

Council Study Session
City Hall Council Chambers
May 22, 2023

AGENDA



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- 1. City Council Discussion of Agenda Items and Questions - 6 p.m.**
 - 2. Miscellaneous**
 - a. City Manager's Performance Review Process
 - b. CCX Broadcasting
 - 3. Discussion of Work Session Agenda Item as Time Permits**
 - 4. Adjourn**

**CITY COUNCIL
MEETING**

City Hall Council Chambers
May 22, 2023

AGENDA



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

This is an opportunity for the public to address the City Council on items that are not on the agenda. It is limited to 15 minutes, it is not televised, and it may not be used to make personal attacks, air personality grievances, make political endorsements, or for political campaign purposes. Council Members will not enter into a dialogue with the presenter. Questions from the Council will be for clarification purposes only. It will not be used as a time for problem-solving or reacting to the comments made but, rather, for hearing the presenter for informational purposes only.

The first call will be for those that have notified the Clerk that they would like to speak during the open forum, and then ask if anyone connected to this meeting would like to speak. When called upon, please indicate your name and then proceed. Please be sure to state your name and address before speaking.

2. Invocation - Lawrence-Anderson - 7 p.m.

3. Call to Order Regular Business Meeting

Attendees please turn off cell phones and pages during the meeting. A copy of the full meeting packet is available in the binder at the entrance to the Council Chambers.

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

These items are considered to be routine by the City Council and will be enacted by one motion. There isn't a separate discussion for these items unless a Councilmember so requests, then it is moved to the end of the Council Consideration Items.

a. Approval of Minutes

- motion to approve the following meetings:

- April 24 Study Session
- April 24 Regular Session
- April 24 Work Session
- May 8 Study Session
- May 8 Regular Session
- May 8 Work Session

b. Approval of Licenses

- motion to approve the licenses as presented.

c. Resolution Authorizing Execution of a Professional Services Agreement,
Project No. 2024-01, Orchard Lane East Improvements Project

- It is recommended that the City Council consider approval of the

resolution authorizing execution of a Professional Services Agreement for the Orchard Lane East Improvements Project.

- d. An Ordinance Storm Sewer, Drainage and Utility Easements within Lots 1, 2, and 3, Block 6, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota (1st Reading)
 - Motion to approve a first reading of the requested ordinance vacating certain storm sewer, drainage and utility easements located in the Wangstad Commons site redevelopment in connection with the proposed final plat of Wangstad's Brooklyn Terrace Second, and set a second reading and public hearing for June 12, 2023.

7. Presentations/Proclamations/Recognitions/Donations

- a. Proclamation Declaring May as Mental Health Month in the City of Brooklyn Center
 - *motion to accept the proclamation*
- b. Tenant Protections Update
 - *Staff is providing an update on the tenant protection ordinance. No council action is required.*

8. Public Hearings

9. Planning Commission Items

- a. Resolution Approving Planning Commission Application No. 2023-002, Submitted by La Palma Properties II LLC for Approval of an Amendment to the 2011 Shingle Creek Crossing Planned Unit Development and Approval of a Site and Building Plan for an Approximately 2,678-Square Foot Restaurant and Drive-thru on Building Site R within the Shingle Creek Crossing PUD (1340 Shingle Creek Crossing)
 - *Motion to adopt a resolution regarding Planning Commission Application No. 2023-002, for approval of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development and approval of a site and building plan for an approximately 2,678-square foot restaurant and drive-thru on Building Site R within the Shingle Creek Crossing PUD, and located at 1340 Shingle Creek Crossing, based on the findings of fact and submitted plans, and as amended by the conditions of approval outlined in the related Council resolution.*

10. Council Consideration Items

- a. Commission Appointments
 - *accept the Mayor's appointment to the specified commissions*

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 5/22/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- motion to approve the following meetings:

- April 24 Study Session
- April 24 Regular Session
- April 24 Work Session
- May 8 Study Session
- May 8 Regular Session
- May 8 Work Session

Background:

In accordance with Minnesota State Statute 15.17, the official records of all meetings must be documented and approved by the governing body.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
4.24 Study Session	5/16/2023	Backup Material
4.24 Regular Session	5/16/2023	Backup Material
4.24 Work Session	5/16/2023	Backup Material
5.8 Study Session	5/16/2023	Backup Material
5.8 Regular Session	5/16/2023	Backup Material
5.8 Work Session	5/16/2023	Backup Material

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
APRIL 24, 2023
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor April Graves at 6:05 p.m.

ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Interim Community Development Director Jesse Anderson, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Jason Hill.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Lawrence-Anderson requested the following correction to the Study Session minutes of April 10, 2023: Study Session, page 1, line 3, add a dash between Lawrence and Anderson. Regular Council minutes; page 4, second to the last paragraph, it was Joylenna G. and not Julie B.

MISCELLANEOUS

LEGISLATIVE UPDATE

Dr. Edwards stated he asked the City's lobbyist to come before the council tonight to provide a legislative update as well as some information regarding the bonding process.

Ann Lench, City Lobbyist, explained she served on a City Council in suburban Twin Cities and then was in the legislature for nine terms. She noted Minnesota has Constitutional writings on debt, which requires a supermajority in the legislature. They hope to get money to Brooklyn Center for the Community Center. The legislature also requires a match, which Brooklyn Center has agreed to. Lastly, the City is also required to find someone to write the request.

Ms. Lench noted Governor Walz previously selected Brooklyn Center as a recipient of \$4 million, but the bonding bill didn't pass. The Governor has now selected Brooklyn Center as a recipient of \$15 million, and Senator Pha is supporting the effort. The legislature is also working on a local

sales tax.

Ms. Lench stated there is a lot of confusion regarding local bonding. Instead, members of the legislature would understand the term “property tax levy.” Also, State bonding requires a level of regional significance.

Councilmember Jerzak asked if Representative Vang has a reason for not introducing the bill yet. Ms. Lench stated she is unable to speak for Representative Vang, but she is also working with some nonprofits in the area.

Councilmember Jerzak noted there is potential bonding for ACER to receive \$3 million for projects in Brooklyn Center. He asked if there is an update. Ms. Lench stated she doesn’t have an update, but it isn’t exactly bonding. State bonding bills are funded through State general funds, meaning the whole State chips in. Brooklyn Center residents also pay into the State general fund. It is smart for Brooklyn Center to start utilizing the State bonding.

Mayor Graves stated that Representative Vang’s concern relates to whether Brooklyn Center can perform the proper maintenance rather than falling to the residents. The City is working to show it can afford to maintain the Community Center.

Ms. Lench pointed out the State government doesn’t expect public facilities to make money.

City Manager Reggie Edwards added Staff is working to write a reply to Representative Vang with the information she requested.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

SHINGLE CREEK CROSSINGS UPDATE

Dr. Edwards introduced the item and invited Interim Community Development Director Jesse Anderson to continue the Staff presentation.

Interim Community Development Director Jesse Anderson explained the Single Creek Crossings Development opened in 2012 after the Brookdale Mall had been closed and demolished. Walmart owns its 18-acre site in the middle of the shopping area. Gatlin Development owns the majority of the surrounding businesses.

Mr. Anderson noted there are several updates for the area. Micholandia Ice Cream will be moving in shortly. Two new businesses intend to move into existing spaces. Staff have received the planning application from Pollo Campero who intends to construct a new restaurant site across from the Liquor Store.

Mr. Anderson added Staff has held multiple meetings with Gatlin, and no tenants have stated they intend to close. Gatlin Development has a ground lease for Applebee’s, which is a great option for

a local entrepreneur with the potential for an affordable lease at a site ready for a restaurant.

Mr. Anderson stated the Walmart national representatives stated they intend to sell the property and release site restrictions on Shingle Creek Crossings. Staff met with Walmart's real estate department today, and they expect the property to be listed for sale in the following week.

Mr. Anderson stated the best and most cost-effective option for strengthening the site immediately includes finding a new user for the existing building. Initial conversations for filling the space have included the possibility of an Asian Mall or International Food Village. If a new user cannot be found, then a larger-scale redevelopment of the site could be considered. This would be a very long-term plan that would take some time to implement. These options would not be undertaken until all other alternatives are exhausted.

Mr. Anderson pointed out the City has general obligation bonds outstanding related to the Shingle Creek Crossing project. The bonds are paid with tax increments generated by the project. Tax increment collections are currently more than adequate to pay for the bonds. City Staff reviewed revenue expectations and the value of all properties in the tax increment financing (TIF) district could decrease by approximately 25 percent and still meet its existing obligations. City Staff will continue to annually monitor the district.

Mr. Anderson added the Police Department and Community Development Staff have been holding regular meetings with Frank Gatlin regarding safety and security at the site. The staff has been working towards a contract with on-site overtime officers at the site. There have also been discussions regarding an increase in security cameras in the surrounding areas.

Mr. Anderson stated on March 31, 2023, members of the Council, Police Department, Metro Transit Police Department, and the Metropolitan Council met to discuss the impact that Brooklyn Center Transit Center is having on the area. Solutions to the concern are continuing to be discussed.

Councilmember Butler asked if Gatlin owns LA Fitness. Mr. Anderson stated he would check and get back to the Council. Councilmember Butler stated there have been a lot of safety and security issues with LA Fitness, so the owners of that building should be included in any related discussions.

Councilmember Jerzak asked if Mr. Gatlin has concerns about the leases for its largest sites, Burlington and TJ Maxx, particularly because both of their leases will be up soon. Mr. Gatlin has spoken to those two businesses, and they are both still making a profit. Also, their leases should change and become cheaper with Walmart leaving.

Councilmember Jerzak asked if there is any update on the space for Discount Tire. Mr. Anderson stated there is not currently an update.

Councilmember Kragness asked if Brooklyn Center is relying on the excess buildup of TIF #5. Mr. Anderson stated there is potential to end the district early. Walmart's increment is smaller than

what the excess in TIF District #5 was receiving annually.

Councilmember Jerzak asked what the upcoming plans for the security of the Walmart building are so the City doesn't become responsible for security. Mr. Anderson stated Walmart will have security personnel inside and outside the building. The security system will remain in place, and they will still be running heating and cooling as needed. Also, there will be regular inspections implemented by Walmart.

Councilmember Lawrence-Anderson asked what the impact will be on the City regarding lost taxes. Mr. Anderson stated all of the revenue from Walmart was going back into the TIF district, and it will continue to go to TIF District #5 until the district is finished. Overall, Walmart closing won't impact the tax levy or budget process.

Councilmember Lawrence-Anderson asked if Target has been approached to take over the building. Mr. Anderson stated there have been conversations with Target, but Walmart is less likely to sell to a competitor or they would sell it at a higher price. Councilmember Lawrence-Anderson pointed out Target closed because of the aging building and the small footprint. The Walmart building is much larger, and newer, and is already set up for grocery.

ADJOURNMENT

Mayor Graves adjourned the meeting at 6:42 p.m.

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

REGULAR SESSION
APRIL 24, 2023
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH THE CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor April Graves at 6:49 p.m.

ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Assistant City Manager/City Clerk Barb Suci, and City Attorney Jason Hill.

Mayor April Graves opened the meeting with an Informal Open Forum.

Gretchen E. noted she lives on East Twin Lake Boulevard. During a snowstorm, a large branch broke in the park. City Staff put cones around the tree branch, but the branch is still there. She asked when the branch would be addressed.

Jamar H. stated he is a Store Manager at Brooklyn Center's Cub Foods and has several ties to the City. He stated Cub Foods is invested in Brooklyn Center and will not be closing. They have been undergoing some renovations and got new carts. The largest concern of employees is feeling safe at the store. There have been several thefts, physical assaults, and vehicle destruction. There was also a shooting nearby recently. Their employees are also fearful of utilizing public transportation in the area.

Jamar H. requested law enforcement receive all funding possible and that their handcuffs be removed. He stated Brooklyn Center is a hub for criminals. Law enforcement is the expert on handling crime and needs to be allowed to do their job. He noted he doubled security at his location once he heard Walmart was closing, which is a large expense for them to take on.

Mayor Graves noted the Council hasn't done anything to prohibit law enforcement from doing their job. Their police force numbers have been low, but they are slowly increasing. She pointed out she shops at Cub Foods, and she continues to shop there.

Jeff L. requested for the public comment period to be broadcasted in the same way that the rest of the meeting is. Every other city he researched allows for public comments to be broadcasted. The change would allow more people to be engaged in the community.

Mayor Graves asked why Brooklyn Center doesn't broadcast public comment. City Manager Reggie Edwards stated he is unsure why the public comment periods aren't publicly broadcasted. Mayor Graves noted she doesn't have an issue with making public comment available as a broadcast.

Councilmember Jerzak stated he would like to have a longer conversation about it at a Work Session, but he would prefer for the public comment to be available for public broadcast. Councilmember Lawrence-Anderson noted there have been previous conversations about broadcasting the comment period, but it is ultimately a decision of the Council.

Alfreda D. stated Brooklyn Center is extremely diverse and a large number of local leaders have invested themselves in the community. There are countless reasons why she and other residents continue to choose to live in Brooklyn Center. The parks are beautiful and well-maintained. Several community members offer acts of kindness in the City and received recognition from the Council. She has always felt safe in her neighborhood, and she consistently feels safe at Cub Foods. She added it is a waste of taxpayer dollars to provide security to private businesses such as Cub Foods.

Councilmember Jerzak moved and Councilmember Lawrence-Anderson seconded to close the Informal Open Forum at 7:06 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Kragness read a poem by Robert Longley,

“How can I stand silent
There's words I have to speak
People might just listen
It's leadership they seek
It may not be my time to lead
But lead I will one day
I want to move things forward
And I have so much to say
Know that I am standing
To carry on the fight
I cannot fix the distant past
But I can make the future right
Maybe if they see me
The world will see anew

I'm here to make a difference
And there's lots of work to do"

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor April Graves at 7:07 p.m.

4. ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, City Clerk Barb Suciu, and City Attorney Jason Hill.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6a. APPROVAL OF MINUTES

1. April 10, 2023 – Study Session
2. April 10, 2023 – Regular Session

6b. LICENSES

AMUSEMENT DEVICE

Mendota Valley Amusements, Inc. 390 Richmond Street

GARBAGE HAULERS

Aspen Waste BL 23-0270

MECHANICAL

Ace Heating & Air Conditioning Inc. 7174 Hwy 95 NW, Princeton 55371

B & D Plbg, Htg & A/C 4145 Mackenzie Court
St. Michael 55376

Blue Ox Heating & Air LLC 5720 International Parkway
New Hope 55428

CenterPoint Energy	6161 Golden Valley Road, Golden Valley 55422
Daikin Applied Americas Inc.	13600 Industrial Park Boulevard, Minneapolis 55441
Master Mechanical, Inc.	1027 Gemini Road, Eagan 55121
Mike's Custom Mechanical, Inc.	PO Box 171, Champlin 55316
Northern Heating & A/C Inc.	9431 Alpine Drive NW, Ramsey 55303
Perfection Heating & Air	1770 Gervais Avenue, Maplewood 55109
Piperight Plumbing	3920 Foss Road, St. Anthony 55421
Professional Mechanical Services	19640 200th Avenue NW, Big Lake 55309
Pronto Heating & A/C	7415 Cahill Road, Edina 55439

RENTAL

INITIAL (TYPE IV – six-month license)

5301 Dupont Avenue N

Wright Team Properties

4501 Winchester Lane

TM Odeniyi & K Odeniyi

6436 Scott Avenue N

Jane M Kungu and Antony J Kungu

INITIAL (TYPE II – two-year license)

1208 57th Avenue N

CommonGrowth LLC

5927 Aldrich Avenue N

Yu Yin

6730 Ewing Avenue N

Suudi Properties, LLC

RENEWAL (TYPE IV – six-month license)

4213 63rd Avenue N

Buster F Fallah

5112 70th Avenue N

Ih3 Property Minnesota Lp

5748 Humboldt Avenue N	Fyr Sfr Borrower Llc
6300 France Avenue N	9816 Palm St Llc
6337 Bryant Avenue N	Park Ave Homes Llc
6912 Logan Avenue N	Hpa Borrower 2017 1 Llc
6918 Halifax Avenue N	Gracelands Llc
<i>RENEWAL (TYPE III – one-year license)</i>	
5401 63rd Avenue N	Ayodeji Gbayisomore
2718 Ohenry Road	5118 66th Ave N Llc
3307 Ohenry Road	Henry S Dolopei
5913 Halifax Avenue N	Cel Monton Llc
6139 Colfax Avenue N	Koku Agbenu
<i>RENEWAL (TYPE II – two-year license)</i>	
4100 Lakebreeze Avenue N	Pbk Properties Llc
5240 Drew Avenue N	Cantlin Lake Properties
4019 Joyce Lane	Ih2 Property Illinois Lp
4118 Woodbine Lane	Investment Solutions Llc
4935 Abbott Avenue N	R A Anderson & T A Anderson
6242 Scott Avenue N	Cosco Property I Llc
<i>RENEWAL (TYPE I – three-year license)</i>	
5341 Penn Avenue N	Lifetime Resrcs Prop Mgt
4100 61st Avenue N	Emmanuel & Oluyemisi Coker
5449 Lyndale Avenue N	Living Well Disability Svcs
6605 Camden Drive	Johnson Organization Inc
7208 Bryant Avenue N	Prosperous Property Llc

SIGNHANGER

Signminds Inc.

1400 Quincy Street,
Minneapolis 55413

Sigtology LLC

21340 Van Buren Street NE,
Cedar 55011

- 6c. RESOLUTION NO. 2023-56; DECLARING APRIL 28, 2023 TO BE ARBOR DAY AND MAY 2023 TO BE ARBOR MONTH IN BROOKLYN CENTER**
- 6d. RESOLUTION NO. 2023-57; RECOGNIZING BROOKLYN CENTER AS A TREE CITY USA FOR THE THIRTY-FIRST CONSECUTIVE YEAR**
- 6e. RESOLUTION NO. 2023-58; RESOLUTION APPROVING A JOINT POWERS AGREEMENT WITH PETS UNDER POLICE SECURITY (PUPS) AND TO EXECUTE THE JOINT POWERS AGREEMENT**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. HENNEPIN COUNTY COMMISSIONER JEFF LUNDE

Hennepin County Commissioner Jeff Lunde explained Brooklyn Center is part of District 1. He explained he is the Chair of Law, Safety, and Justice, Co-Chair of Intergovernmental Relations, and the Vice Chair of the Housing and Redevelopment Authority. Commissioner Lunde added he is involved in various criminal justice committees, BLRT committees, Brooklyn Bridge Alliance for Youth, the Statewide Cannabis Task Force, and NLX.

Commissioner Lunde explained external partners for the Law, Safety, and Justice Committee include the Youth Interventions Task Force, Statewide Cannabis Task Force, and Cities United. The Youth Interventions Task Force has partners from every county in the Metro area and many professions represented.

Commissioner Lunde added Brooklyn Park is piloting the Hennepin County initiative for a 911 mental health response. The pilot will be rolled out in a more official capacity, and the pilot is merely a process to determine how it should be rolled out.

Mayor Graves asked if there are plans to expand the pilot program beyond Brooklyn Park. Commissioner Lunde stated they plan to discuss expansion during the next budget cycle. The largest concern is scaling and finding people that want to respond to emergency calls.

Commissioner Lunde noted he gets a lot of questions about youth and the catch-and-release system. He explained the Juvenile Detention Center (JDC) has a youth assessment. The Risk Assessment Instrument (RAI) utilizes a point system to determine if the youth will be released or

remain at JDC. Officers can complete additional paperwork to override the RAI score if they feel extenuating circumstances exist that could impact public safety. The youth can be detained until a court hearing or judicial review.

Councilmember Kragness asked if the youth are released to an adult or just released. Commissioner Lunde stated they attempt to have an adult such as a parent or guardian pick up the minor. However, JDC can't hold them until an adult arrives. In that scenario, they connect the youth to a shelter or drop-in center option.

Councilmember Butler asked if there are any youth diversion programs. Commissioner Lunde stated the first step of diversion starts at the City level. However, if the situation goes to the County level, then there is a diversion department that may offer diversion as an alternative to a conviction or other outcomes. There are also options for pre-trial diversion, such as in truancy cases.

Commissioner Lunde stated he doesn't have control over any Mayors, law enforcement, the court system, or corrections. Instead, the County is the glue between the systems. He showed a list of diversion options for both juvenile and adult courts.

Commissioner Lunde noted he also works on housing strategies. Many people are proponents of encampments, but encampments lead to overdoses, diseases, and other similar issues. The County is going to continue supporting Brooklyn Center's efforts for affordable housing. He explained there has been an urgent need for accessible housing. The County is at over 200 percent for shelters because they are committed to housing any family that comes to them.

Commissioner Lunde added the County is working on economic development strategies. The Community Investment Initiative has given \$750,000 to Brooklyn Center's Entrepreneurial market.

Commissioner Lunde stated in the area of transportation, he has and will continue to visit Hwy 252 Task Force meetings. He suggested Staff apply for funding related to bike trails.

Councilmember Lawrence-Anderson requested Staff send a copy of the PowerPoint presentation to the Council.

Councilmember Lawrence-Anderson asked if there are any documents out there including data or an outline of the efforts regarding the Brooklyn Park mental health response pilot program. Commissioner Lunde stated he would find the information and send it to Staff.

Councilmember Lawrence-Anderson pointed out there has been a large increase in property values, and the 50's Grill was hit hard. She asked if Commissioner Lunde has any pull to access funds to support the restaurant. Commissioner Lunde stated he would look into some options to support the restaurant.

Councilmember Jerzak noted funding tends to dry up, but mental health never does. He asked for information on the funding format for an alternative response program roll-out. Commissioner

Lunde stated Brooklyn Park did a shared agreement, similar to the social work program. He stated he would need some time to put a full answer together. The benefit of the program is to divert calls, which is particularly important as the number of police officers is down significantly.

Councilmember Jerzak stated the next step in the Brooklyn Park pilot is likely expansion. He stated the County is likely doing some cost analysis. He heard that the program is averaging two calls per day, and it will take time to get information about the program out to the community. Commissioner Lunde stated the calls have increased. Before implementing the program, research was done that shows up to 20 percent of Brooklyn Park calls could be diverted to an alternative response.

Councilmember Jerzak added group homes add a significant draw on community resources, and Brooklyn Center has a large portion of group homes. Law enforcement doesn't want to go on calls they aren't qualified for. Commissioner Lunde stated proactive efforts with group homes will also significantly decrease calls to law enforcement. He explained he would find the specific study and share it with the Council.

Commissioner Lunde noted there is a grant application open for one-time funding for youth violence prevention that is closing soon. He stated he would send the details to Staff for Council to share with relevant community organizations.

7b. NATIONAL DONATE LIFE MONTH

Mayor Graves noted the idea was suggested by Councilmember Lawrence-Anderson. Mayor Graves read in full a Proclamation declaring April 2023 as National Donate Life Month.

Councilmember Jerzak moved and Councilmember Butler seconded to accept the proclamation for National Donate Life Month for April 2023.

Motion passed unanimously.

7c. NATIONAL YOUTH VIOLENCE PREVENTION WEEK

Mayor Graves read in full a Proclamation declaring April 24-28, 2023 as National Youth Violence Prevention Week.

Councilmember Butler moved and Councilmember Lawrence-Anderson seconded to accept the proclamation for National Youth Violence Prevention Week for April 24 to April 28, 2023.

Motion passed unanimously.

8. PUBLIC HEARINGS

None.

9. PLANNING COMMISSION ITEMS

None.

10. COUNCIL CONSIDERATION ITEMS

10a. COMMISSION APPOINTMENTS

Councilmember Lawrence-Anderson asked if there are any vacancies on any Commissions currently. City Clerk Barb Suciú stated the Parks and Recreation Commission has an opening, and the Housing Commission may have one opening.

Councilmember Jerzak moved and Councilmember Kragness seconded to appoint Heidi Droel to the Financial Commission and Laura Freund to the Housing Commission.

Motion passed unanimously.

11. COUNCIL REPORT

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

- Attended a Charter Commission meeting
- Attended a Fireman's Relief Association banquet
- Attended the Reconvening Board meeting for the Board of Appeals
- Attended the MnDOT Open House in Brooklyn Park
- Attended a Housing Commission meeting
- Attended the Expanded Response Town Hall

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

- Attended one-on-one with Dr. Edwards
- Attended the Board of Appeal and Equalization meeting
- Attended a Parks and Recreation Commission meeting
- Noted there was a community cleanup that she was unable to attend, but she would be organizing another one in the future

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

- Attended the Charter Commission meeting as a member of the Commission
- Attended one-on-one with Dr. Edwards
- Attended a Fireman's Relief Association banquet
- Attended the Board of Appeal and Equalization meeting
- Attended the Expanded Response Town Hall
- Continued to meet with constituents and handle phone calls

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

- Participated in a cohort group with the National League of Cities and POHLAD cities that are doing racial equity in leadership work
- Chaired Implementation Committee meeting
- Visited Sonder House Apartments to receive comments and concerns from residents
- Attended the Board of Appeal and Equalization meeting
- Recorded Mayor's Minute with CCX
- Attended Brooklyn Bridge Alliance for Youth Board meeting
- Attended the Expanded Response Town Hall
- Participated in a CNN print interview
- Met with Kenyan Community Association
- Interviewed with WCCO and Kare 11

12. ADJOURNMENT

Councilmember Lawrence-Anderson moved and Councilmember Jerzak seconded the adjournment of the City Council meeting at 8:02 p.m.

Motion passed unanimously.

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

WORK SESSION
APRIL 24, 2023
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 April Graves at 8:09 p.m.

ROLL CALL

Mayor/President April Graves and Councilmembers/Commissioners Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Interim Community Development Director Jesse Anderson, Public Works Director Elizabeth Heyman, and Assistant City Manager/City Clerk Barb Suciu.

SHINGLE CREEK CROSSINGS UPDATE

This item was addressed during the Study Session.

**BROOKLYN CENTER CITY COUNCIL COMMENTS ON HWY 252/94 DRAFT
SCOPING DECISION DOCUMENT**

City Manager Reggie Edwards introduced the item and invited Interim Community Development Director Jesse Anderson to continue the Staff presentation.

Interim Community Development Director Jesse Anderson explained the City has a vacant building program for residential and commercial properties. Properties that have been identified by City Staff as vacant for 30 days or more are required to be registered. Staff will post the property as a vacant building and send a compliance notice to the owner of the record to register.

Mr. Anderson stated the current fee is \$400 for the registration and \$195 for the inspection. Both fees are paid together at the time of registration. When a property registers as a vacant building, code enforcement inspectors will complete a drive-by of the property periodically to ensure that the property is maintained and secured.

Mr. Anderson pointed out commercial properties are subject to the same requirements; however, commercial properties often require additional staff time in monitoring the properties and coordinating maintenance with property management companies. Further, due to the time it takes to re-occupy or redevelop commercial properties, they are also vacant for longer periods than

residential properties.

Mr. Anderson noted, similar to residential vacant properties, regular inspections are conducted, but for commercial properties, staff completes daily inspections. As part of the inspection staff walks the property and checks on doors to ensure the property is still secured. When issues arise, staff will document and send a compliance notice to the owner of the record and notify the property management company. If the property is unsecured, staff will coordinate an inspection with BC Police and/or BC Fire to ensure that no one is occupying the building and the property is not damaged. As a precaution and depending on the nature of the issue, staff may do a second round later in the day to ensure that the building

Mr. Anderson explained, due to the increased Staff time in monitoring commercial vacant properties, Staff would like the City Council/EDA to consider adopting a separate commercial vacant building fee. The initial registration is \$400 with a \$1,000 yearly renewal fee that goes up to \$3,000 after three years. An alternative would be \$2,000 for the initial fee and \$5,000 for the renewal fee. Also, the initial fee could be more moderate at \$1,000 with a \$2,000 renewal fee. Doing some quick calculations, \$5,000 annually would not cover the Staff costs for the required regular inspections.

Councilmember/Commissioner Kragness asked if the fee increase would increase the monitoring. Mr. Anderson stated Staff is already providing the service, but they are looking to recoup the costs.

Councilmember/Commissioner Kragness asked if the City is currently at a loss due to the current fee structure. Mr. Anderson confirmed the City is losing money for monitoring vacant commercial properties at a \$3,000 fee.

Councilmember/Commissioner Jerzak noted he helped to write the code item, so he cares deeply about it. He pointed out the building would have to be completely vacant to qualify for the fee payment. If the business owners are already losing money while trying to fill the space, it often turns to rent instead of sales, which can be prohibitive to BIPOC business owners and other small business owners.

Councilmember/Commissioner Jerzak added the City gets a hefty fee when the business owner does any buildouts. In short, the City Council/EDA has to consider the cost of doing business. The City Council/EDA has to consider if the fees would be passed along to a new business owner. If there is an issue of resources, then Staff could ask City Council/EDA to address personnel and staffing.

Councilmember/Commissioner Lawrence-Anderson asked if Brooklyn Center has a commercial fee structure. Mr. Anderson stated there is a general fee structure, but it does not differentiate between commercial and residential properties. He reiterated the fee structure.

Councilmember/Commissioner Kragness stated it would be helpful to know what the current costs are so the City Council/EDA can understand the discrepancy. Mr. Anderson stated he could complete a more official calculation and present it to the City Council/EDA. If a Staff person were

to conduct two 30-minute visits each week, it would cost the City about \$5,000.

Councilmember/Commissioner Kragness asked why Staff hasn't brought the concern to City Council/EDA earlier. Mr. Anderson stated there aren't always a lot of commercial properties to monitor, but there is a new commercial property becoming vacant.

Councilmember/Commissioner Jerzak asked if the costs have been absorbed by code enforcement Staff. Mr. Anderson stated the budget covers the required Staff time. It is an opportunity to review the cost of the service. Councilmember/Commissioner Jerzak noted the fee must be very clear about when or if a fee could be refunded if rented shortly after the fees are paid.

Mayor/President Graves pointed out a sliding scale fee could be considered, along with the type of building. For example, a library could use a smaller fee. Councilmember/Commissioner Kragness stated the size of the vacant space could be used to calculate the fee.

Councilmember/Commissioner Jerzak added Brooklyn Center owns Target, and they may incur fees themselves. The ordinance needs a lot of clarity to be enforceable.

It was the consensus of the City Council/EDA to instruct Staff to provide more information to the City Council/EDA regarding establishing a new fee for vacant commercial buildings such as proposed language and more official calculations.

ESTABLISHING A NEW FEE FOR COMMERCIAL VACANT BUILDINGS

Dr. Edwards introduced the item and invited Director of Public Works Elizabeth Heyman to continue the Staff presentation.

Ms. Heyman explained the Minnesota Department of Transportation (MnDOT), along with local and federal project partners, are currently studying proposals to improve safety, address reliability, and reduce congestion on Hwy 252 between Hwy 610 in Brooklyn Park and I-694 in Brooklyn Center, and on I-94 from I-694 in Brooklyn Center to downtown Minneapolis.

Ms. Heyman noted, based on the comments and discussion City Council/EDA had with MnDOT staff at the City Council meeting on April 20, 2023, Staff has drafted a letter that will serve as the Council/EDA's public comment on the draft Scoping Decision Document. Staff are seeking feedback on the draft letter.

Ms. Heyman added MnDOT is currently in an open comment period for the project. If the City Council/EDA wants to submit public comments as a body, it must be adopted at the May 8, 2023, City Council meeting.

Ms. Heyman stated MnDOT presented to the City Council/EDA recently and has recommended further study in the Environmental Impact Study on three freeway options and all interchange options.

Ms. Heyman summarized the main themes from the City Council/EDA after the MnDOT presentation that the demonstrated 252 safety issues must be addressed while protecting and enhancing Brooklyn Center, MnDOT must take the health impacts of increased traffic and traffic noise into account when evaluating the safety, the tax base implications must be considered when evaluating alternatives, and the health, community livability, and equity through the scoping process must be evaluated.

Ms. Heyman pointed out alternatives to the freeway including a six-lane expressway, a four-lane low-speed arterial, a six-lane low-speed arterial, and a local collector road with a transitway. Potential benefits of the alternatives include fewer or no property impacts and less or similar traffic levels. She noted everything in the PowerPoint is MnDOT data.

Ms. Heyman added some tradeoffs for the aforementioned alternatives including vehicle safety, transit advantages, local network traffic impacts, and vehicle mobility and reliability. There are also some downsides to the proposed freeway options.

Ms. Heyman showed a slide with images of the six-lane expressway and the six-lane low-speed arterial roadway. The six-lane expressway has six lanes, signals, at-grade intersections, a bus shoulder, and a speed limit of 55 miles per hour. The six-lane low-speed arterial roadway removes the bus shoulder and has a lower speed limit of 35-34 miles per hour.

Ms. Heyman showed a slide with an image of a local collector road with a transitway. It would be a very big change to disconnect 252 from 610. There would be a dedicated transitway, which allows for a large transit advantage.

Ms. Heyman showed a table regarding vehicle safety, based on MnDOT's definition, for a six-lane expressway, a four-lane low-speed arterial, a six-lane low-speed arterial, and a local collector road with a transitway. She noted the coloring is done by MnDOT. The local collector road with a transitway has the best numbers in comparison to the no-build option.

Ms. Heyman showed a table regarding transit impacts for the six-lane expressway, a four-lane low-speed arterial, a six-lane low-speed arterial, and a local collector road with a transitway. The six-lane expressway includes bus-only shoulders, and the local collector road with a transitway has a high level of transit advantage.

Ms. Heyman explained there are several traffic impacts. Reducing the capacity of Hwy 252 will increase traffic on local roadways and vice versa. The local collector road with a transitway and four-lane low-speed arterial roadway reduces Hwy 252 capacity. The six-lane expressway and the six-lane low-speed arterial roadway maintain the traffic levels, and the freeway options decrease traffic on local roadways.

Ms. Heyman showed a map depicting the traffic impacts for a local collector road with a transitway. Noble Parkway in Brooklyn Park would have a 50 percent increase in traffic, which is the largest impact on local roads. She then showed a slide with a table depicting the changes in daily traffic values. The local collector road with a transitway would increase local traffic by up

to 50 percent on various roads. The four-lane low-speed arterial roadway would have one large local traffic impact, which would be a 31 percent increase on Dupont Avenue North with about 900 more vehicles throughout the entire day.

Ms. Heyman showed a table depicting vehicle mobility. By reducing Hwy 252 capacity, there would be more congestion at intersections; this applies to the local collector road with transitway and the four-lane low-speed arterial roadway. Maintaining the Hwy 252 capacity would result in similar levels of congestion at intersections, which applies to the six-lane expressway and the six-lane low-speed arterial roadway.

Ms. Heyman showed a table summarizing the impacts on local traffic, transit advantage, and vehicle safety for the four proposed alternatives. She offered to answer any questions.

Mayor/President Graves noted pedestrian safety components are not talked about. Ms. Heyman stated there is a research section on pedestrian safety. There are also intersection crash costs. She explained MnDOT ruled out some non-freeway options based on risky at-grade crossing preference to an overpass. However, Ms. Heyman believes the overpass would be a good offering.

Ms. Heyman added impact on local roadways was increased with non-freeway passes, so MnDOT anticipated an increase in pedestrian safety concerns locally. Ms. Heyman stated she would like to see more detailed information on that idea and for solutions to be considered for pedestrian safety rather than ruling out non-freeway options.

Councilmember/Commissioner Kragness asked for Staff to provide copies of the PowerPoint to be given to City Council/EDA before the meeting. Mayor/President Graves stated Staff doesn't necessarily have the presentation prepared on time for the PowerPoints to be printed.

Councilmember/Commissioner Kragness added they have yet to receive table 7.3, but it is regularly referenced in the presentations regarding Hwy 252. She asked what the current speed limit is on Hwy 252, but she would guess it is between 50 and 55.

Councilmember/Commissioner Lawrence-Anderson pointed out she attended the recent open house and spoke with representatives of the consultant team. Many residents expressed interest in a lower-speed option for Hwy 252. A longer work session to discuss official comments would be helpful.

Councilmember/Commissioner Jerzak stated the loss of revenue to the City is a major concern. MnDOT also keeps referencing a safety concern he doesn't see. Overall, there doesn't seem to be a compromise that addresses the issues raised by constituents. He added a constituent asked him what would happen if Brooklyn Center said "no" to MnDOT.

Ms. Heyman pointed out that Table 7.3 is available online. As for Councilmember/Commissioner Jerzak's questions, she noted it is a difficult project. She noted the draft letter included comments asking to add evaluation metrics regarding the concerns of constituents.

Mayor/President Graves stated she would like to see the comments in the draft letter provided to MnDOT, and it is likely a consensus of the Council/EDA to do so. She noted she is leaning towards the six-lane low-speed arterial.

Mayor/President Graves asked what the difference is between the six-lane low-speed arterial and the six-lane expressway. Ms. Heyman stated the six-lane expressway has the transit advantage of accessing a special bus lane.

Mayor/President Graves added the local collector road with a transitway would have a negative impact on local traffic and local businesses, so she is not interested in that option.

Councilmember/Commissioner Lawrence-Anderson asked if the six-lane options would automatically mean more property acquisitions. Ms. Heyman stated that is not necessarily true because some would be within the current right of way. The interchanges are where the largest property impacts occur.

Councilmember/Commissioner Lawrence-Anderson stated it would be helpful to see more data about the loss of homes and businesses in Brooklyn Center for each of the options. Ms. Heyman stated 7-69 and 7-70 show the impacts on the Brooklyn Center property tax base. As MnDOT got into more detailed design, there would be more specific and likely less property impact, but the current designs have a general wide line. Ms. Heyman agreed she would like to see more specifics from MnDOT on the property impacts. She pointed out that the interchanges could also be positive for local businesses.

Mayor/President Graves asked which option is Ms. Heyman's favorite option. Ms. Heyman stated it is a difficult consideration. She noted her agreement with Mayor/President Graves' comments on the local collector road with the transitway. Keeping in mind the climate crisis, it is hard to recommend an option that doesn't have a transit advantage. There are also considerations about what Brooklyn Park would agree to. With all that in mind, she would choose between the six-lane expressway and the four-lane low-speed arterial to offer a range of alternatives. Ultimately, Brooklyn Center is asking MnDOT to further consider alternatives to a freeway.

Mayor/President Graves asked why Ms. Heyman preferred the four-lane low-speed arterial to the six-lane low-speed arterial. Ms. Heyman stated the six-lane low-speed arterial is not a different enough change from the current conditions. Also, the four-lane low-speed arterial has better vehicle safety impacts than the six-lane low-speed arterial.

Ms. Heyman stated the largest leverage point the Council/EDA would have with MnDOT is at the end of the process when MnDOT has one final option to present to the Council/EDA. However, they don't want to wait until that point in the process and rather provide input at this phase to find a benefit for Brooklyn Center.

Councilmember/Commissioner Jerzak noted the six-lane option would be at capacity in a few years anyways. It makes him nervous that so many of the options may harm the community. Mayor/President Graves stated she believes they should provide input to MnDOT regarding which

alternatives they should consider.

Ms. Heyman stated the freeway options are what will reach capacity in a few years. They don't have a date set for the proposed alternatives being discussed by the Council/EDA.

Mayor/President Graves stated she would like to suggest MnDOT add the six-lane expressway and the four-lane low-speed arterial roadway to their research and for the other comments in the draft letter to be communicated to MnDOT as well.

Councilmember/Commissioner Lawrence-Anderson stated she would like to dive deeper into the materials and further discuss the options before providing an official opinion.

Councilmember/Commissioner Jerzak asked what the recommendations were from the Hwy 252 Task Force. Ms. Heyman stated their ask was for MnDOT to consider the four-lane low-speed freeway, but that was not at the top of her list of recommendations. The Task Force was also interested in the six-lane expressway. The Hwy 252 Task Force did a great job doing research, but it is impossible to find the best option that addresses all of the concerns.

Councilmember/Commissioner Jerzak stated he is not ready to go on the record with his recommendation, but he would like a clear recommendation from the Task Force of what MnDOT should study.

Councilmember/Commissioner Kragness agreed with Councilmember/Commissioner Jerzak. They should honor the work done by the Hwy 252 Task Force and rely on their expertise. She would also like more information on Ms. Heyman on her differing opinions from the Task Force.

Councilmember/Commissioner Butler stated it will take some time to grasp all of the components to consider. She asked for such complex items to be earlier on the agenda.

Councilmember/Commissioner Lawrence-Anderson stated she would like MnDOT to be available to answer more questions from the Council and for specific recommendations from the Task Force.

UPCOMING ITEMS

- Grant Discussion-referred to Financial Commission possible May 22
- Special Assessment Policy/Franchise Fees (referred to Financial Commission)
- Emerald Ash Borer Policy Review-referred to Park & Rec Commission November
- Memorial Policy-referred to Park & Rec Commission May 22
- Establishing a Beautification and Public Art Commission-May 8
- Liquor Store 2 -
- Organizational Chart-Budget work sessions
- Rental License Review (referred to Housing Commission)
- Tenant Protection Data presentation-May
- THC Moratorium-June 12
- Food Truck Ordinance / License

ADJOURNMENT

Councilmember/Commissioner Jerzak moved and Councilmember/Commissioner Kragness seconded the adjournment of the City Council/Economic Development Authority Work Session at 9:27 p.m.

Motion passed unanimously.

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

STUDY SESSION
MAY 8, 2023
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor April Graves at 6:04 p.m.

ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness (arrived at 6:10 p.m.). Also present were City Manager Reggie Edwards, Equity and Human Resources Director Jim Langemo, City Clerk Barb Suci, and City Attorney Jason Hill.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Jerzak stated he thought there was going to be a Work Session discussion regarding the public broadcast of all parts of the City Council meeting. City Manager Reggie Edwards confirmed Staff would bring the item back to Council as soon as possible.

Councilmember Lawrence-Anderson noted she had questions about Consent Item 6c. Resolution Accepting Livable Communities Demonstration Account (LCDA) funding for the Center for Asian and Pacific Islanders, and would like it to be moved to Council Consideration items. She explained she would prefer for grants to not be on the Consent Agenda to allow more detailed review by the Council.

Councilmember Jerzak noted his agreement with the comments of Councilmember Lawrence-Anderson. It is important to review grants until there is a grant review process in place. City Clerk Barb Suci pointed out the grant review process will be discussed at the next City Council meeting.

It was a consensus for Consent Item 6c. Resolution Accepting Livable Communities Demonstration Account (LCDA) funding for Center for Asian and Pacific Islanders to become Council Consideration Item 10b. Resolution Accepting Livable Communities Demonstration Account (LCDA) funding for the Center for Asian and Pacific Islanders.

Councilmember Lawrence-Anderson stated the audit presentation from Abdo isn't scheduled until June 28, 2023. She asked if that is the soonest option available for Abdo. Dr. Edwards stated the date is based on the anticipated time Abdo will have the information ready for the Council.

Councilmember Lawrence-Anderson noted the Council usually reviews the audit before the budget process begins. Dr. Edwards stated the Council would only have gone through the capital improvement plan prior to the audit.

Councilmember Lawrence-Anderson added that last Friday's update was very lengthy. The Friday update is meant to be a snapshot of what went on during the week. She would prefer to see certain info, such as updates to Hwy. 252, in a separate email.

Councilmember Butler stated reviewing the grants should depend on the number of grants on the agenda. The City applied for hundreds of grants, and it might not be feasible for Council to review each one.

Councilmember Kragness arrived at 6:10 p.m.

Councilmember Butler asked why there is a meeting specific for a city-wide survey discussion. Dr. Edwards stated the Study Session item will go into further detail.

Councilmember Jerzak noted his agreement with Councilmember Butler regarding the Council reviewing grants and stated the grant review policy would help refine the process.

Mayor Graves added she would like to adopt a resolution to recognize May as Mental Health Awareness Month, and that will be on an upcoming agenda.

MISCELLANEOUS

SET DATE FOR CITY-WIDE SURVEY DISCUSSION

City Manager Reggie Edwards noted Staff provided a previous survey to the Council that includes some Staff comments. Staff was looking for Council to provide input on the survey at a future meeting. From there, Staff can compile a final draft for the survey. The meeting could be during a Work Session that is already on the calendar.

Mayor Graves asked for more insight into the Staff comments already provided to Council. Dr. Edwards stated the intention is to go into more detail at a future meeting.

Mayor Graves stated a Work Session is fine as the discussion wouldn't require an entirely separate meeting.

Councilmember Jerzak suggested that Councilmembers email Staff with bigger questions so those are hammered out in advance.

STAFF SURVEY

City Manager Reggie Edwards explained the tool has been used to assess the temperature and culture of Staff. It is an opportunity for leadership to see what changes can be made to better the organization. A copy of the proposed survey was provided to the Council.

Director of Equity and Human Resources Jim Langemo introduced himself and detailed his background in human resources. He explained the survey is intended to review employee engagement, which is a relatively new subject. The goal is to understand employee experience, especially the relationship between the manager and the employee. That relationship is the most telling sign of employee retention.

Mr. Langemo pointed out he shopped around a bit to find the best survey. He likes Gallop, but they seem to be behind on the times. He chose to work with the organization called Culture Boosters. Coincidentally, one of the owners' parents lives in Brooklyn Center. He noted all of the options were scientifically tested and had a high level of confidentiality for employees.

Mr. Langemo added he hopes to promote transparency with the data and to act on any results of the data. Otherwise, the data collection is pointless. Once they get the data back, it will be tempting to implement all sorts of changes. However, he wants to be thoughtful in selecting the most impactful changes.

Councilmember Lawrence-Anderson noted a lot of the questions are yes and no questions. Mr. Langemo stated there will be a five-point scale for employees to respond to. There are also options for comments on each question.

Councilmember Kragness stated she has concerns about consistency because the survey refers to "Brooklyn Center" or the "City" or "here". Mr. Langemo confirmed he could refine the questions to use the same terms throughout. There will also be some refinement with which pronouns are used.

Councilmember Jerzak asked why an employee satisfaction survey was not considered, especially considering the high turnover rate in Staff. Also, how and when will the data be presented to the Council?

Mr. Langemo stated employee satisfaction is the lowest tier, but employee engagement is a higher tier that has research showing its importance to retention. The results will be shared with Council as soon as possible by cascading. The information will not be emailed to Council as it requires some discussion. There will be facilitated meetings to work with leaders and their teams to review the data together. From there, action plans will be created and implemented.

Dr. Edwards added this is the first time Staff has included the Council in the employee survey process. Therefore, there are some details that need to be worked out on how the information will be shared specifically with the Council, be it through a conversation or individual discussions.

Councilmember Jerzak pointed out he had completed a number of Brooklyn Center employee surveys during his 17 years working for the City. He stated some employees have high mistrust of the process. For example, some departments are so small that it may be easy to identify who said what. Also, there has been a history of no action following the survey.

Mr. Langemo noted his agreement with Councilmember Jerzak. Leadership will look at themselves in the mirror and do a thorough reflection on the data. They are going to take the process seriously, and the outcome will be awesome. There will be the utmost confidentiality and no tolerance for retaliation.

Councilmember Jerzak added there is a question asking if an employee sees oneself staying at Brooklyn Center for the next two years. He would like to see something specific asking what would keep employees at Brooklyn Center.

Mayor Graves asked if the survey will be specific to employees' current feelings or feelings related to previous incidents. Mr. Langemo explained he would be open to feedback at any time during an employee's time with the City.

Councilmember Butler asked what measurements will be in place to measure the success of action plans. Mr. Langemo stated it depends on the action implemented. Overall, it would be nice to see the survey feedback as more positive, but there may first be a dip in feedback due to changing processes. The action plan will include a specific desired outcome.

CITY MANAGER'S PERFORMANCE REVIEW PROCESS

This item was not addressed.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Mayor Graves closed the Study Session at 6:46 p.m.

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

REGULAR SESSION
MAY 8, 2023
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH THE CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor April Graves at 6:46 p.m.

ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Director of Public Works Elizabeth Heyman, Interim Community Development Director Jesse Anderson, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Jason Hill.

Mayor April Graves opened the meeting for the purpose of an Informal Open Forum.

Heidi S. stated she lives on the Crystal side of the Joslyn site. They received initial notifications about the project, but they haven't received updates as residents of Crystal. She has concerns about the landscaping plan. The construction has significantly changed the look and feel of the space. The environment has changed from a wooded environment to a pollination environment, which impacts the animals and wildlife. The changes also have had an adverse impact on her property values.

Douglas ■ noted he also lives on the Crystal side of the project. The EPA didn't include people on the other side of the lake in the meetings. He asked where they can go to address the issue. The lake used to be wooded, but it is now an eyesore. Dr. Edwards stated Staff can provide contact information and details on the process if their contact info is given to Staff.

Julie B. asked for Commission meetings to be put online. It is hard for people outside of the physical space to access information on what is happening in other meetings. There aren't even agendas available online. The Implementation Committee has had live meetings for its entire existence.

City Clerk Barb Suciu stated most meetings are held virtually. If there isn't a quorum, then there is no recording. As for the Charter Commission, they have different guidelines and aren't held virtually. The Financial Commission has its agendas under Novus. Dr. Edwards added all

meetings are intended to be hybrid, and he will check into the meetings to ensure that is still happening.

Kathy M. explained she is also a resident of Crystal. The Joslyn site was initially supposed to be fully wooded. The north side of the site has changed the landscaping plan to make the north side of the site into a pollination area. It will have a detrimental impact on wildlife, especially the nocturnal life. The building makes the area extremely bright. All of the natural nightlife is gone. The Crystal residents haven't been notified of any changes since the Spring of 2017. However, Brooklyn Center residents have been updated as recently as March 2023. The trees are also used to buffer the noise of the trains. She asked for the Council to pressure the site to restore the original landscape.

Kevin S. stated he can only consistently log into the Hwy 252 meetings. He is unable to access the Implementation Committee meetings anymore.

Councilmember Jerzak moved and Councilmember Kragness seconded to close the Informal Open Forum at 7:02 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Jerzak read a quote by Marissa Mayer, "I always did something I was a little not ready to do. I think that's how you grow. When there's that moment of 'Wow, I'm not really sure I can do this,' and you push through those moments, that's when you have a breakthrough." He also read a quote from Wayne Dyer, "If you believe it will work out, you'll see opportunities. If you believe it won't, you will see obstacles." Lastly, he shared a quote by Thomas Paine, "A body of men holding themselves accountable to nobody ought not to be trusted by anybody."

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor April Graves at 7:07 p.m.

4. ROLL CALL

This item was addressed after Item 5. Pledge of Allegiance.

Mayor April Graves stepped out of the meeting at 7:10 p.m.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. ROLL CALL (continued)

Mayor Pro Tem Marquita Butler and Councilmembers Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Director of Public Works Elizabeth Heyman, Interim Community Development Director Jesse Anderson, City Clerk Barb Suci, and City Attorney Jason Hill.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6a. LICENSES

AMUSEMENT DEVICE

Mendota Valley Amusements, Inc. 390 Richmond St

GARBAGE HAULERS

Aspen Waste BL 23-0270

MECHANICAL

Ace Heating & Air Conditioning Inc. 7174 Hwy 95 NW, Princeton 55371

B & D Plbg, Htg & A/C 4145 Mackenzie Court,
St. Michael 55376

Blue Ox Heating & Air LLC 5720 International Parkway,
New Hope 55428

CenterPoint Energy 6161 Golden Valley Road,
Golden Valley 55422

Daikin Applied Americas Inc. 13600 Industrial Park Boulevard,
Minneapolis 55441

Master Mechanical, Inc. 1027 Gemini Rd, Eagan 55121

Mike's Custom Mechanical, Inc. PO Box 171, Champlin 55316

Northern Heating & A/C Inc. 9431 Alpine Drive NW,
Ramsey 55303

Perfection Heating & Air 1770 Gervais Avenue,
Maplewood 55109

Piperight Plumbing 3920 Foss Road, St. Anthony 55421

Professional Mechanical Services	19640 200th Avenue NW, Big Lake 55309
Pronto Heating & A/C	7415 Cahill Road, Edina 55439
<u>RENTAL</u>	
<i>INITIAL (TYPE IV – six-month license)</i>	
5301 Dupont Avenue N	Wright Team Properties
4501 Winchester Lane	TM Odeniyi & K Odeniyi
6436 Scott Avenue N	Jane M Kungu and Antony J Kungu
<i>INITIAL (TYPE II – two-year license)</i>	
1208 57th Avenue N	CommonGrowth LLC
5927 Aldrich Avenue N	Yu Yin
6730 Ewing Avenue N	Suudi Properties, LLC
<i>RENEWAL (TYPE IV – six-month license)</i>	
4213 63rd Avenue N	Buster F Fallah
5112 70th Avenue N	Ih3 Property Minnesota Lp
5748 Humboldt Avenue N	Fyr Sfr Borrower Llc
6300 France Avenue N	9816 Palm St Llc
6337 Bryant Avenue N	Park Ave Homes Llc
6912 Logan Avenue N	Hpa Borrower 2017 1 Llc
6918 Halifax Avenue N	Gracelands Llc
<i>RENEWAL (TYPE III – one-year license)</i>	
5401 63rd Avenue N	Ayodeji Gbayisomore
2718 Ohenry Road	5118 66th Ave N Llc
3307 Ohenry Road	Henry S Dolopei
5913 Halifax Avenue N	Cel Monton Llc

6139 Colfax Avenue N	Koku Agbenu
<i>RENEWAL (TYPE II – two-year license)</i>	
4100 Lakebreeze Avenue N	Pbk Properties Llc
5240 Drew Avenue N	Cantlin Lake Properties
4019 Joyce Lane	Ih2 Property Illinois Lp
4118 Woodbine Lane	Investment Solutions Llc
4935 Abbott Avenue N	R A Anderson & T A Anderson
6242 Scott Avenue N	Cosco Property I Llc
<i>RENEWAL (TYPE I – three-year license)</i>	
5341 Penn Avenue N	Lifetime Resrcs Prop Mgt
4100 61st Avenue N	Emmanuel & Oluyemisi Coker
5449 Lyndale Avenue N	Living Well Disability Svcs
6605 Camden Drive	Johnson Organization Inc
7208 Bryant Avenue N	Prosperous Property Llc
<u>SIGNHANGER</u>	
Signminds Inc.	1400 Quincy Street Minneapolis 55413
Sigtology LLC	21340 Van Buren Street NE Cedar 55011

6b. AMENDMENT TO 2023 COUNCIL MEETING CALENDAR

6d. RESOLUTION NO. 2023-58; APPROVING A JOINT POWERS AGREEMENT (JPA) WITH PETS UNDER POLICE SECURITY (PUPS) AND AUTHORIZE STAFF TO EXECUTE THE JPA

6e. RESOLUTION NO. 2023-60; RECOGNIZING MAY 14-20, 2023, AS POLICE WEEK AND MAY 15, 2023, AS PEACE OFFICER MEMORIAL DAY

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. RESOLUTION NO. 2023-59; DECLARING MAY 21-27, 2023, NATIONAL PUBLIC WORKS WEEK IN THE CITY OF BROOKLYN CENTER

Councilmember Lawrence-Anderson asked why Item 6e. Resolution Recognizing May 14-20, 2023, as Police Week And May 15, 2023, as Police Officer Memorial Day was not part of Item 7. Presentations/Proclamations/Recognitions/Donations.

Mayor Pro Tem Butler moved to make Consent Agenda Item 6e. Resolution Recognizing May 14-20, 2023, as Police Week and May 15, 2023, as Police Officer Memorial Day to become Presentations/Proclamations/Recognitions/Donations 7b. Resolution Recognizing May 14-20, 2023, as Police Week And May 15, 2023, as Police Officer Memorial Day. **Roll call vote was taken, and the motion carried without a second.**

Mayor Pro Tem Butler read in full a Resolution recognizing National Public Works Week.

Mayor April Graves returned to the meeting at 7:13 p.m.

Councilmember Jerzak moved and Councilmember Kragness seconded to adopt RESOLUTION NO. 2023-__ Declaring May 21 through May 27, 2023, as "National Public Works Week" in Brooklyn Center.

Motion passed unanimously.

7b. RESOLUTION NO. 2023-60; RECOGNIZING MAY 14-20, 2023, AS POLICE WEEK AND MAY 15, 2023 AS PEACE OFFICER MEMORIAL DAY

Mayor Pro Tem Butler read in full a Resolution recognizing Police Week and Peace Officer Memorial Day.

Councilmember Kragness moved and Councilmember Jerzak seconded to adopt RESOLUTION NO. 2023-60; Recognizing May 14-20, 2023, as Police Week and May 15, 2023, as Peace Officer Memorial Day.

Motion passed unanimously.

Mayor Graves pointed out that the term “resident” is problematic as there are members of the Brooklyn Center community that may not be citizens.

Councilmember Kragness added there is a discrepancy in the Resolution because May 15, 2023, is sometimes referred to as Police Officer Memorial Day and other times as Peace Officer Memorial Day.

Dr. Edwards confirmed that May 15, 2023, is Peace Officer Memorial Day.

8. PUBLIC HEARINGS

8a. RESOLUTION NO. 2023-61; TO APPROVE A TIF DISTRICT #10 (WANGSTAD COMMONS) AND TIF AGREEMENT)

City Manager Reggie Edwards introduced the item and Jason Aarsvold, EDA Project Management with Ehlers, made the staff presentation.

Jason Aarsvold, EDA Project Management with Ehlers, explained since 2019, the EDA has been working with JO Companies to develop four EDA-owned parcels at 61st Avenue N and Brooklyn Boulevard. The proposed project includes a 54-unit low-income housing tax credit (LIHTC) rental project. In June of 2022, the EDA entered into an option agreement with the developer to sell the EDA-owned land and approved a resolution of support to provide Tax Increment Financing (TIF) for the project.

Mr. Aarsvold noted as it stands, the total project cost is \$22.8 million, but the project has a financing gap. TIF assistance is recommended at \$482,000 per analysis by Ehlers, and that requires the creation of a new TIF district. In addition, the land will be transferred to Wangstad Commons for \$1. Both contributions are necessary for the project's financial feasibility as further outlined in the attached memorandum from Ehlers.

Mr. Aarsvold stated The TIF Plan for District 10 is the City's planning document for the district. It spells out the objectives and policies for the district, identifies the geographic boundaries, and sets the maximum budgetary authority for the district. This planning document simply allows for the creation of a new TIF district. Approval of the TIF Plan does not grant any specific TIF assistance to the developer. This is done by entering into a separate TIF Agreement.

Mr. Aarsvold pointed out TIF District 10 is being established as a Housing TIF District. The site will qualify for a housing district because the Wangstad Commons project will serve households at, or below, the income levels required by statute. In this case, that minimum threshold is at least 40 percent of the units will be affordable to those at 60 percent area median income (AMI). As proposed, however, 100 percent of the units in the Wangstad project will meet this threshold. The TIF Plan sets up the district for a maximum duration of 26 years.

Mr. Aarsvold stated the maximum budgetary authority in the district is \$2.33 million. This is a maximum budget intended to provide flexibility. It includes 3 percent annual inflation and assumes the TIF district runs for the full 26 years. The actual assistance to the property owner is anticipated to be a present value amount of \$482,000 which estimates show will be repaid within 17 years.

Mr. Aarsvold added the TIF Plan assumes Pay-As-You-Go assistance to the project as noted above. The TIF plan also includes a 10% allowance for City administrative costs. This City can use this 10% to pay for any ongoing costs associated with administering the project in the TIF District. In addition, the TIF plan provides for repayment of an interfund loan. This interfund loan is the mechanism to reimburse the City from future tax increments for any expenditures

incurred in connection with the TIF plan before receipt of any tax increment and not reimbursed by JO Companies.

Mr. Aarsvold stated following Council action, the EDA will also consider approval of the TIF Plan as well as approval of the TIF agreement. This agreement is the document that specifies how TIF from the new district will go to the Wangstad project as well as provisions associated with the transfer of land. Once these steps are complete, the project will proceed to a closing with construction anticipated to begin in 2023. The receipt of the first tax increment is expected in 2025.

Councilmember Kragness asked if the vote just creates a new district. Mr. Aarsvold confirmed and explained the item is just to create a new TIF district. There is a separate process to create an agreement regarding what the TIF funding will go toward.

Councilmember Lawrence-Anderson moved and Councilmember Jerzak seconded to open the Public Hearing.

Motion passed unanimously.

Kevin S. noted the proposed site is near a sanctuary area and another housing location that could be accessible housing. He asked if retail would be part of the development to be accessed on the first floor. Oftentimes, people that need affordable housing don't have transportation, and there aren't the basic necessities within a reasonable walking distance of the site.

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

Motion passed unanimously.

(1:29:45) Councilmember [REDACTED] moved and Councilmember Jerzak seconded to adopt RESOLUTION NO. 2023-61; Approving a TIF District #10 (Wangstad Commons) and TIF agreement.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

- 9a. RESOLUTION NO. 2023-62; APPROVING PLANNING COMMISSION APPLICATION NO. 2023-001, SUBMITTED BY JO COMPANIES LLC FOR A RE-PLAT, PLANNED UNIT DEVELOPMENT AMENDMENT AND REZONING, AND AN AMENDMENT TO THE 2040 COMPREHENSIVE PLAN TO ALLOW FOR DEVELOPMENT OF A 54-UNIT MULTI-FAMILY RESIDENTIAL BUILDING AND RELATED SITE IMPROVEMENTS (6107 BROOKLYN BOULEVARD, 6101 BROOKLYN BOULEVARD, 3600 61ST AVENUE NORTH, AND 3606 61ST AVENUE NORTH)**

Councilmember Lawrence-Anderson asked if the item went through the Planning Commission. City Planner and Zoning Administrator Ginny McIntosh confirmed the item was reviewed by the Planning Commission.

Ms. McIntosh showed an aerial image of the site. She explained JO Companies, LLC is requesting review and consideration for a proposal that would allow for a consolidation of four vacant parcels owned by the Economic Development Authority (EDA) of the City of Brooklyn Center and redevelopment of said site, which comprises 6101 Brooklyn Boulevard, 6107 Brooklyn Boulevard, 3600 61st Avenue North, and 3606 61st Avenue North. The Subject Property encompasses approximately 1.77 acres and is located at the northwest corner of Brooklyn Boulevard and 61st Avenue North, and east of Wangstad Park.

Ms. McIntosh pointed out that due to the nature of the request, approval of the preliminary and final plat, site and building plan, Planned Unit Development (PUD) amendment and rezoning, and 2040 Comprehensive Plan amendment requests are required to forward the project. She showed images of the existing property.

Ms. McIntosh noted the City's EDA acquired the four parcels between 2012 and 2019. Prior to the Applicant engaging in conversations regarding the Subject Property, these lands had previously generated interest as a potential 113-unit multi-family development. It was through JO Companies' process of due diligence that the proposal was initially proposed in 2020 as a smaller, 83 to 88-unit multi-family residential building, before being reduced to what is now the proposed 54-unit multi-family residential building.

Ms. McIntosh stated JO Companies has been before the City of Brooklyn Center City Council and Economic Development Authority (EDA) bodies numerous times since 2020, for concept reviews and project updates, letters of support for grant funding applications, a Preliminary Development Agreement, an Option Agreement and term sheet, and resolution of support for the use of tax increment financing (TIF). The Applicant went through two rounds of applications with the Minnesota Housing Finance Agency (MHFA) before receiving notice of funding in December 2022.

Ms. McIntosh noted in 2023, the Applicant began regular meetings with Staff to revise plan sets according to the new Unified Development Ordinance. Then in March 2023, there was a City Council Work Session held to work through certain financing gaps. Based on feedback from the Council, Staff began preparing a formal TIF Agreement based on revised terms and the creation of a new Housing TIF District.

Ms. McIntosh stated the four EDA-owned parcels would be re-platted to one parcel to accommodate the 54-unit multi-family residential building and site improvements. The minor edits requested from Staff for updating the preliminary plat include a revised Planning Commission report made by the Applicant to address City Staff comments, an amendment or creation of a new, a required dedicated easement for shared access drive off of Brooklyn Boulevard, a vacation of utility easement running through the center of the property, and any requirements outlines by Hennepin County.

Ms. McIntosh added a Comprehensive Plan amendment is required when a community changes any part of a municipality's adopted comprehensive plan, including land use changes to allow for a proposed development. The requested amendment comes as a matter of timing as the Applicant was just beginning conversations with the City as the 2040 Comprehensive Plan Process was wrapping up. The property was future land use designated as a mix of commercial (C) and low-density residential (LDR) due to their former land uses of an overflow lot for former Brookdale Chrysler-Plymouth dealership and single-family homes.

Ms. McIntosh explained the requested re-designation of the property is to neighborhood-mixed use (N-MU), which was a new future land use designation under the 2040 Plan and guides for a mix of residential, retail, and commercial uses. During the comprehensive plan engagement process, some residents were vocal about the desire for more diverse housing.

Ms. McIntosh stated there is also a request to remove the northernmost parcel located in the subject property from PUD/C-2 and re-zone it to match the current zoning of the other three parcels. The Planned Unit Development (PUD) was amended in 2016 to remove dealership restrictions and allow for the Sanctuary, but this parcel was not removed from the PUD and remained in EDA ownership.

Ms. McIntosh showed the site and building plan. The proposal for the development is 54 units at affordability bands of between 30 and 60 percent AMI. The unit mix is 24 percent one-bed, one-bath, 50 percent two-bed, one-bath, 17 percent three-bed, two-bath, and nine percent four-bed, 2-bath.

Ms. McIntosh stated Staff reviewed the dimensional standards, and all plans fall within zoning requirements. As for traffic and access, Staff submitted the plan to Hennepin County. The County proposed addressing sight lines, a ROW permit, and the proposed turnaround. There will be additional submissions to the County. Fire truck access was provided as part of the submittal.

Ms. McIntosh noted parking requires a maximum of 108 spaces to be provided, assuming 54 units. The surface lot has 49 spaces, underground parking has 47 spaces, and there is a total of 96 parking spaces. The minimum standards for parking dimensions and drive aisles are met. Sidewalk connections and bicycle facilities are also provided. The photometric plan and fixture schedule were submitted and reviewed by Staff. As for trash, there would be a central trash chute system and trash would be rolled out for regular pickup.

Ms. McIntosh stated Staff reviewed the submitted architectural set against the City's building materials, and all requirements were met. Staff provided feedback throughout 2023 which required adjustments to building orientation, setback, parking garage location, and the like. The Applicant has submitted a landscaping plan, but it has yet to be reviewed by Staff. Also, no specific signage requests were made for new or revised signage.

Ms. McIntosh added engineering-reviewed plans and provided a memo. An MPCANPDES permit is required along with a construction management plan and agreement utility easement agreement

before any permits can be issued. Building officials conducted a cursory review of the submission and provided a memo with comments and conditions of approval. Crime Prevention through Environmental Design (CPTED) review is to be completed by City Staff, and plan sets were reviewed by the County with preliminary comments provided.

Ms. McIntosh explained as part of the application process, a public hearing notice was submitted to the Brooklyn Center Sun Post for publication on March 30, 2023, and notices were mailed to both property owners and physical residents of addresses within the vicinity of the Subject Property. Development proposal signage was also installed on-site, notifying the public of the development proposal. The Applicant also underwent a separate community engagement process, which was led by Local Initiatives Support Corporation (LISC). Topics discussed during this engagement covered: pedestrian and traffic flow; housing needs; proximity to Wangstad Park; security, property management, services, and tenant screening; project financing, timeline, and terms of affordability; and project quality, aesthetics, and amenities.

Ms. McIntosh noted City Staff received one public comment via email in advance of the public hearing from resident Susan Jorgensen, who was also in attendance and spoke at the public hearing on April 13, 2023. A separate public comment was received via the City's general email inbox from resident David Jorgensen the evening of the public hearing, but City staff did not receive the comment until the day after. The public comments received are included as background to this memo.

Ms. McIntosh pointed out that following the close of the public hearing, the Planning Commission elected to recommend (6-0) City Council approval of the requested preliminary and final plat, site, and building plan, an amendment to remove 6107 Brooklyn Boulevard from the original 1998 Planned Unit Development and re-zoning of the aforementioned property from PUD/C2 to MX-N1, which reflects the zoning of the three other parcels located within the Subject Property and located at 6101 Brooklyn Boulevard, 3600 61st Avenue North, and 3600 61st Avenue North, and a recommended amendment to the City's 2040 Comprehensive Plan to re-designate the Subject Property from a mix of Commercial (C) and Low-Density Residential (LDR) to Neighborhood Mixed-Use (N-MU).

Councilmember Jerzak asked if a CPTED has been completed. Ms. McIntosh explained CPTED would be completed after approval from the Council.

Councilmember Lawrence-Anderson noted Brooklyn Center has taken the Monarch Pledge two years in a row, so she hopes the landscaping plans include monarch-friendly plants. She added there will likely be children in the building, and its proximity to a park is very convenient.

Councilmember Butler moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2023-62; Regarding Planning Commission Application No. 2023-001, for approval of:

1. A preliminary and final plat for WANGSTAD'S BROOKLYN TERRACE SECOND ADDITION
2. The submitted site and building plans

3. An amendment to remove 6107 Brooklyn Boulevard from the original 1998 Planned Unit Development, and
4. Re-zoning of the aforementioned property from PUD/C2 to MX-N1, which reflects the zoning of the three other parcels located within the Subject Property and located at 6101 Brooklyn Boulevard, 3600 61st Avenue North, and 3600 61st Avenue North, and
5. A recommended amendment to the City's 2040 Comprehensive Plan to allow for a future land use re-designation of the Subject Property from a mix of Commercial (C) and Low-Density Residential (LDR) to Neighborhood Mixed-Use (N-MU), based on the findings, and as amended by the conditions of approval in the resolution, and subject to final approval by the Metropolitan Council for the requested Comprehensive Plan Amendment.

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2023-63; DECLARING THE BROOKLYN CENTER CITY COUNCIL'S OFFICIAL PUBLIC COMMENTS ON THE MINNESOTA DEPARTMENT OF TRANSPORTATION'S HIGHWAY 252/94 SCOPING DOCUMENT DRAFT SCOPING DECISION DOCUMENT

Dr. Edwards introduced the item and invited Public Works Director Elizabeth Heyman to make the Staff presentation.

Ms. Heyman explained the Minnesota Department of Transportation (MnDOT), along with local and federal project partners, are currently studying proposals to improve safety, address reliability, and reduce congestion on Hwy 252 between Hwy 610 in Brooklyn Park and I-694 in Brooklyn Center, and on I-94 from I-694 in Brooklyn Center to downtown Minneapolis. As part of this effort, MnDOT is preparing a multi-year Environmental Impact Statement (EIS), that outlines the impact a potential construction project could have on the surrounding area, including effects on the social, economic, and environmental in the proposed project area.

Ms. Heyman stated that based on the comments and discussion Council had with MnDOT staff at the City Council meeting on April 10, 2023, and the discussion Council had at a Council work session on April 24, 2023, Staff has drafted a letter that will serve as the Council's public comment on the draft Scoping Decision Document. Before finalizing Council's public comments.

Ms. Heyman noted the Equity and Health Assessment (EHA) will be released shortly. EHA enhances MnDOT's use of equity and health information during the Hwy 252/I-94 environmental review and acts as a public comment on the draft Scoping Decision Document (SDD). MnDOT will use the EHA to document findings not addressed in the EIS and to develop recommendations for further action in partnership with impacted communities.

Ms. Heyman pointed out MnDOT's recommended options for further study include three freeway options and all interchange options. At the last Work Session, Council reached a consensus about comments to be relayed to MnDOT.

Ms. Heyman stated the first comment is, “The City is supportive of the Minnesota Department of Transportation (MnDOT) completing a holistic environmental review process to chart a course for improving safety in the corridor, while at the same time protecting human health, promoting regional equity, and enhancing the livability and prosperity of Brooklyn Center.” The comment is to address safety issues mentioned by the Council.

Ms. Heyman noted the Council also had concerns about the tax base. The draft letter includes a request to, “add project evaluation criteria that evaluate the project’s effect on the City’s tax base, including, but not limited to, the following: Taxable property removed from the tax base, Projected changes in property values, and Projected changes in business activity.”

Ms. Heyman stated the Council also wanted MnDOT to adjust its purpose and need a statement to elevate health, community livability, and equity throughout the scoping process. The draft letter suggests updating the project’s purpose and needs statement to say, “The purpose of the Hwy 252/I-94 Project is to improve the safe and reliable movement of people and goods across multiple modes on and across Hwy 252 and I-94 between Hwy 610 in Brooklyn Park and North 4th Street in Minneapolis while protecting and promoting human health, community livability and equity.”

Ms. Heyman added the Council showed interest in MnDOT considering more options for in-depth research. Specifically, the Council was interested in the six-lane expressway and the four-lane low-speed arterial.

Ms. Heyman noted Council also wanted MnDOT to take the health impacts of increased traffic and traffic noise into account when evaluating safety. A suggestion to MnDOT is to, “evaluate how bicycle and pedestrian overpasses impact a corridor element’s multimodal level of service. The City Council understands that not all users will utilize bicycle and pedestrian overpasses. However, they find it unreasonable to accept no risk at ground-level intersections when freeway alternatives come with their own set of risks, including negative effects on health, safety, and property. In simpler terms, the Council believes that incorporating bicycle and pedestrian overpasses into non-freeway Highway 252 corridor elements should result in a higher overall multimodal level of service rating, meaning better accessibility and connectivity for various modes of transportation.”

Councilmember Jerzak asked if individual comments can be included in the letter. Ms. McIntosh stated the letter has to be the consensus of the Council. However, each Councilmember can submit their public comments.

Mark Lindeberg, a representative of MnDOT, stated any comments from the Council can be shared as a public comment or submitted individually.

Councilmember Jerzak pointed out he has been noncommittal on the project until all information has been received. The exhaustive work of the Hwy 252 Task Force has unequivocally shown MnDOT’s recommendations as a whole do not benefit the Brooklyn Center community due to the loss of homes, business displacement, and health and equity considerations. He noted he never

received a call, email, or comment in support of the project. However, he received many calls, emails, and letters against the project. His only support for the project is for MnDOT to consider the six-lane expressway or the four-lane low-speed arterial roadway and additional pedestrian accessways.

Councilmember Jerzak asked if the Council were to decide they were not in support of the project, could they pass a resolution stating they will not support the project financially. City Attorney Jason Hill explained the Council can adopt whatever resolution they want. The project is only in the early steps. There is a process where the City can oppose the project down the line, and MnDOT could appeal to the opposition. As for the financial piece, he would need to further look into legal details.

Councilmember Kragness asked if the Hwy 252 Task Force was going to provide additional comment. Mayor Graves stated there are members of the Task Force present.

Tom Kouri, member of the Hwy 252 Task Force, stated the recommendations in the draft letter make a lot of sense. The Council has raised excellent questions regarding equity and property impacts. Also, Ms. McIntosh has been very thorough in her presentations.

Councilmember Lawrence-Anderson asked if the draft letter was reviewed by Hwy 252 Task Force to add comments. Ms. McIntosh stated the letter was sent to the Task Force, but Staff didn't ask for the Task Force to add comments to the draft.

Mayor Graves noted Ms. McIntosh did an excellent job writing the draft letter and explaining the options to Council.

Councilmember Butler moved and Councilmember Jerzak seconded to adopt RESOLUTION NO. 2023-63; Declaring the Brooklyn Center City Council's official public comments on the Minnesota Department of Transportation's Highway 252/I-94 Scoping Document and Draft Scoping Decision Document.

Motion passed unanimously.

10b. RESOLUTION NO. 2023-64; ACCEPTING LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT (LCDA) FUNDING FOR CENTER FOR ASIAN AND PACIFIC ISLANDER

Councilmember Jerzak left the meeting at 8:15 p.m.

Dr. Edwards introduced the item and invited Interim Community Development Director Jesse Anderson to continue the Staff presentation.

Mr. Anderson explained the Metropolitan Council approved CAPI for a grant amount of \$125,000 on September 14, 2022, with an expiration date of June 20, 2024. Center for Pacific Islanders (CAPI) will be using pre-development funds to support their exploration of the use of their excess

land on Brooklyn Boulevard. This funding will support community engagement activities, site and building design, and civil engineering work as they conduct due diligence on the construction of an expanded facility. Potential uses they are exploring include expanded offices for their administrative functions, expanded food shelf operations, childcare centers, and additional office and commercial spaces for local businesses.

Councilmember Lawrence-Anderson asked if the building will be two stories or if there will be two additional stories. Mr. Anderson stated they are looking into options to expand the building, but decisions have not been made.

Councilmember Jerzak returned to the meeting at 8:17 p.m.

Councilmember Lawrence-Anderson asked if the project can be completed before the expiration date. Mr. Anderson stated the funding is for early planning efforts, which are all expected to be completed before the expiration date.

Councilmember Jerzak asked if the financing would be private. Mr. Anderson noted there hasn't been a discussion regarding public financing. However, the process is only beginning.

Councilmember Lawrence-Anderson moved and Mayor Graves seconded to adopt RESOLUTION NO. 2023-64; Accepting Livable Communities Demonstration Account (LCDA) funding grant from Met Council.

Motion passed unanimously.

11. COUNCIL REPORT

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

- Met with several independent businesses regarding concerns.
- Attended the Susan Pha volunteer appreciation.
- Corresponded with several constituents regarding the Hwy 252 project.

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

- Connected with the Sierra Leone Association.
- Attended an event at Unity Church.
- Will be attending the Mayor's Innovation Conference.
- Will be starting an eight-week mediation training.
- Attended a Mayor's luncheon hosted by Congresswoman Omar.
- Noted Brooklyn Center and Brooklyn Park cohosted a public forum for Black public administrators.

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

- Met with a resident about various issues.
- Met with Representative Omar.

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

- Met with Housing Commission Chair.
- Delivered Meals on Wheels.
- Attended Senator Pha's celebration.
- Reminded everyone of the mock budget exercise at the Community Center on May 10, 2023.

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

- Attended Senator Pha's celebration.

12. ADJOURNMENT

Councilmember Butler moved and Councilmember Jerzak seconded the adjournment of the City Council meeting at 8:26 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 8, 2023
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 April Graves at 8:42 p.m.

ROLL CALL

Mayor/President April Graves and Councilmembers/Commissioners Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, and Assistant City Manager/City Clerk Barb Suciu.

OPPORTUNITY SITE PHASE 1 FINANCING

Dr. Edwards introduced the item and invited Jason Aarsvold, EDA Project Management with Ehlers, to continue the presentation.

Mr. Aarsvold explained Alatus requested up-front assistance/financing for the Opportunity Site with General Obligation tax increment financing (TIF) bonds as the primary option. An estimated \$15-17 million bonding is needed to finance the project. Special assessments and land payment deferral are used to reduce bonding and mitigate City risk. Since March, City Staff, Alatus, and Ehlers worked to put more detail into place and explore options to reduce City bonding necessary for the project.

Mr. Aarsvold stated the payment to the EDA under the current Term Sheet is \$7.58 million. Deferral of this land payment is recommended because it reduced the amount of City-issued debt, can be paid back over time, and the need to complete the project outweighs the need to replenish the TIF #3 fund now from the land sale proceeds.

Mr. Aarsvold noted there is an option to build only a portion of the infrastructure by skipping the third pond. That could save about \$1.65 million, but there are some trade-offs.

Mr. Aarsvold added size reduction of the entrepreneurial marketplace is necessary, and will be decreased to about 17,000 square feet. It can still be City-owned, but it comes with a higher cost and will likely include an ongoing annual operating subsidy. Staff explored the option for Alatus ownership, which reduces the cost to the City and shifts some risk to Alatus while retaining the original intent of the building.

Mr. Aarsvold stated Alatus would need to submit a business plan for the entrepreneurial marketplace to outline rental and operational requirements. There would still be below-market rents for all tenants and will meet community social responsibility goals. The intention is to have an anchor tenant to help stabilize the building. Alatus is to leverage the onsite multi-family staff to more efficiently manage maintenance and other operational costs of the entrepreneurial marketplace (EMP).

Mr. Aarsvold stated the first financing option includes deferred payment for City land, partial infrastructure build, and reduced EMP size with public ownership of the EMP building. Based on current projections, this would require City bond financing of just over \$9.12 million for all components of the current phase. This option also leaves open the unknown as it relates to future operating costs.

Mr. Aarsvold explained the second option is Deferred payment for City land, partial infrastructure build, and reduced EMP size with Alatus ownership and operation. Alatus would be responsible for the operation and any potential annual shortfalls. Based on current projections, this would require City bond financing of approximately \$6 million for all components of the current phase.

Mr. Aarsvold added the third option is deferred payment for City land, full infrastructure build, and reduced EMP size with Alatus ownership and operation. Based on current projections, this would require City bond financing of approximately \$7.7 million for all components of the current phase.

Mr. Aarsvold noted the third option is supported by Staff. The consensus is that the full build for infrastructure makes sense now. There would be cost efficiencies without significant maintenance concerns. There would be increased bonding, but it can still be repaid with an assessment to Alatus, meaning there is no tax impact on residents. Also, Alatus feels it adds value to and strengthens the overall development. Mr. Aarsvold pointed out an Alatus-owned EMP is preferred. It reduces the bonding required, eliminates concerns about ongoing operations, and retains the intent of the EMP facility.

Councilmember/Commissioner Lawrence-Anderson thanked Mr. Aarsvold for the detailed information. She asked if the bonding he referred to was a general obligation bond. Mr. Aarsvold confirmed that was correct.

Councilmember/Commissioner Kragness asked how long the land payment can be deferred. Mr. Aarsvold stated it can be deferred as long as the City wants, and he would rely on the financing of the project to determine the repayment. The process would be detailed in future agreements about how long the repayment could take and which sources would be used for the repayment. It wouldn't be longer than the length of the TIF district.

Councilmember/Commissioner Kragness stated there has been consideration about requesting a different TIF timeline. Mr. Aarsvold confirmed that has been considered, but it is not before the legislature this year. If it were to pass in the future, it would be beneficial to the project.

Councilmember/Commissioner Kragness asked how the partial infrastructure build impacts Alatus' funding. As for the third option, if there is potential for the EMP to be publicly owned and still have a size reduction. Mr. Aarsvold stated the partial build is a neutral financial impact. It means the City would be paying less and the assessment would be lower.

Barrett Corwin, Director of Development for Alatus, explained the bonding would change based on the assessing value. The partial build would allow for lower bonding. The total construction of the infrastructure is important for Alatus because access is important.

Councilmember/Commissioner Jerzak stated deferring the building of the pond would only increase its cost as building costs are always increasing. However, maybe the pond is unnecessary if it isn't even needed at the outset. What are the experiences of other development partners in getting finance. The Council/EDA wants to get the Opportunity Site right.

Mr. Corwin explained the pond is a regional pond system and will serve other areas in the future and will make the financing of other projects easier down the line. As for the financing experiences of other partners, Resurrecting Faith Ministries is relying on tax credits. The PPL project will be financed similarly to the Wangstad project with low-income residency tax credits.

Councilmember/Commissioner Kragness asked for the third option if there is potential for the EMP to be publicly owned and still have a size reduction. Erica Miller, the Alatus representative, stated the EMP has already been reduced to 17,000 square feet. Decreasing it any more would not gain any economies of scale in construction.

Councilmember/Commissioner Kragness asked what the difference in size is for EMP if owned by Alatus or the public. Mr. Corwin stated the size of the EMP is the same in either scenario. He added decreasing the size of the EMP could also negatively impact the grants.

Mayor/President Graves stated she favored the third option even before hearing about Staff's recommendation. The ask is much lower and seems more doable. The only concern is getting the agreement in place regarding the role of the EMP space. Mr. Aarsvold pointed out the agreement will likely include a provision that would allow for the City to buy back the EMP at fair market value down the line.

The majority consensus of the City Council/EDA was to support the third financing option which includes deferred payment for City land, full Infrastructure build, and reduced EMP size with Alatus ownership and operation.

Mayor/President Graves requested that the outstanding Study Session item be brought back to the Council/EDA at the next meeting.

UPCOMING ITEMS

- Grant Discussion-May 22

- Tenant Protection Data presentation-May 22
- DKIC Traffic Stops presentation-May 22
- THC Moratorium-June 12
- Memorial Policy-June 12
- Special Assessment Policy/Franchise Fees (referred to Financial Commission)
- Beautification and Public Art Commission
- Liquor Store 2 -
- Organizational Chart-Budget work sessions
- Rental License Review (referred to Housing Commission)
- Food Truck Ordinance / License
- Emerald Ash Borer Policy Review (referred to Park & Rec Commission November)

ADJOURNMENT

Councilmember/Commissioner Jerzak moved and Councilmember/Commissioner Butler seconded the adjournment of the City Council/Economic Development Authority Work Session at 9:14 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 5/22/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Shannon Pettit, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- motion to approve the licenses as presented.

Background:

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

Garbage Haulers

Darling Ingredients, Inc. 9000 382nd Avenue, Blue Earth, MN
BL 23-0313

Walters Recycling & Refuse 2830 101st Ave NE, Blaine, MN
BL23-0266

Hospitality Accommodations

Shak Enterprises, LLC 6415 James Circle N
DBA: Travelodge
BL23-0329

Zaina Properties, LLC 1600 James Circle N
DBA: Quality Inn
BL23-0324

Mechanical

A-abc Appliance & Heating Inc.
8818 7th Ave N, Golden Valley 55427

Burnn Boiler & Mechanical
2012 Great Northern Dr., Fargo 58102

Creative Color, Inc.
9635 Girard Ave S., Minneapolis 55431

Electric Sign & Lighting Inc.
11328 Zane Ave N, Champlin 55316
Heating & Cooling Two Inc.
18550 County Rd 81, Maple Grove 55369
Hero Home Services
10900 Hampshire Ave S., Bloomington 55438
HomeWorks Services Co.
1230 Eagan Industrial Rd, Ste 117, Eagan 55121
Marsh Heating & A/C
6248 Lakeland Ave N, Brooklyn Park 55428
Martius Plumbing
11350 276th Street, Chisago City 55013
Walter Mechanical, Inc.
517 W. Travelers Trail, Burnsville 55337
NAC Mechanical & Electrical Services
1001 Labore Industrial Court, Ste. B, Vadnais Heights 55110

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	3/16/2021	Backup Material
Rentals	5/16/2023	Backup Material

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	0-2
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 2 but not more than 5
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 5 but not more than 9
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 9
	3+ units	Greater than 3

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval 5.22.23

Location Address	License Subtype	Renewal/Initial	Owner	Property Code		License Type	Police CFS*	Final License Type**	Previous License Type***	Consecutive Type IV's
				Violations	Code					
6915 Humboldt Ave N	Multiple Family 2 Bldgs 50 Units	Renewal	Lynwood Pointe Llc Met Requirements	133 = 2.66 per unit		Type III	11/5/22 Arson	Type III	Type IV	0
7018 Brooklyn Blvd	Multiple Family 1 Bldg 8 Units	Renewal	Mains'l Communities Llc Met Requirements	9 = 1.12 per unit		Type II	0	Type II	Type III	N/A
4201 Lakeside Ave N, #105	Condo	Renewal	Cindy S Bohler	2		Type I	0	Type I	Type II	N/A
4201 Lakeside Ave N, #106	Condo	Renewal	Warsono & Ninou Widjaja	2		Type I	0	Type I	Type I	N/A
4201 Lakeside Ave N, #116	Condo	Renewal	Cindy S Bohler	3		Type II	0	Type II	Type II	N/A
4201 Lakeside Ave N, #212	Condo	Renewal	Judith C Spanberger	0		Type I	0	Type I	Type I	N/A
3006 51st Ave N	Single	Renewal	Naisha Nicole Bell Did not meet requirements	6		Type III	0	Type IV	Type IV	3
3307 63rd Ave N	Single	Renewal	Rosemond Coleman	9		Type III	0	Type III	Type I	0
4913 Winchester La	Single	Renewal	Huda Hassen Did not meet requirements	0		Type I	0	Type III	Type III	N/A
5112 70th Ave N	Single	Renewal	Ih3 Property Minnesota Lp Did not meet requirements	5		Type II	0	Type IV	Type IV	4
5310 Knox Ave N	Single	Renewal	Cel Monton Llc Met requirements	1		Type I	0	Type I	Type III	N/A
5400 Sailor La	Single	Renewal	Infinity Property Llc	2		Type I	0	Type I	Type I	N/A
5712 Logan Ave N	Single	Renewal	Penrod, LLC Did not meet requirements	38		Type IV	5/2/22 Aggravated Assault	Type IV	Type IV	2
5814 Pearson Dr	Single	Renewal	Ih2 Property Illinois Lp Did not meet requirements	12		Type IV	0	Type IV	Type I	0
5931 Zenith Ave N	Single	Renewal	Ih3 Property Minnesota Lp Did not meet requirements	13		Type IV	0	Type IV	Type IV	3

6213 Chowen Ave N	Single	Renewal	Nazneen Khatoon	31	Type IV	0	Type IV	Type II	0
6220 Perry Ave N	Single	Renewal	M F & R M Remtula Met requirements	0	Type I	0	Type I	Type IV	0
6800 Quail Ave N	Single	Renewal	Emmanuel Williams Did not meet requirements	13	Type IV	0	Type IV	Type III	0
6816 Fremont Pl N	Single	Renewal	Ali Sajjad	2	Type I	0	Type I	Type II	N/A
6820 Fremont Pl N	Single	Renewal	Sharon McGary Met requirements	5	Type II	0	Type II	Type IV	0

*CFS = Calls for service for renewal licenses only (Initial licenses are not applicable to calls for service, and will be listed as N/A)

**License type being issued

***Initial licenses will not show a Type I = 3 year, Type II - 2 year, Type I = 1 year, Type IV = 6 months

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 5/22/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Ahmed Omer, P.E., City Engineer

SUBJECT: Resolution Authorizing Execution of a Professional Services Agreement, Project No. 2024-01, Orchard Lane East Improvements Project

Requested Council Action:

- It is recommended that the City Council consider approval of the resolution authorizing execution of a Professional Services Agreement for the Orchard Lane East Improvements Project.

Background:

City staff solicited proposals for and received seven consultants that would be able to provide the professional services necessary. A three-person team made up of City staff evaluated and ranked the proposals. A subsequent follow-up discussion was conducted with the top candidate. Based on project understanding, work plan, experience, team, and fees, Alliant Engineering, Inc., is recommended to provide the needed professional services. Alliant Engineering, Inc. is available to start immediately to proceed with the Orchard Lane East Project.

Budget Issues:

Orchard Lane East Project is identified in the City's Capital Improvement Program for 2024 with a total estimated project cost of \$11,870,000. This estimated cost may change as detailed design progresses. The contract with Alliant Engineering, Inc., for the preliminary and final design, amounts to \$289,545.00, which is an estimated 2 percent of the project construction cost.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	5/15/2023	Resolution Letter

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT, PROJECT NO. 2024-01, ORCHARD LANE EAST IMPROVEMENTS PROJECT

WHEREAS, the City's Capital Improvement Program identifies the Orchard Lane East Improvements Project to be constructed in 2024; and

WHEREAS, a professional services agreement has been negotiated with Alliant Engineering, Inc., to provide the professional services needed to perform said project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the Mayor and City Manager are hereby authorized to execute an agreement with Alliant Engineering, Inc., in the amount of \$289,545.00 to provide professional services for the Orchard Lane East Improvements Project.

May 22, 2023
Date

Mayor

ATTEST: _____
City Clerk

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

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

Council Regular Meeting

DATE: 5/22/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: James Soltis, P.E., Assistant City Engineer

SUBJECT: An Ordinance Storm Sewer, Drainage and Utility Easements within Lots 1, 2, and 3, Block 6, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota (1st Reading)

Requested Council Action:

- Motion to approve a first reading of the requested ordinance vacating certain storm sewer, drainage and utility easements located in the Wangstad Commons site redevelopment in connection with the proposed final plat of Wangstad's Brooklyn Terrace Second, and set a second reading and public hearing for June 12, 2023.

Background:

The Planning Commission has reviewed the final plat for Wangstad's Brooklyn Terrace Second. In connection with the final plat and easement dedication proceedings, the developer is requesting release and termination of easements that are either no longer needed or are being replaced by new easements. The following easements are proposed to be released and terminated as indicated in Exhibit B.

It is staff's opinion that the easement proposed to be vacated are no longer needed and should not negatively affect rights to public easements. We are unaware of any entity objecting to the proposed vacation.

Consistent with the City's Charter, a first reading of the proposed ordinance to vacate certain easements is requested, with a subsequent request to schedule the second reading and public hearing on June 12, 2023. A public hearing notice was submitted to the Brooklyn Center *Sun Post* for publication on May 25, 2023.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description
Ordinance

Upload Date
5/18/2023

Type
Ordinance

CITY OF BROOKLYN CENTER

Please take notice that the City Council of the City of Brooklyn Center will hold a public hearing on Monday, June 12, 2023 at approximately 7:00 p.m. at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. Said public hearing will include a second reading and proposed adoption of an ordinance vacating easements over, under and across Lots 1, 2 and 3 of Block 6 within the plat of Wangstad's Brooklyn Terrace. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.ci.brooklyn-center.mn.us/>. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

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

ORDINANCE NO. _____

AN ORDINANCE VACATING CERTAIN EASEMENTS WITHIN LOTS 1, 2 AND 3 OF BLOCK 6 OF THE PLAT OF WANGSTAD'S BROOKLYN TERRACE IN THE CITY OF BROOKLYN CENTER, HENNEPIN COUNTY, MINNESOTA

WHEREAS, the City of Brooklyn Center (the "City") is a municipal corporation, organized and existing under the laws of Minnesota and the City Charter of Brooklyn Center, Minnesota (the "Charter"); and

WHEREAS, the City's Planning Commission ("Planning Commission") has recommended approval for the plat of Wangstad's Brooklyn Terrace Second ("Plat") based on certain conditions as set forth in the City Council Resolution No. 2020-067 and Planning Commission Resolution No. 2020-005; and

WHEREAS, the Plat includes certain real property situated in the City at 3600 61st Avenue N. (PID 3411921430051), 6101 Brooklyn Boulevard (PID 3411921430050), and 6107 Brooklyn Boulevard (PID 3411921430049), all of which are included in the plat of Wangstad's Brooklyn Terrace and legally described in the attached Exhibit A (collectively, the "Properties"); and

WHEREAS, certain easements dedicated to the City currently exist on the Properties ("Easements"), which as a result of the Plat and the future development of the Plat, are either no longer needed, will interfere with the proposed development, or are being replaced by new dedicated easements covering the Properties within the Plat; and

WHEREAS, the easements proposed to be vacated are as legally described on the attached Exhibit B and as depicted on the attached Exhibit C (collectively the "Vacated Easements"); and

WHEREAS, City staff has determined that there is no public need to maintain the proposed Vacated Easements; and

WHEREAS, the City Council does not object to the vacation of the proposed Vacated Easements; and

WHEREAS, after due notice and public hearing, the City Council has determined that the proposed Vacated Easements will no longer be needed and it is in the public interest to vacate the Vacated Easements.

NOW, THEREFORE, the City Council of the City of Brooklyn Center does ordain as follows:

Section I. Recitals. The above recitals are hereby adopted as findings and incorporated into this Ordinance.

Section II. Easement Vacation. The Vacated Easements described above and in Exhibit B and Exhibit C are hereby vacated.

Section III. Effective Date. This Ordinance shall be effective after adoption and thirty days following its legal publication.

Section IV. Notice of Completion. Upon the Ordinance becoming effective, the City Clerk is directed to prepare a Notice of Completion of Vacation Proceedings and to record it with the Hennepin County Recorder or Hennepin County Registrar of Titles, as appropriate.

Adopted this ____ day of _____, 2023.

April Graves, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

EXHIBIT A
Legal Description of the Property

PID No. 3411921430049

Lot 1, Block 6, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.

PID No. 3411921430050

Lot 2, Block 6, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.

PID No. 3411921430051:

Lot 3, Block 6, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.

EXHIBIT B
Legal Description of Vacated Easements

PROPOSED EASEMENT VACATION DESCRIPTION
(across Lots 1, 2 and 3, Block 6, WANGSTAD'S BROOKLYN TERRACE)

That part of the dedicated 10.00 foot utility easement within Lots 1, 2 and 3, Block 6, WANGSTAD'S BROOKLYN TERRACE, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

The Southwesterly 5.00 feet of said Lot 1, except the Northwesterly 5.00 feet thereof.

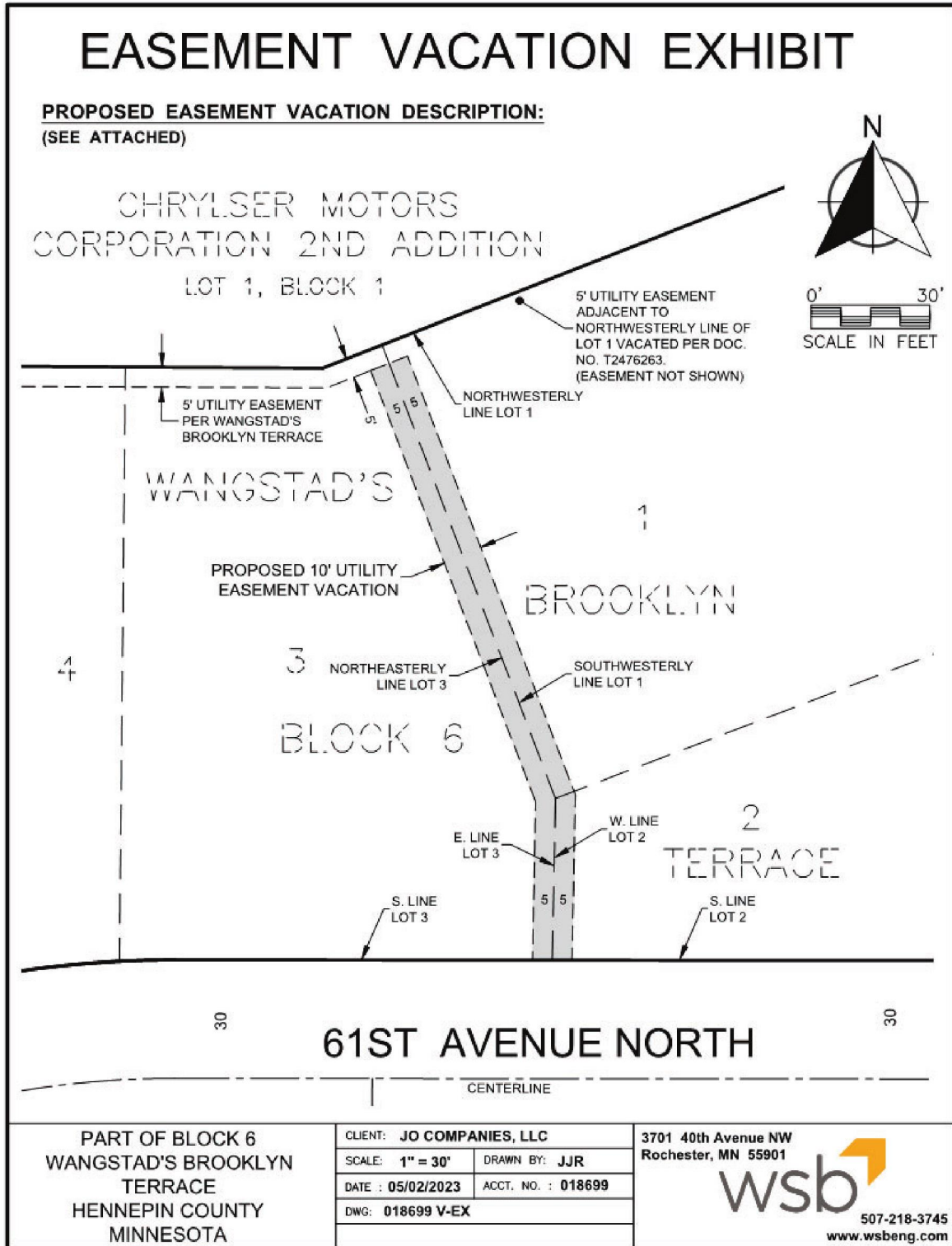
ALSO

The Westerly 5.00 feet of said Lot 2.

ALSO

The Easterly and Northeasterly 5.00 feet of said Lot 3, except the Northwesterly 5.00 feet thereof.

EXHIBIT C
Depiction of Vacated Easements



Council Regular Meeting

DATE: 5/22/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Mayor April Graves

SUBJECT: Proclamation Declaring May as Mental Health Month in the City of Brooklyn Center

Requested Council Action:

- motion to accept the proclamation

Background:

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Proclamation	5/15/2023	Proclamation

Proclamation

DECLARING MAY AS MENTAL HEALTH MONTH IN THE CITY OF BROOKLYN CENTER

- WHEREAS, May is Mental Health Awareness Month, highlighting that together, we can realize our shared vision of a city where anyone affected by mental illness can get the appropriate support and quality of care to live healthy, fulfilling lives; and
- WHEREAS, while one in five adults will experience mental illness during their lifetime, and one in six youth living in the U.S. experience a mental health condition each year, and only half of them receive treatment; and
- WHEREAS, the City of Brooklyn Center recognizes that in the 2022 Minnesota Student Survey, students across the state report greater struggles with mental health, including depression and anxiety; and
- WHEREAS, the City of Brooklyn Center recognizes that according to the 2022 Minnesota Student Survey, lesbian, gay, bisexual, queer, and transgender students are three times more likely to report seriously considering suicide and four times more likely to attempt suicide than heterosexual students; and everyone faces challenges in life that can impact their mental health; and
- WHEREAS, about half of Americans will meet the criteria for a diagnosable mental health condition sometime in their life, with symptoms starting by age 24 for most people; and
- WHEREAS, the number 9-8-8 is the National Suicide Prevention Lifeline for matters of a mental health crisis, and calling 988 will connect people directly to a trained crisis counselor 24/7, 365 days a year; and
- WHEREAS, the City of Brooklyn Center recognizes that social, cultural, and historical factors often disproportionately impact the mental health of communities that have traditionally been marginalized, especially our Black, Indigenous, Latinx, Asian, and other communities of color due to compounding stress and trauma from systemic oppression and racial injustice, which leads to a mental health burden that is deeper than what others may face; and
- WHEREAS, the City of Brooklyn Center uplifts the community's resilience to maintain mental well-being, especially during the COVID-19 pandemic, incidents of systemic violence and civil unrest, and ongoing mental health challenges; and
- WHEREAS, the City of Brooklyn Center acknowledges that mental health routinely emerges as a community health priority and that shame, stigma, and stereotypes often prevent people living with mental illness from seeking help; and
- WHEREAS, the City of Brooklyn Center commits to prioritizing the need for implementing trauma-informed approaches into our practices, policies, procedures, and processes to acknowledge the experience of trauma while also seeking to operate in a way that does not re-traumatize people; and
- WHEREAS, the City of Brooklyn Center recognizes that mental health conditions are common and treatable. The average delay between symptom onset and treatment is eleven years, meaning people spend months or years facing mental health challenges before getting a

diagnosis, but early and effective intervention and support can save lives and change the trajectories of people living with mental illness; and

WHEREAS, the City of Brooklyn Center, in partnership with Hennepin County, hosts an Embedded Social Worker within the Police Department to provide follow-up services for repeat police calls with underlying social/emotional support needs and works closely with group home staff and residents; and

WHEREAS, the City of Brooklyn Center is working toward implementing a team of mental health crisis responders who handle emergency mental health situations through the 911 system; and

WHEREAS, in partnership with Hennepin County and the City of Brooklyn Park, offers mental health information and resources through Health-On-The-Go; and

WHEREAS, as an employer, the City of Brooklyn Center recognizes employee mental health as a top priority and strives to create a culture that supports employee mental health and well-being so that they can contribute in a meaningful way; and

WHEREAS, the City of Brooklyn Center collaborates with community organizations, health providers, employers, schools, and neighbors to reduce mental health stigma and promote well-being and resilience.

NOW, THEREFORE, I, April Graves, Mayor of the City of Brooklyn Center, with the consensus of the Brooklyn Center City Council, do hereby proclaim May 2023 as “MENTAL HEALTH MONTH IN THE CITY OF BROOKLYN CENTER,” State of Minnesota.

May 22, 2023

Date

Mayor

Council Members

ATTEST:_____

City Clerk

Council Regular Meeting

DATE: 5/22/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Interim Community Development Director

BY: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Tenant Protections Update

Requested Council Action:

- Staff is providing an update on the tenant protection ordinance. No council action is required.

Background:

In 2018-2019 the City first looked at adopting a tenant protection ordinance regarding the sale of an affordable housing property. This ordinance provided notice to tenants of the sale and any material lease changes, including rent rate changes. In the ordinance if the owner did not provide sufficient notice per the ordinance the tenant would then be allowed to receive re-location assistance. This ordinance was adopted in January of 2019.

In further conversation with City Council on housing policies, the council wanted Staff to look at additional tenant protections beginning the early part of 2021. Staff received direction from City Council to look at tenant protections that the City can adopt to give tenants/residents additional protections in addition to the State statutes.

Staff reviewed the adopted tenant protections by the City of St. Paul and then met with City of St. Paul staff to discuss the adopted tenant protections. The adopted tenant protections by City of St. Paul was challenged in court and City of St. Paul ultimately rescinded the ordinance. Due to the lawsuit against the City of St. Paul, City of Brooklyn Center decided to only bring forward a few tenant protections.

The City had several conversations with landlords/property owners, tenants, tenant rights organizations, and MN Multi-Housing Association to discuss the proposed tenant protections in hopes of bringing together a compromise. During the meetings, staff was able to hear both sides express their concerns for adopting the ordinance as is, the proposed changes to the ordinance, and the City doing nothing to further tenant protections in the City.

The proposed ordinance was brought to the Housing Commission on October 19, 2021. The Housing Commission heard from housing advocacy groups and numerous tenants and was asked to approve the proposed ordinance. The Housing Commission unanimously approved recommendation to approve the proposed ordinance.

The proposed ordinance was brought to City Council on November 8, 2021 for a discussion and first reading. During the council meeting, staff presented the two proposed tenant protections.

- Pre-Eviction Filing Notice: This would provide tenants a 30 notice that the property owner intends to

file an eviction for non-payment of rent or a material breach of lease.

- Just Cause Non-Renewal: This would prevent a property owner or manager from non-renewing an existing tenant's lease without just cause and provide tenants a reason as to why their lease was being non-renewed by the property owner.
 - o Non-payment of rent
 - o Material non-compliance of the lease
 - o Refuse to renew a lease agreement
 - o Occupancy by the property owner or family member
 - o Building demolishing or conversion
 - o Rehabilitation or renovation
 - o Complying with a Government order to vacate
 - o Occupancy conditioned on employment
- Waiver is not allowed by a tenant to waive their rights under the new ordinance
- Private enforcement – A tenant or former tenant of an affordable housing harmed by an owner in violation of this ordinance may bring an action against the owner in district court

It was brought back to City Council at the December 13, 2021 meeting for a public hearing and approve a resolution adopting the second reading and to publish a summary of the ordinance. Staff also provided additional information on the current housing status in Brooklyn Center and explained each of the new proposed tenant protection in further detail. There was public comment from both property owners, tenants, and tenant advocacy organizations. The discussion among Council members agreed to continue the tenant protections at the next council meeting in January 2022.

During the City Council meeting on February 14, 2022 the Council continued the tenant protection conversation there were three proposed changes. First, an added provision that would require property owners to track and report to the City any non-renewals of leases and the reason for nonrenewal. The second change would reduce the pre-eviction notice from 30 days to 14 days. The third change would be to add a provision that would allow property owners to give a 90 day notice for non-renewal without giving a reason.

Public comment was heard and Council Members had a lengthy discussion about the proposed changes. The Council wanted to hear from the Housing Commission about the proposed changes so it was asked that the agenda be brought back to the February 28, 2022 council meeting.

During the Council meeting on February 28, 2022 staff presented and reported the February 15, 2022 Housing Commission meeting discussion about the three proposed changes. The Housing Commission preferred a 30 day pre-eviction notice but would consider a 14 day notice as a good compromise. The Commission was split on the 90 day non-renewal notice without just cause and finally the Commission agreed that the property owners should be required to document and report non-renewals.

Again, public comment was heard regarding the proposed changes. Council had an active discussion about the changes and voted to approve Resolution No. 2022-30 which included the 30 day pre-eviction notice, just cause non-renewal, and tracking and reporting of non-renewals.

Staff send out a survey to all property owners and managers on April 5, 2023. The survey was sent via GovDelivery and emailed to all property owners approximately 350 emails. The GovDelivery and email went out to both single family and multi-property owners/managers. Another email was sent on April 24, 2023 to the large property owners /managers in the City. A total of 27 responses were received.

The survey was nine questions and asked specifically about evictions and non-renewals. Responses were

aggregated so no individual property owner could be identified. A summary of the survey results:

1. Is your property considered an affordable housing unit?
 - a. 95% stated their property is considered affordable housing
2. How many evictions did you file in 2022?
 - a. 23 owners filed 0-5 eviction; 2 filed 6-10 evictions; and 2 filed 30-60 evictions
3. What were the eviction filings for?
 - a. 11 filed for non-payment of rent; 3 skipped/abandonment; 2 lease violation
4. On average, how many days/weeks did you wait for an eviction hearing with Hennepin County courts?
 - a. 13 did not file an eviction; 6 waited 5-8 weeks; 5 waited 0-4 weeks; and 3 waited 9+ weeks
5. What were the results of the eviction hearing?
 - a. 10 was issued a writ of recovery; 5 was mutual termination; and 3 resulted in mediation
6. How many lease non-renewals did you issue in 2022?
 - a. 18 issued 0-5 non-renewals; 4 issued 6-10; 1 issued 11-15; and 2 issued 15 or more non-renewals
7. What were the lease non-renewals for?
 - a. 61.5% were for excessive late rent; 5 for material lease violations; and 3 for mutual termination
8. Did the tenant protection notice of eviction impact your decision to file an eviction?
 - a. 77% stated that the tenant protection ordinance did not impact their decision to issue an eviction.
9. Did the tenant protection of lease non-renewal impact your decision to issue a lease non-renewal?
 - a. 70% stated that the tenant protection ordinance did not impact their decision to issue a non-renewal

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

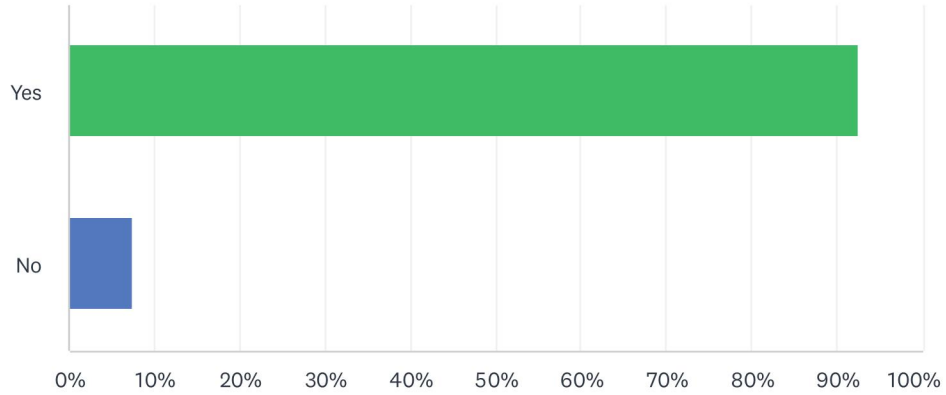
Resident Economic Stability, Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
April 2023 Tenant protection survey results	5/2/2023	Cover Memo
02-28-2022 Council Memo	5/16/2023	Backup Material

Q1 If your unit rents at or below the rates in the chart, your property is considered affordable. Is your property considered an affordable housing unit?

Answered: 27 Skipped: 0



ANSWER CHOICES		RESPONSES
Yes		92.59% 25
No		7.41% 2
TOTAL		27

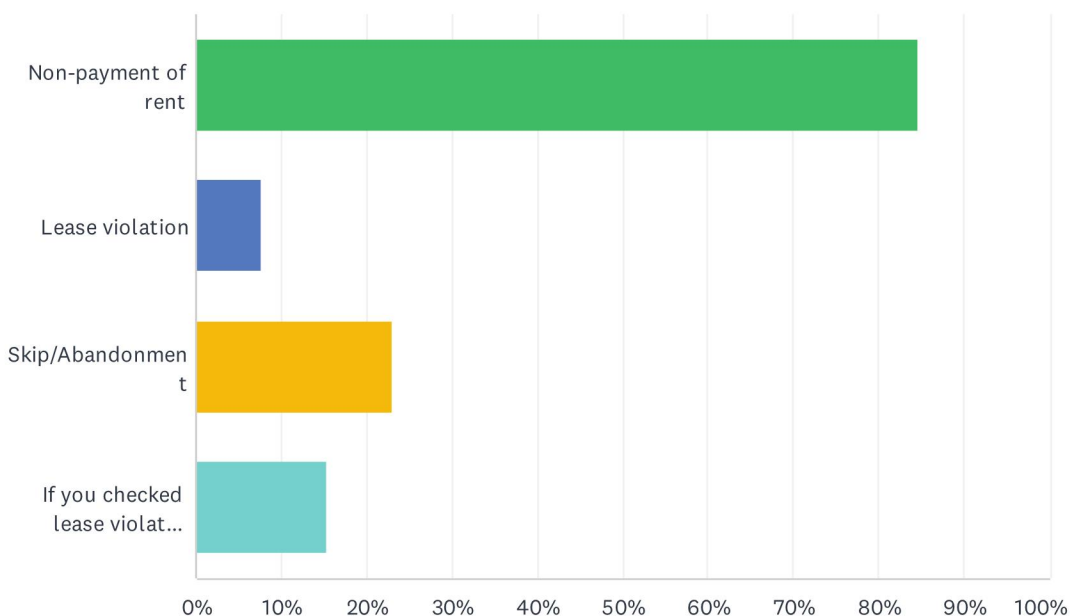
Q2 How many evictions did you file in 2022?

Answered: 27 Skipped: 0

#	RESPONSES	DATE
1	NONE	4/25/2023 3:32 PM
2	Zero	4/24/2023 4:13 PM
3	0	4/16/2023 4:15 PM
4	5	4/12/2023 11:41 AM
5	1	4/11/2023 11:18 PM
6	None	4/11/2023 11:15 AM
7	0	4/11/2023 10:27 AM
8	0	4/11/2023 9:33 AM
9	9	4/10/2023 4:39 PM
10	none	4/10/2023 3:24 PM
11	2-3	4/10/2023 2:24 PM
12	0	4/10/2023 11:17 AM
13	two	4/10/2023 10:58 AM
14	30	4/10/2023 8:03 AM
15	60	4/9/2023 11:01 PM
16	none	4/8/2023 2:44 PM
17	0	4/8/2023 1:46 PM
18	0	4/8/2023 11:43 AM
19	5	4/8/2023 7:37 AM
20	0	4/8/2023 1:38 AM
21	2	4/7/2023 8:35 PM
22	0	4/7/2023 7:29 PM
23	0	4/7/2023 7:01 PM
24	5	4/7/2023 4:55 PM
25	0	4/7/2023 4:17 PM
26	6	4/7/2023 3:58 PM
27	0	4/7/2023 3:58 PM

Q3 What were the evictions filings for?

Answered: 13 Skipped: 14



ANSWER CHOICES		RESPONSES	
Non-payment of rent		84.62%	11
Lease violation		7.69%	1
Skip/Abandonment		23.08%	3
If you checked lease violation please state the reason below		15.38%	2
Total Respondents: 13			

#	IF YOU CHECKED LEASE VIOLATION PLEASE STATE THE REASON BELOW	DATE
1	under the just cause eviction it is nearly impossible to evict for lease violation, how do I prove someone is dealing drugs?	4/24/2023 4:13 PM
2	Various	4/9/2023 11:01 PM

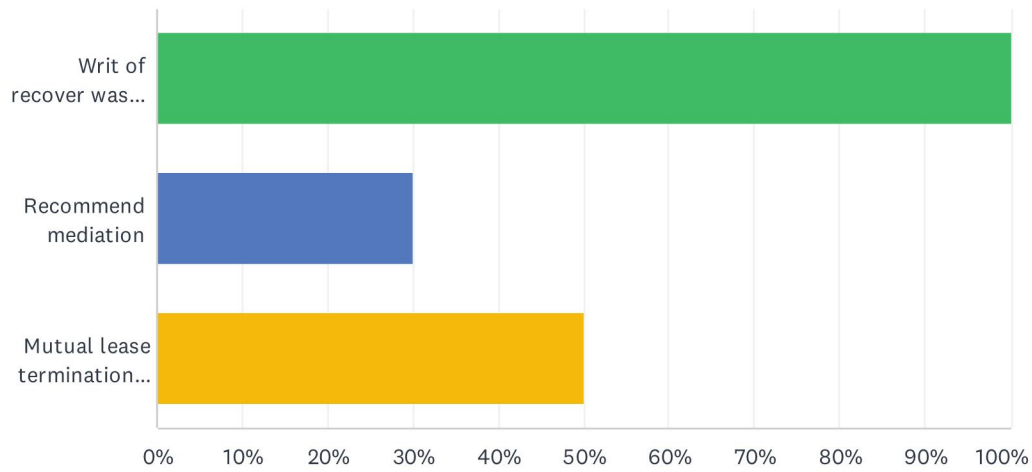
Q4 On average, how many days/weeks did you wait for an eviction hearing with Hennepin County courts?

Answered: 27 Skipped: 0

#	RESPONSES	DATE
1	IT TOOK 3-4 MONTHS FOR OUR OTHER PROPERTIES	4/25/2023 3:32 PM
2	6 weeks (evictions were at other properties)	4/24/2023 4:13 PM
3	N/A	4/16/2023 4:15 PM
4	4 weeks	4/12/2023 11:41 AM
5	4	4/11/2023 11:18 PM
6	N/A	4/11/2023 11:15 AM
7	no one was evicted	4/11/2023 10:27 AM
8	0	4/11/2023 9:33 AM
9	45 days	4/10/2023 4:39 PM
10	0	4/10/2023 3:24 PM
11	3-4weeks	4/10/2023 2:24 PM
12	N/A	4/10/2023 11:17 AM
13	I waited a few months.	4/10/2023 10:58 AM
14	Approximately 7 weeks	4/10/2023 8:03 AM
15	8 weeks	4/9/2023 11:01 PM
16	0	4/8/2023 2:44 PM
17	N/A	4/8/2023 1:46 PM
18	0	4/8/2023 11:43 AM
19	6	4/8/2023 7:37 AM
20	n/a	4/8/2023 1:38 AM
21	90 days	4/7/2023 8:35 PM
22	n/a	4/7/2023 7:29 PM
23	0	4/7/2023 7:01 PM
24	12-14	4/7/2023 4:55 PM
25	15 days	4/7/2023 4:17 PM
26	8 weeks	4/7/2023 3:58 PM
27	n/a	4/7/2023 3:58 PM

Q5 What were the results of the eviction hearing?

Answered: 10 Skipped: 17



ANSWER CHOICES	RESPONSES	
Writ of recover was issued	100.00%	10
Recommend mediation	30.00%	3
Mutual lease termination approved by the Court	50.00%	5
Total Respondents: 10		

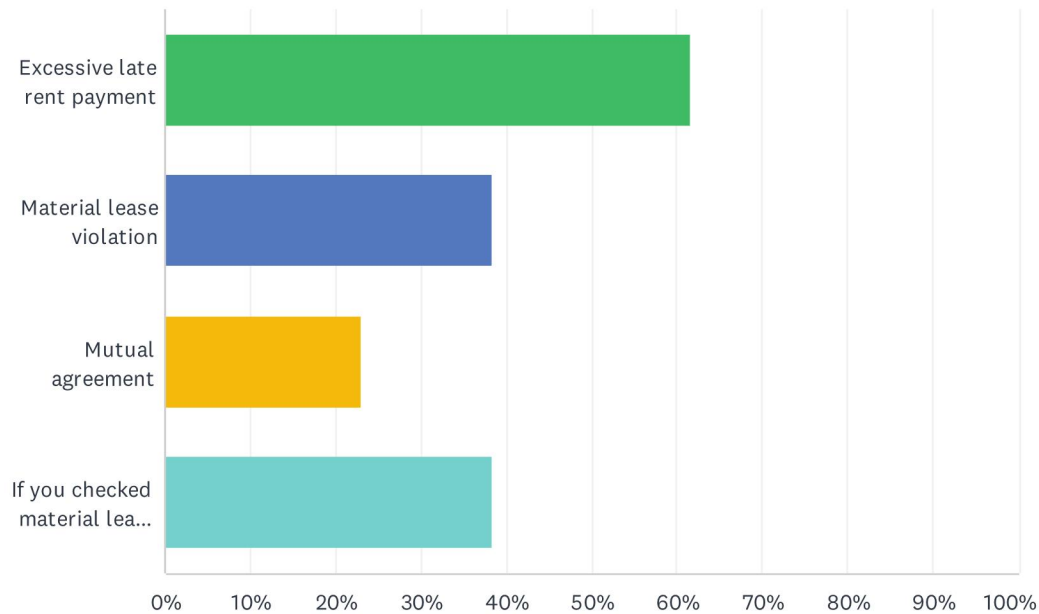
Q6 How many lease non-renewals did you issue in 2022?

Answered: 27 Skipped: 0

#	RESPONSES	DATE
1	8	4/25/2023 3:32 PM
2	you cant do this ???	4/24/2023 4:13 PM
3	N A	4/16/2023 4:15 PM
4	15	4/12/2023 11:41 AM
5	1	4/11/2023 11:18 PM
6	N/A	4/11/2023 11:15 AM
7	0	4/11/2023 10:27 AM
8	0	4/11/2023 9:33 AM
9	11	4/10/2023 4:39 PM
10	0	4/10/2023 3:24 PM
11	0	4/10/2023 2:24 PM
12	N/A	4/10/2023 11:17 AM
13	two	4/10/2023 10:58 AM
14	Approximately 2 dozen	4/10/2023 8:03 AM
15	10	4/9/2023 11:01 PM
16	none	4/8/2023 2:44 PM
17	0	4/8/2023 1:46 PM
18	0	4/8/2023 11:43 AM
19	7	4/8/2023 7:37 AM
20	n/a	4/8/2023 1:38 AM
21	6	4/7/2023 8:35 PM
22	2	4/7/2023 7:29 PM
23	0	4/7/2023 7:01 PM
24	2	4/7/2023 4:55 PM
25	2	4/7/2023 4:17 PM
26	0	4/7/2023 3:58 PM
27	0	4/7/2023 3:58 PM

Q7 What were the lease non-renewals for?

Answered: 13 Skipped: 14

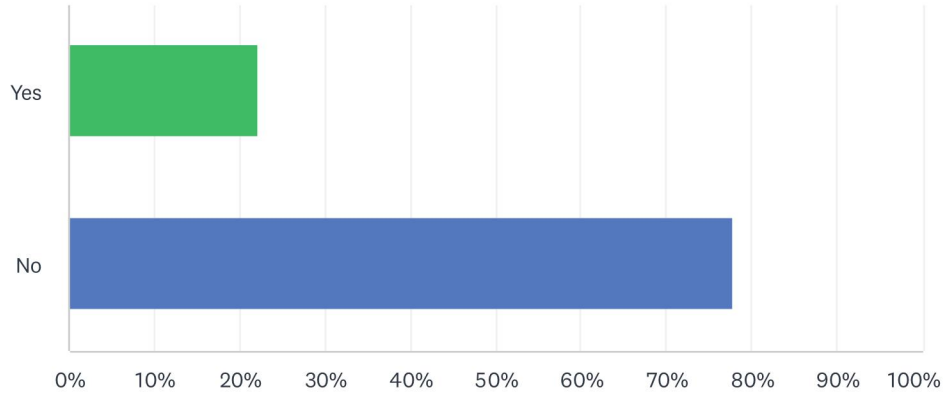


ANSWER CHOICES	RESPONSES	
Excessive late rent payment	61.54%	8
Material lease violation	38.46%	5
Mutual agreement	23.08%	3
If you checked material lease violation please state the reason.	38.46%	5
Total Respondents: 13		

#	IF YOU CHECKED MATERIAL LEASE VIOLATION PLEASE STATE THE REASON.	DATE
1	UNSANITARY LIVING CONDITIONS, DID NOT COOPERATE WITH PEST CONTROL, PROPERTY DAMAGE,, SETTING OFF BOTTLE ROCKETS INSIDE BUILDING HALLWAYS	4/25/2023 3:32 PM
2	Many reasons, mostly smoking violations and not payment of rent	4/12/2023 11:41 AM
3	N/A	4/10/2023 2:24 PM
4	n/a	4/8/2023 1:38 AM
5	Excessive damage to property	4/7/2023 8:35 PM

Q8 Did the tenant protection notice of eviction impact your decision to file an eviction?

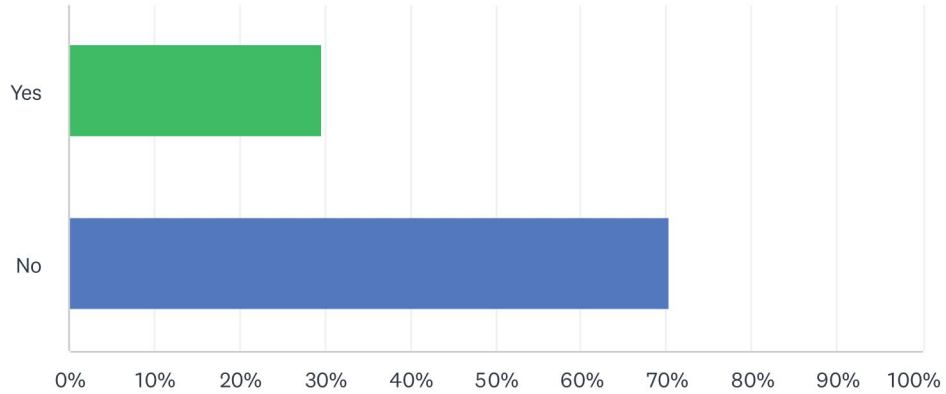
Answered: 27 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	22.22%	6
No	77.78%	21
TOTAL		27

Q9 Did the tenant protection notice of lease non-renewal impact your decision to issue a lease non-renewal?

Answered: 27 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	29.63%	8
No	70.37%	19
TOTAL		27

Council Regular Meeting

DATE: 2/28/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Meg Beekman, Community Development Director

BY: Jesse Anderson, Deputy Director of Community Development

SUBJECT: An Ordinance Amending Chapter 12 of the City Code of Ordinance Regarding Tenant Protections and Approve a Resolution to allow a Summary Publication of the Ordinance

Requested Council Action:

- Motion to approve a resolution approving of the second reading of an ordinance amending Chapter 12 of the City of ordinances regarding tenant protection and summary publication of the ordinance.

Background:

Overview

Based on feedback from the City Council, staff have prepared and attached a draft resolution and ordinance that includes the 30 day pre-eviction notice and removes the 90 day notice of non-renewal without just cause provision.

February 15, 2022 – The Housing Commission met and discussed the different version of the ordinance. They passed a motion stating the following:

- A tenant protection ordinance is needed.
- The commission would prefer a 30 day pre-eviction notice, but would consider the 14 day time period to be a good compromise.
- The commission was split on whether or not to include the 90 day non-renewal notice without just cause.
- (3 Commissioners preferred to remove the 90 day non-renewal without just cause and 2 Commissioners preferred to keep it in the ordinance)
- The commission agrees that the property owners/managers should be required to document and report non-renewals.
- The Housing Commission passed the following motion:

Commissioner Hester moved and Commissioner Oman seconded to provide feedback to the City Council that the Housing Commission agrees there is a need for a tenant protection ordinance, favors the 30-day pre-eviction notification but can compromise with the 14-day pre-eviction notification, is split on the just cause non-renewal provision, and supports the data collection provision. The motion passed.

February 14, 2022 - The City Council met and discussed a revised version of the ordinance. The Council suggested additional feedback from the Housing Commission and it was requested that staff return with an ordinance including the 30 day pre-eviction notice and no 90 day renewal without just cause.

January 19, 2022 – An email went out to the property owners/managers who attended the public hearing or ARM Meeting, tenant Advocacy groups, and the Housing Commission with a copy of the revised ordinance.

January 12, 2022 - January 12, 2022 staff met with rental owners, property managers, and tenant advocacy representatives. Staff met with rental owners, property managers, and tenant advocacy representatives. Generally, the majority of landlords spoke against the ordinance as a whole and would prefer that no version of an ordinance be adopted. The suggested compromise by landlords was to reduce the notice period for the pre-eviction notice to 7 or 5 days and to adopt a renewal notice period rather than a just cause non-renewal.

January 6, 2022 - staff met with approximately 20 landlords at the ARM Meeting and discussed the proposed ordinance. The feedback from landlords was consistent with the feedback provided at the public hearing.

December 13, 2021 - The City Council met and held the public hearing on this item. After the public hearing and Council discussion, the vote on the second reading of the ordinance was delayed until January 24, 2022.

November 8, 2021 – The City Council met and approved the first reading and called for a public hearing for December 13, 2022.

October 19, 2021 - The Brooklyn Center Housing Commission meet on and discussed the proposed tenant protection ordinance. The Housing Commission unanimously approved a recommendation to approve the proposed ordinance.

Feedback from the City of Minneapolis

City staff received the following feedback from the City of Minneapolis regarding their tenant protection ordinance.

- Has the city received complaints from residents about not receiving the notice?
 - We have not yet received a complaint regarding this ordinance yet
- How does the city handle complaints?
 - Enforcement is on a complaint basis only right now
 - We rely on complaints coming from renters through our 311 call center, a case is created and sent to myself and a team of liaisons
 - We have a group of Renter Housing Liaisons who will do research and follow up to ask for documentation and other supporting evidence to confirm there was a violation.
 - If a violation is found we have a process for issuing a violation notice and possible citations – the citations are administrative and can be put on a property as a special assessment if not paid by the end of the year
- How has the courts help or hurt this ordinance?
 - To my knowledge we haven't had any issues with the courts on this ordinance.
 - We were very mindful of talking with our City Attorneys to ensure we could pass an ordinance that would be able to be held up
- Other info?
 - We are only able to enforce this if we get a complaint right away and are limited to sending violation notices and citations or fees – we rely on partners like HomeLine and other external stakeholders who would represent a renter if they had to go to court to fight an eviction or use the pre-eviction filing notice ordinance as a defense if 14 day notice was not given.
 - We created a template for notice as a sample for owners to use in case they had questions, we have it on our website – <https://www2.minneapolismn.gov/business-services/licenses-permits/rental-licenses/renter-protections/renter-notification-requirements/>
 - An important thing to note is that we passed this ordinance during the eviction moratorium so we implemented it during a time that evictions for non-payment of rent weren't really happening.

- Do you guys get feedback on whether the 14 days was too long / too short?
 - When I talked with St. Louis Park they did 7 days and we knew that would probably be too short. We presented the 14 day notice and we got feedback at our public hearing that we should look at 30 days. We aligned our 14 days with the provision of emergency assistance and the involved timeframes for accessing and obtaining assistance. Again, this was pretty early on before issues with RentHelpMN and long wait times, but it worked for us to align it to something existing.

Ordinance Summary

The proposed ordinance amendment summary:

- Pre-Eviction Filing Notice requires an owner of an affordable housing unit to provide a 30 day written notice to a tenant prior to filing an eviction.
- Just Cause Non-Renewals establishes requirements that prevents a property owner or property manager from non-renewing an existing tenant lease without just cause.
 - Non-Payment of Rent
 - Material Non-compliance
 - Refusal to Renew
 - Occupancy by property owner or family member
 - Building Demolishing or Conversion
 - Rehabilitation or Renovation
 - Complying with a Government order to vacate
 - Occupancy conditioned on employment
 - (90 day non-renewal notice without just cause removed)
- Waiver is not allowed by a tenant to waive their rights under the new ordinance.
- Private Enforcement – A tenant or former tenant of an affordable housing unit harmed by an owner in violation of this ordinance may bring an action against the owner in district court.
- Require property managers to track and report to the city any non-renewals of leases, and the reason for the action.
- Added Separability and Severability statement

Background

City staff have had multiple discussions with the City Council relating to affordable housing policies and programs. The City is currently working with the Center for Urban and Regional Affairs (CURA) and Research in Action (RIA) on a citywide housing study. That work has completed its engagement phase, and the Housing Advisory Council is being reconvened to begin reviewing that work and identifying policy recommendations for the City. The housing study is anticipated to be completed in early 2022. The deliverables from the study will be used to complete a Housing Policy Action Plan to address the housing priorities in the city. Staff is anticipating moving forward with programs and policies based on the results of that study. However, while that work is wrapping up, Brooklyn Center and the Twin Cities region are continuing to experience ongoing and extreme low vacancy rates. According to a recent 2020 Census Report (<https://www.census.gov/library/stories/2021/08/united-states-housing-vacancy-rate-declined-in-past-decade.html>), Minneapolis has the lowest vacancy rate among the 30 largest U.S. cities. In addition to a significant and sustained housing shortage, the state legislature recently repealed the eviction moratorium. The state has created an off-ramp process to step back from the moratorium, but already Brooklyn Center has seen increased calls about evictions, and is seeing an increased number of filings. With the lifting of the eviction moratorium, landlords can once again get rid of unwanted tenants through non-renewals, avoiding the eviction process altogether. Staff has been meeting regularly with residents to talk about issues related to tenant protections

and to understand the concerns and increased issues they are facing as a result of compounding regional and national housing shortage trends.

As a result of extensive input from community, Staff have been working with the City Attorney's office to draft an ordinance relating to tenant protections. This ordinance was to include multiple areas of concerns from tenants.

- Just Cause Non-renewal
- Pre-eviction Notices
- Maintenance Fees
- Damage Deposits
- Material changes to the lease
- Discrimination relating to public assistance status

Based on the current low vacancy rates and the urgency created by the phasing out of the Eviction Moratorium, staff thought it to be necessary to expedite the ordinance relating specifically to items addressing evictions and non-renewals. Putting anti-displacement measures into effect sooner rather than later is intended to get ahead of a growing problem, and provide renters with more leverage in negotiations with landlords.

Housing and the policy issues related to housing have become some of the most pressing and important matters facing communities today. For most suburban communities, housing comprises a significant majority of a city's land use and tax base. Maintaining and preserving a safe, quality, and desirable housing stock is critical to a community's long term economic health and resiliency. Further, a diverse housing stock which offers a wide range of housing choices and price points ensures that a community can be resilient through economic ups and downs as well as provide housing options for a diverse population throughout their lives. In addition to maintaining a quality and diverse supply of housing, communities are more and more becoming focused on concerns regarding livability and accessibility of housing.

Brooklyn Center's Current Rental Housing

The result of the regional trends facing the Twin Cities are being felt in Brooklyn Center. Vacancy rates in the community remain lower than the regional average, hovering around 2 percent. This is common in communities with more affordable rental units. Thirty-seven percent of Brooklyn Center's housing stock is comprised of rental units. Nearly 100 percent of the multi-family housing in Brooklyn Center are one and two bedroom units built between 1961 and 1971, and nearly all of it is naturally occurring affordable housing (NOAH).

Average rents in Brooklyn Center are naturally occurring affordable because the market rents, based on the age and condition of the units make them affordable at around 50 percent AMI in the metropolitan area. Rents in Brooklyn Center are lower than the regional average. While NOAH properties are affordable, they can be at risk of being lost as market demand increases and rents continue to go up. They can also experience disinvestment over time, causing deterioration, loss of value, and most importantly poor quality or unsafe living situations if they are not properly inspected and maintained.

The City's 2040 Comprehensive Plan identifies several broad housing goals

2040 Housing & Neighborhood Goals:

- Promote a diverse housing stock that provides safe, stable, and accessible housing options to all of Brooklyn Center's residents.
- Recognize and identify ways to match Brooklyn Center's housing with the City's changing demographics.
- Explore opportunities to improve the City's housing policies and ordinances to make them more responsive to current and future residents.
- Maintain the existing housing stock in primarily single-family neighborhoods through proper ordinances, incentive programs and enforcement.

- Explore opportunities to incorporate new affordable housing into redevelopment areas that promote safe, secure and economically diverse neighborhoods.

In addition to these goals, the 2040 Comprehensive Plan identifies implementation strategies as well as resources and tools for achieving its housing goals.

Budget Issues:

There are no budgetary issues to consider at this time.

Inclusive Community Engagement:

Staff has been working closely with housing advocacy groups, and met regularly with residents to gather information regarding the need for this ordinance.

Staff held an ARM Meeting on January 6, 2022 at city hall. All licensed landlords/property owners were invited to attend. Feedback was provided and a summary is attached.

A discussing was held with advocacy groups and rental landlords on January 12th, 2022. A summary of that discussion is attached.

Antiracist/Equity Policy Effect:

Renters in Brooklyn Center are disproportionately more likely to be people of color than home owners. Over 50 percent of Brooklyn Center renters pay more than 30% of their incomes on rent and are considered low income. Low income renters have the fewest housing choices and are more likely to experience retaliation by landlords, evictions and displacement. The purpose of this ordinance is to provide protections for primarily low-income and renters of color in Brooklyn Center.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Resolution	2/22/2022	Resolution Letter
Tenant Protection Ordinance	2/22/2022	Ordinance
Tenant Protection Ordinance - Redlined Version	2/22/2022	Backup Material
10-19-2021 Draft Housing Commission Minutes	10/25/2021	Backup Material
2-18-2022 Draft Housing Commission Minutes	2/18/2022	Backup Material
January 12 Joint Meeting Recap	1/14/2022	Backup Material
January 6 ARM Meeting Recap	1/18/2022	Backup Material

Member
adoption:

introduced the following resolution and moved its

RESOLUTION NO. 2022-____

CITY OF BROOKLYN CENTER, MINNESOTA

A RESOLUTION APPROVING THE SECOND READING OF AN ORDINANCE
AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES REGARDING
TENANT PROTECTION AND SUMMARY PUBLICATION OF THE ORDINANCE

WHEREAS, the City of Brooklyn Center (“City”) previously amended the City Code to establish certain protections for tenants of affordable housing units and now desires to expand those protections; and

WHEREAS, City staff developed a proposed ordinance titled “An Ordinance Amending Chapter 12 of the City Code of Ordinances Regarding Tenant Protections” (“Ordinance”), which amends Sections 12-201, 12-912D and 12-1401 of the City Code; and

WHEREAS, the City Council discussed this issue at several work sessions and the proposed Ordinance was presented to the City Council to conduct a first reading on November 8, 2021 in accordance with Section 3.04 of the City Charter; and

WHEREAS, the proposed Ordinance was presented to the City Council to conduct a public hearing and a second reading on December 13, 2021 in accordance with Section 3.04 of the City Charter; and

WHEREAS, the City Council continued the second reading from December 13, 2021 to February 28, 2022, and the City Council acted at its meeting on February 28, 2022 to adopt the above-referenced Ordinance; and

WHEREAS, Minnesota Statutes, section 412.191, subdivision 4 allows publication of adopted ordinances by title and summary in the case of lengthy ordinances or those containing maps or charts; and

WHEREAS, the City Council determines publishing the entire text of the Ordinance is not in the best interests of the City as the Ordinance is readily available to the public on the City’s website and by contacting City Hall; and

WHEREAS, the City Council determines the following summary clearly informs the public of the intent of Ordinance and where to obtain a copy of the full text.

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

1. A second reading has been conducted and the Ordinance is hereby adopted.

2. The City Clerk is hereby authorized and directed to publish the following notice and summary of the Ordinance, which is hereby approved, once in the City's official newspaper:

City of Brooklyn Center

**AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY
CODE OF ORDINANCES REGARDING TENANT PROTECTION**

Please take notice that the City Council of the City of Brooklyn Center has adopted an ordinance to amend Chapter 12 of the City Code by amending Section 12-912D to expand the protections provided to tenants of affordable housing units. The ordinance establishes new requirements for landlords to provide tenants a notice at least 30 days before filing an eviction action, to provide notice explaining the basis of a just cause nonrenewal of a lease, and to provide for filing a private enforcement action in district court for a violation of the tenant protections under the section, including the seeking of an award of attorney's fees. A copy of the full ordinance is available on the City's website.

3. City staff and consultants are authorized to take such other actions as may be needed to incorporate the Ordinance into the City Code and to otherwise carry out the intent of this Resolution.

February 28, 2022

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 OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 13th day of December, 2021, at 7:00 p.m. or as soon thereafter as the matter may be heard to consider an ordinance related to tenant protections. City Council meetings are being conducted by electronic means under Minnesota Statutes, section 13D.021 and information on how to connect to the meeting is provided on the City's website. Please notify the City Clerk at 763-569-3306 if there are any questions about how to connect to the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES REGARDING TENANT PROTECTION

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

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

- a. Tenants of affordable housing units have an income of 80% or less, and in some case much less, of the area median income and so have few resources to fight predatory practices, unjustified repair fees, retaliation, or other practices that exploit tenants within affordable housing buildings;
- b. Vacancy rates in the City, at approximately 2%, are very low and are even lower than the Twin Cities regional average;
- c. In addition to a significant and sustained housing shortage, the residential eviction moratorium enacted in Minnesota in response to the COVID-19 pandemic has nearly been entirely phased out, and with only very limited exceptions, tenants are able to be evicted;
- d. The City Council regularly receives complaints at its meetings from residents of affordable housing units regarding how they are treated by the owners and the resulting negative emotional and financial impacts of those interactions;
- e. The City's 2040 Comprehensive Plan identifies several broad housing goals, including (1) promoting a diverse housing stock that provides safe, stable, and accessible housing option to all of the City's residents, (2) recognition and identification of ways to match the City's housing with the City's changing demographics, (3) exploring opportunities to improve the City's housing policies and ordinances to make them more responsive to current and future residents, (4) maintaining the existing housing stock in primarily single-family neighborhoods through proper ordinances, incentive programs and enforcement, and (5) exploring opportunities to incorporate new affordable housing into redevelopment areas that promote safe, secure and economically diverse neighborhoods;

- f. In addition to these goals, the 2040 Comprehensive Plan identifies implementation strategies as well as resources and tools for achieving its housing goals;
- g. The City Council previously adopted Section 12-912D to establish certain tenant protections for those living within affordable housing units as an initial step to address the exploitation of these tenants, and the City is currently working with the Center for Urban and Regional Affairs and Research in Action on a citywide housing study;
- h. However, in light of the current housing shortage, the reversal of the eviction moratorium, and in response to complaints from tenants of affordable housing units in the City, the City Council determines it is necessary to expand the initial protections in order to promote housing stability and protect the health, safety, and welfare of those living within affordable housing units; and
- i. The tenant protections adopted as part of Section 12-912D are intended to be part of the health and safety covenants in Minnesota Statutes, section 504B.161, subdivision 1(a)(4) and as additional conditions provided for by ordinance as acknowledged in subdivision 4 of the same statute.

Article II. Brooklyn Center City Code, Section 12-201 is amended by adding the following definition and renumbering the subsequent definitions as needed:

 . Just Cause – any of the bases listed under Section 12-912D(5) upon which an owner of an affordable housing building may terminate tenancy.

Article III. Brooklyn Center City Code, Section 12-912D is amended by adding subsections 12-912D(4), 12-912D(5), and 12-912D(6) as follows, and renumbering the subsequent subsections as needed:

- 4. Pre-Eviction Filing Notice. Except as provided otherwise in this subsection, an owner of an affordable housing unit shall provide at least 30 days' written notice to a tenant prior to filing an eviction action on the basis of either: (a) an alleged non-payment of rent; or (b) an alleged material breach of a lease.
 - a. Notices for Non-payment of Rent. For an allegation of any non-payment of rent, the notice shall, at a minimum, include the following information:
 - (1) The name, mailing address, and telephone number of the person authorized to receive rent and fees on behalf of the owner;
 - (2) The total amount of money due and owing to the owner by the tenant;
 - (3) A specific accounting of the money due and owing to the owner by the tenant, including any past due rents, any late fees, and any other charges; and

- (4) The deadline by which the total amount due and owing to the owner by the tenant shall be paid to avoid an eviction action, which shall be no earlier than 30 days from the date on which the notice is delivered.
- b. Notices for Material Breach of a Lease. For an allegation of a material breach of a lease, the notice shall, at a minimum, include the following information:
 - (1) The name, mailing address, and telephone number of the owner;
 - (2) A description of the specific conduct that the owner alleges is a violation of the lease, including the dates of the violations and the persons who committed the alleged violations;
 - (3) Identification of the specific clause of the lease alleged to have been violated;
 - (4) Notification that the tenant has the right to correct the alleged breach;
 - (5) Notification of how the tenant may correct the alleged breach;
 - (6) The deadline by which the alleged breach shall be corrected to avoid an eviction action, which shall be no earlier than 30 days from the date on which the notice is delivered; and
 - (7) A copy of the lease attached to the notice.
- c. Exception for Expedited Eviction Actions. For an expedited eviction action filed pursuant to Minnesota Statutes, section 504B.321, subdivision 2, the owner shall provide the notice required by Section 12-912D(4)(d) at least three days in advance of filing the eviction action.
- d. Additional Notice Requirements. All notices under this subsection shall also include the following information:
 - (1) Notification that the tenant may be evicted if they do not pay the past due rent or correct the alleged breach of lease by the deadline, as applicable;
 - (2) Information about accessing rental assistance by calling 211 or visiting <https://www.211unitedway.org/>; and
 - (3) Information about accessing legal help by visiting the Law Help Website at <https://www.lawhelpmn.org/>.
- e. Delivery of Notice. The owner, or an agent for the owner, shall deliver any notice required by this subsection personally or by first-class mail to the address of the affordable housing unit. Such notice may, in addition to but not in place of personal

delivery or delivery by first-class mail, be delivered to any email or other electronic means to the tenant at the tenant's email address or electronic account.

- f. Enforcement. In addition to any other remedy available at equity or law, failure to comply with the provisions of this subsection may result in adverse rental license actions, the imposition of administrative fines, or other penalties as provided in law.
- g. Waiver Not Allowed. The parties to a written or oral lease of an affordable housing unit shall not waive or modify the requirements imposed by this subsection. Any such waiver provision that may exist in a lease is not enforceable.

5. Just Cause Notice of Nonrenewal of Lease to Tenants.

- a. Just Cause Notice. An owner of an affordable housing unit shall not issue a notice of nonrenewal of tenancy, refuse to renew, or issue a notice to quit unless the owner is able to establish one or more of the following grounds for such action:
 - (1) Non-payment of Rent. The tenant fails to pay all monies owed to an owner after receiving a written notice of non-payment from the owner;
 - (2) Material Non-Compliance. The tenant fails to cure a material breach of the lease after receiving a written notice from the owner;
 - (3) Refusal to Renew. The tenant refuses to renew or extend the lease after the owner requests in writing that the tenant do so;
 - (4) Occupancy by Property Owner or Family Member. The owner, in good faith, seeks to recover possession of the unit so that the owner or a family member may occupy the unit as that person's principal residence;
 - (5) Building Demolishment or Conversion. The owner either:
 - (i) Elects to demolish the building in which the affordable housing unit is located, convert it to a cooperative, provided the owner complies with the provisions of Minnesota Statutes, chapter 515B, or convert it to non-residential use, provided that the owner shall obtain all permits necessary to demolish or change the use before terminating any tenancy;
 - (ii) The owner seeks, in good faith, to recover the unit to sell it in accordance with a condominium conversion, provided the owner complies with the provisions of Minnesota Statutes, chapter 515B; or
 - (iii) The unit is being converted to a unit subsidized under a local, state, or federal housing program and the tenant does not qualify to rent the unit under that program;

- (6) Rehabilitation and Renovation. The owner seeks, in good faith, to recover possession of the unit that will render the unit uninhabitable for the duration of rehabilitation or renovation;
 - (7) Complying with a Government Order to Vacate. The owner is complying with a government agency's order to vacate, order to abate, or any other order that necessitates the vacating of the unit as a result of a violation of City Code or any other provision of law including, but not limited to, Section 12-911 related to conduct, disorderly activities, or nuisances; or
 - (8) Occupancy Conditioned on Employment. The tenant's occupancy is conditioned upon employment on the property and the employment relationship is terminated.
 - b. Owner Responsibilities. Any lease for an affordable housing unit shall include just cause notice language as follows:

"The landlord under this lease shall not unilaterally terminate or attempt to terminate the tenancy of any tenant unless the landlord can prove that just cause exists. The reasons for termination or nonrenewal of tenancy listed in the City of Brooklyn Center's Just Cause Notice (Section 12-912D(5)), and no others, shall constitute just cause under this provision."
 - c. Nonrenewal Notice Requirements. An owner providing a notice of nonrenewal of a tenancy to a tenant of an affordable housing unit shall: (1) comply with all notice requirements under the lease and applicable law; (2) include in such notice a written statement of the reasons for the nonrenewal and the facts in support of those reasons, and (3) maintain documentation totaling the number of notices of nonrenewal issued by the owner.
 - d. City Right to Inspection of Nonrenewal Notices. Within ten days of any request by the City, the owner of an affordable housing building shall provide to the City copies of its documentation totaling the number of notices of nonrenewal issued by the owner.
 - e. Application. This Section applies to every lease, written or oral, for an affordable housing unit.
 - f. Waiver Not Allowed. The parties to a written or oral lease of an affordable housing unit shall not waive or modify the requirements imposed by this subsection. Any such waiver provision that may exist in a lease is not enforceable.
- 6. Private Enforcement of Tenant Protection Ordinance. Any tenant or former tenant of an affordable housing unit harmed by an owner's violation of this Section 12-912D may bring an action against the owner in district court. Such person shall be entitled to all remedies available at law or in equity including, but not limited to, damages and injunctive relief. Any plaintiff that prevails in such action may be awarded reasonable attorney's fees and expenses.

Article IV. Brooklyn Center City Code, Section 12-1401 is amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

Section 12-1401. SEPARABILITY. Every Section, provision, or part of this ~~Ordinance~~ Chapter is declared separable from every other Section, provision, or part to the extent that if any Section, provision or part of the Chapter shall be held invalid, it shall not invalidate any other Section, provision or part thereof.

Article V. Severability. Should any section or part of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

Article VI. Effective Date. This ordinance shall become effective after adoption and upon thirty days following its legal publication.

Adopted this 28th day of February, 2022.

Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 13th day of December, 2021, at 7:00 p.m. or as soon thereafter as the matter may be heard to consider an ordinance related to tenant protections. City Council meetings are being conducted by electronic means under Minnesota Statutes, section 13D.021 and information on how to connect to the meeting is provided on the City's website. Please notify the City Clerk at 763-569-3306 if there are any questions about how to connect to the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES REGARDING TENANT PROTECTION

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

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

- a. Tenants of affordable housing units have an income of 80% or less, and in some case much less, of the area median income and so have few resources to fight predatory practices, unjustified repair fees, retaliation, or other practices that exploit tenants within affordable housing buildings;
- b. Vacancy rates in the City, at approximately 2%, are very low and are even lower than the Twin Cities regional average;
- c. In addition to a significant and sustained housing shortage, the residential eviction moratorium enacted in Minnesota in response to the COVID-19 pandemic has nearly been entirely phased out, and with only very limited exceptions, tenants are able to be evicted;
- d. ~~b.~~ The City Council regularly receives complaints at its meetings from residents of affordable housing units regarding how they are treated by the owners and the resulting negative emotional and financial impacts of those interactions;
- e. The City's 2040 Comprehensive Plan identifies several broad housing goals, including (1) promoting a diverse housing stock that provides safe, stable, and accessible housing option to all of the City's residents, (2) recognition and identification of ways to match the City's housing with the City's changing demographics, (3) exploring opportunities to improve the City's housing policies and ordinances to make them more responsive to current and future residents, (4) maintaining the existing housing stock in primarily single-family neighborhoods through proper ordinances, incentive programs and enforcement, and (5) exploring opportunities to incorporate new affordable housing into redevelopment areas that promote safe, secure and economically diverse neighborhoods;

- f. In addition to these goals, the 2040 Comprehensive Plan identifies implementation strategies as well as resources and tools for achieving its housing goals;
- g. ~~e.~~ The City Council previously adopted Section 12-912D to establish certain tenant protections for those living within affordable housing units as an initial step to address the exploitation of these tenants, and the City is currently working with the Center for Urban and Regional Affairs and Research in Action on a citywide housing study;
- h. ~~d. The~~ However, in light of the current housing shortage, the reversal of the eviction moratorium, and in response to complaints from tenants of affordable housing units in the City, the City Council determines it is necessary to expand ~~these~~ the initial protections in order to promote housing stability and protect the health, safety, and welfare of those living within affordable housing units; and
- i. ~~e.~~ The tenant protections adopted as part of Section 12-912D are intended to be part of the health and safety covenants in Minnesota Statutes, section 504B.161, subdivision 1(a)(4) and as additional conditions provided for by ordinance as acknowledged in subdivision 4 of the same statute.

Article II. Brooklyn Center City Code, Section 12-201 is amended by adding the following definition and renumbering the subsequent definitions as needed:

Just Cause – any of the bases listed under Section 12-912D(5) upon which an owner of an affordable housing building may terminate tenancy.

Article III. Brooklyn Center City Code, Section 12-912D is amended by adding subsections 12-912D(4), 12-912D(5), and 12-912D(6) as follows, and renumbering the subsequent subsections as needed:

- 4. Pre-Eviction Filing Notice. Except as provided otherwise in this subsection, an owner of an affordable housing unit shall provide at least 30 days' written notice to a tenant prior to filing an eviction action on the basis of either: (a) an alleged non-payment of rent; or (b) an alleged material breach of a lease.
 - a. Notices for Non-payment of Rent. For an allegation of any non-payment of rent, the notice shall, at a minimum, include the following information:
 - (1) The name, mailing address, and telephone number of the person authorized to receive rent and fees on behalf of the owner;
 - (2) The total amount of money due and owing to the owner by the tenant;
 - (3) A specific accounting of the money due and owing to the owner by the tenant, including any past due rents, any late fees, and any other charges; and

- (4) The deadline by which the total amount due and owing to the owner by the tenant shall be paid to avoid an eviction action, which shall be no earlier than 30 days from the date on which the notice is delivered.
- b. Notices for Material Breach of a Lease. For an allegation of a material breach of a lease, the notice shall, at a minimum, include the following information:
- (1) The name, mailing address, and telephone number of the owner;
 - (2) A description of the specific conduct that the owner alleges is a violation of the lease, including the dates of the violations and the persons who committed the alleged violations;
 - (3) Identification of the specific clause of the lease alleged to have been violated;
 - (4) Notification that the tenant has the right to correct the alleged breach;
 - (5) Notification of how the tenant may correct the alleged breach;
 - (6) The deadline by which the alleged breach shall be corrected to avoid an eviction action, which shall be no earlier than 30 days from the date on which the notice is delivered; and
 - (7) A copy of the lease attached to the notice.
- c. Exception for Expedited Eviction Actions. For an expedited eviction action filed pursuant to Minnesota Statutes, section 504B.321, subdivision 2, the owner shall provide the notice required by Section 12-912D(34)(d) at least three days in advance of filing the eviction action.
- d. Additional Notice Requirements. All notices under this subsection shall also include the following information:
- (1) Notification that the tenant may be evicted if they do not pay the past due rent or correct the alleged breach of lease by the deadline, as applicable;
 - (2) Information about accessing rental assistance by calling 211 or visiting <https://www.211unitedway.org/>; and
 - (3) Information about accessing legal help by visiting the Law Help Website at <https://www.lawhelpmn.org/>.
- e. Delivery of Notice. The owner, or an agent for the owner, shall deliver any notice required by this subsection personally or by first-class mail to the address of the affordable housing unit. Such notice may, in addition to but not in place of personal

delivery or delivery by first-class mail, be delivered to any email or other electronic means to the tenant at the tenant's email address or electronic account.

- f. Enforcement. In addition to any other remedy available at equity or law, failure to comply with the provisions of this subsection may result in adverse rental license actions, the imposition of administrative fines, or other penalties as provided in law.
- g. Waiver Not Allowed. The parties to a written or oral lease of an affordable housing unit shall not waive or modify the requirements imposed by this subsection. Any such waiver provision that may exist in a lease is not enforceable.

5. Just Cause Notice of Nonrenewal of Lease to Tenants.

- a. Just Cause Notice. An owner of an affordable housing unit shall not issue a notice of nonrenewal of tenancy, refuse to renew, or issue a notice to quit unless the owner is able to establish one or more of the following grounds for such action:
 - (1) Non-payment of Rent. The tenant fails to pay all monies owed to an owner after receiving a written notice of non-payment from the owner;
 - (2) Material Non-Compliance. The tenant fails to cure a material breach of the lease after receiving a written notice from the owner;
 - (3) Refusal to Renew. The tenant refuses to renew or extend the lease after the owner requests in writing that the tenant do so;
 - (4) Occupancy by Property Owner or Family Member. The owner, in good faith, seeks to recover possession of the unit so that the owner or a family member may occupy the unit as that person's principal residence;
 - (5) Building Demolishment or Conversion. The owner either:
 - (i) Elects to demolish the building in which the affordable housing unit is located, convert it to a cooperative, provided the owner complies with the provisions of Minnesota Statutes, chapter 515B, or convert it to non-residential use, provided that the owner shall obtain all permits necessary to demolish or change the use before terminating any tenancy;
 - (ii) The owner seeks, in good faith, to recover the unit to sell it in accordance with a condominium conversion, provided the owner complies with the provisions of Minnesota Statutes, chapter 515B; or
 - (iii) The unit is being converted to a unit subsidized under a local, state, or federal housing program and the tenant does not qualify to rent the unit under that program;

- (6) Rehabilitation and Renovation. The owner seeks, in good faith, to recover possession of the unit that will render the unit uninhabitable for the duration of rehabilitation or renovation;
- (7) Complying with a Government Order to Vacate. The owner is complying with a government agency's order to vacate, order to abate, or any other order that necessitates the vacating of the unit as a result of a violation of City Code or any other provision of law including, but not limited to, Section 12-911 related to conduct, disorderly activities, or nuisances; or
- (8) Occupancy Conditioned on Employment. The tenant's occupancy is conditioned upon employment on the property and the employment relationship is terminated.
- b. Owner Responsibilities. Any lease for an affordable housing unit shall include just cause notice language as follows:
- "The landlord under this lease shall not unilaterally terminate or attempt to terminate the tenancy of any tenant unless the landlord can prove that just cause exists. The reasons for termination or nonrenewal of tenancy listed in the City of Brooklyn Center's Just Cause Notice (Section 12-912D(5)), and no others, shall constitute just cause under this provision."
- c. Nonrenewal Notice Requirements. An owner providing a notice of nonrenewal of a tenancy to a tenant of an affordable housing unit shall: (1) comply with all notice requirements under the lease and applicable law; ~~and~~ (2) include in such notice a written statement of the reasons for the nonrenewal and the facts in support of those reasons, and (3) maintain documentation totaling the number of notices of nonrenewal issued by the owner.
- d. City Right to Inspection of Nonrenewal Notices. Within ten days of any request by the City, the owner of an affordable housing building shall provide to the City copies of its documentation totaling the number of notices of nonrenewal issued by the owner.
- e. ~~d.~~ Application. This Section applies to every lease, written or oral, for an affordable housing unit.
- f. ~~e.~~ Waiver Not Allowed. The parties to a written or oral lease of an affordable housing unit shall not waive or modify the requirements imposed by this subsection. Any such waiver provision that may exist in a lease is not enforceable.
6. Private Enforcement of Tenant Protection Ordinance. Any tenant or former tenant of an affordable housing unit harmed by an owner's violation of this Section 12-912D may bring an action against the owner in district court. Such person shall be entitled to all remedies available at law or in equity including, but not limited to, damages and injunctive relief.

Any plaintiff that prevails in such action may be awarded reasonable attorney's fees and expenses.

Article IV. Brooklyn Center City Code, Section 12-1401 is amended by adding the double-underlined language and deleting the stricken language as follows:

Section 12-1401. SEPARABILITY. Every Section, provision, or part of this Ordinance Chapter is declared separable from every other Section, provision, or part to the extent that if any Section, provision or part of the Chapter shall be held invalid, it shall not invalidate any other Section, provision or part thereof.

Article V. Severability. Should any section or part of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

Article VI. Effective Date. This ordinance shall become effective after adoption and upon thirty days following its legal publication.

Adopted this ~~13~~28th day of ~~December~~February, ~~2021~~2022.

Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

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

REGULAR SESSION
OCTOBER 19, 2021

CALL TO ORDER

The Brooklyn Center Housing Commission was called to order by Chairperson Goodell at 7:00 p.m. The meeting was conducted virtually.

MEETING ATTENDEES

Chair Mark Goodell
Commissioner Paul Oman
Commissioner Michael Donnelly
Commissioner Zarita Hester
Commissioner Johnson Yang

City Staff present: Staff Liaison Jesse Anderson, Community Development Director Meg Beekman, City Attorney Sam Ketchum, Planning Staff Olivia Boerschinger, and City Council Liaison Kris Lawrence-Anderson.

Also present: Anab; Agnes; Leah DeGrazia; Lana Hamilton; Victoria Karmo; Madeleine Lerner, ACER; Fadumo Mohamed; Lovetee Polahn; Eric Hauge, HOME Line; Samuel Spaid, HOME Line; Tally; Shana Tomenes; Marie Vincent.

APPROVAL OF AGENDA

There was a motion by Commissioner Oman and seconded by Commissioner Donnelly to approve the agenda as submitted. The motion passed.

APPROVAL OF MINUTES

There was a motion by Commissioner Oman and seconded by Commissioner Donnelly to approve the minutes of the Housing Commission meeting on August 18, 2021. The motion passed.

TENANT PROTECTION ORDINANCE DISCUSSION AND DRAFT ORDINANCE REVIEW

Staff Liaison Jesse Anderson gave an overview of the proposed tenant protection Ordinance. He added the City Council has held multiple work sessions regarding housing programs, and the City is currently undergoing a City-wide housing study, which will provide recommendations for City housing policies, housing priorities, and a housing action plan.

Mr. Anderson stated there is urgency related to this issue created by the phasing out of the eviction moratorium as well as low vacancy rates. The proposed Ordinance addresses evictions, requiring a 30-day written notice as well as preventing landlords or property owners from not renewing an existing tenant lease without cause. He added some just cause reasons for non-renewal, as listed in the proposed Ordinance, are non-payment of rent; material non-compliance; refusal to renew;

conversion, demolition, rehab or renovation; compliance with a government order; or occupancy conditional upon employment. He noted the Ordinance also addresses evictions and non-renewal and provides support for tenants who have just cause to bring action against landlords.

Mr. Anderson stated City Staff received feedback and recommendations from ACER, HOME Line and the Housing Justice Center to expedite the proposed Ordinance due to urgency related to evictions and non-renewals. He added representatives of community organizations have joined tonight's meeting. He noted the proposed Ordinance will likely have its first reading at the November 8, 2021 City Council meeting, and second reading and public hearing scheduled for the City Council's December 13, 2021 meeting, with the Ordinance going into effect in January 2022.

Chair Goodell requested feedback and comments from the Housing Commissioners and guests.

Commissioner Oman requested clarification regarding the timing of the Ordinance and actions that can be brought against landlords for something that has already happened. Mr. Anderson stated the Ordinance would go into effect in January 2022, so any violations could not have happened before that.

City Attorney Sam Ketchum agreed with Mr. Anderson's assessment. He added the enforcement provisions would apply to evictions after the Ordinance goes into effect.

A resident requested clarification regarding what control renters have with regard to friendly rental agreements. Chair Goodell stated he believes there has been some investigation into concerns about rental agreements, in terms of changes to a renewal or other limitations.

Mr. Anderson stated the proposed Ordinance amendment relates to non-renewals and evictions. He added there are some areas of the Ordinance that have not been brought forward yet, that could provide limitations on changes to lease agreements, which may be discussed under a future Ordinance amendment.

The resident stated he has been living at Georgetown for 11 years, and management does whatever they want, and imposes restrictions. He added he got a letter that they will not renew his lease and put him on a month-to-month lease. He added he is concerned and hopes the Commission can make some changes. He asked whether the Commission could go into people's homes and find out how they live and how they are being treated.

Chair Goodell thanked the resident for his comments. He added the Commission is interested in hearing about the issue of lease agreements, although tonight's amendment relates to evictions and non-renewals. He added City Staff is researching these other important issues, and he appreciates the resident bringing his concerns to the Housing Commission's attention.

A resident, Tally, stated retaliation by landlords at Georgetown is not fair to tenants, and they are not allowed to have visitors. She added they are not being treated as though Georgetown is their home. She noted they have been towing cars and not giving any information about restrictions or when they can park their cars.

Another resident agreed, stating people do not speak up because they are afraid that they will get an eviction notice. She added she was given an eviction notice because she did not apply for rental assistance. She noted she told them her application was pending.

Tally stated it is not fair to Georgetown residents. She said the landlord does not fix anything, but no one asks questions or asks for help. She added they are taking cars.

Lovetee stated she has been a Georgetown tenant for 2-3 years. She added she is concerned about tenant protections. She asked what it will protect. She noted she has 6 living children, and the Ordinance cannot protect her from being evicted. She added her lease has not been renewed for no reason, and the landlord gave her 3 months to find a new home.

Lovetee stated she went to the office to ask about why her lease cannot be renewed, and she was told she could not enter the office and she was not welcome. She added she is a tenant, and they have no reason for not renewing her lease. She noted this is an emergency and she asked the City for help. She noted the Ordinance needs to be passed now so their leases can be renewed.

Lovetee asked whether something can be added to the Ordinance about lease renewal. She added the only reason a lease should not be renewed is if a tenant does something crazy. She noted landlords should not be able to renew leases without a reason.

Chair Goodell stated there are some serious issues with renewal of leases and evictions, and it is his understanding that this Ordinance amendment will address both lease renewals and evictions. He added the Ordinance would put restrictions on evictions and eviction notices, and a limit list of reasons why a lease cannot be renewed. He noted the Ordinance will directly affect the residents' situations when it is passed.

Chair Goodell stated the Housing Commission will not be passing the Ordinance, but rather making a recommendation to the City Council. He added the Commission is a board of volunteer citizens, and their job is to provide feedback and recommendations to the City Council. He noted he truly appreciates everyone's comments and feedback.

Sam Spaid, staff attorney for HOME Line, stated his organization supports the proposed Ordinance. HOME Line is a state-wide nonprofit organization providing free, confidential legal advice to residential tenants in Minnesota. He added the personal statements that are being expressed tonight are the same things that HOME Line staff hear on a daily basis from tenants in Minnesota. He noted the proposed Ordinance will address many of these issues – preventing non-renewal without cause and giving tenants time to solve the problem when there are eviction threats, and to seek legal advice to protect their interests.

Mr. Spaid stated there are tenant protections under State law, but they fall short of providing solutions and do not help tenants as much as they should. He added tenant protections are extremely important especially now that Covid restrictions are being lifted.

Madeleine Lerner, Organizing Manager at ACER, thanked the Housing Commission for the opportunity to address this issue. She added the proposed Ordinance is a critical first step in

instituting more comprehensive tenant protections in the City of Brooklyn Center. She noted ACER staff continuously hears these same stories about evictions without notice, no direct contact from landlords, and insufficient notice period for eviction or non-renewal.

Commissioner Zarita Hester stated she fully supports the Ordinance as there should be protection for renters, because there is protection for landlords. She asked whether the Ordinance addresses non-renewal of a lease if the property changes hands. She asked whether the Ordinance addresses leases that are reduced to month-to-month leases.

Mr. Anderson stated there is an existing Ordinance on the books adopted 2 years ago that has a notification requirement of 120 days before the landlord can make any changes to a lease.

Mr. Anderson stated the issue of month-to-month leases is not addressed and could be reviewed in a different revision of this Ordinance, and a future policy change.

A resident asked whether there must be a specific cause for a landlord to change to a month-to-month lease. He added landlords are using month-to-month leases as a form of retaliation.

Mr. Anderson stated just cause for non-renewals is included as a requirement in the Ordinance. The proposed Ordinance will make it more enforceable.

Marie Vincent stated she has lived in Georgetown for 2 years. The lease renewal and eviction issues are very serious, and reasons for eviction should be revealed to the tenant. One neighbor stated that she could not go to the office and speak her mind because she was afraid of being evicted. Brooklyn Center should be a free place for people to live and speak their minds, but they are not able to do so at Georgetown. She asked for the Commission's help with these issues.

Chair Goodell stated the proposed Ordinance includes a limited list of items that could be a reason for eviction or non-renewal of lease, but notice needs to be given to the resident, and there must be facts to support it.

Tally asked if the agreement could include information about when cars are going to be towed in Georgetown. She asked whether the City has anything in place for people with a low credit score to help them get a home, so they don't have to go through this anymore.

Chair Goodell stated he is unsure about the towing regulations at Georgetown. He added the proposed Ordinance being reviewed tonight does not address towing in particular.

Mr. Anderson agreed, adding further discussions can be initiated with the City Attorney for this issue under future Ordinances, regarding regulations and enforcement.

Mr. Anderson stated the City of Brooklyn Center has a down payment assistance program that provides up to \$10,000 assistance for current Brooklyn Center renters who want to buy a home in Brooklyn Center.

Chair Goodell agreed to post a link for the down payment assistance program in the chat function.

A resident asked what the Commission is doing to support townhomes and rental complexes as homes that people live in. He added people should not have their cars towed. He asked whether the Commission plans to do something to see how people are living.

Chair Goodell stated he understands the resident is interested in having the Commission or City do a survey of rental properties to find out what conditions tenants are living in, and what their lives are like. He added there are concerns about towing. He noted the proposed Ordinance is related to evictions and just causes for lease changes, but there are many other areas that the City is looking at and these items can be included.

Chair Goodell stated the Housing Commission is a volunteer board that makes recommendations to the City Council, with input from City Staff. He added the City will continue to look into these issues and he appreciates everyone sharing their stories and concerns.

Eric Hauge, HOME Line, stated his organization has provided suggestions and recommendations regarding policies for immediate response to the end of the eviction moratorium. He added his organization hears about these kinds of issues regularly, and there has been inadequate response from the State legislature to address tenant and landlord issues. He noted HOME Line is committed to working with the City of Brooklyn Center to address these issues, recognizing that the majority of tenant/landlord law is at the State level, but cities like Brooklyn Center are taking important roles in regulating the businesses that operate in their City.

Community Development Director Meg Beekman stated the City began a Housing Study in January 2021. An Advisory Council was formed, and the City contracted with CURA and Research in Action to provide quantitative and qualitative analysis regarding housing stock and housing gaps. The Advisory Council, made up of residents, will provide recommendations focused on housing needs in the community, including anti-displacement and tenant protections, as well as housing choice and diversity. The recommendations of the Advisory Council are expected to be received by the City Council early in 2022. These recommendations will form the basis of City-wide Housing Policy Action Plan.

Ms. Beekman stated tenant protection issues are important and extremely urgent, and some housing topics have been tabled until the Housing Study is completed, to form recommendations and implement solutions, so tenant protections can move forward more rapidly. She added City Staff have met with tenants of Georgetown multiple times, as well as ACER and HOME Line, to identify a broad collection of regulations pertaining to tenant protections, and to address concerns that have been voiced this evening, including repairs and maintenance, towing policies, and safety and security.

Ms. Beekman stated, as part of this review, the City has looked at how other cities, particularly St. Paul, have addressed these issues. The City of St. Paul adopted a broad tenant protection Ordinance last year, which covers many of the provisions proposed in the draft Ordinance, including non-renewal without just cause. St. Paul was promptly faced with a lawsuit brought by landlords, and the city rescinded the Ordinance due to an injunction. This situation has been part of the City of Brooklyn Center's consideration and discussions, and the provisions addressed in

the proposed Ordinance that is being reviewed tonight address urgent anti-placement concerns driven by the ending of the eviction moratorium.

Ms. Beekman stated there will be many more discussions, and City Staff will continue to work with residents and community organizations. She added she wants to underscore that the City Council takes these issues very seriously and they have directed City Staff to focus on actively pursuing solutions.

Chair Goodell stated, to underscore the urgency of the situation, the eviction moratorium ended on October 12, 2021.

Sam Spaid, HOME Line, stated most protections ended October 12, but there is still protection for tenants who are behind on rent but have already applied for financial assistance through Rent Help. He added protection for tenants with pending applications is extended through June 2022.

Meg Beekman stated these issues are not unique to Brooklyn Center. She added it has been a failing of the State legislature to leave cities to deal with these concerns. She noted no other cities have adopted a non-renewal without just cause Ordinance, and this is new territory, so the City wanted to be fairly cautious about how it is brought forward to address concerns within the authority of the City.

Mr. Hauge stressed the importance of understanding that there is nothing that automatically stops an eviction from happening, which is why this Ordinance is so critically important. He added housing instability can happen even when there are protections in place. He expressed his agreement with Ms. Beekman that this is a unique and important protection that no other city in Minnesota has ever done and that the State of Minnesota has not provided support in these areas.

Chair Goodell requested feedback from the Commissioners.

Lovetee asked how strong the Commission is in its relationship with the City. She added the Commissioners have said they are a group of volunteers. She asked how much influence the Commission has over the City. She asked whether the City could have a meeting with landlords and tenants, to create a safe environment for renters and keep people safe in their homes. She added she wants the City to create an atmosphere in which landlords and tenants can be friendly and cooperative, so that non-renewals and evictions will stop. She noted she has lived in Brooklyn Park and Crystal where meetings were held with landlords to evaluate leases.

Chair Goodell stated the Housing Commission is an advisory body comprised of citizens of Brooklyn Center, whose job it is to review issues related to housing and provide recommendations to the City Council. He added the Commission will provide a recommendation to the City Council regarding this Ordinance, and that will be part of their consideration, but the Commission does not pass Ordinances. He noted there have been questions in the past about improving relationships between landlords and tenants.

Ms. Beekman stated the State law related to landlord/tenant relations is vague and untested, and what cities can and cannot do has not been addressed in State statute. She added some cities are

considering measures, including Minneapolis, which is looking into a Charter amendment via referendum that would circumvent State statute with regard to addressing these issues. She noted it is difficult to regulate mutual respect and common decency in landlord/tenant interactions, especially when there are underlying factors, although many landlords and property owners have positive relationships with their tenants.

Ms. Beekman stated City Staff is exploring ways to clarify expectations for how residents should be treated, and what regulations are within the City's authority to impose. She added the City does not regulate private contracts but has some leverage with rental housing licensing. She noted Type 3 and Type 4 rental license properties are required to enter into a mitigation plan, which includes demonstrating communication with tenants.

Commissioner Oman stated the Ordinance should be passed as soon as possible, as it is well-written and concise, and addresses concerns raised by the community.

There was a motion by Commissioner Oman and seconded by Commissioner Hester to recommend City Council approval of the Tenant Protection Ordinance. The motion passed.

Chair Goodell stated he supports expediting this Ordinance as much as possible.

Commissioner Donnelly asked whether the lawsuit regarding the St. Paul Ordinance affects this Ordinance in any way, and whether the City should be concerned about lawsuits.

Ms. Beekman stated the City Attorney's office drafted the proposed Ordinance and followed the proceedings in St. Paul very closely, although no decisions were made in that case.

Mr. Spaid stated the proposed Ordinance is quite different from St. Paul's Ordinance, as it focuses on two items – notice for non-renewal and evictions. He added there is always a risk for a lawsuit in this arena, but this Ordinance is taking a more targeted approach toward anti-displacement.

Chair Goodell thanked everyone for their input, and for sharing their stories and concerns. He added it has been very moving and he appreciates all the comments. He noted the issue of tenant rights and protections is of primary concern to the City Council and Commissions, and there will be many more discussions on this issue.

A resident thanked the Housing Commission for listening to them and expressed her appreciation for everything the City is trying to do for them.

Another resident thanked the Housing Commission for listening. She added she is overwhelmed and hopeful that things will work out. She added the Commission and City Staff explained things well, and she hopes that the City will move as fast as possible so change can come, and they can be happy in their homes.

Lovetee requested a recap of the timetable for the Ordinance. Mr. Anderson stated the first reading of the proposed Ordinance will be at the City Council's November 8, 2021 meeting, at which they will call for a second reading and public hearing, to be held at the City Council's December 13,

2021 meeting. He noted the earliest the proposed Ordinance would go into effect would be mid-January 2022.

NEW NEIGHBOR WELCOME PROGRAM

Chair Goodell stated there have been two deliveries of New Neighbor welcome bags since the Housing Commission's last meeting, and they covered approximately 100 homes. He added there are 139 homes left on the list, and he would like to suggest a few weekend dates for deliveries. He noted, after the last meeting, he sent out a poll with potential dates, and he can do that again. The Commissioners agreed.

City Council Liaison Kris Lawrence-Anderson requested that she be added to the email distribution list. Chair Goodell agreed.

Chair Goodell thanked Commissioners Oman and Yang for delivering bags with him last time. He thanked Mr. Anderson for putting the welcome bags together.

COUNCIL LIAISON REPORT

City Council Liaison Lawrence-Anderson stated City Staff are updating the City calendar with links to Commission meetings. She requested that the Housing Commission meeting information be sent to City Clerk Barb Suci to be added to the calendar. She added she would like to receive links to the Charter Commission meetings as well.

City Council Liaison Lawrence-Anderson stated the City Council will be finalizing 2022 budgets at their first meeting in December.

City Council Liaison Lawrence-Anderson stated the City is working to secure the safety of residents and City Staff in preparation for the trial of Kim Potter which starts on November 30, 2021.

City Council Liaison Lawrence-Anderson stated she hopes to request a City Council review of the issue of solicitor's licenses in terms of predatory practices. She added this could be related to tenant protections.

Chair Goodell asked whether there has been any movement from the City Council on Commission re-appointments. He stated he received Commissioner Amdahl's resignation recently, so there will be another opening. He added Commissioner Amdahl has been on the Housing Commission since 2008.

City Council Liaison Lawrence-Anderson stated that is very sad, and she will reach out to Commissioner Amdahl.

City Council Liaison Lawrence-Anderson stated the City Council reviewed several applications at our their meeting, and additional appointments will be reviewed at the next meeting in November.

Chair Goodell asked whether that will include re-appointments for Commissioners whose terms have expired. City Council Liaison Lawrence-Anderson confirmed this.

CHAIRPERSONS REPORT

Chair Goodell expressed his appreciation to the Commissioners at tonight's meeting. He thanked City Staff for their hard work on the proposed Ordinance.

OTHER BUSINESS

There was no other business addressed by the Commission.

ADJOURNMENT

There was a motion by Commissioner Oman and seconded by Commissioner Yang to adjourn the meeting. The motion passed. The Brooklyn Center Housing Commission adjourned at 8:41 p.m.

Chair Goodell

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

REGULAR SESSION
FEBRUARY 15, 2022

CALL TO ORDER

The Brooklyn Center Housing Commission was called to order by Chairperson Goodell at 7:00 p.m. The meeting was conducted virtually.

MEETING ATTENDEES

Chair Mark Goodell
Commissioner De'Ja 'Carter
Commissioner Michael Donnelly
Commissioner Zarita Hester
Commissioner Paul Oman

City Staff present: Staff Liaison Jesse Anderson, and City Council Liaison Kris Lawrence-Anderson.

Also present: Adam; Alexander Koenig; Marty McDonough, MHA; Fadumo Mohamed, ACER; Lovetee Polahn.

APPROVAL OF AGENDA

There was a motion by Commissioner Oman and seconded by Commissioner Carter to approve the agenda as submitted. The motion passed.

APPROVAL OF MINUTES

There was a motion by Commissioner Oman and seconded by Commissioner Hester to approve the minutes of the Housing Commission meeting on January 18, 2022. The motion passed.

VICE CHAIR ELECTION

Chair Goodell explained they did not have full attendance at the last meeting, so it was decided to move the election to the February meeting. He noted the role of the Vice Chair is to run the meeting in the case the Chair is unavailable. He added people can nominate themselves or nominate another member of the Commission. Hearing no nominations, Chair Goodell stated the position would remain open for the time being.

UPDATE ON TENANT PROTECTION ORDINANCE PROGRESS

Staff Liaison Jesse Anderson explained the Tenant Protection Ordinance has been presented to the Council a few times. He noted the Ordinance was presented to the Commission and there was a first reading of the Ordinance in November 2021. The City Council met on December 13, 2021, and held the public hearing on this item. There was a lot of public comment at the hearing. After

the public hearing and Council discussion, the vote on the second reading of the ordinance was delayed until January 24, 2022.

Mr. Anderson stated based on direction from the City Council in response to the public hearing, Staff held two meetings with landlords to discuss the proposed ordinance. Then based on the feedback received, and in discussions with both landlords and housing advocates, staff made three modifications to the proposed ordinance. The Council met on February 14, 2022 and requested additional feedback from the Housing Commission.

Mr. Anderson stated there were three changes suggested and presented to the Council on February 14. First, there was an addition of a provision that would require property managers to track and report to the city any non-renewals of leases, and the reason for the action.

Mr. Anderson stated the second change was to reduce the eviction notification period from 30 days to 14 days. The change would match Minneapolis' ordinance and would keep any actions to within a single rent cycle, which was the request of the landlords.

Mr. Anderson added the last change to the Ordinance was to add a provision which would allow landlords the option of either following the non-renewal without just cause requirements in the ordinance or providing a 90-day lease termination notice without needing to give a reason. This would provide options to deal with the examples that property managers raised at the public hearing, but would still allow for a greater notice to renters than the existing 30-day notice period. Mr. Anderson noted there was an added separability and severability statement, which makes the Ordinance stronger legally.

Mr. Anderson stated the first version has a 30-day eviction notice and only just cause non-renewal. The second version, which was the most recent version proposed to the Council, includes a 14-day eviction notice and just case non-renewal or a 90-day notice for non-renewal.

Commissioner Hester asked if the 14-day notice would happen after the grace period landlords tend to give. Mr. Anderson stated the notice depends on the lease. They cannot provide notice of eviction if the tenant is not in violation of the lease. He added if the tenant wanted to avoid an eviction being filed on their record, they would have to leave within 14 days. However, if they went through eviction court, they could continue to live there through the court process.

Commissioner Hester stated she has a concern with landlords who give people a grace period for late rent or for people that have to pay in increments. The Ordinance could change the landlord's flexibility. She added there have been concerns brought by the public that the Ordinance could cause a long-term impact of increasing the rent.

Mr. Anderson stated a landlord could file the notice, be it a 14-day or 30-day notice, but they would not be required to file the eviction paperwork just because they provided the tenant with notice. He added landlords have mentioned they would be less flexible with the proposed eviction notice period.

Commissioner Donnelly asked when an eviction goes on someone's record. If someone is only 14 days late on rent and receives an eviction on their record, it makes it more difficult for them to obtain housing later on. Mr. Anderson stated the effect of an eviction record depends on the type of application they are using. He added the eviction record would make it more difficult for the person to find housing. Commissioner Donnelly explained he doesn't agree with the 14-day eviction notice as that would negatively impact the renter later on.

Chair Goodell stated one of the comments was that 30 days of notice is extreme. He asked what other communities have for eviction notice. Mr. Anderson stated St. Louis Park has a 7-day notice and Minneapolis has a 14-day notice for evictions. No other cities in the State have an eviction notice period. He added Community Development Director Meg Beekman mentioned pending legislation that would require a 14-day notice, but that is early on.

Commissioner Donnelly asked if there is any information about the differing effects on tenants between the 7-day notice in St. Louis Park and the 14-day notice in Minneapolis. Mr. Anderson stated a Councilmember asked for Staff to reach out to Minneapolis for information on the question, but housing advocacy groups would have better information on that as they are the ones working directly with renters.

Commissioner Hester noted her agreement with the 30-day filing notice component because evictions can be difficult to get expunged or wait for the eviction to leave their record after seven years.

Chair Goodell asked the Commission if they were open to hearing feedback from guests. Commissioner Donnelly stated he would like to hear from guests. There were no objections from Council.

Fadumo Mohamed, Housing Organizer with African Career and Education Resource (ACER), explained ACER is a housing advocacy group based in the north suburbs. She asked if they could do a round of introductions to get to know one another better.

Ms. Mohamed stated ACER worked with a Brooklyn Center tenant in 2021 who had an eviction filed against even though she didn't know what she was doing wrong. The idea of the notice period is to give tenants time to fix the issue. If they are unable to fix the issue, a tenant would need to work with an attorney. Landlords have attorneys on retainer, but tenants would need to find an attorney. The Ordinance is meant to protect low income folks, and there are limited housing attorney resources available. Housing advocacy organizations take several weeks for the intake process and being assigned to an attorney. Tenants must also take time off work to attend eviction court hearings. Ms. Mohamed explained the 30-day notice would allow for the tenant to obtain resources to fight the eviction.

Lovetee Polahn explained she is an organizer with Georgetown Apartments. She stated landlords are not doing maintenance work such as carpet. Tenants agree to pay rent if the facilities are being taken care of. Landlords are not doing their part.

Chair Goodell asked Mr. Anderson what action tenants can take if landlords are not maintaining their facilities. Mr. Anderson stated the City has a Code they enforce for rental properties. Carpet issues can be addressed through Code enforcement only if the carpet is a tripping hazard. He added City Staff have conversed with landlords regarding low interest loans to dedicate affordable units in a property.

Chair Goodell stated renters can contact the City if they have concerns. City Council Liaison Lawrence-Anderson put a phone number into the chat feature for the City.

Chair Goodell asked how long it takes for the City to respond to reports. Mr. Anderson stated they can have inspectors at a property within a day or two. If an inspector finds a violation, they would notify the landlord of the changes that need to be made. If the landlord does not address the changes, then the City would cite the landlord. Mr. Anderson noted it usually does not get to the point of citation. He added rental properties are inspected before licensing.

Chair Goodell added some tenants have expressed concerns about retaliation through non-renewals. Mr. Anderson stated landlords have noted there are anti-retaliation policies in place that prohibit them from non-renewals as a form of retaliation. However, landlords currently don't need to provide a reason for non-renewal. Therefore, the landlords are not retaliating in the eyes of the law.

Ms. Mohamed stated the tenants she work with support the first draft of the Ordinance with the 30-day notice and just cause for non-renewals. It is easy for landlords to hide behind non-renewals currently. If landlords have concrete evidence for wrongdoing, then they go the route of eviction.

Chair Goodell stated landlords have commented the just cause non-renewal requirement would prevent them from getting rid of bad tenants. He asked if anyone on the call has had the experience of a tenant moving out due to bad neighbors.

Commissioner Hester stated she works in housing. She has not worked with tenants that have moved due to bad neighbors, but she has worked with landlords that have to file a lot of paperwork due to the population. There is an addendum to leases that require no drugs or criminal activity in rental units. Commissioner Hester stated if landlords are concerned about removing problematic tenants, then they could add an addendum for tenants to sign.

Commissioner Hester noted one landlord stated people have moved out of their properties because of one nuisance neighbor. Being an annoying neighbor is not a viable excuse to push back on the Ordinance so much.

Mr. Anderson stated one landlord gave an example of a tenant smoking marijuana. A neighbor moved out due to the smell, but the landlord was unable to remove the tenant who may have been smoking marijuana.

Commissioner Hester explained someone could be using marijuana for medical practices and removing someone for medical marijuana use would be discriminatory. Landlords are just trying

to keep loopholes in place to benefit themselves. Renters are able to move if they do not like who they live next to.

Commissioner Donnelly stated he did a quick google search, and an eviction notification would not count against a renter in the future.

City Council Liaison Lawrence-Anderson stated the Council had a very lengthy discussion and she wanted the item to go to the Housing Commission for review. She stated they need buy-in from landlords and from tenants, so they need to compromise to create an Ordinance that almost everyone can agree on.

City Council Liaison Lawrence-Anderson noted she is worried about the unintended consequences and long-term effects of the Ordinance. They want to make sure they have a livable City while maintaining housing stock. St. Paul was sued for their ordinance, but the Brooklyn Center City Attorney has worked to remedy some of the issues St. Paul had in their ordinance. If there isn't a compromise, the Ordinance will go to court. No one wants an eviction to happen.

City Council Liaison Lawrence-Anderson stated that non-renewal is the only option for landlords besides evictions. The second draft of the Ordinance would allow landlords to have the option of 90-day lease termination notice without needing to give a reason or to do a just cause non-renewal. The 14-day notice in question is not a 14-day notice for the person to move out.

City Council Liaison Lawrence-Anderson stated she would have liked all parties to be present at the November 2021 meeting, similar to the meeting held in January 2022 because the meeting was very informative. She noted the area of just cause notification is where people are hung up, but the Council wants the best outcome for everyone.

City Council Liaison Lawrence-Anderson added she is concerned the proposed Ordinance will not address the concerns expressed by the tenants. They need to consider what the City can and cannot do and make sure the City doesn't take over the role of landlord.

Ms. Polahn stated they staged a protest last year. The tenants had their cars broken into, and they requested security cameras from the landlord. Right after the protest, two tenants were evicted. She explained she has always paid her rent on time, but she is still facing retaliation. She asked how landlords can distinguish between problematic and non-problematic tenants.

Chair Goodell clarified the first Ordinance requires a just cause for non-renewal, while the second Ordinance allows for a just cause non-renewal or for a 90-day eviction notification. Therefore, attending a protest would not be a reason for a just cause. Ms. Polahn thanked Chair Goodell for the clarification.

Ms. Mohamed stated housing advocates are working to balance power. The fair thing to do would be to give renters protection. Home is more than four walls; it is where people do life. Some people view rentals as a way to make money while others view it as a foundation of their lives.

Ms. Mohamed added landlords are business owners. It is their job to attend meetings relevant to conducting their business. It is not fair to punish renters because landlords fail to attend meetings. It is not the role of the Council to ensure landlords attend certain meetings.

Ms. Mohamed stated there are low vacancy rates, and it will take several years for the vacancy rates to level out. Housing instability leads to community instability. The entire community has a stake in the matter.

Marty McDonough introduced himself as Director of Government Affairs for the Minnesota Multi Housing Association (MHA). He stated the Council meeting happened just last night, so Ms. Mohamed was not being fair to landlords with her comments. He added the item was on the Council's agenda before landlords knew it was happening, so advocacy groups are behind when they are forced to respond to an ordinance.

Mr. McDonough explained MHA has been trying to work with the Council. In short, a lease is a legal document. Tenants know the rules of the lease when they sign a lease. Currently, if a renter is late on their rent, the landlord reaches out on the third day or so to check in. After a couple of weeks of non-payment, the landlord will check in again. Forcing a 14-day or 30-day eviction notice period will push landlords to require the rent is due on the first day of the month and not have as much flexibility. From there, the landlord is in the position to file the 14-day or 30-day notice on the second day of the month. Filing the notification will create unnecessary stress in landlord to tenant relationships. Mr. McDonough stated it should be no surprise to tenants for being evicted for not paying their rent.

Mr. McDonough added the current law states that non-renewal is the same time period for the tenant and the landlord. A landlord has to give 60 or 30 days' notice if they are not going to renew the lease. A tenant has the same requirement if they are not going to renew the lease. It has been that way for a long time. There are times when a tenant may not be a good match for the property and may be receiving complaints from neighbors. Good neighbors are the ones that would have to suffer the effects of the bad neighbors.

Mr. McDonough stated he believes they should start the process over. At the Council meeting, it appeared the Mayor and Councilmembers disliked both drafts of the Ordinance. The stakeholders should all get together to create something more people support.

Chair Goodell added they had a discussion on the matter back in November and had community comment at the Housing Commission meeting at that time, so it is not a new topic for the Housing Commission to address.

Commissioner Hester thanked Mr. McDonough for his comments. If the Ordinance goes into effect and the landlords change their practices, it is their choice. Landlords can continue to function the same way. The Ordinance is a protection for renters with landlords who do not do their jobs. There are plenty of landlords doing their jobs. The Ordinance gives a baseline for new landlords on how to function as a good landlord.

Commissioner Hester stated a renter is still a tenant until they move out. The should still be treated with respect by all parties while they remain a tenant. She explained she is pro-tenant, but that does not mean she is anti-landlord. She added giving landlords the wiggle room to choose the option of a 90-day eviction notice without cause does not hold landlords accountable.

Mr. McDonough stated a 90-day non-renewal notice would be the last 90 days of the lease. A non-renewal only occurs at the end of a leasing period, and it is a business decision. The notice periods would cause the landlords to be out of even more rent money, which may be required for the landlords to afford mortgages.

Commissioner Hester stated there may need to be another conversation about ways to help cover the expense of the landlords if they do not receive the money owed to them. Mr. McDonough noted his agreement with Commissioner Hester's comment.

Ms. Mohamed stated City Council Liaison Lawrence-Anderson's comments about not swaying too far one way or another comes with the assumption that there is currently a fair balance. There is a power imbalance, and tenants have very little if any negotiating power with the current market. The Ordinance allows for landlords to remove bad tenants within the confines of the law.

Commissioner Donnelly stated he would like more information on what reasons for just cause could be. He added even 90 days may not be enough time for a tenant to find another affordable housing unit. He asked for response on each of his comments.

Mr. Anderson showed a slide with a list of just cause reasons. The reasons include non-payment of rent, material non-compliance, tenant non-renewal, occupancy by property owner of family member, building demolishing or conversion, rehabilitation or renovation, completing with a government order to vacate, and occupancy conditioned on employment.

Commissioner Donnelly asked for further explanation of the material non-compliance just cause. Mr. Anderson stated any violation of the lease would be an example of material non-compliance. Potential forms of material non-compliance could be having a pet against the rules or property damage.

Commissioner Donnelly asked what the differences would be for a landlord between a 90-day notice and a 30-day notice. Mr. McDonough stated behaviors are not covered on the list of just causes. Having large parties, smoking, or propping open doors are things that bother neighbors that would not be covered for the just cause non-renewal.

Mr. McDonough stated the goal of the MHA is making property ownership a profession and keeping landlords out of trouble. He noted Brooklyn Center has good tenants in the community. In most situations, the landlord doesn't have to give a reason for non-renewal just as the tenant doesn't have to give a reason for non-renewal. He explained there was a circumstance where a tenant took pictures of children at the facility's pool. It is not against the rules of his lease, so the just cause list would mean the landlord couldn't do anything to protect the children. St. Paul's tenant protection ordinance was rescinded after being ruled unjust by a federal judge. Ultimately, the just cause requirement will tie the hands of landlords from addressing behavioral issues.

Commissioner Donnelly asked what effects the 60-day notice would have in comparison to a 90-day notice. Mr. McDonough stated the MHA uses a the 60-day notice option in their leases. Even if a staff member were harassed, they would have to continue dealing with the tenant for the entirety of the notice period.

Mr. McDonough added landlords do not issue non-renewals for good tenants. Chair Goodell stated people are worried about retaliation for protesting living conditions or landlords not maintaining the facilities. He asked if Mr. McDonough can understand that. Mr. McDonough stated he can understand that, but it is against the law for landlords to retaliate. Chair Goodell stated renters cannot prove retaliation if there is no reason for a non-renewal. Mr. McDonough stated renters can claim anything is retaliation. There are times when a renter is not a good fit for a property, and both the property owner and the tenant should have a right to act on that poor fit.

Commissioner Carter noted her agreement with Mr. McDonough. There are times when a tenant may have poor attitudes or other issues that make them a poor fit for the living situation. She added 60 days is enough time for someone to find a new place to live. If a tenant is having issues with a landlord, they would not want to continue living there.

Commissioner Hester stated she has no criminal background, a full-time job, and a decent credit score. However, it took her six months to find somewhere to live even before the pandemic. Having worked in housing, she has never been able to house someone within a month, but she may be able to house someone within three months if they are lucky.

Commissioner Hester stated taking photos of children on private property, that is a safety concern, and there should be something in the lease that should speak to that. If someone is causing harm to other tenants, that should be addressed in the lease.

Ms. Mohamed stated just case non-renewals has been approved by the United States Supreme Court, so it has judicial backing. The St. Paul ordinance covered a variety of items, so it is speculation to say the just cause portion caused it to be overturned.

Ms. Mohamed added it is a good question to ask why a tenant would want to live somewhere where they have a problem with their landlord. She explained people live in certain places because of the communities, school districts, proximity to amenities, or other considerations. Moving a child to a new school district has long-term negative effects on the youth and the overall community.

Commissioner Oman stated the 14-day notice is more than enough time for an eviction notification, and they are never going to find a solution that everyone likes. He added that the issue of landlords losing money is disingenuous because almost all leases require first and last month's rent to be paid in advance.

Commissioner Carter stated not every landlord requires first and last months of rent. Commissioner Oman stated the landlord does have the option to require first and last months of rent in the lease if they choose to protect themselves in that way. Commissioner Carter stated if a

landlord does not require first month's rent, the last month's rent, and a security deposit, it is better for the tenant. There aren't many tenants who can afford to pay all of those expenses at one time.

Chair Goodell asked if there is a requirement for a 30-day or 60-day non-renewal notice in leases or if that is a choice made by the landlords in their writing of the lease. Mr. McDonough stated the only requirement is that both the tenant and the landlord have the opportunity to not renew.

Commissioner Donnelly noted his agreement with Commissioner Carter that collecting first month's rent and last month's rent does not guarantee the landlord will not lose money. Landlords may lose multiple months of rent in the process of removing a tenant, especially if the property owner is more flexible with the timeline of a tenant paying their rent.

Chair Goodell noted his agreement with Commissioner Donnelly about losing money as a landlord. Chair Goodell noted he is a part-time landlord, and losing money is the cost of being a landlord. The Commission needs to balance the needs of the renters and the property owners. From the perspective of a landlord, they would want very little regulation. On the other side, the renter would like as much regulation as possible. Ultimately, the Ordinance needs to balance those two perspectives.

Commissioner Donnelly stated he agreed with the comments of Chair Goodell. Being a business owner comes with risk, and they must be prepared for unprecedented circumstances with a financial cushion.

Chair Goodell stated the Council is looking for feedback and a recommendation from the Housing Commission about the two versions of the Ordinance. He asked Mr. Anderson what the concerns of the Council were.

Mr. Anderson stated there were questions from multiple Councilmembers regarding the success of the tenant protections in Minneapolis and other items. The Mayor seemed to prefer the first version of the Ordinance. Councilmembers have asked for more data and more discussion on the matter.

Chair Goodell noted the original version of the Ordinance was recommended by the Housing Commission previously. Mr. Anderson confirmed he original version of the Ordinance was recommended by the Housing Commission previously. He added the Council is open to recommendations beyond the two options that have already been presented to them.

Commissioner Hester stated she can appreciate the option for a 14-day eviction notice, but not without a just cause non-renewal requirement. The 14-day notice doesn't go on the record, but it provides them the opportunity to resolve any issues with the landlord.

Commissioner Donnelly noted his agreement with Commissioner Hester. He explained he would like to find a compromise between the two versions, but he does not have a specific preference either way. Commissioner Donnelly added he would like to hear from a landlord and a housing advocate as to which of the portions of the versions are most important.

Ms. Mohamed stated both portions of the Ordinance are important. Ms. Polahn agreed with Ms. Mohamed. Ms. Mohamed added the notice and the just cause components are bare bones of tenant protections.

City Council Liaison Lawrence-Anderson pointed out the 30 days and the 14 days refer to pre-eviction notices. Chair Goodell asked City Council Liaison Lawrence-Anderson to outline the process. City Council Liaison Lawrence-Anderson stated she does not understand the entirety of the process.

City Council Liaison Lawrence-Anderson noted the purpose of the non-renewal currently is to avoid the eviction process. Landlords have expressed concerns that evictions would increase with a just cause non-renewal requirement. The 14-day notice and the 30-day notice would allow for a grace period to resolve concerns before an eviction were to be filed.

City Council Liaison Lawrence-Anderson stated she was in the room with HOMELine, ACER, and other tenant advocacy groups at two meetings. At the December Council meeting, she suggested they get all affected parties in the room together to discuss the Ordinance. From there, MHA, Minneapolis Realtors, and various Brooklyn Center landlords joined the discussion. The landlords have said they want to make the Ordinance work, but they do not want the end result to be more harmful.

City Council Liaison Lawrence-Anderson added there may be a third meeting incorporating all of the parties. It was her hope for that meeting to happen before presenting the Ordinance to the Council for a second time.

Commissioner Oman stated the second version is a good compromise between the interested parties.

Commissioner Hester noted she has concern about the language surrounding the 90-day non-renewal without just cause as that is too much of an open arena for landlords. Chair Goodell asked if she had an idea of a better time period for the non-renewal without just cause. Commissioner Hester stated they could do something close to 60 days, but she didn't have a specific timeline in mind. She explained landlords can use the non-renewal without just cause to get rid of tenants, and the language did not sit well with her.

Ms. Polahn stated when laws are made, it may affect people positively or negatively. Poor people are the ones who are more likely to be negatively impacted. Many landlords don't live in the community, and they aren't familiar with the suffering they experience. Just cause non-renewal would be fair for tenants.

Ms. Mohamed explained the last meeting with landlords was very eye-opening for her. Landlords see property as a source of income rather than a life-or-death situation. Housing is crucially connected to health. One landlord said they put all of their tenants on a 60-day lease regardless of their history, which is an example of predatory behavior by landlords. The two portions of the Ordinance being asked for by tenants and housing advocates is a bare minimum to provide stability to renters.

Chair Goodell stated he has heard that the Housing Commission feels an ordinance is important. Commissioners Oman, Donnelly, and Hester stated they agree an ordinance is important. Chair Goodell added he is hearing there is not a consensus between the two options. Commissioners Oman, Donnelly, and Hester noted their agreement with that statement.

Chair Goodell asked if there was consensus for the 14-day or 30-day pre-eviction notification. Commissioner Hester stated she would be okay with the 14-day pre-eviction notification, but she would prefer the 30-day pre-eviction notification.

Commissioner Oman stated he would support the 30-day pre-eviction notification, but he could be okay with the 14-day pre-eviction notification.

Commissioner Donnelly noted they need to find a compromise, and the pre-eviction notification seems easier to compromise on than the other portion of the Ordinance. Therefore, it would be a good compromise to allow for a 14-day pre-eviction notification rather than a 30-day eviction notification.

Commissioner Oman stated a concern he has heard with the 90-day non-renewal just cause requirement is already built into some leases so that both the landlord and the tenant would have the ability to not renew the lease with the same amount of time. If they require the 90-day non-renewal just cause portion of the Ordinance, they would take away that portion of the lease agreements. That is likely why the compromise was suggested, and it is reasonable.

Chair Goodell stated the first proposal requires a just cause for all non-renewals, and the second proposed draft gives landlords the options of a just cause for a non-renewal or a 90-day notice for non-renewals without cause. He asked if that is a correct summary. Mr. Anderson confirmed Chair Goodell's summary was correct. He added the first proposal would require a 30-day pre-eviction notice, and the second proposal would require a 14-day pre-eviction notice.

Chair Goodell stated the lease can determine the notification for either side to choose not to renew the lease. If they pass the Ordinance to give landlords the options of a just cause for a non-renewal or a 90-day notice for non-renewals without cause, then there would be an imbalance for the landlords to provide longer notice than the tenants.

Chair Goodell stated people have said they would prefer the 30-day eviction notification, but they would accept the 14-day pre-eviction notification as a point of compromise. He asked for comments regarding the just cause portion of the Ordinance.

Commissioner Oman stated having 90 days of notice for a non-renewal without cause is a reasonable compromise. Commissioner Hester stated having 90 days of notice for a non-renewal without cause is not agreeable because there should be a reason for the landlord to not renew the lease.

Chair Goodell noted his agreement with Commissioner Hester considering the current housing climate. He asked if Commissioner Carter or Commissioner Donnelly had any additional comments.

Commissioner Carter stated she would prefer the second version of the Ordinance where the landlords have the option of a just cause for a non-renewal or a 90-day notice for non-renewals without cause.

Commissioner Donnelly added 90 days doesn't seem to be enough time because of the limited housing options.

Chair Goodell summarized the Housing Commission agrees there is a need for the ordinance, the Commission favors the 30-day pre-eviction notification but can compromise with the 14-day pre-eviction notification, and the Commission is split on the just cause provision.

Commissioner Donnelly pointed out they had not discussed the provision requiring the tracking of data related to evictions and non-renewals. Commissioner Hester stated the data needs to be tracked.

Commissioner Oman explained he has not heard any concerns about the data collection provision, so it is a reasonable portion of the Ordinance. Chair Goodell noted his agreement with the comments of other Commissioners.

Mr. Anderson read the portion of the Ordinance related to data collection requirements. He explained the landlords do not have to report the data to the City unless requested. Chair Goodell asked if the City asks landlords for any metrics regularly. Mr. Anderson stated the City requests rent rolls occasionally, but not regularly otherwise.

Chair Goodell thanked Commissioner Donnelly for mentioning the data collection portion of the Ordinance. He stated the consensus of the Commission is in favor of the data collection portion of the Ordinance.

Commissioner Hester moved and Commissioner Oman seconded to provide feedback to the City Council that the Housing Commission agrees there is a need for a tenant protection ordinance, favors the 30-day pre-eviction notification but can compromise with the 14-day pre-eviction notification, is split on the just cause non-renewal provision, and supports the data collection provision. The motion passed.

Chair Goodell thanked the Commissioners and the community members for their thoughtful discussion and comments regarding the Ordinance.

UPDATE ON CDGB PROGRAMS

Mr. Anderson stated the City Council reviews the allocation of the 2022 Community Development Block Grant (CDGB) funds. There is \$258,000 available in the fund for 2022. In previous years, the City has allocated approximately \$100,000 to Down Payment Assistance Program and the remaining \$158,000 towards the Hennepin County Home Rehab Program. In 2021, they had four

loans close through the Down Payment Assistance Program.

Mr. Anderson explained the down payment assistance program is not very productive as there are very few homes available in the City and it is a complicated process to get the loan. There is still around \$215,000 in the down payment assistance fund.

Mr. Anderson noted the Council recommended the 2022 CDGB funds be used entirely for the Hennepin County Home Rehab Program and for the \$215,000 to be retained for the Down Payment Assistance Program. There is a contingency that the funds may be reallocated based on the outcome of the housing study.

Mr. Anderson explained the Hennepin County Home Rehab Program is a forgivable loan for low-income homeowners to improve their homes. The Down Payment Assistance Program offers \$10,000 for the purchase of the home and is forgiven after ten years.

Chair Goodell noted the housing stock availability is not something the City can control. He asked if the City can do anything to make the application process less onerous. Mr. Anderson stated the City has partnered with the Center for Energy and Environment (CEE), which is the agency that processes the applications and PRG, which is an organization that helps people on the path towards home ownership. PRG helps folks prepare to own a house and CEE helps with the application.

Chair Goodell asked how the City is advertising the programs. Mr. Anderson stated a mail flyer was sent out to every tenant in the City and reached out to businesses to encourage employees to consider the program. They also sent it to schools in the hopes they would send the information home with students for their parents. Because of those efforts, PRG saw a 34% increase in calls from Brooklyn Center. Mr. Anderson added they had two loans close through the Down Payment Assistance Program in January 2022.

COUNCIL LIAISON REPORT

City Council Liaison Lawrence-Anderson asked if they wanted a report from her due to the late hour. Chair Goodell stated City Council Liaison Lawrence-Anderson could share anything she thought was important.

City Council Liaison Lawrence-Anderson stated the Tenant Protection Ordinance has been a focus of the Council's. She added the Implementation Committee process is underway, and the Council will receive Committee recommendations at the next meeting. She stated they should fill the existing Commissions and address those who have been serving with expired terms before selecting the Implementation Committee. The Council has been negligent in making those appointments, and they need to take care of the existing business first.

Chair Goodell thanked City Council Liaison Lawrence-Anderson for her report.

CHAIRPERSONS REPORT

Chair Goodell thanked Commissioners who have been able to attend the additional meetings and their efforts.

OTHER BUSINESS

City Council Liaison Lawrence-Anderson thanked the Commission for their thorough discussion and the time they have spent serving the Housing Commission.

ADJOURNMENT

There was a motion by Commissioner Oman and seconded by Commissioner Donnelly to adjourn the meeting. The motion passed. The Brooklyn Center Housing Commission adjourned at 9:07 p.m.

Chair Goodell

Tenant / Landlord Tenant Protection Meeting Recap

January 12, 2022

There were a total of 25 participants, 3 city staff, city attorney, and 2 council members.

Staff provided a brief overview the current tenant protection ordinance stating that it applies to the transfer of ownership.

Staff provided a brief recap of the concerns that were brought up at the ARM meeting. Those concerns were:

- What is the definition of affordable housing, needed some clarification about affordable.
- The city getting involved with a private contract between landlord and tenant, city getting involved with contract law.
- Landlords calling the police for service would impact their license type.
- If landlords are required to give a 30 day notice it would further delay their rent collection and could take as long as 90 days to get the unit back.
- There were questions about the data used to come up with the ordinance.
- State statutes give tenants' rights such retaliation protection and tenant remedies act in the event that the repairs are not being done.
- Possible compromise such as shortening the 30 day notice to 14 days and replacing just cause non-renewal with a notice period for just cause.

Staff provided an explained the 30 day eviction notice. Minneapolis give a 14 day and St. Louis Park's is 7 days. Staff cited that the city is open for a discussion.

The concern regarding the 30 day windows is that it is too long to resolve the issue and would push it into another month of the tenant potentially being late again on rent. Landlords often work with tenants on resolving the matter and requiring a 30 day notice would mean that a notice would be given on the 2nd day requiring eviction which may cause tenants to panic and break down the communication between landlord and tenant.

The most common issues that cause late rent is car breakdown or medical bill. If the notice is 30 days, most landlords isn't willing to do a payment plan beyond 30 days.

Staff gave an example of issuing a code violation notice. Staff stated the notice is not a citation but the notice states the amount of time given and also includes language about an abatement or a citation. Once a payment plan is entered into and the tenant breaks that agreement, a Hennepin county judge will throw the case out and would require a new notice.

The citation doesn't pay the mortgage and a tenant who doesn't pay impacts the landlord's mortgage. Pushing the rent back 30 days would compound the amount of rent due making it more difficult for them to pay.

Sam from Homeline stated that landlords who make payment arrangements and could extend for 30-60 and if the tenant defaults the arrangement could be held up in court.

If the notice is sent with language stating that the tenant is behind on rent, and rent isn't paid, another notice will be sent. The tenant would be behind on rent and before housing court, landlords have bent over backwards to assist landlords. Many landlords reach out and willing to work something out.

A notice that states Eviction will cause a lot of stress, notices for noise violations already cause a lot of stress, and a notice stating eviction will further cause stress. Tenants don't know that they can call the office to work out plan on how to pay the rent owed.

If a notice is not given to tenants and do not get a heads up they might not know that there is issue. A suggestion was about crafting the notice so it is not threatening or intimidating. Regardless of the language in the notice, the 30 day requirement would still mean the notice is given on day 2.

A concern about criminal would delay an eviction if a 30 day notice is required. It was stated that criminal activity is exempt from the ordinance and there are state statutes that would allow for expedited eviction.

Another concern was about the different rules that each city has in implementing tenant protection laws. Staff stated that landlords should lobby MN Multi-Housing to lobby the legislature to pass laws that would be implemented state wide.

Evictions take a long time and often times that tenants leave and landlords are not able to collect on the back rent. If there are a few bad landlords only, why implement ordinance that impact the entire rental property in the city. Further, the city already has a difficult rental license program and it is only compounding regulation.

The cost of 30 days has impact on single family homes since there small margins on single family rentals and as large investment companies leave and new ones move in, the cost of rent will increase. The payment of rent language is in the lease and staff is willing to work with a date that will work with everyone. It was suggested that the notice is shorted to 7 days. 7 days is not enough time for tenants prepare and the more notice is preferred. Homeline suggested that the 30 day notice does not get changed.

Staff stated that the courts have upheld Minneapolis and St. Louis Park's ordinance so both dates would be acceptable. 30 days would be in conflict with state statute, state statute is 14 days for a tenant to file a rent abatement.

Landlords don't want to file an eviction and have built a relationship with tenants. Using the word eviction ruins the relationship. It was then stated that the relationship is a business relationship and not friendship relationship.

An example of non-renewal just cause is a tenant who smokes marijuana but the landlord cannot evict because there isn't enough evidence which causes good tenants to move out. If the tenants are not willing to testify, there is no way to get rid of the tenant. The only way would be to non-renew the tenant. BC police does not respond to calls for service for marijuana and the current language would require that the tenant is given an opportunity to correct the behavior.

Staff stated that there are real concerns that the city has continued to hear from residents about maintenance and management practice and staff has to balance the interests of everyone.

ARM Meeting Comments

We have 13 people that signed in, however, there were about 20 people that showed up. Emails (where emails were provided) were sent to invite them back for the January 12th meeting. Notes are not in any particular order of discussion. Let me know if there are additions to this that I may have missed.

1. Questions were asked about the use of the word affordable housing and what would be considered affordable housing. It was explained that affordable housing in the context of the ordinance would be the rent amount based at 80% of AMI. The AMI amounts were referenced in the ARM newsletter. It was suggested that the city adopt the state's definition of affordable housing.
2. The owner stated that due to the rent in Brooklyn Center, 80% of AMI would mean all properties in the city are subject to this new ordinance since the rents are not more than the chart.
3. There were concerns about how the city is interfering with contract law since the contract is between a landlord and tenant not with the city. There was a follow up about enforcement. Staff explained that the ordinance would allow tenants to be more proactive and would be able to use the ordinance as a defense in court. The city would not be enforcing the ordinance.
4. A concern expressed if landlords are non-renewing because of police calls, they would need to call the police for service which would ultimately impact their license type. Staff showed the police calls for service chart and explained that not all calls for service would impact their license type.
5. Many owners/landlords/managers expressed that they are already working with tenants on rent issues and the ordinance would inhibit them to work with tenants since they would have to serve a eviction notice after the 1st of them month.
6. A question about the data used for the reason to come up with the non-renewals. Staff explained that the data for non-renewals do not exist however the data for eviction filings, vacancy rates, and housing costs exist which was used to craft the ordinance to prevent further displacement of low income families who lack housing options. Staff also cited the U of MN study which showed the housing issues.
7. There was concern that the city would be creating an ordinance that would be in conflict with state statutes around tenant rights. It was also expressed that retaliation is outlined in state statutes along with rent escrow procedures for repair or other issues.
8. Questions about why staff didn't engage landlords in a conversation sooner and waited till it was about to be approved by city council.
9. Giving tenants a 30 day notice for eviction filing would mean that every tenant that does not pay rent on the 1st will be served a notice of eviction. Tenants would be upset and cause additional work for landlords. It would also further delay actual evictions up to 60 days and landlords would be without rent up to 3 months without rent collection.
10. It would deter landlords from working with tenants, most already do try to work something out if the tenants are behind on rent.
11. The city is allowing tenants who can't pay rent to live rent free and not allowing the landlord to get the tenant out sooner.
12. Retaliation is already a right under MN statute and if a landlord is retaliating, the tenant has rights that they can utilize.
13. If landlord isn't repairing things, the tenant can file a rent escrow which is protected under MN statute as well.

14. This ordinance is protecting bad tenants and allowing them to live in the unit while the good tenants are going to suffer.
15. This is going to drive out good tenants because landlords won't be able to evict bad tenants quickly enough.
16. Just cause eviction would require that the landlords have enough evidence to prove in court which is often difficult to do such as smoking or marijuana smoking.
17. The city should consider looking at St Louis Park's tenant protection ordinance and change it to 7 day notice vs 30 day notice.
18. Comments were made about RentHelpMN and questions were asked if the city is helping with tenants who need it. Staff stated that staff is not doing the technical assistance but referring to partnering agencies such as CEAP and other organizations that assist with application and in-person assistance. RentHelpMN is down to 30 days for 1st time applicants and 2nd time applicants are as long as 5 months.

Member
adoption:

introduced the following resolution and moved its

RESOLUTION NO. 2022-____

CITY OF BROOKLYN CENTER, MINNESOTA

A RESOLUTION APPROVING THE SECOND READING OF AN ORDINANCE
AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES REGARDING
TENANT PROTECTION AND SUMMARY PUBLICATION OF THE ORDINANCE

WHEREAS, the City of Brooklyn Center (“City”) previously amended the City Code to establish certain protections for tenants of affordable housing units and now desires to expand those protections; and

WHEREAS, City staff developed a proposed ordinance titled “An Ordinance Amending Chapter 12 of the City Code of Ordinances Regarding Tenant Protections” (“Ordinance”), which amends Sections 12-201, 12-912D and 12-1401 of the City Code; and

WHEREAS, the City Council discussed this issue at several work sessions and the proposed Ordinance was presented to the City Council to conduct a first reading on November 8, 2021 in accordance with Section 3.04 of the City Charter; and

WHEREAS, the proposed Ordinance was presented to the City Council to conduct a public hearing and a second reading on December 13, 2021 in accordance with Section 3.04 of the City Charter; and

WHEREAS, the City Council continued the second reading from December 13, 2021 to February 28, 2022, and the City Council acted at its meeting on February 28, 2022 to adopt the above-referenced Ordinance; and

WHEREAS, Minnesota Statutes, section 412.191, subdivision 4 allows publication of adopted ordinances by title and summary in the case of lengthy ordinances or those containing maps or charts; and

WHEREAS, the City Council determines publishing the entire text of the Ordinance is not in the best interests of the City as the Ordinance is readily available to the public on the City’s website and by contacting City Hall; and

WHEREAS, the City Council determines the following summary clearly informs the public of the intent of Ordinance and where to obtain a copy of the full text.

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

1. A second reading has been conducted and the Ordinance is hereby adopted.

2. The City Clerk is hereby authorized and directed to publish the following notice and summary of the Ordinance, which is hereby approved, once in the City's official newspaper:

City of Brooklyn Center

**AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY
CODE OF ORDINANCES REGARDING TENANT PROTECTION**

Please take notice that the City Council of the City of Brooklyn Center has adopted an ordinance to amend Chapter 12 of the City Code by amending Section 12-912D to expand the protections provided to tenants of affordable housing units. The ordinance establishes new requirements for landlords to provide tenants a notice at least 30 days before filing an eviction action, to provide notice explaining the basis of a just cause nonrenewal of a lease, and to provide for filing a private enforcement action in district court for a violation of the tenant protections under the section, including the seeking of an award of attorney's fees. A copy of the full ordinance is available on the City's website.

3. City staff and consultants are authorized to take such other actions as may be needed to incorporate the Ordinance into the City Code and to otherwise carry out the intent of this Resolution.

February 28, 2022

Date

Mayor

ATTEST: _____

City Clerk

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 5/22/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Interim Community Development Director

BY: Ginny McIntosh, City Planner and Zoning Administrator

SUBJECT: Resolution Approving Planning Commission Application No. 2023-002, Submitted by La Palma Properties II LLC for Approval of an Amendment to the 2011 Shingle Creek Crossing Planned Unit Development and Approval of a Site and Building Plan for an Approximately 2,678-Square Foot Restaurant and Drive-thru on Building Site R within the Shingle Creek Crossing PUD (1340 Shingle Creek Crossing)

Requested Council Action:

- Motion to adopt a resolution regarding Planning Commission Application No. 2023-002, for approval of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development and approval of a site and building plan for an approximately 2,678-square foot restaurant and drive-thru on Building Site R within the Shingle Creek Crossing PUD, and located at 1340 Shingle Creek Crossing, based on the findings of fact and submitted plans, and as amended by the conditions of approval outlined in the related Council resolution.

Background:

La Palma Properties II LLC ("the Applicant") is requesting review and consideration of a proposal that would develop what is known as Building Site R within the Shingle Creek Crossing shopping center, and commonly addressed as 1340 Shingle Creek Crossing ("the Subject Property"), to an approximately 2,678-square foot Pollo Campero restaurant and drive-thru. The Subject Property encompasses approximately 1.03 acres and is located to the east of Xerxes Avenue North and south of 56th Avenue North.

A monetary contribution was provided by shopping center developer Gatlin Development Company as part of the construction of the new Brooklyn Center Liquor Store and adjacent EDA-owned space (1350 Shingle Creek Crossing) to allow for completion of the remaining parking lot, utility connections, and final grading for the City project as well as the three remaining pad sites along the west side of the shopping center, and of which includes the Subject Property. The Applicant purchased the Subject Property from Gatlin Development Company in January of this year.

Planning Commission Application No. 2023-002 was submitted to the City for consideration of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development plans and documents as well as site and building plan approval for the approximately 2,678-square foot restaurant and drive-thru, and the Planning Commission held a public hearing on the requests on May 11, 2023. It should be noted that City staff published the hearing notice as a proactive measure while identifying whether a separate use permit would be required for the drive-thru or not. Although it was finally determined by the City Attorney that a separate use permit was *not* necessary and therefore a public notice was not required, the notice had already been submitted to the newspaper. City staff continued forward with the public process and sent mail notifications to neighboring taxpayers and physical addresses per City Code and statute requirements, and development proposal signage was installed on the Subject Property. No public comments were

received in advance of the public hearing or at the public hearing.

Following close of the public hearing, the Planning Commission engaged in an in-depth conversation with the Applicant and project architect regarding the overall function of the Subject Property (e.g. snow removal, trash enclosure and trash pick-ups), disturbance to the existing parking lot as part of any construction and construction timeline, anticipated sit-down versus drive-thru traffic, and a general discussion on Pollo Campero, other locations, and the anticipated number of employees. Additional discussion and clarification were provided by both the project architect and City staff regarding the request by the Applicant to follow the City Code signage requirements as opposed to the guidelines within Shingle Creek Crossing.

The Planning Commission ultimately recommended City Council approval (6-0) of Planning Commission Application No. 2023-002 for approval of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development plans and documents and site and building plan approval for the approximately 2,678-square foot restaurant and drive-thru located on Building Site R within the Shingle Creek Crossing Planned Unit Development and commonly addressed as 1340 Shingle Creek Crossing.

Attached for your review are copies of the May 22, 2023 staff report, and a draft copy of the Council resolution.

Budget Issues:

None to consider at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Staff Report - Pollo Campero (05.11.2023)	5/16/2023	Backup Material
Exhibits - Pollo Campero (05.11.2023)	5/16/2023	Backup Material
Resolution - Pollo Campero (CC 05.22.2023)	5/16/2023	Resolution Letter

Planning Commission Report
Meeting Date: May 11, 2023

- Application Filed: 04/11/2023
- Review Period (60-day) Deadline: 06/10/2023
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No. 2023-002
Applicant | Property Owner: La Palma Properties II LLC
Location: 1340 Shingle Creek Crossing (PID: 03-118-21-41-0043)
Requests: Planned Unit Development (PUD) Amendment, Site and Building Plan



Map 1. Subject Property Location.

Requested Action

La Palma Properties II LLC (“the Applicant”) is requesting review and consideration of a proposal that would develop what is known as Building Site R within the Shingle Creek Crossing shopping center, and commonly addressed as 1340 Shingle Creek Crossing (“the Subject Property”), to an approximately 2,678-square foot Pollo Campero restaurant and drive-thru. The Applicant purchased the Subject Property from Gatlin Development Company in January of this year. Refer to Exhibit A for copies of the submitted plans and documents.

The Subject Property encompasses approximately 1.03 acres and is located to the east of Xerxes Avenue North and south of 56th Avenue North. Brooklyn Center Liquor Store #1 is located to the east at 1350

Shingle Creek Crossing. The area to the west of Xerxes Avenue North is currently home to a mix of fast casual and sit-down restaurants (i.e. 50s Grill, Taco Bell, McDonald's, Wendy's, Falafel King, iHop, Starbucks).

As part of the application process, City staff discussed with the City attorney whether or not public notification would be required for the proposed drive-thru, as the Subject Property is zoned PUD/C2 (Planned Unit Development/Commerce) District and drive-thrus were historically permitted via issuance of a Special Use Permit (SUP) under the preceding zoning code. The new zoning code provisions, housed under a new Unified Development Ordinance, became effective in January. Given the tight turnaround for meeting state statute and minimum noticing requirements, City staff were proactive and submitted a public hearing notice to the Brooklyn Center *Sun Post* for publication on April 27, 2023 (Exhibit B).

Upon further communication with the City attorney it was determined that the request to amend the Shingle Creek Crossing Planned Unit Development (PUD) would cover the drive-thru request and a public hearing was not required. As the public notice had already been submitted for publication, the City attorney advised City staff to continue with the typical public notifications and to hold the public hearing. Mail notices were sent to property owners and residents within vicinity of the Subject Property. Development proposal signage was also installed on-site.

Existing Conditions



Image 1. Existing Site Conditions at Subject Property (1340 Shingle Creek Crossing) and Neighboring Uses.

Background

City staff has been aware of the development proposal since last spring; however, it was not until earlier this year that the Applicant's development team formally reached out to discuss the City's process and site and building plan requirements. In 2019, the City of Brooklyn Center went through the site and building plan approval process for the new City of Brooklyn Center Liquor Store #1 under Planning Commission Application No. 2019-007, which resulted in construction of an approximately 9,600-square foot municipal liquor store, and approximately 3,500-square foot City EDA-owned tenant space, and incorporated landscaping and parking lot improvements, and traffic calming measures.

A monetary contribution provided by Gatlin Development Company allowed for completion of the remaining parking lot, utility connections for water, sewer, and storm water, and final grading for the building and adjacent sidewalk areas—Refer to Image 2 below. These improvements also provided services to the three remaining pad sites on the west side of the shopping center, including the Subject Property (Building Site R).

Development Pattern



2009 Imagery



2012 Imagery



2018 Imagery



2021 Imagery

Image 2. Historical Imagery of Subject Property Area (Courtesy: Hennepin County).

Site Data:

2040 Land Use Plan:	Transit-Oriented Development
Neighborhood:	Centennial
Current Zoning:	Planned Unit Development/Commerce District (PUD/C2)
Site Area:	Approximately 1.03 Acres

Surrounding Area:

Direction	2040 Land Use Plan	Zoning	Existing Land Use
North	TOD (Transit-Oriented Development)	PUD/C2 District	Private Roads Retail Shopping Center
South	TOD	PUD/C2 District	Vacant Commercial Pad Site (Building Site T)
East	TOD	PUD/C2 District	Retail Shopping Center (Building 9) and Vacant Commercial Pad Site (Building 10)
West	TOD	MX-C District	Commercial/Retail

REQUESTS**PLANNED UNIT DEVELOPMENT AMENDMENT**

What is known as the Shingle Creek Crossing Planned Unit Development was effectively established under City Council Resolution No. 2011-85 and was the first amendment to what was the previously approved Brookdale Mall Planned Unit Development (1999). Establishment of the new Shingle Creek Crossing Planned Unit Development (PUD) included an approved Development/Master Plan and certain allowances and development standards intended to govern over the PUD. Between 2011 and today, there have been a number of amendments to the Shingle Creek Crossing PUD. For the purposes of this report, City staff focused on approvals specific to Building Site R (Subject Property).

In 2014, City Council approved a resolution (City Council Resolution No. 2014-75) that amended certain components to the Shingle Creek Crossing Master Plan and an amendment to the PUD, of which included approvals for a revised layout for Building R (5,400-square foot restaurant pad site) and Building T (5,500-square foot restaurant pad site), which is located to the south of the Subject Property. The approvals also contemplated a re-plat of the lands surrounding what was the Brookdale Mall Food Court area. It was at this time the Subject Property was also platted to its current configuration, identified as Lot 4, Block 1 of the Shingle Creek Crossing 5th Addition—Refer to Exhibit C.

Under the City’s new Unified Development Ordinance (UDO), which became in effective in January 2023, Planned Unit Developments (PUDs) established after this date are processed as Conditional Use Permits (CUPs); however, PUDs established prior to this date required a formal re-zoning and ordinance amendment. Per Section 35-2103.e (*General Use Regulations*), “Planned Unit Developments, and parcels zoned as a Planned Unit Development, in accordance with prior zoning regulations, shall remain in effect and shall remain subject to any and all agreements, conditions, and standards applicable to the Planned Unit Development. Amendments shall be processed in accordance with the procedures identified for Planned Unit Developments in this UDO.”

As proposed, the Applicant intends to construct a new, approximately 2,678-square foot restaurant with

drive thru. As previously noted in the report, City staff discussed whether a separate use permit would be required, given that the underlying C2 (Commerce) District, which no longer exists under the current UDO, required issuance of what was then a “special use permit” for, “drive-in eating establishments and convenience food restaurants provided they do not abut an R1, R2, or R3 district, including abutment at a street line (However, convenience food restaurants without drive-up facilities and located within the principal structure of a shopping center of over 250,000-square feet of gross floor areas shall be a considered a permitted use).”

Following discussion with the City attorney, it was determined that the amendment of the Planned Unit Development would sufficiently address the convenience food and drive thru components of the proposed use, as it reflects a similar path for approvals for other convenience food and drive-thru uses within the Shingle Creek Crossing Planned Unit Development, including Jimmy John’s (Building Site B, 1480 Shingle Creek Crossing), Panda Express (Building Site C, 1520 Shingle Creek Crossing), and an earlier site and building plan approval for Building Site T (1330 Shingle Creek Crossing).

A request to amend the existing Shingle Creek Crossing Planned Unit Development and any master plan documents is further required as the City’s Unified Development Ordinance requires Council action any time the following “major amendment” thresholds are triggered:

1. Any decrease in the amount of approved open space;
2. Ten (10) percent or greater change in floor area of any one (1) structure;
3. Tent (10) percent or greater change in the approved separation of buildings;
4. Any change in the original approved setbacks from property lines;
5. Five (5) percent or greater change in the ground area covered by the project;
6. Five (5) percent or greater change in the number of parking spaces; or
7. The introduction of new uses not included in the PUD approval.

While Building Site R (Subject Property) has long been identified for use as a restaurant pad site, the relevant Shingle Creek Crossing master plans and associated documentation on record for the Planned Unit Development identify an approximately 5,400-square foot restaurant with 56 parking spaces at a parking ratio of 10.37. The application submittal identifies an approximately 2,678-square foot restaurant with drive thru, and 45 parking spaces.

With that said, the adjustment in floor area alone requires approval of a major amendment to the previously approved Planned Unit Development to account for a deviation of ten (10) percent or greater for the building’s floor area, and alterations to the approved site and building plan from 2014.

SITE DATA TABLE

LOT	BUILDINGS	LOT AREA	BUILDING	PARKING PROVIDED	RATIO
LOT 1, BLOCK 1	1,2,3,4,5	7.65 ACRES	79,526 SQ. FT.	386 SPACES	4.85
LOT 2, BLOCK 1	10	0.93 ACRES	6,000 SQ. FT.	33 SPACES	5.50
LOT 3, BLOCK 1	T	1.54 ACRES	5,500 SQ. FT.	55 SPACES	10
LOT 4, BLOCK 1	R	1.03 ACRES	5,400 SQ. FT.	56 SPACES	10.37
LOT 5, BLOCK 1	9	1.42 ACRES	13,332 SQ. FT.	60 SPACES	4.50
LOT 6, BLOCK 1	6,7,8	2.03 ACRES	12,141 SQ. FT.	56 SPACES	4.61

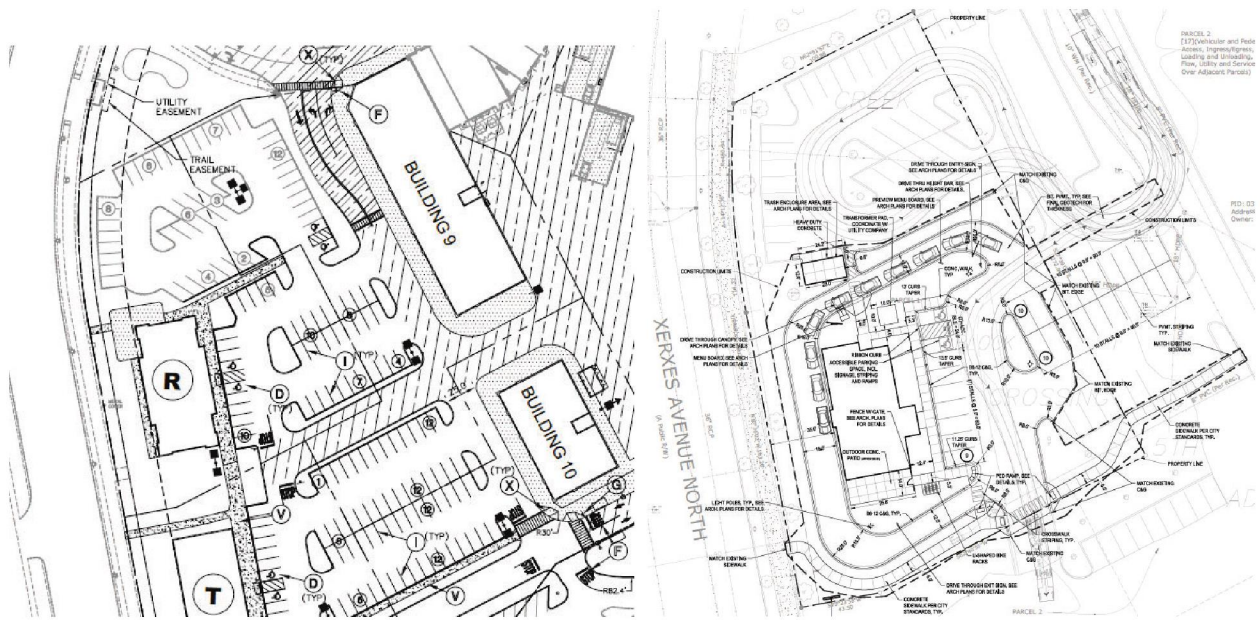


Image 3. 2014 Site and Building Plan Approval for Building Site R/Subject Property (Left) and Proposed Plans (Right).

In reviewing the submitted application, City staff notified the project architect that the Shingle Creek Crossing Planned Unit Development had adopted its own architectural and signage guidelines (2011). In further reviewing signage locations outlined in the application submittal for wall and monument signage, the Applicant was made aware that pad tenants were allocated no more than one (1) sign maximum per building elevation for a single elevation (refer to Image 4 below):

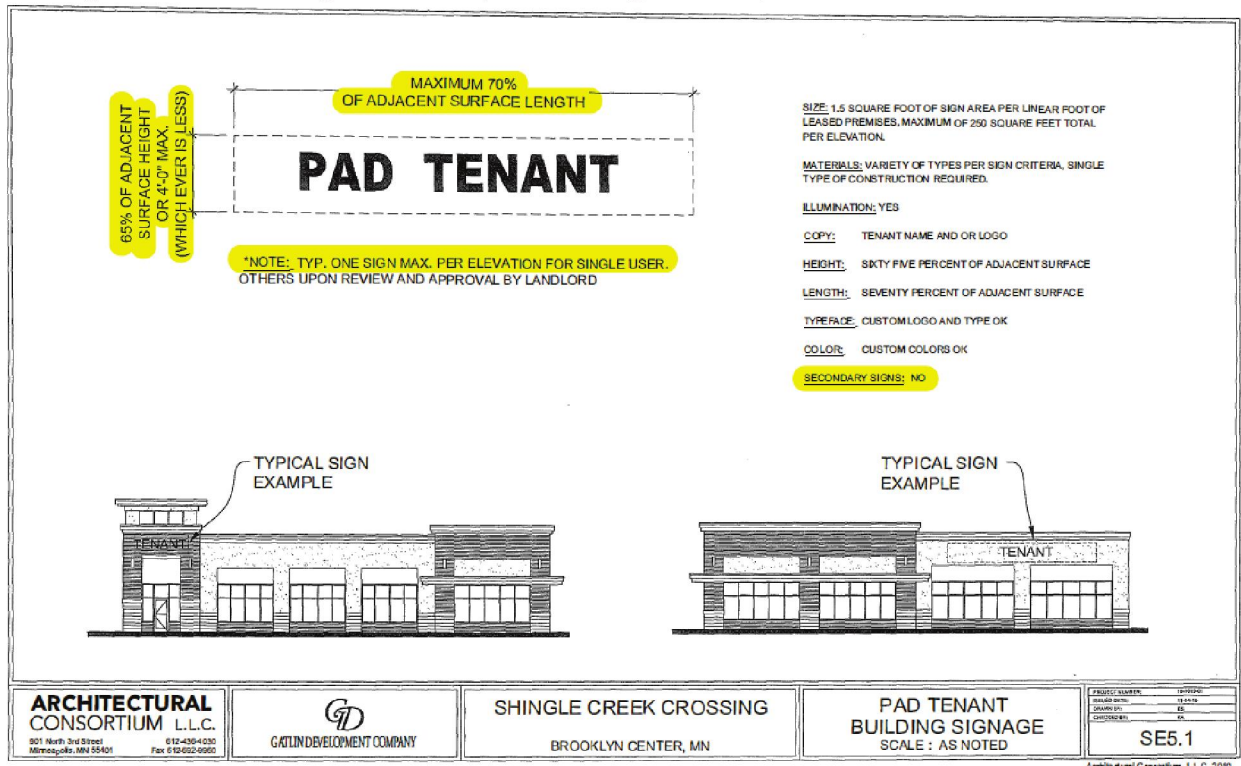


Image 4. Shingle Creek Crossing Signage Guidelines – Pad Tenant.

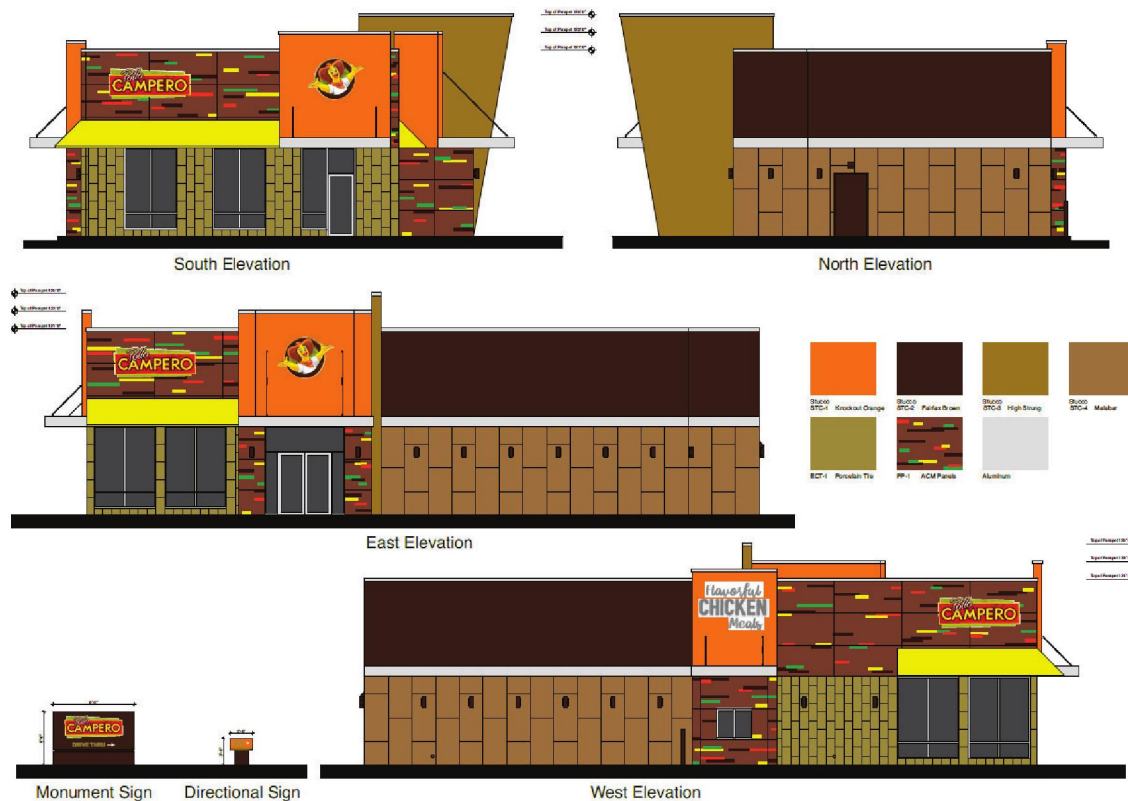


Image 5. Proposed Wall and Ground Signage Details (Subject Property).

The project architect conveyed that the signage as proposed within the submittal reflected the greater rebranding efforts underway with Pollo Campero and inquired on options to allow for additional signage. City staff noted that another development within the Shingle Creek Crossing development (HOM Furniture) and then subject to the Shingle Creek Crossing Signage Guidelines, requested a modification under its approvals in 2017 to utilize the signage requirements as outlined in the City of Brooklyn Center's City Code. Under these provisions, the maximum aggregate areas for wall signs within the underlying C2 (Commerce) District was not to exceed 15-percent (%) of the wall supporting the signage.

HOM Furniture further requested approval of a freestanding, ground mounted sign, as the 2011 Shingle Creek Crossing Signage Guidelines do not identify a monument location for the Subject Property. The proposed freestanding signage for the underlying C2 District was based on the building's gross floor area (square feet). In the case of the proposed Pollo Campero Restaurant, and utilizing this scenario, buildings with a gross floor area of between 2,601 and 2,800-square feet would be permitted a maximum 112-square foot sign. As proposed above, the monument sign would fall well below the maximum sign area at only 55-square feet.

Based on these discussions, the Applicant requests modifications to conform to the City's signage provisions as outlined in the City of Brooklyn Center City Code.

Based on the above noted findings, City staff recommends the Planning Commission recommend City Council approval of the requested amendment to 2011 Shingle Creek Crossing Planned Unit Development for the proposed approximately 2,678-square foot restaurant and drive thru, and related site improvements, and request to observe the sign code provisions as outlined within the City of

Traffic / Access / Parking / Circulation / Connection

As proposed, site ingress would be gained off Xerxes Avenue North from either 55th Avenue North (near the former Sears entrance) or off 56th Avenue North, which is the main east-west connection running through Shingle Creek Crossing. At one point, the project architect proposed an option for driveway access off Xerxes Avenue North; however, based off traffic conditions along Xerxes, spacing from adjacent intersections (namely 56th Avenue North), and the proximity of the Metro Transit BRT bus stops, City staff was not amenable to a curb cut off Xerxes Avenue North.

As part of the 2014 approvals, Building Site R was scheduled to contain 56 on-site parking spaces. As part of the Shingle Creek Crossing PUD Agreements, all restaurant pad sites were to provide up to 10 spaces per 1,000-square feet of Gross Floor Area (GFA). The current 5,400-square foot configuration would therefore require a minimum of 54 spaces, but denoted an additional two (2) parking spaces for a total of 56 spaces, or a parking ratio of 10.37. Although this is over-parked, the provided Removals plan (Sheet C1.0) notes minimal impacts to the existing parking lot and configuration, as it was recently improved with construction of the City's Liquor Store #1 and adjacent EDA-owned tenant space to the east at 1350 Shingle Creek Crossing.

Under the **current** plan submittal, the building footprint would be reduced down to approximately 2,678-square feet, which at least in part necessitates an amendment to the Shingle Creek Crossing Planned Unit Development. Assuming the current parking ratio of 10.37 is to be maintained, and particularly as the majority of the Subject Property is improved with its current parking configuration, a minimum of 28 parking spaces is required. Per a review by staff the Subject Property appears to still provide 45 parking spaces. A minimum drive-thru stacking queue for 10 vehicles is illustrated, from the drive-thru pickup window to the entrance of the drive-thru lane. The placement of the menu board as proposed in the submitted site plan (Sheet C2.0) also allows for a minimum queue of six vehicles before any potential impacts to the adjacent drive aisle.

Per City staff review, the submitted site plan's proposed new parking spaces demonstrate dimensions that satisfy the City Code and Shingle Creek Crossing Architectural Guidelines regarding minimum standards for 90-degree (perpendicular) parking, and the site plan denotes drive aisles of 24-feet in width. The proposed drive-thru maintains a width of 12-feet before widening out to 18-feet to allow for a bypass lane. The drive-thru narrows back to 12-feet in width post drive-thru window.

City staff discussed options for orienting the building in such a way as to minimize vehicle and pedestrian interactions and points of conflict. A new sidewalk connection would run east along the south side of the building from Xerxes Avenue North from the existing trail and into Shingle Creek Crossing. All pedestrian connections traversing a vehicular route (i.e. drive aisle, drive-thru) are noted with crosswalk markings, and as outlined within the 2011 Shingle Creek Crossing Architectural Guidelines. Bicycle parking is provided for at the southeast corner of the building, near the proposed patio space.

Lighting

A photometric plan was submitted with proposed fixtures and mounting heights. The Applicant should revise the submitted photometric plan to more clearly demonstrate continuity and consistency in lighting levels throughout the Subject Property, and as outlined within the 2011 Shingle Creek Crossing Architectural Guidelines. As minimum and maximum levels of illumination are not outlined within the Shingle Creek Crossing Architectural Guidelines, the Applicant shall provide plans in conformance with Section 35-5400 (*Exterior Lighting*) of the City Code.

Illumination cast from lighting on the Subject Property shall not exceed one (1) foot-candle as measured from the centerline of the public street. The revised photometrics should also demonstrate conformance with the minimum and maximum foot-candle requirements for open-air parking lots (0.2 fc – 4.0 fc), avoiding pockets of high or low levels of illumination. All primary building entrances/exits and pedestrian routes should employ a minimum of 10.0 foot-candles within five (5) feet of the entrance/exit, as is specified within the City Code for commercial uses.

As an added note, Assistant City Engineer James Soltis noted in a memorandum dated April 26, 2023 (Exhibit D), that a symbol noted on the submitted utility plan (Sheet C5.0) appeared to be a light fixture located over a proposed new sewer service line. Should this be the case, said light fixture will need to be relocated.

As proposed, four (4) new 18-foot parking lot lights would be provided, along with bronze-colored wall sconces. The Applicant should ensure adequate lighting is provided along the pedestrian path to the proposed trash enclosure on the north end of the Subject Property—Refer to Image 4 below. Light poles, fixtures, and bases shall be a consistent, dark color (i.e. bronze, black, or brown), and consideration should be provided to ensure cohesiveness in pole lighting within the already completed parking area. All lighting shall be dark-sky friendly with cutoff style fixtures.

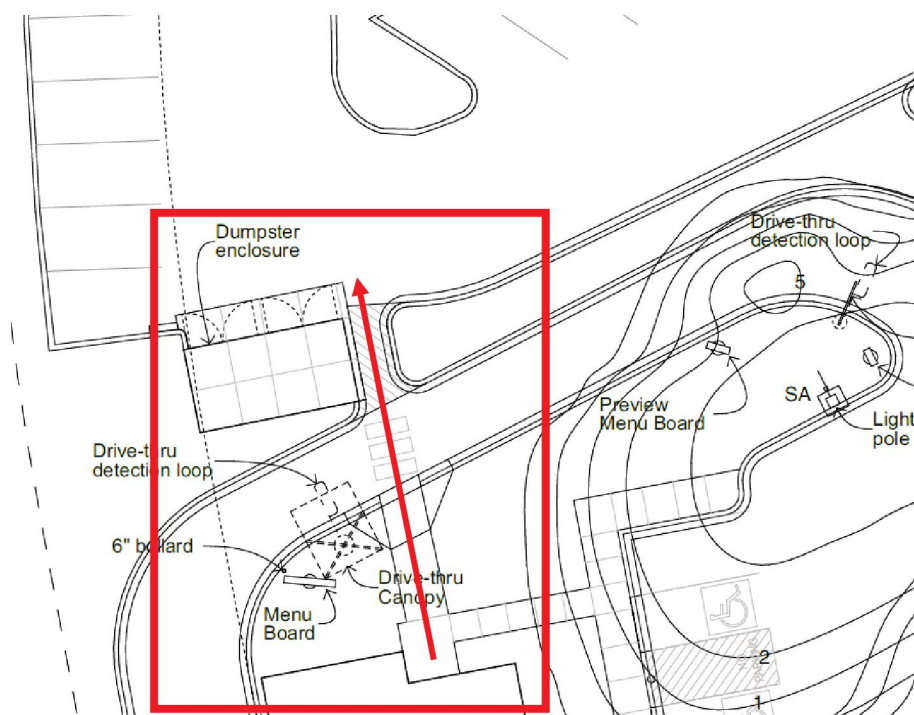


Image 7. Excerpt of Submitted Photometric Plan for Subject Property and Proposed Path to Trash Enclosure.

Trash / Screening

An approximately 23-foot by 12-foot trash pad is denoted north of the proposed restaurant and away from what will likely serve as the main parking lot for customers—Refer to Image 7 above. City staff worked with the project architect on revisions to the location of the enclosure to try and minimize restaurant staff versus vehicle interactions; however, as proposed, staff would need to cross the drive-thru lane via a 6-foot wide sidewalk to access the enclosure. Said crossing is just before the proposed location for the main menu board. This decision was made at least in part for distancing any garbage

trucks from the main parking lot and drive-thru access entrance and exit. A turning diagram is overlaid on the Site Plan (Sheet C2.0) to demonstrate the ability for a garbage truck to access the enclosure on pick up days.

Given the amount of foot traffic in this area and the existing bus stops, City staff noted it might make more sense to move the enclosure so that it was more interior to the site; however, the application was submitted with this location. The Applicant will want to ensure adequate trash pickup is provided and the enclosure secured at all times to minimize excessive trash not generated by the user. The Applicant will also want to ensure sufficient trash receptacles are provided and emptied as necessary—specifically outside the main doors and proposed patio space.

The Applicant will need to comply with the 2011 Architectural Guidelines with respect to screening measures. Service and utility doors shall be painted to match, or be compatible with, surrounding colors, and all rooftop units shall be screened through used of parapets or wall/fencing materials, or painted to match surrounding colors when visible from the public right-of-way. Any ground mounted equipment over 30-inches in height or greater than twelve (12) cubic feet shall be screened from public view and in compliance with Section 35-5608 (*Screening*) of the City Code.

The proposed drive-thru lane shall be screened with berming, landscaping or fencing per the 2011 Shingle Creek Crossing Architectural Guidelines. It should be noted that the Subject Property currently sits at a higher elevation than the neighboring trail along Xerxes Avenue North and as proposed, landscaping and an aluminum edger would be installed along the length of the entire drive-thru—Refer to Image 8 below:

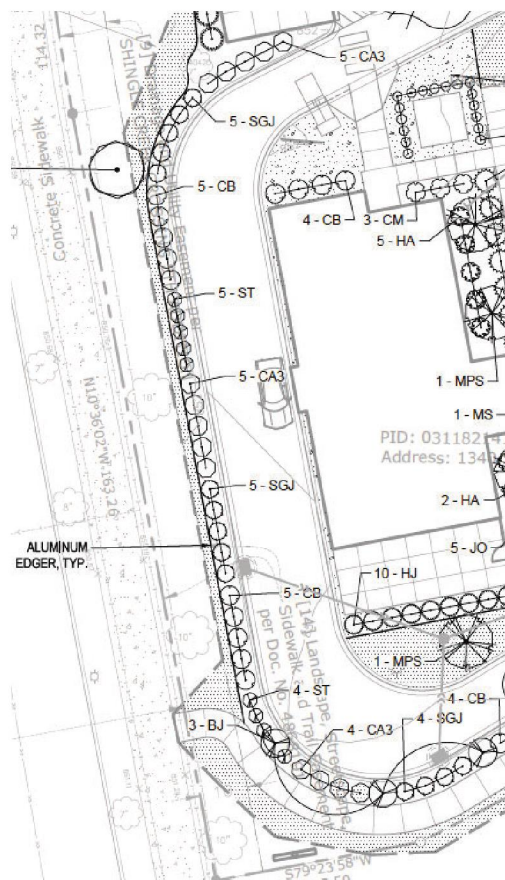


Image 8. Excerpt of Submitted Landscape Plan for Subject Property and Proposed Drive-thru Screening.

Architectural Materials

City staff reviewed the submitted architectural set against the 2011 Shingle Creek Crossing Architectural Guidelines and approvals as reflected under Planning Commission Application No. 2014-008 and as approved by City Council Resolution No. 2014-77. As proposed, the Applicant intends to utilize a mix of stucco, porcelain tile, aluminum composite metal (ACM) paneling, and aluminum. An elevation-by-elevation material breakdown was provided to City staff, along with an overall material calculations breakdown, with approximately 59% of the building comprised of stucco, which is considered a Class I material. The proposed porcelain tile (7.3%) and glazing (10.5%) are also considered Class I type materials.

As proposed, the building would be approximately 21-feet in height from the lowest top of parapet, with the highest parapet projecting to 25-feet in height. As proposed, canopies would be installed on the building at select locations and architectural projections (i.e. parapet) are utilized. Although there is a fair amount of wall space, the use of wall lighting and the overall change up in material texture and color provides visual interest.

Although the colors and specifications of masonry and stucco colors should be of a consistent range throughout the development, as outlined in the Architectural Guidelines, the Guidelines also stipulate that, “the requirements of regional and national franchises shall be allowed to maintain their corporate identity and design theme but shall be encouraged to utilize similar materials, scale and style of these architectural standards.” In discussions with the project architect, it was relayed that the design proposed as part of the submittal is in line with the new brand refresh for Pollo Campero, which was founded in Guatemala in 1971 and of which incorporates a vibrant color palette coupled with a sleek interior design to capture the essence of the authentic Latin Campero experience.

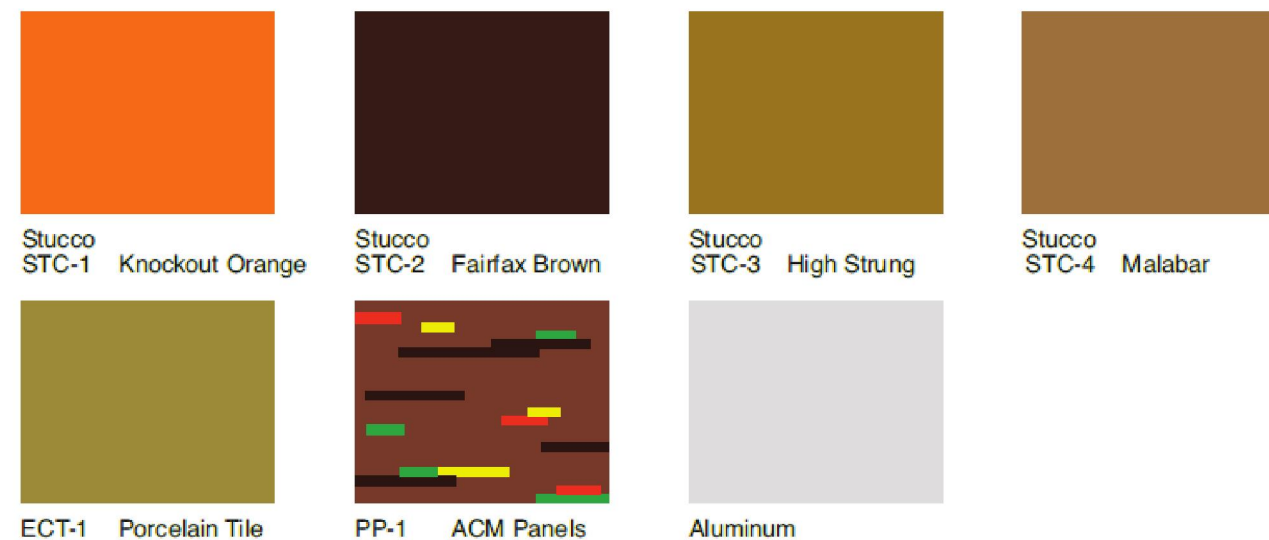


Image 9. Proposed Exterior Materials and Color Palette (Subject Property).



Image 10. Portion of West Exterior Elevation and Canopy (Subject Property).

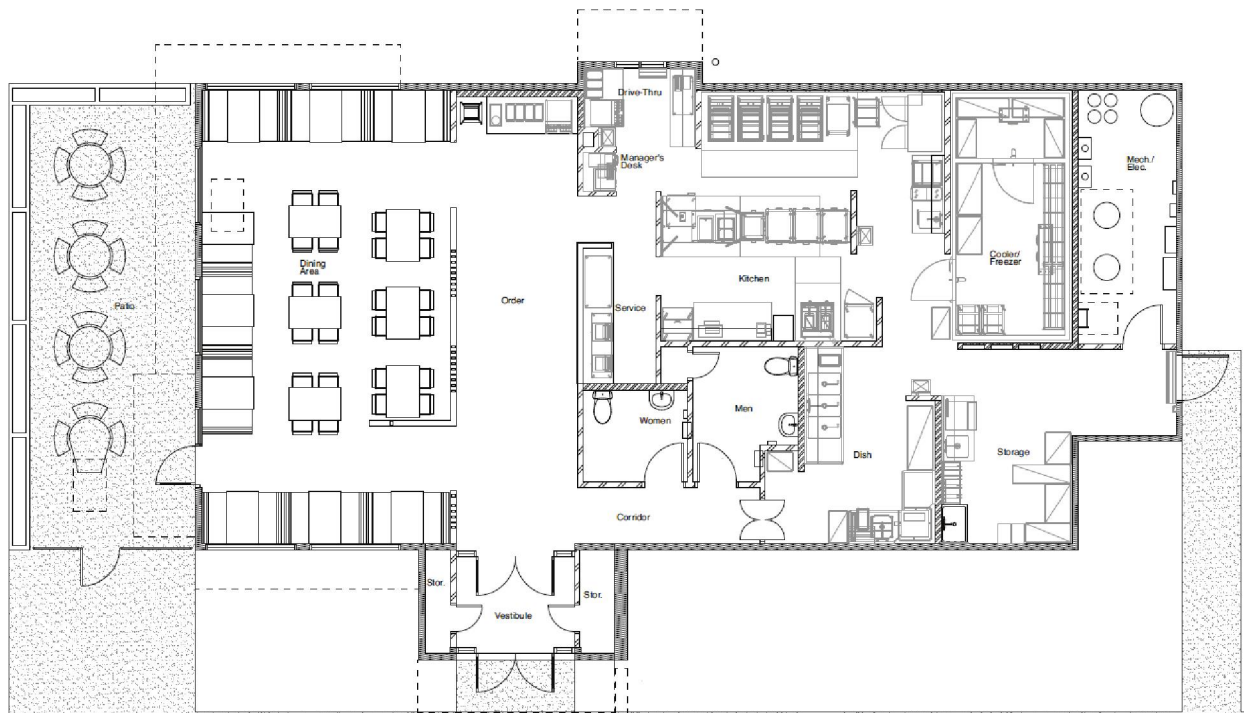


Image 11. Interior Layout and Proposed Patio Space (Subject Property).

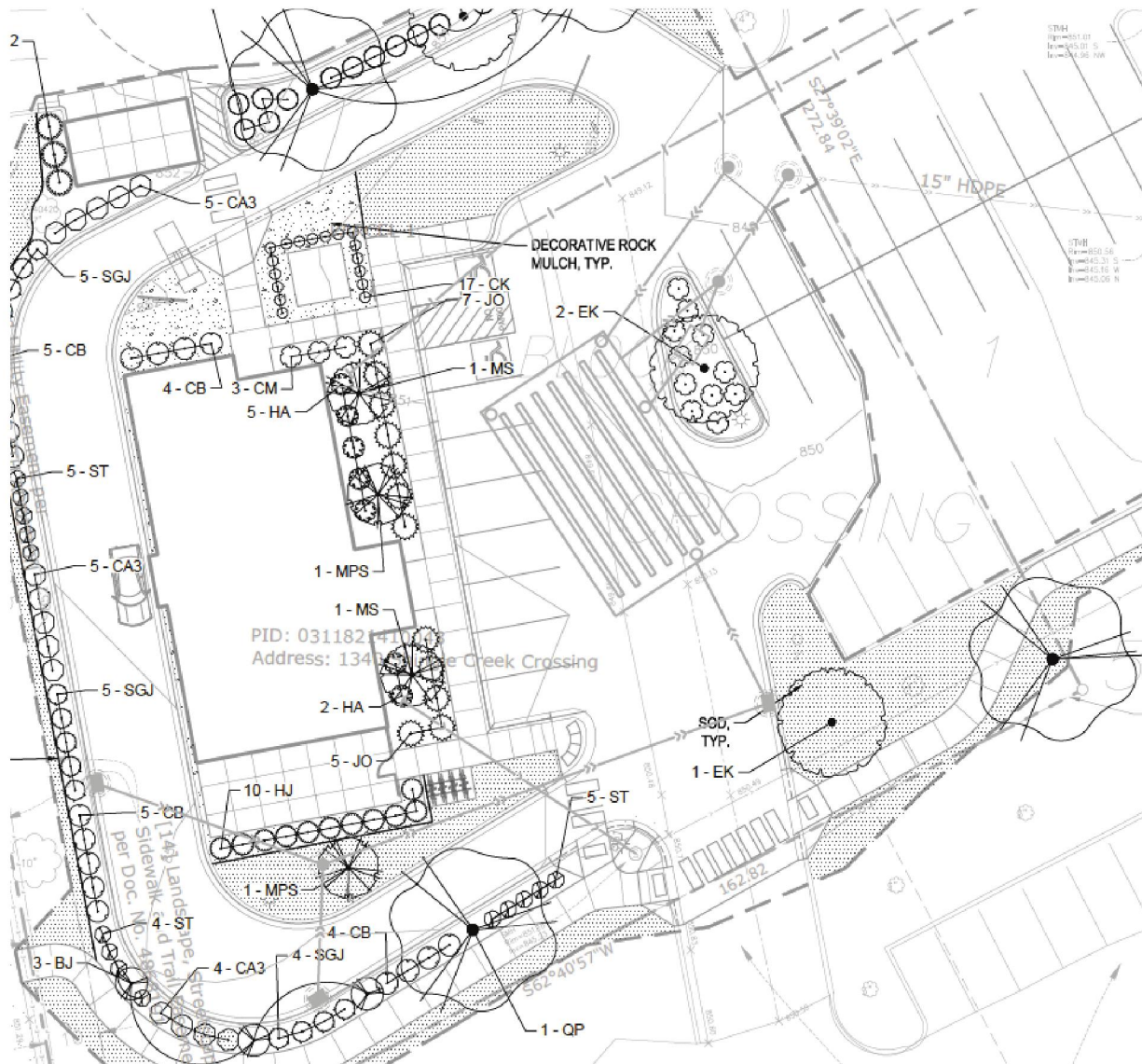
Landscaping

The project submittal includes a landscape plan and detail sheet (Sheets L1.0 and L1.1). Per the 2011 Shingle Creek Crossing Architectural Guidelines, "plant material is to be utilized within the master plan as an aid to provide continuity within the site and provide a recognized definition of its boundaries." Plant materials are to be utilized within parking lot islands, and grouped massings of landscape are encouraged in parking lots versus individual plantings to maximize landscape impact and allow for functional snow

removal. It is noted that some islands may be paved for use as pedestrian walk areas.

Both the City's Code and the Architectural Guidelines require use of an underground, automatic irrigation system. As this area has already been partially improved, any removed or relocated irrigation lines shall be replaced as part of construction.

The provided plant schedule outlines the type of planting, species and quantity, container sizing, and whether a proposed planting is native or pollinator friendly. As proposed, a mix of both native/non-native and pollinator/non-pollinator friendly options are offered. While the Architectural Guidelines do not stipulate native or pollinator-friendly plantings, the City's Code, as outlined under Section 35-5602 (*Landscaping Requirements Generally*), prioritize native and resilient plant types when possible in order to promote landscape resiliency and reduce site maintenance requirements. The Architectural Guidelines do emphasize a mix of plant materials that offer, "interesting structure, texture, color, seasonal interest, climate zone durability and its ultimate growth characteristics."



PLANT SCHEDULE					
TREES	QTY	COMMON / BOTANICAL NAME	CONT	NATIVE PLANTS	POLLINATOR FRIENDLY
BJ	3	Parkland Pillar® Asian White Birch / Betula platyphylla 'Jefpark'	2.5" CAL. B&B	NOT NATIVE	N
CP	1	Prairie Sentinel Hackberry / Celtis occidentalis 'JFS-KSU1' TM	2.5" Cal. B&B	NATIVE CULTIVAR	
EK	3	Espresso Kentucky Coffeetree / Gymnocladus dioica 'Espresso'	2.5" Cal. B&B	NATIVE CULTIVAR	N
QP	4	American Dream® Oak / Quercus bicolor 'JFS-KW12'	2.5" CAL. B&B	NATIVE CULTIVAR	N
ORNAMENTAL TREES	QTY	COMMON / BOTANICAL NAME	CONT	NATIVE PLANTS	POLLINATOR FRIENDLY
MPS	2	Professor Sprenger Crabapple / Malus x 'Professor Sprenger'	1.5" Cal. B&B	NATIVE CULTIVAR	Y
MS	2	Spring Snow Crabapple / Malus x 'Spring Snow'	1.5" Cal. B&B	NATIVE CULTIVAR	Y
SHRUBS	QTY	COMMON / BOTANICAL NAME	SIZE	NATIVE PLANTS	POLLINATOR FRIENDLY
CM	14	Muskingham Gray Dogwood / Cornus racemosa 'Muskingham'	#2 CONT	NATIVE CULTIVAR	Y
CA3	14	Arctic Fire Dogwood / Cornus sericea 'Arctic Fire'	#5 CONT	NATIVE CULTIVAR	Y
CB	18	Firedance Dogwood / Cornus sericea 'Bailadeline' TM	#5 CONT	NATIVE CULTIVAR	Y
HA	7	Annabelle Hydrangea / Hydrangea arborescens 'Annabelle'	#5 CONT	NOT NATIVE	Y
HJ	11	Little Lime Hydrangea / Hydrangea paniculata 'Jane' TM	#5 CONT	NOT NATIVE	Y
HL	18	Limelight Hydrangea / Hydrangea paniculata 'Limelight'	#5 CONT	NOT NATIVE	Y
SGJ	14	Sea Green Juniper / Juniperus chinensis 'Sea Green'	#5 CONT	NOT NATIVE	N
JM2	3	Medora Juniper / Juniperus scopulorum 'Medora'	#5 CONT	NOT NATIVE	N
JO	12	Grey Owl Juniper / Juniperus virginiana 'Grey Owl'	#5 CONT	NATIVE	N
ST	14	Birchleaf Spirea / Spiraea betulifolia 'Tor'	#5 CONT	NOT NATIVE	Y
GRASSES	QTY	COMMON / BOTANICAL NAME	SIZE	NATIVE PLANTS	POLLINATOR FRIENDLY
CK	17	Feather Reed Grass / Calamagrostis x acutiflora 'Karl Foerster'	#1 CONT	NOT NATIVE	N

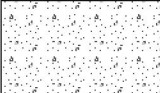
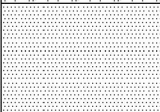
PLANT SCHEDULE		
GROUND COVERS	COMMON / BOTANICAL NAME	SIZE
	Rock Maintenance Strip / Rock Maintenance Strip 1"- 3" Washed river rock, uniform in size over filter fabric, composed of round rocks that may be varied in color. Include aluminum edging as shown on plan, or as needed. See detail.	Mulch
	Blue Grass Based / Sod Commercial grade, locally grown, well rooted sod blend of improved Kentucky Bluegrass w/ uniform color, leaf texture, density and varieties consisting of a minimum of two and no more than four common cultivars.	Sod

Image 12. Proposed Landscape Plan and Planting Schedule (Subject Property).

Signs

As proposed, the Applicant requests to comply with the City's Sign Code provisions as part of the request to amend the Shingle Creek Crossing Planned Unit Development. With this in mind, any and all wall or ground mounted or directional signage would need to comply with the City's signage provisions. The Applicant will need to submit any proposed signage for review and approval in advance of any install and comply with any maximum signage and setback provisions. In reviewing the signage as submitted, it appears the ground mounted monument sign would need to potentially be relocated to meet the minimum 10-foot setback requirements.

Engineering Review

James Soltis, Assistant City Engineer, reviewed the submitted plan sets, including a stormwater report (completed by CivilSite Group, and dated April 18, 2023), and provided a memorandum dated April 26, 2023 (Exhibit D). The attached memorandum outlines a sheet-by-sheet breakdown of requested changes and comments to verify certain aspects of the project (e.g. specification sheets and detailing, identification of underground fiber in proximity to proposed water service connections, minimum clearances for ground mounted equipment). All referenced plans shall be revised in accordance with the outlined commentary and revisions requests prior to issuance of any permits.

An MPCA NPDES permit is required as the total disturbed area would exceed one acre, and a Construction

Management Plan and Agreement, and Utility Facilities Easement Agreement shall be submitted to the City in advance of any permit release. The Applicant shall conform to any watershed requirements, and submit as-builts upon project close out.

In identifying the stormwater needs, Assistant City Engineer Soltis noted that upon conferring with the Watershed Commission, it was determined that the existing stormwater basins located just south of the former Walmart (1200 Shingle Creek Crossing) do not have any stormwater management dedicated for use by the Subject Property. It was at this point City staff relayed that any stormwater management would need to be handled on-site. As is noted in the submittal package and stormwater report, an underground stormwater detention system is to be installed to the east of the proposed restaurant building.

Building Review

Building Official Dan Grinstein conducted a cursory review of the submitted plan sets. Pending approval of the requests, the Applicant will need to submit full construction plans, including but not limited to: architectural, structural, mechanical, plumbing, electrical, civil, landscaping, and photometric plans to the City for review.

A fire sprinkler and monitoring system is required for installation and is to be maintained at all times, and minimum fire access and connection requirements shall be met.

The Applicant will also need to meet any minimum ADA requirements with regard to the building and site improvements, and prior to issuance of any building permits, a SAC determination shall be submitted to the Metropolitan Council and any associated fees shall be paid at time of permit issuance.

The Applicant shall submit separate plans to the Hennepin County Health Department for review and approval.

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

Based on the above noted findings, City staff recommends the Planning Commission recommend City Council approval of the requested site and building plans for the proposed approximately 2,678-square foot restaurant and drive-thru on the Subject Property commonly addressed as 1340 Shingle Creek Crossing and identified within the Shingle Creek Crossing Planned Unit Development as Building Site R, subject to the Applicant complying with the outlined Approval Conditions, and approval of the related request to amend the 2011 Shingle Creek Crossing Planned Unit Development plans and documents.

APPROVAL CONDITIONS | ANTICIPATED PERMITTING

Staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2023-002 for the Subject Property located at 1340 Shingle Creek Crossing and identified within the Shingle Creek Crossing Planned Unit Development as Building Site R:

1. Any major changes or modifications made to the approved Planned Unit Development and site and building plan can only be made by an amendment, and as approved by the City Council.
2. The Applicant agrees to comply with all conditions or provisions noted in the Assistant City Engineer's review memorandum, dated April 26, 2023, and revise plan sets as necessary. Final grading, drainage, utility, and erosion control plans and any other site engineering related issues are subject to review and approval by the Assistant City Engineer, and prior to issuance of permits.

3. Building plans are subject to review and approval by the Building Official, and with respect to all applicable codes prior to the issuance of permits; and the final location or placement of any fire access or fire-related building code items shall be reviewed and approved by the Fire Inspector.
 - a. A fire sprinkler system is required to be installed and shall be maintained and monitored on a consistent basis per City Code requirements.
 - b. A SAC Determination shall be submitted by the Applicant to the Metropolitan Council and any associated fees paid at time of any permit issuance.
 - c. Any reviews and approvals by the Hennepin County Health Department for the restaurant use.
4. The photometric plan, last updated April 25, 2023, shall be revised to comply with the illumination standards as detailed within Section 35-5400 (*Exterior Lighting*) of the City Code.
5. The Applicant shall install irrigation systems where necessary to facilitate maintenance of site landscaping and green areas, and irrigation shop drawings shall be submitted for review and approval prior to installation.
6. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per the 2011 Shingle Creek Crossing Architectural Guidelines and City Code requirements, and a detail sheet provided.
7. Unless amended otherwise or under separate agreement, all existing provisions, standards, and variations provided under the 2011 Shingle Creek Crossing Development and any subsequent amendments shall remain in effect for the entire Shingle Creek Crossing Planned Unit Development.
 - i. The Shingle Creek Crossing Planned Unit Development master plans and agreements shall be amended in advance of permit issuance to reflect the approximately 2,678-square foot restaurant and drive-thru on what is known as Building Site R within the Shingle Creek Crossing shopping center.
 - ii. An allowance for Building Site R to comply with the wall and monument/freestanding signage provisions outlined within the City Code for the underlying C2 (Commerce) District, as opposed to the approved 2011 Shingle Creek Crossing Signage Guidelines.
8. A Performance Agreement with supporting financial guarantee approved by the City shall be executed upon any approval of the to-be submitted building permit for site improvements, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards.

RECOMMENDATION

Based on the above-noted findings, City staff recommends the Planning Commission recommend City Council approval of Planning Commission Application No. 2023-002, for an amendment to the 2011 Shingle Creek Crossing Planned Unit Development and site and building plan for a proposed approximately 2,678-square foot restaurant and drive-thru on Building Site R, based on the submitted plans and findings of fact, as amended by the Conditions of Approval in May 11, 2023 Planning Commission Report.

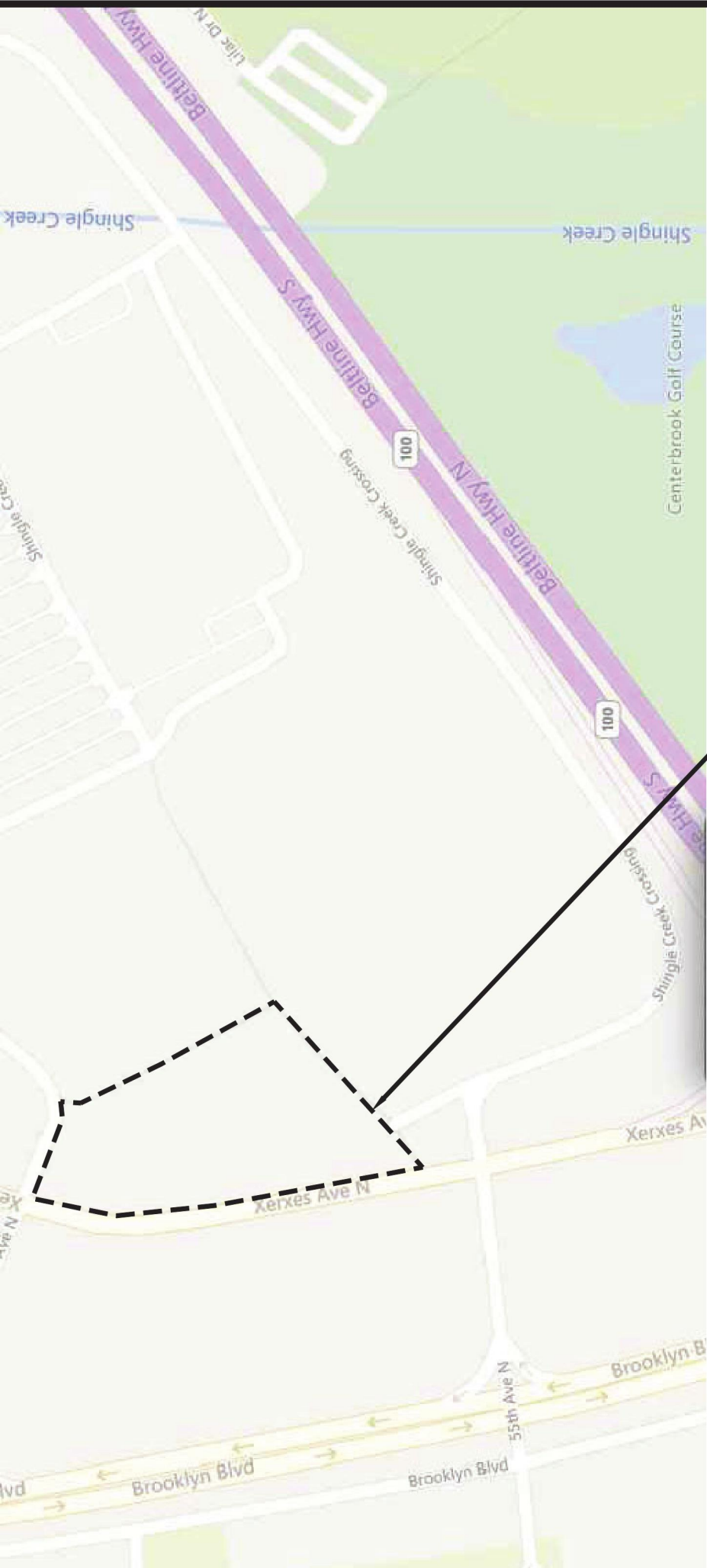
ATTACHMENTS

Exhibit A – Planning Commission Application No. 2023-002 Plans and Documents, submitted April 11, 2023.

Exhibit B – Public Hearing Notice, submitted for publication in the Brooklyn Center *Sun Post*, and dated April 27, 2023.

Exhibit C – City Council Resolution Nos. 2014-075, 2014-076, and 2014-077.

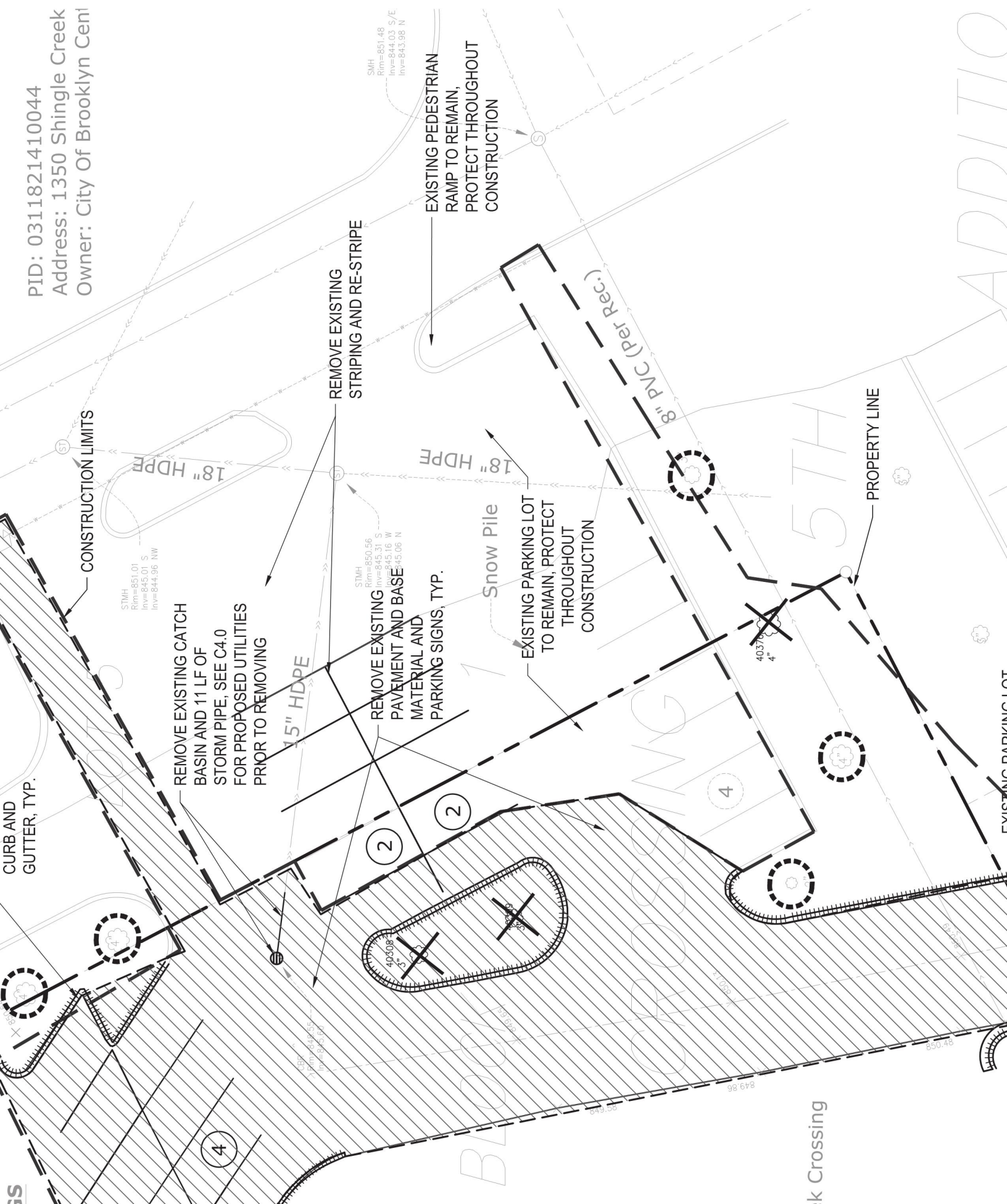
Exhibit D – Review Memorandum, prepared by Assistant City Engineer James Soltis, dated April 26, 2023.



SITE LOCATION

LOCATION MAP

PID: 0311821410044
Address: 1350 Shingler
Owner: City Of Brooklyn



PID: 0311821410044

Address: 1350 Shingle Creek

Owner: City Of Brooklyn Cent

SITE AREA

SITE AREA

BUILDING

ALL PAV

ALL NON

TOTALS

IMPERV

EXISTING

PROPOSED

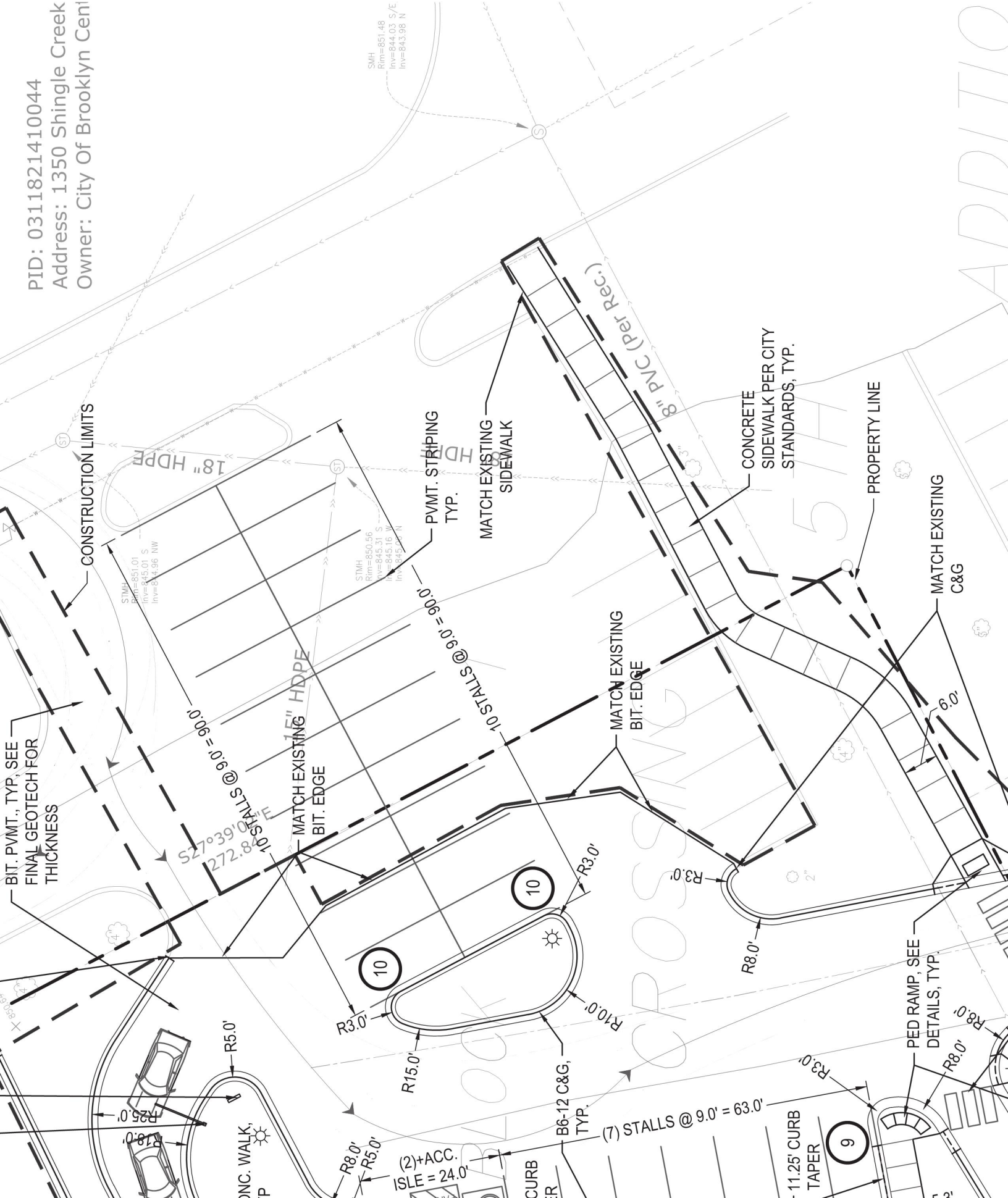
DIFFERENCE

OPERATION

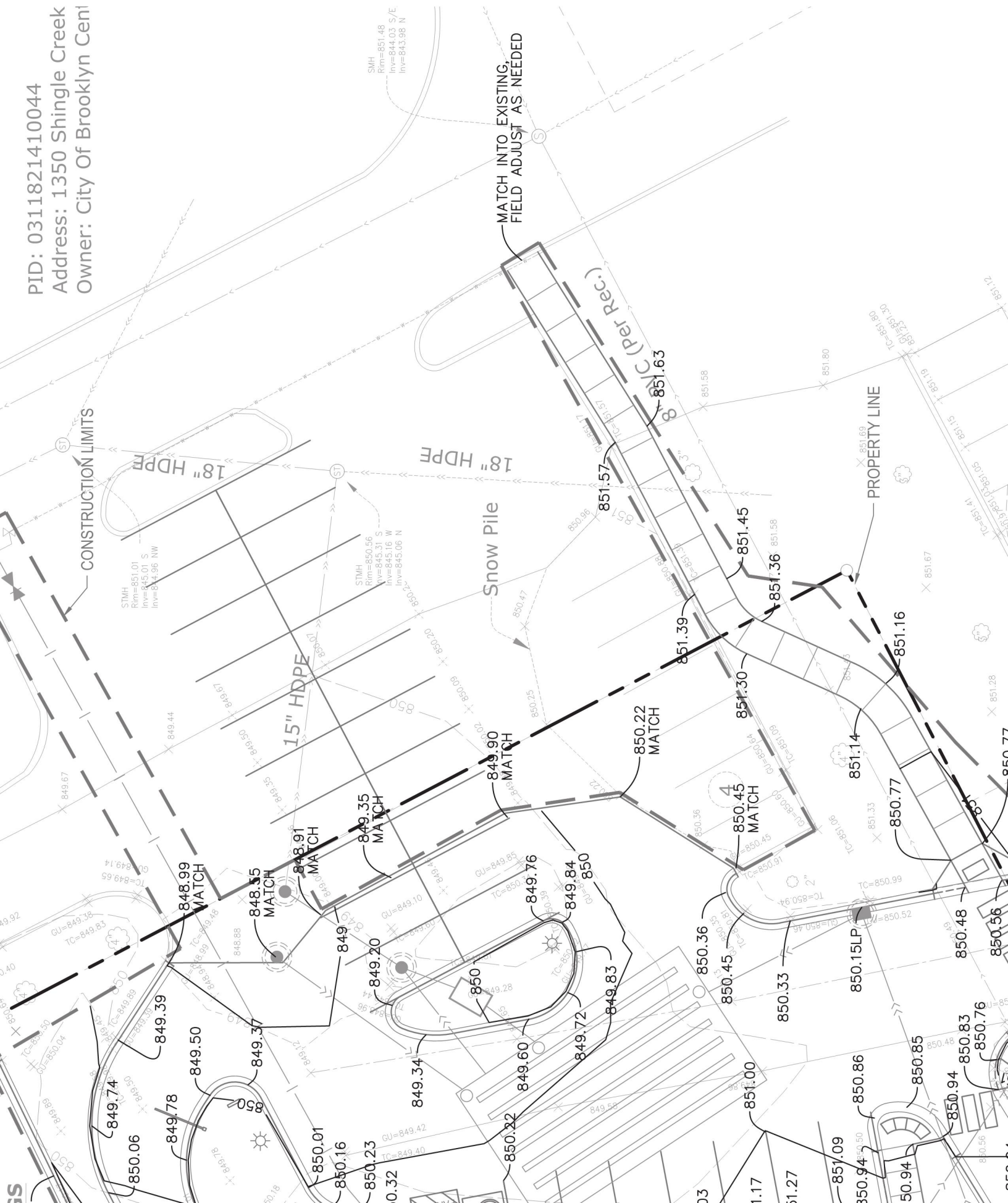
SNOW F

TRASH

DELIVER



Address: 1350 Shingle Creek
Owner: City Of Brooklyn Cent

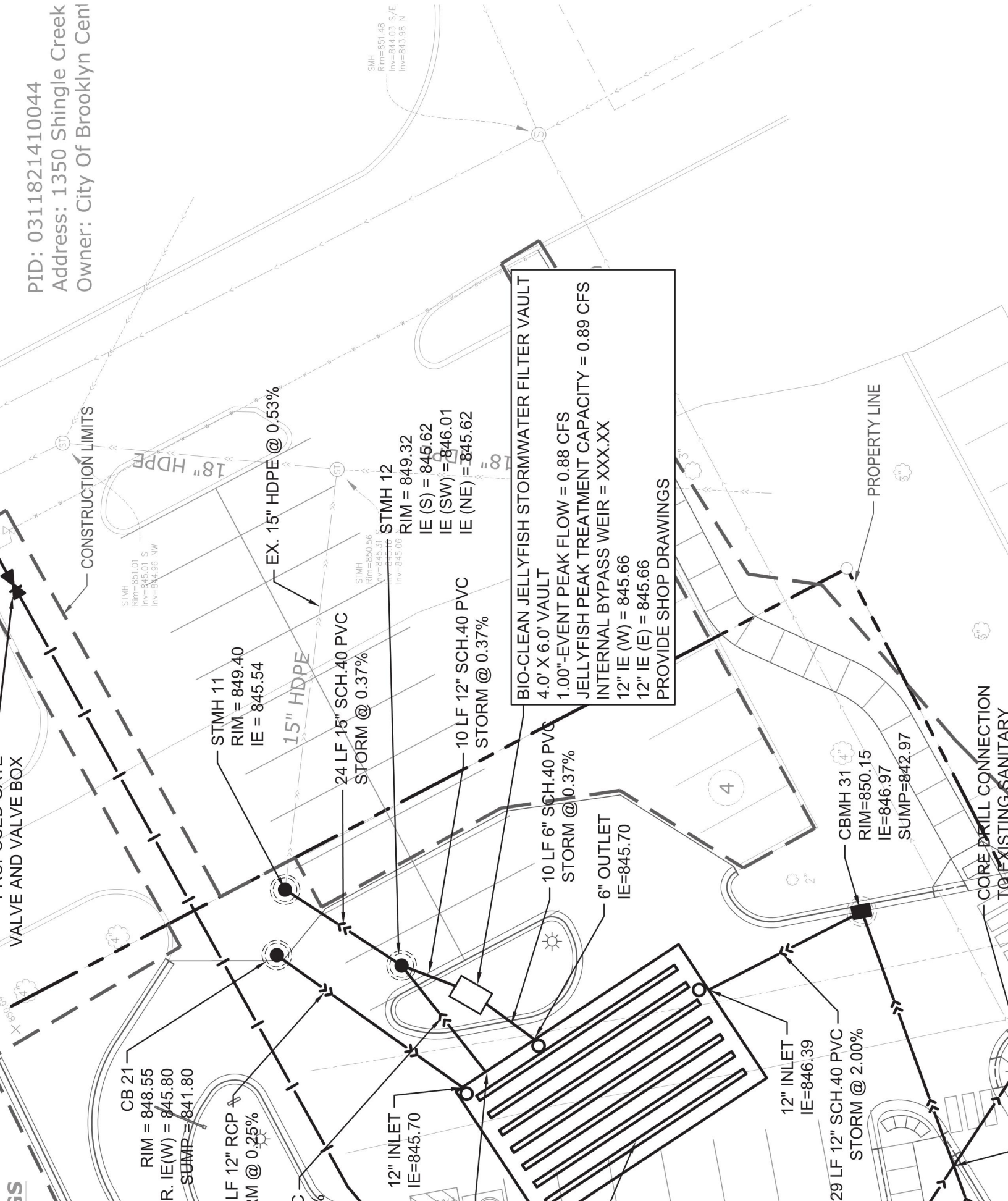


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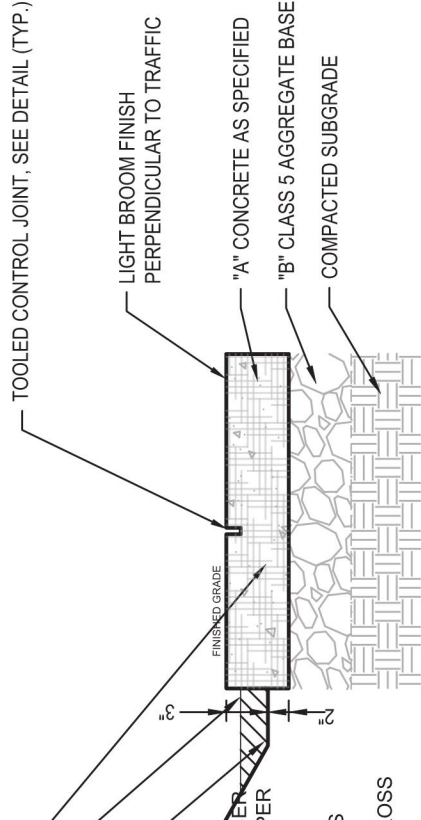
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PID: 0311821410044
Address: 1350 Shingle Creek
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CITY
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EMENT - ALL TYPES



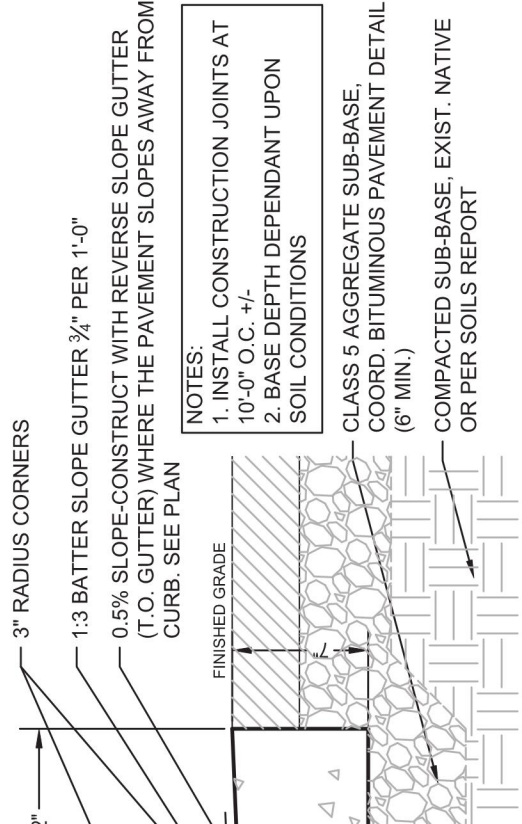
PAVEMENT DESIGN

TYPE	CONC. (A)	AGG.(B)
WALKS	5"	6"
CONC. PVMT.	X"	X"

1. CURING:
- 1.1. APPLY CURING COMPOUNDS IMMEDIATELY UPON FINISHING OF CONC. SURFACE.
 - 1.2. ALL CONC. SURFACES SHALL HAVE CURING COMPOUNDS ALLIED PER ASTM C-309. AT 200 S.F. PER GAL.
 - 1.3. ALL CURING COMPOUNDS SHALL BE TYPE 1 (CLEAR) AND CONTAIN ACRYLIC BASED CLASS B RESTRICTED RESIN SOLIDS.

./WALK/PAD

ERTY)



- NOTES:
- 1. INSTALL CONSTRUCTION JOINTS AT 10'-0" O.C. +/-
 - 2. BASE DEPTH DEPENDANT UPON SOIL CONDITIONS

CLASS 5 AGGREGATE SUB-BASE, COORD. BITUMINOUS PAVEMENT DETAIL (6" MIN.)

COMPACTED SUB-BASE, EXIST. NATIVE OR PER SOILS REPORT

DOWEL SIZE	DIA.	LENGTH	SP.
8" OR LESS	3/4"	16"	12"
9" - 11"	1"	16"	12"
12"-15"	1-1/4"	20"	15"
16" OR MORE	1-1/2"	20"	18"
16" OR MORE	1-1/2"	22"	24"

"D" - DENOTES DOWEL DIAMETER
"T" - DENOTES PAVEMENT THICKNESS

PROPOSED NEW PVMT/CURB OF OTHER CONC STRUCTURE, SEE PLAN

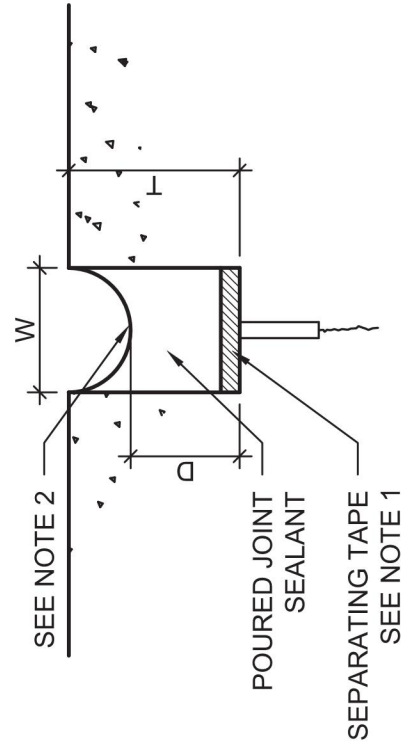
DRILL & GROUT DOWEL

EXISTING PVMT. OR EXISTING OR PROPOSED NEW PVMT./CURB OR OTHER CONC. STRUCTURE, SEE PLAN

DOWELED JOINT BETWEEN TWO PAVEMENTS

N T S

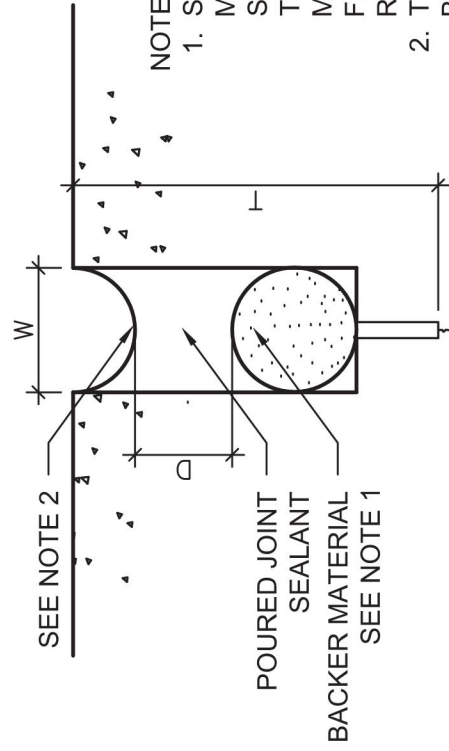
5



W= WIDTH OF SEALANT RESEALANT
1/2" MINIMUM
5/8" MAXIMUM
EXCEPT FOR 3/4" EXPANSION JOINTS

D= DEPTH OF SEALANT
1.0 TO 1.5 TIMES W

T= DEPTH OF INITIAL SAWCUT
THE SLAB THICKNESS FOR PAVEMENT LESS THAN 12"



- NOTES:
- 1. SEPARATING TAPE OR BACKER MATERIAL REQUIRED TO PREVENT SEALANT FROM FLOWING INTO JOINT TO SEPARATE NONCOMPATIBLE MATERIALS AND TO PREVENT SEALANT FROM BONDING TO BOTTOM OF RESERVOIR.
 - 2. TOP OF SEALANT WILL BE 1/8" TO 1/4" BELOW TOP OF PAVEMENT

www.ContechES.com

STRUCTURE SHALL BE IN ACCORDANCE WITH ALL DESIGN DATA AND INFORMATION CONTAINED IN THIS DRAWING. STRUCTURE MEETS REQUIREMENTS OF PROJECT.

INTO HS-20 OR PER APPROVING JURISDICTION REQUIREMENTS, WHICHEVER IS MORE STRINGENT, ASSUMING EARTH WATER ELEVATION AT, OR BELOW, THE OUTLET PIPE INVERT ELEVATION. ENGINEER OF RECORD TO CONFIRM ACTUAL CASTINGS SHALL MEET AASHTO M306 LOAD RATING AND BE CAST WITH THE CONTECH LOGO.

ST CONCRETE CONFORMING TO ASTM C-857, ASTM C-918, AND AASHTO LOAD FACTOR DESIGN METHOD.

TO THE CARTRIDGE DECK ELEVATION.

OR NEW INSTALLATIONS IS RECOMMENDED TO BE ONE PIPE SIZE LARGER THAN THE INLET PIPE (WHERE EATER SLOPE.

SHALL BE ACCEPTED UNLESS SUBMITTED 10 DAYS PRIOR TO PROJECT BID DATE, OR AS DIRECTED BY THE

TH, AND/OR ANTI-FLOTATION PROVISIONS ARE SITE-SPECIFIC DESIGN CONSIDERATIONS AND SHALL BE SPECIFIED

UIPMENT WITH SUFFICIENT LIFTING AND REACH CAPACITY TO LIFT AND SET THE STRUCTURE.

AND LEVEL THE STRUCTURE. SEALING THE JOINTS, LINE ENTRY AND EXIT POINTS (NON-SHRINK GROUT WITH EXIBLE BOOT).

CONTECH, SHALL OCCUR ONLY AFTER SITE HAS BEEN STABILIZED AND THE JELLYFISH UNIT IS CLEAN AND FREE OF TO COORDINATE CARTRIDGE INSTALLATION WITH SITE STABILIZATION.

CH[®]

NS LLC

m

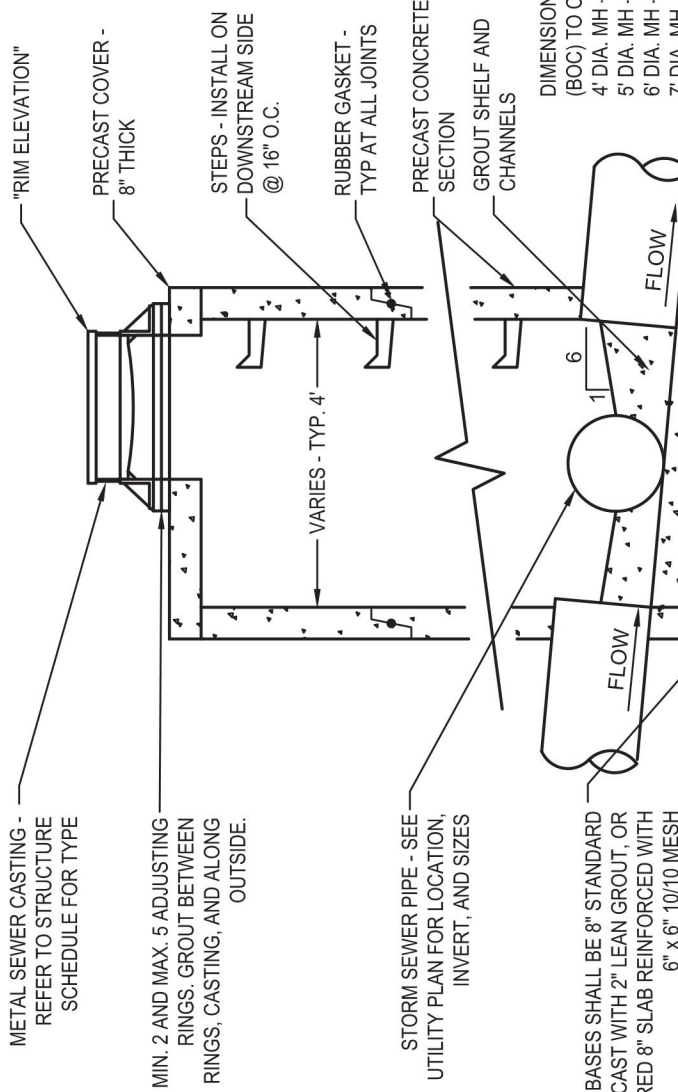
Chester, OH 45069

513-645-7993 FAX

JELLYFISH JFSI0406

STANDARD DETAIL

SURFACE INLET CONFIGURATION

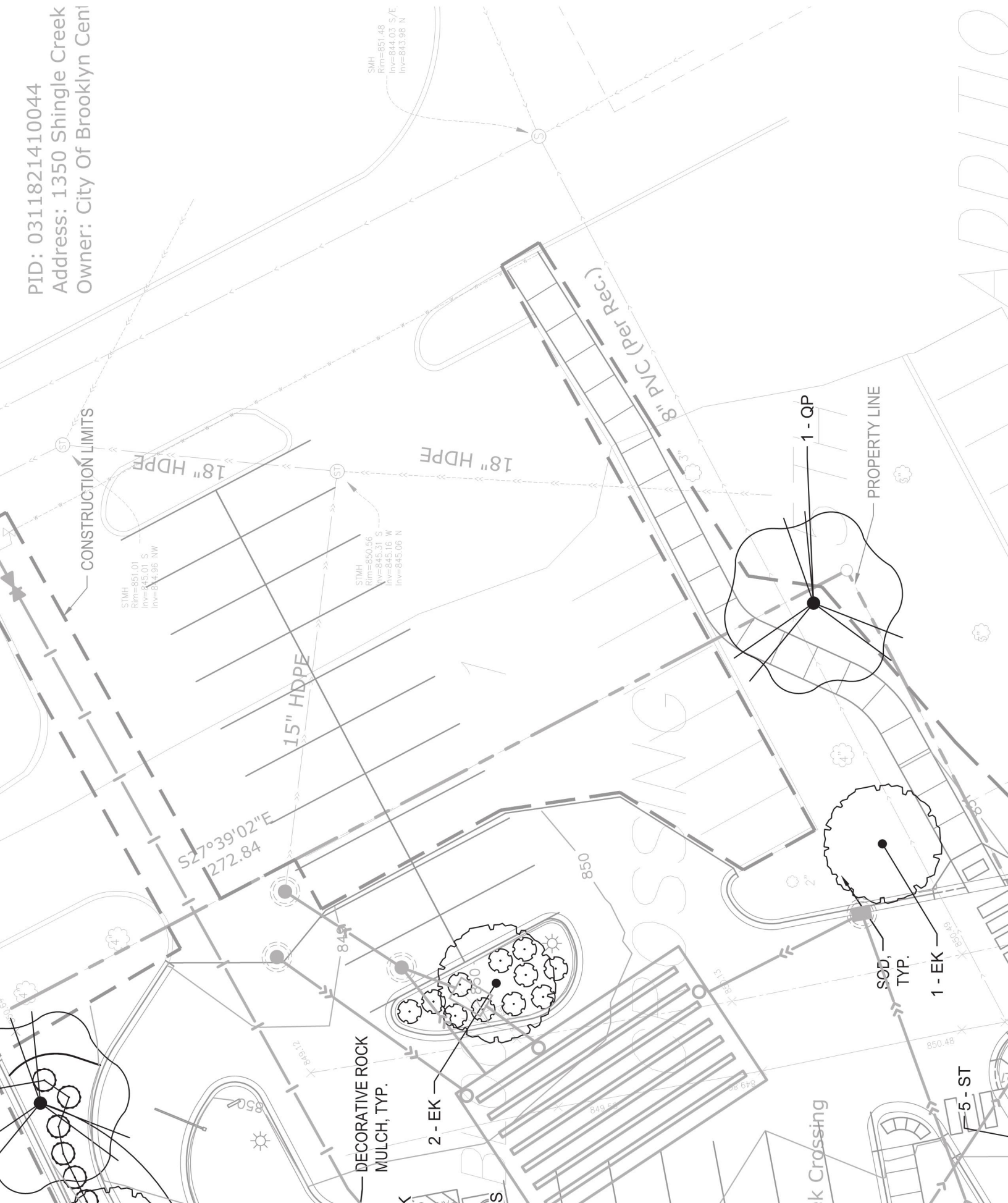


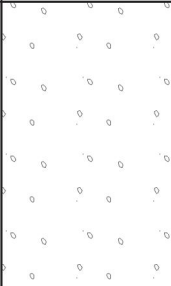
PID: 0311821410044

Address: 1350 Shingle Creek

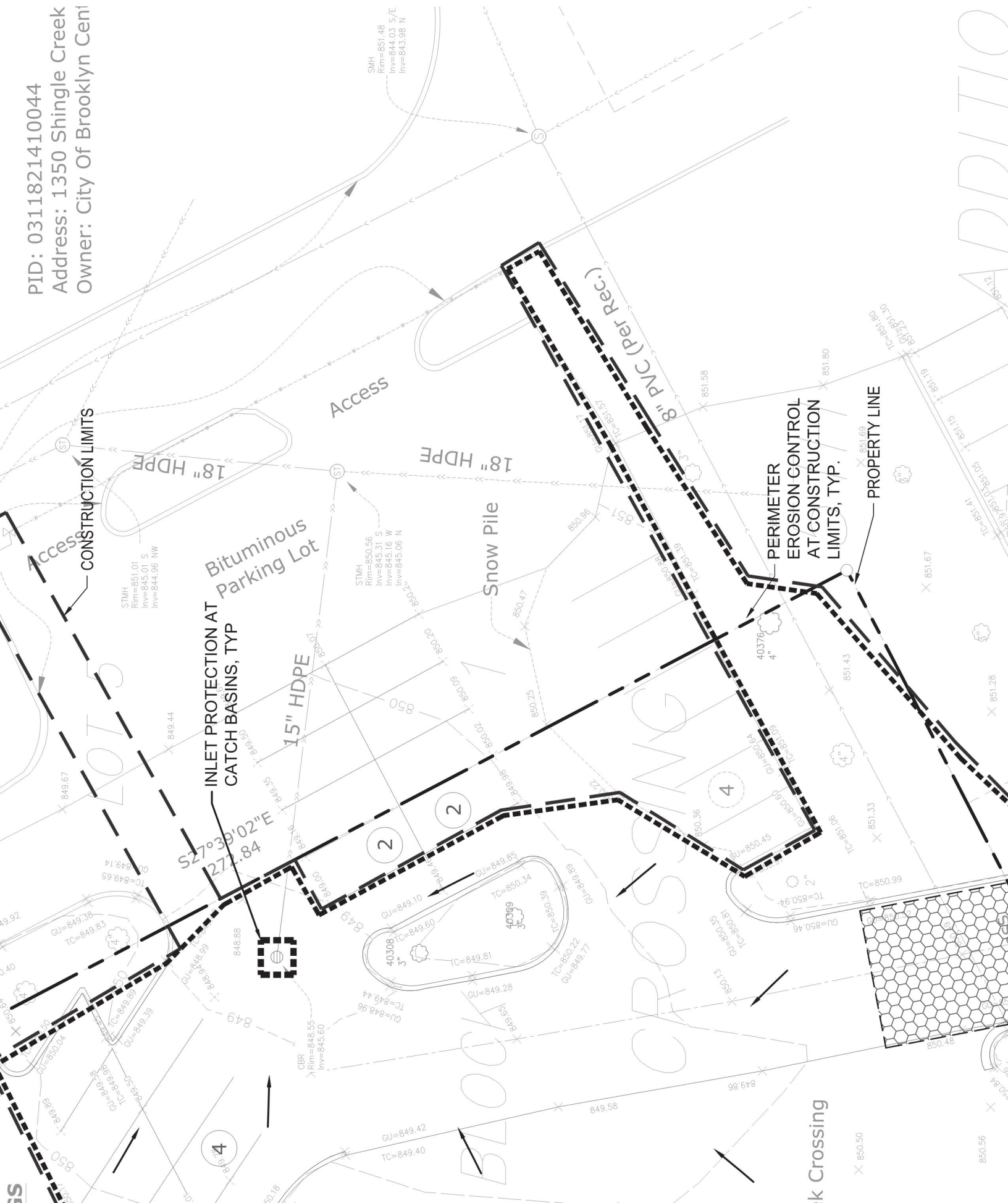
Owner: City Of Brooklyn Center

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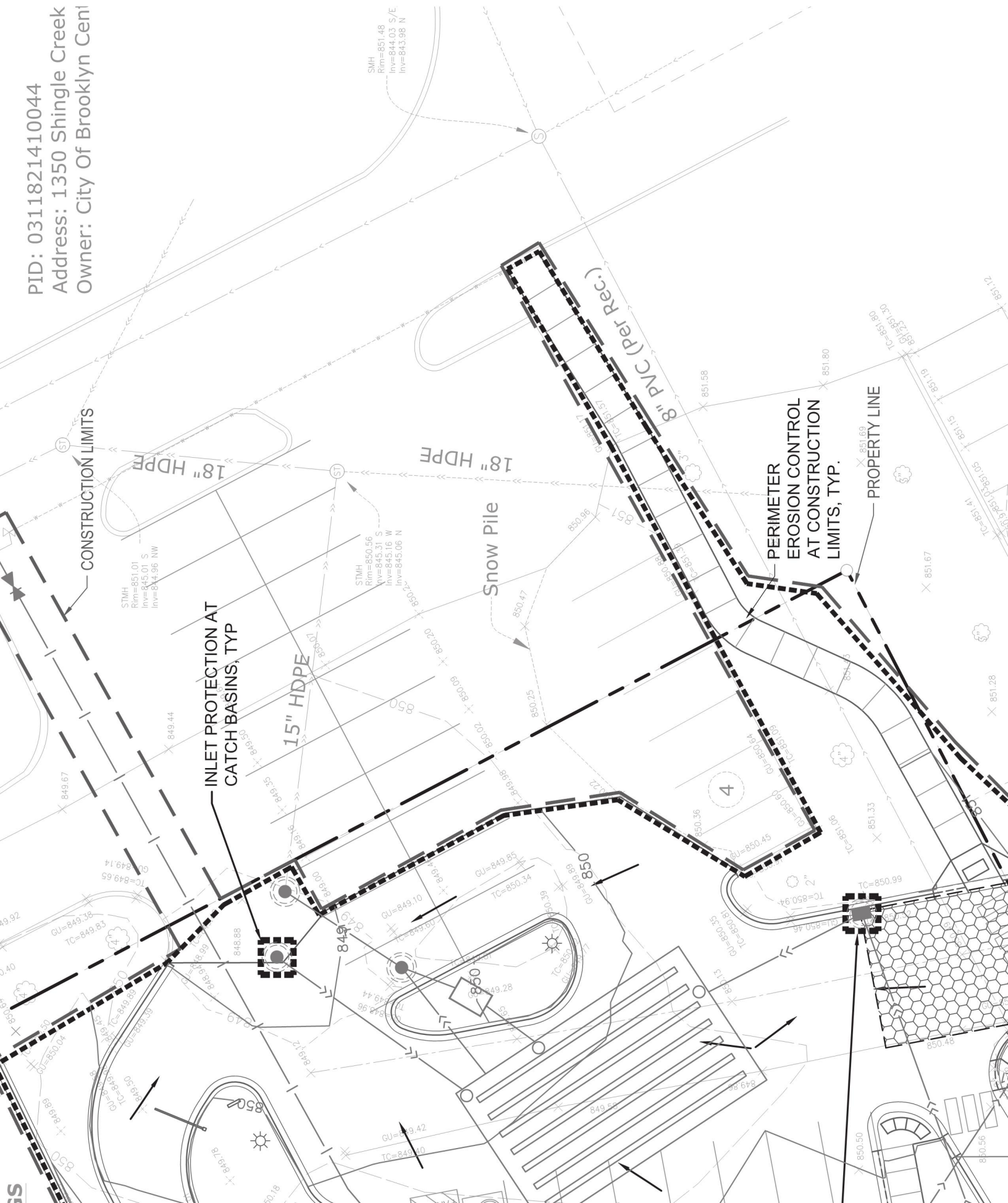


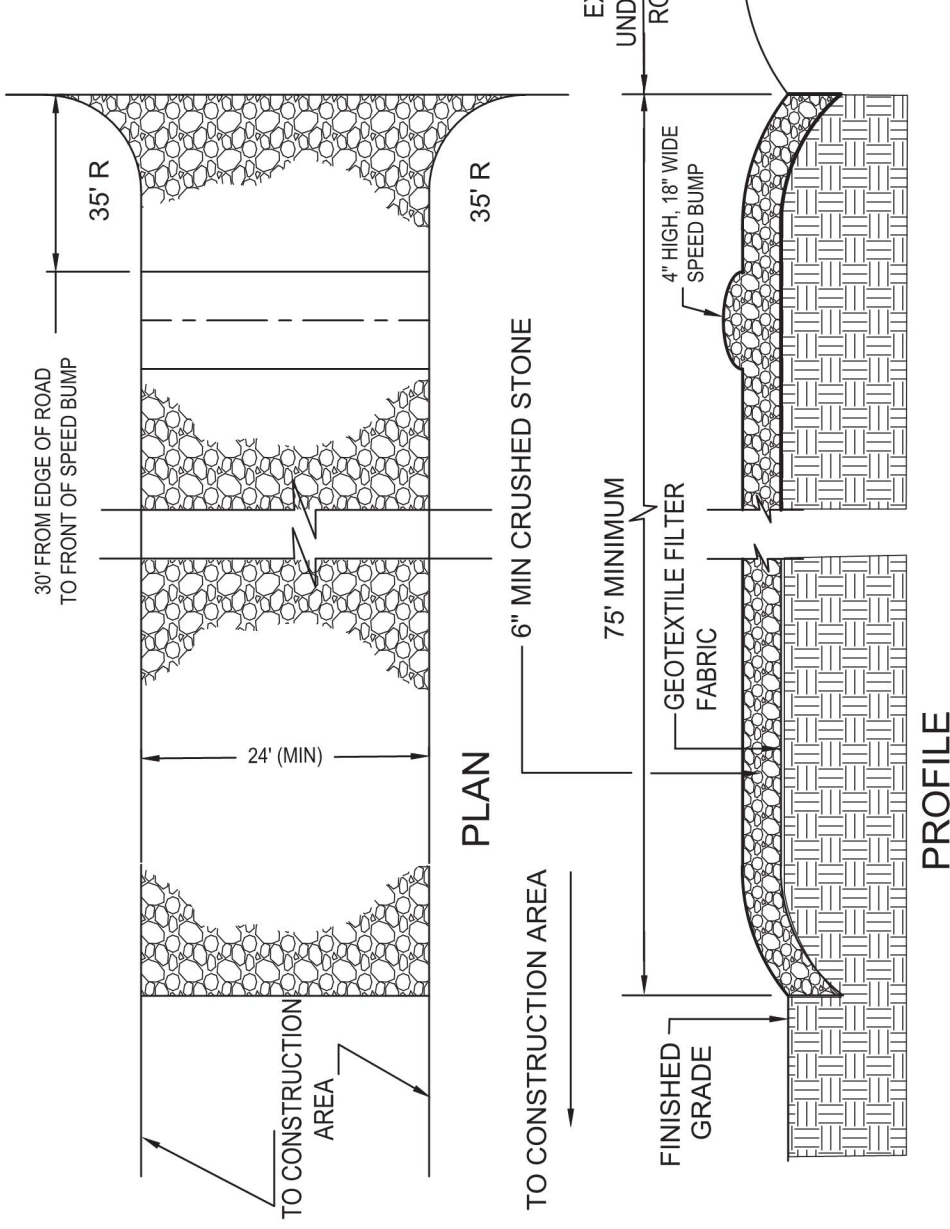
GROUND COVERS	COMMON / BOTANICAL NAME	SIZE
	Rock Maintenance Strip / Rock Maintenance Strip 1"- 3" Washed river rock, uniform in size over filter fabric, composed of round rocks that may be varied in color. Include aluminum edging as shown on plan, or as needed. See detail.	Mulch
	Blue Grass Based / Sod Commercial grade, locally grown, well rooted sod blend of improved Kentucky Bluegrass w/ uniform color, leaf texture, density and varieties consisting of a minimum of two and no more than four common cultivars.	Sod

Address: 1350 Shingle Creek
Owner: City Of Brooklyn Cent



Address: 1350 Shingle Creek
Owner: City Of Brooklyn Cent





NOTES:

1. PROVIDE APPROPRIATE TRANSITION BETWEEN STABILIZED CONSTRUCTION ENTRANCE AND UNDISTURBED ROADWAY.
2. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO UNDISTURBED ROADWAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE TO THE LENGTH OF THE ENTRANCE.
3. REPAIR AND CLEANOUT MEASURES USED TO TRAP SEDIMENT.
4. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO UNDISTURBED ROADWAY SHALL BE REMOVED AND DIRECTED BY THE ENGINEER.
5. FINAL LOCATION AND INSTALLATION SHALL BE COORDINATED WITH THE CITY PRIOR TO CONSTRUCTION.
6. CRUSHED STONE SHALL BE 1-1/2" DIA. CLOSE GRADED, AND IN ACCORDANCE TO MNDOT SECTION 211.02.

STABILIZED CONSTRUCTION ACCESS

N T S

10):

ADEN WATERS RELATED TO DEWATERING OR BASIN DRAINING (E.G., AGE) TO A TEMPORARY OR PERMANENT SEDIMENT BASIN ON THE PROJECT O SURFACE WATERS IF THEY VISUALLY CHECK TO ENSURE ADEQUATE TIONS (SEE MINN. R. 7050.0210, SUBP. 2) WILL NOT RESULT FROM THE WATER TO A SEDIMENTATION BASIN PRIOR TO ENTERING A SURFACE E BMPs SUCH THAT THE DISCHARGE DOES NOT ADVERSELY AFFECT THE

IL OR GREASE, THEY MUST USE AN OIL-WATER SEPARATOR OR SUITABLE ENTS' PADS) PRIOR TO DISCHARGE.

TERING OR BASIN-DRAINING ACTIVITIES IN A MANNER THAT DOES NOT OF DISCHARGE POINTS OR INUNDATION OF WETLANDS IN THE IMMEDIATE ANT ADVERSE IMPACT TO THE WETLAND.

HEY MUST HAUL THE BACKWASH WATER AWAY FOR DISPOSAL, RETURN ATMENT PROCESS, OR INCORPORATE THE BACKWASH WATER INTO THE

);

NTIFIED IN ITEM 21.2.B, WILL INSPECT THE ENTIRE CONSTRUCTION SITE AT NSTRUCTION AND WITHIN 24 HOURS AFTER A RAINFALL EVENT GREATER

ENT STORMWATER TREATMENT BMPs.
AND SEDIMENT CONTROL BMPs AND POLLUTION PREVENTION EFFECTIVENESS. PERMITTEES MUST REPAIR, REPLACE OR SUPPLEMENT THE END OF THE NEXT BUSINESS DAY AFTER DISCOVERY UNLESS s. PERMITTEES MAY TAKE ADDITIONAL TIME IF FIELD CONDITIONS PREVENT

SURFACE WATERS, INCLUDING DRAINAGE DITCHES AND CONVEYANCE VIDENCE OF EROSION AND SEDIMENT DEPOSITION. PERMITTEES MUST FACE WATERS, INCLUDING DRAINAGE WAYS, CATCH BASINS, AND OTHER RE SEDIMENT REMOVAL RESULTS IN EXPOSED SOIL. PERMITTEES MUST (7) CALENDAR DAYS OF DISCOVERY UNLESS PRECLUDED BY LEGAL, RMITTEES MUST USE ALL REASONABLE EFFORTS TO OBTAIN ACCESS. IF PLACE WITHIN SEVEN (7) DAYS OF OBTAINING ACCESS. PERMITTEES ARE STATE AND FEDERAL AUTHORITIES AND RECEIVING ANY APPLICABLE E WATERS.

LE EXIT LOCATIONS, STREETS AND CURB AND GUTTER SYSTEMS WITHIN FROM EROSION OR TRACKED SEDIMENT FROM VEHICLES. PERMITTEES WITHIN ONE (1) CALENDAR DAY OF DISCOVERY OR, IF APPLICABLE, WITHIN S OF PUBLIC STREETS.

ALL PERIMETER CONTROL DEVICES WHEN THEY BECOME NONFUNCTIONAL DEVICE.

T SEDIMENTATION BASINS AND REMOVE THE SEDIMENT WHEN THE DEPTH IE STORAGE VOLUME.

UAL PRESENT ON THE SITE (OR AVAILABLE TO THE PROJECT SITE IN IES DESCRIBED IN ITEM 21.2.B.

DESCRIBED IN ITEM 11.2 AS FOLLOWS:

CAN BE REDUCED TO ONCE PER MONTH, EVEN IF CONSTRUCTION ACTIVITY OSED SOIL AND NO CONSTRUCTION ACTIVITY IS OCCURRING ANYWHERE CE PER MONTH AND, AFTER 12 MONTHS, MAY BE SUSPENDED MES. THE MPCA MAY REQUIRE INSPECTIONS TO RESUME IF CONDITIONS

IDED DUE TO FROZEN GROUND CONDITIONS, INSPECTIONS MAY BE HOURS OF RUNOFF OCCURRING, OR UPON RESUMING CONSTRUCTION,

TEMPORARY EROSION CONTROL SEEDING, MULCHING & BLANKET.

SEED

- TEMPORARY SEED SHALL BE MNDOT SEED MIX 21-112 (WINTER WHEAT COVER CROP) FOR WINTER AND 21-111 (OATS COVER CROP) FOR SPRING/SUMMER APPLICATIONS. BOTH SEED MIXES SHALL BE APPLIED AT A SEEDING RATE OF 100 LBS/ACRE.

MULCH

- IMMEDIATELY AFTER SEEDING, WITHIN 24 HOURS, MNDOT TYPE 1 MULCH SHOULD BE APPLIED TO PROTECT AND ENHANCE SEED GERMINATION. MULCH SHALL BE APPLIED AT 90% COVERAGE (2 TONS PER ACRE OF STRAW MULCH)

SLOPES

- 3:1 (HORIZ:VERT.) OR FLATTER MUCH SHALL BE COVERED WITH MULCH
- SLOPES STEEPER THAN 3:1 OR DITCH BOTTOMS SHALL BE COVERED WITH EROSION CONTROL BLANKET.
- SEE PLAN FOR MORE DETAILED DITCH AND STEEP SLOPE EROSION CONTROL TREATMENTS.

THE PROJECT WILL UTILIZE A ROCK CONSTRUCTION ENTRANCE.

5. DESCRIBE METHODS, IF APPLICABLE, ADDITIONAL SEDIMENT CONTROL MEASURES TO BE INSTALLED PRIOR TO FINAL STABILIZATION OF THE CONTRIBUTING DRAINAGE AREA TO PREVENT EROSION OF THE EXCAVATED AREA.
6. DESCRIBE METHODS TO BE USED TO MINIMIZE SOIL COMPACTION AND LIGHT TRACKED EQUIPMENT WILL BE USED, TOPSOIL WILL BE STRIPPED AND REAPPLIED TO THE EXCAVATED AREA.
7. DESCRIBE PLANS TO PRESERVE A 50-FOOT NATURAL BUFFER BETWEEN EXCAVATION AND ADJACENT PROPERTY.

DOUBLE ROW OF SILT FENCE WILL BE INSTALLED ALONG WETLAND. PR
8. DESCRIBE PLANS FOR USE OF SEDIMENTATION TREATMENT CHEMIC
N/A

9. IS THE PROJECT REQUIRED TO INSTALL A TEMPORARY SEDIMENT BASIN TO PREVENT EROSION AND SILTATION OF THE ADJACENT WATERWAY?
SPECIAL OR IMPAIRED WATER?
YES

IF YES, DESCRIBE (OR ATTACH PLANS) SHOWING HOW THE BASIN WILL PROPOSED FILTRATION BASINS WILL SERVE AS TEMPORARY SEDIMENT

DEWATERING AND BASIN DRAINING (SECTION 10.1)

1. WILL THE PROJECT INCLUDE DEWATERING OR BASIN DRAINING? NO
IF YES, DESCRIBE MEASURES TO BE USED TO TREAT/DISPOSE OF TURBIDITY (10.4 OF THE PERMIT):

N/A

2. WILL THE PROJECT INCLUDE USE OF FILTERS FOR BACKWASH WATER? IF YES, DESCRIBE HOW FILTER BACKWASH WATER WILL BE MANAGED (N/A)

ADDITIONAL BMP'S FOR SPECIAL WATERS AND DISCHARGES TO WETLANDS

1. SPECIAL WATERS, DOES YOUR PROJECT DISCHARGE TO SPECIAL WATERS?
2. IF PROXIMITY TO BEDROCK OR ROAD PROJECTS WHERE THE LACK OF THEN OTHER TREATMENT SUCH AS GRASSED SWALES, SMALLER PONDING WILL BE PROVIDED.

N/A

3. DESCRIBE EROSION AND SEDIMENT CONTROLS FOR EXPOSED SOIL. DRAIN FIVE OR MORE ACRES DISTURBED AT ONE TIME.

N/A

4. DESCRIBE THE UNDISTURBED BUFFER ZONE TO BE USED (NOT LESS THAN)

5. DE

PRECIPITATION EVENTS REMAINS THE SAME.

N/A

6. DESCRIBE HOW THE PERMANENT STORMWATER MANAGEMENT SYSTEM 2-YEAR 24-HOUR PRECIPITATION EVENTS.

N/A

7. **WETLANDS.** DOES YOUR PROJECT DISCHARGE STORMWATER WITH 10% OR MORE TOTAL SUSPENDED SOLIDS TO ANY ADJACENT WETLANDS (WETLANDS ARE ANY WETLANDS, NOT JUST "WETLANDS OF THE PROJECT")? YES OR NO

IF YE
N/A

INSPECTIONS AND MAINTENANCE (SECTION 11.1)

- ONCE EVERY SEVEN (7) DAYS DURING ACTIVE CONSTRUCTION AND

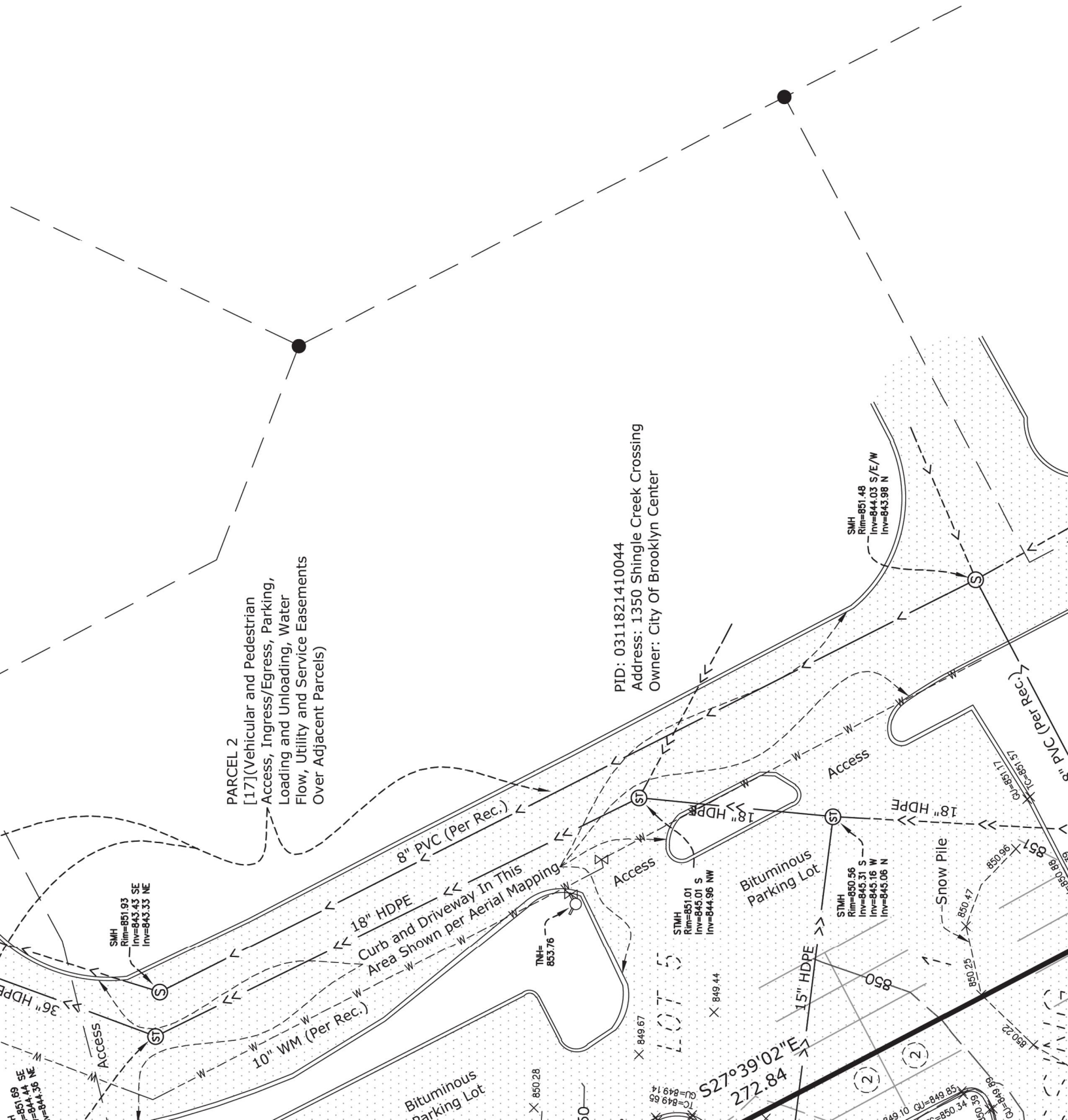
SURVEY REPORT

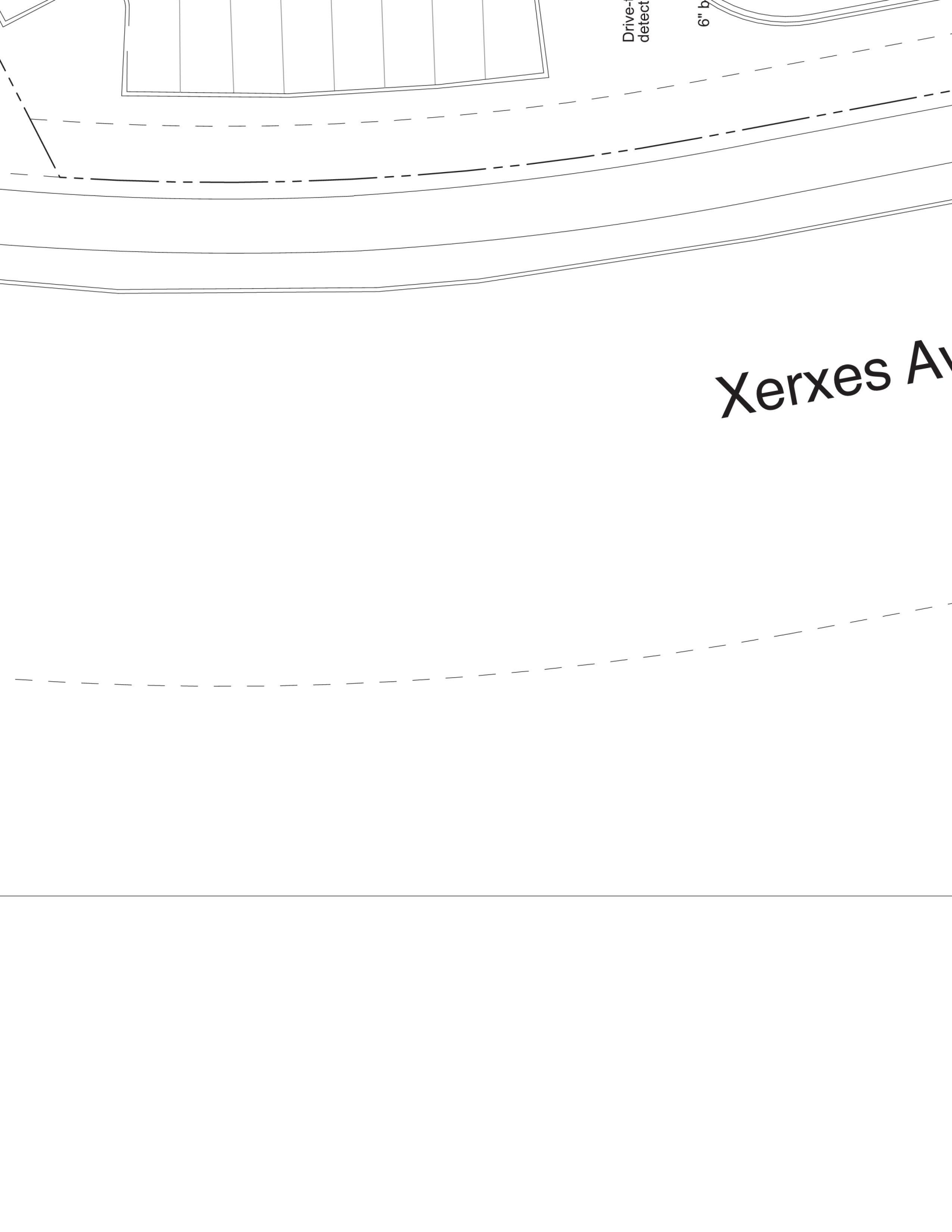
1. This map and report will be made available to the public in accordance with the provisions of the Freedom of Information Act, R.S.B.C. 369(1) and the Access to Information Act, R.S.C. 1985, c. 42, s. 19.
- a. Item no.'s 1-8,
- b. The following are the items that are not being released:
- [9]. Drainage easement, 5198201, 5198202, 5198203, 5198204, 5198205, 5198206, 5198207, 5198208, 5198209, 5198210, 5198211, 5198212, 5198213, 5198214, 5198215, 5198216, 5198217, 5198218, 5198219, 5198220, 5198221, 5198222, 5198223, 5198224, 5198225, 5198226, 5198227, 5198228, 5198229, 5198230, 5198231, 5198232, 5198233, 5198234, 5198235, 5198236, 5198237, 5198238, 5198239, 5198240, 5198241, 5198242, 5198243, 5198244, 5198245, 5198246, 5198247, 5198248, 5198249, 5198250, 5198251, 5198252, 5198253, 5198254, 5198255, 5198256, 5198257, 5198258, 5198259, 5198260, 5198261, 5198262, 5198263, 5198264, 5198265, 5198266, 5198267, 5198268, 5198269, 5198270, 5198271, 5198272, 5198273, 5198274, 5198275, 5198276, 5198277, 5198278, 5198279, 5198280, 5198281, 5198282, 5198283, 5198284, 5198285, 5198286, 5198287, 5198288, 5198289, 5198290, 5198291, 5198292, 5198293, 5198294, 5198295, 5198296, 5198297, 5198298, 5198299, 5198300, 5198301, 5198302, 5198303, 5198304, 5198305, 5198306, 5198307, 5198308, 5198309, 5198310, 5198311, 5198312, 5198313, 5198314, 5198315, 5198316, 5198317, 5198318, 5198319, 5198320, 5198321, 5198322, 5198323, 5198324, 5198325, 5198326, 5198327, 5198328, 5198329, 5198330, 5198331, 5198332, 5198333, 5198334, 5198335, 5198336, 5198337, 5198338, 5198339, 5198340, 5198341, 5198342, 5198343, 5198344, 5198345, 5198346, 5198347, 5198348, 5198349, 5198350, 5198351, 5198352, 5198353, 5198354, 5198355, 5198356, 5198357, 5198358, 5198359, 5198360, 5198361, 5198362, 5198363, 5198364, 5198365, 5198366, 5198367, 5198368, 5198369, 5198370, 5198371, 5198372, 5198373, 5198374, 5198375, 5198376, 5198377, 5198378, 5198379, 5198380, 5198381, 5198382, 5198383, 5198384, 5198385, 5198386, 5198387, 5198388, 5198389, 5198390, 5198391, 5198392, 5198393, 5198394, 5198395, 5198396, 5198397, 5198398, 5198399, 5198400, 5198401, 5198402, 5198403, 5198404, 5198405, 5198406, 5198407, 5198408, 5198409, 5198410, 5198411, 5198412, 5198413, 5198414, 5198415, 5198416, 5198417, 5198418, 5198419, 5198420, 5198421, 5198422, 5198423, 5198424, 5198425, 5198426, 5198427, 5198428, 5198429, 5198430, 5198431, 5198432, 5198433, 5198434, 5198435, 5198436, 5198437, 5198438, 5198439, 5198440, 5198441, 5198442, 5198443, 5198444, 5198445, 5198446, 5198447, 5198448, 5198449, 5198450, 5198451, 5198452, 5198453, 5198454, 5198455, 5198456, 5198457, 5198458, 5198459, 5198460, 5198461, 5198462, 5198463, 5198464, 5198465, 5198466, 5198467, 5198468, 5198469, 5198470, 5198471, 5198472, 5198473, 5198474, 5198475, 5198476, 5198477, 5198478, 5198479, 5198480, 5198481, 5198482, 5198483, 5198484, 5198485, 5198486, 5198487, 5198488, 5198489, 5198490, 5198491, 5198492, 5198493, 5198494, 5198495, 5198496, 5198497, 5198498, 5198499, 5198500, 5198501, 5198502, 5198503, 5198504, 5198505, 5198506, 5198507, 5198508, 5198509, 5198510, 5198511, 5198512, 5198513, 5198514, 5198515, 5198516, 5198517, 5198518, 5198519, 5198520, 5198521, 5198522, 5198523, 5198524, 5198525, 5198526, 5198527, 5198528, 5198529, 5198530, 5198531, 5198532, 5198533, 5198534, 5198535, 5198536, 5198537, 5198538, 5198539, 5198540, 5198541, 5198542, 5198543, 5198544, 5198545, 5198546, 5198547, 5198548, 5198549, 5198550, 5198551, 5198552, 5198553, 5198554, 5198555, 5198556, 5198557, 5198558, 5198559, 5198560, 5198561, 5198562, 5198563, 5198564, 5198565, 5198566, 5198567, 5198568, 5198569, 5198570, 5198571, 5198572, 5198573, 5198574, 5198575, 5198576, 5198577, 5198578, 5198579, 5198580, 5198581, 5198582, 5198583, 5198584, 5198585, 5198586, 5198587, 5198588, 5198589, 5198590, 5198591, 5198592, 5198593, 5198594, 5198595, 5198596, 5198597, 5198598, 5198599, 5198600, 5198601, 5198602, 5198603, 5198604, 5198605, 5198606, 5198607, 5198608, 5198609, 5198610, 5198611, 5198612, 5198613, 5198614, 5198615, 5198616, 5198617, 5198618, 5198619, 5198620, 5198621, 5198622, 5198623, 5198624, 5198625, 5198626, 5198627, 5198628, 5198629, 5198630, 5198631, 5198632, 5198633, 5198634, 5198635, 5198636, 5198637, 5198638, 5198639, 5198640, 5198641, 5198642, 5198643,

ALTA CERTIFICATION

To: La Palma Properties II,
This is to certify that this
Land Title Surveys, jointly
The fieldwork was completed
Dated this 17th day of Feb

Rory L. Synstien
rory@civilsitegroup.com



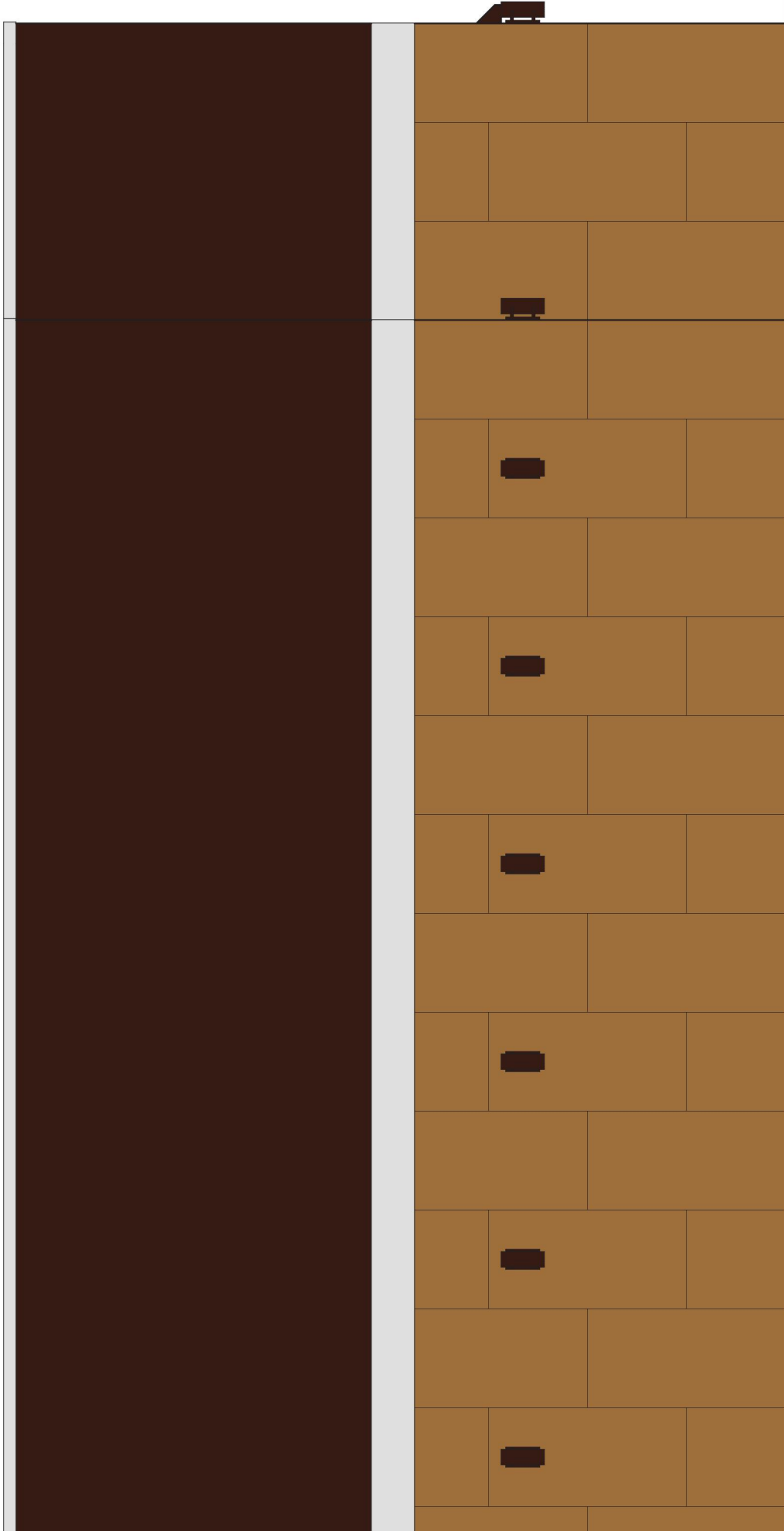


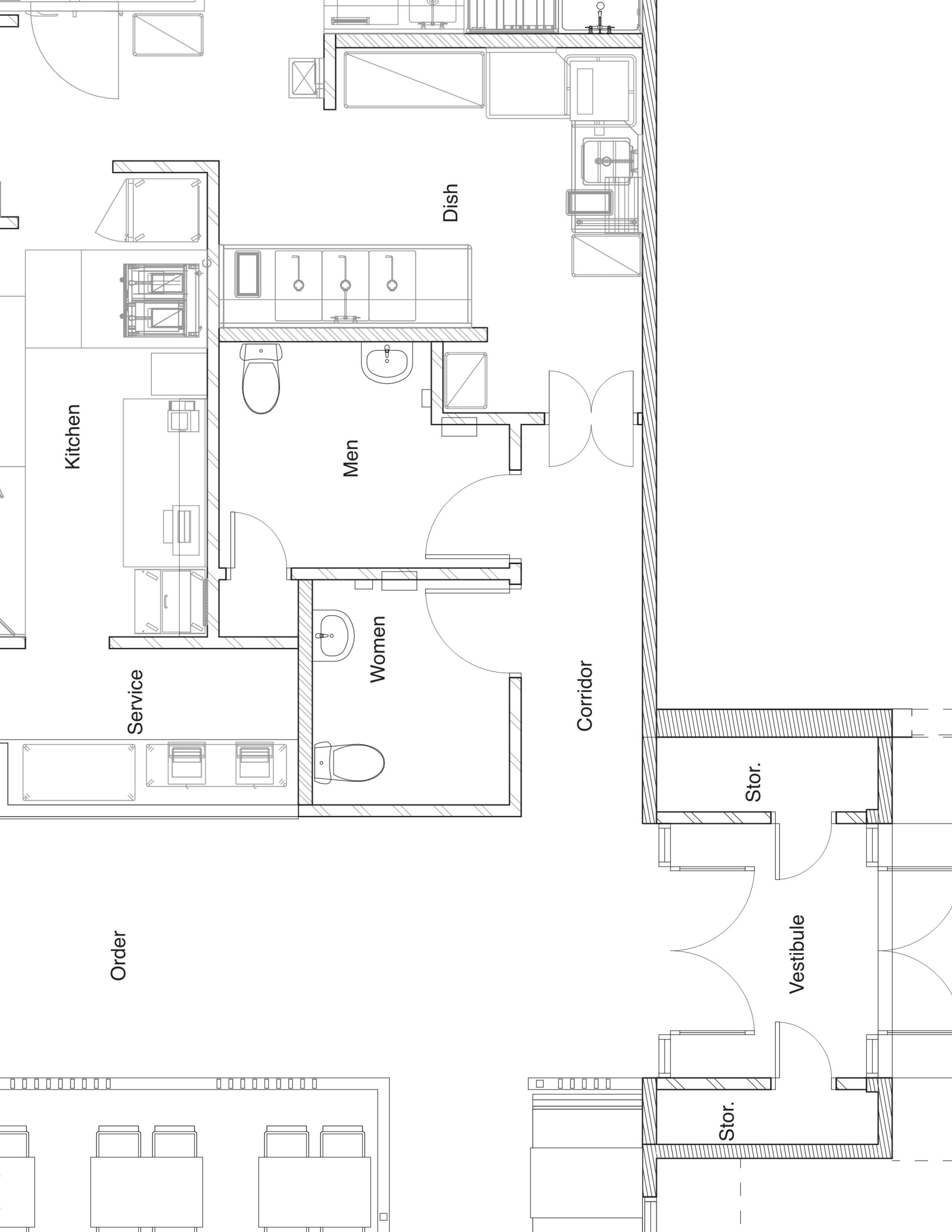
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Xerxes Av

Elevation





**CITY OF
BROOKLYN CENTER
NOTICE OF
PUBLIC HEARING**

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold an in-person public hearing on **Thursday, May 11, 2023**, at approximately 7:00 p.m. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.brooklyncentermn.gov/>. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUESTS: Site and Building Plan, PUD Amendment

APPLICANT AND PROPERTY OWNER:
La Palma Properties II LLC

PROPERTY ADDRESS | PID:
1340 Shingle Creek Crossing,
Brooklyn Center, MN 55430
| 03-118-21-41-0043

BRIEF STATEMENT OF CONTENTS OF PETITION: The Applicant is requesting review of a proposal to construct an approximately 2,678-square foot Pollo Campero restaurant and drive-thru within the Shingle Creek Crossing shopping center.

Comments and questions may be forwarded to gmcintosh@ci.brooklyn-center.mn.us up until 4:30 pm on the day of the meeting, or by contacting Ginny McIntosh at (763) 569-3319. Your comments will be included in the record and addressed as part of the meeting. Alternatively, you may participate in the Planning Commission meeting via Webex at: logis.webex.com

Meeting Number (Access Code):
2462 905 9602
Password: BCPC05112023
By Phone: 1 (312) 535-8110
(Enter Access Code)

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

Respectfully,
Ginny McIntosh
City Planner and Zoning
Administrator

Published in the
Sun Post
April 27, 2023
1309886

Member Lin Myszkowski introduced the following resolution and moved its adoption:

RESOLUTION NO. 2014-75

RESOLUTION REGARDING THE DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2014-006 SUBMITTED BY GATLIN DEVELOPMENT COMPANY FOR A PLANNED UNIT DEVELOPMENT AMENDMENT (No. 6) TO THE 2011 SHINGLE CREEK CROSSING PLANNED UNIT DEVELOPMENT

WHEREAS, the City Council of Brooklyn Center adopted Resolution No. 2011-85, dated June 13, 2011, which is considered the first amendment to the previously approved 1999 Brookdale Mall Planned Unit Development, whereby this amendment approved the establishment of the new Shingle Creek Crossing Planned Unit Development, and which included an approved Development/Master Plan and certain allowances and development standards that would govern over the PUD; and

WHEREAS, the City Council subsequently adopted City Resolution No. 2011-127, dated September 12, 2011, which approved the first amendment to the original Shingle Creek Crossing Planned Unit Development, and which included an updated Development/Master Plan and provided additional allowances and development standards; and

WHEREAS, the City Council subsequently adopted City Resolution No. 2012-106, dated August 13, 2012, which approved the second amendment to the Shingle Creek Crossing Planned Unit Development, and which included an updated Development/Master Plan and provided additional allowances and development standards; and

WHEREAS, the City Council subsequently adopted City Resolution No. 2012-129, dated September 24, 2012, which approved the third amendment to the Shingle Creek Crossing Planned Unit Development, and which included an updated Development/Master Plan and provided additional allowances and development standards; and

WHEREAS, the City Council subsequently adopted City Resolution No. 2013-124, dated October 14, 2013, which approved the fourth amendment to the Shingle Creek Crossing Planned Unit Development, and which included an updated Development/Master Plan and provided additional allowances and development standards; and

WHEREAS, the City Council subsequently adopted City Resolution No. 2013-72, dated July 8, 2013, which approved the fifth amendment to the Shingle Creek Crossing Planned Unit Development, and which included an updated Development/Master Plan and provided additional allowances and development standards; and

RESOLUTION NO. 2014-75

WHEREAS, Gatlin Development Company submitted Planning Application No. 2014-006, which is considered the sixth amendment to the Shingle Creek Crossing Planned Unit Development, by allowing certain changes to the approved 2011 Shingle Creek Crossing Planned Unit Development; and

WHEREAS, the proposal comprehends additional adjustments not approved under the 2011 Shingle Creek Crossing Planned Unit Development and the related 2011 PUD Agreement, specifically the proposed amendments to be comprehended under this application includes four components as described below, and illustrated in the Shingle Creek Crossing Master Plan (dated May 2014) and the PUD Amendment No. 6 Conceptual Plans (dated May 19, 2014):

Component No. 1: approval of the revised layout of Bldgs. 9 and 10 within the former Brookdale Mall Food Court replacement plans, and allowing the building sizes to be revised to 8,352 sq. ft. and 10,800 sq. ft., respectively, and provide a set-time deferral to the Developer in installing a temporary physical screen for the loading dock areas behind said buildings;

Component No. 2: approval of the revised layout of Buildings R, a new 5,400 sq. ft. restaurant pad site; and Building T, a new 5,500 sq. ft. restaurant pad site;

Component No. 3: approval of the revised size and layout of Building B from 8,500 sq. ft. to 6,673 sq. ft.; and allowing a new (and yet to be determined) drive-thru service lane for a proposed end-cap user;

Component No. 4: approval of the replatting of land surrounding the Food Court area, which is identified under separate Preliminary Plat and proposed Final Plat of Shingle Creek Crossing 5th Addition; and

WHEREAS, the Planning Commission held a duly called public hearing on May 29, 2014, whereby a staff report and public testimony regarding the Planned Unit Development Amendments were received and considered by the Planning Commission; the Planning Commission considered the Planned Unit Development Amendment request in light of all testimony received, including the guidelines for evaluating such amendments as contained in Section 35-355 of the City's Zoning Ordinance and the City's Comprehensive Plan; and

WHEREAS, the Planning Advisory Commission of the City of Brooklyn Center did determine that Planning Application No. 2014-006, submitted by Gatlin Development Company, may be approved based upon the following considerations:

- a) The the revised layout of Bldgs. 9 and 10, along with the revised size of Bldg. 9 to 13,332 sq. ft. and Bldg. 10 reduced to 6,000 sq. ft., can all be considered a reasonable request made under this PUD Amendment application; and said changes do not negatively affect the overall redevelopment plans of the Food Court redevelopment area; and
- b) the revised layouts of Buildings R and T, proposed as a new restaurant pad site and multi-tenant/restaurant pad site (respectively) appear to be a more reasonable and acceptable layout than illustrated in PUD Amendment No. 4, as this eliminates the planned drive-thru for Bldg. T; and the new building locations increase the walkability and lends support to the active living principles adopted by the City; and
- c) the revised size and layout of Bldg. B from 8,500 sq. ft. to 6,673 sq. ft.; and the new drive-thru service lane for a proposed end-cap user, can be considered a reasonable and supportable improvement on this pad site, contingent upon the full acceptance by city staff of the new drive-thru service lane; and
- d) the new buildings will promote and enhance the general welfare and continued success of this PUD, as it maintains and keeps the redevelopment of this site active and ongoing; and reflects a reasonable need or benefit to the PUD Site as requested by the Developer; and
- e) the replatting of the lots comprehended under Shingle Creek Crossing 5th Addition, and as noted on these updated PUD Plans appear to be a reasonable realignment of lot boundaries and building pad sites.

AND WHEREAS, the Planning Advisory Commission of the City of Brooklyn Center did determine that Planning Application No. 2014-006, submitted by Gatlin Development Company, may be approved based on the belief that the guidelines for evaluating Planned Unit Development Amendment as contained in Section 35-355 of the City's Zoning Ordinance are met and the proposal is, therefore, in the best interest of the community.

AND WHEREAS, upon full review and consideration of this item, the Planning Advisory Commission of the City of Brooklyn Center did adopt Planning Commission Resolution No. 2014-06, which provides a favorable and unanimous recommendation of approval to the City Council that Planning Application No. 2014-006 may be approved subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Application No. 2014-006 submitted by Gatlin Development Company, requesting approval of a sixth amendment to the Shingle Creek Crossing Planned Unit Development, is approved subject to the following conditions:

1. Staff requests the Developer work with the City to avoid future "gerrymandering" or unique and unusual lot configurations.
2. Unless amended otherwise or under separate agreement, all existing provisions, standards and variations provided under the 2011 Shingle Creek Crossing PUD and its subsequent amendments, shall remain in effect for the entire Shingle Creek Crossing PUD.
3. Any future PUD amendment or application requests will require the submittal and adoption (acceptance) of an updated master plan, which plan shall govern the planned and future redevelopment areas of this site.

June 9, 2014

Date

Tim Willson

Mayor

ATTEST:

Maria Rosenbaum, Deputy
City Clerk

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

Kris Lawrence-Anderson

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

Tim Willson, Carol Kleven, Kris Lawrence-Anderson, Lin Myszkowski, and Dan Ryan;
and the following voted against the same: none;

whereupon said resolution was declared duly passed and adopted.

Member Carol Kleven introduced the following resolution and moved its adoption:

RESOLUTION NO. 2014-76

RESOLUTION REGARDING THE DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2014-007 SUBMITTED BY GATLIN DEVELOPMENT COMPANY, REQUESTING THE APPROVAL OF AN AMENDMENT TO THE APPROVED SITE AND BUILDING PLAN TO ALLOW THE RECONFIGURATION OF PROPOSED BUILDINGS 9 AND 10 WITHIN THE BROOKDALE MALL FOOD COURT RECONSTRUCTION AREA AND WHICH IS PART OF THE SHINGLE CREEK CROSSING PLANNED UNIT DEVELOPMENT (1300 SHINGLE CREEK CROSSING)

WHEREAS, on November 25, 2013, the City Council adopted Resolution No. 2013-139, which approved Planning Application No. 2013-020, submitted by Gatlin Development Company, of a new comprehensive Site and Building Plan for the redevelopment of the former Brookdale Mall's Food Court area, and which is part of the Shingle Creek Crossing Planned Unit Development, and is located at 1300 Shingle Creek Crossing, and;

WHEREAS, Planning Commission Application No. 2014-007, also submitted by Gatlin Development Company, is requesting approval of an Amendment to this previously approved Site and Building Plan of the former Brookdale Mall's Food Court area, which includes the reconfiguration of Buildings 9 and 10 in said plans; and

WHEREAS, the Planning Commission held a public meeting on May 29, 2014, to fully consider Planning Commission Application No. 2014-007, and reviewed and received a planning report on the proposed new Site and Building Plans for the reconfiguration and layout of new Buildings 9 and 10, all in conjunction with the Shingle Creek Crossing Planned Unit Development Project; 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, 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 of the subject property; and

WHEREAS, the Planning Commission finds that the site and building plans are consistent with the General Development Plans of the overall Shingle Creek Crossing Planned Unit Development; and that the Site and Building Plans for Buildings 9 and 10, as comprehended under the Planning Application No. 2014-007, may be approved based upon the following considerations:

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

- B. The Site and Building Plan, in relation to the Planned Unit Development proposed on the Subject Site, will facilitate the redevelopment and improvement of this site, will allow for the utilization of the land in question in a manner which is compatible with, complimentary to and of comparable intensity to adjacent land uses as well as those permitted on surrounding land;
- C. The improvements and utilization of the property as proposed under the planned redevelopment of this site is considered a reasonable use of the property and will conform with ordinance standards;
- D. The Site and Building Plan proposal is considered consistent with the recommendations of the City's Comprehensive Plan for this area of the city;
- E. The Site and Building Plan proposal appears to be a good long range use of the existing land and this proposed development can be considered an asset to the community; and
- F. 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 site proposal is, therefore, in the best interest of the community.

AND WHEREAS, the Planning Commission did adopt Planning Commission Resolution No. 2014-07, which provides a favorable and unanimous recommendation to the City Council that the Amendment to the Site and Building Plan allowing the reconfiguration of future Buildings 9 and 10, and which changes were officially submitted under Planning Application No. 2014-007, and said plans are made part of the planned redevelopment and reconstruction of the former Brookdale Mall's Food Court area, may be approved with certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Commission Application No. 2014-007, submitted by Gatlin Development Company, requesting approval of an Amendment to the Site and Building Plan, allowing the reconfiguration of future Buildings 9 and 10, and which changes were officially submitted under Planning Application No. 2014-007, with said plans being part of the planned redevelopment and reconstruction of the former Brookdale Mall's Food Court area and is made part of the Shingle Creek Crossing Planned Unit Development Project, is hereby approved, subject to the following conditions:

1. Developer agrees to comply with all conditions or provisions noted in the City Engineer's Review memo, dated May 22, 2014.

2. Developer is allowed to forgo the installation of the landscape berm as a temporary screening measure approved under the previous Planned Unit Development Amendment No. 4, nor the partial (rear) walls to Building Nos. 9 and 10 as proposed. The Developer shall have until October 1, 2015 to either complete the build-out of Buildings 9 and 10, or submit a new PUD Amendment that must include an alternative screen for this loading area.
3. The two new stand-alone building sites labeled "R" and "T" respectively, which were included in the overall Site Plan Amendment plans labeled "Site Improvement Plans Buildings 9, 10, R, T for Shingle Creek Crossing" and those made part of any approvals granted under separate consideration of Shingle Creek Crossing 6th Amendment, are not approved under this site plan amendment consideration. These two building are subject to separate site and building plan considerations.
4. All new buildings proposed under this new Site Plan must incorporate 4-sided architectural and the Class 1 and 2 building materials specified under the Shingle Creek Crossing PUD Agreement.
5. Final grading, drainage, utility and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.
6. Any outside trash disposal facilities and roof top or on ground mechanical equipment shall be appropriately screened from view. The new trash enclosure with same building materials as those used to construct the principal building.
7. An underground irrigation system shall be installed in all landscaped areas to facilitate site maintenance.
8. Site Plan approval is exclusive of all final signs on this site, including new wall (building) signs, which shall remain subject to Chapter 34 of the city ordinances, and subject to the approved Signage Plan of the Shingle Creek Crossing PUD Agreements.
9. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Department and applicant shall obtain an NPDES construction site erosion permit from the Minnesota Pollution Control Agency prior to disturbing the site.

10. The Developer shall submit an as built survey or record drawing of the subject property, identifying all underground and above ground improvements, including but not limited to all utilities and service lines.
11. Any major changes or modifications made to this PUD Development/Site and Building Plan can only be made by an amendment to this PUD, which shall include an updated Development/Site Plan if necessary.
12. All other provisions and conditions approved under Planning Application No. 2013-020 (dated November 25, 2013) shall remain binding and in effect.
13. All other provisions, standards and variations provided under the 2011 Shingle Creek Crossing PUD and subsequent amendments to this PUD shall remain binding and in effect.
14. Developer shall work with city staff to provide an effective transitional screening for the loading areas behind Buildings 1 – 8 in this area.

June 9, 2014

Date

Tim Willson

Mayor

ATTEST:

Maria Rosenbaum, Deputy
City Clerk

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

Kris Lawrence-Anderson
and upon vote being taken thereon, the following voted in favor thereof:

Tim Willson, Carol Kleven, Kris Lawrence-Anderson, Lin Myszkowski, and Dan Ryan;
and the following voted against the same: none;
whereupon said resolution was declared duly passed and adopted.

Member Kris Lawrence-Anderson introduced the following resolution and moved its adoption:

RESOLUTION NO. 2014-77

RESOLUTION REGARDING THE DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2014-008 SUBMITTED BY GATLIN DEVELOPMENT COMPANY, APPROVING THE SITE AND BUILDING PLAN FOR PROPOSED BUILDING R WITHIN THE SHINGLE CREEK CROSSING PLANNED UNIT DEVELOPMENT (FUTURE ADDRESS 1390 SHINGLE CREEK CROSSING)

WHEREAS, Planning Commission Application No. 2014-008, submitted by Gatlin Development Company requesting approval of a new Site and Building Plan for a proposed Building R, a new 5,400 sq. ft. restaurant pad site, to be addressed as 1390 Shingle Creek Crossing, and which approval is in conjunction with the ongoing improvements made under the Shingle Creek Crossing Planned Unit Development Project; and

WHEREAS, the Planning Commission held a public meeting on May 29, 2014, to fully consider Planning Commission Application No. 2014-008, and reviewed and received a planning report on the proposed new Site and Building Plans for the proposed Building R development and other related improvements in conjunction with the Shingle Creek Crossing Planned Unit Development Project; 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, 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 of the subject property; and

WHEREAS, the Planning Commission found the Site and Building plans for this Building R to be consistent with the General Development Plans of the overall Shingle Creek Crossing Planned Unit Development; and that the Site and Building Plan of proposed Building R, as comprehended under Planning Application No. 2014-008, may be approved based upon the following considerations:

- A. The Site and Building Plan is compatible with the standards, purposes and intent of the City's Zoning Ordinance;
- B. The Site and Building Plan, in relation to the Planned Unit Development proposed on the Subject Site, will facilitate the redevelopment and improvement of this site, will allow for the utilization of the land in question in a manner which is compatible with, complimentary to and of comparable intensity to adjacent land uses as well as those permitted on surrounding land;

- C. The improvements and utilization of the property as proposed under the planned redevelopment of this site is considered a reasonable use of the property and will conform with ordinance standards;
- D. The Site and Building Plan proposal is considered consistent with the recommendations of the City's Comprehensive Plan for this area of the city;
- E. The Site and Building Plan proposal appears to be a good long range use of the existing land and this proposed development can be considered an asset to the community; and
- F. 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 site proposal is, therefore, in the best interest of the community.

AND WHEREAS, the Planning Commission did adopt Planning Commission Resolution No. 2014-08, which provides a favorable and unanimous recommendation to the City Council that the Site and Building Plan of the Proposed Building R of the Shingle Creek Crossing Planned Unit Development, as comprehended under Planning Application No. 2014-008, may be approved with certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Commission Application No. 2014-008, submitted by Gatlin Development Company, requesting approval of a Site and Building Plan for a proposed Building R, a new 5,400 sq. ft. restaurant pad site, to be addressed as 1390 Shingle Creek Crossing, and which approval is in conjunction with the ongoing improvements made under the Shingle Creek Crossing Planned Unit Development Project, is hereby approved, subject to the following conditions:

1. Developer/Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memo, dated May 22, 2014.
2. The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.
3. Final grading, drainage, utility and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.

4. Any outside trash disposal facilities and roof top or on-ground mechanical equipment shall be appropriately screened from view. Screening measures shall also include approved architectural screens or devices for the outer electric meters, gas meters, and water meters (as necessary).
5. An underground irrigation system shall be installed in all landscaped areas to facilitate site maintenance.
6. Site Plan approval is exclusive of all final signs on this site, including new wall (building) signs, which shall remain subject to Chapter 34 of the city ordinances, and subject to the approved Signage Plan of the Shingle Creek Crossing PUD Agreements.
7. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Department and applicant shall obtain an NPDES construction site erosion permit from the Minnesota Pollution Control Agency prior to disturbing the site.
8. Any major changes or modifications made to this PUD Development/Site and Building Plan can only be made by an amendment to this PUD, which shall include an updated Development/Site Plan if necessary.
9. The Developer shall submit an as built survey of the property, improvements, and utility service lines prior to release of the performance guarantee.
10. All other provisions, standards, and variations provided under the 2011 Shingle Creek Crossing PUD shall remain in effect.

June 9, 2014

Date

Tim Willson

Mayor

ATTEST:

Maria Rosenbaum, Deputy
City Clerk

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

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

Tim Willson, Carol Kleven, Kris Lawrence-Anderson, Lin Myszkowski, and Dan Ryan;
and the following voted against the same: none;

whereupon said resolution was declared duly passed and adopted.

MEMORANDUM

DATE: April 26, 2023

TO: Ginny McIntosh, City Planner/Zoning Administrator

FROM: James Soltis, Assistant City Engineer

SUBJECT: Public Works – Preliminary Site Plan Review
1340 Shingle Creek – Pollo Campero

Public Works staff reviewed the following documents submitted for review for the proposed 1340 Shingle Creek development known as Pollo Campero.

- *Plans (2023-04-18 - Amended City Submittal)*
- *Stormwater Report (2023-04-18 - Stormwater Management Report)*

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 any permits.

Plan Items**C1.0 – Removals Plan**

1. Existing city fiber (noted as “—F—F—” on plan) runs near the proposed water service connection. Identify the fiber on plan and note for the contractor to pothole and locate the line prior to construction of water service.

C2.0 – Site Plan

2. Verify the proposed trash enclosure gate door will not obstruct the existing parking space to the northwest of the enclosure.
3. Verify the transformer pad clearance distance from north side doorway.

C5.0 – Utility Plan

4. Denote all utilities including underground system as private.
5. City Fiber (noted as —F—F— on plan) runs near water service connection location. Identify fiber on plan and note for contractor to pothole and locate line prior to construction of water service.
6. There is a symbol that may indicate a light fixture that is located over the proposed sewer service line. Identify the symbol and relocate if necessary.
7. Identify how the building roof stormwater will discharge. Indicate storm sewer connection location and/or locations of downspouts as necessary.
8. Provide profiles for the proposed underground detention system that show proper pipe cover is being met.
9. Review and label riser locations on plan. These typically can’t be in corners.
10. Match pipe and underground system inverts between plan and SMR.

C5.0 – Civil Details

11. Identify the concrete section for the trash enclosure pad.
12. Identify the concrete section for pedestrian ramps.
13. Replace Gate Valve Box detail with city standard detail 102.
14. Include city standard detail 103.

C5.1 – Civil Details

15. Provide site specific Jellyfish detail from Contech.
16. Revise detail 2 - Typ. Section to indicate the pavement section and minimum cover over system.
17. Provide CMP pipe thickness, loading, spacing and minimum cover recommendations from the manufacturer.

L1.0 – Landscape Plan

18. Irrigation system as-built must be provided to the city upon completion of work.

SW1.3 – SWPPP Attachments

19. Revise SWPPP language to indicated permanent stormwater management is a requirement.

SW1.4 – SWPPP Attachments

20. Review and complete missing SWPPP information including Cumulative Impervious Surface, Dates of Construction, ect.

Stormwater Management Report

21. Include a storm sewer tabulation that indicates pipe size and slope is sufficient to meet a minimum 3 feet per second flow rates.
22. Provide MIDS Calculation results.
23. As the construction disturbs more than 50% of the site, Per table 2.1. of the Shingle Creek and West Mississippi Watershed Management Commissions Rules and Standards the site must meet Commission rate, quality, and volume requirements for the entire site. The proposed stormwater system does not appear to meet this requirement.
24. Match pipe and underground system inverts between plan and SMR.
25. Identify the overflow spillway to convey a 100-year critical storm event.
26. An outlet skimmer must be provided to prevent migration of floatables and oils for at least the two-year storm event. Baffled weirs and wooden skimmers are not allowed.

General Items

27. The total disturbed area exceeds one acre, an NPDES permit is required. The total disturbed area is less than five acres; the City of Brooklyn Center has reviewed the plans per the Shingle Creek Watershed Commission rules. From a preliminary review additional information and revisions to the storm water design are necessary prior to approval.
28. The applicant shall be responsible for coordinating site development plans with all private utility companies (Xcel Energy, CenterPoint Energy, Qwest Communications, Comcast, etc.)

Agreements

29. During construction of the site improvements, and until the permanent turf and plantings are established, the developer will be required to reimburse the City for the administration and engineering inspection efforts. Please submit a deposit of \$5,000 that the City can draw upon on a monthly basis.
30. 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 \$5,000 deposit will be required as part of the non-compliance provision.
31. An overall Easement Agreement is required that will provide the City perpetual accessibility to all private utilities and storm drainage areas to inspect and enforce proper utility service and maintenance for the entire site. This easement agreement also includes private inspection, maintenance, and reporting responsibilities. Easements to provide utility service to the development should be dedicated as necessary.
32. 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 for any associated private and/or public improvements prior to issuance of the certificate of occupancy. The 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.
33. 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).

Anticipated Permitting

34. A City of Brooklyn Center land disturbance permit is required.
35. A Water and Sewer Permit is required.
36. DLI permit is required.
37. A Minnesota Pollution Control Agency NPDES storm water construction permit is required.
38. Other permits not listed herein may be required. It is the Responsibility of the applicant to obtain such permits as warranted.

Prior to Issuance of Land Alteration.

39. Copies of all required permits must be provided to the City.
40. Final construction plans and specification must be submitted and approved by the City Engineer. The final construction plans must be certified by a licensed engineer in the state of Minnesota.
41. The Construction Management Plan and Agreement has been executed and the associated separate cash escrow has been deposited with the City.
42. A preconstruction conference is scheduled and held with City staff and other entities designated by the City.

All aforementioned items, comments and recommendations are provided based on the information submitted by the applicant at the time of this review. Subsequent approval of the final plan may require additional modifications based on engineering requirements associated with final design as established by the City Engineer and other public officials having jurisdiction over approval of the final site plans

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2023-002 SUBMITTED BY LA PALMA PROPERTIES II LLC FOR APPROVAL OF AN AMENDMENT TO THE 2011 SHINGLE CREEK CROSSING PLANNED UNIT DEVELOPMENT AND APPROVAL OF A SITE AND BUILDING PLAN FOR AN APPROXIMATELY 2,678-SQUARE FOOT RESTAURANT AND DRIVE-THRU ON BUILDING SITE R WITHIN THE SHINGLE CREEK CROSSING PUD (1340 SHINGLE CREEK CROSSING)

WHEREAS, Planning Commission Application No. 2023-002, submitted by La Palma Properties II LLC (“the Applicant”) requests review and consideration for approval of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development plans and documents to allow for construction of an approximately 2,678-square foot restaurant and drive-thru on the approximately 1.03-acre Building Site R located within the Shingle Creek Crossing Planned Unit Development and commonly addressed as 1340 Shingle Creek Crossing (“the Subject Property”); and

WHEREAS, the Subject Property is situated in the PUD/C2 (Planned Unit Development/Commerce) District, and the underlying C2 (Commerce) District was effectively removed from the City’s new Unified Development Ordinance, which became effective in January 2023; and

WHEREAS, the City’s new Unified Development Ordinance contains provisions under Section 35-2103.e (*General Use Regulations*) for those Planned Unit Developments established prior to adoption of the new code in that, “Planned Unit Developments, and parcels zoned as a Planned Unit Development, in accordance with prior zoning regulations, shall remain subject to any and all agreements, conditions, and standards applicable to the Planned Unit Development,” and “amendments shall be processed in accordance with the procedures identified for Planned Unit Developments in this UDO;” and

WHEREAS, City staff discussed the necessity of a separate use permit for the proposed drive-thru use, as was stipulated in the prior zoning regulations for the underlying C2 District, and as a proactive measure a public hearing notice was published in the Brooklyn Center *Sun Post* on April 27, 2023, mail notifications were sent to surrounding properties, and development proposal signage was installed on the Subject Property; and

WHEREAS, it was ultimately determined that the request to amend the 2011 Shingle Creek Crossing Planned Unit Development plans and documents sufficiently addressed the request for deviation from the approvals outlined under City Council Resolution Nos. 2014-075, 2014-076, and 2014-077 for Building Site R, which outlined an approximately 5,400-square foot restaurant pad site; and

RESOLUTION NO.

WHEREAS, similar amendments to the 2011 Shingle Creek Crossing Planned Unit Development for restaurant and drive-thru uses include Building Site B (1480 Shingle Creek Crossing), Building Site C (1520 Shingle Creek Crossing), and an earlier site and building plan approval for Building Site T (1330 Shingle Creek Crossing); and

WHEREAS, the City Council of the City of Brooklyn Center has amended the Shingle Creek Crossing Planned Unit Development numerous times since the adoption of City Council Resolution No. 2011-85, which was the first amendment to the previously approved 1999 Brookdale Mall Planned Unit Development and established the new Shingle Creek Crossing Planned Unit Development, Master Plan, and certain allowances and development standards that would govern over the PUD; and

WHEREAS, the proposal as contemplated under Planning Commission Application No. 2023-002 comprehends additional adjustments to the 2011 Shingle Creek Crossing Planned Unit Development Master Plan and Agreements that are considered a major amendment to the 2011 Shingle Creek Crossing Planned Unit Development as outlined under Section 35-8306 (*PUD Amendments*), including a ten (10) percent or greater change in the floor area in any one (1) structure; and

WHEREAS, the additional modifications to the Subject Property's parking spaces, provision for a drive-thru, and request to adhere to the underlying C2 (Commerce) District signage provisions as opposed to the adopted 2011 Shingle Creek Crossing Signage Guidelines, all require approval of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development plans and documents; and

WHEREAS, the Planning Commission of the City of Brooklyn Center held a duly called public hearing on May 11, 2023, whereby a staff report and Assistant City Engineer's memorandum were presented, and public testimony regarding the requested amendments to the 2011 Shingle Creek Crossing Planned Unit Development and site and building plan for the approximately 2,678-square foot restaurant and drive-thru for the Subject Property known as Building Site R within the Shingle Creek Crossing Planned Unit Development and commonly addressed as 1340 Shingle Creek Crossing were received and considered by the Planning Commission; and

WHEREAS, the Planning Commission of the City of Brooklyn Center considered the aforementioned requests in light of all testimony received, including the guidelines for evaluating the aforementioned requests as contained in Section 35 of the City's Code, and more specifically Sections 35-2103.e (*General District Regulations-Existing Planned Unit Developments*), 35-7600 (*Site & Building Plan Approval*), 35-8306 (*PUD Amendments*), the 2011 Shingle Creek Crossing Architectural and Signage Guidelines, and in consideration of the goals and objectives of the City's 2040 Comprehensive Plan; and

WHEREAS, the Planning Commission of the City of Brooklyn Center considers the

RESOLUTION NO.

amendment to the 2011 Shingle Creek Crossing Planned Unit Development and site and building plan requests to be an appropriate and reasonable request to the currently vacant Subject Property; and

WHEREAS, the Planning Commission of the City of Brooklyn Center finds the submitted plans for the Subject Property to be consistent with the General Development Plans for the overall Shingle Creek Crossing Planned Unit Development and intended use of the Subject Property, as it remains in general alignment with the plans last approved for Building Site R in 2014, which relocated the building from the middle of the parking lot and instead oriented the building to run parallel with Xerxes Avenue North, which at the time was supported by City staff for its greater walkability.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota to recommend that the requested amendment to the 2011 Shingle Creek Crossing Planned Unit Development plans and documents and site and building plan, as contemplated under Planning Commission Application No. 2023-002, be approved based subject to the considerations as outlined under Sections 35-7604 (*Site and Building Plan Approval Criteria*) and 35-8304 (*PUD Criteria*), and subject to the following conditions:

1. Any major changes or modifications made to the approved Planned Unit Development and site and building plan can only be made by an amendment, and as approved by the City Council.
2. The Applicant agrees to comply with all conditions or provisions noted in the Assistant City Engineer's review memorandum, dated April 26, 2023, and revise plan sets as necessary. Final grading, drainage, utility, and erosion control plans and any other site engineering related issues are subject to review and approval by the Assistant City Engineer, and prior to issuance of permits.
3. Building plans are subject to review and approval by the Building Official, and with respect to all applicable codes prior to the issuance of permits; and the final location or placement of any fire access or fire-related building code items shall be reviewed and approved by the Fire Inspector.
 - a. A fire sprinkler system is required to be installed and shall be maintained and monitored on a consistent basis per City Code requirements.
 - b. A SAC Determination shall be submitted by the Applicant to the Metropolitan Council and any associated fees paid at time of any permit issuance.
 - c. Any reviews and approvals by the Hennepin County Health Department for the restaurant use.
4. The photometric plan, last updated April 25, 2023, shall be revised to comply with the illumination standards as detailed within Section 35-5400 (*Exterior Lighting*) of the City Code.
5. The Applicant shall install irrigation systems where necessary to facilitate maintenance of site landscaping and green areas, and irrigation shop drawings shall be submitted for review and approval prior to installation.

RESOLUTION NO.

6. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per the 2011 Shingle Creek Crossing Architectural Guidelines and City Code requirements, and a detail sheet provided.
7. Unless amended otherwise or under separate agreement, all existing provisions, standards, and variations provided under the 2011 Shingle Creek Crossing Development and any subsequent amendments shall remain in effect for the entire Shingle Creek Crossing Planned Unit Development.
 - i. The Shingle Creek Crossing Planned Unit Development master plans and agreements shall be amended in advance of permit issuance to reflect the approximately 2,678-square foot restaurant and drive-thru on what is known as Building Site R within the Shingle Creek Crossing shopping center.
 - ii. An allowance for Building Site R to comply with the wall and monument/freestanding signage provisions outlined within the City Code for the underlying C2 (Commerce) District, as opposed to the approved 2011 Shingle Creek Crossing Signage Guidelines.
8. A Performance Agreement with supporting financial guarantee approved by the City shall be executed upon any approval of the to-be submitted building permit for site improvements, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards.

May 22, 2023

Date

Mayor

ATTEST: _____
City Clerk

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 5/22/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Commission Appointments

Requested Council Action:

- accept the Mayor's appointment to the specified commissions

Background:

The following residents have applied to the serve on the respective commissions:

Housing Commission Park & Recreation Commission
Letrecia Mayo Lori Best DeYoe

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

**Council/EDA Work
Session**

City Hall Council Chambers
May 22, 2023

AGENDA



ACTIVE DISCUSSION ITEMS

1. City-Wide Survey Discussion
- input from city council on any additional questions for the city-wide survey
2. Grant Policy Discussion
- obtain feedback from the city council regarding the proposed grant policy

PENDING LIST FOR FUTURE WORK SESSIONS

1. Upcoming Items
 - THC Moratorium - June 12
 - Memorial Policy - June 12
 - Special Assessment Policy/Franchise Fees (*referred to Financial Commission*)
 - Beautification and Public Art Commission
 - Liquor Store 2
 - Organizational Chart-Budget work sessions
 - Rental License Review (*referred to Housing Commission*)
 - Food Truck Ordinance/License
 - Emerald Ash Borer Policy Review (*referred to Park & Rec Commission November*)

Council/EDA Work Session

DATE: 5/22/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: City-Wide Survey Discussion

Requested Council Action:

- *input from city council on any additional questions for the city-wide survey*

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

ATTACHMENTS:

Description	Upload Date	Type
2017 Results	5/18/2023	Backup Material

THE MORRIS LEATHERMAN COMPANY
3128 Dean Court
Minneapolis, Minnesota 55416

City of Brooklyn Center
Residential Survey
FINAL JANUARY 2017

Hello, I'm _____ of the Morris Leatherman Company, a polling firm located in Minneapolis. We have been retained by the City of Brooklyn Center to speak with a random sample of residents about issues facing the community. This survey is being conducted because the City Council and City Staff are interested in your opinions and suggestions about current and future city needs. I want to assure you that all individual responses will be held strictly confidential; only summaries of the entire sample will be reported.

- | | |
|--|--|
| 1. Approximately how many years have you lived in Brooklyn Center? | LESS THAN TWO YEARS.....8%
TWO TO FIVE YEARS.....20%
FIVE TO TEN YEARS.....23%
TEN TO TWENTY YEARS....22%
20 TO 30 YEARS.....14%
OVER THIRTY YEARS.....13%
DON'T KNOW/REFUSED.....0% |
| 2. As things now stand, how long in the future do you expect to live in Brooklyn Center? | LESS THAN TWO YEARS.....4%
TWO TO FIVE YEARS.....10%
FIVE TO TEN YEARS.....20%
OVER TEN YEARS.....18%
REST OF LIFE.....39%
DON'T KNOW/REFUSED.....10% |
| 3. What do you like most, if anything, about living in Brooklyn Center? | DON'T KNOW/REFUSED.....2%
NOTHING.....1%
LOCATION.....6%
CLOSE TO FAMILY.....15%
CLOSE TO JOB.....13%
SMALL TOWN FEEL.....9%
QUIET/PEACEFUL.....11%
HOUSING/NEIGHBORHOOD...26%
PARKS/TRAILS.....4%
CLOSE TO SHOPPING.....8%
CITY SERVICES.....3%
DIVERSITY.....2% |

- | | |
|--|--|
| 4. What do you think is the most serious issue facing Brooklyn Center today? | DON'T KNOW/REFUSED.....7%
NOTHING.....16%
LACK OF JOBS.....11%
LACK OF BUSINESSES.....9%
CRIME.....22%
FORECLOSURES.....7%
HIGH TAXES.....8%
DIVERSITY.....6%
RUNDOWN PROPERTIES.....6%
LOW INCOME HOUSING.....7%
SCATTERED.....2% |
| 5. How would you rate the quality of life in Brooklyn Center -- excellent, good, only fair, or poor? | EXCELLENT.....18%
GOOD.....69%
ONLY FAIR.....12%
POOR.....1%
DON'T KNOW/REFUSED.....0% |

For each of the following statements, please strongly agree, agree, disagree or strongly disagree....

- | | |
|---|-----------------------------|
| | STA AGR DIS STD DKR |
| 6. People have pride and ownership in our neighborhood. | 25% 61% 9% 2% 3% |
| 7. I am proud to live in Brooklyn Center. | 29% 60% 8% 1% 3% |

IF "NO," ASK: (n=33)

8. Why do you feel that way?
- UNSURE, 3%; CRIME, 52%; DRUG USE, 3%; RUNDOWN PROPERTIES, 15%; NOT WELCOMING OF DIVERSITY, 6%; TOO MUCH DIVERSITY, 12%; TOO MUCH RENTAL, 6%; SCATTERED, 3%.
- | | |
|--|--|
| 9. How would you rate the strength of community identity and the sense of neighborliness in Brooklyn Center -- excellent, good, only fair or poor? | EXCELLENT.....18%
GOOD.....58%
ONLY FAIR.....21%
POOR.....4%
DON'T KNOW/REFUSED.....0% |
|--|--|

10.	To which of the following do you feel a closer connection to:	STATEMENT A.....25%
	A) The City of Brooklyn Center as a whole,	STATEMENT B.....59%
	B) Your neighborhood, or	STATEMENT C.....9%
	C) Your school district?	NONE OF ABOVE.....8%
		DON'T KNOW/REFUSED.....0%

11.	All in all, do you think things in Brooklyn Center are generally headed in the right direction, or do you feel things are off on the wrong track?	RIGHT DIRECTION.....84%
		WRONG TRACK.....10%
		DON'T KNOW/REFUSED.....6%

Continuing....

12.	How satisfied with the number of opportunities to participate in activities and meetings in your neighborhood and the city - very satisfied, somewhat satisfied, somewhat dissatisfied, or very dissatisfied?	VERY SATISFIED.....29%
		SOMEWHAT SATISFIED.....60%
		SOMEWHAT DISSATISFIED...3%
		VERY DISSATISFIED.....1%
		DON'T KNOW/REFUSED.....8%

IF "SOMEWHAT DISSATISFIED" OR "VERY DISSATISFIED," ASK:
(n=15)

13. What could the City do to help you become more involved?

UNSURE, 7%; COMMUNICATE OPPORTUNITIES/EVENTS, 53%; DO MORE IN DIFFERENT LANGUAGES, 7%; MORE OPPORTUNITIES/EVENTS, 33%.

14.	Do you feel welcome to share your thoughts and opinions with the City of Brooklyn Center?	YES.....87%
		NO.....6%
		DON'T KNOW/REFUSED.....8%

IF "NO," ASK: (n=23)

15. Why do you feel that way?

DON'T LISTEN, 44%; DON'T KNOW HOW, 17%; NOTHING CHANGES, 13%; DON'T VALUE DIFFERENT OPINIONS, 17%; NOT ENOUGH OPPORTUNITIES, 9%.

16.	Do you feel accepted, valued and welcomed in the City of Brooklyn Center?	YES.....88%
		NO.....9%
		DON'T KNOW/REFUSED.....4%

17. Do you feel youth opinions, teens in particular, are valued in the community? YES.....62%
NO.....11%
DON'T KNOW/REFUSED.....28%

IF "NO," ASK: (n=43)

18. Why do you feel that way?

UNSURE, 2%; NOT LISTENED TO, 54%; VIEWED AS
TROUBLEMAKERS, 12%; NOT TAKEN SERIOUSLY, 23%; NOT
ASKED, 5%; SCATTERED, 5%.

Changing topics....

I would like to read you list of characteristics in a community. For each one, please tell me if you think Brooklyn Center currently has too many or too much, too few or too little, or about the right amount. (ROTATE LIST)

	MANY MUCH	FEW/ LITT	ABOUT RIGHT	D.K./ REF.
19. Affordable rental apartments	28%	23%	47%	3%
20. Luxury rental apartments	24%	23%	39%	15%
21. Rental homes?	26%	25%	44%	5%
22. Condominiums or townhouses?	11%	33%	48%	8%
23. Starter homes for young families?	5%	25%	64%	6%
24. Move up" housing for families looking for a larger home?	10%	19%	65%	6%
25. Senior housing?	5%	28%	52%	16%
26. Affordable housing, defined by the Metropolitan Council as a single family home costing less than \$160,250?	5%	24%	64%	8%
27. Service establishments?	4%	16%	79%	2%
28. Retail shopping opportunities?	7%	14%	78%	1%
29. How would you rate general redev- elopment in the City of Brooklyn Center -- excellent, good, only fair, or poor?	EXCELLENT.....7%	GOOD.....55%	ONLY FAIR.....26%	POOR.....5%
	DON'T KNOW/REFUSED.....7%			

IF A RATING IS GIVEN, ASK: (n=372)

30. Why do you feel that way?
- | | |
|-------------------------|-----|
| DON'T KNOW/REFUSED..... | 9% |
| LACK OF BUSINESSES..... | 11% |
| EMPTY BUILDINGS..... | 15% |
| HIGH TAXES..... | 9% |
| BRINGS JOBS..... | 30% |
| LOOKS NICE..... | 23% |
| SCATTERED..... | 3% |
31. Do you support or oppose the continued redevelopment in the City of Brooklyn Center? (WAIT FOR RESPONSE) Do you feel strongly that way?
- | | |
|-------------------------|-----|
| STRONGLY SUPPORT..... | 20% |
| SUPPORT..... | 64% |
| OPPOSE..... | 7% |
| STRONGLY OPPOSE..... | 5% |
| DON'T KNOW/REFUSED..... | 4% |
32. Are there any types of development you would like to see in the city? (IF "YES," ASK:) What are they?
- UNSURE, 9%; NO, 49%; SMALL RETAIL SHOPS, 2%; SENIOR HOUSING, 4%; RESTAURANTS, 5%; GOOD PAYING JOBS, 2%; AFFORDABLE HOUSING, 7%; MOVE-UP HOUSING, 3%; LOW INCOME HOUSING, 2%; DEPARTMENT STORES, 2%; FAMILY ENTERTAINMENT, 5%; DISCOUNT RETAIL, 2%; WATER TREATMENT PLANT, 2%; SCATTERED, 6%.
33. Are there any types of development you would strongly oppose?
- UNSURE, 7%; NO, 61%; LOW INCOME HOUSING, 16%; LIQUOR STORES, 2%; APARTMENTS, 6%; RESTAURANTS, 2%; ADULT ENTERTAINMENT, 2%; RETAIL, 2%; LUXURY TOWNHOMES, 2%.
34. Do you think the City of Brooklyn Center has too many dining establishments, too few or about the right amount?
- | | |
|-------------------------|-----|
| TOO MANY..... | 9% |
| TOO FEW..... | 14% |
| ABOUT RIGHT AMOUNT..... | 76% |
| DON'T KNOW/REFUSED..... | 1% |
- IF "TOO FEW," ASK: (n=56)
35. What types of dining establishments would you like to see in Brooklyn Center?
- UNSURE, 2%; FINE DINING, 19%; FAMILY SIT-DOWN, 55%; ETHNIC, 7%; NON-CHAIN, 4%; SPORTS BAR, 4%; BUFFETS, 9%.

36. Do you think the City of Brooklyn Center has too many entertainment establishments, too few or about the right amount?
- | | |
|-------------------------|-----|
| TOO MANY..... | 8% |
| TOO FEW..... | 8% |
| ABOUT RIGHT AMOUNT..... | 82% |
| DON'T KNOW/REFUSED..... | 2% |

IF "TOO FEW," ASK: (n=32)

37. What types of entertainment establishments would you like to see in Brooklyn Center?

UNSURE, 3%; ANYTHING FAMILY-ORIENTED, 15%; BOWLING CENTER, 38%; BARS, 3%; MOVIE THEATER, 19%; COMMUNITY THEATER, 6%; RECREATION FACILITIES, 9%; SCATTERED, 6%.

38. What do you believe is the greatest need in Brooklyn Center to provide economic stability for all city residents? (READ LIST AND ROTATE)

JOB.....	36%
TRANSPORTATION TO JOBS.....	13%
RESOURCES FOR SMALL BUSINESS DEVELOPMENT.....	15%
DEVELOPMENT ASSISTANCE FOR NEW BUSINESSES.....	14%
TECHNICAL TRAINING.....	7%
OTHER.....	0%
DON'T KNOW/REFUSED.....	16%

As the City of Brooklyn Center continues redevelopment....

39. Do you support or oppose the City providing financial incentives to attract specific types of development? (WAIT FOR RESPONSE) Do you feel strongly that way?
- | | |
|-------------------------|-----|
| STRONGLY SUPPORT..... | 21% |
| SUPPORT..... | 62% |
| OPPOSE..... | 7% |
| STRONGLY OPPOSE..... | 6% |
| DON'T KNOW/REFUSED..... | 5% |

Moving on....

40. How would you rate the general condition and appearance of homes in the community -- excellent, good, only fair, or poor?
- | | |
|-------------------------|-----|
| EXCELLENT..... | 10% |
| GOOD..... | 76% |
| ONLY FAIR..... | 12% |
| POOR..... | 3% |
| DON'T KNOW/REFUSED..... | 0% |
41. Over the past two years, has the appearance of your neighborhood improved, declined or remained the same?
- | | |
|-------------------------|-----|
| IMPROVED..... | 23% |
| DECLINED..... | 11% |
| REMAINED THE SAME..... | 65% |
| DON'T KNOW/REFUSED..... | 2% |

For each of the following, please tell me whether the City is too tough, about right, or not tough enough in enforcing city codes on the nuisances.

	TOO TOU	ABO RIG	NOT TOU	DK/ REF
42. Loose animals?	4%	79%	11%	7%
43. Junk cars on residential property?	3%	67%	27%	4%
44. Messy yards on residential property?	2%	61%	35%	2%
45. Deteriorated commercial property?	3%	61%	34%	2%
46. Weeds and tall grass?	3%	67%	28%	2%
47. Noise?	3%	64%	33%	1%
48. On street parking?	12%	75%	12%	2%
49. Properties with vacant homes?	2%	59%	36%	3%
50. Are you aware of homes or properties in your neighborhood that are vacant?	YES.....63% NO.....37% DON'T KNOW/REFUSED.....0%			

IF "YES," ASK: (n=253)

51. Do you have any concerns about the homes or properties in your neighborhood that are vacant? (IF "YES," ASK:) What would those be?	NO.....29% LOWER PROPERTY VALUES..14% CRIME.....23% UNKEPT PROPERTIES.....21% VACANT HOUSING.....9% USED AS RENTAL.....5%
52. How would you rate the water quality in city lakes, streams and rivers -- excellent, good, only fair or poor?	EXCELLENT.....12% GOOD.....72% ONLY FAIR.....14% POOR.....2% DON'T KNOW/REFUSED.....1%

Moving on....

53. Do you consider the city portion of your property taxes to be very high, somewhat high, about average, somewhat low, or very low compared to neighboring cities?	VERY HIGH.....11% SOMEWHAT HIGH.....36% ABOUT AVERAGE.....34% SOMEWHAT LOW.....1% VERY LOW.....0% DON'T KNOW/REFUSED.....18%
--	---

- | | |
|--|--|
| 54. When you consider the property taxes you pay and the quality of city services you receive, would you rate the general value of city services as excellent, good, only fair, or poor? | EXCELLENT.....10%
GOOD.....66%
ONLY FAIR.....17%
POOR.....2%
DON'T KNOW/REFUSED.....6% |
|--|--|

In 2016, the actual percentage of your property taxes going to the City of Brooklyn Center was about thirty-eight percent.

- | | |
|---|---|
| 55. Would you favor or oppose an increase in YOUR city property tax if it were needed to maintain city services at their current level? | FAVOR.....69%
OPPOSE.....12%
DON'T KNOW/REFUSED.....19% |
|---|---|

IF "OPPOSE," ASK: (n=49)

56. What city services would you be willing to see cut?

UNSURE, 16%; NOTHING, 41%; ADMINISTRATION, 6%; PARKS AND RECREATION, 10%; ANIMAL CONTROL, 4%; SOCIAL SERVICES, 4%; STREET REPAIR, 6%; SCATTERED, 12%.

- | | |
|--|---|
| 57. Would you favor or oppose an increase in city property taxes to enhance current city services or offer additional city services? | FAVOR.....24%
OPPOSE.....57%
DON'T KNOW/REFUSED.....19% |
|--|---|

IF "FAVOR," ASK: (n=94)

58. What services would you like to see enhanced or offered?

UNSURE, 17%; POLICE, 27%; PARK AND TRAIL MAINTENANCE, 10%; PROPERTY CODE ENFORCEMENT, 5%; WATER TREATMENT PLANT, 13%; STREET REPAIR, 16%; STREET LIGHTS, 4%; SCATTERED, 8%.

59. How much would you be willing to pay in additional property taxes to enhance city services or offer additional city services? How about \$___ per year? (CHOOSE A RANDOM STARTING POINT; MOVE UP OR DOWN DEPENDING ON RESPONSE) How about \$___ per year? (REPEAT PROCESS)

\$10.00 OR LESS.....	10%
\$20.00.....	51%
\$40.00.....	15%
\$60.00.....	4%
\$80.00.....	0%
\$100.00.....	0%
\$120.00.....	0%
\$140.00.....	0%
\$160.00.....	0%
DON'T KNOW/REFUSED.....	20%

I would like to read you a list of a few city services. For each one, please tell me whether you would rate the quality of the service as excellent, good, only fair, or poor? (ROTATE)

	EXCL	GOOD	FAIR	POOR	DK/R
60. Police protection?	37%	54%	7%	2%	1%
61. Fire protection?	49%	44%	1%	0%	7%
62. Recycling pick-up?	27%	56%	3%	0%	15%
63. Storm drainage and flood control?	18%	61%	12%	1%	9%
64. Park maintenance?	23%	62%	12%	1%	3%
65. City-sponsored recreation programs?	27%	53%	7%	1%	13%
66. Maintenance of city buildings And facilities?	16%	62%	19%	1%	2%
67. Animal control?	19%	64%	9%	1%	7%
68. Emergency medical response?	43%	46%	4%	1%	7%
69. City drinking water?	12%	68%	15%	5%	0%
70. Property maintenance enforcement?	18%	54%	21%	4%	4%
71. Building and construction inspections?	16%	60%	14%	1%	10%

Now, for the next three city services, please consider only city-maintained streets and roads. This means excluding interstate highways and state and county roads taken care of by other levels of government. Hence, Interstate 694, Highway 100, Highway 252, County Road 81 or Brooklyn Boulevard, should not be considered. How would you rate

	EXCL	GOOD	FAIR	POOR	DK/R
72. City street repair and maintenance?	13%	70%	15%	3%	0%
73. Snow plowing?	21%	65%	13%	1%	0%
74. Street lighting?	11%	68%	13%	8%	0%

75.	How would you rate the quality of city drinking water -- excellent, good, only fair, or poor?	EXCELLENT.....14%
		GOOD.....69%
		ONLY FAIR.....11%
		POOR.....6%
		DON'T KNOW/REFUSED.....1%

IF "ONLY FAIR" OR "POOR," ASK: (n=66)

76. Why did you rate the quality of city drinking water as (only fair/poor)?

POOR TASTE, 59%; CLOUDY, 23%; BAD ODOR, 14%; HARD WATER, 2%; YELLOW COLOR, 3%.

77.	Does your household regularly participated in the curbside recycling program?	YES.....64%
		NO.....36%
		DON'T KNOW/REFUSED.....0%
78.	Have you done anything during the past two years to reduce your use of energy? (IF "YES," ASK:) What would that be?	NO.....40%
		CFL LIGHT BULBS.....13%
		THERMOSTAT.....12%
		APPLIANCES.....10%
		INSULATION.....4%
		USE LESS ELECTRICITY...14%
		NEW WINDOWS.....4%
		NEW FURNACE.....3%

Thinking about another topic....

79.	Are there areas in the City of Brooklyn Center where you do not feel safe?	YES.....36%
		NO.....63%
		DON'T KNOW/REFUSED.....1%

IF "YES," ASK: (n=142)

80.	In which areas do you not feel safe?	DON'T KNOW/REFUSED.....0%
		RETAIL STORES.....4%
		RETAIL PARKING LOTS....16%
		PARKS.....2%
		TRAILS.....9%
		EVERYWHERE.....30%
		APARTMENTS.....8%
		LOW INCOME HOUSING....16%
		BUS TERMINAL.....5%
		BROOKDALE AREA.....9%

81. What would make you feel more safe?	DON'T KNOW/REFUSED.....6%
	MORE POLICE PATROLS....47%
	MORE STREET LIGHTS.....22%
	LESS DIVERSITY.....11%
	LESS LOW INCOME HOUSING.....13%
82. Do you feel safe in your immediate neighborhood walking alone at night?	YES.....71%
	NO27%
	DON'T KNOW/REFUSED.....2%
83. Do you participate in Neighborhood Watch?	YES.....36%
	NO.....64%
	DON'T KNOW/REFUSED.....1%
84. How would you rate the amount of police patrolling in your neighborhood -- too much, about the right amount or not enough?	TOO MUCH.....1%
	ABOUT RIGHT AMOUNT.....81%
	NOT ENOUGH.....18%
	DON'T KNOW/REFUSED.....0%
85. How would you rate the amount of traffic enforcement by the police in your neighborhood -- too much, about right amount or not enough?	TOO MUCH.....2%
	ABOUT RIGHT AMOUNT.....74%
	NOT ENOUGH.....24%
	DON'T KNOW/REFUSED.....1%
86. How serious a problem is traffic speeding in your neighborhood -- very serious, somewhat serious, not too serious, or not at all serious?	VERY SERIOUS.....9%
	SOMEWHAT SERIOUS.....26%
	NOT TOO SERIOUS.....46%
	NOT AT ALL SERIOUS.....19%
	DON'T KNOW/REFUSED.....1%

87. Please tell me which one you consider to be the greatest concern in Brooklyn Center? If you feel that none of these problems are serious, just say so.

Violent crime.....7%
 Traffic speeding.....10%
 Traffic volume on residential streets.....10%
 Drugs.....15%
 Youth crimes and vandalism.....18%
 Identity theft.....3%
 Business crimes, such as shoplifting
 and check fraud.....8%
 Residential crimes, such as burglary,
 and theft.....5%
 Vandalism.....7%
 Pedestrian safety at traffic crossings and
 Intersections.....6%
 ALL EQUALLY.....2%
 NONE OF THE ABOVE.....7%
 DON'T KNOW/REFUSED.....2%

IF "VIOLENT CRIME," ASK: (n=29)

88. What specific violent crime are you most concerned about?

UNSURE, 3%; ROBBERY/MUGGINGS, 21%; DOMESTIC ABUSE, 21%; ASSAULT, 15%; SHOOTINGS, 23%; STREET FIGHTS, 9%; MURDER, 6%; HOME INVASIONS, 3%.

Continuing....

The Brooklyn Center park system is composed of larger community parks and smaller neighborhood parks, trails, community ballfields and the Community Center. For each of the following, which have you or members of your household used during the past year? Then for each one you or members of your household have used, please rate it as excellent, good, only fair, or poor.

	NOT USE	USE EXC	USE GOO	USE FAI	USE POO	DK/ REF
89. Trails?	29%	24%	45%	3%	0%	0%
90. Community Center?	50%	14%	34%	2%	0%	0%
91. Football fields?	69%	10%	20%	1%	0%	1%
92. Baseball fields?	76%	9%	15%	0%	0%	0%
93. Soccer fields?	77%	12%	11%	1%	0%	0%

	NOT USE	USE EXC	USE GOO	USE FAI	USE POO	DK/ REF
94. Ice rinks?	82%	5%	12%	1%	0%	0%
95. Tennis courts?	87%	6%	6%	1%	0%	1%
96. Basketball courts?	69%	14%	15%	2%	0%	0%
97. Youth recreation center?	69%	14%	15%	2%	0%	0%
98. Larger community parks?	38%	19%	41%	2%	0%	0%
99. Smaller neighborhood parks?	37%	27%	33%	3%	0%	1%

IF USE LARGER COMMUNITY PARKS OR SMALLER NEIGHBORHOOD PARKS,
ASK: (n=305)

	NOT USE	USE EXC	USE GOO	USE FAI	USE POO	DK/ REF
100. Playground equipment?	39%	13%	40%	6%	1%	0%
101. Which park, if any do you consider to be your neighborhood park?						

NONE, 23%; EVERGREEN, 9%; CENTENNIAL, 14%; BELLVUE, 4%;
PALMER LAKE, 14%; HAPPY HOLLOW, 6%; WILLOW LANE, 6%;
KYLAWN, 4%; NORTHPORT, 2%; SCATTERED PARKS, 18%.

IF A PARK IS MENTIONED, ASK:

102. What improvements, if any, would like to see made to the park?	DON'T KNOW/REFUSED.....1%
	NONE.....42%
	BETTER MAINTENANCE.....7%
	UPDATED EQUIPMENT.....11%
	PICNIC TABLES.....9%
	MORE LIGHTS.....18%
	MORE RESTROOMS.....12%
103. Are you aware the City runs the Centerbrook Golf Course? (IF "YES," ASK:) Have you or members of your household played the golf course during the past two years?	NO.....42%
	YES/YES.....17%
	YES/NO.....41%
	DON'T KNOW/REFUSED.....0%

IF "YES/YES," ASK: (n=69)

104. How would you rate your experience at Centerbrook Golf Course - excellent, good, only fair or poor?	EXCELLENT.....41%
	GOOD.....57%
	ONLY FAIR.....0%
	POOR.....0%
	DON'T KNOW/REFUSED.....3%

IF "YES/NO," ASK: (n=164)

105. Why have you not used the Centerbrook Golf Course?	DON'T KNOW/REFUSED.....26%
	NOT INTERESTED.....45%
	DON'T PLAY GOLF.....6%
	NO TIME.....15%
	AGE/HEALTH.....7%

106. In general, do you feel that existing recreational facilities offered by the City meet the needs of you and members of your household?	YES.....97%
	NO1%
	DON'T KNOW/REFUSED.....3%

IF "NO," ASK: (n=2)

107. What additional recreational facilities would you like to see the City offer its residents?

MORE OPEN SPACE, 50%; WATER PARK, 50%.

108. Have you or members of your household participated in any City park and recreation programs?	YES.....35%
	NO.....65%
	DON'T KNOW/REFUSED.....0%

IF "YES," ASK: (n=142)

109. Which ones?	DON'T KNOW/REFUSED.....0%
	SWIMMING.....11%
	BASEBALL/SOFTBALL.....16%
	SOCCER.....8%
	MULTIPLE.....19%
	GYMNASTICS.....6%
	DANCE.....4%
	FITNESS CLASSES.....6%
	COMMUNITY EVENTS.....7%
	YOUTH SUMMER PROGRAM...13%
	SENIOR PROGRAM.....8%
	BASKETBALL.....3%

110. How would you rate the quality of program - excellent, good, only fair or poor?
- | | |
|-------------------------|-----|
| EXCELLENT..... | 38% |
| GOOD..... | 61% |
| ONLY FAIR..... | 1% |
| POOR..... | 0% |
| DON'T KNOW/REFUSED..... | 0% |
111. Does the current mix of City park and recreation programming meet the needs of your household?
- | | |
|-------------------------|-----|
| YES..... | 94% |
| NO..... | 1% |
| DON'T KNOW/REFUSED..... | 6% |
- IF "NO," ASK: (n=2)
112. What program(s) do you feel are lacking?
- KIDS SPORTS LEAGUES, 50%; TEEN PROGRAMS, 50%.
113. Do you or members of your household currently leave the city to use park and recreation facilities? (IF "YES," ASK:) What facility would that be?
- NO, 92%; SPORTS FIELDS, 2%; TRAILS, 2%; SCATTERED, 4%.
114. Do you or members of your household currently leave the city to participate in park and recreation activities? (IF "YES," ASK:) What activity would that be?
- NO, 91%; SPORTS LEAGUES, 2%; BOATING/FISHING, 2%; WALKING/RUNNING, 2%; SCATTERED, 3%.
115. Do you engage in physical activity or exercise on a regular basis?
- | | |
|-------------------------|-----|
| YES..... | 62% |
| NO..... | 38% |
| DON'T KNOW/REFUSED..... | 0% |
- IF "YES," ASK: (n=248)
116. How many minutes a week do you typically engage in physical activity or exercise?
- | | |
|-------------------------|-----|
| 60 MINUTES OR LESS..... | 27% |
| 61 TO 90 MINUTES..... | 24% |
| 91 TO 120 MINUTES..... | 20% |
| MORE THAN 120 MINUTES.. | 29% |
117. For each of the following activities, please tell me which one you participate in most often? (ROTATE AND READ LIST)
118. Which one do you participate in the second most often? (RE-READ LIST IF NECESSARY, OMITTING FIRST CHOICE)

	FIRST	SECOND
WALKING.....	60%	22%
JOGGING/RUNNING.....	22%	20%
BIKING.....	4%	13%
SWIMMING.....	5%	10%
TENNIS.....	2%	1%
DANCING.....	0%	3%
FITNESS CLASSES/WORKING OUT		
A FITNESS CENTER.....	2%	7%
TEAM SPORT, SUCH AS SOFTBALL.....	4%	2%
ELSE.....	0%	0%
NONE (VOL.).....	0%	22%
DON'T KNOW/REFUSED.....	0%	0%

119. What is your principal source of information about parks and recreation programs and facilities in the City of Brooklyn Center?
- | | |
|----------------------------|-----|
| NONE..... | 8% |
| CITY NEWSLETTER..... | 34% |
| CITY WEBSITE..... | 17% |
| LOCAL NEWSPAPER..... | 8% |
| PARK AND REC CATALOG...14% | |
| WORD OF MOUTH..... | 7% |
| FLYERS..... | 3% |
| FACEBOOK..... | 9% |
| SCATTERED..... | 1% |
120. How would you prefer to receive information about parks and recreation programs and facilities in the city?
- | | |
|----------------------------|-----|
| DON'T KNOW/REFUSED..... | 0% |
| NONE..... | 8% |
| CITY NEWSLETTER..... | 37% |
| CITY WEBSITE..... | 19% |
| LOCAL NEWSPAPER..... | 5% |
| PARK AND REC CATALOG...14% | |
| WORD OF MOUTH..... | 4% |
| FLYERS..... | 2% |
| TEXT BLASTS..... | 1% |
| FACEBOOK..... | 9% |
| E-MAIL BLASTS..... | 2% |

Moving on....

121. How satisfied are you with your level of involvement in activities and meetings in your neighborhood and the city - very satisfied, somewhat satisfied, somewhat dissatisfied, or very dissatisfied?
- | | |
|----------------------------|-----|
| VERY SATISFIED..... | 26% |
| SOMEWHAT SATISFIED..... | 68% |
| SOMEWHAT DISSATISFIED...1% | |
| VERY DISSATISFIED..... | 0% |
| DON'T KNOW/REFUSED..... | 5% |

IF "SOMEWHAT DISSATISFIED" OR "VERY DISSATISFIED," ASK: (n=5)

122. What could the City do to help you become more involved?

UNSURE, 20%; WEEKEND TIMES, 20%; ADVERTISE, 40%;
LISTEN TO RESIDENTS, 20%.

As you may know, the populations of most inner ring suburban areas are becoming more diverse in terms of age, household income, race, and ethnicity.

123. In general, do you think that GOOD THING.....41%
growing population diversity is a BAD THING.....19%
good thing or a bad thing for the BOTH (VOL).....10%
community? DON'T KNOW/REFUSED.....29%

IF A RESPONSE IS GIVEN, ASK: (n=283)

124. Could you tell me one or two reasons why you feel that way?

UNSURE, 2%; TEACHES TOLERANCE, 8%; BRINGS CRIME, 19%;
LEARN ABOUT OTHER CULTURES, 32%; BRINGS CRIME/LEARN
ABOUT CULTURE, 4%; BRINGS ETHNIC RESTAURANTS/SERVICES,
12%; RELIGIOUS TENSION, 2%; NO PROBLEMS, 3%; LOWERS
PROPERTY VALUES, 3%; WAY OF THE WORLD, 3%; LANGUAGE
BARRIERS/LEARN ABOUT CULTURE, 2%; SCATTERED, 10%.

125. Currently, how well prepared do VERY WELL.....18%
you think the community is to meet SOMEWHAT WELL.....58%
the growing diversity of residents NOT TOO WELL.....6%
-- very well, somewhat well, not NOT AT ALL WELL.....1%
too well, or not at all well? DON'T KNOW/REFUSED.....18%

IF "NOT TOO WELL" OR "NOT AT ALL WELL," ASK: (n=26)

126. Could you tell me one or two reasons why you feel that way?

UNSURE, 4%; RISING CRIME, 8%; NOT ENOUGH POLICE, 19%;
RESIDENTS FEEL AFRAID/UNCOMFORTABLE, 27%; LANGUAGE
BARRIERS, 15%; NOT ENOUGH JOBS, 12%; NEED MORE SOCIAL
SERVICES, 12%; SCATTERED, 4%.

Changing topics....

127. Other than voting, do you feel that if you wanted to, you could have a say about the way the City of Brooklyn Center runs things?	YES.....83% NO7% DON'T KNOW/REFUSED.....11%
--	---

IF "NO," ASK: (n=26)

128. Why do you feel that way?

DON'T LISTEN, 81%; NO RESULTS, 8%; TOO OLD, 4%; DON'T KNOW HOW, 8%.

129. How much do you feel you know about the work of the Mayor and City Council -- a great deal, a fair amount, very little, or none at all?	A GREAT DEAL.....5% A FAIR AMOUNT.....38% VERY LITTLE.....34% NONE AT ALL.....23% DON'T KNOW/REFUSED.....1%
--	---

130. From what you know, do you approve or disapprove of the job the Mayor and City Council are doing? (WAIT FOR RESPONSE) And do you feel strongly that way?	STRONGLY APPROVE.....6% APPROVE.....77% DISAPPROVE.....6% STRONGLY DISAPPROVE.....2% DON'T KNOW/REFUSED.....9%
---	--

131. How much first hand contact have you had with the Brooklyn Center City staff -- quite a lot, some, very little, or none?	QUITE A LOT.....3% SOME.....29% VERY LITTLE.....35% NONE.....33% DON'T KNOW/REFUSED.....1%
---	--

132. From what you have heard or seen, how would you rate the job performance of the Brooklyn Center City staff -- excellent, good, only fair, or poor?	EXCELLENT.....15% GOOD.....70% ONLY FAIR.....6% POOR.....1% DON'T KNOW/REFUSED.....8%
---	---

133. During the past year, have you contacted Brooklyn Center City Hall?	YES.....25% NO.....75% DON'T KNOW/REFUSED.....1%
--	--

IF "YES," ASK: (n=98)

134. On your last telephone call or visit, which Department did you contact -- the Police Department, Fire Department, Public Works, Community Center, Housing and Property Maintenance, Park and Recreation, Building Inspections, Engineering, Planning, Administration, the Assessor's Office, the Finance Department, or the General Information Desk receptionist?	POLICE DEPARTMENT.....35% FIRE DEPARTMENT.....2% PUBLIC WORKS.....19% COMMUNITY CENTER.....4% HOUSING AND PROPERTY MAINT.....4% PARKS AND REC.....11% BUILDING INSPECT.....0% ENGINEERING.....1% PLANNING.....4% ADMINISTRATION.....1% ASSESSOR'S OFFICE.....1% FINANCE DEPT.....3% GENERAL INFORMATION....14% DON'T KNOW/REFUSED.....0%
---	--

Thinking about your last contact with the City, for each of the following characteristics, please rate the service as excellent, good, only fair, or poor....

	EXC	GOO	FAI	POO	DKR
135. Waiting time for the receptionist to help you?	18%	75%	7%	0%	0%
136. Courtesy of city staff?	31%	63%	6%	0%	0%
137. Ease of obtaining the service you needed?	28%	65%	6%	1%	0%

Moving on.....

138. What is your principal source of information about Brooklyn Center City Government and its activities?	NONE.....10% CITY WEBSITE.....23% LOCAL NEWSPAPER.....18% CABLE TELEVISION.....12% CITY NEWSLETTER.....32% WORD OF MOUTH.....4% SCATTERED.....2%
139. How would you prefer to receive information about Brooklyn Center City Government and its activities?	NONE.....9% CITY WEBSITE.....22% LOCAL NEWSPAPER.....15% CABLE TELEVISION.....12% CITY NEWSLETTER.....35% WORD OF MOUTH.....2% E-MAIL BLASTS.....2% FACEBOOK.....3%

140. Do you receive the "Sun Post" newspaper?	YES.....67%
	NO.....33%
	DON'T KNOW/REFUSED.....1%

141. During the past year, did you receive the "City Watch," the City's quarterly newsletter?	YES.....71%
	NO28%
	DON'T KNOW/REFUSED.....1%

IF "YES," ASK: (n=285)

142. Do you or any members of your household regularly read it?	YES.....88%
	NO11%
	DON'T KNOW/REFUSED.....0%

143. Does your household currently subscribe to cable television?	YES.....68%
	NO.....32%
	REFUSED.....1%

IF "YES," ASK: (n=270)

As you may know, the City currently cablecasts City Council meetings.

144. How often do you watch City Council meetings - frequently, occasionally, rarely, or never?	FREQUENTLY.....2%
	OCCASIONALLY.....24%
	RARELY.....21%
	NEVER.....52%
	DON'T KNOW/REFUSED.....1%

145. Do you have access to the Internet at home? (WAIT FOR RESPONSE) Do you have access to the Internet at work?	HOME ONLY.....35%
	WORK ONLY.....2%
	BOTH.....42%
	NEITHER.....22%
	DON'T KNOW/REFUSED.....0%

IF "YES," ASK: (n=312)

146. How do you connect to the internet at home--on a dial-up modem, DSL, Comcast Cable High Speed Internet, cellular wireless, or some other way? (IF "OTHER," ASK: How?	YES/DIAL-UP.....4%
	YES/DSL.....29%
	YES/COMCAST CABLE.....59%
	YES/CELLULAR WIRELESS...8%
	YES/SOME OTHER WAY.....0%
	DON'T KNOW/REFUSED.....1%

147. Have you accessed the City's website?	YES.....65%
	NO.....34%
	DON'T KNOW/REFUSED.....0%

IF "YES," ASK: (n=203)

148. Were you able to find what you were looking for?	YES.....100%
	NO.....0%
	DON'T KNOW/REFUSED.....0%
149. What information would you like to see on the City of Brooklyn Center's website?	DON'T KNOW/REFUSED.....11%
	NONE/FINE AS IS.....48%
	CRIME STATISTICS.....15%
	GENERAL INFORMATION.....7%
	COUNCIL INFORMATION.....3%
	DEVELOPMENT NEWS.....7%
	ROAD CONSTRUCTION.....6%
	SCATTERED.....3%

150. What additional features or tools would you like to see on the city's website?

UNSURE, 21%; NOTHING, 71%; REAL TIME TRAFFIC UPDATES, 3%; SCATTERED, 5%.

I would like to ask you about social media sources. For each one, tell me if you currently use that source of information; then, for each you currently use, tell me if you would be likely or unlikely to use it to obtain information about the City of Brooklyn Center.

	NOT USE	USE LIK	USE NLK	DK/ REF
151. Facebook?	24%	49%	26%	1%
152. Twitter?	57%	24%	18%	1%
153. YouTube?	42%	26%	31%	1%
154. Blogs?	77%	8%	11%	5%
155. Podcasts?	84%	7%	7%	2%
156. E-mail blasts?	60%	35%	4%	2%
157. Text blasts?	61%	30%	7%	2%

158. How would you rate the City's overall performance in communicating key local issues to residents in its publications, on the Web-site, and on cable television -- excellent, good, only fair, or poor?	EXCELLENT.....11%
	GOOD.....72%
	ONLY FAIR.....11%
	POOR.....1%
	DON'T KNOW/REFUSED.....6%

Now, just a few more questions for demographic purposes....

Could you please tell me how many people in each of the following age groups live in your household.

159. Persons 65 or over?	NONE.....77%
	ONE.....13%
	TWO OR MORE.....10%

160. Adults under 65?	NONE.....16%
	ONE.....19%
	TWO.....57%
	THREE OR MORE.....9%

161. School-aged children and pre-schoolers?	NONE.....63%
	ONE.....12%
	TWO.....18%
	THREE OR MORE.....7%

IF CHILDREN ARE PRESENT, ASK: (n=148)

162. Have your children participated in any city recreation activities or education programs during the past the years?	YES.....74%
	NO.....26%
	DON'T KNOW/REFUSED.....0%

IF "YES," ASK: (n=109)

163. How would you rate your children's experience -- excellent, good, only fair or poor?	EXCELLENT.....23%
	GOOD.....77%
	ONLY FAIR.....0%
	POOR.....0%
	DON'T KNOW/REFUSED.....0%

IF "NO," ASK: (n=39)

164. Why have your children not participated in any city recreation activities or education programs?

TOO YOUNG, 18%; NOT CONVENIENT TIMES, 5%; TOO BUSY, 36%; NOT INTERESTED, 36%; GO ELSEWHERE, 5%.

165. Do you own or rent your present residence?	OWN.....61%
	RENT.....39%
	REFUSED.....0%

166. What is your age, please? (READ CATEGORIES, IF NEEDED)	18-24.....6%
	25-34.....20%
	35-44.....20%
	45-54.....19%
	55-64.....18%
	65 AND OVER.....17%

167. Which of the following categories represents your ethnicity --	WHITE.....48%
White, African-American, Hispanic-	AFRICAN-AMERICAN.....24%
Latino, Asian-Pacific Islander,	HISPANIC-LATINO.....11%
Native American, or something	ASIAN-PACIFIC ISLAND...14%
else? (IF "SOMETHING ELSE," ASK:)	NATIVE AMERICAN.....1%
What would that be?	SOMETHING ELSE.....0%
	MIXED/BI-RACIAL.....3%
	DON'T KNOW.....0%
	REFUSED.....0%

168. Were you born and raised in the United States? (IF "NO," ASK:)	YES.....83%
How long have you been in the United States?	LESS THAN ONE YEAR.....1%
	ONE TO TWO YEARS.....2%
	THREE TO FIVE YEARS.....5%
	OVER FIVE YEARS.....10%
	DON'T KNOW/REFUSED.....0%

And now, for one final question, keeping in mind that your answers are held strictly confidential....

169. Thinking about your household finances, how would you describe your financial situation, would you say that --	STATEMENT A.....6%
A) Your monthly expenses are exceeding your income;	STATEMENT B.....33%
B) You are meeting your monthly expenses but are putting aside little or no savings;	STATEMENT C.....45%
C) You are managing comfortably while putting some money aside;	STATEMENT D.....16%
D) Managing very well?	DON'T KNOW/REFUSED.....1%
170. Gender	MALE.....49%
	FEMALE.....51%
171. REGION OF CITY	PRECINCT 1.....14%
	PRECINCT 2.....13%
	PRECINCT 3.....16%
	PRECINCT 4.....18%
	PRECINCT 5.....19%
	PRECINCT 6.....11%
	PRECINCT 7.....10%

Council/EDA Work Session

DATE: 5/22/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Angela Holm, Finance Director

SUBJECT: Grant Policy Discussion

Requested Council Action:

- obtain feedback from the city council regarding the proposed grant policy

Background:

The City Council tasked staff to work with the Financial Commission to develop a City Grant Policy. The Financial Commission met and developed a draft Grant Policy as attached.

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

ATTACHMENTS:

Description	Upload Date	Type
Draft Grant Policy	5/19/2023	Backup Material

GRANT ADMINISTRATION

The City of Brooklyn Center

Grant Administration Policy

Contents

Introduction

Key Resources for Grant Management

Policy Statements

Authorization to Apply for Grant Funds

Award Notification, Review, and Acceptance

Post-Award (Grant Execution and Reporting)

Grant Closeout Policy

Special Tests and Provisions

Introduction

The purpose of the Grant Administration Policy is to develop, implement, and maintain meaningful grant oversight and coordination for the City of Brooklyn Center (the “City”), the Economic Development Authority (the “EDA”), and the Housing and Redevelopment Authority (the “HRA”) thereby increasing grant-related revenue, limiting exposure to grant-related legal liability, and improving the efficiency and impact of programs and services funded through grants. To simplify the reference to the City, the EDA, and the HRA within this policy, hereafter they will be referred to collectively as the “The City,” unless specific emphasis is required.

The Grant Administration Policy is intended to provide a uniform method of applying for and managing grants. Procedures represent an implementation of policy and should evolve over time as new tools emerge, new processes are designed, and risks change due to environmental changes. Employees throughout the City take on the role of a Grant Program Administrator for a specific grant when they apply for a grant and use those funds. They are the main department or division contact for that specific grant.

The Office of Management and Budget’s (OMB) “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” require all recipients and sub-recipients of Federal funds to establish and maintain internal controls designed to reasonably ensure compliance with Federal laws, regulations, and program compliance requirements. Written policies and procedures are part of necessary internal controls and are required as a precondition to receiving grant funds. This policy is intended to be sufficiently comprehensive to adequately meet such requirements. However, in no case is this policy intended to supersede or limit Federal or State laws or regulations, or the provisions of individual grant agreements.

Key Resources for Grant Management

OMB Uniform Grant Guidance – Guidance provided by the Federal government that is updated yearly. Such updates are reviewed by the City as they become available, and policies and procedures will be revised accordingly when necessary. An example of the May 2022 version can be found at:

[www.whitehouse.gov/wp-content/uploads/2022/05/2022-Compliance-Supplement PDF Rev 05.11.22.pdf](https://www.whitehouse.gov/wp-content/uploads/2022/05/2022-Compliance-Supplement-PDF-Rev-05.11.22.pdf)

The Code of Federal Regulations (CFR) - The codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government. It is divided into fifty titles representing broad areas subject to Federal regulation. The **Electronic Code of Federal Regulations (eCFR)** is a continuously updated online version of the CFR and provides enhanced features that are not part of the published CFR: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>

City of Brooklyn Center Personnel Policy – All City employees working on grants will comply with the City's employment rules and policies as defined in the City's Personnel Policy.

City of Brooklyn Center Purchasing Guidelines – All grant purchases will comply with the City's Purchasing Policy.

City of Brooklyn Center Grant Administration Procedure Manual – All employees engaged in grant activities will reference the Grant Administration Procedures Manual for guidance on executing required grant policies. (Note: This procedure manual is currently being drafted. Staff anticipate this manual will accompany the final version of the Grant Administration Policy when considered by Council.)

Policy Statements

- **Hierarchy of Authority.** Following the guidance provided in the grant award documentation is the primary resource. In the event of conflicting guidance on the administration of Federal awards, the City has deemed Federal guidance to be most authoritative, followed by other State guidance and then local agency guidance.
- **Revisions.** The City is required to establish and document policies and procedures to ensure compliance with the provisions of Federal and State regulations and the provisions of grant agreements. Grant policy and procedures revisions will be reviewed and updated as necessary, but not less than once every five years.
- **Training.** City personnel will be provided necessary finance, procurement, and grant training. Procedures related to the policies within this document will be detailed in a separate Grant Administration Procedure Manual.
- **Compliance Failures.** Compliance failures, whether noted internally or through the external audit process, will be addressed immediately by reviewing the reason for the failure with responsible personnel and devising an improved process to encourage compliance in the future. If discipline is deemed appropriate, the discipline outlined in the City's Personnel Policy will be followed.

- **Contractual Requirements.** The City will comply with all contractual requirements detailed in its duly executed grant agreements with awarding agencies.
- **External Financial Audit.** The City will contract annually with an independent Certified Public Accountant firm for the purposes of conducting the City's external financial audit. To the extent that the City has expended Federal awards more than the applicable Federal Single Audit limit (currently \$750,000), the City will have a Federal Single Audit performed in accordance with the Uniform Grant Guidance, Code of Federal Regulations, Title 2, Subtitle A, Chapter II, Part 200, Subpart F, Audits.
- **Retention Policy.** Accounting and financial records (including journal entries, timesheets, invoices, audit reports, and similar documents) shall be retained as required by contractual or regulatory requirements. The City has adopted a records retention schedule as its official guide for records storage, filing, and destruction of accounting and financial records. If the grant specifically requires a longer records retention policy, that grant requirement supersedes the City's retention policy requirements.
- **Federal Suspension and Debarment List.** Department and division Grant Program Administrators will be responsible for verifying that any vendor paid with Federal grant dollars is not on the Federal suspension and debarment list.
- **Federal Capital Purchases.** Inventory of Federal capital purchases will be maintained by the Finance Department, and all items will be tracked annually.
- **Publicity Statements.** All department and division Grant Program Administrators will adhere to the funder's guidelines for publicity statements in coordination with the City's Communication Division. Proper acknowledgement will be given to the funder.
- **Minority and Women's Business Enterprises.** In accordance with the Code of Federal Regulations, all department and division Grant Program Administrators will take all necessary affirmative steps to ensure that minority businesses and women's business enterprises, and labor surplus area firms are used when possible.
- **Preference for materials purchased in the United States.** In accordance with the Code of Federal Regulations, as appropriate and to the greatest extent practicable under the Federal grant award, there should be a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).

Authorization to Apply for Grant Funds

The City Manager will authorize grant application submissions and City Council will authorize award acceptance. All award acceptance authorized by the City Council shall also authorize any required budget adjustments for the City. The HRA or EDA Boards will approve authorization for HRA or EDA grant application submissions, award acceptance, and required budget adjustments. This is necessary to:

- Ensure grant funds are aligned with strategic priorities;

- Highlight any requirements for matching funds;
- Allow for City Council, Commission, or Board consideration of the sustainability of the project or program after the grant period ends;
- Consider staff capacity to effectively manage the project or program; and
- Bring awareness to the City Council, Commission members, Board members, and public of grant applications.

Formula grants, recurring Federal funds, and State aids are not required to follow this pre- application authorization. All grants received shall have a resolution created and submitted to the City Council, EDA, or HRA Board to accept the award and approve any required budget adjustments.

All grant applications and supporting application documentation, including initial grant solicitations or advertisements, must be stored in accordance with the City's Document Retention Policy.

Award Notification, Review, and Acceptance

- Within five (5) calendar days of receipt of the grant award, the department or division's Grant Program Administrator must forward a copy of the award notification, the grant agreement or contract, and any memoranda of understanding to the City's Finance Department.
- The City's Finance Department, in collaboration with the City Attorney, shall conduct a review of all grant agreements to assess the terms and conditions of the agreements and ensure the City's interests and obligations are identified.
- If the legal review identifies any potential legal issues stemming from the terms and conditions of the agreement, the submitting department or division must contact the granting entity and seek to resolve the issue.
- If the legal review identifies no potential legal issues stemming from the terms and conditions of the agreement, the Finance Department will forward the grant agreement and any related exhibits to the City Clerk for signature by the City Manager or the Mayor, remaining consistent with the signature guidelines contained within the City's purchasing policy.

Post-Award (Grant Execution and Reporting)

- No grant funds shall be disbursed until the award letter has been received from the awarding agency, and a fully executed agreement has been signed by the City/EDA/HRA, as applicable, and the granting entity.
- Grant funds awarded to the City shall not be used to supplant an existing expense so that current funds can be diverted to another use unless such use of grant funds is explicitly identified as allowable in writing by the granting entity in the grant award.
- All revenue resulting from a grant-funded project or program shall adhere to the City's policies and procedures and be managed and maintained as established in the award letter, grant agreement, contract, special conditions, or other documents generated by the granting entity.
- All procurement activity associated with grant-funded projects or programs shall follow the procedures outlined in City's Purchasing Policy.

- All property acquired through grant funds shall be subject to the City's Purchasing Policy, Statewide procurement requirements, as well as any restrictions and/or requirements set forth within the terms of the grant, including any applicable Federal rules or regulations.
- Department and division Grant Program Administrators are ultimately responsible for adherence to the conditions outlined in the approved grant award/contract to ensure that allowable expenditures are incurred.
- Department and division Grant Program Administrators in collaboration with the Finance Director are responsible for monitoring all grant related activities and expenditures to ensure compliance with the grant.
- Department and division Grant Program Administrators in collaboration with the Finance Director are responsible for the oversight and monitoring of any sub-recipients or sub-awardees.
- All grant documentation including award letters, signed grant agreements, related appendices or exhibits, addendums, subsequent communications, and interim financial reporting must be stored in accordance with the City's Document Retention Policy.

Grant Closeout Policy

- Upon completion of the grant period of performance, the department or division Grant Program Administrator must prepare a memorandum to the Finance Director identifying the name of the grant and description of the final disposition of the funds and required activities.
- If the grant is at risk of not being fully expended within six months prior to the end of the grant cycle, the department or division Grant Program Administrator and the Finance Director will develop a plan.
- Upon review of the closeout memorandum and addressing any discrepancies, the Finance Director will confirm grant closeout and submit any final documentation to the granting entity.

Special Tests and Provisions

To ensure compliance with these requirements, the Finance Director will be assigned the responsibility of identifying financial-related compliance requirements for special tests and provisions, determining approved methods for compliance, and retaining any necessary documentation. Program-related compliance requirements will be the responsibility of the department or division administering the grant.

Effective Date:

(Originated 05-2023)

Policy should be updated at least every 5 years.

Council/EDA Work Session

DATE: 5/22/2023

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Dr. Reggie Edwards, City Manager

SUBJECT: Upcoming Items

Requested Council Action:

- THC Moratorium - June 12
- Memorial Policy - June 12
- Special Assessment Policy/Franchise Fees (*referred to Financial Commission*)
- Beautification and Public Art Commission
- Liquor Store 2
- Organizational Chart-Budget work sessions
- Rental License Review (*referred to Housing Commission*)
- Food Truck Ordinance/License
- Emerald Ash Borer Policy Review (*referred to Park & Rec Commission November*)

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: