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: 97680230856# Passcode: 7635693300#
April 12, 2021

AGENDA

1. **City Council Discussion of Agenda Items and Questions - 6 p.m.**
2. **Miscellaneous**
   a. Resolution Condemning All Forms of Anti-Asian Sentiment Related to Covid-19
   - Consider proposed resolution condemning all forms of anti-Asian sentiment.
3. **Discussion of Work Session Agenda Item as Time Permits**
4. **Adjourn**

Council Study Session

DATE: 4/12/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: City Manager
BY: Councilmember Butler

SUBJECT: Resolution Condemning All Forms of Anti-Asian Sentiment Related to Covid-19

Background:

Council Member Butler has requested the Council Consider adoption of the attached resolution condemning all forms of Asian violence related to Covid-19.

If the Council is in agreement it is recommended that the Council add this resolution to the regular agenda for action.

Strategic Priorities and Values:

Inclusive Community Engagement

ATTACHMENTS:

Description	Upload Date	Type
Proposed Resolution	4/5/2021	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION EXPRESSING THE SENSE OF THE BROOKLYN CENTER CITY COUNCIL CONDEMNING ALL FORMS OF ANTI-ASIAN SENTIMENT RELATED TO COVID-19

WHEREAS, 23 million Asian Americans and Pacific Islanders account for seven percent of the Nation's population in the United States; and

WHEREAS, over two million Asian Americans and Pacific Islanders are working on the frontline of the COVID-19 pandemic response in health care, law enforcement, first responders, transportation, supermarkets, and other service industries; and

WHEREAS, according to the United States Census Bureau July 1, 2019 Quick Facts, the demographics of Brooklyn Center is 16.4 percent Asian Americans and Pacific Islanders; and

WHEREAS, the use of anti-Asian terminology and rhetoric related to COVID-19, such as the "Chinese Virus," "Wuhan Virus," and "Kung-flu," have perpetuated anti-Asian stigma and since January 2020, there has been a dramatic increase in reports of hate crimes and incidents against people of Asian descent; and

WHEREAS, the increased use of anti-Asian rhetoric has results in Asian Americans being harassed, assaulted, and scapegoated for the COVID-19 pandemic and Asian-American businesses being targeted for vandalism; and

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention recognize that naming COVID-19 by its geographic location or linking it to a specific ethnicity perpetuates stigma; and

WHEREAS, the Secretary General of the United Nations called for international solidarity and an end to any ill-founded discrimination of the pandemic's victims;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that it calls on all public officials to condemn and denounce any and all anti-Asian sentiment in any form; recognizes that the health and safety of all Americans, no matter their background, must be of utmost priority, condemns all manifestations of expressions of racism, xenophobia, discrimination, anti-Asian Sentiment, and ethnic or religious tolerance; calls on local law enforcement officials to investigate and document all credible reports of hate crimes and incidents and threats against the Asian-American community in Brooklyn Center; and encourages the leadership of Brooklyn Center to build more inclusive, diverse, and tolerant societies and to combat misinformation and discrimination that puts Asian Americans and Pacific Islanders at risk.

RESOLUTION NO. _____

_____ _____

Date Mayor

ATTEST: _____
City Clerk

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

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

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

CITY COUNCIL 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: 97680230856# Passcode: 7635693300#
April 12, 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 - Ryan - 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*

b. Approval of Licenses

- Motion to approve the licenses as presented.

c. Resolution Establishing Benefits for Part-Time Employees

- Staff asks the Council to adopt the resolution authorizing the City Manager to establish Paid Time Off (PTO) benefits for regular part-time employees and amending the Personnel Policy to reflect said benefits

d. Resolution Declaring April 30, 2021, to be Arbor Day and May 2021 to be Arbor Month in Brooklyn Center

- Motion to approve a resolution declaring April 30, 2021, Arbor Day and May 2021 Arbor Month in Brooklyn Center.

e. 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.

f. 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.

g. 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.

h. An Ordinance Amending Chapter 27 to Remove the Snow Emergency Towing Provisions

- Motion to approve an ordinance amending Chapter 27 to remove the snow emergency towing provisions.

i. Resolution Declaring April 22, 2021, as Earth Day in Brooklyn Center

- Motion to approve a resolution declaring April 22, 2021, as Earth Day in Brooklyn Center.

j. Resolution Declaring April 18-25, 2021, to be Community Cleanup Week

- Motion to approve a resolution declaring April 18-25, 2021, as Community Cleanup Week.

k. Resolution Declaring May 16-22, 2021, National Public Works Week in the City of Brooklyn Center

- Motion to approve a resolution declaring May 16 through May 22, 2021, as National Public Works Week in Brooklyn Center.

l. 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.

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

- It is recommended that the City Council 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.

b. Entrepreneur Market Feasibility Study and Market Analysis Presentation

c. Opportunity Site Presentation Series: Environmental Assessment Overview

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:

- *Open 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

a. Franchise Fees - Agreements and Program

- Motion to approve a resolution directing staff to prepare a report that would allow for the implementation of a comprehensive franchise fee program that if approved would replace special assessments for street improvement projects.

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 4/12/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: Dr. Reggie Edwards, Deputy City Manager
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*

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:

Community Engagement Efforts:

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

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.

Council Regular Meeting

DATE: 4/12/2021

TO: City Council
FROM: Curt Boganey, 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
Faraz Enterprises 6415 James Cir
Travelodge Brooklyn Center 55430

Seth Oliver Brooklyn Hotel Partners 6300 Earle Brown Dr
Embassy Suites Brooklyn Center 55430

Mechanical Licenses
Blue Rain Plumbing 8821 Woodland Rd
Bloomington MN 55437

Bonfe's Plumbing Heating & Air Service 455 Harman Ave
South St. Paul MN 55075

Deans Professional Plumbing Inc. 7400 Kirkwood Ct. N
Maple Grove MN 55369

Hearth & Home Technologies LLC 7571 215th Street W
Lakeville MN 55044

Homeworks Services Co 1230 Eagan Industrial Rd. #117
Eagan MN 55121

J-Berd Mechanical Contractors, Inc. 1 Industrial Blvd

Sauk Rapids MN 56379

Majestic Custom Heating & Air Cond 8800 Royal Ct NW
Anoka MN 55303

Northland Mechanical Contr 9001 Science Center D
New Hope MN 55428

Ridler Heating & Cooling Inc. 3110 Washington Ave N
Minneapolis MN 55411

WJW Company 10600 University Ave NW
Coon Rapids MN 55448

Budget Issues:

Community Engagement Efforts:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	3/16/2021	Backup Material
4-12-2021 Rental Licenses	4/6/2021	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
5301 Dupont Ave N	Multi 1 Bldg 6 Units	Renewal	CM Equity Group/Caue Campanha - met requirements	21 3.5 per unit	IV	0		IV
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

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 ***
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
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

Council Regular Meeting

DATE: 4/12/2021

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

SUBJECT: Resolution Establishing Benefits for Part-Time Employees

Requested Council Action:

- Staff asks the Council to adopt the resolution authorizing the City Manager to establish Paid Time Off (PTO) benefits for regular part-time employees and amending the Personnel Policy to reflect said benefits

Background:

In December 2020, the City Council approved in the 2021 Budget the allocation of funds for the provision of benefits to regular part-time employees.
In December 2020, the City Council approved in the 2021 Budget the allocation of funds for a livable wage of $16.16 for all employees.
Historically, regular full-time employees receive benefits that include: access to the Community Center, paid holidays, vacation time, sick leave, health insurance, etc. The City contributes fifty percent of the premium cost of health insurance for regular full-time employees.
Regular part-time employee receive none of the additional benefits.
In accordance with the values of internal equity, encouraging and supporting employee physical and mental health requirements, staff recommends approval of the following provision of benefits for regular part-time employees, which will include:

1. Discounted access to the Community Center
2. Prorated paid time off (PTO) as follows:
   - 11-20 hours will receive 50% of a regular full-time employee annual accrual for vacation and sick time.
   - 20-30 hours will receive 75% of the regular full-time employee annual accrual for vacation and sick time.

Budget Issues:

Total estimated cost is $90,000 annually

General Fund Share = $40,000
Other Funds Share = $50,000

Community Engagement Efforts:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
resolution	4/6/2021	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING BENEFITS FOR PART-TIME EMPLOYEES

WHEREAS, the City of Brooklyn Center Employees more than forty regular employees who on average work 11 to 30 hours per week; and

WHEREAS, regular part time employee have served our residents and customers continually and consistently over the years without the benefit of paid time off; and

WHEREAS, the City Council and Administration recognize the value provided by these employees and understand the difficulties imposed when they are required to take unpaid leave to attend to personal care, sick time, vacation, and other needs similar to those of regular full-time employees; and

WHEREAS, in the interest of fairness, equity, and respect for the contribution of regular part-time employees,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the Personnel Policy of the City of Brooklyn Center shall be amended to provide paid leave for regular part-time employees working on average 11 to 30 hour per week shall be entitled to receive a pro-rata share of Paid Time Off (PTO) as developed by the City Manager for implementation.

April 12, 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: 4/12/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: Doran M. Cote, P.E., Director of Public Works
BY: Doran M. Cote, P.E., Director of Public Works

SUBJECT: Resolution Declaring April 30, 2021, to be Arbor Day and May 2021 to be Arbor Month in Brooklyn Center

Requested Council Action:

- *Motion to approve a resolution declaring April 30, 2021, Arbor Day and May 2021 Arbor Month in Brooklyn Center.*

Background:

Arbor Day originated in 1872 in America as a national holiday in which individuals and groups are encouraged to plant and care for trees. Each year, Brooklyn Center typically celebrates National Arbor Day and Arbor Month by hosting local volunteer/educational events with students from an elementary school and other groups within the City. In 2019 the event included members of the second grade from New Millennium Academy planting five trees in Happy Hollow Park. In 2020, the event was canceled due to the pandemic. For 2021, staff will attempt to plan a minimal event with a community school should they desire to participate.

This event and resolution supports the City's Forestry Program that has resulted in Brooklyn Center receiving its twenty-ninth consecutive national Tree City USA award by the National Arbor Day Foundation.

Budget Issues:

The American Legion and Sons of the American Legion has provided a $250 contribution to help offset the expenses for the Arbor Day event. Additional funding needed for the event supplies is expected to be less than $1,000 and is included in the 2021 Forestry budget.

Community Engagement Efforts:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

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

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DECLARING APRIL 30, 2021, TO BE ARBOR DAY
AND MAY 2019 TO BE ARBOR MONTH IN BROOKLYN CENTER

WHEREAS, Trees are an increasingly vital resource in Minnesota today, enriching our lives by purifying air and water, helping conserve soil and energy, serving as recreational settings, providing habitat for wildlife of all kinds and making our cities more livable; and

WHEREAS, Trees in our City increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, Human activities such as pollution, as well as drought, disease and insects threaten our trees, creating the need for concerted action to ensure the future of urban and rural forests in our state, country and world; and

WHEREAS, People can contribute to the environmental stewardship of our community by locally planting trees and ensuring that these trees are nurtured, protected and wisely used in the years ahead; and

WHEREAS, The City of Brooklyn Center desires to continue its tree management efforts.

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

1. April 30, 2021, to be Arbor Day in the City of Brooklyn Center.

2. May 2021 to be Arbor Month in the City of Brooklyn Center.

3. I urge all citizens to support efforts to care for our trees and woodlands and to support our City's Community Forestry Program.

April 12, 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: 4/12/2021

TO: City Council
FROM: Curt Boganey, 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.

Community Engagement Efforts:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

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

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 12, 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: 4/12/2021

TO: City Council
FROM: Curt Boganey, 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.

Community Engagement Efforts:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

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

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 12, 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: 4/12/2021

TO: City Council
FROM: Curt Boganey, 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 10, 2021 if approved.

Budget Issues:

There are no budget issues to consider with this action.

Community Engagement Efforts:

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: 4/12/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: N/A
BY: Doran M. Cote, P.E., Director of Public Works

SUBJECT: An Ordinance Amending Chapter 27 to Remove the Snow Emergency Towing Provisions

Requested Council Action:

- *Motion to approve an ordinance amending Chapter 27 to remove the snow emergency towing provisions.*

Background:

In 2018, staff presented to the City Council a draft ordinance amendment which allows for the removal of vehicles in violation of the ordinance in accordance with Section 27.121. That provision would provide for an enhanced enforcement option not previously utilized. It was reported that routinely, Police and Public Works staff is contacted by residents concerned about individuals parking overnight in violation of current City parking regulations. Overnight parking is rarely an issue for Public Works staff except during snow plowing operations.

City staff has developed an amended version of the parking ordinance that addresses snow related parking restrictions specifically. The amended ordinance prohibits on-street parking after a snow fall of 2-½ inches. Within that amendment there is a provision which allows for the removal of vehicles in violation of the ordinance in accordance with Section 27.121. That provision would provide for an enhanced enforcement option not previously utilized.

This winter season we have had four snow events. On the first, second and fourth events, Mayor Elliott issued Proclamations nullifying the towing provision of the snow event parking ordinance. On the third event, staff had assumed a Proclamation would be issued so vehicles were not towed.

On February 8, 2020 staff sought direction from the City Council regarding the towing provision of the snow event parking prohibition and provided the City Council with the following options:

Support Existing Snowing Emergency Provision

- Direct staff to prepare a resolution prohibiting the issuance of proclamations limiting the enforcement of the snow emergency provision of the City Code.

Support Temporary or Permanent Changes to the Snow Emergency Provision

- Direct staff to prepare a resolution supporting the issuance of proclamations temporarily suspending towing in snow emergencies during the pandemic emergency.

OR

- Direct staff to prepare an ordinance to repeal the snow emergency provision of the City Code.

The City Council unanimously directed staff to prepare an ordinance to repeal the towing provision of the snow emergency section of the City Code.

