

Council Worksession
City Hall Council Chambers
April 8, 2024

AGENDA



The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the packet is available on the city's website.

- 1. Call to Order - 6:00 p.m.**
- 2. Council Miscellaneous Discussion items**
- 3. City Manager Miscellaneous Discussion items**
- 4. Adjourn**

**CITY COUNCIL
MEETING**

City Hall Council Chambers
April 8, 2024

AGENDA



1. Call to Order Regular Business Meeting - 7:00 p.m.

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

2. Roll Call

3. Pledge of Allegiance

4. Informal Open Forum

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

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

a. Meeting Decorum

5. Invocation - Lawrence-Anderson

6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

- *Motion to approve meeting minutes*

- *March 25 Worksession*
- *March 25 Regular Session*
- *March 25 EDA/Work Session*

b. Approval of Licenses

- *Motion to approve the licenses as presented.*

c. Resolution Accepting Bid and Awarding a Contract, Improvement Project No. 2024-07, Lift Station #5 Rehab

- *Motion to approve the resolution accepting the lowest responsible bid and*

award a contract to Pember Companies, for Improvement Project No. 2024-07, Lift Station #5 Rehabilitation.

- d. Resolution Approving Membership in the Hennepin County Fire Chiefs Association, Inc.
 - *Motion to approve a resolution membership in the Hennepin County Fire Chiefs Association, Inc.*
- e. Resolution Authorizing the Filing of an Application for the Hennepin Youth Sports Program Grant
 - *Motion to approve a resolution authorizing the application and execution of agreement to purchase sports (aquatic) equipment under the provisions of the Hennepin Youth Sports Program.*
- f. Resolution Accepting Bid and Awarding a Contract, Improvement Project No. 2024-01 Orchard Lane East Improvements
 - *Motion to approve the resolution accepting the lowest responsible bid and award a contract to Ryan Contracting Co., for Improvement Project No. 2024-01 Orchard Lane East Improvements.*

7. Presentations/Proclamations/Recognitions/Donations

- a. Proclamation Recognizing National Therapy Animal Day
 - *Motion to accept the proclamation*
- b. Update on Hennepin County's Solid Waste Plans and Organics Collection

8. Public Hearings

9. Planning Commission Items

10. Council Consideration Items

- a. Resolution for Brooklyn Center Cultural Arts Commission and Duties and Responsibilities Therefor
 - *Motion to approve resolution for Brooklyn Center Cultural Arts Commission and duties and responsibilities therefor*

11. Council Report

12. Adjournment



COUNCIL MEETING DECORUM

To ensure meetings are conducted in a professional and courteous manner which enables the orderly conduct of business, all persons in attendance or who participate in such meetings shall conduct themselves in a manner that does not interfere with the ability of others to observe and, when allowed, to participate without disruption or fear of intimidation.

- A. Decorum. Persons who attend meetings must avoid conduct that disrupts, interferes with, or disturbs the orderly conduct of the meeting or the ability of other attendees to observe and participate as appropriate. To that end, persons who attend meetings are subject to the following:
 - (1) Members of the public may only speak during meetings when allowed under Council Rules and only after being recognized by the presiding officer. The presiding officer may establish time limits for the acceptance of public comments or testimony.
 - (2) Public comments or testimony must be addressed to the presiding officer and not to other Council Members, staff, or others in attendance.
 - (3) All elected officials shall be referred to by their proper title and surname.
 - (4) Public comments should avoid personal accusations, profanity, or other improper content for a public meeting.
 - (5) Intimidating behaviors, threats of hostility, or actual violence are disallowed.
 - (6) Audible demonstrations intended to disrupt the meeting should be avoided, including stomping of feet, snapping of fingers, clapping of hands, and other conduct that may be intimidating or threatening to others.
 - (7) Holding, displaying, or placing banners, signs, objects, or other materials in any way that endangers others, prevents the free flow of individuals within the chamber, or obstructs or prevents the viewing of the meeting by others is not allowed.
- B. The presiding officer shall request any person(s) who disrupt, interfere with or disturb the orderly conduct of a meeting to cease the conduct and, as necessary, shall issue an oral warning to the individual(s) found to be in violation. If the individual(s) persists in disrupting, interfering with, or disturbing the meeting, the presiding officer may have the individual(s) removed or, under appropriate circumstances, temporarily clear the gallery. If for any reason the presiding officer fails to take such action, a majority vote may be substituted for action by the presiding officer to maintain order and decorum over the proceedings.
- C. The Council Chambers capacity is 76 persons per fire code.

Council Regular Meeting

DATE: 4/8/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Dr. Reggie Edwards, City Manager

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Motion to approve meeting minutes*
 - *March 25 Worksession*
 - *March 25 Regular Session*
 - *March 25 EDA/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:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Provide quality services with fair and equitable treatment

ATTACHMENTS:

Description	Upload Date	Type
3.25 Worksession	4/2/2024	Backup Material
3.25 Regular Session	4/2/2024	Backup Material
3.25 CC/EDA Worksession	4/2/2024	Backup Material

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

WORK SESSION
MARCH 25, 2024
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in a Work Session called to order by Mayor Pro Tem Kris Lawrence-Anderson at 6:00 p.m.

ROLL CALL

Mayor Pro Tem Kris Lawrence-Anderson and Councilmembers Marquita Butler, Dan Jerzak, and Teneshia Kragness. Mayor April Graves was absent and excused. Also present were City Manager Reggie Edwards, Director of Public Works Elizabeth Heyman, Assistant City Manager/City Clerk Barb Suci, and City Attorney Jason Hill.

MISCELLANEOUS

Councilmember Jerzak stated an error in the March 11, 2024, Regular Session minutes. On page four of the minutes, Mayor Pro Tem Lawrence-Anderson explained how the social worker could be in place without a City contract. Mayor Pro Tem Lawrence-Anderson agreed with Councilmember Jerzak.

Councilmember Jerzak pointed out there isn't a set agenda, but he has a few items he would like to discuss. First, he stated he would like to prioritize and assign dates for the outstanding work session topics list.

Mayor Pro Tem Lawrence-Anderson noted her agreement with Councilmember Jerzak. Also, some of the items are underway or being handled by Commissions. Therefore, she would like updates on those items.

Councilmember Butler stated the food truck ordinance is likely coming to the Council soon, and she would also like an update from Dr. Edwards.

City Manager Reggie Edwards stated staff reviews the list of pending items regularly. They add the topics to the list as needed and address the items as they are available. He asked the Council to prioritize the list and then allow staff to find dates that would work to address the list.

Councilmember Butler explained that the recent Parks and Recreation Commission meeting included discussing the memorial policy. The Commission previously addressed it but has not been

brought back to the Council. She added that trash cleanup is an important topic for her. She asked if the fence item was related to the airport. Dr. Edwards confirmed the fence item was related to the airport. Councilmember Butler stated the fence item is important to her as well.

Councilmember Jerzak asked what is being carried forth from the opioid settlement. He asked for Dr. Edwards to address the settlement and provide updates on the recent expenditures. Also, he has been paying close attention to the spending and balances. Per the Charter, the Council should be receiving regular updates.

Councilmember Kragness stated her priorities are the grant policy, purchasing policy, ARPA funds, and special assessment fees. She also wants to revisit the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act. The Council hasn't thoroughly reviewed it, but they continue to make decisions related to it.

Mayor Pro Tem Lawrence-Anderson agreed that reviewing the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act is her priority, as is the purchasing policy. She suggested that the meeting time before the regular session be used to address their priorities.

Dr. Edwards asked if there is a certain method the Council would like staff to prepare for discussion of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act. Mayor Pro Tem Lawrence-Anderson suggested that each council member review the document and bring talking points to the discussion.

Councilmember Jerzak stated he wasn't opposed to the suggested method. He stated that the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act calls for the alternative response team to serve city residents, but they should respond to anyone within the community. Details need to be clarified. The document needs updating, especially because two current Councilmembers weren't on the Council at its passing, and one current Councilmember voted against the measure.

Councilmember Jerzak added that the document calls for a review of Chapter 19, which needs to be considered. The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act needs to be accurate.

Councilmember Butler stated she would relay information about the memorial policy to the Parks and Recreation Commission. She added the Commission requested that any Councilmember be able to nominate Commissioners and that there be an ordinance regarding litter.

Mayor Pro Tem Lawrence-Anderson and Councilmember Jerzak agreed it would be beneficial for any Councilmember to recommend Commission appointments. There is a possibility the Charter would need to be amended to allow for the change.

Councilmember Kragness pointed out Mayor Graves has solicited input from the Council for Commission appointments.

Councilmember Butler stated the point of the suggestion by the Parks and Recreation Commissioner was for all Councilmembers to recruit folks, review applications, and bring them for a vote.

Mayor Pro Tem Lawrence-Anderson noted it may not be appropriate to have public discussions regarding applications to avoid negative comments about residents.

Councilmember Kragness explained she had the role, and the Commission explained it before appointing her to the Financial Commission. The Commissioners need to have more realistic expectations of the position.

Councilmember Jerzak asked the Council to consider the request regarding the therapy animals proclamation. Mayor Pro Tem Lawrence-Anderson stated she requested the item be on the first April agenda.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

BROOKLYN BLVD. FAILED SOD DISCUSSION

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

Ms. Heyman explained during the reconstruction of Brooklyn Boulevard; sod was installed in many locations in the corridor without an accompanying irrigation system. Unfortunately, much of the unirrigated sod, both publicly and privately owned, is dead. The Public Works Department is aware of the issue and is exploring alternative approaches to managing sod in the corridor. Specifically, staff are researching sod options that are low maintenance, salt-resistant, and can withstand extreme weather conditions. On a positive note, there is still money left in the project fund.

Ms. Heyman stated the sod was installed in 2021 and 2022 with the standard maintenance period. The timing of the installation was not ideal due to the extreme weather. Additionally, the Boulevard is a heavily trafficked area. Despite being a County road, the city is responsible for the area's landscaping. There are approximately 2.1 acres of publicly owned unirrigated sod in the corridor, but approximately 6.3 acres of the unirrigated sod is privately owned and the responsibility of the abutting property owner. During the construction, a flyer was sent to each property along the corridor explaining their duties and sod care best practices.

Ms. Heyman added the construction project had several special elements. However, there wasn't a maintenance plan as it wasn't a typical residential road reconstruction. Per city policy, the roadway strip is the property owner's responsibility. However, it would be difficult for the property owner to water and maintain the area. She suggested that the road be handled similarly to Bass Lake Road, where the city takes over the maintenance.

Ms. Heyman noted staff considered the typical sodding method, hydroseeding, and a new sod alternative. The cost estimates are conservative and are driven by watering and contracting out the eight months of maintenance. She noted removing the topsoil would cost \$200,000 no matter what. The typical warranty period is 30 days, but staff recommends extending the warranty to 60 days.

Ms. Heyman stated the first option is to use standard sod for 1 acre of public land and 3 acres of private land. The installation would cost \$310,000, and the maintenance would cost over \$700,000. The city knows how to use this method, and the full corridor could be addressed within the year. Also, it looks good as soon as it is installed, and the community is familiar with caring for the typical sod. It is important to note this is the method that previously failed.

Ms. Heyman stated the second option is hydroseeding. The installation would cost \$250,000 and an overall cost of around \$600,000. The County has used this option when facing issues of sod failure. There could be progress made in 2024. The public is familiar with the product as it is typical grass. If the drought continues, then this approach could fail.

Ms. Heyman added the third option is a native sod. It has been used in Minneapolis, and it is similar to traditional sod, but it promotes pollinators and reduces weeds. It requires intensive watering for the first month but less watering and maintenance than the other options. The City would work with the manufacturer to develop a unique seed mix. The native sod is also more resilient and eligible for grant funding. The installation costs around \$45 per square foot. The product has not been tested on a County road, so staff would recommend a pilot area to test the product. The public would be unfamiliar with the product, and it wouldn't match existing private lawns.

Ms. Heyman stated staff is suggesting a hybrid option to hydroseed behind the sidewalk and the trail to match the existing lawns and to use native sod in the Boulevard strip area. It is suggested the City adopt the strip area, and the native sod only requires mowing once per year. She showed maps of the different areas. The pilot project would also include an area of hydroseeding to test which option is best for the Boulevard strip.

Ms. Heyman stated there wouldn't be progress until 2026. They would hire someone in the spring for the hydroseeding and order unique native sod. Those things would be installed in the fall. In mid-summer of 2025, they would see the results of the pilot. If the native sod is successful, it could be fully installed in fall 2026.

Ms. Heyman stated the pilot would cost \$297,000 with a maintenance cost of \$359,000. If the native sod were successful, it would cost \$811,000 for full install and a maintenance cost of closer to \$300,000. The full installation could be funded by grants sought out by staff during the pilot period.

Ms. Heyman pointed out that private and public owners would share maintenance costs. Each fixing method comes in under the \$450,000 left in the project fund. If the Council is interested in the native sod option, it needs to be ordered soon.

Councilmember Jerzak asked if anyone has approached private property owners regarding the project and the cost implications. He asked if the Garden Club could do anything for the strip area, similar to the Monarch garden by the powerlines. He asked if the EDA-owned land had been offered for sale to the neighboring property to become a parking lot. Also, he asked if the resident artist had been consulted to do an art installation that required little to no maintenance.

Ms. Heyman stated the City wouldn't be handing the bill to the private property owners. After the 60-day warranty, the private property owners are responsible for maintenance.

Councilmember Jerzak asked if the responsibilities had been explained to the private property owners. Also, he wouldn't want a community member to be unsafe by crossing Brooklyn Boulevard to water the strip area. Ms. Heyman agreed that more communication needs to be done with the property owners. Staff didn't want to communicate with property owners before discussing this with the Council.

Ms. Heyman noted staff is on a quick timeline to determine how to address the sod. The art idea is another option, but it would take longer for the effect to be seen. She isn't sure if the EDA staff has spoken with the adjacent property owners about taking over the EDA-owned lot.

Councilmember Kragness stated it is an expensive lesson to learn. Staff has said it wasn't an ideal time to install sod, and there wasn't a maintenance plan in place. The city can only afford the first two options because the grant isn't guaranteed. The sod was installed in 2021, and it would be unfortunate for the project to continue through 2026.

Councilmember Butler agreed she doesn't want to rely on grant funding for the project. The Boulevard is important for visitors to see the vibrancy of the City.

Councilmember Kragness asked if there is an option to install an irrigation system. Ms. Heyman stated there is some irrigation, but it would be even more expensive. Additionally, the irrigation system is near other utility features, which has caused issues when utility companies access the utility lines. Staff would be hesitant to install that much irrigation, considering the access required by other entities.

Ms. Heyman clarified the sod installation was done at the proper time of year, but they didn't see standard weather patterns with the drought. Staff had the same concerns about cost. The benefit of the pilot is that there would be time to seek out a grant before moving forward with a full native sod project.

Councilmember Kragness asked if people could see that the sod failed after 30 days. Ms. Heyman stated it appeared to be working well at the 30-day mark. The weather is the factor that determines the longevity of the installation, and the recent weather patterns upended the typical maintenance practices.

Councilmember Kragness stated that extending the warranty period to 60 days wouldn't impact

them. Ms. Heyman stated that some other cities have extended the warranty to 60 days, and contractors are unlikely to take a project with a warranty longer than 60 days. The hope is that a higher level of communication will improve longevity.

Councilmember Jerzak noted that seeking out grants yearly is problematic and beyond staff capacity.

Mayor Pro Tem Lawrence-Anderson asked why native flowers aren't being considered. For example, marigolds are inexpensive and attract pollinators. Ms. Heyman stated the installation needs to be salt-resistant. The native sod is likely to be the best option to survive the road salt.

Mayor Pro Tem Lawrence-Anderson stated she is not supportive of the pilot option and that staff should consider planting native plants. Ms. Heyman stated there are strict height requirements to allow for visibility. Mayor Pro Tem Lawrence-Anderson pointed out that yarrow is a native plant that is short, perennial, and spreads well.

Councilmember Jerzak noted his agreement with Mayor Pro Tem Lawrence-Anderson.

Councilmember Kragness added that the city failed on the project and that they need to make it right.

Mayor Pro Tem Lawrence-Anderson agreed the private areas need to be fixed. She asked if the EDA-owned lot is included in the cost estimates. Ms. Heyman explained that the EDA-owned lot on the north side of the 63rd is not buildable, so it was included in the estimates.

Ms. Heyman asked if the Council is asking the Public Works Department to determine other options or to fix the private areas. Mayor Pro Tem Lawrence-Anderson stated the Council agrees to repair the residential properties with the hydroseeding and that the Public Works Department should determine other options for the City-owned land.

Ms. Heyman noted the current regulations put the responsibility of the strip on the homeowners. Staff are recommended to hydroseed behind the sidewalks and trails while the city takes over strip maintenance.

Councilmember Kragness stated she is comfortable spending the \$450,000 to fix all areas.

Ms. Heyman stated she could return to the Council in a few weeks with additional information. Still, there is a strict timeline for obtaining the necessary materials during the growing period.

Mayor Pro Tem Lawrence-Anderson stated that the homeowners must do the Brooklyn Center right. Councilmember Jerzak noted his agreement with Mayor Pro Tem Lawrence-Anderson.

Councilmember Jerzak requested the Council review the policy so that the homeowner would be responsible for the strip.

ADJOURNMENT

Councilmember Kragness moved and Councilmember Jerzak seconded to close the Work Session at 7:04 p.m.

Motion passed unanimously.

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

REGULAR SESSION
MARCH 25, 2024
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Pro Tem Lawrence-Anderson at 7:11 p.m.

2. ROLL CALL

Mayor Pro Tem Lawrence-Anderson and Councilmembers Marquita Butler, Jerzak, and Teneshia Kragness. Mayor Graves was absent and excused. Also present were City Manager Reggie Edwards, Assistant City Engineer James Soltis, Associate Planner Krystin Eldridge, Planning and Zoning Administrator Ginny McIntosh, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Joseph Sathe.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. INFORMAL OPEN FORUM

Mayor Pro Tem Lawrence-Anderson opened the meeting for the purpose of Informal Open Forum. The Council reviewed the rules of decorum.

Mayor Pro Tem Lawrence-Anderson moved and Councilmember Jerzak seconded to open the Informal Open Forum.

Gretchen E. offered to answer a question regarding Commission appointments previously asked by Councilmember Kragness. She stated she didn't receive any communication regarding her appointment to a Commission. She only knew from an announcement at a Council meeting.

Julie B. stated the decorum should be removed, and she would like Staff to follow-up with her. The document is missing cultural nuance. Some spaces are only comfortable for white bodies and aren't conducive to receiving opinions of diverse people. A large list of rules by the door is not welcoming. She asked how the Council has educated people in comparison to limiting expression. She suggested the Council look at who tends to attend the meetings and whom is greeted by Staff and Council.

Julie B. added the lack of accessibility for the meeting before the Regular Session is burdensome and isn't transparent. The information sharing seems selective and discriminatory. She asked how those concerns will be addressed.

Lori B. stated it is not acceptable to shut out the community from the 6:00 p.m. meeting. She asked if an expanded response team has been discussed at the meeting. As it stands, it seems like the team will be housed within the Police Department and not be staffed at all hours. The Implementation Committee has completed the research to show that this proposed plan will be ineffective and is not in line with the Committee's recommendations. Confining the team to the racist Police Department offices is an egregious attempt to maintain the status quo. The Implementation Committee regularly asked if their ideas would have saved the lives of Kobe and Duante. The answer for the current proposal would not.

Dr. Edwards stated the alternative response team will be discussed in the Work Session following the Regular Session.

Councilmember Jerzak moved and Councilmember Kragness seconded to close the Informal Open Forum at 7:28 p.m.

Motion passed unanimously.

5. INVOCATION

Councilmember Jerzak shared a quote by Thomas Paine, "I love the man that can smile in trouble, that can gather strength from distress, and grow brave by reflection. 'Tis the business of little minds to shrink; but he whose heart is firm, and whose conscience approves his conduct, will pursue his principles unto death."

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Kragness moved and Councilmember Jerzak seconded to approve the Agenda and Consent Agenda, as amended to remove item 6d, Resolution Identifying the Need for Livable Communities Act (LCA) Pre-Development Funding and Authorizing Application for Grant Funds for the Brooklyn Center Community Center, for consideration as item 10a, with amendments to the Regular Session minutes of March 11, 2024, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. March 11, 2024 – Work Session
2. March 11, 2024 – Regular Session
3. March 11, 2024 – EDA/Work Session

6b. LICENSES

ON-SALE INTOXICATING

Dos Hermanos II

1400 Brookdale Mall

ON-SALE SUNDAY

Dos Hermanos II

1400 Brookdale Mall

MECHANICAL

ANC HVAC LLC

4249 Edenbrook Terrace
Brooklyn Park 55443

RENTAL

INITIAL (TYPE IV – six-month license)

700 58th Avenue N

WILBUR HUBBARD

INITIAL (TYPE II – two-year license)

5440-44 Bryant Avenue N

Traiten Gunderson

RENEWAL (TYPE IV – six-month license)

3121 Lawrence Road

Empire Care Systems

5211 Xerxes Avenue N

Bmw Holdings Llc

4748 Twin Lake Avenue

Rco Holdings Llc

1821 Irving Lane N

R Hailemariam & A Balcha

2406 Ericon Drive

G B Homes Llc

5316 Colfax Avenue N

Home Sfr Borrower Llc

5406 Sailor Lane

JMW Investments LLC

5819 Knox Avenue N

G.b. Homes Llc

6018 Camden Avenue N

Gb Homes Llc

6213 Chowen Avenue N

Nazneen H Khatoon

7018 France Avenue N

Cmcb Llc

RENEWAL (TYPE III – one-year license)

3349 49th Avenue N

Incobex Homes Llc

6407 Orchard Avenue N

Hpa Borrower 2018-1 Ms Llc

RENEWAL (TYPE II – two-year license)

7111 Riverdale Road

A & V Olson

2912 Nash Road	SFR BORROWER 2022-A LLC
5321 71st Circle	Pramod Khakural
5350 Logan Avenue N	Ccf3 Llc
6436 Fremont Avenue N	Excel Properties, LLC
<i>RENEWAL (TYPE I – three-year license)</i>	
4207 Lakeside Avenue N, #229	Angelo C Lazarakes & G Faue
1706 71st Avenue N	Patricia & Richard Sandeen
4906 Howe Lane	Mccloud Llc
5943 Colfax Avenue N	Warren Terry & Juliana Koe
6937 Palmer Lake Drive W	Michael T Brooks
7021 Unity Avenue N	Geri L Williams
7024 Morgan Avenue N	Mcclure Properties Llc

- 6c. RESOLUTION NO. 2024-39; APPROVING SETTLEMENT AGREEMENT FOR BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 2 IMPROVEMENTS, PROJECT NO. 2021-05**
- 6d. RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES ACT (LCA) PRE-DEVELOPMENT FUNDING AND AUTHORIZING APPLICATION FOR GRANT FUNDS FOR THE BROOKLYN CENTER COMMUNITY CENTER** This item was considered prior to Agenda Item 10a.
- 6e. RESOLUTION NO. 2024-40; ACCEPTING BID AND AWARDING A CONTRACT, IMPROVEMENT PROJECT NO. 2024-05, 65TH AVENUE STORM SEWER REHABILITATION**

Councilmember Jerzak offered a friendly amendment to the motion to include changes to the March 11, 2024 Regular Session minutes to show Mayor Pro Tem Lawrence Anderson asked about the social worker not having an active contract with the City rather than Councilmember Jerzak.

Amended motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. 2023 FIRE DEPARTMENT ANNUAL REVIEW

Dr. Edwards explained the Council previously requested annual presentations by each Department, and the Fire Department volunteered to go first.

Fire Chief Todd Berg noted he was pleased to present the annual review for the department. It presents a year-end summary for 2023. As a Department, they continue to review, refine, and refocus our model. Their efforts allowed the firefighters to remediate all that had arisen and provide a level of service the community expects and deserves.

Chief Berg thanked all Department members for their professionalism and commitment at every level of the organization. He also thanked the City Council, City Manager, Dr. Reggie Edwards, all other city Staff, and mutual aid partners that help support the fire department. Chief Berg also thanked the community.

Chief Berg pointed out that 2024 is the 75th year of the Fire Department. There will be an open house celebration on September 21, 2024.

Chief Berg explained the mission is to protect the lives and property in the community from emergencies involving fire, medical, hazardous materials, and environmental causes. This is accomplished through education, fire prevention, fire suppression, emergency medical services, and other non-emergency activities.

Chief Berg added there is a vision to apply and be accepted for a federal SAFER grant to help with funding to initiate a 24-hour duty crew, continue to work with other emergency responder groups to deliver equitable and professional response to the community for all types of calls for service, continue to support Staff's emotional and physical wellbeing, continue recruiting paid-on-call firefighters, and celebrate 75th year of serving the community of Brooklyn Center.

Chief Berg pointed out the Fire Department is staffed by five full-time employees and 25 paid-on-call firefighters. They operate a 12-hour duty crew comprised of paid-on-call firefighters out of our West Station from 10 a.m. to 10 p.m. daily. They are authorized to have 40 paid-on-call firefighters. Finding paid-on-call firefighters is getting harder each year. This is a nationwide problem, not just Brooklyn Center. He showed an organizational chart of the Fire Department.

Chief Berg stated in 2023, there were 2,207 total call responses, 77 percent of which were handled by the duty crew. 1,186 calls were medical-related and 1,021 were fire-related. There were 35 structure fires and zero fire-related deaths. They received mutual aid 25 times and provided mutual aid 22 times.

Chief Berg noted the paid-on-call firefighters put in 15,409 hours of service and completed 1,662 hours of training. The Department conducted 508 fire inspections with 231 re-inspections. They attended 70 events including training 5,167 people in hands-only CPR since 2016. 1,233 students took part in Fire Prevention Week and learned about fire safety.

Chief Berg added the Department sold its 17-year-old Ladder truck. It was purchased new in 2007 for \$700,000 and sold for \$450,000. The truck went to a department in South Dakota and is the first aerial truck in their fleet. Also, the Department's Service Dog, Brooklyn, has passed her certification and is trained to be a compassion dog to be used both internally and externally. She is making a difference in the people she meets.

Chief Berg explained anticipated challenges and goals for the coming years are to increase staffing levels, plan fire truck replacements, promote firefighter safety, and engage with the community.

Chief Berg pointed out the community is growing. The services required of firefighters are increasing and it is becoming harder to find willing people to be paid-on-call firefighters. Firefighter recruitment and retention is one of the most significant issues facing the Minnesota Fire Service. The time demands of being a firefighter and the monthly training requirements and dangerous working conditions are among the many barriers organizations face. The Department is actively continuing to recruit new paid-on-call members. They currently have 20 paid-on-call firefighters and five in the recruiting phase.

The Department will be applying for a Federal SAFER grant in 2024 to help offset the cost of staffing a 24-hour duty crew. Most of the paid-on-call firefighters have other careers and having a 24-hour duty crew will help minimize the number of calls our firefighters would be paged out to during the nighttime hours.

Chief Berg explained the Department has had a funding issue that resulted in many years of progressive cost increases by the truck manufacturers; the funding is not keeping up with the actual costs. The Department currently has a truck on order that is replacing two trucks, one that is 39 years old and another that is 25. This new truck will be in service by the fall of 2024 and will be used by both the Police and Fire Departments.

Chief Berg added the Department also has three trucks that are or will be over 20 years old within the next two years that will be replaced. They will take 27 months to be built. The Department has a contract with Fire Safety USA for these three trucks and should see them around the summer of 2026. The reasons that these trucks need replacement besides age include new safety features and to keep up with industry standards and regulations.

Chief Berg pointed out that the emotional and physical health and well-being of our firefighters is important. The Department is incorporating yearly emotional wellness checks as well as medical checks. They make improvements to the fire stations, and turnout gear, and have truck retrofits for continued employee safety.

Chief Berg added they have a new Fire Inspector/Community Liaison person with the Department. This position will represent the fire department at more public functions as a representative of the fire department. The increased volume of calls for service has made it harder for the duty crew to attend such events.

Chief Berg added the City received one-time Public Safety Assistance dollars from the State to use

for recruitment, training, prevention, and mental health. The funding will be used for a number of efforts such as conducting annual mental health checks for firefighters, starting a junior firefighter program to encourage young community members to become interested in firefighting, and purchasing training supplies and fire prevention supplies.

Chief Berg noted they added three electronic message signs throughout the city to better enhance the opportunity to get important messages and communications out to our community members. The new signs are located at both fire stations and City Hall.

Chief Berg showed a chart with the incident types and their comparison to the State and National averages. Brooklyn Center's calls were 54 percent EMS and rescue, which is similar to the State percentage of 66.1 and the Nation's percentage of 65.4. However, the City has a higher percentage of false alarms and service calls.

Chief Berg showed a chart of calls by hour of the day. Most of the calls came during the day, and the busiest hour was 5:00 p.m. The number of calls and type of calls by day of the week were relatively consistent.

Councilmember Butler thanked Chief Berg for the presentation. She congratulated the Department on its 75th year. She asked what the minimum age is to join the Fire Department. Chief Berg stated candidates must be at least 18 years old and live within 8 minutes of either Station.

Councilmember Butler asked how long it takes for someone to go from application to response. Chief Berg stated it depends on the level of experience prior to applying. If an applicant had no relevant experience, it would take around 18 months to complete all of the necessary training.

Councilmember Butler asked for details on the recruiting process. Chief Berg stated they recruit each Friday with the Spotlight. Applications are pulled twice per year to align with the training academy schedule, usually in April and August. He added the signage should help with recruitment.

Councilmember Butler asked if Staff has considered sharing flyers for homes within walking distance of the Stations. Chief Berg stated it was a good idea.

Councilmember Jerzak asked for an update on the grant applications. Chief Berg stated the SAFER grant pays for the first three years of the positions. Two people cannot work enough to fill the gap. By the end of October or November, the Department will know if they receive the grant. Then they have three years to determine how to fund the additional positions.

Councilmember Kragness thanked Chief Berg for his presentation and the services completed by his Department. She noted her appreciation of the ongoing emotional and mental health support within the Fire Department and suggested even more programming be added. She also pointed out the financial efforts to mitigate the depreciation of the trucks.

There was consensus by the City Council to accept the 2023 Annual Review of the Brooklyn

Center Fire Department.

8. PUBLIC HEARINGS

8a. AN ORDINANCE NO. 2024-01; AMENDING CHAPTER 23 OF THE BROOKLYN CENTER CITY CODE REGARDING SPECIAL EVENTS

City Manager Reggie Edwards introduced the item and invited Assistant City Manager/City Clerk Barb Suci to make the Staff presentation.

Ms. Suci explained in 2021 and 2022, the Council passed Ordinance 2021-04 to regulate special events within the City. It required a permit for functions/activities with a projected attendance of 50 or more people. Proposed amendments include enhancing the definition of “activity” to include language for an activity on city streets requiring a detailed plan of the route and traffic control arrangements, to note large-scale events of 1,000 or more people need to submit 90 days in advance.

Ms. Suci added another proposed amendment regarding traffic barricades. There would be a requirement for a City-approved vendor to supply barricades, the event holder to establish a detour for street closures for an event lasting over 15 minutes, and the event holder to create an emergency plan. Additionally, there is a proposal to remove outdoor tents.

Councilmember Kragness moved and Councilmember Jerzak seconded to open the Public Hearing.

Motion passed unanimously.

Lori B. asked to make a comment on Chief Berg’s presentation. Mayor Pro Tem Lawrence-Anderson stated that would be all right.

City Attorney Joseph Sathe stated the Public Hearing is intended for the proposed Ordinance, but the comment can be received at a later time.

Diane S. asked for clarification on the tents portion of the ordinance. Planner and Zoning Administrator Ginny McIntosh explained the current language refers to a separate tent permit, which is confusing. The proposed change would allow for the tent information to be included in the event permit process.

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

Motion passed unanimously.

Councilmember Butler moved and Councilmember Kragness seconded to adopt ORDINANCE NO. 2024-01, an Ordinance Amending Chapter 23 of the Brooklyn Center City Code regarding Special Event.

Motion passed unanimously.

8b. AN ORDINANCE NO. 2024-02; VACATING A PORTION OF THE DEDICATED RIGHT-OF-WAY IN THE PLAT OF JOSLYN ADDITION (2ND READING AND PUBLIC HEARING)

City Manager Reggie Edwards introduced the item and invited Assistant City Engineer James Soltis to make the Staff presentation.

Mr. Soltis showed a map of the site and explained City Staff received a request to vacate a portion of City right-of-way that is encroaching upon an existing privately-owned storm retention pond on 4849 Azelia Avenue North. The area of the right-of-way proposed to be vacated appears to have been dedicated as a cul-de-sac, which has not been constructed and is not in alignment with the existing constructed road surface and use of Azelia Avenue North. City Staff has determined that there is no public need to retain the proposed Vacated ROW and the current dedicated right-of-way interferes with the existing stormwater retention pond, which is necessary for drainage in the area.

Councilmember Jerzak moved and Councilmember Kragness seconded to open the Public Hearing.

Motion passed unanimously.

No one appeared to address this item.

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

Motion passed unanimously.

Councilmember Butler moved and Councilmember Jerzak seconded to adopt ORDINANCE NO. 2024-02, an Ordinance Vacating a Portion of the Dedicated Right-of-way in the Plat of Joslyn Addition.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

9a. RESOLUTION NO. 2024-41; REGARDING THE RECOMMENDED APPROVAL OF PLANNING COMMISSION APPLICATION NO. 2024-002 SUBMITTED BY ICON LLC FOR AN AMENDMENT TO THE 2011 SHINGLE CREEK CROSSING

**PLANNED UNIT DEVELOPMENT AND MAJOR SITE AND BUILDING PLAN
AMENDMENT FOR CONVERSION OF AN APPROXIMATELY 7,322-SQUARE
FOOT FORMER DISCOUNT TIRE ON BUILDING SITE A TO AN ICON
BEAUTY RETAIL STORE WITHIN THE SHINGLE CREEK CROSSING PUD
(1450 SHINGLE CREEK CROSSING)**

City Manager Reggie Edwards introduced the item and invited Associate Planner Krystin Eldridge to continue the Staff presentation.

Ms. Eldridge explained the applicant is requesting review and consideration of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development (PUD) and a major site and building plan amendment that would ultimately convert the former Discount Tire located at 1450 Shingle Creek Crossing into a beauty and cosmetics retail store. The property is a one-story, approximately 7,322-square-foot former tire retail store that provided on-site installation services. The applicant is already a tenant of the Shingle Creek Crossing shopping center at 1090 Shingle Creek Crossing and a neighbor to Aspen Dental and Domino's Pizza. Icon has indicated a desire to not only expand its retail footprint but also to purchase property within the shopping center.

Ms. Eldridge stated the property has been owned by Halle Properties since 2013 and has been vacant since 2022. The lot is just over one acre and is zoned for PUD/C2. She showed images of the property. The property originally received approval as a pad site for Gatlin Development Company under the 2013 Shingle Creek Parkway PUD Master Plan. They then proposed an approximately 7,322-square-foot Discount Tire ultimately receiving approval under Planning Commission Application No. 2013-017 and City Council Resolution No. 2013-130. The existing building was approved with three (3) bay doors to accommodate tire and wheel repair and replacement. The remaining area was a lobby.

Ms. Eldridge pointed out the applicant and development team approached City Staff in May 2023 regarding the potential reuse of the property. City Staff talked through the high-level changes and provided feedback to the development team with the intent of proceeding with the submittal of a Planning Commission application by late summer; however, conversations stalled for a time. The Applicant re-engaged with City Staff in early February of this year.

Ms. Eldridge noted as proposed, the Applicant intends to convert the approximately 7,322-square-foot former Discount Tire, which was approved with approximately 1,980 square feet of front entry sales and display (retail), office, and restrooms, and remaining approximately 5,342 square feet of automotive repair area and storage, to an all-retail use with ancillary storage. A request to amend the existing Shingle Creek Crossing Planned Unit Development and any master plan documents is required as the City's Unified Development Ordinance requires Council action any time the "major amendment" threshold is triggered.

Ms. Eldridge explained there are no plans to modify or remove any of the access points. The north side of the property provides for two-way circulation around the site, as well as access to trash enclosure and fire access. The property is accessed internally via the 56th Avenue North entrance located off Xerxes Avenue North and on the west end of the shopping center property. Additional

access to the site is available off County Road 10 by utilizing the private road network within the shopping center. As noted previously, the Subject Property currently sits on a 1.02-acre parcel and was approved with 36 on-site parking stalls. The original 2011 approvals of the shopping center stipulated that a minimum of 4.5 stalls of parking be provided for every 1,000 square feet of building or buildings be provided for retail uses. Assuming the conversion of the former Discount Tires and bay areas to retail space with some ancillary storage space, a minimum of 33 parking spaces would be required. It appears there are currently 35 parking spaces on-site today, which satisfies the minimum parking necessary for the expanded retail use.

Ms. Eldridge stated as proposed, the three existing bay doors would be removed and the walls modified on the building's east elevation. Given the bay doors, no curbing is currently in existence. This elevation would be revised with curbing. Once installed, the above site plan indicates a 35-foot drive aisle, which is well beyond the minimum 24-foot wide drive aisle requirement to allow for two-way traffic.

Ms. Eldridge pointed out City Staff requests that an updated inventory be provided noting all existing landscaping and their condition. The provided site plan identifies certain plantings; however, their type and species are not identified. Should any plantings be missing from the approved landscape plans, the Applicant shall submit proposed replacements for review and approval by City Staff.

Ms. Eldridge noted there is an approved landscape plan on file from the 2013 approval of Discount Tire, which at the time noted the installation of 12 new shade and ornamental trees, consisting of seven honey locusts, two river birch, two crabapples, and one quaking aspen. These trees were to be planted primarily along the eastern edge of the site on the designated island surrounded by two driveway access points. The plans presented under Planning Commission Application No. 2013-017 further noted a row of "existing shrubs," later noted as perennials and spirea, that were planted along the westerly lot line and fronting Xerxes Avenue North, which were initially planted as part of streetscape improvements made along Xerxes Avenue North and Bass Lake Road in the years preceding the 2013 proposal.

Ms. Eldridge stated the applicant did not submit any photometric plans and has no plans to make alterations to the existing exterior lighting. Per Planning Commission Application No. 2013-017, two 39-foot poles and one 28-foot pole were approved for the Subject Property and were to provide downcast lighting with cut-off luminaires; this lighting shall be maintained. Six low-profile LED wall pack lights were affixed over the automotive bay door areas and above doorway entries to the building. Although wall pack lighting is not permitted per City Code except for loading and service areas, this lighting may remain assuming it is operational. Given the proposed new use of the building, City Staff would not be opposed to upgrading the lighting, and particularly given the proposed modifications to the east elevation.

Ms. Eldridge added the existing trash enclosure appears to be in good condition and no plans for modification were presented. With the exception of addressing the plantings located on the backside of the enclosure, City Staff has no comments other than to ensure the enclosure remains in good condition.

Ms. Eldridge pointed out that Shingle Creek Crossing Planned Unit Development has an approved “Architectural Design Guidelines” plan that regulates building materials on buildings located within the shopping center. The key elements of this plan are that all new buildings would need to provide a four-sided architecture in their designs, meaning all four elevations must provide a nice, consistent use of material on all four sides of the buildings, including rear elevations. Buildings, and Building Site A specifically, are required to incorporate at least 50 percent or more of Class 1 and remaining Class 2 materials as part of their elevations. With the demolition of the bays, new materials and calculations or percentages have been reconfigured.

Ms. Eldridge added Building Official Dan Grinsteinner conducted a cursory review on March 4, 2024, for the proposed reuse of the former Discount Tires and for the intended reuse of the building as a beauty and cosmetics retail store. Given the re-classification of the building, it is anticipated the building will require the issuance of a fire sprinkler permit and potential modifications to sprinkler heads. It was noted that the existing mezzanine’s open grates remain open for fire protection and, if covered, fire protection will be required under the mezzanine area per NFPA 13. The flammable interceptors noted on the original plans and given the former automotive use will require that they be properly abandoned and all floor drains, trench drains, and floor sinks capped as specified in the provided memo.

Ms. Eldridge stated the building’s automotive bay area was categorized as an existing S1 occupancy and as such, the space was not conditioned. The reuse of this area for retail will require certain alterations to comply with MN ASHRAE (American Society of Heating, Refrigerating and Air-Conditioning Engineers).

Ms. Eldridge noted no specific proposals were made as part of the Planning Commission Application submittal for signage, and no requests or provisions were made as part of the Discount Tire approvals under Planning Commission Application No. 2013-017. As such, any proposed signage, including directional signage, will need to comply with the adopted Shingle Creek Crossing Signage Guidelines for a pad tenants. In cases where the guidelines do not clearly address certain signage types or requirements, said signage shall remain subject to the City’s signage provisions.

Ms. Eldridge stated public hearing notice was published in the *Brooklyn Center Sun Post* on February 29, 2024, and notices were mailed to surrounding properties. The Planning Commission held a public hearing regarding the requests at their meeting on March 14, 2024. No public comment was provided either in advance of the meeting or at the public hearing with the exception of business owner Matt Durand who submitted an email to City Staff in support of the proposed conversion at 1450 Shingle Creek Crossing.

Ms. Eldridge stated the Commissioners engaged with project architect, Philip Briggs of Firm Ground, regarding the proposed conversion of the former tire and wheel installation and repair shop to a customer-focused retail space and how those uses function differently with respect to site circulation and pedestrians. An extended discussion was held regarding the east elevation, which would be modified to remove the three existing automotive bays.

Ms. Eldridge pointed out City Staff and the Applicant had engaged previously regarding whether or not the existing sidewalk and curbing, which terminates just past the main entrance, should be extended. City Staff ultimately recommended certain alterations to the east and south elevations to address the changes in pedestrian flow from the parking lot and adjacent sidewalks given the new user. Additional requests were made to incorporate foundational plantings, where possible.

Ms. Eldridge noted the Planning Commission indicated in these discussions a strong desire to extend the sidewalk and curbing along the east elevation and make modifications to the south elevation as the existing curbing is comprised of a rock bed with no actual sidewalk. Given that parking is provided along three sides of the building, the Commissioners appeared in general consensus that pedestrian flow and safe access to the store be addressed.

Ms. Eldridge stated additional comments were made regarding concerns of customers parking alongside the east elevation given the oversized drive aisle and current issues along the 56th Avenue North entrance into Shingle Creek Crossing with people parking along the side of the road, rather than in the nearby parking areas. Additional time was dedicated to architectural revisions to the east elevation, which would remove the existing three automotive bays. The Planning Commission ultimately recommended City Council approval (4-0) of Planning Commission Application No. 2024-002.

Councilmember Butler asked if the State testing building that was previously presented to the Council is the same tire store. Ms. Eldridge stated the State DVS building is at Big O Tires.

Councilmember Jerzak noted it is exciting to see a building conversion.

Councilmember Kragness added it is commendable for the business owner to be in a position to own a building.

Councilmember Jerzak moved and Councilmember Kragness seconded to adopt RESOLUTION NO. 2024-41, a Resolution Approving Planning Commission Application No. 2024-002 for amendment to the 2011 Shingle Creek Crossing Planned Unit Development (PUD) and a major site and building plan amendment that would allow for conversion of the former Discount Tire located on Building Site A and commonly addressed as 1450 Shingle Creek Crossing to an Icon Beauty retail store, based on the findings of fact and submitted documentation, and as amended by the conditions of approval in the resolution.

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2024-42; IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES ACT (LCA) PRE-DEVELOPMENT FUNDING AND AUTHORIZING APPLICATION FOR GRANT FUNDS FOR THE BROOKLYN CENTER COMMUNITY CENTER

Mayor Pro Tem Lawrence-Anderson pointed out the item was originally on the Consent Agenda, and further discussion was requested by Councilmember Jerzak.

Councilmember Jerzak explained the voters will determine if the project will proceed or not. However, the resolution is premature and the City should not spend money until they hear from the constituency. Mayor Pro Tem Lawrence-Anderson noted her agreement with Councilmember Jerzak.

Councilmember Butler stated the application will likely expire before the vote. She asked why the Council would want to pass up an opportunity for grant funding.

Mayor Pro Tem Lawrence-Anderson asked what would happen if Brooklyn Center received a grant but couldn't implement it due to a failed ballot item. Dr. Edwards explained the funds would go toward the pre-planning efforts required for the project. There are some bonding dollars from the State for the Community Center. In order to educate voters about the potential of the Community Center, there needs to be pre-design work. Even if the local option sales tax fails, a smaller Community Center plan would move forward thanks to the bonding money.

Councilmember Kragness stated there doesn't seem to be a downside in applying for the money.

Councilmember Jerzak stated the bonding is \$5.2 million in matching. He asked if the City didn't obtain the proposed grant if the pre-design funding would come from the bonding. The City doesn't have the bandwidth to afford such a project, especially one that hasn't been approved by the voter.

Dr. Edwards stated the pre-design work needs to be done regardless of the outcome of the vote. The pre-design work would include multiple design options, one as a scaled-down version and another if the sales tax vote were to pass.

Mayor Pro Tem Lawrence-Anderson asked if the grant is for pre-design work. Dr. Edwards confirmed the grant is for pre-design work.

Councilmember Jerzak asked if the education would include information on the local option sales tax and the City's plan to move forward with a scaled-down project regardless of the vote. Dr. Edwards stated the education would be regarding the local option sales tax and what it would deliver. Councilmember Jerzak stated the public needs to understand there is an alternative option to the sales tax.

Councilmember Butler stated the item still needs to be voted on by the community, which was the consensus of the Council. The City can communicate additional information as needed. Brooklyn Center should utilize grant funding when possible, and the Council is not trusting Staff to do their jobs.

Councilmember Butler moved and Councilmember Kragness seconded to adopt RESOLUTION NO. 2024-42, a Resolution Identifying the Need for Livable Communities Account

Predevelopment Funding and Authorizing an Application for Grants Funds.

Councilmember Jerzak voted against the same. Motion passed.

11. COUNCIL REPORT

12. ADJOURNMENT

Mayor Pro Tem Lawrence-Anderson moved and Councilmember Kragness seconded adjournment of the City Council meeting at 8:28 p.m.

Motion passed unanimously.

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

WORK SESSION
MARCH 25, 2024
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Pro Tem Kris Lawrence-Anderson at 8:33 p.m.

ROLL CALL

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

BROOKLYN BLVD. FAILED SOD DISCUSSION

This item was addressed during the Worksession.

ALTERNATIVE/EXPANDED RESPONSE PILOT

City Manager Reggie Edwards introduced the item and explained Staff seeks a consensus of the City Council/EDA regarding a two-year pilot of an Alternative/Expanded Response program. He pointed out Staff has spent significant time on the project and introduced a number of community partners.

Dr. Edwards explained on May 15, 2021, Resolution No. 2021-73: The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act, called for the creation of the Department of Community Response. The Department would consist of trained medical and mental health professionals, social workers, or other staff and volunteers, and a dispatch system routing appropriate calls to the Community Response Department rather than the Police Department. At the time of its adoption, the City didn't have the capacity to fully implement the programming and sought out a pilot opportunity.

Dr. Edwards stated in October 2021, the Hennepin County Sheriff's Department and Dispatch Center presented the start of a pilot Alternative Response Program which was initiated with a grant in Brooklyn Park. In October 2022, Margretta Getaweh, FUSE Engagement Manager, presented community engagement findings on Reimagining Public Safety to the City Council/EDA.

Dr. Edwards noted from there, in December 2022, the Council/EDA approved a two-year, grant-funded pilot program to address mental health emergency calls with community responders. Data analysis and communication were initiated via the 2023 budget. Additional modest resources were approved by the Council/EDA in December 2023 via the 2025 budget.

Dr. Edwards stated on March 28, 2023, the Implementation Committee presented their recommendations to the Council/EDA on the Response Engagement and Crisis Help (REACH) Team Model. In August 2023, Staff presented “Enhancing Public Safety Through Prevention-Focused Strategies” which included an alternative response model.

Dr. Edwards explained the intended outcomes of the pilot project include broadening the skills of 911 responders, improved service effectiveness through the reduction of 911 calls, improved service cost efficiency through a lower-cost service provider, rerouting of costly services, and reduced repeated services.

Dr. Edwards showed a graphic detailing a comprehensive approach, which was previously presented to the Council/EDA. The approach consists of prevention, intervention, response, and recovery. Director of Community Prevention, Health and Safety LaToya Turk also previously presented a number of benefits of alternative response teams such as a reduction in the use of force incidents, decreased criminalization of mental illness, improved mental health outcomes, enhanced community trust, increased community well-being, cost savings, preventative impact, better allocation of resources, a holistic approach, and reduced stigma associated with mental health.

Dr. Edwards noted FUSE Engagement Manager Margretta Getaweh oversaw community engagement efforts during her time with Brooklyn Center. She conducted interviews, established partnerships within the community, organized and co-facilitated four community conversations, provided ongoing support to the Implementation Committee, and conducted a survey.

Dr. Edwards explained her research showed any simple call for service could turn into a dangerous situation quickly. Residents expressed concerns about responders that aren’t police officers, but the responders would still be trained professionals. There also seemed to be a lack of education in the community about alternative responses. However, some responses were positive and expressed the community’s need for an alternative response option. There were also considerations of financial impact.

Dr. Edwards provided an overview of the pilot program. It would be a two-year program with a staggered start. The first team would start in May and the second in August. 87 percent of the program is funded by grants and the remaining portion is from the General Fund. The two teams would cover 14 hours of the day. There has been a concern about the timing of the services, but Dr. Edwards believes the 14 hours of service will meet the needs of the community. The first team will work from 10:00 a.m. to 6:30 p.m. during weekdays while the other team will work evenings on Monday, Thursday, Friday, Saturday, and Sunday. The first team consists of pairs of social workers and paramedics and the second team would consist of pairs of mental health workers.

Leah Kaiser, Director of Behavioral Health with Hennepin County, explained the first team of the pilot is only a portion of the County's Criminal Justice Behavioral Health Initiative (CJBH). The program started in 2014 and began with pulling a lot of data throughout the criminal justice process. The data showed primary patterns: there is enormous disparity for individuals with mental health issues within the criminal justice system, there is a systemic problem within the criminal justice system, the subset of individuals living with mental illness and substance abuse experienced little, late, or poor interventions, and there were massive gaps within the systems due to disorganization and disconnects within the County servicers. She noted racial disparities were also evident.

Ms. Kaiser stated that from there, the County decided to adopt a Federal framework to address the outcomes. The goal was to create a system that was easy for residents to understand, quickly matched needs to the appropriate resource, offered support following the initial episode, used critical resources effectively, tailored to individual needs and cultural norms, and improved the community's health and safety. She pointed out that the County cannot solve the large-scale issues on its own, and they are looking for partnerships at the City, State, and Federal levels. She added a one-size-fits-all approach is ineffective in addressing mental health and substance use.

Ms. Kaiser noted CJBH works to address behavioral health needs at criminal justice intersections such as youth justice behavioral health, Behavioral Health Center at 1800 Chicago which acts as a crisis stabilization resource center, behavioral health court services, and the embedded social work model. Each effort was thoughtfully researched through expert resources and community engagement.

Ms. Kaiser pointed out that the embedded social work model includes expertise in police departments and 911 dispatch, a social worker and law enforcement response to mental health, substance, and social service 911 calls, and a social worker and medical professional response to mental health, substance, and social service 911 calls.

Ms. Kaiser stated the target population of the services are individuals who are the subject of behavioral health-related calls, repeat mental health callers, low-level criminal behaviors, and individuals who could benefit from social service support. The goals of a layered approach include timely engagement with those in need of support, fewer arrests and jail bookings, fewer repeat calls, fewer hospitalizations, increased public satisfaction with the response to mental health emergencies, and freeing up police resources for other types of calls.

Ms. Kaiser explained there are a number of community benefits from the initiative. The initiative uses resources effectively through a shared financing model, maximizing the expertise of different disciplines, and leveraging resources to meet needs. Community needs are addressed through a warm handoff to embedded social workers for follow-up and stabilization, data review, care coordination, linkage to community resources, and ongoing support with housing, economic benefits, and treatment.

Ms. Kaiser stated the County's Alternative Response Team in Brooklyn Center will be comprised of a social worker and a community paramedic. The team would be dispatched by the County's

dispatch center. The team drives an unmarked County vehicle and responds to 911 calls that do not require emergency response by law enforcement, fire personnel, or emergency medical services. The team will operate Monday through Friday from 10:00 a.m. to 6:30 p.m. and is housed out of the Brooklyn Park Police Department.

Ms. Kaiser pointed out the Alternative Response Team is already in place in Brooklyn Park. In 2023, the program received 670 referrals. The Team made contact in 99 percent of the calls they were dispatched to and 759 service referrals were made. Over 65 percent of people served identify as people of color and approximately 251 hours of police officer time was saved thanks to the alternative response.

Ms. Kaiser shared two recent incidents addressed by the program. First, a group home resident called for an ambulance. The caller was anxious and pacing because his medication had not yet arrived. The team helped him utilize coping skills to manage his anxiety and consulted with the group home's nurse to identify a PRN medication the resident could take.

Ms. Kaiser added another impactful incident involved an elderly man who had recently suffered a stroke and was experiencing restlessness, confusion, and agitation. The team met with the man's family at their home and discussed options. The community paramedic checked his vital signs, reviewed the medications, and coordinated transport to the hospital. The team also provided the family with information about assisted living and memory care facilities, education about medication, and gun locks for the client's firearms.

Ms. Kaiser stated they surveyed Brooklyn Park patrol regarding the pilot program. A large majority of officers stated there was value added to the patrol shift, they had a better ability to manage calls, the program was proactive and provided a benefit to the community, officers had personal interactions with pilot team members and were able to discuss questions and concerns with the team.

Taylor Crouch-Dodson, Director of External Affairs with Canopy Roots, introduced himself and Gina Obiri, Contract Operations Manager, and Candace Hanson, Executive and Co-Founder. Mr. Crouch-Dodson stated Canopy Roots promotes safety through the use of trauma-informed and culturally responsive training and development, emotional de-escalation strategies for service recipients, crisis intervention support, and connection to community resources.

Mr. Crouch-Dodson pointed out that thanks to a partnership with the City of Minneapolis, the Behavioral Crisis Response was formed through a contract awarded to Canopy Roots. The purpose is to provide person-centered, culturally responsive crisis services to community members of all ages in Minneapolis. The goal is to decrease the criminalization of mental illness and avoid involuntary hospitalization.

Mr. Crouch-Dodson stated the Minneapolis BCR is culturally responsive, consists of unarmed civilians who are trained and certified, interoperable via 911, includes mobile coverage at all hours, is independent of law enforcement response, and is a free and voluntary offering. From December 2021 to March 2024, BCR has expanded the public safety infrastructure by becoming Minneapolis'

newest first responder alongside Fire, EMS, and Police and has responded to over 20,000 calls via 911. 80 percent of the calls were handled without backup and there were no injuries to service recipients. He added the program received a contract extension and budget increase to continue nonstop service delivery.

Mayor/President Pro Tem Lawrence-Anderson asked if the presentations would be complete before 10:00 p.m. Candace Hanson, Executive and Co-Founder of Canopy Roots, confirmed the presentation was nearing its end.

Ms. Hanson stated BCR provides trauma-informed emotional support, crisis de-escalation, psychoeducation for recipient and their support systems, risk assessments, safety planning, service connection including voluntary transport as appropriate for warm hand-offs, skills training, and additional brief interventions as needed.

Ms. Hanson pointed out Canopy Roots learned a number of lessons while operating the Minneapolis BCR. It is important to promote community awareness of the program by engaging with historically underserved populations, collaborating with first responder colleagues to ensure the highest level of service for recipients, and ensuring job satisfaction for crisis responders through competitive pay, employee wellness benefits, and maintaining a safe workplace culture. She added they learned about barriers to connecting service recipients to community-based resources due to lack of capacity, funding, and operational constraints.

Ms. Hanson noted Canopy Roots looks forward to partnering with Brooklyn Center to launch the Alternative Response Team and offered to answer any questions.

Mayor/President Pro Tem Lawrence-Anderson stated she would have appreciated the PowerPoint presentation to have been part of the original packet. She said it is late and the Council may not have as many questions.

Councilmember/Commissioner Butler thanked the presenters for the information. She noted her appreciation of the two approaches to address various issues within the community. She asked how and when the programs will determine the effectiveness of and need for services in Brooklyn Center.

Ms. Hanson explained in her experience, they will determine the best fit for Brooklyn Center within the two-year pilot program, if not within the first six months. The program is available to pivot. Ms. Kaiser noted her agreement with Ms. Hanson. She added they will pull both qualitative and quantitative data through a variety of methods.

Councilmember/Commissioner Butler asked how the service is being promoted in the City. Dr. Edwards stated Staff hasn't gotten to that point yet, but it will be an effort with Communications Staff and community partnership. He pointed out both programs have a positive reputation in the area which will be helpful in promotion. He added Staff will regularly communicate with the Council/EDA about successes and progress within the programs.

Councilmember/Commissioner Jerzak stated ART is based out of the Brooklyn Park Police Department. He asked where Canopy Roots would be dispatched and who would supervise the program. He added there are concerns with other offerings such as the lack of beds and changes at North Memorial. He asked what plans are in place to address those issues. He also asked how the services would be fully integrated with other responders.

Dr. Edwards stated Canopy Roots will not be offered out of Brooklyn Park Police Department. They are currently housed in Minneapolis, and there is discussion to determine if there needs to be another location in Brooklyn Center. Also, there is a part-time manager with Canopy Roots that the City would look to contract with for management.

Ms. Hanson asked for the question to be repeated. Councilmember/Commissioner Jerzak pointed out Dr. Edwards answered part of his question. He asked how services will be coordinated and which entities will be responsible for providing necessary materials such as transportation and office supplies. He noted one of the goals is to reduce calls and asked how the communication will look between programs to ensure continuity of services. He asked what happens when there are no crisis beds available.

Ms. Hanson stated the answer would take more time than is available in the meeting. BCR has several plans in place to offer alternatives to resources that are tapped out. For example, the responders help recipients connect with natural supports such as family.

Councilmember/Commissioner Jerzak asked for the conversation to continue during a Work Session and for the Council/EDA to submit questions in advance. He stated the late hour is not ideal for such a conversation.

Dr. Edwards stated they would be happy to have an additional session to answer questions about the programs. It is important for the Council/EDA to be fully aware of the services.

Councilmember/Commissioner Jerzak stated he would like information about the projected costs so the Council/EDA can ensure the program is implementable and reliable.

Mayor/President Pro Tem Lawrence-Anderson agreed it is important for the program to be sustainable once the grant funds have been exhausted. The worst thing the City could do would be to implement a program only to end it abruptly due to lack of funding.

Dr. Edwards explained they don't know the outcome or the best option for service offerings. It could be one program, the other program, or a combination of the two. Therefore, cost estimates are difficult to determine.

Councilmember/Commissioner Kragness pointed out Ms. Hanson nodded her head when Councilmember/Commissioner Jerzak asked if the program would be housed in the Police Department. However, she pivoted when Dr. Edwards stated the program would not be housed in the Police Department. She stated there is a communication issue that needs to be worked out.

She asked if the program had been successfully housed out of the Police Department. Ms. Hanson stated Canopy Roots is not housed within a police department.

Councilmember/Commissioner Kragness added the social workers were said to have master's degrees. She stated she wants to understand the licensing procedures. She asked who assumes the liability for the programs considering the potential risks of harm and transportation complications.

Ms. Hanson stated Canopy Roots has a shared liability with Minneapolis. The model with Brooklyn Center has to be worked out in terms of liability still. It will likely be determined through contract language. As for licensing, mental health practitioners and professionals have clear criteria through State Statute. BCR has used the model of in-patient crisis residences for their own employees. The professional could be a licensed social worker, mental health practitioner, or marriage and family counselor.

Ms. Kaiser stated the Hennepin County program has similar liability consideration as Canopy Roots. The County program operates on a Joint Powers Agreement with Brooklyn Park. The added partner of Canopy Roots in Brooklyn Center would require additional language in a contract and would be fleshed out in the planning process.

Councilmember/Commissioner Kragness stated the Council/EDA needs to know the details of the contracts to ensure liability is considered.

Mayor/President Pro Tem Lawrence-Anderson stated she has several questions, but she would prefer an additional session to delve further into details.

Councilmember/Commissioner Butler asked if the presentation is solely informational or if the Council has to take an action that evening. Dr. Edwards confirmed the agenda item is informational. The grant funding has already been secured. The contracts will return to the Council/EDA for consideration.

Councilmember/Commissioner Butler stated the language being used by the Council/EDA may indicate that the programs won't be implemented. However, that has already been determined. The Council/EDA sometimes operates on scare tactics which results in being behind on innovations. She stated the organizations partnering with the City are trustworthy and will help the City prevent future tragedies.

Dr. Edwards stated Staff will have the discussion on the Council's agenda in the near future.

Councilmember/Commissioner Kragness thanked the presenters for their time.

UPCOMING ITEMS

- Memorial Policy
- Special Assessment Policy/Franchise Fees (referred to Financial Commission)
- Beautification and Public Art Commission

- Food Truck Ordinance/License
- Emerald Ash Borer Policy Review (referred to Park & Rec Commission November)
- Opioid Settlement
- ARPA Funds
- Grants: Revenues & Expenses
- Purchasing Policy
- Revisit Resolution 2021-73
- Planning Application Process
- Group Homes
- Fences
- Off Street Parking of Commercial Vehicles

ADJOURNMENT

Councilmember/Commissioner Butler moved and Councilmember/Commissioner Jerzak seconded adjournment of the City Council/Economic Development Authority Work Session at 9:52 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 4/8/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Barb Suciu, Assistant City Manager/City Clerk

BY: Shannon Pettit, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve the licenses as presented.*

Background:

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

-

Hospitality Accommodations

Brooklyn Center Hospitality dba Motel 6
2741 Freeway Blvd

Brooklyn Center Hotel
2200 Freeway Blvd

Mechanical

C & M Heating and Air Conditioning Inc.
7308 Blair Way, Wahkon 56386

Myles Mechanical
17522 Concord Dr., Ham Lake 55304

Sign Hanger's

Fastsigns Maple Grove-Osseo
300 Central Ave, Osseo 55369

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	6/20/2023	Backup Material
Rentals	4/2/2024	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 4.8.24

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final License Type**	Previous License Type***	Consecutive Type IV's
1300 67th Ave N	Multiple Family 5 Bldgs 90 Units	Renewal	Roger And Elizabeth Met Requirements	379 = 4.2 per unit	Type IV	1 - Loud Music 1/1/24	Type IV	Type III	0
7230 West River Rd	Multiple Family 1 Bldg 4 Units	Renewal	7230 Riverside Property Llc	17 = 4.25 per unit	Type IV	0	Type IV	Type II	0
707 69th Ave N	Single	Renewal	SFR Borrower 2021-2 LLC Did not meet requirements	12	Type IV	0	Type IV	Type IV	2
1713 70th Ave N	Single	Renewal	Larkin Street Housing	17	Type IV	0	Type IV	Type II	0
2113 55th Ave N	Single	Renewal	Ih3 Property Minnesota Lp Did not meet requirements	0	Type I	0	Type IV	Type IV	2
3025 65th Ave N	Single	Renewal	Wilmer Alexander G Mendoza	2	Type I	0	Type I	Type II	N/A
5336 Northport Dr	Single	Renewal	TECH2 INVESTMENTS LLC	0	Type I	0	Type I	Type II	N/A
5406 70th Cir.	Single	Renewal	Mohammed G Aaser Met Requirements	0	Type I	0	Type I	Type IV	N/A
5901 Pearson Dr	Single	Renewal	Home Sfr Borrower Llc	2	Type I	0	Type I	Type I	N/A
5949 Vincent Ave N	Single	Renewal	Royal Priesthood Llc Did not meet requirements	5	Type II	0	Type IV	Type IV	2
5956 Beard Ave N	Single	Renewal	Hp Minnesota I Llc Met Requirements	8	Type III	0	Type III	Type IV	N/A
6014 Girard Ave N	Single	Renewal	Rifive Investments LLC	5	Type II	0	Type II	Type II	N/A
6107 Emerson Ave N	Single	Renewal	Lydia Yeboah Did not meet requirements	0	Type I	0	Type IV	Type IV	2
6424 Marlin Dr	Single	Renewal	CJ Bright & QK Fank Met Requirements	10	Type IV	0	Type IV	Type IV	2
6701 Scott Ave N	Single	Renewal	Royal Priesthood Llc Did not meet requirements	4	Type II	0	Type IV	Type IV	2
6918 Halifax Ave N	Single	Renewal	Gracelands Llc Met Requirements	2	Type I	1 - Threats of Violence 9/1/23	Type I	Type III	N/A

6931 Toledo Ave N	Single	Renewal	SFR II BORROWER 2021-3 LLC Met Requirements	2	Type I	0	Type I	Type IV	N/A
7045 Unity Ave N	Single	Renewal	Amas Investments Llc	3	Type II	0	Type II	Type I	N/A
7156 Unity Ave N	Single	Renewal	Michelle A Shaffer	13	Type IV	0	Type IV	Type II	0
7208 Dallas Rd	Single	Renewal	Excel Properties Llc	2	Type I	0	Type I	Type I	N/A
7225 Major Ave N	Single	Renewal	Iasis Iii Llc Met Requirements	3	Type II	0	Type II	Type IV	N/A

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

**License type being issued

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

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 4/8/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Liz Heyman, Public Works Director

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

SUBJECT: Resolution Accepting Bid and Awarding a Contract, Improvement Project No. 2024-07,
Lift Station #5 Rehab

Requested Council Action:

- Motion to approve the resolution accepting the lowest responsible bid and award a contract to Pember Companies, for Improvement Project No. 2024-07, Lift Station #5 Rehabilitation.

Background:

Bids for the Improvement Project No. 2024-07, Lift Station #5 Rehabilitation were received and opened on March 14, 2024. The bidding results are tabulated below:

<u>Bidder</u>	<u>Total Base Bid</u>
Pember Companies	\$281,170.00
Minger Construction	\$289,400.00
Meyer Contracting	\$315,467.41
R&R Excavating	\$338,641.72

Of the four (4) bids received, the lowest bid of \$281,170.00 was submitted by Pember Companies has the experience, equipment and capacity to qualify as the lowest responsible bidder for the project.

Budget Issues:

The total estimated budget including contingencies, administration, engineering, and legal was \$363,000 and is amended to \$355,100, an approximate 2.2 percent decrease from the originally budgeted amount (see attached Resolution – Costs and Revenues tables). Funding for this project is under the Sanitary Sewer Utility Fund.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Provide quality services with fair and equitable treatment

ATTACHMENTS:

Description
Resolution

Upload Date
4/1/2024

Type
Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT,
IMPROVEMENT PROJECT NO. 2024-07, LIFT STATION 5
REHABILITATION PROJECT

WHEREAS, pursuant to an advertisement for bids for Improvement Project No. 2024-07, bids were received, opened and tabulated on the 14th day of March, 2024. Said bids were as follows:

<u>Bidder</u>	<u>Total Base Bid</u>
Pember Companies, Inc.	\$281,170.00
Minger Construction Co., Inc.	\$289,400.00
Meyer Contracting Inc.	\$315,467.41
R&R Excavating, Inc.	\$338,641.72

WHEREAS, the city's consultant, Sambatek, recommends that the contract be awarded based on the total bid;

WHEREAS, it appears that Pember Companies, Inc. of Menomonie, Wisconsin 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 Pember Companies, Inc. of Menomonie, Wisconsin in the name of the City of Brooklyn Center, for Improvement Project No. 2024-07, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Engineer.

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

<u>COSTS</u>	<u>Estimate</u>	<u>Amended per Low Bid</u>
Construction Contract	\$ 290,600.00	\$ 281,170.00
Admin/Legal/Engr.	\$ 52,400.00	\$ 53,930.00
Contingency	\$ 20,000.00	\$ 20,000.00
Total Estimated Project Cost	\$ 363,000.00	\$ 355,100.00
<u>REVENUES</u>	<u>Amended Estimate</u>	<u>Amended per Low Bid</u>
Sanitary Sewer Funds	\$ 363,000.00	\$ 355,100.00

RESOLUTION NO. _____

April 8, 2024
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: 4/8/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Todd Berg - Fire Chief

SUBJECT: Resolution Approving Membership in the Hennepin County Fire Chiefs Association, Inc.

Requested Council Action:

- Motion to approve a resolution membership in the Hennepin County Fire Chiefs Association, Inc.

Background:

The Hennepin County Fire Chiefs Association ("HCFCA") is a group of fire departments and other organizations in the fire service industry in Hennepin County that provides cooperation, education, and training regarding fire service and emergency response in the county. While historical documentation is sparse, it appears that HCFCA was formed in the early 1960s, but no records exist suggesting that the group has ever been incorporated or recognized as a formal entity with the Minnesota Secretary of State. In early 2023, HCFCA's Board of Directors began an effort to formalize the group's organizational status, including ensuring that it is meeting state and federal tax obligations. The Board engaged an attorney to advise it on organizational matters. The Board discussed the relative merits of organizing as a joint powers entity under Minn. Stat. § 471.59 or a nonprofit corporation, and ultimately decided to move forward as a nonprofit to provide maximum flexibility in its authorized activities and members. In making this decision, the Board looked to the organizational structure of the Minnesota State Fire Chiefs Association, which is also organized as a nonprofit. The Board intends to apply to the IRS for tax-exempt status as a 501(c)(6) business association.

Budget Issues:

Nothing new besides our annual dues of \$200 already included in the fire departments budget.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Be an effective partner with other public entities

ATTACHMENTS:

Description	Upload Date	Type
Resolution	4/1/2024	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING MEMBERSHIP IN THE HENNEPIN COUNTY FIRE CHIEFS ASSOCIATION, INC.

WHEREAS, the Hennepin County Fire Chiefs Association (“HCFCA”) is an organization of fire departments and others in the fire service industry in Hennepin County whose purpose is to provide a forum to discuss and promote fire safety, to exchange ideas and search for solutions to fire safety and other emergency response problems, to conduct research, to facilitate educational programs, to promote legislation, and to promote the spirit of cooperation between fire departments or other emergency response organizations operating within Hennepin County, Minnesota; and

WHEREAS, HCFCA was established as an association in 1961 but was not a formal corporate entity recognized by the Office of the Minnesota Secretary of State; and

WHEREAS, Brooklyn Center is a currently a member of HCFCA; and

WHEREAS, HCFCA’s membership and Board of Directors has determined that it is in the best interests of the association to organize as a nonprofit corporation in order to formalize its operations and provide the option of applying for federal tax-exempt status; and

WHEREAS, on January 8, 2024, the Hennepin County Fire Chiefs Association, Inc., was registered as a nonprofit corporation with the Office of the Minnesota Secretary of State;

WHEREAS, Minnesota Statutes Section 471.96 provides authority for cities and counties “to appropriate necessary funds to provide membership of their respective municipal corporations or political subdivisions respectively in county, regional, state, and national associations of a civic, educational, or governmental nature which have as their purpose the betterment and improvement of municipal government operations”; and

WHEREAS, Brooklyn Center’s membership in the HCFCA as a nonprofit organization will benefit Brooklyn Center and its Fire Department and will provide for the betterment and improvement of Brooklyn Center’s operations surrounding fire safety and emergency response;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of

RESOLUTION NO. _____

Brooklyn Center, Minnesota, authorize:

1. Brooklyn Center's membership in Hennepin County Fire Chiefs Association, Inc. is approved and payment of annual membership dues is authorized.
2. Membership will be through the Fire Department and Brooklyn Center's Fire Chief is designated as Brooklyn Center's representative to HCFCFA.

April 8, 2024

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: 4/8/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Carissa Goebel - Recreation Deputy Director

SUBJECT: Resolution Authorizing the Filing of an Application for the Hennepin Youth Sports Program Grant

Requested Council Action:

- Motion to approve a resolution authorizing the application and execution of agreement to purchase sports (aquatic) equipment under the provisions of the Hennepin Youth Sports Program.

Background:

City staff are recommending applying for a grant to purchase sports (aquatic) equipment to enhance the safety and experience of swim lesson participants. The attached resolution is required to apply for the Hennepin County Youth Sports Program.

The swim lesson program in the Community Center is growing rapidly, seeing an increase of 265 from 2022 to 2023. Current equipment no longer fills the needs of the program and is beginning to wear out. The total grant request of \$9,929 would enable the purchase of new lifejackets, float mats, AquaDocks, swim fins, toys, and floater belts. As well as establishing a goggle rental system eliminating a socioeconomic barrier for participants in swim lessons. Additional grant funds will be used to purchase storage for swim lesson equipment to help keep the pool deck clean and equipment in good condition.

Hennepin County Youth Sports Program:

The purpose of the Grant is to increase opportunities for youth to participate in sports and recreational activities by providing funding to local government units (LGUs) for sports equipment. A total of \$125,000 has been made available for this grant cycle. Grants up to \$10,000 are available.

Budget Issues:

N/A

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Improve community and employee safety

ATTACHMENTS:

Description	Upload Date	Type
Resolution	4/4/2024	Resolution Letter

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE APPLICATION AND EXECUTION OF
AGREEMENT FOR THE HENNEPIN YOUTH SPORTS PROGRAM GRANT

WHEREAS, the Hennepin County Board of Commissioners, via the Hennepin Youth Sports Program, provides funds to increase opportunities for youth to participate in sports and recreational activities by providing funding to local government units for sports equipment

WHEREAS, the grant requires City Council approval to apply for funds

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

1. The City of Brooklyn Center is requesting \$9,929 from the Hennepin Youth Sports Program to purchase aquatic equipment to increase safety and access to swim lessons.
2. The Parks and Recreation Director is authorized and directed to execute the application for the Hennepin Youth Sports Program grant.

April 8, 2024

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: 4/8/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Lydia Ener, P.E., Principal Engineer

SUBJECT: Resolution Accepting Bid and Awarding a Contract, Improvement Project No. 2024-01 Orchard Lane East Improvements

Requested Council Action:

- Motion to approve the resolution accepting the lowest responsible bid and award a contract to Ryan Contracting Co., for Improvement Project No. 2024-01 Orchard Lane East Improvements.

Background:

Bids for the Improvement Project No. 2024-01 Orchard Lane East Improvements were received and opened on March 28, 2024. The bidding results are tabulated below:

<u>Bidder</u>	<u>Total Base Bid + Alternate 1</u>
Ryan Contracting Co.	\$8,220,553.00
Kuechle Underground Inc.	\$9,035,254.90
Northwest	\$9,252,129.08
S.M. Hentges & Sons, Inc.	\$9,395,969.00
S R Weidema, Incorporated	\$9,699,609.05
New Look Contracting, Inc.	\$9,993,670.00
Park Construction Company	\$10,169,318.02
Geislinger & Sons	\$10,405,962.80
Meyer Contracting Inc.	\$10,510,688.64
RL Larson Excavating Inc.	\$15,807,311.50

Of the ten (10) bids received, the lowest bid of \$8,220,553.00 was submitted by Ryan Contracting Co. of Elko New Market, Minnesota. Ryan Contracting Co. has the experience, equipment, and capacity to qualify as the lowest responsible bidder for the project.

Budget Issues:

The bid amount of \$8,220,553.00, for the Base Bid and Alternate 1, is within the 2024 budgeted amount. The total estimated budget including construction, contingencies, administration, engineering, and legal is \$11,792,000. (see attached Resolution – Costs and Revenues tables).

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Resolution	4/2/2024	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT,
IMPROVEMENT PROJECT NO. 2024-01, ORCHARD LANE EAST
IMPROVEMENTS

WHEREAS, pursuant to an advertisement for bids for Improvement Project No. 2024-01, bids were received, opened and tabulated on the 28th day of March, 2024. Said bids were as follows:

<u>Bidder</u>	<u>Total Base Bid + Alternate 1</u>
Ryan Contracting Co.	\$8,220,553.00
Kuechle Underground Inc.	\$9,035,254.90
Northwest	\$9,252,129.08
S.M. Hentges & Sons, Inc.	\$9,395,969.00
S R Weidema, Incorporated	\$9,699,609.05
New Look Contracting, Inc.	\$9,993,670.00
Park Construction Company	\$10,169,318.02
Geislinger & Sons	\$10,405,962.80
Meyer Contracting Inc.	\$10,510,688.64
RL Larson Excavating Inc.	\$15,807,311.50

WHEREAS, it appears that Ryan Contracting Co. of Elko New Market, 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 Ryan Contracting Co. of Elko New Market, Minnesota in the name of the City of Brooklyn Center, for Improvement Project No. 2024-01, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Engineer.

RESOLUTION NO. _____

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

<u>COSTS</u>	<u>Amended Estimate (12/11/23)</u>	<u>Amended per Low Bid</u>
Contract	\$ 9,070,000.00	\$ 8,220,553.00
Contingency	\$ 1,361,000.00	\$ 2,210,447.00
Subtotal Construction Cost	\$10,431,000.00	\$10,431,000.00
Admin/Legal/Engr.	\$ 1,361,000.00	\$ 1,361,000.00
Total Estimated Project Cost	\$11,792,000.00	\$11,792,000.00

<u>REVENUES</u>	<u>Amended Estimate (12/11/23)</u>	<u>Amended per Low Bid</u>
Street Assessment	\$1,438,753.37	\$1,438,753.37
Sanitary Sewer Utility	\$1,990,000.00	\$1,131,318.00
Water Utility Fund	\$3,978,000.00	\$3,273,607.20
Storm Drainage Utility Fund	\$ 884,000.00	\$1,637,016.00
Street Reconstruction Fund	\$3,501,246.63	\$4,311,305.43
CenterPoint Energy	---	---
Total Estimated Revenue	\$11,792,000.00	\$11,792,000.00

April 8, 2024

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: 4/8/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Councilmember Dan Jerzak

SUBJECT: Proclamation Recognizing National Therapy Animal Day

Requested Council Action:

- *Motion to accept the proclamation*

Background:

This proclamation recognizes April 30, 2024, as National Therapy Animal Day and the benefits of these animals. The City of Brooklyn Center has witnessed the benefits of therapy animals first hand with the City's two comfort dogs (e.g., Brooklyn and Rex) embedded withing the Fire and Police Departments. Brooklyn and Rex are great assets for the community as well as the staff of Brooklyn Center.

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Provide quality services with fair and equitable treatment

ATTACHMENTS:

Description	Upload Date	Type
Proclamation	3/26/2024	Proclamation



PROCLAMATION RECOGNIZING NATIONAL THERAPY ANIMAL DAY

WHEREAS, Pet Partners has designated April 30 as “*National Therapy Animal Day*”; and

WHEREAS, scientific research shows that interacting with therapy animals can reduce stress, relieve depression, slow heart rate, lower blood pressure and strengthen the immune system; and

WHEREAS, therapy animal teams in the City of Brooklyn Center play an essential role in improving human health and well-being through the human-animal bond; and

WHEREAS, therapy animal teams interact with a variety of people in our community including veterans, seniors, patients, students, and those approaching end of life; and

WHEREAS, these exceptional therapy animals who partner with their human companions bring comfort and healing to those in need; and

WHEREAS, we encourage more pet owners to consider becoming Pet Partners volunteers to help our community by creating greater access to meaningful therapy animal visits.

NOW, THEREFORE, I, April Graves, Mayor of the City of Brooklyn Center, do hereby proclaim April 30, 2024, as “*National Therapy Animal Day*” in the City of Brooklyn Center, and encourage our citizens to celebrate our therapy animals and their human handlers. Further, I publicly salute the service of therapy animal teams in our community and in communities across the nation.

April 8, 2024

Date

Mayor

ATTEST: _____

City Clerk

A plan to reinvent Hennepin County's solid waste system

Prepared for the Hennepin County Board of Commissioners



February 2024



Table of contents

Purpose	4
Background	5
Section I: Reinventing the solid waste system	6
Prioritization of actions to accelerate zero waste	9
Prioritize extended producer responsibility (EPR) for packaging	10
Secure adequate funding for zero-waste initiatives through SCORE and other sources	11
Ban recyclable and organic materials from landfills.....	12
Recover recyclable materials from the trash – recycling recovery facility	13
Support the transition to organized collection across Hennepin County	15
Increase compliance with Ordinance 13 and expand requirements	16
Develop and implement a plan to eliminate food waste	18
Expand collection and drop-off options for hard-to-recycle items	19
Reduce single-use plastics and plastic packaging	21
Increase the reuse and recycling of construction and demolition waste	22
Mandate participation in recycling and composting programs.....	23
Ensure every individual has equitable access to zero-waste tools.....	24
Tracking progress toward zero waste	27
Potential for highest impact actions to divert trash and reach zero-waste goals	30
Section II: Operational considerations and actions to close and repurpose HERC	32
Alternative disposal locations for the trash generated.....	33
Key sequence of operational steps.....	35
Statutory compliance	41

Purpose

This plan was prepared for the Hennepin County Board of Commissioners as directed by resolution 23-0384 R1 to develop a plan for the closure of the Hennepin Energy Recovery Center (HERC) facility between 2028 and 2040 and submit to the board by February 1, 2024.

Overview of the resolution

The resolution outlined the following parameters to address in this plan:

- Statutory compliance
- The county's Climate Action Plan goals
- The county's Zero Waste Plan metrics
- The Hennepin County Board's declaration of racism as a public health crisis, including efforts to reduce or mitigate environmental racism

The resolution also called for this plan to include: (1) an estimated timeline, (2) estimated financial requirements, and (3) foreseeable environmental consequences related to the following:

1. Prioritization of the county's Zero Waste Plan action items that would accelerate the achievement of zero waste in Hennepin County
2. Decommissioning of the HERC facility
3. Transitioning the labor force currently working at HERC and other labor connected to HERC
4. Land disposition after HERC is decommissioned
5. Paying HERC's existing debt service
6. Future of the Brooklyn Park Transfer Station
7. Alternative waste disposal methods for the waste generated across the county
8. Ongoing natural resources and climate action programming
9. Timeline mapping out future legislative agenda items and priorities to fund natural resources and climate action programming, closure of HERC, and payment of related debt service

Given the dependencies, timeline, and extent of coordination with stakeholders, sections of this plan may be general. Details to accomplish this plan will continue to evolve as we transition into implementation and as unknowns become known.

Background

Waste management in Hennepin County

In 2022, approximately 1.27 million tons of waste was generated in Hennepin County, with 42% of this waste recycled or composted. The material that remains after waste prevention, recycling, and composting is more than 750,000 tons that is currently managed as trash. To help create an understanding of the magnitude of the amount of trash, imagine the Target Field ballpark from the field to the top of the covered canopy. Our residents and businesses fill Target Field 6 times a year with discarded items. We have a monumental lift in front of us to achieve a zero-waste future.

As an organization, we excel when facing big challenges, and the county has been a leader on solid waste policy for more than 40 years. This includes starting the first recycling programs in the 1980s, introducing household hazardous waste collections in the 1990s, and beginning organics recycling in the 2000s. In more recent years, the county's current solid waste management plan focused on eliminating wasted food. It set the course for the expansion of organics recycling, including requirements for businesses that generate large amounts of organic waste to participate in a food recycling program and cities to make the service available to residents. This plan also included innovations in food waste prevention and building material reuse programs.

The trash produced
in the county is
enough to fill
Target Field 6 times
a year



The Climate Action Plan

In 2021, the county adopted the Climate Action Plan. We were the first county in the state to have a climate action plan and set one of the most ambitious greenhouse gas emission reduction targets among climate leaders. The plan includes bold strategies on preventing food waste, tackling plastics pollution, and advocating for state leadership on zero-waste policies.

The Zero Waste Plan

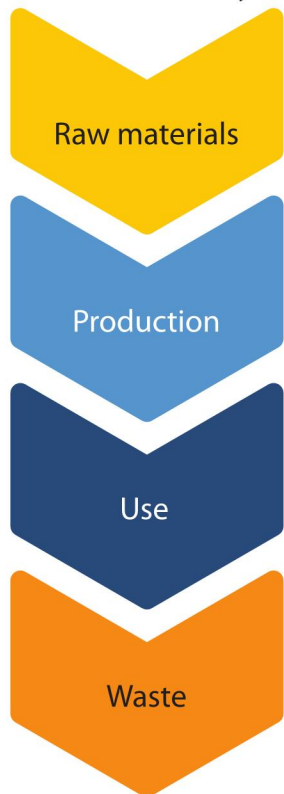
The board then commissioned a Zero Waste Plan to define what it will take to get to a future that doesn't rely on landfilling or incineration. Staff led an extensive process that spanned nearly two years and centered the voices of those traditionally not engaged in solid waste planning. Research for the plan provided a gaps analysis of our solid waste system compared with national and international zero-waste leaders. The 62 actions included in the plan were informed by data and driven by the community to achieve maximum impact.

The county has defined zero waste as preventing 90% or more of all discarded materials from being landfilled or incinerated. The Zero Waste Plan and this definition will serve as the foundation of the county's next Solid Waste Management Plan that will be developed in late 2024.

Section I: Reinventing the solid waste system

Our solid waste system is the end of a linear economy that is driven by consuming raw materials. In this system, stuff is produced as cheaply as possible, regardless of whether it can be repaired or recycled. Once we are done with it, we can easily discard all this stuff each week at our curb or in dumpsters behind our buildings.

Linear economy



In applying the Racial Equity Impact Tool (REIT) process to the Zero Waste Plan, staff and community members took a closer look at who benefits from this system. Through this analysis, a clear picture of a system from which some profit immensely while others are inequitably burdened emerges.

The multinational waste industry makes big profits from landfills, while taxpayers pick up the management and cleanup costs after they close. Product manufacturers and retailers profit from selling tons of stuff. Businesses that generate a lot of waste and residents that consume and dispose excessively don't take equitable responsibility for managing this waste. Many residents feel powerless as there is only so much they can do as an individual, and the current system makes it impossible to avoid some types of waste.

We also know that some residents are more burdened by the impacts of the system. Black, Indigenous, and other people of color as well as residents with low-income and/or disabilities are commonly not benefiting from and are being more burdened

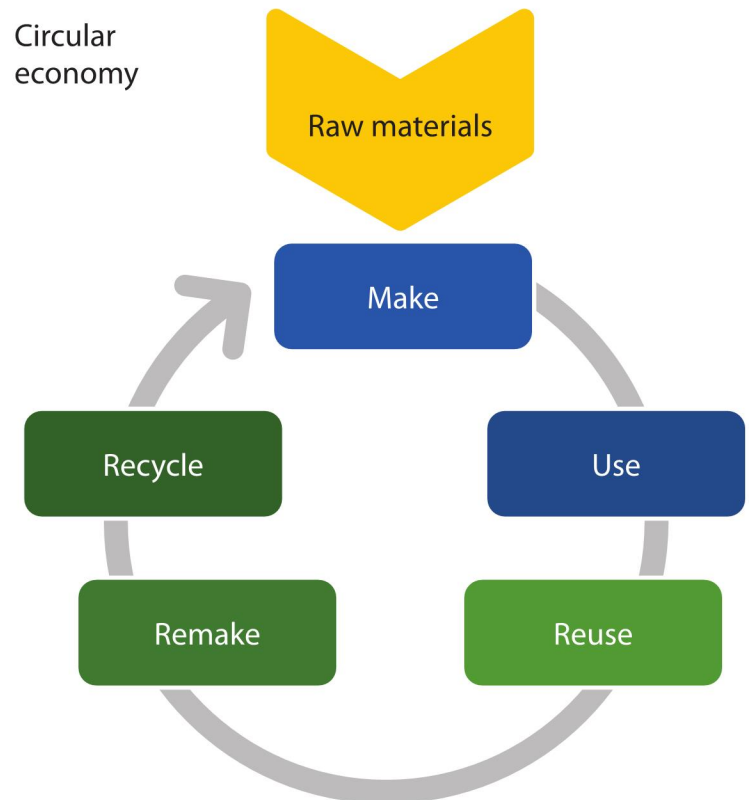
by the current solid waste system. Additionally, our youth and future generations will bear the environmental and social costs of this system long into the future.

These burdens are most prevalent for residents living near solid waste facilities, in multifamily housing or rental units, in areas with high rates of illegal dumping and litter, in high-density areas with higher volumes of truck traffic, and in areas facing cumulative impacts of pollution.

As local governments, counties and cities must deal with the trash problem with little influence over what is produced and limited resources to deliver convenient services to recover and reuse the materials.

The county's climate-action and zero-waste goals require us to reinvent our solid waste system and transition to a circular economy that values raw materials and prioritizes reuse. This will keep our valuable natural resources in a cycle of use instead of putting them in a hole in the ground or burned for energy.

Circular economy



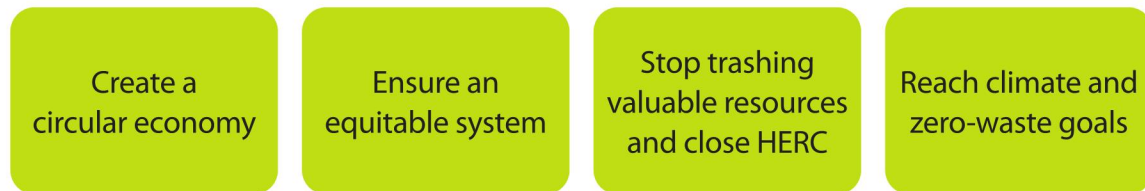
A vision for a reinvented solid waste system



This vision depends on:



With these dependencies met, we can:



Our vision of a reinvented solid waste system is a zero-waste future where less waste is created in the first place, where everyone shares responsibility, and where everyone benefits from easily accessible services. This system has widespread participation in programs and social norms that align with zero waste.

This vision will require significant action from state and local policymakers, significant funding for program implementation, development of infrastructure, and an overall societal commitment to reducing waste.

The county commits to leading and building a coalition of elected officials, business leaders, and residents to prioritize the waste issue and be changemakers.

To achieve a 90% or greater recycling rate, the county will need to prevent or capture the remaining organics and recyclables being trashed, develop stronger recovery options for household goods and building materials, and find solutions for the materials that currently don't have viable options for reusing or recycling. It is also essential to address how products are designed before they get to consumers and eventually become waste.

Many of the changes needed are beyond Hennepin County's control and depend on legislative action to put Minnesota on-par with national zero-waste leaders and increase funding to match the scope of the challenges we face and the ambition of our goals. Policy changes that the state legislature needs to pass to realize this zero-waste future are outlined on the next page (page 8).

With these dependencies met, the county, along with our city and state agency partners, can create a circular economy and ensure an equitable system. We can stop trashing our valuable resources and close HERC. And we can do it while reaching our climate and zero-waste goals.

Reinventing the Hennepin County solid waste system

Promote a zero-waste and clean-energy future to help the county meet its climate action goals and reinvent the county's solid waste system to accelerate closure and repurposing of the Hennepin Energy Recovery Center (HERC).

Adopt policies that put Minnesota on-par with national zero-waste leaders

- Adopt Packaging Waste and Cost Reduction Act (extended producer responsibility (EPR) for packaging).
- Make it easier for local governments to have higher level of control over the waste hauling and processing system.
- Adopt and enforce material bans at landfills for all materials that emit methane, such as food scraps, paper and cardboard, wood, and textiles.
- Redirect the Solid Waste Management Tax (SWMT) currently going to the general fund to provide adequate SCORE grants. SCORE funding has been relatively flat for decades and has not kept pace with the increased volume of garbage. Current levels are not sufficient for the infrastructure investments and program changes needed to achieve zero-waste goals.
- Set a 50% or higher diversion requirement for construction and demolition (C&D) waste.

Invest in recycling infrastructure, advancing circularity, and waste reduction and reuse

- Establish additional funding mechanisms to fully implement zero-waste actions.
- Redirect previously allocated state bonding monies and appropriate additional funds to construct a county recycling recovery facility.
- Improve statute language on volume- or weight-based pricing to incentivize waste reduction.
- Invest in market development for both traditional and hard-to-recycle items.
- Provide resources for Minnesota Pollution Control Agency (MPCA) to enforce state statutes.

Reduce disproportionate impacts from our solid waste system

- Direct funding to areas of environmental justice concern.
- Phase in emissions requirements for waste trucks through measures such as increased use of compressed natural gas or transition to electric fleet.
- Update landfills to achieve greater environmental outcomes, including requirements for gas recovery systems and monitoring and reporting on air emissions.

Amend existing policies to remove disincentives

- Adopt a food waste compost requirement in MNDOT specifications.
- Reduce barriers for businesses to use refillable containers.
- Revise building codes and zoning ordinances that inhibit recycling.
- Revise the current EPR system to cover collection costs for all electronic waste.

Absent significant state level action and support for zero-waste initiatives, we risk increasing landfilling and going in the wrong direction for climate action. Landfills are huge methane emitters and have been identified by climate scientists as a major contributor to our climate crisis. The county's Zero Waste Plan outlines the actions needed to make meaningful progress toward climate emissions reduction.

Prioritization of actions to accelerate zero waste

Each of the 62 actions in the Zero Waste Plan was analyzed to calculate the potential impacts on the county's overall diversion rate. Commissioners asked staff to further prioritize the plan's action items to identify what would accelerate the achievement of zero waste in Hennepin County. The 12 highest impact actions, presented on page 10, account for almost 80% of the potential tons that could be diverted from the trash by implementing the actions in the Zero Waste Plan. Being able to successfully achieve these actions and the amount of time it will take to achieve them depends on bold leadership at the state, county, and city levels and willingness to change from manufacturers, businesses, and residents.

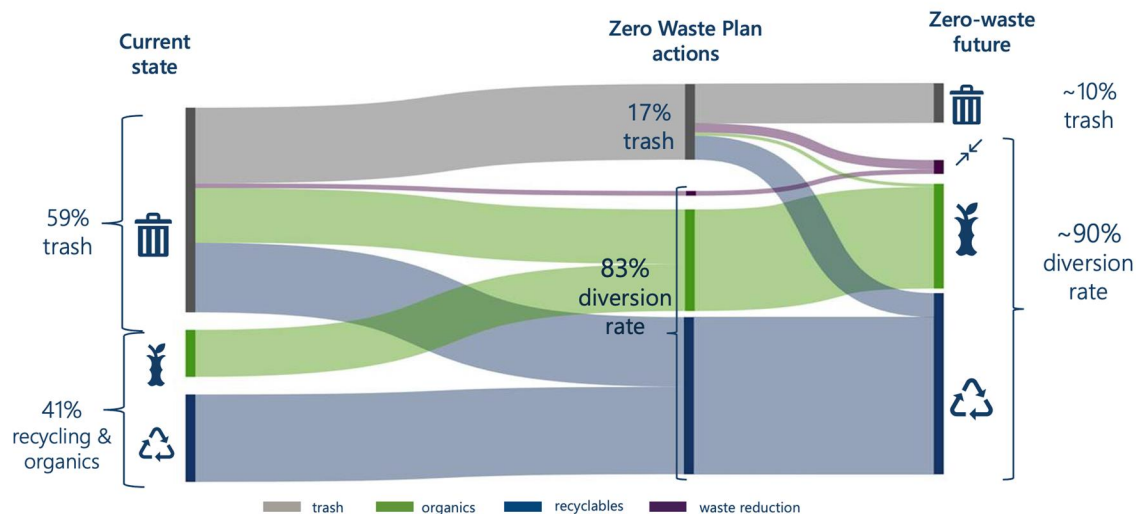
We all have a responsibility – government, businesses, institutions, and individuals – to support these actions, prevent waste, and recycle everything we can. Ultimately, the ability of the county to reach its zero-waste goals will be determined by the system we choose to create and the everyday choices and behaviors of the county's 1.3 million residents, 43,000+ businesses, and all those who visit or work in Hennepin County.

Key steps color coding

A diagram outlining key steps to achieving each of the priority zero-waste actions is included on the following pages. The entity most responsible for each step is identified using these colors:

- Legislature
- Hennepin County
- MPCA
- Cities
- Private sector

Where we are and where we need to go



Highest impact zero-waste actions

Many dependencies and conditions need to occur prior to closing HERC. Many of these conditions are outside of Hennepin County's control. This includes a significant number of legislative changes that need to take place before closure. The highest impact zero-waste actions are presented in recommended order of approach and with key dependencies noted.

- Prioritize extended producer responsibility (EPR) for packaging (Legislature)
- Secure adequate funding for zero-waste initiatives through SCORE and other sources (Legislature)
- Ban recyclable and organic materials from landfills (Legislature and MPCA)
- Recover recyclable materials from the trash – recycling recovery facility (Legislature and county)
- Support the transition to organized collection across Hennepin County (Legislature, county, and cities)
- Increase compliance with Ordinance 13 and expand requirements (County)
- Develop and implement a plan to eliminate food waste (Legislature and county)
- Expand collection and drop-off options for hard-to-recycle items (Legislature and county)
- Reduce single-use plastics and plastic packaging (Legislature and producers)
- Increase the reuse and recycling of construction and demolition waste (Legislature)
- Mandate participation in recycling and composting programs (Legislature and county)
- Ensure every individual has equitable access to zero-waste tools (Legislature and county)

Prioritize extended producer responsibility (EPR) for packaging

Policy

Establish by law a fully producer-funded system that requires producers to expand reuse, recycling, and composting of packaging and paper products building on the state's existing infrastructure.

Overview

Why this is needed: Shifts responsibility to producers to use more sustainable packaging, expand markets for recyclables, and cover the cost of managing packaging waste.

Diversion potential: 37,000 tons

Timeline: Bill passage in 2024. Full implementation would take several years.

Cost: An EPR bill would provide additional funding to municipal recycling programs statewide, supplementing SCORE funds, which only cover a fraction of the cost.

Examples of leaders: California, Colorado, Maine, Oregon

Next steps for the county

- Advocate for bill introduction and passage in 2024

Roles and responsibilities

County and environmental advocates

Conduct engagement and advocate for language that provides optimal solutions

Legislature

★ Introduce and pass an EPR bill

MPCA

Guide and oversee implementation

Manufacturers

Comply with requirements, fund programs, and redesign packaging for sustainability

Cities

Continue to implement curbside programs

Residents and businesses

Participate in recycling and composting programs

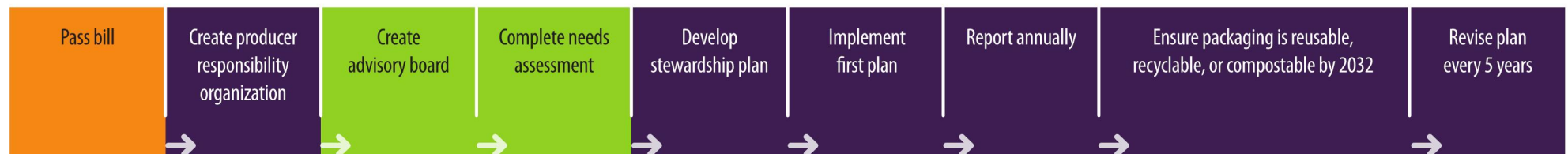
Background and additional detail

Packaging that is problematic for the recycling and composting systems is increasingly prevalent. Additionally, many items are disposable, and residents and businesses need more options for reusable, recyclable, or compostable alternatives.

EPR for packaging and paper products holds producers, specifically consumer brands, responsible for their packaging throughout the entire lifecycle – from product design all the way through to reuse, recycling, composting, or safe disposal.

A well-designed EPR system would build on Minnesota's existing recycling infrastructure, ensure sustainable funding to offset the cost of collection, expand end markets, incentivize the redesign of packaging and paper products using eco-modulated fees that adjust based on the attributes of materials, and shift producers to more reusable and sustainable packaging – all without taxpayer funds.

Key steps



Secure adequate funding for zero-waste initiatives through SCORE and other sources

Policy

Increase state funding to the level of investment needed to match the scope of the challenges we face and meet zero-waste and state recycling goals. All revenue from the Solid Waste Management Tax (SWMT) imposed on waste services should be used for waste management activities, such as SCORE funding.

Overview

Why this is needed: Additional funding mechanisms are needed to fully implement zero-waste actions.

Diversion potential: This action was not modeled in the Zero Waste Plan but is necessary to amplify and speed up all the highest impact actions.

Timeline: Bill passage in 2024.

Cost: The county received \$3.7 million in SCORE funds from the state in 2023. The legislature allocated additional funds, but the projected increase for Hennepin County is only \$704,000 (an extra \$1.30 per household). SCORE funds support city recycling programs needed to achieve recycling goals.

Examples of leaders: King County, Alameda County, Toronto, Ramsey/Washington counties

Next steps for the county

- Advocate for bill passage in 2024
- Advocate for additional funding mechanisms

Roles and responsibilities

Legislature

★ Introduce and pass a bill

MPCA and environmental advocates

Advocate for bill passage

County

Conduct engagement and adopt new funding policy, support cities with implementation

Cities

Expand programming with added resources

Residents and businesses

Support additional financial resources for zero-waste initiatives

Background and additional detail

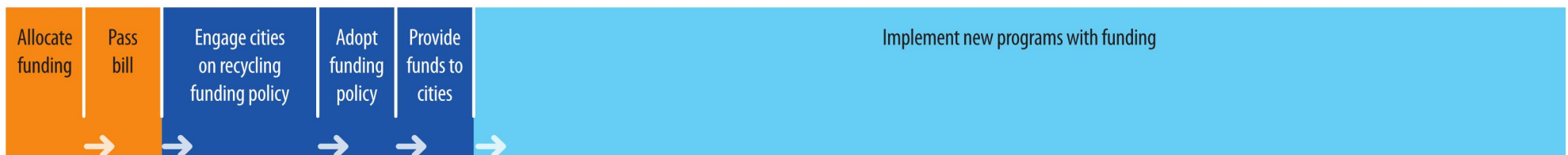
In 1989, the Minnesota State Legislature authorized SCORE grants to counties for waste reduction and recycling activities. State funding for SCORE comes from a portion of the sales tax on solid waste management services. These grants were an important source of revenue for developing recycling programs and infrastructure.

The needs of today's recycling system are different than 30 years ago. Counties and cities have expanded services beyond traditional recycling to include new organics recycling programs, more work on multifamily recycling, additional education and outreach, and more emphasis on waste prevention and reuse.

Local governments have continued to increase expenditures and develop new programs. Appropriations from the state have not kept pace. Support for county recycling programs has remained relatively flat since the inception of SCORE, while the portion of the solid waste tax redirected to the state's general fund has grown dramatically.

Hennepin County strongly advocates for an increase in SCORE grants to counties from the solid waste tax. That was the original intent for the solid waste tax on Minnesota businesses and residents. Making progress toward zero waste will require significant state support, just as the first recycling programs needed SCORE funding 30 years ago.

Key steps



Ban recyclable and organic materials from landfills

Policy

Establish a policy that prohibits the disposal of recyclable materials, such as cardboard or mattresses, and organic materials like food scraps in landfills.

Overview

Why this is needed: Targets materials that make up a large portion of the trash stream and gets biogenic materials out of landfills, which become a big climate problem when they break down.

Diversion potential: This action was not modeled in the Zero Waste Plan but is necessary to amplify and speed up all the highest impact actions.

Timeline: Bill passage in 2024. Full implementation would take many years.

Cost: This policy is only effective if enforced. Funding for sufficient staff resources to enforce the ban should be provided to the MPCA. There would be increased costs for waste generators.

Examples of leaders: California, Massachusetts, Vermont

Next steps for the county

- Advocate for bill passage in 2024
- Advocate for adequate MPCA staff resources to enforce the ban

Roles and responsibilities

County and environmental advocates

Conduct engagement and advocate for language that provides optimal solutions

Legislature

★ Introduce and pass the bill

MPCA

Lead on bill development and enforcement of the landfill disposal ban

Haulers

Comply with bans and follow up with customers that aren't complying

County and cities

Collaborate on implementation, policy changes, outreach, and education

Residents and businesses

Support the ban and comply by not placing banned materials in the trash

Background and additional detail

Landfill disposal bans on recyclable and organic materials are an essential component of a zero-waste system. The overarching goal is to increase recycling, capture valuable resources, reduce greenhouse gas emissions, and reduce the need for landfills.

Implementing a landfill disposal ban is a complex process that involves major changes to the existing waste management system. Requirements apply to landfills, haulers, and waste generators. Compliance is monitored through ongoing inspections at landfills. When a load has banned materials, the inspector identifies the responsible hauler and waste generators. The load may be rejected, charged an additional handling fee, and be subject to potential enforcement penalties. Having adequate staff is critical to the successful implementation.

Haulers are responsible for educating their customers and helping them develop procedures for preventing banned items from entering the waste stream. Generators are responsible for recycling any banned materials they generate. The requirements for waste generators are usually phased in, starting with the largest waste generators.

Enforcement is usually paired with support and resources to help people adapt to new waste disposal practices.

Key steps



Recover recyclables and organics from the trash

Infrastructure

Develop a recycling recovery facility that uses a variety of technologies to sort cardboard, metal, some plastics, and organic materials from the trash for reuse or recycling.

Overview

Why this is needed: Implementing recycling recovery alongside source separation ensures more recovery of materials regardless of individual sorting behaviors.

Diversion potential: 103,000 to 200,000 tons, depending on progress of other zero-waste actions

Timeline: 6 to 10 years to site, design, permit, and build. Immediate impact on diversion once operational.

Cost: \$300 million to \$500 million in capital expenditures in phases. Ongoing operational expenses.

Examples of leaders: Santa Barbara, King County, Ramsey/Washington counties

Next steps for the county

- Further study critical factors: site, financing, designation, permitting, and end markets
- Tour recycling recovery facilities

Roles and responsibilities

County

★ **Lead on project development, implement waste designation**

Legislature

Allocate significant funding, pass a landfill disposal ban on recyclables and organic/methane-producing materials

MPCA

Streamline permitting, approve waste designation plan, lead enforcement of the landfill disposal ban

Haulers

Deliver waste to the recycling recovery facility for processing

Residents and businesses

Continue to sort materials to maximize reuse and recycling

Background and additional details

What is recycling recovery?

At recycling recovery facilities, also known as mixed waste processing facilities, trash goes through a highly automated process that combines mechanical and optical sorting equipment to sort materials based on size, shape, and composition. Materials recovered from the trash include cardboard, metals, #1 and #2 plastics, and organic materials. There is still trash to dispose of at the end of the process. Some recycling recovery facilities, like Ramsey and Washington counties' facility, are paired with waste-to-energy technology to further recover energy from trash and avoid landfilling. These facilities are generally part of an integrated solid waste management system designed to maximize materials recovery and achieve zero-waste goals.

Source separation is better

Recycling programs where participants sort items from the trash, called source separation, will continue to be prioritized as the best way to manage waste. Source separation provides the highest quality materials with the least contamination at the lowest cost. A recycling recovery facility complements, not replaces, programs focused on increasing source separation. Combining recycling recovery with existing source separation programs has the potential to increase recycling rates quickly and significantly. Leading zero-waste cities and counties have incorporated post-collection processing into their efforts to take diversion programs to the next level.

(continued)

Key steps



Recover recyclables and organics from the trash

Infrastructure

Source separation won't get us to zero waste

Recycling programs everywhere struggle with the same challenges: low participation rates, lack of awareness, human error, competing priorities, non-compliance with sorting guidelines, and ultimately, lots of recyclables in the trash. Waste studies conducted in Minneapolis, which has one of the best residential recycling programs in the state, show that people recycle less than half of what they could be. In other words, more than 50% of recyclables end up in the trash. The situation is worse for organics. Despite having one of the best organics recycling programs in the country, the capture rate for organic materials in Minneapolis is only 16%. Because of the low capture rate for organics, 35% of Minneapolis residential trash is organics.

Implementing recycling recovery alongside source separation is a “both/and” approach that ensures a more comprehensive recovery of materials regardless of individual sorting behaviors.

It acts as a safety net, capturing recyclables that might otherwise end up in landfills. By harnessing cutting-edge technologies to recover recyclables and organics from the trash, these facilities have the potential to contribute significantly to the reduction of landfilling and accelerate progress toward zero waste.

Despite that potential, a review of recycling recovery facilities demonstrates that the path forward has obstacles: high capital costs, modest recovery rates, contamination issues that affect the marketing of materials, and operational challenges that make it difficult to meet performance goals. These caveats highlight the importance of proceeding strategically and with careful consideration.

Zero-waste innovation hub

To explore the feasibility of recycling recovery, the county hired Burns & McDonnell Engineering to conduct a comprehensive study. The study included a characterization of the county's facility needs. One potential site is the county-owned property adjacent to the Brooklyn Park Transfer Station. The site size is adequate but somewhat undersized based on an evaluation of similar facilities and discussions with equipment vendors.

Acquiring additional adjacent property would help maximize materials recovery and turn this area into a zero-waste innovation hub that supports the circular economy. The Brooklyn Park Transfer Station will continue to be needed for organics transfer, recycling, household hazardous waste and problem material drop-off, and future purposes such as reuse or recovery of hard-to-recycle materials (see page 39).

Support the transition to organized collection across Hennepin County

Policy

Program

Leading zero-waste communities have a higher level of control over hauling and processing systems. Depending on the city and sector, this may include the adoption of hauler contracts, franchising, expanded licensing requirements, or other organized collection strategies for multifamily and commercial.

Overview

Why this is needed: Control over the system leads to better outcomes, including increasing access to recycling services, reducing the number of trucks driving down each street, providing better rates to residents and businesses, and incentivizing haulers to achieve greater levels of diversion and reduced contamination.

Diversion potential: 13,000 tons

Timeline: 6+ years with multiple phases. Engagement with city and other partners is critical to successful implementation.

Cost: Consulting and staff time

Examples of leaders: San Jose, Minneapolis commercial collection study

Next steps for the county

- Consultant study
- Engage with partners to define goals, scope, implementation phases, and communication roles

Roles and responsibilities

County and environmental advocates

Advocate for bill passage

Legislature

- ★ Pass legislation to make organized collection easier for local government

MPCA

Advocate for bill passage, support local government with studies and implementation

County and cities

Implementation

Haulers

Provide waste collection services

Residents and businesses

Support system changes that lead to better environmental and health outcomes

Background and additional detail

Control over the system leads to better outcomes

The Zero Waste Plan includes an action to work alongside cities and haulers to define roles and responsibilities and establish a roadmap to transition the county to more organized hauler collection systems. This transition will help reduce hauling impacts on infrastructure and neighborhoods, increase cost efficiency, improve access and equity for rate payers, reduce climate impacts, reduce pollution, and provide consistency in service options.

The future organized collection system should:

- Incorporate hauler incentives, such as pay-as-you-throw and performance-based contracts, that favor reuse, collection of hard-to-recycle items, increased diversion, and reduced contamination.
- Include a pathway for local and regional haulers to continue to operate within the system regardless of their size.
- Be used as a mechanism to explore a pilot for every-other-week trash collection combined with weekly organics collection.
- Support a transition to increased prevalence of alternative fuel sources for collection, such as compressed natural gas or electric vehicles, complemented by county funding or other financial incentives

Key steps



Increase compliance with the recycling ordinance (Ordinance 13) and expand requirements

Policy

Program

Increase resources to support implementation of business food waste recycling requirements and improve compliance with recycling requirements at multifamily properties and businesses. Revise ordinance to provide clarity to covered generators.

Overview

Why this is needed: Ensures services are available for residents to use and increases diversion of food waste, which are key to achieving zero-waste and climate goals.

Diversion potential: 58,000 tons with full compliance

Timeline: 1+ years to revise ordinance. Many years to increase compliance.

Cost: Contractors and/or staff to conduct site visits and provide education and labels. Staff for enforcement. Added 2 FTEs in 2024. Additional requests in future.

Examples of leaders: California, Massachusetts

Next steps for the county

- Fill new positions added in the 2024 budget

Roles and responsibilities

County

- ★ Lead enforcement at the generator level, amend Ordinance 13

Cities

Better enforce existing requirements, implement additional requirements

Legislature

Provide resources to enforce existing state commercial recycling law

MPCA

Better enforce existing state commercial recycling law

Haulers

Provide and implement adequate service

Businesses

Comply with requirements and educate employees

Residents

Participate in programs

Background and additional detail

Existing requirements

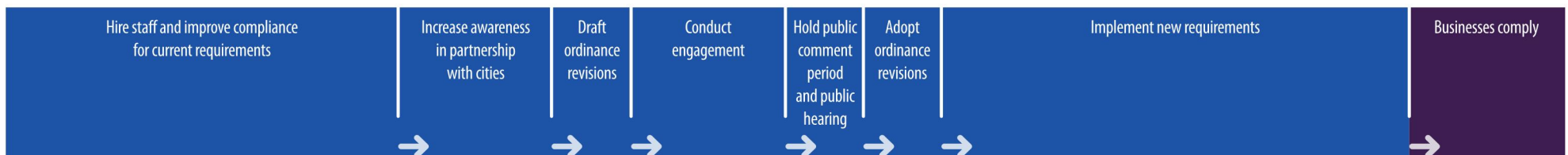
Hennepin County's recycling ordinance (ordinance 13) regulates the separation of recyclable materials, including organics, from solid waste in the county. The ordinance was most recently updated in 2018.

The ordinance requires:

- Cities have an ordinance to ensure curbside collection of recyclables from all residents and provide residents of single-family homes the opportunity to participate in organics collection.
- Commercial generators implement programs for mixed recyclables. Commercial generators that produce more than one ton of waste per week must also implement a food scraps collection program. Food scraps may be diverted through donation, collection for animal feed, anaerobic digestion, or composting.
- Multifamily property owners provide adequate recycling services and education for tenants. It does not address organics recycling for multifamily.

(continued)

Key steps



Increase compliance with the recycling ordinance (Ordinance 13) and expand requirements

Policy

Program

Increasing compliance

The gaps analysis for the Zero Waste Plan found that the county's enforcement of the ordinance is not as robust as needed. In addition, existing language needs revisions to add clarity and support compliance efforts.

The following would increase the positive impacts of the ordinance:

- Increase staffing to support the implementation of business food waste recycling requirements. Evaluate other resources to improve compliance and participation, such as incentives and technical assistance.
- Provide additional county resources to improve compliance with recycling requirements at multifamily properties and businesses. As a complement to increased compliance efforts, provide more technical support to building property managers and business owners to implement requirements and increase program participation and provide incentives through the expanded grant offerings.
- Revise ordinance language to provide clarity to covered generators and support compliance efforts.

Expanding requirements

The gaps analysis also found that there are opportunities to expand the ordinance's reach through the following considerations:

- Expanding the applicability of the organics portion of the ordinance to maximize diversion of organics, including a gradual reduction in the minimum thresholds for commercial generators, adding multifamily properties to the organics requirement, and eventually requiring all generators to have organics service.
- Emphasizing food rescue and donation options for compliance to deliver food to the best and highest uses whenever possible.
- Changing requirements for residential and multifamily organics service.
- Adding color-coding requirements for bins and dumpsters for consistency, uniformity, and increased ease of use for residents and businesses.
- Adding additional requirements for haulers to improve service and reporting.

Develop and implement a plan to eliminate food waste

Policy

Program

Establish a food waste prevention target and develop a long-term plan that identifies strategies, timeline, and needed resources for preventing wasted food at businesses, institutions, and homes.

Overview

Why this is needed: Food waste makes up 20% of trash, and two thirds of wasted food could have been eaten. While organics recycling is important to increasing recycling rates, preventing food from being wasted and entering the waste stream has far greater climate and economic benefits.

Diversion potential: 44,000 tons

Timeline: 1+ years to develop the plan (underway). Several years to implement.

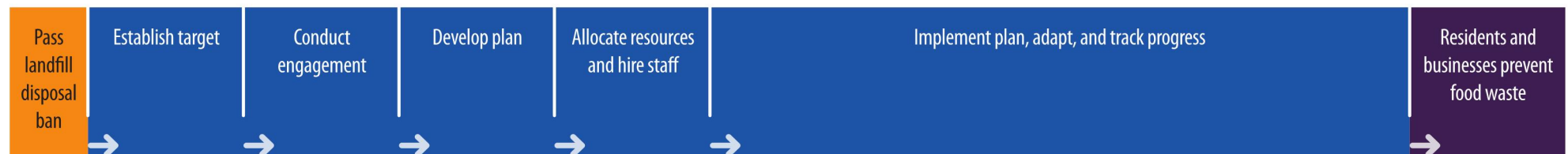
Cost: County and city staff and financial resources will be required.

Examples of leaders: Denver, Oregon, Washington, Illinois, Ohio, Massachusetts, Rhode Island

Next steps for the county

- Develop food waste reduction target and plan
- Advocate for landfill disposal ban

Key steps



Roles and responsibilities

County

★ Lead development of the plan.

Implement, track progress, and adopt policies that prevent food waste

Legislature

Pass a landfill disposal ban on recyclables and organic/methane-producing materials, adopt policies that prevent overproduction and wasted food

MPCA

Guide and oversee implementation of landfill food ban and state policies

Cities

Promote programs and initiatives to residents and businesses

Residents and businesses

Implement food waste prevention actions

Background and additional detail

Forty percent of all food grown and produced in the U.S. is wasted. Wasted food has significant environmental impacts. When food is wasted, the water, energy, and labor that went into growing the food is also wasted. If sent to a landfill, food breaks down and releases methane, a greenhouse gas 28 times more potent than carbon dioxide for trapping heat in our atmosphere.

While organics recycling and composting are better solutions than sending food to the landfill or incinerator and are important strategies for achieving zero waste, preventing food from being wasted has far greater environmental and economic benefits. Preventing food from being wasted is one of the most significant actions we can take to address climate change and reduce our trash.

This action focuses upstream on eliminating the overproduction and wasting of edible food. Strategies may include increasing the use and sale of imperfect produce, supporting federal and state tax incentives for food donation, encouraging school lunch waste reduction programs, considering regulations on food production to reduce waste, improving data tracking, supporting community food hubs, and providing education on food labels and expiration dates.

The county has already solicited proposals for a consultant to conduct a scan of the county's foodshed (how food moves throughout the food system), determine an appropriate food waste prevention target, and assist the county in the development of a food waste prevention plan. A consultant has been selected to lead the plan development, and work will begin in Q1 2024.

Expand collection and drop-off options for hard-to-recycle items

Policy

Program

Infrastructure

Close the gap in access to services by increasing collection of bulky and hard-to-recycle items, such as clothing, hazardous items, plastic wrap and appliances, via curbside pickup, events, or expanded drop-offs.

Overview

Why this is needed: Addresses transportation and other barriers that make it difficult for all residents and businesses to participate in recycling programs and divert more material from the trash.

Diversion potential: 15,000 tons

Timeline: Begin in 2024. Full implementation will take many years.

Cost: Additional staff, contracts to manage materials, and potentially building space for operations. Adding 1 FTE starting in 2024.

Examples of leaders: Minneapolis, Bloomington, California, Canada, Europe

Next steps for the county

- Fill new position added in 2024 budget
- Develop a program plan
- Advocate for legislation and funding
- Engage with partners
- Roll out pilots
- Conduct broad outreach and education

Roles and responsibilities

County

- ★ Develop programs and lead on implementation, adopt policies that lead to widespread collection and processing of materials countywide

Legislature

- Adopt legislation that leads to market development for hard-to-recycle materials and provides additional funding

MPCA

Provide grant funds, develop new markets for hard-to-recycle materials, lead enforcement of the landfill disposal ban

Cities

Lead/collaborate on implementation

Residents

Use expanded collection and drop-off options

Background and additional detail

Zero waste and disparity reduction

The gaps analysis identified lack of equal access to recycling, composting, and diversion options as a limitation to an equitable zero-waste system. Although access was generally available for residents in single-family homes and the majority of businesses, significant gaps were identified in access for residents in multifamily settings, particularly around organics recycling. Gaps were also identified for those without easy access to transportation and to services beyond conventional recycling. Because diversion options are not equally available to all community members, these gaps collectively contribute to system inequities. The following set of actions seek to expand access to services, reduce inequities, and increase diversion. State support for policies and funding to develop markets for hard-to-recycle materials and expanding collection infrastructure is critical in optimizing diversion potential.

Expand drop-off options

- Evaluate locations of existing drop-offs in relation to areas with high proportion of residents in multifamily settings, dense urban areas, rural areas with limited access to curbside services, and communities that do not have equal access to curbside services.
- Establish evaluation criteria to identify locations for investments in improved or expanded drop-off options. Use partnerships, such as with libraries, city or county buildings, schools, and businesses, to expand the number of drop-offs.

(continued)

Key steps



Expand collection and drop-off options for hard-to-recycle items

Policy

Program

Infrastructure

- Evaluate options to support (with technical, financial, regulatory, or other assistance) neighboring businesses or properties that choose to consolidate and share services for recycling and composting (such as a shared dumpster) and consider allowing and providing financial incentives to those that share service with community to increase local access.
- Expand the materials accepted to include a wider range of items.

Increase bulky item reuse and recycling

- Work with cities, communities, and nonprofit organizations in the county to increase collection and reuse opportunities for bulky items, such as by:
 - Expanding collection opportunities either at the curb or via additional drop-offs.
 - Hosting or financially supporting drop-and-swap events.
 - Supporting community-led efforts to address transportation barriers and expand access for multifamily residents with mobility barriers.
- Expand collection and drop-off options for hard-to-recycle items
- Expand collection opportunities via curbside and drop-offs for harder to dispose items, including clothes and other textiles, household hazardous waste, plastic wrap, and appliances.

Reduce single-use plastics and plastic packaging

Policy

Program

Develop new public-private strategies and pass policies such as to-go packaging ordinances and bans for single-use plastic.

Overview

Why this is needed: Plastics frustrate residents trying to recycle. Plastics contribute to litter and climate pollution, harm water and wildlife, and have largely unknown human health impacts.

Diversion potential: 200 tons

Timeline: Now and going forward

Cost: Staffing and financial resources dedicated to implementation. Added 1 FTE in 2024. Ongoing commitment needed.

Examples of leaders: California, Connecticut, Delaware, Hawaii, Maine, New York, Oregon, Vermont, and Europe

Next steps for the county

- Fill staff position added in the 2024 budget
- Research national and international policies and make recommendation to board on policy options

Key steps



Roles and responsibilities

County

- ★ **Research, draft plan, and conduct engagement.** Pass and enforce requirements.

Legislature

Strike the ban on bag bans. Consider statewide legislation to reduce single-use plastics.

MPCA

Enforce statewide bans

Cities

Collaborate with the county on implementation, policy changes, and enforcement.

Manufacturers

Reduce plastic use in design and manufacturing

Public/private partnerships

Explore research and commitments that reduce plastic, such as the U.S. Plastics Pact, Hennepin University Partnership, and MNimize.

Residents and businesses

Support policy changes, reduce plastics in day-to-day life and operations.

Background and additional detail

Plastics are unavoidable in our modern lives, and the use of plastics is projected to triple by 2050 from 2013 levels. Plastics will account for 20% of global oil use and 15% of global greenhouse gas emissions. About half of the plastics produced each year are intended for single-use, and about a quarter of all plastics produced are for packaging.

Plastics contribute to litter and climate pollution, harm water and wildlife, and have largely unknown human health impacts. During engagement for the development of the Zero Waste Plan, residents reported great frustration with the amount of plastics they were dealing with, inability to avoid them, and confusion over how to recycle them. Businesses said they struggle to avoid plastics due to application needs, convenience, and low cost.

Recycling capture rates for plastics remain relatively low, and many plastics aren't recyclable in traditional curbside recycling programs. Increasingly, studies are finding plastics in the environment, including the soil, water, and air, and in our bodies. Research on the impacts of plastic pollution both on the environment and our health remains lacking due to the complexity of the issue.

Some progress has been made on requirements and commitments to reduce plastics. In recent years, the cities of Edina, Minneapolis, and St. Louis Park have passed to-go packaging ordinances to reduce non-recyclable and non-compostable to-go materials. The county partnered with Minnesota Waste Wise to develop a campaign to reduce single-use plastic use at restaurants.

The county could develop new public-private initiatives, pass policies such as a requirement that all cities adopt to-go packaging ordinance or adopt one countywide, and consider bans for other single-use plastic materials.

Increase the reuse and recycling of construction and demolition waste

Policy

Program

Infrastructure

Advocate for a minimum diversion requirement for construction and demolition projects at the state level, support and encourage city adoption of deconstruction policies, support expansion of markets for building materials, and continue to fund and implement programs that divert used building materials from landfills.

Overview

Why this is needed: Materials such as cement, aluminum, steel, and plastics have high climate impacts and significant diversion potential. About 85% of the materials in a typical demolition project could be salvaged but only 30% are currently.

Diversion potential: 76,700 tons

Timeline: 3+ years to develop and adopt policy. Several years to implement.

Cost: Requirement only effective if enforced. Funding for sufficient staff resources to enforce diversion requirement should be provided to the MPCA. Additional staff and resources needed for programming. Increased costs for construction and demolition waste generators.

Examples of leaders: Portland, OR, California, Cook County, IL, San Antonio, TX

Next steps for the county

- Continue to develop and implement new programs
- Advocate for a state minimum diversion policy and increased landfill fees

Roles and responsibilities

County and cities

Continue to support deconstruction through funding and program initiatives

Legislature

- ★ Pass legislation for minimum diversion requirements for construction and demolition projects

MPCA

Enforce state policies

Construction industry

Conduct research on used building material use and develop and standardize design specs for deconstruction, recycling, and use of used building materials

Residents and businesses

Divert building materials for reuse and recycling

Background and additional detail

Construction and demolition waste is a large waste stream – estimates suggest it is equivalent to municipal solid waste (MSW) generation. Although construction and demolition waste isn't considered MSW and there are specific construction and demolition landfills for this material, waste studies show it still typically makes up 7% to 10% of the MSW trash stream.

Authority to regulate construction and demolition waste falls on the state and cities, related to their role in permitting construction and demolition projects. While counties are not legislatively mandated to address this waste stream, the climate benefits of reusing and recycling these materials make a strong case for focusing on them.

The county has made many efforts over the past several decades to advance the reuse and diversion of construction and demolition waste, including supporting the growth of deconstruction services and use in the metro, offering building material reuse grants, launching a pre-demolition inspection program in partnership with cities, and adopting a county policy on construction and demolition waste reuse and recycling. These efforts will only go so far, and without authority to regulate construction and demolition waste, the county is running out of tools to address this material stream.

Key steps



Mandate participation in recycling and composting programs

Policy

Program

Adopt mandatory recycling and organics recycling participation requirements for all waste generators that use rigorous enforcement and fines to ensure proper recycling.

Overview

Why this is needed: Voluntary participation will only get us so far. Mandating participation is a last step to get the remaining recoverable materials out of the trash.

Diversion potential: 63,300 tons

Timeline: Last phase of plan implementation. Other actions must move forward first. Full implementation will take many years.

Cost: Funding for sufficient staff resources to enforce the mandate is required.

Examples of leaders: San Francisco, Seattle

Next steps for the county

- Hire a consultant to conduct study

Roles and responsibilities

County

- ★ **Lead enforcement at the generator level**

Cities

Better enforce existing requirements, potentially implement county requirements

Legislature

Pass legislation that bans landfill disposal of recyclables and organic/methane-generating materials

MPCA

Lead enforcement of landfill disposal ban, better enforce existing state commercial recycling law

Haulers

Check for compliance and notify customers of contamination

Residents and businesses

Participate in recycling and composting programs

Background and additional details

Mandatory participation goes above and beyond basic recycling requirements

The Zero Waste Plan includes an action to work with cities to adopt requirements that would ban recyclable or organic materials from the trash and mandate the separation of recyclables from the trash by residents and businesses. Enforcement would occur through inspections.

Several zero-waste leaders have implemented stringent mandatory recycling ordinances with fines for noncompliance and improper recycling that go far beyond the county's targeted approach in the recycling ordinance (ordinance 13). For example, San Francisco conducts regular inspections of waste bins to ensure proper sorting, and if violations are identified, warnings or fines are issued. The city has a tiered system of penalties with escalating fines for repeat offenses. This approach is in stark contrast to recycling requirements that go largely unenforced, such as the Minneapolis 2011 commercial recycling requirement and the state's 2016 commercial recycling law.

Vocal opposition should be expected

The implementation of mandatory recycling requirements has faced pushback and negative reactions in various communities. Critics often cite concerns about perceived infringements on personal freedom or increased government intrusion. Some individuals may find the additional effort required for sorting and separating recyclables burdensome or inconvenient. Others argue that the penalties associated with non-compliance can be overly punitive and regressive in nature. Additionally, there may be confusion or dissatisfaction with the specific guidelines for what can and cannot be recycled. For these reasons, it's recommended this strategy is pursued after earlier strategies have been implemented.

Key steps

Educate and encourage participation

Conduct study

Conduct
engagementPilot in
Minneapolis

Adopt policy

Conduct education
and enforcement

Ensure every individual has equitable access to zero-waste tools

Program

Expand program reach and multicultural outreach, develop a rate assistance program, establish an equity panel, address litter, increase green jobs, and fund community-centric solutions.

Overview

Why this is needed: Support equitable access to services and community leadership in solutions.

Diversion potential: 16,000 tons

Timeline: In progress and ongoing. Implementation on some Zero Waste Plan actions, such as the Apartment Recycling Champions, has already begun.

Cost: \$3 million to \$5 million per year for program development and implementation, promotions, and contracts with community organizations. Staffing to administer the program.

Examples of leaders: Toronto, New York City, Austin, TX

Next steps for the county

- Reallocate staff resources
- Further research best practices and community ideas identified in the plan

Roles and responsibilities

County

- ★ Partner with community groups and cities to improve access and increase education, outreach, and programming

Cities

Collaborate with the county and community groups on implementation

Haulers

Ensure adequate service is provided and accessible to residents in multifamily housing and small businesses

Legislature

Provide additional funding for waste prevention and diversion programming and initiatives

Residents and businesses

Participate in programs

Background and additional detail

In June 2020, the Hennepin County board passed a Board Action Resolution that declares racism as a public health crisis that affects the entire county. This declaration supports the county's foundational work to develop strategies that mitigate personal bias and prejudice in the community, create systems that build equity, and reach a vision of a future where all residents are healthy and successful and all communities thrive.

Hennepin County is committed to making sure that pollution does not have a disproportionate impact on any group of people – the principle of environmental justice. This means that all people – regardless of their race, color, national origin or income – benefit from equal levels of environmental protection, have opportunities to participate in decisions that may affect their environment or health, and have equitable access to zero-waste tools.

Throughout the zero-waste planning process, county staff, community members, and industry stakeholders identified the following communities as being unfairly burdened by the current system: Black, Indigenous and other people of color (BIPOC), families with low-income, residents with disabilities, and youth. This is especially prevalent for residents who live in cities with solid waste facilities, multifamily housing units or rentals, areas with high rates of illegal dumping and litter, densely populated communities or those by busy roads that experience more trash truck traffic, and areas affected by cumulative health impacts from multiple sources of pollution.

(continued)

Key steps



Ensure every individual has equitable access to zero-waste tools

Program

Inequity in the system places unfair economic burdens or costs on some communities, results in uneven access to services and opportunities, and creates pollution that is unfairly borne by certain communities and neighborhoods. This includes the impacts that facilities such as HERC and landfills have on their adjacent communities.

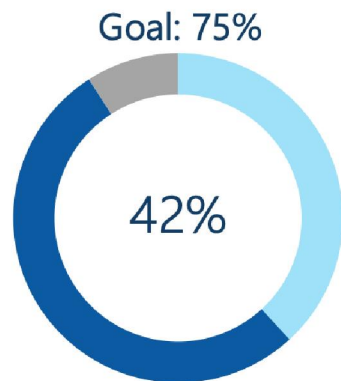
Creating an equitable zero-waste system will require all communities in the county to contribute equitably to the effort. If only a portion of the county has access to programs that lead to zero waste or all the negative impacts of waste diversion are borne by a sector of the community, zero waste will not be achievable nor will the system be equitable.

Tracking progress toward zero waste

The resolution directed a plan to accelerate the closure and repurposing of the Hennepin Energy Recovery Center (HERC) that complies with state law, does not increase landfilling, and remains focused on climate and equity. The only way to accomplish this is to aggressively pursue zero-waste policies, programming, and infrastructure – with state leadership and in partnership with cities. Using this direction as guideposts, staff recommend establishing a zero-waste dashboard to define the criteria to be met to responsibly close HERC and to identify 22 policy changes that need to be passed by the state legislature to realize this zero-waste future. Staff will report to the board annually on the progress toward these metrics.

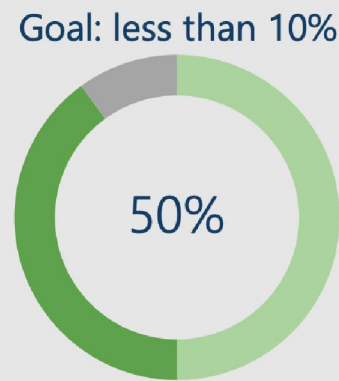
Zero-waste dashboard

Recycling rate



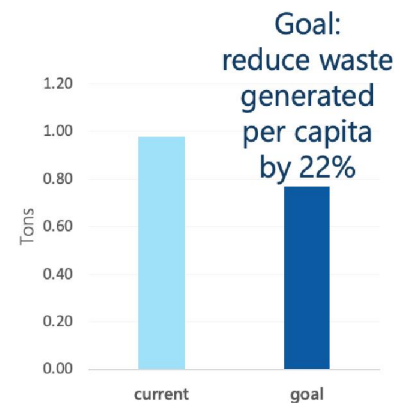
✓ Meets state statute

Amount of food, paper and other biogenic materials in the trash



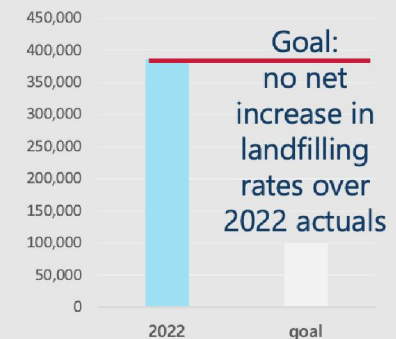
✓ Climate-driven
✓ Critical to meeting recycling goals

Waste generated per capita



✓ Climate-driven
✓ Critical to meeting zero-waste goals

Landfill rates



✓ Climate-driven
✓ Critical to meeting zero-waste goals

The zero-waste dashboard includes four metrics. The following summarizes the rationale for including each metric in the dashboard.

1. Recycling rate: Progress toward the state-mandated goal of 75% recycling rate.

Keeps the county in compliance with state law and tracks progress toward zero-waste goal.

2. Percent of food, paper and other biogenic materials in the trash: Establish a goal of 10% or less.

Targets materials that make up the largest portion of our trash and focuses on getting biogenic materials out of landfills, which become a big climate problem when they break down. Preventing or recycling these materials are keystones for meeting climate and zero-waste goals.

3. Waste generated per capita: Reduce waste generated per capita by 22%.

This metric helps us track progress toward transforming our solid waste system from a linear process that consumes natural resources and prioritizes disposal to a circular economy that values materials and their reuse. This metric is important for achieving both zero-waste and climate-action goals. The consumption habits of Americans are driving greenhouse gas emissions around the world. We need to change our behaviors and practice more thoughtful consumption to reduce the climate impact of what we buy and how we dispose of it.

4. Landfill rates: Establish a red line – no net increase in landfilling over 2022 actuals for landfilling rates.

If we do not succeed in advancing zero-waste actions, we risk increasing landfilling and going in the wrong direction for climate. Landfills have been identified by climate scientists as a major contributor to our climate crisis. Establishing a metric to not increase landfilling rates over 2022 actuals of 357,000 tons makes it clear to our legislative partners and environmental advocates that the county will not accept closure or repurposing of HERC if it results in shipping more of our trash to landfills in other communities.

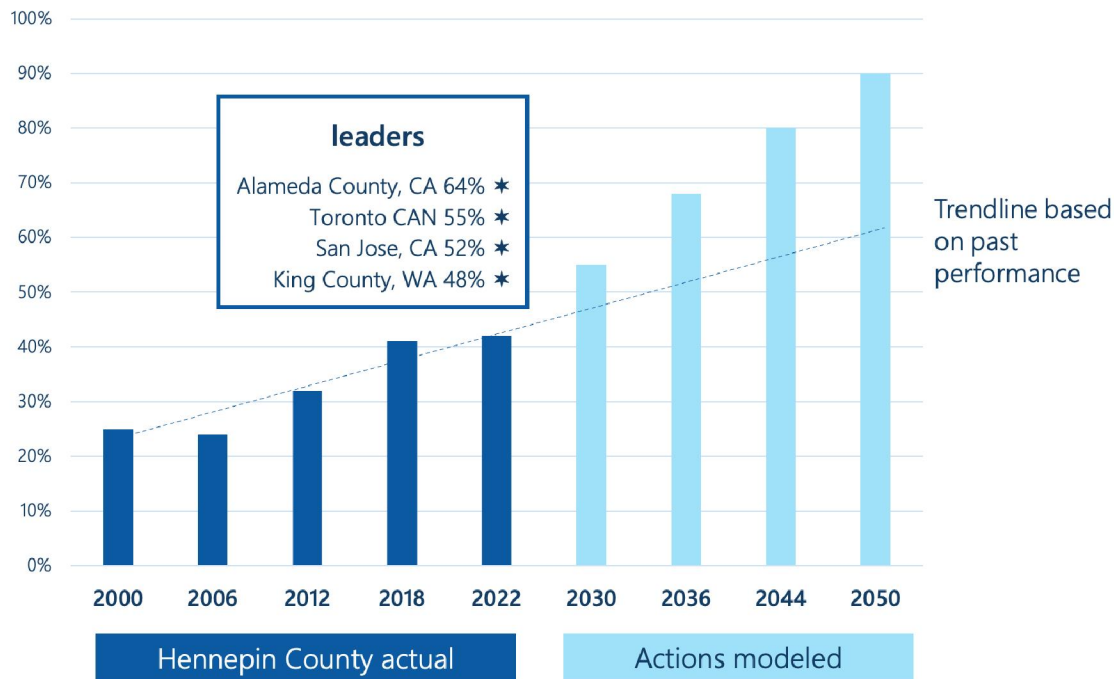
State legislative policy dashboard

In its 2024 state legislative priorities, the Hennepin County Board of Commissioners is promoting a zero-waste and clean-energy future to help the county meet its climate-action goals and to ensure the timeline for closure of HERC between 2028 and 2040. To achieve these priorities, the county's Intergovernmental Relations team is leading a multi-session campaign to advocate for state leadership to put Minnesota on-par with national zero-waste leaders. In the upcoming 2024 session, the county has prioritized these four actions for inclusion on a 2024 legislative session dashboard:

1. Pass the Packaging Waste and Cost Reduction Act (extended producer responsibility bill).
2. Redirect the Solid Waste Management Tax (SWMT) going to the general fund to SCORE grants.
3. Invest in a recycling recovery facility.
4. Make it easier for local governments to have a higher level of control over hauling and processing systems.

Progress and comparison to zero-waste leaders

The county further modeled potential recycling rates resulting from these actions. The model includes the county's progress based on previous results and comparisons to zero-waste leaders that were evaluated in the development of the Zero Waste Plan. The following chart shows the diversion rate achieved by long-time zero-waste leaders ranges from 48% to 64%. The Zero Waste Plan system gaps analysis identified state-level zero-waste policies and a higher level of government control over the solid waste system as key defining factors for these high performing leaders.

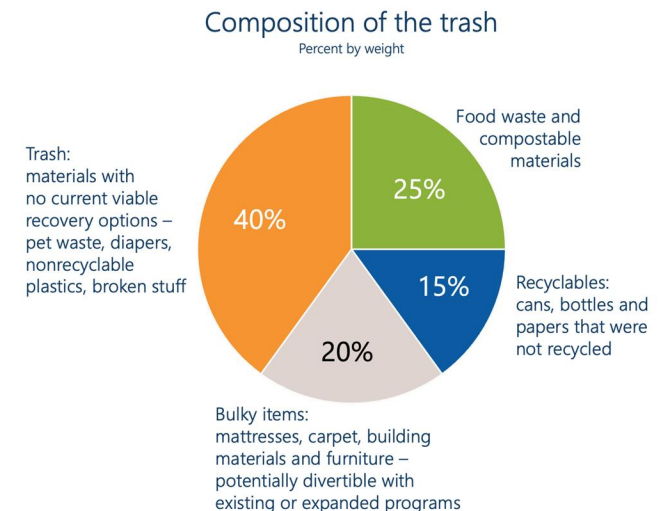


The dark blue bars show the county's recycling progress over the past 20 years. The trendline to 2050 is based on past performance. The light blue bars show the recycling rate goals we need to meet to achieve zero waste, defined by the county as 90% diversion rate from landfills or incinerators.

The county has done all the easy things, and even those things took a long time. Without a dramatic shift in priority at the state level to advance zero-waste policies that give government greater control over solid waste system, the historical data trends project no more than 1% percent increase in recycling rates per year and an expected plateau after 50% recycling is achieved.

There is still a lot of trash in our trash

Waste composition studies show that approximately 25% to 30% of what is currently trashed is organic material, which includes food waste and other compostable materials. Another 15% is recyclable – this is cans, bottles, and paper that were not recycled – and 20% is bulky items that are potentially divertible with existing programs, such as mattresses, carpet, building materials, and furniture.

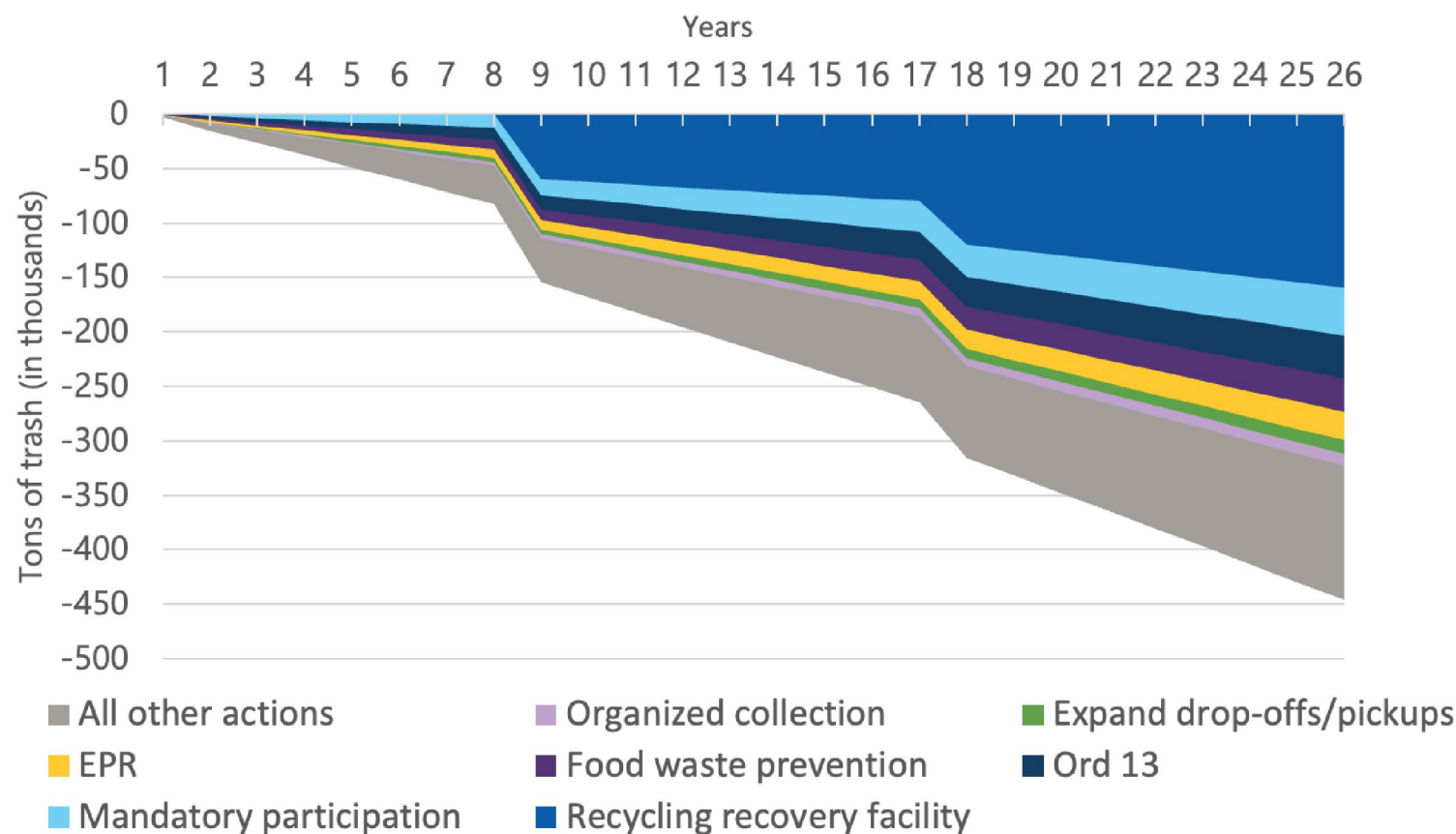


There is also still a lot of trash – or materials for which the county does not currently have viable recovery options – in the county's waste stream. This trash, which represents 40% of the waste generated, includes pet waste, diapers, hygiene products, nonrecyclable plastics, and broken and unwanted stuff. Until state or national policies are in place that lead to market development for these hard-to-recycle items, we will still have a significant amount of trash to dispose.

Potential for highest impact actions to divert trash and reach zero-waste goals

County staff refined the Zero Waste Plan model to show the highest impact actions individually and the incremental progress to be expected. The time it will take to achieve these actions will depend on how quickly zero-waste policies are adopted and the level of funding for implementation. The rate of progress will also depend on how fast infrastructure can be planned, sited, designed, and built and the overall societal commitment to reducing waste.

Trash diversion by year from implementing the zero-waste actions



Background and additional detail

The Zero Waste Plan consultant used a dynamic zero-waste planning model to calculate the potential impacts of the plan’s actions on the county’s overall diversion rate. The model is based on Hennepin County’s two-year average generation, disposal, and diversion tonnages, relies on U.S. Census data for population and household counts, and incorporates data on waste composition from past studies conducted in Hennepin County, the City of Minneapolis, surrounding counties, and the State of Minnesota.

Each of the 62 actions were included in the model to estimate each action’s impact on generation, diversion, source reduction, and disposal. Model impacts are cumulative and include dependencies between actions. The underlying zero-waste model assumes that all the actions have not only been implemented, but that they have been implemented successfully and effectively. For example, the modeled impacts assume that extended producer responsibility (EPR) legislation is not just advocated for, but that a well-designed and effective EPR policy is adopted at the state level and implemented across Minnesota. The model outputs, including the range of estimated impacts for each action, is included in Appendix B of the Zero Waste Plan.

The county refined the model to apply a timeline for implementation (see chart on page 30). The county used the high side of tonnage estimates, assumed almost perfect implementation, and modeled impact on tons of trash to be diverted by 2050. The following is a comparison of the assumptions behind the models.

Zero Waste Plan modeling by RRS consultants	Zero-waste action implementation modeling by county staff
Range of tonnage estimates (high and low)	High side of tonnage estimates
All actions implemented	All actions implemented, all actions starting in year 1, and fully resourced
Assumes perfect implementation	Assumes almost perfect implementation
500,000 tons diverted by all actions	446,000 tons diverted by all actions
77% to 83% recycling rate	76% recycling rate
No timeline provided	By 2050

Section II: Operational considerations and actions to close and repurpose HERC

In addition to prioritizing action items that would accelerate zero waste, the board resolution identified parameters to address in a closure plan. The following section outlines the actions that would need to be completed to stop incinerating trash, including considering alternative locations for trash disposal and a sequence of key events that would follow a board resolution directing County Administration to repurpose HERC or stop incinerating trash on a certain date. This action would then trigger a cascading sequence of steps to accomplish this direction, all of which would have financial, legal, and environmental impacts.

These considerations and actions were based expertise and understanding of the current solid waste system. Additional information can be found in the report *HERC and its role in the solid waste system*. Many of the considerations and actions will depend on when the HERC closure process is initiated, the progress toward successful implementation of the zero-waste actions and ultimately, how much trash remains at that time.

As part of the county's due diligence in operating the solid waste system, staff will continue to communicate significant changes in the solid waste system as it relates to actions in this section.

Board resolution parameters

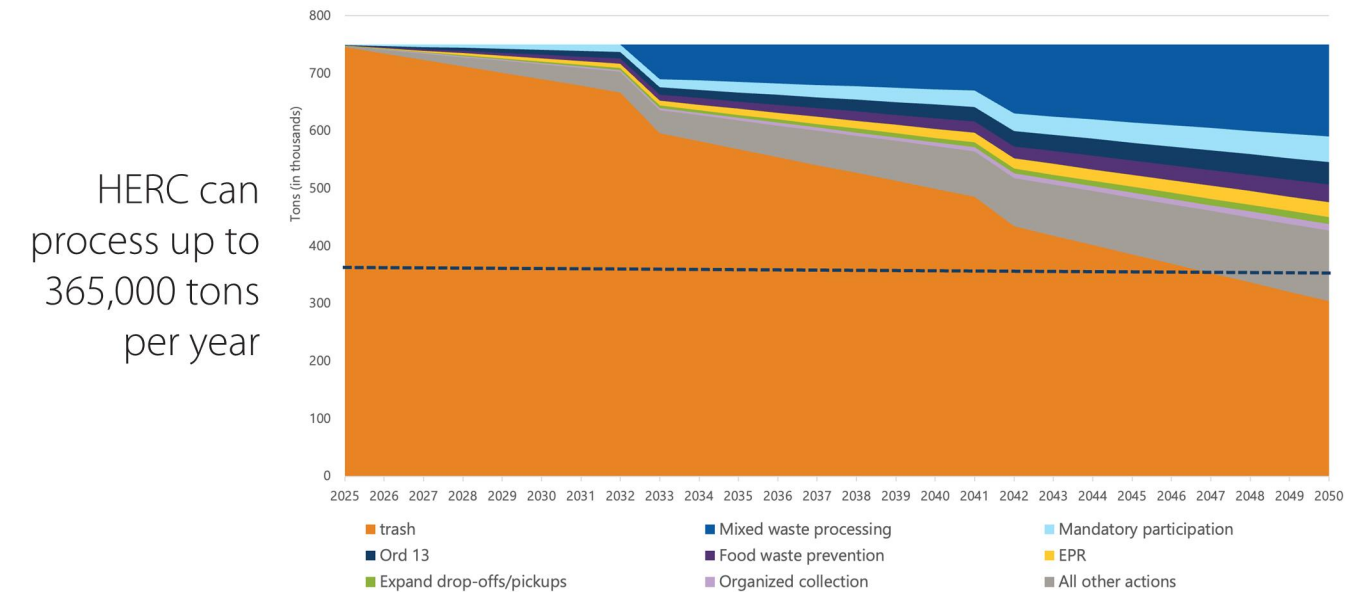
BE IT FURTHER RESOLVED, that the Plan should include: (1) an estimated timeline, (2) estimated financial requirements, and (3) foreseeable environmental consequences related to the following:

- a. prioritization of the county's Zero Waste Plan action items that would accelerate the achievement of zero waste in Hennepin County (page 1- 26)
- b. decommissioning of the HERC facility;
- c. transitioning the labor force currently working at the HERC and other labor connected to HERC;
- d. land disposition after HERC is decommissioned;
- e. paying HERC's existing debt service;
- f. future of Brooklyn Park Transfer Station;
- g. alternative waste disposal methods for the waste generated across the county;
- h. ongoing natural resources and climate action programming;
- i. timeline mapping out future legislative agenda items and priorities to fund natural resources and climate action programming, closure of the HERC and payment of related debt service

Alternative disposal locations for the trash generated

After waste reduction, reuse, and recycling, the remaining materials would be disposed of in a landfill. Since there are no active landfills in Hennepin County, upon the closure of HERC, trash generated in the county will be disposed of at landfills outside of the county.

Projected trash tons to dispose while accelerating zero-waste actions



To understand how much trash is expected to require disposal as the county pursues zero-waste actions, the county used the projected trash diversion potential of the zero-waste actions (See the chart on page 30) and applied it to the current amount of trash discarded, which is approximately 750,000 tons per year.

Future trash projections (year)	2028	2034	2040
Tons of trash discarded	735,000	667,000	513,000

The chart above shows the amount of trash requiring disposal over time in orange. The significant decrease in trash in 2033 shows the impact of the first recycling recovery facility becoming operational. The additional decrease in 2042 is also related to the recycling recovery facility. As artificial intelligence improves, the county anticipates an additional capital investment to upgrade equipment in the facility to further capture more recyclables. The remaining actions are projected to have a linear increase in trash diverted as implementation improves over time.

The dotted line on the chart shows how much of the trash could be processed at HERC (up to 365,000 tons/year) to reduce the amount of material that would require landfilling. To effectively show the impact of the zero-waste actions over time on the amount of trash diverted, these projections do not account for population growth on the amount of total trash discarded.

Even with this incredibly optimistic projection of how fast and how well we can implement these actions, we will still have a lot of trash to dispose while advancing zero-waste actions.

Metro area landfill and transfer station capacity

If trash diversion projections from successful implementation of high-impact zero-waste actions come to fruition, it is anticipated that there is enough designed landfilled capacity and permitted transfer capacity to manage the trash generated in Hennepin County at metro area landfills through 2040. This depends on these landfills successfully completing Certificates of Need and the permitting process for waste, which is expected to exceed the 2020 Certificate of Need allocation.

It is anticipated that trash from the county would be disposed in the following metro area landfills.

Name	Owner	Additional awarded capacity in 2020 permitted status	Miles from the Hennepin County Government Center	Located in an area of concern for environmental justice
Burnsville Landfill	Waste Management	1,692,893 tons awarded and permitted	17	Yes
Elk River Landfill	Waste Management	Operating under current existing permitted capacity	38	No
Pine Bend Landfill, Inver Grove Heights	Republic Waste Services	2,398,764 tons awarded, in process for permitting	22	No
Dem-Con Landfill, Shakopee	Dem-Con	627,244 tons awarded and in process for permitting	32	Yes
Rich Valley/ Inver Grove Heights Landfill	Waste Connections	893,889 tons awarded. Have not begun process to permit.	22	No

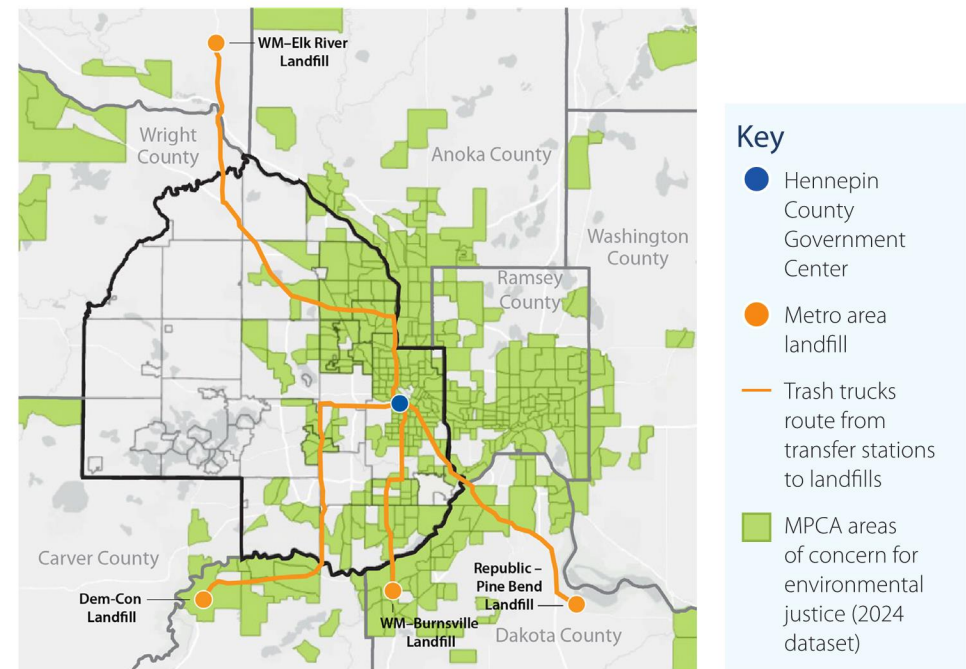
Additional out-of-metro-area landfills include Waste Management's landfills in Lake Mills and Spirit Lake, Iowa and Republic Services' landfill in Sarona, Wisconsin.

About 75% of the trash delivered to HERC comes from Minneapolis residents and businesses. The remaining 25% is residential trash from primarily Bloomington, Champlin, Deephaven, Excelsior, Hopkins, Loretto, Maple Plain, Medina, Minnetonka Beach, Osseo, Richfield, Robbinsdale St. Bonifacius, St. Louis Park, Tonka Bay, and Wayzata.

Because of their proximity to Hennepin County, it is anticipated trash being delivered to the Burnsville and Dem-Con landfills will be delivered by a combination of direct haul and transfer trailers. Trash from Minneapolis is likely to be hauled to a transfer station, then loaded into semi-trailers and disposed at Burnsville and/or Pine Bend landfills. Trash from Bloomington, Edina, and Richfield would most likely be hauled directly to the Burnsville Landfill. Trash from Eden Prairie and cities located around Lake Minnetonka would most likely be hauled directly to the Dem-Con Landfill. Trash from the remaining cities would

be hauled to a transfer station and disposed of at the Elk River or Pine Bend landfills, based on which hauler picks up the waste. The map below depicts the location of these landfills and the likely route the trash would travel, shown in orange, in relation to areas of concern for environmental justice, shown in green.

Location of landfills in relation to areas of concern for environmental justice



Source: Hennepin County, MPCA

The county has identified eight permitted transfer stations that are likely to be used to transfer waste from Hennepin County to metro area landfills. The eight transfer stations have a permitted annual capacity of 1,144,300 tons. In 2022, these stations transferred 615,543 tons. Given that the permitted capacity exceeded the 2022 actuals by 528,757 tons, it is likely that additional transfer station capacity would not be required in the short- to mid-term to manage the 425,000 tons currently managed through the county's Brooklyn Park Transfer Station and hauled directly to HERC. Transfer capacity may be strained in the longer term if HERC no longer processed trash, Brooklyn Park Transfer Station was repurposed and no longer transferring trash, and trash generation continued to grow due to population increases and/or lack of progress toward zero-waste. Because of uncertainty of its future operations, the county did not include the Brooklyn Park Transfer Station, which has a permitted capacity of 273,000 tons,

in its trash flow projections. A transfer station located in Dakota County was also excluded due to its proximity to a landfill. This transfer station would most likely be used to transfer waste to landfills outside of Minnesota.

Companies that own the four metro area landfills control 66% of the transfer capacity. The remaining 34% of transfer capacity is controlled by two companies that do not own local landfills. Larger independent haulers expressed concern that when HERC is closed, they could be priced out of competition if their only options are landfills owned by the two big national waste companies.

Key sequence of operational steps

The following section provides an overview of the key operational steps that would need to be completed to stop incinerating trash at HERC at any point in time. The order of these steps and estimated timeline to complete are also included.

The first set of steps includes what would happen were the board to pass a resolution directing County Administration to repurpose HERC or stop incinerating trash on a certain date. This action would trigger a cascading sequence of steps to accomplish this direction. The second set of actions would happen after HERC stopped incinerating trash.

The following graphic depicts these two key actions with yellow stars and then shows a sequence of actions up to five years. A five-year timeline has been identified by staff, cities, and haulers as the maximum time needed to minimize disruptions to the solid waste system to close HERC. A one-year timeline would be the minimum notice needed.



First set of steps

Notify vendors of contract cancelations

The county manages various contracts to operate HERC and recover resources. To terminate the contracts, a County Board Action directing the HERC operator to stop incinerating trash on a certain date, or when processible waste falls below a certain amount, must occur. When negotiating these contracts, the county sought to mitigate potential liability if the county needs to terminate these contracts early due to federal, state, or county action. In summary, the minimum notice needed to terminate the operations agreement with Great River Energy HERC Services and the steam service agreement with Energy Center Minneapolis (Cordia) because of a county action is 365 days.

The following is a summary of the early termination clause by each contract.

Contract summaries

Great River Energy HERC Services, LLC (GREHS)

For management, operation, and maintenance of HERC.

Expires December 31, 2025. Planned execution of new contract with a term through December 31, 2033.

Summary of out clauses in proposed contract:

- If federal or state law significantly restricts or eliminates the county's ability to operate HERC, thereby reducing the delivery of solid waste to HERC to zero or nearly zero, the county can terminate the agreement early by providing 180 days written notice to GREHS. Such a termination would be treated as an early expiration of the agreement rather than a default by the county. This clause is intended to cover circumstances beyond the county's reasonable control.
- If the county itself acts to decommission HERC, because it has achieved zero waste for example, the county can terminate the agreement early by providing 365 days written notice to GREHS. As with termination due to state or federal action, this termination will be treated as an early expiration and not a default.

In either scenario, the county and GREHS would develop a transition plan to cease waste-to-energy operations in a safe and orderly manner. The county could also elect to engage GREHS in developing and/or managing a decommissioning plan which could, but does not have to, include demolition/redevelopment, full or partial site remediation, and/or repurposing of the site. To ensure an orderly cease of operations and possible decommissioning process, the county would provide GREHS with a severance payment for GREHS to incentivize existing staff to remain in their positions through those processes.

Energy Center Minneapolis LLC

Steam service agreement with the downtown district energy provider.

Expires: March 2, 2025. Planned execution of new contract with a term through December 31, 2033.

Summary of out clauses in proposed contract:

Similar to the operation and maintenance contract with GREHS, this agreement may be terminated early by the county:

- If federal or state law directly or through substantial economic effect prevents the county from providing steam under the agreement. The county could then terminate the agreement without any liability. This clause is intended to cover circumstances beyond the county's reasonable control.
- If the county itself acts to decommission waste-to-energy processing at HERC, making it impossible to provide steam under the agreement, it could terminate the agreement early providing Energy Center Minneapolis with at least one year's written notice of its anticipated need to terminate. As with termination due to state or federal action, this termination will not confer liability on the county.

SKB

Disposal of ash; metal-recovery services

Expires: December 31, 2025. Planned execution of new contracts with terms through December 31, 2033.

Summary of out clauses: Not applicable. The county has no obligation through these two contracts if HERC is not operational, where no ash is produced and there is no metal to recover.

Twins Ballpark LLC

Sale of steam to heat spaces in the ballpark

Expires: 2040

Summary of out clauses: The contract calls for the county to be responsible for the cost of securing and connecting replacement steam service; however, the ballpark is already connected to the downtown district energy system, so there would be no additional cost. The county is required to give the Twins immediate notice of such a closure and will make diligent efforts not to disrupt or otherwise interfere with the normal operations of the ballpark.

Power Purchase Agreement

Electricity sales

Expires: December 31, 2024

The county's power purchase agreement with Xcel Energy expires at the end of 2024. The county is exploring alternative paths to selling its electricity.

Project for Pride in Living LLC

HERC apprentice/workforce development project

Expires: July 31, 2024. Renewed annually until the year prior to HERC closure or repurposing.

Summary of out clauses: N/A – annual contract terms

Estimated timeline: One month to notify all vendors.

Notify cities, landfills, and waste haulers

Cities, not the county, are responsible for ensuring that “every residential household and business in the city or town has solid waste collection service” (Minn. Stat. § 115A.941 (a)). Upon a board decision to end waste-to-energy operations at HERC, the county would need to notify the following cities that currently contract with waste haulers to deliver residential trash to HERC: Bloomington, Champlin, Deephaven, Excelsior, Hopkins, Loretto, Maple Plain, Medina, Minneapolis, Minnetonka Beach, Osseo, Richfield, Robbinsdale, St. Bonifacius, St. Louis Park, Tonka Bay, and Wayzata. Many of these cities have five-year contracts in place for this service and have requested as much notice as possible to arrange for alternative disposal at a landfill.

Upon a county decision to end waste processing at HERC, private landfill owners will need to begin procurement processes to purchase more trucks and equipment. They would also begin the process to design and permit new landfill cells. Landfills will require improvements to infrastructure, such as roadways and scalehouses, to handle the added deliveries of the county's waste.

The county would also notify the 60 waste haulers with contracts to deliver trash to HERC. These are receivable contracts that the county can terminate upon 30 days' written notice.

Estimated timeline: One month to notify parties. Up to two years for landfills and waste haulers to purchase trucks and equipment. Up to four years to design, permit, and build new landfill cells.

Estimated financial requirements: The City of Minneapolis will experience the greatest financial impact when HERC closes. The city should expect a significant increase in tipping fees each year and additional administration, equipment, labor, and fuel costs.

Financial impacts on businesses and the 16 suburban cities that contract with waste haulers to dispose of residential trash at HERC is unknown, but cities that responded to the request for input overwhelmingly believe that disposal costs will increase significantly. The county and cities cannot foresee how trash disposal fees at landfills will change, but in a completely privatized solid waste market, it is certain that the county would have no influence on the tipping fees the private sector disposal sites charge. In the end, customers will, in all likelihood, pay more.

Environmental consequences: The environmental consequences can be determined by knowing the following information at the time of disposal:

- What fraction of the trash being disposed in a landfill is food, paper, and other biogenic material that would break down in a landfill and produce carbon dioxide and methane.
- How methane gases are managed at landfills where the trash will be disposed – whether the gases are flared or if the landfills have added renewable natural gas plants.
- How much of the energy consumed in our region is renewable. As more energy in the state is generated from renewable sources, the climate benefits of waste-to-energy will decrease. Currently, 34% of our region's electricity is generated from renewable sources, so waste-to-energy is still offsetting a fraction of the fossil fuels burned for energy.
- How much metal remains in the trash and the amount of metal that can be recovered in a recycling recovery facility. Currently, the amount of metal that can be recovered from the trash through a recycling recovery facility is less

than what is being recovered from HERC. Incineration recovers metals that could not otherwise be separated and recovered. Additional metal, including valuable non-ferrous metal, can be recovered from the ash through further screening.

- The conclusion to the MPCA's PFAS monition plan and recommended minimization strategies to reduce PFAS released into the environment. PFAS in landfills can migrate into the leachate, which is often treated at a wastewater treatment facility. Few existing removal systems installed at landfills or wastewater treatment plants are capable of removing PFAS, creating the potential for PFAS to be discharged into surface water with the treated wastewater. Thermal destruction is among the mitigation technologies suggested by the U.S. Environmental Protection Agency (EPA) to control PFAS in air emissions. HERC, along with 144 other waste facilities, is likely to be asked to participate in the MPCA's PFAS monitoring plan, which would involve collecting and analyzing PFAS air emissions data in HERC's annual emissions test. This data will help the MPCA and federal agencies develop minimization strategies to reduce PFAS releases into the environment. Results of this data collection effort are expected in 2025.

Secure alternative funding for natural resources and climate action programming

State statute does not allow the county to use revenue from traditional solid waste activities to fund natural resources programs. However, a specific statute does allow the county to use the sale of electricity and recovered materials from HERC to fund these programs. Currently, HERC electric and material sales are the primary sources of funding for these important climate-driven programs.

Upon HERC's closure, the county will need to implement one or more of the following solutions to cover the resulting funding gap:

1. Obtain additional state revenue
2. Propose and implement new sources of funding
3. Use property tax revenue
4. Scale back natural resources programming

Estimated timeline: Years 1 and 2, depending on when the action to stop incinerating trash or repurpose HERC falls during the year-long budgeting process. The new financial strategy should be completed no later than when HERC stops accepting trash and collecting tipping fees.

Estimated financial requirements: To be estimated based on electrical revenues generated at time upon decommissioning of the waste-to-energy operations at HERC.

Environmental consequences: The county has been ramping up our natural resources programming, including pursuing the one million trees goal and preserving 6,000 acres of natural areas with conservation easements. The funded staff positions have allowed the county to aggressively pursue state and federal dollars to further leverage this work.

Develop and implement transition plan for the labor force

As identified in the HERC report, a total of 352 jobs (as of 2023) are associated with HERC. The county would develop and implement a transition plan for this labor force upon board action to repurpose the HERC site. In general, county staff positions in natural resources would be funded through alternative sources of revenue, and the solid waste positions would be reallocated within the county's other operations. GREHS staff would receive a severance payment to incentivize staff to remain at their highly technical and skilled positions through the end of waste-to-energy operations at HERC. The various sub-contractor teams that work at HERC during maintenance outages would receive ample notice to secure alternative contracts.

Estimated timeline: Years 4 and 5

Estimated financial cost: The primary costs would be the severance payments as a part of transition plan to incentivize staff to stay until the facility closed, and the alternative funding sources for the natural resources staff.

Plan and finance repurposing of the HERC site

As decisions and progress towards zero waste are made and details are better known, a comprehensive financial plan will be developed.

Determine future of Brooklyn Park Transfer Station (BPTS), plan and financing to repurpose the site

The county's transfer station is located at 8100 Jefferson Highway in Brooklyn Park. This transfer station is used to unload trash from haulers in smaller trucks and reload it into larger vehicles for transport to disposal facilities, primarily HERC. In 2022, the county transferred 154,000 tons of trash through this facility. The county also uses this facility as a drop-off center for residents to dispose of hazardous items and to transfer organics to composting facilities. The county anticipates in the near-term this facility will continue to function as a transfer station. As progress is made on zero-waste actions, the county will explore how the facility could best support zero-waste infrastructure.

The central location of the transfer station provides an opportunity to efficiently collect and process organics and reduce emissions from transporting the material. The county also owns a property adjacent to the transfer station, the former Sheriff's Communications site that is no longer is being considered for an anaerobic digestion facility and could be repurposed for other zero-waste infrastructure.

Combining two or more of the following proposed uses at the BPTS and adjacent site could be the start of an innovation hub that focuses on material circularity in the county. Acquiring additional land could provide private-public partnership opportunities to further concentrate waste reduction, reuse and recycling activities in this area. A proposed zero-waste Innovation Hub could include one or more of the following:

Recycling recovery facility

Staff recommendation is to pursue next steps for the development of processing waste to recover recyclables. At a recycling recovery facility, trash goes through a highly automated process that combines mechanical and optical sorting equipment to sort materials based on size, shape, and composition. Materials recovered from the trash include cardboard, metals, #1 and #2 plastics, and organic materials. There would still be trash at the end of the process that would require disposal.

As needs change, other zero-waste infrastructure options will be explored, including, but not limited to:

Expand organics transfer capacity

BPTS has been used for organics transfer for almost 20 years. Because it was designed to manage only trash, some design changes are needed to improve how organics are received, inspected, stored, and transferred at BPTS. Modifications to the facility would make organics transfer more effective and efficient. The local organics composting sites are located on the outskirts of the southern metro area. Transporting organics directly from collection routes in northern Hennepin County to the composting sites takes more time and money for haulers, which can translate into higher costs for their customers. To support the cost-effective expansion of organics recycling, additional capacity is needed to receive, transfer, and process organics near to where the organic materials are generated and collected.

Pre-processing of organics

Pre-processing of organics typically involves some combination of debagging, depackaging, size reduction, and removal of contamination. Pre-processing organics would enable the county to take advantage of two opportunities: producing very clean organics that would be a premium feedstock for any local organics processor and providing depackaging capability that would allow for the removal of organics from sealed packages. Depackaging capability at BPTS would create an outlet for the enormous amounts of expired and off-spec food products that get disposed on a regular basis. Depackaging is a critical need for helping food and beverage manufacturers, food distributors, and food retailers move toward zero waste.

Salvage and reuse center

BPTS could serve as a building materials and bulky item drop-off facility for residents. Incoming materials would be sorted and evaluated for potential reuse and recycling. This would expand on the county's existing efforts to salvage cabinets, doors, light fixtures, windows, and other items.

It could also provide more options for reusing and recycling new types of bulky items, such as furniture. Reupholstery, refurbishment, and repair would extend the lifespan of those products, reduce waste, and support climate-action goals related to consumption.

The facility would also support the expansion of city collection programs by serving as a hub for material reuse and recycling. It could also house county surplus items and/or donated office supplies for schools to reuse.

By collaborating with established nonprofit partners, the county would support workforce development programs, meet the needs of individuals and families facing economic challenges, and create meaningful opportunities for community involvement.

Plastics Recovery Facility

A Plastics Recovery Facility (PRF) is a facility that sorts, grades, and prepares post-consumer mixed plastic material by individual resin types. Most materials recovery facilities (MRFs), which are facilities that sort mixed recyclables, separate #1 and/or #2 plastics. Some MRFs send their sorted plastics to a PRF for further processing and "polishing" to achieve higher quality material separation.

Sorting plastic into individual resin types has important advantages. Additional sorting at a PRF increases the value of the plastic material. Recyclers also benefit from being able to purchase post-consumer plastic material of individual resin types. Since no further sorting is required, recyclers who purchase the commodities save time and resources.

Second set of steps

This set of actions would happen after HERC stopped incinerating trash.

Paying HERC's debt service

The county plans approximately \$5 million to \$6 million per year in capital improvement projects at HERC. These investments maintain the facility and preserve HERC's complex environmental controls to not only ensure compliance with air emission permit requirements but also to invest in emission reduction technology to achieve greater environmental performance for residents and safety measures for employees. As of December 31, 2022, the outstanding debt from capital projects was \$37.7 million, which would be fully paid off in 2042 (if it is not added to going forward). This indebtedness is through general obligation bonds tied to 20-year maturities. Currently, revenue generated by HERC pays this debt service obligation. When HERC no longer generates revenue, the county's Office of Budget and Finance would develop a plan to pay this debt.

Landfill liability assessment or other MPCA requirements

HERC provides the ability for cities and public entities to dispose of solid waste through waste-to-energy, which is ranked higher on the state's waste management hierarchy than landfilling. As long as the county's solid waste management plan includes HERC as a strategy to reduce landfilling, cities comply with the county plan and the waste hierarchy by utilizing HERC. If cities were to shift toward landfilling while the county's solid waste management plan preferred waste-to-energy over landfilling, as the current plan does, those cities may need to plan for potential liability.

Statutory compliance

Implementing the MPCA's Metro Policy Plan

Minnesota statutes require metropolitan counties to create and follow solid waste management plans that implement the MPCA's Metropolitan Policy Plan. The Metropolitan Policy Plan "shall address the [the waste hierarchy]" (Minn. Stat. § 473.149) and set "quantifiable metropolitan objectives for abating . . . land disposal," which the county solid waste management plans must implement (Minn. Stat. §§ 473.149, subd. 2d; 473.803, subd. 1c).

The MPCA released their final Metropolitan Policy Plan on January 30, 2024, just two days before this plan was submitted to the county board. Staff will review the Metropolitan Policy Plan and communicate the process, timeline, and any associated risks presented by implementing the Metro Policy Plan with the county's solid waste management plan by February 29, 2024.

The MPCA may reject a county solid waste management plan that does not implement the strategies of the Metro Policy Plan. Ultimately, a rejected plan could lead to the loss of county SCORE funding (Minn. Stat. § 115A.557, subd. 3.)

Restricting landfill disposal and certifying unprocessable waste

As part of the Landfill Abatement Act, the statutory "restriction on disposal" prohibits disposal of unprocessed metro waste at landfills unless the trash has been certified by a county or waste processing facility as unprocessable (Minn. Stat. § 473.848). Each year, the county must submit a certification report to the MPCA that includes: (1) how much county waste was not processed prior to disposal, (2) the reasons it was not processed, (3) a strategy for ensuring waste processing with a timeline for implementation, and (4) any progress in reducing unprocessed waste. *Id.*

Were the county to shut down HERC without either: (1) first significantly decreasing the amount of waste generated so that the county would not landfill more waste than it currently does and/or (2) replacing HERC with a facility that could process waste higher up on the waste hierarchy than either incineration or landfilling, the county would have to report that nearly all its waste is landfilled because HERC was voluntarily closed.

To the county's knowledge, no publicly owned waste-to-energy facility in Minnesota has been decommissioned when it could still successfully process waste higher on the hierarchy than landfilling. Under existing law, the MPCA has authority to regulate compliance with the landfill abatement statutes and to impose administrative penalties for violations of the restriction on disposal. See Minn. Stat. § 116.072 (authorizing the MPCA to issue orders and assess penalties for violations of chapter 115A); *BFI Waste Sys. of North America, LLC v. Bishop*,

927 N.W.2d 314, 322 (Minn. Ct. App. 2019) (finding that Minn. Stat. § 473.848, the restriction on disposal, is "an implementation arm of chapter 115A" and specifically of the waste hierarchy in Minn. Stat. § 115A.02). If the MPCA rejects two or more consecutive certification reports from the county, it is possible that the MPCA will seek to require the county to implement techniques for processing waste through its administrative powers (see Minn. Stat. 473.848).

To maintain compliance with the statutory restriction on disposal, the requirement to comply with the Metro Policy Plan, and the waste hierarchy itself, the county will need to significantly reduce its waste and replace HERC with a different waste processing facility before taking HERC offline.

Increasing landfill capacity with Certificates of Need

The MPCA carefully monitors and restricts landfill capacity in the metro area. It will not permit a new landfill or increased capacity at existing landfills without first issuing a Certificate of Need (CON) finding that the additional disposal capacity is needed (Minn. Stat. § 473.823, subd. 6). The MPCA will only issue CONs if there are "no feasible and prudent alternatives" to landfilling, including "resource recovery." (*Id.*) While HERC is operational and part of the county's solid waste management plan, it could be difficult for the MPCA to approve CONs to dramatically increase metro area landfill capacities, since disposing of waste through landfilling would run contrary to the statutory CON process.

The need for CONs and landfill capacity would not be as great, however, (or be needed at all, potentially) if the county dramatically decreased its waste generation before transitioning away from waste-to-energy. If the county was able to maintain the "redline" against additional landfilling over 2022 levels (see page 27) because it achieved many of its zero-waste goals before repurposing HERC, then additional CONs – beyond those already projected – would likely not be required.

Delegation of solid waste responsibilities and goals

The county may delegate solid waste responsibilities to cities, including the responsibility to implement aspects of the Metro Policy Plan, if it establishes a funding mechanism "to assure the ability of the entity to . . . adequately carry out the responsibility delegated" (Minn. Stat. § 115A.46). Similarly, counties are permitted to determine that the private sector may achieve the goals and requirements of implementing the Metro Policy Plan (Minn. Stat. § 473.803, subd. 5). Decommissioning HERC without replacing that infrastructure to continue implementing the Metro Policy Plan and meet its landfill abatement requirements would risk triggering the funding mechanism requirement for cities and could potentially cede solid waste management to the private sector, which currently lacks the capacity to process additional waste higher on the hierarchy than landfilling.

Conclusion

This plan responds to the resolution to develop a plan to close and repurpose HERC and reinvent the solid waste system. Extensive information, analysis and recommendations have been provided over the past several months. There are many dependencies that inform the timeline to achieve a zero-waste future. These considerations and actions are based on staff's expertise of the solid waste system. This plan and the supplemental information and are available for review at hennepin.us/solidwasteplanning#HERC.

Council Regular Meeting

DATE: 4/8/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Latoya Turk, Office of Community Prevention, Health and Safety

BY: Raquel Goutierez, Artist-in-Residence

SUBJECT: Resolution for Brooklyn Center Cultural Arts Commission and Duties and Responsibilities Therefor

Requested Council Action:

- Motion to approve resolution for Brooklyn Center Cultural Arts Commission and duties and responsibilities therefor

Background:

In 2018, in response to a desire to lift the City's beauty and pride and align it with the rewriting of the City Comprehensive Plan, the City of Brooklyn Center determined a need for a Beautification and Public Art Master Plan.

The City hired Forecast Public Art, a nationally acclaimed Twin Cities-based non-profit consulting firm, to create the Master Plan. During the two years spent developing a Master Plan dedicated to creating a "Healthy City" evolved as they oversaw an in-depth planning process that included engaging hundreds of community stakeholders, collecting data, reviewing plans, mapping strategic locations and opportunities, and identifying implementation strategies for Brooklyn Center.

February 2020, the City Council received an overview of the Brooklyn Center Beautification and Public Art Master Plan.

August 2020, the City Council received and accepted the Brooklyn Center Beautification and Public Art Master Plan, which outlined the establishment of an Arts and Cultural Commission.

In 2022, the City onboarded a part-time Artist-in-Residence to help implement the Brooklyn Center Beautification and Public Art Master Plan. In addition, to work with departments and city partners on public art related initiatives.

During the years of 2020-2023, the City engaged in public arts efforts including: 2020 Census, COVID Awareness, environmental stewardship and awareness student art collaborative, civil unrest deescalation, transportation hub public art, Opportunity Site and Sonder House apartment public art, heritage celebration community art, BCCS outdoor mural projects, city street banner initiatives and others.

In efforts to continue with the implementation of Brooklyn Center Beautification and Public Art Master Plan, staff seeks formal authorization and creation of the Brooklyn Center Cultural and Public Arts Commission.

Budget Issues:

N/A

Inclusive Community Engagement:

The Brooklyn Center Cultural and Public Arts Commission is designed and intended enhance community engagement.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Establishing Commission Resolution	4/4/2024	Cover Memo
PPT Presentation	4/4/2024	Cover Memo
Why Public Art Matters Document	4/4/2024	Cover Memo

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-_____

RESOLUTION ESTABLISHING THE BROOKLYN CENTER CULTURAL AND PUBLIC ARTS COMMISSION AND DEFINING DUTIES AND RESPONSIBILITIES

WHEREAS, the City of Brooklyn Center (“City”), based on its vision, wishes to enhance the beauty and pride of the City and economic vitality through beautification and public art enriching the lives of all residents and visitors to the City; and

WHEREAS, as used in this Resolution, the terms “art,” “beautification,” and “public art” mean any original work of visual art, including, but not limited to, dance, film/video, music, theatre, creative writing, architecture and environmental stewardship efforts, landscape, mosaic, decoration, inscription, stained glass, monument, culinary, calligraphy, photography, graphic art, mixed media, electronic art, drawing, painting, mural, or temporary installations. The term “art” as public space/interest may also include functional elements of capital improvement projects, such as benches, gates, lighting, and landscaping if such elements are designed or from collaboration by a professional artist, architect, landscape architect, community developers or the site owner; and

WHEREAS, all qualified applicants will receive consideration without regard to race, color, creed, marital status, familial status, sex, sexual orientation, religion, national origin, age, disability or veteran status; and

WHEREAS, upon its establishment, the Cultural and Public Arts Commission (“Commission”), with diverse representation, would strive to build a vibrant community where multicultural residents and businesses can see improvements in environments, social infrastructure, the health of the community, and the quality of life through art in public space, art as public space, art in the public interest, art as a platform, and art as an experience; and

WHEREAS, the City Council is authorized by Section 2.02 of the City Charter to create boards, commissions, and committees and assign to them specific duties to serve in an advisory capacity to the City Council with regard to any City function or activity; and

WHEREAS, upon its establishment, the Cultural and Public Arts Commission will guide further planning, advise the City Council on investment, decision-making around opportunities, development, and evaluation of demonstration projects, development of policies, governance practices, and procedures; and

WHEREAS, in pursuit of such goals, the City Council recognizes the need for an evaluation scorecard to measure the impact of projects and a system for decision-making, documentation, and record-keeping.

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

1. Establishment. The advisory Brooklyn Center Cultural and Public Arts Commission (“Commission”) is hereby established for the City of Brooklyn Center.
2. Scope. The scope of the Commission shall consist of advising the City Council, city staff, and other Brooklyn Center advisory boards or commissions regarding beautification and public art initiatives and matters relevant to the Cultural and Public Arts Commission functions.
3. Purpose. The purpose of the Commission is to guide aesthetic considerations, and promote public art as a mechanism to foster civic pride, community health, diversity, equity, and inclusion and guide further planning and advising the City Council on:
 - Investments;
 - Decision-making around opportunities and resources;
 - Development and evaluation of demonstration projects; and
 - Development of policies, governance practices and procedures.
4. Duties and Responsibilities. In accordance with the findings set forth above, and in fulfillment of its purpose, the duties and responsibilities of the Commission include, but are not limited to, the following:
 - a. Advise and develop further planning while recommending forward thinking public arts, cultural events and festivals where diverse community members can see themselves in the art that’s part of their daily lives, and actively engage in cultural activities for the City Council consideration.
 - b. Identify, with the Beautification and Public Art Master Plan, high-priority areas for art in the City, propose methods of fulfilling these needs and presenting alternative recommendations for actions.
 - c. Assist the City in the adoption of policies and procedures responsive to changing diverse community needs and concerns.
 - d. Assist the City with enhancing an inclusive and cross-cultural environment contributing to well-being and quality of life and proposing initiatives related to the Beautification and Public Art Master Plan’s initiative, projects, activities, and relevant matters.
 - e. Advise the City Council and city staff concerning the receipt of or purchase of public art works to be placed on municipal property.

- f. Make recommendations to the City Council in the acquisition of a public art collection in order to expand the opportunity for residents to experience art in public places and to enhance the City's unique built and natural environments.
 - g. Make recommendations on ways to integrate arts and culture into community life.
 - h. The Commission is to perform in a positive, professional and collaborative manner to gather information and provide constructive feedback and suggestions to the City on City programs and initiatives referred to the Commission.
- 5. Composition. The Commission shall be composed of a Chairperson and six (6) members, all of whom shall be appointed by the City Council and serve as outlined herein. Members of the Commission shall be residents of the City while serving on the Commission, shall have been residents or have a strong connection to the City for at least one year prior to their appointment, and shall represent a broad range of interests in the beautification and public art functions. A quorum of at least four (4) Commission members shall be required to conduct the business of the Commission.
 - a. The Commission may have up to four affiliate-members who shall be non-voting, strongly connected to the City and a subject expert.
- 6. Method of Selection. Members of the Commission shall be appointed by the Mayor with the consent of the City Council.
- 7. Initial Appointment. The Commission under this Resolution shall become effective April April 22, 2024, or shortly after, and shall consist of seven members appointed for staggered two-year terms.
- 8. Term of Office. 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 their predecessor was appointed shall be appointed only for the remainder of such term. Upon expiration of their term of office, a member shall continue to serve until their 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 Commission member may be temporarily replaced during the temporary leave by an interim Commission member appointed by the Mayor with the consent of the City Council.
- 9. Resignations-Removal from Office-Vacancies. Commission members may resign voluntarily or may be removed from office by the Mayor with the consent of the City

Council. Three consecutive unexcused absences from the duly called Commission meetings or unexcused absences from a majority of duly called Commission meetings within one calendar year shall constitute automatic resignation from office. May be suspended or removed for violation of the City's Respectful Workplace policy (Section 3.2 – Personnel Policy Handbook/Conduct and Ethics/Respectful Workplace). The City Council liaison shall inform the Mayor and the City Council of such automatic resignations. Vacancies in the Commission shall be filled by Mayoral appointment with the consent of the City Council.

The procedure for filling Commission vacancies is as follows:

- a. Notices of vacancies shall be posted for 30 days before any official City Council action is taken;
 - b. Vacancies shall be announced in the City's official newspaper;
 - c. Notices of vacancies shall be sent to all members of standing advisory commissions;
 - d. Applications for Commission members must be obtained in the City Clerk's office and must be submitted in writing to the City Clerk;
 - e. The City Clerk shall forward copies of the applications to the Mayor and City Council;
 - f. The Mayor shall identify and include the nominee's application form in the City Council agenda materials for the City Council meeting at which the nominee is presented;
 - g. The City Council, by majority vote, may approve an appointment at the City Council meeting at which the nominee is presented.
10. Chairperson. The Commission's Chairperson shall be elected by a majority vote of the Commission membership. The election shall be conducted at the Commission's first meeting and at the first regular meeting of each calendar year, or, in the case of a vacancy, within two regularly scheduled meetings from the time a vacancy of the Chairperson occurs. The Chairperson may be removed by a majority vote of the Commission membership. The Chairperson shall assure fulfillment of the following responsibilities in addition to those otherwise described herein:
- a. Preside over meetings of the Commission;
 - b. Appear, or appoint a representative to appear, as necessary, before City advisory commissions and the City Council to present the viewpoint of the Commission in matters pertaining to the Commission's function as it relates to business under consideration by said commissions or City Council;

- c. Review all official minutes of the City Council and other advisory commissions for the purpose of informing the Commission of matters relevant to the Commission's function; and
 - d. Serve as a liaison with other governmental and volunteer units on matters relating to the Commission's function.
11. Vice Chairperson. A Vice Chairperson shall be appointed annually by the Chairperson from the members of the Commission. The Vice Chairperson shall perform such duties as may be assigned by the Chairperson and shall assume the responsibilities of the Chairperson in their absence.
12. Representation Requirements. Due regard shall be given by the Mayor and City Council in appointing Commission members which will take into consideration geographical distribution within the City, as described in paragraph 20 below, and the representative nature of the Commission in terms of gender, religion, ethnic, racial, age, handicapped, employee, and employer groups.
13. Conflict of Interest. No Commission member shall take part in the consideration of any matter wherein their interest might reasonably be expected to affect their impartiality.
14. Compensation. Commission members shall serve without compensation.
15. Bylaws, Rules and Procedures. The Commission shall adopt such bylaws, rules and procedures not inconsistent with these provisions as may be necessary for the proper execution and conduct of business. Bylaws adopted by the Commission shall become effective upon approval and consent of the City Council.
16. Meetings. The initial meeting of the Commission shall be convened at the call of staff liaison. Thereafter, regular meetings shall be held with the date and time to be determined by the Commission. Special meetings may be called by the Chairperson. Thereafter, regular meetings shall be held with the date and time to be determined by the Commission. Special meetings may be called by the Chairperson
17. Ex Officio Members. The Mayor, or the member of the City Council appointed by the Mayor, shall serve as an ex officio member of the Commission, privileged to speak on any matter but without a vote, and shall provide a liaison between the Commission and the City Council.
18. Staff. The City Manager shall assign a staff to serve as staff liaison to the Commission. The staff member assigned shall perform such clerical and research duties on behalf of the Commission as may be assigned by the Chairperson or the City Manager.

19. Identified Areas of Improvement. In addition to the areas of the City identified in Exhibit A, attached hereto and incorporated herein by reference, the City Council has identified the following areas of opportunity in the City for beautification and public art:

- Opportunity Site;
- Transit Center;
- Vacant parking lots;
- The Library;
- City parks and lakes;
- City trails;
- Centennial Park; and
- Areas around the Mississippi River;
- City or Public facilities.

20. Neighborhoods.

- a. Neighborhood Advisory Committees: Commission members shall be assigned by the Chairperson as liaisons to neighborhood advisory committees of the Commission. It will then be the responsibility of each neighborhood advisory committee of the Commission to review cultural art matters and present the neighborhood opinions and concerns on cultural art programs directly affecting that neighborhood.
- b. Neighborhoods Described (See also Exhibit B attached hereto and incorporated herein by reference).
 - i. Southeast Neighborhood: The Southeast neighborhood shall be bordered on the south by the south city limits; on the east by the Mississippi River; on the north by FAI-94; and on the west by Shingle Creek.
 - ii. Northeast Neighborhood: The Northeast neighborhood shall be bordered on the south by FAI-94; on the east by the Mississippi River; on the north by the north city limits; and on the west by Shingle Creek.
 - iii. Northwest Neighborhood: The Northwest neighborhood shall be bordered on the south by FAI-94; on the east by Shingle Creek; on the north by the north city limits; and on the west by the west city limits.
 - iv. West Central Neighborhood: The West Central neighborhood shall be bordered on the south by County Road 10; on the east by Brooklyn Boulevard; on the north by FAI-94; and on the west by the west city limits.

- v. Central Neighborhood: The Central neighborhood shall be bordered on the south by County Road 10; on the east by Shingle Creek; on the north by FAI-94; and on the west by Brooklyn Boulevard.
- vi. Southwest Neighborhood: The Southwest neighborhood shall be bordered on the south by the south city limits; on the east by Shingle Creek; on the north by County Road 10; and on the west by the west city limits.

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.

EXHIBIT A

Other Areas of the City identified by the City Council



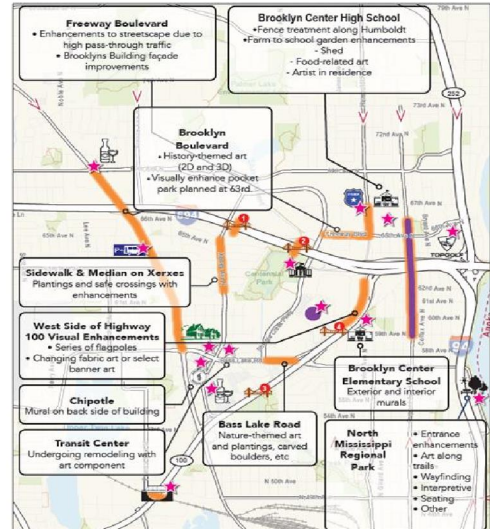
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

"The City is hosting an inclusive, equitable, people-powered beautification program focused on improving health, wellbeing and thoughtful design throughout the city".

The City of Brooklyn Center is initiating a Cultural and Public Arts Commission. The goal of this commission includes:

- Support of economic activity
- Highlights history and diversity
- Engage and supports artists
- Enrich the aesthetic quality life
- Generates dialogue and community engagement
- Increases public awareness of and education about public art
- Humanizes space

Email artsandevents@ci.brooklyn-center.mn.us or call 763-569-3400 for more information.



Freeway Boulevard

- Enhancements to streetscape due to high pass-through traffic
- Brooklyn Building facade improvements

Brooklyn Center High School

- Fence treatment along Humboldt
- Farm to school garden enhancements
- Shed
- Food-related art
- Artist in residence

Brooklyn Boulevard

- History-themed art (2D and 3D)
- Visually enhance pocket park planned at 63rd

Sidewalk & Median on Xerxes

- Plantings and safe crossings with enhancements

West Side of Highway 100 Visual Enhancements

- Series of fidepots
- Changing fabric art (or select banner art)

Chipotle

- Mural on back side of building

Transit Center

- Undergoing remodeling with art component

Bass Lake Road

- Nature-themed art and plantings, carved boulders, etc

Brooklyn Center Elementary School

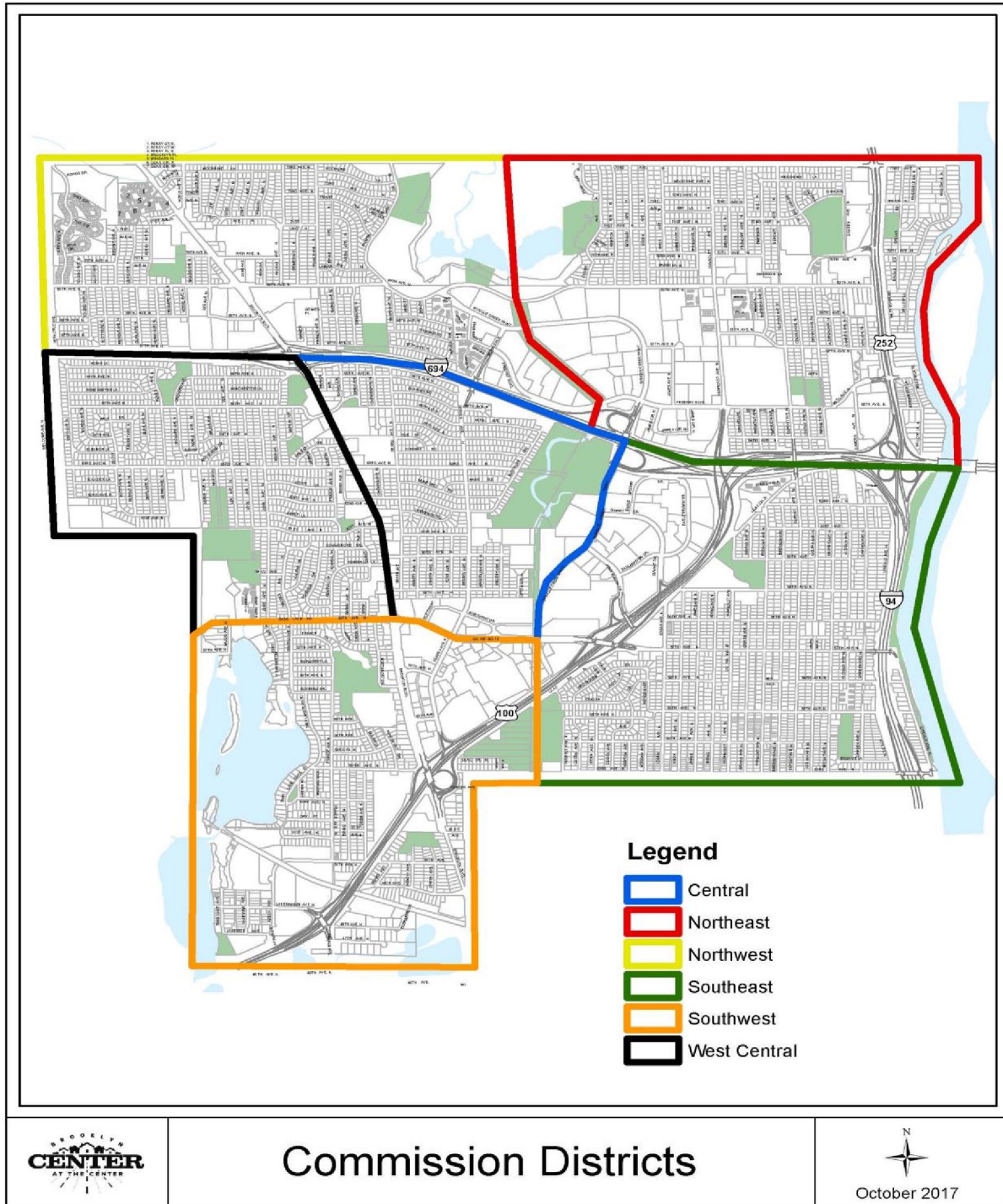
- Exterior and interior murals

North Mississippi Regional Park

- Entrance enhancements
- Art along trails
- Wayfinding
- Interpretive
- Seating
- Other

EXHIBIT B

Map of Neighborhoods





BEAUTIFY



BROOKLYN CENTER

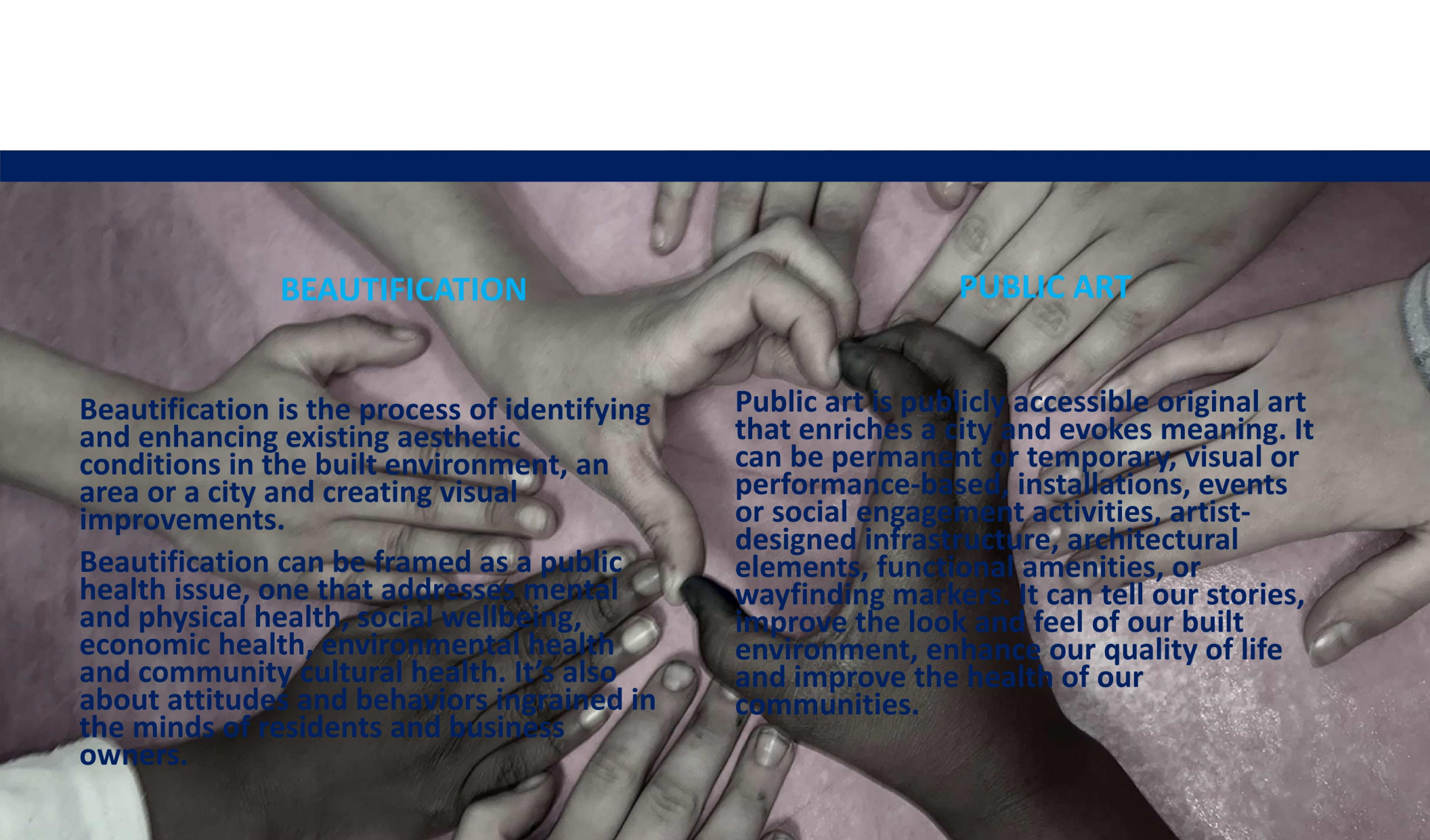
Beautification and Public Art Master Plan

BUILDING OUR HOME TOGETHER



City Council Meeting 4.8.2024

Raquel Diaz-Goutierez, Artist-in-Residence

A photograph showing a variety of hands of different skin tones reaching towards the center and joining together in a circle. The hands are positioned over a light pink, textured surface. The image is used as a background for the text on this slide.

BEAUTIFICATION

Beautification is the process of identifying and enhancing existing aesthetic conditions in the built environment, an area or a city and creating visual improvements.

Beautification can be framed as a public health issue, one that addresses mental and physical health, social wellbeing, economic health, environmental health and community cultural health. It's also about attitudes and behaviors ingrained in the minds of residents and business owners.

PUBLIC ART

Public art is publicly accessible original art that enriches a city and evokes meaning. It can be permanent or temporary, visual or performance-based, installations, events or social engagement activities, artist-designed infrastructure, architectural elements, functional amenities, or wayfinding markers. It can tell our stories, improve the look and feel of our built environment, enhance our quality of life and improve the health of our communities.



BACKGROUND

- In 2018, in response to a desire to lift the City's beauty and pride and align it with the rewriting of the City Comprehensive Plan, the City of Brooklyn Center determined a need for a Beautification and Public Art Master Plan.
- The City hired Forecast Public Art, a nationally acclaimed Twin Cities-based non-profit consulting firm, to create the Master Plan. During the two years spent developing a Master Plan dedicated to creating a “Healthy City” evolved as they oversaw an in-depth planning process that included engaging hundreds of community stakeholders, collecting data, reviewing plans, mapping strategic locations and opportunities, and identifying implementation strategies for Brooklyn Center.
- February 2020, the City Council received an overview of the Brooklyn Center Beautification and Public Art Master Plan.

Twin Cities Culinary Artist Yia Vang presented Hmong Cuisine at BC. He was named "Best Chef of the Year" in 2019-2020 by MSP Magazine and City Pages





BACKGROUND

- August 2020, the City Council received and accepted the Brooklyn Center Beautification and Public Art Master Plan, which outlined the establishment of an Arts and Cultural Commission.
- In 2022, the City onboarded a part-time Artist-in-Residence to help implement the Brooklyn Center Beautification and Public Art Master Plan. In addition, to work with departments and city partners on public art related initiatives.
- During the years of 2020-2024, the City engaged in public arts efforts including: 2020 Census, COVID Awareness, environmental stewardship and awareness student art collaborative, civil unrest de-escalation, transportation hub public art, Opportunity Site and Sonder House apartment public art, heritage celebration community art, BCCS outdoor mural projects, city street banner initiative and others.

“The 12 x 12 Communities and Artists” was a collaboration between Mixed Blood Theater, Chef Yia Vang, Rec and Artist-in-Residence



STEAM Fest 2023
Art, Empowering Words using
discarded materials



Snow Many Traditions 2022
Screen Printing Canvas Bags for Anti-Litter
Reduce ~ Reuse ~ Recycle



Health on the GO! 2023
Art pop-ups during Community Health
Engagements



Samples of past public art engagement opportunities



Brooklyn Center
Beautification and Public
Art Master Plan Overview

RESILIENCE
BROOKLYN CENTER
WE ARE BETTER TOGETHER



Mural created during the 2023 Juneteenth
Celebration along with community members

VALUES

In order to create a shared vision for Brooklyn Center's Beautification and Public Art Initiative, it's critical to identify motivational factors that inspire and guide the work going forward. The following list was developed with input from a broad and diverse group of community members, stakeholders and participants in the planning process.

- A. Places of beauty that encourage social interactions contribute to our wellbeing and our quality of life.
- B. Engaging diverse cultural community members in co-creating the physical and social environments in which they can thrive fosters civic pride and increases stewardship of public spaces.
- C. Public art reflects the values of the community; residents should be able to see themselves in the art that is part of their shared daily life and feel respected and represented.
- D. If something is worth doing is worth doing well; high quality beautification and public art efforts require adequate time and resources.
- E. Art and artists play an important role in developing, beautifying and revitalizing cities, as well as promoting economic activity, generating pride, and building community.
- F. Cultural and community development are as important as economic development.
- G. Beautification and public art are an important part of any city's arts and cultural ecology.



Artist Hernandez-Holm build a Papier-mâché Puppet featured at Health Fair 2023, Pedal Jam 7

Long Term Goals

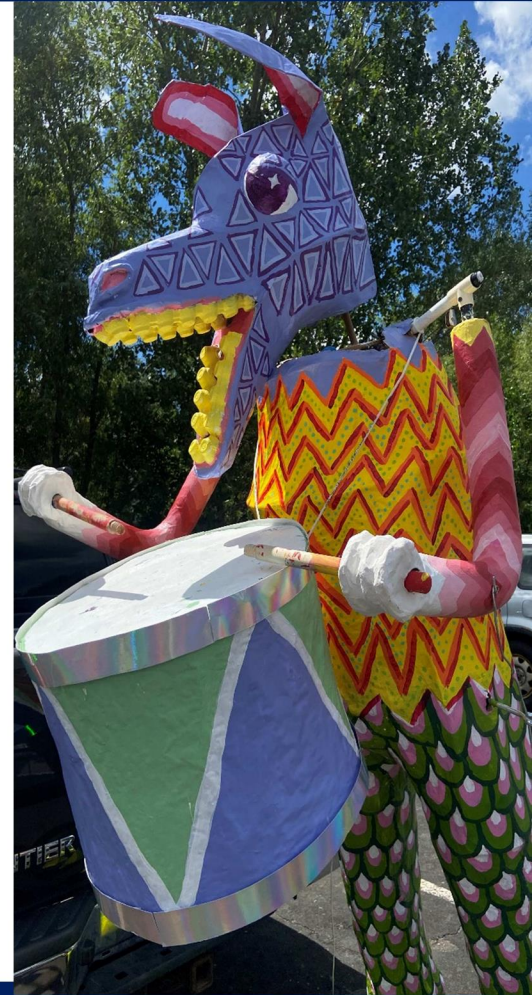
- Foster civic pride and community health
- Grow number of residents who become active stewards of Brooklyn Center
- Increase number of volunteers in beautification projects
- Grow number of residents desiring engagement in public art
- Increase participation and leadership by locally based artists, residents and businesses
- Leverage private investment and partnership support
- Build a professionally managed program



Outdoor Art Engagement HOTG!

Short-Term Operational Strategies

- Oversee launch of Plan
- **Establish Arts & Culture Commission**
- Build capacity of City staff to manage projects
- Consider a range of funding mechanisms
- Reference map and Focal Areas for opportunities/strategies
- Facilitate informed decision-making
- Retain City Team to assist with program incubation
- Consider incentives to grow interest
- Host educational events and forums
- Grow community engagement skills and effectiveness
- Develop community education strategies



Health Fair Pedal Jam Puppet on a bike

Brooklyn Center Cultural and Public Arts Commission



Mural created through a Community survey
at Liquor Store #1

Brooklyn Center Cultural and Public Arts Commission

- Establishment – April, 2024
- Scope - Advising the City Council, Artist-in-Residence, and other Brooklyn Center advisory boards or commissions regarding beautification and public art initiatives.
- Purpose - To guide aesthetic considerations, and promote public art as a mechanism to foster civic pride, community health, diversity, equity, and inclusion.
- Duties and Responsibilities:
 - Advise on public art planning
 - Identify public art high priority areas
 - Assist the City in the adoption of related policies and procedures
 - Assist the City with enhancing an inclusive and cross-cultural environment
 - Advise the City with purchases of works of public art within city facilities
 - Assist the City in the development of a plan and guidelines for the City's public art program.
 - Make recommendations in the acquisition of a public art collection



Artist Guillermo Valadez spray painting community survey response

Brooklyn Center Cultural and Public Arts Commission

- Composition:
 - Chairperson and six members (total 7 members)
 - Voting members shall be city residents
 - Affiliate Member (non-voting, strong connection with City, and subject expert)
- Term of Office – Staggered two-year terms
- Compensation – Non-compensated
- Neighborhood Advisory Committees – The Commission may establish neighborhood advisory committees in each of the City neighborhoods.



Screen printing on canvas bags to encourage reduction microplastic pollution 12

Beautification and Public Art Plan Summary

Goals identified in the City's Comp Plan pertain to or offer opportunities for beautification and public art, as well as arts and cultural development. Brooklyn Center is now among the most culturally diverse cities in Minnesota, and the most diverse in the Metro Area. Today, the diversity of its immigrant community is among the City's greatest strengths.

The plan is activated through the lens of the following guiding principles, distilled from the list of values identified:

- Welcoming, Safe and Accessible
- Diversity, Equity, Inclusion, and Sustainability
- Youth, Family, and Community Engagement
- Citywide, with Regional Mindfulness
- History of Place and Those Who Came Before
- Quality Creativity, Innovation, and Collaboration
- Education and Lifelong Learning
- Health and Wellbeing
- Adequate Resources and Realistic Expectations
- Professional Management, Programming, and Communications



Photo credit Juneteenth 2023



WE ARE

BETTER

Next Steps:

- 1. Council Q&A from tonight's presentation**
- 2. Approve Resolution establishing the Brooklyn Center Cultural and Public Arts Commission**
- 3. Present Commission Candidates for approval to City Council on April 22, 2024**





WHY PUBLIC ART MATTERS 2018



Art in public spaces plays a distinguishing role in our country's history and culture. It reflects and reveals our society, enhances meaning in our civic spaces, and adds uniqueness to our communities. Public art humanizes the built environment. It provides an intersection between past, present, and future between disciplines and ideas. Public art matters because our communities gain cultural, social, and economic value through public art.

In this document we will explore how public art impacts five community values: Economic Growth and Sustainability, Attachment and Cultural Identity, Artists as Contributors, Social Cohesion and Cultural Understanding, and Public Health and Belonging. Each section includes a summary, reasoning statement, supporting data, and examples. This document is designed as a tool for those making the case for public art in their community. We encourage the distribution of this document and the information provided to anyone interested in this topic or in need of an educational tool.

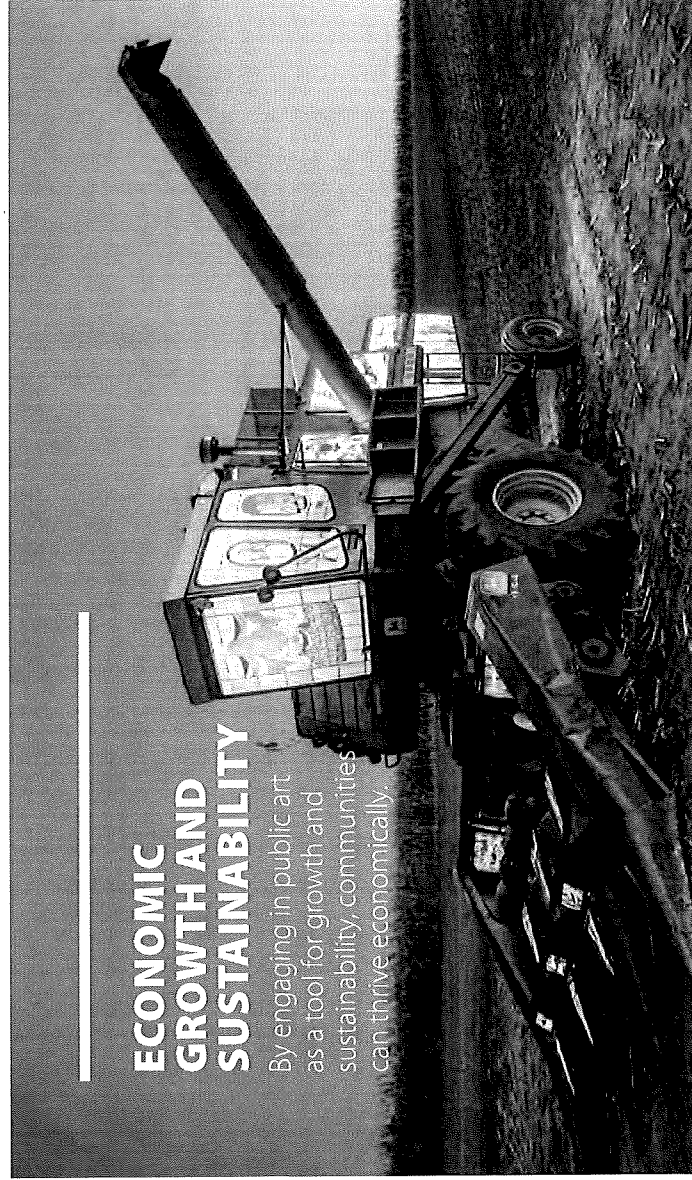
"Why Public Art Matters (2018)" reflects on the previous green paper of the same title released in the late 2000's. The current document was developed in collaboration with the 2018 Public Art Network Advisory Council who Americans for the Arts thanks for their dedication to strengthening the public art field.



"Magic Carpet" by Candy Coated, Association for Public Art, Philadelphia, PA. Photo credit: Constance Mench
FRONT & BACK COVER: "Firmament" by Christopher Schardt, Discovery Green Conservancy, Houston, TX. Photo credit: Kayla Horner

ECONOMIC GROWTH AND SUSTAINABILITY

By engaging in public art as a tool for growth and sustainability, communities can thrive economically.



Karl Unnash's sculpture "Ruminant (The Grand Masticator)," installed in Reedsburg, WI as part of the Farm/Art DTour public art roadside tour, 2015.
Photo credit: Aaron Dyant.

REASONING:

Enhancing the identity and character of communities through public art directly supports cultural tourism and economic development strategies, which can both retain and attract residents. In addition, incorporating public art into private development can be a way for buildings to stand out as developers and managers look for renters—whether businesses or residents. The attention public art can bring to a development project can be calculated. A healthy public art ecosystem also drives the growth of new businesses.

EXAMPLES:

- Reston Town Center in Reston, Virginia has a less than one-half of one percent (0.5 percent) office vacancy rate in a region where the average office vacancy is 16-18 percent. Real estate broker Joe Ritchey attributes the low vacancy rate in part to the permanent and temporary public arts located in the Center. (Public Art Spurs Economic Development).
- Indianapolis, Indiana has seen the growth of two new manufacturing businesses that have either branched out or sprung up anew to handle the demand for the fabrication of public art and employing people in the process.
- The Farm/Art DTour in Sauk County, Wisconsin generated tourism in the area with an estimated 4,200 visitors—over 65% of whom traveled over 50 miles to see the installations which helped to increase the revenue of many local businesses; some of whom saw revenue increases as much as 300%.
- In Nashville, projects over \$150,000 are estimated to distribute two-thirds to three-quarters of the budget back into the local economy via fabricators, installers, art handlers, electricians, landscape architects, concrete companies, and other locally-based businesses.
- Public art projects have boosted cultural tourism, including an influx estimate of \$1 billion from Christo's and Jeanne-Claude's the "Gates" in New York's Central Park and the Bay Area Lights on the San Francisco-Oakland Bay Bridge—with an informal economic impact assessment conservatively estimated at \$97 million dollars added to the local economy.

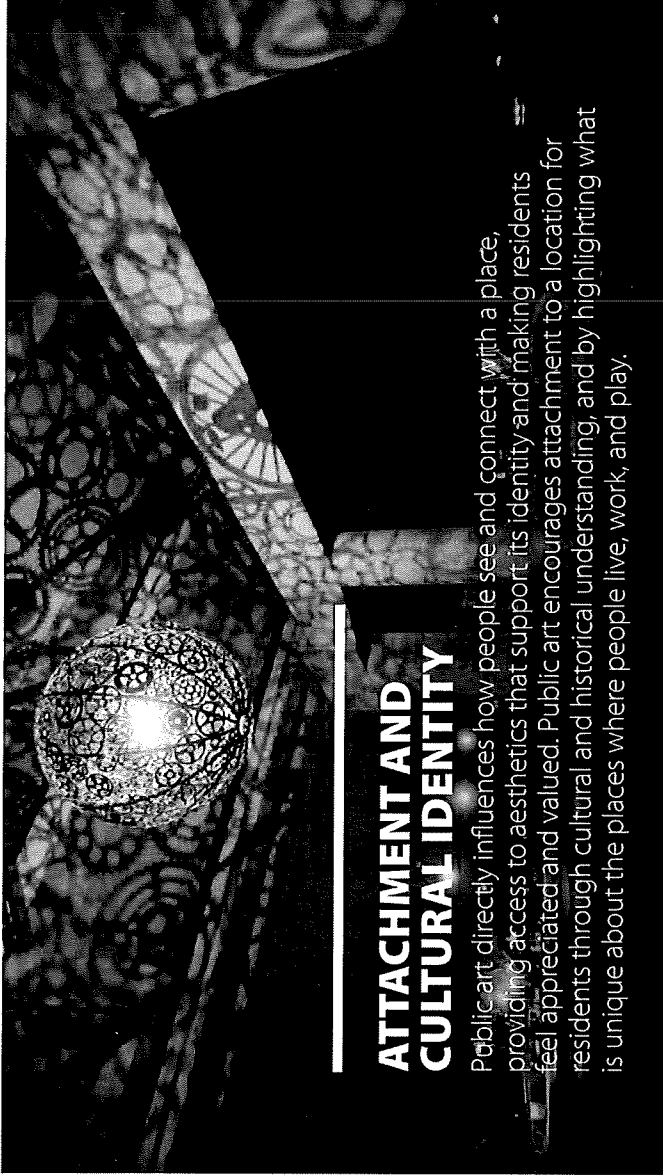
DATA:

70 percent of Americans believe that the "arts improve the image and identity" of their community.*

Half of people with college degrees (49 percent) and a majority of Millennials (52 percent) and Generation Xs (54 percent) say they would strongly consider whether a community is rich in the arts when deciding where to locate for a job.**

Arts, culture, and creativity can improve a community's competitive edge, attract new and visiting populations, and integrate the visions of both community and business leaders.

*Americans Speak Out About the Arts, 2018
**Americans Speak Out About the Arts, 2016



ATTACHMENT AND CULTURAL IDENTITY

Public art directly influences how people see and connect with a place, providing access to aesthetics that support its identity and making residents feel appreciated and valued. Public art encourages attachment to a location for residents through cultural and historical understanding, and by highlighting what is unique about the places where people live, work, and play.

"Ballroom Luminoso" by Joe O'Connell and Blessing Hancock in San Antonio, TX. Commissioned by Public Art San Antonio, 2013. Photo credit: Fred Gonzales.

REASONING:

When people see themselves reflected in their civic spaces they have a sense of attachment that allows them to feel ownership and respect. Attachment to a location, whether it be a neighborhood, town, or city is key to retention of residents and commuters alike. Public art makes places unique through the reflection of local history and culture which gives communities a sense of place and identity.

EXAMPLES:

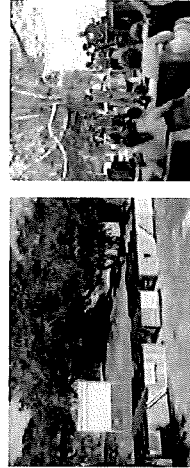
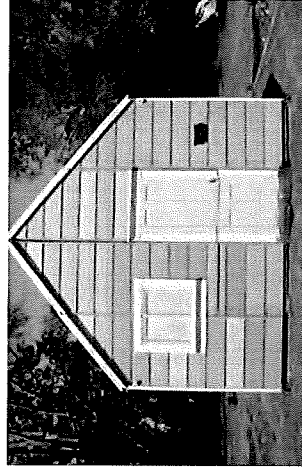
- In San Antonio, Texas "Ballroom Luminoso" transformed a highway underpass into a community-friendly space that helped unify and strengthen the identity of the nearby neighborhoods.
- In "Charting Piques Run," by Sean Derry, a temporary project in Indianapolis mapped the invisible path of a local water system and indicated how the development of the city continues to change over time.
- In York, Alabama "Open House" by Matthew Mazzotta addressed the lack of public gathering spaces by providing a physical location as common ground for community dialogue and activities.

DATA:

Aesthetics is one of the top three characteristics of why residents attach themselves to a community.

70 percent of Americans say they experience the arts in a "non-arts" venue such as a park, hospital, shopping mall, or airport.*

70 percent of Americans believe that the "arts improve the image and identity" of their community.*



Matthew Mazzotta's "Open House" was created in collaboration with the people of York, AL and the Coleman Center for the Arts, 2011. Photo credits: Matthew Mazzotta, Shana Berger, and Nathan Purath.

*Americans Speak Out About the Arts, 2018

ARTISTS AS CONTRIBUTORS

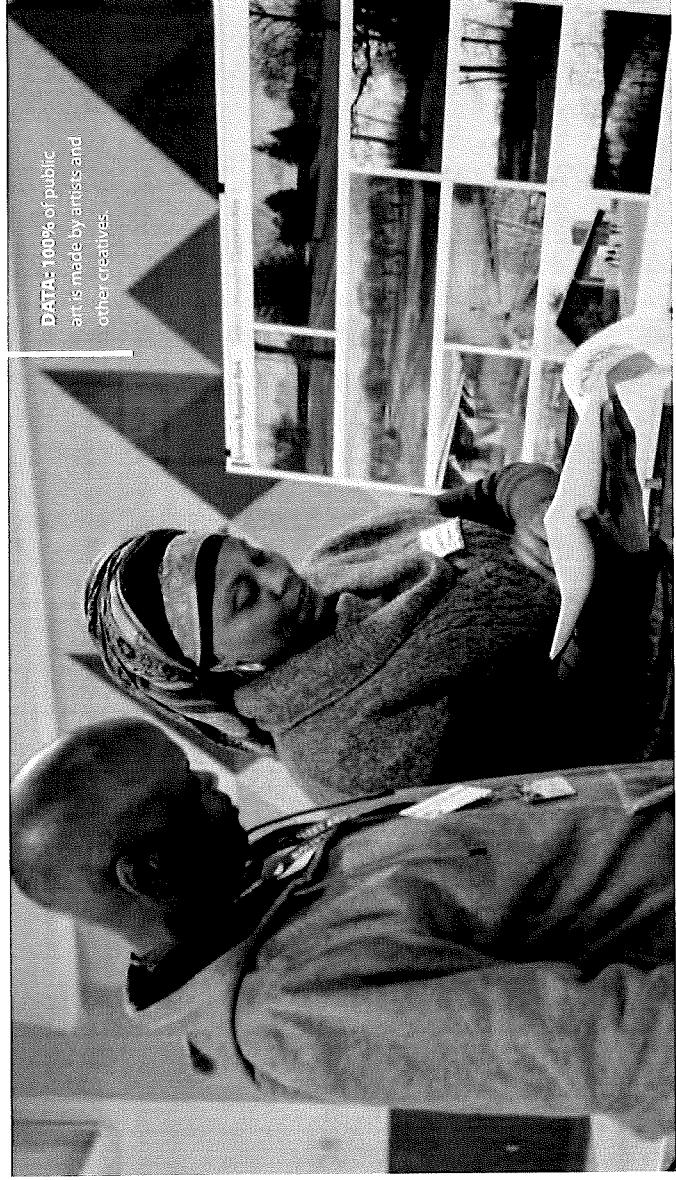
Providing a public art ecosystem supports artists and other creatives by validating them as important contributors to the community.

REASONING:

A public art ecosystem resonates with artists and other creatives as a visual reminder that they are embraced by a community. Artists bring innovation and problem-solving wherever they go, which strengthens America's competitiveness in the global marketplace and plays an important role in building and sustaining a vibrant economy. Artists provide valuable contributions when they are included in the planning of public spaces and amenities with planners, engineers, designers, elected officials, and community stakeholders. Artists bring their creative skills and interpretations to each idea, site, social construct, and aesthetic potential. These conversations generate creativity in others inspiring an inventive result. Artists become civic leaders advocating through art for alternative perspectives that can challenge assumptions, beliefs, and community values.

EXAMPLES:

- When Indianapolis developed their 2017 Riverside Park Master Plan, an artist's contributions to the planning team worked out so well that the parks and recreations department hired another artist to be on the planning team for the Broad Ripple Park Master Plan in 2018.
- In Madison, Wisconsin The Blubber @ Madison Public Library provides the community with access to artists and art in the forms of programming, exhibitions, and more—this provides a space for learning and reflection. For example, their teen programs develop art and aim to provide "relationship building, basic skill development, and connection to the community."
- "Everyday Poems for City Sidewalk" re-imagines Saint Paul's annual sidewalk maintenance program as an ongoing publishing entity for a city-sized book of poetry. Created by one artist, it allows for the self-expression of many local artists as it addresses beautification of infrastructure.
- In Boston's Artist-in-Residence (AIR) program, artists, community members, and city employees work on projects that help reframe social conversations. These artists explore the ways they can use art and media to improve and bolster city initiatives. They also search for ways to make artistic social practice a part of government and community work.



Artist LaShawnda Crowe-Strom as part of the planning team for the Riverside Park Master Plan in Indianapolis, IN. Photo credit: Ratio Architects.



LEFT: “47 Stories” by Shira Walinsky and Laura Deutch in Philadelphia in collaboration with Southeastern Pennsylvania Transportation Authority, 2017. Photo credit: Steve Weink. **RIGHT:** “Union” by Martha Jackson Jarvis in Seattle, WA. Administered by the Seattle Office of Arts & Culture and Commissioned with Seattle Department of Transportation 1% for Art Funds, 2016. Photo credit: Spike Mafford.

SOCIAL COHESION AND CULTURAL UNDERSTANDING

Public art provides a visual mechanism for understanding other cultures and perspectives, reinforcing social connectivity with others.

REASONING:

Public art supports communities by providing social cohesion and encouraging civic engagement. Public art activates the imagination through visual art and storytelling to emphasize the shared humanity of civic spaces—allowing the individual to better understand strangers and neighbors alike. Public art aids communities in visualizing different perspectives through civic icons and infrastructure projects such as train stations, traffic circles, hospitals, water treatment facilities, and airports. By reinforcing the culture of a community, public art acts as a catalyst for unity and social engagement.

DATA:

72 percent of Americans believe “the arts unify our communities regardless of age, race, and ethnicity.”*

69 percent of the population believe the arts “lift me up beyond everyday experiences.”*

73 percent of Americans agree that the arts “helps me understand other cultures better.”*

EXAMPLES:

- In Philadelphia, artists Shira Walinsky and Laura Deutch utilized the 47 bus as a mobile gallery to showcase places that are important to members of diverse communities who live and work along the route. Quotations revealed what interviewees love and value about the city.
- In New York City, the project “Key to the City” provided everyday citizens a key to unlock 20 public art sites across the city’s five boroughs. Participants could access cemeteries, community gardens, and police stations while initiating conversations about belonging.
- Located in a rapidly gentrifying neighborhood in Seattle’s Central Area Union, serves as a gateway marker to a historically African-American community whom are becoming increasingly displaced. The artwork was designed at the request of community members who expressed an interest in both landmark and gathering areas.

*Americans Speak Out About the Arts, 2018

PUBLIC HEALTH AND BELONGING

Public art addresses public health and personal illness by reducing stress, providing a sense of belonging, and addressing stigmas towards those with mental health issues.

REASONING:

Strong social cohesion creates a positive environment, which in turn supports both physical health and mental well-being of the community. By both engaging in public artwork development and facing artwork in the environment, individuals become aware of others and their role in their community. Public artworks can address negative stigma issues towards another culture or group by providing another perspective when considering peoples of different backgrounds. Additionally, located in healing spaces such as hospitals, public art improves healthcare and the healing process by providing an aesthetically interesting place for providers to work in and for patients to heal.

EXAMPLES:

- Mural Arts Philadelphia researched the impact of public art on mental health with their *Porch Light* project where they found "a promising and sustained relative decrease in stigma toward individuals with mental illness, and a relative decrease in stress."
- Milkyoung Kim's *Ripple Garden* at Miami Jackson Hospital in Miami, Florida was designed as an opportunity for fresh air, light exercise, therapeutic gardening, and offering covered seating to accommodate patients whose medications are adversely affected by sunlight.
- San Francisco Hospitals have a plethora of exterior and interior works of public art which provide several benefits from creating healthy environments to connecting with the community in which the hospital is situated.

DATA:

Public art can function as a powerful catalyst for improved mental and physical health.

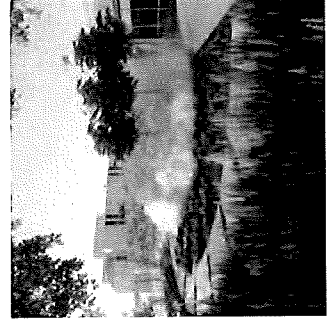
Public art has been shown to have clear public health impacts, including decreased stress, eliciting awe, developing shared identity, reinforcing self-efficacy, and promoting positive health behaviors.

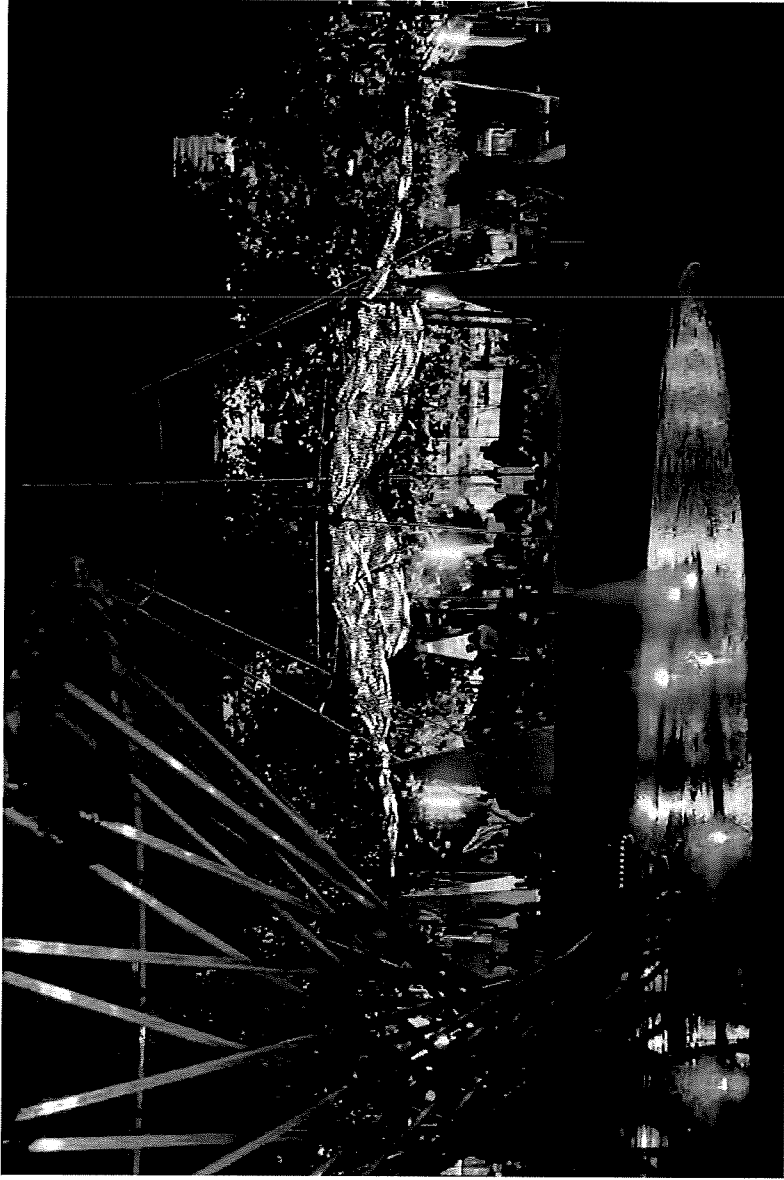
Art located in hospitals offer major opportunities in the delivery of better health and improved experiences for patients, service users, and staff alike.

Public art is also noted as slowing pedestrians down to enjoy their space and providing a positive impact on mood.



LEFT: "Ethereal Bodies 8" by Cliff Garten at the Zuckerberg General Hospital and Trauma Center in San Francisco, CA, 2016. Commissioned by San Francisco Arts Commission, 2016. Photo credit: Jeremy Green. RIGHT TOP AND BOTTOM: "Ripple Garden" by Milkyoung Kim at the South Community Hospital in Miami, FL. Commissioned by Miami Dade County Art in Public Places, 2011. Photo credit: Robin Hill.





1000 Vermont Avenue NW
6th Floor
Washington, DC 20005
T 202.371.2830

One East 53rd St.
2nd Floor
New York, NY 10022
T 212.223.2787

AmericansForTheArts.org

**Council/EDA Work
Session**

City Hall Council Chambers
April 8, 2024

AGENDA



ACTIVE DISCUSSION ITEMS

1. Regulation of Group Homes

City staff is requesting City Council to review the attached information regarding the regulation of group homes and consider potential legislative requests that would retain the ability of the City to require rental licenses, as well as potential density and distancing requirements.

2. No Mow May

Requesting feedback and consensus from the City Council regarding establishing "No Mow May" for the City

PENDING LIST FOR FUTURE WORK SESSIONS

1. Upcoming Items

- Memorial Policy
- Special Assessment Policy/Franchise Fees (*referred to Financial Commission*)
- Emerald Ash Borer Policy Review (*referred to Park & Rec Commission November*)
- Opioid Settlement
- ARPA Funds
- Grants: Revenues & Expenses
- Purchasing Policy
- Revisit Resolution 2021-73
- Planning Application Process
- Fences
- Off-Street Parking of Commercial Vehicles

Council/EDA Work Session

DATE: 4/8/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Ginny McIntosh, Planning Manager

SUBJECT: Regulation of Group Homes

Requested Council Action:

City staff is requesting City Council to review the attached information regarding the regulation of group homes and consider potential legislative requests that would retain the ability of the City to require rental licenses, as well as potential density and distancing requirements.

Background:

At the February 26, 2024 City Council meeting, a resident expressed concerns during open forum regarding the number of group homes located in proximity to their home and inquired as to whether or not the City had any jurisdiction on the number of group homes issued within the City or distancing requirements. In response to this, City staff worked with City Attorney Jason Hill and Assistant City Attorney Libby Kantner (Kennedy & Graven) to prepare a high-level memorandum that addresses the regulation of group homes—see attached.

For clarification, a “group home” for these purposes means: (i) those single or multi-family dwellings that are under the control of a service provider licensed by the Minnesota Department of Human Services (DHS) under Minnesota Statutes Chapter 245D and as defined in Minnesota Statutes § 245A.02, subd. 14(b) (herein called “Community Residential Settings”) or (ii) an Assisted Living facility that is under the control of a service provider licensed by the Minnesota Department of Health (MDH) and defined in Minnesota Statutes §144G.08, subd. 7 (herein called “Assisted Living Facilities” and, together with Community Residential Settings, “group homes”).

State law mandates that persons who reside in group homes must not be excluded by municipal zoning ordinances or other land use regulations from the benefits of normal residential surroundings and that group homes are considered state protected housing. The “group home” definition, as defined within this memorandum, does not consider dwellings intended for individuals receiving chemical dependency treatment (“sober homes”) or those licensed by the Minnesota Department of Corrections, as these dwellings are subject to different regulations under state law.

For the purposes of discussion, the focus of this memorandum is specifically on MDH Assisted Living and Assisted Living with Dementia licenses with 6 or fewer persons, and DHS Community Residential Setting licenses with 4 or fewer persons (although there can be up to 5 persons on a temporary basis). These types of group homes are most typically found in the City’s single-family residential neighborhoods.

In the City of Brooklyn Center, and as of April 2, 2024, there are currently:

- o 114 Minnesota Department of Health (MDH) Assisted Living licenses with a bed capacity of 6 or fewer persons
 - o 46 Department of Human Services Community Residential Setting licenses with a bed capacity of 4 or fewer persons
- Total: 160 licenses**

For perspective, when City staff initially began tracking group homes in 2019 there were 45 Housing with Services Establishments registrations (now MDH's Assisted Living license) and 27 DHS Community Residential Setting licenses. In addition to the above licenses, there are three (3) larger Assisted Living licenses of seven (7) persons or more that were not included in the above tally: the Sanctuary at Brooklyn Center, Ecumen Prairie Lodge, and Maranatha.

City staff specifically requested this work session be presented before City Council now as there is a bill being considered in the Minnesota Legislature that would **prohibit** cities from applying rental licensing regulations to certain state licensed residential programs administered through the Department of Human Services (DHS) and Minnesota Department of Health (MDH) Assisted Living facilities with a licensed capacity of six (6) or fewer persons.

The League of Minnesota Cities and Metro Cities have submitted written testimony in opposition of the proposed bill. The cities of Brooklyn Park and Bloomington have also written separate letters of opposition to the bill. Nonetheless, the proposed bill is currently being considered in the House (HF 3938) and Senate (SF 3839).

If the proposed bill were approved by state legislature, there would potentially be at least 160 properties in Brooklyn Center that would no longer be required to hold a City rental license. The City has regularly used the rental licensing process, as with all other rentals in the City, to ensure quality rental housing is provided to residents in the City. As communication from the Minnesota Department of Health (MDH) and Department of Human Services (DHS) is minimal at best, the City has further utilized the rental licensing process to address un-permitted work, and ensure minimum health, life, and safety, and general property maintenance requirements are in place. As additional concern, City staff has run into issues with the Minnesota Department of Health (MDH) licensure requirements and conflicting requirements with Minnesota State Building and Fire Codes.

Although the number of group homes can fluctuate, the Brooklyns (i.e. Brooklyn Center, Brooklyn Park) appear to have the highest concentration of MDH Assisted Living licensures for 6 or fewer persons in all of Hennepin County with almost 45% of all licenses. Per City staff calculations, four cities in Hennepin County (Brooklyn Center, Brooklyn Park, Bloomington, and Minneapolis) held almost 73% of all MDH Assisted Living licenses for 6 or fewer persons as of January 2024.

City Council highlighted group homes and Assisted Living licenses as one of the City's 2024 Legislative Priorities, specifically requesting that the State Legislature examine the impacts of the established regulations, which limit the ability of municipalities to regulate group homes and to determine if the established regulations are having a disproportionate effect on low-income communities and communities of color. It should be noted that the only two cities in Hennepin County with BIPOC populations of over 50% are Brooklyn Center (64.8%) and Brooklyn Park (62.1%).

As part of the legislative ask, the following justification was noted:

Justification: Our experience is that single-family affordable housing neighborhoods are attractive locations to investors seeking to profit from the establishment of group homes.

- Brooklyn Center has seen a drastic increase in the number of group homes.
- The concentration of these homes in low-income neighborhoods reduces homeownership opportunities and wealth accumulation for residents and the concentration of these businesses can change the character of the neighborhood.
- These properties are straining to our local emergency response agencies as they tend to draw service calls at a much greater rate.

Recent Changes to MDH Assisted Living Licensure (Effective August 1, 2023)

The City was notified in August of last year that the Minnesota State Legislature had added “Assisted Living Facilities” and “Assisted Living Facilities with Dementia Care” to the group of State licensed facilities as defined in Minnesota Statutes §326B.103, subd.13.

This change stipulated that, “all buildings including existing residential homes that are proposed to be licensed for Assisted Living or Assisted Living with Dementia Care must obtain plan review and permits from the Minnesota Department of Labor and Industry (DLI), Construction Codes and Licensing Division, or a municipality with delegation agreement on their behalf pursuant to Minnesota Statutes 326B.107.”

The City of Brooklyn Center has a delegation agreement. As such, the City has taken on additional workload to fulfill the new requirements for a MDH Assisted Living or Assisted Living with Dementia Care facility, including issuance of a **new Certificate of Occupancy** in accordance with MN Rules 1300.0220 and IEBC 1001.3.

As of August, MDH Assisted Living facilities are *no longer* classified as a “single family residential” building classification type (IRC-1) as defined within Minnesota Residential Code and now require an operator to submit architectural plans to the City of Brooklyn Center for review and approval, as well as issuance of a new Certificate of Occupancy under Minnesota Building Code as a building classification type R-3, which is effectively a commercial use.

In response to this, the City recently incorporated a new Certificate of Occupancy fee (\$150 plus State surcharge) into its fee schedule. Since August 2023, the City Building Official has processed or is currently in process of reviewing 24 licenses on behalf of the Minnesota Department of Health. As the City Building Official is the only staff member with State delegation, he is the only one who can process these applications.

These architectural plan reviews and the issuance of a new Certificate of Occupancy is *not* currently required as part of the DHS Community Residential Setting license. Given the similarities between the two license types, City staff has inquired with the Department of Labor and Industry (DLI) and the City attorney as to why DHS does not also require a similar review process.

Given these changes, City staff has also reached out to Hennepin County Ownership Services and Assessing regarding potential impacts to these properties’ current tax classifications and property types.

City staff has provided a copy of the memorandum, dated April 1, 2024, and prepared by Kennedy & Graven, which summarizes the current constraints municipalities have in regulating group homes, as well as potential legislative requests the City could make if it so chooses. Additionally, a map identifying all active MDH Assisted Living and DHS Community Residential Setting licensures is attached, along with background data provided as part of the January 8, 2024 City Council discussion of the 2024 City of Brooklyn Center Legislative Priorities.

Budget Issues:

None to consider at this time.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

ATTACHMENTS:

Description	Upload Date	Type
Attorney Memorandum-Regulation of Group Homes (04.01.2024)	4/3/2024	Backup Material
Parcel Map-BC Group Homes (04.03.2024)	4/3/2024	Backup Material
Point Map-BC Group Homes (04.03.2024)	4/3/2024	Backup Material
LMC-Letter of Opposition-Prohibition Rental Licenses for Group Homes (03.07.2024)	4/3/2024	Backup Material
Bill Language-HF 3938-Prohibition Rental Licenses-Group Homes	4/3/2024	Backup Material
Bill Language-SF3839-Prohibition Rental Licenses-Group Homes	4/3/2024	Backup Material
Assisted Living Licensures-Comparison to Surrounding Communities (01.2024)	4/3/2024	Backup Material
Distribution-Assisted Living Licensures in Hennepin County (01.2024)	4/3/2024	Backup Material
Assisted Living Licensures - Surrounding Communities and Per Household Basis (01.2024)	4/3/2024	Backup Material



150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300 telephone
(612) 337-9310 fax
www.kennedy-graven.com
Affirmative Action, Equal Opportunity Employer

MEMORANDUM

TO: Brooklyn Center City Council
Ginny McIntosh, Planning Manager

FROM: Jason M. Hill, City Attorney
Libby J. Kantner, Assistant City Attorney

DATE: April 1, 2024

RE: Regulation of Group Homes

The City Council has asked for guidance on the regulation of group homes, specifically what the City can and cannot regulate. For the purposes of this memorandum, “group homes” mean: (i) those single or multifamily dwellings that are under the control of a service provider licensed by the Minnesota Department of Human Services (“Department of Human Services”) under Minn. Stat. Chap. 245D and defined in Minn. Stat. § 245A.02, subd. 14(b) (herein called “Community Residential Settings”) or (ii) an assisted living facility that is under the control of a service provider licensed by the Minnesota Department of Health (“Department of Health”) and defined in Minn. Stat. § 144G.08, subd. 7 (herein called “Assisted Living Facilities” and, together with Community Residential Settings, “Group Homes”). This includes dwellings that provide services to vulnerable adults and/or children who may have a disability, as well as adult foster care settings and care for elderly individuals.

For the purposes of this memorandum, “Group Homes” does not mean dwellings for individuals receiving chemical dependency treatment (“sober homes”) or dwellings licensed by the Minnesota Department of Corrections; these dwellings have different regulations under state law.

I. The City may not regulate the zoning or density of Group Homes.

State law mandates that persons who reside in group homes must not be excluded by municipal zoning ordinances or other land use regulations from the benefits of normal residential surroundings.¹ State law requires that Group Homes with a licensed capacity of six or fewer persons (“Small Group Homes”) be a permitted single-family residential use for the purposes of zoning and land use regulations and group homes with a licensed capacity of seven to 16 persons (“Large Group Homes”) be a permitted multifamily residential use for the purposes of zoning and land use regulations.² The City may require a conditional use permit for Large Group Homes to

¹ Minn. Stat. § 245A.11, subd. 1.

² Minn. Stat. § 245A.11, subds. 2 and 3 and § 462.357, subds. 7 and 8.



150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300 telephone
(612) 337-9310 fax
www.kennedy-graven.com
Affirmative Action, Equal Opportunity Employer

assure proper maintenance and operation of a residential program.³ However, conditions imposed on the Large Group Homes must not be more restrictive than those imposed on other conditional uses of residential property in the same zones, unless the additional conditions are necessary to protect the health and safety of the persons being served by the program.

The respective Commissioners of the Department of Human Services and the Department of Health have primary responsibility of conducting licensing activities and enforcement of standards for group home facilities within the state.⁴ However, the Commissioner of the Minnesota Department of Human Services may delegate their respective duties to the counties and private agencies.⁵

When the Commissioner of the Department of Health reviews a license application for an Assisted Living Facility, the Commissioner is required to consider the population, size, land use plan, availability of community services, and the number and size of existing licensed Assisted Living Facilities in the city in which the applicant seeks to operate the Assisted Living Facility.⁶ The commissioner is not allowed to grant a license to an Assisted Living Facility if it will be within 1,320 feet (1/4 mile) of an existing Assisted Living Facility *unless* one of the following conditions apply: 1) the existing Assisted Living Facility is located in a hospital licensed by the Department of Health; 2) the City grants the Assisted Living Facility a conditional use permit; 3) it is a Small Group Home and is not located in a city of first class (over 100,000 in population); or 4) the Assisted Living Facility is foster care.⁷ Thus, the spacing requirement for Assisted Living Facilities does not apply to Small Group Homes in the City.⁸ Since the statute lists specific conditions upon which the spacing requirement for Assisted Living Facilities applies, the City is precluded from enacting its own regulations. Additionally, since statute requires that the City allow Group Homes to be located anywhere that a single family or multifamily use would be permitted in the City, the City would also be precluded from implementing spacing requirements on these grounds as well.

Similarly, the City may not classify Group Homes as a business or any other type of commercial use. As discussed above, Group Homes are required by state law to be residential uses and must be permitted. The City cannot therefore re-classify Group Homes as a business.

³ Minn. Stat. § 245A.11, subd. 3.

⁴ Minn. Stat. § 145G.09, 245A.09.

⁵ Minn. Stat. § 245A.16, subd. 1.

⁶ Minn. Stat. § 245A.11, subd. 4.

⁷ Id.

⁸ A law change in 2020 requires Assisted Living Facilities to comply with State Fire Code, Minnesota Rules, Chapter 7511 (the "Fire Code"). One element of the Fire Code is that Assisted Living Facilities are required to have automatic fire sprinkler systems installed throughout the building unless the Assisted Living Facility has five or less residents and the building is less than 4,500 square feet (excluding garages). Because sprinkler systems are prohibitively expensive, most assisted living providers are focusing on licensing, constructing and operating Assisted Living Facilities that serve 5 or fewer people and are less than 4,500 square feet. See *Fire Code, Section 903.2.8*. Thus, the majority of Assisted Living Facilities in the City are Small Group Homes.



150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300 telephone
(612) 337-9310 fax
www.kennedy-graven.com
Affirmative Action, Equal Opportunity Employer

II. The City may currently require group homes to have a City rental license.

The City may currently require Group Homes in the City to apply for and receive City rental licenses. This helps the City ensure that Group Homes are safe and habitable through regular inspections and license updates.

The Minnesota Legislature is currently considering a bill which would prohibit cities from applying rental licensing regulations to Small Group Homes.⁹ The League of Minnesota Cities is opposing this legislation.

III. Possible Legislative Requests

Protect Rental Licensing Ability

If the City wants to protect its ability to require Group Homes to receive rental licenses in the City, the City could work with League to advocate against the current bill before the legislature. While none of the City's legislators are authoring these bills, Senator John Hoffman, who represents Brooklyn Park, a city that is struggling with similar issues, is one of the authors of the senate bill. The City could work with Brooklyn Park to discuss the issue with Senator Hoffman.

Implement Spacing Requirements

If the City would like to implement spacing requirements for Group Homes, a change in the current legislation is needed. Currently, Assisted Living Facility spacing requirements are not applicable to Small Group Homes in the City, but they are applicable to Small Group Homes in cities of the first class. The City could advocate for these spacing requirements to be applicable in all cities or at the very least, in Brooklyn Center.

IV. The City may not charge special fees for service calls to Group Homes.

The City is likely barred from charging special fees for police or fire service calls to Group Homes by the Fair Housing Amendment Act (the "FHA"). The FHA prohibits discrimination in housing including discrimination in the form of "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford ... person[s] who are handicapped an] equal opportunity to use and enjoy a dwelling."¹⁰ A handicap is a physical or mental impairment which substantially limits one or more of a person's major life activities.¹¹ Many individuals who reside in Group Homes could likely qualify as someone with a

⁹ HF 3938/SF 3839.

¹⁰ 42 U.S. Code § 3604(f)(3)(B).

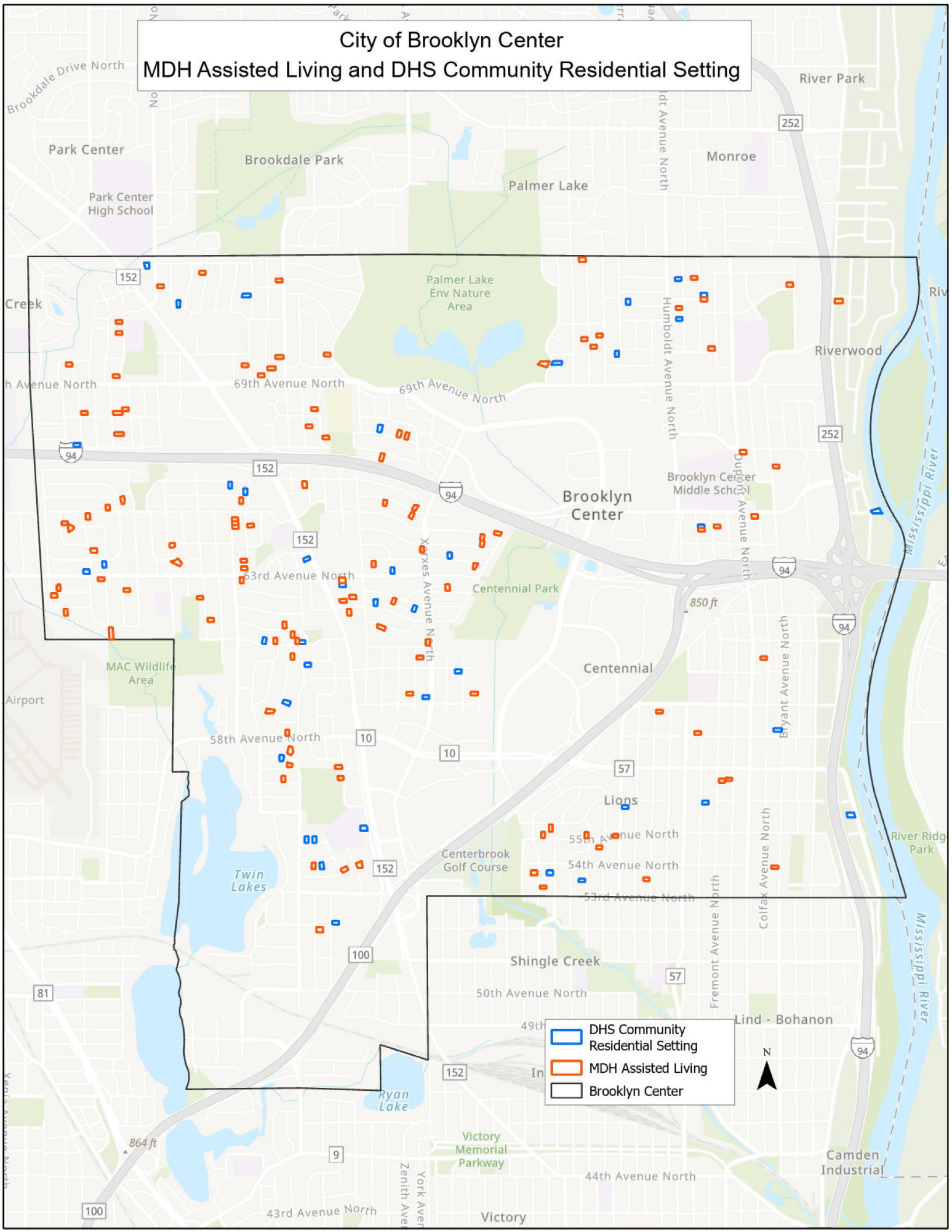
¹¹ 42 U.S. Code § 3602(h).



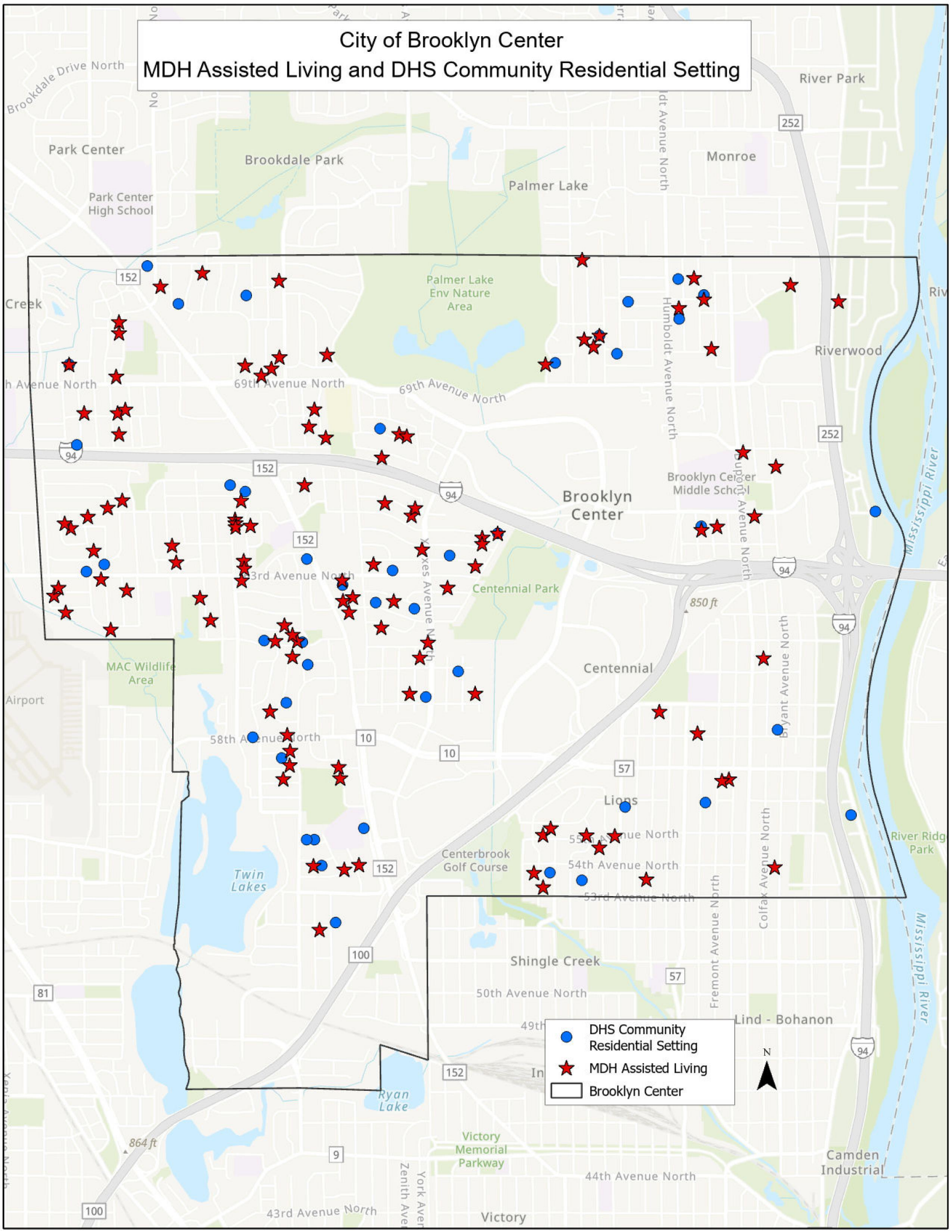
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300 telephone
(612) 337-9310 fax
www.kennedy-graven.com
Affirmative Action, Equal Opportunity Employer

handicap under the FHA. Disparately charging Group Homes for public police and fire services would likely be found by a court to be a refusal by the City to make reasonable accommodations.

City of Brooklyn Center MDH Assisted Living and DHS Community Residential Setting



City of Brooklyn Center MDH Assisted Living and DHS Community Residential Setting





March 7, 2024

Chair Klevorn and Members of the House State and Local Government Finance and Policy Committee:

The League of Minnesota Cities appreciates the opportunity to provide comments outlining concerns about HF 3938 (Curran) that would exempt group homes governed by Minn. Stat. § 245A.02, subd. 14(b) and assisted living facilities defined in Minn. Stat. § 144G.08, subd. 7 from municipal rental licensing.

While not every city utilizes rental licensing, for those that do, it can be an important tool to ensure that habitability and livability standards are met for a city's residents, including residents living in group homes and assisted living facilities cited in the bill. Cities are generally the closest unit of government to the resident, and through rental licensure cities are often able to respond more quickly to address issues and concerns from residents related to the livability, safety, and conditions of their housing that may arise throughout the course of the year, beyond a yearly inspection by the licensing agency or county.

Group homes are a critical component of overall housing stock in our communities, and cities have a strong interest in safeguarding the health, safety, and welfare of their residents across all ranges of housing. We look forward to working with Representative Curran and other legislators and stakeholders to find an approach that will offer residents an avenue to promptly address the conditions of their housing while ensuring that group homes and assisted living facilities can continue to serve residents in their communities of choice.

Thank you for your consideration of these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Brooke Bordson".

Brooke Bordson
League of Minnesota Cities

A handwritten signature in black ink, appearing to read "Daniel Lightfoot".

Daniel Lightfoot
League of Minnesota Cities

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **3938**

02/19/2024 Authored by Curran, Fischer, Pursell and Hanson, J.,
The bill was read for the first time and referred to the Committee on Human Services Policy
02/28/2024 Adoption of Report: Amended and re-referred to the Committee on State and Local Government Finance and Policy
03/11/2024 Adoption of Report: Amended and re-referred to the Committee on Health Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to human services; modifying certain licensing and zoning requirements;
- 1.3 amending Minnesota Statutes 2022, sections 144G.45, subdivision 3; 245A.11,
- 1.4 subdivision 2.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2022, section 144G.45, subdivision 3, is amended to read:
- 1.7 Subd. 3. **Local laws apply.** Assisted living facilities shall comply with all applicable
- 1.8 state and local governing laws, regulations, standards, ordinances, and codes for fire safety,
- 1.9 building, and zoning requirements, except a facility with a licensed resident capacity of six
- 1.10 or fewer is exempt from rental licensing regulations imposed by any town, municipality,
- 1.11 or county.
- 1.12 Sec. 2. Minnesota Statutes 2022, section 245A.11, subdivision 2, is amended to read:
- 1.13 Subd. 2. **Permitted single-family residential use.** (a) Residential programs with a
- 1.14 licensed capacity of six or fewer persons shall be considered a permitted single-family
- 1.15 residential use of property for the purposes of zoning and other land use regulations, except
- 1.16 that a residential program whose primary purpose is to treat juveniles who have violated
- 1.17 criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis
- 1.18 of conduct in violation of criminal statutes relating to sex offenses shall not be considered
- 1.19 a permitted use. This exception shall not apply to residential programs licensed before July
- 1.20 1, 1995. Programs otherwise allowed under this subdivision shall not be prohibited by
- 1.21 operation of restrictive covenants or similar restrictions, regardless of when entered into,
- 1.22 which cannot be met because of the nature of the licensed program, including provisions

which require the home's occupants be related, and that the home must be occupied by the owner, or similar provisions.

~~(b) Unless otherwise provided in any town, municipal, or county zoning regulation, licensed residential services provided to more than four persons with developmental disabilities in a supervised living facility, including intermediate care facilities for persons with developmental disabilities, with a licensed capacity of seven to eight persons shall be considered a permitted single-family residential use of property for the purposes of zoning and other land use regulations. A town, municipal, or county zoning authority may require a conditional use or special use permit to assure proper maintenance and operation of the residential program. Conditions imposed on the residential program must not be more restrictive than those imposed on other conditional uses or special uses of residential property in the same zones, unless the additional conditions are necessary to protect the health and safety of the persons being served by the program. This paragraph expires July 1, 2023.~~

(b) A residential program as defined in section 245D.02, subdivision 4a, with a licensed capacity of six or fewer persons that is actively serving residents for which it is licensed is exempt from rental licensing regulations imposed by any town, municipality, or county.

SENATE

STATE OF MINNESOTA

NINETY-THIRD SESSION

S.F. No. 3839

(SENATE AUTHORS: BOLDON, Port, Abeler and Hoffman)		
DATE	D-PG	OFFICIAL STATUS
02/19/2024	11632	Introduction and first reading
		Referred to Human Services
03/07/2024	11936	Comm report: To pass as amended and re-refer to State and Local Government and Veterans

1.1

A bill for an act

1.2

relating to human services; modifying certain licensing and zoning requirements;

1.3

amending Minnesota Statutes 2022, sections 144G.45, subdivision 3; 245A.11,

1.4

subdivision 2.

1.5

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6

Section 1. Minnesota Statutes 2022, section 144G.45, subdivision 3, is amended to read:

1.7

Subd. 3. **Local laws apply.** Assisted living facilities shall comply with all applicable

1.8

state and local governing laws, regulations, standards, ordinances, and codes for fire safety,

1.9

building, and zoning requirements, except a facility with a licensed resident capacity of six

1.10

or fewer is exempt from rental licensing regulations imposed by any town, municipality,

1.11

or county.

1.12

Sec. 2. Minnesota Statutes 2022, section 245A.11, subdivision 2, is amended to read:

1.13

Subd. 2. **Permitted single-family residential use.** (a) Residential programs with a

1.14

licensed capacity of six or fewer persons shall be considered a permitted single-family

1.15

residential use of property for the purposes of zoning and other land use regulations, except

1.16

that a residential program whose primary purpose is to treat juveniles who have violated

1.17

criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis

1.18

of conduct in violation of criminal statutes relating to sex offenses shall not be considered

1.19

a permitted use. This exception shall not apply to residential programs licensed before July

1.20

1, 1995. Programs otherwise allowed under this subdivision shall not be prohibited by

1.21

operation of restrictive covenants or similar restrictions, regardless of when entered into,

1.22

which cannot be met because of the nature of the licensed program, including provisions

which require the home's occupants be related, and that the home must be occupied by the owner, or similar provisions.

~~(b) Unless otherwise provided in any town, municipal, or county zoning regulation, licensed residential services provided to more than four persons with developmental disabilities in a supervised living facility, including intermediate care facilities for persons with developmental disabilities, with a licensed capacity of seven to eight persons shall be considered a permitted single-family residential use of property for the purposes of zoning and other land use regulations. A town, municipal, or county zoning authority may require a conditional use or special use permit to assure proper maintenance and operation of the residential program. Conditions imposed on the residential program must not be more restrictive than those imposed on other conditional uses or special uses of residential property in the same zones, unless the additional conditions are necessary to protect the health and safety of the persons being served by the program. This paragraph expires July 1, 2023.~~

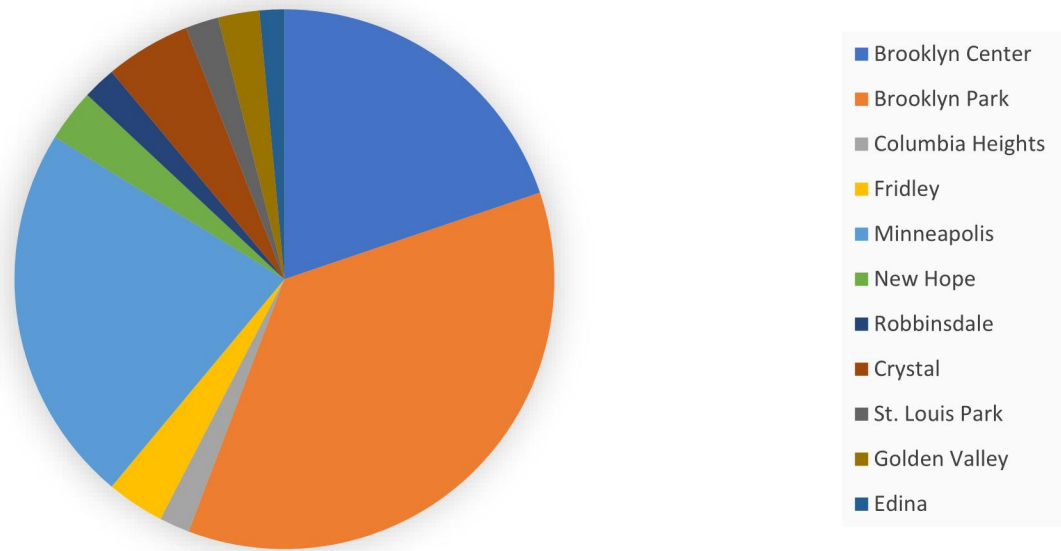
(b) A residential program as defined in section 245A.02, subdivision 14, paragraph (b), with a licensed capacity of six or fewer persons that is actively serving residents for which it is licensed is exempt from rental licensing regulations imposed by any town, municipality, or county.

	Brooklyn Center (33,782)	Brooklyn Park (86,478)	Columbia Heights (21,973)	Fridley (29,590)	Minneapolis (429,954)	New Hope (21,986)	Robbinsdale (14,646)	Crystal (23,330)	St. Louis Park (50,010)	Golden Valley (22,552)	Edina (53,494)
Number of Assisted Living Licensures (Capacity of 6 or Fewer Persons)	120*	218	11	21	138	19	12	31	12	15	9
# of Households (2022)	11,513	28,638	8,698	11,905	193,600	8,950	6,540	9,468	24,264	9,847	22,677
Median Housing Value (2022 dollars)	\$240,800	\$289,400	\$242,100	\$257,100	\$328,700	\$294,600	\$266,600	\$262,800	\$357,900	\$381,400	\$601,700
Median Household Income	\$70,700	\$82,300	\$70,500	\$76,600	\$76,300	\$69,200	\$80,100	\$86,300	\$94,300	\$110,000	\$125,500
BIPOC Population (%)	64.83%	62.05%	47.80%	42.99%	39.95%	38.95%	33.10%	29.61%	21.61%	18.75%	17.43%

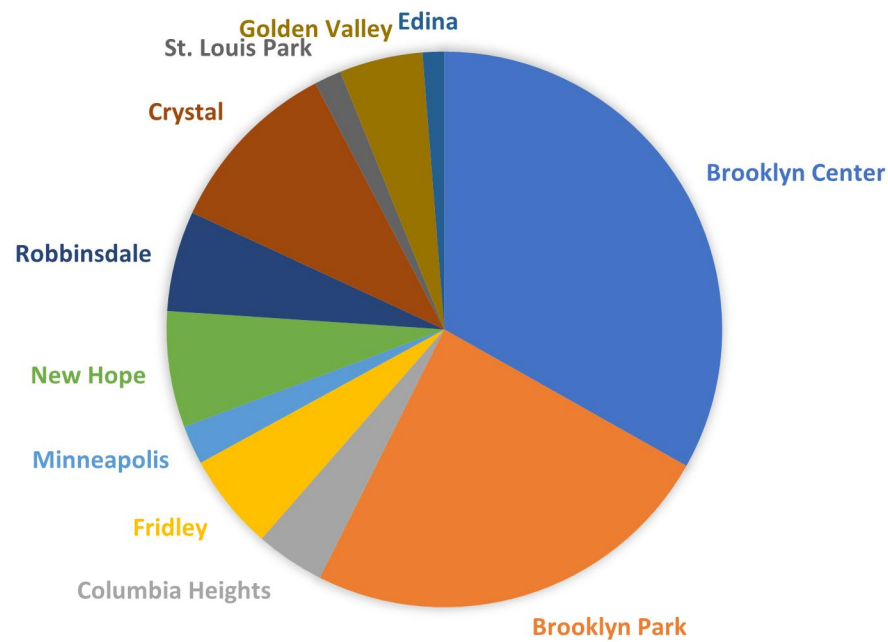
Sources: Metropolitan Council Community Profiles | MDH Licensing Lookup

Note*: The City has received 14 applications for new assisted living licensures (6 or fewer persons) since August 2023. 4 applications have been processed; however, 10 application are still in review and not reflected in the above number of licenses for Brooklyn Center.

Number of Assisted Living Licenses - Surrounding Communities



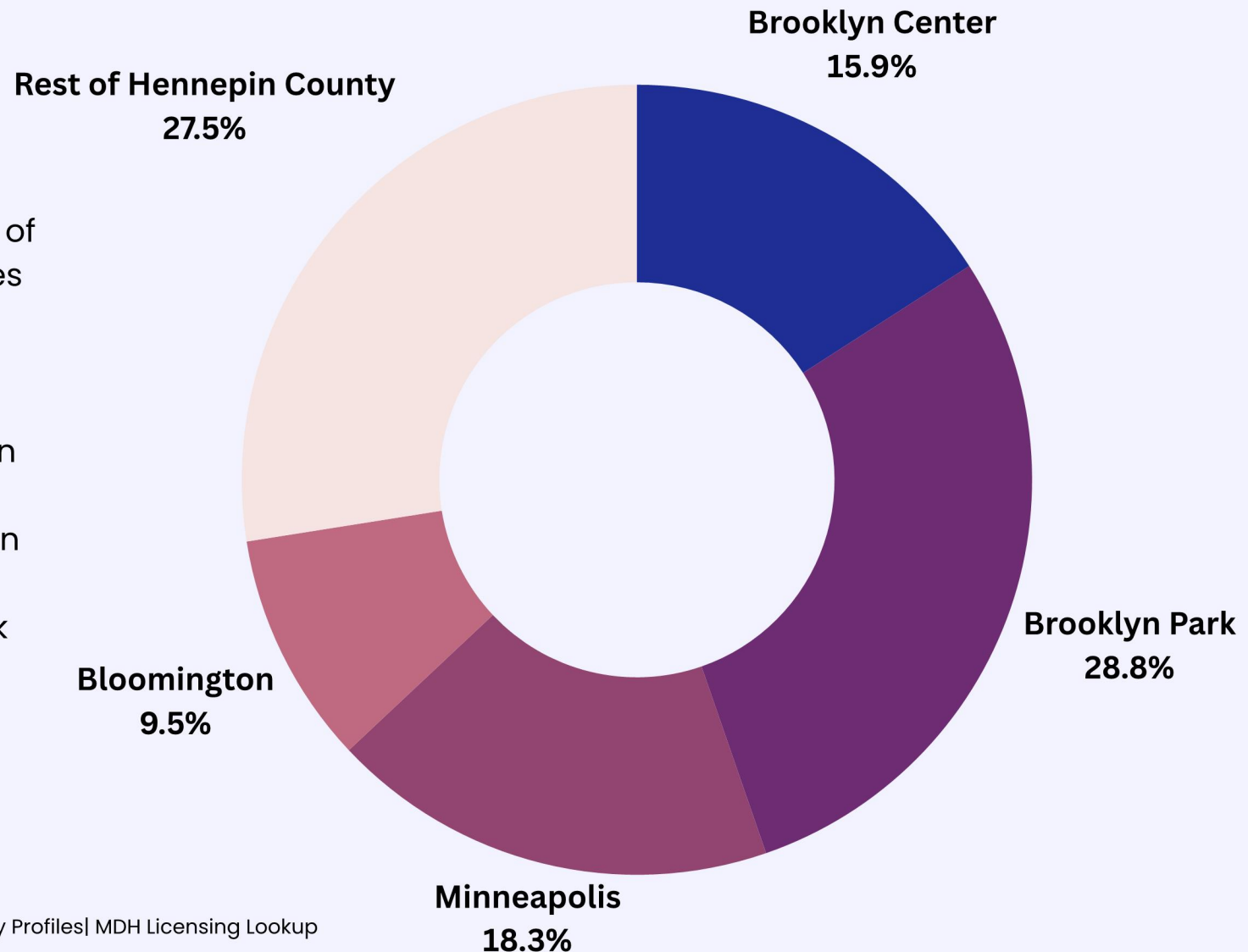
PERCENTAGE OF ASSISTED LIVING LICENSES ON A PER HOUSEHOLD BASIS



By the Numbers:

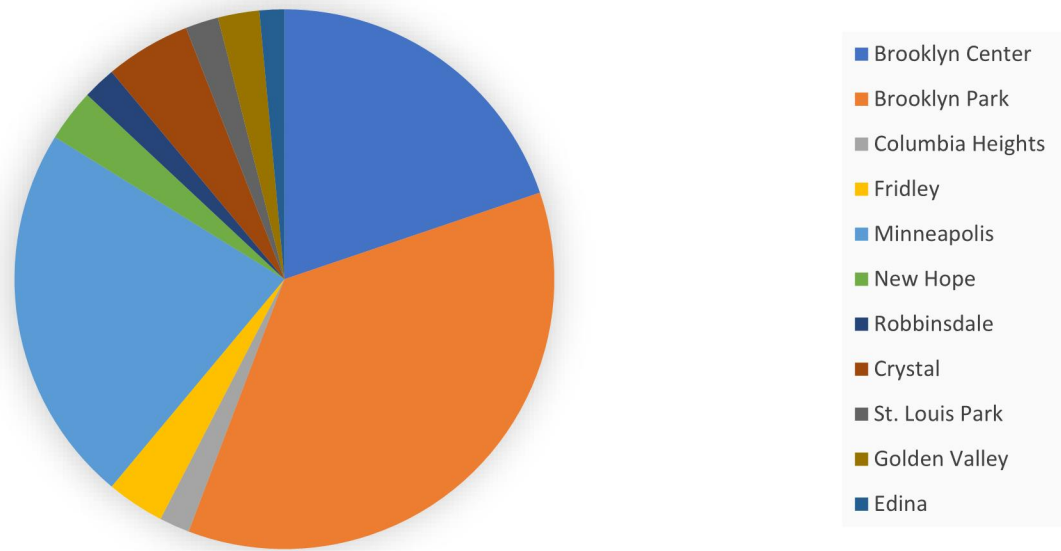
Distribution of Assisted Living Licensures in Hennepin County (6 or Fewer Persons)

- Four Cities in Hennepin County account for 72.5% of all assisted living licensures in Hennepin County (6 or fewer persons).
- There are only two cities in Hennepin County where over 50% of the population is BIPOC: Brooklyn Center (64.8%) and Brooklyn Park (62.1%).
- These two cities alone account for 44.7% of all assisted living licensures.

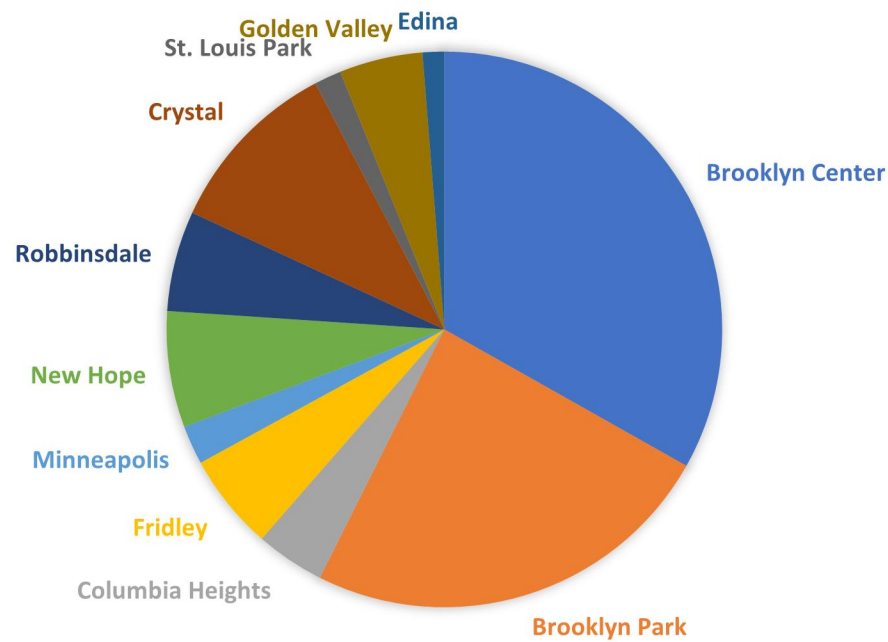


Source: Metropolitan Council Community Profiles | MDH Licensing Lookup

Number of Assisted Living Licenses - Surrounding Communities



PERCENTAGE OF ASSISTED LIVING LICENSES ON A PER HOUSEHOLD BASIS



Council/EDA Work Session

DATE: 4/8/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Xiong Thao, Housing and Community Standards Manager

SUBJECT: No Mow May

Requested Council Action:

Requesting feedback and consensus from the City Council regarding establishing “No Mow May” for the City

Background:

For the past several years the City has adopted No Mow May in efforts to promote and support bees and other pollinator habitats. The No Mow May initiative is promoted by the University of Minnesota’s bee lab, encouraging residents from mowing their lawns in the month of May.

As part of the program, City Council's are encouraged to relax lawn ordinance enforcement for the month of May.

The City has participated in this event in past years and staff believes that it could be beneficial to the environment as well as provide some relief to property owners, who frequently don't have their lawn mowers in full working order yet. A relaxing of long grass enforcement until June 1 would give residents additional time for this and also allow staff to continue to educate and work with families to prepare for mowing their lawns come June 1st.

Staff's largest concern was how to address long grass complaints, as the City begins to receive these frequently beginning in May. An action by the Council to relax long grass enforcement until June 1, would provide staff with an explanation as to why enforcement is not taking place and also provide an opportunity to educate residents about the benefits of bee-friendly lawns.

This action would be for the 2024 season only. The Council may determine to review the decision next year to determine if it should be taken again.

In 2023, there were a total of 443 cases for tall grass and weeds opened by inspection staff. Of the total number of cases, 24 were complaint generated cases and the rest of the cases were generated by staff proactively. 12 cases were generated in the month of May, 7 of those cases were complaint cases. In June there were a total of 259 cases, in July 60 cases, and in August 97 cases, and the remaining 15 cases were opened in September and October.

If the Council's recommendation is to move forward with No Mow May, staff will prepare a resolution for the next City Council meeting.

Budget Issues:

No budget issues to consider.

Antiracist/Equity Policy Effect:**Strategic Priorities and Values:**

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Presentation	4/1/2024	Presentation

No Mow May Discussion



City Council Work Session, April 8, 2024
Jesse Anderson, Community Development Director

No Mow May

In May, many bees are coming out of hibernation and need flowers to feed themselves and their babies. The main purpose of No Mow May is to encourage people to let spring flowers in their lawns bloom before mowing.



No Mow May Background

- In 2023 the City Council adopted No Mow May by resolution. The resolution established the action for only 2023.
- The University of Minnesota's bee lab is promoting an event called #NoMowMay, to encourage people to refrain from mowing their lawns in the month of May. The practice promotes and supports bee and other pollinator habitats.
- As part of the program, City Councils are encouraged to relax lawn ordinance enforcement for the month of May.



2023 Results

- In 2023 there were 443 cases
 - 24 cases were complaint driven
- May: 12 cases (7 Complaint Driven)
- June: 259 cases
- July: 60 cases
- August: 97 cases
- September and October: 15 cases



No Mow May Background

- Staff's largest concern is how to address long grass complaints, as the City begins to receive these frequently beginning in May.
 - An action by the Council to relax long grass enforcement until June 1, would provide staff with an explanation as to why enforcement is not taking place and also provide an opportunity to educate residents about the benefits of bee-friendly lawns.
- This action would be for the 2024 season only. The Council can review the decision next year to determine if it should be taken again.
- If the Council's recommendation is to move forward with No Mow May, staff will prepare a resolution for the next City Council meeting.



Council/EDA Work Session

DATE: 4/8/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Dr. Reggie Edwards, City Manager

SUBJECT: Upcoming Items

Requested Council Action:

- Memorial Policy
- Special Assessment Policy/Franchise Fees (*referred to Financial Commission*)
- Emerald Ash Borer Policy Review (*referred to Park & Rec Commission November*)
- Opioid Settlement
- ARPA Funds
- Grants: Revenues & Expenses
- Purchasing Policy
- Revisit Resolution 2021-73
- Planning Application Process
- Fences
- Off-Street Parking of Commercial Vehicles

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: