Council Study Session
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 92710125463# Passcode: 7635693300#
April 26, 2021

AGENDA

1. **City Council Discussion of Agenda Items and Questions - 6 p.m.**
2. **Miscellaneous**
   a. Council Development
   b. City Council Listening Session
3. **Discussion of Work Session Agenda Item as Time Permits**
4. **Adjourn**

Council Study Session

DATE: 4/26/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: N/A
BY: Dr. Reginald Edwards, Acting City Manager

SUBJECT: Council Development

Background:

Janice from Common Sense has provided the following dates for the City Council regrouping:

April 28th 8:00-10:00am
May 3rd 3:30-5:30pm
May 11th 9:00-11:00am

Council Study Session

DATE: 4/26/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: N/A
BY: Dr. Reginald Edwards, Acting City Manager

SUBJECT: City Council Listening Session

Background:

The Listening Session with the community is scheduled for Wednesday, April 28 at 6:30 p.m. Venue to be determined.

CITY COUNCIL MEETING
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 92710125463# Passcode: 7635693300#
April 26, 2021

AGENDA

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

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

I will first call on those who notified the Clerk that they would like to speak during open forum, and then I will ask if anyone else connected to this meeting would like to speak. When I do, please indicate your name and then proceed when I call on you. Please be sure to state your name and address before speaking.

2. Invocation - Butler - 7 p.m.

3. Call to Order Regular Business Meeting

This meeting is being conducted electronically under Minnesota Statutes, section 13D.021 due to the pandemic. For those who are connected to this meeting, please keep your microphone muted. If there is an opportunity for public comment, you may unmute and speak when called upon. Please do not talk over others and anyone being disruptive may to ejected from the meeting. The packet for this meeting is on the City's website, which is linked on the calendar or can be found on "City Council" page.

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the consent agenda and considered at the end of Council Consideration Items.

a. Approval of Minutes
- Motion to approve the following minutes:

- *March 15, 2021 City Council Town Hall Meeting*
- *March 22, 2021 Study Session*
- *March 22, 2021 Regular Session*
- *March 22, 2021 Work Session*
- *April 5, 2021 Local Board Appeals & Equalization*

b. Approval of Licenses

- Motion to approve the licenses as presented.

c. An Ordinance Amending Chapters 7 and 19 of the City Code of Ordinances Regarding Waste and Organics Recycling by Haulers

- Motion to approve the First Reading of an Ordinance Amending Chapter 7 and 19 of the City Code of Ordinances Regarding Waste and Organics Recycling.

d. Resolution Recognizing Brooklyn Center as a Tree City USA for the Twenty-Ninth Consecutive Year

- Motion to approve a resolution recognizing Brooklyn Center as a Tree City USA.

e. Resolution Designating 2021 Planting List of Allowable Boulevard Tree Species

- Motion to approve a resolution designating the 2021 planting list of allowable boulevard tree species.

f. Resolution Accepting Bid and Awarding a Contract, Project No. 2021-15, 2021 Park Playground Replacements

- Motion to approve the resolution accepting the lowest responsible bid and award a contract to St. Croix Recreation for Project No. 2021-15, 2021 Playground Replacement.

g. Resolution Authorizing Application for the Tax Base Revitalization Account

- Motion to approve a resolution authorizing application for the Tax Base Revitalization Account

h. Waive Permit Fees for Disaster Recovery Repair Permits

- Motion to approve a resolution authorizing the waiver of building permit fees relating to repairs for damages caused as a result of vandalism during civil unrest.

7. Presentations/Proclamations/Recognitions/Donations

a. Resolution Expressing Appreciation for the Donation of a Pallet of Bottled Drinking Water to the Brooklyn Center Fire Department

- Motion to adopt the resolution expressing appreciation of the donation of a pallet of bottled drinking water from Walmart Brooklyn Center to the Brooklyn Center Fire Department.

8. Public Hearings

The public hearing on this matter is now open. I will first call on those who notified the Clerk that they would like to speak to this matter, then I will ask if anyone else on this meeting would like to speak during this hearing. When I do, please indicate your name and then proceed when I call

on you. Please be sure to state your name and address before speaking.

a. Resolution Authorizing the Issuance, Sale, and Delivery of its Conduit Revenue Bonds Relating to the Tesfa international School Project

- Motion to:

- *Reopen the public hearing;*
- *Take public input; and*
- *Close the public hearing.*

- Motion to approve Resolution authorizing the issuance of conduit charter school lease revenue bonds for Tesfa International School project under Minnesota Statutes, sections 469.152 through 469.1655 and approving related documents

9. Planning Commission Items

10. Council Consideration Items

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 4/26/2021

TO: City Council
FROM: Dr. Reginald Edwards, Acting City Manager
THROUGH:
BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Motion to approve the following minutes:*
  - *March 15, 2021 City Council Town Hall Meeting*
  - *March 22, 2021 Study Session*
  - *March 22, 2021 Regular Session*
  - *March 22, 2021 Work Session*
  - *April 5, 2021 Local Board Appeals & Equalization*

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
3-15 Town Hall Meeting	3/30/2021	Backup Material
3-22 Study Session	3/30/2021	Backup Material
3-22 Regular Session	3/30/2021	Backup Material
3-22 Work Session	3/30/2021	Backup Material
4-5 Local Board of Appeal	4/21/2021	Backup Material

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

CITY COUNCIL TOWN HALL MEETING

MARCH 15, 2021

CALL TO ORDER

Mayor Elliott called the meeting to order at 6:00 p.m. The meeting was conducted via Zoom.

AFFORDABLE HOUSING

Sarah Harris, Executive Vice President, Strategy, Partnerships, and Production at Aeon Corporation, thanked the Brooklyn Center City Council and City Staff for hosting this meeting about affordable housing, an issue that is important for the region as well as the City of Brooklyn Center. She gave a presentation on affordable housing – who needs it and why it matters to the community; and what are the challenges and opportunities related to affordable housing.

Ms. Harris stated low income refers to a family of four earning 80% of the Area Median Income (AMI). Low-income housing is generally referred to as affordable housing, and the legal definition is someone paying no more than 30% of their income for all housing costs, including utilities.

Ms. Harris stated, in terms of demographics, most of Brooklyn Center's residents fall within the need for affordable housing. She added most of the housing in Brooklyn Center is considered affordable, with an average vacancy rate of 4%. She noted high demand drives up rents and makes affordability even more of an issue. She reviewed the types of affordable housing, including new construction and naturally occurring affordable housing (NOAH), as well as preservation policies to keep current affordable housing in place.

Ms. Harris stated the issues of housing stability and community stability are directly connected. She added housing prices have outpaced income and more people are cost-burdened, causing them to be more mobile and less stable. She noted this causes an increase in costs related to managing displacement. She stressed the importance of stable housing to counter the effects of classism and systemic racism, as a disproportionate number of rental units are found in moderate-income, racially diverse neighborhoods.

Ms. Harris stated different levels of affordable housing can be created for different income ranges, whether individuals or families. She added a lack of affordable housing causes a ripple effect in communities, reducing stability and quality of life.

Ms. Harris stated new development is the most expensive type of affordable housing due to the high cost of construction. In Minnesota, there are 1500 new affordable units developed every year. Naturally occurring affordable housing can be purchased at approximately half the cost of new construction, but there are fewer funding sources available.

Ms. Harris reviewed the challenges inherent with producing affordable housing: economic challenges including increased fees, too few funding sources, and large operating gaps; community challenges; and issues related to Covid-19 including the disproportionate impact of the pandemic on low-income households, evictions, and homelessness when the eviction moratorium ends.

Ms. Harris stated there are efforts at the community level to work with all levels of government to create affordability. Public resources can reduce the cost of capital to build or buy properties and keep rents affordable. A stable workforce relies on stable housing, which reduces demand for services as well as the tax base, and increases job security.

Ms. Harris stated sustainability and innovation provide an opportunity for developers to provide environmentally friendly solutions at the front end or provide options to add them later. She added funding is always being sought for innovative solutions.

Mayor Mike Elliott asked how affordable new construction compares in terms of build quality with housing that is not necessarily affordable. Ms. Harris stated affordable developments are required by funding sources to meet many, if not more, of the same quality standards as market-rate developments.

Mark Allen stated a local realtor indicated that Brooklyn Center is ranked very high among metro communities in terms of the amount of affordable housing. He asked why the City should introduce more affordable housing. He added the affordable housing stock has brought many new people into the community, but as their families and incomes grow, they leave the community.

Ms. Harris stated Brooklyn Center has a high range of affordable housing per capita. She added there are many ways of measuring affordability, but most of the housing in Brooklyn Center is considered affordable. She noted most people living in the community need affordable housing, and many people are starting to need affordable housing even though they did not before. Vacancy rates in market-rate units are increasing faster than in affordable housing. There is a full spectrum of the workforce that requires a variety of types of affordable housing.

Mr. Allen stated he recently saw development in another city that had a percentage of affordable units, and the rest were market-rate units.

Ms. Harris stated affordable housing funding sources do not work well for market-rate development. She added cities must know which funding solution will work for them. Some cities have adopted inclusionary zoning that requires a certain number of affordable units in one development. It is difficult, however, to fund the buildings because affordable rents are not sufficient to support the necessary financing. Low-income housing tax credits are the primary source of funding for affordable housing, and they have specific requirements and strict guidelines on how the funding can be used.

Mr. Allen stated it seems like discrimination to say that affordable and non-affordable units cannot be together in the same building. Ms. Harris agreed, adding it is a new kind of discrimination.

She added funding sources do not want tax credits for affordable housing to be used to pay for amenities that will be used by market-rate renters.

Mayor Elliott stated there is a question in the chat about rents at the Sonder House development. He added half of the Sonder House units will be affordable, or workforce housing and half will be senior units. He asked Community Development Director Meg Beekman for rent information for affordable housing units.

Ms. Beekman agreed to post the corresponding levels of rent in the chat function.

Alfreda Daniels stated, within the community, when people talk about adding affordable housing, they are talking about apartment complexes and low-income housing. She added that notion creates an image of discrimination and crime. She asked how the conversation can move from a focus on apartments and low-income housing for a specific group of people to many different types of affordable housing, including homeownership. She noted this is especially important as the City is planning new rental developments.

Mayor Elliott stated, although we are talking about apartments, the issue is how much of a person or family's income is going toward the cost of housing.

Ms. Daniels stated just because a house or building is labeled as affordable, does not mean that it is affordable to the people who live there.

Ms. Harris stated, about mortgage payments, it should be noted that is mortgage payments and utilities combined. She added residents who pay more than 30% of their income on mortgage payments and utilities combined are cost-burdened.

Ms. Harris stated Ms. Daniels is correct in her statement that there are a lot of people living in affordable housing who are cost-burdened.

Aiysha Mustapha stated affordable housing is historically supposed to be temporary housing. She asked whether there are regulations or restrictions to ensure that practices of systemic issues related to affordable housing are not on-going.

Ms. Harris confirmed this, stating it is not an affordable housing crisis, but rather an income crisis. She added people need affordable housing for many different reasons, and policies to address these issues are being discussed, including minimum wage. She noted, however, these discussions take time, and meanwhile, people need a place to live. She noted Aeon is looking at ways to help its residents continue to have affordable housing and achieve equity that could potentially move them into homeownership.

Ms. Mustapha asked whether co-op living is being considered. She added this type of housing has been used on the east coast for elderly and fixed-income residents.

Ms. Harris stated the co-op model is not popular in the Midwest for some reason, but it is being considered. She added the real issue is not affordable housing but reversing inequity and addressing issues of income.

Ms. Daniels asked how the current narrative around affordable housing leads to gentrification.

Ms. Harris stated there is an assumption that more development will result in an increase in property values, which will force people out. She added funding for affordable housing developments has restrictive agreements that require that properties stay affordable for a specific period, so people can continue to live in the community. She noted market-rate development does not have those types of restrictions, increasing rent and displacing people, which causes gentrification.

Ms. Daniels stated there are a lot of people in the community who are saying we don't need any more affordable housing. She added that will lead to gentrification or relocation of folks, and not of a specific race. She noted market-rate housing will bring in new residents and Brooklyn Center residents will no longer be affordable to current residents.

Mayor Elliott asked how affordable housing development vs. market-rate development can affect the tax base.

Ms. Harris stated affordable housing has a different tax classification, with a lower tax rate, so there is cost containment. She added market-rate apartments may increase the tax base but can also cause displacement, which ripples through the system and causes other problems and issues that create costs for the City and the public sector.

Mr. Allen stated he saw a question in the chat from Steve Landis, who asked whether fear of gentrification is being overstated, and what percentage of new housing are we talking about. He added Brooklyn Center has one of the most heavily affordable housing stocks in the metro area.

Ms. Beekman stated Sonder House's 270 units have increased the City's legally binding affordable housing to 6.5%, and 17% of rental housing has some form of rent restriction. She added she is unsure how that compares to other local communities. She noted 90% of the City's housing is considered naturally occurring affordable at 80% AMI or less. She noted she understands Ms. Daniels' point that affordable does not mean accessible. She stressed the importance of preserving the affordable housing that already exists in the community. She noted Ms. Harris's comment that programs that create legally binding affordable housing are just as important as creating new units.

Ms. Beekman stated, as noted by Ms. Harris, the State of Minnesota has a limited number of low-income tax credits, and only 17-19 projects get completed annually throughout the State. She added there is not enough funding to create and build new affordable units at the rate at which they are needed. She noted the importance of creating affordable housing without low-income tax credits.

Councilmember Graves stated she appreciates Ms. Beekman's comments, as City Staff and the City Council can do a better job of monitoring affordable properties, and work with organizations

to create and sustain and stability for those units. She added the City Council agrees that there should be a mix of housing in Brooklyn Center to create more options for residents who want to stay in the City. She asked Ms. Harris whether there are any studies available that show the connection between new affordable housing developments and gentrification or displacement.

Ms. Harris stated several studies address the relationship between affordable and market-rate housing. She added there is an important role for both types of housing, and they should happen simultaneously. She stressed the importance of creating an environment that successfully encompasses the full spectrum of market-rate and affordable housing in the same community.

Councilmember Ryan thanked Ms. Harris for her comments. He stated a recent joint Housing/Planning Commission work session featured a presentation by Jason Aarsvold, Ehlers, Inc., that focused on the challenging financial aspects of new affordable housing. He added the preservation of affordable housing is more cost-effective, and statewide, regional and national solutions should be considered. He noted residents of Brooklyn Center pay 2.7 times higher taxes to cover municipal services than communities like Plymouth because the property tax base is so depleted. He added increased property taxes do not help the City meet its equity goals. He stressed the importance of a mix of development to meet the broad spectrum of needs in the community and build a tax base to sustain that effort.

Diane Sannes stated she wanted to mention, about new housing, there are 50 newly built $350,000 homes in the Evergreen area, which sold immediately. She added she spoke with Joe at Sonder House, and 127 of the work-force units are already rented, with occupants moving in on April 1, 2021. She noted Joe indicated there are a total of 300 units, and the development will be full by August 1, 2021. She stressed the importance of remembering that people want to move to Brooklyn Center. She thanked the City Council for having this meeting tonight.

Mayor Elliott thanked Ms. Sannes for her continued work in supporting the City of Brooklyn Center and moving the community forward.

Ms. Harris thanked all the meeting attendees for their participation and interest in these issues. She stated there is no more important subject than where folks are going to live, as it affects everyone and everything in the community. She noted she looks forward to being a part of the future of Brooklyn Center and working toward the right solutions for the community. She agreed to share her PowerPoint presentation with City Staff.

Ms. Daniels stated, through her participation with other local groups over the past few years, she has gotten the sense that people just want affordable housing, but it is a struggle to truly define affordable housing. She added many residents are pushing back and saying we want market-rate and luxury housing, but mixed housing is important. She noted the people who currently live in this community deserve to live here, but at the same time increase the tax base by having market-rate apartments.

Councilmember Graves stated the City Council recently had a meeting about potential policy changes around naturally occurring affordable housing and discussed a potential inclusionary housing Ordinance. She added there is concern about unintended consequences and the possibility

that mixed-use housing could stall development. She noted the City of Brooklyn Park has been reviewing development on a case-by-case basis. She stressed the importance of trying to find the right balance.

Councilmember Graves stated the City Council has been having these conversations and is committed to being intentional and thoughtful. She added market rate and affordable housing might not be located in the same building due to financing restrictions, but the City is committed to providing housing solutions.

Ms. Daniels stated the City of Brooklyn Park is geographically divided, with low-income housing in one area and wealthy people in another area. She stressed the importance of ensuring that both types of housing occur in all areas of Brooklyn Center, to avoid separating low-income people.

Mayor Elliott thanked everyone who joined the meeting this evening. He thanked Ms. Harris for her presentation. He stated there will be more community conversations on critical topics, including a meeting focused on youth. He encouraged residents and Commissioners to forward other ideas for town hall conversations.

Mayor Elliott stated there has been a lot of information tonight, and the conversation has moved toward the need for a mix of housing. He added Councilmember Graves noted that we are gathering information to make smart decisions and avoid unintended consequences. He thanked everyone who joined the meeting.

ROLL CALL

Mayor Elliott requested a Roll Call of Councilmembers. Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present.

ADJOURNMENT

There was a motion by Mayor Elliott, seconded by Councilmember Lawrence-Anderson, to adjourn the Town Hall Meeting. The motion passed unanimously. The meeting adjourned at 7:23 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

STUDY SESSION
MARCH 22, 2021

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Mike Elliott at 6:00 p.m. The meeting was conducted via Webex.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

-None.

MISCELLANEOUS

Date and Time for Common Sense Meeting

City Manager Curt Boganey thanked the City Council for responding to his request for dates and times to meet with Common Sense. He added the date that works for everyone is April 10, 2021, for 1.5-2 hours. The available time frame is 8:30 a.m. – 1:00 p.m. He asked for City Council input for a suitable start time. The City Council agreed to start the Common Sense meeting at 9:00 a.m. on April 10, 2021.

Recognition for Parks & Recreation Commissioners

Councilmember Graves stated long-time Parks & Recreation Commissioners Tom Shinnick and Jerry Witalka recently passed away. She added she worked with both of them during her time on the City Council. She noted she would like to discuss a request from their families to have some type of memorial, in the form of a small plaque on a bench in the parks where they spent a lot of time. She noted she would support formal City Council action on this item, to recognize their public service and honor requests from their families for a park bench plaque.

Councilmember Ryan stated he knew both Mr. Shinnick and Mr. Witalka. He added he would support plaques on a park bench in their favorite park for both of them. He added Tom Shinnick was a dedicated volunteer for many years, having served with the Lions Club since the 1960s, his involvement in Little League, as well as on the Parks & Recreation Commission. He added Mr.

Witalka was also a dedicated City volunteer. He noted both men will be greatly missed and should be long remembered.

Councilmember Lawrence-Anderson thanked Councilmember Graves for bringing this up. She added she knew Tom for over 20 years and attended his visitation on Friday. She agreed something should be done to commemorate and honor their service, and she would like to donate. She requested that City Staff look into which parks would be suitable, and research pricing on plaques, and communicate that to the City Council.

Councilmember Butler thanked Councilmember Graves for bringing this up. She added she knew Mr. Shinnick when she was in high school, and he was on the School Board. She added she always had wonderful interactions with him, and he was always so supportive. She noted she is sorry for the loss for his family and the entire community, and both men should be recognized.

Councilmember Graves stated she appreciates all the comments and hopes City Staff can come up with recommendations about how to honor these gentlemen.

Councilmember Graves stated she served with both men on the Parks Commission, and Jerry was a quiet listener, but he had conviction and did not pull any punches. She added she enjoyed serving with both of them.

Mayor Elliott stated he knew both men. He added he has known Mr. Shinnick since he was in the 9th grade. He added he always supported the community and lifted the community. He noted he supports the recognition of both men through a bench plaque.

Promotion of Spring Clean-Up Day

Councilmember Graves stated she hopes there can be extra efforts this year to promote Spring Clean-up Day, which is scheduled for April 24, 2021. She added there have been many comments from residents about areas that need to be cleaned up, and Councilmember Butler has continued to be an advocate for a cleaner community. She noted a socially distanced community event could be planned, that would have a tangible, visible outcome, and make people feel like they are making a difference in the community.

Interactive Trails Map

Councilmember Graves asked whether there will be an interactive trails map added to the City website. She added the City Council received an affirmative answer from Janelle when it was previously discussed. She added she would like to follow up on that and ensure that an interactive map is included on the new City website.

Parks Commission

Councilmember Graves stated, at the recent Parks Commission meeting, there was some disagreement about which parks are being recommended for reconstruction by City Staff. She added she does not feel the Parks Commission is getting enough good, up-to-date information to

make recommendations, and a more robust discussion is needed. She noted the Commission should be able to make a recommendation and if they cannot, then the City should not move forward with the plans.

Spring Clean-Up Day, Cont'd

Mr. Boganey stated, about spring clean-up, there has been a focus on Shingle Creek but historically the annual clean-up is intended to be a City-wide effort. He added, in response to Councilmember Graves' question, it is possible to do something bigger and more effective this year. He noted there will be a discussion on tonight's agenda about related activities, and City Staff would like to hear the City Council's comments on plans for this year's spring clean-up.

Councilmember Lawrence-Anderson stated she frequently goes to Walgreen's on 63rd Avenue and Brooklyn Boulevard, and she plans to tackle that area at the very least. She added, in future years, something to consider would be for Councilmembers to put out a notice on social media that they will be focusing on a specific area that day, and any interested residents can join them, to meet with a Councilmember and do something positive for the City.

Councilmember Butler agreed that it would be nice to offer a variety of dates. She added the spring clean-up date of April 24, 2021, does not work for her this year. She noted she likes Councilmember Lawrence-Anderson's idea of offering other options for residents to join City Councilmembers or City Staff if they want to get involved. She added she has already committed to collecting one bag of garbage per week, and she can invite residents to join her.

Mayor Elliott stated the City has provided trash bags for residents who collect garbage monthly at the Transit Center. He added he agrees with Councilmember Lawrence-Anderson that it does not need to be a big event, but rather simply putting the message out and asking people to join the City Councilmembers in different neighborhoods to collect trash, in addition to the spring clean-up date.

Mr. Boganey stated City Staff can put together a more robust marketing campaign.

Mr. Boganey stated he will follow up about the interactive trails map.

Councilmember Graves stated there could be a contest or campaign to get people to get involved in cleaning up their neighborhoods, to promote taking care of the environment, and getting out and enjoying trails and parks.

Councilmember Graves stated, as a reminder, bulk waste pick-up is this year, and residents should have received a postcard with their pick-up date. She added residents can go on the City website to determine when their pick-up date if they did not receive a card in the mail.

Parks Commission, Cont'd

Mayor Elliott asked whether the Parks Plan will be reviewed by the Planning Commission. Mr. Boganey stated City Staff felt that further review was needed before going on the Consent Agenda.

The Parks Commission meets only once per month, so it is a timing issue. He asked whether the City Council could be prepared to discuss this issue at their next meeting. He noted the Public Works Director has indicated that it would be beneficial to begin construction soon.

Mayor Elliott asked whether City Staff could check with the Parks Commissioners to see if they are willing to add another meeting.

Councilmember Graves stated she is the Parks Commission liaison, and there has been a disconnect in recent months with two new Commissioners, the retirement of Mr. Glasoe, Dr. Edwards filling in, and a missed meeting in January, as well as City Council decisions regarding incorporating public health initiatives into parks. There has been some confusion and a lack of context recently about what has been happening on the Commission up to this point. The new Commissioners are capable, can access the internet, do research, and ask questions.

Councilmember Graves stated, when park issues are discussed by the City Council, the Parks Commission should have had the opportunity to review the documents and submit questions specific to the agenda item. She added it would not be necessary to schedule an additional Parks Commission meeting.

Mayor Elliott asked for clarification regarding the scope of the proposal. Mr. Boganey stated there are several parks in the Capital Improvement Plan that are due for new playground equipment, which is planned for all the parks but being completed one year at a time. He added the replacement of equipment is behind by one year due to the pandemic, and this year 4-5 parks have been identified to get new equipment. Neighborhood meetings were held, and there was unanimous agreement on the equipment that was already proposed.

Councilmember Graves stressed the importance of getting more context for the Commissioners and the City Council before a final decision is made.

Councilmember Lawrence-Anderson thanked Councilmember Graves for bringing up this issue. She added this issue could be discussed at an upcoming Work Session and placed on a Regular Session agenda for a vote if that is what is required. She noted the Parks & Recreation Commission could be invited to attend the City Council's work session at which this is discussed. This would ensure they have all the information they need, and it will not be necessary to schedule a separate meeting.

Councilmember Lawrence-Anderson stated the input of the Parks & Recreation Commission is critical, in her opinion.

Flyer for Down Payment Assistance and Home Rehab Programs

Mayor Elliott asked whether City Staff has a flyer on the City's down payment assistance and home rehab programs. He asked that City Staff email that information to the Mayor and City Council.

Procurement Plan Update

Mayor Elliott asked whether City Staff is moving forward on a procurement plan, to ensure that Brooklyn Center residents are engaged in the procurement process, especially people of color who are traditionally left out of these processes.

Mr. Boganey stated City Staff has talked with the consultants and has a proposal from an organization that will work with City Staff to begin a procurement process.

Mayor Elliott requested a follow-up email.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

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

RECONVENE STUDY SESSION

Mayor Elliott reconvened the Study Session at 6:57 p.m.

Mr. Boganey, based on City Council discussion, stated City Staff will come back to the City Council with options and proposals for ways to honor the Parks & Recreation Commissioners.

ADJOURNMENT

As there was no formal motion to adjourn, Mayor Elliott called for adjournment of the Study Session at the adjournment of the Regular Session.

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
MARCH 22, 2021

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in the Informal Open Forum called to order by Mayor Mike Elliott at 6:45 p.m. The meeting was conducted via Zoom.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, Community Development Director Meg Beekman, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

Mayor Mike Elliott opened the meeting for Informal Open Forum.

Barb Suciu, City Clerk indicated there was one email submission but it was related to an agenda item.

Mayor Elliott called for a recess at 6:48 p.m.

Councilmember Lawrence-Anderson stated the Study Session was not adjourned. The agenda calls for an adjournment.

Mayor Elliott stated we can do that when we come back.

Mayor Elliott resumed the Informal Open Forum at 6:55 p.m.

No one wished to address the City Council.

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded to close the Informal Open Forum at 6:57 p.m.

Motion passed unanimously.

2. INVOCATION

Mayor Elliott read a quote from Nelson Mandela when he came out of retirement in 2005 to give a speech as part of the "Make Poverty History" campaign.

"In this new century, millions of people in the world's poorest countries remain imprisoned, enslaved, and in chains. They are trapped in the prison of poverty. It is time to set them free.

Like slavery and apartheid, poverty is not natural. It is man-made and it can be overcome and eradicated by the actions of human beings. And overcoming poverty is not a gesture of charity. It is an act of justice. It is the protection of a fundamental human right, the right to dignity and a decent life. While poverty persists, there is no true freedom."

3. CALL TO ORDER REGULAR BUSINESS MEETING

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

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Public Works Doran Cote, Community Development Director Meg Beekman, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6a. APPROVAL OF MINUTES

1. March 8, 2021 – Study Session
2. March 8, 2021 – Regular Session
3. March 8, 2021 – Work Session

6b. LICENSES

Hospitality Accommodations License

Brooklyn Center Hotel Group DBA Fairfield Inn & Suites	6250 Earle Brown Dr Brooklyn Center 55430

Liquor-Intoxicating

Jammin' Wings	2590 Freeway Blvd Brooklyn Center 55430

Liquor-Sunday Sales

Jammin' Wings	2590 Freeway Blvd Brooklyn Center 55430

Mechanical Licenses

Hertz Mechanical Inc.	19561 Vernon St. Elk River 55303
Mike's Custom Mechanical, Inc.	PO Box 171 Champlin 55316

Sign Hangers License

Albrecht Sign Company Inc.	7775 Main Street NE Fridley 55432
Twin Cities Sign Installations	8889 140th St N Hugo 55038

Tobacco

Jammin' Wings	2590 Freeway Blvd Brooklyn Center 55430

RENTAL

INITIAL (TYPE III – one-year license)

5209 Xerxes Ave N	BMW Holdings c/o Halverson Blaiser Group

RENEWAL (TYPE III – one-year license)

6109-13 Beard	James & Bobbie Simons
1605 56th Ave N	FYR SFR Borrower LLC
6930 Halifax Ave N	Eli Egal

RENEWAL (TYPE II – two-year license)

4500 58th Ave N	Twin Lake North Apartments TLN LN NEL - Met Requirements

RENEWAL (TYPE I – three-year license)

1100 69th Ave N	Evangelical Church of the Master - Met Require
6821 Noble Ave N	Reuben & Diane Ristrom
2900 67th Ln N	Dolores Fischer
6029 Bryant Ave N	Stephen Yeboah - Met requirements
5706 Camden Ave N	Midwest Challenge Inc
5517 Knox Ave N	Roger Harris
4207 Lakeside Ave N #336	Tamara Carlson
7045 Unity Ave N	AMAS Investments LLC

6c. CONSIDERATION OF A RESOLUTION 2021-046 CALLING FOR A PUBLIC HEARING ON THE ISSUANCE OF CONDUIT REVENUE

BONDS AND AUTHORIZING THE PUBLICATION OF A NOTICE OF HEARING (TESFA INTERNATIONAL SCHOOL PROJECT)

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. JO COMPANIES PROJECT UPDATE

Community Development Director Meg Beekman stated the purpose of this presentation is to give the City Council an update on a development project with JO Companies. The City of Brooklyn Center entered into a Preliminary Development Agreement (PDA) with JO Companies last year for the development of four EDA-owned parcels on the northwest corner of 61st Avenue and Brooklyn Boulevard, immediately south of the Sanctuary. The developer initially proposed 88 units of multi-family affordable housing and has been working with consultants to refine their plan in preparation for an application for low-income tax credits.

Ms. Beekman stated no City Council action is required this evening.

Johnny Opara, CEO of JO Companies, thanked Ms. Beekman and the City Council. He stated he has been working with Baker Tilly for the past year to refine the budget, ensure that the project is feasible, and move forward with a competitive application for Minnesota Housing. He added Dorn Companies has come on board as the general contractor. He noted the project, which originally had 88 proposed units, has been rescaled to 54 units to apply for tax credits, with 1, 2, and 3 bedroom units as well as supportive housing, which is a priority for Minnesota Housing.

Mr. Opara stated the building is proposed to have 10 1-bedroom units of supportive housing, and the balance is proposed for the general population at 30%-60% Area Median Income (AMI). He added the proposal includes an opportunity to connect with Wangstad Park as a grant opportunity with City support is being considered.

Mr. Opara stated, in terms of potential partnerships, JO Companies is working with LISC and Simpson supportive housing, as well as Poe Architects and Baker Tilly.

The project architect reviewed the proposed site plan, including connections to Brooklyn Boulevard and 61st Avenue; bus transit; and Wangstad Park, which is a great benefit of this housing project. Outdoor community spaces are planned on the corner of the building closest to the park, with several different connections planned as you move toward the park. The outdoor areas will feature exterior tapestries, potentially in partnership with a local artist, to assist with pattern and design that reflects the diversity of the community.

Mr. Opara stated the proposed plans could change after the community engagement process is completed. He added the biggest changes are the update from 88 units to 54 units, and the potential connection to the park.

A representative of Baker Tilly stated the City's willingness to work with the developer and support for the project has had an impact. He added the development team appreciates the City's support and partnership and looks forward to future collaboration.

Mayor Elliott stated Mr. Opara indicated there would be a reduction in housing units from 88 units to 54 units, and that 1-bedroom units would be reserved for high priority residents with disabilities, and those that meet lower income thresholds. He asked whether there would still be a mix of 1–3-bedroom units.

Mr. Opara stated 30-60% AMI is the focus, with the homeless and people with disabilities a priority for Minnesota housing. He added 3-bedroom units make up about 26% of the unit mix, and 25% would be 2-bedroom units.

Mayor Elliott stated the rates are affordable, but they are still a lot of money to be paying for your house. He asked what the annual salary of someone who is at 50% AMI is. Ms. Beekman stated she would have to look it up.

Mayor Elliott stated housing is incredibly expensive for families, even when they are looking at affordable housing. He thanked the development team for all their hard work in creating something in Brooklyn Center that will house people at affordable rates. He noted it is still very costly.

Councilmember Graves thanked the Mayor for his comments, and Mr. Opara for his update. She added she is glad he is working with consultants to be competitive in the process of securing low-income financing Minnesota Housing, which is very difficult. She noted the Mayor commented earlier on the City's procurement process, and Mr. Opara fits well within the parameters of those proposed guidelines.

Councilmember Graves stated she likes the incorporation of public art into the plans, and supportive housing is a welcome addition. She added the rates presented here are not accessible for some families, but they are better and more reachable than others that she has seen. She expressed her appreciation for their diligent work and thanked City Staff for being supportive.

Councilmember Ryan thanked Mr. Opara for his presentation. He added he is pleased to see the project will be reduced to 54 units, as he has heard from nearby single-family residential homeowners who are concerned about the scale. He added the new proposal is of a more reasonable scale.

Councilmember Butler thanked Mr. Opara for his presentation. She added she is glad to receive an update. She thanked Mr. Opara for all the thorough information. She wished him the best of luck in his future efforts.

Mayor Elliott thanked Mr. Opara for his presentation. He added he looks forward to working with Mr. Opara and hopes the application process goes well.

7b. OPPORTUNITY SITE PRESENTATION SERIES: PROCESS AND MILESTONES

Ms. Beekman stated, at its last meeting, the City Council directed City Staff to begin the community engagement process for the Opportunity Site. She added City Staff intend to provide frequent regular updates on progress, including topics and questions raised by the community. She noted the goal is to increase the transparency of the project.

Ms. Beekman gave a brief background of the Opportunity Site project, an approximately 80-acre site. Several development concepts have been considered. In 2018, the City invited master developers to propose concepts for 35 acres of contiguous City-owned land in the Opportunity Site, and Alatus was selected. The City entered into a Preliminary Development Agreement (PDA) with Alatus, which was renewed in 2019, for the proposed development of 35 acres, or 1/3 of the entire site. Preliminary plans include laying out the implementation framework and zoning plan; downtown master plan; principles for future development; and benefits the City might get out of development. The PDA does not grant permission for any particular project or development.

Ms. Beekman stated Alatus has partnered with Project in Pride and Living and Resurrection World Faith Ministries and is focused on the development of the 15-acre southwest corner of the property, including housing, community-directed incubator space, or public market with entrepreneurs. The City has engaged with NEOO Partners and ACER to consult on the project and provide the feasibility study, to be presented to the City Council at a future meeting.

Ms. Beekman stated community engagement will start in spring 2021, as well as work on due diligence for predevelopment issues and review of the early development program and feasibility of the proposed incubator/public market. Representatives from Alatus and PPL will be invited to a City Council meeting to receive feedback and direction from the City Council.

Ms. Beekman stated the City Council would receive engagement reports and Task Force recommendations in Fall 2021, and approvals would be requested for land use entitlements and the development agreement. The equity development scorecard will be used to ensure accountability over future development projects, and to measure how well it performs in terms of the goals of the master plan. There are existing properties within the site that are not owned by the City, so a regulatory framework is essential.

Mayor Elliott stated he thinks this is a very ambitious timeline, and he has some questions. He asked why this would be done before the housing study is completed since the proposal is primarily housing. He asked what percentage of the apartments in this development would be about the total number of units in Brooklyn Center. Ms. Beekman stated she does not have that information. Mayor Elliott requested that Ms. Beekman find out and let him know.

Mayor Elliott stated it is striking to him that City Staff is proposing all of this gets done before the results of the housing study are released. He added the impact of this project is rather substantial.

Mayor Elliott stated the time frame seems ambitious for a citizen task force to provide recommendations and opinions so soon. He added he believes this should go into next year.

Mayor Elliott stated this proposal is about building a lot of housing. He added over 90 new housing units are proposed in the heart of the City. He noted the critical question is what the fundamental

needs of the community are, and whether we are solving those needs through this proposed development.

Mayor Elliott stated people have approached him asking for an arts center, or a technology-based high school. He requested that the City Council host a visioning session with the community. He added he would like to talk about what are the City's needs and what will improve the lives of the community beyond just building what is proposed here. He noted, in terms of what he has seen so far, that question has not been answered.

Mayor Elliott asked about the Environmental Worksheet (EAW). He added this is for the benefit of residents watching the meeting tonight.

Ms. Beekman stated the Environmental Quality Board has requirements for environmental assessments related to various types of development to determine impacts, and the City oversees that process. She added data is collected and reviewed, and there is a public comment period. She noted the goal is to identify where there will be impacts, and what features can be added to minimize the impacts. A mitigation strategy is developed that is reviewed by and ultimately approved by the City Council.

Mayor Elliott asked who reviews the EAW. Ms. Beekman stated the EAW is prepared by Braun Intertech and reviewed by the City.

Mayor Elliott asked whether any state agencies are involved. Ms. Beekman stated this is a process required by the Environmental Quality Board.

Mayor Elliott asked what is that process. He asked what the importance of the EAW is. Ms. Beekman stated the purpose is to determine the potential environmental impacts of a project and identify mitigation strategies.

Mayor Elliott asked whether there are any other steps after the development is reviewed by the Environmental Quality Board. Ms. Beekman stated the Board would review it and then defer to the responsible governmental unit on the scope and findings. She added the Board provides oversight but generally defers to the City's determination.

Mayor Elliott asked, in terms of the scope of the review, whether any implications determine scope. Ms. Beekman stated she is unable to answer that question right now.

Mayor Elliott asked whether the environmental worksheet determines whether an EAW is required. Ms. Beekman confirmed this. She showed a document that lays out the EAW process.

Mayor Elliott asked who determines whether the EAW is needed. Ms. Beekman stated the City makes that determination.

Mayor Elliott stated he felt there was a disconnect. He thought he understood there was a potential step after the environmental assessment worksheet to determine whether the statement is needed.

Councilmember Lawrence-Anderson thanked Ms. Beekman for her very thorough presentation. She added she looks forward to future updates.

Councilmember Graves stated she appreciated the presentation, and she is pleased there will be regular updates and that the meeting recording can be referenced to answer questions and comments from the community and clear up commonly asked questions. She added the context is very helpful and important so that the public can give informed feedback. She noted she looks forward to the next update.

7c. CITY BEAUTIFICATION AND STEWARDSHIP (LITTER UPDATE)

City Manager Curt Boganey stated, at its last meeting, the City Council requested an update on efforts to keep the City clean and free of the trash. He added the City Council has identified this as one of its highest priorities, and City Staff have been working toward the achievement of that goal.

Deputy City Manager Reggie Edwards reviewed City Staff's efforts to date on this issue, including a presentation to the City Council in July 2020 of potential strategies for beautification, stewardship, and litter control. He stated many efforts were placed on hold during Covid-19 due to reduced hours and lack of staff. Dr. Edwards added City Staff have recently initiated clean-up actions, which will be reviewed tonight by department heads.

Ms. Beekman stated the Community Development Department is involved in City clean-up actions through additional Code Enforcement staff; meetings with property managers and business owners; use of an evaluation matrix; Code Enforcement meetings with Walmart, Cub Foods, and Sun Foods to discuss cart storage and clean-up. The new Economic Development Coordinator, Vong Thao, has been instrumental in building relationships and listening to the concerns of local businesses, as well as raising the City's concerns to businesses.

Ms. Beekman stated Mr. Thao is working on programs to support small businesses, including a matching grant program of up to $5,000 to provide support for exterior maintenance, security, and beautification efforts.

Public Works Director Doran Cote stated the City has entered into a contract for trash pick-up and hauling, and shopping carts pick up on Bass Lake Road and Brooklyn Boulevard. The City Council recently approved the purchase of a MadVac trash collector, which will not be delivered until late April due to Covid restrictions. Daily street sweeping began last week, and trash pick-up will continue at bus stops and in parks. Shingle Creek Clean-up is scheduled for April 24, 2021.

Janelle Crossfield stated City Staff are meeting with Shingle Creek Crossing management to initiate a stormwater drain art initiative.

Dr. Edwards stated the goal of this program is to provide solutions that will address the litter issue in the City, which rests on residents, visitors, business owners to be accountable for stewardship.

Councilmember Butler thanked Dr. Edwards and Mr. Cote for the presentation and update. She added she appreciates the information regarding delays due to Covid. She asked how success will

be measured, and whether there will be a benchmark to measure initiatives and pivot if they are not working.

Dr. Edwards stated the evaluation tool will allow City Staff to develop analytics and assess and determine which areas require trash pick-up more frequently. He added City Staff will meet regularly to review progress. He added there is no analytics developed yet, but it is obvious that other areas are cleaner, and litter has been picked up.

Mr. Boganey stated City Staff are reviewing several different models for measuring progress.

Councilmember Graves stated she appreciates the presentation, and she likes that public art is being incorporated in some of the ideas. She asked whether any other businesses have been contacted about trying to encourage people to clean up after themselves. She suggested signage or better disposals, or a park ambassador to go into the parks and remind people.

Councilmember Graves asked whether the trash picked up by the MadVac machine can be recycled. Mr. Cote stated the machine does not distinguish between trash and recyclables, but it can be hand sorted.

Councilmember Graves stated some businesses were beginning to work together and encourage other businesses to work with them to keep the area brighter and cleaner.

Ms. Beekman stated City Staff are working with local businesses, but compliance is not the issue. She added, for instance, Sun Foods has employees clean the parking lot twice a day. She noted this is an ongoing and constant problem and not something that is easily addressed.

Councilmember Graves stated she appreciates the efforts of the City Staff. She added it is more of a cultural and societal problem, and the City and community will have to do whatever we can.

Dr. Edwards stated City employees and business employees picking up trash now is not the long-term solution to this problem. He stressed the importance of engaging in strategies that will change people's behavior so that they stop littering and throwing their trash on the ground.

Councilmember Lawrence-Anderson stated she appreciates Councilmember Butler's efforts in making this issue a priority for the City Council. She also thanked City Staff for their support and hard work on this issue.

Councilmember Ryan stated he would like to acknowledge that Councilmember Butler has brought this issue to the forefront and made it a real priority. He added he appreciates the comments of his colleagues and concurs.

Mayor Elliott asked whether there will be another update at the next meeting. Mr. Boganey stated that can be provided but not much will have changed in 2 weeks. Mayor Elliott stated an update could be provided in 1 month. Mr. Boganey agreed.

Mr. Boganey stated Councilmember Butler had asked a critical question regarding how the City will measure success. He added success will be achieved when people decide not to throw their trash in public or private places, eliminating longer a need for extensive clean-up efforts.

8. PUBLIC HEARINGS

None.

9. PLANNING COMMISSION ITEMS

None.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2021-47 CONDEMNING THE USE OF DISCRIMINATORY COVENANTS, DISCHARGING DISCRIMINATORY COVENANTS ON CITY-OWNED PROPERTY, AND APPROVING PARTICIPATION IN THE JUST DEEDS COALITION

Mayor Elliott stated discriminatory racial covenants are found on properties throughout the region, causing segregation in communities. He added this has occurred in black communities and communities of color. He noted language preventing black people from owning, renting, or occupying property may still exist on covenants in Brooklyn Center.

Mayor Elliott dropped off the call at 8:51 p.m.

Councilmember Graves asked Mayor Pro Tem Butler to run the meeting.

Mayor Elliott rejoined the meeting at 8:52 p.m. but asked Mayor Pro Tem Butler to continue running the meeting.

Dr. Edwards gave a presentation on the use of discriminatory covenants and racially restrictive deeds. The first evidence of this practice in Minnesota occurred in 1910. He added City Staff has been researching deeds in Brooklyn Center to determine whether there are any such covenants.

Mayor Elliott rejoined the meeting.

Dr. Edwards stated, in 2019, the Minnesota legislature allowed property owners to individually discharge or renounce discriminatory covenants. In March 2020, City Staff met with the Mapping Prejudice Project co-founders Mr. Bill Wells and Dr. Kirsten Delegard. The Mapping Prejudice Project provided evidence that structural barriers stopped many people who were not white from owning property and building wealth for most of the last century. The City hopes to join the Just Deeds Coalition, which is committed to addressing systemic racism in housing in Minnesota. The coalition seeks to educate Minnesotans about historically racist practices like discriminatory covenants.

Dr. Edwards stated City Staff recommends the adoption of a Resolution committing the City of Brooklyn Center to join the Just Deeds Coalition. City Staff continues to research restrictive covenants in the City of Brooklyn Center and can provide communication to residents who may desire to remove restrictive covenants. The City's Housing Study will provide recommendations of strategies to eliminate racist and discriminatory practices in housing.

Mayor Elliott thanked Dr. Edwards for his presentation. He asked whether City Staff has additional information on City-owned properties that have been identified as having racial covenants and whether these can be provided to the City Council at a later date. He stated the people of Brooklyn Center want to know if there are properties in Brooklyn Center that have a restriction on the deed that is purely based on the color of someone's skin. He added the people of Brooklyn Center would be eager to discharge those covenants, to ensure that racism is not perpetrated against anyone either purposefully or inadvertently through actions and policies. He noted this is a very important step to take as a City, and it is more than just symbolic. He expressed his appreciation for the City Staffs recommendations in moving this issue forward.

Mayor Elliott read in full a Resolution condemning the use of discriminatory covenants, discharging discriminatory Covenants on City-owned property, and approving participation in the Just Deeds Coalition.

Mayor Elliott stated he has reached out to Mapping Prejudice Project to invite them to present to the City Council on their work related to the discriminatory practices and how they continue to shape our modern cities.

Councilmember Ryan stated the Resolution allows the City Council to condemn the history of these odious covenants, which are no longer legal nor enforceable. He added this symbolic gesture is a statement that reinforces the values of the City of Brooklyn Center. He expressed his appreciation for Mayor Elliott in bringing this Resolution before the City Council.

Mayor Elliott moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2021-XX Condemning the Use of Discriminatory Covenants, Discharging Discriminatory Covenants on City-Owned Property and Approving Participation in the Just Deeds Coalition.

Motion passed unanimously.

Comments on Timing and Lengthy Commentary

Councilmember Graves called for an adjournment. She stated she would like to comment about timing and trying not to talk longer than necessary, to ensure that the City Council can move through its agendas at a reasonable pace.

Councilmember Graves stated the Regular Session Agenda Item related to "Council Reports" is an important portion of the Agenda. She added the City Council has been foregoing the Council Reports in the interests of time, but it is important to share the work of different Commissions and other issues with each other.

Mayor Elliott stated there is still another Regular Session Agenda item to address, related to Commission Appointments.

10b. MAYORAL APPOINTMENTS TO CITY COMMISSIONS

Mayor Elliott reviewed two Housing Commission applicants that he is recommending for City Council approval.

Johnson Yang is a 4-year resident of Brooklyn Center and has been a real estate agent since 2017. He added Mr. Yang is active in the community and is interested in serving on the Housing Commission.

Zarita Hester is a 2-year resident of Brooklyn Center and has worked at St. Stephens Human Services as a Housing Counsellor, and a crisis clinic. He added she looks forward to working with the Housing Commission to develop better housing options.

Mayor Elliott stated these appointees will provide insight based on their lived experiences and professional backgrounds. He added they will help develop comprehensive housing policies and strategies.

Mayor Elliott stated there will be Commission appointments at every upcoming City Council meeting. He added he is aware that there are still some Commission vacancies. He added his goal is to ensure that the Commissions are representative of the community.

Mayor Elliott moved and Councilmember Butler seconded to ratify Mayoral Appointments to City Commissions as presented.

Motion passed unanimously.

Councilmember Graves stated she appreciates Mayor Elliott's efforts in continuing to find diverse representation on the City's Commissions. She asked whether these new appointees went through the typical process and submitted an application to the City Clerk. Mayor Elliott confirmed this.

Mayor Elliott stated he wants to be thoughtful about Commission appointments. He added he saw a comment on social media from someone who said that he was appointing his friends. He added, in the interests of transparency, the appointees are not his friends.

Councilmember Ryan stated it would help if the City Council could review the Commission applications before the meeting at which the appointees will be approved. He added this gives the Councilmembers confidence that appointees have related experience and education.

11. COUNCIL REPORT

This Agenda Item was not addressed.

12. ADJOURNMENT

Mayor Elliott asked Councilmember Lawrence-Anderson if she wanted to close the Study Session.

Councilmember Lawrence-Anderson moved and Mayor Elliott seconded adjournment of the Study Session at 9:27 p.m.

Motion passed unanimously.

Mayor Elliott stated Councilmember Graves indicated that she would like to move to adjourn the Council meeting. He added there are still Work Session agenda items to address.

Councilmember Graves stated she intended to adjourn the Regular Session and move into the Work Session.

By consensus, Mayor Elliott adjourned the Regular Session and the City Council moved into Work Session at 9:28 p.m.

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
MARCH 22, 2021

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Mike Elliott at 9:30 p.m. The meeting was conducted via Zoom.

ROLL CALL

Mayor/President Mike Elliott and Councilmembers/Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey and City Clerk Barb Suciu.

Reorder of Agenda

Councilmember/Commissioner Kris Lawrence-Anderson stated MnDOT representatives have already joined the meeting. She proposed that Agenda Item 1 and 2 be postponed, and Agenda Item 3 should be addressed.

Mayor/President Elliott agreed.

FRANCHISE FEES – AGREEMENTS AND PROGRAM

This agenda item was postponed.

A CONCEPT DEVELOPMENT PROPOSAL FOR 6221 SHINGLE CREEK PARKWAY (THE CREST APARTMENTS)

This agenda item was postponed.

UPDATE BY MnDOT ON HIGHWAY 252 IMPROVEMENTS – ENVIRONMENTAL IMPACT STATEMENT (EIS)

City Manager Curt Boganey stated representatives from MnDOT will give an update on the Highway 252 project.

Public Works Director Doran Cote stated the Highway 252 corridor project has shifted from an Environmental Assessment to an Environmental Impact Statement (EIS). He added the MnDOT team and their consultants have joined the meeting to give an update on the project and what to

expect moving forward. He introduced the project team: Jerome Adams, Project Manager; Chris Holberg, Public Engagement Manager; and Craig Vaughan, SRF Consulting.

Chris Holberg, MnDOT Public Engagement Manager, stated MnDOT is now leading an Environmental Impact Statement for this project. He added there are 4 key pieces to the first phase of the EIS: identifying project termini, determining purpose and need, formulating a statement of objectives, and identifying and documenting evaluation criteria. He added what will be presented tonight is a draft, and no decisions have been made. He noted the schedule includes the development of initial steps, alternatives, and evaluations before coming to a preferred alternative.

Mr. Holberg stated after the process concludes, the project will move into construction plans and phases, a review of project limits and potential impacts. He added MnDOT understands that other elements fall outside of the highway line, and there could be benefits and impacts that extend beyond the right of way. He noted the draft Purpose Statement has been developed with feedback received over the past few years and captures what MnDOT representatives have heard.

Mr. Holberg stated the three broad project needs areas are vehicle safety, vehicle mobility, and pedestrian and bike safety. He added the MnDOT team has received a lot of feedback and technical data on these issues over the past few years.

Mr. Holberg stated the project objectives are broad and are identified as transportation and community-related. He added these include reducing injury and fatalities; supporting transit; and pedestrian and bike safety. He noted solutions should be sought that will require the minimal acquisition of property, and a potential solution will ensure that equitable outcomes are achieved.

Craig Vaughan, SRF Consulting, provided background information and a review of objectives and evaluation criteria. He added the project team seeks to answer the question of how the project will affect access to transit, as well as ensure pedestrian and bike safety.

Mr. Vaughan stated two themes that came out when the MnDOT team last met with the Brooklyn Center City Council are equity and health, and how they are affected by transportation. He added this is an opportunity to view the project through an equity lens framework, to make participants cognizant of disproportionate impacts or social disparities that should be considered as project elements. He noted the MnDOT team hopes to have an equity and health assessment completed by the end of 2021.

Mr. Adams stated this will be a 3-year long process, and tonight is the beginning. He added this has been a quick summary and more information will be released for public review in April 2021, including the Purpose and Need document, and the Evaluation Criteria document.

Extension of Meeting

There was a majority Consensus of the City Council/EDA to extend the meeting to 10:15 p.m.

Councilmember/Commissioner Ryan thanked the MnDOT team for joining the meeting. He asked whether they have had a similar EIS project that was executed to completion. He added he, along

with many community members, participated in the environmental review process many years ago, and it was felt that it was a thorough process. He asked whether this has been done before with a successful outcome.

Mr. Adams stated the St. Croix River Bridge, a project in Virginia, Minnesota, and a project in Duluth are three examples of EIS projects that have been completed. He added federal and state regulations are always subject to change, so each EIS project is unique. He added the guidelines are slightly different, but the EIS process is essentially the same.

Councilmember/Commissioner Ryan expressed concern that the process becomes difficult and convoluted. He asked whether MnDOT staff are confident that this will take approximately 3 years.

Mr. Adams stated the EIS was announced in Spring 2020, and a project schedule was created around EIS, with federal regulations and restrictions, which was not approved until January 2021. He confirmed that the plan could be a 3-year process, or possibly more if there are more delays.

Councilmember/Commissioner Ryan thanked the MnDOT team for their presentation, and for staying at the meeting and providing this helpful information. He added he will review the information again and contact the team with questions. He expressed his appreciation of the efforts of the MnDOT team and other partners, in being tuned in and listening to the concerns of the public.

Mr. Adams stated the MnDOT team is committed to working with the City of Brooklyn Center over the next three years and ensuring that the City receives all the information they need to support the project. He added elected officials are extremely critical to large infrastructure projects. He noted MnDOT wants to make sure this is a project that is the right thing to do for Brooklyn Center.

Mayor/President Elliott thanked the MnDOT team for their presentation. He stated this is the first time we are hearing about health impacts and equity in one of these presentations. He added that this is a very important step because these projects could harm people rather than improve their lives. He noted he would like the Mission Statement to indicate the importance of "securing the health and safety of the community through an equity and justice lens."

Mayor/President Elliott stated these projects can connect communities and address safety concerns. He added he hopes the process, which can be frustrating, can reach the point where our community believes it is worth the effort. He stressed the importance of slowing down and looking at critical aspects of these decisions.

Mayor/President Elliott stated he received an email communication from the Highway 252 Safety Task Force that he forwarded to City Staff. He thanked the MnDOT representatives for their presentation.

ADJOURNMENT

Councilmember/Commissioner Ryan moved and Councilmember/Commissioner Graves seconded adjournment of the City Council/Economic Development Authority Work Session at 10:06 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

LOCAL BOARD OF APPEAL AND EQUALIZATION
APRIL 5, 2021

1. Call to Order

The Brooklyn Center Local Board of Appeal and Equalization was called to order by Mayor Mike Elliott at 6:00 p.m. The meeting was conducted via Zoom.

2. Roll Call

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves (joined the meeting at 6:12 p.m.), Kris Lawrence-Anderson (joined the meeting but initially inaudible), and Dan Ryan. Also present were City Manager Curt Boganey and City Clerk Barb Suciu.

3. 2021 Board of Appeal and Equalization Meeting Agenda Items

Mayor Elliott welcomed meeting attendees. He stated this is the first of 2 meetings providing an opportunity for taxpayers to voice concerns about their property classifications. He added County Property Assessors have joined the call to address any questions. He noted the reconvene meeting will be held April 19, 2021 at 6:00 p.m. of needed.

4. Local Board of Appeal and Equalization (LBAE) Certification Forms

Mayor Elliott stated the Assessor will submit Local Board of Appeal and Equalization Certification Forms on behalf of the Local Board, due to the meeting format.

Councilmember Ryan asked whether Board Members will be asked to come to City Hall to sign certification documents in person.

City Manager Curt Boganey stated, due to the pandemic, State law and regulations have been modified to allow the Assessor to attest to the presence of the Board members who have joined the meeting.

5. Questions Regarding the Local Board of Appeal and Equalization Duties

Josh Whitney, Hennepin County Residential Property Assessor, provided a brief summary of the Assessor's duties and responsibilities. He noted the purpose of the appeals process is to provide a fair and objective forum for property owners to appeal their property values or classifications.

Mr. Whitney reviewed the 2021 assessment summary, with 1/5 of Brooklyn Center residential properties reviewed each year, and records updated. Statistical analysis is provided for all properties sold between November 1, 2019 and September 30, 2020. The overall value increase

for property types was 4.4% with 297 exempt parcels. Evaluation notices were mailed in March 2021.

Mr. Whitney stated he has received approximately 29 phone calls, including conversations or virtual inspection, and all issues were settled with property owners. He added there was one write-in residential appeal and three commercial appeals that occurred within the 10-day window. These appeals will require discussion in front of the Board of Appeals.

Mr. Whitney stated Brooklyn Center saw a significant increase of 45.5% in home sale prices since 2016. He added the median sale price in Brooklyn Center is $240,000. He noted median sale prices of surrounding communities: $283,000 in Brooklyn Park; $255,000 in Crystal; $292,000 in New Hope; $264,000 in Robbinsdale; and $209,000 in the Camden neighborhood of Minneapolis.

Mayor Elliott asked why townhouses have had the largest price increase percentage from last year at 7.4%. Mr. Whitney stated townhomes are an affordable segment of the real estate market.

6. Appearances by Taxpayers with an Appointment

Mr. Whitney read a written appeal received within the 10-day window that he has already resolved with the property owners. The appeal was received March 30, 2021 for 511 56th Avenue N (PID #01-118-21-42-0057) from property owners Janet Mary Saathoff and Holly Rae Saathoff. The Saathoffs disagreed with the value as they had a collapsed sewer line between the house and the street that caused water damage, rendering the lower level useless due to mold. The homeowner emailed 7 photos of the damage, which are included in the meeting packet.

Mr. Whitney stated he removed the finished basement from the valuation which lowered the value from $209,000 to $190,000. The property owners concurred via email.

Ashley Gunderson, Hennepin County Commercial Property Assessor, stated two calls were received that day that they have not been able to review: 5220 Camden Avenue N, 2 parcels containing TopGolf; and 5930 Brooklyn Boulevard, a multi-tenant retail property. She added the Assessor's Office is working with the owner of 5930 Brooklyn Boulevard and will continue to do so up until the reconvene. She noted the TopGolf assessment is complex, and a recommendation for a "no change" is requested to give the Assessor's Office more time to work through the valuation with the property owner.

Ms. Gunderson stated a property owner, Al Franz, has joined the meeting to give a presentation on his property at 2781 Freeway Boulevard.

Mr. Franz stated the pandemic has reduced functionality of the building for the tenants of the building. The reprographics business relied on walk-in customers to the showroom for demonstrations of graphic printers, and that space is no longer utilized. Another tenant, Provision Health, has asked for a reduction of their square footage by 1,100 square feet. A build-out in 2014 cost approximately $65,000 in Suite 120, but that tenant had to close their business due to the pandemic, which represented a loss of $16,500 in rent as well as legal fees of $3,000.

Mr. Franz stated he wants to keep his tenants in Brooklyn Center, and he likes the building, but he will have to reduce rent to keep the tenants, due to the pandemic as well as a surge in crime in the neighborhood. He added he feels taxes within the range of $44,000-50,000 would be acceptable to keep things going. He noted the value of the building is decreased by crime in the area. He thanked the Board for giving him the opportunity to make his presentation.

Eric Bjorklund, Property Assessor, gave a review of the Franz property, a 22,700 square-foot flex-industrial property built in 2001. Most of the building space is at grade or ground level and fully occupied with three tenants. Franz Reprographics comprises 70% of the building.

Mr. Bjorklund stated, to determine the property market value, he conducted an appraisal using sales comparisons and income capitalization and reconciled the results. The income approach value was $1,540,000, and the sales comparison value was $1,975,000. The two approaches reconciled in the middle but towards the lower end of the value at $1,750,000.

Mr. Bjorklund stated his recommendation is to sustain the 2020-2021 estimated market value of $1,415,000. Mr. Franz agreed.

Ms. Gunderson stated, with regard to the other two commercial properties, the Board could vote no change to continue the assessments to the County Board level.

Councilmember Ryan stated he supports the recommendations, which will allow the property appellants to proceed with the assessment appeal process.

Councilmember Ryan moved and Councilmember Graves seconded to approve the recommendation of no change for 6420 Camden Avenue North and 6930 Brooklyn Boulevard.

Mayor Elliott requested clarification regarding the TopGolf property assessment and asked whether there is not enough time for the assessors to work out an agreement. He also asked whether there is time to work out an agreement with the property owner at 6930 Brooklyn Boulevard.

Ms. Gunderson stated the Board can decide whether to recommend no change or reconvene.

Councilmember Graves stated there was no vote on the motion that is on the table. She added she supports moving forward with the recommendation as she is concerned about adding a reconvene date that other Board members may not be available to attend.

Mayor Elliott stated a reconvene date is already set for April 19, 2021 at 6:00 p.m.

Mayor Elliott stated, on the question of the motion, there can be discussion once a motion is made but before a vote is taken.

Motion passed unanimously.

Mayor Elliott moved and Councilmember Graves seconded to approve the amended valuation for 511 56th Avenue North of $109,000.

Motion passed unanimously.

Councilmember Graves moved and Mayor Elliott seconded to accept the recommendation of no change for 2781 Freeway Boulevard.

Motion passed unanimously.

7. Appearances by Taxpayers without an Appointment
-None.

8. Consideration of Written/Email Appeals
-None.

9. Reconvene Meeting Date – April 19, 2021 at 6:00 p.m.

10. Recess

Councilmember Graves stated she would like to make a motion to adjourn.

Mayor Elliott asked whether there is any other business.

Councilmember Graves moved and Mayor Elliott seconded adjournment of the Board of Appeal and Equalization meeting at 7:08 p.m.

Discussion during the motion: Councilmember Ryan asked, as a point of order, whether City Staff have confirmed that there is no further business. Mayor Elliott confirmed this. He added there is no point of order on an adjournment. Councilmember Ryan stated it is necessary to determine that there is no further business.

Motion passed unanimously.

Council Regular Meeting

DATE: 4/26/2021

TO: City Council
FROM: Dr. Reginald Edwards, Acting City Manager
THROUGH: Dr. Reggie Edwards, Deputy City Manager
BY: Alix Bentrud, 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.

Hospitality Accommodations License

Extended Stay America	2701 Freeway Blvd Brooklyn Center, 55430
Kaswa Hospitality Super 8	6445 James Cir Brooklyn Center 55430
Faraz Enterprises Travelodge	6415 James Cir Brooklyn Center 55430
Seth Oliver Brooklyn Hotel Partners Embassy Suites	6300 Earle Brown Dr Brooklyn Center 55430

Mechanical Licenses

Affordable Comfort Mechanical dba Apollo	1167 Viking Dr E Maplewood 55109
Avid Heating & Cooling	7700 Cty Rd 110 W Minnestrista 55364
Blue Rain Plumbing	8821 Woodland Rd Bloomington 55437
Bonfe's Plumbing Htg & Air Service	455 Harman Ave So. St. Paul 55075
	6161 Golden Valley Rd

CenterPoint Energy	Golden Valley 55422
Centraire Htg & AC, Inc.	6811 Washington Ave N Edina 55439
Deans Professional Plumbing Inc.	7400 Kirkwood Ct N Maple Grove 55369
Hearth & Home Technologies LLC	7571 215th Street W Lakeville MN 55044
Homeworks Services Co	1230 Eagan Industrial Rd. #117 Eagan MN 55121
Horowitz Inc	7400 49th Ave N New Hope MN 55428
J-Berd Mechanical Contractors, Inc.	1 Industrial Blvd Sauk Rapids MN 56379
Larson Plumbing Inc	PO Box 459 Isanti MN 55040
Majestic Custom Heating & Air Cond	8800 Royal Ct NW Anoka MN 55303
Major Mechanical Inc	11202 86th Ave N Maple Grove MN 55369
Mike's Custom Mechanical Inc	PO Box 171 Champlin MN 55316
Northland Mechanical Contr	9001 Science Center D New Hope MN 55428
Ridler Heating & Cooling Inc.	3110 Washington Ave N Minneapolis MN 55411
Standard Heating & AC	130 Plymouth Ave N Minneapolis, MN 55411
WJW Company	10600 University Ave NW Coon Rapids MN 55448

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	3/16/2021	Backup Material
4-12-2021 Rental Licenses	4/7/2021	Backup Material
4-26-2021 Rental Licenses	4/20/2021	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 on April 12, 2021								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
7013 Knox Ave N	Single	Initial	HPA USA 1/Pathlight Management	1	II	N/A	II	
6800 Scott Ave N	Single	Initial	Emmanuel Williams	9	III	N/A	III	
3012 Thurber Rd	Single	Initial	Angelique Kapila/Risen Home Care	13	IV	N/A	IV	
3601 47th Ave N Ryan Creek Manor	Multi 4 Bldg 44 Units	Renewal	8411 Balboa LLC/Matthew Wallman - met requirements	80 1.8 per unit	III	2 valid, 5/15/2020 disturbing peace, 9/202/2020, robbery		IV
700 66th Ave N Georgetown Park Townhouses	Multi 24 Bldgs 92 Units	Renewal	Wiensch Construction/Scott Gann - met requirements	79 23 units inspected 3.4 per unit	IV	14 valid calls .15 per unit 878 66th Ave N 5/9/2020 Disturbance 1/21/2021 Theft of Motor Vehicle Parts 748 66th Ave N 8/11/2020 Theft 776 66th Ave N 8/24/2020 Burglary 708 66th Ave N 10/5/2020 Burglary 10/22/2020 Burglary 1/4/2021 Theft from Building 884 66th Ave N 11/6/2020 Disturbance 802 666th Ave N 12/14/2020 Larceny 806 66th Ave N 12/21/2020 Burglary 754 66th Ave N 12/24/2020 Motor Vehicle Theft 880 66th Ave N 1/21/2021Theft from Vehicle 742 66th Ave N 1/31/2021 Theft from Vehicle 876 66th Ave N 3/31/2021 Disturbance		III
1217 54th Ave N	Single	Renewal	Jay Moua - mising CPTED follow up	0	I	0		III
2018 55th Ave N	Single	Renewal	Chen Zhou/Lancelot Properties - met requirements	2	I	0		III
3912 61st Ave N	Single	Renewal	Nazeem Khatoon - met requirements	1	I	0		III
5200 63rd Ave N	Single	Renewal	Roger Bonny	1	I	0		I
2606 64th Ave N	Single	Renewal	Abdirashid Arab - missing action plan, CPTED follow up, CFH cert	2	I	0		IV
2900 67th La	Single	Renewal	Dolores Fischer	0	I	0		I
1600 69th Ave N	Single	Renewal	Hieu Vo	4	II	0		I
4101 70th Ave N	Single	Renewal	Paul Pham - met requirements	9	III	0	III	IV
5350 71st Cir	Single	Renewal	Ali Sajjad/786 Homes LLC	2	I	0		I

Rental Licenses for Council Approval on April 12, 2021								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
5943 Colfax Ave N	Single	Renewal	Juliana Koe	1	I	0	I	II
5200 Drew Ave N	Single	Renewal	Morris Matthews	1	I	0		II
6724 France Ave N	Single	Renewal	Jessica Stoll Van Elson - Met Requirements	4	II	0		III
5636 Fremont Ave N	Single	Renewal	Alice Isatu Mansaray	4	II	0		II
7013 Fremont Ave N	Single	Renewal	IH3 Property Illinois/Mai Thao	3	II	0		II
6809 Fremont PL	Single	Renewal	Ali Sajjad/786 Homes LLC	0	I	0		II
6051 Halifax Ave N	Single	Renewal	Oyewale Ilesanmi/Supreme Living Homes - met requirements - missing CFH cert	5	III	0		III
5631 Hillsview Rd	Single	Renewal	Kent LeFevre	3	II	0		III
5713 Humboldt Ave N	Single	Renewal	Janice Biorn	0	I	0		II
5500 Knox Ave N	Single	Renewal	MNSF II W1/Marc Silverstein	4	II	0		II
6018 Kyle Ave N	Single	Renewal	Danny Vo	0	I	0		I
7200 MorganAve N	Single	Renewal	Dwayne Holmstrom	0	I	0		I
7243 Riverdale Rd	Single	Renewal	IH3 Property Illinois/Mai Thao - met requirements	1	I	0		III
4200 Winchester La	Single	Renewal	Obafemi Oladeji - missing cpted and cfh	5	III	0		III
6661 Xerxes Pl N	Single	Renewal	Ashwin Goel	6	III	0		II

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

** License Type Being Issued

*** Initial licenses will not sho Type 1 = 3 Year Type II = 2 Year Type III = 1 Year

All properties are current on City utilities and property taxes

Rental Licenses for Council Approval on April 26, 2021								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
4207 Lakeside Ave #124	Single	Initial	Perry Lensing	0	II	N/A	II	
4506 65th Ave N	Single	Renewal	Virginia Lazo	5	II	0		III
3300 67th Ave N	Single	Renewal	Sergey Kunin	1	I	0	I	I
1344 68th Ln	Single	Renewal	Syewon Sez Weah/Ducor Home Solution - met requirements	0	I	0	I	III
1807 70th Ave N	Single	Renewal	Rebecca Thomley	0	I	0	I	I
6131 Bryant Ave N	Single	Renewal	Jun Wang	5	III	0		II
6611 Camden Dr	Single	Renewal	Jenn-Yuan Chen/Shin Chiang	4	II	0	II	I
7101 Girard Ave N	Single	Renewal	EE & J Investment LLC - missing CPTED	3	II	0		III
7215 Girard Ave N	Single	Renewal	Rebecca Thomley	1	I	0	I	I
5530 James Ave N	Single	Renewal	Ross Herman	1	I	2 1/15/2020 Illegal Narcotics 7/5/2020 Disturbing the peace	II	I
5524 Logan Ave N	Single	Renewal	Mark Olson/Avalon Homes - missing cpted follow up & cfh cert	5	II	0	II	III
2718 Ohenry Rd	Single	Renewal	Wade Klick/5118 66th Ave N LLC	7	III	0	III	I
6424 Scott Ave N	Single	Renewal	Chen Zhou/Godiva Properties - met requirements	2	I	0	I	IV
5913 Washburn Ave N	Single	Renewal	Robert E Lindahl	0	I	0	I	II

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

** License Type Being Issued

*** Initial licenses will not show Type 1 = 3 Year Type II = 2 Year Type III = 1 Year

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 4/26/2021

TO: City Council
FROM: Dr. Reginald Edwards, Acting City Manager
THROUGH: N/A
BY: Doran M. Cote, P.E., Director of Public Works

SUBJECT: An Ordinance Amending Chapters 7 and 19 of the City Code of Ordinances Regarding Waste and Organics Recycling by Haulers

Requested Council Action:

- *Motion to approve the First Reading of an Ordinance Amending Chapter 7 and 19 of the City Code of Ordinances Regarding Waste and Organics Recycling.*

Background:

Hennepin County Ordinance 13 regulates the separation of Mixed Recyclables and Organic Material from waste by generators. This Ordinance is consistent with County adopted goals established by the Minnesota Pollution Control Agency in its Metropolitan Solid Waste Management Policy Plan and mandated by Minnesota Statute, section 115A.551, subdivision 2a, requiring a 75 percent Recycling rate by 2030. This Ordinance satisfies statutory obligations and is authorized pursuant to authority in Minnesota Statutes, section 115A.551 – 115A.553, and 473.811.

Hennepin County revised its recycling ordinance on November 27, 2018. These changes include; businesses that generate large quantities of food waste must implement food recycling by January 1, 2020, multi-family properties must offer adequate recycling service, provide education to tenants and label recycling containers properly, businesses must have adequate recycling services and label recycling containers properly, and Cities must offer curbside organics recycling service to residents by January 1, 2022.
City Staff has been working with Hennepin County Recycle Group (HRG), who provides the City's recycling services, to revise the City's Ordinances Chapters 7 and 19. The changes include; changes required to come into compliance with Hennepin County's revised Ordinance 13 on organics recycling collection (Section 7-103 Subdivision 14) by requiring waste haulers to offer the collect organics in their menu of services and updating or deleting outdated waste and recycling-related terminology and/or practices, i.e. waste burning. The City's attorney has prepared the proposed Ordinance for consideration.

Consistent with the City Charter, this first reading of the ordinance will establish a date for a second reading and public hearing to consider the proposed ordinance which will be scheduled for May 24, 2021 if approved.

Budget Issues:

There are no budget issues to consider with this action.

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	4/2/2021	Cover Memo

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2020, at 7:00 p.m. or as soon thereafter as the matter may be heard to consider an ordinance related to organics recycling by haulers. 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 CHAPTERS 7 AND 19 OF THE CITY CODE OF ORDINANCES REGARDING WASTE AND ORGANICS RECYCLING BY HAULERS

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

ARTICLE I. Chapter 7, Section 7-101 of the Brooklyn Center City Code is hereby amended as follows and renumbering the subdivisions as needed:

Section 7-101. DEFINITIONS. For purposes of Sections 7-101 to 7-112, the following terms have the meanings given them~~:~~ in this section. Any term not defined in this section shall have the meaning given it in Minnesota Statutes, section 115A.03, if defined therein.

Subdivision 1. Approved means acceptable to the health authority following the health authority's determination as to compliance with established public health practices and standards.

~~Subdivision 2. Carryout Collection Service means the collection of recyclable materials accumulated in recycling containers from a location at a dwelling unit other than the location designated by the recycling authority for regular collection.~~

Subdivision 2. Bulky Waste means household items and other discarded materials that, due to their dimensions and weight, are typically not collected as part of the regular garbage or recycling collection, or for which there may be a separate fee, such as furniture, carpeting, mattresses, appliances, or other waste that requires extraordinary handling methods to achieve compaction.

Subdivision 3. City means the City of Brooklyn Center.

Subdivision 4. Compost means the controlled aerobic decomposition of organic matter into a humus-like product that is stabilized to the point that it is beneficial to plant growth and can be used as a soil amendment without further processing.

Subdivision 5. Composting means the intentional making of compost.

Subdivision 6. Compost Container means a container used for composting on residential property. No container constitutes a compost container unless it is enclosed on all vertical sides and is made of a durable material that is free of rot.

Subdivision ~~3~~__. Council or City Council means the ~~governing body~~ city council of the City of Brooklyn Center, Minnesota.

Subdivision . Dumpster means a waste container generally ranging from 2 to 6 cubic yards that a specially-designed garbage truck lifts, empties into its hopper, and lowers on the spot.

Subdivision ~~5~~___. Garbage ~~means all putrescible animal, vegetable or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit or vegetables, including the cans, containers or wrappers wasted along with such materials, but not including recyclable materials~~ is included in, and has the same meaning as, mixed municipal solid waste.

Subdivision . Garbage Collection means the taking up and collecting of all mixed municipal solid waste accumulated at all dwelling units, places of business, and other institutions in the City, and the transportation of municipal solid waste to a sanitary landfill or other place of disposal licensed and permitted by the State of Minnesota.

Subdivision . Hazardous Waste has the meaning given the term in Minnesota Statutes, section 115A.03, subdivision 13.

Subdivision . Hauler means a business licensed by the City to collect, transport, and dispose of mixed municipal solid waste, recyclables, or yard waste. The term shall include the employees and agents of the business acting on its behalf.

Subdivision ~~7~~__. Health Authority means the ~~city public health sanitarian or an~~ authorized representatives of the City Manager charged with one or more duties of the health authority under this Chapter.

Subdivision . Litter means garbage, recyclables, and all other waste material which, if thrown or deposited as prohibited in this Code, tends to create a nuisance or danger to public health, safety, or welfare.

Subdivision ~~8~~__. City Manager means the administrative head for the City.

~~Subdivision 21. Refuse means all solid waste products or those having the character of solids rather than liquids in that they will not flow readily without additional liquid and which are composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals sold as meat, fruit or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing in or handling meat, fowl, fruit, grain, or vegetables; offal, animal excreta, or the carcass of animals; brick, plaster, wood, metal or other waste matter resulting~~

~~from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, containers, junk vehicles, ashes, tires, junk, or other such substance which may become a nuisance, but not including recyclable materials.~~

~~Subdivision 22. Rubbish is nonputrescible solid wastes such as wood, leaves, trimmings from shrubs, dead trees or branches thereof, shavings, sawdust, excelsior, wooden waste, printed matter, paper, paper board, pasteboard, grass, rags, straw, boots, shoes, hats, and all other combustibles not included under the term garbage, but not including recyclable materials.~~

~~Subdivision 23. Swill includes that particular garbage which is wholly or nearly edible and usable as a food and has food value for animals or fowl, accumulating from animal, vegetable or other matter wasted from clubs, hotels, hospitals, restaurants, and public eating places.~~

Subdivision . Roll-off Dumpsters are larger dumpster trailers ranging from 10 to 45 cubic yards and are used at demolition sites, clean-outs, renovations, construction sites, factories, and large businesses.

Subdivision . Source Separated Compostable Materials shall have the meaning given it in Minnesota Statutes, Section 115A.03, subdivision 32a. These materials are also referred to as source separated organics. The term does not include yard waste for purposes of Sections 7-101 to 7-112.

Subdivision . Trash is included in, and has the same meaning as, mixed municipal solid waste.

Subdivision . Waste is included in, and has the same meaning as, mixed municipal solid waste.

Subdivision . Walkup Collection Service means the collection of recyclable materials accumulated in recycling containers from a location at a dwelling unit other than the location designated by the recycling authority for regular collection.

~~Subdivision 25. Waste Matter is nonputrescible solid waste such as soil, earth, sand, clay, gravel, loam, stone, brick, plaster, crockery, glass, glassware, ashes, cinders, shells, metal, and other noncombustible material which has been or is to be discarded, but not including recyclable materials.~~

Subdivision . Waste Hauler License or License means a license issued by the City to a hauler authorizing the collection and hauling of waste within the City.

Subdivision ~~26~~ . Yard Waste has the meaning given it in Minnesota Statutes, Section ~~115A.931~~ 115A.03, subdivision 38.

ARTICLE II. Chapter 7, Section 7-102 of the Brooklyn Center City Code is hereby amended as follows:

Section 7-102. REFUSE STORAGE AND DISPOSAL.

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

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

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

The hauler shall replace, at its expense, damaged waste containers.

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

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

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

Subdivision 5. Defective Containers. If, upon inspection by the health authority, a container

is found to be in poor repair, corroded or otherwise defective so as to permit insects, vermin or rodents to enter, or does not meet other requirements of this ordinance, the health authority may require the container to be repaired or replaced by notifying the ~~provider~~ hauler ~~or user of the container~~ of the deficiency and stating a compliance date in the notice. If the deficiency is not corrected by the compliance date, the health authority may condemn the deficient container and affix a tag so stating such condemnation. It is unlawful for any person to place or deposit refuse in a container which has been condemned.

Subdivision 6. Preparation of Yard Wastes. Yard wastes must be placed in a yard waste collection cart or compostable bags that are separate from other waste ~~bagged separately from other garbage, refuse, and waste matter and must be placed 3 to 6 feet from garbage and other refuse on collection day~~.

ARTICLE III. Chapter 7, Section 7-103 of the Brooklyn Center City Code is hereby amended as follows:

Section 7-103. ~~REFUSE~~ WASTE HAULER~~S~~ REGULATIONS.

Subdivision 1. License Required. No person may haul or convey ~~refuse~~ waste from any premises in the City ~~other than the person's own domicile~~ unless the person holds a valid waste hauler license. A license is required for each vehicle used to haul or convey ~~refuse~~ waste.

Subdivision 2. License Procedure. The provisions of Sections 23-001 through 23-013 of the City ~~Ordinances~~ Code apply to all licenses required by ~~this ordinance~~ these Sections 7-101 to 7-112 and to the holders of the license. The city council may establish the annual license fee from time to time by resolution. The term of each license hereunder is from July 1 through June 30.

The applications for license or renewal of license must contain a description of the types and makes of motor vehicles used for collection, a schedule of services to be made to the customers, the frequency of service to be rendered, and full information where and how the material collected will be disposed of, and any other information the health authority may require. Applicants ~~for licenses to provide routine weekly collection and removal of refuse from residences~~ must provide complete collection of all ~~refuse~~ waste which normally results from day-to-day use of residential property except ~~furnishings, appliances, building or construction wastes and similar~~ bulky waste~~s~~, organics for recycling, or yard waste for which individuals must make special arrangements. The health authority may require vehicle inspection before processing the license application.

Applications for license must be submitted to the health authority for review and recommendation. If the council is satisfied that the public need, convenience, and good order will be served thereby, it may grant a license to any applicant meeting the requirements of ~~this ordinance~~ these Sections 7-101 to 7-112.

~~Subdivision 3. License Classification. Licenses are issued for the following classes of operation:~~

~~Class I~~

~~Residential Refuse Collection Vehicle~~

~~Class II~~
~~Commercial and Business Refuse Collection Vehicle~~

~~Class III~~
~~Residential and Commercial Refuse Collection Vehicle~~

~~Class IV~~
~~Rubbish and Waste Matter Collection Vehicle~~

~~Class V~~
~~Rendering Collection Vehicle~~

Subdivision ~~4~~3. Insurance. Applicants for licenses or renewals of licenses must maintain the following minimum insurance:

1. Commercial Automobile Liability Insurance Covering All Owned, Hired, and Nonowned Automobile - Limits of Liability

   a. Combined Single Liability Limit~~s~~ - ~~$500,000~~ $1,500,000 each occurrence.~~; or~~

   ~~b. Bodily Injury - $100,000 each person, $500,000 each occurrence; and~~

   ~~c. Property Damage - $50,000 each occurrence;~~

~~In the event applicants for licenses use refuse collection bins furnished for their clients, then the following additional coverage is necessary:~~

~~1~~2. Commercial Liability Insurance Covering All Operations and Completed Operations - Limits of Liability

   a. ~~Combined Single Limits - $500,000~~ $1,500,000 each occurrence, ~~$500,000~~ $3,000,000 annual aggregate.~~; or~~

   ~~b. Bodily Injury - $100,000 each person; and~~

   ~~c. Property Damage - $500,000 each occurrence~~

3. Workers' Compensation insurance in accordance with the statutory requirements of the State of Minnesota.

Coverage is to be provided by an Insurance Carrier who holds a Certificate of Authorization (licensed) with the State of Minnesota. The insurance requirements may be met through any combination of primary and umbrella or excess insurance.

Evidence of such insurance shall be in the form of a Certificate of Insurance, ACORD form, or similarly approved form. The Certificate shall require that the City be furnished ~~thirty (30) days prior written notice~~ at least the same period of written notice due to the insured of any cancellation, nonrenewal, or major revision. Such Certificate shall be ~~in the hands of~~ received by the City Clerk prior to any issuance of license.

It is expressly understood that this insurance and these limits are for the City's requirements only and do not represent the complete coverage the licensee should carry.

Subdivision ~~5~~4. Vehicle License Decals. Whenever a license or renewal has been granted the health authority must furnish to the licensee a decal~~comania~~ for each vehicle. The decal~~comania~~ must indicate that the vehicle is licensed by the City. The licensee must apply the decal~~comania~~ to the left forward side of the body of the appropriate licensed vehicle as indicated by the health authority. Old, expired, or otherwise invalid ~~decalcomania~~ decals must be removed from the vehicle.

Subdivision ~~6~~5. Vehicle Specifications. Every vehicle used to collect ~~refuse~~ waste must have the name of the owner or operator on the body. ~~or placed on a durable metal or wood plaque attached to the body.~~ The lettering must be at least three inches in height and the color of the lettering and of the background must be contrasting. Every vehicle must be constructed in such a way that all waste matter is securely transported, and that there is no dripping or leaking of any collected materials. Vehicles must be equipped with the necessary tools to handle spills and the hauler must clean up any spills immediately. Vehicles must be equipped with an audible electronic back-up alarm. ~~The body of every vehicle licensed must be constructed entirely of metal or the space in the vehicle in which refuse is kept must be completely lined with metal. All joints must be effectively closed so that no dripping or leaking or drain off of water, liquids, or any substance can occur. The loading space must be provided with a tight metal hood having an opening fitted with metal doors, or must be provided with a heavy tarpaulin or equivalent cover fitted with eyes, grommets, tie ropes, or hooks so that the cover can be held securely over the loaded refuse. Every vehicle must be equipped with the necessary hand tools for cleaning up spills.~~

Subdivision ~~7~~6. Vehicle Maintenance. Every licensed vehicle must be kept in good repair, regularly cleaned, and maintained as needed to prevent persistent odors ~~well painted, clean, and in good repair. Every vehicle used for collecting garbage or swill must be cleaned every week or oftener as necessary to prevent persistent odors and must be cleaned before being used for any other purposes~~.

Subdivision ~~8~~7. Vehicle Loading. Garbage, ~~refuse, rubbish, or~~ recycling and other waste ~~matter~~ must be ~~so~~ loaded ~~that none of such~~ as needed so that no materials can jar loose and fall to the ground or street ~~when the vehicle is in motion. Loose paper, trash, and similar materials must be so secured that they cannot be displaced by the wind or fall out of the vehicle. Containers used to carry refuse in or on any vehicle must comply with the requirements of Section 7-102 of this Code~~.

Subdivision ~~9~~8. Service Cancellation. The ~~collector~~ hauler may ~~must cancel service to any premises when the only container or containers thereon have been condemned and may~~ cancel

service for cause or when the party charged for the collection service is two months or more overdue in paying for such services. When any collector cancels service to any premises, written notice must be served upon or mailed to the occupant, manager or owner of the premises and a copy of the notice must be mailed to the health authority.

Subdivision ~~10~~9. Vehicle Storage and Parking. No person may at any time park or store any ~~refuse~~ waste collection vehicle on any premises zoned for use as a single or multiple residence dwelling, within one hundred feet of the premises or within two hundred feet of any food establishment, for purpose other than, or for periods inconsistent with, providing refuse collection at the premises. No person may at any time park or store any loaded or partially loaded ~~refuse~~ waste or recycling collection vehicle on any premises within the City, except for the purpose of and for periods consistent with providing ~~refuse~~ waste or recycling collection at that parcel of property.

Subdivision ~~11~~10. Collection Districts. The City, under the direction of the city manager or ~~his~~ the city manager's designee, shall establish specific refuse and recycling collection districts and specific days of collection within these districts for all licensees. ~~The purpose of this provision is to coordinate and facilitate same day collection within said districts throughout the City.~~

~~Said coordination is necessary to encourage citizen participation in the City's recycling effort, to insure compliance with state mandates for solid waste management as set forth in Minnesota Statutes Chapter 115A and to insure compliance of the City's contractual obligations as a member of the Hennepin Recycling Group pursuant to the Joint and Cooperative Agreement for Solid Waste Disposal. Also, said coordination will be beneficial to the health, safety, and welfare of Brooklyn Center residents and streets by limiting the number of refuse and recycling vehicles using said streets at any one time. The following considerations will be utilized by the city manager or his designee to establish the collection districts:~~

~~a. household counts within the districts;~~
~~b. compatibility with the licensees existing refuse collection stops to the extent possible;~~
~~c. compatibility with municipal boundaries to the extent possible;~~
~~d. coordination with recycling collection to the extent possible.~~

Subdivision ~~12~~11. Collection within Districts. Where an approved collection district has been established, licensed refuse haulers must establish their regular collection routes and days of collection in a manner consistent with the approved collection district and specified days of collection. Violation of this subsection is grounds for revocation of the hauler's license. It is not a violation of this subsection to collect refuse or recyclable materials on a day other than the specified collection day, if the collection is for a missed pick up or is in a week in which a legal holiday occurs.

Subdivision ~~13~~12. Yard Waste Collection. A licensed ~~refuse~~ hauler ~~collector~~ providing residential refuse collection service must separately collect and dispose of yard waste. The collector must take yard waste to a disposal site or transfer site licensed by the State of Minnesota to manage yard waste.

~~Within 15 days after notification from the City, a licensed refuse collector providing residential refuse collection service must give the city manager a detailed description of:~~

~~a. the manner by which the collector intends to separately collect and dispose of yard waste;~~

~~b. the manner by which the collector intends to account for the amount of yard waste collected; and~~

~~c. the method by which the collector will inform its customers of the yard waste collection program.~~

~~The collector must take the yard waste to a disposal site or transfer site, approved by the city manager for subsequent composting, landspreading, or both.~~

~~The licensed collector must keep accurate accounting of the amount of yard waste collected and must, within 30 days of the end of each calendar year, submit a written report to the city manager detailing the amount of yard waste collected and disposed of for composting or landspreading during the year.~~

Subdivision 13. Source Separated Compostable Materials. Each hauler shall collect and transport source separated organics to a licensed and permitted facility designed to manage source separated organics either through composting or anaerobic digestion. Each hauler shall annually provide to the City information regarding its collection of organic materials in accordance with Hennepin County Ordinance No. 13, as amended.

ARTICLE IV. Chapter 7, Section 7-104 of the Brooklyn Center City Code is hereby amended as follows:

Section 7-104. ~~REFUSE~~ LITTERING PROHIBITED. No person may throw, scatter or deposit, or cause or permit to be thrown, scattered or deposited any ~~refuse, handbills, or other littering materials~~ litter upon or in any public or private lands, bodies of water, vehicles or structures within the City. Every person must maintain his or her premises and abutting sidewalks and boulevard areas free of refuse litter.

ARTICLE V. Chapter 7, Section 7-106 of the Brooklyn Center City Code is hereby amended as follows:

Section 7-106. ~~MINNESOTA POLLUTION CONTROL AGENCY REGULATIONS ADOPTED~~ WASTE BURNING PROHIBITED.

~~Subdivision 1.~~ The open burning of waste is prohibited under Section 5-212 of the City Code. ~~Regulation Adopted. Subject to specific modifications and additions contained herein, the City hereby adopts by reference Air Pollution Control Regulations Nos. 7 (Incinerators) and 8 (Open Burning Restrictions) contained in the Minnesota Pollution Control Agency document entitled "Ambient Air Quality Standards and Air Pollution Control Regulations", adopted May 11,~~

~~1969; filed with the Secretary of State July 3, 1969, and filed with the State Department of Administration July 7, 1969, including all subsequent amendments thereto.~~

~~Three copies of such regulations will be on file and available for inspection in the office of the clerk. These regulations do not apply to wood burning fireplaces, nor to fires used solely for preparation of food by barbecuing.~~

~~Subdivision 2. Modifications to APC Regulations. It is hereby determined, effective July 1, 1970, that adequate refuse collection service is available to the City. Open burning is prohibited after that date. Effective January 1, 1971, no device or container for open burning may be maintained on any premises. Exceptions to APC Regulation No. 8 require written approval of the municipal fire chief.~~
~~All incinerators of less than 2,000 lbs./hr. capacity must comply with the provisions of APC Regulation No. 7 on or before January 1, 1971.~~

ARTICLE VI. Chapter 7, Section 7-107 of the Brooklyn Center City Code is hereby amended as follows:

Section 7-107. RECYCLING AUTHORITY; POWERS. The recycling authority is responsible for supervising and controlling the collection, ~~removal, and disposal~~ transport, and processing of recyclable materials from all dwelling units in the City. The recycling authority may contract with one or more ~~collectors or~~ haulers for the collection, ~~removal and disposal of some or all types of~~ transport, and processing of recyclable materials from dwelling units. The recycling authority may adopt and enforce additional rules not inconsistent with this chapter as necessary for the collection, ~~removal, and disposal~~ transport, and processing of recyclable materials~~,~~ including, but not limited to, rules governing the days and hours of collection, the types of recyclable materials to be collected, the manner in which generators must prepare recyclable materials for collection, the recycling containers to be used, and the location of recycling containers for collection. The rules of the recycling authority are not effective until approved by the city council.

ARTICLE VII. Chapter 7, Section 7-108 of the Brooklyn Center City Code is hereby amended as follows:

Section 7-108. RECYCLING RATES; BILLINGS.

Subdivision 1. Rates. The city council may establish rates for recycling services from time to time by resolution. By resolution the city council may also charge the cost of recycling containers to owners or occupants of dwelling units as a recycling service.

Subdivision 2. Billing. Each owner or occupant of a dwelling unit must pay the rates for recycling collection services. ~~The rates for carryout collection services are payable by the owner or occupant of a dwelling unit who requests to receive the service according to the procedure established by the recycling authority.~~

The amounts payable for recycling services will be shown as a separate charge on the utility bill

for the dwelling unit and will be payable according to the same terms as those provided in this Code for utility bills.

ARTICLE VIII. Chapter 7, Section 7-110 of the Brooklyn Center City Code is hereby amended as follows:

Section 7-110. OWNERSHIP OF RECYCLABLE MATERIALS; SCAVENGING PROHIBITED.

Subdivision 1. Ownership. Recyclable materials are the property of the generator until collected by authorized City employees~~, collectors~~ or haulers. Recyclable materials become the property of the City~~, authorized collector,~~ or authorized hauler upon collection.

Subdivision 2. No Scavenging. It is unlawful for a person, other than authorized employees of the City~~,~~ or authorized collectors or haulers, to distribute, collect, remove or dispose of recyclable materials after the materials have been placed or deposited for collection.

ARTICLE IX. Chapter 19, Section 19-102 of the Brooklyn Center City Code is hereby amended as follows:

Section 19-102. DEFINITIONS. The following words, when used in this ordinance, shall have the meanings ascribed to them:

1. Garbage ~~includes~~ means all putrescible animal, vegetable or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit, or vegetables, including the cans, containers or wrappers wasted along with such materials. The term includes all materials and items included in the definition of mixed municipal solid waste in Minnesota Statutes, section 115A.03, subdivision 21.

2. Rubbish is nonputrescible solid wastes such as wood, leaves, trimmings from shrubs, dead trees or branches thereof, shavings, sawdust, excelsior, wooden waste, printed matter, paper, paper board, paste boards, grass, rags, straw, boots, shoes, hats and all other combustibles not included under the term garbage.

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

Adopted this ___ day of _____, 2021.

_____
Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

Council Regular Meeting

DATE: 4/26/2021

TO: City Council
FROM: Dr. Reginald Edwards, Acting City Manager
THROUGH: N/A
BY: Doran M. Cote, P.E., Director of Public Works

SUBJECT: Resolution Recognizing Brooklyn Center as a Tree City USA for the Twenty-Ninth Consecutive Year

Requested Council Action:

- *Motion to approve a resolution recognizing Brooklyn Center as a Tree City USA.*

Background:

For each of the past twenty-nine years, Brooklyn Center has strived for and achieved designation as a Tree City USA by the National Arbor Day Society. The City has again been notified that Brooklyn Center has received this recognition for its 2020 efforts. This national award recognizes communities with effective community forestry programs. The City's Forestry Program includes the following:

- Care for and planting of park and boulevard trees
- Diseased and nuisance tree removal program
- Mandatory tree contractor registrations requiring certain minimums of liability insurance
- Boulevard tree planting permits requiring proper placement of tree and selection of tree species
- A tree ordinance specifying proper standards of care for all trees
- An Arbor Day and Month Program that includes educational activities and an event to promote the planting of trees

Budget Issues:

Funding needed to support and meet goals of this program in 2021 is included in the 2021 Forestry operating budget.

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Resolution	4/21/2021	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION RECOGNIZING DESIGNATION OF BROOKLYN CENTER AS A TREE CITY USA FOR THE TWENTY-NINTH CONSECUTIVE YEAR

WHEREAS, the City of Brooklyn Center is committed to preserving and enhancing its urban forest; and

WHEREAS, the National Arbor Day Society has designated the City of Brooklyn Center as a Tree City USA in recognition of 2020 forestry activities.

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

1. The City Council hereby recognizes and accepts the designation of Tree City USA for the twenty-ninth consecutive year.

2. The City Council reaffirms its commitment to urban forestry and directs staff to continue its reforestation efforts as planned and budgeted in 2021.

3. The City Council commends Brooklyn Center residents and staff for their work in maintaining and enhancing Brooklyn Center's urban forest.

April 26, 2021
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: 4/26/2021

TO: City Council
FROM: Dr. Reginald Edwards, Acting City Manager
THROUGH: N/A
BY: Doran M. Cote, P.E., Director of Public Works

SUBJECT: Resolution Designating 2021 Planting List of Allowable Boulevard Tree Species

Requested Council Action:

- *Motion to approve a resolution designating the 2021 planting list of allowable boulevard tree species.*

Background:

In 1990, City residents and Council Members expressed strong support for an improved City Forestry Program. Staff was directed to develop a Community Forestry Work Plan and policies regarding public tree care. In February 1992, Chapter 20 of the Code of Ordinances regarding trees was adopted by the City Council.

Section 20-402 of the ordinance states that the City Council shall annually adopt a resolution designating allowable boulevard tree species. This section is included in the ordinance to emphasize the importance of maintaining a variety of species to minimize the impact of future tree disease.

Attached is a resolution designating the 2021 planting list of allowable boulevard tree species along with a copy of the boulevard permit that residents are required to complete and submit before the planting of boulevard trees. The resolution includes additional species for boulevard trees in order to diversify the urban forest canopy (Catalpa, Corktree, Ginko, Hawthorn, Hickory, Hophornbeam, Hornbeam, Pear and Planetree).

Budget Issues:

Staff time for inspections is included in the Forestry budget. There are no other budget issues.

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Resolution	4/21/2021	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION DESIGNATING 2021 PLANTING LIST OF ALLOWABLE BOULEVARD TREE SPECIES

WHEREAS, the City of Brooklyn Center promotes a diverse urban forest so as to minimize the spread of tree disease; and

WHEREAS, Section 20-402 of the ordinance provides for an annual listing of allowable boulevard tree varieties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the following trees are hereby designated as allowable boulevard tree species for 2019:

Apple (Crabapple)
Birch (River, Paper)
Catalpa (Chinese, Northern)
Coffeetree (Kentucky)
Corktree (Amur)
Elm (American, Hybrid)
Ginko (Seedless)
Hackberry (Common)
Hawthorn (Hawthorn)
Hickory (Bitternut)
Honeylocust (Thorny)
Hophornbeam (Eastern)
Hornbeam (American)
Linden (American, Hybrid)
Maple (Freeman, Red, Sugar, Tatarian)
Oak (Bicolor, Bur, Hybrid, Northern Red, Northern Pin, White)
Pear (Ussurian)
Planetree (London)
Serviceberry (Allegheny)

April 26, 2021
Date

_____
Mayor

ATTEST: _____
City Clerk

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

RESOLUTION NO. _____

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

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

Council Regular Meeting

DATE: 4/26/2021

TO: City Council
FROM: Dr. Reginald Edwards, Acting City Manager
THROUGH: N/A
BY: Doran M. Cote, P.E., Director of Public Works

SUBJECT: Resolution Accepting Bid and Awarding a Contract, Project No. 2021-15, 2021 Park Playground Replacements

Requested Council Action:

- Motion to approve the resolution accepting the lowest responsible bid and award a contract to St. Croix Recreation for Project No. 2021-15, 2021 Playground Replacement.

Background:

The Capital Improvement Program (CIP) includes four projects over the next four years to replace park playground equipment over a four year period. A total of 20 parks located within Brooklyn Center contain 21 separate playground equipment areas, 18 that are maintained by the City and three that are maintained by the adjacent schools. All of the playgrounds with the exception Centennial East are at, near or over 20 years old with the oldest being almost 30 years old (see attached inventory). Two playgrounds, Happy Hollow and Freeway, suffered fire damage and portions of the playgrounds were replaced since the original construction.

The original plan was to replace the oldest playgrounds first and each subsequent year the "newer" playgrounds would be replaced. Because negotiations are ongoing with Mound Cemetery and the Freeway Park Master Plan is not yet complete, that playground replacement was deferred until the last year of replacement. Centennial East playground was replaced by St. Croix Recreation in 2017 with the help of a donation from Luther Auto Group so it is not included in the replacements. Finally, existing playground condition was also used to determine the final order for replacement.

The CIP contemplated the playgrounds being replaced as follows; 2021: Bellvue, Firehouse, Northport and Orchard Lane Parks. 2022: Centennial West, Happy Hallow, Kylawn, Marlin, Riverdale and West Palmer Parks. 2023: East Palmer, Grandview, Twin Lake, Wangstad and Willow Lane Parks. 2024: Evergreen, Freeway and Lions Parks.

The 2021 Park Playground Replacement Project is to replace the existing playgrounds at Northport, Firehouse, Orchard Lane and Bellvue Parks. Proposals were solicited by Recreation from three vendors who are on the State Contract (Contract Release No. P-949(5)) for supplying and installing playground equipment. The playground value assigned for each park was based on the size of the existing container and type of park (neighborhood - $75,000, destination - $120,000). The proposals were presented to the Parks and Recreation Commission on February 16, 2021 for their input. The proposals were then put online for an online survey to determine the most popular playground for each park.

Proposals for the 2021 Playground Replacement were received and opened on Monday, January 25, 2021. The proposals and virtual voting results were presented to the Parks and Recreation Commission in February and again

on March 16, 2021. The Commission vote to provide the City Council a recommendation failed so it was presented again on March 30, 2021 with a representative from St. Croix Recreation present to explain their proposals. Although there was not a quorum for the meeting, those in attendance appreciated the presentation and expressed support of the proposed action. The voting and bid results are tabulated below:

	St. Croix Recreation		Landscape Structures		Minnesota Wisconsin	
Park	**Bid**	**Online Votes**	**Bid**	**Online Votes**	**Bid**	**Online Votes**
Northport	$120,000.00	81	$120,000.00	13	$120,000.00	37
Firehouse	$75,000.00	66	$75,029.13	53	$75,000.00	Opt. 1 - 19,Opt. 2 - 13
Orchard Lane	$75,000.00	108	$75,000.00	30	$75,000.01	20
Bellvue	$75,000.00	95	$74,997.00	19	$75,000.00	9
Total	$345,000.00		$345,026.13		$345,000.01	

Of the three (3) proposals received, the lowest proposal and winner of the online voting for all four parks was St. Croix Recreation. St. Croix Recreation has the experience, equipment and capacity to qualify as the lowest responsible bidder for the project. St. Croix Recreation is also a certified Veteran-Owned business. As stated previously, Centennial East playground was replaced by St. Croix Recreation in 2017.

Attached are images of the playgrounds that were presented to the public for review and below is a description of each playground proposed by St. Croix Recreation:

Bellvue Park is designed as a neighborhood park with primary challenge activities for the 5-12 year old along with traditional sliding and climbing activities, many approachable at ground level to encourage play by all and across age groups. An enhanced Playhouse is included in the design with a plethora of manipulative activities that spur the imagination and provide a space for the younger set. There is also a small array of large motor skill development events specifically for the 2-5 year old included. The Volito To-Fro Dish swing is a multi-user cross generational swing activity and will provide tons of fun for all. A Spinetic pyramid rope spinner provides a stand-alone wild and fun activity that will challenge and thrill.

Firehouse Park is designed to provide 5-12 and 13+ ages with activities to challenge the body and mind. There are traditional activities interspersed with new dynamic physical challenges. There is a slide but the access is via a tangle climber which can be approached from several different directions and which requires a more aggressive climb than merely climbing a set of stairs; the climber doubles as a traverse from one activity to the next in the circuit of play as well. All of the activities and events are accessed from ground level which means that the entire circuit and structure are accessible and inclusive and allow for unlimited challenges. The Lava Leap, Door Knob Jam, Summit Bridge and Twinkle Toes will challenge your strength, coordination and agility as you challenge yourself or compete with one another in true American Ninja fashion. The Comet II provides spinning fun for all.

Northport Park - LevelX Ally is a huge linking element between structures and play elements. Everything moves as you move providing a different and dynamic play experience every time. Dynamic challenging climbs and traverses create opportunities to be active or passive but even at rest you have to react to the movement of others. Every neighborhood park should provide at least an oasis for the younger ones to create their own imaginative play in their own space. The Comet II is more fun packed into a small area than anything else of the playground….One, two or the whole neighborhood can wildly spin on this fully accessible activity. The Spinetic is a free spinning open activity built tough for all sorts of creative play w/friends. Dynamic suspension ropes mean dynamic fun and allows for climbing while spinning or simply sitting and going along for the ride! No governor here to slow things down! The Plexus is comprised of static irregularly shaped and spaced grab bars which challenge you both physically and cognitively to plan your next move. The circular activity is more than just a link between two or more activities and provides tons of play value and the opportunity to challenge not only yourself but your playmates as you complete for space! The Pod Climber Link is totally dynamic and requires coordination and strength to continue your traverse as others try to occupy the same space as you. Competitiveness and cooperation are both required as you navigate this maze of pods and ropes….all moving! Not just any slides will do…..they have to be FAST! The VeloXL on the right is just that and starts at 8’ high with a dramatic drop and swoosh! The Double Wide Contour Slide has the same drop but adds the sensory grooves for a little shorter but every-bit as fast a ride. Everyone likes to slide and these two slides enhance the overall play experience.

Orchard Lane Park is designed as a neighborhood park with primary challenge activities for the 5-12 year old along with traditional sliding and climbing activities, many approachable at ground level to encourage play by all and across age groups. An enhanced Playhouse is included in the design with a plethora of manipulative activities that spur the imagination and provide a space for the younger set. A Spinetic pyramid rope spinner provides a stand-alone wild and fun activity that will challenge and thrill.

Budget Issues:

The proposal amount of $345,000 is within the 2021 budgeted amount $345,000.

Inclusive Community Engagement:

For the first time in capital planning history, neighborhood residents were provided with an opportunity to vote on the preferred equipment for their neighborhood. Over 560 votes were cast for the park playground replacement options.

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Park Playground Inventory	3/25/2021	Cover Memo
Park Proposal Images	3/16/2021	Cover Memo
Resolution	4/21/2021	Resolution Letter

Brooklyn Center Parks Playground Installation History

YEAR	PROJECT #	MANUFACTURER	PARKS
1993	13,14,20	GAMETIME-MN PLAYGROUND	NORTHPORT,FREEWAY,CENTRAL
1994	26,31	LANDSCAPE STRUCTURES-EFA	LIONS,ORCHARD,WILLOW LN,FIREHOUSE
1996	13	LITTLE TIKES-FLANAGAN SALES	GRANDVIEW,CENTRAL WEST,MARLIN,RIVERDALE,KYLAWN,W.PALMER
1998	22	GAMETIME-MN PLAYGROUND	BELLVUE,E.PALMER,HAPPY HOLLOW
1999	18	MIRACLE RECREATION EQUIP. CO	WANGSTAD
2000		GAMETIME-MN PLAYGROUND	WILLOW LN (TOT AREA)
2002		MIRACLE RECREATION EQUIP. CO	TWIN LAKE
2017		BURKE-ST.CROIX RECREATION	CENTENNIAL EAST

Bellvue Park Proposed Draft Designs: ★ Indicates survey winner



★





Firehouse Park Proposed Draft Designs: ★Indicates survey winner



★







Northport Park Proposed Draft Designs: ★ Indicates survey winner



★





Orchard Lane Park Proposed Draft Designs: ★ Indicates survey winner



★





Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT, IMPROVEMENT PROJECT NO. 2021-15, 2021 PARK PLAYGROUND REPLACEMENT

WHEREAS, pursuant to request for proposals for Project No. 2021-15, proposals were received, opened and on the 25th day of January, 2021. Said proposals were as follows:

	St. Croix Recreation		Landscape Structures		Minnesota Wisconsin	
Park	Bid	Online Votes	Bid	Online Votes	Bid	Online Votes
Northport	$120,000.00	81	$120,000.00	13	$120,000.00	37
Firehouse	$75,000.00	66	$75,029.13	53	$75,000.00	Opt. 1 - 19,Opt. 2 - 13
Orchard Lane	$75,000.00	108	$75,000.00	30	$75,000.01	20
Bellvue	$75,000.00	95	$74,997.00	19	$75,000.00	9
Total	$345,000.00		$345,026.13		$345,000.01	

WHEREAS, it appears that St. Croix Recreation of Stillwater, Minnesota is the lowest responsible bidder.

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

1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with St. Croix Recreation of Stillwater, Minnesota in the name of the City of Brooklyn Center, for Project No. 2021-15.

2. The estimated project costs and revenues are as follows:

COSTS	Estimate	per Low Bid
Contract	$345,000.00	$345,000.00
Total Estimated Project Cost	$345,000.00	$345,000.00

REVENUES	Estimate	per Low Bid
Capital Projects Fund	$345,000.00	$345,000.00

RESOLUTION NO. _____

April 26, 2021 _____

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: 4/26/2021

TO: City Council
FROM: Dr. Reginald Edwards, Acting City Manager
THROUGH:
BY: Meg Beekman, Community Development Director

SUBJECT: Resolution Authorizing Application for the Tax Base Revitalization Account

Requested Council Action:

- *Motion to approve a resolution authorizing application for the Tax Base Revitalization Account*

Background:

As part of the Livable Communities Act, the Metropolitan Council created the Tax Base Revitalization Account (TBRA). The TBRA program provides $5 million annually to investigate and clean up brownfields, contaminated land, ground water, or buildings for redevelopment. TBRA provides key support for a wide range of projects, from affordable and market rate multi-family housing to commercial and industrial redevelopment.

The former Sears site has been vacant since 2018. Sears is the owner of the site and in late 2020, initiated a process to solicit offers from private parties to acquire and redevelop the site. Scannell Properties was the winning bidder and they have now entered into an option agreement with Sears for the site. Scannell has begun their due diligence on the site, which has required substantial environmental assessment. As part of that assessment they have identified significant asbestos in the existing structures which will need to be remediated before demolition can take place. The total estimated cost to remediate the asbestos in the former Sears building is $885,555. This work will be required prior to demolition of the existing structures.

Scannell has requested that the City apply for a Metropolitan Council TBRA grant, which will help offset the cost of that remediation. The Metropolitan Council requires a resolution of support for such an application from the grantee authority.

If awarded, funds would be use to remediate the environmental contamination on the site, which has primarily been identified as asbestos. Scannell Properties is prepared to initiate the work if the grant is awarded.

Scannell Properties is a developer of primarily industrial and commercial business centers. They have most recently completed projects in Brooklyn Park and Maple Grove. Examples of their projects are attached to this report. Scannell Properties is still very much in the due diligence phase of their project and have not yet determined a site layout or concept plan for this particular site. They will complete the environmental assessment prior to determining the best layout and use for the site. That said, they are contemplating a commercial business center at this location, similar to those they have done in other communities, the details of which will be determined and shared with the Council at a later date.

Scannell is prepared to discuss the environmental conditions of the site and to talk about their approach as developers and to their projects if the Council so wishes. This discussion can also be postponed to a later date; however, the deadline for supporting the grant application and this resolution is April 26.

Approval of this resolution does not constitute approval of any development or change in land use for this site, nor does it commit the City in any way to a future approval of either a development or land use change.

Budget Issues:

There are no budget issues regarding this item at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Resolution	4/19/2021	Resolution Letter
Asbestos Remediation Estimate	4/19/2021	Backup Material
Examples of Scannell Properties Projects	4/19/2021	Backup Material
Statement of Community Impact	4/19/2021	Backup Material
Example of Scannell Properties Project	4/19/2021	Backup Material

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION AUTHORIZING APPLICATION FOR THE TAX BASE REVITALIZATION ACCOUNT

WHEREAS, the City of Brooklyn Center, Minnesota is a participant in the Livable Communities Act's Local Housing Incentives Account Program for 2021 as determined by the Metropolitan Council, and is therefore eligible to make application apply for funds under the Tax Base Revitalization Account; and

WHEREAS the City has identified a contamination cleanup project within the City that meets the Tax Base Revitalization Account's purposes and criteria and are consistent with and promote the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

WHEREAS the City has the institutional, managerial and financial capability to ensure adequate project and grant administration; and

WHEREAS the City certifies that it will comply with all applicable laws and regulations as stated in the contract grant agreements; and

WHEREAS the City finds that the required contamination cleanup will not occur through private or other public investment within the reasonably foreseeable future without Tax Base Revitalization Account grant funding; and

WHEREAS the City represents that it has undertaken reasonable and good faith efforts to procure funding for the activities for which Livable Communities Act Tax Base Revitalization Account funding is sought but was not able to find or secure from other sources funding that is necessary for cleanup completion and states that this representation is based on the following reasons and supporting facts:

BE IT FURTHER RESOLVED that, the City Council of Brooklyn Center, Minnesota authorizes staff to submit an application for Metropolitan Council Tax Base Revitalization Account grant funds and, if the City is awarded a Tax Base Revitalization Account grant for this project, the City will be the grantee and agrees to act as legal sponsor to administer and be responsible for grant funds expended for the project contained in the Tax Base Revitalization grant application submitted on May 3, 2021.

RESOLUTION NO.

April 26, 2020 _____

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.

WENCK
now part of
Stantec

Cost Opinion
Date: April 14, 2021

Asbestos Abatement, Project Oversight and Air Monitoring
Former Brookdale Sears Auto Center
Brooklyn Center, Minnesota

ACM Items	Qty.	Per Unit	Cost/Unit	Total	Comments
tank insulation	80	per SF	$ 30	$2,400	
gaskets	36	each	$ 50	$1,800	
boiler	272	per SF	$ 35	$9,520	
1-6" pipe-fitting insulation	106	each	$ 25	$2,650	
1-6" pipe insulation	0	per LF	$ -	$0	n/a
7-12" pipe-fitting insulation	420	each	$ 30	$12,600	
7-12" pipe insulation	0	per LF	$ -	$0	n/a
9x9 floor tile/adhesive	0	per SF	$ 5	$0	
12x12 floor tile/adhesive	475	per SF	$ 5	$2,375	
other floor tile/adhesive	5,500	per SF	$ 10	$55,000	buried multi-layer flooring
floor tile mastic only	0	per SF	$ 4	$0	
sheet flooring/adhesive	0	per SF	$ 12	$0	
adhesive	580	per SF	$ 6	$3,480	
plaster wall	0	per SF	$ -	$0	n/a
wall joint compound	0	per LF	$ -	$0	n/a
12x12 ceiling tile/adhesive	0	per SF	$ -	$0	n/a
2x4 ceiling tile/adhesive	0	per SF	$ -	$0	n/a
ceiling texture	0	per SF	$ -	$0	n/a
transite panels	60	per SF	$ 12	$720	n/a
glazing/caulk	245	per LF	$ 10	$2,450	
roof caulk	1,395	per LF	$ 10	$13,950	
roof flashing	355	per LF	$ 4	$1,420	
asphalt roofing	0	per SF	$ 5	$0	n/a
other roofing	690	per SF	$ 4	$2,760	tar patch/paper
fire door	20	each	$ 150	$3,000	
electrical panels	11	each	$ 250	$2,750	
elevator fire doors	4	each	$ 350	$1,400	
Duct/HVAC insulation	600	per SF	$ 35	$21,000	
HVAC seam putty	5	per LF	$ 8	$40	
other ACM not listed	7	per SF	$ 45	$315	valves/packings
project management	90	per hour	$ 145	$13,050	
oversight and air monitoring	240	per hour	$ 125	$30,000	
abatement plan/reporting	1	lump sum	$ 4,500	$4,500	
lead-based paint	0	lump sum	$ -	$0	n/a
			TOTAL COST	**$187,180**	

Scannell Properties 2021















Sears Redevelopment – Scannell
Job Creation & Community Impact

Job Creation

The attached Exhibit A is a speculative multi-tenant facility constructed by Scannell in their master planned business park in Brooklyn Park.

- The building is 201,200 square feet total.
- The building houses approximately 180 employees.
- 201,200 SF / 180 = 1 employee for every 1,118 SF.

The project Scannell is proposing is also going to be constructed "speculative," meaning it will be built before any of the tenant occupants are identified. Therefore, it's difficult to firmly identify how many jobs will be created as a result of building the project. However, we have found a ratio of 1 employee for every +/-1,000 SF is a good benchmark.

- Scannell is proposing to construct 2-speculative buildings totaling 227,500 SF.
- 227,500 / 1,000 = +/-228 jobs.

Community Impact

Jobs can't be created if there is no place for companies to make a home. Scannell will absorb the risk of building projects speculatively that will attract good-quality tenants = good-quality jobs.

- The proposed projects will pay significant amounts in tax dollars over many years. Those tax dollars can be used to enhance the community & county in many ways.
- The prosed projects will place minimal additional stress on community services, such as; law enforcement, fire, public works, etc.
- It's likely there will be companies occupying the projects that will offer good summer jobs for the community's high school & college students. Or, potentially, quality part-time jobs for those who are semi-retired or would like supplemental income.

Exhibit A

ARCHIVE CORPORATION

National record storage company.
Highly secured facility.
5 employees.

30,757 SF

select comfort.
CREATOR OF THE SLEEP NUMBER® BED

Manufacturer of high-end mattresses & bedding. Headquartered in Minneapolis. This facility is for storage, assembly& distribution. 65 Employees.

79,828 SF

twin city TWISTERS GYMNASTICS

Gymnastics Training Center

20,197 SF

BIOMERICS

Biomerics, LLC is located in Brooklyn Park, MN, United States and is part of the Medical Equipment & Supplies Manufacturing Industry. Biomerics, LLC has 100 employees at this location. There are 6 companies in the Biomerics, LLC corporate family.

70,418 SF

Council Regular Meeting

DATE: 4/26/2021

TO: City Council
FROM: Dr. Reginald Edwards, Acting City Manager
THROUGH: Meg Beekman, Community Development Director
BY: Jesse Anderson, Deputy Director of Community Development

SUBJECT: Waive Permit Fees for Disaster Recovery Repair Permits

Requested Council Action:

- Motion to approve a resolution authorizing the waiver of building permit fees relating to repairs for damages caused as a result of vandalism during civil unrest.

Background:

During civil unrest in Brooklyn Center over 50 businesses experienced vandalism and damage to there properties. Many of those repairs will require a building permit.

In order to stream-line the permit approval process, Staff have created a single permit for any and all repairs related to the civil unrest. The permit type is "Disaster Recovery Repair", and can be applied for and issued through the City's online permitting portal. Staff is recommending that permit fees associated with these repairs, for non-structural work, shall be waived for these businesses.

Building permit fees at commercial properties are typically based on the value of the work being performed.

Budget Issues:

The permit fees for these efforts were not anticipated as revenue during the budget process. Staffing for related inspections will be within the 2021 budget.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Resolution	4/19/2021	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION SETING FEE SCHEDULE FOR DISASTER RECOVERY REPAIR BUILDING PERMIT

WHEREAS, Chapter 3 of the City Code of Ordinances requires the payment of fees for building permits; and

WHEREAS, Chapters 3 of the City Code of Ordinances further authorizes the setting of various fees by City Council resolution; and

WHEREAS, City Council Resolution No. 86-123 (adopted 8/11/86), 89-224 (adopted 11/27/89), 90-33 (adopted 2/26/90), 95-174 (adopted 8/14/95), 98-228 (adopted 12/14/98), 99-172 (adopted 11/8/99), 2005-65 (adopted 4/11/05), 2006-48 (adopted 4/10/06), 2008-11 (adopted 1/14/08), and 2015-128(adopted 8/24/15) and 2018-09 (adopted 1/8/2018 together comprise a schedule of fees collected for service by Building and Community Standards; and

WHEREAS, the City Council finds it appropriate to modify the fees contained in said resolutions and to amend the fee schedule related to building permits; and

WHEREAS, many businesses experienced damaged as a result of civil unrest in Brooklyn Center during the month of April; and

WHEREAS, the city council would like to reduce the cost burden relating to required building permits caused by vandalism during civil unrest; and

WHEREAS, non-structural repairs at commercial and residential properties relating to damage caused by vandalism shall be known as a Disaster Recovery Repair Building Permit; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the fee schedule be amended as follows for the City of Brooklyn Center:

Disaster Recovery Repair Building Permit shall be zero dollars.

BE IT FURTHER RESOLVED that the above schedule of Inspection fees shall become effective from April 12, 2021 to January 1, 2022.

April 26, 2021
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 adopt

Council Regular Meeting

DATE: 4/26/2021

TO: City Council
FROM: Dr. Reginald Edwards, Acting City Manager
THROUGH: N/A
BY: Curt Boganey, City Manager

SUBJECT: Resolution Expressing Appreciation for the Donation of a Pallet of Bottled Drinking Water to the Brooklyn Center Fire Department

Requested Council Action:

- *Motion to adopt the resolution expressing appreciation of the donation of a pallet of bottled drinking water from Walmart Brooklyn Center to the Brooklyn Center Fire Department.*

Background:

The fire department uses bottled drinking water at emergency scenes and during training to keep our firefighters hydrated during such events. I approached the store manager, Barb at the Brooklyn Center Walmart asking about their Walmart giving foundation she said that is for larger donations. She stated that what I was asking just needs to go through the local Walmart store. I wrote a letter to the Walmart Brooklyn Center store asking for some bottled drinking water and they graciously supplied the fire department with a pallet of bottled drinking water.

Budget Issues:

None

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	4/21/2021	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION EXPRESSING APPRECIATION FOR THE DONATION OF A PALLET OF BOTTLED DRINKING WATER TO THE BROOKLYN CENTER FIRE DEPARTMENT.

WHEREAS, Walmart Brooklyn Center has presented to the Brooklyn Center Fire Department a pallet of bottled drinking water to be used at emergency scenes, and

WHEREAS, the bottled water will be used by emergency responders while working at emergency scenes, and

WHEREAS, the City Council is appreciative of these donations, and commends Walmart Brooklyn Center for its civic efforts.

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

1. Acknowledges the donations with gratitude.

April 26, 2021
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: 4/26/2021

TO: City Council
FROM: Dr. Reginald Edwards, Acting City Manager
THROUGH: N/A
BY: Mark Ebensteiner, Finance Director

SUBJECT: Resolution Authorizing the Issuance, Sale, and Delivery of its Conduit Revenue Bonds Relating to the Tesfa international School Project

Requested Council Action:

- *Motion to:*
  - *Reopen the public hearing;*
  - *Take public input; and*
  - *Close the public hearing.*

- *Motion to approve Resolution authorizing the issuance of conduit charter school lease revenue bonds for Tesfa International School project under Minnesota Statutes, sections 469.152 through 469.1655 and approving related documents*

Background:

Spark Youth, a Minnesota nonprofit corporation (or a nonprofit limited liability company to be formed by and the sole member of which is Spark Youth, the "Borrower"), has proposed that the City of Brooklyn Center (the "City") issue conduit revenue bonds in one or more series (the "Bonds") pursuant to Minnesota Statutes, Sections 469.152-469.1655, as amended (the "Act") and loan the proceeds of the Bonds to the Borrower to: (i) finance the acquisition and improvement of an existing approximately 65,000 square foot school building, approximately 13 combined acres of land and related facilities located at 6201 Noble Avenue North in the City for use as a public charter schoolhouse for kindergarten through 6th grade (the "School Facility"), (ii) fund a debt service reserve fund, if necessary; (iii) pay a portion of the interest on the Bonds, if necessary; and (iv) pay the costs of issuing the Bonds (the "Project"). The School Facility will be owned by the Borrower, but may be transferred at later date to a building company affiliated with the School. The School Facility will be leased to and operated as a kindergarten through 8th grade school facility by Tesfa International School Inc., a Minnesota nonprofit corporation and public charter school ("School"). The City previously issued conduit revenue bonds in 2013 for this facility when it was acquired for use as the Odyssey Academy charter school facility. The City subsequently approved an assignment and assumption of those obligations in connection with the transfer of the School Facility for use by Noble Academy (under the name Nompeng Academy). Those prior bonds will be paid off in connection with this acquisition.

ATTACHMENTS:

Resolution authorizing the issuance, sale, and delivery of its Conduit Revenue Bonds relating to the Tesfa

International School Project.

Budget Issues:

The total administrative fee that the City will receive for the issuance will be approximately $45,000. The Bonds will not constitute a charge, lien,or encumbrance, legal or equitable, upon any property of Brooklyn Center. The issuance of the Bonds will not affect the City's credit rating.

The City's governmental purpose bonds issued in 2021 cannot be designated as "bank qualified" if issued in the same calendar year as the proposed conduit revenue bonds because the aggregate principal amount will exceed $10,000,000. Staff has discussed this with Baker Tilly, the City's municipal advisor, and the impact is expected to be minimal. The Borrower has agreed to compensate the City for the inability to designate its bonds as "bank qualified" in an amount determined by Baker Tilly, if the loss of the designation is determined to have a financial cost.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment, Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Resolution Tesfa	4/21/2021	Resolution Letter

EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE
CITY OF BROOKLYN CENTER, MINNESOTA

Pursuant to due call and notice thereof, a regular or special meeting of the City Council of the City of Brooklyn Center, Minnesota, was duly called and held via teleconference in said City on Monday, April 26, 2021, commencing at 7:00 P.M. The teleconference was held in accordance with Minnesota Statutes, Section 13D.021.

The following Councilmembers were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION AUTHORIZING THE ISSUANCE OF CONDUIT CHARTER SCHOOL LEASE REVENUE BONDS FOR THE TWIN LAKES STEM ACADEMY PROJECT UNDER MINNESOTA STATUTES, SECTIONS 469.152 THROUGH 469.1655 AND APPROVING RELATED DOCUMENTS

WHEREAS, the City of Brooklyn Center, Minnesota (the "City") is duly organized and existing under its charter, the Constitution and laws of the State of Minnesota; and

WHEREAS, under the Minnesota Municipal Industrial Development Act, Minnesota Statutes, Sections 469.152-469.1655, as amended (the "Act"), each City is authorized to issue revenue bonds to finance, in whole or in part, the costs of the acquisition, construction, improvement, or extension of revenue producing enterprises, whether or not operated for profit; and

WHEREAS, SYH Brooklyn Center LLC, a nonprofit limited liability company the sole member of which is Spark Youth, a Minnesota nonprofit corporation (the "Borrower"), has represented to the City that it is proposing to assist Twin Lakes STEM Academy (formerly known as Tesfa International School, Inc.), a Minnesota nonprofit corporation and public charter school (the "School"), in the acquisition and improvement of an existing approximately 65,000 square foot charter school building, approximately 13 combined acres of land and related facilities located at 6201 Noble Avenue North in the City for use as a public charter schoolhouse for kindergarten through 8th grade, which will initially serve kindergarten through 6th grade, with plans to expand to include 7th grade beginning with the 2023-2024 school year and 8th grade beginning with the 2024-2025 school year (the "Facility"); and

WHEREAS, the Borrower has requested that the City issue one or more series of revenue bonds to be designated Charter School Lease Revenue Bonds (Twin Lakes STEM Academy

Project) in an original aggregate principal amount not to exceed $10,000,000 (the "Bonds") and loan the proceeds derived from the sale of the Bonds to the Borrower, pursuant to the terms of a Loan Agreement, dated on or after May 1, 2021 (the "Loan Agreement"), between the City and the Borrower to: (i) finance the acquisition and improvement of the Facility; (ii) fund certain reserve funds; (iii) pay a portion of the interest on the Bonds; and (iv) pay the costs of issuing the Bonds (collectively, the "Project"); and

WHEREAS, the Bonds proposed to be issued by the City to finance the Project will constitute revenue obligations secured solely by: (i) the revenues derived from the Loan Agreement; (ii) a pledge and assignment of the School's revenues, as more specifically set forth in the Financing Documents defined below, including money due to the School from the State of Minnesota Lease Aid Payment Program (the "Program"); (iii) an agreement to pay the money due to the School from the Program to a dedicated account subject to a monthly transfer to the accounts held by the Trustee for the benefit of the holders of the Bonds; (iv) other revenues pledged to or otherwise received by the Borrower, except for those revenues necessary for ordinary operational expenses and required under Minnesota law; (v) a debt service reserve fund to be held by a trustee for the benefit of the holders of the Bonds; (vi) a first mortgage and security agreement granted by the Borrower with respect to the Project; (vii) an operating reserve fund; and (viii) other security provided or arranged by the Borrower or the School; and

WHEREAS, the purpose of the Act, as found and determined by the legislature, is to promote the welfare of the state by the active attraction and encouragement and development of economically sound industry and commerce to prevent so far as possible the emergence of blighted and marginal lands and areas of chronic unemployment; and

WHEREAS, factors necessitating the active promotion and development of economically sound industry and commerce are the increasing concentration of population in the metropolitan areas and the rapidly rising increase in the amount and cost of governmental services required to meet the needs of the increased population and the need for development of land use which will provide an adequate tax base to finance these increased costs and the need for access to employment opportunities for such population; and

WHEREAS, the City desires to facilitate the selective development of the community, retain and improve the tax base and help to provide the range of services, facilities and employment opportunities required by the population, including school facilities; and the Project will assist the City in achieving those objectives and will enhance the image and reputation of the community; and

WHEREAS, under the terms of the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the Bonds may not be issued as tax-exempt bonds unless the City Council of the City (the "Council") approves the Bonds after a public hearing following publication of a notice published in accordance with the requirements of the Act and the Code and the applicable Treasury Regulations; and

WHEREAS, following the publication of a notice of a public hearing as required by the Act and the Code, the Council opened and continued a public hearing on April 12, 2021, and conducted such public hearing on the date hereof at which a reasonable opportunity was provided

for interested individuals to express their views on the proposal to undertake and finance the Project and the proposed issuance of the Bonds (the "Public Hearing"); and

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

1. In anticipation of the approval of the Project by the State of Minnesota, Department of Employment and Economic Development and all other necessary entities and the issuance of the Bonds to finance all or a portion of the Project, for the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Bonds in one or more series in an aggregate principal amount not to exceed $10,000,000. If the Bonds are issued in more than one series, the separate series shall be separately designated in such manner as is deemed appropriate by the Mayor and the City Manager of the City (collectively, the "City Officials"), in their discretion. The Bonds shall be issued under the terms of an Indenture of Trust, dated on or after May 1, 2021 (the "Indenture"), between the City and U.S. Bank National Association, as trustee (the "Trustee"). The Bonds shall bear interest at fixed rates established by the terms of the Indenture. The Bonds shall be designated, shall be numbered, shall be dated, shall mature, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the Indenture, in substantially the form on file with the City, with the amendments referenced herein. The City hereby authorizes the Bonds to be issued as "tax-exempt bonds" the interest on which is excluded from gross income for federal and State of Minnesota income tax purposes. Any separate series of Bonds may be issued as "taxable bonds" if deemed necessary and appropriate by the City Officials and bond counsel. The Bonds will be purchased by Piper Sandler & Co. (the "Underwriter") pursuant to a Bond Purchase Agreement, dated on or after April 29, 2021 among the City, the Underwriter, the Borrower, and the School (the "Bond Purchase Agreement").

All of the provisions of the Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Bonds shall be substantially in the forms in the Indenture on file with the City, which forms are hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of each series of the Bonds, the stated maturities of each series of the Bonds, the principal amount of Bonds maturing on each maturity date, the interest rates on the Bonds, and the terms of redemption of the Bonds) as the City Officials, in their discretion, shall determine. The execution of the Bonds with the manual or facsimile signatures of the City Officials and the delivery of the Bonds by the City shall be conclusive evidence of such determination.

2. The Bonds shall be special limited obligations of the City payable solely from the revenues provided by the Borrower pursuant to the Loan Agreement and from the revenues and security pledged, assigned, and granted pursuant to the following documents: (i) the Mortgage, Security Agreement and Assignment of Rents, to be dated on or after May 1, 2021 (the "Mortgage"), from the Borrower, as mortgagor, to the Trustee, as mortgagee; (ii) the Assignment of Lease, dated on or after May 1, 2021 (the "Assignment"), from the Borrower, as assignor, to the Trustee, as assignee; and (iii) the Pledge and Covenant Agreement, dated on or after May 1, 2021 (the "Pledge Agreement"), from the School to the Trustee. The proceeds of the Bonds will

be disbursed pursuant to a Disbursing Agreement, dated on or after May 1, 2021 (the "Disbursing Agreement"), among the Borrower, the Trustee, and a disbursing agent to be selected by the Borrower (the "Disbursing Agent"), and will be subject to the provisions of a Tax Regulatory Agreement, dated on or after May 1, 2021 (the "Tax Regulatory Agreement"), among the Borrower, the School, and the Trustee. Pursuant to a Bank Qualified Fee Agreement between the City and the Borrower (the "BQ Agreement") or as otherwise provided in the Indenture and the Loan Agreement, the Borrower will agree to compensate the City for any impact the Bonds may have on the City's ability to designate its governmental purpose bonds in 2021 as bank qualified. The Council hereby authorizes and directs the City Officials to execute and deliver the Indenture to the Trustee, and hereby authorizes and directs the execution of the Bonds in accordance with the terms of the Indenture, and hereby provides that the Indenture shall provide the terms and conditions, covenants, rights, obligations, duties, and agreements of the owners of the Bonds, the City, and the Trustee as set forth therein. The Borrower and the School will provide certain ongoing reports to the holders of the Bonds pursuant to the Continuing Disclosure Agreement, dated on or after May 1, 2021 (the "Continuing Disclosure Agreement"), among the Borrower, the School, and the Trustee.

3. The loan repayments to be made by the Borrower under the Loan Agreement are fixed to produce revenues sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Bonds issued under this resolution when due, and the Loan Agreement also provides that the Borrower is required to pay all expenses of the operation and maintenance of the Project, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all lawfully imposed taxes and special assessments levied upon or with respect to the Project and payable during the term of the Loan Agreement.

4. As provided in the Loan Agreement, the Bonds shall not be payable from nor charged upon any funds other than the revenue pledged to their payment, nor shall the City be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of the Bonds shall ever have the right to compel any exercise by the City of any taxing powers to pay the Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the City except the interests of the City in the Loan Agreement and the revenues and assets thereunder, which will be assigned to the Trustee under the terms of the Indenture. The Bonds shall recite that the Bonds are issued pursuant to the Act, and that the Bonds, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof, and the Bonds shall not constitute a debt of the City within the meaning of any charter, constitutional or statutory limitations.

5. The City Officials are hereby authorized and directed to execute and deliver the Loan Agreement, the Indenture, the BQ Agreement, the Bond Purchase Agreement, and such other documents as the City's bond counsel considers appropriate in connection with the issuance of the Bonds (collectively, the "City Documents"). The forms of the City Documents and all other documents listed in Sections 1 and 2 hereof and exhibits thereto, and any consents and such other documents as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including without limitation various certificates of the City, the Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, a certificate as to arbitrage and rebate, and similar documents (collectively, the "Financing Documents") are approved substantially in the

forms on file with the City Manager. Subject to the provisions of Section 14 hereof, the City Documents, in substantially the forms submitted, are directed to be executed in the name and on behalf of the City by the City Officials. Subject to the provisions of Section 14 hereof, the Bonds are to be in executed the name of and on behalf of the City by the City Officials, and are to be delivered to the Trustee for authentication and delivery to the Underwriter. Any other Financing Documents and certificates necessary to the transaction described above may be executed by one or more appropriate officers of the City.

All of the provisions of the Financing Documents, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.

6. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel to the City, to prepare, execute, and deliver its approving legal opinion with respect to the Bonds.

7. The City has not participated in the preparation of the Preliminary Official Statement or the Official Statement relating to the offer and sale of the Bonds (collectively, the "Official Statement"), and has made no independent investigation with respect to the information contained therein (other than with respect to information provided under the captions "THE ISSUER" and "ABSENCE OF LITIGATION – The Issuer," as it relates to the City), including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information. Subject to the foregoing, the City hereby consents to the distribution and the use by the Underwriter of the Official Statement in connection with the offer and sale of the Bonds. The Official Statement is the sole material consented to by the City for use in connection with the offer and sale of the Bonds.

8. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred and duties and liabilities imposed upon the City or the Council by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the Council, or such officers, board, body, or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the Council, or any officer, agent, or employee of the City in that person's individual capacity, and neither the Council nor any officer or employee executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant, or agreement contained in the aforementioned documents, the Bonds or in any other document relating to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Loan Agreement which are to be applied to the payment of the Bonds, as provided therein and in the Indenture.

9. Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City or any holder of the Bonds issued under the provisions of this resolution, any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and any holder from time to time of the Bonds issued under the provisions of this resolution.

10. In case any one or more of the provisions of this resolution, other than the provisions contained in Section 4 hereof, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

11. The Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

12. The officers of the City, bond counsel, other attorneys, engineers, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Bonds for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the aforementioned documents, and this Resolution. In the event that for any reason either of the City Officials is unable to carry out the execution of any of the documents or other acts provided herein, such documents may be executed and such actions may be taken by any official or employee of the City delegated the duties of any such City Official with the same force and effect as if such documents were executed and delivered by such City Official.

13. The Borrower has agreed and it is hereby determined that the Borrower will pay the City's issuance fee and any and all costs incurred by the City in connection with the financing of the Project. It is understood and agreed that the Borrower shall indemnify, defend and hold harmless the City against all liabilities, losses, damages, costs and expenses (including attorney's fees and expenses incurred by the City) arising with respect to the Project or the Bonds, as provided for and agreed to by and between the Borrower and the City in the Loan Agreement.

14. The approval hereby given to the various Financing Documents referred to above includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by bond counsel to the City, the appropriate City staff person, or by the officers authorized herein to execute or accept, as the case may be, said documents prior to their execution; and said officers or staff members are hereby authorized to approve said changes on behalf of the City. The execution of any instrument by the appropriate officer or officers of the

City herein authorized shall be conclusive evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of either City Official, any of the documents authorized by this Resolution to be executed by the City may be executed without further act or authorization of the Council by any member of the Council or any duly designated acting official, or by such other officer or officers of the City as, in the opinion of the City Attorney, may act in their behalf.

The authority to approve, execute and deliver future amendments to Financing Documents entered into by the City in connection with the issuance of the Bonds and consents required under the Financing Documents is hereby delegated to the City Officials, subject to the following conditions: (a) such amendments or consents do not require the consent of the respective holders of the Bonds or such consent has been obtained; (b) such amendments or consents to not materially adversely affect the interests of the City; (c) such amendments or consents do not contravene or violate any policy of the City, and (d) such amendments or consents are acceptable in form and substance to the counsel retained by the City to review such amendments. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this Resolution. The execution of any instrument by the City Officials shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the City Officials any instrument authorized by this paragraph to be executed and delivered may be executed by the officer of the City authorized to act in his/her place and stead.

15. On the basis of information available to the City, it appears, and the City hereby finds, that the Project constitutes properties, real and personal, used or useful in connection with one or more revenue producing enterprises within the meaning of Subdivision 2(b) of Section 469.153 of the Act; that the Project furthers the purposes stated in Section 469.152; that the availability of the financing under the Act and willingness of the City to furnish such financing will be a substantial inducement to the Borrower to undertake the Project, and that the effect of the Project, if undertaken, will be to assist in the prevention of the emergence of blighted and marginal land, to help prevent chronic unemployment, to help the surrounding area retain and eventually improve the tax base, to provide the range of service and employment opportunities required by the population, to help prevent the movement of talented and educated persons out of the state and to areas within the State where their services may not be as effectively used, and to promote more intensive development and use of land within the City and surrounding communities.

16. In accordance with Section 469.154 of the Act, the City Manager is hereby authorized and directed to submit the proposal for the Project to Minnesota Department of Employment and Economic Development ("DEED"). The City Manager and other officers, employees and agents of the City are hereby authorized to provide DEED with any preliminary information needed for this purpose, and the City Manager is authorized to initiate and assist in the preparation of such documents as may be appropriate to the Project, if it is approved.

17. In accordance with Section 469.154, subdivision 7, of the Act, the officers, employees, and agents of the City are hereby authorized and directed to encourage the Borrower and the School to provide employment opportunities to economically disadvantaged or unemployed individuals. Such individuals may be identified by such mechanisms as are available

to the Borrower and the School, such as a first source agreement in which the Borrower and the School agrees to use a designated State employment office as a first source for employment recruitment, referral, and placement.

18. The City has established a governmental program of acquiring purpose investments for qualified 501(c)(3) organizations' projects. The governmental program is one in which the following requirements of §1.148-1(b) of the federal regulations relating to tax-exempt obligations shall be met:

(a) the program involves the origination or acquisition of purpose investments;

(b) at least 95% of the cost of the purpose investments acquired under the program represents one or more loans to a substantial number of persons representing the general public, states or political subdivisions, 501(c)(3) organizations, persons who provide housing and related facilities, or any combination of the foregoing;

(c) at least 95% of the receipts from the purpose investments are used to pay principal, interest, or redemption prices on issues that financed the program, to pay or reimburse administrative costs of those issues or of the program, to pay or reimburse anticipated future losses directly related to the program, to finance additional purpose investments for the same general purposes of the program, or to redeem and retire governmental obligations at the next earliest possible date of redemption;

(d) the program documents prohibit any obligor on a purpose investment financed by the program or any related party to that obligor from purchasing bonds of an issue that finances the program in an amount related to the amount of the purpose investment acquired from that obligor; and

(e) the City shall not waive the right to treat the investment as a program investment.

19. This resolution shall be in full force and effect from and after its passage.

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF BROOKLYN CENTER

I, the undersigned, being the duly qualified and acting Clerk of the City of Brooklyn Center, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of said City duly called and held on the date therein indicated, insofar as such minutes relate to approving the issuance of conduit revenue bonds to finance the acquisition and improvement of an existing charter school facility for Twin Lakes STEM Academy (formerly known as Tesfa International School Inc.)

WITNESS my hand this ____ day of _____, 2021.

_____
City Clerk

Council/EDA Work Session
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 92710125463# Passcode: 7635693300#
April 26, 2021

AGENDA

ACTIVE DISCUSSION ITEMS

1. A Concept Development Proposal for 6221 Shingle Creek Parkway (The Crest Apartments)

PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items

Council/EDA Work Session

DATE: 4/26/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: N/A
BY: Meg Beekman, Community Development Director

SUBJECT: A Concept Development Proposal for 6221 Shingle Creek Parkway (The Crest Apartments)

Requested Council Action:

Background:

The concept review process is an opportunity for the City Council to review a development concept prior to a formal proposal from an applicant, and provide comments, ask questions, and indicate whether or not the City would be open to the project. Concept reviews are helpful for projects that would involve EDA-owned land or public subsidy, as it provides insight to sta? and the developer as to the City Council's level of interest, and any speci?c concerns, related to a project.

A concept review is considered advisory and is nonbinding to the City and the applicant. No formal action can be taken at a work session, and the Council is not being asked to vote on the proposal. If the developer chooses to submit a formal application to the City to proceed, it would be subject to the full review process, as with any other development application.

Concept Proposal
Aeon is the owner and operator of the Crest Apartments, which purchased the building in 2012 and completed a renovation in 2014. The Crest is a 122-unit a?ordable multi-family apartment in the community on 4.37 acres of land. The property abuts the Hennepin County library and service center to the north and Centennial Park to the east.

Aeon is seeking to complete necessary renovations to the existing building and to construct an additional 48 units of a?ordable housing on the existing site. They have provided a project overview detailing their concept which is attached to this report.

The rehabilitation component of the proposal would provide improvements to the existing building, which consists of 78 one-bedroom units and 44 two-bedroom units. The units are all currently restricted at 50% area median income (AMI). There are an additional eleven units that are set aside to serve persons with disabilities.

The new construction component would allow a second multi-family building on the site which would provide 48 units with 4 one-bedroom units, 28 two-bedrooms, and 16 three-bedroom units. The rents would average roughly 60 percent AMI.

The new building would be six stories in height and include amenities such as a community room, ?tness space and homework room. The new building would be located to the west of the current building.

Zoning requires two stalls per unit. However, the existing building and site has 1.09 stalls per unit with a large portion of the site as proof of parking. Based on the parking demand observed on site, the current lot is not fully utilized. With this proposal Aeon has prepared two site plan options to discuss with the City Council. Both options primarily consist of surface parking stalls, additionally, both options include 31 structured stalls in the new construction. Option A has 176 stalls for a ratio of 1.03 stalls per unit. Option B has 194 stalls at 1.14 stalls per unit, plus an option for 14 additional proof of parking stalls at 1.22 stalls per unit. Aeon is seeking council's input on the trade o? of providing more parking versus more greenspace.

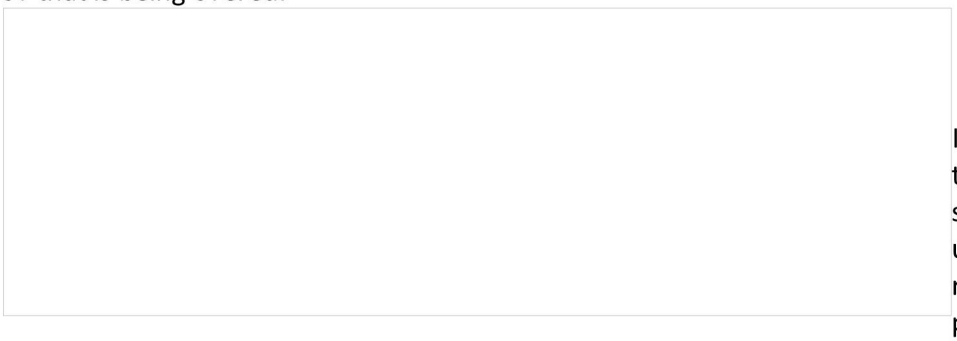
Sta? has met with Aeon to discuss the site lay out and development plan; however, sta? has not done a complete review of the proposal, which would occur at the time that a full land use application was submitted. Detailed items such as setbacks, stormwater, grading, tra?c circulation, etc will all need to be carefully reviewed. Adjustments to the site plan may be necessary as more detailed plans are developed.

The site is adjacent to Shingle Creek and has ?ood plains that encroach onto the site. Aeon has provided a stormwater strategy, which they can talk in more detail about as part of their presentation.

Financing

The developer has submitted a preliminary proforma and sources and uses. The primary source of ? nancing for the development would be 4% Low Income Housing Tax Credits (LIHTC). The total project costs are estimated to be $38 million. Assuming the project receives the needed outside funding, Aeon does not anticipate a gap that would require the City to provide TIF.

That being said, sta? discussed with Aeon the city's desire for more deeply a?ordable rents that may be included in the project. Aeon is open to providing more deeply a?ordable rents for some units; however, this reduction in rent would produce a project gap that would require the City's participation. Aeon provided a ?nancial analysis and has o?ered an alternative unit mix option, which would require approximately $1.4 million. Aeon is seeking direction from the Council on whether the Council is willing to provide public ?nancing in exchange for more deeply a?ordable units. The below table illustrates the trade-o? that is being o?ered.



It should be noted that any public subsidy request would undergo a thorough review by the City's public ?nance consultant and would be required to meet the standards set forth in State Statute, which include demonstrating that without the subsidy the project could not go forward on its own.

Process

Based on the discussion this evening, Aeon will revise their project design and prepare a formal request for land use entitlements to the City. Because the proposed density would not meet the current zoning

requirements, a PUD or rezoning will be necessary.

Aeon anticipates applying for LIHTC ?nancing as part of the 2021 funding cycle in June.

Policy Issues:

- *What approach to parking does the City Council want Aeon to focus in terms of the choice between parking versus greenspace?*
- *Does the City Council want to provide ?nancial assistance to the project to provide more deeply a?ordable units? Does the City Council have any other comments or direction related to the project?*

Budget Issues:

No budget issues.

Antiracist/Equity Policy Effect:

The proposal would provide a mix of family-sized affordable units to assist with stabilizing the the City's housing stock.

Strategic Priorities and Values:

Resident Economic Stability, Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Aeon Project Narrative	3/17/2021	Backup Material
Aeon Project Concept Plan	3/15/2021	Backup Material

BKV GROUP

ARCHITECTURE INTERIOR DESIGN LANDSCAPE ARCHITECTURE ENGINEERING

Memorandum

TO: **City of Brooklyn Park City Council & Planning Staff**

COPY: Leslie Roering, Beth Shogren, Jen Small -Aeon & Joe Brown, Ellie Ziaie – BKV Group

FROM: Chris Palkowitsch, AIA – BKV Group

DATE: **03/15/2021 (UPDATE)**

RE: Crest Apartments

aeon home changes everything

Aeon with BKV Group is proposing to add additional development and renovations to the Crest Apartments at 6221 Shingle Creek Parkway. This site is 4.37 acres (190,483 SF) and houses the 13 story Crest Apartments with 122 affordable units, constructed in 1972. The new proposal adds 48 housing units in a five-story building connected to the existing building with a shared first level lobby, amenities, and enclosed link. The new units will focus on providing affordable units for families. The proposed addition unit mix consists of 4 one-bedroom units, 28 two-bedroom, and 16 three-bedroom units. The existing building will be renovated, primarily focusing on maintaining the current use of the building for years to come. The existing building unit mix consists of 44 one-bedroom units and 78 two-bedroom units.

Aeon

Aeon's mission is to create and sustain quality affordable homes that strengthen lives and communities. Over the past 35 years, we have successfully developed, redeveloped, or preserved more than 5,650 apartment homes in 59 properties, providing homes to more than 15,000 people in Minnesota. Aeon is a non-profit owner and manager. The name 'Aeon' is from the Latin word 'eon' meaning 'forever', demonstrating our focus on providing long-term, quality, homes.

Aeon purchased The Crest Apartments in 2012 through a HUD foreclosure process to ensure the long-term affordability for existing and future residents. In 2014, initial renovations were completed on many of the building systems. The proposed project will complete renovations to the main building systems and enhance the feeling of home for our residents with interior upgrades.

The Crest Apartments is a mix of one- and two-bedroom units. The proposed project will preserve and expand on those units and add much needed three bedrooms units to the mix. The Twin Cities has a severe need for more affordable homes. There are currently only 37 affordable homes available for every 100 extremely low-income families in need (MN Housing). And without stable housing, people cannot properly address their health, education, employment, and social needs.

Given the unusual time we face with the COVID-19 pandemic, there is an even greater need for affordable housing. Renters have lost income, childcare, and social supports. Significant disruptions to the pipeline of new affordable housing could mean fewer new units coming online in the upcoming months or years. Aeon is confident

we can navigate this uncertainty. Together, we can ensure our community's most vulnerable families have access to stability during this national crisis.

Site & Zoning

The site is located on Shingle Creek Parkway. The buildings to the east, across Shingle Creek Parkway are two office buildings and Shingle Creek Center. The northern border of the site is Shingle Creek and Brooklyn Center City Hall. The west site boundary is immediately adjacent to Centennial Park, the park amenities, and a vast trail system. Additionally, the Hennepin County Service Center and Library are located to the south. The site is on bus line 722 with bus stops in close proximity.

The site is zoned R7 Multiple Family Residence. With the addition of the new 48 units (170 total) the site will have 38.9 units per acre, the existing building is at 27.9 units per acre. Base zoning allows for a density of 31 dwelling units per acre. We will work with city staff to determine the best path for approvals.

Base zoning for site parking requires a ratio of 2 to 1. However, this would heavily over park the project. The existing building and site has 1.09 stalls per unit with a large portion of the site as proof of parking. The current lot is not fully utilized. With this proposal we have two site plan options to discuss with the City Council. Both options primarily consist of surface parking stalls, additionally, both options include 31 structured stalls in the new construction. Option A has 176 stalls for a ratio of 1.03 stalls per unit. Option B has 194 stalls at 1.14 stalls per unit, plus an option for 14 additional proof of parking stalls at 1.22 stalls per unit. **We are seeking council's input as we wish to balance green space and stormwater management while not creating too much unneeded parking.**

Project Design

The current site and building underutilize the land by preserving a large amount of space on the west side of the site as proof of parking. The newly proposed 5 story addition seeks to better utilize the site while providing family focused units. The addition is l-shaped and runs north to south, connecting to the existing building with a new shared lobby, amenities, and enclosed building link (Pedestrian Walkway in MN Building Code terms). The new lobby will become the primary entry and leasing center for all of the units. Additionally, the amenities shared by all residents will include a community room, fitness room, learning center, and laundry rooms. The site amenities will feature updated landscaping including a children's play structure, garden boxes for residents, and an outdoor patio off the community room. Furthermore, the landscaping will include new trees and drought resistant plantings that change seasonally providing a mix of colors.

The existing site parking lot is aged and needs to be reconstructed. We are proposing a more efficient parking layout, and the first floor of the new building will include 31 structured parking stalls. Parking cannot go below grade on this site due to the high ground water level and proximity to Shingle Creek. Vehicles access into parking garage is on the south side of the new building. Storm water management will be handled by a below grade pipe system, located in the parking lot.

Sustainability is integrated into the design and the project will meet Enterprise Green Community Standards. These standards focus on making sustainable design choices and positive impacts on the health of the residents.

The exterior design of the apartment building has been influenced by the existing building and incorporates the concepts of the original building into an updated and refined design look with a retro feel. The existing tower is formed by two tall masses connected by the center blue recessed space. The primary window banding also creates a strong horizontal rhythm on the main elevations. The new 5 story addition has strong corner masses and a recessed center of the building, responding to the existing massing but creating something unique. The

corner masses have a vertically stacked window look, in order to give the corners a taller appearance. The windows and banding in the center of the building are positioned horizontally, responding to the existing window banding.

The building materials feature a dark brown burnished block at the first level, entry and at the link. The burnished block was selected to complement the brick on existing building. Informed by the existing building buff color, champange metallic metal panels are utilized on the building corner masses creating a contemporary interpretation. The center recessed area is a blue painted cement panel from levels 2-5. **Finally, we are continuing to explore options for the Level 1 parking garage exterior walls and are seeking council feedback. We are exploring ideas of an open garage with a metal panel enclosure vs completely enclosing the garage.**

Stormwater Management - PPA Project #20-046

The City of Brooklyn Center and the Shingle Creek Watershed District stormwater management rules and requirements apply to any site that disturbs more than one acre during development or redevelopment. Projects are required to meet the following standards:

a. Rate Control – proposed runoff shall not exceed pre-development runoff rates for the 2-year, 10-year and 100-year, 24-hour design storm events.

b. Water Quality – 80% total suspended solids and 60% total phosphorus shall be removed.

c. Water Quality Volume – 1.0" over the new impervious area shall be abstracted from the impervious surfaces on the site

Because the site is located within a floodplain, infiltration is not viable for this site because the 3' separation from the bottom of a treatment system to the high-water level is not feasible. The site stormwater system needs to be a filtration system rather than an infiltration system.

The site area is 4.38 acres. The new and redeveloped areas will be collected via catch basins and storm sewer and routed to the underground filtration system. This drainage area includes the new apartment building, reconstructed and new parking lot and sidewalks throughout the site. The approximate drainage area treated by the underground system is 3.35 acres.

To meet city and watershed requirements the new filtration system consists of 2,540 lineal feet 48" diameter HDPE pipe beneath the reconstructed parking lot to control the runoff rates. The pipe system connects to a 5'x10.5' Bioclean Water Polisher Filtration vault to meet water quality and volume control. Since the site stormwater cannot infiltrate, approximately 8,000 cubic feet of stormwater needs to filter through the filtration vault to meet volume requirements. The system will discharge to a 21" RCP pipe that connects to the existing 72" RCP city storm sewer in Shingle Creek Parkway.



Bioclean Water Polisher Filtration Vault
(picture from Bioclean website)



HDPE Pipe Gallery (picture from ADS website)

Specific Design Items that Meet the Intent of the City's Goals

a) Creating a walkable community – This project is walkable to Centennial Park and the County Library
b) The project supports the City's goal for additional affordable housing.
c) Incorporate increased diversity of units within new redevelopment areas from micro-apartments to three- and four-bedroom units. – This project will add family focused units to diversify the mix at the Crest, creating more housing options.
d) Stabilizing the existing owner/ renter occupied units – The renovation of this project will improve the longevity of the existing 122 units.
e) Residents indicated that there are few options available for larger multi-family units with at least three (3) bedrooms, making it difficult to find stable living options for families with more than two (2) children. This new project unit mix directly address the resident comments.
f) Sustainability and Green Energy - The project will be designed to meet Enterprise Green Community standards. Additionally, the roof will be designed to be solar ready.
g) The City will explore polices and ordinances, including incentives and standards, that encourage the construction of new affordable housing

Affordability and Financing

The Crest Apartments is proposed to be a mix of affordability from 30% area median income (AMI) to 60% AMI. The mix of affordability is spread throughout all unit types. This mix allows households of a variety of sizes and incomes an opportunity to call The Crest Apartments home.

Below is a table that shows the number of units with the proposed affordability levels. The underwritten assumptions result in no additional request for public assistance for the project. As a side-by-side comparison, if we adjusted some of the 60% AMI units down to 50% AMI, this results in a funding gap of approximately $1,400,000. **We are looking to council's input on the level of affordability with the understanding that additional affordability may result in a request for City funding assistance.**

As Underwritten:			**Additional Affordability with City funding assistance:**	
30% AMI	11		30% AMI	11
40% AMI	36		40%AMI	36
50% AMI	75		50% AMI	99
60% AMI	48		60% AMI	24
GAP	$0		GAP	$1,400,000
Average Affordability	**49.41%**		**Average Affordability**	**48%**

The Crest currently has an existing HUD Risk Share mortgage on it, with additional funds from Hennepin County and Minnesota Housing. The total existing funding equates to about $2,440,000 – some of which will remain with the project in a new limited partnership and some of which will be replaced with new financing.

Property	Lender	Program	Principal	Maturity	
Crest, The	Hennepin Co	NSP	$995,645	10/01/44	Assumed
Crest, The	MN Housing	FFCC	$575,000	09/01/44	Repaid
Crest, The	MN Housing	First Mortgage, HRS	$872,245	02/01/45	Repaid
Total			**$2,442,890**		

In partnership with the City of Brooklyn Center, the project aims to request approximately17,000,000 in tax exempt bonds in Summer 2021. The project will secure a first mortgage and retain the NSP funds from Hennepin County. The general partner is expected to make a contribution to round out the capital stack for the project. The anticipated total development cost for this project is roughly $38,000,000.

As Underwritten:**				
Uses			**Sources**	
Acquisition/Existing Debt	$12,664,890		First Mortgage	$9,459,000
Construction	$17,434,161		Low Income Housing Tax Credit	$15,630,611
Environmental	$75,000		Seller Loan	$10,222,000
Professional Fee	$1,743,716		Hennepin County (assumed)	$995,645
Developer Fee/Consultants	$3,000,000		Interim Income	$300,000
Financing Costs	$1,738,341		Return of Forward Commitment	$400,000
Reserves	$1,386,707		General Partner Contribution	$1,035,558
Total	**$38,042,814**		**Total**	**$38,042,814**

** Sources and Uses are subject to change during underwriting.

Note that the "As Underwritten" sources and uses do not anticipate any adjustments in affordability, there we are not anticipating a request to City funding assistance. If affordability levels are adjusted, there would be a reduction in the first mortgage proceeds resulting in a gap of approximately $1,400,000.

Construction Financing:

Construction Sources	
Tax Exempt Bonds	$16,916,725
Taxable Bonds	$7,126,688
	$24,043,413

Schedule

To date, the development team has had preliminary meetings with City staff to review the viability of the project. This concept review with the City Council is the next step in our entitlement approval process. Following this review and after we incorporate input, we intend to submit for formal project approvals.

If this project is selected to receive funding in July from the Minnesota Management and Budget office, we anticipate construction to begin in October of 2021. Construction would last approximately 13 months, with the project completed in October of 2022.

Contact Info

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Aeon
Senior Real Estate Developer
Mobile: 612-708-0915

Chris Palkowitsch
BKV Group
Architect, Partner
Mobile: 612-598-8808

[End of Memo]

The Crest Apartments

Concept Review
3.15.21



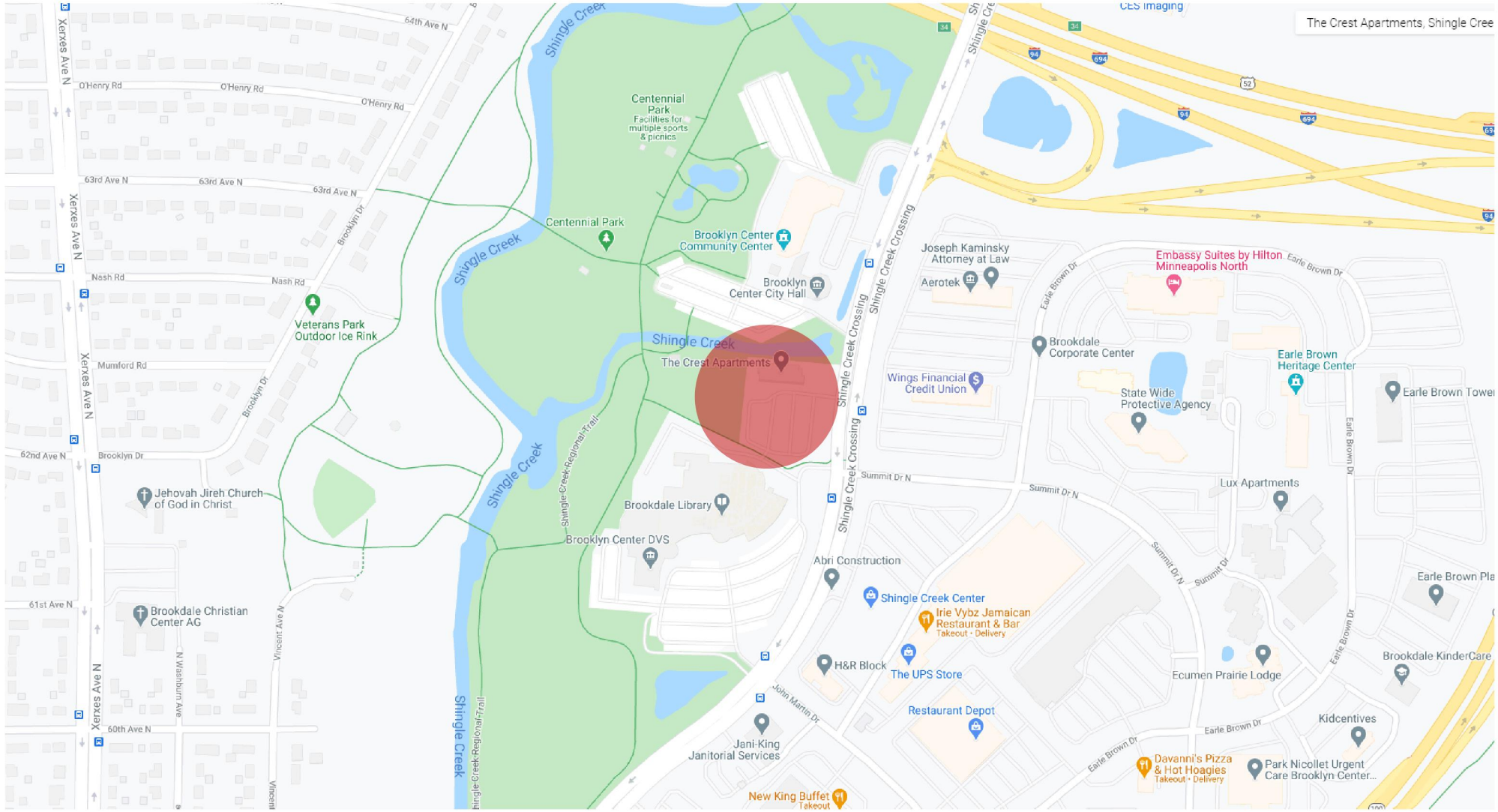
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BKV
GROUP

WATSON - FORSBERG
General Contractors

PIERCE PINI &
ASSOCIATES, INC.
Consulting Civil Engineers

Site



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Site context









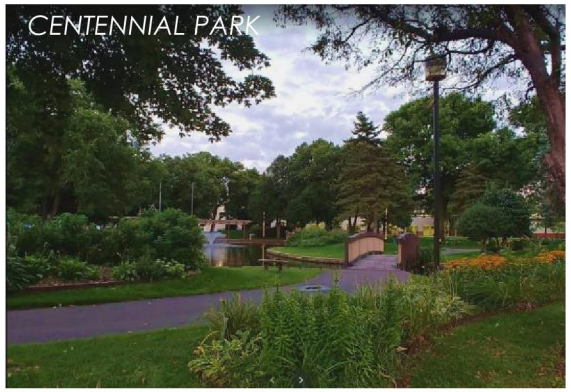












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Existing





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Project Information

4.37 acres (190,483 SF) Site

13-Story Crest Apartments Renovation

122 Existing Affordable Housing Units

Unit mix - 44 one-bedroom units and 78 two-bedroom units

Constructed in 1972

Addition – New Lobby, Link Amenities & Units:

New main entry to both buildings & shared amenities

48 housing units in a five-story building

Unit Mix – 4 one-bedroom units, 28 two-bedroom, and 16 three-bedroom units.

Zoning

The site is zoned R7 Multiple Family Residence, with allowance of 31 dwelling units per acre
The site will have 38.9 units per acre, the existing building is at 27.9 units per acre

Parking

Exploring parking options – zoning requires 2 stalls per unit. The existing building does not fully utilize 1.09 stalls per unit

Site Plan
Parking Option 1



PARKING TOTALS	
SURFACE	145
STRUCTURED	31
TOTAL	176

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Site Plan
Parking Option 2



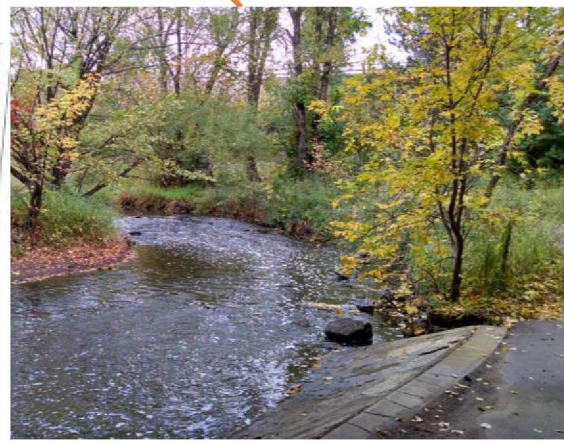
PARKING TOTALS	
SURFACE	163
STRUCTURED	31
TOTAL	194
PROOF OF PARKING	+14
ALTERNATE TOTAL	208

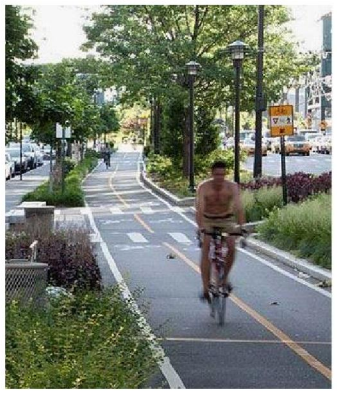
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Site Vision and Design











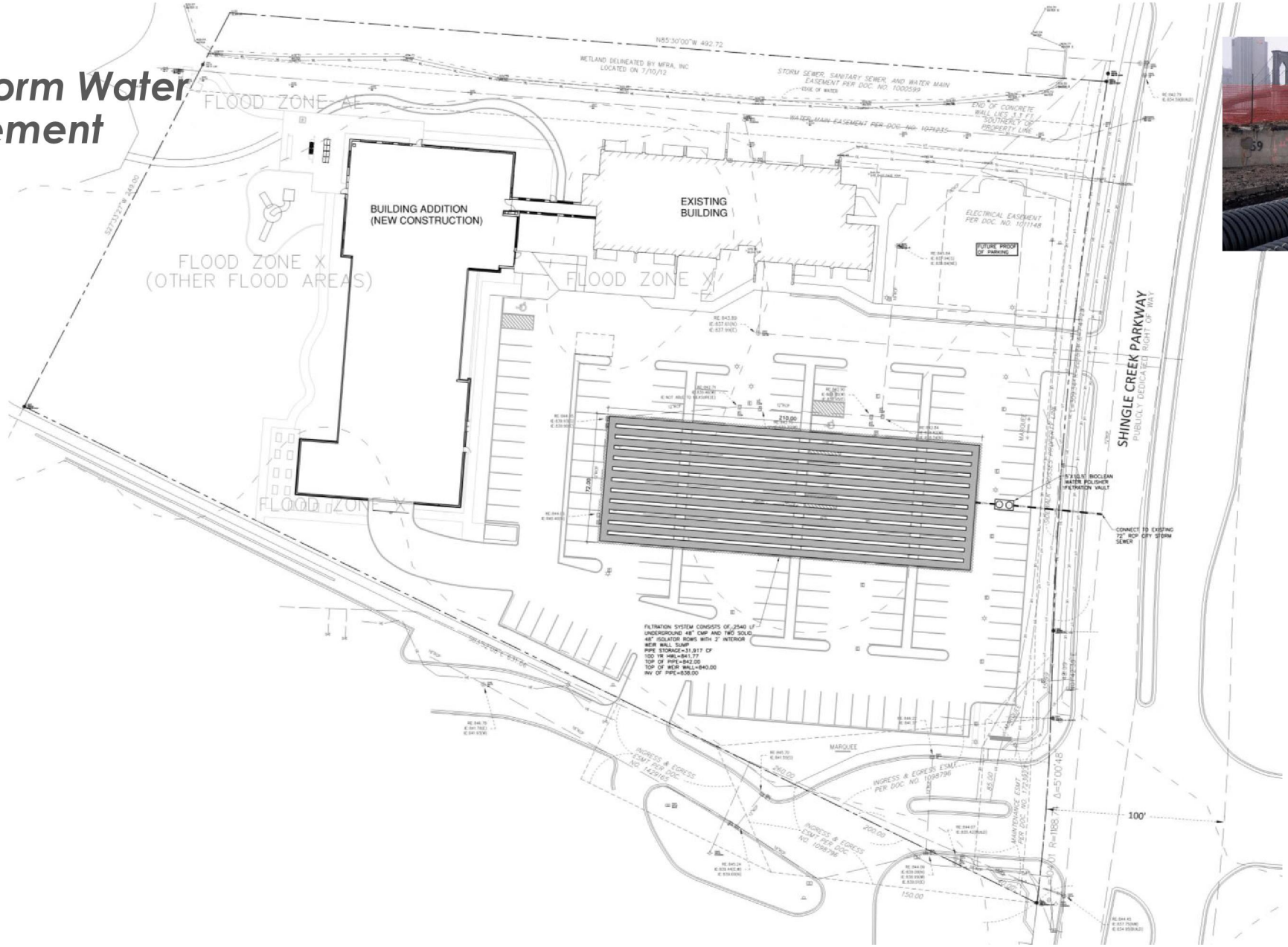






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Site & Storm Water Management





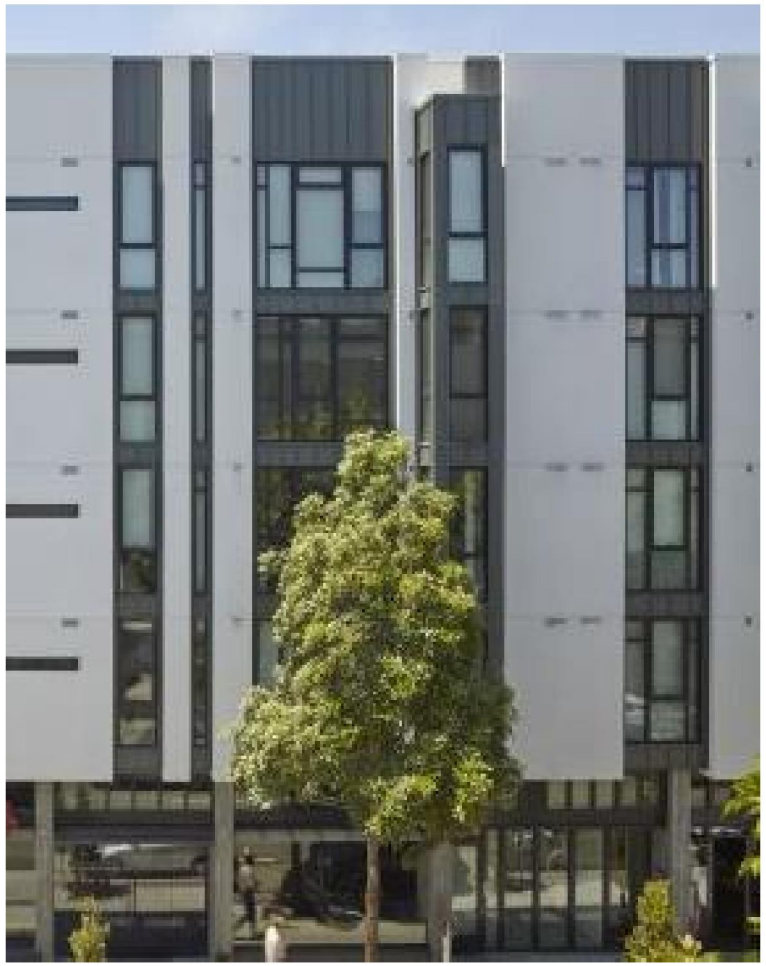


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Exterior Visioning

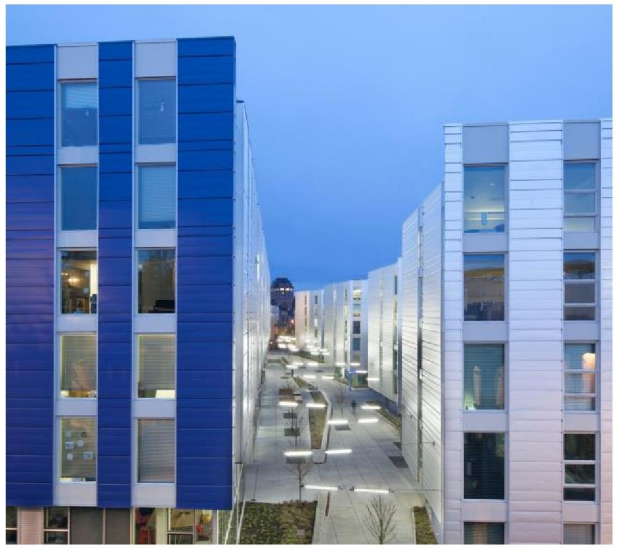
BOLD | PLAYFUL | ACTIVE





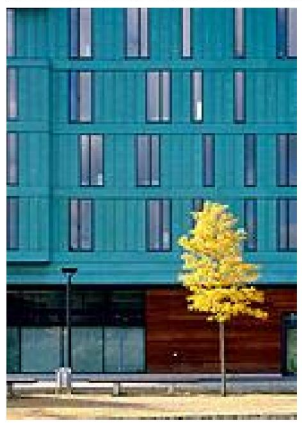














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Renderings – Existing & Addition





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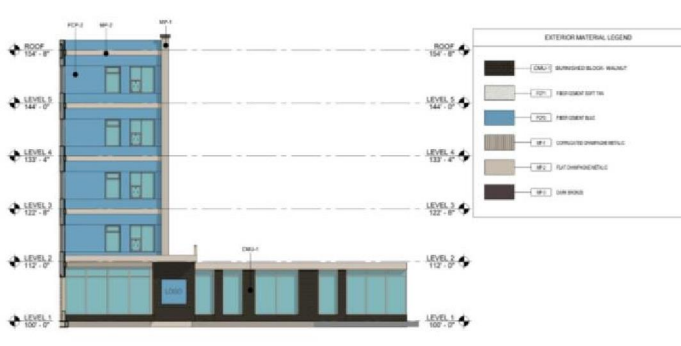
Elevations



NORTH ELEVATION



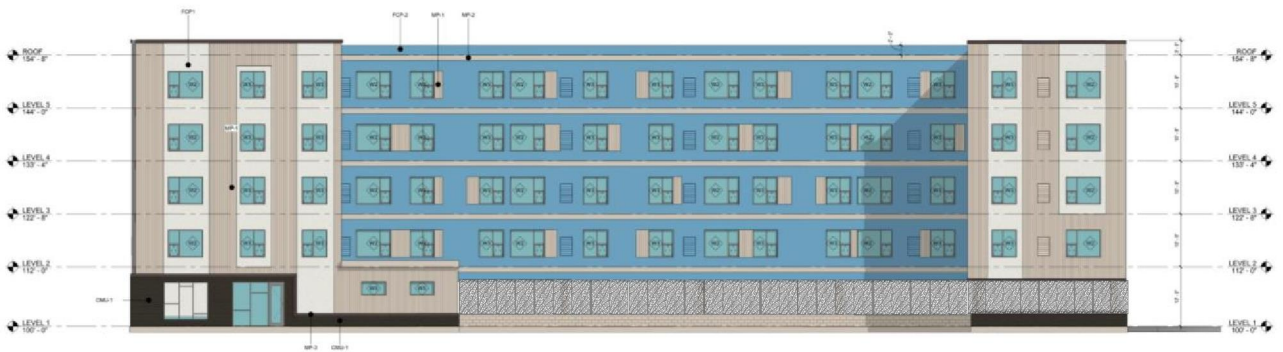
SOUTH ELEVATION



SOUTH ELEVATION 2



EAST ELEVATION



WEST ELEVATION

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Materials





MP-1
Una Clad Firestone – UC-600
(Corrugated Metal Panel - Vertical)
Finish: Champagne Metallic

FCP-1
Fiber Cement Panel James Hardie
Vertical Siding Panels
Field Paint – Softer Tan



FCP-2
Fiber Cement Panel James Hardie
Vertical Siding Panels
Field Paint – Blue



MP-2
Una Clad Firestone – Delta CFP-12
(Horizontal Panel - Flat)
Finish: Champagne Metallic



MP-3
Una Clad Firestone – Flat
Finish: Dark Grey



Decorative CMU-1
Amcon Concrete Products - Burnished
Size: Half High, 3 5/8" x 3 5/8" x 16"
Finish: Color Series, 310 Walnut



Pella Impervia - Fiberglass
Function Style – Awning
Finish: Brown

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ENRICHING LIVES AND STRENGTHENING COMMUNITIES

CHICAGO
209 South LaSalle Street
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Chicago, IL 60604
P 312.279.0470

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Adolphus Tower, Suite 700
Dallas, TX 75202
P 469.405.1196

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Ocean Park Building,
Suite 15, Room 1508
Phuong Mai Ward, Dong Da District
Hanoi, Vietnam
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Long & Kees Building, Suite 101
Minneapolis, MN 55401
P 612.339.3752

WASHINGTON, DC
1054 31st Street NW
Canal Square, Suite 410
Washington, DC 20007
P 202.595.3173

WWW.BKVGROUP.COM

Council/EDA Work Session

DATE: 4/26/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: N/A
BY:

SUBJECT: Pending Items

Requested Council Action:

- Earle Brown Name Change for Public Property
- Council Policy for City Charter requirement of Mayor's signature on all contracts
- Strategic Plans for years 2018-2020 and 2021-2023
- Review Special Assessment Policy
- Tobacco Ordinance
- Emerald Ash Boer Policy Review
- Civilian Discipline Review Committee
- Community-Wide Survey
- Attorney RFP Process

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: