

AGENDA
CITY COUNCIL STUDY SESSION
June 11, 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 11, 2018

AGENDA

1. **Informal Open Forum with City Council – 6:45 p.m.**
–provides an opportunity for the public to address the Council on items which are not on the agenda. Open Forum will be limited to 15 minutes, it is not televised, and it may not be used to make personal attacks, to air personality grievances, to make political endorsements, or for political campaign purposes. Council Members will not enter into a dialogue with citizens. Questions from the Council will be for clarification only. Open Forum will not be used as a time for problem solving or reacting to the comments made but, rather, for hearing the citizen for informational purposes only.
2. **Invocation – 7 p.m.**
3. **Call to Order Regular Business Meeting**
–The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.
4. **Roll Call**
5. **Pledge of Allegiance**
6. **Approval of Agenda and Consent Agenda**
–The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the consent agenda and considered at the end of Council Consideration Items.
 - a. **Approval of Minutes**
 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
 - b. **Licenses**
 - c. **Resolution Adopting Comprehensive Annual Financial Report of the City of Brooklyn Center for the Calendar Year Ended December 31, 2017**
 - d. **An Ordinance Amending Ordinance No. 2016-08 Regarding Council Salaries for 2019-2020**

- e. An Ordinance Amending Chapter 1 of City Code of Ordinances Regarding Animals
 - f. Resolution 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
 - g. Resolution Establishing Improvement Project No. 2019-05, Southeast Area Mill and Overlay
 - h. Resolution Establishing Parking Restrictions for Segments on 63rd Avenue from Beard Avenue to 360' East of Beard Avenue
 - i. Resolution Approving Settlement Agreement and Release with Stantec Consulting Services Inc. Regarding Community Center HVAC Improvements
7. **Presentations/Proclamations/Recognitions/Donations**
- a. Resolution Recognizing the 100th Anniversary of the American Legion
8. **Public Hearings**
- None.
9. **Planning Commission Items**
- None.
10. **Council Consideration Items**
- a. Resolution 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
- Requested Council Action:**
- Motion to adopt resolution.
11. **Council Report**
12. **Adjournment**

AGENDA
CITY OF BROOKLYN CENTER
CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY WORK SESSION
June 11, 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. 2018 Earle Brown Days Update

PENDING LIST FOR FUTURE WORK SESSIONS

Later/Ongoing

1. Comprehensive Plan Art Contest
2. Beautification and Public Art Initiative – June

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
MAY 29, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

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

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, City Clerk Barb Suci, Police Chief Tim Gannon, Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

None at this time.

MISCELLANEOUS

None at this time.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

BEE KEEPING AND COMPOST BIN REGULATION

Community Development Director Meg Beekman provided a presentation with background on this topic.

Mayor Willson stated he asked this item be brought forward and to have staff look into this topic after a complaint was made regarding someone keeping bees. He stated there is a difference between honey bees and native bees. He stated native bees don't make hives and they live within a certain habitat and they are good pollinators.

Mayor Willson stated they need to look at ordinances to try to see if this issue can be addressed and regulated, while allowing it to an extent. He stated he would like to see the composting issue be part of the discussion.

Councilmember Graves noted in the memo it states there are several beekeeping residents in the City and it isn't stated if they are honeybees or native bees. She noted her concern is how many people will be affected by any changes to an ordinance if they decide to not allow honeybees anymore and some residents have been keeping them for a while. She stated she would like to see that data before moving forward with any changes.

Councilmember Lawrence-Anderson stated her only thought is that if people are keeping bees, they should need to post some sort of signage so people who may be allergic (like her mother in-law) are aware there are bees in that area

Mayor Willson stated there is no consensus to move forward with any changes to the ordinance at this time.

Mr. Boganey stated he would like clarification on whether Councilmembers are in agreement to move forward with any action on composting at this time.

It was the majority consensus of the City Council to not move forward with this item at this time.

ELECTRONIC AGENDA – NOVUSAGENDA PRESENTATION

Mr. Boganey introduced and invited City Clerk Barb Suciu to come forward.

Ms. Suciu reviewed the NovusAgenda website and described how it works. She stated they will start training next week and starting June 23, have two meetings that use both paper and NovusAgenda, and in July all meetings will be using NovusAgenda. She noted that June 11, 12, 21, and 25, at 5pm, are days they can sign up to get trained on the system. She noted if they are interested in signing up for a training session, they only need to fill out what days/times they would like to attend and get those back to staff.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Mayor Willson adjourned the Study Session to Informal Open Forum at 6:45 p.m.

RECONVENE STUDY SESSION

Councilmember Lawrence-Anderson moved and Councilmember Butler seconded to reconvene Study Session at 6:50 p.m.

Motion passed unanimously.

ORDINANCE REVIEW PROCESS

Ms. Beekman introduced this item and provided background and information on this topic.

Discussion of this item continued and reached conclusion at the May 29, 2018, Work Session later this evening.

ADJOURNMENT

Mayor Willson adjourned the Study Session at 7:00 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
MAY 29, 2018
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Tim Willson at 6:45 p.m.

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Police Chief Tim Gannon, City Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

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

Todd Henning, 1906 Brookview Drive, addressed the City Council. He stated along with several others from the “Backyard Chickens Group”, he attended the Housing Commission meeting recently. He stated it was informative, they seemed receptive and open to the idea of having backyard chickens and he stated he is looking forward to the next steps.

Anna Cooper, 3206 61st Avenue N, addressed the City Council. She stated she is here on behalf of the “Backyard Chickens Group” as well. She stated she wants to keep the issue in front of the City Council and Housing Commission and appreciates their help on this issue. She also noted, the group has a tent reserved for Earle Brown Days so everyone should stop by.

Councilmember Lawrence-Anderson moved and Councilmember Butler seconded to close the Informal Open Forum at 6:50 p.m.

Motion passed unanimously.

2. INVOCATION

Mayor Willson recited a prayer as the Invocation.

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Tim Willson at 7:00p.m.

4. ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Police Chief Tim Gannon, City Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to approve the Agenda and Consent Agenda, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. April 30, 2018 – Board of Appeal and Equalization Reconvene
2. May 14, 2018 – Study/Work Session
3. May 14, 2018 – Regular Session
4. May 14, 2018 – Work Session

6b. LICENSES

MECHANICAL

Affordable Comfort Mechanical LLC

dba: Apollo

Air Express Inc.

App Professional Plumbing

Dean's Professional Plumbing Inc.

Flare Heating and Air Cond.

Hearth & Home Technology

dba: Fireside Hearth & Home

Joel Smith Heating & A/C

Knight Heating & Air Conditioning, Inc.

Linn Star Logistics LLC

Marsh Heating & A/C

Mechanical Air Systems

RHL, Inc.

6510 Hwy 36 Blvd N, Oakdale

1010 118th Ave NE, Blaine

1220 Vernon St., Big Lake

7400 Kirkwood Ct. N, Maple Grove

9303 Plymouth Ave N, Ste. #104, Golden Valley

215th St W., Lakeville

13915 Lincoln St NE Ste. B, Ham Lake

13535 89th St NE, Elk River

9440 Wright Bros Ct SW, Cedar Rapids

6248 Lakeland Ave N, Brooklyn Park

6995 20th Ave S, Centerville

25113 21st Ave, St. Cloud

River City Sheet Metal Inc.
dba: River City Furnace
Vector Services

8290 Main St NE, Ste. 39, Fridley
712 Vista Blvd Ste. 102, Waconia

AMUSEMENT DEVICE

Theisen Vending Company
dba: Family Dollar Store #5110
Theisen Vending Company
dba: Family Dollar Store #4514
Theisen Vending Company
dba: Jammin Wings

2105 57th Avenue
6211 Brooklyn Blvd
2590 Freeway Blvd

FIREWORKS PERMANENT

American Promotional Events
dba: TNT Fireworks
American Promotional Events
dba: TNT Fireworks

3245 Co Rd No 10
6100 Shingle Creek Parkway

FIREWORKS TEMPORARY

American Promotional Events
dba: TNT Fireworks

3245 Co Rd No 10

LIQUOR - ON-SALE INTOXICATING & SUNDAY SALES

Topgolf USA

6420 Camden Avenue N

RENTAL

INITIAL (TYPE II – two-year license)

Humboldt Square
6737-43 Humboldt Avenue N

Humboldt Square Ventures, LLC

RENEWAL (TYPE III – one-year license)

3349 49th Avenue N
6337 Bryant Avenue N
5415 Emerson Avenue N

Isaac Obi
My Truong
MNSF II, LLC

RENEWAL (TYPE II – two-year license)

5337-39 Queen Avenue N
3612 55th Avenue N
6930 Halifax Avenue N
6012 Kyle Avenue N

Thanh Kim Oan
Lutheran Social Service of Minnesota
Ali Egal
James Hager

RENEWAL (TYPE I – three-year license)

Emerson Chalet
1200 67th Avenue N
5000 France N
6718 Colfax Avenue N

Tom Morrow
Dean Gannon and Michael Nightingale
RHA 3, LLC

5909 June Avenue N
6424 June Avenue N
5350 Logan Avenue N
6400 Orchard Avenue N
4718 Twin Lake Avenue
5000 Zenith Avenue N

Jeffrey Davis
Faisale Boukari
Manoj Moorjani
Invitation Homes
Richard & Elizabeth Becht
Infinite Property, LLC

SIGNHANGER

A-Sign and Screen Printing Co
DeMars Sign Inc.
Walker Sign Holding Inc.

708 Lowry Avenue N, Minneapolis
410 93rd Avenue NW, Coon Rapids
945 Pierce Butler Route, St. Paul

TRANSIENT ACCOMMODATIONS - LEVEL 1

Country Inn & Suites 2550 Freeway Blvd
DoubleTree by Hilton Minneapolis North 2200 Freeway Blvd

- 6c. **RESOLUTION NO. 2018-113 APPROVING WELLS FARGO AS THE CITY'S CUSTODIAN FOR INVESTMENT SECURITIES**
- 6d. **RESOLUTION NO. 2018-114 ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, PROJECT NOS. 2015-05, 06, 07 AND 08, 63RD AVENUE STREET AND UTILITY IMPROVEMENTS**
- 6e. **RESOLUTION NO. 2018-115 APPROVING CHANGE ORDER NO. 2 AND ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, PROJECT NO. 2014-05, WATER TREATMENT PLANT PROJECT**
- 6f. **RESOLUTION NO. 2018-116 ESTABLISHING IMPROVEMENT PROJECT NOS. 2019-01, 02, 03 AND 04, INTERSTATE AREA STREET AND UTILITY IMPROVEMENTS**
- 6g. **RESOLUTION NO. 2018-117 AUTHORIZING THE EXCHANGE OF ONE PERSONAL FLOATING HOLIDAY FOR THE MONDAY PRECEDING THE 2018 CHRISTMAS DAY HOLIDAY FOR CITY EMPLOYEES**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

- None.

8. PUBLIC HEARINGS

- None.

9. PLANNING COMMISSION ITEMS

- 9a. RESOLUTION NO. 2018-118 REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2018-006 SUBMITTED BY ALAN MILAVETZ OF MILAVETZ, GALLOP & MILAVETZ, REQUESTING SITE AND BUILDING PLAN APPROVAL FOR A 1,222-SQUARE FOOT ADDITION ONTO AN EXISTING OFFICE BUILDING, PARKING LOTS EXPANSION, AND CONSIDERATION OF A REQUEST TO COMBINE TWO ADJACENT COMMON-OWNED LOTS (LOCATED AT 1915 57TH AVENUE NORTH AND 2001 57TH AVENUE NORTH)**

Planner and Zoning Administrator Ginny McIntosh provided an overview of Planning Commission Application No. 2018-006 and advised the Planning Commission recommended approval of the applications at its May 17, 2018 meeting.

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2018-118, Approving Planning Commission Application No. 2018-006, Submitted by Alan Milavetz of Milavetz, Gallop & Milavetz, Requesting Site and Building Plan Approval for a 1,222 square foot Addition onto an Existing Office Building, Parking Lots Expansion, and Consideration of a Request to Combine Two Adjacent Common-owned Lots (Located at 1915 57th Avenue North and 2001 57th Avenue North).

Motion passed unanimously.

- 9b. 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**

Community Development Director Meg Beekman provided an overview of Planning Commission Application No. 2018-008 and advised the Planning Commission recommended approval of the applications at its May 17, 2018 meeting.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to Approve First Reading and Set Second Reading and Public Hearing for June 25, 2018, of 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 passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

- 10a. AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES REGARDING MEDIAN SAFETY REQUESTED**

Chief Gannon introduced this item and provided an overview of the proposed Ordinance.

City Attorney Troy Gilchrist stated this ordinance only focuses on those two roads addressed in this ordinance amendment and noted if they would want others included they would need to amend the language in the proposed ordinance.

Chief Gannon stated he would want to look at the data and due the research to make sure they put the most accurate information in any amendments.

City Manager Curt Boganey stated he would suggest having staff review and get data for the other median located at Highway 252 to see if it fits the criteria for this ordinance amendment, then they could add that median into the second reading if needed so there is nothing holding up on the process.

City Attorney Gilchrist stated it may require a little more work than just adding the 252 medians to the ordinance because he doesn't believe it fits the criteria for this ordinance. He stated he is happy to review it further and noted he wouldn't want to add it to the ordinance and have it jeopardize the entire validity of the ordinance if it doesn't qualify.

Councilmember Lawrence-Anderson asked how the public will be educated on this item. Chief Gannon stated they plan to have many media outlets on this item. He stated they have already discussed news coverage on this topic and noted the officers who will actually be dealing with this issue on the roads would be trained.

Councilmember Graves asked how much a citation for this offense is, as well as, does the citation increase upon receiving a second one. Chief Gannon stated there will be a warning first, then a citation is issued on the second incident and noted it will be a petty misdemeanor (like a traffic violation). He stated the fees and graduated scale are set by the State. He noted that this is meant to deter people from being in the median areas where traffic is not safe for them, and he believes once a person is warned they are not likely to repeat the offense.

Councilmember Graves moved and Councilmember Butler seconded to Approve First Reading and Set Second Reading and Public Hearing for June 25, 2018 in Consideration of an Ordinance Amending Chapter 25 of the Code of Ordinances Regarding Median Safety.

Motion passed unanimously.

10b. CONSIDERATION OF INTERIM ORDINANCE NO. 2018-05 REGULATING AUTOMOBILE DEALERSHIP OFF-SITE VEHICLE STORAGE

Community Development Director Meg Beekman provided an overview of the proposed Interim Ordinance No. 2015-05, Regulating Automobile Dealership Off-Site Vehicle Storage.

Ms. Beekman stated the applicant had a request to change the hours in the interim ordinance to reflect those of their operation which would be 9 p.m. as the latest time they could be operating cars on the site.

City Attorney Gilchrist stated the part of the proposed interim ordinance they are addressing is Article 2, Subsection C "Times in which vehicles can be brought to the site". He stated if the Council is in agreement, he suggested they approve the interim ordinance and then make a motion to approve the amendment which would allow the hours in which they can move cars on and off the site to run concurrent with their hours of operation.

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded to Adopt Interim Ordinance No. 2015-05 Regulating Automobile Dealership Off-Site Vehicle Storage effective immediately.

Councilmember Ryan moved and Councilmember Graves seconded to Approve an Amendment to Interim Ordinance No. 2015-05 Regulating Automobile Dealership Off-Site Vehicle Storage effective immediately, to allow the times in which vehicles can be brought to the site to run concurrent with the dealerships hours of standard operation.

Motion passed unanimously.

11. COUNCIL REPORT

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

- May 17, 2018: Neighborhood Meeting in the Park
- May 22, 2018: MAC Meeting
- May 23, 2018: 252 Project Planning Meeting
- May 24, 2018: BCBA Meeting

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

- None to report at this time.

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

- May 15, 2018: Parent Orientation for Freedom Schools Osseo
- May 15, 2018: CARS Meeting
- May 16, 2018: Alfreda Daniels Meeting
- May 17, 2018: Neighborhood Meeting in the Park
- May 18, 2018: BYC Meeting

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

- May 15, 2018: Housing Commission Meeting
- May 17, 2018: Neighborhood Meeting in the Park
- June 1, 2018: CAPI Open House 1:00pm - 3:30 p.m.

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

- May 16, 2018: Mayors Minute Taping
- May 16, 2018: North Metro Mayors Association Meeting
- May 17, 2018: FBI Academy Meeting
- May 23, 2018: 252 Project Planning Meeting
- May 24, 2018: FBI Academy Meeting
- May 24, 2018: Victoria Townhomes Meeting
- May 25, 2018: Meeting with City Manager Boganey
- May 29, 2018: Rotary Lunch
- May 30, 2018: Brooklyn Center MN Dot 252 Presentation on May 31st, 2018 at Brooklyn Center Constitution Hall.

12. ADJOURNMENT

Councilmember Ryan moved and Councilmember Graves seconded adjournment of the City Council meeting at 8:02 p.m.

Motion passed unanimously.

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

WORK SESSION
MAY 29, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Tim Willson at 8:05 p.m.

ROLL CALL

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

ORDINANCE REVIEW PROCESS - CONTINUED

Community Development Director Meg Beekman introduced, provided background and discussion on this item. She reviewed all the new policies, the options, and provided recommendations from staff for the City Council/EDA to review.

Mayor/President Willson stated he has concerns about the public not having a chance to provide input on certain issues before they go to consent agenda.

Councilmember/Commissioner Ryan stated he likes the idea regarding the first reading of an ordinance being sooner and he doesn't think it is necessary to have a 30-day waiting period. He stated it makes sense to make a uniform process which the public would be able to better understand and follow.

Councilmember/Commissioner Graves stated she is open to exploring an ordinance and getting feedback from the other Commissions. She stated she is curious to know what the cost savings would be if they made these changes and/or what benefits would come from these changes.

Councilmember/Commissioner Lawrence-Anderson stated she likes the idea of the first reading being at the public hearing.

Mayor/President Willson stated there is a clear interest and support for the possibility of streamlining the process and reducing some staff costs. He stated they want to make sure but the

public has a transparent view of what is happening and make sure they have an opportunity to provide input still.

Ms. Beekman stated the idea is to utilize the website more, to post the full language of the ordinance on there and communicate through social media more. She noted there are no extra costs to the City to add more information to their website.

City Attorney Troy Gilchrist addressed the City Council/EDA and noted the City Council/EDA clearly has a desire to go above and beyond to ensure the community has input and transparency and he will continue to work with Ms. Beekman to put the State Code and City Code together in a way that allows the public to have input and understand it

The majority consensus of the City Council/EDA was to have staff provide more information on these policies.

ADJOURNMENT

Councilmember/Commissioner Graves moved and Councilmember/Commissioner Butler seconded adjournment of the City Council/Economic Development Authority Work Session at 8:27 p.m.

Motion passed unanimously.

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

JOINT WORK SESSION WITH FINANCIAL COMMISSION
JUNE 4, 2018
CITY HALL - COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Joint Work Session with the Financial Commission and the session was called to order by Mayor Pro Tem Ryan at 6:40 p.m.

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present: City Manager Curt Boganey, MMKR's James Eichten, MMKR's Jackie Huegel, Finance Director Nate Reinhardt, Assistant Finance Director Andrew Splinter, and Deputy City Clerk Rozlyn Tousignant.

Others present were Financial Commissioners David Dwapu and Dean Van Der Werf. Financial Commissioners Anna Burke, Jeffrey Dobbs, Tia Hedenland, Teneshia Kragness, Dan Schueller, and Abate Terefe were absent and unexcused.

APPROVAL OF AGENDA

Councilmember Lawrence-Anderson moved and Councilmember Butler seconded to approve this evening's agenda. Motion passed unanimously.

PRESENTATION OF AUDITOR REPORT AND MANAGEMENT LETTER

James Eichten, CPA, partner with Malloy, Montague, Karnowski, Radosovich, & Company (MMKR), the City's Auditing Firm, was introduced to review the City's Audit Report and Management Letter.

Mr. Eichten outlined the auditor's role and the Audit Opinions and Findings which included the following:

- Financial Report – Unmodified or Clean Opinion
- Internal Controls Over Financial Reporting – No Findings
- State Laws and Regulations – Compliant
- Single Audit of Federal Awards – Not required for calendar 2017

Mr. Eichten reviewed the Management Report prepared by MMKR and pointed out highlights relating to the Audit Summary and Governmental Funds Overview along with information on Taxable Market Values, Tax Rates, Governmental Funds Revenue per Capita, Governmental

Funds Expenditures per Capita, General Fund Financial Position, General Fund Revenue by Source, General Fund Expenditures by Function, Enterprise Funds Change in Financial Position, Water Fund, Sanitary Sewer Fund, Liquor Fund, and Earle Brown Heritage Center Fund. He also recapped that the City had received a clean opinion on financial statements; and that the City is continuing with ongoing assessment of financial projections and results including General, Other Operational, and Enterprise Fund Activities.

COUNCIL/COMMISSION QUESTIONS

Mayor Willson inquired whether removing Surly Brewing's Darkness Days will have any impactful effect on the City's revenue going forward. Mr. Boganey and Mr. Reinhardt responded that Darkness Days generates approximately \$20,000 each year that the City will no longer earn. Councilmember Graves followed up by asking who is responsible for the City's Liquor Stores' advertising. Mr. Boganey replied that the City handles advertising internally.

Marquita Butler addressed the new event center opening at the Earle Brown Bowl site and questioned whether the establishment would affect business at the Earle Brown Heritage Center. Mr. Boganey responded that while there may be some business drawn to the new event center, the clientele and event-styles may differ from that of the Earle Brown Heritage Center.

Councilmember Graves asked for clarification on a graph provided by City Staff regarding property valuation/taxes. Mr. Boganey explained that the City has relatively affordable housing stock, because of this the tax rate is higher in order to compensate for the lower levels of high-end housing.

STAFF OVERVIEW OF COMPREHENSIVE ANNUAL FINANCIAL REPORT

Finance Director Reinhardt reviewed the 2017 Comprehensive Annual Financial Report (CAFR) and pointed out that there is a positive General Fund Operating Budget of \$664,850; the General Fund Assigned and Unassigned Fund Balance represents 52.7 percent of next year's budgeted expenditures; and there is a fund balance >52 percent that will be transferred to the Capital Projects Fund (\$149,630). He also outlined financial highlights in each of the following sections: General Fund Revenues, General Fund Expenditures, Enterprise Funds, Utility Funds, and other miscellaneous items.

COUNCIL/COMMISSION QUESTIONS

Mayor Willson asked if the Topgolf is in a TIF district. Mr. Splinter responded Topgolf is not in a TIF district and that it will receive a valuation in late 2018, be levied in 2019 and the City would first make collection in 2020.

Mayor Willson brought-forth the topic of increasing revenue for Lions Park and the Centerbrook Golf Course. A discussion was held regarding the matter. Councilmember Graves followed up by asking about the Community Activities, Recreation & Services Department's operational

savings from the previous year and whether the City could use those funds to offer more recreational programming. Mr. Boganey replied that a portion of all City savings goes into the CIP Fund. Mr. Boganey went on further to state that the City could look into using the CIP Fund towards recreational initiatives.

ADJOURNMENT

Councilmember Ryan moved and Councilmember Graves seconded to adjourn the Work Session at 7:55 p.m. Motion passed unanimously.

City Council Agenda Item No. 6b

COUNCIL ITEM MEMORANDUM

DATE: June 5, 2018

TO: Curt Boganey, City Manager 

THROUGH: Reggie Edwards, Deputy 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 11, 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.

MECHANICAL

Air Rite Mechanical Systems	6935 146 th St W #3, Apple Valley, MN 55124
Aquarius Home Services	3180 Country Dr., Little Canada, MN 55117
Comfort Matters Heating & AC	18071 Territorial Road, Maple Grove, MN 55369
Henderson Heating and A/C LLC	3515 Dakota Ave; Woodbury, MN 55125
Master Mechanical	1027 Gemini Rd, Eagan, MN 55121
Professional Mechanical Services, LLC	18983 York St New Suite C, Elk River, MN
55330	
Ridler Heating & Cooling Inc.	3110 Washington Ave, Minneapolis, MN 55411
dba: Uptown Heating	

RENTAL

See attached report.

SIGN HANGER

Trusted Sign Solution, LLC	14505 21 st Ave N, STE 221, Plymouth, MN 55447
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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 11, 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
4207 Lakeside Ave N #334	Single Family	Initial	Vihn Mai	2	II	N/A	II		OK	OK
5218 Paul Dr	Single Family	Initial	Oyejola Azum	0	I	N/A	II		OK	OK
5918 Zenith Ave N	Single Family	Initial	Traci Austin/Dylan DeMarais	0	I	N/A	II		OK	OK
1100 69th Ave N	1 Bldg 7 Units	Renewal	Evangelical Lutheran Church of the Master (Missing 2 ARM Meetings)	14 (.5/Unit)	I	0	III	III	OK	OK
Northwest Residence	1 Bldg 4 Units	Renewal	Eugene & Diane Wright	4 (1/Unit)	II	0	II	III	OK	OK
4408 69th Ave N	1 Bldg 65 units	Renewal	Lang Nelson Associates	43 (.67/Unit)	I	3 (.1/Unit)	I	II	OK	OK
Crossings at Brookwood Manor	1 Bldg 81 Units	Renewal	Lang Nelson Associates	21 (.26/Unit)	I	0	I	II	OK	OK
6125 Lilac Dr N	Single Family	Renewal	Candlewood Home Buyers, Inc.	4	II	0	II	III	OK	OK
Crossings at Brookwood Manor	Single Family	Renewal	Paul Ferfon	0	I	0	I	I	OK	OK
7019 Morgan Ave N	Single Family	Renewal								
5349 Northport Dr	Single Family	Renewal								

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

** License Type Being Issued Type I = 3 Year

Type II = 2 Year Type III = 1 Year

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

All properties are current on City utilities and property taxes

City Council Agenda Item No. 6c

COUNCIL ITEM MEMORANDUM

DATE: June 11, 2018

TO: Curt Boganey, City Manager 

FROM: Nathan Reinhardt, Finance Director 

SUBJECT: Resolution Adopting Comprehensive Annual Financial Report of the City of Brooklyn Center for the Calendar Year Ended December 31, 2017

Recommendation:

It is recommended that the City Council consider adoption of a resolution adopting the comprehensive annual financial report of the City of Brooklyn Center for the calendar year ended December 31, 2017.

Background:

On June 4, 2018 the City Council and Financial Commission met in a joint work session to hear from James Eichten of Malloy, Montague, Karnowski, Radosevich & Co. (MMKR), the City's auditors, about the results of their audit of the City's financial statements for the period ended December 31, 2017. During the session Mr. Eichten reviewed the purpose of the audit process and the results of his firm's audit of the 2017 Comprehensive Annual Financial Report (CAFR).

Most importantly, the City received an unmodified opinion, which is commonly referred to as a "clean audit opinion". This means that, in the auditor's opinion, the financial statements conform with applicable accounting standards. In addition to formulating an opinion on the City's financial statements, the auditors reviewed the City's internal controls, legal compliance and financial management practices. Those results were included in the Special Purpose Report which is issued under a separate cover.

Overall, the information in the 2017 CAFR continues to show the City is in excellent financial condition and should continue to monitor itself to ensure its continued fiscal good health.

The attached resolution ratifies the work done by City staff and accepts the CAFR, Audit Opinion and related materials.

Budget Issues:

The 2017 CAFR conveys the fiscal condition of the City as of December 31, 2017 and lays the groundwork for understanding the financial resources available to the City when planning for the future.

Strategic Priorities:

- Safe, Secure, Stable Community

Member introduced the following resolution and moved
its adoption:

RESOLUTION NO. _____

RESOLUTION ADOPTING COMPREHENSIVE ANNUAL FINANCIAL
REPORT OF THE CITY OF BROOKLYN CENTER FOR THE CALENDAR
YEAR ENDED DECEMBER 31, 2017

WHEREAS, the City of Brooklyn Center is required by State Statute and
City Charter to annually produce financial statements for submission to the Office of the
State Auditor by June 30 each year; and

WHEREAS, the City of Brooklyn Center is required to provide an
auditor's opinion as to the representations in the annual financial statements; and

WHEREAS, the financial statements have been audited by the
independent CPA firm of Malloy, Montague, Karnowski, Radosevich & Co., P.A. as
required; and

WHEREAS, Malloy, Montague, Karnowski, Radosevich & Co., P.A.
opined that the general purpose financial statements present fairly, in all material
respects, the financial position of the City of Brooklyn Center as of December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City
of Brooklyn Center that the Comprehensive Annual Financial Report for the City of
Brooklyn Center for the calendar year ended December 31, 2017, and all supporting
documentation, is hereby adopted as the official financial record for the 2017 fiscal year.

June 11, 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 11, 2018

TO: Curt Boganey, City Manager 

FROM: Nathan Reinhardt, Finance Director 

SUBJECT: An Ordinance Amending Ordinance No. 2016-08 Regarding Council Salaries for 2019-2020.

Recommendation:

It is recommended by the Financial Commission that the salaries for the Mayor and City Council increase by two percent above their current compensation levels for 2019 and 2020. Proposed action to approve the first reading of this ordinance and set a Public Hearing for Monday, July 9, 2018 for the second reading and final adoption.

Background:

Every two years the Financial Commission is required by the City Council Code of Policies to review the salaries for the Mayor and City Council and recommend any changes that may seem appropriate. The Financial Commission has reviewed the salaries in comparison to a specified group of comparison cities as outlined by policy. The data on comparison with those cities for the years 2013 through 2018 is attached.

The Financial Commission met on Thursday, May 17, 2018 to review the attached information and make their recommendation. Following a discussion the Commission unanimously recommended that the Mayor and City Council salaries increase by two percent for 2019 and 2020. The Commission cited that the two percent increases were consistent with recent staff wage adjustments. The Commission also suggested an increase would show appreciation to the City Council for the time spent attending meetings and their belief that the City has functioned well over the past two years.

According to Minnesota Statutes 415.11, such ordinance will be in effect for 12 months after which the salary reverts to the previously designated amount. In order to increase salaries for 2019 and 2020 the Council must adopt a new ordinance. The attached ordinance proposal calls for a public hearing to be held on Monday, July 9, 2018 on a new ordinance establishing 2019 and 2020 salaries.

Budget Issues:

Under the recommended proposal, the wage adjustments for the Mayor and City Council will increase in total by \$1,001 for 2019 and an additional \$1,021 for 2020. If approved, these amounts will be incorporated in the 2019 and 2020 budgets.

Strategic Priorities:

- Safe, Secure, Stable Community

Our Vision: We envision Brooklyn Center as a thriving, diverse community with a full range of housing, business, cultural and recreational offerings. It is a safe and inclusive place that people of all ages love to call home, and visitors enjoy due to its convenient location and commitment to a healthy environment

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 9th day of July 2018, at 7 p.m. or as soon thereafter as the matter may be heard at the City Hall, 6301 Shingle Creek Parkway, to consider An Ordinance Amending Ordinance 2016-08 Regarding Council Salaries for 2019-2020.

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 2016-08 REGARDING COUNCIL SALARIES FOR 2019-2020.

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

Section 1. City of Brooklyn Center Ordinance No. 2016-08 which amended the amount of the annual compensation to be paid to the Mayor and Council Members to become effective January 1, 2017, is hereby amended.

Section 2. Effective January 1, 2019, the annual salary for the Mayor shall be \$12,572 and the annual salary for Council Members shall be \$9,625.

Section 3. Effective January 1, 2020, the annual salary for the Mayor shall be \$12,823 and the annual salary for Council Members shall be \$9,817.

Section 4. This ordinance shall be effective after adoption and thirty days following its legal publication.

Adopted this _____ day of _____, 2018.

Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

(Underline indicates new matter.)

415.11 SECOND TO FOURTH CLASS CITIES; GOVERNING BODY SALARIES.

Subdivision 1. **Set by ordinance.** Notwithstanding the provisions of any general or special law, charter, or ordinance, the governing body of any statutory or home rule charter city of the second, third or fourth class may by ordinance fix their own salaries as members of such governing body, and the salary of the chief elected executive officer of such city, in such amount as they deem reasonable.

Subd. 2. **After next election.** No change in salary shall take effect until after the next succeeding municipal election.

Subd. 3. **Temporary reductions.** Notwithstanding subdivision 2 or a charter provision to the contrary, the governing body may enact an ordinance to take effect before the next succeeding municipal election that reduces the salaries of the members of the governing body. The ordinance shall be in effect for 12 months, unless another period of time is specified in the ordinance, after which the salary of the members reverts to the salary in effect immediately before the ordinance was enacted.

History: *Ex1967 c 42 s 1,2; 1976 c 44 s 34; 2009 c 152 s 17*

City of Brooklyn Center
Comparative Mayor and Council Wages



City	2010 Census Population	2013		2014		2015		2016		2017		2018	
		Mayor	Council	Mayor	Council	Mayor	Council	Mayor	Council	Mayor	Council	Mayor	Council
Maplewood	38,018	\$12,855	\$11,314	\$13,241	\$11,654	\$13,241	\$11,654	\$13,618	\$11,986	\$13,479	\$11,864	\$13,958	\$12,286
Richfield	35,228	10,383	8,059	10,591	8,220	10,379	8,070	10,379	8,070	11,350	8,809	12,012	9,323
Roseville	33,660	9,300	7,020	9,300	7,020	9,300	7,020	9,300	7,020	9,300	7,020	9,300	7,020
Brooklyn Center	30,104	11,501	8,805	11,846	9,070	11,846	9,070	11,846	9,070	12,083	9,251	12,325	9,436
Fridley	27,208	10,525	8,143	10,691	8,279	10,689	8,270	10,689	8,270	10,689	8,779	10,689	8,779
Shoreview	25,043	9,156	6,792	9,156	6,792	9,348	6,936	9,348	6,936	9,540	7,080	9,540	7,080
White Bear Lake	23,797	7,680	5,400	7,680	5,400	9,600	7,500	9,600	7,500	9,600	7,500	9,600	7,500
Crystal	22,151	10,515	8,089	10,620	8,170	10,620	8,170	10,620	8,170	10,620	8,170	10,620	8,170
Golden Valley	20,371	11,619	8,696	11,619	8,696	11,619	8,696	12,207	9,136	12,207	9,136	12,825	9,598
New Hope	20,339	11,180	8,060	11,570	8,450	11,801	8,619	12,037	8,791	12,338	9,011	12,646	9,236
Average	27,592	\$10,471	\$8,038	\$10,631	\$8,175	\$10,844	\$8,400	\$10,964	\$8,495	\$11,121	\$8,662	\$11,352	\$8,843
Median	26,126	\$10,520	\$8,075	\$10,656	\$8,249	\$10,654	\$8,220	\$10,655	\$8,220	\$11,019	\$8,794	\$11,351	\$9,008

Brooklyn Center as a % of:

Average	109%	110%	110%	111%	111%	109%	108%	108%	107%	109%	107%	109%	107%
Median	115%	109%	109%	111%	110%	111%	110%	111%	110%	110%	105%	109%	105%

Notes:

Golden Valley:

Pays per diem of \$50 per extra meeting, which is capped at a maximum of \$150 per month.
Also provides city-owned tablet for Mayor/Council member use, which eliminated paper packets.

New Hope

Members also receive \$25 per EDA meeting and have a city issued iPad with data plan

Maplewood:

Members are provided a city iPad if needed.

Fridley:

Members are provided a City issued laptop.
Members are eligible for health insurance, with the same contributions as full-time employees.
Council wage is the blended rate of: At Large (\$8,779) and Council (\$7,761).

Crystal:

Members are provided a technology allowance, which will not exceed \$250 annually.

**City of Brooklyn Center
Proposed Mayor and City Council Compensation for 2019-20**

	Current Compensation	Proposed 2019			Proposed 2020		
		1% Increase 2019	2% Increase 2019	3% Increase 2019	1% Increase 2020	2% Increase 2020	3% Increase 2020
Mayor	\$ 12,325	\$ 12,448	\$ 12,572	\$ 12,695	\$ 12,573	\$ 12,823	\$ 13,076
Council Member	\$ 9,436	\$ 9,530	\$ 9,625	\$ 9,719	\$ 9,626	\$ 9,817	\$ 10,011
Total Cost	\$ 50,069	\$ 50,570	\$ 51,070	\$ 51,571	\$ 51,075	\$ 52,092	\$ 53,118
Difference Year		\$ 501	\$ 1,001	\$ 1,502	\$ 506	\$ 1,021	\$ 1,547
Total Difference					\$ 1,006	\$ 2,023	\$ 3,049

City Council Agenda Item No. 6e

COUNCIL ITEM MEMORANDUM

DATE: June 5, 2018

TO: Curt Boganey, City Manager

THROUGH:  Nolan Cote, P.E., Director of Public Works

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: An Ordinance Amending Chapter 1 of City Code of Ordinance Regarding Animals

Recommendation:

It is recommended that the City Council approve an Ordinance Amending Chapter 1 of the City Code of Ordinance Regarding Animals.

Background:

In October 2017, a resident contacted the City with concerns about wild turkeys roosting in yards within the City. City staff has discussed these concerns with staff at the Minnesota DNR and the Three Rivers Park District. Their guidance is as follows:

- Residents should not feed wildlife on their property and encourage neighbors to not feed as well. Feeding tends to increase activity and congregate birds at a higher density. Turkeys can get habituated to feeding and can become a nuisance.
- It is recommended that residents haze the turkeys repeatedly if they become a problem. This usually works well and is the recommended method for dealing with turkey related issues.
- Winter is the time of year when turkeys flock up and may pose a greater nuisance. Wild turkeys disperse as the season moves along and food sources are depleted.
- The City Could look into creating a wildlife feeding ordinance to assist in educating the public and enforce violations as they come to light.

The DNR's website has some additional information for living with turkeys: http://www.dnr.state.mn.us/livingwith_wildlife/turkeys/index.html.

Staff has also contacted neighboring cities to see how they deal with turkey related issues. The Cities of Robbinsdale and Crystal don't have any sort of wild turkey management and Brooklyn Park has a basic Wildlife Management Plan. Several other cities have incorporated wild turkeys into their no-feeding wildlife policy.

Staff identified the following three options that could be used to address turkey related items. Option 1 is to educate residents how to avoid common turkey problems on their property; Option 2 is to update the City's feeding ordinance; and Option 3 is to develop a turkey management plan. At the April 23, 2018 City Council Work Session, staff was directed to pursue Option 2, along with the other options.

COUNCIL ITEM MEMORANDUM

City staff has been working with the City Attorney to revise the ordinance to address the feeding of wild animals. Consistent with the City Charter, a first reading to establish a date for a second reading and public hearing to consider the proposed ordinance is requested for July 9, 2018.

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 feeding wild animals.

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 1 OF CITY CODE OF ORDINANCES REGARDING ANIMALS

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

Article I. Brooklyn Center City Code, Section 1-101 is amended by adding a new definition as follows:

Section 1-101. DEFINITIONS. The following terms, when used in this ordinance, have the meanings ascribed to them:

9. Wild Animal. Wild animal means any animal that is not normally domesticated in the state including, but not limited to, raccoons, turkeys, coyotes, foxes, deer, feral cats, skunks, and waterfowl.

Article II. Brooklyn Center City Code, Section 1-200 is amended as follows:

Section 1-200. FEEDING OF ~~DEER~~ WILD ANIMALS PROHIBITED. No person may place, or permit to be placed on the ground or within ~~four (4)~~ five (5) feet of the ground surface, any grain, fruit, nuts, fodder, salt licks, or any other food, including feed for birds, which may reasonably be expected to result in ~~deer~~ wild animal feeding, ~~unless such items are screened or protected in a manner that prevents deer from feeding on them,~~ except as follows:

1. Feeding programs or efforts undertaken by the City in accordance with its ~~deer~~ wildlife management plan;
2. Veterinarians, City Animal Control Officers, or county, state or federal game officials who, in the course of their duties, have ~~deer~~ wild animals in their custody; or
3. Any food placed upon the property for the purpose of trapping or otherwise taking ~~deer~~ wild animals where such trapping or taking is pursuant to a permit issued by the Department of Natural Resources;

4. Planting of seeds or plants for the purpose of establishing or maintaining a lawn or garden, covering gardens or plants with straw for the purpose of providing protection during winter months or when establishing new lawns, or using straw bales for erosion control;
5. The presence of living food sources, such as fruit trees or other live vegetation, in their natural state; or
6. Feeding of small birds using self-enclosed feeding devices or containers where the access to the feed is located at least 5 feet above the ground. If a person is not physically able to place the bird feeding materials at that height, a lower height is permitted, provided the feeding occurs in a way that does not promote the feeding of other wild animals.

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

Adopted this ____ day of _____, 2018.

Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

City Council Agenda Item No. 6f

COUNCIL ITEM MEMORANDUM

DATE: June 5, 2018

TO: Curt Boganey, City Manager 

THROUGH:  Doran Cote, P.E., Director of Public Works

FROM: Mike Albers, P.E., City Engineer

SUBJECT: Resolution 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

Recommendation:

It is recommended that the City Council approve the resolution approving and authorizing execution of agreement between Minnesota Department of Transportation and City of Brooklyn Center for Federal Participation in Advance Construction, which allows for MnDOT to act as the City's agent in accepting federal aid, in excess of \$5,000,000, for the Reconstruction of Brooklyn Boulevard (CSAH 152) from south of 49th Avenue to north of Bass Lake Road (CSAH 10),

Background:

The City completed the Brooklyn Boulevard Corridor Study in 2013 to guide the reconstruction and redevelopment of this corridor. On May 9, 2016, the City Council directed staff to proceed with the preliminary design, environmental documentation, easement acquisition and final design work for the Brooklyn Boulevard Corridor Project Phase 1 (49th Avenue to Bass Lake Road), Project No. 2018-05. This project is scheduled to be constructed in 2018.

The proposed reconstruction and streetscape improvements will improve roadway safety, enhance traffic operations, reduce access points and provide improved bicycle and pedestrian facilities for a 1.4-mile segment of CSAH 152 in Brooklyn Center between 49th Avenue and CSAH 10. The project will enhance bicycle and pedestrian travel by adding a trail, improving sidewalks, transit stops, adding streetscaping and landscaping and improving the functionality of intersections with modified turn lanes.

In 2015, the City of Brooklyn Center was awarded federal funds for the Brooklyn Boulevard Corridor Project Phase 1 as a part of the 2014 Regional Solicitation. The disbursement of any federal aid funds as part of this project are anticipated to be passed through and are managed by MnDOT. Due to the large amount of funds awarded, which can be difficult to expend in one year, the agreement allows for MnDOT to balance its' obligation authority in the bigger funding picture.

The attached agreement is MnDOT's standard agency agreement for federal participation in advance construction for MnDOT to perform these functions. The City Attorney and City Engineer have reviewed the agreement and recommend approval, accordingly.

Budget Issues:

Our Vision: We envision Brooklyn Center as a thriving, diverse community with a full range of housing, business, cultural and recreational offerings. It is a safe and inclusive place that people of all ages love to call home, and visitors enjoy due to its convenient location and commitment to a healthy environment

COUNCIL ITEM MEMORANDUM

Budget Issues:

Approving the agency agreement for federal participation in advance construction does not have budgetary implications; however, the following project has been awarded federal funding and will be subject to this agreement.

- Brooklyn Boulevard Corridor Project Phase 1:
 - Secured \$7.4 million from the 2014 regional solicitation for fiscal year (FY) 2018.
 - The Brooklyn Boulevard Corridor Project is identified in the City's Capital Improvement Program (CIP) and the updated preliminary project cost estimate is approximately \$15,000,000. The funding partnership and proportions are being finalized but are anticipated to include Hennepin County funding, Minneapolis funding, Three Rivers Park District funding and City funding.

Strategic Priorities:

- Key Transportation Investments

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION 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

WHEREAS, the City of Brooklyn Center has been awarded federal aid for the Brooklyn Boulevard Corridor Project Phase 1 from 49th Avenue to just north of Bass Lake Road, construction programmed for 2018; and

WHEREAS, for federal aid roadway projects, the Minnesota Department of Transportation (MnDOT) is typically delegated the duties to receive and disburse federal funds through the Federal Highway Administration; and

WHEREAS, said agreement between the City of Brooklyn Center and MnDOT allows for MnDOT to act as the City's agent in accepting federal aid; and

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

1. Pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Brooklyn Center to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.
2. The Mayor and City Manager are hereby authorized and directed for and on behalf of the City of Brooklyn Center to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 1031036", a copy of which said agreement was before the City Council and which is made part hereof by reference.

RESOLUTION NO. _____

June 11, 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.



STATE OF MINNESOTA

AGENCY AGREEMENT

for

FEDERAL PARTICIPATION IN ADVANCE CONSTRUCTION

State Project Number: 109-020-013

FAIN/Mn Proj. Number: SPTF 2718(101)

This Agreement is entered into by and between the City of Brooklyn Center ("Local Government") and the State of Minnesota acting through its Commissioner of Transportation ("MnDOT").

RECITALS

1. MnDOT Contract Number 1029924 which has been executed between the Local Government and MnDOT, appoints MnDOT as the Local Government's agent to receive and disburse transportation related federal funds, and sets forth duties and responsibilities for letting, payment, and other procedures for a federally funded contract let by the Local Government; and
2. Pursuant to Minnesota Statutes Section 161.36, the Local Government desires MnDOT to act as the Local Government's agent to accept and disburse federal funds for the construction, improvement, or enhancement of transportation financed in whole or in part by federal funds, hereinafter referred to as the "Project"; and
3. The Local Government is proposing a federal aid project to reconstruct Brooklyn Boulevard between 49th Avenue North and Bass Lake Road, hereinafter referred to as the "Project"; and
4. The Project is eligible for the expenditure of federal aid funds and is programmed in the approved federally approved STIP for the fiscal year 2018, and is identified in MnDOT records as State Project 109-020-013, and in Federal Highway Administration ("FHWA") records as Minnesota Project SPTF 2718(101); and
5. The differences between planned Obligation Authority and actual Obligation Authority has resulted in the need to have projects with anticipated federal funds greater than \$5,000,000 advance construct the project until costs begin to be incurred for the project; and
6. MnDOT requires that the terms and conditions of this agency be set forth in an agreement.

AGREEMENT TERMS

1. Term of Agreement

- 1.1. **Effective Date.** This agreement will be effective upon execution by the Local Government and by appropriate State officials, pursuant to Minnesota Statutes Section 16C.05, and will remain in effect for five (5) years from the effective date or until all obligations set forth in this agreement have been satisfactorily fulfilled, whichever occurs first.

2. Local Government's Duties

- 2.1. The Local Government will perform all of its duties and obligations in MnDOT Contract Number 1029924, which is incorporated herein by reference, in the solicitation, letting, award, and administration of the construction of the Project.

3. MnDOT's Duties

- 3.1. MnDOT will perform all of its duties in accordance with MnDOT Contract Number 1029924, which is incorporated herein by reference.
- 3.2. MnDOT will make the necessary requests to the FHWA for authorization to use federal funds for the Project, and for reimbursement of eligible costs pursuant to the terms of this agreement.
- 3.3. MnDOT will request the conversion of the Project to federal funding of eligible costs, when funding and obligation authority are available.
- 3.4. At such time that the project is converted to federal funding and such funding is received by MnDOT, MnDOT will reimburse to the Local Government the federal aid share of the federally eligible costs, previously provided by the Local Government. Reimbursement for Local Government State Aid funds used in lieu of federal funds, will be deposited in the Local Government's State Aid Account. Reimbursement for other Local Government funds used in lieu of federal funds will be forwarded to the Local Government.

4. Time

- 4.1. The Local Government must comply with all the time requirements described in this agreement. In the performance of this agreement, time is of the essence
- 4.2. The period of performance is defined as beginning on the date of federal authorization and ending on the date defined in the federal financial system or federal agreement ("end date"). **No work completed** after the **end date** will be eligible for federal funding. Local Government must submit all contract close out paperwork to MnDOT, twenty three months prior to the **end date**.

5. Payment

- 5.1. It is estimated that the total cost of the Project is \$11,051,500 and that the anticipated federal funding will be \$7,420,000. The remaining share will be paid by the Local Government. The Local Government will pay any part of the cost or expense of the work that the FHWA does not pay.
- 5.2. The Local Government will request reimbursement of the federal aid share of the federally eligible costs after funding and obligation authority are available.
- 5.3. If the project is converted to federal funding before completion and final acceptance, the Local Government will make requests for reimbursement as partial estimates and will comply with the payment provisions in MnDOT Contract Number 1029924 which is incorporated by reference, and 2 CFR Part 200.

6. Authorized Representatives

- 6.1. MnDOT's Authorized Representative is:

Name: Lynnette Roshell, or her successor.

Title: State Aid, Special Projects

Phone: 651-366-3822

Email: lynnette.roshell@state.mn.us

MnDOT's Authorized Representative has the responsibility to monitor Local Government's performance and the authority to accept the services provided under this agreement. If the services are satisfactory, MnDOT's Authorized Representative will certify acceptance on each invoice submitted for payment.

6.2. The Local Government's Authorized Representative is:

Name: Mike Albers_____, or his successor.

Title: Acting Brooklyn Center City Engineer_____

Phone: 763-569-3326_____

Email: malbers@ci.brooklyn-center.mn.us_____

If the Local Government's Authorized Representative changes at any time during this agreement, the Local Government will immediately notify MnDOT.

7. **Assignment Amendments, Waiver, and Agreement Complete**

- 7.1. **Assignment.** The Local Government may neither assign nor transfer any rights or obligations under this agreement without the prior written consent of MnDOT and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.
- 7.2. **Amendments.** Any amendments to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.
- 7.3. **Waiver.** If MnDOT fails to enforce any provision of this agreement, that failure does not waive the provision or MnDOT's right to subsequently enforce it.
- 7.4. **Agreement Complete.** This agreement contains all negotiations and agreements between MnDOT and the Local Government. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.
- 7.5. **Severability.** If any provision of this Agreement or the application thereof is found invalid or unenforceable to any extent, the remainder of the Agreement, including all material provisions and the application of such provisions, will not be affected and will be enforceable to the greatest extent permitted by the law.

8. **Liability and Claims**

- 8.1. **Tort Liability.** Each party is responsible for its own acts and omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of any others and the results thereof. The Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, governs MnDOT liability.
- 8.2. **Claims.** The Local Government acknowledges that MnDOT is acting only as the Local Government's agent for acceptance and disbursement of federal funds, and not as a principal or co-principal with respect to the Project. The Local Government will pay any and all lawful claims arising out of or incidental to the Project including, without limitation, claims related to contractor selection (including the solicitation, evaluation, and acceptance or rejection of bids or proposals), acts or omissions in performing the Project work, and any *ultra vires* acts. The Local Government will indemnify, defend (to the extent permitted by the Minnesota Attorney General), and hold MnDOT harmless from any claims or costs arising out of or incidental to the Project(s), including reasonable attorney fees incurred by MnDOT. The Local Government's indemnification obligation extends to any actions related to the certification of DBE participation, even if such actions are recommended by MnDOT.

9. **Audits**

- 9.1. Under Minn. Stat. § 16C.05, Subd.5, the Local Government's books, records, documents, and accounting procedures and practices of the Local Government, or other party relevant to this agreement or transaction, are subject to examination by MnDOT and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this agreement, receipt and approval of all final reports, or the

required period of time to satisfy all state and program retention requirements, whichever is later. The Local Government will take timely and appropriate action on all deficiencies identified by an audit.

- 9.2. All requests for reimbursement are subject to audit, at MnDOT's discretion. The cost principles outlined in 2 CFR 200.400-.475 will be used to determine whether costs are eligible for reimbursement under this agreement.
- 9.3. If Local Government expends \$750,000 or more in Federal Funds during the Local Government's fiscal year, the Local Government must have a single audit or program specific audit conducted in accordance with 2 CFR Part 200.
10. **Government Data Practices.** The Local Government and MnDOT must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by MnDOT under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Local Government under this agreement. The civil remedies of Minn. Stat. §13.08 apply to the release of the data referred to in this clause by either the Local Government or MnDOT.
11. **Workers Compensation.** The Local Government certifies that it is in compliance with Minn. Stat. §176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Local Government's employees and agents will not be considered MnDOT employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way MnDOT's obligation or responsibility.
12. **Governing Law, Jurisdiction, and Venue.** Minnesota law, without regard to its choice-of-law provisions, governs this agreement. Venue for all legal proceedings out of this agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.
13. **Termination; Suspension**
 - 13.1. **Termination by MnDOT.** MnDOT may terminate this agreement with or without cause, upon 30 days written notice to the Local Government. Upon termination, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
 - 13.2. **Termination for Cause.** MnDOT may immediately terminate this agreement if MnDOT finds that there has been a failure to comply with the provisions of this agreement, that reasonable progress has not been made, that fraudulent or wasteful activity has occurred, that the Local Government has been convicted of a criminal offense relating to a state agreement, or that the purposes for which the funds were granted have not been or will not be fulfilled. MnDOT may take action to protect the interests of MnDOT of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.
 - 13.3. **Termination for Insufficient Funding.** MnDOT may immediately terminate this agreement if:
 - 13.3.1. Funding is not obtained from the Minnesota Legislature; or
 - 13.3.2. Funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the Local Government. MnDOT is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. MnDOT will not be assessed any penalty if the agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. MnDOT will provide the Local Government notice of the lack of funding within a reasonable time of MnDOT's receiving that notice.
 - 13.4. **Suspension.** MnDOT may immediately suspend this agreement in the event of a total or partial government shutdown due to the failure to have an approved budget by the legal deadline. Work performed by the

Local Government during a period of suspension will be deemed unauthorized and undertaken at risk of non-payment.

14. **Data Disclosure.** Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Local Government consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to MnDOT, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Local Government to file state tax returns and pay delinquent state tax liabilities, if any.
15. **Fund Use Prohibited.** The Local Government will not utilize any funds received pursuant to this Agreement to compensate, either directly or indirectly, any contractor, corporation, partnership, or business, however organized, which is disqualified or debarred from entering into or receiving a State contract. This restriction applies regardless of whether the disqualified or debarred party acts in the capacity of a general contractor, a subcontractor, or as an equipment or material supplier. This restriction does not prevent the Local Government from utilizing these funds to pay any party who might be disqualified or debarred after the Local Government's contract award on this Project.
16. **Discrimination Prohibited by Minnesota Statutes §181.59.** The Local Government will comply with the provisions of Minnesota Statutes §181.59 which requires that every contract for or on behalf of the State of Minnesota, or any county, city, town, township, school, school district or any other district in the state, for materials, supplies or construction will contain provisions by which Contractor agrees: 1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no Contractor, material supplier or vendor, will, by reason of race, creed or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; 2) That no Contractor, material supplier, or vendor, will, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause 1 of this section, or on being hired, prevent or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed or color; 3) That a violation of this section is a misdemeanor; and 4) That this contract may be canceled or terminated by the state of Minnesota, or any county, city, town, township, school, school district or any other person authorized to contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this Agreement.
17. **Appendix II 2 CFR Part 200 Federal Contract Clauses.** The Local Government agrees to comply with the following federal requirements as identified in 2 CFR 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, and agrees to pass through these requirements to its subcontractors and third party contractors, as applicable. In addition, the Local Government shall have the same meaning as "Contractor" in the federal requirements listed below.
 - 17.1.1. **Remedies.** Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Government Acquisition Council and Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
 - 17.1.2. **Termination.** All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
 - 17.1.3. **Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp.,

p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

- 17.1.4. Davis-Bacon Act, as amended.** (40 U.S.C. 3141-3148) When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- 17.1.5. Contract Work Hours and Safety Standards Act.** (40 U.S.C. 3701-3708) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- 17.1.6. Rights to Inventions Made Under a Contract or Agreement.** If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.
- 17.1.7. Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended.** Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued under the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water

Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

- 17.1.8. **Debarment and Suspension.** (Executive Orders 12549 and 12689) A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- 17.1.9. **Byrd Anti-Lobbying Amendment.** (31 U.S.C. 1352) Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- 17.1.10. **Procurement of Recovered Materials.** See 2 CFR 200.322 Procurement of Recovered Materials.
- 17.2. **Drug-Free Workplace.** In accordance with 2 C.F.R. § 32.400, the Local Agency will comply with the Drug-Free Workplace requirements under subpart B of 49 C.F.R. Part 32.
- 17.3. **Nondiscrimination.** The Local Government hereby agrees that, as a condition of receiving any Federal financial assistance under this agreement, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d), related nondiscrimination statutes (i.e., 23 U.S.C. § 324, Section 504 of the Rehabilitation Act of 1973 as amended, and the Age Discrimination Act of 1975), and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap, or age be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the Local Government receives Federal financial assistance. The specific requirements of the Department of Transportation Civil Rights assurances (required by 49 C.F.R. §§ 21.7 and 27.9) are incorporated in the agreement.
- 17.4. **Federal Funding Accountability and Transparency Act (FFATA).**
 - 17.4.1. This Agreement requires the Local Government to provide supplies and/or services that are funded in whole or in part by federal funds that are subject to FFATA. The Local Government is responsible for ensuring that all applicable requirements, including but not limited to those set forth herein, of FFATA are met and that the Local Government provides information to the MnDOT as required.
 - a. Reporting of Total Compensation of the Local Government's Executives.
 - b. The Local Government shall report the names and total compensation of each of its five most highly compensated executives for the Local Government's preceding completed fiscal year, if in the Local Government's preceding fiscal year it received:
 - i. 80 percent or more of the Local Government's annual gross revenues from Federal procurement contracts and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

- iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>).

Executive means officers, managing partners, or any other employees in management positions.

- c. Total compensation means the cash and noncash dollar value earned by the executive during the Local Government's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - i. Salary and bonus.
 - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
 - v. Above-market earnings on deferred compensation which is not tax qualified.

17.4.2. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

17.4.3. The Local Government must report executive total compensation described above to the MnDOT by the end of the month during which this agreement is awarded.

17.4.4. The Local Government will obtain a Data Universal Numbering System (DUNS) number and maintain its DUNS number for the term of this agreement. This number shall be provided to MnDOT on the plan review checklist submitted with the plans for each project. More information about obtaining a DUNS Number can be found at: <http://fedgov.dnb.com/webform/>

17.4.5. The Local Government's failure to comply with the above requirements is a material breach of this agreement for which the MnDOT may terminate this agreement for cause. The MnDOT will not be obligated to pay any outstanding invoice received from the Local Government unless and until the Local Government is in full compliance with the above requirements.

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City of Brooklyn Center

Local Government certifies that the appropriate person(s) have executed the contract on behalf of the Local Government as required by applicable articles, bylaws, resolutions or ordinances

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

DEPARTMENT OF TRANSPORTATION

By: _____

Title: State Aid Engineer

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____

Date: _____

City Council Agenda Item No. 6g

COUNCIL ITEM MEMORANDUM

DATE: June 5, 2018

TO: Curt Boganey, City Manager

THROUGH:  Doran Cote, P.E., Director of Public Works

FROM: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Establishing Improvement Project No. 2019-05, Southeast Area Mill and Overlay

Recommendation:

It is recommended that the City Council approve the resolution establishing Improvement Project No. 2019-05, Southeast Area Mill and Overlay.

Background:

In accordance with the City's Capital Improvements Plan (CIP), the area referred to as the Southeast Area has been programmed for improvements in 2019. The Southeast project area extends from Interstate 94 to Irving Avenue between 57th Avenue and 55th Avenue, and from Dupont Avenue to Irving Avenue between 55th Avenue and 53rd Avenue (see attached location map). The Southeast Area Mill and Overlay project consists of approximately 20,364 linear feet of roadway length. These roadways were reconstructed in 1999. The area consists of approximately 401 residential properties and six multi-family properties.

The CIP calls for the roadway to be improved with a 2-inch mill and overlay of the pavement surface with minor concrete curb and gutter replacements, minor sidewalk replacements and minor utility repairs. Dupont Avenue is designated as a Municipal State Aid (MSA) street. The funding for the project is through a variety of sources as described in the CIP which are anticipated to include special assessments, street reconstruction funds, utility funds and Municipal State Aid revenues.

Typically, in order for a project to be completed within a specified calendar year, preliminary design must commence in advance of the project. This includes initiation of the public notification and participation process that consists of informing affected property owners, conducting field surveys, at least one public informational meeting and an extensive amount of information and data collection. Initial design also includes detailed technical engineering work, underground infrastructure inspections, assessments and soil/geotechnical investigations.

At this time, staff requests that the City Council establish this 2019 street improvement project so investigative and engineering work may begin. Upon authorization by the City Council, the following actions would take place:

COUNCIL ITEM MEMORANDUM

- Collect data, including field surveys, review traffic counts and review maintenance records.
- Conduct televised inspections of the sanitary and storm sewers and soil/geotechnical investigations.
- Conduct a public informational meeting in the fall of 2018 to present initial findings to the neighborhood and to gauge public interest in the improvement project.
- Commence preliminary design and prepare a feasibility report for review by the City Council. The City Council could then consider setting a date for a project hearing.

In order to take advantage of economies of scale, it is anticipated that the 2018 Bellvue Mill and Overlay and the 2019 Southeast Mill and Overlay project will be combined into one project which will be completed in 2019 with the potential for some preliminary utility, curb and gutter and sidewalk repairs in 2018.

Budget Issues:

The Southeast Area Mill and Overlay project is identified in the City's CIP with a preliminary project cost estimate of \$2,760,000. The estimated cost for preliminary field work and preparation of a project feasibility report is \$150,000.

Strategic Priorities:

- Key Transportation Investments

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

WHEREAS, the City's Capital Improvement Program (CIP) identifies specific streets for proposed infrastructure improvements in 2019; and

WHEREAS, the City Council has reviewed the scope of proposed improvements for the Southeast Area; and

WHEREAS, the City Council desires to begin the process of information gathering, solicitation of public comments and preliminary design.

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

1. Improvement Project No. 2019-05, Southeast Area Mill and Overlay is hereby established.
3. Staff is directed to begin field work, contact property owners in the neighborhood to obtain comments and input and hold public informational meetings for property owners in the neighborhood where improvements are proposed.
3. The City Engineer shall commence preliminary design and prepare a project feasibility report for review by the City Council in the fall of 2018.
4. Estimated project costs for preliminary field work, geotechnical investigations and sewer televising costs are as follows:

COST	AMOUNT
Televising	\$ 6,000
Field Survey	\$ 14,000
Geotechnical/Drainage Investigation	\$ 10,000
Preliminary Design	<u>\$ 120,000</u>
Estimated Costs Total	\$ 150,000

REVENUES	AMOUNT
Street Reconstruction Fund	<u>\$ 150,000</u>
Estimated Revenues Total	\$ 150,000

RESOLUTION NO. _____

June 11, 2018

Date

Mayor

ATTEST: _____
City Clerk

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

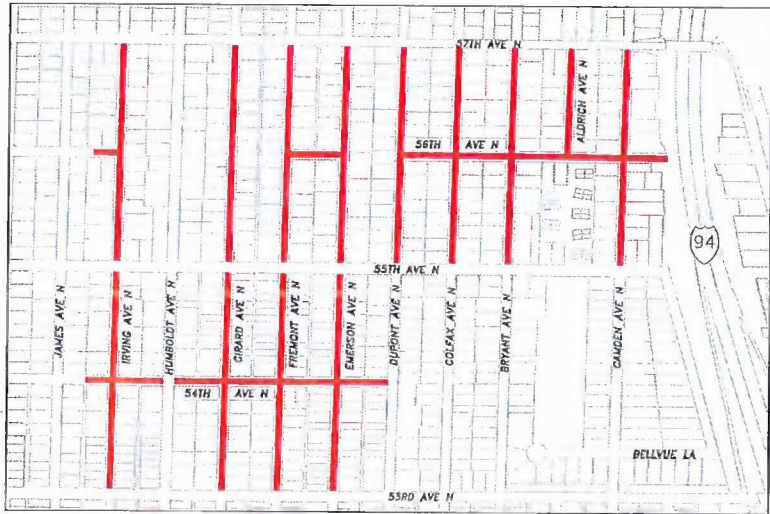
and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Southeast Area Mill and Overlay - 2019

The Southeast project area extends from Interstate 94 to Irving Avenue between 57th Avenue and 55th Avenue, and from Dupont Avenue to Irving Avenue between 55th Avenue and 53rd Avenue. The area contains a total of 20,364 linear feet of local streets. The project area consists of approximately 401 single-family residential properties and six multi-family properties.



Streets

Dupont Avenue is designated as a MSA Route. The Southeast area was last reconstructed in 1999. Dupont Avenue is 33-foot wide and the remaining streets are generally 30-foot wide with concrete curb and gutter. The current cost estimate assumes street improvements that consist of approximately 10 percent concrete replacement and a 2-inch mill and overlay.

Water main

Approximately two percent of the water main in the Southeast area was replaced with DIP in 1999 when the neighborhood was reconstructed. The remaining water main in the area consists of 6-inch and 8-inch diameter CIP installed between 1964 and 1969. Water records indicate five main breaks have occurred within the neighborhood and six properties have experienced frozen water services in past winters. The current project cost estimate includes casting replacement only.

Sanitary Sewer

All of the sanitary sewer in the project area was replaced with 8-inch and 10-inch PVC when the neighborhood was reconstructed in 1999. The current project cost estimate includes casting replacement only.

Storm Sewer

The storm sewer in the Southeast project area flows to two trunk lines on 55th Avenue and then east to the Mississippi River. Approximately 93 percent of the storm sewer in this area was installed in 1999 when the neighborhood was reconstructed. This storm sewer consist of 12-inch to 27-inch diameter pipe. The remaining storm sewer throughout the project area consists of 12-inch and 18-inch RCP that was installed between 1952 and 1979. The current project cost estimate includes casting replacement only.

Street Lighting

The existing street light system is overhead power, with wood poles and a cobra head light fixture. The current cost estimate includes no street light replacement.

City Council Agenda Item No. 6h

COUNCIL ITEM MEMORANDUM

DATE: June 5, 2018

TO: Curt Bogaert, City Manager

THROUGH: ~~Doran~~ Cote, P.E., Director of Public Works

FROM: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Establishing Parking Restrictions for Segments on 63rd Avenue from Beard Avenue to 360' East of Beard Avenue

Recommendation:

It is recommended that the City Council approve the resolution establishing no-parking restrictions along both sides of the street on 63rd Avenue from Beard Avenue to 360' East of Beard Avenue, in accordance with Municipal State Aid (MSA) requirements.

Background:

Street improvements were completed for 63rd Avenue between the west city limits and Brooklyn Boulevard and in accordance with the 2015 Capital Improvements Program. 63rd Avenue is designated as a MSA route, which allows the City to expend MSA gas tax funding for a portion of the construction costs for this project. During the 63rd Avenue improvement project, the pavement markings between Brooklyn Boulevard and 360' east of Beard Avenue were revised to be consistent with the Brooklyn Boulevard Corridor Study which recommended changing the four-lane configuration to a three-lane configuration with shoulders.

The MSA routes have certain standards for street widths and on-street parking that must be followed as prescribed in Minnesota Rule 8820.9936. The three-lane configuration with shoulders does not provide sufficient street width to allow on-street parking on the north and south side of the street based on MSA design standards. Parking along 63rd Avenue is currently allowed on both sides of the street between Beard Avenue and Xerxes Avenue. The proposed resolution would officially establish No-Parking Zones along 63rd Avenue from Beard Avenue to 360' east of Beard Avenue on the north and south side of the street (see attached figure).

Budget Issues:

Installation of new No-Parking signs is included in street maintenance budget. Routine replacement of the new signs that occurs approximately every 14 years will be input into our asset management system and will be included in future operating budgets. No additional budget issues are involved with officially adopting the current parking restrictions.

Strategic Priorities:

- Safe, Secure, Stable Community

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION ESTABLISHING PARKING RESTRICTIONS FOR
SEGMENTS ON 63RD AVENUE FROM BEARD AVENUE TO 360' EAST OF
BEARD AVENUE

WHEREAS, the City of Brooklyn Center has completed the improvement of 63rd Avenue between Brooklyn Boulevard and the west city limits within the City of Brooklyn Center, Minnesota in 2015; and

WHEREAS, the City of Brooklyn Center revised the pavement markings on 63rd Avenue to be a three-lane configuration with shoulders from Brooklyn Boulevard to 360' east of Beard Avenue which is consistent with the Brooklyn Boulevard Corridor Study; and

WHEREAS, the City of Brooklyn Center may expend Municipal State Aid Funds on the future improvements of said streets; and

WHEREAS, the street width does not provide adequate width for parking on both sides of the street on 63rd Avenue from Beard Avenue to 360' east of Beard Avenue; and

WHEREAS, approval of future construction improvements as a Municipal State Aid Street project must therefore be conditioned upon certain parking restrictions to meet the minimum roadway design standards in accordance with Minnesota Rule 8820.9936.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the City shall ban the parking of motor vehicles at all times on the following street segments:

1. North and south side of 63rd Avenue from Beard Avenue to 360' east of Beard Avenue.

June 11, 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.

EXISTING NO PARKING ZONE (NORTH AND SOUTH SIDE)
PER RESOLUTION 2000-63

PROPOSED NO PARKING ZONE
(NORTH AND SOUTH SIDE)

63RD AVE

EWING AVE

BROOKLYN BLVD

CHOWEN AVE

BEARD AVE

50 0 50 100
SCALE FEET



6/5/18

NO PARKING ZONES

63RD AVENUE

City Council Agenda Item No. 6i

COUNCIL ITEM MEMORANDUM

DATE: May 31, 2018

TO: Curt Boganey, City Manager 

FROM: Jim Glasoe, Director of Community Activities, Recreation & Services 

SUBJECT: Resolution Approving Settlement Agreement and Release with Stantec Consulting Services Inc. Regarding Community Center HVAC Improvements

Recommendation:

It is recommended that the City Council consider approval/adoption of resolution authorizing the execution of a settlement agreement and release with Stantec Consulting Services Inc. regarding Community Center HVAC improvements.

Background:

In late 2015, the city entered into an agreement with Stantec Consulting Services Inc. to design and oversee improvements related to our 2016 Civic Center Improvements Project.

After completion of the 2016 Civic Center Improvements Project, it was noted that the airflow in the Community Center pool area was not sufficient. This lack of airflow caused significant corrosion on the metal surfaces and a noticeable odor.

Subsequent investigation identified the air handler/dehumidification unit that was installed was undersized. Accordingly, plans and specifications were developed for a supplemental air/dehumidification unit that would bring the airflow up to expected levels.

On August 28, 2017, the City Council approved a project providing for a supplemental dehumidification unit and associated HVAC work. The approved contract was \$753,000. With change orders, the final cost was \$809,799.

Since that time, the City and Stantec have been negotiating some of the costs associated with the additional unit. As there is a desire on behalf of both parties to amicably resolve all related issues, the attached agreement is provided for consideration and authorization.

The City, while incurring some additional expenses to install the second unit, will not end up spending any more than it would had there been one larger unit installed initially.

Budget Issues:

Statec Consulting Services Inc. will provide the city a contribution of \$396,207.00, which will be deposited into the Capital improvements Fund.

Strategic Priorities:

- Targeted Redevelopment

Our Vision: We envision Brooklyn Center as a thriving, diverse community with a full range of housing, business, cultural and recreational offerings. It is a safe and inclusive place that people of all ages love to call home, and visitors enjoy due to its convenient location and commitment to a healthy environment

SETTLEMENT AGREEMENT AND RELEASE

This SETTLEMENT AGREEMENT AND RELEASE ("Agreement") is entered into by and between the City of Brooklyn Center ("City") and Stantec Consulting Services Inc. ("Stantec") (collectively referred to as the "Parties").

RECITALS

WHEREAS, in 2015, the City and Stantec entered into a Professional Services Agreement;

WHEREAS, pursuant to the Professional Services Agreement, Stantec agreed to provide architectural, engineering, design, planning, implementation, and construction administration services for improvements to the City's community center in exchange for certain compensation ("the Project");

WHEREAS, the Project included a pool heating, ventilation, and air conditioning ("HVAC") upgrade for the installation of a dedicated pool unit to properly condition the pool space to maintain adequate temperature and humidity;

WHEREAS, the pool HVAC unit installed in the City's community center did not adequately ventilate the pool area;

WHEREAS, the City alleges Stantec did not adequately review and design a proper pool HVAC unit for the pool area;

WHEREAS, Stantec denies the City's allegations and denies any and all liability to the City;

WHEREAS, the Parties wish to amicably resolve all issues between them.

AGREEMENT

NOW, THEREFORE, based upon the Recitals set forth above, and in consideration of the mutual promises and agreements set forth herein and for other valuable consideration, the adequacy and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Release of Claims:** In exchange for the amount set forth in Paragraph 2 below, the City, for and on its own behalf and on behalf of its past and present agents, representatives, and anyone acting or claiming to act on its behalf, hereby releases, acquits, and forever discharges Stantec and its past and present successors, heirs, insurers, subsidiaries, affiliated companies and entities, executors, administrators, conservators, agents, assigns, trustees, beneficiaries, attorneys, servants, representatives, employees, managers, directors, officers, owners, and other representatives ("Releasees") from any and all claims or causes of action, demands, complaints, damages (including attorneys' fees), costs, expenses, and other liabilities whatsoever, whether asserted or unasserted, direct or indirect, liquidated or unliquidated, absolute or contingent, known or unknown, and of any kind, nature, or description whatsoever under any local, state, or federal law, rule, or regulation, which the City has ever had, may now have, or ever shall or may have or claim to have against Stantec or the Releasees, arising out of, involving, or relating to the pool HVAC unit.

2. **Consideration:** In consideration of the release set forth in Paragraph 1 above, Stantec agrees to pay Three Hundred Ninety-Six Thousand Two Hundred Seven and no/100 Dollars (\$396,207.00) to the City. Said payment shall be made within thirty (30) days after this Agreement has been signed by the City. Stantec shall make payment to the City as follows:

City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

3. **No Admission of Liability:** This Agreement is a compromise of a disputed claim and payment is not an admission of liability. Instead, liability is expressly denied by the parties released.

4. **Release of Information:** The terms of this Agreement are subject to release as provided in the Minnesota Government Data Practices Act (Minnesota Statutes, chapter 13, the "Act"). If asked about the status of the dispute between the Parties, the Parties agree to respond that "the matter has been resolved" or words to that effect. Nothing in this Agreement limits the City's obligation to respond to requests made under the Act.

5. **Entire Agreement:** This Agreement contains and constitutes the entire understanding and agreement between the Parties hereto with respect to the settlement and cancels all previous oral and written negotiations, agreements, commitments, and writings in connection therewith. The Parties acknowledge that there are no other claims, understandings, arrangements, promises, or representations, either written or oral by and between them. The Parties further agree and acknowledge that there are no inducements or representations leading to their signing of this Agreement, except as may be contained herein.

6. **Governing Law:** This Agreement shall be governed by and construed and enforced in accordance with Minnesota law.

7. **Invalidity:** If any one or more of the terms of this Agreement are deemed to be invalid or unenforceable by a court of law, the validity, enforceability, and legality of the remaining provisions of this Agreement will not, in any way, be affected or impaired thereby.

8. **Counterparts:** This Agreement may be executed in any number of counterparts, each of which when so executed shall be deemed an original, and the counterparts shall together constitute one and the same agreement.

9. **Voluntary and Knowing Action:** The Parties signing this Agreement represent and agree that they have been represented by their own legal counsel or have been afforded an opportunity to be so represented, that they have thoroughly read and understand the terms of this Agreement, and that they are voluntarily entering into this Agreement to resolve their respective claims and objections.

10. **No Presumption Against Drafting Party:** The Parties to this Agreement acknowledge that (a) this Agreement, and its reduction to final written form, is the result of extensive good faith negotiations between the Parties, (b) the Parties have carefully reviewed and examined this Agreement for execution by said Parties, and (c) any statute or rule of construction that provides for ambiguities to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.

11. **Waiver:** No waiver of any of the provisions of this Agreement shall be deemed or shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.

12. **Modification:** This Agreement shall not be modified or amended, in any way, unless through a written instrument executed by the Parties.

13. **Authority:** The Parties represent that each has the full and necessary authority to enter into this Agreement and that the individuals executing this Agreement have full authority to bind the Parties, as the case may be, to all terms and conditions of this Agreement, and that the Parties are each fully capable of performing all terms and conditions of this Agreement.

14. **Headings:** The subject headings of the paragraphs or subparagraphs of this Agreement are excluded for purposes of the construction and interpretation of any of these provisions.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the dates indicated at their respective signatures below.

CITY OF BROOKLYN CENTER

Dated: _____

By _____
Its _____

Subscribed and sworn to before me this
____ day of _____, 2018.

Notary Public

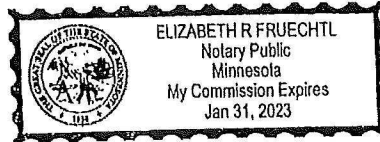
STANTEC CONSULTING SERVICES INC.

Dated: 5/22/18

By A. F. B. L.
Its VICE PRESIDENT

Subscribed and sworn to before me this
22 day of May, 2018.

Elizabeth Fruechtel
Notary Public



City of Brooklyn Center
Community Center Pool HVAC System Work
Minus Temporary Unit & Additional Standalone Costs

Initial Unit Cost	\$ 615,000.00
Second Unit Cost	\$ 809,799.00
Corrosion Mitigation*	\$ 18,898.00
Temporary HVAC	\$ 77,809.15
Miscellaneous (windows, duct, etc.)	\$ 14,700.00
Sub-total	\$1,536,206.15
Cost of Single Unit	\$1,140,000.00
Additional Costs Incurred	\$ 396,206.15
Stantec Proposed Financial Assistance	\$ 396,207.00

City Council Agenda Item No. 7a

COUNCIL ITEM MEMORANDUM

DATE: June 11, 2018

TO: Curt Boganey, City Manager 

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk 

SUBJECT: Resolution Recognizing the 100th Anniversary of the American Legion

Recommendation:

It is recommended that the City Council consider adoption of the resolution.

Background:

The American Legion is celebrating their 100th Anniversary at their National Convention that will be held August 24-30 in Minneapolis. This convention is a beginning of a 15-month celebration for the organization. The American Legion Brooklyn Center Post 630 and The American Legion Organization are committed to help guide our youth and lifting up our communities.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Enhanced Community Image

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

RESOLUTION RECOGNIZING THE 100TH ANNIVERSARY OF THE
AMERICAN LEGION

WHEREAS, Minnesota veterans have been sacrificing their time, their skills,
their service and their lives to defending liberty and country since the Civil War; and

WHEREAS, over those 100 years, the American Legion has successfully
developed such programs as Boys State, Girls State, Legion Baseball, Legionville Safety Patrol
Camp, and three ongoing research chairs at the University of Minnesota; and

WHEREAS, the first National Convention of The American Legion was held in
Minneapolis, Minnesota in November, 10-12 1919, where the attendees adopted a permanent
constitution and elected officers to head the organization; and

WHEREAS, the 100th National Convention of The American Legion will be held
in Minneapolis, Minnesota August 24-30, 2018; and

WHEREAS, The American Legion, Department of Minnesota, and its members
have put millions of volunteer hours plus their talent and treasure into projects that have made this
state, county, and city a better place to live.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Brooklyn Center, Minnesota, declaring that August 24, 2018, as American Legion Day, and be it
further

FURTHER RESOLVED, that the City Council congratulates The American Legion
Brooklyn Center Post 630 and The American Legion Organization, the Department of Minnesota,
on its proud record of service, and its commitment to another 100 years of helping veteran's
guiding our youth, and lifting up our communities.

June 11, 2018

Date

Mayor

ATTEST: _____
City Clerk

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

RESOLUTION NO. _____

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. 10a

COUNCIL ITEM MEMORANDUM

DATE: June 11, 2018

TO: Curt Boganey, City Manager *CB*

FROM: Nathan Reinhardt, Finance Director *NR*

SUBJECT: Resolution 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

Recommendation:

It is recommended that the City Council consider approval of the attached resolution providing for the competitive sale of \$8,530,000 General Obligation Improvement and Utility Revenue Bonds, Series 2018A to finance the construction of Firehouse Park Area Improvements and Water Tower No. 2 Reconditioning.

Background:

On May 14, 2018 the City Council adopted a resolution setting the date for the competitive negotiated sale of \$8,530,000 General Obligation Improvement and Utility Revenue Bonds, Series 2018A.

We have attached a copy of the Recommendations for Issuance of Bonds provided by Springsted Incorporated, the City's Financial Advisor that describes the bond sale in more detail. We anticipate that Standard & Poor's will confirm that the bonds will continue to be rated AA. The rating report will be sent to City Council when received prior to the Council meeting. Competitive proposals will be received by Springsted Incorporated at 10:00am on June 11, 2018. Doug Green, Vice President of Springsted will be attending the Council meeting to discuss the results of the sale.

Firehouse Park Area Improvements

The City's Capital Improvement Plan identifies the Firehouse Park Area Neighborhood for reconstruction in 2018, as part of its long-range infrastructure rehabilitation program referred to as the Neighborhood Street and Utility Improvement Program. The program has consisted of a systematic rehabilitation and/or replacement of the City's aging streets, water main, sanitary sewers, sidewalks and street lights.

The Firehouse Park Area project extends from 69th Avenue to Interstate 94 and from Humboldt Avenue to Trunk Highway 252. Dupont Avenue and 65th Avenue are not included in the project area. The total project length is 21,456 feet and the neighborhood consists of approximately 305 single-family residential properties and 14 multi-family properties.

On December 11, 2017 the City Council approved a resolution ordering improvements and authorizing preparation of plans and specifications for the Firehouse Park Area street, storm

COUNCIL ITEM MEMORANDUM

drainage and utility improvements. City Council also approved a resolution certifying the special assessments on this project.

On April 23, 2018 the City Council accepted the bid and awarded the contract of Firehouse Park Area Improvements to the lowest responsible bidder. The estimated cost of the project (amended per low bid) is \$10,491,397, of this total cost, \$7,350,000 of street, storm drainage and water infrastructure costs will be financed through bond proceeds and paid from a combination of special assessments, property taxes and utility revenues.

Water Tower No. 2 Reconditioning/Painting

Water Tower No. 2, a one-million gallon elevated storage tank located at 69th Avenue and Dupont Avenue was constructed in 1960. In 1984 the interior and exterior coating systems were completely replaced. In 1997 the interior and exterior coating systems were spot repaired, power washed and a urethane top coat was applied to the existing system. The estimated service life for the work completed in 1997 was 15 to 20 years. The tower has been inspected every five years and no further repair work has been completed since.

On April 9, 2018 the City Council accepted the bid and awarded the contract of Water Tower No. 2 Reconditioning to the lowest bidder. The estimated total cost of the project of \$1,391,000 will be financed through bond proceeds and paid from future water utility revenues.

Budget Issues:

The Firehouse Park Area Improvements and the Water Tower No. 2 Reconditioning Project were included in the 2018 adopted budget. The Street Reconstruction fund which is the primary source of funding for the City's share of street reconstruction improvements receives approximately \$680,000 per year in franchise fees. Franchise fees are not adequate to cover the City's share of street reconstruction expenditures which have an estimated average annual cost of \$4.4 million for the years 2018 through 2020 as identified in the Capital Improvement Plan (CIP).

The proposed 2018A bond issue includes approximately \$2.1 million in street reconstruction costs that will be repaid from an additional debt service property tax levy. The estimated required levy for the new debt service in 2019 is approximately \$258,000, which equates to an approximate 1.5% levy increase for taxes payable in 2019. In comparison, the 2018 budget estimated the need for \$2.8 million to be repaid with additional property tax dollars, which would have equated to a \$325,000 annual levy (1.9% levy increase). The decrease is a direct result of the accepted low bid on the Firehouse Park Area Neighborhood project at below the engineer's estimated cost.

The Special Assessments Capital Project fund accounts for infrastructure replacement costs that are funded entirely by special assessments. Because special assessments are repaid over ten years, bonds are frequently issued to provide immediate funding for the project costs. The 2018A bond issue includes approximately \$1.9 million in street/storm drainage improvements that will be funded by special assessment revenue.

COUNCIL ITEM MEMORANDUM

The utility funds pay for infrastructure replacement costs through utility charges. Issuing debt to provide funding for the infrastructure improvements will allow the City to minimize the impact on these charges. The 2018A bond issue includes \$3.07 million in water utility costs and \$1.47 million in storm drainage costs that will be funded through water and storm drainage utility fees.

Debt Summary (By Repayment Source)	
Property Tax Levy	\$2,100,000
Special Assessments	1,900,000
Water Charges	3,065,000
Storm Drainage Charges	1,465,000
Total Debt Issue	\$8,530,000

Proceeds from the bonds will be received July 10th, 2018.

Strategic Priorities:

- Safe, Secure, Stable Community

Extract of Minutes of Meeting
of the City Council of the City of
Brooklyn Center, Hennepin County, Minnesota

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Brooklyn Center, Minnesota, was duly held in the City Hall in said City on Monday, June 11, 2018, commencing at 7:00 P.M.

The following members were present:

and the following were absent:

* * *

* * *

* * *

The Mayor announced that the next order of business was consideration of the proposals which had been received for the purchase of the City's approximately \$8,530,000 General Obligation Improvement and Utility Revenue Bonds, Series 2018A.

The City Manager presented a tabulation of the proposals that had been received in the manner specified in the Official Terms of Proposal for the Bonds. The proposals are as set forth in EXHIBIT A attached.

After due consideration of the proposals, Member _____ then introduced the following resolution, and moved its adoption:

RESOLUTION _____

**RESOLUTION 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.**

BE IT RESOLVED By the City Council of the City of Brooklyn Center, Hennepin County, Minnesota (the "City") in regular meeting assembled as follows:

Section 1. Background.

1.01 The City is authorized by Minnesota Statutes, Chapters 429 (the "Improvement Act") to provide financing for various public street improvements in the City (the "Improvements").

1.02 The City is authorized by Minnesota Statutes, Section 444.075 and Minnesota Statutes, Chapter 475, as amended (the "Utility Act"), to finance all or a portion of the cost of certain improvements to the storm drainage and water systems of the City (the "Utility Improvements") by the issuance of general obligation bonds of the City payable from the net revenues of the storm drainage and water utility systems of the City.

1.03 The City is authorized by Minnesota Statutes, Section 475.60, subdivision 2(9) to negotiate the sale of the Bonds, it being determined that the City has retained an independent municipal advisor in connection with such sale. The actions of the City staff and the City's municipal advisor in negotiating the sale of the Bonds are ratified and confirmed in all aspects.

Section 2. Sale of Bonds.

2.01 Authorization. It is hereby determined that it is necessary to provide financing for the Improvements and the Utility Improvements and to finance those improvements through the issuance of the City's \$8,530,000 General Obligation Improvement and Utility Revenue Bonds, Series 2018A (the "Bonds").

2.02. Acceptance of Offer. The proposal of _____, in _____, _____ (the "Purchaser") to purchase the Bonds is hereby found and determined to be a reasonable offer and is hereby accepted, the proposal being to purchase the Bonds at a price of \$ _____ (\$ _____ par amount, plus original issue premium of \$ _____, less underwriter's discount of \$ _____), for Bonds bearing interest as follows:

<u>Year of Maturity</u>	<u>Interest Rate</u>	<u>Year of Maturity</u>	<u>Interest Rate</u>
2020		2025	
2021		2026	
2022		2027	
2023		2028	
2024		2029	

As may be requested by the Purchaser, one or more term Bonds may be issued having mandatory sinking fund redemption and final maturity amounts conforming to the foregoing principal repayment schedule, and corresponding additions may be made to the provisions of the applicable Bond(s).

2.03. Purchase Contract. Any amount paid by the Purchaser over the minimum purchase price shall be credited to the Debt Service Fund hereinafter created, or deposited in the accounts in the Construction Fund hereinafter created, as determined by the City's municipal advisor and the City Finance Director. The City Finance Director is directed to retain the good faith check of the Purchaser, pending completion of the sale of the Bonds, and to return the good faith checks of the unsuccessful proposers. The Mayor and City Manager are authorized to execute a contract with the Purchaser on behalf of the City.

2.04. Terms of Bonds. The City will forthwith issue and sell the Bonds pursuant to Minnesota Statutes, Chapters 429, 444 and 475 (together, the "Act"), in the total principal amount of \$8,530,000, originally dated the date of delivery, the Bonds being in fully registered form and issued in the denomination of \$5,000 each or any integral multiple thereof, numbered No. R-1 and upward, bearing interest as above set forth, and maturing on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2020	\$735,000	2025	\$880,000
2021	750,000	2026	895,000
2022	785,000	2027	920,000
2023	815,000	2028	940,000
2024	850,000	2029	960,000

\$4,000,000 of the Bonds (the “Improvement Bonds”) maturing in the amounts and on the dates set forth below are being issued to finance the cost of the Improvements:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2020	\$365,000	2025	\$410,000
2021	365,000	2026	415,000
2022	380,000	2027	420,000
2023	390,000	2028	425,000
2024	400,000	2029	430,000

\$4,530,000 of the Bonds (the “Utility Improvement Bonds”) maturing in the amounts and on the dates set forth below are being issued to finance the cost of the Utility Improvements:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2020	\$370,000	2025	\$470,000
2021	385,000	2026	480,000
2022	405,000	2027	500,000
2023	425,000	2028	515,000
2024	450,000	2029	530,000

2.05. Optional Redemption. The City may elect on February 1, 2026, and on any day thereafter to prepay Bonds maturing on or after February 1, 2027. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC (as defined in Section 7 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant’s interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

Section 3. Form; Registration.

3.01. Registered Form. The Bonds will be issued only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof is payable by check or draft issued by the Registrar described herein.

3.02. Dates; Interest Payment Dates. Each Bond will be dated as of the last interest payment date preceding the date of authentication to which interest on the Bond has been paid or made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Bond will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case the Bond will be dated as of the date of original issue. The interest on the Bonds is payable on February 1 and August 1 of each year, commencing February 1, 2019, to the registered owners of record thereof as of the close of business on the 15th day of the immediately preceding month, whether or not that day is a business day.

3.03. Registration. The City will appoint a bond registrar, transfer agent, authenticating agent and paying agent (the "Registrar"). The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) Register. The Registrar will keep at its principal corporate trust office a bond register in which the Registrar provides for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the 15th day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Bonds. Whenever any Bonds are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. All Bonds surrendered upon a transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until the Registrar is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the bond register as the absolute owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Bond and for all other purposes, and all such payments so made to any such registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums to be paid.

(g) Taxes, Fees and Charges. The Registrar may impose a charge upon the owner thereof for every transfer or exchange of Bonds, sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any such Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that such Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the City and the Registrar will be named as obligees. All Bonds so surrendered to the Registrar will be cancelled by it and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost bond has already matured or been called for redemption in accordance with its terms it will not be necessary to issue a new Bond prior to payment.

(i) Redemption. In the event any of the Bonds are called for redemption, notice thereof identifying the Bonds to be redeemed will be given by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) to the registered owner of each Bond to be redeemed at the address shown on the registration books kept by the Registrar and by publishing the notice if required by law. Failure to give notice by publication or by mail to any registered owner, or any defect therein, will not affect the validity of the proceedings for the redemption of Bonds. Bonds so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

3.04. Appointment of Initial Registrar. The City appoints ZB, National Association dba Zions Bank, Chicago, Illinois, as the initial Registrar. The Mayor and the City Manager are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, the resulting corporation is authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon 30 days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar must deliver all cash and Bonds in its possession to the successor Registrar and must deliver the bond register to the successor Registrar. On or before each principal or interest due date, without further order of this Council, the City Finance Director must transmit to the Registrar monies sufficient for the payment of all principal and interest then due.

3.05. Execution, Authentication and Delivery. The Bonds will be prepared under the direction of the City Finance Director and will be executed on behalf of the City by the signatures of the Mayor and the City Manager, provided that all signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Bonds will cease to be such officer before the delivery of any Bond, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution, no

Bond will be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on a Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on each Bond will be conclusive evidence that it has been authenticated and delivered under this Resolution. When the Bonds have been so prepared, executed and authenticated, the City Finance Director will deliver the same to the Purchaser thereof upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser will not be obligated to see to the application of the purchase price.

3.06. Temporary Bonds. The City may elect to deliver in lieu of printed definitive Bonds one or more typewritten temporary Bonds in substantially the form set forth in **Exhibit B** attached hereto with such changes as may be necessary to reflect more than one maturity in a single temporary bond. Upon the execution and delivery of definitive Bonds the temporary Bonds will be exchanged therefor and cancelled.

3.07. Form of Bonds. The Bonds will be printed or typewritten in substantially the form set forth in **Exhibit B** attached hereto.

3.08. Approving Legal Opinion. The City Finance Director will obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, which will be complete except as to dating thereof and will cause the opinion to be printed on or accompany each Bond.

Section 4. Funds and Accounts; Security; Payment.

4.01. Debt Service Fund. The Bonds will be payable from the General Obligation Improvement and Utility Revenue Bonds, Series 2018A Debt Service Fund (the "Debt Service Fund") hereby created. The Debt Service Fund shall be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The City will maintain the following accounts in the Debt Service Fund: the "Assessable Improvements Account" and the "Utility Improvements Account." Amounts in the Assessable Improvements Account are irrevocably pledged to the Improvement Bonds and amounts in the Utility Improvements Account are irrevocably pledged to the Utility Improvement Bonds.

(a) Assessable Improvements Account. The Finance Director shall timely deposit in the Assessable Improvements Account of the Debt Service Fund hereby created, general taxes hereafter levied (the "Taxes") and special assessments levied or to be levied for the Assessable Improvements (the "Assessments") and allocated to the payment of debt service on the Improvement Bonds, which are pledged to the Assessable Improvements Account. There is also appropriated to the Assessable Improvements Account (i) a pro rata portion of any amount over the minimum purchase price paid by the Purchaser, to the extent designated for deposit in the Debt Service Fund in accordance with Section 2.03 hereof; (ii) a pro rata share of any accrued interest on the Bonds; (iii) all investment earnings on funds

in the Assessable Improvements Account; and (iv) any and all other moneys which are properly available and are appropriated by the City Council to the Assessable Improvements Account.

(b) Utility Improvements Account. The City will continue to maintain and operate its storm drainage and water utility fund or funds, to which will be credited all gross revenues of the storm drainage and water utility systems (the "Utility Systems"), and out of which will be paid all normal and reasonable expenses of current operations of such systems. Any balances therein are deemed net revenues (the "Net Revenues") and will be transferred, from time to time, to the Utility Improvement Account of the Debt Service Fund, which Utility Improvements Account will be used only to pay principal of and interest on the Utility Improvement Bonds, and any other bonds similarly authorized. There will always be retained in the Utility Improvements Account a sufficient amount to pay principal of and interest on all of the Utility Improvement Bonds, and the Finance Director must report any current or anticipated deficiency in the Utility Improvements Account to the City Council. If a payment of principal or interest on the Utility Improvement Bonds becomes due when there is not sufficient money in the Utility Improvements Account in the Debt Service Fund to pay the same, the City Finance Director is directed to pay such principal or interest from the general fund of the City, and the general fund will be reimbursed for the advances out of the proceeds of net revenues of the Utility Systems and taxes when collected. There is also appropriated to the Utility Improvements Account (i) a pro rata portion of any amount over the minimum purchase price paid by the Purchaser, to the extent designated for deposit in the Debt Service Fund in accordance with Section 2.03 hereof; (ii) a pro rata share of the accrued interest on the Bonds; (iii) all investment earnings on funds in the Utility Improvements Account; and (iv) any and all other moneys which are properly available and are appropriated by the City Council to the Utility Improvements Account.

4.02. Construction Fund. The City hereby creates the General Obligation Improvement and Utility Revenue Bonds, Series 2018A Construction Fund (the "Construction Fund") to be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The City will maintain the following accounts in the Construction Fund: the "Assessable Improvements Account" and the "Utility Improvements Account." Amounts in the Assessable Improvements Account will be used to construct the Improvements and amounts in the Utility Improvements Account will be used to construct the Utility Improvements.

(a) Assessable Improvements Account. Proceeds of the Improvement Bonds, less the appropriations made in Section 4.01(a) hereof, together with any other funds appropriated for the Improvements and the Assessments and Taxes collected during the construction of the Assessable Improvements, will be deposited in the Assessable Improvements Account of the Construction Fund to be used solely to defray expenses of the Improvements and the payment of principal of and interest on the Improvement Bonds prior to the completion and payment of all costs of the Improvements. Any balance remaining in the Assessable Improvements Account after the Improvements are completed and the cost thereof have been paid may be used as provided in Minnesota Statutes, section 475.65,

under the direction of the City Council. Thereafter, the Assessable Improvements Account of the Construction Fund is to be closed and any balance remaining therein and any subsequent collections of the Assessments and Taxes for the Improvements are to be deposited in the Assessable Improvements Account of the Debt Service Fund.

(b) Utility Improvements Account. Proceeds of the Utility Improvements Bonds, less the appropriations made in Section 4.01(b) hereof, will be deposited in the Utility Improvements Account of the Construction Fund to be used solely to defray expenses of the Utility Improvements. Any balance remaining in the Utility Improvements Account after the Utility Improvements are completed and the cost thereof have been paid may be used as provided in Minnesota Statutes, section 475.65, under the direction of the City Council. Thereafter, the Utility Improvements Account of the Construction Fund is to be closed and any balance remaining therein is to be deposited in the Utility Improvements Account of the Debt Service Fund.

4.03. Tax Levy.

(a) For the purpose of paying the principal of and interest on the Improvement Bonds, there is hereby levied a direct annual irrevocable ad valorem tax upon all of the taxable property in the City, which Taxes will be spread upon the tax rolls and collected with and as part of other general taxes of the City. Such Taxes will be credited to the Assessable Improvements Account of the Debt Service Fund above provided and will be in the years and amounts as set forth in **Exhibit C**.

The tax levy herein provided will be irrevocable until all of the Improvement Bonds are paid, provided that the City Finance Director may annually, at the time the City makes its tax levies, certify to the County Auditor the amount available in the Assessable Improvements Account of the Debt Service Fund to pay principal and interest due during the ensuing year on the Improvement Bonds, and the County Auditor will thereupon reduce the levy collectible during such year by the amount so certified.

4.04. City Covenants with Respect to the Improvement Bonds. It is hereby determined that the Improvements will directly and indirectly benefit abutting property, and the City hereby covenants with the holders from time to time of the Bonds as follows:

(a) The City has caused or will cause the Assessments for the Improvements to be promptly levied so that the first installment will be collectible not later than 2019 and will take all steps necessary to assure prompt collection, and the levy of the Assessments is hereby authorized. The City Council will cause to be taken with due diligence all further actions that are required for the construction of each Improvement financed wholly or partly from the proceeds of the Bonds, and will take all further actions necessary for the final and valid levy of the Assessments and the appropriation of any other funds needed to pay the Improvement Bonds and interest thereon when due.

(b) In the event of any current or anticipated deficiency in Assessments and Taxes, the City Council will levy ad valorem taxes in the amount of the current or anticipated deficiency.

(c) The City will keep complete and accurate books and records showing: receipts and disbursements in connection with the Improvements, Assessments and Taxes levied therefor and other funds appropriated for their payment, collections thereof and disbursements therefrom, monies on hand and, the balance of unpaid Assessments.

(d) The City will cause its books and records to be audited at least annually and will furnish copies of such audit reports to any interested person upon request.

(e) At least 20% of the cost to the City of the Improvements described herein has been or will be specially assessed against benefited properties.

4.05 City Covenants with Respect to the Utility Improvement Bonds. The City Council covenants and agrees with the holders of the Bonds that so long as any of the Utility Improvement Bonds remain outstanding and unpaid, it will keep and enforce the following covenants and agreements:

(a) The City will continue to maintain and efficiently operate the Utility Systems as public utilities and conveniences free from competition of other like municipal utilities and will cause all revenues therefrom to be deposited in bank accounts and credited to the accounts of the Utility Systems as hereinabove provided, and will make no expenditures from those accounts except for a duly authorized purpose and in accordance with this resolution.

(b) The City will also maintain the Debt Service Fund as a separate account in the Utility Improvements Account and will cause money to be credited thereto from time to time, out of Net Revenues from the Utility Systems in sums sufficient to pay principal of and interest on the Utility Improvements Bonds when due.

(c) The City will keep and maintain proper and adequate books of records and accounts separate from all other records of the City in which will be complete and correct entries as to all transactions relating to the Utility Systems and which will be open to inspection and copying by any bondholder, or the bondholder's agent or attorney, at any reasonable time, and it will furnish certified transcripts therefrom upon request and upon payment of a reasonable fee therefor, and said account will be audited at least annually by a qualified public accountant and statements of such audit and report will be furnished to all bondholders upon request.

(d) The City Council will cause persons handling revenues of the Utility Systems to be bonded in reasonable amounts for the protection of the City and the bondholders and will cause the funds collected on account of the operations of the Utility Systems to be deposited in a bank whose deposits are guaranteed under the Federal Deposit Insurance Law.

(e) The Council will keep the Utility Systems insured at all times against loss by fire, tornado and other risks customarily insured against with an insurer or insurers in good standing, in such amounts as are customary for like plants, to protect the holders,

from time to time, of the Utility Improvement Bonds and the City from any loss due to any such casualty and will apply the proceeds of such insurance to make good any such loss.

(f) The City and each and all of its officers will punctually perform all duties with reference to the Utility Systems as required by law.

(g) The City will impose and collect charges of the nature authorized by Minnesota Statutes, Section 444.075 at the times and in the amounts required to produce Net Revenues adequate to pay all principal and interest when due on the Utility Improvement Bonds and to create and maintain such reserves securing said payments as may be provided in this resolution.

(h) The City Council will levy general ad valorem taxes on all taxable property in the City, when required to meet any deficiency in pledged Net Revenues.

(i) The City hereby determines that the estimated collection of net revenues herein pledged for the payment of principal and interest on the Utility Improvement Bonds will produce at least 5% in excess of the amount needed to meet, when due, the principal and interest payments on such portion of the Bonds.

4.06 Registration of Resolution. The City Clerk is directed to file a certified copy of this resolution with the Auditor of Hennepin County and to obtain the certificate required by Section 475.63 of the Act.

4.07. Debt Service Coverage. It is hereby determined that the estimated collection of the foregoing Taxes and Assessments will produce at least 5% in excess of the amount needed to pay when due, the principal and interest payments on the Improvement Bonds and the Net Revenues herein pledged will produce at least 5% in excess of the amount needed to pay when due the principal and interest payments on the Utility Improvement Bonds.

4.08. General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City will be and are hereby irrevocably pledged. If the balance in the Debt Service Fund is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency will be promptly paid out of monies in the general fund of the City which are available for such purpose, and such general fund may be reimbursed with or without interest from the Debt Service Fund when a sufficient balance is available therein.

Section 5. Authentication of Transcript.

5.01. City Proceedings and Records. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Bonds, certified copies of proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Bonds and such

instruments, including any heretofore furnished, will be deemed representations of the City as to the facts stated therein.

5.02. Certification as to Official Statement. The Mayor, City Manager and Finance Director are hereby authorized and directed to certify that they have examined the Official Statement, prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is, as of the date thereof, a complete and accurate representation of the facts and representations made therein as it relates to the City.

5.03. Other Certificates. The Mayor, City Manager, and Finance Director are hereby authorized and directed to furnish to the Purchaser at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing the Mayor, City Manager, and Finance Director shall also execute and deliver to the Purchaser a suitable certificate as to absence of material litigation, and the Finance Director shall also execute and deliver a certificate as to payment for and delivery of the Bonds.

Section 6. Tax Covenant.

6.01 Tax-Exempt Bonds. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees, or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Bonds. To that end, the City will comply with all requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Bonds.

6.02. Rebate. The City will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bond under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Bonds, and the rebate of excess investment earnings to the United States unless the Bonds qualify for an exception to the rebate requirement under the Code and related Treasury Regulations.

6.03. Not Private Activity Bonds. The City further covenants not to use the proceeds of the bonds or to cause or permit them or any of them to be used, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

6.04. Qualified Tax-Exempt Obligations. In order to qualify the Bonds as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code, the City makes the following factual statements and representations:

(a) the Bonds are not “private activity bonds” as defined in Section 141 of the Code;

(b) the City hereby designates the Bonds as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code;

(c) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, that are not qualified 501(c)(3) bonds) which will be issued by the City (and all subordinate entities of the City) during calendar year 2018 will not exceed \$10,000,000; and

(d) not more than \$10,000,000 of obligations issued by the City during calendar year 2018 have been designated for purposes of Section 265(b)(3) of the Code.

6.05. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

Section 7. Book-Entry System; Limited Obligation of City.

7.01. DTC. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities set forth in Section 2.04 hereof. Upon initial issuance, the ownership of each Bond will be registered in the registration books kept by the Bond Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns (DTC). Except as provided in this section, all of the outstanding Bonds will be registered in the registration books kept by the Bond Registrar in the name of Cede & Co., as nominee of DTC.

7.02. Participants. With respect to Bonds registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the City, the Registrar and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository (the “Participants”) or to any other person on behalf of which a Participant holds an interest in the Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Registrar,) of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a registered owner of Bonds, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City, the Registrar and the Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Registrar as the holder and absolute owner of such Bond for the

purpose of payment of principal, premium and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bonds, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Bonds only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of Bonds, as shown in the registration books kept by the Registrar, will receive a certificated Bond evidencing the obligation of this resolution. Upon delivery by DTC to the City Manager of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co.," will refer to such new nominee of DTC; and upon receipt of such a notice, the City Manager will promptly deliver a copy of the same to the Registrar and Paying Agent.

7.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the "Representation Letter") which shall govern payment of principal of, premium, if any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Bond Registrar subsequently appointed by the City with respect to the Bonds will agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

7.04. Transfers Outside Book-Entry System. In the event the City, by resolution of the City Council, determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event the City will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owners in accordance with the provisions of this Resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Registrar will authenticate Bond certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

7.05. Payments to Cede & Co. Notwithstanding any other provision of this Resolution to the contrary, so long as a Bond is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Bond and all notices with respect to the Bond will be made and given, respectively in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

Section 8. Continuing Disclosure.

8.01. City Compliance with Provisions of Continuing Disclosure Certificate. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate is not to be considered

an event of default with respect to the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this section.

8.02. Execution of Continuing Disclosure Certificate. "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Mayor and City Manager and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

Section 9. Defeasance. When all Bonds (or all of either the Improvement Bonds or Utility Improvement Bonds portion thereof) and all interest thereon have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution (with respect to the Improvement Bonds or Utility Improvement Bonds portion of the Bonds, as the case may be) to holders of the Bonds will cease, except that the pledge of the full faith and credit of the City for the prompt and full payment of the principal of and interest on the Bonds will remain in full force and effect. The City may discharge all Bonds (or all of either the Improvement Bonds or Utility Improvement Bonds portion thereof) which are due on any date by depositing with the Registrar or in escrow on or before that date a sum sufficient for the payment thereof in full. If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

The motion for 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.

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

I, the undersigned, being the duly qualified and acting City Clerk of the City of Brooklyn Center, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of the City Council held on Monday, June 11, 2018, with the original thereof on file in my office on file in my office and the extract is a full, true and correct copy of the minutes insofar as they relate to the issuance and sale of \$8,530,000 General Obligation Improvement and Utility Revenue Bonds, Series 2018A of the City.

WITNESS My hand officially as such City Clerk and the corporate seal of the City this _____ day of June, 2018.

City Clerk
City of Brooklyn Center, Minnesota

EXHIBIT A
PROPOSALS

**EXHIBIT B
FORM OF BOND**

No. R-_____ UNITED STATES OF AMERICA \$_____
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF BROOKLYN CENTER

GENERAL OBLIGATION IMPROVEMENT AND UTILITY REVENUE BOND
SERIES 2018A

Rate	Maturity	Date of Original Issue	CUSIP
	February 1, 20____	July ___, 2018	

Registered Owner: Cede & Co.

The City of Brooklyn Center, Minnesota, a duly organized and existing municipal corporation in Hennepin County, Minnesota (the "City"), acknowledges itself to be indebted and for value received hereby promises to pay to the registered owner specified above or registered assigns, the Principal Amount specified above on the Maturity Date specified above, with interest thereon from the date hereof at the annual rate specified above (calculated on the basis of a 360 day year of twelve 30 day months), payable February 1 and August 1 in each year, commencing February 1, 2019, to the person in whose name this Bond is registered at the close of business on the 15th day (whether or not a business day) of the immediately preceding month. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by ZB, National Association dba Zions Bank, Chicago, Illinois, as Registrar, Authenticating Agent and Paying Agent, or its designated successor under the Resolution described herein. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

This Bond is one of an issue in the aggregate principal amount of \$8,530,000, all of like original issue date and tenor, except as to number, maturity date, redemption privilege, and interest rate, issued pursuant to a resolution adopted by the City Council on June 11, 2018 (the "Resolution"), for the purpose of providing monies in part for various street improvements and various utility improvements and pursuant to and in full conformity with the Constitution, laws of the State of Minnesota, including Minnesota Statutes, Chapters 429, 444 and 475. The principal hereof and interest hereon are payable from certain special assessments against property specially benefited by local improvements, net revenues of the storm drainage and water systems and from ad valorem taxes, as set forth in the Resolution to which reference is made for a full statement of rights and powers thereby conferred. The full faith and credit of the City are irrevocably pledged for payment of this Bond and the City Council has obligated itself to levy additional ad valorem taxes on all taxable property in the City in the event of any deficiency in

special assessments, net revenues and taxes pledged, which additional taxes may be levied without limitation as to rate or amount. The Bonds of this series are issued only as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof of single maturities.

The City may elect on February 1, 2026, and on any date thereafter to prepay Bonds maturing on or after February 1, 2027. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify The Depository Trust Company ("DTC") of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

IT IS HEREBY CERTIFIED AND RECITED that in and by the Resolution, the City has covenanted and agreed that it will continue to own and operate the water and storm drainage systems free from competition by other like municipal utilities; that adequate insurance on said systems and suitable fidelity bonds on employees will be carried; that proper and adequate books of account will be kept showing all receipts and disbursements relating to the Utility Systems fund, into which it will pay all of the gross revenues from the water and storm drainage systems; that it will also create and maintain a Utility Improvements Account within the General Obligation Improvement and Utility Revenue Bonds, Series 2018A Debt Service Fund, into which it will pay, out of the net revenues from the water and storm drainage, a sum sufficient to pay principal of and interest on the Utility Revenue Bonds when due; and that it will provide, by ad valorem tax levies, for any deficiency in required net revenues of the water and storm drainage.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner hereof in person or by the owner's attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the owner's attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar will be affected by any notice to the contrary.

The City has designated the Bonds as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed preliminary to and in the issuance of this Bond in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, have happened and have been performed in regular and due form, time and manner, that prior to the issuance of this bond the City Council of the City has provided funds for the payment of principal and interest on the bonds of this issue as the same become due, but the full faith and credit of the City is pledged for their payment and additional taxes will be levied, if required for such purpose, without limitation as to the rate of amount; and that this bond, together with all other indebtedness of the City outstanding on the date of its issuance, does not exceed any constitutional or statutory limitation thereon.

This Bond is not valid or obligatory for any purpose or entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon has been executed by the Bond Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of Brooklyn Center, Hennepin County, Minnesota, by its City Council, has caused this Bond to be executed on its behalf by the facsimile or manual signatures of the Mayor and City Manager and has caused this Bond to be dated as of the date set forth below.

Dated: _____, 2018

CITY OF BROOKLYN CENTER, MINNESOTA

City Manager

Mayor

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

**ZB, NATIONAL ASSOCIATION
dba ZIONS BANK**

By _____
Authorized Representative

The following abbreviations, when used in the inscription of the face of this Bond, will be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common	UNIF GIFT MINN ACT _____ Custodian _____ (Cust) (Minor)
TEN ENT -- as tenants by entireties	under Uniform Gift or Transfer to Minors
JT TEN -- as joint tenants with right of survivorship and not as tenants in common	Act..... (State)

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a financial institution that is a member of the Securities Transfer Agent Medallion Program ("STAMP"), the Stock Exchange Medallion Program ("SEMP"), the New York Stock Exchange, Inc. Medallion Signatures Program

("MSP") or other such "signature guarantee program" as may be determined by the Registrar in addition to, or in substitution for, STAMP, SEMP or MSP, all in accordance with the Securities Exchange Act of 1934, as amended.

The Bond Registrar will not effect transfer of this Bond unless the information concerning the assignee requested below is provided.

Name and Address: _____

(Include information for all joint owners
if this Bond is held by joint account)

Please insert social security or
other identifying number of assignee

PROVISIONS AS TO REGISTRATION

The ownership of the principal of and interest on the within Bond has been registered on the books of the Registrar in the name of the person last noted below.

<u>Date of Registration</u>	<u>Registered Owner</u>	<u>Signature of Registrar</u>
_____, 2018	Cede & Co. Federal ID #13-2555119	_____

EXHIBIT C

IMPROVEMENT BONDS TAX LEVY

<u>Collection Year</u>	<u>Levy Amount</u>

STATE OF MINNESOTA
COUNTY OF HENNEPIN

COUNTY AUDITOR'S
CERTIFICATE AS TO
TAX LEVY AND
REGISTRATION

I, the undersigned County Auditor of Hennepin County, Minnesota, hereby certify that a certified copy of a resolution adopted by the governing body of the City of Brooklyn Center, Minnesota, on June 11, 2018, levying taxes for the payment of \$8,530,000 General Obligation Improvement and Utility Revenue Bonds, Series 2018A, of said municipality dated July 10, 2018 has been filed in my office and said bonds have been entered on the register of obligations in my office and that such tax has been levied as required by law.

WITNESS My hand and official seal this _____ day of _____, 2018.

(SEAL)

County Auditor
Hennepin County, Minnesota

Deputy

City of Brooklyn Center, Minnesota

Recommendations for Issuance of Bonds

\$8,530,000 General Obligation Improvement and Utility Revenue Bonds, Series 2018A

The Council has under consideration the issuance of bonds to fund various street improvements (the "Street Improvement Portion") and utility system improvements (the "Utility Portion") within the City. This document provides information relative to the proposed issuance.

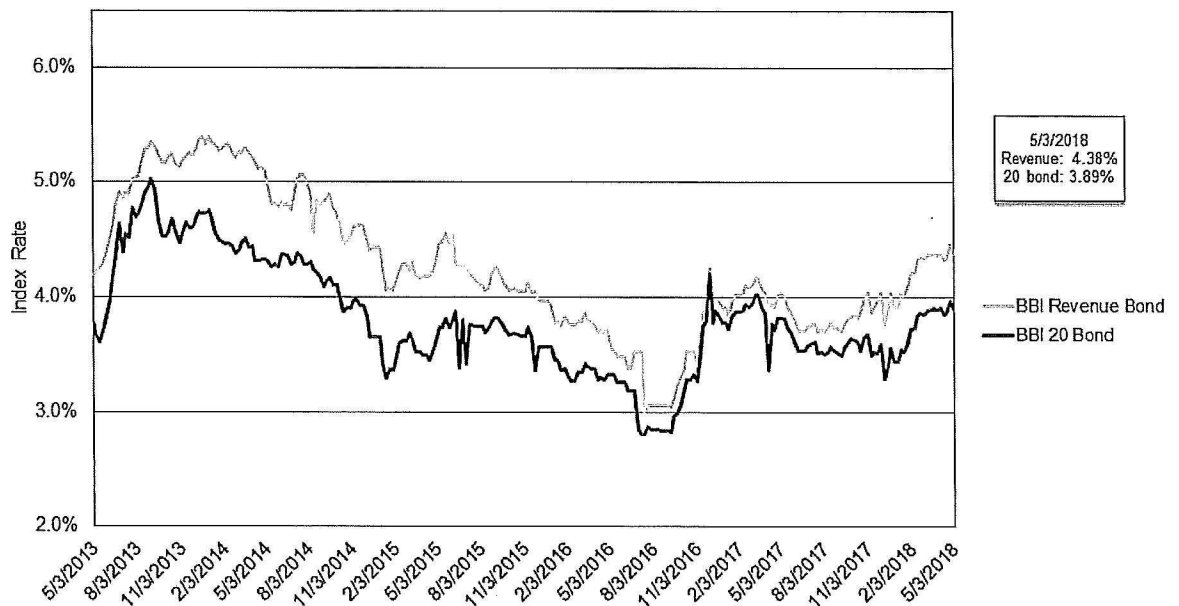
KEY EVENTS: The following summary schedule includes the timing of some of the key events that will occur relative to the bond issuance.

May 14, 2018	Council sets sale date and terms
Week of May 28, 2018	Rating conference is conducted
June 11, 2018, 10:00 a.m.	Competitive proposals are received
June 11, 2018, 7:00 p.m.	Council considers award of the Bonds
July 10, 2018	Proceeds are received

RATING: An application will be made to S&P Global Ratings (S&P) for a rating on the Bonds. The City's general obligation debt is currently rated "AA" by S&P.

THE MARKET: General performance of the tax-exempt market is often measured by the Bond Buyer's Index ("BBI") which measures the yield of high grade municipal bonds in the 20th year for general obligation bonds (the BBI 20 Bond Index) and the 30th year for revenue bonds (the BBI Revenue Bond Index). The following chart illustrates these two indices over the past five years.

BBI 20-bond (G.O.) and Revenue Indices for 5 Years Ending 5/3/2018



Data Source: The Bond Buyer



**POST ISSUANCE
COMPLIANCE:**

The issuance of the Bonds will result in post-issuance compliance responsibilities. The responsibilities are in two primary areas: i) compliance with federal arbitrage requirements and ii) compliance with secondary disclosure requirements.

Federal arbitrage requirements include a wide range of implications that have been taken into account as this issue has been structured. Post-issuance compliance responsibilities for this tax-exempt issue include both rebate and yield restriction provisions of the IRS Code. In general terms the arbitrage requirements control the earnings on unexpended bond proceeds, including investment earnings, moneys held for debt service payments (which are considered to be proceeds under the IRS regulations), and/or reserves. Under certain circumstances any "excess earnings" will need to be paid to the IRS to maintain the tax-exempt status of the Bonds. Any interest earnings on gross bond proceeds or debt service funds should not be spent until it has been determined based on actual facts that they are not "excess earnings" as defined by the IRS Code.

The arbitrage rules provide for spend-down exceptions for proceeds that are spent within either a 6-month, 18-month or 24-month period in accordance with certain spending criteria. Proceeds that qualify for an exception will be exempt from rebate. These exceptions are based on actual expenditures and not based on reasonable expectations, and expenditures, including any investment proceeds will have to meet the spending criteria to qualify for the exclusion. The City expects to meet the 18-month spending exception.

Regardless of whether the issue qualifies for an exemption from the rebate provisions, yield restriction provisions will apply to the debt service fund and any project proceeds unspent after three years. These funds should be monitored on an ongoing basis.

Secondary disclosure requirements result from an SEC requirement that underwriters provide ongoing disclosure information to investors. To meet this requirement, any prospective underwriter will require the City to commit to providing the information needed to comply under a continuing disclosure agreement.

Springsted and the City have entered into an Agreement for Municipal Advisor Services under which Springsted will provide arbitrage rebate services on the Bonds. It is our understanding the City undertakes its own continuing disclosure responsibilities.

**SUPPLEMENTAL
INFORMATION AND
BOND RECORD:**

Supplementary information will be available to staff including detailed terms and conditions of sale, comprehensive structuring schedules and information to assist in meeting post-issuance compliance responsibilities.

Upon completion of the financing, a bond record will be provided that contains pertinent documents and final debt service calculations for the transaction.

**RISKS/SPECIAL
CONSIDERATIONS:**

The outcome of this financing will rely on the market conditions at the time of the sale. Any projections included herein are estimates based on current market conditions.

Principal payments on the Street Improvement Portion of the Bonds have been structured around projected future assessment collections. If actual assessment collections are different than projected (lower annual collections due to delinquencies or prepayments), the levy requirement for the Street Improvement Portion will differ from what is shown in these recommendations.

The Bonds have been structured to result in additional proceeds generated from a premium bid. There is no guaranty that the winning bidder will price this issue with a premium in the amount estimated, which could result in less or more additional proceeds than what is currently shown in the attached schedules.

**SCHEDULES
ATTACHED:**

Schedules attached for the Bonds include:

- Sources and uses of funds
- Estimated debt service requirements as a whole and by purpose, given the current interest rate environment
- Aggregate calendar year debt service of all City utility obligations, including the Utility Portion of the Bonds

**SALE TERMS AND
MARKETING:**

Variability of Issue Size: A specific provision in the sale terms permits modifications to the issue sizes and/or maturity structure to customize the issue once the price and interest rates are set on the day of sale.

Prepayment Provisions: Bonds maturing on or after February 1, 2027 may be prepaid at a price of par plus accrued interest on or after February 1, 2026.

Bank Qualification: The City does not expect to issue more than \$10 million in tax-exempt obligations that count against the \$10 million limit for this calendar year; therefore, the Bonds are designated as bank qualified.

Premium Bidding: Any excess proceeds generated as original issue premium and/or unused discount will be used to reduce the principal amount of the borrowing.

\$4,000,000 Street Improvement Portion

Description of Purpose

PURPOSE:	The proceeds of the Street Improvement Portion, along with other available City funds and Municipal State Aid, will be used to finance street improvements.
AUTHORITY:	<u>Statutory Authority:</u> The Street Improvement Portion is being issued pursuant to Minnesota Statutes, Chapters 429 and 475. <u>Statutory Requirements:</u> In order to issue debt under Minnesota Statutes, Chapters 429, the projects must be at least 20% assessed. The amount of assessments to be filed against benefitted properties is in excess of 20%.
SECURITY AND SOURCE OF PAYMENT:	The Street Improvement Portion of the Bonds will be a general obligation of the City, secured by its full faith and credit and taxing power. In addition, the City pledges special assessments against benefitted properties. Special assessments totaling approximately \$2,001,844 of principal are expected to be filed in 2018 for first collection in 2019 at a rate of 4.0%. Assessments will be collected over a term of ten years in equal annual installments of principal.

The City will make the February 1, 2019 interest payment from available City funds. Thereafter, each year's collection of assessments and taxes will be used to make the interest payment due on August 1 of the collection year and the February 1 principal and interest payment due the following year.

**STRUCTURING
SUMMARY:**

In consultation with City staff, the Street Improvement Portion has been structured around the projected assessment collections to result in an approximately even annual levy requirement.

\$4,530,000 Utility Portion

Description of Purpose

PURPOSE: The proceeds of the Utility Portion will be used to finance storm drainage and water system improvements, including the painting of Water Tower Number 2.

AUTHORITY: Statutory Authority: The Utility Portion is being issued pursuant to Minnesota Statutes, Chapters 444 and 475.

Statutory Requirements: Pursuant to Minnesota Statutes, Chapter 444 and the resolution awarding the Bonds, the City will covenant to maintain user rates and charges for the sanitary sewer, storm drainage and water utilities (the "Utilities") in an amount sufficient to support the operation of the Utilities and to pay debt service. The City is required to annually review the budget of the Utilities to determine whether current rates and charges are sufficient and to adjust them as necessary.

In addition to the Utility Portion of the Bonds, the City's 2015 PFA Loan and portions of the City's 2015A Bonds, 2016A Bonds and 2017A Bonds are also secured by a pledge of net operating revenues of the City's Utilities. The projected maximum calendar year debt service on all general obligation utility supported debt, including the Utility Portion of the Bonds, is estimated to be \$2,638,396.

The table below demonstrates that net operating revenues of the Utilities are expected to be sufficient, based on the City's 2016 audited results (most recent available), to make the annual debt service payments due on all general obligation utility debt of the City.

	Sanitary Sewer Storm Drainage			
	Water Fund	Fund	Fund	Total
Operating Revenues	\$ 3,191,538	\$ 4,204,962	\$ 1,620,302	\$ 9,016,802
Operating Expenses	(2,681,066)	(3,812,606)	(1,700,595)	(8,194,267)
Add Back Depreciation	1,143,664	817,621	1,146,109	3,107,394
Add Investment Earnings	8,813	33,866	34,283	76,962
Available Net Revenues	\$ 1,662,949	\$ 1,243,843	\$ 1,100,099	\$ 4,006,891
Estimated Maximum Calendar Year Debt Service				\$ 2,638,396
Estimated Coverage				1.52

**SECURITY AND
SOURCE OF
PAYMENT:**

The Utility Portion of the Bonds will be a general obligation of the City, secured by its full faith and credit and taxing power. Additionally, the City will pledge net operating revenues of the utilities for payment of principal and interest.

**STRUCTURING
SUMMARY:**

In consultation with City staff, the Utility Portion of the Bonds has been structured over a term of 10 years with approximately level annual debt service payments.



\$8,530,000

City of Brooklyn Center, Minnesota
General Obligation Improvement and Utility Revenue Bonds, Series 2018A
ISSUE SUMMARY

Total Issue Sources And Uses

Dated 07/10/2018 | Delivered 07/10/2018

	Street Improvement Portion	Utility Improvement Portion			Total
	Street Improvements	Storm Drainage Improvements	Water Improvements	Water Tower	Issue Summary
Sources Of Funds					
Par Amount of Bonds.....	\$4,000,000.00	\$1,465,000.00	\$1,710,000.00	\$1,355,000.00	\$8,530,000.00
City Street Reconstruction Fund.....	920,826.61	-	-	-	920,826.61
Municipal State Aid.....	410,000.00	-	-	-	410,000.00
Reoffering Premium.....	165,589.25	58,141.85	67,700.05	53,236.40	344,667.55
City Cash.....	870.00	85,585.83	27,253.00	-	113,708.83
City Street Light Utility.....	73,781.25	-	-	-	73,781.25
CenterPoint Energy.....	19,378.00	-	-	-	19,378.00
Total Sources.....	\$5,590,445.11	\$1,608,727.68	\$1,804,953.05	\$1,408,236.40	\$10,412,362.24
Uses Of Funds					
Deposit to Project Construction Fund.....	5,526,700.14	1,585,585.83	1,777,253.00	1,391,000.00	10,280,538.97
Costs of Issuance.....	31,291.64	15,212.07	17,756.07	4,670.22	68,930.00
Total Underwriter's Discount (0.700%).....	28,000.00	10,255.00	11,970.00	9,485.00	59,710.00
Rounding Amount.....	4,453.33	(2,325.22)	(2,026.02)	3,081.18	3,183.27
Total Uses.....	\$5,590,445.11	\$1,608,727.68	\$1,804,953.05	\$1,408,236.40	\$10,412,362.24

\$8,530,000

City of Brooklyn Center, Minnesota
General Obligation Improvement and Utility Revenue Bonds, Series 2018A
ISSUE SUMMARY

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	YTM	Call Date	Call Price	Dollar Price
02/01/2020	Serial Coupon	5.000%	2.200%	735,000.00	104.264%	-	-	-	766,340.40
02/01/2021	Serial Coupon	5.000%	2.350%	750,000.00	106.541%	-	-	-	799,057.50
02/01/2022	Serial Coupon	5.000%	2.450%	785,000.00	108.637%	-	-	-	852,800.45
02/01/2023	Serial Coupon	5.000%	2.550%	815,000.00	110.478%	-	-	-	900,395.70
02/01/2024	Serial Coupon	5.000%	2.650%	850,000.00	112.069%	-	-	-	952,586.50
02/01/2025	Serial Coupon	3.000%	2.750%	880,000.00	101.489%	-	-	-	893,103.20
02/01/2026	Serial Coupon	3.000%	2.850%	895,000.00	101.012%	-	-	-	904,057.40
02/01/2027	Serial Coupon	3.000%	2.950%	920,000.00	100.335%	c 2.955%	02/01/2026	100.000%	923,082.00
02/01/2028	Serial Coupon	3.000%	3.050%	940,000.00	99.586%	-	-	-	936,108.40
02/01/2029	Serial Coupon	3.000%	3.150%	960,000.00	98.660%	-	-	-	947,136.00
Total	-	-	-	\$8,530,000.00	-	-	-	-	\$8,874,667.55

Bid Information

Par Amount of Bonds.....	\$8,530,000.00
Reoffering Premium or (Discount).....	344,667.55
Gross Production.....	\$8,874,667.55
Total Underwriter's Discount (0.700%).....	\$(59,710.00)
Bid (103.341%).....	8,814,957.55
Total Purchase Price.....	\$8,814,957.55
Bond Year Dollars.....	\$53,827.58
Average Life.....	6.310 Years
Average Coupon.....	3.5312162%
Net Interest Cost (NIC).....	3.0018267%
True Interest Cost (TIC).....	2.9624807%



\$8,530,000

City of Brooklyn Center, Minnesota
General Obligation Improvement and Utility Revenue Bonds, Series 2018A
ISSUE SUMMARY

NET DEBT SERVICE SCHEDULE

Date	Principal	Coupon	Interest	Total P+I	City Cash	Net New D/S	105% of Total	Assessment	Levy Required	Utility Revenues (at 105%)	Net Levy Required
02/01/2019	-	-	186,818.33	186,818.33	186,818.33	-	-	-	-	-	-
02/01/2020	735,000.00	5.000%	334,600.00	1,069,600.00	-	1,069,600.00	1,123,080.00	290,489.85	832,590.15	573,930.00	258,660.15
02/01/2021	750,000.00	5.000%	297,850.00	1,047,850.00	-	1,047,850.00	1,100,242.50	272,250.83	827,991.67	570,255.00	257,736.67
02/01/2022	785,000.00	5.000%	260,350.00	1,045,350.00	-	1,045,350.00	1,097,617.50	264,243.45	833,374.05	571,042.50	262,331.55
02/01/2023	815,000.00	5.000%	221,100.00	1,036,100.00	-	1,036,100.00	1,087,905.00	256,236.07	831,668.93	570,780.00	260,888.93
02/01/2024	850,000.00	5.000%	180,350.00	1,030,350.00	-	1,030,350.00	1,081,867.50	248,228.69	833,638.81	574,717.50	258,921.31
02/01/2025	880,000.00	3.000%	137,850.00	1,017,850.00	-	1,017,850.00	1,068,742.50	240,221.31	828,521.19	572,092.50	256,428.69
02/01/2026	895,000.00	3.000%	111,450.00	1,006,450.00	-	1,006,450.00	1,056,772.50	232,213.93	824,558.57	567,787.50	256,771.07
02/01/2027	920,000.00	3.000%	84,600.00	1,004,600.00	-	1,004,600.00	1,054,830.00	224,206.57	830,623.43	573,667.50	256,955.93
02/01/2028	940,000.00	3.000%	57,000.00	997,000.00	-	997,000.00	1,046,850.00	216,199.18	830,650.82	573,667.50	256,983.32
02/01/2029	960,000.00	3.000%	28,800.00	988,800.00	-	988,800.00	1,038,240.00	208,191.80	830,048.20	573,195.00	256,853.20
Total	\$8,530,000.00	-	\$1,900,768.33	\$10,430,768.33	\$186,818.33	\$10,430,768.33	\$10,952,306.75	\$2,452,481.68	\$8,303,665.82	\$5,721,135.00	\$2,582,530.82

Dated..... 7/10/2018
Delivery Date..... 7/10/2018
First Coupon Date..... 2/01/2019

Yield Statistics

Bond Year Dollars..... \$53,827.58
Average Life..... 6.310 Years
Average Coupon..... 3.5312162%
Net Interest Cost (NIC)..... 3.0018267%
True Interest Cost (TIC)..... 2.9624807%
Bond Yield for Arbitrage Purposes..... 2.8401810%
All Inclusive Cost (AIC)..... 3.1050823%

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Net Interest Cost..... 2.8184918%
Weighted Average Maturity..... 6.221 Years



\$4,000,000

City of Brooklyn Center, Minnesota
General Obligation Improvement and Utility Revenue Bonds, Series 2018A
Street Improvement Portion

NET DEBT SERVICE SCHEDULE

Date	Principal	Coupon	Interest	Total P+I	City Cash	Net New D/S	105% of Total	Assessment	Levy Required
02/01/2019	-	-	88,216.67	88,216.67	88,216.67	-	-	-	-
02/01/2020	365,000.00	5.000%	158,000.00	523,000.00	-	523,000.00	549,150.00	290,489.85	258,660.15
02/01/2021	365,000.00	5.000%	139,750.00	504,750.00	-	504,750.00	529,987.50	272,250.83	257,736.67
02/01/2022	380,000.00	5.000%	121,500.00	501,500.00	-	501,500.00	526,575.00	264,243.45	262,331.55
02/01/2023	390,000.00	5.000%	102,500.00	492,500.00	-	492,500.00	517,125.00	256,236.07	260,888.93
02/01/2024	400,000.00	5.000%	83,000.00	483,000.00	-	483,000.00	507,150.00	248,228.69	258,921.31
02/01/2025	410,000.00	3.000%	63,000.00	473,000.00	-	473,000.00	496,650.00	240,221.31	256,428.69
02/01/2026	415,000.00	3.000%	50,700.00	465,700.00	-	465,700.00	488,985.00	232,213.93	256,771.07
02/01/2027	420,000.00	3.000%	38,250.00	458,250.00	-	458,250.00	481,162.50	224,206.57	256,955.93
02/01/2028	425,000.00	3.000%	25,650.00	450,650.00	-	450,650.00	473,182.50	216,199.18	256,983.32
02/01/2029	430,000.00	3.000%	12,900.00	442,900.00	-	442,900.00	465,045.00	208,191.80	256,853.20
Total	\$4,000,000.00	-	\$883,466.67	\$4,883,466.67	\$88,216.67	\$4,795,250.00	\$5,035,012.50	\$2,452,481.68	\$2,582,530.82

Dated..... 7/10/2018
Delivery Date..... 7/10/2018
First Coupon Date..... 2/01/2019

Yield Statistics

Bond Year Dollars..... \$24,878.33
Average Life..... 6.220 Years
Average Coupon..... 3.5511489%
Net Interest Cost (NIC)..... 2.9981004%
True Interest Cost (TIC)..... 2.9571082%
Bond Yield for Arbitrage Purposes..... 2.8401810%
All Inclusive Cost (AIC)..... 3.0969069%

IRS Form 8038

Net Interest Cost..... 2.8106614%
Weighted Average Maturity..... 6.131 Years



\$2,001,844

City of Brooklyn Center, Minnesota
General Obligation Improvement and Utility Revenue Bonds, Series 2018A
Assessments

ASSESSMENT INCOME

Date	Principal	Coupon	Interest	Total P+I
12/31/2018	-	-	-	-
12/31/2019	200,184.43	4.000%	90,305.42	290,489.85
12/31/2020	200,184.43	4.000%	72,066.40	272,250.83
12/31/2021	200,184.43	4.000%	64,059.02	264,243.45
12/31/2022	200,184.43	4.000%	56,051.64	256,236.07
12/31/2023	200,184.43	4.000%	48,044.26	248,228.69
12/31/2024	200,184.43	4.000%	40,036.88	240,221.31
12/31/2025	200,184.43	4.000%	32,029.50	232,213.93
12/31/2026	200,184.43	4.000%	24,022.14	224,206.57
12/31/2027	200,184.42	4.000%	16,014.76	216,199.18
12/31/2028	200,184.42	4.000%	8,007.38	208,191.80
Total	\$2,001,844.28	-	\$450,637.40	\$2,452,481.68

SIGNIFICANT DATES

Filing Date..... 11/15/2018
First Payment Date..... 12/31/2019



\$1,465,000

City of Brooklyn Center, Minnesota
General Obligation Improvement and Utility Revenue Bonds, Series 2018A
Storm Drainage Improvements

DEBT SERVICE SCHEDULE

Date	Principal	Coupon	Interest	Total P+I	105% Levy
02/01/2019	-	-	31,908.75	31,908.75	33,504.19
02/01/2020	120,000.00	5.000%	57,150.00	177,150.00	186,007.50
02/01/2021	125,000.00	5.000%	51,150.00	176,150.00	184,957.50
02/01/2022	130,000.00	5.000%	44,900.00	174,900.00	183,645.00
02/01/2023	140,000.00	5.000%	38,400.00	178,400.00	187,320.00
02/01/2024	145,000.00	5.000%	31,400.00	176,400.00	185,220.00
02/01/2025	155,000.00	3.000%	24,150.00	179,150.00	188,107.50
02/01/2026	155,000.00	3.000%	19,500.00	174,500.00	183,225.00
02/01/2027	160,000.00	3.000%	14,850.00	174,850.00	183,592.50
02/01/2028	165,000.00	3.000%	10,050.00	175,050.00	183,802.50
02/01/2029	170,000.00	3.000%	5,100.00	175,100.00	183,855.00
Total	\$1,465,000.00	-	\$328,558.75	\$1,793,558.75	\$1,883,236.69

SIGNIFICANT DATES

Dated..... 7/10/2018
Delivery Date..... 7/10/2018
First Coupon Date..... 2/01/2019

Yield Statistics

Bond Year Dollars..... \$9,342.96
Average Life..... 6.377 Years
Average Coupon..... 3.5166458%

Net Interest Cost (NIC)..... 3.0041009%
True Interest Cost (TIC)..... 2.9659030%
Bond Yield for Arbitrage Purposes..... 2.8401810%
All Inclusive Cost (AIC)..... 3.1477003%

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Net Interest Cost..... 2.8236254%
Weighted Average Maturity..... 6.288 Years

Interest rates are estimates. Changes in rates may
cause significant alterations to this schedule.
The actual underwriter's discount bid may also vary.



\$1,710,000

City of Brooklyn Center, Minnesota
General Obligation Improvement and Utility Revenue Bonds, Series 2018A
Water Improvements

DEBT SERVICE SCHEDULE

Date	Principal	Coupon	Interest	Total P+I	105% Levy
02/01/2019	-	-	37,240.83	37,240.83	39,102.87
02/01/2020	140,000.00	5.000%	66,700.00	206,700.00	217,035.00
02/01/2021	145,000.00	5.000%	59,700.00	204,700.00	214,935.00
02/01/2022	155,000.00	5.000%	52,450.00	207,450.00	217,822.50
02/01/2023	160,000.00	5.000%	44,700.00	204,700.00	214,935.00
02/01/2024	170,000.00	5.000%	36,700.00	206,700.00	217,035.00
02/01/2025	175,000.00	3.000%	28,200.00	203,200.00	213,360.00
02/01/2026	180,000.00	3.000%	22,950.00	202,950.00	213,097.50
02/01/2027	190,000.00	3.000%	17,550.00	207,550.00	217,927.50
02/01/2028	195,000.00	3.000%	11,850.00	206,850.00	217,192.50
02/01/2029	200,000.00	3.000%	6,000.00	206,000.00	216,300.00
Total	\$1,710,000.00	-	\$384,040.83	\$2,094,040.83	\$2,198,742.87

SIGNIFICANT DATES

Dated..... 7/10/2018
Delivery Date..... 7/10/2018
First Coupon Date..... 2/01/2019

Yield Statistics

Bond Year Dollars..... \$10,924.75
Average Life..... 6.389 Years
Average Coupon..... 3.5153283%

Net Interest Cost (NIC)..... 3.0052018%
True Interest Cost (TIC)..... 2.9672232%
Bond Yield for Arbitrage Purposes..... 2.8401810%
All Inclusive Cost (AIC)..... 3.1487615%

IRS Form 8038

Net Interest Cost..... 2.8253018%
Weighted Average Maturity..... 6.298 Years

Interest rates are estimates. Changes in rates may
cause significant alterations to this schedule.
The actual underwriter's discount bid may also vary.



\$1,355,000

City of Brooklyn Center, Minnesota

General Obligation Improvement and Utility Revenue Bonds, Series 2018A
Water Tower

DEBT SERVICE SCHEDULE

Date	Principal	Coupon	Interest	Total P+I	105% Levy
02/01/2019	-	-	29,452.08	29,452.08	30,924.68
02/01/2020	110,000.00	5.000%	52,750.00	162,750.00	170,887.50
02/01/2021	115,000.00	5.000%	47,250.00	162,250.00	170,362.50
02/01/2022	120,000.00	5.000%	41,500.00	161,500.00	169,575.00
02/01/2023	125,000.00	5.000%	35,500.00	160,500.00	168,525.00
02/01/2024	135,000.00	5.000%	29,250.00	164,250.00	172,462.50
02/01/2025	140,000.00	3.000%	22,500.00	162,500.00	170,625.00
02/01/2026	145,000.00	3.000%	18,300.00	163,300.00	171,465.00
02/01/2027	150,000.00	3.000%	13,950.00	163,950.00	172,147.50
02/01/2028	155,000.00	3.000%	9,450.00	164,450.00	172,672.50
02/01/2029	160,000.00	3.000%	4,800.00	164,800.00	173,040.00
Total	\$1,355,000.00	-	\$304,702.08	\$1,659,702.08	\$1,742,687.18

SIGNIFICANT DATES

Dated..... 7/10/2018
Delivery Date..... 7/10/2018
First Coupon Date..... 2/01/2019

Yield Statistics

Bond Year Dollars..... \$8,681.54
Average Life..... 6.407 Years
Average Coupon..... 3.5097693%

Net Interest Cost (NIC)..... 3.0058104%
True Interest Cost (TIC)..... 2.9682708%
Bond Yield for Arbitrage Purposes..... 2.8401810%
All Inclusive Cost (AIC)..... 3.0281035%

IRS Form 8038

Net Interest Cost..... 2.8268759%
Weighted Average Maturity..... 6.317 Years

Interest rates are estimates. Changes in rates may
cause significant alterations to this schedule.
The actual underwriter's discount bid may also vary.





\$8,185,000 General Obligation Improvement and Utility Revenue Bonds, Series 2018A

Nate Reinhardt, Finance Director

June 11, 2018

Background

- Provides the funding for the Firehouse Park Area Improvements (street and utility) and Water Tower No. 2 Reconditioning
- Project Costs
 - Firehouse Park Area Improvements - \$10,491,397
 - Water Tower No. 2 Reconditioning - \$1,391,000

Amount proposed in Bond (By Repayment Source):

Property Tax Levy	\$2,100,000
Special Assessments	\$1,900,000
Water Charges	\$3,065,000
Storm Drainage Charges	<u>\$1,465,000</u>
Total Proposed Bond Issue	\$8,530,000*

*Includes costs of issuance of \$68,930, rounding and premium



Sale Summary

- Bids received at 10am (Five bids received)
- Robert W. Baird & Co. (lowest bidder)

Terms

- Repaid over 10 years
- Interest rate of 2.66%
- Average maturity of 6.3 years
- Adjusted principal amount from \$8,530,000 to \$8,185,000

Required 2019 debt service property tax levy of \$246,953

- 1.4% increase in the property tax levy



Standard & Poor's Credit Rating

- Assigned/Affirmed “AA long-term rating on City debt
- Long-term rating reflects the following factors:
 - Weak economy
 - Market value per capita of \$63,919
 - Per capita effective buying income at 69.6%
 - Benefits from access to a broad and diverse metropolitan area
 - Strong management
 - Good financial policies (investment, debt management, fund balance)
 - Two year budget, 15-year capital improvement plan, monthly financial reporting
 - Strong budgetary performance
 - Positive operating surpluses in Governmental Funds



Standard & Poor's Credit Rating

- Long-term rating reflects the following factors (continued):
 - Very strong budgetary flexibility
 - Available fund balance of 64% of operating expenditures
 - Very strong liquidity
 - Total governmental fund cash is 63.1% of total expenditures and 8.1 times governmental debt service
 - Adequate debt and contingent liability position
 - Low debt in comparison with revenue
 - 81.2% of debt scheduled to be retired in 10 years
 - Strong institutional framework
 - Minnesota city with a population greater than 2,500

Sortable Table Key	Moody's	Fitch	S&P
Highest grade credit	Aaa	AAA	AAA
Very high grade credit	Aa1, Aa2, Aa3	AA+, AA, AA-	AA+, AA, AA-
High grade credit	A1, A2, A3	A+, A, A-	A+, A, A-
Good credit grade	Baa1, Baa2, Baa3, Baa4	BBB+, BBB, BBB-	BBB+, BBB, BBB-
Speculative grade credit	Ba1, Ba2, Ba3	BB+, BB, BB-	BB+, BB, BB-
Very speculative credit	B1, B2, B3	B+, B, B-	B+, B, B-
Substantial risks - In default	Caa1, Caa2, Caa3, Ca	CCC, CC, C, RD, D	CCC+, CCC, CCC-, CC, C, D



Any questions?

Nate Reinhardt
Finance Director
City of Brooklyn Center

Financial Advisor:
Doug Green
Springsted Incorporated
Brooklyn Center's Financial Advisor

Work Session Agenda

AGENDA
CITY OF BROOKLYN CENTER
CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY WORK SESSION
June 11, 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. 2018 Earle Brown Days Update

PENDING LIST FOR FUTURE WORK SESSIONS

Later/Ongoing

1. Comprehensive Plan Art Contest
2. Beautification and Public Art Initiative – June

Work Session Agenda Item No. 1

MEMORANDUM – COUNCIL WORK SESSION

DATE: June 6, 2018

TO: Curt Boganey, City Manager 

FROM: Jim Glasoe, Director of Community Activities, Recreation & Services 

SUBJECT: 2018 Earle Brown Days Update

Recommendation:

It is recommended that the City Council receive a report regarding the 2018 Earle Brown Days civic celebration.

Background:

Recreation Program Supervisors Kelly Mertes and Janelle Crossfield will be joining me to provide an update on the 2018 Earle Brown Days celebration.

Our power-point presentation will cover some Earle Brown Days history, changes in leadership, our public process to determine community “wants” and the resulting planned activities for this year. We will also be asking for City Council assistance in publicizing the events.

Policy Issues:

None

Strategic Priorities:

- Inclusive Community Engagement



EARLE BROWN DAYS

2018



Public Sector Advisors

CITY OF BROOKLYN CENTER, MINNESOTA

Series 2018A Bonds

Doug Green
VP / Client Representative
dgreen@springsted.com



Series 2018A Bid Tabulation



Springsted Incorporated
380 Jackson Street, Suite 300
Saint Paul, MN 55101-2887
Tel: 651-223-3000
Fax: 651-223-3002
Email: advisors@springsted.com
www.springsted.com

\$8,530,000^(a)

CITY OF BROOKLYN CENTER, MINNESOTA
GENERAL OBLIGATION IMPROVEMENT AND UTILITY REVENUE BONDS, SERIES 2018A

(BOOK ENTRY ONLY)

AWARD: ROBERT W. BAIRD & CO., INCORPORATED
AND SYNDICATE

SALE: June 11, 2018 S&P Rating: AA

Bidder	Interest Rates	Price	Net Interest Cost	True Interest Rate
ROBERT W. BAIRD & CO., INCORPORATED	5.00% 2020-2026	\$9,190,961.50 ^(b)	\$1,490,527.67 ^(b)	2.6595% ^(b)
C.L. KING & ASSOCIATES, INC.	3.00% 2027-2029			
DOUGHERTY & COMPANY, LLC				
VINING-SPARKS IBG, LP				
EDWARD JONES				
FIDELITY CAPITAL MARKETS				
SAMCO CAPITAL MARKETS, INC.				
WNU CAPITAL				
CREWS & ASSOCIATES, INC.				
DAVENPORT & CO. LLC				
DUNCAN-WILLIAMS, INC.				
ROSS, SINCLAIRE & ASSOCIATES, LLC				
LOOP CAPITAL MARKETS				
COUNTRY CLUB BANK				
OPPENHEIMER & CO.				
SUMRIDGE PARTNERS, LLC				
R. SEELAU & COMPANY, INC.				
SIERRA PACIFIC SECURITIES, LLC				
ISAAK BOND INVESTMENTS, INC				
IFS SECURITIES, INC.				
FIRST EMPIRE SECURITIES				
UMB BANK, N.A.				
WAYNE HUMMER INVESTMENTS, LLC				
FMS BONDS, INC.				
MIDLAND SECURITIES LIMITED				
ALAMO CAPITAL				
MULTI-BANK SECURITIES, INC.				
FIRST SOUTHERN SECURITIES				
280 SECURITIES LLC				

^(a) Subsequent to bid opening, the issue size decreased from \$8,530,000 to \$8,185,000.

^(b) Subsequent to bid opening, the price, net interest cost, and true interest rate have changed to \$8,814,671.76, \$1,439,906.16, and 2.6523%, respectively.

Bidder	Interest Rates	Price	Net Interest Cost	True Interest Rate
FTN FINANCIAL CAPITAL MARKETS	4.00% 2020-2024 5.00% 2025-2026 4.00% 2027-2029	\$9,286,039.32	\$1,522,424.43	2.6735%
RAYMOND JAMES & ASSOCIATES, INC.	5.00% 2020-2026 3.00% 2027-2029	\$9,179,171.25	\$1,502,317.92	2.6829%
NORTHLAND SECURITIES, INC.	3.00% 2020-2024 5.00% 2025-2026 3.00% 2027-2029	\$8,900,315.90	\$1,495,232.43	2.7031%
STIFEL, NICOLAUS & COMPANY, INCORPORATED	3.00% 2020-2029	\$8,670,093.60	\$1,474,733.90	2.7102%

REOFFERING SCHEDULE OF THE PURCHASER

Rate	Year	Yield
5.00%	2020	1.80%
5.00%	2021	1.97%
5.00%	2022	2.05%
5.00%	2023	2.15%
5.00%	2024	2.30%
5.00%	2025	2.40%
5.00%	2026	2.52%
3.00%	2027	2.60%
3.00%	2028	2.70%
3.00%	2029	2.80%

BBI: 3.88%
Average Maturity: 6.310 Years

Series 2018A Pricing Summary

\$8,185,000

City of Brooklyn Center, Minnesota

General Obligation Improvement and Utility Revenue Bonds, Series 2018A

ISSUE SUMMARY

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	YTM	Call Date	Call Price	Dollar Price
02/01/2020	Serial Coupon	5.000%	1.800%	690,000.00	104.894%	-	-	-	723,768.60
02/01/2021	Serial Coupon	5.000%	1.970%	720,000.00	107.522%	-	-	-	774,158.40
02/01/2022	Serial Coupon	5.000%	2.050%	745,000.00	110.072%	-	-	-	820,036.40
02/01/2023	Serial Coupon	5.000%	2.150%	770,000.00	112.310%	-	-	-	864,787.00
02/01/2024	Serial Coupon	5.000%	2.300%	800,000.00	114.010%	-	-	-	912,080.00
02/01/2025	Serial Coupon	5.000%	2.400%	835,000.00	115.689%	-	-	-	966,003.15
02/01/2026	Serial Coupon	5.000%	2.520%	865,000.00	116.969%	-	-	-	1,011,781.85
02/01/2027	Serial Coupon	3.000%	2.600%	900,000.00	102.727%	c 2.642%	02/01/2026	100.000%	924,543.00
02/01/2028	Serial Coupon	3.000%	2.700%	920,000.00	102.037%	c 2.756%	02/01/2026	100.000%	938,740.40
02/01/2029	Serial Coupon	3.000%	2.800%	940,000.00	101.352%	c 2.851%	02/01/2026	100.000%	952,708.80
Total	-	-	-	\$8,185,000.00	-	-	-	-	\$8,888,607.60

Bid Information

Par Amount of Bonds.....	\$8,185,000.00
Reoffering Premium or (Discount).....	703,607.60
Gross Production.....	\$8,888,607.60
True Interest Cost (TIC).....	2.66%

2018A Sources and Uses

Post Sale

\$8,185,000

City of Brooklyn Center, Minnesota
General Obligation Improvement and Utility Revenue Bonds, Series 2018A
ISSUE SUMMARY

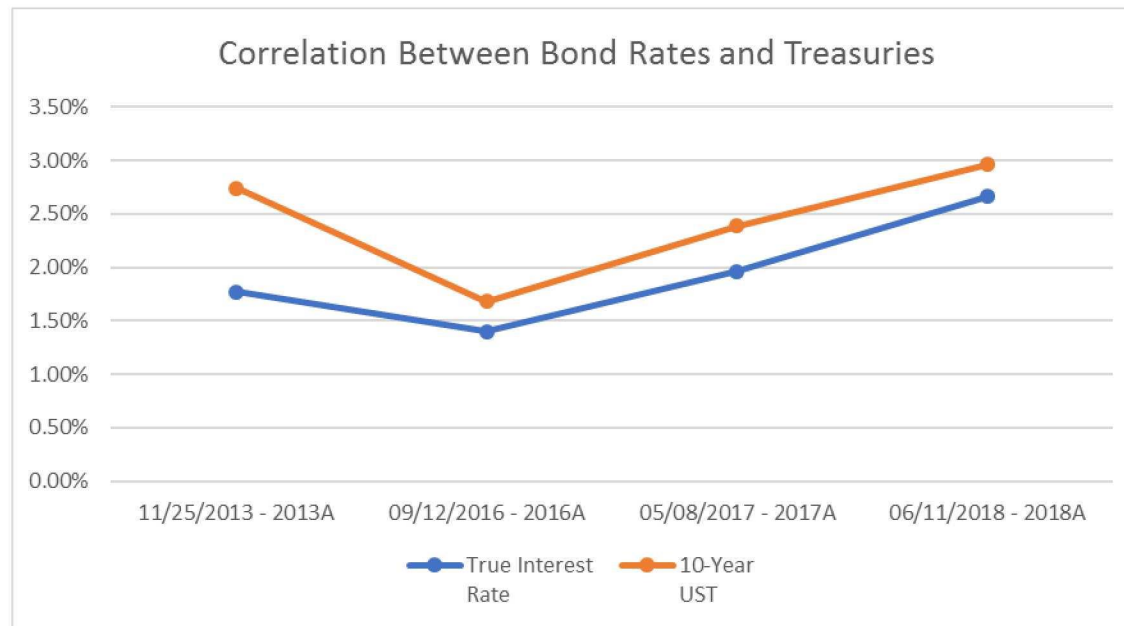
Total Issue Sources And Uses

Dated 07/10/2018 | Delivered 07/10/2018

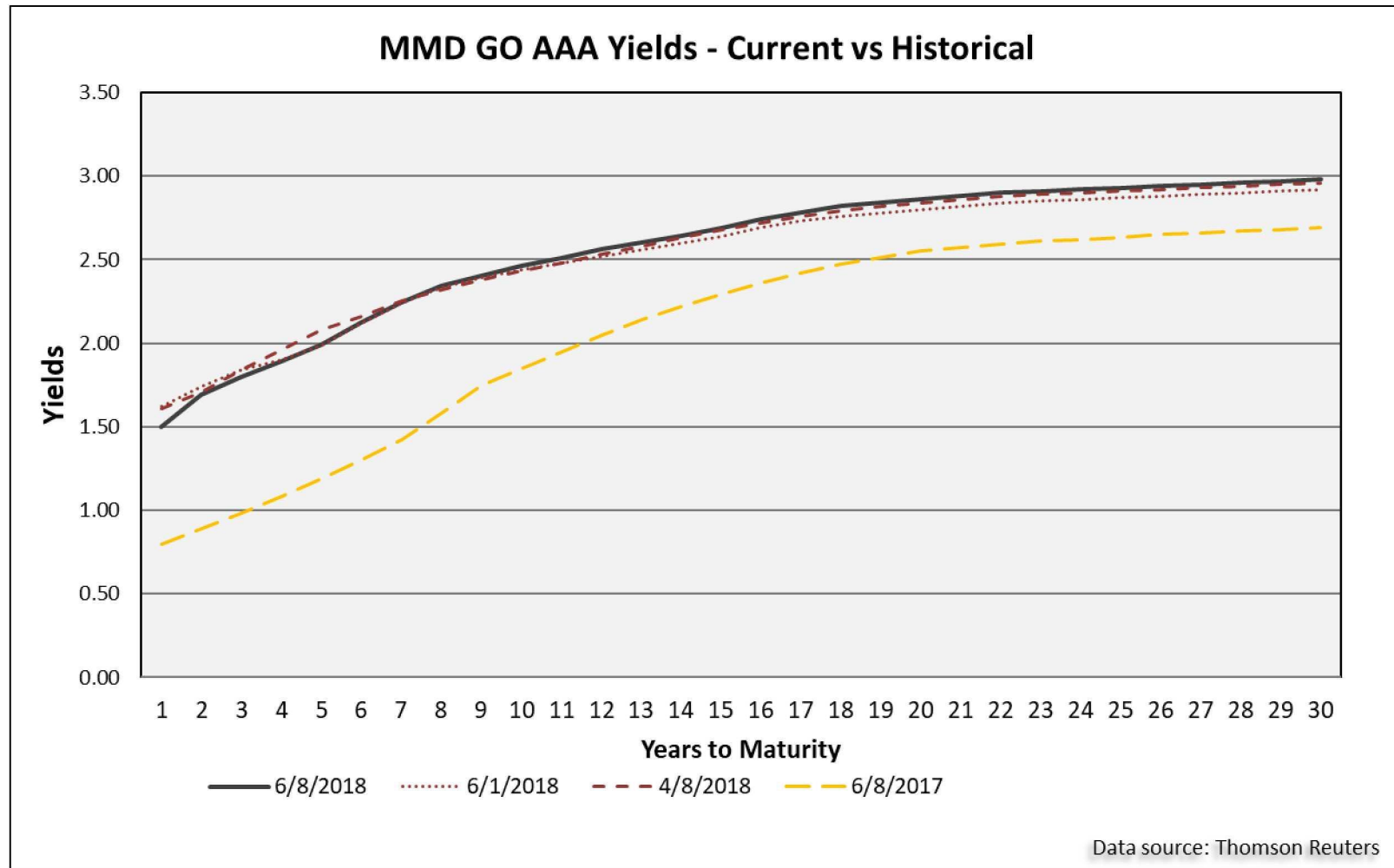
	Street Improvement Portion	Storm Drainage Improvements	Water Improvements	Water Tower	Issue Summary
Sources Of Funds					
Par Amount of Bonds.....	\$3,835,000.00	\$1,410,000.00	\$1,645,000.00	\$1,295,000.00	\$8,185,000.00
City Street Reconstruction Fund.....	920,826.61	-	-	-	920,826.61
Reoffering Premium.....	332,015.75	120,141.50	140,912.60	110,537.75	703,607.60
Municipal State Aid.....	410,000.00	-	-	-	410,000.00
City Cash.....	870.00	85,585.83	27,253.00	-	113,708.83
City Street Light Utility.....	73,781.25	-	-	-	73,781.25
CenterPoint Energy.....	19,378.00	-	-	-	19,378.00
Total Sources.....	\$5,591,871.61	\$1,615,727.33	\$1,813,165.60	\$1,405,537.75	\$10,426,302.29
Uses Of Funds					
Deposit to Construction Fund.....	\$5,526,700.14	\$1,585,585.83	\$1,777,253.00	\$1,391,000.00	\$10,280,538.97
Total Underwriter's Discount (0.903%).....	34,641.90	12,736.66	14,859.43	11,697.85	73,935.84
Costs of Issuance.....	30,311.23	14,855.53	17,331.45	4,381.79	66,880.00
Deposit to Debt Service Fund (Rounding).....	218.34	2,549.31	3,721.72	(1,541.89)	4,947.48
Total Uses.....	\$5,591,871.61	\$1,615,727.33	\$1,813,165.60	\$1,405,537.75	\$10,426,302.29

Previous Bond Issue Results

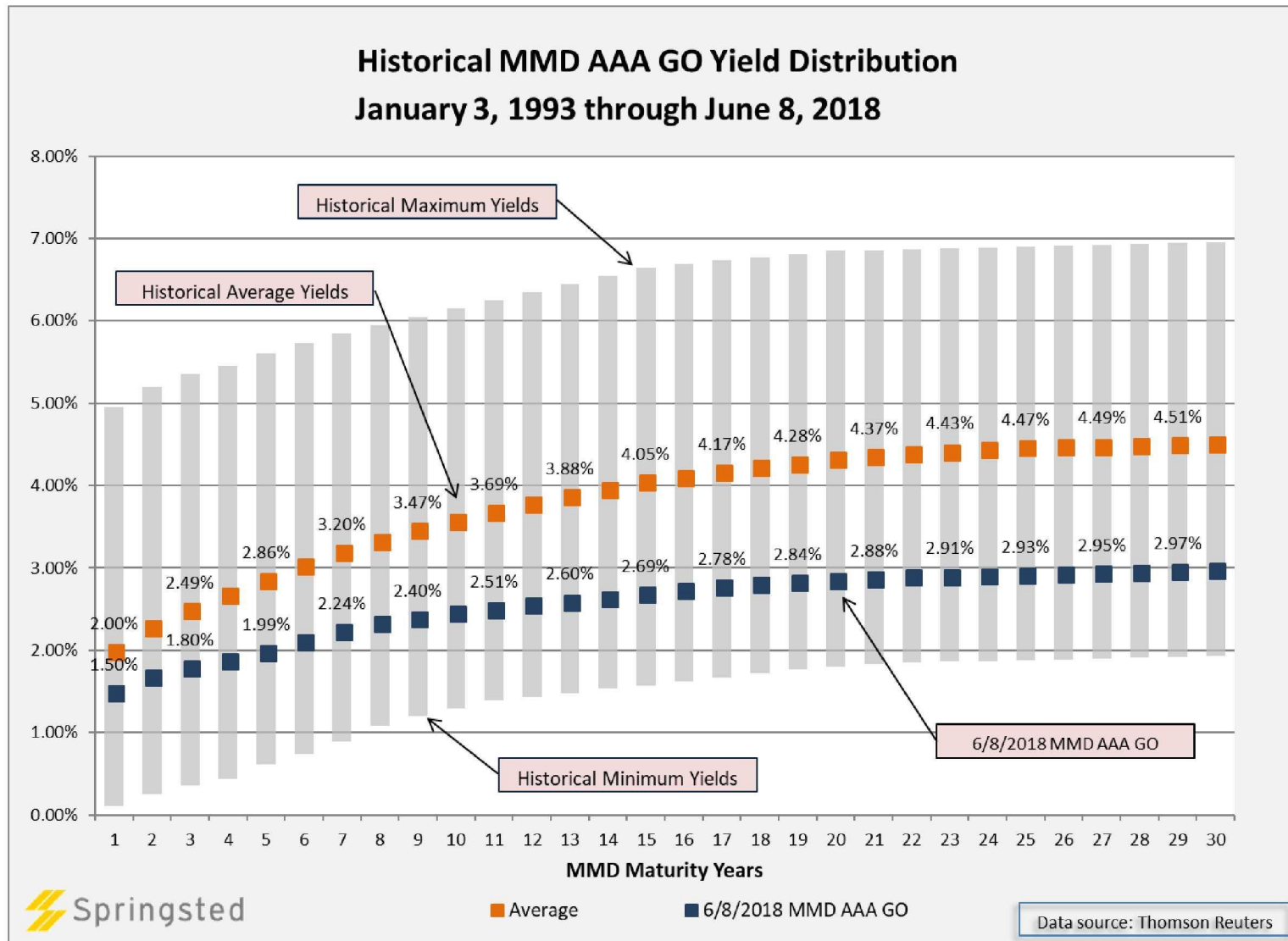
Sale Date	Series	Par Amount	Purchaser	# of Bids	True Interest Rate	Average Life (Years)
11/25/2013	2013A	\$ 4,920,000	Baird	5	1.77%	4.75
9/12/2016	2016A	\$ 5,425,000	FTN	6	1.40%	5.92
5/8/2017	2017A	\$ 8,360,000	Stifel	9	1.96%	6.26
6/11/2018	2018A	\$ 8,185,000	Baird	5	2.66%	6.31



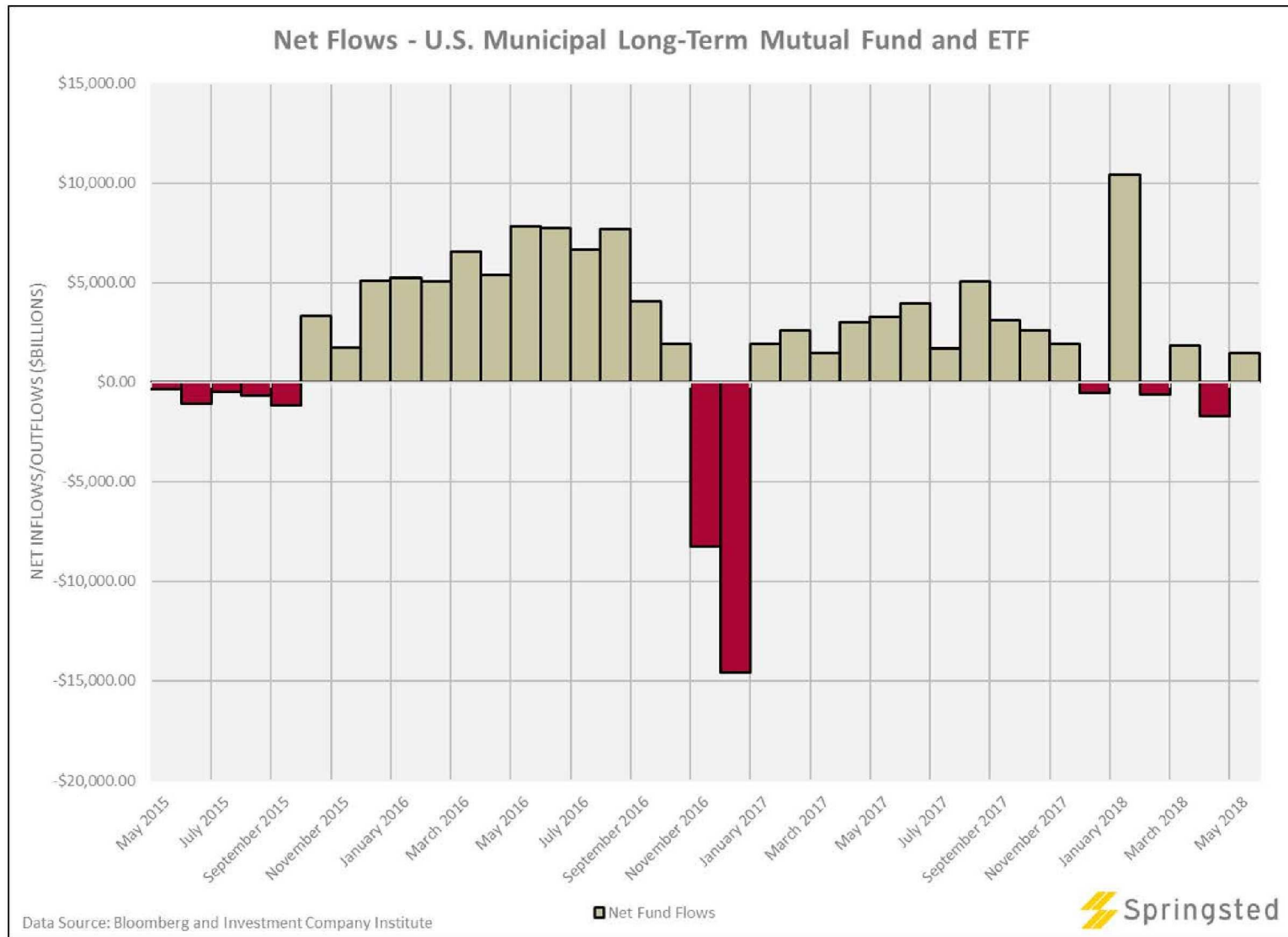
Municipal Market Data (MMD): Last 12 Months



Historical Municipal Market Data (MMD): Last 25 Years



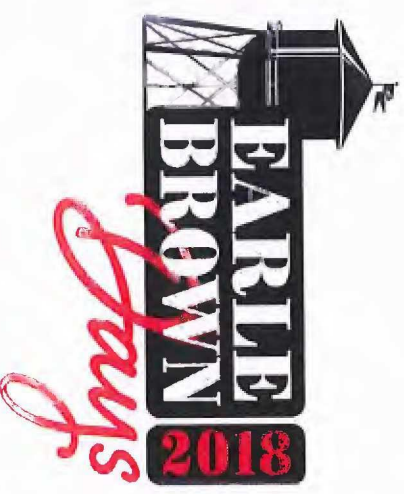
Demand for Municipal Bonds



Tax Impact of Rising Rates

	Current Rates	+1.0%	+2.0%
Par Amount (Paid by Levy)	\$2,500,000	\$2,500,000	\$2,500,000
Repayment Term (Years)	10	10	10
Interest Rate	2.70%	3.70%	5.70%
Annual Payment (Rounded)	\$289,000	\$304,000	\$335,000
Levy Increase Over Current Rates		\$15,000	\$46,000
TAX IMPACT ANALYSIS			
2017/2018 Net Tax Capacity	\$25,120,921	\$25,120,921	\$25,120,921
Tax Rate Increase	1.15%	1.21%	1.33%
Residential Market Value			
\$250,000	\$27	\$28	\$31
\$500,000	\$58	\$61	\$67
Commercial Market Value			
\$100,000	\$17	\$18	\$20
\$250,000	\$49	\$51	\$57
\$500,000	\$106	\$112	\$123
\$1,000,000	\$221	\$233	\$257
\$2,000,000	\$452	\$475	\$523
Apartment Market Value			
\$200,000	\$29	\$30	\$33
\$500,000	\$72	\$76	\$83
\$1,000,000	\$144	\$151	\$167
\$1,500,000	\$216	\$227	\$250
\$2,000,000	\$288	\$303	\$333

Earle Brown Days has been a community celebration for decades

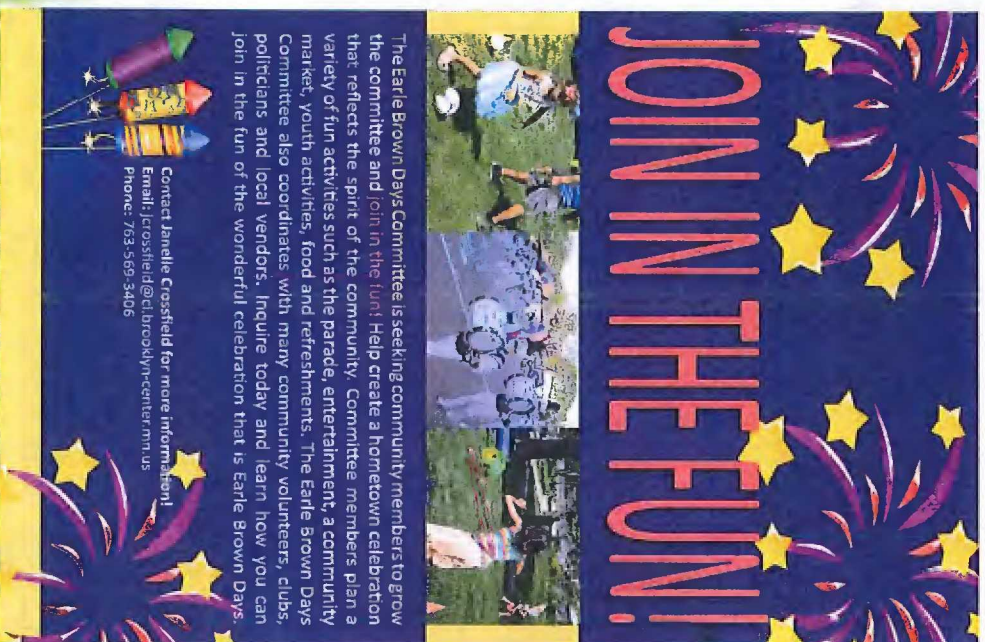


Committee changes cause City staff to take a fresh look at Earle Brown Days

Committee recruitment efforts were unsuccessful

Long serving Committee Chair, Secretary and Treasurer resigned from positions

City staff evaluates the Earle Brown Days Festival



City plans to support Earle Brown Days under general fund

- 501(C)(3) remains in existence but is in a holding state
- City Council approves budget for anticipated expenditures



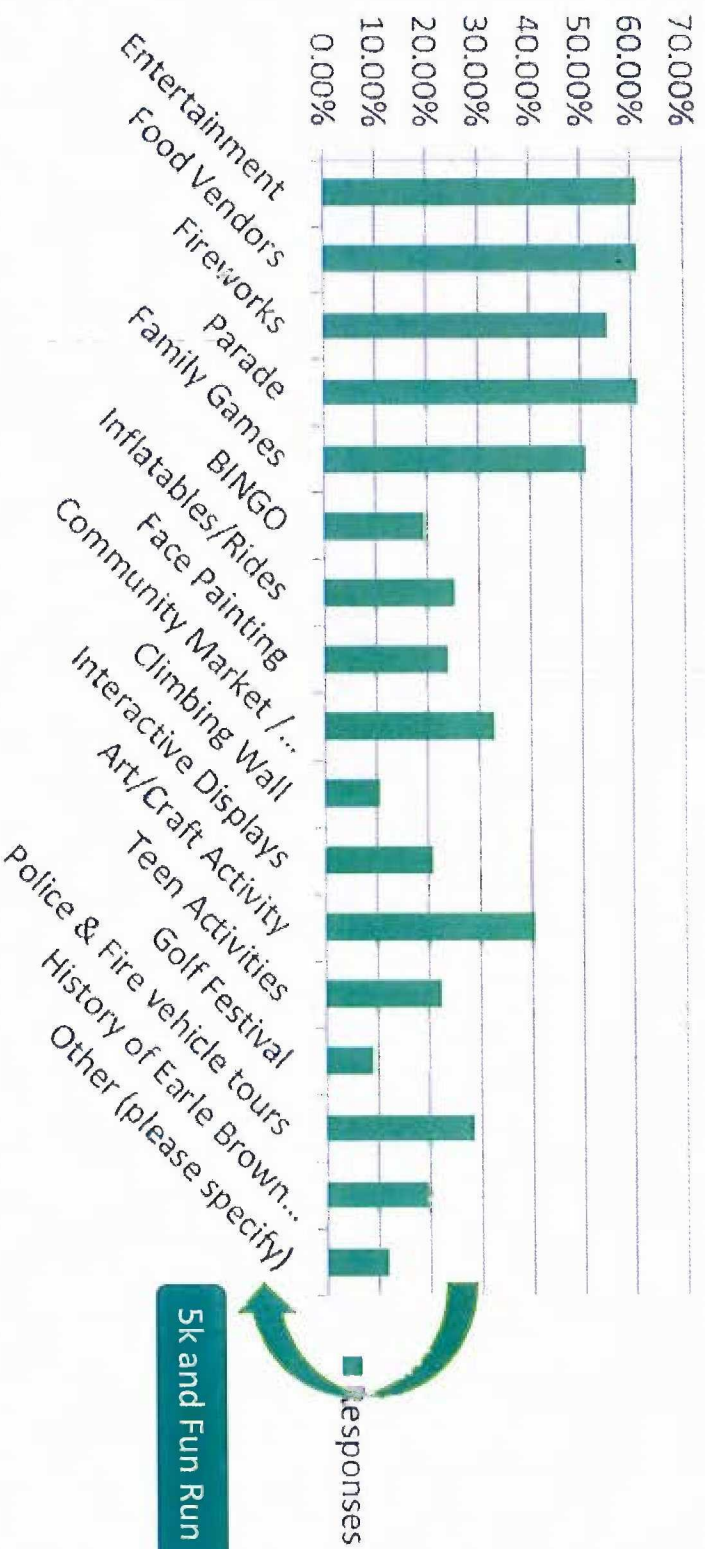
Community supports Earle Brown Days through sponsorship program

\$6800

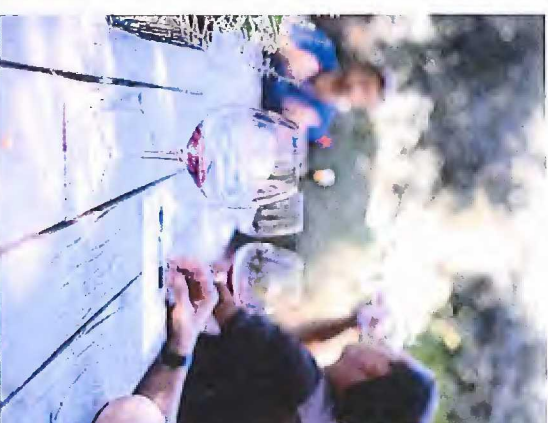
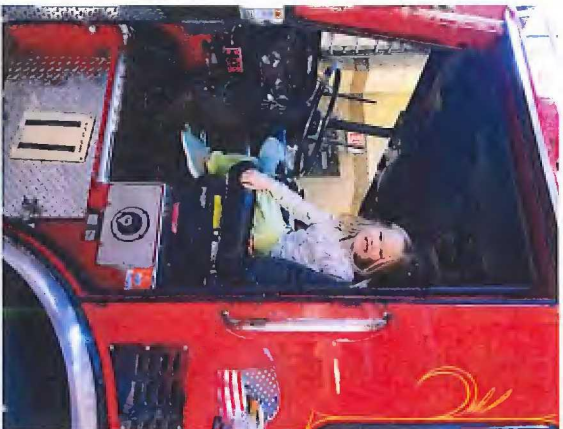


Community asks for entertainment, food vendors, fireworks, parade and family games

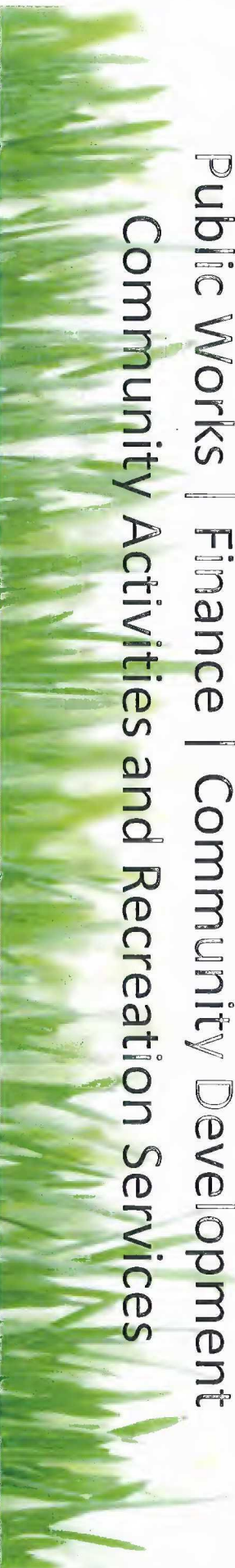
What is important to you in a community celebration? (check all that apply)



Brooklyn Center comes together to celebrate our community



Administration | Fire Department | Police Department
Public Works | Finance | Community Development
Community Activities and Recreation Services





GOLF FEST

FRIDAY, JUNE 22,

Centerbrook Golf Course

Experience 9 unique tournaments followed by lunch in the clubhouse. There is a shotgun start. Register by calling 761-234-0000.




RETAIL ANTI

FRIDAY, JUNE 22,

Centerbrook Golf Course

Adults night out! C. Experience 9 unique tournaments followed by lunch in the clubhouse. There is a shotgun start. Register by calling 761-234-0000.




FAMILY FESTIVAL

SATURDAY, JUNE 23, 5-10PM

*Centennial Park, Free**

Join your neighbors at Centennial Park for non-stop entertainment, food trucks, youth activities, market, fireworks and more! Food Trucks, 5-10pm
Brooklyn Center Community Band, 5-6pm
Community Market, 5-8pm
Youth Activities, 5-8pm
Kidsdance DJ, 6-8pm
Belladiva Show Band, 8-10pm
Fireworks, 10pm





SPREAD THE WORD



QUESTIONS?

Thank you!



EARLE BROWN DAYS 2018



Earle Brown Days has been a community celebration for decades



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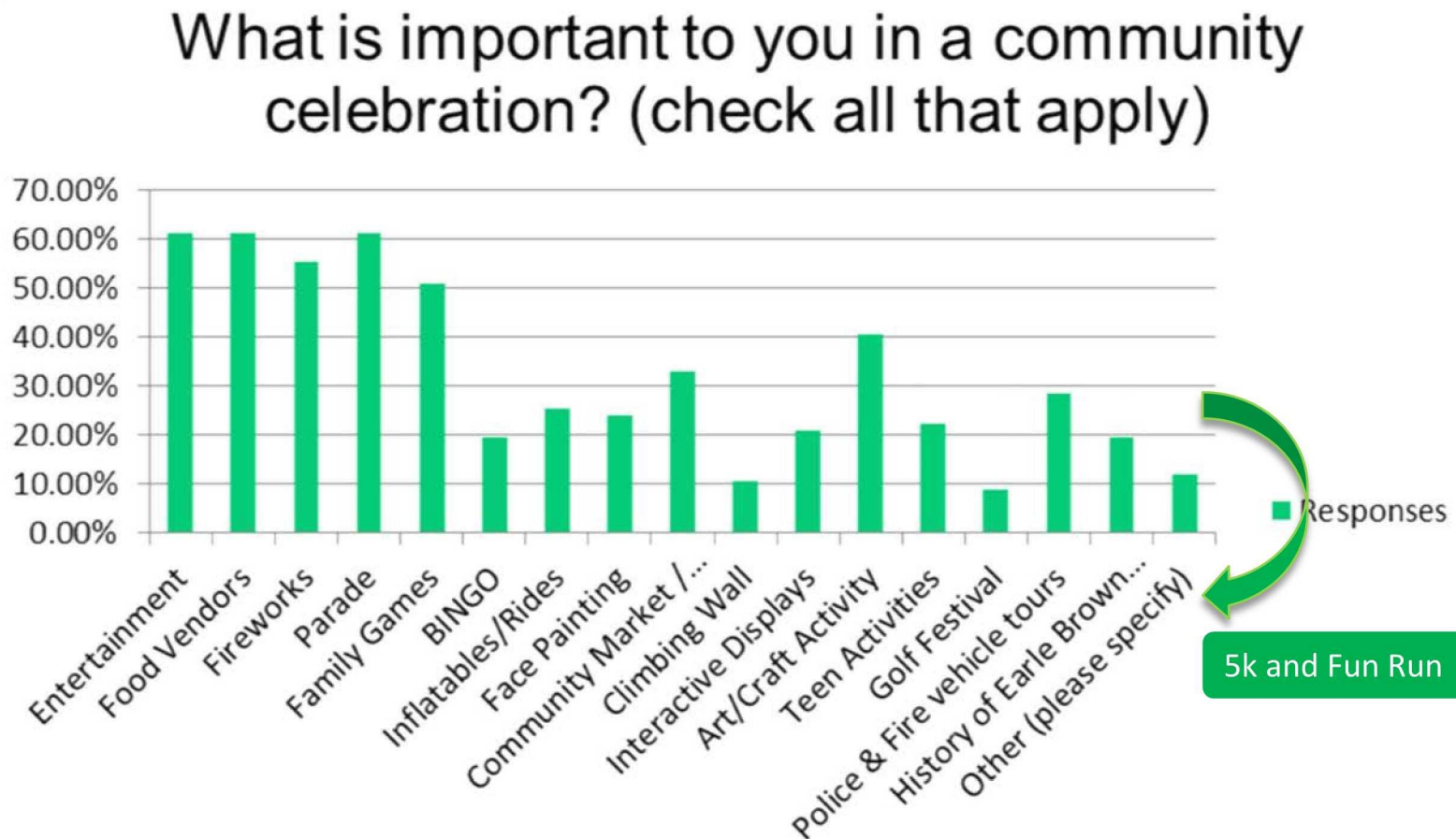
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\$6800

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Brooklyn Center comes together to celebrate our community



Administration | Fire Department | Police Department
Public Works | Finance | Community Development
Community Activities and Recreation Services



FRIDAY, JUNE 22,

Centerbrook Golf Cou

Experience 9 unique h
followed by lunch in t
There is a shotgun sta
Register by calling 76:



FRIDAY, JUNE 22,

Centerbrook Golf C

Adults night out! C
dinner and dueling
tasting a variety of
beer. Tickets availa
Centerbrook Golf,
Brooklyn Center C
If available, tickets
gate. Limited to th



SATURDAY, JUNE 23, 5-10PM

*Centennial Park, Free**

Join your neighbors at Centennial
Park for non-stop entertainment,
food trucks, youth activities, market,
fireworks and more!

Food Trucks, 5-10pm

Brooklyn Center Community Band, 5-6pm

Community Market, 5-8pm

Youth Activities, 5-8pm

Kidsdance DJ, 6-8pm

Belladiva Show Band, 8-10pm

Fireworks, 10pm





SPREAD THE WORD



QUESTIONS?

Thank you!