Budget Issues:

Not towing vehicles during a declared snow event will reduce the need for increased police presence during the event thus reducing costs. Allowing vehicles to park during the event will result in additional costs for Public Works to return to areas and plow where cars had been parked.

Community Engagement Efforts:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Resident Economic Stability

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 _____, 2021, at 7:00 p.m. or as soon thereafter as the matter may be heard during the regular City Council meeting to consider an ordinance related to repealing the snow emergency prohibition. The City Council is 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.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 27 TO REMOVE THE SNOW EMERGENCY TOWING PROVISIONS

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

ARTICLE I. Brooklyn Center City Code Section 27-120 is hereby amended as follows:

Section 27-120. PARKING RESTRICTED AND PROHIBITED.

1. No person in charge of any vehicle shall park or permit such vehicle to stand upon the roadway of any highway or street in the City of Brooklyn Center between the hours of 2 a.m. and 6 a.m., nor for more than six consecutive hours at any other time. No person in charge of any vehicle shall park or permit such vehicle to stand upon any alley in the City of Brooklyn Center at any time.

2. Snow Emergency. After a snowfall of at least 2.5 inches in the City, parking is prohibited on any public street or alley until and after that particular street or alley has been plowed and the snow removed to the curb line. It is unlawful to deposit snow or ice, plowed or removed from private property, onto the traveled portion of a street, alley or public way. ~~Vehicles parked in violation of this section may be removed in accordance with Section 27-121.~~

3. No person in charge of any vehicle shall park or permit such vehicle to stand upon any street, highway, parking lot or other area within the City of Brooklyn Center in violation of posted parking restrictions or traffic control devices.

4. No person in charge of any vehicle shall park or permit such vehicles or any part thereof, to stand upon a public sidewalk or upon the nonroadway area of any public street right of way.

5. The City Manager is authorized to establish and post parking restrictions for parking lots and other property owned by the City or its Economic Development Authority. Anyone parking a vehicle in violation of the posted restrictions is a violation of this code and the vehicle is subject to removal as provided in Section 27-121.

6. The Chief of Police or his/her designee may allow short-term exceptions to the above stated parking restrictions under certain circumstances if requests for such exceptions are submitted to the Police Department at least two hours prior to the time period for which the exception is requested, and if he/she determines that the granting of such exceptions will not create problems affecting the health and safety of the citizens or unduly affect traffic movements or street maintenance operations.

   Specific examples of events for which exceptions may be granted if all conditions are met include but are not limited to: a.) family gatherings for special events such as weddings, graduations, anniversaries, and funerals in residential areas. b.) civic events such as community celebrations and parades. c.) reconstruction or resurfacing of driveways. d.) out of state visitors with large R.V.'s.

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

Adopted this 12th day of April, 2021.

_____
Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

Council Regular Meeting

DATE: 4/12/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: Doran M. Cote, P.E., Director of Public Works
BY: Andrew Hogg, P.E., Assistant City Engineer

SUBJECT: Resolution Declaring April 22, 2021, as Earth Day in Brooklyn Center

Requested Council Action:

- Motion to approve a resolution declaring April 22, 2021, as Earth Day in Brooklyn Center.

Background:

The name and concept of Earth Day was pioneered in 1970 in the United States. It is an annual day on which events are held worldwide to demonstrate support for environmental protection. This day of nature's balance was later sanctioned in a Proclamation at the United Nations, eventually going international in 1990.

Today, more than 192 countries coordinate and celebrate Earth Day every year. Brooklyn Center recognizes Earth Day on Thursday, April 22, 2021, by taking part in celebratory events such as the Community Cleanup.

The Shingle Creek CleanUp takes place on Saturday, April 24, 2021, from 9:00 a.m. to 12:00 p.m. and will commence by gathering at the Brooklyn Center's Centennial Park Amphitheater.

Budget Issues:

There are no budget issues to consider with this proclamation. Funding for the event is included in the 2021 budget under the Storm Drainage Utility operating budget.

Community Engagement Efforts:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

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

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DECLARING APRIL 22, 2021, TO BE EARTH DAY IN BROOKLYN CENTER

WHEREAS, a sound natural environment is the foundation of a healthy society and a robust economy; and

WHEREAS, local communities can do much to reverse environmental degradation and contribute to building a healthy society by addressing such issues as energy conservation, waste prevention and sustainable practices; and

WHEREAS, Earth Day 2021 offers an unprecedented opportunity to commit to building a healthy planet and flourishing communities.

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

1. April 22, 2021, to be Earth Day in the City of Brooklyn Center.

2. The City of Brooklyn Center commits itself to undertaking programs and projects that enhance the community's natural environment.

3. The City Council hereby reaffirms its commitment and encourages residents, businesses and institutions to use Earth Day 2021 to celebrate the Earth and to commit to building a sustainable society by initiating or expanding existing programs which improve energy efficiency, reduce or prevent waste and promote recycling.

April 12, 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: 4/12/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: Doran M. Cote, P.E., Director of Public Works
BY: Andrew Hogg, P.E., Assistant City Engineer

SUBJECT: Resolution Declaring April 18-25, 2021, to be Community Cleanup Week

Requested Council Action:

- Motion to approve a resolution declaring April 18-25, 2021, as Community Cleanup Week.

Background:

Brooklyn Center will celebrate the 19th annual "Great Shingle Creek Watershed Cleanup". Beginning Sunday, April 18, 2021, through Sunday, April 25, 2021, volunteers from Brooklyn Center will walk the banks of Shingle Creek, as well as City parks, trails and streets, picking up everything from pop cans and auto parts to building materials and household appliances.

The Shingle Creek Cleanup meets one of the public involvement and participation requirements of the federally mandated National Pollutant Discharge Elimination System (NPDES) permit for Brooklyn Center. The event not only educates people that trash and other contaminants in the streets, parks and shorelines eventually end up in our lakes, rivers and streams, but also provides opportunities for the public to become involved in the protection of water quality.

Many of the groups affiliated with the Brooklyn Center Adopt-a-Park/Trail/Street/Flower Garden Programs will concentrate on a cleanup of their assigned sites during the week. Groups and individuals not already connected with a park, trail or street will be assigned to a nearby park, creek, open space or parkway to pick up trash and debris. On Saturday, April 24, 2021, Brooklyn Center City officials and employees will be distributing trash bags and cotton gloves as well as refreshments at Brooklyn Center Community Center to kick off the official cleanup and commemorate Earth Day. More than 50 volunteers are expected to participate in the week-long event.

Budget Issues:

Funding for the event is included in the 2021 budget under the Storm Drainage Utility operating budget.

Community Engagement Efforts:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

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

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DECLARING APRIL 18-25, 2021, TO BE SHINGLE CREEK CLEANUP WEEK

WHEREAS, The City of Brooklyn Center is dedicated to preserving and protecting the water resources in our watersheds; and

WHEREAS, Litter and trash can be washed into our lakes, rivers and streams, polluting the water and clogging the City's storm water drainage system; and

WHEREAS, Citizens can take an active role in protecting water resources by picking up litter and trash and keeping our streets, parks, neighborhoods and community clean; and

WHEREAS, The City of Brooklyn Center's annual event "Shingle Creek Cleanup" will take place April 24, 2021.

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

1. April 18-25, 2021, to be Shingle Creek Cleanup Week.

2. The City Council hereby reaffirms its commitment to protecting and preserving our water resources and encourages residents, businesses and institutions to use the Shingle Creek Cleanup Week 2021 to help prevent water pollution and preserve our watersheds by participating in a cleanup event or by using this time to pick up trash and cleanup our homes, businesses, streets, neighborhoods and community.

April 12, 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:

RESOLUTION NO. _____

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 4/12/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: N/A
BY: Doran M. Cote, P.E., Director of Public Works

SUBJECT: Resolution Declaring May 16-22, 2021, National Public Works Week in the City of Brooklyn Center

Requested Council Action:

- Motion to approve a resolution declaring May 16 through May 22, 2021, as National Public Works Week in Brooklyn Center.

Background:

National Public Works Week is a celebration of the tens of thousands of people in North America who provide and maintain the infrastructure and services collectively known as public works. Instituted as a public education campaign by the American Public Works Association (APWA) in 1960, the weeklong celebration calls attention to the importance of public works in community life. The week seeks to enhance the prestige of professionals who serve the public good every day with quiet dedication. The theme for 2021 is “Stronger Together”.

The Public Works Department employs 40 full-time and 20 seasonal employees in the five divisions of the department - engineering, street maintenance, park maintenance, public utilities and the central garage. All divisions work together as a team to provide high-quality service for people who visit, live or work in Brooklyn Center.

Many of the tasks like plowing streets, mowing parks, putting up signs, pumping water, maintaining large equipment and improvement projects are high profile. Many more tasks are completed almost unnoticed except in their absence.

Many people do not realize that significant efforts of the department take place while everyone else is sleeping. It is not unusual for street or park employees to get called out in the middle of the night after a storm to clear fallen trees from the road, to plow or provide ice control during a winter storm, or utility employees to be called out to respond to a sewer backup or water main break. Our Public Works employees take great pride in their work.

Budget Issues:

There are no budget issues to consider.

Community Engagement Efforts:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

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

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DECLARING MAY 16-22, 2021 NATIONAL PUBLIC WORKS WEEK IN THE CITY OF BROOKLYN CENTER

WHEREAS, Public Works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as engineering, water, wastewater, storm drainage, streets and highways, parks and central vehicle fleet maintenance; and

WHEREAS, the health, safety and comfort of this community greatly depend on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities including their planning, design, construction, operation and maintenance are vitally dependent upon the efforts and skill of Public Works personnel.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that May 16-22, 2021, as "National Public Works Week" in the City of Brooklyn Center, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which Public Works personnel make every day to our health, safety, comfort and quality of life.

April 12, 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: 4/12/2021

TO: City Council
FROM: Curt Boganey, 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.

Community Engagement Efforts:

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
Resolution	4/1/2021	Cover Memo
Park Playground Inventory	3/25/2021	Cover Memo
Park Proposal Images	3/16/2021	Cover Memo

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

April 12, 2021

RESOLUTION NO. _____

Date Mayor

ATTEST: _____
City Clerk

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

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

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

Brooklyn Center 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



★





Council Regular Meeting

DATE: 4/12/2021

TO: City Council
FROM: Curt Boganey, 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:

- It is recommended that the City Council 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

Community Engagement Efforts:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
RESOLUTION EXPRESSING APPRECIATION FOR THE DONATION OF A PALLET OF BOTTLED DRINKING WATER TO THE BROOKLYN CENTER FIRE DEPARTMENT.	3/23/2021	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 12, 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: 4/12/2021

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

SUBJECT: Entrepreneur Market Feasibility Study and Market Analysis Presentation

Requested Council Action:

Background:

The City has been working, in partnership with developer Alatus, on a development project in the northeast corner of Bass Lake Road and Shingle Creek Parkway. The project is within the area known as the Opportunity Site and would be located on EDA-owned property.

Alatus has partnered with Project for Pride in Living and Resurrecting World Faith Ministries on a multi-phased, mixed use development program. The concept consists of approximately 750 new multi-family housing units in a wide range of price points, an event center, daycare, and approximately 20,000 square feet of community-driven entrepreneurial space. The program also anticipates 1-3 acres of public plaza space, some of which would be provided to the entrepreneurial space to be used for outdoor gathering and a market.

The entrepreneurial space will be delivered by the development, but will be programmed and designed by the City. The purpose of the space is intended to serve local entrepreneurs and businesses. ACER and NEOO Partners were retained to conduct a market and feasibility study, engage local business owners in the process, and identify a guiding vision and branding for the entrepreneurial space. The consultant team is also working to develop an operating model and proforma, as well as assist the City with identifying an ownership and management solution for the space.

NEOO Partners and ACER have completed the market and feasibility component of the project and are wrapping up the visioning and branding component. They will be presenting an update on their work and be discussing next steps. An executive summary of their work has been attached to this report for Council review.

Next Steps
NEOO Partners and ACER will continue their work, culminating in a final report and recommendations. They have been working independently, but have met with the development team to share their findings to date.

NEOO Partners will be working with Alatus to hire an architect and design team which will begin the next phase of the process which will be to design the exterior and program the interior of the space.

Budget Issues:

There are no budget issues to consider at this time.

Inclusive Community Engagement:

ACER and NEOO Partners have been conducting focus groups with local business owners and entrepreneurs. The input has shaped the market study as well as the vision and branding for the site. The consultant team will share a more detailed description of their engagement work as part of their presentation.

Antiracist/Equity Policy Effect:

The focus of the engagement and the project as a whole is to serve local BIPOC business owners. The intention of the project is to provide wealth building opportunities and financial stability for local BIPOC-owned firms.

Strategic Priorities and Values:

Resident Economic Stability, Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Consultant Team Executive Summary	4/5/2021	Backup Material



AFRICAN CAREER, EDUCATION, AND RESOURCE INC.
6800 78th Avenue, Suite 101, Brooklyn Park, MN 55445 | tel. 763-657-7711
https://www.acerinc.org/

EXECUTIVE SUMMARY

The need to undertake a feasibility study and Partnership Outreach & Engagements role, specific to Vision, Purpose, and Branding was to aid in the development of an Entrepreneur Market Plaza (EMP) in the Brooklyn Center identified opportunity zone, in partnership with 9 partners. The goal of the EMP outreach and engagement is to discover the need of the community and economic feasibility of a business incubator and maker space that provides affordable space for entrepreneurs and local small businesses to operate with access to shared technical assistance services. The goal of the EMP marketplace is to provide an inclusive, high-quality finished space with flexible lease terms that encourage local businesses to collaborate as they grow and expand their services.

African Career Education Resource., INC conducted Partnership Outreach & Engagements, specific to Vision, Purpose, and Branding for the Entrepreneur Market Plaza to discover appropriate consumer market and community connection. The activities include developing a proposed vision, purpose, and brand voice for the market and conducting research and analysis. Activities also involved analysis in gathering and reviewing existing content, materials and conducting outreach tasks in identifying constituents, key stakeholders, target businesses, community organizations and nonprofits to participate in focus groups, facilitate community meetings, and outreach surveys; And collate and produce reports on results that includes final report of findings and recommendations.

The feasibility study conducted for the Opportunity Site Entrepreneurship Market Plaza included a look at the City of Brooklyn Center and surrounding area's community context, demographics, market opportunity, and financial considerations. This information was gathered using a variety of tools and methods, including interviews, case study research, GIS analysis and U.S. census data. The study includes surveying community and stakeholders in exploring what their needs are and what is desired in a maker/incubator space, which in this case is extra 3,000 square feet of space. Information gathered from stakeholders, includes exploring and discovering what problem the incubator solves and the findings that informs the recommendations.

The Feasibility study is broken into three parts:

1. *Market Study*: Gather and analyze data about community activity, demographics, business dynamics and existing resources and supporting entrepreneurship.
2. *Market Ownership and Operations Model:* Identify the programming needs and infrastructure to support local entrepreneurship and develop a plan for governance and management of the market plaza.
3. Financial Analysis: Identify operational costs, facility needs and assumptions that impact the financial sustainability of the market plaza.

Council Regular Meeting

DATE: 4/12/2021

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

SUBJECT: Opportunity Site Presentation Series: Environmental Assessment Overview

Requested Council Action:

Background:

The purpose of this presentation series is to provide regular updates to City Council on particular topics in short 20-30 minutes updates that can be recorded and further shared out to the community on the dedicated project website as well as through regular virtual meeting events that will encourage discussion and dialogue with the community. The goal is to provide more transparent and timely information on the project as it moves forward and evolves.

Staff will offer a short presentation at each subsequent Council meeting in order to facilitate this information sharing.

At the last Council meeting, staff provided an overview of the process, decision points and milestones for both the Opportunity Site Master Plan as well as Alatus and PPL's development project. At that meeting the City Council had specific questions about the environmental review process.

For this presentation, staff has asked Daniel DeJoode, from Braun Intertec, to provide an overview of the environmental assessment process, as well as how it is specifically being applied to the Alatus/PPL development project. Braun Intertec is an environmental engineering firm that routinely conducts environmental assessments for both public and private projects. They have been engaged by Alatus to be the consultant that conducts the environmental assessment for their Brooklyn Center project, which is underway.

Budget Issues:

There are no budget issues to consider at this time.

Community Engagement Efforts:

The environmental review process includes a public comment period as part of the statutory requirements. Mr. DeJoone will speak to the public engagement requirements as well as what is being planned for this project as it relates to the environmental review.

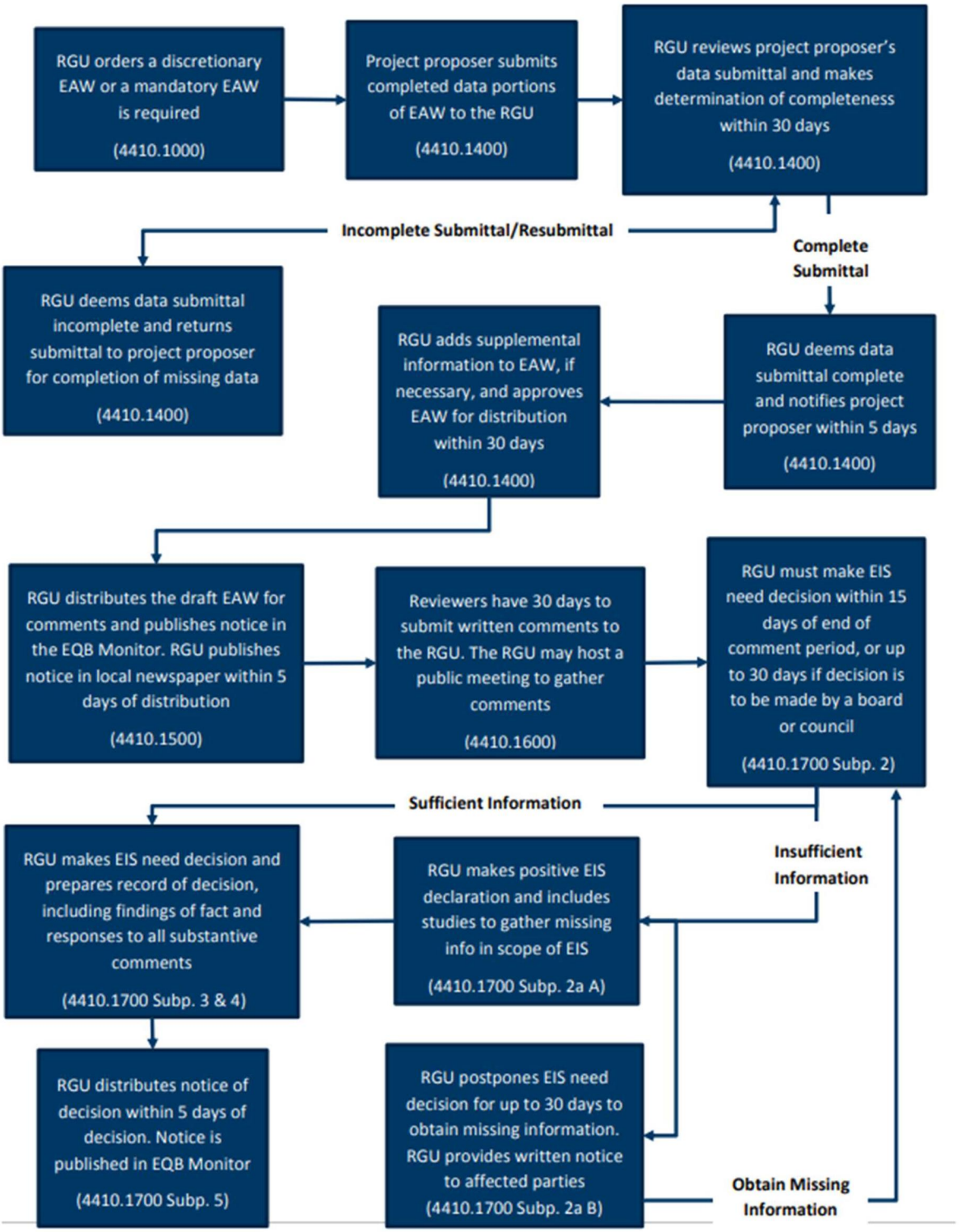
Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
EAW Process	4/6/2021	Backup Material


RGU orders a discretionary EAW or a mandatory EAW is required
(4410.1000)
Project proposer submits completed data portions of EAW to the RGU
(4410.1400)
RGU reviews project proposer's data submittal and makes determination of completeness within 30 days
(4410.1400)
Incomplete Submittal/Resubmittal
Complete Submittal
RGU deems data submittal incomplete and returns submittal to project proposer for completion of missing data
(4410.1400)
RGU adds supplemental information to EAW, if necessary, and approves EAW for distribution within 30 days
(4410.1400)
RGU deems data submittal complete and notifies project proposer within 5 days
(4410.1400)
RGU distributes the draft EAW for comments and publishes notice in the EQB Monitor. RGU publishes notice in local newspaper within 5 days of distribution
(4410.1500)
Reviewers have 30 days to submit written comments to the RGU. The RGU may host a public meeting to gather comments
(4410.1600)
RGU must make EIS need decision within 15 days of end of comment period, or up to 30 days if decision is to be made by a board or council
(4410.1700 Subp. 2)
Sufficient Information
Insufficient Information
RGU makes EIS need decision and prepares record of decision, including findings of fact and responses to all substantive comments
(4410.1700 Subp. 3 & 4)
RGU makes positive EIS declaration and includes studies to gather missing info in scope of EIS
(4410.1700 Subp. 2a A)
RGU distributes notice of decision within 5 days of decision. Notice is published in EQB Monitor
(4410.1700 Subp. 5)
RGU postpones EIS need decision for up to 30 days to obtain missing information. RGU provides written notice to affected parties
(4410.1700 Subp. 2a B)
Obtain Missing Information

Council Regular Meeting

DATE: 4/12/2021

TO: City Council
FROM: Curt Boganey, 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:

- *Open 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
Tesfa Resolution	4/7/2021	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 12, 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 TESFA INTERNATIONAL SCHOOL 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, a nonprofit limited liability company to be formed by and 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 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 (Tesfa International School 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 conducted a 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 Tesfa International School Inc.

WITNESS my hand this ____ day of _____, 2021.

_____
City Clerk

Council Regular Meeting

DATE: 4/12/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: N/A
BY: Mark Ebensteiner - Finance Director, Doran Cote - Public Works Director

SUBJECT: Franchise Fees - Agreements and Program

Requested Council Action:

- Motion to approve a resolution directing staff to prepare a report that would allow for the implementation of a comprehensive franchise fee program that if approved would replace special assessments for street improvement projects.

Background:

City staff is seeking direction from the City Council on proceeding with possible changes to the franchise fee agreements and the amount of capital acquisition costs that the franchise fees would fund.

Franchise fees were established, under Minnesota Statute (216B.36), to allow cities to impose a fee on utility companies for the use of public right-of-way and other public grounds in the delivery of services to their customers. These fees assist cities in covering the costs of maintaining aging infrastructure, without raising property taxes. The primary premise is that fees are considered more equally distributed than property taxes, and paid by all utility customers (even those who don't currently pay property taxes). The advantages to charging franchise fees is they 1.) cover a wider base than property taxes 2.) diversifies the City's revenue sources 3.) reliable source of revenue 4.) flat fee is easy to administer and eliminates seasonal fluctuations.

Current Agreements/Fees

On December 8, 2003 City Council adopted two resolutions which established franchise fees with Xcel Energy and CenterPoint Energy. Since the initial implementation of the fees there have been some minor modifications to the agreements as well as approximately 3% increases in fees on 1/1/2017 and 1/1/2020. Current rates bring in approximately $735,000/year. ($460,000 Xcel Energy, $275,000 CenterPoint). Revenue is currently receipted to the Street Reconstruction Fund and provides a funding source for street projects. The agreement with Xcel Energy is effective through 2023 and CenterPoint's agreement is effective through 2035. As the Xcel Energy's agreement is nearing expiration it is a great time to reevaluate the current franchise fee program. The current rates are as follows:

Xcel Energy Fees

Type	2021 Monthly Fee
Residential	$ 1.65
Small Commercial & Industrial - Non-Demand	4.25
Small Commercial & Industrial - Demand	22.75
Large Commercial & Industrial	103.00
Public Street Lights, Muni Pumping	13.50

CenterPoint Fees

Type	2021 Monthly Fee
Residential	$ 1.66
Commercial A	1.74
Commercial Industrial B	5.63
Commercial C	22.50
SVDF A	56.23
SVDF B	107.96
LVDF	107.96

The agreements do require that the fee-formula is non-discriminatory or place either company at a competitive disadvantage and with that fees collected by each company need to be comparable. Under the current fees, a residential customer would pay $3.31/month or $39.72 annually in franchise fees. Currently there are approximately 9,200 meters for CenterPoint and 12,400 meters for Xcel Energy within the City which are broken out between their account classification.

Special Assessment Construction Fund

The City currently operates the Special Assessment Construction Fund which accounts for the portions of street reconstruction projects that are funded through the collection of special assessments issued to benefitting properties. Since the early 1980s, properties benefiting from street and storm sewer improvements are assessed a portion of the project costs in accordance with the City's Special Assessment Policy. Every year the City Council establishes special assessment rates for projects occurring the following year. Rates are typically adjusted annually to maintain the relative proportion of special assessments to other funding sources. The 2021 special assessment interest rate was set at 3.0% and the assessment payback period is 10-years.
The current capital improvement program identifies the following project costs to be assessed through 2035:

2023		
50th Avenue Improvements (France Ave to Drew Ave)	$	50,000
51st Avenue Improvements (West of France Ave)		160,000
Knox, James and 54th Ave. Area Improvements		450,000
2024		
Orchard Lane East Improvements		2,410,000
Humbolt Avenue (CR57) Reconstruction (53rd to 57th)		340,000
2025		
Orchard Lane West Improvements		3,480,000
53rd and Xerxes Avenue Improvments		80,000
2026		
Meadowlark Gardens Area Improvements		940,000
67th Ave and James Ave Mill and Overlay		200,000
68th Ave and Lee Ave Mill and Overlay		130,000
John Martin Drive Mill and Overlay		130,000
St. Alphonses Area Mill and Overlay		390,000
2027-2035		7,250,000
Total Project Costs	$	16,010,000

The special assessment process starts early as a project is planned. Communication and notification to affected property owners as well as public hearings and approvals are completed in the year proceeding the project. With the current assessment rates a single-family residential unit would incur a special assessment payable over a 10-year period at 3.0% interest of $4,707 for the full street reconstruction portion and $1,412 for the storm water portion. Annual payments over that 10-year period would average approximately $715 for that resident. Depending on the size of the project, over 100 properties are potentially impacted on an annual basis.

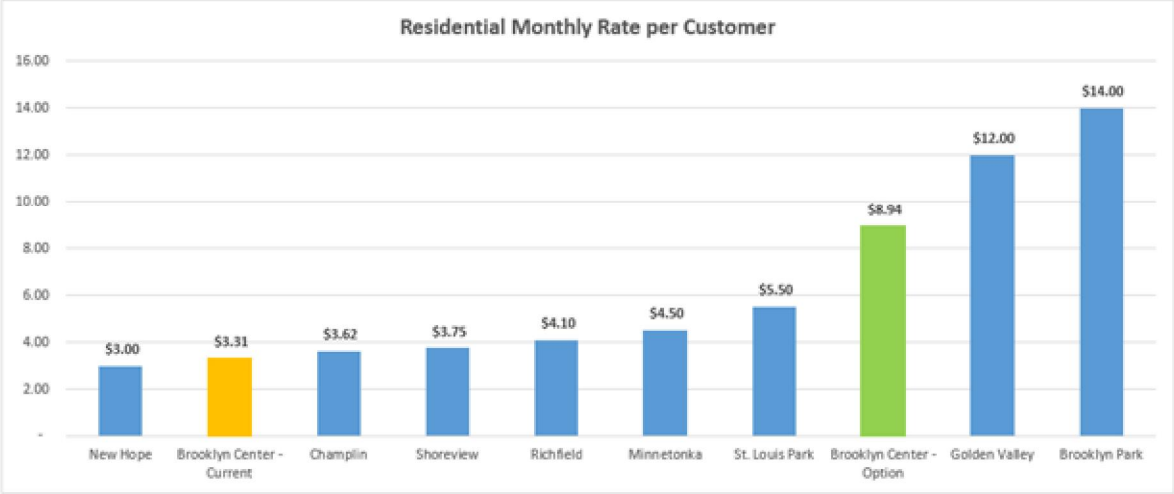
With the exception of the Humboldt Avenue reconstruction project listed above, most of these projects are less intrusive and costly pavement rehabilitation projects. The assessment amount for street improvements on partial street reconstruction projects (full pavement replacement) is $3,530 per R1 single-family residential lots in 2021. The assessment amount for street improvements on pavement rehabilitation projects (mill and overlay) is $1,556 per R1 single-family residential lots in 2021.

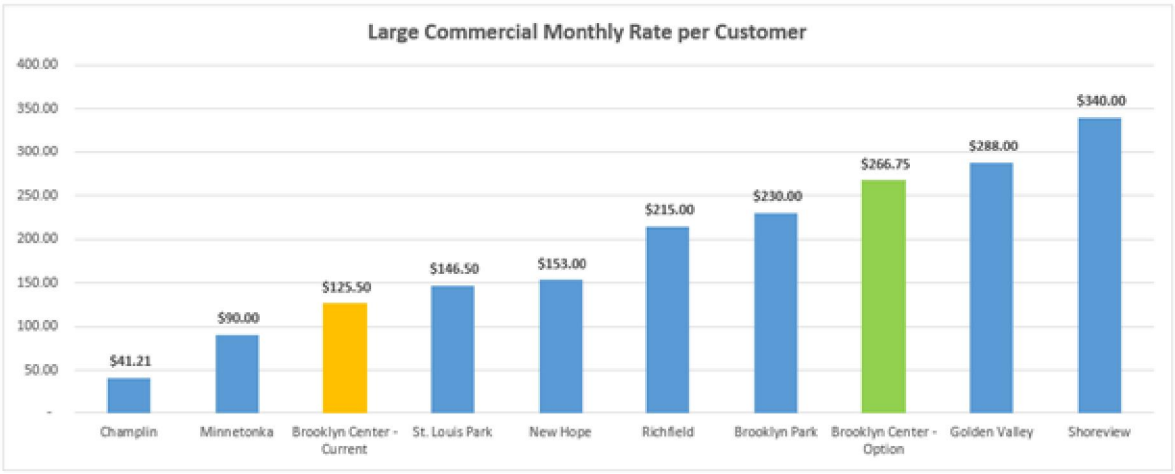
Comprehensive Franchise Fee Program

As infrastructure costs continue to rise the dollar amount needed to be collected through taxes (bonding) and assessments is expected to increase over the coming years due to the replacement needs of the system. Property taxes also exempted renters, non-profits, schools, and other entities that utilize the public infrastructure. Also, the property tax option would have changed yearly based on values of homes and businesses. Having a dedicated fee ensures local control of the revenue and that repairs stay on schedule with the street management plan.

Increasing the property tax levy (bonding) and special assessments to cover the increased needs of our street repairs is one option, but there is an option to increase the franchise fees we currently collect to cover additional costs. The increase would not be a new revenue but rather a replacement of the old revenue source which came from general taxes and special assessments. The revenue generated with the additional franchise fee would eliminate the need for special assessments and decrease the bonding needed. The goal of the modified fees would be to establish them at a rate to fully sustain our pavement management program needs for the long term.

Over the next 13 years, there are currently planned projects of $16 million to be funded by a combination of special assessments and bonds in the special assessment capital project fund. To allow for the city to discontinue the special assessment process, starting in 2022 the city could possibly increase franchise fee revenue collection from $735,000/year to $1,935,000/year, an increase of $1.2 million. This would completely eliminate the need for special assessments and decrease the planned bonding for these projects. To provide an overview of the possible impact on users, the following charts detail peer group rates as well as our current rates and the impact of increased rates.





As can be seen from the charts, the city's current rates are on the lower end of the peer group. The orange column represents the city's current rates and the green column represents an example of the possible rate change. These estimated rates are based on initial summary data received from CenterPoint and Xcel Energy. If we did proceed with additional evaluation, there would be opportunities to determine specific adjustments to the rate groups to allocate the impact to users. In this example, a residential user would see a $5.63 monthly, $67.56 annual increase in their franchise fee. A larger commercial user would see a $141.25 monthly, $1,695 annual increase in their franchise fee.

Budget Issues:

Any proposed changes to the franchise agreements with Xcel Energy and Centerpoint Energy could impact the franchise fee revenues received by the City. As the report is prepared, the impacts to changes in special assessment and franchise fee revenues would be evaluated and incorporated in the budget.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Resident Economic Stability, Safe, Secure, Stable Community, Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution Directing Staff to prepare franchise report	4/6/2021	Resolution Letter
Franchise Fee Presentation	4/6/2021	Presentation

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DIRECTING STAFF TO PREPARE A REPORT THAT WOULD ALLOW FOR THE IMPLEMENTATION OF A COMPREHENSIVE FRANCHISE FEE PROGRAM THAT IF APPROVED WOULD REPLACE SPECIAL ASSESSMENTS FOR STREET IMPROVEMENT PROJECTS.

WHEREAS, on December 8, 2003, the Council adopted two resolutions which established franchise fees with Xcel Energy and CenterPoint Energy; and

WHEREAS, the City has determined that there is an opportunity to evaluate the current agreements and program to cover additional capital improvement costs,

WHEREAS, the staff report shall include the following: 1.) Alternative Franchise Fee Options, 2.) An analysis of the cost burden shift between classes of property owners i.e. residential/commercial/industrial/not for profit, 3.) An engagement and communication plan to assure public awareness and feedback before adoption

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that city staff shall prepare a report that would allow for the implementation of a comprehensive franchise fee program that if approved would replace special assessments for street improvement projects.

_____ _____

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.

Franchise Fees – Agreements and Program

City Council Meeting - April 12, 2021

Mark Ebensteiner - Finance Director, Doran Cote – Public Works Director

Franchise Fees

- Seeking resolution directing staff to proceed with report on possible changes to the franchise fee agreements and approach to funding capital costs.
- Franchise fees were established, under Minnesota Statute (216B.36), to allow cities to impose a fee on utility companies for the use of public right-of-way and other public grounds in the delivery of services to their customers.
- Assist cities to cover costs of maintaining aging infrastructure, without raising property taxes.
- Fees are considered more equally distributed than property taxes, and paid by all utility customers (even those who don't currently pay property taxes)
- Advantages:
  - Cover a wider base than property taxes
  - Diversifies the City's revenue sources
  - Reliable sources of revenue
  - Flat fee easy to administer and eliminates seasonal fluctuations

Background

- December 8, 2003 – City Council adopted two resolutions which established franchise fees with Xcel Energy and CenterPoint Energy.
- $735,000 estimated annual revenues (Xcel - $460,000, CenterPoint - $275,000)
- Revenue receipted to Street Reconstruction fund and provides a funding source for street projects.
- Fees have previously been increased 3% on 1/1/2017 and 1/1/2020.

Agreements

- Xcel Energy
  - Existing franchise agreement effective through 2023.
  - Franchise fees cannot exceed 2% of total annual revenues derived from the City.
  - Expressed interest in negotiating a new agreement prior to expiration.
- CenterPoint Energy
  - Existing franchise agreement effective through 2035.
  - Less restrictive than Xcel – requires that franchise fee formula is non-discriminatory or place the company at a competitive dis-advantage.

Current Fees

Xcel Energy Fees

Type	2021 Monthly Fee
Residential	$ 1.65
Small Commercial & Industrial - Non-Demand	4.25
Small Commercial & Industrial - Demand	22.75
Large Commercial & Industrial	103.00
Public Street Lights, Muni Pumping	13.50

CenterPoint Fees

Type	2021 Monthly Fee
Residential	$ 1.66
Commercial A	1.74
Commercial Industrial B	5.63
Commercial C	22.50
SVDF A	56.23
SVDF B	107.96
LVDF	107.96

Special Assessment Construction Fund

- Accounts for street reconstruction projects funded with special assessments.
- Properties benefiting from street reconstruction and storm sewer are assessed for a portion of the project costs.
- 10 year assessments, 3% interest rate
  - Street Reconstruction $4,707
  - Storm Water $1,412
  - Partial Street Reconstruction $3,530
  - Mill and Overlay $1,556
- Reconstruction assessments result in average annual payments of $715

Special Assessment Construction Fund

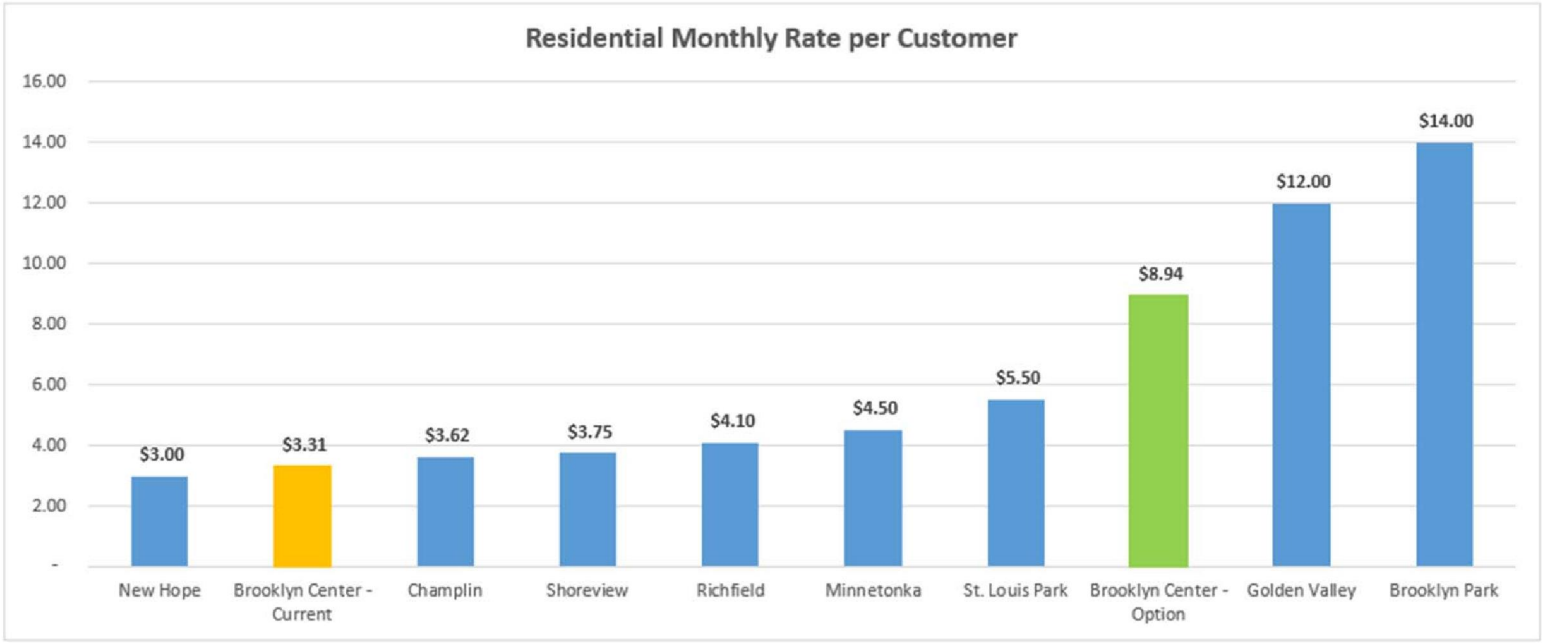
- Average assessment $1.2 million/year through 2035
- Infrastructure costs continue to rise
- Assessments require more project delivery and legal/admin/engineering time
- Projects could be bid earlier in year

2023		
50th Avenue Improvements (France Ave to Drew Ave)	$	50,000
51st Avenue Improvements (West of France Ave)		160,000
Knox, James and 54th Ave. Area Improvements		450,000
2024		
Orchard Lane East Improvements		2,410,000
Humbolt Avenue (CR57) Reconstruction (53rd to 57th)		340,000
2025		
Orchard Lane West Improvements		3,480,000
53rd and Xerxes Avenue Improvments		80,000
2026		
Meadowlark Gardens Area Improvements		940,000
67th Ave and James Ave Mill and Overlay		200,000
68th Ave and Lee Ave Mill and Overlay		130,000
John Martin Drive Mill and Overlay		130,000
St. Alphonses Area Mill and Overlay		390,000
2027-2035		7,250,000
Total Project Costs	$	16,010,000

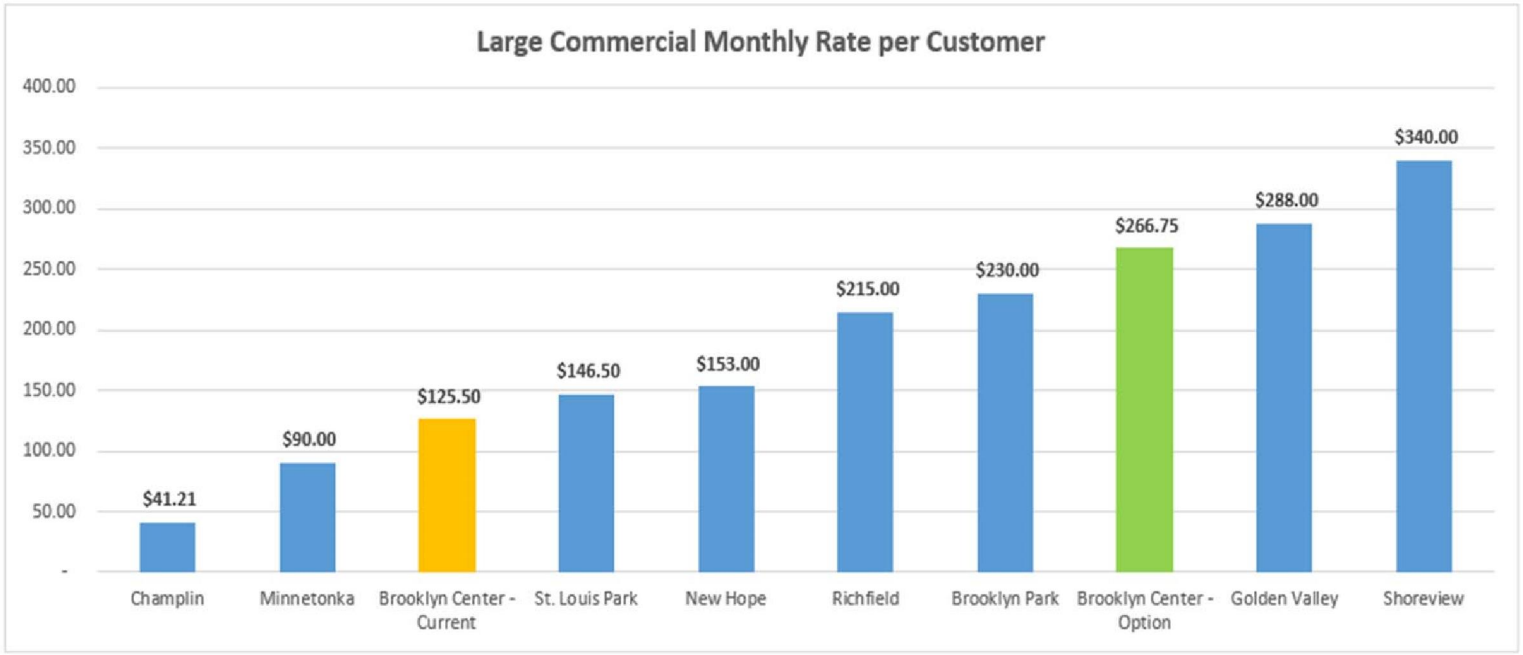
Comprehensive Franchise Fee Program

- Increased fees would cover the portion of capital costs that are currently funded through special assessments.
- Dedicated and consistent revenue source ensures local control of revenue and that repairs stay on schedule.
- Replacement of revenue source – Franchise fees vs. Taxes and Assessments

Comprehensive Franchise Fee Program



Comprehensive Franchise Fee Program



Action/Discussion

- Requested Council Action

  - Motion to approve a resolution directing staff to prepare a report that would allow for the implementation of a comprehensive franchise fee program that if approved would replace special assessments for street improvement projects.

- Discussion

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: 97680230856# Passcode: 7635693300#
April 12, 2021

AGENDA

ACTIVE DISCUSSION ITEMS

1. A Concept Development Proposal for 6221 Shingle Creek Parkway (The Crest Apartments)
2. Discussion of Council Policy Governing Commission Appointments
   - Direction regarding Council policy for filling vacancies on advisory commissions.
3. Native Lawns and Bee-Friendly Gardens
4. Mayor's Senior Policy Aide Position

PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items
   - 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

Council/EDA Work Session

DATE: 4/12/2021

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.

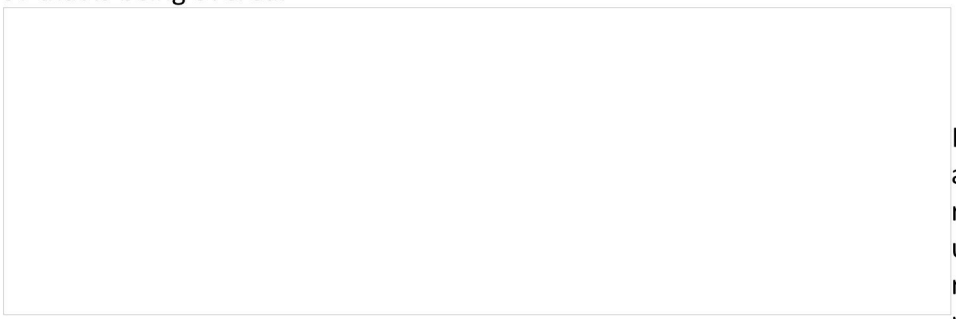
Sta? has met with Aeon to discuss the site lay out and development plan; however, sta? has not done a complete review of the proposal, which would occur at the time that a full land use application was submitted. Detailed items such as setbacks, stormwater, grading, tra?c circulation, etc will all need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

Community Engagement Efforts:

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

Leslie Roering
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



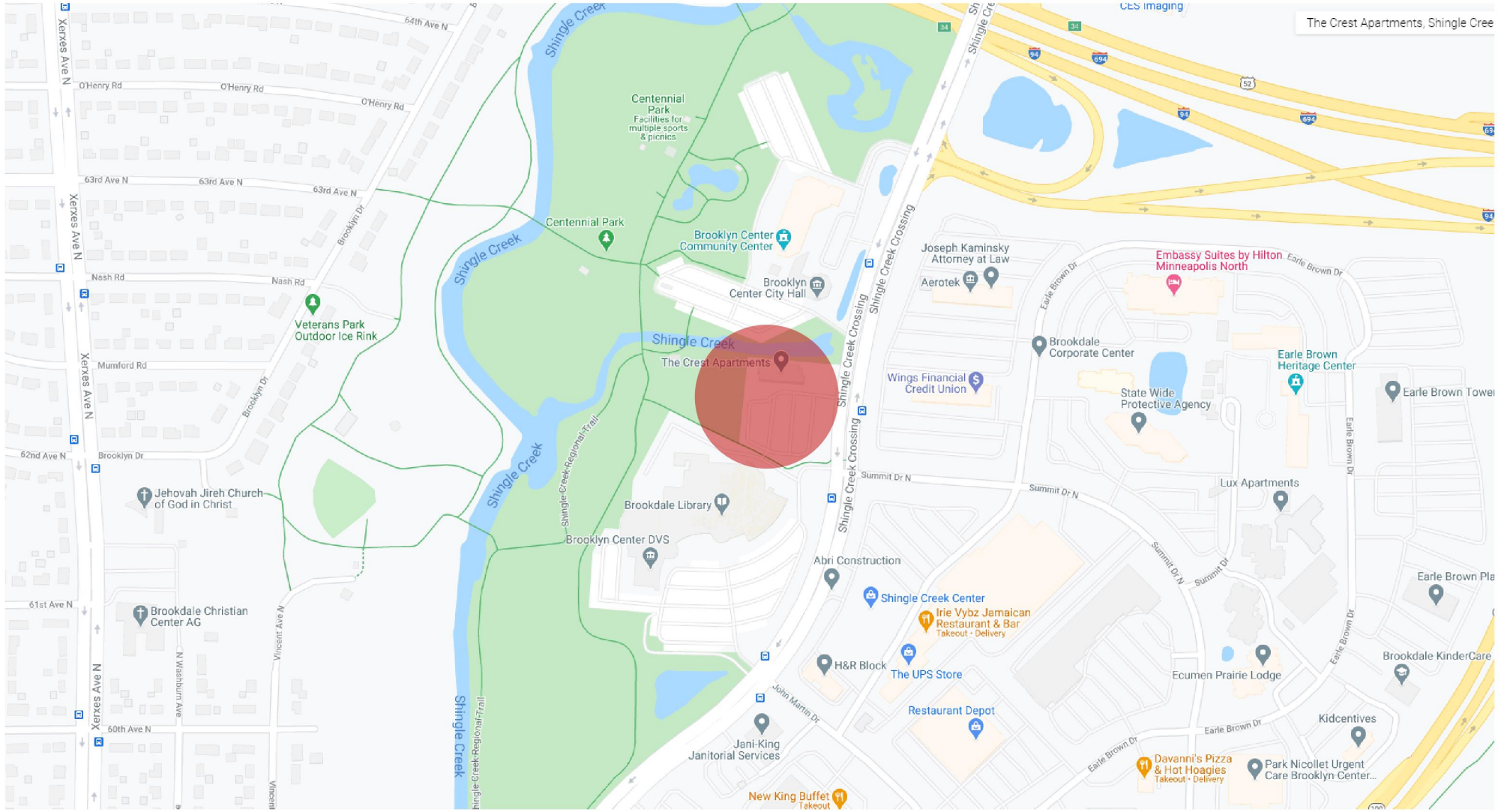
aeon
home changes everything

BKV
GROUP

WATSON - FORSBERG
General Contractors

PIERCE PINI &
ASSOCIATES, INC.
Consulting Civil Engineers

Site



BKV GROUP

aeon home changes everything

Site context





















BKV GROUP aeon home changes everything

Existing





BKV GROUP aeon home changes everything

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

BKV GROUP aeon home changes everything

Site Plan
Parking Option 2



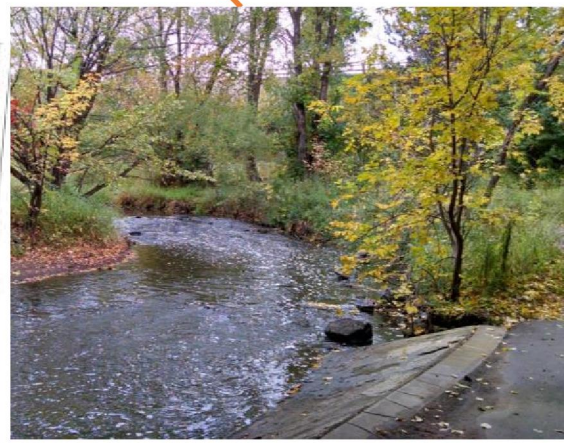
PARKING TOTALS	
SURFACE	163
STRUCTURED	31
TOTAL	194
PROOF OF PARKING	+14
ALTERNATE TOTAL	208

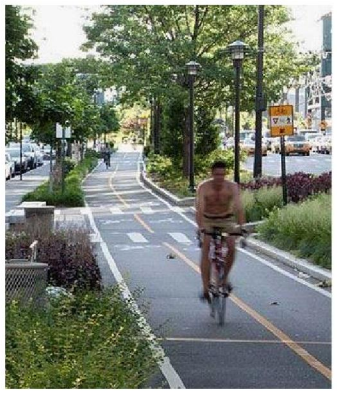
BKV GROUP aeon home changes everything

Site Vision and Design











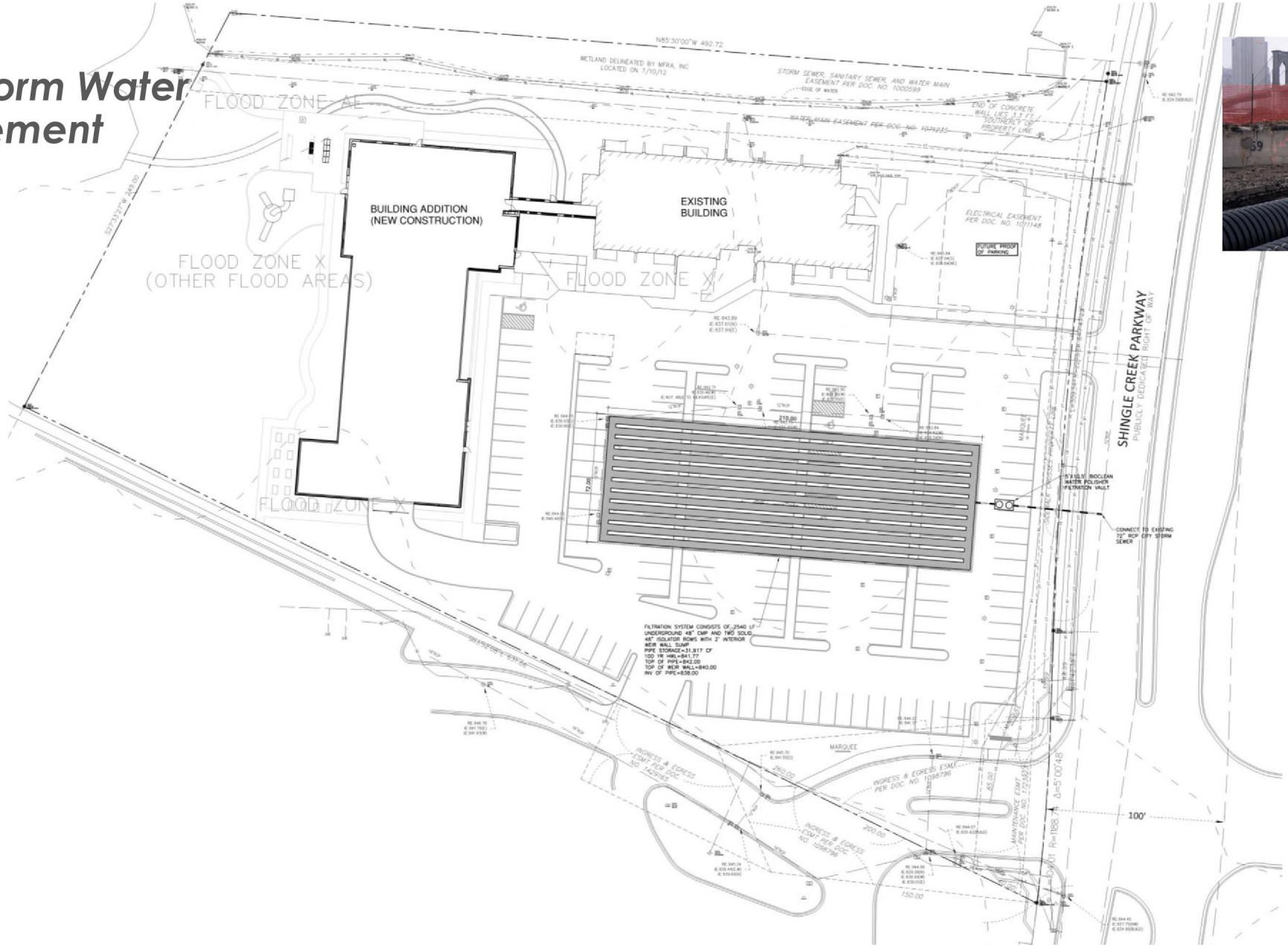






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Site & Storm Water Management





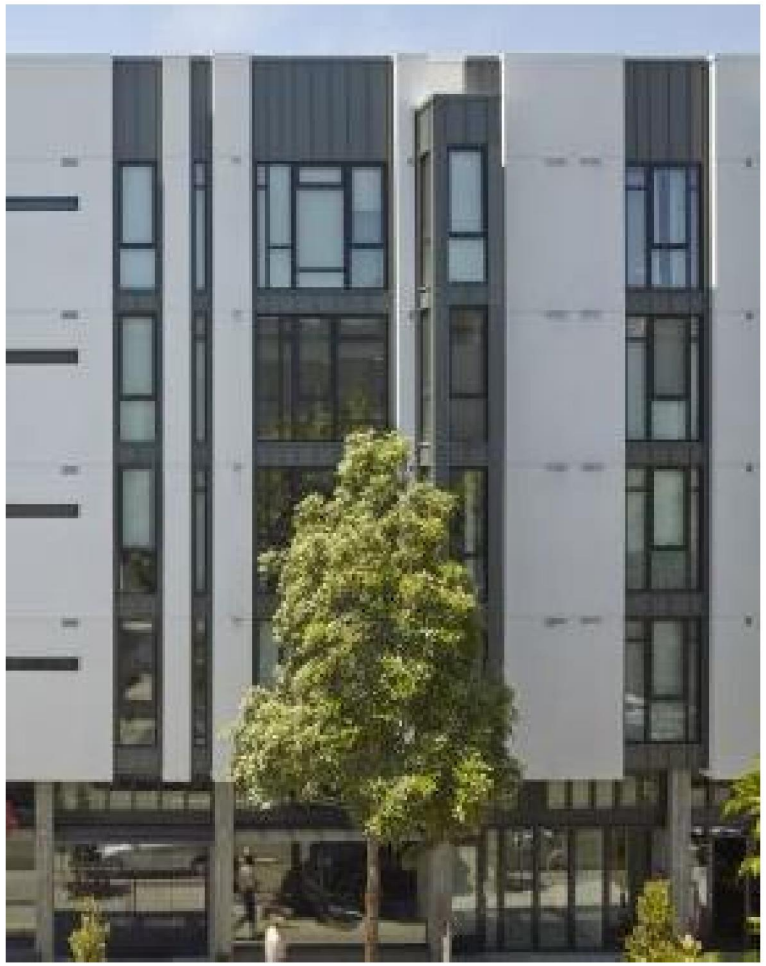


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Exterior Visioning

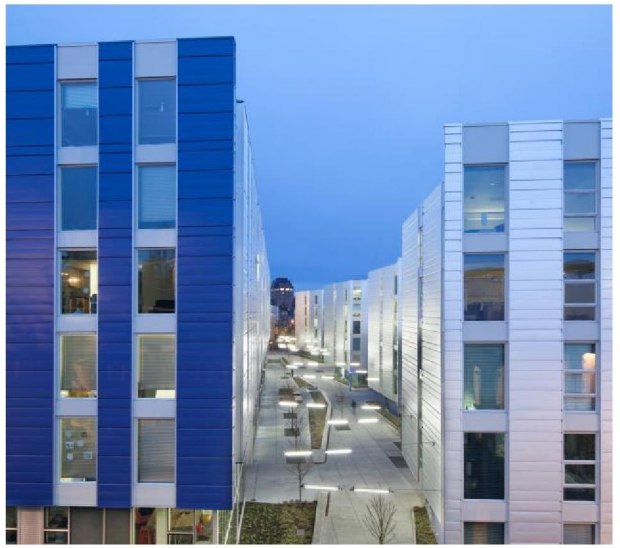
BOLD | PLAYFUL | ACTIVE





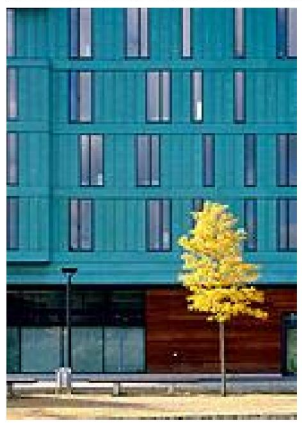














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Renderings – Existing & Addition





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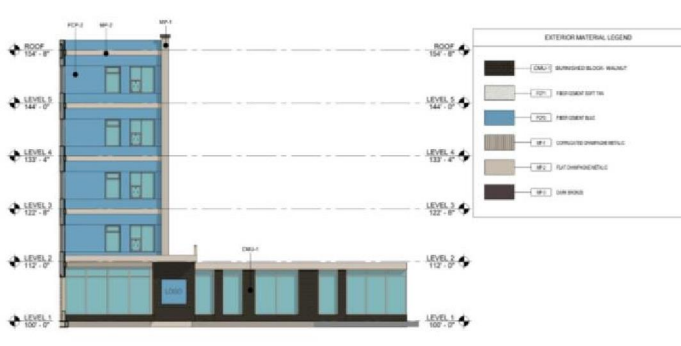
Elevations



NORTH ELEVATION



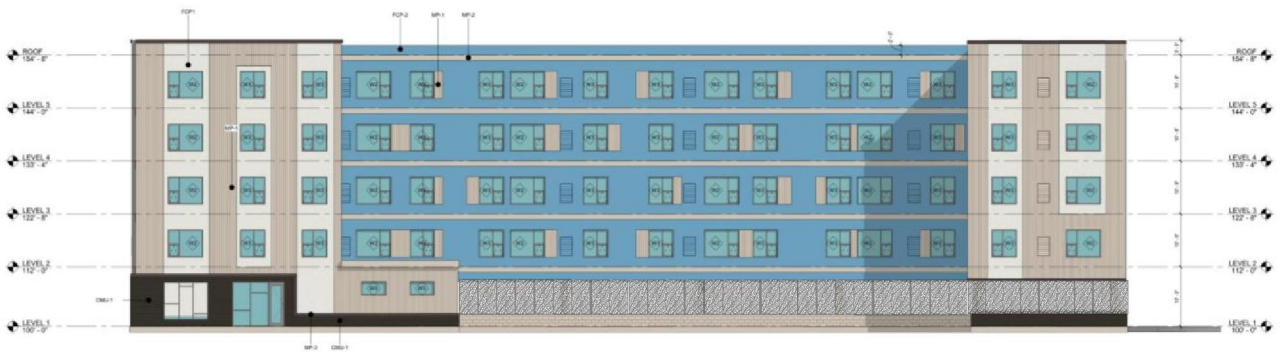
SOUTH ELEVATION



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
The Rookery, Suite 920
Chicago, IL 60604
P 312.279.0470

DALLAS
1412 Main Street
Adolphus Tower, Suite 700
Dallas, TX 75202
P 469.405.1196

HANOI, VIETNAM
No 1 Dao Duy Anh Street
Ocean Park Building,
Suite 15, Room 1508
Phuong Mai Ward, Dong Da District
Hanoi, Vietnam
P 469.405.1240

MINNEAPOLIS
222 North Second Street
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: 4/12/2021

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

SUBJECT: Discussion of Council Policy Governing Commission Appointments

Requested Council Action:

- Direction regarding Council policy for filling vacancies on advisory commissions.

Background:

Currently, the City Council has no formal written policy regarding the method and procedures for making appointments to advisory commissions.

Historically, the Council's approved practice has required staff to provide public notice when a commission vacancy occurred. The primary means of public notice has been through the Sun Post, City Web Site, Social Media and public announcement at community and Council meetings.

All applications have been directed to and received by the City Clerk who has forwarded said applications to the Mayor and Council members for review.

Historically, the Mayor has interviewed candidates and made a recommendation to the City Council for Council consent.

Most recently, names were submitted to the City Council for consideration by the Mayor and they were approved by the City Council. After the meeting it was determined that two of the approved individuals had not submitted an application to the Office of the Clerk. As a result the Council received no written application information to consider in advance.

This a signification departure from previous Council direction and therefore we are seeking Council direction.

In addition, the issue of timely appointments has been raised by several Commission members and Councilmembers. The enabling resolutions for most of our Council advisory commissions say that commissioners who have not been reappointed at the end of their term shall continue to serve until there replacement has been appointed and qualified.

The question raised by Commissioners has been how long should they be expected to continue to serve after their term has expired.

Policy Questions

1. As way of promoting constancy and transparency does the Council desire the development of policy that more clearly codifies the method and process for Commission appointments?

2. Does the Council have specific recommendations to resolve the questions regarding the application process or the timeliness of appointments and or reappointments?

3. Does Council wish to continue with the status quo?

Budget Issues:

Not applicable

Community Engagement Efforts:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

ATTACHMENTS:

Description	Upload Date	Type
Commissions members with expired terms	3/22/2021	Backup Material

Commission Serving with Expired Terms

Financial Commission – Total of 7 seats and currently 2 vacancies

Name	Last Appointment Date	Term Ending Date
Teneshia Kragness	1/8/18	12/31/20 *
David Dwapu	1/8/18	12/31/20 *
Taofeek Ishola	6/10/19	12/31/21
Emmanuel Kpaleh	6/9/20	12/31/23
Dean Van Der Werf	12/14/15	12/31/18
(*) Term expired and application on file for reappointment		

Resolution 99-110

Members' Term of Office: Members of the Commission shall be appointed by the Mayor with majority consent of the Council. The terms of office shall be staggered three-year terms, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Upon expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed and shall have qualified. Terms of office for members of the Commission shall expire on December 31 of respective calendar years.

In the event an appointed Commissioner suffers from an extended illness, disability, or other activity preventing proper fulfillment of duties, responsibilities, rules and regulations of the Commission, the Commissioner may be temporarily replaced by an interim Commissioner appointed by the Mayor with majority consent of the City Council.

Housing Commission – Total of 7 seats and currently 2 vacancies

Name	Last Appointment Date	Term Ending Date
Paul Oman	3/12/18	12/31/18 *
Kathie Amdahl	1/17	12/31/19 *
Mark Goodell	1/8/18	12/31/20 *
De'Ja Carter	3/8/21	12/31/23
Michael Donnelly	3/8/21	12/31/23
(*) Term expired and application on file for reappointment		

Resolution 2006-47
Members' Term of Office: Members of the Commission shall be appointed by the Mayor with majority consent of the Council. The terms of office shall be staggered three-year terms, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Upon expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed and shall have qualified. Terms of office for members of the Commission shall expire on December 31 of respective calendar years.

In the event an appointed Commissioner suffers from an extended illness, disability, or other activity preventing proper fulfillment of duties, responsibilities, rules and regulations of the Commission, the Commissioner may be temporarily replaced during the temporary leave by an interim Commissioner appointed by the Mayor with majority consent of the City Council.

Park & Recreation Commission – Total of 7 seats and currently 2 vacancies

Name	Last Appointment	Term Ending Date
Travis Bonovsky	1/1/17	12/31/19 *
Gail Ebert	1/1/17	12/31/19 *
Bud Sorenson	1/1/18	12/31/20 *
Tanisha Lungelow	6/8/20	12/31/23
Natalie Branch	3/8/21	12/31/24
(*) Term expired and application on file for reappointment		

Resolution 98-13
Members' Term of Office: Members of the Commission shall be appointed by the Mayor with majority consent of the Council. The terms of office shall be staggered three-year terms, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Upon expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed and shall have qualified. Terms of office for members of the Commission shall expire on December 31 of respective calendar years.

In the event an appointed Commissioner suffers from an extended illness, disability, or other activity preventing proper fulfillment of duties, responsibilities, rules and regulations of the Commission, the Commissioner may be temporarily replaced during the temporary leave by an interim Commissioner appointed by the Mayor with majority consent of the City Council.

Planning Commission – Total of 7 seats and currently 1 vacancy

Name	Last Appointment	Term Ending Date
Peter Omari	3/9/20	12/31/21
Kellie Hmong	6/8/20	12/31/22
Alexander Koenig	1/1/18	12/31/21
Alfreda Daniels	6/8/20	12/31/22
Sizi Goyah	6/8/20	12/31/22
Stephanie Jones	6/8/20	12/31/22
(*) Term expired and application on file for reappointment		

Resolution 95-82
Members' Term of Office: Members of the Commission shall be appointed by the Mayor with majority consent of the Council. The terms of office shall be staggered two-year terms, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Upon expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed and shall have qualified. Terms of office for members of the Commission shall expire on December 31 of respective calendar years.

In the event an appointed Commissioner suffers from an extended illness, disability, or other activity preventing proper fulfillment of duties, responsibilities, rules and regulations of the Commission, the Commissioner may be temporarily replaced during the temporary leave by an interim Commissioner appointed by the Mayor with majority consent of the City Council.

Sister City Commission – Total of 5 seats and currently 1 vacancy

Name	Last Appointment	Term Ending Date
Issa Mansaray	3/12/18	12/31/22
Fatu Magassouba	8/26/19	12/31/21
Jacob Saffert	3/12/18	12/31/19
Sheku Samba	3/18/18	12/31/18
Tashawna Williams	3/12/18	12/31/20
(*) Term expired and application on file for reappointment		

Resolution 2015-159

ARTICLE III.

MEMBERSHIP. Section 1. The Commission shall consist of five (5) members who shall be appointed by the City Council upon recommendation of the Mayor.

Section 2. The initial appointments to the Commission shall be for one, two, three, four, and five year terms, and thereafter all appointments shall be for a term of five years or until a successor is qualified.

Section 3. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Council/EDA Work Session

DATE: 4/12/2021

TO: City Council
FROM: Curt Boganey, City Manager
THROUGH: Meg Beekman, Community Development Director
BY: Xiong Thao, Building and Community Standards Supervisor

SUBJECT: Native Lawns and Bee-Friendly Gardens

Requested Council Action:

Background:

The City's noxious weeds ordinance, 19-1601 to 19-1604, requires that property owners destroy noxious weeds or grass which is of a height of 8 inches or greater or has gone, or is about to go to seed. The ordinance allows natural preserves in publicly owned lands designated as park or open spaces, and prohibits natural preserves on private properties. The ordinance would not allow for natural prairie grass since natural prairie grass is taller than 8 inches in height.

As the interest in providing bee-friendly landscapes and native lawns has grown, several surrounding communities have adopted ordinance amendments allowing the installation of native prairie grass plantings/gardens. In the adopted ordinances, there are requirements for growing natural prairie grass such as setback requirements, landscape permits, size requirements, and the requirement for a a management plan.

Bee and Pollinator Friendly Gardens
On February 11, 2019, the City adopted an ordinance allowing residents to keep bees. The ordinance outlines specific rules on how to obtain a license to keep bees however the rules do not include or regulate the planting of bee and other pollinator friendly plants.

The ordinance is silent on creating gardens or plantings which encourage bees and other pollinators such as butterflies and birds and it is also silent on the maintenance of those gardens. The current ordinances do not restrict the planting of flowers or other plants; however, when those gardens or plantings are not maintained, it is difficult to enforce when there are overgrown grass and weeds that are part of the gardens as well.

Staff has worked with the City Attorney to draft an ordinance amendment which would provide an allowance for native lawns and pollinator-friendly gardens, which is attached for City Council's review and discussion.

Staff is seeking direction from the Council on how to proceed with this draft amendment. If the Council wishes to proceed with this review, staff recommends directing the topic and the proposed ordinance to the Housing Commission for review and a recommendation.

Budget Issues:

There are no budget issues to consider at this time.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Draft Ordinance	4/5/2021	Backup Material

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 during the regular City Council meeting to consider an ordinance related to repealing the snow emergency prohibition. City Council meetings are being conducted by electronic means under Minnesota Statutes, section 13D.021 and information on how to connect to the meeting is provided on the City's website. Please notify the City Clerk at 763-569-3306 if there are any questions about how to connect to the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 19 TO ALLOW AND REGULATE NATIVE AND NATURALISTIC VEGETATION

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

ARTICLE I. Brooklyn Center City Code Chapter 19 is hereby amended by adding Sections 19-1551 through 19-1555 as follows:

NATIVE AND NATURALISTIC VEGETATION PERMIT AND REQUIREMENTS

Section 19-1551. INTENT. The City Council determines that a variety of properly maintained landscapes in the City add diversity and a richness to the quality of life. The City Council also supports the preservation, restoration, and maintenance of diverse and biologically stable natural plant communities. The City Council also supports environmentally-sound practices, including those to preserve residential pollinators, such as the Rusty Patched Bumble Bee. The City Council finds that the establishment of native and naturalistic vegetation is an acceptable landscape treatment in the City. However, as a protection for the larger community, such native and naturalistic vegetation must be properly planted, maintained, and the length of transition period must be minimized such that the property does not create a public nuisance.

Section 19-1552. DEFINITIONS. For the purposes of Sections 19-1551 through 19-1555, the following terms shall have the meaning given them in this section.

a. "Native and naturalistic vegetation" means all native grasses and native plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow or prairie plant communities, with the exception of noxious weeds.

b. "Native grasses" mean grasses that existed in the State of Minnesota prior to European settlement including, but not limited to, beach grass, wood chess grass, sand reed grass, wheat grass, bluestem grass, grama grass, brome grass, buffalo grass, switch grass, Indian grass, and wild rye, with the exception of turf grasses.

c. "Native plants" mean plants that existed in the State of Minnesota prior to European settlement.

d. "Landscape edging" means material or vegetation used to differentiate a planting bed from turf grasses or adjacent planting beds.

e. "Meadow" or "prairie" means those plant communities dominated by a diversity of native perennial herbaceous plants and grasses.

f. "Noxious weeds" mean grasses or plants so designated by the Commissioner of the Department of Agriculture, pursuant to Minnesota Statutes, Section 18.77, Subdivision 8, or plants so designated by Hennepin County or the United States Department of Agriculture. The term includes any grass or plant that exceeds the height limitations established in these Sections 19-1551 through 19-1555. The term shall not include *Taraxacum officinale* (commonly referred to as the "common dandelion").

g. "Regularly cut" means mowing or otherwise cutting grasses or plants such that the dimension of the grasses or plants measured from the ground to the top of the grass or plant (as extended upright) does not exceed 12 inches in height.

h. "Transition period" means the amount of time to change from one type of landscaping to another.

i. "Turf grasses" mean bluegrass, fescue, ryegrass blends, or those other grasses commonly used in regularly cut lawns, including such grasses with non-woody vegetation interspersed within.

Section 19-1553. PERMIT REQUIRED; APPLICATION; CONDITIONS.

a. City Permit Required. No person shall establish or maintain native and naturalistic vegetation without having first obtaining a native and naturalistic vegetation permit from the City.

b. Application; Review Process.

1. Any person desiring a native and naturalistic vegetation permit shall make application on a form provided by the City Manager or their designee.
2. Applications for permits shall be reviewed and either approved or denied by the City Manager or their designee.
3. An applicant aggrieved by the application decision may appeal the decision as described in this Section.

c. Conditions of Permit.

1. The holder of a native and naturalistic vegetation permit shall comply with the setback regulations as required by Section 19-1554.

2. The holder of a native and naturalistic vegetation permit shall comply with the

maintenance regulations as required by Section 19-1555.

3. The City Manager may impose such other conditions and restrictions upon a native and naturalistic vegetation permit as deemed necessary for the protection of the public interest and other properties, and to ensure compliance with the requirements of the city code.

d. Suspension or Revocation of Permit. The City Manager or their designee may suspend or revoke a permit if the permittee fails to comply with the requirements of these 19-1551 through 19-1555, or any condition placed of a native and naturalistic vegetation permit. The City shall provide the permittee written notice of the suspension or revocation that states the reasons for the decision. The notice shall also inform the permittee of their right to appeal the decision to the City Council and the deadline for filing such an appeal.

e. Appeal. An applicant aggrieved by any permit denial, suspension, or revocation decision of the City Manager or their designee may appeal the decision to the City Council. Written notice of the appeal must be given to the City Clerk within 10 days of the written decision, as indicated in the notice of decision, and must summarize the applicant's reasons for appealing. The City Council shall consider the appeal at the next regularly scheduled City Council meeting on or after 10 days from the filing of the notice of appeal to the City Manager.

Section 19-1554. SETBACK REQUIREMENTS, EXEMPTIONS.

a. Setback Regulations, Generally. Native and naturalistic vegetation shall be set back at least five feet from the side and rear lot lines, unless exempted by this Section.

b. Exemptions to Setback Regulations. No setback shall be required on the side or rear lot lines if:

1. A fully opaque fence at least five feet in height is installed between the native and naturalistic vegetation and the side and rear lot lines, as applicable; or
2. The native and naturalistic vegetation abut native and naturalistic vegetation on an adjacent lot.

Section 19-1555. GENERAL MAINTENANCE REQUIREMENTS.

a. Native and naturalistic vegetation shall be maintained in such a manner that it does not contain noxious weeds.

b. Native and naturalistic vegetation shall be maintained at least once per year through mowing or, if appropriate permits are obtained from the City Fire Chief, through burning.

c. The area in which native and naturalistic vegetation is planted shall be clearly defined

by landscape edging or fencing. Native and naturalistic vegetation that directly abuts at least five feet width of mowed and maintained turf grass shall be considered to have adequate landscape edging.

d. The area in which native and naturalistic vegetation is planted shall not extend into public rights-of-way.

e. For any area in which native and naturalistic vegetation is likely to be seen by the public, a sign shall be posted on the property in a location likely to be seen by the public advising that native and naturalistic vegetation, a meadow, or prairie is being established. The sign shall be in addition to any sign permitted by the sign ordinance, but shall be no smaller than 10 inches square, no larger than one square foot, and no higher than 3 feet tall.

f. The maintenance of the area to a height of 8 inches or less if weeds cover more than 25% of the landscaped area equaling in excess of 144 square feet.

g. Any native and naturalistic vegetation within 18 inches of any public street, walk, bikeway or alley shall be maintained to a height of 12 inches or less.

h. The duration of any transition period to native and naturalistic vegetation shall not extend more than three growing seasons for any specific area.

i. Except to the extent expressly allowed by these Sections 19-1551 through 19-1555, permit holders shall maintain native and naturalistic vegetation in accordance with all other requirements of the City Code.

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

Adopted this ___ day of _____ 2020.

_____
Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

COUNCIL CALENDAR
March 8, 2021

TO: Members of the Brooklyn Center City Council

FROM: Mayor Mike Elliott

SUBJECT: Approve the Senior Policy, Administrative and Constituent Services Aide position to assist the Mayor in Carrying Out Duties of the Office of Mayor

RECOMMENDATION

Approve a resolution establishing the position of Senior Policy Aide to provide high level policy, administrative, and constituent services support to the Mayor's Office. The position will assist the Mayor in carrying out ever increasing responsibilities related to understanding and crafting policies, constituents' inquiries and needs, coordination of high level meetings and meeting preparation, and council meetings. This includes meeting and working with intergovernmental partners at the local, state, regional and federal levels on issues ranging from housing, transportation, health and the pandemic, to city development. The request for applications should begin in March 2021 with interviews to follow, and a target start date in June 2021.

FISCAL IMPACTS OF RECOMMENDATION

The pay range will be $47,694 - $58,046 1 FTE.

The pay for Fiscal Year 2021 will be $23,847 - $29,023 since the position will only be funded June - December.

BACKGROUND

The Mayor represents the city on many external boards and committees ranging from local to national. The Mayor is often tasked with managing a full time workload, a demanding schedule, and a multitude of high level meeting requests and demands from constituents. In September 2020 staff conducted a review of this position. The Mayor initially met with the City Manager and the Finance Director to begin work on scoring the position to support the Mayor. They, along with Human Resources, reviewed the position description provided by the Mayor, and they also offered an assessed pay range based on that job description. Critical support and increased capacity provided by this position is needed at this time to fully and effectively meet the responsibilities of the Office of Mayor in service to the people of Brooklyn Center.

NUMEROUS BENEFITS OF A SENIOR POLICY AIDE TO THE MAYOR

Provide much needed support for managing demands of the Mayor's office including:

Improve Policy Development by Conducting Research

- Conduct required research and provide documentation that is needed for decisions on critical issues.
- Provide critical information and documentation to inform the Mayor and Council in their decisions by conducting topical research as required.

Improved flow of Council meetings by helping the mayor to prepare

- Provide much needed support in coordinating the logistics, flow, and time of presiding over Council meetings.
- Provide much needed support in tracking concerns raised at Council meetings for follow up.

Improved constituent services

The constituent services function in the Mayor's Office includes one or more of the following activities to help citizens better understand city government priorities and ways to access government:

- Provide information and referral to answer public inquiries about the city government, and to refer citizens to appropriate city programs. Help citizens obtain specific benefits or resolve their issues with the city and external government agencies.
- Encourage and assist citizens and communities in making their views known on government issues and programs. Develop and maintain ties with stakeholder constituency groups to ensure the Mayor and Council are aware of their concerns, and that they are informed about the city's programs and priorities.

Support the management of the responsibilities and duties of Mayor's Office

- Manage the calendar and schedule meetings with internal and external partners and stakeholders, as well as State, Regional and Federal governmental entities and representatives.
- Provide much needed support in reviewing documents requiring the Mayor's signature.

Increased capacity to maintain relations with external governmental units and secure resources for Brooklyn Center

- Provide critical support for communication with State, Regional, and Federal government agencies.
- Provide critical support in identifying Met Council, County, and State legislative agenda items aligned with city priorities for securing funds, including State bonding bills.

City of Brooklyn Center
POSITION DESCRIPTION

Position Identification

TITLE:	Senior Policy and Administrative Aide
DEPARTMENT:	Office of the Mayor
STATUS:	Exempt

Position Summary
The Office of the Mayor is seeking highly-qualified candidates for the position of Senior Policy Aide. This position provides high-level administrative support to Mayor Elliott and reports to the Mayor. Mayor's Office positions are politically appointed by the Mayor.

Essential Duties and Responsibilities

Research

- Conduct required research and provide documentation that is needed for decisions on critical issues
- Provide critical information and documentation to inform the Mayor and Council in their decisions by conducting topical research as required

Scheduling

- Oversee intake of all event and meeting requests for the Mayor
- Prepare schedule and scheduling materials for the Mayor
- Serve as lead communicator with requestors
- Work with City communications team to ensure all meeting materials, including briefs and talking points, are prepared for the Mayor prior to scheduled events/meetings
- Manage Mayor's calendar

Constituent Services

- Manage and respond to all constituent inquiries
    - Disseminate any relevant information to appropriate departments

Administration

- Develop, and as needed, adjust processes to manage constituent communications and scheduling requests
- Oversee the full utilization of these processes ensuring all relevant information is appropriately tracked, managed, and reported to the Mayor, and any other relevant staff
- Oversee Mayor's media and non-media communications including, print and television, official Mayoral letters, proclamations, and thank you notes
- Manage Mayor's office expenses, ensure proper coding, and coordinate processing with finance department
- Review all documents for the Mayor's signature

Performs other duties as assigned.

Essential Knowledge, Skills, and Abilities

Communications: Must be able to read and understand correspondence, memoranda, and directives, and follow such directives. Must have extensive knowledge of office procedures and practices. Must have the ability to communicate clearly and concisely in English, both orally and in writing. Must have the ability to communicate effectively with persons who do not speak English and are from a variety of different cultures. Must have the ability to deal tactfully and effectively with all City personnel, outside agencies, vendors, and the general public.

Decision Making: Must be able to act in a decisive manner, using good judgment. Must be able to assess problems and situations, anticipate needs and evaluate alternatives. Must have knowledge of the utilization of appropriate resources and the willingness to communicate the use of available resources.

Interpersonal Relationships: Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work. Must be consistent in dealing with people; must have the ability to accept criticism and/or discipline. Must be able to establish and maintain relationships with other employees and positive public service relationships with members of the general public. Effectively represent the department and the City in meetings with governmental agencies; community groups; various business, professional, and regulatory organizations; and in meetings with individuals.

Professional Attitude: Must have commitment to the organization; willingness to take initiative; dependability; maturity in relationships with others; and self confidence. Must represent the organization to other agencies and citizens with a courteous, helpful, and accurate business-like attitude. Must be able to exemplify leadership by encouraging initiative, effective completion of work assignments, and appropriate resource utilization. Must have the ability to keep management informed of matters he/she must know to adequately perform the responsibilities of the position. Ability to

work as a team member.

Quality of Work: Must be able to operate in an efficient and safe manner all equipment and vehicles required for this position and in accordance with City policy and direction. Must be able to demonstrate initiative and independence in completion of work responsibility. Must be able to produce quality, accurate work, detect and correct errors, utilize work time properly and productively.

Technical Knowledge: Must have working knowledge of City programs, functions, and services in order to expeditiously respond to public inquiries. Must be proficient with office equipment.

Physical Abilities: Must have the ability to read and discern visual images on a variety of media. Must have the ability to remain seated or standing at the same work station for up to eight hours at a time with appropriate breaks in that time frame. Must have the ability to type accurately. Must have ability to record names and numbers accurately (e.g., not transpose numbers and/or letters).

Desirable Qualifications
Two years of executive-level administrative experience.
Two years of policy research and reporting experience.

Minimum Qualifications
- Three years of experience that includes related job duties and responsibilities.
- Knowledge and demonstrated proficient computer skills including Microsoft Office program applications (Word, Excel, Access, PowerPoint).

Position Description Approved

By _____ _____
Mayor Date Approved

_____
Human Resources

Mayor Elliott introduced this resolution and _____ moved its adoption:

RESOLUTION NO. _____

APPROVE A RESOLUTION ESTABLISHING THE POSITION OF SENIOR POLICY AND ADMINISTRATIVE AIDE TO PROVIDE HIGH LEVEL ADMINISTRATIVE SUPPORT TO THE MAYOR.

WHEREAS, The Mayor serves as the official elected head of the city, presides over City Council and is the primary point of contact for constituents, organizations, stakeholders, and governmental entities; and

WHEREAS, The Mayor is responsible to constituents and is a primary point of contact for citizens seeking city government assistance; and

WHEREAS, The needs of constituents experiencing hardship due to difficulties posed by the pandemic has amplified this need increasing pressures/demands on the Office of Mayor; and

WHEREAS, The Mayor is paid at a part time rate for approximately 5 to 10 hours per week; and the actual workload is more than 40 hours per week, additional support is needed to fulfill the duties of the Office of Mayor; and

WHEREAS, The position will improve constituent services by assisting the Mayor to help citizens obtain specific benefits or resolve their problems with city departments and external government agencies; and

WHEREAS, The position will help to manage the workload of the Mayor by taking responsibility for the calendar and scheduling critical meetings with internal and external partners, stakeholders, as well as external regional, state, and federal governmental entities; and, review documents requiring the Mayor’s signature in order to facilitate a more expedited process; and

WHEREAS, The position will improve flow of Council meetings by helping the Mayor prepare, with support in coordinating the logistics, flow, and timing of presiding over Council meetings; and provide support in tracking concerns raised at Council meetings for follow up; and

WHEREAS, The position will improve policy development by conducting required research and providing documentation on critical issues; and provide information and documentation to inform the Mayor and Council in their decisions by conducting topical research as required; and

WHEREAS, The position will provide increased capacity to maintain relations with external governmental units and help secure resources for Brooklyn Center by providing critical support for communication with regional, state and federal governments agencies; and, provide critical support in identifying Metropolitan Council, County, and State legislative agenda items aligned with city priorities for securing funds, including state bonding bills;

THEREFORE BE IT RESOLVED that the City Council adopt a resolution to approve the position of Senior Policy Aide to provide high level administrative support to the Mayor, effective immediately. The position is politically appointed and is hired by, reports directly to, and serves at the will of the Mayor. The Mayor shall be solely responsible for the management of the position. The Mayor's Office shall post the position in a manner that promotes equity and invites applicants of diverse backgrounds. The Mayor shall be responsible for interviewing qualified candidates and selecting the best candidate for this position. Council members will have access to this position for policy research and preparations for interviews or responses to media inquiries through the Mayor, in accordance with best management practices.

_____ _____

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.

Kennedy
&
Graven
CHARTERED

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MEMORANDUM

To: Brooklyn Center City Council
Curt Boganey, City Manager

From: Troy Gilchrist, City Attorney

Date: March 31, 2021

Re: Proposed Mayor's Senior Aide Position

At its March 8, 2021 work session, the City Council discussed the Mayor's proposal to establish a Senior Policy Aide ("Aide") position to support the Mayor and help provide information to the City Council. As proposed, the Aide position would be outside the typical City employment structure in that the Mayor would hire and manage the position, and the Aide would report to the Mayor and not the City Manager. The Mayor indicated the Mayor of Minneapolis has several aides and that the City of Berkeley, California has a city-manager form of government and the Mayor has aides that report directly to the Mayor.

During the discussion, the City Council agreed with my request to allow me time to review the proposed Aide position and to offer an opinion on whether it is consistent with the Brooklyn Center City Charter. For the reasons set out below, my opinion is that structuring the position as proposed is not consistent with the City Charter, but there are options the City Council could explore to establish an Aide position if it so chooses.

City Charter Provisions

The following are the relevant provisions from the City Charter:

- Section 2.09 – "The Council shall by ordinance establish a merit system in all or part of the City administration, but **neither the Council nor any of its members shall dictate the appointment of any person to office or employment by the City Manager** except as provided in Chapter 6 of this charter." (emphasis added)

- Section 6.02, subdivision 1 – "**[T]he City Manager shall control and direct the administration of the City's affairs**. The City Manager shall have the powers and duties set forth in the following subdivisions."

    - "Subdivision 3. **The City Manager shall appoint, upon the basis of merit and fitness and may suspend or remove upon the basis of merit and fitness, and upon the provisions of all applicable ordinances, all officers and employees of the City**, except the City Attorney, whose appointment and removal shall be at the discretion of the Council." (emphasis added)

City of Minneapolis

Article VII, Section 7.1 of the Minneapolis City Charter expressly requires the City Council to provide certain resources to the Mayor, including a minimum number of staff. Further, the section indicates the "Mayor may appoint any such staff without regard to Section 8.4(b)." The referenced section provides a collective process for appointments that involves the Mayor, Executive Committee, and the City Council. The City of Minneapolis is not a Council-Manager Plan charter city.

City of Berkeley

The City of Berkeley is a Council-Manager form of government under California law. The second sentence of the introduction of the Berkeley City Charter states – "The City Manager is appointed by the City Council and all other employees and officers are appointed by the City Manager." That arrangement is set out in Article VII, Section 28(b) of the City Charter, which indicates the City Manager appoints employees. The Charter does not contain language regarding Mayoral staff as in the Minneapolis Charter and does not provide separate authority for the Mayor or Councilmembers to appoint staff. The Charter does require the City Manager's appointment of department heads to be affirmed by a vote of at least five Councilmembers. Otherwise, "neither the Council nor any of its committees or members dictate or attempt to dictate, either directly or indirectly, the appointment of any specific person to office or employment by the City Manager."

Despite this prohibition, the City does allow the Mayor and Councilmembers to hire their own assistants. Based on past memos, it appears the City supports this practice based on amendments the City Council made to the City Code. The City lists in Section 4.04.120 of the City Code positions classified as "at-will" employees who serve at "the pleasure of the appointing authority." The list includes the Assistant to the Mayor, Legislative Assistant, Secretary to the Mayor, Administrative Secretary, and Secretary. The section does not define who is the "appointing authority", but it is clear from City documents the Mayor and individual Councilmembers appoint and manage their own assistants.

A memo from 2006 explains how the addition of a position allowed the appointment of assistants by Councilmember - "At its meeting of February 9, 1999, the City Council voted to modify the Personnel Ordinance (Berkeley Municipal Code Section 4.04.010 et. seq.) to include Legislative Assistants as regular at-will employees. This change allowed the Legislative Assistants to be

appointed with benefits if they were regularly scheduled to work twenty or more hours per week." A separate memo indicates Councilmembers may appoint their own legislative assistants by simply informing the City when they have hired a legislative assistant and submit a personnel requisition form.

It appears the City considers the ordinances the City Council adopted over the years to add these assistant positions to the list of at-will employees as sufficient authority for the Mayor and Councilmembers to directly hire these positions separately from the authority provided in the Charter. If that is the case, it is not clear how simply naming positions in the City Code can lawfully override the hiring authority set out in the Charter. As is recognized in the introduction to the Berkeley Charter, "as to municipal affairs, the Charter instead of being a grant of power is, in effect, a limitation of power." Because charter cities are bound by the language in their charter, I do not recommend the City attempt to follow this approach regarding the proposed Aide position.

Analysis

It is important to note at the outset of this analysis does not address the need for the Aide position. The determination of need for the position is left to the City Council. Rather, this review is limited to whether the Aide position as proposed is allowed under the City Charter.

The City Council has the discretion to make reasonable interpretations of the City Charter, just as it is occasionally called upon to interpret and apply sections of the City Code and state law. However, the City Council is ultimately bound by the provisions of the City Charter and cannot change or override Charter language by ordinance without formally amending the City Charter.

Under the Council-Manager Plan of government, "the council has policy-making and legislative authority, but the administration is the responsibility of an appointed manager who answers directly to the council." Chapter 4, page 5, LMC Handbook for Minnesota Cities. The only persons hired by the City Council under the City Charter are the City Manager (Section 6.01) and the City Attorney, which includes appointment of the City Prosecutor (Section 6.02, subd. 3). Under Section 2.07, the City Council fixes salaries of the "City Manager and all the subordinate officers and employees of the City." However, there are no provisions allowing the Mayor or any of the Councilmembers to directly hire staff. In fact, Section 2.09 expressly prohibits such involvement by stating that "neither the Council nor any of its members shall dictate the appointment of any person to office or employment by the City." The prohibition on the Mayor or any Councilmembers directing the City Manager to hire someone also prohibits them from directly hiring someone themselves. Except for the two positions mentioned above, the City Charter does not contemplate the direct involvement of anyone on the City Council in the hiring of City employees, which is one of the key elements of the Council-Manager Plan.

Despite the prohibition on the direct hiring of City employees, there are some options the City Council could consider if it desires to establish the Aide position. First, it can act to direct the City Manager to establish the position and to work through the usual City procedures to select someone for the position. Again, no member of the City Council can dictate who is hired, but the selection process could involve an opportunity for the Mayor and Councilmembers to

provide input on candidates. As with any other hiring, the City would need to follow the applicable employment laws, such as veteran's preference requirements, when hiring for the position. Once hired, the Aide can work directly with the Mayor and Councilmembers, but would be managed by the City Manager like any other City employees.

The second option would be to seek a City Charter amendment to allow for the appointment by the Mayor of the Aide position. Among the different methods for amending the City Charter, the most efficient is by recommendation of the Charter Commission and adoption of an ordinance by the City Council. Minn. Stat. § 410.12, subd. 7. This process requires a unanimous vote of the City Council on the ordinance. The language could expressly allow the Aide position and make it clear the position is hired and managed by the Mayor.

The final option, though much more limited, would be to explore whether there are certain tasks proposed to be performed by the Aide that could be performed by an independent contractor. Because an independent contractor is not a City employee, the work they perform is not tied to the City's employment structure. However, this option is limited in that the person selected to perform the work would need to qualify as an independent contractor. That means the person must be in the business of providing the identified services and control the method and manner of performing the work. In other words, the City can identify the specific tasks to be completed, but the contractor must be left to accomplish them without direct oversight or direction by the City.

For the purposes of determining employment status for workers' compensation, a person classified as a consultant is reviewed against the criteria in Minn. R., part 5224.0070. If the person does not fall within the definition of a consultant under the rule, then the are reviewed against the general criteria in Minn. R., parts 5224.0330 and 5224.0340. Information published by the Minnesota Attorney General's office identifies the following criteria to help determine if someone is legitimately classified as an independent contractor:

- The worker determines when, where, and how to performs the work.
- The worker's work is not essential to the employer's business model.
- The worker hires his or her own employees and assistants to complete the work and has continuing and recurring obligations related to the type of work he or she performs.
- The worker cannot have his or her contract terminated so long as the worker completes the proposed end result of the contract.
- The worker has an office, business license, and a place to perform his or her work that is independent of the employer.
- The worker is compensated for doing a particular job, such as preparing someone's taxes.
- The worker is solely responsible for his negligence, behavior, and the manner in which he or she performs the work.
- The worker has invested in tools, software, office space, and other materials that are not tied to a job with a particular employer.
- The worker cannot quit a job or terminate a contract with an employer without incurring a penalty.

I realize these options do not fully achieve the outcomes as proposed by the Mayor, but they are the only viable means of creating the Aide position in a manner consistent with the City Charter. I will be happy to answer any questions the Council may have regarding the issues discussed in this memo.

Council/EDA Work Session

DATE: 4/12/2021

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

SUBJECT: Pending Items

Requested Council Action:

Background:

- 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

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: