

AGENDA
CITY COUNCIL STUDY SESSION
May 29, 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

May 29, 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. 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
 - b. Licenses
 - c. Resolution Approving Wells Fargo as the City's Custodian for Investment Securities
 - d. Resolution Accepting Work Performed and Authorizing Final Payment, Project Nos. 2015-05, 06, 07 and 08, 63rd Avenue Street and Utility Improvements

- e. Resolution Approving Change Order No. 2 and Accepting Work Performed and Authorizing Final Payment, Project No. 2014-05, Water Treatment Plant Project
 - f. Resolution Establishing Improvement Project Nos. 2019-01, 02, 03 and 04, Interstate Area Street and Utility Improvements
 - g. Resolution Authorizing the Exchange of One Personal Floating Holiday for the Monday Preceding the 2018 Christmas Day Holiday for City Employees
7. **Presentations/Proclamations/Recognitions/Donations**
-None.
8. **Public Hearings**
-None.
9. **Planning Commission Items**
- a. Resolution 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)
 - The Planning Commission recommended unanimous (6-0) approval of this Application at its May 17, 2018, meeting.
 - Requested Council Action:**
 - Motion to adopt resolution.
 - b. 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
 - Requested Council Action:**
 - Motion to approve first reading and set second reading and Public Hearing for June 25, 2018.
10. **Council Consideration Items**
- a. An Ordinance Amending Chapter 25 of the Code of Ordinances Regarding Median Safety
 - Requested Council Action:**
 - Motion to approve first reading and set second reading and Public Hearing for June 25, 2018.
 - b. An Ordinance Regulating Automobile Dealership Off-Site Vehicle Storage
 - Requested Council Action:**
 - Motion to approve Ordinance Effective Immediately

- 11. Council Report**
- 12. Adjournment**

EDA MEETING

City of Brooklyn Center

May 29, 2018

AGENDA

1. Call to Order

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

2. Roll Call

3. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

1. May 14, 2018 – Regular Session

b. Resolution to Approve a Short-term Lease Agreement Between the Economic Development Authority and Luther Auto Dealership

4. Commission Consideration Items

–None.

5. Adjournment

AGENDA
CITY OF BROOKLYN CENTER
CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY WORK SESSION
May 29, 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. Bee Keeping and Compost Bin Regulation
2. Electronic Agenda – NovusAgenda Presentation
3. Ordinance Review Process

PENDING LIST FOR FUTURE WORK SESSIONS

Later/Ongoing

1. Comprehensive Plan Art Contest – May
2. Earle Brown Days Update
3. 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

BOARD OF APPEAL AND EQUALIZATION RECONVENE
APRIL 30, 2018
CITY HALL – COUNCIL CHAMBERS

1. CALL TO ORDER

The Brooklyn Center City Council reconvened the Local Board of Appeal and Equalization and the meeting was called to order by Mayor Willson at 6:00 p.m.

2. ROLL CALL

Mayor Willson and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Ryan, and April Graves (arrived at 6:07 p.m.) were present. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Community Development, Meg Beekman and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

Others present from Hennepin County were Josh Hoogland, Residential Appraiser Manager; Joshua Whitney, Appraiser; Rob Winge, Principle Residential Appraiser, and Lisa Olmen, Commercial Appraiser.

3. LOCAL BOARD OF APPEAL AND EQUALIZATION (LBAE) CERTIFICATION FORM

The Local Board of Appeal and Equalization Certification form was signed by all Board Members present.

4. ASSESSOR'S REPORT ON APPEALS PRESENTED AT THE APRIL 16TH BOARD MEETING

Hennepin County Appraiser Robert Winge discussed that following the April 16, 2018, Local Board of Appeal and Equalization meeting, staff from the Hennepin County Assessor's Office met with each of the following appellants and arrived upon recommendations after a physical review of the properties, along with a review of market comparables. Each of the following appellants has agreed with the Assessor's recommendations:

Jacqueline Williams

7141 Unity Avenue North

PID# 28-119-21-42-0015

Assessor's recommendation: A value reduction from \$135,000 to \$127,000.

Member Ryan moved and Member Graves seconded a motion to accept the Assessor's

recommendation to reduce the assessed valuation from \$135,000 to \$127,000. Motion passed unanimously.

Luke Everson

5434 Camden Avenue North

PID# 01-118-21-43-0055

Assessor's recommendation: A value reduction from \$145,000 to \$134,000.

Member Ryan moved and Member Graves seconded a motion to accept the Assessor's recommendation to reduce the assessed valuation from \$145,000 to \$134,000. Motion passed unanimously.

Joseph Laampe and Ernee McArthur

2118 55th Avenue North

PID# 02-118-21-43-0150

Assessor's recommendation: No changed proposed from \$203,000.

Member Ryan moved and Member Graves seconded a motion to accept the Assessor's recommendation of no change and leave valuation at \$203, 000. Motion passed unanimously.

Paul S. Oman

5239 Twin Lake Boulevard East

PID# 01-118-21-21-0038

Assessor's recommendation: A value reduction from \$336,000 to \$310,000.

Member Ryan moved and Member Graves seconded a motion to accept the Assessor's recommendation to reduce the assessed valuation from \$336,000 to \$310,000. Motion passed unanimously.

Mitchell Meyer

6921 Logan Avenue North

PID# 26-119-21-43-0003

Assessor's recommendation: No changed proposed from \$225,000.

Member Ryan moved and Member Graves seconded a motion to accept the Assessor's recommendation of no change and leave valuation at \$225,000. Motion passed unanimously.

John Geske

5338 Emerson Avenue North

PID# 01-118-21-33-0152

Assessor's recommendation: No changed proposed from \$226,000.

Member Ryan moved and Member Graves seconded a motion to accept the Assessor's recommendation of no change and leave valuation at \$226,000. Motion passed unanimously.

5. ASSESSOR'S REPORT ON WRITTEN APPEALS

The Assessors have met with each of the following appellants after a physical review of the property and market comparable; the following recommendations have been provided for the Board's consideration.

Dorleen D. Ditty

7024 Logan Avenue North

PID# 26-119-21-44-0007

Assessor's recommendation: A value reduction from \$184,000 to \$168,000.

Member Graves moved and Member Lawrence-Anderson seconded a motion to accept the Assessor's recommendation to reduce the assessed valuation from \$184,000 to \$168,000. Motion passed unanimously.

3410 48th Avenue North

PID#10-118-21-42-0018

Assessor's recommendation: Valued at \$558,000.

Member Butler moved and Member Ryan seconded a motion to accept the Assessor's recommendation of assessed valuation of \$558,000. Motion passed unanimously.

3501 48th Avenue North

PID#10-118-21-42-0013

Assessor's recommendation: Valued at \$590,000.

Member Butler moved and Member Ryan seconded a motion to accept the Assessor's recommendation of assessed valuation of \$590,000. Motion passed unanimously.

3300 County Road 10

PID#03-118-21-14-0033

Assessor's recommendation: Valued at \$1,816,000.

Member Ryan moved and Member Butler seconded a motion to accept the Assessor's recommendation of assessed valuation of \$1,816,000. Motion passed unanimously.

2550 Freeway Blvd

PID#35-119-21-24-0008

Assessor's recommendation: Valued at \$3,786,000.

Member Lawrence-Anderson moved and Member Butler seconded a motion to accept the Assessor's recommendation of assessed valuation of \$3,786,000. Motion passed unanimously.

6. ADJOURN

There was a motion by Councilmember Graves and seconded by Councilmember Butler, to

adjourn the Local Board of Appeal and Equalization at 6:20 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

STUDY SESSION
MAY 14, 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 6:08 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, Planner and Zoning Administrator Ginny McIntosh, City Attorney Troy Gilchrist, Barbara Suci City Clerk and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

City Manager Curt Boganey stated Agenda Item No. 10a9, License for 3141 49th Avenue North should be added to the Consent Agenda as it now qualifies as a Type 1 License due to completing the ARM meeting requirement as should Agenda Item No. 10a12, License for 6325 Kyle Avenue North as it now qualifies for a Type 3 License. There was a consensus to move these items to the Consent Agenda.

MISCELLANEOUS

Councilmember Ryan asked Mr. Boganey if the reason people are asked to rsvp to the neighborhood events is so there is a head count for food. Mr. Boganey stated that is generally the reason.

Mayor Willson stated he will be in Boston at the Mayors Conference June 6-12, 2018.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

**SCHEDULE SPECIAL JOINT WORK SESSION MEETINGS WITH PLANNING
COMMISSION**

Mr. Boganey stated this proposed work session is to review the comp plan and get the City Councils feedback.

It was the consensus of the City Council that the dates provided worked for all of them.

Mayor Willson requested the City Council receive a copy of the comp plan prior to the July 9, 2018 meeting to review. Mr. Boganey stated he will get them all a copy.

PARK DEDICATION FEES

Mr. Boganey invited Community Development Director Meg Beekman forward to introduce this item.

Ms. Beekman stated this is a Citywide fund and noted the fee can be used for new parks or trails when new developers come into the City. She stated the opportunity site is one of the reasons she is suggesting they look into this because that developer is looking to put some sort of park on that site and this will be a park that they could then quantify and use as a comparable.

Mayor Willson stated he is concerned that the money it could generate based on the little amount of land they have for parks, would leave a good amount remaining that others such as the developer would have to pay.

Councilmember Graves stated she agrees with Mayor Willson and would be concerned that the fees may trickle down and residents would somehow end up paying for it and in places where the development is market rate the parks may be much less grand than those of other sites that are developed at higher rates.

Councilmember Ryan stated he would like to see more information on this issue especially because they have the Eastbrook Estates and opportunity sites to possibly build parks on.

Councilmember Butler stated she would like to see more information before making a decision as well.

Mayor Willson stated there is a clear consensus to move forward and get more information with this per then staff recommendations.

MEDIAN SAFETY INITIATIVE

Police Chief Gannon introduced and provided an overview and presentation on this item. He stated this plan was created with City Attorney Gilchrist, City staff, and the Police Department.

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 Ryan moved and Councilmember Graves seconded to reconvene Study Session at 6:47 p.m.

Motion passed unanimously.

MEDIAN SAFETY INITIATIVE - Continued

Police Chief Gannon continued his presentation on this item and explained the reasons they need this initiative. He provided a box created by a staff member that is the size of a median discussed in this initiative and illustrated how small the area of the median actually is.

This item reached conclusion at the May 21, 2018 Work Session.

ADJOURNMENT

Mayor Willson adjourned the Study Session to Regular City Council Meeting at 6:59 p.m.

Motion passed unanimously.

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

REGULAR SESSION
MAY 14, 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, Planner and Zoning Administrator Ginny McIntosh, 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.

Diane Sannes, 7006 Willow Lane, addressed the City Council. She stated the safety and traffic issue has been better since Mn/DOT put up no trespassing signs and picked up garbage around the City so she is happy about that. She stated T21 efforts started and she hopes the City Council continues to deny licenses for places opening by the High School especially, noting they could be one of the top 21 cities. She asked to make a correction to her statement made at the April 23, 2018, City Council meeting and stated she was referring to farmers markets, and would like the City to support local farmers and allow them to have a farmers market like many other local cities do.

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

Motion passed unanimously.

2. INVOCATION

Councilmember Graves recited a poem about divine motherhood 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 7:00 p.m.

4. ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson (excused at 8:16 p.m.), 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 Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to approve the Agenda and Consent Agenda, as revised to add Items 10a.9 and 10a.12 to the Consent Agenda, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. April 16, 2018 – Board of Appeal and Equalization
2. April 23, 2018 – Study/Work Session
3. April 23, 2018 – Regular Session
4. April 30, 2018 – Board of Appeal and Equalization Reconvene

6b. LICENSES

AMUSEMENT DEVICE

Metro Coin of Minnesota, Inc.

6301 Shingle Creek Parkway

FIREWORKS PERMANENT

American Promotional Events

3245 Co. Rd No 10

dba: TNT Fireworks

American Promotional Events

6100 Shingle Creek Parkway

dba: TNT Fireworks

MECHANICAL

C & M Heating & Air Conditioning

13862 Wintergreen Street, Andover

Centraire Htg & A/C, Inc.

7402 Washington Ave S, Eden Prairie

DJ's Heating & Air Cond

6060 LaBeaux Ave NE, Albertville

Do Pham Inc.

3455 124th Cir. NE, Blaine

Easco Plumbing & Heating

7965 Pioneer Trail, Loretto

Harris Companies

909 Montreal Circle, St. Paul

Louis DeGidio Services, Inc.
McChesney Heating & Air
Modem Heating & A/C
The McBride Company Inc.
 dba: Metro Air
Yale Mechanical

21033 Heron Way, Lakeville
8201 175th Ave SE, Becker
16980 Welcome Ave, Prior Lake

220 W. 81st Street, Bloomington

MOTOR VEHICLE DEALERSHIP

BB Motor Sales, LLC
 dba: Luther Brookdale Chevrolet
BB Motor Sales, LLC
 dba: Luther Brookdale Buick GMC
BCV Motors, LLC
 dba: Luther Brookdale Volkswagen
Brooklyn Park Motors, Inc.
 dba: Luther Brookdale Toyota
Metro Brookdale LLC
 dba: Luther Brookdale Mazda Mitsubishi
R.L. Brookdale Motors, Inc.
 dba: Luther Brookdale Honda

6701 Brooklyn Blvd

4301 68th Ave N

6801 Brooklyn Blvd

6700 Brooklyn Blvd

7235 Brooklyn Blvd

6800 Brooklyn Blvd

RENTAL

INITIAL (TYPE III – one-year license)

5420 Girard Ave N

Scott Sorum

INITIAL (TYPE II – two-year license)

5808 Fremont Ave N

Chen Zhou

RENEWAL (TYPE III – one-year license)

819-21 55th Ave N
3300 65th Ave N
4906 Howe Lane
5755 Humboldt Ave N
6325 Kyle Ave N
6907 Logan Ave N

Stephanie Statz
Elizabeth Dolomengi
Cosco Properties LLC
Toan Truong
Coung Pham (moved from 10a12.)
Paul Gathumbi

(Missing 1 ARM meeting)

5559 Lyndale Ave N
6925 Regent Ave N

Dragon Property Management
Travis James Senenfelder

RENEWAL (TYPE II – two-year license)

5245-47 Drew Ave N
5200 63rd Ave N
5330 Girard Ave N
2701 Ohenry Rd

Mai Xoing
Roger Bonny
Executive Realty
Sherman Yih Feng Kho

RENEWAL (TYPE I – three-year license)

3141 49th Ave N

Manjo Moorgani (moved from 10a9.)

3715 69th Ave
1207 65th Ave N
6014 Girard Ave N
4201 Lakeside Ave #302
4207 Lakeside Ave #336
5315 Logan Ave N
6830 Scott Ave N

Christian Knutson
Tech Ung
Douglas Allen Wahl
Xavier G. Haro
Tamara Carlson
Kirsten & Joel Carson
Invitation Homes

SIGN HANGER

Archetype Sign Makers
SDDI Sign Systems

9635 Girard Ave S, Bloomington
17125 Adelmann St. SE, Prior Lake

TRANSIENT ACCOMMODATIONS - LEVEL 1

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

- 6c. **RESOLUTION NO. 2018-95 AUTHORIZING EXECUTION OF PROFESSIONAL SERVICES AGREEMENT, PROJECT NOS. 2018-01, 02, 03 AND 04, FIREHOUSE PARK AREA STREET AND UTILITY IMPROVEMENTS**
- 6d. **AGREEMENTS FOR BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 1**
- 6d1. **APPROVAL OF RESOLUTION NO. 2018-096 AUTHORIZING EXECUTION OF COOPERATIVE CONSTRUCTION AGREEMENT FOR BROOKLYN BOULEVARD RECONSTRUCTION AND STREETScape IMPROVEMENTS, SOUTH OF 49TH AVENUE TO NORTH OF BASS LAKE ROAD (CSAH 10), PROJECT NO. 2018-05 BETWEEN HENNEPIN COUNTY AND CITY OF BROOKLYN CENTER**
- 6d2. **APPROVAL OF RESOLUTION NO. 2018-097 AUTHORIZING EXECUTION OF COOPERATIVE CONSTRUCTION AGREEMENT FOR BROOKLYN BOULEVARD RECONSTRUCTION AND STREETScape IMPROVEMENTS, SOUTH OF 49TH AVENUE TO NORTH OF BASS LAKE ROAD (CSAH 10), PROJECT NO. 2018-05 BETWEEN MINNESOTA DEPARTMENT OF TRANSPORTATION AND CITY OF BROOKLYN CENTER**
- 6d3. **APPROVAL OF RESOLUTION NO. 2018-098 AUTHORIZING EXECUTION OF TRAFFIC CONTROL SIGNAL MAINTENANCE AGREEMENT NO. 1030730 FOR INTERSECTIONS AT TRUNK HIGHWAY NO. 100 AT COUNTY STATE AID HIGHWAY (CSAH) NO. 152 (BROOKLYN BLVD) BETWEEN MINNESOTA DEPARTMENT OF TRANSPORTATION, HENNEPIN COUNTY**

AND CITY OF BROOKLYN CENTER

- 6d4. APPROVAL OF RESOLUTION NO. 2018-099 AUTHORIZING EXECUTION OF LIMITED USE PERMIT AGREEMENT FOR BROOKLYN BOULEVARD RECONSTRUCTION AND STREETScape IMPROVEMENTS WITHIN STATE RIGHT-OF-WAY BETWEEN CITY OF BROOKLYN CENTER AND MINNESOTA DEPARTMENT OF TRANSPORTATION**
- 6e. RESOLUTION NO. 2018-100 AUTHORIZING EXECUTION OF JOINT POWERS AGREEMENT WITH NATIONAL COOPERATIVE PURCHASING ALLIANCE**
- 6f. RESOLUTION NO. 2018-101 AMENDING THE CITY'S PERSONNEL RULES AND REGULATIONS**
- 6g. RESOLUTION NO. 2018-102 PROVIDING FOR THE COMPETITIVE NEGOTIATED SALE OF \$8,530,000 GENERAL OBLIGATION IMPROVEMENT AND UTILITY REVENUE BONDS, SERIES 2018A**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

- 7a. RESOLUTION NO. 2018-103 EXPRESSING RECOGNITION AND APPRECIATION TO CITY CLERK SHARON KNUTSON FOR 35 YEARS OF DEDICATED SERVICE TO THE CITY OF BROOKLYN CENTER**

Mayor Willson read in full a Resolution Expressing Recognition and Appreciation to City Clerk Sharon Knutson for 35 years of Dedicated service to the City of Brooklyn Center.

Mayor Willson stated he has enjoyed working with Ms. Knutson over years and has so much gratitude for her hard work and positive attitude. Councilmember Ryan echoed the sentiments of Mayor Willson, wished her a happy retirement and thanked her for her work. Councilmember Graves stated she is sad to see her go, but very happy for her. Councilmember Butler stated she is happy for Ms. Knutson and thanked her for her help during the election process; she noted Sharon made it so easy.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2018-103, Expressing Recognition and Appreciation to City Clerk Sharon Knutson for 35 years of Dedicated Service to the City of Brooklyn Center.

Motion passed unanimously.

7b. RESOLUTION NO. 2018-104 RESOLUTION EXPRESSING RECOGNITION AND APPRECIATION OF REBECCA CRASS FOR OVER 24 YEARS OF DEDICATED SERVICE TO THE CITY OF BROOKLYN CENTER

Mayor Willson read in full a Resolution Expressing Recognition and Appreciation of Rebecca Crass for over 24 years of Dedicated Service to the City of Brooklyn Center.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2018-104, Expressing Recognition and Appreciation of Rebecca Crass for over 24 years of Dedicated Service to the City of Brooklyn Center.

Mayor Willson stated the service Ms. Crass has provided has been great. He stated it was both Rebecca and Sharon who made him feel welcome when he first was in office. Councilmember Lawrence-Anderson echoed Mayor Willson's sentiments and said she is so appreciative of all the hard work they did. Councilmember Ryan stated his agreement and expressed his gratitude.

Motion passed unanimously.

7c. PROCLAMATION DECLARING MAY 20-26, 2018, NATIONAL PUBLIC WORKS WEEK IN THE CITY OF BROOKLYN CENTER

Mayor Willson read in full a Proclamation Declaring May 20-26, 2018, National Public Works Week in the City of Brooklyn Center.

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded to adopt Proclamation Declaring May 20-26, 2018, National Public Works Week in the City of Brooklyn Center.

Councilmember Graves asked what else they are doing to celebrate this achievement. Mr. Cote stated they are having a picnic and serving the employees.

Councilmember Lawrence-Anderson asked if the council is invited. Mr. Cote stated absolutely.

Motion passed unanimously.

7d. RESOLUTION NO. 2018-105 RECOGNIZING MAY 13 THROUGH MAY 19, 2018 AS POLICE WEEK AND MAY 15, 2018, AS POLICE OFFICERS MEMORIAL DAY

Mayor Willson read in full a Resolution Recognizing May 13 Through May 19, 2018 as Police Week and May 15, 2018, as Police Officers Memorial Day

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2018-105, Recognizing May 13 through May 19, 2018 as Police Week and May 15, 2018, as Police Officers Memorial Day

Motion passed unanimously.

8. PUBLIC HEARINGS

8a. ORDINANCE NO. 2018-04 AMENDING CHAPTER 35 OF THE CITY CODE OF ORDINANCES REGARDING THE ZONING CLASSIFICATION OF CERTAIN LAND GENERALLY LOCATED IN THE SOUTHEAST SECTION OF THE CITY, GENERALLY SITUATED BETWEEN HIGHWAY 100 TO THE WEST AND NORTH, LOGAN AVENUE NORTH TO THE EAST, AND 57TH AVENUE NORTH TO THE SOUTH, AND LOCALLY IDENTIFIED AS 1950 57TH AVENUE NORTH

Planner and Zoning Administrator Ginny McIntosh introduced the item, discussed the history, and stated the purpose of the proposed ordinance.

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

Motion passed unanimously.

No one appeared to address this item.

Councilmember Ryan moved and Councilmember Butler seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded to adopt ORDINANCE NO. 2018-04 Amending Chapter 35 of the City Code of Ordinances Regarding the Zoning Classification of Certain Land Generally Located in the Southeast Section of the City, Generally Situated Between Highway 100 to the West and North, Logan Avenue North to the East, and 57th Avenue North to the South, and Locally Identified as 1950 57th Avenue North

Motion passed unanimously.

8a1. APPROVAL OF THE PUD AGREEMENT BETWEEN THE CITY AND EBERT INC. D/B/A EBERT CONSTRUCTION

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to approve the PUD Agreement between the City and Ebert Inc. D/B/A Ebert Construction.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

9a. REQUEST TO USE CERTAIN EXTERIOR MATERIALS IN THE RENOVATION OF THE FORMER KOHL'S BUILDING (2501 COUNTY ROAD 10)

Planner and Zoning Administrator Ginny McIntosh provided an overview of Planning Commission Application No. 2018-001 and advised the Planning Commission recommended approval of the applications at its April 26, 2018 meeting.

9a1. RESOLUTION NO. 2018-106 REGARDING THE RECOMMENDED DISPOSITION OF THE REQUEST TO USE CERTAIN EXTERIOR MATERIALS IN THE RENOVATION OF THE FORMER KOHL'S BUILDING (2501 COUNTY ROAD 10), SUBMITTED BY HOM FURNITURE, INC. (LOCATED AT 2501 COUNTY ROAD 10)

John Pierce, Real Estate Manager for Hom Furniture, addressed the City Council. Mr. Pierce reviewed the process in which the Nichiha is made and how it helps the environment.

Councilmember Graves asked how the materials, if at all, contribute to the environment. Councilmember Ryan asked how the product has been tested for durability and wear over time. Mr. Pierce stated it has been tested in Duluth due to the severe weather and wind-chills they experience there and it has proven to be a strong material that will last for a very long time. He noted it has a life expectancy of 50 years.

Mayor Willson asked about the clip system and stated his concern is if the metals used for the clips rust and cause the system to break over time. Mr. Pierce stated the clips are made of corrosion resistant metals and explained how there is a barrier between the materials that protects that from happening.

Councilmember Ryan moved and Councilmember Graves seconded to adopt RESOLUTION NO. 2018-106, Approving Planning Commission Application No. 2018-001, Submitted by Hom Furniture Inc., Requesting Approval to Use Certain Exterior Materials in the Renovation of the Former Kohl's Building (2501 County Road 10).

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

None.

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

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

Mayor Willson polled the audience and asked whether anyone was in attendance to provide testimony on any of the rental licenses as listed on tonight's meeting agenda. Seeing no one coming forward, Mayor Willson called for a motion on Agenda Items 10a1 through 10a14.

- 10a1. 700 66TH AVE N, GEORGETOWN PARK TOWNHOUSES
- 10a2. 3218 63RD AVE N
- 10a3. 5207 BOULDER LA
- 10a4. 5715 EMERSON AVE N
- 10a5. 4201 LAKESIDE AVE #104
- 10a6. 5820 LOGAN AVE N
- 10a7. 7006 MORGAN AVE N
- 10a8. RESOLUTION NO. 2018-107 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 1510 69TH AVE N
- 10a9. MOVED TO CONSENT AGENDA
- 10a10. RESOLUTION NO. 2018-108 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 5420 EMERSON AVE N
- 10a11. RESOLUTION NO. 2018-109 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 6243 FRANCE AVE N
- 10a12. MOVED TO CONSENT AGENDA
- 10a13. RESOLUTION NO. 2018-110 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 5642 LOGAN AVE N
- 10a14. RESOLUTION NO. 2018-11 APPROVING A TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSE FOR 4501 WOODBINE LA

Councilmember Ryan moved and Councilmember Graves seconded to approve the issuance of a Type IV six-month provisional rental license and mitigation plan for the following: 700 66th Avenue North; 3218 63rd Avenue North; 5207 Boulder Lane; 5715 Emerson Avenue North; 4201 Lakeside Avenue #104; 5820 Logan Avenue North; 7006 Morgan Avenue North; and to adopt RESOLUTION NO. 2018-107 Approving a Type IV Rental License for 1510 69th Avenue North; RESOLUTION NO. 2018-108 Approving a Type IV Rental License for 5420 Emerson Avenue North; RESOLUTION NO. 2018-109 Approving a Type IV Rental License for 6243 France Avenue North; RESOLUTION NO. 2018-110 Approving a Type IV Rental License for 5642 Logan Avenue North; and RESOLUTION NO. 2018-111 Approving a Type IV Rental License for 4501 Woodbine Lane, with the requirement that the mitigation plans and all applicable ordinances must be strictly adhered to before renewal licenses would be considered.

Motion passed unanimously.

Councilmember Lawrence-Anderson was excused from the remainder of the meeting at 8:16 p.m.

- 10b. RESOLUTION NO. 2018-112 APPROVING THE CUL-DE-SAC MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND SFG NET LEASE TG MINNEAPOLIS, LLC AND AUTHORIZING THE PURCHASE OF EXCESS RIGHT-OF-WAY FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2018-112, Approving the Cul-De-Sac Memorandum of Understanding Between the City

and SFG Net Lease TG Minneapolis, LLC and Authorizing the Purchase of Excess Right-Of-Way from the Minnesota Department of Transportation.

Motion passed unanimously.

11. COUNCIL REPORT

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

- April 25, 2018: Planning Session for 252 with Mn/DOT
- April 27, 2018: Brooklyn Center Fire Fighter's Relief Fund Association Dinner
- April 30, 2018: Board of Appeal and Equalization Reconvene Meeting
- May 5, 2018: 40th Annual Brooklyn Center Community Prayer Breakfast
- May 10, 2018: Association for Responsible Management (ARM) Meeting
- May 10, 2018: Tour of Brooklyn Center Water Treatment Plant with MN Dept. of Health
- May 10, 2018: Testified in support of the D-Line Project
- May 17, 2018: First of 4 Neighborhood Area Meetings in the Park at Twin Lake Park

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

- April 30, 2018: Board of Appeal and Equalization Reconvene Meeting
- May 1 - 2, 2018: United Convening

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

- April 11-13, 2018: Policy on Equity Summit in Chicago
- April 30, 2018: Board of Appeal and Equalization Reconvene Meeting
- May 5, 2018: 40th Annual Brooklyn Center Community Prayer Breakfast
- May 8, 2018: MacPhail Music Matters Lunch
- May 8, 2018: Meeting with Planning Commissioner Abe Rizvi

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

- April 25, 2018: Constituent meeting
- April 26, 2018: FBI Academy Meeting
- April 27, 2018: Meeting with City Manager and attended Brooklyn Center Fire Fighter's Relief Fund Association Dinner
- April 30, 2018: Board of Appeal and Equalization Reconvene Meeting
- May 3, 2018: FBI Academy Meeting
- May 5, 2018: 40th Annual Brooklyn Center Community Prayer Breakfast
- May 10, 2018: Tour of Brooklyn Center Water Treatment Plant with MN Dept. of Health
- May 10, 2018: FBI Academy Meeting
- May 15, 2018: Chamber of Commerce Speech
- May 16, 2018: Taping of Mayors Minute
- May 16, 2018: North Metro

- May 17, 2018: First of 4 Neighborhood Area Meetings in the Park at Twin Lake Park
- May 17, 2018: Last FBI Academy Meeting

Mayor Willson announced the grand opening of Jambo Africa on May 18, 2018. He stated he will be out of town in Boston in June, will be joining the Rotary Club sessions again soon, and he has decided to take the trip to the FBI site in Quantico.

12. ADJOURNMENT

Councilmember Butler moved and Councilmember Graves seconded adjournment of the City Council meeting at 8:29 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 14, 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 8:36 p.m.

ROLL CALL

Mayor/President Tim Willson and Councilmembers/Commissioners Marquita Butler, April Graves, and Dan Ryan were present. Councilmember/Commissioner Kris Lawrence-Anderson was absent and excused. Other 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.

MEDIAN SAFETY INITIATIVE - Continued

Councilmember/Commissioner Butler ask if police will patrol and check for violators. Police Chief Gannon stated he doesn't believe it will be an issue and thinks that once it is illegal and notice is posted, people will adhere to the law.

The majority consensus of the City Council/EDA was to move forward with this issue.

TOBACCO PURCHASE AGE 21 (BROOKLYNS YOUTH COUNCIL)

Mr. Boganey introduced this item and explained the reason it is being brought forward. He introduced Ms. Gretchen Garman, Hennepin County Public Health, to come forward and discuss this topic in depth.

Ms. Garman, 2056 Beard Street, addressed the City Council/EDA. She provided a presentation that reviewed data and trends on the dangers of tobacco use and how it is affecting the youth. She noted Minneapolis voted on this issue and it passed to move to the City Council on May 25, 2018.

Ms. Garman introduced the Brooklyns Youth Council (BYC) to come forward and present their findings on this topic. Femi Akirdumila, President of BYC, Amanda Engeman, Event Coordinator of BYC, Mosia Vankpanah, Intern for BYC, Marthaiyn Nehwah, Communication Coordinator for BYC, and Abas Saomahob of BYC, addressed the

Councilmembers/Commissioners and provided a presentation on behalf of the Brooklyn Youth Council. Their presentation provided an overview of what the BYC does, provided a list of the businesses they partner with, explained the prevention project they created, provided different types of tobacco products for the City Council/EDA to look at, and provided a list of recommendations they would like the City Council/EDA to consider.

The BYC explained that the recommendations are listed in order of most urgent to least urgent, while noting all of the recommendations are important.

Mayor/President Willson stated he has been in recovery for over 30 years and that shows you can do anything you put your mind to. He stated the BYC did such a great job on this topic that gun control and opioid abuse are two items he would like to see them research next. The Councilmembers/Commissioners echoed Mayor/President Willson's sentiments and noted how great of a job the BYC did on this topic and presentation.

The majority consensus of the City Council/EDA was to continue with the recommendations provided.

ADJOURNMENT

Councilmember/Commissioner Ryan moved and Councilmember/Commissioner Graves seconded adjournment of the City Council/Economic Development Authority Work Session at 9:32 p.m.

Motion passed unanimously.

City Council Agenda Item No. 6b

COUNCIL ITEM MEMORANDUM

DATE: May 24, 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 May 29, 2018.

Background:

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

AMUSEMENT DEVICE

Theisen Vending Company	2105 57 th Avenue N
dba: Family Dollar Store #5110	
Theisen Vending Company	6211 Brooklyn Blvd
dba: Family Dollar Store #4514	
Theisen Vending Company	2590 Freeway Blvd
dba: Jammin Wings	

FIREWORKS PERMANENT

American Promotional Events	3245 Co Rd No 10
dba: TNT Fireworks	
American Promotional Events	6100 Shingle Creek Parkway
dba: TNT Fireworks	

FIREWORKS TEMPORARY

American Promotional Events	3245 Co Rd No 10
dba: TNT Fireworks	

LIQUOR - ON-SALE INTOXICATING & SUNDAY SALES

Topgolf USA	6420 Camden Ave. N
-------------	--------------------

MECHANICAL

Affordable Comfort Mechanical LLC	6510 Hwy 36 Blvd N, Oakdale, MN 55128
dba: Apollo	
Air Express Inc.	1010 118 th Ave NE, Blaine, MN 55434
App Professional Plumbing	1220 Vernon St., Big Lake, MN 55309

COUNCIL ITEM MEMORANDUM

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

7400 Kirkwood Ct. N, Maple Grove, MN 55369
9303 Plymouth Ave N, Suite #104, Golden Valley, MN 55427
215th St W., Lakeville, MN 55044

13915 Lincoln St NE Ste E, Ham Lake, MN 55304
13535 89th Street NE, Elk River, MN 55330
9440 Wright Bros Ct SW, Cedar Rapids, IA 52404
6248 Lakeland Ave N, Brooklyn Park, MN 55428
6995 20th Ave S, Centerville, MN 55038
25113 21st Ave, St. Cloud, MN 56301
8290 Main St NE, Suite 39, Fridley, MN 55432

712 Vista Blvd Suite 102, Waconia, MN 55387

RENTAL

See attached report.

SIGN HANGER

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

708 Lowry Ave N, Minneapolis, MN 55411
410 93rd Ave NW, Coon Rapids, MN 55433
945 Pierce Butler Route, St. Paul, MN 55104

TRANSIENT ACCOMMODATIONS – LEVEL 1

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

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 May 29, 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
Humboldt Square 6737-43 Humboldt Ave N	2 Bldg 18 Units	Initial	Humboldt Square Ventures, LLC	25 (1.4/Unit)	II	1	II		OK	OK
Emerson Chalet 1200 67th Ave N	1 Bldg 18 Units	Renewal	Tom Morrow	9 (.5/Unit)	I	1	I	III	OK	OK
5000 France N	1 Bldg 4 Units	Renewal	Dean Gannon & Michael Nightingale	3 (.75/Unit)	I	0	I	II	OK	OK
5337-39 Queen Ave N	Two Family	Renewal	Thanh Kim Oan	2 (1/Unit)	II	0	II	IV	OK	OK
3349 49th Ave N	Single Family	Renewal	Isaac Obi	7	III	0	III	II	OK	OK
3612 55th Ave N	Single Family	Renewal	Lutheran Social Service of Minnesota	2	II	0	II	II	OK	OK
6337 Bryant Ave N	Single Family	Renewal	My Truong	7	III	0	III	IV	OK	OK
6718 Colfax Ave N	Single Family	Renewal	RHA 3, LLC	1	I	0	I	IV	OK	OK
5415 Emerson Ave N	Single Family	Renewal	MNSF II, LLC	7	III	0	III	IV	OK	OK
6930 Halifax Ave N	Single Family	Renewal	Ali Egal	2	II	0	II	II	OK	OK
5909 June Ave N	Single Family	Renewal	Jeffrey Davis	0	I	0	I	III	OK	OK
6424 June Ave N	Single Family	Renewal	Faisale Boukari	1	I	0	I	I	OK	OK
6012 Kyle Ave N	Single Family	Renewal	James Hager	2	II	0	II	III	OK	OK
5350 Logan Ave N	Single Family	Renewal	Manoj Moorjani	1	I	0	I	IV	OK	OK
6400 Orchard Ave N	Single Family	Renewal	Invitation Homes	0	I	0	I	II	OK	OK
4718 Twin Lake Ave	Single Family	Renewal	Richard & Elizabeth Becht	0	I	0	I	IV	OK	OK
5000 Zenith Ave N	Single Family	Renewal	Infinite Property, LLC	0	I	0	I	II	OK	OK

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

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

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

All properties are current on City utilities and property taxes

City Council Agenda Item No. 6c

COUNCIL ITEM MEMORANDUM

DATE: May 29, 2018

TO: Curt Boganey, City Manager 

FROM: Nathan Reinhardt, Finance Director 

SUBJECT: Resolution Approving Wells Fargo as the City's Custodian for Investment Securities

Recommendation:

It is recommended that the City Council consider adoption of a resolution approving Wells Fargo as the City's Custodian for investment securities.

Background:

It is the City's practice, as directed by City Council Policy 2.80, to review financial services provided by outside professional organizations every six years. The adopted schedule indicates that custody/trust banking services should be reviewed through the Request for Proposals (RFP) process. The City's custody/trust banking services are currently being provided by Wells Fargo. The goal of this process is to maintain a proper balance between cost and quality of service.

The City currently utilizes a custody account to hold City investments in one single location which simplifies the reporting, tracking and buying/selling of these investments. The City received two proposals for these services from Wells Fargo and from U.S. Bank. The proposals were reviewed using the factors specified in the RFP including comprehensive ability to provide services, experience of providing the services, pricing for services, online account access system, financial strength of the organization, disaster recovery planning and informational reporting.

The results of the review were very close between the two proposals received. The recommendation from the review committee is to continue with the current service provided, Wells Fargo. The City currently has a good working relationship with the staff from Wells Fargo, are familiar with the process, reporting and additionally Wells Fargo was the low cost bidder.

Budget Issues:

The cost for the service was \$9,039 in 2017. Fees for the service are based on volume of transactions and value of investments held in the custody account. The fees of the proposal cannot be adjusted for a period of three years. The estimated annual fee for the next three years with Wells Fargo is \$6,550 - \$9,550 in comparison to U.S. Bank's proposed estimated fee of \$7,500 to \$10,250. We anticipate a small incremental savings from our current fee structure.

Strategic Priorities:

- Safe, Secure, Stable Community

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING WELLS FARGO AS THE CITY'S CUSTODIAN FOR INVESTMENT SECURITIES

WHEREAS, the City Council Code of Policies Section 2.80 requires that the City solicit proposals for custodial of investment securities no less frequently than every six years; and

WHEREAS, proposals were solicited in April 2018 through a Request for Proposals (RFP) for Custody/Trust Banking Services approved by the City Council on March 12, 2018; and

WHEREAS, the City received two proposals from professional firms providing such services; and

WHEREAS, a Committee in accordance with the Code of Policies Section 2.80 has reviewed the proposals, and recommended award of the contract to Wells Fargo; and

WHEREAS the City Manager recommends to the City Council the award of the contract to Wells Fargo.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that Wells Fargo be awarded the contract for the insurance agent of record.

May 29, 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.

Proposal Cost Comparison

US Bank			
Market Value of Assets	\$ 9,000	0.0002 (\$45 million * .0002)	
Account & Reporting		Annual Charge	
Domestic Settlements	600	6 (100 transactions at \$6 per transaction)	
Wires (outbound)	50	50 (5 transactions * \$10 per wire)	
Total Fees	\$ 9,650		
Annual Minimum	\$ 7,500		
		Number of Settlements	
Level Of Investment	50	100	150
	35,000,000	7,650	7,950
	40,000,000	8,650	8,950
	45,000,000	9,650	9,950
			10,250

Wells Fargo			
Market Value of Assets	\$ 6,750	0.00015 (\$45 million * .00015)	
Account & Reporting	750	750 Annual Charge	
Domestic Settlements	1,000	10 (100 transactions at \$10 per transaction)	
Wires (outbound)	50	50 (5 transactions * \$10 per wire)	
Total Fees	\$ 8,550		
Annual Minimum	\$ -	Waived minimum	
		Number of Settlements	
Level Of Investment	50	100	150
	35,000,000	6,550	7,050
	40,000,000	7,300	7,800
	45,000,000	8,050	8,550
			9,050
			9,550

Institutional Retirement and Trust
Rob Kent, Vice President, Sales Director
7500 College Boulevard, Suite 250
Overland Park, KS 66210
(913) 234-2929
robert.j.kent@wellsfargo.com

**WELLS
FARGO**

April 27, 2018

Nathan Reinhardt, Finance Director
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, Minnesota, 55430-2199

Re: Proposal to provide Custody Services for the City of Brooklyn Center

Dear Nathan:

On behalf of Wells Fargo Bank Institutional Retirement and Trust, I am pleased to submit to you our proposal to continue to provide custody services for the City of Brooklyn Center. We highly value our 20 year relationship with the city and welcome this opportunity to demonstrate the value of renewing your partnership with Wells Fargo.

Wells Fargo has been in the business of protecting the assets of its clients for 166 years. Since the evolution of the Master Trust/Custody concept, we have continued to fashion our capabilities to meet the expanding needs of our clients. As an example, Wells Fargo has, for the past several years, focused significant attention on the development and deployment of the industry's most robust information delivery system via our Internet portal, Commercial Electronic Office® (CEO®). In recognition of the strength of our CEO, it has been identified as the best commercial banking website in each of the last four years.

A distinguishing factor of Wells Fargo's Institutional Retirement and Trust Division is our commitment to the corporate philosophy of building relationships with our clients. This commitment takes many forms, the key being our commitment to work as an extension of our client's staff. In so doing, we are able to anticipate client and market needs and deliver solutions to meet those needs. One of the greatest reflections of our commitment to providing outstanding service to clients occurs when one of our clients agrees to become a reference to talk with other prospects about our products and dedication to service.

We look forward to having the opportunity to continue to assist you throughout your search and stand ready to answer any questions that may arise. Please feel free to contact us directly.

Thank you for your consideration.

Sincerely,



Rob Kent
Vice President, Sales Director
Wells Fargo Institutional Retirement & Trust
(913) 234-2929

**Global Finance magazine named Wells Fargo: Best Corporate/Institutional Internet Bank, Best Investment Management Services, Best Trade Finance Services, Best Integrated Corporate Banking Site, Best Information Security Initiatives, Best in Mobile Banking, Best Web Site Design and Best in Social Media for 2016.*

Together we'll go far



City Council Agenda Item No. 6d

COUNCIL ITEM MEMORANDUM

DATE: May 22, 2018

TO: Curt Boganey, City Manager 

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

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

SUBJECT: Resolution Accepting Work Performed and Authorizing Final Payment, Project Nos. 2015-05, 06, 07 and 08, 63rd Avenue Street and Utility Improvements

Recommendation:

It is recommended that the City Council approve the resolution accepting work performed and authorizing final payment, Improvement Project Nos. 2015-05, 06, 07 and 08, 63rd Avenue Street and Utility Improvements.

Background:

On May 11, 2015, the City Council awarded Improvement Project Nos. 2015-05, 06, 07 and 08 to Ryan Contracting Company of Elko, Minnesota for the construction of the 63rd Avenue Street and Utility Improvements. Ryan Contracting Company has successfully completed the construction work for the project.

Budget Issues:

The original contract amount with Ryan Contracting Company for the project improvements was \$4,214,741. The total value of work certified for final payment is \$4,101,744.34. The total project cost including contingencies/administration/engineering/legal is \$4,793,481.11 and was completed 3.1 percent under budget in the amount of \$155,259.89. The attached resolution provides a summary of the final amended costs and funding sources for the project.

Strategic Priorities:

- Key Transportation Investments

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK PERFORMED AND AUTHORIZING
FINAL PAYMENT, PROJECT NOS. 2015-05, 06, 07 AND 08, 63RD AVENUE
STREET AND UTILITY IMPROVEMENTS

WHEREAS, pursuant to a written contract signed with the City of Brooklyn
Center, Minnesota, Ryan Contracting Company of Elko, Minnesota has completed the following
improvements in accordance with said contract:

Improvement Project Nos. 2015-05, 06, 07 and 08, 63rd Avenue Street and Utility
Improvements

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

1. Final payment shall be made on Improvement Project Nos. 2015-05, 06,
07 and 08, 63rd Avenue Street and Utility Improvements, taking the
contractor's receipt in full. The total amount to be paid for said
improvements under said contract shall be \$4,101,744.34.
2. The estimated project costs and revenues are hereby amended as follows:

COSTS	<u>As Original Award</u>	<u>As Final</u>
Contract	\$4,214,741.00	\$ 4,101,744.34
Lighting	\$ 36,000.00	\$ 3,835.00
Contingency	<u>\$ 105,000.00</u>	<u>\$ 43,470.45</u>
Subtotal Construction Cost	\$4,355,741.00	\$ 4,149,049.79
Admin/Legal/Engr.	<u>\$ 593,000.00</u>	<u>\$ 644,431.32</u>
Total Estimated Project Cost	\$4,948,741.00	\$ 4,793,481.11

RESOLUTION NO. _____

REVENUES	<u>As Original Award</u>	<u>As Final</u>
Street Assessment	\$ 272,294.46	\$ 272,294.46
Storm Drainage Assessment	\$ 80,521.84	\$ 80,521.84
Sanitary Sewer Utility	\$ 550,185.00	\$ 516,002.17
Water Utility Fund	\$ 890,027.00	\$ 869,932.32
Storm Drainage Utility Fund	\$ 416,968.16	\$ 414,075.69
Street Light Utility	\$ 36,000.00	\$ 8,346.02
Municipal Sate Aid (MSA)	\$2,682,194.54	\$2,598,510.21
CenterPoint Energy	\$ 20,550.00	\$ -0-
Met Council I&I Grant	\$ -0-	\$ 33,798.40
Total Estimated Revenue	\$4,948,741.00	\$4,793,481.11

May 29, 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. 6e

COUNCIL ITEM MEMORANDUM

DATE: May 22, 2018

TO: Curt Boganey, City Manager 

FROM:  Brian M. Cote, Director of Public Works

SUBJECT: Resolution Approving Change Order No. 2 and Accepting Work Performed and Authorizing Final Payment, Project No. 2014-05, Water Treatment Plant Project

Recommendation:

It is recommended that the City Council approve the resolution approving Change Order No. 2, accepting work performed and authorizing final payment, Improvement Project No. 2014-05, Water Treatment Plant Project.

Background:

On September 22, 2014, the City Council awarded Project Improvement 2014-05 to Knutson Construction Services of Minneapolis, Minnesota for construction of the Water Treatment Plant Improvements. Knutson Construction Services has successfully completed the construction work and is requesting final payment for the project.

Budget Issues:

The original contract amount with Knutson Construction Services for the project improvements was \$18,066,120.50. Change Order No. 1 in the amount of \$114,727.00 was approved by the City Council in February, 2017. Change Order No. 2 was presented to the City Council in June, 2017 but it was not formally approved. Change Order No. 2 in the amount of \$202,341.52 is slightly less than was previously presented to the City Council. The total value of work certified for final payment is \$18,383,189.02. The total project cost including contingencies/administration/engineering/legal is \$20,136,090.34 and was completed 0.78 percent over budget in the amount of \$155,737.84. The attached resolution provides a summary of the final amended costs and funding sources for the project.

Strategic Priorities:

- Safe, Secure, Stable Community

PMember
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION APPROVING CHANGE ORDER NO. 2 AND ACCEPTING
WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, PROJECT
NO. 2014-05, WATER TREATMENT PLANT PROJECT

WHEREAS, pursuant to a written Contract signed with the City of Brooklyn Center, Minnesota, Knutson Construction Services of Minneapolis, Minnesota, was instructed to complete additional work as itemized on Change Order No. 2 for Improvement No. 2014-05; and

WHEREAS, said additional work was not included in the original Contract, but was deemed necessary to properly complete the improvements; and

WHEREAS, pursuant to a written Contract signed with the City of Brooklyn Center, Minnesota, Knutson Construction Services of Minneapolis, has completed the following improvements in accordance with said Contract.

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

1. Change Order No. 2 in the amount of \$202,341.52 for Improvement No. 2014-05 is hereby approved.
2. Final payment shall be made on Improvement Project No. 2014-05, Water Treatment Plant Project, taking the contractor's receipt in full. The total amount to be paid for said improvements under said Contract shall be \$18,383,189.02.
3. The estimated project costs and revenues are hereby amended as follows:

<u>COSTS</u>	<u>As Original Award</u>	<u>As Final</u>
Contract	\$18,066,120.50	\$18,066,120.50
Change Order 1		\$ 114,727.00
Change Order 2		\$ 202,341.52
<u>Total Revised Contract</u>	<u>\$18,066,120.50</u>	<u>\$18,383,189.02</u>
Contingency	\$ 500,000.00	\$ 208,390.68
Engineering (Bolton & Menk)	\$ 1,131,500.00	\$ 1,263,090.08
MCES SAC	\$ 132,732.00	\$ 141,645.00
<u>Other Admin/Legal/Engr.</u>	<u>\$ 150,000.00</u>	<u>\$ 139,775.56</u>
<u>Total Estimated Project Cost</u>	<u>\$19,980,352.50</u>	<u>\$20,136,090.34</u>

RESOLUTION NO. _____

<u>REVENUES</u>	<u>As Original Award</u>	<u>As Final</u>
PFA Loan	\$19,662,352.50	\$19,622,797.74
Water Fund Operating Budget (SCADA)	\$ 34,000.00	\$ 39,163.40
San. Fund Operating Budget (SCADA)	\$ 34,000.00	\$ 34,000.00
Sales Tax Capital Refund	\$ 250,000.00	\$ 243,160.70
CenterPoint Energy Rebates		\$ 2,500.00
Xcel Energy Rebates		\$ 51,485.00
<u>Miscellaneous Reimbursements</u>		\$ 142,983.50
Total Estimated Revenues	\$19,980,352.50	\$20,136,090.34

May 29, 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.



Real People. Real Solutions.

12224 Nicollet Avenue
Burnsville, MN 55337-1649

Ph: (952) 890-0509
Fax: (952) 890-8065
Bolton-Menk.com

May 21, 2018

Via Email

Doran Cote
Public Works Director
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

RE: Application for Payment No. 22 - Final
Water Treatment Facilities

Dear Doran,

Enclosed are the following items for the Brooklyn Center Water Treatment Facility contract with Knutson Construction, Inc.:

- Final Pay Request No. 22
- Lien Waivers
- IC 134's
- Consent of Surety
- Change Order No. 1
- Change Order No. 2 - Final Change Order

Change Order No. 1 is for modifications to the viewing chamber that were previously approved by the City Council but an official Change Order was not processed with the contractor. Change Order No. 2 balances out the final project cost to account for allowances and unit price work. The final pay request is in the amount of \$104,855.24 which includes the balance of retainage being held from the contractor. I have reviewed the final pay request and would recommend final payment to Knutson Construction, Inc. for the requested amount to close out the contract.

I also wanted to call your attention to the list of completion and warranty dates that are included in Change Order No. 2. The initial Substantial Completion Date for the project was on January 21, 2016 with the 2-year warranty period expiring on January 21, 2018. Several major modifications to the Facility were made after the initial Substantial Completion Date and therefore these items have a separate warranty period which are listed in Change Order No. 2.

Name: Doran Cote
Date: May 21, 2018
Page: 2

Following the City Council's approval of the Final Pay Request and Change Orders No. 1 and No. 2, please return a signed copy to me. Upon my receipt of the executed documents I will submit the final paperwork to the Public Facilities Authority for closeout of the project loan.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Bolton & Menk, Inc.



Brian J. Guldán, P.E.
Environmental Project Engineer

Enclosures

cc: Michael Marsh, City of Brooklyn Center
Michael Weber, City of Brooklyn Center
Seth Peterson, Bolton and Menk, Inc.

Application and Certificate for Payment

Page One of Six Pages

To (Engineer): Bolton & Menk
2035 County Rd D East, Suite B
Maplewood, MN 55109

Project: City of Brooklyn Center Water Treatment Plant
KCS Project #5319

Application No: 22

Distribution to:

Owner ☐
Engineer ☐
Contractor ☐

From (Contractor): Knutson Construction Services
7515 Wayzata Boulevard
Minneapolis, MN 55426

Period To: May 14th, 2018

Project No: 5319

Contract For:

Contract Date: 9/22/2014

CONTRACTOR'S APPLICATION FOR PAYMENT

Change Order Summary			Additions	Deductions
Change Orders approved in previous months by Owner				
TOTAL				
Approved this Month	Date Approved			
Number				
	01	5/29/2018	114,727.00	
	02	5/29/2018	202,341.52	
TOTALS			317,068.52	0.00
Net change by Change Orders				317,068.52

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

Contractor: Knutson Construction

By:

John T. Knutson

Date:

5/16/2018

State of: Minnesota

County of: Hennepin

Subscribed and sworn to before me on this

day of

2017

Notary Public:

My Commission expires:

ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect recommends to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT RECOMMENDED.

Amount Recommended:

\$ 104,855.24

(Attach explanation if amount certified differs from the amount applied for.)

Engineer:

By: *David J. Smith*

Date: 5/24/18

Amount Certified:

\$

(Attach explanation if amount certified differs from the amount applied for.)

Owner:

By:

Date:

Date:

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

APPLICATION AND CERTIFICATE FOR PAYMENT

Revised July, 2005

Tab 141

SECTION 00991 – CHANGE ORDER

(Instructions on reverse side)

No. 1

PROJECT: Water Treatment Facilities

DATE OF ISSUANCE: May 29, 2018

EFFECTIVE DATE: May 29, 2018

OWNER: City of Brooklyn Center

ENGINEER'S Project No.: N21.107570

CONTRACTOR: Knutson Construction

ENGINEER: Bolton and Menk, Inc.

You are directed to make the following changes in the Contract Documents.

Description:

Modify the viewing chamber with the addition of a 16" overflow pipe, combination air pressure/vacuum relief disc, bypass piping, and valves per Proposal Request 62. Changes to Contract Times as presented in this change order shall apply only to work described herein.

Reason for Change Order:

See attached Proposal Request 62

Attachments: (List documents supporting change)

Proposal Request 62

Knutson Construction Services, Inc. Change Order Request :PCO 118 PR 62 Viewing Well Modifications

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price	Original Contract Times
<u>\$18,066,120.50</u>	Substantial Completion : <u>January 12, 2016</u>
Net changes from previous Change Orders No. <u>NA</u> to No. <u>NA</u>	Ready for final payment : <u>July 14, 2016</u>
<u>\$0.00</u>	
Contract Price Prior to this Change Order	Contract Times prior to this Change Order
<u>\$18,066,120.50</u>	Substantial Completion : <u>January 12, 2016</u>
Net Increase of this Change Order	Ready for final payment : <u>July 14, 2016</u>
<u>\$114,727.00</u>	
Contract Price with all approved Change Orders	Contract Times with all approved Change Orders
<u>\$18,180,847.50</u>	Substantial Completion : <u>June 30, 2017</u>
	Ready for final payment : <u>June 30, 2017</u>

RECOMMENDED:

By: Brian J. Egan
Engineer (Authorized Signature)

Date: May 7, 2018

APPROVED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: John F. Lindstrom
Contractor (Authorized Signature)

Date: 5/16/2018

EJCDC No. 1910C8-B (1990 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America.

CHANGE ORDER

INSTRUCTIONS

A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Contract Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating change order items to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed, any effect of a Change Order thereon should be addressed.

For supplemental instructions and monitor changes not involving a change in the Contract Price or Contract Times, a Field Order may be used.

B. COMPLETING THE CHANGE ORDER FORM

Engineer initiates the form, including a description of the changes involved and attachment based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Contractor for approval. After approval by Contractor, all copies should be sent to Owner for approval. Engineer should make distribution of executed copies after approval by Owner.

If a change only applies to Contract Price or to Contract Times, cross out the part of the tabulation that does not apply.

Proposal Request

- ☒ Steve Lillehaug, City of Brooklyn Center
- ☒ Mike Marsh, City of Brooklyn Center
- ☒ Jens Frederickson, Knutson Construction
- ☒ Brian Guldán, Bolton & Menk, Inc.
- ☒ Seth Peterson, Bolton & Menk, Inc.

PROJECT: Water Treatment Improvements
Brooklyn Center, Minnesota

PROPOSAL REQUEST NO: 62

OWNER: City of Brooklyn Center, MN

DATE: October 12, 2016

TO: (CONTRACTOR)

Knutson Construction
7515 Wayzata Boulevard
Minneapolis, MN 55426

ENGINEER'S PROJECT NO: N21.107570

CONTRACT DATED: September 8, 2014

Please submit an itemized quotation for changes in the Contract Sum and/or Time incidental to proposed modifications to the Contract Documents described herein.

THIS IS NOT A CHANGE ORDER NOR A DIRECTION TO PROCEED WITH THE WORK DESCRIBED HEREIN.

Description:

Modify the process piping in the viewing chamber as shown on the attached sheet 1. Work to include the following;

- Reinstall existing stainless steel pipe at revised elevation with new 30" diameter stainless steel plate.
- Provide 16" overflow pipe into west clearwell.
- Modify process piping and provide three additional butterfly valves for viewing chamber bypass. Butterfly valves to be narrow body or wide body as shown on the plan.
- Paint all piping (including stainless steel piping) prior to installation per the specifications. Top 12" of inside of 24" stainless steel pipe shall also be painted.
- Provide touchup painting and painting of bolts and anchor rods after installation.
- Clean and repaint walls of viewing chamber for existing painted surfaces (interior and exterior).
- Install 6" stainless steel vent with rupture disc.
- Provide additional soft gasketing at dome to ensure air tight seal.
- Secure dome to viewing chamber wall with fourteen (14) stainless steel toggle clamps, Model Destaco 331-SS or equal at existing anchor holes in dome frame.
- Chlorinate and bacteria test viewing chamber and west clearwell per AWWA standards.

Attachments:

Sheet 1 dated 10-11-16

ENGINEER: Brian J. Guldán, P.E.

DATE: October 12, 2016

SECTION 00991 – CHANGE ORDER

(Instructions on reverse side)

No. 2 - Final

PROJECT: Water Treatment Facilities

DATE OF ISSUANCE: May 29, 2018

EFFECTIVE DATE: May 29, 2018

OWNER: City of Brooklyn Center

ENGINEER'S Project No.: N21.107570

CONTRACTOR: Knutson Construction

ENGINEER: Bolton and Menk, Inc.

You are directed to make the following changes in the Contract Documents.

Description:

Increase final contract amount by \$202,341.52 and establish final warranty periods.

Reason for Change Order:

Final Project Change Order to rectify project allowance and unit price work costs.

Attachments: (List documents supporting change)

Schedule B Unit Price Work – Final Values

Final Project Change Summary Dated May 7, 2018

Schedule of Allowances/Values

Substantial Completion and Warranty Dates

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price	Original Contract Times
<u>\$18,066,120.50</u>	Substantial Completion : <u>January 12, 2016</u>
Net changes from previous Change Orders No. <u>1</u> to No. <u>1</u>	Ready for final payment : <u>July 14, 2016</u>
<u>\$114,727.00</u>	
Contract Price Prior to this Change Order	Contract Times prior to this Change Order
<u>\$18,180,847.50</u>	Substantial Completion : <u>June 30, 2017</u>
Net Increase of this Change Order	Ready for final payment : <u>June 30, 2017</u>
<u>\$202,341.52</u>	
Contract Price with all approved Change Orders	Contract Times with all approved Change Orders
<u>\$18,383,189.02</u>	Substantial Completion : <u>April 16, 2018</u>
	Ready for final payment : <u>May 18, 2018</u>

RECOMMENDED:

By: Ben J. Spivey
Engineer (Authorized Signature)

Date: May 7, 2018

APPROVED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: John F. Lindholm
Contractor (Authorized Signature)

Date: 5/16/2018

EJCDC No. 1910C8-B (1990 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America.

N21.107570 – Water Treatment Facilities
Brooklyn Center, MN

CHANGE ORDER
PAGE 00991-1

CHANGE ORDER

INSTRUCTIONS

A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Contract Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating change order items to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed, any effect of a Change Order thereon should be addressed.

For supplemental instructions and monitor changes not involving a change in the Contract Price or Contract Times, a Field Order may be used.

B. COMPLETING THE CHANGE ORDER FORM

Engineer initiates the form, including a description of the changes involved and attachment based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Contractor for approval. After approval by Contractor, all copies should be sent to Owner for approval. Engineer should make distribution of executed copies after approval by Owner.

If a change only applies to Contract Price or to Contract Times, cross out the part of the tabulation that does not apply.

City Council Agenda Item No. 6f

COUNCIL ITEM MEMORANDUM

DATE: May 22, 2018

TO: Curt Boganey, City Manager *CB*

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

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

SUBJECT: Resolution Establishing Improvement Project Nos. 2019-01, 02, 03 and 04, Interstate Area Street and Utility Improvements

Recommendation:

It is recommended that the City Council approves the resolution establishing Improvement Project Nos. 2019-01, 02, 03 and 04, Interstate Area Street and Utility Improvements.

Background:

In 2019, the City will be entering the 26th year of its long-range street and utility 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 infrastructure. This program has included the reconstruction of public streets, replacement of deteriorating water and sanitary sewer facilities and the construction of new storm sewer and drainage facilities. In addition, other neighborhood improvements are often considered as part of the projects, including park and lighting improvements, landscape improvements and traffic control improvements.

In accordance with the City's Capital Improvements Plan (CIP), the area referred to as the Interstate Area is programmed for improvements in 2019 (see attached map for specific street locations). At this time, staff requests that the City Council establish this street and utility improvement project so investigative engineering work may begin.

The Interstate Area Street and Utility Improvements project area consists of approximately 3.3 miles of streets and utilities. The area consists of approximately 235 residential properties (R1). The project is expected to include complete replacement of existing water main, complete replacement of existing sanitary sewer and replacement of a majority of the storm drainage systems in the project area.

Typically, in order for a project to be completed within a specified calendar year, preliminary design must commence almost one year in advance. 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.

COUNCIL ITEM MEMORANDUM

Initial design also includes detailed technical engineering work, underground infrastructure inspections and assessments and soil/geotechnical investigations. Upon authorization by the City Council the following actions would take place:

- Collect data, including field surveys, review traffic counts and review maintenance records.
- Evaluate project in accordance with the City's Complete Streets Policy.
- Conduct storm sewer system and water main distribution system analyses.
- 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.
- Prepare a feasibility report for review by the City Council. The City Council could then consider setting a date for a project hearing.

To date, the City has completed 92.6 miles of local street and utility reconstruction since initiating the Neighborhood Street and Utility Improvement Program. This represents approximately 88 percent of the total local roadways within Brooklyn Center.

Budget Issues:

The Interstate Area Street and Utility Improvements project is identified in the City's CIP with a preliminary project cost estimate of \$11,420,000. The estimated cost for preliminary field work, preparation of a project feasibility report and design is \$265,000.

Strategic Priorities:

- Key Transportation Investments

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION ESTABLISHING IMPROVEMENT PROJECT NOS. 2019-01,
02, 03 AND 04, INTERSTATE AREA STREET AND UTILITY
IMPROVEMENTS

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

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

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

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

1. Improvement Project Nos. 2019-01, 02, 03 and 04, Interstate Area Street
and Utility Improvements are hereby established.
2. 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 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:

<u>COST</u>	<u>AMOUNT</u>
Preliminary Design and Plan Prep.	\$150,000
Televising	\$ 7,000
Field Survey	\$ 45,000
Geotechnical Investigation	\$ 25,000
Storm Sewer system analysis	\$ 29,000
<u>Watermain system analyses</u>	<u>\$ 9,000</u>
Estimated Costs Total	\$265,000

RESOLUTION NO. _____

<u>REVENUES</u>	<u>AMOUNT</u>
Sanitary Sewer Utility Fund	\$ 45,000
Water Utility Fund	\$ 60,000
Storm Sewer Utility Fund	\$ 40,000
<u>Street Reconstruction Fund</u>	<u>\$120,000</u>
Estimated Revenues Total	\$265,000

May 29, 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. 6g

COUNCIL ITEM MEMORANDUM

DATE: May 21, 2018

TO: Curt Boganey, City Manager 

THROUGH: Reggie Edwards, Deputy City Manager 

FROM: Kelli Wick, HR Director 

SUBJECT: Resolution Authorizing the Exchange of One Personal Floating Holiday for the Monday Preceding the 2018 Christmas Day Holiday for City Employees.

Recommendation:

It is recommended that the City Council consider approval of a resolution authorizing the exchange of one personal floating holiday for the Monday preceding the 2018 Christmas Day Holiday for City Employees.

Background:

Section 8.1 states two personal floating holidays are available each year to City employees to be taken at the employee's discretion.

Since the 2018 Christmas Day holiday falls on a Tuesday, employees have requested that they be allowed to exchange one personal floating holiday for the Monday preceding the 2018 Christmas Day holiday. Historically, city offices are closed at Noon on December 24. Employees who are working are required to use vacation or other approved leave time for the afternoon.

The City surveyed City employees asking if they would be interested in using a personal floating holiday on Monday, December 24, 2018 so that City offices could be closed all day. 68.97% of employees who responded to the survey replied yes.

It is recommended that the City Council authorize the exchange of one personal floating holiday for the Monday preceding the 2018 Christmas Day holiday for City employees for 2018 only.

Budget Issues:

There are no budget issues to consider.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE EXCHANGE OF ONE PERSONAL FLOATING HOLIDAY FOR THE MONDAY PRECEDING THE 2018 CHRISTMAS DAY HOLIDAY FOR CITY EMPLOYEES

WHEREAS, on May 14, 2018, the Council adopted the City's Personnel Rules and Regulations by Resolution No. 2018-101; and

WHEREAS, Section 8.1 states two personal floating holidays are available each year to City employees; and

WHEREAS, it is the desire of the City employees to exchange one personal floating holiday for the Monday preceding the Christmas Day Holiday (Monday, December 24, 2018) for 2018 only; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center to authorize the exchange of one personal floating holiday for the Monday preceding the 2018 Christmas Day Holiday for City employees.

May 29, 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. 9a

COUNCIL ITEM MEMORANDUM

DATE: May 29, 2018

TO: Curt Boganey, City Manager 

THROUGH: Meg Beekman, Community Development Director 

FROM: Ginny McIntosh, City Planner/Zoning Administrator 

SUBJECT: Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2018-006 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 Lot Expansion, and Consideration of a Request to Combine Two Adjacent Common-Owned Lots (Located at 1915 57th Avenue North and 2001 57th Avenue North)

Recommendation:

It is recommended that the City Council, following consideration of this Planning Commission Application item, adopt the resolution regarding the disposition of Planning Commission Application No. 2018-006, submitted by Alan Milavetz of Milavetz, Gallop & Milavetz, requesting approval of a site and building plan for a 1,222-square foot building addition, parking lot expansion, and consideration of a request to combine two adjacent, common-owned lots through the Hennepin County tax parcel combination process for the properties located at 1915 and 2001 57th Avenue North.

Approval is subject to the Applicant/Property Owner complying with the conditions outlined in the considerations and conditions of the proposed City Council Resolution dated May 29, 2018 (attached).

Background:

The existing Milavetz, Gallop & Milavetz office building, located at 1915 57th Avenue North, was constructed around 1966, and is located on approximately 1.02 acres when considering the property on which it sits and the adjacent lot to the west (2001 57th Avenue North), which is vacant, and under common ownership with 1915 57th Avenue North.

Per Section 35-540 (*Combination of Land Parcels*) of the City's Zoning Ordinance, "Multiple parcels of land which are contiguous and adjacent and which are proposed to serve a single development use and which are under common ownership shall be combined into a single parcel through platting or registered land survey."

As the proposed 1,222-square foot building addition and parking lot expansion would be unable to proceed without City approval and a consolidation of the aforementioned two properties (1915 and 2001 57th Avenue North), the Applicant and City staff determined that the request to proceed through the Hennepin County tax parcel combination process be considered as part of the City submittal and ultimately outlined as a condition of any approval of the proposed building addition and parking lot expansion.

COUNCIL ITEM MEMORANDUM

On May 17, 2018, the Planning Commission reviewed Application No. 2018-006, submitted by Alan Milavetz of Milavetz, Gallop & Milavetz, for the requested approval of a site and building plan for the 1,222-square foot building addition, which is intended to provide an ADA-accessible route via a lift system, an expansion to the parking lot, and a request to combine the two adjacent lots through the Hennepin County tax parcel combination process. As site and building plan approvals do not require a public hearing, no notice was published in the Brooklyn Center *Sun Post*, and no mail notices were sent.

The Planning Commission reviewed the aforementioned application and asked questions of City staff and project architect Charles Levin, who was in attendance on the behalf of Applicant Alan Milavetz. The Planning Commission dedicated additional discussion to proposed condition 6.c (*Facilities and Equipment*), which initially noted that the "Applicant shall comply with the special requirements for C2-zoned properties as identified under Section 35-412 of the Zoning Ordinance, including screening requirements." This requirement is specifically required for those C2-zoned properties that abut R1, R2, and R3-zoned properties. As the Subject Property abuts R1-zoned properties to the south, this requirement applies. Approval of the screening device must be approved by the City Council as being "in harmony with the residential neighborhood and providing sufficient screening of the commercial area."

Given that the southern portion of the Subject Property's lot line features mature trees, and in consideration of the fact that the addition of the as-proposed eight (8) foot opaque fence would result in a mix of multiple fence types (e.g., 8-foot opaque fence on Subject Property, 6-foot chain-link fence on adjacent O'Reilly's/Family Dollar property, multi-height wood fence along Super America property), the Commissioners requested that any approval provide language that would allow for an alternative, and more aesthetically pleasing form of screening, such as landscaping. As the existing office building has existed since the 1960s and without the required opaque fencing or wall, the Commissioners noted that the addition of an eight foot opaque fence might not be accepted by the residents to the south.

Following the discussion, the Planning Commission voted unanimously (6-0) in favor of the requested approval of the site and building plan and request to proceed through the Hennepin County tax parcel combination process, subject to City staff working with the Applicant to amend the language of condition 6.c.

Attached for your review are copies of the Planning Commission Staff Report and exhibits dated May 17, 2018, and a draft copy of the Council resolution.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Targeted Redevelopment

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING 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 TO AN EXISTING OFFICE BUILDING AND CONSIDERATION OF A REQUEST TO COMBINE TWO ADJACENT COMMON-OWNED LOTS (LOCATED AT 1915 57TH AVENUE NORTH AND 2001 57TH AVENUE NORTH)

WHEREAS, Planning Commission Application No. 2018-006 was submitted by Alan Milavetz of Milavetz, Gallop & Milavetz, requesting consideration of Site and Building Plan approval for a proposed 1,222-square foot addition to an existing office building; and

WHEREAS, an additional request was made under Planning Commission Application No. 2018-006 to combine two adjacent, commonly-owned lots located at 1915 57th Avenue North, legally described as LOT 1, BLOCK 1, SUPERAMERICA 5TH ADDITION, HENNEPIN COUNTY, MINNESOTA, and 2001 57th Avenue North, legally described as TRACT C, REGISTERED LAND SURVEY NO. 1114, HENNEPIN COUNTY, MINNESOTA, as the request for approval of the aforementioned building addition and parking lot would otherwise be impermissible; and

WHEREAS, on May 17, 2018, the Planning Commission reviewed and received a planning report and Assistant City Engineer's memorandum on the proposed Site and Building Plan for the proposed 1,222-square foot building addition, parking lot expansion, and request to combine the two commonly-owned lots through the Hennepin County tax parcel combination process; and

WHEREAS, in light of all testimony received, and utilizing the guidelines and standards for evaluating site and building plans, as contained in Section 35-230 (Plan Approval) of the City's Zoning Ordinance, Chapter 15 of the City's Platting Ordinance, along with consideration of the goals and objectives of the City's Comprehensive Plan, the Planning Commission considers this Site and Building Plan an appropriate and reasonable development on the subject property.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Brooklyn Center, Minnesota, hereby recommends to the City Council that the Site and Building Plan for the proposed 1,222-square foot building addition, parking lot expansion, and request to combine the two common-owned lots, located at 1915 57th Avenue North and 2001 57th Avenue North, and as comprehended under Planning Application No. 2018-006, may be approved based on the following considerations:

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

RESOLUTION NO.

- B. The improvements and utilization of the property as proposed under the planned addition to the existing office building and parking lot expansion is considered a reasonable use of the property and will conform with ordinance standards;
- C. The Site and Building Plan proposal is considered consistent with the recommendations of the City's Comprehensive Plan for this area of the city as it is designated for an commercial use;
- D. The Site and Building Plan proposal appears to be a good long range use of the existing site and the proposed addition and parking lot expansion can be considered an asset to the community, particularly given Milavetz, Gallop & Milavetz's long-standing relationship to the Subject Property; and
- E. Based upon the above considerations, it is believed that the guidelines for evaluating and approving a Site and Building Plan as contained in Section 35-230 (Plan Approval) of the City's Zoning Ordinance are met and the building and site plan proposal is, therefore, in the best interest of the community.

AND WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota, does hereby recommend to the City Council that Planning Application No. 2018-006 be approved subject to the following conditions and considerations:

1. **Lot Consolidation:** The Applicant shall combine the two adjacent, common-owned properties located at 1915 57th Avenue North (Lot 1, Block 1, Superamerica 5th Addition) and 2001 57th Avenue North (Tract C, Registered Land Survey No. 1114, Hennepin County, Minnesota). As such, approval of the Site and Building plan is contingent upon the Applicant submitting all required items to Hennepin County for review and consideration of the requested tax parcel combination.
 - a. **Once combined, these lots may not be separated without approval of a subdivision request as provided under Chapter 15 (*Platting*) under the City Code of Ordinances.**
 - b. **The Applicant/Property Owner shall file for tax parcel combination and receive a determination from Hennepin County prior to release of any Building Permits by the City.**
2. **Building and Site Plan Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants or other fire-related building code items shall be reviewed and approved by the Fire Inspector.
 - a. Any major changes or modifications made to this Site and Building Plan can only

RESOLUTION NO.

be made by an amendment to the approved Site and Building Plan as approved by the City Council.

- b. The Applicant shall work with the City/Fire Department to ensure adequate access and circulation is provided for emergency vehicles on the Subject Property.
- c. The Applicant shall verify that the proposed building and site has met City Code requirements.
- d. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit.

3. Agreements:

- a. The Property Owner/Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards comprehended under this Site and Building Plan.
- b. The Applicant shall submit an as-built survey of the Subject Property, as well as any improvements and utility service lines, prior to release of the Performance Agreement financial guarantee.

4. Engineering Review:

- a. The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memorandum, dated May 7, 2018 (Exhibit C):
- b. Final grading, drainage, utility, irrigation, erosion control, and as-built plans, and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.

5. Construction Standards:

- a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Department.
- b. All work performed and materials used for construction of utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.

6. Facilities and Equipment:

- a. Any outside trash disposal facilities or ground mechanical equipment shall be appropriately screened from view per City Code requirements.
- b. Any outdoor enclosures shall be constructed with materials that are complementary to the principal building and new addition.
- c. The Applicant shall comply with the special requirements for C2-zoned properties as identified under Section 35-412 of the Zoning Ordinance by utilizing a natural barrier of landscaping to ensure 75-percent opacity year round in lieu of fencing or a wall.

RESOLUTION NO.

7. Landscaping:

- a. An irrigation plan shall be submitted to the City and a system installed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Commission Application No. 2018-006, as submitted by Alan Milavetz of Milavetz, Gallop & Milavetz, requesting approval of a Site and Building Plan for a 1,222-square foot building addition, expansion to the existing parking lot area, and consideration of a request to combine two adjacent, common-owned lots, and located at 1915 57th Avenue North and 2001 57th Avenue North, is hereby approved subject to the conditions memorialized herein.

May 29, 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:



Planning Commission Report

Meeting Date: May 17, 2018

- Application Filed: 04/17/2018
- Review Period (60-day) Deadline: 06/16/2018
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No. 2018-006
Applicant: Alan Milavetz (Milavetz, Gallop & Milavetz)
Location: 1915 57th Avenue North and 2001 57th Avenue North (Vacant Lot)
Requests: (1) Site and Building Plan Approval, (2) Hennepin County Lot Combination

INTRODUCTION

Alan Milavetz of Milavetz, Gallop & Milavetz ("the Applicant") is requesting consideration and approval of a Site and Building Plan to construct a small, approximately 1,000-square foot addition onto the west end of an existing law firm, an expansion to the existing parking lot area, and approval to proceed with the combining of two adjacent, commonly-owned lots through the Hennepin County combination process.

The Subject Property, in its entirety, spans approximately 1.02 acres and is comprised of the existing building, constructed in 1966, and other site improvements, including a ground sign along 57th Avenue North, an existing parking lot, shed, etc.

As Site and Building Plan Approvals do not require a public hearing, no notice was published in the Brooklyn Center *Sun Post* and no notices were mailed.

COMPREHENSIVE PLAN AND ZONING STANDARDS

2030 Land Use Plan: Retail Business (RB) and Office/Service Business (OS)

Neighborhood: Lions

Current Zoning: C2 (Commerce) District

Surrounding Zoning: North: C2 (Commerce) District – EDA of City of Brooklyn Center
East: PUD/C2 (Planned Unit Development-Commerce) District - SuperAmerica
South: R1 (One Family Residence) District
West: C2 (Commerce) District- O'Reilly Auto Parts and Family Dollar

Site Area: Approximately 1.02 Acres

Setback Standards:

The typical minimum building setback requirements for a C2-zoned property are as follows:

Front Yard: 35 feet

Rear Yard: 40 feet

Side Interior Yard: 10 feet

As proposed, the existing building would remain the same, with the exception of the proposed approximately 1,222-square foot addition, which would be constructed to the west of the existing

building. Assuming the Applicant's second request to combine the two adjacent, common-owned properties through Hennepin County is approved, the addition would have the following setbacks:

Front Yard: 93 feet

Rear Yard: 64 feet

Side Interior Yard (West): 76 feet

Conformity to:

Land Use Plan: Yes

Zoning Ord.: Yes (C2 District)

Subdivision Ord.: Yes – as a note, the 2001 57th Avenue North is a Registered Land Survey, whereas 1915 57th Avenue North is part of the SuperAmerica 5th addition.

Sign Ord.: Not under consideration at this time.

*Variance Needed
for Request:* No

BACKGROUND

Per Hennepin County Records, the Milavetz, Gallop & Milavetz law firm building was constructed around 1966 on the Subject Property known as 1915 57th Avenue North. The currently vacant property to the west of this property (known as 2001 57th Avenue North) is under common ownership with the 1915 57th Avenue North property.

The Applicant is requesting approval of a small, 1,222-square foot addition on the west side of the existing building (located at 1915 57th Avenue North). The proposed addition would allow the existing building to become handicap accessible, as access to the building currently is provided by a set of stairs along the front entrance. As part of the proposal, a lift system would be installed in the new addition to provide access to the main part of the building.

Given the additional square footage and setbacks proposed, and the Applicant's intent to expand the parking, the Applicant wishes to combine these two lots through Hennepin County's tax parcel combination process, as the proposed addition would otherwise be unable to be constructed due to its proposed proximity to the interior property line.

TAX PARCEL COMBINATION

The Applicant is requesting review and consideration by the City of Brooklyn Center to combine two adjacent, commonly-owned properties into one parcel, as part of the Applicant's application to construct a small addition and expand the existing parking lot. It should be noted that the Applicant will be unable to construct the small building addition and parking expansion without approval of a combination. Per Section 35-540 (*Combination of Land Parcels*) of the Zoning Ordinance,

"Multiple parcels of land which are contiguous and adjacent and which are proposed to serve a single development use and which are under common ownership shall be combined into a single parcel through platting or registered land survey."

The property identified as 1915 57th Avenue North is legally described as "Lot 1, Block 1, Superamerica 5th Addition, Hennepin County, Minnesota" and is therefore platted, while the vacant parcel to the west, identified as 2001 57th Avenue North, and described as, "Tract C, Registered Land Survey No. 1114, Hennepin County, Minnesota", is not. Per discussions with the City Attorney and Hennepin County

Registrar of Titles, it was determined that Chapter 15 (*Platting*) of the City Code does not provide direction on requests to combine adjacent, commonly-owned property. Rather, Chapter 15 provides direction on subdivisions of two or more parcels.

While some Twin Cities municipalities have an administrative approval form or application in place (e.g. Maple Grove, Roseville) for combinations and divisions, the City of Brooklyn Center does not. Per the Hennepin County requirements for City Approval of a division or combination, the Applicant must obtain a City Resolution noting approval of the combination request, or a notice from the City that approval is not required.

Given the intertwining and reliance of the request to combine the properties on the construction of the small addition near the property line of the adjacent, commonly-owned property, the Applicant and City staff were in agreeance that the request to consolidate the two properties be brought into the overall Site and Building Plan approval request.

As part of the request, Walter Hodynsky of Milavetz, Gallop, & Milavetz, provided a memo noting the proposed request to combine the properties as part of the Site and Building Plan approval request, and a draft Hennepin County application for review (See Exhibit A).

BUILDING AND SITE PLAN REVIEW

Building

The proposal calls for the construction of an approximately 1,222-square foot addition on the west side of the existing building located at 1915 57th Avenue North. Copies of the site plan, interior layout, and 3D renderings of the proposed addition are attached hereto as Exhibit B.



Map 1. Subject Property Location-2001 57th Avenue North to the west, 1915 57th Avenue to the east (in red).

Although unofficial, the City does reference a set of design guidelines when reviewing site and building plan applications city-wide. These guidelines are based on the *Shingle Creek Crossing Architectural Design Guidelines*, which were approved in 2011. These guidelines strive to have *at least* 50-percent of each building face constructed with Class I materials, with the remaining surfaces to be constructed of Class II materials. Class I and Class II materials include:

Class I materials include: brick or acceptable brick-type material, marble; granite; other natural stone or acceptable natural looking stone; textured cement stucco; copper; porcelain, glass; architectural textured concrete pre-cast panels; and other materials including masonry units with enhanced detailing such as patterns, textures, color, dimension, banding, and brick inlay, as approved by the City Planning Commission and City Council.

Class II materials include: exposed aggregate concrete panels; burnished concrete block; integral colored split face (rock face) and exposed aggregate concrete block; cast-in-place concrete; artificial stucco (e.g., E.I.F.S., Drivit); artificial stone; fiber-reinforced cement board siding with a minimum thickness of ¼ inch; canvas or vinyl awnings; prefinished metal; and other materials not listed elsewhere, as approved by the City Planning Commission and City Council.

Given that the building was initially constructed in the 1966, and the proposal features a minor 1,222-square foot addition, it is not expected of the Applicant to necessarily achieve these minimum requirements; however, it is stressed that the Applicant be thoughtful in the design of the addition. Per a discussion with project architect Charles Levin, the Applicant intends to match the proposed addition with the existing building (comprised of brick and concrete masonry units). The proposed addition would feature a brick veneer paired with concrete masonry units (CMUs).

ACCESS AND PARKING

Vehicular Access/Parking

The Applicant intends to maintain the two existing driveway access points and parking lot located in front of main entrance to the building along 57th Avenue North. Per the plans submitted and as noted on Sheet A1.0 (Site Plan), the existing parking lot is comprised of 17 parking spaces. Should the 1,222-square foot addition be approved, a minimum of 24 parking spaces would be required, assuming a total building square footage of 4,711 and a use of "office."

Although two of the existing 17 parking spaces and the existing trash enclosure will require removal in order to construct a 24-foot wide drive aisle to the expanded parking area, the Applicant is providing 11 new parking spaces or 26 parking spaces in total. The trash enclosure would be re-located to the south end of the expanded parking area. The *2015 Minnesota Accessibility Code* requires a minimum of two accessible parking spaces. A review of the submitted site plan notes that the Applicant would meet the minimum requirements.

Assuming 24-wide drive aisles, this would allow for 90-degree parking and two-way traffic. The spaces, as proposed, would meet the minimum parking requirements as noted under Chapter 35 of the Zoning Ordinance with 9-foot wide and 18-foot deep parking spaces. The Applicant will need to work with the City Fire Inspector to ensure emergency vehicle access within the new parking area, if necessary, is sufficient.

The City Zoning Ordinance requires that off-street parking and perimeter parking lot driveways be

prohibited within 15 feet of the street right-of-way, allowing this area to be maintained as a green strip. The Applicant has no plans to alter the existing parking lot, other than the removal of two parking spaces and the trash enclosure to allow for a new drive aisle. The proposed parking area would meet the 15-foot green strip requirement.

In consideration of the residential properties to the south of the Subject Property, the Applicant is subject to the provisions of Section 35-412 (*Special Requirements in C2 District*) of the Zoning Ordinance. These provisions state that,

“Where a proposed C2 development abuts an R1, R2, or R3 district other than at a public street line, buffer provisions shall be established. There shall be provided a protective strip of not less than 35 feet in width. The protective strip shall not be used for parking, driveways, off-street loading or storage and shall be landscaped. The landscape treatment shall contain an opaque fence or wall which shall not extend within 10 feet of any street right-of-way. The fence or wall design must be approved by the City Council as being in harmony with the residential neighborhood and providing sufficient screening of the commercial area. The fence or wall shall be eight feet in height. The protective strip shall contain no structures other than an approved fence or wall.”

Despite the Subject Property having been developed since the early 1960s, the Applicant intends to install a 75-foot long, eight foot high, opaque wooden fence where the Subject Property abuts the R1-zoned residential properties to the south. Although they are not located on the Subject Property, there is a dense row of mature trees running east to west near the property line. The Applicant has also noted in the Landscape Plan the planting of thorn less honey locusts, elms, red cedar, buckthorn, and lilacs, amongst others.

Section 35-412 does note that this protective strip should contain no structures other than the approved fence or wall, however, the existing HVAC enclosure and shed are located near the rear property line in an existing landscaped area. It is of staff's opinion that these structures remain for the time being, with the caveat that they be re-located away from the rear property line when it comes time for replacement of the shed structure and/or HVAC enclosure.

LIGHTING | SCREENING | PERFORMANCE STANDARDS

Lighting

The Applicant provided a photometric plan (Exhibit B), which notes the existence of two 23-foot high light poles near the two driveway entrances off 57th Avenue North. Two additional 23-foot high light poles would be installed along the northwest and southern edges of the proposed new parking area.

Per the City Zoning Ordinance, “all exterior lighting shall be provided with lenses, reflectors, or shades, so as to concentrate illumination on the property of the owner or operator of said illumination devices.” Additionally, glare shall not emanate from or be visible beyond the boundaries of the illuminated premises. Section 35-712 (*Lighting*) of the City Zoning Ordinance further specifies that lighting shall not exceed ten (10) foot candles when measured at the property lines abutting the street right-of-way or non-residentially zoned properties. Properties abutting residentially-zoned properties shall not exceed three (3) foot-candles. The Applicant notes in the plans that the average foot-candles would fall between 0.59 and 1.97.

Per the unofficial City architectural design guidelines, light poles, fixtures, and bases should maintain a consistent dark color (i.e., bronze, black, or brown), and feature dark sky-friendly or cutoff style fixtures.

Screening

The trash enclosure to be located at the south end of the proposed new parking area, along with any other ground mounted equipment (e.g., transformers, mechanical/HVAC) shall be effectively screened from adjacent public rights-of-way and adjacent properties by a solid wall or fence constructed of wood, masonry, or other durable materials that are complementary to the materials used on the primary building. There is an HVAC enclosure located along the southern border of the Subject Property, and it is open to the south, although there is an existing tree. The proposed new eight foot opaque fence will also provide additional screening, while helping to reduce any potential noise generated by the HVAC equipment.

DRAINING | GRADING | UTILITIES

The installation of all utility services and lines, and the finished grading proposed as part of the project are to be reviewed and conducted under issuance of a separate Land Disturbance (Alteration) permit, which is reviewed and approved by City engineers, and inspected for completeness by City engineers and building officials.

As proposed, the Applicant intends to conduct minimal demolition as part of the project. As noted on Sheet C-2 (Site Demolition Plan), an existing wellhead, located on the vacant parcel to the west of the existing building, would be sealed per the Minnesota Department of Health. The existing gas meter, located along the west face of the existing building, is proposed for relocation to the west face of the new addition (once constructed). The existing wood fenced trash enclosure and three trees would be removed, along with 24 linear feet of existing curb and gutter (to allow for the new drive aisle) and 122 linear feet of existing wood fence, which currently runs north to south between the two commonly-owned properties. Erosion and sediment control measures would be in effect as part of the process to construct a new building addition and expand the parking areas.

The Applicant should refer to the Assistant City Engineer's memorandum, dated May 7, 2018, to determine what other approvals are required (Exhibit C).

LANDSCAPING

The project submittal includes a detailed landscape plan, which illustrates the proposed planting schedule (i.e., shade trees, coniferous trees, decorative trees, shrubs). Although City Code does not have any specific requirements for landscape plantings, the City has operated under and held new and redeveloped areas to complying with the City's adopted Landscape Point System policy, which assigns points to a given site based on the acreage of a development. The Point System requires sites to provide a specific amount or number of landscaping units, and is based on a maximum percentage of certain materials (i.e., 50% shade trees; 40% coniferous trees; 35% decorative trees, and 25% shrubs). See Exhibit B.

As the proposed addition would be located on approximately 1.02 acres, the development would need to achieve a minimum of 100 points, assuming a development use category of "Office."

Table 2. Landscape Point System Policy

Planting Type	Minimum Size	Points Per Planting	Maximum Points (%)	Points Accrued
Shade Trees	2 ½" diameter	10	50% or <u>50 points</u>	50 points accrued (19 trees x 10 = 190)
Coniferous Trees	5' height	6	40% or <u>40 points</u>	36 points accrued (6 trees x 6 = 36)
Decorative Trees	1" diameter	1.5	35% or <u>35 points</u>	10.5 points accrued (7 trees x 1.5 = 10.5)
Shrubs	12" diameter	0.5	25% or <u>25 points</u>	13.5 points accrued (27 shrubs x 0.5 = 13.5)
Total			100% = 100 points	110 points

As summarized in Table 2 above, the submitted landscape plan meets and exceeds the minimum required 100 points. The proposal calls for such plantings as thornless honeylocusts, Siberian elms, and Black Hills Spruce. The Applicant would install Korean sun pears and winter wind maples for decorative use, and sea green junipers would be disbursed throughout the Subject Property.

The Applicant should reference the City's unofficial *Architectural Design Guidelines* regarding overall landscaping and site treatment. As part of any approval, the Subject Property will require an irrigation system to be installed and a plan to be submitted to the City. The Applicant has noted in the plans that the site will be fully irrigated.

CITY ENGINEER REVIEW

Assistant City Engineer Andrew Hogg conducted a review of the application submittal and documents. Comments regarding this application can be found in the memorandum to city staff dated May 7, 2018, and attached hereto (Exhibit C). It should be noted that some of the outlined conditions may be applicable at time of approval for future land disturbance (alteration) or building permits.

As the total proposed disturbed area is less than half an acre, no project review is required by the West Mississippi Watershed Commission, and an NPDES permit will not be required. Per the attached memorandum, the City does request that the Applicant strive to improve overall water quality through the installation of BMPs.

FIRE INSPECTOR REVIEW

The Applicant shall work with the Fire Inspector and Building Official to ensure all aspects of the site meet Fire Code and Building Code requirements. Per Plans received, Sheet A0.0 notes that the building is fully-sprinklered. The Applicant will need to comply with the City's adopted Building and Fire Codes, and identify the presence of or need for a Knox-box, etc.

SUMMARY FINDINGS

Based on the findings of fact contained in this report, staff has determined that all requirements of the City's Zoning Code, pertaining to this site and building plan approval application, have been met or exceeded. Staff further finds that all standards and requirements related to the request to consolidate the two parcels into one have also been met by this application.

SITE AND BUILDING PLAN APPROVAL CONDITIONS:

Staff recommends the following conditions be attached to any positive recommendation on the approval of Application No. 2018-006 for 1915 and 2001 57th Avenue North (Subject Property):

1. **Lot Consolidation:** The Applicant shall combine the two adjacent, common-owned properties located at 1915 57th Avenue North (Lot 1, Block 1, Superamerica 5th Addition) and 2001 57th Avenue North (Tract C, Registered Land Survey No. 1114, Hennepin County, Minnesota). As such, approval of the Site and Building plan is contingent upon the Applicant submitting all required items to Hennepin County for review and consideration of the requested tax parcel combination.
 - a. Once combined, these lots may not be separated without approval of a subdivision request as provided under Chapter 15 (*Platting*) under the City Code of Ordinances.
 - b. The Applicant/Property Owner shall file for tax parcel combination and receive a determination from Hennepin County prior to release of any Building Permits by the City.
2. **Building and Site Plan Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants or other fire-related building code items shall be reviewed and approved by the Fire Inspector.
 - a. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site and Building Plan as approved by the City Council.
 - b. The Applicant shall work with the City/Fire Department to ensure adequate access and circulation is provided for emergency vehicles on the Subject Property.
 - c. The Applicant shall verify that the proposed building and site has met City Code requirements.
 - d. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit.
3. **Agreements:**
 - a. The Property Owner/Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards comprehended under this Site and Building Plan.
 - b. The Applicant shall submit an as-built survey of the Subject Property, as well as any improvements and utility service lines, prior to release of the Performance Agreement financial guarantee.
4. **Engineering Review:**
 - a. The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memorandum, dated May 7, 2018 (Exhibit C):
 - b. Final grading, drainage, utility, irrigation, erosion control, and as-built plans, and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.
5. **Construction Standards:**
 - a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Department.
 - b. All work performed and materials used for construction of utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.

6. Facilities and Equipment:

- a. Any outside trash disposal facilities or ground mechanical equipment shall be appropriately screened from view per City Code requirements.
- b. Any outdoor enclosures shall be constructed with materials that are complementary to the principal building and new addition.
- c. The Applicant shall comply with the special requirements for C2-zoned properties as identified under Section 35-412 of the Zoning Ordinance, including screening requirements.

7. Landscaping:

- a. An irrigation plan shall be submitted to the City and a system installed.

RECOMMENDATION

Based on the above-noted findings, Planning Staff recommends the Planning Commission recommend approval to the City Council of Planning Commission Application No. 2018-006 for the proposed approximately 1,222-square foot addition and parking lot expansion site and building plan for the to-be combined Subject Property, locally identified as 1915 and 2001 57th Avenue North, subject to the Applicant complying with the Site and Building Plan Approval Conditions, and further recommends approval of the consolidation of the two lots into a single parcel, subject to the approval of Hennepin County.

Should the Planning Commission accept this recommendation, the Commission may elect to adopt the draft resolution which memorializes the findings in granting Site and Building Plan approval, and request to proceed through Hennepin County's lot consolidation process, subject to the Applicant complying with the above-mentioned conditions of approval.

Attachments

Exhibit A- Memo prepared by Walter Hodynsky, and draft application to Hennepin County.

Exhibit B- Select Set Plans, prepared by Charles Levin Architects (Milavetz, Gallop & Milavetz), and dated April 17, 2018.

Exhibit C- Memorandum, prepared by Assistant City Engineer Andrew Hogg, dated May 7, 2018.

Exhibit D- Proposed Resolution Approving Request to Combine Adjacent, Common-Owned Lots through Hennepin County Approval Process (1915 and 2001 57th Avenue North).

Milavetz, Gallop & Milavetz, P.A.
Attorneys At Law

Exhibit A

Walter Hodynsky
Attorney Licensed in MN and WI
Whodynsky@milavetzlaw.com

April 4, 2018

Kathy McSpadden
Paralegal
kmcspadden@milavetzlaw.com

Ginny McIntosh
City Planner and Zoning Administrator
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430-2199

Via Email Only: gmcintosh@ci.brooklyn-center.mn.us

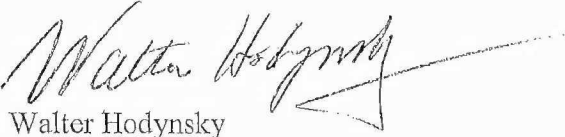
Re: Administrative Lot Combination Process through Hennepin County – Milavetz,
Gallop & Milavetz, P.A., Lots 1 & 2.

Dear Ginny:

I am enclosing herewith drafts of the City Approval form for Tax Parcel Divisions and Combinations and Parcel Division and Combination Owner Request form concerning the combination of the two parcels at the Milavetz, Gallop & Milavetz, P.A., property which is preliminary to expansion of the office building which was previously discussed. I would appreciate your reviewing the same and advising if you are in agreement therewith and we may proceed and file with the RRES Property Parcel Identification Planning Unit with Hennepin County. If you have any questions or concerns, please do not hesitate to contact me. Thank you for your attention to this matter.

Very truly yours,

MILAVETZ, GALLOP & MILAVETZ, P.A.


Walter Hodynsky

WH/kam

Enclosure: City Approval form for Tax Parcel Divisions and Combinations; and
Combination Owner Request.



City Approval Form for Tax Parcel Divisions and Combinations

Hennepin County Policy

When Hennepin County receives a request for tax parcel division or combination, our policy is to require notification from the city in which the parcels are located.

Please complete the following information and return via email (*preferred*) or mail.

Information needed:

City of:

Contact Person:

Phone #:

☒ Approves

☐ Does not approve

☐ Approval not required

The Following:

☐ Division

☒ Combination

☐ Other

PID Number (s):

Property Address (s):

1.

2.

3.

4.

Please email to:

RRES.PropertyIDandPlats@Hennepin.us

or

mail to:

Hennepin County Recorder/Registrar of Titles Office
Attn: Parcel Identification and Platting Unit
A-500 Government Center
300 South Sixth Street
Minneapolis, MN 55487

Note: This form is not required when a city resolution or other document approving the above tax parcel division or combination is submitted or recorded by said city.

HENNEPIN COUNTY PARCEL DIVISION OR COMBINATION OWNER REQUEST FORM

Parcel Identification and Platting Supervisor
Resident and Real Estate Services
A-500 Government Center
Minneapolis, MN 55487-0060

Email: RRES.PropertyIDandPlats@Hennepin.us
Telephone: 612-348-3271

DATE: March 30, 2018

I hereby make a request for a (separate combined) assessment on the following described land:

I.D. No. 02-118-21-42-0034 I.D. No. _____

I.D. No. 02-118-21-42-0115 I.D. No. _____

I.D. No. _____ I.D. No. _____

(For additional I.D. No's add an attachment)

Remarks: _____

City of Brooklyn Center
For 2019 Tax Year

Signature of Fee Owner _____

Address 1915 - 57th Avenue North

Brooklyn Center, MN 55430

Telephone # 763-560-0000

Mail Tax Statements to:

Milavetz, Gallop & Milavetz, P.A.

1915 - 57th Avenue North

Brooklyn Center, MN 55430

Milavetz, Gallop & Milavetz, P.A.
Attorneys At Law

Legal Description

Parcel 1

Trac C, Registered Land Survey No. 1114, Hennepin County, MN

Parcel 2

Lot 1, Block 1, Superamerica 5th Addition, Hennepin County, MN

Torrens Property

Being registered land as is evidenced by Certificate of Title No. 1412829

Parcels 1 + 2

HENNEPIN COUNTY PARCEL DIVISION OR COMBINATION OWNER REQUEST FORM

NOTE: It is important to keep all lenders or mortgagees aware that you are dividing or combining real property. Consult your mortgage company as to whether or not they need to issue an amendment to, or a partial release of, any mortgage or other encumbrance of the affected real property as a foreclosure of the affected real property can undo any previously approved division or combination.

- All taxes for the current year and any delinquent taxes must be paid for the entirety of the existing tax parcel before the property can be divided or sold off (MN statute § 272.121).
- As a general policy, Hennepin County does not combine tax parcels that cross streets unless the street is vacated and assumed to be owned by the adjoining tax parcel owner
- Unique Taxing Areas (UTA) such as City, Water, Sewer, School, and Tax Increment Financing (TIF) districts must be considered when a request for a division or combination of tax parcels is submitted
- Hennepin will create tax parcels that contain Abstract, Torrens, Platted and unplatted lands
- A tax parcel can contain multiple plats and multiple sections in any township and range as long as each tax parcel are located in the same UTA(s)
- A tax parcel would normally represent parcels of land that would be expected to be sold to and held by the same or future owner
- Do not combine properties if there is a possibility an existing parcel may later be divided off and sold
- The City in which the land being divided is situated, may refuse a future divisions or could place other conditions on granting said division
- For a Torrens parcel division or combination, the Parcel Identification and Platting group (PIP) will review and issue a verbal or email approval on behalf of the Registrar of Titles (see § 508.47)

Division scenarios:

Current year taxes (and any delinquent taxes) must be paid before a portion of a tax parcel can be sold or transferred, and before a tax parcel division can be initiated (§ 272.121).

What else is required to initiate a tax parcel division?

- a) Transfer document signed by the owner(s) causing a tax parcel split
Required: City approval or notice that City approval is not required
- b) Division/combination request form submitted by property owner
Required: City approval or notice that City approval is not required
- c) City resolution (or other document given by the city) approving division or notice that City approval is not required

One of the following required before division or combination will be initiated:

- a. Transfer document signed by the owner(s) causing a tax parcel split
- b. Division/combination request form submitted by property owner

Combination scenarios:

Current year taxes (and any delinquent taxes) must be paid before a portion of a tax parcel can be sold or transferred, and before a tax parcel division can be initiated (§ 272.121).

What else is required to initiate a tax parcel combination?

- a) Transfer document signed by the owner(s) causing a tax parcel split - land being transferred is being deeded to the owner of a neighboring tax parcel
Required: Completed division/combination request form submitted by the neighboring property owner and City approval or notice that City approval is not required.
- b) Transfer document containing multiple tax parcels
Required: Completed division/combination request form submitted by the new property owner and City approval or notice that City approval is not required.
- c) Division/combination request form submitted by property owner
Required: City approval or notice that City approval is not required.
- d) City resolution (or other document given by the city) approving combination or notice that City approval is not required
Required: Completed property owner request form.



1 North Elevation looking SW
NOT TO SCALE



2 Sidewalk looking West
NOT TO SCALE



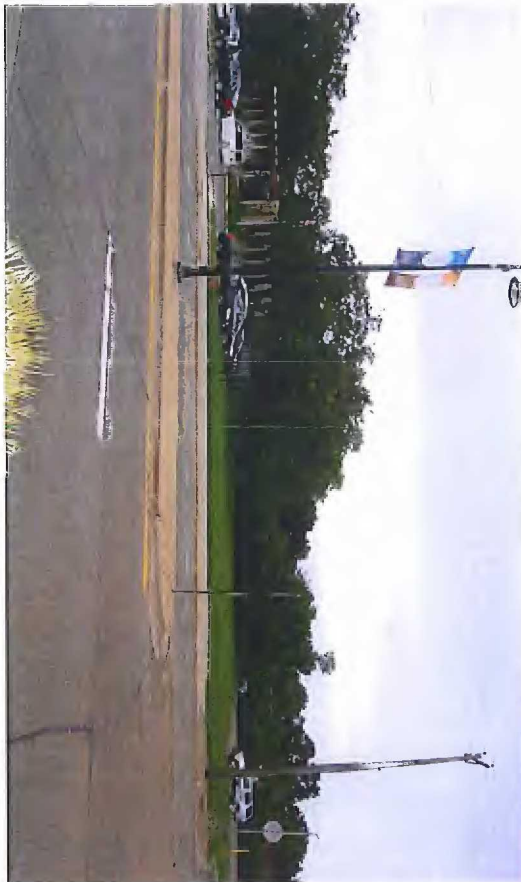
3 Existing Trash Enclosure to be relocated
NOT TO SCALE



5 Existing Wood Fence along East property Line
NOT TO SCALE



6 North Elevation looking SE
NOT TO SCALE



4 Tract C looking south showing area for Parking Lot expansion
NOT TO SCALE



8 Street Elevation of Building (North Elevation)
NOT TO SCALE



9 Rear Elevation of Building (South Elevation)
NOT TO SCALE



7 Stone Marker and Protected Pipe
NOT TO SCALE



10 Shed and HVAC Enclosure
NOT TO SCALE



Charles
Levin
Architects

2300
Milwaukee
Avenue

Minneapolis
Minnesota
55402-3150

P: 612.729.5333
F: 612.729.8351
E: cluck@clevin.com

ARCHITECT'S PROJECT #1855

MILAVETZ,
GALLOP &
MILAVETZ, P.A.
1915 57th Ave. N.
Brooklyn Center, MN
55430

ISSUED:
FOR MUNICIPAL
REVIEW: 4/17/18

12:11 PM Thursday, April 19, 2018

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

PRELIMINARY
NOT FOR CONSTRUCTION

J. A. Levin
Architect No. 14972
Date: xx/xx/xx

EXISTING
CONDITION
PHOTOS

A6.0

Charles Levin Architects



1 SKETCH 1
A0.0 / NO SCALE



2 SKETCH 2
A0.0 / NO SCALE



3 SKETCH 3
A0.0 / NO SCALE

SHEET INDEX

A0.0	COVER
A0.1	SURVEY
A1.0	SITE PLAN
A1.1	SITE AERIAL PHOTO
A2.0	UPPER FLOOR
A2.3	UPPER REFLECTED CEILING PLAN
A3.0	LOWER FLOOR
A4.0	EXTERIOR ELEVATIONS
A6.0	CROSS SECTIONS
A6.0	PHOTOS
A7.0	INTERIOR ELEVATIONS
A8.0	SCHEDULES
M1.0	HVAC SCHEMATIC
S1.0	ROOF FRAMING PLAN
L1.0	LANDSCAPE PLAN
C1.0	SITE AND UTILITY PLAN
C2.0	SITE DEMOLITION PLAN
C3.0	GRADING AND EROSION CONTROL PLAN
E1.0	PARKING LOT LIGHTING
E1.2	PARKING LOT LIGHTING

BUILDING CODE DATA

OCCUPANCY TYPE: B - PROFESSIONAL SERVICES (ATTORNEY) (IBC 304)
 CONSTRUCTION TYPE: VB, FULLY SPRINKLERED
 ALLOWABLE SQUARE FOOTAGE = 9,000 (IBC TABLE 504)
 EXISTING SQUARE FOOTAGE BASEMENT (GROSS EXTENSION) = 2,093
 EXISTING SQUARE FOOTAGE 1ST FLOOR (GROSS EXTENSION) = 3,433
 ADDITION SQUARE FOOTAGE (GROSS EXTENSION) = 7,134
 NEW SQUARE FOOTAGE (GROSS EXTENSION) = 7,134
 OCCUPANT LOAD = TOTAL SF / 100 PER OCCUPANT = 72
 EXISTING SHELL CONSTRUCTION IS MASONRY BRICK AND CHALK FLOOR
 NEW SHELL CONSTRUCTION IS CONCRETE ROOF STRUCTURE IS STEEL BAR
 JOIST. EXISTING FOUNDATION IS CMU ON SPREAD FOOTING.
 PROPOSED ADDITION SHELL CONSTRUCTION IS WOOD STUD WALL WITH
 BRICK VENEER. FLOOR STRUCTURE IS CONCRETE SLAB ON GRADE. ROOF
 STRUCTURE IS WOOD JOIST. NEW FOUNDATION IS CMU ON SPREAD
 FOOTING.



4 SITE LOCATION MAP
A0.0 / NO SCALE

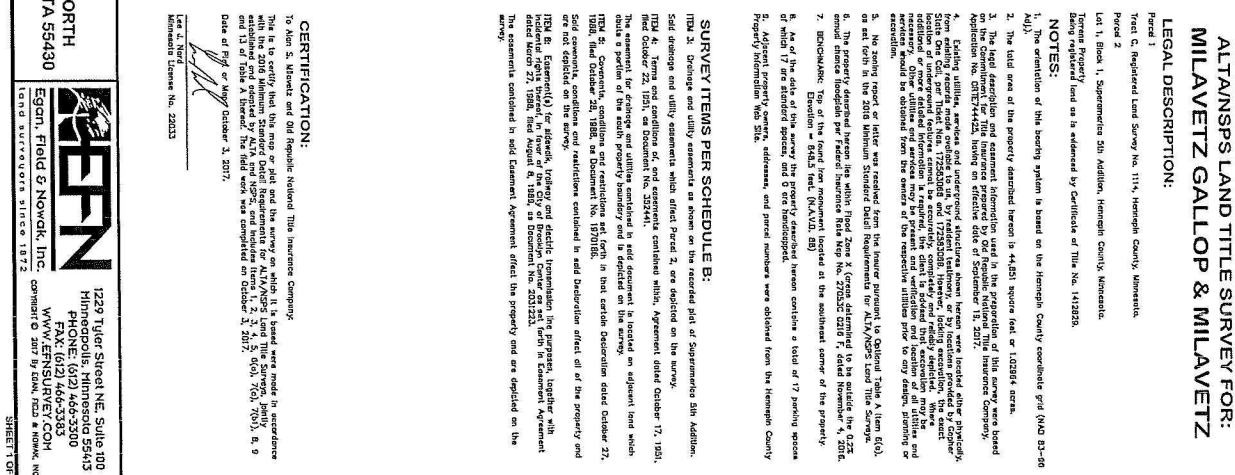
COVER SHEET
A0.0
 CHARLES LEVIN ARCHITECTS
 14672
 DATE: 2018.04.19

PRELIMINARY
 NOT FOR CONSTRUCTION
 14672
 DATE: 2018.04.19

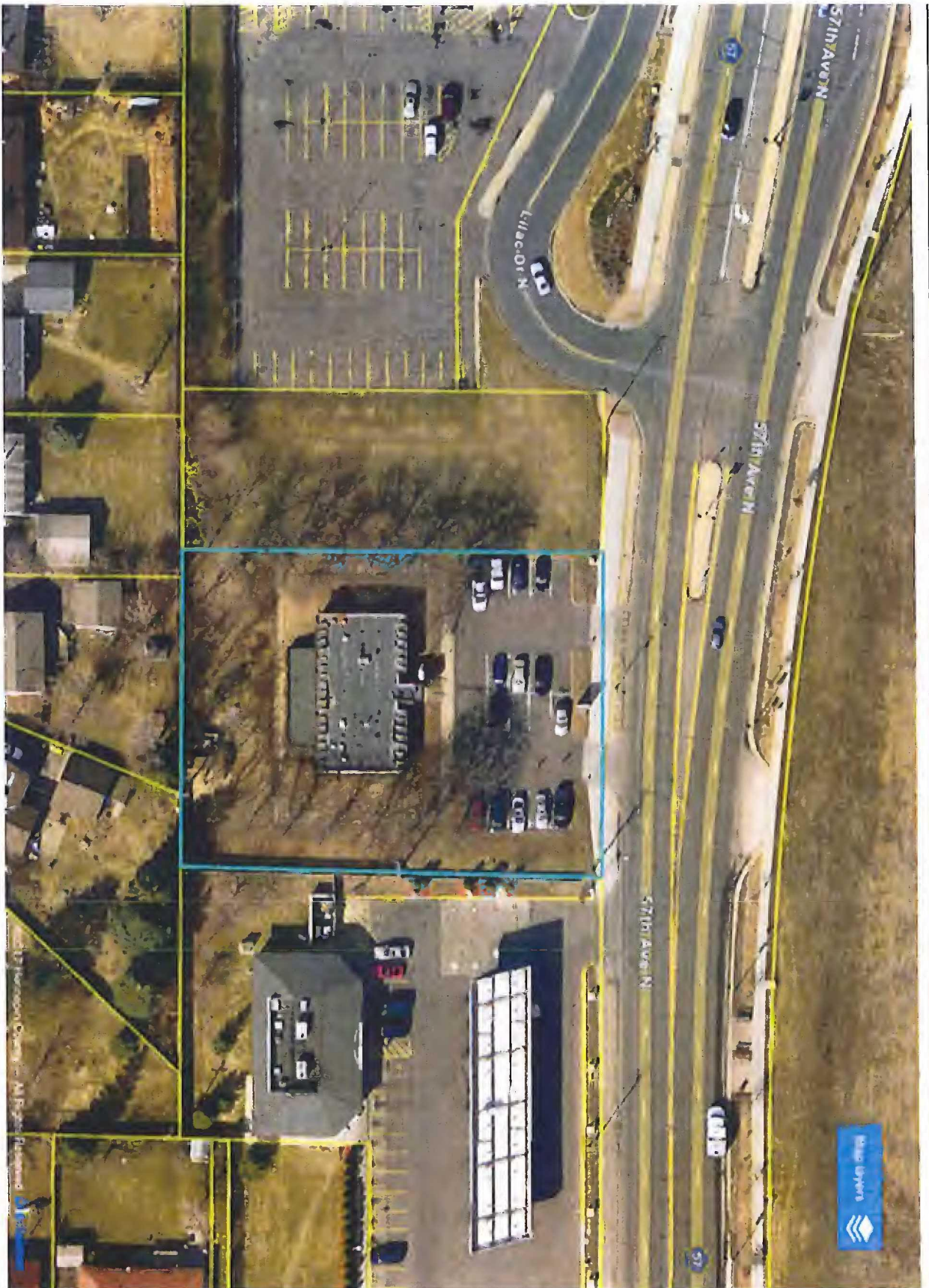
MLAVETZ, GALLOP & MLAVETZ, P.A.
 1915 57th Ave. N.
 Brooklyn Center, MN
 55430

ISSUED:
 FOR MUNICIPAL REVIEW
 4/17/18

CHARLES LEVIN ARCHITECTS
 2300 Milwaukee Avenue
 Minneapolis, MN 55405-3150
 P: 612.729.5333
 F: 612.729.8351
 E: cluck@clevin.com
 ARCHITECT'S PROJECT #1585



ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED



Charles
Levin
Architects

2300
Milwaukee
Avenue

Minneapolis
Minnesota
55404-5190

P: 612.229.5333
F: 612.229.8351
E: chuck@clevin.com

ARCHITECT'S PROJECT #155

MLAVETZ,
GALLOP &
MLAVETZ, P.A.
1915 57th Ave. N.
Brooklyn Center, MN
55430

ISSUED:
FINAL/CONPL 4/17/18
REVIEW:

9:28 AM Thursday, April 19, 2018

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

PRELIMINARY
NOT FOR CONSTRUCTION

1015 A. Levin
Licitation No. 14672

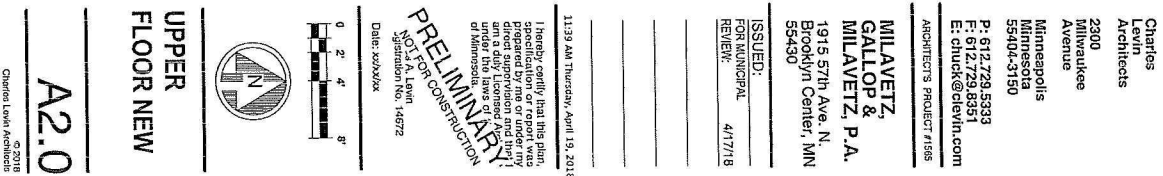
Date: 09/06/06



AERIAL
PHOTO

A1.1

© 2018
Charles Levin Architects



**Charles
Levin
Architects**
2300
Milwaukee
Avenue
Minneapolis
Minnesota
55404-3150
P: 612.729.5333
F: 612.729.8351
E: chuck@clevin.com

ARCHITECT'S PROJECT #1565

**MILAVETZ,
GALLOP &
MILAVETZ, P.A.**
1915 57th Ave. N.
Brooklyn Center, MN
55430

ISSUED: _____
FOR MUNICIPAL _____
REVIEW: 4/17/8

11:39 AM Thursday, April 19, 2018

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

PRELIMINARY
NOT FOR CONSTRUCTION

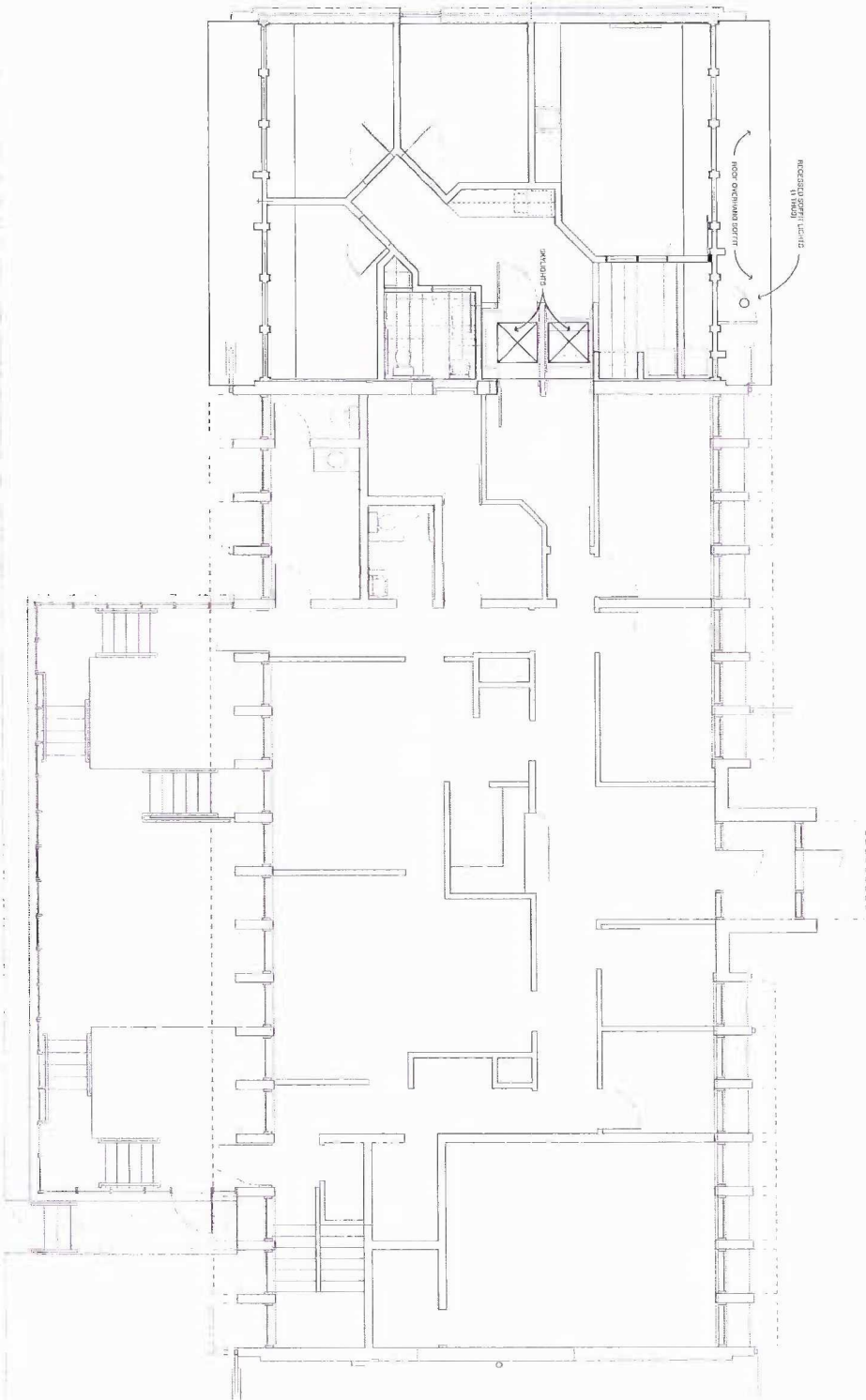
NO. 1 of A. Levin
Registration No. 146772

Date: 5/25/94

**UPPER
FLOOR NEW**

A2.0

© 2018
Charles Levin Architects



ACCESS TO STAIR TUBES
11' 0" DIA.

STAIRS

Charles
Levin
Architects
2300
Milwaukee
Avenue
Minneapolis
Minnesota
55404-3150
P: 612.729.5333
F: 612.729.8351
E: chuck@clewin.com
ARCHITECT'S PROJECT #198

MILAVETZ,
GALLOP &
MILAVETZ, P.A.
1915 57th Ave. N.
Brooklyn Center, MN
55430

ISSUED:
FOR MUNICIPAL
REVIEW: 4/17/18

11:39 AM Thursday, April 19, 2018

I hereby certify that the plan,
specification and contract documents
prepared by me or under my
direct supervision and the
work shown thereon were made
under the laws of
Minnesota.

PRELIMINARY
NOT FOR CONSTRUCTION

NO. 1 A. Levin
Specification No. 14572
Date: XXXXX



**REFLECTED
CEILING
PLAN**

A2.3

© 2018
Charles Levin Architects



ARCHITECT'S PROJECT #1555

1915 57th Ave. N.
Brooklyn Center, MN
55430

ISSUED: _____
FOR MUNICIPAL
REVIEW: _____ 4/17/18

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

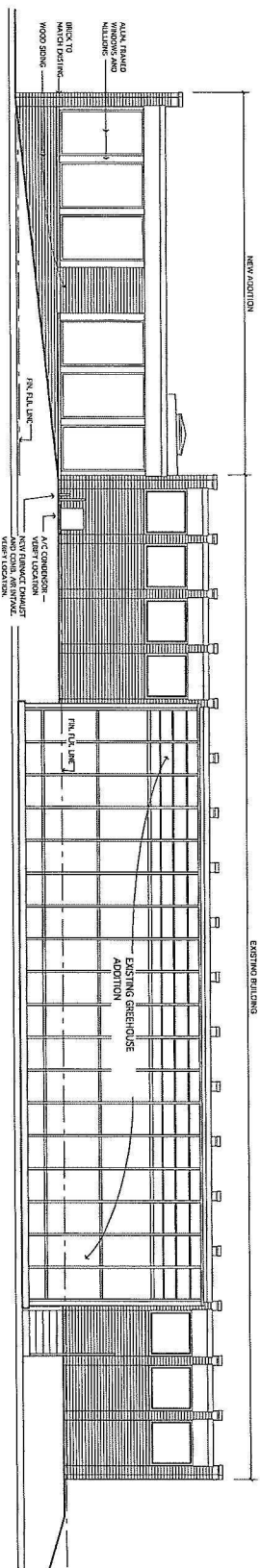
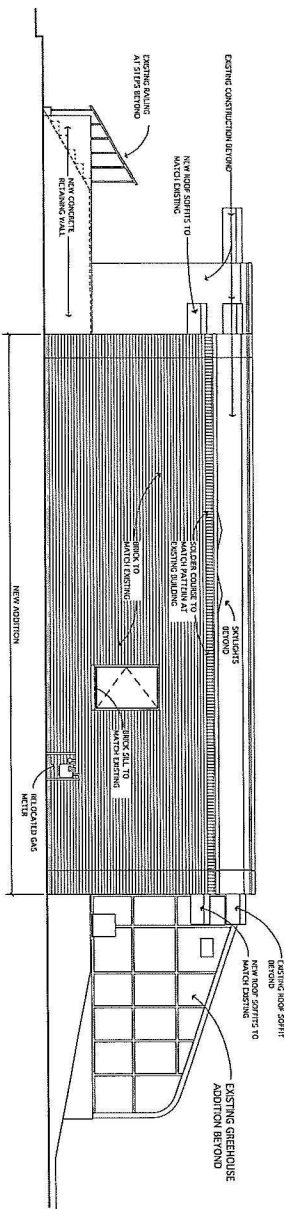
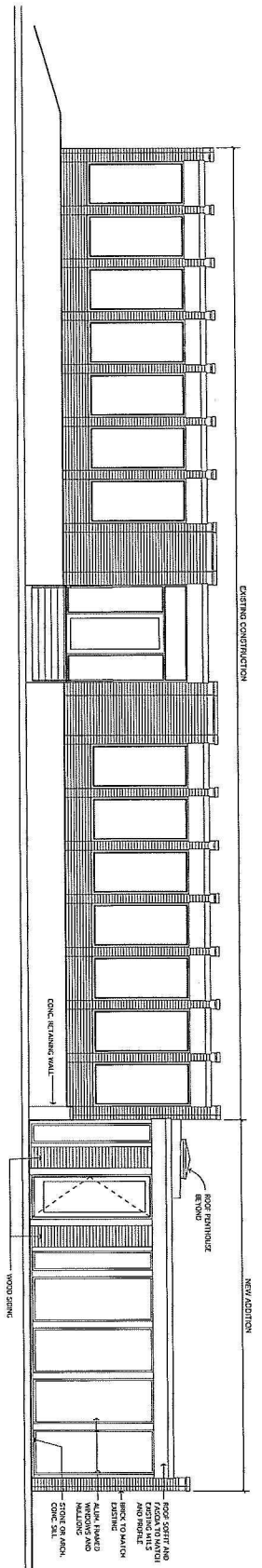
PRELIMINARY
NOT FOR CONSTRUCTION
J. A. Lovin
Registration No. 14672
Date: xx/xx/xx



**LOWER
FLOOR NEW**

A3.0

© 2018
Charles Levin Architects



8:06 AM Thursday, April 19, 2018

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

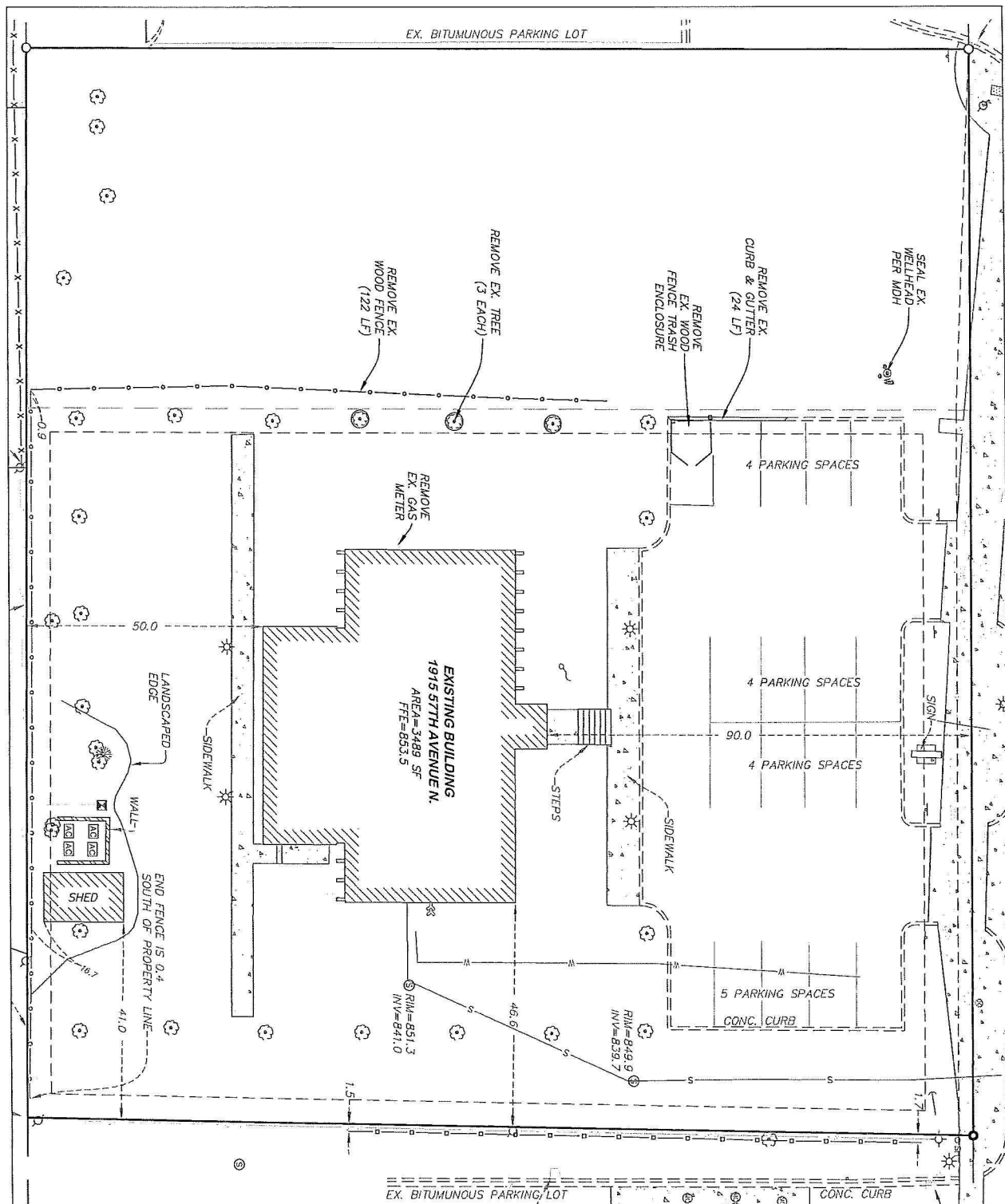
PRELIMINARY
NOT FOR CONSTRUCTION

NOT A BIRTH
Registration No. 14672

Date: xxyyxx

A4.0
© 2018
Charles Lavin Architects

EXTERIOR ELEVATIONS



- NOTES:**
1. BASE PLAN USED IS A SURVEY PREPARED BY EGM, FIELD & NOWAK, INC.
 2. ALL EXISTING UTILITY LOCATIONS AND ELEVATIONS SHOWN ARE APPROXIMATE ONLY. CONTRACTOR SHALL VERIFY ALL LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL CONTACT UTILITY COMPANIES VIA Gopher State One—CALL ONLINE OR BY CALLING 811 OR 1-800-252-1166.
 3. ALL CONSTRUCTION SHALL CONFORM TO THE MOST RESTRICTIVE OF THE PROJECT SPECIFICATIONS, THE STANDARD SPECIFICATIONS OF THE CITY OF BROOKLYN CENTER, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION.

SCALE: 1" = 10'

REVIEW PLAN
NOT FOR CONSTRUCTION

M-G-M BUILDING ADDITION
BROOKLYN CENTER, MINNESOTA
for:
CHARLES LEVIN ARCHITECTS

SITE DEMOLITION PLAN

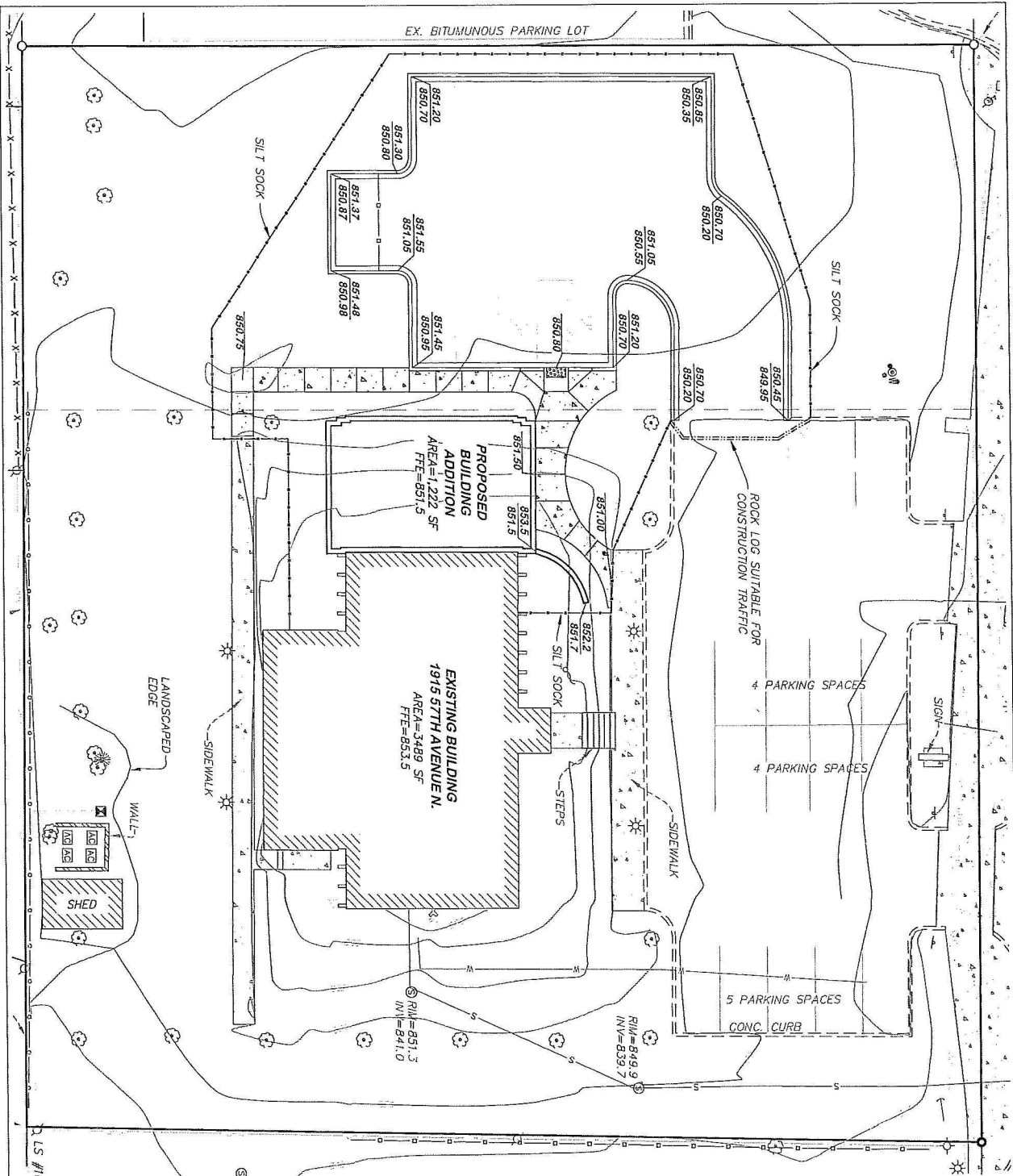
REVISIONS

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

4/17/16 26093
Wayne C.B. Stark
Civil Registration No.

STARK ENGINEERING

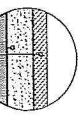
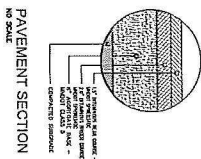
www.starkengineer.com
320-249-2611
Stark Replic, Minnesota



NOTES:

SCALE: 1" = 10'

1. BASE PLAN USED IS A SURVEY PREPARED BY EGAN, FIELD & NOWAK, INC.
2. ALL EXISTING UTILITY LOCATIONS AND ELEVATIONS SHOWN ARE APPROXIMATE ONLY. CONTRACTOR SHALL CONFIRM ALL LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL CONTACT UTILITY COMPANIES VIA Gopher State One-Call Online OR BY CALLING 811 OR 1-800-292-1186.
3. ALL CONSTRUCTION SHALL CONFORM TO THE MOST RECENT EDITION OF THE STANDARD SPECIFICATIONS, THE STANDARD SPECIFICATIONS OF THE CITY OF BROOKLYN CENTER AND THE LATEST EDITION OF MINNAPOLIS STANDARD SPECIFICATIONS FOR CONSTRUCTION.
4. THE FOLLOWING SEQUENCE SHALL BE FOLLOWED FOR THE EROSION AND SEDIMENT CONTROL DURING THE SITE DEVELOPMENT AND CONSTRUCTION:
 - A. INSTALL SILT SOCK AS SHOWN ON THE PLANS.
 - B. PERFORM SITE REMOVALS, GRADING, EXCAVATION AND EROSION CONTROL MEASURES.
 - C. PROPOSED PAVEMENT AREAS WITHIN 72 HOURS OF THE END OF CONSTRUCTION.
 - D. FINE GRADE SITE AND RESTORE GREEN AREAS PER LANDSCAPE PLAN.
5. CONTRACTOR SHALL MAINTAIN ALL ADJACENT STREETS, KEEPING THEM CLEAN AND SWEEP OF DIRT AND DEBRIS DURING CONSTRUCTION. CONTRACTOR SHALL MAINTAIN EXISTING SIDEWALK CLOSURES DURING CONSTRUCTION.
6. DISTURBED AREA = 10,500 SF (0.24 ACRES) WHICH IS LESS THAN 1.0 ACRES. THEREFORE, NO STORMWATER MANAGEMENT. THEREFORE, NO STORMWATER BMP REQUIRED.



REVIEW PLAN
NOT FOR CONSTRUCTION

M-C-M BUILDING ADDITION
BROOKLYN CENTER, MINNESOTA
for:
CHARLES LEVIN ARCHITECTS

GRADING AND EROSION
CONTROL PLAN

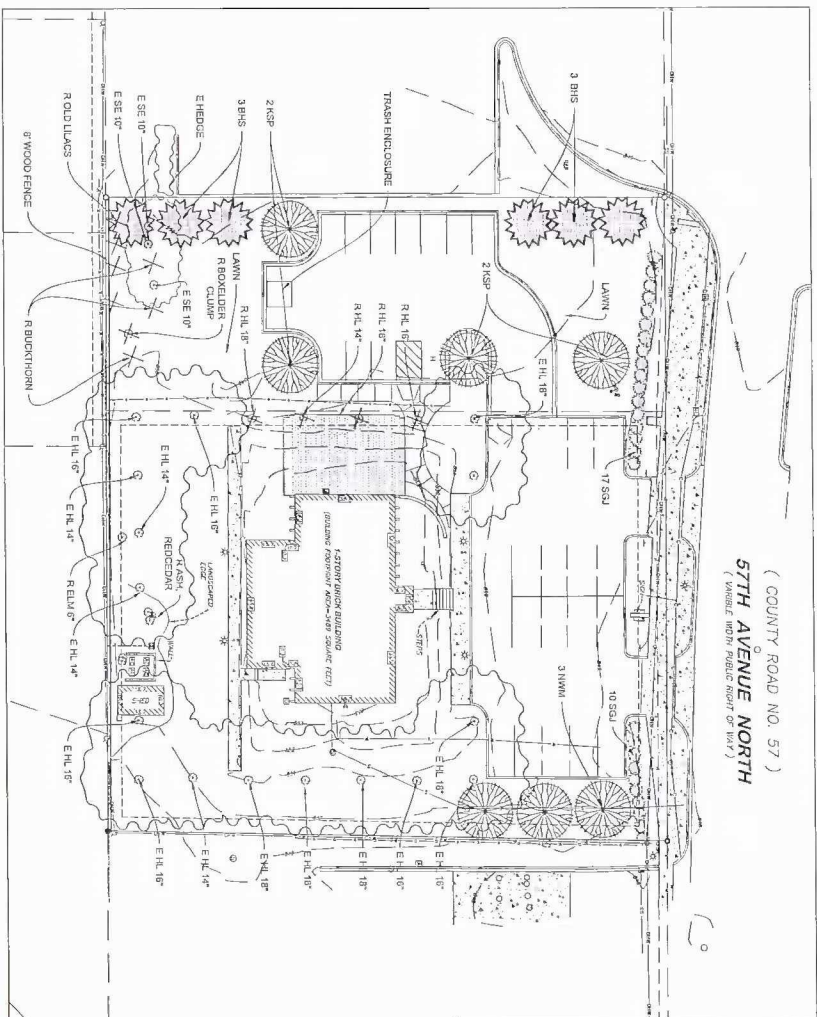
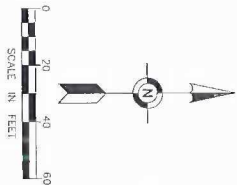
REVISIONS

NO.	DATE	DESCRIPTION
1	4/17/18	20093
2	4/17/18	20093

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

STARK ENGINEERING

www.starkengineering.com
320-249-2811
Stark Rapids, Minnesota



LANDSCAPE PLAN

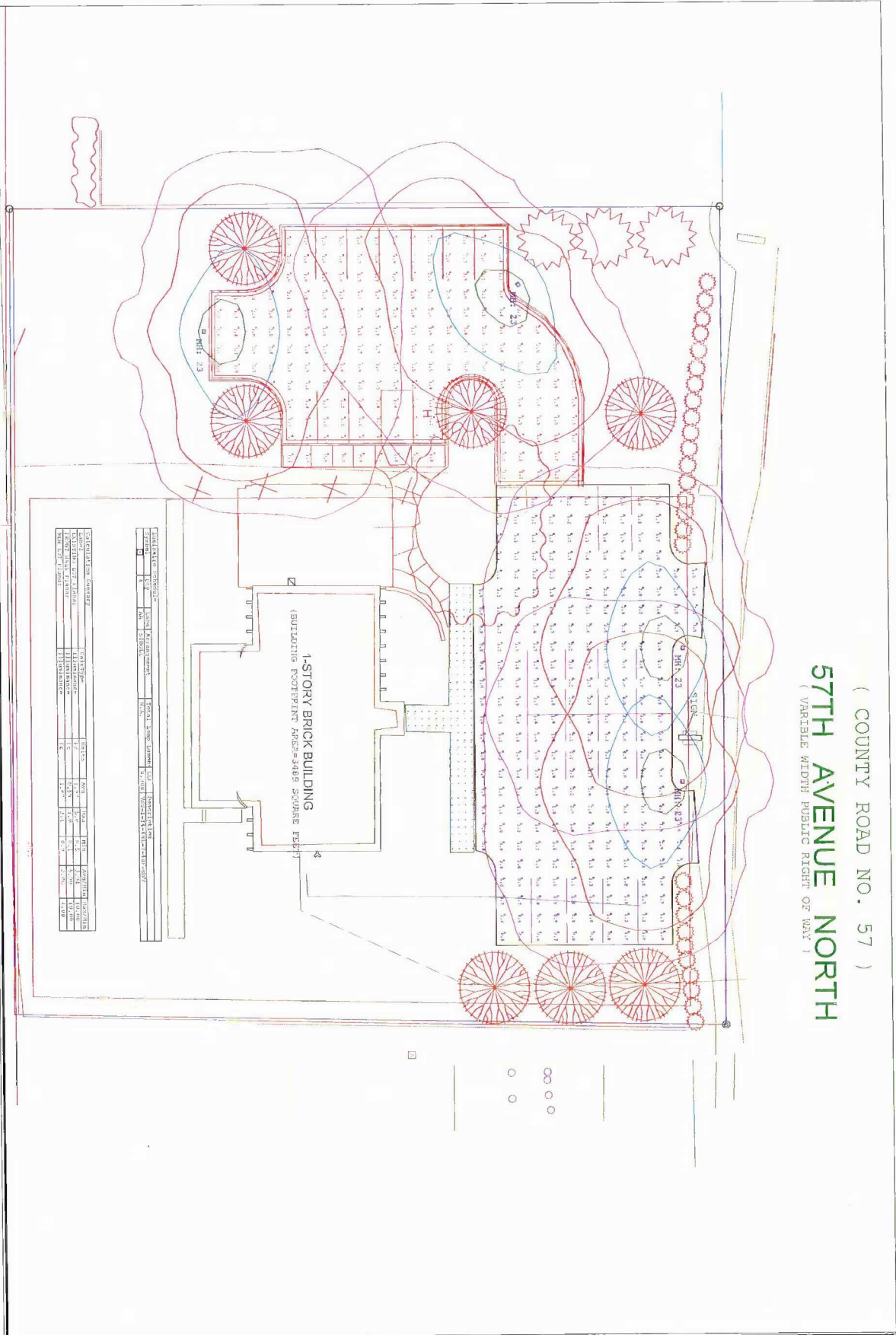
[illegible]

LANDSCAPE MATERIALS

james robin
612-305-3446 www.jamesrobin.com james@jamesrobin.com
watercolorists and landscape architecture
5715 longfellow ave south
minneapolis, minnesota 55417

Charles Lavin Architects 2200 Milwaukee Avenue Minneapolis Minnesota 55404-3150 P: 612/779-3333 F: 612/729-0531 E: clavin@clavin.com PROJECT: PROJECT #155	MILAVEITZ, GALLOP & MILAVEITZ, P.A. 1915 57th Ave., N. Brooklyn Center, MN 55430	ISSUED: FOR MUNICIPAL REVIEW 4/17/18	6.11 AM Thursday, April 19, 2018 I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of Minnesota. PRELIMINARY NOT FOR CONSTRUCTION Date: 04/04/18 0 10' 20' 40' LANDSCAPE PLAN L1.0 © 2018 Graphic Scale: 1"=40'-0"
--	--	--	---

(COUNTY ROAD NO. 57)
57TH AVENUE NORTH
 (VARIABLE WIDTH PUBLIC RIGHT OF WAY)



ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	1-STORY BRICK BUILDING	1	SQ. FT.	2400	2400
2	PARKING SPACES	100	SQ. FT.	100	100
3	LANDSCAPING	100	SQ. FT.	100	100
4	WATER SUPPLY	100	SQ. FT.	100	100
5	SEWERAGE	100	SQ. FT.	100	100
6	ELECTRICITY	100	SQ. FT.	100	100
7	TELEPHONE	100	SQ. FT.	100	100
8	HEATING	100	SQ. FT.	100	100
9	Cooling	100	SQ. FT.	100	100
10	Lighting	100	SQ. FT.	100	100
11	Security	100	SQ. FT.	100	100
12	Fire Protection	100	SQ. FT.	100	100
13	Accessibility	100	SQ. FT.	100	100
14	Signage	100	SQ. FT.	100	100
15	Other	100	SQ. FT.	100	100

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	1-STORY BRICK BUILDING	1	SQ. FT.	2400	2400
2	PARKING SPACES	100	SQ. FT.	100	100
3	LANDSCAPING	100	SQ. FT.	100	100
4	WATER SUPPLY	100	SQ. FT.	100	100
5	SEWERAGE	100	SQ. FT.	100	100
6	ELECTRICITY	100	SQ. FT.	100	100
7	TELEPHONE	100	SQ. FT.	100	100
8	HEATING	100	SQ. FT.	100	100
9	Cooling	100	SQ. FT.	100	100
10	Lighting	100	SQ. FT.	100	100
11	Security	100	SQ. FT.	100	100
12	Fire Protection	100	SQ. FT.	100	100
13	Accessibility	100	SQ. FT.	100	100
14	Signage	100	SQ. FT.	100	100
15	Other	100	SQ. FT.	100	100

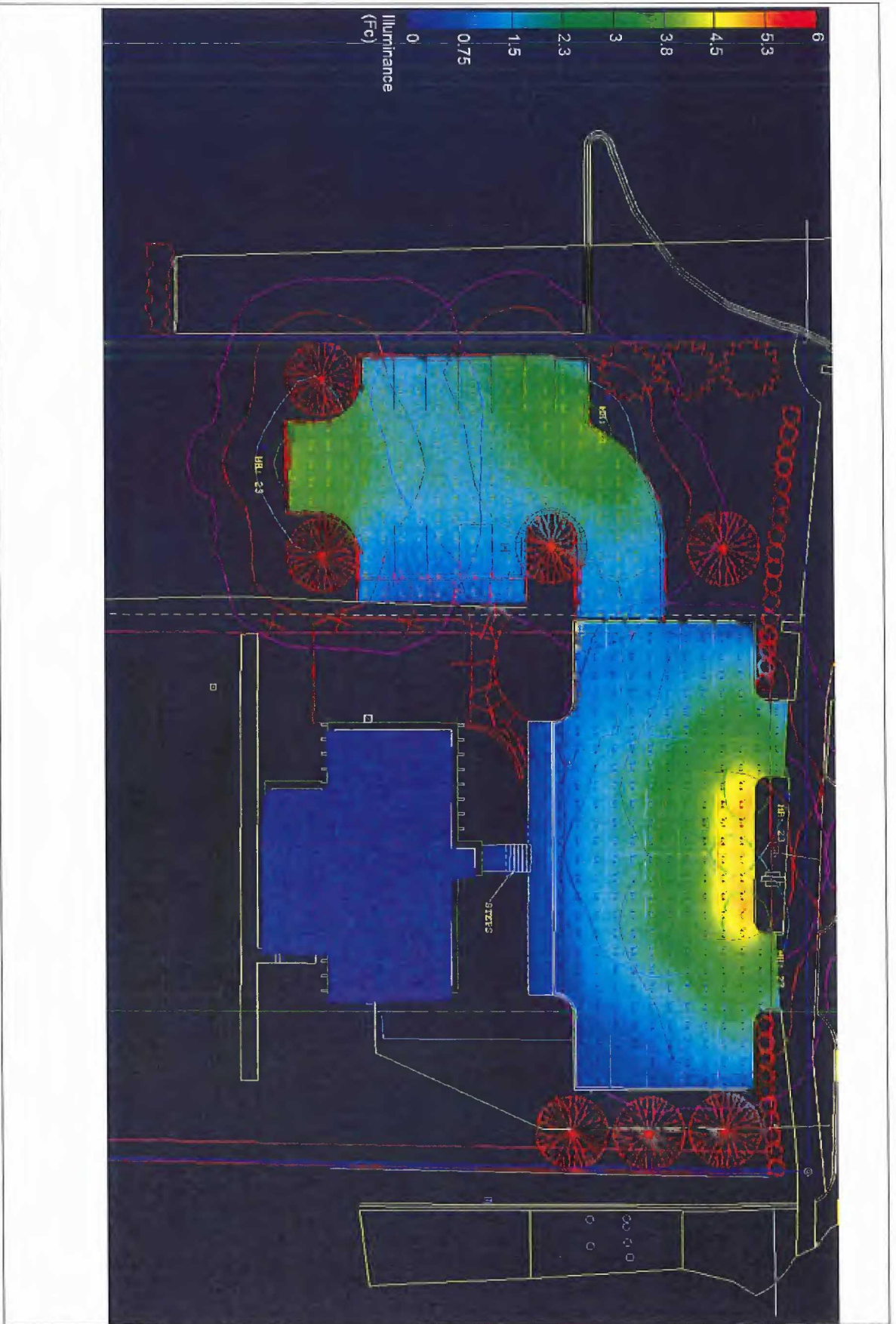
MILAVETZ PARKING LOT

Drawn By: _____
 Checked By: _____
 Date: 4/12/2018
 Scale: _____

Revisions	Date	Comments

JTH Lighting Alliance
 6885 146th St W
 Apple Valley, MN 55124





MILAVETZ PARKING LOT

Drawn By: _____

Checked By: _____

Date: 4/12/2013

Scale: _____

#	Date	Comments

JTH Lighting Alliance
6885 146th St W
Apple Valley, MN 55124

Page 2 of 2

MEMORANDUM

DATE: May 7, 2018

TO: Ginny McIntosh, City Planner/ Zoning Administrator

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Site Plan Review – 1915 57th Ave N

Public Works Department staff reviewed the following documents submitted for review on April 17, 2018 for the proposed improvements at 1915 57th Ave N:

- Civil Site Plans dated April 17, 2018

Subject to final staff Site Plan approval, the referenced plans must be revised in accordance with the following comments/revisions and approved prior to issuance of Land Alteration permit:

C4 – Detail and Specifications Plan

1. All work performed and materials used for construction of utilities must conform to the City of Brooklyn Center standard specifications and details. The City's standard details must be included in the plans.

Miscellaneous

2. See redlines for additional Site Plan comments.
3. Provide irrigation plan.
4. Upon project completion, the applicant must submit an as-built survey of the property, improvements and utility service lines and structures; and provide certified record drawings of all project plan sheets depicting any associated private and/or public improvements, revisions and adjustments prior to issuance of the certificate of occupancy. The as-built survey must also verify that all property corners have been established and are in place at the completion of the project as determined and directed by the City Engineer.
5. Inspection for the private site improvements must be performed by the developer's design/project engineer. Upon project completion, the design/project engineer must formally certify through a letter that the project was built in conformance with the approved plans and under the design/project engineer's immediate and direct supervision. The engineer must be certified in the state of Minnesota and must certify all required as- built drawings (which are separate from the as-built survey).
6. The total disturbed area is less than 0.5 acres; no project review is required for the West Mississippi Watershed Commission and an NPDES permit is not required. However the City would request the applicant attempt to install BMP's to improve water quality. The applicant will have to ensure runoff rates into Hennepin County Right-Of-Way don't increase.
7. The City has submitted the plans to Hennepin County for review. Applicant must meet requirements from the Hennepin County review.

8. Applicant must apply for a land disturbance permit.
9. A 10-ft drainage and utility easement must be dedicated on the plat around the entire perimeter of the site.

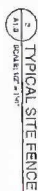
Prior to issuance of a Land Alteration

10. Final construction/demolition plans and specifications need to be received and approved by the City Engineer in form and format as determined by the City. The final plan must comply with the approved preliminary plan and/or as amended as required by the City Engineer.
11. A letter of credit or a cash escrow in the amount of 100% of the estimated cost as determined by City staff shall be deposited with the City.
12. A Construction Management Plan and Agreement is required that addresses general construction activities and management provisions, traffic control provisions, emergency management provisions, storm water pollution prevention plan provisions, tree protection provisions, general public welfare and safety provisions, definition of responsibility provisions, temporary parking provisions, overall site condition provisions and non-compliance provisions. A separate \$2,500 deposit will be required as part of the non-compliance provision.

Anticipated Permitting:

13. A City of Brooklyn Center land disturbance permit is required.
14. Other permits not listed may be required and is the responsibility of the developer to obtain and warranted.
15. Copies of all required permits must be provided to the City prior to issuance of applicable building and land disturbance permits.
16. A preconstruction conference must be scheduled and held with City staff and other entities designated by the City.

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



GENERAL LAND PLANNING

1. NOTH PROPERTIES ARE EITHER SINGLE OVERPASSING AND ARE IN THE PROCESS OF BECOMING FULLY DEVELOPED OR ARE IN THE PROCESS OF BECOMING FULLY DEVELOPED.
2. LOT SIZE SHALL BE 10,000 SQ. FT. OR MORE.
3. PROPERTY IS IN AN UNINCORPORATED DISTRICT AND IS A ALLOWABLE USE PER ZONING CODE SECTION 15-2-2-1 (A).

LANDSCAPE DESIGN

1. THE LANDSCAPE PLAN FOR NEW AND PROPOSED VEGETATION.
2. REPAIR ALL EXISTING DAMAGE TO CONSTRUCTION OPERATIONS.
3. PROVIDE A LANDSCAPE PLAN FOR THE PROPOSED VEGETATION.
4. NEW VEGETATION SHALL BE PLANTED IN A MANNER THAT WILL FACILITATE THE MAINTENANCE OF THE LANDSCAPE AND OTHER AREAS REQUIRED BY LANDSCAPE ZONING ORDINANCE 15-2-1 (A).
5. THE CITY ENGINEER FOR THE CITY ENGINEER SHALL REVIEW THE LANDSCAPE PLAN FOR THE PROPOSED VEGETATION.

PLANNING AND DEVELOPMENT

1. THE PLANNING AND DEVELOPMENT SHALL BE REQUIRED BASED ON THE PLANNING AND DEVELOPMENT OF THE CITY ENGINEER.
2. THE PLANNING AND DEVELOPMENT SHALL BE REQUIRED BASED ON THE PLANNING AND DEVELOPMENT OF THE CITY ENGINEER.
3. THE PLANNING AND DEVELOPMENT SHALL BE REQUIRED BASED ON THE PLANNING AND DEVELOPMENT OF THE CITY ENGINEER.
4. THE PLANNING AND DEVELOPMENT SHALL BE REQUIRED BASED ON THE PLANNING AND DEVELOPMENT OF THE CITY ENGINEER.
5. THE PLANNING AND DEVELOPMENT SHALL BE REQUIRED BASED ON THE PLANNING AND DEVELOPMENT OF THE CITY ENGINEER.



Charles Levin Architects

of Minnesota
PRELIMINARY!
NOT FOR CONSTRUCTION
NOT A LOVIN
Specification No. 14072
Date: x/x/xx

11:35 AM Thursday, April 19, 2024

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

ISSUED: _____
FOR MUNICIPAL
REVIEW: _____
4/17/10

Brooklyn Center, MN
55430

E: chuck@clevln.com
ARCHITECTS PROJECT #1805

Minneapolis
Minnesota
55404-3150

**Levin
Architects
2300
Milwaukee**





C-1 12111 M-G-M BUILDING ADDITION
BROOKLYN CENTER, MINNESOTA
for:
CHARLES LEVIN ARCHITECTS

SITE AND UTILITY PLAN

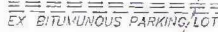
REVISIONS	

I hereby certify that this page, after affixation
of report was prepared by me in order my
duty as mentioned and that I am a duly
qualified person to do the work of a
Chief of the Bureau.

4/17/18 25593

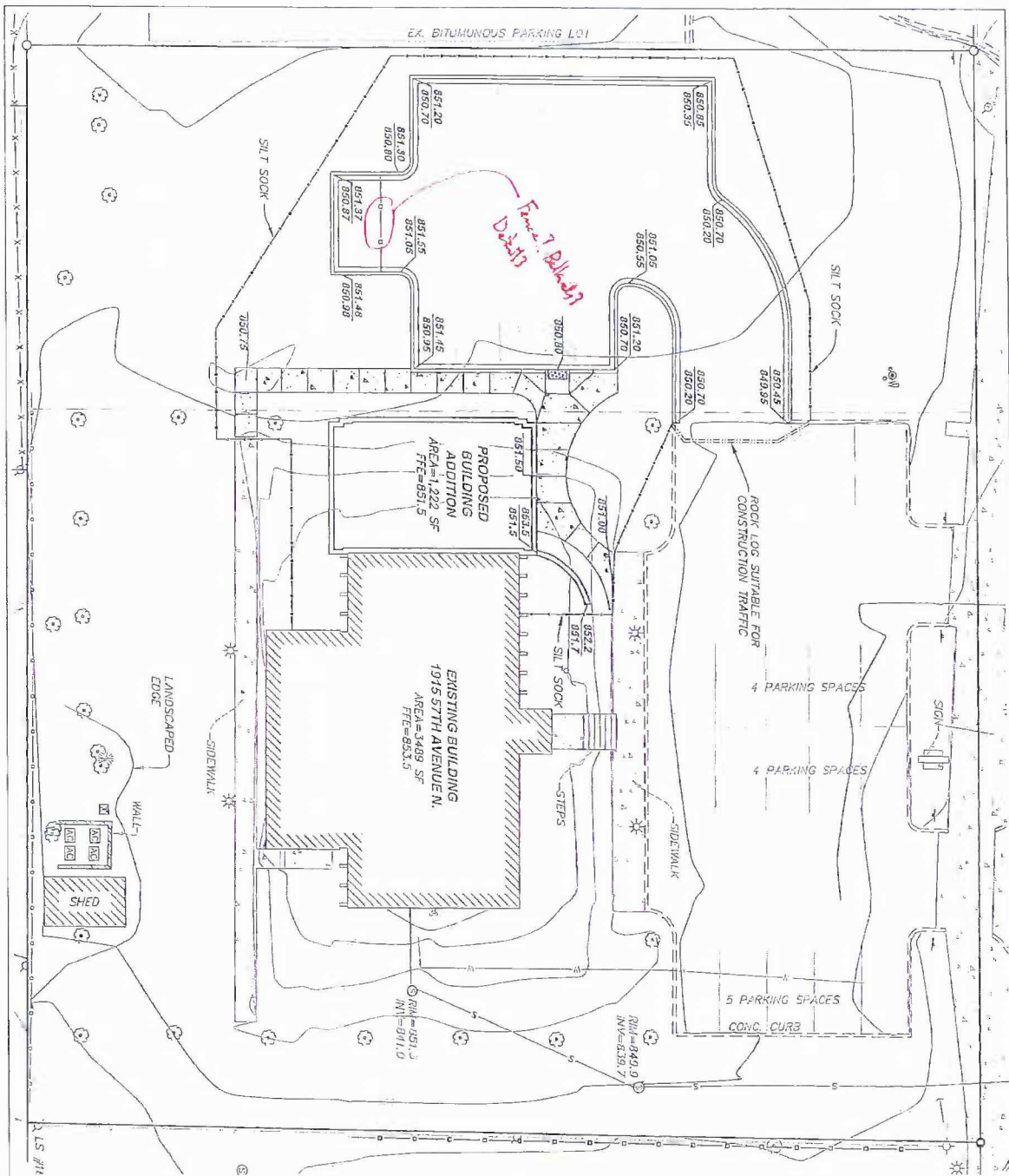
STARK ★
ENGINEERING

www.starklight.com
330-247-2511
Sauk Rapids, Minnesota



3. ALL CONSTRUCTION SHALL CONFORM TO THE MOST RESTRICTIVE OF THE PROJECT SPECIFICATIONS, THE STANDARD SPECIFICATIONS OF THE CITY OF BROOKLYN CENTER AND THE LATEST EDITION OF MNDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.

www.starkeng.com
320-249-2511
Sauk Rapids, Minnesota



REVIEW PLAN
NOT FOR CONSTRUCTION

M-G-M BUILDING ADDITION
BROOKLYN CENTER, MINNESOTA
for:
CHARLES LEVIN ARCHITECTS

GRADING AND EROSION
CONTROL PLAN

REVISIONS	DATE	BY	CHK
1. Initial Survey and Plan	4/17/18	EGAN	FIELD
2. Final Survey and Plan	4/17/18	EGAN	FIELD
3. Final Survey and Plan	4/17/18	EGAN	FIELD
4. Final Survey and Plan	4/17/18	EGAN	FIELD
5. Final Survey and Plan	4/17/18	EGAN	FIELD
6. Final Survey and Plan	4/17/18	EGAN	FIELD
7. Final Survey and Plan	4/17/18	EGAN	FIELD
8. Final Survey and Plan	4/17/18	EGAN	FIELD
9. Final Survey and Plan	4/17/18	EGAN	FIELD
10. Final Survey and Plan	4/17/18	EGAN	FIELD

STARK
ENGINEERING

www.starkengineering.com
612-252-2114
Eagan, Minnesota

1915-2001 57th Avenue North | Alan Milavetz

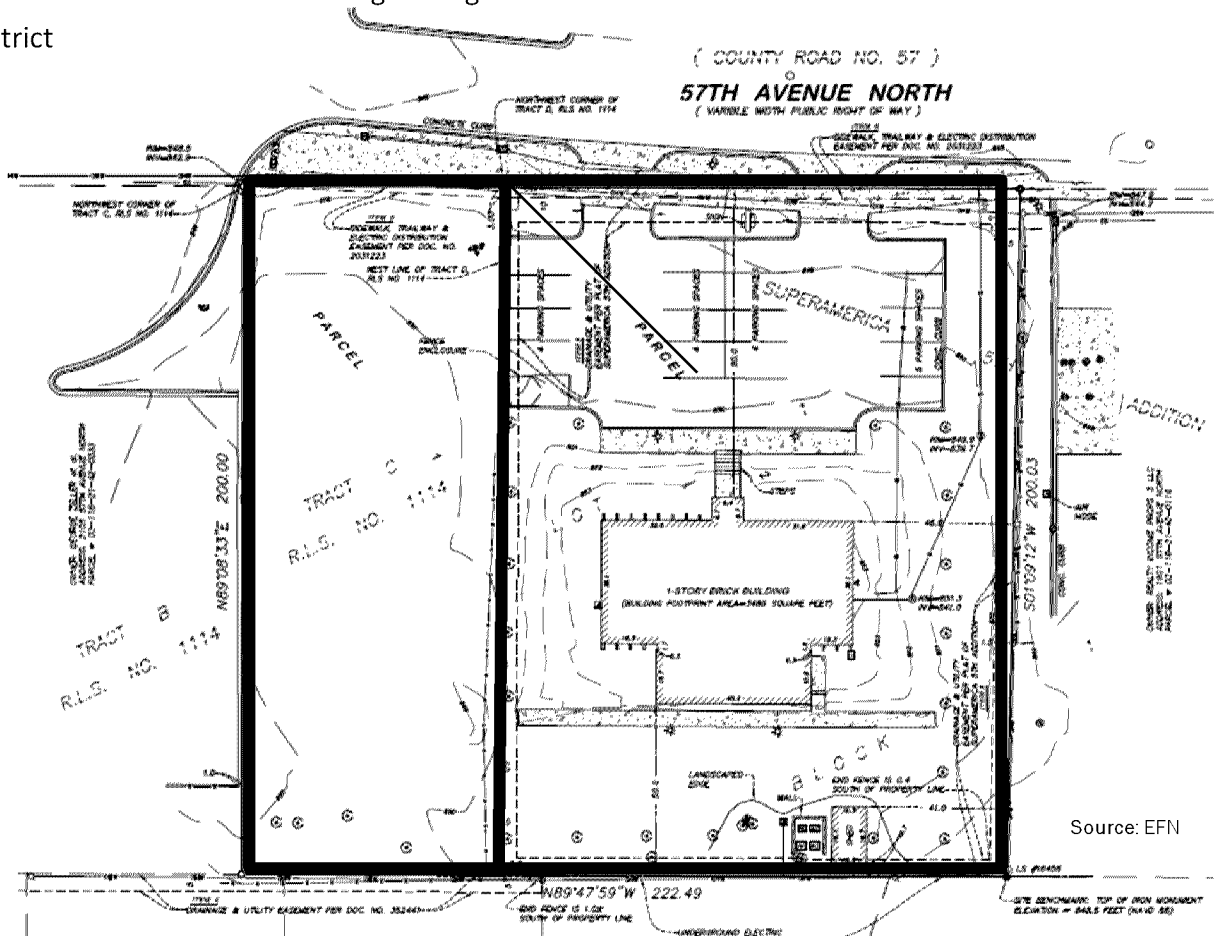


REQUEST:

- (1) Site and Building Plan
- (2) Lot Combination (through Hennepin County)

Background & Request

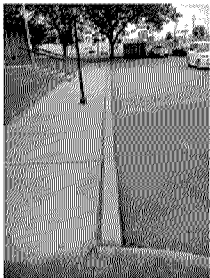
- Applicant is requesting approval of:
 - (1) a Site and Building Plan for a 1,222-square foot addition off the west end of the existing building, an expansion to the existing parking area, and (2) request to proceed with combination of the two adjacent, commonly-owned lots.
 - The existing office building is located on 1.02 acres and has frontage along 57th Avenue North
 - Property is zoned C2 (Commerce) District



Existing Conditions



1 North Elevation looking SW
NOT TO SCALE



2 Sidewalk looking West
NOT TO SCALE



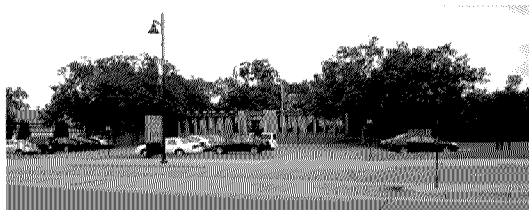
3 Existing Trash Enclosure to be relocated
NOT TO SCALE



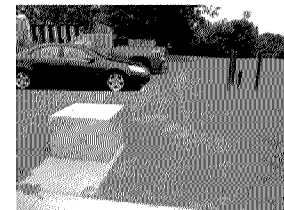
4 Tract C looking south showing area for Parking Lot expansion
NOT TO SCALE



5 Existing Wood Fence along East property Line
NOT TO SCALE



6 North Elevation looking SE
NOT TO SCALE



7 Stone Marker and Protected Pipe
NOT TO SCALE



8 Street Elevation of Building (North Elevation)
NOT TO SCALE



9 Rear Elevation of Building (South Elevation)
NOT TO SCALE



10 Shed and HVAC Enclosure
NOT TO SCALE

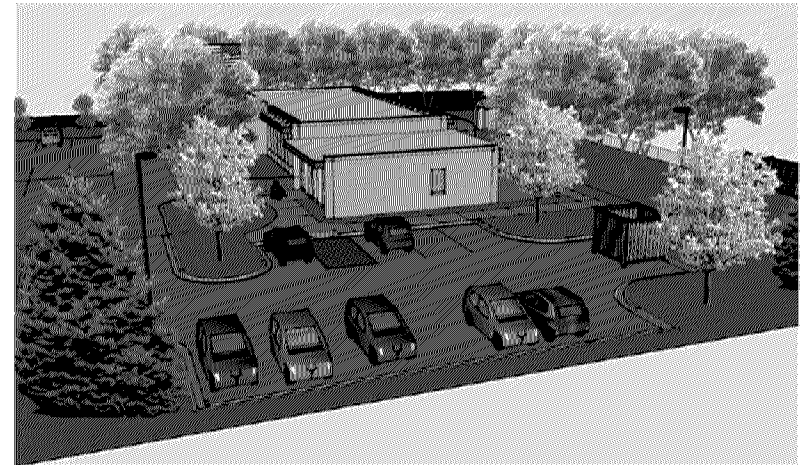
Source: Charles Levin
Architects

-

Source: Charles Levin Architects

Building Review

- Applicant is requesting approval for 1,222-square foot addition to allow for ADA accessibility.
- Addition would be fitted with a lift system to allow access to main building.
- Existing building was constructed around 1966 and its exterior is primarily comprised of brick and concrete masonry units (CMUs).
- Proposed building addition would utilize brick veneer and CMUs to match existing building.



© 2006 The Authors
Journal compilation © 2006 Blackwell Publishing Ltd

- [illegible]

Parking Use	Minimum Required Parking Spaces	Provided Parking Spaces (in bold)
Office	4,711 SF ÷ 200 = 23.555 spaces needed	26 spaces
ADA	2 spaces	2 spaces
Total Required Parking	24 spaces (ADA spaces incorporated into total)	
Total Provided Parking		26 spaces (ADA spaces incorporated into total)

Lighting | Screening

□ Lighting

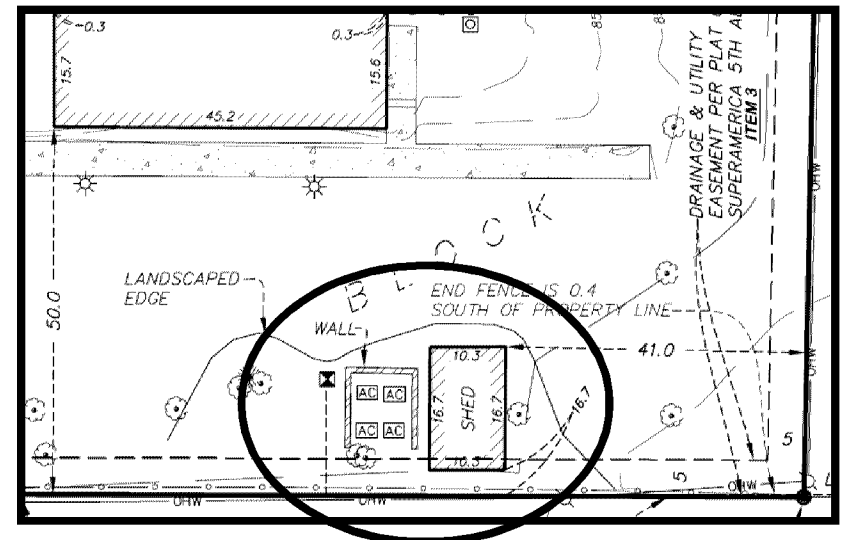
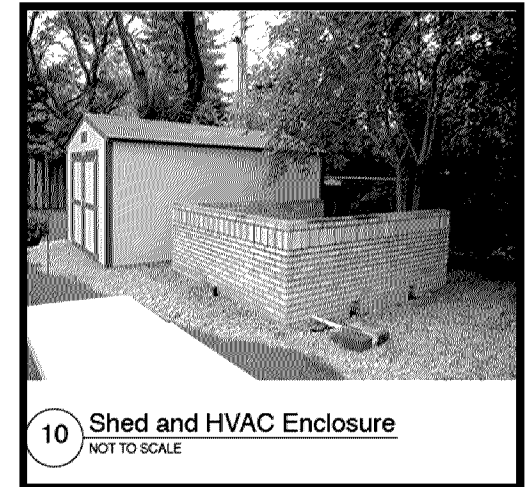
- **Photometric Plan:** The proposed lighting is within the maximum allowable foot-candles
- **Lighting Fixture Count:** Two existing 23-foot high light poles, and two new 23-foot high light poles for the new parking area
 - Per City Code, lighting is to be down-cast, with cut-off style fixtures. **The proposed lighting would be LED and possess a flat lens.**

□ Screening

- Trash enclosure is to be fully enclosed and screened. An existing HVAC enclosure is already screened (south of building).
- Per Zoning Ordinance requirements,

“Where a C2 development abuts an R1, R2, or R3 district other than at a public street line, buffer provisions shall be established. There shall be a provided protective strip of not less than 35 feet in width.”

 - Protective strip not to be used for parking, driveways, off-street loading or storage and shall be landscaped.
 - Requires a landscape treatment, and an opaque fence or wall (minimum of 8 feet in height).
 - No other structures to be located in this protective strip.



Source: Stark Engineering, Charles Levin Architects

Landscaping

- A landscaping plan was provided by the Applicant.

Planting Type	Minimum Size	Points Per Planting	Maximum Points (%)	Points Accrued
Shade Trees	2 ½" diameter	10	50% or <u>50 points</u>	50 points accrued (19 trees x 10 = 190)
Coniferous Trees	5' height	6	40% or <u>40 points</u>	36 points accrued (6 trees x 6 = 36)
Decorative Trees	1" diameter	1.5	35% or <u>35 points</u>	10.5 points accrued (7 trees x 1.5 = 10.5)
Shrubs	12" diameter	0.5	25% or <u>25 points</u>	13.5 points accrued (27 shrubs x 0.5 = 13.5)
Total			100% = 100 points	110 points

- A minimum of 100 points is required for the approximately one acre site assuming "Office" use.
- Applicant is providing 110 points and plans to install thornless honeylocusts and Siberian elms (deciduous), and Black Hills spruce (conifer), along with Korean sun pears and winter wind maples (decorative), and sea green junipers (shrubs).
- Applicant noted that site will be fully irrigated.

Staff Reviews



▣ Assistant City Engineer

- Applicant shall comply with the comments and conditions as noted in the memorandum dated May 7, 2018 (Exhibit C).
- No project review is required by the West Mississippi Watershed Commission (proposed disturbed area less than 0.5 acres), and an NPDES permit is not required.

▣ Fire Inspector

- ▣ Per plans received, Sheet A0.0 notes that the building is fully-sprinklered.
 - ▣ Applicant will need to work with Fire Inspector to identify acceptable turn radius for emergency access for new parking lot area, existence/proposed location for Knox-box, etc.
- ▣ The Applicant shall work with the Fire Inspector and Building Official to ensure all aspects of the site meet Fire Code and Building Code requirements.

Summary

- The Planning Commission reviewed Application No. 2018-006 at their meeting on May 17, 2018.
- No public hearing was required and no mail notices were sent.
- No comments or objections were received prior to or during the meeting regarding the requests contained in PC Application No. 2018-006.

Planning Commission Feedback

- Following a review of the Application, the Planning Commission dedicated additional discussion to proposed condition 6.c (*Facilities and Equipment*), which outlined a requirement that the “Applicant shall comply with the special requirements for C-2 zoned properties as identified under Section 35-412 of the Zoning Ordinance, including screening requirements.”
 - This requirement specifies that C2-zoned properties that abut **R1**, R2, or R3-zoned properties receive approval from City Council for a screening device that “is in harmony with the residential neighborhood and provides sufficient screening of the commercial area.”
 - The Commission determined that the Applicant should have the ability to provide for a more aesthetically-pleasing form of screening, such as landscaping.
 - Applicant has never fully screened Subject Property (1960s – Now), and there is a mature row of trees running along southern property line.
- The Planning Commission voted unanimously in favor (6-0) of the requested approval of the site and building plan and request to proceed through the Hennepin County tax parcel combination process, subject to City staff working with Applicant to amend language of condition 6.c.

Summary and Recommendation



Recommendation

- Based on the above-noted findings, it is recommended that the City Council, following consideration of this Planning Commission item, adopt the resolution regarding the disposition of Planning Commission Application No. 2018-006, submitted by Alan Milavetz of Milavetz, Gallop & Milavetz, requesting approval of a site and building plan for a 1,222-square foot building addition, parking lot expansion, and consideration of a request to combine two adjacent, common-owned lots through the Hennepin County tax parcel combination process for the properties located at 1915 and 2001 57th Avenue North.

Requested City Council Action:

Motion to Adopt Resolution

- Approval of the request is subject to the Applicant complying with the Site and Building Plan Approval Conditions as outlined in the Planning Commission Report dated May 17, 2018.

City Council Agenda Item No. 9b

COUNCIL ITEM MEMORANDUM

DATE: May 29, 2018

TO: Curt Boganey, City Manager 

FROM: Meg Beekman, Community Development Director 

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

- *Motion to Approve First Reading of Ordinance and Set Second Reading for June 25, 2018*

Recommendation:

The Planning Commission recommends a motion to approve the First Reading of the Ordinance authorizing the amendment of Chapter 35 of the City Code of Ordinance to establish a new Section 35-420 to allow automobile dealership off-site vehicle storage as an Interim Use in the I-1, I-2, and C-2 Zoning Districts. It is further recommended that a Second Reading be set for the June 11, 2018, City Council meeting.

Background:

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

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

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

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

COUNCIL ITEM MEMORANDUM

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

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

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

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

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Targeted Redevelopment

CITY OF BROOKLYN CENTER

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

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

ORDINANCE NO. _____

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

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

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

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

1. Interim Use. Notwithstanding anything to the contrary in this Code, the off-site storage of new vehicles by an automobile dealership is allowed in the following zoning districts with the issuance of an interim use permit: I-1, I-2, C-2. No interim use permit for automobile dealership off-site storage shall be issued for a site that abuts or is directly across a city or county right-of-way from a residentially zoned (R1 through R7) property.
2. Application. An application for an interim use permit for the off-site storage of vehicles may only be submitted by an automobile dealership located within the city. Said application shall, in addition to the information required on the application form, include the following information:
 - a. A description of the proposed vehicle storage that includes:
 - (i) The maximum number of vehicles to be stored at the off-site location;
 - (ii) An explanation of the purpose for the number of vehicles needing to be stored at the off-site location;
 - (iii) An estimate of how often vehicles will be brought to and removed from the off-site location and the times and days of the week such activities are proposed to occur;
 - (iv) The route to be used to transport vehicles between the automobile

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

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

- b. The proposed length of time the property will be used for vehicle storage; and
 - c. Proof of ownership of the property or a copy of the proposed lease allowing use of the property for vehicle storage;
3. Issuance. An application for an interim use permit for the off-site storage of vehicles shall be processed in accordance with Section 35-220, except that the following additional standards shall also be considered:
- a. The proposed use must conform to the regulations in this Chapter;
 - b. The date or event that will terminate the use can be identified with certainty;
 - c. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
 - d. The applicant agrees to the conditions the City Council imposes on the use.
4. Conditions. The City Council may impose any conditions on the interim use permits it issues as it deems are necessary or expedient to protect the public health, safety or welfare, or to ensure the use will not impose additional costs on the public if it is necessary or expedient to take the property in the future. Every interim use permit shall identify the date or event that will terminate the permit. The applicant shall either expressly agree in writing to the conditions imposed on the interim use permit or shall be deemed to have agreed to all such conditions without exception or reservation if the applicant undertakes the use allowed by the permit.
5. Performance Standards. In addition to any conditions placed on an interim use permit by the City Council, the following restrictions shall apply to all interim use permits issued to an automobile dealership for off-site vehicle storage:
- a. Use of the off-site location shall be limited to the storage of operable new vehicles that are available for sale or lease to customers as part of the automobile dealership's business operations;
 - b. Any vehicles stored shall be sold or leased at the automobile dealership located in the city;
 - c. Any off-site location shall conform to Section 35-711 of the Zoning Code, Parking Lot Screening;

- d. No vehicle repairs, sales, cleaning or detailing shall occur at the off-site location;
 - e. Only employees or contractors of the automobile dealership shall be allowed on the off-site location;
 - f. No signage, other than minimal directional signage internal to the site, shall be permitted on the off-site location;
 - g. The portion of the storage site designated for vehicle storage shall only be located on an approved paved parking lot;
 - h. Vehicles shall only be stored in the designated portion of the storage site and according to the parking plan approved as part of the interim use permit;
 - i. Vehicles shall be stored in an orderly fashion with drive aisles, allowing vehicles to enter and exit the site without having to move other vehicles;
 - j. The days and hours during which vehicles may be brought to or removed from the site shall be limited to the days and hours approved in the interim use permit;
 - k. The routes used to transport vehicles to and from the site shall be limited to the routes approved in the interim use permit;
 - l. An interim use permit issued pursuant to this section is not transferable; and
 - m. The use must comply with all applicable provisions of this Code.
6. Renewal. Use of the off-site storage site shall cease, and all vehicles shall be immediately removed, upon the termination or revocation of the interim use permit, or the transfer of the automobile dealership. An automobile dealership issued an interim use permit may apply for a renewal interim use permit, which shall be submitted no fewer than 90 days prior to the termination of the existing permit, and processed in the same manner as a new application.

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

Adopted this ____ day of _____, 2018.

Tim Willson, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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



Planning Commission Report

Meeting Date: May 17, 2018

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

INTRODUCTION

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

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

BACKGROUND

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

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

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

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

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

ORDINANCE LANGUAGE

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

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

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

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

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

POLICY ISSUES

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

RECOMMENDATION

Staff recommends the Planning Commission recommends:

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

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

Attachments

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

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

(Interim Use Permit Ordinance)

- The Planning Commission recommended unanimous (6-0) approval of this Item at its May 17, 2018, meeting
- Motion to approve the first reading and set second reading and Public Hearing for June 25, 2018

Section 35-420

- If approved, would allow existing automobile dealerships in the City to apply for an Interim Use Permit to allow off-site storage of new vehicles on property zoned I-1, I-2, or C-2
- Ordinance lays out the requirements for a complete application:
 - Number of vehicles to be stored
 - Purpose
 - Route, frequency, times, and days vehicles will be brought on and off site
 - proposed duration of storage
- Council may place conditions on the approval of an Interim Use Permit
- Performance Standards
 - Use of the site limited to storage only of new and operable vehicles
 - Vehicles stored must be sold or leased in the City
 - Screening requirements
 - Signage limitations
 - Storage on approved hard surfaces only
 - Vehicles must be stored in an orderly fashion

Next Steps

- Council will hold 2nd Reading and Public Hearing on June 25, 2018
- Luther Auto has applied for an Interim Use Permit
 - Planning Commission Review: June 14, 2018
 - City Council Review: June 25, 2018
- Luther enters into a lease with the EDA

Recommended Council Action

- Planning Commission recommends that the Council:
 - Move to approve the first reading and set second reading and public hearing for June 25, 2018 for an ordinance amending the City Code of Ordinances Section 35-420 to allow automobile dealership off-site storage as an interim use in the I-1, I-2, and C-2 Zoning Districts

City Council Agenda Item No. 10a

COUNCIL ITEM MEMORANDUM

DATE: May 22, 2018

TO: Curt Boganey, City Manager 

FROM: Tim Gannon, Chief of Police 

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

Recommendation:

It is recommended that the City Council consider approval of first reading and setting second reading and public hearing for an ordinance amending Chapter 25 Streets and Highways of the City Code of Ordinances related to median safety.

Background:

In recent years, Brooklyn Center and other cities throughout the nation have seen a substantial increase in pedestrians occupying medians for extended periods of time. The purpose of occupying medians does vary from protesting, panhandling, or advertising. Regardless of the reason, it has had an impact on public safety for both pedestrians and motorists alike. Historically, medians were created to offer a barrier between traffic traveling in opposite directions while supporting a traffic light. They were also created to allow pedestrians a safe temporary resting spot to await a light change if unable to cross a roadway in a single traffic light rotation. Medians were created to be raised above the roadway and usually narrow in width with those original purposes in mind.

City staff researched and developed an ordinance that follows six directives given by our City Attorney:

1. **What is the concerning conduct?** Pedestrians standing on narrow medians in high traffic and high speed zones, which is an unsafe act.
2. **Do existing laws already address the conduct?** There are no current or existing laws that can specifically address the public safety concern.
3. **Is the City Council interested in developing an ordinance?** As expressed in the May 14, 2018 Council Meeting, elected officials are supportive of developing a lawful and effective ordinance.
4. **Is the government interest served by an ordinance?** It has been shown that the activity is a public safety concern as expressed by numerous citizens throughout the community. Police officer's observations are consistent with identifying a public safety issue created by the median presence.
5. **Collect data that either supports or refutes the concern?** Data was collected on speed related car-pedestrian accidents both in number and lethality. It was found through two different studies that car-pedestrian accidents result in fatalities only 5% of the time when speeds are 20 mph, however that percentage jumps to 41% at 30 mph and 84% when posted

COUNCIL ITEM MEMORANDUM

speeds are 40 mph. Traffic volumes were also researched and two arterial roadways were identified due to high traffic volumes. Those roadways were identified as Brooklyn Boulevard and Bass Lake Road – the roadways that have the highest in citizen's requests for public safety checks due to pedestrians on the medians.

6. **Identify a narrowly-tailored, content neutral method of regulating the conduct:** a draft version of an ordinance was created. The ordinance identifies only a select number of intersections that meet the above criteria. The prohibited conduct is the presence on a defined narrow median for more than two traffic light cycles and is not dependent on the conduct of the pedestrian while on the median.

Budget Issues:

Enforcement of the proposed ordinance can be accomplished by current police staffing levels.

Strategic Priorities:

- Safe, Secure, Stable Community

CITY OF BROOKLYN CENTER

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

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

ORDINANCE NO. _____

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

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

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

MEDIAN SAFETY

Section 25-1100. FINDINGS AND PURPOSE. The city has two arterial roadways that are heavily travelled and that contain certain high-traffic intersections with narrow medians. These narrow medians are traffic separation structures that were not designed to accommodate pedestrians. The city has experienced an increase in the number of pedestrians standing on these narrow medians at high-traffic intersections for extended periods. Pedestrians who remain on these narrow medians are at risk of being struck by the large volume of traffic travelling through these intersections at high rates of speed. Their presence on the medians also distracts drivers focused on not striking them as they navigate through the intersections. The purpose of these sections is to establish a narrowly tailored regulation intended to protect public safety related to pedestrians in roadways and drivers passing through high-traffic intersections within the city.

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

- a. “Arterial roadway” means the following roadways within the city:
 - 1. Brooklyn Boulevard (CSAH 152); and
 - 2. Bass Lake Road (CSAH 10), located between the western jurisdictional boundaries of the city and Trunk Highway 100.
- b. “High-traffic intersection” means the following intersections on arterial roadways controlled by traffic signals:

1. Brooklyn Boulevard and 69th Avenue;
 2. Brooklyn Boulevard and 68th Avenue;
 3. Brooklyn Boulevard and I-94 Westbound Ramps;
 4. Brooklyn Boulevard and I-94 Eastbound Ramps;
 5. Brooklyn Boulevard and 65th Avenue;
 6. Brooklyn Boulevard and Bass Lake Road;
 7. Brooklyn Boulevard and 55th Avenue;
 8. Brooklyn Boulevard and TH 100 Southbound Ramps;
 9. Brooklyn Boulevard and TH 100 Northbound Ramps;
 10. Bass Lake Road and Northway Drive (eastern most intersection);
 11. Bass Lake Road and TH 100 Southbound Ramps; and
 12. Bass Lake Road and TH 100 Northbound Ramps.
- c. “Median” means the concrete or other hard surface divider having a width of six feet or less as measured between the curbs and located between opposing lanes of traffic on a roadway.
- d. “Roadway” means the travelled portion and median of a street or highway.

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

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

- a. Any person engaged in law enforcement or rescue activities, including providing assistance to an injured or disabled vehicle or person;
- b. Any person engaged in the emergency repair of their vehicle; or

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

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

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

Adopted this ____ day of _____, 2018.

Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

MEDIAN SAFETY ORDINANCE

Brooklyn Center City Council Meeting

May 29, 2018

FINDINGS AND PURPOSE

- Brooklyn Center has two arterial roadways that are defined by volume of traffic, vehicle speeds, and narrow medians.
- The City has experienced an increase in the number of pedestrians occupying those medians for extended periods of time.

FINDINGS AND PURPOSE

- The activity has contributed to driver distractions, a decrease in overall traffic safety, and a public safety concern expressed by citizens and law enforcement.
- The purpose of this amended ordinance is to establish a narrowly tailored regulation intended to protect public safety related to pedestrians in roadways and drivers using those identified arterial roadways.

DEFINITIONS

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

Definitions

Continued...

- ***High-traffic intersections*** are intersections on arterial roadways controlled by traffic signals.
- ***A median*** is a concrete platform having a width of 6 feet or less as measure from curbs and located between opposing lanes of traffic.
- ***A roadway*** is the travelled portion and median of streets or highways.

HIGH-TRAFFIC INTERSECTIONS

CONTROLLED BY TRAFFIC SIGNALS

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

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

HIGH-TRAFFIC INTERSECTIONS

CONTROLLED BY TRAFFIC SIGNALS

Continued...

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

HIGH-TRAFFIC INTERSECTIONS

CONTROLLED BY TRAFFIC SIGNALS

Continued...

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

* Will have semaphore in October of 2018

PROHIBITION

- No person shall be on a median within 300 feet of a high-traffic intersection unless the person is in the process of legally crossing the roadway.
- The prohibition applies to both the median in the arterial roadway and the median on the intersecting roadway.
- A person shall not be considered to be in the process of legally crossing a roadway, and it shall be prima facie evidence if the person stays on a median through two consecutive light changes.

EXCEPTIONS

- Any person engaged in law enforcement or rescue activities, including providing assistance to an injured or disabled vehicle or person.
- Any person engaged in the emergency repair of their vehicle.
- Any public works staff or public contractor engaged in the maintenance, repair, or improvement of a roadway, public facility, or public utility.

PENALTY

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

PENALTY

Continued...

- A person may be charged with a misdemeanor if that person has violated the ordinance within 12 months of the first of two prior median violations.
- A ***prior median safety violation*** is defined as being charged with either a petty misdemeanor conviction or an administrative citation.

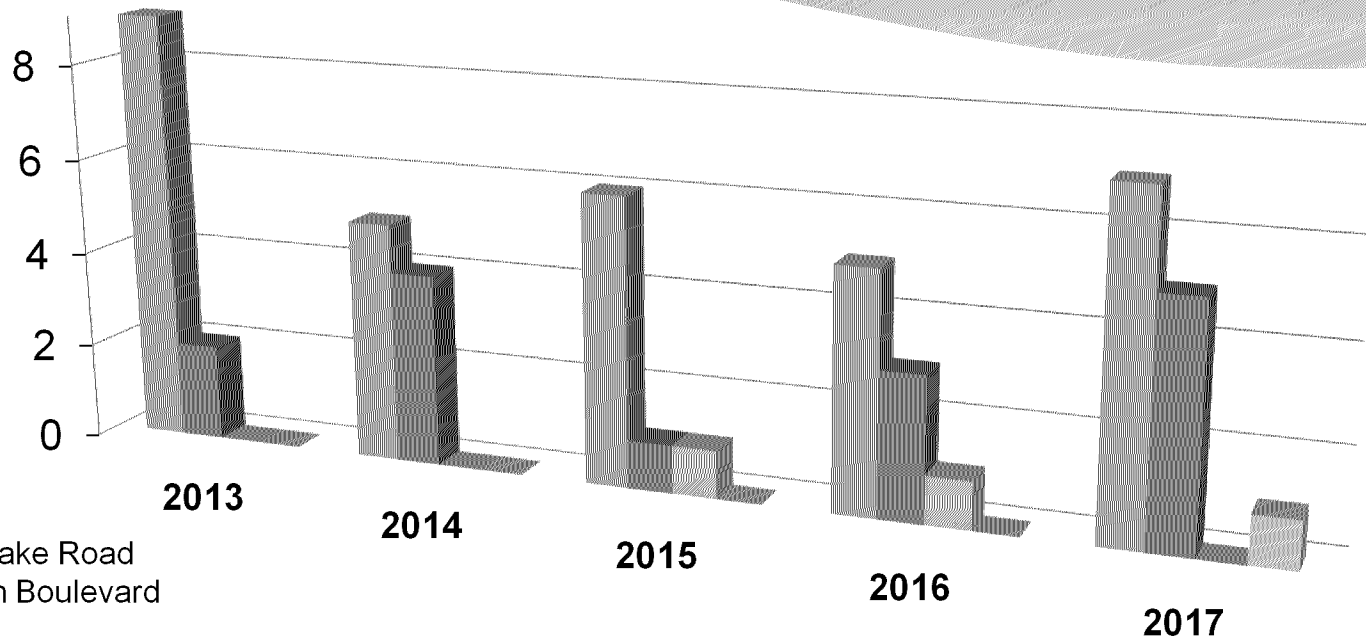
SPEED RELATED TO DEATHS

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

Relationship of Vehicle Speed to Odds of Pedestrian Death in Collision

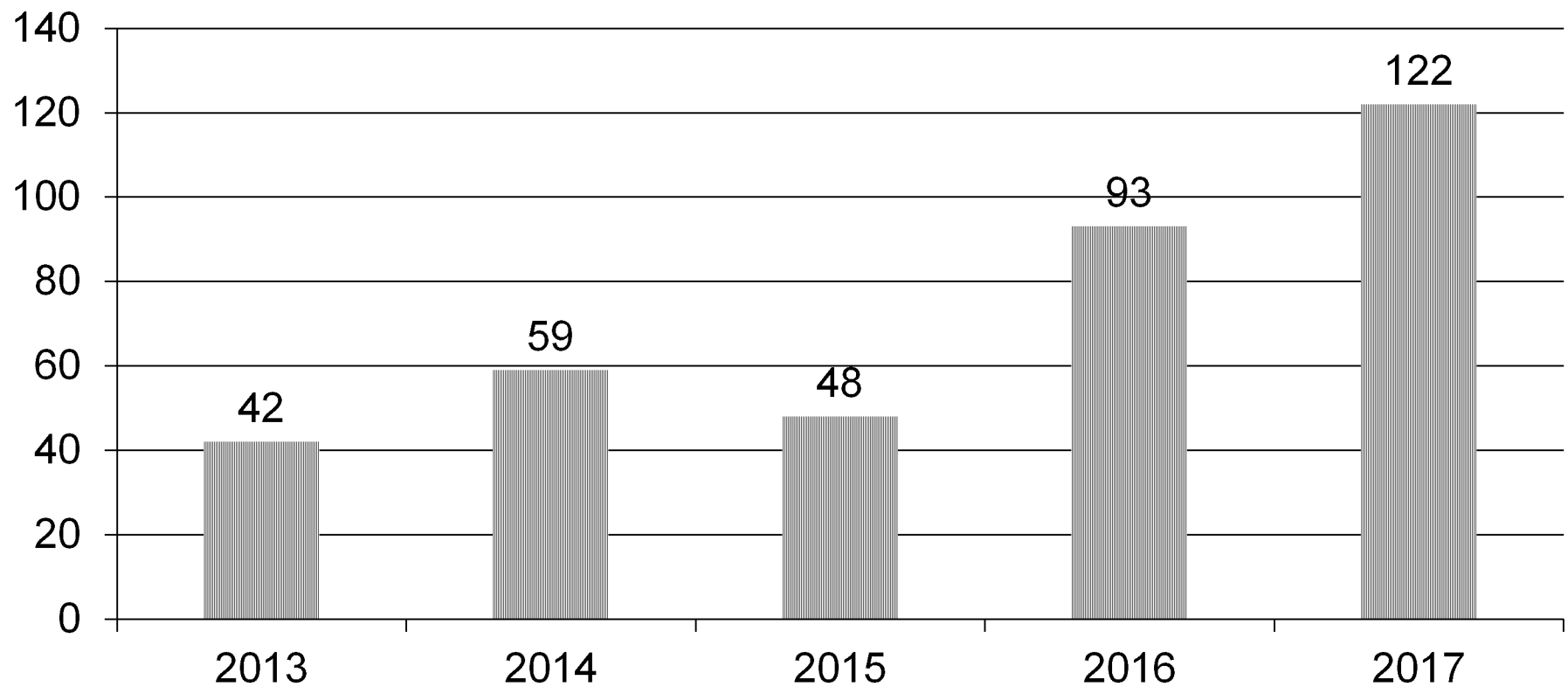
VEHICLE RATE OF SPEED	<i>UNITED KINGDOM</i> ODDS OF PEDESTRIAN DEATH ¹	<i>AUSTRALIA</i> ODDS OF PEDESTRIAN DEATH ²
20 MPH	5%	5%
30 MPH	45%	37%
40 MPH	85%	83%

CAR VS. PEDESTRIAN ACCIDENTS



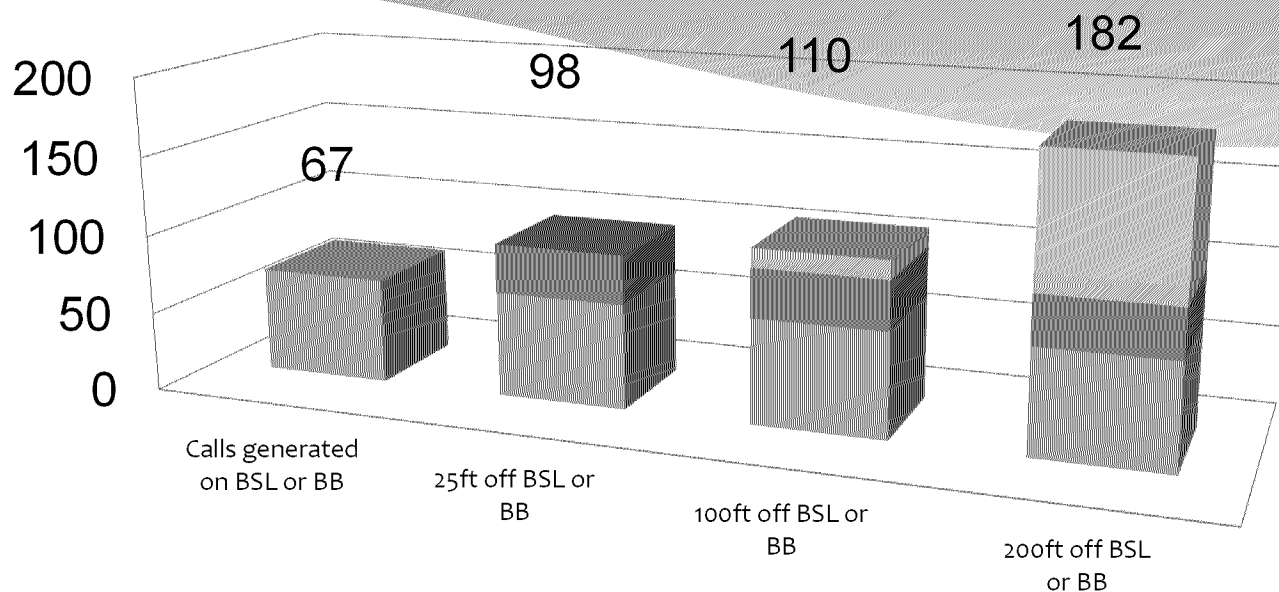
	2013	2014	2015	2016	2017
■ Total Car vs. Pedestrian Accidents	9	5	6	5	7
■ Occurred on BSL or BB	2	4	1	3	5
■ Fatal Accidents on BSL or BB	0	0	1	1	0
■ Victim in the Act of Panhandling	0	0	0	0	1

PUBLIC SAFETY CONCERNS/PANHANDLING



PROXIMITY

Public safety concern/Panhandling locations and proximity to Brooklyn Boulevard and Bass Lake Road (5 year history).

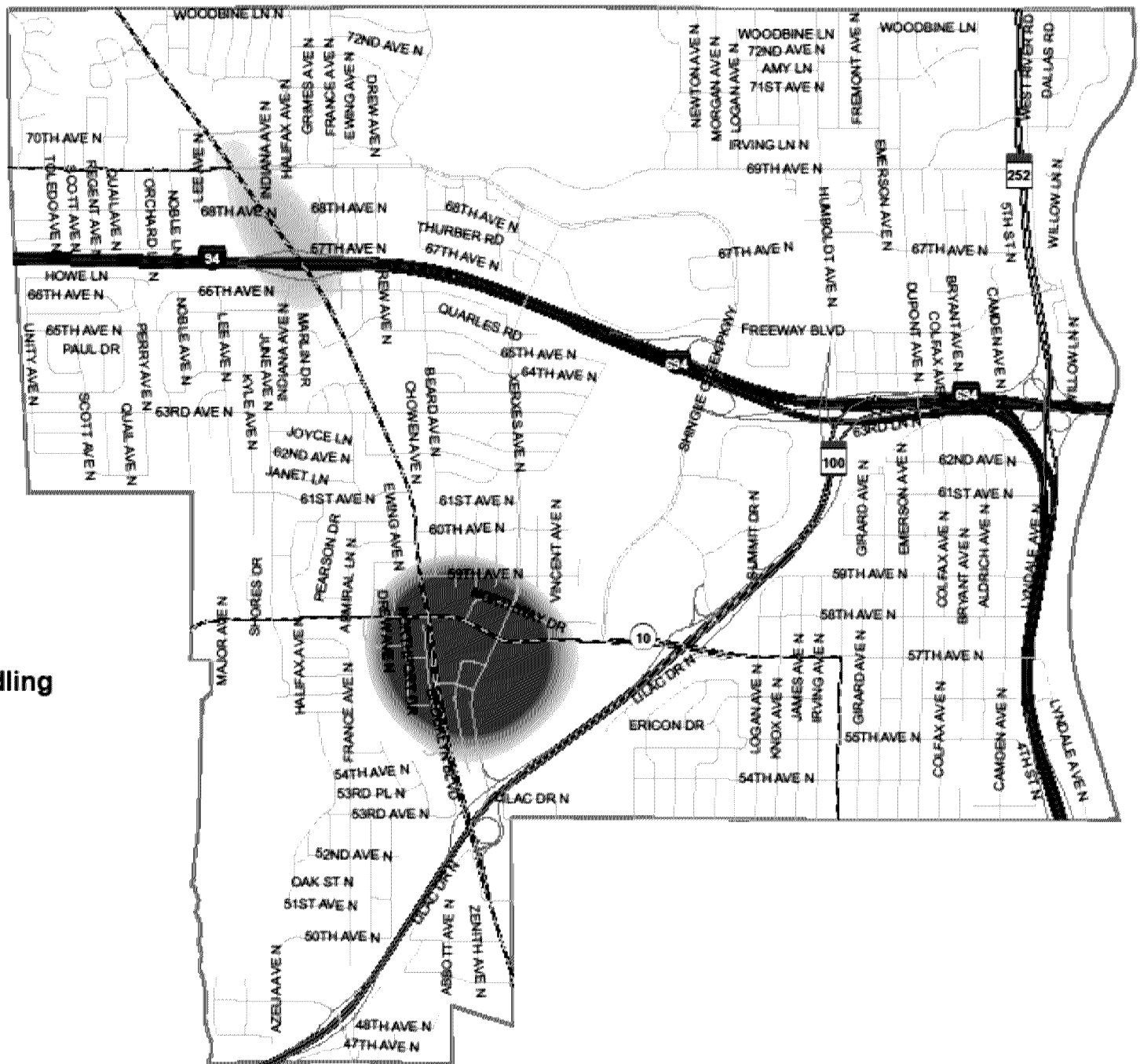
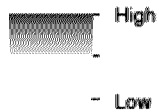


	Calls generated on BSL or BB	25ft off BSL or BB	100ft off BSL or BB	200ft off BSL or BB
■ 200ft off BSL or BB				72
■ 100ft off BSL or BB			12	12
■ 25ft off BSL or BB		31	31	31
■ Calls generated on BSL or BB	67	67	67	67

2013-2017 Median Safety/ Panhandling Density

Legend

Median Safety/Panhandling

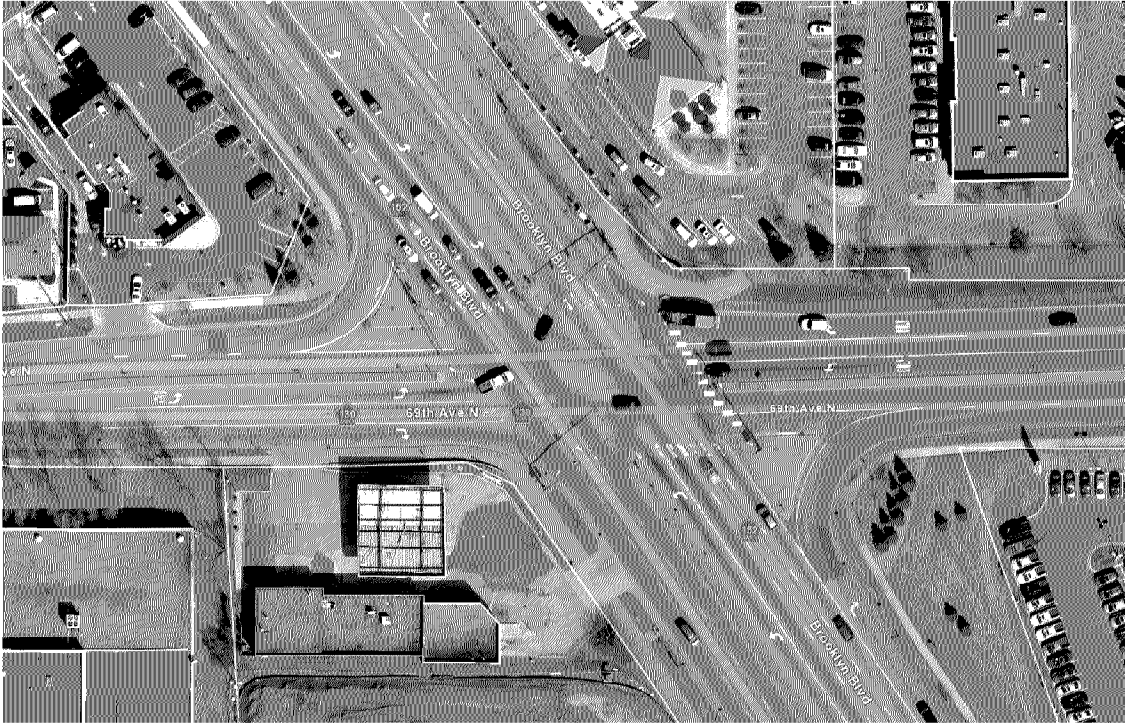


Date: 5/7/2018



QUESTIONS?

Brooklyn Boulevard at 69th Avenue



Brooklyn Boulevard and 68th Avenue



Brooklyn Boulevard and 63rd Avenue



Brooklyn Boulevard and Bass Lake Road



Brooklyn Boulevard and 56th Avenue



Brooklyn Boulevard and 55th Avenue



Brooklyn Boulevard and TH 100 Southbound Ramps



Brooklyn Boulevard and TH 100 Northbound Ramps



Bass Lake Road and Northway Drive



Bass Lake Road and TH 100 Southbound Ramps



Bass Lake Road and TH 100 Northbound Ramps and Lilac Drive



City Council Agenda Item No. 10b

COUNCIL ITEM MEMORANDUM

DATE: May 29, 2018

TO: Curt Boganey, City Manager 

FROM: Meg Beekman, Community Development Director 

SUBJECT: An Interim Ordinance Regulating Automobile Dealership Off-site Vehicle Storage

Recommendation:

Motion to approve an interim ordinance regulating automobile dealership off-site vehicle storage.

Background:

The City is currently moving through a process to adopt an amendment to Chapter 35 of the City Code of Ordinances to establish Section 35-420, which would allow auto dealerships in the City to store new vehicles off-site on a temporary basis with an approved Interim Use Permit. The Planning Commission has held a public hearing regarding the proposed amendment, and following consideration of the ordinance language, unanimously recommended approval to the City Council. The City Council considered the ordinance at a First Reading this evening.

In order to approve the ordinance a second reading is required, followed by publication of the ordinance in the newspaper. According to the City Charter, the ordinance would then go into effect 30 days following publication. In addition, Luther Auto, which has requested to be allowed off-site storage of vehicles, will need to apply for an Interim Use Permit, which will require a public hearing with the Planning Commission, and final approval from the City Council. Under the City's current process, the soonest Luther Auto could locate vehicles at an off-site location would be July 12, 2018.

Luther Auto approached the City in February, stating that they had a need to store up to 600 new vehicles for a period of up to two years. The impetus for the storage is related to the construction of a new Mazda and Mitsubishi Dealership at 4435 68th Avenue North, which would displace the current storage capacity being used by their adjacent dealerships. Construction of the new dealership cannot begin until the vehicles can be relocated. Delaying the start will mean pushing construction further into winter, which substantially increases costs.

After consultation with the City Attorney, staff determined that it would be possible to allow Luther Auto more immediate access to a solution with an interim ordinance. Cities are authorized to adopt interim ordinances by State Statute. They are most often used as a way to enact moratoriums; however, in this instance, the City would be adopting an ordinance that would enable an activity, rather than prohibit. Interim ordinances may be adopted by a City Council outside of the typical procedure, which requires multiple readings, publication, and in some instances, a public hearing. Interim ordinances go into effect immediately upon adoption by the City Council.

COUNCIL ITEM MEMORANDUM

Policy Consideration

The City has identified a portion of the Opportunity Site property that may be appropriate for Luther Auto to store vehicles on. The former Brookdale Square building has been demolished; the parking lot remains, and is in substantially good condition. The striping and drive aisles are intact, and there is sufficient space to handle all of Luther Auto's need for temporary vehicle storage.

If a lease between the Economic Development Authority and Luther Auto is approved, Luther Auto has offered to pay \$7,500 per month for a period up to two years to allow them to store vehicles on the property. Further, Luther Auto would secure the site, closing two of the three access points, and installing a secured gate at the northern most access point. They would provide lighting and onsite security as well. Their presence on the site would benefit the City by discouraging dumping and other activity that is currently occurring on the property.

Staff has discussed the concept of using the site for vehicle storage with Alatus, since the City has an active Preliminary Development Agreement with them for the property. They are fine with the use of the site as described, as the vehicle storage location is outside of Alatus' identified Phase 1 area. Their only request was that a provision be added to the lease that would require Luther to move cars as may be necessary to accommodate any soil work that may be necessary. Luther has agreed to this provision. The ultimate redevelopment of the site remains the City's top priority, and as such the lease would further allow the City to terminate early in the event that a suitable redevelopment of the site becomes imminent.

The interim ordinance that is being recommended as part of this Council Consideration item would facilitate an interim lease that could then be considered by the EDA, which would allow Luther to occupy the site as early as June 1st. The interim lease would terminate after 60 days, at which point, if the City Council has approved an Interim Use Permit and the EDA has approved a longer term lease with Luther Auto, they would be able to continue to occupy the site for a period not to exceed two years. Luther has agreed to pay a rate of \$10,000 per month for the interim lease.

Adoption of the interim ordinance, would allow off-site storage of new vehicles for existing auto dealerships in the City on EDA-owned lots only. This allows the City to negotiate terms that would ensure any potential negative impacts on surrounding property would be adequately mitigated. This ordinance will sunset with the adoption of the amendment to Chapter 35, establishing Section 35-420, allowing off-site storage of vehicles with an Interim Use Permit.

Budget Issues:

There are no budget issues to consider.

Attachments:

- Interim Ordinance Regarding the Off-site Storage of Vehicles

Strategic Priorities:

- Targeted Redevelopment

CITY OF BROOKLYN CENTER

ORDINANCE NO. _____

AN INTERIM ORDINANCE REGULATING AUTOMOBILE DEALERSHIP
OFF-SITE VEHICLE STORAGE

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

Article I. Legislative Findings. The City Council of the City of Brooklyn Center ("City") hereby finds and determines as follows:

- a. The City Council has the authority under Minnesota Statutes, section 462.355, subdivision 4 to adopt an interim ordinance to regulate or impose restrictions on uses if it has scheduled a hearing for the purpose of considering an amendment to its official controls;
- b. The adoption of an interim ordinance does not require a public hearing and is not subject to the City's standard ordinance adoption process as it is in the nature of an emergency ordinance in that waiting the several weeks before it went into effect would undermine the purpose and authority to adopt an interim ordinance;
- c. The City Council is in the process of considering an amendment to Chapter 35 of the Brooklyn Center City Code ("Code") to establish a new Section 35-420 to allow the off-site storage of new vehicles by an automobile dealership in certain zoning districts with the issuance of an interim use permit;
- d. The City Council has schedule a public hearing on the proposed amendment to the Code before its Planning Commission on June 14, 2018; and
- e. The City Council determines that it is in the best interests of the public, and in furtherance of its efforts to promote economic development within the City, to adopt interim regulations on the off-site storage of vehicles by automobile dealerships while the ordinance proposing to establish permanent regulations on the off-site storage of vehicles works its way through the standard ordinance adoption process.

Article II. Interim Regulations. During the term of this interim ordinance, the City may, by issuance of a certificate of compliance, allow the off-site storage of new vehicles by an automobile dealership on property ("Property") owned by the City or by the Economic Development Authority of Brooklyn Center, Minnesota ("EDA") within the I-1, I-2, or C-2 districts subject to compliance with all of the following requirements and restrictions:

- a. The automobile dealership must enter into a temporary lease agreement with the City or the EDA for use of its Property for the storage of the vehicle that, at a minimum, address each of the following:

1. Security for the Property, including how access to the Property will be controlled;
 2. The area on the Property that may be used for the storage of vehicles;
 3. The length of the temporary lease and that the use of the Property for vehicle storage may only occur upon issuance of a certificate of compliance and must cease if the proposed amendment to the Code to allow the use is not adopted or if the automobile dealership fails to obtain an interim use permit under the amended Code within 60 days from the date the amendment goes into effect; and
 4. Any particular restrictions on how the Property is accessed;
- b. Only operable new vehicles that are available for sale or lease to customers as part of the automobile dealership's business operations may be stored on the Property;
 - c. Vehicles may only be brought to or removed from the Property Monday through Saturday, between the hours of 8:00 a.m. and 6:00 p.m.;
 - d. No signage, other than minimal directional signage internal to the site, shall be permitted on the Property;
 - e. No vehicle repairs, sales, cleaning or detailing shall occur on the Property;
 - f. Only employees or contractors of the automobile dealership shall be allowed on the Property related to the storage use;
 - g. Vehicles shall be stored on the Property in an orderly fashion with drive aisles, allowing vehicles to enter and exit the Property without having to move other vehicles; and
 - h. An approval issued pursuant to this interim ordinance is not transferable.

Article III. Effective Date and Term. This interim ordinance shall go into effect immediately upon adoption and shall remain in effect for 120 days or upon the effective date of the proposed amendment to the Code addressing the off-site storage of vehicles by an automobile dealership if adopted, whichever occurs first.

Article IV. Penalty. A violation of this interim ordinance is punishable as a misdemeanor.

Adopted this 29th day of May, 2018.

Tim Willson, Mayor

ATTEST: _____
City Clerk

Work Session Agenda

AGENDA
CITY OF BROOKLYN CENTER
CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY WORK SESSION
May 29, 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. Bee Keeping and Compost Bin Regulation
2. Electronic Agenda – NovusAgenda Presentation
3. Ordinance Review Process

PENDING LIST FOR FUTURE WORK SESSIONS

Later/Ongoing

1. Comprehensive Plan Art Contest – May
2. Earle Brown Days Update
3. Beautification and Public Art Initiative - June

Work Session Agenda Item No. 1

MEMORANDUM – COUNCIL WORK SESSION

DATE: May 29, 2018

TO: Curt Boganey, City Manager *CB*

THROUGH: Meg Beekman, Community Development Director *MB*

FROM: Jesse Anderson Deputy Director of Community Development/HRA Specialist *JA*

SUBJECT: Bee Keeping and Compost Bin Regulation

Recommendation:

It is recommended that the City Council consider providing direction to staff regarding bee keeping and compost bin regulation

Background:

On January 8, 2018, Mayor Willson requested, with Council concurrence, that a discussion relating to bee keeping and composting be added to a future work session.

The concerns were initially brought to the Council's attention when a rental property received correction orders for their compost bin. The landlord clean up the material without notifying the tenant and the tenant had been keeping bees in the area. Therefore the hibernating bees were inadvertently removed and discarded by the landlord.

Composting:

Currently Section 7-102 Subdivision 2 of the City Code addresses composting. The requirement states that composting must be done in an approved rodent and fly proof device and/or filling operations using approved fill materials and methods may be permitted.

Occasionally staff does have to issue correction orders relating to composting. Typically this is the result of an owner creating a pile of grass clippings, leaves, or fallen tree branches without a proper compost bin.

Currently the ordinance relating to composting isn't written to be clear and concise on the topic. However, staff has had a limited number of complaints and the ordinance has been used successfully to address the concerns.

Bee Keeping:

The City Code is silent on the topic of bee keeping. Bee keeping is not listed in the City Code as being prohibited, and questions about bee keeping have been infrequent. Staff is aware of instances in the City where people are keeping bees; however, the City has not received any complaints about bee keeping. Section 19-104 of the City Code does expressly prohibit

MEMORANDUM – COUNCIL WORK SESSION

agricultural animals. Since honey bees are kept in order to harvest honey, some cities had considered them an agricultural animal. If this were the case in Brooklyn Center, then the City Code could be interpreted to prohibit them; however, this has not been staff's interpretation in the past.

An ordinance could be written to clarify the restrictions on bee keeping.

Policy Issues:

Does the City Council want staff to pursue an ordinance change relating to bee keeping or compost bin requirements? If so, staff recommends directing the topic, or topics, to the Housing Commission for review and consideration.

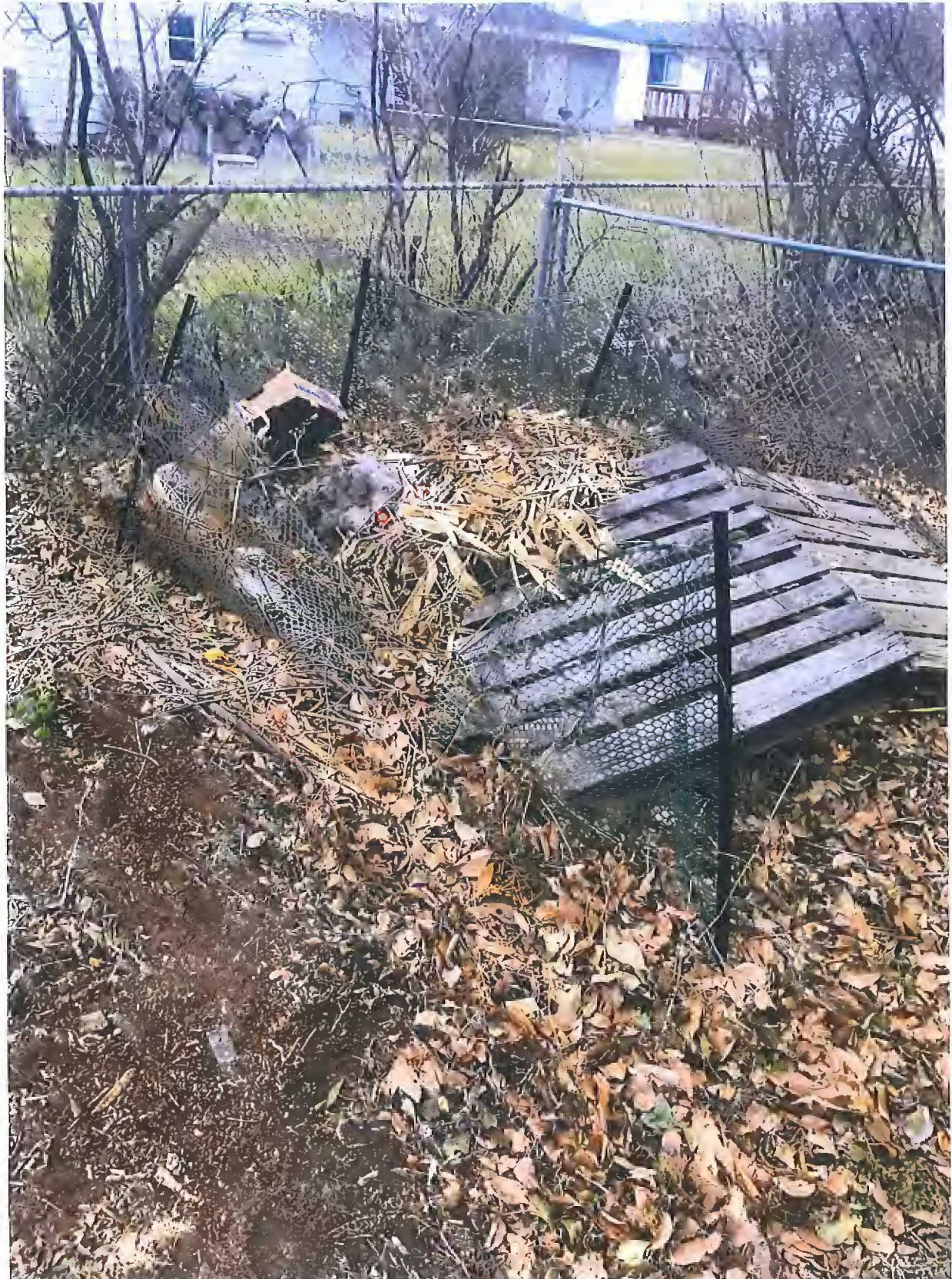
Strategic Priorities:

- Enhanced Community Image

Attachments:

- Picture of the Compost Bin/Bee Habitat at 6425 Fremont Ave N
- Refuse Storage and Disposal Ordinance
- Hennepin County Composting Guidelines
- University of Minnesota Bee Keeping Information

Photo of the Compost/Bee Keeping Habitat that was located at 6425 Freemont Ave N.



Section 7-102. REFUSE STORAGE AND DISPOSAL.

Subdivision 1. Containers Required. The owner of any premises, and any other person having refuse as herein defined, must provide and keep on such premises sufficient containers for the storage of refuse accumulated on the premises between disposal or collection. Each container must be watertight, must have a tight fitting lid, must be impervious to insects, rodents, vermin, and absorption of moisture and may not exceed 30 gallons in capacity or 95 gallons in capacity in the case of roll-cart automated containers or have ragged or sharp edges or any other defect liable to hamper the person collecting the contents thereof.

All refuse on any premises must be stored in required containers unless it is immediately consumed or disposed of on the premises in an approved incinerator.

All commercial, business, industrial, or other such establishments having a refuse volume in excess of two cubic yards per week, and all six-family and larger dwellings, must provide approved bulk or box type refuse storage containers or approved equivalent. The containers must be located so as to be accessible to collection equipment and so as not to require an intermediate transfer.

Subdivision 2. Sanitary Disposal. All refuse must be disposed of in a sanitary manner as approved by the health authority and may not constitute a nuisance. Refuse may not be composted or buried except that composting in an approved rodent and fly proof device and/or filling operations using approved fill materials and methods may be permitted. In no case may garbage be composted or buried.

Subdivision 3. Frequency and Manner of Collection. The contents of the containers must be collected once every week, or more frequently if necessary or required by the provisions of any other ordinance of the City, by a collector licensed under this Chapter. The collector must transfer the contents of the containers to the collection vehicle without spilling them, and if any spilling occurs, the collector must clean it up immediately and completely. Collection must be conducted in a manner as to not create a nuisance. Collection in residential zones must be between the hours of 6:30 a.m. and 8:30 p.m. Upon each collection the containers must be completely emptied and returned to the racks or stands where they are kept, and the lids of the containers must be replaced.

Subdivision 4. Placing of Containers. Containers must be placed behind the front setback of the residence or placed in a garage located on the premises, except as may be reasonable and immediately necessary for collection. In no event may containers be placed or maintained in a way that unreasonably interferes with the use of adjoining property. Containers kept outside must be placed in a manner that does not permit entry of or harborage for animals, insects or other vermin, or permit the container to be tipped over. Containers must be maintained in a reasonable clean condition at all times.

Subdivision 5. Defective Containers. If, upon inspection by the health authority, a container is found to be in poor repair, corroded or otherwise defective so as to permit insects, vermin or rodents to enter, or does not meet other requirements of this ordinance, the health

authority may require the container to be repaired or replaced by notifying the provider or user of the container of the deficiency and stating a compliance date in the notice. If the deficiency is not corrected by the compliance date, the health authority may condemn the deficient container and affix a tag so stating such condemnation. It is unlawful for any person to place or deposit refuse in a container which has been condemned.

Subdivision 6. Preparation of Yard Wastes. Yard wastes must be bagged separately from other garbage, refuse, and waste matter and must be placed 3 to 6 feet from garbage and other refuse on collection day.



Home composting

Recycle your food and yard waste to improve your soil

Composting is a microbial process that converts waste from your kitchen and yard into a nutrient-rich soil amendment or mulch. You can compost organic material including fruit and vegetable peelings, grass clippings and leaves. Gardeners have used compost for centuries to improve their soil and to supply essential nutrients for plant growth.

What to compost

Many of us understand what we should compost, but we sometimes get conflicting information about what we should NOT compost. Composting is a microbial process and microbes – also called microorganisms – will not decompose synthetic products such as plastics or glass. Home composting systems typically don't reach high enough temperatures to break down meat, dairy, grease and oil. These materials can also attract critters to your compost bin and cause foul odors. Feces from pets may carry pathogens that could cause health problems. Large pieces of wood do not compost quickly and require a lot of energy to decompose, so wood should be chipped or shredded and used minimally. Organic materials that can be added to enhance the nutritive value of compost include blood and bone meal, cotton seed meal and aquatic plants.



Compost:	DO NOT compost:
✓ • Yard waste: grass clippings, plant trimmings, leaves, weeds without seeds, pine needles	✗ • Meat and dairy: meat pieces, dairy products, bones, fish scraps, raw eggs
✓ • Kitchen waste: fruit and vegetable scraps, coffee grounds, tea bags, egg shells	✗ • Fats: cooking oil, drippings and grease
✓ • Materials that add nutritive value: blood and bone meal, cotton seed meal, aquatic plants	✗ • Synthetics: motor oil, glass, plastic, styrofoam, polyester
✓ • Small amounts of: sawdust, wood chips, small sticks	✗ • Feces: from dogs, cats, and humans
✓ • Wood ashes: add in small amounts. Ashes act as lime source and affect the pH of your compost	✗ • Weeds: with seeds
	✗ • Large pieces of wood

What about cuttings treated with herbicides?

Studies have shown that low levels of herbicides are detectable even in well-decomposed yard trimmings, but these levels are less than 1 percent of the level found in trimmings prior to composting and is not considered a risk for using in the garden. Ideally, grass clippings from lawns treated with herbicides should be left on the lawn to decompose, which allows the herbicides to degrade.



Benefits of using compost

As a soil amendment:

Compost loosens and aerates soil and improves water and nutrient retention. Adding 1-2 inches of compost to the top 6-8 inches of your garden improves soil structure over time making the soil easier to work while creating a better environment for plant growth. Compost is beneficial to a variety of soil types. It maintains drainage and aeration in heavy clay soils and increases the moisture holding capacity of sandy soils.

Adding compost to your soil will attract beneficial organisms such as earthworms and microorganisms that break down organic matter naturally. Compost also improves seedling plant emergence and water infiltration by reducing the potential for soil crusting.

As a mulch:

Adding 6-8 inches of compost to garden beds suppresses weeds by blocking light to the soil surface. The mulch will decompose and add organic matter to the soil. Compost also reduces the potential for erosion by protecting the soil surface from wind and hard rain.

Using compost as mulch reduces moisture loss. Top dress your lawn with compost to conserve moisture and add organic matter. Use the compost in windy areas and container gardens where rapid moisture loss is a factor. Compost may also keep soils cooler in the summer and warmer in the winter.

Steps to backyard composting

✓ Get a bin:

Compost bins are for sale at the Hennepin County Drop-off Facility in Brooklyn Park during regular facility hours. Many lawn and garden stores also sell compost bins. Additionally, you can search for options online to make a compost bin yourself with a few materials and tools.



✓ Find a place for your compost bin:

Choose a place in your yard where your bin is easily accessible but not an eyesore. Some people incorporate their bin into the design of their landscape and plant their garden right around the bin!

Select a spot where your bin gets some sun and heats up your pile. Locating your bin in full sun will heat up the compost pile faster but will dry it out more often, requiring periodic watering. Some shade will prevent this.

Good drainage and accessibility is important for your compost bin. You should have enough room around the bin to allow you to turn the compost and a water source nearby in case you need to add moisture. Think about being able to access your bin year-round so you can continue composting in the winter.

Each city has its own ordinances about composting. Check with your city recycling coordinator for details concerning your local laws.

✓ Layer your materials:

Start your pile with a 6-inch layer of brown materials, such as twigs and/or corn stalks. This will help elevate your pile and allow air to circulate at the base of the pile. Then alternate layers of brown materials and green materials. Add a few layers of garden soil or finished compost, which contain the microorganisms required to speed up decomposition. Add a little water to dampen the pile, and you are on your way!

✓ Maintain your compost pile:

As your compost pile begins the decomposition process, the temperature of the pile will begin to rise, especially in the center. A well-built pile may reach temperatures of 130°-160° F in just a few days. The pile will begin to cool in time, in five days, and a depression may appear in the middle of the pile. At this point, it is time to turn the pile. Use a garden fork and turn the outside of the pile inward. Steaming will rise from the pile – this is a sign that the decomposition process is working! If the pile is dry, add a small amount of water. If it is too wet, add some dry materials such as dry leaves or corn stalks. Cover the pile with a layer of brown materials, soil or compost to ensure any food scraps are buried and it will start to re-heat.



Turn your pile on a regular basis – about once a week. Doing so will speed up the decomposition process, giving you finished compost sooner.

✓ Identify when your compost is finished:

Under warm conditions, a well-tended compost pile will be finished and ready for use in about 2-4 months. Left untended, a bin may take a year to decompose. A finished compost pile is about half its original size, is brown, dark and crumbly, and smells good – like fresh soil. None of the materials that went into the compost pile should be identifiable. Another sign that your pile is fully decomposed and ready for use is when it no longer heats up.

The recipe for a successful compost pile

There are four basic ingredients for good compost: carbon, nitrogen, oxygen and moisture.

Carbon and nitrogen: In the composting process, microorganisms use carbon for energy and nitrogen to make proteins. For home composting, this translates to a proportion of three parts carbon (brown materials) to one part nitrogen (green materials). Given this 'diet,' microorganisms can make short work of your compost.

Browns (Carbon)

Dried grasses
Leaves
Straw
Sawdust
Twigs

3 to 1

Greens (Nitrogen)

Coffee grounds
Fruit and vegetable peelings
Grass clippings
Green leaves
Plant trimmings

Oxygen and moisture are important for the health and activity of the microorganisms. An active compost pile – one in which microorganisms are actively converting organic materials to compost – has good air circulation and moisture (consistently not a wrung out sponge). If a pile is compacted or too wet or too dry, microorganisms will cease their work and the pile will become passive.

Air circulation can be accomplished by turning your pile with a garden fork. Do not allow the pile to become soggy as this causes anaerobic conditions (meaning no air) and usually produces a foul smell. A pile can become too wet due to excess water from rain or from too much green material. This can be corrected by adding carbon-based material and by turning the pile to increase the oxygen level.

Tips for home composting

- Keep your compost pile at the right moisture level. If your compost pile has a hard edge, it is too dry and may be too slow. Try turning the pile and/or adding dry material to the pile.
- If your compost pile is not heating up, try adding more nitrogen or 'green' materials. Add grass clippings or kitchen waste to the pile.
- Bury kitchen scraps at least 10 inches below the top of the compost crater.
- You can keep adding to your compost pile as it is decomposing. However, if you want to start a second pile, you have to turn the pile.
- Add a layer of straw or hay on the top of your compost pile in the winter to keep it warm and keep it from drying out.
- The best pile is made up of a variety of materials.
- The smaller the pieces of organic material, the faster the fastest decomposition.

For more information:

- hennepin.us/composting
- extension.umn.edu/garden/yard-garden/soils/composting-and-mulching-guide: Composting and Mulching: A Guide to Managing Organic Yard Waste, University of Minnesota Extension Service

Hennepin County
Environment and Energy
hennepin.us/composting
612.348.5777

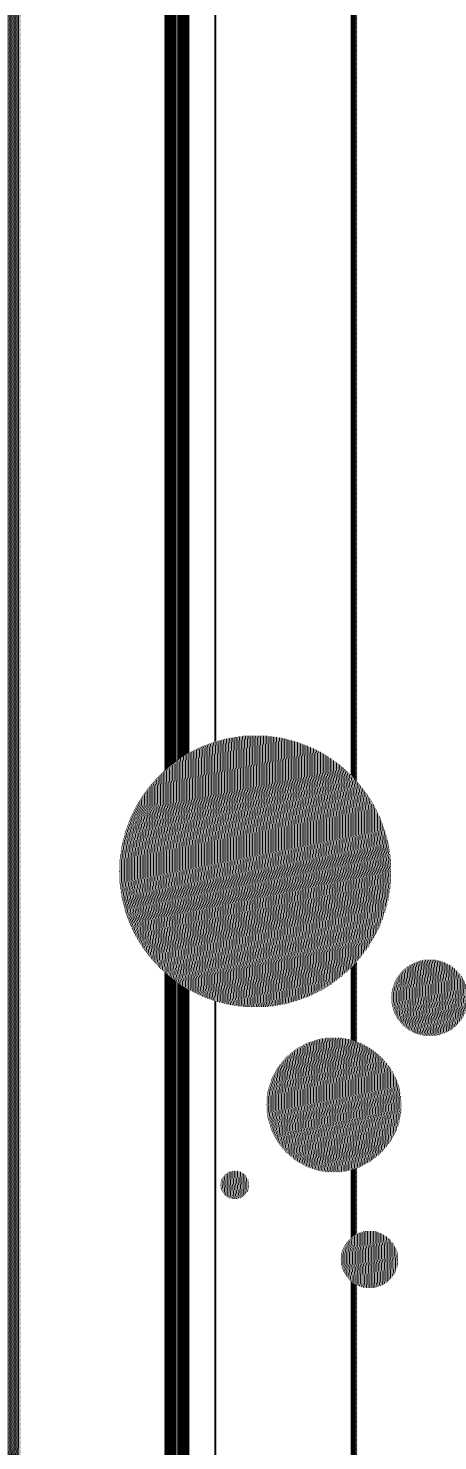


University of Minnesota Bee Lab Information

City	County	Ordinance Citation	Ordinance Language	Date
Bloomington	Hennepin	Section 12.116(a)(2)	Owners of bees, shall have at least one acre per bee hive not exceeding twenty-four (24) cubic feet in size. Farm poultry, farm animals and bees are not allowed on properties with three or more dwelling units. The owner of the farm poultry, farm animals and bees shall live in the dwelling on the property.	8/1/2013
Brooklyn Center	Hennepin	Section 1-101	No mention of bees in ordinances, so honey bees are permitted.	8/1/2013
Brooklyn Park	Hennepin	Section 92.50	Honey bees are permitted in lots over 5 acres. Other require registration.	11/24/2015
Champlin	Hennepin		Honey bees are not mentioned within Champlin's ordinances. The City would allow honey bees as long as they were not a nuisance and the neighbors were on board.	8/1/2013
Corcoran	Hennepin		Section 1020.020: bees are agricultural use. Allowed in areas zoned for agricultural use.	8/1/2013
Crystal	Hennepin		City ordinances do not cover bees. Therefore, bees are allowed.	8/1/2013
Edina	Hennepin	Section 300.11	Bees are allowed with permit. ordinance link	10/1/2015
Excelsior	Hennepin	Section 6-4	Ordinance defines "undomesticated animal" as "any animal, mammal, amphibian, or reptile, which is of a species which is wild by nature or of a species which due to size, vicious nature, or other characteristics is inherently dangerous to human beings." "Any person may own, keep, harbor, or maintain any nondomesticated animal, provided that it weighs less than 50 pounds."	8/1/2013
Golden Valley	Hennepin	Section 10.32	Honey bees are defined as a farm animal. Farm animals are not allowed to be harbored within the city.	8/1/2013

Hopkins	Hennepin		Hopkins Code of Ordinances does not address honey bees, so they interpret that to mean they are not permitted.	2/8/2017
Independence	Hennepin	510.05 subd. 46	Defines bees as "livestock." Bees are allowed in areas which are zoned agricultural.	8/1/2013
Long Lake	Hennepin		Honey bees are not mentioned in the Code. City of Long Lake's general position is if it is not expressly allowed, it is prohibited.	8/1/2013
Maple Plain	Hennepin		Honey bees are not mentioned in the Code. City of Maple Plain's general position is that they are allowed, but are subject to the nuisance ordinance.	8/1/2013
Medicine Lake	Hennepin	Section 200.2(7)(b)	Bees are classified as farm animals. Must get a conditional use permit to have bees.	8/1/2013
Minneapolis	Hennepin	Section 74.80	Must get a permit from Minneapolis Animal Care and Control.	8/1/2013
Minnetonka	Hennepin		No ordinance on bees, so bees are allowed unless they are a nuisance.	8/1/2013
Village of Minnetonka Beach	Hennepin	Section 508(C)(28)(b)	"No person shall keep or allow to be kept any hive or other facility for the housing of honeybees."	8/1/2013
Minnetrista	Hennepin	Section 1110.09	Bees are considered farm animals. "Farm animals may only be kept in A or AP zoning districts, or in a residential lot of at least ten acres in size provided that farm animals on said residential lots are not sheltered within 300 feet of an adjoining piece of property."	8/1/2013
Orono	Hennepin	Section 62-1	Honey bees are classified as a farm animal and are allowed in areas zoned for agriculture.	8/1/2013
Osseo	Hennepin	Chapter 93.18(z)	City code states that any caring for any non-domestic animal is a public nuisance, so beekeeping currently is not allowed. However, City Attorney said the City might be open to a resident asking for a variance or trying to change the ordinance.	8/1/2013

Plymouth	Hennepin	Zoning Ordinance 21170.01 subd.3	Bees are only allowed in areas zoned future restricted development (rural).	8/1/2013
Richfield	Hennepin	Section 905.41	Bees are considered non-domestic animals. All non-domestic animals are prohibited.	8/1/2013
Robbinsdale	Hennepin	Section 915.37	"It is unlawful to keep or maintain roosters or bees, without first having obtained a permit therefor."	8/1/2013
Rogers	Hennepin	Section 125-1	Bees are classified as a farm animal and are allowed in areas zoned agricultural.	8/1/2013
St. Anthony Village	Hennepin		No ordinance on honey bees, so City of St. Anthony Village's position is that they are not allowed.	8/1/2013
St. Louis Park	Hennepin		Bees are not addressed in city ordinance, so they are allowed as long as they are not a nuisance.	8/1/2013
Shorewood	Hennepin	Section 705.09	Bees are classified as an "urban farm animal." Section 705.09 subd 2(h) states, "The number of bee hives shall not exceed four."	8/1/2013
Spring Park	Hennepin		Bees are not allowed in city limits.	8/1/2013
Wayzata	Hennepin		No ordinance, so bees are allowed unless they are a nuisance.	8/1/2013
Chanhassen	Hennepin and Carver	Chapter 20	Bees are considered a farm animal and are allowed on properties of 10 acres or more.	8/1/2013



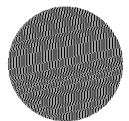
BEE KEEPING AND COMPOST BIN REGULATION

Presented by

Meg Beekman, Community Development Director

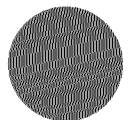
BACKGROUND

- On January 8, 2018, Mayor Willson requested, with Council concurrence, that a discussion relating to bee keeping and composting be added to a future work session.
- The concerns were initially brought to the Council's attention when a rental property received correction orders for their compost bin.



COMPOSTING; SECTION 7-102 SUBDIVISION 2 OF THE CITY CODE ADDRESSES COMPOSTING.

- Must be done in an approved rodent and fly proof device and/or filling operations using approved fill materials and methods.
- Correction orders are typically issued when owner creates a pile of grass clippings, leaves, or fallen tree branches without a proper compost bin.
- Currently the ordinance relating to composting isn't written to be clear and concise on the topic.
- Staff has had a limited number of complaints and the ordinance has been used successfully to address the concerns.



BEE KEEPING; BROOKLYN CENTER CURRENTLY DOES NOT HAVE CITY CODE IN PLACE.

- City Code is silent on the keeping of bees
- Staff is aware of people keeping bees, but no complaints have been received and no corrections have been issued.
- If bees were considered agricultural animals, as in some other cities, City Code could prohibit bee keeping.
- An ordinance could be written to clarify the restrictions, or allowances, on bee keeping.

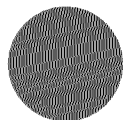
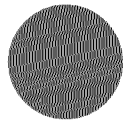


PHOTO OF THE COMPOST/BEE KEEPING
HABITAT THAT WAS LOCATED AT 6425
FREEMONT AVE N.



HENNEPIN COUNTY COMPOSTING GUIDELINES



Home composting

Recycle your food and yard waste to improve your soil

Composting is a microbial process that converts waste from your kitchen and yard into a nutrient-rich soil amendment or mulch. You can compost organic material including fruit and vegetable peelings, grass clippings and leaves. Gardeners have used compost for centuries to improve their soil and to supply essential nutrients for plant growth.

What to compost

Many of us understand what we should compost, but we sometimes get confusing information about what we should NOT compost. Composting is a microbial process and microbes (also called microorganisms) will not decompose synthetic products such as plastic or glass. Home composting systems typically don't reach high enough temperatures to break down meat, dairy, grease and oil. These materials can also attract critters to your compost bin and cause foul odors. Feces from pets may carry pathogens that could cause health problems. Large pieces of wood do not compost quickly and require a lot of energy to decompose, so wood should be chipped or shredded and used internally. Organic materials that can be added to enhance the nutritive value of compost include blood and bone meal, cotton seed meal and aquatic plants.



Compost:	DO NOT compost:
✓ Yard waste: grass clippings, plant trimmings, leaves, weeds without seeds, pine needles	✗ Meat and dairy: meat pieces, dairy products, bones, fish scraps, raw eggs
✓ Kitchen waste: fruit and vegetable scraps, coffee grounds, tea bags, egg shells	✗ Fats: cooking oil, drippings and grease
✓ Materials that add nutritive value: blood and bone meal, cotton seed meal, aquatic plants	✗ Synthetics: motor oil, glass, plastic, styrofoam, polyester
✓ Small amounts of: sawdust, wood chips, small sticks	✗ Feces: from dogs, cats, and humans
✓ Wood ashes: add in small amounts. Ashes act as lime source and affect the pH of your compost.	✗ Weeds: with seeds
	✗ Large pieces of wood

What about cuttings treated with herbicides?

Studies have shown that low levels of herbicides are detectable even in weeds on mowed grass trimmings, but these levels are less than 1 percent of the level found in trimmings prior to composting and are not considered a risk for using in the garden. Ideally, grass clippings from lawns treated with herbicides should be left on the lawn to decompose, which allows the herbicides to degrade.



Benefits of using compost

As a soil amendment:

Compost improves soil structure, improves water and nutrient retention. Adding 1-2 inches of compost to the top 6-8 inches of your garden improves soil structure over time, making the soil easier to work, while creating a better environment for plant growth. Compost is beneficial to a variety of soil types. It improves drainage and aeration in heavy clay soils and increases the moisture holding capacity of sandy soils.

Adding compost to your soil also attracts beneficial organisms, such as earthworms and microorganisms that break down organic matter naturally. Compost also improves weed, plant emergence and water infiltration by reducing the potential for soil crusting.

As a mulch:

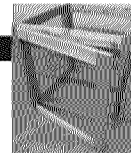
Adding 6 inches of compost to garden beds suppresses weeds by blocking light to the soil surface. The mulch will decompose and add organic matter to the soil. Compost also reduces the potential for erosion by protecting the soil surface from wind and rain.

Using compost as mulch reduces moisture loss. Sprinkles your lawn with compost to conserve moisture and add organic matter to the soil. Compost in window boxes and container gardens, where rapid moisture loss is a factor, can help you keep plants cooler in the summer and warmer in the winter.

Steps to backyard composting

Get a bin:

Compost bins are for sale at the Hennepin County Drop-off Facility in Brooklyn Park during regular facility hours. Many lawn and garden stores also sell compost bins. Additionally, you can search for options online to make a compost bin yourself with a few materials and tools.



Find a place for your compost bin:

Choose a place in your yard where your bin is easily accessible but not an eyesore. Some people incorporate their bin into the design of their landscape and plant their garden right around the bin!

Select a spot where your bin gets some sun and heats up your pile. Locating your bin in full sun will heat up the compost pile faster but will dry it out more often, requiring periodic watering. Some shade will prevent this.

Good drainage and accessibility is important for your compost bin. You should have enough room around the bin to allow you to turn the compost and a water source nearby in case you need to add moisture. Think about being able to access your bin year-round so you can continue composting in the winter.

Each city has its own ordinances about composting. Check with your city recycling coordinator for details concerning your local laws.

Layer your materials:

Start your pile with a 4-inch layer of brown materials, such as twigs and/or cardboard. This will help elevate your pile and allow air to circulate at the base of the pile. Then alternate layers of brown materials and green materials. Add a few layers of garden soil or finished compost, which contain the microorganisms required to speed up decomposition. Add a little water to dampen the pile, and you are on your way!

Maintain your compost pile:

As your compost pile begins the decomposition process, the temperature of the pile will begin to rise, especially in the center. A well-built pile may reach temperatures of 130°-160°F in just a few days. The pile will begin to cool in four to five days, and a depression may appear in the middle of the pile. At this point, it is time to turn the pile. Use a garden fork and turn the outside of the pile inward. Steam may rise from the pile - this is a sign that the decomposition process is working! If the pile is dry, add a small amount of water. If it is too wet, add some dry materials such as dry leaves or cardboard. Cover the pile with a layer of brown materials, soil or compost to ensure any food scraps are buried and it will start to re-heat.

Turn your pile on a regular basis - about once a week. Doing so will speed up the decomposition process, giving you finished compost sooner.

Identify when your compost is finished:

Under warm conditions, a well-tended compost pile will be finished and ready for use in about 2-4 months. Left undisturbed, a bin may take a year to decompose. A finished compost pile is about half its original size, is brown, dark and crumbly, and smells good - like fresh soil. None of the materials that were into the compost pile should be identifiable. Another sign that your pile is fully composted and ready for use is when it no longer heats up.

The recipe for a successful compost pile

There are four basic ingredients for good compost: carbon, nitrogen, oxygen and moisture.

Carbon and nitrogen: In the composting process, microorganisms use carbon for energy and nitrogen to make proteins. For home composting, this translates to a proportion of three parts carbon (brown material) to one part nitrogen (green material). Given this "diet," microorganisms can make short work of your compost.

Browns (Carbon)	3 to 1	Greens (Nitrogen)
Dried grasses		Coffee grounds
Leaves		Fruit and vegetable peelings
Sawdust		Grass clippings
Twigs		Green leaves
		Plant trimmings

Oxygen and moisture are important for the health and activity of the microorganisms. An active compost pile is one in which microorganisms are actively converting organic materials to compost - this good air circulation and moisture consistency of a working pile is important. If a pile is compacted or too wet or too dry, microorganisms will cease their work, and the pile will become passive.

Air circulation can be accomplished through turning your pile with a garden fork. Do not allow the pile to become soggy as this creates anaerobic conditions (meaning no air) and usually produces a foul smell. A pile can become too wet due to excess water from rain or from too much green material. This can be corrected by adding carbon, brown material and by turning the pile to increase the oxygen level.

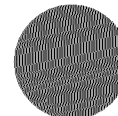
Tips for home composting

- Keep your compost pile at the right moisture level. If your compost pile has a foul odor, it is not getting enough moisture. In turning, moisture and/or adding dry materials to the pile.
- If your compost pile is not heating up, it may need more nitrogen or "green" material. Add grass clippings or a nitrogen fertilizer to the pile.
- Bury kitchen scraps at least 8 inches deep in the compost to discourage critters.
- You can keep adding to your compost pile as it is composting, however, you want to turn it around prior to you run through material.
- Add a layer of straw or hay to help if your compost pile is the winter to keep it warm, and keep on composting.
- The best pile is made up of a variety of materials.
- The smaller the pieces of compost material, the faster the pile will decompose.

For more information:

- hennepin.us/composting
- extension.umn.edu/garden/yard-garden/soils/composting-and-mulching-guide "Composting and Mulching: A Guide to Managing Organic Waste," University of Minnesota Extension Service

Hennepin County
Environment and Energy
hennepin.us/composting
612-348-3777



POLICY ISSUES

- Does the City Council want staff to pursue an ordinance change relating to bee keeping or compost bin requirements?
- If so, staff recommends directing the topic, or topics, to the Housing Commission for review and consideration.



Questions!!



Work Session Agenda Item No. 2

MEMORANDUM – COUNCIL WORK SESSION

DATE: Monday, May 28, 2018

TO: Curt Boganey, City Manager 

THROUGH: Reggie Edwards, Deputy City Manager 

FROM: Barb Suciu, City Clerk 

SUBJECT: Electronic Agenda – NovusAgenda Presentation

Recommendation:

It is recommended that the City Council receive and observe a presentation of the NovusAgenda System and identify times available for training. The NovusAgenda system is the City's new electronic agenda system.

Background:

In 2016, the City Council discussed the issue of conducting Council business electronically. During that year, the League of Minnesota Cities (LMC) assisted Brooklyn Center by surveying cities to ascertain which cities were conducting Council business electronically. Staff followed up with a more extensive electronic survey with the 24 cities.

In 2017, the Council directed staff to assess the impact of converting the existing paper-driven agenda process to a paperless process. During the year, Council also decided to move forward with an electronic process.

In 2018, the Council decided to purchase and implement the NovusAgenda electronic agenda process after hearing a presentation of various electronic agenda options. Staff moved forward with preparing for implementation of the NovusAgenda system. Staff has worked internally and with NovusAgenda to develop an electronic agenda process, which will be presented to the Council as part of the final steps prior to going live with the system.

In 2018, the Council received iPads prior to the installation of the NovusAgenda system with the intent to familiarize Council members with the mobile device that they will be using with the electronic agenda process.

Staff will be presenting to the Council what the NovusAgenda system will look like in general and how the Council will interface with the system. The system that will be presented to the Council will be approximately 98% complete pending potential additions or changes that may result from the presentation and training with the Council. Staff anticipates going live with the electronic agenda system by Monday, June 11th, 2018. The City will dually operate the existing paper process and the new electronic agenda process through the month of June. On Monday, July 9th, 2018, the City will begin to operate its agenda process solely electronically.

Budget Issues:

N/A

MEMORANDUM – COUNCIL WORK SESSION

Policy Issues:

- Does the Council desire individual training with the NovusAgenda system and if so, when would Council members be available for training?

Strategic Values and Priorities:

- Operational Excellence

NovusAgenda Council Overview

May 29, 2018



Purpose

- ▶ City Council to observe a presentation of the NovusAgenda System and identify times available for training

Board Portal

- ▶ City Council will log in with their individual username and password

Bold meetings have been published

- Gray meeting have not been published

Meeting: 4/29/2017 2:00 PM		4/30/2017 1:00 AM - Board Meeting
		5/11/2017 1:00 PM - CRA Meeting
		5/14/2017 1:00 PM - CRA Meeting
		5/16/2017 1:00 PM - Board Meeting
		5/17/2017 1:00 PM - Board Meeting
	1.	5/19/2017 1:00 PM - Board Meeting
	2.	5/28/2017 3:00 PM - Board Meeting
		5/31/2017 1:00 AM - Board Meeting
	3.	5/31/2017 2:00 PM - Board Meeting
	4.	6/1/2017 1:00 AM - Board Meeting
	D	6/30/2017 1:00 AM - Board Meeting
		7/31/2017 1:00 AM - Board Meeting
	D	8/31/2017 1:00 AM - Board Meeting
		9/30/2017 1:00 AM - Board Meeting
	5.	10/31/2017 1:00 AM - Board Meeting
	D	11/30/2017 3:00 PM - Board Meeting
		12/31/2017 1:00 AM - Board Meeting
FRANCHISE AGREEMENT CO ...		
	D	B.Award of Contracts with Imaging

Timeline

- ▶ Training of Staff - June 4th and June 5th
- ▶ Training of City Council
- ▶ June 11th and June 25th meetings (Both paper and NovusAgenda)
- ▶ JULY 9th - GO LIVE

Policy Issue

- ▶ Does the Council desire individual training with NovusAgenda system?
- ▶ If so, available dates are:
 - ▶ Monday, June 11 at 5 pm
 - ▶ Tuesday, June 12 at 5 pm
 - ▶ Thursday, June 21 at 5 pm
 - ▶ Monday, June 25 at 5 pm

Work Session Agenda Item No. 3

MEMORANDUM – COUNCIL WORK SESSION

DATE: May 29, 2018

TO: Curt Boganey, City Manager 

FROM: Meg Beekman, Community Development Director 

SUBJECT: Ordinance Review Process

Recommendation:

It is recommended that the City Council review the existing process for adopting ordinances and consider providing direction to staff on whether to alter the process to make it more efficient.

Background:

There are three sources of regulation that dictate the City's process through which it adopts or amends ordinances.

The first is State Statute, which through its enabling legislation identifies procedures for adopting or amending certain kinds of ordinances. For example, Statue Statute requires that amendments to the Zoning Code first have a public hearing before the Planning Commission prior to adoption by the City Council.

The second authority is the City Code itself, which lays out procedures for planning case processes, such as approval of PUDs. In addition, it identifies certain requirements related to rezoning of property, which is a kind of ordinance amendment most typically seen when PUDs are approved and a property is rezoned to PUD.

The third overseeing authority is the City Charter, which requires ordinances receive a first reading before final adoption and that ordinances be published in the newspaper at least 7 days prior to final approval, as well as published once again upon final approval by the City Council. The Charter further states that ordinances shall not go into effect until 30 days following publication after approval by the City Council.

In addition to these three regulatory documents, the City has also adopted Resolution 1981-057 (attached) which outlines the procedure through which the City Council will adopt or amend ordinances. Specifically it states: "that a full and complete copy of the proposed ordinance or ordinance amendment shall be published in the City's official newspaper at least seven days prior to the City Council's consideration for final passage (second reading)." It further lays out a provision through which the City can publish an ordinance summary, rather than the full text, upon final approval.

The process that Staff is currently following for adopting ordinance amendments, including adopting PUD rezonings, which are a type of ordinance amendment, follows the provisions laid out in the above mentioned documents, and all required regulations are being met. In fact, the

MEMORANDUM – COUNCIL WORK SESSION

current common practice for adopting or amending ordinances goes beyond the minimum requirements and includes practices that are not required of the City. It is staff's opinion that the common practice could be revised to significantly reduce the amount of time that it takes to adopt and enact an ordinance amendment, thus reducing staff time spent on processing ordinance amendments as well as creating a more efficient process through which the City could review and approve PUD requests for new development. Staff believes that this could be done while still following all requirements, as well as continuing to give PUD requests and ordinance amendments a full and thorough review.

There are three types of ordinance amendments that the City considers; PUD Rezoning; Chapter 35, Zoning Code amendments; and other City Code amendments. Each follows a slightly different procedure.

Attached to this memorandum is a flow chart that lays out the current process for each type of ordinance amendment. Each square denotes a separate Planning Commission or City Council meeting, which requires staff to prepare a separate staff report. The length of time that it takes to process these items varies. The current Interim Use Permit ordinance amendment could be used as an example. That item was first brought to the City Council on March 26th. Staff has been moving that through the process urgently and the soonest that it would be possible to have that ordinance enacted under the current process would be August 5th.

Proposed Process Changes:

Staff has prepared a flow chart for a proposed process (attached), which the City Attorney has reviewed has determined meets all requirements that the City must follow.

The most significant alteration to the process is the elimination of a formal public hearing at the City Council for ordinance amendments. Public Hearings are only required for the adoption of PUD rezonings and for an amendment to the Zoning Code, both of which are required to be held by the Planning Commission. The City Council is not required to hold a public hearing for either of these items, nor is a public hearing required for a City Code Amendment. If the Council wishes to continue to hold public hearings for City Code amendments, staff would recommend holding it during the first reading of the ordinance, rather than the second reading.

Another change is to eliminate the publication of PUD rezonings and Zoning Code amendments between the first and second readings. The City Charter requires that notice be published in the paper at least 7 days before the City Council can take final action on an ordinance amendment; however, because the Planning Commission holds a public hearing for these items, notice is published in the paper prior to the Planning Commission meeting, which meets the requirement set by Charter. This would reduce the amount of time an item would need to wait before it can go to City Council for a second reading.

A less significant change is to utilize the first reading of an ordinance amendment as the Council Consideration item where discussion can occur, and if appropriate, have the second reading on consent. In this way, if there are concerns, questions, or issues with the proposed language, staff

MEMORANDUM – COUNCIL WORK SESSION

can know about them before the second reading, when final approval is to occur. The proposed process also would allow staff to publish summary language of an ordinance, rather than the full text. This reduces the cost of publication. In addition, staff is proposing to combine several actions into fewer meetings for a PUD approval. This will reduce the amount of time it takes to approve a PUD.

Lastly, staff would request that the Council consider asking the Charter Commission to consider amending the City Charter to reduce the amount of time before an approved ordinance can go into effect. Currently, the Charter requires that an ordinance cannot go into effect fewer than 30 days after final publication after it has been approved. Most cities allow ordinances to go into effect the day after final publication. This would reduce the amount of time a developer would have to wait before a rezoning became effective, and expedite other amendments to the City Code.

Policy Issues:

Staff is seeking direction from the Council regarding the proposed alterations to the process through which ordinance amendments are approved. Staff feels that simplifying the process will have a positive impact on the ability for projects to move through the City, and facilitate more timely amendments to the Code. Further, it would reduce the amount of time staff spends processing these types of items. Another important benefit to simplifying the process is to improve the City's customer service; reducing the amount of time it takes to get approval of a PUD, and to increase the ability for the City to be nimble in responding to market demand that might be ahead of the current regulations.

If the Council directs staff to proceed with the alterations, staff would then draft a resolution outlining the new process to be brought to the City Council for approval at a future meeting.

Attachments:

- Existing Process
- Proposed Process
- Resolution 1981-057

Existing Process

PUD Approval Process

Public Hearing Notice
is Published for PC
Meeting

Planning Commission
holds Public Hearing and
makes recommendation
to CC on the establish-
ment of a PUD

City Council takes Action
on the Establishment of
the PUD

City Council Holds 1st
Reading of PUD Rezoning
and calls Public Hearing
for 2nd reading

PUD Rezoning is published
in the paper with a notice
for public hearing

City Council Holds 2nd
reading and public hearing
(At least 30 days after 1st
reading)

Rezoning is Published

Rezoning becomes
Effective 30 days after
Publication

City Council Approves
PUD Agreement

Zoning Code Amendment Process

Public Hearing Notice
is Published for PC
Meeting

Planning Commission
holds Public Hearing
and makes recommen-
dation to CC

City Council Holds 1st
Reading and calls for
Public Hearing and 2nd
Reading

Full text of Ordinance is
published in the paper
with notice for Public
Hearing

City Council Holds 2nd
reading and public hearing
(At least 7 days following
Publication)

Full Text of Ordinance
Amendment is Pub-
lished

Ordinance Becomes
Effective 30 days after
Publication

City Code Amendment Process

City Council Holds 1st
Reading and calls for
Public Hearing and 2nd
reading

Full text of Ordinance is
published in the paper
with notice for Public
Hearing

City Council Holds 2nd
reading and public hearing
(At least 7 days following
publication)

Full Text of Ordinance
Amendment is Pub-
lished

Ordinance Becomes
Effective 30 days after
Publication

Proposed Process

PUD Approval Process

Public Hearing Notice is Published with summary of the PUD Rezoning Ordinance

Planning Commission holds Public Hearing and makes recommendation to CC on the establishment of the PUD and PUD Rezoning ordinance

City Council Approves Establishment of PUD, authorizes execution of a PUD Agreement, and Holds 1st Reading for PUD Rezoning Ordinance

City Council Holds 2nd reading and final adoption of PUD Rezoning Ordinance

PUD Rezoning Ordinance is Published

PUD Rezoning becomes Effective 30 days after Publication

Zoning Code Amendment Process

Public Hearing Notice is Published with summary of the proposed amendment

Planning Commission holds Public Hearing and makes Recommendation to CC

City Council Holds 1st Reading as a Council Consideration Item

City Council Holds 2nd reading and Authorizes Publication of Ordinance Summary by resolution

Summary of Ordinance Amendment is Published

Ordinance Becomes Effective 30 days after Publication

City Code Amendment Process

Notice of meeting* is Published, with Summary Ordinance Language**

City Council Holds 1st Reading as a Council Consideration Item*

City Council Holds 2nd reading, adopts ordinance and authorizes publication of ordinance summary by resolution

Summary of Ordinance Amendment is Published

Ordinance Becomes Effective 30 days after Publication

* A public hearing is not required for a City Code amendment; however, if the Council wants to hold one, it could be done as part of the 1st Reading

** The ordinance summary must be published at least one week prior to the 2nd reading.

Staff-proposed City Code amendment process: Staff presents the concept for the amendment to the City Council at a work session and seeks direction on whether the Council is interested in exploring the amendment, and what issues/concerns the Council may want addressed as part of the review and drafting of the amendment. If the Council wishes to proceed, they would then refer the item to the appropriate Commission or Committee for review and recommendation. At the point that the Commission or Committee is prepared to offer a recommendation to proceed with an amendment to the City Code, the above process would begin depending on whether it was an amendment to the Zoning Code, or another Chapter in the City Code.

Member Celia Scott
and moved its adoption:

introduced the following resolution

RESOLUTION NO. 81-57

RESOLUTION ESTABLISHING A POLICY FOR THE PUBLICATION OF CITY
ORDINANCES AND ORDINANCE AMENDMENTS

WHEREAS, the City Council and Charter Commission of the City of Brooklyn Center have reviewed the City Charter and in particular examined those sections of the Charter relating to publication of ordinances; and

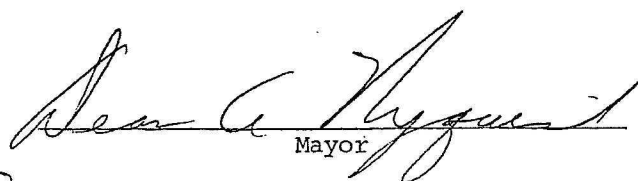
WHEREAS, there is a need to clarify the interpretation of these provisions.

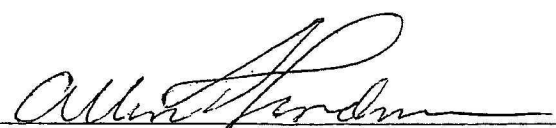
NOW, THEREFORE, BE IT RESOLVED that the City Council's direction and policy for publishing ordinances in accordance with the Charter provisions will be as follows:

1. The City Council shall be provided with copies of proposed ordinances or ordinance amendments when it establishes and approves the proposed ordinance or ordinance amendment at a "first reading".
2. Upon approval of the first reading text, a full and complete copy of the proposed ordinance or ordinance amendment shall be published in the City's official newspaper at least seven (7) days prior to the City Council's consideration for final passage (second reading).
3. If the ordinance or ordinance amendment is approved by the City Council with no changes to the published text, the City Clerk shall then cause to be published in the official newspaper a "notice of ordinance passage" which contains a brief description of the ordinance or ordinance amendment and the date on which it was published as a first reading. This notice shall further state that the full text of the ordinance or ordinance amendment is available for inspection at the City Clerk's office. Should the Council modify the ordinance or ordinance amendment as originally published, then the City Clerk shall publish the full text of the modified ordinance or ordinance amendment as amended by the City Council in its final approval (second reading) in the official newspaper.

March 9, 1981

Date


Mayor

ATTEST: 

Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member Tony Kuefler, and upon vote being taken thereon, the following voted in favor thereof: Dean Nyquist, Tony Kuefler, Bill Fignar, Gene Lhotka, and Celia Scott; and the following voted against the same: none, whereupon said resolution was declared duly passed and adopted.