-14-2014 A citation was issued for $300 for operating without a rental license.

10-15-2014 A third inspection was conducted and failed. All repairs were completed however broken glass pieces were not picked up and remain a safety hazard. No reinspection fee was charged.

11-05-2014 A fourth inspection was conducted and passed. All glass pieces were removed.

11-10-2014 The $100 reinspection fee was paid.

11-10-2014 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.

11-10-2014 A Mitigation Plan was submitted.

11-19-2014 The Mitigation Plan was finalized.

12-01-2014 A $125 Administrative Citation was issued for failure to meet the Action Plan requirements.

12-02-2014 A letter was sent to the owner notifying that the hearing before the Council will be held December 8, 2014.

If approved, after six months, a new rental license is required. The license process will begin immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

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

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

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

b. <u>Police Service Calls.</u>

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized

as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan
- Resolution Approving Two Type IV Rental Licenses for 6765 Humboldt Ave N

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 6765 HUMBOLDT AVE N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 6765 Humboldt Ave N, is issued a Type IV Rental License with an expiration date of February 28, 2018; and

WHEREAS, the property located at 6765 Humboldt Ave N, is issued a subsequent Type IV Rental License with an expiration date of August 31, 2018; and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and completion of Crime Prevention Through Environmental Design Requirements; and City Ordinance Section 12-913 requires submittal of monthly updates; and

WHEREAS, the property owner of 6765 Humboldt Ave N, Brooklyn Center failed to attend Owners/Managers Association Meetings and turn in monthly updates.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that two TYPE IV Rental Licenses are hereby approved for the property at 6765 Humboldt Ave N, Brooklyn Center, MN.

June 25, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

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

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

Property Address:	6765 Humboldt Ave N		
Owner's Name(s):	Moeen Masood	Local Agent:	
Owner's Address:	3613 Clare Downs Path Rosemount, MN 55068	Agent Address:	
Owner's Phone:	651 261 3638	Agent's Phone:	
Owner's Email:	moeenm@yahoo.com	Agent's Email:	
Current Expiration Date:	8/31/2017	Pending Expiration Date:	2/28/2018

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

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

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

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Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

☒ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

☒ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

☒ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

☒ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

☒ Crime Free Housing training is completed

☐ Crime Free Housing training is scheduled for _____
Date

☐ Owner or agent plans to attend training at : _____
Name of City

☒ 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

☒ 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

☒ 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

☒ Security Assessment is completed

☐ Security Assessment is scheduled for _____

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Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

[xx] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

[xx] 2) **Registration is not required to attend**, however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[xx] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: May and July

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

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

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Sections B—*Long Term Capital Improvement Plan*

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

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

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

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	2012	G	2022
Water Heater	2013	G	2023
Kitchen Appliances	2016	N	2018
Laundry Appliances	2012	G	2018
Smoke Alarms/ Carbon Monoxide Alarms	2016	N	2026
Exterior Items			
Paint/Siding	2016	N	2026
Windows	2009	F	2017
Roof	2008/2009	G	2030
Garage	2015	G	2025
Driveway	ASSOCIATION		
Fence	ASSOCIATION		
Sidewalks	ASSOCIATION		
Shed	NA		

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

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Sections C—*Steps to Improve Management and Conditions of Property*

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

The following actions are required:

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

The following actions are optional unless required by the City.

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

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

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City of BROOKLYN CENTER

6765-HUmboldt Ave N, Brooklyn Center, MN 55430

BUILDING AND COMMUNITY STANDARDS

Rental License Mitigation Plan
Type IV License

Sign and Verify

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

Mosen Masood (Owner)

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

5/25/2018

Date

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

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

6/18/2018

Date

Building and Community Standards Department

6/14/18

Date

City of Brooklyn Center—Building and Community Standards Department www.cityofbrooklyncenter.org
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City Council Agenda Item No. 10a
#6

COUNCIL ITEM MEMORANDUM

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

DATE: June 25, 2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Type IV 6-Month Provisional Rental License for 7031 Humboldt Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 7031 Humboldt Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is a single family property. The previous license was a Type IV Rental License issued on November 27, 2017 on condition of adherence to the Mitigation Plan and City Ordinances.

The property qualifies for a Type IV Rental License based on fourteen (14) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. Further, the owner failed to comply with the Mitigation Plan and applicable Ordinances, specifically failed to complete security improvements and failed to turn in monthly updates. According to City Ordinances, if the requirements of the license category and the Mitigation Plan are not met, the license renewal category remains a Type IV.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental Property to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the continued Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

COUNCIL ITEM MEMORANDUM

The following is a brief history of the license process actions.

Current rental license approval activities for license that expires 07/31/2018:

12-20-2017	The Owner, Natan Zadik, applied for renewal of the rental dwelling license for 7031 Humboldt Ave N, a single family dwelling.
01-31-2018	An initial rental license inspection was conducted. Fourteen property code violations were cited, see attached rental criteria.
01-31-2018	The previous Type IV Rental License expired.
03-05-2018	A second rental inspection was conducted and failed. A $100 reinspection fee was charged to the property.
03-15-2018	A third rental inspection was conducted and failed. A $100 reinspection fee was charged to the property.
03-19-2017	A $300 Administrative Citation was issued for operating without a rental license.
03-27-2018	The $100 reinspection fee was paid.
04-02-2018	A fourth rental license inspection was conducted and passed, however, $100 reinspection fee is still owed.
04-03-2018	The $100 reinspection fee was paid.
04-24-2018	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
04-24-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
05-07-2018	A Mitigation Plan was submitted.
05-22-2018	The Mitigation Plan was finalized.
05-25-2018	A $600 Administrative Citation was issued for operating without a rental license.
06-18-2018	A letter was sent to the owner notifying that the hearing before the Council will be held June 25, 2018.

Prior rental license approval activities for license that expires 09/30/2017:

08-19-2016	The Owner, ADS, LLC, applied for an initial rental dwelling license for 6501 Brooklyn Dr, a single family property.
09-08-2016	An initial rental license inspection was not conducted; no access was provided at time of inspection.
10-06-2016	A $300 Administrative Citation was issued for renting without a license.
12-19-2016	A second inspection was conducted and failed. 13 property code violations were cited, see attached rental criteria.
01-17-2017	A third inspection was conducted and rental license passed.
02-08-2017	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental

license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.

02-21-2017 A Mitigation Plan was submitted.

03-03-2017 The Mitigation Plan was finalized.

03-06-2017 A letter was sent to the owner notifying that the hearing before the Council will be held March 13, 2017.

If approved, after six months, a new rental license is required. The license process will begin immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation

plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

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

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

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

b. <u>Police Service Calls.</u>

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

License Category	**Number of Units**	**Validated Calls for Disorderly Conduct Service & Part I Crimes** (Calls Per Unit/Year)

COUNCIL ITEM MEMORANDUM

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.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan
- Resolution Approving a Type IV Rental License for 7031 Humboldt Ave N

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 7031 HUMBOLDT AVE N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 7031 Humboldt Ave N, was issued a Type IV Rental License on November 27, 2017; and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and completion of Crime Prevention Through Environmental Design Requirements; and City Ordinance Section 12-913 requires submittal of monthly updates; and

WHEREAS, the property owner of 7031 Humboldt Ave N, Brooklyn Center failed to complete security improvements and failed to turn in monthly update;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that a TYPE IV Rental License is hereby approved for the property at 7031 Humboldt Ave N, Brooklyn Center, MN.

June 25, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

MAY - 7 2018

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

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

Property Address:	7031 Humboldt Ave N		
Owner's Name(s):	Invitation Homes	Local Agent:	Mai Thao
Owner's Address:	1210 Northland Drive Suite 180 Mendota Heights MN 55120	Agent Address:	1210 Northland Drive Suite 180 Mendota Heights MN 55120
Owner's Phone:	9525631945	Agent's Phone:	952-563-1921
Owner's Email:	DCollette@invitationhomes.com	Agent's Email:	DCollette@invitationhomes.com
Current Expiration Date:	1/31/18 ext	Pending Expiration Date:	7/31/18 ext

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

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

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

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Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[x] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

[x] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[x] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

[x] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

- [x] Crime Free Housing training is completed
- [ ] Crime Free Housing training is scheduled for _____ (Date)
- [ ] Owner or agent plans to attend training at : _____ (Name of City)

[x] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[x] 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

[x] 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

- [ ] Security Assessment is completed
- [x] Security Assessment is scheduled for 5/23/18

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Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

[x] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

[x] 2) **Registration is not required to attend**, however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[x] 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: 5/10 and 9/13 ~~7/2018~~

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

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

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7031 Humboldt Ave N

Sections B—*Long Term Capital Improvement Plan*

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

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

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

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	2009	F	2019
Water Heater	2009	G	2019
Kitchen Appliances	2014	F	2018
Laundry Appliances	2014	F	2019
Smoke Alarms/ Carbon Monoxide Alarms	2017	G	2018 Every year check
Exterior Items			
Paint/Siding	N/A		every 8 years
Windows	Dec 2013	G	25/30 Years or as needed
Roof	2009	G	R&T Home Improvements 2020
Garage	N/A		
Driveway	N/A		
Fence	N/A		
Sidewalks	N/A		
Shed	N/A		

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

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Sections C—*Steps to Improve Management and Conditions of Property*

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

The following actions are required:

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

The following actions are optional unless required by the City.

- [x] 1) Provide lawn/snow service.
- [x] 2) Provide garbage service.
- [x] 3) Install security system.
- [x] 4) Provide maintenance service plan for appliances.
  Name of service company: IH Maintenance
- [x] 5) Other: Brookside Landscape

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

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Sign and Verify

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

Tescie Bratcher

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

4.30.18

Date

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

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

5/22/18

Date

Community Development

5/15/18

Date

City of Brooklyn Center—Community Development

www.cityofbrooklyncenter.org

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City Council Agenda Item No. 10a
#7

COUNCIL ITEM MEMORANDUM

DATE: June 25, 2018

TO: Curt Boganey, City Manager

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Type IV 6-Month Provisional Rental License for 6413 June Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 6413 June Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is a single family property. The previous license was a Type IV Rental License issued on November 13, 2017, on condition of adherence to the Mitigation Plan and City Ordinances.

The requirements of the Mitigation Plan were met for the previous license. However, the property qualifies for a Type IV Rental License based on fourteen (14) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. Therefore, according to City Ordinance, based on the number of property code violations, the license category remains a Type IV.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental License to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

The following is a brief history of the license process actions.

COUNCIL ITEM MEMORANDUM

Current rental license approval activities for license that expires 9/30/2018:

03-31-2018	The previous Type IV Rental License expired.
04-19-2018	The Owner, Douglas Allen Wahl, applied for renewal of the rental dwelling license for 6413 June Ave N, a single family dwelling.
04-19-2018	An initial rental license inspection was conducted and failed. Fourteen property code violations were cited, see attached rental criteria.
05-22-2018	A second inspection was conducted and failed. A $100 reinspection fee was charged.
05-23-2018	A $300 Administrative Citation was issued for renting without a license.
06-05-2018	A third inspection was conducted and corrections were made however $100 reinspection fee is still owed.
06-14-2018	The $100 reinspection fee was paid.
06-18-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
0618-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
05-31-2018	A Mitigation Plan was submitted.
06-14-2018	The Mitigation Plan was finalized.
06-18-2018	A letter was sent to the owner notifying that the hearing before the Council will be held June 25, 2018

Prior Type IV Rental License approval activities for license that expired on 3/31/201/8:

06-12-2017	The Owner, Douglas Allen Wahl, applied for renewal of the rental dwelling license for 6413 June Ave N, a single family dwelling.
07-19-2017	An initial rental license inspection was conducted and failed. 12 property code violations were cited, see attached rental criteria.
09-19-2017	A second rental inspection was conducted and passed.
09-30-2017	The previous rental license expired.
10-04-2017	City records indicate zero validated police nuisance incidents occurred in the past twelve months.
10-04-2017	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
10-11-2017	A Mitigation Plan was submitted.
10-18-2017	The Mitigation Plan was finalized.
11-06-2017	A letter was sent to the owner notifying that the hearing before the Council will be held November 13, 2017.

If approved, after six months, a new rental license is required. The license process will begin in approximately one month. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services

for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

COUNCIL ITEM MEMORANDUM

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

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

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

b. Police Service Calls.

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

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

Budget Issues:

COUNCIL ITEM MEMORANDUM

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan
- Resolution Approving a Type IV Rental License for 6413 June Ave N

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 6413 JUNE AVE N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 6413 June Avenue N, was issued a Type IV Rental License on November 13, 2017; and

WHEREAS, the property qualifies for a Type IV Rental License based on the number of property code violations (14) and validated police nuisance incidents (zero); and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License to complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and complete security improvements; and City Ordinance Section 12-913 requires submittal of monthly updates.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that a TYPE IV Rental License is hereby approved for the property at 6413 June Avenue N, Brooklyn Center, MN.

June 25, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

BROOKLYN CENTER
AT THE CENTER

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

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

RECEIVED
MAY 31 2018

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

Property Address:	6413 June Ave N		
Owner's Name(s):	Cel Monton Douglas Wahl	Local Agent:	Maximize Properties
Owner's Address:	1845 Stinson Pkwy #208 Minneapolis, MN 55418	Agent Address:	1845 Stinson Pkwy #208 Minneapolis, MN 55418
Owner's Phone:	612 782-8888	Agent's Phone:	612 721-8888
Owner's Email:	dwasters@msn.com	Agent's Email:	maxmanager@izemail.net
Current Expiration Date:	~~6/3/2018~~ 3/31/18	Pending Expiration Date:	~~11/3/2018~~ 9/3/18

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

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

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

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PROPERTY ADDRESS

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

☑ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

☑ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

☑ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

☑ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

☐ Crime Free Housing training is completed

☑ Crime Free Housing training is scheduled for 6/13/2018
Date

☑ Owner or agent plans to attend training at : Anoka
Name of City

☑ 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

☑ 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

☑ 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

☑ Security Assessment is completed

☐ Security Assessment is scheduled for _____

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Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

☑ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

☑ 2) **Registration is not required to attend,** however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

☑ 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: ~~Jan~~ July XT and May

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

☐ 1) Conduct resident training annually to include crime prevention techniques.

☐ 2) Conduct regular resident meetings.

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PROPERTY ADDRESS

Sections B—*Long Term Capital Improvement Plan*

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

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

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

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	Orig	F	2021
Water Heater	2010	G	2020
Kitchen Appliances	2014	G	2022
Laundry Appliances	2014	G	2021
Smoke Alarms/ Carbon Monoxide Alarms	2016	G	2025
Exterior Items			
Paint/Siding	2018	N	2028
Windows	Orig	F	2025
Roof	Orig	F	2025
Garage	ORIGINAL	G	-
Driveway	2000	G	2028
Fence	2005	G	2025
Sidewalks		G	
Shed	N/A		

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

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Sections C—*Steps to Improve Management and Conditions of Property*

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

The following actions are required:

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

The following actions are optional unless required by the City.

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

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

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BROOKLYN CENTER
AT THE CENTER

Community Development

PROPERTY ADDRESS

Sign and Verify

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

Joseph Eberwine Maint. Mgr.

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

5/31/18

Date

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

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

6/11/2018

Date

Community Development

6/6/18

Date

City of Brooklyn Center—Community Development

www.cityofbrooklyncenter.org

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COUNCIL ITEM MEMORANDUM

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

01-30-2018	The Owner, Cosco Properties LLC c/o MSP Home Rental, applied for renewal of the rental dwelling license for 6424 Scott Ave N, a single family dwelling.
02-22-2018	An initial rental license inspection was conducted and failed. Nine property code violations were cited, see attached rental criteria.
03-20-2018	A second inspection was conducted and failed. A $100 reinspection fee was charged to the property.
03-30-2018	A $100 reinspection fee was paid.
03-31-2018	The previous Type IV Rental License expired.
04-03-2018	A third inspection was conducted and passed.
04-24-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
04-24-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
05-07-2018	A Mitigation Plan was submitted.
05-22-2018	The Mitigation Plan was finalized.
06-18-2018	A letter was sent to the owner notifying that the hearing before the Council will be held June 25, 2018

Prior Type IV Rental License approval activities for license that expired on 03/31/2018:

09-18-2017	The Owner, Cosco Properties LLC c/o MSP Home Rental, applied for renewal of the rental dwelling license for 6424 Scott Ave N, a single family dwelling.
10-05-2017	An initial rental license inspection was not conducted and no access was given at time of inspection.
10-23-2017	A second rental inspection was conducted and failed. 11 property code violations were cited, see attached rental criteria. A $100 reinspection fee was charged to the property.
11-13-2017	The $100 reinspection fee was paid.
11-30-2017	A third inspection was conducted and failed. A $100 reinspection fee was charged to the property.
12-01-2017	A fourth inspection was conducted; however, this was to verify that the leaking sink had been corrected. All other corrections still remain. The $100 reinspection fee was not charged for this inspection.
12-07-2017	The $100 reinspection fee was paid.
12-14-2017	A $300 Administrative Citation was issued for operating without a license.
12-15-2017	The fifth inspection was conducted and passed with a weather deferral.
12-22-2017	A Mitigation Plan was submitted.
12-29-2017	The Mitigation Plan was finalized.
01-04-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
01-04-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.

City Council Agenda Item No. 10a
#8

COUNCIL ITEM MEMORANDUM

DATE: June 25, 2018

TO: Curt Boganey, City Manager

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Type IV 6-Month Provisional Rental License for 7030 Regent Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan** and issuance of a Type IV 6-Month Provisional Rental License for 7030 Regent Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for disapproval for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is a single family property. The previous rental license was a Type II Rental License. This property qualifies for a Type IV Rental License based on fourteen (14) property code violations found during the initial rental license inspection and zero (0) validated police nuisance incidents for the past twelve months.

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

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

<u>Current rental license approval activities for license expires on 8/31/2018:</u>

11-27-2017	The Owner, Douglas Allen Wahl, applied for renewal of the rental dwelling license for 7030 Regent Ave N, a single family dwelling.
12-21-2017	An initial rental license inspection was conducted and failed. Fourteen code violations were cited, see attached rental criteria.
01-22-2018	A second rental inspection was conducted and failed.

COUNCIL ITEM MEMORANDUM

02-12-2018	A third rental inspection was conducted and failed. Exterior violations not corrected. A $100 re-inspection fee was charged to the property.
02-26-2018	$100 re-inspection fees paid.
02-28-2018	A fourth rental inspection was conducted and passed with weather deferral. All corrections made, other than garage (weather deferred item).
02-28-2018	The previous rental license expired.
03-06-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
03-06-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
05-22-2018	Weather deferral follow-up. All corrections made. Passed.
05-31-2018	A Mitigation Plan was submitted.
06-11-2018	The Mitigation Plan was finalized.
06-18-2018	A letter was sent to the owner notifying that the hearing before the Council will be held June 25, 2018.

If approved, after six months, a new rental license is required. The license process will begin approximately immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the

Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

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

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

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

b. <u>Police Service Calls.</u>

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

COUNCIL ITEM MEMORANDUM

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

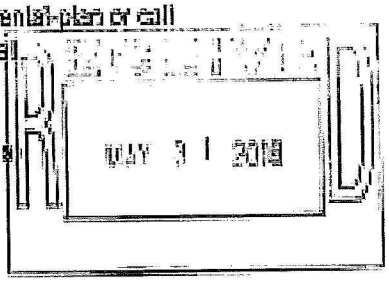
Attachment
- Mitigation Plan

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

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



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

Property Address:	5410 Girard Ave N		
Owner's Name(s):	Cel Manton Douglas Wahl	Local Agent:	Maximize Properties
Owner's Address:	1845 Stinson Pkwy #208 Minneapolis, MN 55418	Agent Address:	1845 Stinson Pkwy #208 Minneapolis, MN 55418
Owner's Phone:	612 782-8888	Agent's Phone:	612 721-8888
Owner's Email:	dwoslers@msn.com	Agent's Email:	maxmanager@lizermail.net
Current Expiration Date:	~~06/2018~~ 7/31/18	Pending Expiration Date:	~~11/2019~~ 10/31/19

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

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

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

Community Development

PROPERTY ADDRESS

Sections A—Crime Free Housing Program Requirements

Phase I - Read and check each box.

☑ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.

☑ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

☑ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

☑ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.

☐ Crime Free Housing training is completed

☑ Crime Free Housing training is scheduled for 6/13/2018
Date

☑ Owner or agent plans to attend training at: Anoka
Name of City

☑ 5) Submit Monthly Report by the 10th day of each month. Only required for Type IV— Mitigation Plans.

Phase II - Read and check each box.

☑ 1) Complete a Security Assessment and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

☑ 2) A follow-up assessment must be completed before the license expiration date to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

☑ Security Assessment is completed

☐ Security Assessment is scheduled for _____

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PROPERTY ADDRESS

Sections A—Crime Free Housing Program Requirements (continued)

Phase III - A.R.M Meeting Requirement

☑ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. The A.R.M. meetings must be completed within the rental license period and before the License expiration date.

☑ 2) Registration is not required to attend, however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

☑ 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: ~~Jan~~ July and May

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

☐ 1) Conduct resident training annually to include crime prevention techniques.

☐ 2) Conduct regular resident meetings.

Sections B—Long Term Capital Improvement Plan

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

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

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

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	Orig	F	2021
Water Heater	2009	G	2023
Kitchen Appliances	2016	G	2031
Laundry Appliances	2016	G	2031
Smoke Alarms/ Carbon Monoxide Alarms	2016	G	2025
Exterior Items			
Paint/Siding	2015	N	2028
Windows	Orig	F	2025
Roof	2010	F	2035
Garage	ORIGINAL	G	-
Driveway	2000	G	2028
Fence	2005	G	2025
Sidewalks		G	
Shed	N/A		

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

PROPERTY ADDRESS

Sections C—Steps to Improve Management and Conditions of Property

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

The following actions are required:

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

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.

  Name of service company: _____
- [ ] 5) Other: _____

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

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PROPERTY ADDRESS

Sign and Verify

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

Joseph Eberwine Maint. Mgr.

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

5/31/18

Date

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

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

6/11/2018

Date

Community Development

6/6/18

Date

City Council Agenda Item No. 10a
#9

COUNCIL ITEM MEMORANDUM

DATE: June 25, 2018

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Type IV 6-Month Provisional Rental License for 6424 Scott Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 6424 Scott Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is a single family property. The previous license was a Type IV Rental License issued on January 22, 2018, on condition of adherence to the Mitigation Plan and City Ordinances.

The requirements of the Mitigation Plan were met for the previous license. However, the property qualifies for a Type IV Rental License based on nine (9) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. Therefore, according to City Ordinance, based on the number of property code violations, the license category remains a Type IV.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental License to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

The following is a brief history of the license process actions.

COUNCIL ITEM MEMORANDUM

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

01-30-2018	The Owner, Cosco Properties LLC c/o MSP Home Rental, applied for renewal of the rental dwelling license for 6424 Scott Ave N, a single family dwelling.
02-22-2018	An initial rental license inspection was conducted and failed. Nine property code violations were cited, see attached rental criteria.
03-20-2018	A second inspection was conducted and failed. A $100 reinspection fee was charged to the property.
03-30-2018	A $100 reinspection fee was paid.
03-31-2018	The previous Type IV Rental License expired.
04-03-2018	A third inspection was conducted and passed.
04-24-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
04-24-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
05-07-2018	A Mitigation Plan was submitted.
05-22-2018	The Mitigation Plan was finalized.
06-18-2018	A letter was sent to the owner notifying that the hearing before the Council will be held June 25, 2018

Prior Type IV Rental License approval activities for license that expired on 03/31/2018:

09-18-2017	The Owner, Cosco Properties LLC c/o MSP Home Rental, applied for renewal of the rental dwelling license for 6424 Scott Ave N, a single family dwelling.
10-05-2017	An initial rental license inspection was not conducted and no access was given at time of inspection.
10-23-2017	A second rental inspection was conducted and failed. 11 property code violations were cited, see attached rental criteria. A $100 reinspection fee was charged to the property.
11-13-2017	The $100 reinspection fee was paid.
11-30-2017	A third inspection was conducted and failed. A $100 reinspection fee was charged to the property.
12-01-2017	A fourth inspection was conducted; however, this was to verify that the leaking sink had been corrected. All other corrections still remain. The $100 reinspection fee was not charged for this inspection.
12-07-2017	The $100 reinspection fee was paid.
12-14-2017	A $300 Administrative Citation was issued for operating without a license.
12-15-2017	The fifth inspection was conducted and passed with a weather deferral.
12-22-2017	A Mitigation Plan was submitted.
12-29-2017	The Mitigation Plan was finalized.
01-04-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
01-04-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.

COUNCIL ITEM MEMORANDUM

01-12-2018 A letter was sent to the owner notifying that the hearing before the Council will be held January 22, 2018.

If approved, after six months, a new rental license is required. The license process will begin in approximately one month. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

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

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.

- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

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

b. Police Service Calls.

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

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

COUNCIL ITEM MEMORANDUM

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan
- Resolution Approving a Type IV Rental License for 6424 Scott Ave N

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 6424 SCOTT AVE N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 6424 Scott Avenue N, was issued a Type IV Rental License on January 22, 2018; and

WHEREAS, the property qualifies for a Type IV Rental License based on the number of property code violations (9) and validated police nuisance incidents (zero); and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License to complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and complete security improvements; and City Ordinance Section 12-913 requires submittal of monthly updates.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that a TYPE IV Rental License is hereby approved for the property at 6424 Scott Avenue N, Brooklyn Center, MN.

June 25, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

MAY - 7 2018

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

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

Property Address:	6424 Scott Avenue North		
Owner's Name(s):	Godiva Properties LLC	Local Agent:	Michael Schaeffer MSP Home Rental
Owner's Address:	5660 Comstock Lane North Plymouth, MN 55446	Agent Address:	1200 Centre Pointe Curve, Suite #300 Mendota Heights, MN 55120
Owner's Phone:		Agent's Phone:	651-797-6913
Owner's Email:		Agent's Email:	bethany@msphomerental.com
Current Expiration Date:	3/31/2018	Pending Expiration Date:	9/30/2018

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

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

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

City of Brooklyn Center—Community Development

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BROOKLYN CENTER
AT THE CENTER

PROPERTY ADDRESS

Community Development

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

☑ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

☑ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

☑ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

☑ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

☑ Crime Free Housing training is completed

☐ Crime Free Housing training is scheduled for _____
Date

☐ Owner or agent plans to attend training at : _____
Name of City

☑ 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

☑ 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

☑ 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

☑ Security Assessment is completed

☐ Security Assessment is scheduled for _____

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PROPERTY ADDRESS

Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

☑ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. The A.R.M. meetings must be completed within the rental license period and before the License expiration date.

☑ 2). Registration is not required to attend, however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

☑ 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: 5/10/2018 and 7/12/2018

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

☐ 1) Conduct resident training annually to include crime prevention techniques.

☐ 2) Conduct regular resident meetings.

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PROPERTY ADDRESS

Sections B—*Long Term Capital Improvement Plan*

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

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

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

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	pre June 2013	G	2030
Water Heater	pre June 2013	G	2025
Kitchen Appliances	2015	G	2035
Laundry Appliances	2015	G	2026
Smoke Alarms/ Carbon Monoxide Alarms	2018	N	2018
Exterior Items			
Paint/Siding	pre June 2013	G	2030
Windows	pre June 2013	G	2033
Roof	pre June 2013	G	2030
Garage	pre June 2013	G	2050
Driveway	pre June 2013	G	2030
Fence			
Sidewalks	pre June 2013	G	2030
Shed			

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

City of Brooklyn Center—Community Development

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PROPERTY ADDRESS

Sections C—*Steps to Improve Management and Conditions of Property*

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

The following actions are required:

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

The following actions are optional unless required by the City.

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

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

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BROOKLYN CENTER
AT THE CENTER

Community Development

PROPERTY ADDRESS

Sign and Verify

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

Michael Schaffer/MSP Home Rental

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature

5/7/2018

Date

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

Additional Owner or Agent Signature (If Applicable)

Date

City Staff Only

Police Department

5/22/18

Date

Community Development

5/15/18

Date

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www.cityofbrooklyncenter.org
Building and Community Standards
763.569.3330 - Direct

16-034031

6/19/2018

ABATEMENT NOTICE

Request No. 16-034031

FEDERAL NATL MTG ASSN
FEDERAL NATL MTG ASSN
14221 DALLAS PKWY
DALLAS TX 75254

RE: Property located at 2818 64th Ave N , Brooklyn Center, Minnesota
PID: 35-119-21-32-0040

Dear Sir/Madam:

An inspection of your property on September 12, 2017 has revealed the following violation(s) of the Brooklyn Center City Codes, which must be corrected as follows:

- ☐ VACANT BUILDINGS: (City Code Section 12-1504(3), 12-1507 (1-15), M.S. 463.251 Securing Vacant Structures). All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition.

- ☐ **Please remove the materials alongside the garage; all outside construction material, refrigerator, debris and pallets**
  Section 12-301 Abatement Odd Year
  Section 12-1501 - 1511 Vacant Property

A follow-up inspection will be conducted on or shortly after Friday, June 29, 2018. The property must be made safe and secure, free of junk, dead trees, tall grass and weeds, refuse, debris, and other nuisance items or legal action in the form of fines, abatement, and/or formal court action will be taken.

Your cooperation in this matter is greatly appreciated. It should be a mutual goal to maintain a clean, safe, and attractive environment. If you have questions regarding this Notice, please call me at 763-569-3312.

Sincerely,

Dan Jerzak

Dan Jerzak
Property Code Specialist

City Hall
6301 Shingle Creek Pkwy
Brooklyn Center, MN 55430-2199
763.569.3300 Fax: 763.569.3494

Community Center
6301 Shingle Creek Pkwy
Brooklyn Center, MN 55430-2199
763.569.3400 Fax: 763.569.3434

Police & Fire Departments
6645 Humboldt Ave N
Brooklyn Center, MN 55430-1853
763.569.3333 Fax: 763-561.0717

City Council Agenda Item No. 10a
#10

COUNCIL ITEM MEMORANDUM

DATE: June 25, 2018

TO: Curt Boganey, City Manager

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Type IV 6-Month Provisional Rental License for 4734 Twin Lake Ave

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 4734 Twin Lake Ave. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for renewal of two rental licenses. This is a single family property. The property would qualify for a Type IV Rental License based on ten (10) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. Further, the owner failed to comply with the Mitigation Plan and applicable Ordinances, specifically failed to attend Owners/Managers Association Meetings, complete security improvements, and turn in monthly updates. According to City Ordinances, if the requirements of the license category and the Mitigation Plan are not met, the license renewal category remains a Type IV. Under this license action, the property owner will receive two successive Type IV Rental Licenses- one that will have expired on May 31, 2018 and one that will expire on November 30, 2018.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental Property to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the continued Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

The following is a brief history of the license process actions.

COUNCIL ITEM MEMORANDUM

Current rental license approval activities for license expires on 05/31/2018:

08-24-2017	The Owner, Elizabeth Becht, applied for renewal of the rental dwelling license for 4734 Twin Lake Ave, a single family dwelling.
10-18-2017	An initial rental license inspection was conducted and failed. Ten code violations were cited, see attached rental criteria.
11-28-2017	A second rental inspection was conducted and failed. Corrections were made; however, building has open permits. No re-inspection fee.
11-30-2017	The previous rental license expired.
02-02-2018	Building still has open permits.
02-09-2018	A $300 Administrative Citation was issued for operating without a license. The property was posted as an unlicensed rental property.
03-19-2018	A $600 Administrative Citation was issued for operating without a license.
05-22-2018	A $1,200 Administrative Citation was issued for operating without a license.
05-22-2018	Letter sent to owner to close out permits.
06-06-2018	A Mitigation Plan was submitted.
06-11-2018	The Mitigation Plan was finalized.
06-15-2018	Rental inspection conducted and passed.
06-18-2018	City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
06-18-2018	A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
06-18-2018	A letter was sent to the owner notifying that the hearing before the Council will be held June 25, 2018.

If approved, after six months, a new rental license is required. The license process will begin in approximately two months. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps

proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

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

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

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

b. <u>Police Service Calls.</u>

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment
- Mitigation Plan
- Resolution Approving Two Type IV Rental Licenses for 4737 Twin Lake Ave

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 4734 TWIN LAKE AVE

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 4734 Twin Lake Ave, is issued a Type IV Rental License with an expiration date of May 31, 2018; and

WHEREAS, the property located at 4734 Twin Lake Ave, is issued a subsequent Type IV Rental License with an expiration date of November 30, 2018; and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and completion of Crime Prevention Through Environmental Design Requirements; and City Ordinance Section 12-913 requires submittal of monthly updates; and

WHEREAS, the property owner of 4734 Twin Lake Ave, Brooklyn Center failed to attend Owners/Managers Association Meetings, complete security assessments and turn in monthly updates.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that two TYPE IV Rental Licenses are hereby approved for the property at 4734 Twin Lake Ave, Brooklyn Center, MN.

June 25, 2018
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

JUN 0 6 2018

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

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

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

Property Address:	4734 Twin Lake Ave N		
Owner's Name(s):	Elizabeth Bechl	Local Agent:	
Owner's Address:	PO BOX 22277 Robbinsdale, MN 55422	Agent Address:	
Owner's Phone:	612-270-4263	Agent's Phone:	
Owner's Email:	dbarth@comcast.net	Agent's Email:	
Current Expiration Date:	12/1/17	Pending Expiration Date:	5/31/18

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

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

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

City of Brooklyn Center—Community Development

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4734 Twin Lake Ave N

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

[xx] 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.

[xx] 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

[xx] 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

[xx] 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.

[xx] Crime Free Housing training is completed

[ ] Crime Free Housing training is scheduled for _____
Date

[ ] Owner or agent plans to attend training at : _____
Name of City

[xx] 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

[xx] 1) Complete a Security Assessment and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

[xx] 2) A follow-up assessment must be completed before the license expiration date to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

[ ] Security Assessment is completed

[xx] Security Assessment is scheduled for Will call to schedule

Sections A—Crime Free Housing Program Requirements (continued)

Phase III - A.R.M Meeting Requirement

[xx] 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. The A.R.M. meetings must be completed within the rental license period and before the License expiration date.

[xx] 2) Registration is not required to attend, however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

[xx] 3) While two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: March and May

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

[ ] 1) Conduct resident training annually to include crime prevention techniques.

[ ] 2) Conduct regular resident meetings.

4734 Twin Lake Ave N

Sections B—Long Term Capital Improvement Plan

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

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

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

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	2017	G	30 YRS
Water Heater	2012	G	30 YRS
Kitchen Appliances	2012	G	10 YRS
Laundry Appliances	2015	G	10 YRS
Smoke Alarms/ Carbon Monoxide Alarms	2018	G	10 YRS
Exterior Items			
Paint/Siding	2017	G	10 YRS
Windows	2012	G	30 YRS
Roof	2017	G	30 YRS
Garage	2017	G	30 YRS
Driveway	2016	G	30 YRS
Fence	2015	G	50 YRS
Sidewalks	2012	G	30 YRS
Shed	NA		

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

4724 Twin Lake Ave N

Sections C—Steps to Improve Management and Conditions of Property

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

The following actions are required:

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

The following actions are optional unless required by the City.

- [ ] 1) Provide lawn/snow service.
- [ ] 2) Provide garbage service.
- [ ] 3) Install security system.
- [ ] 4) Provide maintenance service plan for appliances.

  Name of service company: _____
- [ ] 5) Other: _____

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

City of Brooklyn Center—Community Development

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CENTER
AT THE CENTER

PROPERTY ADDRESS

Community Development

Sign and Verify

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

Elizabeth Becht

Owner or Agent Name and Title (Please Print)

Owner or Agent Signature — *Date* 6-6-18

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

Additional Owner or Agent Signature (If Applicable) — *Date*

City Staff Only

CPS

Police Department — *Date* 6/11/2018

Asst Comm Stk Sup

Community Development — *Date* 6/6/18

City of Brooklyn Center—Community Development
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Work Session Agenda

AGENDA
CITY OF BROOKLYN CENTER
CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY WORK SESSION
June 25, 2018
Immediately Following Regular City Council and EDA Meetings Which Start at 7:00 P.M.

City Hall Council Chambers

A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

ACTIVE DISCUSSION ITEMS

1. Youth Art Contest Discussion
2. Former Jerry's Foods Site Concept Review and Discussion

PENDING LIST FOR FUTURE WORK SESSIONS

Later/Ongoing

1. Beautification and Public Art Initiative – July
2. Cities United Membership
3. Rental Licenses – July
4. ADA Transition Plan

Work Session Agenda Item No. 1

MEMORANDUM – COUNCIL WORK SESSION

DATE: June 25, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Community Development Director

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

SUBJECT: Youth Art Contest Discussion

Recommendation:

It is recommended that the City Council hear a presentation on the Youth Art Contest related to the 2040 Comprehensive Plan and the Council's role in it.

Background:

As part of the 2040 Comprehensive Plan process, the City is seeking to engage youth in expressing the things they value about the community, and what they hope the community will be like in 2040. In order to facilitate this engagement, the City is sponsoring a youth art contest. The contest is open to all youth exiting grades 6 through 12 who either reside in Brooklyn Center, or attend a school in Brooklyn Center.

The contest asks youth to imagine it is 2040, what is Brooklyn Center like? What kind of community do you want it to be? What are its values? What do you love about it? What makes it better than today? What does it mean to be a member of this community in 2040?

The intention is for young people to express their thoughts about these questions through an original piece of artwork that is two-dimensional and can be hung on a wall. The contest deadline is July 9th. Students can drop their art, along with an application form, at either the Brooklyn Center High School or City Hall.

The intention is to judge the artwork in two categories; 6th-8th graders and 9th-12th graders. Winners will receive a gift certificate to Target.

As a benefit to participants, the City will convert their work to high resolution digital images and return the original artwork, along with a copy of the digital image. The City will retain a copy of the digital images, which can be used in various capacities, including as prints that will decorate City facilities, online, and in the City's 2040 Comprehensive Plan.

Judging
As part of the contest, we are asking that the City Council judge the submissions. Once the artwork has been collected it will be made available for the Council to view. The logistics will depend on the number of pieces that are received; however, the intention is that the Council will have a window of time to view in person the original works at City Hall.

MEMORANDUM – COUNCIL WORK SESSION

The Council will be provided a judging sheet to score the artworks by category. Staff is proposing the following judging rubric.

Judging Rubric

Interpretation of Theme	How closely the piece relates to the theme, based on the artwork itself and artist statement	**20 pts**
Artistic Merit/Creativity	How creative and original is the piece in its conception of the theme and presentation	**10 pts**
Quality	The level of skill, and mastery of the medium, demonstrated in the piece	**5 pts**

Councilmembers will score each artwork based on the Judging Rubric. Staff will then add up the scores. The highest scoring artworks in each category will be the first place winners, second highest will be the second place winners, and so forth. Based on the number of entries as well as the results of the scoring, there may be up to six honorable mentions, which would also receive a prize.

Reception

As part of the contest, the City is proposing to host a reception later in the summer for all participants and their families at City Hall. The purpose would be to show the submissions and unveil the winning pieces. The Council would be invited to attend this event, and participate in announcing the winners. A date for this event has not yet been set.

Attachments:

- Contest Flier
- Submission Application Form



Calling All 6th-12th Grade Artists

Do you have artistic talent?

The City of Brooklyn Center is updating its plan for the future. This is a document that lays out the vision, goals, and policies that will carry the City forward over the next 20 years. We want to know how young people living in the community today want to see their community in 2040.

Imagine it is 2040, what is Brooklyn Center like? What kind of community do you want it to be? What are its values? What do you love about it? What makes it better than today? What does it mean to be a member of this community in 2040? These are the questions we want you to answer through art.

Rules:

Create a piece of original art. It must be able to hang on a wall. It must be 2 Dimensional.

Participants must be exiting 6th through 12th grade and be a Brooklyn Center resident, or attend school in Brooklyn Center.

Submit your piece, along with an artist statement and application form, by July 9th at noon.

Drop your work off at City Hall, Brooklyn Center High School, or email it to: mbeekman@ci.brooklyn-center.mn.us. If you are located in Brooklyn Center, we can also arrange to pick-up the artwork.

Details:

All participants and their families will be invited to a reception at City Hall to see all the works and unveil the winners.

There are two categories: 6th-8th grade and 9th-12th grade. Target gift cards will be given to winners in each category:

- 1st Place - $200
- 2nd Place - $150
- 3rd Place - $100
- Honorable Mention - $25

Send questions to mbeekman@ci.brooklyn-center.mn.us

City of Brooklyn Center
Community Development
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Ph: (763) 569-3330 TTY: 711 Fax: (763) 569-3360
www.cityofbrooklyncenter.org

YOUTH ART CONTEST APPLICATION

NAME:	
AGE:	
ADDRESS:	
SCHOOL:	
GRADE EXITING:	
EMAIL:	
PHONE:	
DISCLAIMER:	*To be eligible to enter the contest, a minor must have obtained a parent or legal guardian's prior permission. By entering the contest, each applicant and their respective parents and legal guardians grants the City a perpetual, irrevocable, worldwide, transferable, royalty-free and non-exclusive license to use, reproduce, adapt, modify, publish, distribute, create a derivative work from and publicly display their entry for any non-commercial purpose without compensation to the entrant. The City will credit the artist for any such use or display of the entry.*
PARENT/ GUARDIAN SIGNATURE:	
ARTIST STATEMENT:	

Work Session Agenda Item No. 2

MEMORANDUM – COUNCIL WORK SESSION

DATE: June 25, 2018

TO: Curt Boganey, City Manager

FROM: Meg Beekman, Community Development Director

Dr. Reginald Edwards
Deputy City Manager
and Acting City Manager

SUBJECT: Former Jerry's Food Site Concept Review and Discussion

Recommendation:

It is recommended that the City Council review the concept for a development on the former Jerry's Food site, and provide feedback and direction to staff and the developer on whether to proceed.

Background:

The concept review process is an opportunity for the City Council to review a development concept prior to a formal proposal from an applicant, and provide comments, ask questions, and indicate whether or not the City would be open to the project. Concept reviews are helpful for potential projects that diverge significantly from established land use and zoning regulations, as it provides insight to staff and the developer as to the City Council's level of interest, and any specific concerns, related to a project. A concept review is considered advisory and is nonbinding to the City and the applicant. No formal action can be taken at a work session, and the Council is not being asked to vote on the proposal. If the developer chooses to submit a formal application to the City to proceed, it would be subject to the full review process, as with any other development application.

Project Concept:

The developer is proposing to purchase the former Jerry's Food site and construct a 100,000 square foot, four-story school building, which would be leased by a charter school. The site layout would also include a playground area, surface parking, storm water improvements, and a potential future commercial daycare.

The developer has indicated that he is on a very aggressive schedule, needing to complete the building to turn it over to the tenant by July 2019. This would necessitate receiving building permits by October or November of this year.

In order to proceed with the project, the property would need to be rezoned or the Central Commerce Overlay District amended, as K-12 schools are not a permitted use in the underlying zoning district (C-2) or the Overlay District. The proposal would also likely require a PUD. In addition, the proposal would require a Comprehensive Plan Amendment, which would need to

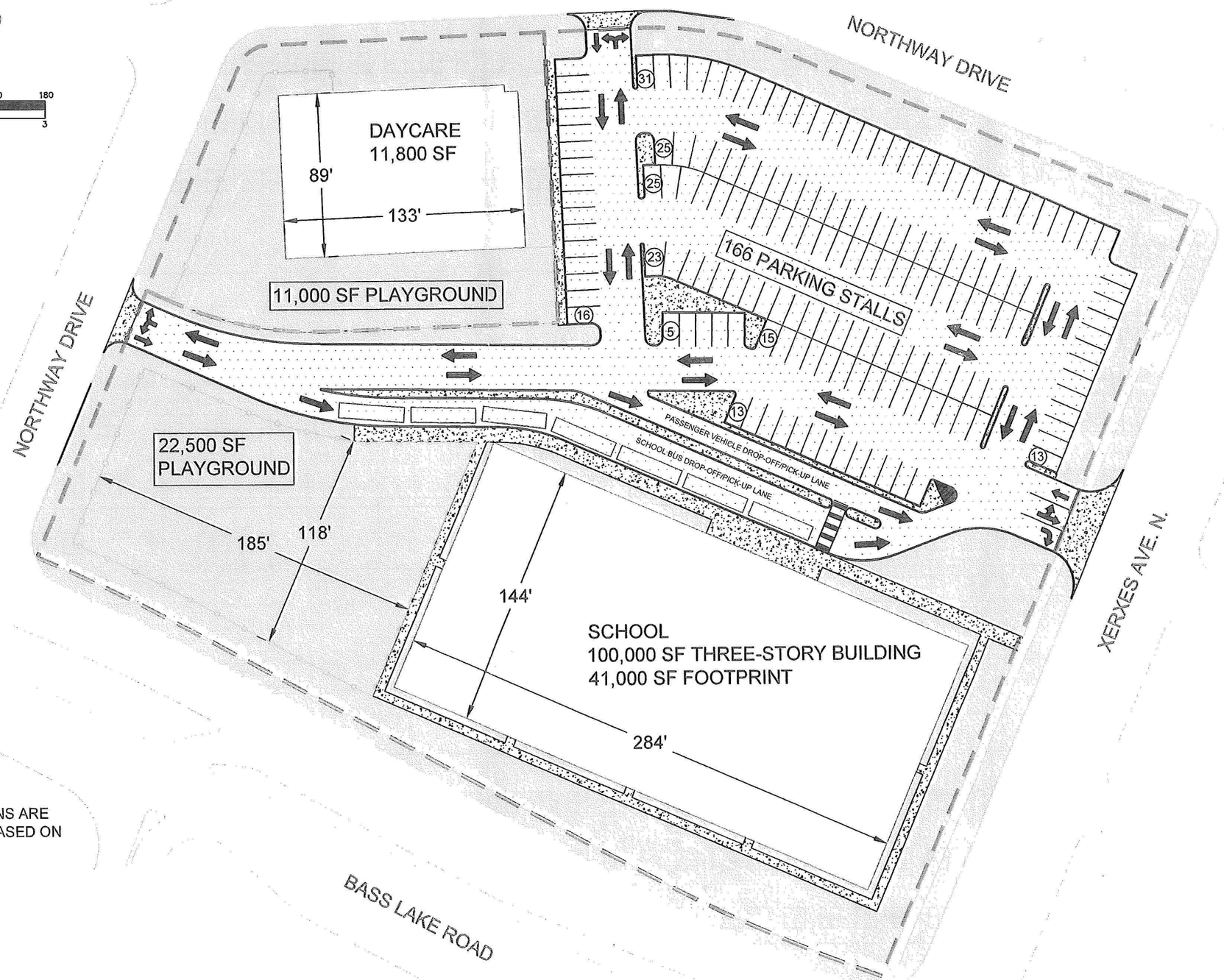
be approved by the Metropolitan Council, which can take up to 60 days to process. Given the City and Met Council's review periods, the soonest the developer would expect to receive approval would be mid to late November.

Given the time it would take to move through approvals, the developer would likely wish to move forward on preparing construction plans and submitting for a building permit concurrently with the development review process. While the City would not issue the building permit prior to final approval from the City and Metropolitan Council, the building permit plan review could occur ahead of final approval. However, moving forward at this rate would necessitate significant expenditure on the part of the developer prior to final approval, hence their interest in presenting the concept to City Council ahead of submitting a formal application for review.

Attachments:

- Concept Plan

Feet
0 30 60 90 120 150 180
Inches
0 1 2 3
1" = 60'



NOTES:
1. THE SHOWN EXISTING CONDITIONS ARE APPROXIMATED AND ARE NOT BASED ON ACTUAL SURVEY.

CONCEPTUAL - FOR INFORMATIONAL PURPOSES ONLY
NOT FOR CONSTRUCTION

CONFIDENTIAL

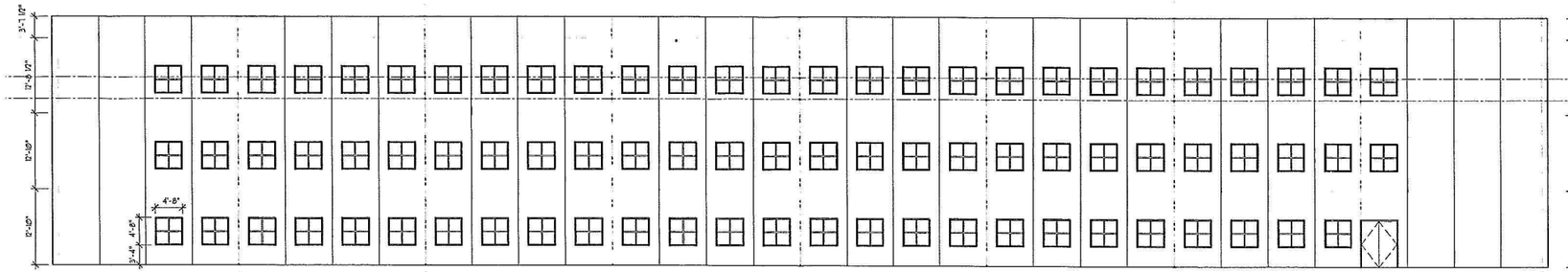
PROJECT NO. 18101
DATE 05/29/18
DRAWN BY:EWB
CHECKED BY:EWB

quèst·ica

FIT PLAN

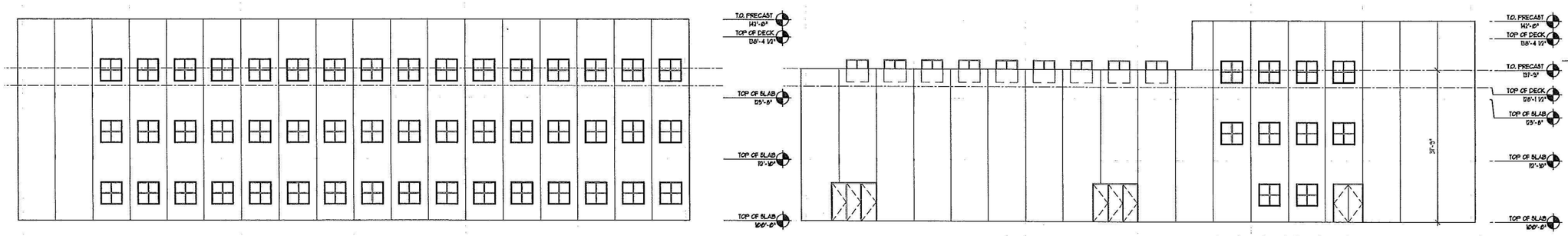
5801 Xerxes Avenue North
Brooklyn Center, MN

Exhibit A



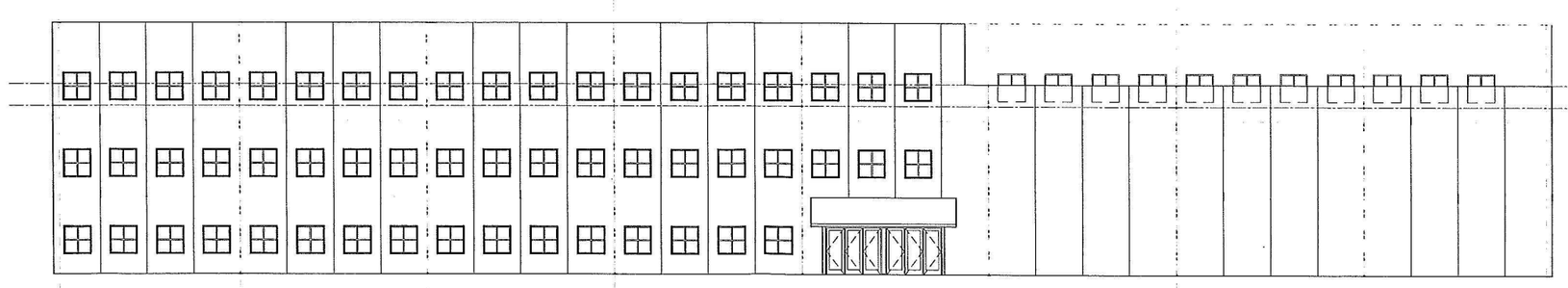
4 a200 SOUTH ELEVATION
3/32" = 1'-0"

TOP OF SILL 120'-0" AFF.



3 a200 EAST ELEVATION
3/32" = 1'-0"

2 a200 WEST ELEVATION
3/32" = 1'-0"



1 a200 NORTH ELEVATION
3/32" = 1'-0"

tanek
118 E. 26th Street
Suite 300
Minneapolis, MN 55404
P:612-879-8225
F:612-879-8152
www.tanek.com

project
Charter School
5801 Xerxes Av. N.
Brooklyn Center, MN, 55___

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota.

Nathaniel Shea 2.28.2017
name date

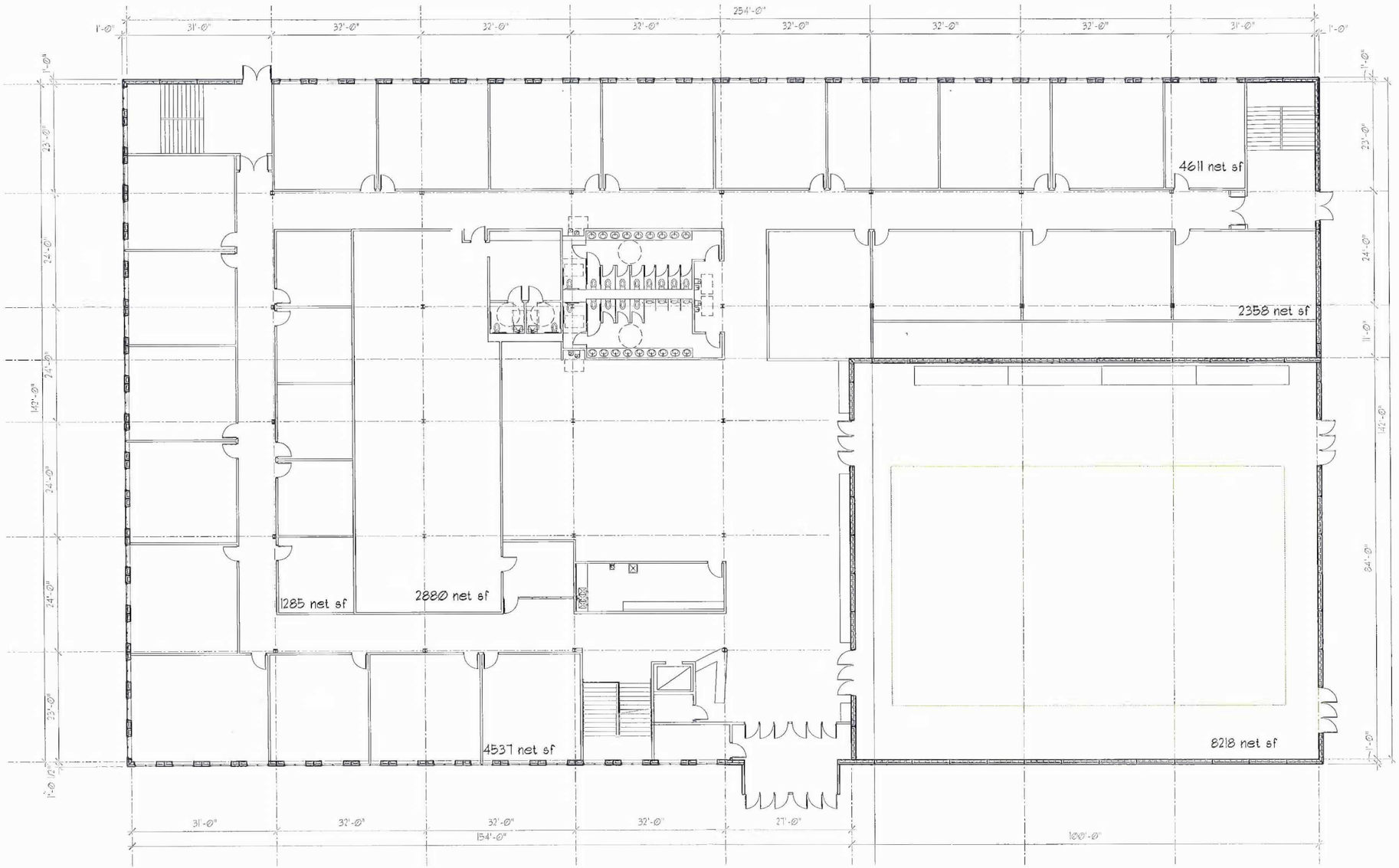
24515
license number signature

scale 3/32" = 1'-0"
name ns

05.31.2018
building elevations

a200

NOT FOR CONSTRUCTION
copyright Tanek 2017



1 a100 FIRST FLOOR PLAN
3/32" = 1'-0"

52665 net 'E' space

52665 net 'E' space/20 =2633.25 = 22633.25/50 =52.665 = 53 total.....27 male, 27 female (9 first, 9 second, 9 third, each)
2934 net 'B' space/100 = 29.34 0.59 toilets for male and female
Drinking Fountains 2663/100 =26.63 = 27 28 total provided

Total max occupants at 2633.25+29.34=2662.59 = 2663 persons
Exterior perimeter area 36,864 s.f. total building area 102,192 sf
107 TOTAL CLASSROOMS

27 TOTAL CLASSROOMS
6 SMALL CLASSROOMS
21 MEDIUM CLASSROOMS (standard)

12791 net 'E' space
2934 net 'B' space
8218 net 'A' space (gymnasium)

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project
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Brooklyn Center, MN, 55___

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Nathaniel Shea 2.28.2017
name date
24515
license number signature

scale 3/32" = 1'-0"
name NS

05.31.2018

architectural plan
level one

a100

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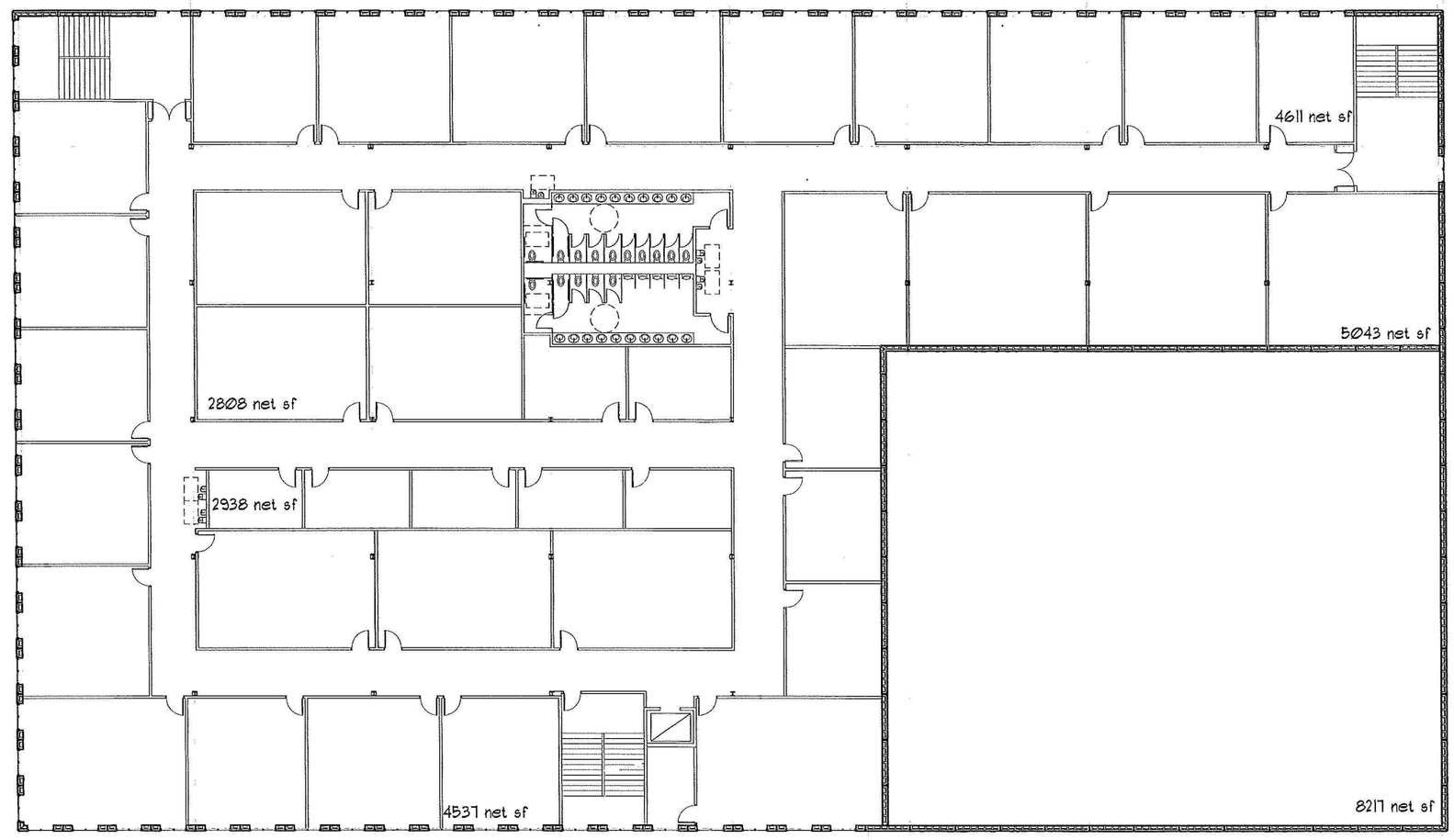

1 / a101 SECOND FLOOR PLAN
3/32" = 1'-0"

40 TOTAL CLASSROOMS
11 SMALL CLASSROOMS
25 MEDIUM CLASSROOMS (standard)
4 LARGE CLASSROOMS

Exterior perimeter area 36,864 s.f.
Floor Area 28,647 s.f. (less gymnasium)

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Minneapolis, MN 55404
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F:612-879-8152
www.tanek.com

project
Charter School
5801 Xerxes Av. N.
Brooklyn Center, MN, 55___

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Nathaniel Shea — 2.28.2017
name — date

24515 — signature
License number

scale 3/32" = 1'-0"
name NS

05.31.2018

architectural plan
level two

a101

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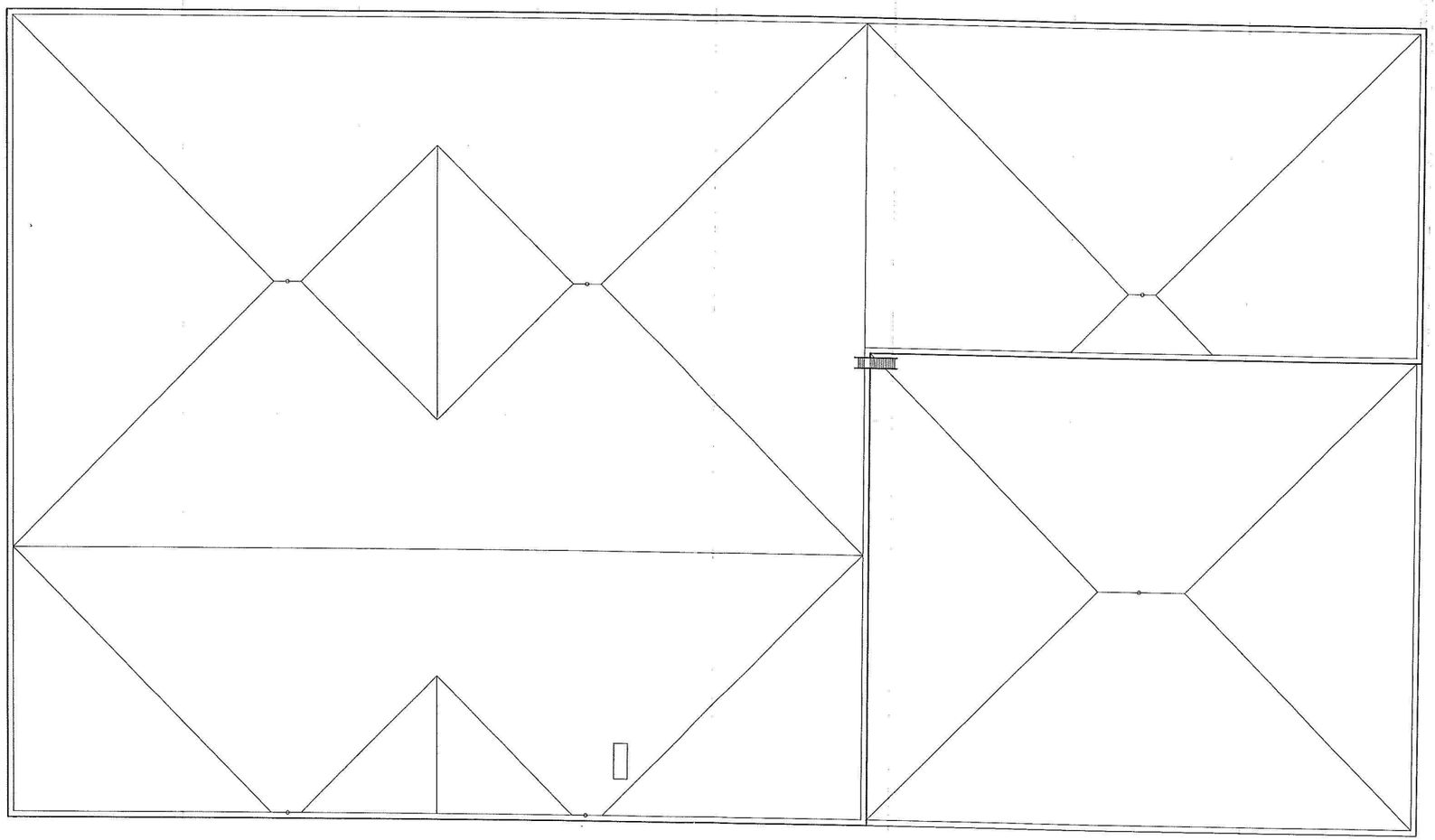

1 / a102 THIRD FLOOR PLAN
3/32" = 1'-0"

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project
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Brooklyn Center, MN, 55___

CONSTRUCTION

NOT FOR

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Nathaniel Shea — 2.28.2017
name — date

24515
license number — signature

scale 3/32" = 1'-0"
name NS

05.31.2018

architectural plan
roof

a103

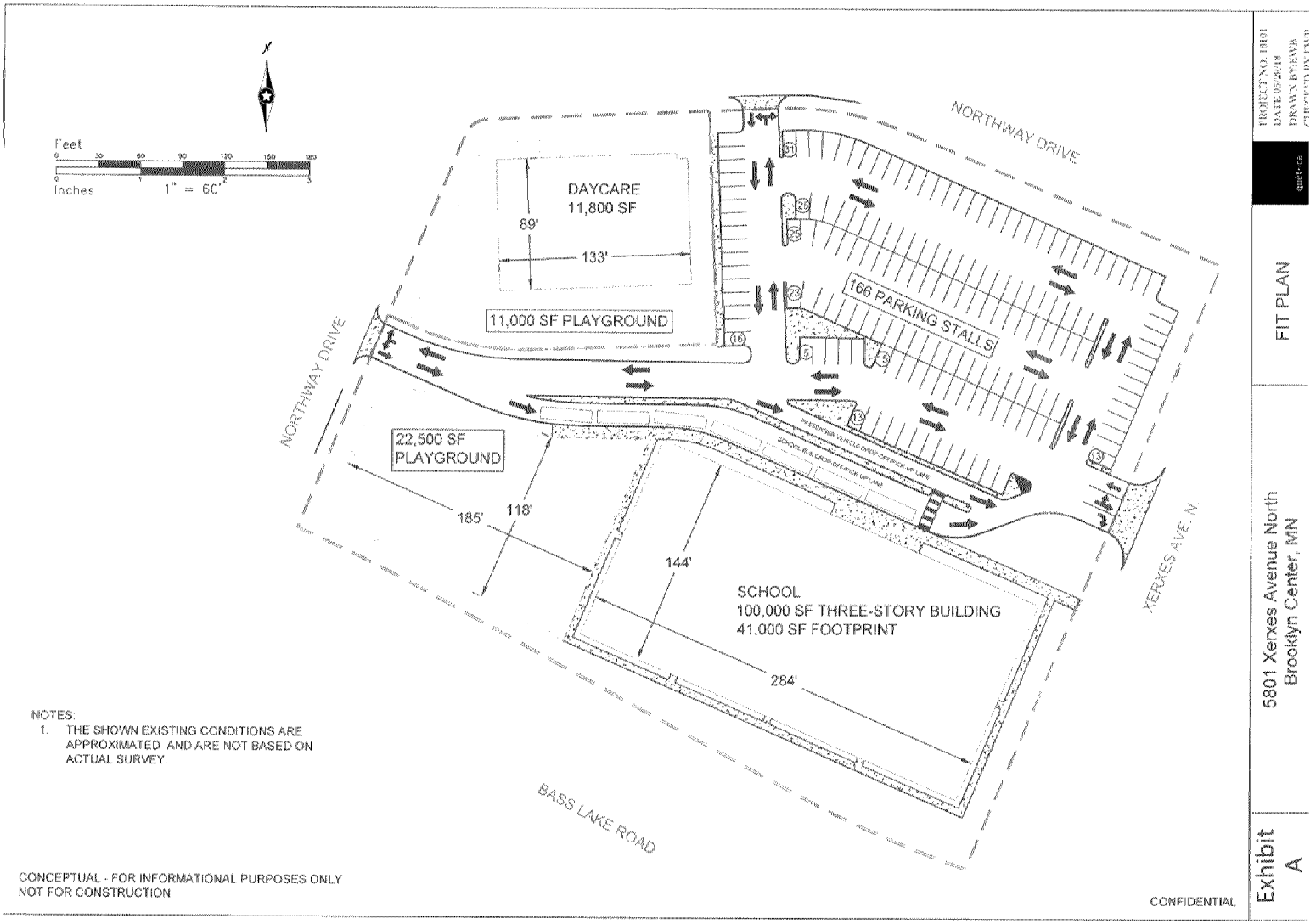
copyright Tanek 2017

Former Jerry's Food Site Concept Review

Concept Review Discussion:

- Opportunity for City Council to review a development concept prior to formal application
- Discussion is non-binding
- Council may:
  - Listen to the concept
  - Ask questions
  - Provide input and comments
  - Provide direction to staff
- The City Council is not being asked to vote on the concept
- If the developer chooses to proceed, the project would be subject to a formal review process, as with any development application

Concept


Feet
Inches
1" = 60'
NORTHWAY DRIVE
DAYCARE
11,800 SF
89'
133'
11,000 SF PLAYGROUND
166 PARKING STALLS
NORTHWAY DRIVE
22,500 SF
PLAYGROUND
185'
118'
144'
SCHOOL
100,000 SF THREE-STORY BUILDING
41,000 SF FOOTPRINT
284'
XERXES AVE. N.
BASS LAKE ROAD
NOTES:
1. THE SHOWN EXISTING CONDITIONS ARE APPROXIMATED AND ARE NOT BASED ON ACTUAL SURVEY.
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NOT FOR CONSTRUCTION
CONFIDENTIAL
PROJECT NO. 16101
DATE: 05/26/16
DRAWN BY: EWB
CHECKED BY: EWB
quattrea
FIT PLAN
5801 Xerxes Avenue North
Brooklyn Center, MN
Exhibit
A